U. S. Congress.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-EIGHTH CONGRESS, FIRST SESSION.

VOLUME XV.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

J11
.A15
2d set



SURPLUS - 1
LIBRARY OF CONGRESS
DUPLICATE

VOLUME XV, PART V.

CONGRESSIONAL RECORD,

FORTY-EIGHTH CONGRESS, FIRST SESSION.

are not clearly proved to have existed while in the service, or to have been occasioned by the exposures incident to army life.

It is claimed that the injury to eye and arm was occasioned by the bursting of a gun when at Camp Chase and when the claimant was not in the line of duty. The claimant himself says that—

"On or about December 31, 1862, at the battle of Stone River, I was attacked by rebel cavalrymen in a charge they made, and was struck on the right shoulder and knocked down upon a stump, severely injuring my testicles and right knee; and on or about the middle of April, 1863, at Camp Chase, after I came off guard, I went with others back of the barracks to shoot off the guns, and when I fired mine it burst, wounding me in the left hand and eye. I was taken to the general hospital in Columbus, Ohio, and was treated there until I was discharged from the service. I will further state this accident occurred through no fault of mine. I knew but few of the men at the time this accident happened who were present, and I have made diligent search and inquiry for them, but can not find them, and no officers of my regiment were present, as I was absent from my command, a paroled prisoner. It is impossible for me to furnish this evidence. I have never been in the military, naval, or marine service of the United States since my discharge, July 7, 1863."

Drs. J. S. Beck, H. S. Jewell, and A. S. Dunlap, of Dayton, Ohio, under date of September 21, 1881, certify:

"We hereby certify that we have carefully examined William Bolwork, late a private of Company K, Thirteenth Regiment Ohio Volunteer Infantry. In our opinion the said Bolwork is $22 incapacitated for obtaining his subsistence by manual labor. It is our belief that the said disability originated in the service of the United States and in the line of duty. His left arm is amputated just above the wrist. The ball of the left eye is destroyed. We find no injury to shoulder or knee at this time, but the right testicle is completely atrophied."

In view of all the facts, the helpless condition of the claimant, and the peculiarly unfortunate circumstances attending the casualties which the claimant received, each time being separated from his friends so that he could not obtain corroborative testimony, the undisputed existence of the disabilities as claimed, has influenced your committee to consider the claim favorably, and it is recommended that the bill do pass.

The bill was laid aside to be reported favorably to the House.

ISABELLA BERTHA WEAVER.

The next business on the Private Calendar was the bill (H. R. 5723) granting a pension to Isabella Bertha Weaver.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Isabella Bertha Weaver, the only surviving child of Ordnance-Sergeant Jeremiah Weaver, late of the United States Army, and pay to her lawful guardian, for her use, a pension at the rate of $15 a month, commencing on the 7th day of October, 1880, the date of the death of her father, and continuing until she arrives at the age of 16 years.

Mr. MCMILLIN. I suggest to the gentleman having this bill in charge that it be amended in accordance with what has been the custom heretofore.

Mr. HEWITT, of Alabama. Let the report be read.

The report (by Mr. HEWITT, of Alabama) was read, as follows:

The Committee on Pensions, to which was referred the bill (H. R. 5723) for pensioning Isabella Bertha Weaver, has had said bill under thoughtful consideration, and reports:

That this is a most meritorious case. Ordnance Sergeant Weaver, of the United States Army, after having served in the ranks and as a non-commissioned officer for over nineteen years, was, in 1880, stationed at Fort Jefferson, Dry Tortugas. At that place there were no educational advantages whatever. He therefore procured a four weeks' furlough for the purpose of taking his children to Key West to try to get them in school. While in Key West for this purpose he was taken with yellow-fever and died October 7, 1880; six days later his wife died; seven days later his eldest daughter died; and twelve days later the only son joined his parents and little sister in the spirit land—all having died of yellow-fever, and leaving only one child, a little girl 4 years of age. Having spent all the years of his manhood in the Army, Sergeant Weaver left no property, and little Isabella Bertha became dependent upon charity.

The evidence of his marriage, of his gallant service and sad death, proof of guardianship, and all other necessary papers were sent to the Pension Office in Washington; but the pension was denied because the soldier died at Key West (where he was by permission) instead of at Fort Jefferson. A gentleman of Key West kindly took the little waif into his home and took out letters of guardianship in order to better serve her. Proof of all these facts is before the committee, and is of such a nature as not to admit of a moment's doubt. There could not possibly be, in the opinion of the committee, a worthier case; and little Isabella Weaver, now little over seven years of age, appeals to Congress for protection and relief.

The committee heartily recommends the passage of the bill.

Mr. MCMILLIN. I move to amend by striking out that portion of this bill which gives arrearages. We have in all other cases declined to grant arrearages; and I do not think it would be well to depart from that rule now. I suggest to the gentleman who has charge of the bills from the Committee on Invalid Pensions that he assent to this amendment.

Mr. WOLFORD. I hope the rule referred to will be departed from.

Mr. HEWITT, of Alabama. I wish to state that this is an extraordinary case. Here was a poor man, who was in the service nineteen years. He, his wife, and two of his children died within the course of a few weeks, leaving a single surviving child about 4 years old, with no support in the world. A stranger took charge of that child. We have thought that one reason for granting arrearages in this case is that this stranger may have something for having taken care of this soldier's child.

Mr. MCMILLIN. Mr. Chairman, I do not wish to be regarded as rigorous in these matters; but while it is true, as the gentleman says, that this is an extraordinary case, he must remember that we are giving an extraordinary pension, very much more than has been given to the same class of pensioners in other cases by general law or even by special act.

While we might let this go, it would simply flood us with other applications for arrearages of pension I have resisted for several years here. The gentleman in charge of the Pensions Committee in the last Congress, the gentleman from Indiana [Mr. BROWNE], did the same thing. That has been the custom for years.

Mr. HEWITT, of Alabama. I have myself followed the same rule, and this is the only exception I have made to that rule.

Mr. MCMILLIN. The gentleman will have this quoted on him before he is two weeks older as a reason why he should grant it in other cases if it be allowed here.

Mr. WOLFORD. I will quote it against him.

Mr. MCMILLIN. I do not wish to make the point on him which I have made over and over again in similar cases. I hope, therefore, he will accept the amendment which I have suggested. If it be from and after the passage of the act it will go through. If it remains as it is it will not.

Mr. RAY, of New Hampshire. I believe in every case which has heretofore been presented during this or the preceding Congress I have uniformly resisted the payment of arrearages, but I hope exception will be made in this case, as I learn this bill will only give the child $8 a month arrearages for a few years.

Mr. MCMILLIN. It gives her $15 a month, and that is what I referred to when I reminded the gentleman from Alabama the pension is an extraordinary one.

Mr. RAY, of New Hampshire. Even though it may be $15 a month it seems to me in a case so unusual and so full of merit we can relax the rigor of the ordinary rule. If there ever was a case where the exception proved the rule it is in the one now pending. I hope, therefore, my friend from Tennessee who is so vigilant in looking after these cases will withdraw his objection and allow the bill to be reported to the House without amendment.

Mr. HEWITT, of Alabama. I am satisfied we can not pass the bill the way it is, and I therefore consent to the amendment of the gentleman from Tennessee.

Mr. WAIT. Did the gentleman from Alabama introduce the bill?

Mr. HEWITT, of Alabama. I was instrumental in having it introduced.

Mr. WAIT. And yet the gentleman accepts the amendment?

Mr. HEWITT, of Alabama. It was introduced at the request of the governor of Florida and of the district judge there.

Mr. WAIT. Do I understand the gentleman accepts the amendment?

Mr. HEWITT, of Alabama. The gentleman from Florida [Mr. DAVIDSON] introduced the bill. The papers were sent to me and I referred them to him. I always look at things as they are and not as I would like to have them. As we can not get through the bill as we would like to have it, I am compelled to take it as we can get it through.

Mr. WOLFORD. Why can not you get it through?

Mr. HEWITT, of Alabama. Simply because we have not a quorum present.

Mr. WOLFORD. The gentleman from Tennessee is not going to make that question.

Mr. HEWITT, of Alabama. I know it will be made. I do not say the gentleman from Tennessee will make it.

The CHAIRMAN. The amendment will be reported by the Clerk.

The Clerk read as follows:

Strike out "from the 7th of October, 1880, the day of the death of her father" and insert "from the passage of this act until she reaches the age of 16 years."

Mr. LAIRD. Who says he will object to the bill as it is?

Mr. WAIT. What is the present age of the child?

Mr. HEWITT, of Alabama. She is 7 years old. She was about 4 years old when her father died.

Mr. HEWITT, of Alabama. I ask the friends of the bill not to insist on voting against the amendment. There is no quorum and we can not carry the bill as it is.

The committee divided, and there were—ayes 14, noes 6.

So the amendment was agreed to.

The bill as amended was then laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise.

Mr. RAY, of New Hampshire. I hope the gentleman from Indiana will not insist on that motion. There are two bills on this page I should like to have disposed of this evening. Let us go through this page and then we can rise.

Mr. MATSON. I should like to accommodate my friend, but I have been under pressure for more than half an hour to make the motion to rise.

Mr. RAY, of New Hampshire. They are reports I have made, and I am obliged to be away a week from to-night.

Mr. MATSON. I will withdraw the motion for the present.

JAMES BRADFORD.

The next business on the Private Calendar was the bill (H. R. 3701) granting a pension to James Bradford.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, as of the date of his discharge from the United States service for disability, and subject to the provisions and

limitations of the pension laws, the name of James Bradford, late a volunteer in the United States Navy.

The amendment was read, as follows:

Strike out these words: "As of the date of his discharge from the United States service for disability, and."

The report was read, as follows:

Mr. OSSIAN RAY, from the Committee on Invalid Pensions, submitted the following report:

James Bradford lost his parents in early infancy, and afterward dwelt with an old lady, who kindly took him in, and with whom he lived until he was about 10 years old, when she also died. Subsequently he had to earn his living by going to sea on coasters and shore vessels sailing from New London, Conn., as cabin-boy, or in such other capacity as he could get employment. The longest time he was upon any one vessel was less than a year's service on the Galota, sailing from Hyannis, Mass. In the spring of 1862 a Nova Scotia vessel being wrecked on the coast, a gang of Nova Scotia men camped at Groton for the purpose of breaking it up, and young Bradford, then a strong and healthy lad of 18 or 19 years, worked for them as cook. He quit them about August 20, 1862, and shipped as cook on the Hero, arriving at Baltimore September 19, 1862.

At Baltimore he enlisted on the receiving-ship Allegheny and in a few days left with a squad of men for Fortress Monroe, his destination being the United States frigate Minnesota. Arriving there, he learned that its quota had already been received from Brooklyn, and he was ordered to the storeship Brandywine. This vessel was crowded with 1,300 or 1,400 men, and Braddock's hammock was swung between decks, just under a leak from the upper deck. The hammocks had to be kept swung during the day because there was no chance to stow them in hammock-nettings, and the leakage and moisture from the upper deck, caused by rain and washing, soon wet his blankets and mattresses so that they were constantly damp, with no opportunity for drying, and young Bradford, being obliged to sleep in damp bedding, was soon prostrated with rheumatic pains, which first attacked the back of his neck and then spread all over his body so that he became incapacitated for duty. Soon after, on the 14th of October, 1862, he was unable to walk or help himself, and was removed to the United States naval hospital at Norfolk, Va., and remained there under treatment for "rheumatic paralysis" until April 16, 1863, when the surgeons pronounced his case incurable and he was discharged. He left the hospital on crutches, was furnished with transportation to Boston, Mass., whither he went.

He made an application for a pension in October, 1863; the following winter went to Cape Ann, Mass., and staid there until June, 1865, when he went to Concord, N. H., where he has resided ever since. During all this time he has been affected with the same rheumatic trouble which commenced on the Brandywine, the muscular action of his legs being permanently affected, so that he walks only with great difficulty. Charles K. Buzzell, who knew him, testifies that the claimant was a strong and healthy robust man before enlistment, but the claimant is unable to furnish other witnesses on that point, because all the acquaintances he had were sea-faring men, whose residences outside of their ships he did not know, and therefore the claimant has found it impossible to furnish the additional testimony as to his physical condition previous to enlistment required by the Pension Office.

There is no doubt in regard to the good character of the applicant. Prominent citizens of Concord, including the mayor and other reliable men, certify that Bradford's reputation for truth and veracity is excellent. It appears that Dr. Timothy Haynes, a good physician, but recently deceased, treated Bradford for chronic rheumatism ever after he came to Concord.

The Pension Office, April 10, 1883, rejected the application for the following reasons:

"Inasmuch as the claimant has alleged inability to furnish the testimony of a commissioned officer, or shipmates, to show the origin of his disability in the line of duty, or to furnish satisfactory testimony showing his freedom from rheumatism prior to his enlistment, this office must refuse to take further action in his case."

There is no doubt about the enlistment and the acceptance by the Government of Bradford's services. He remained in the service about seven months, and although the greater portion of the time he was sick from rheumatic paralysis your committee have no reason to doubt the statement made under oath by the claimant as to the origin of his disease. The presumption is entirely in his favor that he was sound at the time of his enlistment into the service. He is corroborated on this point by the affidavit of Buzzell, and his claim is also confirmed by the certificates of well-known citizens of Concord, who vouch for his truth and veracity.

Your committee therefore feel bound to make a favorable report, and recommend the passage of the accompanying bill with an amendment striking out the words in lines 4, 5, and 6, "as of the date of his discharge from the United States service for disability."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH H. ADAMS.

The next business on the Private Calendar was the bill (H. R. 965) granting a pension to Joseph H. Adams.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Adams, late a private in Company D, First Regiment New Hampshire Volunteers.

The report (by Mr. RAY, of New Hampshire) is as follows:

The petitioner was a private in Company D, First New Hampshire Volunteers, enlisted April 27, 1861, and was discharged August 9 of the same year. His pension declaration shows that at Poolesville, Md., June 21, 1861, he was sunstruck and fell to the ground during a dress parade of his company. His comrades, Morse and Thorn, were present, saw him fall, testify that he was insensible, and that they were detailed to carry him to his quarters. They were also present when the surgeon attended him, and heard the surgeon say that it was a case of sunstroke. The claimant himself contends that ever since, on slight exercise, he becomes dizzy, partially blind, has fainting spells, and sharp pains in his head.

Dr. McIntire states he knew the claimant before enlistment, and that he was a sound man. Claimant's neighbors, Shaw and Jewell, also testify to personal knowledge of him since discharge, and know that he has been disabled as alleged. They state in substance that he has lost one-half of his time since his discharge by reason of his disability. The Adjutant-General reports the regiment was at Poolesville, Md., in June, 1861, but that the records of his regiment and company are lost; the Surgeon-General makes the same report. The board of examining surgeons at Manchester, N. H., in 1878, certified that claimant was partially disabled from dizziness and partial blindness, the result of sunstroke. They say both his eyes and eyelids are injected, and he has deep transverse wrinkles in the forehead. They recommend a pension of $4 per month. At a later examination, February 16, 1881, the same board certify:

"Eye-sight nearly lost in both eyes, and can read only the largest type, even with powerful glasses. He has now, in our judgment, symptoms of locomotor ataxia. We therefore recommend for sunstroke and effects three-fourths total, or $6 per month."

February 11, 1884, Dr. Blaisdell certifies that he is acquainted with the claimant, and has known him professionally for fifteen years; thinks the condition of his health and the impairment of his eyesight has not improved during the last two years.

The pension was rejected at the Pension Office December 18, 1878, because there was no record of the alleged sunstroke, and the claimant was unable to furnish satisfactory medical evidence, or evidence from his officers, in regard to the alleged disability. It appears that the regimental surgeon, Dr. Crosby, died many years ago, and that Dr. Fitts, who treated him immediately after his discharge, became insane and was sent to the insane asylum at Concord, N. H., and is therefore incapable of testifying. A favorable report was made in this case by the Invalid Pensions Committee of the Forty-sixth Congress, and your committee, satisfied that the claimant is an old man and poor, that he was sound and healthy before his enlistment, that he has never been well since his discharge, and has been growing gradually worse, report the bill granting him a pension back to the House with a favorable recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar, having had under consideration various pension bills, had directed him to report the same to the House with sundry recommendations.

BILLS PASSED.

The following bills, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally considered, ordered to be engrossed for a third reading, and, being engrossed, were read the third time, and passed, namely:

A bill (H. R. 5544) for the relief of Laura J. Goddard;
A bill (H. R. 3728) granting a pension to Charles P. Mahan;
A bill (H. R. 2394) granting a pension to James McAnny;
A bill (H. R. 5330) granting a pension to Octavia A. Newhall;
A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman;
A bill (H. R. 3527) granting a pension to George A. Marshall;
A bill (H. R. 2543) granting a pension to James Roden;
A bill (H. R. 2537) granting a pension to Hugh Ryan;
A bill (H. R. 2536) granting a pension to Michael Mack;
A bill (H. R. 4238) granting a pension to Sallie Ingham;
A bill (H. R. 2539) granting a pension to George W. Kiser;
A bill (H. R. 3749) granting a pension to William Bolwork;
A bill (H. R. 965) granting a pension to Joseph H. Adams;
A bill (H. R. 747) granting a pension to Fannie S. Beaumont; and
A bill (S. 689) granting a pension to Elizabeth A. Barbour.

The following bills, reported from the Committee of the Whole House on the Private Calendar with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;
A bill (H. R. 4828) for the relief of Frances Hasenzahl;
A bill (H. R. 4818) for the relief of Rose Ann Galbraith;
A bill (H. R. 4178) granting a pension to Margaret Madden;
A bill (H. R. 875) granting a pension to P. W. Bradbury;
A bill (H. R. 137) for the relief of Betsey A. Mower;
A bill (H. R. 1894) granting a pension to Clark Roberts;
A bill (H. R. 4417) granting an increase of pension to Jacob Miller;
A bill (H. R. 3591) for the relief of Sarah A. Becktel;
A bill (H. R. 4822) for the relief of Frances McNeil Potter;
A bill (H. R. 1256) increasing the pension of Ben Morgan;
A bill (H. R. 3382) granting a pension to Albert Brant;
A bill (H. R. 5723) granting a pension to Isabella Bertha Weaver;
A bill (H. R. 3701) granting a pension to James Bradford;
A bill (H. R. 1046) granting a pension to Mary A. Griffith;
A bill (H. R. 2987) granting a pension to Rebecca Walcott; and
A bill (H. R. 2869) for increase of pension of Martha H. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy.

The SPEAKER *pro tempore*. Without objection, the titles of the last three bills reported will be changed to conform to the action of the committee.

There was no objection, and it was ordered accordingly.

The bill (H. R. 3694) granting a pension to Elizabeth A. Barbour was laid on the table, in accordance with the recommendation of the committee.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRENTS: Papers relating to the claim of H. R. Crosbie—to the Committee on War Claims.

By Mr. CARLETON: Petition of John G. O'Neill, mayor; William Hartsuff, W. Y. Bartholimew, James H. Haslett, and many others, citizens of Port Huron, Mich., asking for an appropriation to improve and ornament the soldiers' cemetery at that place—to the Committee on Appropriations.

Also, petition of J. H. Porter and others, citizens of Denison, Grayson County, Texas, and late citizens of Michigan, for the establishment of a branch of the United States court for the northern district of Texas at Denison, Tex.—to the Committee on the Judiciary.

By Mr. DINGLEY: Petition of Henry Tillson Post, No. 39, Grand Army of the Republic, Department of Maine, for a law granting a pension to every Union soldier—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. DUNCAN: Memorial of the Women's Silk-Culture Association of the United States—to the Committee on Ways and Means.

By Mr. FORAN: Petition of the wholesale and retail druggists, the manufacturers of perfumery, and the manufacturers of pharmaceutical and chemical preparations doing business in Cleveland, Ohio, praying for the abolition of all internal taxes, especially the tax on alcohol—to the same committee.

By Mr. H. H. HATCH: Petition of 362 citizens of Petoskey, Mich., for a breakwater at that place—to the Committee on Rivers and Harbors.

By Mr. HAYNES: Petition of C. S. Wallingford and others, of Dover, N. H., for a reduction of taxation and in opposition to the Morrison bill—to the Committee on Ways and Means.

By Mr. HEMPHILL: Petition of Mr. J. S. Miller, and 65 others, citizens of Chesterfield County, South Carolina, praying for the passage of a bill granting national aid to education—to the Committee on Education.

By Mr. JEFFORDS: Petition of W. A. Yerger and others, citizens of Bolivar County, Mississippi, asking for the passage of the Blair educational bill—to the same committee.

By Mr. CHARLES O'NEILL: Memorial of cadets of the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. STEELE: Petition of Lew. Dailey Post, Grand Army of the Republic, Bluffton, Ind., for the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. VANCE: Resolutions of the Produce Exchange of Wilmington, N. C., in favor of the bill to regulate bills of lading—to the Committee on Commerce.

Also, memorial of the Women's Silk-Culture Association of the United States—to the Committee on Agriculture.

By Mr. WAIT: Petition of J. N. Harris and others, citizens of New London, Conn., for an appropriation to support Indian schools—to the Committee on Indian Affairs.

By Mr. A. J. WARNER: Petition of Rev. E. C. Dickenson and 64 others, citizens of Marietta, Ohio, for the restoration of the Nez Percé Indians to their homes in Idaho—to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 17, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6856) to make a loan to aid in the celebration of the World's Industrial and Cotton Centennial Exposition.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MAYBURY for ten days from Monday next, on account of important business.

SPECIAL EXAMINER OF DRUGS, MEDICINES, ETC., BOSTON.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1761) to amend section 2743 of the Revised Statutes, and that the same be put upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That section 2743 of the Revised Statutes is hereby so amended that the special examiner of drugs, medicines, chemicals, &c., at Boston, in Massachusetts, shall, in addition to the duties prescribed by the act of June 26, 1848, examine and appraise all drugs, chemicals, chemical preparations, dyes and dye-stuffs, paints, oils, varnishes, &c., and shall receive a salary of $3,000 per annum.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TULLY. I object.

Mr. KELLEY. I ask the gentleman to withhold his objection long enough to permit me to make a brief statement, which I think will induce him to withdraw his objection altogether.

Mr. TULLY. I have no objection to permitting the gentleman to make a statement.

Mr. KELLEY. The bill, I will state, is the unanimous report of the Committee on Ways and Means after a very elaborate consideration of the question. There was no dissent in that committee and no doubt as to the propriety of the passage of the bill.

The salary of this officer was fixed in 1848, when the total amount of imports which came in under the supervision of his office at Boston and the adjoining ports was less than half a million of dollars. It has now increased to about $6,000,000. The facts of the case are pointed by this concurrence of circumstances: that while the eminent chemist to whom these important duties are confided receives but $1,000 salary, his laboring attendant is paid $1,200.

Mr. TULLY. I withdraw the objection.

There being no further objection, the bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. WASHINGTON BRANK.

Mr. VANCE. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company —, Second North Carolina Mounted Infantry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the name of J. Washington Brank on the muster-rolls of Company —, Second North Carolina Mounted Infantry, to date from 1863.

The bill was reported by the Committee on Military Affairs with the following amendment: "In line 6, insert 'September 25.'"

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment reported by the committee was agreed to.

Mr. VANCE. I move to further amend by inserting the letter "B" after the word "Company."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection the title will be changed so as to correspond with the amendment.

There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. HENDERSON, of Iowa. I ask unanimous consent to take from the Speaker's table the bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa," and to move concurrence in the Senate amendment thereto.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert:

"That the act entitled 'An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa,' approved March 3, 1875, be amended by striking out of section 2 of said act the word 'five' and inserting in lieu thereof the word 'four.'"

The SPEAKER. Is there objection to the present consideration of the Senate amendment?

There was no objection.

The amendment of the Senate was concurred in.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL GUARD OF ALABAMA.

Mr. HERBERT. I ask unanimous consent to take from the House Calendar for present consideration the joint resolution (H. Res. 244) authorizing the Secretary of War, in his discretion, to make exchange of tents for Gatling guns with the National Guard of Alabama, and for other purposes.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized, at the election of the adjutant-general of the State of Alabama, to exchange tents, Gatling guns, or any such military supplies of any kind whatever as such adjutant-general may desire, for any of the guns, ordnance, or military supplies of equal value

which may now or hereafter be in possession of the National Guard of Alabama; and that to the extent of any appropriation of money now or hereafter to be made for the benefit of and to supply the said National Guard of Alabama the Secretary of War is authorized, in his discretion, to give such supplies, either tents, arms, ammunition, ordnance, Gatling guns, or equipments, and of such kinds and quality as the said adjutant-general may elect to take; and any appropriation of money made or to be made by the present Congress for the benefit of the said National Guard of Alabama shall be immediately available.

The joint resolution was reported by the Committee on the Militia with the following amendment:

In line 4, after the word "authorized," insert "in his discretion."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERBERT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS TO SOLDIERS WHO SERVED SIXTY DAYS.

Mr. LOVERING. I present the petition of 1,017 posts of the Grand Army of the Republic in twenty-six States and Territories, asking for the passage of an act granting a pension of $8 per month to all soldiers and sailors of the Union who served sixty days or more in the war of the rebellion; and I ask unanimous consent that the names of the posts petitioning be printed in the RECORD.

Mr. SCALES. How many are there?

Mr. LOVERING. About 1,000.

Mr. SCALES. I object.

The SPEAKER. The memorial will be referred to the Committee on Invalid Pensions.

DAM ACROSS MISSISSIPPI RIVER.

Mr. NELSON. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 6657) granting the consent of Congress to the Saint Cloud Water Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn.

The bill was read, as follows:

Be it enacted, &c., That the consent of Congress is hereby granted to the Saint Cloud Water Power and Mill Company to construct across the Mississippi River, at some point within the incorporated limits of the city of Saint Cloud, a dam, canal, and works necessarily incident thereto, for water-power and other purposes, and in connection therewith a wagon and foot bridge for public travel: *Provided*, That said dam shall be so constructed as not to interfere with the existing dam and mill at Sauk Rapids, and so that the Government of the United States can at any time construct in connection therewith a suitable lock for navigation purposes: *Provided also*, That the Government of the United States may at any time take possession of said dam, and control the same for purposes of navigation, by paying said company the actual cost of the same, but shall not do so to the destruction of the water-power created by said dam: *Provided further*, That the works be constructed so as to provide for the free passage of sawlogs and rafts, and, when necessary, to permit the passage of boats; and, further, that such changes or modifications in the works as the Secretary of War may from time to time deem necessary in the interest of navigation shall be made at the expense of the water-power company: *Provided further*, That in case of any litigation arising from the obstruction of the channel by the dam, canal, or bridge, the cause may be tried in the district court of the United States in which the works are situated.

SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAYNE. By what committee is this bill reported?

Mr. NELSON. I desire to say that the Committee on Commerce have unanimously recommended the bill, as well as the Secretary of War, to whom it was referred. I will say also that the river at this point is not navigable on account of a succession of rapids, where a dam would be necessary to create navigation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DUCK VALLEY INDIAN RESERVATION.

Mr. CASSIDY. I ask unanimous consent to take from the Private Calendar for present consideration the bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada. I will state before it is read that it is a Department bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the settlers on the Duck Valley Indian reservation, in Nevada, the sum of $5,400, as follows, namely: To Levi Harris, $3,500: to William Harris, $200; to Henry Boyle, $1,500; and to J. H. Babb, $200, in full for their improvements on said reservation.

Mr. CASSIDY. I ask for the reading of the report. It is very short.

The report of the Committee on Indian Affairs (by Mr. SKINNER, of North Carolina) was read, as follows:

This bill, with the affidavits and other papers upon which the committee base this report, was presented to Congress in a message from the President of the United States. (Ex. Doc., No. 13, Forty-eighth Congress.)

Prior to May 1, 1878, J. H. Babb, Henry Boyle, William Harris, and Levi Harris settled upon lands in Duck Valley, on the Owyhee River, Elko County, Nevada, which lands were then open to settlement as other Government lands, and made valuable improvements thereon, but never perfected their title thereto.

On or about the said 1st day of May, 1878, the said Duck Valley, including the lands upon which these settlers had made improvements, was set apart by executive order as an Indian reservation for the Shoshone Indians, who took possession of the same, and the said settlers were compelled to abandon their settlements and improvements, which improvements they estimated, in making claim for payment for the same to the Department of the Interior, as follows: J. H. Babb, $200; Henry Boyle, $4,000; William Harris, $200; Levi Harris, $8,000.

These claims were fully investigated by the Commissioner of Indian Affairs, who, in a report to the Secretary of the Interior, dated April 1, 1880, appraises the value of permanent improvements made by these settlers as follows: J. H. Babb, $200; Henry Boyle, $1,500; William Harris, $200; Levi Harris, $3,500; which amounts are the same as those in this bill. These settlers have made improvements upon lands open to settlement and have been deprived of their improvements by the action of the Government, and are equitably entitled to payment for the same.

Your committee recommend the passage of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCALES. Reserving the right to object, I should like to hear some explanation.

Mr. CASSIDY. I will state briefly for the information of the gentleman from North Carolina that this matter has been duly investigated and the bill is recommended by the Department of the Interior. The lands in Duck Valley were opened to settlers the same as other public lands in this country, and certain settlers located there. Afterward the valley was set apart for the Indian reservation, and the Government took all the improvements these settlers had made, their houses, wire fences, ditches, and everything of that kind, and have since been using the lands for the purpose of a reservation.

The Interior Department sent out a commission to investigate the whole matter, and upon the report of that commission has agreed to pay these people the amount of money named in this bill, about $5,000, for their improvements, which are now being used by the Government as quarters for the officers on the reservation, &c. This bill is well authenticated by the Department. These people have been kept out of their money for some years.

Mr. SCALES. Were these improvements assessed by the commission that was sent out there?

Mr. CASSIDY. They were, and the only complaint is that the settlers have not been allowed the just value of their property.

Mr. SCALES. Is this a report from the Committee on Indian Affairs?

Mr. CASSIDY. It is unanimously reported from the Committee on Indian Affairs, has been twice recommended to Congress by the President, and is also backed up by the report of the Secretary on the Indian commission.

Mr. GEORGE D. WISE. Will these parties accept these sums in lieu of all their claims?

Mr. CASSIDY. The bill provides that they must do so.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CASSIDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SCALES. I call now for the regular order.

Mr. TUCKER. I demand the regular order.

Mr. ELLIS. I rise to a privileged report.

The SPEAKER. The gentleman will submit it.

INDIAN APPROPRIATION BILL.

Mr. ELLIS. I am instructed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1885, and for other purposes, and to recommend non-concurrence in the Senate amendments.

The report of the Committee on Appropriations was adopted, and the amendments of the Senate were non-concurred in.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been called for. By order of the House this day is set apart for the consideration of such business as may be presented by the Committee on the Judiciary.

Mr. COBB. Perhaps the Committee on the Judiciary is not very anxious to proceed with business under this special order. I desire to have the House proceed to the consideration of a bill providing for the forfeiture of the land grant to the Oregon and Central Railroad. I therefore move that the House now proceed to the consideration of that bill.

Mr. REED. The gentleman from Indiana (Mr. COBB) is misinformed as to the desire of the Judiciary Committee; they desire to go on and occupy the day which has been assigned them.

Mr. COBB. I think that under the order of business made by the House the business from the Committee on the Judiciary would interfere with the rule laid down by the House for the consideration of reports from the Committee on Public Lands.

The SPEAKER. The Chair will cause the order of the House to be read.

The Clerk read as follows:

Resolved, That Saturday, the 17th of May, after the reading of the Journal, be assigned for the consideration of such business as may be presented by the Committee on the Judiciary; this order not to interfere with the consideration of general appropriation or revenue bills or prior special orders, and to continue in force until one day has been occupied by the Committee on the Judiciary.

The SPEAKER. The business from the Committee on Public Lands has not been made a special order; it has simply been given a certain degree of preference over other business. That is to say, it has been put upon the same footing as general appropriation bills reported from the Committee on Appropriations, and may be taken up at any time when not excluded by other orders of the House.

Mr. COBB. Then I move to take up the bill in relation to the Oregon Central Railroad land grant.

The SPEAKER. The Chair does not think that under the order of the House just read that motion is now in order, this day being set apart or assigned for the consideration of business presented by the Committee on the Judiciary, just as certain Mondays are set apart for the consideration of business reported from the Committee on the District of Columbia.

Mr. COBB. Can not the question of consideration be raised?

The SPEAKER. Whenever a particular bill is called up by the Committee on the Judiciary the question of consideration can be raised against that bill. This order differs very much from a special order in relation to a particular bill, inasmuch as it sets apart or dedicates the entire day, after the reading of the Journal, to the consideration of business presented by the Committee on the Judiciary.

Mr. ANDERSON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. As I understand the order in relation to reports from the Committee on Public Lands, it gives to that committee the right to call up such reports, the same as the Committee on Appropriations or the Committee on Ways and Means have the right to call up general appropriation bills or revenue bills.

The SPEAKER. That is correct.

Mr. ANDERSON. If the Committee on Appropriations should choose to call up to-day an appropriation bill, it would have the right to do so as against this special order.

The SPEAKER. Certainly it would, because general appropriation bills are expressly excepted by the terms of the order under which the House is now proceeding.

Mr. ANDERSON. My inquiry is simply this: whether the special order in regard to the business from the Committee on Public Lands is not of such a nature as that the chairman of that committee or any member of it would have the right to call it up for consideration now as against this special order?

The SPEAKER. The Chair thinks not, because bills reported from the Committee on Public Lands are not excepted in this order, while general appropriation bills and revenue bills are expressly excepted.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. The order which has been read, touching business of the Committee on the Judiciary, expressly excepts bills from the Committee on Appropriations and the Committee on Ways and Means, and also prior special orders. Now, it being clear that a motion to go into Committee of the Whole for the consideration of revenue bills or general appropriation bills would have priority over the execution of the order with regard to business of the Judiciary Committee, and inasmuch as by the order of January 31 bills reported from the Committee on Public Lands are put upon the same footing as bills reported from the Committee on Ways and Means or the Committee on Appropriations, and inasmuch as this order in regard to business of the Public Lands Committee is in the nature of a special order, taking out of the general order the reports from that committee, making their reports special——

Mr. DUNN. There is so much confusion in the Hall that it is absolutely impossible to hear the gentleman from Indiana.

The SPEAKER. The gentleman from Indiana will suspend until the House comes to order. The Chair appeals to members to preserve order, so that the business of the House may proceed.

Mr. HOLMAN (after a pause). Inasmuch as bills from the Committee on the Public Lands are specially and by an order which from the necessity of the case is a special order put upon the same footing with bills reported by the Committee on Appropriations and the Committee on Ways and Means, I submit that for practical purposes the order of the 31st of January must be construed not only as placing the public-lands bills on the same footing as bills of the other classes I have named, but making them for that purpose a special order. Therefore, if it is in order to move to go into Committee of the Whole for the consideration of general appropriation bills or revenue bills, a motion to proceed to the execution of the order of January 31 must have priority from the necessity of the case, not only because the business of the Public Lands Committee is put upon the same footing with the other classes of business to which I have referred, but these public-land bills have been given priority by a special order. It is certainly not a general order; and there are but two species of orders that the House makes—one special and the other general. This is certainly a special order; and it seems to me that bills touching public lands are entitled to priority over any business covered by the order which has been read with regard to business of the Judiciary Committee.

The SPEAKER. It is in order to-day to move to go into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills, but only because the order which has been read expressly excepts that class of bills. In making that exception the House did not see proper to except, as it might have done, bills reported from the Committee on Public Lands. The order of January 31 to which the gentleman from Indiana has referred placed reports of a certain character from the Committee on Public Lands upon the same footing as regards the privilege of consideration with reports from the Committee on Appropriations, but since that date the House has made another order, setting apart this particular day for the consideration of a certain class of business; and in that order the House saw fit not to except reports made by the Committee on Public Lands, but did except general appropriation bills. The necessary effect of the later order is to modify the former one so far as this particular day is concerned.

Mr. HOLMAN. The order excepted also prior special orders.

Mr. BLAND. Would it not be in the power of the House now to vacate this order in regard to business of the Judiciary Committee?

The SPEAKER. Certainly the House can vacate it. The order was made by unanimous consent, and it would be in order now to vacate it if unanimous consent could be obtained to submit the motion, and a majority could then adopt the motion. [Cries of "Regular order."]

JUDGMENTS AND DECREES OF UNITED STATES COURTS.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 241, a bill (H. R. 7013) to regulate the effect of judgments and decrees of the courts of the United States in the several States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MEMORIAL OF E. B. WHEELLOCK CONCERNING LAND GRANT.

Mr. TUCKER, from the Committee on the Judiciary, to which was referred the memorial of Edward B. Wheellock, president of the New Orleans Pacific Railway Company, praying for the investigation of the legal matters involved in the proposed forfeiture of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company, assigned to the New Orleans Pacific Railway Company, presented a report in writing; which was referred to the House Calendar, and ordered to be printed.

Mr. TUCKER. Some members, constituting a minority of the Committee on the Judiciary, desire leave to file their views in writing on this subject.

The CHAIRMAN. If there be no objection, the minority of the Committee on the Judiciary will have leave to present their views in writing, to be printed with the report of the majority. The Chair hears no objection, and it is so ordered.

HENRY NEWMAN.

Mr. TUCKER. I ask for the consideration of the bill which I send to the desk, which has been reported by the Committee on the Judiciary.

Mr. COBB. On that I raise the question of consideration.

Mr. TUCKER. I hope my friend will not antagonize this bill.

Mr. COBB. We may as well raise the question here as anywhere else.

The SPEAKER. The Clerk will report the bill, after which the question of consideration will be submitted.

The Clerk read as follows:

A bill (H. R. 4678) to remove the political disabilities of Henry Newman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the political disabilities imposed by the fourteenth amendment of the Constitution of the United States upon Henry Newman, now a private in Battery B, Second United States Artillery, in the Army of the United States, and those imposed by section 1218 of the Revised Statutes, be, and the same are hereby, removed.

The SPEAKER. This bill is in the Committee of the Whole House on the Private Calendar. It can not be taken up now without discharging that committee, which requires unanimous consent.

Mr. TUCKER. I make that request.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] asks unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of this bill for the purpose of considering the bill in the House.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; when the House proceeded to consider the same.

The bill was ordered to be engrossed for a third reading; and being

engrossed, was accordingly read the third time, and passed (two-thirds voting in favor thereof).

WILLIAM H. PARKER.

Mr. TUCKER. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 4988) to remove the disabilities of William H. Parker, of Virginia, incurred under the forteenth amendment of the Constitution, and that it be put on its passage.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring therein), That the disabilities created by the third section of the fourteenth amendment of the Constitution of the United States and incurred by William H. Parker, of Virginia, be, and the same are hereby, removed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

ROBERT D. THURBORN.

Mr. TUCKER. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 5458) to remove the disabilities of Robert D. Thurborn, of Virginia, and that the same be put on its passage.

The bill was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring therein), That the disabilities imposed by the fourteenth amendment of the Constitution of the United States upon, and incurred by, Robert D. Thurborn, of Virginia, shall be, and are hereby, removed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

CHARLES W. HAYS.

Mr. TUCKER. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 6528) to remove the disabilities of Charles W. Hays, of Alabama, and that it be put on its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

COURT OF COMMISSIONERS OF ALABAMA CLAIMS.

Mr. REED. I move the House go to the Speaker's table and take up the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes.

Mr. COBB. I raise the question of consideration.

The SPEAKER. The bill will be read.

The bill was read *in extenso*.

Mr. DUNN. Is not that bill subject to the point of order that it makes an appropriation and must have its first consideration in the Committee of the Whole House on the state of the Union?

The SPEAKER. It is.

Mr. DUNN. I make that point of order.

The SPEAKER. The Chair sustains the point of order, and the bill goes to the Committee of the Whole House on the state of the Union.

Mr. REED. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill just read.

The SPEAKER. The gentleman can not move to go into the Committee of the Whole House on the state of the Union for the purpose of considering a particular bill, but he can move to go into the committee to consider such bills as may be presented in the committee by the Committee on the Judiciary under the special order of the House.

Mr. BLAND. Will it be in order to consider any other question in the Committee of the Whole House on the state of the Union?

The SPEAKER. Certainly, if the committee, under the direction of the House, shall refuse to consider any of the bills presented by the Committee on Judiciary.

Mr. BLAND. There is public business there which ought to be considered.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. When we go into the Committee of the Whole House on the state of the Union, under the motion of the gentleman from Maine, a member of the Committee on the Judiciary, I believe it is in order only to proceed to the consideration of the bills presented by the Judiciary Committee.

The SPEAKER. It is in order now, as the Chair has just stated, to move to go into the Committee of the Whole House on the state of the Union for the purpose of considering such bills as may be presented by the Committee on the Judiciary under the special order of the House.

Mr. HAMMOND. I was not aware that the Chair had made that announcement.

The SPEAKER. When the House gets into the Committee of the Whole House on the state of the Union the question of consideration may be raised against each bill as well as in the House, and if that is done the committee will rise and the House will decide the question.

Mr. HAMMOND. I do not understand any other committee would be authorized to call up its business.

The SPEAKER. Inasmuch as the present occupant of the chair does not preside in committee, he prefers not to express an opinion as to what can or can not be done in relation to that matter.

Mr. BLAND. If we shall vacate this order we can then proceed to other business.

The SPEAKER. If the House shall refuse to consider the business called up by the Judiciary Committee, then of course it can proceed to consider the regular business in the usual way.

Mr. HOLMAN. I wish to make a parliamentary inquiry. If the House declines to go into Committee of the Whole for the purpose of considering business from the Judiciary Committee, then other business might be considered by the committee.

The SPEAKER. Then the Committee on the Judiciary might present business now pending on the House Calendar.

Mr. WARNER, of Ohio. But would not a refusal to go into Committee of the Whole set aside the special order?

The SPEAKER. It would not if there be any business on the House Calendar to be presented by the Committee on the Judiciary, for that would be considered in the House, and not in the Committee of the Whole on the state of the Union.

Mr. WARNER, of Ohio. But it can consider no bills except such as have been referred to the committee.

The SPEAKER. Of course if the House refuses to go into Committee of the Whole House on the state of the Union the Judiciary Committee can have no bills considered in Committee of the Whole.

Mr. REED. The wording of the special order is peculiar. It allows the House to consider any business which may be presented to-day by the Judiciary Committee. Consequently it modifies the rule of the House to that extent, and the Judiciary Committee present the business for the continuation of the Geneva board of award, and desire to go into Committee of the Whole House on the state of the Union for the purpose of transacting that business.

Mr. HOLMAN. But that would apply to bills which have been considered by the Committee on the Judiciary.

The SPEAKER. The language is somewhat peculiar. It says "bills presented by the Committee on the Judiciary."

Mr. REED. Any business presented by the committee.

Mr. HOLMAN. But they can not present a measure which had not been referred to them.

The SPEAKER. That question the Chair does not desire to rule upon at this time. The question is upon the motion of the gentleman from Maine that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering business presented by the Committee on the Judiciary.

The question was taken; and the Speaker decided by the sound that the motion seemed to prevail.

Mr. COBB. I demand a division.

Mr. HENLEY. I wish to ask a parliamentary question. This motion, as I understand it, antagonizes the motion of the gentleman from Indiana to consider the land-grant bills?

Mr. COBB. It does.

The SPEAKER. The House is now dividing.

The House divided; and there were—ayes 95, noes 29.

Mr. ROGERS, of Arkansas. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. REED and Mr. COBB were appointed tellers.

The House again divided; and the tellers reported ayes 141, noes 25.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DORSHEIMER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of business presented by the Judiciary Committee under the special order which has been read.

Mr. REED. I desire to call up for consideration the bill of the Senate 247 to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes. As this bill has already been read in the House, I ask unanimous consent that the reading of it now be dispensed with.

Mr. ROGERS, of Arkansas. I object.

The bill was again read.

Mr. REED. I do not know, Mr. Chairman, that any explanation of this bill is necessary, except a mere statement of the fact. In 1882 a bill was passed establishing the Court of Commissioners of Alabama Claims, and designating also two classes of claims, the first class of which had preference. This bill proposes, two things. First, that the Court of Alabama Claims shall be continued for a period of eighteen months, or will so propose after the amendment which I intend to present to the House shall have been adopted. The other thing which the bill proposes is that as soon as the court shall have ascertained that the first class of claims can be paid without exhausting the fund which is appropriated by the act of 1882, the court shall make such certification to the Secretary of the Treasury as will enable him to pay said first

class of claims. The sole purpose of that is to permit men who have been waiting for ten or a dozen years for the payment of their claims to have them paid.

This is the only change made in the bill, and I presume it will not be necessary to say anything more upon the subject unless some gentleman has something to say upon the opposite side. I yield now to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Chairman, at the time the bill for the distribution of the Geneva award fund was before the House I opposed it in committee and with a minority report as well as by an argument in the House. It was passed, however, by a vote of nearly two-thirds in the House, and also passed the Senate by about the same majority. Therefore I ground my opposition to it. I have been overruled not only by the American rule of a majority, but by the worse one of a two-thirds vote, and I think it wrong under the circumstances now to oppose the extension of time proposed by the gentleman from Maine for the purpose specified. Were it an original proposition I should vote against the law as heretofore, but it seems an injustice that a bare minority should insist now upon its provisions and decline to extend the time asked for.

I may remark that there was other legislation before the committee, or referred to the committee, on this same subject about which we were not agreed; but as I understand it the whole committee, every individual member of it, thought that this was a proper measure to pass.

Mr. REED. If there is no objection I shall call for the reading of the bill for amendment.

Mr. DUNN. I desire to ask the gentleman from Maine if this bill has been considered by the Judiciary Committee of the House during this session?

Mr. REED. It has. The Senate bill is precisely the same as the bill which is recommended formally by the Judiciary Committee, and which is now on the Calendar, with two exceptions. The first is that the Judiciary Committee added a section giving the clerk an increase of salary. That is not on the Senate bill. The second difference is that the Committee on the Judiciary, instead of recommending a continuance to December, 1885, left it optional with the President to issue a proclamation. But out of deference to some feeling expressed in the Senate as to the constitutional power of the President to make such extension and the constitutional power of Congress to give him the right to make such extension it was proposed to make the extension directly by the bill itself.

Mr. DUNN. Has the House Committee submitted a written report on the bill?

Mr. REED. It has.

Mr. DUNN. I hope the gentleman from Maine will have that report read for the information of the House.

Mr. REED. I should be very happy to have the report read, but it will take some little time; and I have stated the facts just as they appear in the report. The fact of the case is this: This is, for all practical purposes, simply an extension. Now, it was contemplated at the time the original bill was passed that there would be an extension of time, and the only reason why longer time was not given in the original act was because everybody desired to hurry up the court as much as possible; and if it was necessary for it to be continued that it should give reasons for its continuance.

I have here a letter from the counsel of the United States, which is fortified by a statement for which I am indebted to one of the commissioners. It shows in substance that only about a quarter of the cases have been disposed of. It has been found that the cases are very numerous. There are 4,000 nominally; and yet some of those cases include five, six, or seven claimants, so that there are in reality probably 25,000 persons who are interested in the passage of this bill. We think it is possible for the commissioners to close up by December 31, 1885, and therefore we propose to make that limitation. The remaining cases of course will not take as much time as the cases that have already been decided, because the cases that have already been decided involve the principles of law which will cover the others, and most of the others are merely matters of computation. A period of six months was consumed in the filing of cases, and more time was consumed in the taking of testimony. I believe now substantially the testimony is all taken.

Mr. WARNER, of Ohio. I desire to ask the gentleman from Maine what amount now remains undistributed of that fund?

Mr. REED. Seven and a half million dollars.

Mr. WARNER, of Ohio. Is that sum on interest?

Mr. REED. It is not drawing interest, and has not drawn interest for a number of years. If there is no objection, I ask for the reading of the bill by sections.

Mr. DUNN. I must object to that at present, because I desire to have the report of the committee read, and if the gentleman from Maine does not consent to that I shall ask recognition to have it read in my time.

Mr. REED. I certainly have no objection to the report being read. I only suggested that it would be occupying time.

Mr. DUNN. The statement of the gentleman from Maine shows there is a very large sum of money and very numerous and widely extended interests involved. And the gentleman from Georgia [Mr. HAMMOND] informs us his conviction that the bill was originally wrong is unchanged. If he was right in his conviction then, it is certainly wrong now to extend what was wrong at the outset and to perpetuate a wrong instead of stopping it. The House had better have all the details and give the matter a careful consideration before it agrees to pass this bill.

Mr. HAMMOND. I desire to correct the gentleman from Arkansas. I did not say the bill was wrong. I said I thought so.

Mr. DUNN. I have the highest regard for the gentleman's opinion.

Mr. HAMMOND. I have always yielded to a two-thirds majority in anything that does not affect conscience.

Mr. DUNN. I have rarely, if ever, found the distinguished gentleman from Georgia wrong in his judgment of what is right or what is good law. I have the greatest deference and respect for his opinion.

The CHAIRMAN. The report will be read.

The report of the Committee on the Judiciary (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 1212) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes, respectfully report as follows:

The bill in question proposes by its first section to extend the Court of Alabama Claims to December 31, 1885, and to authorize its further extension for not more than one year, if found needful by the President, by proclamation. This section the committee propose to amend by substituting 1884 for 1885, believing that extension to be all that is needed. The second section accommodates existing law to the proposed extension. The third section provides for the payment of the preferred claims of the first class as soon as the court determines that the fund will be sufficient to pay them in full. As a matter of fact there can be no doubt that the fund is ample, and therefore the only question is whether the sums due sufferers who have already waited long years shall be paid them as soon as possible, or shall await the decision of claims with which they have not the slightest connection. No question arises here between claimants, and no one, so far as we are aware, is opposed to the earliest payment.

The committee propose to add a section (section 4) making the salary of the clerk $4,400. This salary is paid by the fund and not out of the Treasury. The majority of the claimants personally cognizant of the important duties of the office have recommended the increase, and the committee believe that even if the office were a permanent one, the proposed compensation would not be too large for the services required and the responsibilities assumed.

All of which is respectfully submitted.

Mr. REED. Now, if there is no objection, we will proceed to the reading of the bill by sections.

There was no objection.

The Clerk read the first section, as follows:

That the existence of the Court of Commissioners of Alabama Claims, re-established by the act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882, be, and the same is hereby, continued and extended to the 31st day of December, in the year 1884, with the same effect, and no other, as if said last-named day had been named in the said act for the termination of the powers of said court; and said act is hereby continued in force during the period of extension hereby authorized.

Mr. REED. I offer the amendment which I send to the desk in order to make the bill conform to the statement which I made to the committee.

The Clerk read as follows:

In line 10, strike out "four" and insert "five;" so that it will read: "is hereby extended to the 31st day of December, in the year 1885."

The amendment was adopted.

The Clerk read the second section, as follows:

SEC. 2. That the powers of the clerk of said court are hereby extended for an additional period, not to exceed four months, from and after the termination of the existence of said court, for the purpose of closing up the business of his office, and depositing the records, documents, and all other papers of the court or its officers in the office of the Secretary of State, as provided in said act and the act therein referred to; and all disbursements made by said clerk during this additional period shall be under the direction of the Secretary of State.

No amendment offered.

The Clerk read the third and last section, as follows:

SEC. 3. That the Court of Commissioners of Alabama Claims shall proceed with all convenient dispatch to the final adjudication of all claims of the first class as designated in the fifth section of the aforesaid act approved June 5, 1882; and as soon as the said court shall be satisfied that the aggregate of all the judgments of the first class, with interest added at 4 per cent. from the time the loss occurred to the 31st of March, 1877, will not exceed the unappropriated amount of the Geneva award remaining in the Treasury after the deduction of all lawful expenses, the said court shall report a list of the several judgments of the first class then rendered to the Secretary of State, who shall thereupon transmit the same, or a copy thereof, to the Secretary of the Treasury; and the Secretary of the Treasury shall, out of the unexpended balance of said award, without unnecessary delay, proceed to pay the said judgments of the first class so reported and transmitted, with interest as aforesaid, upon such notice and in such manner as he shall prescribe. And the said court shall from time to time thereafter report such other judgments of the first class, if any, as may be rendered to the Secretary of State, to be by him transmitted to the Secrerary of the Treasury, and paid in the same manner and upon like notice as hereinbefore provided, until the whole of said judgments of the first class shall be paid. And so much money as may be necessary to pay said judgments of the first class, with interest thereon as aforesaid, is hereby appropriated, out of any moneys in the Treasury received from said award not otherwise appropriated.

No amendment offered.

Mr. REED. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the state of the Union had had under consideration the

bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes, and had directed him to report the same back with an amendment.

Mr. REED. I demand the previous question on the amendment and third reading of the bill.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS OF TEXAS.

Mr. TUCKER. I now call up for consideration the bill (H. R. 6074) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes.

The bill was read.

Mr. ROGERS, of Arkansas. I rise to a point of order against that bill.

The SPEAKER. The gentleman will state it.

Mr. ROGERS, of Arkansas. My point of order is that under section 3 of Rule XXIII it must receive its first consideration in Committee of the Whole on the state of the Union.

The SPEAKER. The bill appears to provide for the creation of new offices and for holding courts at places not now designated by law, which would necessarily involve an expenditure of money.

Mr. CULBERSON, of Texas. I want to reply to that point of order.

Mr. ROGERS, of Arkansas. I desire to state, in support of my point of order, that section 3 of this bill provides that "terms of the circuit and district courts of the United States for the said eastern district of the State of Texas shall be held twice in each year, at the city of Paris, in the county of Lamar, State of Texas, on the first Mondays in June and December." This and the previous section create a new division in the State of Texas for Federal courts and provide for holding a term of court twice a year at the point named. That will involve an increased expenditure in the way of rent of a building, or the construction of a building, and other incidental expenses of a Federal court held at a distinct place from that which it is now held.

Section 4 of the bill provides—

That all process, civil and criminal, issued against citizens of the said counties of Lamar, Fannin, Red River, and Delta, cognizable before the United States courts, be made returnable to the courts, respectively, to be held at the city of Paris, Tex.

That necessarily involves more or less expense, because there must be seals, &c.

The fifth section of the bill provides for new officers, a deputy clerk and a deputy marshal, to hold their offices at the point where the court is to be held.

The seventh section provides for another Federal district; and still another section of the bill makes the same provisions for that district as those I have mentioned in regard to the other. We therefore have in this bill all the incidental expenses necessarily attendant upon holding courts at separate and distinct points from where they are now held in Texas, as well as the appointment of a new marshal and a new clerk. This bill therefore falls distinctly under section 3 of Rule XXIII, which provides as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Both the letter and the spirit of the rule require that this bill shall be first considered in Committee of the Whole.

Mr. CULBERSON, of Texas. The officers provided for in this bill are not paid out of the Treasury of the United States at all; they are not salaried officers by any means. This bill provides only for the appointment of a deputy clerk and a deputy marshal, who are to be paid by fees only, and not out of the Treasury of the United States.

Mr. HAMMOND. I would suggest that there is nothing in this bill requiring any appropriation or the disposition of any property of the United States.

The SPEAKER. The question is whether, if this bill shall become a law, its execution will not necessarily involve additional appropriations for the support of the court at the places indicated in the bill.

Mr. HAMMOND. I think the sense of the Committee on the Judiciary was that, instead of requiring additional money, it would save money. There is certainly nothing in the bill itself that calls for expenditures.

The SPEAKER. For instance, suitable buildings must be provided, either by construction or by renting, for the accommodation of the courts.

Mr. HAMMOND. There is but one additional place provided for the holding of the court.

Mr. CULBERSON, of Texas. I ask the Clerk to read an authority upon this point.

The Clerk read as follows:

The SPEAKER. The Chair overrules the point of order. He thinks it goes beyond the limits of propriety on questions of this kind. It would be really difficult to imagine any legislation enacted by Congress that does not involve some expenditure. This may, but the expenditure is so clearly an incident that the Chair does not think it brings the bill within the rule. The point of order is overruled.

Mr. TURNER, of Georgia. What was the character of the bill upon which that ruling was made?

Mr. CULBERSON, of Texas. I think it was a bill providing for the erection of a public building.

The SPEAKER. The Chair will examine the rule of the House under which the decision which has been read was made. While the Chair does not now remember the exact language of the old rule, the Chair does remember that the language of the present rule is somewhat different from and in some respects more comprehensive than the language of the old rule in force in 1876, when this decision was made.

Mr. DUNN. On one point I desire to make a single suggestion. Undoubtedly the main point involved is whether this bill will involve an additional expenditure of the public money. The gentleman from Georgia [Mr. HAMMOND] and the gentleman from Texas [Mr. CULBERSON] say that these officers will obtain their compensation from fees. The Speaker has already called attention to the expense of buildings which will be required. The expense of executing the criminal laws falls chiefly upon the Government of the United States. How can this additional Indian Territory be taken into this district without additional expenditure of money, especially in connection with the execution of the criminal law?

The SPEAKER. In the absence of any decision under this rule, the Chair would have been inclined to think that this bill should go to the Committee of the Whole on the state of the Union; but in the decision to which the gentleman from Texas [Mr. CULBERSON] has called attention, and also in another, which, as the Chair finds, was made in the first session of the Forty-fourth Congress, it has been held that unless the bill expressly requires an appropriation to be made it does not necessarily go to the Committee of the Whole on the state of the Union upon a point of order; that though the execution of the law may involve an additional expenditure of money, that is not sufficient to carry the bill to the Committee of the Whole,.

Mr. ROGERS, of Arkansas. The Chair will allow me to ask whether the rule of the House was precisely the same at the time of those decisions as it is now.

The SPEAKER. That portion of the rule upon which this question depends the Chair finds to have been in precisely the same language, though there has been an enlargement of the rule on another point. The Clerk will cause to be read the old rule under which these decisions were made—Rule 112 of the former rules.

The Clerk read as follows:

112. All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Mr. ROGERS, of Arkansas. I desire to make a single observation, with the permission of the Chair.

The SPEAKER. The Chair will hear the gentleman.

Mr. ROGERS, of Arkansas. I wish to call the attention of the Chair to the fact that our present rule enlarges the provision of the former rule. The language of the present rule is:

All motions or propositions involving tax or charge upon the people.

The SPEAKER. That relates, the Chair thinks, to revenue bills. Then follows the provision in relation to appropriations of money, which is exactly like the provision of the old rule.

Mr. ROGERS, of Arkansas. I desire to inquire further—of course I am not familiar with the decision referred to—whether the bill upon which that decision was made was a bill of the same character as that now before the House?

The SPEAKER. It was a bill providing for the holding of a court at Kansas City, a place where no court had previously been held. In view of these decisions, and in order to preserve uniformity and consistency in the practice of the House, the Chair feels constrained to overrule the point of order.

Mr. CULBERSON, of Texas. Mr. Speaker, I recognize the fact that there is some opposition to this bill, but I do not suppose that opposition will be factious. I do not think the Committee on the Judiciary would be willing to have more than an hour consumed in the debate on this bill. I am perfectly willing to forego calling the previous question now, and yield forty minutes of my hour to the gentleman from Arkansas [Mr. ROGERS], to be disposed of as he pleases, reserving twenty minutes to be occupied by those in favor of the bill.

Mr. ROGERS, of Arkansas. I think that a bill involving so many important considerations as this bill must of necessity involve ought not to be disposed of in so brief a time as that indicated by the gentleman from Texas. I trust he will not enforce a limitation of that kind if he has the power. If we are to consider this bill I want it considered fairly. I want an opportunity to be properly heard. I shall not go further than that except to endeavor to perfect the bill by amendment,

if after I have called attention to the provisions of the measure the House should be disposed to pass it.

I desire ample time to present the question properly. I do not want to act under the pressure of the whip and spur. The bill involves to some extent statistics; it involves a consideration of distances; it involves questions of public policy. I can not make the remarks I wish to submit in the brief period indicated by the gentleman from Texas, and at the same time give other gentlemen a proper opportunity to be heard. I hope the gentleman from Texas will not insist on his proposition.

Mr. CULBERSON, of Texas. I think that under the present circumstances my proposition is very liberal; and unless the gentleman will consent to it I demand the previous question.

Mr. DUNN. I sincerely hope the gentlemen from Texas will——

Mr. CULBERSON, of Texas. What would you have me do? What is your proposition?

Mr. DUNN. Give us an oportunity to debate this question properly. It is a matter that deeply concerns the interests of the people of Arkansas, as well as the general public interests of the country. The interests of the Indians are also vitally involved. This House can not upon one hour's consideration intelligently dispose of this question. I wish to be heard upon it; and I do not wish to be pressed under the whip and spur of the previous question. I hope the gentleman from Texas will not, in order to reach some other measure, force this bill down the throats of those who have earnest and grave reasons for opposing it.

Mr. CULBERSON, of Texas. Desiring to accommodate my friends from Arkansas, I will give them an hour, and reserve for the supporters of the bill thirty minutes.

Mr. HAMMOND. I hope some arrangement will be made to occupy on this bill as short a time as is consistent under the circumstances with the sense of duty of the gentlemen from Arkansas, because this is the only day that the Judiciary Committee has, and the only day it will have during the present session of Congress. It seems to me that upon the mere location of a court so much time ought not to be consumed to the detriment of other matters.

Mr. DUNN. In answer to the gentleman from Georgia [Mr. HAMMOND] I wish to say that I regret very much that the committee has not chosen to call up first and dispose of its unobjectionable matters, and not drive through the consideration of a measure that needs deliberate discussion, in order to reach something behind that is unobjectionable.

Mr. HAMMOND. To that I desire to say every member of the Judiciary Committee, after a full, frank, and open hearing of all the objections urged to this bill, thought it ought to be passed.

Mr. ROGERS, of Arkansas. I have one word to say in that regard.

Mr. DUNN. Then all the objections can not have been heard in the Judiciary Committee.

Mr. HAMMOND. Then it was the fault of the gentleman, and not the fault of the committee.

Mr. DUNN. The State of Arkansas had no representative upon that committee.

Mr. HAMMOND. They were invited to come before the committee and present whatever objections they had to the bill.

Mr. DUNN. I never received any invitation.

Mr. HAMMOND. The gentleman from Arkansas [Mr. ROGERS] spoke, and gentlemen from Texas spoke before the committee.

Mr. DUNN. I am sorry, then, you did not take my colleague's good advice.

The SPEAKER. Debate is not in order, the gentleman from Texas [Mr. CULBERSON] having demanded the previous question. The Chair has permitted the colloquy to run on presuming gentlemen were endeavoring to reach some agreement in reference to the time to be consumed in debate on the pending proposition.

Mr. TUCKER. I wish to make a single remark in reply to what has been said by the gentleman from Arkansas.

The SPEAKER. Debate is not in order. As the Chair has stated he has permitted colloquy for the purpose only of reaching some understanding if possible as to the time to be allowed for debate.

Mr. CULBERSON, of Texas. At the suggestion of the gentleman from Arkansas who sits in front of me, I am willing to let the opposition have sixty minutes, and the friends of the measure thirty minutes.

Mr. ROGERS, of Arkansas. I have one observation to make which I have been attempting for some time to get the floor to submit; and it is that I have had reason to suppose this bill would not be reached to-day. I did not want to interpose an objection to the consideration of business coming from the Judiciary Committee, and after my friend from Virginia [Mr. TUCKER] had made his motion setting apart a day for the consideration of that business I did go to him and ask him whether this bill was to be considered under that order. His response was, as I now recollect it—and if I am wrong I ask his correction—that no matter would be taken up to-day which would be antagonized. I notified him then that this bill would be antagonized, and left him at that time under the supposition it would not be taken up to-day. Therefore I had made no preparation for the discussion of the subject. I had no notice until yesterday morning there would be any change in that regard. I wish to say, if I had had the time I could have systemized what I desire to present to the House——

Mr. CULBERSON, of Texas. I must object to this debate proceeding out of order, as it will involve necessarily a reply from me.

Mr. ROGERS, of Arkansas. No; I think not.

Mr. CULBERSON, of Texas. I can not yield any further.

Mr. ROGERS, of Arkansas. Let me make a single further observation.

Mr. CULBERSON, of Texas. Then I shall have to make reply to it.

Mr. ROGERS, of Arkansas. No, you will not.

Mr. BLAND. I wish this House to understand, Mr. Speaker, that there is more involved in this proposition than the mere local interest of Texas or Arkansas, and that some one else might be consulted than the gentlemen from those two States. If this were a bill limiting the jurisdiction of the Federal courts, I would not object to it; but, instead of that, it is a bill to extend the jurisdiction of the Federal courts, and I am opposed to it. Instead of presenting bills here limiting the jurisdiction of Federal courts, the Judiciary Committee are presenting bills for the extension of that jurisdiction, creating courts all over the country. It is not a local question but a general question, and needs the fullest consideration.

Several MEMBERS. Regular order.

Mr. BLAND. I am, for one, opposed to the extension of the Federal courts.

The SPEAKER. The regular order is the motion of the gentleman from Texas.

Mr. ROGERS, of Arkansas. I had one observation to make before the question is put on the motion of the gentleman from Texas, and I hope my friend will give me opportunity to make it.

The SPEAKER. The regular order is demanded, but if there be no objection the gentleman from Arkansas will proceed.

Mr. ROGERS, of Arkansas. I desire simply to say this: that but for the conversation I had with the gentleman from Virginia I would have been prepared and ready to discuss this matter systematically to-day, but as it is, the only preparation I have been able to make was what I was able to make last night. Under the circumstances, it occurs to me, as a question which affects my district directly, as well as involves a question of public policy, more than sixty minutes should be given to those who wish to discuss the proposition.

Mr. CULBERSON, of Texas. The gentleman made two speeches before the committee on the subject.

Mr. ROGERS, of Arkansas. How many did Texas make? Fully a dozen.

Mr. CULBERSON, of Texas. I do not know.

Mr. TUCKER. I should like to be indulged in a single remark.

Mr. CULBERSON, of Texas. I believe I have the floor.

Mr. ROGERS, of Arkansas. Let the gentleman from Virginia be heard.

Mr. TUCKER. I do not remember the conversation to which the gentleman refers, but it was understood in committee no matters would be taken up in the House under this special order where there was controversy among members of the committee; and as there was no conflict in reference to this bill, I supposed the gentleman understood that it was to be taken up.

Mr. ROGERS, of Arkansas. The gentleman so informed me this morning; but two weeks ago, when I made the inquiry, he left the impression on my mind as I have stated it.

Mr. DUNN. I wish to suggest to my colleague that we must, of course, accept what the gentlemen give us.

The SPEAKER. The gentleman from Texas asked unanimous consent that at the end of an hour and a half the previous question shall be ordered on the passage of the pending bill, one hour of that time to be occupied by those opposed to the bill and half an hour by those in favor of it.

Mr. CULBERSON, of Texas. I think that is fair.

Mr. BLAND. I ask that it be extended to two hours, so those who are opposed to the extension of the jurisdiction of the Federal courts may have an opportunity to establish this that is more than a local question.

The SPEAKER. Is there objection to the proposition of the gentleman from Texas?

There was no objection, and it was ordered accordingly.

Mr. CULBERSON, of Texas. Mr. Speaker, this bill is unanimously reported from the Committee on the Judiciary. It is an important measure, important to Texas as well as to other localities, and I propose now briefly to call the attention of the House to the changes which this measure proposes in existing law.

I commence by saying that we have in the State of Texas three judicial districts, and the courts are now held at nine different places in that State. They are called the eastern, the western, and the northern judicial districts of Texas. The northern district and the eastern district abut on the Chickasaw and Choctaw Nations of Indians. The northern district and the eastern district of Texas are unequally divided. The nearest court in the northern district to the line—the northern line of the State where it abuts upon the Indian Nation—is

seventy to seventy-five miles. The nearest places where the courts are held in the eastern and northern districts are about equidistant from the Indian Territory. There are nineteen counties now returnable to Dallas, one of the places at which the court is held in the northern district, and only eleven returnable to Jefferson, in the eastern district, immediately south of the Choctaw Nation, which is about seventy-five miles. This bill proposes to take three counties out of the northern district of Texas, and, with the Choctaw Nation, form a new division of the northern district, with a court to be held at Denison, and it proposes, also, to take three counties from the northern district of Texas and put them with one county of the eastern district of Texas and form a new division of the eastern district, with a court at Paris, and will include five counties of the Choctaw Nation immediately north of Paris.

Mr. Chairman, the reasons for the change I want to present to the House briefly, as my time is limited. The court held at Fort Smith, in the State of Arkansas, which is in the western judicial district of that State, now has jurisdiction over eighteen counties in the State of Arkansas, and in addition to these eighteen counties it has jurisdiction over the whole of the Indian Territory—I mean over the Chickasaws, the Choctaws, the Seminoles, the Creeks, and the Cherokees, being five nations of Indians. I want to call the attention of the House to the location of the various points as I shall indicate upon this map which I hold in my hand. It will be seen that Fort Smith is located at this point. The location of the Chickasaw Nation, which is attempted to be consolidated with Texas under this bill, will also be seen, as I shall indicate, here.

The people of the Chickasaw country have to travel to Fort Smith by this railroad, which, it will be seen, runs northeast and then almost due south, involving a travel of some five hundred miles before they can reach the court, or else they will have to go northeast to Little Rock and then northwardly to reach Fort Smith, being about the same distance.

If instead of taking either of these roundabout trips they undertake to go across the country, that move involves the necessity of crossing a range of mountains here, located in the Choctaw Nation. The result is that the court at Fort Smith, as illustrated on this map, has jurisdiction of eighteen counties north of it and over the whole of the Indian country.

What is the result? The people are compelled to go to Fort Smith by one of these railroads, or cross the country about two hundred and fifty miles. We now propose to make a division in the west to accommodate the people in the Indian Territory.

There will be something said, doubtless, about Texas having so many courts, and being disposed to grab up the Indian Territory. I want to call attention to the fact that these Indians, now proposed to be attached to Texas by this bill, all trade with Texas, and nowhere else. They never have traded with any other section. All their social and business relations are with the people upon that border of Texas. They come before the committee by their agents and by petition asking that this arrangement be made. It is true that we hold courts in Texas at nine places already.

Mr. ROGERS, of Arkansas. Ten, is it not?

Mr. CULBERSON, of Texas. No, sir; nine. You are taking into consideration a bill that we are now trying to get through.

We ought to understand when we make that statement how much territory that country embraces. I do not propose, however, to go into that, for it is familiar to you all.

Mr. PETERS. May I ask the gentleman a question?

Mr. CULBERSON, of Texas. Unless it relates to this particular point I would rather not be interrupted.

Mr. PETERS. I simply wish to ask in this connection as to how many cases are pending at Fort Smith from this region of country.

Mr. CULBERSON, of Texas. I will answer that directly. Our courts are so arranged that there is not a single one now within a distance of less than fifty miles of some other court. The nearest are fifty miles apart, and both of these courts, if established, the one at Denison and the other at Paris, will be seventy-five miles from any other place where the courts are now held.

The effect of existing jurisdiction of the western district of Arkansas may be determined by looking at the report of the Attorney-General. It is true, as I have said, that we hold court at nine places in Texas, and last year, 1883, we did not spend as much at all of the places in Texas by $50,000 as was expended by the court at Fort Smith. The last fiscal year, 1883, there were $98,715 spent in all the courts in Texas; whereas at the district court, the western district of Arkansas, they spent $156,000; over $50,000 more than was expended for all the courts in Texas, and $60,000 or $70,000 more than any district in the United States spent for that fiscal year. And the reason for it is that the jurisdiction of that court is so extensive that it involves an interminable expense not only to the Government but to the litigants and the people who are compelled to go there.

Now I want to call attention to another fact. They have a judge over in Arkansas, a Federal judge, who, they say, is very fond of work. Last year he held a court at Fort Smith two hundred and ninety-seven days in the year, and they present that as an argument why this court should be held at Fort Smith, which is a bonanza for the lawyers and the officers. The Attorney-General reports that there are from fifty to one hundred prisoners constantly in jail at Fort Smith awaiting trial. Although this judge held a court for two hundred and ninety-seven days in the year, yet the Attorney-General makes a report and states that there were from fifty to one hundred prisoners continually in the jail at Fort Smith awaiting trial. Now these people demand that they should have better facilities for the court, and we claim that this bill is one of economy as well as one that will facilitate the transaction of the public business.

Mr. Speaker, how much time have I left?

Mr. KELLEY. Before the gentleman from Texas takes his seat, will he pardon me for a brief inquiry?

Mr. CULBERSON, of Texas. Yes, sir.

Mr. KELLEY. I would like to know whether the business of the United States courts in both Arkansas and Texas would not be greatly reduced by the repeal of the internal-revenue taxes and their harsh provisions?

Mr. CULBERSON. I refer that question to the Committee on Ways and Means.

The SPEAKER *pro tempore*. The gentleman from Texas has seventeen minutes of his time left.

Mr. CULBERSON. I reserve that time.

Mr. ROGERS, of Arkansas. Mr. Speaker, the generosity of my friend from Texas in the division of time would be more marked if he were not supported by a unanimous report of the Judiciary Committee of the House; and no one appreciates more than I do the temerity of undertaking to overturn a unanimous report of that committee. For them as individuals and as a body I have the utmost and highest regard; and upon any question touching the law I should defer at once to the opinion perhaps of any gentleman of that committee. But I think it will not be regarded as presumption in me if I state that I think I know as much of the situation of things in that Indian country by having come in direct contact with the Indians, and the laws and customs prevailing in it, as the whole Judiciary Committee taken together. I have lived for fifteen years at Fort Smith, where the court is located. I understand something of the laws governing that Indian Territory. And it has not only been developed in the committee in the discussions there, but it has been developed in the remarks of my friend from Texas [Mr. CULBERSON] this morning, that he does not understand anything in regard to the relations between the Indian country and the United States as relates to the laws and customs now in force.

Let me invite the attention of the House, and I trust I may have their attention, while I discuss briefly the provisions of this bill and the policy of the Government controlling that Indian Territory. These five half-civilized tribes it has been the policy of the Government by encouragement to elevate up to that plane of civilization where they can come into the Government of the United States as a State in this Union. With that object in view, the same court at all periods has had jurisdiction over that Territory. They have had their tribal councils, their national councils, where each tribe is represented, and they have formed and framed their government something like the Government of the United States. One Federal court for more than fifty years, for forty at least, has had jurisdiction over this Indian country. It is a peculiar jurisdiction, such as obtains nowhere else. They have become familiar with that court, familiar with its rulings, familiar with its practice, and the court has likewise become familiar with all questions touching their laws and customs, as well as the intercourse laws and the general laws extending over the Indian country, so that I venture the assertion that the court at Fort Smith will transact more business in a day than any new judge in the country will in three, if not in a week. So that as a matter of economy it is better and wiser to keep the jurisdiction where it is now than to embark in any new experiments.

Now, Mr. Speaker, this question arises, and I may as well invite attention to that point right now as at any other time, whether at this period when this Indian country is gradually ripening to that condition when it will become organized as a State and when it will become necessary to establish a Federal court in their midst—whether it is the policy of the Government at this late day to undertake to segregate that country and to attach it to various States surrounding it. Already in the Senate of the United States a bill has been reported by Senator VEST from the Committee on Indian Affairs of that body, if I may be permitted to refer to it, which looks to the establishment of a court in that Indian country. That bill has been there for years, but it has not up to the present time been passed. And the Indian agent, himself the accredited agent of the Government in that Indian country, in his last report says that that is the proper course to be pursued with reference to the Indian country. Said he:

> Criminals take advantage of this state of affairs, and crime is much more prevalent than if the court was established in the Territory as the treaty provides and the Indians desire. The Territory having no friend at court to call attention to these matters, the Indian Office should do so in the interest of good order and economy.

My friend from Texas [Mr. CULBERSON] indulged in an argument the effect of which was that the court at Fort Smith was overworked. But he neglects to tell this committee that among the public docu-

ments which went before the Judiciary Committee was the solemn protest of the judge of that court, for reasons which I shall undertake to assign, against the segregation of that Indian Territory. It is true Judge Parker held court two hundred and ninety-seven days last year, and that fact, taken in connection with the rapid growth of both Arkansas and Texas, foreshadows the necessity at an early day of making some change with reference to the organization of that court. And when the Indian agent, when the committee of the Senate at two different sessions of Congress have said that that country was ripe and ready for the organization of a court there, when the Indians themselves desire it, and when your treaties with them require it, I want to know, as a question of public policy, whether this House should not wait until the development of that country and the necessities of the people there will justify the creation of a court to be located in the Indian Territory, where it properly belongs. I submit that proposition for the consideration of gentlemen who know something of the history of Indian affairs in that country; I submit that proposition for the consideration of gentlemen who understand and know something of the public policy of the Government with reference to the advancement and civilization of the five civilized Indian tribes, who, as I said before, have to-day their national council and are patterning their institutions after the Federal Government. That is one proposition which I think deserves the calm and careful consideration of members of this House, whether in view of the circumstances they want to change that policy of the Government toward these Indians.

The argument which my friend makes, that $160,000 was spent at Fort Smith, is no argument against this question of public policy. What matters it to the Government, what matters it to the people who pay taxes, whether the $165,000 of expenditures necessary for the administration of law in the Indian country and the eighteen counties of Arkansas attached to that judicial district is spent at Fort Smith in Arkansas or at some place in Texas?

Why is it that after this judicial district has been organized for the last forty-five years these gentlemen have their philanthropy at this late day so aroused in behalf of the poor Indian?

Let me call the attention of the committee upon this point to the eagerness and avariciousness with which these parties come here. I will not say more than that, for I do not allude of course to the members of the Texas delegation in this House, because I have no idea whatever that they have any connection or interest in this matter to which I now allude at all.

Yet yesterday morning we saw circulars sent around and placed on the desks of members in this House, of which the following is a sample. There was one which reads: "We, the undersigned, ex-citizens of the State of Ohio, represent so and so," which was addressed to my friend from Ohio [Mr. WARNER]. Then there was another from "ex-citizens of the State of Mississippi," which was addressed to the gentleman from Mississippi [Mr. MONEY]. Another was from "ex-citizens of the State of Alabama," which was addressed to my friend from Alabama near me. Upon every desk in the House was this species of low demagogy, appealing to the State pride of members of the American Congress to enable these parties to accomplish this object. I acquit the members of Texas from any participation in that; I assume that they knew nothing about it.

A friend near me says that there was one from ex-citizens of Kansas. I dare say they came from every State represented on this floor, except the State of Arkansas, which is the only State to be affected by this bill. This miserable trick should condemn this bill.

Now let me proceed to another point in this discussion. I want in this connection to invite the attention of the Committee of the Whole to one other fact that I say is the most remarkable to be found anywhere in the history of this country. I hold in my hand a map of the State of Texas, and I invite attention to this significant fact: here [indicating on the map] is Dallas, where a Federal court is now held. It is on a line of railroad running to Denison, situated upon the border of the Indian Territory, in close proximity to the Choctaw and Chickasaw country. It is not exceeding seventy miles from Dallas to Denison, Tex.

Now, within that radius of seventy miles, in a district where there is not a town or city, by the census of 1880, exceeding 4,000 people, except Sherman, which had 6,000, in round numbers, the Committee on the Judiciary propose to establish two additional courts, separate and distinct from the one at Dallas, which last place only had 10,000 people in 1880, one of the new courts to be located at Paris and one at Denison, neither of which places had 4,000 people in 1880. I can with my hand cover the space on this huge map where these three Federal courts are to be held, with all their machinery.

Now, I want to know if the American Congress is ready to embark in that sort of legislation. What ought to be the underlying principles to govern the establishment of Federal courts? The convenience of the people? Yes, to a certain extent; but not altogether. The necessity for the courts is the controlling element. Now, let me appeal to my friends from the Western States, Missouri, Kansas, California, and the States west of the Mississippi River. Will they tell me where a single judicial district can be found in all those States in which the citizens in some part of it do not have to travel more than seventy miles to reach a court? Sir, Dallas, where the court now is, is in easy reach of all the seven counties comprising these two districts, and by rail. It is not more than one hundred miles to the extreme limit of any of the seven counties.

Take my own State, for instance, which is divided into two judicial districts. Until recently, upon the completion of the Iron Mountain Railroad, people were compelled to travel at least two hundred and seventy-five miles in order to get to a Federal court. And in the western district of Arkansas they travel as far as any citizen of the Choctaw Nation in order to reach a Federal court, and they have to travel without railroads, by stage or private conveyance.

Mr. HENLEY. Allow me to state to the gentleman that California, with 1,200 miles of seaboard, has only one Federal court.

Mr. ROGERS, of Arkansas. There is one illustration for you. Now, in the light of that fact I ask the Committee of the Whole to say whether they are prepared to embark in the programme advised by the Committee on the Judiciary? I find that in the State of Missouri, infinitely more densely populated than the State of Texas, the people have to travel in order to reach a Federal court as far as one hundred and seventy-five miles in a direct line, or if they go by rail they have to travel three hundred or four hundred miles. Sir, are these Indians, a mere handful of them, to have superior advantages to our own citizens? Why should Texas have greater facilities than Arkansas, Missouri, or California?

Mr. Speaker, one other point in this connection. I said a few moments ago that the people in the western district of Arkansas, the very district we are now discussing, have to travel just as far as any Choctaw Indian has to travel to go to that court. The district runs down as low as Little River County, where I hold my finger on this map [illustrating]. This [illustrating] is the southern line of the Choctaw Nation; so that upon an air-line due south Arkansas extends one hundred miles south of Fort Smith, where the court is now located in that State. If you propose to establish two courts for the benefit of six or seven thousand Choctaws, why should you not go into the western district of Arkansas and establish a court across the mountains in the district of my colleague [Mr. PEEL], or in the district of my other colleague [Mr. JONES], down at Little River, or Hempstead, one hundred miles off? When the Congress of the United States proposes to embark in this class of legislation we can find a hundred places in this country to locate courts where the people have to travel as far as the great majority of these Choctaws and Chickasaws have to travel, and not a mere handful of people either, but populous, growing communities of civilized American citizens, who contribute taxes for the support of Government and the benefits of its laws.

Now, let me invite attention to another feature of this transaction, and a most important feature. Last night I took the census and examined it in connection with this bill. I found that the northern district, with the court at Denison, will include Grayson County, Cooke County, and Montague County—a judicial district for three counties in the State of Texas, with no town of 5,000 people in that district, if I am not mistaken; certainly none of 10,000. To those you propose to add—what? The Chickasaws and a part of the Choctaws (the whole tribe of the Chickasaw Nation embracing only 6,000 people), and one-fourth of the Choctaws in that district, estimated at 4,500, making a total of about 80,000 people in one of these districts which this bill proposes to organize. The other district embraces four counties of Texas—Lamar, Fannin, Red River, and Delta, with a population respectively of 27,000, 25,000, 17,000, and 5,500, together with a portion of the Choctaws, about one-fourth, making 75,000 people in the entire district. Both districts together will not embrace as much population as the eighteen counties of the western district of Arkansas do to-day. Yet that court is not complaining. On the contrary, through its chief officer it is entering its solemn protest against this bill. In addition to its jurisdiction over eighteen counties it has jurisdiction of five civilized Indian tribes, embracing 60,000 people. Yet that court is transacting its business. And do you propose to make two new districts here, with only 150,000 people in both and only seven counties and the Chickasaw and half of the Choctaw Nation?

That is what this bill proposes. There is certainly nothing mean about this Judiciary Committee, if that is the principle upon which they are to proceed.

My friend makes another argument by alluding to the report of the Attorney-General on this subject. I will read the language which my friend quoted from that report:

> The district court at Fort Smith, Ark., has jurisdiction over many criminal offenses in the Indian Territory. A large number of prisoners are, therefore, necessarily held at that place. The county has no jail.

How many jails have you to hold those prisoners when you get your court?

Mr. CULBERSON, of Texas. Two.

Mr. ROGERS, of Arkansas. How large are they? Will they hold fifty or twenty-five persons all the year around? There is not a jail in Texas that is fit to hold fifty men the entire year around.

Mr. CULBERSON, of Texas. We do not hold them; we try them.

Mr. ROGERS, of Arkansas. You will have to hold them the greater

portion of the time. Your court will not sit all the year round. We disposed of over five hundred criminal cases last year; there is no complaint about the docket there. I read further:

They are, therefore, confined in the basement of the abandoned Army barracks, now used for court purposes. Officers of this Department who have recently visited Fort Smith report that the two rooms, in which are constantly crowded from fifty to one hundred prisoners, are totally unfit for use as a jail, being damp and unhealthy. Nothing separates the foulest murderer from the detained witness. Young and old, innocent and guilty, are all crowded together. Although a physician is in constant attendance, prisoners who have entered this temporary jail in apparent good health have, after a few months' confinement, been released almost physical wrecks.

Mr. Speaker, the Department of Justice refers this question to Congress and asks that some proper arrangement be made for this court and for these prisoners. We are having trouble even to get that accomplished. Yet my friend asks the Government to take upon itself the establishment not only of one but of three court-houses and three jails.

Mr. CULBERSON, of Texas. Two.

Mr. ROGERS, of Arkansas. I mean two. Are we prepared to embark in this sort of economy, and at a time, too, when, according to the report of the Indian Commissioner and the judgment of those who are familiar with the Indian country, that country is gradually ripening into a condition when it shall be ready to fall into line as one of the sovereign States of the American Union? That is another reason why this thing ought not to be done. Sir, when you segregate this country and attach it to the adjoining States, and construct court-houses and organize courts, these very things constitute impediments in the way of organizing a court in that country and in the way of its development and admission into the Union. It contravenes public policy and prolongs that barrier to progress in the West which has kept back that country, Texas included, a quarter of a century. Sir, this suicidal policy ought not to be adopted. This Texas delegation behind this bill ought to be able to see that they are chaining not only Texas, but Kansas, Missouri, and Arkansas to this dead carcass, "the Indian Territory," and all for a court-house or two when they are not needed.

My friend will now begin to discover why I insisted that we ought to have time to state this matter to the House. Let me invite attention at this point to some of the reasons assigned by the judge of that district why this bill ought not to become a law. First, let me state a fact of which perhaps all members of the House may not be aware, that this Indian country has never been surveyed. It is a wide waste with no Government surveys, no marks, no posts, no county lines, nothing by which we can be guided in the division we have undertaken, for the purpose of attaching it to different districts so as to allow the officers of the law to know where they are executing process placed in their hands.

Let me invite attention to the phraseology of this bill: "The Indian Territory included within the counties of Towson, Red River, Cedar, Wade, Neshoba, Eagle, and Boktuklo"—and I will stop here to say there is no such county in the Indian Territory known as "Neshoba," never was; but to go on—"comprising the second judicial district of the Choctaw Nation, and the county of Kiamitia, in said nation, be, and the same are hereby, attached to the eastern judicial district of the State of Texas for judicial purposes."

The next section goes on with "the counties of Lamar, Fannin, Red River, and Delta, of the State of Texas, and all that part of the Choctaw Nation attached to the eastern judicial district by the provisions of this act, shall constitute a division of the eastern judicial district of Texas."

I come back now to show you how we are to ascertain the effect of this bill. The writ is issued in Texas, the marshal starts out to execute it, he is told the party lives in Towson County, or Red River County, or Cedar, or Wade, or some other given county, and when he goes to execute it he finds the party has fled, taken to the brush, "on the scout," as they say in that country. He pursues him. How can he tell when he strikes a county line where he is authorized to execute the process he is called upon to execute? There is no provision in this bill for the marshal to go beyond his district. So criminals scout to and fro across the lines in the Territory and defy arrest.

Let us see whether it is practicable or not. I will take as a matter of illustration Gaines County, one of the counties to be attached to this judicial district. Let us see how that reads. I hold in my hand the published Choctaw laws. I will read:

An act repealing an act entitled "An act to change the boundary lines of Gaines County."

Be it enacted by the general council of the Choctaw Nation assembled, That the act passed the general council and approved October 12, 1863, changing the boundary lines of Gaines County, be, and the same is hereby, repealed; and that the first boundary lines of Gaines County as established in the year 1850 be, and the same is hereby, revived and re-established for the convenience of the counties of said Gaines and San Bois, in Mashalatubbee district.

Who knows what the county lines in 1850 were? Who can go thirty-four years back and tell what those lines were. On page 111 of this same book you will find a subsequent description of Gaines County (I suppose it is) which reads as follows:

The Gaines County to commence at the Longtown Creek; thence up Canadian River to the mouth of Gaines Creek; thence up said creek to the mouth of Bushy; thence up said Bushy to dividing ridge which separates Mashalatubbee and Apuckshunnubbee districts; thence eastwardly along said dividing ridge to the boundary line of Sugar-Loaf County.

Who knows where Gaines Creek is? No one but an Indian. But, sir, where is the man who knows anything of this Western country who can tell where the dividing line of one of these mountains is? Within sixty miles of my home, in my own State of Arkansas, runs a mountain which rises 3,300 feet above the surrounding country. On its top, a mile wide, it is as flat as this floor, with farms and a happy people. Yet here we are to follow county lines by some dividing ridge. When a deputy marshal went to execute a writ how would he know when he came to the county line—"the dividing ridge"—when the county line was some dividing ridge which was a mile wide and as flat as this floor, or in some cases five miles wide? Yet that is the sort of description we have in this bill.

It is not only so in regard to that Gaines County, but it is so with every one of them, with one exception, so far as I have been able to find. On page 109 of this book we have this description of Blue County when it was called Tiger Spring County:

The Tiger Spring County line shall commence on Red River where the Chickasaw district boundary line strikes the same; thence down said river to Beal's Ferry and where the Kiamachi County strikes the same; thence northeasterly along said county line to the mouth of Caney or Arch McGee's Creek; thence up the maine channel of the Muddy Fork of Boggy to where the road leading from Fort Smith to Fort Washita crosses the same; thence along said road to where the Chickasaw district line crosses the same; thence along said district line to the beginning.

The next county is the county of Jack's Forks. Now, what is said of that county? Let me read it for you:

The Jack's Fork County line shall commence on the Muddy Fork of the Boggy at the mouth of Caney or Arch McGee's Creek; thence up said creek along the Kiamachi County line to the course of Ten Mile Creek; thence down said creek to Kiamachi stream; thence north and west along the Pushamataha district boundary to where the same crosses the road leading from Fort Smith to Fort Washita; thence along the said road to the Muddy Fork or Middle Fork of Boggy; thence down the said stream to the beginning.

Now, Mr. Speaker, what is the difficulty? Let me illustrate. When a marshal from Fort Smith goes into the Territory to execute a writ in one of these counties belonging to that district he must take upon himself the question of deciding where the line is between these different counties. There is no landmark to guide him. The people live miles apart. They do not know the lines half the time, if at all. If he goes across this line into one of the counties attached to the Texas district, then he would have no authority to make the arrest and would be unprotected by his writ. If the officer belongs to the Texas district and crosses over in the western district of Arkansas, the same thing occurs; and so every officer must act upon his peril in serving writs, for no lines are established by survey or otherwise by which anybody can be guided. Not so in the States. There every man owns his lands and knows his lines and the county lines are well known or easily ascertained. But here the line itself is indefinite and uncertain. The bill in that respect is simply impracticable, and that is one of the reasons assigned by the Federal judge why the present jurisdiction of the districts should not be interfered with. This difficulty was foreseen, and it must be apparent to anybody who will give a moment's consideration to the matter. And another thing, when the man is arrested and brought from this Indian country one hundred and fifty miles to the court, the first question that will be raised is whether the offense was committed in the northern or eastern district of Texas or the western district of Arkansas. How could you prove where the offense was committed? If it occurred near the line of the two districts, it is utterly impossible to do it with such descriptions as are in this bill of the territory embraced in it. So it is you defeat the administration of the law and baffle the courts.

If the party be an Indian, and wants to escape, he will find Indians to prove the venue in the other district; and when he gets in the other district he will find others to prove the venue in the one he had just been acquitted in. But if it be a white man, it would be utterly impracticable oftentimes for him to do it; for there is not one of these men in forty who live through that region who could tell anything more about these dividing lines than they could about the inscriptions upon the pyramids; most of them are transient people, who neither know nor care about the lines or anything else except for the moment. Finally, you have the Federal jurisdiction dependent upon an act of the Chickasaw or Chocktaw council. Sir, I do not think we are ready to come to this order of things yet. It will inevitably result in conflicts of Federal jurisdiction, and the defeat of the ends of justice. Then there is no provision in this bill for offenses already committed but not punished. Where will the jurisdiction be? What becomes of cases pending at Fort Smith from the Chickasaw country, when this bill goes into effect? What becomes of offenses already committed, where the offender has not been indicted or apprehended? This bill is imperfect, crude, and ill-advised.

My friend from Texas has held up for your examination this map and pointed out these great red lines here, indicating the directions and locations of the lines of these districts; but it is quite a different thing when he undertakes to tell the line between counties, when the line itself may be at any place within a mile upon the mountain-top, as I have undertaken to demonstrate. Sir, it looks well on paper; but he would give up in despair if he had to trace the line in that Territory.

Now, I have this to say to my friend from Texas, who has anticipated

my remarks to some extent upon one point with reference to this bill. He told you that I would perhaps have something to say as to the number of courts in the State of Texas, and paraded the amount of money spent in Arkansas. Well, Mr. Speaker, I frankly admit that I have. Texas is a very large State. It has 263,000 square miles of territory. Arkansas has 53,000 square miles and the Indian Territory is larger than Arkansas, the two combined embracing from one hundred and five to one hundred and ten thousand square miles of territory. Well, Texas is only two and one-half times as large as the two combined; and while I find according to my information ten courts, according to his information nine different courts, in the State of Texas, Arkansas has three courts only, one at Helena, on the Mississippi River, one at Little Rock, the capital, and the other at Fort Smith. But there is no great clamor among the people of that State for additional court facilities. I think the gentleman is about as anxious on the subject of Federal courts as anybody, and as urgent for their establishment. When he says that I am touched with the Federal court and the expenditures it necessarily involves among the people, it occurs to me that he is also a little soft himself on the Federal court question.

How many counties has the State of Texas? Two hundred and twenty-seven. Now, with ten courts that would be an average of only about twenty-two counties to a district. In the western district of Arkansas we have eighteen counties and the whole of the Indian Territory, and yet the people there are not complaining about the difficulty of attending court and asking additional court facilities. The eastern district of Arkansas is as densely populated as my friend's State, or a large part of it, and has fifty-eight counties in it, and they do not complain of the great distance they travel nor do the judges complain of being overworked. Two judges transact all of the business, and if these gentlemen could get their judges to work as faithfully and as hard as those in the State of Arkansas, I imagine that he would have no trouble in transacting all of the public business, and perhaps with very few complaints on the part of the people. Perhaps they do, and perhaps there are no complaints. It is only the poor Indian that the great heart of Texas yearns for.

Another suggestion, and I address this especially to the gentleman from Texas himself and those from that State. What are the reasons for this new-born philanthropy about these poor Indians who have been satisfied for forty years with present arrangements? I will give you the reasons. Denison, Tex., is a rapidly growing town and is outstripping Sherman, the oldest and the largest town until recently in that part of the State. Sherman is jealous of her younger and fairer sister Denison. Gainesville is also jealous of her rivals. All of them are struggling for the supremacy. They conceived the idea of advancing their interests by the location of a court in that section. Their delegations came on, and the result of their unseemly contest was a compromise, getting two courts instead of one. I admire these Texas people; they know a good thing when they see it, and they can see it as quick as a hawk can a spring chicken in a country barn-yard.

But my friend from Texas understands very well that he can not get the American Congress—or come here with any plausibility and ask the establishment of a court at Sherman, or Gainesville, or Clarksville, or such places, because he would be met with the suggestion that they already have every facility in that direction that is given to other districts in the country; indeed all that is needed now and for years to come. And the result of it is they lap over and take a part of another district, to use it as a sort of lever to prize out of this House a court for Northwestern Texas when they do not need a court and are not entitled to it.

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. ROGERS, of Arkansas. Yes, sir.

Mr. WHITE, of Kentucky. I wish to ask whether the real cause of all this is not that they may have a public building at the town where they want a court?

Mr. ROGERS, of Arkansas. The gentleman's question is very suggestive. But my friend has thrown me off my line of remark and I forget the point I had in my mind when he interrupted me.

Mr. STRUBLE. You were speaking of the controversy between the different cities.

Mr. ROGERS, of Arkansas. I say that is the origin of this difficulty. Each one of these towns, Gainesville, Clarksville, Denison, every one of them has had its delegation, and they have finally compromised by getting two courts instead of one. They came here for one court, but the Judiciary Committee in the exuberance of its good nature and generous kindness gave them one more than they asked for. And it is all for the benefit of these poor Indians, who in the beginning traveled not only from the Chickasaw country to Fort Smith, but to the central portion of Arkansas, to Little Rock. For more than twenty-five years since that period they have been traveling to these points. And this is the first complaint when the towns on the northern border of Texas want each a court-house to enable them to outstrip the other. Denison gets it, Paris gets it, and thereby another obstacle is overcome, another friend is found in court, because a distinguished Senator lives at Paris and he would not like to be overlooked in the generous distribution of the good things at the hands of this kind-hearted Judiciary Committee of which the gentleman from Texas [Mr. CULBERSON] in charge of this bill is an honored member. I enter my solemn protest against this proceeding. I do not wonder these gentlemen would not give us the time to go into a systematic discussion of this bill.

> If it were done when 'tis done, then 'twere were well
> It were done quickly.

I tell you it can be ventilated; and it ought to be ventilated, and we ought to have had the time to ventilate it. There is no sound reason, no principle of public policy, nothing that can be assigned to justify these parties in establishing three Federal courts within a radius of seventy-five miles where there is not a city of 5,000 people. Who ever heard of such a proposition? And it is all for the benefit of about 14,000 Indians who have been traveling from one hundred and fifty to three hundred and fifty miles for the last forty years. I invite attention to that proposition; and if these gentlemen deny the proposition I assert I will establish it here with reference to the population in that Indian country, for I have it here before me. The Cherokees have only 22,000; the Choctaws 18,000; the Chickasaws 6,000; the Creeks 14,000; the Seminoles 3,000. So that for the benefit of about 14,000 Indians out on the border who have been satisfied heretofore with one court they must have two new ones. Only these 14,000 Indians are benefited by this bill; the others are left to the jurisdiction of the court at Fort Smith.

In other words, they propose to set down a Federal court at the door of every wigwam if this policy is to be adopted. Sir, what are a hundred miles to an Indian? What does he care about it? If he goes, he is paid for it. He does not hurt himself at work anyway. If he gets $1.50 per day, it is the best pay he ever gets. He never made any complaint until Texas got hungry for courts and set on foot this movement. And he is still willing to come to the court he has been coming to during all those years. Yes; he is fond of it. It is a picnic for him.

How much time have I remaining?

The SPEAKER. The gentleman has twenty-four minutes.

Mr. ROGERS, of Arkansas. I yield fifteen minutes to my friend from Arkansas [Mr. DUNN].

Mr. STRUBLE. Before the gentleman from Arkansas resumes his seat I should like to ask him one question. If I understand the gentleman from Texas [Mr. CULBERSON] correctly, one of the reasons for asking this change is that it is important for the court at the place named to dispatch the business which accumulates there.

Mr. ROGERS, of Arkansas. I will state to the gentleman that Judge Parker himself has entered his solemn protest, which I laid before the Judiciary Committee, saying the court could attend to the business there and did it substantially. That letter I can not find. When I inquired for it the clerk of the committee could not find it.

Mr. STRUBLE. Why are there so many prisoners confined there constantly?

Mr. ROGERS, of Arkansas. Because the marshals go over that country and bring them in, and they are put in prison and as fast as they can be indicted they are tried. Sometimes a marshal brings in with him fifteen at a time. They must go to jail until examined, of course.

Mr. STRUBLE. There is a large posse all the time?

Mr. ROGERS, of Arkansas. All the time; and possibly that is one of the things my friend from Texas wants.

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. ROGERS, of Arkansas. Yes, sir.

Mr. WHITE, of Kentucky. I ask the gentleman whether it would not be better to have a court in the central portion of the Indian Territory than to have it divided, a part in Arkansas and a part in Texas?

Mr. ROGERS, of Arkansas. I have stated distinctly that when the time comes for a change of the Federal jurisdiction at Fort Smith, Ark., it is not my own opinion merely, but it is the opinion of the Committee on Indian Affairs, that a court should be established in the heart of that country, and the Indian agent says the same.

Mr. WHITE, of Kentucky. Will not this lead to a clashing between the different courts?

Mr. ROGERS, of Arkansas. Inevitably so. It also creates an impediment to the development of that country and prevents a rapid advancement of these Indians in the great race of civilization and the admission of the Territory as a State. Now, I yield fifteen minutes to my friend from Arkansas [Mr. DUNN].

Mr. DUNN. I could not expect in that brief time to discuss intelligently and thoroughly the broad questions involved in this measure. Not much is necessary to be said after the very able and exhaustive argument of my colleague [Mr. ROGERS], who has well presented the whole case to the House and in its true light.

This Indian Territory is 70,000 square miles in extent. It was acquired from France in the purchase of the Louisiana territory and became a part of the sovereignty of this country. The Indians occupy it under treaty stipulations only. Past experience has proved and we may assume that the barbarism of Indian savages in their aboriginal condition in this country and with their nomadic customs can not coexist with Christian American civilization. Either that barbarism must be subdued and subordinated to the demands of civilization or the Christian civilization of this era must droop and perish like a plant under the deadly shades of the upas.

Thus far barbarism has yielded everywhere. To the north of this Indian Territory civilization has swept a thousand miles and more to the west; to the south it has gone nearly as far. But this Indian Territory stands upon the western frontier of Arkansas as an insurmountable obstacle to the advance of our civilization westward like a breakwater, against which the tide of Christian civilization dashes itself in vain, and, parting, flows around it to the north and to the south. It is to us in Arkansas, it is to Missouri, to Kansas, to Colorado, and to Texas as a dead body chained to the living, destroying and obstructing the hope of advancement, the hope of the development of our resources, and the hope of the onward march of civilization.

It is to the interest of the Indian himself, it should be and is the true policy of this Government, to absorb the Indian into our system of civilization. We can not allow any element to exist in this country that does not form a part of our civilization. That is and should be adhered to as the fixed policy of this Government. It is on this principle that we exclude Chinese immigration from our country.

If we now enter upon the policy of parceling out this Territory, giving a part to Kansas, a part to Arkansas, a part to Texas, and a part to Colorado, we shall have these four or five States constantly contending over a division of that Territory. We will introduce a miniature form of European politics into the polity of those States and have them struggling for the control of this Indian Territory to prey upon it. And the question will be not who can best advance the public interests and the interests of the Indians, but who can make the most out of them.

The Government owes it to the Indians, owes it to its own civilization, to extend a policy there which is consistent and in harmony with our institutions. I am glad that my colleague has pitched this discussion upon a higher ground, far above any contention for the mere local interests of Arkansas. It is not the local interests of Arkansas that is opposing this bill. We go upon a broader and higher plane than that, and place our hostility to it upon higher grounds.

Whenever there is a change the interest of the Indian demands, their intelligent, far-seeing men demand, and the policy of the Government demands, that a court, the first great civilizing factor in our form of government, shall be planted in their midst. Give to them individuality of right, individuality of responsibilities and of citizenship, and demand of them conformity of our laws; in other words, absorb them into our system of civilization, dignify them with citizenship.

We have cast all the duties and franchises, rights and dignities, of citizenship upon the negro, who has been a slave from the day of his introduction into this country. Shall we deny it to the Indian, who has been personally a free man always, animated by that high and proud spirit of personal freedom which gives courage in action to every man and individuality to his sense of responsibility? Are they less deserving of it than the recently emancipated slave, who in his hovel of slavery was as untutored as the savage in the wilds of the forest and as ignorant of all the duties and responsibilities of citizenship?

I admire somewhat the dash that has characterized the present distinguished delegation in this House representing the great State of Texas. Have you considered, gentlemen of this House, the spirit of the policy which they have pursued here during this session? Not long ago they asked us to give them a new county *in toto* from the Indian Territory, away up toward Colorado or Kansas, somewhere in that terra incognita known as the "Pan-handle."

Mr. LANHAM. Will the gentleman——

Mr. DUNN. Not now. They demanded a new county there absolutely, to be given them as a part of their public domain. Do you remember, gentlemen, that Texas retained for herself all her public domain, while the other States in this great family of ours surrendered their lands and put them into the common store of the nation, like those old fellows a long time ago, who under an old form of religion came up and put all their goods, chattels, and wealth into the common store? But there was one fellow who kept out his estate and tried to conceal it, but the fires of heaven descended upon that fellow and consumed him for his greediness. "*Verbum sat sapienti.*"

But perhaps a still more appropriate reminder to them would be the fable of the dog that crossed the brook with a bone in his mouth. He dropped the substance to grab at the shadow.

We passed their former bill, by which Texas may take a county bodily rom the Indian Territory. Now she comes here with the same spirit of what I might call audacity (and I mean no offense) which animated a soldier whom I saw once approach another soldier and say, "My friend, if you will lend me your pipe and give me some tobacco I will take a smoke, for I have a match." [Laughter.] Texas has a place for a court, and if we will give it a court and give it the Indian Territory for jurisdiction they are willing to hold the court. There is some dash about that.

Mr. CULBERSON, of Texas. I know the gentleman does not want to misrepresent anything. Texas never asked the United States to give them a county.

Mr. DUNN. Only to acknowledge that it had already the right to it.

Mr. CULBERSON, of Texas. Not at all.

Mr. ROGERS, of Arkansas. They have asked us in this very bill for the very county which was in contest in that measure.

Mr. STEVENS. The gentleman is mistaken in that.

Mr. ROGERS, of Arkansas. They ask for Red River County.

Mr. LANHAM. Red River County and Greer County are two different counties.

Mr. ROGERS, of Arkansas. Then I am mistaken.

Mr. DUNN. This measure is not calculated to advance the general policy of this Government, which intends to make a better man of every man in it, including the Indian. It is not in furtherance of that high policy of civilization and the progress and general prosperity of the country that animates our entire policy. It is the aggrandizement of locality. The question we are called upon to settle here is, shall the general policy of the Government be surrendered? Shall we give up all hope of organizing this Territory into a separate jurisdiction of its own, advancing finally step by step to the dignity of one of the States of this grand sisterhood and taking its place as one of the fairest and most prosperous in our grand galaxy of States? Shall we sacrifice all that and all the hopes of the future in order to gratify the ambition of lawyers for practice, of towns for more business, and of a State for more public buildings?

Mr. WHITE, of Kentucky. That is it—more public buildings.

Mr. DUNN. It is unwise policy. We are not seeking to hold the "loaves and fishes" for Arkansas. We repel that idea entirely. We are asking to remove this great obstacle to the march of civilization, so as to let the enterprise of our people move westward; so as to allow great civilized communities of dense, intelligent, and wealthy populations to grow up, communities that have feelings, interests, and aspirations in common with us; so as to remove from our border this desert, this semi-barbarous waste; open the way for the onward march of civilization, leaving ajar for the Indians the doors that lead to knowledge, enlightenment, and civilization—leave to him the hope of advancement.

If we look merely to a division of "loaves and fishes," the Indian will perish in his savagery, his ignorance, his poverty, and we shall have this land of desolation to the west of us standing for an indefinite period of time in the way of our advancement and prosperity. We desire to adhere to the policy advocated with so much wisdom and ability by the Interior Department and by the Commissioner of Indian Affairs—a policy demanded by the wisest men of the Indian nations themselves, as well as by every consideration of public policy and enlightened statesmanship.

I desire to give notice now that I shall move for a recommitment of this bill with instructions to the committee to bring in a bill to create and establish a court in the Indian Territory. The question of retaining this Territory longer in the jurisdiction of a court located in the State of Arkansas, or any other State, is a matter that has no influence or weight with me; but I do demand that our people be released from this dead carcass which is now chained to them, bearing them down and obstructing their way to prosperity and development. How great have Missouri and Wisconsin and those other States grown with the country westward all open to the march of civilization. What would have been their condition to-day had these great obstacles stood on their western border? Gentlemen of the great Northwest, who have seen fabulous strides made in the progress and development of one of the greatest countries on the earth, what would have been your condition to-day if you had been obliged to contend with such an impediment to your progress? We have been chained to this thing for half a century or more, and still it stands in the pathway of all our future hopes.

[Here the hammer fell.]

Mr. ROGERS, of Arkansas. I yield three minutes to my colleague [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE. Mr. Speaker, if the policy for which the delegation from Arkansas contend should prevail it will result ultimately in the loss to Fort Smith of the entire practice of the Indian Territory. Hence no motive of professional aggrandizement can influence our advocacy of this bill. But Arkansas has a greater policy. We border upon the Indian Territory; we want that Territory to become a State, and to be prepared as early as possible for admission into the Union. In harmony with this time-honored policy we are treating that Territory as a unit. When gentlemen say that the docket at Fort Smith is crowded, I admit it; but it only shows the greater necessity of hastening to that point where we shall establish a Federal court in the Indian Territory, as we have always looked forward to doing; and in this view we have preserved the unity of the Federal policy toward the nations inhabiting that Territory. Now at this late day comes a proposition to violate that policy, to break up this Territory into different sections or parts and scatter it to the four winds of heaven.

Sir, we have no wish to deny to Texas as many places for holding courts as she may desire. She already has nine to our three. If she wants a dozen, we are perfectly willing to see her have them. Nor do we wish to deny practice to the lawyers of Texas or retain it for those of Arkansas; for, as I have said, we are advocating a measure which would ultimately take from the lawyers of our State the practice they now have from the Indian Territory. But let us not under the joint influence of a desire for practice in certain sections, or for court-houses possibly in the early future at certain places, abandon the conservative policy which this Government has heretofore pursued in the treatment of the Indian Territory. We want it to become a State; and in order

that it may be prepared for this we favor the establishment of a seat of justice in that Territory, as the Indian Commissioner recommends and as our treaty requires. Though it may take from our lawyers every fee that they now receive for business coming from the Indian Territory, yet we desire to preserve the interests of those Indians and to maintain the settled policy of this Government in regard to that Territory. Great numbers of those Indians now have wealth and culture. They have churches, school-houses, newspapers, and all the attendants of civilization. I want now to see the Senate bill passed giving a court to that Territory. This patchwork would postpone it and the growth of the Territory. We want that country to grow, to become open to our people, and then our State will lose a few fees, for which I care nothing, and we will gain a great commercial ally, instead of, as now, having a Chinese wall upon our whole western border.

Mr. ROGERS, of Arkansas. I yield three minutes to my friend from Missouri [Mr. BLAND].

Mr. BLAND. I certainly shall favor the proposition of the gentleman from Arkansas [Mr. ROGERS] to recommit this bill with instructions to give that Indian Territory and the Indians composing the various nations a court of their own. We are dealing very singularly with these Indian nations. In the first place, we recognize them to some extent as being independent, as having governments wholly independent of our own, possessing their lands and the right to self-regulation and local self-government. Yet, sir, if we desire to run a railroad through that Territory, we can claim that the lands of those people belong to the Government, and we have the ultimate right of eminent domain over them. And that is a doctrine I subscribe to; and subscribing to that, there is nothing left except to recognize them as citizens of the Government and give them a status with courts of their own. And it is not treating those tribes properly to say when we desire to exercise jurisdiction over them we will do so, and when they claim the right they ought to have local self-government and local courts, we will attach them to Arkansas, Texas, Missouri, or Kansas.

That Indian Territory is larger than the State of Kansas. It possesses as much, if not more, natural resources of wealth. It is not proper legislation with reference to that Territory to undertake to make a barrier to the civilization constantly pressing forward to the West. Take the great cities of Missouri, Kansas, and Arkansas, which ought to have the support of a large population in that Territory, but to-day it is of no avail and no use to their neighbors, because it is permitted to be roamed over by nomadic tribes of Indians.

I say in voting to recommit this bill I vote in a direction and for an object I have always contended for since I have been a member of this House, that not only these Indians but the Indians of this country generally should be placed under the jurisdiction and control of the laws of this country and made to live like white people. We place them on these reservations, these places of imprisonment so to speak, until we can take their land from them.

Let us make a beginning in this matter. It is a proper place. These Indians are to some extent civilized and enlightened. They have schools and local government. They are prepared to receive from us a Territorial government and courts of their own. That is the proper direction legislation should take on this floor.

Mr. ROGERS, of Arkansas. I have two minutes left, and there are two or three facts I desire to state to the House which I do not think can be controverted by anybody. I know they are facts many are not aware of.

In the first place, one of the grounds urged by the committee for the establishment of this court is that commercial intercourse on the part of the Indians and white people is with the people of Texas. If these Indians have any commercial intercourse of any kind it does not amount to a row of pins. I never knew of a white man suing an Indian on an executory contract in any court, unless the contract was made in a State. You may make executory contracts, but you can not enforce one of them without violating an act of Congress. That, of course, cuts off anything like commercial jurisdiction in the Federal courts. After fifteen years' practice in the Federal courts there, I have never known of a case between a white man and an Indian or an Indian and a white man. You can not sue a man in the Indian Territory unless you can get service in a State, because civil process does not run in the Indian Territory for any purpose whatever. So far as the allegation is concerned about commercial intercourse it is worse than nothing, because it has no connection with it.

[Here the hammer fell.]

Mr. CULBERSON, of Texas. I now yield five minutes to the gentleman from Ohio, Mr. TAYLOR.

Mr. EZRA B. TAYLOR. Mr. Speaker, having been on the subcommittee on the judiciary, to which this case was referred, and having listened with a great deal of patience to all of the discussions which it elicited and which lasted for several days, and having already heard all that has been said to-day in the committee and a great deal more, with the single exception of the idea suggested by the gentleman from Missouri [Mr. BLAND], I may say that the committee who have reported this bill did not fail to consider for what they were worth all of the suggestions that have been urged here.

But, sir, there were other questions of greater importance that induced that committee to come to the unanimous conclusion as to the value and the propriety of this bill. The Chickasaw Nation has a court of its own to-day. The Federal court has cognizance and jurisdiction of these matters arising between the whites and the Indians. There are as many, perhaps, of white men engaged in mining coal and great interests of that kind which are in the Chickasaw Nation, and also fugitives from justice, as there are of Indians themselves. These people of the Chickasaw Nation were all attached to Fort Smith district on the overland route, to reach which is a mountain range almost impassable; in fact there is no way of crossing it, as I am informed. The only way for them to get to Fort Smith is by the railroad either on the north or east, and that involves a travel of five hundred miles. Every service or process of any kind from that court added so much more of cost, until this court at Fort Smith to which these people are attached has come to cost the Government more than any other court in the United States—I believe, as has been said to-day, more than all of the courts of Texas cost put together. And why? Because it is expended in the process of going for witnesses and parties to the suits.

Now, these people are right alongside the northern boundary of Texas, and this bill was not presented for the benefit of Texas or any portion of it, but to give these people equal advantages in this matter, and for the correction of this evil that would not be endured by any other people under heaven. And I say here to-day that there are no people that I know of, who understand this question, that have objected to it except the lawyers at Fort Smith, and they have the best of reasons in the world for objecting. The legislature of the Chickasaw Nation, the people of both these nations, the government of both these nations demand the passage of this very act, and nobody except the Fort Smith attorneys and the officials there object to it, as I have said. And they can give no reasons, as it appears to me, except this one: that at some time this nation ought to have a court itself.

Mr. DUNN. It ought to have it now.

Mr. EZRA B. TAYLOR. When did you first think that?

Mr. DUNN. I have always thought it.

Mr. EZRA B. TAYLOR. When did you first speak of it in this connection? When did you introduce a bill for that purpose? This bill is a step in the right direction.

Mr. DUNN. I will state to the gentleman that I do not enjoy the privilege in that respect which the gentleman himself has had, because I was not upon the committee; but I will state to him that if I had been a member of that committee I should long since have brought in a bill for this purpose, as I think he should have done.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CULBERSON, of Texas. I will yield to the gentleman a minute more.

Mr. EZRA B. TAYLOR. I want to say there are no nine Federal courts in Texas, as stated here to-day. There are only three Federal courts, but they have nine places in which they hold the courts, as there is but one Federal court in the northern district of New York, but they hold this court in six different places. This is not a bill to enlarge the Federal judiciary or to create new offices, but is a bill to cheapen the administration of justice and to facilitate the transaction of business, and also as a matter of convenience to all of these people.

Mr. CULBERSON, of Texas. I now yield four minutes to the gentleman from Vermont [Mr. POLAND].

Mr. POLAND. Mr. Speaker, if anybody feels any excitement on this subject, I certainly do not. I reside farther from this Territory than any other member of the Judiciary Committee, and I would not take occasion to say a word here except that I happened to be a member of the subcommittee to which this subject was referred. We all agreed, and the whole committee agreed, that it was a plain and clear case. In this Indian Territory, down in the very southern part of it, and right along upon the northern border of Texas, live two of these tribes, and all their business relations are with Texas. For judicial purposes the whole Indian Territory has been attached to the western district of Arkansas, and my excellent and ardent friend from the western district at Fort Smith appeared before us and was as diligent and ardent in his endeavors there as he has been here. But it was wholly a question before us whether these people should be required to go nearly two hundred miles to Fort Smith or whether a place should be established at one or more points right upon the northern border of Texas and in the immediate vicinity of the people, where they could be accommodated, and where crime, which all agree is prevalent in this section of the Indian Territory, could be more readily reached and most readily punished.

Now, this whole idea, as has been said by the gentleman from Ohio [Mr. EZRA B. TAYLOR] about having the Indian country made a judicial district by itself, with a court for itself, never was suggested before the Judiciary Committee.

Mr. ROGERS, of Arkansas. I ask permission of the gentleman from Vermont to correct that statement. That is a mistake. I did state positively and emphatically on more than one occasion that the policy of the Government should be to wait and establish the court in the Indian Territory when the necessity came for making any change.

Mr. POLAND. Very likely my memory may have become impaired; but I believe I remember pretty distinctly what the gentleman

said before the Judiciary Committee; and for the first time in my recollection has the idea of having a separate court for the Indian country and making it a separate judicial district by itself been suggested to the committee when it was suggested here this morning on this floor.

Mr. ROGERS, of Arkansas. My friend from Vermont is simply mistaken. I cited the Vest bill and called the attention of the committee to it, as I did this morning.

Mr. POLAND. Having only four minutes, I can not stop to contradict my friend. I can only say so far as my memory goes not a word was said on that subject before the Judiciary Committee, and, to use the language of lawyers, the whole thing is a complete departure from what was said before the Judiciary Committee.

Mr. ROGERS, of Arkansas. I rise to a question of personal privilege. I do not suppose the gentleman from Vermont proposes to contradict my statement.

Mr. POLAND. I only contradict it to this extent, that I have not the slightest recollection of such a statement being made before the committee or anywhere by anybody until this morning.

Mr. ROGERS, of Arkansas. Then I have nothing further to say on this subject. I am not responsible for the gentleman's memory. But I did state it positively and emphatically. I made the same statement before the Judiciary Committee as I have made here to-day.

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] has seven minutes remaining.

Mr. CULBERSON, of Texas. I yield four minutes to my colleague from Texas [Mr. THROCKMORTON].

Mr. THROCKMORTON. I only desire to call attention to one or two observations made by the gentleman from Arkansas [Mr. ROGERS] when he addressed the House this morning. He spoke of the necessity of this Indian Territory being constituted a separate district. Now, Fort Smith has had jurisdiction of this entire Indian Territory for forty years.

Mr. ROGERS, of Arkansas. That is a mistake.

Mr. THROCKMORTON. The gentleman stated that in his speech.

Mr. ROGERS, of Arkansas. If I did, I withdraw the statement.

Mr. THROCKMORTON. There have been others here in Congress who have tried to take care of these Indians. But Fort Smith has lived and fattened upon them, has had its very existence from these Indians, and it is now a very hard thing for these gentlemen to give this up, or even a small portion of it, when they have had these Indians under their jurisdiction so long.

These Indians, by themselves and by their agents, have petitioned for the passage of this bill. It is not a movement on the part of Texas. There was no such movement until these Indians suggested and begged to be taken from the jurisdiction of Fort Smith and placed where this bill places them.

I wish to call attention to the statistics of the population of the Territory. The gentleman from Arkansas [Mr. ROGERS] gave it as 63,000. Here is the report from the Indian agent, and he says in addition to the population stated in the figures quoted by the gentleman from Arkansas there were 40,000 more, consisting of negroes who are not adopted as citizens and white people living there as citizens, making a population of 100,000; and yet the gentleman from Arkansas could only from that report read 63,000.

Mr. ROGERS, of Arkansas. Will the gentleman allow me to interrupt him?

Mr. THROCKMORTON. No, sir; I have not sufficient time. The gentleman from California stated that his State had only one court or two courts.

A MEMBER. One court.

Mr. THROCKMORTON. Well, the expenditures in California were $75,000 last year; and at Fort Smith the expenses last year amounted to $156,000, $64,000 of that amount being for witness fees on account of the long distances traveled from the remote parts of the Indian Territory to go to Fort Smith. I say, sir, the Government would save enough in half a dozen years in expenditures on witness fees to build one of the finest public buildings in this country.

Mr. ROGERS, of Arkansas. I am sure the gentleman from Texas does not want to do me injustice on a question of fact.

Mr. THROCKMORTON. Certainly not.

Mr. ROGERS, of Arkansas. I did not say there were not more than 60,000 people there. I gave the number of Indians in this Indian Territory from the report before me, and I reiterate the statement.

Mr. THROCKMORTON. But the idea conveyed was that there were but 63,000 people in the Indian Territory.

Mr. ROGERS, of Arkansas. I did not state that.

Mr. THROCKMORTON. And here the report of the agent himself shows the population was 100,000; and to my knowledge it is more than that. There are 4,000 negroes in the Chickasaw Nation who are not citizens.

This Indian Territory has been under the jurisdiction of Fort Smith for many years, and now these gentlemen take a spasm of philanthropy and declare there ought to be a court established in the Indian Territory for the benefit of that people. I will say the delegation from Texas has been working to that point and we are ready to do it to-day.

Mr. DUNN. I will give you an opportunity to vote for that.

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] has three minutes of his time remaining.

Mr. CULBERSON, of Texas. I yield that time to the gentleman from New York [Mr. STEVENS].

Mr. STEVENS. It is utterly impossible for me in three minutes to say anything in detail in regard to this bill. I will only say in my judgment it is in the right direction and is in the interest of humanity and justice. It is following out and perfecting the policy which for years has been guaranteed to the Indians by Congress and the people of the United States. The argument offered by the gentleman from Arkansas that it was a money speculation on the part of any town in Texas I will not stop to controvert.

Neither will I deny that the people of Denison or of Sherman are oblivious to the same instincts and feelings that influence the people of Arkansas and other States in their applications here for largesses in the way of appropriations for public buildings. I believe the people of Fort Smith are not opposed to appropriations by the Government, as they are now asking for an appropriation of $250,000 for a public building in that city.

I desire to say that in my judgment the great and controlling argument on the part of the gentlemen from Arkansas on this floor in opposing this bill is the amount of money which is to be paid out in Fort Smith for the court to be held there. During the year 1883 the total amount of expenditures for carrying on and maintaining the courts of this country was $3,000,000 in round numbers; and of that amount $156,943 was expended in maintaining and carrying on the court at Fort Smith, Ark. During the last three years $473,049.99 has been assessed upon the tax-payers of this country to sustain the court at Fort Smith; and of that sum $133,730 has been paid to marshals and $168,000 and more paid to witnesses.

Gentlemen who are not familiar with this region of country perhaps may not remember that the Chickasaw people who are compelled to go to Fort Smith when arrested are obliged to travel over four hundred miles. As I have stated, the fact is that it is simply a question of dollars and cents to be expended at the city of Fort Smith.

I thank my friend from Arkansas [Mr. DUNN] for the manner in which he alluded in his speech to the Indians. No more potent argument in behalf of this bill could have been offered by its most ardent friends. These Indians are guaranteed protection by the Government of the United States, and one of the most important of those guarantees is that the courts of the country shall be easy of access in order that speedy justice may be obtained and prompt punishment administered. That can never be done while they are kept so far from the courts.

[Here the hammer fell.]

Mr. DUNN. I hope my friend from New York will withdraw his assignment of an unworthy motive to me, as one of the gentlemen from Arkansas.

Mr. STEVENS. I assigned no unworthy motive to the gentlemen. I thanked him for his argument.

Mr. DUNN. The gentleman said that we are prompted by the consideration of the money which this court brings into Arkansas. I am sure I have said nothing that will warrant such an assumption.

Mr. STEVENS. I only referred to what seemed to be the controlling motive in opposition to this bill.

Mr. CULBERSON, of Texas. I now call the previous question.

The previous question was ordered.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. DUNN. Is it in order now to move to recommit the bill?

The SPEAKER. It is.

Mr. DUNN. Then I move that the bill be recommitted to the Committee on the Judiciary with instructions to report it back with a substitute in the form which I send to the Clerk's desk.

Mr. BROWNE, of Indiana. I understand that the bill sent up by the gentleman from Arkansas as a proposed substitute is a bill now pending in the House.

The SPEAKER. It is not a bill now pending in the House, but one pending in the Senate, as appears from the printed copy sent up.

Mr. BROWNE, of Indiana. Is it in order to amend this bill by incorporating a bill now pending in the Senate?

The SPEAKER. The rule of the House relates alone to bills pending in the House. The gentleman from Arkansas [Mr. DUNN] moves to recommit the pending bill to the Committee on the Judiciary with instructions to report as a substitute therefor that which the Clerk will now read.

The Clerk began the reading of the bill, but was interrupted by

Mr. BROWNE, of Indiana, who said: I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. It is that the proposed substitute is not germane to the original bill. It will be remembered that the other day I proposed to recommit a bill to put an officer on the retired-list with instructions to the committee to substitute a pension bill for it, and that was ruled out of order as not germane. Here a substitute is proposed to create a new court, with new officers and new territory, entirely different from that contemplated in the original bill. The

original bill simply proposes to establish a place in which to hold a court for a particular region of territory. This is a proposition to create a new court, with new officers, and affecting different territory, and is clearly not germane to the bill under consideration.

Mr. WHITE, of Kentucky. I make the point of order that the gentleman from Indiana [Mr. BROWNE] made a point of order which was overruled by the Chair. The Chair then directed that the substitute proposed by the gentleman from Arkansas [Mr. DUNN] be read, and the Clerk had proceeded in the reading of it for a half a page or more before the gentleman from Indiana discovered that he could make another point of order. I make the point that the gentleman can not in that way interrupt the reading of the substitute.

Mr. BROWNE, of Indiana. How could I tell whether it was germane or not until I heard some of it read?

The SPEAKER. There is no difficulty about the matter. The point of order which the gentleman from Indiana now makes could not have been made until the bill or some portion of it at least had been read, for it was impossible until then for the gentleman to say whether it was germane or not.

The Chair has heard read only a part of this bill——

Mr. DUNN. To expedite the disposition of this matter I will state that this bill proposes to establish a court in the Indian Territory, embracing that Territory alone in the jurisdiction of the court. It does not include all the Territory embraced in the original bill pending before the House, but does embrace a part of it; and as the argument has been made here that the original bill has been framed solely for the convenience and benefit of the Indians, certainly this measure, which is more conducive to their convenience and benefit, ought to be considered germane.

The SPEAKER. The Chair is inclined to think that the substitute embodied by the gentleman in his motion to recommit is not germane. The bill pending before the House is a bill to amend the act in relation to holding courts in certain judicial districts and to attach part of the Indian Territory to a judicial district now in existence; whereas the bill which the gentleman from Arkansas has sent to the Clerk's desk creates an entirely new judicial district, and provides for the appointment of an additional judge and other necessary officers to hold courts in the Indian Territory. It relates alone to the Indian Territory.

Mr. DUNN. Precisely; but the sole object assigned for the passage of the bill of the committee is the convenience of that part of the Indian Territory which they seek to detach from the present jurisdiction and attach to a new one. This proposed substitute creates a new jurisdiction for the greater convenience of all that Territory.

The SPEAKER. That might be a matter of argument in support of the gentleman's bill; but the question which the Chair is called upon to decide is whether the bill which the gentleman proposes to embody in his instructions is in fact germane to the subject to which the other bill relates. The Chair thinks it is not. There is no doubt in the mind of the Chair that the bill now sent up would, under the rules of the House, have to receive its first consideration in Committee of the Whole; whereas the other bill, as the Chair decided in view of former rulings, need not go to that committee, but might be considered at once in the House. The Chair thinks that these instructions are not in order, though a motion to commit simply would be in order.

Mr. DUNN. Is it not competent for the House to direct that such a change be made in the bill?

The SPEAKER. It has been decided frequently that it is not competent for the House to accomplish indirectly, by a reference to a committee with instructions, what could not be accomplished directly by offering an amendment on the floor; that is to say, if the bill which the proposed instructions direct the committee to report is not germane as an amendment, it can not be brought before the House by a motion to recommit. [Cries of "Regular order!"]

The SPEAKER. Does the gentleman from Arkansas [Mr. DUNN] move to recommit without instructions?

Mr. ROGERS, of Arkansas. I move to recommit with instructions to strike out that portion of the bill relating to the Indian Territory.

The motion of Mr. ROGERS, of Arkansas, was not agreed to.

Mr. ROGERS, of Arkansas. I move now to recommit with instructions——

Mr. BROWNE, of Indiana. I raise the question that no further motion to recommit is in order.

The SPEAKER. The gentleman from Arkansas [Mr. ROGERS] will state his motion.

Mr. ROGERS, of Arkansas. I desire to move that the bill be recommitted with instructions to the committee to report a bill establishing a court at Denison city, Texas, with jurisdiction over the Territory for which the bill of the committee proposes to establish two courts.

Mr. BROWNE, of Indiana. Upon that motion I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. My point is that under the rule but one motion to recommit is in order.

The SPEAKER. That rule applies only after the previous question has been ordered or demanded. In the present case the previous question has not been demanded or ordered.

Mr. ROGERS, of Arkansas. Is my motion debatable?

The SPEAKER. It is.

Mr. ROGERS, of Arkansas. I am not going to offer any factious opposition to the bill. I shall not detain the House more than three minutes. I wish merely to submit to the consideration of the House, as a practical, plain, and sensible business proposition, if it is deemed proper to segregate this Indian Territory and attach it to a judicial district in Texas, whether as a matter of economy, as well as with a view to the convenience of the Indians, it is not wiser to attach the Choctaw and Chickasaw country to such portion of Texas as may be necessary, and have a single court, to be located at Denison. The Missouri, Kansas and Texas Railway runs directly to Denison, passing through or alongside of the Chickasaw and Choctaw nations. Is it not wiser to establish one court at Denison to answer all the purposes of this whole region of country, instead of establishing two courts?

I invite the attention of the House to the fact that the Commissioner of Indian Affairs has said that the proper place to locate this court is in the Indian country itself. Denison is the nearest practicable location to the Indian country—it is nearer to the Indians than any of the other points named.

I submit that we ought not to launch out and establish two Federal courts in Texas, involving two marshals, two clerks, and two Federal court-houses, when a single court at the point I propose is largely more convenient.

Mr. CULBERSON, of Texas. I demand the previous question.

Mr. WHITE, of Kentucky. I hope the gentleman will not cut off debate.

Mr. CULBERSON, of Texas. The debate has been limited by consent.

Mr. WHITE, of Kentucky. This is an entirely distinct proposition from the passage of the bill. [Cries of "Regular order!"]

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Arkansas [Mr. ROGERS], which he will again state.

Mr. ROGERS, of Arkansas. My motion is to recommit the bill to the Committee on the Judiciary with instructions to report as a substitute a bill establishing a court at Denison, Tex., with jurisdiction over the whole territory specified in the pending bill of the committee.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Will the Judiciary Committee have any authority to report back and have that bill acted on except in the regular order?

The SPEAKER. It will not.

Mr. HAMMOND. Then I hope the proposition will not be agreed to.

Mr. ROGERS, of Arkansas. I ask for a division.

The House divided; and there were—ayes 15, noes 96.

Mr. ROGERS, of Arkansas. No quorum.

The SPEAKER appointed as tellers Mr. CULBERSON, of Texas, and Mr. ROGERS, of Arkansas.

The House again divided; and the tellers reported—ayes 11, noes 157.

So the motion was disagreed to.

Mr. CULBERSON, of Texas. I call for the previous question.

The previous question was ordered.

Mr. ROGERS, of Arkansas, demanded the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

Mr. ROGERS, of Arkansas. I ask for a division.

The House divided; and there were—yeas 118, noes 11.

So the bill was passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTHERN DISTRICT OF GEORGIA.

Mr. TUCKER. I call up from the House Calendar the bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia.

The bill was read, as follows:

Be it enacted, &c., That hereafter the regular fall terms of the district and circuit courts of the United States in the northern district of Georgia shall not begin in September, but in October, annually. The said term of the district court shall begin on the first Monday in October, and of the circuit court shall begin on the second Monday in October.

Mr. HAMMOND. The bill simply changes the time for holding the fall term of the Federal court in the northern district of Georgia from September to October. It has been petitioned for, and is purely local, and I presume there will be no objection to it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPREME COURT OF DAKOTA.

Mr. TUCKER. I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota, and it be taken up for present consideration.

There was no objection, and it was ordered accordingly.

Mr. McCOID. Let the bill be read.

The bill was read, as follows:

Reported with amendments as follows (omit the parts in brackets and insert the parts printed in italics):

A bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the supreme court of the Territory of Dakota shall consist of a chief-justice and five associate justices, any five of whom shall constitute a quorum.

SEC. 2. That it shall be the duty of the President to appoint two additional associate justices of said supreme court, in manner now provided by law, who shall hold their offices for the term of four years, and until their successors are appointed and qualified.

SEC. 3. That the said Territory shall be divided into six judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That until changed by the Legislative Assembly of said Territory, the fifth district of said Territory shall consist of the following counties, namely: Brookings, Kingsbury, Beadle, Deuel, Hamlin, Grant, Codington, Clark, Day, Spink, Brown, Hand, Hyde, Hughes, Sully, Edmunds, Faulk, McPherson, Potter, Campbell, *Roberts*, and Walworth, and the Sisseton and Wahpeton Indian reservation. And the second district and the fourth district shall consist of the remainder of the Territory which now constitutes said second district and fourth district, respectively, as defined by the statutes of said Territory.

SEC. 5. That until changed by the [Legislative Assembly] *Legislature* of said Territory, the sixth district [of said Territory] shall consist of the following counties, namely: [Emmons, Burleigh, Sheridan, McHenry, Bottineau, Renville, Stevens, Morton, Mercer, Stark, Billings, Howard, Williams, Wallette, Montraille, Cavilier, Ramsey, Foster, Stutsman, Barnes, Walsh, Griggs, La Moure, Logan, Kidder, Wells, De Smet, Rolette, and Dickey] *Bowman, Villard, Billings, Dunn, McKenzie, Allred, Buford, Flannery, Wallace, Montraille, Williams, Stark, Hettinger, Morton, Mercer, McLean, Stevens, Renville, Wynn, Bottineau, McHenry, Sheridan, Burleigh, Emmons, McIntosh, Logan, Kidder, Wells, De Smet, Rolette, Towner, Benson, Foster, Stutsman, La Moure, Dickey, Griggs, Steel, and Barnes.*

SEC. 6. That temporarily, and until otherwise ordered by law, the additional associate justices to be appointed under this act are hereby assigned to said fifth and sixth districts, and the time and place as now fixed by the statutes of said Territory for holding court therein shall remain until changed by law.

SEC. 7. That the district court for said fifth judicial district shall have no jurisdiction to try, hear, or determine any matter or cause wherein the United States is a party, and no United States grand or petit jury shall be summoned in said court; but said fifth district is hereby attached to and made a part of the second judicial district for the purpose of hearing and determining all matters and causes arising within said fifth district in which the United States is a party.

SEC. 8. [That the district court for said sixth judicial district shall have no jurisdiction to try, hear, or determine any matter or cause wherein the United States is a party, and no United States grand or petit jury shall be summoned in said court; but said sixth district is hereby attached to and made a part of the third judicial district for the purpose of hearing and determining all matters and causes arising within said sixth district in which the United States is a party.] *That the district court for said sixth judicial district shall have and possess jurisdiction to try, hear, and determine any matter or cause in which the United States is a party, and all causes or matters in admiralty; and for such purposes two terms of said court shall be held annually in the city of Bismarck, in the county of Burleigh, and a grand and petit jury shall be summoned thereon in the manner now required by law in the United States courts in said Territory.*

Mr. HOLMAN. Let the report be read.

The report of the committee was read, as follows:

Mr. McCOID, from the Committee on the Judiciary, submitted the following report:

That they have had the same under consideration, and find that said Territory is the largest of all the States and Territories of the United States, Texas and California alone excepted, and has a population of not less than 400,000, and is rapidly increasing, and yet the whole of the northern half of this vast Territory has only one judicial district, containing twenty-nine large counties, with but a single judge. This district alone has an area of 72,000 square miles, a population of 150,000, and an assessed valuation of nearly $50,000,000. The Red River of the North bounds it on the east for nearly 200 miles, and the Missouri River runs through it a distance of 350 miles; both being navigable, and on the Missouri River a fleet of twenty steamboats, during the navigable season, ply between Bismarck and points above and below.

This district also has within its borders Forts Pembina, Totten, Buford, Stevenson, Lincoln, Rice, and Yates military reservations, and the Devil's Lake, Fort Berthold and Standing Rock Indian agencies and reservations, all of which produce a large amount of United States business, which is entirely separate and distinct from the civil and Territorial business, and which form the great bulk of the business of the court of that district. This renders it impossible for one judge, however able and diligent, to transact the business of his court, and this is especially true under the somewhat anomalous judicial systems of the Territories.

In addition to his duties in the lower court, this judge, under the present law, is required, with the other judges, to hold two terms of the supreme court each year at the capital of the Territory. To sum up, he holds two terms of the supreme court, two terms of the United States court, of six weeks each, and eighteen terms of the Territorial court, and to do this work is obliged to travel 2,500 miles. He is many months behind. In many counties the commissioners have petitioned the judge for a term of court, but he is unable to hold it, so that a large part of the people of this district are practically without any court at all. In many instances, in fact in most of the counties, persons charged with misdemeanors, who are unable to give bail, are compelled to lie in jail for nine months, and in some instances a year, before they can be tried, because the judge can not hold a court to try them.

Under the law the judge is required to hold two terms of United States court, which consume one-fourth of his time, and the balance is consumed in trying criminal cases, where the person to be tried is in confinement, and has a right to demand a speedy trial, thus rendering the trial of civil causes almost an utter impossibility.

The condition in the proposed fifth district is practically the same, except as to the number of cases arising under the United States statutes, there being no real necessity for conferring upon this court jurisdiction to hear and try United States cases. As in the northern district, there are a number of counties clamoring for courts, and prisoners in confinement for months awaiting trial, which, without an additional judge, can not be had for months to come, and the civil business of the courts is practically at a stand-still.

Your committee is of the opinion that the relief proposed by this bill is pressing and necessary, and that the number of judicial districts should be increased as provided, and therefore recommend that the said bill be amended as follows:

Amend section 4 so that Roberts County will be included in said fifth district.

Amend section 5 so that it will read as follows: "That until changed by the Legislature of said Territory the sixth district shall consist of the following counties, namely: Boreman, Villard, Billings, Dunn, McKenzie, Allred, Buford, Flannery, Wallace, Montraille, Williams, Stark, Hettinger, Morton, Mercer, McLean, Stevens, Renville, Wynn, Bottineau, McHenry, Sheridan, Burleigh, Emmons, McIntosh, Logan, Kidder, Wells, De Smet, Rolette, Towner, Benson, Foster, Stutsman, La Moure, Dickey, Griggs, Steele, and Barnes."

Amend section 8 so that it will read as follows: "That the district court for said sixth judicial district shall have and possess jurisdiction to try, hear, and determine any matter or cause in which the United States is a party and all causes or matters in admiralty. And for such purposes two terms of said court shall be held annually in the city of Bismarck, in the county of Burleigh, and a grand and petit jury shall be summoned thereon in the manner now required by law in the United States courts in said Territory."

And when so amended that it do pass.

Mr. McCOID. Mr. Speaker, the supreme court of the Territory of Dakota is composed of one chief-justice and three associate judges, and two terms of the court are held at the capital each year. The Territory is divided into four judicial districts, with one of the said judges assigned to each. The judge is required to reside in the district to which he is assigned and to hold two terms of a United States district court in his district each year. He is also required to hold two terms of the Territorial district court in each of the organized counties of his district when requested to do so by the board of county commissioners thereof. In addition to the time spent in court, the long distances to be traveled over his district and the two trips to the capital occupy much time.

This bill creates two additional districts and provides for two additional judges. It also defines the boundaries of the district temporarily until the Legislature of the Territory meets. The increased expense to the Government will be the salary of two judges at $3,000 each, total $6,000, and much more than this sum will be saved to the Government each year by the more speedy trial of United States prisoners confined in the various jails and by the lessening of the cost of travel of witnesses and the transportation of prisoners in United States court.

There is an urgent necessity for some immediate relief to the judiciary of Dakota. The courts are fully a year behind with their business; civil dockets are overcrowded with many and important cases; criminal indictments awaiting trial, with defendants in jails, where they have been in many instances months, and in some cases more than a year.

This Territory, with 150,000 square miles of area; with 400,000 inhabitants, who have recently gone there from the older States, from the district of every gentleman on this floor; with one hundred millions of property, 2,500 miles of railroads, and which pays to the United States Government a revenue, a net revenue over and above every possible expense of that Territory, of upward of $350,000, appeals to this Congress for this very small consideration. The district court for the first district commenced the January term 1880 with more than five hundred cases on the civil docket, some of which involved hundreds of thousands of dollars, and twenty-seven indictments, most of them of a serious character. This court sitting every day for the next two years could not clear up the docket.

The district court for the third district was occupied twenty-four weeks of 1883 at Fargo, and finished only one-half its business. The same judge spent eight weeks at Grand Forks, and all the criminal and most of the civil cases were continued, and so it was in several, in fact all, of his counties. The courts in all the districts are in about the same condition.

Here is a sample of articles from the press and opinions of attorneys as to the necessity for relief.

MORE OPINIONS OF ATTORNEYS.

The Herald, deeming the constitutional rights of the people to have speedy justice now imperiled, insists upon giving emphasis to the demand of North Dakota for the increase of judges, and would suggest that copies of Thursday's, containing Mr. Bosard's tabulated statement, yesterday's, containing the opinions of attorneys, and to-day's, with the following, secured too late for the former issue, be marked and forwarded to members of Congress. Perhaps a still better plan would be to embody them in an address and have sufficient copies sent to our Delegate to place on Senators' and Members' desks. The people's rights will not be secured by folding our hands. It requires clamor and diligent importunity.

A GROSS INJUSTICE.

It is a matter of imperative necessity that more judges are provided. People are lying in jail who have a constitutional right to a speedy trial and who have been confined for twenty months, and by the delay are submitting to a gross injustice.

W. G. WOODRUFF.

AN OUTRAGE.

I consider the present condition of the administration of justice in North Dakota, by reason of the amount of business in the courts and the lack of proper judicial force, but little less than an outrage upon the rights of the people.

E. ST. JULIEN COX.

DIVISION OF JUDICIAL LABOR.

I am in full accord with the other members of the bar of North Dakota upon the necessity of a division of judicial labor in this district, and believe that the subject demands the immediate action of Congress in the premises, to the end that public justice may be expedited.

R. W. CUTTS,
United States Commissioner.

AN OUTRAGE UPON TAX-PAYERS.

I fully concur in the opinions above expressed, and would say in addition that the expense entailed upon the counties in this district by the delay, in maintaining prisoners in our jails, which are crowded, is an outrage upon the tax-payers, not to speak of the denial of speedy justice to the prisoners guaranteed by the Constitution to every citizen of this Republic, whether a resident of a State or Territory.

JAMES A. JENKS,
Sheriff Grand Forks County.

BUSINESS, NOT POLITICS.

If the political wire-pullers at Washington would forget for one day that the great Territory of Dakota has no electoral votes to sell, but has interests and rights that are of great importance to the welfare and prosperity of the people, they might be made to see that a division of the third judicial district would not only be a great convenience but an absolute necessity. If they could see day by day, as I have for the last year, the life of a good and true man (Judge Hudson) wearing out by his earnest but vain efforts to get through with the business of the courts, they would at least take pity on him, even if they did not care for the interests of the people, without a division. Attorneys might as well seek some other occupation and clients settle their cases by drawing cuts; but this would not help the poor men charged with criminal offenses, unable to give bail, confined weeks and months, with no hopes of trial. Our own calendar for April will show twenty-four indictments for murder, twelve or more of lesser offenses, probably seventy-five civil cases, which under ordinary circumstances would require four months to try and dispose of; and yet should we be fortunate enough to have a term of court it would not be likely to hold more than three weeks; a few cases tried and hurried through, and half tried at that, court adjourns, attorneys disgusted, clients abusing the attorney, the court, and the law generally. The judge rushes off to go through the same farce at some other unfortunate county seat, and then perhaps to get home long enough to rest one day or die from overwork. You ask my opinion. Well, here it is. It is a shame and a disgrace, and Congress should at once remedy the trouble by giving us one or more additional judges.

C. B. PRATT,
Deputy District Attorney.

WHAT THE OFFICERS SAY.

The state of the civil list at Grand Forks is such that about one hundred important cases are now pending, and on the criminal list there are about thirty-five indictments, twenty-four being for murder, some of which were found one year ago and others last November. With the accumulated work and rapidly increasing business of this district one judge would be employed from six to eight weeks in clearing up the arrears at this point alone, and the necessity of having at least one more judge for the third judicial district is obvious. The rapid settlement of the counties west of us will in less than one year necessitate the appointment of an additional judge, making new business enough for three judges apparent by the time the business now pending on the calendar is brought up. The matter is of such importance to suitors that it brooks no delay and relief should be granted as speedily as possible.

D. D. WEBSTER,
Clerk District Court.
O. A. WEBSTER,
Deputy Clerk District Court.

I indorse the above and recommend the appointment of four instead of three.

J. P. BRAY,
County Auditor.
O. THORALDSON,
County Treasurer.
THOS. WALSH,
Register of Deeds.
E. C. ELWOOD,
Deputy Register of Deeds.

I have here memorial of the boards of county commissioners of several of the counties of one district, petitions by members of the bar of several counties of the Territory, all urging the passage of this bill.

The amendments were agreed to in gross, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOID moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTEREST ON JUDGMENTS—COURT OF CLAIMS.

Mr. TUCKER. I now call up for consideration House bill No. 4410 from the Calendar.

The bill was read, as follows:

Be it enacted, &c., That section 1,090 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 1090. In cases were the judgment appealed from is in favor of the claimant, or the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance unless presented for payment to the Secretary of the Treasury as aforesaid."

Mr. HAMMOND. I ask that the report be also printed in the RECORD.

The report (by Mr. HAMMOND) is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 4410) relating to payment of interest in the Court of Claims, submitted the following report:

The bill under consideration is in the words of a bill unanimously reported for passage by the Judiciary Committee of the House in the Forty-seventh Congress, on the 14th of February, 1882, except that in this bill the rate of interest to be borne by final judgments against the United States was in that bill 5 per cent. and in this it is 3 per cent. That bill passed the House unanimously on the 24th of February, 1883. It was referred to the Committee on the Judiciary in the Senate, but no report was made thereon.

As some objection might now be raised to paying on judgments a higher rate of interest than that paid by the United States, your committee have put the rate at 3 per cent. only to avoid such objections.

The committeee adopt the language of the report of Mr. N. J. HAMMOND, of the Committee on the Judiciary, aforementioned, as to necessity for this legislation (see Report 353, first session Forty-seventh Congress, to accompany bill H. R. 701). It is as follows:

"The act of March 3, 1863, ch. 92, sec. 7 (12 U. S. Stat., 776), provided as follows:

"'In all cases of final judgments by said court, or on appeal by the said Supreme Court where the same shall be affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of said Court of Claims, and signed by the chief-justice, or, in his absence, by the presiding judge of said court.

"'And in cases where the judgment appealed from is in favor of said claimant, or the same is affirmed by the said Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.'

"Section 1090 of the Revised Statutes of the United States is as follows:

"'In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.'

"The first sentence in the act of 1863, quoted above, provides for payment of judgments against the United States, whenever final, either in the Court of Claims (of which that statute was the basis), or, if appealed from by the United States, made final by affirmance in the Supreme Court of the United States, and makes the mode of payment simple and prompt.

"The second sentence of the act of 1863, above quoted, provided for payment of interest upon and after notice of either of those facts duly served upon the Secretary of the Treasury. In transferring the quoted law into the Revised Statutes of the United States it was made sections 1089 and 1090. But in section 1090 the "or" after claimant was changed to "and." This changed the law in the letter, so that no interest can be collected on a final judgment against the United States in said court unless, if it be appealed from, it is also affirmed by the Supreme Court. At least this is the construction of the Treasury Department. Under that construction the United States may simply appeal in every case with or without meritorious ground for appeal, put the claimant to the delay and expense of having the cause docketed and dismissed by the claimant under the rule of the Supreme Court, or worse, wait till the cause is about to be heard and withdraw the appeal and save interest *ad interim*. For there is no concurrence of final judgment below and affirmance by the Supreme Court, as there is no judgment of the Supreme Court affirming the judgment below. Such a construction manifestly does violence to the intention of the law and to justice between the Government and claimants who obtain judgments against it on its contracts. After any final judgment by its own Court of Claims, and notice thereof served upon the Secretary of the Treasury, it is right for the Government to pay interest, unless it shows that judgment below to be wrong. It may be perfectly right for the disbursing officer to stick thus to the letter, for they should pay out no money without plain statutory authority.

"We suppose that the revisers did not intend to produce such an absurdity, but meant to say, 'In cases where the judgment appealed from is in favor of the claimant, and in cases where the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed," &c.; that is, on the original judgment.

"And accordingly we report a bill changing section 1090 to read as it did in the act of 1863."

Mr. HOLMAN. I was under the impression at first that this was subject to the point of order, but perhaps not; at all events I will not press it. I hope, however, that there will be an explanation given with reference to the effect of this change.

Mr. HAMMOND. This bill, as reported by the Clerk, passed the House on February 24, 1883, on a unanimous report from the Judiciary Committee of that Congress, and at that time the gentleman from Indiana asked an explanation, which I made, and it passed the House after that explanation.

The bill as then passed carried 5 per cent. interest, because the act of 1863, which is codified in section 1090 of the Revised Statutes, carried 5 per cent. interest. The committee in reporting this bill, however, concluded that inasmuch as the interest paid now by the Government is only 3 per cent., we ought not to pay the Government creditors, even on final judgments in our Court of Claims, more interest than the current rate, and therefore we propose to amend this bill so as to strike out "5" and insert "3."

The only occasion for the change in the law is this: the act of 1865 made a final judgment in the Court of Claims, or a judgment appealed to the Supreme Court and which afterward became final, bear 5 per cent. interest; but in the codification of the laws, by mistake or otherwise, we do not know how, the word "or" was changed to "and," and Mr. Lawrence, the First Comptroller of the Treasury, held that because of that change all the judgments of the Court of Claims in favor of a creditor on a contract with the United States could bear no interest unless, in addition to having been made final in the Court of Claims, it was also appealed to the Supreme Court and by them affirmed. This of course was unjust, in the judgment of the committee, and the act of 1863 never contemplated anything of the kind. The only object in this act is to restore the word "or" in place of "and," as it was in the original passage of the act. I will repeat that this bill passed after an explanation of its provisions and without further objection in the last Congress. Unless other objections are now urged I do not desire to occupy the time of the House to any greater length.

The SPEAKER. Does the gentleman from Georgia propose an amemdment?

Mr. HAMMOND. I propose to amend by striking out "five," in line 8, and inserting "three."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS, MISSOURI.

Mr. TUCKER. I now call up from the House Calendar the bill (H. R. 3949) and ask that the same be put upon its passage.

The bill was read. It is as follows:

Be it enacted, &c., That the counties of Macon, Putnam, and Randolph be, and the same are hereby, transferred from the western to the eastern judicial district of the State of Missouri.

SEC. 2. That the eastern judicial district of Missouri is hereby divided into three divisions, which shall be known respectively as the northern, southern, and eastern divisions of the eastern district of the State of Missouri. The counties of Putnam, Schuyler, Scotland, Clarke, Adair, Knox, Lewis, Macon, Shelby, Marion, Randolph, Monroe, Ralls, and Pike shall constitute the northern division, the courts for which shall be held at the city of Hannibal. The following counties within the eastern district, namely, Montgomery, Lincoln, Warren, Saint Charles, Saint Louis, Gasconade, Franklin, Jefferson, Crawford, Washington, Saint François, Saint Genevieve, Dent, Iron, and Madison, shall constitute the eastern division of said district, the courts for which shall be held at the city of Saint Louis. And the remaining counties within said eastern district, namely, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, and Pemiscot, shall constitute the southern division of said district, the courts for which shall be held at Jackson.

SEC. 3. That the western judicial district of Missouri shall be divided into four divisions, to be known as the Saint Joseph, the western, the central, and the southern divisions. The counties of Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, Gentry, De Kalb, Daviess, Grundy, Buchanan, Clinton, Caldwell, and Livingston shall constitute the Saint Joseph division, the courts for which shall be held at the city of Saint Joseph. The counties of Platte, Clay, Ray, Carroll, Chariton, Linn, Sullivan, Jackson, La Fayette, Saline, Cass, Johnson, Bates, Henry, Vernon, and Saint Clair shall constitute the western division, the courts for which shall be held at Kansas City. The counties of Howard, Boone, Callaway, Audrain, Pettis, Cooper, Moniteau, Cole, Osage, Benton, Morgan, Miller, Maries, Hickory, Camden, and Phelps shall constitute the central division, the courts for which shall be held at Jefferson City. The counties of Barton, Cedar, Polk, Dallas, Laclede, Pulaski, Jasper, Dade, Greene, Webster, Wright, Texas, Lawrence, Christian, Douglas, Howell, Newton, Barry, McDonald, Stone, Taney, and Ozark shall constitute the southern division, the courts for which shall be held at the city of Springfield.

SEC. 4. That there shall be held in each of the several divisions of the eastern and western districts herein created two terms of the district and circuit courts in each and every year, the times of holding said terms to be fixed by the judge of the district, upon consultation and agreement with the judge of the eighth judicial circuit.

SEC. 5. That all civil suits not of a local nature must be brought in the division of the eastern or western district where the defendant or defendants reside; but if there are two or more defendants residing in different divisions, the action may be brought in either of the divisions in which a defendant resides. When the defendant is a non-resident of either district action may be brought in any division of either district wherein the defendant may be found. Causes removed from any of the courts of the State of Missouri to the circuit court of the United States shall be removed to the circuit court in the division in which said State court is held.

SEC. 6. That all causes now pending in the courts held in the respective divisions of the State of Missouri shall be continued in the corresponding divisions of the eastern or western districts with the same force and effect as though originally commenced therein.

Mr. BROADHEAD. Mr. Speaker, this is a bill of somewhat local character and devoted to the State of Missouri and the judicial districts in that State; and as there are some differences of opinion in regard to the propriety of it, I move that it be recommitted to the Committee on the Judiciary.

Mr. HATCH, of Missouri. Mr. Speaker, I desire to say that this bill is reported by a majority of the Judiciary Committee of this Congress, and that a majority of the Representatives from the State of Missouri are in favor of its passage.

Mr. ALEXANDER (from his seat). That is a mistake.

Mr. HATCH, of Missouri. I say it is not a mistake, and the gentleman who represents the second district of Missouri will have to count the noses and yea-and-nay vote in this House before he declares here that a majority of the members from the State of Missouri oppose the bill. There is a division among the Representatives from the State as to the propriety of the passage of the bill; that is all. I hope that the Representatives in the Forty-eighth Congress will give to this bill the courteous consideration they have accorded to every bill of this character reported from the Judiciary Committee to this House for its action, and if the friends of the bill can not show a majority of the Representatives of this House that this is in the interest of the people and that this bill should pass, then let them vote it down.

But I hope every single Representative on this floor, except the two or three from the State of Missouri opposed to it, will vote against recommital; and I appeal to my friends on both sides of this House—in view of the fact that for three Congresses I have stood here, and I challenge the record to show that I have ever opposed a local bill coming from any quarter or section of the country where the interests of the people were involved as they are in the passage of this bill and when it came here with the recommendations of a committee of this body—to support this bill. Every member here knows that where the United States courts are concentrated in one or two large cities of a State there are certain parties who always want to keep "hash" houses, and there are attorneys resident there and such people, who are always opposed to any removal of the court or restriction upon their privileges.

Mr. HEWITT, of Alabama. Let me ask the gentlemen if this will bring the court any nearer to the people or the litigants?

Mr. HATCH, of Missouri. Yes, sir; it brings the courts nearer to them, and it is the only interest I have in it. So far as the district is concerned that I represent in this House, it is a territory larger in extent than any one of six States that I can name, larger in population than any one of six States that I could name, and larger than any Territory where the United States courts are held, and with everything to commend the passage of this bill.

Mr. Speaker, I make the point of order that the time has not arrived when the gentleman from Missouri can make the motion to recommit.

The SPEAKER. The motion to recommit is in order at this stage of the bill.

Mr. ALEXANDER. I desire to state to the House in the presence of my colleague that a majority of the Representatives from Missouri are in favor of a motion to recommit. I have here in my hand the request of a number of the delegation, who are absent, to Mr. BROADHEAD, requesting him to make this motion. There are the names of six of the delegation upon this request. Mr. BLAND and Mr. BROADHEAD are here, in addition, which makes eight; and I have the assurance of another member of the delegation that he will vote against the bill, which makes nine out of fourteen.

This is a local measure, a measure in which the State of Missouri is interested, and I think this House will have consideration enough for the majority of the Missouri delegation, nine, or eight at least, out of fourteen, to send this bill back to the committee that it may be perfected and made satisfactory to the State.

Mr. HEWITT, of Alabama. I ask the gentleman from Missouri [Mr. ALEXANDER] what is the opposition to the bill? Why do the nine members of the Missouri delegation oppose it?

Mr. HATCH, of Missouri. I claim that I have the floor.

The SPEAKER. The Chair understood the gentleman from Missouri [Mr. HATCH] yielded the floor.

Mr. HATCH, of Missouri. I only yielded temporarily to my colleague.

Mr. ALEXANDER. I did not so understand it; and I claim that I have the floor in my own right. I did not ask the gentleman to yield to me. I asked the Chair to recognize me, and I understood that the Chair did recognize me. Now I am ready to answer the gentleman from Alabama [Mr. HEWITT].

Mr. HEWITT, of Alabama. I desire to know why it is that the nine members of the Missouri delegation oppose the bill?

Mr. ALEXANDER. Because this bill establishes these courts at places which are not convenient to the people. They are on the outer lines of the State. We already have courts with which the people are satisfied. One of the courts is now located at Kansas City, on the line between the State of Kansas and the State of Missouri. The bill proposes to put another fifty or sixty miles west at Saint Joseph, on the Missouri River, on the line between Kansas and Missouri. Another is proposed to be put at the city of Hannibal, where my colleague [Mr. HATCH] who has made a personal appeal to the friendship of members lives, that city being on the line between Illinois and Missouri. Another is at Saint Louis, on the line of the State. Another is to be at Springfield, in the southwest. Another one is established now at Jefferson City.

We are opposed to this bill in the first place because there are more courts established by it than are required; and in the second place, because they are not located where the people of the State desire them to be. Instead of the courts being brought to the people they are carried away from the people; and the people of the State of Missouri are not in favor of this bill. And I undertake to say here if there is any way of getting at it a majority of the Missouri delegation, eight of them at least out of fourteen, and perhaps nine, will vote against this measure.

I ask that on a local question of this kind we be permitted to send this bill back to the Judiciary Committee, where it may be made to suit the people for whose benefit it is intended.

When it was charged by my colleague that some hash-house is at the bottom of this thing, I say we are not asking, so far as I am concerned, for any hotel, or any court to support a hotel, in my district. There is something, perhaps, suggestive in this charge in the gentleman's own conscience. It may be the fact that he is desiring a hash-house or hotel in his own city. [Laughter.]

I am not asking for any court, and am not opposing this bill on any such ground. I simply ask of this House to have respect enough for a majority of eight out of fourteen members, and perhaps nine out of the fourteen members of the Missouri delegation, to send this bill back to the committee. This motion is made by my colleague [Mr. BROADHEAD], who is on the Judiciary Committee, the committee that has reported this bill, and in fact it was my colleague himself [Mr. BROADHEAD] who reported back the substitute which has been read. But since he has investigated this matter more thoroughly and understands the condition of the State and the sentiment of its people, he asks of this House that the bill be sent back to the committee, so that if you are to legislate for the people of the State of Missouri the bill may be so framed that you may legislate according to their interests and according to their wish; and at least that they may have the chance to be consulted in regard to their convenience in a matter in which you propose to legislate for their convenience.

Mr. HATCH, of Missouri. I am very much obliged to my colleague [Mr. ALEXANDER] from the State of Missouri for having stated what I was afraid he would not state on this floor. And that is for the first time in my legislative experience a gentleman has arisen on this floor and produced a paper signed by absent members to try to influence a vote in this House. It is the first time I have ever known of an attempt of that kind being made; and I appeal to the manhood of this House to rebuke it, that such an attempt may never be made here again. If there is a delegate or representative of the State of Missouri who opposes this bill, let him from his seat like a man declare it by his

vote, and not give a paper to my colleague from Missouri to read here to this House.

Mr. ALEXANDER. Let me interrupt the gentleman for a moment.

Mr. HATCH, of Missouri. Not for a moment. The gentleman did not yield to me. I will make my own speech. If I can show to the majority of the Representatives of the Forty-eighth Congress that this bill is in the interest of the people of Missouri, I ask every man on the floor to vote against the motion to recommit. I have never appealed to the Representatives on this floor to pass a measure that I did not believe was right, and I never expect to. And if I can not produce a map showing, when the mapping out of these districts is seen, that it is in the interest of the people and against the monopoly at Saint Louis and Kansas City that this bill is being urged, let my colleagues and my friends on this floor vote against it.

But the idea of trying to kill a bill in its incipiency by going around and getting members to sign a paper that they are in favor of recommitting the bill! Why, sir, who ever heard of such a thing as that before? I appeal to some of these old members here, who have been members of this House for twenty years, to say if they ever heard of such an underhanded way as that for killing a bill. Sir, I scorn any such proposition.

No man has ever seen me on this floor when I was not willing to have a fair fight and to be in the front. It is only the assassin that I have been afraid of, the man who stabs in the dark and in the back. Full front I am not afraid to meet any living man, but I do despise a fight that comes in the rear. And I appeal to the manhood and the honor of this House to rebuke this attempt to kill this bill in this way.

Mr. ALEXANDER. I ask the indulgence of the House for a moment. I desire to state that my colleague said upon this floor that a majority of the delegation from Missouri were in favor of this bill.

Mr. HATCH, of Missouri. And I reassert it.

Mr. ALEXANDER. In reply to that I made the statement I did, and I desire to make this further statement.

Mr. HATCH, of Missouri. And I appeal to the record of the action of the House, when made, for vindication.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] will proceed without interruption.

Mr. ALEXANDER. I hope that my colleague [Mr. HATCH] will be permitted to go on, if he has anything further to state. I certainly will be more courteous to him than he was to me.

Now, I desire to make this further statement: The paper which I have was signed for the information of a member of the Committee on the Judiciary from the State of Missouri [Mr. BROADHEAD], and it is addressed to him. When the gentleman undertakes to say that we are stabbing in the back, he either misunderstands the object of this paper or else——

Mr. HATCH, of Missouri. Allow me to ask you a question?

Mr. ALEXANDER. Why, certainly.

Mr. HATCH, of Missouri. Was that paper intended for the personal information of the gentleman from Saint Louis?

Mr. ALEXANDER. It was.

Mr. HATCH, of Missouri. Then what authority has the gentleman to parade it before this House?

Mr. ALEXANDER. To meet your statement that the majority of the Missouri delegation were in favor of this bill.

Mr. HATCH, of Missouri. And I reassert that statement [laughter], and I appeal to the record of this House when it is made up. I do not stand on any paper.

Mr. ALEXANDER. I used this statement for my colleagues, Mr. CLARDY and Mr. BUCKNER, who are absent. As to the others, they are present and can speak for themselves. I simply desire to make this statement. The reason why I produced this paper was that my colleagues who are absent might be correctly represented in this matter.

Mr. HATCH, of Missouri. Well, if your colleagues are not present they have no right to be heard on this floor. Only those who are present have a right to be heard.

Mr. ALEXANDER. But you ought not to have asserted that they were for this bill.

Mr. HATCH, of Missouri. I have asserted that a majority of the delegation from Missouri was for this bill, and I stand by that assertion when the record is made up.

Mr. BURNES. I have discovered in my brief experience that there is in every heart a deep-seated sentiment in favor of fair play. I know nothing about the status of the delegation from Missouri. I have been engaged on public business rather unsatisfactorily to my friends on my right, I fear.

Mr. REED. That is so.

Mr. BURNES. I have been engaged in attending to my duties here as a legislator, and I have had no time to ascertain either the status of the delegation from Missouri or the status of gentlemen from other States represented here.

Upon this occasion I desire to make a brief, plain, business statement with regard to the facts, which I apprehend will not be controverted. Then with that trust and confidence that a fair-minded man can ever repose in fair-minded men I shall leave the question for the consideration of the House.

The bill now before the House was introduced by my distinguished colleague [Mr. HATCH] immediately upon the assembling of this House. It was referred to the Committee on the Judiciary, and the Judiciary Committee unanimously reported it back to the House, and it took its place as No. 1 on the House Calendar. My distinguished colleague and friend Colonel BROADHEAD made the report accompanying the bill, and it has been printed.

That distinguished jurist, that accomplished and courteous gentleman, that honorable and honored citizen of Missouri, representing here one of the districts of that State, in his printed report to the House states that it is better for the courts to go to the people than to compel the people to go to the courts. Hence he reported a bill providing for four courts, in addition to the three now in existence. Therefore my friend from Saint Louis was proposing to establish four courts in addition to the three courts in the State of Missouri, and doing it upon the broad and correct principle that it was better and cheaper for the judges to go to the people than for the people to travel great distances in order to go to the judges.

It was discovered that by a mistake the city of Saint Louis was not named in the bill. This was clearly an oversight, because no provision had been made assigning the city of Saint Louis to any district or any division of any district. In consequence of this, and of some necessity for rearranging the counties, I prepared a bill and submitted it to every member of the Missouri delegation, I believe. I am quite certain that I submitted it to my friend Colonel BROADHEAD and my friend Mr. ALEXANDER and all the other gentlemen of the delegation, so far as I remember. That bill was in part unsatisfactory. My friend Mr. ALEXANDER wanted some changes; he insisted that this county should come out and that county go in; and I suited his views. I prepared the bill, as I supposed, to suit him. I so understood the matter, and I have been surprised that after I prepared the bill to meet his views he is not satisfied with it.

Two or three weeks ago my friend from the second district came to me and stated his wish that one other county, Randolph, assigned to the court of my friend from Hannibal, should go to Saint Louis. I mentioned the matter to my friend from Hannibal [Mr. HATCH], and he promptly acceded to the request. So much with regard to the position of my friend from the second district.

I must come now to a gentleman who knows that I have more respect for him than I ought to have for a man—more devotion to him than I usually have for men. I know his character and I know his heart, but I have to state that in my judgment this distinguished brother has no right to make this motion; and I shall leave the House to say whether my esteemed friend is not in the wrong.

Now for the facts. After we had agreed upon the bill which is now in the hands of the distinguished member of the Judiciary Committee on my right [Mr. MCCOID], ready to be reported by authority of the committee as a substitute for this bill, I took this substitute and laid it before my distinguished colleague. Objection after objection was made, some being objections of law, others of fact. My colleague and myself retired to the Library and consulted various authorities on the subject. We finally agreed, so that my good old friend told me: "Go on; my people are opposed to the bill, I guess; but I shall offer no further opposition." This was the personal declaration of a man at whose feet I am willing to sit and learn wisdom and honor.

That is not all. The understanding, as I learned from my friend from Hannibal, with regard to the business of this day specially set apart for the Judiciary Committee was that this bill should be the first called up. Subsequently I was informed by my colleague that it would be impossible to get it up first, but that it was the sixth on the list. I went immediately to my friend and appealed to him, in view of his promise to me, and he agreed that it should be the sixth upon the list. Only to-day I reminded him of his promise to me that he would offer no further opposition to the bill——

Mr. BROADHEAD. Sixth on what list?

Mr. BURNES. On the list that the committee has been following to-day.

Mr. BROADHEAD. So it is on the list for to-day.

Mr. BURNES. I understand that.

I reminded my friend of the situation two or three hours ago, and his answer to me was: "Yes, BURNES, I told you so; but I do not know what I can do; I am worried to death. I respect you highly, but my people down in Saint Louis are opposed to the bill."

I know that some of the people there are opposed to it; that he has learned this fact recently; but now I ask, in view of the obligations under which he has placed himself to me, while I have been reposing upon his assurances—in view of the fact that this is a proposition to give us only six courts in Missouri, when there are six in Iowa, ten in Texas, two in little Rhode Island—whether the measure we now propose should not be adopted?

Bear in mind that the State of Missouri is divided almost in the center by the Missouri River, that great, turbulent, monster of a stream; and courts are located at three points upon the south side of the river—at Kansas City, on the western border of the State, at Jefferson City, and at Saint Louis. Now, my friend from Hannibal is in the extreme northeastern corner of the State—away from Jefferson City, away from

Saint Louis. His people feel that they would like to transact their court business at Hannibal.

In the northwestern portion of the State, on the Missouri River, is a town, not a "little town"—my friend did not mean that, I know, he would not have said it on second thought, for he knows full well that there, hand to hand and shoulder to shoulder, stand Kansas City and Saint Joseph, not fifty miles apart, as he said, but seventy miles apart, struggling for supremacy, one with a court obtained only four years ago, the other asking a court, and having at this hour a population of 50,000, having a business and a wealth superior to any other town in Missouri, or any town west of the Mississippi River, with the single exception of Saint Louis.

Now, I ask you, is it unreasonable that I should come here from that great Platte purchase—a portion of the State of Missouri which the late Senator Benton said he had carved from the beautiful side of nature for the purpose of making it a part of the State of Missouri, that country purchased from the Indians after the State had been admitted into the Union, and now constituting my district—is it unreasonable I should ask that the people of this territory shall no longer be compelled to travel one hundred and fifty miles from the northwestern border of the State down to Kansas City for the purpose of transacting their business in the United States courts? Will you not require the judge who administers justice at Kansas City to come and hold court at Saint Joseph, seventy miles distant?

Mr. Speaker, I feel we are entitled to the passage of this bill. I feel when my friend from Iowa [Mr. MCCOID] offers his substitute the House will say we are asking a court in only three places, whereas my venerable friend asked for courts in four places. We ask for increased expenditures for the convenience of the people; and I care not whether there is at my back one of my colleagues or thirteen of them, if it is right to do it. I appeal to my friends on this floor and to my foes (and God forbid I should have any of the latter) to stand here for what is right and for the people against the machinations of the lawyers who do not wish to lose business and boarding-house keepers who fear they may lose a market for their hash. [Laughter and applause.]

Mr. BROADHEAD. I do not wish to take up the time of the House on a purely local matter, and therefore shall ask for the previous question.

Mr. BLAND. I ask my colleague to yield to me for a few minutes.

Mr. BROADHEAD. Certainly.

Mr. BLAND. Mr. Speaker, I have no feeling in this matter so far as the first bill is concerned. I do not know about the substitute which is to be proposed. If these courts are to be established and to have jurisdiction which is to come afterward, I do not know any objection to these bills. But my objection goes to this class of legislation. There is a strife between towns for holding terms of the United States courts. When once established the effort is to have them continued and their jurisdiction extended. The more localities they are established in the stronger grows their power. I believe the crying evil of the country is in the Federal courts usurping authority. Take the railroad corporations. In the district where I live a poor man can not get justice for a cow, which may be run over and killed, without going to the Federal court, and that is tantamount to a denial of justice.

I might enumerate instances in which the jurisdiction of these courts ought to be curtailed and where it must be curtailed unless you propose to strike down entirely the jurisdiction of the several States and refer all questions of this kind to the Federal courts.

I had hoped the gentleman from Virginia [Mr. TUCKER] would bring in a bill to curtail the jurisdiction of the Federal courts and so relieve them of the excess of business which now crowds their dockets. If that were done, then we should not need so many places for holding United States courts. But while this business continues you must provide the proper facilities for its disposal. The first step to be taken is to diminish the jurisdiction of the Federal courts, and therefore I am opposed, unless there is an overwhelming necessity for it, to increasing the strength of local communities who unite in favoring the extension of the jurisdiction of the Federal courts.

Mr. BROADHEAD. I demand the previous question.

The previous question was ordered.

Mr. ROGERS, of Arkansas. I ask for a division.

The House divided; and there were—ayes 46, noes 88.

Mr. ALEXANDER. I demand tellers.

Tellers were not ordered.

So the House refused to recommit the bill.

Mr. MCCOID. I offer the following substitute.

The Clerk read as follows:

Be it enacted, &c., That the city of Saint Louis and the following-named counties in the State of Missouri shall constitute the eastern judicial district of Missouri, to wit: Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint François, Saint Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, Saint Charles, Macon, Adair, Audrain, Clarke, Knox, Lewis, Marion, Monroe, Pike, Ralls, Schuyler, Scotland, Shelby, Putnam, and Randolph. And all the other counties in the State of Missouri shall constitute the western judical district of Missouri.

SEC. 2. That the eastern judicial district of Missouri is hereby divided into two divisions, which shall be known respectively as the northern and eastern divisions of said eastern district. The city of Saint Louis and the counties of Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint François, Saint Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, and Saint Charles shall constitute the eastern division of said district, the courts for which are now established and held and shall be continued at the city of Saint Louis. The remaining counties within the eastern district shall constitute the northern division of said district, and the courts therefor shall be held at the city of Hannibal, and shall be styled the district court (or the circuit court, as the case may be) of the United States for the northern division of the eastern district of Missouri. The western judicial district of Missouri shall be divided into four divisions, to be known as the Saint Joseph, the western, the central, and the southern divisions. The counties of Clay, Ray, Carroll, Chariton, Sullivan, Jackson, La Fayette, Saline, Cass, Johnson, Bates, Henry, Vernon, and Saint Clair shall constitute the western division, the courts for which shall be continued at Kansas City. The counties of Atchison, Nodaway, Holt, Andrew, Buchanan, Platte, Clinton, Caldwell, Livingston, Grundy, Mercer, Harrison, Daviess, De Kalb, Gentry, Linn, and Worth shall constitute the Saint Joseph division, and the courts therefor shall be held at the city of Saint Joseph, and shall be styled the district court (or the circuit court, as the case may be) of the United States for the Saint Joseph division of the western district of Missouri. The counties of Barton, Cedar, Polk, Dallas, Laclede, Pulaski, Jasper, Dade, Greene, Webster, Wright, Texas, Lawrence, Christian, Douglas, Howell, Newton, Barry, McDonald, Stone, Taney, and Ozark shall constitute the southern division of said western district, the courts for which shall be held at the city of Springfield, and they shall be styled the district court (or circuit court, as the case may be) of the United States for the southern division of the western district of Missouri. The remaining counties within the said western district shall constitute the central division of said district, and the courts therefor shall be continued and held at Jefferson City.

SEC. 3. That there shall be, and there are hereby, established a district and circuit court of the United States in each of the several divisions of the said eastern and western districts herein created, and in each division there shall be held two terms of both the district and circuit courts in each and every year. The times of holding said terms in each of said divisions shall be fixed without delay by the judge of the district court of the proper district. The district judges for the eastern and western districts of Missouri, each in the divisions of his proper district, and the circuit judge of the United States for the eighth judicial circuit, are hereby required to hold the courts aforesaid. Juries shall be summoned for the additional courts hereby created as now provided by law for the summoning of juries in the said districts.

SEC. 4. That hereafter all suits to be brought in the courts of the United States in Missouri, not of a local nature, shall be brought in the division where the defendants, or either of them, reside; but if there be more than one defendant, and a part of them reside in different divisions or districts of said State, the plaintiff may sue in either division or district where one of such defendants resides, and send duplicate writs to the other division or district, directed to the marshal of said district, on which said writs shall be indorsed, by the plaintiff or his attorney, that the same is a duplicate of the original writ sued out of the court of the proper division and district. Any cause may, by the written consent of both parties or their attorneys of record, be transferred to the court of either division or district, without regard to the residence of the defendants, and whether such cause be now pending or be instituted hereafter. All civil causes now pending in any of the courts in said eastern or western district, or any division thereof, against parties residing in some other division hereby created, may remain and be finally disposed of in the court in which they are now pending, respectively, unless the defendants therein shall desire to have the same transferred to the appropriate court of the division in which they reside, in which last event such transfer shall be applied for to the court of the division in which the cause is pending; and when a cause shall be ordered to be transferred, as above provided, to a court in any other division, it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers of the cause, and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record of all orders, interlocutory decrees, or other entries in the cause; and he shall also certify, under seal of the court, that the papers sent are all which are on file in said court belonging to the cause; for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs of the cause; and such transcript, when so certified and received, shall thenceforth constitute a part of the record of the cause in the court to which the transfer shall be made.

SEC. 5. That there shall be appointed a clerk for each of said courts at Hannibal, Saint Joseph, and Springfield, and each clerk shall be a resident of the division in which the court of which he is clerk is held; he shall keep an office, and the records, files, and documents pertaining to the court of his division, and he shall discharge all the duties and receive the fees required or allowed by law. And the marshals and the district attorneys for the said eastern and western judicial districts shall be the marshal and attorney respectively for the divisions for their respective districts, and shall be allowed the same fees and be subject to the same duties and liabilities as may be provided by law; that process issuing out of the courts of either division of said districts shall be directed to the marshal of the district in which the division is located, and may be executed by him or his deputies upon the party or parties against whom issued wherever found within his district; and the marshal of each district shall keep an office and at least one general deputy residing at the place of holding courts in each division, excepting the division in which he may himself reside.

SEC. 6. That all causes and procedings in law, equity, or bankruptcy now pending in any district or circuit court of the United States in the State of Missouri, where all the defendants (or plaintiffs, where the jurisdiction is derived from the residence of the plaintiffs) shall reside in either of the divisions in which courts are hereby established, shall be transferred to the court of the division in which the defendants (or plaintiffs, where the jurisdiction is derived from their residence) reside; and the transfer may be made in vacation or in term time. If made in vacation, an affidavit of all the parties defendant that they are resident in said division shall be filed, and ten days' notice of the purpose and time of hearing of said motion shall be given the opposite party or his attorney of record; but if made in term time, then on motion and affidavit only. And the said circuit and district courts for said divisions shall have the same powers and jurisdiction, with the same right to parties to prosecute appeals and writs of error thereupon, as now pertain to the district and circuit courts for said eastern and western judicial districts. All prosecutions for crimes and offenses heretofore committed shall be commenced and prosecuted in the division where they were committed.

SEC. 7. That before the judge shall fix the terms of courts at Saint Joseph he shall have satisfactory evidence that the county court of Buchanan County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor; and before the court or judge shall fix the terms of said courts at Springfield he shall have satisfactory evidence that the county court of Greene County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor; and before the judge shall fix the terms of courts at Hannibal he shall have satisfactory evidence that the county court of Marion County has provided and set apart for the use of said courts a court-room, clerk's office,

marshal's office, and attorney's office free of expense to the United States for rent therefor.

Mr. ALEXANDER. I desire to make a point of order that this substitute is in fact a bill which is already pending before the Committee on the Judiciary. It is the bill numbered 4814.

Mr. McCOID. That is a mistake. The draught of the bill used was the number which the gentleman gives, but the amendments are incorporated in it simply for convenience, because that contained a part of the language designed to be used as proposed by the committee.

This, however, is a substitute for the pending bill, and the committee have instructed the moving of that substitute in place of the other bill.

Mr. ALEXANDER. It is not yet reported to the House.

Mr. McCOID. That is the action of the Committee on the Judiciary. They recommend this substitute for the original bill.

The SPEAKER. The action of the committee would make no difference as to the point of order.

Mr. BROADHEAD. The gentleman from Iowa is mistaken in saying that the committee has acted upon any amendment at all of that character.

The SPEAKER. The rule of the House provides that the substance even of a pending bill can not be offered as an amendment. This appears to be the body of a pending bill with two or three alterations in manuscript.

Mr. HATCH, of Missouri. The Chair I think is in error in regard to that. The substitute offered by the gentleman from Iowa is a substitute brought from the Committee on the Judiciary with instructions to offer it here.

Mr. BROADHEAD. Either the gentleman is mistaken or I am mistaken in that statement.

The SPEAKER. The bill itself shows that the gentleman from Missouri, Mr. BURNES, on the 11th day of February, introduced this bill into the House, when it was read twice and referred to the Committee on the Judiciary. If this has been reported back to the House the record does not show it.

Mr. McCOID. Then under instructions from the Committee on the Judiciary I offer an amendment to the first section of the bill, and will withdraw the substitute.

The Clerk read as follows:

After the word "Macon," in line 10, insert "Adair, Audrain, Clarke, Knox, Lewis, Marion, Monroe, Pike, Ralls, Schuyler, Scotland, and Shelby."

The SPEAKER. The Chair thinks the amendment the gentleman sent up was drawn with reference to the bill that he sent up as a substitute. It does not appear to have reference to the pending bill.

Mr. McCOID. Let me ask the Chair, is it not in order to offer the bill I sent to the desk as an amendment to the original bill?

The SPEAKER. That is exactly what the rule prohibits, the proposal of the substance even of any other bill as an amendment to a pending proposition.

The Chair is now endeavoring to ascertain from the gentleman from Iowa whether he proposes an amendment to the bill pending before the House, the amendment sent up by him being apparently an amendment prepared with reference to the substitute?

Mr. McCOID. I have withdrawn the substitute.

Mr. HATCH, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH, of Missouri. I wish to ask if the Chair decides that the bill introduced by my colleague [Mr. BURNES] and referred to the Committee on the Judiciary, and which has not been reported, but which is now offered by the gentleman from Iowa as a substitute for the pending bill, is subject to the point of order simply because it is a bill introduced? It is not, as I understand the rule, a bill pending before the House.

The SPEAKER. It is unquestionably pending. All bills introduced into the House are referred by the House, as a rule, to a committee, and while in the committee are pending bills.

Mr. HATCH, of Missouri. With all due deference to the Chair, I think the rule in that respect means a bill pending before the House itself—a bill, in other words, that is reported to the House and is upon its Calendars, not a mere bill that has been introduced and sent to a committee—because if the Speaker holds that a bill which is simply introduced can not be offered, or the substance of it can not be offered, as an amendment to any bill, then it will be seen that I could prevent the offering of any amendments to any bill by simply flooding the House with bills on every conceivable subject on any day.

The SPEAKER. It has been the universal ruling of the House that if a bill has been introduced and is before the House or a committee, it can not be offered as an amendment to another pending bill when the point of order is made against it. The Chair is obliged to take notice of the fact when his attention is called to it that it is a pending bill, and consequently not in order. If a bill before a committee is not a pending bill, the Chair can not understand what position such a bill occupies.

Mr. HATCH, of Missouri. Then I make the point of order that the bill that has been referred to the committee is not a bill pending before the House within the meaning of the rule.

The SPEAKER. The Chair will cause the rule to be read. The Clerk will read the fourth clause of Rule XXI.

The Clerk read as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

The SPEAKER. The Chair thinks that rule applies to the proposed substitute in this case, and hence must sustain the point of order.

Mr. McCOID. Then I move to strike out the first section of the pending bill and insert what I send to the desk.

The Clerk read as follows:

That the city of Saint Louis and the following-named counties in the State of Missouri shall constitute the eastern judicial district of Missouri, to wit: Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint François, Saint Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, Saint Charles, Macon, Linn, Adair, Audrain, Clarke, Knox, Lewis, Marion, Monroe, Pike, Ralls, Schuyler, Scotland, Shelby, Putnam, Sullivan, and Randolph. And all the other counties in the State of Missouri shall constitute the western judicial district of Missouri.

The SPEAKER. The question is upon the adoption of this amendment.

Mr. ALEXANDER. I want to offer an amendment to the amendment, if I understand it correctly. I desire to know whether Randolph County is embraced in the Saint Louis district or not?

The SPEAKER. The Clerk will report the amendment again.

The Clerk again read the proposed amendment.

The SPEAKER. Randolph is included in the amendment.

Mr. McCOID. I demand the previous question on the amendment.

The previous question was ordered; and under the operation thereof the amendment was adopted.

Mr. McCOID. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the second section, and insert in lieu thereof the following:

"SEC. 2. That the eastern judicial district of Missouri is hereby divided into two divisions, which shall be known respectively as the northern and eastern divisions of said eastern district. The city of Saint Louis and the counties of Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint François, Saint Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, and Saint Charles shall constitute the eastern division of said district, the courts for which are now established and held and shall be continued at the city of Saint Louis. The remaining counties within the eastern district shall constitute the northern division of said district, and the courts therefor shall be held at the city of Hannibal, and shall be styled the district court (or the circuit court, as the case may be) of the United States for the northern division of the eastern district of Missouri. The western judicial district of Missouri shall be divided into four divisions, to be known as the Saint Joseph, the western, the central, and the southern divisions. The counties of Clay, Ray, Carroll, Chariton, Sullivan, La Fayette, Saline, Cass, Johnson, Bates, Henry, Vernon, and Saint Clair shall constitute the western division, the court for which shall be continued at Kansas City. The counties of Atchison, Nodaway, Holt, Andrew, Buchanan, Platte, Clinton, Caldwell, Livingston, Grundy, Mercer, Harrison, Daviess, De Kalb, Gentry, Linn, and Worth shall constitute the Saint Joseph division, and the courts therefor shall be held at the city of Saint Joseph, and shall be styled the district court (or the circuit court, as the case may be) of the United States for the Saint Joseph division of the western district of Missouri. The counties of Barton, Cedar, Polk, Dallas, Laclede, Pulaski, Jasper, Dade, Greene, Webster, Wright, Texas, Lawrence, Christian, Douglas, Howell, Newton, Barry, McDonald, Stone, Taney, and Ozark shall constitute the southern division of said western district, the courts for which shall be held at the city of Springfield, and they shall be styled the district court (or circuit court, as the case may be) of the United States for the southern division of the western district of Missouri. The remaining counties within the said western district shall constitute the central division of said district, and the courts therefor shall be continued and held at Jefferson City."

Mr. McCOID. I call for the previous question on the amendment.

Mr. ALEXANDER. I desire to make the point of order that gentlemen are trying to do by piecemeal what they could not do by wholesale, this being a section of the bill which the gentleman from Iowa sought to offer as a substitute.

The SPEAKER. This is a new question and is a very important one. The Chair would like to hear the gentleman from Missouri [Mr. ALEXANDER] upon the point of order. In the first place the Chair can not know what the purpose of the gentleman from Iowa [Mr. McCOID] is. That is to say, the Chair can not know in advance that the gentleman from Iowa proposes to follow up this amendment by offering as substitutes for the various sections of this bill the sections of the other bill. In the next place the Chair does not know that this section embraces the substance of the bill pending before the House which was ruled out.

Mr. ALEXANDER. It is the substance of one of the sections of that bill.

The SPEAKER. There is no doubt as to that; it is the substance of one of the sections. But suppose the gentleman from Iowa should propose to strike out one line of the pending bill and insert in lieu of it a line of another bill, and follow that up line after line until the whole of the other bill should be inserted, would that be a violation of the rule?

Mr. REED. I think the Chair ought to give the rule a liberal interpretation. It appears to me we can not transact business unless the rules are liberally construed.

The SPEAKER. Still the question remains whether the Chair, in administering the rules, can permit that to be done indirectly which can not be done directly by a motion to substitute the entire bill.

Mr. REED. It seems to me the Chair has suggested the real solution of the question; and that is that these propositions are made one by one, and each proposition is to be judged on its own merits. In order to rule out these amendments the same as the original substitute the Chair has got to make two assumptions which are utterly unwarranted by any existing state of facts: first, that the gentleman from Iowa proposes to offer the other sections; and, second, the House of Representatives will adopt them if he does offer them. So far he goes section by section, and does not offer the substance of a bill now pending before the House. It seems to me the Chair has suggested the real solution of the question.

Mr. HAMMOND. I beg to make this suggestion as to the reason for that rule, the sole reason so far as my judgment goes, that it would be bad policy to allow the whole bill to be injected as an amendment to another bill. But when you parcel it up the whole reason for that rule is gone. The rule does not say the substance of a section of a bill, but the substance of the whole bill.

There are many inconvenient things growing out of putting in a whole bill as an amendment, such as the length of time taken to read it, the impossibility of keeping it all in the mind of the House, the request to have it reread, and all that sort of thing. And therefore if the Chair was informed that the purpose of the gentleman from Iowa was to offer the bill section after section he would not be violating the letter of the rule, because the rule in its letter does not exclude it, and its spirit, if I am right as to its spirit, does not exclude it either.

Mr. WHITE, of Kentucky. In addition to what the gentleman from Georgia has just stated, I apprehend no one would contend that any word in this bill might not be changed if a majority of the House were to agree to change it. I apprehend further that no one would contend that any number of words in that bill might not be changed, if in the opinion of this House they ought to be changed and if the House should so vote. Now, if that be true, when the bill should be so amended after days of debate, if you can imagine this bill to run for days, some one could rise on this floor and state to the House there was a bill on the Calendar now that was just the same as the bill, as now amended, or that there was a bill before some committee that corresponded precisely with the bill which, after all these amendments, was before the House; and if this point, which has been made by the gentleman from Missouri [Mr. ALEXANDER] was good, the Chair could then rule out this bill perfected by the House because it was like another bill pending before a committee.

Now if that be so, then you undermine all power to amend. The proposition of the gentleman from Missouri proves too much and therefore must fall to the ground, even as the gentleman from Georgia has stated, if the Chair could know in advance that the purpose of the gentleman from Iowa is to strike out section after section of the bill now before the House for consideration and to substitute section after section of the bill which was ruled out of order by the Chair; because the bill on the Calendar as a whole has not been substituted by a bill which is before the committee, but section by section we have voted upon the bill, and it is the action of the House which has substituted one whole bill for another whole bill.

The SPEAKER. The Chair has very serious doubts about the propriety of permitting amendments of this character under the rules. At the same time it is the opinion of the Chair that in matters of this kind where there is ground for reasonable doubt the safer course is to allow the amendment to come in and permit the House to vote upon it. What might be the result if the point of order should be made at a different stage of the proceedings the Chair will not now undertake to say.

It was decided a few days since by a gentleman who was then occupying the chair that it was in order to offer a single section of a pending bill as an amendment to another bill, and the Chair will simply follow that ruling for the present and submit the amendment now offered to a vote of the House.

Mr. WARNER, of Ohio. If the bill which as a substitute was ruled out of order should now be offered section by section and adopted by the House would not the point of order then lie against the entire bill, the purpose not being clear at the first that the entire substitute would be offered section by section?

The SPEAKER. That is exactly the question the Chair had in view when he said that what would be the ruling of the Chair if the point of order was made at a different stage of the proceedings he was not ready at present to decide.

Mr. ALEXANDER. Then I will withdraw the point of order for the present, and reserve the right to make it at another time.

Mr. BLAND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. Suppose that, after all these amendments have gone into the bill now pending, the House shall ascertain that the bill so amended is simply another pending bill, and should find that we have by piecemeal adopted another bill pending before the House, would it not then be in order to raise the point of order upon the bill so amended?

The SPEAKER. The Chair does not desire to decide a question of that kind in advance.

Mr. ALEXANDER. In order that I may be fully understood by the Chair and the Chair by me, I simply wish to reserve my right to make the point of order and not insist upon it now.

The SPEAKER. If the gentleman has a right to make the point of order he can make it without reserving it now. The Chair understands the gentleman to withdraw his point of order.

Mr. ALEXANDER. I do not withdraw it.

The SPEAKER. The Chair understood the gentleman to withdraw the point of order now, and to state that he would make it at another time. The Chair has overruled the point of order.

Mr. McCOID. I now call the previous question on the pending amendment.

Mr. ALEXANDER. I hope the previous question will not be ordered. I want to move some amendments; there are some counties that are being ignored.

The SPEAKER. The demand for the previous question is not debatable.

The question was taken upon ordering the previous question; and upon a division there were—ayes 58, noes 36.

Mr. ALEXANDER. No quorum has voted.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. ALEXANDER. I move that the House now adjourn.

The motion was not agreed to; there being upon a division—ayes 46, noes 65.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] makes the point of order that no quorum voted upon the demand for the previous question.

Tellers were ordered; and Mr. McCOID and Mr. BLAND were appointed.

The House again divided; and the tellers reported that there were ayes 115, noes 27.

Mr. ALEXANDER. No quorum has voted.

Mr. BLAND. I move that the House adjourn.

Mr. BURNES. I feel confident that my friend and colleague here [Mr. ALEXANDER] is willing to suspend any further demand for a quorum.

Mr. ALEXANDER. I do not know why you should think so. [Laughter].

Mr. BURNES. My colleague informs me that there are two or three amendments which he desires to have incorporated in the bill, and if the House will give him the assurance which I have given him, that he shall have an opportunity to offer those amendments and have a vote upon them—and I will say that I will vote for them myself—I think he will withdraw his point that no quorum has voted.

Mr. NICHOLLS. It is very late Saturday evening and it is not likely there will be a quorum here to-day. I therefore move that the House adjourn.

Mr. HATCH, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH, of Missouri. What gentleman rose and insisted upon the point that no quorum had voted?

Mr. ALEXANDER. The member from the second district of Missouri.

Mr. HATCH, of Missouri. Very, well; I want the RECORD to show it.

Mr. ALEXANDER. It will show it.

Mr. HATCH, of Missouri. You are throwing away the only chance to pass any bill.

Mr. ALEXANDER. I ask no advice from my colleague.

The SPEAKER (rapping with his gavel). The House will be in order.

PERSONAL EXPLANATION.

Mr. BROWNE, of Indiana. I rise to a personal explanation. During the discussion yesterday on the Army appropriation bill I inadvertently attributed a wrong position to the Paymaster-General of the Army. In order, therefore, that he may be placed correctly upon the record I ask unanimous consent that his letter to me may be printed in the RECORD; I do not ask to have it read.

There was no objection, and leave was granted accordingly.

The letter is as follows:

PAY DEPARTMENT, *May* 17, 1884.

MY DEAR SIR: Oblige me by correcting your remarks made yesterday while the Army appropriation bill was under discussion.

I do not favor a reduction of rank in the Pay Department. The duties, the responsibilities, and his contact with the line officers of the Army demand that he should not only have the pay but also the rank of at least a major.

The recent attack on Major Whipple, wherein one of his escort was killed and two wounded, is a case in point illustratiug the peculiar risks to which they are exposed.

Nor do I favor the abolishing of the grades of colonel and lieutenant-colonel. Without these grades there would be no promotion in the department, a necessary feature to maintain an active, energetic, and zealous corps. It is the reward to which all faithful officers look, and it would be an injustice to single out any class of officers and deprive them of benefits granted their brother officers.

I am, general, very respectfully, yours, &c.,

WM. B. ROCHESTER,
Paymaster-General United States Army.

Hon. THOS. M. BROWNE,
House of Representatives.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion that the House now adjourn.

The question was taken by a *viva voce* vote, and the Speaker announced that the ayes appeared to have it.

Mr. HATCH, of Missouri. I call for a division.

The House divided; and there were—ayes 63, noes 53.

Before the result of this vote was announced,

Mr. HATCH, of Missouri called for the yeas and nays.

The yeas and nays were ordered, there being 34 in the affirmative—more than one-fifth of the last vote.

The question was taken; and there were—yeas 74, nays 83, not voting 166; as follows:

YEAS—74.

Aiken,	Ermentrout,	Mutchler,	Stone,
Alexander,	Evans, I. N.	Neece,	Taylor, J. M.
Atkinson,	Everhart,	Nicholls,	Tillman,
Ballentine,	Evins, J. H.	O'Ferrall,	Tully,
Bland,	Ferrell,	O'Neill, J. J.	Turner, H. G.
Broadhead,	Graves,	Patton,	Turner, Oscar
Browne, T. M.	Green,	Pierce,	Van Alstyne,
Buchanan,	Greenleaf,	Price,	Vance,
Candler,	Halsell,	Randall,	Van Eaton,
Cannon,	Hardeman,	Reese,	Warner, A. J.
Clements,	Hemphill,	Riggs,	Warner, Richard
Connolly,	Henley,	Rogers, J. H.	Weller,
Cox, W. R.	Hewitt, G. W.	Rogers, W. F.	White, Milo
Crisp,	Holman,	Scales,	Willis,
Dargan,	Lacey,	Seymour,	Wise, G. D.
Dibrell,	Lewis,	Shaw,	Wolford,
Dunn,	Mitchell,	Singleton,	Wood.
Eldredge,	Moulton,	Skinner, T. G.	
Ellwood,	Muldrow,	Slocum,	

NAYS—83.

Adams, G. E.	Fyan,	McCormick,	Spooner,
Anderson,	Hammond,	Matson,	Steele,
Arnot,	Hancock,	Maybury,	Stephenson,
Barbour,	Hatch, H. H.	Miller, J. F.	Stevens,
Bayne,	Hatch, W. H.	Miller, S. H.	Strait,
Bennett,	Henderson, T. J.	Morgan,	Struble,
Blount,	Hepburn,	Morrison,	Throckmorton,
Boutelle,	Herbert,	Nelson,	Tucker,
Breckinridge,	Holmes,	Nutting,	Wakefield,
Brewer, J. H.	Horr,	O'Hara,	Ward,
Brown, W. W.	Houk,	Peel, S. W.	Wellborn,
Burnes,	Hunt,	Peelle, S. J.	White, J. D.
Carleton,	Johnson,	Perkins,	Whiting,
Collins,	Jones, J. H.	Peters,	Williams,
Culberson, D. B.	Jones, J. K.	Pettibone,	Wilson, James
Cullen,	Laird,	Poland,	Wilson, W. L.
Curtin,	Lamb,	Post,	Winans, E. B.
Davis, G. R.	Lanham,	Potter,	Woodward,
Davis, R. T.	Long,	Pryor,	Yaple,
Eaton,	Lowry,	Ranney,	York.
Follett,	Lyman,	Rockwell,	

NOT VOTING—166.

Adams, J. J.	Dockery,	Jordan,	Reed,
Bagley,	Dorsheimer,	Kasson,	Rice,
Barksdale,	Dowd,	Kean,	Robertson,
Barr,	Duncan,	Keifer,	Robinson, J. S.
Beach,	Dunham,	Kelley,	Robinson, W. E.
Belford,	Elliott,	Kellogg,	Rosecrans,
Belmont,	Ellis,	Ketcham,	Rowell,
Bingham,	Fiedler,	King,	Russell,
Bisbee,	Findlay,	Kleiner,	Ryan,
Blackburn,	Finerty,	Lawrence,	Seney,
Blanchard,	Foran,	Le Fevre,	Shelley,
Bowen,	Forney,	Libbey,	Skinner, C. R.
Boyle,	Funston,	Lore,	Smalls,
Brainerd,	Garrison,	Lovering,	Smith,
Breitung,	Geddes,	McAdoo,	Snyder,
Brewer, F. B.	George,	McCoid,	Spriggs,
Brumm,	Gibson,	McComas,	Springer,
Buckner,	Glascock,	McKinley,	Stewart, Charles
Budd,	Goff,	McMillin,	Stewart, J. W.
Burleigh,	Guenther,	Millard,	Stockslager,
Cabell,	Hanback,	Milliken,	Storm,
Caldwell,	Hardy,	Mills,	Sumner, C. A.
Calkins,	Harmer,	Money,	Sumner, D. H.
Campbell, Felix	Hart,	Morey,	Talbott,
Campbell, J. M.	Haynes,	Morrill,	Taylor, E. B.
Cassidy	Henderson, D. B.	Morse,	Taylor, J. D.
Chace,	Hewitt, A. S.	Muller,	Thomas,
Clardy,	Hill,	Murphy,	Thompson,
Clay,	Hiscock,	Murray,	Townshend,
Cobb,	Hitt,	Oates,	Valentine,
Converse,	Hoblitzell,	Ochiltree,	Wadsworth,
Cook,	Holton,	O'Neill, Charles	Wait,
Cosgrove,	Hooper,	Paige,	Washburn,
Covington,	Hopkins,	Parker,	Weaver,
Cox, S. S.	Houseman,	Payne,	Wemple,
Culbertson, W. W	Howey,	Payson,	Wilkins,
Cutcheon,	Hurd,	Phelps,	Winans, John
Davidson,	Hutchins,	Pusey,	Wise, J. S.
Davis, L. H.	James,	Rankin,	Worthington,
Deuster,	Jeffords,	Ray, G. W.	Young.
Dibble,	Jones, B. W.	Ray, Ossian	
Dingley,	Jones, J. T.	Reagan,	

So the motion to adjourn was not agreed to.

Mr. PARKER (before the result of the vote was announced). Mr. Speaker, I ask to have my vote recorded. I was present during the roll-call, but was not able to respond until after my name had been passed.

The SPEAKER. Was the gentleman in his seat and listening during the roll-call?

Mr. PARKER. I was.

The SPEAKER. The gentleman from New York states that he was in his seat and listening when the roll was called but did not hear his name. Is there objection to permitting him to vote?

Mr. GEORGE D. WISE. I object.

The following pairs were announced:

Mr. CALDWELL with Mr. CUTCHEON, until May 30.

Mr. HEWITT, of New York, with Mr. BURLEIGH, until May 20.

Mr. BLACKBURN with Mr. HISCOCK, until May 19.

Mr. KLEINER with Mr. MILLARD, until May 19.

Mr. CONNOLLY with Mr. HENDERSON, of Illinois, until May 19.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont, until May 21.

Mr. BOYLE with Mr. LAWRENCE, until May 22.

Mr. THOMPSON with Mr. O'NEILL, of Pennsylvania, until May 19.

Mr. HOBLITZELL with Mr. MCCOMAS, until May 19.

Mr. TALBOTT with Mr. HOLTON, until May 19.

Mr. MATSON with Mr. CULLEN, until May 23.

Mr. WILKINS with Mr. HENDERSON, of Iowa, until May 27.

Mr. DIBBLE with Mr. DINGLEY, until May 24.

Mr. DAVIDSON with Mr. BISBEE, until May 22.

The following were announced as paired until further notice:

Mr. MCMILLIN with Mr. RAY, of New York.

Mr. RIGGS with Mr. OCHILTREE.

Mr. MULDROW with Mr. VALENTINE.

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. TOWNSHEND with Mr. WASHBURN.

Mr. MORSE with Mr. RUSSELL.

Mr. HILL with Mr. KETCHAM.

Mr. SNYDER with Mr. GOFF.

Mr. FIEDLER with Mr. HARMER.

Mr. WEMPLE with Mr. MOREY.

Mr. PAIGE with Mr. KELLOGG.

Mr. HOUSEMAN with Mr. HOOPER.

Mr. GARRISON with Mr. CHACE.

Mr. BUCKNER with Mr. ROWELL.

Mr. COVINGTON with Mr. BRUMM.

Mr. CLARDY with Mr. BREWER, of New York.

Mr. DAVIS, of Missouri, with Mr. WILSON, of Iowa.

Mr. FERRELL with Mr. WADSWORTH.

Mr. SPRIGGS with Mr. JEFFORDS.

Mr. BAGLEY with Mr. MORRILL.

Mr. HURD with Mr. BREITUNG.

The following were announced as paired for this day:

Mr. WAIT with Mr. REAGAN.

Mr. MCADOO with Mr. GEORGE.

Mr. BRAINERD with Mr. MULLER.

Mr. CLAY with Mr. HENDERSON, of Iowa.

Mr. JONES, of Wisconsin, with Mr. GUENTHER.

Mr. OATES with Mr. RAY, of New Hampshire.

Mr. MILLARD with Mr. CASSIDY.

Mr. ROBERTSON with Mr. SMITH.

Mr. FORNEY with Mr. RYAN.

Mr. KING with Mr. HOWEY.

Mr. LOVERING with Mr. HAYNES.

Mr. MILLS with Mr. MCKINLEY.

Mr. DIBBLE. Mr. Speaker, my pair with the gentleman from Maine [Mr. DINGLEY] was, as I understood, from Monday next; but as he has not voted, it is my impression that he understood the pair to date from to-day. I therefore beg leave to withdraw my vote. I voted in the negative.

The following members, being paired, withdrew their votes: Mr. BISBEE, Mr. THOMPSON, Mr. GOFF, and Mr. JEFFORDS.

Mr. WHITE, of Kentucky. I rise to a point of order. I desire to know whether pairs can be so construed as to justify members in leaving the House without a quorum by declining to vote.

The SPEAKER. That is not a question of order. The vote of a member on any particular question is a matter for him to decide, not for the Chair.

The result of the vote was announced as above stated.

Mr. HATCH, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH, of Missouri. Has a quorum voted?

The SPEAKER. It has not.

Mr. HATCH, of Missouri. I desire to state, Mr. Speaker, the vote having disclosed the fact that no quorum has voted, that those favoring the bill have no disposition to punish our friends by compelling them to sit here late Saturday night to fight against the point of order raised of no quorum, and therefore I wish to give notice, as this bill is first upon the Calendar, that I will take the earliest practicable opportunity to call it up and pass it. I now move that the House adjourn.

The SPEAKER. That can not be done, as no business has intervened since the motion to adjourn was voted down.

Mr. WHITE, of Kentucky. There would be a quorum if members had not withdrawn their votes because they were paired.

The SPEAKER. Before those names were withdrawn no quorum had voted.

Mr. HATCH, of Missouri. I move there be a call of the House.

The motion was disagreed to.

Mr. HATCH, of Missouri. I now move that the House adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Three remonstrances by citizens of New York against governmental monopoly of the telegraph business—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition from Hoosick Falls, N. Y., and from Troy, N. Y., against governmental monopoly of the telegraph business—severally to the Committee on the Post-Office and Post-Roads.

By Mr. CARLETON: Petition of William Sanborn Post, No. 98, Grand Army of the Republic, Department of Michigan, asking for an appropriation to improve the cemetery at Fort Gratiot, Mich.—to the Committee on Appropriations.

By Mr. EATON: Memorial of Judge Shipman and others, citizens of Hartford, Conn., asking an appropriation for Indian schools—to the same committee.

By Mr. GARRISON: Memorial and affidavits thereto of T. R. B. Wright, relative to the claim of Essex County, Virginia—to the Committee on War Claims.

By Mr. KELLEY: Petition signed by 33 citizens of Philadelphia, asking that an increase in the appropriations for the Indian school at Carlisle, Pa., be made—to the Committee on Appropriations.

By Mr. KING: Petition of J. H. Scheen, president, and D. H. Hayes, secretary parish school board, Red River, La., for national aid to public schools—to the Committee on Education.

Also, memorial of the Women's Silk-Culture Association—to the Committee on Agriculture.

By Mr. LOVERING: Petitions of over 1,000 posts of the Grand Army of the Republic, asking Congress to grant a pension of $8 per month to all soldiers and sailors of the Union who served sixty days or more in the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of citizens of Boston, Mass., asking an investigation of certain charges preferred against Moses H. Webber, superintendent of the navy-yard, Boston—to the Committee on Naval Affairs.

By Mr. RICE: Petition of J. W. Brown and others, citizens of Warren, Mass., for reduction of revenue—to the Committee on Ways and Means.

By Mr. ROCKWELL. Remonstrance of citizens of Dalton, Mass., against establishing a governmental monopoly in the telegraph business—to the Committee on the Post-Office and Post-Roads.

By Mr. J. H. ROGERS: Memorial of the grand jury of the district court for the western district of Arkansas, asking for the erection of a court-house at Fort Smith, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. SPOONER: Remonstrance of C. R. Cutler and others, of Warren, R. I., against governmental monopoly of telegraph business, &c.—to the Committee on the Post-Office and Post Roads.

By Mr. E. B. TAYLOR: Petition of Mrs. E. E. Case and others, relating to treatment of Indians—to the Committee on Indian Affairs.

By Mr. VAN ALSTYNE: Petition of Catherine V. R. Bonney and Harriet M. Elmendorf, daughters of General Solomon Van Rensselaer, for a pension—to the Committee on Pensions.

By Mr. WHITING: Petition for the repeal of the internal-revenue taxes—to the Committee on Ways and Means.

By Mr. WILLIS: Petition of post-office employés of Louisville, Ky., asking for a reclassification of clerks in forwarding and city distributing departments of all first-class post-offices—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *May* 19, 1884.

Prayer by Rev. J. G. OAKLEY, D. D., of New York city.

NAMING A PRESIDING OFFICER.

Mr. CAMERON, of Wisconsin, called the Senate to order, and the Secretary read the following letter:

VICE-PRESIDENT'S CHAMBER, *Washington, May* 19, 1884.

To the Senate:

Pursuant to the rules I hereby name and designate Hon. ANGUS CAMERON, a Senator from the State of Wisconsin, to perform the duties of the chair during my absence this day.

GEORGE F. EDMUNDS, *President pro tempore.*

Thereupon Mr. CAMERON, of Wisconsin, took the chair as Presiding Officer.

THE JOURNAL.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair) laid before the Senate a communication from the Secretary of the Navy, transmitting, in answer to a resolution of March 3, 1884, certain reports relative to the reconstruction of the superintendent's house at the Naval Academy, with a recommendation for authority to finish it; which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives on Thursday last, were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. 2636) for the relief of Lieut. John C. Geyer; and

A bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va.

The bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and south line of the county of Douglas, State of Nebraska, and to make the same a post-route, was read twice by its title.

Mr. MANDERSON. I ask unanimous consent that that bill may receive immediate consideration. It is the same as the Senate bill on the Calendar under the eighth rule, which will be reached very shortly.

Mr. HARRIS. Did the Senator from Nebraska state that the Senate bill on the same subject has been considered and acted upon by the Senate?

Mr. MANDERSON. By the committee, and is now No. 329 in the order of business on the Calendar under the eighth rule. I have called the attention of the chairman of the committee to the House bill.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the bill may now be considered.

Mr. HARRIS. I ask the Senator from Nebraska to allow the bill to lie on the table for the present until the morning business has been concluded.

Mr. MANDERSON. Certainly, if that course is desired. I shall ask for its consideration then.

The PRESIDING OFFICER. The bill will lie on the table for the present.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented four memorials of citizens of Ohio, remonstrating against the passage of any bill for the establishment of a governmental telegraph; which were ordered to lie on the table.

He also presented a petition of citizens of Delaware County, Ohio, praying for an increase of the appropriation for the support of Indian schools; which was ordered to lie on the table.

He also presented resolutions adopted by Charles S. Hayes Post, No. 224, Department of Ohio, Grand Army of the Republic, favoring the passage of certain pension bills; which were referred to the Committee on Pensions.

Mr. HARRIS presented a memorial of citizens of Murfreesborough, Tenn., remonstrating against the passage of any law for the establishment of telegraphic lines by the United States Government; which was ordered to lie on the table.

He also presented resolutions of the Merchants' Exchange of Nashville, Tenn., remonstrating against the consolidation of the customs port of Nashville with that of Memphis, Tenn., and in favor of the appointment of an appraiser for the port of Nashville; which were referred to the Committee on Commerce.

Mr. LAPHAM presented a resolution of the Chamber of Commerce of the State of New York, in favor of the passage of an act permitting importers of foreign merchandise to make oaths and affidavits before notaries public designated by the collector of customs at the places of business or residences of such importers; which was referred to the Committee on Commerce.

Mr. LOGAN presented the petition of Franklin Jordan, of Santa Fé, N. Mex., praying to be placed on the retired-list of the Navy with the rank of lieutenant; which was referred to the Committee on Naval Affairs.

He also presented a letter from the Secretary of State, concerning the removal of the remains of F. P. Van Wyck, late consul at Turk's Island, and inclosing certain bills of expense, correspondence, &c., in regard to the same; which was referred to the Committee on Appropriations.

He also presented papers from citizens of Illinois, concerning the improvement of the Calumet River; which were referred to the Committee on Appropriations.

Mr. MANDERSON presented a petition of Ossawatomie Post, No. 178, Grand Army of the Republic, Department of Nebraska, praying the passage of a law giving a pension of $8 a month to every Union soldier and sailor who served sixty days or more in the war of the rebellion; which was referred to the Committee on Pensions.

Mr. MILLER, of California, presented a petition of the Associated Veterans of the Mexican War resident in California, praying for the early passage of the bill granting pensions to veterans of the Mexican war; which was ordered to lie on the table.

Mr. BLAIR. I present petitions of Washington Freeman, E. J. Goodwin, and C. S. Franklin, and a large number of other leading citizens of Portsmouth, N. H., praying for an increase of the appropriation for the education of Indian tribes above the amount contained in the Indian appropriation bill as it came to the Senate from the House. These petitioners pray for an appropriation that will amount to the sum of $400,000, being the amount asked for by the Secretary of the Interior. I move that the petitions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HOAR. I present the memorial of J. W. Raymond and other

leading citizens and business men of Harwich, Mass., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials, &c. I move that the memorial lie on the table.

The motion was agreed to.

Mr. COCKRELL. I present the petition of William R. Testerman, for whose relief Senate bill No. 381 was introduced and reported from the Committee on Military Affairs adversely and placed on the Calendar as Order of Business 382. This petition prays for a reconsideration of the bill by the Committee on Claims on the ground of a mistake of the facts; that certain papers which were in one of the Departments were not brought before the committee that were supposed to have been before the committee. I desire to file the petition, and ask that the bill be recommitted, with the report, to the Committee on Claims.

The PRESIDING OFFICER. The Senator from Missouri asks that the bill referred to by him be recommitted to the Committee on Claims. Is there objection? The Chair hears none, and that order is made. The petition now presented will also be referred to the Committee on Claims.

Mr. COCKRELL presented resolutions of the Board of Trade of Kansas City, Mo., in favor of the passage of the bill granting to the Southern Kansas Railway Company the right of way through the Indian Territory; which were ordered to lie on the table.

He also presented resolutions of Sergt. Benjamin H. Porch Post, No. 135, Grand Army of the Republic, Department of Missouri, of Chester, Miller County, Missouri, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

He also presented resolutions of the Grand Army of the Republic, Department of Missouri, presented to that body by General W. T. Sherman, and adopted at Saint Louis, Mo., April 12, 1884, indorsing General Andrew Jackson Smith, and in favor of the passage of the bill to authorize the President to restore to the Army Register the name of Col. and Bvt. Maj. Gen. A. J. Smith, and to retire him with the rank of colonel of cavalry; which were referred to the Committee on Military Affairs.

Mr. CALL. I present a petition signed by 5,000 citizens of the District of Columbia, praying for the passage of the bill for the prevention of the adulteration of food in the District of Columbia. The petition states that:

We, the undersigned citizens of the District of Columbia, viewing with pleasure the effort of your honorable body to prevent the adulteration of food, most respectfully petition and pray that immunity may be given us from the frightful, and in many cases fatal effect upon the human system, that is imparted by the use of canned goods. The number of cases occurring of well-defined poison is alarming. Very recently seven cases occurred in Pennsylvania, thirteen in Brooklyn, five in Washington, one at Old Point Comfort, and numbers of others of which no mention is made, &c.

I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CALL. I present a petition of numerous citizens of Florida, praying that the grant of land made on the 17th of May, 1856, to the Florida Railroad Company, now known as the Atlantic, Gulf and West India Transit Company, may be forfeited. The petition states that a tract of land fully set forth and described in said act, comprehending many hundreds of thousands of acres extending from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida, with an extension to Cedar Key, in East Florida, was made to this railroad company in the year 1856, and, notwithstanding it is now twenty-eight years since the passage of that act, the company has not completed a railroad over the said tract, "and the undersigned, citizens and taxpayers, residents of the county of Hernando, and State of Florida, do consider it detrimental to their interests, to the interests of the State and of the United States, to further continue said grant of land to said company." They therefore pray this honorable body to pass an act during the present session declaring the grant, or so much thereof over which the company has not completed its road, forfeited. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. BECK presented the memorial of W. N. Halderman, John G. Baxter, and other citizens of Louisville, Ky., and the petition of H. C. McLeod and other citizens of Woodford County, Kentucky, remonstrating against the passage of any bill for the establishment of a governmental telegraph; which were ordered to lie on the table.

Mr. BAYARD. I present the memorial of David Graham Adee and 62 others, among whose names I find some of the leading business firms and citizens of this District, remonstrating against the establishment of a governmental monopoly of the telegraph business. As there is a bill reported to that effect, I move that the memorial lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1026) to amend the ninth section of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880, reported it without amendment.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. 1327) to amend section 604 of the Revised Statutes, and for other purposes, reported it with amendments.

Mr. BLAIR. By direction of the Committee on Pensions, I report the bill (S. 1225) granting a pension to Mary Happerton, widow of Edward Happerton, favorably without amendment, and recommend its passage.

Mr. JACKSON. I ask leave to submit the views of the minority on that bill.

The PRESIDING OFFICER. The Senator from Tennessee submits the views of the minority on the bill just reported by the Senator from New Hampshire, which will be printed.

Mr. BLAIR. By direction of the Committee on Pensions, I report favorably the bill (S. 1640) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg, and for other disabilities contracted in the service.

Mr. JACKSON. I should like to inquire of the Senator who has reported that bill at what time the committee considered it. I have been usually present, and I do not remember that that bill was considered while I was present.

Mr. BLAIR. It was considered last Saturday at the meeting of the committee. The Senator was present during part of the meeting. I presume it may have been acted upon after he retired from the committee.

Mr. JACKSON. When I retired there were only three members left.

Mr. BLAIR. We did a good deal of business after that.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. LOGAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws, reported it with amendments.

Mr. LOGAN. I am also directed by the Committee on the Judiciary, to whom were referred the joint resolution (S. R. 8) proposing an amendment to the Constitution of the United States in relation to appropriations, and the joint resolution (S. R. 22) proposing an amendment to the Constitution in relation to appropriations, to report them back and ask that the committee be discharged from the further consideration of these resolutions, for the reason that a joint resolution upon the same subject has been already reported to the Senate by the committee favorably, and is now on the Calendar.

The joint resolutions were indefinitely postponed.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 1580) for the relief of John H. Kinkaid, of Nevada, and others, reported it with an amendment, and submitted a report thereon.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1978) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States, reported it with an amendment.

MOSAIC PORTRAIT OF GARFIELD.

Mr. SHERMAN. I am directed by the Joint Committee on the Library to report a concurrent resolution, and to ask that the accompanying letter from the Department of State be first read for the information of the Senate.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE, *Washington, May* 8, 1884.

SIR: I have the honor to transmit herewith a portrait in mosaic of the late President Garfield, which has been placed in my hands by Messrs. Tiffany & Co., of New York city, for transmission to Congress as the gift of Dr. Salviati, a distinguished artist in mosaic work, of Venice.

In the year 1866 Dr. Salviati, through Hon. Henry J. Raymond, a member of the Thirty-ninth Congress, gave to the United States a similar portrait of President Lincoln, which was accepted by the House of Representaves on the 25th of July of that year, and now hangs in the Statuary Hall of the Capitol.

In the letter addressed by Dr. Salviati to Messrs. Tiffany & Co., of which I inclose a copy, he states the motives which have led him to cause the present work to be made and offered to the United States.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

Hon. JOHN SHERMAN,
Chairman Committee on the Library,
United States Senate.

Mr. SHERMAN. Accompanying that letter is a letter from the donor. The Committee on the Library thought it proper to accept the gift of this valuable portrait, and have instructed me to report a concurrent resolution, which I ask may be now acted on.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That Congress accepts the portrait of James A. Garfield, presented by Signor Salviati, of the city of Venice, with thanks to the donor, and that the portrait be placed for safe custody in the Library of Congress.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. This resolution is in the precise form of a similar resolution on the acceptance of the mosaic portrait of President Lincoln.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 2225) authorizing the Secretary

of War to loan fifty Springfield rifles to the Palmetto Guard, of the city of Charleston, S. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Millitary Affairs.

Mr. CALL introduced a bill (S. 2226) granting bounty land to Laura Prine; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FARLEY introduced a bill (S. 2227) for the relief of J. M. Hogan; which was read twice by its title, and referred to the Committee on Claims.

Mr. LAPHAM introduced a bill (S. 2228) to authorize the construction of a bridge across the Hudson River between Storm King and Breakneck Mountains, in the State of New York; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LOGAN introduced a bill (S. 2233) for the relief of Lieut. John Rollins McBlair; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 2229) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLISON introduced a bill (S. 2230) for the relief of the First National Bank of Marion, Iowa; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced a bill (S. 2231) granting a pension to Mrs. Kate A. Drummond; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2232) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same to settlement, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO A BILL.

Mr. MILLER, of California, submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MCMILLAN, it was

Ordered, That the papers in the claim of George F. Brott be taken from the files of the Senate and referred to the Committee on Claims.

PENSION APPROPRIATION BILL.

On motion of Mr. LOGAN, it was

Ordered, That the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, be recommitted to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 137) for the relief of Betsey A. Mower;
A bill (H. R. 747) granting a pension to Fannie S. Beaumont;
A bill (H. R. 875) granting a pension to P. W. Bradbury;
A bill (H. R. 965) granting a pension to Joseph H. Adams;
A bill (H. R. 1046) granting a pension to Mary A. Griffin;
A bill (H. R. 1256) increasing the pension of Ben Morgan;
A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman;
A bill (H. R. 1894) granting a pension to Clark Roberts;
A bill (H. R. 2394) granting a pension to James McAnny;
A bill (H. R. 2536) granting a pension to Michael Mack;
A bill (H. R. 3701) granting a pension to James Bradford;
A bill (H. R. 2537) granting a pension to Hugh Ryan;
A bill (H. R. 2529) granting a pension to George W. Kiser;
A bill (H. R. 2543) granting a pension to James Roden;
A bill (H. R. 2869) for increase of pension of Martha T. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy;
A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;
A bill (H. R. 3382) granting a pension to Albert Brant;
A bill (H. R. 3527) granting a pension to George A. Marshall;
A bill (H. R. 3591) for the relief of Sarah A. Becktel;
A bill (H. R. 3728) granting a pension to Charles P. Mahan;
A bill (H. R. 3749) granting a pension to William Bolwork;
A bill (H. R. 4178) granting a pension to Margaret Madden;
A bill (H. R. 4238) granting a pension to Sallie Ingham;
A bill (H. R. 4417) granting an increase of pension to Jacob Miller;
A bill (H. R. 4818) for the relief of Rose Ann Galbraith;
A bill (H. R. 4822) for the relief of Francis McNeil Potter;
A bill (H. R. 4828) for the relief of Frances Hasenzahl;
A bill (H. R. 5330) granting a pension to Octavia A. Newhall;
A bill (H. R. 5544) for the relief of Laura J. Goddard;
A bill (H. R. 5723) granting a pension to Isabella Bertha Weaver;
A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;
A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;
A bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota;
A bill (H. R. 1761) to amend section 2743 of the Revised Statutes;
A bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;
A bill (H. R. 4410) to amend section 1090 of the Revised Statutes, relating to interest on judgments rendered by the Court of Claims;
A bill (H. R. 4678) to remove the political disabilities of Henry Newman;
A bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia;
A bill (H. R. 4988) to remove the political disabilities of William H. Parker, of Virginia, incurred under the fourteenth amendment of the Constitution;
A bill (H. R. 5458) to remove the disabilities of Robert D. Thurborn, of Virginia;
A bill (H. R. 6074) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes;
A bill (H. R. 6528) to remove the disabilities of Charles W. Hays, of Alabama;
A bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;
A bill (H. R. 6657) granting the consent of Congress to the Saint Cloud Water Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn.;
A bill (H. R. 6657) respecting a bridge at Tonawanda, in the State of New York; and
Joint resolution (H. Res. 244) authorizing the Secretary of War in his discretion to make exchange of tents for Gatling guns with the National Guard of Alabama, and for other purposes.

The message also announced that the House had passed the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 689) granting a pension to Eliza Barbour.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa;" and
A bill (H. R. 6856) to provide for the celebration of the World's Industrial and Cotton Centennial Exposition.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6856) to make a loan to aid in the celebration of the World's Industrial and Cotton Centennial Exposition.

FAILURES OF NATIONAL BANKS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution submitted by the Senator from Alabama [Mr. MORGAN] on Thursday last, and which went over on objection. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Committee on Finance be directed to examine into the causes of the failure of such of the national banks in the city of New York as have suspended business in the month of May, 1884, and report whether such failures have to any, and what, extent resulted from any violation of the laws regulating their conduct, or from giving certificates upon drafts, or by their acceptances of drafts or other commercial paper drawn upon them, directly or indirectly in evasion of or in violation of the laws, and whether any other national banks in New York city have been engaged since July 12, 1882, in the violation or evasion of the laws regulating their conduct. And that said committee have leave to sit during the sessions of the Senate, and to visit the city of New York, and to send for persons and papers, and to examine witnesses on oath.

That the expenses incurred by said committee in the execution of this order shall be paid out of the contingent fund of the Senate, to be audited and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. MORGAN. The Senator from Vermont [Mr. MORRILL], I believe, moved to refer the resolution to the Committee on Finance.

Mr. MORRILL. I did. I think it should be referred. If the Senator from Alabama prefers to consider it now I move to amend it in the

first line by striking out the words "Committee on Finance" and inserting the words "Comptroller of the Currency," and by striking out all after the word "conduct" in the last line but three of the first paragraph.

Mr. ALLISON. Does the Senator from Vermont withdraw his motion to refer.

Mr. MORRILL. No, I have not withdrawn it.

Mr. MORGAN. The amendment proposed by the Senator from Vermont is then before the Senate.

The PRESIDING OFFICER. There was objection made to the consideration of the resolution on Thursday last, and consequently the motion made by the Senator from Vermont could not be entertained, so that that motion is not now pending. The question is on agreeing to the resolution. Does the Senator from Vermont offer an amendment?

Mr. MORRILL. I do, and if amended I shall propose to refer the resolution to the Committee on Finance. It strikes me that it is utterly impracticable.

Mr. SHERMAN. The question of reference had better be made first.

Mr. FRYE (to Mr. MORRILL). Renew your motion to refer.

Mr. MORRILL. I withdraw my first proposition of amendment and move to refer the resolution as it is to the Committee on Finance. It is utterly impracticable to obtain the services of any members of the Committee on Finance for a month to come on this question. I do not understand that there has been more than one bank in New York that has failed. I presume that bank has violated the law, and perhaps others may have done so, but I think an agitation of the question here will not serve any good purpose. At all events, the matter should be considered by the Committee on Finance before so important a resolution as this shall be acted upon.

The PRESIDING OFFICER. The Senator from Vermont moves to refer the resolution to the Committee on Finance. The question is upon the motion to refer.

Mr. MORGAN. Mr. President, I was aware last Thursday of the course the Senator from Vermont would probably take. He now says that it is not possible to get any member of the Committee on Finance to attend to this question during the coming month. I take it for granted therefore that the object in referring the resolution to the Committee on Finance is merely to smother it and excuse the Senate, for the want of opportunity, from any necessity of acting upon the question.

The Senator also intimates that if the Senate declines to refer the resolution he will move to amend it by striking out the committee of the Senate and impose this duty upon the Comptroller of the Currency. It was the fact which has been so frequently stated in debate here on former occasions, that the officers whose sworn duty it is to examine into and report upon the condition of the national banks have uniformly neglected to discharge that duty according to the requirements of the statute, that induced me to ask the Senate to instruct one of its committees to discharge this duty as far as the law would permit them to do so.

I remember the debate that occurred at the time the bill was before the Senate for the purpose of extending the charters of the national banks. Many of those charters had expired or were about to expire under the twenty years' limitation. They came before Congress to get an extension of their charters and Congress was very liberal toward them, allowing them to renew their charters and to move on smoothly, even without the necessity of going into liquidation and making those settlements and payments to the Treasury of the United States which the law provided, and extending the time for quite a long period during which those settlements and payments might be made.

The Senator from Kentucky [Mr. BECK] at that time complained, and the Senate conceded the justice of his complaint, that the law in respect of the overcertification of checks by the national banks had been systematically violated; that they had paid no attention to it at all; that men were allowed to draw checks against the national banks who had no money on deposit to meet them, borrowing upon their own checks the credit of the national banks and using it as they saw proper. In that debate the Senator from Kentucky and other Senators also stated the fact to be that this practice had gone to such an extent as that it had become part of the common law of banking in New York that any man who happened to have good commercial credit, especially if he was interested in the banks, or had some kins-people interested in the banks as officers or otherwise, could draw checks upon the national banks and have them certified by the banks and honored in the markets for the purpose of buying stocks or property of any description. Those certified checks were as good as gold, the banks taking upon themselves the risk of the credit of the individual whose checks they certified and the still greater risk of the credit of the market under all the gambling speculations to which it had been subjected for the last fifteen years.

The Senator from Kentucky and other Senators made such strong representations on this subject as that the Congress of the United States saw proper to amend the law in that particular. I will read the amendment which was then introduced into the statute. It is found in the act of July 12, 1882, section 13, and is as follows:

That any officer, clerk, or agent of any national banking association who shall willfully violate the provisions of an act entitled "An act in reference to certifying checks by national banks," approved March 3, 1869, being section 5208 of the Revised Statutes of the United States, or who shall resort to any device, or receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any circuit or district court of the United States, be fined not more than $5,000, or shall be imprisoned not more than five years, or both, in the discretion of the court.

The section that was thus amended reads as follows:

SEC. 5208. It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section 5234.

Section 5234 reads as follows:

SEC. 5234. On becoming satisfied, as specified in sections 5226 and 5227, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he deems proper.

Then it proceeds to define the duties and powers of the receiver, which it is not necessary now to read.

Section 5239 reads as follows:

SEC. 5239. If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation.

The particular evil which is sought to be prevented by this series of enactments, the last of which was approved July 12, 1882, was the extension of credit to individuals or companies or corporations by the national banks under circumstances where they were not entitled to it, by not having a deposit of money or a deposit of sufficient securities to draw against when they would draw their checks on the banks and have them certified. The Senator from Kentucky in supporting his amendment—for it was his amendment—stated that these statutes had been not merely openly violated but that really no notice had been taken of the violation by the Comptroller of the Currency, and none by any other department of the Government, but that the statutes had been evaded in various ways, and that it was almost a matter of impossibility to follow up the different methods of book-keeping and the different character of paper which might be thus certified and accepted by the banks so as to identify the same by name or by any positive description in the body of the statute. The result was that the Senator from Kentucky resorted to that other expedient common to legislators of punishing any evasion of these statutes, and he was very careful to provide as follows against this abuse of the law:

Or who shall report to any device, or receive any fictitious obligation, direct or collateral, in order to evade the provisions thereof, or who shall certify checks before the amount thereof shall have been regularly entered to the credit of the dealer upon the books of the banking association, shall be deemed guilty of a misdemeanor.

I had supposed, and I think every person concerned had supposed, that this legislation, taken in connection with another system of guards which the Congress of the United States from time to time had seen proper to place upon the conduct and transactions of the national banks, would be sufficient to keep them in the line of duty, especially when the officers of the banks, including the directors, were required to subscribe an affidavit that they would faithfully discharge the duties of their office, and that there were several things connected with the prohibitions of the statutes which they would not engage in doing. Indeed, I had supposed that the commercial and financial security that the conservative men in a great metropolis like New York would feel was necessary and would observe in regard to all matters connected with finance and banking would impose probably sufficient checks upon the unauthorized and unlawful use of the credit of the banks in the great markets of this country.

But it seems that all these precautions by Congress and all these prohibitory and punitive statutes have failed of their purpose. The leading newspapers in the city of New York immediately after the passage of the act of July 12, 1882, which I have read, broke out in a spasm of merriment when they informed the country that the Senator from Kentucky would have no power at all to check the national banks in giving accommodations to any class of people they desired to accommodate, that the national banks were practically beyond the control of Congress, and that they would proceed to accept sight checks upon the banks and thereby pledge their credit and all their assets for their payment, and in that way they would evade the statute, and that the Senator from Kentucky and the judges of the country would be entirely unable to control them.

I do not believe that there is any serious defect or inefficiency or flaw in the existing statutes on this subject. Still I observe that on last

Thursday the honorable Senator from Illinois [Mr. CULLOM] brought in a bill in which he prescribes that no person shall be cashier, president, or teller of a national bank who has any ownership in stocks or bonds held for speculative purposes, or who is connected in any business way with any firm or incorporation or person who may be engaged in buying or selling futures or in speculations in the grain market. I am not quoting the bill literally, but I am giving the substance of it. The Senator from Illinois saw that there was some defect in our banking business, as he believed, in the existing statutes on this subject, which needed remedy, and he attributed doubtless the recent events in Wall street in New York to the fact that men were allowed to have official connection with banks who at the same time were engaging in speculations in stocks and in grain and provisions.

I am not alone, therefore, Mr. President, in recognizing the fact that there is a necessity for something to be done by Congress on this subject. The Senator from Illinois thinks that the bill which he promotes in this body, which is now before one of its committees, is one of the things at least that are needful to put the country on a better footing in regard to the trust and confidence which they repose in the banks. In my judgment his remedy has not gone to the bottom of the question. In my judgment the remedy which the public requires on this occasion—for it is an occasion of great moment and perhaps of great danger—is that the laws of the United States as they exist upon the statute-book shall be enforced. The current daily papers of the city of New York, to which of course alone I can refer for information on questions of this kind just at this moment, inform us that the difficulty which has been experienced within the last few days, greatly to the detriment of the people and to the disgrace of our financial system in the United States, has resulted from an abuse on the part of the banks of their privileges under the statutes; has resulted from criminal negligence on their part to observe the statutory requirements, and from the criminal perpetration of acts violative expressly of the language of the law. We have been informed here, during a series of years, from outside sources, not through the agencies of the Government charged with that duty, but from current rumors prevalent through the land, that the officers of national banks, whenever they chose to do so, have been guilty on former occasions, yes, on all occasions, of an equally plain and palpable violation of the criminal laws of the land in the administration of these high trusts. And now we are brought face to face with an event which would have destroyed thousands of millions of values in the United States but for the fact that the people of this country had accommodated themselves for the last four or five years to the steady shrinkage in values, and had arranged their business so that a jar of this kind, even in the financial center of our commercial metropolis, violent and great as it is, is not able to shake them down.

Nothing has saved the people of the United States from a calamity like that of 1857 or 1873 but the fact that there has been some mistrust on the part of the people in the building up of their hopes and expectations as to the future value of property upon those oscillations which have characterized the stock market in Wall street, rushing up and rushing down as the gamblers in that locality saw proper to have it go. The people had through a sad experience become a little wary about Wall street. They had learned that it is a better way to make money to gradually accumulate the earnings of honest industry and thrift.

The people having become alarmed by their previous experience of the power of Wall street to control their destinies if they invested their money or permitted it to be invested in gambling carried on in that quarter, have devoted themselves to other industries, and they had prepared themselves for the shrinkage in the values of property which has been going on now for several years, and notwithstanding there had been a great and unexpected shrinkage in the value of the wheat of the Northwest, and other provision crops and textile crops had suffered somewhat in like manner, yet the people, it appears, were prepared for it. Their conservative course in dealing honestly and cautiously with what they grew and what they export enabled them to protect themselves against the crash which this Wall street explosion would necessarily have involved them in but for the conditions that I have alluded to.

But, Mr. President, look at the danger to which we have been exposed, and the manner in which that danger has been brought upon the country. Who will be found here to-day to deny that the failure of the Marine National Bank of New York is due to the fact that that bank was connected with a firm of brokers, and that it loaned its credit to any extent that was demanded without any deposit whatever of available securities, certainly not of money, to meet the checks that were drawn upon that bank? Here was one of the leading institutions in the city of New York, and trusted everywhere, that up to the very day of its final break-up had kept its accounts all right in the clearing-house, and had given every evidence of soundness in its apparent general financial conduct. All at once that bank went to pieces, and the country was terrified and alarmed to a very extraordinary extent, not this country alone, but the foreign countries of the earth. The bourse of Paris, the stock exchanges of London and Liverpool felt the marked effects of this explosion, and but for the fact that the financiers in the world at large had studied and knew the really sound condition of trade among the people of the United States they too would have abandoned our stocks and securities, and they would have thrown upon us an enormous additional burden, which necessarily would have broken down many institutions which are in themselves solvent, and would be able to go on under ordinary circumstances. But the foreign buyers came into the markets for American stocks, they considered that they were cheap, they rushed in from all quarters and took them up, and the orders sent over here furnished a sum of money which has enabled the banks, at least so far, to tide over the difficulties which have been thrust upon them by this explosion.

Now, what is the cause of all this? It is not for me to prejudge the case or to make statements, in advance, of matters that I am not perfectly sure of, but arguing from effect back to cause, it can be nothing else than the fact that the Marine National Bank of New York supported the firm of Grant & Ward in all the wild speculations that a young speculator saw proper to involve that establishment in. They were of the most remarkable character, too, and they convey to the mind of the reader in this country and elsewhere in the world a most unfortunate and unfavorable impression in respect to commercial honor and integrity in the great city of New York.

Why, sir, there is not an old man in this Senate to-day who can not easily remember the time when the credit of one of the great commercial houses in New York was considered equal to that of any man in the world, or of any government, for probity and honor of action, when it was one of the very highest standards of moral action among men that any man's conduct was to be justly compared with the credit of the great commercial houses in New York. What has it become in the presence of facts such as we have witnessed not only during the last ten or fifteen days, but during the last twenty years? It has become a by-word and a reproach and cause of suspicion, and now it has only to be said of a man that he is engaged in large speculative transactions in the stock markets of the city of New York to carry against him the impression that he is a robber and a gambler, and a man who has no soundness, no honesty, no commercial integrity.

I do not make such accusations. I speak them with a feeling of painful regret, but they are nevertheless the impressions that prevail upon the public mind in the United States. These impressions have been brought about by the fact that some of our people have disregarded commercial fidelity and honor in their transactions, and they have disregarded and set at naught the positive statutes of the United States, enacted to protect the innocent. They laugh at you when you tell them that there is a law on the statute-book to punish irregularities in the national banks. More than that, among the enlightened commercial people of the city of New York a young speculator is able to go about and deal largely for the purpose of gaining credit with men who had sums of money as much as $250,000 to loan upon a single check, and make representations to such a party that he would be able to pay him not only 6 per cent. or 8 per cent. per annum upon his loan, but that he would pay him a large sum of profits upon Government contracts, representing to the loaner of the money that this young speculator, intimately connected with one of the national banks of the country, had contracts with the Government of the United States the profits of which were so enormous that he could afford to pay him a very large dividend out of the profits, and through his firm went on actually and did pay out a large margin of profits as such.

Let us look at this case. An old man, I will say a capitalist and a man of business experience, approached by a young speculator, a broker, with a proposition of the kind I have just stated. The old man, for fear that he might unearth something perhaps that would be disagreeable, would not ask for a statement, a bill of particulars; he would not ask the young man, "Sir, in what particular contract are you interested; what Department of the Government of the United States have you got hold of in this way so that you can realize these enormous profits and divide them out with me?" He never makes an inquiry or suggestion on the subject, but puts $250,000 in, or whatever sum the young man might seek to borrow from him, upon his confidence that that young man, or somebody connected with him, was to be believed in any statement that he might make without inquiring into the particulars of the truth of it, and was able to carry into effect the promise he made to this man.

Sir, if any man in this body was approached by a citizen who told him "I can divide with you profits to the extent even of 8 per cent. interest per annum upon a Government contract in consideration that you lend me money," that Senator would at once understand that that man had taken some unjustifiable advantage of the country. But now it turns out when the explosion has taken place that it is stated at least—we do not know how the fact is—that this young man was making a statement fallacious throughout, false in every particular, and was making it merely to deceive a man from whom he was borrowing money. If comment on that state of facts should go no further, it at least is clear that it argues a total collapse of commercial honor among some of these men in New York; it shows that these men have been so long engaged in New York in gambling in Wall street that they have lost their bearing when tested by the old sailing charts of the former great merchants and bankers of this country, and, sir, it is time that the Congress of the United States had examined into the question. Your Comptrollers of the Currency have not done it; they will not do

it. Your Secretary of the Treasury was there on the ground, and while he had held money in the Treasury of the United States which was due on the public debt and ought to have been paid upon it so as to discharge the country of the burden of the interest upon it, having failed to make the payment, holding the money in the Treasury of the United States, the very moment that a catastrophe happened to one of these national banks he opened the door of the Treasury, made a call for bonds, and flooded out all the money that was needed. The Government of the United States in its financial dealings has been guilty of covering up these things, instead of exposing them.

Now, sir, it is time that the Senate of the United States had taken the other turn, and that we had stepped to the front and notified the people of the United States that when matters of this kind are going on and the Senate is in session there shall be an honest and a faithful investigation and exposure of them.

It has been intimated by the honorable Senator from Vermont, if I understood his remarks, that the business interests of the country might suffer if we were to make this investigation. What are the business interests of this country except the interests of the people of this country? The real business interests of this country rest in the hands of its toilers, its men who earn their bread by the sweat of their brow daily, the men who conduct commerce, the men interested in the industries of the land. These industries can not suffer by having an exposure of the crimes and corruption that lie at the bottom of these Wall street gambling speculations and operations. The business interests of this country will be promoted by allowing the people to know the real facts of these transactions and by allowing this country to know where the responsibility rests, so that we may bring to bear the stringency of the law in its actual application to the men who dare to violate it.

The laugh is turned to the other cheek on this occasion. When we had the bank-extension bill here in 1882, then it was that the Senator from Kentucky was derided and scoffed at and laughed at for putting provisions in the law which those people defiantly said they intended to violate and would violate whenever they chose to do it. Now, the country is stricken with a panic from the cruel effects of which they have been saved only by the providence of God. We stand and look these facts in the face; and will the Senate of the United States be afraid to meet them? That is the question. Shall we be afraid to unveil this subject before the world, it makes no difference whom its withering blight may touch?

I have no further remarks to make, Mr. President, at this time on this question, except that I notice that the clearing-house has come to the relief of the banks by the issue, I believe, of a loan of $8,000,000 in clearing-house certificates or clearing-house bonds. I do not know the characteristics of those bonds. It seems that they have had a beneficial effect in checking this panic, and I hope that is true, and believe that it is true. I notice, however, that the clearing-house certificates are stated in one of the papers in New York to have been redeemed at the subtreasury there. I will read the statment so as to get the facts, as I am informed of them, before the Senate.

The subtreasury redeemed $720,000 clearing-house certificates, making $1,260,000 in two days.

I am at a loss to understand precisely how the subtreasury of the United States has the right to redeem clearing-house certificates. I presume, however, that they must have been gold certificates or silver certificates, which, under the act of July 12, 1882, were permitted to be deposited in the depository of the clearing-house in lieu of coin, and were to answer the purpose of coin in the discharge of the balances of the clearing-house. I presume that must have been it, and the paper calls them by some inaccuracy "clearing-house certificates," instead of silver and gold certificates issued by the Government of the United States. Nevertheless there is enough in that to induce the committee to examine into the subject, and in the event that the Senate directs the committee to make the examination I hope they will look at that point.

Another statement is—

There were $1,030,000 in silver paid out to city banks, and $250,000 to banks in New Orleans and Saint Louis, for which gold certificates were received.

The banks and bankers of the city of New York have been all the time making war upon silver and silver certificates. I do not know any subject that has been more worried over than this subject of the condition of the silver circulation of the United States, especially the silver coinage laws and the issue of silver certificates. Complaint has been rife in all the different departments of the Government, the banking departments and its Treasury Department, that we were obtaining more silver than we could control, that it was a great nuisance. Nevertheless, I observe this statement that a million dollars in gold certificates in the city of New York and $250,000 in gold certificates in the city of New Orleans had been taken to the subtreasury, and the Government had redeemed them by the payment of silver coin. Why did these banks so suddenly wake up to the value of silver coin when they have been all the while complaining that these coins are worth only intrinsically 85 cents on the dollar? When did they get in such great stress as that they were willing to take $1,250,000 in gold certificates and exchange them for silver when they might just as well have got the gold as the silver, and transferred the silver to the bank of deposit in trust for the clearing-house in order that it might be used there? Here is a tribute to silver, here is an encomium upon it that I hardly ever expected to hear in the statements of national banks. They are very quiet about eulogizing silver even on this occasion. At the same time the facts come out and the banks surrender gold certificates, it appears, to get hold of the silver coin.

There could have been but one purpose for this movement, and that was to invite the men who came for the redemption of their notes or the payment of their checks or bills or matters of that kind to bring their carts along in order that they might cart the silver off. Surely, sir, the banks in the city of New York, which are said always to observe their obligations of every kind and character, and especially to the law, never would have thought of defrauding their creditors out of 15 cents on the dollar by paying off their checks and drafts in silver coin. Surely not. But this is a feature of the history of the times so pregnant with suggestions that I venture to call this to the attention of the committee. At the same time that this is going on it appears that there were received at the subtreasury on deposit $390,000 in gold and there were paid out $1,980,000 in legal-tender notes.

I hope the Committee on Finance will not be overwhelmed by this addition to the burden of their duties. I put it into this resolution that they might go to the city of New York if they think proper to do it, but I do not wish to put that labor upon the committee unless they should see proper. It is also provided in the resolution that they may send for persons and papers. They can send for those gentlemen who are known to most members of this committee, and they can have this whole subject thoroughly examined here. But I do want to know, I want to know before I vote upon the bill of the Senator from Illinois, or before I vote upon any of the bills that are coming to us from the House on this question, the real cause of the failure of the New York banks. While it is said here that but one has failed, it is nevertheless true that two others had actually failed, but they have been resuscitated through the kindness of the clearing-house, and I am glad of it. I am glad to find that there is a power in this country legitimately exercised that can save a bank which is trying to do its duty and meet its obligations, even under circumstances of great public distress. But the investigation is necessary; the people of the United States ought to have this information, and it is due from the Senate to them that they should give it.

Mr. MORRILL. Mr. President, I have not the least objection to obtaining all the information on this subject that is possible. I think the Senator from Alabama is mistaken in suggesting that there is any panic throughout the country. There has been a disturbance in New York from overspeculation; whether from overcertification of checks I do not know, but the parties who have been engaged in that kind of business have evidently been the greatest sufferers, and I do not suppose that the Senator from Alabama knows of any spot or place where this disturbance in the New York stock market has affected any other city.

In relation to the overcertification of checks, I wish to say to the Senator from Alabama that I hardly think his resolution, while it is intended to reach that subject, is in proper phraseology to reach it.

Mr. MORGAN. I trust a great deal to this committee, allow me to say to the chairman, and when he finds the object of the resolution, I have no difficulty about words.

Mr. MORRILL. The resolution very much needs amendment. I wish to say also that the Committee on Finance meets to-morrow morning. There is no disposition on my part to suppress any information from the Senator from Alabama that he desires, but I really think it would be much better that the committee should have an opportunity to put this resolution, if it is to pass at all, in the proper shape.

Let me add here that so far as I know heretofore there never has been a dollar lost by the overcertification of checks until this explosion of the Marine Bank. There, I think, there has been a very grave fault, but whether there has been overcertification of checks or not I have no information. I will say further that the demand on the part of brokers for certified checks is generally from 10 o'clock to 2 in the day. Parties sell stocks, and they have to have time to deliver them and get their pay for them. Brokers who have the reputation of having capital and character have had no difficulty in getting their checks certified for that brief space of time. I believe, however, the bulk of the banks even in New York have long since abandoned the business, and most of the banks that are now practicing that kind of business I think do not belong to the national associations.

Let me say also that the credit on the part of banks upon checks is not as great as what is given to all the great bulk of business that is transacted daily. Most of the checks that are given by merchants or others in cities go to the banks with which the creditors of the drawers deal, instead of the banks with which they deal themselves, and are deposited at the close of business and not presented for payment until the next day, while these certified checks are usually presented at the close of business on the first day.

Mr. President, I trust there will be no objection to having the resolution go to the Committee on Finance, and if it is to be considered and passed at all that they will put it in proper shape.

Mr. BAYARD. I understand the motion of the Senator from Vermont is to refer the resolution without adopting it.

Mr. MORRILL. Yes, sir; to refer it to the Committee on Finance.

Mr. BAYARD. I think that is the better course to take. I hope the Senator from Alabama will consent to and assist in promoting that course. The matters to which his resolution relates are of very grave importance, and it may be that there is still a legislative duty to be executed by Congress in view of all the facts when we know what those facts are. But unless I am very much mistaken there is abundant legislation now upon the statute-book; there are the proper officials already charged with the duty of the execution of those laws to amply satisfy the information required by the Senator from Alabama, and I think also sufficient to punish any infraction of laws that may have occurred.

The act of July 12, 1882, is, as we know, largely owing to the care and thought of the Senator from Kentucky who objected, and as it turned out very prudently and wisely objected, to legalizing the overcertification of checks. At that time many of the banks of New York believed that they could safely and necessarily indulge in short credits to their depositors in the form of overcertification, trusting that the balances so overstated would be made good before the close of banking hours. I have read since this last convulsion in Wall street the strong approval of this law against overcertification upon the part of many who at the time of its adoption were not disposed to approve it. Therefore giving justice where justice is due, it is to the discretion and to the prudence and to the forethought of the Senator from Kentucky more than any other member of the Congress of the United States, that the presence of that act against overcertification is due, and it is proper that it should be stated.

But, sir, I hope that the Senator from Alabama will not press for the adoption of his resolution at this time. Let it go to this committee; let this committee do as they can do and as they always have done, call for all information from the executive branch and from the Comptroller's Office, and not from the Comptroller's Office alone, but from the Attorney-General's Office. If penalties have been incurred, if laws have been infracted, we have officers whose duty it was to see that those penalties were enforced. It may be that they have taken measures for that purpose, or that they are waiting a proper condition of time in order to put the laws in force. But as I said before, I think we have abundance of law, plenty of statutes, and we certainly do not lack numbers of officers, so that all of this information can properly be obtained, and the remedies enforced when we shall know the facts; but these facts can not be known so certainly, nor do I think any good would come from instituting an inquisition by the agency of one of the committees of this body here in the midst of our session when it would be very difficult to obtain the time necessary for such an overhauling as is here suggested.

Therefore I submit to the Senator from Alabama that it would be better in every way, and would really facilitate the object he has in view and in which generally I am in entire accord with him, to let this resolution take the course suggested by the Senator from Vermont, the chairman of the Committee on Finance.

Mr. SHERMAN. Mr. President, I think that the conclusion arrived at to refer this resolution to the Committee on Finance is the proper one. At the same time I do not think that it ought to be referred until some brief reply is made to some of the observations of the Senator from Alabama.

In questions of this kind affecting the fortunes and property of individuals, the Senate of the United States ought to be extremely careful, because what is said here will be reported elsewhere, and sometimes undue weight is given to observations made here.

For any wrong-doing in the recent transactions in New York I certainly do not desire to shield any one or to conceal anything that has been done, but I think the Senator from Alabama is somewhat mistaken in regard to the facts. I happened to be in New York on the day this so-called panic occurred and heard the surrounding circumstances to some extent, and I can assure him that although there may have been here and there some certification of checks that might by construction fall within the prohibition of the law, yet that was not the trouble. In every case of trouble that occurred in New York with the three banks that were named in public opinion, the failure was brought about by the speculative operations of officers of the banks, and in some cases not by certifying checks but by the want of certifying checks, that is to say, checks were drawn by the particular broker who was mentioned by the Senator, on a bank, which was taken by another bank as good without certification, and that was one of the troubles that precipitated the failure of the broker and the Marine Bank. But as to each of the three banks named, I may say without doing injustice to any, that in each case the ultimate cause for the failure of the bank—I should rather say embarrassment, for fortunately only one of them has failed—was the speculations made by officers of the bank. I need not repeat even the names of the banks because the general information that any Senator must have from the published accounts will enable him to give the names of the individual officers of the banks whose speculative operations involved the banks in their embarrassments.

If Senators desire legislation to prevent things that will occur in spite of legislation the proper way is to make severe penalties against officers of banks using money intrusted to them by their depositors or by their stockholders or by their directors in speculative operations or involving the banks in speculations that they themselves engage in. It would seem to me that it would be a wise rule of commercial law that no president of a bank and no cashier of a bank should engage in operations called speculative in their character, either in real estate or in building railroads, or in wild and reckless speculations such as were engaged in by one of the officers to whom I refer. So I think the Senator will find that while serious complications were brought about by speculative operations the cause was not in certifying checks or in the failure to certify checks, but rather in the reckless trust that is sometimes given by a whole community to men engaged in hazardous enterprises.

I doubt very much whether it would be public policy for the Committee on Finance or any organ of this body to go to New York and open up a shop for the receipt of complaints and for the investigation of particular transactions. If any banks have violated the law against certifying checks, we have officers of the law there to prosecute them. If we want information we can obtain that information through our officers, the Comptroller of the Currency and others. If we wish simply to go there in order to make commotion and keep up the agitation in regard to the failures that have occurred, we might embarrass others and we might lead to a continuance of this trouble.

To call it a panic is to misname it. There was no panic. The people of New York even were not alarmed. Money was at all times on good security to be had at the lowest possible rates; but certain other securities that had been involved in the speculations of these men, and who were as well known in New York as the faces of Senators are known to each other, fell out of sight and money could not be borrowed upon them; no rate of interest could enable a person to receive money on them. There was a want of confidence in those securities; but the sterling securities of the country were only slightly reduced, because a considerable amount, more than could be absorbed in the ordinary course of business, was thrown upon the market by reason of the failure of these brokers and bankers. There was no panic, and absolutely when you got out of reach of Wall street and beyond the city of New York there was no more disturbance made by these transactions in New York than a storm which occurred alone in the city of New York and did not extend elsewhere would have in parts of the country to which it did not extend. It was looked upon as rather a healthy clearing of the atmosphere; and I believe this day that the commercial credit of the country, the standing of our business men, is upon a safer foundation than it was before these transactions occurred in New York.

The speculative enterprises in which these parties had been engaged are out of the way and are now in progress of settlement, while everything that is stable and substantial, the movement of the crops, the sale of property, even the price of real estate—all these sensitive elements by which you ascertain values are as sound to-day as they were a week ago, and probably in better condition.

While therefore I think this resolution may be referred to the Committee on Finance, I do not think it would be wise to pass it. I can give you my opinion beforehand, though a member of that committee. I doubt very much whether it is wise and conducive to the safe conduct of business in New York or anywhere else that the committee should go to New York and open up a shop for the examination of these matters. Whatever has been wrongly done, let it be punished according to law. Still, if it is the judgment of the Senate that this matter should go to the committee to examine into these things, well and good; it can do no harm, but will only ascertain, probably in a more authentic form, facts that are known now to the public at large.

Mr. MORGAN. Mr. President, I take it that the Senator from Delaware desires to have an examination of the facts of these transactions. I take it that he in concert with the Senator from Ohio desires to know in a more authentic form what are the facts of this recent convulsion or explosion in New York, so that further legislation, if any is necessary, may be adopted by Congress. I take it that this committee will not be inert or inattentive in the presence of the facts that are known to exist to what I conceive to be a just demand of the people for an examination of this subject by Congress. I shall therefore not oppose the reference of this resolution to the Committee on Finance, but I will say to the committee that I will from time to time make inquiry about the progress of this matter to see whether the apprehensions that I do entertain are justifiable, that the committee would rather not have these facts appear before the world.

The Senator from Ohio has admonished me that it is my duty to be very cautious in speaking about financial matters, and then he has informed the world that it does not make much difference, anyhow, for my opinions can not have much effect.

Mr. SHERMAN. The Senator must certainly have misunderstood me, for I never said his opinion could have no effect, nor did I call in question his opinions.

Mr. MORGAN. He only argued it. The Senator would be pardonable in such a conclusion because I have not been connected with the finances of the United States, and he has in a very eminent way and in a very satisfactory way too; and when the honorable Senator arises and informs the world, he being an ex-Secretary of the Treasury, that the

irregularities which have been exploded in Wall street are due to the fact of the overcertification of checks, and to the other still more scandalous fact that the presidents of the banks have been engaged in Wall street gambling in stocks to a very excessive degree, he does more to undermine the confidence of the world in the banking system of the city of New York than anybody has ever yet done, except some newspaper editors.

I made no assertion, I was very cautious not to make assertions, as to the existence of any state of facts except the fact of the general panic in public feeling on this question. I referred to the newspapers as the vehicles through which I got all the information on which I acted. The Senator was present in New York looking into the subject, and he there discovered and now reports to the Senate that the evil which has occurred there was the result of the overcertification of checks, and also the connection of the presidents and other officers of the banks with brokers' firms and brokers' establishments.

Mr. SHERMAN. The Senator will bear in mind that I spoke of the receipt of checks that were not certified. I did not say anything about the overcertification of checks, because the banks, I think, claim that they are observing the law strictly. Whether they are or not, I am not advised.

Mr. MORGAN. I misunderstood the Senator if he did not say there was here and there an overcertification.

Mr. SHERMAN. I did say that I had no doubt there were here and there, though the banks themselves denied that they had violated the law.

Mr. MORGAN. Then when there was here and there an overcertification of checks there was here and there a crime punishable by imprisonment in the penitentiary and by fine. When these crimes have occurred and the Senator knows it and informs the world of it, I shall expect a good deal of activity from the Committee on Finance in bringing these crimes to light. If they find that they have not after all got sufficient information through the red-tape circuit of the Treasury regulations, or through the officers who have been so long charged with this duty, but who have always kept silent on the question, I hope that the Senator from Ohio will come back into the Senate and demand that his committee shall be instructed by this body to make an investigation so that the people of this country can understand exactly what we are doing. The faith and credit of our banking institutions among the people of the United States and the people of the world depends on the fact that there is some power in this Government which is capable of being exercised for the enforcement of our criminal statutes against the men who violate them in this way, and there is no other faith or trust to be reposed in us except upon that foundation; and when we, in the presence of admitted facts, neglect our duty in calling these public officers to account, these trustees of the Government of the United States, then we are delinquent.

We pay the national banks a very large bonus, not only in the value of their charters but in interest on the bonds which they hold and deposit in the Treasury to secure circulation, for carrying on our financial system. I have not been opposed to it, but have been willing that that system should be maintained, supposing that the checks and guards which we threw around it would be sufficient to protect communities against outrage and wrong; but here it is in the very commercial metropolis of the country, among the highest and best known men in the land for commercial credit, that we find that they are not only dealing in falsely certified checks but in uncertified checks with nothing to secure them. It is reckless confidence, we are told, has been reposed in them, notwithstanding it is well known that they are dealing daily and hourly in millions and millions of property, as they call it, which has no more real existence than the mythical profit that was spoken of in the lawyer's question the other day, Mr. Bangs, of New York, to Frederick Ward when he was being examined. They sell 36,000,000 bales of cotton a year in New York, and we make in the South 6,000,000 after a hard struggle; and they sell untold millions of bushels and barrels and sacks of wheat and flour, ten or fifteen times in excess of what the farmers can supply to the world. They sell all manner of stocks, watered and inflated with gas of every description. They gamble with each other, and out of the misfortunes and sufferings of the poor people of this land they accumulate fortunes until men who twenty years ago were in beggary and had to rely upon the turn of the cards of Black Friday for a stake to gamble with are now worth from $100,000,000 to $150,000,000.

These abuses go on. These men in charge of the national banks carry them on, and the laws and the banking system of the United States are abused and perverted for the purpose of maintaining these men in credit so that they may carry on these operations. Sir, we might as well farm out the Treasury of the United States to the faro-bank dealers on Pennsylvania avenue as to allow the national banks of the United States to farm out their credit in support of the stock gamblers in Wall street. Waiving the question of personal respectability, the difference between the two occupations is *nil* except that one damages the whole country and the other has not the capacity to do it, because the people will not trust the professional gamblers or participate in their games. There is the difference.

Now, sir, this is not a matter to be overslaughed; it is not a matter to be forgotten, and it makes no difference how eminent the names may be connected with this public abuse the Senate of the United States owes it to this people that it will investigate and expose this thing down to the bone, and if any legislation is necessary that we shall give it, or if punishment is due that the courts of the country shall be compelled to do their duty and also the executive branch of the Government. It is said they may summon the Attorney-General and the Comptroller of the Currency and the Secretary of the Treasury to have their explanations made before the Committee on Finance in the event that the Senate does not require this committee to examine witnesses upon this subject. Let us have these examinations. Let us understand who it is, if anybody, that has been throwing a veil of seclusion and secrecy over this question to keep it from the public gaze. I fear me much, Mr. President, that these parties who have so long been the pets of the Government and of its officers will at last be allowed to subside into quietude and peace among the millions that they have laid by for their private store while the others who are sufferers, and public justice also, will go unrequited and unavenged. Let the Committee on Finance do its duty to the country. I consent, Mr. President, to the reference of the resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the resolution be referred to the Committee on Finance.

The motion was agreed to.

NEW ORLEANS BATON ROUGE AND VICKSBURG LAND GRANT.

Mr. VAN WYCK. I submit a resolution; and as there can be no objection to it, I ask for its present consideration.

The resolution was read, as follows:

Whereas it is alleged that the New Orleans, Baton Rouge and Vicksburg, now New Orleans and Pacific, popularly known as the Backbone Railroad, for ten years constructed no portion of said road, but issued large quantities of bonds which they sought to negotiate and hold as a claim against the franchise of said road; and it is further alleged that said road or other companies or persons, with a view of favorable action in Congress, have given or pledged money, bonds, or promises for political, campaign, or other purposes: Therefore,

Resolved, That the Committee on Public Lands be directed to make inquiry as to the truth of the above statements; also to ascertain the terms and conditions under which it transferred its claimed land grant and any subsequent consideration connected therewith, with power to employ a stenographer and to send for persons and papers.

Mr. ALLISON. Let that lie over, Mr. President.

The PRESIDING OFFICER. Objection being made, the resolution lies over.

REFERENCE OF HOUSE BILLS.

Mr. BLAIR. I move that the Senate now proceed to consider Order of Business 529, being the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, which was the unfinished business of last Thursday at the time of the adjournment.

The PRESIDING OFFICER. Pending that motion the Chair will lay before the Senate some House bills for reference.

The bill (H. R. 6074) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes, was read twice by its title.

Mr. VEST. I move that that bill be referred to the Committee on Territories, as that committee has the subject under consideration.

Mr. MAXEY. I object to that and ask that the bill be referred to the Committee on the Judiciary. That is the committee that has charge of all bills respecting courts. This came from the Judiciary Committee of the other House, and that is the proper committee here to consider it.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] moves that the bill be referred to the Committee on Territories.

Mr. MAXEY. I move to amend the motion by substituting the Committee on the Judiciary for the Committee on Territories.

The PRESIDING OFFICER. The Chair is of opinion that the motion to amend is not in order.

Mr. VEST. The question has been before the Committee on Territories, and they have reported a bill in regard to the whole subject of a court in the Indian Territory. That committee is familiar with the subject, and the bill ought to be sent to it.

Mr. ALLISON. It seems to me that it ought either to go to the Committee on the Judiciary or the Committee on Indian Affairs. It relates either to the Indian Territory or to matters affecting the judicial establishment.

Mr. MAXEY. The bill affects a State which has no connection whatever with the Committee on Territories. It affects the judicial districts in the State of Texas. It does affect to a certain degree the Indian Territory; but it is a judiciary bill. It came from the Judiciary Committee of the House, and simply changes the time for holding court in the eastern and northern districts of Texas and increasing the jurisdiction of its courts. Undoubtedly the Committee on the Judiciary is the proper committee to take charge of the bill.

Mr. GARLAND. Let the bill be read, so that we may see just what it proposes.

The PRESIDING OFFICER. The bill will be read at length for information.

The Chief Clerk read the bill.

Mr. GARLAND. As an original proposition on the reference of the

bill the suggestion made by the Senator from Iowa would be eminently proper; it should go to the Committee on Indian Affairs, because it is apparent to the Senate that the policy is to be established now of changing the whole aspect of the Indian Territory so far as its judicial relations are concerned. But owing to the history of some things that have transpired in the Senate for a year or two past, I am satisfied that the proper reference of the bill would be the Committee on Territories. The Committee on Territories for four years past have considered the subject of establishing an independent judiciary in the Indian Territory—that is, for the five civilized tribes. Upon two different occasions a bill has been reported from the Committee on Territories to that effect, and now there is a bill on the Calendar, in charge of the Senator from Missouri [Mr. VEST], looking to the accomplishment of that end. Of course if that bill, which has received the sanction of the Committee on Territories, is approved by Congress this bill will not be approved. This bill undertakes to leave certain jurisdiction now in that Indian country in the district court for the western district of Arkansas and take other of it and put it in certain courts in Texas.

Upon the merits of the bill I have no expression to make now; but it is certainly very evident, if the investigation of the Committee on Territories has amounted to anything or has been proper at all, that this bill should go to that committee. It is not a question merely for the Committee on the Judiciary to consider, because while it changes to a certain extent the districts in Texas in putting some counties into the one class instead of the other, yet the important feature of the bill is the Indian jurisdiction that is conferred.

I think the proper disposition of this matter would be to refer the bill to the Committee on Territories and recommit the bill which the Senator from Missouri has in charge, so that the two subjects may come up for consideration before that committee.

In speaking on this question, so far as the consideration of it is concerned I occupy a perfectly independent position, because if the bill goes to the Committee on the Judiciary, as some contend it should, I am a member of that committee. So I can have no feeling in regard to the reference of the bill so far as the particular committee is concerned; but I think under the history of what has occurred here and under the features of the bill it is proper for it to go to the Committee on Territories and have a recommittal of the bill in charge of the Senator from Missouri.

Mr. MAXEY obtained the floor.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his question of order.

Mr. HOAR. My proposition is that, the hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business. I desire to state to the Chair that I make the question of order for the purpose of having it overruled, in order that the Senate may see that inadvertently and without reflection they have changed a very important rule of the Senate by authorizing the taking up of a bill from the House at any time in the day, no matter what is pending, and precipitating a discussion on its committal without the Senate being able to help itself.

The PRESIDING OFFICER. The Chair will overrule the point of order made by the Senator from Massachusetts.

Mr. HOAR. I think the Senate, on its attention being called, as I am very sure it will at an early day, will change the new rule in that respect and go back to the old one.

The PRESIDING OFFICER. The rule governing the subject is subdivision 5 of Rule VII, which reads as follows:

> The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Mr. HOAR. If the Chair will permit me to make one observation, that was confined to a certain portion of every day under the old rule. Now the modification of the rule has extended that privilege to the entire time. The consequence is that we have added to the motion to adjourn and the motion to go into executive session this motion to take up any one of perhaps a hundred bills from the House that might come up from our table—I suppose there are thirty or forty on the table at present, or have been this morning—and each one of those bills in succession becomes a privileged question in the Senate which will displace any pending business, however important, through the entire day.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. The Senator from Texas [Mr. MAXEY] has the floor. The Chair has ruled upon the point of order.

Mr. FRYE. I simply wanted to make one word of reply to the Senator from Massachusetts. My recollection is that this rule did not come from the committee proposing a revision of the rules, but was subsequently adopted by the Senate.

Mr. HOAR. Yes. I was absent when it was adopted, but I called the attention of the President of the Senate, on whose suggestion it had been adopted, and who informed me that he had not reflected upon that view of it. I stated then that as it had passed the Senate I would not move a reconsideration at that time, but I was quite sure whenever the Senate experienced the inconvenience they would go back to the old rule.

Mr. FRYE. But my recollection is that it is to be done without debate. Is it not a part of the rule that it shall be without debate?

The PRESIDING OFFICER. The motion to take up is not debatable. The motion to proceed to the consideration of any motion so made shall be determined without debate, but the motion now pending is a debatable motion. The bill was laid before the Senate, and the motion is to refer it to a committee, which is debatable.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. The Senator from Texas [Mr. MAXEY] is entitled to the floor.

Mr. MAXEY. Mr. President, I sincerely hope that the Senate will not refer the bill to the Committee on Territories, because I believe that if referred to that committee that will be the last of it. Why should this bill, which affects the interests of the State of Texas and of the Indians, be referred to the Committee on Territories? Can that question be successfully answered? The Committee on Indian Affairs was organized for the purpose of caring for the rights of the Indians and for taking into consideration all matters specially relating to Indians which might come to the Senate for consideration. The Committee on the Judiciary takes charge properly of what refers to courts and matters connected with judicial proceedings. This bill is exactly such a bill as legitimately and in the nature of things ought to be considered by the Committee on the Judiciary, and I presume there never was a court organized in a Territory that the bill was not referred to and reported by the Committee on the Judiciary. Why change now? It is perfectly clear, therefore, that the Committee on Territories in no state of the case could have charge of this bill.

Conceding that the Committee on Territories has reported a bill for the establishment of a court in the Indian Territory, I deny that that committee was the proper committee to make that report. That report should have come either from the Committee on the Judiciary or the Committee on Indian Affairs, one or the other; if, indeed, it could come from any committee other than the Judiciary it should be the Committee on Indian Affairs. But inasmuch as the Committee on Territories have made their report on another bill, is that a reason why this bill should go to the Committee on Territories, which simply creates an additional place for holding a court already established, and which increases the jurisdiction of that court by adding a new place for its holding within its present jurisdiction, and by adding to its jurisdiction over a part of the Indian Territory adjacent to it? Clearly it seems to me that that would be a wrong reference. I can not conceive what claim that committee has. It is said the Indian Territory is a Territory. Undoubtedly, but wholly unlike any other. Its inhabitants are not citizens and are regarded as wards of the nation, not like a Territory in a state of pupilage preparatory to becoming a State.

The western district of Arkansas has heretofore for many years had jurisdiction over the five civilized tribes. The business of that district, as it has been believed, and I think has been proven, has increased to such a great extent that the western district of Arkansas cannot discharge faithfully and well the duties incumbent upon it, because it occupies, as has been proven, as the Senator from Arkansas himself stated on a former occasion, two hundred and ninety-seven days of the year in holding court.

So it is thought that in the interest of economy, in the interests of the Indians, in the interest of the contiguous counties of Texas, courts should be established which would place them at a convenient distance from the places where the courts are holden, and these changes were made for the purpose of accommodating the people of Texas as well as the people of the Indian Territory.

The counties of Cook, Montague, and Grayson are already in the northern district of Texas. Lamar, Delta, and Fannin were transferred to the eastern district to balance the work. These are among the best counties in the State, and Paris and Denison, the places for the additional holdings, are flourishing towns, Paris about 7,000, and Denison about 8,000 or 9,000 inhabitants.

It is clear to my mind, therefore, that the bill should go to one or the other of two committees, the Committee on the Judiciary or, if the Senate think best, to the Committee on Indian Affairs, and in no case should it go to the Committee on Territories. I believe myself that the proper committee is the Committee on the Judiciary. I make that statement knowing perfectly well that the Senator from Arkansas [Mr. GARLAND], whose State will be deprived somewhat of jurisdiction by the bill, is a member of the Committee on the Judiciary; but I protest against the reference of the bill to the Committee on Territories, for I can see no reason whatever why the bill should go to that committee, and I believe the effect of sending it to that committee will be the destruction of the bill.

Mr. MCMILLAN. It seems to me the proper reference of the bill would be to the Committee on the Judiciary of the Senate. It affects the organization of existing judicial districts in the State of Texas as well as creating a court for the Indians. The subject-matter of the bill would seem to plainly indicate that its reference should be to the Committee on the Judiciary. I can not see why it should go to the Committee on Indian Affairs, since it involves the organization of judicial districts in a State adjoining the Indian Territory.

Mr. MAXEY. There is still less reason, I submit to the Senator, for its going to the Committee on Territories.

Mr. McMILLAN. Yes; I can not see the propriety of referring the bill to the Committee on Territories

Mr. VEST. For four years the Committee on Territories have had charge of this question. We have formulated two bills. One of them is now on the Calendar of the Senate. What particular or peculiar interest Texas can have in this matter I can not possibly understand. The question before the Senate is as to the economical administration of justice in the Indian Territory and not in Texas. To-day the western district of Arkansas which has jurisdiction over the Indian Territory is costing more to the Treasury of the United States than any district in New York, the largest State in the Union. What we have desired to do was to economize the administration of justice in the Indian Territory. That is the question really before the Senate.

Three years ago the Senator from Kansas introduced a bill to give jurisdiction over parts of the Indian Territory to the Federal courts in Kansas and in Texas, but with the distinct understanding, as both the Senators from Kansas know, that when the bill reported from the Committee on Territories now on the Calendar should come up they would waive any rights as to that measure. By the treaties which were made with the five civilized tribes of Indians they were entitled to a Federal court. They ought to have that court now. They ought to have had it ever since 1866 under the treaty. If we ever want to civilize those people, if we ever want to bring them within the pale of the civilization of the people of the United States, we ought to establish a court in that Territory.

The proposition now, and that is the whole of it if the Senator from Texas is correct, is to divide the Indian Territory into three jurisdictions, one in Texas, one in Kansas, and one in Arkansas. Do we ever propose to make those people self-supporting? Do we ever intend to teach them our laws, our language, our civilization? If we do, this is the time to do it. The court ought to be established at Muscogee, in the center of the Indian Territory. Our laws should be administered there, our language and our civilization should be taught there; and until that is done this pretext of attempting to civilize the Indians in that Territory is a mere form.

Mr. MAXEY. While the Senator from Missouri appears not to be able to see why Texas should be interested in this question I can see it very clearly. The entire river front of the State of Texas north of Red River is occupied by the Indians. It is a fact that when criminals commit crimes in Texas they often flee across Red River into those Indian counties, and whenever white people commit crimes in the Indian Territory they flee down to that tier of Indian counties on Red River, where they can easily cross the river into Texas in order to get rid of the jurisdiction of Arkansas. Therefore it is a matter in which the people of Texas have a direct interest to have the Red River tier of counties in the Indian Territory placed under the jurisdiction of courts where the writs of the courts can promptly reach the criminals and bring them to justice.

Mr. HOAR. May I inquire of the Senator if the first section of the bill does not simply change a district in Texas, changing certain counties in that State from one district to another; and was it ever heard that a question of that kind was considered by any other than the Judiciary Committee in the Senate?

Mr. MAXEY. The fact is as the Senator puts it, and I fully agree with the Senator on that subject, and I have been contending that the Judiciary Committee was the proper and the only committee that ought to have charge of the bill.

The Senator from Missouri [Mr. VEST] referred to the question of expense. The expense of the western district of Arkansas is over $150,000, while the entire expenses of every court of the three districts of Texas, with three places for holdings in each district, is less than $70,000. That expense in the Arkansas district is an astounding fact, and it is a fact which I propose, when the bill is reported from the Committee on the Judiciary, to sustain by evidence. The entire expense of every United States court of the State of Texas is not one-half the expense of the court held in the western district of Arkansas.

Now, why is that? The criminals who have to be reached by writs from the Federal court at Fort Smith may go down to the Red River tier of counties of the Choctaw and Chickasaw Nations. Then how has the marshal to do? If he wants to go there the most convenient way is to go by rail, and he must go from Fort Smith up to Plymouth, in Missouri, north, and then west to Vinita, in the Indian Territory, and then south down into the Choctaw and Chickasaw Nations, a distance of about five hundred miles; or if he attempts to go into the Choctaw Nation by the other rail route he must go from Fort Smith to Little Rock, then south down to Texarkana on the Iron Mountain road, and then west on the Texas Pacific to a point anywhere along that line of the Texas Pacific where he can go to the Choctaw Nation. By the way that he can go by rail the distance is not less than five hundred miles. If he attempts to go by land the distance is from one hundred and fifty to two hundred and fifty miles. The expenses of the court at Fort Smith have been enormously increased by reason of the service of process in the Indian Territory, while the effect of this bill is not to charge upon the United States Government one solitary dollar, because it creates no new judge, no new marshal, no new district attorney, no officer whatever who is to be paid by the United States Government, but simply gives an additional place for holding a court to the northern district and for holding a court to the eastern district under the same officers that the courts there have now, merely appointing an additional deputy clerk and an additional deputy marshal, who are paid by fees and not by the Government, and giving to these courts jurisdiction over the Indian counties named in the bill. That is all there is in it.

That, however, is on the merits, and I had not proposed to discuss the merits until the subject of the merits was raised by the Senator from Missouri. I say whenever the Senate of the United States takes up the Indian bill which he refers to and which appears to be a favorite with him, the sober, deliberate judgment of this body will, I believe, condemn that bill; for I ask you, how do you expect to get jurymen over there in the Indian Territory to act in your courts if you have circuit and district courts in the Indian Territory? Underneath all that, if a man be a friend to the Indian he will not favor that bill, for the outcome of that bill means the organization of that country occupied by the Indians into a Territory to have a Delegate in Congress preparatory to becoming a State; and whenever it becomes a State, then, by the very terms of the Constitution, nothing can prevent any man from going in there and settling in the Indian Territory if he sees proper; anybody can go there who wants to; and when that takes place, farewell to all the rights that the Indians have in that country. This is a far-reaching movement, and its ultimate end is the destruction of the rights of the Indians in that country. Gentlemen may not see it, but it is as certain as fate.

I have in my possession a letter from the governor of the Choctaw Nation (Governor McCurtain) urging the establishment of the court at Paris, the town in which I have had my residence for the last twenty-seven years, and the people of the Choctaw Nation want it, as I am informed and believe.

Mr. VEST. I should like to ask the Senator from Texas if the treaties which we made with those civilized tribes do not provide for United States courts?

Mr. MAXEY. The treaties provide that whenever Congress may see fit to establish them they can do so, but there is nothing in the treaties which compels Congress to do it any time. You may look at every one of the treaties in 1866, because I happened to be here at the time they were made, and at that time I knew something about how they were made, and there is nothing in them to compel the United States at any time to establish a court.

Mr. VEST. I take it that no Indian tribe could compel the Government of the United States to do anything, but I say the treaty stipulation now is that courts shall be established there.

Mr. MAXEY. If the Senator from Missouri will pardon me, I was not speaking about the Indians being able to compel the United States to do it, for they can not compel the United States to do anything, but the honor of the United States would compel them to comply with the terms of the treaty, and there is nothing in the treaty which requires the United States Government to establish a court there unless in the wisdom of Congress it seems proper. It is simply a privilege reserved or granted by the treaties of establishing a court, and nothing else. Moreover, those same treaties of 1866 make provision for a Territorial government called the Territory of Oklahoma. That was made in 1866, eighteen years ago. Have we ever organized that Territory? Have we ever attempted to do it?

Mr. VEST. If the Senator from Texas will permit me, he is utterly mistaken and I am utterly astounded to hear the Senator from Texas make such a statement. Those treaties make no such provision. There is one of those treaties out of five that does intimate that the Territory of Oklahoma can be organized, but three out of the five treaties provide that United States courts shall be established there.

Mr. MAXEY. I am speaking from memory, but I am clear that a careful consideration of those treaties will show that there is provision made for a Territorial government out of the five civilized tribes, clearly and distinctly provided for in those treaties, the Senator from Missouri to the contrary notwithstanding, and an examination of the treaties of 1866 will abundantly establish that fact. The superintendent of Indian affairs, or other person designated by the Secretary of the Interior, to be the governor of the Territory of Oklahoma; and provision is made whereby a Delegate may be sent to Congress by the provisions in the treaty with the Choctaws and Chickasaws.

Now, coming back to the point, the interest of the Indians will be carefully and properly guarded by this bill, because it is for the interest of those Indians who live across the river to see that the criminals who invade their country and make that a place of refuge should be promptly seized by the proper writs issued by the proper courts and speedily brought to justice. That can not be done now. The result of it is that criminals go unwhipped of justice because the Indians who live there do not want the expense of going to a court so difficult of access, and where it is crowded to such an extent that there is an average of from forty to fifty criminals lying in the jail, or rather in the old fort at Fort Smith, awaiting trial, and they can not get it for want of time, and where a witness who is attached and can not give bond for his appearance is forced in along with the various criminals to remain there until he is called up as a witness.

On the contrary, no such inconvenience or hardship would follow the

courts provided for by this bill. Paris, I may say from personal knowledge, the county site of Lamar County, has a fine court-house and a commodious and safe jail.

It is to avoid these things, and as an act of justice to the Indians, that this bill is proposed, because it is a very short distance from the Indian Territory over to Paris, where one of the courts is proposed to be located. It is only sixteen miles from Paris, where I live, to the river by rail, and only about five miles from the river by rail to Denison and two miles by the dirt road, so that as a matter for speedy and impartial justice, that every man is entitled to, as a matter of justice to those people of the Choctaw and Chickasaw Nations, and as a matter of justice to the border counties of Texas, this ought to be done.

It does not interfere with the proper and reasonable jurisdiction of Arkansas. Already we have it from the statement of the Senator from Arkansas that the judge in the western district works two hundred and ninety-seven days in the year. We have it from the Attorney-General that there is no sufficient jail there, and that forty or fifty criminals are crowded constantly into the old fort. With the vast increase of business which has been brought by reason of the railroads into that country, and which did not exist at the time the western district of Arkansas was established, the business of that court is overcrowded. This bill relieves that court without one solitary cent of additional expense to the Government of the United States.

As I stated at the outset, what the Committee on Territories have to do with the Indian nations, what they have to do with the State of Texas, I can not understand. There is a reason outside of that for the anxiety of referring the bill to the Committee on Territories. I can see that there is a reason why it should be referred to the Committee on Indian Affairs, but none whatever why it should be referred to the Committee on Territories save a design by that committee to press the bill they have reported and to throw the weight of their influence against any other. As I stated in the outset, the proper committee, in my judgment, is the Committee on the Judiciary, the committee which had charge of the bill in another branch, and on which is the Senator from Arkansas [Mr. GARLAND], the jurisdiction of whose State will be affected by the bill. But I want nothing but an unbiased trial and consideration of the bill on its merits, and this I do not think, after the discussion to-day, is probable, if the bill should take the direction desired by the Senator from Missouri.

Mr. COKE. Mr. President, if in order, I will move that the bill be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. The Chair is of opinion that motion is not in order. The motion now pending is to refer the bill to the Committee on Territories. It is not in order to move to amend by striking out the Committee on Territories and inserting any other committee.

Mr. COKE. Then I hope that the motion will be voted down. This is a bill which should go to the Committee on Indian Affairs if it does not go to the Judiciary Committee. I will not speak of the merits of the bill now as I intend to do hereafter when it is appropriate to do so, but it is a bill materially affecting the interests of certain Indians in the Indian Territory, the general subject over which the Committee on Indian Affairs of this body are supposed to have primary jurisdiction. I know no committee of this body better qualified than the Committee on Indian Affairs to say whether this bill, which creates a new jurisdiction for a portion of the Indians, should properly become a law.

It would be very easy if it were proper on this occasion and at this time to vindicate the correctness of the bill as it came from the House. I am of opinion that neither the Committee on Territories nor the Committee on the Judiciary have the necessary information at this time to consider the merits of the bill as it should be considered with reference to the interests of the Indians, for the simple reason that both of those committees have always devoted their attention to the consideration of questions entirely foreign to those that must be considered in connection with this bill.

I hope that the motion to refer to the Committee on Territories will be voted down, and if it is I will move to refer the bill to the Committee on Indian Affairs, the committee that in my judgment should have charge of the bill and should say to the Senate whether it is such a bill as the interests of the Indians require should pass.

Mr. VEST. I should like to ask the Senator a question before he takes his seat. He says that the Committee on Territories have never considered this question and another committee have. We have reported two bills in the last four years on this very subject, drawn as carefully as that committee could possibly draw them, and without assuming any ability to myself I take it that the chairman of that committee [Mr. HARRISON] and the Senator from Arkansas [Mr. GARLAND] are as competent as any members of the Judiciary Committee or of the Committee on Indian Affairs.

Mr. COKE. What is the question that the Senator proposes to me?

Mr. VEST. The Senator says that these other committees have paid attention to this matter and the Committee on Territories never have. The only two bills ever reported on this subject came from the Committee on Territories.

Mr. COKE. I say that we have a Committee on Indian Affairs, and that wherever the interests of the Indians are concerned it is presumable that the Committee on Indian Affairs are better informed than any other committee of this body. That is all that I have to say in reference to the point made by the Senator from Missouri.

Mr. VEST. Every question in regard to the Indian Territory has come before the Committee on Territories during the five and a half years that I have been in the Senate. Session after session every question in connection with the five civilized tribes has been submitted to our Committee on Territories; and I repeat again, what the Senator from Texas can not deny and what the records of the Senate will substantiate in my favor, that the only bills in regard to a judiciary in the Indian Territory have been reported from the Committee on Territories.

Mr. COKE. The bill referred to by the Senator now on the Calendar was reported from the Commiteee on Territories for the simple reason that it was introduced and I presume referred to that committee without objection, considered without objection, and it has been reported back to the Senate and stands upon the Calendar, and no question has ever yet arisen upon it before the Senate in any manner, shape, or form. The question is made now as to what committee should properly take charge of matters pertaining to the interests of the Indians. That is the question now. No such question has ever been raised with reference to the bills spoken of by the Senator from Missouri. No such question has ever been raised with reference to any bill before the Committee on Territories, but here comes a bill from the other House enlarging judicial districts to include a very considerable Indian jurisdiction.

I submit to the Senate what committee should consider the bill. Should it be the Committee on Territories, or should it be that committee which has been created by this body for the express purpose of considering the subject of the interest of the Indians? I say that all the presumptions are that the Committee on Indian Affairs is the appropriate committee to take charge of the bill. If you introduce a bill here affecting the interest of the five tribes, or any one of them, or a bill affecting any Indian interest, I ask the Senator from Missouri if it is not the ordinary and usual course to refer all such bills to the Committee on Indian Affairs?

Mr. HARRISON. Will the Senator from Texas allow me to ask him a question?

Mr. COKE. I will.

Mr. HARRISON. Does he understand that the jurisdiction proposed to be conferred by the bill upon the court relates exclusively to Indians?

Mr. COKE. I do not.

Mr. HARRISON. Then I think the Senator's argument might be surrendered. The bill has to do also with offenders against the Indians.

Mr. COKE. But so far as the bill creates a new jurisdiction I qualify my first reply and say it does refer exclusively to the Indians. It simply adds a portion of the Indian Territory to the northern judicial district of Texas, a district already in existence and in operation.

Mr. HARRISON. So I understand, but does not the Senator know that the jurisdiction conferred upon the courts in Texas under the bill would relate to cases in which offenses by white men against Indians, or *vice versa*, might be involved?

Mr. COKE. Certainly, where infractions of the law are committed in the Indian Territory by white men.

Mr. HARRISON. Then it is not exclusively an Indian question, but it is a question of governmental organization in the Territory.

Mr. COKE. It is exactly such jurisdiction as would be granted to the court at Muscogee, which the Senator from Missouri desires to establish, as he says, exclusively for the Indians; so that I am right in saying that the interests to be affected by the bill are exclusively Indian interests, and therefore such interests as should be considered by the Committee on Indian Affairs.

Mr. DAWES. Mr. President, I do not quite understand the anxiety of different committees to gain jurisdiction of this bill. As a member of the Committee on Indian Affairs, I shall not seek its reference to that committee. If the extent of legislation in this matter is to determine whether those who may be charged with the commission of offenses in the Indian Territory shall be taken out of it and tried somewhere else than in that Territory, and the idea of instituting courts in the Territories shall be given up, it matters very little to me whether they be taken to Arkansas or be taken to Texas.

I agree with the Senator from Missouri [Mr. VEST] that the first thing to determine is whether it is practicable to establish courts in the Indian Territory. If you are to consider the question of the proper, wise, and beneficent government of the Territory itself, the question to be determined is whether we can devise a wise and judicious method of establishing courts and trying offenses there in that Territory, 90,000 square miles, with no courts of the United States in it, with no protection afforded by law, dependent solely upon such courts as may be established among the five nations, who do not pretend to exercise jurisdiction over more than half of that Territory. All the rest is turned over to the United States by the five nations themselves, and there is no effort on our part to undertake to see whether justice shall be administered within that vast region of territory as in other regions.

There has already passed one branch of Congress a provision without the slighest reference to the effect it may have upon the adminis-

tration of justice in the Indian country and upon reservations—this simple provision of law, now pending in this body, which has passed the other:

Any act which when done by a citizen of the United States would be a crime shall be, and is hereby declared, equally a crime when done by any Indian upon or belonging to any Indian reservation; and such Indian committing such crime shall be subject to the same jurisdiction and amenable to the same process that any citizen would be in like case; and no Department nor officer of the United States of America shall have or exercise power or authority to shield or protect such Indian criminal from just punishment, nor shall any money herein or hereby appropriated be used for that purpose or to that end.

He may be taken by a United States marshal under that provision three or four or five hundred miles for an assault and battery committed by one Indian upon another, or any imaginary or real breach of the peace in an Indian tent, and carried by a United States marshal as far as the strength of his horse or of his own limbs shall permit him, at the instance of the United States—and no effort on the part of the United States to establish any tribunal to hear his cause, only to make him amenable to the law—and taken out of the jurisdiction where he lives and where he is to be kept. So unless some committee of this body cares to investigate the question whether it be feasible or proper to establish courts in which Indians may be tried, or white men may be tried for offenses upon Indians or Indians for offenses upon white men, it matters not whether they be taken to Fort Smith, Ark., or to these particular courts in Texas; it does not reach what is the incumbent duty of Congress.

I care not, as a member of the Committee on Indian Affairs, whether this bill goes to the Judiciary Committee or the Committee on Territories, or to any other committee of the body. It is not a bill, in my opinion, which meets the needs and necessities of the case, and it ought not to be enacted in this Congress and held out to the world as some pretense of relief in that great Indian Territory.

Mr. HARRISON. I was not in the Senate when this discussion arose. I do not yet quite understand the ground of the very heated opposition which seems to be made by the Senators from Texas to the reference of the bill to the Committee on Territories. I am very sure that that committee have no views and no objects, and have not had in the consideration of this question so far as they have considered it, except objects which stood related to the good government of the civilized tribes and to the protection of those white people who might be licensed to live among them.

The Senator from Texas who spoke first [Mr. MAXEY] seemed to be quite amused at the suggestion that anything which related to what we denominate the Indian Territory was in any such sense Territorial business that it should go to the Territorial Committee. How long has it been since that distinguished Senator himself, having some interest for his State in a question of a boundary line between the State of Texas and this very Indian Territory, thought the Committee on Territories was the proper committee to consider that question, and procured the reference of the bill to the Committee on Territories?

The bill about which we are talking now, I agree, might with equal propriety go to the Committee on the Judiciary. It relates not to the establishment of courts, but to the extension of the judicial districts and the jurisdiction of certain courts of the United States already established. I think every one can agree that that would be an appropriate, pertinent subject for the consideration of the Judiciary Committee; but as those courts are to have a jurisdiction and exercise their functions within a Territory there was also some appropriateness in the first reference which was made of this subject in the last Congress and in this to the Committee on Territories.

I am equally indifferent with the Senator from Massachusetts upon this question as to which of the committees of this body shall consider the question; but it has already been considered carefully at many meetings of the Committee on Territories, by a subcommittee and by the full committee, as to what remedy should be resorted to in order to relieve the troubles which we found in connection with the administration of justice in the Indian country. It was intolerable that men apprehended for small crimes should be taken many hundreds of miles to be tried in another jurisdiction. It was a hardship to the person accused; the witnesses were subjected to great hardships; and an enormous cost was imposed upon the Government of the United States in connection with every such prosecution. Upon a bill referred to us without objection in the Senate, the Committee on Territories considered that whole question, and the result of their deliberation is now upon the Calendar of the Senate. I may say here that I did not quite agree with that bill in all its provisions; but are we now to instruct another committee of the Senate to take up this whole question?

If the proposition of the Senator from Texas to send the bill to the Judiciary Committee prevails, then I shall ask for one that the bill now on the Calendar of the Senate be sent to that committee, so that it may have the whole subject under consideration. Suppose they come here with a report on this bill; it may be entirely out of line with the measures which have been adopted by the Committee on Territories. The point I desire to make is that one committee, not two (and I am entirely careless what committee it is), shall consider this question.

Mr. WALKER. Mr. President, I wish to correct an impression which the speech of the senior Senator from Texas [Mr. MAXEY] would tend to make, which is that there is great difficulty in the marshal of the western district of Arkansas reaching the Choctaw country especially. I will simply remind the Senator and the Senate that the Choctaw country belonging to the western district of Arkansas is directly across the river from the city of Fort Smith, where the district court for the western district of Arkansas is held, and there is no difficulty in reaching that country. Hence the argument of the Senator upon that point falls to the ground.

I do not wish to argue the question at this time. There will be sufficient time for that when the bill comes before the Senate for consideration. I will say, however, that there is a well-organized court at the city of Fort Smith. It is true that a large amount of time is consumed in the hearing of causes, but the court that is held there is a competent court. The judge is an honest judge; there is an able United States attorney, an efficient marshal, and the whole machinery of the court is in full work and play. There is no court in the United States where the law is more impartially and efficiently administered.

This question has been before the Committee on Territories. They have had the whole subject before them for years. They have considered the subject and have reported bills upon it. Let the whole matter go to one committee.

So far as we are concerned in the State of Arkansas, whenever courts are established in the Indian Territory according to the requirements of treaties made between the United States and the five civilized tribes, we are willing to yield up the jurisdiction and let those courts be established; but for the short time that jurisdiction over that Territory is to be held in the courts in the States, I can see no necessity for changing the jurisdiction and transferring part of it to the State of Texas. In fact, as I look upon it, if a portion of this jurisdiction is taken and given to the State of Texas it will retard and impede the passage of the bill which the Territorial Committee favor to establish a court in Indian Territory.

As was suggested by the Senator from Indiana [Mr. HARRISON], other people besides Indians are interested in this matter. The court has jurisdiction where crimes are committed by white men upon Indians and by Indians upon white men. It is a Territorial question, and should go to the Territorial Committee. Would there be any question in regard to this jurisdiction, would there be any question in regard to the different courts of Texas, if it was not for the accumulation of this additional jurisdiction? I think not.

Sir, I hope that the matter will go to the Committee on Territories.

Mr. MAXEY. I will only repeat in reply to the Senator from Arkansas [Mr. WALKER] what I said before. It is perfectly true that Fort Smith is right on the western boundary of the State of Arkansas and on the eastern boundary of the Choctaw Nation. It is also true that it is at least one hundred and fifty miles from Fort Smith down to the Red River, the south boundary line of the Choctaw Nation, and it is two hundred and fifty miles from Fort Smith over into the Chickasaw Nation, and the people of the Red River tier of counties in the Choctaw Nation as well as the people of the Chickasaw Nation have to go to Fort Smith on court business and they can only get there either by land over this long and mountainous route or by rail at a distance of about five hundred miles and at an enormous cost to the Government, which is, as I said, twice as much for that single court as for all the nine places of holding courts in the three districts of the State of Texas.

As to the question of the bill pending from the Committee on Territories, that certainly has not progressed as far in legislation as the bill now before the Senate. The bill now before the Senate is a House bill, and it is here in order to be considered as early as we can do it by the Senate, and it will stand upon its merits. If it is a good bill the Senate will pass it, I have no doubt; if it is not a good bill, that fact will be ascertained; but I repeat that I can not possibly see what the Committee on Territories has to do with this question.

The Senator from Indiana [Mr. HARRISON] referred to the fact that the bill which I introduced for the purpose of establishing the boundary lines between the United States and the State of Texas was referred to the Committee on Territories. Undoubtedly. The eastern boundary of the State of Texas in the Pan-handle is the western boundary of the territory under the jurisdiction of the United States. That territory of the United States was part of the Indian Territory, the right of occupancy in which the United States have purchased; but I would have asked that reference had it been any other sort of Territory, it makes no difference what kind of a Territory, so it was under the territorial jurisdiction of the United States, because it was a question to be settled by two sovereignties—the United States on the one side with jurisdiction to the extent of her territory, and the State of Texas with jurisdiction to the extent of her State boundaries—and the bill was properly referred, so that I can not see that that has anything to do with this question.

This bill ought in my judgment unquestionably to be referred to one of two committees. My own mind inclines me to the belief, although it is not my interest to say so, that the Judiciary Committee is the correct committee, but if that is not the correct committee, unquestionably the Committee on Indian Affairs is.

The Senator from Missouri [Mr. VEST] expressed his surprise at what I had said in regard to the organization of the Territory of Oklahoma.

By reference to the treaties of 1866, which I got a moment ago, I find the following in the treaty with the Choctaws and Chickasaws:

The Choctaws and Chickasaws also agree that a court or courts may be established in said Territory with such jurisdiction and organization as Congress may prescribe: *Provided*, That the same shall not interfere with the local judiciary of either of said nations.

Whenever Congress shall authorize the appointment of a Delegate from said Territory—

That is, the Territory of Oklahoma—

it shall be the province of said council to elect one from among the nations represented in said council.

The council of the five tribes.

And it is further agreed that the superintendent of Indian affairs shall be the executive of the said Territory, with the title of governor of the Territory of Oklahoma.

Like provision as to the organization of a Territorial government is in the treaties with the Creeks, Seminoles, and Cherokees, and like provision as to courts. Not one of the treaties provides that Congress shall provide courts, but all make provision that Congress may establish courts. I am fully sustained in what I said.

Mr. VEST. Missouri has no more interest in this measure than any other State in the Union. For five years I have endeavored, as a member of the Committee on Territories, to perfect a measure and report it from that committee which would do two things: in the first place, insure the administration of justice in that Territory, where it never has been administered; and, in the second place, accustom the Indians to the administration of justice under the laws and stipulations of the United States. In my opinion nothing is of greater importance to-day to the people of the United States than to accustom the Indians of the country to our laws, to our usuages, and to our civilization.

What is the question before the Senate? It is a question whether certain States shall secure jurisdiction over the Indian Territory. For what? Does either of the Senators from Texas pretend that the laws of their State are being infringed, that the rights of their people are being violated? What is it that they want? They want to drag the Indians out of the Indian Territory down to Denison or Paris, and that is the whole of it. They want to take them out of the country in which they live and to carry them into a foreign jurisdiction.

All that I want to do is to have justice administered among the Indians themselves and to teach them our laws, our customs, and our language.

The Senator from Texas [Mr. MAXEY] asked, "Where will the juries be found?" Are there no white men in the Indian Territory? Are there no railroads in the Indian Territory? Are not the Senator and myself to-day interested in putting more railroads through there?

The Senator says that this is a design to break down the rights of the Indians. Instead of breaking down their rights we propose to give them good laws which will be stable and will be observed throughout the entire Territory.

Mr. MAXEY. If the Senator will pardon me, I make the point that the Committee on Territories are already committed to the bill which they have reported, and I have not learned in law that it was politic or wise or even right to commit a bill to unfriendly hands. Naturally the Committee on Territories would favor the bill which they have already reported, and hence I did state that I regarded the sending of this bill to that committee as putting it in the tomb of the Capulets.

Mr. VEST. I have not the slightest objection to the statement the Senator now makes that I am utterly opposed to dragging those Indians out of that Territory to try them before a Texas court, an Arkansas court, or a Kansas court. I understand myself what I have been trying to do for five years: to teach those Indians the administration of justice under the laws of the United States. Why should they be carried down to Fort Smith?

Mr. MAXEY. I ask the Senator if his committee does not already stand prejudging the case?

Mr. VEST. The Committee on Territories have examined this whole question. For five years we have examined it. We have formulated a bill. That bill is before the Senate. I invite discussion upon it; I solicit examination upon it. I will not use the word "challenge," but I invite the Senator from Texas to attack that bill.

Mr. BUTLER. If the Senator will permit me to interrupt him, I think he might with very great safety say that that bill meets with the approbation of the Indians themselves.

Mr. VEST. I understand so.

Mr. BUTLER. I think without exception the intelligent men of the Indian Territory do not object to such a bill as we reported from the Committee on Territories.

Mr. MAXEY. I will state from my own personal knowledge, as I have already stated, that the governor of the Choctaw Nation wrote a letter, which is in my possession, a copy of which is on file with the House Committee on the Judiciary, who had charge of this bill, urging the passage of the bill making Paris the point for the court to be held.

Mr. VEST. I do not choose to go into a comparison of statements as to a question of this sort. I know that they came before our committee and approved the bill that we reported, and why should they not? That treaty is a good one. The treaties made in 1866 provide for opening courts among the five civilized nations, three of them expressly. If I understand any question at all in regard to the Indian problem I believe I understand this one. The Senator from Texas, as a matter of course, can find individual Indians who will give any sort of opinion on this subject, but the recognized authorities of the Indians there are in favor of a Federal court, and there is no doubt beyond every other question. Why should we not establish a court there? Why should we not teach those Indians our laws? Why should we not give them our civilization?

The great mistake in the Indian question from the beginning has been that we have treated with them as if they were foreigners, as if they did not belong to the people of the United States. You want to send them into Texas to be tried for murder; you want to send them into Arkansas; you want to send them into Kansas. I want to try them among their own people, and to teach them the habitudes, the customs, the laws, the language, the religion of our people.

The PRESIDING OFFICER. The question is, Will the Senate refer the bill to the Committee on Territories?

The question being put, there were on a division—ayes 19, noes 8; no quorum voting.

Mr. COKE and Mr. VEST called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. MILLER, of California (when his name was called). I am paired with the Senator from Ohio [Mr. PENDLETON].

The roll-call was concluded.

Mr. ALLISON. I am paired to-day with the Senator from North Carolina [Mr. RANSOM]. I do not know how he would vote on this question, and I have refrained from voting. Otherwise I should vote "nay."

Mr. BLAIR. My colleague [Mr. PIKE], who is absent, is usually paired with the Senator from Mississippi [Mr. GEORGE]. His pair is transferred to me on this question in order that the Senator from Mississippi may vote.

Mr. GEORGE. I vote "yea."

The result was announced—yeas 30, nays 11; as follows:

YEAS—30.

Bayard,	Dawes,	Jackson,	Pugh,
Butler,	Dolph,	Jones of Nevada,	Sewell,
Call,	Fair,	Kenna,	Vest,
Camden,	Garland,	Lamar,	Walker,
Cameron of Wis.,	George,	Manderson,	Williams,
Cockrell,	Harrison,	Morgan,	Wilson.
Colquitt,	Hawley,	Morrill,	
Conger,	Hill,	Palmer,	

NAYS—11.

Beck,	Frye,	Ingalls,	Plumb,
Brown,	Harris,	McMillan,	Van Wyck.
Coke,	Hoar,	Maxey,	

ABSENT—35.

Aldrich,	Gibson,	McPherson,	Riddleberger,
Allison,	Gorman,	Mahone,	Sabin,
Anthony,	Groome,	Miller of Cal.,	Saulsbury,
Blair,	Hale,	Miller of N. Y.,	Sawyer,
Bowen,	Hampton,	Mitchell,	Sherman,
Cameron of Pa.,	Jonas,	Pendleton,	Slater,
Cullom,	Jones of Florida,	Pike,	Vance,
Edmunds,	Lapham,	Platt,	Voorhees.
Farley,	Logan,	Ransom,	

So the bill was referred to the Committee on Territories.

Mr. HOAR. I ask unanimous consent for the passage of the following order at the present time:

Ordered, That the Committee on Rules consider the expediency of repealing the fifth clause of Rule II and of restoring so much of the eighth rule in force at the last session as relates to the subject of bills from the House of Representatives.

The order was considered by unanimous consent, and agreed to.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. The Chair will proceed to lay the other House bills before the Senate for reference.

The bill (H. R. 1761) to amend section 2743 of the Revised Statutes was read twice by its title, and referred to the Committee on Finance.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;

A bill (H. R. 6657) granting the consent of Congress to the Saint Cloud Water Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn.; and

A bill (H. R. 6761) respecting a bridge at Tonawanda, in the State of New York.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota;

A bill (H. R. 4988) to remove the political disabilities of William H. Parker, of Virginia, incurred under the fourteenth amendment of the Constitution;

A bill (H. R. 5458) to remove the disabilities of Robert D. Thurborn, of Virginia;

A bill (H. R. 4410) to amend section 1090 of the Revised Statutes, relating to interest on judgments rendered by the Court of Claims;

A bill (H. R. 4678) to remove the political disabilities of Henry Newman;

A bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia; and

A bill (H. R. 6528) to remove the disabilities of Charles W. Hays, of Alabama.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry; and

Joint resolution (H. Res. 244) authorizing the Secretary of War in his discretion to make exchange of tents for Gatling guns with the National Guard of Alabama, and for other purposes.

The bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada, was read twice by its title, and referred to the Committee on Indian Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (H. R. 137) for the relief of Betsey A. Mower;

A bill (H. R. 747) granting a pension to Fannie S. Beaumont;

A bill (H. R. 875) granting a pension to P. W. Bradbury;

A bill (H. R. 965) granting a pension to Joseph H. Adams;

A bill (H. R. 1046) granting a pension to Mary A. Griffin;

A bill (H. R. 1256) increasing the pension of Benjamin Morgan;

A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman;

A bill (H. R. 1894) granting a pension to Clark Roberts;

A bill (H. R. 2394) granting a pension to James McAnny;

A bill (H. R. 2536) granting a pension to Michael Mack;

A bill (H. R. 3701) granting a pension to James Bradford;

A bill (H. R. 2537) granting a pension to Hugh Ryan;

A bill (H. R. 2539) granting a pension to George W. Kisler;

A bill (H. R. 2543) granting a pension to James Roden;

A bill (H. R. 2869) for increase of pension of Martha T. Stribling, widow of Cornelius K. Stribling, late a rear-admiral in the United States Navy;

A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;

A bill (H. R. 3382) granting a pension to Albert Brant;

A bill (H. R. 3527) granting a pension to George A. Marshall;

A bill (H. R. 3591) for the relief of Sarah A. Becktel;

A bill (H. R. 3728) granting a pension to Charles P. Mahan;

A bill (H. R. 3749) granting a pension to William Bolwork;

A bill (H. R. 4178) granting a pension to Margaret Madden;

A bill (H. R. 4238) granting a pension to Sallie Ingham;

A bill (H. R. 4417) granting an increase of pension to Jacob Miller;

A bill (H. R. 4818) for the relief of Rose Ann Galbraith;

A bill (H. R. 4822) for the relief of Frances McNeil Potter;

A bill (H. R. 4828) for the relief of Frances Hasenzahl;

A bill (H. R. 5330) granting a pension to Octavia A. Newhall;

A bill (H. R. 5544) for the relief of Laura J. Goddard;

A bill (H. R. 5723) granting a pension to Isabella Bartha Weaver; and

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll.

COURT OF ALABAMA CLAIMS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes; which was in section 1, line 7, to strike out "eighty-four" and insert "eighty-five."

The amendment was referred to the Committee on the Judiciary.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes.

On motion of Mr. DAWES, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. DAWES, Mr. PLUMB, and Mr. COCKRELL.

OFFICERS OF THE REVENUE-MARINE SERVICE.

Mr. CONGER. I ask that a statement showing the names of the officers of the several grades in the revenue-marine service, and their length of service respectively in each grade, be printed for the use of the Committee on Commerce.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Michigan asks that the statement referred to by him be printed for the use of the Committee on Commerce. How many copies?

Mr. CONGER. The usual number of copies.

The PRESIDING OFFICER. That is very large, 1,900.

Mr. CONGER. Three hundred, then. It is a very valuable table, which has been prepared with great care in regard to the revenue-marine service and its officers.

The PRESIDING OFFICER. The Senator from Michigan asks that three hundred copies of certain information touching the revenue-marine service be printed for the use of the Committee on Commerce. Is there objection? The Chair hears none, and the order will be made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 16th instant approved and signed the act (S. 1369) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments, and on the 17th instant the act (S. 153) providing a civil government for Alaska.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes;

A bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes; and

A bill (H. R. 6967) supplementary to "An act to provide for the publication of the Tenth Census," approved August 7, 1882.

ORDER OF BUSINESS.

Mr. HOAR. I call for the regular order.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The hour of 2 o'clock having come and long passed, the Chair will lay before the Senate the regular order, which is the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. BLAIR. By unanimous agreement this bill is the unfinished business—an agreement entered into, I think, last Wednesday. It was then the unfinished business. By such an agreement it was to be treated as the unfinished business to-day at 2 o'clock, which hour having arrived, it is in order before the Senate. Thereupon the Senate proceeded to consider the bureau of statistics bill, and it was, of course, anticipated that it would be disposed of last week, but after discussing it half of one day's session the Senate adjourned over until Monday, leaving the bill, as I think, very nearly completed. The same subject was discussed at an earlier period in the session, when the Senate bill was reached in its order, for two days. I think the discussion must be substantially ended, and being exceedingly anxious that the bill may be off my hands and disposed of, I ask that the bill (H. R. 1340) to establish and maintain a bureau of labor statistics be now taken up, and that the Senate proceed to its consideration. I make this motion under Rule IX.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the bill to which he refers be taken up.

Mr. HOAR. That rule only applies to the morning hour. You can not take up a bill in this way at this time.

Mr. BLAIR. It does not apply at all until the end of the morning hour, 2 o'clock. It applies at precisely this point, if at all, I think.

Mr. HOAR. Will the Chair be good enough to read the rule?

The PRESIDING OFFICER. Under what clause of Rule IX does the Senator from New Hampshire make the motion?

Mr. HOAR. The rule is "not later than 2 o'clock."

Mr. BLAIR. It is only 2 o'clock now, I submit to the Senator from Massachusetts. The second clause of Rule IX is the one under which I make the motion.

Mr. COCKRELL. Will the Senator from New Hampshire look at the clock and see the time.

Mr. BLAIR. The clock is not right, as the Senator from Missouri must well know, because we have the authority of our Presiding Officer on that subject.

The PRESIDING OFFICER. The Chair is of opinion that this rule only applies to business "not later than 2 o'clock." It is now later than 2 o'clock.

Mr. BLAIR. The President stated to the Senate that the hour of 2 o'clock having arrived he laid certain business before the Senate, whereupon I immediately made this motion.

Mr. HOAR. When the Chair makes that announcement this rule is gone. It is only a motion in order before 2 o'clock as to bills on the Calendar. It says when the Calendar is under consideration and not later than 2 o'clock certain motions shall be in order.

Mr. COCKRELL. In vindication of the Chair, I wish to remark that

the Chair said more than that 2 o'clock had arrived. The Chair said it had long since arrived and had passed.

Mr. BLAIR. I did not suppose any discussion of the applicability of this rule would be raised. I would like, if there is to be a discussion upon that point, that the rule itself be read.

Mr. INGALLS. Mr. President, I rise to a parliamentary inquiry, and that is whether debate is in order upon any motion made under Rule IX.

The PRESIDING OFFICER. Debate is not in order upon this motion. That is all the Chair decides.

Mr. BLAIR. I do not know that any one has raised the question of order as to whether this motion of mine is in order at this time.

The PRESIDING OFFICER. The Chair raises that question then, and is of opinion that it is not in order.

Mr. BLAIR. I ask the Chair that the rule itself be read.

The PRESIDING OFFICER. The rule will be read by the Secretary.

The Chief Clerk read as follows:

RULE IX.

ORDER OF BUSINESS.

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Mr. BLAIR. Now, Mr. President, this rule provides that—

The Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of, &c.

There can be no sort of doubt that the unfinished business is the first item of business on the Calendar of General Orders, and it is accordingly made the duty of the Chair to lay it before the Senate at 2 o'clock. It is the first thing to be considered under the Calendar of General Orders. It having been laid before the Senate by the President, to be sure after the hour of 2 o'clock by reason of the interjection of a privileged discussion, there can be no sort of doubt, it seems to me, that if the rule is not nullified and if these rules of the Senate are not to be, all of them, nullified by that one under which we have acted in considering the reference of the bill which was so long discussed, I must have the right at this point which I would have enjoyed at precisely 2 o'clock had the Chair laid the unfinished business before the Senate at that hour. It must be that in some way by the operation of a rule, which is to be found in clause 5 of Rule VII, by the interjection or adoption of that rule all the rest of the body of rules adopted by the Senate has been repealed, destroyed for to-day, or I had inevitably when that ceased to operate and the Chair, although it is 3 o'clock, proceeds to say, "The hour of 2 o'clock having arrived," making just the announcement he did at 2 o'clock, if there had been nothing in the way, I must have the right to make the same motion that I could have made at that time. Now, unless I am wrong in my assumption that the Calendar of General Orders includes the unfinished business as the first item upon that Calendar to be considered, I must be in order at the present time in making this motion. There has been no other opportunity.

Mr. HOAR. Mr. President, the error of my friend from New Hampshire consists in not observing that the rule which he is speaking of relates to the consideration of the Calendar of General Orders, which expires at 2 o'clock. If he had made that motion and it had prevailed two minutes before 2 o'clock, at 2 his bill would have been displaced by the unfinished business which is taken from the Calendar of General Orders and is printed on the Calendar itself as "unfinished business," and the Calendar of General Orders begins after.

Mr. BLAIR. The Senator is strangely oblivious of the rule which he appeals to. The Calendar of General Orders is not to be taken up until 2 o'clock by the rule itself:

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar, &c.

The PRESIDING OFFICER. The Senator will please suspend for a moment. At the hour of 2 o'clock the unfinished business was in order. After the matter that was then under consideration (and which was in order) was disposed of, the unfinished business was laid before the Senate, which was the Utah bill, and the Senator from New Hampshire now moves to proceed to the consideration of the bill which he has in charge. He states that he makes that motion under Rule IX; but the Chair is of opinion that the Senate is not bound to proceed with the unfinished business if it chooses not to do so. The Chair is therefore of opinion that it is in order to proceed to the consideration of another bill, and in that way displace the unfinished business.

Mr. HOAR. But will the Chair permit me to make a suggestion?

The PRESIDING OFFICER. Certainly.

Mr. HOAR. This rule the Chair properly holds does not apply. It is a rule for dealing with cases on the Calendar and taking up other cases, putting one case at the foot of the Calendar. Now when a matter becomes the unfinished business for 2 o'clock it ceases to be upon the Calendar of General Orders and stands as a special order; it is printed with the special orders, not with the general orders. The Utah bill was a special order, made so six weeks ago. It has been out of the Calendar of General Orders from that time, and that the Chair holds. Now, of course, the Senate is not bound to deal with a thing it does not want to deal with; but that then comes under Rule XXII. This question is now pending——

The PRESIDING OFFICER. The Chair is informed by the Secretary that the Utah bill never was made a special order.

Mr. HOAR. Oh, yes it was, or I am much mistaken in my memory; but whether it was or not does not affect the case. It is the pending question for 2 o'clock to-day, and printed as the unfinished business. Then comes, therefore, Rule XXII, which is the applicable rule:

When a question is pending no motion shall be received but——

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Massachusetts to the ruling of the President *pro tempore* on——

Mr. HOAR. Allow me to complete my own statement first, if the Chair please.

The PRESIDING OFFICER. Certainly.

Mr. HOAR. Rule XXII reads:

When a question is pending no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that when the Senate adjourn, it shall be to a day certain,
To take a recess,
To proceed to the consideration of executive business,
To lay on the table,
To postpone indefinitely,
To postpone to a day certain,
To commit,
To amend.

These motions afford the Senate the complete method of disposing of a pending measure, and then they can, on motion, proceed to take up another bill; but the Senator's motion to proceed to take up other business when something else is pending stands like the other motions there; it can never be made later than 2 o'clock.

The PRESIDING OFFICER. The Chair will call attention to a ruling made by the President *pro tempore* on the 12th of March:

The PRESIDENT *pro tempore* announced that the hour of 2 o'clock had arrived, and laid before the Senate the special order for this day, namely, the bill (H. R. 1015) for the relief of Fitz-John Porter; when,

On motion of Mr. MILLER, of New York, that the Senate proceed to the consideration of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, it was determined in the negative.

Mr. COCKRELL. The point of order was not raised, and the Senate decided against the motion, it may have been because the Senate held it not in order.

The PRESIDING OFFICER. The motion was entertained by the Chair.

Mr. HOAR. Without objection.

The PRESIDING OFFICER. The Chair has had his attention called to Rule XXII. The Chair is now inclined to the opinion, on consulting that rule, that the pending business—that is, the unfinished business—must be postponed before the motion made by the Senator from New Hampshire is in order. The Chair will so hold.

Mr. HOAR. Now, Mr. President——

The PRESIDING OFFICER. The unfinished business, being the Utah bill, is before the Senate as in Committee of the Whole and open to amendment.

Mr. BLAIR. A motion to adjourn might embarrass the bill, because no one can tell just when the consideration of the bureau of labor statistics bill will be completed; and I am for that reason desirous of asking of the Senator who has charge of the unfinished business if he will allow it to be laid aside informally until the consideration of the bureau of labor statistics bill can be completed.

Mr. HOAR. That may be six weeks.

Mr. BLAIR. I do not apprehend that, and of course at any time the Senator may move to take up the unfinished business and the sense of the Senate can be tested as to which bill shall be considered. I hope the Senator will be willing to make this arrangement, because I think both of us desire to facilitate progress on both bills, and the bill which I have the honor to have charge of has been considered by piecemeal, and it would seem to be nothing but mere justice to it and to its discussion that it should be ended.

Mr. HOAR. If the Senator could obtain the consent of the Senate to dispose of his bill to-day or would take the risk of disposing of it to-day himself, instead of putting it upon me, I would not object; but I can not consent to have a general laying aside of the unfinished business for an indefinite period. I myself shall be absent in a short time.

This bill was postponed at the request of a large number of Senators the other day when it was in order.

Mr. BLAIR. The bill in charge of the honorable Senator from Massachusetts if acted upon by the Senate can hardly be concluded before the next session in the House. The bill of which I have charge has been discussed by the Senate, or one similar has been discussed by the Senate. It is an important bill, has come here from the House, and can very soon become a law or be disposed of. I renew my request. I understand it will be acceptable to the Senator from Massachusetts if it is granted by the Senate.

Mr. HOAR. I think, considering the fact that the Senator's bill has passed the House and has been discussed for some time, the request he makes is no more than reasonable. I shall give my consent that the unfinished business be laid aside informally to take up his bill.

Mr. HALE. I do not wish in any way to interfere with any arrangement between the two Senators, but I want to give notice to whichever has the floor that to-morrow morning I will ask the Senate to consider the agricultural appropriation bill, which ought to be passed with the amendments and sent back to the House; but it is a short bill and will not take much time. I shall not antagonize anything to-day, but will seek to bring that bill up to-morrow morning.

Mr. BLAIR. I ask unanimous consent for the purpose indicated.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Utah bill may be informally laid aside in order that the bill which he has charge of may be proceeded with. Is there objection? The Chair hears none, and the bill in charge of the Senator from New Hampshire will be laid before the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes; and

A bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

The bill (H. R. 6967) supplementary to "An act to provide for the publication of the Tenth Census," approved August 7, 1882, was read twice by its title, and referred to the Committee on the Tenth Census.

BUREAU OF LABOR STATISTICS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, the pending question being on the amendment proposed by Mr. GARLAND to strike out all after the enacting clause and in lieu thereof to insert:

Add, after the word "prosperity," in section 342 of the Revised Statutes, as follows:

"The Chief of the Bureau of Statistics shall, under such regulations as the Secretary of the Treasury may prescribe, annually collect and report to Congress the statistics relating to marriage and divorce in the several States and Territories and the District of Columbia, and pertinent information relating to all departments of labor and production in the United States, especially touching the pecuniary, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the whole country; and the salary of the chief of such bureau shall be $3,500."

Mr. MORGAN. Mr. President, when this bill was up before I was proceeding to explain the reasons why I preferred the amendment of the Senator from Arkansas to the bill. The House of Representatives has sent a bill here that I think is particularly objectionable in many respects. I observe that the Senator from New Hampshire introduced on the 4th of December last a bill which was referred to the Committee on Education and Labor, and I suppose has not been reported back.

Mr. BLAIR. That bill has been reported back and been considered by the Senate on two separate days.

Mr. MORGAN. This is the same bill, then.

Mr. BLAIR. No, the Senate bill that was referred to the committee has been reported back, and was upon the Calendar and reached some two months since, I think, and discussed in the morning hour, and then was objected to and went with the rest of the bills under the ninth rule. Meanwhile this bill comes to us from the House and has been referred to our committee and reported back.

Mr. MORGAN. Was the Senate bill that the Senator refers to reported back without amendment?

Mr. BLAIR. The Senate bill? Yes; I think it was reported back substantially as introduced.

Mr. MORGAN. No. 140.

Mr. BLAIR. There was no essential change.

Mr. MORGAN. The bill as reported by the Senate committee I very much prefer to the one that comes to us from the House; and the amendment of the Senator from Arkansas is still better than either of those bills, as I conceive. We have already a bureau of statistics in the Treasury Department.

Mr. BLAIR. Will the Senator allow me, before he proceeds, to say a word which will explain to him the reason why I am urging the passage of this bill?

The PRESIDING OFFICER. Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. BLAIR. The Senate committee was of the opinion that the bill discussed by the Senate heretofore was preferable; but as it was not parliamentarily in a position likely to be soon acted upon by both Houses, and this bill meanwhile had come to us from the other House, we thought it altogether best, as this bill covers the substance of the Senate bill, that it be adopted and, if possible, passed without amendment, and become a law.

Mr. MORGAN. Now, I insist that there is no such urgency for this legislation as would require us to pass a bad bill, and I insist that House bill 1340 is essentially a bad bill. It is an imperfect act in reference to the means of executing it, and then it covers a vast multitude of subjects, some sixty-odd different heads of inquiry, each one of which is made as important as any other by the statute.

I wish to point out to the Senator some of the features of this bill that I think make it unmistakably bad. First of all, the appropriation is limited to an expense not to exceed $25,000 a year. That, I suppose, includes the salary of the Commissioner at $3,000 a year and his clerk at $2,000, but whether it does or not, $25,000 a year is all the money that can be expended under this act to acquire information upon sixty-two different heads of inquiry, each one of which is made by the bill as important as any other. Now, I will read from page 3 of this bill a sort of final or conclusive clause, for the purpose of showing the Senate what is the real breadth of the inquiry that is required to be made under the different heads that are set forth in the preceding part of the bill:

The commissioner of labor statistics shall obtain all possible information upon the various subjects above specified from the different foreign nations, and shall have authority to issue circulars to United States consuls asking them to obtain the information desired.

That places the whole world, all foreign nations, before this commissioner of labor statistics as a field of inquiry in regard to all the sixty-one or sixty-two different topics upon which he is to make inquiry. He is to do that by an expenditure of $25,000 a year, as I have stated, or not to exceed that. There is no provision in this House bill for the employment by him of any associates. There is no salary fixed; there are no clerkships provided for; there are no subordinate divisions of labor with a compensation attached to the business in which the employé may be used. The whole subject is taken entirely out of the reach of the civil-service rules of the Government, and this commissioner, if he is allowed to employ clerks or officials of any description, is permitted to do it without any examination, without anything in the law to fix the term of office these men are appointed for, or anything to fix the compensation that they are respectively to receive.

That is very loose and bad legislation; and, to say nothing about the discretionary power that it confers upon the commissioner of labor statistics, it is very unjust to enable him to assemble around him such persons as he may choose to employ and to give them just such salaries as he may choose to designate from time to time, and to keep them in office as long as he pleases.

Then, again, he is not put in any Department of the Government. He is a commissioner of labor statistics, standing by himself in a bureau organized by this bill, not in the Interior Department or the Treasury Department or any other Department. He is entirely alone, self-controlling, responsible to nobody in his accounts or in his reports or in any other way under this bill, except that he must make his report to the President and also to Congress of the results that he acquires through the country. Where is he to go after he is appointed? In what Department is he to find quarters? Who is to regulate the administration of his office? Who is to prescribe to him the salaries he may pay to his subordinates, or to control or direct him in any manner whatsoever? Nobody.

The amendment proposed by the Senator from Arkansas, however, confers in gross the duties that are prescribed in this bill upon the Chief of the Bureau of Statistics in the Treasury Department. There we have a chance to do something by increasing the powers of Mr. Nimmo or whoever may preside in that bureau. We can have the whole subject executed in an authentic, proper, diligent way, and Mr. Nimmo in his accounts and his conduct is subject to the supervision of the Department of the Treasury. But here this gentleman whenever he shall be appointed is to be subject to nobody; he has no place to stay; he has no regulations for the organization of his office; he has got nothing to do except to meet the provisions of the bill and send out interrogatories or write letters and gain information and tabulate and record it.

Now let me refer again to the means which the commissioner of labor statistics may employ to acquire the information that this bill requires he shall gain:

And to enable the commissioner to obtain the information herein specified, he shall have authority to issue circulars to various manufacturers and labor associations, and to other labor organizations and persons, with interrogatories to be answered.

He is to sit in his office and use the mails, so far as this country is concerned, and the consuls in all foreign countries, to acquire information by the amplest interrogatories that he may propound to labor organizations or labor associations or to manufacturers or to private persons. He gets these communications together, he compiles them, he tabulates them, and gathers his information from them. What knowledge have

we, when such statistics are compiled, of their value? How do we know that they are going to be reliable and are to be of service in any sense at all? It seems to me that we are authorizing a gentleman merely to correspond with people about different parts of the world, where his fancy may lead him, to gain their opinions, in order that they may be laid before the President and the Congress of the United States, and after we have got the information it may not be worth paying for.

Looking over this informal way of organizing this bureau and the inefficient manner in which this information is to be acquired, let us turn back and see the subjects to which this inquiry is to be directed; and I remark again that each one of these subjects being named in the statute is made of just the same importance as any other, and he has just as much right to omit one inquiry as he has to omit another inquiry. The bill provides that "the commissioner shall acquire all useful information upon the subject of labor." That is the broad, general question. "Its relation to capital" is another subdivision—"and the means of promoting the material, social, intellectual, and moral prosperity of the laboring men and women." It seems to me that there is a year's work for an ordinary man in that first subdivision of this general subject:

And to this end—

Says the bill—

he shall inquire into the various industries of the United States; the capital invested therein.

Agriculture, seal-fishing, cod-fishing, sugar-planting, mines of coal, iron, zinc, copper, of every description; the forests, transportation, navigation, manufactures of all descriptions. "He shall inquire into the various industries of the United States and the capital invested therein." That is the second inquiry under that head.

Then "the division of labor and its results." That is a rather recondite inquiry that I do not precisely understand, "the division of labor and its results." The next inquiry under that head is "machinery and its effects." He must examine all the machinery in the United States and the effects of all the machinery in the United States. I suppose it means the effects upon production, the effects upon the moral, social, and industrial condition of the laboring classes, as well as the consumers. There is an immense inquiry, one that spreads itself over a vast subject.

The next general head of inquiry is "the number of persons employed as laborers, with the classification thereof." That is a census list, because you must find how many are males and how many are females, how many are married and how many are unmarried, how many are skilled and how many are unskilled, how many are convict laborers and how many are Chinese laborers. There is a census list, and I suppose that under the last census it might have taken a million of dollars and perhaps more to have accumulated those statistics; but this bill requires this one man to do it with $25,000 a year.

The next general head is "the number and ages of children employed in labor," all kinds of labor, all kinds of children. The "nature of their occupation" must be stated. "The effect of the different kinds of labor on their growth" is another subject that must be inquired into, and of course that must be done by experts or people of great experience. The effect of labor upon their "development" is another head; upon their "health" is another head. "Their attendance at school" is another head. We shall have to have some very experienced physicians to determine the hygienic effects of the different occupations upon the children, upon the health of the children, and upon their attendance at school or their capacity for attending school.

The next general head appears to be "the wages paid by the day, week, or month, or by the piece to the different classes." That means of course all classes of laborers, though it does not say "laborers." It may be different classes of consumers or employers or servants, but the bill is extremely inartificial and careless in its expression.

Then the next general head is "the hours employed;" and then "the effect of shortening the hours of labor upon production." That is a subject that I should say would require a very wise, patient, and industrious man a long time to comprehend, "the effect of shortening the hours of labor upon production."

The next general head is "the average earnings of the several classes." The next general head is "the condition of tenement houses for operatives and the rental thereof." That requires examination, inspection, and things of that sort. The next head is "the manner of paying wages." The next is "the truck or store-order system and the profits charged on goods by employers." There is an important inquiry and a very broad one, and I have no doubt one that will be of great advantage when we get it properly organized and the truth properly ascertained through the laboring community.

The next general head is "the cost of living." That is to be ascertained, it appears, by "comparing wages and price of necessaries of life in different localities." I can scarcely conceive of anything that would require greater labor and toil in examination than that one head.

The next general head is "the sanitary, educational, social, and moral condition of laborers." That is universal in its compensation. There is nothing left out. When you have got "the sanitary, educational, social, and moral condition of laborers," there is nothing about a laborer that you have not got.

The next general inquiry is one that we shall have to go to the life-insurance tables for, "the average duration of life." I suppose it means among the laboring classes, though it does not say so. An actuary will be necessary to get the average duration of life among laborers, if it is intended to apply to laborers, but the language includes everybody. It does not say "among laborers."

The next subject of inquiry is "accidents incident to employment." It would require a vast amount of investigation to get at all the accidents that are incident to employment, and really I do not know the value of it after you get it, so far as the legislation of Congress is concerned, for unless we were to organize accidental-policy companies or something of that sort I do not see how we could provide any remedy against accidents that occur among laboring people.

The next broad subject is "insanity." It does not say insanity among laborers, but I suppose it was intended to be confined to that. Here is a necessity again for experts. I suppose, of course, that under the general topic of insanity we should have the causes of insanity and the effect of high and low wages upon insanity, and the effect also of close and unhealthy quarters upon insanity looked into.

The next general head is "epidemics." I suppose that relates to epidemics among laborers, though it does not say so. But, Mr. President, we shall have to have a good many dissertations and books of various kinds gotten up by the surgeons and physicians of the country and the sanitarians of the country in order to enable this commissioner of labor statistics to make a report that will be of any value on the subject of epidemics.

The next general topic is "the factory," then the "mill, mine, and dwelling inspections"—inspections of all the different things, factories, mills, mines, and dwellings, in which laborers may work and reside. That is an important and very comprehensive subject.

The next is "schools, facilities for attending, and extent to which they are enjoyed." That subject ought to be referred and is referred properly under another bill we passed here to reports to be made by the different State governments to the Congress of the United States annually on the subject of attendance at schools, school-houses, and all the other provisions which are necessary to find out what the people are doing in educating their children. But supposing that this is confined to the laboring classes, the inquiry would be somewhat shortened. It would be a little inside of that which is required by a bill we passed through the Senate recently. Notwithstanding that, where is the necessity of repeating the statistics so frequently as we are doing under our system of laws? First the States have the statistics of the schools, and then under the educational bill they are to make special reports of this information. Now here comes another bureau of labor statistics which is required to state all about "schools, the facilities for attending, and extent to which they are enjoyed."

This may be intended as an offset upon the reports to be made by the superintendents of education of the different States under the educational bill. It may be supposed that after all the States are not going to give a fair and accurate account of the whole subject, and that the Government of the United States ought to have a separate inspector, to be called a labor statistician, to inquire into the actual condition of the schools and the attendance and the school-houses and school facilities, so that we may have another check upon the contemplated dishonesty of the States in making false reports under the school bill. I judge that that must be a part of this very unnecessary inquiry, for after we have put it into various shapes it seems we shall never get rid of the subject, and that the inspections about the condition of the school children in the country are to be carried on by every branch of this Government where we can find a pretext for employing it in that business.

The next statistics that are required are "statistics of crime, and so forth." What the words "and so forth" there may comprehend, I do not know. That seems to be a sort of saving clause by which the bureau of labor statistics is to be empowered to inquire about every subject that has not been before enumerated. The statistics of crime among the laboring classes would of itself be quite a sufficient employment for a bureau of statistics with all the money that is appropriated under this bill, and a good deal more, I take it.

The next head is "co-operation, its extent and results in various localities and branches of trade." The next is "the division of their joint production between labor and capital where practiced, the pro rata of each, and the general effect." There is a question for the statesman and the political economist as well as for the statistician. There is a question that the ablest men in England and the United States have been debating for a century—what is the actual "division of their joint production between labor and capital where practiced, the pro rata of each, and the general effect?" I do not know any question that I can conceive of that is of greater magnitude or more all-comprehensive in its scope than that which is contained in that clause.

The next general head is, "Trades unions and labor associations; the number, membership, and objects." We are told, I believe, that we have 600,000 people included in labor associations or trades unions in the United States. I suppose those statistics can be got from the various organizations without any very great additional expense, but "the number, membership, and objects" of the trades unions is a subject of philosophical disquisition and contemplation. It is not a subject, I

think, of labor statistics. The inquiry as presented in this bill to be made by this bureau is a very searching one, very extensive.

The next great topic is "strikes, their causes, effects, and remedies." That is what no man ever knew. The man who gets up the history of strikes and is enabled to determine their causes and effects and remedies will be a greater man than any man or any body of men or any committee of men that has ever yet assembled in the Parliament of Great Britain or in the Congress of the United States. I do not suppose if we were to live here as a body for the next hundred years to come and every man in this body were to get brighter every day he lived, that at the end of this century you would be able to comprehend and explain what we require from this bureau of labor statistics: "strikes, their causes, effects, and remedies."

Then, again, added to that "full statistics relating to the immigration and importation of laborers and their employment." That has got to be an important subject. Here is a bill reported from this same Committee on Education and Labor which requires that a man shall not be allowed to import a laborer from abroad under a contract, express or implied, unless it is for some purpose of menial service. In order to keep the American laborer in control of the American labor market the committee have served notice upon us of a bill they expect to move in the Senate that no man under very heavy penalties shall be permitted to make a contract with any laborer abroad, either an express or implied contract, to be executed in this country, for the laborer to come here in consequence of or in pursuance of a contract.

So we see, Mr. President, that that is a very broad and a very important subject. It is one that we need enlightenment upon, but I doubt very much whether we shall get it from a bureau of labor statistics, at least in that sort of satisfactory way to enable us to venture upon an entirely new field of legislation, entirely new in this country, one that I dread to see brought up because of its importance and of the effects which may result from it that we are not able now to anticipate or contemplate.

That closes the various matters placed in charge of this bureau by this bill, and when the commissioner of labor statistics comes to run over this catalogue of the subjects that he is required to make these investigations about he will not be able to determine which one he is to be excused from because he has to comply with the rest, and there is more work every year in the execution of this bill than there would be in the compilation of Webster's Unabridged Dictionary.

Now, Mr. President, I wish to call the attention of the Senate again to the means provided in this bill for the accomplishment of all this vast mass of work:

To enable the commissioner to obtain the information herein specified, he shall have authority to issue circulars to various manufacturers and labor associations, and to other labor organizations and persons, with interrogatories to be answered.

That is the whole of it, so that we see the means provided by this bill are totally inadequate to the work imposed on one man; and more than that, it comes in a very unsatisfactory way. He has no voucher for any statement that may be made by a person to whom interrogatories are sent, either as to the capacity of the man to answer the questions or as to the truth of the answers that may be given. Then after having gone through with all that, the inquiry is still broadened, as I observed in the outset of my remarks, so that—

The commissioner of labor statistics shall obtain all possible information upon the various subjects above specified from the different foreign nations.

One of the subjects here is Chinese labor. We have got to get information about Chinese labor, and he must get all possible information from the different parts of the world on all the subjects mentioned in this bill. I suppose by the time we get all the information that can be obtained about Chinese labor in China—for that is a part of the world foreign to this where we have consuls—we shall pretty well have filled up the last statement in the book of Revelations about the number of books that have been written, there will be so many that the whole world can not contain them. The subject is too broad, and treated in a very inartificial and unsatisfactory way in this bill of the House.

The amendment proposed by the Senator from Arkansas will bring the matter at least within reach of the power of labor which the Bureau of Statistics can devote to it, and we shall get information there quite as valuable as any part of that which is mentioned in this catalogue, and we shall be able to get along with it. I not only am willing but I am desirous to get all the information that is necessary to instruct us in legislation and to instruct the people in regard to our general condition, but I do think that this bill sent us by the House of Representatives is about the worst one that ever I saw.

Mr. VAN WYCK. Mr. President, I desire to suggest a couple of amendments to this bill which I wish to have read at this time, and then to make a suggestion or two upon them.

The PRESIDING OFFICER (Mr. FRYE in the chair). The amendments suggested by the Senator from Nebraska will be read for information.

The SECRETARY. It is proposed to amend the bill in section 1, line 5, after the word "who," by inserting—

Shall be a person identified with the laboring classes of the country; and.

Also, in section 1, line 20, after the word "labor," by inserting—

And the importation of all foreign laborers under contract.

Mr. VAN WYCK. Mr. President, I see on examining the report of 1883, and also of 1882, of the Federation of Organized Trades and Labor Unions, whose action has been claimed as a foundation for this bill, that they expressly state in asking for such a bill that they "recommend for its management the appointment of a proper person, identified with the laboring classes of the country." If such heed was given to their request as to have a bill introduced to establish a bureau of labor statistics, I am at a loss to know why force was not given to the additional recommendation as to the character of the commissioner to be appointed in charge of this bureau.

Then still further I find that they ask:

We demand the passage of a law by the United States Congress to prevent the importation of all foreign laborers under contract.

And why it is that this bill stops at the examination of Chinese labor I fail to understand, because here is a distinct proposition which they ask and the force of which we can readily see. Further:

We declare that the system of letting out Government work by contract tends to intensify the competition between workmen; and we demand the speedy abolishment of the same.

I have been at a loss also to know why some attempt has not been made to legislate for their present benefit in regard to this object sought to be accomplished by them. This bill postpones all this to the future. I understand there is no proposition to have affirmative legislative action in the direction which is sought. Here is a distinct recommendation that the employment of labor by the Government shall not be by competition, by contract. We have to-day probably all the needed sources of information to guide us in legislation on these topics, and in saying this I do not wish to be understood as antagonizing this bill by any means. I merely desire that it shall be amended in some important particulars, so as to give still more aid to the object sought to be accomplished; but I think the passage of this bill will not relieve the committee that had it in charge from introducing for passage something which is affirmative.

Within the shadow of the Capitol, I understand—I do not know whether it be so or not—native laborers have been driven from public works and their places supplied by Italians and others who came here under a system of contract labor.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. GEORGE. The committee have already reported a bill to prevent the importation of foreign laborers under contract. It is now on the Calendar.

Mr. VAN WYCK. I am very glad to hear it. I would much rather see that bill take precedence of this. I understand that almost within the shadow of this Capitol native laborers have been forced, not by physical force, but have been forced by the reduction of wages from public works and their places supplied by Italians and others, who are brought here under the contract system which is denounced by the organizations from whose report I have read. I may be in error, but such I understand to be the fact. I refer to work near the Howard University, on the water-works, going on there, where some five hundred or six hundred men are employed. The fact can easily be ascertained. It does not need any bureau of statistics to ascertain whether that be so or not.

Mr. MORGAN. If the Senator from Nebraska will allow me, I will suggest to him that the bill reported by the Committee on Education and Labor does not make distinction between native laborers and foreign laborers, but between laborers who were naturalized yesterday and those who may be naturalized to-morrow.

Mr. VAN WYCK. We have had very much said about Chinese immigration. The attention of the last Congress and of this has been directed to that subject. That has been a terror to the American people for some time, and we have spent a long time on the subject. Now we have a new bill from the House about Chinese labor, as I understand, and my friend will agree with me that the importation of Chinese laborers is but a drop in the bucket when you have all the world to import lazzaroni and convicts from under the contract system. It would seem that something imperative was demanded and that in haste. This is a mere makeshift, a tub to the whale.

The Senator from Alabama has detailed what is directed by this bill, and then after all has been done that is provided for an appropriation of $25,000 a year is made—$25,000 a year, while the State of Massachusetts expends $17,000 a year in this matter of collecting labor statistics. With all this great field spread out, with all that is to be accomplished by this bureau, $25,000 a year is appropriated. It is perfectly evident that the means proposed are utterly inadequate to the end in view.

Now, Mr. President, only a word or two more. Why stop at an inquiry into Chinese immigration? Direct it to all foreign labor coming here under contract. The latter is more destructive of American interests. True, it may interfere with the privilege heretofore exercised by iron and glass manufacturers, to supply contract labor from Europe, and thus take the bread from the mouths of our own people. All the labor organizations demand the above amendments. You say they ask for this bill. See to it, when they ask for bread you do not give them a stone. We can and should legislate to-day in the interest of labor,

and not wait for the creation of any bureau. Three-fourths of the American people are demanding the establishment of postal telegraph, the forfeiture of unearned lands by railroads, the rescue of what is left of the public domain from the grasp of companies, native or foreign, from fraudulent pre-emptions, timber-culture and desert entries, and reserving the same for actual settlers.

These and many other measures imperatively demanded receive but little attention in Congress. The results of reckless and extravagant legislation at the demand of railroads is upon us. This panic is worse than communism. Congress and the courts are responsible. The courts have been ready to supplement when Congress failed to yield to the demands of greed. The result of our laws and their administration has been to produce riots in Cincinnati and panics in New York. Not only labor but all interests outside of the gamblers demand redress, but Congress amuses them with laws establishing bureaus. Divorce Congress from the influence of the money power and corporations. We have been for twenty years and more subject to their control. The conservative bankers and gamblers of Wall Street are horrified at currency inflation through paper promises, backed by the power of a great nation, and are thrown into spasms at the sight of a silver dollar. They know $4,000,000,000 out of $6,000,000,000 of railroad property and securities represent no value, mere paper, which a panic may scatter to the four winds, yet this is sufficient as a basis of loans by the conservative bankers of Wall street. Then when the gamblers have shorn all the lambs and commenced to devour each other and shake the foundations of confidence and credit, and threaten to engulf all interests, they can easily reach a paternal government through its Secretary of the Treasury, who by their gracious permission or demand unlocks the Treasury, anticipates payment of ten millions to raise up and reinvigorate the gamblers to play again the same rôle of inflation and panic.

I trust I am excusable for alluding to some things that would be in the interest of labor above and beyond and greater and more far-reaching than a mere bureau of statistics spreading itself from ocean to ocean, with the expenditure of $25,000 per year. The great State of Massachusetts alone, not little by any means, expends $17,000 a year for this purpose; and I only desired to take long enough to stop to emphasize what is to be accomplished for this whole nation by $25,000 a year. I say amend the bill, make it as acceptable as we can, and then I propose to vote for it. It is hardly a step even in the right direction; it is not a step that amounts to anything. But we have here important measures which will benefit labor in this country. You have an opportunity for action in the District of Columbia, if the statement which I made be true. All the laborers of this country, as I said before, are demanding the rescue of land held by combinations in defiance of law for twenty years. For twenty years in the Northwest land has been withheld from settlement. For forty years in the State of Florida land has been withheld from the occupation of the actual settler. We move not in that direction. When it is asked that we shall stop and gather in what has been improvidently granted, to which we yet have the title, and provide that what is left us be occupied only by the homesteaders, that does not seem of importance enough to call for a moment's attention in this body. Mr. President, I only desired at this point to call attention to the importance of doing something which will be of substantial benefit to the labor interests of this country. When the Senate bill was under consideration some few weeks ago I indicated to my friend in charge of it that labor needed less taxes and possibly fewer statistics. From the time that Burns wrote his Cotter's Saturday Night, from the time that Thomas Hood's Song of the Shirt was written till now, there is no legislative body anywhere in Christendom engaged in its business that has not been fully informed as to the needs of labor and what might be expected to be some sort of remedy in its behalf. Then let us act for the benefit of labor instead of merely providing officials to gather statistics.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. GARLAND].

Mr. CALL. Mr. President, I do not agree with the Senator from Alabama in the importance of the question involved in this bill. I believe in the necessity for the legislation which it proposes. I shall not enter into any prolonged examination of the details of the bill. Unquestionably it is a matter of very small importance to what Department we attach the duty of collecting information in regard to the labor interest of the country, in regard to the condition of the laborer and his family, his comforts, the amount of compensation that he receives for his labor, the continuousness of his employment, and his moral and social and industrial status. We may as well attach this inquiry to one Department as to another, provided the work is efficiently done. That is all that we can ask and all that this bill proposes to accomplish. Whether Mr. Nimmo shall be the chief of this bureau, selected for his capacity, or some one else is a question that does not appear and is not settled in this bill. This bill is proposed at the instance of the laboring people, represented by their most intelligent leaders, and is designed to address itself especially to ascertaining the condition of laborers in all that relates to their industrial, their social status; I mean by that in reference to their capacity to perform the duties which they owe to the state and themselves.

The Senator from Alabama seems to think that this is a very large question, and at the same time that it is a very small question, that it is one that can be very easily performed, and that the existing agencies are quite adequate to do all that it is desirable to have done.

I hold in my hand a book, Thorold Rogers on Work and Wages, which I have had occasion to refer to because of the very high commendation it received from a member of the other House of Congress, Mr. HEWITT, of New York, and I find that it treats very largely of the questions which are proposed to be investigated through the facts to be collected by this bureau. A glance at the subjects treated of in this work will give an idea of the extent and value and necessity of the work proposed by the bill before the Senate. Among them are social life, rural England, town life, distribution of wealth and trade, society, wages and profits, extraordinary revenues of the state, famine and plague, discontent, combination, insurrection, landlords' remedies, taxation, laborers and wages, the present situation, the clergy, remedies.

It is exceedingly useful—

says Mr. Harold Rogers, in this book on Work and Wages—

for men to know what will be the consequence of an industrial war, of a struggle for existence in society, of the results of that kind of competition in which the strongest is entitled to use all his strength, and the weakest is to be judged, not by his utility, but by his success in the scramble. In these days we are told that the inferences of the economist are only tendencies. Had they been veritable, living realities, society would have long since collapsed; for they would have left only the alternative of two conditions—the relentless despotism of the few, or the anarchy of the many. I do not believe that, however great are the forces at the control of government, the logical consequences of rigid political economy would have been suffered to ensue. Force could extinguish discontent for a time, but the extinguisher would have had to be hired, and would in the end itself take fire.

The political economist of the strict school tells you what will happen (though he seldom tells you all that will happen) under certain conditions. Fortified with this information, and warned by it, the statesman in the true sense sees what must not happen, and takes his precautions, applies his remedies, and neutralizes the disastrous consequences. The struggle for existence, interpreted strictly, is not progress, but retrogression, and civilization is constantly engaged in moderating the struggle, even at the risk of sometimes burdening itself with indefinite liabilities. The information as to what will come to pass under the unrestrained action of certain social laws is a boon which we can not overestimate, provided, of course, that the antecedent causes are fully stated and properly estimated.

The student of social science thus discovers, or tries to discover, which of these causes are preventable, and the statesman, if he be worthy, deals with the problem. In the sense that the researches of the economist tell us the truth, his laws are beneficent, just as the physical laws, which connect disease with its causes, and show us thereby the means of prevention, are also beneficent. It is only when the economist becomes arrogant, and avows that he is a guide to all social action, instead of being the interpreter of certain definite results, that he is informed by the workman that his conclusions can not be accepted as final in the practice of life, and by the statesman that they may consist with the constitution of another planet, but not with this.

Again the writer says:

Half the German army is engaged in protecting the German soil from an invasion of revenge, * * * but the other half is engaged in restraining that wild outburst of socialism * * * which the government recognizes and fears. The huge empire of Russia is undermined by a universal conspiracy. * * * The Austrian administration lives by setting race against race and achieves an apparent union by nourishing implacable aversions. When the traditional purposes of a government are detested its best intentions are distrusted.

The great cities and towns of England contain a vast population which lives, one hardly knows how, on mean and precarious wages in dismal and unwholesome dens. Yet this does not result from the want of adequate returns from trade and business, from any lack of profits or means, for the writer says:

London is the greatest manufacturing town in the world. Naturally its inhabitants are engaged in an infinite variety of occupations. But these occupations are stinted by the fact that an actual duty on coal is levied to an extent that seems insignificant, but is sufficient to kill such manufactures as depend on a prodigal consumption of this source of power. The tax was first imposed to supply a fund for rebuilding St. Paul's Cathedral, was continued for the use of that absurd and obsolete corporation of the city proper, and now forms a fund for the purpose of a hardly less grotesque institution, the metropolitan board of works.

Evil as is the condition of criminal and destitute London * * * it is not so miserable and hopeless as nearly all urban labor was sixty years ago. It is not so bad, I believe, as it was in the beginning of the eighteenth century, when, as one sees from Luttrell's diary, the executions at Tyburn formed a notable percentage in the weekly bills of mortality. It is not so ignorant and unclean as it was twenty years ago. * * * The effort of all true civilization is to improve those who are improvable and to deal with the residuum. It is possible that the struggle for existence unless controlled and elevated may be the degradation of all. It nearly came to be so during the first thirty years of the present century.

Mr. President, this question is occupying the thoughts of the learned men, the practical statesmen and economists of the world. In Great Britain it has given shape and form to the legislation of that country, and the facts upon which the condition of the laborer in his relations to the great industries of the kingdom rests are being carefully ascertained as the basis of the conclusions which are to direct the legislation of that country. So also of Germany.

Now we are told by a vast body of people in this country that their condition approaches that of want, approaches that of a struggle for existence; that the condition of their families is one wholly unsatisfactory to them; that they are not able to provide their children with the education they require even with the aid of the State, because their employments are unremunerative and they are compelled in the struggle for life to sell their labor; and they ask that the facts upon which these statements rest be ascertained in a precise and definite and an authentic form.

For Senators to undertake to belittle the greatness of the purposes of

this bill and the gravity of the facts stated, and the necessity for their investigation, and of remedies for them; for men who are charged with the duty of adjusting the system of taxation so that it will not bear too heavily upon these people and aggravate a condition which they allege to be one of great want and great oppression, requiring such legislation as will give encouragement to the labor partnerships which are designed to procure an adequate remuneration for labor; to shut our eyes to the fact that there is a controversy between the laborers and the employers of labor, and has always been, and perhaps necessarily will be, and that there must be some restraining influence, is to deny the history of the world and of the legislation and industries of other countries, and to expose our whole social, industrial, and political system to the danger of a great convulsion and possibly of still more serious consequences.

I think, therefore, as I said before, that these objections are captious; that when this great interest asks for this bureau, whether it be in the charge of one person or another, when they indicate the necessity for it by statements on the part of those who best know their condition and the direction which measures necessary for its relief must take, we can not be doing too much for them when we grant them the bare request of a bureau charged with the duty of gathering in an authentic and reliable form the facts upon which the legislation must rest if any is to be had for their benefit.

I am not asking the Senate to go beyond the domain of national power and into that of State power. I am simply asking in their behalf that the bill formulated by them, which is simply a bill for gathering information, shall have that respect paid to it of passing it in their interest as a separate bureau. It is a subject large enough to occupy the whole time of the ablest statistician in this country; it is a subject important enough in its relations to all the interests of industry, whether of capital or of labor, to demand of Congress that it shall have the utmost consideration, and it is for that reason that I hope this amendment will not be adopted, but that the bill as it passed the House will be passed by the Senate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas [Mr. GARLAND].

Mr. BLAIR. Before the question is taken on that amendment, the adoption of which, I think, would leave the bill of little worth, I ask that a copy of a letter which has been furnished to me be read to the Senate. It is from Mr. Nimmo, under whose charge the amendment proposes to place this bureau. It seems that since the passage of the bill we are considering here by the House of Representatives Mr. Manton Marble wrote to him and suggested that he was a good man to take charge of this business, and that the thing should be done which is suggested by the amendment of the Senator from Arkansas. I have here a copy of Mr. Nimmo's reply to Mr. Marble. I ask that it be read.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the letter which he sends to the desk be read. The Chair hears no objection.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., May 1, 1884.

DEAR SIR: Your note of the 30th ultimo is just received. I desire to thank you for words complimentary to myself, in which connection you speak of the proposition to annex the proposed bureau of statistics of labor to this bureau.

It may possibly be of some interest for you to know that I am opposed to that proposition. Perhaps, also, you may be glad to know the reasons which have led me to that conclusion. This I will try to explain to you in a few words.

About two years ago a resolution of the Senate, asking for information in regard to the relative rates of wages in the United States and in certain foreign countries was referred to me for reply. My report upon the subject—a copy of which is sent to you to-day—was, in my own estimation, a sort of amateur performance; but my experience in its preparation convinced me that I merely had hold of the thread-ends of a very large subject, which, to be properly handled, would require the entire attention of a man of considerable ability, re-enforced by the necessary expert and clerical assistance. In this connection I will also give you a few facts touching the history of this so-called Bureau of Statistics and its functions.

There was a division in the office of the Register of the Treasury, known as the division of commerce and navigation, which had existed since Hamilton organized the Treasury Department. It was proposed in the year 1866 to convert that division into a bureau, to be called the "bureau of commerce and navigation." But certain astute individuals posted as to the frictional resistance of legislation said "if so big a name is given to the proposed bureau it will be difficult to secure its passage through Congress." They therefore gave it the inoffensive title of Bureau of Statistics, and as a measure of extreme caution it was spoken into being by the thirteenth section of an act the title of which gave no indication whatever of the creation of a bureau of any sort. (See Statutes Thirty-fifth Congress, first session, chapter 298, 1866.)

I am happy to say that all this occurred before my time. But, aside from any reference whatever to the manner in which the office has been administered, its creation as a separate bureau has, I believe, been fully justified by the services which it has rendered in supplying information in regard to the commercial and transportation interests of the country.

Section 13, above referred to, which was, as I think, clumsily drawn, made it the duty of the Chief of the Bureau of Statistics to collect statistics in regard to manufactures. But the census supplies all the information which under the provisions of law it is possible to collect upon that subject. The Bureau of Statistics has never had a man or a dollar for the purpose of collecting information in regard to manufactures, and I hope Congress will never supply me with the means for doing that work, as it has no relevancy whatever to the other work of the bureau.

You will see, therefore, that the name of this bureau is a misnomer, and that its present appellation was given it for a purpose. It should have been called the "bureau of commerce." That would clearly designate the scope of its duties, which relate to internal commerce, foreign commerce, transportation, immigration, tonnage, and duties on imports—in a word, commerce and its incidents.

I think the range of the duties of this bureau is larger than that of any other office charged with the duty of supplying information in regard to commerce under the British, French, or German Governments. Certain of the commercial offices of those countries exercise a degree of control over legislation in regard to commerce, but that is a relic of imperialism which would never be tolerated in this country. It is opposed to the genius of our Government.

This bureau has, as you see, a very large work to do, and to add to it the duty of collecting information in regard to labor would overload it and be in the direction of bad organization.

I inclose to you a copy of the bill to create a bureau of labor statistics which passed the House of Representatives on the 19th ultimo. That bill is now before the Senate and I hope it will become a law. The bill covers vastly more than the tabulation of figures. Figures are but words, the most dogmatic of all words, and, like other words, they must be used honestly and understandingly in order that they may speak the truth and convey information.

The capability of an officer of the Government to formulate tabular statements in regard to labor necessarily involves a clear understanding of the whole labor question. A man not so informed is not fit to collect and tabulate labor statistics.

Very respectfully, yours,

JOSEPH NIMMO, JR.

MANTON MARBLE, Esq.,
532 *Fifth Avenue, New York.*

Mr. BLAIR. I hardly think it can be necessary to make any further reply to the suggestion that this bureau should be incorporated with that over which Mr. Nimmo now presides. His opinion upon that subject certainly ought to be of as great value as that of any other authority whatever.

I wish to say a word with reference to the criticisms which have been made upon the form of this bill. I do not suppose that any two men ever placed the same idea in precisely the same form of words as a matter of original expression, and certainly no two men ever undertook to draft in the same legislative form the same thought, and every man naturally feels as though the expression which he gives to an idea is better than that which any other is individual likely to do.

There has been a great deal of criticism upon this bill by those who evidently had nothing to do with its original drafting. The only criticism to which I think it is properly subject is that it employs more words, it enumerates more specifically that which is properly embraced in a bureau of labor, than it need do. The various acts which cover the same subject-matter in the States have specified in very few words the entire subject. They cover the whole with omnibus expressions, and they are really larger, more all-embracing than this bill, which undertakes to particularize a certain number of topics which come properly under the jurisdiction of the bureau of labor, and there are other subjects which it does not enumerate, perhaps not essential ones, but yet there are other topics which it might well cover and which the ordinary phraseology used in establishing such bureaus does cover.

I suppose that the author of this bill thought—which this debate demonstrates—that the legislative department of the United States Government might be in need of definite information as to what a bureau of labor or of labor statistics might or should be, and therefore he made his speech in this bill. I do not know any other reason why here should have been three pages of enumeration of the various topics which are really covered by what in the Massachusetts act is designated simply as a bureau of labor statistics, with one or two lines additional, and that is all; and yet under that law and under our laws where all such bureaus are established in the States that have been operative they go on and investigate and collect data upon every one of the topics, or nearly every one of the topics, enumerated in this bill.

The Senate saw fit to intrust a committee of this body with an inquiry into substantially the same matter which is covered within the scope properly of a bureau of labor statistics, and whoever will take the pains to read the four volumes of testimony taken by the committee, which are now in print, will find that there is not a topic enumerated in this bill but what is covered more or less in that testimony, not particularly, not exhaustively. It is not to be understood that this vast subject, which comprehends really the entire social state, comprehends within it in its proper evolution and development whatever of progress society is capable of making, can be gone through with and every question properly explained in a single year. It is not to be supposed that this bureau is to die when the $25,000 appropriation is expended, but this bureau ought to be as permanent as the Government, as permanent as human life and human society, and if it is properly organized, if it is organized as it may be under this bill, and is properly administered, I believe that it will be one of the very greatest instrumentalities of good for the present and for all time to come.

The Senator from Alabama, among other criticisms, says that here is not money enough to accomplish all that is proposed to be accomplished. Certainly there is not. There is only $25,000, and yet $25,000 properly expended will do a great deal of work. This committee took over 4,000 pages of testimony, went to different portions of the country, obtained its information in the most expensive way—that is, by summoning witnesses, paying their fees, and obtaining the information without reliance, to any extent I had almost said, certainly to only the very slightest extent, on the mails and ordinary methods of communication, took testimony as in a suit at law; and yet the committee have not expended more than ten or twelve thousand dollars in accomplishing an amount of work which probably has never been accomplished by any

other committee of Congress without an expenditure of at least five or ten times as much. Setting aside the fees of the stenographers, the Committee on Education and Labor has not so far spent in this investigation, covering, as I said, over 4,000 printed pages, properly and carefully indexed, over $12,000 up to the present date; I think not quite that. Its labors are not quite completed, but, the stenographers' fees and everything included, there has not been expended up to the present time $20,000, and the committee will complete its work and will keep inside of twenty-five or thirty thousand dollars at least, and it will be found that that committee has done something on this subject whenever the testimony is examined.

This bill appropriates the first year $25,000. Three thousand dollars of that is to go to a competent head, the commissioner. It provides for the appointment of a chief clerk at $2,000. It leaves $20,000 to be expended in the discretion of the commissioner. He can spend it as he pleases. He is responsible for that expenditure; he must account for it like the Commissioner of Agriculture or any other officer of the Government.

Then it is objected that he will not have anywhere to do his work. The Executive Department will find somewhere for this man to work. If not he can work in his own home. This business is to be done principally by correspondence at first. Every avenue of intelligent and authentic information will be open to him as well. It is not necessary that he should take the information which is contained in the census over again. Where he has reason to think it is reliable, as he will in most instances believe in it, he can rely on that. He may supplement it with slight expenditures in various special directions, and undoubtedly he will do so. But the whole field of information is open to this man, and he can rely upon information already collected wherever he considers it reliable.

The Senator from Nebraska [Mr. VAN WYCK] has criticised the bill in the spirit of friendship, and I do not mean to intimate that any other critic of the bill is otherwise than its friend. I think these suggestions are meant, most of them, perhaps all of them, to be beneficial to the structure of the bill. The Senator from Nebraska criticises it in a spirit of avowed friendship, and he first says that the commissioner who is to have charge of this bureau if it should be created should be a man identified with the interests of labor. Certainly, sir, it would be quite inappropriate to appoint any other man. He is to be appointed by the nomination of the President and the confirmation of the Senate, and it is not to be supposed that the appointing power of the Government will make an unfit appointment in this case any more than in any other. If the framers of the Constitution saw fit to intrust the appointment of executive officers, who have to do with all the great departments and duties of the Government and the execution of all the laws that we make, to the President and the Senate, I think that the appointment of this officer can be safely left without restriction to their discretion. I may properly say perhaps that this same matter was discussed before the bill reached us, and that by an almost unanimous vote of the other House this bill, so far as its action could make it, became a law.

The subject which the Senator from Nebraska suggests has been discussed and has been disposed of. I know that this bill just as it comes to us is ardently desired to be made a law by the great labor organizations of the country, and that a vast mass of men and women outside of labor organizations are just as much interested in this subject and are just as conscientious and desirous in their opinion for the passage of the bill.

He somewhat derides the idea that the Committee on Education and Labor should be before the Senate and the country with simply a bill to establish a bureau of statistics. Now, sir, I may say in relation to that that the people for whom he speaks somewhat as a champion on this floor, I take it, are desirous above all other enactments that this bill shall become a law, that there be a bureau of statistics which may ascertain and perpetually enforce upon the attention of Congress the real facts in regard to the condition of labor. They want this if every other proposition fails, and I wish to say to the Senator what the champion of the labor interests of this country ought to have been aware of, that there are at least three bills already before the Senate reported by the same committee covering a portion at least of the subjects which he suggests.

Let me recommend him to examine the business of the Senate and be better posted, when he undertakes again to speak on this subject. He will find a bill with reference to the employment of convict labor upon the public works of the United States; he will find another bill touching contracts for the importation of laborers from abroad upon the Calendar, reported by the same committee. He will find a bill with reference to the eight-hour law providing for the enforcement of the law already upon the statute-book, and he will find various other legislation reported already by that committee. And when he reports himself to those whom he represents, after having posted himself and being in a condition to give some account of the actual condition of the business of the Senate, I hope he will say to them that almost every great point which they have urged be made a part of the legislation of the country in their special interest has been reported either in the House or in the Senate, and that bills are being considered and have for a long time been considered involving the interests of labor to their fullest extent, and the remedies which they propose for the evils under which they are alleged to be suffering and under which they are suffering.

One other point was suggested both by the Senator from Nebraska and the Senator from Alabama, and that is that the bill already covers this matter of the importation of foreign labor, labor to be brought into competition with American labor. They will find near the top of the third page the clause which covers the matter specifically.

And now, Mr. President, I wish to say nothing more in regard to this bill. It is very desirable that it should be passed and passed as it is unless there can be some very substantial improvement made upon it. It is a bill which will work out a remedy, as I think, for the evils that are complained of, the lack of sufficient and correct information, as it is, and I hope it may pass without amendment.

The PRESIDING OFFICER. Did the Senator from Nebraska understand that his amendments were pending? He caused two amendments to be read for information. Does he offer those amendments or either of them?

Mr. VAN WYCK. I shall do so when in order. Is it in order now?

The PRESIDING OFFICER. It is in order now, because the text of the bill may be perfected before the amendment of the Senator from Arkansas is acted on.

Mr. VAN WYCK. Then I offer the first amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of line 5, after the word "who," section 1, it is proposed to insert:

Shall be a person identified with the laboring classes of the country and.

So as to read:

That there shall be established and maintained at the seat of Government a bureau of labor statistics, which shall be under the charge of a commissioner of labor statistics, who shall be a person identified with the laboring classes of the country, and shall be appointed by the President, &c.

Mr. INGALLS. I move that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 19, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I desire the House shall proceed to the consideration of the consular and diplomatic appropriation bill reported from the Committee of the Whole House on the state of the Union. It is important the appropriation bills should be passed at once through the House and sent to the Senate.

Mr. COLLINS. I raise the question of consideration. The Committee on Appropriations have had five months to bring its bills before the House, and I object to its taking up this day, when suspension of the rules is in order, and it may be the last one of the session, thus preventing the other committees of the House having the bankruptcy bill and other important measures brought up and acted on. I insist the House shall proceed to the consideration, under the rules, of such matters as may be reported.

The SPEAKER. Perhaps the gentleman from Massachusetts does not understand the condition of the three appropriation bills. They have been reported from the Committee of the Whole House on the state of the Union, and the gentleman from Pennsylvania only asks that they shall be voted on this morning. The bills have already been considered.

Mr. RANDALL. There was an understanding that unless the gentleman from Georgia [Mr. TURNER] objected the three appropriation bills should be voted on to-day. It is only a call of the yeas and nays, under the rules, on the passage of each bill. I shall ask for the previous question on each bill.

Mr. TURNER, of Georgia. If the gentleman from Pennsylvania will indulge me a moment——

Mr. RANDALL. Certainly.

Mr. TURNER, of Georgia. I desire to state, sir, on account of the report in the election case of Wallace *vs.* McKinley not having been distributed, for some reason unknown to me, and for other reasons obvious to members of the House, this being suspension day, I will not insist on the consideration of the election case to which I have referred to-day, but will give notice that I will call it up to-morrow morning after the reading of the Journal.

Mr. MCKINLEY. Mr. Speaker, I will state I very much want the case of Wallace *vs.* McKinley taken up to-day, as was announced by the chairman of the Committee on Elections last week it would be. In that connection let me say that having made other engagements of an

important character which would occupy my time to-day and to-morrow and most of this week I asked the chairman of the Committee on Elections if he would not consent the case might go over until one week from to-day and not be called up this week. Owing to public considerations he regretted, as he said, not to be able to accommodate me, and he must therefore insist on going on with the case. I have therefore changed all my arrangements, and have done so at great inconvenience. I have traveled two nights to do it, Saturday night and last night, to be here this morning, with the expectation the case was to come before the House for consideration. I am ready for the consideration of the case, but if it is to go over to-day I submit to gentlemen all about me, on both sides, that it ought to go over for one week from to-day.

Mr. BLACKBURN. Let us agree to that.

Mr. TURNER, of Georgia. I should be glad to accommodate the gentleman from Ohio. If he desires the consideration of the case to-day I am quite willing he should have it.

Mr. McKINLEY. I am quite ready to have the case considered to-day, as I have already stated.

Mr. TURNER, of Georgia. I will yield to the gentleman from Pennsylvania for the purpose he has indicated.

Mr. COX, of New York. I hope there will be no objection to proceeding to the call of committees for suspension of the rules.

The SPEAKER. The election case is not proposed to be called up now. The present request is that made by the gentleman from Pennsylvania to proceed with the further consideration of the appropriation bills, with a view to disposing of them at once.

Mr. COX, of New York. I have no objection to going on with the appropriations bills.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. COLLINS and Mr. PRICE objected.

Mr. RANDALL. It was understood on Friday that a vote would be taken on these bills to day.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. Is there any matter pending before the House at this time?

The SPEAKER. There is not.

Mr. WELLER. I desire to secure recognition of the Speaker for the introduction and present consideration of a resolution, if it will be in order at this time.

Mr. RANDALL. I shall object, in the interest of progress on the appropriation bills, to anything that is not strictly in order under the rule.

Mr. WELLER. I hope the gentleman will allow me an opportunity to make a brief statement.

Mr. HOLMAN. Regular order.

CORRECTION.

Mr. KING. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. KING. There are many errors in the public print of the telegram sent to me from the State Department which I desire to have corrected in the RECORD.

The SPEAKER. That is not a question of personal privilege.

Mr. KING. My remarks, of which that telegram is the embodiment, are not printed correctly, and I ask that they be corrected.

The SPEAKER. Not properly printed?

Mr. KING. The RECORD is not correct.

The SPEAKER. Without objection a reprint of the telegram to which the gentleman refers will be ordered, in order that the necessary corrections may be made.

There was no objection, and it was ordered accordingly.

The telegram as corrected is as follows:

[Telegram.]

DEPARTMENT OF STATE, *Washington, May* 15, 1884.

Hon. J. FLOYD KING,
House of Representatives:

Central America: Only salaried posts are Ruatan, in Honduras, $1,000, and San Juan, in Nicaragua, $1,000. The others are all compensated by fees. So Government must depend upon a citizen of the town or a United States citizen who happens to be temporarily there on other and private business. There is a minister accredited to all the States of Central America, but the lack of mail and telegraphic communication or of means of traveling from one post to another, except by occasional coast steamers and upon mules through the country, makes it extremely difficult for him. There are nine principal consular officers in Central America, seven of whom are compensated by fees. Some of the offices can not be kept filled because of the insufficient compensation. The present bill contemplates a consul at the capital of each Central American State, but the salary of $1,500 is inadequate, as the consul must pay his traveling expenses to his post, his personal expenses there, and certain Government expenses, such as postage, telegraphing, &c., for which no provision is made in the bill. We should provide these countries with most of the manufactures they consume and with a large amount of food products. Consular officers, Americans, with a single interest to the good of the United States, are necessary to develop this trade.

In South America we have in Ecuador only one representative, a fifteen-hundred-dollar consul at Guayaquil. The bill proposes a secretary of legation at Quito at $1,500. It is improbable that an American citizen would go there for that compensation, paying numerous Government contingent expenses out of his own pocket. In Bolivia, if this bill pass, we shall have a secretary of legation at $1,500 and some feed consuls. The fees amount to nothing. In Chili there are only two salaried consular officers, one at Valparaiso, receiving $3,000, and one at Talcahuano, receiving $1,000. Valparaiso is the seaport of Santiago and principal commercial place in Chili. Talcahuano is an important port for our shipping, especially whaling vessels. In the Argentine Republic the only salaried consular officer is at Buenos Ayres. In Brazil there are five salaried consular officers: the consul-general at Rio, at $6,000; consul at Rio Grande do Sul, at $1,000; one at Pernambuco, $2,000; one at Pará, $1,500; one at Bahia, $1,500. Except at Rio and possibly Pernambuco these salaries are insufficient. All these places are seaport towns, and should import very largely from the United States. In Venezuela there are three paid consulates: La Guayra and Puerto Cabello, each $1,500, and Maracaibo, $2,000. In Colombia there is a salaried consulate at Panama and another at Aspinwall. The others are feed officers, and, except Barranquilla, the fees are insufficient to attract any one from the United States not engaged in private business. In Peru there is one salaried consulate at Callao. The present bill abolishes the mission to Bolivia, by giving the minister to Chili jurisdiction over it and gives the minister to Peru jurisdiction over Ecuador, which leaves the missions as follows: Minister each in Venezuela, Brazil, Argentine Republic, and Colombia, a minister to Peru and Ecuador, and a minister to Chili and Bolivia. The bill provides nothing for traveling expenses of these ministers, and leaves their postage, telegraphing, &c., to be paid by them.

Ecuador, population more than a million. Venezuela, population about 2,000,000. La Guayra, 7,000; Puerto Cabello, 9,000; Maracaibo, 21,000, have important trade relations with the United States. Colombia, about 3,000,000; Panama, 11,000; Aspinwall, 2,500; Bogota, 50,000, &c. Peru, population about 2,500,000; Callao, 34,000; Iquique, feed consulate, population 16,000; exports about $3,000,000 to United States; trade with United States principally in nitrates. Brazil, population about 10,000,000; Bahia, 129,000; Pará, 35,000; Pernambuco, 841,000; Rio Grande do Sul, 20,000; Rio de Janeiro, 300,000; Santos, 9,800; large exports to the United States; all should have large imports from United States. Chili, population 2,075,000; Valparaiso, 97,000; Talcahuano, 2,400. Argentine Republic, population about 2,000,000; Buenos Ayres, about 180,000; exports from Buenos Ayres alone to the United States amounted last year to about $3,000,000. We should supply them with manufactured articles. Guatemala, population 1,190,000; but one full consulate, that an unsalaried one, at Guatemala city, the population of which is 45,000. Honduras, population 350,000; Salvador, population 435,000. The above figures are approximate, but substantially correct. Population probably larger than stated. Salary of $1,500 for a consul inadequate at most any post; is the salary of a copying clerk, not that of a man familiar with commercial and international law and intrusted with large responsibility.

JOHN DAVIS.

ORDER OF BUSINESS.

Mr. WELLER. I ask that the gentleman from Pennsylvania will allow me a few moments——

Mr. HOLMAN and others demanded the regular order.

The SPEAKER. The regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials of State and Territorial Legislatures are in order for reference only; also resolutions of inquiry addressed to the heads of executive Departments.

Pending the call the Chair desires to lay before the House an executive communication and some personal requests of members.

TREASURY CATTLE COMMISSION.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report from the chairman of the Treasury Cattle Commission upon the subject of diseases in cattle which recently prevailed in certain parts of Kansas and Illinois; which was referred to the Committee on Agriculture, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEWART, of Texas, until Thursday, on account of important business.

To Mr. EVINS, of South Carolina, for ten days from to-day, on account of ill health.

To Mr. GREEN, for four days from to-day.

To Mr. DAVIDSON, for three days after to-day.

To Mr. FORNEY, for ten days from to-day, on account of important business.

To Mr. DIBBLE, for six days from to-day, on account of important business.

To Mr. MATSON, for one week from to-day, on account of important business.

To Mr. BENNETT, until Wednesday, the 21st, on account of important business.

To Mr. DOWD, for five days, on account of important business engagements.

LEAVE TO PRINT.

Leave was granted to Mr. CULBERSON, of Texas, to print certain remarks upon the bill (H. R. 5460) to provide for the issue of circulating notes to national banking associations. [See Appendix.]

REPRINT OF A BILL.

On motion of Mr. POST, of Pennsylvania, by unanimous consent, it was ordered that the bill presented by the minority of the Committee on Pacific Railroads as a substitute for H. R. 6771, be printed in bill form.

JUNIUS L. POWELL.

Mr. ROSECRANS introduced a bill (H. R. 7014) for the relief of Junius L. Powell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLA FYFFE.

Mr. ROSECRANS also introduced a bill (H. R. 7015) to increase the pension of Willa Fyffe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EASTERN BOUNDARY OF CALIFORNIA.

Mr. ROSECRANS also submitted a concurrent resolution of the senate and assembly of the State of California, relative to the location of the eastern boundary of said State; which was referred to the Committee on the Public Lands.

TRANSFER OF CAUSES TO FEDERAL COURTS.

Mr. ROSECRANS also submitted a concurrent resolution of the senate and assembly of the State of California, relative to the removal of causes pending in the courts of that State to the Federal courts of the United States; which was referred to the Committee on the Judiciary.

TERRITORIAL GOVERNMENT FOR ALASKA.

Mr. ROSECRANS also submitted a concurrent resolution of the senate and assembly of the State of California, in favor of the passage of the bill for the organization of the Territory of Alaska; which was referred to the Committee on the Territories.

LIGHT-HOUSE, VOLUSIA BAR, FLORIDA.

Mr. BISBEE introduced a bill (H. R. 7016) to authorize the construction of a light-house at Volusia Bar and Higly Point, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISA C. REMSHART.

Mr. NICHOLLS introduced a bill (H. R. 7017) for the relief of Isa C. Remshart, executrix of John W. Remshart, of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM G. BALDWIN.

Mr. LAMB introduced a bill (H. R. 7018) for the relief of William G. Baldwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS BROWN.

Mr. WARD introduced a bill (H. R. 7019) for the relief of Thomas Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES H. L. POOCK.

Mr. WARD also introduced a bill (H. R. 7020) for the relief of Charles H. L. Poock; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALBERT E. LEMON.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 7021) granting a pension to Albert E. Lemon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL WALLICK.

Mr. KASSON introduced a bill (H. R. 7022) for the relief of Michael Wallick, father of William Wallick, late private Company C, Sixty-seventh Ohio Volunteers, who died in the service; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

PURCHASE OF UNITED STATES BONDS.

Mr. WELLER introduced a joint resolution (H. Res. 252) authorizing the Secretary of the United States Treasury to use all the unappropriated and surplus moneys in the Treasury for the payment of United States bonds, and for other purposes; which was read a first and second time.

Mr. WELLER. I ask that the joint resolution be read.

The joint resolution was read, as follows:

Whereas it is currently reported and believed that great financial and business distress exists at New York and other sections of the country; and

Whereas it is assumed that this financial and business distress is due to a marked scarcity of money to promptly meet current matured obligations; and

Whereas there are many millions of money now in the Treasury of the United States unappropriated but subject to the order of this Congress; and

Whereas the law of March 18, 1869, contained the following provision, to wit: "But none of said interest-bearing obligations not already due shall be paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin;" and

Whereas it is now and long time ago has been alleged that United States notes were convertible into coin at the pleasure of the holder, and also that bonds of the United States bearing a lower rate of interest than 3½ per cent. can be sold at par in coin: Now, therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and instructed to use, as soon as may be, all of the surplus moneys in the Treasury for the redemption of bonds outstanding, and also at a price not above par; and also to purchase of bonds not subject to call or redemption all that may be offered to the extent of moneys so available, and to receive and so pay for all bonds that may be offered, all of which bonds so received and paid for shall be canceled and destroyed, with their interest obligations.

The SPEAKER. The joint resolution will be referred to the Committee on Ways and Means.

Mr. WELLER. I desire that it shall be referred to the Committee on Banking and Currency.

The SPEAKER. Under the rules of the House it goes to the Committee on Ways and Means.

Mr. WELLER. I move to refer it to the Committee on Banking and Currency.

The SPEAKER. The gentleman from Iowa moves that the joint resolution be referred to the Committee on Banking and Currency. Is there objection?

Mr. BUDD. I object.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The House divided; and there were—ayes 38, noes 76.

Mr. WELLER. No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint as tellers the gentleman from Iowa, Mr. WELLER, and the gentleman from Illinois, Mr. MORRISON.

Mr. BLAND. Would it be in order to have the resolution read?

The SPEAKER. The joint resolution may be again read by unanimous consent.

Objection was made.

The SPEAKER. The Chair will state the question. The Chair stated that under the rules the joint resolution would go to the Committee on Ways and Means. The gentleman from Iowa moves that it be referred to the Committee on Banking and Currency.

Mr. RANDALL. It relates, as I understand, to the purchase of the bonded debt of the United States?

The SPEAKER. It does.

The House again divided; and the tellers reported—ayes 46, noes 121.

So the motion of Mr. WELLER was not agreed to.

The joint resolution was referred to the Committee on Ways and Means, and ordered to be printed.

POOR SISTERS OF SAINT FRANCIS.

Mr. CALKINS introduced a bill (H. R. 7023) to admit duty free certain worsted cloth imported for the Poor Sisters of Saint Francis, who maintain a hospital for the sick; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. R. MARTIN.

Mr. MORRILL introduced a bill (H. R. 7024) for the relief of J. R. Martin, late postmaster at Perry, Kans.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. REBECCA ADAMS.

Mr. PERKINS introduced a bill (H. R. 7025) for the relief of Mrs. Rebecca Adams, widow of John L. Adams, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JEREMIAH P. SWATZELL.

Mr. PERKINS also introduced a bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SMITHPETER.

Mr. PERKINS also introduced a bill (H. R. 7027) granting a pension to James Smithpeter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. J. DREESEN.

Mr. PETERS introduced a bill (H. R. 7028) granting a pension to B. J. Dreesen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER HARPER.

Mr. FUNSTON introduced a bill (H. R. 7029) granting a pension to Alexander Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDGAR PAYNE.

Mr. HALSELL introduced a bill (H. R. 7030) granting a pension to Edgar Payne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILES H. WATKINS.

Mr. ROBERTSON introduced a bill (H. R. 7031) granting a pension Miles H. Watkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES STAFFORD.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 7032) for the relief of James Stafford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNEARNED LAND GRANTS.

Mr. LEWIS introduced a joint resolution (H. Res. 253) prohibiting the confirmation, certification, and patenting of unearned land grants; which was read a first and second time.

Mr. ELLIS. I call for the reading of that joint resolution.

The joint resolution was read, as follows:

Whereas numerous bills have been introduced in both branches of Congress to forfeit lands granted to aid in the construction of railroads, and many of such bills have been favorably reported to this House; and

Whereas it is important that something should be done looking to a speedy settlement of the serious and vital questions growing out of the agitation of this subject in and out of Congress: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, prohibited from taking any further steps to confirm, certify, or patent any lands granted to any corporation, State, or person by Congress in any case where reports, favoring the forfeiture of such land grants, have been made to either branch of this Congress, until after final action shall be taken upon such bills, or until the Supreme Court of the United States, in a proper case, shall decide upon the validity of such grant.

SEC. 2. That the Secretary aforesaid be, and is hereby, prohibited from certifying or patenting to any corporation any land grant except where such corporation has complied strictly with all the conditions of the granting act, and that in all cases of doubt in construing these conditions the benefit of the doubt should be given to the Government.

The joint resolution was referred to the Committee on the Public Lands, and ordered to be printed.

REBATE ON GOODS IMPORTED IN AMERICAN VESSELS.

Mr. KING introduced a bill (H. R. 7033) authorizing the Secretary of the Treasury to allow a rebate of 10 per cent. on all goods imported in vessels of American registry; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLERK OF COURT OF ALABAMA CLAIMS.

Mr. REED (by Mr. DINGLEY) introduced a bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT NEW BEDFORD, MASS.

Mr. DAVIS, of Massachusetts, introduced a bill (H. R. 7035) to provide for the purchase of additional land for the use of the public building in the city of New Bedford, State of Massachusetts; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SHUBAEL P. EDWARDS.

Mr. DAVIS, of Massachusetts, also introduced a bill (H. R. 7036) for the relief of Shubael P. Edwards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT REVISED STATUTES.

Mr. DAVIS, of Massachusetts, also introduced a bill (H. R. 7037) to amend paragraph 7, section 2527, of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN M'CALL.

Mr. STRAIT introduced a bill (H. R. 7038) for the relief of John McCall; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MRS. JOHN BOHL.

Mr. STRAIT also introduced a bill (H. R. 7039) for the relief of Mrs. John Bohl; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. HATCH, of Missouri, submitted the following, which was read, and referred to the Committee on Rules:

Resolved, That rule 21 be amended by striking out clause 4, which is as follows: No bill or joint resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

JAMES B. WILDE.

Mr. CLARDY (by Mr. FYAN) introduced a bill (H. R. 7040) granting a pension to James B. Wilde; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. M. AND H. ELMENDORF.

Mr. VAN ALSTYNE introduced a bill (H. R. 7041) granting a pension to Catherine M. Elmendorf and Harriet Elmendorf, daughters of General Solomon Van Rensselaer; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CATHERINE DICK.

Mr. HISCOCK introduced a bill (H. R. 7042) granting a pension to Catherine Dick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOVERNMENT OF DISTRICT OF COLUMBIA.

Mr. KETCHAM (by Mr. HISCOCK) introduced a bill (H. R. 7043) to declare the true meaning and intent of the fifth section of the act of Congress approved July 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EDUCATION AND PROTECTION OF INDIANS.

Mr. BAGLEY presented a resolution of the Legislature of the State of New York, relative to the education and protection of the Indians; which was referred to the Committee on Indian Affairs.

CHARLES F. SWAIN.

Mr. JAMES introduced a bill (H. R. 7044) for the relief of Charles F. Swain, master of the bark Philemon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN F. SPRIGGS.

Mr. MURRAY introduced a bill (H. R. 7045) granting a pension to John F. Spriggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO CORNWELL.

Mr. MURRAY also introduced a bill (H. R. 7046) granting a pension to Alonzo Cornwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK MURPHY.

Mr. MURRAY also introduced a bill (H. R. 7047) granting a pension to Patrick Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA WHITMORE.

Mr. JORDAN introduced a bill (H. R. 7048) for the relief of Eliza Whitmore, widow of Seth H. Whitmore, late chief engineer of the Upper Mississippi fleet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS CHISHIRE.

Mr. JORDAN also introduced a bill (H. R. 7049) granting a pension to Thomas Chishire, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA WEITZEL.

Mr. JORDAN also introduced a bill (H. R. 7050) granting a pension to Louisa Weitzel, widow of the late Godfrey Weitzel, who was lieutenant-colonel of engineers and late a major-general of volunteers; which was read a first and second time, referred to the Committe on Invalid Pensions, and ordered to be printed.

MRS. GARETTA H. PIERCE.

Mr. BRAINERD introduced a bill (H. R. 7051) granting a pension to Mrs. Garetta H. Pierce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA ARMSTRONG.

Mr. BINGHAM introduced a bill (H. R. 7052) granting a pension to Joshua Armstrong, dependent father; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES NELSON.

Mr. BINGHAM also introduced a bill (H. R. 7053) granting a pension to James Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BRINDLE.

Mr. DIBRELL (by request) introduced a bill (H. R. 7054) for the relief of William Brindle, of Gloucester City, N. J.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

G. W. LOVELL.

Mr. MCMILLIN introduced a bill (H. R. 7055) for the relief of G. W. Lovell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEMUEL C. WRIGHT.

Mr. MCMILLIN also introduced a bill (H. R. 7056) for the relief of Lemuel C. Wright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER HICKS.

Mr. PETTIBONE introduced a bill (H. R. 7057) for the relief of Al-

exander Hicks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS PEMBERTON.

Mr. PETTIBONE also introduced a bill (H. R. 7058) for the relief of Thomas Pemberton, late Company D, Fourth Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD A. WEYMAN.

Mr. MILLER, of Texas, presented a joint resolution of the Legislature of the State of Texas, in reference to the claim of Edward A. Weyman; which was referred to the Committee on Claims.

FRANK MARSELL.

Mr. POLAND introduced a bill (H. R. 7059) granting a pension to Frank Marsell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BRIDGES, JR.

Mr. POLAND also introduced a bill (H. R. 7060) granting a pension to William Bridges, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF JARED D. MOORE.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 7061) for the relief of the legal representatives of Jared D. Moore, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM WHEELER HUBBELL.

Mr. EZRA B. TAYLOR (by request) introduced a bill (H. R. 7062) to determine the rights of William Wheeler Hubbell and the United States, respectively, therein stated; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMRON MILLER.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 7063) for the relief of Amron Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT L. SWEET.

Mr. RAYMOND introduced a bill (H. R. 7064) granting a pension to Robert L. Sweet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD D. M'KINNEY.

Mr. SPRINGER introduced a bill (H. R. 7065) granting a pension to Richard D. McKinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM CURRY.

Mr. NEECE introduced a bill (H. R. 7066) to rerate the pension of Adam Curry, of Company B, Tenth Missouri Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE SHEARER.

Mr. McCOMAS introduced a bill (H. R. 7067) granting a pension to Catharine C. Shearer, widow of Crawford W. Shearer, late lieutenant-colonel Third Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CADET ENGINEER JOHN U. CRYGIER.

Mr. BEACH introduced a bill (H. R. 7068) authorizing the President of the United States to appoint Cadet Engineer John U. Crygier, an assistant engineer, United States Navy, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported a bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. KEIFER. Points of order had better be reserved.

Mr. WARNER, of Ohio. Have points of order been reserved on this bill?

The SPEAKER. They have by the gentleman from Ohio.

PERSONAL EXPLANATION.

Mr. HATCH, of Missouri. Mr. Speaker, I rise to a question of personal privilege. When the bill was under consideration to redistrict the State of Missouri in the discussion of that bill I used language toward my colleague of the second district that, upon information I have derived since then as to the contents of the paper to which I referred, I am satisfied did him injustice. So far as my language reflected on the motive of my colleague of the second district in regard to the paper which had been signed by some of our colleagues, I desire to state to him and to the House that I entirely misapprehended and had been misinformed as to its contents and am satisfied I misconstrued the motive of my colleague.

I say further to the House it is due to my colleague to say this explanation is not by any request of his, and so far as I know he is unadvised of it, only one other member on the floor knowing of it. I make this statement because it is due to fairness to myself and to my colleague. [Great applause.]

FRENCH CLAIMS COMMISSION.

Mr. HOLMAN submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Whereas there have been appropriated by Congress various sums, amounting in all to $325,000, for the payment of the expenses of the French and American Claims Commission, organized under a convention between the United States of America and the French Republic for the settlement of certain claims of the citizens of either country against the other, concluded at Washington on the fifteenth day of January, in the year 1880; and

Whereas by article 10 of said treaty it is provided "each government shall pay its own commissioner, secretary, and agent, or counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one side as on the other; all other expenses, including the compensation of the third commissioner, which latter shall be equal or equivalent to that of the other commissioners, shall be defrayed by the two governments in equal moieties: Now, therefore,

Be it resolved, That the Secretary of State be requested to inform this House, if not incompatible with the public interest, of the mode and manner, in detail, of the expenditure of the amounts appropriated by Congress for the expenses of said commission, stating when, where, to what persons, and for what purposes the moneys so appropriated have been paid, and also whether the French Republic has complied with its stipulation to pay its own commissioner, secretary, and agent, or counsel, and to defray one-half of all other expenses of the said commission, stating specifically what amounts have been appropriated and paid by the French Government for those purposes, and what expenses have been defrayed and paid by the French Government, and whether any balance still remains due by either government to the other on account of said expenses.

WILLIS CORNWALL.

Mr. McMILLIN introduced a bill (H. R. 7070) for the relief of Willis Cornwall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS P. M'MANUS.

Mr. HANCOCK introduced a joint resolution (H. Res. 254) authorizing Thomas P. McManus to perfect an appeal to the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CALL OF COMMITTEES FOR SUSPENSION.

The SPEAKER. The regular order of business is the call of committees for suspension of the rules, and the call rests with the Select Committee to Ascertain the Results of the Tenth Census.

PUBLICATION OF TENTH CENSUS.

Mr. COX, of New York, reported, as a substitute for H. R. 6967, a bill (H. R. 7071) supplementary to "An act to provide for the publication of the Tenth Census," approved August 7, 1882, and moved to suspend the rules and pass the substitute.

The Clerk read as follows:

Be it enacted, &c., That in addition to the number of printed copies of the reports of the Tenth Census authorized by the act entitled "An act to provide for the publication of the Tenth Census," approved August 7, 1882, there shall be printed 25,000 copies of the Compendium of the Tenth Census, of which 8,000 copies shall be for the use of the Senate, 16,000 copies for the use of the House, and 1,000 copies for the use of the Department of the Interior; and that there shall also be printed and separately bound in paper covers an edition of the following-named monograph reports, the number of copies of each edition to be as follows, namely:

Of the reports on the seal islands of Alaska, on ship-building, on the cereals, on the manufacture of glass, on the resources of Alaska, on tobacco-culture, on the factory system, on wages paid in manufacturing industries, 3,000 copies each; of the reports on the newspapers and publishing interests, on silk manufacture, on chemical products and salt, on flour milling, on meat production, on the production of petroleum, on the manufacture of coke, on the manufacture of tobacco, on the manufacture of shop tools, 2,500 copies each; of the report on cotton-culture in the United States, including reports on cotton fiber and cotton-seed oil, 3,000 copies; of the report on cotton-culture in Louisiana, in Mississippi, in Tennessee and Kentucky, in Missouri, in Arkansas, in Texas, in Alabama, in Georgia, in North Carolina, in South Carolina, in Virginia, in California and in the Indian Territory, 2,000 copies each.

Provided, That of the above-named separate editions one-fourth shall be for the use of the Senate, one-half for the use of the House, and one-fourth for the use of the Census Office:

Provided, also, That the copies of the compendium and monograph reports herein provided for the use of the Senate and House of Representatives shall be distributed directly to said Senators and Members through the folding-rooms of the Senate and House of Representatives, respectively; and those for the use of the Census Office through the document-room of the Interior Department;

Provided, further, That the changes or corrections necessitated by errata in former editions of the reports herein referred to shall first be made by the Superintendent of Census. And the sum of $60,000, or so much thereof as may be necessary, to defray the expenses of printing and binding the publications herein provided for shall be paid out of the appropriation made by the act of August 7, 1882, entitled "An act to provide for the publication of the Tenth Census."

Mr. SMITH. I rise to a point of order on that bill. It relates to the printing of documents, which properly should have been referred to the Committee on Printing under the law. This comes from the Committee to Ascertain the Results of the Tenth Census.

My point of order is that all this matter under the law comes legitimately from the Committee on Printing, and that the bill is not regularly

before the House. The Chair decided the same point affirmatively the other day.

The SPEAKER. On the third Monday of last month the gentleman from New York [Mr. COX], from the Committee to Ascertain the Results of the Tenth Census, proposed to suspend the rules and pass a bill or joint resolution substantially the same as the one read, according to the recollection of the Chair. The point of order was made against it, and the Chair then ruled, inasmuch as that committee had no general jurisdiction over the matter and there had been no order of the House referring the subject to that committee, the point of order must be sustained, and the gentleman was not permitted to make the motion. But the Chair discovers this morning that on the 12th of May a bill was introduced into the House entitled "A bill supplementary to an act to provide for the publication of the Tenth Census, approved August 7, 1882," which was referred to the Select Committee to Ascertain the Results of the Tenth Census. That the Chair supposes gives to that committee jurisdiction over the subject.

Mr. SCALES. When was that done?

The SPEAKER. On the 12th day of the present month. The Chair has no recollection of the introduction of the bill, but the records show that it was introduced on that day and referred as stated.

Mr. COX, of New York. My friend from North Carolina was present at the time, and so was the gentleman from Pennsylvania, but their attention was not attracted to the matter, their minds perhaps being on something else at the time.

Now, I waited for the Committee on Printing some two or three weeks to report a bill of this nature; but not having done so, I now, in compliance with the order of the Committee on the Census, move to suspend the rules and pass the proposition which I have sent to the desk as a substitute for the bill referred to us.

Mr. SCALES rose.

The SPEAKER. The Chair will state that this proposition in its present form is not debatable.

Mr. SCALES. Then I demand a second, as I wish to be heard.

The SPEAKER. The Chair will first state that in his opinion, under the order of the House referring the bill to the Committee on the Census, that committee now has jurisdiction, and the motion of the gentleman from New York is in order under the rule. A second is demanded. The Chair will appoint the gentleman from North Carolina [Mr. SCALES] and the gentleman from New York [Mr. COX] to act as tellers.

The tellers took their places.

Mr. KEIFER. I suggest that a second be allowed by unanimous consent.

Mr. SPRINGER and Mr. MORRISON objected.

The House divided; and the tellers reported ayes 164, noes none.

So the motion was seconded.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen to those in support of and fifteen to those against the proposition. [Cries of "Vote!" "Vote!"] Does the gentleman from New York desire to proceed?

Mr. COX, of New York. As there seems to be a decided inclination on all sides to come to a vote at once upon this proposition I do not care to speak. I have already spoken upon the subject. I have had published (on the 23d of April last) statements furnished by the Superintendent of the Census. In the RECORD of that date (RECORD, pages 3515–3517) will be seen all the data necessary to sustain this bill. I presume that the gentleman from North Carolina would like to be heard. If so, I shall reserve my time until after he concludes.

Mr. SCALES. I would like to hear the gentleman from New York first, but if he desires to reserve his time I shall ask to be recognized for a few moments myself. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from North Carolina will be recognized in opposition to the motion.

Mr. SCALES. I know, Mr. Speaker, that it is useless for me to say anything on this subject in opposition to the pending proposition after the vote that has just been taken. I do desire, however, to answer a remark made by the gentleman from New York. He stated that he had waited two weeks for a report from the Committee on Printing upon this subject.

Now, sir, I desire to say that while this matter has been brought before us to-day in accordance, as it appears, with the wishes of the House, yet it has been done by a system of legerdemain which ought not to be countenanced by the members of this body, and which I do not think very creditable to the gentleman from New York himself. He said, sir, that I was present when this bill or resolution was introduced in the House and referred. I have no such recollection. I do know that it was without my knowledge. If he says I was present I can not deny it, for I have no knowledge on the subject, but I do know, sir, that it was done in violation of all the courtesies, to say nothing of the rights, which ought to belong and which have always been recognized as existing between the committees of this House. No member of the Committee on Printing, so far as I am informed, knew one word of it. It was as little, therefore, as the gentleman could have done, after what had already taken place, to call the attention of some member of the Committee on Printing to his proposed action by which he was attempting to transfer to the jurisdiction of one committee that which the rules of this House had placed under the exclusive control of another. The gentleman from New York by his action sought to change the rules of this House and confer a jurisdiction upon his committee which it did not have, and he knew it. Such is unwarranted, and must lead, if followed up, to great confusion, as well as to discussion and conflicts in the House and among its committees.

The gentleman from New York is an old member of the House. He understands well the rules of the House. The Speaker had on a former occasion, when he was seeking the same advantage, decided that his committee had no jurisdiction. Not satisfied with this, without notice to any one of the Printing Committee, he introduced his bill and had it referred to his own committee, which he knew did not under rules of the House have jurisdiction. He says he waited for the Committee on Printing, and as they did not report he felt authorized in this way to deprive it of its jurisdiction. Mr. Speaker, is this committee responsible to the gentleman from New York or is it responsible to the House? Are they to be guided by him or their own judgment?

Now, sir, the Speaker of this House knows well that the report of that committee has been in the hands of the gentleman from Pennsylvania [Mr. SMITH] for some time, and he has been seeking recognition for the purpose of presenting it to the House. He sought the floor on the first Monday which was suspension day for individuals. We both applied to the Speaker to recognize him, but failed because another committee stood between us and that recognition. We are ready to make the report to-day if allowed to do so. The gentleman from Pennsylvania had it in his hands; the committee were united in the desire to present it, for we knew that the House demanded it.

But, sir, instead of leaving that to the rules of this House, instead of leaving it to the proper committee to which this House had confided it, the gentleman, without notice to the Committee on Printing, takes a step which gives him jurisdiction and takes it from another committee. Now, sir, we have not delayed making this report. We did not desire to do so. We had ascertained that a majority of this House were in favor of printing additional copies of the Compendium of the Census. We determined to make a report in favor of that, without monographs, not because I thought it ought to be done, but in deference to the evident wish of the members.

This bill proposes—what? Not only to print 25,000 copies of the Compendium of the Census but to print 2,000 to 3,000 copies of the monographs. And what are they? They are reports upon special subjects, with a large number of maps and plates, which nearly doubles the cost. They are to be printed in pamphlet form, with paper covers, and will give to each member from two to four copies each. The cost of printing the compendium is about $30,000. The gentleman from New York, in order to give each member two, three, or four copies of these little monographs in paper covers, in thickness very little above the pamphlet I hold in my hand [exhibiting a pamphlet], asks an additional expenditure of $20,000 to $27,000.

Mr. Speaker, is this question of printing always to remain in this same rut, without amendment or reduction? Just five years ago it cost about $1,700,000. Now it costs nearly $3,000,000. The estimates to-day, my friend near me [Mr. RANDALL] states, are about $3,000,000.

Mr. HEWITT, of Alabama. I wish to ask the gentleman how much has this census business of which the gentleman from New York has had charge cost us?

Mr. SCALES. I can not answer. I wish I could answer the question. It has cost an enormous sum. But I know that to have these reports and lithographs printed will cost from $20,000 to $27,000.

Mr. Speaker, you have reports on the cotton-culture, you have reports on the tobacco-culture, you have reports on all the agricultural products of the country from your Agricultural Bureau. You print of them 30,000 copies and are spending large sums for this purpose. And yet because there are some reports in connection with these different objects, forming no part of the census, essays written by gentlemen specially employed for the purpose, we are asked here to spend a large additional sum to print them and give to each member not exceeding three copies.

I ask, Mr. Speaker, what was the duty of the Committee on Printing under such circumstances? It was our duty, and we did it, to meet the demand of this House as far as we could. What did we do? We reported to this House, and it passed and is now in the Senate, a proposition that all these census reports, all the rebellion records, all the surgical and medical histories of the war, should be printed. How? That they should be printed and furnished to every member, with all these monographs, with their illustrations and lithographs—that they should be furnished to every member, and not only to every member but to every man in the United States, at 10 per cent. above the actual cost. Under this arrangement these entire works, monographs, maps, and illustrations, can be furnished at about a dollar and a quarter a volume. In addition we have recommended the printing of 25,000 Compendiums of Census, to be distributed without cost.

How much time have I remaining?

The SPEAKER. The gentleman has six minutes remaining.

Mr. SCALES. We passed that resolution. It is now in the Senate.

It will pass there. And when it becomes a law there is not a man in this Union who wants one of these documents who can not get it at $1.25 or thereabouts a volume; not only the volumes of the census, but every volume of the Medical and Surgical History of the War and of the Rebellion Records. After the large distribution we have made we thought that was the proper thing to do. After you have made this distribution there will be as much demand then as there is now. You can not supply it? When will the House stop? You have already distributed 100,000 copies of this compendium. We gave every member nearly 200 copies. Every district has had from the Members and Senators not less than 275 copies of these books. This is a good stopping-place. I reserve the remainder of my time for the present.

The SPEAKER. The gentleman has five minutes of his time remaining. [Cries of "Vote!" "Vote!"]

Mr. COX, of New York. Mr. Speaker, I think the House is too impatient to listen to any special argument. I simply rise now to call attention to the statement made by my friend—for I still call him that—from North Carolina. He seems this morning to be dancing with his head and thinking with his heels. [Laughter.] He should remember what occurred as a matter of fact on Monday four weeks ago. The gentleman says I have been guilty of legerdemain in bringing this bill here. I do not know just what he means. I have conformed to the rules; I have conformed exactly to the decision of the Speaker when he sustained the point of order against me on the 22d of April:

The SPEAKER. There is no difficulty, of course, in the case of an individual member moving a suspension of the rules on the first Monday of the month, because every individual member of the House has the right to introduce a bill on any subject he chooses. But it is not so with the committees of the House, for their jurisdiction and powers are defined by the rules. A committee has no right to submit any report to the House unless it relates to a subject over which it has jurisdiction by the rules of the House or *by a reference of the subject to it by order of the House.*

The Speaker thus held that this matter could be sent properly to the Committee on the Census by a reference from the House, and that jurisdiction would then obtain. He holds now that it is in order on this the third Monday to introduce it as I have introduced it.

I waited three weeks before I introduced the bill, and then I had it sent to the friendly Committee on the Census in proper order. Where is the legerdemain? The gentleman from North Carolina at the time I introduced that bill last Monday was in his seat. I expected him to have made the motion that the bill be referred to the Committee on Printing. I had no fear of the vote on it, for I knew the House would vote that motion down, for the reason that the Committee on Printing have not been in favor of this measure. They were, as I have heard it said, in favor of printing the compendium, but not of printing the monographs.

The gentleman from North Carolina is against this measure because it embraces the monographs; and if I understood rightly the gentleman was in a minority of his committee in opposing any printing of the census, whether the monographs or compendium.

After waiting for three weeks I introduced my bill. The gentleman must have been advised of it if he read the RECORD or heard what transpired here. He had promised in debate, which is on record, that his committee would report some measure on this subject of printing. I waited for that report. It was not made. His committee could have reported it at any time. It did not depend on the Speaker's volition or recognition. Either the gentleman from Pennsylvania [Mr. SMITH] had this measure in his possession and kept it back or—at all events he never rose to report it.

I represent conscientiously this House of Representatives when from my committee I report this bill. What is it? It is simply a bill to print 25,000 additional copies of the compendium for the use of members of Congress, &c.; and also to print these monographs upon various subjects, a list of which I had printed in the RECORD some weeks ago. They are already stereotyped, and the printing of them will cost but little. The whole thing will cost only $25,000 for the monographs, and $35,000 for the additional compendiums, making a total of $60,000.

I am told by the Superintendent of the Census that in the estimate made we have estimated the cost too high. Perhaps we have, or rather they have estimated it rather too high, for the reason that they calculated for the production of the stereotypes and certain tables, when so far as the reprinting of these monographs is concerned the stereotyped plates are already made.

I will say to the gentleman from Alabama [Mr. HEWITT] in regard to the cost of the printing of the census reports, that when I first brought in a census bill some three or four years ago the cost of taking the Tenth Census was limited to $3,000,000. Since that time the cost has increased, and mostly from the printing. But I say that I can show from the record here and from the report of the Commissioner of the Census that the cost of the Tenth Census is less than the cost of the Ninth Census. While the Tenth Census produced more material for printing, while it had a larger scope, took in more subjects, and comprehended these various essays or monographs in reference to certain specific industries, yet, sir, owing to the economy practiced and the care exercised in reference to the appropriation, the census of 1880 is altogether a cheaper census than that of 1870.

I ask to reprint here from the RECORD of April 23, 1884, careful statements from the Acting Superintendent of the Census with reference to the cost of the monographs as I first gave it:

Statement showing the names of monographs, the estimated cost per thousand copies of each monograph, number of copies desired, and the cost thereof exclusive of cost of illustrations.

Special reports.	Estimated cost per 1,000 copies.	Number of copies provided for.	Total cost.
Seal islands of Alaska	$295	3,000	$785
Ship-building	476	3,000	1,328
The cereals	289	3,000	867
Glass	197	3,000	591
Alaska	303	3,000	909
Tobacco culture	473	3,000	1,419
Factory system	134	3,000	402
Wages	635	3,000	1,905
Newspapers	730	2,500	1,825
Silk	58	2,500	145
Chemical products and salt	70	2,500	175
Flour milling	45	2,500	113
Meat production	267	2,500	668
Petroleum	500	2,500	1,250
Coke	189	2,500	473
Tobacco manufacture	111	2,500	278
Shop tools	318	2,500	795
Cotton culture, United States	130	3,000	390
Cotton culture in Louisiana	162	2,500	405
Cotton culture in Mississippi	270	2,500	675
Cotton culture in Tennessee and Kentucky	200	2,500	500
Cotton culture in Missouri	60	2,500	150
Cotton culture in Arkansas	194	2,500	485
Cotton culture in Texas	286	2,500	715
Cotton culture in Indian Territory	64	2,500	160
Cotton culture in Alabama	273	2,500	683
Cotton culture in Florida	134	2,500	335
Cotton culture in Georgia	305	2,500	763
Cotton culture in South Carolina	118	2,500	295
Cotton culture in North Carolina	143	2,500	358
Cotton culture in Virginia	51	2,500	128
Cotton culture in California	235	2,500	588
Total, exclusive of illustrations	7,715	84,500	20,558
Additional for maps, diagrams, &c.			4,442
Total estimated cost			25,000

There may be some error in this computation. Indeed, I am advised that the estimates are too great. I may ask to print the statements of the Superintendent of Census, giving his views upon the apparent discrepancies.

Mr. HEWITT, of Alabama. What will be the amount of expenditure involved in this bill?

Mr. COX, of New York. I think it will be less than $60,000. I calculate $25,000 for the monographs and $35,000 for the compendiums in addition to those already ordered.

I supposed at first, Mr. Speaker, that the gentleman from Alabama [Mr. HEWITT] had reference in his question to the general cost of the census. This is to me an interesting problem, and I ask to quote the subjoined statement of the Superintendent of the Census in illustration of the cost of the Ninth and Tenth Censuses:

As these estimates of additional appropriations required for the work of the Tenth Census will naturally and properly be subjected to severe scrutiny and discussion, and may provoke a comparison of cost of the tenth with previous censuses, I venture to submit for your consideration a few figures showing in comparison the cost of the Ninth and of the Tenth Censuses, with a brief statement of the scope of each.

The Ninth Census cost, in round numbers, exclusive of engraving and printing, $3,334,000, a per capita cost based upon the total population in 1870 of 8 cents 6 mills. There has been appropriated for the expenses of the Tenth Census, exclusive of engraving and printing, $4,775,000, a per capita cost to date, based upon the total population in 1880, of 9 cents 5 mills.

If the scope of inquiry at the two censuses had been just the same, then upon the basis of the above expenditures the results of the Tenth Census would have cost per capita 9 mills more than did the Ninth Census. But the scope of the Tenth Census was vastly larger by reason of two factors—

First. The inquiries relating to such subjects as were common to both censuses (notably the inquiries relating to the population and to agricultural industries), which were almost double those at any previous census, were much more numerous at the Tenth Census, and were framed with a view to secure more exhaustive and detailed information than was had at the Ninth Census. The cost of the Tenth Census was therefore increased not merely in proportion to the increase of population and of the industries inquired of, but by a more detailed and elaborated plan of enumeration and subsequent treatment.

Second. In addition to this, the scope of the Tenth Census included fields of inquiry untouched at any preceding census and in truth unknown to any other single statistical work. But although heretofore without precedence in combination or in the history of censuses, the new subjects of inquiry were of such general interest as to justify their inclusion in the scheme of the most elaborate statistical work ever undertaken.

But leaving out of view the more extensive and exhaustive treatment of the old subjects, and simply considering the gross sum expended on investigations common to both censuses, it will be found that the relative cost per capita at the Ninth Census was greater than at the Tenth Census. Thus, if from the total cost of the latter be deducted the sum of expense attending new investigations which were untouched at the Ninth Census, it is shown that the sum of $4,080,480 has been expended at the Tenth Census as against $3,334,000 at the Ninth Census, or a per capita cost of 8 cents 1 mill at the Tenth against a per capita cost of 8 cents 6 mills at the Ninth Census. The Compendium of the Ninth Census was an

octavo volume of 942 pages, and the final report *in extenso* was comprised in three quarto volumes of (1) 853, (2) 702, and (3) 848 pages respectively, making a total of 2,403 quarto pages. The average cost per page of this report was $1,390.

The Compendium of the Tenth Census consists of two octavo volumes of 923 and 846 pages, respectively. The final report in quarto form will contain not less than 18,000 pages, at which estimate the average cost per page, based on amount of appropriations already made, would be $265. (These figures are in each case exclusive of the cost of illustrations and printing.)

By another method of comparison it might be shown that the increase of population in the decade from 1870 to 1880 was 30 per cent. A proportionate increase in the cost of the Tenth Census would have called for an expenditure of $4,334,000, and this proportionate increase, in view of the more elaborate treatment of the old subjects, would not have been excessive. So that the entire cost of collecting and compiling all data relating to new subjects of inquiry may be said to have cost $441,000 in excess of what might fairly have been estimated as the cost of the Tenth Census if the scope and treatment of the latter were to be uniform with that of the Ninth Census. And for this comparatively small sum the Government will have produced the noble results comprised in the reports on forestry, cotton-culture, social statistics of cities, the cereals, resources of Alaska, and many other valuable and unique monographs contained in the final report of the Tenth Census.

In order that the few compilations remaining unfinished may be completed within this fiscal year, and to prevent such a reduction of force as would result in a practical suspension of the work of publication now so rapidly progressing, it will be necessary to have the additional appropriation asked for made available before the 15th of March next.

This fact has been communicated to the chairman of the Committee on Appropriations of the House, and I have the honor to ask your consideration of this letter in connection with any action which may be taken relative to an immediate appropriation.

Very respectfully,

GEO. W. RICHARDS,
Acting Superintendent of Census.

Hon. S. S. Cox,
Chairman Committee on Census,
House of Representatives.

Mr. SCALES. I now yield two minutes to my colleague on the committee, the gentleman from Pennsylvania [Mr. SMITH].

Mr. COX, of New York. I would inquire how much time I have remaining?

The SPEAKER. The gentleman has nine minutes of his time remaining.

Mr. SMITH. The two minutes yielded me will be utterly insufficient to enable me to explain the letter from the Government Printing Office which I hold in my hand in reference to the cost of printing these monographs. I think the monographs will cost $60,000 and the additional compendiums will cost $33,000.

There has never been any difficulty on the part of the Committee on Printing in reference to printing the additional compendiums. The difficulty with us has been in reference to printing the monographs, which are already to be found in the full set of the census reports.

It is proposed now to duplicate what is already contained in the census reports by printing these monographs in separate volumes, to consist of from twenty-five to one hundred pages, more or less. The Public Printer says that it will cost from $57,000 to $60,000; he can not tell accurately. The Committee on Printing objected to incurring that cost, because these monographs are already contained in the full census reports.

Mr. COX, of New York. That is the reason why printing the monographs under this bill will be cheaper than it otherwise would be, for they are already stereotyped in the large quarto volumes. The plates can be taken from them and the small volumes of these monographs be printed from those plates. I will ask to have printed in connection with my remarks some letters which I have here from the Acting Superintendent of the Census.

There was no objection, and leave was granted accordingly.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., April 24, 1884.

DEAR MR. COX: The chief clerk of the Government Printing Office has very kindly given me the figures of an estimate which has been submitted by the Public Printer to the Printing Committee of the House of the cost of printing separate editions of the several monographs or special reports of this office, and I observe so great a discrepancy between these and the estimated figures submitted by me in my letter to you of the 31st ultimo that a brief explanation seems to be in order.

The figures given in my letter were based upon an estimate given to this office by the Public Printer of the cost of reprinting 1,000 copies of one of the monographs included in this list.

The cost per page thus estimated was applied to the other monographs, with the result as submitted to you. Of course no more than an appropriation of the total cost was sought, or more than a clever estimate expected by this method, but this much we did expect; for while it would not follow that the cost of composition of a given number of pages in one report would be the same for an equal number of pages in another, it might be expected that a reprint of ten pages of one report would cost little or no more than the reprint of ten other pages of corresponding size and form.

Looking for the cause of a wide discrepancy, I discovered that the estimated cost of reprinting the monograph entitled "Chemical products and salt," as given by the Public Printer to General SCALES, is $133.52, while an estimate of the cost of reprinting this same monograph was given to this office, under date of February 20, 1884, as $174.59.

If this difference applied proportionally throughout the list of monographs it might be assumed that further computation had shown that a reprint would cost some 30 per cent. less than was calculated by the Public Printer in February last.

But I am unable to comprehend why the several items of cost in this last estimate should not be proportional to the sizes of the monographs, or why the cost of reprinting should not be substantially the same for each page. Thus, for example, the cotton report of Mississippi comprises one hundred and sixty-four quarto pages. The Public Printer estimates that the cost of reprinting this report will be $294.08 for 2,000 copies, or about $1.80 per page for an edition of 2,000 copies.

The cotton report of Missouri comprises thirty-one pages, and the Public Printer's estimated cost per 2,000 copies is $100.34, or a cost per page of $3.20; while, again, for the cotton report on Arkansas the estimated price per page is $1.70, and for Texas, $2.30.

I venture to call attention to a further point in the estimate submitted to the Printing Committee. The calculation for the monograph on Shop tools gives an item of $4,400. In this is included the cost of composition and stereotyping, which should have no place in this estimate, as of course no reprint of this monograph would be made for separate distribution until it had been prepared for the final quarto volume, in which it will have a place, and the cost of such composition and stereotyping will be defrayed from the appropriation for the publication of the Tenth Census (act August 7, 1882).

The purpose of my letter, however, is not to criticise the estimates of the Public Printer, who can, without doubt, reasonably account for all the seeming discrepancies, but the rather to explain the method adopted by this office in preparing its own estimate, which was, as I have heretofore said, a proportion based upon the statement furnished to us by the Public Printer in February.

But I am gratified to learn that the cost of this most economical scheme for publishing the census reports is likely to be so much less than was estimated by this office.

Very respectfully,

GEO. W. RICHARDS,
Acting Superintendent.

Hon. S. S. COX, M. C.,
House of Representatives.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., April 24, 1884.

DEAR MR. COX: I trust there will be no misunderstanding about the cost of reprinting the monographs referred to in my letter of March 31, but I am led to fear that the estimates submitted by the Public Printer to General SCALES may be unintentionally misleading, especially with reference to the illustrations.

For the purpose of properly estimating the cost of reprinting these several paper-bound editions of certain monographs no question of the cost of composition and stereotyping or of the cost of lithographic-stones, the preparation of plates, wood-cuts, or other illustrations should be considered at all. The cost of all these has been or will be paid from the appropriation of August 7, 1882, for the expenses of printing the reports of the Tenth Census. For these reprints nothing but the cost of paper, presswork, stitching, and paper covers should be estimated, except for the illustrations, and for these merely the cost of so many additional impressions. All the stones or plates or cuts for all the maps and other illustrations are otherwise paid for, and no reproduction of any of them is necessary.

This statement may be wholly unnecessary, but I gathered from the Government Printing Office that an estimate had been furnished to General SCALES of the first cost of illustrations, in which case the result would be very misleading. If I have been misinformed my letter will require no further attention.

Very truly, yours,

GEO. W. RICHARDS,
Acting Superintendent.

Hon. S. S. COX,
House of Representatives.

Mr. SMITH. I also ask permission to have printed the letter from the Government Printer on this subject, addressed to the chairman of the Committee on Printing of this House. It will explain more fully and in detail what I have not time to explain. It corroborates what I have said, that the printing of these monographs as proposed by this bill is nothing more than a duplication of what we already have in the full census reports.

There was no objection, and leave was granted accordingly.

The letter is as follows:

OFFICE OF PUBLIC PRINTER,
Washington, D. C., April 23, 1884.

DEAR SIR: In answer to your inquiry as to the estimated cost of the copies of monograph reports called for in the bill introduced by the Committee on the Census, as found on page 3461 CONGRESSIONAL RECORD, I have the honor to submit the following figures:

It is very difficult to give the cost of the various monograph reports referred to, because certain illustrations accompany them, and proposals must be invited for doing the work.

In some cases the lithographic work may still be on the stones, in which case the cost of reproducing would be materially reduced if the contractors who own the stones were awarded the work.

The relief plates mentioned below are the property of the Government, and their reproduction would not be necessary.

Where lithographs are ordered this office furnishes the paper, which should be added to the cost of same.

Seal islands of Alaska.—Three thousand copies, one hundred and seventy-six pages; stereotyped, but not assigned to any volume; estimated cost $445.24, exclusive of illustrations. Illustrations furnished by Census Office—nineteen relief plates and three lithographs. This office is not advised as to cost of same. If reprinted, it will be necessary to provide for these illustrations.

Ship-building.—Three thousand copies, two hundred and ninety-six pages. Ninety-eight pages stereotyped and 166 pages in type; not assigned to any volume; estimated cost $718, exclusive of illustrations. Seventy relief plates accompanying this work cost $406.

Cereals.—Three thousand copies, one hundred and eighty-four pages; stereotyped. This work appeared in the agricultural volume; estimated cost $460.90, exclusive of illustrations. Sixteen lithographs, 31,900 copies each, accompanying this work, cost $3,875.

Manufacture of glass.—Three thousand copies, one hundred and twenty-four pages; stereotyped. This work appeared in the volume on manufactures; estimated cost, $366.88. No illustrations.

Resources of Alaska.—Three thousand copies, one hundred and eighty-two pages; stereotyped; not assigned to any volume; estimated cost $458.02, exclusive of illustrations. One relief plate accompanying this work cost $38, and nineteen lithographs, 11,900 copies each, cost $2,145.

Tobacco culture.—Three thousand copies, two hundred and ninety-eight pages; stereotyped. This work appeared in the volume on agriculture; estimated cost $725.20, exclusive of illustrations. Thirty-two relief plates accompanying this work cost $80, and one lithograph, 31,900 copies, cost $600.

Factory system.—Three thousand copies, eighty pages; stereotyped. This work appeared in the volume on manufactures; estimated cost 236.08, exclusive of illustrations. Six relief plates, costing $110, and nineteen lithographs, 21,900 copies each, costing $2,155, appeared in the volume on manufactures; six relief plates and eleven lithographs appeared in Factory System.

Wages.—No copy.

Newspapers.—Twenty-five hundred copies, four hundred and sixty-six pages; stereotyped. Copy not all in. Not assigned to any volume; estimated cost $917.65, exclusive of illustrations. Eleven lithographs, 11,900 copies each, costing $2,360, prepared for this work.

Silk manufacture.—Twenty-five hundred copies, thirty-six pages; stereotyped.

This work appeared in the volume on manufactures; estimated cost, $126.41. No illustrations.

Chemicals and salt.—Twenty-five hundred copies, forty-four pages; stereotyped. This work appeared in the volume on manufactures; estimated cost, $133.52, exclusive of illustrations. One relief plate and two lithographs accompany this volume, the cost of which appears in the volume on manufactures.

Flour milling.—Twenty-five hundred copies, twenty-eight pages; stereotyped. This work appeared in the volume on agriculture; estimated cost, $103.98, exclusive of illustrations. Six relief plates accompanying this work were furnished by the Census Office.

Meat.—Twenty-five hundred copies, one hundred and sixty-six pages; stereotyped. This work appeared in the volume on agriculture; estimated cost, $359.32. No illustrations.

Petroleum.—Twenty-five hundred copies, three hundred and two pages; stereotyped; not assigned to any volume; estimated cost, $617.75, exclusive of illustrations. Sixty-three relief plates, cost $165, and seventeen lithographs, 11,900 copies each, $1,202, accompanied this work.

Coke.—Twenty-five hundred copies, one hundred and twenty pages; stereotyped; not assigned to any volume; estimated cost, $272.79, exclusive of illustrations. Eighteen relief plates, cost $190, accompanied this work.

Manufacture of tobacco.—Twenty-five hundred copies; seventy pages; stereotyped. This work appeared in the volume on agriculture; estimated cost, $179.34. No illustrations.

Shop tools.—No copy. Five hundred and seventy-five relief plates, prepared for this work, cost $4,400.

Cotton fiber and cotton-seed oil, preliminary report.—Three thousand copies, ninety-four pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $269.32, exclusive of illustrations. In the cotton-production volume there were prepared eleven relief plates, costing $48, and twenty-five lithographs, 11,900 copies each, costing $2,906.15. Am unable to say to which of the within-mentioned cotton reports they belong.

Cotton report of Louisiana.—Two thousand copies, one hundred and two pages; stereotyped. This work appeared in the volume on cotton production; estimated cost, $203.14. No illustrations.

Cotton report of Mississippi.—Two thousand copies, one hundred and seventy pages; stereotyped. This work appeared in the volume on cotton production; estimated cost, $294.54. No illustrations.

Cotton report of Tennessee and Kentucky.—Two thousand copies, one hundred and twenty-six pages; stereotyped. This work appeared in the volume on cotton production; estimated cost, $227.08. No illustrations.

Cotton report of Missouri.—Two thousand copies, forty pages; stereotyped. This work appeared in the volume on cotton production; estimated cost, $100.34. No illustrations.

Cotton report of Arkansas.—Two thousand copies, one hundred and twenty-two pages; stereotyped. This work appeared in the volume on cotton production; estimated cost, $223.48. No illustrations.

Cotton report of Texas.—Two thousand copies, one hundred and eighty pages; stereotyped. This work appeared in the volume on cotton production; estimated cost, $306.72. No illustrations.

Cotton report of Indian Territory.—Two thousand copies, forty pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $100.34. No illustrations.

Cotton report of Alabama.—Two thousand copies, one hundred and seventy-two pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $296.34. No illustrations.

Cotton report of Florida.—Two thousand copies, eighty-four pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $168. No illustrations.

Cotton report of Georgia.—Two thousand copies, one hundred and eighty-four pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $310.50. No illustrations.

Cotton report of South Carolina.—Two thousand copies, seventy-six pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $157.62. No illustrations.

Cotton report of North Carolina.—Two thousand copies, ninety pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $176.58. No illustrations.

Cotton report of Virginia.—Two thousand copies, thirty-two pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $89.96. No illustrations.

Cotton report of California.—Two thousand copies, one hundred and forty-four pages; stereotyped. This work appeared in the volume on cotton production; estimated cost $252.62. No illustrations.

I can not give you the grand total of the estimated cost of these proposed works, because, as you will observe, in some cases the copy has not yet been furnished and in others is incomplete, and this office is not advised as to the number of pages that each will make.

I am unable to advise you of the cost of the illustrations, but give you the amount expended for the various purposes indicated, which will no doubt enable you to arrive at a satisfactory conclusion.

In this connection it may be proper for me to state that there has been a great demand for these monograph reports, especially on the part of new members, who are unable to obtain the volumes heretofore published.

As nearly or quite all of the type which it is proposed to use in the publication of the monograph reports is or will be stereotyped, the proposed plan of breaking up the various volumes, and printing smaller editions, and binding them in paper, will be (considering the work that has been and will be completed on the regular reports) comparatively inexpensive.

In my judgment the proposed publications will be the cheapest method of meeting the demand that has been made by those who are unable to obtain the regular volumes of the census reports as they have appeared.

As this work is more or less incomplete, of course the figures given are not conclusive; but if the works mentioned are confined to the number of pages given, I do not think the total cost will exceed the estimates herein stated.

I am, sir, very respectfully,

S. P. ROUNDS, *Public Printer.*

Hon. A. M. SCALES,
Chairman Committee on Printing, House of Representatives.

Mr. SCALES. I now yield two minutes of my time to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I dislike very much to oppose anything which my distinguished friend from New York [Mr. COX] advocates on this floor, for he is generally right. But I think the House ought to consider the matter very carefully before it passes this bill. The Committee on Printing already has in preparation a bill upon this subject and has authorized one of its members to report it to the House.

Mr. SCALES. And it is now in possession of a member of that Committee ready to be reported.

Mr. SPRINGER. That bill authorizes the printing of 25,000 copies of the compendium for the use of Congress. In addition to that, the bill of the gentleman from New York [Mr. COX] provides for printing a large number of papers called monographs, which will cost, according to the statement of the gentleman from New York, $25,000, but according to the estimates furnished the Committee on Printing by the Public Printer they will cost at least $60,000.

Mr. COX, of New York. That is a mistake.

Mr. SPRINGER. The Public Printer so stated, and I am not responsible for his mistakes, if he has made any.

Mr. COX, of New York. I propose by this bill that the printing under it shall not exceed $60,000.

Mr. SPRINGER. If the bill passes these documents will be printed, and then there will be a deficiency appropriation called for to pay for the printing.

Now, I have not time to read the list of monographs provided for in this resolution; but I do wish to state that all of them have been printed and will be contained in the complete sets of the reports of the census. They have been printed in sufficient numbers to go into all the public libraries of the country, where they ought to go. They are not intended or suited for general circulation; they ought to go into the public libraries. This has been provided for in the act of last session.

[Here the hammer fell.]

Mr. SCALES. I have no feeling on this subject, and no disposition to oppose the will of the House. But these monographs are not documents suited for general distribution. They are in pamphlet form; they are little essays prepared by different individuals throughout the country, and they are accompanied with lithographic or other plates, making them costly. I have stated what is the cost.

Now, Mr. Speaker, to show the sincerity of the committee, I will say that if the House will vote down this proposition I will ask unanimous consent to allow the gentleman from Pennsylvania to report a proposition for printing 25,000 copies of the Compendium of the Census for general distribution. In view of what has already been done, giving one copy of all these valuable books to every man in the United States who is willing to pay $1.25 a volume, it seems to me that such a provision as I now suggest would be sufficient. After the passage of the bill now proposed by the gentleman from New York members will have as much difficulty as ever in satisfying the demands of their constituents.

Mr. COX, of New York. I now yield to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Speaker, early in the session several gentlemen, all of whom I believe were new members, introduced resolutions or bills providing for the publication of more copies of the census report. Those propositions were referred to the Committee on Printing; but six months of the session have expired and nothing has been done on the subject. Our pockets, our desks, or our tables are full of letters from our constituents asking for copies of the census. None of the new members have been able to obtain copies to satisfy this demand, except when they could beg them from the Secretary of the Interior or other public officers or from the old members of the House. I myself have had ten times as many applications for copies of the census as I could supply by all the begging I could do. Gentlemen complain of the expense.

Why, Mr. Speaker, I am amazed that the honorable chairman of the Committee on Printing or any other member should haggle about the petty sum of $25,000 or $60,000 for printing in a compendious form for free distribution the results of a census the taking of which cost four or five million dollars, the details of which have been buried in twenty quarto volumes—a form in which they are practically useless to the great mass of the people. One monograph scattered broadcast will diffuse more information among the people as to its specialty than the whole twenty quarto volumes of the census locked up in a public library.

I have no idea it will cost exceeding $100,000 to do the printing provided for in this bill, but suppose it should take half a million to publish the results of the census in the form of a compendium or monagraphs or in any other suitable form, could we expend the public money in any better way for the education and enlightenment of the people? Does not every intelligent citizen, does not every aspiring youth in the country as soon as he graduates from college or even while in college, want a copy of the last census if he can get one? Then let us pass the bill and have done with the ten-cent economy and narrow-mindedness of the Committee on Printing. [Applause.]

[Here the hammer fell.]

The SPEAKER. The time for debate on this motion has expired. The question is on the motion of the gentleman from New York [Mr. COX] to suspend the rules and pass the bill.

The motion was agreed to (two-thirds voting in favor thereof).

DUTIES ON WORKS OF ART.

Mr. HURD. I am directed by the Committee on Ways and Means to move to suspend the rules so as to pass the bill (heretofore reported from that committee) which I send to the desk.

The Clerk read as follows:

A bill (H. R. 6751) to abolish the discriminating duty on works of art the production of foreign and of American artists.

Be it enacted, &c., That paintings in oil or water colors and statuary, being the professional productions of a painter, statuary, or sculptor, imported into the

United States, whether the work of foreign or of American artists, shall hereafter be admitted, under regulations to be prescribed by the Secretary of the Treasury, subject to duty at the rate of 10 per cent. ad valorem.

The SPEAKER. Is there a second demanded on the motion to suspend the rules?

Mr. DUNN. I think we had better have a second on this motion.

Mr. HURD. I ask unanimous consent that a second be considered as ordered.

Several members objected.

Mr. DUNN and Mr. HURD were appointed tellers.

The House divided; and the tellers reported—ayes 105, noes 63.

So the motion to suspend the rules was seconded.

The SPEAKER. Thirty minutes will now be allowed for debate; fifteen minutes in support of the motion to suspend the rules and fifteen minutes against it.

Mr. HURD. I desire to have read the report of the committee on this bill, but will first inquire whether the time which may be occupied in reading it will come out of the time allowed for debate in support of the motion.

The SPEAKER. The reading of the report is in the nature of debate and will come out of the time. Does the gentleman desire to have the report read?

Mr. HURD. Under the circumstances I do not. I yield five minutes to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. I had the impression that the reading of the report would not come out of the time for debate. As the report is not to be read I will briefly state its substance as well as I may.

Mr. Speaker, there is a great misapprehension in the House, especially on this side, I think, as to the purport and object of this bill. It seems to be supposed here that the bill is contrary to the policy which has usually prevailed in the House of protecting American interests. I need only say upon that point that it was the design of the committee, especially of the minority of the committee who united in this report, to keep this matter entirely clear of all those questions. It is largely a treaty question. Our treaty with Italy provides for equal and mutual protection to citizens of both countries, that the foreigner and the native may be treated alike within the jurisdiction of the respective countries.

Mr. DUNN. Under what treaty?

Mr. KASSON. The treaty with Italy. Under a clause introduced into the tariff bill some years since it was provided works of American artists should come in free, while those of foreign artists should pay a high duty.

Mr. DUNN rose.

Mr. KASSON. Let me finish my statement, and then I will answer questions. Probably I will answer them as I go on. But that has been the law, and foreign governments have complained to ours for three years past that this violates the spirit and perhaps the letter of our treaty. It is as if Italy should say that the American merchant in New York, shipping our Western meats to Italy, should pay upon it a duty of 30 per cent., and if the Italian merchant in New York shipped the same article to Italy it should go in free. We should rebel strenuously against that, and we should retaliate by our legislation. The Italian Government has patiently and persistently called the attention of our Government to this injustice. It is manifestly wrong that men working side by side in Paris and Rome, and wherever artists resort, should be compelled to ship their works to this country at different rates of duty. If he is an American in Italy they are to come in free, if he is a European in Italy they come in under duty. There is no other instance in our legislation where we levy our duty on the man who makes the work instead of the work itself. Every member of the House——

Mr. DUNN rose.

Mr. KASSON. Excuse me; if you are on the other side you will then have time to follow me and answer what I have to say in your own time.

Mr. DUNN. If the gentleman will yield to me I will give him part of my time.

Mr. KASSON. I will answer the gentleman's question, then, that being understood.

Mr. DUNN. Does he consider that treaty with Italy to mean, if Italy proclaims free trade with the world that compels us to admit everything free from Italy? Is that your construction?

Mr. KASSON. No; it is not. The gentleman misunderstands the question wholly. It is not a duty on the thing, but a duty on the man who makes the thing that is before us to-day. If a white man makes it should it be at one rate, and if a black man makes it at another rate under our law? In this case it is the difference between an American and an Italian. You can not avoid seeing the injustice of this. Hence the question before the committee was whether we should raise the duty on American work up to the duty on foreign work, or make foreign work also free; or equalize foreign works with American upon a compromise rate, which would be a duty on all alike. The latter is what we propose.

Let me say, and I beg gentlemen to observe it, that all the American artists have sent their petitions to us. I hold them in my hand. In saying all, I mean the mass of that great body in Paris and Rome, who ask you to abolish this distinction. They beg you to put them all under the same conditions. They say they are receiving the hospitality of all the galleries, academies, and collections of art. They are all open to them freely. Their works are admitted to foreign exhibitions on equal terms. They declare they do not want this distinction made between brother artists. We enjoy all the hospitalities here, they say, and our country returns it by making discrimination in the legal status of our works. They ask us distinctly to remove this discrimination and place them on equal terms, artist with artist, irrespective of race or nationality. This is the only question that is in the bill. We put the duty at 10 per cent. on all alike. It makes little difference in the aggregate, but it is the desire of American artists to secure equality in some form, and it is our duty to do it.

The CHAIRMAN. The gentleman's time has expired.

Mr. BALLENTINE. What is the rate of duty?

Mr. KASSON. It is now 30 per cent. on foreign and nothing on American works. We make it 10 per cent. all round.

Mr. BELMONT. Mr. Speaker, in the short time allotted to me under the rule I desire to say that I had the honor at the outset of the session to present a bill to admit works of art free of duty; this was in accordance with the Democratic tariffs of 1846 and 1857, tariffs which taxed luxuries but exempted paintings and statuary. That bill had the support of American art associations throughout this country and of American students and artists in Europe. The Committee on Ways and Means have recommended this bill as a substitute, which reduces the present duty on works of foreign artists from 30 to 10 per cent., and levies the 10 per cent. upon all imported works of art, whether the productions of American or foreign artists, thus removing the present discrimination against the latter. Now, if the House will give me its attention I think I can convince members that the immediate removal of the existing discrimination is of importance to American citizens, and I appeal to the representatives of the people on that ground. It is not a question of benefit or relief to the purchasers of works of art, but to the producers. For many years past the Americans have had the privilege of the government art schools of Europe free of charge, and have had every encouragement and facility offered them at the expense of foreign governments. As to Paris especially our present minister says, in the dispatch of which I have a copy before me, that "this valuable privilege has never been denied to Americans. It is usually extended to them in preference to all others, even to Frenchmen." Our ministers in France and in Italy join in calling the attention of the Government to the injury done to our citizens under the present law.

At the last session of Congress, not under the recommendation of the Tariff Commission nor of the Ways and Means Committee of this House, but in the conference committee of the Senate and House having under consideration the general tariff bill, the duty on these articles was raised from its old war rate of 10 per cent. to 30 per cent., and the amendment was passed with other tariff legislation during the last moments of the session. Upon this increase becoming known the Governments of France, Italy, and Belgium made representations to our Department of State protesting against the increase and the discrimination. The House is now in possession of a communication from the Secretary of State containing the correspondence upon that subject.

The important question presented for our consideration as representatives of the people of this country is whether we are willing that American citizens should remain longer in the false and humiliating position in which existing law now places them. They obtain their professional education for nothing under the auspices of certain foreign governments, and we, in return for the benefit thus conferred upon them, have put a tax of 30 per cent. upon works of artists of those countries. Not only is retaliation now invited, but Americans are being driven from their places in the schools and deprived of advantages hitherto enjoyed. So long as we have no government schools of our own the legislation of Congress should not be such as to impede the progress of our citizens who are now so successfully competing with the artists of other countries.

I believe the distinguished gentleman from Pennsylvania [Mr. KELLEY] has given this matter consideration, and I shall be glad if it is possible within the three minutes allotted to me I might have the benefit of his opinion.

The SPEAKER. The time yielded to the gentleman from New York has expired.

Mr. KELLEY. Then, of course, the gentleman has no time to yield; and I must admit that I am grateful, for I did not expect to speak on this occasion.

Mr. BELMONT. I understand, however, Mr. Speaker, if I may be permitted an instant longer——

The SPEAKER. The Chair understands that the gentleman had but three minutes yielded to him.

Mr. HURD. I yielded three minutes to the gentleman from New York.

Mr. BELMONT. I simply desire to add, in connection with what I have said, that there is no opposition, as I understand, on the part of the Committee on Ways and Means to this motion.

Mr. MILLS. Except one.

Mr. HURD. I reserve the remainder of my time.

Mr. DUNN. Mr. Speaker, the Democratic and Republican parties

view and debate all tariff questions in totally different lights and from different standpoints, and we act upon it from totally different motives. We consider it as it affects the people as a tax, its measure as a burden, its justice, the uniformity and equality of operation, its necessity to the public revenues, and as to whether it rests upon the luxuries or the necessaries of life. We seek to make all taxation equal and uniform, to limit it to the actual needs of the revenues, to remove all unnecessary taxation, and to take it off of the common necessaries of life, and let it rest as far as possible upon luxuries. Every argument that comes from the Republican side of the House and every motion that comes from members on that side of the House is an argument or motion based upon the idea of protecting something or somebody, and the only inquiry with them is whom does it protect and how much does it protect? The gentleman from Iowa [Mr. KASSON] holds up a bundle of petitions from American artists, at home and abroad, and says that they ask for no protection. I do not care what protection they ask for or do not ask for. If they ask me for protection, I would refuse to give it to them as protection and for the sake of protection.

The argument he makes that the existing tariff on works of art violates the spirit or letter of the treaty we have with Italy falls short of its purpose when applied to this bill. I would go with him and remove the inequality and discrimination between works of our own and foreign artists if that was all. Limit this bill to the simple removal of those discriminations, and leave the tariff on the works of all, as you do the tariff on all the necessities of life consumed by the poor, and I will vote for it; but when you reduce the tariff on works of art and other luxuries of the rich, I demand the same or a greater reduction on the necessaries of life.

Mr. KASSON. That is all this does.

Mr. DUNN. Oh, no; it reduces the tariff on works of art from 30 to 10 per cent. And this reduction of taxation is on the luxuries and fine ornaments of the very rich. Not only can the poor not afford these things, but people of average good fortunes can not. The burdens, galling as they are, that rest upon the great masses of the people are to remain as the pressing necessities of a great war that ended twenty years ago left them.

Mr. KASSON. Will the gentleman allow me a question in this connection?

Mr. DUNN. I regret that I can not now. These are some of my objections to this bill. It is wrong in principle and unjust to take taxes off of the luxuries of the rich while we are refusing to take off of the necessities of the poor. Would, Mr. Speaker, that I had the eloquent language of the gentleman from Ohio [Mr. HURD], to which the whole country listened with delight and approval a few days ago as he pleaded with a pathos that touched a nation's heart the cause of the oppressed and tax-ridden poor of this country. Sir, with his rare gifts of eloquence he transported us from these Halls to the huts of the toiling and shivering poor of our Northern climes, and holding us spell-bound, he recounted to us the wrongs that were put upon them and the deep damnation of the taxation that they do endure.

He fairly made us shiver with imaginary cold in sympathy with them and burn with indignation as he recounted their wrongs. Alas! has he, too, forgotten the poor and the shivering and the starving? Has he so soon departed from the precincts of their comfortless home? Has he turned his back upon them and gone to dwell in the palaces of the rich? Is his eloquence no more to stir a nation's sympathy for them? Has Hotspur's spur grown cold? If we will pass this bill, paintings, statuary, and works of art worth $30,000 or $100,000 each may be imported at 10 per cent., while coarse woolen goods worn by the poor are to remain at from 65 to 100 per cent.!

Tax the salt of the humblest laborers of the land and take off the tax from the one-hundred-thousand-dollar painting and other works of art of the millionaire! Is that justice? Tax the wool hat or the blankets of the toiling millions, and take it off of the luxuries of the rich! [Applause]. Tax the trace-chains, the implements of industry of the laboring masses, and give the wealthy their luxuries and ornaments free! Give away the revenues of the Government from whisky to jobbers, but leave the tax to be paid by the consumer!

Sir, go on in that line of revenue reform (?) and the country will rise up and ask us, is all this pretension of tariff reform a Trojan horse with an army of spoilsmen concealed within it, or are you earnestly and honestly for reforming the administration and reducing taxation? [Applause]. Sir, let us all go home, if that is the rule and if that is to be our policy, with our heads bowed down in shame and humiliation, confessing our sins and calling upon the mountains to fall upon us and hide us from the sight of a deceived and betrayed people.

Mr. KASSON. Will the gentleman permit me a moment? I wish to call his attention to a fact which he apparently overlooks: that whereas we do propose a reduction of the present rate of duty upon certain works of art, now paying 30 per cent. duty, yet in another part of the bill we impose a tax upon a large number of such works which now come in free of duty, and by putting an equalizing tax of 10 per cent. upon all of them we remove the inequality which now exists.

Mr. DUNN. Well, if you remove the inequality and put all the necessaries of life consumed by our people upon that bill and reduce all to 10 per cent., I will vote with you, so that we shall make a "horizontal" reduction on the necessaries of the poor as well as the ornaments of the rich.

Mr. KASSON. But the gentleman from Arkansas must see the distinction between such a proposition and what this bill proposes.

Mr. DUNN. I say reduce it on all alike. Let there be no more discriminations against the poor. When you cut it down on luxuries cut it down at the same time upon the necessities of the poor.

Now, sir, it is unfortunate that no man can speak for the tax-payer here without being howled against as a communist or a demagogue. Sir, that denunciation has no terrors for me; and so long as I stand here you shall never with my consent remove taxation from whisky, nor from works of art, nor from luxuries, nor from silks, nor from fine raiment of any kind until you reduce it on all the articles consumed by the toiling poor and the overtaxed people of this country. [Applause.] For them I for one shall stand firm to the last until relief is given. I yield now to the gentleman from Texas [Mr. MILLS].

The SPEAKER. The gentleman from Arkansas has seven minutes of his time remaining.

Mr. DUNN. I yield three minutes to the gentleman from Texas [Mr. MILLS] and the remainder of my time to the gentleman from Ohio [Mr. WARNER].

Mr. MILLS. Mr. Speaker, I am opposed to this bill not so much on account of the amount of revenue that is involved in it as on account of the violation of what I believe to be the correct principle of levying taxation. The whole of our onerous system of Federal taxation is levied on consumption. We do not tax the property of the wealthy. Now I hold that all property ought to be taxed, because property is powerless; the object of Government is to protect, and that which needs protection more than anything else in this world is property. But our whole system of taxation is levied on consumption, and rests indiscriminately on all the population of the country irrespective of their capacity to pay—that is, irrespective of the amount of property they own. It ought to be so apportioned even in levying it on consumption that the wealthy should bear some appropriate part of the burden.

Now, here it is proposed that we shall go and take off taxation from a luxury.

Mr. BELMONT. Will the gentleman permit me?

Mr. MILLS. No, sir. I have only three minutes, and the gentleman has had his three.

A painting is a luxury; a foreign painting especially is a luxury which costs much money. It goes to adorn the parlors of the wealthy; and you ought not to take off the taxation they pay when the House positively refused the other day to reduce the taxation on a woolen shirt. You refused to reduce the taxation on woolen goods and on boots and shoes and on farming implements and on all the implements with which our people toil to make their daily subsistence. You refused to take 20 per cent. off that taxation; and yet you are ready to reduce the taxation on a magnificent painting from 30 per cent. down to 10 per cent.

On the implements of labor, some of them, you levy a tax of from 75 to 100 per cent. The necessaries of life in the shape of clothing and food come in under a rate of duty of 100 per cent., and you refused to reduce it to 50 or 60 per cent. And at the same time you propose to bring down the duty on the magnificent paintings which are imported to adorn the parlors of a Gould or a Vanderbilt to 10 per cent. And the House was asked to put them on the free-list because the tax was burdensome. What a record we are making to go before the country upon? How strong an appeal we will be able to make to the people of the United States upon such a record!

The SPEAKER *pro tempore* (Mr. THOMPSON). The time of the gentleman from Texas has expired.

Mr. WARNER, of Ohio. I think the House should understand just what this bill proposes. It proposes in the first place to levy a tax where none now exists. It imposes a duty of 10 per cent. upon the productions of American artists abroad where there is no tax now. It also imposes a duty of 10 per cent. on the works of foreign artists imported for the use of art schools, public galleries, and other art institutions, which works are now admitted free. That is not cutting down taxes very fast, as it looks to me. On the other hand, the bill proposes to reduce the tariff upon paintings the productions of foreign artists imported by individuals who can afford to indulge in such luxuries from 30 down to 10 per cent. That is a reduction of 20 per cent. in favor of foreign artists and those who are able to buy their works, and an increase, or rather the imposition of a duty of 10 per cent., against American artists and against public art institutions. Now, Mr. Speaker, American artists who go abroad or who find it necessary or expedient to go abroad to study and to do their work are put to greater expense than artists who live at home or artists whose homes are abroad, and this I understand to be one reason why no duty was imposed on their works when sent home. Another object doubtless was to encourage our artists to study art in other countries.

I can understand, Mr. Speaker, how a protectionist can consistently vote for one part of this bill, but I can not see how it is in any respect consistent with the theory of the horizontal bill the enacting clause of which was stricken out the other day. I could consistently vote to reduce the tariff on works of foreign artists, but I can not vote to impose

a new tax on the productions of American artists, who are at great expense in prosecuting their works abroad. I hold in my hand a petition from over four hundred American artists, many of them distinguished, against the passage of this bill.

I will include their petition in my remarks:

To the Congress of the United States:

The undersigned respectfully ask the retention of the law of March 3, 1883, wherein all oil paintings and water colors, for art educational purposes, no matter who the artist, are admitted free of duty, and also admitting free of duty paintings and water colors the result of the labor of American artists residing abroad, and laying duty only upon such works produced by foreign artists imported into this country and sold for profit and individual use, and taxed as are other articles of luxury which compete in trade circles.

I promised to yield some time and now yield to the gentleman from Maine [Mr. BOUTELLE] the balance of my time.

The SPEAKER. The gentleman has one and a half minutes remaining.

Mr. BOUTELLE. I am opposed to this bill, because I believe it begins the reduction of duty at the wrong end. It is a bill to reduce the duties upon the most expensive luxuries imported into this country.

I understand, Mr. Speaker, that the existing law provides that all statuary, paintings, and works of art imported into this country for use in public museums, libraries, schools of art, or other educational, scientific, or literary institutions may come in free. Under this bill such importations would be subjected to a duty of 10 per cent. ad valorem. So that this bill, instead of being an encouragement to importations for the benefit of education and the arts, is really adding a burden upon them.

Furthermore it is obvious, as it seems to me, that the sole effect of this bill is to relieve the wealthy people who are able to buy costly statuary and paintings from abroad. Under the law as it exists to-day, as I understand it, the cheaper forms of art, such as engravings, lithographs, chromos, and photographs, the plaster of Paris statuettes, china, bisque, alabaster figures, and the little ornamentations that come within the reach of the working classes and of our poor people, are subjected to much higher rates of duty than is provided in this bill.

It is proposed to continue and maintain those duties, and yet we are asked to reduce the duty upon the paintings and statuary which are used to adorn the costly edifices of the millionaires and speculators whose ostentatious extravagance is largely instrumental in creating such panics as that we have just had in New York and elsewhere.

The SPEAKER. The time of the gentleman from Maine [Mr. BOUTELLE] has expired. The gentleman from Ohio [Mr. HURD] has seven minutes of his time remaining.

Mr. HURD. Under the tariff of 1846, prepared by Robert J. Walker, indorsed by the Democratic party of that day everywhere, and always regarded as a model of what a revenue tariff should be, all foreign works of art were admitted into this country free of duty. Under the protective tariff of the Republican party of 1861 a duty of 10 per cent. was imposed upon foreign works of art. In 1883, through a conference committee, this duty was increased by a Republican Congress to 30 per cent. It was my endeavor in the Committee of Ways and Means to report to this House a bill which should return works of art to the place on the free-list which they occupied under the Democratic tariff of 1846.

I could not succeed in accomplishing this result, and the bill I now report is the best that could be accomplished in that direction.

The bill under consideration proposes to reduce the tax on works of art from 30 to 10 per cent., the rate at which it stood prior to 1883, and to require works by American artists abroad to pay the same duty as those made by foreigners. American artists abroad under the present law send their productions into this country without the payment of duty, while the duty upon the products of the foreigner is, as stated, 30 per cent.

It is this discrimination which makes the present urgency for the passage of this bill. American artists abroad, for whose benefit the discrimination was made, are nearly unanimous in their request for its removal. Its continuance is a confession by their Government of their inferiority. It places them in embarrassing relations to foreign artists and governments. The latter give Americans free instruction in their public schools and free access to their museums and public galleries. Thus they learn gratuitously from the foreigner their profession, which they practice abroad under the protection of foreign laws. The tariff of this country which permits their works to come in free of duty, while under it their generous instructors must pay 30 per cent. on theirs, makes a discrimination of which foreign governments have the right to complain. It savors of ingratitude for our people to enjoy foreign courtesies, and then thus to affront those from whom they receive them with such legislation. In any event, American artists abroad who enjoy the foreign favor, and American artists at home whose works, if any, are to be protected by these laws, ask with singular unanimity for their repeal.

It has been represented to our Government, by Italy especially, that this discrimination is violative of treaty stipulations. Of this there can be no doubt. It was the manifest purpose of the treaty to place the citizens of the two countries upon an equality before the public laws of each. This Government would rightly complain if Italian citizens admitted to the full protection of our public laws should enjoy privileges in Italy, for what they had produced here, denied to the American. Retaliatory measures are now being threatened in the Italian Parliament, and action is delayed there to await the decision of this House upon this bill. In a reply to an interpellation, the Italian minister of foreign affairs has stated that nothing ought to be done in Italy in the way of retaliation until the action of this Congress shall be known.

It seems to me that, in the situation we now occupy under our treaty with Italy, it is the duty of Congress to pass this bill, without reference to any other consideration.

But we have complaints from the French Government as well. We have the assurance from our own minister to that country that this discrimination against French artists is one of the principal obstacles in the way of a satisfactory adjustment of our commercial relations with France. An excuse for maintaining prohibitions against American pork and restrictions upon importations of other agricultural products of this country is found in our high duties on French works of art and discriminations against French artists. In this way the farmers of America are made seriously to suffer.

Mr. Speaker, justice to American artists abroad, fair play to friendly nations which have made honorable treaties with us, proper consideration of the interests of our agricultural population, and a desire to favor our own artists at home, all demand the removal of the present discriminations by the passage of this bill.

It is objected that we should maintain the present duty for purposes of revenue. There was more revenue collected for the last eight months under the 10 per cent. duty than there has been during the same length of time under the 30 per cent. duty. It is said that works of art are luxuries, and therefore that they should be compelled to pay duties. While it may be true that a few rich men have made large importations of paintings and statuary, I believe that by far the larger proportion of such works of art will be found in the public galleries, museums, and churches, where the contributions of the poor often pay the duties imposed.

But, Mr. Speaker, in my judgment there ought to be no duties at all on works of art.

The highest attainments in art can be reached only by a study of the achievements of genius in past generations. To our people with gifts for artistic pursuits study of the works of the world's great artists is indispensable. The present enormous duty keeps these works out of America, so that our people can not study them here, and mutterings of retaliation threaten their opportunity of studying them abroad. If we would have American artists, they must enjoy equal facilities with foreigners, in order to know the world's masterpieces in sculpture and painting.

Mr. Speaker, it is humiliating that our tariff laws should place restrictions upon foreign art.

Art is an educator. It refines, elevates, civilizes. It develops and perfects the tastes of a people. It is at once the evidence and the cause of culture. Every work of art which America receives adds to its store of educational equipment and increases the possibilities of artistic growth. It does not come as other articles, to disappear in the wants of daily consumption, but to delight and improve the public tastes for generations.

How short-sighted this policy of art exclusion! It is a blow at beauty. It is as though you would draw a curtain over the sun. It is sitting in the darkness when at your own bidding the glory of the light may come.

Remove these restrictions upon foreign art, that the intelligent, ingenuous youth of America, of this and succeeding generations, may have easy personal converse with the splendid works of the world's divine genius. [Applause.]

The SPEAKER. The time for debate under the rule has been exhausted. The question is upon the motion of the gentleman from Ohio [Mr. HURD] to suspend the rules and pass the bill which has been read.

Mr. DUNN. I call for the yeas and nays on this motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 52, nays 179, not voting 92; as follows:

YEAS—52.

Adams, G. E.	Hancock,	Lyman,	Ranney,
Aiken,	Hatch, H. H.	McCoid,	Reed,
Belmont,	Herbert,	Miller, S. H.	Rice,
Blount,	Hiscock,	Mitchell,	Rockwell,
Broadhead,	Hitt,	Morrison,	Rogers, W. F.
Budd,	Hurd,	Mutchler,	Seymour,
Cox, S. S.	Jones, J. K.	O'Hara,	Slocum,
Dargan,	Jones, J. T.	Pettibone,	Stone.
Dorsheimer,	Kasson,	Phelps,	Sumner, C. A.
Elliott,	Kean,	Poland,	Tillman,
Garrison,	Kelley,	Potter,	Turner, H. G.
Glascock,	Le Fevre,	Pryor,	Van Eaton,
Greenleaf,	Long,	Rankin,	Wolford.

NAYS—179.

Alexander,	Bayne,	Brewer, J. H.	Cannon,
Anderson,	Beach,	Browne, T. M.	Carleton,
Atkinson,	Bisbee,	Brown, W W.	Cassidy,
Bagley,	Blackburn,	Burnes,	Clay,
Ballentine,	Bland,	Cabell,	Clements,
Barksdale,	Boutelle,	Calkins,	Cobb,
Barr,	Brainerd,	Campbell, J. M.	Connolly,

Converse,	Haynes,	Neece,	Stephenson,
Cosgrove,	Hemphill,	Nelson,	Stevens,
Cox, W. R.	Henderson, T. J.	Nicholls,	Strait,
Crisp,	Henley,	Nutting,	Sumner, D. H.
Culberson, D. B.	Hepburn,	Ochiltree,	Talbott,
Curtin,	Hewitt, G. W.	O'Neill, J. J.	Taylor, E. B.
Davis, G. R.	Hoblitzell,	Parker,	Taylor, J. D.
Davis, R. T.	Holman,	Patton,	Taylor, J. M.
Deuster,	Holmes,	Payson,	Thomas,
Dibrell,	Hooper,	Pierce,	Thompson,
Duncan,	Horr,	Peel, S. W.	Throckmorton,
Dunham,	Howey,	Peelle, S. J.	Townshend,
Dunn,	Hunt,	Perkins,	Tully,
Eaton,	Johnson,	Peters,	Turner, Oscar
Eldredge,	Jones, B. W.	Post,	Valentine,
Ellwood,	Jones, J. H.	Price,	Van Alstyne,
Ermentrout,	Jordan,	Pusey,	Vance,
Evans, I. N.	Keifer,	Ray, G. W.	Wait,
Everhart,	King,	Reese,	Wakefield,
Evins, J. H.	Kleiner,	Riggs,	Ward,
Ferrell,	Lacey,	Robertson,	Warner, A. J.
Finerty,	Laird,	Robinson, J. S.	Warner, Richard
Follett,	Lamb,	Robinson, W. E.	Washburn,
Foran,	Lanham,	Rogers, J. H.	Weaver,
Funston,	Lewis,	Rosecrans,	Wellborn,
Fyan,	Lowry,	Ryan,	Weller,
Geddes,	McComas,	Scales,	White, Milo
Goff,	McCormick,	Seney,	Wilkins,
Graves,	McMillin,	Shaw,	Williams,
Guenther,	Millard,	Shelley,	Willis,
Halsell,	Miller, J. F.	Singleton,	Wilson, W. L.
Hammond,	Milliken,	Skinner, T. G.	Winans, E. B.
Hanback,	Mills,	Smalls,	Wood,
Hardeman,	Money,	Smith,	Woodward,
Hardy,	Morrill,	Snyder,	Worthington,
Harmer,	Moulton,	Spooner,	Yaple,
Hart,	Muldrow,	Springer,	York.
Hatch, W. H.	Murphy,	Steele,	

NOT VOTING—92.

Adams, J. J.	Covington,	Houseman,	Payne,
Arnot,	Culbertson, W. W.	Hutchins,	Randall,
Barbour,	Cullen,	James,	Ray, Ossian
Belford,	Cutcheon,	Jeffords,	Reagan,
Bennett,	Davidson,	Kellogg,	Rowell,
Bingham,	Davis, L. H.	Ketcham,	Russell,
Blanchard.	Dibble,	Lawrence,	Skinner, C. R.
Bowen,	Dingley,	Libbey,	Spriggs,
Boyle,	Dockery,	Lore,	Stewart, Charles
Breckinridge,	Dowd,	Lovering,	Stewart, J. W.
Breitung,	Ellis,	McAdoo,	Stockslager,
Brewer, F. B.	Fiedler,	McKinley,	Storm,
Brumm,	Findlay,	Matson,	Struble,
Buchanan,	Forney,	Maybury,	Tucker,
Buckner,	George,	Morey,	Wadsworth,
Burleigh,	Gibson,	Morgan,	Wemple,
Caldwell,	Green,	Morse,	White, J. D.
Campbell, Felix	Henderson, D. B.	Muller,	Whiting,
Candler,	Hewitt, A. S.	Murray,	Wilson, James
Chace,	Hill,	Oates,	Winans, John
Clardy,	Holton,	O'Ferrall,	Wise, G. D.
Collins,	Hopkins,	O'Neill, Charles	Wise, J. S.
Cook,	Houk,	Paige,	Young.

So (two-thirds not voting in favor thereof) the motion of Mr. HURD was not agreed to.

The following pairs were announced:

Mr. SKINNER, of New York, with Mr. GREEN.

Mr. MORGAN with Mr. COOK, on this vote.

Mr. FORNEY with Mr. CUTCHEON, until May 30.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont, until May 21.

Mr. CALDWELL with Mr. LAWRENCE, until May 22.

Mr. MATSON with Mr. CULLEN, until May 23.

Mr. MAYBURY with Mr. HENDERSON, of Iowa, until May 27.

Mr. DIBBLE with Mr. DINGLEY, until May 24.

Mr. DAVIDSON with Mr. BISBEE, until May 22.

Mr. OATES with Mr. RAY, of New Hampshire, until May 21.

The following were announced as paired until further notice:

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. MORSE with Mr. RUSSELL.

Mr. HILL with Mr. KETCHAM.

Mr. WEMPLE with Mr. MOREY.

Mr. PAIGE with Mr. KELLOGG.

Mr. HOUSEMAN with Mr. CHACE.

Mr. BUCKNER with Mr. ROWELL.

Mr. COVINGTON with Mr. BRUMM.

Mr. CLARDY with Mr. BREWER, of New York.

Mr. SPRIGGS with Mr. JEFFORDS.

Mr. DOWD with Mr. WADSWORTH.

Mr. BENNETT with Mr. BREITUNG.

Mr. GEORGE D. WISE with Mr. LIBBY.

Mr. MULLER with Mr. WILSON, of Iowa.

The following were announced as paired for this day:

Mr. DAVIS, of Missouri, with Mr. HOUCK.

Mr. HOPKINS with Mr. WAIT.

Mr. MCADOO with Mr. BELFORD.

Mr. GEORGE D. WISE. I desire to state that if not paired I should vote "no" on this question.

The result of the vote was announced as above stated.

OHIO ELECTION CONTEST—WALLACE VS. M'KINLEY.

Mr. RANDALL obtained the floor.

Mr. TURNER, of Georgia. Will the gentleman from Pennsylvania yield to me a moment?

Mr. RANDALL. Certainly.

Mr. TURNER, of Georgia. I wish to state that, upon further and better information, I have concluded to consent to a postponement of the contested-election case of Wallace against McKinley until Monday next.

GENERAL APPROPRIATION BILLS.

Mr. RANDALL. Under instructions of the Committee on Appropriations, I move a suspension of the rules to adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the House do now proceed to the consideration of bills of the House of the following titles, reported from the Committee of the Whole House on the state of the Union on Friday last, with amendments, namely:

A bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

A bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

A bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

The motion of Mr. RANDALL to suspend the rules and adopt the resolution was agreed to (two-thirds voting in favor thereof).

CONSULAR AND DIPLOMATIC BILL.

Mr. RANDALL. I call up the consular and diplomatic bill. If no one asks for a separate vote on any amendment of the Committee of the Whole House on the state of the Union I shall ask they be voted on *en gross*. I demand the previous question on the bill and amendments.

The SPEAKER. The bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, has been reported from the Committee of the Whole House on the state of the Union with amendments.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The amendments were concurred in in gross.

Mr. CANNON. I move to recommit with instructions.

The SPEAKER. That motion is not now in order.

Mr. HITT. I ask to have printed in the RECORD a statement in regard to certain consular accounts mentioned on Friday by the gentleman from Missouri [Mr. BURNES], being a reply to his inquiries and his remark that there were certain "official delinquencies" in overpayments to several consuls for time "awaiting instructions" and "in transit" to their posts. He said they were paid for longer time than the law and regulations allowed, and he submitted a statement of details which was not read in the House but was printed in the RECORD. I now ask to have printed in the RECORD a very brief and simple explanation from the Bureau of Accounts answering his questions in regard to overpayments in all the cases he mentioned, and showing that the consular officers referred to were not paid in excess of the amounts allowed by law, and in nearly every case received less than the full amount allowed by the regulations as the maximum of instruction time and time to go to their posts.

Mr. RANDALL. If the gentleman from Missouri consents to it I do not object.

Mr. HITT. I have spoken to the gentleman from Missouri about it and he has no objection.

There was no objection. The paper is as follows:

APIA, FRIENDLY OR NAVIGATOR'S ISLANDS.

In the payment of the consul at Apia, he is charged to have been overpaid $368.32 while "awaiting instructions" (thirty days) and time of "transit" (seventy days), which would only amount to $821.91, whereas he is said to have received $1,190. The accounts show that this amount included $684.79 payments to his predecessor, and the outgoing consul in fact received payment for less than the maximum time named above, namely:

Mr. Dawson, returning consul, awaiting conveyance, September 1 to 13, 1882	$105 98
Home transit, September 14 to November 23, 1882	578 81
Total	684 76
Mr. Canisius, outgoing consul, awaiting instructions twenty-one days, July 1 to July 21, 1882	171 20
Transit, July 22 to August 18, 1882	228 26
Awaiting exequatur, August 19 to August 31, 1882	105 98
Total	505 44
Returning consul	684 79
Outgoing consul	505 44
Total	1,190 23

CAIRO.

Said to have been paid $1,657.62 while waiting instructions (thirty days) and reaching destination (thirty-five days). The explanation of this payment, described by the Fifth Auditor as "awaiting instructions," &c., is that the consul-general was kept for two months after arrival at his post awaiting exequatur from the Egyptian Government, and his salary during this period, while he

awaited the local authorization to act officially, is placed by the Fifth Auditor under the above general head, and not "salary," as appears by the account, namely:

Receiving instructions, thirty days	$407 61
Transit, thirty-seven days, September 16 to October 22, 1882	502 72
Awaiting exequatur October 23, 1882, to December 16, 1882	747 29
Total	1,657 62

RIO DE JANEIRO.

The consul-general is alleged to have been overpaid $414.53, receiving $1,565.21, whereas waiting instructions (thirty days) and reaching destination (thirty-five days) would have amounted to only $1,150.68. The fact is the $1,565.21 includes parts of the accounts of two fiscal years and two successive consular officers, namely:

Andrews, consul-general, appointed April 17, 1882, allowed instruction pay to May 16, 1882, at $6,000 per annum	$494 51

This was paid out of the fiscal year 1882, and so reported by the Auditor. Mr. BURNES, however, makes it appear as having been paid out of 1883:

Sailed July 8, 1882, and reached post August 25, 1882, forty-nine days' transit, pay at $6,000 per annum	$798 91
From August 26, 1882, to August 31, 1882, while awaiting exequatur	97 83
Mr. Adamson, late consul-general at Rio, home transit from September 6, 1882, to October 16, 1882	668 47
Total	1,565 21

Forty days is the amount allowed by regulations for transit between United States and Rio, but it is discretionary with the Secretary of State to extend this time for good and sufficient reasons. The Secretary found in the case of Mr. Andrews sufficient reason for extending the time nine days. Mr. Andrews was obliged to go by way of Europe, and in fact consumed sixty-eight days in transit, but was allowed compensation for only forty-nine days.

FLORENCE.

The consul is said to have been overpaid $262.75, having received $529.87, whereas the regulation allowance, waiting instructions (thirty days) and transit (thirty-five days), would have amounted to only $267.12. The explanation is as follows:

DEPARTMENT OF STATE, *May* 19, 1884.

Hon. R. R. HITT:

Referring to allowance to consulate at Florence, W. L. Welsh, consul, was paid from 9th to 10th August, 1882, transit from Marseilles to his post at rate of $1,500 per annum, making $8.15; also from August 11 to November 7, 1882, while awaiting receipt of exequatur, $362.76. J. S. Crosby, late consul, was paid from October 1, 1882, to November 8, 1882, while awaiting transportation and making transit home, at rate of $1,500 per annum, $158.96; sum total, $529.87, agreeing with Auditor's report, but disagreeing very materially from Mr. BURNES's calculation.

F. J. KIECKHOEFFER, *Disbursing Clerk.*

That is to say, he was nearly three months at his post before the Italian Government issued his exequatur recognizing his official authority, and his salary for that time is classed under "awaiting instructions," &c., by the Fifth Auditor, instead of "salary."

MADRID.

Mr. BURNES's tabular statement under this head is erroneous. It would appear from it that Mr. Reed received two salaries, one as secretary and consul-general and the other as chargé; this error is obvious. The amount of compensation as chargé is erroneously stated. Mr. Reed acted as chargé from October 17, 1882, to June 15, 1883, seven months and twenty-nine days, and received therefor $3,991.88, not $991.88. For the remaining portion of the year he received salary as secretary of legation and consul-general; *i. e.*, from July 1 to October 16, 1882, as secretary, and from June 15 to June 30, 1883, as secretary of legation and consul-general. The amount was $651.90. The charge for contingent expenses represents the amount of contingent expenses of the legation allowed by the Department of State during the eight months of Mr. Reed's chargéship; the accounts for these expenses were of course rendered in Mr. Reed's name. Mr. Reed also, of course, rendered the account for clerk-hire paid at the legation during the period he had charge of it.

The remaining charge against Madrid is Mr. Goward's compensation as chargé. Mr. Goward was duly appointed secretary of legation and consul-general, and went under instructions for his new duties. He was, however, not allowed to proceed to his post, but was in justice paid for the time occupied in receiving instructions. Mr. Reed did not make any return of fees, for the very good reason that he did not act as consul-general except for a few days toward the close of the fiscal year 1883, and had no fees to return. He was acting as chargé up to June 15, 1883. Of the sums charged in the statement printed in the RECORD against Mr. Reed, secretary of legation and consul-general at Madrid, only the amount of his salary was paid to him. The contingent expenses and clerk-hire were disbursed by Mr. Reed and vouchers for the disbursements furnished to the Treasury. These sums were not paid by Mr. Reed.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. RANDALL. I demand the previous question on the passage of the bill.

Mr. CANNON. I move to recommit the bill with the following instructions.

The Clerk read as follows:

Whereas the bill now being considered, "making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes," in many instances withholds sufficient appropriations for such service, and in others fails to provide any amount whatever for the public service, notably for the payment of postage upon official communications and telegrams between any and all consular and diplomatic officers and the President of the United States or Secretary of State and any and all other persons, for the execution of the neutrality act, the discharge of American seamen, the payment of chargés d'affaires abroad, and any general contingent fund whatever for foreign intercourse proper and the consular service; and

Whereas by its provisions the salaries of many consular and diplomatic officers are unduly decreased and the salaries of others unduly increased, the attempted reorganization of the service being made without sufficient knowledge of its requirements: Therefore,

Be it resolved, That said bill be recommitted to the Committee on Appropriations, with instructions to report a substitute therefor within forty-eight hours, making appropriations for the consular and diplomatic service of the Government, and for other purposes, for the fiscal year ending June 30, 1885, the same as are made in an act entitled "An act making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1884, and for other purposes," approved February 26, 1884, with the following exceptions: Insert "the consul at Victoria, British North America, at $2,500; strike out the appropriation for the consul at Coaticook, at $2,000; strike out the appropriation of $75,000 to defray the expenses of the French and American Claims Commission, and the appropriation of $5,000 for the purpose of enabling the President to extend diplomatic relations with the governments of Eastern Asia.

Mr. WARNER, of Ohio. I raise the point that speeches should go into the RECORD and not into the Journal. [Laughter.]

Mr. CANNON. I call for the yeas and nays on my motion to recommit with instructions.

The House divided; and there were ayes 39.

Mr. CANNON demanded tellers on the yeas and nays.

Tellers were ordered; and Mr. CANNON and Mr. RANDALL were appointed.

The House divided; and there were ayes 51—noes not counted.

So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 82, nays 136, not voting 105; as follows:

YEAS—82.

Adams, G. E.	Guenther,	McCoid,	Rice,
Adams, J. J.	Hart,	McComas,	Robinson, J. S.
Anderson,	Hatch, H. H.	McCormick,	Rockwell,
Atkinson,	Haynes,	Millard,	Ryan,
Barr,	Henderson, T. J.	Morrill,	Smalls,
Bayne,	Hiscock,	Nelson,	Smith,
Boutelle,	Hitt,	Ochiltree,	Spooner,
Brainerd,	Holmes,	O'Hara,	Steele,
Browne, T. M.	Holton,	O'Neill, Charles	Stephenson,
Brown, W. W.	Hooper,	Parker,	Stone,
Calkins,	Horr,	Payne,	Strait,
Campbell, J. M.	Howey,	Payson,	Taylor, E. B.
Cannon,	James,	Peelle, S. J.	Taylor, J. D.
Davis, G. R.	Kasson,	Perkins,	Thomas,
Davis, R. T.	Kean,	Peters,	Valentine,
Deuster,	Keifer,	Pettibone,	Wakefield,
Dunham,	Kelley,	Poland,	Washburn,
Ellwood,	King,	Price,	Weaver,
Evans, I. N.	Lacey,	Ranney,	White, Milo.
Everhart,	Laird,	Ray, G. W.	
Goff,	Long,	Reed,	

NAYS—136.

Aiken,	Eldredge,	McMillin,	Skinner, T. G.
Alexander,	Elliott,	Miller, J. F.	Slocum,
Arnot,	Ermentrout,	Mills,	Snyder,
Bagley,	Ferrell,	Mitchell,	Springer,
Ballentine,	Follett,	Money,	Stevens,
Barbour,	Foran,	Morgan,	Sumner, C. A.
Barksdale,	Fyan,	Morrison,	Talbott,
Beach,	Garrison,	Moulton,	Taylor, J. M.
Blackburn,	Geddes,	Muldrow,	Thompson,
Blanchard,	Graves,	Mutchler,	Throckmorton,
Bland,	Greenleaf,	Neece,	Tillman,
Blount,	Halsell,	Nicholls,	Townshend,
Breckinridge,	Hammond,	O'Ferrall,	Tucker,
Broadhead,	Hardeman,	O'Neill, J. J.	Tully,
Buchanan,	Hardy,	Patton,	Turner, H. G.
Budd,	Hatch, W. H.	Pierce,	Turner, Oscar
Burnes,	Hemphill,	Peel, S. W.	Van Alstyne,
Cabell,	Herbert,	Post,	Vance,
Carleton,	Hewitt, G. W.	Pryor,	Van Eaton,
Clay,	Hoblitzell,	Pusey,	Ward,
Clements,	Holman,	Randall,	Warner, A. J.
Cobb,	Hunt,	Rankin,	Warner, Richard
Collins,	Jones, B. W.	Reese,	Wellborn,
Connolly,	Jones, J. H.	Riggs,	Weller,
Converse,	Jones, J. K.	Robertson,	Wilkins,
Cosgrove,	Jones, J. T.	Rogers, J. H.	Williams,
Cox, S. S.	Jordan,	Rogers, W. F.	Willis,
Crisp,	Kleiner,	Rosecrans,	Wilson, W. L.
Culberson, D. B.	Lamb,	Scales,	Winans, E. B.
Curtin,	Lanham,	Seney,	Wolford,
Dargan,	Le Fevre,	Seymour,	Wood,
Dibrell,	Lewis,	Shaw,	Worthington,
Duncan,	Lovering,	Shelley,	Yaple,
Dunn,	Lowry,	Singleton,	York.

NOT VOTING—105.

Belford,	Dibble,	Houseman,	Ray, Ossian
Belmont,	Dingley,	Hurd,	Reagan,
Bennett,	Dockery,	Hutchins,	Robinson, W. E.
Bingham,	Dorsheimer,	Jeffords,	Rowell,
Bisbee,	Dowd,	Johnson,	Russell,
Bowen,	Eaton,	Kellogg,	Skinner, C. R.
Boyle,	Ellis,	Ketcham,	Spriggs,
Breitung,	Evins, J. H.	Lawrence,	Stewart, Charles
Brewer, F. B.	Fiedler,	Libbey,	Stewart, J. W.
Brewer, J. H.	Findlay,	Lore,	Stockslager,
Brumm,	Finerty,	Lyman,	Storm,
Buckner,	Forney,	McAdoo,	Struble,
Burleigh,	Funston,	McKinley,	Sumner, D. H.
Caldwell,	George,	Matson,	Wadsworth,
Campbell, Felix	Gibson,	Maybury,	Wait,
Candler,	Glascock,	Miller, S. H.	Wemple,
Cassidy,	Green,	Milliken,	White, J. D.
Chace,	Hanback,	Morey,	Whiting,
Clardy,	Hancock,	Morse,	Wilson, James
Cook,	Harmer,	Muller,	Winans, John
Covington,	Henderson, D. B.	Murphy,	Wise, G. D.
Cox, W. R.	Henley,	Murray,	Wise, J. S.
Culbertson, W. W.	Hepburn,	Nutting,	Woodward,
Cullen,	Hewitt, A. S.	Oates,	Young.
Cutcheon,	Hill,	Paige,	
Davidson,	Hopkins,	Phelps,	
Davis, L. H.	Houk,	Potter,	

So the motion to recommit the bill with instructions was not agreed to.

On motion of Mr. RANDALL, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. FIEDLER with Mr. CULBERTSON, of Kentucky, for this day.

The SPEAKER *pro tempore* (Mr. BLACKBURN in the chair). The question now recurs upon the motion of the gentleman from Pennsylvania for the previous question upon the passage of the bill.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the title of the bill, on which, under the rules of the House, the yeas and nays will be called.

The Clerk read as follows:

A bill (H.R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The question was taken; and there were—yeas 140, nays 87, not voting 96; as follows:

YEAS—140.

Aiken,	Eldredge,	Lovering,	Shelley,
Alexander,	Elliott,	Lowry,	Singleton,
Arnot,	Ellis,	McCoid,	Skinner, T. G.
Bagley,	Ermentrout,	Miller, J. F.	Slocum,
Ballentine,	Ferrell,	Mills,	Snyder,
Barbour,	Follett,	Mitchell,	Springer,
Beach,	Foran,	Money,	Stevens,
Blackburn,	Funston,	Morgan,	Sumner, C. A.
Blanchard,	Fyan,	Morrison,	Sumner, D. H.
Bland,	Garrison,	Moulton,	Talbott,
Blount,	Geddes,	Muldrow,	Taylor, J. M.
Brainerd,	Glascock,	Murphy,	Throckmorton,
Breckinridge,	Graves,	Mutchler,	Tillman,
Broadhead,	Greenleaf,	Neece,	Townshend,
Buchanan,	Halsell,	Nicholls,	Tucker,
Burnes,	Hammond,	O'Ferrall,	Turner, H. G.
Cabell,	Hancock,	O'Neill, J. J.	Turner, Oscar
Carleton,	Hardeman,	Patton,	Van Alstyne,
Cassidy,	Hardy,	Pierce,	Vance,
Clay,	Hatch, W. H.	Peel, S. W.	Van Eaton,
Clements,	Hemphill,	Post,	Ward,
Cobb,	Henley,	Potter,	Warner, A. J.
Collins.	Hewitt, G. W.	Pryor,	Warner, Richard
Connolly,	Hoblitzell,	Pusey,	Wellborn,
Converse,	Holman,	Randall,	Weller,
Cosgrove,	Hunt,	Rankin,	Wilkins,
Cox, S. S.	Jones, B. W.	Reese,	Williams,
Cox, W. R.	Jones, J. H.	Riggs,	Willis,
Crisp,	Jones, J. K.	Robertson,	Wilson, W. L.
Culberson, D. B.	Jones, J. T.	Rogers, J. H.	Winans, E. B.
Dargan,	Jordan,	Rogers, W. F.	Wolford,
Dibrell,	Lamb,	Scales,	Wood,
Duncan,	Lanham,	Seney,	Worthington,
Dunn,	Le Fevre,	Seymour,	Yaple,
Eaton,	Lewis,	Shaw,	York.

NAYS—87.

Adams, G. E.	Hart,	McCormick,	Robinson, J. S.
Adams, J. J.	Hatch, H. H.	Millard,	Robinson, W. E.
Anderson,	Henderson, T. J.	Miller, S. H.	Ryan,
Atkinson,	Hiscock,	Milliken,	Smalls,
Barr,	Hitt,	Morrill,	Smith,
Bayne,	Holmes,	Nutting,	Spooner,
Boutelle,	Holton,	Ochiltree,	Steele,
Browne, T. M.	Hooper,	O'Hara,	Stephenson,
Brown, W. W.	Horr,	O'Neill, Charles	Stone,
Cannon,	Howey,	Parker,	Strait,
Culbertson, W. W.	James,	Payne,	Struble,
Davis, G. R.	Johnson,	Payson,	Taylor, E. B.
Davis, R. T.	Kasson,	Peelle, S. J.	Taylor, J. D.
Deuster,	Kean,	Perkins,	Thomas,
Ellwood,	Keifer,	Peters,	Valentine,
Evans, I. N.	Kelley,	Pettibone,	Wait,
Everhart,	King,	Phelps,	Wakefield,
Finerty,	Lacey,	Poland,	Washburn,
Goff,	Laird,	Ranney,	Weaver,
Guenther,	Long,	Ray, G. W.	White, Milo
Hanback,	Lyman,	Reed,	Whiting.
Harmer,	McComas,	Rice,	

NOT VOTING—96.

Barksdale,	Cullen,	Hopkins,	Price,
Belford,	Curtin,	Houk,	Ray, Ossian
Belmont,	Cutcheon,	Houseman,	Reagan,
Bennett,	Davidson,	Hurd,	Rockwell,
Bingham,	Davis, L. H.	Hutchins,	Rosecrans,
Bisbee,	Dibble,	Jeffords,	Rowell,
Bowen,	Dingley,	Kellogg,	Russell,
Boyle,	Dockery,	Ketcham,	Skinner, C. R.
Breitung,	Dorsheimer,	Kleiner,	Spriggs,
Brewer, F. B.	Dowd,	Lawrence,	Stewart, Charles
Brewer, J. H.	Dunham,	Libbey,	Stewart, J. W.
Brumm,	Evins, J. H.	Lore,	Stockslager,
Buckner,	Fiedler,	McAdoo,	Storm,
Budd,	Findlay,	McKinley,	Thompson,
Burleigh,	Forney,	McMillin,	Tully,
Caldwell,	George,	Matson,	Wadsworth,
Calkins,	Gibson,	Maybury,	Wemple,
Campbell, Felix	Green,	Morey,	White, J. D.
Campbell, J. M.	Haynes,	Morse,	Wilson, James
Candler,	Henderson, D. B.	Muller,	Winans, John
Chace,	Hepburn,	Murray,	Wise, G. D.
Clardy,	Herbert,	Nelson,	Wise, J. S.
Cook,	Hewitt, A. S.	Oates,	Woodward,
Covington,	Hill,	Paige,	Young.

So the bill was passed.

On motion of Mr. RANDALL, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. COOK with Mr. MCMILLIN, on this vote.

Mr. GREEN with Mr. SKINNER, of New York, for this day.

Mr. THOMPSON with Mr. DUNHAM, for this day.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

A message was also received announcing the approval of joint resolutions of the following titles:

Joint resolution (H. Res. 231) for the distribution of the CONGRESSIONAL RECORD; and

Joint resolution (H. Res. 239) to fill vacancies existing in the board of management of the National Home for Disabled Volunteer Soldiers.

ARMY APPROPRIATION BILL.

Mr. RANDALL. I now move to take up the Army appropriation bill.

The motion was agreed to.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

The SPEAKER *pro tempore*. The first question will be upon the amendments reported by the Committee of the Whole.

Mr. RANDALL. I demand the previous question upon the amendments and the engrossment and third reading of the bill.

Mr. KEIFER. I suggest, as there is no controversy about the amendments to the bill, that they may as well be considered in gross.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill, on which, under the rules of the House, the yeas and nays will be taken.

The question was taken; and there were—yeas 227, nays 0, not voting 96; as follows:

YEAS—227.

Adams, G. E.	Evans, I. N.	Lovering,	Ryan,
Adams, J. J.	Everhart,	Lowry,	Scales,
Aiken,	Ferrell,	Lyman,	Seney,
Alexander,	Finerty,	McCoid,	Seymour,
Anderson,	Follett,	McComas,	Shaw,
Arnot,	Foran,	McCormick,	Skinner, T. G.
Atkinson,	Funston,	McMillin,	Slocum,
Bagley,	Fyan,	Millard,	Smalls,
Ballentine,	Geddes,	Miller, J. F.	Smith,
Barbour,	George,	Miller, S. H.	Snyder,
Barksdale,	Glascock,	Milliken,	Spooner,
Barr,	Goff,	Mills,	Springer,
Bayne,	Graves,	Mitchell,	Steele,
Beach,	Greenleaf,	Morgan,	Stephenson,
Blackburn,	Halsell,	Morrison,	Stevens,
Blanchard,	Hammond,	Moulton,	Strait,
Blount,	Hanback,	Murphy,	Struble,
Boutelle,	Hancock,	Murray,	Sumner, D. H.
Breckinridge,	Hardeman,	Mutchler,	Talbott,
Broadhead,	Hardy,	Neece,	Taylor, E. B.
Browne, T. M.	Harmer,	Nelson,	Taylor, J. D.
Brown, W. W.	Hart,	Nicholls,	Taylor, J. M.
Buchanan,	Hatch, H. H.	Nutting,	Thomas,
Budd,	Hatch, W. H.	Ochiltree,	Throckmorton,
Burnes,	Haynes,	O'Hara,	Tillman,
Cabell,	Hemphill,	O'Neill, Charles	Townshend,
Calkins,	Henderson, T. J.	O'Neill, J. J.	Tucker,
Campbell, J. M.	Henley,	Parker,	Tully,
Candler,	Herbert,	Patton,	Turner, H. G.
Cannon,	Hewitt, G. W.	Payne,	Turner, Oscar
Carleton,	Hiscock,	Payson,	Valentine,
Cassidy,	Hitt,	Pierce,	Van Alstyne,
Clay,	Hoblitzell,	Peel, S. W.	Vance,
Clements,	Holman,	Peelle, S. J.	Van Eaton,
Cobb,	Holmes,	Perkins,	Wait,
Collins,	Holton,	Peters,	Wakefield,
Connolly,	Hooper,	Pettibone,	Ward,
Converse,	Howey,	Phelps,	Warner, A. J.
Cosgrove,	Hunt,	Post,	Warner, Richard
Cox, S. S.	James,	Potter,	Washburn,
Cox, W. R.,	Johnson,	Price,	Weaver,
Crisp,	Jones, B. W.	Pryor,	Wellborn,
Culberson, D. B.	Jones, J. K.	Pusey,	Weller,
Culbertson, W. W.	Jones, J. T.	Randall,	White, Milo
Curtin,	Jordan,	Rankin,	Whiting,
Dargan,	Kasson,	Ranney,	Wilkins,
Davis, G. R.	Kean,	Ray, G. W.	Williams,
Deuster,	Keifer,	Reed,	Willis,
Dibrell,	Kelley,	Reese,	Wilson, W. L.
Dorsheimer,	King,	Rice,	Winans, E. B.
Duncan,	Lacey,	Riggs,	Wolford,
Dunn,	Laird,	Robertson,	Wood,
Eaton,	Lamb,	Robinson, J. S.	Woodward,
Eldredge,	Lanham,	Robinson, W. E.	Worthington,
Ellis,	Le Fevre,	Rogers, J. H.	Yaple,
Ellwood,	Lewis,	Rogers, W. F.	York.
Ermentrout,	Long,	Rosecrans,	

NAYS—0.

NOT VOTING—96.

Belford,	Davis, L. H.	Hurd,	Ray, Ossian
Belmont,	Davis, R. T.	Hutchins,	Reagan,
Bennett,	Dibble,	Jeffords.	Rockwell,
Bingham,	Dingley,	Jones, J. H.	Rowell,
Bisbee,	Dockery,	Kellogg,	Russell,
Bland,	Dowd,	Ketcham,	Shelley,
Bowen,	Dunham,	Kleiner,	Singleton,
Boyle,	Elliott,	Lawrence,	Skinner, C. R.
Brainerd,	Evins, J. H.	Libbey,	Spriggs,
Breitung,	Fiedler,	Lore.	Stewart, Charles
Brewer, F. B.	Findlay,	McAdoo,	Stewart, J. W.
Brewer, J. H.	Forney,	McKinley,	Stockslager,
Brumm,	Garrison,	Matson,	Stone,
Buckner,	Gibson,	Maybury,	Storm,
Burleigh,	Green,	Money,	Sumner, C. A.
Caldwell,	Guenther,	Morey,	Thompson,
Campbell, Felix	Henderson, D. B.	Morrill,	Wadsworth,
Chace,	Hepburn,	Morse,	Wemple,
Clardy,	Hewitt, A. S.	Muldrow,	White, J. D.
Cook,	Hill,	Muller.	Wilson, James
Covington,	Hopkins,	Oates,	Winans, John
Cullen,	Horr,	O'Ferrall,	Wise, G. D.
Cutcheon,	Houk,	Paige,	Wise, J. S.
Davidson,	Houseman,	Poland,	Young.

So the bill was passed.

After the second roll-call,

On motion of Mr. NICHOLLS, by unanimous consent the reading of the names of members voting was dispensed with.

Mr. WILSON, of West Virginia. I desire to state that my colleague [Mr. GIBSON] is detained from the House by sickness.

Mr. MORRILL. I ask unanimous consent to have my name recorded.

The SPEAKER *pro tempore*. The Chair is not allowed under the rules to entertain such a request for unanimous consent unless the gentleman was in his seat and did not hear his name called.

The following additional pairs were announced:

Mr. MCKINLEY with Mr. HURD, on all political questions, from to-day until May 26.

Mr. MULDROW with Mr. GUENTHER.

The result of the vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT APPROPRIATION BILL.

Mr. RANDALL. I call up for present consideration the bill (H. R. 6656) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes. I move the previous question on the amendments and the engrossment and third reading of the bill.

The previous question was ordered; and under the operation thereof the amendments reported by the Committee of the Whole House on the state of the Union were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill, and, under the rules, on that question the yeas and nays must be recorded.

The question was taken; and there were—yeas 216, nays 0, not voting 107; as follows:

YEAS—216.

Adams, J. J.	Converse,	Hancock,	Long,
Adams, G. E.	Cosgrove,	Hardeman,	Lovering,
Alexander,	Cox, S. S.	Harmer,	Lowry,
Anderson,	Cox, W. R.	Hart,	Lyman,
Arnot,	Crisp,	Hatch, H. H.	McCoid,
Atkinson,	Culberson, D. B.	Hatch, W. H.	McCormick,
Bagley,	Culbertson, W. W.	Hemphill,	McMillin,
Ballentine,	Curtin,	Henderson, T. J.	Millard,
Barbour,	Dargan,	Henley,	Miller, J. F.
Barr,	Davis, G. R.	Hepburn,	Miller, S. H.
Bayne,	Davis, R. T.	Herbert,	Mitchell,
Beach,	Deuster,	Hewitt, G. W.	Morgan,
Belmont,	Dibrell,	Hiscock,	Morrill,
Bingham,	Duncan,	Hitt,	Morrison,
Blackburn,	Dunn,	Hoblitzell,	Moulton,
Blanchard,	Eaton,	Holman,	Murray,
Bland,	Eldredge,	Holmes,	Mutchler,
Blount,	Elliott,	Horr,	Neece,
Boutelle,	Ellwood,	Howey,	Nelson,
Brainerd,	Ermentrout,	Hunt,	Nicholls,
Breckinridge,	Evans, I. N.	Jeffords,	Ochiltree,
Broadhead,	Everhart,	Johnson,	O'Ferrall,
Browne, T. M.	Ferrell,	Jones, B. W.	O'Hara,
Brown, W. W.	Finerty,	Jones, J. H.	O'Neill, Charles
Buchanan,	Follett,	Jones, J. K.	O'Neill, J. J.
Burnes,	Foran,	Jones, J. T.	Parker,
Cabell,	Funston,	Jordan,	Patton,
Calkins,	Fyan,	Kasson,	Payne,
Campbell, J. M.	Garrison,	Kean,	Payson,
Candler,	Geddes,	Keifer,	Pierce,
Cannon,	Glascock,	Kelley,	Peel, S. W.
Carleton,	Goff,	King,	Peelle, S. J.
Cassidy,	Graves,	Lacey,	Perkins,
Clay,	Greenleaf,	Lamb,	Peters,
Clements,	Halsell,	Lanham,	Pettibone,
Collins,	Hammond,	Le Fevre,	Phelps,
Connolly,	Hanback,	Lewis,	Poland,
Post,	Rogers, W. F.	Struble,	Ward,
Potter,	Rosecrans,	Sumner, C. A.	Warner, A. J.
Price,	Scales,	Taylor, E. B.	Warner, Richard
Pryor,	Seney,	Taylor, J. D.	Washburn,
Pusey,	Seymour,	Taylor, J. M.	Weaver,
Randall,	Shaw,	Throckmorton,	Wellborn,
Rankin,	Skinner, T. G.	Tillman,	Weller,
Ranney,	Smalls,	Townshend,	White, Milo
Ray, G. W.	Smith,	Tucker,	Whiting,
Reed,	Snyder,	Tully,	Willis,
Reese,	Spooner.	Turner, H. G.	Wilson, W. L.
Rice,	Springer,	Turner, Oscar	Winans, E. B.
Riggs,	Steele,	Van Alstyne,	Wolford,
Robertson,	Stephenson,	Vance,	Wood,
Robinson, J. S.	Stevens,	Van Eaton,	Worthington,
Rockwell,	Stone,	Wait,	Yaple,
Rogers, J. H.	Strait,	Wakefield,	York.

NAYS—0.

NOT VOTING—107.

Aiken,	Dockery,	Ketcham,	Ryan,
Barksdale,	Dorsheimer,	Kleiner,	Shelley,
Belford,	Dowd,	Laird,	Singleton,
Bennett,	Dunham,	Lawrence,	Skinner, C. R.
Bisbee,	Ellis,	Libbey,	Slocum,
Bowen,	Evins, J. H.	Lore,	Spriggs,
Boyle,	Fiedler,	McAdoo,	Stewart, Charles
Breitung,	Findlay,	McComas,	Stewart, J. W.
Brewer, F. B.	Forney,	McKinley,	Stockslager,
Brewer, J. H.	George,	Matson,	Storm,
Brumm,	Gibson,	Maybury,	Sumner, D. H.
Buckner,	Green,	Milliken,	Talbott,
Budd,	Guenther,	Mills,	Thomas,
Burleigh,	Hardy,	Morey,	Thompson,
Caldwell,	Haynes,	Money,	Valentine,
Campbell, Felix	Henderson, D. B.	Morse,	Wadsworth,
Chace,	Hewitt, A. S.	Muldrow,	Wemple,
Clardy,	Hill,	Muller,	White, J. D.
Cobb,	Holton,	Murphy,	Wilkins,
Cook,	Hooper,	Nutting,	Williams,
Covington,	Hopkins,	Oates,	Wilson, James
Cullen,	Houk,	Paige,	Winans, John
Cutcheon,	Houseman,	Ray, Ossian	Wise, G. D.
Davidson,	Hurd,	Reagan,	Wise, J. S.
Davis, L. H.	Hutchins,	Robinson, W. E.	Woodward,
Dibble,	James,	Rowell,	Young.
Dingley,	Kellogg,	Russell,	

So the bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. COLLINS. By instructions of the Committee on the Judiciary I move that the rules be suspended, and that the resolution which I send to the desk be adopted.

The Clerk read as follows:

Resolved, That Senate bill No. 1372 to establish a uniform system of bankruptcy throughout the United States be taken from the Speaker's table, and that the same be made a special order for Tuesday, June 10, and from day to day until disposed of, to be considered in the House as in Committee of the Whole, not to interfere with general appropriation bills, revenue bills, reports from the Committee on Public Lands, or prior orders.

Mr. WILLIS. I demand a second.

The SPEAKER *pro tempore*. A second being demanded, the Chair appoints as tellers the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Massachusetts, Mr. COLLINS.

The House divided; and the tellers reported—ayes 100, noes 66.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules thirty minutes are allowed for debate; fifteen in support of the motion and fifteen in opposition to it.

Mr. COLLINS. I yield five minutes to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON, of Texas. Mr. Speaker, I am in favor of passing a bankrupt law at this session of Congress, and though not committed to all the provisions of this bill, I think it should have special consideration, as there is no probability of reaching it in order on the Calendar. The trade and commerce of the country demand that a bankrupt law, properly framed, should always be in force. Such a law would be a security for the good faith of debtors, a very proper restraint upon creditors, and a just measure of relief to those who are hopelessly involved in debt. The trade and commerce of the country demand it, because the business of the people is largely based upon credit, and all the safeguards against fraud and all practices that impair credit should be provided and kept in force.

The good faith of debtors can better be enforced by a proper bankrupt law than by any system of insolvent or attachment laws provided by the States; for it has become a prevalent practice of debtors to avail themselves of such laws to defraud their creditors by collusive assignments or by encumbering their property with liens procured by the process of attachment in favor of preferred creditors, and often upon evidences of debt fabricated for the purpose, without other consideration than an understanding to divide the proceeds of the sale of the property. A bankrupt law would put an end to this common system of robbery under the forms of law which has become a standing scandal. A uniform system of bankruptcy operates as a proper restraint upon the rashness and cupidity of creditors, who sometimes avail themselves

of the process of attachment improperly to secure priority over other creditors to the ruin of debtors and loss of other but more indulgent and prudent creditors.

There are thousands of people who are hopelessly insolvent. They have been unfortunate in business by no fault of their own, except such as is common to all traders in some degree. They are unable to relieve themselves of their obligations by any exertions which they can make in an ordinary lifetime, and no good purpose can be served by keeping them under a load of debt which paralyzes their industry and destroys all inducement to labor to acquire more than the law protects from execution and forced sale.

I am in favor of giving these unfortunate citizens an opportunity to amend their fortunes and for the country to have the benefit of their enterprise and industry untrammeled.

The most common objection urged against a bankrupt law is that dishonest men will avail themselves of it to defraud their creditors, and that the expenses of any system will absorb the assets of all ordinary bankrupt estates.

Unfortunately, frauds may be sometimes practiced under any law of bankruptcy which may be constructed; but it is believed that one can be secured under which frauds will be rarely committed. However that may be, it is certainly true that no system of bankruptcy is likely to be adopted that will invite more dishonesty and fraud than the ordinary process of attachment and State insolvent laws.

As to the expenses of the system, it may be said that they can be, in view of our experience, and should be, so limited and regulated by law as to prevent the mischief apprehended.

I trust the motion of my friend from Massachusetts [Mr. COLLINS] will prevail.

The SPEAKER. The gentleman from Massachusetts [Mr. COLLINS] has eleven minutes of his time remaining.

Mr. COLLINS. I reserve the remainder of my time for the present.

Mr. WILLIS. Mr. Speaker, I regret to antagonize the proposition of my esteemed and honored friend from Massachusetts [Mr. COLLINS], and especially as it is simply a request for consideration. I realize the difficulty which we all have to secure a hearing under our peculiar system of rules and I sympathize with any and all efforts to avoid or remedy their evils. But the bill which asks a day in court is so strongly condemned by the people of my district that I would not represent them if I did not join with other gentlemen in using all honorable means to defeat it.

MEMORIAL OF LOUISVILLE BOARD OF TRADE AGAINST BANKRUPT LAW.

Six years ago, when the repeal of the last bankrupt law was agitated, Louisville was the first city in the Union to give public expression to the general sentiment of opposition. The board of trade, and subsequently two large and enthusiastic meetings of business men, unanimously adopted resolutions forcibly setting forth the injustice and inequality of the law and petitioning Congress for its prompt repeal. And now again, when a new bankrupt law is proposed, its board of trade, through a committee, has presented a strong and unanswerable argument against its passage. This last memorial is dated April 15, 1884—just six years after the former one. If, therefore, my distinguished friend represents his people in making this request, he will know that I represent mine in opposing it.

A SUGGESTION IN FAVOR OF PEACE.

The first objection that I would urge to this bill is rather in the nature of a suggestion. I find upon examination that it necessitates the appointment of a large number of commissioners at $2,000 each; supervisors, $3,000 each; trustees, assignees, marshals, and clerks with pay unknown and unlimited, all to be appointed by the beneficent powers that now be, and all to become a part of that grand army of patriotic and non-partisan office-holders who now guard with zeal and ability the Treasury of the United States. In the interest of peace, in the interest of a quiet Presidential election, I suggest to my friend from Massachusetts that he shall not press this bill until after the ides of November. Gratitude is the ruling feeling of the human heart, and actuated by this he will find these new beneficiaries of partisan favor and appointment disturbing the country with their outcries and appeals, thus preventing that calm and peaceful consideration of the tariff, shipping, and similar great economic questions which are now the hope and the promise of the coming campaign.

Mr. COLLINS. I will say to the gentleman from Kentucky that I am willing to fix the time when the bill shall take effect after the Presidential election.

Mr. WILLIS. With the information before the country as to the wrong, the fraud, and injustice which have always characterized such legislation, I would fix it to take effect on the day that Fox said he would pay his debts; that is, one day after the day of judgment.

CONDEMNED BY PUBLIC OPINION.

Sir, if there is one fact established by the votes and by the utterances of the people of these United States it is that they do not want a bankrupt law. In every mode through which public opinion can make itself known, and in language which can not be misunderstood, judgment has been pronounced against this system of legislation as wrong in its principle, pernicious in its consequences, and fruitless in its results.

PREVIOUS BANKRUPT LAWS.

Nor is this conviction of recent date. The history of the bankrupt law in the United States is the record of a continuous and violent popular hostility. Its claims have been often tried and always denied. From 1776 to 1788, during which time the whole control of this subject rested with the States, we find no bankrupt law upon their statute-books.

Though emerging from a disastrous war of eight years' duration, the citizen-soldiers of the Revolution asked no aid from insolvent or bankrupt laws. Is not this failure to exercise the power significant of the estimate in which such legislation was held by our forefathers?

Upon the adoption of the Constitution the Federal Legislature was vested with the power to pass a uniform system of bankruptcy; but eleven years elapsed before it was exercised. The first bankrupt law in the United States was passed on April 4, 1800. Its life was limited to five years from the time it went into effect, which was June 1, 1800. It had not been in force two years before the agitation for its repeal began, and on December 19, 1803—a little over one-half the period to which it was limited—notwithstanding the fact that it had been passed as a party measure, the evils of its operations were so evident that party hostilities were suspended, and by a vote of 99 to 13 the obnoxious law was stricken from the statute-book.

Since the repeal of the first bankrupt law, repeated but unsuccessful attempts have been made to induce Congress to exercise its constitutional power over the subject. Even the terrible mercantile and commercial dangers consequent upon the war of 1812, with the disastrous orders in council, Berlin and Milan decrees, embargo, non-intercourse, and restriction acts, did not, in the judgment of that day, present a necessity for such a law. It was not until the 19th of August, 1841, that the second act was passed. Financial ruin, universal depression and demoralization followed, and at the expiration of thirteen months popular indignation compelled its repeal by the same Congress and the same party that had passed it. Thus ended the second attempt to ingraft upon our system of legislation a law which had its origin in the old feudal customs, and whose features are foreign to our form of society and Government. "If the statute," says a distinguished judge, "was pernicious or wicked, it paid the penalty of its mischief by death."

The third and last law upon this subject took effect June 1, 1867. It was, as is well known, passed as a relief measure. It was intended to free from debt and restore to business activity the thousands who by the exigencies of war, without culpable carelessness or willful fault, had met with financial overthrow. The apparent necessity for its temporary enactment furnished, however, no protection against assault. Within one year after its passage our people became restless and impatient under its operations. Twice in four years prior to its overthrow this House by an overwhelming vote passed bills for its repeal which were defeated in the Senate. The States of New York, Vermont, New Hampshire, Indiana, Mississippi, Kentucky, and several others passed resolutions calling for its repeal, and at length in 1878, after a disgraceful career of crime and incompetency, covering nearly eleven years, during which it was busy at work debauching the morals, destroying the credit, and filching the hard earnings of honest toil, the last bankrupt law went to its grave covered with the execrations of all our people, a grave which it was then hoped would have no resurrection day.

It will thus be seen, Mr. Speaker, that during a century of national life we have had only three bankrupt laws, and the aggregate time of their operation is only fourteen years.

THE EXPERIENCE OF ENGLAND.

Nor, if we accept the statements of her writers and jurists, has the experience of England been different from our own.

The numerous, voluminous, and complicated acts which Parliament has passed attest at once the pernicious and imperfect workings of such laws, and the ineffectual efforts which have been made to cure them of their inherent evils. The often-quoted remark of Lord Eldon, whose great experience in such cases gives additional weight to his convictions, confirms this view:

> The abuse of the bankrupt law is a disgrace to the country, and it would be better at once to repeal all the statutes than to suffer them to be applied to such purposes. There was no mercy to the estate. Nothing was less thought of than the object of the proceedings. As they were frequently conducted in the country, they were little more than stock in trade for the commissioners, the assignee, and the solicitor.

Lord Hardwicke, with equal force, declares in language no less applicable to the English than to this bill with its one hundred and eight sections:

> The new laws relating to bankruptcy have turned the edge of commissioners of bankruptcy from being, as they were originally, remedial to the creditor and in the nature of punishments to the bankrupt, whom they consider an offender, to be the accidental occasion of great frauds.

That is the experience of ancient England. I have before me here the opinion of modern England upon the last bankrupt act, which was passed in 1869 and 1883, reiterating and confirming the judgment uttered by Lord Eldon and by Lord Hardwicke. I will quote some of these opinions as they are given in the able memorial of the Louisville Board of Trade. That memorial I will, with the permission of the House, attach to these remarks.

WANT OF POPULAR CO-OPERATION IN THE ENFORCEMENT OF THE LAW.

Both in England and America, therefore, this law has always failed to secure a permanent lodgment either in the affections, the conscience,

or the judgment of the people. While such a fact may not be conclusive upon the merits of a legislative measure, it certainly does and will always prevent its honest and successful execution. It is true in any form of government, but notably so in a self-governing one, that no law can be faithfully carried out unless supported by public sentiment in its favor. Illustrations of this truth will readily suggest themselves. Nearly every State in the Union has denounced under heavy penalties the carrying of concealed weapons, but is it not true that in the most of them every third man you meet is a walking arsenal? Murder is the second highest crime known to our law, and yet it is a well-known fact that there are certain circumstances under which a father or brother may be guilty of this grave offense and yet no jury in the land will bring in a verdict of conviction. The law in these cases, whether right or wrong, does not accord with public sentiment, and becomes therefore a dead letter.

To this fact in a great degree the well-known inefficient execution of the bankrupt law is attributable. There is a wide-spread and well-settled belief that the law is bottomed in fraud and operated only for the benefit of those who administer it. While this may be utterly false or true only in part, the belief of it prevents creditors from taking that active interest which is necessary to its faithful execution. Under the theory of the law the adjudication in bankruptcy is but the beginning of a collection suit for the debt; in practice it is a peremptory verdict for the debtor and the end of active effort on the part of the creditor. In other words, this popular conviction as to the inefficient and fraudulent operation of the law prevents that hearty co-operation of the creditors with the officers charged with its administration without which it is impossible to secure the honest and satisfactory distribution of the bankrupt's assets. Thus it happens, there being neither scrutiny nor objection, that thousands of fraudulent debtors are annually discharged. The cause and the consequence go together.

DESTRUCTIVE OF BUSINESS CONFIDENCE.

Another and most disastrous consequence of this general public sentiment is to increase the uncertainties of trade by destroying public confidence, upon which commercial transactions rest. Without confidence commerce would be confined to petty schemes of traffic or debased by the arts which deceit begets of suspicion. Without it the fabric of mercantile honor would fall at once to the ground. This reliance upon good faith and substantial honesty is at the bottom of almost all undertakings.

Its want, like courage among soldiers, would be deemed the deepest disgrace, while its possession is but an ordinary merit. Why is it that capital is now locked up in bank-vaults? Everywhere the arm of industry is palsied and the heart of the laborer is heavy. Why this extraordinary stagnation in business? What has caused this general decline and distress? What is it but the withdrawal of capital from its ordinary channels of investments? The widespread and well-settled conviction of the people against a bankrupt law, even if unjust and erroneous, impairs its usefulness, unsettles public and private credit, and tends to depress and destroy the industrial and commercial interests of the country.

How far such a conviction should control legislative action is a question upon which there is a difference of judgment. The best opinion seems to be that a Representative should be simply the agent, the mouthpiece of his constituents. He is here not to dictate but to execute their will. Upon questions of expediency their judgment should be conclusive; upon questions of abstract right, if he can not in conscience agree, he should surrender his trust to some one who can. This is the theory, and whenever elections are frequent it becomes also the practice of a representative popular government.

WANT OF UNIFORMITY.

The argument against the bankrupt law does not, however, rest simply upon the fact that there is a strong public sentiment against it. The briefest and most cursory examination of the subject will show that this sentiment has not been hastily nor capriciously formed, but that there are many and grave objections, both to its principle and mode of operation. Of these, one of the most conspicuous is its want of uniformity. The Constitution prescribes, in the eighth section of the first article, that Congress shall have power "to establish uniform laws on the subject of bankruptcies throughout the United States." The only limitation upon the exercise of the power is that the laws passed under it shall operate in the same way, shall be equal and just toward all.

Will it be claimed by the warmest friend of the present law that it fulfills this constitutional requirement? Does it not by the forty-third section incorporate within itself the lien and exemption laws of the different States, and are not these laws notoriously discordant, unequal, and inconsistent? Is there any justice, is there uniformity in a law which declares that because one person lives in Arkansas his property shall be exempted to the extent of $3,000, while another unfortunate and equally deserving debtor in Kentucky is cut off with $1,000? Is this extending the protecting mantle of the law fairly over all? Is this a just and proper generalization of the laws regulating the relation of debtor and creditor? Is this guaranteeing to society the equal enjoyment of beneficial privileges? Is this the boasted "uniform system of bankruptcy" provided for by the Constitution?

CONFLICTING COURT DECISIONS.

Another and equally objectionable lack of uniformity is seen in the diverse judicial decisions which have been rendered. The rules of practice in our State courts havebeen adopted in all suits growing out of bankruptcy proceedings. Those rules and prior decisions under them will control proceedings under this bill. There will be consequently thirty-eight different systems of laws and pleadings which this "uniform" bankrupt law employs. The caricature upon the constitutional proviso is completed by the fact that there is no one tribunal having appellate jurisdiction in all cases. Almost any page of Bump, Hilliard, or other writers on bankruptcy, either in England or America, who have collected decisions upon this subject or the briefest experience of any solicitor in bankruptcy, will illustrate this fact.

For example, take the question whether a judgment obtained after the commencement of bankruptcy proceedings can be proved and how. On this point four different rulings will be found (Bump, page 3–67). For another illustration take the question whether the commencement of proceedings is sufficient, without adjudication, to authorize a suspension of actions in State courts. This has been ruled both ways, and that, too, repeatedly. Hundreds, if not thousands, of similar instances might be collected. Will it be said that a law which thus through its authorized expounders contradicts itself at every step, which is one thing in New York and another and entirely different thing in Texas, which hobbles upon the crutch of a code of practice in Kentucky and dodges the issue by special pleadings in Georgia, which creeps with the civil code of Louisiana and runs upon the legs of the common law in California, which doles out with niggardly parsimony a few hundred dollars to the failing debtor of one State, while with princely munificence it showers its thousands upon his comrade in a neighboring State—will it be contended that such a law can find constitutional authority for its existence, a law whose decisions are clothed with doubt and uncertainty, whose execution is intrusted to a system of intricate, cumbersome, and unintelligible rules, and whose results are as unequal and unjust as its operations are diverse and variable?

CUMBROUS AND DIFFICULT TO EXECUTE.

The machinery provided here for the execution of the law is complicated and unwieldy, and never will become familiar to the profession or the people. This was the case under the last law. Whether this was due to the odium that has always attached to the law as much as to its intricacy and unintelligibility need not now be discussed, but certain it is that no law upon the statute-book has been so little understood. Attorneys as a class do not care to conduct cases in bankruptcy. Creditors are compelled to bring their claims to one central point. This frequently necessitates a journey of many hundred miles to a tribunal where the litigant knows no one and is himself unknown. As to small claims this fact alone stands as an impassable barrier to their cellection, while in larger ones the cost of the suit, the fees of lawyers, and the journeying to and fro together amount in most cases to more than the dividends that are declared. The law is therefore specially prejudicial to small creditors. The poor man is almost excluded from its benefits; only large debts can afford the expense of an attempted collection. The present bill is no improvement upon its predecessors in this regard. If, undismayed by such difficulties, creditors conclude to prosecute their claims, they must do so before courts far removed from their own homes, and before which, because of the expense and difficulty, they are unable to produce the evidence which would be ready and sufficient before their home tribunals. The administration of justice is obstructed by calling the litigants to places which, to use the language of a sacred instrument, are "unusual, uncomfortable, and distant from the depositary of their public records."

The method presented here for the appointment of the assignees and trustees affords another illustration of the imperfect execution of the law. In the settlement of a deceased person's estate, the court charged with the duty, cognizant itself of the facts, or made so by the advisory aid of friends and relatives, appoints an administrator with reference to his honesty, ability, and knowledge of the decedent's estate. A bankrupt, so far as the distribution of his property is concerned, is, in the eye of the law, dead; he is *civiliter mortuus*; but how different is the appointment of the assignee—or quasi-administrator—of this decedent estate. A few creditors at the immediate point where the court in bankruptcy is located control the whole matter. Some one who has made this his business quietly interviews the leading creditors or their attorneys, and when the vote is taken, it not unexpectedly results in his appointment. The interests of foreign or distant creditors, being unknown or uncared for by the self-elected representative, very naturally and rapidly go to decay. The inevitable consequence of any such method of appointment is the placing in office of men who fail to properly appreciate their position, and discharge their duties in a mere formal and perfunctory manner. As one of the many evil consequences of this, the assets are not faithfully collected. In examining the tables prepared under the last law by the Attorney-General, the disparity between the "assets reported" and the "receipts" is extremely ludicrous. In a thousand cases which were disposed of during the year ending June 30, 1876, the average assets amounted to $9,000 in each case, while the average receipts were only $700. In other words, only

one dollar out of every thirteen was collected under that law. After deducting fees, costs, and other expenses, the proportion of that one dollar which reaches the pocket of the creditor is so infinitely small as hardly to be estimated by any mathematical calculation.

EXPENSIVENESS.

The enormous costs of bankruptcy proceedings are notorious. Both in England and America, for hundreds of years, frequent and unavailing efforts have been made to remove this objection. The success with which these extravagant charges are made and collected is due partly to the imperfect machinery of the law, but chiefly to the want of active, personal interest on the part of the creditors and of the assignee. The principle claimed by its friends to be the basis of the bankrupt law—"equality among creditors in case of insolvency"—may be sound and just, but while the provisions for carrying it out are so defective, and the costs and expenses are so great, the assets are absorbed before the principle can be put into practice.

It is a subject of regret that there are no correct tabulated statements of the workings of the law. For the purpose of obtaining accurate data as to the practical operation of the law the amendment of 1874 to the last law imposed upon the clerks, assignees, and other officers charged with its execution the duty of making annual reports upon the subject to the Attorney-General. This duty was very negligently and imperfectly performed. From the few and scattering returns that have been made a general idea can, however, be obtained of the system. Only one abstract of these reports has been given to the public, and that is for the year ending June 30, 1876. During the Forty-fifth Congress I was kindly furnished by the Department of Justice an abstract for the year ending June 30, 1877. These reports, although confessedly imperfect, presented some very striking results. Thus, taking at random a thousand cases, I found the total amount of dividends to creditors to be $375,700, while the fees and costs were $261,334. In other words, over two-thirds of the assets were absorbed by the officers. When it is further considered that these costs did not include the attorneys' fees of either the assignees or creditors, and that these reports refer, to quote the language of the Attorney-General, "only to those comparatively few cases in which dividends were actually declared," the utter failure of the law to accomplish its objects is more clearly realized. Probably it would not be going too far, in view of the facts disclosed by these reports, to say that the average amount obtained in the majority of bankruptcy cases under the last law did not exceed 5 per cent. The law, instead of being entitled "A uniform law of bankruptcy," should have been "A law which uniformly distributes the bankrupt's assets among the officers having charge thereof."

The efforts to cure these defects were and always will be unsuccessful. They were inherent in the very nature of the law.

ENCOURAGEMENT TO VISIONARY SPECULATIONS.

Another evil, inseparable from all bankrupt laws, is their tendency to encourage wild and reckless speculations. Partly because of our form of government, which guarantees to every citizen such perfect equality of right and protection of property, but mainly because of our great natural advantages of soil, climate, and geographical position, the acquisition of wealth has always been one of the most notable and absorbing traits of the American character. This "fiery, rabid, quenchless lust of gold" has excited a spirit of rash speculation that from time to time has raged like an infection throughout the land. The beet-root frenzy, when the cry everywhere was, "make sugar and get rich;" the vine excitement, during which the culture of corn and cotton among our Southern planters was abandoned in favor of the grape; the silkworm, "morus multicaulis," or mulberry mania of the past, and the gold and stock gambling of the present day, illustrate this proneness of our people to leave the healthful processes of sober industry and painstaking business to encourage visionary schemes and to embark in hazardous speculations. Individual illustrations of the same fact abound in every community.

If this insane and insatiable passion for sudden wealth rushes men into rash and senseless schemes when they know or fear that failure will be followed by hopeless poverty, what may we expect when this fear of irremediable ruin is removed? What restraint, what limit can be fixed to daring and desperate speculation in a country where success is crowned by abundant riches and failure is rewarded by prompt relief through a bankrupt law? How many wild projects, public and private, have we seen spring into being under the stimulus of this law, only to burst like bubbles in the air? How many speculations in stocks and lands which amounted only to a transfer of title and added not an iota to the solid wealth of the country? Every wise and honest enterprise, all solid prosperity in the commercial world rests upon knowledge, prudence, and foresight. Even with these the vicissitudes of trade are so great that often no calculation can anticipate or skill avoid them. To be unfortunate, however, under such circumstances is no more disgraceful to the upright trader than to fall on the field of battle is dishonorable to the brave soldier.

But how many thousands do we see in these days who, without experience, with no capital except what they have borrowed, plunge into the most various and extensive mercantile operations, or embark in hazardous ventures where the chances are a hundred to one against them, and end by surrendering to their creditors a list of bad debts and an inventory of worthless goods, tossing them a few crumbs from the rich repast they have been enjoying. How many instances of fiduciary forgetfulness are daily brought to light where, under this rash confidence in the future, men of the highest character have been tempted to lay their hands on sacred trust-funds, seducing themselves with the false and fatal hope that they could so employ them as to enrich themselves and restore the plundered treasure undiscovered. No country whose political condition and natural advantages present so many causes tending to these baneful results should increase and intensify them by superadding the tremendous influence and terrible temptations of a bankrupt law. If we wish solid prosperity we should learn to live less by our wits and more by the labor of our hands. The sense of responsibility should be increased, not diminished; the obligation of debt should be regarded as sacred; the reckless pursuit of instant gain should be promptly abandoned for the quiet and peaceful paths of honest industry and strict economy. To these results both the theory and practice of all bankrupt proceedings are opposed.

EXTRAVAGANCE IN LIVING.

As a natural outgrowth, the inevitable result of this delirium of temporary or hoped-for riches, we see in our midst a spirit of prodigal expenditure and unnecessary extravagance whose effects upon society are as familiar as they are deplorable. The simple manners, the plain dress, the frugal life which should characterize a republican community have been supplanted by splendid apparel, luxurious feasts, retinues of servants, and other ostentatious social paraphernalia that would excite the envy and exceed the means of an eastern nabob. The old-fashioned injunction, "Live within your means," is ignored or laughed at as an exploded absurdity. Every hour we see some man whose income is a bare competency aping the manners and exceeding the display of a millionaire. Blooded horses, with gold-plated harness, whirl his magnificent equipage along the highway; liveried lackeys await his arrival; a palatial residence opens to receive him; costly fabrics from foreign looms carpet his saloons and conceal his footfall; rare paintings and exquisite statues of fabulous price appeal to his love of the beautiful; elegant mirrors reveal his well-fed proportions. Thus reveling, although at the sacrifice of self-respect, in the gaudy trappings of a fickle and fictitious prosperity, he plunges on until, with exhausted credit and besmirched character, he finds himself in the appalling presence of payday; his glittering prospects of future gain fade away, and the voice of the auctioneer is heard in the halls which so recently resounded with revelry and mirth. Paying his deluded creditors, under this proposed law, with paper "notices," this bankrupt bird of prey, with his gaudy feathers hardly ruffled, will shake off the grasp of threatened poverty and plume his broken wing for a new and more daring flight of wild speculation, of wanton waste, and of reckless expenditure.

THE PRINCIPLE OF THE LAW NOT SOUND IN MORALS.

That the bankrupt law, especially in its voluntary feature, is immoral in principle can hardly be denied. In considering this whole question we too often forget that the creditor and the debtor are not the only parties who are affected. Society has an interest which is paramount to both. No legislation is more dangerous and pernicious to the best interest of society than that which tends to destroy or weaken its sense of justice, of honor, or of honesty. All bankrupt laws are open to this great objection. The legal technicality by which under such laws a release of indebtedness is covered is hardly defensible at the bar of conscience.

Lord Mansfield once declared from the bench that—

All the debts of a bankrupt are due in conscience, notwithstanding he has obtained his certificate, and there is no honest man who does not discharge them if he afterward has it in his power to do so. Though all legal remedy may be gone, the debts are clearly not extinguished in conscience!

While this may be an extreme, unjust, and untenable view of the subject, yet it can not be denied that all such laws impair the sense of moral obligation and undermine the fabric of commercial honor and integrity, and this alone should be a conclusive objection against them.

DIRECT FRAUDS.

The evils heretofore suggested are mostly those which naturally connect themselves with even a fair and honest administration of the law. But, as is well known, one of the chief complaints against the bankrupt law is that it is an incitement and perpetual allurement to fraud. It is an open doorway through which every fraudulent debtor is permitted to escape. While presenting to the honest one narrow path it opens for the fraudulent and dishonest debtor a thousand broad highways of escape. The baleful and pernicious frauds which have been committed under cover of this statute are matters of public notoriety. The penalties imposed, although apparently severe, have as yet utterly failed to deter wicked men from taking advantage of the law. How few instances can be recalled during the eleven years of the last bankrupt act where prosecution followed alleged violation of the law! How fewer still can be named of imprisonment for such violation! Probably in the whole United States there were not two dozen convictions for criminal violation of the law. And to complete the farcical effort to prevent fraud the Supreme Court, as we know, decided that even the provisions for that purpose were unconstitutional.

The composition clause which was inserted in the amendment of 1874 multiplied the opportunities for fraud. Thousands of men under the threat of bankruptcy secured the consent of their creditors to a composition of 20 or 30 per cent. when their assets, upon careful examination and scrutiny, would have justified 70 or 80. Thus we saw men, without leaving their places of business, pay off their debts, through a composition with creditors, at one-third or one-fourth of the amount due, and uninterruptedly pursue the same business and the same mode of life as before. Not only this, but so far-reaching were the provisions of a composition that debts of the most sacred and confidential character were swept out of existence—debts which could not be reached under any insolvent law or any previous bankrupt law. Furthermore, it was not necessary in this composition that it should be an honest one. The only point submitted to the court for its decision was whether the creditors had consented to this arrangement; and as the past experience of creditors had demonstrated the utter impossibility of securing an effective administration of the law, they readily consented to any proposition or any terms that were dictated to them by their debtors. That pernicious provision is retained in the present bill.

STATE LAWS PREFERABLE.

But, say its advocates, if you have no bankrupt law you relegate the business men of the country to thirty-eight different State systems for the collection of their debts. Granting this, we might answer that the present bill practically, substantially, does the same. We might answer further that business men themselves are the most competent judges upon this subject. No mere theorizing can offset their practical knowledge of its workings. It might be further questioned whether, in view of the constantly recurring period of business prostration, the general welfare of merchants, as well as of the whole country, would not be promoted by giving a check to this general practice of buying and selling upon credit. Would it not be a salutary influence to confront the credit system, which has been the curse of our people, with these thirty-eight alleged diverse debt-collecting systems? For one, I shall hail with delight any legislation that promises to correct this enormous and growing evil.

Nor is it clear that this was not the intention of the framers of the Constitution. If it had been otherwise, would they not have vested in Congress the exclusive control of this subject? The failure to do this would argue that under all ordinary and usual circumstances it was designed for the States themselves to pass bankrupt laws, while the exercise of the power by the General Government was to be limited, at the discretion of Congress, to great financial crises—to some universal depression resulting from unusual causes, such as war or famine. That Congress has acted upon this subject only at long intervals and after such extraordinary crises, together with the contemporaneous history of its passage, confirms this view of the law.

Nor does this view depend only upon precedent and authority for support. Constituted as our Government is of separate and distinct sovereignties, which within certain limits exercise exclusive jurisdiction over the persons and interests within their boundaries, it stands to reason that the laws enacted by their respective Legislatures will best guard the rights and most readily adapt themselves to the wants of the people. In our State Legislatures every neighborhood is represented by men whose immediate personal knowledge of its business and financial necessities will enable them to enact an insolvent law that will reconcile the conflicting interests of debtors, creditors, and of society by doing justice to them all.

One State may be wholly devoted to agriculture, another is interested in mining or manufactures, while another, with equal exclusiveness, may be engaged in commercial pursuits. The law which looks to the necessities and executes the will of the one antagonizes the interests and destroys the prosperity of the other. Local causes may also produce a stagnation in one State while its neighbor may be enjoying unbounded prosperity. Shall Massachusetts, with her millions of hoarded wealth, wrung from the hard earnings of Western and Southern industry through an unjust system of legalized robbery under the name of a protective tariff, dictate terms to the suffering and poverty-stricken citizens of those sections? Shall New York, drawing to her support the financial nutriment of the whole country, through her representatives in Congress impose a yoke of legislation upon her suffering debtors in Ohio and Illinois which they are unable to bear? Shall Wall street fatten upon her own victims? Is there justice, is there reason, in any law which ignores the varying conditions of life and property in the different States? Shall we have any such Procrustean process of legislation, or shall we not have a system under which those questions which concern the every-day life and business of our people shall be determined by a self-adjusting and self-protecting home rule?

Will it be said that the commercial relations between the different States are now so intimate that a general law is demanded? Is any law necessary except as a protection to credit? Are the advantages and necessity of credit paramount to all other considerations? And even if they were, upon what principle do you withdraw from a State the privilege of saying whether it shall be a debtor or a creditor State? Why should not the people of Texas be permitted to determine for themselves the question whether they shall trade upon a credit system with New York or Connecticut? If it be to their benefit to receive credit from those States, will not self-protection and self-interest demand the prompt passage of laws that will guard the interest of those whose credit they ask? And is there any justice in saying to the New York merchant, "If you trade with the Texas merchant you do so subject to whatever laws for the collection of debts that may now be upon the statute-book of that State; you do so with a knowledge of the fact that the law is an element of the contract, of the trade which you make with him?" If the element be uncertain is it not well known that the price of the goods will be proportionately increased? What is the whole credit system but a calculation of risks and profits? Wherein, then, can the New York merchant complain if in one or two or a long series of mercantile transactions the debtor from whom he has exacted his thousands of profit avails himself in an emergency of his State insolvent law and causes him to lose a few hundreds? No community upon such facts should be denied its right of self-government.

Both upon principle and experience, therefore, it seems clear that a general bankrupt or insolvent law in this country is unjust, unequal, unsuccessful, and unnecessary.

THE EXISTENCE OF THE CONSTITUTIONAL POWER NO ARGUMENT FOR ITS EXERCISE.

But it is contended that the existence of the right to pass a bankrupt law is an argument for the necessity of its exercise. If this be true as to one constitutional grant of power it must be true of all. The absurdity of such a conclusion is self-evident. Congress has the power to declare war, but this does not necessitate constant belligerency. It has the power to regulate commerce, but it only occasionally exerts that power. These powers, like that of the power to pass uniform systems of bankruptcy, are exercisable at the legislative will. It may be inexpedient to make use of them, and this is a question to be determined by all the facts then in existence; nor can it be argued that the exercise of the power should be continuous in this instance any more than in the others which have been named. The failure to exercise it for so long a period indicates that this was the view of the framers of the Constitution.

THE TESTIMONY OF THE ENGLISH STATUTES.

The example of England, which is so often referred to by the advocates of a general bankrupt law, does not sustain their views. There, as here, the law has been a practical failure. This opinion, held, as we have seen, by some of the most distinguished jurists and writers of England, is incorporated and expressed in the statutes themselves. Indeed, no more effective indictment of the bankrupt law could be presented than that embodied in the preambles of the successive English statutes upon the subject. The first statute was passed in 1542, during the thirty-fourth year of Henry VIII, and was entitled "An act against such persons as do make bankrupt." Its preamble states that—

Whereas divers and sundry persons, craftily obtaining into their hands great substance of other men's goods, do suddenly flee to parts unknown, or keep their houses, not minding to pay or restore to any their creditors, their duties, but at their own wills and pleasures consume debts and the substance obtained by credit of other men, for their own pleasure and delicate living, against all reason, equity, and good conscience: Therefore, &c.

A second statute, 13 Eliz., cap. 7, upon the subject became necessary in the year 1570, "forasmuch as," to cite its language, "notwithstanding the statute made against bankruptcy in the thirty-fourth year of the reign of our late sovereign lord King Henry the Eighth, those kinds of persons have and do still increase into great and excessive numbers, and are like more to do, if some better provision be not made for the repression of them." In the year 1604 another statute, 1 Jac., 1 cap. 15, was enacted, "An act for the better relief of the creditors against such as shall become bankrupts," which declares:

For that frauds and deceits, as new diseases, daily increase among such as live by buying and selling, to the hinderance of traffic and mutual commerce, and to the general hurt of the realm, by such as wickedly and willfully become bankrupts; and for that the description of a bankrupt in former statutes is not so fully expressed, nor the power given thereby to the commissioners for bankrupts so large as is meet in such cases of deceit to prevent the deceitful actions of bankrupts: Therefore, &c.

The next act, 21 Jac., cap. 19, passed in the year 1623, recites that—

Forasmuch as daily experience sheweth that the number and multitude of bankrupts do increase more and more, and also the frauds and deceits invented and practiced for the avoiding and eluding the penalties of the good laws in that behalf already made, and the remedy by them provided; and for that divers defects are daily found in the former statutes made against bankrupts, but in the description of a bankrupt, as also in the power given to the commission for the discovery and distributing the bankrupt's estate, to the great encouragement of evil-minded persons, the hinderance of traffic and commerce, the great decay, overthrow, and undoing of many clothiers, by whom many thousands of the natural-born subjects of this realm be from time to time in all parts of this kingdom set on work; all which do tend to general hurt of this realm.

Another statute, 4 and 5 Anne, cap. 17, 1705, declares that—

Whereas many persons have and do daily become bankrupts, not so much by reason of loss and unavoidable misfortune as to the intent to defraud and hinder their creditors of their just debts and duties to them due and owing: Therefore, &c.

The statute, 5 Anne, cap. 22, 1706, recites:

Whereas an act, made in the first session of this present Parliament, held in the fourth and fifth year of her majesty's reign, entitled "An act for preventing frauds frequently committed by bankrupts," hath not answered the good intent thereof, but, on the contrary, many notorious frauds and abuses have been committed, notwithstanding the provisions and penalties in the said act.

Another statute, passed in the year 1718, 5 George II, cap. 24, is as follows:

Whereas many persons have and do daily become bankrupts, not so much by reason of losses and unavoidable misfortunes as to the intent to oblige their creditors to accept such their unjust proffers and composition, and to defraud and hinder creditors of their just debts.

The statute, 5 George II, cap. 30, "An act to prevent the committing of frauds by bankrupts," recites:

Whereas many evil-minded persons have, since the expiration of the said statute, bought and taken upon trust and credit great quantities of goods, wares, and merchandise, and have thereby, and by their extravagant manner of living and otherwise, contracted great debts; and, having gotten such goods and effects into their custody, have sold or pawned the same for less than the value thereof, and thereby raised ready money and have withdrawn themselves from their usual places of abode with their effects into secret places, in order to oblige their creditors to accept of such composition for their respective debts as such evil-minded persons think fit to offer, &c.

These statutory declarations as to the workings of the law continue to the present day. In quaint but vivid words they picture with prophetic accuracy the precise evils of which we complain under the present law. When we bear in mind that these statutes embrace in their operation only traders and merchants, and that voluntary petitions were unknown to them, the severity of their language becomes more striking and surprising.

What would have been the result, how many more and stronger must be the grounds of objection to a system like the one here proposed, which invites all classes to partake of its so-called "benefits," and makes that a regular business which before was denounced as an odious crime?

ENGLAND VS. AMERICA.

These numerous statutes, changing as often as the chameleon changes his hues, clearly show that the admirers of bankruptcy are mistaken when they point to England as an example of its successful operation. From the first statute in 1542 to the last in 1883 this law has been in bad repute. There, as here, every amendment has been a disappointment, every expedient to prevent the practice of frauds has proved a failure. Even had the result been otherwise it would not have furnished sufficient argument for a bankrupt law in this country.

The conditions under which the law operates in England differ essentially from those of America. Instead of a limited area, whose remotest bounds can be promptly reached by the arm of the law, we have a broad domain of over 3,000,000 square miles, composed of thirty-eight States and eight Territories, many of which individually are greater than the whole of England. Within this vast territory we find the people, not, as in England, following one or two occupations, but engaged as diversely as their States and climates are different. Our farmers, for example, whose sturdy virtues and conservative feelings are the pride, the hope, and safeguard of society, are now, and always have been, vigorously opposed to this law as destructive to their interests and contrary to their sense of justice. The judgment of a class so numerous, so worthy, and so influential should be respected by the lawmakers of the land.

Another point in favor of the English bankrupt law as against ours is that it is more faithfully executed. The fear of punishment for fraud is more widespread and well founded than with us. This is due to the nature and history of the law. Bankruptcy in England was originally a crime and punishable by the severest penalties. By the seventh section of the statute, 1 Jac., passed in 1604, the bankrupt committing perjury where the amount involved was £10 was required upon conviction to "stand upon the pillory," so reads the law, "in some public place by the space of two hours, and have one of his ears nailed to the pillory and cut off." These punishments having proved insufficient to deter criminals, the death penalty was enacted. The statute, 5 Ann, in the year 1706, declares "bankrupts or any others with their privity removing, concealing, &c., any goods, wares, &c., to the value of £20, shall suffer as felons, and their estate be divided among their creditors." The penalties imposed by the subsequent statute, 5 George, are even more rigorous.

It enacts that the bankrupt shall be adjudged to be guilty of felony, "first, in case of willful omission in not surrendering and submitting to be examined; secondly, in case he or she shall remove, conceal, or embezzle any part of his or her real or personal estate to the value of £20, or any writing relating thereto, with an intent to defraud his or her creditors, being thereof lawfully convicted by indictment or information." Nor did these provisions remain a dead letter upon the statute-book. Under them, in the year 1712, Richard Town, a tallow chandler, was executed for concealing his effects. In the same year Alexander Thompson, an embroiderer, was executed for not surrendering, and in 1761, John Perrott, a lace man, suffered the same fate. While these severe penalties have been largely eliminated from the English law, the moral influence of their memory still remains to prevent the results which they were intended to prohibit, and the enforcement of their present law is correspondingly strict and faithful. The few inadequate provisions of our bankrupt laws, even before the Supreme Court declared them unconstitutional, present a marked and favorable contrast.

The existence of a high court of final resort in all cases, the difference in political and social institutions, and the greater odium which attaches to the act of bankruptcy, might also be mentioned as showing that any conclusions drawn from the operations of the English bankrupt law are inapplicable to our country.

VOLUNTARY VERSUS INVOLUNTARY BANKRUPTCY.

This bill includes voluntary and involuntary bankruptcy. Why should voluntary bankruptcy be allowed? Is it not a well-established fact that at the time our Constitution was framed voluntary proceedings in bankruptcy were unknown to the law of England or of any other country in the world? Bankruptcy at that time was confined exclusively to traders or merchants; it was an adversary or compulsory proceeding which forced an absconding or defaulting debtor of these classes to surrender his goods and property for distribution among his creditors. The whole theory of bankruptcy in England was based upon the idea of fraud or crime on the part of the debtor, and the laws controlling it were, as we have seen, of a highly penal or criminal nature.

Our first bankrupt law followed this theory, and under its adversary or involuntary provisions the release of the debtor, as under the English law, was a mere incident, and not, as under the other two and this, the principal object of the proceedings. Voluntary bankruptcy was a thing unknown prior to our bankrupt act of 1841. Its introduction called forth the most vigorous protest both in Congress and in the courts, and despite the judicial decisions in its favor its constitutionality is still the subject of the gravest doubt. From a report made by the Attorney-General in response to a resolution of inquiry in 1874, and from subsequent reports, the vast increase of bankruptcy under the new law may be seen. From March 2, 1867, to 31st December, 1867, out of 7,345 petitions filed there were only 230 petitions in involuntary bankruptcy; from 1st of January, 1868, to 31st of December, 1868, out of 29,559 petitions there were 443 for involuntary bankruptcy; from 1st of January, 1869, to 31st December, 1869, out of 5,921 there were 527 cases of involuntary bankruptcy; out of 4,301 petitions in 1870 there were but 884 petitions for involuntary bankruptcy filed, and in 1871 out of 5,428 petitions filed there were 1,299 petitions for involuntary bankruptcy. The whole number of petitions filed during the period named was 58,618, but only one twenty-fifth of them were involuntary petitions.

This voluntary feature is of doubtful legality and has been everywhere denounced as the prolific source of fraud and commercial dishonor.

SUMMARY OF OBJECTIONS.

Of doubtful constitutionality in its voluntary principle; of undoubted unconstitutionality in its practice; wanting in uniformity both in its property exemptions and judicial construction; unequal otherwise in its operations and iniquitous in its consequences; directly subversive of one of the plainest and most obvious doctrines of common honesty; a constant allurement to fraud and incitement to reckless speculations; failing, as it unquestionably will, to prevent those "preferences" which are complained of under the State laws; a constant obstruction to regular, legitimate trade by its frequent forced sales and impairment of confidence; executing itself through an elaborate and costly machinery whose running expenses are coextensive in a large proportion of cases with the available assets of the bankrupt; requiring for its administration a large increase of officers dependent for appointment upon the Executive Department, thus magnifying and centralizing its power—a bankrupt law, from whatever standpoint it be considered, whether political, moral, or commercial, upon principle, precedent, and practice is adverse to the best interests of the community and should not be continued an hour longer as the law of the land.

There are many reasons why the power of Congress upon this subject should not be exercised at all; there are still more for saying that it should be of short duration and at long intervals. Such have been my convictions in the past. I have reproduced and enlarged them here. Time and further observation have only strengthened and confirmed their force.

CONCLUSION.

If there ever was a time when this Congress should refuse to inaugurate this system it is now. Look at Wall street and what do you behold to-day? You behold it in the maelstrom of speculative excitement. You find there honored names covered for the time being with disgrace because of the speculations with which they have been connected. Shall we, by the passage of a bankrupt law, encourage those speculations? Shall we say to those men, "You may tamper with fiduciary trusts, you may use trust-funds, you may go into gigantic speculations, and, if you fail, here is a bankrupt law which will restore you to the confidence of the people, enable you to resume business, and give you the opportunity of renewing your operations to the injury of public morals and the ruin and impoverishment of thousands of widows and orphans in the land?" For one, as I see no great present emergency, I shall vote against this bankruptcy legislation. It is a plant of foreign growth which is uncongenial to our soil. Upas-like, it has always exhaled disease and death throughout the moral and commercial atmosphere of our country. No amendment, no lopping of the branches, will end its poisonous influences. The ax should be laid at its root.

[Here the hammer fell.]

APPENDIX.

THE EVILS OF BANKRUPT LAWS.

Memorial to Congress by the Louisville Board of Trade against the passage of a national bankrupt act.

Proceedings of the Louisville Board of Trade in regard to the proposed national bankrupt law.

At a meeting of the Louisville Board of Trade held November 27, 1883, various communications favoring the enactment of a national bankrupt law were presented and read, and after full discussion it was resolved that the president of the board appoint a committee to prepare an address and a memorial to Congress against the enactment of a national bankrupt law.

And thereupon Mr. President Green appointed on said committee the gentlemen whose names are signed to the report and appended hereto. And at a meeting of the board of directors of the Board of Trade, held April 15, 1884, said committee presented the following report, which was approved in order to be printed and laid before Congress as a memorial against the enactment of a national bankrupt law.

JNO. E. GREEN, *President.*
J. M. WRIGHT, *Superintendent.*

From the minutes.

J. M. WRIGHT, *Superintendent.*

REPORT OF COMMITTEE.

LOUISVILLE, KY., *April* 2, 1884.

To the Louisville Board of Trade:

Your committee, appointed to prepare a memorial to Congress against the passage of a national bankrupt act, report the following:

Notwithstanding the almost unexampled prosperity of the country, Congress has for several years past been annually applied to by different persons to re-enact a national bankrupt law.

It seems strange that the American experience in bankrupt laws, aided by the similar English experience, should not by this time have taught every one the truth that bankrupt laws are useful and endurable simply as temporary relief measures in times of overwhelming commercial calamity, and that to enact a bankrupt law in times of prosperity is somewhat analogous to declaring martial law in times of peace. It seems strange also that the merchants and bankers of the country have not by this time become weary of attempting to find any good in the complicated machinery of a bankrupt system, by which when insolvents' estates are wound up well-nigh the whole product is taken to pay the toll.

We believe we may fairly say that the experience in England and this country in regard to bankrupt laws is that they are, to use the language of Lord Sherbrooke, "signal and conspicuous failures" so far as benefiting the creditor, and disastrous both to the property and trade morals of the debtor.

So true is this and so demoralizing have they been when in force, that in the first hundred years of our Government national bankrupt laws have been passed but three times, and then only in the most disastrous emergencies; and every effort to establish a permanent one has resulted in such consequences as to lead to its speedy and emphatic repeal.

The first national bankrupt law was passed April 4, 1800, and was by its terms to last five years; but after three years' experience it was repealed December 19, 1803.

"This early repeal," says the learned Judge Parsons in his noted work on contracts, "indicated the unpopularity of such an act; which was further proved by the fact that no serious effort was made by petition to Congress or otherwise to provide another bankrupt act until 1840. A still stronger objection," continues the learned judge, "was the waste and expense of all proceedings in bankruptcy. The evidence of this is strong, and has grown in strength from the first operation of the statutes, and has called forth not only an unqualified admission of the fact but the regret and severe reprehension of the best judges." (See 3 Parsons on Contracts, pages 432–434.)

The second bankrupt law was passed by Congress August 19, 1841, evidently the result of the financial crash of 1837. Although prepared by a Congress of which Mr. Webster and other great statesmen were members, it proved an absolute failure and unendurable imposition.

"The general objections to a bankrupt law," says Judge Parsons, "reappeared in full force, and on the 3d of March, 1843, this statute was repealed."

The third bankrupt law was passed by Congress March 2, 1867. It was drawn carefully, after the most critical study of all the preceding American and English acts. It was heralded as the perfect law that would not only be a temporary relief to those crippled by the great civil war but would remain as a permanent blessing to posterity.

We are all familiar with the gross immoralities and frauds, the sacrifices, the demoralization that followed in its wake. The result was that it was repealed in 1878 by an uprising of public indignation, amid general execrations, in spite of the efforts of those who from long habit had come to look upon it as a necessary evil, and in spite of efforts to perpetuate it on the part of a large army of registers, assignees, marshals, clerks, and other beneficiaries, and their political friends.

Speaking of these American bankrupt laws, the learned Chancellor Kent, in his Commentaries, says (volume 2, pages 391–393):

"The objection to a national bankrupt system consists in the difficulty of defining to the satisfaction of every part of the country the precise class of debtors who can consistently with the constitutional jurisdiction of Congress over the subject be made the objects of it, and in the great expense, delay, and litigation which have been found to attend proceedings in bankruptcy, and in the still more grievous abuses and fraud which the system leads to, notwithstanding the vigilance and integrity of those to whom the administration of the law may be committed."

And the same learned author in a note to his text says that the act of 1840 came speedily into "great discredit and condemnation."

So perfectly well aware is every one of the insupportable consequences of our last bankrupt act that it can not now find one advocate. All persons who now urge the passage of a bankrupt act are careful to state, and endeavor to show, that the act they advocate is "entirely different" from the detestable act repealed in 1878.

The English experience with bankrupt acts has been very similar.

As far back as 1810, in commenting on the English bankruptcy of that period, the great Lord Chancellor Eldon expressed his strong indignation at the frauds committed under cover of the bankrupt laws, and his lordship observed with warmth that "The abuse of the bankrupt law is a disgrace to the country, and it would be better at once to repeal all the statutes than to suffer them to be applied to such purposes. There is no mercy to the estate. Nothing is less thought of than the object of the commission. As they are frequently conducted in the country, they are little more than stock in trade for the commissioners, the assignee, and the solicitors." (6 Vesey, 1.)

We are told that the English bankrupt law of 1818 was "declared to be the worst instituted court of justice that could well be imagined;" that their new bankrupt act of 1831 was "composed, like those which had preceded it, almost equally of good and evil;" that in 1849 "the merchants and bankers and traders of London passed a unanimous resolution that the existing bankruptcy and insolvency laws are a disgrace to the commercial age and the country, and under their rule reckless trading, extravagance, deceit, dishonesty, and every species of fraud might be practiced with impunity;" that a universal dissatisfaction led to the enactment of still another new law in 1849, which was as usual "welcomed with satisfaction by the commercial and trading classes;" but "this satisfaction was speedily dissipated, for the measure proved quite ineffectual to suppress the mischief against which it had been directed."

Then came another new experiment, the bankrupt act of 1861, which, we are told, was heralded "as securing sweeping reforms" and as abolishing the "official system," by putting the estate in a great measure in the hands of a committee of creditors. But we are told that this new act "did not work well, and its results were not contemplated with satisfaction even by its author." The device of putting the assets under the control of creditors was "found to be inoperative from the fact that except in large estates creditors were not found willing to incur the loss of time incident to the business of a realization. Frauds were committed under the act for which there was no remedy, and the proceedings involved great expense." In fact, it was but another demonstrated failure.

Still another experiment followed; the elaborate bankruptcy act of 1869; which was claimed to be a certain solution of the problem, and one that would revive lost faith in bankrupt laws. We are told that "experience has not proved its wisdom. Insolvencies were not less frequent, nor less expensive, and not less fraudulent than before," and we are told that "the results of the English bankrupt act of 1869 are declared to be an enormous increase of insolvencies, and deterioration of their character, excessive expenses, a great facility for fraud." (See essay of W. A. Steele, in November number, 1881, of Journal of Institute of Bankers; and paper of Mr. Bonney, in Proceedings of American Bankers' Association for 1882.)

The great Chancellor Kent, in the second volume of his Commentaries, page 392, and note thereto, shows that the English bankrupt acts have been denounced as a disgrace to the country, and that the French law of bankruptcy "is complained of equally by bankrupts and their creditors."

In a very thoughtful article published in the Nineteenth Century Review for August, 1881, Lord Sherbrooke, one of the first minds in England, made a most careful review of English bankrupt legislation up to that time. After showing that the various acts previous to 1861 had been successively heralded as theoretically perfect, but had proved confessed and lamentable failures and utterly unable to stand the test of experience, he says:

"Parliament went to work again in 1861, and another bankrupt bill was the result. The plan of trusting the property of bankrupts to officials had turned out a complete failure, and something else was to be tried. One might have thought that such a series of miscarriages would have been accepted as proving that there was something radically wrong in the idea of bankruptcies altogether, and that if the thing was to work at all it must be with the aid of some simpler and less complicated machinery. It was felt on all hands that the state of the bankruptcy courts had been allowed to become a public scandal. The government of that day was struck, as they well might be, with the gross and scandalous spectacle which was revealed to them. They thought, and with some reason, that there was nothing in the nature of things that should render a bankrupt's estate more peculiarly an object of plunder and peculation than any other trust fund, and they proceeded under the best advice to seek a remedy for so crying a mischief. The course which the government of the day took was a very natural one and deserved better success than it achieved. They said: 'We have been disappointed by those from whom we looked for aid and honesty; the temptation has been too strong for them. Let us try those who have direct interest in obtaining the very largest dividends possible—the creditors themselves.'

"Nothing could seem fairer than such a proposition. Where were they to look for care in keeping and diligence in augmenting the estate of the bankrupt if it were not in the creditor himself, who would be paid precisely in proportion to his own diligence? This idea was elaborately worked out in a bill, drawn with infinite care and skill, containing no less than one hundred and thirty-six clauses, some highly penal. But it was a signal and conspicuous failure, and the riddle is as far from being solved as ever."

The conclusion of Lord Sherbrooke is in these very emphatic words:

"It appears, then, that the law of bankruptcy has ceased to be required as a refuge from the harshness of the general law; that it has been the fruitful mother of chicanery and embezzlement; that against these and many other objections there is nothing to offer except the feeble semblance of equity exhibited by the empty show of a symmetrical dividend, the subject of which the bankruptcy court has previously devoured. I venture to think that I have shown ample reasons why the bankruptcy court should no longer be a snare to us, and that, having perplexed and disgraced our statute-books for several centuries, it should perplex and disgrace them no more. The causes which have generated these repeated and numerous failures are still in activity, and I can not doubt that it is better to submit to inequality than to waste the fund out of which payment might have been made to somebody who is entitled to it in order to bestow it on officials who have no claim to it at all. I can not help thinking that equality becomes a curse when in order to attain it you are called upon to forfeit to strangers who have no claim at all the very thing which it is desired to equalize. It is better that debt should be paid unequally than that the property should be destroyed in the effort to ascertain an equality which yields a purely metaphysical and imaginary satisfaction to the thirsty creditor."

The result was, in England, the repeal of the act of 1869 and the passage of still another bankrupt act in 1883, containing one hundred and seventy separate sections. It is the last despairing attempt in England to establish a bankrupt law. By its terms the regulation of bankrupt estates is now made a governmental matter, and all bankrupt affairs are placed under the control of a government department and state regulations. The creditors and debtors are no longer the chief objects of consideration, but the state. By it, too, a man who has been adjudged a bankrupt is made very much like a criminal, for it provides that an undischarged bankrupt should be no longer capable of holding any municipal or local government office, and that he shall also be criminally liable if he obtains credit to the extent of $100 without disclosing the fact that he is an undischarged bankrupt. In short, the act makes him a sort of "ticket-of-leave man."

In a paper read in November last before the Bankers' Institute of England Mr. M. D. Chalmers, who was one of the draughtsmen of the act of 1883, said, in substance:

"The present act makes an entirely new departure, and places all the bankrupt affairs under the control of a government department; so that our bankruptcy machinery is now very largely a matter of state regulation. This new experiment is practically the last that can be made. We will all watch eagerly the workings of this new experiment, which must for good or evil have a great effect upon the commercial interests of the country. If the experiment succeeds in the main, amendments in detail, which the practical working of the measure would suggest, would no doubt be introduced. If it fails, like its predecessors, nearly everything in the shape of a bankrupt law will have been tried, and we will be brought face to face with the last alternative, the abolition of all bankrupt laws." (See his remarks quoted from Whitehall Review, printed in the Public Opinion of 1st December, 1883.)

In his debate upon the passage of this act, Mr. Chamberlain, the president of the English board of trade, said:

"The history of bankruptcy legislation of England is a history calculated to depress and discourage. It was composed of continual changes, vacillations, and disappointments."

Speaking of the English act of 1869 (from which the Lowell act now before Congress is substantially copied), he said:

"The present law gives facilities for evasions, extravagance, and delay. We lose by the bankrupt law twenty-five millions of pounds a year."

Lord Sherbrooke said of the proposed act of 1883:

"The attention which I have been able to give to it does not encourage me to believe in its healing virtue, and there is but little probability that this new scheme laid on the table of the House of Commons will redress the evils of a system which has for many centuries baffled the effort and mocked the industry of mankind."

The fundamental defect is inherent in the very nature of all bankrupt laws. Proceedings in bankruptcy are of necessity nearly always *ex parte;* and in all *ex parte* proceedings somebody's interests are sure to be sacrificed. In bankruptcy matters the officers of the courts are present and the creditors are absent. Hence the creditors are the victims.

"From the shield of Achilles till the present time," said Lord Sherbrooke, "the only litigation which has really worked successfully has been that which is carried on between two parties representing thoroughly hostile and conflicting interests. An impartial judge and two litigants, or advocates, whose interests or whose business it is to sustain a distinct and clearly marked controversy, has been found, by the theory and practice of mankind, to be the only way of satisfactorily determining controversies relating to property. In the time of Homer the fee was given to the judge who gave the best opinion; but experience has transferred the fee from the judge to the advocate. The essence of a lawsuit is the shock and conflict of opposing opinions and interests. Neither side speaks fairly and candidly; but it has been by experience found that out of these contradictions and exaggerations truth is most surely and easily evolved. No one could have presumed *a priori* that this would have happened; but no one will deny that it is the case, and that out of the exaggerations and sophisms of hired advocates truth is most easily evolved.

One great and fatal weakness in a court of bankruptcy is that this conflict is wanting. The question is not as to the decision of the battle but as to the quantum of the loss. The court of bankruptcy is a forum in which there are no litigants, and to which, therefore, the machinery of a court is obviously inapplicable."

The act prepared by Judge Lowell, of Massachusetts, and which is the most prominent of those now before Congress, is to all intents and purposes but a copy of the American act of 1867 and its amendments, which was in its turn substantially a copy of the English acts of 1861 and 1869. There are minor changes in detail, it is true, but the underlying principle and the general structure and operation are the same. The already too complicated fifty sections of the old act are further complicated by so many unimportant additions as to raise the sections in Judge Lowell's act to one hundred and eight. In it will be found all the old features of registers, assignees, messengers, marshals, clerks, &c., with the addition of another set of paid officials, to be called "supervisors" of bankruptcy.

Instead of lessening the ravages of the old act, which permitted those to be thrown into bankruptcy who had failed to pay their commercial paper, this proposed act bankrupts merchants who fail for thirty days to pay an open account. Instead of diminishing the expenses of the system, it provides for the additional set of officials above referred to, and leaves room for substantially the same expenses to be incurred as before, except that registers are to be on salaries and furnished with offices, clerks, traveling expenses, &c., at the expense of the estate. Instead of discountenancing the repudiation of debts by limiting the number of discharges, it leaves out the provision of the old act, that the debtor must pay at least 30 cents on the dollar, and practically leaves the door open for any one who chooses to get a discharge from his debt without paying a cent to any one, except, of course, to the officers of the court.

When it is borne in mind that this act is nothing but an amplification and complication of those discarded bankrupt acts of England and America, which have been repealed amid the denunciations alike of the most thoughtful and of the people at large, the folly would seem to be apparent of risking the harm that may come and encountering again the inevitable failure that will follow from re-enacting in another form those repudiated laws.

If there ever was any system of laws that has been tried and found wanting, and that has been condemned after full experience, it is the system of laws embodied in the American act of 1867 and the English acts of 1861 and 1869, which are now sought to be substantially re-enacted in the "Lowell bill."

But the objections to the passage of a bankrupt act at this time lie even deeper, we think, than the wasting of estates that such laws always occasion.

All our bankrupt laws are repudiation laws—laws for partial repudiation, it is true, but, nevertheless, repudiation laws.

They are laws under the cover of which one who has obtained the money or goods of another under promise to restore or pay for them, may, under cover of law, violate his promises, and deprive the other of his just dues. They are laws under which one may launch into every species of extravagance and speculation and wild experiment, and then, escaping the natural consequence of his acts, throw the loss on those who trusted him, and enjoy his future earnings free of liabilities. They destroy the obligation of contracts. They render uncertain all reliance upon the promises of another. They unsettle confidence between merchant and merchant and man and man. By tempting weak persons to obtain the property of others, or to create debts and pay for them in bankruptcy discharges, they lead to demoralization, and double the risks of legitimate merchants. They afford a means of malicious oppression of unfortunate debtors by creditors, and of the fraudulent and dishonest repudiation by debtors toward trusting creditors. They keep, at a vast expense, a large and complicated system of officials, to be supported and enriched out of the unprotected assets of debtors, which, by right, should go to the creditors; while many of those officials, under the full operation of the act, experience has shown extend their business to the hunting down of crippled merchants. By constantly throwing upon the markets, at bankrupt prices, stocks of goods under forced sales they unsettle values and disturb ruinously the legitimate flow of trade.

Bankrupt laws, looked at from the creditor's point of view, are based upon a worship of equality and symmetry at the expense of substance. Looked at from the debtor's point of view, they are based upon the false idea that a man who has no money at a particular time should be forever discharged from his debts—a theory which ignores the fact that men who have no money are the ones who create debts, and that the only expectation of their paying is the hope of their obtaining money in the future. To permit a man who has no money to borrow it, spend it, pick a time when he has nothing, get a discharge, and then, perhaps the next day, become rich and defy his creditors, is a most curious perversion of sentiment.

Those who urge a bankrupt law out of a sympathetic desire to see unfortunate merchants discharged from their debts forget that to discharge one man may have the equally disastrous effect of breaking several others who depend upon his promises; and they also forget that the settled practice of trade is that the creditors of a merchant who is honestly unfortunate rarely fail to accept a reasonable compromise in discharge of their debts, so as to put him on his feet again as a customer. And the fact that it is left to the creditors to do this voluntarily, in honest cases, is a great check upon dishonesty, which a bankrupt law would remove.

Our bankrupt laws have been aptly termed "bills for the demoralization of trade." They are the encouragers of extravagance, improvidence, and reckless speculation. They develop any latent want of integrity in traders and insolvents. They create a speculative fever among all those who are willing to gamble upon the chances of getting rich, or of taking refuge in a bankruptcy discharge. The bankruptcy law of 1867 culminated in the sensational bankruptcy of Jay Cooke & Co., in 1873, and created a panic of its own; thus keeping alive by creating the very food it fed upon.

Indeed, it would seem, upon principle and by experience, that it is radically wrong to ever place a business community in such a position they will have the certainty of a permanent bankrupt law to relieve them in the future from the consequences of wild speculation and reckless trading. In other words, no one should ever be permitted to count on the certainty of a bankrupt law to relieve him from his follies or his recklessness at the expense of others. When bankrupt laws are enacted at all, they should come as temporary and unexpected relief measures to those who are unfortunate in the ordinary course of business, and who have contracted their debts without any hope or expectation of their being discharged by bankrupt laws; otherwise, temptation and demoralization must follow.

This is illustrated by a table of the failures during a period of twenty-five years, taken from the proceedings of the American Banking Association for 1882:

Failures in the United States for twenty-five years—1857 to 1881, *inclusive.*

Year.	Failures.	Amount of liabilities.
1857	4,932	$291,750,000
1858	4,225	95,749,000
1859	3,913	64,394,000
1860	3,676	79,807,000
1861	6,993	207,210,000
1862	1,652	23,049,000
1863	495	7,899,000
1864	520	8,579,000
1865	530	17,625,000
1866	1,505	53,783,000
1867	2,780	96,666,000
1868	2,608	63,694,000
1869	2,799	75,054,000
1870	2,546	88,242,000
1871	2,915	85,252,000
1872	4,069	121,056,000
1873	5,183	228,499,000
1874	5,830	155,239,000
1875	7,740	201,000,000
1876	9,092	191,117,000
1877	8,872	190,669,936
1878	10,478	234,383,132
1879	6,658	98,149,053
1880	4,735	65,752,000
1881	4,581	81,155,932

The following remarks by Mr. Hinchman, president of the Manufacturers' Bank of Detroit, upon that table, are pertinent:

"As to proportion of failures to those engaged in business, our statistics show that in 1876 the failures were one in sixty-three persons; in 1877, one in seventy-three; in 1878, one in sixty-four; in 1879, one in one hundred and five; in 1880, one in one hundred and fifty-eight; in 1881, one in one hundred and forty. The amount of liabilities of bankrupts during the law of 1867 was $1,700,000,000 and over; total losses, say over one billion, equal to one-half of the public debt. The last bankrupt law was enacted in 1867. There was no panic then, but the failures and amount of liabilities nearly doubled those of 1866. In 1872 there was a further increase. In 1873 a panic occurred, and the number of insolvents increased to 5,183, with $228,000,000 of liabilities, or four times the number and amount previous to 1867. The number of failures increased further until 1878, the last year of the law, when they reached 10,478, with liabilities of $234,383,132. In the three years after the repeal of the law the failures averaged 5,656, and liabilities $83,000,000 only. The above is conclusive of the effects of bankrupt laws; that they are incentives of failures and panics. There can be no confidence and no stability during their continuance."

Among the prime movers and advocates of a bankrupt law are to be found the manufacturers and wholesale dealers of the East, who will not be so much affected by its baneful effects; because, standing between them and danger, are the jobbers and distributers of goods, with their entire capital.

The truth is, that our bankers and merchants do not in reality desire a bankrupt law, for they will suffer most severely from its ravages. What they really wish is a simple, uniform, and reliable system of collection laws, freed from the obstructions which diversified local regulations impose. The chief reasons urged in favor of a national bankrupt law are that, by means of it, relief can be had from the laws of certain States allowing insolvents to unjustly prefer one creditor over another, and the laws of certain States unreasonably exempting property from the payment of debts.

It would seem much wiser for those who are advocating a bankrupt law to turn their attention to the inquiry whether it is not within the power of Congress to regulate into uniformity the rules with respect to attachments, preferences, exemptions, stay laws, &c., in "interstate" commerce; and, if found to be advisable, to provide collection laws to relieve interstate commerce from any unjust local regulations.

It is the opinion of many that Congress has the power to do this under what is known as the "commerce clause" of the Constitution, which provides that "Congress shall have power to regulate commerce among the several States."

"This principle," the Supreme Court has said, "is without limitation, and is intended to insure uniform regulations as against conflicting and discriminating State regulations, and embraces all instruments by which such commerce may be conducted."

"Commerce among the several States" means, among other things, the buying of goods by a merchant of one State from a merchant of another State, the transportation of the goods from the State where purchased to the State of the purchaser, and the obtaining and transferring back the money or other value given, or promised, in exchange therefor. It, therefore, embraces necessarily both the purchase of such goods and the paying for them; or, as the Supreme Court of the United States has said, "it relates to buying, selling, and exchanging commodities, which is the essence of commerce."

And to "regulate" commerce means, among other things, to pass laws prescribing the rights and remedies as to such sales and payments between the persons engaged in such commerce. As it embraces regulating the purchase, delivery, and payment, so it embraces necessarily the prohibition of anything which obstructs such purchase, delivery, or payment. To pass laws regulating the mode in which debts or other obligations shall be enforced, when incurred in commerce between merchants in different States, and by such laws to remove obstructions to the existence of growth of commerce which unreasonable local laws impose, is therefore certainly, we think, within the power of Congress to "regulate commerce among the several States."

This result would be accomplished by an act declaring that all preferences, and all exemptions above a certain amount, shall be void as against all debts

or liabilities incurred in commerce among the several States. Declaring exemptions and preferences void as against interstate debts would force the States also to make them invalid; otherwise, the outside creditor would be able to come in on funds that the home creditor would be excluded from by the local law.

But experience has shown that imperfections in collection laws in some localities, although annoying, are as nothing in their harmful effects to the widespread injury and demoralization that a bankrupt law occasions in all sections. The local laws are passed in good faith, and are being constantly modified as the commerce of a State requires. And the claim urged in favor of the revival of the bankrupt act, that the State laws are inadequate for the collection of debts, is discredited by our past history of one hundred years of unparalleled commercial prosperity. We have flourished for a century under those local laws; and they are constantly improving for the better as the necessities of commerce require.

The introduction of a system of bankrupt laws shaped in New England, where commercial habits are quicker and otherwise different, is peculiarly injurious to the Middle, Western, and Southern States of the Union, and can not but operate in the future, as it has done in the past, to the injury of the debtors and creditors in all sections.

If a bankrupt law is urged as a "collection law," it is certainly a most clumsy and costly machinery to accomplish that object. But it is a mistake to call the bankrupt acts in this country by the name of collection laws. Their practical effect is as "relief" laws; is to prevent collection rather than to compel it. The small dividends that sometimes come to the creditors are only the incidents. The main feature is the discharge of the debtor.

And even so far as they are collection laws they have proven failures. Their inefficiency to prevent frauds has made it a trite saying that "breaking is making." The cost and wastage are unparalleled. Under the State laws some creditors at least are paid. Under the bankrupt law generally all the creditors remain unpaid alike.

We respectfully submit that there can be no adequate reason urged for the enactment of a fourth bankrupt law at this time. We are healthy and prosperous. We need no relief. Our currency and our national credit were never on a steadier basis, and all that the business community needs is to be let alone, that the steady current of commerce may not be disturbed.

We trust that no such national calamity may again arise as will necessitate the doubtful morality of even a temporary bankrupt law; but if it ever should, then we say "sufficient for that day be the evil thereof."

JAMES G. CARTER,
ARTHUR PETER,
BUCKNER M. CREEL,
WM. A. ROBINSON,
GEO. M. DAVIE,
Committee.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] has six minutes of his time remaining.

Mr. HOLMAN. It seems to me that the experience of the country during the period when the last bankrupt law was in force ought to admonish Congress against the revival of that act. It has not been long since the repeal of that law occurred, yet time travels so rapidly that we may forget the circumstances under which that repeal was finally brought about.

Bills for the repeal of that law passed this House on several occasions before the repeal was finally accomplished. But so objectionable had that law become after repeated efforts at reform and amendment, so widespread and extensive was the fraud which it encouraged and protected, that when the measure finally passed this House for the repeal of that law I think there was not one dissenting voice. I may be incorrect in that, but my memory is that so satisfied had this House become that that law could not be so reformed as to prevent fraud, to prevent the encouragement of fraud and the exhaustion of estates and the encouragement of further speculation, that when the final vote was taken for its repeal there was but one voice, and that was that the experience of the country demanded the repeal of that law.

Now, what has occurred since then to justify the re-enactment of that law? There was in 1867 an apparent motive for passing such a law. The country had just passed through a great civil war, and the South as well as the North was exhausted. The inflation of our currency had naturally produced speculation, and there was bankruptcy all over the land. There was, therefore, an apparent excuse for the law, growing out of the extraordinary shrinking of values which no human prudence could guard against.

As I say, there was some apparent necessity at that time for the passage of such a law. Is there any such necessity now? Can there be any reason why this country should change its long-established policy and enact a law of this character, a law which, according to our experience, can not be framed in such a manner as to prevent the perpetration of more fraud than by any human possibility its provisions could guard against?

I think, sir, that this experience ought to have its influence on the action of the House. If there is a determination on the part of members here that this bill shall not pass at the present session of Congress, the vote to be taken in a few minutes should decide that question. Now is the time to defeat this measure, unless it is intended it shall pass. And I feel confident that the passage of this bill through the House will not receive the approval of the great mass of our constituencies represented here.

Mr. MOULTON. Mr. Speaker, how much time is there remaining for debate in opposition to this motion?

The SPEAKER. Two minutes.

Mr. MOULTON. Mr. Speaker, I was not aware that this question was coming up to-day, and had made no preparation with the view of stating my objections to this proposition.

I am opposed to fixing a day for the consideration of this bill, because I do not believe the people, with their past experience in bankrupt legislation and practice, desire the passage of any such bill as is proposed.

The petition for a bankrupt bill only comes from a few money centers in the Eastern part of our country, as New York, Boston, and a few other places. I am decidedly opposed to the passage of any bankrupt law.

I concede, Mr. Speaker, that Congress has power to pass such a law, but my opinion, from the experience of this country as well as other countries that have tried bankrupt acts, is that the Government should not interfere as between creditors and debtors. Let the creditor and the debtor regulate their own business relations in such manner as they may agree upon. Our experience in this country in reference to bankrupt laws shows beyond all controversy that such legislation, instead of preventing fraud, tends directly to produce it. There are men who in the absence of a bankrupt law to which they may appeal to protect themselves, or obtain other advantage, would go on and be honest; but the very moment that you hold out to them an avenue of escape from their debts it makes dishonest men of them. The bankrupt law operates as a premium on dishonesty.

Such legislation also operates directly against the honest trader. The honest, fair-dealing man in the city or in the country can not compete with the man who intends, as soon as his business may become involved or in failing circumstances unable to meet his debts, to take the benefit of the bankrupt law. The dishonest man, where there is an act of this kind in operation, is looking all the time for relief by operation of the law.

The honest traders have no chance in competition with the class of traders who sell goods at 10 to 20 per cent. less than cost, put the money in their pockets, and then take the benefit of a law like that under consideration, obtain their discharge, and then repeat the same process with the same result.

Our country is unlike in circumstances to any other country on the globe. We have a vast extent of territory, thirty-eight different sovereign States, all with different laws in relation to economic questions, different rates of interest, exemption of property from forced sale, homestead exemption, statutes of limitation, diversity of habits and business of the people, so that no bankrupt law can be passed that would operate equally and fairly in all parts of the country. It might be for the advantage of the people in one locality and ruinous to the people in another. The interest on money in the Eastern manufacturing States is about half what it is in the Western States. Money is abundant in the East. In former years Eastern manufacturers sold directly to the merchant and trader out West. Of late years a large jobbing business has sprung up in the West. These jobbing-houses supply a large amount of goods to the small traders, who are known personally to the jobber, as well as their financial condition, habits for industry, honesty, &c. In these cases if the traders are unable to pay at the day, the jobber, knowing them, and believing them to be honest, extends the time or otherwise assists them, and tides them over their difficulty and saves them. Now, if these traders had bought in New York or Boston and had failed to pay at the day, bankruptcy proceedings would have been resorted to, if a bankrupt act was in force, and the trader ruined, and without any advantage to the creditor. The assets would be consumed by the bankrupt machinery.

There is another consideration in this connection. The jobber who now purchases from the Eastern manufacturer would be destroyed under the operation of this bill. It would be for the interest of the Eastern manufacturer to do it, so that they could monopolize the entire trade of the country. By means of the great abundance of money at the East and the less rate of interest the Eastern vender could purchase the outstanding paper of the Western jobber, and if he failed to pay at the day, crush him by the bankrupt machinery; and this practice was frequently resorted to under the law of 1867. It is assumed by nearly all advocates of a bankrupt law that the masses of the people are naturally dishonest.

This position is untenable, from the fact that in all the commercial transactions in the United States the average loss from business debts do not amount in the aggregate to over one-half to 1 per cent. of the volume of the business transacted, which shows plainly that 99½ per cent. of the debts created are paid, and at least 99 per cent. of them without recourse to law. This would seem to show that no bankrupt law is needed.

But it is said that this bill is an improvement over the law of 1867. The same things were said about the law of 1867 that is said about this law, that it was the result of the experience of all countries and the perfection of reason. We all know how disastrously the last law operated. It encouraged dishonesty and fraud, ruined honest men, was no benefit to the creditor, and the assets were absorbed by those who administered the proceedings. It is doubtful if the proposed bill will operate better than the old one. The bill is almost a hundred pages. It is cumbersome and full of subtleties—definitions. Distinctions and conditions of various kinds abound. The expense under this bill will be very great. In the administration of the law it provides for commissioners, supervisors, trustees, committees of direction, and other officers of the State and Federal courts.

The bill is of such length and complication that no prudent business man would venture to proceed a single step under it without legal assistance. He must employ counsel. Not a single case in my opinion under this law but would involve litigation, great expense, and

delay, with no corresponding benefit to any one. If a bankrupt law in this country should be ever necessary, it should be a plain, short, simple, inexpensive law, that a common business man could understand, framed on equitable principles; and even such a law should be enacted only after some great financial revolution or crisis, and then should be limited in its operation for a single year or less time. Bankrupt laws in every country have been failures. It is hoped that our country will never be again cursed with such enactments upon our Federal statutes.

The SPEAKER. The time allowed for debate in opposition to the motion is exhausted.

Mr. COLLINS. I yield two minutes to the gentleman from New York [Mr. ADAMS].

Mr. ADAMS, of New York. Mr. Speaker, whatever may have been the experience of the country under the three last bankrupt laws, it is very evident that not one of the gentlemen who have spoken in opposition to the consideration of this one has given the bill the least thought. I am amazed at the remarks of the gentleman from Kentucky [Mr. WILLIS], that if this bill becomes a law it will enable those who have gone down "on the street" within the last week to procure a discharge from their debts. Why, sir, he can not have read the examination of Mr. Ward now being conducted in New York, or he would not have shown such a total lack of knowledge of the facts involved in the failure of the firm of Grant & Ward. The daily papers which I have read show that Ward, prior to his failure, conveyed all his real and personal property in contemplation of the insolvency of his firm.

The present bill, if it were a law, would prevent Ward from getting a discharge, as a reference to section 82 of the bill will show to any gentleman who desires to examine it. The bill would also prohibit the preferences which are made, as I am informed, in the assignment by the firm, and secure to all the creditors an equal distribution of whatever is left of the assets. The assignee or trustee would also be in a position to reach all the assets secretly conveyed away in fraud of the bill; and section 101 would make Mr. Ward stand in fear of the penalties specified therein, particularly when he admits that the books of the firm are falsified.

The purpose of a bankrupt law should be aimed at prohibiting fraudulent bankruptcy, and I desire again, for a moment, to refer to section 101. The section provides that any person who "shall, after or within six months before his bankruptcy, and in contemplation or apprehension thereof," do any of the acts therein specified, "shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment, with or without hard labor, for a period not exceeding three years." It will be seen that the words "in contemplation or apprehension thereof" are new, and were not in the old law.

[Here the hammer fell.]

Mr. COLLINS. I yield one minute more to the gentleman from New York.

Mr. ADAMS, of New York. As I said before, the purpose of the bill should be to prohibit fraudulent bankruptcy.

Mr. MOULTON. That was the object of the old law, but it did not do any good.

Mr. HOLMAN. And it could not be amended so as to do it.

Mr. ADAMS, of New York. Should this bill become a law it will effectually check and stop the system that has grown up in our large cities of merchants purchasing goods and then immediately disposing of them at auction at prices much less than cost when the intent may be shown that the purchase was made "in contemplation or apprehension of bankruptcy." The section referred to also meets the objection to the old law, which the Supreme Court of the United States decided to be unconstitutional. I mean the section of the old law which corresponds to the one just referred to. The merchant must, if this bill becomes a law, dispose of his goods "in the due course of his trade," which means that he can not dispose of them at auction if he purchases in contemplation of bankruptcy.

Again, the provision known as the composition section is fair to both debtor and creditor. The creditor must pay fifty cents on the dollar, unless three-fourths in number and value otherwise decide. The country demands a bankrupt law; the preferences made either by assignment or otherwise in all parts of the country should be stopped; the commercial classes are pressing for just such a law, and Congress should not adjourn without granting relief.

[Here the hammer fell.]

Mr. COLLINS. Mr. Speaker, from the range which this discussion has taken one might suppose that the resolution offered by me contemplated the passage of a bankrupt act to-day. The resolution simply proposes that a day be set for the consideration of a bill on the subject already passed by the Senate. If the resolution be adopted, we shall at the time fixed proceed to determine whether or not we desire to have any bankrupt act upon our statute-book, and, if so, what kind of an act it should be. If the resolution be adopted, time will be given for discussion pro and con as to this or any other particular measure. I am not so wedded to this bill as to resist any or all modifications of it which the experience, intelligence, and wisdom of the House may suggest. But I ask the House now to so place it that it may be considered some time this session; and I ask consideration for this particular bill because it is the fruit of the combined experience, wisdom, and skill of the mercantile community and our ablest jurists, and comes stamped with the emphatic approval of the other branch of Congress. These indorsements challenge the respect of this body.

I am not deterred from entering upon a full discussion of the measure by any cry of party or by any suggestion as to the imminence of the Presidential election and the effect of this proposed legislation upon it. Let it come with all the issues that may be involved in it, including this, and I do not fear the consequences. While I belong to the same party as the gentleman from Kentucky [Mr. WILLIS], I do not believe that the passage of a bankrupt act by this Congress will militate against the interests of our party. I believe it would have a contrary effect, and that the party which answers the demand of the business men of the country for healthy legislation need not dread the polls.

The gentleman quotes the opinions of Lord Hardwicke and Lord Eldon against the bankruptcy system in England, as though the wisdom of all England centered in those jurists; but I set the judgment of all England for five hundred years against the judgment of those two learned men. They are the opinions of two judges learned in the law, but in spite of those isolated opinions England has kept a bankrupt act on her statute-book for more than five hundred years. And in my opinion the statutes of that kingdom will include such an act for five hundred years to come.

My friend quotes the remarks of somebody who he says was the author of the last English bankrupt act; and he says the last bankrupt act in England was the act of 1869. The gentleman will pardon me for correcting him. The act of 1883, based on this very Lowell bill, went into effect on the 1st of January, 1884, and neither its author, its godfather, nor friends have found any fault with it.

Mr. WILLIS. It was the act of 1883 I referred to.

Mr. COLLINS. The gentleman said the act of 1869. If he meant the act of 1883, I take his word for it.

The gentleman from Kentucky also says the opinion of this country is against a general bankruptcy act. Perhaps the atmospheric pressure he feels in his little city of Louisville, the only city of any consequence in this country I have heard of whose mercantile class seems opposed to a bankruptcy act, may affect him, and he may mistake that local sentiment for the general sentiment of the country. There is a great deal of country outside of Louisville.

Mr. WILLIS. And Chicago also.

Mr. COLLINS. The gentleman says Chicago is also opposed to it. Those who have the right to speak for Chicago have spoken, her Representatives have spoken and her merchants have spoken in favor of this identical bill. Here are the votes of her Representatives and here the memorial of her merchants.

But my friend from Indiana [Mr. HOLMAN] and my colleague on the committee from Illinois [Mr. MOULTON] say that this will give encouragement to speculation and to dishonest dealings and stimulate failures. Why, Mr. Speaker, since the act of 1867 was repealed in 1878 we have been going on from bad to worse, not only in wild speculation, but in honest and dishonest failures. In 1880 the failures in this country amounted in the aggregate to $65,000,000, and in 1883 to $173,000,000, in the absence of a national bankruptcy system.

Mr. MOULTON rose.

Mr. COLLINS. Pardon me, I can not submit to be interrupted in the few minutes time left me.

The most stupendous speculations and the most gigantic and disgraceful failures in this country's history were not under a bankrupt law, but under existing conditions, and the worst of all took place a few days ago. And under our present system no honest debtor of the lot can be freed from his obligations outside his State unless by the charity of his creditors, and no rascal can be punished for his swindling.

Talk about the average fair man, in reference to whom my friend from Illinois [Mr. MOULTON] on the committee feels so concerned! My average fair man is one who wants to pay his bills, and if he can not, yields up all he has to those he owes, takes his discharge and a fresh start in life. Why, sir, that average fair man is the man protected by this bill, and by it the dishonest man has not only his property taken away from him and distributed among his honest creditors, but he is refused discharge and punished for his crimes. And there is no preference for his dear relatives or his confederates.

Let us take the wisdom of Great Britain—a nation under one system of law—for the still stronger reason that we are a great commercial people, one of the greatest in the world, yet with many conflicting systems, and it is the disgrace of our age and time that a merchant who trades from New York to San Francisco and from the Saint Lawrence to the Gulf is obliged to collect his debts under more than forty different systems, into the largest number of which the chance for dishonest plucking of the creditor is sanctioned by the local law, customs, and business habits of the people.

Sir, the Constitution framed by the fathers provided for a uniform system of bankruptcy—a national collection law—under which debtors and creditors should be treated with justice and equity. Under a national bankrupt act the honest but unfortunate debtor who goes down and yields up all he has can rise again, is not stopped or arrested as he crosses the border of his State, but is relieved of his burden, and his energies are permitted to flow into new and unobstructed channels. He has no old

taskmaster standing ready to leap upon the first visible fruits of his toil or enterprise. He takes a fresh start in the world. On the other hand, creditors everywhere will know that whatever assets the debtor, honest or dishonest, has will be available for ratable distribution among them, and that the debtor who sets out deliberately to cheat will receive just punishment.

This bill, then, is in the interest of commercial honesty, better credit, lower rates of interest, cheaper and more certain collection of debts, and a higher standard of business morality. It abolishes the fee system, which made the abuses of the old act; it successfully avoids all the defects of previous acts; it comes recommended to us by the bar and bench and mercantile classes of our country, and I trust we will decide to give it favorable consideration. [Great applause.]

[Here the hammer fell].

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 93, not voting 93; as follows:

YEAS—137.

Adams, G. E.	Evans, I. N.	Lewis,	Rockwell,
Adams, J. J.	Everhart,	Long,	Rogers, W. F.
Arnot,	Ferrell,	Lovering,	Rosecrans,
Atkinson,	Finerty,	Lyman,	Seymour,
Bagley,	Follett,	McCoid,	Slocum,
Barksdale,	Geddes,	McComas,	Smalls,
Barr,	George,	McCormick,	Spooner,
Beach,	Graves,	Millard,	Stephenson,
Belmont,	Greenleaf,	Miller, S. H.	Stevens,
Bingham,	Guenther,	Mitchell,	Stone,
Blanchard,	Hanback,	Money,	Strait,
Boutelle,	Hardy,	Murray,	Struble,
Boyle,	Harmer,	Mutchler,	Sumner, C. A.
Brainerd,	Hart,	Nelson,	Talbott,
Breckinridge,	Henderson, T. J.	Nutting,	Taylor, E. B.
Brewer, J. H.	Hepburn,	Ochiltree,	Taylor, J. D.
Broadhead,	Herbert,	O'Ferrall,	Thomas,
Brown, W. W.	Hiscock,	O'Hara,	Valentine,
Budd,	Hitt,	O'Neill, Charles	Van Alstyne,
Calkins,	Hoblitzell,	O'Neill, J. J.	Vance,
Collins,	Holmes,	Parker,	Wait,
Connolly,	Horr,	Payne,	Wakefield,
Cox, S. S.	Howey,	Pierce,	Warner, A. J.
Cox, W. R.	Hunt,	Peelle, S. J.	Washburn,
Culberson, D. B.	James,	Perkins,	Weaver,
Dargan,	Johnson,	Peters,	White, J. D.
Davis, G. R.	Jones, B. W.	Pettibone,	White, Milo
Davis, R. T.	Jones, J. K.	Poland,	Whiting,
Deuster,	Jones, J. T.	Post,	Wilkins,
Dingley,	Jordan,	Potter,	Wilson, James
Dorsheimer,	Kasson,	Ranney,	Wilson, W. L.
Dunn,	Kean,	Reed,	York.
Eaton,	King,	Rice,	
Elliott,	Kleiner,	Robinson, J. S.	
Ellis,	Laird,	Robinson, W. E.	

NAYS—93.

Alexander,	Eldredge,	Miller, J. F.	Springer,
Anderson,	Ellwood,	Mills,	Steele,
Ballentine,	Ermentrout,	Morgan,	Sumner, D. H.
Barbour,	Foran,	Morrill,	Taylor, J. M.
Bayne,	Funston,	Morrison,	Throckmorton,
Bland,	Fyan,	Moulton,	Tillman,
Blount,	Garrison,	Murphy,	Townshend,
Browne, T. M.	Glascock,	Neece,	Tully,
Buchanan,	Halsell,	Nicholls,	Turner, H. G.
Burnes,	Hammond,	Patton,	Turner, Oscar
Cabell,	Hancock,	Payson,	Ward,
Campbell, J. M.	Hatch, H. H.	Peel, S. W.	Warner, Richard
Candler,	Hatch, W. H.	Pryor,	Wellborn,
Cannon,	Hemphill,	Pusey,	Weller,
Carleton,	Henley,	Randall,	Williams,
Cassidy,	Hewitt, G. W.	Rankin,	Willis,
Clay,	Holman,	Riggs,	Winans, E. B.
Clements,	Jones, J. H.	Robertson,	Wolford,
Cobb,	Lacey,	Rogers, J. H.	Wood,
Converse,	Lamb,	Scales,	Worthington,
Cosgrove,	Lanham,	Shaw,	Yaple.
Crisp,	Le Fevre,	Singleton,	
Dibrell,	Lowry,	Skinner, T. G.	
Duncan,	McMillin,	Smith,	

NOT VOTING—93.

Aiken,	Dockery,	Kelley,	Russell,
Belford,	Dowd,	Kellogg,	Ryan,
Bennett,	Dunham,	Ketcham,	Seney,
Bisbee,	Evins, J. H.	Lawrence,	Shelley,
Blackburn,	Fiedler,	Libbey,	Skinner, C. R.
Bowen,	Findlay,	Lore,	Snyder,
Breitung,	Forney,	McAdoo,	Spriggs,
Brewer, F. B.	Gibson,	McKinley,	Stewart, Charles
Brumm,	Goff,	Matson,	Stewart, J. W.
Buckner,	Green,	Maybury,	Stockslager,
Burleigh,	Hardeman,	Milliken,	Storm,
Caldwell,	Haynes,	Morey,	Thompson,
Campbell, Felix	Henderson, D. B.	Morse,	Tucker,
Chace,	Hewitt, A. S.	Muldrow,	Van Eaton,
Clardy,	Hill,	Muller,	Wadsworth,
Cook,	Holton,	Oates,	Wemple,
Covington,	Hooper,	Paige,	Winans, John
Culbertson, W. W.	Hopkins,	Phelps,	Wise, G. D.
Cullen,	Houk,	Price,	Wise, J. S.
Curtin,	Houseman	Ray, G. W.	Woodward,
Cutcheon,	Hurd,	Ray, Ossian	Young.
Davidson,	Hutchins.	Reagan,	
Davis, L. H.	Jeffords,	Reese,	
Dibble,	Keifer,	Rowell,	

So (two-thirds not voting in favor thereof) the motion was not agreed to.

Mr. HOBLITZELL. I ask unanimous consent to dispense with the reading of the names.

Mr. MORRISON and Mr. WELLER objected.

Mr. GUENTHER. I am paired with the gentleman from Mississippi, Mr. MULDROW, on political questions; but not regarding this as a political question, I have voted.

Mr. DINGLEY. I am paired with the gentleman from South Carolina, Mr. DIBBLE; but as I understand that he would vote in favor of the consideration of this proposition, I have myself voted.

The following additional pairs were announced:

Mr. HOPKINS with Mr. SKINNER, of New York, on this vote.

Mr. VAN EATON with Mr. HARDEMAN. Mr. VAN EATON would vote "ay;" Mr. HARDEMAN, "no."

Mr. AIKEN with Mr. RYAN.

The result of the vote was then announced as above recorded.

DANIEL LINCOLN.

Mr. O'NEILL, of Missouri, by unanimous consent, introduced a bill (H. R. 7072) granting a pension to Daniel Lincoln; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House do now adjourn.

Mr. TOWNSHEND. I desire to offer a bill for reference, as I was not in my seat when my State was called.

Mr. BLAND! Regular order. I renew the motion that the House do now adjourn.

The SPEAKER. Pending that motion the Chair desires to submit certain messages from the President of the United States.

There was no objection.

WHARF AND ROADWAY, WAKEFIELD, VA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I transmit herewith, for such action as is deemed proper, a communication from the Secretary of State, recommending an additional appropriation of $6,000 for the construction of a wharf and roadway as a means of approach to the monument to be erected at Wakefield, Westmoreland County, Virginia, to mark the birth-place of George Washington.

I commend the matter to your favorable attention.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *May* 19, 1884.

JOHN E. WHEELOCK.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying copies of correspondence, in further response to the resolution of the House of Representatives of January 16, 1884, respecting the arrest and imprisonment of John E. Wheelock in Venezuela in 1879.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *May* 19, 1884.

ADVERTISING—NEW YORK HERALD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an additional statement showing the amount of $6,058 due the New York Herald Company for advertising on account of internal revenue, Light-House Board, Office Supervising Architect, national loan, and revenue-marine service; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAY, of New Hampshire, for ten days, from to-morrow, on account of important business.

To Mr. GEORGE D. WISE, for two days.

To Mr. DOCKERY, for three days.

To Mr. COOK, indefinitely, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken. The House divided; and there were—ayes 128, noes 43.

So the motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Petition of Kansas State Medical Society, for the erection of a building for Army Medical Museum—to the Committee on Public Buildings and Grounds.

By Mr. BARBOUR: Papers relating to the claim of Samuel O. Bagot—to the Committee on War Claims.

Also, petition relating to the claim of Samuel O. Bagot—to the same committee.

By Mr. BARKSDALE: Petition of Edward L. Gilliam and others, citizens of Jackson, Miss., asking national aid to education—to the Committee on Education.

By Mr. CALKINS: Letter of the Secretary of the Treasury, in relation to Poor Sisters of Saint Francis—to the Committee on Ways and Means.

By Mr. R. T. DAVIS: Five petitions in favor of reducing internal-revenue taxes—to the same committee.

By Mr. DIBRELL: Proceedings of a meeting of the Merchants' Exchange of Nashville, Tenn., in opposition to the consolidation of the port of Nashville with the port of Memphis—to the Committee on Appropriations.

By Mr. ERMENTROUT: Memorial of the national bankrupt law convention of commercial bodies—to the Committee on the Judiciary.

By Mr. EVERHART: Memorial of the Women's Silk-Culture Association—to the Committee on Ways and Means.

By Mr. HALSELL: Papers relating to the claim of Willis E. Arnold—to the Committee on War Claims.

By Mr. HANBACK: Resolutions of Rousseau Post, Grand Army of the Republic, of Shady Bend, Kans., relative to pensions—to the Committee on Invalid Pensions.

By Mr. HARDEMAN: Petition of citizens of Randolph County, Georgia, against governmental telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HENLEY: Petition of Saint Helena Grape-Growers' Association to not decrease the tariff on wines and brandies and to restore the same on raisins—to the Committee on Ways and Means.

By Mr. HITT: Memorial of John H. Haswell, giving an account of the portraits of the King and Queen of France presented to Congress in 1784—to the Committee on Foreign Affairs.

By Mr. JAMES: Petition of Mrs. Cornelia W. De W. Stannard, president of Brooklyn Indian Association; of Rev. J. O. Peck, D. D., Hansom Place M. E. church, Brooklyn; of Rev. John Hempstone, Emanuel Baptist church, Brooklyn, and of Henry Baker, Simpson M. E. church, Brooklyn, N. Y., asking for the education of the Indians, &c.—severally to the Committee on Indian Affairs.

By Mr. JORDAN: Petition relative to the Signal Service—to the Committee on Military Affairs.

By Mr. KEAN: Petition of citizens of Elizabeth, N. J., asking for an appropriation for Indian schools—to the Committee on Appropriations.

Also, petition of citizens of New Brunswick, N. J., asking a reduction of the internal revenue—to the Committee on Ways and Means.

By Mr. KING: Petition of W. H. Garland, President L. B. Cooper, L. R. Stark, C. E. Cate, and others, directors of board of public schools of Tangipahoa Parish, Louisiana, for aid to public schools—to the Committee on Education.

By Mr. LOVERING: Papers relating to the petition for an investigation into the charges preferred against Moses H. Webber, superintendent of rope-walk at the navy-yard, Boston, Mass.—to the Committee on Naval Affairs.

By Mr. MANZANARES: Petition of citizens of Las Vegas; of citizens of Valencia County; and of citizens of Deming, N. Mex., relative to New Mexico—severally to the Committee on the Judiciary.

By Mr. MITCHELL: Petition of citizens of Guilford, Conn., remonstrating against the telegraph postal bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MURRAY: Petition of Patrick Murphy, for a pension; also the petition of John F. Spriggs, for a pension—severally to the Committee on Invalid Pensions.

By Mr. NICHOLLS: Papers relating to the claim of Isa C. Remshart, executrix, &c.—to the Committee on Claims.

By Mr. J. J. O'NEILL: Memorial of the Merchants' Exchange of Saint Louis, asking for the passage of H. R. 1754—to the Committee on Commerce.

By Mr. PETERS: Papers relating to the pension claim of Rebecca Burch—to the Committee on Pensions.

By Mr. PETTIBONE: Petition from Burnside Post, No. 8, Grand Army of the Republic, Department of Tennessee and Georgia, relative to pensions—to the Committee on Invalid Pensions.

By Mr. POLAND: Petition relating to the pension claim of Frank Marsell—to the same committee.

By Mr. PRICE: Petition of Winfield Scott Post, No. 104, Grand Army of the Republic, and of Charles G. Bacon Post, No. 48, Grand Army of the Republic, Department of Wisconsin, favoring the passage of the Price pension bill—severally to the same committee.

By Mr. J. S. ROBINSON: Memorial of the citizens of Delaware, Ohio, in favor of increasing appropriation for Indian schools—to the Committee on Indian Affairs.

By Mr. J. M. TAYLOR: Papers relating to the claim of John Irvin—to the Committee on War Claims.

By Mr. VALENTINE: Memorial of contestant, asking aid in securing evidence in the case of James H. McLean *vs.* James O. Broadhead—to the Committee on Elections.

By Mr. VAN ALSTYNE: Petition of James B. Jermain and many others, citizens of Albany, N. Y., remonstrating against the enactment of any law to establish a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN EATON: Petition and papers relating to the claim of Julia A. Nutt, executrix, &c.—to the Committee on War Claims.

By Mr. WAIT: Petition of E. R. Thompson and others, citizens of Norwich, Conn., for an appropriation for Indian schools—to the Committee on Indian Affairs.

By Mr. A. J. WARNER: Petition of A. Alderman & Son, for a reduction of tariff on queensware—to the Committee on Ways and Means.

SENATE.

TUESDAY, *May* 20, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* announced his signature to the enrolled bill (H. R. 6856) to make a loan to aid in the celebration of the World's Industrial and Cotton Centennial Exposition, which had heretofore been signed by the Speaker of the House of Representatives.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents the memorial of Richard E. King, of Baltimore, Md., complaining that the law of that State regarding admission to the bar is a violation of the Constitution of the United States. The memorial will be referred to the Committee on the Judiciary.

Mr. GORMAN. I present the petition of George W. Nye, Charles H. Stanley, and other citizens of Laurel, Md., and three petitions of Francis A. Crook and other citizens of Baltimore, Md., praying an increase of the appropriation for the Indian schools. As the Indian appropriation bill containing these items has been passed, I move that the petitions lie on the table.

The motion was agreed to.

Mr. LAPHAM. I present certain correspondence from the Secretary of War in relation to bills for the construction of bridges across the Niagara River, one of which has passed the House and is now before the Committee on Commerce of this body. I move that the papers be referred to the Committee on Commerce.

The motion was agreed to.

Mr. MILLER, of California, presented a petition of the board of directors of the Chamber of Commerce of San Francisco, Cal., praying Congress to take the necessary action for maintaining the Australasian mail service via San Francisco; which was referred to the Committee on Appropriations.

Mr. HAWLEY presented the petition of Joseph Moll and 360 other citizens of Pennsylvania, and the petition of E. A. Ware, president of the Atlanta University, and 8 other citizens of Atlanta, Ga., praying for the repeal of laws limiting the term of certain administrative offices to four years; which were referred to the Committee on Civil Service and Retrenchment.

Mr. CALL presented a petition of the Board of Trade of Jacksonville, Fla., praying for an increase in the appropriations for the Signal Service and that they may be made equal to the appropriations for 1862, in the interests of commerce and agriculture; which was referred to the Committee on Appropriations.

Mr. GROOME. Recognizing the right of petition, I present the petition of Jane Dulany, widow of Col. William Dulany, late of the United States Marine Corps, praying that in addition to the pension which she already receives the Government will allow her $3,000. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. KENNA presented a memorial of citizens of Huntington, W. Va., remonstrating against the establishment of a governmental telegraph system; which was ordered to lie on the table.

Mr. HALE presented the memorial of John A. Peters and other citizens of Bangor, Me.; the memorial of C. H. Newton and other citizens of Calais, Me.; the memorial of Orville D. Baker and other citizens of Augusta, Me.; and the memorial of H. H. Johnson and other citizens of Belfast, Me., remonstrating against legislation relating to the telegraph which shall increase the number of public officials or establish a Government monopoly of that business; which were ordered to lie on the table.

Mr. MILLER, of New York, presented a memorial of citizens of Honeoye Falls, N. Y., a memorial of citizens of Fayetteville, N. Y., and a memorial of citizens of Binghamton, N. Y., remonstrating against the establishment of a governmental telegraph; which were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6656) making appropriations to provide for the expenses of the government of the

District of Columbia for the fiscal year ending June 30, 1885, and for other purposes; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. JONES, of Nevada, from the Committee on Finance, to whom was referred the bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins, reported it with amendment.

Mr. MAXEY, from the Committee on Military Affairs, submitted the following report; which was placed on file:

The Committee on Military Affairs, to whom was referred the bill (S. 644) for the relief of the administrator of the estate of John W. Dear, deceased, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. SEWELL. I am instructed by the Committee on Military Affairs to ask to have printed for the use of the Senate a statement of the Commissioner of Pensions showing the names of the widows of officers in the Army and Navy who have been pensioned at the rate of $50 per month and over.

The PRESIDENT *pro tempore*. Is it a report made to Congress?

Mr. SEWELL. It is a report made by the Commissioner of Pensions at the request of the Committee on Military Affairs, and I should like to have it printed for the use of the committee and the Senate.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks that there be printed for the use of the Senate a report of the Commissioner of Pensions made to the Committee on Military Affairs on the subject he has named. Is there objection? The Chair hears no objection, and the order is made.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2234) to establish signal stations upon the island of Nantucket, and submarine telegraphic communication with the mainland; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HILL introduced a bill (S. 2235) for the relief of Ann H. Haines; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COLQUITT introduced a bill (S. 2236) to authorize the construction of bridges over the Satilla and Crooked Rivers, in the State of Georgia, and the Saint Mary's River, in the States of Georgia and Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SLATER (by request) introduced a bill (S. 2237) for the relief of E. P. Drew; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GROOME introduced a bill (S. 2238) granting a pension to Patrick Murray; which was read twice by its title, and referred to the Committee on Pensions.

NEW ORLEANS, BATON ROUGE AND VICKSBURG LAND GRANT.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are in order. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Nebraska [Mr. VAN WYCK], which will be read.

The Chief Clerk read the resolution, as follows:

Whereas it is alleged that the New Orleans, Baton Rouge and Vicksburg (now New Orleans and Pacific, popularly known as the Backbone) Railroad for ten years constructed no portion of said road, but issued large quantities of bonds, which they sought to negotiate and hold as a claim against the franchise of said road; and it is further alleged that said road or other companies or persons, with a view of favorable action in Congress, have given or pledged money, bonds, or promises for political, campaign, or other purposes: Therefore,

Resolved, That the Committee on Public Lands be directed to make inquiry as to the truth of the above statements; also to ascertain the terms and conditions under which it transferred its claimed land grant and any subsequent consideration connected therewith, with power to employ a stenographer and to send for persons and papers.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. ALLISON. I move to refer the resolution to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the resolution be referred to the Committee on Public Lands. The question is on agreeing to the motion.

Mr. VAN WYCK. The resolution is that the Committee on Public Lands be directed to make the inquiry. That is the purport of the resolution.

Mr. ALLISON. I simply ask that the resolution itself be referred to the Committee on Public Lands for examination. If they think the inquiry ought to be made, of course it will be reported favorably.

Mr. VAN WYCK. I have no objection to that course.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Public Lands.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That Susan A. Shelby have leave to withdraw the papers relating to her claim from the files of the Senate.

REPORT ON LABOR AND CAPITAL.

Mr. BLAIR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the Senate Committee on Education and Labor on the relations between labor and capital be printed, and the accompanying testimony, and that 100,000 additional copies be printed, of which 33,000 shall be for the use of the Senate, 66,000 for the use of the House of Representatives, and 1,000 copies for the use of the Senate Committee on Education and Labor.

NORTHERN PACIFIC RAILROAD.

Mr. SLATER submitted the following resolution; which was read:

Resolved, That the President be, and he is hereby, requested to inform the Senate by what authority commissioners have been appointed from time to time to examine and report upon sections of the Northern Pacific Railroad, which were constructed and completed subsequent to the time within which, by the terms of the act of July 2, 1864, and acts and joint resolutions amendatory thereof and supplementary thereto, the said road was required to be completed.

Mr. SLATER. I ask for present action upon the resolution.

Mr. CAMERON, of Wisconsin. Let it lie over.

Mr. McMILLAN. I should like to examine that.

The PRESIDENT *pro tempore*. Objection is made, and the resolution goes over.

PRINTING FOR FINANCE COMMITTEE.

Mr. MORRILL. I offer the following resolution:

Resolved, That the Committee on Finance be authorized to have printed or bound all documents or papers for the use of said committee that they may deem necessary in connection with public business being considered or to be considered by the said committee.

I will state that we have found it necessary frequently to ask for the printing of papers, and it was thought better that we should have a general order to this effect, as some other committees already have. I ask for the present consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Ought we to go to the extent of binding documents in that way? If they are valuable enough for the use of the Finance Committee, ought they not to be valuable enough to furnish one to each Senator, so that we may know what is being done?

Mr. MORRILL. I have no objection to striking out the word "bound." We should not probably exercise that privilege.

The PRESIDENT *pro tempore*. The Chair is in some doubt whether under the rules this resolution should not go to the Committee on Printing, as it is not to provide for printing for the use of the Senate but is an order of the Senate to print for the use of a committee, and therefore properly falls under the nature of extra copies, which the rule requires shall go to the Committee on Printing.

Mr. MORRILL. Heretofore I have asked, perhaps fifty times, for the leave of the Senate to print papers or documents that might be useful to the committee in the ordinary transaction of business, and this is merely to supersede the necessity of asking particularly on each occasion.

The PRESIDENT *pro tempore*. The Chair will not raise the point if any Senator does not. Is there objection to the present consideration of the resolution? The Chair hears no objection and the question is on agreeing to it.

Mr. COCKRELL. Let it be reported as modified.

The PRESIDENT *pro tempore*. The resolution will be reported as modified.

The Chief Clerk read the resolution as modified, as follows:

Resolved, That the Committee on Finance be authorized to have printed all documents or papers for the use of said committee that they may deem necessary in connection with public business being considered or to be considered by the said committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

OCEAN TELEGRAPH CABLE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule.

Mr. LAPHAM. I ask to take up Senate bill 2145. This is a bill simply to extend the time for the construction of an ocean telegraph. The time under the present law expires on the 8th of August. It is important therefore that the bill should get through the other House at this session, and I ask to take it up at this time.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of the bill (S. 2145) to extend an act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe. The question is on agreeing to the motion.

Mr. ALLISON. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The question is will the Senate now proceed to the consideration of the bill?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Foreign Relations with

an amendment in line 3, after the word "the," to insert "time to commence laying the cable as provided in the;" so as to make the bill read:

Be it enacted, &c., That the time to commence laying the cable as provided in the act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe, be, and the same is hereby, extended until the 8th day of August, 1886.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. INGALLS. I should like to hear from the Senator from New York some statement as to the necessity of this bill, and also, if he is advised, in what interest the legislation is demanded. It appears that in 1882, so far as the recitation in the bill is concerned, a company was authorized to construct an ocean cable, to establish a new line of telegraph. Two years having elapsed, nothing having been done, we are now asked to extend the time within which they are to begin laying the cable till 1886. There does not appear to have been any very great alacrity in availing themselves of the privilege of the act, and unless there is some further information than we possess, I should doubt the propriety of extending this franchise.

Mr. LAPHAM. I will state that the Committee on Foreign Relations sent for the parties interested, who appeared before them.

Mr. INGALLS. Who were they?

Mr. LAPHAM. They are parties residing in Philadelphia and in New York. L. S. M. Barlow, of New York, is the chief man in this movement. This is the first ocean telegraph which is proposed to be constructed under a law of Congress, whose powers are regulated by an act of Congress, which places itself under obligations to the Government of the United States of a special and conclusive character, and which limits itself in regard to its rates. There is not an ocean telegraph now in operation that is in any way controlled or directed by the law of the United States. This one proposes to be thus controlled.

They design to lay a new cable, a different cable from any of the ocean cables now existing, a cable over which simultaneous messages, eight or ten in number, may be transmitted at the same moment. For the purpose of perfecting that, delays have occurred in the preparation of the cable and in the patents relating to it. It is an American patent. They have expended quite a large sum of money already in preparations for laying the cable. Their time will expire on the 8th of August next, and they ask simply an extension of two years more to enable them to complete this work.

The report of the Committee on Foreign Relations is unanimous on this subject, and they did not deem it necessary to embody any written report to the Senate of the facts of the case. There is certainly no possible objection to the passage of the bill.

Mr. INGALLS. What has been done under the authority of the acts of Congress hitherto?

Mr. LAPHAM. Moneys have been expended in trying experiments with this additional cable. Some twenty or thirty thousand dollars have been expended. A contract has been entered into with foreign capitalists for the purpose of furnishing the means, principally, I think, in France, for laying the cable. Everything has been done that the company could do short of commencing the actual laying of the cable, which can not be done until they are prepared to lay it in its entire circuit. They can not lay a few miles of ocean cable at a time; whenever they commence it they have to lay it through the whole circuit of its operation.

Mr. INGALLS. Does the Senator state that the capital is all foreign capital?

Mr. LAPHAM. No, sir; it is not all foreign capital. The Senator did not understand me.

Mr. BAYARD. I think that every preparation has been made to commence the work, but there has been simply a delay in time.

Mr. LAPHAM. Every preparation, as the Senator from Delaware says, has been made for the completion of the work, but a delay has occurred owing to circumstances which were entirely satisfactory to the Committee on Foreign Relations, and they were very careful not to act upon the matter without calling in the parties interested.

Mr. HALE. I did not hear the reading of the bill as reported by the Senator from New York. It simply extends the time given by Congress to this company, as I understand. I remember that when the act was passed in the last Congress some debate arose and provisions were inserted in the act restricting the company as to the rates that it should charge.

Mr. LAPHAM. Yes, sir.

Mr. HALE. Nothing whatever in this bill in any way countervails those provisions?

Mr. LAPHAM. Nothing at all; the act is left as it was.

Mr. HALE. The company, if it goes on, is to act under all the conditions made by the last Congress?

Mr. LAPHAM. Yes; under all those conditions.

Mr. HALE. Then I can see no reason why the extension should not be granted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Foreign Relations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DETROIT.

Mr. PALMER. I ask unanimous consent to take up out of its regular order the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich. I should like, if there is any objection to be made on the part of any Senator, to have it withheld until I state the reasons why I ask this courtesy.

Two years ago an appropriation was made by Congress and the work commenced. After the excavations had been made and some land had been purchased adjacent to the property now owned by the United States in Detroit it became apparent that the appropriation was too small, and our people unanimously (as I suppose the population of most other cities would have done) asked for a larger appropriation. The bill has passed through the Committee on Public Buildings and Grounds with slight amendments and been reported favorably.

Mr. MILLER, of New York. Mr. President——

The PRESIDENT *pro tempore*. The motion is not subject to debate. The Senator from Michigan moves that the Senate now proceed to the consideration of the bill indicated by him. The question is on agreeing to the motion.

Mr. CALL. If the Senator from Michigan will allow me, I would suggest that he make a motion that we proceed to the consideration of all bills for public buildings on the Calendar.

The PRESIDENT *pro tempore*. Debate is not in order except by unanimous consent. Is there objection to the Senator from Florida proceeding? The Chair hears none.

Mr. CALL. I suggest to the Senator from Michigan, as there are quite a number of bills reported for public buildings, that he ask that such bills be taken up as are not objected to, and that we proceed to consider the bills reported for public buildings in the different States.

Mr. CONGER. If the Senator will permit me, this building has had its appropriation for another amount, and is awaiting the action of Congress before changing some plans if this bill should pass. I hope the Senator will permit this bill to pass on account of the urgency of the case. The other bills can be taken up at any time. There will be no objection to taking up the others hereafter.

Mr. SHERMAN. I trust the Senator from Michigan will not embarrass us. I do not want to object, but there is a bill relating to a public building at Columbus which is equally urgent.

Mr. CONGER. I am perfectly willing to take up the Columbus bill or any other when this matter is disposed of.

Mr. SHERMAN. I think the order ought to be general, because we can act on all these bills this morning. I am not objecting to the consideration of the Detroit bill, for I do not like to object to a bill of that character.

Mr. CALL. I suggest to the Senator from Michigan that if he would modify his motion it would be agreeable to a great many Senators.

Mr. PALMER. I will modify my motion, if it is in order to do so.

Mr. ALLISON. I shall have to object to that proposition. I think we had better go on with the Calendar. I have a very important bill here that I desire to call up this morning, relating to a great many people in my own State, and I have given the notice that I would move to take it up at some time.

The PRESIDENT *pro tempore*. This debate is proceeding by unanimous consent.

Mr. ALLISON. I shall not debate the motion. I trust the Senator from Michigan will not press the motion.

Mr. PALMER. This seems to be involving us in contention and I will stick to my original request.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of the bill he has indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, after line 9, to insert:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $900,000: *Provided*, That the site shall leave the building unexposed to danger by fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

That the cost of the lot of land authorized to be purchased under this act, and of the public building to be erected thereon, shall not exceed the sum of $1,500,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Michigan that in section 3, at the end of line 11, the word "the"

should be inserted after "of," to make it read correctly; so as to read: "Treasury of the United States." If there be no objection that word will be inserted.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. MILLER, of New York. Mr. President——

Mr. CAMERON, of Wisconsin. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from New York has the floor.

Mr. MILLER, of New York. I move to take up Order of Business 445.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of Order of Business 445, the title of which will be read.

Mr. SHERMAN. I feel bound to insist——

The PRESIDENT *pro tempore*. The Senator from Ohio will suspend a moment until the title of the bill is read.

The CHIEF CLERK. "A bill (S. 1740) for the erection of a public building at Troy, N. Y."

Mr. SHERMAN. I am perfectly willing——

The PRESIDENT *pro tempore*. The Chair will remind Senators that debate is not in order.

Mr. SHERMAN. I ask unanimous consent simply to make a statement.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Ohio making a statement? The Chair hears none.

Mr. SHERMAN. I have no objection to the erection of a public building in Troy; but there are bills pending for the erection of public buildings in Ohio that I know are necessary and proper; for instance, at Dayton and Springfield. They are on the Calendar prior, I believe, in point of time, to this bill. I hope if a resolution be adopted to take up the public building bills that they will all be taken up in their order, and that we shall not be having to meet complaints made from our constituents that we have neglected our local affairs when other Senators out of order got theirs through. If the Senator from New York will make a motion that all the public building bills reported favorably shall be taken up in their order on the Calendar—they are all pretty much in the same words except as to the amounts and places—I shall consent to it and hope that it will be done.

Mr. CAMERON, of Wisconsin. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Wisconsin will be heard if there be no objection.

Mr. CAMERON, of Wisconsin. The Chairman of the Committee on Public Buildings and Grounds, the Senator from Virginia [Mr. MAHONE], is absent this morning. I hope that no further bill for the erection of public buildings will be taken up to-day. I think he will be in his seat to-morrow morning, and let it be understood that on to-morrow or on some subsequent day these bills may be taken up and considered——

Mr. SHERMAN. I have no objection to that.

Mr. CAMERON, of Wisconsin. And that we go on with the Calendar this morning.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. If there be no objection the Senator from Maine will be heard.

Mr. HALE. If that agreement is made I desire to ask the Senate, then, to proceed with the consideration of one of the annual appropriation bills. It will not take long, however, and I presume no one will object to that.

The PRESIDENT *pro tempore*. The question is on the motion made by the Senator from New York [Mr. MILLER].

Mr. HOAR. What is that motion, Mr. President?

The PRESIDENT *pro tempore*. That the Senate now proceed to the consideration of the bill (S. 1740) for the erection of a public building at Troy, N. Y.

Mr. SHERMAN. I object to that on the view presented by the Senator from Wisconsin.

The PRESIDENT *pro tempore*. Objection can not be made. The motion to take up a bill at any time before 2 o'clock is in order.

Mr. CAMERON, of Wisconsin. I ask the Senator from New York to withdraw his motion and let it be understood that either to-morrow morning or at some day in the near future the public building bills will be taken up. I am a member of the Committee on Public Buildings and Grounds, and I would prefer that the chairman of the committee, the Senator from Virginia [Mr. MAHONE], be present when these bills are taken up.

Mr. MILLER, of New York. I am inclined to accede to anything that the Senator from Wisconsin may ask of me. I would have been glad if he had taken this ground at the beginning of this matter, for by unanimous consent a number of public building bills have passed the Senate already at this session. I have not been particularly solicitous to push bills for my own State; but this is a very important bill. The statistics in regard to the receipts of the post-office at Troy are such as to warrant the erection of a building, and its importance is conceded on all hands. I had hoped that this concession might be made this morning and this bill passed, and then that the Senator from Wisconsin would present his request. I ask him to allow this one bill to pass.

Mr. CAMERON, of Wisconsin. I can not do it.

Mr. MILLER, of New York. I shall have to accede to the request of the Senator from Wisconsin, but I shall call up the bill to-morrow morning.

Mr. CAMERON, of Wisconsin. Very well.

The PRESIDENT *pro tempore*. Does the Senator from New York withdraw his motion?

Mr. MILLER, of New York. I withdraw the motion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. E. JOHN ELLIS of Louisiana, Mr WILLIAM S. HOLMAN of Indiana, and Mr. THOMAS RYAN of Kansas managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 51) to authorize the construction of a bridge over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico;

A bill (S. 664) to authorize the construction of a bridge over the Rio Grande River between the cities of Laredo, Tex., and Nueva Laredo, Mexico.

A bill (S. 689) granting a pension to Elizabeth A. Barbour; and

A bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa."

NAVAL ACADEMY VISITORS.

Mr. MILLER, of California. I desire to make a personal statement. A few days ago the President of the Senate was kind enough to appoint me upon the Board of Visitors to the Naval Academy at Annapolis, for which distinction I am grateful. I find that my engagements are such as to prevent my acting upon the board. At the time I was not aware that the day upon which the board was to meet was fixed so early as the 30th of this month, which is some ten days earlier than usual. It interferes with my arrangement, and I therefore respectfully decline to act.

AGRICULTURAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to consider the agricultural appropriation bill, being House bill 5261.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of House bill 5261.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HALE. I ask that the formal reading be dispensed with, and that the bill be considered, with the amendments of the Committee on Appropriations, by paragraphs.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the reading of the bill *in extenso* be omitted and that the bill be considered by paragraphs, the amendments of the Committee on Appropriations being acted on as each paragraph is read. The Chair hears no objection to the suggestion, and the reading will proceed in that way.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in the appropriations for "office of Commissioner," in line 15, to increase the appropriation for the salary of "chief of division of accounts and disbursing officer" from $1,800 to $2,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 28, to increase the appropriation for the salary of "one engineer" from $1,200 to $1,400.

The amendment was agreed to.

The next amendment was, in line 34, to increase the total amount of the appropriation for salaries in the "office of Commissioner" from $65,280 to $65,680.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations for the "entomological division," in line 54, after

the word "for," to strike out "subsistence" and insert "traveling expenses;" so as to read:

Provided, That the amount expended for traveling expenses when making investigations shall not exceed $3 per day, exclusive of transportation.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations for the "museum," in line 85, before the word "building," to strike out "said" and insert "seed;" so as to read:

For compensation of curator of museum, $1,400; one attendant in museum, $1,000; one night watchman for museum building, who shall also act as night watchman of seed building, $720.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 94, after the word "plants," to strike out "sixteen" and insert "fifty;" so as to make the clause read:

Laboratory:

For chemicals and apparatus for the use of the chemists and microscopists, and for necessary expenses in conducting experiments, including experiments in the manufacture of sugar from sorghum and other vegetable plants, $50,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 99.

Mr. HALE. I move in line 99 to strike out "two" and insert "six," making the compensation of the superintendent of seed-room $1,600. This amendment is moved by direction of the Committee on Appropriations. It will make the sentence read:

The superintendent of seed-room, $1,600.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "seed division," in line 109, after the word "constituents," to insert "and the persons receiving such seeds shall inform the Department of the results of the experiments therewith;" so as to read:

An equal proportion of two-thirds of all plants, seeds, cuttings, vines, and shrubs shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or shall, by their direction, be sent to their constituents, and the persons receiving such seeds shall inform the Department of the results of the experiments therewith.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 124, after the word "improved," to strike out "vegetable" and insert "and valuable;" so as to read:

And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings, and vines.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 155, after the words "gas-pipes and," to strike out "so forth" and insert "other necessary articles;" so as to make the clause read:

For repairing of building, heating apparatus, furniture, carpets and matting, water and gas pipes, and other necessary articles, $6,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, after line 167, to insert:

Reclamation of arid and waste lands:

For continuing, locating, and sinking artesian wells on the plains with a view to reclaiming arid and waste public lands, $20,000: *Provided*, That no part of this sum shall be expended in experiments upon the lands of individuals or corporations, but only upon the lands belonging to the United States.

Mr. DOLPH. I move to strike out the words in line 170, "on the plains," after the words "artesian wells."

By direction of the Committee on Public Lands, I reported an amendment to this bill, which was referred to the Committee on Appropriations, making an appropriation of $10,000 for sinking an artesian well in Eastern Oregon, or Eastern Washington. I perceive that the Committee on Appropriations have not reported the amendment as it was referred to them, but have reported an appropriation of $20,000 for sinking artesian wells "on the plains."

I think also that the amendment reported by me provided for another appropriation of $10,000 for sinking an artesian well in Nevada. The words "on the plains" have come to have a somewhat restricted meaning and to refer to a particular locality, and if the expenditure of this money is to be left to the discretion of the Commissioner of Agriculture, I want those words stricken out so that he may exercise his judgment as to the best places for expending the money.

Mr. HALE. The design of the Committee on Appropriations was to leave this matter pretty much to the discretion of the head of the Department. The reason why these words——

Mr. BECK. Before the Senator from Maine proceeds I desire to give notice that I expect to move to strike out the paragraph.

Mr. HALE. The object of inserting the words was that, so far as the Commissioner of Agriculture should be limited, this experiment of artesian wells should be applied to that sterile and comparatively level part of the country where there is no water for miles, and where the need is the greatest. If Congress is ready to embark in the experiment of sinking artesian wells in other regions than the plains, those vast arid tracts, and to go into a region that is not covered by that term and to sink artesian wells at the expense of the Government where there are rivers, hills, mountains, and streams that diversify the country and take it out of the classification of plains country, I have no objection; but I think myself, and I think in that I represent the feeling of the committee, that these experiments should be limited rather than broadened.

Not much has come, not anything in fact has come from the experiments heretofore. Money has been expended in considerable sums; wells have been attempted which are sunk, borings made, and the result is *nil*. The Senator from Oregon, I presume, seeks to extend the experiment and to include tracts of country that are not arid and waste as plains, but sections and regions that limitedly and locally are arid and waste. I do not think that ought to be done.

Mr. DOLPH. The Senator from Maine is mistaken in what is proposed by the Senator from Oregon. The Senator from Oregon wants this experiment made upon precisely the character of lands mentioned by the Senator from Maine as arid, waste, and dry, and valueless unless water can be obtained.

Mr. HALE. But does the section of country that the Senator seeks to reach come under the head of "the plains;" that vast region where for miles and hundreds of miles no water can be found? Does he not seek to apply this to a location, limited in extent, that perhaps for some acres, it may be hundreds of acres, and yet comparatively small, is arid and waste, but is not a large part of that great extent of the country known as "the plains" that are admitted to be arid and waste, dry and without water?

Mr. DOLPH. I desire that an experiment shall be made by boring for water upon large tracts of arid and barren country lying in eastern Oregon and Washington Territory.

The reason I made the motion to strike out the words "on the plains" was that I understand the term "the plains" to be generally applied to that large tract of country between the Missouri River and the Rocky Mountains; and fearing that the Commissioner of Agriculture might so construe the term, I desire to strike it out, but I do not wish to have the appropriation expended for boring for water where there are living streams and abundance of water and fertile soil. I wish to have the question determined by an experiment, whether water can be obtained in considerable tracts of country in the Northwest in the eastern portion of Oregon and Washington Territory by artesian wells. This matter was called to my attention by a person who is largely interested in stock-raising in Eastern Oregon, and who is well informed upon such subjects, and by an official communication from the governor of the State of Oregon.

Mr. HALE. Is the arid region the Senator refers to east or west of the Rocky Mountains?

Mr. DOLPH. It is west of the Rocky Mountains.

Mr. MILLER, of California. There is a very large tract of country there that is arid, and where there is necessity for these artesian wells as great as upon the plains between the Missouri River and the Rocky Mountains.

Mr. HALE. How large are the tracts there, approximately? I am seeking to keep this appropriation within what was the view and sense of the committee. Are these large tracts that the Senator from California refers to beyond the Rocky Mountains? because if they are large, wide-stretching plains, arid tracts, where for hundreds of miles no water is found, they would come under the designation of the bill. There is no limit geographically, as the Senator sees, in the bill.

Mr. DOLPH. I suppose there are more lands of that character west of the Rocky Mountains than there are east of the Rocky Mountains.

Mr. HALE. Then the bill covers them.

Mr. DOLPH. But "the plains," as I said before, is a term used to designate a particular portion of the country; it has a local signification. I think the term should be stricken out in order that it may not embarrass the Commissioner of Agriculture in determining where this appropriation may be expended.

Mr. COCKRELL. Will the Senator advise me what has been the result of the construction of the Northern Pacific Railroad and the attempt of that company to sink wells to get water through this region of country that he speaks about?

Mr. DOLPH. I am not able to state. I do not think any artesian wells have been sunk in that locality.

Mr. COCKRELL. How do they get water?

Mr. DOLPH. They bring it from a distance. The Northern Pacific Railroad is farther north. It lies north of the largest of these tracts. It passes through some of the smaller tracts.

Mr. COCKRELL. I want to find out what they have done, because the Texas Pacific and other roads have sunk wells and obtained plenty of water where water was supposed to be unobtainable.

Mr. DOLPH. I believe water can be obtained upon these desert tracts by sinking artesian wells along the base of the mountains, and I want to demonstrate that fact, and I want the experiment made somewhere in Eastern Oregon or Eastern Washington. I make this motion so that the question may be open, and the Commissioner of Agriculture may not think that he is confined to any particular locality in the expenditure of this money.

Mr. HALE. I will suggest an amendment that I presume will satisfy the Senator, and which will keep the intention of the section all right. Strike out the words "on the plains," in line 170, and insert

after the word "lands," in line 171, the words "where large tracts of the same are without water;" so as to read:

For continuing, locating, and sinking artesian wells, with the view of reclaiming the arid and waste public lands where large tracts of the same are without water, $20,000.

Mr. DOLPH. I have no objection to that modification.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. FAIR. Would it be in order for me to make a remark on that at the present time?

The PRESIDENT *pro tempore*. The question is debatable.

Mr. FAIR. I should be very sorry to see the word "plains" stricken out of this clause of the bill. The main object of the clause, so far as it applies to Nevada, is to get water on those vast sterile plains, as large in extent as all the Eastern States.

Mr. HALE. The Senator will allow me to say that the amendment I have suggested covers all the ground he seeks to cover. It saves all the plains lands and allows the appropriation to be expended where there are large tracts that may not technically come under the head of "plains."

Mr. FAIR. If the amendment as modified covers my State, very well.

Mr. HALE. It will.

Mr. FAIR. Some regions are well supplied with water, but the plains are not; and that is where the efforts to obtain water should be made.

The PRESIDENT *pro tempore*. The Chair will first put the question on the amendment of the Senator from Oregon [Mr. DOLPH], after which the Chair will put the question on the additional amendment proposed by the Senator from Maine [Mr. HALE]. The question is on the amendment proposed by the Senator from Oregon to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected, there being on a division—ayes 14, noes 25.

The PRESIDENT *pro tempore*. Does the Senator from Maine offer an amendment?

Mr. HALE. No, sir; on reflection, I prefer to leave the clause precisely as the committee reported it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. HALE. My only object in suggesting the amendment was that if the amendment of the Senator from Oregon prevailed my amendment would be needed in order to perfect the sentence, but it is not needed now.

Mr. BECK. I move to strike out the paragraph.

The PRESIDENT *pro tempore*. The Chair will state that the paragraph is not yet agreed to. The question is on inserting the paragraph as part of the bill, it being an amendment reported by the Committee on Appropriations.

Mr. BECK. The objection I made in committee and which I make here is that several thousand dollars have been expended on these experiments already with no result. The last report shows that we are just throwing the money away. Wherever railroad companies or others have made tests for themselves, especially along the Texas Pacific, as I understand, they always find water. Private enterprise will do all that is necessary in this direction whenever it is needed. While this applies to public lands and not to lands occupied by private persons, our public lands are all held in that sort of way that they are subject to pre-emption and homestead and all sorts of claims. If we expend $20,000 or $30,000 to find water, and succeed, somebody will pre-empt the land or make a homestead of it, and make a speculation out of it. The result of the experiments so far has been nothing. The result of future experiments will simply be that somebody will take up the land under the laws of the United States as a pre-emption or homestead or something else, and it will simply end in a waste of money. Private enterprise will develop all these things as rapidly as they are needed. The men who have large herds of cattle on the plains will develop water when they want it, and the railroad companies will develop it for their use.

I am wholly unable to see who is going to be benefited by the United States throwing away any more money on these experiments, except somebody who will be sure to take up the land and be advised very promptly that it is a good thing to take up as soon as a development is made to make it an object.

Mr. HALE. There is a great deal in what has been said by the Senator from Kentucky. I am bound to say that I do not have great confidence in anything resulting from the further expenditure of money in this direction; but the subject is a very important one, and undoubtedly great good would come to large tracts of land if the Government by its experiments demonstrated that water in certain places could be procured.

The only reason, I may say, why I consented for one—and I think that was the feeling of a majority of the committee—to this appropriation was this: If after its expenditure it should be found that nothing resulted and that the operation of spending this money was like the operation of spending previous appropriations for similar purposes, I for one would be willing to go no further. I was willing and the committee was willing that this experiment should be made one year more, and I am glad the discussion has arisen, because if the appropriation passes after the discussion the attention of the Commissioner will be called closely to this, and I hope he will feel that it rests on him now to try and settle whether we are to go on with any advantage with these appropriations or to stop them.

This is the view on which I shall vote for the clause, as I reported it as the organ of the committee. I have no feeling one way or the other about it. The question is simply whether we shall go on and spend $20,000 more to try and find out whether we shall keep on with this experiment or not.

Mr. COCKRELL. Permit me to ask one question in explanation of this amendment.

For continuing, locating, and sinking artesian wells on the plains.

Under that clause they can commence a dozen wells and start them and they will amount to nothing. When the question first came before the Senate there was a proposition to sink three or four different wells, and on my motion it was restricted to one. Now, ought we not to have some restriction here? We spent a great deal on one well and it was abandoned. It ought to have been abandoned before it was begun. Now we are expending a considerable sum of money. Under this $20,000 appropriation they may commence with half a dozen, or a dozen, and we shall either throw that money away or we shall have to make large appropriations to complete them. Ought we not to restrict this appropriation to one or two wells?

Mr. HALE. After the unfruitful experiments that have been made, I do not think there is any danger that the head of the Department will strike out in many directions. I have no objection to the word "two" being inserted so that the Commissioner shall be limited to work upon two artesian wells. I have no doubt two will be enough to fully demonstrate what can be done in two different portions of the country, and that expenditure will go far enough to satisfy, before next year, Congress and the country. I have no objection, if the Senator from Missouri thinks that it is proper, to putting in the word "two."

Mr. MAXEY. The experiments of the Government in sinking artesian wells have not been very satisfactory. A number of years ago, about twenty-five I think, the United States Government attempted to bore an artesian well and to secure water on the staked plains of Texas. That was under the control of Captain (now General) Pope. That was a complete failure. Since that time we have had two railroads crossing the staked plains, and private enterprise has secured all the water that is needed for practical purposes. My judgment is that matters of this kind are very much better left to private enterprise than to public effort. Ultimately, as I believe if we commence in this way, the Government will expend many thousands of dollars in boring artesian wells; water will be found on public land, somebody will get hold of "the claim," and it will be private property.

In my view, we are getting to be altogether too parental anyway. We had better consider that we have a great many people in the United States, a great deal of intelligence, a great deal of capital, energy, and enterprise, and they will develop this country a great deal more wisely, efficiently, and intelligently than can be done by the Congress of the United States.

Mr. INGALLS. Mr. President, there is an elevated table-land lying from 2,000 to 5,000 feet above the level of the sea and extending eastward from the foot-hills at the base of the Rock Mountains for three or five hundred miles, and extending between the Gulf of Mexico on the south and the British possessions on the north, where these experiments ought to be conducted. That is now practically the great grazing area of the continent. The vegetation is very nutritious. It was formerly the pasturage ground of the enormous wild herds of buffalo and bison that once existed in that region, and is now the pasturage area of that vast amount of cattle known as the Texas stock, and which is of very great importance to the industrial resources and food supply of the people not only of this country but of portions of Europe. The great difficulty there is the want of a stated supply of water. The streams that are supplied by the rainfall are scanty and diminutive. The drainage from the mountain snows sinks in the moraine at the base of the range, and does not appear until this region has been passed. I have conversed with the geologists in charge of the surveys of this portion of the country, and they have assured me that there is no doubt that at different depths along this plateau a subterranean supply exists that might be reached if the proper efforts were made.

This region is not open to the enterprise that the Senator from Texas has spoken of. There are but two or three lines of railway running west from the Missouri River through this county, and they are separated by wide distances. It is true that the experiments hitherto pursued have been unfruitful and unsatisfactory. I saw the experiments at Akron, on the Burlington and Missouri River Railroad, a point about one hundred miles west of Denver, upon the most elevated portion of this plateau, and probably between 4,500 and 5,000 feet above the level of the sea. The boring was extended to the depth of about 1,400 feet, when the machinery in some way became inoperative, either through the breaking of the tube or through the want of skill on the part of the engineers, and the experiment was abandoned. I think the amount

of money expended there was about $10,000, and it is just to say that not a pint of water was obtained at that depth of 1,400 feet.

Mr. HALE. Will the Senator yield to me for a question?

Mr. INGALLS. Yes, sir.

Mr. HALE. Does the Senator know how near to this place, Akron, where the Government made this trial and failed, new artesian wells have been sunk by individuals or by railroad corporations or by any other persons or associations outside of the Government? There are artesian wells.

Mr. INGALLS. I was about to speak to that point, and will do so in a moment.

Another well was located near old Fort Lyon in the Arkansas Valley in the neighborhood of the railroad station of Las Animas on the Santa Fé line; and after proceeding several hundred feet into the bowels of the land, that also was abandoned without result. Why that point was selected I never was able to understand except that it was because there was a great abundance of water there already.

Mr. HALE. And more likelihood of finding it.

Mr. INGALLS. Yes, sir, more likelihood of finding it. That was under the administration of one of the eminent predecessors of the present incumbent of the Commissionership of Agriculture.

The Arkansas River there has an abundant and unfailing supply of water which not only occupies the bed of the stream but percolates through the entire substratum of the valley of the river, which is there, perhaps, from four to eight or ten miles wide; and water can always be reached by sinking a shaft or a tube from twelve to fifteen feet. The supply is copious, unfailing, and very valuable both for domestic purposes and for stock.

Mr. HALE. Did not the then Commissioner succeed even in that place in not finding water?

Mr. INGALLS. He found the surface water, which could have been found without the interposition of an appropriation by Congress; but he was endeavoring to reach this subterranean lagoon or the supply beneath the surface that is accumulated by the drainage from the Rocky Mountains.

Mr. HALE. Below the ordinary water reach?

Mr. INGALLS. Below the ordinary water supply. That he failed to accomplish. But with regard to the point that the Senator from Maine has just alluded to, it is proper that this should be said, that in the neighborhood of Denver, nearer to the base of the Rocky Mountains, artesian wells have been sunk by individuals, none of them I think exceeding in depth eight hundred feet, from which the most copious, pure, and abundant streams of water have gushed out and have never ceased up to this time to flow.

Mr. HALE. About how far from Akron?

Mr. INGALLS. From seventy-five to one hundred miles west of Akron, nearer the base of the Rocky Mountains, about fifteen or twenty miles east of the main range. So there is no doubt that at some point below the surface of this country there is a subterranean water supply. If it could be reached, then the question of the occupation of that country by a population much more dense than that which exists to-day and the utilization of its resources for grazing purposes and for cultivation would be settled. There would be no question so far as that whole area is concerned, covering a great many thousand square miles, that if this subterranean supply could be reached by these artesian shafts the capacities of that area for cultivation and for occupation would be immensely increased and great corresponding advantages would result not only to individuals, but to the Government.

I am, therefore, clear that it is wise to retain this appropriation in the bill. I am not certain that it would not be wise to limit the expenditure to one or two localities in order that these ineffectual experiments in different regions might be stopped. I am inclined to believe that if the Commissioner were to have this sum at his disposal to be applied in sinking a shaft at one, or not to exceed two localities, very great practical results might be obtained.

Mr. HALE. In order to exclude any further expenditures in the places where water has already been sought, and to limit it in the line of the suggestion of the Senator from Missouri and the Senator from Kansas, I move to insert after the word "sinking," in line 169, the words "two new;" so as to read:

For continuing, locating, and sinking two new artesian wells on the plains, &c.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Maine to the amendment of the Committee on Appropriations.

Mr. MILLER, of California. The Senator from Kansas has graphically described a very large region of country which he thinks would be benefited more or less by an attempt to reach artesian water, that country lying between the Missouri River and the Rocky Mountains. There is another almost equally large tract of country which is waterless, a great deal of it, lying between the Rocky Mountains and the Sierra Nevada or the Pacific Coast Range of mountains. Part of that country was described by the Senator from Maine in his remarks. In the State of Nevada and in the Territory of Arizona there is a large quantity of land of the same kind. In fact nearly all the country between those two ranges of mountains is of the same general character. I think that the Government of the United States ought to continue the experiment of trying to find water in those regions where the soil is naturally rich and productive and would yield immense crops if water could be brought to it.

It seems to me that if there is any fault to be found with this provision which the Committee on Appropriations have reported to the Senate it is that the amount appropriated is entirely too small. It is not enough even to begin the experiment which ought to be made by the Government of the United States, and which it has an interest to make for the development of its land.

The trouble with this provision is that perhaps several experiments will be made at long distances from each other; the appropriation will run out, being insufficient, and then it will be announced that the whole scheme is a failure. We have seen that geologists and scientific men are unable to prophesy with any degree of certainty where water will be found by sinking artesian wells. I have known instances where experiments have been made, wells have been sunk 1,500 or 1,800 feet without finding water, and within two miles, perhaps within a mile and a half, from where this experiment has been made another experiment has been tried and water has been found flowing copiously, plentifully, from an artesian well from 1,000 to 1,200 feet deep. In this immense area of country there is a great chance for experiment. I should be very sorry to see it entirely given up, because the benefits to result from a successful experiment in any part of this vast region will be very great not only to the United States but to the settlers and people who are to go and inhabit this region of country.

I hope that the amendment of the committee will be adopted. I should like to see the amount increased about five times what it is now. I should like to see it $100,000 at least. I have no hope, however, that the Senate would agree to such a proposition, and therefore I shall not make it. I do not like to see the expenditure limited to two wells. The experiment of starting two artesian wells in this vast region, which extends over an area of many millions of acres, is a very small experiment. Unless the Senate shall direct the Commissioner of Agriculture just where he shall start these wells he will certainly be at a loss what spots to select for either of the two wells proposed to be sunk.

Mr. CALL. Mr. President, I think this is one of the best provisions of this bill. The objections to it are of two classes. The first is the impracticability of obtaining water by these artesian wells, and the other is the general ground that it is not the duty of the Government or the province of the Government to encourage this kind of work; that it had better be left to private enterprise. Now, in regard to the practicability of obtaining water by artesian wells, it has been demonstrated throughout this country and in other parts of the world that there are very few regions of country, certainly in North America, where water may not be obtained at a sufficient depth. If there has been failure on the part of the Government, or of those who have represented the Government, certainly it is attributable either to the want of means or to the want of judgment or discretion of the officer charged with the duty. If we can not supply that defect, then we can do nothing as a government, and it is not a proper basis for argument nor a proper objection to the appropriation because it relates to everything that the Government has charge of.

There has been a distinguished success accomplished in different parts of this country by bringing large tracts of country that were before uninhabitable and useless for cultivation and for residence and for grazing into use by the supply of water through artesian wells. Now, I consider it the duty of the Government, as much the duty of the Government as any other function it has, to provide an opportunity for the people to obtain homes, by acquiring territory, by conquest or purchase, without subjecting them to the exactions of capital or of those who have large amounts of money. I think it is the duty of the Government, quite as much as it is to acquire a territory for residence, to prepare that territory for settlement and occupation if it can be done by the removal of some great natural obstacle which it is beyond the means of individual efforts to accomplish.

If a few thousand dollars will reclaim the arid plains of the West, who shall say that that should be intrusted to private capital and to private enterprise; that they should be privileged to acquire this territory and to exact such terms as they please from the settlers who are to go there? I do not appreciate the force of that argument. I conceive that it is the proper function of the Government to enable individuals, families, people of small means, to obtain homesteads, to occupy the public lands and to obtain them at small cost, to bring them within their means.

The same objection will apply to the whole of this bill. What is it? Here is an agricultural department, a commissioner of agriculture; here is an entomological division, public garden and grounds, a chemical division, seed, plants, silk-culture—none of those of course are within the ordinary functions of government; they do not concern the protection of life or of property except indirectly; they are an aid to civilization; they are an assistance to the people; they are diffusing information which otherwise they could not well obtain, and they are making it accessible to the whole people, and on these grounds I think

they are legitimate and wise and beneficent on the part of those who are charged with the duty of making the laws and expending the public money.

For the same reason this appropriation providing for artesian wells should be adopted. I am one of those that are not unwilling to extend and increase that appropriation, and I am very sure that if the Senate does its duty we shall be able to find among the American people sufficient discretion, sufficient integrity, and sufficient ability as executive officers to expend the public money not only honestly but wisely and judiciously. For that reason, sir, I am content with the appropriation and am willing to vote for it as in the line of that established policy which encourages the settlement and the cultivation of the public lands and seeks so to direct the public policy that the people of the country may have the opportunity to labor and to live in comfort on the fruits of their own labor.

Mr. WILSON. Mr. President, I suppose the Committee on Appropriations had some reason for using the phraseology of this proposed amendment; and among other phrases they have used this:

For continuing, locating, and sinking artesian wells, &c.

If there was any reason for the use of that phrase that reason would apply in opposition to the amendment proposed by the Senator from Maine confining this to two new wells. If there are wells now in course of sinking——

Mr. COCKRELL. One only, according to the reports.

Mr. WILSON. Very well. Why should that be abandoned under the operation of the amendment suggested by the Senator from Maine? Why not leave that?

Mr. HALE. The only object of the word "continuing" there—you may punctuate it perhaps so as to help it—is to indicate that this general work of sinking artesian wells is not a new work. This is to continue that work. What the committee want and what I desire is to continue the locating and sinking of wells, not as beginning; but not continuing any well that has been tried and where the experiment has been a failure, and putting in more money into that well, but it is to continue the location and sinking of wells. That is the object.

Mr. WILSON. The form in which the amendment is stated by the committee, then, is that there is work now in process of completion.

Mr. HALE. I do not think there is any work now in process that the Department has any hope of succeeding in. That word "continuing" might be stricken out.

Mr. WILSON. I was going to suggest that if the amendment now pending be adopted, then the Senate should strike out the word "continuing."

Mr. HALE. That can be done.

Mr. WILSON. As to the general subject, it has been demonstrated by the success which has attended the efforts of the Union Pacific Railroad Company and the Central Pacific Railroad Company to obtain water that there is an abundant water supply throughout the entire line of their roads. I remember very well in the early days of the operations of the Union Pacific Railroad that over a very considerable portion of the line, embracing the division stretching through the the Bitter Creek country, while there was an abundant supply of water, it was not of that character that could be used for machinery. It was so impregnated with alkali that the use of it in the locomotives caused the machinery to be sent to the shop for overhauling and repairing. And yet by the sinking of artesian wells over that particular division of the road they obtained the best water supply and the most copious water supply that they have on the entire line. Similar experiments were conducted by the Central Pacific, demonstrating the practicability of obtaining good water for all purposes on the portions of their line supposed to be without a supply of water. Along that entire line the demonstration has been complete.

Now, if it is needful to pursue these experiments further it seems to me that the limitation should not be to two wells, nor would I confine it to the sum mentioned in the amendment proposed by the committee. I would prefer the suggestion of the Senator from Kansas, that the discretion be left without restraint to the Commissioner of Agriculture, and that the sum be increased rather than to confine it to the two experiments. It is a matter of great public interest, and if entered upon at all it should be with that scope and abundance of appropriation that will enable the Commissioner to effect some great public good.

Mr. CONGER. Mr. President, there have been I think two former appropriations of $10,000 or $20,000 each to test in the arid regions of the plains east of the Rocky Mountains the question whether in that broad extent of country where there is no water now to be found the geological formation of the country was such as would warrant the expectation or the hope that water could be obtained by artesian wells and brought to the surface, fitting the country by the use of these wells for habitation and for the watering of gardens and herds of stock and making them what they are not now, inhabitable.

Such experiments are always subject to failure. No one can tell beforehand at what point in a tract of country hundreds of miles long and wide you may reach a stratum filled with water that will come to the surface and flow from an artesian well. Continually in cities and towns bordering such countries where shops and machinery can be provided, and where a little capital can be invested in unexpected places, borings for water have been pursued and very valuable results have been unexpectedly in many places obtained. We all remember probably that at Chicago on the borders of the lakes, and also on the borders of very extensive level land, many years ago the experiment was tried of boring for water which would rise considerably above the surface, and it was followed by sinking large wells. In fact if I remember aright wells were sunk there to get water not only for watering a considerable portion of the city but for some mechanical purposes.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. CONGER. I ask permission to close what I have to say in a few words more.

Mr. HALE. I ask that the unfinished business be laid aside for the present.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent of the Senate that the unfinished business be informally laid aside. Is there objection? The Chair hears none. The Senator from Michigan [Mr. CONGER] is entitled to the floor, but will please suspend a moment while the Chair lays before the Senate a bill from the House of Representatives.

HOUSE BILL REFERRED.

The bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. HOAR. Yesterday, after the morning business was disposed of, the Utah bill was the unfinished business, and I consented to a unanimous understanding that that should be laid aside informally until the bureau of statistics bill should be finished. I merely call attention to the fact that when the bureau of statistics bill is finished, of course not affecting the appropriation bill, I shall call up the Utah bill.

The PRESIDING OFFICER. The Chair is aware of the fact that such an agreement had been made by unanimous consent, but he is informed by the Secretary that at the adjournment yesterday the bill just announced as the unfinished business was under consideration, and is therefore technically and in fact the unfinished business.

Mr. HOAR. I make no question of that; I merely give notice that when that bill is over I shall then ask for the carrying out of the understanding that the Utah bill shall be proceeded with.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan [Mr. CONGER] is entitled to the floor.

Mr. WILLIAMS. I have had a notice pending since this day week that to-day at 2 o'clock I would ask the Senate to take up the Mexican soldiers' pension bill lately passed by the House. I wish the Senate to understand that I shall make that motion as soon as the bill now pending is disposed of. I want the Senate to have fair notice, and not be taken unaware.

Mr. BLAIR. Does the Senator refer to the appropriation bill or to the statistics bill?

Mr. WILLIAMS. The statistics bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7076) to declare the cantilever bridge, constructed by the Niagara River Bridge Company across the Niagara River, a post-route; in which it requested the concurrence of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

Mr. CONGER. It is probably within the knowledge of Senators in their own localities that in the villages and cities in many of the Western States borings of artesian wells obtaining full supplies of water have been very successful. The object of this appropriation is to enable the Government to select places in arid plains where there are no settlements and at Government expense determine whether by boring artesian wells water can be obtained in one place or in another. I understand that east of the Rocky Mountains, upon the plains near Denver, in that region, borings for wells have been very successful, and abundant supplies of water have been obtained. In Southern Dakota the water flows from artesian wells on the plains and upon the highest eminences in the region near Yankton. I think two hundred and fifty or two hundred and sixty feet above the level of the plateau upon which Yankton is situated there is an artesian well from which the water flows from the very top and waters the town and the gardens in that vicinity.

I should not be willing to vote for an appropriation to experiment in the neighborhood of cities and towns, and where there are settlements and people can find wells. But it requires a good deal of outfit to go out on an arid plain to bore a well and make the experiment. If one

well there was successful, you might reasonably hope an effort would be successful for miles and miles around. It might be the means of reclaiming a large territory of arid land from desolation and make it inhabitable, or at least very valuable for the watering of cattle and stock on the plains. I think that was the object of passing the former appropriations.

It is no answer to this to say that the result is not in every case successful. There may be hundreds of miles where artesian wells may be successfully bored and water found, and there may be regions where it would be entirely useless to do it. No one can tell beforehand what the result will be; and as the Government is the proprietor of all these lands, if we can establish the fact that vast regions surrounding any given experimental well may be successfully bored for water, I think the money is very well expended.

I shall vote for this appropriation. I shall not vote for a very large one. Let this pass along *pari passu* with the endeavors of private citizens, sometimes with success, sometimes with failure, but it is something to prove to the people who may desire to go and experiment on these plains that the experiment will be unsuccessful, and it is worth something for the citizen to know, if he is attempting to settle on this arid land for any purpose, that the experiment has been made and that it is useless to waste further money by the citizen.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maine [Mr. HALE] to the amendment of the Committee on Appropriations.

Mr. MCMILLAN. Let it be read.

The SECRETARY. In line 169, after the word "sinking," it is proposed to insert "two new;" so as to read:

For continuing, locating, and sinking two new artesian wells, &c.

Mr. MCMILLAN. I hope this amendment will not prevail. I am in favor of the appropriation embraced in the amendment proposed by the Committee on Appropriations to this bill, but I am not in favor of restricting the expenditure of this money to two wells or to any other number of wells. That should be left in the discretion of the Commissioner of Agriculture. There are more localities than one in which it is desirable that this experiment of sinking artesian wells should be tried, notably on some of the northern plains. I do not understand the term "plains" here to restrict the expenditure of the appropriation to any particular portion of the arid region, nor to the use of money in carrying on the experiments which may have been commenced at this time. The appropriation, I think, for the general purpose will prove to be very beneficial. I have no doubt whatever that great benefits will result from the appropriation of this money, and I trust the amendment proposed by the Senator from Maine will not be adopted.

Mr. HALE. I offered the amendment because of the suggestions made by the Senator from Missouri [Mr. COCKRELL] and the Senator from Kansas [Mr. INGALLS], and because my mind agreed with them. It has been found by these experiments, by the spending of the money heretofore appropriated, that for about $10,000 all the outfit necessary and everything needed to bore down ten, twelve, or fourteen hundred feet—far enough to settle the question one way or the other—can be had, and the object of the amendment offered by me is to restrict the Commissioner, the head of the Department, to two experiments. If you do not put that in the Commissioner undoubtedly may begin twenty experiments and start the Government in on twenty artesian wells. I do not think he would do it, but he might; and I take it the object of the Senator from Minnesota is that he should. To that I am opposed. I believe in spending the $20,000, first selecting the two most desirable and apparently available spots, putting the money into those two wells, and then come here next December and report to Congress what has been the result of spending this money. I do not want the Commissioner to have any authority or right to start a dozen or half a dozen wells and come here in December and say he had not money enough to try at either of them and wants more. I do not want the Government committed to that policy. That is why I offered this amendment limiting it. I think now it is better to adopt the amendment, strike out the word "continuing," and let this experiment be tried one year more, rather than to do as the Senator from Kentucky [Mr. BECK] essays, strike out the whole paragraph. I am willing to see it go on, but only to go on in this way, so that we may have the experiment tried out and know something about it.

Mr. PLUMB. Mr. President, this is a very interesting question. I do not think that anything we shall do this year will finally settle what we shall continue to do.

The Government of the United States has thousands of millions of acres of what are known as arid lands, not now fit for anything but pasturage, and not fit for that practically, because of the absence of water in sufficient supply anywhere near by.

The amendment of the Senator from Maine contemplates that two wells shall be sunk at a cost of $10,000 each. My own hope is, if not my belief, that it may be possible to sink wells at a cost of much less than $10,000. The average cost of a number of wells—some ten or twelve, I think—sunk by the Union Pacific Railroad Company along its line is between $6,000 and $7,000.

Mr. HALE. What has been the average cost at each well the Government has made its experiments on?

Mr. PLUMB. Not knowing the number it has experimented on, I can not tell.

Mr. HALE. It is about $10,000.

Mr. PLUMB. As a rule the wells will perhaps cost $10,000, but after all we are learning something as we go on. The Geological Survey has extended its work, and there are places in which perhaps it might be indicated within a reasonable degree of certainty that wells should be sunk at a depth of five hundred or six hundred feet to obtain the desired results, and where the sinking would not cost perhaps over $5,000. I think if the Commissioner were invested with some discretion in this matter he would be able to enlist parties interested locally or otherwise in such a way as to some extent prevent the necessity of the Government being entailed with all the expense.

If we just have two wells at a cost of $10,000 each, how much will be done toward settling this very interesting question? Here are all the western portion of Kansas, all the western portion of Nebraska, all Western Dakota, almost the entire habitable portion of Montana—when I say "habitable" I mean to say having a soil which would permit of cultivation if there were water—and Idaho and Eastern Colorado, New Mexico, Arizona, Nevada, Eastern Oregon, and a considerable portion of Washington Territory, in all which States and Territories the Government has large bodies of land now of no use to any one, either to the Government or to the settler, because of the lack of water, and that is a very material lack. It is the one thing that is wanting; and unless the Government shall be able to demonstrate by a few experiments that there is nothing to be expected in those vast areas it can afford to go on experimenting. More than that, it can not afford to stop experimenting. We have got to that point now where the area of land which is fit for settlement without artificial supply of water is extremely limited. The people who are wanting homesteads will soon be beyond the ability and the power of the Government to supply them with homesteads, and it is not a question of the benefits to the individual, but it is a question of the greatest consequence as a matter of public policy what shall be done with the comparatively dense population which springs up around manufacturing centers and which heretofore has found its relief in the unsettled West.

The Government can do no better with its money, whether it has a surplus of money or not, than to demonstrate, if that be possible, that areas of country from which settlement is now excluded can be brought under conditions for agriculture; and the sum of $20,000 is nothing in comparison with the result to be achieved. I do not want to see it spent unwisely, as some portion of the money we have heretofore appropriated has been; but that should not induce us to expend nothing and simply say because some money has been spent improvidently we will spend no more. We must take the chances which extend to all expenditures of money by the Government. Some of it will be misspent; some of it will be extravagantly spent; but out of it all something may come. If we can not use one plan, certainly we can devise another. This sum, in place of being $20,000, might well be $50,000, and the Government would make money out of it, even in the sense of getting back its identical dollars that are paid out; but in the larger sense and in the better sense of preparing lands for tillage that can not now be cultivated at all, it would get it back a thousand-fold.

Mr. BAYARD. I ask to have the amendment of the Senator from Maine reported.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from Maine [Mr. HALE] to the amendment of the Committee on Appropriations. The Secretary will report the amendment to the amendment.

The SECRETARY. In line 169, after the word "sinking," it is proposed to insert the words "two new;" so as to read:

For continuing, locating, and sinking two new artesian wells on the plains, with a view to reclaiming arid and waste public lands, $20,000.

Mr. JONES, of Nevada. Mr. President, I entirely agree with the Senator from Kansas [Mr. PLUMB] as to the importance of this appropriation. Stretching from the Snake River in the north to the Colorado in the south, and between the western slope of the Wahsatch Mountains and the Sierra Nevadas, there are hundreds of miles of arid plains without water, entirely valueless, but which have proved, wherever irrigation could be had, to be among the richest of the lands of the United States. In that great range of country there sink several large rivers. The Truckee River, as it emerges from the mountains, a large stream, shortly after striking this plain sinks, and so far as we are able to see never appears again on the surface. Also there empty the Carson, the Humboldt, and the Walker Rivers, all in these plains. As I have said, the lands whenever irrigated have proved to be among the most fertile to be found in this or any other country, producing the very largest crops, but at present not capable of even being used for pasture lands.

If those lands were in private ownership, it would be the best speculation in the world on the part of the owner to sink wells for the purpose of giving value to the lands; and as the lands are in the ownership of the Government, the same rule ought to apply. If the Government will go into those plains where those great rivers sink and spend a reasonable amount of money, instead of the sparse population who inhabit that great range of country there would result, whenever

it could be proved that artesian wells could be had, an incoming population rich and prosperous.

It seems to me that if anything were done in this bill, instead of limiting it to one or two wells, the appropriation should be raised. I know of no better appropriation that the Government could make, no one that would more redound to the advantage of the Government, than to test whether those great stretches of land can be made the happy homes of prosperous people.

I hope the amendment to the amendment will be defeated. I have a belief that in the near future the great importance of these experiments will be made apparent to Congress, and that larger sums of money will be continuously appropriated to prove the great value of the lands and to make an outlet that this country has heretofore always enjoyed for the superabundant population congregating around the more populous centers.

Mr. HALE. Some half-dozen years ago Congress embarked on this experiment. There was not a single consideration that has been urged here by the Senator from Kansas [Mr. PLUMB] or the Senator from Nevada [Mr. JONES] that was not then equally apparent. The subject-matter was intrusted to that Department of the Government specially designated to look after the interests that have been alluded to and urged by the Senator from Kansas and the Senator from Nevada, and that Department, exercising that discretion in the view of the considerations presented by the Senators from Kansas and Nevada, has gone on from year to year expending money appropriated without let or hinderance except in the amount of the appropriation, with nothing in any way constraining its acts, seeing all this region lying about and before it and the probable beneficence of the result of its success, and yet year after year it has come in with the report of nothing but failure. Private enterprise has nowhere been restricted because of limited appropriations, and two railroads have been built piercing that country, going above it and below it, and by private enterprise artesian wells have been sunk and water raised for purposes incident to railway transportation. In the mean time settlements have extended in the westerly direction. This great grazing region for years has been occupied, formerly by the buffalo, which got into water somewhere, more lately partially by grazing herds; and now at the end of this liberality on the part of the Government it is urged that because the region lies there no limitation should be made and this experiment should go on without any control on the part of Congress except a round appropriation.

On the discussion and with the view of the presentation of all these arguments, it has seemed to me better, if we are to appropriate $20,000, that we shall confine it to two wells, because the experiments in the past have shown that the Government must expend about that sum on two wells to settle anything for that locality, rather than that the Commissioner should be persuaded, or an attempt should be made to persuade him, to take this $20,000 and try twenty experiments, or ten experiments, or six experiments, and come in and report that he can not make a final report because he has not had money enough and wants more. It will do more, let me tell the Senator from Nevada, to help settle this question in the way he wants it settled, by demonstrating somewhere that there is water, if, with the skepticism that is apparent on this subject-matter, the Commissioner is allowed to try two wells and sink them deep enough so that he may probably get water and report it to us at the next session of Congress. It will help it more, I believe, in the Senate, it will help it more in the other House, it will help it more in the country, if it is limited in this way and he is able to report that he has sunk two wells, had money enough to complete the experiment, and has found water, and therefore demonstrated that we should go on.

The amendment is not offered in hostility to the experiment. I do not believe in striking out the provision. I would go on and try it and see; but I believe it would be done better and more in the interest of opening up that region if he completes two wells and reports to us that he has done something than to extend it more.

Mr. COCKRELL. I think the Senator from Maine has done well in offering the amendment to the amendment. If it is adopted I shall vote for the amendment as amended; otherwise I shall vote against the amendment. This is not a new question. I find by reference to the Statutes at Large, volume 17, that on the 8th of June, 1872, twelve years ago, this subject-matter was inaugurated:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to expend the sum of $10,000, or so much thereof as may be necessary, for the purpose of sinking an artesian well on the Fort D. A. Russell military reservation, in the Territory of Wyoming.

There was the first $10,000 that we sunk in sinking artesian wells, in the Territory of Wyoming. I am not advised as to the results of that expenditure. I presume if I had a little more time I could find in some report of the Secretary of War an account of what was done with it. I find in the agricultural appropriation act, approved on the 19th of May, 1882, and making appropriations for the fiscal year ending June 30, 1883, this provision:

Reclamation of arid and waste lands:

For locating and sinking not exceeding three artesian wells on the plains east of the Rocky Mountains, with a view to reclaiming arid and waste public lands, $20,000: *Provided*, That no part of this sum shall be expended in experiments upon the lands of individuals or corporations, but only upon the lands belonging to the United States: *Provided also*, That a sum not to exceed $1,000, to be immediately available, may be used by the Commissioner of Agriculture for payment of expenses already incurred.

There was $20,000 sunk in sinking artesian wells. Now I come to the agricultural appropriation act making appropriations for the fiscal year ending June 30, 1884, the present fiscal year, and I find this provision:

For continuing, locating, and sinking artesian wells on the plains east of the Rocky Mountains, with a view to reclaiming arid and waste public lands, $10,000: *Provided*, That no part of this sum shall be expended in experiments upon the lands of individuals or corporations, but only upon the lands belonging to the United States.

Under these appropriations something must have been commenced. Is it wise and judicious to complete that and not enter upon more than two other wells? I say it is, and that it is a waste of money to undertake more than two additional wells.

Mr. MCMILLAN. Will the Senator state what was done under those various appropriations? I am not informed.

Mr. COCKRELL. I have stated that so far as the appropriation for the D. A. Russell military reservation was concerned in 1872 I have no knowledge of the result. There may have been other appropriations made prior to that one. I have not had time to hunt them all up. This I have just laid my hands on a moment ago. We know the first appropriation, which the Senator from Kansas [Mr. INGALLS] described, where the money was sunk, thrown away, in sinking beneath the surface where there was an abundance of water to see if a subterranean stream could not be found. It has resulted in nothing. That is what has been the result of it. The report of the Commissioner of Agriculture for 1883 shows what was the disposition of the last appropriation for that fiscal year.

Mr. HALE. The Senator will remember the Commissioner stated that nothing had come of it; that it had to be abandoned.

Mr. COCKRELL. I say nothing has been done at all.

Now, there is another point that I would thank Senators to consider, and that is that we are sinking all the wells along land-grant railroads where every alternate section of land belongs to a railroad company, and we can only put a well on one section and the adjoining section will belong to the railroad company. We are not sinking these wells at a distance from the railroads and beyond the bounds of the land grants where the Government owns the entire area of the land, but we are sinking them where private corporations will reap one-half of the benefit, and they contribute nothing to the cost.

Mr. MCMILLAN. I do not understand that there is any limitation as to the location of these wells.

Mr. COCKRELL. As a matter of course, we all know they have been located along the lines of the railroads where machinery could be delivered. There has been no effort made to do anything else. They have been located there and they will continue to be located there.

Mr. MCMILLAN. I supposed the discretion of the Commissioner would be exercised in the location of the wells because the settlements would extend there.

Mr. COCKRELL. I do not presume the discretion of the Commissioner will be exercised to the extent of hauling machinery and engines and things of that kind twenty and twenty-five miles beyond the line of railroad, and I suppose the Senator does not expect that. We know that wells will be located along the line of railroad where private individuals will keep one-half the benefit of the appropriation, and I say it is certainly enough if we confine the appropriation to two wells. I hope the amendment to the amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine [Mr. HALE] to the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 18, noes 8; no quorum voting.

Mr. CAMERON, of Wisconsin, and Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. PLUMB. Let me say in regard to this matter that the Senator from Maine wants simply to accomplish one thing as I understand, and that is that there shall not be more than $20,000 spent and that the Government shall not be pledged for anything in future. His amendment absolutely emasculates the provision; that is to say, it limits it in a very large degree and prevents the Commissioner from exercising any discretion about this matter at all, at least of a wise character, and I think on the whole the provision might just about as well be stricken out if that is adopted. It simply goes on the theory that we have spent a large sum of money and that that is begrudgingly given to continue an experiment which the Senator berates because it has not been heretofore successful.

If the Senator from Maine had been west of the Mississippi River (and I hope he will go there some day) he would see something of the area that is to be affected by this expenditure or expenditures of a similar kind. He would see something of the necessity which exists; and more than that, he would realize that those expenditures may go on from year to year, and from year to year, ineffective as they are, and still be properly continued in even the hope that they may lead to something.

I know it is customary for people who live where they look out on the Atlantic Ocean to think on the whole that the country which they see

as they turn around and which limits the horizon of their vision is all there is of this country, and to look upon the expenditure of a few thousand dollars to benefit that great section of country in the West as entirely out of keeping. At the same time they beseech us to give thousands and millions and hundreds of millions of dollars to benefit the section that they live in; and it has been paid and repaid and adorned and multiplied and beautified at the expense of the Treasury of the United States from time immemorial.

If this is to be the pattern which is to be set, let us set it and let everything else be governed by it as well. If for the improvement of hundreds of millions of acres of public lands, the only remaining resource for the overflowing population of this country, we are to be begrudged $20,000 for this purpose, then let that principle be applied to all the appropriations, to rivers and harbors, public buildings, customhouses, and expenses of different kinds kept up and fructified to enable the people to live who have settled on the rocks of Maine and Massachusetts, and so on, and who have got the bulk of their living out of the Western people.

Mr. HALE. There is not any local question in this matter in the least; and the Senator from Kansas need not lose his temper because an amendment has been proposed to the end and for the object of perfecting this appropriation and assuring an expenditure which will be satisfactory because that amendment comes from a Senator living in an Eastern State. I fancy that in all the body the Senator is the only man who supposes that in anything relating to this question there is a local feeling.

The Committee on Appropriations is not very niggardly in its appropriations for the West. Take this little bill that I have reported. The Senate committee has put in this clause giving $20,000 when the House did not give anything. It has reported in favor of continuing the experiment and in favor of other projects and other experiments that are Western. The bill is full of appropriations for the West; there is nothing in it for the East; and all the appropriation bills run largely in that direction.

I, for one, as an Eastern man, am very glad to contribute to just such appropriations. I recognize that the great increase and development of the country is in the West; that it is absorbing public power, public control, and will and ought largely to absorb public appropriations. But it is not a fitting thing whenever a little question comes up about the expenditure of $20,000, and a Senator offers an amendment in the direction of the method in which it should be expended, for any Senator to declare that it is a question between the East and the West. The East and the West do not get up questions on such subjects; they do not get up questions on $20,000. They are not likely, I hope, to get up any questions at all between the two sections.

I still stick to my point that out of this appropriation, which I am willing to give and do not give grudgingly, we shall get more results; that that great region will be more benefited if the Commissioner of Agriculture is left to select two places and is not besought to select ten or half a dozen, and if he puts this money into those two places and is able to report to us that he has gone I may say to the bottom and can tell us at the end of this summer and fall season what has been done in the way of developing in two places that water can be got.

Mr. PLUMB. Let me ask the Senator a question. Suppose, for instance, a misfortune should occur at a well five hundred feet in depth; that a drill should be caught in such a way that the well would have to be abandoned. That would of course be one of the wells, and that would limit the appropriation. Then if that should happen to the other well, it would render the whole thing ineffective.

I wish to call attention to the fact that while the Senator from Maine objects to the Commissioner of Agriculture using this appropriation, he has voted to give millions of dollars to the Secretary of the Navy without any limit whatever, to be expended at his own sweet will.

Mr. HALE. It is not a question of limitation as to the Secretary of the Navy; it is not a question of limitation as to the Commissioner of Agriculture; it is a question as to how the money will be best spent, whether upon two or more than two wells. It is not a question of trusting the Commissioner of Agriculture. The Senator is going for parallels outside, to things that are not in the least analogous. I am not distrusting the Commissioner of Agriculture. I would leave the selection to him, but I say again he will do better and get better results if he tries this experiment at two wells that he can report upon.

The Senator says that we should go on, no matter whether we succeed or fail, in doing this year after year. It may be perhaps that is so, but I tell the Senator from Kansas that his case will be a great deal stronger in Congress, in this body and elsewhere, if, instead of continual and repeated fruitless experiments, the Commissioner is at last able to report that he has sunk one or two wells and has brought living water up. His case will be a great deal better if that is done than it will be on repeated failures over and over again reported. I am seeking to have that done, and I want two wells in two different places completed, so that we may settle, if we can, that water can be obtained by the Government as well as by individuals.

Mr. WILSON. I wish to ask the Senator from Maine a question. A great many artesian wells have been successfully sunk at a less expense than $10,000.

Mr. HALE. Not by the Government.

Mr. WILSON. I speak of artesian wells. Suppose the Commissioner of Agriculture in the expenditure of this appropriation, if it shall be made, should have the good fortune to sink two wells and obtain water at an expenditure of one-half the sum appropriated, why not allow him to continue his experiments and sink other wells?

Mr. HALE. My answer is that the experiments in the past do not lead us to believe that that is so likely to occur as the reverse. If the Commissioner is able fortunately to sink two wells and demonstrate that water can be procured in those places by the Government, and reports to Congress that he has money over, then let me tell the Senator from Iowa that Congress will be readier to increase its appropriations than by any other result.

It will cost more for the Government to do these things than it will for individuals, for the reason that it goes to more difficult places. The Government finds lines along where private enterprise has sunk artesian wells and gets water. It does not go there; that is not the object. In the region where private enterprise does this, and can do it, nobody asks that the Government shall do it; but it goes to other places where private enterprise has not been, somewhere near, or it may be a hundred miles away in a more difficult spot, where private enterprise will not go. Therefore it will cost more.

It is not safe, it is not reasonable, to assume on what has been done that a well can be sunk for less than $10,000. But if it can, I shall welcome very much the report of the Commissioner that he has sunk two wells, that he has reached water in both, or in one, and that he has $5,000 left. I repeat again, these appropriations will go very much easier if that is done in the hereafter than if another failure is reported.

Mr. FARLEY. I wish to ask the Senator from Maine a question before he takes his seat. Is there anything in the bill disclosing where these wells shall be sunk, any particular locality?

Mr. HALE. That is left discretionary with the Commissioner. The clause itself provides that they shall be sunk on the plains.

Mr. FARLEY. That is very indefinite.

Mr. HALE. This is the clause:

On the plains with a view to reclaiming arid and waste public lands.

Mr. DOLPH. I should like to ask the Senator from Maine having charge of the bill if he supposes that under this language these wells or either of them could be sunk in the region described by the Senator from Nevada [Mr. JONES] west of the Rocky Mountains?

Mr. HALE. I do not remember particularly. I have no doubt it would apply to the region described by the Senator from Oregon and the Senator from California. I listened to what their description was, and I have no doubt it will apply there. I did not hear the description given by the Senator from Nevada.

Mr. MILLER, of California. It was the same.

Mr. HALE. It is the same region. Then I have no doubt it would apply.

Mr. DOLPH. In some of the earlier appropriations the language of the law is "on the plains east of the Rocky Mountains."

Mr. HALE. That is not put in here. That was left out purposely.

Mr. DOLPH. I think the words of the original act, "east of the Rocky Mountains," are superfluous. Still, I insist that commonly when we speak of "the plains" we speak of that region between the Mississippi River and the Rocky Mountains. When we speak of the region beyond we speak of it as the Salt Lake Valley, the Basin of the Columbia, and other regions by name. I do not believe myself that a dollar of this money could be expended west of the Rocky Mountains under the provisions of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE] to the amendment of the committee, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 28, nays 22; as follows:

YEAS—28.

Aldrich,	Colquitt,	Harrison,	Logan,
Beck,	Frye,	Hawley,	Maxey,
Blair,	Garland,	Jackson,	Pugh,
Brown,	George,	Jonas,	Sewell,
Camden,	Gorman,	Kenna,	Slater,
Cockrell,	Hale,	Lamar,	Vest,
Coke,	Harris,	Lapham,	Walker.

NAYS—22.

Allison,	Dolph,	McMillan,	Sawyer,
Call,	Fair,	Manderson,	Van Wyck,
Cameron of Wis.,	Farley,	Miller of Cal.,	Voorhees,
Conger,	Hill,	Mitchell,	Wilson.
Cullom,	Hoar,	Morrill,	
Dawes,	Jones of Nevada,	Palmer,	

ABSENT—26.

Anthony,	Groome,	Morgan,	Sabin,
Bayard,	Hampton,	Pendleton,	Saulsbury,
Bowen,	Ingalls,	Pike,	Sherman,
Butler,	Jones of Florida,	Platt,	Vance,
Cameron of Pa.,	McPherson,	Plumb,	Williams.
Edmunds,	Mahone,	Ransom,	
Gibson,	Miller of N. Y.,	Riddleberger,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended.

Mr. COCKRELL. I wish to have an amendment made to it reserving the land from disposition. The Commissioner of Agriculture goes and selects a quarter-section of land upon which to sink a well, and some man about the time he commences to work upon it lays a homestead, or pre-emption claim, upon the land, and when that is done the $10,000 goes into the pocket of the individual. I wish to have the land reserved from disposition until the further order of Congress.

The PRESIDING OFFICER. Does the Senator from Missouri offer an amendment?

Mr. COCKRELL. I offer this amendment to the amendment; I move to add:

But only upon lands belonging to the United States, and which shall be reserved from disposition.

Mr. MILLER, of California. That is, in case the well is successful?

Mr. COCKRELL. Until the well is sunk and we know what it is. Then we can make further order. In the first act that we passed in regard to this matter a space two or three miles square, according to my recollection, we reserved from disposition. These wells will be located on lands where every other section belongs to the railroad companies, and we can not, as a matter of course, reserve any other than public lands, which will be every alternate section.

Mr. MILLER, of California. Will the Senator state how much he proposes to reserve by his amendment? One section?

Mr. COCKRELL. The whole strip; the section upon which the well is located.

Mr. MILLER, of California. The spot on which the well would be located would be about ten feet square.

Mr. COCKRELL. I mean the section on which it is located.

The PRESIDING OFFICER. The amendment of the Senator from Missouri will be reported.

The CHIEF CLERK. It is proposed to add at the end of the paragraph, line 174, the words:

And which shall be reserved from sale or disposition to the extent of one section.

Mr. WILSON. I suggest to the Senator from Missouri that he modify his amendment so as to provide that the section on which the well is located shall be reserved.

Mr. COCKRELL. It means that evidently; but let the words be inserted to make it plain. To say "to the extent of the section upon which located" would make it definite. If I thought that the location would be made outside of the railroad limits, I think we ought to reserve as much as four sections, but I will let it remain as it is, one section.

The PRESIDING OFFICER. The amendment to the amendment, as modified, will be reported.

The CHIEF CLERK. It is proposed to add at the end of the paragraph, line 174:

And which shall be reserved from sale or disposition to the extent of the section upon which located.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 195, to insert:

SILK-CULTURE.

For the encouragement and development of the culture and raising of raw silk, $15,000, to be expended under the direction of the Commissioner of Agriculture.

Mr. GEORGE. The Committee on Agriculture considered the question of how much it was necessary to appropriate for the purpose of encouraging the culture and raising of raw silk, and they proposed an amendment to the bill and referred it to the Committee on Appropriations authorizing the expenditure of $30,000. The amendment was adopted by the Committee on Appropriations with the single exception of striking out $30,000 and inserting $15,000. I move to amend the amendment of the committee in accordance with the opinion and judgment of the Committee on Agriculture by striking out, in line 198, "$15,000" and inserting "$30,000," and I will submit a word or two only in favor of the amendment which I propose, or which is proposed by the Committee on Agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE] to the amendment of the Committee on Appropriations.

Mr. GEORGE. Mr. President, I desire now only to say that the Committee on Agriculture thought that $30,000 was a small enough sum to be appropriated for the purpose indicated in the amendment. I desire further to say that the Committee on Appropriations in adopting the amendment, except as to the amount, have settled the question so far as they are concerned that silk-culture is an object which ought to be encouraged and fostered by the Government. That being settled, it would seem to me to be very evident that the amount of $15,000 for so important a matter is an insignificant sum to be appropriated.

I trust, therefore, that the amount agreed upon and recommended by the Committee on Agriculture will receive the sanction of the Senate, and that the amendment which I have offered will be adopted.

Mr. HALE. The Committee on Appropriations believed that it was best in this matter to go very slowly and carefully. The subject of silk-culture is not by any means a new one in the United States. It has been tried repeatedly; it has been tried on the Atlantic coast, it has been tried on the Pacific coast. It is not expected that any sum given now by Congress will go to the extent of building up this industry, or subsidizing it, or taking it out of its proper domain. It is a human industry conducted by private enterprise. The Committee on Appropriations has not committed itself to any such policy as that, but it is believed that with this sum the Commissioner of Agriculture may make inquiries, may send out circulars, may secure reports, and may be enabled to arrive at conclusions and results which he can report to Congress and the country that will benefit this industry, if it can be benefited.

But I wish now for one to say that the Committee on Appropriations has not committed itself to any policy of sustaining and subsidizing this culture, only of encouraging investigation and experiments in it, so that private enterprise may make it what those who believe in it fondly hope that it can be made; and $15,000 in the judgment of the committee is going far enough in that direction.

Mr. MORGAN. Mr. President, I am a little surprised to hear the Senator from Maine, a man of large intelligence and information about all the important industries of this country, represent the silk industry as being a matter rather of insignificance in the United States. If he will consult the statistics of silk production in the United States he will perhaps be very much astonished to find the quantity that is produced not only for consumption in this country but for exportation abroad.

We sell cocoons in Lyons, France, at a higher rate in the market than they can get for French cocoons. We have sold them in Germany, we have sold them in Italy; we have supplied silk-worm eggs very considerably to all the southern states of Europe for a good many years past. While they have been purchasing largely silk-worm eggs from Japan and transporting them, car-loads at a time, across this continent, we have gone into that trade, and have to some extent competed with them, because the quality of the eggs raised in the United States is better than those raised in Japan; and because of some pests that have visited the silk-worm eggs and the worms themselves in Southern Europe, it has been necessary that those countries should replenish their supplies from year to year.

Quite a large number of silk associations exist in the United States, and all of them are to a degree in successful operation. Some of the most beautiful fabrics that have been woven on this continent have been made exclusively of American silk. Time will not admit of my going into the details of the statistics of silk-growing, but I am really surprised to find that the Senator from Maine thinks now that this great industry is merely in a sort of tentative or infantile condition. It has progressed until quite a large number of people in the United States make not only their living but make money out of the production of silk.

Mr. HALE. Will the Senator allow me to ask him one question?

Mr. MORGAN. Yes, sir.

Mr. HALE. If it is not an incipient and struggling industry, what reason can the Senator give why the Congress of the United States should appropriate any money for it?

Mr. MORGAN. I can give the same reason precisely that the Committee on Appropriations have always been diligent and attentive to the subject of voting money to buy cabbage-seed, lettuce-seed, corn-seed, tomato-seed, and seeds of various kinds for distribution among the horticulturists and kitchen-gardeners of the United States. Neither their judgment, nor their patriotism, nor their liberality has been overtaxed.

Mr. HALE. The appropriation proposed by the committee would procure everything of that kind called for in silk-culture.

Mr. MORGAN. Not by any means. I am not here for the purpose of justifying that line of public expenditure, but we have committed ourselves to it for years past, and I suppose we shall never get rid of it. In the distribution of the bounty of the Government through these small agencies, which are so dear to Congressmen as well as to the people, I insist that those who are engaged in silk-culture shall also have a distribution at least of silk-worm eggs of various qualities and varieties that are grown in the different latitudes of the United States, from the Canadian line down to the southern point of Florida.

This is the one industry that can be cultivated successfully in any part of this country, and is being cultivated successfully in all parts of the country. The difficulty about it is that it does not require a large outlay of capital; it is not a plantation production; it is purely a domestic affair. The rearing of silk-worms, the collection of the cocoons, taking care of the eggs, &c., is a matter that is intrusted to the women and children of the country. Those persons who are unfit for almost any other mechanical pursuit or for any employment can take care of this very important industry. An old lady who can scarcely cripple across her floor for the purpose of laying a few leaves upon a shelf can make $200 a year raising cocoons, with a few little children to bring her the leaves from the osage-orange trees and the various descriptions of

mulberry for the purpose of feeding the worms. The difficulty is that the industry is distributed all around through the different homesteads of the United States, where the people are poor and where they like to resort to minor industries of this kind for the purpose of raising a little ready money for the use of the family. The markets are distant, and the small amount of cocoons produced at each house is so insignificant in a commercial sense that they have no opportunity of transporting these things to marketing centers.

Cocoons are of no value unless you have filatures for the purpose of reeling them. In the south of France, in Italy, and in Germany the women and children are instructed for the purpose in their technical schools, and they are employed after being instructed in the use of the hand-reel, which, with a certain degree of skill that they acquire very soon and the soft touch of a woman's or child's hand, renders the distribution of the threads in the web even, smooth, and makes it useful for the weaver and makes it a valuable commodity of commerce. There they have also larger establishments for the collection of the webs, where they are reeled into lengths for the purpose of supplying the weavers of the fabric. Here, in consequence of the wide diversity of pursuits in the country and the great distance apart that the people live who may be desirous of engaging in this industry, we have no filatures; we have no points of concentration which may be called markets for the silk-worm eggs; and the result is that many persons are deterred from going into it who would readily take it up and would carry it on successfully if we would supply them with establishments of the kind that I mentioned, filatures, in the different parts of the United States.

I had the honor to lay before the Senate of the United States some time ago a memorial from the California Silk-Culture Association. It was followed, I believe, on the next day by a similar memorial presented by the Senator from California. Memorials have come in also from other parts of the United States of a similar character asking Congress specifically to establish filatures for the reeling of silk in different localities in the United States. Some enterprising men in Kansas, others in New Orleans, others in Philadelphia, and others in North Carolina, in various parts of the United States, have started up these points of concentration for the gathering together of cocoons and having them reeled into webs of proper character to be carried into the hands of the weavers. One of these gentlemen, who has a filature in New Orleans, and who seems to have done very well with it, sent me the other day some specimens of all the silk that he reeled upon his machines in New Orleans. I will send them to the Senator from Maine in order that he may see that there is something substantial in this industry, and something very beautiful in it too. That silk [exhibiting] is the native color produced by the worm. Nothing has been done to it except that a number of strands have been put together and it has been reeled, I was going to say upon a hand-reel, but I think it is a machine that is worked perhaps by steam-power.

If the Commissioner of Agriculture will go to work in an intelligent way to establish points of concentration for this silk industry in the different neighborhoods of the United States where the people have already started it and are anxious to carry it on, we shall find that there will be a contribution to the commerce of the United States and to its wealth annually that will astonish the wisest men on the floor of the Senate.

The bill as reported by the committee proposes to appropriate $15,000 for the purpose of the encouragement of the silk industry of the United States. I notice a statement in the last report of the Commissioner of Agriculture that the State of California has appropriated $10,000 for this purpose, and other States have made appropriations of like character. The States feel an interest in this matter because the people are really very anxious on the question. I will read, in support of that statement, from the report of the Commissioner of Agriculture for the year 1883:

> The past year has been one of considerable importance in the history of silk-culture in this country; not alone in the great extension of the industry, in the founding of new associations and new periodicals, but also in the matter of legislation.
>
> Those interested in the movement watched with anxiety the proceedings of the Tariff Commission and of the National Congress at its last session. The Tariff Commission, appreciating the force of the arguments in favor of protecting the infant industry, placed a duty of 50 per cent. ad valorem upon raw silk in the schedule prepared for Congress. This duty, however, was dropped by the Senate committee, and the bill as amended in this respect was passed in spite of the efforts of certain Senators * * * to put at least a duty of 20 per cent. on the raw material. A keen disappointment was felt among silk-growers all over the country at this result, as the success of the amendment would have insured at least the temporary success of the industry, albeit somewhat to the temporary detriment of the manufacturers.
>
> The most important organized effort for the promotion of silk-culture which has come into the field since the date of the last report is the establishment of the California State board of silk-culture at San Francisco, by authority of the Legislature of California. The first regular business meeting of this board was held on the 1st of June, 1883, when, after the transaction of routine business, it was decided that a short address on some subject pertinent to silk-culture should be delivered at every regular meeting of the board. The first address was delivered by Mr. W. B. Ewer, of the Pacific Rural Press, on the "Progress of silk-culture in the United States." An appointment was made to have an address delivered at the next meeting of the board, 6th of July, 1883, by some member of the California Silk-Culture Association, on the organization and history of that association, and what it has done to develop silk-culture in the United States.
>
> The board voted to offer premiums to the amount of $150 for the best silk cocoons raised in the State during the year 1883, as follows: five premiums, respectively, $50, $40, $30, $20, and $10.

It is not necessary that I should detain the Senate by reading any further from that statement. The report proceeds:

> California appears to excel every other State in the attention which it is paying to silk-culture, as in addition to the Women's Silk-Culture Association of California and the California Silk-Growers' Association, which are mentioned in our last report, we now meet with minutes of the proceedings of the California Silk-Culture Association, which is stated to be, although independent of the State board of silk-culture, acting in harmony with that board and meeting in its rooms. Mrs. Theodore H. Hittell was president of the first-named society and corresponding secretary of the second last year, and is now the corresponding secretary of the last-named. We also learn from recent communications from Mrs. Hittell that the State Legislature has voted to appropriate $10,000 the coming year to the encouragement of the silk industry.

The Senator from Maine need not be apprehensive that this industry is not progressing with great activity and great success. It is true that we have had some *morus multicaulis* flurries in this country, giving a backset to the silk industry, when men, fancying a great amount of money was to be realized by the raising of the mulberry, went into that speculation as they have gone into a great many others and brought the subject somewhat into ridicule by their failures. Notwithstanding the industry itself has prospered through the country, and it has been ascertained of late years that not merely the different descriptions of mulberry, but that the osage orange, called the *bois d'arc* in some parts of the country, is very valuable food for silk-worms.

In my State prior to the war the people had resorted to the fencing of their plantations with hedges of osage oranges. Immense hedges, miles and miles in extent, were planted there. Since the change in our labor system fences have become useless, because we now have laws that prevent the intrusion of stock upon fields, as the owners must keep them together in herds or in pens, and those hedges have gone, we may say, with them; they have grown up into magnificent thickets, and a vast amount of wood and leaf is produced in the Southern country which is entirely suited to the rearing of silk-worms. This point has been developed chiefly through the industry of Mr. Riley, the entomologist of the Agricultural Department. He has established beyond all question the fact that the very best grades of silk can be made from the osage orange.

Among the people of the part of the country in which I live there are quite a large number whose fortunes have been lost to them entirely by the results of the war. They have their establishments there, in which you will find a handsome residence for the white family, surrounded by quite a number of comfortable cabins made of plank, many of them plastered, for the slaves that they once owned. Those buildings are lying idle, the osage-orange hedges are around them, and the women and children who are not able to do work in the fields are willing and anxious to employ themselves in raising silk upon those premises.

I maintain that while we are distributing in aid of agriculture seeds, plants, roots, and trees of various descriptions, it is a part of our duty to encourage the propagation of the rearing of silk in the United States. For the purpose of satisfying the Senate on the subject of the usefulness of that plant as food for silk-worms, I will send a letter to the desk which was written by Mr. Howard, assistant in charge of the division of entomology in the Agricultural Department, in reply to some inquiries that I made of him on the subject.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

> UNITED STATES DEPARTMENT OF AGRICULTURE,
> DIVISION OF ENTOMOLOGY,
> *Washington, D. C., February* 19, 1884.
>
> SIR: In the absence of the entomologist, I beg to submit the following reply to the communication of Hon. JOHN T. MORGAN, United States Senate, dated the 18th instant, and which you have referred to this division.
>
> There can be no doubt as to the value of osage orange as a silk-worm food. The early experiments of Farel and Delile, of France, as recorded in the Bulletin de la Société d'Agriculture de l'Herault, 1834 and 1835, and of Seringe, who published in the proceedings of the Société Royale d'Agriculture, &c., de Lyon, 1835, demonstrated that it could be used as a substitute for the mulberry, in case of necessity. In 1865, Mr. Glover, of this department, raised worms successfully upon osage, and in 1866 the same was done by M. Prevost in California. For the four years previous to 1872, Mr. S. Cornaby, of Spanish Fork city, Utah, raised the same race of worms upon this plant, and stated that he noticed an improvement in the race at that time. In 1871, Professor Riley started a number of worms of a Syrian race upon osage orange, and not only reared them with perfect success, but has continued to rear their descendants from year to year up to the present time, feeding osage orange to the exclusion of every other food. This race has been called the "Riley osage orange race," and shows not the slightest sign of deterioration. At first these worms were rather slower of development than those fed on mulberry, but last year they reached the spinning point at the same time. In 1883 Mr. Virion des Lauriers experimented on a large scale with osage orange at his silk farm at Genito, Va., with excellent results. Careful measurements and tests of the silk fiber from osage-orange-fed worms, as compared with that from worms fed on mulberry, show that the former is somewhat finer, and on the average fully equal in strength to that from the mulberry-fed individuals. Extensive tables of these measurements and tests will be found in Bulletin 3 of this division, pages 56–71.
>
> On the whole it may be stated that while the worms may not apparently thrive so well at first on the osage, yet if they are carefully tended, and if care is taken not to feed them the extremely tender and succulent tips (see page 35 of Professor Riley's Manual of Instructions for the Production of Silk—special No. 11 of this department) they will undoubtedly do nearly if not quite as well as on the mulberry itself. The statements to which Senator MORGAN refers have probably come indirectly from persons who have not taken the proper precautions, or from individuals interested in the sale of mulberry cuttings, and who fear that their trade will be injured by the general use of the osage orange.
>
> Respectfully,
>
> L. O. HOWARD, *Assistant in Charge.*
>
> Hon. GEO. B. LORING,
> *Commissioner of Agriculture.*

Mr. MORGAN. That may not be very instructive to the Senate of the United States, but it will be very important information to the people of this country, and I dare say that its importance will be felt in the Northwest, where they have large hedges of this *bois d'arc* as well as in the South. There is an opportunity to utilize what is going to waste, and to do it through the assistance of the women and children of the country, without any expenditure of money you may say, because you can take a few silk-worms and in the course of two or three years you can get a large stock.

The fact that it requires no capital to start this industry has, more than anything else, attracted my attention to it. While the present tariff law was under discussion I ventured, notwithstanding I am a revenue-tariff man, to introduce an amendment to that bill conforming to the report made by the Tariff Commission, to take reeled silk from the free-list and put it under a 20 per cent. ad valorem duty. I was willing to take a 10 per cent. ad valorem duty rather than not have any. For that I was criticised a great deal, and I was ranked among protectionists because it was said the only purpose I could have in taking silk from the free-list and putting it under 10 or 20 per cent. ad valorem duty was to give it protection which it had not. Whatever the result may be, I maintain that under the existing law, by putting raw silk upon the free-list, we discriminate simply against an American industry. Why not wool go upon the free-list, or any other textile fabric upon the free-list as well as silk?

In the tariff we impose heavy duties on the importation of various grades of wool, but we persistently keep silk upon the free-list notwithstanding silk is an element in an article which is one of luxury. It has seemed to me always that the disposition on the part of those who favor protection in the tariff for American manufacturers and for nobody else has been to relieve the manufacturers of silk from any expenditure in excess of that which they now have to make by putting raw silk upon the free-list, and I thought that it was a contribution that the manufacturers of silk and the wearers of silk, the people of luxury, might well afford to make to those people in the United States who had no means of subsistence, very little chance for labor of any description, and who were trying in this way to earn a little ready money at their own homesteads. Whatever the consequences of that may be or however much of misinterpretation I may be subject to in consequence of it, makes no difference; I still insist that raw silk, instead of being upon the free-list, ought to be under an ad valorem duty of at least 10 per cent., if not 20 per cent. But then we have no opportunity to do that.

What is the next best thing to be done? It is to include the producers of silk within the line of benefits intended to be conferred under this Agricultural appropriation bill, in which we appropriate large sums of money for plants and seeds and various other things, digging artesian wells for the benefit of stockholders and landholders, and I insist that we ought to be liberal toward this class of people in this measure.

The Committee on Agriculture, whose especial business it is to look after this matter, have investigated it carefully and they have put the appropriation at $30,000, which is quite as low as any person, I think, in reason could ask that it should be. The Committee on Appropriations come in and evidently without any such knowledge of the subject as the Committee on Agriculture have, and without that sort of study of the question that the Committee on Agriculture have bestowed upon it, recommend that the appropriation be cut down to $15,000.

Mr. ALLISON. I desire to ask the Senator from Alabama just how he would expend this $30,000 if it was granted to-day?

Mr. MORGAN. It will not be expended until after the 30th day of June.

Mr. ALLISON. If the Senator considers that an answer to my question, I have nothing further to say.

Mr. MORGAN. Not by any means. I was stating that as a predicate for another remark I was about to make. The Senator has probably overlooked the fact that the money could not be expended to-day very successfully, but after the 30th day of June, if I were going to expend it, I would invest the whole amount in the eggs of the silk-worm of different descriptions, and I would distribute them gratis, as we do lettuce-seed and cabbage-seed, among the old women in this country, and give them a chance during the next winter and spring to start a production of this kind.

If you will assist them in starting the silk-culture, the rearing of worms, then men of capital will do precisely what the Silk-Culture Association has done in California, and what this gentleman has done in New Orleans, whose product I have laid on the desk of the Senator from Maine. They will establish filatures, points of concentration for this trade, where these old ladies can send in their little bags of cocoons, perhaps weighing not exceeding one hundred pounds each, and find a ready market for them at at least a dollar a pound; for what we call the cocoons of the United States are worth a dollar a pound, and have been, in specie, in the market for the last twenty years, and sometimes running above it.

Mr. ALLISON. The Senator having disposed of the fact that I did not know that this appropriation would not take effect until the 30th of June, I want to call his attention to the circumstance that the people who ask for the large appropriation ask it not for the purpose of distributing eggs, but for the purpose of establishing or aiding in the establishment of filatures.

Mr. MORGAN. The Committee on Appropriations have been cautious, and I am not disposed to complain of them about that matter, in confiding the expenditure of this money to the Commissioner of Agriculture. The committee say nothing about eggs, and say nothing about filatures, but leave the whole subject under his control, and I am content to leave it there. He may expend it in filatures if he chooses to do it, or in the purchase of eggs if he chooses to do it; but an enlightened discretion, in my judgment, would be exercised in the direction of furnishing a larger supply of silk-worm eggs to people throughout the country. The bill is safe in that direction. The question only is about the amount. I do not ask to change the text of the bill in respect to any of its provisions but only as to the amount, and I insist that $30,000 will do more good expended in the distribution of silk-worm eggs than $500,000 will do in the distribution of garden-seeds among the people; for when you start them in an industry of this kind they have something that they can improve and cultivate. When you start them to raising vegetables upon the seeds we distribute you raise crop after crop, bringing yourselves merely into competition with the local merchants in the sale of garden-seeds.

Mr. HALE. If the Senator from Alabama will embody his thought in an amendment providing that this money shall be expended in the purchase and distribution of the eggs of the silk-worm to the amount of $20,000 or $25,000, then so far as I am concerned—I have no authority from the committee—I would not object to that.

Mr. MORGAN. I was content with the language of the clause as the committee thought it was proper to leave it in the hands of the Commissioner of Agriculture, but if the Senator thinks he ought to be controlled in this matter I am willing to say that $25,000 or $20,000 of this sum shall be expended in the purchase and distribution of silk-worm eggs.

Mr. HALE. That is the manner in which we are already intrusting him with appropriations of money for other purposes, for the distribution of seeds, and I think that is legitimate. It is only a question of amount. As the Senator has given the subject a great deal of attention and investigated it probably more thoroughly than any other member of the Senate, if he thinks that that is the proper way, I, for one, will not oppose an amendment of that kind providing for $20,000 or $25,000 to be expended for the purchase and distribution of the eggs of the silk-worm.

Mr. MORGAN. I understand the Senator, then, will not oppose an appropriation of $30,000 as recommended by the Committee on Agriculture, $20,000 or $25,000 of which shall be applied to the purchase and distribution of silk-worm eggs.

Mr. HALE. My proposition was that the entire sum should be expended in that way, to begin in that way, by distributing the eggs.

Mr. MORGAN. And to limit it to $20,000 or $25,000?

Mr. HALE. Twenty thousand dollars or $25,000. I am not particular about a small amount.

Mr. MORGAN. I hope to do better than that before we come to the Senator's proposition.

Mr. MILLER, of California. It may turn out that it is not altogether the best way of disposing of this fund to invest it all in silk-worm eggs for distribution. I suggest, therefore, that two-thirds of whatever is appropriated might be distributed in that way, and the remaining sum used as the Commissioner of Agriculture might find it necessary or proper to use it.

I know that there is a great desire that there be established on the Pacific coast the necessary appliances for reeling the silk and for teaching people how to do it—to open, as it were, a sort of school for teaching people how to perform this labor, as well as to take care of producing the silk-worms. Now, if you should appropriate $30,000 in all, perhaps two-thirds of that to be used as suggested by the Senator from Alabama would be enough for the purpose, and the remainder, $10,000, could be used in the other way, as suggested by the society.

Mr. ALLISON. But the Senator from Alabama says he wants to use the whole of this money, whatever it is, in the way he proposes. I inquired of him what he would do with $30,000 if he had it appropriated in this bill. He said he would use it for the distribution of the eggs.

Mr. MILLER, of California. I suppose as a general rule that would be the best method of disposing of it.

Mr. HALE. What else could be done legitimately? The Senator would not be in favor of the Government appropriating money to erect a manufactory?

Mr. MILLER, of California. Not a manufactory.

Mr. HALE. Or to establish a filature or a reeling-machine?

Mr. MILLER, of California. Yes.

Mr HALE. That is a part of the process of manufacture. I suppose the Senator from Alabama is not in favor of that. The reason why I accepted his suggestion was that it seemed to be in the line of work we are doing in reference to other industries, as the distributing of seeds. We have embarked in that, and that does not involve us in the call for future expenditures that would follow if we began to erect the reeling establishments, the filatures, because nobody can tell where we

should stop then. I should, for one, prefer that the appropriation, whatever it is, be limited to the distribution of the eggs as we limit such appropriations in other respects. We do not set up establishments in branches of agriculture; we furnish seeds and make inquiries and develop results.

Mr. MORGAN. The Senator forgets the experiments we made in the production of sorghum sugar. We have been engaged a number of years in Washington city in manufacturing sugar, or testing the possibility of doing it.

Mr. HALE. Rather disastrously.

Mr. MORGAN. I think not. I think the developments that have been made in the production of sorghum sugar in Washington have done a great deal of good in this country.

Mr. MILLER, of California. All the real progress made in that manufacture has been where the sugar has been made under Government supervision.

Mr. MORGAN. There we have engaged in the actual manufacture of sugar for the purpose of developing the method of making it. I do not care to have the Government go into the business of erecting filatures.

Mr. HALE. I was only taking the Senator's suggestion as he made it himself as to the expenditure of this money.

Mr. MORGAN. I have not any doubt that the Department can spend $30,000 in the distribution of silk-worm eggs to the people of the United States during the next winter and spring very advantageously. Now, I call the attention of the Senate to some information that the Commissioner of Agriculture gives upon this question on page 102 of his report:

> Reports from persons to whom eggs were sent from this division in the early part of 1882 continued to come in throughout the new fiscal year. Many complaints were made of the lateness and coldness of the season, but this seems not to have interfered with the success of the experiments except by occasioning the death by starvation of prematurely hatched worms.
>
> Eggs kept from hatching by being exposed to artificial cold in ice-houses and the like yielded healthy worms, even after the eggs had become damp and moldy. Miss N. L. Rossiter says she considers artificial cold injurious to the worms, but gives no evidence.
>
> Nearly all the letters (about 1,000) received relating to silk-culture were inquiries for information, for the silk manual, for eggs, trees, slips, or seeds. No trees, slips, or seeds were distributed by the division, such applications being referred to the horticulturist. Nor was any provision made for the general distribution of eggs. The few eggs sent to the Department by various parties as samples, or for other purposes, were made up into small parcels and given away, after retaining such as were required for the use of the Department. The frequent statements in the newspapers that the Government was distributing eggs this year led to a great deal of profitless correspondence and disappointment to applicants. Some correspondents observed that a portion of the eggs which they procured by breeding hatched in the course of a fortnight or less after laying while the remainder of the eggs did not hatch. Two or three of these correspondents raised a second brood of worms, and speak well of this brood, considering that it takes less time to grow and less care than the first brood.

Then the Commissioner goes on to give a great many instances of successful efforts to raise silk-worms by different individuals, who made reports in compliance with the requirements of the Department. No eggs had been distributed under the five-thousand-dollar appropriation made last year. The anxiety that is exhibited by the people writing a thousand letters to the Department to get eggs and mulberry plants and seeds of the mulberry, &c., shows that this matter is one of very great public interest, and I have not any doubt at all that we can distribute the proceeds of $30,000 in silk-worm eggs among the people of the United States economically and wisely, and very much to the advantage of our silk production.

I think it would be better to leave the clause, except as to the amount, precisely as it has come from the Committee on Appropriations, which I understand in this particular followed the recommendation of the Committee on Agriculture. Let us have $30,000. It is not an experiment. It is a mere carrying on of a successful experiment the value of which has already been demonstrated.

Mr. MILLER, of California. I think we can trust the expenditure of this money to the Commissioner of Agriculture, who has given and is now giving this matter very serious and careful attention, and certainly is very competent to decide as to the best mode of procedure in the disbursement of this appropriation. I happen to know personally that he has given the subject a great deal of attention. He takes a great interest in it, and has gone so far as to say that he intended to go to the Pacific coast to examine into what has been done and what is being done there in this industry.

It must be remembered that it is one of those industries which are in the hands of poor people. It is light and small work of that character which the poor engage in and not the rich, in producing the cocoons and the raw material. For that reason they have not the power of combination, they have not the capital to carry on these experiments as they should be carried on, and that is why we ask the Government to aid in doing this. I think the sum asked for by the Committee on Agriculture is not at all out of the way. It certainly is not large. I think it is very reasonable indeed, and I hope that the amendment will prevail.

Mr. CALL. Mr. President, I hope the amendment of the Senator from Mississippi increasing this amount to $30,000 will be adopted by the Senate. I am sorry it is not more than $30,000. There is no provision in this bill that is more beneficial to the people of this country, I may say, or that is so much so as would be this appropriation judiciously used and properly applied to the encouragement of this industry.

I have in my hand a pamphlet published by the State board of silk-culture of California for the year 1883, which contains some very interesting facts on this subject:

> The manufacturers of the United States now use more than one million dollars' worth of raw silk every month. Some have put the amount as high as two millions and half a month, equal to thirty millions a year; but this is probably a mistake. The amount of raw silk, however, needed by manufacturers is increasing very rapidly. It will not be long before it will reach fifty millions a year; and where is it to come from? At present the amount required is mostly imported from foreign lands. Our country is sending abroad more than a million dollars every month which might just as well remain in the hands of American women.
>
> It is known now for a certainty that all the raw silk needed in the United States could easily be raised in California. On account of our equable climate, rich soil, and freedom from rain and thunder storms, California is really one of the best silk-growing countries on the face of the earth. In France $40,000,000 a year are earned by the women from silk-culture. The women of Italy, many of them, depend on it for their living. The women of Lombardy, that small province of Southern Europe, export thirty million dollars' worth of raw silk annually, after supplying all that is needed for the home market, and the silk-manufacturing interest in Lombardy is immense.
>
> Some of the wives and daughters of the nobility in Europe have their royal cocooneries, and every year in the month of May ladies of high rank, with their maids, are as busy in the work of silk-culture as the poorest of their neighbors. Silk-culture pays these ladies of rank. It pays them in happiness as well as in money, for there is always happiness in any appropriate and useful employment, and it will pay the women of California—our wealthy ladies as well as their poorer sisters—to engage in this healthful and beautiful home industry.

The book is full of facts evidencing the successful commencement and prosecution of this industry in the State of California and evidencing its adaptability to various other portions of the country. It is demonstrated that it presents a field of employment for the women and the children of the country larger than any other and better adapted to them in their home life.

This view of the subject has been taken up by the intelligent women of this country who have formed associations in different portions, among others in the city of Philadelphia as well as in the State of California, in Alabama, and in other portions of the Union, inspired with the purpose, with the very high and benevolent purpose of furnishing a profitable and remunerative employment to the women and the children of the country, an enployment in their own homes from which they can earn from two to four hundred dollars a year.

Now, if the Government of the United States by the expenditure of $100,000 a year can accomplish this purpose, it will be well spent, or five times that amount. It is no longer a matter of conjecture; it is a matter of a realized experiment that it is practicable and that this industry may be created throughout the entire country, especially in the Middle and in the Southern States where there is no great need for any large period of the year for artificial heat.

The process by which this shall be accomplished and the manner in which this money shall be expended, the particular purposes to which it shall be applied, I think had better be left to the discretion of the Commissioner of Agriculture. In California it has been ascertained that it is necessary to establish filatures as schools. It is said in this book that has been done in all the countries in the world where it has become an established success; done by the governments in order that the people may become acquainted with the process by which the cocoon is to be treated and made into silk, that the women and the children of the country may be taught by example how this can be done, and in that way this information diffused among them.

I am not among those who are unwilling to apply the public money to the establishment of these stations and these filatures or schools in different portions of the country in order that information may be communicated to the people as to this manner of making a living, as to employing their time in a practicable and profitable industry, because of an idea that it is outside of the province of Government. I do not know that there is any better way of diffusing information than the practical one of teaching the people by example how to perform this work, and I am entirely willing that the Commissioner of Agriculture shall, if he shall find it expedient upon inquiry to do so, establish filatures or stations in such parts of the country as may be proper for that purpose.

Of course that should not precede the growth of the worm nor the growth of the mulberry; and it may be that the first step in this process in those regions of the country where neither the mulberry nor the other plants which have been spoken of by the Senator from Alabama can be found would be to have the mulberry distributed and to have it grown. Unquestionably all these steps ought to be taken without any further delay, for our people need employment. We know that there is a great necessity for diversifying the employments of the country, and we know that the women of the country and the children of the country especially need that new employments should be opened to them and that they should be supplied with the means of a comfortable living.

For these reasons I hope that this amendment will be adopted, and I am only sorry that the amount is not larger than it is.

I will send to the Secretary to read a memorial of the Women's Silk-Culture Association of the United States relative to Senate bill No. 2002, in order that it may go in the RECORD and furnish an evidence to the country of what these noble women are doing and of the great success

they are accomplishing, and of the claims that they have upon the Government that it should aid them in this great public work.

The PRESIDING OFFICER. The Senator from Florida asks for the reading of a memorial. The Chair hears no objection, and it will be read.

The Chief Clerk read as follows:

Memorial of the Women's Silk-Culture Association of the United States, relative to Senate bill No. 2002.

To the honorable the Senate and House of Representatives of the United States:

We, the undersigned, officers and members of the Women's Silk-Culture Association of the United States, who during the past four years have agitated the question of the practicability of the culture of silk in this country as an industry for the women and children living in agricultural districts of the several States, having urged it upon the people through this association, and knowing by the progress of the work and the success of the experiments that it is a practical and much-needed industry, do heartily unite with the California Silk-Culture Association in asking for this infant industry the fostering care and protection of the National Government.

We heartily indorse and recommend to you Senate bill No. 2002, being the act for the creation of a silk-culture bureau and the establishment of silk-culture stations throughout the United States, as presented by the California Silk Culture Association, a branch of this association, we having inaugurated silk-culture in the city of Philadelphia as an agricultural industry in the United States in the spring of 1880.

Not, however, realizing at that date the many obstacles and difficulties that would arise in such a work, we started out a large association of women, full of enthusiasm and hope, and have thus far pressed on to overcome the national, State, and personal prejudices against this enterprise, which, however, are happily melting away, excepting those based upon mercenary motives. We would not have this valuable American industry lessened in magnitude by dangerous legislation, but if the National Government will foster and encourage the infant industry which we have planted until such time as the product of raw silk in this country fully supplies the demand, then we shall witness the grand success of the production of a most valuable article in our midst and the annual millions of dollars that go abroad for the purchase of raw material divided among our own women and children, whose energy and success in these their first efforts at once establish the fact of the necessity of encouraging this work by appropriate legislation.

We therefore pray that those statesmen to whom are intrusted the privileges of planning for the happiness of our working classes will give their earnest consideration of this subject and be guided by the fact that these silk stations should become the schools of object teaching and experimentation, where all the ingenuity and intelligence of the American working people and European experience should be brought to bear, and thereby effect great and good results.

They should be what our agricultural schools ought to be, and what the agricultural schools of France are, stations for the practice of all the various steps and stages of this silk industry.

And your memorialists will ever pray, &c.

Mrs. JOHN LUCAS, *President.*
Mrs. MATTHEW SIMPSON, *Vice-President.*
Mrs. CORNELIA C. THUM, *Vice-President.*
Mrs. W. B. ELTONHEAD, *Vice-President.*
Miss PHŒBE HORNE, *Vice-President.*
Mrs. W. T. REYNOLDS, *Vice-President.*
Mrs. STANLEY G. FLAGG, *Vice-President.*
E. TILLIE VAN RENSSELLAER, *Recording Secretary.*
SUSAN M. GIBBONS, *Corresponding Secretary.*
Mrs. V. C. HAVEN, *Corresponding Secretary.*
Mrs. H. P. TAYLOR, *Treasurer.*
JAS. POLLOCK, *President of the Advisory Board.*
CALEB H. HOME, *Secretary.*
FRANCIS A. OSBOURN, *Solicitor.*

Mr. MORGAN. I ought not perhaps to allow this subject to pass without laying before the Senate a letter from M. J. Herbelin, a gentleman who produced and reeled the silk that I hold in my hand, beautiful specimens, at his cocoonery at Lewisburg, La. I had mislaid the letter for the moment. I now have it in my possession, and I send it to the desk and ask that it be read, because it is full of valuable information.

The PRESIDING OFFICER. The Senator from Alabama asks that a letter be read. The Chair hears no objection, and it will be read.

The Chief Clerk read as follows:

NEW ORLEANS, *November* 23, 1883.

DEAR SIR: In answer to your favor of the 14th instant, I have the honor to state that I have made 780 pounds of choice cocoons, valued $1.30 per pound (dry). I have received from North Carolina and South Carolina about 430 pounds; Nebraska, 298; Kansas, 637; California, 211; Iowa, 408; Texas, 87; Ohio, 114; Mississippi, 753; Alabama, 227; Minnesota, 369; Tennessee, 300 (from these two last States will have some on hand very shortly); Louisiana, 524; and from my three plantations, 780; and from 2,000 to 2,500 from different States, which will be forwarded to me very shortly from my agent at New York, making a total of about 7,638 pounds of cocoons, valued at 45 cents to $1.40, and from which I expect to make at least 1,100 to 1,200 pounds of raw silk (4½ to 4¾ pounds cocoons to 1 pound of raw silk). Each ounce of silk-worm eggs issues at least 68 pounds of cocoons. I have made 228 ounces of eggs to be distributed to raisers.

I have sold my raw silk $4 and $5.25 per pound at New York.

The training of my apprentices has occasioned great losses in the start, but with patience and labor they will soon succeed in the art of spinning; up to this date they have progressed, the silk is made regular and nicer, which gives more value to it; some of raw silk sent not long ago brought $5.00 and $5.50.

The success is certain, and with encouragement and support of Congress this industry will soon become profitable to all.

For my part I expect to make 3,000 pounds of cocoons for next season (spring), and if the raisers are making the same in proportion, four mills with twenty spinning machines would run the whole year, and always in progressing.

A sample of silk from two bales that I have sent to Mr. Virion des Lauriers, 201 East Sixty-third street, New York, to be sold to manufacturers, will show you my apprentices' work.

I will soon start thirty-five to forty spinning machines and have planted 50,000 mulberry trees, and thousands of them distributed to persons desirous of undertaking this industry. Those which give the best silk, and which I make use of, are the rosea, Russian and nigra, japonica, monetti, Morus alba, and all other white mulberry trees. All other different trees gives an inferior silk.

My spinning-mill is now composed of twelve looms, eighteen pans, twelve women spinners, six cocoon batteuse, two experienced foremen, and many women which are also experienced in the raising of silk-worms.

A drawing, which I forward you, will represent you a spinning machine, which is my invention, and to which I have adapted since a pedal on the side, which stops the wheel instantly so as not to break the silk. The whole is moved and heated by steam. I expect to have some more improvements to it so as to facilitate the work of the spinners.

So I have the confidence that I will obtain your support, upon which I rely for success, and remain,

Very respectfully, your obedient servant,

J. HERBELIN.

Hon. JOHN T. MORGAN, *Washington, D. C.*

Mr. MORGAN. Mr. Herbelin is a Frenchman, who has come into our country within the last ten or fifteen years and established this industry in Louisiana. His establishment, which seems to be somewhat prosperous for a new one, is by no means as large as many in States lying north of us, so that by comparison we may be well satisfied that the matter of silk-culture is in a fine state of progress.

Mr. MITCHELL. I desire, Mr. President, to add a word to what has been said in favor of the proposed increase of this appropriation.

It is well known to Senators that the ladies, especially in my State, take a very great interest in this matter, and they have communicated with me upon the subject. Those concerned in the movement are ladies of the highest character; they are ladies who are taking an interest in this matter not for any profit or benefit to themselves, but because they believe that it is a patriotic work for them to engage in, and because they have the fullest confidence, after very extensive experiments made under their direction and with their complete knowledge, that this industry may be made a complete success.

As is well known now, there is practically no protection for this industry at all, and the only way for us to reach it is to encourage it, is to give a reasonable appropriation to start this work. If that is done, I believe, after a pretty careful examination of what has been done in that direction, that the day is not far distant when this will be one of the most profitable things which can be engaged in. and when it will be extensive and general throughout the whole country, not only through the Southern States but through many of the Northern States. Unquestionably it may be most advantageously prosecuted through the South, and I am very glad that there is here an opportunity to extend, so far as we can, the aid of the Government to building up an industry of this kind throughout the South where it can be most advantageously and successfully prosecuted.

I would myself cheerfully see this amount very greatly enlarged, and I believe that if Senators were to examine the subject they would gladly make this amount $100,000 rather than $30,000, even as a mere experiment. It is to my mind not an experiment at all. We know that we import very largely the raw silk for manufacture in this country. We know that the manufacture of silk is becoming a very great industry. If I remember correctly, some eighty million dollars' worth was manufactured last year in this country, and I believe the importations of raw silk amounted to nearly $20,000,000. I believe that every pound of that raw silk may within a few years be raised in this country if the attention of the people is directed toward it. Thus feeling, I certainly hope that the amendment proposed by the Committee on Agriculture would be agreed to. Thirty thousand dollars is little enough, and we ought to be more liberal.

I dare say if the Committee on Appropriations had listened to the appeals of the ladies who lately met in the exposition in Philadelphia and showed to the world that this movement is a success, they would not have stopped short of $100,000. I believe that those ladies brought forward here a year or two ago some specimens of American silk wholly manufactured from the cocoon and throughout all the work in this country. It was stated in the public prints about a year ago by a communication with them that they have made two flags, one of which they propose to present to the Senate and one to the House of Representatives, wholly of American manufacture.

Mr. INGALLS. Mr. President, if the cultivation of silk is an assured experiment, or rather no longer, as the Senator from Pennsylvania says, an experiment but an assured result, one of the established industries of this country, with which the people are entirely familiar, in which capital to the amount of millions of dollars is annually engaged, I should like to know what the Government has got to do with it. I should like to be advised upon what theory that has hitherto been recognized as a proper incentive for legislative enactment we are to be called upon to make a paltry and trivial appropriation of $15,000 or even $30,000 to provide the Commissioner of Agriculture with funds in order to disseminate information about the culture of silk?

The theory on which we make appropriations in this bill, as I understand, and in other bills of a similar nature is not to afford a stimulus to industries that are established, not to make appropriations in regard to industries where the capital of the country to the amount of millions is annually employed, but to engage the attention of the country upon novel questions we appropriate a certain amount of money every year for seed——

Mr. MITCHELL. Will the Senator allow me?

Mr. INGALLS. Yes, sir.

Mr. MITCHELL. Does the Senator from Kansas state or wish to be understood as stating that there is such a large amount of capital invested in this proposed industry?

Mr. INGALLS. The Senator from Pennsylvania has just assured us that there were some $80,000,000 of silk products manufactured in this country last year and about $20,000,000 of raw material imported. From that it would look very much as if considerable capital was engaged in this enterprise. It would appear upon a casual inspection as if in regard to a matter where there were eighty millions of manufactured products and twenty millions of imports of raw material, there was not any very great necessity of authorizing the Commissioner of Agriculture to spend $15,000 in distributing silk-worm eggs or information about the leaves upon which the worm pastures.

I was about to say a moment since, when the Senator interrupted me, that we make an appropriation of a considerable amount of money every year for distributing seed. For what purpose? To prevent the seedsmen and the market gardeners of this country from selling their products? No, sir; but for the purpose of furnishing people in different parts of the country with seeds that they are not accustomed to, stimulating them to make new experiments to see whether novel varieties of vegetables can not be introduced and cultivated that will be advantageous to society, furnish new food products, and in various ways stimulate the industry of the people. So in regard to the distribution of fish. We have a commission that has that subject in charge. We make an appropriation every year to distribute small fish and the spawn of fish. For what purpose? Is it to enable people to live cheaper in that portion of the country where this food product is found? On the contrary, the object is to disseminate fish in waters where they are not now found. They send salmon into the different waters of the country; they send shad to be placed in the rivers of the West; they send trout and German carp, not for the purpose in any way whatever of interfering with the fish industry, but to provide for the cultivation of fish in regions where they do not now exist. If there is any other theory upon which these different appropriations can be justified, I should like to know what it is.

Therefore, Mr. President, I think when the Committee on Appropriations limited this sum to $15,000 they acted very wisely. There is no justification offered, so far as I am advised, on the part of the Committee on Agriculture for increasing the amount to $30,000, because this is an industry that is established; it is an industry in which a vast number of people are engaged, an industry which has attracted the attention of capital, an industry about which information is disseminated wherever it is needed; and I can say to the Senator from Pennsylvania and the other Senators who are inviting an increase of this appropriation that in my judgment there is altogether too much attempted interference on the part of the Government with the private industries of the country. The Government is becoming altogether too paternal, too maternal almost, I might say. It reminds me of the old nursery distich:

> Who ran to catch me when I fell,
> And kissed the place to make it well?
> My mother.

Whenever anything happens to any section of this country, whenever any industry requires to be nurtured and assisted, instead of applying to personal and private industry and enterprise, there is a continuous effort to apply to the Government for relief, to apply to the Treasury for an appropriation, to ask that some officer of the Government may be called upon to expend money and make experiments in regard to matters that ought to be left to private industry and private enterprise, and we shall never thrive and never flourish, there will never be independence, there will never be the cultivation of those great, strong, resolute private virtues, so long as it is understood generally that whenever anything has to be done the Government has to do it. We turn the people into a race of dependents, mendicants; we are pauperizing the people; we are depriving them of those manly and stalwart virtues that have made this nation great by this continuous attempt to ask the Government to interfere in all matters that ought to be left to private energy and to private enterprise and to private industry.

Mr. MITCHELL. I desire to say one word in answer to the statement made by the Senator from Kansas, in response, I suppose, to a remark which I made. I made no statement here that there were $80,000,000 of capital invested in this enterprise.

Mr. INGALLS. The Senator said there were $80,000,000 of manufactured products.

Mr. MITCHELL. Yes, sir; I said that there were $80,000,000 of manufactures of silk in this country, and that there were about $20,000,000 of raw silk imported, showing how greatly the raw material was improved in value in its manufacture in this country, and showing how important the industry is if we are able to produce the raw material in this country.

The remarks of the Senator from Kansas in relation to the paternal character of this effort would apply, I imagine, to a very great many things that have been done in the history of this Government from its very foundation, by the fathers and by their sons throughout our whole history. The Senator might apply it to many things if he saw proper. So far as I am concerned, wherever I find any industry which I believe to be a practical one opened up to my judgment while I am in public life, and I believe that encouragement by the Government will assist it, will develop it more rapidly and make it more general throughout the country, I shall not hesitate on account of the imaginations of the Senator from Kansas that there lies danger in fostering such an industry and such an enterprise although it may be a paternal thing, or if you please a maternal thing to do. I believe in both on the part of the Government, and I will say to the Senator that in my judgment he who has read the history of all the great governments of this world, and especially in recent times, will see that in the minds of statesmen the danger does not lie in that direction, but wise statesmanship is directing the efforts of government more and more in that direction.

But, sir, this is not the great question that the Senator would have us think. I intended to be understood as saying that the ladies who are engaged in this effort have satisfied my judgment that it is a practical question and that sufficient has been done to show to any person who will give his attention to it that it is not a mere chimera, that it is not a mere dream, but that it is one of those things toward which the energies of this people may wisely be directed, and be directed with profit not only to individuals engaged in it, but, as I believe, with very great profit to the country at large. It is on that account that I feel a very great interest in it. If it be true, as I have seen stated—a communication to this effect was sent to me not long ago—that efforts are now being made to establish this industry, or to encourage it very largely, in a sister Southern State, North Carolina, where, as I am told, the conditions are excellent, in order to make it a success, I can see how there would result to all the States of this Union and the people of this country very great benefits, and I shall be glad to see it encouraged so far as is necessary to draw public attention to it and to educate, if you please, the people so that they shall engage intelligently and wisely in producing raw silk in this country. It may be necessary to educate them in that direction. It is claimed by these ladies that an improvement in the process of reeling applied with American genius and industry will very greatly cheapen the production of the raw silk; and if it should prove so, it would be but consistent with our history as a people, with the development of all the great industries and great material interests of this country, to believe what they assert. I do believe it. Therefore I say I am earnest in it; and all of the generous and persuasive arguments of the Senator from Kansas in reply to the simple remarks that I made that this is an important industry, because so much is engaged in the manufacture, will not change my opinion upon the subject of the other question to which the remark I made had no relation whatever.

Mr. GEORGE. Mr. President, I believe it to be my duty to say something in response to some objections which have been made to the amendment I have offered, and in favor of its adoption by the Senate.

I am aware that this is a very large question if discussed in all its relations to the public weal, but I do not propose to go into it now to any great extent at this hour of the day. I desire simply to state a few facts for the information of the Senate, if they are not already in possession of them, which I think ought to influence the vote of this body upon this amendment.

In the first place, I call attention to a statement made by the Senator from Florida [Mr. CALL] who sits on my left, that in no country, owing to the peculiar nature of this industry, has silk-culture ever been successfully established, whether in China or in Europe or anywhere, except by the fostering care of the government in which it grew up. I want to call the attention of the Senate to that fact, also to the previous history of silk-culture in this country.

During our colonial era, in every one of the colonies in which silk-culture established a footing, it was in consequence either of a favoring statute passed by the Parliament of Great Britain or encouragement afforded by the Colonial Legislature. About the middle of the seventeenth century silk-culture first appeared in the United States in the State of Virginia, and in consequence of the fostering care of James I, who was then king of England, it grew and flourished. Silk dresses were made of the product of the Virginia cocooneries which were worn by the queens of England. Afterward—about 1730—silk-culture commenced in South Carolina and Georgia. About the same time, and in consequence, too, of favoring and encouraging legislation by those colonies, some of the most eminent men and women, especially of South Carolina, gave their attention to it, and it flourished.

About the same time (and I mention this to show that there is no latitude which circumscribes silk culture) it commenced in the State of Connecticut, I believe in the town of Mansfield, where a great deal of silk was raised. It was reeled there, and if I have not read history incorrectly it became of so much importance that a skein of silk, its weight and size being fixed by act of the Colonial Legislature of Connecticut, was used as currency. Skeins of silk passed as money.

After that the silk-culture commenced in Philadelphia under the auspices and with the encouragement of the wisest man, probably, who ever figured in American politics, Benjamin Franklin, and it was in the highest state of development and progress when the Revolutionary war broke out. Silk-culture of course became nearly obsolete during the war.

After the war the industry recuperated and advanced until we had

the craze about 1837 or 1838 about the *Morus multicaulis* when everybody went crazy and went speculating, not upon silk but upon a material upon which silk-worms were fed. When the bubble burst, of course silk-culture suffered, but it continued, however, notwithstanding the disasters which came from the bursting of that bubble, until about 1844, when a disease attacked the trees upon which the silk-worms were fed, and from that time it has dwindled until very recently. In the last five or six years a great deal of interest has been manifested in the United States upon the subject; societies have been formed for the purpose of encouraging silk-culture and disseminating information concerning it. The most eminent of these, originating in Philadelphia, was conducted by philanthropic women of that city, and it has done a large amount of good; and very recently under the auspices of that association a silk exhibit was had in the city of Philadelphia which, I learn from the public press, showed a very large progress of silk-culture in, I believe, nearly every State in the Union.

Mr. President, it has been objected that because it has been demonstrated by experiment that silk-culture can be made a success in this country, therefore there is no need of the fostering care and hand of the Government. That I submit is a serious error. It has been demonstrated that agriculture is a success in this country, and yet we have an agricultural department through which we spend about a half million dollars a year for the purpose of fostering, aiding, and encouraging agriculture, distributing new seeds, teaching new methods in agriculture and horticulture. I say, sir, the fact that it has been established that silk-culture is not a myth, is not a delusion, but can be made an assured success in this country, is the very reason why we ought to extend to it the fostering care and aid which this amendment proposes to give to it.

I wish now to state the reasons why every government in this world has found it necessary in order to establish silk-culture to give it governmental aid. It is not like those great industries which can be managed by a large aggregation of capital. The manufacture of silk is of that character. You may gather in a shop your hundreds or your thousands of operatives and work them through the whole year in manufacturing silk. That is therefore an industry which invites capital and which can purchase the aid, the brains, the skill of the civilized world to forward it so far as manufacturing is concerned. But how is it when you come to raise silk? The raising of it is an industry which employs labor about six weeks in the year. No large capitalist can collect hands, take them as regular employés in the business of raising raw silk, when he can only give them employment and pay them wages for about six weeks in the year. Therefore in this country and in every other country in which raw silk has been raised it has been the product of the labor of what may be called the peasant or rural population of the country, and especially of the women of that class. It has been but an addendum, an adjunct to the other business of women and children who are employed in the agriculture of the country.

Now, sir, when you consider that fact, when you consider that the knowledge of the method of caring for and raising the silk-worm, feeding him, and caring for the silk which he produces, the method by which this is done—I say when you consider that all this must be within the knowledge of a large number of people who are scattered throughout the country and are not working under the direction of an intelligent and skilled head or superintendent, you at once see the necessity of Government aid.

In the manufacture of silk, as I have remarked, capital can build its factories and it can send to Europe or to the uttermost ends of the earth and bring its superintendents and its skilled labor to teach and oversee the unskilled labor which may be employed; but you can not do that in silk-raising. You must go into the humble homes of the country people and teach to them the methods by which raw silk is made. Capital will not do this. They can not be collected in towns or in cities or in large shops and factories and taught the business under skilled and intelligent superintendence. That shows the necessity for Government aid.

Mr. President, another thought or two with reference to the great public benefit to arise from the encouragement of this industry among the class of people among whom it is to flourish, if it is to flourish at all. I would call the special attention of the Senate to what I am about to say. I have but to call their attention to it for Senators to see that I am correct and acknowledge the force of the observations which I am about to make.

Many years ago, before the invention of labor-saving machinery which has destroyed everything like home-made cloth, the women of the country, the farmers' wives and their daughters had opportunity to labor in making all kinds of cloth, the making of which was then within the knowledge and practice of that class of our people. Now that means of making money, of helping the family along, of providing against want, has been taken from them by the advance in labor-saving machinery, and the country-women, the mothers and daughters residing in the country on farms, are now, unless they be within the immediate vicinity of some large manufacturing establishment, deprived of any means of earning money by their own labor unless they either go into the field and undergo the hardships of man's labor, for which they are very unfitted, or unless the daughters abandon home and all of its influences and hire themselves in the shops and factories of the towns and cities in order to make a living.

I say, sir, that when a measure is proposed which will prevent either of these things it ought to receive the most favorable consideration of the American Senate. I say if there be within our power the means to aid that class of people to have suitable home-work and to remain at home, to have light work, we ought to make ample provision for them. I do not believe that American women ought to be condemned to toil in the sun and dust in field work; nor do I believe the young girl ought to be condemned, where it can be avoided, at the age when she most needs the care of her mother, when she most needs the sacred influences of home life, to leave her home and work among strangers in a factory. I do not think we ought to force that when we can avoid it.

Now, sir, if we encourage this industry, if we build up, as I know we can, a knowledge and a practice of this industry among the country people of the United States, we shall have conferred a great boon upon a class of people who rarely, I am sorry to say, are the recipients of any benefaction of this Government. I will do anything to advance and forward that end; I mean anything that is within the constitutional power of this Government; and it is too late now to say that it is not within the constitutional power of the Government to aid in the way in which this bill proposes to aid the development of the silk industry. I never had a doubt about our right to do it, and having the right, I have no doubt that it is our duty to do it.

Mr. President, I desire to call attention especially to the philanthropic efforts of the Woman's Silk Association of Philadelphia. They have based their work upon the needs of their sisters throughout the Union for this kind of labor, and I call attention to that. I desire to read from a letter by the president of the board of silk-culture of the State of California something which confirms strongly what I have said:

> Our sole aim—
>
> Says this gentleman—
>
> is to secure for them the benefit of this industry in their own homes, where without interfering with their ordinary home employments they may earn a little money for themselves. From fifty to one hundred dollars or more can easily be earned in this way in a few weeks by the women and children in almost any American home.

That may sound little—$50 or $100—to American Senators, but I assure you that these little sums, these $50, these $100, earned by those who otherwise would not earn a cent in the homes of the country people will contribute largely to their comfort and to their happiness. We may despise these small sums; we may say they amount to nothing. Fifty dollars, it is true, is nothing to a man salaried at $5,000 a year; $100 is nothing to him; but they are large sums to the toiling and laboring people in rural life in this country. They make the difference between a hard life with no comforts and an easy and comfortable life. That is all. Add $100 to a country family's income and they get sugar and tea and coffee and the girls get nice clothes for Sunday which they would not otherwise get. I proceed to read from this letter, written in answer to some objector:

> You say that this is "folly." We think it is wisdom. You intimate that they "can do better." In what way can they do better? Then in filature work, we will be able to pay girls, when they become expert, not less than $1 a pound.

But I have read all that is necessary to show that the object of this industry is to carry the means of employment and of comfort to a class of people who otherwise would be without the opportunity to have suitable and remunerative labor, and are therefore without the comforts which the money thus made would purchase.

Something has been said about the statistics of silk. I will read a little on this subject from a publication made by the Woman's Silk Association at Philadelphia: In Asia raw silk to the value of $90,000,000 is annually produced; in Europe the annual production amounts to $68,000,000; in America it has reached $90,000. That is what has been accomplished up to this time. With a little encouragement we can carry this industry into all the homes of the farmers of this country, and our production would largely exceed that of Asia.

I read some further statistics:

2. *Silk manufactures.*

In Asia	$120,000,000
In Europe:	
France	100,000,000
Italy	50,000,000
Austria	20,000,000
Switzerland	20,000,000
Germany	35,000,000
Russia	10,000,000
Belgium	12,000,000
Spain and Portugal	5,000,000
England	10,000,000
Total	262,000,000
In America: The United States	60,000,000

3. *Duty on manufactures of silk imported into United States.*

50 per cent., nearly	17,000,000

4. *Total value of silk goods imported into the United States.*

1882	41,414,984
1883	35,101,915

5. Raw silk imported into the United States.

1882—3,084,057 pounds, value	$14,098,232
1883—3,330,920 pounds, value	13,122,049
1883—Cocoons, value	403,460
Waste, value	479,620
Eggs, value	48,231
Total, 1883	14,053,360

6. Silk goods consumed in the United States.

Estimated at	100,000,000
Silk-mixed goods	200,000,000

We are the third nation in the world in the amount of our manufactures of silk, and yet while manufacturing sixty million dollars' worth annually we raise only $90,000 of raw silk.

Something was said about a paternal government, about destroying the manhood and independence of the people of this country by an aid of this sort. Sir, I want to make this remark in answer to that: The manufacture of silk has a protection from the Government of about 50 per cent. as against the foreign competitor. Nothing is said about that being paternal. Nothing is said about the wrongs or the injuries done to the American people by that kind of protection or encouragement. The manufacturers have capital. They can come here and make their wants known to your Finance Committee and your Committee of Ways and Means. They have newspapers which can advocate their claims, and they get the 50 per cent. protection, when, notwithstanding the very able and eloquent appeals made during the last session of Congress by the distinguished Senator from Alabama [Mr. MORGAN] for a 10 or 20 per cent. duty upon raw silk, it was refused.

Now, Mr. President, let us do right and equal justice to all the people of this country, and if we have any favors to bestow, if we are to do anything of a paternal or maternal character, let us do it to those who are unable to stand by themselves. Let us help those who can not help themselves. I know of no better way of disposing of the large surplus in the Treasury than giving it to aid those who in the main put it there.

There is another consideration which ought to have weight in determining this matter. It is an unfortunate tendency of modern economic methods to aggregate many workers in a single shop or factory under a single owner. This tendency is to destroy independent workers of small means or force them into the class of wage-receivers. I think this is a great evil—one likely in the near future to work out results unfavorable to the welfare and happiness of our countrymen and ever dangerous to our free institutions. Whatever we can do to counteract this tendency should be done. As I have shown, the production of raw silk is one of the industries in which this tendency can not be felt. It flourishes and can flourish only among farmers, who have the land on which the food of the silk-worm can be raised, and, owing to the short season in which it can be carried on, it must always remain as an adjunct to the farmer's business. The workers in it will therefore be independent laborers working for themselves. Such a business should be encouraged and fostered. I believe it to be our highest duty to furnish this encouragement. I hope the amendment may prevail.

Mr. ALLISON. I desire to say a very few words before the question is taken.

It has been assumed in the debate, especially by the Senator from Mississippi [Mr. GEORGE] that the Committee on Appropriations made no investigation of this subject, but in a sort of perfunctory way threw in here an appropriation of $15,000 for the purpose of aiding silk-culture. The Committee on Appropriations of course did not spend the winter upon this subject, nor did they perhaps exhaust it as thoroughly as the Committee on Agriculture, but we gave it such intelligent examination as would enable us to do what we thought was right in the premises.

It is necessary to ascertain what is proposed here. I think the Senator from Mississippi repeated at least sixteen times in the course of his remarks just now that the silk-culture needed aid, and that it was the duty of the Government to encourage it and promote it. Now, what is the promotion suggested by the Senator from Mississippi? I have heard a great many arguments on the subject of protection from that Senator in the discussion of other bills here; and yet he proposes, or at least those whose claims he advocates propose, that the Government of the United States shall go into the business of reeling silk. That is the suggestion proposed in the amendment of the Committee on Agriculture, if I understand it. They propose, not that we shall levy a duty of 10 or 20 per cent. on raw silk, which is now imported free, but that we shall go to different portions of this country and establish manufactories for the reeling of silk.

The Committee on Appropriations were not in favor of that proposition. They were in favor of giving such encouragement to this culture of silk as would enable the Commissioner of Agriculture to distribute what the Senator from Alabama says he thinks ought to be distributed—silk-worm eggs throughout the different portions of the Union—and for that purpose agreed to appropriate $15,000 in this bill. Those persons who are advocating the silk-culture here propose a silk-culture bureau. They propose the establishment of filatures in this country. The Senator from California wants a filature established in California; my friend from Kansas will say there ought to be one in Kansas. There is already one in New Orleans, established by private industry and enterprise nearly twelve years ago, drawing, as the letter disclosed by the Senator from Alabama shows, silk cocoons from every part of the country, from North Carolina, from Alabama, from South Carolina, from Iowa, Minnesota, and Kansas. And yet it is proposed here by those who are antagonizing the Appropriations Committee on this amendment that we shall go into the private business of establishing filatures and teaching people how to manage the reeling of silk. The Committee on Appropriations having given such attention to the subject as it could is not in favor of that proposition. It goes far beyond any principle of protection that I have ever heard advocated on this floor. We have hitherto supposed that by a percentage or by a specific duty on products imported we could aid the manufacturing industries and enterprises of this country in competition with like industries abroad; but now for the first time it is urged here that the Government itself shall engage in the business of manufacture in order to encourage the production of silk in this country.

Mr. MORGAN. Will the chairman of the Committee on Appropriations allow me to inquire if we have not a tea farm here in the Government gardens?

Mr. ALLISON. Yes; and it is an elephant on the hands of the Government; and the Committee on Appropriations think the Senate ought to get rid of it as soon as we can.

Mr. MORGAN. Is the sorghum production and the sorghum manufacture here an elephant too?

Mr. ALLISON. Experiments were made in regard to sorghum sugar. I will ask the Senator from Alabama if he thinks that silk-culture or the reeling of silk is an experiment?

Mr. MORGAN. The Senator from Iowa comes from the wrong part of the Union to pretend to answer one question by asking another. He is not a Yankee.

Mr. ALLISON. No, sir; but I will say to the Senator that the sorghum investigation was one that was entered upon by the Government for the purpose of testing whether sorghum could be manufactured into sugar, or whether the ordinary corn-stalk could be manufactured into sugar; but it is not an experiment whether you can reel silk from a cocoon. That has been done for thousands of years, and the cocoons of China and Japan tread their pathway across our own continent by the car-load and by the million of dollars in value. Establish a filature in California by Government expenditure, and you can not tell whether the cocoon that goes to that filature comes from China or Japan, or whether it is raised in Iowa or California or Kansas. So that the proposition here in antagonism with the suggestion made by the Committee on Appropriations is a proposition to have the Government go into the work of manufacturing and reeling silk. The Senator from Alabama himself produces a letter here and produces specimens of this manufacture creditable alike to Louisiana and to the gentleman engaged in the business; and yet that gentleman tells us that he intends to have next year thirty-six reeling machines. I will ask the Senator from Alabama if he wants this thirty-thousand-dollar appropriation for the purpose of putting it in that business in competition with this industrious and enterprising gentleman of Louisiana? I know he does not, because he answered me he did not.

Mr. MORGAN. I will answer the Senator again, if he will allow me, by saying to him that I have insisted all the time that the appropriation should stand precisely in the language that the Committee on Appropriations have reported it.

Mr. ALLISON. So I understand.

Mr. MORGAN. But the amount I think is not sufficient. It should be $30,000 instead of $15,000.

Mr. ALLISON. I am not in antagonism with the Senator from Alabama. In no sense am I in antagonism with him. I am antagonizing those people who are in favor of establishing these manufacturing enterprises called filatures, whereby persons are to learn how to reel silk and whereby this incipient manufacture is to be established. It matters not to me whether we shall have an appropriation of $15,000 or $20,000 for the distribution of silk-worm eggs. I do not know, I confess, and I doubt very much whether the Senator from Alabama can tell us, whether $15,000 or $20,000 is the proper sum to be used in the distribution of silk-worm eggs. You must find people who are willing to utilize those eggs. This is not like the distributions of the Fish Commission, where you put the fishes into the water of the rivers and the lakes and the streams and they take care of themselves; but these silk-worm eggs must be taken care of and taken care of by the domestic people of whom the Senator from Mississippi speaks. How many people will want these eggs I do not know; how many people can utilize them if they get them I do not know. They must either have the mulberry or the osage-orange leaf, or perhaps some other leaves that are utilized in the South on which to feed these worms after the eggs are hatched. These things I do not know.

I am willing to give a reasonable sum, whether it be $15,000 or $25,000, for that purpose; but I am not yet ready as one member of the Senate to engage in the business of manufacturing on account of the Government. I am not willing to do that for several reasons. In the first place there will be no end if we begin. There can be no reason for es-

tablishing a manufactory or a filature in California that would not apply to Tennessee or to Iowa. So we should enter upon a struggle as to where this establishment should be located.

There is no reason for this in the fact that there will be a market furnished for the cocoons. I venture the assertion that there is not to-day a more marketable commodity in the world than silk cocoons, unless it be silk-worm eggs. The very fact that this gentleman in Louisiana draws them not only from Iowa and Minnesota, but also from North Carolina and South Carolina, shows that they can come from all sections of the country to his manufactory.

Therefore, Mr. President, while I am willing to do whatever is necessary, I want it done upon some principle, and not as suggested by the Committee on Agriculture, who want this aid given in the way of establishing manufactories for reeling silk.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE] to the amendment of the Committee on Appropriations.

Mr. CALL. Mr. President, I am not quite content to allow this subject to pass in the light in which it is now presented. The Senator from Kansas and the Senator from Iowa have both found very important distinctions between an appropriation of money on the part of the General Government to establish or support what is termed a filature for the treatment of the cocoon, the unwinding and the winding of the silk, and an appropriation of money for an agricultural purpose, for the treatment of sorghum, for experimenting upon sorghum, and the logical point seems to be in the difference as to whether it is an experiment or not.

The Senator from Kansas [Mr. INGALLS] can not discover any principle on which this appropriation for the encouragement and development of the production of raw silk can be vindicated. His proposition is that it is lawful and wise to send fish over the whole country to stock the rivers and lakes and propagate food-fish, but it is unlawful and unwise to send the eggs of the silk-worm, to propagate the worm and aid, encourage, and develop the production of raw silk. The latter he thinks will make the people dependent on the Government and will destroy their self-reliance and their enterprise—that is, the people are made independent of Government and self-reliant by enabling them to live on fish caught out of the rivers and lakes, and they are made dependent and helpless and deprived of their energy by enabling them to live by the production of raw silk, by providing for them a new employment and teaching them how to make it profitable.

The Senator from Iowa [Mr. ALLISON] finds in the appropriation of this money or any part of it to the establishment of filatures to teach the people how to prepare the raw silk an exercise of power broader than any that has ever been claimed for the Government by the theories of protection. In the establishment of filatures to teach the people he finds a provision for the Government engaging in manufactures in competition with its citizens—that is, a school to teach the people how to prepare the cocoons and unwind and reel the silk is a manufactory, and teaching the women and children by practical examples is engaging in the business of manufacturing.

The Government, therefore, by aiding the establishment of every industrial school by this argument becomes a manufacturer and a competitor with private enterprise, because the pupils at the school are taught to sow and reap and to engage in carpentry and other trades by the actual performance of the work of different occupations. Surely it is not necessary gravely to answer these propositions, and to state that there is no difference in principle between appropriating money to send a fish to a distant river and to send a silk-worm egg to a distant community. Both of these acts have for their object to enable the people to live with greater comfort, to have a greater abundance of the comforts and necessaries of life; and as the object is the same, so also are the means by which it is accomplished the same. In both cases it is Government aid—the use of the public money to instruct the people in a new method of obtaining subsistence.

So also the instruction of the people in a school termed a filature, where the people are free to go or not to go, where they are free to adopt the methods taught or to refuse to adopt them, is nothing more than a school, and is in principle precisely the same as appropriating money to print and distribute the RECORD which will contain the Senator's speech. They are both the means of diffusing information; and because by one of those methods the process of treating a silk-worm and cocoons is practically and actually exhibited, this does not make this teaching a manufacture by the Government.

On this argument it is said that you may indirectly tax the people to make the things consumed by them dearer, but you can not apply any of their money to teach them the arts by practical instruction. This theory of government is that in order to diversify the employments of the people you can by law compel them to use a greater part of their earnings for the purchase of articles of necessity for them and their families, but you can not exercise any power to enable them to diversify their employments without increasing the cost of articles of necessity to them. The meritorious factor, then, in the argument is the burden, the oppression to the people. The same object, namely, diversity of employment with all its advantages, is good and wise if obtained at great cost to the people, but bad and unwise if obtained with little or no cost. The Government may properly exert power to do the first, but it must not exert its power to do the last. The encouragement of industries and diversified employment by protective and prohibitory duties is wise and right, but the encouragement of industries and diversified employment by teaching the people in a practical school of art is both paternal and maternal, and therefore not to be thought of.

Surely these propositions on which Senators oppose this increase of the appropriations are utterly indefensible and without reason. They are founded on no theory of government that has ever prevailed in this or any other country. They are without the sanction of any of the great names in our history. Neither governments nor individuals have ever contended that it was unwise to encourage and sustain the industries of a people, whether new or old. In all our legislation we seek to do this, and he surely is an unwise legislator who would so use the power of government that no encouragement or aid shall be given to the employments of a people. The contention has been with many persons that it is not wise to encourage some employments by making others support them at too great a sacrifice.

I presume none will contend, either as to individuals or nations, that if good can be done to all the people by creating new or by sustaining old employments without injury to any of the people, that it would not be wise to encourage and sustain them. This bill contains an appropriation of $50,000 to establish sorghum stations with machinery or apparatus, to teach the people and show them by practical example how to grow sorghum, and to make sugar and sirup from sorghum. This is lawful and wise, because, says the Senator, it is an experiment, and its success is not an established fact; but the silk-worm and silk from the cocoons is not an experiment, but a certain success.

This argument is that Government may wisely aid and encourage anything that is of doubtful success, but it can not aid and encourage that which is certain of success.

The Government may appropriate money for an experiment, but it may not appropriate money for the development and encouragement of some occupation the success of which depends on ascertained fact. The Government may appropriate money to send a little fish and distribute it throughout the country, but the Government may not appropriate money to distribute the silk-worm throughout the country and to teach the people what to do with it and how use it profitably. The distinction, then, in the principle is in the fact that if success is doubtful then encouragement may be given by the Government. There is no logical point in that, neither is there any reason in the proposition that one thing is paternal that the Government does and the other thing is not, and that because it is paternal it is a bad thing and should not be done. The distinction as to what the General Government may do and what it may not do rests on much stronger and higher ground than a phrase which has no meaning. It may do nothing that interferes with the essential powers and rights of the States reserved to them. It may do everything within the scope of its granted powers which does not interfere with the essential rights of the States.

I undertake to say that Senators can not maintain themselves, and on these propositions there is no ground of reason in them. This bill proposes to appropriate this money in the language reported "for the encouragement and development of the culture and raising of raw silk." If it is proper to do that it is proper to do whatever is necessary for the encouragement and development; nothing beyond that. The encouragement and development, of an industry, and the continuance of that industry and its support, the Government engaging in it as a business, as a manufacturer, are two entirely separate and distinct ideas, which have no relation with each other.

This Government may not engage in any business for the purpose of profit, for the purpose of competition. It may do whatever it may constitutionally do without interfering with the power of the States; it may do whatever is necessary to be done in the diffusion of information in the teaching of the people, in the instruction of them or in encouraging them in any pursuit or in any industry. The two are as broad apart as the poles.

In the encouragement and development of the silk industry if a filature is necessary for the purpose of enabling persons to be taught how to treat the cocoon, how to treat the worm, it is the same as the provision of this bill in the support of the entomologist part of the Agricultural Department, it is no more than you did in the experiments and investigations that were made as to the insects throughout the country. There is no logical difference between them. It is simply the diffusion of information, it is the diffusion of intelligence among the people, it is instruction to the people that the bill proposes; and this is the object of every one who has supported this measure of the silk association, of the women in Philadelphia and California, and it is quite as legitimate to put a filature in operation as a school composed of a few persons, not as a business, but for the purpose of instructing the people in the different localities of the country how to treat this new industry, how to treat the cocoon, how to grow the worm, how to grow the mulberry, as it is to support men here in the Agricultural Department for similar purposes.

The distinction is broad and plain; I am not afraid for one myself to stand upon it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE] to the amendment reported by the Committee on Appropriations.

Mr. BAYARD. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Will the Chair state the question so that Senators may understand it?

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The CHIEF CLERK. In line 198 it is proposed to strike out "fifteen" and insert "thirty;" so as to read:

For the encouragement and development of the culture and raising of raw silk, $30,000, to be expended under the direction of the Commissioner of Agriculture.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The question being taken by yeas and nays, resulted—yeas 22, nays 29; as follows:

YEAS—22.

Blair,	Garland,	Logan,	Palmer,
Brown,	George,	Mahone,	Plumb,
Call,	Gorman,	Miller of Cal.,	Sawyer,
Conger,	Jonas,	Miller of N. Y.,	Walker.
Fair,	Jones of Nevada,	Mitchell,	
Farley,	Lamar,	Morgan,	

NAYS—29.

Aldrich,	Cullom,	Ingalls,	Pugh,
Allison,	Dawes,	Jackson,	Saulsbury,
Bayard,	Frye,	Kenna,	Van Wyck,
Camden,	Hale,	McMillan,	Williams,
Cameron of Wis.,	Harris,	Manderson,	Wilson.
Cockrell,	Harrison,	Maxey,	
Coke,	Hawley,	Morrill,	
Colquitt,	Hoar,	Platt,	

ABSENT—25.

Anthony,	Gibson,	Pendleton,	Slater,
Beck,	Groome,	Pike,	Vance,
Bowen,	Hampton,	Ransom,	Vest,
Butler,	Hill,	Riddleberger,	Voorhees.
Cameron of Pa.,	Jones of Florida,	Sabin,	
Dolph,	Lapham,	Sewell,	
Edmunds,	McPherson,	Sherman,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

Mr. HALE. There is one amendment, simply changing a total, which should be made. In line 131, the total under the head of "seed division" should be changed from "$107,840" to "$108,240."

The PRESIDING OFFICER. There being no objection that amendment will be agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 7076) to declare the Cantilever bridge constructed by the Niagara River Bridge Company across the Niagara River a post-route was read twice by its title, and referred to the Committee on Commerce.

BILL INTRODUCED.

Mr. MORGAN. I ask unanimous consent to introduce a joint resolution. The Senator from North Carolina [Mr. VANCE], who is absent at the Mecklenburg celebration in that State, has requested me by letter that I would present it and have it referred to the Committee on Commerce.

The joint resolution (S. R. 89) to declare the Great Pedee and Yadkin Rivers navigable streams and public highways was read twice by its title, and referred to the Committee on Commerce.

POLYGAMY IN UTAH.

Mr. HOAR. I move to proceed to the consideration of the bill known as the Utah bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate now proceed to the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. GARLAND. Will the carrying of that motion displace the bureau of labor statistics bill?

Mr. HOAR. No; I intend to go on with the same arrangement, yielding to the statistics bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts to proceed to the consideration of the bill.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

MISSOURI RIVER BRIDGE.

Mr. MANDERSON. I ask that the pending bill be informally laid aside so that I may be permitted to take up by unanimous consent House bill 6762, a bridge bill which is on the Calendar, and to which I called the attention of the Senate yesterday morning. It will take but a very few moments to consider it.

Mr. HOAR. I make no objection if the Senator from New Hampshire [Mr. BLAIR] makes none.

Mr. BLAIR. The Senator from Nebraska informs me that this will lead to no debate and can not take more than five minutes' time. I do not wish to interfere with his making progress. I have no doubt we can dispose of the bill to-night.

The PRESIDING OFFICER. The Senator from Nebraska asks the unanimous consent of the Senate to proceed to the consideration of the bill indicated by him.

Mr. BAYARD. Let it be reported, so that we may know what it is.

Mr. COCKRELL. Let it be reported for information.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to lay aside informally the pending bill in order that the Senate may proceed at this time to the consideration of the bill that will now be read for information.

The Chief Clerk proceeded to read the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

Mr. MANDERSON. As the House bill is the same as the bill which was reported favorably to the Senate by the Committee on Commerce, I ask unanimous consent that the reading be dispensed with.

Mr. HOAR. The bill ought to be read.

Mr. INGALLS. The bill has not once been read at length. It should be read.

Mr. CONGER. Has the bill been referred to a committee?

Mr. MANDERSON. It is the same as the bill that was reported by the Senate Committee on Commerce. This bill has passed the House.

Mr. COCKRELL. What is the order of business?

Mr. MANDERSON. The corresponding Senate bill is No. 329 on the Calendar under the eighth rule.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk resumed and concluded the reading of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of this bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLUMB. I should like to make one inquiry. I did not observe in the reading of the bill what length of span is provided for.

Mr. MANDERSON. If it is a high bridge, the spans shall not be less than three hundred feet in length; if it is a draw-bridge, the spans shall not be less than one hundred and sixty feet in length and the spans adjoining the draw shall not be less than three hundred feet.

Mr. PLUMB. Does it accord with the recommendation of such bills generally from the Committee on Commerce?

Mr. MANDERSON. It is in harmony with them.

Mr. CONGER. It accords with them. There are to be three spans of three hundred feet each if it is a high bridge. If it is a low bridge there will be two spans of three hundred feet and a draw-bridge which is to have spans of one hundred and sixty feet on each side of the central pier.

Mr. MANDERSON. One hundred and sixty feet in the clear.

Mr. CONGER. It conforms in all respects with the recommendations of the committee in regard to other bridges at similar places on the river.

Mr. McMILLAN. That is, the bill reported by the Senate committee does; and this is a House bill which is in the same terms exactly as the Senate bill, I am informed.

Mr. CONGER. So I understand.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McMILLAN. The Senate bill should be postponed indefinitely.

The PRESIDING OFFICER. If there be no objection the Senate bill on the same subject, being the bill (S. 1539) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and south line of the county of Douglas, State of Nebraska, and to make the same a post-route, will be indefinitely postponed. That order will be made.

POLYGAMY IN UTAH.

Mr. MILLER, of New York. Mr. President——

Mr. HOAR. I ask to have the unfinished business laid before the Senate.

Mr. MILLER, of New York. I move that the Senate do now adjourn.

The PRESIDING OFFICER. Before entertaining that motion, the Chair will lay before the Senate the unfinished business, which will be announced by title.

The SECRETARY. "A bill (S. 1283) to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882."

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. MILLER, of New York. I renew my motion.

The PRESIDING OFFICER. The Senator from New York moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 16 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 20, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

On motion of Mr. KASSON, by unanimous consent, the reading of so much of the Journal as relates to the formal introduction and reference of bills was dispensed with. The remainder of the Journal was read and approved.

EBEN MUSE.

Mr. TOWNSHEND, by unanimous consent, introduced a bill (H. R. 7073) granting a pension to Eben Muse, late of Company E, Ninth Regiment Pennsylvania Reserves, United States Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. HOLDERBY.

Mr. TOWNSHEND, by unanimous consent, also introduced a bill (H. R. 7074) granting a pension to James W. Holderby, late of Company B, First Indiana Cavalry (Twenty-eighth Indiana Volunteers); which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUEBLO LANDS.

Mr. ROSECRANS, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas the pueblo of San Francisco was fixed by a decree of the circuit court of the United States for the northern district of California on the 18th day of May, 1865, and said decree was confirmed by act of Congress March 8, 1866; and

Whereas a survey of said pueblo was made by J. T. Stratton as provided by law in 1867, and approved by the surveyor-general of California and the Commissioner of the General Land Office, as provided by law; and

Whereas such survey and approval was, under the law, a finality, and accepted as such by the grantees, the city of San Francisco, and by the State of California; and

Whereas the Legislature of said State in conformity with said confirmatory act did provide for the segregation and sale of the tide lands belonging to said State, and excluded by said survey; and

Whereas said State pursuant thereto has sold and deeded of said tide lands over seven hundred acres to *bona fide* purchasers, who now hold and occupy the same under deeds from said State; and

Whereas on November last the Secretary of the Interior ordered the surveyor-general of California to make a resurvey of said pueblo, ignoring the line of ordinary high-water mark as the same existed July 7, 1846, as provided in said decree, and to include the tide lands within said resurvey; and

Whereas the surveyor-general of California, in attempting to carry out said order, refuses to approve the survey made in accordance therewith, and the deputy running the line refuses to take the oath as provided by law, and reports to the Commissioner of the Land Office that said survey is incorrect and not in accordance with the decree of confirmation; and

Whereas the Secretary of the Interior is now causing a patent to be prepared on said survey which will include over seven hundred acres of land that belonged to the State of California by virtue of her sovereignty, thereby casting a cloud upon and impeaching the State's title to said land: Therefore,

Resolved, That the Judiciary Committee of this House is hereby directed to inquire into and report as soon as practicable upon the questions herein following relating to the survey of the pueblo lands of San Francisco, Cal., of four square leagues, confirmed to the city of San Francisco, first by the decree of the United States circuit court for the northern district of California, also by the Congress of the United States by the act of March 8, 1866, and surveyed by James T. Stratton, deputy United States surveyor, under said decree:

First. Whether the location of said pueblo, as lately made, or ordered to be made, by the Secretary of the Interior, is in conformity with the decree of the court and the confirmatory act of Congress.

Second. Whether the location as thus directed does or does not include lands belonging to the State of California; and if it does include such lands, what quantity?

Third. Whether the location as thus directed does or does not include lands covered by the daily tides and which belong to the State of California, and which said State has long since sold and conveyed by deed; and if it does include such lands, what quantity?

Fourth. Whether such location has been made in accordance with an actual survey of said grant by a surveyor in the field, and whether the plat of such survey is certified to be correct or incorrect by such surveyor.

Fifth. That the said committee inquire into all facts material to a full knowledge of the said grant and location, and report as to the facts and the law governing the same, and that said committee have full power to send for persons and papers.

Sixth. And the President is hereby requested to withhold the issue of any patent upon any location or survey of the grant known as the pueblo of the city of San Francisco, until such time as the investigation herein directed can be made, and action had thereupon by this House.

HENRY R. CROSBIE.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. 7075) for the relief of Henry R. Crosbie; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CANTALEVER BRIDGE OVER NIAGARA RIVER.

Mr. HISCOCK. I desire to introduce a bill for immediate consideration.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

A bill to declare the cantalever bridge constructed by the Niagara River Bridge Company across the Niagara River a post-route.

Be it enacted, &c., That the cantalever bridge and its appurtenances, which has been constructed across the Niagara River from a point on the right bank of the Niagara River between the Falls of Niagara and the mountain ridge above Lewiston, to a point in Canada on the left bank of the said river, in pursuance of the provisions of an act of the Legislature of the State of New York entitled "An act to incorporate the Niagara River Bridge Company," passed on the 13th day of July, 1881, or any act or acts of the said Legislature now in force amending the same, is hereby declared to be a lawful structure and an established post-route for the mail of the United States.

Mr. HISCOCK. If I may be allowed to explain I will state that this is a bridge across the Niagara River built under State law. There is a question whether under general law it is a post-route. It is a connecting link in the railroad system. The railroad companies want it under the jurisdiction of Federal law so far as it may be so brought by being made a post-route.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill (H. R. 7076) was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUFFERERS BY MISSISSIPPI RIVER OVERFLOW.

Mr. ELLIS. I present from the Committee on Appropriations the joint resolution which I send to the desk, and ask unanimous consent for its present consideration; and before objection is made, I desire that the letter of Secretary Lincoln transmitting the official communications of his commissioners shall be read.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objections.

The joint resolution was read, as follows:

Joint resolution appropriating a further sum of $100,000 for the sufferers by the overflow of the Mississippi River and its tributaries.

Resolved, &c., That the further sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War for the relief of such destitute persons as may require assistance in the districts overflowed by the Mississippi River and its tributaries in the manner provided for in a joint resolution entitled "Joint resolution authorizing the Secretary of War to issue rations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries, and making an appropriation to relieve the sufferers by said overflow," approved February 12, 1884.

Mr. ELLIS. I ask the House before objection is made to indulge me while I make a short statement.

There was no objection.

Mr. ELLIS. After the appropriation of $500,000 was made for the relief of the Ohio sufferers some resolutions were introduced looking to the relief of the sufferers by the overflow of the lower Mississippi and its tributaries. They were referred to the Committee on Appropriations, and by the direction of that committee I reported back and the House adopted a resolution requesting the Secretary of War to keep us advised of the progress of the floods and of such relief as might be needed and of the measure of such relief. I now ask that the Clerk shall read the letter of Secretary Lincoln transmitting the official communications of his commissioners and officers of distribution.

The Clerk read as follows:

WAR DEPARTMENT, *Washington City, May* 9, 1884.

In further compliance with the resolution of the House of Representatives of the 5th of March, ultimo, requesting the Secretary of War to furnish the House from time to time with information of the progress of the floods in the valley of the Mississippi, and to report if at any time in his judgment there exists such suffering in consequence of said floods as to justify measures of relief on the part of Congress, and, if so, the measure of such relief, the Secretary of War has the honor to inform the House that the appropriation of $125,000 made on the 27th of March, 1884, for the relief of sufferers in the district overflowed by the Mississippi River and its tributaries has now been exhausted, and there remains unexpended of the appropriation previously made for giving relief in the districts overflowed by the Ohio River and its tributaries a sum slightly exceeding $20,000.

The Secretary of War has the honor to inform the House of Representatives that he is in receipt of communications, copies of which are enclosed, from which it appears that all the suffering caused by the floods in the lower Mississippi valley has not yet been relieved. These communications are from Capt. Frederick F. Whitehead, U. S. A., the officer in charge of the distribution of relief supplies in the lower part of the overflowed region, and from the gentlemen who at the request of the Secretary of War have been acting as a local committee to assist Captain Whitehead in his work. These communications are submitted for the consideration of the House with the information that a full compliance with the suggestions made in them would require an additional appropriation of about $100,000.

ROBERT T. LINCOLN, *Secretary of War.*

To the SPEAKER *of the House of Representatives.*

Mr. ELLIS. The communications from Commissaries Beckwith and Whitehead, as also the communications from the commissioners appointed by the Secretary of War, show the fact that the waters have risen and have been rising steadily again for the past ten days, and that there are to-day from twenty-five to thirty thousand persons enveloped by a sea some sixty or seventy miles in width and one hundred and forty miles in length, living on rafts, living on the roofs of their houses, living in their gin-houses, and many of them actually without food and in a state of starvation. I present this resolution with great hesitancy. I blush almost to appear before this House in the light of a mendicant or a beggar for those people. But we have embarked on this policy, and if ever a meritorious case has been presented this is one. All the reports and numberless telegrams to the gentleman from Arkansas [Mr. DUNN], to two of my colleagues from Louisiana [Mr. KING and Mr. BLANCHARD], and to other gentlemen show there is a state of destitution existing that is absolutely appalling.

Mr. KASSON. May I ask the gentleman where is the district to which he now specially refers?

Mr. ELLIS. I refer to the region of country from the mouth of the Arkansas River down, and especially between the Atchafalaya River and the Mississippi River, in the State of Louisiana. There is a region of country larger than the State of Massachusetts under flood.

Mr. KEAN. I call for the regular order.

The SPEAKER. The gentleman from New Jersey demands the regular order, which is equivalent to an objection.

Mr. DUNN. I hope the gentleman will allow me to have read some communications on this subject. I ask that indulgence.

Mr. KEAN. I withdraw the call for the regular order.

The SPEAKER. Is there further objection?

Mr. CONNOLLY. I object.

Mr. DUNN. Does the gentleman object to having these communications read?

Mr. CONNOLLY. I will withdraw the objection until the papers are read.

The SPEAKER. If there be no objection, the papers sent up by the gentleman from Arkansas will be read.

The Clerk read as follows:

ARKANSAS CITY, ARK., *May* 12, 1884.

DEAR SIR: I take this occasion to say that within the district lying between the mouth of Cypress Creek in Desha County, and Gaines' Landing in Chicot County, all overflowed, there are now five hundred persons destitute and suffering for the means of subsistence, and have not the means to purchase the same. We now have the third rise of water upon us, chiefly from the Arkansas River. There was some time since shipped to C. C. Mitchell by Major Mangum, Helena, Ark., rations for three hundred persons, intended, as I am informed, for thirty days' rations, all which has been distributed among six hundred persons, some of whom were not within the above-mentioned bounds, but among the needy. Since writing the above, H. Thane, postmaster here, informs me that he wrote Major Mangum by yesterday's river mail concerning the same subject-matter herein contained.

We have about abandoned the hope of making anything in the way of farm products in the overflowed district along the Mississippi, except upon a very few favored plantations. In fact, I know of not a single one in Desha County and but one or two in Chicot County; and now it is a serious question as to how the laboring poor are to subsist for some time to come without Government aid. The men I conceive can go where there is work to be done, but they can not take their families, hence there must be suffering among those who can not move or help themselves. What you may be able to do in behalf of these sufferers I am sure will be appreciated.

Yours, very respectfully,

J. D. COATES.

Hon. POINDEXTER DUNN, *Washington, D. C.*

Mr. DUNN. The letter which the Clerk is now about to read is signed by two hundred people, and was written by one of their own number.

Mr. RICE. Mr. Speaker, is there any question before the House?

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] has asked unanimous consent to have considered at this time a resolution reported by him from the Committee on Appropriations. These papers are now being read by consent, the right to object being reserved.

Mr. RICE. I thought objection had been made.

The SPEAKER. Objection was made by the gentleman from Pennsylvania [Mr. CONNOLLY], but was withdrawn in order that these papers might be read, the right to renew the objection being reserved.

The Clerk read as follows:

GAINES LANDING, CHICOT COUNTY, ARKANSAS, *May* 12, 1884.

DEAR SIR: We write you of the destitution of two hundred people in this section who are absolutely needy people for want of provisions. One hundred and fifty of these people own stock, and stock are in the same suffering condition. This would not have occurred if this third rise of high water had not come upon us, within eight inches of the second one, and the second one within two and one-fourth feet of the first, and is yet rising here. Very soon starvation will take place if not helped in a short time. There are but few white people here, and they, impoverished by repeated floods and loss of crops, are not able to aid us here. We have had three rises of high water in one season, and is still upon us yet; therefore we ask your aid for us and our stock one month, and in that time we think the water may be off enough to get supplies from the merchants, but we are so helpless now that we can get nothing. Now we look to you in our distress.

Not adding more, very truly, yours, as follows:

Jno. Maher and family; Charles Washington and family; Fred Simsons and family; James Alexander and family; Reese Easton and family; Geo. Walker and family; Frank Willson and family; Chas. Carter and family; Wm. Richardson and family; Peter James and family; Wash Collens and family; Mose Single; Billy Single; Josh. Michel and family; Ned Irvin and family; Henry Clay and family; Marget Sanford and family; Shed Wilson and family; Louis Michel and family; Primus Harvey and family; Arthur Burton and family; Sam Burton and family; Robert Wilson and family; Jack Macool and family; Henry Wilson and family; David Thomas and family; Prince Simsons and family; Bill Williams and family; Wm. Tharps and family; Ruebin Scott and family; Mwke Howard and family; Ben Kelly and family; Mealia Hasken, single; Venson Kelly and family; Harret Williams and family; Harry Michel and family; James Dovell and family; Henry Gillum, single; Judia Gillum and family. We have not room to write the balance of the sufferers.

I, Jno. Maher, do hereby certify that the foregoing petition list is true and that they are needy, this 12th day of May, 1884.

JNO. MAHER, *J. P.*

Hon. POINDEXTER DUNN,
House of Representatives.

ARKANSAS CITY, ARK., *May* 17.

Hon. POINDEXTER DUNN,
House of Representatives, Washington, D. C.:

People suffering greatly from effect of overflow. Aid us.

L. E. THOMAS, *J. P.*

The SPEAKER. Is there objection to the consideration of the joint resolution?

Mr. CONNOLLY. I object.

Mr. KING. I ask the gentleman to yield for a moment, that the same privilege granted to the gentleman from Arkansas [Mr. DUNN] may be extended to me. I desire simply to have read——

Mr. GEORGE D. WISE. I object.

Mr. KING. I do not think the gentleman from Virginia will object to an appeal in the cause of mercy.

Several members called for the regular order.

The SPEAKER. The regular order is demanded by several gentlemen.

Mr. KING. May I ask to have printed in the RECORD——

The SPEAKER. The regular order is demanded.

Mr. KING. I ask leave to have printed in the RECORD——

The SPEAKER. Is the demand for the regular order withdrawn? [A pause.] The regular order is demanded, which of course cuts off all requests for unanimous consent.

Mr. KING. I appeal to the gentlemen to withdraw the call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

PERSONAL EXPLANATION.

Mr. HEWITT, of New York. I rise, I am sorry to say, to a personal explanation. Will it be in order at this time?

The SPEAKER. Questions of personal privilege are always in order.

Mr. HEWITT, of New York. I am sorry, Mr. Speaker, to be compelled to make a personal explanation again. I will be as brief as possible. I only make it because on consultation with my colleagues upon the Committee on Ways and Means they think I ought to make it.

During my enforced absence from the House a letter appeared in the newspapers addressed to Hon. WILLIAM R. MORRISON, chairman of the Committee on Ways and Means, and signed by Henry W. Oliver, jr., in reference to House bill 6970, which I had the honor to introduce. I am informed by the chairman of the Committee on Ways and Means that this letter was given to the press before it was delivered to him. Yesterday there appeared in all the papers that came under my eye the following letter, dated Washington, May 16, addressed to Henry W. Oliver, jr., and with my name appended to it:

WASHINGTON, D. C., *May* 16, 1884.

DEAR SIR: I have read your letter of the 15th instant with pleasure and profit; but as you have overlooked a few "points" I will, with your permission, endeavor to supply the omission in the brief interval allowed me from arduous Congressional duties. I beg leave to inquire:

First. What was the duty recommended by the Oliver Commission (page 27) on wire rods, barbed wire, &c., well-known specialties of Oliver Brothers & Phillips?

Second. How does it occur that under the operation of the Oliver tariff you have been enabled to purchase two new wire-mills, one blast-furnace, and a partnership in the Hartman mill, while other mills are content with the old-fashioned 10 per cent.?

Third. How does it occur that under the benign operations of the Oliver tariff he mills of Oliver Brothers, in Pittsburgh, are enabled to run the whole year, while other iron mills run, on an average, but four months in the year?

Fourth. Now that you are operating blast-furnaces, will you inform the public whether you hold the same view on raw materials you did (page 132) when on the Tariff Commission; and if not, why not?

Fifth. Will you kindly inform an anxious public how many of your one-dollar-and-fifteen-cents-per-day employés enjoy the benefit of the Oliver tariff?

I would suggest that, so far as wire rods, barbed wire, &c., are concerned, the Oliver tariff report might be appropriately termed a "bill for the relief of Oliver Brothers & Phillips."

Very respectfully, yours,

ABRAM S. HEWITT.

HENRY W. OLIVER, Jr.

This letter is a fabrication. I can not take to myself the credit of having been clever enough to produce any such document. I was totally ignorant of the authorship of this letter until on opening my mail this morning I found the letter which I ask the Clerk to read.

The Clerk read as follows:

[Personal.]

PITTSBURGH, *May* 17, 1884.

DEAR SIR: Under the guise of a letter from you to H. W. Oliver I publish in the Sunday Globe to-morrow, and by Associated Press, a burlesque on Oliver's letter to Morrison. It is considered a capital take off on Oliver. You can use your pleasure about disclosing the authorship, as I write this merely for your information.

Friendly, yours,

J. W. BREEN, *Editor Globe.*

Hon. ABRAM S. HEWITT, *Washington, D. C.*

Mr. HEWITT, of New York. Mr. Speaker, I am asked by gentlemen around me whether I indorse the letter which has been published over my name. I have only to say that I have no sufficient knowledge of the business of Mr. Oliver to have enabled me to make the reply which has been printed. It may be all true; it may be all false. I am not in the habit of prying into other people's business. But Mr. Oliver has seen fit, as I find, to comment upon my business. I supposed when I read the letter falsely attributed to me that the letter of Mr. Oliver to me might also be a canard, for it is scarcely credible to me that any man familiar with legislation (as Mr. Oliver ought to be, having been a member of the Tariff Commission) and with the wire business (he being among the largest manufacturers in that branch in the country) could have written the letter which is published over his name. But the letter turns out to be genuine. I therefore incorporate it as a part of my remarks:

PITTSBURGH, PA., *May* 15, 1884.

DEAR SIR: Your committee has before it House bill No. 6970, introduced by Hon. A. S. HEWITT, entitled "A bill to modify existing laws relating to duties on imports," &c.

The changes in the metal schedule are as follows: The duty on wire is advanced half a cent per pound. The duty on iron rods, in coils or loops, is advanced from $\frac{6}{10}$ to 1.2 cents per pound. Steel wire rods, in effect, are made free. Mr. HEWITT therefore modifies the duties on metals as follows:

First. He increases the duty on wire, of which he is one of the largest manufacturers in the United States, half a cent per pound.

Second. He doubles the duty (namely, increases it from $\frac{6}{10}$ to 1.2 cents per pound) on iron rods, of which he is the largest manufacturer in the country.

Third. He places steel rods, of which he is a large consumer, and which he does not manufacture, practically on the free-list.

With the exception of placing ore and tin-plate on the free-list, the foregoing are about all the changes Mr. HEWITT makes in the metal schedule.

I append comparative schedules of the present law and Mr. HEWITT's bill, illustrating the truth of my statements. Mr. HEWITT's bill, the title of which is, "To modify existing laws relating to duties on imports," leans so favorably toward Trenton, N. J., that I suggest, so far as the metal schedule is concerned, that it might appropriately be placed on the Private Calendar and entitled "A bill for the benefit of Cooper, Hewitt & Co."

Very respectfully, yours,

HENRY W. OLIVER, JR.

Hon. WILLIAM R. MORRISON,
Chairman Committee on Ways and Means, House of Representatives.

I ask now to reply briefly to the statements contained in Mr. Oliver's letter. He states first that in my bill I have increased the duty on wire, of which I am one of the largest manufacturers in the United States, a half a cent a pound. That is not true. The bill as introduced by me reduces the duty on wire. Mr. Oliver, I suppose, was misled by a mistake of the copyist. I directed the copyist to take from the existing law the schedule as it stands in order to comply with the recommendation of the Secretary of the Treasury that the duty should be imposed upon wire larger than No. 5. The copyist made a mistake in putting down the figures and I omitted to read over what he had prepared. This error would have produced an increase except for one thing. When we came to Schedule C, relating to metals, I interposed a provision that no duty on any article included in that schedule should be higher than 50 per cent.

Now, all the duties on wire to-day down to No. 18 are higher than 50 per cent. Therefore no increase of those duties would have been affected by the bill, even as the copyist erroneously prepared it, for it would have been cut off by the horizontal provision contained in Schedule C, that no duty should be higher than 50 per cent. I hold in my hand a table of duties on wire prepared by Mr. Roebling, one of the leading wire manufacturers in the country, from which it appears that the present duty on wire between No. 0 and No. 18 ranges from 67 to 52½ per cent. The bill as proposed by me, limiting the duties to 50 per cent., would therefore have cut down the duties on wire. Therefore the first statement of Mr. Oliver is based on an error which was corrected by a subsequent provision of the bill.

He says: "Second. He doubles the duty (that is, increases it from $\frac{6}{10}$ to 1.2 cents per pound) on iron rods, of which he is the largest manufacturer in the country." The statement that I am the largest manufacturer of iron rods in the country is untrue. I am a manufacturer, however, of iron rods, and that is sufficient.

In regard to doubling the duties on iron rods, that is also untrue. The present tariff imposes two rates of duty. The Secretary of the Treasury calls attention to that in a letter which was the origin of my bill. He says:

At first a difficulty was experienced in construing some of the provisions of Schedule C, relating to metals. Paragraph 150 imposes on round iron, in coils or rods less than seven-sixteenths of an inch in diameter, 1.2 cents per pound. Paragraph 180 imposes on the same class of metals, when valued at 3½ cents or less per pound, $\frac{6}{10}$ of 1 cent per pound, when within the denomination of rivet, screw, nail, or fence-wire rods, in coils or loops. The class of iron mentioned in 150 is generally available for the purposes mentioned in 180, and the Department has held that when of the size and value specified in 180 it is to be classified for duty thereunder without reference to the uses to which the merchandise is ultimately applied.

My bill undertakes to correct the ambiguity of two different rates of duty upon the same article. It abolishes one of these rates, making free in effect all iron and steel rods used for fencing, and providing that all other wire rods shall remain where they are now or were intended to be. The purpose I had in view was to reduce the cost of fence-wire and baling-ties to the consumer, and such will be the effect of the provision.

I need hardly assure the House that personal considerations did not enter my mind when drawing the bill. But since the question has been raised I say that so far as the effect of the duties proposed by the bill would go it is to remove the duties on some of the articles which I manufacture, but it would increase the duty on wire rods used for screws, which are protected by high duties.

As it may be inferred from Mr. Oliver's letter that I am a manufacturer of barbed fence-wire, I deem it right to state that I do not manufacture that article at all; and therefore no change in the duty on the materials for making barbed fence-wire could have any effect whatever on my business.

Mr. Oliver proceeds to state further: "He places steel rods, of which he is a large consumer, and which he does not manufacture, practically on the free-list." That statement is also untrue. I am a manufacturer of steel rods, and as a rule my firm consumes what it manufactures, but the business was so much damaged by the last reduction of duty that I prefer to see it altogether removed, as I have proposed, and give the consumer the benefit of the total repeal of the duty.

This simple statement disposes of all the charges made by Mr. Oliver. I do not believe there is any member of this House who for a moment will think that I drew the bill for my personal benefit; but if there be any, I wish to say there is no foundation for such a belief.

As a matter of fact, it is obvious that no tariff can be passed which will not affect my personal interest; but it would be grossly unjust to infer that under any circumstances I would commit the transparent folly of allowing my personal interest to bias my official actions. What special knowledge I have should be used for the general good, as I have tried so to use it in the preparation of the bill.

Mr. HORR. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HORR. Is the subject of the tariff now open to general debate? [Laughter.]

The SPEAKER. It is not.

Mr. O'NEILL, of Pennsylvania. I desire to say a word, with the permission of the House.

The SPEAKER. If there is no objection the gentleman can proceed.

Mr. O'NEILL, of Pennsylvania. I merely want to say to this House that Mr. Henry W. Oliver——

Mr. COX, of North Carolina. If the gentleman rises to a personal explanation I shall not object; if he does not, then I shall object.

Mr. O'NEILL, of Pennsylvania. I want to say a word in behalf of a citizen of my State.

The SPEAKER. Objection is made.

Mr. O'NEILL, of Pennsylvania. I only want to say that instead of rising to a personal explanation it would have been more honorable on the part of the gentleman from New York [Mr. HEWITT] to have written a reply to the letter of Mr. Oliver, that gentleman not being here to make reply for himself. [Cries of "Regular order!"]

CALL OF COMMITTEES.

The SPEAKER. The regular order is the call of committees for reports.

JOHN K. MITCHELL.

Mr. TUCKER, from the Committee on the Judiciary, reported a bill (H. R. 7077) to remove the disabilities of John K. Mitchell; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JOHN L. COWARDIN.

Mr. TUCKER, from the Committee on the Judiciary, also reported, as a substitute for H. R. 6809, a bill (H. R. 7078) to remove the disabilities of John L. Cowardin; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY, CHICAGO.

Mr. MOULTON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 260) relating to certain public grounds at Chicago, Ill.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EASTERN JUDICIAL DISTRICT OF MICHIGAN.

Mr. MAYBURY, from the Committee on the Judiciary, reported back favorably the bill (H. R. 4486) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS OF MARYLAND AND VIRGINIA.

Mr. MAYBURY, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 2241) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. POLAND, by unanimous consent, submitted the views of the minority of the Committee on the Judiciary; which were ordered to be printed with the majority report.

S. B. AXTELL.

On motion of Mr. BROADHEAD, the Committee on the Judiciary was discharged from the further consideration of the charges against S. B. Axtell, chief-justice of New Mexico, and they were laid on the table.

SUSPENSION OF TERRITORIAL LAWS.

Mr. BROADHEAD, from the Committee on the Judiciary, reported back favorably the joint resolution (H. Res. 233) to suspend the operation of all the laws, acts, and joint resolutions passed at the twenty-sixth session of the Legislative Assembly of the Territory of New Mexico; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE, DECATUR, NEBR.

Mr. PETERS, from the Committee on Commerce, reported back favorably the bill (H. R. 5451) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Decatur, in the county of Burt, in the State of Nebraska; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE, MEMPHIS, TENN.

Mr. SEYMOUR, from the Committee on Commerce, reported back favorably the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TONNAGE DUTIES.

Mr. EATON, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 1062) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTIN KENOFSKY.

Mr. STEWART, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 4074) for the relief of the legal representatives of Martin Kenofsky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RE-ENLISTMENT OF SOLDIERS.

Mr. LYMAN, from the Committee on Military Affairs, reported a bill (H. R. 7079) to extend the period for the re-enlistment of soldiers of the Army in certain cases; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES H. BACON.

Mr. MORGAN, from the Committee on Military Affairs, reported back favorably the bill (H. R. 5524) for the relief of James H. Bacon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID WOOD.

Mr. MORGAN, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 4625) to remove the charge of desertion against David Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY, FREDERICKSBURG, VA.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 4648) to provide for macadamizing the road from the railroad to the national cemetery in the city of Fredericksburg, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE S. COMSTOCK.

Mr. PERKINS, from the Committee on Indian Affairs, reported back the bill (H. R. 5539) for the relief of George S. Comstock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALMON CITY AND NORTH FORK TOLL-ROAD, IDAHO.

Mr. HANBACK, from the Committee on Pacific Railroads, reported, as a substitute for H. R. 6507, a bill (H. R. 7080) to incorporate the Salmon City and North Fork Toll-Road Company, in Idaho Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PACIFIC RAILROAD AND TELEGRAPH LINES.

Mr. HANBACK, from the Committee on Pacific Railroads, also reported a bill (H. R. 7081) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of railroads and telegraph lines from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862;" which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. BAGLEY, the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Pensions, namely:

A bill (H. R. 6808) to increase the pension of Michael J. Hewston; and

A bill (H. R. 6706) granting a pension to Sanford Bradbury.

NATHAN J. SHARP.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6816) for the relief of Nathan J. Sharp; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUIS MAGNUS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 6711) granting a pension to Louis Magnus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASA DYE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 6589) for the relief of Asa Dye; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BERNARD DONOHUE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 6835) granting a pension to Bernard Donohue; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE PRINCE.

Mr. BAGLEY, from the Committee onInvalid Pensions, also reported back with amendments the bill (S. 1680) granting a pension to George Prince; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS PATTON.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 828) granting a pension to Thomas Patton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY J. VAUGHAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with favorable recommendation the bill (S. 732) for the relief of Mary J. Vaughan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. KATE L. CUSHING.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendation the bill (H. R. 2429) to place the name of Mrs. Kate L. Cushing, widow of the late Commander William B. Cushing, upon the pension-roll; which on his motion was referred to the Committee of the Whole House on the Private Calendar, and, with the adverse report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and, with the accompanying reports, printed; namely:

A bill (H. R. 5095) for the relief of Mary J. Vaughan;

A bill (H. R. 6811) for the relief of Margaret Moore; and

A bill (H. R. 6705) granting a pension to Daniel M. Stewart.

ADALBERT STICKNEY.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 5207) granting a pension to Adalbert Stickney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BECK.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3829) granting a pension to John Beck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES FLYNN.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 5209) granting a pension to James Flynn; which was referred to the Committee

of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GOTTLIEB HERMANN.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 5208) granting an increase of pension to Gottlieb Hermann; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. D. PRIOR.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3467) granting a pension to H. D. Prior; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY L. READER.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 6851) for the relief of Mary L. Reader; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALMIRA B. KALER.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2312) granting a pension to Almira B. Kaler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

OTTO LEISSRING.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 5636) for the relief of Otto Leissring; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CORNELIA WESSELS.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3828) granting a pension to Cornelia Wessels; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

HENRY RODENBACK.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2894) granting a pension to Henry Rodenback; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MICHAEL DALY.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2924) granting a pension to Michael Daly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MRS. SUSANNAH BARR.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5821) granting a pension to Mrs. Susannah Barr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN DWYER.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3023) granting an increase of pension to John Dwyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA KUPP.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6826) granting a pension to Rebecca Kupp; which was referred to the Committee of the Whole House on the Private Calendar, and with the accompanying report, ordered to be printed.

COL. JAMES R. PORTER.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 1400) granting an increase of pension to Col. James R. Porter; which was laid on the table, and the accompanying report ordered to be printed.

ROSELLA PEGG.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2574) granting a pension to Rosella Pegg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN Q. BELLVILLE.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2522) granting a pension to John Q. Bellville; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

SALLY ANN BRADLEY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2520) granting a pension to Sally Ann Bradley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARREARS OF PENSIONS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 491) to amend section 2 of an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MORRILL. I also ask that the report of the minority accompanying the bill be printed with the report of the majority.

The SPEAKER. If there be no objection the views of the minority will be printed with the report of the majority.

There was no objection.

M. V. B. WINKLER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5934) granting a pension to M. V. B. Winkler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. W. DUNCAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM IRVING.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6677) to increase the pension of William Irving; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRIET P. DAME.

Mr. MORRILL (for Mr. RAY, of New Hampshire), from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3307) granting a pension to Harriet P. Dame; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CAPT. H. D. F. YOUNG.

Mr. MORRILL (for Mr. RAY, of New Hampshire), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6168) granting a pension to Capt. H. D. F. Young; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table and the accompanying reports ordered to be printed:

A bill (H. R. 2104) granting a pension to M. L. Kennedy;
A bill (H. R. 2102) granting a pension to A. T. Still;
A bill (H. R. 530) for the relief of Joseph Bell;
A bill (H. R. 2103) granting a pension to Job Vaughan;
A bill (H. R. 4053) granting a pension to August Schindler;
A bill (H. R. 2084) granting a pension to James S. Wright;
A bill (H. R. 534) for the relief of John H. Faulk;
A bill (H. R. 544) granting a pension to Porter B. Hewitt;
A bill (H. R. 2071) granting a pension to Alexander Harper;
A bill (H. R. 2035) granting a pension to Amos Williamson; and
A bill (H. R. 536) for the relief of Franklin Philbrick.

ROBERT J. EBBERMAN.

Mr. FYAN, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 891) granting a pension to Robert J. Ebberman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WATSON S. BENTLEY.

Mr. LOVERING, from the Committee on Invalid Pensions, reported

back with a favorable recommendation the bill (H. R. 760) granting an additional pension to Watson S. Bentley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM EURELE.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3565) granting a pension to William Eurele; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM GIBBONS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4098) granting a pension to William Gibbons; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES W. BROWN.

Mr. RAY, of New York (by Mr. LOVERING), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 3703) granting a pension to James W. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARDIE HOGAN HELPER.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 3954) for the relief of Hardie Hogan Helper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MORRIS GELD.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4869) for the relief of Morris Geld, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Pensions.

The motion was agreed to.

MARY A. LAND.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 256) granting a pension to Mary A. Land; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL HAZEL.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 253) granting a pension to Samuel Hazel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN Y. ATTWATER.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 204) granting a pension to Susan Y. Attwater; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARTIN KELLEY.

Mr. HOUK, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 909) to increase the pension of Martin Kelley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SILVIA JENKS.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back the bill (H. R. 4040) granting a pension to Silvia Jenks, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Pensions.

The motion was agreed to.

MARY SWEENY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back the bill (H. R. 3516) for the relief of Mary Sweeny, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Pensions.

The motion was agreed to.

HENRY S. MORGAN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1993) granting a pension to Henry S. Morgan, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Pensions.

The motion was agreed to.

MICHAEL F. DALY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4666) to increase the pension of Michael F. Daly, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Pensions.

The motion was agreed to.

JOHN KENNEDY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1996) for the relief of John Kennedy, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Military Affairs.

The motion was agreed to.

C. M. NITTIG.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5928) for the relief of C. M. Nittig, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Military Affairs.

The motion was agreed to.

HAYDEN REYNOLDS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3612) granting a pension to Hayden Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SIMON E. LEWIS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4700) granting a pension to Simon E. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FREDERICK CORFE.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 452) granting a pension to Frederick Corfe; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GRIGSBY FOSTER.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5740) for the relief of Grigsby Foster; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT M. M'KINLAY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1984) granting a pension to Robert M. McKinlay; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3022) for the relief of Joseph H. Fenton;

A bill (H. R. 3073) granting a pension to William M. Gregory, late a private in Company A, —— Regiment Tennessee Cavalry Volunteers;

A bill (H. R. 3034) granting a pension to Thomas Fegan;

A bill (H. R. 4665) granting a pension to James S. Daskam;

A bill (H. R. 2004) granting a pension to Mintan Prall;

A bill (H. R. 2029) granting a pension to Robert H. Miller;

A bill (H. R. 5492) for the relief of Russell Ferguson;

A bill (H. R. 2007) for the relief of William E. Ward;

A bill (H. R. 3564) for the relief of Orlando W. Easton;

A bill (H. R. 2010) for the relief of Samuel F. Edmonds;

A bill (H. R. 3021) for the relief of James Whitman;

A bill (H. R. 474) for the relief of Birney W. Snow;

A bill (H. R. 475) for the relief of J. G. Gillham; and

A bill (H. R. 5707) for the relief of Samuel Dial.

SAMUEL W. BOWLING.

Mr. FYAN (by Mr. BAGLEY) reported back from the Committee on Invalid Pensions with a favorable recommendation the bill (H. R. 6328) granting a pension to Samuel W. Bowling; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN ELLIS.

Mr. RAY, of New Hampshire (by Mr. PRICE), reported back with a favorable recommendation from the Committee on Claims the bill (H. R. 333) for the relief of John Ellis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. RAY, of New Hampshire (by Mr. PRICE), also reported back adversely from the Committee on Claims the bill (H. R. 3808) for the relief of John Ellis; which was laid on the table, and the accompanying report ordered to be printed.

LEHMAN, HAYEM & TAYLOR.

Mr. COSGROVE, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 3654) for the relief of Lehman, Hayem & Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NATIONAL ACADEMY OF SCIENCES.

Mr. SINGLETON, from the Committee on the Library, reported back with a favorable recommendation the bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That Congress accepts the portrait of James A. Garfield presented by Signor Salviati, of the city of Venice, with thanks to the donor, and that the portrait be placed for safe custody in the Library of Congress.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and for other purposes; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. DAWES, Mr. PLUMB, and Mr. COCKRELL.

ENROLLED BILLS.

Mr. HOLMES, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 51) to authorize the construction of a bridge over the Rio Grande River, between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico;

A bill (S. 664) to authorize the construction of a bridge over the Rio Grande River, between the cities of Laredo, Tex., and Nueva Laredo, Mexico;

A bill (S. 689) granting a pension to Elizabeth A. Barbour; and

A bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa."

PASSED ASSISTANT ENGINEER NATHAN B. CLARK.

Mr. GOFF, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 6824) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, chief engineer on the retired-list of the Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS OF THE STATES VS. THE UNITED STATES.

Mr. HAMMOND, from the Committee on the Judiciary, reported back, as a substitute for H. R. 6867, a bill (H. R. 7082) to adjust the claims of the States against the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ANN H. HAINES.

Mr. MAGINNIS, by unanimous consent, introduced a bill (H. R. 7083) for the relief of Ann H. Haines; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. ELLIS moved that the House insist on its disagreement to the amendments of the Senate to the bill (H. R. 6092) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1885, and agree to the conference asked on the part of the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. ELLIS, Mr. HOLMAN, and Mr. RYAN.

SHIPPING BILL.

Mr. SLOCUM moved that the House non-concur in the amendments of the Senate to the bill (H. R. 2228) to remove certain burdens on the merchant marine and encourage the American foreign carrying trade, and agree to the conference asked on the part of the Senate.

The motion was agreed to.

INDIANA CONTESTED-ELECTION CASE—ENGLISH VS. PEELLE.

Mr. CONVERSE. I call up the contested-election case of William E. English, contestant, *vs.* Stanton J. Peelle, contestee, from the seventh Congressional district of Indiana, and ask for the reading of the reports.

The report (by Mr. CONVERSE) was read, as follows:

The seventh Congressional district of Indiana is composed of the counties of Marion, Hancock, and Shelby, and that at the election held on the 7th day of November, 1882, for a member of the Forty-eighth Congress, the votes as returned from said district gave contestee a majority of 87 over the contestant. There is no controversy about the election in either Hancock County or Shelby County, and it is admitted that contestant's majority over contestee in these two counties is 553. The controversy is about the election in Marion County, and mainly in the city of Indianapolis. The evidence in the case tends to show a studied, preconcerted plan on the part of the Republican managers in that city to defeat the will of the electors.

Of the fifty-six election precincts in that city all but two were put under the control of Republicans, and there was but one Democratic election inspector in the entire city out of fifty-six, and that was the township trustee, who is inspector in one precinct by virtue of his office, and could not be removed by the Republican officials.

The regular police force, 74 in number, are shown to have been entirely Republican, and so of 150 extras appointed for the day of the election. Out of 224 policemen there was not a Democrat. The whole election and police machinery from beginning to end seems to have been controlled by Republicans. That these officers in many instances interfered in the election and challenged and intimidated voters is conclusively shown, and also that Democratic votes were refused that were shown to be legal by the affidavits required by law. This was done to such an extent in the second precinct of the seventeenth ward that witnesses testified that as many as 100 Democratic votes were lost thereby. And there is also evidence as to the loss of Democratic votes from the same cause in the first precinct of the thirteenth ward and elsewhere. The work of the police and other Republican officials in intimidating and unduly influencing voters was no doubt facilitated by tickets that were used by the Republicans in Marion County at this election, commonly called "spring-back tickets," because printed on material that would spring open when lightly folded, thus facilitating double voting. These tickets were printed on a material called "plate," such as is generally used by lithographers. It was bought and billed to the party who printed the tickets as "plate." This material is not plain paper such as is ordinarily used for printing, and especially for printing election ballots. The witnesses say they never knew such material to be used for election tickets before. It is a thick, heavy material, of such finish, bulk, and texture as to be easily distinguishable from tickets printed on ordinary paper, and for that reason contestant claims that it is in violation of the Indiana statute, which reads as follows:

"All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three inches, without any distinguishing marks or other embellishments thereon except the names of the candidates and the offices for which they were voted." (Section 4701, Revised Statutes of 1881.)

And also that it is in violation of the spirit of the constitution of Indiana, which provides that all elections by the people shall be by ballot. (Art. 2, section 13.)

In Williams *vs.* Stein, 38 Indiana, page 89, the supreme court construed the provisions of the constitution above referred to. It was there decided that the word "ballot," as used in the constitution, "beyond doubt * * * implies absolute and inviolable secrecy, and that the principle is founded in the highest consideration of public policy." (Page 95.)

The court quotes from Cooley's Con. Lim., 604, as follows:

"These statutes are simply declaratory of the constitutional principle that inheres in the system of voting by ballot, and which ought to be inviolable, whether declared or not. In the absence of such a statute, all devices by which party managers are enabled to distinguish ballots in the hands of the voter, and thus determine whether he is voting for or against them, are opposed to the spirit of the constitution, inasmuch as they tend to defeat the design for which voting by ballot is established."

The evidence is conclusive that these tickets could be, and were, distinguished in the hands of the voters from fifteen to thirty feet distant, and the secrecy of the ballot guaranteed by the constitution and laws of a sovereign State was thus destroyed in Marion County. One of the Republican managers, who was instrumental in getting up the tickets, stated that they were gotten up as "a scheme to beat the Democrats." Another prominent Republican admitted on the day of the election that the tickets were fraudulent and gotten up for fraudulent purposes. (Record, pp. 103-121.) The fraudulent intent is apparent. There were 12,551 of these fraudulent tickets voted at that election in Marion County, and it is shown that the Democrats formally protested against receiving and counting these tickets. (Record, pp. 67, 124, 126, 121.)

Your committee hold that the object of the ballot system is secrecy; that when the constitution of Indiana said her citizens should vote by ballot it meant a secret ballot; that when the Legislature said that the ballots should have no embellishments or other distinguishing marks it meant that the ticket should be such that it could not be known for whom the voter was casting his ballot; that any ticket printed on material, plain white in color though it be, yet so thick as to be readily distinguished from ordinary paper in use for such purposes, is as much a distinguishing mark and as much in violation of law as if it had the photograph of the candidate printed on it. The evidence discloses in this case a deep-laid and cunningly-devised scheme to avoid the statute, and to compel the poor and humble voter to "show his hand" to his party and his employer. The fact appears that some voters came to the polls to vote, and on discovering the character of the ticket refused to vote and went away. Others undoubtedly were constrained to vote by these means and the circumstances surrounding them against their will. The fraud on the part of the friends of contestee is glaring and so well established that if there were no other facts in the case than those connected with the "spring-back tickets" your committee would find no difficulty in setting aside the election and but little in recommending the seating of the contestant.

It is also shown that a counterfeit Democratic ticket was circulated by Republican officials on the day of election, a fac-simile of the Democratic ticket except that Peelle's name was printed in place of English's; that Democrats posted handbills warning voters against these fraudulent tickets, but that 12 of them were found in the ballot-boxes and were counted for contestee, but which contestant claims should have been counted for him, making a difference in the count of 24 in favor of contestant. In the nature of things it would be difficult for contestant to prove that Democrats voted these counterfeit tickets without knowing it, but contestee did not show they were voted knowingly by any one, or offer any explanation why they were circulated by his friends, and the fair inference is that they were fraudulent, and used for fraudulent purposes.

The contestant also shows that the "card-board" or "spring-back" ticket facilitated double voting to a considerable extent, and that there was a material excess of ballots over names on the poll-list, and that they were made to correspond by the election boards by destroying as many ballots as the ballots exceeded the number of names, usually dividing the ballots destroyed equally between the two parties. Where this excess resulted from the double voting of "spring-back" tickets it will be seen that the contestee would be the gainer to the extent of one-half of the votes destroyed, and it appears that contestant did in fact lose many votes thereby. It is also claimed by contestant that he lost votes by reason of the fact that the "spring-back" ticket was so glazed and supercalendered that it would not readily retain the "pasters" of contestant when placed by the voter over the name of the contestee. The evidence would seem to sustain this allegation.

Again the partisan officers and friends of contestee voted a number of prisoners from the county jail, some 34 or more. These creatures with "spring-back" tickets placed in their hands were marched by their custodians to the chute and driven to the polls like cattle, and compelled to vote for contestee. It appears that as a reward therefor some were at once discharged without any trial or investigation of the alleged offenses. Also 51 unfortunate paupers from the county poor-house were carried down by the Republican officers of the institution and compelled to vote this "spring-back" ticket, two-thirds of whom were proven to be Democrats. By these two causes last named alone, contestant lost sufficient votes to entitle him to a majority, independent of other causes.

Your committee now come to notice errors in the returns as shown by the evidence, and especially by a recount of the ballots made immediately after the election. Your committee are fully aware of the danger attending recounts to set aside official returns. They fully indorse the doctrine that recounts to be of value must be honest, fair, and correct. It must be shown that the ballots were never out of the custody to which the law assigned them, and that they must be free from the imputation that they could have been tampered with by the party claiming under the recount. But such returns are only *prima facia* correct, meaning simply that a rebuttable presumption of law stands behind them (Wharton on Evidence, sec. 1226). In this case the credit which is due the returns of the several precinct officers is greatly impaired when it is shown that fifty-four of the fifty-six voting-places in the city were controlled by partisan officers who were more or less parties to the general fraudulent intent which pervaded the Republican managers.

And it is further impaired by the fact that it has been officially determined by a Republican board, who, under the law of the State and by the appointment and approval of a Republican judge, made a recount of the votes for sheriff at the same election, that the official returns were false and unreliable as to sheriff.

When once the taint of fraud or unreliability is attached to the official count its value is gone, and we must look to other sources for better information. The law of Indiana in regard to the preservation of the ballots is as follows:

"As soon as the votes are counted, and before the certificate of the judges, prescribed in the foregoing section, is made out, the ballots, with one of the lists of voters and one of the tally papers, shall, in the presence of the judges and clerks, be carefully and securely placed by the inspector, in the presence of the judges, in a strong and stout paper envelope or bag, which shall then be tightly closed and well sealed with wax by the inspector, and shall be delivered by such inspector to the county clerk at the very earliest possible period before or on the Thursday next succeeding such election, and the inspector shall securely keep said envelope containing the ballots and papers therein, and permit no one to open said envelope, or touch or tamper with the said ballots or papers therein; and upon the delivery of such envelope to the clerk, said inspector shall take and subscribe an oath, before said clerk, that he has securely kept said envelope and the ballots and papers therein; and that after said envelope had been closed and sealed by him in the presence of the judges and clerks, he had not suffered or permitted any person to break the seal, or open said envelope, or touch or tamper with said ballots or papers, and that no person has broken such seal or opened said envelope, to his knowledge, which oath shall be filed in said clerk's office with the other election papers. The clerk shall securely keep said envelope so sealed, with the ballots and papers therein, in the same condition as it was received by him from the inspector." (R. S. 1881, sections 4713, 4714.)

It will be seen the law required the ballots to be carefully sealed up and delivered to the clerk. In this case the clerk, D. M. Ransdall, is the same person who was chairman of the Republican county central committee, and who selected the "plate" for and aided in getting up the illegal "spring-back" ticket. (See his deposition, pp. 365–367, record.) On the same day of the election for Congress a sheriff was to be elected for the county. There was a contest, and the circuit court, presided over by a Republican judge, under the laws of Indiana appointed a commission to recount the ballots cast for sheriff. This commission consisted of two Republicans and one Democrat. These commissioners executed the order of the court and reported thereto unanimously that the ballots showed that the returns made by the election officers and board of canvassers were not correct; on the contrary were full of errors, amounting in the aggregate to 49 votes. (See Record, pp. 86, 403, 410.)

Hon. Austin H. Brown, one of these commissioners, an experienced and able expert, and a gentleman of the very highest character and standing, testified that at the same time he carefully examined and counted every vote for English and Peelle for Congress; that the returns were full of errors as to the vote for Congress, as well as sheriff; that the errors amounted in the aggregate to 99 votes in favor of English, and that English was certainly elected. (Record, pages 86, 87, 454, 455, 379.)

We call attention to Mr. Brown's testimony on this recount, namely:

"Q. Did you at that time count the ballots given in Marion County at said election for William E. English for Congress and for Stanton J. Peelle for the same position?

"A. I did this voluntarily. I kept account of every ballot and looked at the tickets and counted them over, first on sheriff, and then went over in the second count—they were handled by fives—and then I noted the vote on Congress.

"Q. Did you carefully examine and count every ballot?

"A. I did.

"Q. Did you at any time make any report of that count?

"A. Yes; I made a statement in writing, which I have here.

"Q. If you have that record, please produce it, and read it, and attach it to your deposition as a part thereof.

"A. [Reading.] 'In the election contest for sheriff of Marion County, Indiana, in the case of Lemon *vs.* Hess, I acted under appointment of the circuit court as a commissioner to recount the ballots received for that office at the general election held in that county November 7, 1882. The recount took place between the 23d and 27th of that month. At the same time I counted the vote for Congressman for that district, every ballot passing through my hands and being closely scanned by me, and of the ballots for Stanton J. Peelle for that office, 12,551 were of the kind commonly called card-board or spring-back tickets; and the aggregate of all the ballots showed said Peelle's plurality over William E. English in that county to be 99 votes less than the number returned by the board of canvassers, making his plurality 443, without the vote of the second precinct of the twelfth ward of the city of Indianapolis, which precinct the board of canvassers returned as 98 majority for Peelle. My count embraced the ballots in all the election precincts of the county except the ballots in the second precinct of the twelfth ward, which could not be found; but the vote of that precinct was returned to the board of canvassers by the inspector of election of that precinct as 98 majority for Peelle in said precinct. This 98 majority added to the aggregate of my count of the ballots of the other precincts would make Peelle's vote 541 more in Marion County than English's, being 99 less than the number returned by the board of canvassers November 9, 1882.

"'AUSTIN H. BROWN.

"'INDIANAPOLIS, *November* 28, 1882.'

"(Answer continued.) I made that statement out the day after the commissioners made their recount and made their official report, and have had it ever since.

"Q. Is that a true statement of the vote cast in Marion County at said election as between William E. English and Stanton J. Peelle as you found it at the time of the recount?

"A. According to my count it is.

"Q. Refreshing your recollection by that memorandum, what was the plurality of Stanton J. Peelle over William E. English in Marion County as you found it by actual count of the ballots and of the return made of the second precinct of the twelfth ward in Indianapolis by said board of canvassers?

"A. Five hundred and forty-one.

"Q. Did any other person, upon the occasion of that recount, count all the ballots for Congress but yourself?

"A. No other person counted all the ballots for Congress."

This testimony of Mr. Brown, one of the commissioners appointed by the court to count the ballots for sheriff, also shows that he counted the ballots at the same time for Congress. He conclusively proves that the errors amounted in the aggregate to ninety-nine votes in favor of contestant.

The value of the recount made by him must turn upon the capacity of Mr. Brown to make the count and his veracity in testifying in regard to it. If these are both established, as much weight should be given his count as if he had been directed by the court to make it. That they are fully established let the following testimony both as to his integrity and capacity bear witness.

In answer to the question as to Mr. Brown's reputation for truth and veracity, and his opportunity for knowing the same, ex-Senator Joseph E. McDonald said: "I think it is as good as anybody's—first rate." Mr. McDonald knows him well. Let us see how well:

"Q. I will ask you if you know Austin H. Brown, and, if so, how long have you known him?

"A. Yes, sir; I have had a personal acquaintance with him since the fall of 1849—you may say since December, 1849. I met Mr. Brown first in Washington, when I went there as a member of Congress from the eighth district in this State. At that time he was a clerk in the Sixth Auditor's Office connected with the Post-Office Department, and we were boarding at the same house a good part of that session. A part of the time he occupied the same room with me. I received an injury early in the session, and he came in as company and as a friend and occupied the room with me most of that winter. I have known him very well ever since. He was then, I should think, 18 or 19 years old. I know he was not of age at the time. He continued there until his father became the owner and editor and proprietor of the Sentinel, and then he resigned his place and came back to Indianapolis to go into the Sentinel office. He was with his father in that office during the time that his father was editor. My acquaintance with him has continued ever since, and quite intimately since I have lived in this city, which has been since the spring of 1859. We have met very frequently." (Record, p. 461.)

Judge William E. Niblack, now of the supreme court of Indiana, and formerly a member of Congress from this State, speaks of Mr. Brown in the same terms as Senator McDonald. Judge Niblack has known him for thirty years, a part of the time intimately; his reputation is "entirely good;" never heard anything against him in his life; "he has always been one of the leading and most prominent citizens of Indianapolis." (Record, p. 521.)

Other witnesses testified to the same effect. (Record, pages 464, 466.)

And as to his experience and qualifications as an expert Mr. Brown testifies as follows:

"Q. State fully what experience you have had.

"A. Ever since I was 18 years of age I have had a good deal to do with figures and calculations and accounts as Treasury clerk in Washington, and I was assistant clerk in the Sixth Auditor's Office for the Post-Office Department, being clerk there four years, and in 1846 I was detailed to assist Jonathan Elliott in the preparation of the tables that accompanied the celebrated report of Robert J. Walker, Secretary of the Treasury, on the 'tariff,' and it occupied several months; and as county auditor I had a good deal to do with making calculations in the distribution of taxes and funds, and settlement with the county treasurer. I was clerk of Marion County, and in addition to other duties I personally, not by deputy, acted as clerk to the board of canvassers in the elections of 1876 and 1878 in Marion County, counted the vote, and tabulated the returns; and as collector of internal revenue I had considerable to do with accounts." (Record, p. 454.)

In April, 1872, he was appointed by the judges of the superior court of Marion County as special master commissioner to investigate and make report of the condition of the accounts of Jackson Landers, county treasurer. In 1877 the board of county commissioners of Marion County appointed him one of two special commissioners to examine the books of Samuel Hanway, outgoing county treasurer. This work involved particular skill in figures (Record, page 455).

Mr. Brown has been State printer; was printer to the last constitutional convention; has been county auditor of Marion County, county clerk, collector of internal revenue; was for thirteen years in the city council of Indianapolis, and is now a member of the school board and has been for twelve years, and is the member from Indiana on the national Democratic committee (Record, page 84).

It thus appears that Mr. Brown is an expert and a man well qualified to make a recount; that he did make the recount; that he did find errors which ought to be corrected in the count of the board of canvassers, amounting to 99 votes in favor of contestee; that he is a man of high standing and character; and that he has held many offices of trust and honor. It further appears that the ballot-boxes were kept in the custody of contestee's political and active partisan friends, who were the officers of the law entitled to their custody, and who so testified when placed upon the stand by contestee. It also appears by the evidence of the said officers themselves that to the day of the taking of their depositions in this case the ballots and boxes were still in their possession and custody, and in the same condition in which they were when the recount was had, and the said boxes and ballots delivered to them as the proper custodians of the same.

It further appears that contestee felt the force of the evidence of Mr. Brown as shown by his unsuccessful efforts to prove he had made contrary statements as to the recount, yet failed to resort to the primary and positive evidence of the ballots to contradict him and set at naught the recount. He could have afforded to do this, because the ballots were in the hands of his partisan friends, and surely as to his prejudice had not been tampered with.

Taking these patent facts into consideration—the skill and integrity of Mr. Brown, the result of his count, and the failure of contestee to refer to the ballots themselves to contradict it, and in consideration of all the surrounding circumstances and evidences of unfairness and wrongdoing, we are of opinion that the weight of evidence is in favor of said count; and in this case, as in all civil cases, the preponderance of evidence must prevail. Upon this recount contestant gains 99 votes, and as contestee's returned majority is only 87, the correction of this error alone would elect contestant by 12 majority.

To recapitulate:

First. The correction of the error in counting the vote in Marion County gives contestant 99 additional votes.

Second. The fraud and coercion practiced upon the 51 paupers, 34 of whom were Democrats, and compelled to vote for contestee, would, if corrected, add to contestant's vote 68 additional votes.

Third. The fraudulent jail vote counted for contestee makes in the result a difference of 34 additional votes.

Fourth. The 12 counterfeit tickets which were counted for contestee, and should have been counted for contestant, make in the result 24 additional votes.

Fifth. Votes of naturalized citizens and others fraudulently rejected, 100 additional votes. Total, 325 votes.

Sixth. The destruction of the secrecy of the ballot by contestee's friends in the use of the spring-back tickets undoubtedly made a difference in his favor of several hundred more votes in the final result, to which he is not entitled.

Your committee are therefore clearly of the opinion that the contestant, William E. English, was duly elected and is entitled to the seat in the House of Representatives in the Forty-eighth Congress from the seventh Congressional district of Indiana, and recommend the adoption of the following resolutions:

"*Resolved*, That Stanton J. Peelle was not elected a member of the Forty-eighth Congress of the United States from the seventh Congressional district of Indiana, and is not entitled to the seat he now holds.

"*Resolved*, That William E. English was duly elected a member of the Forty-eighth Congress of the United States from the seventh Congressional district of Indiana, and is entitled to his seat."

Mr. HART, from the Committee on Elections, presented the following views of the minority:

In the case of the election contest between William E. English and Stanton J. Peelle, from the seventh Congressional district of Indiana, the minority desire to present their views.

The election was held for members of Congress on the 7th of November, 1882. Stanton J. Peelle was the Republican candidate, William E. English was the Democratic candidate, and Robert W. Medkirk was the National candidate for Representative in the Forty-eighth Congress. The returns made by the proper authorities gave to Mr. Peelle a majority of 87 over Mr. English. The contestant seeks to overthrow this majority and to establish the fact of his own election upon the following grounds:

First. That the ticket upon which the name of Peelle was printed was not such as the law of Indiana requires, and was illegal, and therefore can not be counted; the ground of illegality is alleged to be that a kind of paper was used such as is forbidden by the statute of Indiana.

Second. That there was an error in the count of the vote in Marion County by which the majority for Peelle is 99 less than reported by the official canvassers.

Third. That certain persons from the jail and infirmary voted for Peelle who were not legal voters.

Fourth. That in one of the wards or precincts certain legal voters were prevented from voting by the improper conduct of officers and persons connected with the election.

Fifth. That a spurious ticket, being a Democratic ticket with Peelle's name upon it, was circulated, as it is alleged, to the prejudice of Mr. English.

We will examine these propositions in the reverse order in which they are stated. The last three are, as we understand it, not greatly relied upon by the contestant, and will therefore require but a passing notice.

First. As to the alleged spurious tickets. The testimony shows that in one of the election precincts in the city of Indianapolis a ticket with all the names of the Democratic candidates, except that of English, and containing the name of Peelle in the place of English, was discovered to be in circulation on the day of the election. The testimony further discloses the fact that these tickets were in every instance, except one, found in the hands of Democrats. They were printed and circulated without the knowledge of Mr. Peelle, and as soon as they were discovered he denounced it and made an effort at once to secure the destruction of all this class of tickets. The persons having these tickets in their possession did not appear to make any concealment of it, and so far as the testimony shows there was no fraudulent purpose upon the part of anybody. The actual number of this class of tickets that were voted, according to the testimony of one witness (Brown), was not more than 12 in the whole county; and according to the testimony of two other witnesses (Byram and Adams) was about 5 or 6. So much of the testimony as throws light upon the number of this class of tickets which were voted is herewith presented.

The following is from the testimony of Austin H. Brown, page 88 of the record:

"Q. In that recount did you find any ballots that purported to be Democratic tickets, and contained the names of the Democratic candidates for the various offices, except that Stanton J. Peelle's name was printed for Congress in place of William E. English; and, if so, how many?

"A. Yes, sir. I think there were not more than a dozen in the whole county got in the box of that character."

The following is from the testimony of Henry C. Adams, page 404:

"Q. Did you find any Democratic tickets in that box with the name of Mr. Peelle printed on them?"

"A. Yes, sir.

"Q. How many?

"A. Not more than 5 or 6 to the best of my recollection."

N. S. Byram, page 221, testifies:

"Q. I recall you for the purpose of asking you if you noticed any Democratic tickets in the boxes at the time you were counting the vote for Lemon and Hess and Mr. Peelle, with the name of Mr. Peelle printed on instead of Mr. English?

"A. Yes, sir.

"Q. Straight Democratic tickets, except that Mr. Peelle's name was printed in there instead of Mr. English?

"A. Yes, sir.

"Q. How many were there of that kind of tickets?

"A. I do not think there was to exceed 5 or 6; I do not know that there was that many; there was a few."

Judging from the testimony as given and from all the facts appearing in the record which bear in any manner upon this question of the alleged spurious tickets, Mr. English utterly fails to establish any connection whatever with them upon the part of Mr. Peelle or any fraudulent purpose upon the part of anybody. The ticket was a legal one—one which any voter had a right to use under the law, and so far as there is any evidence upon the subject, all those persons who did vote it understood exactly what they were doing. This, therefore, can not be regarded as any proper ground of contest or objection to the returns that were made by the board of canvassers.

THE CHARGE THAT PERSONS WERE PREVENTED FROM VOTING.

The next matter to which we wish to call attention is the charge that in one of the wards or precincts certain voters were deprived of the privilege of voting on account of the misconduct of officers. An examination of the testimony demonstrates that this charge is without any foundation whatever. Under the law of Indiana when a person's vote is challenged he is required to obtain the affidavit of some person living in the precinct who is and has been a freeholder for one year, showing that he is a qualified voter in that precinct; after the affidavit is prepared and presented it is still the right and the duty of the judges of election to reject the ballot if they are satisfied that the person seeking to exercise the privilege is not a legal voter. We can not better show the true situation of this matter than by quoting a portion of the testimony of B. F. Hetherington, an inspector of elections, who, on page 331, testifies as follows:

"Q. Was there anybody there challenged and sworn in that was not allowed to vote at your precinct—that was not allowed to vote after they were sworn in?

"A. Yes, sir; several. I understood you to ask me if there was anybody sworn in?

"(Question repeated.)

"A. No.

"Q. No trouble of that sort at all?

"A. No; some voters—I frequently had trouble in getting parties to swear them in, and they made a business of getting Chris. Schoettle to do it, and I stopped it.

"Q. How did you stop it?

"A. Because he did not know the parties he was swearing in.

"Q. How do you know that?

"A. I asked him. I said: 'Do you know that man, Chris.? Do you know his name? Do you know where he lives?' 'No.' Then I says, 'Then don't you do that.'"

"Q. Did not you refuse to take votes after they were sworn in?

"A. No, sir. When parties were sworn in with a party that had authority to swear them in I never refused a vote.

"Q. The question is about Mr. Schoettle.

"A. I never refused a vote after they were sworn in.

"Q. Did not you refuse votes that he swore were residents of the ward and had a right to vote there?

"A. No; Mr. Schoettle swore in two votes, and I saw he was making a business of it, and I put the question to him, 'Do you know that man, Chris.?' and he says, 'I know he is a voter.' 'Do you know his name?' 'No.' Do you know where he lives?' 'No.' Then I said, 'Don't you do that any more.'

"Q. You told him, then, he must not swear in any more votes?

"A. I did; and he did not do it."

The testimony of Timothy Splan, captain of police, beginning on page 327 of the record, gives also a very full statement of the condition of affairs at the precinct in question. (See also testimony of E. J. Conway, page 231, and J. H. Bowlby, page 243.)

In this connection it may not be improper to refer to the position taken in the report of the majority upon this point. It is claimed that about one hundred persons were kept from the polls. There is not a particle of testimony in the whole record justifying any such conclusion. There are less than 350 voters in the precinct in question, and the returns show that 309 persons voted. The witnesses for contestant were able to give the name of but one man whom they claimed was rejected, while the inspector of election swears that not a single person who made the proper affidavit was denied his vote.

The majority report charges, and lays much stress upon it, that the whole election machinery of Marion County was in the hands of Republicans and the friends of Mr. Peelle. The weight of this assertion may be properly estimated when we state the fact that there are eighty election precincts in Marion County and that there was one Democratic judge of election and one Republican judge at each precinct, and one Democratic clerk and one Republican clerk at each precinct, during the entire day, and that after the polls closed there was one Democratic watcher and one Republican watcher present at each precinct during the entire count. This is the requirement of the law of Indiana, and it was complied with in every respect. So that there were at least two hundred and forty Democrats clothed with official authority on guard at the polls in Marion County on the day of election.

It will be seen from this testimony that the board of judges did not refuse to receive the affidavit of any one; but when it was ascertained that a certain man was evidently making affidavits about persons of whom he had no knowledge, affidavits which were evidently untrue, all that was done was simply to suggest to him that he ought not to do this kind of corrupt business any more, and it seems that the suggestion or warning, or whatever it might be called, was sufficient to put him on his guard. This is the only evidence of coercion that can be found in the record, and it certainly was that which it was the right and the duty of the board of judges to do. There is another very significant fact, and that is that the vote in this particular precinct was as large at the November election of 1882 as it had been for many years, showing that no considerable number of persons, nor even a single person could have been prevented or deprived of the right of casting his vote at that election. There was no intimidation, no coercion, no wrong of any sort which would justify the complaint that is made by the contestant.

THE INFIRMARY AND JAIL VOTE.

The next ground of contest to which we will give attention is the charge that is made that certain persons from the jail and infirmary voted for Mr. Peelle who had no right to vote. The charge that these persons were not legal voters, which is set forth in the notice of the contest, is entirely abandoned in the proof, and it is not, as we understand it, now claimed that that part of the notice has been established; on the contrary it is shown by the proof, as well as also by the admission of the contestant and his counsel, that the inmates of the jail and also the inmates of the infirmary who voted were entitled to vote, and the only ground of complaint remaining is that they were brought over from the infirmary and from the jail by the personal friends and partisans of Mr. Peelle, and that in consequence of being so brought there they voted for him; whereas under other circumstances it is claimed they might have voted for Mr. English. We would almost be justified in asserting that this position is frivolous. There is no testimony showing how these people wanted to vote, except the fact that some of them did vote for Mr. Peelle. There is no evidence that they were prevented in any manner from voting for the persons of their choice. Not a single one of these persons is put upon the stand to show that he was persuaded or induced or coerced to vote the ticket which he did vote contrary to his judgment or inclination.

There were seven inmates of the jail who voted. They were shown to be legal voters in that precinct. Two others offered to vote, and their votes were challenged and rejected. There were fifty-one votes from the infirmary. As already stated, the legality of these votes is admitted.

THE ALLEGED ILLEGALITY OF THE REPUBLICAN TICKETS.

Having thus briefly considered the last three grounds of contest set forth in the notice of Mr. English, it is proper further to remark that even if the votes from the jail and infirmary had all been illegal votes, still it would not have resulted in the election of Mr. English, and it was conceded in the argument before the subcommittee that the contestant has failed to establish the three points which we have considered to an extent which would justify the unseating of Mr. Peelle.

The case, therefore, must turn upon the consideration of the first two grounds, to wit, the charge that the paper used and the ticket as printed was not such as is permitted to be used by the laws of the State of Indiana, and the further ground that there was an error in the count by the board of electors or canvassers which resulted to the prejudice of Mr. English. The law upon the subject of the character of the ticket to be used in elections in the State of Indiana reads as follows:

"All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three (3) inches, without any distinguishing marks or other embellishments thereon, except the names of the candidates and the offices for which they are voted for." (Sec. 4701, Revised Statutes of 1881.)

There is nothing in the statute of Indiana declaring either a penalty for the violation of this law or declaring that ballots on any other kind of paper are invalid.

There is no doubt, indeed it is admitted, that the ticket used by the Republicans at that election and upon which the name of Mr. Peelle appeared conforms strictly to the letter of the foregoing statute. It was a ticket printed upon plain white paper; it was of the length and width required by the statute; it had no mark or device upon it such as is prohibited by the statute, and the only claim that is made against the ticket at all is that although it was of plain white paper and of the proper length and width, it was of greater thickness than that which is ordinarily used, and that by reason of this thickness the ticket could be detected in the hands of the voter and distinguished from the other tickets that were cast. It seems to us that it as clearly complies with the requirements of the statute as the two other tickets that were in the field. They were all of plain white paper and of the proper length and width.

The Republican ticket is printed on No. 2 book-paper, the Democratic ticket is printed on No. 3 book-paper or a high grade of news-paper, and the National ticket on common news-paper. But no two of the tickets, either the National, or the Democratic, or the Republican, were exactly alike in thickness and in weight of paper. Which of these should be the standard? If they had all three been of the same kind, whether of the thickest or the thinnest, they would have complied with the statute and no objection could possibly have been made; it is only upon the ground that one is thicker than the other or that one is thinner than the other that exception is taken. If it be contended that the Republican ticket could be identified because it was thicker than the Democratic ticket, it can with equal force be charged that the latter can be detected because it was thinner than the Republican.

From the testimony which appears in the record there certainly can be nothing said against the validity or the legality of the ticket in question. It as clearly complied with the provisions of the statute as the others, and it would be an extraordinary position to take after a ticket had been cast by as many thousand voters as is found to be the case in this instance, with the character of the ticket well known, to say that all of these voters should be disfranchised in consequence of the single fact that the ticket, although complying strictly with the provisions of the law, was a litile thicker than in the judgment of the friends of Mr. English it ought to have been.

It is claimed by the majority report that the purpose of the Republicans in using this kind of paper was to enable persons to identify the ticket in the hands of the holder. This is wholly unwarranted. The proof shows that the only object was to prevent the ticket from being counterfeited, and also to prevent the tickets, when in bunches, from sticking together, and all intention to violate or evade the law is expressly denied.

The law was not violated. It not only complies with the statute but is fully sustained by the judicial authority of Indiana, not only in this particular instance, but in other cases where the principle is involved.

It appears from the record that after the November election a contest arose in the courts of Indiana as to the matter of sheriff in Marion County. J. W. Hess was the Republican candidate and D. A. Lemon the Democratic candidate. Hess was shown by the returns to be elected by 12 votes. Lemon contested the election. A recount of votes was had, resulting in increasing the majority of Hess over 40. The tickets upon which Mr. Hess was elected were the same as that upon which the name of Mr. Peelle appeared.

One of the points made was the legality of the ticket.

If the ticket was illegal as to Peelle, that is, if it was on the wrong kind of paper, then it was equally so as to Hess, and yet in the election contest for the sheriffalty the court sustained the validity of the ballot upon which the name of Hess appeared, and thereby gave its sanction to the one upon which the name of Peelle appeared, they being the same. It follows from this that in the judgment of the court of competent jurisdiction no objection can be made or was made to the character of the ballot that was voted.

This is to a certain extent an adjudication of the matter. But, beyond this, a still more important consideration arises. What was the character of the law of Indiana designating the kind of ballot which was to be used, and the paper upon which the ticket was to be printed? Was it directory or mandatory; was it a penal statute or otherwise? If it was merely directory, or even if it was intended to be a penal statute, then the penalty as well as the wrong must attach only to those parties who printed the tickets. It can not attach to the voter, and it would be a matter of very great injustice to deprive the citizens of the State of Indiana who voted this ticket of the right to be heard through the ballot-box, simply because the paper upon which the ticket voted by them was printed is alleged not to be strictly of such a character as is required by statute. The whole theory of a government which is to be managed and controlled by the people exercising the elective franchise is that their will when fairly and honestly expressed shall be the law, and shall be respected by all the authorities. There can be no doubt but that the voters of the seventh district, in the use of the ticket to which attention has been called, honestly intended to express their judgment as to who should be chosen for the respective offices named. We think, therefore, for this reason, as well as for the other reasons already given, that this vote should stand as the expression of the will of the people of the seventh district and of the State of Indiana.

THE RECOUNT OF VOTES.

The only remaining point relied upon by the contestant is that wherein he charges that the return made by the officers of the election is erroneous, and that the vote as counted for Mr. Peelle is too large; and this to our minds is the only question which should be even seriously considered in the case. An examination of the testimony as set forth in the record very clearly shows that upon this the contestant has failed to establish the charge that he makes. The proof is in substance this: First. That by the returns made by the election officers the majority for Mr. Peelle in Marion County was 640. After the election, as we have already stated, a contest arose in regard to sheriff in that county. The court, acting under the provisions of the statute of that State, appointed H. C. Adams, N. S. Byram, and Austin H. Brown commissioners to recount the ballots in Marion County, so far as they related to sheriff. They were not instructed to make the count as to any other candidate. They were sworn to make the count upon the matter of sheriff honestly and truly, and this was the extent of their authority and duty.

A short time, perhaps a day or two before the count began by these three commissioners, William H. English, the father of the contestant, approached Mr. Brown and employed him to make also a count as to the votes received by the respective candidates for Congress. This was a private arrangement, the service to be rendered by Brown for a consideration to be paid by Mr. English. No other member of the commission was spoken to upon the subject. The count began on the 23d day of November, 1882. Nine wards were counted during the first or first and second day. Brown claims that while counting the vote upon sheriff he also counted the vote upon Congress for those nine wards. It is an admitted fact that he did not communicate to any one what he was doing. On the second day Mr. Byram, one of the other commissioners, became aware of the fact that Brown was making the count upon Congress, and from that time afterward, during the remainder of the count of Marion County, they together kept count as to the member of Congress. At the end of the count, according to the testimony of Mr. Byram, Peelle had gained so that his majority in Marion County would have been 767 instead of 640, a gain of 127. But Mr. Byram did not claim that this count was absolutely correct, but that it was as nearly correct as could be made under the circumstances, he doing the best he could.

In this estimate of Byram he assumes that the first nine wards are the same as reported by the inspectors of election, he having made no count of these wards. Brown now testifies that he having counted the nine wards found errors such as to decrease the majority of Peelle in Marion County 99, so that his majority instead of being 640 is only 541. Upon this testimony alone the contestant seeks to overcome the majority returned by the proper official board of canvassers upon the election of members of Congress. To our minds, the testimony of Mr. Brown is wholly unreliable. He says himself that prior to the count which he made the ballots in Marion County, he thinks, had been tampered with; and he gives as one reason for that opinion that the ticket which he himself voted in a certain precinct, and which he had marked, was not found by him.

This idea that the ballots had been tampered with seems to be greatly relied upon by counsel for the contestant in their brief in reply. If it be granted as a fact that the ballots in Marion County after the election and before the count made for sheriff by these commissioners had been tampered with, then according to all the authorities upon the subject, without an exception, the subsequent count made by Brown or by anybody else is wholly unreliable and never can be considered or treated as overcoming the original official count. The contestant by making this claim entirely admits away his case. Outside of the statement of Mr. Brown there is no evidence, so far as we know, that any improper action had been taken in regard to these ballots. They had been from the time of the November election up to the time of the count in the custody of the proper sworn officers. But he claims, and his counsel insist, that the ballots had been tampered with, and we answer, if this be so, then it furnishes a reason why the count made by Brown can not be relied upon to overcome the official returns.

But there are other reasons still stronger why no reliance whatever can be placed upon his action in this matter.

First. He was the hired agent and employé of William H. English, a party interested in disturbing the count and making a ground of contest. He would naturally, almost inevitably, be inclined to take such action and make such a report of his proceedings as would favor the purpose had in view by Mr. English, his employer.

Second. The count made by him in the beginning was secretly made, and made with the evident purpose of accomplishing something which it was not intended anybody else should have knowledge of.

Third. Mr. Brown upon his examination on the witness stand is unable to give any intelligent statement of the condition of the vote in a single precinct in Marion County. He claims that as he made the count of the first nine wards he took a memorandum of the vote that was cast for each of the candidates for Congress, and that at the end of his count, from the data thus gathered, he made an estimate, and that the estimate which he made decreased the majority of Peelle 99. It is a very singular circumstance that when he is placed upon the stand all of these memoranda which he swears were taken at the time, and which if taken would indicate the character of the vote in the respective precincts, are missing. He is not able to produce a single scrap of paper showing the condition of the count in the precincts. He does, however, produce a paper in which he claims to have summed up the result of his investigation, and which is put in the form of a declaration, showing that there is a gain for Mr. English and a corresponding loss for Mr. Peelle of 99 in that county. He claims that the other memoranda which he took are lost. The following is from his testimony on this subject (page 90):

"Q. Can you give me the total number of votes you counted as cast for Mr. Peelle for Congress?

"A. I can not, sir. I can give you the total number of a certain ticket, on the 'spring-back' ticket, but your name was on some Democratic tickets and on a few National tickets.

"Q. All the votes that were given for Mr. Peelle on any ticket were counted, were they not?

"A. I have not that memorandum with me.

"Q. Didn't you count all the ballots that were given for Mr. Peelle?

"A. Yes, sir; but I have not the memorandum with me.

"Q. Have you the memorandum of the total vote for Mr. English before you?

"A. No, sir.

"Q. Have you any way by which you can tell the total vote for Mr. Peelle as counted by you?

"A. I think I have a memorandum somewhere, unless it is mislaid.

"Q. Can you state now what the difference was between the total vote cast for Mr. Peelle as counted by you and as reported by the board of canvassers?

"A. As I said before, I only gave it as to majorities and plurality. I can give you the aggregate vote by each, and you can deduct one from the other.

"Q. Can you for the vote for Mr. English as counted by you, and the return of the board?

"A. No, sir.

* * * * * * *

"Q. What did you do with the figures that you made there in that room?

"A. The impression I have is that they are home. I think I put that memorandum away some place. I am not sure about it.

"Q. Do you think you could find those figures?

"A. I will make the effort. I do not say I can. I have given you the facts as I understand them.

"Q. I want to know what you made the total vote for Mr. Peelle and Mr. English at that election, according to your count?

"(Objected to as having been asked several times before.)

"A. I stated before that I could not tell you that, because I have not got the figures with me."

Again, on page 379, witness says:

"Q. Are you the same Austin H. Brown that testified some weeks since in behalf of the contestant in this case?

"A. I am.

"Q. At that time you testified that you had been one of the three commissioners to recount the votes cast on the 7th day of November, 1882, for the candidates for sheriff on the Democratic ticket and Republican ticket, respectively, under direction and order of the clerk of the court, and that in that recount you counted the votes cast for Mr. English and Mr. Peelle, respectively, for Congress, and in that testimony you put in a statement purporting to be a conclusion drawn from certain figures and notes, which you said you had made in making that count of those votes for the candidates for Congress, did you not?

"A. Yes, sir.

"Q. At that time you stated that you did not have your little memorandum-book or note-book in which you had made these figures, did you not?

"A. Yes, sir; that possibly I had it at home, and I would go and see if I could find it.

"Q. And I asked you then to look for the book and get it if you could, in order that I might cross-examine you further in reference to that matter. Is that true?

"A. That is true.

"Q. I will ask you to state if you have since examined for that and found it?

"A. I looked very carefully for it among where I kept my papers at home, and I have not been able to find it.

"Q. In that testimony you said that you concluded the count with reference to sheriff, and went home in the afternoon very tired, and that the next day you made a statement which you put in evidence in your testimony before.

"A. Yes, sir.

"Q. Did you have that book before you at the time you made that statement?

"A. I had the memorandum; yes, sir.

"Q. What did you do with that after it was made?

"A. My recollection is I put it away with some papers in my desk, and afterward in cleaning up my desk, which I do two or three times a year, I regarded those papers as of no value and destroyed them, is my recollection now.

"Q. Have you seen that little memorandum of the vote for Congress since you made that statement?

"A. Not to refer to, unless in the way I spoke of in overhauling my papers; but I had all the facts before me at the time.

"Q. At the time you made that statement from the figures you kept, what did you do with the statement?

A. I told Mr. English about it; it was my duty to tell him so.

"Q. Why did you retain it?
"A. I thought it was a very good paper to keep.
"Q. Why?
"A. I supposed it might be of some use.
"Q. Where and how?
"A. As a matter of evidence if this contest was to go on.
"Q. You thought the result of those little figures that you had made would be better evidence, did you, or not, than the book itself?
"A. It never entered my head in regard to that, one way or the other.
"Q. When you made that statement then, as I understand, you anticipated that it might be useful as evidence in this contest, did you?
"A. I did not know; I thought it might be useful. I thought the paper of some use outside.
"Q. You did not think the memorandum-book from which you made that statement of any value?
"A. No, sir; because I had all the facts collated that were in that memorandum-book, and a good many other matters besides—matters pertaining to the sheriffalty."

And again, on cross-examination, Mr. Brown testified on this point:

"Q. What was the total vote, according to your count, on Mr. English?
"A. I could not give you that, sir; I did not keep it in that way; I kept it by the different majorities and in precincts as I went along.
"Q. What errors were there in the precincts of the first ward for or against Mr. Peelle or Mr. English?
"A. I can not state.
"Q. What errors were there for or against Mr. Peelle or Mr. English in the precincts of the second ward?
"A. You need not ask them all. I tell you I have no memorandum that I can refer to now giving any facts.

* * * * * * *

"Q. Have you any recollection as to errors occurring in any particular precinct? You have not, as I understand you.
"A. No, sir; I have a distinct recollection of a certain class of variations which ran through the whole count.
"Q. I understand you to say that you can not give the total vote that was counted by you for either Mr. Peelle or Mr. English.
"A. No, sir." (Record, p. 380.)

Under the circumstances the disappearance of these papers, which every man of ordinary intelligence must have known would be very important, is a strange and a suspicious circumstance, affecting the integrity of Brown's deposition. In his examination he is unable to swear to anything save the final result as he claims he figured it out. He can not even tell the number of votes that were received by Peelle or the number of votes that were received by English. He can not tell the number of votes given for either of these candidates in any ward or precinct. He can not give an intelligent statement of the condition of the vote either in the county as a whole or in any portion of the county.

Fourth. There is another circumstance which is of very great significance in the consideration of Brown's testimony. After his associate commissioners, who were helping him count the vote upon sheriff, had discovered what Brown was at there is no further increase of the vote for English, but, on the contrary, an increase of the vote of Peelle from that time forward.

Fifth. When the commissioners appointed, as we have stated, to count the vote upon sheriff in Marion County had concluded their work the subject of the vote upon member of Congress was talked over between them. In that conversation the remark was made by Byram and Adams that a recount of the vote upon members of Congress would result in increasing the majority of Mr. Peelle, and the testimony is that all three of the commissioners, including Brown, concurred in this statement. The testimony further is that Mr. Brown at that time made the declaration that "there was nothing in a recount for Mr. English," and that he should so report to Mr. William H. English, his employer. These facts are testified to by Byram, Adams, and Hawkins.

In view of these facts, what possible weight can be given to the testimony of Mr. Brown? The count which he made was an unsworn and unauthorized count; it was a count made not under oath; it was made under circumstances wherein if he did the best he could it would be very difficult to be accurate, for the reason that his work as commissioner to count the vote upon sheriff would necessarily require his attention, and the matter of count upon member of Congress would be only incidental.

Then again, as already appears, his inability to give an intelligent statement of the condition of the vote, and his admission that there was nothing in the count which would benefit Mr. English, will surely destroy his testimony. Now the question comes, shall we permit the testimony of Brown, given under these circumstances and so thoroughly impeached by circumstances and by contradictory statements made by himself, to overcome the sworn official statement and returns of the inspectors and judges of election made under oath and in the performance of their duty? To this inquiry there can be but one answer. It seems to us that no just-minded person will permit an election to be overturned upon so flimsy a pretense.

We are, therefore, of opinion that Stanton J. Peelle is entitled to retain his seat as a member of the Forty-eighth Congress, and we recommend the adoption of the following resolution:

Resolved, That Stanton J. Peelle was duly elected as a member of the Forty-eighth Congress, and is entitled to retain his seat.

ALPHONSO HART.
AMBROSE A. RANNEY.
WILLIAM P. HEPBURN.
EDWARD K. VALENTINE.
AUGUSTUS H. PETTIBONE.
S. H. MILLER.

I concur in the above.

J. C. COOK.

Mr. CONVERSE addressed the House. [See Appendix.]

Mr. HART. Mr. Speaker, as a member of the Committee on Elections, and also as one of the subcommittee who had this matter specially in charge, I have given it earnest and patient consideration; and I am unable to agree with the findings of fact or the conclusions of law arrived at by the majority of the committee in their report or by my friend who has just taken his seat. On the contrary, in my judgment, there is not a single material statement of fact in that report about which there is any controversy that is warranted by the evidence in the record. Indeed it seems to me that the whole report, as well as the argument of the gentleman from Ohio, is founded upon an entire misunderstanding of the evidence and a misapprehension of the rules which govern parliamentary and judicial bodies.

I will proceed at once to an examination of this case. I shall ask (and I trust it will be granted me) the patient attention of the House, for I assume that it is the desire of the majority here to arrive at the truth and justice of this matter.

At the November election in 1882, Stanton J. Peelle was the Republican candidate for Congress in the seventh Congressional district of Indiana. William E. English was the Democratic candidate. Robert W. Medkirk was the National candidate. According to the returns which were made by the proper officers and authorities the majority of Mr. Peelle over Mr. English was 87 in the whole district. The majority of Mr. Peelle in Marion County was 640. The only controversy is as to the vote in Marion County.

The contestant in this case seeks to establish his right to a seat upon six different grounds, which I will endeavor to state:

First, upon the ground that there was an error in the count and in the return made by the officers of the law in Marion County, by which Mr. English was deprived of 99 votes.

Second, that the ticket voted by the Republicans was not such a one as is required by the law of Indiana.

Third, that at the second precinct of the seventeenth ward of the city of Indianapolis 100 Democratic voters were rejected or turned away from the polls by the misconduct of the officers who had control of that election.

Fourth, that 51 persons from the county infirmary voted for Mr. Peelle, when but for coercion at least 34 of them would have voted for Mr. English.

Fifth, that 34 inmates of the jail voted for Mr. Peelle and that they should be taken from his vote.

Sixth, that an alleged spurious ticket, a Democratic ticket containing the name of Mr. Stanton J. Peelle, was voted by 12 persons, and that these 12 votes should be taken from Mr. Peelle and given to Mr. English.

Before proceeding further to the examination of the points upon which the contestant relies I desire to call the attention of the House to a grave error into which the author of the majority report has fallen in one very important matter. In that report he charges in substance that the entire election machinery of Marion County was in the hands of the Republican party, and he intimates that but one Democrat in the entire city of Indianapolis had anything whatever to do with the polls. I apprehend the House will be very much surprised when I state what every man in Indiana knows to be a fact, that there are eighty election precincts in Marion County, that there was one Democratic judge, one Republican judge, one Democratic clerk, one Republican clerk, one Democratic watcher, and one Republican watcher at every one of the eighty election precincts in Marion County. That is a requirement of the law of Indiana, and it was complied with to the very letter. In addition to this, there were also a number of Democratic inspectors at the polls during the entire day.

So, Mr. Speaker, instead of there being no Democrats who had any charge or part in the management of the election in Marion County, there were two hundred and forty and more, one hundred and sixty of whom were sworn officers, and were there to guard the rights of the Democratic party and the interests of this contestant, William E. English. Every election board in the county had a Democratic representation.

I am amazed that a statement such as that to which I have referred should have been permitted to go into the report of the majority of this committee. Its purpose was to make the House and the country believe that the Democrats in Marion County were absolutely powerless and dumb on the day of election. Why, sir, the contestant himself has put at least forty witnesses upon the stand who swear that they are Democrats, and that they acted as judges or clerks of elcction on the 7th of November, 1882.

Now, I will proceed to an examination of the points upon which this contestant relies——

Mr. CONVERSE. Does the gentleman deny that a majority of every board except one was in the hands of the Republican party?

Mr. HART. Yes, sir.

Mr. CONVERSE. Was not every inspector except one a Republican, and did not the inspectors receive the tickets and have the control in fact of the election?

Mr. HART. No, sir; my information is there were seven or eight Democratic inspectors in addition to the one hundred and sixty Democratic judges and clerks. But the point I want to make and the point which I am determined the House shall understand is that the charge that no Democrats were permitted to have anything to do with the election boards is entirely untrue.

Mr. CONVERSE. That is not the point.

Mr. HART. It is the point. But I will not submit to further interruption now, because I have several things to say before I get through.

Mr. CONVERSE. But the point is, the board was in the hands of the Republican party.

Mr. HISCOCK. I wish this statement might be settled. Was there a minority representation?

Mr. HART. There was in every board in Marion County, and my colleague on the committeee [Mr. CONVERSE] will not deny it.

Mr. CONVERSE rose.

The SPEAKER *pro tempore*. The gentleman from Ohio has the floor.

ALLEGED ERROR IN RETURNS OF MARION COUNTY.

Mr. HART. I now come to other matters. The first point upon which contestant relies to obtain his seat is that there was an error in the count and returns made by the board of canvassers in Marion County.

An examination of the record I think will demonstrate to the mind of any impartial, just-minded person that the recount of the votes which, it is alleged, was made in Marion County, by which the return of the canvassers is sought to be overthrown, is wholly unreliable, and that the allegation of the contestant in this respect is not sustained. The facts in regard to the recount are these: After the November election a contest arose in Marion County between J. W. Hess and D. A. Lemmon as to the office of sheriff. Hess, the Republican candidate, had been declared elected by a majority of 12. Lemmon contested his election and carried the matter into the courts. The court, having full jurisdiction of the subject, and acting under the laws of the State of Indiana, appointed H. F. Adams, N. S. Byram, and Austin H. Brown commissioners to recount the ballots in Marion County so far as they related to sheriff. They were not instructed and it was no part of their duty to make a count in regard to any other officer or candidate. They were sworn to count the votes upon sheriff truly and honestly, and this was the full extent and measure of their duty.

The proof shows that a day or two prior to the beginning of this count William H. English, the father of the contestant, called upon Austin H. Brown, one of the board of commissioners, and employed him to make a count of either the whole or a portion of the votes upon member of Congress. The agreement was that he should be paid by Mr. English for the service that he rendered. It was an arrangement not intended for the public eye. The count began upon the 23d day of November, 1882. During the first day Mr. Brown claims that he made a count of the first nine wards in the city of Indianapolis. He did not communicate the fact that he was making this investigation upon the subject of Congress to any of his associate commissioners or to any other person so far as the proof shows. It was a secret arrangement between him and Mr. English, the service to be rendered for a price, and the price was paid. The nine wards here referred to contain about one-fourth the voting population of Marion County.

After the count of the first nine wards, Mr. Byram, one of the other commissioners, discovered what was going on, and from that time on during the remainder of the count, he also, in conjunction with Mr. Brown, made a count of the votes upon member of Congress. While they were counting together they compared notes as they went along, and upon all the precincts after the beginning of the count upon the tenth ward they substantially agreed. Mr. Byram swears that they did the best they could to secure an accurate count, and that according to the count that was made by them Mr. Peelle had gained 127 votes over the return made by the board of canvassers in Marion County. He has, however, no knowledge of the condition of the vote in the first nine wards.

Mr. Brown, who is called as a witness by Mr. English, and upon whose testimony he alone relies to disturb the condition of the vote in Marion County, swears that in the entire county, including the nine wards that were counted by himself secretly, there was a gain for English of 99. This gain of course must all have been in the first nine wards, and indeed there must have been a gain of 226 for English in the first nine wards, for the reason that there was a loss to English of 127, as ascertained by the count of Byram and Brown together, in the remaining precincts.

There is another circumstance which should carry weight in considering the value of Mr. Brown's testimony. He claims that at the time of making the count of the nine wards in question he kept a memorandum exhibiting the condition of the vote in each precinct and ward; that he put down the work of each day and the vote of each precinct; and that from the memoranda which he kept he "figured out" that the gain for Mr. English was 99.

On the witness-stand he is unable to present the memorandum-book in which he claimed he kept the count of votes. It is mysteriously lost; he only has a written statement setting forth the conclusion at which he arrived and which is signed by himself. He is unable to give the condition of the vote in a single ward or precinct in Marion County. He is unable to state the number of votes received by Mr. Peelle or by Mr. English or by anybody else in the county. He is unable to show where the errors are, if any occurred. He is unable to state the condition of the vote at any period of his count, or to give any intelligent explanation of the manner in which he conducted it. This is a remarkable circumstance in view of the fact that if a gentleman desired to verify the accuracy of a work that he had done, he would above all things have preserved and would have had ready for reference and examination the memoranda which he kept of his proceedings.

Another very important circumstance, as showing the worthlessness of Mr. Brown's testimony, is the fact, as sworn to by three witnesses, that after the vote for sheriff had been counted and these commissioners were through with their work and they were sitting together in the office where the count had been made, they talked the matter over as to what would be the result of a recount on the member of Congress in Marion County Mr. Adams and Mr. Byram both declared there would be a gain for Mr. Peelle, and Mr. Brown, the witness, agreed with them, and then and there, in the presence of Byram, Adams, and Hawkins, he declared there was nothing in that recount for English, and he should so report to his employer.

Mr. SKINNER, of New York. Is that in the testimony?

Mr. HART. That is the testimony. Adams, Byram, and Hawkins all swear to it, and it is in the record.

Mr. SKINNER, of New York. Does he deny it?

Mr. HART. He denies that such a conversation occurred at the time and place stated by them, but admits that he did say something of the kind upon a different occasion. The testimony of Brown is covered all over with badges of inaccuracy and fraud.

There is another point which I will refer to in passing, for it seems to be relied upon by the contestant in this case. Mr. Brown swears that he thinks the ballots cast in Marion County had been tampered with before he made this recount as to the sheriff, and one reason he gives is that in a certain precinct where he himself had voted he was unable to discover his own ballot which he had marked.

Now, there is no better established rule in parliamentary law with reference to contested-election cases than this, that a count to be of any value whatever must be made of the same ballots identically, and the proof must show that they have not been meddled with or changed; otherwise the count is of no avail. I do not place any reliance upon the testimony of Brown as to this matter. But if true, it is conclusive evidence that the recount was of no value whatever. In my judgment the testimony of Brown as to all matters is entirely destroyed for many reasons.

First. He is the employed agent of Mr. English, the gentleman who was interested in disturbing the count, and he would naturally and almost inevitably desire to find something which would be for the benefit of his employer.

Second. The count which he sought to keep and the count which he did keep, wherein he claims that the errors were found to exist, was secretly and clandestinely made, and it was not intended that his associate commissioners or any other person should have any knowledge of it.

Third. His utter inability to give an intelligent and accurate statement of the condition of the vote in any portion of the county and the mysterious loss of the memoranda which he alleges that he kept.

Fourth. The very significant fact that as soon as Mr. Byram began to count the vote for member of Congress with him the increase in favor of Mr. English at once ceases and is turned the other way, and instead of being a gain for Mr. English there is from that time forward a gain for Mr. Peelle.

Fifth, and finally. The fact that if his statements made in the presence of three witnesses, Byram, Adams, and Hawkins, were true at that time, and there is no reason to believe that they were not, then his statements made afterward and upon his examination as a witness by the contestant are necessarily false.

And now the question comes, and it is a very pertinent and important one, shall we allow the testimony given by Mr. Brown under these peculiar circumstances, discredited as it is and impeached as it is, to overcome the sworn official count of the officers of the law, one hundred and sixty of whom were Democrats in good standing?

And I submit the question to you, as men of common sense and as lawyers. To my mind there is but one answer to this question: No man can impartially examine the testimony and render judgment in favor of the contestant.

ALLEGED ILLEGALITY OF REPUBLICAN TICKETS.

But I must hasten on. I come now to the point made upon the character of this ticket. It is alleged by the contestant that the ticket voted by the Republican party at the election in question does not comply with the requirements of the law in Indiana, and is therefore illegal. Now, sir, the statute of Indiana upon that subject is as follows:

All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper, of uniform width of three inches, without any distinguishing marks or other embellishments thereon, except the names of the candidates and the offices for which they were voted for.

There is nothing in the statutes of Indiana rendering a ticket invalid that may be printed on any other paper. There is no fine or penalty attached for using any other kind of ticket; but if there were, it would not invalidate the ticket in this case.

I assert, without fear of successful contradiction, that the ticket used by the Republican party fully, both in letter and in spirit, complies with the provisions of the Indiana statute. It is admitted by everybody that it is printed upon plain white paper of the proper length and width. I hold in my hand a ticket such as was used in that election by the Republican party. I have also here a Democratic ticket and a National ticket. It will be seen that all three of these tickets comply with the law as to size, color, and shape. The Republican ticket is printed, according to the evidence of one of the most intelligent witnesses who gave testimony, upon No. 2 book-paper.

The Democratic ticket is printed upon No. 3 book-paper, or the best quality of news-paper, and the National ticket is printed on a very inferior quality of news-paper. Now, which of the three that I hold in my hand is to be the standard? If the tickets of all parties had been

printed upon the heaviest paper, such as that used by Republicans, nobody would have found any fault. If all had been printed upon medium quality, such as that used by the Democrats, nobody would have found fault. If they had been printed on the third quality nobody would have found any fault. The reason assigned by the Republicans for printing their tickets upon the paper which they used was that they wished to prevent it from being counterfeited, and also that when printed upon such paper the tickets would have less tendency to stick together, as we all know is the case where either tissue or very thin paper is used.

There is another matter in this connection to which it may be proper to call attention. I have already spoken of the fact that there was a contest for the office of sheriff in Marion County between the Republican and Democratic candidates. This officer was elected in November, 1882, and the name of the Republican candidate was upon the same ticket as that upon which appeared the name of Mr. Peelle, the sitting member here. If the ticket was invalid in one case, then it was equally so in the other. One of the issues made in the contest between the candidates for sheriff was that the Republican ticket was illegal and violated the provisions of the statute. That matter has been determined. The judgment of the court was that Mr. Hess, the Republican, was entitled to his office. This is to a certain extent an adjudication of the question. It shows that in the judgment of a competent court in the State of Indiana, having full jurisdiction of the subject, the ticket in question did as a matter of fact comply with the provisions of the Indiana statute.

There is another thing also that ought very seriously to be considered in a question of this kind. I have already said that there is nothing in the law of Indiana which declares any other kind of a ticket invalid. It would be a tremendous stretch of authority and a very arbitrary exercise of it for this Congress or any other body of men to disfranchise the inhabitants of Marion County, who had honestly expressed their judgment at the ballot-box in regard to the choice of candidates for the respective offices simply because they had used a ballot which in the judgment of Mr. English and his friends was not of precisely the weight it should be under the law. My claim, therefore, in regard to this ticket is, first, that it complies both in letter and in spirit with the laws of Indiana; and, second, that if it were not in strict compliance with the statute, still it would be the right of the voters of that county to have their expression of judgment as to candidates by means of this ticket respected and obeyed. After the officers of the law have accepted a ticket from the hand of the voter it would be a serious wrong to deny him the right to have the ballot counted.

PRETENDED REJECTION OF DEMOCRATIC VOTERS.

I desire to proceed to another matter which is of considerable importance, especially because there is an issue of fact, as I learn, between my friend from Ohio [Mr. CONVERSE] and myself on the subject.

It is the third point sought to be made by contestant in this case. I desire to call the attention of the House for a moment to the charge that was made that in the second precinct of the seventeenth ward of Indianapolis 100 men were prevented from voting; and it is asked therefore that they shall be credited to Mr. English in this contest. I remark in passing, Mr. Speaker, that there are not 350 voters in that precinct all told, and that there were 309 votes cast at that election. And yet they want to take 100 more and add that number to the poll of Mr. English. I remark further that it is a heavy Democratic precinct, and I apprehend if anybody had the run of things there that day it was the Democracy. Mr. English carried it by 61 majority, notwithstanding the alleged bulldozing.

Now, what are the facts? Under the law of Indiana when a man's vote is challenged he is required to obtain the affidavit as to his qualification of some person who is owner of real estate and a resident in the precinct. If he presents that affidavit, notwithstanding the statement of my friend from Ohio [Mr. CONVERSE], it is still the right of the judges of election to reject the ballot, and it has been so decided by the supreme court of Indiana; the only difference being that the judges shall in all cases be protected if the man refuses to make the affidavit, but they reject his application at their peril if he does make it. That is all the difference. They are under no obligation to receive a vote which they know to be illegal, and the proof of that fact will protect them in any event.

My friend from Ohio who opened this case dealt very much in generalities, as does his report. He claims that a hundred men were prevented from voting in this second precinct of the seventeenth ward. I challenge him, I challenge any mortal man, to give the name of one man that was rejected in that precinct. The evidence is conclusive and beyond all question that not a single person was kept from the polls on that election day. And now I am not going to deal as he did with this evidence simply in general declarations, but I propose to call the attention of the House to the testimony that the contestant himself has offered and upon which he relies.

The first and most important witness was John B. Frenzel. He swore in chief that he thought there were sixty Democrats turned away from the poll on that day or whose votes were rejected. It is, however, a mere matter of opinion. You will find his testimony on page 151 of the record. No names are given, no information is given by which anybody can be identified. On cross-examination he admits that he knows of but one persor whose vote was rejected. One man only he thinks was driven away. And then when he was asked to give the name of that person he could not give his name or his residence or his politics or his qualification to vote. And this, sir, is one of the witnesses upon whose testimony the majority of the committee base their report.

Now I call your attention to the testimony of another witness, John Malon, page 480. I believe he was a Democratic judge of elections. He thinks that one hundred men were turned away. He does a little better than the other fellow. He does not give any name; he does not describe anybody; but on cross-examination his one hundred comes down to seven or eight; and when he is inquired about them he is unable to give name, or residence, or qualification.

Another witness is William M. Hicklin, whose testimony appears on page 481 of the record. He says there were a lot of men there; he does not know how many were driven away from the polls. But he declares he formerly lived in Missouri, and if it had been in Missouri he thinks they would have got in about 60 more Democratic votes. [Laughter.]

Mr. BROWNE, of Indiana. Will the gentleman permit me to read that testimony?

Mr. HART. Yes, sir.

Mr. BROWNE, of Indiana. It is the testimony of W. M. Hicklin:

I think if we had had a lot of men like we have out in Missouri, where I was born and raised, I think there would have been 50 or 60 more votes polled for the Democratic ticket. Democrats here—like those in the seventeenth ward—are somewhat backward about voting, and of course a man like myself—I should have voted.

Mr. HART. Yes, and he is unable to name one man; not one.

Now, I come to the testimony of Mr. William Buehrig, page 485. He thinks one hundred men were rejected; and when he is interrogated about them upon cross-examination he gets it down to this that there may have been twenty-five or thirty. He does not give a name; he does not give the place of residence of any of them; he does not show they were qualified to vote.

I come now to another witness, Frederick Grossart, page 492. He says, and he is more modest than some of the others, that he thinks there were five or six driven away. His imagination is not so lively as those who have preceded him on the witness-stand; but, like the rest, he is unable to give a single name.

Another witness, Martin Powers, page 473 of the record, says he thinks there were three or four driven away. But even he can give no name. I think my learned friend from Ohio [Mr. CONVERSE] must have been taking lessons from the play of Henry IV. His witnesses are like Falstaff, and his rejected voters are the men in buckram and Kendal green. The imagination multiplies them into a hundred. The truth reduces the hundred to a nameless nothing. These are the witnesses offered by contestant himself. On the other hand, the officers of the election and others testify that not a single person was rejected at that poll who made the required affidavit, and that no man was driven from the polls or prevented from voting.

And yet upon the testimony of these witnesses we are called upon to say that 100 men were driven from the polls and not allowed to vote in the second precinct of the seventeenth ward of Indianapolis. There is no evidence at all to show how they would have voted, even admitting that there were any such men there. Not a single man is named by any witness.

I now ask my friends, not alone on this side of the House but upon the other, to consider this remarkable proposition of the majority report. I call the attention of my colleague on the committee to it. He proposes that this House of Representatives shall declare that 100 men, whose names are unknown, whose residence is unknown, whose qualifications are unknown, whose very existence is unknown, shall be put upon the poll-book of the second precinct of the seventeenth ward and counted for Mr. English in this contest. Was there ever presented a more monstrous proposition for the consideration of any intelligent human being? No precedent can be found for it in any parliamentary body or any judicial tribunal under the sun.

I suggest to my friend from Ohio (for we have been friends for many years) that he ought to apply for a patent at the earliest possible day for his invention. There would be no difficulty in obtaining it. It is entirely novel, and I can assure him that it would be granted; for such a conception never entered the brain or heart of mortal man before. It should be entitled "A new and improved method of counting in members of Congress who have been rejected at the polls by the people of their districts."

When there has been a riot at an election, when there has been a disturbance so that you can not get at the real count, the whole poll is sometimes set aside. But in this case that is not desired by the contestant for the reason that this is a Democratic precinct, and they do not pretend there was any violence. So also when a man appears and is identified, when his qualifications are established, as well as the fact that he tendered his vote and was not allowed to vote, sometimes you count that vote. But never in the history of the world until now has

there been a proposition that you should count the votes of persons whose names are unknown and whose very existence is unknown. That is all I want to say upon that point.

INFIRMARY AND JAIL VOTE.

I come now to the infirmary vote. I would like to ask my learned friend if there is any witness, save W. H. Miller, who testifies in regard to the infirmary vote. I know of no one. The fact is that there were 50—the report says 51—there were 50 inmates of the county infirmary, admitted to be legal voters, who went to the polls and it is alleged voted for Mr. Peelle. Now, it is claimed that two-thirds of them should be counted for Mr. English. Why? Simply because they were brought there by the men who had charge of the infirmary, as they would have to be if they went there at all. No effort is made to show the least attempt to coerce them or change the vote which they desired to cast.

The only proof that there were any Democrats among them at all is that offered by a single witness, Mr. W. H. Miller. He is inquired of in regard to the politics of these inmates of the infirmary, and he swears that in the year 1879 he thinks that two-thirds of the then inmates of the infirmary voted for him for township trustee. I can hardly treat such evidence as this and such a position as this with any sort of gravity. It is unworthy of a moment's consideration. The proposition is this: because somebody thinks that two-thirds of the inmates of the county infirmary voted for a Democratic trustee in 1879, therefore 34 votes should be taken from Mr. Peelle and counted for Mr. English in 1882. It is entitled to nothing but ridicule and contempt.

But that is the proposition of the majority of the Committee on Elections. It is solemnly embodied in their report and entered upon your records.

I now come to the jail vote. It is alleged in the report that thirty-four inmates of the jail voted for Mr. Peelle, and they ask that that number of votes should be taken from him. I would like to have my friend tell me where he finds that testimony? It is not in the record and it was never testified to by anybody. The actual number of men from the jail who tried to vote as the proof shows was nine. Of that number the Republicans challenged two and their votes were rejected. Seven of them voted.

The proof which the contestant himself puts into the record shows that those seven were legal voters, being residents of the precinct where the jail is situated. Yet we are gravely asked upon that sort of evidence to take 34 votes from Mr. Peelle. I like to be courteous, but it is difficult to treat such propositions respectfully.

SPURIOUS TICKET.

What next? They say that there was a spurious ticket, a counterfeit ticket put into the field. What are the facts about that?

Some time during the day of election a Democratic ticket was discovered having printed on it the name of Stanton J. Peelle. This ticket was found in every instance except one in the hands of Democrats. Two witnesses swear that the number of this class of tickets cast in Marion County was 5 or 6, and one witness swears that the number would not exceed 12. The proof shows that Mr. Peelle had nothing whatever to do with this ticket, and that as soon as he heard of its existence he took measures to suppress it.

Under the law of Indiana it was a legal and valid ticket and by every rule should be counted. It was undoubtedly gotten up by Democrats who were dissatisfied with the nomination of Mr. English. No fraudulent purpose is shown to have existed on the part of anybody, and yet the committee ask this House to take 12 votes that were actually cast for Mr. Peelle and give them to Mr. English, and thus make a difference of 24 in the result. Of course no intelligent body of men will ever indorse a proposition like this, and it needs no further statement or argument.

MR. PEELLE CLEARLY ELECTED.

Mr. Speaker, I have now reviewed in some slight degree—not as thoroughly or as exhaustively as it ought to be done—the propositions which have been gravely submitted by the majority of the committee, and for which it is sought to obtain our indorsement. I have passed over all the points upon which Mr. English seeks to obtain this seat. Neither singly nor combined do they establish his right to a place in this body. Mr. Peelle is clearly entitled to retain his seat.

There is not a man upon this floor who in such a case as is here made by the contestant, if he properly understands it, would be willing to render a judgment for the value of a dog. And yet it is now proposed to strike down the chosen Representative of the people of the seventh Congressional district of Indiana and place in his seat a man who was rejected and repudiated by that same people at the polls. It is not alone the individual and personal interests of the contestant and contestee that are involved, but the rights, interests, honor, and dignity of the 180,000 inhabitants who live within the boundaries of the district.

Grave questions are presented for our action. The title of the people's Representatives to a seat is a matter of the highest privilege. Are you prepared to indorse the doctrines of that majority report? Are you prepared to declare that votes cast for one person may be counted for his opponent? Are you prepared to lay down the doctrine that votes never cast for anybody and voters whose names and residence are entirely unknown shall be counted in order to build up a majority for one who seeks a seat in Congress? Are you prepared to disfranchise the 13,000 Republican voters of Marion County? What is there about this case, what reasons can be offered that should take it out of the ordinary rule? Why are all the laws which govern the judgments of men to be set aside, and all the well-established canons of parliamentary and judicial practice to be abrogated and nullified?

Is not your majority large enough? What pressing and urgent reason can be given for all this? Is it because there are bets pending upon this election? Is it because members have been importuned day by day by parties who are interested in this matter? Is it because you have heard for three weeks the crack of somebody's whip in the lobbies and you are afraid of the lash? Are we to have a series of Republican political executions? I can not believe that such considerations can for a moment govern the judgments and the acts of the members of this House. We are here to-day endeavoring to perform a duty to the public. We are sitting not as partisans but as judges. For the time being the judicial ermine is upon our shoulders. Let us see that it is not soiled. Let us see that the judgment which we render here to-day shall be not only just in itself but one which will be a valuable precedent in the future.

Mr. LOWRY addressed the House. [See Appendix.]

Mr. PETTIBONE. I gave way to the gentleman who has just closed his remarks [Mr. LOWRY] in order that he might have an extension of time, and I intend only to speak very briefly. I intend to state what I understand to be the salient points of this case.

One of the objections raised to the vote given to Stanton J. Peelle was that a ticket was printed on a bluish paper, not white. I hold in my hand McCrary on Elections, a new volume. I wish the members of this House, the representatives of the American people, to contrast the whiteness of that ticket [holding it up] with the whiteness of the ordinary book-paper of the country. You can see for yourselves that the ticket is whiter than the paper on which this work of McCrary on Elections is published for your information and for mine.

Now, Mr. Speaker, this is the ticket which has been declared to be a fraudulent "spring-back" ticket. The statute of Indiana says that the ballot shall be printed on "plain white paper." Every gentleman here sees it is upon plain white paper. The statute says that it shall be on paper "of a uniform width of three inches." This ticket is three inches wide. Now, what is the difficulty about it? It is true it is thicker than the Democratic ticket. But if you can distinguish this from the Democratic ticket, you can distinguish the Democratic ticket from it.

Mr. SPRINGER. That is just what is the matter.

Mr. PETTIBONE. Well, sir, there were in one county, the county of Marion, 12,000 votes cast by tickets of this kind. If one such vote was illegal, then every one was illegal. Is not that true? If one vote was illegal by reason of this ticket, then every vote cast by this ticket was illegal.

Now, what is the rule? Why, sir, in the State of Indiana the rule is this, that the ballot cast by an elector in good faith should not be rejected by failure to comply with the law in matters over which the elector had no control—

Such as the exact size of the ticket or the precise kind of paper or the particular kind of type or heading used.

Mr. SPRINGER. What are you reading from?

Mr. PETTIBONE. From the work of McCrary on Elections. And in Indiana, upon that very statute, the supreme court has held that the law was framed—

To forbid any marks or characters on the exterior of the ballot to distinguish it and thus to destroy the secrecy of the ballot.

Now, is there a mark on the back of that ticket?

Mr. SPRINGER. A blind man could tell it.

Mr. KELLEY. I would ask the gentleman from Illinois [Mr. SPRINGER] whether if a blind man could tell this ticket he could not also tell the Democratic ticket?

Mr. SPRINGER. That is what is the matter. They wanted to know whether it was the Republican or the Democratic ticket that a man was voting.

Mr. KELLEY. If that ticket is illegal because it is too thick, then is not the Democratic ticket illegal because it is too thin? Where is the difference?

Mr. SPRINGER. The statute prescribes "plain white paper." This is card paper.

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. ROBERTSON. Will the gentleman from Tennessee allow me to ask him a question?

Mr. PETTIBONE. Not now; I will in a moment. On this point I call the attention of the House again to the fact that in Indiana it has been held by the supreme court that the purpose was—I read again:

The law was framed to forbid any marks or characters on the exterior of the ballot—

That is the language of the supreme court of the State of Indiana. And why so?

to distinguish it, and thus to destroy the secrecy of the ballot.

Now I want to know if there is any mark on the back of that ticket? [Holding up a ticket.]

Mr. SPRINGER. Yes, the thickness of the paper.

Mr. PETTIBONE. Oh, the thickness of the paper! Is there any mark on the exterior of that ticket? I now fold it up, and I undertake to say that no man in this House, no man in Indiana, no man anywhere could say what is inside of that ballot here and now, unless it be a man who wants to vote to seat a man who is not elected. You know, gentlemen, that it is absolutely impossible to say what is in that ticket. You do not know what I have written on the inside of that ticket here and now.

Mr. ROBERTSON. Will the gentleman now yield to a question?

Mr. PETTIBONE. Certainly.

Mr. ROBERTSON. Did they use that kind of ballot in any other county in that district except in the city of Indianapolis?

Mr. PETTIBONE. I do not know and I do not care.

Mr. ROBERTSON. And did not they buy up all the papers of that character in the city of Indianapolis?

Mr. PETTIBONE. If the gentleman has read McCrary on Elections——

Mr. ROBERTSON. Oh, McCrary! I ask you a question as to a fact in this case.

Mr. PETTIBONE. I understand that this ticket was used only in the county of Marion.

Mr. ROBERTSON. And nowhere else.

Mr. PETTIBONE. I do not care about that. The point is this: are you going to take away the vote of every man who voted on that kind of a ticket? If it was an illegal ballot in the hands of one voter, then it was an illegal ballot in the hands of the 12,000 men who voted it. I now put the question to you; will you reject 12,000 voters in that county for that reason? I dare you to say that you will do it. I dare gentlemen on the other side of the House to say that they will reject 12,000 ballots because they were on that kind of paper.

Mr. HORR. What is the matter with that paper?

Mr. PETTIBONE. Nothing; it is in strict conformity to the law. Now, what is the law? It is that when it is within the power of the voter to select his ticket he is bound to choose a legal ticket, if there is such a distinction; but when it is not within his power then you are bound to count his ballot.

The gentleman from Kentucky [Mr. ROBERTSON] asks me if these tickets which were voted at that election were not all voted in the county of Marion? I answer yes, and I say it was not in the power of any voter on that day to vote the Republican ticket at the polls in Indianapolis except he voted that kind of a ticket, for there was no other kind for him to vote.

Mr. ROBERTSON. Will the gentleman allow me to ask him another question?

Mr. PETTIBONE. Certainly.

Mr. ROBERTSON. Did not you take a Democratic ticket on thinner paper than this and put on it the names of all the Democratic candidates for office except that of English, and put Peelle's name in place of English's name?

Mr. PETTIBONE. Did I do it? No.

Mr. ROBERTSON. Did not they do it there?

Mr. PETTIBONE. I do not know about that. In my own State I have run three times for Congress. We have there what we call split tickets; in other words, I have hundreds of times found tickets there which are called the regular Republican ticket with the name of the Democrat running against me printed in the ticket.

Mr. ROBERTSON. That was a fraud.

Mr. PETTIBONE. A fraud? If so, it was a legal fraud. But it was no fraud at all.

Mr. ROBERTSON. A legal fraud is good, then, is it?

Mr. PETTIBONE. I wish to say that in my State we absolutely never dreamed of throwing out a split ticket because it was printed in that way. If there is any law in Indiana different from that in Tennessee on that point, I should be glad to know it.

I say that no statute law was violated by such a split ticket. Mr. Peelle ran ahead of his ticket, did he not? It is confessed that he ran some 500 or 600 votes ahead of his ticket in Indianapolis. It so happened that there were 12 votes cast there by tickets which had Peelle's name printed instead of English's.

Mr. BROWNE, of Indiana. No so many as that.

Mr. PETTIBONE. Well, I concede that many for the sake of the argument. Now, what man has been brought up to testify that he voted for Peelle when he did not want to vote for Peelle? Not one! You could not find any such man. I will give up this case, so far as I am concerned, if you can find a single man who will say so.

Mr. SPRINGER. It is because you can not find out there who voted.

Mr. BROWNE, of Indiana. I suppose that in Illinois they presume fraud without any proof at all.

Mr. SPRINGER. You can always presume fraud in Indianapolis elections ever since Governor Morton voted a regiment of Massachusetts soldiers there.

Mr. PETTIBONE. I believe I have the floor.

The SPEAKER. The gentleman will proceed without interruption.

Mr. PETTIBONE. I know that owing to the vim and bounce and India-rubber elasticity of my friend from Illinois [Mr. SPRINGER] he may be considered as entitled to the floor at any time.

Now I ask the gentleman from Illinois, I ask any Democrat here, if he can point to the testimony of one single person who says that he was deceived into voting for Peelle by reason of this kind of a split ticket when he wanted to vote for English? And what is a further fact? As soon as Mr. Peelle found it out, although it was lawful, although there was no statute forbidding it, he directed it to be stopped, and, like an honest man, he forbade them to peddle out a single ticket more, and not one more was given out. And you say 12 men voted in that way in a city where Peelle was running ahead of his ticket, where those who were scratching were putting Peelle's name on their tickets, as is abundantly proved to have been the case in every ward in the city of Indianapolis.

Again, it is said that in one single ward 100 voters were bulldozed; and so a hundred votes are wiped right out from the vote of Mr. Peelle, and are counted in favor of English—exactly 100, not 99 or 101. What is proved in reference to this matter? Think of it! In the second precinct of the seventeenth ward of the city of Indianapolis Mr. English received 185 votes, and in that same precinct Mr. Peelle received only 123 votes. This is the vote by the record. Now, do you tell me that in the free North, in the city of Indianapolis, 123 men bulldozed not only 185, but 100 Democrats besides? You do not believe it. I do not believe it. We do not any of us believe it. Such is not the fact, and you have not the testimony of a single man that he was bulldozed.

Where are your one hundred "men in buckram?" Your 100 men who with 185 friends by their side and only 123 against them, were bulldozed to the exact number of 100? Do you believe it? Incredulity is the source of wisdom, and I affectionately advise you gentlemen on the Democratic side to have some incredulity on this occasion. Do not believe that the moon is made of green cheese. Where are your 100 men who were bulldozed in that way?

Mr. ROBERTSON. By the election officers?

Mr. PETTIBONE. Where is it proved that any men were bulldozed and driven away?

Mr. Speaker, I have shown the absurdity of this claim in regard to "spring-back" tickets. I have shown the absurdity of the claim that 100 men were bulldozed, there having been 185 stalwart Democrats who voted for English and only 123 Republican voters. So that if 100 men were bulldozed, there must have been 285 bulldozed by 123.

Mr. SPRINGER. All the Democratic voters were at the polls at the same time, of course!

Mr. PETTIBONE. Oh, that will not do.

Mr. SPRINGER. I should think not.

Mr. PETTIBONE. You must get over the 87 majority by which Mr. Peelle is declared to have been elected.

There is another feature in this case. Mr. Peelle himself freely gave additional time for the taking of the testimony; he never stood on his merely technical rights. I say, applying the technical rules of law and evidence to this case, you can not oust Mr. Peelle and give the seat to Mr. English.

Mr. Speaker, I yield the residue of my time to the gentleman from Indiana [Mr. BROWNE].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2145) to extend an act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe; and

A bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

INDIANA ELECTION CONTEST—ENGLISH VS. PEELLE.

Mr. BROWNE, of Indiana. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman from Tennessee [Mr. PETTIBONE] has occupied twenty minutes. There are forty minutes of the hour remaining.

Mr. BROWNE, of Indiana. As it is now within 15 minutes of 5 o'clock, I would be glad if the House would consent to adjourn so that I may occupy its attention to-morrow morning, when members will be in better condition to hear what I have to say.

Mr. RICE. If the gentleman will give way for the purpose I will move that the House adjourn.

Mr. CONVERSE. If gentlemen on the other side will agree to some limitation of the debate to-morrow——

Mr. BROWNE, of Indiana. The gentleman will remember that I expected to talk to-day, but the time of my colleague [Mr. LOWRY] was extended, and he occupied more than thirty minutes beyond his hour. Therefore I am thrown into the discussion at adjourning time. If I should proceed now I should be compelled to suspend in the midst of my argument.

Mr. CONVERSE. Will the gentlemen on the other side, then, con-

sent to close the debate after four hours' further discussion—two hours on a side—so that we may take a vote about 3 o'clock to-morrow?

Mr. PEELLE, of Indiana. I will state to the gentleman that I do not know whether I shall occupy an hour or not; but if the gentleman will make the time two hours on each side after my colleague [Mr. BROWNE, of Indiana] has concluded, I apprehend that will be all the time we shall want.

Mr. CONVERSE. That I could not consent to, because the proposition of the gentlemen on the other side was only for an hour and a half besides the time of the gentleman from Indiana [Mr. BROWNE].

Mr. VALENTINE. That was before the gentleman from Indiana [Mr. LOWRY] had occupied nearly two hours. I think nothing will be done to-morrow besides disposing of this case.

Mr. PEELLE, of Indiana. I think we can agree about the time to-morrow.

Mr. VALENTINE. I believe gentlemen on our side can finish their remarks in the time mentioned by the gentleman from Ohio [Mr. CONVERSE], but I would not undertake to make an agreement of that kind.

Mr. CONVERSE. I hope gentlemen will agree to make it two hours on a side.

Mr. PEELLE, of Indiana. That will not give sufficient time on this side. My colleague [Mr. BROWNE] will want to occupy an hour. I shall probably want some time; and there are other gentlemen on this side who desire to make short speeches.

Mr. BROWNE, of Indiana. Will the gentleman from Ohio say two hours and a half?

Mr. PEELLE, of Indiana. If the gentleman will agree to two hours on this side after my colleague has concluded, that will be satisfactory to me. My colleague has forty minutes now.

Mr. TOWNSHEND. I hope we shall finish this case to-night. Let us come back this evening and finish it.

Mr. MILLER, of Pennsylvania. I suppose we might vote now and debate the question this evening.

Mr. CONVERSE. We can arrange this matter, I think, in a few moments. The agreement is that debate shall close after two hours and forty minutes on each side. We will be able to shorten that on our side.

Mr. PEELLE, of Indiana. I think we will take less time on our side, but I do not wish to agree to less now.

Mr. BROWNE, of Indiana. It was understood, in addition to the forty minutes yielded to me by the gentleman from Tennessee, I should have twenty minutes more, making an hour.

Mr. PEELLE, of Indiana. You shall have it.

The SPEAKER. That is a matter of agreement on the floor. Is there objection that to-morrow the debate shall continue for two hours and forty minutes on each side, when it shall be considered that the previous question is ordered?

There was no objection, and it was ordered accordingly.

Mr. RICE'S motion was then agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUTELLE: Petition of Edwin Libby Post, No. 16, Grand Army of the Republic, Department of Maine, and of A. G. Taylor Post, No. 95, Grand Army of the Republic, Department of Maine, in regard to pensions—severally to the Committee on Invalid Pensions.

By Mr. ELLIS: Papers relating to the claims of heirs of Jonathan Smith—to the Committee on Naval Affairs.

By Mr. I. N. EVANS: Memorial of citizens of the city of Baltimore, representing the Maryland branch of the Universal Peace Union, praying for the settlement of national differences by arbitration—to the Committee on Foreign Affairs.

By Mr. FINDLAY: Petition of citizens of Baltimore for increase of appropriations for the Indians—to the Committee on Indian Affairs.

By Mr. HUTCHINS: Petition of citizens of Peekskill, N. Y., against the postal-telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of William Bryan and 72 others, and of Edward L. Gaul and 72 others, citizens of Hudson, N. Y., asking an additional appropriation for Indian schools, &c.—severally to the Committee on Appropriations.

By Mr. McCOMAS: Petition papers relating to the claim of Jonas Spielman—to the Committee on War Claims.

Also, petition and papers relating to the claim of Dr. William H. Grimes—to the same committee.

Also, petition relating to the claim of the heirs of Jessie Viers—to the same committee.

Also, papers relating to the claim of Louis Johnson—to the same committee.

Also, petition relating to the claim of Samuel M. Haller—to the same committee.

By Mr. MONEY: Petition of citizens of Mississippi, for national aid to education—to the Committee on Education.

By Mr. PETERS: Resolution of Kansas State Medical Society, asking for a building for Surgeon-General's Office—to the Committee on Public Buildings and Grounds.

By Mr. PUSEY: Petition of citizens of Iowa, relative to a constitutional amendment limiting the power of Congress, &c.—to the Committee on the Judiciary.

By Mr. ROSECRANS: Memorial of the Chamber of Commerce of San Francisco, asking for the enactment of a law that will secure direct mail steamship communication between San Francisco and Australia and New Zealand—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. STRUBLE: Remonstrance of citizens of Iowa protesting against any constitutional amendment limiting the power of the people and Congress in the issuance of money, &c.—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of Custer Post, Grand Army of the Republic, in favor of amending the pension laws—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May* 21, 1884.

Prayer by Rev. O. A. HOUGHTON, of Elmira, N. Y.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of the 8th instant, reports of the Chief of Engineers and Lieut. Col. H. M. Robert, of the Corps of Engineers, relative to the damage done to the United States breakwater at Burlington, Vt., with an estimate of the amount necessary for its reparation; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

WASHINGTON MONUMENT COMPLETION CEREMONIES.

The PRESIDENT *pro tempore*. Pursuant to the joint resolution of Congress approved on the 13th instant in relation to ceremonies to be authorized upon the completion of the Washington Monument, the Chair appoints as the Senate part of the commission the Senator from Ohio, Mr. SHERMAN; the Senator from Vermont, Mr. MORRILL; the Senator from Iowa, Mr. ALLISON; the Senator from Delaware, Mr. BAYARD; and the Senator from Mississippi, Mr. LAMAR.

NAVAL ACADEMY VISITORS.

The PRESIDENT *pro tempore* appointed Mr. PLATT to fill the vacancy on the Board of Visitors to the Naval Academy at Annapolis occasioned by the declination of Mr. MILLER, of California.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of C. R. Glass, Post No. 409, Department of New York, Grand Army of the Republic, praying that a pension of $8 a month may be granted to every Union soldier and sailor who served sixty days or more in the late war of the rebellion, and who, under existing laws, is not entitled to that or a greater sum; which was referred to the Committee on Pensions.

Mr. WILLIAMS presented a memorial of citizens of Hopkinsville, Ky., and a memorial of citizens of Henderson, Ky., remonstrating against a Government monopoly of the telegraph lines; which were ordered to lie on the table.

Mr. DAWES. I present the memorial of Moses Newton and a large number of other citizens of the city of Holyoke, Mass., remonstrating against the enactment of any measure relating to the telegraph system which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation, and expressing the belief that the interests of the people will be better conserved by leaving this branch of commercial business free to the competition of private enterprise.

I know most of the signers of this memorial to be what I am assured in a letter which incloses the memorial, written to me by the officer of the Western Union Telegraph Company at Holyoke, that they are influential men. He states to me:

> I could readily have got many more names, but only tried those who are daily patrons of the company, thinking their opinion of more value than those who very seldom send a telegram.

That is the reason assigned for there not being more names to the memorial, but I assure the Senate that the names of these memorialists deserve weight, and I hope they will have it. The committee having reported on this subject, I move that the memorial lie on the table.

The motion was agreed to.

Mr. SHERMAN. I present the petition of Heman Ely and other citizens of Elyria, Ohio, praying that liberal appropriations be made for Indian schools. As that subject has been acted upon I move that the petition lie on the table.

The motion was agreed to.

Mr. SHERMAN. I present a similar petition, largely signed by a great many citizens whom I know personally, living in London, Ohio, praying that liberal appropriations be made for Indian schools; which I move lie on the table.

The motion was agreed to.

Mr. SHERMAN presented a memorial of citizens of Middletown, Ohio, remonstrating against the establishment of a Government telegraph system; which was ordered to lie on the table.

He also presented a petition of the Ohio State Association of Ex-Union Prisoners of War, praying for the passage of a bill "providing special pensions for those who were so unfortunate as to be captured by the confederate forces and held as prisoners of war during the war for the Union;" which was referred to the Committee on Pensions.

Mr. LAPHAM presented a petition of members of the New York Produce Exchange, praying for the suspension of the coinage of silver dollars for such period of time as may be necessary to readjust the relation of gold and silver coins, and to bring about the gradual absorption into circulation of the silver dollars; which was referred to the Committee on Finance.

Mr. MITCHELL presented the memorial of George C. Fuller and others, of Arnot, Pa., remonstrating against certain proposed legislation in relation to telegraphs; which was ordered to lie on the table.

He also presented the memorial of J. B. McCollum and 55 other citizens of Susquehanna County, Pennsylvania, remonstrating against the passage of certain patent bills; which was referred to the Committee on Patents.

He also presented a petition of Gregg Post, No. 95, Grand Army of the Republic, Department of Pennsylvania, of Bellefonte, Centre County, Pennsylvania, praying such legislation in regard to pensions as is recommended by the committee on pensions of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented the petition of the Ohio State Association of Ex-Union Prisoners of War, praying for the passage of the bill (H. R. 1189) to pension ex-Union prisoners of war; which was referred to the Committee on Pensions.

Mr. HALE presented a memorial of citizens of Eastport, Me., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business; which was ordered to lie on the table.

Mr. HARRISON. I have received a communication, which is in the form of a letter addressed to me but which is evidently intended for presentation to the Senate, upon the subject of the pending bill for the regulation of the telegraph business. It is signed by forty-six gentlemen of Indianapolis, men engaged in milling, our most extensive grain-dealers, and by our leading wholesale merchants. As it states some interesting facts upon that subject and is brief, I ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to present a letter, the contents of which he has described, and asks that it may be read. If there be no objection it will be read.

The letter was read, and ordered to lie on the table, as follows:

INDIANAPOLIS, IND., *May* 15, 1884.

DEAR SIR: There is now being circulated in this city by the manager of the Western Union Telegraph Company a petition to Congress asking them not to legislate concerning telegraphic affairs, giving as a special reason that in the opinion of the petitioners the Government should not increase its number of employés, &c. This petition will undoubtedly be presented to you, and you will perhaps be influenced by the number of respectable names among the petitioners, that, like all petitions, as soon as it has a heading other names will follow unthoughtedly, many of them without reading or considering the nature of the petition. We do not believe the petitioners represent the sentiment of this community that largely use the telegraph service, or is dependent to a large extent upon that service for their business.

The newspaper interest has been amply protected by the telegraph company even during the strike last summer; when, for several weeks, the commercial business was not transacted, the newspaper reports were unusually full. We therefore desire to especially call your attention to the influence that has been brought to bear upon the press. The other signatures to the petition are largely from business and professional men, who but seldom use the telegraph company. We do not believe in this case they represent the sentiments of the community.

As you know, during the past few years two telegraph lines have been established to Indianapolis. While in existence here the public have had better telegraph facilities and at lower rates than ever before or since, but these companies were soon bought up by the Western Union, and we believe it will be so by any other attempts in that line, and that only governmental interference will prevent the continuance of this monopoly. To show the disadvantage under which our commercial interests labor at present, we will simply state to you the present rate from Indianapolis to other cities for business as compared with the rates from Saint Louis and competing points. The rates from Saint Louis to Toledo for twenty words is 15 cents; from Saint Louis to Chicago for twenty words is 10 cents; from Saint Louis to all seaboard cities is 25 cents. The rates from Indianapolis to Toledo and Chicago, which is a shorter distance in both cases than from Saint Louis to these cities, is 25 cents for ten words; from Indianapolis to seaboard cities, 50 cents for ten words, making our rates considerably more than double those from Saint Louis. The same is true from all points in the State of Indiana, showing conclusively that the reduction of rates recently by the Western Union Telegraph Company is not intended to apply to any except competing points, and that their charges are not based upon the cost of service, as the Indianapolis office is known to be one of the best paying telegraph offices in the United States and has a larger number of employés than at Saint Louis.

We especially ask that you use your influence with the members of the Senate and House of Representatives in securing action during the present term of Congress upon Senator HILL's bill or some other measure that will as effectually look to governmental interference in this important interest.

Hon. BENJ. HARRISON,
U. S. Senator, Washington, D. C.

Mr. HARRISON presented resolutions adopted by Winchester Post, No. 333, Grand Army of the Republic, Department of Indiana, in favor of the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

Mr. COKE. I present a memorial signed by the governor of Texas, the comptroller of the State, commissioner of the general land office, State treasurer, and a large number of other citizens of the State of Texas, in which they "respectfully remonstrate against the enactment of any measure relating to the telegraph which shall increase the number of public officials, or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation." They say, "We believe that the interests of the people will be better conserved by leaving this branch of commercial business free to the competition of private enterprise." I move that the memorial lie on the table, as the bill on that subject has been already reported.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, presented a petition of Charles G. Bacon Post, No. 48, Grand Army of the Republic, Neillsville, Wis., praying for certain pension legislation; which was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution requesting the Senate to return to the House the bill (H. R. 7071) supplementary to "an act to provide for the publication of the Tenth Census," approved August 7, 1882, erroneously numbered H. R. 6967, and so transmitted to the Senate on the 19th instant.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 1648) for the relief of Mrs. Sallie H. Palmer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. KENNA, from the Committee on Claims, to whom was referred the bill (S. 714) for the relief of the Mobile Marine Dock Company, reported it without amendment, and submitted a report thereon.

BILL RECOMMITTED.

Mr. HOAR. I am directed by the Committee on Claims to move to recommit the bill (S. 2209) for the relief of Joseph H. Maddox and others to that committee.

The motion was agreed to.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 2239) to increase the pension of William Irving; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2240) for the relief of William H. Simmons; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALDRICH (by request) introduced a bill (S. 2241) for the relief of the widow and children of the late William J. Eldridge, acting ensign United States Navy during the war; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2242) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

PUBLICATION OF THE TENTH CENSUS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *May* 21, 1884.

Resolved, That the Senate be requested to return to the House the bill of the House (H. R. 7071) supplementary to "an act to provide for the publication of the Tenth Census;" approved August 7, 1882, erroneously numbered H. R. 6967, and so transmitted to the Senate on the 19th instant.

The PRESIDENT *pro tempore*. If there be no objection an order will be entered that the bill named be returned to the House of Representatives pursuant to its request.

NORTHERN PACIFIC RAILROAD.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" being now in order, the Chair lays before the Senate a resolution submitted yesterday by the Senator from Oregon [Mr. SLATER], which will be read:

The Chief Clerk read the resolution, as follows:

Resolved, That the President be, and he is hereby, requested to inform the Senate by what authority commissioners have been appointed from time to time to examine and report upon sections of the Northern Pacific Railroad which were constructed and completed subsequent to the time within which,

by the terms of the act of July 2, 1864, and acts and joint resolutions amendatory thereof and supplementary thereto, the said road was required to be completed.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. ALLISON. I think the resolution ought to go to the Judiciary Committee, and I move its reference to that committee.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to refer the resolution to the Committee on the Judiciary.

Mr. SLATER. I trust that that reference will not be made. It is a resolution couched in the ordinary terms and calls simply for information. I think that there is no reason why it should be referred. It may be a subject for consideration when we get the information which it seeks. Then it may be a question whether there is anything in it that a committee should take into consideration. It simply asks for the authority upon which certain action which has been heretofore taken is based. The matter is now before a committee of this body. It seems to me that sending it to a committee would be to avoid the very information sought or at least it would delay the information.

I do not care at this time to discuss any questions that may be considered to arise from the proposition of the resolution, because I desire the information first to know what the action of the executive department has been based upon.

Mr. INGALLS. This resolution assumes certain things to exist about which the Senate has no information upon which it can appropriately act. In the first place, it assumes, and the Senate is called upon to declare, in the absence of any information, that the President has appointed commissioners from time to time to examine and report upon sections of the Northern Pacific Railroad. It assumes further, and asks the Senate to declare, that those commissioners were appointed after the time within which the railroad was to be constructed. As to whether those things are true or not I have no information, but it certainly is inappropriate to ask the Senate to assume in advance that the things have been done and then ask the Executive why they have been done. It is obvious upon the most casual inspection that the resolution would commit the Senate to a declaration upon these two important points about which the Senate is not advised.

It is therefore plain that the resolution should go to some committee for the purpose of a preliminary inquiry. I am not particular about the choice that the Senator from Iowa has indicated. If the Senator from Oregon desires that it shall go to the Committee on Public Lands or the Committee on Railroads, very well; but to assume in advance that the Executive has been guilty of acts in violation of law is what the Senate ought not to be called upon to do.

Mr. SLATER. I think it can hardly be properly assumed that the resolution is based upon a false assumption or upon an assumption of anything beyond the facts which are publicly known, that since the time within which by the terms of the statute the Northern Pacific Railroad was to be completed a large proportion of that road has been received under commissioners appointed by the Executive.

The question sought to be disclosed by the resolution is not that it has been wrongfully done, but simply upon what authority that action has been based. It is a kind of information that is constantly called for here, and I think there is nothing in the resolution that could be said to be disrespectful or in regard to which the assent of the Senate assumes anything but what is notorious to the country. It is true a given date might have been recited, so as to avoid the possible inference which is sought to be laid upon the resolution; but that is unnecessary, I think.

So far as committees are concerned, if a reference is to be made, I have no choice in that particular. What I want is the information. I wish to know upon what statute, if there be any, or upon what construction of statute, if it is upon a construction of a statute, certain action that no one will deny has been taken, which is that since 1869, the time which I believe it is conceded on all hands that the limitation of the North Pacific expired, commissioners have been appointed and a large number of miles of the railroad have been received. I do not say it has been received without authority; I do not say that it has been received without warrant of law; but the information asked for is, what is the authority, why has it been done, and upon what has the action been based; and I think we ought to have that information without delay.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa that the resolution be referred to the Committee on the Judiciary.

Mr. GARLAND. As the Senator from Oregon has intimated his willingness that the resolution may go to a committee, and as it is not now in a proper shape, I submit, to go to a committee for investigation, I move to amend it so as to read:

That the Committee on Railroads be directed to inquire by what authority commissioners have been appointed, &c., and to report to the Senate by bill or otherwise.

The PRESIDENT *pro tempore*. The motion of the Senator from Iowa is that the resolution be referred to the Committee on the Judiciary.

Mr. GARLAND. I wish to call the attention of the Senator from Iowa to the fact that the way the resolution reads there is nothing for the committee to inquire into. The most the committee could do under a reference of the resolution would be to report back to the Senate whether an inquiry or investigation should be had. The Senator from Oregon wants an investigation immediately into the question, and in order to avoid the point made by the Senator from Kansas as to assuming anything that has been done of which we know nothing, I propose to put it in this shape, so that the Committee on Railroads shall be the committee to make proper inquiry and report to the Senate.

The PRESIDENT *pro tempore*. The Chair would state to the Senator from Arkansas that under the new rules a motion to refer is not open to amendment except to commit with instructions. The motion of the Senator from Iowa is that the resolution be referred to the Committee on the Judiciary.

Mr. GARLAND. That ruling is entirely correct, but I was in hopes that the Senator from Iowa would withdraw the motion to refer upon the amendment I suggest being offered.

Mr. ALLISON. I am not particular as to what committee shall have charge of this subject, but we are passing resolutions here every day embracing difficult questions without having the sanction of a committee with regard to them. I will withdraw my motion to refer the resolution to the Judiciary Committee if the Senator from Arkansas prefers that it shall go to another committee.

Mr. GARLAND. So that the committee shall be directed to make the inquiry and ascertain by what authority the action, if any, was taken. They can get the information as they please.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas move the reference of the resolution to the Committee on Railroads?

Mr. GARLAND. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the resolution be referred to the Committee on Railroads with instructions, which will be read.

Mr. SHERMAN. I suggest, before the question is put, that if the inquiry to be made by an organ of this body involves a legal question, as the mere construction of a statute, it ought to be sent to the Judiciary Committee as a matter of course. I am entirely indifferent as to which committee the resolution is referred, but the Committee on the Judiciary would be the proper committee to instruct the Senate on the legal proposition.

Mr. GARLAND. There is a little more in it than that. If the Senator from Ohio will notice the resolution, it is not merely an inquiry into that one question, but it involves also the fact as to the completion and acceptance of the road, which the Committee on Railroads, I apprehend, would be the proper committee to consider.

Mr. ALLISON. It is perfectly well known what is the object aimed at in the resolution. It is a controverted question and some committee ought to investigate it. I am not particular, although I believe myself that the Committee on the Judiciary would be the best committee to make the investigation. However, if the Senator from Oregon and the Senator from Arkansas think that the investigation had better be made by the Committee on Railroads, I shall not object to that course.

The PRESIDENT *pro tempore*. The Chair now understands that the motion of the Senator from Arkansas is to amend the resolution. The resolution as proposed to be amended will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Railroads be directed to inquire by what authority commissioners have been appointed from time to time to examine and report upon sections of the Northern Pacific Railroad which were constructed and completed subsequent to the time within which, by the terms of the act of July 2, 1864, and acts and joint resolutions amendatory thereof and supplementary thereto, the said road was required to be completed; and to report by bill or otherwise.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. SLATER. I trust that the amendment will not be adopted. Its result will only be to defeat the object of the resolution by delay. As was said by the Senator from Iowa [Mr. ALLISON], it is doubtless true that there is some controversy in regard to both the law and the facts in this case. The object of the resolution is to begin at the beginning and find out on what basis the executive department has proceeded. When we get that information we shall be then in a condition to ask the judgment of some committee of this body in regard to what has been done and the premises upon which it was done. That is the way I look at it, although possibly I may be wrong. If there is to be a vote on the amendment, I shall ask for the yeas and nays on it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. SLATER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GARLAND. Before the proof is taken I wish to state that when I offered the amendment I was under the impression from the remarks of the Senator from Oregon which he first made that he signified his willingness at last that a committee should look into this subject. It is not a matter that I care particularly about myself, but the Senator from Kansas stated the question as to the Senate assuming certain things in advance of the ascertainment of them in a judicial or quasi-judicial way, and I have myself thought from what has been said that the proper way to get at this matter would be to have an investigation first, although

I conceive that the resolution itself is not an improper one. If it does not meet with the approbation of the Senator who introduced the resolution to have it go to a committee, of course I withdraw my motion to amend; but I was under the impression from the statement he made that he would be willing to have a committee to make the investigation after the Senator from Kansas raised the question he did.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas wish to withdraw his amendment?

Mr. GARLAND. Yes, sir; I ask leave to withdraw it.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks leave to withdraw his amendment. If there be no objection it will be withdrawn. The Chair hears none, and the amendment is withdrawn.

Mr. ALLISON. Then I renew my motion that the resolution be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the resolution be referred to the Committee on the Judiciary.

Mr. SLATER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HILL (when his name was called). I have a general pair with the Senator from Louisiana, Mr. GIBSON. I do not know how he would vote on this question, and therefore I withhold my vote.

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST] who is absent from the Chamber. I therefore withhold my vote.

The roll-call was concluded.

Mr. JONES, of Florida. I am paired with the Senator from Colorado, Mr. BOWEN.

Mr. ALDRICH. My colleague [Mr. ANTHONY] is paired with the Senator from South Carolina, Mr. HAMPTON.

The result was announced—yeas 27, nays 23; as follows:

YEAS—27.

Aldrich,	Dolph,	Lapham,	Morrill,
Allison,	Edmunds,	Logan,	Palmer,
Bayard,	Frye,	Mahone,	Platt,
Blair,	Harrison,	Manderson,	Sewell,
Brown,	Hawley,	Maxey,	Sherman,
Cameron of Wis.,	Hoar,	Miller of Cal.,	Wilson.
Dawes,	Ingalls,	Miller of N. Y.,	

NAYS—23.

Beck,	Colquitt,	Jonas,	Slater,
Butler,	Fair,	Kenna,	Van Wyck,
Call,	Garland,	McPherson,	Voorhees,
Camden,	George,	Morgan,	Walker,
Cockrell,	Harris,	Pugh,	Williams.
Coke,	Jackson,	Saulsbury,	

ABSENT—26.

Anthony,	Gorman,	Lamar,	Riddleberger,
Bowen,	Groome,	McMillan,	Sabin,
Cameron of Pa.,	Hale,	Mitchell,	Sawyer,
Conger,	Hampton,	Pendleton,	Vance,
Cullom,	Hill,	Pike,	Vest.
Farley,	Jones of Florida,	Plumb,	
Gibson,	Jones of Nevada,	Ransom,	

So the motion to refer was agreed to.

DES MOINES RIVER LANDS.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 396, being Senate bill 1886.

The PRESIDENT *pro tempore*. The call for "concurrent and other resolutions" is not yet completed.

Mr. PLUMB. I thought the morning business was completed.

The PRESIDENT *pro tempore*. Are there further resolutions? If there be none, that order is closed. The Senator from Kansas can now make his motion.

Mr. PLUMB. I move to take up the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes. I wish to say that it is a bill which has had very much consideration at the hands of committees of this body and of the Senate also heretofore. If it is ever to be passed it should be passed now.

The PRESIDENT *pro tempore*. Debate on a motion to take up a bill is not in order.

Mr. PLUMB. I wish to state the reasons for making the motion. I shall be absent necessarily after the middle of next week for some time, and therefore shall not be present when the bill shall be called up after that date. I think it will not lead to very much debate.

Mr. MILLER, of New York. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New York proceeding? The Chair hears none.

Mr. MILLER, of New York. It is well known to the Senator from Kansas and the Senator from Iowa that my colleague and myself are particularly interested in this bill, and no suggestion has been made to me and I presume none to my colleague that there would be an effort to call up this bill now. For one I am entirely surprised by the motion, and am not prepared to go on with the consideration of the bill to-day, and I have no doubt that my colleague is in the same condition. I hope the matter may go over for the present and that we may arrive at some understanding as to when it shall be called up.

Mr. PLUMB. I have no objection to——

The PRESIDENT *pro tempore*. Is there objection to the Senator from Kansas proceeding? The Chair hears none.

Mr. MILLER, of New York. I had no idea the bill would be called up out of its regular order.

Mr. PLUMB. I have no objection to its going over this morning on the statement of the Senator from New York, but I give notice that to-morrow or next day I shall move to take up this bill immediately after the conclusion of the morning business. I hope that will so far meet the convenience of the two Senators from New York that they will not interpose any objection at that time, and I hope that it will also meet the convenience of the Senate, so that the matter may be disposed of at an early day.

The PRESIDENT *pro tempore*. The Senator from Kansas withdraws his motion. The Chair lays before the Senate the Calendar under Rule VIII.

BRIDGE ACROSS LAKE CHAMPLAIN.

Mr. FRYE. I am obliged to be absent for a week or ten days. There is a bridge bill here for a little bridge up in Vermont, to which there can possibly be no objection. It will not take three minutes to pass it and send it to the House. It is Order of Business 575, Senate bill 1950. I ask unanimous consent to take up that bill.

Mr. CALL. The Senator from Maine will allow me. I have no objection to his request, but I shall ask consent that we take up the Calendar of bills favorably reported by the Committee on Public Buildings and Grounds. There was an understanding yesterday morning that we should proceed to-day to the consideration of those bills.

The PRESIDENT *pro tempore*. The Chair must again state that debate on a motion to take up a bill is not in order. Is there objection to the Senator from Florida proceeding? The Chair hears none.

Mr. CALL. I ask unanimous consent that the Senate take up the bills favorably reported by the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Maine that the Senate proceed to the consideration of the bill (S. 1950) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont, the Senator from Florida asks unanimous consent that the bills providing for the erection of public buildings be proceeded with.

Mr. FRYE. The Senator asked it subject to this bridge bill, after this is over.

The PRESIDENT *pro tempore*. Then, as the Chair understands, the Senator from Florida asks unanimous consent that after the motion of the Senator from Maine is disposed of and the bill referred to by him acted on the Senate consider the public building bills. Is there objection? The Chair hears none, and it is so ordered. The question now is on the motion of the Senator from Maine.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1950) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont.

The bill was reported from the Committee on Commerce with an amendment, in section 2, line 6, after the word "navigation," to insert "of width not less than that of the Samville Valley Extension Railroad Company's draw in their bridge across Missisquoy Bay;" so as to read:

SEC. 2. That the structure authorized by the preceding section shall be built and located under and subject to such regulations, for the security of navigation of such waters, as the Secretary of War shall prescribe, and shall be provided with such suitable and convenient draw as the said Secretary shall deem needful for the proper purposes of navigation of width not less than that of the Samville Valley Extension Railroad Company's draw in their bridge across Missisquoy Bay.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

Mr. ALLISON. I desire to enter a motion to reconsider the vote by which the bill was passed last evening relating to a bridge across the Missouri River. I do that having received a telegram this morning respecting it and after conference with the Senator from Nebraska [Mr. MANDERSON]. I merely desire to enter the motion.

The PRESIDENT *pro tempore*. The Senator from Iowa enters a motion to reconsider the vote by which the Senate passed the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route. The bill has gone to the House of Representatives, the Chair is informed. The motion to reconsider will be entered, and the Senator from Iowa moves that the House of Representatives be requested to return the bill to the Senate.

Mr. ALLISON. I make that motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

PUBLIC BUILDING AT JACKSONVILLE, FLA.

The PRESIDENT *pro tempore*. Pursuant to the unanimous order of the Senate the first public building bill on the Calendar will now be laid before the Senate.

Mr. MAHONE. I move to take up Order of Business 353, being the bill (S. 1405) for the erection of a public building at Jacksonville, Fla.

The PRESIDENT *pro tempore*. The bill named will be regarded as before the Senate under the unanimous consent already agreed to unless there be objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT VICKSBURG, MISS.

Mr. MAHONE. I ask now to take up Order of Business 421, being Senate bill 173.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 173) to provide a building for the use of the United States courts, post-office, custom-office, and internal-revenue office at Vicksburg, Miss.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, after the word "provided," to strike out:

That no money shall be used or applied for the purpose mentioned until a valid title to the land for the site of such building shall be vested in the United States, nor until the State of Mississippi shall also duly release and relinquish to the United States the right to tax or in any way assess said site, and cede jurisdiction thereon, or the property of the United States that may be thereon, during the time that the United States shall be or remain the owners thereof.

And in lieu thereof to insert:

That no part of said sum shall be expended until the plans, specifications, and full estimates for said building shall have been made according to law, and a valid title to the land for the site of said building shall be vested in the United States, and the State of Mississippi shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein: *And provided further*, That the site so purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHATTANOOGA, TENN.

Mr. MAHONE. I ask now for the consideration of Order of Business 443, being Senate bill 1839.

The bill (S. 1839) for the erection of a public building at Chattanooga, Tenn., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OPELOUSAS, LA.

Mr. MAHONE. I now ask to take up Order of Business 444, being Senate bill 634.

The bill (S. 634) for a public building at Opelousas, La., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, which were, in line 13, to strike out "sixty" and insert "fifty;" and in line 14, after the word "completed," to insert "including both the cost of site and building;" so as to read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the city of Opelousas, in the State of Louisiana, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, post-office, internal-revenue office, and for other Government uses; the plans and estimates for said building to be prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, and at a cost which shall not exceed the sum of $50,000 when finally completed, including both the cost of site and building: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected (which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys) shall be vested in the United States, nor until the State of Louisiana shall have ceded jurisdiction over the same for all purposes, during the time the United States shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHERMAN. I suggest that the title be amended, so as to conform to the others. It should be "A bill for the erection of a public building."

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The title will be amended as suggested.

PUBLIC BUILDING AT TROY, N. Y.

Mr. MAHONE. I move to take up Senate bill 1740, being Order of Business 445.

The bill (S. 1740) for the erection of a public building at Troy, N. Y., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11 to strike out "two" and insert "one;" and in line 12, after the word "hundred," to insert "and seventy-five;" so as to read:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $175,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORTLAND, OREG.

Mr. MAHONE. I ask for the consideration of Senate bill 877, being Order of Business 446.

The bill (S. 877) to provide for the construction of a public building at Portland, Oreg., was considered as in Committee of the Whole.

Mr. SAULSBURY. I should like to inquire if we have not already a public building in Portland sufficient for the accommodation of that city. They had some years ago when I was there a public building which I understood had cost several hundred thousand dollars; and it occurs to me that where there is already a public building sufficient to accommodate the people of a city it is extravagance to ask another. I should like to hear the Senator from Oregon on that subject.

Mr. DOLPH. I ask the Secretary to read a communication to myself from the Department.

The PRESIDING OFFICER. The communication from the Treasury Department will be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT, *March* 7, 1884.

SIR: I have the honor to acknowledge receipt of your letter of the 1st instant in regard to constructing a public building at Portland, Oreg., for the accommodation of the offices of the collectors of customs and internal revenue in that city.

On the 18th of August last a special agent of the Department at Portland reported that the post-office in that city, in consequence of the increased business, now required all the space occupied by the customs and internal-revenue offices.

The entire second floor of the old building is occupied by the courts, and the third floor is occupied by the courts and the surveyor-general of the land office.

The Department is now paying rent for appraisers' stores and for accommodations for the appraiser and local inspectors of steam-vessels.

I do not think it would be advisable to extend the present building to provide the additional accommodations required, as it is too remote from the shipping for a custom-house to be located. In my judgment a new building should be erected of stone, if suitable brick can not be obtained in that vicinity at reasonable rates. I think a suitable building with rock-faced stone could be built for about one-half of the amount specified in your bill, say $250,000, including cost of site.

Very respectfully,

M. E. BELL, *Supervising Architect.*

Hon. J. N. DOLPH,
United States Senate, Washington, D. C.

Mr. DOLPH. That communication explains the condition of affairs at Portland. There is a public building there, but it is inadequate for the accommodation of the business of the United States, and the Government is already renting additional accommodations. The public business has so increased that the entire lower floor of the present building, heretofore used for a custom-house, an internal-revenue office, and post-office, will have to be devoted to the post-office. The United States courts occupy the entire second floor, and the upper floor is occupied by the surveyor-general's office. The question has arisen as to whether a wing can be added to the present building, but it is found that it can not be done without destroying its usefulness to a certain extent, cutting off the light, and also destroying the proportions and symmetry of the building, which is now an ornament to the city. And even if the additional accommodations required could be provided by the addition of a wing to the present building, the building is too remote from the shipping business for convenient use as a custom-house, and therefore the erection of a separate building is recommended.

The amount recommended by the Department is only $250,000, one-half the amount mentioned in the bill as introduced by me. The city of Portland is growing very rapidly, has at present a population of from thirty-six to forty thousand inhabitants, and before the next census is taken it will probably have a population over 100,000. The shipping interests there are already great and rapidly growing in importance and the post-office business is rapidly increasing.

In this connection I also ask to have read a memorial from the Board of Trade of Portland, Oreg., which will further explain the necessity for an additional building.

The PRESIDING OFFICER. Does the Senator desire the memorial read?

Mr. DOLPH. Yes, sir.

Mr. SHERMAN. I hope, being a long document, it will not be read.

Mr. DOLPH. I withdraw the request.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 10, after the word "of," to strike out "five" and insert "two," and after the word "hundred," in the same line, to insert "and fifty;" so as to read: "and shall not exceed for the site and building complete the sum of two hundred and fifty thousand dollars."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SACRAMENTO, CAL.

Mr. MAHONE. I ask for the consideration of Senate bill No. 1810, being Order of Business 458.

The bill (S. 1810) for the erection of a public building at Sacramento, Cal., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ASHEVILLE, N. C.

Mr. MAHONE. I ask for the consideration of Order of Business 459, being Senate bill No. 1279.

The bill (S. 1279) to provide for the erection of a public building at Asheville, N. C., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING AT FORTRESS MONROE.

Mr. MAHONE. I ask the Senate now to take up Order of Business 463, being Senate bill No. 1890.

The bill (S. 1890) to provide for the erection of a post-office at Fortress Monroe, Va., was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SARATOGA SPRINGS, N. Y.

Mr. MAHONE. I now ask for the consideration of Senate bill No. 1725, being Order of Business 464.

The bill (S. 1725) for the erection of a public building at Saratoga Springs, N. Y., was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to ask the Senator from New York what is the size of Saratoga, and whether any courts are held there now or not?

Mr. MILLER, of New York. I do not know whether there is any report in connection with this bill. I am not able to state in regard to the United States courts. I know that State courts are held there.

The PRESIDING OFFICER. There is no written report.

Mr. COCKRELL. Is there any court held there?

Mr. MILLER, of New York. There is no regular United States court held there as yet.

Mr. COCKRELL. A good deal of courting, I imagine.

Mr. MILLER, of New York. I suppose it is not necessary for me to describe the city of Saratoga. Of course, nearly all the Senators know as much about as I do.

Mr. COCKRELL. The question is, what is the use of a public building for what is a summer resort principally? There is no Federal court held there, and very little business at all, except during the summer. I confess frankly I do not see any necessity for a public building there.

Mr. MILLER. The bill is a copy of a bill introduced in the other House. The phraseology in regard to courts is undoubtedly unnecessary, but it is necessary to have a public building there for a post-office. Saratoga is not merely a watering-place for the summer, but there is a large permanent city of some ten or twelve thousand inhabitants, quite as large as many of the towns in other parts of the country where public buildings have been erected by the United States. I know of no objection to striking out the word "courts" and making the building simply for post-office purposes.

The PRESIDING OFFICER. There are amendments reported by the Committee on Public Buildings and Grounds, which will be read.

The first amendment reported by the Committee on Public Buildings and Grounds was, in section 1, line 11, after the words "sum of," to strike out "two" and insert "one;" so as to read:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000.

The amendment was agreed to.

The next amendment was, in section 1, line 15, after word "building," to strike out "except an amount sufficient to pay expenses incidental to securing the title;" so as to read:

That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for said building shall be available until a valid title to the site for said building shall be vested in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SPRINGFIELD, OHIO.

Mr. MAHONE. I now ask for the consideration of Senate bill 1716, Order of Business 467.

The bill (S. 1716) to provide for the erection of a public building in the city of Springfield, Ohio, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 17, after the words "one hundred," to strike out "and fifty;" so as to read:

And for the purposes herein mentioned the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DAYTON, OHIO.

Mr. MAHONE. I ask to take up Senate bill 1715, Order of Business 468.

The bill (S. 1715) to provide for the erection of a public building in the city of Dayton, Ohio, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 12, after the words "one hundred," to strike out "and fifty;" so as to read:

The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $100,000.

Mr. SHERMAN. I hope the Senate will not concur in that amendment. I will state Dayton is a city of 50,000 inhabitants, and it is the center of the internal-revenue service, with a very large post-office. It is a large manufacturing town. While I make no objection to such a reduction in regard to Springfield or any of the cities of a similar class, I think the attempt to construct a proper building at Dayton for less than $150,000 would be bad economy. As $150,000 has been appropriated for towns of the same size, I trust that amendment will be waived by the chairman of the committee. That is the only favor I ask about it.

Mr. MAHONE. The matter is for the Senate to decide.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The next amendment was, in line 17, before the word "thousand," to strike out "and fifty;" so as to read:

And for the purposes herein mentioned the sum of $100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The PRESIDING OFFICER. The question is on this amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUILDINGS AT WEST POINT.

Mr. MAXEY. The bills of the Committee on Public Buildings being now disposed of, I ask that Senate bill 2129, Order of Business 588, to provide for the erection of necessary buildings upon the Government reservation at West Point, N. Y., be taken up. It is reported by the Committee on Military Affairs. It is a public building bill.

The PRESIDING OFFICER. The Senator from Texas moves to proceed to the consideration of Senate bill 2129.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2129) to provide for the erection of necessary buildings upon the Government reservation at West Point, N. Y. It appropriates for the erection of a quartermaster's warehouse on the Government reservation at West Point, N. Y., $10,000; for the erection of barracks for the cavalry detachment at the same place, $12,500; and for the erection of a gymnasium at the same place, $15,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

DEPOSITORIES OF PUBLIC DOCUMENTS.

Mr. VAN WYCK. There are three or four bills reported unanimously from the Committee on Commerce for bridges on the Missouri River, about which there is no contest. I am exceedingly anxious they shall be passed, and hope they will be taken up now.

Mr. SHERMAN. I have no objection, except that there is a joint resolution here which ought to be passed in regard to the supply of depositories of public documents. It will take but a moment to read, and I hope the Senate will give it consideration. It is Senate resolution 84, Order of Business 580.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that Senate joint resolution No. 84 be now taken up for consideration. Is there objection? The Chair hears none.

The joint resolution (S. R. 84) providing for the supply of depositories of public documents, with the CONGRESSIONAL RECORD and Statutes at Large, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the Library with an amendment, after the word "charge," in line 17, to strike out the following proviso:

And provided further, That each of said institutions shall notify the public at least once each year, through one or more newspapers printed in the county or Congressional district in which it is located, that it is in receipt of the publications of the Government, to which the citizens thereof may have free access.

And in lieu thereof to insert:

Subject to such reasonable regulations as they may prescribe.

The amendment was agreed to.

Mr. HOAR. I move the following amendment:

The Secretary of the Interior is directed to furnish copies of all public documents to such libraries as have been formerly supplied therewith by the Department of State under the authority of law.

Very early in the history of the Government there were a number of public libraries authorized to be supplied with documents by the Department of State. Among those were the library of the Massachusetts Historical Society and the State library of Massachusetts, and all existing State libraries at that time, and the library of the American Antiquarian Society. Those laws are still in force, but there has been no law directing the Interior Department to perform that duty. Since the duty of delivering public documents generally has been taken from the Department of State, the Secretary of the Interior has always performed that duty and has sent these documents to the libraries indicated. There are some half-dozen of them besides State libraries, and two or three times the question has been raised whether the Interior Department had authority to do it. It was raised early in the administration of General Grant. The Secretary examined it and came to the conclusion that he had the authority. The question was raised again later, but still the librarian feels some doubt. To relieve that doubt I move this amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts. Where shall it come in?

Mr. HOAR. At the end of the resolution.

Mr. SHERMAN. Let it be a separate section.

Mr. HOAR. I will put it in the shape of a separate section.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed,

BRIDGE AT SIBLEY, MO.

Mr. VAN WYCK. I desire the consideration of three bridge bills for the Missouri River, reported unanimously from the Committee on Commerce. There is also a general bridge law for the Missouri and other rivers, which is also reported unanimously from the committee, and I desire that action shall be had also upon that bill, which will probably meet no opposition in the Senate. First, however, I desire the special bills considered.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of Order of Business 364, being the bill (S. 907) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The motion was agreed to.

Mr. VAN WYCK. The House bill is Order of Business 511, which is in the same words. The House bill had better be passed, and the Senate bill postponed.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Nebraska then to desire to consider the House bill instead of the Senate bill.

Mr. VAN WYCK. Yes, sir.

The PRESIDENT *pro tempore*. If there be no objection the Senate bill will be returned to its place on the Calendar, and the Senator from Nebraska moves that the Senate now proceed to the consideration of House bill 2031.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 17, after the word "then," to strike out "one hundred sixty" and insert "three hundred;" so as to read:

And the spans shall not be less than three hundred feet in length in the clear, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge.

The amendment was agreed to.

The next amendment was, in section 3, line 40, after the word "owners," to strike out the word "of" and insert "or of the persons or corporation controlling;" so as to read:

And all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners, or of the persons or corporation controlling such bridge.

The amendment was agreed to.

The next amendment was, in section 3, line 44, after the words "in the," to strike out the word "district" and insert "circuit;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the State of Missouri in which any portion of said obstruction or bridge may be located.

The amendment was agreed to.

The next amendment was, in section 4, line 6, after the word "bridge," to insert "or persons or corporation controlling the same;" so as to read:

And in case the owner or owners of said bridge, or persons or corporation controlling the same, and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CULLOM. Mr. President——

Mr. VAN WYCK. Let me go on.

Mr. CULLOM. I thought the Senator from Nebraska was through.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska desire the Senate bill on the same subject to be postponed indefinitely and taken off the Calendar?

Mr. VAN WYCK. Yes, sir.

The PRESIDENT *pro tempore*. If there be no objection Senate bill 907 will be postponed indefinitely. The Chair hears no objection.

BRIDGE AT WHITE CLOUD, KANS.

Mr. VAN WYCK. I now move to take up Order of Business 461, being Senate bill 1721.

Mr. CULLOM. I think the bill I desire to call up is the next one in order of this class of bills.

Mr. VAN WYCK. There were three special bills for the Missouri River.

The PRESIDENT *pro tempore*. The Senator from Illinois has the floor. Does he yield?

Mr. CULLOM. I yield.

Mr. VAN WYCK. I move then to take up Senate bill 1721.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of Order of Business 461, being the bill (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas.

The motion was agreed to, and the bill was considered as in Committee of the Whole.

The Chief Clerk proceeded to read the amendment reported from the Committee on Commerce, which was to strike out all after the enacting clause and to insert a substitute; but before concluding was interrupted by

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

ORDER OF BUSINESS.

Mr. BLAIR. I ask that the unfinished business be laid aside informally, that the Senate may proceed to the consideration of the labor statistics bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the unfinished business be laid aside informally, and that the Senate proceed to the consideration of the labor statistics bill. Is there objection? The Chair hears none, and that bill is before the Senate.

Mr. HAWLEY. I wish the Senator from New Hampshire would yield to me to have some printing done which the Committee on Foreign Relations is extremely anxious to have.

The Committee on Printing instruct me to report favorably a resolution with an amendment—two resolutions really.

The PRESIDENT *pro tempore*. Pending the labor statistics bill the Senator from Connecticut asks unanimous consent to make a report from the Committee on Printing. Is there objection? The Chair hears none, and the report will be received.

MEAT EXPORTATIONS.

Mr. HAWLEY. The following resolution was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That the report of the Committee on Foreign Relations upon the second branch of the resolution of the Senate, adopted January 22, 1884, in relation to discriminations made by foreign governments against exports from the United States, &c., together with the documents accompanying said report, the same being the tariff laws of the principal countries of Europe and America, be printed, 2,000 copies for the Senate, 3,000 copies for the House of Representatives, 500 copies for the use of the State Department, and 500 copies for the use of the Treasury Department; in all, 6,000 copies.

That is a concurrent resolution directing the printing of this very valuable report. In order to observe technically the rights of the Senate, the committee have divided it into two resolutions, one simply ordering the printing of the report of one of its own committees, which will print the usual number, and then in addition a concurrent resolution which will order in the usual manner an extra number. There are two resolutions.

The PRESIDENT *pro tempore*. The Chair then understands that the Senator from Connecticut desires the resolution just read not to be acted upon.

Mr. HAWLEY. There is an amendment in the nature of two resolutions.

The PRESIDENT *pro tempore*. If there be no objection the Chair will receive the two amendments as separate, independent resolutions. The resolution just read will be indefinitely postponed if there be no objection. The Senator from Connecticut, from the Committee on Printing, reports favorably a resolution, which will be read.

The following resolution was read, considered by unanimous consent, and agreed to:

Resolved, That the report of the Senate Committee on Foreign Relations upon the second branch of the resolution of the Senate, adopted January 22, 1884, in relation to discriminations made by foreign governments against exports from the United States, &c., together with the documents accompanying the said report, be printed.

The following concurrent resolution was read, considered, and agreed to:

Resolved by the Senate of the United States (the House of Representatives concurring), That 6,000 additional copies of the report of the Senate Committee on Foreign Relations upon the second branch of the resolution of the Senate, adopted January 22, 1884, in relation to discriminations made by foreign governments against exports from the United States, &c., together with the accompanying documents, be printed, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the House of Representatives, 500 copies for the use of the State Department, and 500 copies for the use of the Treasury Department.

BRIDGE AT WHITE CLOUD, KANS.

Mr. VAN WYCK. Now I ask general consent that the labor bill be laid aside informally to finish the consideration of the bridge bill which was taken up, and also one or two other bills which will only require reading.

Mr. BLAIR. I have no objection if they do not lead to debate.

Mr. VAN WYCK. If they lead to debate they will not be pressed.

The PRESIDENT *pro tempore*. Pending the consideration of the labor statistics bill, the Senator from Nebraska asks unanimous consent that the bridge bill under consideration at 2 o'clock be resumed. Is there objection? The Chair hears none.

Mr. HOAR. What is the question, Mr. President? I was unable to hear the Chair.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent, pending the consideration of the labor statistics bill, that the bridge bill under consideration at 2 o'clock be resumed. The Chair asked if there were objections.

Mr. HOAR. Does the Chair understand by that that it is to displace the regular order, or is a mere laying aside of it informally?

The PRESIDENT *pro tempore*. Laying aside informally.

Mr. BLAIR. With the understanding that there is to be no debate.

Mr. VAN WYCK. There are two other bills of the same kind to which there is no objection.

The PRESIDENT *pro tempore*. This will be subject to a call for the regular order. The Chair hears no objection. The bill (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas, is before the Senate as in Committee of the Whole, the question being on the amendment reported by the Committee on Commerce as a substitute for the bill.

The Secretary resumed and concluded the reading of the amendment reported by the Committee on Commerce, which was to strike out all after the enacting clause of the bill and to insert:

That the Chicago and Central Kansas Railroad Company, an incorporation organized under the laws of the State of Kansas, is hereby authorized to construct and maintain a bridge across the Missouri River at such point as may be hereafter selected by said corporation, within one mile of the town of White Cloud, in the county of Doniphan and State of Kansas, as shall best promote the public convenience and welfare and the necessities of business and commerce, and also to construct accessory works to secure the best practicable channel way for navigation and confine the flow of the water to a permanent channel at such point; and also to lay on and over said bridge a railway track for the use of any railroads that are or shall be constructed to said river at or opposite said point; and said corporation may construct and maintain ways for wagons, carriages, and for foot-passengers, charging and receiving reasonable toll therefor, as may be approved from time to time by the Secretary of War.

SEC. 2. That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall have three or more channel spans, and shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than three hundred feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot-draw bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the head-room under such span shall not be less than ten feet above local high-water mark: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or said accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the State of Kansas or State of Missouri in which any portion of said obstruction or bridge may be located.

SEC. 4. That the said bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be lawful structures; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

SEC. 5. That the United States shall have the right of way for such postal-telegraph lines across said bridge as the Government may construct or control.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works; and the expense of altering said bridge or removing such obstructions shall be at the expense of the owners of or persons controlling such bridge.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the substitute reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE AT RULO, NEBR.

Mr. VAN WYCK. I now ask for the consideration of Order of Business 554, being the bill (S. 2140) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Rulo, in the county of Richardson, in the State of Nebraska.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HOAR. I understand that all these matters are taken up by unanimous consent.

The PRESIDING OFFICER. The Chair understands that the two bills referred to of the Senator from Massachusetts and the Senator from New Hampshire are being informally laid aside for the purpose of this consideration. Is there objection to the consideration of the bill moved by the Senator from Nebraska?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES IN WASHINGTON TERRITORY.

Mr. VAN WYCK. I now ask that Order of Business 434, being Senate bill 1344, may be considered by unanimous consent, the same as the others.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1344) authorizing the Bellingham Bay Railway and Navigation Company to build certain bridges, wharves, and docks in the Territory of Washington.

Mr. CULLOM. There are amendments to the bill made by the Committee on Commerce.

The PRESIDING OFFICER. The Secretary will report the amendments proposed by the Committee on Commerce.

The first amendment was read, being in section 1, line 8, after the word "the," to insert "Stillaquamish and;" in line 9, after the word "Snohomish" to strike out "River" and insert "Rivers;" after the word "the," in line 17, to strike out "Legislature of the Territory or State wherein the same, or either of the same, are located" and insert "Secretary of War;" and after "to," in line 20, to insert "revise;" so as to read:

That the Bellingham Bay Railway and Navigation Company, a corporation duly authorized under the laws of Washington Territory, its successors or assigns, be, and is hereby, authorized to construct and maintain bridges, and approaches thereto, over the Nooksack River, in the county of Whatcom, the Skagit River, in the county of Skagit, and the Stillaquamish and Snohomish Rivers, in the county of Snohomish, at the points where the said company's lines of railways, as now projected, cross said rivers respectively. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of said company by which the same, or either of the same, may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for reasonable rates of toll, to be fixed by said company; but such rates shall be reasonable rates, and the Secretary of War shall have the right from time to time to revise, prescribe, and fix the same.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "plan," to insert "and location;" in line 10, after "built," to strike out "at or;" in the same line, after "of," to strike out "not less than sixty feet of clear opening" and insert "a width to be fixed by the Secretary of War;" and in line 13, after "commerce," to insert "to be determined by the Secretary of War;" so as to read:

That the plan and location of any bridge the construction of which is hereby authorized shall be subject to the approval of the Secretary of War; and each of the same shall be so located as not materially to obstruct or impair the free navigation of such rivers, respectively, or said canal, and shall be built with the piers parallel to the current, leaving the water way unobstructed by riprap or piling or other obstructions, and shall have at the crossing of the main channel of each of said rivers or said canal (unless the same shall be built above the head of navigation) a draw of a width to be fixed by the Secretary of War, which shall be located at the points best calculated to accommodate commerce, to be determined by the Secretary of War, which draws shall at all times be opened promptly for passing vessels upon reasonable signal, except when railway trains are passing over the same; and at all times during the season of navigation proper signal-lights shall be used and maintained, at the expense of the aforesaid company, its successors, and assigns, to guide vessels approaching said draws.

The amendment was agreed to.

The next amendment was in section 2, line 22, after the word "plan," to insert "location and width of draw;" so as to make the proviso read:

Provided, That the construction of neither of said bridges shall be commenced until the plan, location, and width of draw thereof has been approved by the Secretary of War and the said company has been notified in writing of the same.

The amendment was agreed to.

The next amendment was, in section 3, line 10, after the word "thereof," to insert "or persons controlling and operating the same;" after the word "rivers," in line 12, to insert "and bays;" after the word "bridges," in line 14, to strike out "and also the erections hereinafter mentioned;" and, at the end of the section, to add "and all such structures shall upon such revocation be removed at the expense of the owners thereof or the persons controlling and operating the same;" so as to read:

And the said structures shall be changed, at the cost and expense of the owners thereof or persons controlling and operating the same, from time to time as Congress may direct, so as to preserve the free and convenient navigation of said rivers and bays; and the authority to erect and continue any and all said bridges shall be subject to revocation by law whenever the public good shall, in the judgment of Congress, so require; and all such structures shall, upon such revocation, be removed at the expense of the owners thereof, or the persons controlling and operating the same.

The amendment was agreed to.

The next amendment was to strike out section 4 of the bill, in the following words:

SEC. 4. That said company shall also have all the rights and privileges now or hereafter enjoyed by any other riparian owners in the limits of the Territory of Washington to build, maintain, and operate wharves and docks for the accommodation of commerce in front of lands lawfully occupied by it at and above mean high-water mark upon Bellingham and Elliott Bays, whether such lands are acquired by gift, grant, bargain and sale, or by condemnation proceedings, and to connect its said lines of railway therewith over rights of way (no single right of way to exceed two hundred feet in width) which may pass over lands between high and low tide water mark: *Provided, however*, That no such erections shall be allowed materially to obstruct or impair the free navigation of such waters; and if any of such erections shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of such erection to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners thereof; and the authority to erect and continue any and all of such erections shall be subject to revocation by law whenever the public good shall, in the judgment of Congress, so require.

The amendment was agreed to.

The next amendment was, in section 5, line 5, after the word "the," to strike out "county" and insert "district;" and, in line 9, to strike out "district" and insert "circuit;" so as to read:

That in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said rivers and waters, caused or alleged to be caused by said bridges or other obstructions, the case may be brought in the district court of the district where such obstruction is alleged to exist, unless meanwhile the portion of said Territory where said erection exists shall have been admitted into the Union as a State, in which case the same may be brought in the circuit court of the United States of such State.

The amendment was agreed to.

The next amendment was, in section 6, line 2, after the word "reserved," to strike out the remainder of the section, in the following words:

And this act shall not be construed as limiting in any manner the lawful authority of the State as to any of the erections hereby authorized after the same shall have been admitted into the Union.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. DOLPH, the title was amended so as to read: "A bill authorizing the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington."

BRIDGES ON THE MISSOURI, MISSISSIPPI, AND ILLINOIS RIVERS.

Mr. VAN WYCK. I regret to trespass upon the generosity of the Senators from New Hampshire and Massachusetts, but I ask unanimous consent that Senate bill No. 219 may now be considered. It is a bill for the mass of the people, which my friends of course desire to have passed.

The PRESIDING OFFICER. The Secretary will read the bill by title.

The CHIEF CLERK. "A bill (S. 219) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River, and across the Mississippi River between the port of Saint Paul, in the State of Minnesota, and the port of Natchez, in the State of Mississippi, and across the Illinois River between its mouth and Peoria, in the State of Illinois, and to prescribe the character, location, and dimensions of the same."

Mr. HOAR. The bill was introduced by the Senator from Missouri [Mr. VEST], referred to the Committee on Commerce, and reported by the same Senator from that committee with an entirely new bill as an amendment. I suggest that as the bill is very long the substitute be treated as the original bill. That will save the necessity of reading the old bill through and putting the question on the amendment.

The PRESDING OFFICER. There is a substitute for the original bill reported.

Mr. HOAR. It is reported in the form of an amendment but is in fact a new bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks the consent of the Senate that the substitute reported from the committee shall be read and treated as the original bill. Is there objection? The Chair hears none.

Mr. BLAIR. The substitute is fifteen pages in length. This is really at the expense of the bureau of labor statistics bill. I have now given away three-quarters of an hour. I wish merely to say that I do not propose myself to object to the consideration of this bill, but I shall feel obliged to ask the Senate to complete the bill that I am specially interested in before it closes to-day's session. I desire to get through with that bill to-day.

Mr. HOAR. All these bills are taken up subject to a call for the regular order.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. I do not see that the last section is necessary, which reads:

That this act shall be in force from the date of its passage and approval by the President.

That would be true without the section. I move to strike out the last section of the bill as reported.

The amendment was agreed to.

Mr. INGALLS. In section 20, line 8, after the word "Missouri," I move to insert the words "Atchison and Leavenworth, in the State of Kansas;" so as to read:

By publication in papers having a wide circulation in the cities of Saint Louis, Saint Joseph, and Kansas City, in the State of Missouri; Atchison and Leavenworth, in the State of Kansas, and Omaha, in the State of Nebraska, &c.

The amendment was agreed to.

Mr. ALLISON. I wish to ask the Senator from Missouri in charge of the bill if there is anywhere any power to ascertain whether a bridge constructed as herein provided will be an obstruction to the navigation of these rivers. For example, suppose there exists a bridge on any one of these rivers now and it should happen that the construction of another bridge near to it would interfere with the navigation of the river, is there any power anywhere to say that such bridge should not be constructed or should be constructed at a convenient distance so as not to interfere with navigation?

Mr. VEST. As a matter of course the Secretary of War has ample discretion in that regard. The engineers make their report to the Secretary of War, and he determines.

Mr. INGALLS. The Senator will find a provision on that point in section 20, after line 36:

And if the Secretary of War is satisfied that the provisions of the law have been complied with in regard to plans and location.

Mr. ALLISON. I observed that, but it occurred to me that that might not quite cover the case. This proposed law designates where the location shall be.

Mr. INGALLS. The bill also provides in section 20 "but if it shall appear that conditions prescribed by this act can not be complied with at the location where it is desired to construct the bridge the Secretary of War shall detail a board of experienced officers of the Corps of Engineers to examine the case" and report.

Mr. ALLISON. That escaped my attention.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River, and across the Mississippi River between the port of Saint Paul, in the State of Minnesota, and the port of Natchez, in the State of Mississippi, and across the Illinois River between its mouth and La Salle, in the State of Illinois, and to prescribe the character, location, and dimensions of the same."

VACATION OF AN ALLEY.

Mr. BROWN. With the consent of the Senator from Massachusetts and the Senator from New Hampshire, and without prejudice to the pending measures, I ask leave at this time to report from the Committee on the District of Columbia the bill (H. R. 4994) to vacate an alley in square 234, in the city of Washington, without amendment. I ask the Senate to act on the bill now, and I will state that a similar bill, in fact a copy of this bill, has already passed the Senate. This is a House bill, which has passed the House and come over to the Senate; and it is not very likely that the Senate bill will be acted upon in the House. I ask consent to take up this House bill and put it on its passage, so that the measure may be disposed of.

The PRESIDING OFFICER. The Senator from Georgia asks unanimous consent to proceed at this time to the consideration of the bill just reported by him.

Mr. HOAR. I hope if the Senator from New Hampshire yields to this that after this is through he will take the temperance pledge and not yield to any further temptation. [Laughter.]

The PRESIDING OFFICER. Is there objection to the present consideration of the bill reported by the Senator from Georgia? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

Mr. MAXEY. I ask the Senator from New York to withdraw that a moment if he pleases.

Mr. MILLER, of New York. I will for morning business, but not to take up a bill.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New York withdraw his motion?

Mr. MILLER, of New York. Yes, sir.

Mr. MAXEY. I ask the Senator from Massachusetts and the Senator from New Hampshire to permit me to call up Senate bill No. 1947, and I can state the reason in a moment. It is a bill to establish a boundary line between Texas and the territory of the United States. It has passed the House and is unanimously reported by the Committee on Territories of the Senate, and we want to use the present season for putting this boundary in order. It is Order of Business 465.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the Senate proceed to the consideration of Order of Business 465, being the bill (S. 1947) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas.

Mr. HARRISON. I hope the Senate will not consent to take up that bill for consideration in its present situation.

Mr. HOAR. It requires unanimous consent.

Mr. HARRISON. I must object, and would be glad for permission to state to the Senator from Texas why I object.

Mr. BLAIR. I call for the regular order.

Mr. HARRISON. The House bill on this subject is in the Committee on Territories now.

The PRESIDENT *pro tempore*. The Senator from New Hampshire calls for the regular order, which is the Utah bill.

Mr. BLAIR. That was laid aside informally, and the regular order is the bureau of labor statistics bill.

The PRESIDENT *pro tempore*. The regular order is the Utah bill.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New York.

The question being put, there were on a division—ayes 20, noes 4; no quorum voting.

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 41, nays 9; as follows:

YEAS—41.

Aldrich,	Dolph,	Jackson,	Morrill,
Allison,	Edmunds,	Jonas,	Pugh,
Bayard,	Fair,	Lamar,	Ransom,
Butler,	Farley,	Logan,	Sewell.
Camden,	Frye,	McMillan,	Sherman,
Cameron of Wis.,	Garland,	McPherson,	Vest,
Cockrell,	George,	Manderson,	Walker,
Coke,	Harris,	Miller of Cal.,	Wilson.
Colquitt,	Harrison,	Miller of N. Y.,	
Cullom,	Hawley,	Mitchell,	
Dawes,	Ingalls,	Morgan,	

NAYS—9.

Blair,	Hoar,	Platt,	Van Wyck,
Brown,	Maxey,	Sawyer,	Williams.
Call,			

ABSENT—26.

Anthony,	Groome,	Lapham,	Sabin,
Beck,	Hale,	Mahone,	Saulsbury,
Bowen,	Hampton,	Palmer,	Slater,
Cameron of Pa.,	Hill,	Pendleton,	Vance,
Conger,	Jones of Florida,	Pike,	Voorhees.
Gibson,	Jones of Nevada,	Plumb,	
Gorman,	Kenna,	Riddleberger,	

So the motion was agreed to.

Mr. McMILLAN. Before the order is executed I ask unanimous consent——

The PRESIDENT *pro tempore*. The Chair can not receive any motion while the order of the Senate is being executed.

The Senate proceeded to the consideration of executive business. After two hours and eight minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the act (S. 316) granting a pension to Catharina T. Wunsh.

WITHDRAWAL OF PAPERS.

On motion of Mr. LOGAN, it was

Ordered, That Mrs. O. Burn have leave to withdraw her petition and papers from the files of the Senate.

Mr. HARRISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 21, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

RETURN OF A BILL.

Mr. COX, of New York. Mr. Speaker, I ask unanimous consent to submit the following resolution, asking for the temporary return from the Senate of a bill to correct the number.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House the bill of the House (H. R. 7071) supplementary to an act to provide for the publication of the Tenth Census, approved August 7, 1882, erroneously numbered H. R. 6967 and so transmitted to the Senate on the 19th instant.

Mr. CONVERSE. I object, and demand the regular order of business.

Mr. COX, of New York. It is simply to correct the number of a bill sent to the Senate.

Mr. CONVERSE. I withdraw my objection.

Mr. COX, of New York. I have done this at the request of the Clerk of the House.

The SPEAKER. The Chair hears no objection to the introduction of the resolution, and the question will be on its adoption.

The resolution was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIANA CONTESTED-ELECTION CASE—ENGLISH VS. PEELLE.

Mr. CONVERSE. I call up the contested-election case of William E. English, contestant, *vs.* Stanton J. Peelle, contestee, from the seventh Congressional district of Indiana.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] is entitled to the floor for forty minutes.

Mr. BROWNE, of Indiana. Mr. Speaker, the object of discussion is the ascertainment of the truth. I will make no attempt at rhetoric. I believe, with old Dr. Johnson, true eloquence consists in beating down the arguments of your adversary and putting better ones in their place. I shall not appeal to the House by asserting my sincerity and impartiality, but will content myself by asking it to listen to the arguments I may offer. I remember an attorney for the Government in the United States circuit court in Indiana once closed his argument by appealing to God to attest his sincerity and impartiality, and the judge charged the jury, inasmuch as the Almighty could not be brought into that court as a witness, and as the jury had no evidence of the impartiality and sincerity of the district attorney, that they were at liberty to disregard this statement and determine the case on the testimony of the witnesses. [Laughter.] I commend that to my distinguished colleague from the Fort Wayne district [Mr. LOWRY]. He can make the application.

Now, what is this case? It is assumed by the report of the Committee on Elections that the evidence in the case tends to show a studied, preconcerted plan on the part of the Republican managers in that city to defeat the will of the electors.

Of the fifty-six election precincts in that city all but two were put under the control of Republicans, and there was but one Democratic election inspector in the entire city out of fifty-six, and that was the township trustee, who is inspector in one precinct by virtue of his office, and could not be removed by the Republican officials.

The regular police force, seventy-four in number, are shown to have been entirely Republican, and so of one hundred and fifty extras appointed for the day of the election. Out of two hundred and twenty-four policemen there was not a Democrat. The whole election and police machinery from beginning to end seems to have been controlled by Republicans. These officers in many instances interfered in the election, and challenged and intimidated voters.

I challenge the truthfulness of these charges. They are not supported by the facts in evidence. It is not true that the fact that fifty-four of the fifty-six voting precincts of Indianapolis were presided over by Republican inspectors furnishes the slightest evidence of a fraudulent purpose on the part of Republican managers. The imputation is without a shadow to support it. What? All these precincts put under the control of Republican officials! No, sir. I restate the charge: all the election precincts except two, in pursuance of the plan to defeat the will of the electors, were put under the control of Republican election officers! Is that true? Does not my distinguished friend from the Fort Wayne district know that under the laws of Indiana there is present at every voting precinct a Democratic judge and a Democratic clerk, and when the count begins, a Democratic watcher? Are not the judges, clerks, and watchers officers of the election? Does not their presence insure a fair count? Are they not an ample guard against fraud?

My friend represents not only the Gibraltar of Democracy, the county of Allen, but he represents the Democratic city of Fort Wayne, and I ask him if he does not know it to be true that the board of county commissioners of his county, the tribunal that appoints the election inspectors, appoints in that county of Allen only Democratic inspectors of election. Is it not the uniform rule for election inspectors to be of the politics of the board of commissioners? There is not a Representative from Indiana on this floor that dares to deny it. These inspectors are always of the politics of the board of commissioners to whom the law commits these appointments, and in this election there were appointed a Democratic judge, Democratic clerk, Democratic watchers for each precinct, and Democratic challengers stood at each poll; and this report of the committee now in my hand proceeds to arraign the Republicans of the city of Indianapolis because all the election officers were Republicans and there were seventy-four Republican policemen on duty on the day of election.

How many Republican policemen are in the city of Fort Wayne? And suppose I was to challenge the election of my distinguished colleague, made on the same day, because the police of that city were Democrats, because the inspectors of the several election precincts of that county of Allen—without the vote of which he would not be here as a Representative—were Democrats? What would he think of me if I challenged it upon the broad assertion that because these men belonged to the Democratic party therefore there was a studied plan on the part of the Democrats to defeat the will of the electors of that county? Has it come to this, that we must suspect a man's honesty, his integrity, and his impartiality simply because he does not belong to our political party?

But further—and I must hurry. It is said in this report that there were one hundred and fifty extra policemen, and that all of the county officials and State officials who had been elected by the voluntary suffrages of the people were Republicans, and were all there, congregated in the city of Indianapolis. I challenge the gentleman, I challenge those who may succeed him in this discussion, to point out in all of this evidence the presence at the polls of a single official, State, county, municipal, or Federal, except two policemen, Crane and Gerber, and the captain of the police, Captain Splann. I challenge him and all who accept his view of the question to show the presence of a single one of the one hundred and fifty special policemen at any poll in that city for any purpose whatever on that day. And yet this great county of Marion, that gave a Democratic majority for the State ticket on that day, was, we are to believe, bulldozed and hoodwinked and coerced into the support of Stanton J. Peelle, the Republican candidate for Congress.

Now, Mr. Speaker, having discussed that, I proceed to the discussion of some other questions connected with this case. And first, my colleague says that unless you find that in Marion County there was a mistake in favor of Peelle and against English of 99 votes you must accept the other alternative, and that is that Austin H. Brown is a perjurer. I have practiced law a little in my time, and I have never yet known a lawyer to make such an appeal to a court or jury in support of his witness where that appeal was not necessary in order to fortify the doubtful and unsatisfactory testimony he had given.

But, sir, I accept no such alternative. I make no attack upon Austin H. Brown. But let me show my colleague in just a moment that his assumption is not fortified by logic. Stanton J. Peelle was declared elected by the local officers of election by a majority of 87 votes; so that if the count of Brown is to be accepted as a correct one, English is elected by 12 votes. So in order to defeat the result of this count of Austin H. Brown it is only necessary that we should find that he made a mistake of 12 votes in a total of over 26,000 ballots. But if the mistake in the election returns was 87 instead of 99, then English is not elected. And yet the gentleman asserts, under circumstances that I shall presently refer to, that this recount was absolutely certain, that there could not have been even a mistake of 12 ballots in the confessed count of 26,000 ballots. But even if we should come to the conclusion that Austin H. Brown made a mere mistake of 12 votes in that count we impeach him and find him guilty of willful and corrupt perjury. This logic is most surprising.

Mr. LOWRY. Will the gentleman yield to me for a moment?

Mr. BROWNE, of Indiana. I will yield to my colleague for a question only.

Mr. LOWRY. I only wish to call the attention of my colleague to a serious error into which he himself has fallen. This error of 99 votes was ascertained by a count of simply 7,000 ballots, instead of 26,000, as he asserts; so that the accuracy of his conclusions in respect to this matter may be determined by the fact that he himself has made a mistake of 19,000 in the number of ballots counted.

Mr. BROWNE, of Indiana. I do not so understand it; but I will come to that directly in the course of my remarks, and I will answer my friend. But that statement shows, if my friend will allow me, the absurdity of his assumption that to find against this recount is to attack the character of Austin H. Brown. The recount embraced the whole vote of Marion County, and that was over 26,000.

Now, gentlemen and Representatives, let us look to this count of Austin H. Brown. Let me commend to you as I proceed the language of the report of the committee, which is:

> Your committee are fully aware of the danger attending recounts to set aside official returns. They fully indorse the doctrine that recounts to be of value must be honest, fair, and correct. It must be shown that the ballots were never out of the custody to which the law assigned them, and that they must be free from the imputation that they could have been tampered with by the party claiming under the recount.

I commend that. I agree with it. It states the law and states it fairly. I will discuss this recount with reference to this declaration on the part of the committee. How stands it, then? By the election returns of the sworn officers of the law Peelle has a majority in the county of Marion of 640 votes. Who are these officers of the law? Democrats and Republicans alike. I do not need to introduce witnesses to prove their general character for integrity. The inspectors of election are appointed by the board of county commissioners and the judges, the Democratic judges in every voting precinct designated by the Democratic central committee of the county, the Democratic clerks chosen in the same way, and these men having that matter in charge, that count being their sworn duty, report as officers of the law this 640 majority for Peelle.

Now, let me stop and ask you here, is that to be overturned by some officious intermeddler who takes charge of these ballots and assumes to count them under the employment of the party in interest? I do not

care how reputable Austin H. Brown may be. I put the question to my colleague [Mr. LOWRY] as a lawyer. Is this unofficial, unsworn, uncorroborated recount of Austin H. Brown to overturn the official count of an election board under the law and made up from each of the political parties?

Mr. LOWRY. Does my friend desire a reply?

The SPEAKER *pro tempore* (Mr. TOWNSHEND in the chair). Does the gentleman from Indiana yield?

Mr. BROWNE, of Indiana. I do not.

Mr. LOWRY. I understood my friend to ask me a question.

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. BROWNE, of Indiana. I have put an interrogatory to my friend, and when he talks another hour and a half he may be able to answer me.

I make this inquiry in the first place tested by this rule laid down by the committee itself. Was this recount honest? I am not attacking Austin H. Brown; I am attacking the recount. Was it honest? Let us see. How did Brown happen to make this recount? He was employed, as he says, by the father of the contestant to count—what? To count the number of the "spring-back" tickets that were cast in the county of Marion; as if he did not know that all of the Republican votes, 15,000 and more, were of that kind of tickets. Well, if he was employed for that purpose, how did he happen to make the other count? He says he did that voluntarily; and he emphasized the statement by the declaration that for this labor of love, this recount of the ballots, he did not get a nickel. How did he commence it? Clandestinely, secretly. He did not disclose his purpose to a single living human being.

He did not tell Adams and Byram, who were assisting in the recount of the vote for sheriff. Oh, no. He did not tell them a word. And that was honest—an honest recount! He sits down to make it in the presence of two other gentlemen charged with the same duty as himself; and until nine wards, twenty-one voting precincts, had been recounted by Brown nobody knew that he was engaged in that business. The discovery, then, was accidental. That was honest! Now, let me ask how does he proceed? This is to be an honest recount! The electors of Marion County are not to be cheated! Oh, no; it is not the purpose to cheat them! It is simply with a view of ascertaining the honest truth. That is all. Oh, how honest! He sits down there as the partisan of the contestant by the side of two gentlemen equally honest and equally capable with himself, and goes to work and makes this count without asking their assistance; and he brings it into the Congress of the United States and asks you to write upon its front "honest." It may be as politics go.

Mr. RICE. I desire to ask the gentleman from Indiana one question.

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. RICE. Was this recount which was made a recount of the votes of more than one of the three counties which compose this district?

Mr. BROWNE, of Indiana. It was a recount of the votes of but one of the three counties. I think if my friends will allow me, and do not interrupt me, I will reach all the material points of the case before I conclude. Yes, sir; this fair, honest, and correct recount was confined to one county; the other two were Democratic.

Now I want to know if this was a fair recount. If it was I will be glad if my friends will inform me why it was that the result was kept—except as it was communicated to the contestant or his father or their friends—kept concealed in the brain or the breast of Austin H. Brown until the day when he came on the witness-stand and testified ten months after this recount. Ten months! Is it because by this concealment the possibility of an official recount of these ballots was passed. Was it because under the law of Indiana these ballots are required to be sealed up only for six months and are no longer officially kept after that time? Was it for that reason that Peelle and the electors of the county of Marion were not informed of this mistake for ten months after the mistake itself was discovered?

And that was honest, that was fair, that was done with no intention of cheating the electors of the county of Marion out of this election. Was it a correct recount, let me ask you, Representatives? There were 26,000 votes and more recounted. How were they recounted? These other men were engaged in recounting the ballots cast for the office of sheriff of that county. And this recount by Brown, if made by him, was but a side recount, in the midst of the confusion attendant upon the other. Now let me ask you if you believe that under the circumstances a correct recount of these 26,000 votes was possible? That is the question. Could it, in the nature of things, be possible?

But let us look a little further. Mr. Brown made this recount. How did he make it? Did he keep a memorandum of the total number of votes cast for each of these parties? No. Did he keep the total vote of any ward or precinct? No. I wish gentlemen would tell me how he did make it. He seems in some way or other to have taken up, in the wards or voting precincts, the majorities which had been declared by the board of canvassers, and then sought to find out that the majorities as ascertained and certified by them were incorrect. But where are his figures? Has he allowed any one to see them or test their accuracy? No. What more about the certainty of this recount? Brown says that he kept a memorandum of it. Where is that memorandum? Why, he threw it in his desk as a thing of no consequence. And yet he anticipated this contest He does not produce it; does not attempt to produce it. He does not bring the memorandum of this recount into the presence of the officers by whom he is examined as a witness. He does not furnish it to you. It is submitted to no expert. These additions, divisions, subtractions, whatever they may have been, have never been tested by any living human being in the universe except Austin H. Brown himself. It seems to be in his case a matter of "addition, division, and silence;" that seems to be the characteristic of this whole recount.

If this was to have been an honest count, a fair count, such a count as upon which the Congress of the United States would be called upon to unseat the Representative declared to be elected by the officers of the law, why did not Brown lay down that paper at the end of the count, and say "See here, Byram, see here, Adams, these are the figures, and I have found that there is a mistake, and according to these figures Peelle is not elected but English should have the seat." Did he do that? No; he skulked off, concealed the fact from every one but English and his father until he is called upon to swear in this case.

Mr. WARD. Will my colleague permit me a moment?

Mr. BROWNE, of Indiana. Certainly.

Mr. WARD. My colleague is well acquainted with Austin H. Brown?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. WARD. From your knowledge of him and of his character, do you believe that he is capable of swearing to an untruth?

Mr. BROWNE, of Indiana. I believe that Austin H. Brown is as capable as any other man in the universe of God of making a mistake; that is what I believe about it. He is a man; his testimony is to be tried by the same rule with which we try the testimony of other men. He has the weaknesses, the infirmities, and the prejudices incident to human nature. He has his prejudices and feelings in this case. While I would not say that he would swear falsely and corruptly, I do say that he went into this case with the hope that he might reach this result. And it is very easy for a man to reach a result when he starts out to find it. I am saying that this recount was not certain; I am saying that it was not honest; I am saying that it was not fair. That is what I say about it, and I have tried to give the reasons why I think so. And I say, moreover, that to allow such a recount to overturn the official action of the canvassers would be monstrous. I think I am not misunderstood.

Now let me state another fact. When Byram found that this recount was being made by Brown, he himself undertook to make a recount, and he and Brown occasionally conferred together during the time they were making it, and they differed and had controversies about it. Byram upon counting fifty-nine out of the eighty voting precincts found according to his calculation that Peelle gained 127 on his vote as returned.

I would be ashamed of myself if upon such a recount, had the controversy been between Peelle out and English in, I should bring a case upon that evidence into your presence and ask that the one might be turned out in order that the other might take his place. What does this show? It shows the infirmity of this count; that is what it shows. This evidence goes further, it is equal in quality to Brown's evidence; it confronts and contradicts it. Whose count shall we take?

But there is more than that about it. It is a little singular, let me say, that in this case the majority of the Committee on Elections give the maximum vote everywhere that is to be counted for English, and give the synopsis of the testimony of every witness who suits them and exclude all reference to such testimony as seems to militate against the conclusion to which they have arrived. Testimony favorable to Peelle is ignored with seeming deliberation.

Let me give you a conspicuous illustration right here. At the close of this recount, when it was ascertained that the Republican sheriff had been elected by a larger majority even than that which was declared by the official board, in conversation on the subject of the Peelle and English controversy, Austin H. Brown said to N. S. Byram, to Harry Adams, and to Roscoe O. Hawkins that he believed that a recount of the ballots cast for Congressman would be against English; that English would lose more than he would make by it, and that he would so say. Now let me ask my friends, let me ask any gentleman who is acquainted with Mr. Byram, what is his character? He is not a politician, although he is a Republican. He is at the head of one of the largest wholesale houses in the city of Indianapolis. He is a scrupulously honest man. He is above reproach.

Harry Adams is a Republican not unknown—a politician who has held offices of trust and profit by the generous support of an intelligent constituency. No man dare attack his capacity or integrity. Roscoe Hawkins is an attorney of intelligence and respectability, of high moral and social standing in the city of Indianapolis. I put these men against Austin H. Brown and challenge the comparison. And yet the committee make no allusion whatever to this most important testimony. Is such a recount made under such circumstances and attacked in this way to unseat a Representative who occupies a position on this floor? Make that precedent if you like. It will "come home to roost," as

all bad precedents do. It will plague you gentlemen in the days to come, take my word for it.

But more than that, it is a somewhat surprising circumstance that while Austin H. Brown was in no manner attacked except by this contradiction of Hawkins and Byram and Adams, the contestant found it necessary to call supporting evidence—not because the evidence was to amount to much, but in order to make figure conspicuously in this case the name of our distinguished fellow-citizen whom I, in common with yourselves, admire—Joseph E. McDonald—not that you might be influenced by what he says, but that you might in some manner be affected by his partisan standing or by the greatness of his name. That is the happy compliment this committee and this contestant pay to your intelligence and independence as representatives of the people.

I come to this "illegal" ticket. I want to talk about it. How are you to try the question of its legality? By the statutes of Indiana? What does the statute require?

All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three inches, without—

What?

without any distinguishing marks or other embellishments.

Now, are you to try the legality of this ticket by the statute or by a comparison with the Democratic ticket? Gentlemen do not complain that this ticket does not comply with the statute; that it is not such a ticket as the statute requires, but the complaint is that it is not like the Democratic ticket. Here is one of those tickets. [Holding one up.] Is it "plain white paper?" That is not controverted. Is it "of a uniform width of three inches?" That is not controverted. Has it "any distinguishing mark or other embellishment"? What is a "distinguishing mark" or "embellishment?" What has our supreme court decided in reference to this question? That anything may be on the face of the ticket—the words "Republican State ticket," or a flag, or any other device that you may choose—that a "distinguishing mark" means some mark or embellishment to be put on the outside of the ticket. That is what the supreme court has decided. Has this ticket any "distinguishing mark" or "embellishment?" "Yes," say my friends on the other side, "the thickness of the paper is an embellishment." Well, will you tell me just how thick the paper must be in order not to be an embellishment? You say just as thin as the Democratic ticket; if it is any thicker it is an embellishment. Well, it would be a little difficult to determine beforehand just how thick the Democratic ticket was going to be, and we are constantly in danger of getting the Republican ticket either too thin or too thick. [Laughter.]

I suppose if this ticket was thinner than it is by a hair's breadth or two, then its thickness would not be a distinguishing mark. This committee has gravely decided that thickness is a distinguishing mark but thinness is not.

Our supeme court says that the distinguishing mark must be on the outside of the ticket, and certainly thickness is not on the outside. I will tell you what is the matter with this ticket. Too many tickets of this kind got into the boxes, with honest voters behind them, to suit the purpose of the contestant in this case. That is the trouble. I had trouble of that kind in my State once. I was cheated out of a high office once by a distinguished Democrat because his friends got more ballots into the boxes than my friends did. I complained, not of the thickness of his ticket, but of the thinness of mine. That is the trouble here. English's ticket was too thin; the Peelle tickets were too thick—in the ballot-boxes. The English party—no, not his party, because his party carried that district by about 1,000 majority notwithstanding the "bulldozing" of all these Republican police; but his friends were too thin in number. He believes they are thicker here than they were in the seventh Congressional district; and he proposes to transfer the polls from the seventh district and the city of Indianapolis to the House of Representatives. That is what he is asking to do. He expects you to vote the electors of the seventh district down.

Now, I show these tickets right before you. [Holding up the tickets.] Here is a spring-back ticket and here a piece of common scratch paper. I do not want to deceive anybody. Here they are. How easily you gentlemen standing over there could tell when I voted this ticket or this, whether I voted for one candidate or the other, could you not? You see when folded they are exactly alike. The complaint is that as men tried to go up and vote a secret ballot, persons who were for aught I know rods distant could tell that this was the Republican ticket. You know this could not be done. And yet the committee proposes to throw out 400 or 500 of these votes because somebody by looking at the outside of them could tell that the name of Peelle was on the inside. Wonderful sagacity! One point further. The bar and bench of Indiana will be paralyzed when they find that this committee very gravely says:

The constitution of Indiana provides that all elections by the people shall be by ballot.

And the committee thereupon proceed to say that this means secret ballot. Now, what is the meaning of "ballot?" I have been running down the derivation of the word. It means ticket. Originally, when people could not read or write, they determined their choice in elections by depositing a ball of a particular color, white or black or red, and I suppose these balls had to be of uniform thickness in order to be legal. If they had been a little too big the election would have been declared off. When we got so we could read and write, and the Republican party came on contemporaneously with that condition of things [laughter], the people transformed ball into ballot, and said hereafter elections may be by ballot, and ballot now means ticket and nothing else. Yet the constitution of my State says this committee say ballot means there shall be a secret ballot. Have I not a right to go to the polls with one of these tickets and say, here is my ticket, it is a straight Democratic or Republican ticket, with the name of COX, of New York, on it for Congress——

Mr. COX, of New York. And a very good ticket, too. [Laughter.]

Mr. BROWNE, of Indiana. I wish to vote, I deposit it open. Is not that a ballot? Is not that a ticket? Is not the board bound to take it, under the constitution of my State, and count it? And this would not be a secret ballot. Yet this committee very sagely concludes that this constitution when it says ballot means secret ballot. I think some lawyer's apprentice got up that idea. I do not for one moment attribute it to the distinguished gentleman who made this report. Whether the ballot shall be secret or not is at the option of the voter. It is his business alone.

But let me pass on. Let me say this case commenced with challenging the right of Stanton J. Peelle to a seat on this floor predicated purely on the ground of the irregularity of this ticket, and all these other matters were side shows. And if you will read the testimony you will find what I say about that is true. They were all discovered after this case reached the city of Washington.

What next? Who was the author of this iniquitous scheme of scullduggery on the part of the Republican party?

The committee say:

One Republican manager who was instrumental in getting up these tickets stated that they were gotten up as "a scheme to beat the Democrats."

They say it was gotten up as a scheme to defeat the Democrats. Take this book of testimony. Take the testimony of Ross Clark, which will be found on page 68 of the record, and take the testimony of Otto Hasselman, at page 437. Read this evidence. You will find that Hasselman and Clark were challengers of their respective parties at the polls, and they got to higgling one another at the polls about this ticket. Hasselman, in response to some gibe of Clark, said: "Yes; anything to beat the Democrats." He said it laughingly and jokingly, and yet this committee gravely incorporated this into their report for the purpose of influencing the judgment and consideration of the American Congress. What a mountain, and how small the mouse!

What is the next? "That one prominent Republican admitted on the day of the election that these tickets were fraudulent and were gotten up for a fraudulent purpose." Reference is made here to the testimony of my distinguished friend, William Pinkney Fishback, a prominent Republican. Why, gentlemen, he is a Republican in everything but his politics; that is a little out of line.

The SPEAKER *pro tempore*. The time of the gentleman from Indiana has expired.

Mr. CALKINS. I trust my colleague will be permitted to proceed until he concludes his argument.

Mr. BROWNE, of Indiana. It was understood yesterday that in addition to the forty minutes given to me by the gentleman from Tennessee [Mr. PETTIBONE] I should have twenty minutes.

Mr. PEELLE. I will take the floor in my own right and yield twenty minutes of my hour to my colleague.

Mr. BROWNE, of Indiana. Mr. Speaker, I must pass hurriedly over this point. I wish you would refer to the testimony of William Pinkney Fishback, which is to be found here in the record. Gentlemen, give me your attention while I read what this prominent Republican admitted. Here is the question: "Well, did you not have some compunctions of conscience as a lawyer when you voted that ticket on that material?" Now, that was a lucid and strictly legal question. He answers: "I have not changed my opinion about that ticket which I expressed to Senator McDonald." I remember the fellow in the story-book who asked Sandy about the state of religion in his town. He said it was very bad, very bad. There were no Christians in it except Davis and himself, and he had some doubts about Davis. [Laughter.] My friend William Pinkney Fishback thinks there are but two honest men in Indianapolis politics, himself and McDonald, and he has some doubts about McDonald. [Renewed laughter.]

What does he say? What was that opinion which he expressed to McDonald? He says it was not when he voted but before he voted. He voted this fraudulent ticket; that is, he voted a part of it and he scratched a part of it. He said when he voted it that it was a fraudulent ticket and probably designed for a fraudulent purpose. Yet he did vote that ticket after he had expressed that opinion. When, according to the language of the committee, he had voted that ticket he had done what? Why, he had admitted that it was fraudulent and gotten up for a fraudulent purpose. I submit the question to any lawyer in this House, was the question or answer legal? Would it have been admitted in any court in the trial of any case? I put the question to you that instead of this being an admission it was simply the expression of

opinion of a gentleman whose particular prominence in the Republican party of late is made manifest by writing political disquisitions through the Democratic press against the dogmas and doctrines of his party. But I will give Mr. Fishback's statement on this point entire, so the House may judge whether it can be tortured into the meaning the committee give it. It is as follows:

Q. I believe you are a Republican?
A. Yes, sir. I do not know whether I am in good standing or not. I have always voted the Republican ticket.
Q. You voted one of these tickets that day, did you?
(Objected to as incompetent and immaterial.)
A. Not entirely. I voted one of that kind of tickets.
Q. Did you have some compunctions of conscience as a lawyer when you voted a ticket on that material?
A. I had not changed my opinion about the ticket which I had expressed to Senator McDonald.
Q. What was that opinion that you expressed? [Objected to as incompetent.] What did you say when you voted?
A. I said before I voted, when I saw it, that it was a fraudulent ticket, and it was probably designed for fraudulent purposes. I think I said that in the presence of Senator McDonald and Judge Gresham.

On cross-examination he said:

Q. Do you know of anybody that was deceived or misled in voting at that election in consequence of the Republican ticket being on the material it was?
A. No, sir.
Q. Do you know of anybody that would have voted differently if that Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?
A. No, sir.
Q. Did you know anybody personally or by hearsay that voted two tickets of that Republican ticket?
A. No, sir.

This falls far short of supporting the assertion of the committee. With any statement of fact made by Mr. Fishback I will have no controversy, for he is a gentleman of intelligence and of integrity; but I protest against the accuracy of his unsupported conclusions in this case. What next? Why, there is the charge of coercion practiced on the paupers. Let me give you this charge in the pathetic language of the committee:

Also 51 unfortunate paupers from the county poor-house were carried down by the Republican officers of the institution and compelled to vote this "spring-back" ticket, two-thirds of whom were proven to be Democrats.

On this point there is but a single witness, Hiram W. Miller, trustee for the township of Wayne. The committee claim that 34 votes given by the inmates of the infirmary for Peelle should be counted for English; that is, these votes should be taken from Peelle and added to the votes of English, making a difference of 68 votes in the count in favor of English. Why is this claimed? First, because all these unfortunates voted the "spring-back" tickets, and therefore for Peelle, the committee assume that evidence that one voted this ticket is conclusive that the vote was for Peelle, that it could not be otherwise.

It seems never to have entered into the comprehension of the distinguished gentleman who wrote the report of the majority that a man might possibly, under some conditions and circumstances, have voted the "spring-back" ticket and yet not have voted for Stanton J. Peelle. But because a man stood off and says that he saw the "spring-back" tickets—and I have just demonstrated to you how difficult it was to discriminate between the two tickets when they were folded alike—because he said he stood off some distance from the poll, but was able in some mysterious manner to count 50 of these "spring-back" tickets (the committee say 51), yet because of that fact the tickets were improperly cast for Peelle. Why, if these voters were Democrats it is assumed they should be counted for English, whether they voted for him or not. Gentlemen do not seem to conceive it possible that a Democrat could have voted for Peelle unless he was coerced.

How do you ascertain that these were Democratic voters or that these parties would have voted the Democratic ticket? How is it ascertained from the testimony—and I ask your attention to it—that these men were Democrats? Because Mr. Miller says in 1877 and in 1879 he was a Democratic candidate for trustee in that township, and he believed that two-thirds of the then residents in the poor asylum voted for him. That ought to be conclusive. Well, the committee concluded that because three years before two-thirds of the people then on the poor-farm voted for the Democratic trustee, therefore two-thirds of the men who three years afterward were on that farm were Democrats, and would have voted for English! Now, I do not overdraw the picture. I say that is the testimony in regard to this point, and any gentleman who will take the trouble to look into it will see that I have stated it correctly.

I now proceed to speak of the jail vote, of which the committee speaks as follows:

Again, the partisan officers and friends of contestee voted a number of prisoners from the county jail, some 34 or more. These creatures with "spring-back" tickets placed in their hands were marched by their custodians to the chute and driven to the polls like cattle and compelled to vote for contestee. It appears that as a reward therefor some were at once discharged without any trial or investigation of the alleged offenses.

I deny that the evidence shows 34 voters or any number of voters were driven like cattle or driven in any way to the polls and compelled to vote for Peelle. I solemnly declare that there is no legal evidence that any one from the county jail cast his ballot for Peelle on that election day. The contestant mainly relies on the evidence of John W. Fultz, and here it is:

Q. Do you know of any voters who would have voted the Democratic ticket, including William E. English for Congress, and who voted the Republican ticket, or else did not vote at all because of the Republican ticket being printed on material which distinguished it, and thus affected the secrecy of the ballot.
(Objected to as going back to the direct examination.)
A. I know of three men; one of them lives in the first precinct, and he voted the Republican ticket against his will, never having voted it before in his life, and when he acknowledged the fact to me he was crying. I know another one that was compelled to vote the Republican ticket. I don't know that he was compelled, but he was coerced and persuaded, and he never voted the Republican ticket in his life before, and I have since been informed that he laid and cried all night about it. And I know of another one that tried to vote the Democratic ticket; he had been arrested for some offense, and he was let out of jail as a "trusty." He lived in the second precinct of the twenty-fifth ward, and he tendered his vote and his vote was refused, and they came down to me in the third precinct to come up in the second and see what the trouble was and see if I could not assist him to get his vote in. He was a young man that I had known for some time, and he had worked with me in the shop where I was employed, and they challenged his vote, and I asked them on what grounds, and they called my attention to a clause in the election laws where a person serving a sentence for a misdemeanor or crime was not entitled to vote, and they refused to receive his vote. These other men I spoke of, they had also been prisoners in jail, and they were not let out as "trusties;" they were let out for the purpose of voting the Republican ticket, and gained their freedom by so doing. That they acknowledged.
Q. Do you know of anybody else that would have voted and did not on account of the character of the ticket?
A. I know others that claimed they were let out of prison to vote the Republican ticket to gain their freedom.
Q. My question was, whether you knew of anybody else that was prevented from voting on account of the character of the ticket?
A. There was one man that I saw, but I can not tell you his name now, in the third precinct of the twenty-fifth ward. I can state the circumstances, but I can not give the man's name. If that will answer the purpose I will answer your question.
Q. I did not ask you for the names. The question was whether you knew of any other person, whether you knew their names or not, that were prevented from voting by the use of that heavy ticket that you have described?
A. I did at one time have a list of 26 or 28 names, I believe, who were coerced into voting the Republican ticket that never had voted it before—let out of prison for that purpose—but who they are now I can not tell you. I know the names of two of them, probably three.
Q. What are their names?
A. One is named Edward Tettenbrock and one is named John Condon. I could give the names of two others, but I promised them I would not use their names at the time they told me this. They wanted me to suppress their names, and gave as a reason that the police would run them in on some future occasion, every time they got a chance, if they did it. If you want to know the circumstances of this other man voting I can tell you the circumstances. I know he did not vote his sentiments. I am satisfied about that.
Q. State the circumstances.
A. They are simply these: There was a man came up into the chute in the third precinct of the twenty-fifth ward, and he had a Democratic ticket in his hand, and was going to vote it, and a Republican policeman was standing there challenging, and he caught him by the shoulder, and he says, "Come here a minute; I want to see you." I was satisfied that when he called him out he was going to try to coerce and bulldoze the man into voting the Republican ticket, and he took him around the corner, and was speaking to him, and I tried to get close enough to hear what he was saying; but when he saw me approaching he took him on the other side of the street. The man was a Democrat, and never voted anything else but the Democratic ticket, and when he came back again he had a Republican ticket in his hand. I could tell by the difference in the paper, and he pulled his hat down over his eyes, and was going up to the chute, and I said to him, "I would like to see you a moment," and he would not pay any attention to me, but walked right up and voted his Republican ticket.

There it is, gentlemen. You have the statement now from which the committee draw the conclusion that Peelle got 28 of the jail vote.

Now, Fultz gives the names of two of them, but he promised, out of tender consideration, it seems, two others that their names should be suppressed, and the committee did not get their names. These men, he says, did not vote their sentiments, and how does he know it? Because, he says, they told him so! And this hearsay is paraded here as legal evidence? What a compliment to our legal knowledge?

Well, they certainly knew better than he did. Why did not English call them? Why not take their testimony as to the fact? They were not called, not a single one of them; and yet the committee take 28 votes away on that account, because Fultz claims that these unnamed vagabonds told him they were coerced into voting the Republican ticket, were let out of prison for that purpose. And he gives the names of two of these fellows—Tettenbrock and John Condon—who came there with Republican tickets in their hands, and the Republican tickets were taken away from them and Democratic tickets put into their hands, and they were marched up the chute to vote, and were challenged and not permitted to vote at all, and yet we are to believe that they were so confoundedly bulldozed by Republicans that right in the presence of the bulldozers the Republican tickets were taken out of their hands by Democrats and Democratic tickets substituted for them.

On this evidence the committee count 34 for English. But here the committee say these people were compelled to vote the Republican ticket; that they were driven to the polls like cattle. Who testifies to a single legal fact showing that any man of them had been in that county jail? Not one. If there is one, name the witness. The gentleman representing the Fort Wayne district says that they did not introduce the jail officials as witnesses; and why? Why because they were Republicans; and it is the inference that because they were Republicans they would not swear to the truth on an occasion of this kind, and the other side would not dare to introduce them. This is the first time in the course of my experience that I ever heard a lawyer insist

that a fact should be considered as proved because it was not disproved by the other side. I have myself practiced law at some periods of my life before justices of the peace, yet in the heyday of my youth, when I was not particularly scrupulous, I would not have insisted before any justice of the peace upon such a principle of law as that.

But I must hasten on. I wish to read a part of the testimony of Timothy Griffin, found on page 130 of the record. He says:

A. Well, there was a party of five brought down from the jail by an assistant from the jail that would have voted the Democratic ticket only from that ticket, and they run them right up to the chute, and you could not get to talk to them, and they had that ticket in their hands, every one of them.
Q. Did they vote?
A. Yes, sir. They had a right to vote there. They were citizens, and they had a right to vote there; and they voted that stiff ticket, because there was a man from the jail followed them right up in the chute.
Q. What are the names of the party you speak of?
A. Patsey McMahan, Patsey Devlin, and Monk Lybrand, I think they call him.
Q. They lived in that ward, did they, all of them?
A. Yes, sir. They all voted down there, and they lived there.

This is all the evidence worth considering in regard to the jail vote. It proves nothing, absolutely nothing. Again, I say, none of these jail voters have testified; but five names are given. And yet is it not a little remarkable that neither Tettenbrock, nor Condon, nor McMahan, nor Devlin, nor Lybrand, all these men who lived in that ward, were brought there, not one of them, to testify in regard to this case? The failure on the part of English to produce these witnesses is a confession that they would not support his case, and that this charge that jail voters were "driven to the polls like cattle" is without a shadow of evidence.

Now I would like to talk of the 100 fraudulent votes in the second precinct of the seventeenth ward if I had time. This precinct was a Democratic precinct. Nobody controverts that. And there was a large amount of bulldozing, it is said, in a Democratic precinct. McDonald was bulldozed and Hendricks and all the conspicuous men of the Democratic party who visited that precinct were bulldozed. Why, sir, was there any riot there? No man pretends that the peace was disturbed in that whole city on the day of the election in 1882. Was there at this voting precinct club, bludgeon, or bowie-knife or any other weapon in the hands of any person? Were any exhibited with the view of deterring any one from voting? Not one. Was there violence employed upon a single man? There was no violence whatever. Was there any arrest by the police? None. It is not contended there was.

Why, Captain Splann testifies that the police were particularly instructed to take no part in the election except to exercise their rights as American citizens by depositing the ballots of their choice. There was no riot, there were no bludgeons, there were no intimidations, there were no arrests; and yet 100 votes in a Democratic ward were excluded! Who were they? I asked the distinguished gentleman who opened this debate to name one. Who were they? Name one. If they were entitled to vote these one hundred men were residents of that second precinct in the seventeenth ward, a small area of the city of Indianapolis. If they were entitled to vote they lived there. If they lived there and were entitled to vote, could not some one of this immortal hundred that had the Republican police to the right of them, to the left of them, to the front of them, and to the rear of them—could not some one have been brought out of that little ward, out of that voting precinct in that ward in the city of Indianapolis, to testify of the terrors that had been brought to bear upon him by Republicans to prevent him from exercising the right of suffrage?

No witness was produced who even intimated that he had been denied his vote. This whole statement is upheld by bold and unsupported assertion, and in no other way.

Why, sir, in this ward the vote was 670 on that day. The population was 2,135. The votes polled there were equal to one vote for every three and one-fifth of the population. In the second voting precinct of the seventeenth ward the vote on that day was 308, and had never gone above 309 at any previous election. And yet there were 100 voters who were prevented from voting. I say there were 100 because this committee say there were 100; and this committee can not make a mistake. It is as certain on its recount as Austin H. Brown was on his, when he recounted the 26,000 votes. One-fourth of the whole voting precinct coerced and bulldozed out of their votes! Who believes it? Such evidence would never be offered except in an election case and in a tribunal supposed to be partisan.

The committee makes merely a general statement of these rejected votes. Ex-Senator McDonald is spoken of. He went there and found a German who was attempting to vote and he thinks did not get to vote. He does not know the German's name. He knows nothing about him except that one Schoettle was trying to swear him in. Let me state right here in this connection, and I will be as brief as I can, for my time is about out, that under the law of Indiana a male 21 years of age, a citizen of the United States, or who has declared his intention to become a citizen, who has resided twelve months in the United States and six months in the State, is a legal voter. If his vote is challenged the law permits him to swear by affidavit that he is a legal voter, giving his qualification, and if that is corroborated by the affidavit of a voter who has resided and owned real estate in that voting precinct for a year before the ballot is offered, it is made the duty of the inspector of election to receive that ballot. But, mind you, both affidavits must show that the person tendering the ballot possesses the necessary qualifications. It must be shown further to the satisfaction of the election board that the person filing the supporting affidavit possesses the legal qualifications.

Now, gentlemen, let me ask you to give the name of any man attempting to swear in these votes that you have shown by any kind of legal evidence possessed the qualifications of a freeholder and a voter in that precinct. Name him. Show the proof. Oh, you name Schoettle and Wahle—Schoettle, who kept a saloon across the way and proposed to swear in votes that day by wholesale; and Wahle, who was so intoxicated that the judges of election did not believe he ought to be permitted to swear anything, because he was not in a condition to know what he was doing. You do not show or attempt to show that either of these men was qualified under the statute to make these affidavits. Is it possible that there were 100 Democratic voters in that precinct dependent upon the affidavits of Wahle and Schoettle?

But another thing. Let me ask you if these votes are to be counted for a man for whom they were never cast? Why did you not bring the affidavit of Wahle or Schoettle, or some one of these hundred or less number of voters who made them?

Where are the affidavits? You do not produce one here. You do not bring one before the notary that took this evidence—not one. Why did you not bring up these men, if, as I said in the other case, they are legal voters in the second precinct of the seventeenth ward of Indianapolis? Why did you not bring some one of them before the notary who took the testimony in this case and let him disclose his name, his residence, and his qualifications as a voter, and speak of the "deep damnation of his taking off" on that election day? Why did you not do it?

Never before, since I have had the opportunity of examining the law governing election cases, have votes of this description been counted until evidence was first given that the voters existed and that they were legal voters and entitled to vote at the place where their votes were offered. But let me say to you that the testimony shows that not one of these men sworn to be voters was prohibited from voting by the inspector.

Unfortunately, according to the statement of my distinguished friend from the Fort Wayne district [Mr. LOWRY], Hetherington, a Republican inspector on that election day, had but one eye, and he used the other to scare off these Democrats. If I understand the logic of his argument that is it. Nothing else frightened them.

Now let me tell you what is complained of. This bulldozing consisted in this: Schoettle, who is a neighbor and friend of Hetherington, was there proposing to swear in voters that he did not know. When he brought up an affidavit and undertook to swear in a man whose name he could not give, and whose length of residence in the district he could not state, Hetherington, his friend, said to him: "You must not do this thing; you will get yourself into trouble if you do it." And thereupon Schoettle was bulldozed; bulldozed because a friend told him that he was taking a great responsibility in undertaking to swear to something that he did not know anything about. And because he was bulldozed and could not swear in any more Democrats that he did not know, and because there were that many Democrats in that precinct whose votes had to be sworn in, therefore 100 Democratic votes failed to be got in.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BROWNE, of Indiana. I should like to have five minutes more.

Mr. PEELLE, of Indiana. I will yield five minutes of my time to my colleague.

Mr. BROWNE, of Indiana. Now, is not that a most remarkable condition of things—that in one little Democratic voting precinct there should have been 100 Democratic voters whose votes had to be sworn in? I venture to say that such a thing never occurred before in the history of all the bad voting of which we are accused in the State of Indiana.

Is it not still more remarkable that the contestant should propose to count these votes? They are votes that were never offered, votes of voters who were never challenged and who never attempted to vote, but you can count them, because it is alleged they were bulldozed in a Democratic ward by the mere statement of a friend to Schoettle that he had better be careful in swearing in unknown men or he would get himself into trouble.

Oh, but there were two policemen there, policemen off duty, policemen who arrested nobody and interfered in no other way than other persons in that ward interfered. I tell my friends here that the Democrats are no more afraid of the police than are other people, not a bit.

Our policemen in Indianapolis are not a very bad class of men; they are no worse than the Democratic police of Fort Wayne, not a bit. And they are no more likely to interfere with elections in Indianapolis than are the police in other cities, whether Democratic or Republican. The police of that city on that day were law-abiding men. As I said in the opening of my observations in this case, it is here only that this record shows that there was present on that day, taking part in any way in this election, any of the police force of the city of Indianapolis.

Yet, because of these things, because of this interference, because of this bulldozing, this extraordinary conduct on the part of a one-eyed Republican inspector, and the presence of two Republican policemen off of duty, the Committee on Elections propose for the first time in the history of this country to count the votes of one hundred unnamed, unchristened, unbaptized, undiscovered Democrats, who live God only knows where, and who bore names God only knows what. Gentlemen, that is the case—all of it. What think you of it?

As a matter of course I could not read here this volume of five hundred and fifty printed pages of evidence. I wish that all of you could read it. I wish that every Representative on this floor on both sides of this House could read it. I believe they would find the legal evidence in it like Shakespeare says of the speeches of Gratiano:

> Gratiano speaks an infinite deal of nothing, more than any man in all Venice. His reasons are as two grains of wheat hid in two bushels of chaff: you shall seek all day ere you find them; and when you have them they are not worth the search.

Mr. CONVERSE. I will now take the floor by common consent for the purpose of dividing out the time. And first I will yield to the gentleman from Kentucky [Mr. BLACKBURN] whatever time he desires.

Mr. BLACKBURN. Mr. Speaker, I have served in this House long enough and have seen enough of contested-election cases to know that it is a very difficult thing, if not impossible, for any of us, however honest the effort that we may make, to reach that plane where partisan feeling and prejudice shall not, to a degree at least, control our action in settling such questions. I do not claim that I have succeeded in doing that in this case; I only claim that I have endeavored to do it. And I trust that nothing which I will submit for the consideration of this House will warrant any gentleman in concluding that it is my purpose to be unfair or to claim more than the testimony fairly considered will justify and warrant.

I do believe, Mr. Speaker, that the equities in this case are with the contestant. The best judgment that I can exercise upon the testimony forces me to the conclusion that it was not the purpose of the managers of the party in power in this Congressional district to hold or to allow to be held a fair election on that day. I intend to address myself to the unprejudiced judgment of members, and, taking nothing for granted, ask them to take the testimony itself and determine whether a violent suspicion is not raised against the Republican managers; whether they are not forced to a moral conviction that it was the purpose of those managers to take an improper advantage, to evade by indirection if not to violate the law, and to accomplish the election of their candidate without regard to the voice of the voters themselves.

I will not undertake to say that the peculiar ticket which the Republican party used in this election is proof conclusive of a fraudulent intent; but I do insist that it is but fair that this House shall remember it and consider it as one of the elements in the calculation. It is a factor in the case. It is an unusual ticket. A "corner" had been made in the paper market in the city of Indianapolis, according to the proof, and this paper was brought from the city of Cincinnati. A gentleman who testified in this case as a witness, and a Republican, as my friend from Indiana tells us, in everything except his votes, used that ticket, voted it at the polls, and he declares it to have been a fraudulent ticket, printed and manufactured for a fraudulent purpose. That gentleman, so sound in his Republicanism in all save his votes, was the editor and proprietor of the recognized State organ of the Republican party of Indiana.

A MEMBER. When?

Mr. BLACKBURN. In years gone by; and afterward a partner in the Globe-Democrat, a law partner of one of the present Senators from your State [Mr. HARRISON], the holder of a Federal office at this day in the State of Indiana, the master commissioner, I believe, in the Federal court of that State, indorsed and appointed by the gentleman who is now your Postmaster-General.

Mr. CALKINS. Will my friend be kind enough to tell the House what particular fact Mr. Fishback testifies to with reference to the fraudulent character of this ticket? I do not ask what may be his mere opinion.

Mr. BLACKBURN. I have stated Mr. Fishback's testimony; it is contained in the record. He declares that this ticket was gotten up for the purpose of evading the law of your State and perpetrating a wrong at the polls; he denominated it, and correctly denominated it, a deliberate fraud.

But I do not insist that the use of this ticket furnishes proof conclusive. I say, however, it does raise a presumption, provided we can go on and furnish other evidences as to the purpose of your party. What more was done?

I am not going to rest the claim of this contestant, so far as I am concerned, upon the charge of bulldozing in the second precinct of the seventeenth ward of Indianapolis. I have been forced to witness, sir, the employment of such an argument, not for the accomplishment of the ends of justice, but to secure partisan supremacy, when the argument was brought to bear—not once but a hundred times—upon party prejudices in this House for the unseating of Southern men honestly elected to your councils.

I agree with my friend who has just yielded the floor that it is not fair to take the testimony showing that a hundred legal and qualified voters in the second precinct of the seventeenth ward were excluded from the polls by reason of this intimidation, and upon that to rest our claim that the contestant in this case should be seated. I would not vote to seat him if that constituted the only issue here submitted. But the testimony of gentlemen unimpeached and unimpeachable is to the effect that legal and qualified voters were taken up to that poll and test cases made, and their votes were refused in the face of the law and the voters driven from the polls.

That was a Democratic precinct, we are told; and hence my friend from Indiana would have you conclude it was impossible that bulldozing of Democratic voters should have occurred—because it was a Democratic precinct. What matters that? The officials conducting that election and presiding at that poll were not Democrats. In the fifty-six precincts of that city there was but one Democratic inspector, and he was put in the position by virtue of another office which he held, was put there under the operation of law and in defiance of the machinations of your political managers.

But the gentleman tells us that these inspectors who named the judges were all reputable men; he would have you believe that they were impartial and fair. My friend from Indiana knows that upon that list of inspectors—those political machines and managers selected for the accomplishment of this purpose—stood at least one man who had before been indicted in the courts for frauds perpetrated at elections. He knows that Mr. Isgrigg was one of your inspectors, and that he had been under indictment for fraud at an election before he was assigned to that duty.

Mr. PEELLE, of Indiana. And was discharged by a Democratic judge.

Mr. BLACKBURN. No, sir; dismissed in a Republican court. I beg to correct the contestee's statement.

But more than that, the gentleman tells us that there were more than seventy policemen, and they were all reputable and impartial gentlemen. He says that the police of Indianapolis are no worse than the police of Fort Wayne. If that be a truth, the police of Fort Wayne must be an unredeemed and irredeemable set, because your own Legislature at the very next session after this very election, because of the action of your police in the city of Indianapolis, wiped it out of existence and established a metropolitan police force, and required by law that it should be divided evenly between the parties.

That is not all. My friend complained of the Committee on Elections for being partial in their statements. He said they had reported such testimony as suited them, and left out such as did not suit them. Why did he not improve upon that bad example?

Why did he not tell you in addition to these seventy-four Republican policemen, this immaculate set that the next Legislature abolished—why did he not tell you that political machine went forward and appointed one hundred and fifty extra policemen, of the same type, I have no doubt, and that out of the two hundred and twenty-four starred, uniformed officials who gathered about and controlled the action of the polls, not one blessed one in the shape of a Democrat could be found with a search-warrant.

Mr. PEELLE, of Indiana. There is no proof that one of the extra policemen was seen in the city during the day.

Mr. BLACKBURN. No, but there is proof there was not a Democrat in the two hundred and twenty-four. And more, their action was so fair, so thoroughly non-partisan, so perfectly proper, that the next Legislature of Indiana abolished the whole thing.

Mr. BROWNE, of Indiana. They did it purely as a partisan measure.

Mr. BLACKBURN. Certainly; they had enough of partisan service, probably, and they divided the force evenly between the two great political parties, and it stands so by law to-day.

Mr. BROWNE, of Indiana. Will the gentleman allow me to ask him a question?

Mr. BLACKBURN. Certainly.

Mr. BROWNE, of Indiana. Let me ask the gentleman why they did not apply the same law to the city of Evansville and the city of——

Mr. BLACKBURN. I do not know there was any contest there.

Let me remind my friend from Indiana that the contestant in this case was the author of the bill which became a law in the State of Indiana, that prevents a repetition of such outrages and divides that police force equally between the two parties.

Mr. BROWNE, of Indiana. And therefore was elected to Congress.

Mr. BLACKBURN. But I do not claim this is sufficient. I do not claim this constitutes proof conclusive. I did not start out to make such an assertion, but I only recognize and am seeking to follow up that claim which I believe will bring to bear upon any unprejudiced and fair mind moral conviction that it was the purpose of the Republican managers to hold a fraudulent and foul election.

Let us go a little further. The jail was emptied and so was the poor-house. Nobody denies that of the 51 votes brought from that poor-house every solitary one was voted for the sitting member. I do not say that constitutes proof conclusive, but I do say it was a little singular that when the officials of the poor-house and jail were all Republicans, and when the inmates of these two institutions were brought to the poll and voted solidly for the Republican candidate, it raises just the slight-

est semblance of a suspicion in an honest mind as to whether that was honestly done.

Mr. BROWNE, of Indiana. Do I interrupt my friend?

Mr. BLACKBURN. Not the slightest.

Mr. BROWNE, of Indiana. If my friend will be kind enough to inform us whether by the proof here any one of those 51 voted for Stanton J. Peelle, I will be obliged if he will give me the page of the record in the case where that is to be found.

Mr. BLACKBURN. I ask my friend from Indiana to answer: Does not the record show, and does he not admit, they voted the "straight" Republican ticket? There is no testimony as to whether they voted for this or that or the other candidate on the ticket, but does it not show and does he not admit every pauper taken from that poor-house, and every criminal released in defiance of law from that jail, voted the Republican ticket?

Mr. BROWNE, of Indiana. I do not know any such thing; I do not know anything in the world about it but what the record shows.

Mr. BLACKBURN. It is all I claim. The record states there, and the gentleman will not controvert it, that these inmates of the poor-house and jail voted that very unpatented "spring-back" ticket you brought from the city of Cincinnati.

A MEMBER. All were taken to the polls by the Republicans.

Mr. BLACKBURN. I do not claim this constitutes a convincing argument, but I do say it naturally tends to raise a suspicion.

But the gentleman from Indiana tells us the explanation of the defeat of the contestant in this case is found in the fact this was a Democratic district and he ran behind his ticket, and there is to be found the explanation of his disaster. It was an unfortunate reference for my friend to have made. He did run behind his ticket probably five or six hundred votes; I do not know the exact number. He did not run behind the county ticket, when you exclude the "Greenback" vote, he not being on the Greenback ticket, while the other Democrats were.

Mr. BROWNE, of Indiana. How was it in Shelby?

Mr. BLACKBURN. But suppose he did; he ran upon an average of from 400 to 500 votes ahead of the local ticket, with the limitation stated. But suppose he ran behind it—he ran 500 ahead in Shelby—but I say suppose he ran behind it, that is no proof in respect to a man's lack of merit.

I may be pardoned for saying, Mr. Speaker, that I have never held in the highest regard the good sense of those Republican voters of Indiana, especially on a certain occasion, when they let another gentleman run a long way behind his ticket. I remember about twelve years ago one of Indiana's ablest and most worthily honored sons was a candidate for the office of governor of the Hoosier State (I refer to the gentleman before me who has just yielded the floor), on a ticket with probably a dozen other names, not only ran several thousand behind his ticket, but was the only man on the Republican ticket in Indiana I believe that was not elected.

Mr. BROWNE, of Indiana. Now the gentleman alludes to me, and I beg that he will not let a statement so far from the truth, and so incorrect in the inference which may be drawn from it, to go upon the record.

Mr. BLACKBURN. Let us have it as you would put it. If I could have had it as I wanted I would have had the Republicans of your State to show better taste and discernment than they did when they repudiated you in that election.

Mr. BROWNE, of Indiana. Will the gentleman yield to me for a moment?

Mr. BLACKBURN. Certainly.

Mr. BROWNE, of Indiana. I was defeated when all the others on the Republican ticket but one were elected, by a majority of from 84 to about 700, and I received 2,180 more votes in that State than did General Grant, who carried it by a plurality of 25,000.

Mr. BLACKBURN. Still the statement that I have made must stand, for it is true.

Mr. BROWNE, of Indiana. But you said that I ran several thousand behind my ticket.

Mr. BLACKBURN. And I believe the gentleman was 3,000 votes, in round numbers, behind the other Republican candidates on his own ticket.

Mr. BROWNE, of Indiana. By no manner of means.

Mr. BLACKBURN. That was the October election. The Presidential election was in November. But I do not attack the gentleman. On the contrary, I mean to make an attack upon his constituents for refusing to support him. But I wish merely to show that it is not right, that it ought not to lie in his mouth to complain, because the contestant in this case failed to run ahead of his ticket.

Mr. BROWNE, of Indiana. But I did not challenge the election and try to prove that my friends were bulldozed who would have voluntarily supported me if they could have done so.

Mr. BLACKBURN. The trouble was with my friend that the defection was so great and the majority against him was so big that he would not undertake to make the proof that was necessary. But the gentleman complains of this election case because, as he says, the committee only report or incorporate in their report from the testimony that which suits them, and exclude all of the balance. Now, is that a just statement? Has the gentleman examined the testimony? Did he undertake to tell this House that Mr. Brown, the man who made the recount and who discovered the error, had stated at sundry and divers and different times and to different men that the inquiry into the count would tend to the benefit of Peelle and to the injury of English? Why did not he go a little further into the record, and I take it he is familiar with it, and read some more of the testimony? Why did not he go to the testimony of the clerk of that board? He tells this House that this man Brown sat there as the counsel or agent of English watching, secreting his purpose, coming with duplicity, or at least with secrecy, and allowing no one to understand that he was making a recount of the ballots to determine the Congressional contest. Was that a fair statement coming from him to enlighten and guide this House in the formation of its judgment upon this question? I submit, in the face of the report, that it is not. Here is the testimony of the clerk in that connection. He says:

I was a witness of the recount, but I was not present when the count was completed.

This is the testimony of Woolen.

It may have been some 2 or 3 o'clock in the morning, probably later than that, that I went home. I went back in the morning next day, about noon, and witnessed the signing of the papers, and I was present when all that was done, and while there I had a conversation with Mr. Brown.

Mr. PEELLE, of Indiana. That is the Democratic clerk of the board appointed to make this recount for the sheriff.

Mr. BLACKBURN. And I expect he could tell the truth even though he was a Democrat.

Mr. PEELLE, of Indiana. Each side had a clerk. I know this gentleman personally. He is a very honorable man.

Mr. BLACKBURN. But you will not impeach the testimony of this Democratic clerk?

Mr. BROWNE, of Indiana. We have admitted that one Democrat would tell the truth; now will you not be kind enough to admit that some one Republican could have told the truth also?

Mr. BLACKBURN. Well, Mr. Speaker, that is asking a good deal of me; but as I am in a liberal mood this morning, I believe I will. [Laughter.]

Now let us see what he swears to:

I knew, of course, that he—

Brown—

was taking the vote on Congress as he went along.

The statement of my friend from Indiana [Mr. BROWNE] to this House was that nobody was permitted to know it. Here is a clerk of the board who swears he did know it; that he knew, of course, that he was taking that vote.

Mr. BROWNE, of Indiana. The gentleman misrepresents, of course unintentionally, what I stated. I said he had counted nine wards and twenty-one voting precincts before any one found it out.

Mr. BLACKBURN. Let me read:

I knew, of course, that he was taking the vote on Congress as he went along, and in talking it over I asked the question as to what the result was.

He (Brown) said that the recount showed that English was elected, and this within twelve hours after the count was made.

Did he make any statement in any subsequent conversation as to the recount for Congress?

A. Yes; my recollection is that he stated he had figured it up and it was a fact what he had stated there to me.

Now, Mr. Speaker, I do not intend to claim, for I do not think it would be altogether fair, that the recount made by Mr. Brown is conclusive in this case. I admit that from a technical standpoint it was irregular. I admit that it is not absolute proof on which we should base our action; but I ask my friend from Indiana to confess, and I know he will not deny, that Mr. Brown's testimony does not stand alone in impeaching the accuracy of this count. I beg you to remember that the board of canvassers is composed of these inspectors, one Democrat by accident out of fifty-six. They are the board of canvassers who make this count. Brown says it was erroneous. Everybody else says it was erroneous. This man Byram swears it was erroneous. They all testify that there were errors upon every hand. It is agreed, and no man denies, that the count made upon which the certificate of election was issued to Peelle was not an accurate one, a true one. The question is as to whether Peelle or English suffered by reason of the errors that had crept into this calculation. Mr. Brown's testimony is before you in which he does not travel over 26,000 ballots and find an error of 99 votes against English; but he finds them in the precinct of the city of Indianapolis, and he located them right there.

I will not ask you to seat Mr. English on Mr. Brown's recount, taken singly and considered by itself. But I do insist it is but fair to take it into consideration as a factor in this calculation and give it such weight as it is entitled to as one of the arguments adduced. Here we have it uncontradicted in the shape of a chain of testimony that it seems to me is sufficient to reach any impartial mind. That a fair election was not had, that a fair election was never contemplated, I am as thoroughly persuaded as I am of my own existence. That it was from its inception an unfair and fraudulent contest that was inaugurated, I can not doubt. And the appeal is now made to this House to

put the seal of its approval upon the machinations of a lot of political jugglers and tricksters that have been repudiated because of their bad faith and bad practices by the Legislature of their own State.

If there were 100 votes excluded, 100 qualified and legal votes from the second precinct of the seventeenth ward, it was enough and more than enough to change the result of this election. If you will take away the poor-house and the jail votes that were counted by the Republican officials, the votes of those men who were marched up and voted upon those spring-back tickets, then you have destroyed Peelle's majority. Or if you will go further and accept the testimony of Republicans themselves the election is tainted and vitiated not only with fraud proposed but with fraud perpetrated. I do not believe that an unprejudiced mind can take this testimony, with all the evidence of purpose, with the proof showing clearly that that purpose was carried into execution, that the end was accomplished for which these parties set out—I do not believe that any fair or impartial mind, if there be one in this House upon either side, can undertake to vindicate the action of that board. It is not such an election as the gentleman from Indiana, the contestee, would wish to rest his case upon. I know it. I have served with him here; none cherish for him a profounder regard than I. I believe him to be an honest man. I do not impeach his integrity in the conduct of this election. I do not mean to implicate him in the machinery that was employed for the accomplishment of so foul a purpose. I do not believe that he himself would go further than you or I or any man.

In the heat of political contest in a close and doubtful district we might be betrayed into that which upon a calmer consideration we would not resort to. He to that extent may be amenable to criticism; but I make no charge beyond it. But I do undertake to say that if he retains his seat in this House, if by the vote of this House it shall be declared he is entitled to represent that district, he will hold that seat in the face of a record that shows that an honest or fair election was not the source from which he gets his title.

Here are the facts and the record is complete. Take the testimony of the Republican witnesses themselves and the case is beclouded. It is steeped in fraudulent purposes and in fraud, executed from its inception to its conclusion.

And these inaccuracies of count are not denied, but are supported by other witnesses, who testify that the count made by these inspectors is faulty and false, whether it be upon the one side or upon the other; and when you go groping through such darkness in order to find out the truth you encounter the statement of Mr. Brown, whose veracity nobody questions, and to whose high standing and character the gentleman from Indiana himself [Mr. BROWNE] has borne cheerful testimony. You encounter his statement under oath that in the city of Indianapolis ninety-nine votes were counted for Peelle instead of for English, as they should have been.

Now in the face of these facts, each and all raising suspicion as they do, I am perfectly content to leave this case for the decision of the House. My judgment is clearly formed and deliberately taken that, in order to support equity and vindicate the right to an unchallenged, unbiased, and uninfluenced ballot, I will vote to seat the contestant in this case.

Mr. BLOUNT. Before my friend takes his seat I would like to ask him a question for information.

Mr. BLACKBURN. Certainly.

Mr. BLOUNT. The gentleman from Indiana [Mr. BROWNE] in his speech stated that the witness Brown had kept to himself his knowledge as to the recount in this precinct about which he is testifying until ten months after the election.

Mr. BLACKBURN. That is not in the record.

Mr. SPRINGER. That is not so.

Mr. BLOUNT. Wait one moment. If I am in error I want to know it. I understood the gentleman from Indiana [Mr. BROWNE] to state that that information had been kept secret for ten months between Mr. English and his son and Mr. Brown. He stated that the law of Indiana required the ballots to be kept for six months, with a view of being utilized in order to settle any controversy that might be made about the election. I now understand the gentleman from Indiana to admit that he was in error in a part of that statement; he admits that the clerk knew at the time of the recount that it was being made, and knew the result as ascertained by Mr. Brown.

Mr. BLACKBURN. He knew it at noon the next day.

Mr. BLOUNT. I want to know if there is any explanation why it happened that the testimony of Brown was not taken until ten months after the election, until after the ballots had probably been destroyed, or could have been destroyed under the law.

Mr. BLACKBURN. The ballots are not destroyed; they never were destroyed; they are in existence to-day. The clerk was put on the stand, and I have read his testimony, in which he says: "Of course I knew that Mr. Brown was taking a recount on Congress at the time, and I asked him the result the next day at noon."

Mr. BLOUNT. As a matter of fact the ballots are in existence now?

Mr. BLACKBURN. At this day.

Mr. BLOUNT. And in the custody of the officer who by law has charge of them?

Mr. BLACKBURN. The Republican clerk of the county holds them now and always has held them. He had a contest himself. If these ballots did not show what Austin H. Brown declares they show, then why did not you bring them here?

Mr. BROWNE, of Indiana. Why did you not bring them here?

Mr. BLACKBURN. Because we rested upon the testimony of a man that neither you nor any other man dared to impeach. He says that this is the result of his recount. Your Republican clerk holds the ballots and always has held them; they are in his custody. You could make profert of them if you desired.

Mr. PEELLE, of Indiana. Will my friend from Kentucky [Mr. BLACKBURN] allow me a moment?

Mr. BLACKBURN. I do not want to use up too much of the time on this side.

Mr. PEELLE, of Indiana. But a moment.

Mr. BLACKBURN. Certainly.

Mr. PEELLE, of Indiana. I will state to the gentleman from Georgia [Mr. BLOUNT] that Mr. Brown testifies in this case as follows:

Q. Did you not point out errors to Mr. Byram as you went along?
A. No, sir; not on Congressman. It was the third day before he knew I was keeping the vote on Congress.

Mr. BLOUNT. The point I was after is this: I understood the gentleman from Indiana [Mr. BROWNE] to state that the witness Brown had kept this information secret with the Englishes for ten months.

Mr. PEELLE, of Indiana. And that is the fact, according to the record.

Mr. BLACKBURN. The clerk of the county had knowledge of it.

Mr. BROWNE, of Indiana. It was kept secret, as far as Peelle and his friends were concerned.

Mr. PEELLE, of Indiana. Brown never communicated it to anybody but Mr. English, and he himself says that he told it to nobody but Mr. English, and it was his duty to tell him for he paid him for what he had done.

Mr. BLACKBURN. I have trespassed longer on the patience of the House and taken more of the time of my friend from Ohio [Mr. CONVERSE] than I ought to do, and I now yield him the floor.

Mr. CONVERSE. We have now used thirty minutes of the hour, and will reserve the remainder of the hour until we have heard from the other side.

The SPEAKER *pro tempore* (Mr. TOWNSHEND). There are twenty-two minutes of the hour remaining.

Mr. CONVERSE. More than that; the gentleman from Kentucky [Mr. BLACKBURN] commenced to speak at 25 minutes to 1 o'clock.

The SPEAKER *pro tempore*. According to the time kept at the Speaker's desk there are twenty-two minutes of the hour remaining.

Mr. VALENTINE. I rise to a parliamentary inquiry. I desire to know how much time remains on the respective sides of this case.

The SPEAKER *pro tempore* (Mr. CRISP). One hour and twenty-two minutes on the side of the contestant, and one hour and thirty-seven minutes on the side of the contestee.

Mr. VALENTINE. Mr. Speaker, I desire the attention of members of the House for a short time to a consideration of this case as I understand it. I do not wish to follow in the footsteps of my illustrious friend of many words who has just taken his seat; but I will try to confine myself strictly to the case as presented upon the record.

Now, the record in this case is made up of statements of persons who have been placed under oath; but a very small proportion of this record is evidence, or would be taken as such in any court of the United States. I assert here (and I desire that gentlemen on the other side who may follow me shall disprove this statement if they can) that from the part of this record which is not evidence they make up their side of the case. There is not—and I ask any gentleman who may follow me to point it out—a single particle of testimony to substantiate the three principal grounds upon which gentlemen on the other side rely in this case.

When I say "testimony," I mean such as would be accepted even before a justice of the peace. I think, judging from their remarks, that they rely more particularly upon the "recount" than anything else in this case. If the testimony of Austin H. Brown is to be taken as conclusive, then Mr. English is entitled to a seat upon this floor. If the "recount" made by Mr. Brown is to be accepted as conclusive, as the report of the majority states it, and as it was stated by the gentleman who has just taken his seat, then Mr. English was elected and is entitled to the seat. But I ask you to refer to a single scintilla of testimony that has been shown by gentlemen on the other side as to whether the ballots counted by Austin H. Brown were the ballots cast on election day. Where is such testimony? Now, it is as well settled as any other point in the law that the party who relies on a recount must first prove that the ballots to which the proceeding is applied are the identical ballots that were cast at the election. I believe this will not be disputed by any lawyer on this floor.

Again, the official count made and returned by these officers upon whom that duty is devolved by law is to be presumed to be correct, and that the official count must prevail until it is overcome by testimony that is of a higher and more certain character than the official count. It must be incontestably proved that the official count is wrong and that the recount of the ballots is correct. It must be shown affirma-

tively and beyond all controversy that the ballots were kept as the law requires, and that the ballots that were counted were the identical ballots—the same in number, the same in condition, with the same names upon them—that were cast by the voters and used in making the official count. I will not take the time to read the section, but upon this point desire to cite section 555 of McCrary on Elections, found on page 456.

Section 440, by the same author, reads:

But of course the parol evidence offered to set aside a return upon the ground of fraud must be such as to establish the fraud or mistake in the reception and deposit or in the count or return of votes. The official acts of sworn officers are presumed to be honest and correct until the contrary is made to appear.

It has accordingly been held that a return can not be set aside upon proof that a recount made by unauthorized persons some time after the official count has been made showed a different result from the official count. This was upon the ground that the count made by sworn officers, immediately upon closing of the polls, was better evidence of the true result than a count made by interested parties, not sworn, at a subsequent period, and after the result of the official count had been made known. Such evidence comes far short of establishing either fraud or mistake in the official count.

This law is now so well settled that it is beyond the realm of controversy. It needs no authorities to support it. The very statement of it is all that can be necessary.

Then we come to consider whether or not these indispensable requisites to setting aside the official count have been shown by the contestant in this case. He must show that the ballots were kept as required by law. He must show that they are the same ballots, and then he must show that those ballots were correctly counted and in an authorized way by the party who made the recount and testifies in respect thereto. These things he has failed to do.

In the first place, he has entirely failed to show where those ballots were kept between the time the official count was made and the time when this pretended recount was made. No witness has been called on that subject. Where those ballots were kept, how they were kept, by whom they were kept—as to all these things this record is absolutely silent. We claim that this affirmative proof must be made.

Mr. ADAMS, of New York. Is there any dispute that these were the identical ballots?

Mr. VALENTINE. That is a fine question to be asked by my friend from New York, who is an able lawyer. I say that it is incumbent upon the party desiring to take advantage of the recount to show that the ballots to which the recount applies were the ballots cast at the election. Now, what is the testimony on that point? Your own witness, this immaculate Brown—I do not know him and I have nothing to say against his veracity; I do not know but his testimony is all right—he says that these were not the ballots cast on the election day.

Mr. ADAMS, of New York. He said that the ballot he had cast himself was not found on the recount. That is what he said.

Mr. VALENTINE. I will read from the testimony of Mr. Brown on this question; and I say it is all the testimony offered by the contestant upon the question whether these were the ballots cast on the election day.

This is a question put by the attorney for the contestant to Mr. Austin H. Brown early in his examination:

Q. Who had the custody of the ballots from the time of said election until the time of the recount by said commissioners?

A. Under the law they were in the custody of the inspector after the election from the time of closing until the meeting of the board of canvassers on Wednesday, or 10 o'clock of that day, and then they were placed in charge of the clerk of the county, and they were then retained by him until this commission met, and they were turned over by the then clerk. In the mean time there had been a change in the office. Mr. Ransdell had gone out and Mr. McLain had succeeded him.

Now, there is the testimony, and all the testimony, on that point so far as I have been able to ascertain. If my friends on the other side can furnish any more touching this point I shall be obliged to them.

Mr. ADAMS, of New York. That does not answer my point. I said Mr. Brown testified that the ballot which he cast, and which he says he marked specially, he did not find in the recount.

Mr. VALENTINE. Mr. Speaker, my colleague on the committee has stated the evidence of Mr. Brown correctly on this point. He testifies that he does not believe the ballots for sheriff which he recounted were the ballots that were cast on election day. That is his statement; and in support of it he cites the fact that his own ticket was not there. He said that he had scratched off the name of one Democrat and written with ink the name of a Republican; that he had pasted on the ticket the name of another candidate; that he had so marked his ticket that he would know it among a thousand; and he says his ticket was not there. Does not that impeach the ballot? Does it not show that the ballot had been tampered with? It is your own testimony.

Now, replying to the question put by the gentleman from Georgia [Mr. BLOUNT] to my friend from Kentucky [Mr. BLACKBURN] as to the secrecy of this count, I wish to say that Mr. Brown himself testifies that after he was appointed as one of the commissioners to recount the ballots William H. English, the father of the contestant, approached him and said he would pay him to count what were called the "spring-back" tickets; and he afterward testified that he counted those tickets and that Mr. English did pay him for it.

He says when he was looking over the tickets for sheriff he discovered some errors in the vote for Congress. Therefore, says he, I concluded on my own motion to keep a tally on Congress of the entire 26,500 votes. He says he was led to this by the fact that in looking over the tickets he discovered an error in the vote for Congress. The error he discovered was not in favor of Mr. English, but of Mr. Peelle, to the amount of five ballots.

He says what? That he quietly kept the count until he was discovered by Mr. Adams or Mr. Byram on the next day, after he had counted about 7,000 ballots.

My friends on the other side, I wish you would give attention to the question of recount, for I do not believe you can afford to go before this country as making the kind of record your committee are asking at your hands.

There were three commissioners; they sat round a large table, and each had a book before him. One of the gentlemen, Mr. Byram, took the tickets out in bundles of five, examined them as to sheriff; then passed them on to Mr. Austin H. Brown; he examined the five as to sheriff and passed them to Mr. Adams, who called out "five" for this man or "five" for that. That is the way in which these ballots were counted—the commissioners sitting at a table—five at a time, one gentleman taking them and passing them to the next, and so on. And I call attention to this because I believe it would be impossible for any man living under the circumstances to make an accurate recount of 26,500 votes in the time and manner made without making more mistakes than the board itself would make on the night of the election.

The chance Austin H. Brown had to count the vote for Congress was such as he had when he turned over the five votes which Mr. Adams was waiting to receive from his hands. That is his own testimony. These gentlemen commenced at 9 o'clock in the morning and sat to 1, 2, and 3 o'clock at night, hurrying through this count. Yet we are asked here to accept as conclusive a count made by a single individual under those circumstances as against an official count made by men sworn under the law to return the ballots as they were presented on election day.

A MEMBER. And some of them Democrats.

Mr. VALENTINE. Yes; some of them were Democrats. There was more than one.

Before you oust Mr. Peelle on that ground I want you to run over the testimony and see whether this immaculate Mr. Brown could make a mistake of the nature of twelve votes when he was sworn to do something else, when he was sworn to make a count of the vote for sheriff and clandestinely made it for Congress. I say if he made a mistake of twelve votes against Mr. Peelle out of more than 26,000 votes, then Mr. Peelle should not be ousted by the action of Mr. Brown.

If it is true, if it is incontrovertible, if it is, as they say, conclusive, that 99 votes more were in these ballot-boxes for Mr. English than the count gave him on the night of the election, why did not the contestant in this case, Mr. English, pursue a lawful method to prove it? It is a rule of law that the best evidence should always be produced. Now, the best evidence in the world as to how those ballots were at the time of the contest would be the ballots themselves. Why did you not produce that testimony? Mr. BLACKBURN said they relied upon an unimpeachable man. Who was he? He was one who was sworn to do one duty and yet clandestinely did another. I do not believe this Congress can afford to establish any such precedent before the American people. I am satisfied that is all there is to rely on in the case with reference to Mr. English.

Now, then, I desire to call your attention to some of the testimony on the point I have been talking about. There were three commissioners—Adams, Brown, and Byram—who were sworn to make a recount of the vote for sheriff. It was found necessary, in order to have a correct recount, that those men should repeatedly go over the vote of a precinct. In many instances they testified they recounted a single precinct as high as three times in order to have an accurate and correct statement of the vote for sheriff. The duty they were sworn to perform they were careful to perform, and when they did not agree as sworn officers they went over it again.

But who went over it with Mr. Brown as he clandestinely marked with his lead-pencil on his private memorandum-book what he found? Is that kind of testimony to be accepted in this court when lawful, legitimate, honest testimony was in the very hands of these men. I believe not.

When the whole count was made, while they were waiting for some formality after they had gotten through, and were waiting to make a report, a conversation was had between Byram, Adams, and Brown as to the probable result, not as made, but in case of a recount on Congress—the result, not as to what was actually found by the votes, but what would be the probable outcome in case of the recount of the votes on Congress. Now, that would have been a lawful, legitimate method of ascertaining how the ballots were—to have had them recounted.

But let us see what was done. I desire to read a little testimony on that question. I invite the attention of the House to the testimony of Mr. Adams, which will be found on page 404 of the record:

Q. How long were you counting that vote for sheriff?

A. Three or four days is my recollection.

Q. Thursday to Monday, was it?

A. We commenced Thursday, and finished Monday morning; I think it was about 3 o'clock, if I am not mistaken, in the night of Sunday.

Q. The succeeding Sunday?
A. Yes, sir; and we finished up about 3 o'clock; we thought we would finish it up while we were at it.
Q. At the time, during the count of the vote or at the conclusion of the count of the votes cast for this county for sheriff, what was said, if anything, by Mr. Brown or in Mr. Brown's presence as to how the vote would stand on a recount for Peelle and English?
A. Well, it was after we were through counting and after the count was over, and it was the morning of the day we reported.
Q. After the count had concluded?
A. Yes, sir; it was after we had agreed, and Mr. Brown, Mr. Byram, and myself had agreed on our return that we should make, and Mr. Brown said—I believe he said—he would like for Mr. Cropsey to look at it and to have them see it; and Mr. Lemon, and probably Mr. Cropsey, was in the room and looked at it, and we were waiting for some time for some purpose or other, and Mr. Byram and Mr. Brown and myself, and, I think, Mr. Hawkins, were standing at the end of the table, and we were talking about the English count. It was our impression and my impression that the advantage in the recount, or that the advantage in the recount of the vote for Congress—that it would have made a gain in favor of Mr. Peelle, and that remark was made to Mr. Brown, and I spoke to him about it and he acquiesced in it.
Q. State what he said.
A. My best impression is he said right then that that was the case, and he should say the same to Mr. English, and that Mr. English would have nothing to gain in a recount, and he would tell him so.
Q. Was Mr. Byram present when that occurred?
A. Yes, sir; and Mr. Hawkins.

Now, Mr. Byram testified substantially to the same thing. Mr. Brown denies it, but in a most peculiar manner. He says: "I did not have any conversation with them after the count was concluded as to the result;" but in his testimony in rebuttal he says he does remember of saying something of the kind, that is to say, that he would tell Mr. English that he did not think a recount of the votes would help him any. He admits that fact in his testimony. In other words, he confirms the fact that the conversation was had between himself and the other commissioners upon this subject after the ballots had all been counted, and he urged as a reason for stating that that he was satisfied—and I call the attention of gentlemen who are to follow me upon the other side to this point, in order that they may read the record of testimony in this case, that they will produce it, and show a different state of facts from that found in this report, for I have not been able to find any. He says:

I told them this so that they would not destroy the ballots or interfere with them.

For, he says:

I believed that the ballots that were counted for sheriff had been tampered with.

This very man who made the recount without authority of law, this man whom you rely on to-day for all the testimony you have upon that question of seating the contestant, distinctly shows in two places in his testimony that he believes the ballots that they counted for sheriff had been tampered with; that they were not the ballots cast on election day. Did you not need some testimony to assist you in showing that these ballots were the ballots cast on election day, rather than to confine one-half of that time to showing that Brown was an honest man? I have heard no man question the integrity of Austin H. Brown. But he testifies that he counted certain ballots, and found there among those which he counted certain ballots which he believed had been tampered with, and not the ballots that had been cast in the election. And yet you say upon that testimony you will seat Mr. English.

Now, Mr. Speaker, with reference to this claim of bulldozing in this election. When my distinguished friend the chairman of the subcommittee I have the honor to serve with comes to close this case, I request him to point out the testimony, and such testimony as he has that as a lawyer he would be willing to submit to a justice of the peace in the State of Ohio, that warrants a single statement of bulldozing on that day. I am willing to accept all that is said by Joseph E. McDonald on this question. I take his word for it, and all I ask is that you read it on that subject and be informed. Do not ask reports or statements to be read or testimony that does not bear upon this question, but take the testimony of men who knew what was going on. It appears from the records in this case that in the State of Indiana when a party who offers to vote is challenged the law requires that he shall procure an affidavit of a person a resident of that precinct and a freeholder—a property-owner therein—that he is a lawful and qualified voter.

Now, in the second precinct of the seventeenth ward it was noticed by Mr. Hetherington, the inspector—and the inspector's duty in that State is to receive the ballot from the hand of the elector and to place it in the ballot-box—Mr. Hetherington states he noticed after a while that one Chris. Schoettle, a saloon-keeper on the corner above where the polls were being held, was doing all the swearing on this occasion. Chris. came up with a German. The inspector concluded he did not know much about the parties he was swearing. Mr. Hetherington says—

I put the question to him, "Do you know that man, Chris.?" and he says, "I know he is a voter." "Do you know his name?" "No." "Do you know where he lives?" "No." Then I said, "Don't you do that any more."

He said he would stop that, and he did stop it. Chris. was frightened away; was bulldozed at once.

Then there is this man Hicklin, the Missourian, who says if it had been in Missouri he would have got in sixty more votes for the Democrats than they did in this second precinct of the seventeenth ward, because they have got a different kind of Democrats over in Missouri. Hicklin testified that he thought there were from sixty to one hundred Democrats that were frightened away who should have voted there. But on cross-examination he says they did not go up the chute to vote because they were satisfied if they did they would be challenged and that the challenger would not withdraw his objection.

I ask the gentlemen on the other side in closing the case to point out the polling-place, the precinct, the man, and his name, if there was one qualified under the law of Indiana to vote, that offered his vote and it was rejected. If in the second precinct of the seventeenth ward a hundred Democratic voters were driven away, could not Mr. English, who is so well acquainted with all the people of the city of Indianapolis, have found just one who would come forward and say that he was driven away; that he offered his vote and showed that he was a legal voter, but that his vote was rejected?

The poor-house vote, over which my friend from Ohio [Mr. CONVERSE] became so pathetic, is another peculiar element of this case. They claim there an addition to the vote of the contestant of 34 votes. Now as to that I refer simply to the brief of the contestant. The contestant in his brief cites all the testimony that there is upon the question of the poor-house votes. I desire to call your attention to the language of the only witness called upon that question. Fifty-one men voted from the poor-house, including the employés from that institution; yet not a single one of those men was called to testify in this case. Not one. Why? Presumably because Mr. English knew too well they would not testify in his favor. But they called a gentleman by the name of Hiram W. Miller, and I have his testimony before me. He testifies that three years before this time he ran for the office of township trustee in the township in which the poor-house is situated, and that on that occasion he got over two-thirds of the vote from the poor-house. If you have got any other testimony than Miller's, produce it. Here is Miller's testimony:

Q. Do you know what their politics were?
A. I think I do.
Q. What were they?
A. I think two-thirds of them were Democrats.
Q. How do you know that?
A. Well, sir, they had voted for me, and I claim to be a Democrat.
Q. How did they vote on that day?
A. They voted the Republican ticket.
Q. I mean on November 7, 1882?
A. They voted the Republican ticket.
Q. How many of such votes were there?
A. I polled the house, and I made it 50 or 51; something like that. There was 57 voted that day—paupers and 7 employés.

He says that the politics of the employés and officers of the institution were Republican. He says they all came down in wagons, the paupers and the employés all together; that they all had their tickets and marched up to the polls and put them in. Nobody asked them to change a vote. Nobody said, "Let me see your ticket. What ticket have you got? I want you to change it. Won't you vote for Peelle, or won't you vote for English?" Nothing of the kind. They came in wagons, and like good citizens walked up and put in their ballots. Miller said that when he ran for office three years before he got two-thirds of the vote of the poor-house. And they ask you to discard two-thirds of the vote, being 34 votes, on the testimony of this man, who upon the ground he states says he thinks two-thirds of them were Democrats and he thinks they voted the Republican ticket. That is all the testimony you have got.

The facts as to the jail vote which they talk so much about were so well stated by my colleague on the committee, the gentleman from Ohio [Mr. HART], that I do not think it necessary for me to go into that part of the case. There are others who desire to speak, and I will pass over that.

In the testimony-in-chief all through this record as taken by the contestant statements of the wildest kind are made. Questions of this kind were put: "How many Democrats were refused the right to vote in such a place?" The answer would be: "Well, I should think from fifty to one hundred." But when you come to cross-examine them they dwindle down to seven, five, and as low as one; none run higher than that. In fact, Mr. Speaker, and I challenge the gentlemen on the other side to show to the contrary by the testimony, it was so dwindled down that it was not shown that a single man qualified under the law of the State of Indiana was refused the right to vote at that poll in that city—not one. They could not find one when they took the testimony. They could not find one at any time. I have the record here, and if any man can point out one such case I will be much obliged.

How much time have I remaining?

The SPEAKER *pro tempore*. There are twenty-two minutes of the the hour remaining.

Mr. VALENTINE. I find that I have taken more time than I expected, and I will therefore be very brief in what I have yet to say.

Now, in regard to the kind of tickets that were voted. If the ticket voted by the Republicans, over 12,000 of which were cast in the city of Indianapolis, is an illegal ballot, such a ballot that the person voted for thereon can not be declared elected, then this case is settled in favor of English. I hold in my hand a specimen of each of the three tickets that were voted on that day. They are all printed upon "plain white

paper." We do not need the testimony of any expert to show that. Every person who can see these three pieces of paper which I hold in my hand would testify at once that these ballots are upon "plain white paper." No two of them are of the same thickness or weight. The Republican ticket is the heaviest of the three. The Democratic ticket comes next, while the poor little Greenback ticket is so thin that a person can hold it up to the light and read right through it the names printed on it. Yet it is printed upon "plain white paper," though I can hold it up to the light and read the names on it from the one side about as well as from the other.

Now, because of the fact that the ticket upon which the name of Stanton J. Peelle appears is upon heavier paper than the other two we are asked to disregard it, to throw it out, to not count it. If that be so, then could not our friends the Greenbackers have come here and asked you to throw out both the Democratic tickets and the Republican tickets because they were printed on thicker paper than theirs?

There is this fact touching these tickets which can not be denied by any man: If the three tickets voted at that election on that day had all been printed on the same kind of paper that the Democratic ticket was printed on there would be no controversy about the legality of the ballot on account of the paper it was printed on; or if they had all been printed on this spring-back paper, as they call it, there would have been no controversy about it; they would all have been legal ballots under the law of Indiana. Or if they had all been printed on this very poor article of print or news paper, thin and flimsy as this is, the law of the State of Indiana would have been complied with; for they are of proper length and printed upon "plain white paper." There is, therefore, absolutely nothing in that part of this case.

I believe that the only thing to be determined by this House when members come to vote on the right to the seat from the seventh Congressional district of Indiana is to determine the question whether you will accept as conclusive and as binding upon your conscience the testimony of Austin H. Brown. In other words, the question is whether his testimony is such as to your mind should overturn and override the official count made by the sworn officers of the law.

The board of election officers consisted of two judges and two clerks, one of each of whom was a Democrat and the other a Republican, so that the board was equally divided, except as regards the inspector, who was in a majority of cases a Republican. The duty of the inspector was to receive the ticket and place it in the box. The judges and clerks of election were the parties whose duty it was to make out the returns and certify them up to the proper officers. Now, are you going to take the count made by Brown, made hurriedly, made late into the night, with no chance for revision, Brown putting down a mark here and a mark there, as he saw fit, going over 26,000 votes—are you going to accept his count as conclusive against the returns of these men whose sworn duty it was to correctly tally these votes and make a return of them? Are you going to do that when more especially Austin H. Brown himself in two distinct places in his testimony swears that the ballots which he counted were not the ballots cast on election day, but that they had been tampered with?

Mr. ADAMS, of New York. Was a ballot similar to that ever used in the State of Indiana at any prior election?

Mr. PEELLE, of Indiana. Yes; as one of your witnesses testifies.

Mr. ADAMS, of New York. One of your circuit judges says that he never saw such ballots used before at any State election.

Mr. BROWN, of Pennsylvania. I never did, either; but what has that to do with it?

Mr. VALENTINE. What has that to do with it? The testimony shows that only a year or two before they used ballots printed on paper so thin that it reminds me of another sort of spring-back ticket that I have heard of. They got up a little joker something like the celebrated South Carolina ticket.

Mr. ADAMS, of New York. Yes; and we heard a great deal about that throughout the country.

Mr. VALENTINE. But what has that got to do with it? The only question is, is this ballot printed on "plain white paper?" That is the only question.

I will not take up any further time, although there are several points which I desired to speak upon. There are others who desire to speak, and I will now yield the floor, reserving the remainder of the time.

Mr. ELLIOTT. Mr. Speaker, the questions involved in this case are within a very narrow compass, and I think I can state them quickly.

The returns of the board of canvassers show a plurality for Peelle over English of 87 votes. This apparent plurality must be overcome by evidence if English is to be seated in place of Peelle. The contest is confined to Marion County, in which the city of Indianapolis is situated. At the time of the election in November, 1882, the majority of the election officers in each precinct of the county were Republican. All the county officers and the municipal officers of the city of Indianapolis were Republican.

In order that they might know how electors voted the Republican county committee had the Republican tickets printed on what is called "lithograph plate" paper, a much heavier paper than ordinarily used for such purpose, and which could be distinguished from ordinary plain white paper by sight or touch. These tickets were in direct violation of the law of Indiana, which provides that all tickets shall be printed on plain white paper and without distinguishing marks.

Witnesses testify that leading Republicans stated to them that these tickets were gotten up to beat the Democrats, and without any evidence on the subject the motive would be apparent to any person who has had any experience in elections.

It does not follow that frauds were committed by the Republicans at that election because they had absolute control of the county and city governments and of all the election boards, but it does show that they had the opportunity, and their conduct on election day shows whether they made use of the opportunity, this power gave them. The use of the peculiar ticket I have described destroyed the secret ballot and was itself a gross fraud upon the voters. It was used to coerce the weak and timid and prevent the expression of their honest preferences. I do not take the extreme ground of some of my colleagues on the committee that the use of what is called the "spring-back" ticket is of itself sufficient to justify the House in turning Peelle out and seating English, yet it is apparent from the testimony that English would have received many more votes than he did had not that ticket been used, and I have no doubt that the purpose of the Republican managers in using that ticket was to take what they knew to be an illegal advantage of their opponents. The unusual thickness of the paper was as clearly a distinguishing mark as though there had been printed upon the back of each "This is a Republican ticket."

The Republican sheriff of that county and his assistants put these peculiar "spring-back" tickets into the hands of the prisoners in the jail and marched them to the polls, and had no difficulty in having their votes received at the different precincts presided over by Republican boards of election. Not one vote from the jail was cast for the Democratic ticket, and the reason is obvious. The inmates understood when these unlawful tickets were placed in their hands that they were expected to vote the Republican ticket, and they could not change and vote the Democratic ticket without being detected. Rather than incur the displeasure of the sheriff having them in charge they all voted as he desired. As to these jail people, the ticket fully subserved the purpose its authors intended it should. Fifty-one persons were taken from the infirmary in Marion County to the polls by officials in charge of that institution, the "spring-back" tickets were also placed in their hands, and under the eyes of their keepers they all voted the Republican ticket. They were as much coerced to vote the Republican ticket as though actual force had been employed. Is there a member of this House who for a moment believes that all the poor persons who were inmates of that infirmary were Republicans? They came from all portions of the county, and of course part were Republicans and part Democrats.

But what were those people to do? They depended upon their keepers for all the comforts they could receive in this life, and when marched to the polls with marked Republican tickets in their hands they yielded their own convictions and voted as their masters commanded. From the circumstances I have detailed the House can form some judgment as to the practical results attained by the use of those unlawful tickets.

I do not intend to discuss the question of the intimidation of voters at the polls; that has been sufficiently commented upon by my colleagues who have preceded me. I desire, however, to make a single suggestion upon this subject. It is so clearly proved that it can not be successfully controverted that men who were qualified voters went to the polls to cast their votes for the Democratic ticket, including the contestant, and were deterred from so doing by the Republican election officers. From this statement of what was done by the Republican managers and election officers, beginning with the unlawful "spring-back" ticket, then the controlling of the jail and infirmary vote, the intimidation of legal and honest electors and thereby deterring them from voting, it would seem that if these things are not sufficient of themselves to justify the House in unseating Peelle and seating English they at least prepare our minds for a dishonest count and lead us to place credence in what to my mind is the controlling evidence in this case.

We are led by the almost uncontroverted evidence irresistibly to the belief that the Republican managers intended to defeat the Democratic candidates in Marion County by any means in their power to employ. When the votes were counted by the Republican canvassing board they made return that Peelle received 640 majority in Marion County.

A short time after the return was made, on the application of one of the candidates for sheriff at that election, a recount of the votes of the county as to the office of sheriff was ordered by the court, and three persons were appointed to make that recount. One of the three was Austin H. Brown, who is shown to be a man of decided ability and undoubted integrity. His integrity has not been questioned in this debate.

The recount on sheriff made by these persons appointed by the court showed conclusively that no dependence was to be placed in the return of the board of canvassers. The recount showed that one of the candidates for sheriff had actually received from 46 to 50 (I do not remember the exact number) more votes than were returned for him. This recount destroyed the presumption of the accuracy of the returns. If they were false as to the sheriff there was no presumption remaining that they were accurate as to the vote for member of Congress.

Mr. Brown swears that while counting the vote for sheriff he made a careful and accurate count of the votes for member of Congress, and that by such count the majority for Peelle in the county was reduced from 640 to 541. English gained by this recount in this one county 99 votes, and as Peelle by the returns had a plurality of 87, this recount made by Brown, if accurate, changed the result and elected English by 12 majority. Nothing is seen in this result of the effect of the unlawful ticket used by Peelle's friends, the jail and infirmary frauds, nor the intimidation of legal voters.

Now, that the testimony of Brown was competent has not been denied in this debate, which has proceeded for nearly two days, and I apprehend that no one will hereafter take that position. Admit that it was unofficial, that it was irregular; he swears he made the count and gives the result of that count, and if he swore truly English was as certainly elected as any member of this House. If Brown was a competent witness to give the testimony which he did, and he swears positively that English received 99 more votes than were counted for him, is not that uncontradicted testimony conclusive, and does it not require us to give English the seat in place of Peelle?

It has been many times said that English should have produced the ballots. I do not believe that. I think he was justified in relying on the testimony of Brown.

The ballots it must be remembered were in the hands first of the clerk of the county, who as chairman of the Republican committee got up the unpatented "spring-back" ticket—gotten up, as it was said, to beat the Democrats. After his retirement from office the ballots were in the custody of the county clerk who ran on the same ticket with Peelle—another spring-backer. I do not believe that English was bound to give these partisans of Peelle an opportunity of tampering with the ballots after what had been done by their custodians at the election. They had shown themselves adepts in perpetrating frauds, and I do not think he was bound to put himself in their hands by an application to compel the production of the ballots, which would have given sufficient time to tamper with them.

After Brown testified to the count he made what reply was made by Peelle? He undertook to show that Brown had made contradictory statements in regard to the count, and there his reply ended.

There never was any danger from the time the voting commenced until this time that the votes would be tampered with to the prejudice of Peelle. The election officers were his partisans, and the county clerks, in whose custody they have been since the election, were extreme partisans of Peelle. The ballots have been preserved, at least they had been up to the time the evidence in this case was taken. The county clerk swore while on the witness-stand in this case that the ballots were in his custody and were in the same condition as when counted by Brown and others. If Brown did not testify truly, why, instead of confining himself to showing that Brown had made different statements off the witness-stand from his statement under oath, did not Mr. Peelle produce the ballots which were at that time and had been from the time of the election in the custody of his dear friends?

Peelle comes here now and claims that Brown was either mistaken or testified falsely. He had the means of showing Brown's mistake, and he failed to do it. Is not the conclusion irresistible that Peelle and his friends were afraid to produce the ballots, and that if they had been produced they would have corroborated and confirmed the testimony of Brown instead of contradicting it?

It will not do for gentlemen to say that the ballots would have been more satisfactory evidence. English introduced competent evidence to prove his case. Peelle had the means of crushing the witness by whom English proved his case, and he did not produce what gentlemen say would have been so satisfactory.

In my judgment Peelle knew very well it would not do for him to produce the ballots. Unless he and his friends had known they would benefit English instead of him they would have been produced, and he has no right to complain if we believe Brown, and seat English in the absence of what his friends say would have been satisfactory, which he had the power to produce but did not. [Applause.]

Mr. CONVERSE. How much time has been occupied by the gentleman from Pennsylvania?

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The gentleman from Pennsylvania has occupied twenty minutes.

The Chair desires to state that there is a misapprehension as to the amount of time the friends of the contestant were entitled to. The calculation was made on a basis of two hours for them, instead of two hours and forty minutes, as it ought to have been. The friends of the contestee have used one hour and forty-eight minutes, which leaves them, under the unanimous consent of yesterday, fifty-two minutes of the time unoccupied. The friends of the contestant have used fifty-eight minutes only.

Mr. CONVERSE. I desire to make a correction with reference to the amount of time occupied on the other side. The gentleman from Indiana occupied one hour and five minutes. On this side we have used but thirty-three minutes, as the Clerk stated a while ago, and twenty now, making fifty-three in all of the two hours and forty minutes.

The SPEAKER *pro tempore*. The record shows that thirty-eight minutes' time of the gentleman from Ohio was used by the gentleman from Kentucky [Mr. BLACKBURN].

Mr. CONVERSE. That is a mistake; there was just thirty minutes, according to the time kept here, and as was stated before by the Chair; according to the record kept by the Clerk, but thirty-three minutes.

We reserve the time on this side.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. ELLIOTT] has forty-one minutes of his time remaining. On the side of the contestant one hour and forty-two minutes remain.

Mr. PEELLE, of Indiana. Then I will hear from that side of the House still further before I commence.

Mr. CONVERSE. I propose to regulate the time on this side myself. The gentleman may, of course, yield his time if he desires.

Mr. KEIFER. I desire to inquire whether gentlemen upon the other side claim the right to reserve their time to close debate? Should they not alternate the hours?

Mr. KASSON. That is but fair.

Mr. CONVERSE. I am entitled to an hour——

Mr. PEELLE, of Indiana. I understand the gentleman claims an hour and forty-two minutes.

Mr. CONVERSE. I do not propose to use that much time.

Mr. PEELLE, of Indiana. Will the gentleman take the forty-two minutes now?

Mr. CONVERSE. I made a statement on yesterday when the time was fixed that I expected to shorten the time on this side of the House.

Mr. PEELLE, of Indiana. Do I understand the gentleman to mean that he will not occupy the entire time?

Mr. CONVERSE. We expect to occupy but one hour on this side.

Mr. KASSON. That ought to be by consent, then.

The SPEAKER *pro tempore*. The gentleman from Indiana is recognized.

Mr. PEELLE, of Indiana. I yield ten minutes to the gentleman from Delaware [Mr. LORE].

Mr. LORE. Mr. Speaker, I have investigated this case with a great deal of attention, all in fact that I could give to it, and have reached a very definite conclusion. I have listened, sir, this morning to the argument made in favor of the contestant. I may say that I have listened to it with a bias in his favor, and with a desire to reach the same conclusion as that which they could have reached, that is, in favor of the election of the contestant. It occurs to me that the gentleman last on the floor, the gentleman from Pennsylvania [Mr. ELLIOTT], has touched the very salient point, the real point in this controversy. I think no careful examiner of this testimony will say that there is aught in it that a lawyer of ten years' standing would give much weight to outside of the alleged recount. He has gone directly to the point of the case. It is to that point I propose to address what I shall have to say in the ten minutes allotted me.

Now, if I understand this case, in the election held on the 7th November, 1882, there were at that poll a Republican judge, a Democratic judge, a Republican clerk, a Democratic clerk, and a Republican inspector. I think I am right in that statement. There was a Democratic judge, a Republican judge and inspector, a Democratic clerk and a Republican clerk. After the polls had been closed those men counted the ballots and ascertained the result, which certified that the contestee in this case was elected by 87 majority. He received the certificate of election. His *prima facie* case was made out. He took his seat in the Halls of this House. His election is contested. We sit here as judges. Although he has the *prima facie* case, it is alleged he has no case on the merits. I presume any lawyer will say the burden is upon the contestant to show he has a right to the seat. The other is in, according to the forms of law as well as according the certificates in this case; and it is for the contestant to show that his case entitles the other man to be ousted and him to be seated.

Now, how does the contestant propose to show that? And how does he show it? In one county of his district there is a contest over the shrievalty. Three officers are appointed by the court to recount the vote of that county, the county of Marion—one of them a Democrat and two Republicans. They do recount as to the sheriff. And what does the recount disclose? So far as the ballots are concerned, instead of being in favor of a Democratic candidate for sheriff, it increases the majority of the Republican candidate for sheriff. The recount made by these three men, one Democrat and two Republicans, shows that the official count as to sheriff is increased in favor of the Republican candidate.

But there is another count taken. How and by whom? Why, sir, by Mr. Brown alone. Mr. Brown did not say to Byram and to Adams that he proposed at the same time to have a recount as to the Congressional vote. They had no notice of that until twenty-one of these precincts had been counted. He had kept his own private count. And, mark you, all the discrepancies are found in those precincts which he counted alone. When the other two men are notified of the fact that a recount is being made by him they keep the tally. And what does the result disclose then; an increase of the vote for Mr. English? No, sir. There was some dispute about the accuracy of it; but they all concede where the recount was made by these two Republicans, super

intended by the Democrat, and by the Democrat superintended by the two Republicans—they all agree when they all keep count together there is an increase of the Republican vote. Is that a fact or a presumption? It is a fact, which you can not overlook. Then you are confined to the testimony of Mr. Brown himself as to the count taken in those twenty-one precincts before the others knew aught of what he was doing.

How, then, was this recount made? I will submit it to any fair-minded Democrat in this House, if he had been the candidate and he had proposed to have a recount of that vote made, whether he would not have said to these three men: "Now, I propose while you are recounting the vote for sheriff you shall also recount the vote for me in the Congressional contest." It would have been fair and manly for Mr. English to have had these three men count that vote over and then they would have had something conclusive. But he says he intrusted it to a man not only a Democrat but his own particular friend, at his special instance, to recount these votes. I say, sir, I would not have my seat in this House if I had to have it on the recount of one man when there was an opportunity to have the whole recounted by the three fairly and fully.

Mr. SPRINGER. The gentleman says that Mr. English employed Austin H. Brown to make this recount.

Mr. LORE. I said he was a friend of Mr. English and Mr. English requested him to make it.

Mr. SPRINGER. That is a mistake. Mr. English did not know he had made the recount until after it was done.

Mr. LORE. He made it as his friend, whether at his request or not.

Mr. SPRINGER. He made it at his own instance.

Mr. LORE. The point is this: He made it without notice to the two men who sat beside him and had an opportunity to see whether his recount was correct.

Mr. ADAMS, of New York. I ask the gentleman from Delaware why the other two officers on the recounting of the vote did not go back and count the vote up to the tenth ward, where they commenced to count it on the Congressional ticket with Brown?

Mr. LORE. They would not have deemed it necessary to count the whole thing, because Mr. Peelle was not notified of any contest in respect to it. If I had more time I would be glad to go more fully into that point. But I come to another and the single point in the case that the gentleman from Pennsylvania [Mr. ELLIOT] has argued so eloquently and powerfully. Why were not the ballots counted? On whom does the burden in this case rest? Does it rest, I ask any lawyer, on Mr. Peelle, or does it rest on Mr. English? Mr. English says the recount of these ballots will elect him. Why did not Mr. English have them recounted and incorporate the recount in his testimony in this case?

Mr. SPRINGER. He did.

Mr. LORE. If there is anything in the argument it applies more strongly to Mr. English, because he avers locked up in that ballot-box is the indisputable and irrevocable proof that he was elected; and yet he does not open that ballot-box.

Where does the burden of the proof in this case rest, and upon whom does it rest with crushing power? I turn to my learned friend from Pennsylvania [Mr. ELLIOTT], and ask him if it be true that these ballot-boxes contain evidence that will show that William E. English was elected why did he not secure an examination and recount of the ballots? The answer which is given, not boldly and promptly but by inference, is that they could not trust the officers who had charge of the ballots, and that a recount might have disclosed something else than was desired. Then you are estopped from appealing to the ballot-box. It was the place of Mr. English to have a recount of the ballots, and he did not see fit to do it.

That is the only point in this case. To my mind there is not one single circumstance connected with this count by Brown which is open, fair, and legal. It is a count made by a friend of Mr. English, made without notice at that time to his opponent, and is right in the teeth of a certificate made by a Democratic judge and a Republican judge and a Democratic clerk and a Republican clerk of elections. I must say that my vote in this case must be given in favor of the contestee.

RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House the following message from the Senate:

SENATE OF THE UNITED STATES, *May* 21, 1884.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill of the House No. 6762 to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and south lines of the county of Douglas, State of Nebraska, and to make the same a post-route.

Mr. KEIFER. I move that the request of the Senate be granted.

The SPEAKER. If there be no objection the request of the Senate will be granted.

There was no objection, and it was ordered accordingly.

ELECTION CONTEST—ENGLISH *vs.* PEELLE.

The House resumed the consideration of the contested-election case of W. E. English *vs.* Stanton J. Peelle, from the seventh Congressional district of Indiana.

Mr. PEELLE, of Indiana. I yield fifteen minutes of my time to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I have not yet so far outgrown the guileless confidence, or what some of my veteran associates would perhaps call the verdancy of a new member, as to believe that the great Democratic majority in this House, which has full control of all its business, will not do justice in this case if it thoroughly understands it. Whether that be so or not, it is a fortunate thing in the election cases of this session that there exists no temptation on the part of the majority to do injustice, because the trifle of a dozen members more or less is, as Mr. Toots would say, "of no sort of consequence."

This case can be and ought to be, and I plead that it may be, decided upon its merits. It is so plain to any honest mind and the objections to the right of the sitting member to retain his seat are so flimsy and artificial, that if I were he I would not hesitate to leave the issue to the two hundred men who sit on the other side of this Chamber if only it could be submitted to their conscientious judgment relieved from the reactionary influence that comes from being face to face with their political opponents on this side.

The only other danger is that members will not read the evidence, will not examine the reports, just as sometimes in the confusion of this assembly we do not listen to the arguments of gentlemen who speak to us. We have so little time to examine the voluminous mass of printed matter that swells our mail and inundates our tables that we are apt to rely upon the reports of committees, and, when those committees are divided, to rely a little too blindly upon those of their members who are of our political stripe.

But it is in just these cases where committees are divided, especially where the right of a member to his seat is at stake—a right so sacred that under our rules it is a matter of the highest privilege—and where the very organization of the House is imperiled, that the question is entitled to the solemn individual consideration and judgment of every one of its members. So feeling, I have carefully studied this report, not with a view to making a speech, but to do what I presume every other member desires to do, to give an honest vote. Having read it, I want to say in passing that it is one of the most amusing and entertaining pieces of literature that ever came under my observation.

I notice that the gentleman from Georgia, the distinguished chairman of the Committee on Elections [Mr. TURNER], did not draw it. And such is my respect for his good sense that I hazard the suggestion that he never could have drawn it. Indeed, I have been in doubt, and am now, whether that report is not a huge joke. There is running through it such a grotesqueness of overstatement and misstatement and *non sequitur;* there is such a hemispheric difference between the testimony in the case and the conclusion that is arrived at; there is, if I may use another long word, such a latitudinarian and picturesque incongruity of impossible inferences from grounds which never existed, that the whole report seems to me a marvelous tribute to the ingenuity and extravagance of humor.

To be serious, Mr. Speaker, I find that this report consists of half a dozen general charges against the right of the sitting member, in support of which there does not exist a single iota, scintilla, or suggestion of proof from beginning to end, and the gentleman from Kentucky [Mr. BLACKBURN] admits it when, taking up those charges *seriatim*, he says that no one of them is enough to convince his mind, that no one of them does anything more than raise a suspicion—a suspicion which looked at in the light of the evidence amounts to nothing. And as by the old rule of the schools "naught into naught is naught," so these six charges reduced to six suspicions and multiplied together are nothing but suspicions still. And I ask the House, with an honest mind, to engage with me in a few moments' consideration of them, and of nothing else. The reminiscences of partisan contests in the past are nothing to us. It is of no consequence to us who is the "uncrowned king of the Democracy." Some of us are not interested in questions of partisanship. There are men here on both sides who in this matter and in all others desire to arrive at nothing but the truth. It is in that spirit that I beg to look with you at the points on which the majority of the committee rest their case.

The first is the question of the so-called "recount." But, Mr. Speaker, there never has been any recount at all. There never was but one count in this case—the original count. That count was made according to law. That count was made by boards on which sat a Democratic judge, a Democratic clerk, and a Democratic watcher, in connection with a Republican judge, a Republican clerk, and a Republican watcher. These boards, constituted according to law, consisting of an equal number of Democratic and Republican judges and clerks, acting under oath, have made the only count that has ever been made in this case, and that count gives Mr. Peelle a majority of 640 in Marion County.

Mr. CONVERSE. I desire to correct the gentleman——

Mr. LONG. I can not yield. I have only a few minutes.

Mr. CONVERSE. The majority was only 87.

Mr. LONG. Six hundred and forty in that county. This is the only count that has been made; and it gave the sitting member a majority of 640 in that county.

Now, Mr. Speaker, there is no principle of law better established than that if you desire a recount, that recount must be made according

to law; and it must extend through the whole jurisdiction of the district affected. In this case the district consists of three counties. This alleged "recount" has been made not only not in accordance with law, but it has been made with reference to only one of those three counties.

I have not time to go into this matter, but let me suggest a case to some gentlemen on the other side. Let me put it to you, sir [addressing Mr. TILLMAN], who came here as a Representative from South Carolina. You are here elected by a majority of the votes in your district. Suppose, after receiving your certificate and after having been counted in by an official and sworn board, some honest man, if you please, having access to the votes, had, without notice to you, recounted them. Suppose he then should come here and say to the Republican members of this House, supposing they were in the majority, "I counted those votes, and I found there had been a mistake; Mr. TILLMAN was not elected and is not entitled to his seat; his competitor had the larger number of votes." Why, sir, a claim of that kind would be hooted out of this House on both sides.

Let us go further and suppose—for this case must be brought home to each one of us, and then it will appeal to our conscience and reason and sense of fair play—suppose that such a man coming here with such a story, an honest man I concede, had not accidentally counted those votes, but had done so upon the employment and instigation and under the pay of your rival or your rival's father, who had an interested purpose in the matter, what would you say with regard to calling that a "recount?" The illustration is alone an argument in such a case as this.

Mr. Brown testifies that on his separate, sly, unsworn, unauthorized count he found there had been an error. But another counter, who discovered and joined in this go-as-you-please recount for Congressional Representative when it had reached the ninth ward of Indianapolis, a Republican, Mr. Byram, says that he counted from that time on; and he makes a sworn statement that Mr. Peelle's vote was larger than had been reported by the authorities, and makes his majority 767 in Marion County.

[Here the hammer fell.]

Mr. PEELLE, of Indiana. I yield five minutes more to the gentleman.

Mr. LONG. Suppose then that the original return, made upon the first count, had been in favor of Mr. English, and he were occupying his seat in this House to-day. Suppose that Mr. Peelle were the contestant. Suppose that Mr. Peelle should come in and say to you, as in very fact he does, that Mr. Byram, who had been appointed to recount the votes for sheriff, had found in going over them that there was a mistake in counting the Congressional vote; that there were 127 more votes for Mr. Peelle than had been reported, thus giving him the election. Would you on such a statement unseat Mr. English and give the seat to Mr. Peelle? Whose ox would be gored then? In other words, will you now give to this unsworn, unofficial, and unauthorized statement of Mr. Brown a force which you would never think of giving to Mr. Byram's statements if the circumstances were reversed?

The gentleman from Pennsylvania [Mr. ELLIOTT] makes an argument which seems to me utterly fallacious. He argues that, inasmuch as Brown says he found there had been a mistake and the real majority was 90 for English, therefore this discovery overturns the *prima facie* right which the original return gave Peelle. Mr. Speaker, it does nothing of the kind. Suppose—what I trust may never come true—a suit had existed between you and me and you had recovered judgment against me; suppose afterward you had a suit with the gentleman from Missouri [Mr. BURNES] and recovered judgment against him; and suppose in that latter suit some fact had appeared which if it had entered into our case would have turned the verdict the other way and given it to me, will anybody say, will the gentleman from Pennsylvania undertake to say, that thereby the verdict you obtained against me shall be at once set aside without pursuing due course of law? Not at all. It would be my duty, if I believed I had not had my rights, to give you notice and demand a new trial. For me to say that your judgment was only *prima facie* and was overturned by this discovery in another case would be preposterous. I say it would be for me to institute proceedings; certainly not for you who were resting on your rights and your judgment. And yet, on the claim of the argument of the other side, you, in that case, who have the verdict would be in duty bound, in view of this new evidence, to reopen the case, waive the verdict you had obtained, and re-establish your right to it.

So in the question now at issue. Here was a regular count, an official count, participated in by Democrats and by Republicans. Under that count the certificate went to Mr. Peelle, the sitting member, according to law. Afterward there was another case under another jurisdiction and between other parties, in which a fact was claimed to be discovered, a piece of evidence came out which was in the nature of new evidence. The gentleman from Pennsylvania [Mr. ELLIOTT] undertakes to say that such a fact appearing in the progress of another count between other parties should come in and set aside the verdict in this count between Peelle and English.

No, sir; the *prima facie* case is not overthrown. If it is overthrown, then no man here holds his seat with any security. There is no man here who is not thereby liable to be deprived of his seat by the statement of any tramp, any unauthorized or unsworn person, who, in the absence of a sitting member, without notice to him, has recounted the ballots, and made his own unauthorized, unsworn, unsupervised, and secret return in regard to them.

But more than that. Remember this man Brown kept no account of his recount. He can not furnish to-day a single memorandum. He testifies himself that he lost or destroyed the figures he then made. You find yourselves driven to the position that if you unseat Mr. Peelle you are unseating him not only on the unauthorized recount of a man who had no authority to make a recount, but of a man who has no figures and no data to submit in support of it.

I should like, Mr. Speaker, to go fully into this matter, but the lack of time forbids. I should like to dwell on the objection to the pauper vote. These paupers had a right to vote and there is no evidence to show that one of them was coerced to vote against his will. There is indeed the evidence of a man named Miller, who says he was once a trustee of the poor-house four years. He was a Democrat, and he testified that he should think, or was under the impression, that two-thirds of these fifty-one paupers were Democrats, and therefore had been compelled to vote against their will. His only reason for this guess seems to be because he had been trustee four years of the same institution and inmates had voted for him as a Democrat. It may perhaps be not unfairly inferred that as such he had attenpted a little coercion for his side at that previous time, and therefore took it for granted that those who had succeeded him in office were following his example. But this whole matter is all mere surmise and guess, and is unsupported by a word of definite and substantial testimony.

The SPEAKER. The gentleman's time has expired.

Mr. PEELLE, of Indiana. I yield to the gentleman another minute.

Mr. LONG. So with the fraudulent jail vote. So with what are called the twelve counterfeit tickets. And let me say a word right here in regard to these tickets. Members on one side and the other speak as if these votes belonged to Stanton J. Peelle or William E. English. I fail to understand that they belong to any one except to the voters themselves. And it is not shown that a single man who cast one of these votes east that vote against his will.

The law is that no ballot shall be more than three inches in width, or shall be on other than plain white paper, or bear any designation on its back.

The SPEAKER. The gentleman's time has expired.

Mr. PEELLE, of Indiana. I will yield six minutes more to the gentleman from Massachusetts.

Mr. LONG. Now, anybody who has looked on these ballots sees they are in entire compliance with the law. Gentlemen on the other side have over and over again admitted that this is the weakest part of their case, and that these tickets are in compliance with the law. I wish I had time to elaborate more. But I undertake to say if every one of these ballots had been black and blue, had been yellow and red, and yet had once been received by the proper authorities and once placed in the ballot-box they would have to be counted. For if you throw out one you throw out all, and you deprive not merely Mr. English or Mr. Peelle of an election, but the voters of the State of Indiana, who to the number of some fifteen thousand deposited these ballots, of their dearest right as citizens—the right to vote.

This statute, Mr. Speaker, is simply a directory statute. It says that no ballot shall be used other than of a certain quality or color or size, but not that it shall not be counted, if used. In Massachusetts we present our ballots open, and they are deposited in that manner. I am informed by my friend from Illinois [Mr. PAYSON] that in the West voters are obliged to fold them. He tells me he never goes himself to the ballot-box without holding out his open ballot, but that the judges always say they can not accept it in that form, so that before depositing it he is compelled to fold it. But if the judges did accept his ballot and put it into the box, whether folded or not, it would have to be counted. The whole bottom, therefore, falls out of this matter as to the size and shape and weight of tickets to be used. There is nothing in it whatever. The only point, after the ballot is once accepted and put in the box, is to enforce the honest intention of the voter.

Why, this very case has already been decided in the courts of Indiana, California, and other States. It has been practically decided by the courts in the case of this very ballot in the sheriff contest. I know it has been said by the distinguished gentleman from Ohio that the case was not there tried, but was settled. But I say to him if there had been anything in this point of an illegal ballot the case would not have been settled, but carried to the final judgment of the court. Let me now call attention to the report made by the distinguished gentleman from Georgia [Mr. TURNER] in the case of the contested election of Wallace against McKinley. It is very significant on this point. He uses this language:

> In Lee Township, Carroll County, a ballot for contestant was not counted by the judges because it had a name and some figures on the back of it. It is claimed by the sitting member that this ballot is obnoxious to the statute of Ohio, which forbids any mark or device by which one ticket may be distinguished from another. The evidence shows that this ticket was voted in the condition described by accident or inadvertence. We do not think that it is within the mischief intended to be prevented by the statute, and count it for this contestant.

There is an honest statement and good law. And yet this same committee, which now would reject a ballot because of its thickness, does

not hesitate in the McKinley case to count a ballot the back of which was covered with distinguishing marks, on the ground that having been deposited in that condition by accident or inadvertence and having been once accepted by the judges of the election it must be accepted also by the committee as a proper ballot.

Mr. Speaker, this whole case as presented in the majority report is an insult to common intelligence. If it is a joke, then it is time to end it. If not, then this House, in the dignity of its own self-respect, rising above all partisanship, ought to trample such an infamy under foot. If I were standing in the place of the gentleman from Indiana whose seat is contested I would be willing to submit my cause to the hands of any one of the 200 members upon this floor who had examined the evidence and who would weigh it in a judicial capacity. I would like nothing better than to leave it to you, Mr. Speaker. Witnessing, if you will allow me to pay the compliment, the fairness with which points of order in the very heat of partisan conflict have been decided by you, I would like nothing better than to see this case left to your honest judgment. [Applause.] I would like to see the quiet but quick work you would make of the miserable sophistry which seeks to rob the member from Indiana of the seat he is so justly and clearly entitled to hold on this floor. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate returned, in accordance with the request of the House, the bill (H. R. 7071) erroneously numbered H. R. 6967, supplementary to an act to provide for the publication of the Tenth Census, approved August 7, 1882.

The message also announced that the House of Representatives was requested to return to the Senate the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and south line of the county of Douglas, in the State of Nebraska, and to make the same a post-route.

The message further announced that the President *pro tempore* of the Senate had appointed Mr. SHERMAN, Mr. MORRILL, Mr. ALLISON, Mr. BAYARD, and Mr. LAMAR members of the commission on the part of the Senate, as provided for by the joint resolution entitled "A joint resolution in relation to the ceremonies to be authorized upon the completion of the Washington Monument," approved May 13, 1884.

CONTESTED ELECTION—ENGLISH VS. PEELLE.

Mr. PEELLE, of Indiana, addressed the House. [See Appendix.]

Mr. CONVERSE. I yield ten minutes to my colleague [Mr. HURD].

Mr. HURD. Mr. Speaker, I desire to state briefly the reasons which will constrain me to vote for the report of the majority of the Committee on Elections in this case. I shall not consider any of the questions presented in that report except the one relating to the recount.

It seems that at the election in the city of Indianapolis in 1882 a sheriff was chosen. The certificate was given to the Republican candidate, and his Democratic competitor contested. In the judicial proceedings which followed the court having proper jurisdiction of the subject ordered a recount of the ballots which had been cast at that election for sheriff. Upon the same tickets which contained the names of the candidates for sheriff were the names of the candidates for Congress. This judicial finding that a recount was necessary and ought to be made included in it two propositions as approved by the court, propositions which are very important, and which should not be forgotten: first, that the ballot-boxes which contained the ballots had been within the authority and under the control of the proper officers of the State; second, that the ballots which were recounted were the actual ballots which had been deposited by the voters in the ballot-boxes. It was impossible the court should have adjudged that a recount should take place unless it had found these two propositions: First, that these were the genuine ballot-boxes, preserved as the law required; and, secondly, that these were the genuine ballots which had been deposited in them.

As a result of that recount (the commissioners who made it being, as I understand, two Republicans and one Democrat) it was found that 50 votes or more which had been cast for the Republican candidate for sheriff had not been counted for him and returned by the inspectors of the election.

While this recount was going on the Democratic commissioner, Mr. Austin H. Brown, counted the votes which had been cast for Representative in Congress, and after the counting had been done he stated, and has since sworn to the statement, that 99 ballots which were in the box and ought to have been counted for Mr. English had not been counted for him. Counting those 99 votes for Mr. English, he would have 12 majority.

I admit, sir, that ordinarily the record made by the judges or inspectors of an election is conclusive. But when that record is successfully attacked, when it has been contradicted and impeached in a material matter, then it is valueless as evidence to establish anything. *Falsus in uno, falsus in omnibus* is a maxim of the law which applies in a case like this more strongly than in any other. If Mr. Brown is a man of integrity and worthy of credit, then his statement must be taken as true. The statement of the commissioners as to the election of sheriff was accepted by the court as true, and the votes which the inspectors had refused to count for the Republican candidate were counted for him by order of the court. And how, then, stands the case? On the one side the false, impeached, contradicted record of the judges of the election; and on the other the sworn statement of Austin H. Brown. I happen to know Austin H. Brown. I have known him personally and by reputation for years, and I say unhesitatingly that among all my acquaintances I know of no person to whose word I would give greater trust than to his. I regard his statement as being absolutely conclusive as to the fact. This being so, it makes it certain that Mr. Peelle is not entitled to a seat on this floor, and that Mr. English ought to be seated in his stead.

It has been said, Mr. Speaker, that the contestant in this case ran behind his ticket in the city of Indianapolis and in the district. That may be true. But when you take into consideration the peculiar circumstances connected with that election you will find in those circumstances a sufficient explanation. The idea has been suggested that he does not come here representing any other person than the distinguished gentleman who is his father. I have known the younger Mr. English for years. I know him to be one of the best and most successful managers in politics of his years. I know him to have the confidence and esteem of the people who know him. He has represented in the Indiana Legislature the capital district of his State, and his name is associated with some of the prominent measures of legislation enacted in that Commonwealth. I am sure if the majority shall decide, as I think it ought, that Mr. English is entitled to a seat in this House, he will as a member of this body fully realize the hopeful anticipations of his many friends.

Mr. CONVERSE. I yield for ten minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I am in favor of seating the contestant in this case for two or three substantial reasons. In the first place, there was used in this election a ballot which has been denominated the spring-back ticket. Gentlemen have held this ballot up before us and said it was printed on plain white paper. Everybody who knows anything about plain white paper knows this is not printed upon plain white paper. It is card-board, so thick that when pressed together it immediately springs back, thus enabling any person in the vicinity when a voter approaches to vote one of these tickets to know whether he has a Republican or Democratic ticket.

Many of the States of the Union have endeavored to prescribe statutes to preserve the secrecy of the ballot. At each successive election the ingenuity of political wire-pullers has in some measure defeated the intention of the law-makers. In California they have a statute which I believe has worked more successfully than any other. It prescribes the form, the length of the paper, and that it must be furnished by the Secretary of State. The object of these various statutes is to secure absolute secrecy. The object of the political wire-puller is to get a ticket that will comply apparently with the law, while it will enable them at the same time to tell whether an approaching voter carries a Democratic or Republican ticket. This is the last invention of these politicians to defeat the statute. It is the latest one which has been devised by the ingenuity of man to defeat the will of the law-maker.

What was the intention of the statute in Indiana? The only object in requiring the tickets to be printed on plain white paper was to preserve the secrecy of the ballot-box. Destroy that and you may as well go back to the old system of *viva voce* voting. It is the only security a poor man has. It is the only security a timid man has. It is the only security workingmen have when those employing them desire to coerce their judgments and compel them to vote against their will.

This spring-back ticket completely destroys the secrecy of the ballot. It was cunningly and ingeniously devised for that purpose.

The honorable gentleman from Massachusetts [Mr. LONG] who spoke a few minutes ago stated it happened to be printed on thick paper. It happened! Yes, it happened the friends of the sitting member sent to Cincinnati and got this paper. They paid three times as much as it would have cost to print it on plain white paper. It happened they went to other paper dealers in Indianapolis and secured all there was on hand in that city, so as to prevent the Democrats getting hold of the same kind of paper.

Mr. PEELLE, of Indiana. The gentleman from Illinois is mistaken, as Mr. Burford, Mr. De Vay, and Mr. Rose all testify that such paper was on hand in their respective establishments.

Mr. SPRINGER. I will proceed. It is in evidence in this case they borrowed from one dealer all he had of this paper and returned not merely the same kind of paper but the very identical sheets which had been borrowed. All this indicated a plain and deliberate purpose on the part of the sitting member's friends to put into the hands of their supporters tickets so that their challengers would know every Democratic voter as he approached the polls. That was what was intended by this card-board ticket. It was that they might know their friends and let them vote. There were two hundred and fifty hired policemen who were acting as bulldozers for the sitting member, intimidating and driving from the polls, as they did, Democratic voters when they came forward with the ordinary and legitimate ticket.

After gentlemen have designed and perpetrated a fraud of this kind they come before this House and ask a Democratic majority to sanction that fraud. Suppose we do, what will be the effect? We are going to have a Presidential election next fall, and this newest and latest invention of the enemy will be used for the purpose of coercing the vote and

the judgment of the workingmen in this country. This side of the House can not afford in going into a Presidential election, when many of the workingmen are desirous of cutting loose from their old party relations and casting their lots with the Democratic party—we can not afford and we do not wish to throw obstructions in the path which leads them with a Democratic ballot to Democratic victory.

We can not therefore sanction this later invention now to prevent secret voting in this country. This attempt was successful in accomplishing just what it was designed to accomplish. We have the testimony of no less distinguished a person than Senator McDonald, of the State of Indiana, who was at one of these polls endeavoring to get in the votes of honest workingmen, and furnished the proof that they were entitled to vote, the affidavits required by the law; but they were driven away from the polls by a howling mob. [Derisive laughter on the Republican side.] Yes, sir; they put them out by the aid of hired policemen; and gentlemen may laugh as they will. The truth is the truth. I see my distinguished friend so celebrated for civil-service reform [Mr. LYMAN] already coloring away back from the top of his head at this last statement. [Laughter.] I regret that he and his distinguished colleague who just addressed the House a few moments ago [Mr. LONG] were not here when we had a contest in this House over the question of who should occupy the high position of President of the United States. If we had had the gentleman and his colleague, who spoke with such feeling and virtuous indignation upon this subject, I would have expected them to stand up here with me in behalf of the Democratic filibusters, and join hands with us in an attempt in that Congress to insure a fair and honest count of the election of Mr. Tilden. [Applause on the Democratic side.]

It would seem from the way gentlemen talk that they despise anything looking like fraud, yet they counted in a man as President who was not elected, and my friend knows it as well as I do. They should remember their action in the last Congress, too. They should have been here when the roll was called on that question, when my distinguished friend from South Carolina [Mr. TILLMAN] who had received 10,000 majority was ousted from his seat and by partisan votes sent back to his constituency.

Mr. SMALLS. I deny it; he did not have one majority. [Applause on the Republican side.]

Mr. SPRINGER. That is not the only point in this case. There are other points in connection with it. After all these efforts to defeat an honest election in Indianapolis by the friends of the sitting member it was found out upon a final count of the vote that he had but 87 majority on the face of the returns. After that ballot had been disclosed there was a contest in the case of the election of sheriff in the county of Marion, and two other officers also in that county. Austin H. Brown was the referee appointed by the court for that purpose, and he recounted the votes for sheriff in that contest.

He counted them not only on the sheriff but he counted the ballots upon Congressmen. He did not notify the other party that he was going to count them on Congress, for he was not obliged to do so. It was not necessary that he should do so. But it is a question of fact as to what was the result of that election—who got the most votes. That was determined by examining the ballots themselves. He examined them and was engaged in that examination for three or four days; and after that examination he stated the result of his deliberately made, careful recount. He found that Mr. Peelle, the sitting member, had received the benefit of 99 votes more in the city of Indianapolis than he was legally entitled to by the final count. He gave that testimony and it has been unimpeached. It is in the record and gentlemen can see it for themselves.

Now gentlemen say that count can not be relied upon; that it is not true; that it is contrary to the official returns. Well, Mr. Speaker, there was a way that they could have established that fact. There was a method which was simple and easy to arrive at a conclusion, which was upon the very face of the ballots themselves. They were in the hands of their own friends, and if they doubted it why did they not produce them? Why, in a suit at law if a plaintiff should testify that he had deposited with a certain bank sums of money at specified times, would not that establish a *prima facie* case and compel the bank to produce its books and prove from them the inaccuracy of the statement made? Would not that be necessary in order to deny or refute the statement? Now, these parties had control of the ballots. They could have brought them into court and absolutely disproved the statements of Mr. Brown if they were incorrect. They were in their custody; they were there from that time until this contest was remitted to the Elections Committee of this House. But they did not produce them, so that they are estopped from saying that Brown's count was not correct. They had forty days in which to dispute it. They had that time in which to present proofs of this inaccuracy. They had the ballots in their possession and all the power of the courts of the country to compel the attendance of witnesses, and yet they would not go to the only place in the world where that statement of Brown's could have been successfully contradicted—that is, the ballots themselves. Having failed to go to the ballots they are concluded by this count. They chose to stand by the official count as against Brown and they must abide the result. I choose to stand by Brown's count. But there is another question. In many places in this election there was a systematic effort on the part of the Republicans of Indianapolis to prevent a fair election. These efforts have been all detailed before, and I will not go into them again. Many gentlemen have referred to them. They are well known to everybody in this House and all over the country.

Sir, there has not been a fair election conducted by Republicans in the city of Indianapolis for fifteen or twenty years. Ever since the war, when Governor Morton's friends brought a regiment of Massachusetts soldiers into the city of Indianapolis and voted them at the Presidential election, there has been no chance for a Democrat running for an office to get a free vote and a fair count in that city. Those political managers in that city, sir, ought to be informed by the House of Representatives that while their frauds may be successful at home, they can not come to a Democratic House of Representatives and ask us to sanction their political methods and retain in his seat a man who owes it to the very methods which they have adopted and which they have resorted to from year to year for the purpose of perpetuating their power in that city. Even at the last Presidential election it is a notorious fact that new crisp two-dollar bills direct from the Treasury of the United States were sent to the State of Indiana for the purpose of corrupting the people and carrying the Presidential election of that year. It has been a State fruitful of political corruption, a State in which the friends of the sitting member have exhausted their ingenuity in devising means of cheating the Democratic party at every election.

The SPEAKER. The time of the gentleman has expired.

Mr. CONVERSE. I yield ten minutes to the gentleman from California [Mr. HENLEY].

Mr. HENLEY. Remembering what Job says, that it is not well to darken counsel with words, I have not desired more than the time that has been allotted to me. But I have felt inspired to say something in reply to what fell from the lips of the gentleman from Massachusetts, Governor LONG. He stated to this House that there had been no recount of this vote. He meant by that that there had been no official recount. He did not deny that there had been a recount, but he based his allegation upon the idea that there had been no official recount. He did not seek to impeach the veracity or the rectitude of character of Mr. Brown, who made this recount. Not at all. He did not charge that Mr. Brown is unworthy of belief or undeserving of the fullest credence. Nothing of the sort. He simply says there has been no official recount. In other words, we have got the truth, but it is not official. It is *aliunde*.

I remember something, Mr. Speaker, about the prejudice that the gentlemen upon that side of the House might fairly be presumed to have against this matter of *aliunde*. I remember that in 1876 when the certificates of the Southern returning boards were offered in evidence before the electoral commission, and when it was proposed to prove they were the fruitage of corruption and of fraud, the Republican members of that board raised their hands in holy deprecation and said, "No; this is *aliunde*." We were not at that time permitted to prove outside of the record facts which would have stamped those certificates as being unworthy of official credence.

Now, then, there has been a recount. We say it is unofficial, but we say it is true; and by admitting the integrity of Mr. Brown you concede its truth, and it destroys the *prima facie* case of the contestee. So this matter now becomes one of extreme simplicity. Mr. English on the one side alleges one thing; Mr. Peelle alleges another.

There is a witness by which this controverted fact could be determined absolutely and beyond all human question. Either one or the other of these gentlemen ought to call that witness—I mean the ballot-box. Neither one of them does so. Why? Why should not Mr. English produce it? Mr. English has shown truthfully, whether officially or not, that he was elected. He might or might not sustain that by these ballots. Why did he not have them counted? Why did he not produce them on this floor? Simply because he chose to rest his case upon the unimpeached and sworn statement of Mr. Brown. And he had a right to do so. And he contends that he can not properly be called upon to produce this ballot-box, because all the time it had been in the custody of his political adversaries, and such adversaries as were fitly characterized by the gentleman from Kentucky [Mr. BLACKBURN] in his remarks this morning. I can scarcely credit that any fair-minded man on the floor of this House would rise and say that it was incumbent on Mr. English to produce that ballot-box under these circumstances. He had not the custody of it. Mr. Peelle or his political friends had. And Mr. Peelle did not dare to produce it, because he knew if produced it would verify the testimony of Mr. Brown.

Is there a human being within the sound of my voice who is not absolutely confident that if those ballots were produced here and counted they would tell the same story in behalf of Mr. English that Mr. Brown himself tells? I am oppressed with the fact that while I am making these statements it is simply a repetition of what was much better stated by the gentleman from Pennsylvania [Mr. ELLIOTT].

But the gentleman from Massachusetts [Mr. LONG] says there was no improper or undue influence exercised upon these paupers—these almshouse people. If it was a question in connection with the Tewksbury almshouse we might be disposed to assume that the gentleman from Massachusetts was an expert in the matter, or some of our other

Massachusetts friends might be called upon. But this is an Indiana almshouse, and the facts show that every solitary one of those paupers voted the Republican ticket. Is that to be accounted for upon any such theory as that no sinister influence was exercised upon the inmates of this almshouse?

There is one point I have omitted. This question ought to turn upon the competency of Mr. Brown. His testimony is competent. No one questions that he has testified to this state of facts, and his testimony stands uncontradicted. And we ought to receive it precisely for what it is worth, no more and no less; but we can not reject it.

I have said now all I intended to say. I may add, however, by way of conclusion, that the contestant in this case has been known to me, as well as his father before him, ever since I knew anything. As has been so well stated by the gentleman from Ohio, his history, young as he is, is to be found recorded in the legislation of his State. And if he shall be awarded a seat upon this floor I can make the pledge that by his conduct and the record which he shall make no cause of regret will be afforded to any one who shall vote in his behalf.

Mr. CONVERSE. I now yield ten minutes to the gentleman from Kentucky [Mr. ROBERTSON], my colleague on the Committee on Elections.

Mr. ROBERTSON. I am obliged to the gentleman from Ohio [Mr. CONVERSE], my friend and colleague on the committee, for giving me an opportunity to make a few remarks on this case. But as time is passing and the vote ought to be soon taken, and as I feel that the case has already been exhaustively argued, that there can not be any question as to the propriety of seating Mr. English, I think I will yield the time back to the gentleman in order that he may give it to some one else.

Mr. CONVERSE. I desire to call the attention of the House for a very few minutes—perhaps not more than five or six—to some of the points that have been made in this case by gentlemen on the other side. There is no dispute but that the constitution and the law of the State of Indiana provide that the ballot shall be secret, and we all know the purpose of providing for the secrecy of the ballot. It is to place in the hands of the voter a power which he may exercise on election day without inspection, without direction, without influence or coercion, and which, when exercised, shall reflect his will alone.

It is admitted, or rather it is not denied, that the spring-back tickets which were used by the Republican party in the city of Indianapolis at the election in controversy could be readily distinguished from fifteen to thirty feet away in the hands of the voter. That was an absolute destruction of the secrecy of the ballot in that capital city of a sovereign State. Yet the distinguished gentleman from the State of Massachusetts [Mr. LONG] says in substance in his speech to-day, "Oh, that is nothing!"

There are shops in the city of Indianapolis where hundreds of men are employed by a single employer. In other cities of the Union there are places where a thousand and two thousand men are employed by a single employer, or are under the control and supervision and may be employed or dismissed by a single superintendent or manager. Has it come to this, that though a State may say that the ballot shall be secret, the Congress of the United States shall say it is immaterial whether it is secret or not secret; that the employer may drive his employés to the polls to vote pasteboard tickets prepared by himself, whereby he may know just how each employé votes, and Congress has no power to interfere with him or with the results of an election thus carried? If that practice is to be sanctioned, you might as well in some of the States of the Union turn the ballot-box at once over to the employer rather than to give the ballot to the employé.

The success of the Democratic party (some gentleman saw fit to allude to that yesterday), the success of pure elections, the success of honest government depend upon the secrecy of the ballot. The freeman's will can find expression at the ballot-box only by guarding its secrecy. If this Congress would strike a blow in the interest of reform, in the interest of honesty, in the interest of pure elections, here is the place to strike it, and now is the time. The pasteboard ticket was intended to be a distinguishing mark on the ballot. It was designed and used, as the proof shows, for fraudulent purposes. The gentleman from Massachusetts claims that his party may make the tickets of its voters black or white or red, notwithstanding the court and laws of Indiana, and in judging of the elections and returns from that State we are bound to give effect to such votes and ignore the laws. He claimed as an employer the right to put into the hands of the honest and poor voter a red ballot, a yellow ballot, or any other sort of ballot, in violation of the constitution and laws of a sovereign State. And yet he says that the Congress of the United States is bound to count it. Such a course will destroy the freedom of elections. Yet the gentleman talks about our conscience requiring us to do it.

What else is there in this case? I do not desire to refer at any length to this recount by Mr. Brown, which has been already so thoroughly argued. The recount was honestly made, by an honest man—by a man of character. And yet I understood the gentleman from Massachusetts [Mr. LONG] to refer to him when he said that tramps and unauthorized persons could not be permitted to recount the ballots.

Mr. LONG. I made no such allusion; I made no such reference.

Mr. CONVERSE. I accept the gentleman's statement.

Mr. LONG. I made an illustration. I said that suppose that you should find that some person had accidentally——

Mr. CONVERSE. I understood the gentleman to use the term "tramp or unauthorized person." If I am mistaken in that, of course I desire to withdraw my reference to it.

Mr. LONG. What I said was this: I said that if this principle were carried out, then our seats here would be at the mercy of any tramp or unauthorized person who might claim to have made a recount. I did not mean to apply that to Mr. Brown, of course, of whom I know nothing but good.

Mr. CONVERSE. Here is a solemn recount which has been honestly made. The character of the man who made it has not been assailed. He is no tramp. He comes here supported by political friends and political foes as a man of integrity and of discrimination and ability. He made the recount. The ballots were in possession of Mr. Peelle's partisan friends when his testimony was taken. Did you have them counted? No; you said, "We will not recount the ballots, although we have them all in our possession; we will not resort to them, but we will rely upon the law; we will depend upon the official count." When the returns in the case of sheriff had been officially impeached as erroneous, and when by the oath of such a man as Austin H. Brown they were shown to be erroneous to the extent of electing Mr. English, and when they were shown to be then in the possession of your partisan friends, was not your refusal or failure to produce the votes, and thus show that Brown was mistaken, a confession that his count was correct and the official count on Congressman erroneous?

Mr. HEPBURN. Will the gentleman allow me to ask him one question?

Mr. CONVERSE. I prefer that my friend should not interrupt me; my time is limited.

Now, is it nothing that this thing should have been done? What do you say of a man who, claiming to have in his possession the proof of his innocence, refuses to produce it after evidence has been offered showing his guilt?

Brown swore in substance that English was elected; that the ballots had been fraudulently counted. The testimony shows—probably the gentleman from Massachusetts did not examine it—that 5 and 10 different numbers of ballots were counted upon the tally-sheet which were not in the box and never had been. When they came to look into the box the tickets were not there, but the count was on the tally-sheets made by Republican boards. Those were the corrections which were made; those were the particulars in which this official count, which the gentleman deems so sacred and lauds so highly, was erroneous; corrections in those particulars showed that English was elected.

Is it possible that a fraudulent count like that doubly impeached is to stand against the sworn testimony of a man like Brown? Are we to allow the sitting member to occupy his seat when he claims that his friends have in their possession the ballots and could demonstrate Brown's mistake if he is mistaken, and yet decline to do so?

What do our friends on the other side say about the jail delivery in Indianapolis in the interest of a free ballot? Those prisoners from the jail were driven up the chute like so many animals, instead of men, by Republican officials, with the spring-back tickets in their hands, and were voted by their keepers instead of exercising the elective franchise themselves. Yet the gentleman from Massachusetts says: "Oh, that is nothing; it is all right; we Republicans are conscientious in such matters." Those men who by the vicissitudes of life or changes of fortune have been forced into the poor-house were taken out by the Republican officials and carried to the polls. Gentlemen on the other side have said they went to the ballot-box and deposited their ballots. I think the testimony shows that the ballots were taken from them while they sat in the wagons in which these paupers were brought to the polls; that the spring-back tickets were placed in the hands of these poor men, and the paupers themselves were in the hands of Republican officials; and they, too, were voted like so many cattle.

Mr. VALENTINE. Will my colleague on the committee refer to the testimony in which that statement is made?

Mr. CONVERSE. I decline to yield. Here are votes enough to change the result; either in the matter of the count and in the matter of the jail and infirmary vote; but the gentleman says: "That is nothing; you must be perfectly fair; you must be conscientious." Where do you find the elasticity of this New England "conscience" that my friend talks so much about? If he had been here in the last Congress and seen men voted out by New England votes with a New England conscience — who had received majorities of thousands upon thousands—he would not have reached the same conclusion, I imagine.

Mr. Speaker, the forged tickets on which the name of the sitting member was printed under the head of the Democratic ticket have been referred to; but the gentleman can not see anything wrong even in that. Voters may be cheated out of their votes; votes which they intended to cast for Mr. English may by counterfeit tickets be counted for his opponent; and even this does not touch the "conscience" of my New England friend who argues here for the sitting member.

Even the 100 votes rejected by the Republican officials, as sworn to by Senator McDonald and six other citizens, do not excite censure or even criticism on the Republican side of this House.

Why, Mr. Speaker, if there ever was a case which upon the evidence fairly presented entitled the contestant to a seat it seems to me this is such a case. The conduct of the Republican officials at Indianapolis is blistered all over with improper motives and with fraud. At every step you find it. You find that when men made contests as to other officials and the officers were fearful they would be shown up, they went to work and compromised the cases. Yet gentlemen say that is all right.

Mr. Speaker, it is not worth while to argue further. When such proofs as these fail to make impressions further argument is useless. I therefore submit this matter to the House and demand the previous question.

The SPEAKER. Not having been present during the whole of this discussion, the present occupant of the chair does not know whether the resolutions proposed by the minority of the Committee on Elections have yet been offered by way of substitute.

Several MEMBERS. They have not been.

Mr. CALKINS. The gentleman from Ohio [Mr. HART], as I understand, intended to submit those resolutions at the time the minority report was filed.

The SPEAKER. The case was not then before the House.

Mr. CALKINS. I presume the gentleman from Ohio [Mr. CONVERSE] does not wish to deprive the minority of the right to offer their resolutions.

Mr. CONVERSE. Oh, no.

The SPEAKER. The resolution which has been printed with the views of the minority will be considered pending, as a substitute for the resolutions reported by the Committee on Elections.

Mr. RANNEY. I rise to a point of order. As appears by the RECORD, it was agreed yesterday that the debate on this case should continue for two hours and forty minutes on each side, and that then the previous question should be demanded. That time has not been occupied; and some gentlemen who have relied on that agreement being carried out may not now be present to vote. I call attention to the agreement as it appears in the RECORD.

The SPEAKER. The recollection of the Chair is the gentleman from Ohio [Mr. CONVERSE] made a statement on yesterday that perhaps the majority of the committee would not occupy the entire time.

Mr. RANNEY. That was prior to the agreement.

Mr. KASSON. I have the RECORD here and this is the form in which it appears:

> The SPEAKER. That is a matter of agreement on the floor. Is there objection that to-morrow the debate shall continue for two hours and forty minutes on each side, when it shall be considered that the previous question is ordered? There was no objection, and it was ordered accordingly.

I understand that there is no desire at all for delay on this side. The only point is that gentlemen relying on five hours and twenty minutes being occupied may have left intending to be here again at 5 o'clock, which would be in time.

Mr. CONVERSE. I distinctly made the statement we did not intend to occupy more than one hour on our side. I made the same statement here to-day that we would occupy not to exceed two hours.

Mr. KASSON. There is no doubt about the last statement.

Mr. CONVERSE. The other statement was all that was necessary when we yielded two hours and forty minutes to the other side.

Mr. VALENTINE. I call for the yeas and nays on ordering the previous question, and I do so for the purpose only of giving an opportunity to absent members to come in.

The SPEAKER. The point made by the gentleman from Massachusetts is not a point for the Chair to decide. There may be some misunderstanding about it, but, as the Chair stated, it was a matter not for the Chair but for agreement by members on the floor to decide.

Mr. CALKINS. As I understand it the yeas and nays are called simply for the purpose of giving members time to come in.

Mr. MILLER, of Pennsylvania. Quite a number left who have not yet returned.

The yeas and nays were ordered on ordering the previous question.

The question was taken; and it was decided in the affirmative—yeas 243, nays 0, not voting 80; as follows:

YEAS—243.

Adams, G. E.	Brown, W. W.	Davis, R. T.	Gibson,
Adams, J. J.	Browne, T. M.	Deuster,	Glascock,
Aiken,	Brumm,	Dibrell,	Goff,
Alexander,	Buchanan,	Dockery,	Graves,
Arnot,	Budd,	Dorsheimer,	Greenleaf,
Atkinson,	Cabell,	Duncan,	Guenther,
Bagley,	Calkins,	Dunham,	Halsell,
Ballentine,	Campbell, J. M.	Dunn,	Hammond,
Barbour,	Candler,	Eaton,	Hancock,
Barksdale,	Cannon,	Eldredge,	Hardeman,
Barr,	Carleton,	Elliott,	Hardy,
Beach,	Cassidy,	Ellwood,	Harmer,
Bennett,	Clay,	Ermentrout,	Hart,
Bisbee,	Clements,	Evans, I. N.	Hatch, H. H.
Blackburn,	Cobb,	Everhart,	Hatch, W. H.
Blanchard,	Connolly,	Ferrell,	Haynes,
Bland,	Converse,	Fiedler,	Hemphill,
Blount,	Cosgrove,	Findlay,	Henderson, T. J.
Boutelle,	Cox, S. S.	Follett,	Henley,
Boyle,	Crisp,	Foran,	Hepburn,
Brainerd,	Culberson, D. B.	Funston,	Herbert,
Breckinridge,	Culbertson, W. W.	Fyan,	Hewitt, A. S.
Brewer, J. H.	Dargan,	Garrison,	Hewitt, G. W.
Broadhead,	Davidson,	Geddes,	Hiscock,
Hitt,	Miller, J. F.	Randall,	Throckmorton,
Hoblitzell,	Miller, S. H.	Ray, G. W.	Tillman,
Holmes,	Mills,	Reagan,	Townshend,
Hooper,	Mitchell,	Reed,	Tucker,
Hopkins,	Money,	Rice,	Tully,
Horr,	Morey,	Riggs,	Turner, H. G.
Houk,	Morgan,	Robertson,	Turner, Oscar
Howey,	Morrill,	Robinson, J. S.	Valentine,
Hunt,	Morrison,	Rockwell,	Van Alstyne,
Hurd,	Muldrow,	Rogers, J. H.	Vance,
James,	Muller,	Rogers, W. F.	Van Eaton,
Johnson,	Murphy,	Rosecrans,	Wait,
Jones, B. W.	Murray,	Ryan,	Wakefield,
Jones, J. H.	Mutchler,	Scales,	Ward,
Jones, J. K.	Neece,	Seney,	Warner, Richard
Jones, J. T.	Nelson,	Seymour,	Washburn,
Jordan,	Nicholls,	Shaw,	Weaver,
Kasson,	Nutting,	Shelley,	Wellborn,
Kean,	Oates,	Singleton,	Weller,
Keifer,	Ochiltree,	Skinner, C. R.	Wemple,
Kelley,	O'Ferrall,	Skinner, T. G.	White, J. D.
Kleiner,	O'Hara,	Smalls,	White, Milo
Lacey,	O'Neill, Charles	Smith,	Whiting,
Lamb,	O'Neill, J. J.	Spooner,	Wilkins,
Lanham,	Parker,	Springer,	Williams,
Lawrence,	Patton,	Steele,	Willis,
Le Fevre,	Payne,	Stephenson,	Wilson, James
Lewis,	Payson,	Stevens,	Wilson, W. L.
Libbey,	Peel, S. W.	Stone,	Winans, E. B.
Long,	Peters,	Storm,	Wise, G. D.
Lore,	Phelps,	Struble,	Wolford,
Lowry,	Pierce,	Sumner, C. A.	Wood,
Lyman,	Poland,	Taylor, E. B.	Woodward,
McCoid,	Potter,	Taylor, J. D.	Worthington.
McCormick,	Price,	Taylor, J. M.	Yaple,
McMillin,	Pryor,	Thomas,	York.
Millard,	Pusey,	Thompson,	

NAYS—0.

NOT VOTING—80.

Anderson,	Curtin,	Jeffords,	Ranney,
Bayne,	Cutcheon,	Kellogg,	Ray, Ossian
Belford,	Davis, G. R.	Ketcham,	Reese,
Belmont,	Davis, L. H.	King,	Robinson, W. E.
Bingham,	Dibble,	Laird,	Rowell,
Bowen,	Dingley,	Lovering,	Russell,
Breitung,	Dowd,	McAdoo,	Slocum,
Brewer, F. B.	Ellis,	McComas,	Snyder,
Buckner,	Evins, J. H.	McKinley,	Spriggs,
Burleigh.	Finerty,	Matson,	Stewart, Charles
Burnes,	Forney,	Maybury,	Stewart, J. W.
Caldwell,	George,	Milliken,	Stockslager,
Campbell, Felix	Green,	Morse,	Strait,
Chace,	Hanback,	Moulton,	Sumner, D. H.
Clardy,	Henderson, D. B.	Paige,	Talbott,
Collins,	Hill,	Peelle, S. J.	Wadsworth,
Cook,	Holman,	Perkins,	Warner, A. J.
Covington,	Holton,	Pettibone,	Winans, John
Cox, W. R.	Houseman,	Post,	Wise, J. S.
Cullen,	Hutchins,	Rankin,	Young.

So the previous question was ordered.

Before the result was announced,

Mr. BAGLEY moved by unanimous consent to dispense with the reading of the names.

Mr. MORRILL objected.

The following pairs were announced:

Mr. MORSE with Mr. RUSSELL, until further notice.

Mr. PAIGE with Mr. KELLOGG, until further notice.

Mr. HOUSEMAN with Mr. CHACE, until further notice.

Mr. BUCKNER with Mr. ROWELL, until further notice.

Mr. COVINGTON with Mr. BREITUNG, until further notice.

Mr. CLARDY with Mr. BREWER, of New York, until further notice.

Mr. DOWD with Mr. WADSWORTH, until further notice.

Mr. SPRIGGS with Mr. JEFFORDS, until further notice.

Mr. EVINS, of South Carolina, with Mr. BOWEN, until further notice.

Mr. HOLMAN with Mr. PETTIBONE, until further notice.

Mr. FORNEY with Mr. CUTCHEON, until May 30.

Mr. CALDWELL with Mr. HOLTON, until May 22.

Mr. MATSON with Mr. CULLEN, until May 23.

Mr. MAYBURY with Mr. HENDERSON, of Iowa, until May 27.

Mr. DIBBLE with Mr. DINGLEY, until May 24.

Mr. HILL with Mr. MCKINLEY, until May 26.

Mr. GREEN with Mr. BAYNE, until May 22.

Mr. TALBOTT with Mr. RAY, of New Hampshire, until May 27.

Mr. SLOCUM with Mr. KETCHAM, until May 26.

Mr. MCADOO with Mr. BURLEIGH, for this day.

Mr. PUSEY with Mr. KEAN, on the English *vs.* Peelle election case.

Mr. STOCKSLAGER with Mr. ANDERSON, for to-day.

Mr. BLACKBURN with Mr. KASSON, for the remainder of this day.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont, for this day.

Mr. DAVIS, of Illinois, with Mr. DAVIS, of Missouri, for this day.

Mr. BELMONT with Mr. BINGHAM, for this day.

Mr. ROBINSON, of New York, with Mr. BELFORD, for this day.

Mr. SNYDER with Mr. HANBACK, on the contested-election case of English *vs.* Peelle.

Mr. REESE with Mr. MILLIKEN, on the contested-election case of English *vs.* Peelle.

The result of the vote was then announced as above recorded.

Mr. NICHOLLS moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HART. Mr. Speaker, the first question, as I understand it, is on the resolution offered by the minority of the committee. I ask before the vote is taken that the resolution be read.

The SPEAKER *pro tempore*. The resolution reported by the minority will be read.

The Clerk read as follows:

Resolved, That Stanton J. Peelle was duly elected as a member of the Forty-eighth Congress, and is entitled to retain his seat.

Mr. BROWNE, of Indiana. On that I demand the yeas and nays.

Mr. CONVERSE. I would suggest that the proposition of the minority is offered as a substitute.

[The Speaker here resumed the chair.]

The SPEAKER. The question is upon the adoption of the resolution proposed by the minority as a substitute for the resolution reported by the majority, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 117, not voting 85; as follows:

YEAS—121.

Adams, G. E.	Harmer,	Millard,	Springer,
Aiken,	Hart,	Miller, S. H.	Steele,
Atkinson,	Hatch, H. H.	Mills,	Stephenson,
Barr,	Haynes,	Morey,	Stevens,
Beach,	Henderson, T. J.	Morgan,	Stone,
Bisbee,	Hepburn,	Morrill,	Strait,
Boutelle,	Herbert,	Neece,	Struble,
Boyle,	Hewitt, G. W.	Nelson,	Sumner, C. A.
Brewer, J. H.	Hiscock,	Nutting,	Taylor, E. B.
Browne, T. M.	Hitt,	O'Hara,	Taylor, J. D.
Brown, W. W.	Holmes,	O'Neill, Charles	Thomas,
Brumm,	Hooper,	Parker,	Throckmorton,
Budd,	Horr,	Payne,	Tillman,
Calkins,	Houk,	Payson,	Turner, H. G.
Campbell, J. M.	Howey,	Peel, S. W.	Valentine,
Cannon,	Hunt,	Perkins,	Wait,
Connolly,	James,	Peters,	Wakefield,
Culbertson, W. W.	Johnson,	Poland,	Washburn,
Dargan,	Jones, B. W.	Potter,	Weaver,
Davis, R. T.	Keifer,	Price,	White, J. D.
Dunham,	Kelley,	Ranney,	White, Milo
Ellwood,	Lacey,	Ray, G. W.	Whiting,
Evans, I. N.	Laird,	Reed,	Wilson, James
Everhart,	Lawrence,	Rice,	Wise, J. S.
Findlay,	Libbey,	Robinson, J. S.	Woodward,
Funston,	Long,	Rockwell,	Worthington,
George,	Lore,	Ryan,	Yaple,
Goff,	Lyman,	Skinner, C. R.	York.
Greenleaf,	McCoid,	Smalls,	
Guenther,	McComas,	Smith,	
Hardeman,	McCormick,	Spooner,	

NAYS—117.

Adams, J. J.	Dorsheimer,	Kleiner,	Seney,
Alexander,	Duncan,	Lamb,	Seymour,
Arnot,	Dunn,	Lanham,	Shaw,
Bagley,	Eaton,	Le Fevre,	Shelley,
Ballentine,	Eldredge,	Lewis,	Singleton,
Barbour,	Elliott,	Lowry,	Skinner, T. G.
Barksdale,	Ermentrout,	McMillin,	Storm,
Bennett,	Ferrell,	Miller, J. F.	Sumner, D. H.
Blanchard,	Follett,	Mitchell,	Taylor, J. M.
Bland,	Foran,	Money,	Thompson,
Blount,	Fyan,	Morrison,	Townshend,
Breckinridge,	Garrison,	Muldrow,	Tully,
Broadhead,	Geddes,	Muller,	Turner, Oscar
Buchanan,	Gibson,	Murphy,	Van Alstyne,
Cabell,	Glascock,	Murray,	Vance,
Candler,	Graves,	Mutchler,	Van Eaton,
Carleton,	Halsell,	Nicholls,	Ward,
Cassidy,	Hammond,	O'Ferrall,	Warner, Richard
Clay,	Hancock,	O'Neill, J. J.	Wellborn,
Cobb,	Hardy,	Patton,	Wemple,
Converse,	Hatch, W. H.	Pierce,	Wilkins,
Cosgrove,	Hemphill,	Pryor,	Williams,
Cox, S. S.	Henley,	Randall,	Willis,
Cox, W. R.	Hewitt, A. S.	Reagan,	Winans, E. B.
Crisp,	Hoblitzell,	Riggs,	Wise, G. D.
Culberson, D. B.	Hurd,	Robertson,	Wolford,
Curtin,	Jones, J. H.	Rogers, J. H.	Wood.
Davidson,	Jones, J. K.	Rogers, W. F.	
Dibrell,	Jones, J. T.	Rosecrans,	
Dockery,	Jordan,	Scales,	

NOT VOTING—85.

Anderson,	Cutcheon,	Kasson,	Ray, Ossian
Bayne,	Davis, G. R.	Kean,	Reese,
Belford,	Davis, L. H.	Kellogg,	Robinson, W. E.
Belmont,	Deuster,	Ketcham,	Rowell,
Bingham,	Dibble,	King,	Russell,
Blackburn,	Dingley,	Lovering,	Slocum,
Bowen,	Dowd,	McAdoo,	Snyder,
Brainerd,	Ellis,	McKinley,	Spriggs,
Breitung,	Evins, J. H.	Matson,	Stewart, Charles
Brewer, F. B.	Fiedler,	Maybury,	Stewart, J. W.
Buckner,	Finerty,	Milliken,	Stockslager,
Burleigh,	Forney,	Morse,	Talbott,
Burnes,	Green,	Moulton,	Tucker,
Caldwell,	Hanback,	Oates,	Wadsworth,
Campbell, Felix	Henderson, D. B.	Ochiltree,	Warner, A. J.
Chace,	Hill,	Paige,	Weller,
Clardy,	Holman,	Peelle, S. J.	Wilson, W. L.
Clements,	Holton,	Pettibone,	Winans, John
Collins,	Hopkins,	Phelps,	Young.
Cook,	Houseman,	Post,	
Covington,	Hutchins,	Pusey,	
Cullen,	Jeffords,	Rankin,	

So the substitute was agreed to.

After the second roll-call,

Mr. DINGLEY said: I am paired with the gentleman from South Carolina [Mr. DIBBLE]. If he were here, I should vote "ay."

The SPEAKER. The Clerk will recapitulate the vote. The Chair asks the House will be in order. The vote is close, and it is important each gentleman should see his vote is properly recorded.

The names of members voting were read.

Mr. OATES. I wish to state that I refrained from voting because I was under the impression that I was paired with the gentleman from New Hampshire [Mr. RAY]. I find now, when too late, that he was paired with another gentleman.

Mr. SUMNER, of Wisconsin. I was in my seat and listening attentively while the roll was called and did not hear my name.

The SPEAKER. Is there objection to the gentleman from Wisconsin having his vote recorded?

Mr. PEELLE, of Indiana. I hope there will be no objection to the gentleman recording his vote. I do not know how he will vote.

The name of Mr. SUMNER, of Wisconsin, was called, and he voted "no."

The following additional pairs were announced:

Mr. HOPKINS with Mr. BRAINERD, for the remainder of the day.

Mr. TUCKER with Mr. OCHILTREE, for this day.

Mr. CLEMENTS with Mr. PHELPS, on the English *vs.* Peelle case.

Mr. MCADOO with Mr. BURLEIGH, for this day.

Mr. SPRINGER. I desire to have my name called. I want to change my vote.

The SPEAKER. How does the gentleman desire to vote?

Mr. SPRINGER. I change my vote from "no" to "ay."

The result of the vote was then announced as above stated.

Mr. SPRINGER. I move to reconsider the vote by which the substitute was agreed to.

Mr. HART. I move to lay the motion to reconsider on the table.

Mr. CONVERSE. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 98, noes 106.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered—62 members voting therefor.

The question was taken; and there were—yeas 119, nays 118, not voting 86; as follows:

YEAS—119.

Adams, J. J.	Eaton,	Lanham,	Seney,
Alexander,	Eldredge,	Le Fevre,	Seymour,
Arnot,	Elliott,	Lewis,	Shaw,
Bagley,	Ermentrout,	Lowry,	Shelley,
Ballentine,	Ferrell,	McMillin,	Singleton,
Barbour,	Fiedler,	Miller, J. F.	Skinner, T. G.
Barksdale,	Follett,	Mitchell,	Springer,
Bennett,	Foran,	Money,	Storm,
Blanchard,	Fyan,	Morrison,	Sumner, D. H.
Blount,	Garrison,	Muldrow,	Taylor, J. M.
Breckinridge,	Geddes,	Muller,	Thompson,
Broadhead,	Gibson,	Murphy,	Townshend,
Buchanan,	Glascock,	Murray,	Tully,
Cabell,	Graves,	Mutchler,	Turner, Oscar
Candler,	Greenleaf,	Neece,	Van Alstyne,
Carleton,	Halsell,	Nicholls,	Vance,
Cassidy,	Hammond,	O'Ferrall,	Van Eaton,
Cobb,	Hancock,	O'Neill, J. J.	Ward,
Converse,	Hardy,	Patton,	Warner, Richard
Cosgrove,	Hatch, W. H.	Pierce,	Wellborn,
Cox, S. S.	Hemphill,	Post,	Weller,
Cox, W. R.	Henley,	Pryor,	Wemple,
Crisp,	Hewitt, A. S.	Randall,	Wilkins,
Culberson, D. B.	Hurd,	Reagan,	Williams,
Curtin,	Jones, J. K.	Riggs,	Willis,
Davidson,	Jones, J. T.	Robertson,	Winans, E. B.
Dibrell,	Jordan,	Rogers, J. H.	Wise, G. D.
Dorsheimer,	King,	Rogers, W. F.	Wolford,
Duncan,	Kleiner,	Rosecrans,	Wood.
Dunn,	Lamb,	Scales,	

NAYS—118.

Adams, G. E.	George,	Lyman,	Skinner, C. R.
Aiken,	Goff,	McCoid,	Smalls,
Atkinson,	Guenther,	McComas,	Smith,
Barr,	Hardeman,	McCormick,	Spooner,
Beach,	Harmer,	Millard,	Steele,
Bisbee,	Hart,	Miller, S. H.	Stephenson,
Bland,	Hatch, H. H.	Mills,	Stevens,
Boutelle,	Haynes,	Morey,	Stone,
Boyle,	Henderson, T. J.	Morgan,	Strait,
Brewer, J. H.	Hepburn,	Morrill,	Struble,
Browne, T. M.	Hewitt, G. W.	Nelson,	Taylor, E. B.
Brown, W. W.	Hiscock,	Nutting,	Taylor, J. D.
Brumm,	Hitt,	O'Hara,	Tillman,
Budd,	Holmes,	O'Neill, Charles	Turner, H. G.
Calkins,	Hooper,	Parker,	Valentine,
Campbell, J. M.	Horr,	Payne,	Wait,
Cannon,	Houk,	Payson,	Wakefield,
Connolly,	Howey,	Peel, S. W.	Washburn,
Culbertson, W. W.	Hunt,	Perkins,	Weaver,
Dargan,	James,	Peters,	White, J. D.
Davis, R. T.	Johnson,	Poland,	White, Milo
Dockery,	Jones, B. W.	Potter,	Whiting,
Dunham,	Keifer,	Price,	Wilson, James
Ellis,	Kelley,	Ranney,	Wise, J. S.
Ellwood,	Lacey,	Ray, G. W.	Woodward,
Evans, I. N.	Laird,	Reed,	Worthington,
Everhart,	Lawrence,	Rice,	Yaple,
Findlay,	Libbey,	Robinson, J. S.	York.
Finerty,	Long,	Rockwell,	
Funston,	Lore,	Ryan,	

NOT VOTING—86.

Anderson,	Cullen,	Jones, J. H.	Reese,
Bayne,	Cutcheon,	Kasson,	Robinson, W. E.
Belford,	Davis, G. R.	Kean,	Rowell,
Belmont,	Davis, L. H.	Kellogg,	Russell,
Bingham,	Deuster,	Ketcham,	Slocum,
Blackburn,	Dibble,	Lovering,	Snyder,
Bowen,	Dingley,	McAdoo,	Spriggs,
Brainerd,	Dowd,	McKinley,	Stewart, Charles
Breitung,	Evins, J. H.	Matson,	Stewart, J. W.
Brewer, F. B.	Forney,	Maybury,	Stockslager,
Buckner,	Green,	Milliken,	Sumner, C. A.
Burleigh,	Hanback,	Morse,	Talbott,
Burnes,	Henderson, D. B.	Moulton,	Thomas,
Caldwell,	Herbert,	Oates,	Throckmorton,
Campbell, Felix	Hill,	Ochiltree,	Tucker,
Chace,	Hoblitzell,	Paige,	Wadsworth,
Clardy,	Holman,	Peelle, S. J.	Warner, A. J.
Clay,	Holton,	Pettibone,	Wilson, W. L.
Clements,	Hopkins,	Phelps,	Winans, John
Collins,	Houseman,	Pusey,	Young.
Cook,	Hutchins,	Rankin,	
Covington,	Jeffords,	Ray, Ossian	

So the motion to adjourn was agreed to.

Mr. BEACH. I ask unanimous consent that the reading of the names be dispensed with.

Mr. SPRINGER. I object.

The Clerk proceeded to read the names of members voting.

The following additional pair was announced:

Mr. THROCKMORTON with Mr. JONES, of Texas, on this vote.

The result of the vote was then announced as above stated.

And accordingly (at 5 o'clock and 25 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of residents of Cornwall, Orange County, New York, against the establishment of a Government postal-telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. S. S. COX: Memorial for the improvement of Southold Harbor, New York—to the Committee on Rivers and Harbors.

By Mr. R. T. DAVIS: Statement of the case of Shubell P. Edwards—to the Committee on Invalid Pensions.

By Mr. DINGLEY; Remonstrance of John T. Berry and others, of Rockland, Me., against the establishment of a Government postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. JAMES: Petition of Rev. S. W. Toles and 24 others, asking for increase in appropriation for Indian schools—to the Committee on Appropriations.

By Mr. JORDAN: Petition of Ohio Association of Ex-Union Prisoners of War, for the passage of the Robinson bill—to the Committee on Invalid Pensions.

By Mr. McCORMICK: Petition of Rev. W. H. Lewis and other citizens of Gallipolis, Ohio, for increase of appropriation for educational purposes on Indian appropriation bill—to the Committee on Appropriations.

By Mr. MORRISON: Memorial of the board of supervisors of Montgomery County, Illinois, for adjustment of swamp-land claims—to the Committee on the Public Lands.

By Mr. MOULTON: Petition of 100 citizens of Windsor, asking Congress to grant a pension to Francis L. Garrett—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of John Randolph Hamilton, of North Carolina, for removal of political disabilities—to the Committee on the Judiciary.

Also, petition of many citizens, praying for a separate bureau for the patent interests of the United States—to the Committee on Patents.

By Mr. WHITING: Petition for the repeal of the internal-revenue taxes—to the Committee on Ways and Means.

By Mr. WOOD: Petition of the Grand Army of the Republic, for bounty and pensions—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

SENATE.

THURSDAY, *May* 22, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

MISSOURI RIVER BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate the message of the House of Representatives, returning, at the request of the Senate, the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

The PRESIDENT *pro tempore*. The bill, with the motion to reconsider, will be placed on the Calendar.

NAVAL ACADEMY VISITORS.

Mr. PLATT. I find myself obliged to decline the appointment as one of the Visitors to the Naval Academy at Annapolis. It will be impossible for me to attend the exercises there, as I shall be absent from the city for a few weeks.

The PRESIDENT *pro tempore*. The Chair will announce another appointment.

PETITIONS AND MEMORIALS.

Mr. LAPHAM presented the memorial of William B. Welles, of New York city; the memorial of John Stryker, of Rome, N. Y.; the memorial of D. B. St. John, of Newburg, N. Y.; and the memorial of Robert J. Hubbard, of Cazenovia, N. Y., remonstrating against the passage of the bill (S. 1886) to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; which were ordered to lie on the table.

Mr. LAPHAM. I present a memorial largely signed by leading citizens of Rochester, N. Y., remonstrating against the enactment of any measures relating to the establishment of a Government telegraph which shall increase the number of Government officials or establish a monopoly of the telegraph business. I move that the memorial lie on the table.

The motion was agreed to.

Mr. MILLER, of New York, presented a memorial of citizens of Dansville, N. Y.; a memorial of citizens of Goshen, N. Y., and a memorial of citizens of Port Jervis, N. Y., remonstrating against the establishment of a governmental telegraph system; which were ordered to lie on the table.

He also presented a petition of the New York State Dairymen's Association, and a petition of produce dealers of New York city, praying for the passage of a law regulating the sale of imitation and adulterated dairy products; which were referred to the Committee on Agriculture and Forestry.

Mr. VEST. I present resolutions adopted by the Board of Trade of Kansas City, Mo., in favor of the bill giving the right of way to the Southern Kansas Railway Company through the Indian Territory. As the bill referred to is on the Calendar, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. VEST presented the petition of Charles B. McEdow and other employés of the post-office at Kansas City, Mo., praying for the passage of a law providing for a classification of the clerks in the forwarding and distributing departments of all first-class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McPHERSON presented a memorial of citizens of Newton, N. J., remonstrating against the establishment of a governmental telegraph system; which was ordered to lie on the table.

Mr. MORRILL. I present the memorial of R. H. Bailey, R. S. Southgate, and several other respectable citizens of the town of Woodstock, Vt., in the usual printed form, remonstrating against the enactment of any measure relating to the telegraph system which shall increase the number of public officials, &c. I move that the memorial lie on the table.

The motion was agreed to.

Mr. SHERMAN presented resolutions adopted by Lyon Post, No. 121, Department of Ohio, Grand Army of the Republic, favoring such legislation in regard to pensions as is recommended by the pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

He also presented a memorial of citizens of Middleport, Ohio, remonstrating against the establishment of a governmental telegraph system; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of 69 citizens of Springfield, Ill., remonstrating against the Government assuming the control of the telegraph business; which was ordered to lie on the table.

Mr. PENDLETON presented resolutions adopted by the Ohio State Association of Ex-Prisoners of War, favoring the passage of what is known as the Robinson bill, pensioning those who were prisoners during the late war; which were referred to the Committee on Pensions.

He also presented the petition of James A. Arnentrout, of Dodsonville, Highland County, Ohio, praying for the passage of the bill (H. R. 5667) granting a pension to the soldiers and sailors of the Mexican war; which was ordered to lie on the table.

He also presented resolutions adopted by Lyon Post, No. 121, Department of Ohio, Grand Army of the Republic, favoring such legislation in regard to pensions as is recommended by the pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Washington Court-House, Ohio, praying for an appropriation of $400,000 asked for by the Secretary of the Interior, to be devoted to the education of the Indians in various parts of the country; which was ordered to lie on the table.

Mr. JONES, of Florida, presented a petition of the Board of Trade of Fernandina, Fla., praying that an appropriation be made for the improvement of Cumberland Sound, between Georgia and Florida; which was referred to the Committee on Commerce.

Mr. BLAIR. I present the memorial, addressed to Congress, of the Union Assembly, Knights of Labor, No. 68, in the city of Troy, N. Y., signed by Timothy Corcoran, master workman, and other officers of the assembly, representing 1,500 members; the Mitre Assembly, No. 2640, Knights of Labor, representing 400 members; the Rensselaer Central Assembly, No. 2112, Knights of Labor, representing 250 members; the Alpha Assembly, No. 2639, Knights of Labor, representing 400 members; the Barbers' Assembly, No. 3025, Knights of Labor, representing 278 members; the Lansingburg Assembly, No. 2934, representing 184 members; the Cigar-Makers' Assembly, No. 2714, representing 201 members; and the West Troy Assembly, representing 379 members, in which they represent that—

Whereas it having come to the knowledge of the working people of the State of New York that some of our friends have presented several bills which are now pending before your honorable body, and are of the utmost importance to all the working classes of this country—

If the Senator from Nebraska [Mr. VAN WYCK] were here I would like him to listen to the memorial—

to wit:

A bill for the general incorporation of trades-unions;
A bill to establish a national bureau of labor statistics;
A bill to prevent the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, &c.;
A bill to prohibit the employment of operatives on railroad trains longer than twelve consecutive hours out of twenty-four, fixing penalties, &c.;
A bill for the enforcement of the eight-hour law;
A bill to regulate lake and marine shipping; and
A bill regarding the Chinese restriction act, &c.:
Therefore,

Be it resolved, That we tender our most sincere thanks to those who have, or may hereafter, interest themselves in our behalf, and that we hold their names in very grateful remembrance, and we most respectfully and earnestly ask and request all members of the present United States Congress to lend their aid and hearty co-operation in passing the above-named bills. As Congress called upon us in 1861 to suppress the rebellion and thereby preserve the integrity of the Union, the supremacy of law, and the liberties of all men under the law, we claim that we are lawfully warranted in asking this favor.

Given under the hand and seals of the officers of these several organizations. I move that the memorial be printed and referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. COCKRELL. I present the memorial of John Mullan, Charles King, P. E. Dye, George A. King, J. D. Hagerty, William B. King, William H. Frear, William Ogden Giles, John J. Krieg, and J. B. Pinchard, administrator of Jacob Miller, remonstrating against the making of an appropriation to pay the awards of the late French and American Claims Commission in favor of French claimants until the proceedings of that commission shall have been investigated. In accordance with the request of the memorialists, most of whom I believe are citizens of the District of Columbia, I move that the memorial be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. BROWN. I present a petition addressed to me, but evidently intended for the Senate and House of Representatives, signed by William Cantwell and other citizens of Savannah, Ga., praying that a classification be made of the clerks in the distributing and forwarding departments of first-class post-offices. I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. WILSON presented the petition of Alexander Story, A. S. Folger, and Daniel Wilde, of Washington, Iowa, praying that no legislation be passed by Congress tending to impair the rights and interests of inventors; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MILLER, of California. I am instructed by the Committee on Appropriations to report an amendment intended to be proposed to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes; and in connection therewith I submit a written report showing the reasons for the amendment. I move that the report and amendment be referred to the Committee on Foreign Relations and printed.

The motion was agreed to.

Mr. LOGAN, from the Committee on Appropriations, to whom was recommitted the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, reported it with amendments.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations to report an amendment to the consular and diplomatic appropriation bill, which I ask be read, printed, and referred to the Committee on Appropriations.

The amendment was read, and ordered to be printed, and referred to the Committee on Appropriations, as follows:

To enable the President to open commercial or diplomatic intercourse with the Congo country under the jurisdiction of the International Association, in West Africa, $50,000, to be expended according to the discretion of the President.

Mr. HARRISON, from the Committee on Military Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 958) granting arrears of pension to Augustus D. Blanchet, to report it adversely. At the request of the Senator from New Jersey [Mr. SEWELL] I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MITCHELL. I am instructed by the Committee on Pensions to report back with amendment the bill (S. 1241) to amend certain sections of the Revised Statutes of the United States relating to pensions and certain laws enacted since the revision of the statutes, and for other purposes. This is a bill which proposes to carry out the recommendations made by the Commissioner of Pensions in his report, and I am instructed by the committee to ask the Senate to consider it at an early day.

Mr. BLAIR. The bill also embodies a general provision hitherto unknown to the laws, providing pensions for nurses, in regard to which there has been a great deal of feeling in the country, and it was thought well by the committee to incorporate the additional and necessary legislation in this general bill.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 803) for the relief of Overton Love and the administratrix of the estate of Wyatt Gilchrist, submitted an adverse report thereon; which was agreed to.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 804) for the relief of William Beddo and others, submitted an adverse report thereon, and moved its indefinite postponement.

Mr. COKE. I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 577) for the relief of the heirs of the late Langley B. Culley, reported adversely thereon; and the bill was postponed indefinitely.

LOAN OF FLAGS.

Mr. HALE. I am instructed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association, to report it without amendment. As the matter to which the bill applies is coming off in a few days, and as there will be no objection I presume to it, I ask that it be considered now. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

N. C. RIDENOUR.

Mr. CULLOM. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 5443) for the relief of N. C. Ridenour, to report it favorably without amendment. The Senator from Iowa [Mr. ALLISON] appeals to me to have the bill put upon its passage. There is a House report and also a Senate report, and there is no dispute about the facts. I have no objection to the bill being taken up.

Mr. ALLISON. I ask that it be taken up. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of N. C. Ridenour, late second lieutenant of Company F, Twenty-third Regiment of Iowa Volunteer Infantry, on the pension-roll as such second lieutenant, the Secretary of the Interior to rate him in accordance with such rank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1683) for the relief of Lieut. N. C. Ridenour, reported adversely thereon; and the bill was postponed indefinitely.

BRIDGE AT SAINT PAUL, MINN.

Mr. MCMILLAN. The Committee on Commerce, to whom was referred the bill (S. 1491) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota, have instructed me to report an original bill on the subject, and to move the indefinite postponement of the Senate bill.

The motion was agreed to.

The bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota, was read the first time by its title.

Mr. MCMILLAN. This is a matter of some importance. It empowers the city council of Saint Paul to authorize the construction of the bridge. The river at that point is entirely within the limits of the city of Saint Paul, the city extending on both sides of the river. If there is no objection, I should like to have the bill passed at this time. The bill as reported by the committee conforms entirely to the recom-

mendations of the Chief of Engineers and the Secretary of War. It embraces all the safeguards contained in the bridge bills reported to the Senate by the Committee on Commerce.

By unanimous consent, the bill was read the second time at length, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrosssd for a third reading, read the third time, and passed.

TEXAS JUDICIAL DISTRICTS.

Mr. COKE. In view of the fact that I shall have to be absent for a few days, I ask the unanimous consent of the Senate to take up and consider House bill 2824, which can be done I think in less than five minutes. The bill——

Mr. HARRISON. I hope the Senator will let us finish the morning business. We have reports to make and bills to introduce, and it is better that his request for the passage of a bill should be deferred until the morning business is concluded.

Mr. COKE. If I must take that as an objection, I give notice that as soon as the morning business is over I shall ask that the bill be taken up.

NIAGARA RIVER BRIDGE.

Mr. MILLER, of New York. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 7076) to declare the cantalever bridge, constructed by the Niagara River Bridge Company across the Niagara River, a post-route, to report it favorably, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. If no amendment be proposed as in Committee of the Whole the bill will be reported to the Senate.

Mr. HARRISON. Was unanimous consent asked to pass the bill?

The PRESIDING OFFICER. Unanimous consent was asked to consider it, and given.

Mr. HARRISON. It is too late to make an objection to its consideration, but I hope that we shall stop passing bills until we get through with the morning business.

The PRESIDING OFFICER. The Chair gave a full opportunity for objection and none was made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. VAN WYCK introduced a bill (S. 2244) granting a pension to James Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 2245) granting a pension to William N. Morris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COLQUITT introduced a bill (S. 2247) for the relief of James E. Walter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 2248) to provide for the payment of female nurses during the war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 2249) granting a pension to Capt. Jacob Nix; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. INGALLS submitted an amendment intended to be proposed by him to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESERVATION OF PUBLIC RECORDS.

Mr. COCKRELL. I offer a resolution which I ask may be read.

The PRESIDENT *pro tempore*. The Senator from Missouri offers a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Public Buildings and Grounds inquire into and ascertain the cost, character, and efficiency of the file-holders and other means now used by the various Departments of the Government for the preservation of the public records, documents, archives, and papers from destruction or injury by fire, water, insects, or otherwise, and upon receiving such information, to consider and determine the best, safest, and most economical means by file-holders or otherwise for so preserving such records, &c., and to report by bill or otherwise.

Mr. COCKRELL. I ask that the resolution be printed and referred to the Committee on Public Buildings and Grounds, and I desire to call their especial attention to the fact that in many Departments of the Government valuable documents and papers and archives are put in wooden file-holders, in wooden cases, in cases composed of inflammable material; and it is useless for us to attempt to protect the records unless after the buildings are constructed the records are placed in something that will be a protection to them, instead of being the means of their destruction.

The PRESIDENT *pro tempore*. The Senator from Missouri asks that this resolution be printed and referred to the Committee on Public Buildings and Grounds. That order will be entered unless objection be made.

TEXAS JUDICIAL DISTRICTS.

Mr. COKE. I ask unanimous consent of the Senate to take up and consider House bill 2824, Order of Business 343.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the Senate proceed to the consideration of House bill 2824.

The motion was agreed to; and the bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 8, after the word "districts," to strike out "shall hereafter read as follows" and insert "is hereby amended as follows;" so as to read:

That the fourth section of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts," is hereby amended as follows.

The amendment was agreed to.

The next amendment was, after the word "that," in line 10, to strike out:

The courts in the northern judicial district shall be held twice in each year at Waco and Dallas, and at Graham, in Young County; and the courts in the eastern judicial district shall be held twice in each year at Galveston, Tyler, and Jefferson; and.

So as to read:

That the courts in the western judicial district shall be held twice in each year at Brownsville, San Antonio, the city of El Paso, and Austin.

The amendment was agreed to.

The next amendment was, after the word "held," in line 17, to strike out:

At the city of Waco on the first Mondays in April and October; at the city of Dallas on the first Mondays in June and December; at the town of Graham, Young County, on the first Mondays in February and August; at the city of Galveston on the first Mondays in November and March; at the city of Tyler on the second Mondays in January and May; at the city of Jefferson on the second Mondays in February and September.

The amendment was agreed to.

The next amendment was, after the word "August," in line 28, to strike out:

And the district judge of each of said districts shall have power to fix adjourned terms at all of said places, so as to dispose of the whole of the business of said courts.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "issued," to insert "after this act shall take effect;" so as to read:

SEC. 2. That section 5 of said act be so amended that all process issued, after this act shall take effect, against defendants residing in the counties of El Paso, Pecos, Presidio, &c.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "that," to strike out:

The ninth section of said act be so amended as to authorize the clerk and marshal of the said western judicial district, respectively, to appoint.

And to insert:

There shall be appointed in the manner provided by law.

And in line 4, after the word "clerk," to strike out "and deputy marshal, each of whom shall reside at El Paso for said court."

And in line 6, after the word "court," to insert "who shall keep his office;" so as to make the section read:

SEC. 3. That there shall be appointed, in the manner provided by law, a deputy clerk, who shall keep his office at the city of El Paso.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. CAMERON, of Wisconsin. I call for the regular order.

The PRESIDENT *pro tempore*. The first bill on the Calendar under Rule VIII is the regular order.

Mr. BLAIR. I move to proceed to the consideration of the labor-statistics bill.

The PRESIDENT *pro tempore*. The Chair thinks that motion is in order.

Mr. BLAIR. I make it.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of the bill (H. R. 1340) to establish and maintain a bureau of labor statistics. The question is on agreeing to the motion.

The question being put, a division was called for.

Mr. BLAIR. There is so much opposition that I withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn.

MEAT EXPORTATIONS.

Mr. HAWLEY. I ask permission to secure the revocation of an erroneous order made yesterday in regard to some printing. By an error of the Committee on Printing an order for printing the report of the Committee on Foreign Relations in regard to discriminations made by foreign governments against exports from the United States was duplicated, and I move the reconsideration of the order.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the vote of yesterday agreeing to a resolution be reconsidered. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the report of the Senate Committee on Foreign Relations upon the second branch of the resolution of the Senate, adopted January 22, 1884, in relation to discriminations made by foreign governments against exports from the United States, &c., together with the documents accompanying the said report, be printed.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The motion now is on agreeing to the resolution.

Mr. HAWLEY. I move that it be indefinitely postponed.

The motion was agreed to.

LOTTERY ADVERTISEMENTS.

The PRESIDENT *pro tempore*. The first bill on the Calendar under Rule VIII will now be stated.

The bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. The reading of the report was being proceeded with when the bill was last under consideration. The reading will be resumed.

The Secretary resumed the reading of the report submitted by Mr. WILSON February 26, 1884, and the minority views submitted by Mr. JACKSON:

The Commmittee on Post-Offices and Post-Roads beg leave to make the following report:

Your committee, to whom was referred a bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, report the same to the Senate, with amendments, recommending the adoption of the amendments and the passage of the bill.

The bill is based on the conceded power of the Government to determine what character of matter may be sent through the mails; and its purpose is to protect the general welfare and the morality of the people against the pernicious effects of lotteries. The purpose here expressed is one of great public concern, and the duty underlying it was very forcibly expressed in the opinion of the Supreme Court of the United States in the case of Phalen *vs.* Virginia, Howard, page 168 (of opinion), in the following language, namely:

"The suppression of nuisances injurious to public health or morality is among the most important duties of government. Experience has shown that the common forms of gambling are comparatively innocuous when placed in contrast with the widespread pestilence of lotteries. The former are confined to a few persons and places, but the latter infests every class; it preys upon the hard earnings of the poor; it plunders the ignorant and the simple."

This case sustains both the power and duty of Government to interfere by such means as the bill which the committee herewith reports, for the protection of the morals and well-being of the people.

The case of *Ex parte* Jackson (96 U. S. Reports, 727) clearly sustains the power upon which the enactment of such legislation as this bill proposes must rest. And Moore *vs.* State (48 Miss. R., 147); Mississippi Society U. S. *vs.* Musgrove (44 Miss. R., 837); Freleigh *vs.* State (8 Mo. R., 606); and *Ex parte* Blanchard (9 Nevada R., 101), together with the cases above cited, fully sustain the action of the committee in reporting this bill.

The policy of the bill is in perfect harmony with the action of nearly every State in the Union. Lotteries have been and are under the almost universal ban of the States. Of the thirty-eight States, only three have failed to denounce lotteries and endeavor to protect the citizens from their baneful effects. This will fully appear from the following:

Synopsis of the constitutional and legislative enactments of the several States relative to lotteries.

ALABAMA.

CONSTITUTIONAL PROVISION.

"The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift-enterprise tickets in any scheme in the nature of a lottery in this State; and all acts or parts of acts heretofore passed by the General Assembly of this State, authorizing a lottery or lotteries, and all acts amendatory thereof or supplemental thereto, are hereby voided." Adopted 1875. (Art. 4, sec. 26.)

STATUTORY PROVISIONS.

Any person who sets up or carries on a lottery, liable to a fine of not less than $100 nor more than $2,000. (Rev. Stat., 1876, sec. 4445.)

Person who sells or acts as agent for the sale of lottery tickets, liable to a fine of not less than $1,000 nor more than $2,000. (Rev. Stat., 1876, sec. 4446.)

ARKANSAS.

CONSTITUTIONAL PROVISION.

"The General Assembly shall not authorize any lottery, and shall prohibit the sale of lottery tickets." (Art. 5, sec. 41.)

STATUTORY PROVISIONS.

Any person keeping an office for the sale of lottery tickets, liable to a fine not less than $50 nor more than $500, with costs of prosecution. (Sec. 1, session laws of Arkansas, 1874-'75, p. 159.)

Any person selling lottery tickets, guilty of a misdemeanor and liable to a fine of not less than $50 nor more than $500, and shall stand committed to jail until costs and fine paid. (Sec. 2, session laws of Arkansas, 1874-'75, p. 159.)

CALIFORNIA.

CONSTITUTIONAL PROVISION.

"The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift-enterprise tickets, or tickets in any scheme in the nature of a lottery." (Art. 14, sec. 26. Adopted 1879.)

STATUTORY PROVISIONS.

Lottery defined, Rev. Stat. 13, page 319:

Any person who sets up or draws a lottery, guilty of a misdemeanor. (Rev. Stat., 1876, sec. 13320.)

Any person who sells or gives, or in any way transfers lottery tickets, guilty of a misdemeanor. (Rev. Stat., 1876, sec. 13321.)

Any person aiding or assisting a lottery, either by printing, writing, advertising, publishing, or otherwise, guilty of a misdemeanor. (Rev. Stat., 1876, sec. 13322.)

Any person who sets up or keeps an office or other place for the sale or registry of tickets, or who by printing, writing, or otherwise, advertises or publishes the setting up or opening or running of any such offices, is guilty of a misdemeanor. (Rev. Stat., sec. 13323.)

Issuing of lottery tickets a misdemeanor. (Rev. Stat., sec. 13324.)

Property offered for sale by means of lottery drawing forfeited. (Rev. Stat., sec. 13325.)

Letting a building for lottery purposes a misdemeanor. (Rev. Stat., sec. 13326.)

COLORADO.

CONSTITUTIONAL PROVISION.

"The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift-enterprise tickets in this State." (Art. 18, sec. 2.)

STATUTORY PROVISIONS.

Any person engaging in or promoting a lottery liable to a fine not less than $100 or imprisonment in jail not less than thirty days. (Sec. 1, Acts of 1881, p. 178.)

Any person who opens, carries on, or promotes lottery or other game of chance liable to a penalty of not less than $100 or imprisonment not less than sixty days. (Sec. 2, acts of 1881, p. 178.)

Any person advertising a lottery liable to a fine not exceeding $100 or imprisonment in jail not less than sixty days, or both. (Sec. 3, *Ib.*)

Owner of newspaper who publishes any advertisement of a lottery liable to a fine of not less than $1,000. (Sec. —, *Ib.*)

Selling of tickets prohibited under penalty of fine not exceeding $100 or imprisonment not exceeding sixty days, or both.

CONNECTICUT.

STATUTORY PROVISION.

Lotteries prohibited, and any person carrying on same liable to a fine of not less than $20 nor more than $100, or imprisonment not more than one year, nor less than sixty days. (Sec. 4, Rev. Stat., 1875, p. 616.)

Sale of lottery tickets prohibited under a penalty of not more than $300 nor less than $50, or imprisonment not less than three months nor more than one year. (Sec. 5, *Ib.*)

Persons drawing a lottery liable to a fine of not more than $300 or imprisonment not more than ninety days, or both.

DELAWARE.

STATUTORY PROVISION.

All lotteries save those authorized by State authority prohibited. (Rev. Stat., 1874, 254, 255.)

FLORIDA.

CONSTITUTIONAL PROVISION.

"Lotteries are hereby prohibited in this State." (Art. 4, sec. 20.)

STATUTORY PROVISIONS.

Whoever advertises any lottery ticket or any share in such ticket for sale by himself or another person, &c., shall for each offense be punished by fine not exceeding $100. (Sec. 4, chap. 80, McLean's Digest, p. 427.)

Persons setting up lottery punishable by fine not exceeding $2,000. (Sec. 1, McLean's Digest, p. 404.)

Person leasing building for lottery purposes punishable by fine not exceeding $2,000. (Sec. 2, *Ib.*)

Sale of lottery tickets prohibited under a penalty of not exceeding $2,000. (Sec. 2, *Ib.*

GEORGIA.

CONSTITUTIONAL PROVISION.

"All lotteries and the sale of lottery tickets are hereby prohibited, and this prohibition shall be enforced by penal laws." (Art. I, sec. 2, par. 14.)

STATUTORY PROVISIONS.

Sale of lottery tickets prohibited under a penalty of not less than $100 nor more than $500; second offense not exceeding $1,000 or imprisonment in county jail six months, or both. (Rev. Stat., 1882, sec. 4549.)

Carrying on of lottery prohibited. (Rev. Stat., 1882, sec. 4549.)

Turning of lottery wheel prohibited. (Rev. Stat., 4549.)

Violation two preceding sections punished by fine not less than $500 nor more than $1,000, or imprisonment not more than one year. (Rev. Stat., 4549, *Ib.*)

ILLINOIS.

CONSTITUTIONAL PROVISION.

"The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift-enterprise tickets in this State." (Art. 3, sec. 27.)

STATUTORY PROVISIONS.

Persons setting up or disposing of property by means of a lottery liable to a fine not more than $2,000. (Sec. 180, Rev. Stat., 1880, p. 383.)

Person permitting lottery to be carried on on his premises liable to fine not exceeding $2,000. (Sec. 181, *Ib.*)

Sale of lottery tickets prohibited, under penalty of not exceeding $2,000. (Sec. 182, *Ib.*)

Lottery advertisement prohibited, under penalty not exceeding $100. (Sec. 183, *Ib.*)

Second offense, fine of $100 and imprisonment not exceeding one year. (Sec. 184, *Ib.*)

All property drawn or offered as prize in lottery forfeited to State. (Sec. 185, *Ib.*)

INDIANA.

CONSTITUTIONAL PROVISION.

"No lottery shall be authorized nor shall the sale of lottery tickets be allowed." (Art. 15, sec. 8.)

STATUTORY PROVISIONS.

Persons selling lottery tickets or acting as agent for lottery subject to fine of not more than $500 nor less than $10. (Sec. 2077, Rev. Stat., 1881.)

Whoever writes, prints, advertises, or publishes in any way an account of any lottery, &c., punished by fine not exceeding $500 nor less than $10.

IOWA.

CONSTITUTIONAL PROVISION.

"No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed." (Art. 3, sec. 28.)

STATUTORY PROVISION.

Selling or advertising for sale lottery tickets punishable by imprisonment not exceeding thirty days, or fine not exceeding $100, or both. (McClain's Stat., sec. 4043.)

KANSAS.

CONSTITUTIONAL PROVISION.

"Lotteries and the sale of lottery tickets are forever prohibited." (Art. 15, sec. 3.) This State has no statute.

KENTUCKY.

STATUTORY PROVISIONS.

Any person setting up, promoting, or carrying on lottery liable to a fine of from $500 to $10,000. (Gen'l Stat., chap. 29, sec. 1.)

Artists may dispose of their pictures by chance or lot. (Sec. 2, *Ib.*)

Persons printing or vending of lottery tickets subject to fine of from $100 to $1,000. (Sec. 3, *Ib.*)

Person permitting house to be used for lottery purposes liable to like penalty. (Sec. 4, *Ib.*)

Advertising of lottery tickets prohibited under like penalty. (Sec. 5, *Ib.*)

Court of appeals has sustained prohibitory legislation. See Miller *vs.* Com., 13 Bush, 731; Com. *vs.* Bell, 13 Bush, 345; Com. *vs.* City of Frankfort, 13 Bush, 185.

LOUISIANA.

CONSTITUTIONAL PROVISIONS.

Constitutional recognition of lotteries.

General Assembly authorized to grant lottery charters provided each charter pay $40,000 per annum to the State.

"And provided further that all charters shall cease and expire on the 1st day of January, 1895, from which time all lotteries are prohibited in this State."

Charter of "Louisiana State Lottery" recognized as binding contract with State, provided company surrenders monopoly clause of this charter. (Const., 1879, art. 167.)

MAINE.

STATUTORY PROVISIONS.

Every lottery scheme or device of chance prohibited and declared a nuisance—"And whoever is concerned therein, directly or indirectly, by making, advertising, purchasing, receiving, selling, offering for sale," &c., "any lottery ticket or share therein, by printing, publishing, or circulating the same, or any handbill, advertisement, or notice thereof, or by knowingly suffering the same to be published in any newspaper or periodical under his charge, or any cover of paper attached thereto, shall be punished by fine not less than $100 or more than $1,000." (Rev. Stat., sec. 3, p. 865.)

Attorney-general may, by injunction, restrain lottery. (Sec. 4, *Ib.*)

All payments and securities for lotteries void, and may be recovered back. (Sec. 5, *Ib.*)

Provision of above statute made applicable to all schemes of chance of every kind at fairs and public gatherings, whether for benefit of churches, benevolent institutions, or otherwise. (Session of 1877, chapter 176, page 131.)

MARYLAND.

CONSTITUTIONAL PROVISION.

"No lottery shall hereafter be authorized by the General Assembly." (Act 3, sec. 26.)

STATUTORY PROVISIONS.

Drawing of lottery and sale of lottery tickets prohibited. (Sec 159, Rev. Code, p. 818.)

Penalty for violating above section fine not less than $200 nor more than $1,000, or imprisonment not less than three nor more than twelve months. (Sec. 161, *Ib.*)

In addition to above penalty person who gives money for ticket may recover from person who sold same $50 for each ticket sold. (Sec. 162, *Ib.*)

Persons keeping house for lottery purposes liable to penalty of $1,000. (Sec. 163, *Ib.*)

Owner who permits house to be used for sale of lottery tickets liable to penalty of $1,000. (Sec. 164, *Ib.*)

Persons bringing lottery tickets into State for sale liable to a penalty of $1,000. (Sec. 165, *Ib.*)

"If any person shall by printing, writing, or in any other way publish an account of any lottery," &c., subject to a fine of $1,000, or imprisonment for sixty days. (Sec. 166, *Ib.*)

Insuring lottery tickets punishable by fine not less than $100 nor exceeding $1,000, or imprisonment not less than three months, or more than six months, or both. (Sec. 167, *Ib.*)

Contracts in aid of lotteries void. (Sec. 168, *Ib.*)

Second offense under preceding sections punished by imprisonment in penitentiary not less than two nor more than five years. (Sec. 169, *Ib.*)

Preceding sections apply to all lotteries, both in and out of State. (Sec. 170, *Ib.*)

Courts to give previous sections of statute liberal construction. (Sec. 170, *Ib.*)

MASSACHUSETTS.

STATUTORY PROVISIONS.

Any person setting up or promoting a lottery, liable to a fine not exceeding $2,000. (Sec. 1, Pub. Stat., 1882, ch. 209, p. 1176.)

Persons permitting a building to be used for lottery, punished by fine not exceeding $2,000. (Sec. 2, *Ib.*)

Any person selling lottery tickets, subject to a fine not exceeding $2,000. (Sec. 3, *Ib.*)

Second offense, violating above statute, in addition to fine, shall be imprisoned not exceeding one year. (Sec. 4, *Ib.*)

Advertisement of tickets prohibited, under a penalty not exceeding $100. (Sec. 5.)

Making or vending of fictitious lottery tickets, punished by imprisonment not exceeding three years. (Sec. 6, *Ib.*)

Prizes in lotteries forfeited to State. (Sec. 8, *Ib.*)

Aiding foreign lotteries, punished by fine not exceeding $2,000. (Sec. 9, *Ib.*)

Selling foreign lottery tickets punished by fine not exceeding $2,000.

MICHIGAN.

CONSTITUTIONAL PROVISION.

"The Legislature shall not authorize any lottery nor permit the sale of lottery tickets." (Art. 4, sec. 27.)

STATUTORY PROVISIONS.

Persons setting up or promoting, liable to a fine not exceeding $2,000, or imprisonment not exceeding one year. (Sec. 9331, Howell's Ann. Stats., 1882, p. 2257.)

Selling of tickets punished by fine not more than $2,000, or imprisonment not more than one year. (Sec. 9332, *Ib.*)

Second offense punished by imprisonment in penitentiary not more than three years or county jail not more than one year. (Sec. 9333, *Ib.*)

Advertising of lottery tickets prohibited under penalty not exceeding $100.

MINNESOTA.

CONSTITUTIONAL PROVISION.

"The Legislature shall never authorize any lottery or the sale of lottery tickets." (Art. 4, sec. 31.)

STATUTORY PROVISIONS.

Persons who set up or promote a lottery liable to imprisonment in county jail not more than six nor less than one month. (Sec. 1, ch. 93, Rev. Stats., 1878, p. 914.)

Selling of lottery tickets punished by fine not exceeding $500 nor less than $100. (Sec. 2, *Ib.*)

Advertisement of tickets punished by fine not exceeding $100.

MISSOURI.

STATUTORY PROVISIONS.

Lotteries prohibited, and persons carrying on same guilty of misdemeanor. (Sec. 1561, Rev. Stat. 1879, p. 272.)

Persons selling tickets or advertising lotteries liable to a fine not exceeding $1,000. (Sec. 1567, *Ib.*)

MISSISSIPPI.

CONSTITUTIONAL PROVISION.

"The Legislature shall never authorize any lottery, nor shall the sale of any lottery tickets be allowed, nor shall any lottery heretofore authorized be permitted to be drawn or tickets therein to be sold." (Art. 2, sec. 15.)

STATUTORY PROVISION.

Any person who sells or acts as agent for lottery tickets, or keeps a place for sale of tickets, liable to a fine not exceeding $500 and imprisonment not exceeding one year. (Rev. Stat., 1880, sec. 2879, p. 774.)

NEBBRASKA.

CONSTITUTIONAL PROVISION.

"The Legislature shall not authorize any games of chance, lottery, or gift enterprise, under any pretense, or for any purpose whatever." (Art. 4, sec. 21.)

STATUTORY PROVISIONS.

Person who sets up or promotes a lottery liable to a fine of not exceeding $500. (Sec. 140 Annotated Stats., 1881, page 386.)

Sale of tickets, or acting as agent for lottery, punished by fine not exceeding $500, or imprisonment not exceeding six months. (Sec. 141, *Ib.*)

Advertising of lottery tickets prohibited under a penalty of not exceeding $100. (Sec. 142, *Ib.*)

NEVADA.

CONSTITUTIONAL PROVISION.

"No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed." (Art. 4, sec. 24.)

STATUTORY PROVISION.

Lotteries, and the sale of lottery tickets, prohibited under a penalty not exceeding $500, or imprisonment not exceeding six months. (Com. L. 1873, sec. 2495 to 2502, inclusive.)

NEW HAMPSHIRE.

STATUTORY PROVISIONS.

Person setting up or offering to dispose of property by means of lottery liable to a fine not exceeding $500. (Sec. 1, Gen'l Laws, 1876, page 614.)

Person who sells or offers for sale lottery tickets, or prints or publishes any account of lottery, punishable by fine not exceeding $100. (Sec. 2, *Ib.*)

Person mailing letters or circulars concerning lottery for delivery in this State liable to a fine of $100. (Sec. 3, *Ib.*)

In indictment under preceding section not necessary to prove who is the owner of property to be drawn or who draws lottery. (Sec. 4.)

NEW JERSEY.

STATUTORY PROVISIONS.

All lotteries declared common and public nuisance. (Sec. 51, Rev. Stat. 77, p. 236.)

Persons opening or drawing a lottery ticket liable to penalty of $2,000, one-half to informer. (Sec. 8, *Ib.*, p. 459.)

Sales and transfers of property in pursuance of lottery void. (Sec. 9, *Ib.*)

Persons selling lottery tickets liable to a penalty of not exceeding $100, or imprisonment at hard labor not exceeding one year, or both. (Sec. 52, *Ib.*, p. 236.)

Insuring for or against lottery tickets punished by fine not exceeding $100, or imprisonment not exceeding one year, or both. (Sec. 53, *Ib.*, p. 236.)

CONSTITUTIONAL PROVISIONS.

"No lottery shall be authorized by this State, and no ticket in any lottery not authorized by law of this State shall be bought or sold within this State." (Art. 4, sec. 2.)

NEW YORK.

CONSTITUTIONAL PROVISION.

"Nor shall any lottery hereafter be authorized or any sale of lottery tickets allowed within this State." (Const. 1846, art. 1, sec. 10.)

STATUTORY PROVISIONS.

All lotteries common and public nuisance. (Sec 26, Rev. Stat. (7th Add.), vol. 3, p. 1967.)

Persons setting up lottery liable to a fine equal to whole amount involved in such lottery, and if that can not be ascertained, $2,500, or imprisonment not exceeding two years, or both. (Sec. 27, *Ib.*)

Advertisements of lotteries prohibited under a penalty not exceeding $150, or imprisonment not exceeding three months. (Sec. 28, *Ib.*, 1968.)

Persons selling tickets liable to a fine of not exceeding $500, or imprisonment not exceeding one year, or both. (Sec. 29, *Ib.*)

Selling or offering to sell property by means of lottery, punishable by fine not exceeding $500, or imprisonment not exceeding one year. (Sec. 30, *Ib.*)

Property offered for sale by means of lottery forfeited. (Sec. 31, *Ib.*)
Persons purchasing tickets may recover double amount paid for same. (Sec. 32, *Ib.*)
Issuing tickets prohibited by section 27, punished by fine not exceeding $1,000, or imprisonment not exceeding one year. (Sec. 36, *Ib.*)
The above provisions of the Revised Statutes are taken from the act of 1827, page 327, and except from the operation of the statute lotteries authorized by the law of the State. The clause in the Constitution of 1846, above quoted, eliminates all the exceptions from the statute. (See Fay's Dig. Laws of N. Y., vol. 3, p. 192.)

NORTH CAROLINA.

STATUTORY PROVISIONS.

Persons who set up or promote or offer property for sale by means of lottery liable to a fine not exceeding $2,000, or imprisonment not exceeding six months, or both. (Sec. 1047, code of 1881.)
Person selling tickets or acting as agent of lottery to be drawn in or out of State liable to penalty provided in preceding section. (Sec. 1048, *Ib.*)

OHIO.

CONSTITUTIONAL PROVISION.

"Lotteries and the sale of lottery tickets for any purpose whatever shall forever be prohibited in this State." (Const. 1851, art. 15, sec. 6.)

STATUTORY PROVISIONS.

Whoever writes, prints, or publishes in any way an account of any lottery, &c., punished by fine not more than $100. (Sec. 6929, Rev. Stat., 1880.)
Selling of lottery tickets punished by fine not more than $500, or imprisonment not more than six months, or both. (Sec. 6930, *Ib.*)
Opening, carrying on, or acting as agent for lottery punished by fine not more than $500 nor less than $50, or by imprisonment not more than ninety nor less than ten days. (Sec. 6931, *Ib.*)

OREGON.

CONSTITUTIONAL PROVISION.

"Lotteries and the sale of lottery tickets for any purpose whatever are prohibited, and the Legislative Assembly shall prevent the same by penal laws." (Art. 15, sec. 4.)

STATUTORY PROVISIONS.

Persons setting up or promoting a lottery liable to imprisonment in penitentiary not less than six months nor more than one year, or in any county jail not less than three months nor more than one year, or by fine not more than $1,000 nor less than $100. (Sec. 659, Rev. Laws, 1872, p. 435.)
Selling lottery tickets punished by fine not less than $50 nor more than $500, or by imprisonment in county jail not less than three months nor more than one year. (Sec. 660, *Ib.*)
Advertising of lottery tickets punished by imprisonment in county jail not less than one month nor more than six months, or by fine not less than $20 nor more than $200. (Sec. 661, *Ib.*)
Selling of false and fictitious lottery tickets punished by imprisonment in penitentiary not less than one year nor more than three years. (Sec. 662, *Ib.*)
Second conviction for violating sections 659 and 660; penalty, imprisonment in penitentiary not more than three or less than one year. (Sec. 664, *Ib.*)

PENNSYLVANIA.

STATUTORY PROVISIONS.

All lotteries declared to be a public nuisance and all transfers of property in pursuance of any lottery void. (Sec. 81, Brightly and P.'s Dig., vol. 1, p. 331.)
Setting up a lottery punished by fine not exceeding $1,000 and imprisonment in solitary confinement at hard labor not exceeding one year. (Sec. 82, *Ib.*)
Any person who sells or exposes to sale or advertises for sale lottery tickets shall be sentenced to imprisonment at hard labor not exceeding two years, and to pay a fine not exceeding $1,000.

RHODE ISLAND.

CONSTITUTIONAL PROVISION.

"All lotteries shall hereafter be prohibited in this State except those already authorized by the General Assembly." (Art. 4, sec. 12.)

STATUTORY PROVISIONS.

Persons setting up, promoting, or carrying on a lottery guilty of a misdemeanor, and liable to imprisonment not exceeding two years, or fine not exceeding $2,000. (Sec. 1, chap. 246, Public Stat., 1882, p. 690.)
The sale of tickets in lottery punished by fine not exceeding $50. (Sec. 2, *Ib.* p. 691.)
Notes given for lottery tickets void. (Sec. 3, *Ib.*)

SOUTH CAROLINA.

CONSTITUTIONAL PROVISION.

"Lotteries and the sale of lottery tickets for any purpose whatever are prohibited, and the General Assembly shall prevent the same by penal statutes." (Art. 14, sec. 2.)

STATUTORY PROVISIONS.

Setting up and promoting lottery punished by fine of $1,000; one-third to State, one-third to informer, and one-third to poor, and court shall also commit party to jail for twelve months. (Sec. 1, chap. 135, Rev. Stat., p. 737.)
Persons advertising or contributing to a lottery subject to a fine of $100. (Sec. 2, *Ib.*)
Selling lottery tickets punished by fine of not exceeding $10,000. (Sec. 3, *Ib.*)

TENNESSEE.

CONSTITUTIONAL PROVISION.

"The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State." (Art. 2, sec. 5.)

STATUTORY PROVISIONS.

Any person who makes or aids in making, draws or aids in drawing, or in any way interested in drawing a lottery, guilty of misdemeanor, and liable to a fine of $1,000 and imprisonment in county jail three months. (Sec. 4889, Rev. Stat., 1871, vol. 3. This section taken from act 1835, ch. 44, sec. 2.)
Selling of tickets in lottery punished by fine of $500 and one month in county jail. (Sec. 4890, *Ib.*)
Persons buying lottery tickets liable to a fine not exceeding $100 or imprisonment in county jail not more than twenty days. (Sec. 4891, *Ib.*)

TEXAS.

CONSTITUTIONAL PROVISION.

"The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State as well as the sale of tickets in lotteries, gift enterprises, or other evasions involving the lottery principles established or existing in other States." (Const. 1875, art. 3, sec. 47.)

STATUTORY PROVISIONS.

If any person shall establish a lottery, or dispose of any estate, real or personal, by lottery, he shall be fined not less than $100 nor more than $1,000. (Crim. Code, 1879, art. 351, p. 47.)
If any person shall sell or offer for sale or keep for sale any ticket or part of ticket in any lottery, he shall be fined not less than $10 nor more than $50. (Crim. Code, 1879, art. 352, p. 47.)

VERMONT.

STATUTORY PROVISIONS.

Setting up or promoting a lottery not authorized by law of State punished by fine not more than $200. (Sec. 4302, Rev. Laws, 1880, p. 285.)
Disposing of property by game of chance punished by fine not more than $200. (Sec. 4303, *Ib.*)
Selling of tickets in lotteries, except those authorized by the law of the State or of the United States, punished by fine not exceeding $300. (Sec. 4304, *Ib.*)

VIRGINIA.

CONSTITUTIONAL PROVISION.

"No lottery shall hereafter be authorized by law, and the buying, selling, or transferring of ticket or chances in any lottery shall be prohibited." (Art. 5, sec. 18.)
Old constitution contains same provisions.

STATUTORY PROVISION.

Persons buying or selling lottery tickets or setting up or promoting a lottery liable to imprisonment in jail not more than one year or fined not more than $500.

WEST VIRGINIA.

CONSTITUTIONAL PROVISION.

"No lottery shall be allowed by law, and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited." (Art. 2, sec. 1.)

STATUTORY PROVISIONS.

Setting up or promoting lottery, and the selling of lottery tickets, punished by imprisonment in county jail not more than one year and fine not exceeding $500. (Sec. 11, Code of 1870, p. 698. See also Acts of 1875, p. 150.)
All property proposed to be drawn by lottery forfeited to State. (Sec. 12, Code of 1870, p. 698.

WISCONSIN.

CONSTITUTIONAL PROVISION.

"The Legislature shall never authorize any lottery." (Art. III, sec. 24.)

STATUTORY PROVISIONS.

Setting up or promoting a lottery punished by fine or punished by imprisonment in county jail not more than six months, or fine not more than $100. (Sec. 4523, Rev. Stat., 1878, p. 1068.)
Selling of lottery tickets punished by fine not exceeding $500. (Sec. 4524, *Ib.*)
Persons advertising lottery tickets or aiding in sale of same liable to a fine not exceeding $100. (Sec. 4525, *Ib.*)
Selling fictitious lottery tickets punished by imprisonment not more than one year nor less than six months, or fine not exceeding $500. (Sec. 4526, *Ib.*)
Property in lottery forfeited to State. (Sec. 4527, *Ib.*)

From the foregoing it appears that lotteries are prohibited by constitutional provision in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin—total 27; by statutory provisions in Connecticut, Kentucky, Maryland, Massachusetts, Missouri, New Hampshire, North Carolina, and Pennsylvania—total, 8; by constitution or statute, or both, 35.

Delaware and Vermont prohibit all lotteries except those authorized by the laws of the State.

Louisiana by constitutional provision authorizes lotteries until 1895, after which they are prohibited.

Lottery advertisements prohibited in California, Colorado, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New York, Ohio, Oregon, Pennsylvania, and Wisconsin—total 20.

From the foregoing it clearly appears that the bill reported by the committee is not only within the power and duty of Congress, but is also in harmony with and in support of the policy of nearly every State in the Union.

Mr. JACKSON, from the Committee on Post-Offices and Post-Roads, submitted the following views of the minority (to accompany bill S. 1017):

As a minority of the Committee on Post-Offices and Post-Roads, the undersigned dissent from the report of the majority upon the bill (S. 1017) prohibiting "the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same," and respectfully submit the following brief synopsis of the reasons why, in their opinion, the bill as reported should not pass:

The bill recommended by the committee proposes to exclude from the mails any and all newspapers or other publications "containing or having printed therein an advertisement or other notice of a lottery or any agency thereof, or any notice, report, or statement of any drawing of a lottery," and to punish with fine and imprisonment "any person engaged in publishing a newspaper as part owner, proprietor, general manager, or superintending agent, president, or other officer connected therewith, and any person engaged in conducting a lottery as owner, part owner, and any person connected therewith as superintendent, manager, agent, or in any other capacity violating the provisions of this act. All other persons, not embraced in the foregoing classes, who shall violate the provisions of the act with intent to give circulation to any advertisement or notice of a lottery or any agency thereof, or any notice, report, or statement of any drawing of a lottery, shall be subject to a like penalty."

The real object and purpose of the bill is perfectly manifest. It is the suppression of that species of gambling which is carried on through the agency or instrumentality of lotteries. This result is sought to be accomplished by excluding from the mails, under penalties, all newspapers, pamphlets, or other publications "containing or having printed therein an advertisement or other notice of a lottery or any agency thereof, or any notice, report, or statement of any drawing of a lottery." Newspapers and all other publications containing such matter are to be restricted in their free circulation by being denied the usual and ordinary mail facilities that have been extended to them since the establishment of the postal system and the service of the Government. This it is assumed will force them to cease the publication of lottery advertisements and notices, and that with such cessation lotteries will be practically exterminated, even in States where they are at present legalized, and be practically prohibited in all others.

While we concur with the majority of the committee in the opinion that lotteries are a pernicious species of gambling, exerting an evil and demoralizing influence upon the people, we do not assent to the measure of redress which is recommended by the present bill. It is too clear for argument that the General Government has no authority to suppress any kind of gambling in the States

or to prohibit the States from legalizing or permitting lotteries and lottery advertisements. It is equally clear that the several States are invested with full and ample authority to deal with the whole subject. Most of them, as shown by the majority report, have already provided fully for the suppression of this evil. Their action, instead of furnishing a reason for the Congressional legislation here proposed, is rather a conclusive argument against the General Government's interference, and in a way that would establish a most dangerous precedent. This sort of concurrent legislation on the part of the States and General Government upon a subject falling manifestly within the province and functions of the former, like the suppression of any nuisance injuriously affecting the health or morals of their citizens, will constitute another step in the centralizing tendency of modern Congressional legislation under which the General Government is rapidly assuming control of the domestic affairs of the States, and as rapidly subverting the whole theory and character of our national system as originally formed. This paternal character of the General Government over the States and the people thereof has already been pressed too far. It should not be further extended in the effort to suppress or discourage gambling.

If the public-welfare principle on which this bill is recommended is adopted as the ground of and warrant for Congressional legislation, its logical result will be the gradual and practical absorption by the General Government, under the pretext of exercising its conceded powers, of every function and prerogative of the States. If Congress should at any time conclude that gambling in stocks or farm products had become hurtful to the morals and injurious to the interests of the people, the present bill will furnish the principle and precedent for arresting that evil by excluding from the mails, under penal sanctions, all papers and publications containing advertisements and notices of such transactions, or of agencies for dealing therein. The prohibitionists may also invoke its aid to suppress the traffic in and use of intoxicating drinks so destructive of the health and hurtful to the morals of the people. That such Congressional aid will be sought to suppress these and kindred evils, over which the States are supposed to have exclusive jurisdiction, under the pretext of regulating the mail service of the Government, is by no means improbable.

Already there is pending before Congress a bill prohibiting the use of the United States mails to advertise "noxious and dangerous medicines, foods, and compounds." It prohibits, under penalties, the carrying by the mails of any advertisement of any medical preparation, prescription, or compound, to be used as medicine, until the exact formula (sworn to) for its preparation is placed in the Patent Office, and a certificate is issued that said substance or compound is not dangerous to health. These efforts to control by indirection the circulation of newspapers because of particular articles or advertisements published therein are most dangerous in their tendency. It is difficult to estimate or even conjecture the injury that would ensue from legislation that would operate to curtail or prohibit the freest and widest circulation of the daily and weekly newspaper, which has become, under modern facilities for rapid transportation, the greatest educational factor of our day and the most potent of agencies in bringing all classes of our people up to a high plane of equal intelligence. It too frequently happens in legislation that in our effort to correct or remedy some particular evil resort is had to measures and expedients of a far more dangerous character. The present bill is an illustration of that mistaken legislation. It would inflict an incalculable injury and establish a most pernicious precedent in order to correct or arrest a particular evil of minor importance, which the States have the amplest authority to regulate or suppress as they may deem proper.

Assuming that the States are competent to protect the morals of their people against the corrupting and injurious effects of lotteries and lottery advertisements, and that the duty to furnish such protection rests with them, this bill presents the grave question as to how far Congress may legitimately go in exercising unquestionable powers for the accomplishment of objects and purposes that do not come lawfully within its jurisdiction. In other words, can Congress properly regulate the mail service of the country, under its authority "to establish post-offices and post-roads," for the purpose of preventing the circulation of newspapers containing lottery advertisements and the suppression of lotteries? This is by no means free from constitutional difficulty and doubt. In the case of McCulloch *vs.* The State of Maryland, 4 Wheaton, 316 to 437, Chief-Justice Marshall, delivering the opinion of the court, lays down an important limitation upon such Congressional discretion, and sustains the doubt above expressed in the following language:

"Should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land."

The avowed and manifest purpose of the bill under consideration is to restrict or forbid the free circulation of all newspapers or other publications containing a certain class of articles and advertisements to the end that lotteries may be thereby suppressed. The measure is intended to compel newspapers to exclude from their columns a specified class of articles. The freedom of the press is protected against direct Congressional interference or abridgment. Congress has no authority to control its action in the matter of publications. Nor has Congress, as already shown, any power to legislate directly upon the subject of lotteries or other modes of gambling in the States. But to accomplish these two objects, not intrusted to the General Government, the pretext is resorted to of invoking the exercise of its power to regulate the mails. If the general principle stated by Chief-Justice Marshall, as above quoted, does not apply to such legislation, it is difficult to determine when or where the doctrine announced could ever have any application.

The extract from eighth Howard, quoted in the majority report, in no way conflicts with the principle stated by Chief-Justice Marshall, nor with the application here made of it to the present bill. The question involved in the eighth Howard case arose under certain acts of the State of Virginia. The language used by the court in the course of its opinion had reference, not to Congressional, but to State legislation. It has no application here. It is also assumed in the majority report that the Supreme Court of the United States has authoritatively settled the question of the power of Congress to pass the present bill in the case of *Ex parte* Jackson, reported in 6 Otto, 727, where it was decided that Congress had authority to pass the act of July 12, 1876, providing that "no letter or circular concerning illegal lotteries," &c., should be carried in the mail, and punishing by fine any person who should knowingly deposit or send by the mail such circulars in violation of the act. The constitutionality of that act was sustained by the court.

It is claimed that this decision settles the question of the authority of Congress to pass the bill under consideration, and that upon the question of the policy of the enactment there is no distinction to be made between newspapers containing lottery advertisements and "circulars or letters concerning lotteries." Neither of these positions is strictly correct. Newspapers stand upon an entirely different footing from "circulars," both in respect to the purpose of their circulation and as to the protection or freedom guaranteed to them by the Constitution.

The lottery "circular" is confined and limited to one subject, and its sole object is the promotion of the lottery enterprise by inducing or tempting those to whom it is addressed to engage in such ventures; but with the newspaper it is different. The promotion of lottery schemes is neither the sole nor primary object and purpose of the newspaper containing a lottery notice or advertisement. Its aim and its value is the diffusion of general news and intelligence; and this main and distinguishing feature of the newspaper was deemed of such vital importance to the welfare of the country that its perfect "freedom" was protected against abridgment by the Constitution. In this respect the newspaper stands upon a stronger position and footing than the simple "circular." And by reference to the opinion of the court in this *Ex parte* Jackson case it will be seen that the circulation of newspapers can not be interfered with by Congress to the same extent that circulars or other mailable matter can be restricted or prohibited. For, while conceding the general proposition that "the right to designate what shall be carried necessarily involves the right to determine what shall be excluded," the court proceeds to say:

"The difficulty attending the subject arises not from the power in Congress to prescribe regulations as to what shall constitute mail matter, but from the necessity of enforcing them consistently with the rights reserved to the people of * * * far greater importance than the transportation of the mail. In this enforcement a distinction has to be made between different kinds of mail matter. * * * Nor can any regulation be enforced against the transportation of printed matter in the mail, which is open to examination, so as to interfere in any manner with the freedom of the press. Liberty of circulating is as essential to that freedom as liberty of publishing; indeed, without the circulation the publication would be of little value. If, therefore, printed matter be excluded from the mails, its transportation in any other way can not be forbidden by Congress."

It is further suggested, in the course of the opinion, that Congress could possibly "prohibit the carriage by others for hire over postal routes of articles which legitimately constitute mail matter, in the sense in which those terms were used when the Constitution was adopted, consisting of letters and of newspapers and pamphlets, when not sent as merchandise." It is respectfully submitted that this decision does not conclusively settle the question as to the power of Congress to restrict the circulation of newspapers for the purpose of accomplishing the objects sought by the present bill. The constitutional inhibition against abridging the "freedom of the press" is practically a dead letter if Congress can, in the exercise of its power "to establish post-offices and post-roads," and regulate the mail service, exclude both from the mails and post-routes newspapers that may be deemed objectionable because of the publications contained therein. The freedom of circulation by the ordinary channels of communication is the very essence of the press's freedom, or as stated by the Supreme Court, "liberty of circulation is as essential to that freedom as liberty of publishing." Deny to the press the right to circulate through the mails and over post-routes, which now include all public highways, railroads, and navigable streams (unless sent as merchandise), and the guarantee thrown around its freedom by the Constitution is worthless. "Without the circulation the publication would be of little value."

The framers of the Constitution certainly never intended that "the freedom of the press," so carefully guarded and protected against abridgment, should be subordinated to the power "to establish post-offices and post-roads," or to the authority of Congress derived therefrom to regulate the mail service of the country. It was never contemplated that, under the pretext of exercising those powers, Congress should establish a censorship over the press in respect to what should or should not be published and circulated. When President Jackson, in 1835, recommended Congressional legislation to prevent the circulation through the mail of incendiary publications designed or tending to incite insurrection on the part of the slave population in the Southern States, Mr. Calhoun, as the chairman of a special committee to whom that portion of the message was referred, made an elaborate report on the subject, in which the question of the power of Congress to exclude such publications from the mails was fully discussed, and the existence of such authority denied, although the evil to be corrected was of the most dangerous and alarming character. He, however, reported a bill prohibiting postmasters from receiving or transmitting through the mails to any State, Territory, or District such incendiary publications the circulation of which by the laws of said State, Territory, or District was prohibited. This bill gave rise to an extensive debate in the Senate and was defeated.

The most eminent statesmen of that day—Webster, Clay, Calhoun, Crittenden, Benton, and others—denied the power of Congress to exclude from the mails these incendiary publications as recommended by the President. Mr. Webster contended that even the modified bill reported by the committee conflicted with that provision in the Constitution which prohibited Congress from passing any law to abridge the freedom of speech or of the press. "What was the liberty of the press?" he asked. "It was the liberty of printing as well as the liberty of publishing in all the ordinary modes of publication; and was not the circulation of papers through the mails an ordinary mode of publication?" He further expressed the fear that Congress might under this example be called upon to pass laws to suppress the circulation of political, religious, or any other description of publications which might be demanded by the States or be deemed objectionable by Congress. Mr. Buchanan, while supporting the bill, and maintaining the power of Congress to enact it, admitted that "unless in extreme cases, where the safety of the Republic was involved, we should never exercise this power of discrimination between what papers should and should not be circulated through the mail."

The present bill is a long departure from the conservative opinions entertained and acted upon by the great statesmen of 1836. If not unconstitutional it embodies a principle and policy of a most dangerous character and tendency, and will establish a precedent, in making discriminations between what papers shall and shall not be circulated through the mails, which will lead inevitably to further encroachments and restrictions upon the freedom of the press. The evil sought to be corrected is not commensurate with the danger of the remedy proposed, and we respectfully submit that the bill as reported by the committee should not be passed.

HOWELL E. JACKSON.
S. B. MAXEY.
JAMES B. GROOME.

The PRESIDENT *pro tempore*. The question is on the first amendment reported by the Committee on Post-Offices and Post-Roads, which will be read.

The CHIEF CLERK. In line 11, after the word "lottery," it is proposed to strike out:

Any person violating the provisions of this act, upon conviction thereof, shall be liable to a fine for each offense of not more than $500 nor less than $200, with costs of prosecution, or imprisonment for not more than one year, or both, at the discretion of the court.

And to insert in lieu thereof:

Any person engaged in publishing a newspaper as owner or part owner, proprietor, general manager, or superintending agent, president, or other officer connected therewith, and any person engaged in conducting a lottery as owner or part owner, and any person connected therewith as superintendent, manager, agent, or in any other capacity, violating the provisions of this act, upon conviction thereof, shall be liable to a fine for each offense of not less than $200, with costs of prosecution, or imprisonment for not less than thirty days nor more than one year, or both, at the discretion of the court.

Mr. VEST Will an objection carry the bill over?

The PRESIDENT *pro tempore*. An objection will carry it over.

Mr. VEST. I object.

Mr. VAN WYCK. Will the Senator allow me to offer an amendment to be printed?

Mr. VEST. Certainly; I withdraw the objection for that purpose.

The PRESIDENT *pro tempore*. The objection is withdrawn for the time being.

Mr. VAN WYCK. I offer an amendment, in line 11, after the word "lottery," to insert:

Or containing an advertisement or other notice of sales of railroad, mining, or other stock of corporations by margins or puts and calls, or any agency thereof, or any notice, report, or statement of any such sale.

The PRESIDENT *pro tempore*. That would clearly be an amendment to the text subsequent to the amendments of the committee, and will be reserved until the committee amendments are disposed of.

Mr. VAN WYCK. I ask to have the amendment printed.

The PRESIDENT *pro tempore*. The amendment will be printed. The Senator can offer it after the committee amendments are disposed of.

Mr. VEST. I renew my objection.

Mr. WILSON. Mr. President, this bill has given way frequently to other business, and in order that we may proceed with its consideration and determine what the action of the Senate may be concerning it I move to proceed with its consideration notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] having objected to the consideration of the bill it goes over under the rule, and the Senator from Iowa [Mr. WILSON] moves that the Senate proceed to consider the bill notwithstanding the objection.

Mr. MAXEY. I desire to ask a parliamentary question, Mr. President. Suppose the motion of the Senator from Iowa prevails, that will place the bill under Rule IX, and then debate on it will not be limited to five minutes?

The PRESIDENT *pro tempore*. If the bill be proceeded with notwithstanding the objection under the rule, on the motion of the Senator from Iowa, it will not be subject to the five-minute limitation of debate.

Mr. MAXEY. It is impossible to discuss this bill intelligently under the five-minute rule.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa that this bill be now considered notwithstanding the objection.

Mr. WILSON called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. HILL (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON] on this question.

The roll-call was concluded.

Mr. BUTLER. My colleague [Mr. HAMPTON] is necessarily absent, and is paired generally with the Senator from Rhode Island, Mr. ANTHONY. I do not know how either would vote on this question.

The result was announced—yeas 22, nays 29; as follows:

YEAS—22.

Aldrich,	Edmunds,	Manderson,	Platt,
Allison,	Hale,	Miller of N. Y.,	Sewell,
Blair,	Harrison,	Mitchell,	Sherman,
Conger,	Hawley,	Morrill,	Wilson.
Cullom,	Lapham,	Palmer,	
Dolph,	McMillan,	Pike,	

NAYS—29.

Beck,	Colquitt,	Jonas,	Slater,
Brown,	Fair,	Jones of Florida,	Vest,
Butler,	Farley,	McPherson,	Voorhees,
Call,	Garland,	Maxey,	Walker,
Camden,	George,	Morgan,	Williams.
Cameron of Wis.,	Gorman,	Pendleton,	
Cockrell,	Harris,	Pugh,	
Coke,	Jackson,	Ransom,	

ABSENT—25.

Anthony,	Groome,	Lamar,	Saulsbury,
Bayard,	Hampton,	Logan,	Sawyer,
Bowen,	Hill,	Mahone,	Vance,
Cameron of Pa.,	Hoar,	Miller of Cal.,	Van Wyck.
Dawes,	Ingalls,	Plumb,	
Frye,	Jones of Nevada,	Riddleberger,	
Gibson,	Kenna,	Sabin,	

So the motion was not agreed to.

BILLS PASSED OVER.

The PRESIDENT *pro tempore*. Order of Business 291, being the bill (S. 764) granting an increase of pension to Abby P. Arnold, is next in order. This order of business, the Chair understands, it was agreed should be passed over until the return of the Senator from Rhode Island [Mr. ANTHONY]. If there be no objection it will be passed over, retaining its place on the Calendar. Order of Business 296, being the bill (S. 91) for the relief of the trustees of Isaac R. Trimble, the Chair understands was to be passed over until the return of the Senator from South Carolina [Mr. HAMPTON]. It will be passed over if there be no objection, retaining its place on the Calendar.

MILITARY RESERVATION AT PLATTSBURG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 733) dedicating the military reservation at Plattsburg, N. Y., to the village of Plattsburg for a public park.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

LOSS OF THE STEAMER J. DON CAMERON.

The bill (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don Cameron was considered as in Committee of the Whole. It proposes to direct the Secretary of War to examine into, ascertain, and determine the losses of private property of the officers, enlisted men, and laundresses of the Fifth Regiment United States Infantry by reason of the sinking of the Government steamer J. Don Cameron in the Missouri River, on or about the 18th of May, 1877; and the sum of $25,000, or so much thereof as may be necessary, is appropriated to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay the claimants the amount of their losses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT'S INTEREST IN ENCUMBERED PROPERTY.

The bill (S. 1733) to provide for protecting the interests of the United States in respect of any incumbrances on property wherein they have an interest was considered as in Committee of the Whole.

The bill provides that whenever in the opinion of the President it shall be deemed expedient and necessary to the protection of the interests and the preservation of the security of the United States in respect to their lien, mortgage, or other interest in any property upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property may exist, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It is to be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings in the courts and otherwise as shall be needful to protect and defend the rights and interests of the United States in respect of the matters mentioned in the act.

The bill was reported to the Senate without amendment.

Mr. BECK. I do not comprehend the bill. I do not know what committee it came from, but I should like to ask if that would give the President and the Secretary of the Treasury the right to pay off the first mortgages of the Union and Central Pacific Railroads and take possession in the name of the United States. I think it would from the reading of it.

Mr. GARLAND. The bill is reported from the Committee on the Judiciary. I suppose probably it would give authority to do what the Senator supposes, but the committee investigated the subject growing out of this general idea. It is absolutely necessary to confer some authority of this sort not only in reference to matters with regard to railroads but to any property in which the Government has an interest, but stands as second mortgagor, or behind somebody who has a prior lien. It is absolutely necessary to give this authority to protect the interest of the Government so that by a sale under the prior incumbrance the Government may not be cut out of its rights.

We think the bill is sufficiently guarded, because the Secretary of the Treasury can not do what is proposed without the action of the President, and as the law now stands he has no such authority. We give this general authority, and besides direct the Attorney-General to see that all necessary steps are taken to enforce the legal rights of the Government.

That is in general the purpose of the bill. There are many instances where by a sale of property the lien of the Government has been lost, sometimes entirely, sometimes in part, because of the want of this authority. The officers, not having power to do this, fail to act. We consider it necessary to give them authority to act for the interests of the Government.

Mr. BECK. The authority may be very well given where it applies to any small matter where there are liens; but when it comes to a matter as important as the instance I referred to of the Union or Central Pacific Railroads, where the Government has a second lien, it would be giving the executive officers of the Government an authority which Congress ought not to place in their hands. Perhaps it would be well to cover all the cases intended by the Judiciary Committee; but let there be some limit, say to properties worth not over $5,000, and require the assent of Congress to be given in cases over that amount before the negotiation was closed. In other words, I do not like the idea of having our executive officers clothed with such power in regard to railroads. I suppose perhaps that is not intended by the committee.

Mr. GARLAND. The more important matters ought to be protected by a bill of this character. It is the very important matters that the Government loses by. It is not small matters that the Government loses much by where we have issued an attachment or execution to make a small debt. It is necessary that this authority should be lodged somewhere in reference to important matters.

It is not to be presumed that the Secretary of the Treasury, the At-

torney-General, and the President would all make a purchase under an authority of this sort unless in a clear case. If they were bothered with any question about it they would necessarily refer the matter to Congress. The Senate will see at once that very great damage may be done by the want of this authority in a very important matter, if the officers have to wait until Congress may meet.

I think the objection urged by the Senator from Kentucky really is an argument in support of the bill, so as to protect the Government in reference to the large amounts it has involved in certain enterprises. The authority should be somewhere, and we could not find a better place to put it than with the Executive, the Secretary of the Treasury, and the law officer of the Government, the Attorney-General.

Mr. COCKRELL. I should like to ask the Senator reporting the bill if there be any doubt that the President and Secretary of the Treasury may go on and pay off the first mortgage of the Union Pacific Railroad.

Mr. GARLAND. I do not think there is any doubt about it.

Mr. COCKRELL. What is the amount of that?

Mr. GARLAND. I am not able to state just now. I can ascertain, I suppose. As far as the authority is concerned, it is ample.

Mr. COCKRELL. Does that mature within a short time?

Mr. GARLAND. No; I have not the date here.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, which will be stated.

The CHIEF CLERK. A bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

ORDER OF BUSINESS.

Mr. BLAIR. I ask that the unfinished business be laid aside informally and that the Senate proceed to consider the labor statistics bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the pending order be laid aside informally and that the Senate proceed to consider House bill No. 1340. Is there objection?

Mr. WILLIAMS. More than a week ago I gave notice that on last Tuesday I should move the Senate to take up the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes. When Tuesday arrived my friend from New Hampshire [Mr. BLAIR] had already a bill pending before the Senate to establish a bureau of labor statistics. That is a House bill; it had been progressed with and discussed for six or seven days, and I was assured that it would be disposed of in a few hours. I did not, therefore, like to antagonize that bill, as it was a House bill; and, as the bill I had proposed to move the Senate to take up was also a House bill, I consented, and continued my motion to the end of that bill, and notified the Senate that the moment that bill was through I should then move to take up the Mexican soldiers' pension bill.

But the bureau of labor statistics bill has made no progress since. It somehow has got upon a sand bar or got entangled in some way among the piers of the bridges that the Senator from Nebraska and the Senator from Illinois have been building over our Western rivers the last two or three days. It seems to me that if the Senator from New Hampshire does not press his statistics bill with more earnestness and vim than he has been pressing it these bridge bills will bridge over the whole residue of the session. I want to say to him now, that while I do not want to antagonize his bill, I will to-morrow at 2 o'clock, whether his bill is through or not, move the Senate to postpone all previous and pending orders and take up the House bill granting pensions to the soldiers of the Mexican war. It is an important bill. Its passage is demanded by the whole country. Thousands of old men are interested in it and are writing to their Senators every day hundreds of letters pressing the bill. It has been reported unanimously from the Committee on Pensions of the Senate. I hope my friend from New Hampshire will press his measure through to-day; but if he does not, I want to say to him that I shall make this motion to-morrow at 2 o'clock.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from New Hampshire? Debate is not strictly in order. Is there objection to the request of the Senator from New Hampshire?

Mr. INGALLS. What is that request?

The PRESIDENT *pro tempore*. That the pending order be laid aside informally, and that the Senate now consider the labor statistics bill. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1800) for the relief of J. L. Burchard;

A bill (H. R. 5451) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Decatur, in the county of Burt, in the State of Nebraska;

A bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska;

A bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims; and

A bill (H. R. 7071) supplementary to "An act to provide for the publication of the Tenth Census," approved August 7, 1882.

BUREAU OF LABOR STATISTICS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1340) to establish and maintain a bureau of Labor Statistics, the pending question being on the amendment proposed by Mr. VAN WYCK, at the end of line 5, section 1, after the word "who," to insert "shall be a person identified with the laboring classes of the country, and;" so as to read:

That there shall be established and maintained at the seat of Government a bureau of labor statistics, which shall be under the charge of a commissioner of labor statistics, who shall be a person identified with the laboring classes of the country, and shall be appointed by the President, &c.

Mr. BLAIR. Mr. President, I will simply say in response to my friend from Kentucky [Mr. WILLIAMS] that last Tuesday this bill was interfered with, put aside, by an appropriation bill, and it certainly can not be accounted a fault of mine that the appropriation bill, as such bills universally have, took the right of way and kept it throughout the day. Yesterday at 2 o'clock we had a right to proceed with this bill in a certain way. The Utah bill had preference, however, and it was only by the courtesy of the Senator from Massachusetts that this bill, that being laid aside informally, was in order. But by an understanding which existed between other Senators and the honorable Senator from Massachusetts who had charge of that bill we did give way an hour's time yesterday to accommodate other Senators from 2 until 3 o'clock—to that extent I must plead guilty of having undertaken to oblige others—when, wholly unexpectedly to myself, without suggestion from any quarter of its being likely to be done, at about 3 o'clock the Senate went into executive session against my protest and in consequence of a yea-and-nay vote.

So I do not feel that I have lacked in diligence, and I assure the honorable Senator that I will under no circumstances do a single thing to oblige him or anybody else that tends to delay action on this bill. I ask now for a vote on this amendment.

Mr. WILLIAMS. The Senator will understand that I intended no reflection on him whatever. I just want him to get a vote on the bill.

Mr. BLAIR. I accept the admonition, and I assure the Senator that I will be just as disobliging as possible until this bill is concluded.

The PRESIDING OFFICER (Mr. PLATT in the chair). The pending question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

Mr. BLAIR. I do not understand that that is the pending amendment. The question, as I understood it, was on the amendment of the Senator from Arkansas [Mr. GARLAND].

The PRESIDING OFFICER. The President *pro tempore* stated before the present occupant of the chair took the chair that the question was on the amendment proposed by the Senator from Nebraska.

Mr. HARRIS. The amendment of the Senator from Arkansas is a substitute. The amendment of the Senator from Nebraska proposes to perfect the bill as it stands, and is to be acted on before taking the question on the substitute.

Mr. BLAIR. I ask, for information, that the amendment moved by the Senator from Arkansas may be read.

The PRESIDING OFFICER. The Secretary will state the pending amendment, and also the amendment proposed by the Senator from Arkansas.

The CHIEF CLERK. In section 1, line 5, after the word "who," it is proposed to insert:

Shall be a person identified with the laboring classes of the country and.

So as to read:

That there shall be established and maintained at the seat of Government a bureau of labor statistics, which shall be under the charge of a commissioner of labor statistics, who shall be a person identified with the laboring classes of the country, and shall be appointed by the President, &c.

Mr. BLAIR. That is the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The PRESIDING OFFICER. Now the Chief Clerk will report the amendment proposed by the Senator from Arkansas [Mr. GARLAND] as a substitute for the bill.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

Add, after the word "prosperity," in section 342 of the Revised Statutes, as follows:

"The Chief of the Bureau of Statistics shall, under such regulations as the Secretary of the Treasury may prescribe, annually collect and report to Congress the statistics relating to marriage and divorce in the several States and Territories and the District of Columbia, and pertinent information relating to all departments of labor and production in the United States, especially touching the pecuniary, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the whole country; and the salary of the chief of such bureau shall be $3,500."

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska [Mr. VAN WYCK], being to perfect the text of the bill, is in order, and the question is on that amendment.

Mr. BAYARD. Do I understand that the question is now upon the amendment in the nature of a substitute proposed by the Senator from Arkansas or the amendment of the Senator from Nebraska?

The PRESIDING OFFICER. The amendment of the Senator from Nebraska, being to perfect the text, is first to be acted upon.

Mr. BAYARD. I wish the Senator from Nebraska would advise the Senate more precisely what he means by "a person identified with the laboring classes of the country." The amendment of the Senator is too vague. I take it, it will embrace nineteen-twentieths of his fellow-countrymen. This is not an idle country nor is labor in it confined to any one calling in life, to any one trade, occupation, or profession. I am strongly disposed to believe that whenever public or private service is sought, the education, the faculty, the personal fitness of the person to be chosen in view of the work to be performed are the only things that should control in his selection.

The amendment can not mean that, in order to form this annual encyclopedia of facts and opinions, and chiefly of opinions, for the bill reported by the committee provides chiefly for the report, not of facts but of inferences, of opinions, general views and deductions, which may or may not have value. I am greatly disposed to doubt their value. Facts are valuable if they are correctly stated.

Now what is the object of this amendment? What does the Senator want? Does he mean that the person who is to be chosen as the head of the bureau must be a man who earns his living only by manual toil? Does he mean that? I claim to be just as closely identified in feeling, in sympathy, in interest in every way with the classes referred to in this bill as any man in or out of the Senate. Therefore, if there is to be the mere identification, the word means nothing, for as I said before this is a country of laboring people. Of idlers we have fortunately as yet very few, and it is not likely that from the luxurious and lazy class of drones among us any one would be selected for a position such as is contemplated by the bill, one of incessant labor and of the closest application.

Therefore I hope that the amendment of the Senator from Nebraska, unless it has more point than it seems to me to have, either will be withdrawn or that it will not prevail.

Mr. VAN WYCK. I did not understand the Senator from Delaware. Did he mean that there was no point in the bill or no point in the amendment?

Mr. BAYARD. I was referring to the amendment of the Senator, which requires the person chosen as chief of this desired bureau to be identified with the laboring classes.

Mr. VAN WYCK. I supposed the Senator had read the bill. If he has, he has found that the bill itself is exceedingly vague and indefinite.

Mr. BAYARD. I have found that it is exceedingly vague and indefinite.

Mr. VAN WYCK. It was eminently proper that the amendment should in a measure correspond with the bill.

Mr. BAYARD. Then I congratulate the Senator upon his complete success from that point of view.

Mr. VAN WYCK. I desired harmony, of course, in the amendment, so that it would correspond with the bill.

Mr. BAYARD. I think the amendment is eminently proper in that view.

Mr. VAN WYCK. I will say to the Senator from Delaware that I have used the precise phraseology, whether it means more or less, that was recommended by the labor interest which the Senator from New Hampshire and the Senator from Mississippi especially represent.

Mr. BAYARD. Which of the laboring interests do they especially represent?

Mr. ALLISON. How do they represent it?

Mr. VAN WYCK. By this bill. They say that this bill is demanded by the labor interest. I understand the Senator from New Hampshire and the Senator from Mississippi to say that it is demanded. Am I right, I ask the Senator from Mississippi?

Mr. GEORGE. I think the laboring people of this country very generally desire the establishment of a bureau of labor statistics.

Mr. VAN WYCK. I understood the gentlemen to say that the labor interest demanded this thing above all others. I think the Senator from Mississippi said only a day or two ago that above all other things they demanded this action.

Mr. GEORGE. I did not say, and I do not know that the Senator from New Hampshire has said, that they demanded this special and particular bill. They do demand the establishment of a bureau of labor statistics, if I have not misunderstood them.

Mr. VAN WYCK. They demand this in preference to any other measure for their relief, I understood the Senators to say.

Mr. GEORGE. I used the word "demand" not in the offensive sense of coming here and threatening anybody, but to convey the idea that there is a general consent and a strong desire and wish for the establishment of a bureau of this kind.

Mr. VAN WYCK. I think the language is sufficiently definite to satisfy even the Senator from Delaware that they desire it. The word "demand" was used to indicate that they did desire it. That is the same as when a railroad company comes here and demands a land grant or manufacturers come here and demand a tariff or a revision of the tariff; it has only that force of language, and is not of course imperative by any means.

But when a few days ago I called the attention of these gentlemen to the fact that we needed affirmative legislation for relief, it was suggested that this, first and foremost, was demanded by the labor interest of the country; that they did not seem to care so much about the rescue of the public domain and preserving it for actual settlers; that they did not care so much about foreign immigration coming here under contract, and within the shadow of the Capitol driving out American laboring men——

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. VAN WYCK. I will yield in a moment. The point was that the labor interest did not care so much about that; that they did not care so much about the imposition of taxes in the shape of tariffs upon goods which their children were obliged to wear or about the imposition of a tariff duty upon a pound of sugar. It was not that; oh, no. I understood the gentlemen to say that that was necessary when it came in its order, but first and above all was a statistics bureau. Now I will hear the Senator's question.

Mr. GEORGE. I am very much obliged to the Senator from Nebraska for allowing me to interrupt him. The laboring people of this country, as I understand, desire to have a bill passed to exclude the importation of foreign contract labor, and the Committee on Education and Labor, in response to that sentiment, and also because they believed it was just, have reported a bill on that subject. What the opinions of the laboring people of this country are on the different questions to which the Senator has alluded I am not informed. I believe, however, as to one there is a very general if not a unanimous opinion, in favor of enforcing the forfeiture of the land grants made to the various railroads of this country.

Mr. VAN WYCK. I was giving that with a view of satisfying the desire of the Senator from Delaware as to the force and effect and meaning of this general phrase, and I was proceeding to state as the reason why this bill was introduced that it represented the highest idea, the most desirable idea at least, of the labor interest of this country, and therefore something which would seem to recognize that interest with a view of giving it some relief was a labor statistics bill. Evidently the labor organizations desire it, because I read from the report of the Federation of Organized Trades and Labor Unions, and I will say that it appears in all their reports that they desire among other things and they name the passage of a bill for securing statistics. My point was that if this action is taken in obedience to or in recognition of the request of the labor interest of this country, if we establish a bureau of labor statistics because they desire it, then it is necessary to do it as they desire it. A part of their request, which was just as strong on the American Congress, was not only that the bureau should be formed, but that it should be organized in the way and in the manner this interest desired. The Senator gets my idea, I trust. When this platform was laid down in the resolutions of the labor interest of the country their wish was expressed in the report of the Committee on Education and Labor. The idea was that when they asked for a thing it was competent for Congress and more proper that it should give the thing in the mode and the manner in which they desired it. My friend from Delaware will recognize the fact, I think, as being correct, and so will the Senator from Mississippi. But in looking over their resolutions and platform I find the following, and now I beg the attention of the Senator from Delaware while I read resolution 10:

We recognize the wholesome effect of a bureau of labor statistics as created in several States, and we demand—

Now, my friend from Mississippi will listen, the word "demand" is used. I was satisfied that I had read it somewhere.

And we demand the passage of an act establishing a national bureau of labor statistics—

That is just what we have in the bill—

establishing a national bureau of labor statistics, and recommend for its management the appointment of a person identified with the laboring classes of the country.

Hence it was that I proposed to perfect the bill in accordance with the wishes expressed in this resolution, by using the same phraseology that was mentioned there, and I trust my friend from Delaware will see his way clear to vote for the amendment and will see the force and effect of it.

If the Senate will indulge me a moment further, I will state that I have never seen the especial benefit to be derived from statistics at different times, for the reason that we have sufficient statistics already to legislate upon this subject. When I suggested two or three things which ought to be first legislated upon in my judgment before we organize a bureau of labor statistics, because it is competent for us to do so, the friends of the bill—with whom I will gladly co-operate after we shall have perfected it in a few particulars—the Senator from New Hampshire said, and I think the Senator from Mississippi also said, that they had already taken steps with that view. My friend the Senator from New Hampshire, to whose remarks I listen with a great degree of pleasure, and whose suggestions or advice I take with a great deal of pleasure, referring to some remarks which I had made, said:

— They want this if every other proposition fails.

As I said but a few moments ago, the labor interest wants this above all other things. I was correct.

They want this if every other proposition fails, and I wish to say to the Senator what the champion of the labor interests of this country ought to have been aware of, that there are at least three bills already before the Senate, reported by the same committee, covering a portion at least of the subjects which he suggests.

Let me recommend him to examine the business of the Senate and be better posted when he undertakes again to speak on this subject.

And, accordingly, I did make the examination suggested to me. I, of course, yielded to the suggestion, and examined to see what has been attempted to be done in the labor interest. I trusted that this would not be the only thing, for this gave no relief. We have statistics. As I told my friend, we have had statistics enough, from the time that Burns wrote his Cotter's Saturday Night until now, to enable any legislative body in Christendom to legislate in the interest of labor, if it desired to do so. But I ran over these bills; one bill introduced by the Senator from Mississippi, which may have previously escaped my attention, because it was entitled "to protect American laborers," and I supposed that was a tariff bill, as all tariff bills generally bear that title, "to protect American laborers," and of course I did not suppose it necessary to run through the mazes of the bill to see all that it contained. But I find on examining it still further that it is not exactly that, but there is a very remarkable provision in it before it gets through. It is "a bill to protect American laborers," and I presume is the bill the Senators refer to when they say they have a bill here to stop foreign immigration under labor contracts. That is the point I was making, because I intimated to gentlemen that they could find to-day, almost under the shadow of this Capitol, foreign laborers under contract from European countries brought here to drive out American labor. But here is section 7 of the bill "to protect American laborers:"

That if any person or corporation shall complain to the President of the United States that he or it is engaged in or is about to start a business requiring skilled labor of a particular kind, and that a sufficient quantity of such skilled labor can not be obtained in the United States, the President may, on being satisfied of the truth thereof, issue a license to such person or corporation to bring in, unaffected by this act, such skilled labor, specifying in such license the kind of skilled labor and the number of artisans permitted to be brought into the United States.

That is taking the sting all out of the bill. I suggested that that would conflict with the privileges of the glass manufacturer, of the iron manufacturer, when his laborers strike for wages enough to have bread, to bring in this horde and drive out American labor by skilled labor brought from Europe under contract. Your glass manufacturers do that. To that the American laborer has objected. Your iron manufacturers do that. To that the American laborer objects. "Skilled labor!" That was skilled labor. Any labor which manufactures anything in competition with American labor is skilled labor; and will the Senator pretend that that bill is any protection to American labor in this country? No, sir. The only difficulty is that some of these gentlemen are willing, while there shall be high protection in regard to manufactured goods, that there shall be ultimate and absolute free trade in labor. They are willing for free trade there, and that is what the bill proposes.

That is one bill. My friend said there were three. The others I did not discover, and therefore it is not necessary that I should dwell upon them. They probably cover the same ground as the one I have referred to.

I hope to be pardoned for having made so much of a suggestion, because I desired to make myself so plain that the Senator from Delaware would understand me. I trust I have been successful, and that he will see that there is eminent force and propriety in the language used in the amendment, because it is the very language used in the resolutions of the confederated organizations of labor unions.

Mr. BAYARD. I submit that whatever class or classes of our fellow-countrymen are to be affected by this bill they will expect those who are their representatives to deal with the question respectfully and straightforwardly and not to confuse them by a tissue of unmeaning words or to offer them a bill of vague generalities, obscurities, and absurdities when they are asking for information which shall practically illustrate the condition under which they perform the labor of their lives.

It is obvious that an American laborer, no matter what may be his field of occupation, whether with his brain or with his hands, whether by night or by day, or wherever and however he may work, has the interests of our common humanity at stake, and he is entitled to be answered respectfully when he applies for information.

If one of this class to whom I refer, the class who gain their living by the toil of every day, was in distress in regard to his physical health, to whom would he apply? Manifestly to one learned in physic. If his estate or property is involved, he will certainly apply to a man capable of business and learned in the law. If he wishes any of his daily wants supplied, necessarily he would apply to those whose special knowledge and avocation make such application proper and sensible. So if he desires statistics, to have the facts gathered and garnered from individual and class and general experience in the country, he will apply to a man who possesses the faculty to group and arrange them in an orderly and intelligible manner. A false fact is worse than none, false statements are worse than none, and false inferences are wholly delusive. Therefore, if this business is to be conducted according to common sense, let us proceed upon some such basis.

What you want in this clerical employment—for that is a very large part of it—is a man whose habits of life and study will enable him to perform it sensibly and well. Who can do that? Such a man as is suggested by the Senator from Nebraska, because although he has not defined it precisely he evidently means that the man shall be connected with some of the labor organizations, and those labor organizations are wholly composed of men who are supposed to labor only with their hands? I know many of those men; I profess to comprehend their wishes, and I am perfectly willing, indeed am very desirous to aid them practically and fairly, but I will not stultify myself nor insult them by giving them such a bill as I think the one before the Senate as a means of information and relief, nor would I do them such disservice as to place a man at the head of this important bureau who has no training nor fitness for the place.

If any of these men desire to cross the Atlantic they would demand a skillful navigator to command the ship. If they desired to enroll themselves in the military service they would ask for an educated and skilled soldier to lead them. If they desire statistical information for the purpose of fashioning their lives or their political action according to the exigencies of the times and they want the facts upon which to base their action, by all means assist them, give them freely and fully as possible all the information, and give them the machinery that common sense and fairness dictate as the proper machinery for the purpose, and that is, place a statistician at the head of a bureau of statistics.

I hope that the suggestion of the Senator from Nebraska, which I think is hurtful to the professed object of the bill, will not be adopted. Let us, if we can, comply promptly and faithfully as representative men with the demand or the petition, whatever you may call it, the desire for popular information upon these important subjects.

We profess, and well may we profess, to base our institutions upon the intelligence of the people, and therefore when we can by means of published statistics gathered at public cost enlighten any class or all classes of our fellow-countrymen by all means let us do it.

The question in considering the bill before the Senate is whether it is a practicable measure for the purposes indicated. I take leave to say here, I may as well say it now in speaking of this measure, that I have read the House bill which the Senate are now considering with some care and it seems to me utterly impracticable.

By the Constitution a census or enumeration of the inhabitants is to be taken every tenth year, and that has been done regularly in the history of our Government. It was intended originally to be only a count of noses to find the mere numerical progress and local distribution of the population, but it has been extended and expanded, not unwisely, to other and cognate purposes, so that in 1880 we had taken a census industrial in all its branches, that is to say, all branches of industry, agriculture, manufactures, mining, all the great and leading as well as the more minute branches of human industry were examined and fully reported upon. This is 1884 and the full report of that census is not yet completely printed, and I suppose another year at least will expire before we shall have in full published form the results of the census of 1880. A compendium has been printed, published in large numbers, and widely distributed. It is probably the most complete and reliable census we ever had.

What does this bill propose? A far more extended field of inquiry, a far more expanded field of examination, than is proposed even by the census law of 1880. It would involve, to comply with this measure, a corps of skilled assistants, greater in number even than that employed by the law of 1880 for the census of that year. The truth is that if the report was made that is desired by the bill it would not be practicable to compile the returns and print them before the next year's work would be upon you, for this is to be an annual proceeding.

Besides that, I would say to the Senator having the bill in charge, his bill asks far more for opinions and inferences than it does for facts. It inquires for deductions, not facts. The object of statistics is to give the facts from which people may deduce their own conclusions and arrange their affairs in accordance with the opinions they may form; but we would have under this bill a sort of general political encyclopedia, with essays upon the effects of certain facts.

After those facts are discovered they are to be examined by the officers having charge of the bureau. Let me illustrate what I mean. They ask the publication of "the joint production between labor and capital, where practiced, the pro rata of each, and the general effect;" trades-unions and labor associations, their number, their membership, their objects; strikes, their causes, effects, and remedies. What does all this involve? Opinion from first to last. A strike occurs. If you ask the laborers who strike they will tell you it was from one reason; if you ask those who employed them, they will tell you it was from another. The opinion necessarily will vary, and yet the opinion and not the fact is what is sought for apparently by the bill. The laboring men want the facts, not mere opinions; so I take it for granted they will form opinions of their own,

The bill would procure little or nothing that is really desired by the laboring classes or by those who propose to obtain the truth in respect of numbers, production, and wages, for that is about all that can be

obtained accurately. All beyond that will be mere matters of inference, of opinion, which will depend entirely upon the sympathy of the persons who shall deliver them. That is not wanted in this case; we want facts, not opinions.

I am ready to vote for such appropriations and such additional machinery as shall give such further information as may be required for the purpose of understanding the condition of the laboring classes of this country, for it is they to whom the bill really addresses itself. But to do that I propose to treat it with respect; to treat it sensibly and fairly, and vote for such a bill as is practicable and will really produce the ends that the parties have in view.

I believe that the amendment of the Senator from Arkansas will do all that can be done by giving each year a fuller statement of facts in respect of labor, the hours of labor, or the rate of wages, all of which are obtainable, without undertaking to procure opinions and inferences. If we have the facts the American people can draw their own inferences. They do not want the opinions of statisticians; they do not want the opinions of officers whose duty it is only to obtain the facts. Let us have those, and from that we can judge what may be required and what may be necessary in the way of further legislation. The whole bill, however, and the character of the information described in it, indicates to my mind a strange misconception of the true functions and objects of our Government, and I am unable to see what legislation under the Constitution can be expected to follow.

Mr. INGALLS. Mr. President, any measure for the elevation of American labor or the amelioration of the condition of the laboring classes will always receive my cordial and unqualified support. There is no fiber of my being that is not in sympathy with labor. I am descended from many generations of laboring men, toilers in the forest and in the field and on the sea, artisans who lived long, obscure, but honest lives of toil at the bench and the forge. I represent a State composed of laboring men. At least nine-tenths of my constituents obtain their livelihood by daily toil. They are farmers, they are miners, they are herdsmen; and they are intelligent enough to observe my course here with the minutest scrutiny, and if I fail in my obligation to them I am very well aware, sir, that I shall be called to strict and instantaneous account. Therefore, Mr. President, I have every impulse and incentive to give my cordial and unqualified approbation to every bill or resolution or enactment that may have for its object the amelioration of the condition of American labor.

But, sir, I have heard observations made during this debate which appear to me to call for criticism and for censure. I have heard it said, without challenge, that the legislation of this country had been against American labor, that it had been in the interest of consolidated capital and of moneyed corporations. Sir, I take the liberty as the representative of a laboring community to deny that. There is not an intelligent laboring man in the State of Kansas who does not know that that statement is absolutely and unqualifiedly incorrect. There is no man who can read the statutes of his country, who can read the history of legislation upon the subject of the homestead law, of land for the landless, who can read the legislation of his country upon the subject of the pension laws, and upon all other matters affecting the interests of the laboring classes, who does not know that the assertion that legislation in both Houses of Congress has been against labor and in the interest of consolidated capital and of moneyed corporations is an atrocious libel upon the history of legislation in this country.

Sir, this nation is composed of laboring men. Ninety-nine one-hundredths of them obtain their subsistence by the labor of their brains or by the labor of their hands. They have the control of the political forces of this country, and if these allegations were true there never pass two years in which they do not have the opportunity of calling their servants to account; and if the House of Representatives or the Senate is false to their interests and engaged, as has been so often said, in legislating for capital, for corporations, it is impossible to imagine that those guilty of such conduct would not have been hurled from their seats under the indignant impulse of an outraged constituency.

Sir, I have no sympathy with that school of political philosophy in this country which teaches that there is an irreconcilable conflict between capital and labor and which demands indiscriminately hostile legislation against men because they are rich and against corporations because they are strong. Labor and capital are not enemies, they are friends; they are not antagonists, they are colleagues and auxiliaries; and the legislator or the citizen who attempts to array class against class, to array the laboring man against the capitalist, is an enemy not only of the laboring man but of the best interests of his country.

Mr. President, if it were possible that the schemes of these self-constituted champions of the people, of these transparent demagogues who are attempting for sinister and selfish purposes to array one class of the people of this country against another, were to be once effectuated; if it should be held that property was robbery, as I have often heard it said; if it should be held that no man had the right to acquire it; if it were to be decreed that land should be as free as air, should be as free as the splendid effulgence of the sun or as the waters of the sea, what would be the consequence? Suppose that by some great overpowering act of legislation, such as is demanded by the men who declare that "property is robbery," that the man who has a dollar above the needs of his daily subsistence is the enemy of the man who works for his daily bread—for that is the logic of it; if a man has no right to hold $10,000,000 he has not the right to hold a dollar above his absolute daily needs—suppose, I say, that the wishes and the intentions and the purposes of this class of political philosophers could be carried into effect, suppose that on some near day in the future there could be by legislative enactment a distribution per capita among all the citizens in this country of all the property, real, personal, and mixed, therein, so that at a given moment every man should be possessed of exactly his proportionate share of the aggregate of accumulated capital in this country, what would be the result?

There is not a sensible human being who does not know that within the period of six months thereafter the same inequalities would exist that exist now; some men would be laborers, some men would be merchants, some men would ride in splendid equipages down the Avenue, and others would ride in street-cars, and others would have to go afoot; some men would be in the Senate and House of Representatives, and others would be in the penitentiary. And after all this had been accomplished, the voice of the leather-lunged and clamorous demagague would be heard again declaring that all property was robbery and all legislation was against the interests of labor and in the interest of capital, and demanding another division.

Mr. President, the intelligent laboring people of this country understand that there are some things which are beyond the reach of legislation. There are inequalities in the condition of human affairs that can not be reached by statute. Legislative enactment can not make men prudent; it can not make them thrifty; it can not make them sagacious and enterprising. Those are inherent, structural, fundamental differences in individuals that will under a free government always have their full expression; and in consequence of them these inequalities in human society exist. Therefore these schemers, these visionaries, who are asking that all the evils of human society shall be cured by legislation, that all the difficulties attending the acquisition and distribution of property shall be cured by legislation, are ignorant of the fundamental facts which constitute the basis of human society. They can not be cured by an addition to the public documents of the country. I am aware that there is an intense, eager avidity for the rich, juicy, succulent, and nutritious volumes of statistics in the census reports, that they are of immense value, and it appears to be the impression of the Committee on Education and Labor that by adding incalculably to the amount of literature that we already have upon these subjects the evils which afflict us are to find their cure. I can imagine the comfort which the farmer when he "homeward plods his weary way" to his humble cottage and to his poorly clad children, to his wife who has been troubled and exhausted by toil throughout the day—the consolation that he would carry to his household by stopping at the village post-office and procuring a volume of statistics of the relations between capital and labor. I suppose if there had been in Cincinnati at the time of the riot a sufficient accumulation of public documents, of volumes on "the statistics of crime, and so forth," in accordance with the language of this bill, that the attention of the truculent mob would have been speedily diverted from their labor of blood and destruction. I can assume nothing else except that those philosophers who have advanced this bill believe that a universal panacea for all the evils that afflict human society is to be found in the publication of additional volumes of statistics.

Mr. President, in my judgment the Senate could bow down and worship this bill which has been reported from the Committee on Education and Labor without the sin of idolatry.

Mr. BLAIR. If the Senator will permit me, it has been stated in the debate several times that "and so forth" was in the bill. It may be there; but if so it is in the thirtieth line, "the statistics of crime and so forth." Is that what the Senator referred to?

Mr. INGALLS. That is what I referred to.

Mr. BLAIR. Very well.

Mr. INGALLS. I was about saying, when interrupted, that I thought the Senate could bow down and worship this bill without committing the sin of idolatry, for it resembles nothing in the heavens above, or that is in the earth beneath, or that is in the water under the earth, so far as my observation goes in parliamentary history. I confess that I approach it with undisguised dismay and trepidation, for the Senator from Mississippi [Mr. GEORGE] informed us the other day that it was demanded by the laboring classes of this country with singular unanimity. That was the phrase he employed not once but twice, that the laboring classes with singular unanimity demanded the passage of this bill. We were told when the bill reported from the Senate committee was introduced in this body and up for discussion a few days ago that the laboring classes demanded the passage of that bill with singular unanimity as the panacea that was to cure all the evils with which they were afflicted. And so great was the feeling of sacrilege when I ventured to suggest the amendment of an obvious typographical error which made the bill stupid and clumsy and bungling in terms, such a bill as a schoolboy would not write as a composition, that one Senator after another rose up with holy horror and said: "It will not do to

amend this bill; it must pass just as it came from the House of Representatives, because it is demanded by the laboring classes of the country with singular unanimity!"

Now, Mr. President, I will venture to make some observations on this bill that is demanded by the laboring classes of the country with such singular unanimity, and before proceeding to do that I will take the liberty of observing that if there are ten of the laboring men in the State of Kansas who know anything about this bill, or if they did know anything about it who could not draw a better one, I shall regard myself as being very greatly instructed.

The commissioner of labor statistics shall hold his office for four years, and until his successors shall be appointed and qualified.

I ventured the other day to suggest that it would be advisable to strike off the letter "s" from the word "successors," so as to read, "until his successor shall be appointed and qualified," and if I had laid my hand on the Ark of the Covenant, it would not have excited and aroused a greater feeling of parliamentary and legislative blasphemy and sacrilege than that mere innocent suggestion. But what is this officer to do? He is not to obtain and collect "all useful information upon the subject of labor," but he is to "acquire" it. He "shall acquire all useful information upon the subject of labor." It is usually regarded as sufficient if an officer of the Government devotes himself to the collection of information, to the obtaining of it, but this officer is directed to "acquire all useful information upon the subject of labor." I think that would be worth $3,500 a year.

Mr. BROWN. Then the salary is not too high.

Mr. INGALLS. I think the salary is eminently moderate.

Mr. BLAIR. Three thousand dollars.

Mr. INGALLS. For an officer of the Government who is to "acquire all useful information upon the subject of labor, its relations to capital, and the means of promoting the material, social, intellectual, and moral prosperity of the laboring men and women," $3,000 would not be too much.

I pass a number of the subjects that are confided to this officer that were discussed so elaborately the other day by the Senator from Alabama [Mr. MORGAN]. He suggested that there were sixty-two points of inquiry. I have examined it minutely, and there are seventy-three; but that, of course, is immaterial. In lines 20, 21, 22, and 23 the inquiry is to be extended to "the number and ages of children employed in labor, nature of their occupation, the effect of the different kinds of labor on their growth, development, and health, and their attendance at school." He is to inquire into the effects of labor on their attendance at school, and in the next paragraph but one he is directed to inquire into the subject of "the hours employed, and the effect of shortening the hours of labor upon production." I can understand how the number of hours employed might be diminished, but how the hours of labor can be shortened, unless there is some new induction in the astronomical processes of the country, I am unable to appreciate. The hour must, as I understand it, be always exactly of the same length, being the unit of the measurement of time so far as the subdivision of days into hours is concerned. But it appears that there is some intention—occult, I dare say, mysterious, and obscure—that when the commissioner gets into power he shall shorten the hours of labor so that there shall not be to exceed perhaps fifty minutes in an hour, or it may be forty-five. It is not the diminution of the number of hours, but they are to be shortened in some way so that one of the evils attending excessive employment may thus be obviated.

How "the truck or store-order system" is to be investigated I am not advised, because it is a matter that is so abstruse that I am not familiar with it and do not know what it means.

In line 36 the Senator from New Hampshire was at first inclined to protest against the declaration that the words "and so forth" were employed, but an inspection convinced him that the language employed was "statistics of crime and so forth," which is equivalent to the basket clause in a tariff bill, and comprehends everything that has been hitherto omitted. If anything has been neglected in the enumeration of subjects of inquiry in this bill, they can all be included under line 36, "statistics of crime and so forth."

Mr. President, it is interesting to know what machinery is to be employed to enable the commissioner of labor statistics to gather together *en masse* and thus "acquire" the information upon the seventy-three specified points:

And to enable the commissioner to obtain the information herein specified he shall have authority—

To do what?

to issue circulars.

"Most lame and impotent conclusion." "He shall have authority to issue circulars." Who ever heard before that it was necessary to pass an act of Congres to enable a man to issue circulars? Why, can not a private citizen issue circulars without applying to Congress for authority? What is there about the act of issuing circulars that requires a bill to be passed by the House of Representatives, and also by the Senate, and then approved by the President of the United States? Are we to understand that the Committee on Education and Labor advise us that no man has a right to issue a circular without an act of Congress? This commissioner is to have a monopoly of issuing circulars, the Senator from Massachusetts suggests. And to whom are they to be issued? "To manufacturers;" and not only to manufacturers, but "to various manufacturers;" not confined to manufacturers as generally understood, but he is authorized "to issue circulars to various manufacturers and labor associations," and as if "labor associations" were not enough, he is authorized to issue them "to other labor organizations," and as if "manufacturers," and "various manufacturers," and "labor associations," and "other labor organizations" were not enough, he is authorized to issue circulars to "persons."

Mr. President, can the power of legislation go further than that? Not only to manufacturers, labor associations, and labor organizations, but he is authorized to issue circulars to "persons with interrogatories to be answered." The imagination pauses appalled before the tremendous power that is conferred upon the commissioner of labor statistics under this bill. Not only has he the power to issue these circulars, but they are to be "with interrogatories to be answered," under what penalty we are not informed. Suppose that these manufacturers, these various manufacturers, these labor organizations, these labor associations, and these persons decline, neglect, or omit to answer the interrogatories that are attached to the circulars which are authorized to be issued by the commissioner of labor statistics, what then becomes of the bureau? It dies, the Senator from Iowa [Mr. ALLISON] says, perishes of inanition, expires, and becomes extinct.

But, Mr. President, it is not sufficient that this gigantic, hitherto-unexercised, and absolutely unprecedented power should be exercised in this country alone. The imagination of the committee went far abroad. "No pent-up Utica" confines their powers. "The commissioner of labor statistics shall obtain all possible information upon the various subjects above specified from the different foreign nations." How is he to obtain that? He "shall have authority to issue circulars to United States consuls asking them to obtain the information desired." After declaring that he shall do it himself he is authorized to issue circulars to the consuls in foreign nations requesting them to obtain the information that is desired. I suppose that the Committee on Education and Labor were not aware that all these statistics from foreign nations were collected monthly; that there are publications from the Secretary of State under order of Congress of reports from consuls and consular agents in all portions of our foreign correspondence; that wherever the United States has a representative in the consular service he is required and directed to furnish all necessary information upon these matters of interest affecting labor, production, manufactures, and commerce, that is sent to the Secretary of State and by him collated and published, and that volumes and volumes upon these subjects can be obtained by all who seek to inquire of the Department of State.

Mr. President, there was an item in the bill making appropriations for the support of the Department of Agriculture a day or two since to which I wanted briefly to call the attention of the Senate. On page 6 of that bill, commencing with line 133, provision is made for a division of agricultural statistics, directing the collection of domestic and foreign agricultural statistics, and compiling, writing, and illustrating matter for monthly, annual, and special reports, $134,300. That of course would be duplicated in the bill that has been reported from the Committee on Education and Labor for the creation of a bureau of labor statistics. That is merely one of the seventy-three items upon which the commissioner of labor statistics is required to obtain information, and for the labor necessarily employed in the Department of Agriculture for the collection of those statistics alone, which constitute less than one-seventieth of the items that are contained in the bill of the Committee on Education and Labor, the amount appropriated was $134,300—$134,300 appropriated in the Department of Agriculture for collecting the statistics upon one single point of the seventy-three embraced in the bill of the Committee on Education and Labor now before the Senate, and for the labor that is devolved upon the officer created by this bill, covering the whole range of inquiry, not only in this country, but in all the countries of the earth where the Government has representatives, the entire amount appropriated is $25,000! If the chairman of the committee believes that under the provisions of this bill the intentions of the committee can be carried out, that there is any likelihood, any possibility that the statistics called for upon the seventy-three different points can be collected for the sum of $25,000, he has faith much greater than a grain of mustard seed.

I can see that much advantage would be gained by the collection of proper statistics upon the subject of labor. I shall very gladly give my vote and my help to any measure that appears to me to deal with this question in a practical and sensible manner. If the Senator from New Hampshire would consent to strike out, in the bill that has been reported from his committee, all after the word "women," in line 14, down to and including the word "desired," in line 52, I think the bill would have some reasonable grounds of intelligent support; or if it should seem best that the work should be done under the Bureau of Statistics now existing in the Treasury Department, that also would have my approbation; but I shall not, no matter what the demand of any body of men assuming to represent the laboring classes of this country, abdicate

my function as a legislator and stultify my judgment as a man by giving my assent to a measure that in my judgment will not in any way whatever accomplish the results that they as well as I desire to obtain.

Mr. VAN WYCK. The Senator from Kansas took occasion to repel a statement which is sometimes made that the legislation of the country tends in the direction of capital, of monopolies, of corporations, and alluded to the fact that a homestead bill had been passed and pension laws made. Pension laws are not based on any such theories as the Senator suggests. A pension law merely carries out the promise, the obligation, the debt of the nation, and applies as much to the millionaire who in the service has been disabled as to him who goes from the humble walks of life.

After revolving in my own mind the statement that the legislation of the country was in that direction, I fail to call to mind, excepting the homestead, a single other wherein Congress had shown any earnest desire in the direction indicated.

My friend has heretofore characterized the system of tariff laws as in the interest of capital rather than of labor, and they have occupied a large measure of the attention of Congress for the last twenty years. Will he please place his finger upon those laws since the homestead which have been in the direction of labor?

The Senator eloquently denounced communistic tendencies, but I would suggest that communism of capital is far more dangerous to the nation and its prosperity than communism of labor. Those who are horrified at the idea of communism should remember that a communism of capital, represented by as many men as can be counted on the fingers of one hand, can gather in an inner chamber in New York or Chicago and combine against the interests of his State and mine by striking at the productive industries of all the States of this Union. And yet we hear no denunciation of that communism, the most dangerous because the most powerful.

When they unchallenged exercise corporate powers and fix arbitrary rates for carrying produce from the plains of the West to the seaboard, then it is that they strike at the interests of labor far more than the laborers at Pittsburgh or the communists at Cleveland.

Allusion is made to the homestead law. Not only labor but all interests almost unanimously are this day asking Congress to save the public domain for homesteads. A few weeks will determine whether that cry is heeded. With lavish and profligate hand Congress has given to corporations for the mere demanding and stretching forth the hand empires of land which have been withdrawn from the occupation of the settler for twenty, and in some cases nearly forty, years. And when this communism of capital can enter, as it has in the years gone by, the Land Department of this nation, when it could come in and sit down and place its arm around the form of the Secretary of the Interior, when it could invade the Department of Justice and induce Attorneys-General to sign opinions upon which millions of land were to be abstracted from the settlers and placed in the keeping of wealthy corporations, can we point with special pride to the laws and their administration for the last twenty years? This fostered combination of capital is a more deadly communism than the labor interest which comes here to-day mildly demanding something, not statistics, from the American Congress.

All glory to the homestead law. While prodigally we gave millions of acres which should have been the heritage of labor for years to come we are seeking to restore 100,000,000 acres to the public domain which has been closed against the occupation of settlers during the last quarter of a century. Let us wait and hope that Congress in the spirit of justice may rend the spoiler of his prey. Let us wait with becoming modesty before we boast of what Congress has done in the way of protection to labor. The Senator says that power is with the people, the power of the ballot-box. True, but the people are forgiving and long suffering. By adroit manipulation in platforms at national conventions, by finely rounded periods in Congress, for a time the people may be deceived and sometimes betrayed, yet when courts become the means of protecting vice and crime and laws to make the rich richer, what wonder if sometimes their protest, coming with the voice of a tempest, becomes an avenger?

History repeats itself. The Israelites, when they bore the harsh bondage of Pharaoh, bore it even to the making of bricks without straw before they rose up in their power, not to strike down Pharaoh, but to turn their backs upon his government. Yes, they do sometimes assert their power. They did when Congress became communistic and struck for higher wages and back pay. Let me say to the Senator, because there will be no better time, that if this Congress should close its doors and adjourn without any legislation upon the living question of rescuing and protecting the public domain, which to-day is agitating the American people, the possibility is that they will rise up and strike those who may be in power.

Mr. BLAIR. Mr. President, it would not be expected of a man who was in earnest that he should consume the time of the Senate in a reply to the elaborate but trivial sarcasm with which the Senator from Kansas [Mr. INGALLS] has seen fit to indulge himself and to amuse the Senate in his verbal criticism upon the structure of this bill; and I propose to pass that over with that silence which it deserves.

This bill came as it is *verbatim* from the House of Representatives to this body; it was subjected to the verbal and other criticism of three hundred intelligent men, probably most of them as good grammarians and quite as likely to indulge in honest criticism of the structure of the bill as the Senator from Kansas himself. I think it is a very good bill.

The words "and so forth" are words of pregnant meaning if the lights and fathers of the law are good authority; and so far as the particularity with which the framers of this bill saw fit to enumerate the subjects-matter or the items which are comprised within the scope of a bureau of labor statistics is concerned it can hardly be termed an error. It is very true, as I said the other day, that omnibus expressions could have been employed which would have resulted in greater brevity, but they would have been far more inclusive than is this bill.

I do not propose to follow the Senator in an attempt to defend what, if it is of any importance in any way, can not be looked upon otherwise than as a somewhat insulting criticism on the co-ordinate branch of the legislative power of this country.

The Senator from Nebraska [Mr. VAN WYCK] who first spoke this afternoon criticised the work of the Committee on Education and Labor as being somewhat negligent in matter of substance, and said they came before the country with this bill rather for the obtaining of information where information is no longer needed instead of driving directly at great abuses which may exist in this country and which should be specifically remedied by acts of the legislature. He criticised or indicated that he was about to criticise the bills which have been reported by that committee, and which, as I indicated to him the other day, would be found, if he saw fit to examine the records of the Senate, to cover most of the matters to which he had called attention. He was able to find fault with but a single item, the concluding clause in a bill which was reported to the Senate by the honorable Senator from Mississippi [Mr. GEORGE], and to the defense of which I do not feel myself personally and specially committed, although I am for the bill.

The Senator from Nebraska reiterated in the Senate what I had observed as a criticism by some casual writer in some one of the papers of the day, which was so manifestly and absolutely based upon ignorance of the contents of the bill itself that I never supposed any intelligent man upon the floor of the Senate or anywhere where he was supposed to feel a sense of responsibility for his language would be likely to repeat it.

The provision in the bill reported by the Senator from Mississippi which enables a corporation or an individual or an association of men who are engaged in the establishment of a new industry to obtain without impediments being thrown in their way the necessary skilled labor from abroad when it is not to be had in this country is a provision which the advocates of the bill itself asked to have inserted, and it was inserted because the labor element in this country—to speak of which is supposed to indicate on the part of the man who does it something of a tendency to demagogy—demanded it. I tell you, Mr. President, that the labor interest of this country is led by intelligent men, and the Senator who stands in his place and attempts to show that there is no man among them who is fit to be the head of this bureau of labor statistics or to preside over the destinies of the executive department of the Government of the United States fails to know fully the amount of intelligence, the greatness of intellect, and the profound thought that many of those advocates of the labor reforms of the day exhibit. This particular item, the basis of all the fault the Senator from Nebraska has been able to find, is, as I said before, in a bill of the Senator from Mississippi for the reason that it was deemed necessary that it should be there inserted in order to protect and in order to give the opportunity for that full and enlarged development of the system of industries of our country that it is desirable to attain unto.

Various Senators ask, why not amend this bill? They talk of the imperfections of the bill. They are verbal imperfections at the best. The bill does not include as much as the act of the Legislature of Massachusetts establishing their bureau of statistics, which has been in operation now, in beneficial and remedial operation, ever since the year 1864. Verbal criticisms merely are indulged in, and Senators ask, why not amend the bill? I should be perfectly willing that the schoolmasters should go through this bill and prune it to the utmost, and reduce its forms of expression to brevity and precision as much as might be done, if I did not think that, after all, of trivial importance comparatively, and it might endanger the final enactment of the statute itself. We know how the session is waning; we know how both branches of Congress are overloaded with work, and that this bill has come from the other House almost unanimously passed, and there are no imperfections in it of a radical or substantial nature in my belief, and if there are any, they can be remedied by future amendatory acts. I think it is best to take this work of the House of Representatives—take it as it comes to us, for it contains all the substance, and have a law on the subject. Let the bureau be established, and if it can be bettered, changed, or enlarged hereafter, there is the whole great future wherein the Senator from Kansas can elaborate proper bills of amendment. He can put this bureau wherever it ought to be, he can expend his $100,000 or his $700,000, and he will find that this bureau can expend that amount of money legitimately and profitably when it shall have existed for a sufficient length of time to have evolved a sense of its own proper work.

When it shall have become so thoroughly organized that it has the ability to expend a dollar and get full consideration for it, then grant it additional appropriations.

Mr. Nimmo's bureau, with his twenty-one clerks, does the very great and important work that he is doing for this country for $51,000 per annum, and I think that the $25,000 with which we propose to initiate this bureau is a sufficiency; and I tell you, sir, that honestly administered, even in the distribution of circulars and in the reception of such information as will come voluntarily in response to them, a very great and important work can be done. It is not to be supposed that the millennium is to be ordered by express. Senators seem to talk as though everything was to be accomplished on fifteen minutes' notice, or five minutes' notice, or in a single year. What we desire to accomplish is simply a beginning, to plant the seed and look to the future for the development and, as we believe, the beneficial result.

Now, sir, I have no more to say except a single word in reference to the amendment which leads to this debate, and that is that this commissioner shall be appointed from those who are identified with the interests of the labor. That is the verbal form of expression contained in the amendment of the Senator from Nebraska. I have no doubt that the appointee will be taken from the ranks of those who feel a special interest in the establishment of this bureau and in the social investigations to which it may lead and which may be its great proper sphere; but, as I said the other day, I do not think it important that we should amend this bill and endanger its passage by an amendment of that kind. The Constitution has left to the President and the Senate the appointing power. If it is safe to confide that power to their discretion with reference to all the great Departments of the Government, surely we can try for a single year, for a single appointment, that same authority with reference to the bureau of labor statistics.

Mr. BUTLER. May I ask the Senator from New Hampshire a questian just there?

Mr. BLAIR. Certainly.

Mr. BUTLER. I ask why it is that Mr. Nimmo or his bureau can not procure these statistics just as well as a new bureau?

Mr. BLAIR. Will the Secretary be so kind as to take the RECORD of the day before yesterday and read again to the Senate the letter of Mr. Nimmo?

Mr. BUTLER. The Senator, perhaps, might state the substance of it.

Mr. BLAIR. Well, I will not take time. It was read, but the Senator, I presume, did not hear it. Mr. Nimmo says that there is no more similarity between his work and the work of this proposed bureau than there is between the professions of law and medicine; that there is no more reason or good sense in combining them under a single head than there would be in combining those two professions under a single direction. He says he has all he can do now and a great deal more.

Mr. BUTLER. Some of us might differ with Mr. Nimmo on that point. The object of his bureau, I understand, is to procure statistics. The object of this is to procure statistics.

Mr. BLAIR. His bureau has never had a dollar of appropriation, he says, to assist it in the collection of statistics relating to manufactures, and it has never had any appropriations for and it never has done any work in the collection of statistics bearing upon the labor problem. He says that its name is a misnomer, and it is really and truly nothing but a bureau of commerce.

Mr. BUTLER. Does Mr. Nimmo state that he is disqualified from making these inquiries?

Mr. BLAIR. I think the letter had better be read. It is short. He does not say but that he has the necessary ability to do the work; but he says that he has all he can do now, and he speaks emphatically against the policy of uniting the two.

Mr. BUTLER. Then I should like to inquire of the Senator, because he has given the subject great consideration and thought, whether if the Congress of the United States should increase the clerical force of Mr. Nimmo's bureau he could not carry out the purpose of the bill.

Mr. BLAIR. There is a great difference between what is practicable and what is advisable. I have no doubt that what Mr. Nimmo could do would be better than to do nothing; but I should consider that the combination of the two bureaus or the overshadowing of the one by the other would be a great disadvantage to their mutual operations and to the interests of the public at large.

Mr. BUTLER. I think these inquiries might be committed to Mr. Nimmo's bureau.

Mr. BLAIR. Mr. Nimmo in his letter says that he was charged with the duty two or three years ago by Congress of ascertaining something in relation to the condition of labor abroad; that he fulfilled the duty and has made a report. He speaks of that report as an amateur performance. He does not claim, I think, that he is specially qualified for the pursuit of these inquiries.

Mr. BUTLER. I think it not at all unlikely that the President of the United States will be able to find somebody in this country who could take hold.

Mr. BLAIR. That might be. If it is necessary to go into that, what would be the use? The work remains the same; Mr. Nimmo has got all he can do. He works to the extent of his capacity on the bureau he is now conducting. If you add this to his bureau there must be more men employed there; you can not increase the amount of labor that these gentlemen are to accomplish, because the two lines of inquiry do not run into each other. It will be just as expensive to conduct these inquiries under the direction of Mr. Nimmo as it will be to do so under the auspices of an independent bureau.

Mr. HOAR. Will the Senator from New Hampshire yield to me for a moment?

Mr. BLAIR. Certainly.

Mr. HOAR. I wish to say a word in answer to the question put by the Senator from South Carolina.

Mr. Nimmo is charged with the duty of collecting and condensing statistical information in regard to the commerce of the country, and especially in regard to that field, so important, yet almost untrodden until within a very few years, the domestic commerce of the country, which is, if I mistake not, as compared to the foreign commerce of the country, as one hundred compared to two. That is, as compared with the domestic commerce the foreign commerce is about 2 per cent. of the domestic. Now, it requires all Mr. Nimmo's time, capacity, and thought (and I believe Congress could profitably increase the force of statisticians at his command two or three fold) to enable him to deal thoroughly with the commercial questions that he has to deal with. There are great portions of the country and vast interests which have to be left untouched in his reports by reason of the deficiency of the force at his command.

Then, to do this thing which is proposed by the bill that the Senator from New Hampshire has in charge, if it is to be done at all (of which I say nothing at this time), you ought to have another man of the same capacity to deal with that class of statistics; and therefore it would be a simple question if you put it in Mr. Nimmo's department of putting a man of equal capacity, learning, and genius under the control of the present commissioner. Certainly it seems to me it would require a new head, a person who would be practically at the head and have the direction of the whole inquiry, of equal capacity with the Commissioner of the Bureau of Commercial Statistics.

The PRESIDING OFFICER. Does the Senator from New Hampshire request the reading of the letter referred to by him?

Mr. BLAIR. I do not.

Mr. CALL. Mr. President, before the debate closes upon this bill I desire—having been a member of the Committee on Education and Labor and given my assent to the report of the House bill now before the Senate as a substitute for the bill originally reported by the committee of the Senate—to say a few words in vindication of the bill. I shall not make any reply to the criticisms which have been made upon the language used in the bill except simply to say that they are not true criticisms. The mere addition of a single letter, making a word plural instead of singular, is not a grave error in the bill. The language answers the purpose which was intended by the other House. It conveys a clear idea of the purposes of the provisions of the bill. They are quite as efficient as could be made by the Senators who have criticised the bill.

There is no compulsory power given to obtain this information. The best that can be done is to endeavor to supply the means for instituting the inquiry for the purpose of gathering the facts.

The Committee on Education and Labor made an extensive investigation of this subject. In conformity with our habits, the form of our government, and the habit of bringing the public opinion of the people, of the intelligent people, to bear upon legislation, they were placed in contact with leading men throughout the country who were interested in the subject of labor, in the relations of capital to organized industry, and they had from those leading men exhaustive expressions of opinion and testimony in regard to facts concerning the labor interest of the country, concerning the interest of organized labor, the productions of the country, and everything that appertains to the inquiry involved in the relations of capital and of labor. Some of those gentlemen are the equals of any in the Senate, of any in any country, and among them was a distinguished clergyman of the city of New York, a man of much learning, of great conscientiousness of purpose, of a philanthropy which impels him to look into everything that concerns the people and the interests of an advancing civilization.

I wish before this debate closes to bring the testimony and the language of this accomplished scholar, and this useful and I may say great man, to bear upon this subject, in order that he may silence the carping and ignorant criticism which attempts to belittle the greatness and importance of a subject which has no superior in its importance to the people of this country, and upon which the very perpetuity of this Government may depend, and that is a proper consideration of the interests of labor and of its relations to capital, to the organized industries of the country, an interest which has compelled from the most powerful government in the world legislation which, when asked for here, becomes the subject of ridicule. The Rev. R. Heber Newton, of the city of New York, in his testimony before the Committee on Education and Labor, speaks as follows:

A LABOR QUESTION COMING.

The broad fact that the United States census of 1870 estimated the average annual income of our wage-workers at a little over $400 per capita, and that the census of 1880 estimates it at a little over $300 per capita, is the quite sufficient evidence that there is a labor question coming upon us in this country. The average wages of 1870 indicated, after due allowance for the inclusion of women and children, a mass of miserably paid labor—that is, of impoverished and de-

graded labor. The average wages of 1880 indicated that this mass of semi-pauperized labor is rapidly increasing, and that its condition has become 25 per cent. worse in ten years. The shadow of the old world *proletariat* is thus seen to be stealing upon our shores. It is for specialists in political economy to study this problem in the light of the large social forces that are working such an alarming change in our American society. In the consensus of their ripened judgment we must look for the authoritative solution of this problem. I am not here to assume that rôle. I have no pet hobby to propose, warranted to solve the whole problem without failure. I do not believe there is any such specific yet out.

In regard to the subject of this bill this distinguished gentleman and learned scholar and profound student of social science and of the condition of the laboring poor speaks as follows:

A MODEL BUREAU OF LABOR STATISTICS.

Our trades-unions ought to be the means of securing one of the great necessities of labor in this country—accurate and generally diffused information concerning the state of the labor market. Were there any thorough combination in existence on the part of these unions in hard times there could be diffused through the great centers of labor in the East regular reports of the labor market in the different local centers of the country, such as would guide workingmen in their search for opportunities of work. Such information would be trusted, because it would come from their own class, and would be reliable because it would be given from those on the spot; and yet our trades-unions, so far as I know, have made next to no attempt, even within their own peculiar spheres, to give to their members any such information in the hardest of times. In their hands is already existent—needing only to be used—the mechanism of the model of the labor bureau for which they cry so loudly.

Again:

The National Government is at fault in various respects, concerning which I sum my suggestions into propositions which I should like to see this committee submit to the Senate of the United States:

And I undertake to say that there is no Senator here and there is no member of Congress and there is no statesman in this country who can meet and contest the propositions which this distinguished gentleman makes and there are none who are his superior either in ability or in education—

(1.) Tariff reform.
(2.) A national bureau of labor.
(3.) Legislation concerning the great transcontinental railroads and the appointment of a national railroad commission.
(4.) The establishment of postal savings banks.
(5.) The further fostering of industrial education.
(6.) A better system of patent privileges.
(7.) The limitation of the right of bequest.
(8.) The organization of colonization from our crowded centers to our newer regions.
(9.) The reclaiming of public lands whose grants have become forfeited, and the return to the old policy of preserving all public lands for actual settlers.
(10.) The reservation of future mineral resources as public property.

Back of all which lie the responsibilities of our capitalistic system of industry and of our tenure of land, concerning which the time seems to me unripe for other action than that already suggested.

While I and others may differ with this distinguished gentleman in regard to the wisdom of some of these suggestions, none can deny the clearness of this analysis, or the force of his reasoning, or the sincerity of his sympathy with the highest and best interests of the country.

It is impossible for us to ignore the fact that it is not only the manual laborers of this country, not only the operatives in factories, not only those who are extremely poor, but that the intelligent and thoughtful minds of our people, that the clergymen, the men engaged in the liberal professions, are giving to this subject their profound thought and attention. It is they who are demanding that the information shall be gathered, which has never been gathered in a scientific and accurate and authentic form by trained specialists, for the foundation of their study, of their investigation, and of their conception of remedial measures touching these great questions. Says Mr. Newton:

Only large wealth commands the means of production, and only combined labor supplies the power of production. The workman awaits the offer on the part of the capitalist of a workshop, of tools, and of the fellows who can complete his fractional skill. He has become a part of a gigantic mechanism that is run by capital. He is utterly, absolutely helpless in himself. He therefore has to enter the "labor market" and offer for sale—no longer his works, but his working. He sells himself. Under what is, with grim sarcasm, called "the system of free contract" he engages on his part to make over to an employer his labor in return for that employer's finding him the means and conditions, without which he is no longer able to labor.

A new feudal system is set up, in which, through all the descending gradations, labor holds its little all by the grace of the feudal lord. It draws the feoff of life from its master and suzerain. Of course it is true that under the old home-workshop system there were journeymen who were in a certain sense dependent on the master, for whom the master found the workshop, to whom he paid wages, and whose products he sold; but each man could become a master of his craft and of his tools, and thus of himself. Each man looked forward to becoming a master-workman, hiring other workmen, an expectation which, while we hear much about its being still a possibility, is becoming increasingly difficult of realization with each fresh turn of the wheel in the evolution of the factory system, and which, to all intents, is practically unrealizable already in most branches of industry.

It is not speaking too strongly to say that such a radical revolution as has thus been wrought in the condition of labor is without a parallel in the previous history of Christendom, and that it is fraught with dangers of the most ominous kind to society at large. Unarrested—or perhaps, let me rather say, led on to no further and higher evolution, in which its present action shall be corrected—this system would crush out the free manhood of the workingman.

He says further:

We have in none of the States of our Union any such legislation as that of the thorough system of factory laws in England, and we ought to supply the lack promptly. Whatever may be said as to interference on the part of legislation with the rights of capital, the sufficient answer is that the whole advance of society has been a constant interference on the part of legislation with the merely natural action of the law of supply and demand; and that only thus has England, for example, secured the immense amelioration in the condition of the problem of labor and capital which marks her state to-day.

It can be said also in this connection that if Government has one business more peculiarly her own than another it is to look after the class that most needs looking after; and that not simply from the interest of the class itself, which would rarely supply a basis for governmental interference, but in the interests of society at large—of the state itself. The state's first concern is to see her citizens healthful, vigorous, wealth-producing factors; and to this end bad sanitary conditions, which undermine the "health-capital" of labor, imperatively demand correction.

I have read these words, Mr. President, not for the purpose of expressing my concurrence in all these opinions, but of showing that there is a profound sentiment in this country interested in this question, in the rights of labor, in the interests of labor as a factor, and the greatest and most important factor, in the State and in the nation, and that whatever information is required should be carefully ascertained, whatever expense may be necessary in order to enable the people who feel that profound and just interest in the condition of ninety-nine one-hundredths of this people, to ascertain their true condition and formulate some well-grounded opinion or system of legislation for their benefit, whether it be by the State or the National Government. It is a great question, an important question, and one well worthy the consideration of this body.

It is for that reason that I accept the bill of the House, whatever may be its imperfections in language. It is because it is in answer to a profound sentiment that has a right to be heard and a right to have consideration at the hands of this body, the united sentiment of the laboring people of this country, led by the intelligent clergymen, the intelligent lawyers, the intelligent professional men, and the intelligent capitalists in some instances, and by those who have a profound patriotism and hope in the future of this country.

Senators who will read the evidence taken by the Committee on Education and Labor will find themselves in the presence of a great force of living, active, educated thought. Not only of leading men in the labor associations, but of great capitalists, of directors of labor, of credits and finance; they will find themselves in the presence of a spirit of earnest philanthropy, and at the same time of practical business sense, and that they regard the work which this bill endeavors to make provision for as one of great importance. I commend the study of Mr. Heber Newton's statements, and the opinions and facts obtained from others, some of whom have accomplished a great success in business pursuits, and now control and direct great interests in the business world, and others who now give form and direction to a great body of public opinion, which in our Government must soon do what it has already done in governments further removed from the influence of public opinion than ours, that is, affect the legislation of the country, both State and national, as a complete refutation of those who treat this bill lightly and find in its provisions nothing but uncertainty and useless inquiries on subjects supposed to be beyond the reach of any exercise of legislative power, whether State or national.

There is a spirit abroad in the country which will not be put down at any man's bidding, which looks to practical benefits to the great body of the people, which will be content with nothing short of an improvement of their condition in respect to the necessities and comforts of life, and which insists on a full and thorough knowledge of all the facts connected with the relations of labor and what we term capital; with the condition of the laboring people, men, women, and children; with the effect of taxation upon them; with the effect of the great inventions of the age upon them, as the predicate for whatever reasonable and prudent legislation may be necessary for their welfare and for contented relations between capital and labor. And prominent in this movement, as I have said, are leading men of the laborers and of those who employ labor and furnish capital, clergymen of a broad philanthropy, and professional men of learning and high character.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the second amendment proposed by the Senator from Nebraska [Mr. VAN WYCK], which will be read.

The SECRETARY. In line 20, after the word "labor," it is proposed to insert "all foreign laborers under contract;" so as to read:

The number of persons employed as laborers, with the classification thereof, male and female, married and unmarried, skilled or unskilled, convict labor, Chinese labor, all foreign laborers under contract.

Mr. BLAIR. That matter is covered in a later clause.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment proposed by the Senator from Arkansas [Mr. GARLAND] as a substitute for the bill.

Mr. ALLISON. I call the attention of the Senator from New Hampshire in charge of this bill to lines 52, 53, and 54, wherein the authority to appoint a chief clerk and so on is conferred upon the chief of the new bureau of labor statistics. I understand that we can not do this under the Constitution of the United States. The appointment of inferior officers may be vested in the President, or the heads of Departments, or the courts of law, but not in minor officers. It seems to me this bill must be amended in reference to these appointments, if in no other respect.

Mr. BLAIR. I trust the Senator will not raise an objection of that kind in regard to this mere clerk. The word "appoint" can not be used here in the technical sense in which it is employed in the Constitution, and I am sure that there is an almost universal practice among the Departments to make appointments of this kind or employ persons to do this subsidiary sort of work. It is not possible that there is any constitutional objection.

Mr. ALLISON. Not a single instance of such a kind have I ever heard of in the Government.

Mr. BLAIR. If the word "appoint" is here used in the most strict and technical sense, there may be something in the objection. But in the way it is used here I think it must be construed in connection with the nature of the duty to be done, the employment to be made, the surrounding circumstances. It can not be possible that the word is used in that sense in which it is employed in the clause of the Constitution which the Senator from Iowa has in view.

Mr. ALLISON. Allow me to read the provision of the Constitution:

> The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are nor herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

There is nothing plainer than that what this bill proposes in this respect can not be done under the Constitution. The "chief clerk" here provided for is an officer as much as the commissioner. He acts in the absence of the commissioner as commissioner. There is no question about it.

Mr. BLAIR. I think there is a question about it.

Mr. HOAR. That question is a question which is on the boundary line. I think it has been always held that you may provide for the performance of clerical work or the obtaining of a stenographer to report, a reporter who takes down the proceedings of a public functionary, without his being a constitutional officer. What is the clause under which the chairmen of the various committees of the Senate appoint their clerks? It is not an appointment by the Senate, which is allowed by another clause of the Constitution, whereby the Senate and House are allowed to appoint their officers. It is done by committees, and not by the Senate, although these clerks take an oath and have a salary.

Mr. ALLISON. That is under a different power.

Mr. HOAR. It is done under the same limitation. The only constitutional power is that the President, or the heads of Departments, or the President and the Senate, or the courts shall appoint all public officers, except that the two Houses of Congress may appoint theirs. Here are clerks appointed by neither.

Mr. ALLISON. Let me ask the Senator a question. Here is a chief clerk who in the absence of the commissioner performs the duties of the commissioner.

Mr. HOAR. Let me finish my statement.

Mr. ALLISON. Very well.

Mr. HOAR. I was about to say that the fact of which the Senator speaks seems to me to make the chief difficulty. Without that it would be on the boundary line between the hiring of clerical assistance as you hire a printer or a stenographer. There are a great many instances where clerical duties are performed without making the clerk an officer.

The PRESIDING OFFICER. Does the Senator from Iowa suggest an amendment?

Mr. ALLISON. I will presently.

Mr. HOAR. I wish to say to the Senator from Iowa, as has already been stated a good many times, that this is a bill which a considerable portion of our countrymen take a great interest in, and amending it is a considerable additional risk in its passage.

Mr. ALLISON. I can not understand that argument. It has been made here a great many times. Here is a bill which it has been stated has passed the House unanimously. We are at least six weeks or two months from the end of the session. We are passing bills here every day. Is it possible that from this forward until the end of this session we must pass bills without amendment because they come from the House of Representatives? That is an argument which does not address itself to me on this question. I think this is a fatal objection to the provision. I know of no instance where any appointment of clerical force has ever been made except by the head of a Department. The employment of a stenographer or the employment of a man by the day or casually, here and there, is a very different thing; but here is an office as permanent and distinct as the office of the chief commissioner himself.

Mr. SHERMAN. Mr. President, in my judgment, the office or bureau, as it is here called, is in fact a department of the Government, and this bill would be relieved from many of its troubles if instead of calling it a bureau it was called a department of the Government. It does not follow that by calling it a department of the Government the head of the department would be a member of the Cabinet. That has been settled. The very point now made by the Senator from Iowa was made in respect to the Department of Agriculture, and the reason why the Department of Agriculture was created was that formerly it was confined to a very limited range of duties, and when its functions were enlarged it was called a department to avoid the objection now made by the Senator from Iowa.

Therefore, if I desired to offer any amendment to this bill I should propose at once to call this what it is, a department of the Government. That this is a department according to the language of the bill is shown by the fact that it is entirely independent of any other officer of the Government except the President of the United States. The head of this bureau makes his report directly to the President of the United States and to Congress. That constitutes it a department or a separate part of the Government of the United States. I do not see, therefore, why this may not be properly called a department, and why by changing the name to "to establish a department of labor statistics" it would not be entirely proper and competent to vest its subordinate appointments in the head of the department. That would avoid all constitutional objection. It seems to me there would be no trouble about that.

Mr. GEORGE. I desire to ask a question. Do I understand the Senator from Ohio to state that the distinction between a bureau and a department is that a department is responsible and reports to the President alone, and that a bureau is a part of some department and reports to the head of it? Is that his statement?

Mr. SHERMAN. Yes, sir; that is the distinction in practical terms. Is there any other bureau of this Government that is not a part of a department?

Mr. GEORGE. I want to ask this question then. Is that a legal distinction?

Mr. SHERMAN. Does the Senator know of any bureau of this Government that is not a branch of some department?

Mr. GEORGE. I do not; but let me ask another question. If that be so, then this is, except in name, a department?

Mr. SHERMAN. I think it is.

Mr. GEORGE. Then since the bill is not to be amended, what is the constitutional objection to allowing the head of this bureau, which is in fact a department, to appoint his chief clerk?

Mr. SHERMAN. Because the use of the word "bureau" makes "confusion worse confounded."

Mr. GEORGE. But I am speaking now in reference to the constitutional objection. If it is in fact a department, if it is in law a department, then the constitutional objection raised by the Senator from Iowa would not apply merely because we call it a bureau.

Mr. SHERMAN. I do not think it is wise for the Congress of the United States to make new bureaus and to disregard all the well-established precedents of the hundred years of American history. A bureau is a desk; that is what it means—a desk in a department or in some branch of the Government. That is the literal and proper meaning of the word bureau—a desk or office in a department of the Government. A department of the Government is a branch of the Government, a branch of the executive department of the Government, and it is therefore called in the Constitution a Department separate and distinct from the other departments of the Government, the whole, under the President, making the executive branch of the Government of the United States.

The use of the word "bureau" here is inconsistent with the established precedents of the Government. This bureau of labor statistics ought to be called what it is in fact, as I agree with the Senator from Mississippi, a department of the Government. Nor do I see any objection to that. There is a widespread feeling among the laboring men of this country that there is no office, no officer of the Government who has charge of hearing their complaints. The Bureau of Statistics is a branch of the Treasury Department. Its duties are strictly confined, as will be seen by the Revised Statutes, to matters that naturally come into the Treasury Department. It is connected with manufactures, with commerce, internal and external, all of which are placed under the Treasury Department. The same language that embraces the duties of the Bureau of Statistics defines also the duties of the Treasury Department, because it is declared to be a bureau in the Treasury Department, and all the reports made by that bureau are made to the Secretary of the Treasury as the head of the Department and by him communicated to Congress. It is true it is the express duty of the Bureau of Statistics to gather certain information, but all those reports and all the information thus gathered are sent here by the Secretary of the Treasury. Therefore it is a bureau in the Treasury Department.

If it is desired to have this separate why not adopt the precedent set in the case of agriculture? I was here a member and took a good deal of interest in establishing the Department of Agriculture. There was a great deal of prejudice against it, there was a great deal of hostility to it, and this very objection was made. Then the Agricultural Department was a part of the Patent Office and the head of the agricultural division conducted a branch of the Patent Office; rather an incongruous place. Congress thought, in order to dignify that great employment and satisfy a demand made by the farmers, that it would give the farmers some branch of the Government where their peculiar wants should be attended to, where all the measures taken to propagate seeds or

plants or useful things in agriculture might be distributed among the people. So it was made a department. It was first proposed to make it a bureau of the Interior Department and separate it from the Patent Office, but it was said to be so totally distinct from all the other duties of the Interior Department that it would be better at once to make it a department in itself. The objection was then made that it would increase the number of heads of Departments, increase the number of the cabinet, and divide the responsibility of the executive officers, and to avoid that objection it was left in its present condition as a Department in name, in law, and in fact, with power to appoint all its subordinate officers.

So if we are to pursue the logic of our history and it is deemed important to establish this bureau of statistics for the benefit of laboring men, so that the labor unions throughout the United States may make their appeals, their complaints, to officers of the Government, and may demand such redress as they think they ought to have, let there be a separate branch of the Government which can consider their complaints. That can be done without elevating the head into the position of a Cabinet officer, thus probably embarrassing and making too large a small body of men who are charged with great executive duties.

If I were to propose an amendment to the bill—and I would not do it in any hostility to the bill—I would say, make it a department at once, so that the laboring men of the country might know that here was an officer charged with their particular interests, to look after them, to gather statistics to aid them, a department of the Government separate and distinct from all others, subordinate only to the President of the United States, with all the powers of a department, including the power to appoint subordinate officers, to conduct investigations, to make reports.

It ought to be called a department, and although the Senator from New Hampshire does not like amendments to this bill, I hope he will at once, if he will take a friendly suggestion, move that this be made a department. That would remove the difficulty in regard to the appointment of subordinate officers, and I do not see any objection to it.

Mr. BLAIR. Does the Senator, who is much more experienced than I am, think that with a mere verbal amendment of that kind there would be danger to the passage of the bill at this session?

Mr. SHERMAN. Not a bit.

Mr. BLAIR. I was going to suggest, then, that if it is thought better, as there are constitutional difficulties in the phraseology of the bill that may impair its efficient action, I would be very glad (it is a matter I have thought of often and been sorry that it was not thus) that the amendment should be made as the Senator suggests, and that it be called a department of labor, avoiding the most difficult and unpronounceable term of "statistics," which is a limitation in its nature as far as it has any effect, and that the bill might stand in this wise:

That there shall be established and maintained at the seat of Government a department of labor.

Which, as my friend on my left [Mr. INGALLS] suggests—and we all know he is good authority in a matter of this kind—would be very much better than "bureau."

Mr. SHERMAN. That is another point. I have no objection to striking out the word "statistics."

Mr. BLAIR. Wherever it occurs.

Mr. SHERMAN. That does not add to the strength of it.

Upon one other point I wish to say a word. It is a violation of the rules of the Senate, it is a violation of the established rules of both Houses, for a suggestion to be made that an amendment in one House will necessarily defeat a bill in the other, although it is every day made. We have no right to say here in the Senate what the House of Representatives will probably do. If we so amend the bill, and the House is in favor of the measure, as I have no doubt it is from the vote by which it was passed, it will doubtless take it from the Speaker's table at any time and agree to any proposition in aid of the general merits of the bill.

I hope that the Senate will make this, according to the logic of our history, a department of labor or labor statistics.

Mr. INGALLS. No; a department of labor.

Mr. SHERMAN. A department of labor, if you choose.

Now what is the object to be attained by this action? I believe the statistics required for this bureau would be collected better in the Treasury Department than anywhere else; but there is some objection to mingling this broader question of labor, labor unions, labor organizations, all the various questions that may be embraced by the word "labor," with matters under the Treasury Department, which by its name is confined to the collection and disbursement of revenue. It has no connection with interior questions. It seems to me that it ought not to be connected with the Department of the Treasury, nor should it be connected with the Department of the Interior for the same reason that the Agricultural Department was not connected with the Department of the Interior. The Department of the Interior was intended to deal with those internal questions which by the Constitution relate only to matters within the United States, as Indian affairs, public lands, patents, and the like. It would be no better probably to attach this to the Interior Department. To divide the responsibility might separate this small department from the confidence of the laboring-men for whose benefit and whose interest it is devised.

It seems to me, therefore, that if we are to do anything to gratify the wishes of the great mass of our fellow-citizens who believe that they see in this an opportunity to bring to the attention of Congress their special interests, the better way is for us to make it at once a department. Then there can be no question about the power of the head of that department to appoint his officers and do a great many things that he probably might not be able to do as the mere head of a bureau.

Mr. BLAIR. I ask that in the fourth line the words "a bureau of labor statistics" be stricken out and the words "a department of labor" be inserted; also that the word "statistics" be stricken out of the fifth line, after the word "labor," and so in the eighth line, and in the forty-eighth line also, and likewise in the fifty-third line, and wherever it occurs in connection with the word commissioner. I also ask that the words "and so forth," in the thirty-sixth line, be stricken out.

The PRESIDING OFFICER. The Senator from New Hampshire proposes several amendments. They will be reported by the Secretary in order.

Mr. BLAIR. There is only one other, and that is the word "successors" in the ninth line. The letter "s" should be stricken out after the letter "r," so as to read "successor."

The PRESIDING OFFICER. The amendments proposed by the Senator from New Hampshire to the first clause of the bill will be read.

The SECRETARY. In line 4, after the word "a," it is proposed to strike out "bureau" and insert "department;" after the word "labor," in the same line, to strike out the word "statistics;" and in line 5, after the word "labor," to strike out the word "statistics;" so as to read:

That there shall be established and maintained at the seat of Government a department of labor, which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. VOORHEES. Mr. President, I have been entirely content to say nothing upon the bill, intending to vote for it. It has the approbation of my mind. With the change which is indicated by the Senator from New Hampshire, so far as substituting the term "department" for "bureau," I am content; but the meaning of the bill is a bureau or department (whichever may be adopted) of labor statistics. The term department of labor has but little meaning, but the term department of labor statistics is full of meaning and signifies what is designed by this legislation. I think the Senator from New Hampshire makes a mistake in dropping the term "statistics."

The object of the bill, when you look at the body of it, is to gather information on a wide variety of subjects. Indeed, the bill has been criticised because it embraces too many subjects. It has not been criticised by my mind, for I think every object asserted in the body of the bill is proper and useful; but if you strike out the term "statistics" you negative in the title of the department or bureau the object asserted in every line of this proposed legislation.

I hope the Senator from New Hampshire will let the title stand, with the exception of substituting the term "department" for "bureau." I have no objection to that, but a department of labor statistics it seems to me is what the bill ought to signify. That is the body of the bill; that is the legislation of it. There is no other purpose except to gather statistics, and with that purpose I am heartily in accord.

Mr. BLAIR. I appreciate the spirit in which these suggestions are made, but it seemed to my mind that the term "department of labor" was really larger than one merely of labor statistics. The collection of statistics bearing upon the subject of labor would not in the strictest sense take along with it the power to criticise those statistics, to reason upon them, to draw deductions, and to make recommendations. We have the bureau not of education statistics, but the Bureau of Education. We have the Department of the Interior, which deals very largely in statistics, which bases its action upon statistics, yet it is a larger thing for being the Department of the Interior than it would be if it were the department of statistics of the interior.

Mr. INGALLS. So with the Department of Agriculture.

Mr. BLAIR. So with the Department of Agriculture, as the Senator from Kansas suggests, which also expends very large amounts of money for the collection of statistics pure and simple, and in addition to that gives us definite deductions from them.

As the bill has to be amended in order to satisfy the constitutional doubts of various Senators, for whose opinions I have much higher respect than for my own, I think it would be well to make the amendments indicated. The Department would be stronger, rather than weaker, I think, and I hope the Senator's mind will coincide with the views which I take. I should be very sorry to disagree with him, for I know how strong his friendship is to the measure.

Mr. BUTLER. Mr. President——

Mr. VOORHEES. Will the Senator from South Carolina allow me to make a single suggestion, and that is that we designate it a department of labor and statistics? I simply make the suggestion.

Mr. BLAIR. "And statistics" might include statistics upon other subjects, whatever may be included in the census in fact. If it is confined simply and closely to such statistics as are applicable to the subject of labor proper, it would be as far as we had better go.

Mr. BUTLER. The Senator from New Hampshire does not hope to finish the bill this evening?

Mr. BLAIR. I certainly do.

Mr. BUTLER. I was going to move an executive session.

Mr. BLAIR. I know how good the Senator is, and I trust he will not make the motion.

Mr. BUTLER. I should like to see these various amendments.

Mr. BLAIR. They are merely verbal.

Mr. BUTLER. The amendment suggested by the Senator from Ohio is a very important one, and it is a very important step to take to establish a department of the Government in this summary way. I do not believe in the bill at all; I think the whole business is trifling, without any disrespect to the Senator, from beginning to end. It looks very much now as if the amendment is a proposition by a Republican Senate to "go one better" than a Democratic House. That is about all it means as it strikes me. I should like very much to see these amendments in print before I vote upon them.

Mr. BLAIR. If the Senator will permit me, I protest that it is no such thing as an effort to go a little better on the part of a Republican Senate.

Mr. BUTLER. I only state that as my opinion.

Mr. BLAIR. I think if the bill passes it is as much a Democratic measure as it is a Republican measure. It comes from the House, a Democratic body, supported by both sides, and is therefore a Democratic and a Republican bill, and it is supported on both sides of the Chamber here quite as vigorously, I think more so, so far as speeches are concerned, from the Democratic than the Republican side.

Mr. BUTLER. I referred to the amendment suggested by the Senator from Ohio, which the Senator from New Hampshire has moved.

Mr. BLAIR. I would certainly not have yielded to any amendment, as I have indicated all along, if it were not that here is a constitutional doubt raised, and rather than consent to a mere verbal amendment we could not be justified in risking the efficiency of the operations of the department or bureau, as the case may be.

Mr. BUTLER. I should like to ask the Senator just exactly what is proposed to be done by this department under this bill?

Mr. BLAIR. If the Senator will read the bill, full and specific as it is, he will see what is proposed. He rises after all this discussion and announces himself as an enemy to the bill. He ought to know what is proposed to be done by the bill or he should not oppose it. After all this discussion the Senator gets up and asks me what on earth the bill is about.

Mr. BUTLER. No, I do not; I ask what is proposed to be accomplished by the department which it is now moved shall be created. All that is contemplated in the bill?

Mr. BLAIR. Precisely the same, and which the bill will contain after the verbal amendments are made. The duties of the department are specified in the bill all the same.

Mr. BUTLER. And the department would have nothing else to do but that?

Mr. BLAIR. It would do whatever it is appropriate for a department or bureau of labor to do. It would be obliged to perform its duties, whatever the law authorized it to do.

Mr. BUTLER. If it is not a scoop-net I do not know what it is.

Mr. MORRILL. The Senator from New Hampshire assumes so much kindness to amendments that I wish to suggest another, and that is that the bill should be general in its terms instead of going into so many particulars, taking something like the amendment proposed by the Senator from Arkansas. Here are provisions that can not be executed without an expense equal to taking the census of the United States. Why should they be in the bill? Here is a proposition to acquire information upon "the number of persons employed as laborers, with a classification thereof, male and female, married and unmarried, skilled or unskilled, convict labor, Chinese labor," &c. How is that to be ascertained unless you have an expenditure equal to the organization of the force that is used in taking the census? Yet there are but $25,000 appropriated by the bill. To that I do not object. I am in favor of the general object; but I do not wish, to say as in slang phrase, that we shall humbug the laborers by pretending to do more than we can do by the appropriation that is made; in other words, that we shall "hang out more clothes than we can wash." Here are a great many of these things that can not be obtained without a larger force than is organized by $25,000. Of course $25,000 would enable the department to employ perhaps eight or ten clerks and to hire a building for their employment.

I think I heard the Senator from New Hampshire himself say that if he had drawn the bill he would have made it in general terms. I should like to know, for instance, what has labor to do with "insanity" and "epidemics," and then here is information on a great many curious kinds of things to be acquired. It seems to me the bill could be made vastly better if it were in the general terms once suggested by the Senator himself.

I make this suggestion not in an unkindly spirit to the bill, but in order that we may do something that shall be effective and not give promises of more than we are about to perform. In the item of "the number and ages of children employed in labor, the nature of their occupation, the effect of the different kinds of labor on their growth, development, and health, and their attendance at school," the amount of promise is infinite and yet we have not any means to fulfill it. There is another question here to be inquired into, "machinery and its effects."

The only mode that I see here to accomplish this object is by the correspondence of the commissioner. The persons who will correspond with the commissioner will not be laboring men; they will be cranks out of employment, who will desire to present their lucubrations to the commissioner. I would therefore much prefer that this should be in general terms, and only include as much as it is possible for the commissioner to handle.

Mr. HOAR. I should like to ask the Senator from Vermont before he sits down on another point altogether, one which I ought to be informed upon myself, but I am not, and that is about the condition of the law as to the rent of buildings. Is there not some provision of law against hiring buildings?

Mr. MORRILL. I think there is.

Mr. HOAR. Then how could this be carried on without putting some express authority in the law to procure a building?

Mr. MORRILL. I think under the present law the Departments have authority to hire buildings for one year, but I know of no other authority——

Mr. HOAR. I thought that had to be done under some act of Congress or special law.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. GARLAND. Let the amendment be read in connection with the suggestion made by the Senator from Iowa. Let us see what would be the effect then as to the matter of appointment.

The PRESIDING OFFICER. The Senator from New Hampshire has suggested several amendments running through the bill. The only amendments under consideration are those suggested to the first clause of the bill, which the Secretary will report.

Mr. ALLISON. I wish to answer the question suggested by the Senator from Massachusetts, as I have before me a reference to the statutes, which provide that—

> Thereafter no contract should be made for the rent of any building, or part of any building, in Washington, not now in use by the Government, to be used for the purposes of the Goverement until an appropriation therefor shall have been made in terms by Congress.

Mr. HOAR. Then this bill should give the commissioner, in order to carry on the duty, special authority to hire a building.

Mr. ALLISON. Yes; that must be a specific appropriation, or at least a portion of the sum appropriated devoted to that purpose.

Mr. BLAIR. For even the head of a department?

Mr. ALLISON. Yes, sir.

The PRESIDING OFFICER. The Secretary will report the pending amendment.

The SECRETARY. In section 1, line 4, after "a," it is proposed to strike out "bureau" and insert "department;" after the word "labor," in the same line, to strike out the word "statistics;" and in line 5, after the word "labor," to strike out the word "statistics;" so as to read:

> That there shall be established and maintained at the seat of Government a department of labor, which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. GEORGE. I call for a division of that, if it is to be had.

The PRESIDING OFFICER. What division does the Senator suggest?

Mr. GEORGE. I think the vote ought to be taken separately on striking out "bureau" and inserting "department," and on striking out "statistics." I favor striking out "bureau" and inserting "department," but I am opposed to striking out the word "statistics." There are several other Senators here who entertain the same view, and I should like to have the vote taken in that way.

The PRESIDING OFFICER. The Senator from Mississippi asks for a division of the question.

Mr. BLAIR. I hope the Senator will allow this amendment to be made, since we must amend the bill, it seems. A department of labor is a much larger, broader department than a department of labor statistics. I remember that I erased from what I laid before the Senate in the letter of Mr. Nimmo a suggestion that it should be called a bureau of labor, avoiding the word "statistics," because I did not want the discussion raised here so as to get the bill back into the House. I wanted it to be passed without amendment, for it was well enough as it was. I speak of this to show that a strong friend of the bill from outside suggests that as a better name, and that it is in analogy to the other names employed in the departments and bureaus of the Government, like that of Education, Navigation, Commerce, the Department of the Interior, and the like. It seems to me much better to strike out the word "statistics," which is one of limitation.

The PRESIDING OFFICER. The Senator from Mississippi calls for a division. The question will be first taken on striking out the word "bureau" and inserting in lieu thereof the word "department."

Mr. GEORGE. In deference to the wishes of the Senator who has the bill in charge I will withdraw my call for a division.

The PRESIDING OFFICER. The Senator from Mississippi withdraws his call for a division.

Mr. BAYARD. The constitutional difficulty suggested by the Senator from Iowa shows how easily it would be met by adopting the amendment of the Senator from Arkansas. He proposes to conduct the whole of this investigation and to obtain the whole body of the required statistics under the direction of the Secretary of the Treasury. That is one of the original Departments of the Government (I mean original since the organization of the Government), and it would relieve the bill from any such question as has been raised by the Senator from Iowa, that Congress may under the Constitution provide for vesting the appointment of inferior officers in the heads of Departments.

If this bureau should remain, as I think it ought to remain and can perfectly well remain for every legitimate purpose for which it was designed, as an off-shoot of the Treasury Department, that is to say, attached to that Department of the Government and under its control, there is no difficulty whatever in the question. The Secretary of the Treasury can unquestionably under the Constitution be empowered by Congress to appoint this clerical subordinate, for that is what he is, and regulate his action for the purpose of obtaining the statistics which are supposed to be valuable in the interest of the laboring classes of this country.

As the amendment of the Senator from Arkansas is now pending, I merely mention that it relieves the bill from the very important suggestion of creating another department of the Government in order to obtain the statistics in respect of the occupation of one class of its people. I hope that the suggestion of the constitutional difficulty may strengthen the chance of the success before the Senate of the amendment of the Senator from Arkansas, because under it no such question can arise as has been suggested by the Senator from Iowa in respect of the want of constitutional power in Congress to empower the head of a bureau to appoint an inferior officer.

Mr. GARLAND. The suggestion made by the Senator from Iowa really goes back to the propriety of the amendment that I offered to the bill. As suggested by the Senator from Delaware, one of the chief difficulties in the bill is the creating of a separate department of the Government, call it a bureau or whatever else you please, but without a definite head under the Constitution.

I am not prepared to agree with the Senator from Ohio that by calling this a department we avoid the constitutional question. I have always construed that part of the Constitution allowing the appointment of such inferior officers as Congress may see fit to be vested in courts or the heads of Departments to mean, when applied to the latter, the Cabinet officers. The term "heads of Departments" as used there, according to my construction, means the Cabinet.

Mr. BLAIR. Will the Senator allow me to suggest to him that this appointing power, which is the one which raises this difficulty, is always exercised by the Commissioner of Agriculture, and yet he is no Cabinet officer?

Mr. GARLAND. That may be; but I apprehend that whenever a question is raised upon that point you will find some difficulty in it. I have here in 6 Wallace the case of The United States *vs.* Hartwell where the question was raised as to the legality of Hartwell's appointment. The Supreme Court, in passing upon it, said:

> The general appropriation act of July 23, 1866, authorized the assistant treasurer at Boston, with the approbation of the Secretary of the Treasury, to appoint a specified number of clerks, who were to receive, respectively, the salaries thereby prescribed.

Then the court goes on to say:

> The defendant was appointed by the head of a Department within the meaning of the constitutional provision upon the subject of the appointing power.

The commissioner under this proposed act is given the power to appoint a chief clerk, without reference to the Secretary of the Treasury, the Secretary of the Navy, the President, or anybody else. It must do so to be consistent, because it is establishing now an independent and a separate machine from all the departments of the Government, as we understand the Constitution. If this bureau had been placed under the head of the Treasury Department and the bill had provided that the commissioner could make the appointment with the approbation of the Secretary of the Treasury, then this difficulty would have been solved, as it was solved in the case of Hartwell. That is the only case in the reports which brought up a construction of this part of the Constitution. The case of Hennen was an appointment by a court, but here the question was the appointment by the head of a Department. Hartwell was appointed by the head of a Department because the assistant treasurer did it with the approbation of the Secretary of the Treasury; but it is proposed that this commissioner shall appoint with his own approbation and ask nobody any odds. To make his appointee legally appointed you must have the appointment approved by the head of the Department, technically speaking. That you can not do under the bill, because the commissioner is the head of a department himself; he stands apart, independent of all the other departments and of all the Cabinet officers. As suggested silently by my friend from Tennessee [Mr. HARRIS] it is to be a department that is not a department under the Constitution.

So the difficulty that now confronts the Senate resolves itself back into the necessity of making this one of the constitutional departments of the Government or creating the head of it *eo nomine* a Cabinet officer, one or the other. You can not escape from it. You must make the commissioner who is to gather all this information from all parts of the compass in the world a Cabinet officer, or you fall here when you give him the power to appoint of his own will and without the approbation of any other department the clerk, or clerks, as the case may be.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. GARLAND. I will.

Mr. BLAIR. By what law is there any Cabinet?

Mr. GARLAND. Under the constitutional phrase "heads of Departments," and therefore I say that that interpreted means the Cabinet. It means the seven officers of the Cabinet when you speak of the heads of Departments.

Mr. BLAIR. Then the Senator's point is that if we make this a department the head of it would have a right to be consulted in the councils of the President.

Mr. GARLAND. As a matter of course.

Mr. BLAIR. And that there has been a deprivation of his right all these years from the Commissioner of Agriculture.

Mr. GARLAND. Not at all.

Mr. BLAIR. He being a head of a department.

Mr. GARLAND. Not at all.

Mr. BLAIR. The point the Senator makes, if he will pardon me, is not one which tells against the power to make the appointment of the chief clerk, which we propose under this bill, by calling him a department officer instead of a commissioner or bureau officer; but he would have in addition the right to be consulted by the President.

Mr. GARLAND. I yielded for a question. I am suffering very much, and am hardly able to be on the floor.

Mr. BLAIR. I beg the Senator's pardon.

Mr. GARLAND. There is no difficulty at all in the question. The Constitution speaks of the heads of the Executive Departments. This man is not to be the head of one of the Executive Departments; and when you say that it means Cabinet, interpreted in a different language. Efforts have been made here to bring up the office of the Commissioner of Agriculture to the rank of the head of an Executive Department, to a Cabinet officer, in other words. There is no difficulty in that question. According to the decision in the Hartwell case, Hartwell was appointed by the assistant treasurer with the approbation and the indorsement of the Secretary of the Treasury, and therefore the appointment was valid. There is no difficulty in the question at all. You must make the commissioner mentioned in the bill one of the heads of the Executive Departments or you can not give him this power. That is all there is of it.

That brings me back to a few words that I wish to say in addition upon the necessity of such an amendment as I have offered, and although it is late, I must detain the Senate a little while upon the letter of Mr. Nimmo, which necessitated my speaking again upon the amendment, outside of the suggestion made by the Senator from Iowa. The letter of Mr. Nimmo to Mr. Marble modestly shrinks, as he might very well do, from assuming the duties that were sought to be imposed upon him by the bill, and he suggests that it is possible you can find no one adequate to the performance of the duties, multifarious and multiplied as they are by the bill. My own judgment is, with due respect and sympathizing with the theory that runs through the bill, that the army of Napoleon upon the Peninsula would not be a sufficient force to transact this business and make the reports here called for.

We have now the simple machinery of a bureau of statistics under the Treasury Department, which originally included agriculture with manufactures and commerce, and Mr. Nimmo makes his reports monthly. By adding what is here proposed you would form a complete circuit of duties so far as statistics of labor in its most generic sense are concerned. How this word "agriculture" was passed out of the statute, as I stated the other day, has never been known, but in the revision it seems to have been dropped out. If that word was back in the statute requiring statistics of agriculture, commerce, and manufactures, it would be complete without any further legislation. You take the reports of Mr. Nimmo monthly upon the subject of manufactures and commerce and you will see how nearly he verges and trenches every time upon the very duties, upon the very exactions required by this bill fairly and legitimately interpreted. If you put this now under the machinery that is already organized you have a constitutional habitation for it, you have a constitutional guide and director for it, and a constitutional responsibility for it; and simply enlarging its duties to take in the statistics of labor, properly speaking, conjoined with commerce and manufactures, you make one grand and complete whole.

That is what I am looking for, a simple bureau of this character at less expense and burdened with less duties; and as time goes on and we find that it performs its duties we can enlarge it as necessity suggests; we can widen its scope of duties; but no mixture or combination of powers can perform the duties assigned by this bill, and we come at last to the constitutional theory suggested by the Senator from Iowa of the independence of this bureau, of which we have nothing like it under law. The Bureau of Agriculture is put under the Interior Department; the Bureau of Statistics we now have is under the Treasury Department; but we are now creating a separate, independent, outside, and extraconstitutional body by the appointment of this commissioner;

and well might Mr. Nimmo, or a man even more modest than he, stand abashed at the duties he is called on to perform by this bill, and yet he performs his duties ably, satisfactorily. He reports his commercial statistics, which can properly be joined with labor statistics under the present machinery, and if necessity requires we can enlarge it, give him more clerks and more salaries if need be; but we establish by this independent bill machinery that falls to the ground and breaks by reason of its own weight and its own force.

It is not worth while to say, "in deference to what the House has done, we must do this on account of the shortness of the session," or what not. Here is a great question coming, here is a great system to be ingrafted on the policy of this country. I wish to start so that the commonest man in the country who can read can read it plainly before him under the force we have already organized in the Treasury Department, for they are all part and parcel of one grand system, the commerce, the manufactures, and the labor combined. If you are going to create an independent bureau that can not constitutionally stand, of course you can do it so far as the mere wording of the law is concerned; but I think you had better make a constitutional organization, and place it under the head of a department and under the directorship of the constitutional head of a department which now exists, the Treasury Department of the United States.

Mr. SHERMAN. The Senator from Arkansas made one observation—I do not know whether I understood him correctly—that the Department of Agriculture was under the control of the Interior Department.

Mr. GARLAND. I do not know that I used that exact language. I said that it was part and parcel of the Interior Department according to my recollection.

Mr. SHERMAN. I beg leave to advise the Senator that under the law it was purposely made independent of all the other Departments, as he will see by looking at the Revised Statutes; the organization of it was made in the same language as the Department of State or the Treasury Department. The words of the statute are as follows:

SEC. 520. There shall be at the seat of Government a department of agriculture, the general design and duties of which shall be to require and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

SEC. 521. The department of agriculture shall be under the charge of a commissioner of agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of $4,000 a year.

There is no connection between the Department of Agriculture under the law of 1862 and any other Department of the Government. It is as essentially an independent department of the Government, within the language of the Constitution, as any other Department. It is true it may be unwise to create separate Departments for all these various things, but Congress undoubtedly has a right to prescribe the number and character and duties of the Departments. It has done so in the case of the Department of Agriculture after debate and full consideration.

I see no objection to following that precedent so far as the department of labor is concerned, looking upon it simply as a medium of communication between the Government of the United States and the great body of laboring men and their organizations throughout the country. There is nothing in the Constitution to prevent Congress from organizing a department of labor or a department of commerce or a department of agriculture. They may make one hundred departments if they choose to do so, though it would not be wise to do it. Then the power is vested by the Constitution in a department of the Government, and although it may be very much limited by the law, yet it includes the power to appoint its subordinate officers according to the plain provisions of the Constitution.

Mr. BUTLER. May I inquire of the Senator from Ohio whether the Department of Agriculture had not existed prior to the time to which he refers, in 1862?

Mr. SHERMAN. It was a mere branch of the Patent Office before that time.

Mr. BUTLER. And under the jurisdiction of the Interior Department?

Mr. SHERMAN. Yes, sir; and its jurisdiction was taken away by the act of 1862.

Mr. BUTLER. I understand that the Bureau or Department of Agriculture originated on an appropriation bill about the year 1845.

Mr. SHERMAN. The bureau was a mere division of the Patent Office; it was not even a bureau in former times. The report on agriculture was issued in a separate volume by the Patent Office, called Report on Agriculture from the Patent Office.

Mr. BUTLER. Patent Office Report?

Mr. SHERMAN. Patent Office Report.

Mr. BUTLER. It was made into a separate department in 1862?

Mr. SHERMAN. Yes, sir; and it was done on the recommendation of President Lincoln, and after a great deal of debate and a great deal of controversy.

Mr. ALDRICH. I am entirely in favor of the purposes of this bill, but there is a wide diversity of opinion in regard to the methods to be employed. I offer an amendment in the nature of a substitute, which I ask may be read and which I hope may be found to obviate some of the objections that have been made by Senators to this bill.

The PRESIDING OFFICER. The Senator from Rhode Island gives notice that at the proper time he will offer a substitute for the bill, which will be read for information.

The Chief Clerk read as follows:

A bill to establish a bureau of labor.

Be it enacted, &c., That there shall be established in the Department of the Interior a bureau of labor, which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor shall hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed, and shall receive a salary of $3,000 a year. The commissioner shall collect information upon the subject of labor, its relations to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. The Secretary of the Interior shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as may be necessary for said bureau: *Provided*, That the total expense shall not exceed $25,000 per annum. During the necessary absence of the commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of commissioner. The commissioner shall annually make a report in writing to the Secretary of the Interior and to Congress of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

Mr. BLAIR. If the Senator is to offer a substitute he will find many useful suggestions in the original Senate bill which might aid him in framing what he wants to arrive at; that was a bureau in the Interior Department.

Mr. HARRISON. I had acted upon the suggestion just made by the Senator from New Hampshire, and had taken the Senate bill, which is much more concise, much more accurate, I think, in its phraseology, leaves more discretion to the head of this bureau or department, as it may be, as to the direction in which he will extend his inquiries, and is at the same time quite as comprehensive, and taking that bill as the frame and adopting the suggestion of the Senator from Ohio that it should be made a department, I had prepared this substitute.

Mr. ALDRICH. The bill of the Senator cannot be much more concise than the one I have just submitted, as all the duties and powers are defined in one sentence.

Mr. HARRISON. I ask that this may be read for information.

Mr. MORGAN. Before that, I wish to ask the Senatar from Rhode Island whether he contemplates a statistical report to include the wages of all kinds of labor, a man working on his own place, on his own farm, in his own workshop?

Mr. ALDRICH. Any kind and every kind of labor will be included.

Mr. MORGAN. Suppose they are laborers in the vineyard of the Lord, will he include them?

Mr. ALDRICH. I suppose that would be within the discretion of the commissioner.

Mr. MORGAN. Laborers in the Senate?

Mr. ALDRICH. I expect so.

Mr. MORGAN. Laborers in professions?

Mr. ALDRICH. I take it for granted.

Mr. ALLISON. I believe now there are three substitutes offered to this bill and a number of amendments proposed by the Senator from New Hampshire, the chairman of the committee. I suggest that they all be printed and that we now adjourn. I move, therefore, that the Senate do now adjourn.

Mr. BLAIR. I hope the Senator will withhold the motion for a moment.

Mr. ALLISON. Yes, sir.

Mr. BLAIR. I do not wish to be put in the attitude of suggesting or exhibiting, for I do not feel it, a willingness that any but mere verbal alterations be made in this bill. If overruled by the Senate, very well; but I do not want this bill to get in a form that may embarrass us and embarrass its ultimate passage. That is all I wish to say.

Mr. MORRILL. I hope that it will be understood that the amendments presented shall all be printed.

The PRESIDING OFFICER. The Chair will inquire whether it is necessary to print the amendment suggested by the Senator from Indiana?

Mr. HARRISON. Yes, sir; of course, as it is intended as a substitute.

Mr. ALLISON. I move that all proposed amendments be printed.

The PRESIDING OFFICER. It is moved that all amendments be printed.

Mr. BLAIR. I ask the Senator from Indiana—and of course he will have no objection—that he include in his substitute another section which is suggested by the Senator from Ohio.

Mr. HARRISON. I have already included in this a section providing for the hiring of the necessary rooms at an annual expense of not more than —— dollars, and also a provision that the accounts shall be settled at the Treasury.

Mr. BLAIR. Do you call it a department or bureau?

Mr. HARRISON. I call it a department.

Mr. HARRIS. I should like to inquire of the Senator from New Hampshire, in view of the fact that he has offered several amendments to the original bill and that there are now three substitutes proposed each upon a different theory, if it would not be well to recommit the

bill and the pending amendments to the committee, in order that they may perfect a bill, in view of all these pending amendments, that they can report back to the Senate.

Mr. BLAIR. I hardly think it would be, because the difficulties are in the thing itself; they can be no better solved in the committee than in the Senate, and whatever solution we might arrive at, if we did arrive at any, would be subject to revision in the Senate, and after all we should be obliged to do the work here; and as the matter is before the Senate I think we can end it in very short order to-morrow.

HOUSE BILLS REFERRED.

The PRESIDING OFFICER. The Chair will lay before the Senate House bills for reference.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska; and

A bill (H. R. 5451) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Decatur, in the county of Burt, in the State of Nebraska.

The bill (H. R. 1800) for the relief of J. L. Burchard was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 7034) to increase the salary of the clerk of the court of Alabama Claims was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 7071) supplementary to "an act to provide for the publication of the Tenth Census," approved August 7, 1882, was read twice by its title, and referred to the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof.

POLYGAMY IN UTAH.

Mr. HOAR. I call for the regular order.

The PRESIDING OFFICER. The Senator from Massachusetts calls for the regular order, which will be laid before the Senate, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. ALLISON. Mr. President——

Mr. GARLAND. Was an order entered to print all the amendments to the labor statistics bill?

Mr. ALLISON. All the amendments are to be printed. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 16 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 22, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

PENNY-POSTAGE BILL.

Mr. ROBINSON, of New York. I ask permission to have printed in the RECORD a petition of the Stationer's Board of Trade of New York in favor of the penny-postage bill.

There being no objection, the petition was referred to the Committee on the Post-Office and Post-Roads, and was ordered to be printed in the RECORD. It is as follows:

To the honorable Senate and House of Representatives in Congress assembled:

Your petitioners, members of the Stationers' Board of Trade of New York, state that—

Whereas there are several bills before Congress relating to a reduction of letter-postage; and

Whereas a reduction from 2 to 1 cent would greatly benefit the members of this board and the mercantile community:

We therefore petition Congress to pass the bill introduced in the House of Representatives by Mr. WILLIAM E. ROBINSON, known as H. R. 1001, which reads as follows:

"That on and after the 1st day of July, in the year 1885, the rate of postage on letters to any part of the United States shall be 1 cent for each letter not exceeding half an ounce in weight."

And your petitioners will ever pray, &c.

MONUMENT TO L'ENFANT.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. 7084) to authorize the erection of a monument in memory of Pierre Charles L'Enfant; which was read a first and second time, and referred to the Committee on the Library, and ordered to be printed.

Mr. KASSON. I have here, accompanying the bill, some original papers, letter of Washington, &c. I ask, as they are not long, that they be printed in the RECORD.

There was no objection. The papers are as follows:

[Extract of letter from General Washington to Count D'Estaing, dated Philadelphia, May 15, 1784.]

I am much pleased with the prospect of soon having the gratification of seeing in this country our mutual and worthy friend, La Fayette. Be assured, sir, I shall be among the warmest of his friends who will welcome him to the American shore and rejoice in an opportunity to embrace him in my arms. I am pleased that our confidence in Major L'Enfant has been so honorably placed, and that the business intrusted to that gentleman's conduct has been executed to so great satisfaction. With the highest regard, I am, &c.

[Extract from memorial addressed to Congress early in this century by Major L'Enfant, requesting compensation.]

I remain well persuaded that the prayer will be granted in all points answerable to my long dependency on the honor, the justice, and equity of the American nation.

[Copied from the original on file in the Office of Commissioner of Public Buildings and Grounds.]

PHILADELPHIA, 18*th March*, 1792.

GENTLEMEN: I this day received your favor of the 14th instant, informing me you have ordered five hundred guineas to be paid to me by Messrs. Cunningham & Nesbit, of Philadelphia, which sum you mention as intended for compensation, adding to it a lot in the city, without inquiring the principle upon the which you suggest this offer. I shall only here testify my surprise thereupon, and in testimony of my intention to decline accepting of it. I hasten expressing to you my wish and request that you will call back your order for the money and not take any trouble respecting the lot.

I am, gentlemen, your obedient servant,

P. C. L'ENFANT.

To the commissioners:
DAVID STEWART,
DANIEL CARROLL.

WASHINGTON, D. C., *April* 17, 1884.

DEAR SIR: In compliance with my promise, I give you the following memoranda in relation to Maj. Pierre Charles L'Enfant, a soldier of the Revolution, who made the plan of the Federal City.

Pierre Charles L'Enfant born 1755; lieutenant in French service, 1777; captain in corps of engineers, Revolutionary army, February 18, 1778; wounded at the siege of Savannah, October 8, 1778, and left on the field for dead, but afterward recovered.

I knew him personally and saw him frequently in the early part of the present century. He was a great pedestrian, and frequently extended his walks to Georgetown, where he had many friends and admirers, among them my father, at whose house he generally stopped.

He took great interest in the stone causeway connecting Analostan Island with the main-land and closing the western channel of the Potomac, then being erected by the corporation of Georgetown, and my father, being mayor of the town, was very much indebted to him for many suggestions as to its construction.

He was very poor and very proud, refusing to receive the small compensation offered him, and I believe still due him, for the great work of laying out the city, and for the remainder of his life was entirely supported by his personal friend Dudley Digges, esq., with whom he lived at "Warburton" and at "Chillum Castle Manor." The first-named place adjoins Fort Washington, which was then called Fort Warburton, and the latter is in Prince George's County, Maryland, north of Bladensburg, where he died June 4, 1825.

It has always been my intention, if the Government did not do so, to have his remains removed from the garden of the old mansion to a more suitable location, and to this end I applied some time ago to the present owner of the last-named estate, Mr. T. Lawrason Riggs, who readily acceded to my request, and I am sure there is not a citizen of the United States who would not be glad to see Congress pay this tribute of respect to the gallant old soldier who planned this city, which was once ironically called the "City of Magnificent Distances," but which should now be called the garden city of the world.

Very truly, yours,

W. W. CORCORAN.

Hon. JOHN A. KASSON,
House of Representatives.

COMMITTEE ON LABOR.

Mr. HOPKINS. I offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Wednesday, May 28, 1884, be set apart for the consideration of bills reported by the Committee on Labor, to wit: Bills H. R. 2550, imported labor; H. R. 6541, eight-hour law; H. R. 995, convict labor.

Mr. SINGLETON. Will that take precedence of other special orders?

The SPEAKER. For that day it will take precedence of every order. Is there objection?

Objection was made.

BRIDGE ACROSS MISSOURI RIVER.

Mr. WEAVER. I ask unanimous consent to have taken from the House Calendar and for present consideration the bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska.

The SPEAKER. The bill will be read subject to objection.

The Clerk read as follows:

Be it enacted, &c., That the Atchison and Nebraska Railway Company, an incorporation organized under the laws of the State of Nebraska, is hereby authorized to construct and maintain a bridge across the Missouri River at such a point as may be hereafter selected by said corporation within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska, as shall best promote the public convenience and welfare and the necessities of business and commerce, and also to construct accessory works to secure the best practicable channel-way for navigation and confine the flow of the water to a permanent channel at such point, and also to lay on and over said bridge a railway track for the more perfect connection of any railroads that are or shall be constructed to said river at or opposite said point; and said corporation may construct and maintain ways for wagons, carriages, and for foot-passengers, charging and receiving reasonable toll therefor as may be approved from time to time by the Secretary of War.

SEC. 2. That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the

stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall have three or more channel spans, and shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than three hundred feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river, and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot-draw bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the head-room under such span shall not be less than ten feet above high-water mark: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or said accessory works during the progress of the work thereon such change shall be subject likewise to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the State of Nebraska or State of Iowa in which any portion of said obstruction or bridge may be located.

SEC. 4. That the said bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be lawful structures; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

SEC. 5. That the United States shall have the right of way for such postal-telegraph lines across said bridge as the Government may construct or control.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works; and the expense of altering said bridge or removing such obstructions shall be at the expense of the owners of or persons controlling such bridge.

Mr. BLAND. Has that bill been reported by any committee?

Mr. WEAVER. It has.

Mr. VALENTINE. Does the gentleman wish to have the report of the Committee on Commerce read?

Several MEMBERS. Oh, no.

There being no objection, the bill was taken up, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN L. BURCHARD.

Mr. HENLEY. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 1800) for the relief of John L. Burchard, and that the bill be now taken up and put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury, in the settlement of the accounts of J. L. Burchard, late Indian agent of Round Valley Indian reservation, in the State of California, are hereby authorized to adjust and settle the same upon the principles of justice and equity, and to award him credit for disbursements honestly made and for payments made in good faith where such payments have inured to the benefit of the Government or the Indians.

Mr. HENLEY. This bill has been unanimously recommended by committees in several preceding Congresses, and is favorably reported by the Committee on Indian Affairs of the present House. It has also the approbation of the Treasury Department.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. HENLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALARY OF CLERK OF ALABAMA CLAIMS COMMISSION.

Mr. REED. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims, and that the bill be now taken up and put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the salary of the clerk of the Court of Commissioners of Alabama Claims shall hereafter be at the rate of $4,000 per annum.

Mr. REED. I desire to state that the increase of salary proposed by this bill will not come out of the Treasury, but out of the fund appropriated for the payment of Alabama claims. The claimants themselves have petitioned for this increase of salary; the petitions of a large majority of them are before the Judiciary Committee, and the bill has received the approval of that committee.

Mr. COX, of North Carolina. What is the present salary?

Mr. REED. Three thousand dollars.

There being no objection, the Committee on the Judiciary was discharged from the further consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPANISH AND MEXICAN LAND GRANTS.

Mr. MANZANARES (by Mr. OURAY) submitted, by unanimous consent, the following resolution; which was referred to the Committee on the Public Lands:

Whereas under and in pursuance of the eighth and ninth articles of the treaty of Gaudalupe Hidalgo with the Republic of Mexico, concluded February 2, 1848, it was stipulated and provided that the residents of the ceded territory should be secured and protected in the enjoyment of their rights to the property which they held as citizens of the Republic of Mexico; and

Whereas under and by virtue of the eighth section of an act of Congress entitled "An act to establish the offices of surveyor-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," approved July 22, 1854, which section makes it the duty of the surveyor-general of New Mexico, under instructions from the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and to make a report on all such claims with his decision as to the validity or invalidity of the same, which report shall be laid before Congress with a view to confirm *bona fide* grants; and from this, together with the instructions of the Secretary of the Interior issued in pursuance of said eighth section under date of August 21, 1854, to the surveyor-general of New Mexico, a method of settling and adjudicating said private land claims was adopted and prescribed; and

Whereas, in pursuance of said law of Congress and instructions referred to, the surveyor-general of New Mexico has examined one hundred and fifty of said grants or private land claims, and reported the same to Congress for confirmation, of which number sixty-six have been confirmed by act of Congress, and in many cases patents have been issued to the original grantees, their heirs or legal representatives, leaving eighty-four that have been reported for confirmation and upon which no action has been taken by Congress; and

Whereas the owners of said private land claims have been put to great expense in complying with the act of Congress and the instructions to the surveyor-general as aforesaid, and their titles still remain unadjudicated by no act of negligence on their part; and

Whereas the Territories of New Mexico and Arizona and the State of Colorado are fast settling up, and it is of the highest importance both to the Government and the owners of said grants that the same shall be speedily adjudicated and settled; and

Whereas it is alleged and charged that some of the private land claims or grants in said Territories and States are invalid and fraudulent, and that the surveys thereof have not been in conformity with the original grants: Therefore,

Be it resolved by the House of Representatives, That in order to ascertain all the facts in relation to Spanish and Mexican grants, and other private land claims, in the State of Colorado and the Territories of New Mexico and Arizona, and to determine what legislation, if any, is necessary in order to settle all conflicting claims and to quiet titles, a special committee consisting of five members of the House shall be appointed, whose duty it shall be to visit said State and Territories for the purpose of thoroughly investigating the titles, surveys, and present condition of such grants and other private land claims. Said committee shall have power to send for persons and papers, to employ a clerk, a stenographer, and a messenger, and may sit during the recess of Congress. The evidence taken before said committee and their report thereon shall be submitted to the House at its next December session, and that a sum not exceeding $10,000 is hereby appropriated, to be paid out of the contingent fund of the House, to defray the expenses incurred by said committee, to be paid on the order of the chairman of the committee.

BRIDGE ACROSS MISSOURI RIVER.

Mr. VALENTINE. I ask unanimous consent to have taken from the House Calendar for present consideration the bill (H. R. 5451) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Decatur, in the county of Burt, in the State of Nebraska. This bill has been unanimously reported from the Committee on Commerce.

The bill was read, as follows:

Be it enacted, &c., That the Salina, Lincoln and Decatur Railway Company, a corporation organized under the laws of the State of Nebraska, be, and is hereby, authorized to construct and maintain a bridge, and the approaches thereto, over the Missouri River, at some accessible point consistent with the interests of the river navigation, within five miles of the town of Decatur, in the county of Burt and State of Nebraska.

SEC. 2. That said bridge shall be constructed and built without material interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure a compliance with these conditions the corporation, previous to commencing the construction of the bridge, or of the accessory works designed to secure the best practicable channel-way for navigation and confine the flow of the water to a permanent channel at said point, shall submit to the Secretary of War a plan of the bridge and of such accessory works, together with a detailed map of the river at the proposed site of the bridge and for a distance of a mile above and below the site, together with all other information touching said bridge and river and accessory works as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of this act; that said bridge shall be constructed and built without material interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall

be over the main channel of the river, and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot-draw bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than two hundred and fifty feet: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War approve the plan and location of said bridge and accessory works, and notify the company of the same, the bridge shall not be built; and should any change be made in the plan of the bridge or said accessory works, during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

SEC. 4. That the said bridge and accessory works, when built and constructed under this act, and according to the terms and limitations thereof, shall be lawful structures; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

SEC. 5. That said corporation may execute a mortgage upon the bridge, its approaches and appurtenances, including said accessory works, and issue bonds secured by the same, bearing such rate of interest, and payable, principal and interest, as such corporation shall determine; and such mortgage shall constitute the first lien upon the said bridge and other property in said mortgage mentioned and described.

SEC. 6. That the United States shall have the right of way for postal telegraph across said bridge.

SEC. 7. That the Salina, Lincoln and Decatur Railroad Company may assign all the rights, privileges, and franchises conferred by and contained in this act, if said company shall deem said assignment expedient and for its best interests: *Provided, however*, That said bridge, if built by the assigns of said company, shall be constructed and maintained in all respects on the terms and subject to the conditions, limitations, and restrictions herein contained, reserving the right to Congress to amend, alter, or repeal this act.

There being no objection, the bill was taken up, ordered to be engrossed for a third reading; read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL. I ask unanimous consent that the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, which has been returned from the Senate with amendments, be taken from the Speaker's table, and, with the amendments, referred to the Committee on Agriculture, and ordered to be printed.

There being no objection, it was ordered accordingly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 4994) to vacate an alley in square 234 in the city of Washington.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The message further announced that the Senate had adopted the following resolution, in which the concurrence of the House was requested:

Resolved by the Senate of the United States (the House of Representatives concurring), That 6,000 additional copies of the report of the Senate Committee on Foreign Relations upon the second branch of the resolution of the Senate, adopted January 22, 1884, in relation to discriminations made by foreign Governments against exports from the United States, &c., together with the accompanying documents, be printed, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 500 copies for the use of the State Department, and 500 copies for the use of the Treasury Department.

The message also announced that the Senate had passed and requested the concurrence of the House in bills and a joint resolution of the following titles:

A bill (S. 173) to provide a building for the use of the United States courts, post-office, custom-office, and internal-revenue office at Vicksburg, Miss.;

A bill (S. 219) to authorize the construction of bridges across the Missouri River, between its mouth and the mouth of the Dakota or James River, and across the Mississippi River, between the port of Saint Paul, in the State of Minnesota, and the port of Natchez, in the State of Mississippi, and across the Illinois River, between its mouth and La Salle, in the State of Illinois, and to prescribe the character, location, and dimensions of the same;

A bill (S. 634) for the erection of a public building at Opelousas, La.;

A bill (S. 877) to provide for the construction of a public building at Portland, Oreg.;

A bill (S. 1297) to provide for the erection of a public building at Asheville, N. C.;

A bill (S. 1344) authorizing the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington;

A bill (S. 1405) for the erection of a public building at Jacksonville, Fla.;

A bill (S. 1715) to provide for the erection of a public building in the city of Dayton, Ohio;

A bill (S. 1716) to provide for the erection of a public building in the city of Springfield, Ohio;

A bill (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas;

A bill (S. 1725) for the erection of a public building at Saratoga Springs, N. Y.;

A bill (S. 1740) for the erection of a public building at Troy, N. Y.;

A bill (S. 1810) for the erection of a public building at Sacramento, Cal.;

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.;

A bill (S. 1890) to provide for the erection of a post-office at Fortress Monroe, Va.;

A bill (S. 1950) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont;

A bill (S. 2129) to provide for the erection of necessary buildings upon the Government reservation at West Point, N. Y.;

A bill (S. 2140) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Rulo, in the county of Richardson, in the State of Nebraska; and

Joint resolution (S. R. 84) providing for the supply of depositories of public documents with the CONGRESSIONAL RECORD and Statutes at Large.

TORPEDO-BOAT, ETC.

The SPEAKER laid before the House a letter from the Secretary of the Navy, recommending the building of a vessel, a gun, and a torpedo according to the plans of Capt. John Ericsson; which was referred to the Committee on Naval Affairs.

EXPORTATION OF SPIRITS BY RAILROAD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the draught of a bill permitting the exportation of spirits by railroad routes to adjacent foreign territory, with benefit of drawback of the internal-revenue tax paid thereon; which was referred to the Committee on Ways and Means.

CORRECTION OF NUMBER OF A BILL.

The SPEAKER also laid before the House a bill returned from the Senate at the request of the House for the purpose of correcting the number of the same, being a bill supplementary to an act to provide for the publication of the Tenth Census, approved August 7, 1882.

The SPEAKER. This bill was passed as House bill No. 6967; the correct number would be 7071. If there be no objection the number will be corrected.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CABELL, for two days, on account of important business.

To Mr. SLOCUM, for three days, on account of important business.

To Mr. BURLEIGH, for one week, on account of important business.

To Mr. HANBACK, for fifteen days, on account of important business.

ELECTION CONTEST—ENGLISH *vs.* PEELLE.

Mr. CONVERSE. I call for the regular order.

The SPEAKER. The regular order is the contested-election case of English *vs.* Peelle, from the State of Indiana. The pending question is on the motion of the gentleman from Ohio [Mr. HART] to lay on the table the motion of the gentleman from Illinois [Mr. SPRINGER] to reconsider the vote by which the resolution proposed by the minority of the Committee on Elections was adopted as a substitute for the resolutions of the majority of the committee.

Mr. HART. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 132, not voting 59; as follows:

YEAS—132.

Adams, G. E.	Brewer, J. H.	Dargan,	Greenleaf,
Aiken,	Browne, T. M.	Davis, G. R.	Guenther,
Anderson,	Brown, W. W.	Davis, R. T.	Hardeman,
Atkinson,	Brumm,	Dingley,	Harmer,
Barr,	Budd,	Ellwood,	Hart,
Bayne,	Calkins,	Evans, I. N.	Haynes,
Beach,	Campbell, J. M.	Everhart,	Henderson, T. J.
Bingham,	Cannon,	Findlay,	Hepburn,
Bisbee,	Collins,	Funston,	Herbert,
Boyle,	Connolly,	George,	Hewitt, G. W.
Brainerd,	Culbertson, W. W.	Goff,	Hiscock,

Hitt,	McComas,	Phelps,	Struble,
Holmes,	McCormick,	Poland,	Sumner, C. A.
Hooper,	Millard,	Potter,	Taylor, E. B.
Horr,	Miller, S. H.	Price,	Taylor, J. D.
Houk,	Milliken,	Ranney,	Thomas,
Howey,	Mills,	Ray, G. W.	Throckmorton,
Hunt,	Morey,	Reed,	Tillman,
Jones, B. W.	Morgan,	Rice,	Turner, H. G.
Kasson,	Morrill,	Robinson, J. S.	Valentine,
Kean,	Moulton,	Rockwell,	Wait,
Keifer,	Neece,	Rowell,	Wakefield,
Kelley,	Nelson,	Ryan,	Washburn,
Kellogg,	Nutting,	Skinner, C. R.	Weaver,
Lacey,	Ochiltree,	Smalls,	Weller,
Laird,	O'Hara,	Smith,	White, Milo
Lawrence,	O'Neill, Charles	Spooner,	Whiting,
Libbey,	Parker,	Steele,	Wilson, James
Long,	Payne,	Stephenson,	Wise, J. S.
Lore,	Payson,	Stevens,	Woodward,
Lovering,	Peel, S. W.	Stewart, J. W.	Worthington,
Lyman,	Perkins,	Stone,	Yaple,
McCoid,	Peters,	Strait,	York.

NAYS—132.

Adams, J. J.	Duncan,	Lamb,	Scales,
Alexander,	Dunn,	Lanham,	Seney,
Arnot,	Eaton,	Le Fevre,	Seymour,
Bagley,	Eldredge,	Lewis,	Shaw,
Ballentine,	Elliott,	Lowry,	Shelley,
Barbour,	Ermentrout,	McMillin,	Singleton,
Barksdale,	Ferrell,	Miller, J. F.	Skinner, T. G.
Bennett,	Fiedler,	Mitchell,	Springer,
Blackburn,	Follett,	Money,	Stewart, Charles
Blanchard,	Foran,	Morrison,	Stockslager,
Bland,	Fyan,	Muldrow,	Storm,
Blount,	Garrison,	Muller,	Sumner, D. H.
Breckinridge,	Geddes,	Murphy,	Taylor, J. M.
Broadhead,	Gibson,	Murray,	Thompson,
Buchanan,	Glascock,	Mutchler,	Townshend,
Caldwell,	Graves,	Nicholls,	Tucker,
Campbell, Felix	Halsell,	Oates,	Tully,
Candler,	Hammond,	O'Ferrall,	Turner, Oscar
Carleton,	Hancock,	O'Neill, J. J.	Van Alstyne,
Cassidy,	Hardy,	Paige,	Vance,
Clay,	Hatch, W. H.	Pierce,	Van Eaton,
Clements,	Hemphill,	Post,	Ward,
Cobb,	Henley,	Pryor,	Warner, Richard
Converse,	Hewitt, A. S.	Pusey,	Wellborn,
Cosgrove,	Hoblitzell,	Randall,	Wilkins,
Cox, W. R.	Houseman,	Rankin,	Williams,
Crisp,	Hurd,	Reese,	Willis,
Culberson, D. B.	Jones, J. H.	Riggs,	Wilson, W. L.
Curtin,	Jones, J. K.	Robertson,	Winans, E. B.
Davidson,	Jones, J. T.	Robinson, W. E.	Wise, G. D.
Dibrell,	Jordan,	Rogers, J. H.	Wolford,
Dockery,	King,	Rogers, W. F.	Wood,
Dorsheimer,	Kleiner,	Rosecrans,	Young.

NOT VOTING—59.

Belford,	Cullen,	Hill,	Peelle, S. J.
Belmont,	Cutcheon,	Holman,	Pettibone,
Boutelle,	Davis, L. H.	Holton,	Ray, Ossian
Bowen,	Deuster,	Hopkins,	Reagan,
Breitung,	Dibble,	Hutchins,	Russell,
Brewer, F. B.	Dowd,	James,	Slocum,
Buckner,	Dunham,	Jeffords,	Snyder,
Burleigh,	Ellis,	Johnson,	Spriggs,
Burnes,	Evins, J. H.	Ketcham,	Talbott,
Cabell,	Finerty,	McAdoo,	Wadsworth,
Chace,	Forney,	McKinley,	Warner, A. J.
Clardy,	Green,	Matson,	Wemple,
Cook,	Hanback,	Maybury,	White, J. D.
Covington,	Hatch, H. H.	Morse,	Winans, John.
Cox, S. S.	Henderson, D. B.	Patton,	

So the House refused to lay the motion to reconsider upon the table.

During the roll-call the following proceedings occurred:

The SPEAKER. The Clerk will announce the pairs.

The Clerk read as follows:

Mr. MORSE with Mr. RUSSELL, until further notice.

The SPEAKER. The Chair understands both gentlemen have voted, and the pair will be withdrawn.

The Clerk continued, as follows:

Mr. HOUSEMAN with Mr. CHACE, until further notice.

Mr. BUCKNER with Mr. ROWELL, until further notice.

Mr. COVINGTON with Mr. BREITUNG, until further notice.

Mr. CLARDY with Mr. BREWER, of New York, until further notice.

Mr. DOWD with Mr. WADSWORTH, until further notice.

Mr. SPRIGGS with Mr. JEFFORDS, until further notice.

Mr. EVINS, of South Carolina, with Mr. BOWEN, until further notice.

Mr. HOLMAN with Mr. PETTIBONE, until further notice.

Mr. FORNEY with Mr. CUTCHEON, until May 30.

Mr. MATSON with Mr. CULLEN, until May 23.

Mr. MAYBURY with Mr. HENDERSON, of Iowa, until May 27.

Mr. DIBBLE with Mr. DINGLEY, until May 24.

Mr. HILL with Mr. MCKINLEY, until May 26.

Mr. TALBOTT with Mr. RAY, of New Hampshire, until May 27.

Mr. SLOCUM with Mr. KETCHAM, until May 26.

Mr. CABELL with Mr. DUNHAM, until May 26.

Mr. COBB with Mr. WAKEFIELD, until May 26.

Mr. KASSON. Mr. Speaker, I observe one name reported in the pairs who I think was also announced as having voted. I refer to Mr. BREITUNG. He appears by the record to be paired.

Mr. SPEAKER. To whom does the gentleman refer?

Mr. KASSON. Mr. BREITUNG; and I think Mr. HOUSEMAN also.

The SPEAKER. The Chair is informed he did not vote.

Mr. HOUSEMAN. I voted on this question. I am not paired.

Mr. WILSON, of Iowa. Those in charge of the pairs were so busy we did not have time to furnish the Clerk with a revised list of pairs, and some of those announced are not as afterward arranged.

The SPEAKER. Is the gentleman now able to furnish the revised list?

Mr. WILSON, of Iowa. I am.

The SPEAKER. The Clerk will report the revised list.

The Clerk read as follows:

Mr. MORSE with Mr. RUSSELL, until further notice.

Mr. BUCKNER with Mr. WHITE, of Kentucky, until further notice.

Mr. COVINGTON with Mr. BREITUNG, until further notice.

Mr. CLARDY with Mr. BREWER, of New York, until May 26.

Mr. DOWD with Mr. WADSWORTH, until further notice.

Mr. EVINS, of South Carolina, with Mr. BOWEN, until further notice.

Mr. SPRIGGS with Mr. JEFFORDS, until further notice.

Mr. HOLMAN with Mr. PETTIBONE, until further notice.

Mr. FORNEY with Mr. CUTCHEON, until May 30.

Mr. MATSON with Mr. CULLEN, until May 23.

Mr. MAYBURY with Mr. HENDERSON, of Iowa, until May 27.

Mr. DIBBLE with Mr. CHACE, until May 24.

Mr. HILL with Mr. MCKINLEY, until May 26.

Mr. TALBOTT with Mr. RAY, of New Hampshire, until May 27.

Mr. SLOCUM with Mr. KETCHAM, until May 26.

Mr. CABELL with Mr. DUNHAM, until May 26.

Mr. COX, of New York, with Mr. BOUTELLE, on this vote.

Mr. MCADOO with Mr. BURLEIGH, for this day.

Mr. SNYDER with Mr. HANBACK, for to-day.

Mr. BELMONT with Mr. JAMES, for to-day.

Mr. WEMPLE with Mr. JOHNSON, on the Peelle-English vote.

Mr. GREEN with Mr. HOLTON, for this day.

Mr. DAVIS, of Missouri, with Mr. BELFORD, until further notice.

Mr. REAGAN with Mr. HATCH, of Michigan, for this day.

Mr. PARKER. I would inquire whether my colleague, Mr. WEMPLE, is recorded as having voted? I understood that there was a pair between him and my colleague, Mr. JOHNSON.

The SPEAKER. The Chair is informed that Mr. WEMPLE is recorded as having voted in the negative.

Mr. PARKER. Among the pairs read from the desk was a pair between him and Mr. JOHNSON, of New York. In reference to this pair I will say that Mr. JOHNSON, on going away last evening to New York, stated that he was paired with Mr. WEMPLE. I think the record as to Mr. WEMPLE having voted must be a mistake.

Mr. WILSON, of Iowa. I will state that this pair was handed to me last evening by Mr. JOHNSON. It is for Mr. WEMPLE to say whether the pair is properly announced or not.

Mr. WEMPLE. The pair is correct. I am paired with my colleague Mr. JOHNSON, and withdraw my vote.

Mr. MILLER, of Pennsylvania. I will ask if Mr. HOUSEMAN is recorded as having voted? I understand from the list of pairs read that he was paired with some gentleman.

The SPEAKER. The gentleman is recorded as having voted. He is not paired, as shown by the revised list of pairs.

Mr. REAGAN. I wish to state that my pair with the gentleman from Michigan [Mr. HATCH] refers only to the vote on this contested-election case. It was not for the day as was read by the Clerk.

Mr. SNYDER. I wish to make the same correction in reference to the statement of my pair. I am paired with the gentleman from Kansas [Mr. HANBACK], but only on the vote in this case. If he were present, I should vote "no" on this motion. He would vote in the affirmative.

The SPEAKER. The Chair will state to the gentleman from West Virginia that the pair which was sent to the Clerk's desk appears to be a pair for this day.

Mr. SNYDER. That is a mistake. It simply refers to this question and to no other. The pair was made on yesterday for this question. It is not important only that there may be other questions to-day on which I should desire to vote.

Mr. POST, of Pennsylvania. I can probably explain what appears to be a misunderstanding in this case. When the pair was handed to us on yesterday it was understood to refer to the entire day instead of to this question and was so recorded by us. Hence the mistake has arisen.

The result of the vote was then announced as above recorded.

Mr. CONVERSE. I would like to inquire whether under the rules the vote of the Speaker will not decide this question.

The SPEAKER. That is unnecessary, because it is decided now by a tie vote.

The question now is upon the motion to reconsider the vote by which the House agreed to the resolution reported by the minority of the committee.

Mr. CONVERSE and Mr. KASSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 130, not voting 60; as follows:

YEAS—133.

Adams, J. J.	Dunn,	Lewis,	Shaw,
Alexander,	Eaton,	Lowry,	Shelley,
Arnot,	Eldredge,	McMillin,	Singleton,
Bagley,	Elliott,	Miller, J. F.	Skinner, T. G.
Ballentine,	Ermentrout,	Mitchell,	Springer,
Barbour,	Ferrell,	Money,	Stewart, Charles
Barksdale,	Fiedler,	Morrison,	Stockslager,
Bennett,	Follett,	Muldrow,	Storm,
Blackburn,	Foran,	Muller,	Sumner, D. H.
Blanchard,	Fyan,	Murphy,	Taylor, J. M.
Bland,	Garrison,	Murray,	Thompson,
Blount,	Geddes,	Mutchler,	Townshend,
Breckinridge,	Gibson,	Nicholls,	Tucker,
Broadhead,	Glascock,	Oates,	Tully,
Buchanan,	Graves,	O'Ferrall,	Turner, Oscar
Caldwell,	Halsell,	O'Neill, J. J.	Van Alstyne,
Campbell, Felix	Hammond,	Paige,	Vance,
Candler,	Hancock,	Patton,	Van Eaton,
Carleton,	Hardy,	Pierce,	Ward,
Cassidy,	Hatch, W. H.	Post,	Warner, A. J.
Clay,	Hemphill,	Pryor,	Warner, Richard
Clements,	Henley,	Pusey,	Wellborn,
Cobb,	Hewitt, A. S.	Randall,	Wilkins,
Converse,	Hoblitzell,	Rankin,	Williams,
Cosgrove,	Houseman,	Reese,	Willis,
Cox, W. R.	Hurd,	Riggs,	Wilson, W. L.
Crisp,	Jones, J. H.	Robertson,	Winans, E. B.
Culberson, D. B.	Jones, J. K.	Robinson, W. E.	Wise, G. D.
Curtin,	Jones, J. T.	Rogers, J. H.	Wolford,
Davidson,	Jordan,	Rogers, W. F.	Wood,
Dibrell,	King,	Rosecrans,	Young.
Dockery,	Kleiner,	Scales,	
Dorsheimer,	Lamb,	Seney,	
Duncan,	Le Fevre,	Seymour,	

NAYS—130.

Adams, G. E.	Greenleaf,	McCormick,	Skinner, C. R.
Aiken,	Guenther,	Millard,	Smalls,
Anderson,	Hardeman,	Miller, S. H.	Smith,
Atkinson,	Harmer,	Milliken,	Spooner,
Barr,	Hart,	Mills,	Steele,
Bayne,	Haynes,	Morey,	Stephenson,
Beach,	Henderson, T. J.	Morgan,	Stevens,
Bingham,	Hepburn,	Morrill,	Stewart, J. W.
Bisbee,	Herbert,	Moulton,	Stone,
Boyle,	Hewitt, G. W.	Neece,	Strait,
Brainerd,	Hiscock,	Nelson,	Struble,
Brewer, J. H.	Hitt,	Nutting,	Sumner, C. A.
Browne, T. M.	Holmes,	Ochiltree,	Taylor, E. B.
Brown, W. W.	Hooper,	O'Hara,	Taylor, J. D.
Brumm,	Horr,	O'Neill, Charles	Thomas,
Budd,	Houk,	Parker,	Throckmorton,
Calkins,	Howey,	Payne,	Tillman,
Campbell, J. M.	Hunt,	Payson,	Turner, H. G.
Cannon,	Jones, B. W.	Peel, S. W.	Valentine,
Collins,	Kasson,	Perkins,	Wait,
Connolly,	Kean,	Peters,	Wakefield,
Culbertson, W. W.	Keifer,	Phelps,	Washburn,
Dargan,	Kelley,	Poland,	Weaver,
Davis, G. R.	Kellogg,	Potter,	White, Milo
Davis, R. T.	Lacey,	Price,	Whiting,
Dingley,	Laird,	Ranney,	Wilson, James
Ellwood,	Libbey,	Ray, G. W.	Wise, J. S.
Evans, I. N.	Long,	Reed,	Woodward,
Everhart,	Lore,	Rice,	Worthington,
Findlay,	Lovering,	Robinson, J. S.	Yaple,
Funston,	Lyman,	Rockwell,	York.
George,	McCoid,	Rowell,	
Goff,	McComas,	Ryan,	

NOT VOTING—60.

Belford,	Cullen,	Hill,	Morse,
Belmont,	Cutcheon,	Holman,	Peelle, S. J.
Boutelle,	Davis, L. H.	Holton,	Pettibone,
Bowen,	Deuster,	Hopkins,	Ray, Ossian
Breitung,	Dibble,	Hutchins,	Reagan,
Brewer, F. B.	Dowd,	James,	Russell,
Buckner,	Dunham,	Jeffords,	Slocum,
Burleigh,	Ellis,	Johnson,	Snyder,
Burnes,	Evins, J. H.	Ketcham,	Spriggs,
Cabell,	Finerty,	Lanham,	Talbott,
Chace,	Forney,	Lawrence,	Wadsworth,
Clardy,	Green,	McAdoo,	Weller,
Cook,	Hanback,	McKinley,	Wemple,
Covington,	Hatch, H. H.	Matson,	White, J. D.
Cox, S. S.	Henderson, D. B.	Maybury,	Winans, John.

So the vote agreeing to the substitute was reconsidered.

The following additional pair was announced:

Mr. LANHAM with Mr. LAWRENCE, on all political questions, for this day.

The result of the vote was then announced as above stated.

Mr. BROWNE, of Indiana. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. Is it not now in order to move to recommit the case with or without instructions, the previous question having been ordered?

The SPEAKER. The question now before the House is upon the adoption of the substitute proposed by the minority of the committee.

Mr. BROWNE, of Indiana. Upon that a motion for the previous question was sustained by the House.

The SPEAKER. It was; and also upon the adoption of the report of the majority of the committee.

Mr. BROWNE, of Indiana. I therefore at this time ask if I can move to recommit with instructions.

The SPEAKER. The Chair thinks that can be done.

Mr. BROWNE, of Indiana. I desire to move to recommit the case to the Committee on Elections with the instructions which I send to the desk.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Let the motion be first stated.

The SPEAKER. The Clerk will read the motion, after which the Chair will hear the gentleman from Illinois on the question of order.

The Clerk read the motion submitted by Mr. BROWNE, of Indiana, as follows:

That this case be recommitted to the Committee on Elections with instructions to make a recount of the ballots cast for the contestant and contestee for Representative in Congress at the election in November, 1882, in all the several voting precincts in the county of Marion, in the seventh Congressional district of Indiana, and to make report of the result thereof.

Mr. BROWNE, of Indiana. I desire to say that I am willing to accept a modification of these instructions, if the gentlemen on the other side desire it, so as to include a recount of the entire vote.

Mr. CONVERSE. How much has the vote been changed since?

Mr. SPRINGER. I desire order.

The SPEAKER. The House will please be in order.

Mr. SPRINGER. The point of order I make is that this motion is not now in order, the previous question having been ordered. Clause 4 of Rule XVI provides as follows:

When a question is under debate no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order.

Mr. KASSON. That is not the rule under which this motion is made. It is made under another rule.

Mr. SPRINGER. I understand that. Let me go on and state the question. Rule XVII, which provides for a motion to recommit under certain circumstances, does not apply to a case of this kind, as I will show. This rule is as follows:

There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection.

Referring to the passage or rejection of a bill. The Chair has refused to entertain the motion to recommit when the question was upon the engrossment and third reading of a measure, because this relates only to bills on their passage.

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

Now, this rule has reference solely to the passage of bills in the House, and expressly sets forth the stage of the bill upon which the motion to commit shall be in order. There is no other motion for commitment allowable except the ordinary motion, which could be made under the previous rule which I have read; and then it must be made prior to the motion for the previous question. The motion to commit not having been made prior to the motion for the previous question, and the motion for the previous question having been made and the previous question ordered, it is too late to make any other motion in this case. And as the previous question was ordered upon the majority report and the amendment submitted by the minority, it applies to both and cuts off all amendments, and brings the House to a direct vote upon that question.

This proposition of the gentleman from Indiana is in the nature of an amendment to the pending report, and enlarges its scope and makes a new question in the House; and it does not come within the rule, which relates entirely to bills on their final passage. It was intended to enable the House, even after the previous question was ordered and the bill was on its passage, to allow one motion to commit to a committee with or without instruction. This not being a bill, but a contested-election case, the rule does not apply.

Mr. STEELE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. STEELE. The Speaker has decided the motion of my colleague [Mr. BROWNE] is in order. Hence I submit this discussion is not in order.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] rose to a parliamentary inquiry, and asked if it would be in order now to make a motion to recommit the report to the Committee on Elections with instructions. The Chair said he was inclined to think it would be; and thereupon the gentleman sent up his motion, which was read. And then the gentleman from Illinois for the first time made the question of order. The Chair will hear gentlemen on the question of order.

Mr. KASSON. This motion to recommit is of course made under Rule XVII. That rule says nothing whatever about bills alone, but refers to all propositions. The word "bill" is not in the rule. The

rule refers to ordering the previous question upon any proposition, and states what may be done after the previous question has been ordered.

Mr. SPRINGER. You will find the word "bill" in the middle of the rule.

Mr. KASSON. Oh, yes! But the whole scope of the rule is as to the motion for the previous question. The rule says: "There shall be a motion for the previous question," &c. "The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment, or amendments." All sorts of things may be brought to a close by submitting the motion for the previous question. Then the rule goes on to say: "It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage"—that is, on the passage of the proposition pending before the House, whatever it may be—"for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee."

I think the Speaker needs no enlightenment on this question. The point of order made by the gentleman from Illinois [Mr. SPRINGER] if sustained would be equivalent to saying that the House has no power to recommit a report of the Committee of Elections. Now, the House has always entertained motions to recommit, and under Rule XVII all propositions, including bills, reports, &c., are brought directly within the scope of it. The motion to recommit is one of the very highest character, and under the rule is in order at any time before the final passage of the proposition. The rule says that after the previous question has been ordered the motion to recommit may be allowed.

Mr. SPRINGER. I desire to make a further point; that if this motion to recommit is allowable at all it should have been made immediately after the previous question was ordered, and not after the consideration of the proposition on which the previous question was ordered had been begun.

Mr. BROWNE, of Indiana. We have got back by the motion to reconsider to the starting point.

Mr. SPRINGER. The previous question has been ordered on the amendment submitted by the minority of the Committee on Elections. We have proceeded to consider that amendment, and have got half through with its consideration. Now a motion is brought in to recommit the whole subject.

Mr. BROWNE, of Indiana. The motion to reconsider has brought us back to the starting point.

Mr. KASSON. We are right back where the motion to recommit would have been in order, even according to the argument of the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. It seems to me that the motion to recommit, to be in order at all, should have been made immediately after the previous question was ordered. But I insist that this rule applies only to bills, and on their passage, for it has been held by the Chair that motions to recommit were excluded while the House was considering amendments or considering bills on the second reading. This motion can only be entertained when the previous question has been ordered, after the bill has been engrossed and read a third time. This is not a bill on its passage, and therefore the motion to recommit is not in order.

The SPEAKER. On yesterday, upon the motion of the gentleman from Ohio [Mr. CONVERSE], the House ordered the previous question, not only upon the amendment which was proposed by the minority of the Committee on Elections, but upon the adoption of the resolutions reported by the majority of the committee. Thereupon a vote was taken in the House on the adoption of the amendment proposed by the minority of the committee, and it was agreed to.

The gentleman from Illinois [Mr. SPRINGER] then moved to reconsider the vote by which the amendment was agreed to, and this morning that vote has been reconsidered. Therefore the House now stands with reference to this matter precisely as it did before any vote had been taken after the previous question was ordered. If the previous question had been ordered only upon the amendment proposed by the minority of the committee, the Chair would have no hesitation in holding that it was not now in order, under the rule of the House, to move to recommit either with or without instructions. But the previous question, as the Chair has already said, has been ordered not only upon the amendment but upon the adoption of the original resolutions reported by the majority of the committee. The House, by reconsidering the vote by which, yesterday, the amendment was adopted, has gone back to precisely the same stage of proceedings which existed before any vote whatever had been taken upon the amendment.

The only question, then, is whether it is in order at any time after the previous question has been ordered to recommit measures except what is technically termed a bill. The Chair thinks that the term "bill" as used in Rule XVII is a generic term, and includes all legislative propositions which can come before the House.

In accordance with this opinion, the Chair has during this session invariably held that it was in order to recommit other propositions than bills after the previous question has been ordered. The Chair therefore thinks that this motion is in order, and so decides.

Mr. KASSON. I now ask that the resolution of recommitment be read.

The Clerk read as follows:

That this case be recommitted to the Committee on Elections with instructions to make a recount of the ballots cast for the contestant and contestee for Representative in Congress at the election in October, 1882, at all the several voting precincts in the county of Marion, in the seventh Congressional district of Indiana, and make a report of the result thereof.

Mr. BLACKBURN. I am sure that my friend from Indiana who moves the instructions to the Committee on Elections [Mr. BROWNE] does not want the House to vote upon them without doing it understandingly. I therefore desire to submit a question to him.

Mr. BROWNE, of Indiana. Certainly.

Mr. BLACKBURN. Is it or is it not a fact that under the law of Indiana these ballots are only required to be preserved for six months; and the six months having expired, is it not true that there would be no offense committed under the statute law of Indiana if those ballots were destroyed or tampered with or changed? Have those ballots any legal value to-day?

Mr. PEELLE, of Indiana. I will answer the gentleman from Kentucky. There is nothing in the record perhaps to show that there is a contest now pending in that county; but as a matter of fact there is a contest pending over the office of treasurer. Therefore, under the law, the ballots have to be preserved, and as a matter of fact are preserved.

Mr. BLACKBURN. Has not the contest of which the gentleman speaks been determined?

Mr. PEELLE, of Indiana. No, sir; it is still pending; and there is also a contest pending as to the office of recorder of that county. This does not appear in the record before the House in this case, but it is a fact.

Mr. ADAMS, of New York. Is it not a fact that the ballots in Hancock County have all been destroyed—are not now in existence?

Mr. PEELLE, of Indiana. That county does not come in question here. It is only Marion County that is in controversy. [Cries of "Regular order!"]

The SPEAKER. The regular order is called for. The question is on the motion of the gentleman from Indiana to recommit this case to the Committee on Elections with the instructions which have been read.

Mr. CONVERSE. I call for the yeas and nays on that question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 134, not voting 65; as follows:

YEAS—124.

Adams, G. E.	George,	McCormick,	Ryan,
Aiken,	Goff,	Millard,	Skinner, C. R.
Anderson,	Greenleaf,	Miller, S. H.	Smalls,
Atkinson,	Guenther,	Milliken,	Smith,
Barr,	Harmer,	Mills,	Spooner,
Bayne,	Hart,	Morey,	Steele,
Beach,	Haynes,	Morgan,	Stephenson,
Bingham,	Henderson, T. J.	Morrill,	Stevens,
Bisbee,	Hepburn,	Moulton,	Stewart, J. W.
Boyle,	Hewitt, G. W.	Nelson,	Stone,
Brainerd,	Hiscock,	Nutting,	Strait,
Brewer, J. H.	Hitt,	Ochiltree,	Struble,
Browne, T. M.	Holmes,	O'Hara,	Sumner, C. A.
Brown, W. W.	Hooper,	O'Neill, Charles	Taylor, E. B.
Brumm,	Horr,	Parker,	Taylor, J. D.
Budd,	Houk,	Payne,	Thomas,
Calkins,	Howey,	Payson,	Tillman,
Campbell, J. M.	Hunt,	Peel, S. W.	Valentine,
Cannon,	Jones, B. W.	Perkins,	Wait,
Collins,	Kasson,	Peters,	Wakefield,
Connolly,	Kean,	Phelps,	Warner, A. J.
Culbertson, W. W.	Keifer,	Poland,	Washburn,
Dargan,	Kelley,	Potter,	Weaver,
Davis, G. R.	Lacey,	Price,	White, Milo
Davis, R. T.	Laird,	Ranney,	Whiting,
Dingley,	Libbey,	Ray, G. W.	Wilson, James
Ellwood,	Long,	Reed,	Wise, J. S.
Evans, I. N.	Lovering,	Rice,	Woodward,
Everhart,	Lyman,	Robinson, J. S.	Worthington,
Findlay,	McCoid,	Rockwell,	Yaple,
Funston,	McComas,	Rowell,	York.

NAYS—134.

Adams, J. J.	Culberson, D. B.	Hardy,	Murray,
Alexander,	Curtin,	Hatch, W. H.	Mutchler,
Arnot,	Davidson,	Hemphill,	Neece,
Bagley,	Dibrell,	Henley,	Nicholls,
Ballentine,	Dockery,	Hewitt, A. S.	Oates,
Barbour,	Dorsheimer,	Hoblitzell,	O'Ferrall,
Barksdale,	Duncan,	Houseman,	O'Neill, J. J.
Bennett,	Dunn,	Hurd,	Paige,
Blackburn,	Eaton,	Jones, J. H.	Patton,
Bland,	Eldredge,	Jones, J. K.	Pierce,
Blount,	Elliott,	Jones, J. T.	Post,
Breckinridge,	Ermentrout,	Jordan,	Pryor,
Broadhead,	Ferrell,	King,	Pusey,
Buchanan,	Fiedler,	Kleiner,	Randall,
Caldwell,	Follett,	Lamb,	Rankin,
Campbell, Felix	Foran,	Le Fevre,	Reese,
Candler,	Fyan,	Lewis,	Riggs,
Carleton,	Garrison,	Lowry,	Robertson,
Cassidy,	Geddes,	McMillin,	Robinson, W. E.
Clay,	Gibson,	Miller, J. F.	Rogers, J. H.
Clements,	Glascock,	Mitchell,	Rogers, W. F.
Cobb,	Graves,	Money,	Rosecrans,
Converse,	Halsell,	Morrison,	Scales,
Cosgrove,	Hammond,	Muldrow,	Seney,
Cox, W. R.	Hancock,	Muller,	Seymour,
Crisp,	Hardeman,	Murphy,	Shaw,

Shelley,	Taylor, J. M.	Van Alstyne,	Willis,
Singleton,	Thompson,	Vance,	Winans, E. B.
Skinner, T. G.	Throckmorton,	Van Eaton,	Wise, G. D.
Springer,	Townshend,	Ward,	Wolford,
Stewart, Charles	Tucker,	Warner, Richard	Wood,
Stockslager,	Tully,	Wellborn,	Young.
Storm,	Turner, H. G.	Wilkins,	
Sumner, D. H.	Turner, Oscar	Williams,	

NOT VOTING—65.

Belford,	Cutcheon,	Holton,	Pettibone,
Belmont,	Davis, L. H.	Hopkins,	Ray, Ossian
Blanchard,	Deuster,	Hutchins,	Reagan,
Boutelle,	Dibble,	James,	Russell,
Bowen,	Dowd,	Jeffords,	Slocum,
Breitung,	Dunham,	Johnson,	Snyder,
Brewer, F. B.	Ellis,	Kellogg,	Spriggs,
Buckner,	Evins, J. H.	Ketcham,	Talbott,
Burleigh,	Finerty,	Lanham,	Wadsworth,
Burnes,	Forney,	Lawrence,	Weller,
Cabell,	Green,	Lore,	Wemple,
Chace,	Hanback,	McAdoo,	White, J. D.
Clardy,	Hatch, H. H.	McKinley,	Wilson, W. L.
Cook,	Henderson, D. B.	Matson,	Winans, John.
Covington,	Herbert,	Maybury,	
Cox, S. S.	Hill,	Morse,	
Cullen,	Holman,	Peelle, S. J.	

So the motion to recommit with instructions was not agreed to.

Mr. MILLIKEN (before the result of the vote was announced). Mr. Speaker, I was present in the Hall during the roll-call, but did not hear my name called.

The SPEAKER. Is there objection to allowing the gentleman from Maine to vote? He states that he was present in the Hall, and failed to hear his name.

Mr. SPRINGER. I hope there will be no objection.

There being no objection, Mr. MILLIKEN voted "ay."

The following additional pairs were announced:

Mr. KELLOGG and Mr. BLANCHARD, for the remainder of the day.

Mr. LEWIS and Mr. LORE, in the English-Peelle election case.

Mr. LEWIS. That pair was intended to operate after the present vote. We have both voted on this question.

The SPEAKER. The Chair is informed by the Clerk that the gentleman from Delaware [Mr. LORE] has not voted.

Mr. LEWIS. I supposed the gentleman from Delaware had voted as well as myself. The pair was intended to operate after this vote.

The SPEAKER. The vote of the gentleman from Delaware is not recorded.

Mr. LEWIS. The pair does not operate as to the present vote.

The SPEAKER. In that case the pair should not have been announced.

The result of the vote was announced as above stated.

Mr. HORR. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HORR. Mr. Speaker, under the rules of this House no ex-member of Congress has the right to the floor of the House if he abuses the privilege by attempting to influence legislation while here on the floor—— [Cries of "Regular order!"]

The SPEAKER. The gentleman has the right to state his question of privilege.

Mr. HORR. I now desire to say that it has been brought to my notice—and that, too, by a Democratic member of this House——

A MEMBER. Who is he?

Mr. HORR. That an ex-member of Congress, who is the father of one of the contestants in this case, has been on the floor of the House for days soliciting members, sending for them, taking them into consultation, and attempting to influence their votes upon this case.

If that be true it is such a violation of the dignity and integrity of this House that it ought not to go unnoticed. I assert such to be the fact.

Mr. RANDALL. Mr. Speaker——

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania.

Mr. GIBSON. Let me ask a question for information.

Mr. RANDALL. I desire to say, Mr. Speaker, that the father of the contestant would be unnatural if he did not take the deepest interest in his own contest. [Applause on the Democratic side.] I stand here a witness to the fact that that gentleman has exercised the most careful propriety in connection with this case. [Applause on the Democratic side, and derisive laughter on the Republican side of the House.]

Mr. BLOUNT. I wish to say, Mr. Speaker, that it is a notorious fact, known by the members on this floor, that this rule has been violated time and again; that ex-members of Congress in the employ of railroad companies and in other interests have been here importuning members on this floor. [Applause on the Democratic side.]

Mr. BROWN, of Pennsylvania. Why did you not call attention to it?

Mr. BLOUNT. Why have you not done it?

Mr. BROWN, of Pennsylvania. Because I have not known it.

Mr. BLOUNT. Oh, my dear sir, you are a very innocent person.

Mr. BROWN, of Pennsylvania. Oh, yes.

Mr. BLOUNT. And I wish to add, sir, that this rule has been obsolete for months and years. It ought to have been enforced before. The gentleman from Indiana is certainly excusable under the circumstances when it has been obsolete in other directions. The significance of raising this question of this personal privilege is different from what is pretended for it.

Mr. SPRINGER. I rise to a point of order.

Mr. HORR rose.

Mr. GIBSON. I ask the gentleman from Michigan a question. I desire to ask a question for information.

The SPEAKER. The Chair recognized the gentleman from Illinois on a question of order and he will state it.

Mr. SPRINGER. My point of order is that this rule does not extend to such a case as that to which the gentleman from Michigan has referred. It relates to persons interested in claims pending before Congress. [Derisive laughter on the Republican side.] Oh, you may laugh as much as you please, but the fact is nevertheless as I have stated it. The rule relates to persons pecuniarily interested, and it prohibits them from coming upon the floor for the purpose of advocating claims in which they are interested. It has never been assumed to have any reference to gentlemen who come here looking after the interest of a relative or friend in a contested-election case.

Mr. HORR. Is the gentleman through?

Mr. SPRINGER. I ask that the rule be read?

The Clerk read as follows:

RULE XXXIV.

OF ADMISSION TO THE FLOOR.

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, namely: The President and Vice-President of the United States and their private secretaries, judges of the Supreme Court, members of Congress and members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the law library, such persons as have by name received the thanks of Congress, ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees, when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

Mr. HAMMOND. I desire to make a further point of order.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. That rule simply declares who shall not be entitled to the privilege of the floor. There is no motion pending, nor is the Chair officially informed anybody not entitled to the privileges of the floor is here, and therefore I call for the regular order.

Mr. WHITE, of Kentucky. I rise, Mr. Speaker——

Mr. HORR. Oh, no; just wait a moment. Have I the floor, Mr. Speaker?

The SPEAKER. The Chair thinks so.

Mr. HORR. Then I wish to say to the members of this House that I make these suggestions and I made my former statement not for the purpose of any political clap-trap [derisive laughter on the Democratic side] but because [laughter on the Democratic side]—very well, gentlemen, you can laugh, but I repeat I made this statement because I learned that the dignity of this House and its honor were daily being violated by an ex-member, and I designated him sufficiently. I did not go behind the bush. I do not know the gentleman personally.

Mr. GIBSON. May I ask a question? [Cries of "No!"]

Mr. HORR. I felt it to be my duty to call the attention of the House to the fact. Let me ask my friend from Illinois, does he for a moment believe that under that rule it is permissible for an ex-member of Congress to come here and go from seat to seat, taking members with him into the lobby, sending for them just outside of the bar, doing everything in his power to influence a vote that is being taken in this House—is such a construction possible?

My friend from Pennsylvania [Mr. RANDALL] tells us that it is natural for a father to feel for his son. So it is; but it is also natural, or at least becoming, for him, if he has that sense of honor and propriety he ought to have to do it in harmony with our rules and in a manner suitable to the dignity and honor of the House. [Applause on the Republican side of the House.]

Mr. RANDALL. And so he has. [Applause on the Democratic side.]

Mr. HORR. Yes; but in direct violation of the rules of the House. Now, if you do not believe what I tell you, then investigate the matter, and I promise to prove more than I have stated, and prove it to your satisfaction.

Mr. GIBSON. Now give the name of the author of your statement.

Mr. HORR. The name will be forthcoming at the proper time.

Mr. HERBERT. I ask the gentleman to yield to me for a moment.

Mr. HORR. I will yield to the gentleman from Alabama.

Mr. HERBERT. I wish to ask the gentleman from Michigan whether in his opinion as a lawyer this rule or this language in the rule applies to the father of a contestant for a seat on this floor? The rule is:

Ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress.

Is it your opinion as a lawyer that that rule applies here?

Mr. SKINNER, of New York. This is a bill—"Bill" English.

Mr. HORR. The Speaker of this House has just decided that this controversy is in the nature of a bill, or is in the nature of a claim, at least that it is such a claim as you can move the previous question upon and have the right to recommit. I say further, not as a lawyer but as a member, that I do believe under that rule that no man with a keen sense of honor would be found upon this floor doing what I say has been done in this case by the gentleman referred to day in and day out for weeks past. Now, is that satisfactory?

Mr. HERBERT. No; it is not satisfactory. I ask whether it is your opinion as a lawyer that the father of this gentleman has such a legal interest in this case as to disqualify him under that rule from being admitted to this floor?

Mr. HORR. I say that, while I am not a technical lawyer, I defer to the decision of the Speaker in that respect. Still I am very certain that that rule is intended to prevent precisely what has been going on in this case.

Mr. CONVERSE. I demand the regular order.

Mr. WHITE, of Kentucky, addressed the Chair.

The SPEAKER. So far the gentleman from Michigan has submitted no motion to the House——

Mr. WHITE, of Kentucky. I rise to make a motion.

The SPEAKER. The Chair will first make a statement to the House. The fact that the gentleman of whom complaint is made is an ex-member of the House is not disputed. But it is alleged by the gentleman from Michigan that he has violated his privileges or abused the privileges of the House as an ex-member in connection with the contest in this election case. That is a matter for the House to investigate and determine. It is not a matter for the Chair to determine; nor is the statement alone sufficient to warrant the Chair in determining that the gentleman, under the rule, should be excluded from the floor. The Chair thinks, therefore, that no question is presented for the consideration of the Chair, though there might be a fact, as alleged by the gentleman from Michigan, for the consideration of the House.

Mr. WHITE, of Kentucky. I desire to make a motion in connection with this matter to this effect: That the Sergeant-at-Arms be required to arrest William H. English and bring him to the bar of the House, to show what authority he has to be on the floor of this House during the contest in which his son is a party. He has been notoriously lobbying on this floor in connection with the interest of his son in this case, just as was done by certain ex-members of Congress in the interest of the whisky bill when the bonded extension bill was before the House some time ago, and I think that there should be an example made in order to preserve the dignity of the House and prevent future violations of Rule XXXIV.

The SPEAKER. The question is not debatable until it is stated by the Chair. Gentlemen will first take their seats, and order will be restored before proceeding with the public business.

The gentleman from Kentucky moves that the Sergeant-at-Arms be directed to take William H. English into custody and present him to the bar of the House to answer the charge that the gentleman from Michigan brings against him.

Mr. WHITE, of Kentucky. At the request of the contestee in this case, and because of the fact that I have already stated my views upon the subject and called the attention of the country to what is going on here, I will, with the consent of the House, withdraw the motion. [Derisive laughter on the Democratic side.]

Mr. COX, of New York, addressed the Chair.

The SPEAKER. There is nothing before the House, the gentleman from Kentucky having withdrawn his motion.

Mr. CONVERSE. I demand the regular order.

Mr. COX, of New York. I renew the motion of the gentleman from Kentucky. I will withdraw it, after saying a word.

Mr. MILLER, of Pennsylvania. Is that debatable?

Mr. COX, of New York. The gentleman from Michigan [Mr. HORR] debated the question, the gentleman from Kentucky [Mr. WHITE] debated it, while little has been said on this side of the controversy. I hope I will have a few moments.

Inasmuch as an old friend of mine, who served nearly thirty years ago on this floor, has been insulted by the gentleman from Michigan and the gentleman from Kentucky, and has been treated in that way without warrant or proof of the fact alleged, I propose to give the origin of this rule which has been quoted here in order to interpret its tenor. I think I drew, I know I voted for the rule here read in an early Congress. If I did not introduce, I led to its interpretation by a proposed amendment. I can say, with a perfect knowledge of the fact, that the rule never contemplated a case of this kind. It originated at a time when ex-members of Congress came here and sat in the seats of other members, wrote letters, and generally assisted in guiding lawmakers who were, as I was, inexperienced. About the time the Republican party was rising to the very height of its corruption ex-members of both parties came here and lobbied for the railroad land-grant grab that we are now undertaking to nullify. [Applause on the Democratic side.] I remember——

Mr. MILLIKEN. I want to ask the gentleman from New York if there is any higher claim, or more sacred, than the title of a member to his seat in this body?

Mr. COX, of New York. I would rather a gentleman should come here to present the claim of his son whom he thinks honorably elevated to this House than have your mean, sneaking mercenaries here to grab and raid the public Treasury. [Applause.]

I have said that I reported this rule, as I thought, in the first instance. I had a good reason for its enactment, but it may be that it was only the amendment I reported. I remember that in a debate in this House an ex-member of Congress from Massachusetts, the president of a railroad company, the owner of a railroad company in Kansas, came to my seat and laid down his plats and his maps and set forth his reasons for passing a bill that would inure to his benefit by the million. After that, being on the Committee on Rules, I aided that committee to report an amendment to that rule. This will appear in the record of the second session of the Forty-second Congress, on the 22d of April, 1872, page 2671. It was an attempt to remedy a growing mischief in our legislation. The lobby was most potential and truculent. A resolution to limit ex-members, who thronged our Chamber, was sent to the Committee on Rules. That committee consisted of Mr. Speaker Blaine, Garfield, RANDALL, and myself. It instructed me to report that Rule 134 be amended. Rule 134 was the same as the present rule just read, except what will hereafter appear. The proviso to Rule 134 was "that ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House."

Then it was proposed that Rule 134 be amended as follows: First. Strike out all after the words "provided that" down to and including the words "Hall of the House," and insert in lieu thereof the following: "Ex-members of the House shall be entitled to the privilege of admission to the floor on making declaration on honor, in a register to be kept for that purpose, that they have no personal or private interest in any legislative measure before the House or any of its committees." Second. Insert at the end of the rule the following: "And the Doorkeeper shall be held responsible to the House for the execution of this rule."

When this amendment was made Rule 134 did not contain certain words of the present Rule XXXIV. It did not contain the words "or directly in any bill pending before Congress." The object of the amendment was stated by me to be to strike out the word "claim," which had reference only to the ordinary claims which go before the committee, and excludes no man personally interested in measures pending before the House.

This interpretation of the rule was confirmed by General Garfield, who said the "claim against the Government is technically understood to be a simple bill with a claim in it, a private bill, whereas an ex-member of Congress may be here acting for some corporation, acting as its attorney."

The amendment failed to pass; the rule was afterward amended to read as we now have it. Does any one believe it has other than a pecuniary meaning? It did not refer to a case like this, for this is not a claim, private or otherwise, nor is it a "bill pending before Congress."

The debate I recall is interesting and interprets the present rule. The amendment was voted down, or rather avoided. When the motion to recommit failed, by 93 to 31, General Garfield cried out, "Let it go," and it went, the very members of the Republican party on the Committee on Rules, Messrs. Garfield and Banks, voting to recommit and thus kill their own proposition. (RECORD, second session Forty-second Congress, page 2691.)

Thus, with the aid of General Garfield, General Banks, and others, I was allowed to present the amendment to this rule, so that ex-members coming on the floor should be limited in their influence. If such ex-members were not interested in a private pecuniary claim, but only in matters connected with general legislation or with the honor and organization of the House, they were not then excluded, and are not now excluded. It was never contemplated that a case of this kind was within the rule. The amendment did affect those who were interested in any particular claim pending before the House or its committees. It would have reached a specific claim. The gentlemen who authorized me to report that rule at that time left me in the vocative. The amendment was beaten by the votes on the other side of the Chamber. That is the origin of this rule, and it serves to interpret its meaning and to decide this matter.

Now, sir, let us stand by the rule as it was intepreted and executed. Let us stand by it for the purpose of guarding against the mercenary element in our politics which it had in view. Let us guard the rights of hospitality. Let such old members as my friend Hon. W. H. English come here, not only to see their old compatriots, but to advise and commune. Let us firmly discriminate against the little, low, mercenary men who come here for private gain and public greed. [Applause.] I withdraw the motion.

Mr. HORR and Mr. WHITE of Kentucky rose.

The SPEAKER. The gentleman from New York [Mr. COX] withdraws the motion. There is nothing before the House except the question on the contested-election case.

Mr. BAYNE rose.

Mr. CONVERSE. I demand the regular order.

Mr. WHITE, of Kentucky. I renew the motion which was withdrawn by the gentleman from New York.

Mr. BAYNE. I desire to make a motion which I think will be in order.

The SPEAKER. The motion sent up by the gentleman from Pennsylvania [Mr. BAYNE] will be read.

The Clerk read as follows:

Resolved, That the Committee on Rules be, and it is hereby, instructed to inquire and report to this House whether or not Hon. William H. English, an ex-member of this House, has violated the privileges thereof in the contested-election case of English *vs.* Peelle.

Mr. BLAND. I make the point of order that the resolution just read is not in order pending the contested-election case, which is of higher privilege.

The SPEAKER. While this resolution presents a matter of privilege, the Chair does not think it is a matter of higher privilege than the question of the right of a member to a seat on the floor. The Chair thinks that except by consent it could not be introduced during the pendency of a contested-election case.

Mr. BLACKBURN. I hope that resolution will be adopted by acclamation.

Mr. BAYNE. I desire to say one word.

Mr. BLACKBURN. Nobody objects to the resolution.

Mr. HOBLITZELL. I object.

The SPEAKER. Objection is made. The resolution would be in order at some other time.

Mr. BLAND. I insist on the regular order.

Mr. BAYNE. I withdraw the resolution for the present, intending to renew it hereafter.

Mr. SPRINGER. I suggest to the gentleman to include Messrs. Shellabarger and Wilson, General Payne, and other ex-members, who appear here as election attorneys; those first named being attorneys for Mr. Peelle.

The SPEAKER. The question is on the adoption of the report proposed by the minority of the Committee on Elections as a substitute for the report proposed by the majority.

Mr. CONVERSE. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 129, not voting 66; as follows:

YEAS—128.

Adams, G. E.	Goff,	McCormick,	Ryan,
Aiken,	Greenleaf,	Millard,	Skinner, C. R.
Anderson,	Guenther,	Miller, S. H.	Smalls,
Atkinson,	Hardeman,	Milliken,	Smith,
Barr,	Harmer,	Mills,	Spooner,
Bayne,	Hart,	Morey,	Steele,
Beach,	Haynes,	Morgan,	Stephenson,
Bingham,	Henderson, T. J.	Morrill,	Stevens,
Bisbee,	Hepburn,	Moulton,	Stewart, J. W.
Boyle,	Herbert,	Neece,	Stone,
Brainerd,	Hewitt, G. W.	Nelson,	Strait,
Brewer, J. H.	Hiscock,	Nutting,	Struble,
Browne, T. M.	Hitt,	Ochiltree,	Sumner, C. A.
Brown, W. W.	Holmes,	O'Hara,	Taylor, E. B.
Brumm,	Hooper,	O'Neill, Charles	Taylor, J. D.
Budd,	Horr,	Parker,	Thomas,
Calkins,	Houk,	Payne,	Throckmorton,
Campbell, J. M.	Howey,	Payson,	Tillman,
Cannon,	Hunt,	Peel, S. W.	Turner, H. G.
Collins,	Jones, B. W.	Perkins,	Valentine,
Connolly,	Kasson,	Peters,	Wait,
Culbertson, W. W.	Kean,	Phelps,	Wakefield,
Dargan,	Keifer,	Poland,	Washburn,
Davis, G. R.	Kelley,	Potter,	Weaver,
Davis, R. T.	Lacey,	Price,	White, Milo
Dingley,	Laird,	Ranney,	Whiting,
Ellwood,	Libbey,	Ray, G. W.	Wilson, James
Evans, I. N.	Long,	Reed,	Wise, J. S.
Everhart,	Lovering,	Rice,	Woodward,
Findlay,	Lyman,	Robinson, J. S.	Worthington,
Funston,	McCoid,	Rockwell,	Yaple,
George,	McComas,	Rowell,	York.

NAYS—129.

Adams, J. J.	Davidson,	Hoblitzell,	Pierce,
Alexander,	Dibrell,	Houseman,	Post,
Arnot,	Dockery,	Hurd,	Pryor,
Bagley,	Dorsheimer,	Jones, J. H.	Pusey,
Ballentine,	Duncan,	Jones, J. K.	Randall,
Barbour,	Dunn,	Jones, J. T.	Rankin,
Barksdale,	Eaton,	Jordan,	Reese,
Bennett,	Eldredge,	King,	Riggs,
Blackburn,	Elliott,	Kleiner,	Robertson,
Bland,	Ermentrout,	Lamb,	Robinson, W. E.
Blount,	Ferrell,	Le Fevre,	Rogers, J. H.
Breckinridge,	Fiedler,	Lowry,	Rogers, W. F.
Broadhead,	Follett,	McMillin,	Rosecrans,
Buchanan,	Foran,	Miller, J. F.	Scales,
Caldwell,	Fyan,	Mitchell,	Seney,
Campbell, Felix	Garrison,	Money,	Seymour,
Candler,	Geddes,	Morrison,	Shaw,
Carleton,	Gibson,	Muldrow,	Shelley,
Cassidy,	Glascock,	Muller,	Singleton,
Clay,	Graves,	Murphy,	Skinner, T. G.
Clements,	Halsell,	Murray,	Springer,
Cobb,	Hammond,	Mutchler,	Stewart, Charles
Converse,	Hancock,	Nicholls,	Stockslager,
Cosgrove,	Hardy,	Oates,	Storm,
Cox, W. R.	Hatch, W. H.	O'Ferrall,	Sumner, D. H.
Crisp,	Hemphill,	O'Neill, J. J.	Taylor, J. M.
Culberson, D. B.	Henley,	Paige,	Thompson,
Curtin,	Hewitt, A. S.	Patton,	Townshend,
Tucker,	Van Eaton,	Williams,	Wood,
Tully,	Ward,	Willis,	Young.
Turner, Oscar	Warner, Richard	Winans, E. B.	
Van Alstyne,	Wellborn,	Wise, G. D.	
Vance,	Wilkins,	Wolford,	

NOT VOTING—66.

Belford,	Cutcheon,	Hopkins,	Pettibone,
Belmont,	Davis, L. H.	Hutchins,	Ray, Ossian
Blanchard,	Deuster,	James,	Reagan,
Boutelle,	Dibble,	Jeffords,	Russell,
Bowen,	Dowd,	Johnson,	Slocum,
Breitung,	Dunham,	Kellogg,	Snyder,
Brewer, F. B.	Ellis,	Ketcham,	Spriggs,
Buckner,	Evins, J. H.	Lanham,	Talbott,
Burleigh,	Finerty,	Lawrence,	Wadsworth,
Burnes,	Forney,	Lewis,	Warner, A. J.
Cabell,	Green,	Lore,	Weller,
Chace,	Hanback,	McAdoo,	Wemple,
Clardy,	Hatch, H. H.	McKinley,	White, J. D.
Cook,	Henderson, D. B.	Matson,	Wilson, W. L.
Covington,	Hill,	Maybury,	Winans, John.
Cox, S. S.	Holman,	Morse,	
Cullen,	Holton,	Peelle, S. J.	

So the substitute was not agreed to.

The following additional pair was announced:

Mr. LEWIS with Mr. LORE, upon the English-Peelle election case.

The SPEAKER. The question now is upon the adoption of the resolutions reported by the majority of the committee. The resolutions will be read.

The Clerk read as follows:

Resolved, That Stanton J. Peelle was not elected a member of the Forty-eighth Congress of the United States from the seventh Congressional district of Indiana, and is not entitled to the seat he now holds.

Resolved, That William E. English was duly elected a member of the Forty-eighth Congress of the United States from the seventh Congressional district of Indiana, and is entitled to his seat.

Mr. BROWNE, of Indiana. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 127, not voting 66; as follows:

YEAS—130.

Adams, J. J.	Dunn,	Lamb,	Seney,
Alexander,	Eaton,	Le Fevre,	Seymour,
Arnot,	Eldredge,	Lowry,	Shaw,
Bagley,	Elliott,	McMillin,	Shelley,
Ballentine,	Ermentrout,	Miller, J. F.	Singleton,
Barbour,	Ferrell,	Mitchell,	Skinner, T. G.
Barksdale,	Fiedler,	Money,	Springer,
Bennett,	Follett,	Morrison,	Stewart, Charles
Blackburn,	Foran,	Muldrow,	Stockslager,
Bland,	Fyan,	Muller,	Storm,
Blount,	Garrison,	Murphy,	Sumner, D. H.
Breckinridge,	Geddes,	Murray,	Taylor, J. M.
Broadhead,	Gibson,	Mutchler,	Thompson,
Buchanan,	Glascock,	Nicholls,	Townshend,
Caldwell,	Graves,	Oates,	Tucker,
Campbell, Felix	Halsell,	O'Ferrall,	Tully,
Candler,	Hammond,	O'Neill, J. J.	Turner, Oscar
Carleton,	Hancock,	Paige,	Van Alstyne,
Cassidy,	Hardy,	Patton,	Vance,
Clay,	Hatch, W. H.	Pierce,	Van Eaton,
Clements,	Hemphill,	Post,	Ward,
Cobb,	Henley,	Pryor,	Warner, Richard
Converse,	Hewitt, A. S.	Pusey,	Wellborn,
Cosgrove,	Hoblitzell,	Randall,	Wilkins,
Cox, W. R.	Hopkins,	Rankin,	Williams,
Crisp,	Houseman,	Reese,	Willis,
Culberson, D. B.	Hurd,	Riggs,	Winans, E. B.
Curtin,	Jones, J. H.	Robertson,	Wise, G. D.
Davidson,	Jones, J. K.	Robinson, W. E.	Wolford,
Dibrell,	Jones, J. T.	Rogers, J. H.	Wood,
Dockery,	Jordan,	Rogers, W. F.	Young.
Dorsheimer,	King,	Rosecrans,	
Duncan,	Kleiner,	Scales,	

NAYS—127.

Adams, G. E.	Goff,	Millard,	Skinner, C. R.
Aiken,	Greenleaf,	Miller, S. H.	Smalls,
Anderson,	Guenther,	Milliken,	Smith,
Atkinson,	Hardeman,	Mills,	Spooner,
Barr,	Harmer,	Morey,	Steele,
Bayne,	Hart,	Morgan,	Stephenson,
Beach,	Haynes,	Morrill,	Stevens,
Bingham,	Henderson, T. J.	Moulton,	Stewart, J. W.
Bisbee,	Hepburn,	Neece,	Stone,
Boyle,	Herbert,	Nelson,	Strait,
Brainerd,	Hewitt, G. W.	Nutting,	Struble,
Brewer, J. H.	Hiscock,	Ochiltree,	Sumner, C. A.
Brown, W. W.	Hitt,	O'Hara,	Taylor, E. B.
Browne, T. M.	Holmes,	O'Neill, Charles	Taylor, J. D.
Brumm,	Hooper,	Parker,	Thomas,
Budd,	Horr,	Payne,	Throckmorton,
Calkins,	Houk,	Payson,	Tillman,
Campbell, J. M.	Howey,	Peel, S. W.	Turner, H. G.
Cannon,	Hunt,	Perkins,	Valentine,
Collins,	Jones, B. W.	Peters,	Wait,
Connolly,	Kasson,	Phelps,	Wakefield,
Culbertson, W. W.	Kean,	Poland,	Washburn,
Dargan,	Keifer,	Potter,	Weaver,
Davis, G. R.	Lacey,	Price,	White, Milo
Davis, R. T.	Laird,	Ranney,	Whiting,
Dingley,	Libbey,	Ray, G. W.	Wilson, James
Ellwood,	Long,	Reed,	Wise, J. S.
Evans, I. N.	Lovering,	Rice,	Woodward,
Everhart,	Lyman,	Robinson, J. S.	Worthington,
Findlay,	McCoid,	Rockwell,	Yaple,
Funston,	McComas,	Rowell,	York.
George,	McCormick,	Ryan,	

NOT VOTING—66.

Belford,	Cutcheon,	Hutchins,	Pettibone,
Belmont,	Davis, L. H.	James,	Ray, Ossian
Blanchard,	Deuster,	Jeffords,	Reagan,
Boutelle,	Dibble,	Johnson,	Russell,
Bowen,	Dowd,	Kelley,	Slocum,
Breitung,	Dunham,	Kellogg,	Snyder,
Brewer, F. B.	Ellis,	Ketcham,	Spriggs,
Buckner,	Evins, J. H.	Lanham,	Talbott,
Burleigh,	Finerty,	Lawrence,	Wadsworth,
Burnes,	Forney,	Lewis,	Warner, A. J.
Cabell,	Green,	Lore,	Weller,
Chace,	Hanback,	McAdoo,	Wemple,
Clardy,	Hatch, H. H.	McKinley,	White, J. D.
Cook,	Henderson, D. B.	Matson,	Wilson, W. L.
Covington,	Hill,	Maybury,	Winans, John.
Cox, S. S.	Holman,	Morse,	
Cullen,	Holton,	Peelle, S. J.	

So the resolutions reported by the majority of the committee were adopted.

The following additional pair was announced:

Mr. KELLEY with Mr. WARNER, of Ohio, on all political questions, until May 26.

Mr. CONVERSE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. CONVERSE. I now present William E. English, a member-elect to this House, and ask that he be sworn in.

Mr. WILLIAM E. ENGLISH then appeared and was qualified by taking the oath prescribed by section 1756 of the Revised Statutes.

Mr. BAYNE. I now rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BAYNE. I offer the resolution which I now send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Rules be, and it is hereby, instructed to inquire and report to the House whether or not Hon. William H. English, an ex-member of this House, has violated the privileges thereof in the contested-election case of English *vs.* Peelle.

Mr. DUNN. I offer an amendment to that resolution.

Mr. BAYNE. I have the floor, I believe.

Mr. DUNN. I will state to the gentleman what my amendment is, and perhaps he will accept it. It is to inquire also whether Green B. Raum, late a member of this House, lobbied for the whisky bill. That is what I want to inquire into.

Mr. THOMPSON. I hope my friend will not insist upon that; we have had enough of the whisky bill. [Laughter.]

Mr. BAYNE. I have offered this resolution in good faith for the purpose of preserving the dignity and integrity of the proceedings of this House. I say frankly that I do not care whom such a resolution may hit; I do not care to what party he belongs or what district he may represent. If he falls within the scope of that resolution and is liable to censure for violating the privileges of this House, I will vote for such censure.

I do not base that resolution upon any mere relation of father and son or that natural interest which a father would feel in a son. I offer it because I have information that a member of this House, one at least, who had voted on this case in the earlier proceedings this morning, was asked to leave his seat, and he left his seat, went into consultation with Mr. English the father, and thereafter he disappeared from the floor of this House without having been paired. Having that information, I feel it to be right and just that an inquiry should be made by a proper committee, and that the report of that committee should be submitted to this House.

Mr. O'NEILL, of Missouri. Why not investigate that member?

Mr. BAYNE. This whole matter may be examined by the committee. The objection which was raised against the adoption of such an inquiry as to the right of ex-members to the privileges of the floor is one which I think no man interested in honest and just legislation should make. Whenever an ex-member comes upon the floor of this House and undertakes to influence any vote or legislative action, I say he should be held up to public contempt and hatred, and should be exposed, in order that the deliberations of this body may be kept free from any such stain.

Mr. NICHOLLS. Is it not true that the attorney of Mr. Peelle has been on the floor of this House constantly, lobbying?

Mr. BAYNE. I know nothing about that question—whether the attorney of Mr. Peelle has been on this floor or not.

Mr. NICHOLLS. That is my information.

Mr. BAYNE. I am informed that he has not been on the floor of the House lobbying.

Mr. NICHOLLS. My information is exactly the reverse.

Mr. BAYNE. But if the gentleman knows that fact and feels an interest in preserving the dignity and propriety of the proceedings of this body, the duty devolves upon him to introduce a resolution for an inquiry into that matter.

Mr. Speaker, I yield ten minutes to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Speaker, I am informed——

Mr. ADAMS, of New York. Will the gentleman from Pennsylvania [Mr. BAYNE], before he yields the floor, answer me a question?

Mr. BAYNE. I will resume the floor after a while and shall then be glad to hear the gentleman's question.

Mr. HORR. I have been informed that there has been no attorney of Mr. Peelle who has been on the floor in any manner, nor has there been any attorney of his lobbying here at all; but if there has I am in favor of including the name of any such man in this resolution.

Now, to my surprise, since the attention of the House was called to this subject——

Mr. NICHOLLS. My information is that Mr. Jerry Wilson, an ex-member from Indiana, has been upon the floor here lobbying in the interest of Mr. Peelle.

Mr. HORR. I have never seen him.

Mr. CANNON. I have not seen him here, and do not think anybody else has.

Mr. HORR. I am perfectly willing that this resolution shall include anybody against whom charges of this kind may be made.

But I was about to say, Mr. Speaker, to my surprise, since I called the attention of the House to this matter, among all the speakers on that side of the House, not a single man has risen in his seat and denied a single charge that has been made in this case. Why? Because——

Mr. COSGROVE. It is all denied.

Mr. HORR. Is not this the fact? Every man of you knows, it is notorious here, that this thing has been going on for a week.

A MEMBER. What thing?

Mr. HORR. And no one of you has yet intimated that the charge is not absolutely true. The only answer that has been made by any member on the other side of the House has been simply "You're another!" [Laughter.]

My friend from New York [Mr. COX], who never omits an item that favors his own side of a case, never intimated that the charge is not true. The brunt of his speech was an effort to show the House that he was the author of this old rule which had been violated. Now, if there is any legislation for the last twenty years that he does not claim to have been the author of, I have not been able up to now to discover it. [Laughter.] If he is the author of this rule, then he ought to be interested in enforcing it. He says that this rule was made to prevent people from coming in here and presenting their railroad schemes and urging members to vote for them. Is there any claim that affects the people more nearly than the question whether a man has been honestly elected to a seat on this floor by the people of his district? And when we are canvassing such a question, I say it is not seemly, it is not creditable, for any ex-member, because he has the power to come on the floor—I care not what his relation may be to one of the parties; he may even be the father of a man whose case is pending here—it is not seemly, it is not creditable, for him to lobby among members here on the floor even in behalf of his own son. I say, further, that if anybody on either side of this House has done anything of this kind he should be exposed.

Mr. SPRINGER. Will the gentleman allow me a moment?

Mr. HORR. Certainly.

Mr. SPRINGER. Are not two ex-members of Congress attorneys of record for Mr. Peelle?

Mr. REED. They have not been on the floor.

Mr. SPRINGER. Mr. Wilson and Mr. Shellabarger are both ex-members of the House.

Mr. HORR. Have you seen either of them lobbying on this floor?

Mr. SPRINGER. I do not know that I have seen them here since this case has been up.

Mr. HORR. Has any man ever intimated to you that either of those gentlemen have ever spoken on this subject while on this floor to a single member of the House?

Mr. SPRINGER. They were employed because of their influence and ability, and because of their right of admission to the floor of the House.

Mr. BROWN, of Pennsylvania. How do you know that?

Mr. HORR. Why, Mr. Speaker, the members whom I have been told say that Mr. English has importuned them here on this floor could not be counted on the fingers of one hand, and all of them Democrats.

A MEMBER. Who told you?

Mr. HORR. Get your investigation; and if this charge is not true then it can not be proven. If it is true, it will be apt to be proven. You will have no trouble in finding out the facts about the matter. I do think that as these gentlemen on the other side, by their silence, admit that this thing has been going on for the last two days, it is time that this House should purge itself of this kind of work.

Mr. RANDALL. There is no admission of that sort whatever; but we are entirely content on this side to have the investigation made. [Cries of "Vote!" on the Democratic side.]

Mr. BAYNE. I desire to modify my resolution so as to empower the committee to send for persons and papers.

Mr. KASSON. Get the previous question.

Mr. BAYNE. I send my amendment up, and ask that it be read.

The SPEAKER. The Clerk will read the gentleman's amendment.

The Clerk read as follows:

And power is hereby conferred on said committee to send for persons and papers, and the expenses thereof shall be paid out of the contingent fund of the House

The SPEAKER. The question is on the adoption of the amendment.

Mr. HAMMOND. I offer the following amendment.

Mr. BAYNE. On the resolution, as amended, I ask the previous question.

Mr. COX, of New York. Let us vote that down.

Mr. HAMMOND. I understood, Mr. Speaker, I was recognized to offer my amendment.

The SPEAKER. Certainly.

Mr. DUNN. Let me ask the gentleman from Pennsylvania a question. Do you intend to leave out Green B. Raum, who was lobbying here in the interest of the whisky bonded extension bill?

Mr. BAYNE. I take the statement of my colleague from Pennsylvania as my justification.

The SPEAKER. The Chair recognized the gentleman from Georgia, and he will send up his amendment. The Clerk will report the amendment, after which the question will be put on ordering the previous question.

Mr. HAMMOND. I move the following amendment.

The Clerk read as follows:

Amend by striking out "the Committee on Rules" and inserting in lieu thereof "a select committee of seven members to be appointed by the Speaker."

Also amend by adding at the end of the resolution:

"The said committee shall inquire and report whether any ex-member of the House employed as agent or attorney in any contested-election case here pending, or for any railroad or other corporation, or of persons having any claim pending here, has during this session abused the privileges allowed him under the thirty-fourth rule of the House, and report, if any, who they are and how they have abused said privileges."

Mr. TOWNSHEND. That is right.

The SPEAKER. The gentleman from Pennsylvania has demanded the previous question.

Mr. HAMMOND. I submit the gentleman from Pennsylvania could not demand the previous question while I was on the floor.

Mr. BLOUNT. I wish to ask the gentleman from Pennsylvania whether he is not willing to allow an amendment to be offered so the investigation shall be extended to ex-members of Congress who have been here as lobbyists for railroads and for other corporations.

Mr. BAYNE. If I am permitted to answer the gentleman's question I will do it with entire frankness.

Mr. HAMMOND. I insist that I have the floor.

The SPEAKER. The Chair has recognized the gentleman from Georgia to offer his amendment. The gentleman from Pennsylvania sent up an amendment, which was read by the Clerk. Thereupon the Chair recognized the gentleman from Georgia to offer an amendment. When that was done the gentleman from Pennsylvania resumed the floor and demanded the previous question.

Mr. HAMMOND. I understood from the Chair that I was recognized to speak on my amendment.

The SPEAKER. The gentleman was recognized and sent up his amendment.

Mr. HAMMOND. I asked recognition to speak to my amendment and received a message that I was recognized.

The SPEAKER. Then the previous question was demanded by the gentleman from Pennsylvania.

Mr. REED. I suggest to the Chair that according to the usage of the House the gentleman from Pennsylvania had the control of this matter and did not yield to the gentleman from Georgia.

The SPEAKER. The gentleman from Pennsylvania resumed the floor. He was entitled to an hour. He sent up an amendment and had it read. He remained standing in his place, but did not make any further remark or motion until after the gentleman from Georgia had offered his amendment.

Mr. REED. He did not yield to the gentleman from Georgia.

The SPEAKER. Thereupon the Chair recognized the gentleman from Georgia, who sent up an amendment.

Mr. REED. But the gentleman from Pennsylvania did not yield to the gentleman from Georgia.

The SPEAKER. He did not in terms, but he did not proceed further, and the Chair recognized the gentleman from Georgia, who offered his amendment. The gentleman from Pennsylvania then demanded the previous question, which is now pending.

Mr. REED. If the Chair please, what does the previous question operate upon?

The SPEAKER. The Chair thinks it operates upon the proposition just read and the original resolution as modified.

Mr. HAMMOND. And on my amendment.

Mr. REED. I submit the gentleman from Pennsylvania did not yield to allow the amendment of the gentleman from Georgia to come in. He did not yield his right to control the matter.

The SPEAKER. The gentleman from Pennsylvania did not proceed either to address the House further or make another motion.

Mr. REED. As soon as he understood what the gentleman from Georgia proposed he interposed with his demand for the previous question.

The SPEAKER. And the Chair entertained it.

Mr. REED. But the gentleman from Pennsylvania was proceeding with his motion; not having yielded the floor——

The SPEAKER. The Chair thinks the previous question was demanded upon the motion of the gentleman from Pennsylvania and the amendment proposed by the gentleman from Georgia. [Cries of "Regular order!"]

Mr. BAYNE. I desire to be heard for a moment on this question.

The SPEAKER. The Chair has just decided that the demand for the previous question is pending. This cuts off all debate. The question is upon ordering the previous question.

The previous question was ordered.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. I wish to know whether the previous question will embrace the amendment I have submitted?

The SPEAKER. The Chair has so decided. The Chair will state that the point is not entirely clear, but under the circumstances, and in view of the fact that the gentleman from Pennsylvania immediately after the offering of this amendment demanded the previous question, the Chair holds that the previous question will operate upon the original resolution and the amendment.

The question is upon the adoption of the amendment proposed by the gentleman from Georgia.

Mr. WHITE, of Kentucky. I believe that is debatable.

The SPEAKER. It is not; the previous question has been ordered by the House.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Is it not debatable under the rules for an hour after the previous question is ordered?

The SPEAKER. It is not; there has been some debate, and the effect of the previous question is, therefore, to prevent all further debate or amendment on this proposition. The question is on the adoption of the amendment proposed by the gentleman from Georgia.

The question was taken.

The House divided; and there were—ayes 112, noes 36.

Mr. ELDREDGE. No quorum has voted.

Mr. BAYNE. I hope the gentleman will not insist upon that point.

Mr. WHITE, of Kentucky. I would like to make an inquiry.

Mr. BAYNE. I have offered the resolution in good faith, and I hope the point of no quorum will not be made in connection with it.

Mr. ELDREDGE. I withdraw the point.

Mr. WHITE, of Kentucky. I wish to ask if the amendment of the gentleman from Georgia is adopted will it include an inquiry into the ex-members who were here lobbying for the whisky bill? [Laughter.]

The SPEAKER. The amendment will show for itself what it includes. The Chair does not think the gentleman presents a parliamentary question.

The point of order being withdrawn, the "ayes" have it and the amendment is agreed to. The question is upon the adoption of the resolution as amended.

Mr. BAYNE. Upon that I demand the previous question.

Mr. COX, of New York. I would like to ask consent of the House to print a few feeble remarks upon this rule. That is a very good rule.

Mr. BAYNE. Regular order.

The SPEAKER. The Chair understood the previous question had been ordered upon the original resolution and the amendment, embracing the whole question.

Mr. BAYNE. That was the intention.

The SPEAKER. The previous question was so ordered.

The question is now on agreeing to the resolution as amended.

The resolution was agreed to.

Mr. BAYNE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PAYSON. I call for the regular order.

The SPEAKER. The regular order is the unfinished business reported by the Committee on the Public Lands.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. If that motion is voted down would it be in order to move to go into Committee of the Whole?

Mr. SPRINGER. What for?

Mr. WILLIS. I wish to call up the educational bill if I can have an opportunity to do so.

The SPEAKER. If the question of consideration is raised as against the call made by the gentleman from Illinois, of course the House will have an opportunity to vote upon it. It is for the House to determine then whether it will proceed to consider it or not.

Mr. THOMPSON. I shall raise the question of consideration on the special order.

Mr. WILLIS. I raise the question of consideration.

Mr. SINGLETON. I give notice to the House if that is voted down I shall endeavor to get up the Library bill.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. THOMPSON. Mr. Speaker, on the 18th day of February the House made a special order for the consideration of business coming up from the Committee on the Pacific Railroads. Under that order we will have the amendment of the Thurman act, involving the integrity of about $100,000,000 due to the Government from these railroads. I desire to proceed with that special order, if it be in order to call it up, and I shall ask the House now to consider it.

The SPEAKER. The gentleman from Kentucky calls up the special order made on the 18th of February, which makes bills reported from the Committee on the Pacific Railroads the special order of the 12th of March. The first question before the House will be as to whether the House will proceed to consider the special order indicated.

Mr. POST, of Pennsylvania. I raise the question of consideration.

Mr. THOMPSON. I hope the House will give us this consideration. I do not think it will take very long, and the question is certainly one of great importance.

The SPEAKER. The Clerk will report the title of the first bill reported from the Committee on the Pacific Railroads.

Mr. CASSIDY. I think, if the gentleman from Kentucky will permit me, that the first bill from the committee is that relating to the surveys of the public lands.

Mr. RYAN. I ask the gentleman from Kentucky whether he proposes to proceed with the consideration of this bill in the absence of Judge HANBACK, who I believe joined in a minority report?

Mr. THOMPSON. I propose to proceed with it at once, if the House sustains my call; for unless we proceed with it now we will, in all probability, be cut off from an opportunity during the remainder of the session.

Mr. PAYSON. Is this debatable?

The SPEAKER. It is not.

Mr. PAYSON. I call for the regular order.

The SPEAKER. The regular order is demanded. The Clerk will report the title of the bill called up by the gentleman from Kentucky [Mr. THOMPSON].

The Clerk read as follows:

A bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

The SPEAKER. The question is, Will the House consider the bill the title of which has been read?

The House divided; and there were—ayes 65, noes 73.

Mr. THOMPSON. I demand the yeas and nays.

On the question of ordering the yeas and nays there were ayes 32—more than one-fifth of the last vote.

Mr. PAYSON. Count the other side.

The negative vote being counted, there were—noes 112.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. GUENTHER. I ask for the reading of the bill.

The SPEAKER. Does the gentleman from Wisconsin desire that the bill shall be read pending the vote on the question of consideration?

Mr. BRUMM. I would like to have the bill read before the question is taken.

Mr. GUENTHER. I desire the bill to be read.

The Clerk proceeded to read the bill. Before the reading was concluded,

Mr. PAYSON moved to dispense with the further reading of the bill.

The SPEAKER *pro tempore* (Mr. SPRINGER). The reading of the bill was called for by the gentleman from Wisconsin [Mr. GUENTHER] as a matter of right.

Mr. GUENTHER. I withdraw the demand.

The bill is as follows:

A bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

Whereas by an act approved July 2, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and by an amendment thereof, approved July 2, 1864, Congress granted aid in bonds to the Leavenworth, Pawnee and Western Railroad Company of Kansas, afterward known as the Union Pacific Railway Company, Eastern Division, and afterward as the Kansas Pacific Railway Company, and now consolidated with the Union Pacific Railroad Company, amounting to $6,303,000, upon which the Government has paid interest to the amount of $6,129,333.09 to June 30, 1883, at which time there was a balance of interest paid by the United States of $3,160,283.50 due from said company, which balance continues to grow larger from year to year; and

Whereas by said acts of 1862 and 1864 Congress granted aid in bonds to the Hannibal and Saint Joseph Railroad Company, which grant was assigned to the Atchison and Pike's Peak Railroad Company, a corporation created by the Legislature of the then Territory of Kansas, and the name of which corporation has been changed to "Central Branch Union Pacific Railroad Company," in compliance with the laws of the State of Kansas, amounting to $1,600,000, upon which the Government has paid interest to the amount of $1,549,808.26 to June 30, 1883, at which time there was due the Government a balance of interest so paid amounting to $1,390,724.25, which balance grows larger year by year; and

Whereas by said acts of 1862 and 1864 the Sioux City and Pacific Railroad Company, which has been consolidated with the Northern Nebraska Air-Line Railroad Company, has received of the Government subsidy bonds to the amount of $1,628,320, upon which the Government has paid interest to the amount of $1,464,279.49 up to June 30, 1883, and of which said interest at said date a balance of $1,342,942.10 remains unpaid, and which said balance increases year by year; and

Whereas by act of May 7, 1878, Congress created a sinking fund for other bond-subsidized railroads, and those hereinbefore mentioned were not brought within the provisions of said act; and

Whereas the amount directed to be paid by the companies to which the act of 1878 applies is not a sufficient sinking fund to accomplish the purposes of said act in respect to the bond-subsidized railroads: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and for other purposes,' approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act," and commonly called the "Thurman sinking-fund act," and any and all amendments or modifications thereof, be, and the same are hereby, extended to the Kansas Pacific Railroad Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch of the Union Pacific Railroad Company; and said act, and all amendments or modifications thereof, shall henceforth apply to said corporations equally as to those specifically named in said act.

SEC. 2. That section 3 of said act of May 7, 1878, is so amended as to allow the Secretary of the Treasury to invest the sinking funds of said companies in the first-mortgage bonds of said companies, or any bonds or securities of the United States, in his discretion; or he may, with the assent of the companies, apply the same to the extinguishment of the interest of the subsidy bonds, the Government to refund the same on demand at any time, if at any time it becomes necessary in order to meet any debts or obligations of the said corporations prior in lien to said interest.

SEC. 3. That there shall be carried to the credit of said fund, on the 1st day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Central Pacific Railroad Company not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of $2,000,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 35 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding.

That there shall be carried to the credit of said fund, on the 1st day of February in each year, the one-half of the compensation for services hereinbefore named rendered for the Government by said Union Pacific Railroad Company not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of $2,000,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 35 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding.

That there shall be carried to the credit of said fund, on the 1st day of February in each year, the one-half of the compensation for services hereinbefore named rendered for the Government by said Kansas Pacific Railroad Company not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of $500,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 35 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding.

That there shall be carried to the credit of said fund, on the 1st day of February in each year, the one-half of the compensation for services hereinbefore named rendered for the Government by said Central Branch Union Pacific Railroad Company not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking-fund, the sum of $150,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 35 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding.

That there shall be carried to the credit of said fund, on the 1st day of February in each year, the one-half of the compensation for services hereinbefore named rendered for the Government by said Sioux City and Pacific Railroad Company not applied in liquidation of interest; and, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking fund, the sum of $150,000, or so much thereof as shall be necessary to make the 5 per cent. of the net earnings of its said road payable to the United States under said act of 1862, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 35 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding.

SEC. 4. That whenever it shall be made satisfactorily to appear to the Secretary of the Treasury, by either of said companies, that the residue of its net earnings, as defined in the act of May 7, 1878, not taken for the purposes of this sinking fund or payment of interest for any current year, are or were insufficient to pay the interest for such year upon the obligations of such company, in respect of which obligations there may exist a lien paramount to that of the United States, and that such interest has been paid out of such net earnings, said Secretary is hereby authorized, and it is made his duty, to remit for such current year so much of the aforesaid per cent. of net earnings required to be paid into the sinking fund as aforesaid as may have been thus applied and used in the payment of interest as aforesaid.

SEC. 5. That the Central Pacific Railroad Company pay into said sinking fund the sum of $5,000,000; that the Union Pacific Railroad Company pay into said sinking fund the sum of $5,000,000; that the Kansas Pacific Railroad Company pay into said fund $2,000,000; that the Sioux City and Pacific Railroad Com-

pany pay into said fund $500,000; that the Central Branch of the Union Pacific Railroad Company pay into said fund $500,000, all of which said payments shall be made by said companies on or before January 1, 1885: *Provided, however*, That all sums of money, if any, which are claimed by said corporations, or any of them, as due them, for services rendered the Government in transportation of mails, passengers, freight, or otherwise, as follows, namely: First, one-half compensation earned on bond-subsidized roads from January 1, 1873, to June 30, 1878; second, total compensation earned or non-bond-subsidized roads, owned, leased, controlled, operated, or managed by subsidized companies, from January 1, 1873, to this date; third, one-half compensation earned from July 1, 1878, to this date, on bond-subsidized roads not embraced in the act of May 7, 1878, and which said sums so claimed have been withheld by the Government and applied in whole or in part, to the payment of interest on the said subsidy bonds, or to the purposes of the sinking fund, shall be credited upon said cash payments directed to be paid as aforesaid, to the extent of the interest of each of said companies, respectively, in said claims; and upon all of said sums claimed to be due upon the accounts aforesaid, and so withheld, and which have been applied to the payment of interest, there shall be interest allowed said corporations at the rate of 3 per cent. per annum from the said date of application until covered into the sinking fund under the operations of this act; and upon such portion as went into the sinking fund credit shall be given as of date it was passed to said fund, with interest at the rate produced by the investments then made; and if said credits, when so allowed, fall short of the cash payments herein required, the Secretary of the Treasury shall suspend the collection of the residue until further directed by Congress.

The accounts between the Government and the said corporations shall be restated to conform to the requirements of this act, and the unpaid interest account increased in proportion to the sums transferred from it to the sinking fund.

SEC. 6. That to further secure payment by said corporations of the amount yearly required by the sinking fund, the accounting officers of the Treasury shall retain and apply the same as far as may be necessary to fulfill the requirements thereof, all sums of money which may be due, or will hereafter fall due, said corporations for services rendered the Government upon the non-bond-aided portion of their roads, and, in addition thereto, all sums due for services rendered by any road owned, leased, operated, managed, or controlled by said corporations, to the extent they may be interested in the dividends, profits, or earnings of said roads so owned, leased, operated, managed, or controlled, and to whom money may be due by the Government for services as aforesaid: *Provided, however*, That this shall not apply as against a road so owned, leased, operated, managed, or controlled in favor of another company, if the company so operated, leased, managed, or controlled has a sinking fund of its own established herein for which it must provide. And proper credits shall be given between said corporations and said roads so owned, leased, operated, managed, or controlled for any sums so retained and applied as aforesaid.

SEC. 7. That no dividend shall be voted, made, or paid for or to any stockholder or stockholders in either of said companies, respectively, at any time when the said company shall be in default in respect of the payment either of the sums required as aforesaid to be paid into said sinking fund, or in respect of the payment of the said 5 per cent. of the net earnings, or in respect of interest upon any debt the lien of which, or of the debt on which it may accrue, is paramount to that of the United States; and any officer or person who shall vote, declare, make, or pay, and any stockholder of any of said companies who shall receive, any such dividend contrary to the provisions of this act shall be liable to the United States for the amount thereof, which, when recovered, shall be paid into said sinking fund; and every such officer, person, or stockholder who shall knowingly vote, declare, make, or pay any such dividend contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $10,000, and by imprisonment not exceeding one year.

SEC. 8. That the said sinking fund so established and accumulated shall, at the maturity of said bonds so respectively issued by the United States, be applied to the payment and satisfaction thereof, according to the interest and proportion of each of said companies in said fund, and of all interest paid by the United States thereon, and not reimbursed, subject to the provisions of the next section.

SEC. 9. That said sinking fund so established and accumulated shall, according to the interest and proportion of said companies, respectively, therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies, respectively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking-fund, according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking fund may be entitled thereto in due order; but the provisions of this section shall not operate or be held to impair any existing legal right, except in the manner in this act provided, of any mortgage, lien, or other creditor of any of said companies, respectively, nor to excuse any of said companies, respectively, from the duty of discharging, out of other funds, its debts to any creditor except the United States.

SEC. 10. That all sums due to the United States from any of said companies, respectively, whether payable presently or not, and all sums required to be paid to the United States, or into the Treasury, or into said sinking-fund, under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies, respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets, and income of the said several railroad companies, respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon. But this section shall not be construed to prevent said companies, respectively, from using and disposing of any of their property or assets in the ordinary, proper, and lawful course of their current business, in good faith and for valuable consideration.

SEC. 11. That it is hereby made the duty of the Attorney-General of the United States to enforce, by proper proceedings against the several railroad companies, respectively or jointly, or against either of them, and others, all the rights of the United States under this act, and under the acts hereinbefore mentioned, and under any other act of Congress or right of the United States; and in any suit or proceedings already commenced, or that may be hereafter commenced, against any of said companies, either alone or with other parties, in respect of matters arising under this act, or under the acts or rights hereinbefore mentioned or referred to, it shall be the duty of the court to determine the very right of the matter, without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights and duties arising out of the matters and acts hereinbefore stated and referred to.

SEC. 12. That if either of said railroad companies shall fail to perform all and singular the requirements of this act, and of the acts hereinbefore mentioned, and of any other act relating to said company to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States; and it shall be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

SEC. 13. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress, at any time hereafter, further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal, as in the opinion of Congress justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 14. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862, and of said act of 1864, and the act of May 7, 1878, respectively, and of each and all of said acts.

Mr. SINGLETON. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SINGLETON. I ask whether the Library bill is not a prior order to the one now before the House?

The SPEAKER *pro tempore*. The Chair informs the gentleman from Mississippi that the bill which has been read in part was called up by the gentleman from Kentucky [Mr. THOMPSON] as a special order, and upon it the question of consideration has been raised. It is now for the House to determine whether it will consider the bill at this time or not.

Mr. SINGLETON. I ask whether the Library bill is not a prior order?

The SPEAKER *pro tempore*. The pending question is the question whether the House will consider the bill called up by the gentleman from Kentucky. That question the House must determine without debate.

Mr. POST, of Pennsylvania. I ask consent to have the substitute offered by the minority of the committee printed in the RECORD along with the bill reported by the majority.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks consent that the substitute offered by the minority be printed in the RECORD along with the bill reported by the majority. Is there objection?

There was no objection.

The bill reported as a substitute is as follows:

A bill to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1872; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the present worth, as of the 1st day of October, 1884, of the indebtedness to the United States of the Central Pacific Railroad Company, the Western Pacific Railroad Company, the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, the Central Branch Union Pacific Railroad Company, and the Sioux City and Pacific Railroad Company, to which subsidy bonds of the United States were advanced in aid of their construction, by adding to the principal of said bonds advanced to each company, or to the companies of which such company is the successor, all sums which have been paid, or which are to be paid, by the United States as interest thereon, from which sum, so ascertained, shall be deducted the true discount, computing the same on a basis of 3 per cent. per annum; and he shall deduct from said total so ascertained the amount of money then already in the sinking fund or reimbursed to the United States by services or otherwise by either of said companies up to and including the 30th day of September, 1884.

SEC. 2. That the several companies mentioned in the preceding section be, and they are hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, their one hundred and twenty several bonds of redemption, each bearing date the 1st day of October, A. D. 1884, to an aggregate amount equal to the balance of said indebtedness so computed and ascertained as in section 1 of this act is provided; and each of said bonds shall provide for and bear interest at the rate of 3 per cent. per annum for the time each bond has to run; and each of said bonds shall be for the equal one hundred and twentieth part of the balance of such debt and interest so ascertained. Each of said bonds shall be payable semi-annually, with interest at 3 per cent. per annum, in lawful money of the United States, the first thereof on the 1st day of April, 1885, the second on the 1st day of October, 1885, and so on, on the first days of April and October in each year thereafter, until all said bonds shall have been fully paid and discharged; and each of said bonds, respectively, when paid, shall be thereupon canceled and surrendered to said companies. Said bonds of redemption shall be received by and on behalf of the United States in provisional payment of the bonds so issued by the United States to said companies, mentioned in section 1 of this act: *Provided, however*, That no money shall be paid to said companies, or either of them, from the United States Treasury, for or on account of services rendered to the United States, or any Department of the Government thereof, over or upon the said railroad and telegraph line so aided by the advances of subsidy bonds, or upon any railroad or telegraph line owned, leased, or operated by said companies, until the bond next maturing shall be fully paid as herein provided; but the obligation to pay said bonds so to be executed to the United States by said companies, and the obligation of the United States to pay for services, shall be deemed otherwise independent.

SEC. 3. That the statutory lien and security created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds, and the interest thereon, including and together with the whole line of the said companies, and also any railroads owned by them, wherever the same may be situated, and all their telegraph lines, rolling stock, fixtures, and property of every kind and description forming a part of the operating property of said companies, as well as that which said companies, their successors or assigns, may hereafter acquire, shall be and remain as security for the payment of the bonds of redemption herein authorized until the same are fully paid: *Provided, however*, That either of said companies, or their successors as aforesaid, shall be entitled at any time to prepay or anticipate the payment and discharge of said bonds of redemption so held in the United States Treasury; and to that end it shall be lawful for either of said companies, its successors or assigns, to make, issue, and dispose of, subject to said lien and security of the United States until the same shall be extinguished, its bonds to an aggregate of the amount of said bonds of redemption which may remain then outstanding and unpaid, together with the amount of the first-mortgage bonds of said companies oustanding, to bear such rate of interest and to run for such term as may be deemed most expedient, and to secure the same by mortgages upon their railroads, telegraph, equipment, franchises, and property; and upon such payment of all said bonds to the United States the said statutory lien and security in favor of the United States shall thereupon cease and be of no effect; but the duty of said companies to obey and perform all the requirements of law in all other respects shall con-

tinue to exist; and upon any anticipated payment of said bonds of redemption the Secretary of the Treasury is hereby authorized and directed to abate from said bonds interest on the amount thereof, from and after the date of such payment to the maturity thereof, at the rate of 3 per cent. per annum.

SEC. 4. That all sums now in the sinking fund established in the Treasury of the United States by the provisions of section 3 of the act of May 7, 1878, including all sums heretofore reimbursed to the United States by services or otherwise by said several railroad companies, and to the credit of said companies in the United States Treasury, uninvested, shall remain in said sinking fund; and all sums derived from time to time from the payment of the bonds of redemption, either in cash or by services rendered by the said several railroad companies, shall be turned into the said sinking fund, and the Secretary of the Treasury is hereby authorized to invest the said sinking fund in the first-mortgage bonds of said companies prior in lien to the Government, or bonds or securities of the United States, in his discretion, and said sinking fund shall be held and applied as in sections 7 and 8 of said act of May 7, 1878, provided.

SEC. 5. That so long as said companies respectively shall keep the said railroads and telegraph lines in proper repair and use, and shall at all times transmit dispatches over said telegraph lines, and transport mails, troops, munitions of war, and supplies of public stores upon said railroads for the Government, or any Department thereof, whenever required to do so, at fair and reasonable rates of compensation, not to exceed the lowest rates paid by any private party for the same kind of service, and shall give the Government preference in the use of the same for all the purposes aforesaid, as mentioned in the sixth section of the act of July 1, 1862, and shall make punctual payment of the said bonds of redemption, no other or further sums shall be demanded or required of the company so performing said service and complying with this act; and none of the penalties or liabilities provided for in either of said acts shall be incurred by or enforced upon such said companies while such punctual payments shall continue, but all such payments, requirements, penalties, and liabilities shall be suspended and not deemed to be due or payable, owing or incurred, until default of some of the provisions hereof shall be made, and shall have continued for a period of three months, in which case they shall, at the option of the United States, stand revived and continue in force in the same manner and to the same extent as if this act had not been passed.

SEC. 6. That the acceptance of this act shall be deemed and held to be an acceptance of the act approved May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-mentioned act.

SEC. 7. That a failure for six months to pay any of said redemption bonds shall be deemed, taken, and held to make all the said bonds due and payable, and all the rights and securities of the United States may be thereupon enforced.

SEC. 8. That this act shall take effect, as to each of said companies or the successors thereof, upon its acceptance by its board of directors, and under its corporate seal, signed by its president and countersigned by its secretary, being filed or deposited with the Secretary of the Treasury, on or before the 1st day of October, A. D. 1884; but if such acceptance be not so filed on or before that day, said company shall take no benefit therefrom.

SEC. 9. That in the event that any of said companies shall fail to accept the foregoing provisions of this act, there shall be charged and collected from such company or companies so failing, from and after the 1st day of October, 1884, 35 per cent. of their annual net earnings, to be ascertained as provided in section 1 of the act of May 7, 1878, in lieu of the 25 per cent. provided for in said act, and to that end said act of May 7, 1878, commonly called the "Thurman sinking-fund act," and any and all amendments or modifications thereof, be, and the same are hereby, extended to the Kansas Pacific Railroad Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch of the Union Pacific Railroad Company; and said act, and all amendments or modifications thereof, shall henceforth apply to said corporations equally as to those specifically named in said act.

SEC. 10. That in the event of the non-acceptance of the provisions of this act by said companies it is further provided that section 3 of said act of May 7, 1878, is so amended as to allow the Secretary of the Treasury to invest the sinking funds of said companies in the first-mortgage bonds of said companies, or any bonds or securities of the United States, in his discretion; or he may, with the assent of the companies, apply the same to the extinguishment of the interest of the subsidy bonds, the Government to refund the same on demand at any time, if at any time it becomes necessary in order to meet any debts or obligations of the said corporations prior in lien to said interest.

SEC. 11. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end, and shall report to the President each year or oftener thereon.

SEC. 12. That this act shall be deemed and taken to be a public act to all intents and purposes.

Mr. BISBEE. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BISBEE. If the motion to consider the bill which has been read is lost, will it then be in order to move to go into Committee of the Whole House on the state of the Union to consider the education bill?

The SPEAKER *pro tempore*. The Chair will consider that question when it arises. The question now is, Will the House consider the bill which has been read? On that question the yeas and nays have been ordered.

Mr. THOMPSON. The Chair decided that this bill had priority over everything else, and that it must be set aside by the vote of the House before any of the other matters pending can be considered.

Mr. SINGLETON. What I wanted to know was as to the respective dates of those orders; whether the bill called up by the gentleman from Kentucky or the Library bill has the priority.

Mr. THOMPSON. The order for the consideration of this bill was made on the 18th of February; the order for the consideration of the Library bill is of later date.

Mr. PETERS. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PETERS. Under the head of "special orders" I see that the Committee on the Pacific Railroads have leave "on the 12th day of March, 1884, to report or take from the Calendar any bill or bills they have perfected at said time relating to the act known as the Thurman sinking-fund act." I ask whether this bill was perfected at the date mentioned, the 12th day of March, 1884?

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Kansas [Mr. PETERS], whether the question he raises is parliamentary or not, it is not material at this time. It is too late to raise that question, this bill having been called up, the question of consideration raised on it, and the yeas and nays ordered on that question.

Mr. CASSIDY. I will state to the gentleman from Kansas that this is a continuing order.

Mr. POST, of Pennsylvania. I ask unanimous consent to make a statement for a moment. I desire to say that the Committee on Pacific Railroads are divided on this question. The minority of the committee are not yet prepared to discuss this bill; and we ask that it be not considered at this time.

Mr. THOMPSON. I am afraid they never will be prepared to discuss it.

Mr. CASSIDY. I will say that I am ready to discuss this bill today or any other day.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. THOMPSON. I hope the Democratic side of the House will sustain the committee.

Mr. POST, of Pennsylvania. This is a business and not a party question. I ask the House to act on the question on its merits and in view of the request I have made.

Mr. PAYSON. I insist on the regular order.

The SPEAKER *pro tempore*. The regular order is the call of the yeas and nays on the question, Will the House consider the bill H. R. 6771?

The question was taken; and there were—yeas 76, nays 130, not voting 117; as follows:

YEAS—76.

Aiken,	Cosgrove,	Hunt,	Rogers, W. F.
Alexander,	Cox, S. S.	Jones, J. H.	Rosecrans,
Anderson,	Cox, W. R.	Kasson,	Shaw,
Arnot,	Crisp,	Le Fevre,	Springer,
Beach,	Culberson, D. B.	Lewis,	Stewart, Charles
Bennett,	Deuster,	Lowry,	Storm,
Blackburn,	Dockery,	McMillin,	Sumner, C. A.
Bland,	Eaton,	Miller, J. F.	Thompson,
Blount,	Follett,	Mills,	Throckmorton,
Breckinridge,	Fyan,	Mitchell,	Tillman,
Brown, W. W.	Geddes,	Neece,	Tucker,
Budd,	Gibson,	Oates,	Turner, H. G.
Burnes,	Glascock,	O'Neill, J. J.	Weaver,
Campbell, Felix	Guenther,	Patton,	Wellborn,
Candler,	Halsell,	Peel,	Williams,
Cannon,	Hammond,	Poland,	Wilson, James
Carleton,	Hancock,	Reese,	Wilson, W. L.
Cassidy,	Hatch, W. H.	Riggs,	Wood,
Clay,	Hemphill,	Robertson,	Worthington.

NAYS—130.

Adams, G. E.	Harmer,	Nicholls,	Steele,
Atkinson,	Hart,	Nutting,	Stephenson,
Bagley,	Henley,	Ochiltree,	Stevens,
Barr,	Hepburn,	O'Ferrall,	Stewart, J. W.
Bisbee,	Herbert,	O'Hara,	Stockslager,
Brainerd,	Hewitt, G. W.	Paige,	Strait,
Browne, T. M.	Hiscock,	Payne,	Struble,
Caldwell,	Hitt,	Payson,	Taylor, E. B.
Clements,	Holmes,	Pierce,	Taylor, J. D.
Cobb,	Hooper,	Perkins,	Thomas,
Connolly,	Hopkins,	Peters,	Tully,
Converse,	Houk,	Phelps,	Turner, Oscar
Culbertson, W. W.	Howey,	Post,	Valentine,
Cullen,	Jeffords,	Pryor,	Vance,
Davidson,	Jones, B. W.	Ray, G. W.	Van Eaton,
Davis, G. R.	Jones, J. K.	Reed,	Wait,
Dibrell,	Jones, J. T.	Rice,	Ward,
Dingley,	Jordan,	Robinson, J. S.	Warner, Richard
Dorsheimer,	Kean,	Robinson, W. E.	Washburn,
Duncan,	Ketcham,	Rockwell,	Weller,
Dunn,	Laird,	Rogers, J. H.	Wemple,
Eldredge,	Lamb,	Rowell,	White, J. D.
Ellis,	Libbey,	Ryan,	White, Milo
Ellwood,	Long,	Scales,	Whiting,
English,	McCoid,	Seymour,	Willis,
Ermentrout,	McComas,	Shelley,	Winans, E. B.
Everhart,	McCormick,	Singleton,	Wise, G. D.
Ferrell,	Millard,	Skinner, C. R.	Wise, J. S.
Fiedler,	Money,	Skinner, T. G.	Wolford,
Findlay,	Morgan,	Smalls,	Yaple,
Foran,	Morrill,	Smith,	York.
Funston,	Moulton,	Snyder,	
Goff,	Murray,	Spooner,	

NOT VOTING—117.

Adams, J. J.	Chace,	Hanback,	Lacey,
Ballentine,	Clardy,	Hardeman,	Lanham,
Barbour,	Collins,	Hardy,	Lawrence,
Barksdale,	Cook,	Hatch, H. H.	Lore,
Bayne,	Covington,	Haynes,	Lovering,
Belford,	Curtin,	Henderson, D. B.	Lyman,
Belmont,	Cutcheon,	Henderson, T. J.	McAdoo,
Bingham,	Dargan,	Hewitt, A. S.	McKinley,
Blanchard,	Davis, L. H.	Hill,	Matson,
Boutelle,	Davis, R. T.	Hoblitzell,	Maybury,
Bowen,	Dibble,	Holman,	Miller, S. H.
Boyle,	Dowd,	Holton,	Milliken,
Breitung,	Dunham,	Horr,	Morey,
Brewer, F. B.	Elliott,	Houseman,	Morrison,
Brewer, J. H.	Evans, I. N.	Hurd,	Morse,
Broadhead,	Evins, J. H.	Hutchins,	Muldrow,
Brumm,	Finerty,	James,	Muller,
Buchanan,	Forney,	Johnson,	Murphy,
Buckner,	Garrison,	Keifer,	Mutchler,
Burleigh,	George,	Kelley,	Nelson,
Cabell,	Graves,	Kellogg,	O'Neill, Charles
Calkins,	Green,	King,	Parker,
Campbell, J. M.	Greenleaf,	Kleiner,	Pettibone,

Potter,	Reagan,	Talbott,	Wilkins,
Price,	Russell,	Taylor, J. M.	Winans, John
Pusey,	Seney,	Townshend,	Woodward,
Randall,	Slocum,	Van Alstyne,	Young.
Rankin,	Spriggs,	Wadsworth,	
Ranney,	Stone,	Wakefield,	
Ray, Ossian	Sumner, D. H.	Warner, A. J.	

So the House refused to consider the bill.

The following additional pairs were announced:

Mr. HARDY with Mr. MOREY, until further notice.

Mr. DARGAN with Mr. BROWNE, of Indiana, for this day.

Mr. BALLENTINE with Mr. HARMER, for the remainder of this day.

Mr. YOUNG with Mr. OCHILTREE, for the remainder of this day.

Mr. JOHNSON with Mr. HARDEMAN, on all questions for to-day.

Mr. HOBLITZELL with Mr. CAMPBELL, of Pennsylvania, on all questions for to-day.

Mr. HENDERSON, of Illinois, with Mr. TOWNSHEND, for the remainder of the day.

Mr. MULLER with Mr. BOUTELLE, until Monday next.

Mr. CALKINS with Mr. RANDALL, for the remainder of this day.

OREGON RAILROAD LAND GRANT.

Mr. PAYSON. I now call up the unfinished business as the regular order.

Mr. WILLIS. I raise the question of consideration.

Mr. SINGLETON. I intended to call up for consideration the Congressional Library bill.

The SPEAKER. The order for the Congressional Library bill, as it is termed, is subject to the right of the Committee on Public Lands.

Mr. SINGLETON. Then I raise the question of consideration.

The SPEAKER. The gentleman has the right to raise that question. The question is, Will the House now proceed to the consideration of the unfinished business, being a report from the Committee on Public Lands, the title of which the Clerk will read?

The Clerk read as follows:

A bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings.

Mr. SINGLETON. How will the question be now presented to the House? Will it be upon my motion to proceed to the consideration of the Congressional Library bill?

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] calls up for consideration at this time the unfinished business, which is a report from the Committee on Public Lands. Against that the question of consideration is raised. The order making the Congressional Library bill a special order excepts reports made from the Committee on Public Lands.

Mr. HISCOCK. If the House should refuse to consider bills from the Committee on Public Lands, would it then be in order for the gentleman from Mississippi [Mr. SINGLETON] to call up the Congressional Library bill?

The SPEAKER. Of course; but the Chair must first put to the House the question on the consideration of the unfinished business. The Chair will direct the Clerk to read the order in reference to the Congressional Library bill.

The Clerk read as follows:

Ordered, That the bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library be made a special order after the morning hour Thursday, April 3, and from day to day until disposed of, not to interfere with revenue and appropriation bills, and reports and consideration of bills from the Committee on the Public Lands, and prior orders.

The SPEAKER. Under that order the Chair is obliged to first submit to the House the question on the unfinished business.

Mr. SINGLETON. That does not prevent the House from voting it down?

The SPEAKER. Of course not.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. If this is voted down, would it be in order for me to move to go into Committee of the Whole for the purpose of considering the educational bill?

The SPEAKER. It is not in order at any time to move to go into Committee of the Whole to consider any particular bill. But it would be in order to move to go into Committee of the Whole for the consideration of business in its order on the Calendar should the House refuse to consider the unfinished business.

Mr. WILLIS. I give notice that if this is voted down I will move to go into Committee of the Whole, my purpose being to proceed to consider the educational bill.

The SPEAKER. The question is, Will the House now proceed to consider the unfinished business, being a bill reported from the Committee on Public Lands?

The question was taken; and upon a division there were—ayes 79, noes 66.

Before the result of the vote was announced,

Mr. SINGLETON said: I do not want to consume time by calling for the yeas and nays, but I must ask for tellers.

The question was taken upon ordering tellers; and there were 39 in the affirmative.

So (the affirmative being more than one-fifth of a quorum) tellers were ordered; and Mr. SINGLETON and Mr. PAYSON were appointed.

The House again divided; and the tellers reported that there were—ayes 88, noes 67.

Mr. SINGLETON (one of the tellers). I will not ask for a further count.

OREGON LAND GRANT.

So (no further count being called for) the House determined to proceed with the consideration of the bill (H. R. 181) to declare forfeited certain lands granted to aid in the construction of a railroad in Oregon, and to enforce the same by judicial proceedings.

The SPEAKER. The gentleman from Alabama [Mr. OATES] is entitled to the floor.

Mr. OATES. The bill now under consideration, reported from the Committee on Public Lands, is important mainly because it is a pioneer in the settlement of controverted questions before that committee. There is no question about the facts; the committee are agreed touching them; they are few and simple.

This land grant was made by an act to be found in volume 16, Statutes at Large, for the construction of a railroad from Portland, in Oregon, to McMinnville and Astoria. At or about Forest Grove one branch of the road went to McMinnville, while the main trunk line was to continue from that point to Astoria, a distance of about ninety-seven miles.

The time within which the road was to be constructed was limited in the act making the grant. The road from Portland to Forest Grove, with the branch from Forest Grove to McMinnville, was constructed within the time fixed by the granting act; there is no question about that fact. No road has been constructed from Forest Grove to Astoria.

When the question was considered by the Committee on Public Lands, a report was made as reflecting the unanimous opinions of the committee in regard to the forfeiture of this grant. I assented to it myself without having fully investigated the matter, but subsequent investigation has led me to change my opinion in regard to this forfeiture, to the extent which I will soon make known to the House. The bill reported proposes a total forfeiture of the lands granted, and until an amendment was accepted, which has not yet been adopted, it included the right of way as well as the lands granted.

Now, the Holman resolutions have declared by an overwhelming majority the policy of this House in respect to land grants to be the forfeiture of all unearned lands. The Committee on Public Lands, as I understand, are unanimous in favor of that proposition; but when we come to determine what are earned and what unearned lands a division of opinion has arisen, as shown by minority reports which have been submitted in cases following this one.

It was the opinion of myself when I assented to the report that this was a grant entire, or, in other words, an entire contract, and of such a character that the grantee, the railroad company, had to perform all the conditions or lose the entire grant. Subsequent investigation has satisfied me that this is not the correct position. The question is one of law arising upon admitted facts; and in order to determine this question of law pardon me for adverting to some elementary principles, because a consideration of these is necessary to arrive at a correct conclusion.

Estates upon condition, we learn from the elementary authorities, are of two kinds, express and implied. In the case of an implied condition the law implies that certain things must be done; in other words, conditions are raised by implication. Gentlemen will remember the familiar illustration that if an office is granted without any express condition whatever the law attaches to it by implication the duty on the part of the grantee to exercise that office properly.

Estates upon express condition are, as every lawyer knows, such as have a condition attached to them in the deed creating them. These conditions are of two kinds, conditions precedent and conditions subsequent. A condition precedent is one the performance of which is required before any title to the estate can vest in the grantee. This grant is not of that character. This is a grant upon conditions subsequent. Therefore, when the act was passed, when the grant was made, the legal title to the lands vested in the grantee. And the books settle it beyond controversy that this estate is an inheritable one; it is transferable; it is assignable subject only to the conditions attached to it. If those conditions, however, be not performed, the estate is subject to forfeiture at the will of the grantor, not at the will of any one else. In the case of private grants no one except the grantor and his heirs can execute this right. It is not property; it is not the subject of sale, transfer, or assignment. It is a mere inchoate, imperfect right which resides in the grantor. Therefore it is discretionary with the grantor to exercise it, and to determine the estate if the condition be not performed; but though the condition be not performed, if the grantor does not see proper to act in the mode prescribed by law for the forfeiture, the title remains perfect in the grantee.

This having been the estate created under this act, it being an estate upon conditions subsequent, the grant is what is denominated a grant *in præsenti;* that is, the title vests at once in the grantee, the railroad company.

Now, the railroad company did not perform its entire contract; for

it built no road from Forest Grove to Astoria, a distance of ninety-seven miles. It has never built this part of the road.

Now I come to the precedents cited by my learned friend from Illinois [Mr. PAYSON] who drew the report, precedents going to show, as he said, that in all cases where the estate is subject to forfeiture and the grantor re-enters he is in of his first estate; in other words, he is re-invested with his complete title; no effort upon the part of the grantee to encumber the estate or change the character of that title can be crowned with success. That is the general principle as established, I admit, in the precedents cited by my learned friend from the law-books. But, Mr. Speaker, there are exceptions to this rule as well as to nearly all others in the law. When we come to consider the character of the estate granted in this case we find that the gentleman's principle of entirety does not apply. Therefore I can not concur with him and other members of the committee in the view that it is competent for the grantor to declare a forfeiture of this entire estate. I read from section 3 of the granting act:

That whenever and as often as the said company shall complete and equip twenty or more consecutive miles of the said railroad and telegraph, the Secretary of the Interior shall cause the same to be examined, at the expense of the company, by three commissioners appointed by him; and if they shall report that such completed section is a first-class railroad and telegraph, properly equipped and ready for use, he shall cause patents to be issued to the company for so much of the said granted lands as shall be adjacent to and coterminous with the said completed sections.

Now I maintain that as a part of this grant that third section must have force and effect. Unless its operation is to make this grant a severable one, an apportionable one, you render it nugatory. While it was an entire contract in one sense, it was by virtue of this section a severable one. I put it to every gentleman on this floor, whether he be a lawyer or not, as a plain, common-sense proposition, when that railroad company, within the time and in strict accordance with the terms of the grant, completed a section of twenty miles, reported that fact to the officers of the Government, and the Executive Department appointed commissioners, in accordance with the terms of the law, who inspected those twenty miles, and certified that the section of road was completed as required by the granting act, was not that, in view of this section, a full compliance with the terms of the grant (which is the contract) up to that point?

The portion of the road completed is, I believe, forty-seven and a half miles long—two complete sections and a fraction over. This fraction, if upon the continuous line, would not be entitled under the law to be passed upon by the commissioners and made the basis of patents to the company; but it is at one of the termini. Therefore I maintain that as to the forty-seven and a half miles constructed within the time the company earned the land because *pro tanto* it was a compliance with the law. Now we have a fact, and there is no dispute about it, that this company did build forty-seven and a half miles within the time, within the limits assigned, and the company was entitled on the completion of each section to the quantity of land granted in this act. When the company called upon the Executive Department for it commissioners were appointed and they made their report. I maintain the company was then and there completely invested with a title to that land. Nothing remained to be done; and nothing remains to this hour but the mere issuance of the patent, a purely ministerial duty.

I am asked by my friend from Louisiana what effect I give to this sixth section of the act. It reads as follows:

SEC. 6. *And be it further enacted*, That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years, from the same date.

I thank the gentleman for calling my attention to that point, and my answer to it is this: That is a condition—no doubt about it; it is an estate upon condition. And what sort of a condition is it? Is it a condition precedent? He admits it is a condition subsequent. Then I say, it being a condition subsequent, when this company completed forty-seven and one-half miles of road the legal title to the land was completely vested in the company.

Mr. BROWN, of Pennsylvania. If that be true, is not the right merely technical and not equitable?

Mr. OATES. Their right is legal so far as they completed the road within the time limited by the grant.

Mr. PAYSON. Will the gentleman yield to me for a question?

Mr. OATES. Yes, sir.

Mr. PAYSON. Will the gentleman state to the House what title in his judgment the railroad company took by the provisions of the act before a spadeful of earth was dug? In his judgment what right did the railroad company take, conceding it is an estate *in præsenti* on a condition subsequent, as he claims it to be?

Mr. OATES. I have no difficulty about that.

Mr. PAYSON. I will be glad to hear it.

Mr. OATES. If it were an estate on a condition subsequent the company took the legal title subject to be divested only for failure to perform the condition.

Mr. PAYSON. That is to say, they took as much title under the act as they ever took. Is not that true as a legal proposition?

Mr. OATES. No.

Mr. PAYSON. Do I get your idea?

Mr. OATES. I deny that. I say it was a severable contract, and made so by its own terms. If you do not admit it you strike out of the grant that third section; that is, you do it by construction.

Then the legal title being vested in the company by a grant, it could only be divested of it by failing to perform the condition as part of the contract. It is declared here when the company built sections of twenty miles in a certain manner to be ascertained in a prescribed way they should receive title therefor. So far as they completed sections of the road within the time limited under the grant they were vested with a legal title in these lands.

Mr. PAYSON. One other question, if the gentleman will permit me.

Mr. OATES. Certainly.

Mr. PAYSON. Does the gentleman think the railway company will get any better title after the patent is issued than it got under the act of Congress making the grant?

Mr. OATES. I have no difficulty in answering that question. I stated in response to the gentleman's question a moment ago that the grant invested the company with a legal title subject to be divested for non-performance of the condition; but so far as the condition was performed, it being a severable contract in my judgment, and not an entire one, they were entitled *pro tanto* to the lands, because the condition as to those sections of the road was fulfilled.

Mr. PAYSON. The gentleman does not seem to appreciate my question. The precise question I ask is, does the railroad company get any better title after the patent is executed and delivered to it than it got in the first instance when the act was passed?

Mr. OATES. I understand the gentleman's question perfectly. The gentleman leaves out of the question the construction of a part of the road.

Mr. PAYSON. Well, then, on your construction of a part of the road being constructed?

Mr. OATES. I will answer the question of the gentleman again: that the act being a grant *in presenti*, with conditions subsequent, invested the company with a title subject to the condition; and that so far and no further than the company performed the condition within the time—it being a severable contract—under the third section that it invested them with a complete legal title stripped of the condition; and although no patents have issued, I maintain that the complete legal title rests in the company for that part of the road which has been completed.

Mr. LEWIS. Will the gentleman yield to me for a question?

Mr. OATES. Certainly.

Mr. LEWIS. It is a plain principle of law that statutes should be construed so as to give effect to the whole statute. There is no question of that.

Mr. OATES. I did not yield for a speech.

Mr. LEWIS. It is necessary to make that statement in order to predicate my question. Now if section 6 in requiring the whole road to be completed made a condition and is inconsistent with section 3, my question is whether this latter section, section 6, being the last expression of the legislative will, does not overrule this former section?

Mr. OATES. In reply to the gentlemen I will state that there is no inconsistency whatever in it. Nearly every grant made by Congress, I will say at least one hundred of them out of the one hundred and five or one hundred and six which have been granted altogether, are almost identical with this, at least in legal effect.

But, sir, leaving out of the case the decision recently rendered by Secretary Teller, which is to the effect that where a condition has been performed the grantee is completely vested with a legal title, I will proceed to read the authorities which I have at hand.

In the case of Stark *vs.* Starrs, reported in 6 Wallace, I will read only the head-note:

The right to a patent once vested is equivalent as respects the Government dealing with the public lands to a patent issued. When issued the patent, so far as may be necessary to cut off intervening claimants, relates back to the inception of the right to the patent.

Now I will read another authority which is familiar, at least to the members of the Committee on the Public Lands. That is the case of Van Wyck *vs.* Knevals (106 United States Reports):

Assuming that the Burlington and Missouri River Railroad, with which the company's road connected, was not, as averred by the complainant, a branch of the Union Pacific Railroad, and that therefore the company's proposed road was not entirely completed, the fact remains that the company constructed a portion of the proposed road, and that portion was accepted as completed in the manner required by the act of Congress. Patents for some of the adjoining sections were accordingly issued to the company, and a right to all of them not specially reserved by the condition of the grant vested in it. So far as that portion of the road which was completed and accepted is concerned the contract of the company was executed, and as to the lands patented the transaction on the part of the Government was closed and the title of the company perfected. The right of the company to the remaining odd-numbered sections adjoining the road completed and accepted, not reserved, is equally clear.

Now, I maintain that this company, having entitled itself to these lands by the construction of forty-seven and a half miles of railroad within the period, or, in other words, in compliance with the granting act, that company could, under the authority of the decision in Marbury *vs.* Madison, compel by process of mandamus the issuance of the patents. But here is a case upon the authorities which I do not think can be controverted or successfully assailed. What is the use, then, for Congress to pass an act declaring a forfeiture of all these lands?

Would it have any operation or effect upon this part of this grant? It seems to me that gentlemen would stultify themselves by undertaking to pass an act of forfeiture of these lands which the company hold and which they have earned by complying with the act to the extent that they built the road.

In this connection, Mr. Speaker, I desire to state that I am not a friend of railroad corporations and never have been. I never was of counsel for a railroad company in my life. I have had a good many cases against them, and always preferred to be upon that side. I prefer to be against them in respect to these forfeitures, for the reason that if I had been a member of this House, or of the other, there are very few, and only some of the earlier grants, if any, that would have ever received my vote. I am opposed to the whole policy, because it leads to monopolizing the public lands and to corruption by making these immense land grants to these corporations.

But, sir, notwithstanding my opposition to such legislation, when I find that it has been enacted, when I find in cases like this that it has become a contract, that rights have been vested under the granting act, why, sir, to attempt to repeal the law, disregarding these rights, is in my judgment an excessively unwise policy. It is not within the power of the legislative branch of the Government to do this. When we examine the doctrine of forfeitures we find that nothing can be forfeited except that which is clearly forfeitable. Where by the law it is doubtful, or the subject of controversy, or where there is a conflict of claims, the right of forfeiture never existed. You can not do it. It is a common-law right. It does not exist by virtue of any statute, but it is only a common-law right, which gives power to the grantor to declare a forfeiture upon conditions subsequent.

Now, Mr. Speaker, having submitted my views upon this question as briefly as I could, I desire to say that I am in favor of forfeiting every acre of land granted to this company and to every other which in my judgment is forfeitable. But when I as a lawyer can not come to the conclusion that any part of a grant is forfeitable I shall never vote to forfeit it,

There were several amendments offered to the pending bill when it was up for discussion before. Now, in order to present the question squarely, I desire to offer a substitute for the bill and pending amendments. That substitute is a straight forfeiture of all the lands granted to this company from Forest Grove to Astoria. That relieves us of any complication in the matter. It was asked before, when the question was under discussion, why is it, as this road has been completed for several years, that no patents have ever been issued? Let me say to gentlemen I hold in my hand a letter in response to one of inquiry that I sent to the Department of the Interior to know why it was that no patents had been issued to this company. It is stated therein that a certain amount of land was selected by this company for patents; but it was ascertained after it was selected that the grant to the Northern Pacific Railroad Company covered nearly all of it. Therefore there was a conflict. So, if you were to declare a forfeiture of this entire grant and your act would have any force or operation, then it would be simply to clear that title for the benefit of the Northern Pacific Company; because you have that to deal with and a forfeiture to declare, if you can do it, before you can recover to the public domain this land conterminous with the constructed road.

Mr. BLAND. Do I understand the gentleman to say that the Northern Pacific Company claims that portion of the road which has been completed?

Mr. OATES. No, sir; it does not claim the road; but its land grant overlaps this.

Mr. BLAND. Does it overlap the land granted for the portion of the road which is completed?

Mr. OATES. Yes, sir.

Mr. PAYSON. The grants overlap. There is no question about that.

Mr. OATES. The grants overlap, and there is a controversy between the two companies. But that complication and the lack of clerical force in the Department of the Interior has caused them not to act on it.

Mr. PETERS. But that does not enter into this question.

Mr. OATES. Oh, no; I simply state this in order to show that though this bill should pass, it would not return that land to the public domain, because then the grant to the Northern Pacific would rest upon it, and unless that be disposed of it would not be returned to the public domain.

Mr. HENLEY. There is a bill to forfeit that.

Mr. OATES. Yes, sir; but as the gentleman makes the suggestion, I will state that in my judgment that will never be done.

Mr. HENLEY. I may be permitted to state just the contrary opinion.

Mr. OATES. That is explained in our reports.

Mr. CULBERSON, of Texas. Let the gentleman have his proposed substitute read.

Mr. OATES. That is what I propose. I ask for the reading of the substitute.

The substitute proposed by Mr. OATES was read, as follows:

A bill to declare a forfeiture of certain lands granted to the Oregon Central Railroad Company.

Be it enacted, &c., That all of the lands granted to the Oregon Central Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, chapter 69, page 94, volume 16, Statutes at Large, lying and being situated between Forest Grove and Astoria, a distance of about ninety-seven miles, be, and the same is hereby, forfeited to the United States for breach of the condition upon which the same was granted to it, the failure to build a road from Forest Grove to Astoria, in the State of Oregon, as required by said act; and the said land is hereby declared to be a part of the public domain and subject to sale and settlement under the laws of the United States.

Mr. OATES. How much time have I remaining?

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman has twenty-three minutes of his time remaining.

Mr. OATES. There are other objections I could point out to the original bill, but I do not choose to enter upon these. I have spoken to the main question or questions which I think are involved in it. I now yield five minutes to the gentleman from Oregon [Mr. GEORGE].

Mr. GEORGE. I will ask the gentleman from Illinois [Mr. PAYSON] whether he proposes to call for a vote to-night?

Mr. PAYSON. That depends on how we get along. I do not propose that we shall sit late, but I wish to have the bill disposed of as soon as possible.

Mr. GEORGE. It will be remembered that when this matter was up before for consideration I endeavored at some length to explain the situation. I shall not now take up the time of the House further than to refer again to some rough maps for the purpose of showing the members of this House the exact situation and what the bill proposes to do.

This rough map [unrolling it] which I hold up before me will represent a small portion of the State of Oregon; this point being Portland, Oreg., the starting point under the act; this point being Forest Grove, twenty miles distant; this being McMinnville, twenty-seven and one-half miles distant from Forest Grove; and this point being Astoria.

At the time this company came before Congress asking for the passage of this land-grant act it was regularly incorporated for the purpose of building a road from Portland on to the southern line of the State of Oregon. The original object of the company was to obtain a land grant to the California line which had been accorded by act of Congress to the State of Oregon and to any company which that State might designate. Another company, however, on the other side of the river, was so designated by the Oregon Legislature to receive that grant.

This company when it came to Congress had commenced the construction of a road south from Portland on the west side of the river, and was actually at work, and had a number of miles of the road graded. The bill was introduced by Hon. Joseph S. Smith, my predecessor from that State. That bill provided for a land grant from Portland on to a point where it would intersect with the other road, about where Junction City is now located. But the committee of this House decided to give the road a grant of land only as far as McMinnville, which would take it through the more rough, broken, timbered section of the country, after which they would have comparatively open and settled country through which to make connection with the other road.

Judge Olney, of Astoria, was here at the time and had a clause in the bill providing for a line from Forest Grove to Astoria. The bill passed in that shape, and the company continued in its prosecution of the enterprise in which it was then engaged and completed the road from Portland to McMinnville, by way of Forest Grove, within the first two years from the passage of the act. The land thus earned the bill proposes to forfeit.

The company then failed and was compelled to assign its franchises and its road-bed I believe for only about 25 cents on the dollar. The road had cost them one and a quarter million of dollars, or at the rate of over $25,000 a mile. Another company, called I believe the Western Oregon, constructed the road farther up the valley, and since then still another company has extended it on to Corvallis; but connection has not yet been made with the Oregon and California line on the other side of the river as originally contemplated. And the company has never been able to build that portion of the road from Forest Grove to Astoria.

Mr. PAYSON. Will the gentleman at that point state why the company has not built that portion of the road?

Mr. GEORGE. Simply from the fact, I suppose, that the whole enterprise was not a paying investment or the company was unable to raise the necessary funds. One and a quarter million of dollars was spent building that portion of the road constructed under the act, and they have received in lands not exceeding in value probably $250,000. It has been a losing game with the company. They have not been able to complete the section of the road they were then engaged upon, and consequently have not been able to construct the other portion of the road to Astoria.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. GEORGE. I would like to have a little more time, merely to give further explanation.

Mr. OATES. I will yield the gentleman two minutes more.

Mr. GEORGE. I would like to have five or six minutes. Now let me call the attention of the House to the fact that much of the land from Portland on to McMinnville was covered by a prior grant to the Oregon and California road. This map [holding up a map] will illustrate the limit of the Oregon and California Railroad grant. This company was not able to obtain one acre of land inside of the lines I have marked here [indicating on the map]. They have been able to

obtain only land outside of these lines, and on this side of the road [indicating on the map]—much less than one-half of the amount supposed to have been granted—because of the prior grant to the other company.

Now as to the point why patents have not been issued to this company for the lands which they have earned. The Northern Pacific Railroad land-grant limits come around here, as shown by this line [referring to the map]. Practically all the land which this company has earned along this piece of road [indicating], and which this bill proposes to take away from them, has been covered by a conflicting grant to the Northern Pacific road, which conflict has never been decided.

Now, for building this forty-seven and one-half miles of road, costing one and a quarter millions of dollars, this company has received through the local land offices as yet only 71,000 acres of land, worth at the time it was earned probably an average of $2 an acre, as the valuable lands had prior settlement upon them. I refer to this for the purpose of showing that this company has not taken the cream of a land grant for the purpose of defrauding the Government; but has been doing what Congress knew they intended to do at the time the act was passed, and have received comparatively but little consideration for what they expended.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. OATES. I believe I have fifteen minutes of my time remaining.

The SPEAKER *pro tempore*. The gentleman has fifteen minutes.

Mr. OATES. I will reserve that for the present.

Mr. COBB. I shall not attempt to discuss this question at any length, only to discuss a point or two that occur to me as necessary to be considered at this time. I do not agree with my colleague on the committee [Mr. OATES] in his construction of this statute. I think when a statute or a deed is to be construed it must be construed altogether.

I agree with him that this act vested the title *in præsenti* in this railroad company. I concede that; but I do not admit that the third section of the statute, which he has read, takes this case out of the general rule. What is the effect of this grant? It vests the title as absolutely as it can be vested. Does a patent from the Government give any greater title than this act itself?

Now, this third section was inserted in the act for a purpose, and I presume the real purpose was to enable the company to use these lands for the purpose of securing the construction of the road within the time fixed by the act. But every man who purchased from the company after the patents were issued—if they were issued; I do not know how the fact may be in regard to that matter——

A MEMBER. No patents were issued.

Mr. COBB. I understand no patents have been issued. Therefore third parties who may have purchased these lands must have bought upon the faith of the original act. Now, my position is—and I think it a true position under the law—that even if patents had been issued they would have carried no greater title than the original act carried; and therefore any purchaser from the company under this title, with the conditions subsequent which are attached to it, was obliged to take notice of the original act and was bound by it to all intents and purposes; so that if the company failed to perform the conditions subsequent the title failed. In other words, the Government would have the right to re-enter for conditions broken and take back the estate as it might find it at the time of the forfeiture. That is a well-settled principle of law, the application of which in this case would not, I presume, be controverted but for this third section which the gentleman has read, and upon which he hangs his argument. In view of this section the gentleman claims that it was the intent of Congress to make a divisible grant, one which might vest in part, leaving unvested a part, which might be forfeited. Now, I think this was an entire grant with conditions subsequent; and the conditions are to be found in the last section of the act, which is the last expression of the legislative mind upon the subject. It reads thus:

> That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years from the same date.

Now, there is the condition subsequent laid down and defined in the last legislative expression upon the subject. No other construction can be put upon it than that it covers the entire act; and unless the road was commenced within two years from the date of the act and completed within six years the Government has the right to to re-enter for conditions broken and take back the estate. I think there can be no question about that.

But there is still another question involved here, which it seems to me goes to the very bottom of this case. The supreme court of the State of Oregon has held—and I have the decision before me in 8 Oregon Reports, page 91—that this company never had any legal existence and could not take lands.

Mr. GEORGE. Will the gentleman allow me to correct him on this point?

Mr. COBB. Certainly.

Mr. GEORGE. The Oregon Central Railroad Company to which that decision refers is not this Oregon Central Railroad Company, but another corporation of the same name.

Mr. COBB. Where does the road of your corporation run?

Mr. GEORGE. I state what is a fact——

Mr. PAYSON. If the gentleman from Indiana [Mr. COBB] will allow me, does the gentleman from Oregon [Mr. GEORGE] insist that the other Oregon Central Railroad Company ever had a land grant?

Mr. GEORGE. I am not talking about the other one now. I say that this decision is not concerning this Oregon Central grant or this Oregon Central Railroad Company.

Mr. PAYSON. The Oregon Central Railroad Company to which the gentleman from Oregon refers as not being the one referred to in the book held by my colleague on the committee [Mr. COBB] never had a land grant from Congress. The Oregon Central Railroad Company referred to in the decision which my colleague on the committee is about to read was the recipient and beneficiary of a railroad land grant, as we understand, and I have never heard it disputed until this moment that it is the very corporation in controversy in this case.

Mr. COBB. There is no question about it.

Mr. GEORGE. And I never heard it asserted before that it was the same.

Mr. PAYSON. Read the decision.

Mr. COBB. Let us read this decision and see what it is. The gentleman from Oregon admits the fact that the company he alludes to never had a land grant.

Mr. GEORGE. I admit nothing in regard to that matter.

Mr. COBB. Well, that is a matter of fact which I would like the gentleman to state.

Mr. GEORGE. That is another matter relating to the Oregon and California branch, and has nothing to do with this. I do not propose to be led into a controversy in regard to another company.

Mr. COBB. Now, I insist that the company to which the gentleman alludes never had a land grant, but that the company to which I allude had a land grant, and it is the land grant we are now talking about.

The supreme court of Oregon, in 8 Oregon Reports, has stated the question. The law of Oregon—and the gentleman will correct me if I should make any wrong statement—the law of Oregon under which this company was required to organize makes the stockholders of an organization of this kind liable for the debts of the corporation to the full extent of the stock subscribed by them. Now in this case, in order to avoid liability under the statute of the State of Oregon, the company organized in a way which was not in accordance with law and was absolutely void. Their object was to avoid the payment of their just and honest debts, which railroad corporations, according to my experience, always seek to do. I can not say, as my friend has stated in regard to himself, that I have never been an attorney for one of these corporations. I have been attorney for them as well as against them. Whether for or against a railroad company can make no difference with me. As a legislator I am here to do justice as I understand it.

Now they organized in that way, and I might read the finding of the supreme court as to the manner in which that organization took place. About seven men met, and, as I remember the facts, they each subscribed $100 of stock.

Mr. PAYSON. Toward six millions of stock.

Mr. COBB. Yes, toward $6,000,000 of stock. They elected a president, and he subscribed for seven millions of stock.

Mr. PAYSON. In the name of the company.

Mr. COBB. In the name of the company, instead of the stockholders doing it in their own name as the law required. When they did that it was not known until they fell out among themselves. It was well enough so long as they could cheat and defraud men out of their rights, but finally they fell out among themselves. Suit was brought and it came to the supreme court of the State of Oregon. We find it here in 8 Oregon Reports, 91:

> Where the statute prescribes the manner in which a corporation shall be organized, its requirements must be substantially complied with, otherwise it will have no legal capacity to transact any business as a corporation. In this case the attempted organization of the Oregon Central Railroad Company amounted to nothing. It was absolutely void. Nor did the joint resolution of the Legislative Assembly, adopted October 20, 1868, recognizing this corporation as the one entitled to receive the land grant by act of Congress to aid in the construction of a railroad, cure the inherent defects of its organization. It had no power to legally transact any business, nor to accept or hold the lands so granted.

Mr. GEORGE. Permit me for a single moment to correct the gentleman.

Mr. COBB. I will in a moment. This grant was made to the company, and the act of the Oregon Legislature of course could add nothing to that grant. And so the supreme court found. It held that it had no power legally to transact any business, as the company had not seen fit to accept the grant after it was made. Here you have a decision directly in point in regard to this corporation, in which the pretended corporators undertook in a fraudulent way to cheat and defraud their creditors whenever they had a mind to by making themselves liable only for $600,000, when their capital stock ought to have been $7,000,000.

Mr. GEORGE. I undertake to say again on the floor of this House as a Representative from that State that this Oregon Central is not the Oregon Central we are talking about. I say further, the portion of the decision the gentleman read is a mere dictum of the judge; and further, that not even that Oregon Central was a party to the decision, or bound by it.

Mr. COBB. I did not yield for a speech.

Mr. GEORGE. It has nothing to do with the Oregon Central this grant relates to.

Mr. COBB. The supreme court held otherwise.

Mr. GEORGE. I differ with the gentleman.

Mr. COBB. It is the same company. It is for the gentleman from Oregon to produce the testimony to show that this does not apply to the road in question—that is, to the land grants of the Oregon Central Railroad Company. He makes the denial and says it does not apply to it, and I ask him to produce the evidence in support of the denial. I have quoted here the decision of the supreme court of Oregon.

Mr. GEORGE. I did not suppose, of course, this decision would be brought in here, as it has no possible connection with the case in controversy.

Mr. COBB. It is suggested to me, Mr. Speaker, that I yield the floor now for a motion to adjourn, which I am willing to do, retaining, however, the right to take the floor on the subject when it comes up again as unfinished business.

The SPEAKER *pro tempore*. The gentleman will be entitled to the floor.

Mr. ANDERSON. I move that the House do now adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles, namely:

A bill (H. R. 7076) to declare the cantalever bridge constructed by the Niagara River Bridge Company across the Niagara River a post-road;

A bill (H. R. 5443) for the relief of N. C. Ridenaur; and

Joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1876, entitled "An act to create the northern judicial district of the State of Texas, and change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the western judicial district of Texas at the city of El Paso, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KELLEY, until Monday next, on account of important business.

To Mr. DORSHEIMER, until Monday next.

To Mr. EVANS, of Pennsylvania, from Friday until Tuesday next.

And then, on motion of Mr. HATCH, of Missouri (at 4 o'clock and 40 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to the claim of Amandee S. Farrow—to the Committee on War Claims.

By Mr. BARKSDALE: Petition of the faculty and students of Mississippi College, Clinton, Miss., for the passage of the educational bill—to the Committee on Education.

By Mr. ERMENTROUT: Memorial of the department of public instruction of Virginia, in favor of the Blair educational bill—to the same committee.

By Mr. GEDDES: Petition of Herman Ely and 70 others, citizens of Elyria, Ohio, for an appropriation of $400,000, asked for by the Secretary of the Interior, for Indian schools—to the Committee on Appropriations.

By Mr. KEIFER: Petition of the McCormick Harvesting-Machine Company and 40 other firms and citizens of Chicago, Ill., praying for the passage of a bill organizing the Patent Office into a separate and independent department—to the Committee on Patents.

By Mr. LOVERING: Memorial and petition signed by 800 soldiers and citizens, members of the Soldiers and Citizens' National League, asking the passage of an act granting a pension of $8 per month to all honorably discharged soldiers and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

Also, petition of the same import of O. L. Whitcomb, chaplain, and 56 others, members of Lendrum Post, No. 370, Grand Army of the Republic, Department of New York—to the same committee.

By Mr. McCOMAS: Petition of John Hammond, for payment of claim—to the Committee on War Claims.

Also, petition of Harrison Beeler, relative to his claim—to the same committee.

Also, petition relating to the claim of Thomas Barnum—to the same committee.

By Mr. MILLARD: Petition asking for further appropriations for aid to Indian education, &c.—to the Committee on Appropriations.

By Mr. MOREY: Resolution of the Ohio State Association of Ex-Prisoners of War, for the passage of the Robinson bill to pension ex-prisoners—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of the Ex-Prisoner of War Association, asking for the passage of H. R. 1189, known as the Robinson bill—to the same committee.

By Mr. ROCKWELL: Remonstrance of citizens of Great Barrington, Mass., against governmental monopoly of the telegraph business—to the Committee on the Post-Office and Post-Roads.

By Mr. SENEY: Petition of the Ohio Association of Ex-Union Prisoners of War, praying for the passage of H. R. 1189—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: Remonstrance of Harvey B. Steele, M. D., and others, of West Winsted, and of Benedict Bros., and others, of Danbury, Conn., against governmental monopoly of the telegraph business, &c.—severally to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Petition of Marshfield Post, No. 110, Grand Army of the Republic, Department of Wisconsin, asking Congress to grant a pension of $8 per month to all Union soldiers and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Petition of C. O. Higgins and 34 others, praying for further appropriations for Indian schools—to the Committee on Appropriations.

By Mr. H. G. TURNER: Petition of the grand jury and others, of the county commissioners, and of E. R. Peabody and others of Decatur County, Georgia, for the passage of the Blair bill—severally to the Committee on Education.

By Mr. VANCE: Petition of W. C. Williams and sundry citizens of North Carolina, and of A. L. Rucker and sundry citizens of Rutherford County, North Carolina, in favor of aid to common schools—severally to the same committee.

Also, resolutions of the department of instruction of Virginia, in favor of aid to free schools—to the same committee.

By Mr. MILO WHITE: Memorial of McIntyre Post, No. 66, Grand Army of the Republic, relative to pensions—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *May* 23, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting certain papers received from Capt. John Ericsson, calling attention to his system of submarine torpedo attack, and urging an appropriation of $160,000 for building a vessel, guns, and torpedoes, which shall embody his latest ideas concerning the system, with a recommendation for the purchase of the Destroyer; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

NAVAL ACADEMY VISITORS.

The PRESIDENT *pro tempore*. The Chair appoints the Senator from Wisconsin [Mr. CAMERON] to be a Visitor to the Naval Academy at Annapolis, at the coming annual examination, in place of the Senator from Connecticut [Mr. PLATT] declined.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a concurrent resolution of the Legislature of the State of New York; which was read, and referred to the Committee on Epidemic Diseases, as follows:

[Concurrent resolution.]

Whereas the Constitution of the United States prohibits a State from levying any tax upon commerce for purposes of revenue; and

Whereas the Congress of the United States has an unquestioned power to establish a system of fees for the support, care, and maintenance of quarantine: Therefore,

Resolved (*if the senate concur*), That the Congress of the United State be, and is hereby, requested to establish by law such just and equitable fees for the port of New York, and for all ports of entry in the United States, as a conference of the representatives of the State boards of health of the maritime States and of the National Board of Health may recommend, or as Congress in its wisdom may enact, the object of this resolution being to establish economical and efficient commercial and health service in the principal maritime ports of the country.

STATE OF NEW YORK, IN SENATE, *April* 2, 1884.

The foregoing resolution was duly passed.
By order of the senate.

JOHN W. VROOMAN, *Clerk.*

STATE OF NEW YORK, IN ASSEMBLY, *March* 20, 1884.

The foregoing resolution was duly passed.
By order of the assembly.

C. A. CHICKERING, *Clerk.*

STATE OF NEW YORK,
Office of the secretary of state, ss:

I have compared the preceding with the concurrent resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said concurrent resolution.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 20th day of May, in the year 1884.

[SEAL.] JOSEPH B. CARR, *Secretary of State.*

The PRESIDENT *pro tempore* presented a petition of Stannard Post, No. 2, Department of Vermont, Grand Army of the Republic, praying for the passage of certain pension legislation recommended by the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. ALLISON presented the memorial of A. T. Lusch and other citizens of Waverly, Iowa, and the memorial of E. L. Lyon and other citizens of Marshalltown, Iowa, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of Government officials or establish a governmental monopoly of the telegraph business; which were ordered to lie on the table.

Mr. JONAS presented a petition of ex-Union soldiers and sailors, members of Joseph A. Mower Post, No. 1, Grand Army of the Republic, Department of the Gulf, praying for the passage of a bill to establish a branch of the National Home for Disabled Volunteer Soldiers for the care of helpless ex-Union soldiers and sailors at some point on the Gulf coast between New Orleans and Mobile; which was referred to the Committee on Military Affairs.

Mr. VEST. I present a memorial signed by Capt. John P. Keiser, president Saint Louis and New Orleans Anchor Line; Henry C. Haarstick, president of the Saint Louis and Mississippi Valley Transportation Company; C. S. Rodgers, president of the Naples Packet Company; S. T. F. Eckert, president, and D. R. Powell, secretary, the Underwriters' Wrecking Company, and a number of other masters and owners of Western steamers, remonstrating against the passage of a bill introduced in the Senate on the 21st day of April, 1884, requiring all steamers registering five hundred tons or over to be equipped with Richardson's self-righting and self-baling life-boats. I presume that the bill has been referred to the Committee on Commerce. That ought to have been the reference. I have not looked at the record to ascertain the fact.

The PRESIDENT *pro tempore*. The Chair thinks that the bill should have been referred, and undoubtedly was referred, to the Committee on Commerce.

Mr. VEST. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SAWYER. I present the memorial of Z. G. Simmons and 131 other business men, of Kenosha, Wis., remonstrating against the passage of any law to establish a Government monopoly of the telegraph business. As the subject-matter has been reported on, I move that the memorial lie on the table.

The motion was agreed to.

Mr. LAPHAM. I present the memorial of John L. Cunningham and 51 settlers on what are known as the Des Moines River lands in Iowa. They state that they are purchasers from the Des Moines Navigation Company of the lands they occupy, that they paid full value for the same, and have paid the taxes thereon for many years, and they remonstrate against the passage of the bill now before the Senate upon that subject. I move that the memorial lie on the table.

The motion was agreed to.

Mr. HOAR. I present the memorial of John Quincy Adams and a large number of the best known business men of the city of Boston, remonstrating against the enactment of any law relating to the telegraph system which shall increase the number of public officials, &c. I also present a like memorial of T. M. Stetson, Charles W. Clifford, and a large number of the principal business men of the city of New Bedford, Mass., to the same effect, to which I desire to call the attention of the Chair. I move that the memorials lie on the table.

The motion was agreed to.

Mr. BUTLER. I present the memorial of W. B. Stanley, president of the Central National Bank, and fifty-odd other citizens of Columbia, S. C., remonstrating against the enactment of any measure relating to the telegraph system which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, or which shall employ the functions of the Government to destroy the property of individuals who have embarked in legitimate enterprises to provide ample facilities for the public accommodation, &c. The memorial is accompanied by a letter from F. W. McMaster, of Columbia, S. C., transmitting the same. I move that the memorial lie on the table.

The motion was agreed to.

Mr. ALDRICH presented the memorial of Thomas A. Doyle and other citizens of Providence, R. I., remonstrating against the passage of a bill establishing a Government monopoly of the telegraph business; which was ordered to lie on the table.

Mr. MILLER, of New York, presented a memorial of citizens of Corfu, N. Y., and a memorial of citizens of Elmira, N. Y., remonstrating against the establishment of a governmental telegraph; which were ordered to lie on the table.

He also presented the memorial of Henry S. Martindale and 363 other settlers on lands in Iowa lying within five miles of the Des Moines River, remonstrating against the passage of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of W. H. Scott, president of the Ohio State University, and the several professors of that institution, citizens of Columbus, Ohio, praying that liberal appropriations be made for the support of Indian schools; which was ordered to lie on the table.

He also presented a memorial of citizens of Newark, Ohio, remonstrating against governmental interference with the telegraph; which was ordered to lie on the table.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. The Chair presents a letter from the Senator from Minnesota [Mr. SABIN] asking to be excused from further service upon the Committee on Pensions, which will be read.

The Chief Clerk read as follows:

Hon. GEORGE F. EDMUNDS,
President of the Senate:

I hereby tender my resignation as a member of the United States Senate Committee on Pensions.

D. M. SABIN.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Minnesota will be excused from further service upon the Committee on Pensions.

Mr. CAMERON, of Wisconsin. I ask that the vacancy caused by the resignation of the Senator from Minnesota as a member of the Committee on Pensions be filled by the Chair.

The PRESIDENT *pro tempore*. Is there objection to the Chair filling the vacancy in the Committee on Pensions occasioned by the Senator from Minnesota being excused? The Chair hears none. The Chair will appoint the Senator from Iowa [Mr. WILSON].

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Claims, to whom were referred the following bills, reported them adversely; and they were postponed indefinitely:

A bill (S. 870) for the relief of R. G. Combs and others; and

A bill (S. 1302) for the relief of the First National Bank, of Portland, Oreg.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2250) for the relief of the First National Bank, of Portland, Oreg., R. G. Combs, and others; which was read twice by its title.

Mr. HARRISON, from the Committee on Territories, to whom was referred the bill (H. R. 4359) in relation to the Legislature of Dakota Territory, reported it without amendment.

Mr. INGALLS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4652) for the relief of St. Luke's Protestant Episcopal church, in the District of Columbia, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2045) for the relief of the Eastern Presbyterian church, in the District of Columbia, reported it with an amendment.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 2858) for the relief of John Connolly, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2149) authorizing suits for damages in cases of death caused by the wrongful act, neglect, or default of a person or corporation in the District of Columbia, reported it with amendments.

Mr. HARRIS. The bill (S. 1588) to provide for the recovery of damages in the District of Columbia for deaths occasioned by negligence, and for other purposes, which was referred to the Committee on the District of Columbia, is upon the same subject as the bill just reported, and therefore I move that it be indefinitely postponed.

The motion was agreed to.

Mr. BROWN. The Committee on the District of Columbia, to whom was referred a petition of numerous property-holders on the Bladensburg road, asking that an appropriation of $8,000 be made for the improvement of the road, have instructed me to report the petition back to the Senate adversely and to ask that the committee be discharged from its further consideration. The committee proposes an appropriation of $20,000 for the general repair of the roads of the District and $15,000 for the Tennallytown road, which it is believed is as much as ought to be appropriated this year. We therefore think it better that this matter should lie over until the next year.

The report was agreed to.

BILLS INTRODUCED.

Mr. BROWN. I introduce a bill for the relief of Francis T. Cullens, of the State of Georgia, who is laboring under political disabilities that he desires to have removed. I also present with the bill his petition admitting that he had held the position of member of the Legislature of the State of Georgia and of solicitor-general prior to the war, and that he had taken an oath to support the Constitution of the United

States and was engaged in the rebellion. He prays that he may be relieved.

The bill (S. 2251) to remove the political disabilities of Francis T. Cullens, of the State of Georgia, was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2252) to compensate Miss Delphine P. Baker for expenses incurred during the war of the rebellion and for services performed in originating and founding the "national homes" for disabled soldiers and sailors of the Army and Navy of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the Chair lays before the Senate the Calendar under the eighth rule. Order of Business 291, being the bill (S. 764) granting an increase of pension to Abby P. Arnold, and Order of Business 296, being the bill (S. 91) for the relief of the trustees of Isaac R. Trimble, have been passed over, retaining their place, for reasons heretofore stated. They will be again passed over if there be no objection.

OVERTON LOVE AND WYATT GILCHRIST.

Mr. COKE. Yesterday the Senator from Nevada [Mr. FAIR] reported adversely the bill (S. 803) for the relief of Overton Love and the administratrix of the estate of Wyatt Gilchrist, and it was indefinitely postponed on his motion. I desire to ask a reconsideration of that action of the Senate, and to have the bill placed upon the Calendar.

The PRESIDENT *pro tempore*. The Senator from Texas moves that the vote of the Senate yesterday indefinitely postponing the bill named by him be reconsidered, and that the bill with the adverse report of the committee be placed on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

MUSTER AND PAY OF VOLUNTEER OFFICERS.

Mr. HARRISON. I ask the unanimous consent of the Senate to lay aside the Calendar temporarily in order to take up House bill 355, which is a bill in relation to the muster and pay of officers.

The PRESIDENT *pro tempore*. It is in order at this time for the Senator to move its consideration.

Mr. HARRISON. I move, then, to take up the bill. It will not take any time, I think, to dispose of it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

The PRESIDENT *pro tempore*. The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause. Is it desired that the original bill shall be read?

Mr. HARRISON. I see no use in reading the original bill.

The PRESIDENT *pro tempore*. If there be no objection the reading at length of the part proposed to be stricken out will be omitted. The Chair hears no objection. The amendment proposed by the committee in the nature of a substitute will be read.

The Chief Clerk read as follows:

That the joint resolution approved July 11, 1870, entitled "Joint resolution amendatory of 'Joint resolution for the relief of certain officers of the Army,'" approved July 26, 1866, is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date when his commission was actually issued by competent authority, and shall be entitled to all pay and emoluments as if actually mustered at such date: *Provided*, That at the date of his commission he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties: *And provided further*, That any person held as a prisoner of war or who may have been absent by reason of wounds or in hospital by reason of disability received in the service in the line of duty at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date: *And provided further*, That this resolution and the resolution so amended shall not be construed to apply except only in those cases where the commission bears date prior to June 20, 1863, or after that date when their commands were not below the minimum number required by existing laws and regulations.

SEC. 2. That the heirs or legal representatives of any officer whose muster into the service has been or shall be amended hereby shall be entitled to receive the arrears of pay due such officer, and the pension, if any, authorized by law, for the grade into which such officer is mustered under the provisions of this act.

SEC. 3. That all claims arising under this act shall be presented to and filed in the proper Department within three years from and after the passage hereof, and all such claims not so presented and filed within said three years shall be forever barred, and no allowance ever made thereon.

SEC. 4. That the pay and allowances of a rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

Mr. HARRISON. I desire to suggest an amendment at the end of the first section by adding the following additional proviso:

And provided further, That the pay and allowances actually received shall be deducted from the sums to be paid under this act.

Mr. COCKRELL. I have no objection to that. I do not think it is absolutely necessary, but it makes the bill plain beyond all question, and it can do no harm possibly.

Mr. HARRISON. It seemed to me it was proper to express it affirmatively.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The question is on agreeing to the amendment proposed to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. INGALLS. In section 1, line 27, I move to strike out the word "not," after "shall;" and, in line 28, to strike out the word "except," after "apply;" so as to read:

That this resolution and the resolution so amended shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863.

Mr. HARRISON. That does not change the meaning of it at all, as I understand.

Mr. INGALLS. It makes the meaning clearer, as I understand it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. INGALLS. In line 27 the language is "that this resolution." It appears by the title to be a bill, House bill 355. If that is correct, the word "resolution" should be changed to "act."

Mr. COCKRELL. If the Senator thinks it is a little more euphonious that way, there is no objection to it. I do not think it will change the sense of it at all.

Mr. LOGAN. It is an amendment to a resolution.

Mr. COCKRELL. It is an amendment to a resolution.

Mr. INGALLS. But it is by a bill.

Mr. COCKRELL. I understand that; but it does not make any difference whether it is a bill or a resolution. If the Senator prefers "bill," let it be "bill."

Mr. INGALLS. I have no preference one way or the other.

Mr. HARRISON. I think it would be correct to say "this act and the resolution hereby amended."

Mr. COCKRELL. Let that amendment be made. There is no objection to it.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Kansas moves to change the word "resolution" to "act?"

Mr. INGALLS. If the Senator from Missouri has any objection, it is a matter of entire indifference to me.

Mr. COCKRELL. No; let the word "resolution" be changed to "act;" so as to read: "that this act and the resolution hereby amended," striking out the word "so" and inserting "hereby," so as to make it correspond.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 1, line 27, it is proposed to strike out the word "resolution" and insert "act," and to strike out "so" and insert "hereby;" so as to read:

That this act and the resolution hereby amended shall be construed to apply only in those cases, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GOVERNMENT'S INTEREST IN ENCUMBERD PROPERTY.

Several SENATORS. The Calendar.

The PRESIDING OFFICER. The next bill in order on the Calendar under Rule VIII will be announced.

The CHIEF CLERK. "A bill (S. 1733) to provide for protecting the interests of the United States in respect of any incumbrances on property wherein they have an interest."

The PRESIDING OFFICER. This bill, the Chair understands, has been reported in full to the Senate.

Mr. BECK. Mr. President, I asked the Senator in charge of the bill yesterday as to the extent of the power and authority given by the bill to certain executive officers of the Government, and I learned what I supposed to be the fact, from hearing the bill read, that it is an extremely far-reaching authority, extending, as was said yesterday, so as to authorize the payment in advance of the first mortgage and other prior liens upon the Union, the Central Pacific, and other great railroad companies upon which the Government has a second mortgage. I am not prepared to vest that power in any of the executive officers of the United States if any better means to protect the Government can be devised. I think Congress ought to act upon subjects of that magnitude before those matters are settled as executive officers may see fit to settle them.

I suppose that no suit could be brought that would be finally acted upon during the interval between one session of Congress and another. If it is possible means ought to be devised whereby the Attorney-General of the United States or some of the officers of the Government should have a right to intervene and set up the claims of the United States and postpone action upon it, as they could very readily do, until Congress could act. I have never heard that matters of so great im-

portance as the sale of railroads were rushed through the courts of the United States in the course of a few months, so that the rights of the United States could not be protected.

If the bill passes in its present form the moment the President and his advisers shall see fit they can pay off $40,000,000 or $50,000,000 on the first mortgage given by the Union Pacific Railroad in order to secure the property to the Government under the provisions of this bill. They can pay off all prior liens, or what they regard as such, before judgment. They can determine for themselves, for the tax-payers of the country, whether the amount they propose to pay is due or not, and they may pay off millions of dollars more than upon final adjudication would be judicially ascertained to be due. It seems to be left by this bill to their discretion to pay off the first mortgage upon any terms they please in order to secure the property to the Government of the United States. That is a fearful power to vest in any other than the legislative department of the Government, composed of men directly responsible to the tax-payers.

Again, if those great controverted cases in which forty, fifty, or sixty millions of dollars are involved may be paid out of the Treasury of the United States, it may upset not only all our legislation regarding the appropriations necessary to carry on the Government, but it may require a readjustment of all the principles of taxation of the Government as adjusted by the representatives of the people. Unless some extremely urgent necessity requires it I should like to see if the Judiciary Committee could not devise some other means whereby the interests of the Government would be protected until Congress could act upon it. We should at least have a chance to readjust our system of taxation in order to secure the money in the Treasury necessary for appropriations, outside of the amount rendered necessary by conferring the absolute power to pay off without judgment what they determine for themselves to be the true amount of the lien that has precedence over the Government.

Another serious question may be involved in regard to the Union or Central Pacific Railroad, or both. If those officers deem it to be the interest of the Government to pay off the first lien so as to secure the people of the United States, is it proposed that we shall take that property and run it, so that it may become an administrative branch of the Government, we employing the engineers, brakemen, and everybody, and everything connected with the roads, and then run these roads on our own account? That might involve questions and principles quite as dangerous as even the loss of the money, and might require very serious consideration from Congress before we allow the President and the Attorney-General, or either of them, to pay the money that they might consider as due and to take possession of the roads.

I do not suppose it would be well to compel great railroads like those to be closed to the trade of the country and to the commerce of the world, and it would certainly be very dangerous for us to undertake to run them on Government account.

All these questions are or may be involved in this bill, and seem to me to require careful consideration and ought to receive it now, unless the necessity is very urgent for action at this time. The Committee on the Judiciary seem to think that it is. I do not so regard it. That is the reason why I asked the questions yesterday, and the more I think of it the more important and dangerous the questions appear to my mind—not only the questions of managing railroads after we get them and paying off prior debts before the true amount is ascertained, but taking the money out of the Treasury that has been collected by taxation to provide for the ordinary appropriations of Government. Perhaps it may require a readjusting of the whole taxation of the country. Without the action of Congress and without legislation allowing two executive officers to settle such important matters seems to me to be dangerous.

Mr. GARLAND. On account of our having the matters referred to by the Senator from Kentucky [Mr. BECK] yesterday and to-day more directly before the committee for examination somewhat at length, I was in hopes that there would not be a discussion in the Senate as to the railroads that are spoken of. It seems, however, that nothing else will do than a discussion here; and I think a short explanation will be very conclusive to the Senate, if they want to protect the interests of the Government.

The first-mortgage bonds of the Union and Central Pacific Railroad Companies become due in 1895. In the mean time they can default upon the payment of interest at any semi-annual period, and suit can be instituted to foreclose; and then what is the Government to do? Is she to stand still and let the property be sacrificed and lose the benefit of her lien simply because of an imaginary difficulty in the three executive officers here named executing this law properly? I do not think it is exactly right and proper. The difficulty suggested may arise after the adjournment of this Congress and before Congress can meet again, and there is no power anywhere in the law to stop it, and the security of the Government may be broken down and rendered of no value.

I stated yesterday generally the reasons which acted on the committee, outside of the railroad question, showing that a bill like this is necessary to protect the interests of the Government. The Senator from Kentucky suggests that this is interfering with the financial operations of the Government and interfering also with the appropriations. That brings to mind the necessity for an amendment suggested to me yesterday by the Senator from Ohio [Mr. SHERMAN], which I will offer at the proper time to the bill:

That a sum sufficient to carry into execution this act is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

That relieves the difficulty suggested by the Senator from Kentucky of interfering with the appropriations. That amendment is necessary as suggested to me yesterday by the Senator from Ohio. That makes the bill complete, I think, and obviates the difficulty of interfering with the appropriations for the operations of the Government, but there is an imperative necessity on Congress to take some step of this sort in order to protect the Government in the very matter of the railroads referred to by the Senator from Kentucky.

Mr. BAYARD. Mr. President, unfortunately this matter is not *res integra*, but we must take things as we find them to-day. Already a construction has been given by the judicial branch which matures the interest paid by the United States upon bonds issued to these railroad companies at the termination of the loan itself, so that as the interest greatly exceeds the principal it can not be collected until the principal debt matures. I will not stop to designate such an arrangement. To say that it was improvident, to say that it was unbusiness-like and unwise, is to state the case very moderately. To state that it was inadvertent, certainly on the part of a great many of those who voted for these loans, is true; but the fact is nevertheless that under the terms by which the credit of the United States has been advanced in the shape of its own bonds with interest payable thereon semi-annually at a high rate, loaned to these corporations, and as was intended or believed by many at the time to be repayable as the interest was paid out by the Government and become a present debt and claim against the companies. But under the interpretation of the acts given by the Supreme Court the repayment of its interest to the Government is postponed until the maturity of the principal. The result is that an unsecured debt to the Government for the full amount of the interest, which is double the principal, remains in some way to be secured by Congressional action. In the case of one railroad and one mortgage, in 1878 an act was passed by Congress, known as the Thurman act, which did provide for a sinking fund that should at least protect the Government of the United States by forcing the debtor company to provide means for the liquidation of the loan.

I can but regard this proposed power as beneficial to the Government of the United States. There must be a judgment, a discretion somewhere deposited which shall enable the Government to take advantage of such means as are necessary for its own protection; and Congress may not be in session and if it were in session you could not have that executive action which is necessary to be promptly exerted to be at all beneficial.

I would submit to my friend from Kentucky that we do not by this act at all change the question of the possibility of ownership of these roads by the Government or the operating of these roads by the Government. I do not think any member of Congress can look forward with any degree of patience or consent to the Government becoming the owner and operator of railways. It is not a governmental function. It is neither fit for the theories or the practice of the Government of the United States.

The PRESIDING OFFICER. It is the duty of the Chair to call the attention of the Senator from Delaware to the fact that his time has expired under the eighth rule. He may proceed, however, by unanimous consent.

Mr. MORRILL. I hope there will be no objection.

The PRESIDING OFFICER. Is there objection to the Senator from Delaware proceeding? The Chair hears no objection.

Mr. BAYARD. I do not desire to detain the Senate. We stand now the owners and holders of a second lien. The question is whether if the interest upon that lien shall so increase as to jeopard both principal and interest, the executive branch of the Government can take steps to save us. I do not see in this bill any more probability of the Government being obliged to become the owner and operator of these roads by the passage of this bill than it is under the present provisions of law. The only difference is that we may obtain a power of judgment and sale under execution for the purpose of enforcing those liens that will protect the lien which we now hold; but I see nothing in the proposed law that would make it more probable that the Government will at any time become the owner and operator of these roads because of the passage of this bill than is probable to-day under the existing laws which have been passed by Congress heretofore. If I thought there was, I should agree with my friend from Kentucky and object to it; but there is nothing in this bill that will compel the Government any more to become the purchaser and operator of these roads than if the present law runs on, the difference being this: If the present laws continue in their operation, as interest is paid by the Government, it is not repaid by the companies and is held not to be payable until the maturity of the principal; and it is to the protection of the public credit that the Government should possess itself of the first lien for the purpose of protecting the second. That is all there is in it.

Mr. BECK. I hope I may be allowed to say a word. It is true, as

the Senator from Arkansas said to me yesterday, that perhaps it is not best to develop on the floor of the Senate the whole facts as to the matter that might come up under this bill, but it is equally true that in the exercise of my judgment I differed with him.

In regard to the amendment suggested by the Senator from Ohio that the money shall be paid out of any moneys in the Treasury of the United States not otherwise appropriated, that simply means that there is presumably or is perhaps to be collected to meet this contingency a surplus beyond the needs of the Government of from fifty to sixty millions, which shall remain in the Treasury as unappropriated money. That is one of the worst possible contingencies that could happen. It only means additional taxation. That does not relieve the objection I have, but rather aggravates it. Now, how is it or how may it be in regard to the purchase of these roads? The bill says:

That whenever in the opinion of the President it shall be deemed expedient and necessary to the protection of the interests and the preservation of the security of the United States in respect of their lien, mortgage, or other interest in any property upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property may exist, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury.

I assert with all due respect to the Judiciary Committee that the proposed authority vested in executive officers by this bill is a terrific power. They are to determine the amount due; they are to pay the money out of the Treasury; they are not even to wait for a judgment or decree of a court; and when they do pay it, if the Government becomes the owner of the property by virtue of paying off the prior lien, if anything else is to happen but running the road I can not see what is to follow unless the road is to be closed altogether, as the act would assume the utter unfitness of the present railroad management to carry it on.

I was one of those who voted for and urged and advocated as well as I knew how the passage of the Thurman bill in order to place such powers in the hands of the Government, and such limitations and restraints on the railroad companies as were possible to secure the collection of the debt due the United States. In answer to the suggestion of the Senator from Arkansas I see no reason why we should not require the companies to pay their accruing interest at least out of their surplus funds, or at least to keep enough money on hand to pay off the interest for a series of years in advance, or we can pass a law now authorizing our officials to demand deposits of money sufficient to prevent them from withholding the interest as it fell due, then we could pass such additional measures as will add to our security without absolutely paying off the whole debt the companies owe as a first mortgage. If the companies allow the interest to go by default why could not the Judiciary Committee frame a law amending the Thurman bill so as to require that the moneys they are now ordered to hold to comply with their obligations shall be applied to the payment of interest and that they shall not make default in the payment of such interest, but let the surplus which the Thurman bill requires them to hold be applied to any default of interest, and require that to be so done as to make it impossible that any snap judgment, if any is ever sought, be taken during any recess of Congress.

In regard to small matters, as I said yesterday when we have a lien on a distillery I would authorize them to pay it and take the chances; but when you come to deal with millions, perhaps fifty, sixty, or seventy millions, when you come to deal with great matters such as the control of railroads, the case is different. We have power over them as we showed we had by the passage of the Thurman bill, which I am sorry to say has not worked as satisfactorily as I thought it would so far as the Union Pacific Railroad is concerned, and which I hope before Congress adjourns will be made so strong and pronounced that the companies will be compelled to comply with all the requirements not only of that law but of any proper amendment that can be made to it so as to prevent the possibility of default on account of interest. There is nothing that will secure the property and interest of the United States which is within the control of the law-making power that I will not vote for and advocate to the extent of my ability; yet I can not help objecting to giving this absolute and indefinite power to any executive officer, however trustworthy, so as to take it out of the hands of Congress, without making any effort by amendment to the Thurman or some other act, or by the exercise of any other additional authority against the Union Pacific Railroad. I think we ought to keep all these great powers under the control of the law-making power, which is vested in these representatives of the people and not in executive officers. It does not seem to me to be wise legislation to surrender our power to the President or anybody else. I may stand alone in that view, but that is my belief and opinion.

Mr. GARLAND. I will state to the Senator from Kentucky, particularly with reference to the Thurman act and all such matters, that there is before the committee now a bill covering the subject, and it will come necessarily at the proper time before the Senate, as it is now before the House, if I may speak from the public records. This is another matter giving a certainty of security to a certain extent to the Government outside of such measures.

The Senator is mistaken about the Government when she pays off these prior liens becoming the owner of the property. That would not be the legal effect of it, but she would simply be then in law subrogated, as the bill says, put in the place of the parties who hold the prior lien. She does not become the owner of the property, but she simply wipes out these prior liens and gets the place of the persons who held them.

Mr. SHERMAN. I can myself bear testimony to the necessity that is important often to the nation to have a bill like this on the statute-book, for I have known several cases where the United States have lost large sums of money by inability to pay liens upon property that it acquired by purchase at sale. I remember one case that occurred in Pennsylvania, where property was acquired by the failure of a national bank. The Government was compelled to buy in that property, but for want of means to pay off prior liens, and also to pay the taxes and to make proper and legal examination of the title, the Government practically lost its lien. This may occur in all the purchases at sales of property under the internal-revenue laws. The power ought to exist somewhere promptly to pay off taxes or other liens, because if the Government purchases property it purchases it like any citizen, subject to all liens, and they should be promptly paid, and sometimes they must be promptly paid, or the right of the Government may be lost.

Mr. BECK. The Senator from Ohio will allow me to say that yesterday I suggested, and I suggest again, that some discretion to cover that class of cases might very safely be vested in the Executive. It is only when it comes to extensive matters that Congress ought to exercise some control.

Mr. SHERMAN. The only case I know of where a large amount of property is subject to a prior lien is the case of the Union and Central Pacific Railroad Companies. I believe that by the terms of the mortgages issued in those cases on the failure to make a single payment of interest the principal becomes due. That is a common provision in railroad mortgages. If there could be—I do not think such a thing would ever occur, because there is an immense amount of property invested in these roads that lies behind the lien of the Government—I do not believe that such a contingency need be provided for; but if it should occur so that there was an intention on the part of the owners of these railroads to impair the lien of the Government to some extent by making a default in the payment of their interest and thus precipitate proceedings to sell the property subject to the mortgage, that contingency ought to be provided against promptly.

Mr. BECK. Allow me to suggest again that there can be no difficulty by a proper amendment to the Thurman act, out of the surplus we require the companies to lay up every year, to provide that sufficient of that shall be applied to meet the interest.

Mr. SHERMAN. I am not here to say as to the form in which the subject should be presented; but as to any danger from the abuse of such a power as is here conferred, I do not think there is any whatever. Where a great power of that kind is conferred upon the President, the power for instance to suspend the law that prohibits the importation of cattle or a hundred other great powers that are conferred on the President, those powers are never exercised except under extreme circumstances which in the opinion of Congress would justify the exercise of extreme powers. No Secretary of the Treasury, no President of the United States would dare to take from the Treasury fifty or sixty or seventy million dollars upon a general authority of this kind, unless in a case of extreme stringency. I do not believe such a case can arise under the Pacific Railroad grants; but still if there is even a fear that it may arise or a possibility that it may arise, I would place somewhere, in the hands of an executive officer, the power to meet the difficulty with a certainty that he would not abuse so great a power, for if he did he would be subject to impeachment.

No man could be presumed to abuse a power of this kind. A President under such a power would do nothing more probably than to assert the right of the United States to pay off the prior lien and then to be subrogated as first mortgagee instead of second mortgagee. Such a power might sometimes be necessary to be asserted by the Attorney-General in a suit pending where it might be necessary for the United States Government to step forward and tender a few thousand dollars or a few hundred thousand dollars, or even a million dollars, to raise the question as to the right of the Government to make this tender in order to be substituted as first mortgagee.

It seems to me, therefore, that there is no danger from the exercise of this power; but if it is to be exercised I suggested yesterday an amendment to the Senator from Arkansas that I think will be necessary to be inserted. In line 13, after the word "Treasury," the ordinary formal words of an appropriation should be inserted.

The PRESIDING OFFICER. The Senator from Ohio submits an amendment which will be read.

The CHIEF CLERK. In line 13, after the word "Treasury," it is proposed to insert:

And the sum necessary to carry this act into effect is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. GARLAND. I have no objection to that amendment.

The amendment was agreed to.

Mr. MORGAN. Yesterday it was suggested by the Senator from Kentucky that a very heavy debt might be thrown upon the Govern-

ment of the United States by giving this discretionary power to the President, the amount of which has not been ascertained, as to which there has been really no judicial examination or decree, and that is a trouble about this bill it seems to me which is not provided for so far as I am able to discern in any part of the text. I think the bill would be better if the committee would allow it to be amended in this way: In line 9, after the word "exist," insert the words "after the amount of such lien, mortgage, or incumbrance, shall have been ascertained and settled by the judgment or decree of a court of competent jurisdiction." Then the bill would provide that the President shall proceed to pay off the incumbrance, mortgage, or lien, whatever it may be, after a court of competent jurisdiction has ascertained and determined by its decree the amount of it and of course the validity of it. I think that that is a necessary caution to put in the bill.

It is very true that the Attorney-General is the legal adviser of the President and would act cautiously about a matter of this kind. Still it might turn out after a litigation between the parties that the mortgage which was set up in the first instance and upon which proceedings were being instituted to foreclose or to sell was not a valid security, or was not a valid security for the amount claimed, or was not a paramount lien upon the property.

Now, what would be the procedure in a case of this kind? The bondholding creditors holding the first lien on the property would go into court with a bill of foreclosure and sale. Thereupon all incumbrancers subsequent perhaps, or at least the railroad company, would be made a party defendant, and a litigation would ensue through which it would be ascertained whether or not this was a valid lien, and the amount of it and the extent of the lien. After that had been done and the report of the master had come in and been confirmed, then the order of sale would be passed by the court. Up to that moment of time the interests of the Government of the United States are not put in jeopardy. The property remains in the hands of the corporation, not dispossessed of it at all by any decree of the court, and then it would be that a subsequent mortgage ought to have the right, and would have the right, to come in and redeem the property by paying off the prior mortgage and being subrogated to the rights of the first mortgagee.

So I think that the committee will see that an amendment of the character I propose would make the bill more secure. The President and the Attorney-General would proceed after the proper court had declared the amount of the lien and its validity and its paramount character, and every fact about it had been judicially ascertained, to pay off the incumbrance or to arrange it in some manner by which the United States Government would become subrogated to the rights of the first mortgagee.

Mr. BECK. Will the Senator from Alabama allow me to suggest that his amendment as far as it goes is all right, but a case of this sort might arise: Suppose a prior lien was of an amount which was more than the property was worth, ought the President or the Attorney-General to have the right to pay, as he seems to be required to pay here in advance, the whole first mortgage, no matter how much it might be?

Mr. MORGAN. I would say yes, because it is a judicial question, and under our Constitution and system of laws this question must be decided by the judicial department. If the court pronounces a judgment after a fair hearing between the parties, ascertaining a certain fact and giving a certain decree, I am for the enforcement of that judgment if every man in the United States was to say no. There is a judicial and final determination of the rights of the parties by a tribunal that we organize and against which we can not be heard to complain except by a proceeding in the nature of an appeal or motion for a new trial. When a decree has been honestly made, though mistaken, it is a decree, and it is the duty to have it paid off, though every man in the United States might think it erroneous. If it were against me, it would be my duty to satisfy the decree pronounced against me by the court, though I might think, in my conscience, it was the most cruel outrage a court had ever perpetrated upon individual man. The Government in the case here supposed would be a party litigant and must be bound by the decree of the court.

I think that answers the possible objection made by the Senator from Kentucky, and I believe that would make the bill entirely safe, and it would relieve the Administration also from the necessity of assuming in advance of a decree of the court the amount that might be due upon a mortgage and also the validity of it as a paramount or prior lien upon the property. I offer the amendment.

The PRESIDING OFFICER. The Senator from Alabama offers an amendment, which will be read.

The SECRETARY. In line 9, after the word "exist," it is proposed to insert:

After the amount of such lien, mortgage, or incumbrance shall have been ascertained and settled by the judgment or decree of a court of competent jurisdiction.

Mr. GARLAND. The amendment destroys the purposes of the bill. If the executive department of the Government has to wait until a judicial ascertainment of these matters, in many instances it would not amount to anything at all; the property would be wasted, the lien would be lessened in value, and it would not be worth the trouble of the Executive or any other person interfering and paying off the prior liens. All this matter was considered before the committee in reference to guarding the bill in this way and in other ways. You must leave the authority, if you give it at all, unrestricted, and necessarily you must take the risk of the executive department judging correctly in the particular case. It is the President of the United States, the Secretary of the Treasury, and the Attorney-General who are to act. I do not know how much more security we could have. The amendment offered by the Senator from Alabama, if the Senate will look at the whole purport of the bill and the evils that are supposed to be in the way, they will see destroys the effect of the bill. You must give this power to them, to be exerted under the circumstances, to determine the matter, and not wait for the decision of a court to be presented to them, because in many instances all that is worth contending for will have been wasted away in the mean time. I hope the Senate will not adopt the amendment offered by the Senator from Alabama.

Mr. MORGAN. I have a right to reply, as I have not spoken once on the amendment since I offered it.

The Senator from Arkansas is worried with unnecessary apprehensions on the subject of the wastage of the property in the hands of its owner, the corporation, or in the hands of any person else during the time that a proceeding might be pending in court for the foreclosure of the mortgage. The company which is the owner of the property has it in possession. The creditor proceeds to foreclose his mortgage by a suit in equity. He files his bill against the defendant in, I will say, a circuit court of the United States. That court having full jurisdiction and the custody of the property, upon the filing of the bill naturally can protect it against any loss or waste that may be incidental to the property during the pendency of the suit by the appointment of a receiver, if the company will not deal properly with it, or in any other way that may be necessary. There is no more danger of the wastage of the property because a bill of foreclosure is filed by a creditor than there is in the absence of such a bill. The company has precisely the same interest pending a suit for foreclosure to take care of its property that it has in the absence of such a suit or before such a suit is brought. That argument falls to the ground, and that being the only suggestion made by the Senator from Arkansas why my amendment destroys the effect of the bill, I think that the suggestion is not valid.

Mr. BECK. Allow me to suggest that if the President undertakes to pay it off before the judgment of the court, how is he to ascertain the amount?

Mr. MORGAN. It can not be done and no prudent man would do it; no prudent second mortgagee would do it. A second mortgagee paying off the debt of a railroad company would be a very imprudent man if he should assume that that debt amounted to so many million of dollars and pay it off before any decree of the court had been pronounced to ascertain what the actual amount due was.

I maintain that there is no necessity for such stringency as the Committee on the Judiciary have put into this measure. This is a tremendous affair. Here is a debt amounting to fifty or sixty millions of dollars—I can not precisely tell the amount—at this moment of time against the railroad company in favor of the Government of the United States, in consequence of the fact that by the legislation of Congress we have taken that which was a second mortgage and made it a prior mortgage to that of the Government of the United States. Who holds this prior mortgage; what is the amount of it; and what offsets or claims may the Government of the United States have against it as second mortgagee? What right may the Government of the United States have to say that equitably a part of the debt included within the first mortgage has been paid, or settled, or waived, or barred by the statute of limitations, or in any other way extinguished?

Now, sir, for the President of the United States, though he may have the assistance of his Secretary of the Treasury and his Attorney-General, to undertake to step into the shoes of the courts of the country and ascertain *in limine* the whole amount of the indebtedness to be paid off, and take upon himself all the labors and duties and cares which devolve upon a court in a bill of foreclosure in a great case like this, would be to assume the most enormous power over the finances of the United States and its Treasury that has ever been committed to an executive officer. We do not hesitate to intrust the President of the United States with a sum of two or three hundred thousand dollars as a contingent fund for the conduct of foreign diplomacy; but if you were to make that sum fifty or sixty million dollars for any purpose that we might imagine would be beneficial to the Government of the United States, such for instance as the purchase of Cuba, or the purchase of the right of way across the Isthmus of Tehuantepec, or Nicaragua for a canal, you would find that the people of the United States would rebel at the idea of our placing in his charge such an enormous mass of power as that would be.

Who are the holders of the first-mortgage bonds of the Union and Central Pacific Railroad Companies? I do not know who they are, but I am persuaded from the public evidence daily given out in the newspapers that they are already mainly, if not entirely, in Wall street, in New York; and those bonds are made to-day the basis of speculation in the stock markets of that great city. The prices run up and they run down of the very mortgage bonds that we are speaking about now,

and the power to redeem which it is demanded shall be placed in the hands of the President, his Secretary of the Treasury, and his Attorney-General. Who are the owners of them? We do not know who they are. We do not know what demands the Government of the United States may have against those very men for deposits in broken banks that we have breaking every day around us. We do not know what off-sets and claims this Government may have that these very bonds are extinguished in the hands of the holders, and we put the power in the hands of the President of the United States to determine the whole subject and refuse to allow it to go to a court, because we are afraid the property in the mean time might possibly be wasted in some way.

The PRESIDING OFFICER. It is the duty of the Chair to call the attention of the Senator from Alabama to the fact that his time has expired under the rule.

Mr. MORGAN. We can not argue this bill as it ought to be argued, under this rule. I object to the further consideration of the bill, and ask that it go over under Rule IX, or else let the Senate take it up notwithstanding the objection, so that it may be properly debated. I object to the further consideration of the bill.

Mr. GARLAND. Then in the discharge of my duty I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The PRESIDING OFFICER. It is moved by the Senator from Arkansas that the Senate proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to.

Mr. MORGAN. I am very glad the Senate has taken that course, because——

The PRESIDING OFFICER. The Chair understands the vote of the Senate takes the bill out of the five minutes' limitation of debate.

Mr. MORGAN. Mr. President, I hope the Senate will give attention to this subject, for it is a very important one. I stated a moment ago that I did not know and I suppose no Senator on this floor knows to-day how many bonds are due or how much money is due to what are called the first-mortgage bondholders of the Union and Central Pacific Railroad Companies. We do not know, as I have stated, who holds those bonds. The account has not been settled. Suppose that these railroad companies, having equitably extinguished a large portion of this debt, or desiring for their own purposes to allow this debt to pile up as against themselves in order to extort from the Government of the United States a large amount of money by their redemption, one of the companies meets, with its bondholders and stockholders, the persons interested in the company being doubtless largely the bondholders, they would say, "The Congress of the United States have passed a bill by which the President is authorized to redeem this property, and an appropriation has been made of money sufficient to pay the debt; we will state an account between ourselves and the bondholders, and in doing so we will only be careful to have the amount very large, for the reason that we know that we hold over the Government of the United States a power of foreclosure which will take this property entirely from under the second mortgage, inasmuch as it will come in and consent to pay the amount we shall say among ourselves is due upon these bonds."

It makes no difference who may be President or Secretary of the Treasury or Attorney-General, the company have got the advantage of the Government of the United States in this attitude of affairs, and these officers can not help themselves. What are they confronted with? A statement of an account for bonds and interest due; I will say that it amounts to $80,000,000, when a court on a fair investigation of the account might bring the amount down to $60,000,000. They state their account to the President when he comes to redeem, and he is compelled to take their statement of it and redeem the property, or else he is bound to go into court and file a bill for an injunction on the ground that they are perpetrating a fraud and thereby getting into the meshes and tangle of litigation. He must either do the latter or pay that debt under the penalty of having the property sold and the title pass into the hands of third persons discharged of all liens and incumbrances whatever.

I say, sir, that is a dangerous power to intrust; and the corresponding difficulty suggested by the Senator from Arkansas is a matter of no consequence when compared with the evils that we might involve ourselves in by passing the bill without the restriction contained in the amendment which I have had the honor to offer, for I really can not see after looking the matter over how it can be possible that the property will be necessarily injured, or will probably be injured by the fact that the President of the United States is not allowed to pay off this lien until after a court has by its decree ascertained and settled the amount that is due to the first-mortgage bondholders. It would be an unsafe and an unwise way to transact business, and there is scarcely a gentleman in the Senate, I think, who would empower an agent with a full power of attorney to go and make settlement and make payment of existing prior incumbrances to his own mortgage, leaving it to him to determine according to his own judgment the amount that might be due. It is a dangerous power, and one that we ought not to confide in the hands of anybody but a court.

Mr. CALL. Mr. President, it seems to me that whatever action is taken upon this question ought to be taken by Congress. If the debt that is due to the Government of the United States is endangered from any reason, Congress ought to assume the responsibility of directing such action to be taken as will protect the interests of the United States.

The same reason that would direct the policy of giving to the President a discretion to act is imperative that Congress should act. If there is any reason for the passage of this bill giving the President of the United States a discretion to pay off this lien, then certainly Congress should assume the responsibility of directing positively that it should be done. It seems very clear to my mind that it is the duty of Congress to determine when so large an amount of money shall be appropriated out of the Treasury for any purpose, rather than to impose that duty upon the discretion of any other department of the Government.

If gentlemen are right, as it would seem as the facts stand that they are, that there is some action necessary to be taken that this vast sum of money is in danger from any cause, either from error in the original act or from error in the administration of the property, the facts certainly ought to be made clear to Congress, and it should have no hesitation in passing a bill directing the President positively what to do in the premises for the protection of the Government, directing him if there be no other more expedient and wiser method to pay this prior lien, to ascertain judicially, if necessary, the amount of the debt, and to free the property from incumbrances and expose it for sale for the reimbursement of the Government.

For that reason, sir, I think in so important a matter as this the bill errs in allowing the object it proposes to be accomplished to rest entirely in the discretion of the executive department of the Government.

Mr. SLATER. Mr. President, this bill involves a proposition that it seems to me ought to have more attention than has been given it before we pass a bill of this character. If the Government is to assume the payment of the first-mortgage bonds in addition to the bonds it has issued itself, then the bill is in the right direction; but before we undertake to pay, in addition to the bonds the Government has advanced to this road and the interest accumulated at the maturity of the bonds, the first-mortgage bonds which have been allowed to be issued by the companies, it seems to me that we ought to take an account in some way or other of the value of this property, that we may know whether we shall not squander other millions in addition to the millions already gone.

In looking at the statement of the condition of these roads I find that the Union Pacific on the debit side of its account has $82,000,000 of debts in addition to $33,000,000 Government bonds, in addition to about $30,000,000 interest on these bonds which were advanced to the company. The classifications are as follows:

LIABILITIES.

Funded debt		$82,555,053 75
Interest on same, accrued but not due		2,049,600 74
United States subsidy bonds		33,539,512 00
Interest on same, accrued but not due		29,074,812 78
Dividends unpaid		1,123,371 14
Floating debt:		
Bills payable	$3,879,707 61	
Pay-rolls and vouchers	2,239,866 99	
Accounts payable	4,635,317 27	
		10,754,891 87
Total debt		159,097,242 28
Capital stock		60,868,500 00
Total stock and debt		219,965,742 28

Turning to the Central Pacific, I find the statement of its account as follows:

LIABILITIES.

Funded debt		$54,206,000 00
Interest on same, accrued but not due		1,352,655 60
United States subsidy bonds		27,855,680 00
Interest on same, accrued but not due		23,449,463 41
Floating debt:		
Bills payable	$4,215,545 38	
Accounts payable	5,394,727 76	
Interest and dividends unpaid	23,715 00	
		9,633,988 14
Total debt		116,497,786 55
Capital stock		59,275,500 00
Total stock and debt		175,773,286 55

Putting these various sums together, being the sums which the Government must liquidate in order to put itself in the position of the prior mortgagees and be subrogated to the rights and relations of the first-mortgage bondholders, the account would foot up in this way: The Union Pacific, $33,539,512; Central Pacific, $27,449,463; making a total of subsidy bonds of the United States to these two roads in round numbers of $62,000,000. The interest accrued at maturity will be about $65,000,000.

In addition to that the law which made the originally subsequent mortgage bonds of the company the first-mortgage bonds and gave them a prior lien to the bonds of the United States are equal to the subsidy bonds of the United States. Consequently the bonds to be redeemed would be $62,000,000, making the subsidy bonds of the United States

and the first-mortgage bonds about $124,000,000, to which you must add $65,000,000 interest, making the road stand the Government $189,000,000, or about that, when we have put the Government in the position of being the first-mortgage bondholder.

The question arises here, is this road, when we shall have reached that time in 1895 or somewhere about there, worth this sum of money? I undertake to say that a better road can be built for a vastly less sum, and I doubt the propriety of our putting ourselves without more information in the position of attempting to save one dollar out of this wreck. It is of a class of legislation that we have had for the past twenty-four years touching corporations. Wherever we touch those statutes we find the same kind of results. Wherever the Government has entered upon this kind of legislation it has fallen into a trap, while the corporations have got away with the swag.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. At the suggestion of the Senator from Ohio I wish to modify my amendment. I withdraw the amendment I offered to come in at line 9, and I will offer the amendment which I now send to the desk to come in after the word "made," on line 17.

The PRESIDING OFFICER. The Senator from Alabama withdraws his amendment and offers another, which will be read.

The SECRETARY. After the word "made," in line 17, it is proposed to insert:

Provided, That if the lien, incumbrance, or mortgage to be paid off or removed is upon the property of a railroad company, the same shall not be paid by the United States until after the validity and amount of such lien, mortgage, or incumbrance shall have been ascertained and settled by the judgment or decree of a court of competent jurisdiction.

Mr. GARLAND. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. MORGAN. I modified the original amendment on the suggestion of the Senator from Ohio [Mr. SHERMAN]. The point had escaped me that there were a great many cases, to some of which he referred a while ago, in which the Government would have an interest in property, and it would be the duty of the Government acting wisely to remove an existing incumbrance or mortgage. They are matters of course, small matters, not tremendous matters. We have some railroad companies—I believe only two, the Union and Central Pacific—upon which we have second-mortgage rights. I have modified my amendment and put it in the form of a proviso so as to make it applicable to cases of that character, so that when a question of the priority of mortgages and the amount of mortgages arises in a suit of foreclosure, for instance, upon the property of a railroad company, then the President and his Secretary of the Treasury and Attorney-General shall not proceed to remove that incumbrance until after the court has ascertained the validity of the lien and the amount of it.

It is not necessary for me to amplify the argument I have already made on that question.

Mr. FARLEY. I wish to ask the Senator from Alabama a question. Suppose it should turn out that the mortgage of the prior lien should amount to more than the property was worth, would the Government still be compelled to pay that lien in addition to what the Government might have a lien for itself?

Mr. MORGAN. That is the same point, as I understand, that was suggested by the Senator from Oregon [Mr. SLATER]. It is a very strong point and one that deserves consideration, and I took it for granted that the Senator from Oregon would take care of that feature of the bill if he desired to offer an amendment to it. My purpose is confined to what I consider to be a discreet method of procedure in the ascertainment of the amount of these mortgages and the question of how much we ought to pay.

Mr. GARLAND. I will not repeat the argument I made a few moments ago as to this amendment eviscerating the bill, taking all there is in it worth anything out of it, simply turning it around back to where we are now. But in reference to the statement made by the Senator from Oregon, I wish to say a word. He presumes that the three officers designated here may do something wrong and pay much more than the road is worth to get these prior liens out of the way. On that presumption he attacks the proposed law. That is a vicious mode of reasoning. We have to take risks about this somewhere; we must take chances; and it is not to be presumed that these three officers will give their consent to pay $189,000,000, as by the Senator stated, for a prior security on a road not worth $40,000,000. That is hardly probable.

Of course when we get angels or some beings a little above angels to administer government, there will be no necessity for putting in restrictions on power; but now we have to vest power somewhere in the hands of men. We have given it here to three leading officers of the Government, and I do not presume they will go deliberately to work to give this large amount of money because it is in their discretion to do it; it is not compulsory on them to do it. Their power is to preserve the lien of the Government, whatever it may be, whether second, third, or fourth, and to adopt this amendment, even as modified by the Senator from Alabama, only turns us around and leaves us where we are now.

Mr. MORGAN. I confess that I do not appreciate that statement of the Senator from Arkansas. Certainly it is not my purpose to defeat the bill. I think the bill is a good measure. I think it needs the guard I have put into it when we come to deal with this enormously great question concerning railroad corporations and the amount of money we should advance, amounting to $80,000,000, as the Senator from Oregon says, for the removal of prior incumbrances. How can it eviscerate this bill, or how can it destroy its effect if we should require that a court shall ascertain what the amount of the mortgage is and its validity before we proceed to pay it off? How can that be the effect? Somebody has got to ascertain it. It must be done by a court or by the President, one of the two; and my habits of thought during life have been always to relegate judicial questions to judicial tribunals. I would like to relieve the Administration of any duty of ascertaining the amount due upon these mortgages, and whether or not the Government of the United States may not have equitable offsets against the holders of these bonds, and a great number of questions that might arise between the Government and the holders of the bonds that we propose to pay off. The difference between the Senator from Arkansas and myself is only this: He proposes that the President shall have power to pay off the mortgage before anything is done even in the nature of a proceeding to sell or a proceeding to foreclose. I propose that we shall wait until there is a proceeding to sell or a proceeding to foreclose by the creditors secured by the prior mortgage, and that after they have proceeded to the degree of ascertaining the validity of their mortgage and the amount of their debt, then the President may pay it. In that way he prevents the sale; in that way he becomes subrogated to the rights of the first mortgagee, steps in his shoes; he prevents the sale of the property, and that is what I understand to be one of the purposes of this bill. It is to keep the property in the hands of the corporation mortgagor, and not to take it into the hands of the Government of the United States.

I would most cheerfully adopt the view of the Senator from Oregon and abandon this debt and enter a *retraxit* upon it or a full satisfaction to-day by my vote if I could give it in the Senate of the United States, in preference to having the ownership of the property and operating it by this Government. I would not see the Government of the United States the owner and controller and operator of the Union and Central Pacific Railroads for any consideration scarcely that could be named, bringing this Government in competition with the Northern Pacific, the Texas Pacific, the Atlantic and Pacific, and the Nicaraguan Canal and with the ships that carry commerce around from New York to San Francisco, and all the transportation lines in the carrying of the commerce of the country. It is something that I can not look upon with the least degree of favor. I understood the object of the bill to be to prevent two things, first that the railroad company should lose its property into the hands of other persons who might become the purchasers under a decree of foreclosure, and secondly to prevent the Government of the United States from being under the necessity of taking charge of this property.

Mr. BAYARD. May I ask my friend from Alabama, does he consider that this bill provides, in a certain event of threatened loss to the Government, a way of self-protection to pay off a lien or mortgage and become subrogated to the rights of the mortgagee under that? Does he consider that it would be more likely to make the Government the owner and operator of any of the property, railroad or other, upon which these mortgages rest, than it is at the present time? Already the Government is a mortgagee, but it is the holder of a second or a postponed mortgage. Is there any greater probability of its becoming owner by being obliged to become the purchaser at a sale under this bill than there is at the present time? If so, I strangely mistake the facts.

This bill provides that in case the safety, the security of the Government for the lien that it already holds, and the amount that it has already advanced should become in any way jeoparded by the action of the company, so as to make it advisable that the Government should become the purchaser of the first lien, then that shall be done, and the Government then would become subrogated to all the rights of the first lien holders, but that would not require the Government to become the owner and the operator of the road. It would be the owner of the first mortgage, but not the owner of the road. It would be the controller of the mortgage, but not the controller of the operations of the road. That is what I understand by this bill.

I submit to my friend from Alabama and to the Senate that there is no condition of affairs contemplated in which the Government will become the owner of this railway; but in the present condition, for the sake of protecting a lien which we now hold, there should be the power to purchase a prior lien. It is one of those discretions that every intelligent owner of property is very desirous to obtain, and that is to purchase a prior incumbrance for the purpose of protecting and making more valuable the second. That is a question of simple business wisdom, a simple matter of the judicious exercise of mere discretion, and I do not see in the present bill anything which proposes that the Government shall become the owner of the road. It does propose that it may become in a certain contingency the owner of the prior mortgage, so that it may be able to protect its present interest.

Mr. BECK. The Senator from Delaware is a member of the commit-

tee that reported this bill; and I wish to ask him what objection he sees to the amendment of the Senator from Alabama that the amount shall first be ascertained by a judicial decision before the President shall be authorized to pay it off. The Senator knows that it is charged and believed that many of the mortgage bonds issued by the Union Pacific were given fraudulently to the Credit Mobilier and to all sorts of things. Now until they have been judicially determined to be just, valid, and honest liens, ought we to trust the President or anybody to pay them off, or ought we not to have the judgment of a court that they are valid before we pay them?

Mr. BAYARD. If this were a claim for unliquidated damages, I could understand the necessity for the interposition of some tribunal to ascertain the amount; but this is the case of recorded, established, ascertained liens (whatever might be the equitable defense if such a thing now could arise on bonds which are in the hands of third parties so that it is scarcely possible), and I think any advantage to be gained by this law would be lost by the postponement of the power to purchase the first lien outstanding and to protect thereby the second if it was subjected to the slow process and the very dilatory proceedings of our courts, especially if we are to wait for a final decision in the Supreme Court of the United States. In other words, before a decision would be reached, the evil would be accomplished.

Mr. MORGAN. The members of the Judiciary Committee ought to know, if they do not, and I am sure they do, that this property can not be swept out of the hands of the United States as second mortgage without the intervention of a court of justice. An order of publication and sale by the trustees of this property would at once bring the Government of the United States into court for the purpose of redeeming the property or ascertaining its rights in the premises. More than that——

The PRESIDING OFFICER. The Senator from Alabama will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being Senate bill 1283.

ADJOURNMENT TO MONDAY.

Mr. BAYARD. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The PRESIDING OFFICER. It is moved by the Senator from Delaware that when the Senate adjourn to-day it adjourn to meet on Monday next.

Mr. ALLISON. I ask the Senator from Delaware to withhold that motion for the present until we see what progress we make to-day with business. We are having one bill piled upon another.

Mr. BAYARD. I think the very moment business is arranged Senators will know what they may do to-morrow. I am perfectly aware that it is not a holiday for us merely because we do not meet here.

Mr. ALLISON. I am aware of that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIAMS. I gave notice yesterday that to-day at 2 o'clock I would move to postpone all previous and pending orders and take up House bill No. 5667, to pension the soldiers of the Mexican war. I now make that motion.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate lay aside the unfinished business of yesterday and take up House bill 5667, granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. McMILLAN. I wish to inquire before this motion is considered whether the bill which has been under consideration on the Calendar, Senate bill 1733, goes over for to-day under the operation of the rule.

The PRESIDING OFFICER. It goes over until to-morrow and will be the business in order during the morning hour to-morrow when the Calendar is reached.

Mr. BLAIR. Is the motion of the Senator from Kentucky in order at this time?

The PRESIDING OFFICER. The Chair understands it to be in order, but it can not be debated. The Senator from New Hampshire can proceed only by unanimous consent. Is there objection to the Senator from New Hampshire proceeding?

Mr. BLAIR. I do not wish to make any remarks upon the motion. I merely wish to indicate to the Senate, what I suppose is already thoroughly understood, that if this motion should not prevail, the unfinished business will be, by assent of the Senator from Massachusetts, informally laid aside and we shall complete the bureau of statistics bill which was under discussion yesterday.

Mr. HARRIS. Mr. President, I wanted to ask the Senator from Massachusetts and the Senator from New Hampshire if we could not by unanimous consent, without displacing the unfinished business, informally lay it aside for the consideration of the bill suggested by the Senator from Kentucky. I should hope that it would take very little time to dispose of the bill that the Senator from Kentucky desires to have considered.

Mr. BLAIR. I should be very glad indeed to oblige any Senator interested in the Mexican pension bill, but the bill of which I have charge has been under discussion so long that it does seem to me that if any bill should be delayed it should not be that. I could hardly assent to it myself. I hope the Senate will proceed to its completion. It is very nearly done. It seems to me there can be but very little more discussion, and I hope it will be disposed of to-day.

Mr. HARRIS. In view of the present attitude of the Senator's bill, three substitutes being now pending, two of which were only offered late last evening, I think a day or two may very well be spent in the consideration of those substitutes, which have been printed.

Mr. McMILLAN. Is debate in order?

The PRESIDING OFFICER. The Senator from Tennessee has the floor. Does he yield?

Mr. McMILLAN. I only ask whether debate is in order.

The PRESIDING OFFICER. It is not in order, but is proceeding by unanimous consent.

Mr. BLAIR. I would simply say in reply to these suggestions that difficulties are accumulating.

The PRESIDING OFFICER. The Senator will suspend. Is there objection to the Senator from New Hampshire proceeding? The Chair hears none.

Mr. BLAIR. I only wish to say that if there are difficulties accumulating about this bill I think it had better be disposed of immediately or as soon as possible. Certainly if any bill is entitled to be disposed of this one is, and if the longer it is delayed the more there is to it, the sooner we dispose of it the better.

Mr. WILLIAMS. I will say to my friend from New Hampshire, without intending to be discourteous at all to him, that I gave notice more than a week ago of this motion. When the time arrived for which I gave notice his bill was under consideration and I gave way to it then thinking the bill would be disposed of that day; but yesterday it was perfectly apparent to the whole Senate that the statistics bill which he has been pressing burst and went all to pieces. There were three distinct substitutes offered by different Senators embracing different plans. Now those three are all pending before the Senate, and I am satisfied it will take a week or ten days to get through that bill if we take them up. The only way to do is to postpone it and get it out of our way. I say to the Senator that I have no objection to having the bill passed upon, and I will help him get it up again as soon as we dispose of the Mexican soldiers' pension bill.

Mr. BLAIR. I do not want any such help. I want the bill disposed of now. I have no objection to the Senator making his motion, but I do not understand that simply because he gives a notice that at some time he proposes to make a motion his bill thereby acquires any privileges except to submit the motion to the Senate. This other bill has rights. I have rights as far as any member in the Senate, I suppose, to courteous treatment, and I want this bill treated like other bills, and I do not think the Senator from Kentucky or any other Senator is in an attitude to say that he has superior claims to personal courtesy to those which I possess as the one in charge of this bill. Certainly this bill has been sufficiently buffeted and kicked about, and I want it disposed of.

Mr. WILLIAMS. I claim for myself no more courtesy than any Senator. I certainly understood that all the sailors in the Senator's crew had struck yesterday.

Mr. BLAIR. Not at all.

Mr. WILLIAMS. I thought after what occurred yesterday the Senator would be willing to let the bill go over. It is impossible to get the pension bill acted on without antagonizing it with something.

Mr. BLAIR. The Senator may find various cracks in his own bill before he is through with it.

Mr. LOGAN. I think I can suggest a compromise that will suit the gentlemen. I think they are in favor of both bills; I know that I am; and I suggest that the Senate by unanimous consent agree that after the labor bill—which I think is a very important one—is disposed of, then we take up the bill suggested by the Senator from Kentucky and dispose of it. I think it can be disposed of in twenty minutes. That is my judgment.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. LOGAN. Certainly; I have said all I desired to say.

Mr. HOAR. I thought the Senator had finished. Having charge of the Utah bill, which is the bill now in order as the pending business, which has been laid before the Senate, I ask unanimous consent to say a word.

The PRESIDING OFFICER. Is there objection to the Senator from Massachusetts proceeding? The Chair hears none.

Mr. HOAR. I object to displacing the Utah bill by the bill which the Senator from Kentucky proposes. The Utah bill was reached in its order last week in pursuance of previous notice, and was taken up by the Senate, and to accommodate a number of gentlemen, I think all of them on the other side of the Chamber—but that makes no difference, because there was no political matter at stake—I consented to have the Utah bill go over till this week with the understanding that then it should be taken up. When it came up I further consented, I am afraid incautiously, to have the statistics bill, which had been going on in the

mean time, finished, it appearing every morning as if it would be finished in half an hour. It appears so now, because I think these various substitutes are the result of the debate, and will not precede a debate. I think the substitute of the Senator from Indiana [Mr. HARRISON] embodies the suggestions which have been made all along very fully and that will be adopted and disposed of very soon. But at any rate I must resist, and must ask the Senate to stand by me in resisting, the laying aside of the Utah bill. I have myself to go away before the end of next week on a public duty which I think is one that justifies my absence, and if I let the Utah bill lose any longer time it will bring it into a time when I can not be present to attend to it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

Mr. WILLIAMS. I wish to ask the Senator from Massachusetts a question. The Utah bill is not a House bill, but a Senate bill.

Mr. HOAR. So much the more reason for its being early disposed of and sent down to the House. The House bills we are sure to get through at this Congress.

Mr. WILLIAMS. The Mormons will not run away before the House adjourns if we have not time to pass that bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

Mr. LOGAN. Before that vote is taken I desire to have the Senate agree to my proposition. As soon as the bill the Senator from New Hampshire has charge of shall be disposed of, I then myself, so far as I am concerned, would certainly be in favor of taking up the bill suggested by the Senator from Kentucky. The Senator from Massachusetts desires to press what is known as the Utah bill. That is an important measure, I agree, but having said that I would be in favor of taking up the bill suggested by the Senator from Kentucky, I would certainly be in favor of that and would vote to lay aside the Utah bill until the bill suggested by the Senator from Kentucky shall be disposed of. The labor bill having gone as far as it has, I would not like to see it interfered with at this time, but would prefer to have it disposed of. When the question then comes up I shall be in favor of taking up the bill of the Senator from Kentucky.

Mr. WILLIAMS. If there can be a general understanding and agreement on the part of the Senate to take up the Mexican pension bill the moment the labor bill is disposed of, I shall consent.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Kentucky, and debate on that motion is out of order.

Mr. VOORHEES. Will the Senator from Kentucky allow me to make a suggestion?

Mr. WILLIAMS. Yes, sir.

Mr. VOORHEES. I would suggest that inasmuch as the bill on the subject of labor statistics has advanced as far as it has, we had better get it out of the way, and then we can take the chances on the Mexican veterans' bill as against any other bill. I make that suggestion.

Mr. HOAR. I wish to make a suggestion which I think may very likely meet the approbation of the Senate, and that is that at the next sitting of the Senate the Mexican pension bill shall be taken up after the completion of the routine morning business. Its friends think it can be finished in twenty minutes, and that will give them about two hours to try the experiment, and if at the end of two hours it is not finished they can move then to go on as they do now.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky.

Mr. WILLIAMS. If I understand the proposition of the Senator from Massachusetts it is that there be a general understanding and agreement on the part of the Senate that at the first session, immediately after the morning business is over, the Mexican pension bill shall be called up.

The PRESIDING OFFICER. The Chair can only ask for such unanimous consent after the withdrawal of the motion of the Senator from Kentucky.

Mr. WILLIAMS. I want to understand the proposition.

Mr. HARRIS. The Senator can withdraw his motion and make it afterward if it becomes necessary.

Mr. WILLIAMS. Well, I withdraw my motion, and I can make it again. I merely want to understand the proposition.

The PRESIDING OFFICER. Does the Senator ask the unanimous consent suggested?

Mr. HOAR. My proposition was that instead of making his proposition now the Senator should move, which motion can be carried by a majority, and then it will not require unanimous consent, at the close of the routine morning business when the Senate next meets, to-morrow or Monday, to take up the Mexican war soldiers' pension bill. That will give him nearly two hours, and then he will have the same right to go on with his bill, if he does not finish it in two hours, as he has to move to take it up now.

Mr. WILLIAMS. I will accept that and give notice that I will make the motion at the first meeting of the Senate.

The PRESIDING OFFICER. The motion of the Senator from Kentucky being withdrawn, the Chair lays before the Senate the unfinished business.

PENSION APPROPRIATION BILL.

Mr. LOGAN. Pending which I ask for the consideration of the appropriation bill for pensions, which will not cause discussion.

The PRESIDING OFFICER. The Chair is unable to understand the Senator from Illinois.

Mr. LOGAN. I desire to take up the pension appropriation bill. I will state that if any discussion arises on the bill I shall consent to its being laid aside.

The PRESIDING OFFICER. The Senator from Illinois moves that the Senate do now consider Order of Business 618, being the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HARRIS. I think the Senator asks unanimous consent. He does not make a formal motion, because that would displace the unfinished business.

Mr. LOGAN. Yes, sir; I ask unanimous consent.

Mr. HOAR. Laying aside the pending business informally, as I understand?

Mr. LOGAN. Yes, sir.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes.

The bill was read.

The PRESIDING OFFICER. The Secretary will report the first amendment proposed by the Committee on Appropriations.

Mr. MORGAN. I find that the committee have stricken out of the bill a good deal of legislation here. It seems to be of an important character. Whether it is valuable or not I am not prepared to say, because I am not a well-versed pension lawyer by any means, but I desire to ask the Senator in charge of the bill why it was stricken out.

Mr. LOGAN. We struck out everything that was general legislation, and left it simply an appropriation bill.

Mr. MORGAN. That was the object of the committee?

Mr. LOGAN. That was their object in doing so. The House has passed it, and if we are compelled in a committee of conference to have legislation we will try and make it as good as we can; but we struck it out so as to have a clean appropriation bill and have no general legislation in it, the Committee on Pensions already having the same subject before them.

Mr. MORGAN. It was the very view the Senator from Illinois takes of it which induced me to make the inquiry. This subject, if it is a legitimate subject of legislation upon a pension bill, ought to pass under review in the Senate before it goes to a committee of conference, and I should be glad to hear reasons stated by the Senator in charge of the bill—I may probably concur in them—why he thinks that the legislation that is in the bill is not valuable. I am not informed upon that question.

Mr. LOGAN. It has been a rule in the Senate that appropriation bills should not carry all the general legislation of the country.

Mr. MORGAN. I am aware of that, and I concur in the propriety of such a rule.

Mr. LOGAN. The Committee on Pensions having this subject now before them in a separate bill, it was thought best to strike the general legislation out and have this an appropriation bill and nothing more. That is all there is to it.

Mr. MORGAN. Then the committee have not stricken out this general legislation because in itself it was improper legislation?

Mr. LOGAN. Oh, not at all.

Mr. MORGAN. Or useless legislation?

Mr. LOGAN. No, sir.

Mr. MORGAN. It may be valuable?

Mr. LOGAN. It may or may not be.

Mr. MORGAN. The Senator intimated that perhaps when the bill goes to a committee of conference if we could get a bill in no other way the committee of conference may agree.

Mr. LOGAN. The Senator will understand that I do not know who will be on the committee of conference. My own idea would be not to have any general legislation on the appropriation bills. I merely made that allusion by way of remark, because sometimes committees of conference have to agree to a certain character of legislation that one House may not think proper on an appropriation bill. I merely said it in reference to what has transpired heretofore. Some of the legislation in the bill is very good, but a part of the legislation on the subject without the whole certainly would not be very proper, and therefore we concluded to strike all of it out.

Mr. JACKSON. If the Senator will allow me, I will state that the Committee on Pensions on the 24th of February reported a general bill on the subject of attorneys' fees. That bill is pending on the Calendar now, and is a little more in detail than the provisions in the appropriation bill. It is in effect restoring the act of 1870; and it would be best, it was thought, that it should be considered in a separate bill rather than in an appropriation bill.

Mr. MORGAN. I have no doubt that is right in reference to this

appropriation bill or any other. General legislation ought to be considered apart from appropriation bills.

Mr. LOGAN. I will say to the Senate that the Committee on Appropriations received several very nice scathings, if I may use that expression, in the Senate for appropriating to itself the right to give to the country general legislation on appropriation bills; and inasmuch as the Committee on Pensions had this subject under consideration, that being the proper committee to consider it, we thought not only on account of its being improper to be on an appropriation bill but that proper courtesy demanded that that committee should have the disposition of this matter in connection with fees, &c., of attorneys, and that in connection with other things caused us to strike it out.

Mr. MORGAN. I concur in all that. I am heartily in accord with the view taken by the Committee on Appropriations on this question, and all I desire to guard against is this: Here is general legislation on this subject upon an appropriation bill, and if the Committee on Appropriations when they get into conference on the bill (if they should get into conference and the House decline to concur in our amendments) find that it is necessary to take up and discuss this general legislation, I hope they will come back in such a way and at such a time as to give the Senate an opportunity of discussing the merits of this general legislation. As we are passing upon it now, we are not discussing or understanding even what the merits of it may be; but I would very much prefer, inasmuch as the committee have taken what I conceive to be the proper ground of excluding general legislation from the bill, that when they get into conference they will adhere to that, and not go into the matter of considering this general legislation under any circumstances. That is all I desire to say.

Mr. LOGAN. I certainly should be opposed to doing so myself.

The PRESIDING OFFICER. The first amendment proposed by the Committee on Appropriations will be read:

The first amendment reported by the Committee on Appropriations was, in section 1, after "1884," in line 14, to insert "estimated at $66,000,000;" so as to read:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, and survivors and widows of the war of 1812, $20,000,000; and any balance of the appropriation for the above purposes for the current fiscal year that may remain unexpended on the 30th of June, 1884, estimated at $66,000,000, is hereby reappropriated and made available for the service of the year ending June 30, 1885.

The amendment was agreed to.

The next amendment was, in section 1, line 26, to increase from $240,800 to $336,200 the appropriation "for pay and allowances of pension agents, for salary, fees for preparing vouchers, rent, fuel, lights, and postage on letters to the Executive Departments and to pensioners."

Mr. BAYARD. Will the Senator please state why that increase is made?

Mr. LOGAN. It is made in accordance with the estimate of the Commissioner of Pensions. The bill as it came from the House reduced the pension agents to twelve and reduced the fees that they are entitled to, &c. We struck out the reduction so far as the decrease of the number of pension agents is concerned, and the decrease in reference to their fees, and took the estimate of the Commissioner and changed the amount from the House sum to the estimate of the Commissioner of Pensions.

Mr. BAYARD. That is a matter of absolute certainty?

Mr. LOGAN. Yes, sir; an estimate made upon the basis of the law as it stands now.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the following proviso, from line 27 to line 39, inclusive, of section 1:

Provided, That from and after July 1, 1884, agents for the payment of pensions shall receive only $10 for each 100 vouchers, or at that rate for a fraction of 100, prepared and paid by any agent in excess of 4,000 vouchers per annum: *Provided further*, That from and after July 1, 1884, there shall be no more than twelve agents for the payment of pensions; and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was to strike out section 2 to section 6, inclusive, in the following words:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears-of-pension, or bounty-land claims until the allowance of the claim.

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions, out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions.

SEC. 4. That the fee in all pension, arrears-of-pension, or bounty-land claims shall be $10, except in case of special written contract filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 20, 1878, and prior to the passage of this act, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. And such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

SEC. 6. That any agent or attorney, or other person, instrumental in prosecuting any claim for pension or arrears thereof, who shall, directly or indirectly, contract for, demand, or receive, or retain, any compensation for his services or instrumentality for prosecuting a claim for pension or arrears thereof greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall, for every such offense, be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

Mr. MITCHELL. I trust the Senate will not strike out that part of the bill. The Committee on Pensions have had this matter under consideration not only in this Congress but in the former Congress, and have, as was stated by the Senator from Tennessee [Mr. JACKSON], recently reported a bill to the Senate on the general subject which covers the whole case, as we think, and which meets the approval of the Commissioner of Pensions. It is more extensive and general than these provisions inserted by the House in the bill, but the Commissioner of Pensions was before our committee a day or two since and stated that the proposition of the House meets with his approval with a very slight change—with the change of only two or three words.

Mr. LOGAN. If any portion of this legislation is to be left in the bill, it ought all to be left in. We struck it out for the reason that the Committee on Pensions had reported a bill, and a bill that we understood was a better one than these provisions in the House bill, and that it was a bill which had been agreed to by the authorities having charge of the pensions. If there is a desire to have a portion of that bill inserted in this appropriation bill it had better be done by mature deliberation, taking up the bill reported by the Committee on Pensions and this bill together in a committee of conference and having such a bill as would be satisfactory to all parties.

As I said a while ago, we struck out all general legislation for that purpose, leaving the Committee on Pensions to have charge of this part of the bill, and I think that course is much preferable. I would very much prefer that the general legislation should all be stricken out, so that if any portion of it is to be considered by the committee of conference it may all be considered, inasmuch as it is all in the bill.

Mr. MITCHELL. I do not understand that a point of order can be made against this proposition of the House, and therefore the general objection that might be made perhaps would not apply. So far as I am concerned I would be willing that the matter should be disposed of in a conference committee, as suggested by the Senator from Illinois; but, as I said before, the Commissioner of Pensions would be satisfied with this legislation with a very slight amendment, although it does not go so far or include so much as the bill which has been reported after very careful deliberation by the Committee on Pensions of this body. If the Senator is disposed to take care of the subject in that way, I am quite willing to meet it in that way.

Mr. LOGAN. I have stated to the Senate two or three times that we struck out all those provisions, so that the matter might all be considered. If the Committee on Pensions have a bill that can not be considered separately, then it may be considered in the committee of conference, but let the whole subject be considered. Therefore we struck it all out, so as to consider the whole thing or none.

Mr. MITCHELL. Very well; with that understanding I am quite willing that the amendment as proposed by the Committee on Appropriations should be agreed to. If the Senator (as I suppose he will be on the committee of conference) will consider this matter and take the action of the Committee on Pensions as his proposition, we shall be a great deal better satisfied than we shall be by merely agreeing to the proposition of the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations striking out the remainder of the bill, beginning at section 2.

The amendment was agreed to.

Mr. JACKSON. I call the attention of the Senator from Illinois to an amendment that I think ought to be made in the sixteenth line of section 5, an amendment that has been suggested to the committee, after the word "threaten" to add the words "or attempt to deceive, mislead, or threaten."

Mr. LOGAN. That is all stricken out.

Mr. JACKSON. The fourth section has been stricken out?

Mr. LOGAN. Yes, all the general legislation has been stricken out.

Mr. JACKSON. The fifth section also?

Mr. LOGAN. All of it.

Mr. MITCHELL. I think perhaps the Senator from Tennessee did not understand the proposition of the Senator from Illinois. It is to meet the question in the committee of conference.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BUREAU OF LABOR STATISTICS.

Mr. BLAIR. I ask that the unfinished business be still further informally laid aside and that the Senate proceed to the consideration of the labor bill.

The PRESIDING OFFICER. Is there objection to the course proposed by the Senator from New Hampshire? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, the pending question being on the amendments proposed by Mr. BLAIR, in section 1, line 4, after "a," to strike out "bureau" and insert "department;" after the word "labor," in the same line, to strike out the word "statistics;" and in line 5, after the word "labor," to strike out the word "statistics;" so as to read:

That there shall be established and maintained at the seat of Government a department of labor, which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. WILSON. I desire to have a division of the question.

Mr. HALE. I wish to ask the Senator from New Hampshire whether it is the proposition involved in the amendment of having an entirely separate and distinct department, that shall not in any way be subject to or a part of either of the great Departments of the Government as now organized.

Mr. BLAIR. The difficulty arises in this way: The Senator from Iowa [Mr. ALLISON] moved an amendment to the bill in the latter portion of it, that part of it which provides for the appointment by the commissioner of his chief clerk, as doubts of the constitutionality of conferring that power upon a bureau officer have been raised. The Senator from Ohio [Mr. SHERMAN] says that there can be no doubt of the power of the head of a Department to make such appointments or the authority of Congress under the Constitution to devolve the power on the head of a Department, and that when the Department of Agriculture was organized it was made a department for the very reason that it was desirable to give the Commissioner of Agriculture control over the office of which he was the head. Therefore, in order to meet the difficulty which exists in the bill by so amending it as to make this a department instead of a bureau, the power may be conferred of independent action in the appointment of a chief clerk. Hence results the necessity of an amendment, and if there is to be an amendment, the one in this direction it seems to me is the best to make.

Mr. HALE. It strikes me very clearly that this is doing a very greatly objectionable thing in order to cure a small objection. The bill the Senator has reported, whatever may be said about it, did not originally provide for or contemplate that a new department should be created—I do not mean a Cabinet office, but an independent department—but it was to be, as other things of importance have been heretofore provided for, a bureau. Now, because the objection is raised that the head of a bureau can not appoint a chief clerk or any clerk without interfering with the provisions of the Constitution, the Senator from New Hampshire proposes to change entirely the scope and power of the organization that shall control this business of labor statistics. It seems to me that that is going very much too far. I do not, for one, believe in creating any more independent departments outside of the great Departments of the Government. The Department of Agriculture is an anomaly. The head of it has no power as a Cabinet officer, and yet he is independent.

Mr. HARRIS. If the Senator from Maine will allow me, I should like to ask him, instead of changing the scope and power of this subordinate officer that it is proposed to create, is it not rather an attempt to evade a constitutional provision by changing the name of the office?

Mr. HALE. It has that objection in addition to the objection that I am urging. That undoubtedly is the occasion of the motion, seeking to avoid the difficulty in which the Senator has fallen; but it involves what I say is an anomaly in our Government, the creation of another bureau, or department, rather, like the Commissionership of Agriculture, which reports to no Department, which is independent, and yet the Commissioner, the head of it, has no power or responsibility as a member of the Cabinet.

While I am willing to vote for this bill thinking that some good may come from it, I am not willing to vote to establish another department of itself and create another anomaly such as is now presented in the Department of Agriculture. I hope the amendment will not prevail.

Mr. CAMERON, of Wisconsin. I think I can make a suggestion to the Senator from New Hampshire which will help him out of the difficulty. It will be remembered that in the civil-service act, so called, it was provided that the Civil-Service Commissioners shall appoint a chief examiner. When the act was submitted to the President it will be recollected that he called the attention of Congress to that provision, and instead of the chief examiner being appointed by the Commissioners, notwithstanding that provision in the act, the chief examiner was nominated to the Senate by the President and confirmed by the Senate. So under the provisions of the bill now under consideration as it came from the House, if the clause objected to be unconstitutional—I do not know whether it is or not—the President may nominate the chief clerk of the bureau to the Senate for confirmation.

Mr. GEORGE. I can not hear the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin. I was suggesting that notwithstanding the provisions in this bill, which provides that the commissioner, or whatever he is called, shall appoint a chief clerk, and that in the absences of the commissioner the chief clerk shall perform the duties of commissioner, if that provision be unconstitutional the President can nominate a chief clerk to the Senate and the Senate can confirm or reject such nomination, and thereby this officer can be appointed in a constitutional manner. The same difficulty I was remarking occurred under the civil-service act. That act provided that the Commissioners should appoint a chief examiner. The President was of the opinion that that was an unconstitutional provision, and consequently he nominated to the Senate a chief examiner and he was confirmed by the Senate, and in that way undoubtedly was constitutionally appointed.

So in this case I think, without making any amendment, if the bill be passed exactly as it came from the House, the President can nominate a chief clerk to the Senate and the Senate can take action upon that nomination. I hope the Senator from New Hampshire will concur with me in this suggestion and refuse his assent to any amendment whatever.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. WILSON. I desire to have a division of that amendment.

The PRESIDING OFFICER. A division of the question is called for. The Secretary will report the first division of the amendment proposed.

The SECRETARY. In section 1, line 4, it is proposed to strike out the word "bureau" and insert the word "department."

Mr. WILSON. I wish to have a vote taken upon that separately.

Mr. BLAIR. This amendment with the others corresponding to it I offered in consequence of the suggestion of the Senator from Ohio [Mr. SHERMAN]. I suppose that the question whether this shall be changed from a bureau to a department may perhaps be tested upon other amendments that come later on; and, if I may do so, and there is no objection, I am inclined to withdraw all the verbal amendments which I suggested last night in order that the sense of the Senate may be taken upon other propositions which if adopted will dispose of this matter, and if rejected, leaving the bill before the Senate, it can then easily be amended in this regard in another way, or the suggestion of the Senator from Wisconsin be adopted. Therefore, I will withdraw the amendments.

The PRESIDING OFFICER. The Chair understands the Senator from New Hampshire to withdraw the amendments which he offered yesterday.

Mr. BLAIR. I will withdraw the amendments which I offered, including the pending amendment and all other amendments which I moved.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and still open to amendment, the amendments proposed by the Senator from New Hampshire having been withdrawn.

Mr. GEORGE. I understand now that so far as the Senator from New Hampshire is concerned the bill stands——

Mr. BLAIR. It stands as it came from the committee.

Mr. GEORGE. And from the House of Representatives?

Mr. BLAIR. Yes, sir. I ask for the reading of a telegram which I have received since I called up the bill this afternoon.

The PRESIDING OFFICER. The telegram will be read.

The Secretary read as follows:

SCRANTON, PA., *May* 23, 1884.

Three thousand assemblies of Knights of Labor request of Senate to concur in action of House on bureau of labor statistics bill.

F. V. POWDERLY,
General Master-Workman, K. of L.

Hon. H. W. BLAIR,
Senate, Washington, D. C.

Mr. MORGAN. We have no answer by telegraph to the constitutional question raised by the Senator from Iowa yesterday.

Mr. BLAIR. That is the only telegram I have received. The Senator from Iowa may have received one.

Mr. GARLAND. If the amendments to perfect the bill are through with, I suppose the amendment in the nature of a substitute that I desired to offer will be now in order.

The PRESIDING OFFICER. It is now in order. The Chair understands there are no other amendments proposed.

Mr. GARLAND. I have qualified the amendment a little, and I will now beg leave to offer that amendment.

The PRESIDING OFFICER. The Senator from Arkansas moves an amendment as a substitute which will be reported.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That section 342, chapter 10, of the Revised Statutes be amended by adding thereto the following words, namely:

"The Chief of the Bureau of Statistics shall, under such regulations as the Secretary of the Treasury may prescribe, annually collect and report to Congress

the statistics of and relating to marriage and divorce in the several States and Territories and the District of Columbia, and pertinent information relating to all departments of labor and production in the United States, especially touching the pecuniary, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the whole country; and the salary of the chief of such bureau shall be $3,500."

Mr. HOAR. I ask for the yeas and nays.

Mr. JONES, of Florida. Mr. President——

The PRESIDING OFFICER. The question is on the adoption of the substitute proposed by the Senator from Arkansas. The Senator from Florida.

Mr. JONES, of Florida. I wish to ask a question with respect——

Mr. HOAR. I asked for the yeas and nays.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOAR. I asked for the yeas and nays. I suppose that should be decided when it is demanded. I asked before the Senator from Florida rose.

Mr. JONES, of Florida I am on the floor.

The PRESIDING OFFICER. The Chair had recognized the Senator from Florida.

Mr. JONES, of Florida. I should like to ask the Senator from Arkansas, with respect to this amendment, what is to be understood by the phrase "laboring classes." He is the author of the amendment, and I for one should be glad to understand what that means.

Mr. GARLAND. The term "laboring classes," mentioned in the amendment, refers to all persons whose occupations lead them to manual work. That is giving as generic a classification of it as I can just now. It includes laboring men, whether persons who manufacture, persons who till the soil, persons who cut wood, or anything of that sort.

Mr. JONES, of Florida. Mr. President, a very large proportion of the American people have to labor in many ways to sustain themselves in life. I regard a professional man as a laborer. I regard the man who labors in a profession, whether as a physician or as an attorney, or as an engineer, in every capacity where a man is called upon to exercise his faculties for the benefit of others, as a laborer. I desire to know whether the words employed in this amendment and in the original bill intend to embrace every description of labor, intellectual and manual. I do not want any brand put upon the working masses of the country. I think labor is honorable. I think the man who works for his daily bread as a mechanic, or as a farm hand, is pursuing just as honorable a pursuit as the man who works in a lawyer's office or as a physician.

When we are going into this subject let us understand exactly where we are going and whom you are going to mark out for special favors under the Government. I know that there are some public men who are constantly pandering to the laborers of the country without weighing their words, and who I believe have not one particle of sympathy with them. There are some in public life who have earned their bread by the sweat of their brow who when it comes to labor have a right to speak for the laborers.

Now let us understand whom this measure is intended to benefit and what is the necessity for it. Let us include the lawyers, the doctors, and the engineers. Every class of people who have to labor for others ought to be embraced in this legislation. I do not want any stigma put upon labor as mendicant, as pauperism, or anything of that kind. Labor is respectable.

For years of my life that I labored I never found such a sentiment prevailing in the country as that the laborers wanted any recognition from Congress in the shape of a special bureau. They can take care of themselves. I am not their advocate and they know that I am not their enemy. If the working masses of America would listen to me I would tell them that in all this business of preparing statistics in their interest at the head of the Government, which are to be made the foundation of legislation afterwards to be had, it will not benefit them.

I would leave this subject where it has been for years, with the States, and I would not crowd it into this Congress to gratify the whims and notions of some people who imagine they are benefiting the laborers. Labor can take care of itself. Whenever the interests of the toiling masses of America have to depend upon the statistics prepared in a bureau in Washington the laboring masses will suffer, the facts will be adverse to them. Their best security is in standing by the limitations of their organic law, the simple Constitution of ours, which treats them as part of the American public, and not ask to be put to the front because they are laborers and require something specially to be done that no other class in the Republic requires. I repudiate it.

Mr. GARLAND. Mr. President, when I was asked by the Senator from Florida in reference to the definition of the terms used in the amendment I answered as well as I could; and I was about to proceed to make some suggestions in reference to the general aspect of the bill in connection with the amendment which I offered and the amendment contemplated to be offered by the Senator from Rhode Island [Mr. ALDRICH].

This matter has grown very considerably since it was started and since the debate was opened by the Senator from New Hampshire, and a great deal of time has been, I will not say wasted, but has been spent in debating it. I think we have come to a point where it is very evident that it is necessary that a good deal more time be spent in looking into this bill and into the general objects and purposes that it intends to reach.

We have got ourselves now into a very perplexing attitude, in my judgment. All of us who have spoken or made any suggestions in reference to the matter believe that some movement of this sort would be beneficial, if not absolutely necessary. The amendment I offered, and which is now the pending proposition before the Senate, had regard to the idea that was so suddenly brought forth yesterday by the suggestion of the Senator from Iowa in reference to the power of the Commissioner to make his appointment of a chief clerk; that is the necessity of putting this bureau or this department, if you choose to call it that, under the head and under the direction and control of one of the Departments of the Government, constitutionally speaking.

Yesterday I stated that the Department of Agriculture, as it is called, was a part of the Department of the Interior. It had escaped my memory that the act of 1862 had taken it from that Department; but it is very uncertain now, if the question was tested, whether the Department of Agriculture, with the powers conferred upon it, has a constitutional existence. In the line of the suggestion that I made yesterday I wish now to pursue this idea somewhat and show to the Senator from New Hampshire, if I can, what I feel to be correct, that his bill needs an entire reformation, and it is brought about by the idea that this department or bureau must be one of two things. You must make it a Department of the Government, constitutionally speaking, or you must place it under the control and direction of one of these Departments. That is the proposition.

Yesterday I read to the Senate a decision in 6 Wallace upon this power under the Constitution of making appointments. There was a much later case that I could not then place my hand upon which I have found and have here this morning, and I wish to call the attention of the Senate to it. I think it is clearly demonstrated beyond any question, beyond the possibility of a doubt, that this proposed law is not, as it stands, a constitutional measure, and to make it such it must be reformed from the bottom up. This is the case of the United States *vs.* Germaine, in 99 United States Reports. I will read the head-note by way of getting at the key of the case, which is as follows:

The Commissioner of Pensions is not the head of a Department within the meaning of section 2, article 2, of the Constitution, prescribing by whom officers of the United States shall be appointed.

The act of Congress vested in the Commissioner of Pensions the power to appoint certain officers; he appointed one of them, and the authority to do that under the Constitution came before the Supreme Court of the United States in this case.

As the defendant here was not appointed by the President, or by a court of law, it remains to inquire if the Commissioner of Pensions, by whom he was appointed, is the head of a Department within the meaning of the Constitution, as is argued by the counsel for plaintiffs.

That instrument was intended to inaugurate a new system of government, and the departments to which it referred were not then in existence. The clause we have cited is to be found in the article relating to the Executive, and the word as there used has reference to the subdivision of the power of the Executive into departments for the more convenient exercise of that power. One of the definitions of the word given by Worcester is: "A part or division of the executive government, as the Department of State or of the Treasury." Congress recognized this in the act creating these subdivisions of the executive branch by giving to each of them the name of a department. Here we have the Secretary of State, who is by law the head of the Department of State, the Departments of War, Interior, Treasury, &c. And by one of the latest of these statutes, reorganizing the Attorney-General's Office and placing it on the basis of the others, it is called the Department of Justice. The association of the words "heads of Departments" with the President and the courts of law strongly implies that something different is meant from the inferior commissioners and bureau officers—

That is what I stated yesterday—

who are themselves the mere aids and subordinates of the heads of the Departments. Such, also, has been the practice, for it is very well understood that the appointments of the thousands of clerks in the Departments of the Treasury, Interior, and the others are made by the heads of those Departments, and not by the heads of the bureaus in those Departments.

So in this same section of the Constitution it is said that the President may require the opinion in writing of the principal officer in each of the Executive Departments relating to the duties of their respective offices.

The word "Department" in both these instances clearly means the same thing, and the principal officer in the one case is the equivalent of the head of Department in the other.

While it has been the custom of the President to require these opinions from the Secretaries of State, the Treasury, of War, Navy, &c., and his consultation with them as members of his Cabinet has been habitual, we are not aware of any instance in which such written opinion has been officially required of the head of any of the bureaus, or of any Commissioner or Auditor in these Departments.

In the now distinguished case of The United States *vs.* Hartwell, in 6 Wallace, the case that I read yesterday, Hartwell was appointed by the assistant treasurer, with the approbation and indorsement of the Secretary of the Treasury. Now, here we are. This commissioner is not, according to the interpretation of the Constitution under this decision, the head of a Department, and therefore he can not make the appointment. He is the head of some bureau, of some chest, or of some room containing a drawer of chests or a chest of drawers, as the case may be, but his office is not a Department as contemplated by the Constitution. The Commissioner of Pensions, a more important officer, with more widespread duties and more far-reaching duties than the officer here proposed, notwithstanding the act of Congress gave him the

power to appoint a surgeon, the Supreme Court said he could not do it, and the surgeon was not an officer under his appointment. Why? Because the Commissioner's office was not a Department under the Constitution of the Government. We have the Quartermaster's Department, we have the Commissary Department, we have the Ordnance Department, but they all refer back to the War Department at last; and we have the Engineer Department, as suggested by the Senator from South Carolina [Mr. BUTLER], and hundreds of others that we could speak of. So I say here, and I gave my opinion yesterday, that the Department of Agriculture, as it is now constituted with its powers, is an unconstitutional department according to the interpretation of the Constitution in this decision.

As it struck me from the beginning, if you are going to give this commissioner these powers, put him under some recognized Department, or if you will not, make it a Department of the Government constitutionally and place him in the Cabinet side by side with the other seven heads and the President. In my judgment there is no avoiding the question.

My amendment undertakes to place him under the lead and control of the Secretary of the Treasury. I am perfectly willing to take the suggestion of the Senator from Rhode Island and put it in the Interior Department, for his amendment, simply changing the two Departments, is just the same in effect as my own.

I wish to state to the Senator from New Hampshire that this is not an idle objection, as he will see from reading this case closely, which I could not place my hand upon yesterday; but here it is now, brought face to face to us, and one of two things must be done. You must create this a Department under the Constitution, or put this bureau, or this room, or whatever name you choose to give it, under the head of some recognized Department of the Government. With all these difficulties in the way—and here is an insurmountable one—if the Senator from New Hampshire, with his committee, is not prepared to place this under some proper Department of the Government at this time, I think more time is required to investigate this matter properly, and I therefore move to recommit the bill, with all the amendments, to the committee, with the Senate bill, so that by the meeting of the Senate next Monday these questions may be considered by the committee deliberately, and they may report to us then some results of their consideration.

The PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Arkansas moves to recommit the bill to the Committee on Education and Labor.

Mr. HOAR. I ask for the yeas and nays.

Mr. BLAIR. I hope that motion will not prevail.

Mr. HOAR. I desire that the question may be taken by yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. HARRIS. I was requested to announce the pair of the Senator from Kentucky [Mr. BECK] with the Senator from Massachusetts [Mr. DAWES]. If the Senator from Kentucky were present, he would vote "yea."

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from Delaware [Mr. SAULSBURY]. If my colleague were here, he would vote "nay."

Mr. BUTLER. My colleague [Mr. HAMPTON] is paired generally with the Senator from Rhode Island [Mr. ANTHONY].

Mr. BROWN (after having voted in the affirmative). I am paired with the Senator from Maine [Mr. FRYE] on all political questions, and as I see this has taken somewhat that direction, I withdraw my vote.

The result was announced—yeas 18, nays 28; as follows:

YEAS—18.

Bayard,	Fair,	Jones of Florida,	Slater,
Butler,	Garland,	Lapham,	Walker,
Camden,	Harris,	Maxey,	Williams.
Coke,	Jackson,	Morgan,	
Colquitt,	Jonas,	Pendleton,	

NAYS—28.

Aldrich,	Dolph,	Jones of Nevada,	Platt,
Allison,	Edmunds,	Kenna,	Pugh,
Blair,	George,	Logan,	Sawyer,
Call,	Harrison,	McMillan,	Van Wyck,
Cameron of Wis.,	Hawley,	Morrill,	Vest,
Conger,	Hill,	Palmer,	Voorhees,
Cullom,	Hoar,	Pike,	Wilson.

ABSENT—30.

Anthony,	Frye,	McPherson,	Riddleberger,
Beck,	Gibson,	Mahone,	Sabin,
Bowen,	Gorman,	Manderson,	Saulsbury,
Brown,	Groome,	Miller of Cal.,	Sewell,
Cameron of Pa.,	Hale,	Miller of N. Y.,	Sherman,
Cockrell,	Hampton,	Mitchell,	Vance.
Dawes,	Ingalls,	Plumb,	
Farley,	Lamar,	Ransom,	

So the motion to recommit was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment in the nature of a substitute proposed by the Senator from Arkansas [Mr. GARLAND].

Mr. HOAR. If no Senator desires to debate the amendment, in order to test the question of maintaining the bill in its integrity I will move to lay the amendment on the table. If any Senator does desire to debate it, of course I shall withdraw the motion.

The PR SIDING OFFICER. The Senator from Massachusetts moves to lay the pending amendment on the table.

Mr. HOAR. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MCMILLAN. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be read for information.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That section 342, chapter 10, of the Revised Statutes be amended by adding thereto the following words, namely:

"The Chief of the Bureau of Statistics shall, under such regulations as the Secretary of the Treasury may prescribe, annually collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and the District of Columbia, and pertinent information relating to all departments of labor and production in the United States, especially touching the pecuniary, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the whole country; and the salary of the chief of such bureau shall be $3,500."

The PRESIDING OFFICER. The Secretary will call the roll on the motion to lay the amendment on the table.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE].

Mr. HILL (when Mr. GIBSON'S name was called). The Senator from Louisiana [Mr. GIBSON] was paired with me on this bill, but I have transferred my pair to the Senator from Michigan [Mr. PALMER].

Mr. MORGAN (when his name was called). I was paired with the Senator from Michigan [Mr. PALMER]. The pair has been transferred to the Senator from Louisiana [Mr. GIBSON]. I vote "nay."

The roll-call was concluded.

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from Delaware [Mr. SAULSBURY]. My colleague would vote "yea."

The result was announced—yeas 26, nays 24; as follows:

YEAS—26.

Aldrich,	Edmunds,	Jones of Nevada,	Pugh,
Allison,	George,	Lapham,	Sawyer,
Blair,	Hale,	Logan,	Sherman,
Call,	Harrison,	McMillan,	Voorhees,
Cameron of Wis.,	Hawley,	Morrill,	Wilson.
Conger,	Hill,	Pike,	
Cullom,	Hoar,	Platt,	

NAYS—24.

Bayard,	Dolph,	Jonas,	Ransom,
Butler,	Fair,	Jones of Florida,	Slater,
Camden,	Garland,	Kenna,	Van Wyck,
Cockrell,	Gorman,	Maxey,	Vest,
Coke,	Harris,	Morgan,	Walker,
Colquitt,	Jackson,	Pendleton,	Williams.

ABSENT—26.

Anthony,	Frye,	Mahone,	Riddleberger,
Beck,	Gibson,	Manderson,	Sabin,
Bowen,	Groome,	Miller of Cal.,	Saulsbury,
Brown,	Hampton,	Miller of N. Y.,	Sewell,
Cameron of Pa.,	Ingalls,	Mitchell,	Vance.
Dawes,	Lamar,	Palmer,	
Farley,	McPherson,	Plumb,	

So the amendment was laid on the table.

Mr. ALDRICH. I desire to test the sense of the Senate on the substitute I offered yesterday. I have no disposition to discuss it, for I am quite ready to vote on the question.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That there shall be established in the Department of the Interior a bureau of labor, which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed, and shall receive a salary of $3,000 a year. The commissioner shall collect information upon the subject of labor, its relations to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. The Secretary of the Interior shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as may be necessary for the said bureau: *Provided*, That the total expense shall not exceed $25,000 per annum. During the necessary absence of the commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of commissioner. The commissioner shall annually make a report in writing to the Secretary of the Interior of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

The PRESIDING OFFICER. The question is on agreeing to the substitute proposed by the Senator from Rhode Island [Mr. ALDRICH].

Mr. BLAIR. I wish to say simply that the bill provides for the expenditure of $25,000 of money, and most of it is in the discretion of the commissioner—all but the salaries. About hiring rooms there will be no trouble, and some place can be provided in which to do the work. That was one objection made to the bill as it is and for which it was sought to be amended.

In regard to the appointment of a chief clerk, as has been suggested by the Senator from Wisconsin when the Civil-Service Commissioners were created, the President approved the act giving them the power to appoint their chief examiner, but suggested that there was doubt as to the power of the Commissioners to appoint their examiner, and he therefore nominated one and sent the nomination to the Senate and the confirmation was made. That is the way they got their chief examiner, notwithstanding the provision in the act which created the commission. This bureau, department, or what not (it is all a controversy over words), in my judgment, will be no worse situated than the Civil-Service Commission, which has managed to do a great deal of business thus far. If those points are well taken against any amendment of the bill, there is no reason why we should not go right on and pass the bill as it is. I hope the Senate will do so and do it immediately.

Mr. BUTLER. Before the Senator takes his seat I should like to ask him a question. If I understood him correctly, he spoke of this as a bureau. Do I understand him to take the position now that it is a bureau or a department?

Mr. BLAIR. A bureau. It is the bill as it came from the House.

Mr. BUTLER. The Senator offered an amendment yesterday.

Mr. BLAIR. I withdrew those amendments, all of them.

Mr. BUTLER. I was not aware of that.

Mr. MAXEY. Mr. President——

Mr. HOAR. Will the Senator from Texas allow me a single sentence in regard to what the Senator from New Hampshire said? I wish to say before that matter passes from the mind of the Senate that if the bill passes we shall have to appropriate of course in an appropriation bill for the expenses of the office, the clerk, &c., and when that appropriation bill comes up it will be very easy in connection with the appropriation for the clerk to say "who shall be appointed by the President by and with the advice and consent of the Senate," and that will cover any possible difficulty.

Mr. HARRIS. It is a violation of the rules.

Mr. MAXEY. I voted for the amendment presented by the Senator from Arkansas because I regarded it as a practical measure. The bill in my judgment is to a certain extent practical and to a very large extent visionary and speculative. A great deal of the information called for in the bill can very readily be found in any work on political economy; a great deal of it as to morals and all that can be found in ethical works, and then there is a very large amount of it speculative, and necessarily so—as that part relating to strikes and such subjects. Every man has his own opinion about it, and you might get a cart-load of books from men on that subject, and they would differ as to the cause of strikes and such things.

The amendment proposed by the Senator from Rhode Island in my judgment is a plain, practical proposition, a business-like proposition, requiring the obtainment of a character of information which will be valuable when obtained, and it is within a reasonable scope; it is such as can be easily obtained, not speculative in its nature, but eminently practical, and I think we had better take a bill of that kind. It would be an absolute impossibility to obtain the information called for by the bill with $25,000 or ten times $25,000. The bill itself, it seems to me, is wholly impracticable, and I think any one who will study it well will come to that conclusion. The amendment, I think, is far better in every regard, and is an amendment which if properly carried out in good faith will yield an amount of valuable information which the country will profit by. I hope the amendment of the Senator from Rhode Island will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed as a substitute by the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

The roll-call was concluded.

Mr. DAWES. I am paired on this bill with the Senator from Kentucky [Mr. BECK]. I am informed that he would vote for this amendment, and with that understanding I vote. I vote "yea."

The result was announced—yeas 37, nays 18; as follows:

YEAS—37.

Aldrich,	Edmunds,	Jonas,	Plumb,
Allison,	Fair,	Jones of Florida,	Pugh,
Bayard,	Farley,	Kenna,	Ransom,
Butler,	Garland,	Lapham,	Slater,
Camden,	Gorman,	Maxey,	Van Wyck,
Cockrell,	Hale,	Miller of N. Y.,	Vest,
Coke,	Harris,	Mitchell,	Walker.
Colquitt,	Hawley,	Morgan,	
Dawes,	Ingalls,	Morrill,	
Dolph,	Jackson,	Pendleton,	

NAYS—18.

Blair,	George,	Logan,	Sherman,
Call,	Harrison,	McMillan,	Voorhees,
Cameron of Wis.,	Hill,	Pike,	Wilson.
Conger,	Hoar,	Platt,	
Cullom,	Jones of Nevada,	Sawyer,	

ABSENT—21.

Anthony,	Gibson,	Manderson,	Sewell,
Beck,	Groome,	Miller of Cal.,	Vance,
Bowen,	Hampton,	Palmer,	Williams.
Brown,	Lamar,	Riddleberger,	
Cameron of Pa.,	McPherson,	Sabin,	
Frye,	Mahone,	Saulsbury,	

So the amendment was agreed to.

Mr. BLAIR. I hope now we may have a vote upon the bill as amended. I ask for the yeas and nays.

The PRESIDING OFFICER. If there be no further amendment in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. GEORGE. I want to be indulged in just one remark before the final vote is taken, and that is this: It seems that my colleague on the committee, the Senator from Florida who sits to my left [Mr. CALL], the Senator from Indiana [Mr. VOORHEES], and myself, are the only Democrats voting against the amendment just adopted and sustaining the original bill. I desire to say, and let it go upon the record, that the bill was reported to the House of Representatives by a Democratic committee and passed by a Democratic House, and if I may be allowed to say so, I would say with less than twenty dissenting voices.

The PRESIDENT *pro tempore*. The Senator is out of order in stating the proceedings of the House of Representatives.

Mr. GEORGE. I withdraw the remark then. [Laughter.]

The PRESIDENT *pro tempore*. The Senator, if there be no objection, will proceed in order.

Mr. GEORGE. That is about all, sir, I intended to say.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BLAIR. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired generally with the Senator from Maine [Mr. FRYE]; but as I believe he would vote for the bill as amended, and as I desire to vote for it, I vote "yea."

Mr. BAYARD (when Mr. SAULSBURY'S name was called). My colleague [Mr. SAULSBURY], who is necessarily absent, is paired with the Senator from Minnesota [Mr. SABIN]. If he were here, I think my colleague would vote "yea."

Mr. MCMILLAN. My colleague [Mr. SABIN] would vote "yea," also, if he were here. He is paired with the Senator from Delaware [Mr. SAULSBURY].

The roll-call was concluded.

Mr. RANSOM. I desire to say that my colleague [Mr. VANCE] is absent in North Carolina on a public duty. If he were here, I think he would vote "yea."

Mr. DAWES. I am paired on this bill with the Senator from Kentucky [Mr. BECK]. If he were here, I should vote "yea."

Mr. HARRIS. I desire to say to the Senator from Massachusetts that the Senator from Kentucky informed me of his pair with the Senator, but my opinion is that if the Senator from Kentucky were here he would vote "yea."

Mr. DAWES. Then I think I shall be justified in recording my vote for the bill. I vote "yea."

Mr. SAULSBURY. I vote "nay."

Mr. CONGER. My colleague [Mr. PALMER] is necessarily absent. I understand he is paired with the Senator from Louisiana [Mr. GIBSON]. If my colleague were here, he would vote "yea."

The result was announced—yeas 55, nays 2; as follows:

YEAS—55.

Aldrich,	Edmunds,	Jonas,	Platt,
Allison,	Fair,	Jones of Florida,	Plumb,
Bayard,	Farley,	Jones of Nevada,	Pugh,
Blair,	Garland,	Kenna,	Ransom,
Brown,	George,	Lapham,	Sawyer,
Butler,	Gorman,	Logan,	Sherman,
Call,	Hale,	McMillan,	Slater,
Camden,	Harris,	Maxey,	Van Wyck,
Cameron of Wis.,	Harrison,	Miller of N. Y.,	Vest,
Coke,	Hawley,	Mitchell,	Voorhees,
Conger,	Hill,	Morgan,	Walker,
Cullom,	Hoar,	Morrill,	Williams,
Dawes,	Ingalls,	Pendleton,	Wilson.
Dolph,	Jackson,	Pike,	

NAYS—2.

Colquitt,	Saulsbury.

ABSENT—19.

Anthony,	Frye,	McPherson,	Riddleberger,
Beck,	Gibson,	Mahone,	Sabin,
Bowen,	Groome,	Manderson,	Sewell,
Cameron of Pa.,	Hampton,	Miller of Cal.,	Vance.
Cockrell,	Lamar,	Palmer,	

So the bill was passed.

On motion of Mr. ALDRICH, the title was amended so as to read "A bill to establish a bureau of labor."

POLYGAMY IN UTAH.

Mr. HOAR. I ask the Chair what is the regular order?

The PRESIDENT *pro tempore*. The regular order, which is the Utah bill, will be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. HOAR. I desire to have the bill now read, and I desire to make some remarks upon the bill, which will be very brief; but I should like to make them this afternoon, as I shall be absent next week.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The amendments of the Committee on the Judiciary will be reported.

The CHIEF CLERK. The first amendment of the committee is to strike out section 18 and insert in lieu thereof——

Mr. HOAR. This bill is reported from the committee, and the amendments which come from the same committee constitute their scheme, and I ask unanimous consent that the amendments be considered as incorporated in the original bill, subject in all respects to parliamentary amendment, as the original bill would be, so that the fact of their having been adopted shall make no difference in the right to amend.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent——

Mr. BROWN. As I understand the Senator from Massachusetts, that will not interfere with any right of amendment.

Mr. HORR. I reserved that expressly.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the amendments reported from the Committee on the Judiciary, all of which are additions except changing the phraseology of section 18 of the bill, be considered as a part of the bill as originally reported, and subject to amendment. Is there objection? The Chair hears none, and it is so ordered. The bill is now before the Senate as in Committee of the Whole and open to amendment.

Mr. HOAR. I suppose the amendments should be read.

The PRESIDENT *pro tempore*. The amendments will be read.

The CHIEF CLERK. It is proposed to strike out section 18 and insert in lieu thereof the following:

SEC. 18. That the provisions of section 9 of said act, approved March 22, 1882, in regard to registration and election offices, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provision and laws therein referred to, to be made and enacted by the Legislative Assembly of said Territory of Utah, shall have been made and enacted by said Assembly and shall have been approved by Congress.

And to add as additional sections:

SEC. 19. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 20. That if an unmarried man or woman commits fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

SEC. 21. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

SEC. 22. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States possessed and exercised by sheriffs and their deputies as peace officers, and they shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections, and shall apprehend and commit to jail all felons.

SEC. 23. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby declared vacant; and it shall be the duty of the supreme court of said Territory to appoint a Territorial superintendent of district schools, who shall possess and exercise all the powers and duties imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the district schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties and average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called gentiles, the number of children of Mormon parents and the number of children of so-called gentile parents, and their respective average attendance at school. All of which statistics and information shall be annually reported to Congress, through the governor of said Territory and the Department of the Interior.

Mr. HOAR. There is either a misprint or a mistake in the drafting of the bill on the tenth line of the twelfth section, to which my attention has been called. I desire that that may be corrected by the Clerk. The words "by and" should be inserted before the word "with."

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 12, line 10, after the words "United States," insert "by and;" so as to read:

The President of the United States, by and with the advice and consent of the Senate.

The amendment was agreed to.

Mr. HOAR. In section 22 of the amendment reported, in line 4, I desire that the language shall stand: "And each of them shall cause all offenders against the law," instead of "they." It is a mere verbal change.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 22, line 4, strike out "they" and insert "each of them,"

The amendment was agreed to.

Mr. HOAR. Mr. President——

Mr. SHERMAN. It is now rather late and the Senate is thin. If the Senator will give way I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 23, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 733) donating the military reservation at Plattsburg, N. Y., to the village of Plattsburg for a public park;

A bill (S. 1347) for the relief of sufferers by loss of the Government steamer J. Don Cameron; and

A bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota.

PERSONAL EXPLANATION.

Mr. WELLER. Mr. Speaker, I rise to a question of personal privilege. I send to the Clerk's desk and ask to have read extracts from a morning newspaper (Washington National Republican, May 23, 1884) which I have marked.

The Clerk read as follows:

Between the first and second votes Messrs. LAWRENCE and LANHAM paired. Mr. WELLER, who had voted with the Republicans on the motion to lay on the table, this time refrained from voting, and Mr. WARNER, of Ohio, and Mr. PATTON, of Pennsylvania, who had not before voted, on this motion voted in the affirmative. This accounts for the change in the result.

The House, by a vote of yeas 124, nays 134, refused to recommit the resolution.

Mr. HORR, of Michigan, rising to a question of privilege, said: "No ex-member of Congress has a right to the floor if he takes it and then abuses its privileges by attempting to influence legislation here. I now rise to say that it has been brought to my notice by a Democratic member of this House that an ex-member of Congress, who is the father of one of the litigants in this case, has been on the floor of the House soliciting members, sending for them, taking them into consultation, and attempting to influence them in their votes on this case. If that be true, it is such a violation of the dignity and integrity of this House that it ought not to go unnoticed."

"I desire to say," replied Mr. RANDALL, of Pennsylvania, "that the father of the contestant would be unnatural if he did not take the deepest interest in his son's contest. [Applause on the Democratic and laughter on the Republican side.] And I stand here a witness to the fact that that gentleman has exercised the most careful propriety in connection therewith." [Applause on the Democratic side.]

Mr. HORR said that he had made the statement, not for the purpose of any political claptrap, but because he found that the dignity of the House and its honor were being violated, and he felt it his duty to call the attention of the House to the fact. The gentleman from Pennsylvania said that it was natural for a father to feel for his son. So it was, but it was also natural for him, if he had the sense of honor he should have, to do it in a seemly and becoming manner.

"And so he has," exclaimed Mr. RANDALL.

Mr. COX. I would rather have a man come here undertaking to present the claims of his son honorably to the House than your mean, sneaking mercenaries that come here to grab and raid the public Treasury.

Mr. BAYNE offered a resolution instructing the Committee on Rules to inquire and report to the House whether or not Hon. William H. English, an ex-member of this House, has violated the privileges thereof in the contested-election case of English *vs.* Peelle.

The Speaker said that while the resolution undoubtedly presented a question of privilege, he did not think it was of a higher privilege than the right of a member to his seat, and except by consent it could not be offered.

Mr. BAYNE reoffered his resolution as a question of privilege.

Mr. DUNN suggested that it be amended by directing an inquiry as to whether Green B. Raum, late a member of this House, had lobbied for the whisky bill.

Mr. THOMPSON hoped that no such amendment would be pressed.

Mr. BAYNE said that he made his proposition in good faith for the purpose of preserving the integrity and dignity of the House. He cared not whom it might hit. He offered it because he had information that a member of this House had voted in the early part of the proceedings; that he had been asked to leave his

seat; that he had left his seat; that he had gone into consultation with Mr. English, and that he had thereafter disappeared from the floor of the House without having been paired. Having that information he felt it to be right and just that an inquiry should be made by a competent committee. [The member to whom Mr. BAYNE makes reference is Mr. WELLER, of Iowa, who voted on the first roll-call yesterday and did not do so thereafter.] Whenever an ex-member came on the floor and attempted to influence any legislative action he should be held up to public contempt and hatred, and should be exposed, in order that the deliberations of this body should be kept clear of any such interference.

Mr. WELLER. Mr. Speaker, I had thrust upon my attention this morning a paper published in Washington, D. C., dated May 23, 1884, a Republican newspaper, containing that which the Clerk has just read. I wish to say, Mr. Speaker, in reference to this article, that save with one exception it is wholly void of the truth insomuch as it relates to me in any particular. And I doubt if it is by authority or grant of the author of the resolution to investigate [Mr. BAYNE]. I doubt that he authorized any one to mention my name in the connection in which it is found in this report.

I was not asked to leave my seat by any one on yesterday. I did not leave my seat at the solicitation of any member on this floor, or any ex-member. I did leave my seat in obedience to, or rather at the instance of, a telegram that I received from my daughter, who, in company with my wife, was nearing the city of Washington on an incoming train. I received that telegram while on the floor yesterday morning, it stating in substance that they would soon be in Washington.

This was after I had voted that the motion to reconsider be laid on the table. I immediately repaired to my rooms to complete arrangements for their reception; put on my "Sunday store-clothes," "boiled shirt," and brushed up generally, and made such proper arrangements as I could for an agreeable and pleasant reception to my family; then I went to the station, greeted and received them, and escorted them to my rooms, and almost immediately thereafter returned to my duties on the floor of this House. The one true statement in said paper was that I did not get a pair before I left the floor. The truth is, I was then intent on an early greeting of the better half of a pair that had not seen each other for many long months. The better half having come nearly 1,500 miles to see me, I felt warranted in making haste, that all things, myself included, be in order and on hand to greet her pleasantly. In all these months of this session I have scarcely been an hour, before this occasion, from my place while the House was in session, and to this statement I defy contradiction.

I wish to say further, Mr. Speaker, that ex-Representative English did not make any statement to me on the floor of this House yesterday or elsewhere or at any other time or place that he desired my assistance in behalf of his son's claim to a seat or otherwise. He did not solicit me to go into any cloak-room or any other room or place connected with this House or anywhere else to consult with him about anything whatever; did not offer me any reward of any kind, not a dollar, a penny, or any other sum; he never offered to pay me any reward or benefit of any kind, or intimate to me that I should have any reward or benefit in the future. I did not on yesterday have a word of conversation with ex-Representative English in regard to his son's welfare, or on any subject connected with this contest. Yea, more, I did not on yesterday, day before yesterday, or any day this week speak to ex-Representative English about his son's contest for a seat or anything or matter connected therewith, nor during that or any other time did he speak to me in any wise relating to said matter.

I have seen Mr. English occasionally for several days past on the floor of this Chamber, but never saw him do anything improper or make any improper remarks, unless his mere presence during his son's contest be or have been improper.

I moreover, Mr. Speaker, in view of the charge that has appeared in this Republican newspaper connecting my name with a matter that would be disreputable, criminally disreputable, if true, I feel called upon to state that on yesterday I did receive importunities from the Republican side of this House to join my influence and my vote with the fortunes of the contestee in this case [applause on the Democratic side], and one member of the Republican party who is now present and is listening to my present statement said to me if I would thus do I would or could cover myself all over with glory. [Laughter.]

Mr. BROWNE, of Indiana (in his seat). And nobody needs it worse. [Laughter.]

Mr. WELLER. Mr. Speaker, this is not the first time I have had occasion to discredit the judgment of the gentleman [Mr. BROWNE, of Indiana] in the matter of his views and opinions. [Laughter and applause.] I stated to the member who particularly importuned me and assured me of the glory I could win that his appeal came too late, for I had already voted. [Laughter.]

I would most certainly myself, Mr. Speaker, when this matter came up for consideration on yesterday have spoken and voted for an investigation by a committee of all improper acts on the part of any one on this floor in the premises of a question of the high importance of a rightful seat as a member of this House. Had I then been present, and but for meeting my wife and daughter at the railway station, as I have stated, I should most certainly have been present and voted my honest convictions fearless of results.

I am informed by reading the record of yesterday's proceedings that a committee for the investigation of this whole matter has been appointed. I am glad that this has been done, and I trust that it will do its work immediately and perform its duty in this matter most thoroughly. I am not slow to perceive that there may be a deep underlying purpose in the bringing of my name into this business. My continuous presence here on this floor during the hours of session of this House, and my persistent objections to measures that were repeatedly presented for consideration, has doubtless rendered me very objectionable and obnoxious to certain members, and to others who are not members. I am because of these my opinions exceedingly desirous that this investigation, at least so far as my name and myself may be connected with it, shall be immediately pushed to a conclusion and report.

I have an interest in this question, for I am aware, Mr. Speaker, of the efforts that are being put forth by Republican sheets of the character of the one which I hold in my hand to bring me into contempt with and to alienate from me the good opinion of the Independent Republican voters of my district; and in my judgment, whether the connection of my name in this Republican paper was intentional or not to that end, this movement is calculated to have such a result, and will be speedily used by other Republican sheets to that end, in every particular where it may or possibly can be. No effort will be spared to bring me into disrepute and public obloquy.

As I have said, I desire that this matter shall be immediately investigated, and the result of that investigation brought to the attention of this House as a body and also of the whole country, and if it is found that I have done aught in the premises of this election contest from first to last that should properly and justly bring me into contempt of the good opinion or honorable estimation of any gentleman on this floor or elsewhere, then let such results follow as would be proper.

I desire immediate action. That is all for the present.

Mr. HART. What train did your family come on, and on what road?

Mr. WELLER. The gentleman will have an opportunity to play the part of a cross-examiner when the matter is brought before the committee. I hope he will be present.

Mr. HART. Do you decline to tell?

Mr. WELLER. I will allow you to read the telegram that I received.

Mr. HART. That does not answer my question.

Mr. WELLER. I will send it to the Clerk's desk now to be read, and it does answer your question.

Mr. HART. Do you not know the road they came on?

Mr. WELLER. I do. I ask the Clerk to read the telegram.

The Clerk read as follows:

BALTIMORE AND OHIO TELEGRAPH COMPANY.

* * * * * * *

No. 5 U; sent by A; received by O; time, 10.48; check 6, paid 25.

Dated CUMBERLAND, MD., 22.

To L. H. WELLER, *H. of R.*:

Will arrive in Wash'n two thirty p. m. (2.30).

MAMIE WELLER.

Mr. HART. Two hours after the vote.

Mr. WELLER. As I have stated, soon after receiving that telegram I went to my rooms and made some arrangements to nicely and properly receive my wife and daughter, and soon thereafter I went to the station and awaited the incoming of the train.

This telegram was dated at Cumberland, Md., at 10.48 a. m. on yesterday.

I had no more time than was reasonably necessary, and was absent from the floor of this House but a little over two hours in all, and by no means two hours after the final vote.

Mr. BROWNE, of Indiana (in his seat). Time is up.

Mr. WELLER. The gentleman from Indiana [Mr. BROWNE] has just suggested that the time is up. Doubtless his mind runs out to the results of the election in the coming fall of '84 in the matter of the existence of the party of which he is a member. [Applause.]

Mr. HART. Another question. Were you solicited by any of Mr. English's friends on this floor to meet your family?

Mr. WELLER. No, sir. [Applause.] Have you any other questions in that line? I shall be most happy to make answer to your complete satisfaction. [Laughter.]

ORDER OF BUSINESS.

Mr. KING. I call for the regular order.

Mr. KELLOGG. I rise to a question of personal privilege.

The SPEAKER. The gentleman from Louisiana [Mr. KELLOGG] will state the matter of privilege to which he rises.

QUESTION OF PRIVILEGE.

Mr. KELLOGG. Some three weeks since, learning that evidence had been taken by the committee appointed by this House to investigate the expenditures in the Department of Justice reflecting upon me, I sent my attorneys to the committee and requested that if any more evidence was taken reflecting upon me the whole matter be investigated thoroughly and completely. I also applied personally to the chairman of that committee asking that he lay the matter before his committee and requesting that a thorough investigation be made. A few days after I received a letter from the chairman of the committee stating

that the committee doubted their authority under the resolution of the House creating the committee to investigate a matter of this kind. A few days since, for the first time, I had an opportunity to examine the record of the evidence taken before that committee, and I find that a special agent of the Post-Office Department, testifying before that committee, detailed what purported to be evidence given before a grand jury against me. I find evidence given by another gentleman formerly connected with the Department of Justice to the same effect, and by Mr. Bliss, one of the special counsel of the Government, also to the same effect. Day before yesterday I stated to the chairman of the committee that I proposed——

Mr. TOWNSHEND. I desire to suggest to the gentleman from Louisiana that my colleague [Mr. SPRINGER], the chairman of the Committee on Expenditures in the Department of Justice, is not present. I suggest to him the propriety of postponing his explanation until that gentleman shall be in his seat.

Mr. KELLOGG. I will say to the gentleman from Illinois [Mr. TOWNSHEND] that I presume there will be no question as to my statement on the part of Mr. SPRINGER. Day before yesterday, as I was about to state, I communicated with the chairman of the committee, and informed him that I proposed to address him a letter already partly prepared setting forth these facts and ask that the committee proceed as I had originally requested them to do through the chairman and investigate the whole subject-matter of these charges against me. The chairman expressed a doubt for his committee, not for himself, for he expressly stated he thought he had authority; he doubted whether the committee, a majority of the committee, would consent to it, upon the ground that they had no specific authority under the resolution creating them to investigate the matter.

Now, Mr. Speaker, I am about to ask the House to adopt a resolution which I have prepared specifically directing the Committee on Expenditures in the Department of Justice to investigate this whole matter. I had proposed in my letter just referred to to state to the committee that I desired to be heard and that I desired to bring myself copies of letters and telegrams that it is claimed I had written inculpating me in this matter, and copies of drafts that I have procured from banks said to have been used against me, and lay the whole matter before them. And I assert here and now that this whole proceeding had its origin in malice on the one hand and selfish motives on the other, and I most emphatically deny and assert as false every charge thus made against me or in any wise inculpating me.

Sir, an impression has gone forth to the country that I was indicted for some kind of bribery. This is not so. The indictment was found under a statute of the United States which provides that no member of Congress shall receive compensation for services rendered in a case where the United States is a party, a statute a quarter of a century old and never before invoked. I risk nothing in saying that it has been violated a thousand times. If a member appears before a claims commission as an attorney he violates this law. It was a war measure. I repeat, there never was an action instituted under that statute before, that I am aware of.

But, sir, I do not urge that that is any palliation or excuse in my case—by no means. I affirm before this House and I will prove that I rendered no service, and secondly that I received no compensation for any service rendered before any Department of the Government in any case where the United States was interested. I never received a dollar that did not legitimately belong to me. I never violated this statute.

Oh, no, Mr. Speaker, I did not go through all my struggles in Louisiana, handling millions of dollars of public money, funding almost the entire debt of the State as now recognized, paying the interest on the entire debt of the State until I went out of the office of governor—and no man can or will accuse me of improper conduct in matters of State finance, or in any of my official dealings, however much he may find fault with me politically. I did not leave such a record behind me as governor of Louisiana that with the closest scrutiny by investigating committees, hostile to me, anything could be found upon which to sustain any charge against my management of the finances of the State to come here and for a few hundred paltry dollars place myself in such a position that a criminal prosecution could be justly maintained against me. I again assert that such a charge is false in the general and detail, and I brand the authors and fomenters of these charges as conspirators and perjurers.

In the summer of 1882 certain gentlemen hostile to me, one of them formerly connected with one of the Departments of the Government, set this thing on foot and went before a grand jury of which John T. Mitchell, a prominent business man of this city, was foreman, and sought in vain to have me indicted. In July, the following month, a motion was made in court at their instigation asking that the court convene the grand jury, which had been adjourned until October, in extraordinary session for the purpose of considering these charges against me. The court reluctantly convened the grand jury, and upon the motion made in open court by the attorneys for the prosecution, that if the grand jury was not convened and were not permitted to take cognizance of these charges within the next eight or ten days the offense would be barred by the statute of limitations.

That grand jury was reconvened, and such men as Henry Willard, Mr. Semken, the jeweler on the Avenue, J. Ross Stewart, one of the most prominent gentlemen in this city, and opposed to me politically, as I believe sixteen out of the twenty-three were. The first business men in the city formed that extraordinary grand jury, because by reason of the court having adjourned the grand jury until October eight or ten had left the city for the summer, and the court directed the marshal to go out and summon talesmen, and the first business men of the city were summoned. After hearing the evidence produced before them for two days, after careful consideration of certain letters, all of a private nature, one or two of which are believed to be forged, and which the principal prosecuting witness against me saw fit to produce for certain reasons which will be disclosed if an investigation is ordered—after hearing him for two days, until in answer to the question, "Have you anything more to say, or any more evidence, documentary or otherwise, to produce?" he replied emphatically in the negative, then Mr. Bliss stated what they hoped to prove by another witness, then absent, a Mr. Price, these two being the only witnesses claimed against me. The grand jury asked Bliss if he had any other witness than a man who admitted that he was inculpated in these practices, if there was anything improper in them, a man indicted for this very offense, and Mr. Bliss stated that he had not.

Mr. MORRISON. I submit that this discussion is going rather too far; the matters being discussed do not constitute a question of privilege.

The SPEAKER. The gentleman from Louisiana [Mr. KELLOGG] stated when he arose that he rose to a question of privilege.

Mr. KELLOGG. Yes, sir.

The SPEAKER. As far as the gentleman has proceeded he has not disclosed the fact that any charge has been made against him or reflection made upon him in his representative capacity. The Chair will direct the rule to be read.

Mr. KASSON. Before that is done let me call attention to the fact that the gentleman from Louisiana has stated that a committee of this House has taken evidence inculpating him and in his absence. Certainly such evidence inculpating his character does constitute a matter of privilege, especially when taken before a committee of this House!

The SPEAKER. But the suggestion made by the Chair was that it did not inculpate the gentleman as a Representative on the floor of the House. It seems to have been in regard to some past transaction, something that occurred in 1881 or 1882, the Chair does not know exactly when.

Mr. KELLOGG. In 1879.

Mr. KASSON. It also appears that this evidence was taken before a committee of this House. I suggest to my friend from Illinois [Mr. MORRISON] that there is no case which I remember in which, even in the case of declarations in a newspaper, any member of this House has objected to another member speaking of the whole transaction involved.

Mr. MORRISON. I do not object to his speaking of the transaction before the committee of this House, but I object to his discussing a matter with which we have nothing to do.

Mr. KASSON. Unfortunately the committee of this House did not think so.

Mr. CALKINS. I ask the gentleman from Louisiana to send up his resolution, and then the matter will be properly before the House.

Mr. MORRISON. I have no objection to his speaking to the resolution.

Mr. KELLOGG. I send up the resolution, which I ask the Clerk to read.

The Clerk read as follows:

Whereas in the investigation as to the prosecution of the "star-route" cases before the Committee on Expenditures in the Department of Justice evidence has been given which reflects upon the character of WILLIAM PITT KELLOGG, a member of this House: Therefore,

Resolved, That said committee be directed to investigate the subject of said KELLOGG's alleged connection with the "star-route" service, and whether he received money for services rendered in a matter pending before one of the Departments of the Government, or whether he paid money to any officer of the Government on account of or in connection with said service; and that said committee be authorized to send for persons and papers, to administer oaths, and to print the testimony taken for the use of the committee.

Resolved further, That the said committee make due report to the House.

Mr. KELLOGG. I thought I had stated distinctly, and it had reached the ear of the Speaker, that it was regarding certain testimony taken recently by a committee that I specified——

The SPEAKER. The Chair did not understand the gentleman from Illinois to object to any statement the gentleman from Louisiana might see proper to make on that subject; but the objection was made to what the gentleman from Illinois considered a discussion of other matters outside of what had transpired in a committee of the House.

Mr. KASSON. It all relates to that.

Mr. BLANCHARD. I desire to be heard a moment.

The SPEAKER. The gentleman from Louisiana [Mr. KELLOGG] has the floor.

Mr. KELLOGG. If the Chair will pardon me, the testimony before the committee that I referred to does embrace these very matters that I am speaking of, because the foremen of these two grand juries have been before the committee and testified somewhat in reference to these matters.

I was about to say—and I will trouble the House but a little longer—that after this grand jury had unanimously ignored the bill, and after the statute of limitations had confessedly applied—which, by the way, I never pleaded—three months elapsed; a new grand jury had been convened and continued in session for three months; and members of that grand jury were, I believe, approached to know whether under the circumstances they would entertain a proposition to indict me, and at least one or two, I believe I may say, gave their questioners emphatically to understand that they would not believe under oath the testimony which had been brought against me before the two previous grand juries.

Three months elapsed, and March of 1883 came; a new grand jury had been convened. I will say nothing more of that grand jury; it speaks for itself; compare it with the others. The time may come when the foreman will tell some surprising things of the way the case was conducted. Although both the witnesses relied upon had been in the city during a part of the three months of the session of the preceding grand jury and had not been taken before them, they were now taken before this March grand jury, and it was stated, I am reliably told, to the foreman that it was absolutely necessary to indict me; that the prosecution demanded that it be done; and it was said (so I have been told, at least, by one of the officers of the court) that one of the counsel for the prosecution told him that the salvation of the then pending case depended in a great measure upon my being indicted. It will be recollected that an indictment had shortly before been found against Dickson, foreman of the first petit jury, evidently for effect.

When the presentment was made I went to one of the counsel myself, as did some of my friends, and we urged the attorneys for the prosecution to recite in the indictment the facts of the case. The indictment was not filed for nearly a month after the presentment was made. They were all that time between the presentment and the filing of the indictment incubating and preparing the indictment. And just what was feared would occur did occur. They framed an indictment, leaving out all the material facts that they claimed to be able to prove; put false dates in the indictment, and arranged it so that it would not be obnoxious to a demurrer; and they did it with full notice from several prominent public men who urged that no unnecessary advantage be taken, and that I be not subjected to the expense and annoyance of a trial when a case clearly could not be made upon their own statement made in court in July, 1882, when they asked that the grand jury be convened in extra session as the statute of limitations was about to begin to run.

When the case finally came before the court for trial the court arrested the proceedings and said "the statute of limitations interposes in this case, and it comes under the head of the general issue or a plea of not guilty, and the court will not permit the case to continue." Upon an intimation from the court my counsel urged the expense which would be unnecessarily incurred and the time unnecessarily consumed would not justify us in going on, the court said to the prosecution: "If this is your case you have no case, for it is clearly barred by the statute." And they knew it was. Then one of the counsel stated in court that he put the dates in the indictment as he did because one of my friends had requested him to do so, when as a matter of fact we desired the correct dates put in the indictment so that we could avoid at the outset the long worry of a fruitless trial attended with necessarily great expense. Well, it cost the Government for this indictment and trial probably over $30,000.

Mr. BLAND. I rise to a question of order. I do not understand why a case which has got out of court as appears by operation of the statute of limitations should be brought before this House to be tried. I understand the gentleman is addressing himself to an indictment in a case which was at one time pending in court.

The SPEAKER. The Chair so understands the gentleman. The Chair has intimated heretofore that this House has no right to punish a member for any offense alleged to have been committed previous to the time when he was elected as a member of the House. That has been so frequently decided in the House that it is no longer a matter of dispute. The resolution which the gentleman sends up directs the committee to investigate certain charges made against the member from Louisiana, but does not state the time when the alleged offenses were committed, if at all, so that the resolution may be entirely in order, but the gentleman from Louisiana is discussing matters which he admits occurred several years ago and before his election. He can not proceed to discuss such matters without unanimous consent, as was decided in the Forty-sixth Congress, in the case of Mr. Chalmers, of Mississippi, which is perhaps well remembered by many of the present members.

Mr. BLANCHARD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KELLOGG. I will not detain the House but a few moments longer.

Mr. BLANCHARD. I will give way then.

Mr. KASSON. Go ahead.

Mr. COBB. The gentleman from Louisiana I know will permit me to ask one question. I wish to submit for his benefit as well as my own a matter of inquiry. I understood the gentleman from Louisiana said a moment ago that he did not put in the plea of the statute of limitations in the case to which I referred. Now the newspapers so far as I have heard said that was the fact. If the gentleman is right in his statement as I understand him it is right and proper that fact should go to the country that he did not put in the plea of the statute of limitations; that he did not rest his case on that plea. I ask for information so the matter may be presented to the country as it ought to be.

Mr. KELLOGG. That is right. I will state again the indictment addressed itself to a certain state of facts. When one of the two witnesses was sworn, a man who testified to a certain state of facts alleged to have occurred, it was developed that the transaction commenced according to his testimony and ended in July, 1879. The court at once intimated to my counsel that the statute of limitations would apply; that it applied under the plea of not guilty, and need not be specially pleaded. I said to my counsel most earnestly, I prefer, as I have twelve or fourteen witnesses, six or seven of whom came from a distance of 1,500 or more miles, who have been waiting a week to testify—I prefer to end this matter once and for all, and let all the testimony be heard at least and go to the public.

Mr. COBB. But the gentleman does not answer.

Mr. KASSON. Let him answer. He is coming to it.

Mr. KELLOGG. My counsel held consultation on this intimation, as they assured me, from the court, and they called openly the attention of the court to the facts in the case aligned with the indictment, and the court held that I would in any contingency be entitled to a verdict, for the statute of limitation applied, and no jury could have cognizance of any offense in such case——

Mr. HAMMOND. Was any proposition made to waive the statute of limitations?

Mr. KELLOGG. No, sir; not specifically, nor would it have made any difference, I presume——

Mr. HAMMOND. Did you set it up in your answer?

Mr. KELLOGG. There was no answer.

Mr. BEACH. You did not plead it, nor did your counsel?

Mr. KELLOGG. It was considered, and in this way: My counsel made a motion on the ground and upon the intimation of the court that it would be impossible for a verdict to be rendered against me, and the court held accordingly——

Mr. BUDD. Did not the case go off on this proposition: The allegation of the indictment was, you received compensation in lawful money of the United States. The proof disclosed that you received a draft, and then your counsel raised the point there was a variance between the proof and the allegation, and on that point the court sustained it and threw it out of court?

Mr. KELLOGG. No, sir.

Mr. BUDD. Is not that the point?

Mr. KELLOGG. No, sir; as the gentleman will learn if he will listen to me.

Mr. BUDD. Yes, sir.

Mr. KELLOGG. If the gentleman will listen to me I think he will admit I am correct. That point of variance in the allegations of the indictment as to lawful money and other points of variance were considered, and the court passed on the point as to lawful money in his decision; but it passed mainly and primarily, as the gentleman will see if he will go to the record on this question, that the state of facts admitted by the prosecution clearly showed the jury could not render a verdict because it was barred by the statute.

Now, Mr. Speaker, mark you, in order to find that indictment against me and arraign me before the court immunity was given to a large contractor, confessedly one of the largest in the United States, who was *particeps criminis* by his own testimony in this very matter of prosecution, and himself already indicted for conspiracy, and clearly within the statute of limitations—immunity was given to a contractor, one of the largest in the country, who in an affidavit reciting the facts bearing on my case as alleged also recited other facts showing that he had laid money in an envelope upon the table of an officer of this Government. This affidavit was given by him on a promise of immunity, or, as Mr. Bliss says, "We took a twist on him and made him testify."

The mail-contractor, as I have said, was indicted clearly within this statute. His was a case whom one, the attorney for the prosecution, has said in my hearing and that of others, and they will not dispute it, that they had a clear case against him, and he was given immunity in order to get him to testify against me in a case that they knew was barred by the statute, for they said so over and over again, and it will not, I think, be denied.

There is a gentleman sitting now upon this floor, within the sound of my voice, a member of this House, who heard one of the prosecuting attorneys say that they did not believe they could possibly convict me, because there was a missing link, as he said, in the evidence. Let me add that after the indictment was filed and for nearly a year I was constantly pressing for trial. The chief witness against me was for months eluding process, and finally, after months of delay, was induced to come here by what he openly says were material concessions made by the Government to his demands. Of the two witnesses upon whom the prosecution solely relied in their case against me one was an indicted contractor, who avowedly testified to secure immunity, and the other was liable to indictment, and was allowed, as an induce-

ment to testify, the remission of some $25,000 fines paid him illegally out of the Treasury, and of whom the Attorney-General said, in a letter over his signature, written while they were using him against me, "He is an adroit, unscrupulous man, without shame."

Mr. CRISP rose.

Mr. BRUMM. Will the gentleman allow me to ask him a question? Did the gentleman set up any plea as to——

Mr. CRISP. I wish to ask the gentleman from Louisiana to allow me to make a statement in relation to the action of the committee he criticises.

Mr. BRUMM. I hope the gentleman from Georgia will permit me to submit my question first.

Mr. CRISP. Certainly, if the gentleman from Louisiana does not yield to me at this time.

Mr. KELLOGG. I will yield to the gentleman in a moment.

Mr. BRUMM. I wish to ask the gentleman from Louisiana whether he made any plea except that of general issue?

Mr. KELLOGG. No, sir; none whatever.

Mr. BRUMM. That means simply a plea of not guilty?

Mr. KELLOGG. That is all.

Mr. HAMMOND. But the court held that under that plea the statute of limitation would afford a bar to the prosecution.

Mr. KELLOGG. That was the effect of the ruling of the court.

Mr. CRISP. Now will the gentleman from Louisiana allow me to make a statement in reference to the action of this committee?

Mr. KELLOGG. Certainly.

Mr. CRISP. The gentleman from Louisiana, I wish to state, Mr. Speaker, has misapprehended the action of the Committee on Expenditures in the Department of Justice in connection with this subject. He has misapprehended the application that was made to the committee by his own counsel. There was no application whatever made to the committee to have a thorough investigation of the charges against the gentleman from Louisiana. No such application was made to the committee. The counsel of the gentleman from Louisiana appeared before that committee with the request that if the investigation was to proceed further in relation to that gentleman they might be permitted to be present to cross-examine the witnesses.

But the statement was distinctly made in that connection that if there was to be no further investigation on the part of that committee—if no other evidence than that already in was to be taken in regard to the gentleman from Louisiana—then the gentleman from Louisiana had no request to make of them. Therefore when the gentleman states on the floor of this House that he made an application to that committee for a full investigation of these charges and that such application was refused by the committee, he misapprehends what occurred.

And I will state further, Mr. Speaker, that it has been the uniform practice or rule of that committee—and I have no reason to suppose that it would be varied in a case in which the gentleman from Louisiana was interested—that where any individual, no matter who he might be, conceived that the evidence before that committee reflected upon him, he had the right to come before them without any resolution and justify himself if he could. But, sir, the Committee on Expenditures in the Department of Justice did not conceive that they were specially charged with the investigation of an offense—if it were an offense—that was committed by the gentleman from Louisiana before he was elected a Representative on this floor.

That case was tried in the courts of this District. That case resulted in a verdict of not guilty upon the motion of the counsel of the gentleman from Louisiana to rule out the evidence in support of it, because it appeared that on the evidence no verdict of guilty could be had for the reason that the offense testified of was barred by the statute of limitations. True, it was not technically pleading the statute of limitations, but, Mr. Speaker, in criminal cases a defendant may avail himself of the benefit of such statute without specially pleading it. It was technically a demurrer to the evidence; it was an allegation upon the part of his counsel that the proof submitted by the Government, admitting it to be true, would not authorize a conviction. And why? Not because the evidence was false or insufficient to establish facts which would show the guilt of the gentleman from Louisiana, but because, admitting it to be true, the statute of limitations would prevent a verdict of guilty. That was the case, and no matter how strong it might have been or was, in fact, as to the acts of the defendant, no verdict of guilty could be had. The verdict resulted from the technical ruling that the offense was committed two years prior to the finding of the indictment.

Mr. KELLOGG. Three years.

Mr. CRISP. More than three years prior to the finding of the indictment. But, Mr. Speaker, I rose to correct the gentleman from Louisiana as to the action of the Committee on Expenditures in the Department of Justice in justification of that committee; I was a member of that committee and had some voice in arriving at the determination which was reached that we would not undertake the investigation of that matter. I want to say in the presence of gentlemen on the other side of the House and in the presence of the gentleman from Louisiana that the committee never refused to hear him; my colleague on the Republican side of this committee will bear me out in this statement. If, Mr. Speaker, there is to be any investigation of the charges to which the gentleman from Louisiana refers, so far as I am concerned, I hope it will not be referred to the Committee on Expenditures in the Department of Justice, for they have their hands full already, but I hope it will be referred to some special committee appointed for that purpose. I shall be content, however, with the action of the House in the premises, whatever it may be.

Mr. MILLIKEN. Inasmuch as my friend from Georgia [Mr. CRISP] refers to me, I beg to say that I understood the matter in this way: That the counsel for Mr. KELLOGG claimed that if the evidence of Price and Lodge were put in before the committee then they should have an opportunity to cross-examine witnesses and also to put in evidence in rebuttal; but that the committee decided that it had nothing to do with the case of Mr. KELLOGG; that it had been tried in the court; that he was not an officer of the Government with the investigation of whose conduct the Committee on Expenditures in the Department of Justice had anything to do; that the committee was not a court of review and it was not proper for us to go into that matter at all unless a resolution passed the House authorizing us to do so.

Mr. KELLOGG. In speaking without notes or preparation I may have inadvertently omitted to state what I had intended to state. And if the gentleman from Georgia [Mr. CRISP] will give me his ear for one moment, it is to him I desire to say that I stated or intended to state that I addressed myself to the chairman of the committee and requested that he lay the matter before the committee, and that I be permitted to testify. I may be mistaken, but I think your minutes, the record of the proceedings before your committee, will show—so the papers stated at the time I recollect—that the chairman stated to the committee that Mr. KELLOGG had applied to him and requested the committee to investigate the matter.

Then I proceeded to state what I did state in regard to a letter I had in course of preparation, and I addressed myself personally to the chairman of the committee the day before yesterday, and stated I intended to send it, which I understood him to advise me to do.

Now, the object of this resolution is this: If the committee think they have no authority under the resolution creating them to investigate this matter—inasmuch as before this committee—and I appeal to the candor now of the House, I appeal to that fairness and magnanimity of the other side that I have never failed to find respond to my appeal in darker days when I have been in much more active political hostility with them—inasmuch as there is evidence already taken by this committee, page after page, documentary and parole, bearing directly or indirectly on this matter, also the report of a special agent and the testimony of what purports to be the facts brought to the attention of the grand jury—I appeal to the chairman of the committee if I am not correct. Now, inasmuch as the records of the committee contain all this, I submit that this committee should be permitted to go on even if they have not, strictly speaking, jurisdiction, and hear what I have to say and what other witnesses have to say in denial and rebuttal of this evidence so reflecting upon me.

It is to give to them that authority, if there is any doubt about their possessing it, that I offer this resolution. I do not suppose the House has jurisdiction, strictly speaking, over an offense alleged to have been committed a long time before I was elected; not only that, but, as a matter of fact, two of the grand juries that investigated this matter investigated it at a time anterior to my election, and my district was flooded with documents setting forth the testimony before the grand jury for weeks and months before that election. And, notwithstanding that, I was elected, as my friend from New Orleans whom I have in my eye well knows, over a bolting Republican and the Democratic nominee by several thousand majority, receiving a large proportion of the white Democratic votes in my district; a district embracing the largest proportion for the same area of country, of the wealth, culture, and intelligence, not only of Louisiana but of any State of the Southwest.

Now, sir, I move the previous question on this resolution, and I would like the sense of the House upon it.

Mr. BLANCHARD. I hope my friend will not insist just now on the call for the previous question.

Mr. KELLOGG. I withdraw the call for the previous question.

Mr. BLANCHARD. I wish to say in reference to this matter that on or about the 18th of April, 1883, after the election of members to this House, the indictment against the gentleman from Louisiana [Mr. KELLOGG], charging him with improper conduct in relation to star-route mail contracts, was found in the criminal court of the District of Columbia. About three weeks ago, on technical pleas urged by his counsel, the prosecution against the gentleman was dismissed. From that time to this I have been waiting, hoping that my colleague would rise in his place on this floor and ask that a committee of this House be authorized to investigate these charges affecting his standing as a member of this House. I came to the conclusion at length that such a resolution would not be introduced by him. Accordingly I informed my colleague on yesterday that unless he did introduce such a resolution I myself would rise in my place as a Representative from Louisiana and do it.

I held, Mr. Speaker, then as I hold now, that this is a question of privilege; it is one affecting the dignity of this House; and not only that, but these charges against a Representative from Louisiana affect

the honor and the dignity of that sovereign State. Holding as I do a commission from that State on this floor, I am not willing that one of the delegation should rest quietly under the aspersions cast upon him by reason of these charges and this indictment. It seemed to me, sir, that a jealous care for the honor of our State required of every member of her delegation to insist that grave charges of moral turpitude publicly made against one of its members should be promptly and fully investigated.

In taking the course I did I was not animated by any spirit of malice or ill-will against the gentleman from Louisiana [Mr. KELLOGG]. Neither was I actuated by party spirit to strike at a political opponent. I was prompted to the action only by a stern sense of public duty to preserve untarnished the fair name of the State.

When I informed my colleague on yesterday that a resolution to investigate these charges against him must be introduced and that I intended to do it, he said it were better for him to do so and that he intended to do it, and at his request I gave way in order that he might introduce it.

I hope the resolution will be adopted. It is not such a resolution as I had myself prepared. I had prepared one which I read to my colleague, but he objected to some of its provisions, and I then told him to prepare one himself and submit it to me, and if it was full enough and broad enough in scope, I would give him the opportunity to introduce it in the House and give way to him for that purpose. When he presented to me the resolution he had prepared, I amended it in some particulars. I objected, too, to the preamble which he had drawn up; but let that go. I would prefer that the investigation be made by a special committee. I do not see wherein it is the peculiar province of the Committee on Expenditures in the Department of Justice to enter upon an investigation of this kind. But at the request of my colleague, and inasmuch as there has been some testimony taken by that committee regarding the prosecution of the star-route cases, I have agreed with him that instead of asking for a special committee the Committee on Expenditures in the Department of Justice be given authority to make this investigation.

Whether the investigation be made by the Committee on Expenditures in the Department of Justice or whether the resolution be amended so as to provide that the investigation shall be made by a special committee, I care not. But I do want these charges, affecting the character of a Representative from my State, to be investigated. If that member be guilty, I desire that the punishment usual in such cases to be meted out be visited upon him. On the other hand, if he be innocent I want his character vindicated from these aspersions. I therefore hope that no gentleman on this side of the House will interpose any objection to the adoption of this resolution.

Mr. OATES. May I ask the gentleman a question?

The SPEAKER. The gentleman from Louisiana [Mr. KELLOGG] demands the previous question on the resolution.

Mr. HAMMOND. I hope that will be voted down.

The question was taken upon ordering the previous question, and upon a division there were—ayes 64, noes 83.

So (no further count being called for) the previous question was not ordered.

Mr. HAMMOND. Mr. Speaker, I am loath at any time to refuse to any gentleman the opportunity to reply to any attack made upon him, whether the attack be just or unjust. But this body is controlled by law and has no time to waste.

As I understand, should a committee of this House investigate the conduct of the gentleman from Louisiana [Mr. KELLOGG] and find that all that was charged against him in the bill of indictment in the courts of this District or in any other place was true, still that committee would be obliged to report to this House that they could not do anything with him because of the statute of limitations. The same lapse of time which prevented a jury from passing upon his guilt or his innocence would prevent this House from passing upon the question whether he is or is not a disgraced and dishonored man, for he shows that the matters all occurred before his election as a Representative.

Even if that were not true, yet as at present advised I believe that we ought to have no investigation of this matter, because the House is perhaps not in the position to investigate the facts in this case as they should be investigated. The gentleman's own statement here indicates that persons in charge of papers, persons possessing evidence, would perhaps not be subject to the order of the House. His testimony is in his own hands and at his own command. When the testimony of the Government was in the hands of men who could have used it and at the command of a court which could compel its production, it was at the instance of his own counsel that it was not produced before the country and acted upon. I know there was no plea of the statute of limitations.

Mr. CRISP. There could not be in a criminal case.

Mr. HAMMOND. As my colleague [Mr. CRISP] says, there could have been no such plea in a criminal case. But every gentleman knows that the gentleman from Louisiana [Mr. KELLOGG] could have waived the question of time; could then have stood up before the country and said: "My honor is at stake, and I spurn such a defense."

Mr. EZRA B. TAYLOR. Does the gentleman from Georgia say that in a criminal case a party can admit himself to be guilty when the facts show him not to be?

Mr. HAMMOND. No; and "the gentleman from Georgia" said no such thing.

Mr. EZRA B. TAYLOR. Can he waive the statute of limitations?

Mr. HAMMOND. He can.

Mr. KASSON. Under a plea on the general issue?

Mr. HAMMOND. He could have tried it; and I have seen it done.

Mr. KELLOGG. I protested to my counsel against the interposition of any plea of that kind, and they will bear witness to that effect.

Mr. HAMMOND. I desire to say further, that if this investigation is to be had of a transaction that occurred years ago, where is it to end? Where will it end, when we lay down the rule that one may charge another with something done long before he was a member of this House, and that the member can thereupon demand an investigation? The gentleman himself said, I thought as a sort of excusatory argument, that he was the only man of a thousand who had violated this law who had ever been charged with any wrong on that account.

Mr. KELLOGG. I stated expressly that I did not make that statement in palliation; I only mentioned the fact to show how I had been persecuted.

Mr. HAMMOND. I know he said it not in palliation; but it was one of the things that forced itself upon my mind before he made the disclaimer.

Mr. KELLOGG. I mentioned it as an evidence of the fact that I had been singled out by malice on the one hand and, as I said, by selfish motives on the other.

Mr. HAMMOND. I say for the honor of the American people that never before did I hear that any member of Congress had ever violated that statute. If there be a man anywhere in this country who has violated it, and the gentleman from Louisiana knows it, then it is his duty as a good citizen to disclose the fact, allow him to be indicted, and if he is found guilty let him be punished according to law.

It is a humiliating confession to be made by a member of Congress that he knows that in nine hundred and ninety-nine cases men representing here the people, in spite of a law that makes it a felony to charge them for services before the Departments, have been guilty of violating that law, and yet the gentleman has never mentioned it until it became necessary to screen himself.

Mr. KELLOGG. A member appearing as counsel before the Court of Claims violates the statute.

Mr. HAMMOND. I take the liberty of doubting whether the gentleman knows any such thing. I believe his remark is one of those exaggerated suggestions of possibly imaginary facts forced sometimes upon a mind of one not exactly careful about what he is uttering.

Mr. Speaker, as I said, I regret to oppose the motion of the gentleman from Louisiana, if he has been wronged. I regret to oppose the motion of the other gentleman from Louisiana [Mr. BLANCHARD] if he thinks his State is wronged by a defeat of this investigation. But inasmuch as it seems to be a conceded proposition that if the House should find the gentleman from Louisiana [Mr. KELLOGG] to be guilty, it can not punish him, I think the investigation should go no further; and I move to lay the whole matter on the table.

Mr. KASSON. I ask the gentleman from Georgia [Mr. HAMMOND] to withdraw that motion for a moment. He has spoken at length, as he had a right to do. I ask him simply for five minutes.

Mr. HAMMOND. I yield five minutes to the gentleman.

Mr. KASSON. Mr. Speaker, by the operation of voting down the previous question, the management of this proposition for investigation has passed to the other side of the House, or to that part of the other side opposed to it. I do not rise for the purpose of attempting in any way to take the matter out of their hands. But I do rise to call attention to the fact that the position taken by the gentleman from Georgia has re-enforced the demand made by the gentleman from Louisiana for an investigation by this House; for it shows that he like myself has been prejudiced against the member from Louisiana by the reports in the newspapers on that subject. I confess that I have been so prejudiced. Further, sir, he would deny to the member from Louisiana the opportunity even to meet before a committee of the House the evidence that is already on its files implicating his honor and his reputation.

If this Representative from Louisiana has been guilty of bribery, as it has been sought to induce the public mind to believe, I do not want to sit with him on the floor of this House. If, on the other hand, the imputation upon him arises as he charges from malice and falsehood, and is untrue in fact, then I say that to deny him this investigation is to violate the fundamental principle of justice.

What position does the gentleman from Georgia take in his argument? He argues that probably that gentleman is guilty, because of the interposition under the direction of the judicial court of the plea that there was a variance in the indictment and the facts, and whatever the evidence might be the indictment could not stand and judgment could not be rendered upon it. I say that for the gentleman from Georgia to take this position and endeavor to re-enforce the popular opinion to the prejudice of the member from Louisiana, and then

to deny the right of investigation, which that member demands here on this floor, surpasses in injustice any position that I have ever known to be taken on this floor touching the personal rights of members.

I appeal to gentlemen on the other side whether I am not right in saying that before they re-enforce the arguments tending to show that probably this member was guilty they should say, "Give him the right to furnish proof in contradiction of that upon which the prejudice of members and of the public rests."

I deem it my duty to say so much, sir, because of the influence that these newspaper reports have had upon me; and I waive the question of the jurisdiction of the House to punish, because I recognize the right of an individual member to justification whenever he claims such justification can be had, upon all matters touching his public reputation.

Mr. HAMMOND. I yield two minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD. Mr. Speaker, this is an extraordinary spectacle. A member asks that he may be heard upon a question vital to his honor and to the honor of the entire body of the representatives of the people, and that request is met by a concession of members of the committee to whom he appeals that it is true as charged by him that testimony tending to establish his guilt has been heard before the committee, yet the majority of this House propose to refuse to the member thus attacked the right of defense. That is, you go to the country upon the proposition that your committee has jurisdiction to find guilty, but not to acquit. It is lawful for the committee in question to hear the evidence against a Representative, but not for him; a position which, if insisted on, will be without parallel this side of the French Revolution.

The gentleman [Mr. HAMMOND] calls attention to the plea of Mr. KELLOGG, and seems to think that if the statute of limitations was a good bar in court, it is a good bar here, and condemns that gentleman for his course in court. I neither know nor care whether he pleaded the statute or not, for as we understand the law, when the time presented by the statute of limitations has run the crime is dead, and the court must take judicial notice of that fact.

I am bound in frankness to say that I have never looked with kindness upon the political career of the gentleman from Louisiana, and I stand here in no wise as his defender, but to ask that he have the right to defend himself, and that he be allowed the use of the same appliances that have been used as he claims to defame him.

Mr. HAMMOND. I yield three minutes to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. When I heard the constitutional doctrine just announced by the Speaker, that the power and jurisdiction of the House do not extend to an examination of the conduct of the member from Louisiana now in question owing to the time of the commission of the offense charged, that being anterior to the election of the member, I had grave doubts as to the correctness of that opinion. But, sir, the great respect I have for you, for your abilities and learning, led me to weigh as carefully as I could your view before venturing to express any dissent from it. I must now observe, however, that I do not understand the Constitution to place any such limitation upon the authority of the Houses of Congress, and I sent to the Librarian, when I heard, Mr. Speaker, your expression of opinion, for Story on the Constitution, and I find that he says:

In July, 1797, William Blount was expelled from the Senate for "a high misdemeanor, entirely inconsistent with his public trust and duty as a Senator." The offense charged against him was an attempt to seduce an American agent among the Indians from his duty, and to alienate the affections and confidence of the Indians from the public authorities of the United States, and a negotiation for services in behalf of the British Government among the Indians. It was not a statutable offense, nor was it committed in his official character, nor was it committed during the session of Congress, nor at the seat of Government. Yet by an almost unanimous vote he was expelled from that body and he was afterward impeached (as has been already stated) for this among other charges. It seems, therefore, to be settled by the Senate, upon full deliberation, that expulsion may be for any misdemeanor which, though not punishable by any statute, is inconsistent with the trust and duty of a Senator. In the case of John Smith (a Senator), in April, 1808, the charge against him was for participation in the supposed treasonable conspiracy of Colonel Burr. But the motion to expel him was lost by a want of the constitutional majority of two-thirds of the members of the Senate.

The precise ground of the failure of the motion does not appear; but it may be gathered from the arguments of his counsel that it did not turn upon any doubt that the power of the Senate extended to cases of misdemeanor not done in the presence or view of the body; but most probably it was decided upon some doubt as to the facts. It may be thought difficult to draw a clear line of distinction between the right to inflict the punishment of expulsion and any other punishment upon a member, founded on the time, place, or nature of the offense. The power to expel a member is not, in the British House of Commons, confined to offenses committed by the party as a member, or during the session of Parliament; but it extends to all cases where the offense is such as, in the judgment of the house, unfits him for parliamentary duties.

Now, Mr. Speaker, if there is no controlling authority to the contrary, I submit that every consideration of public dignity and public order and fair dealing requires the investigation sought by Mr. KELLOGG should go on. It concerns the dignity of a great State. It concerns a representative place of great trust. It concerns the character, the integrity, and the honor of this body.

Mr. BLAND. Was the alleged offense in the case in Story committed before the term of the Senator commenced, as in the case of KELLOGG?

Mr. HUNT. I am unable to go any further into the facts than as they are given by Judge Story.

Mr. BLAND. Was the offense committed before he was elected to Congress?

Mr. HUNT. I can say, moreover, upon other authority that there is no limitation in the Constitution. Here is the learned gentleman from Vermont, my friend ex-Chief-Justice POLAND, who comes to my rescue in time of need. In the Credit Mobilier investigation he tells me he examined the question now under discussion, and he found the position taken by me to be correct, and actually applied it in that case. Matters were investigated and reported on the instance of the Credit Mobilier which had occurred as many as five years before. I quote accordingly from the Credit Mobilier report the following extract:

In the report made to the Senate by John Quincy Adams in December, 1807, upon the case of John Smith, of Ohio, the following language is used: "The power of expelling a member for misconduct results on the principles of common sense from the interests of the nation that the high trust of legislation shall be invested in pure hands. When the trust is elective, it is not to be presumed that the constituent body will commit the deposit to the keeping of worthless characters. But when a man whom his fellow-citizens have honored with their confidence on a pledge of a spotless reputation has degraded himself by the commission of infamous crimes, which become suddenly and unexpectedly revealed to the world, defective indeed would be that institution which should be impotent to discard from its bosom the contagion of such a member; which should have no remedy of amputation to apply until the poison had reached the heart."

The case of Smith was of a Senator who, after his election, but not during a session of the Senate, had been involved in the treasonable conspiracy of Aaron Burr. Yet the reasoning is general, and was to antagonize some positions which had been taken in the case of Marshall, a Senator from Kentucky, the Senate in that case having, among other reasons, declined to take jurisdiction of the charge for the reason that the alleged offense had been committed prior to the Senator's election, and was matter cognizable by the criminal courts of Kentucky. None of the commentators upon the Constitution or upon parliamentary law assign any such limitations as to the time of the commission of the offense, or the nature of it, which shall control and limit the power of expulsion. On the contrary, they all assert that the power in its very nature is a discretionary one, to be exercised, of course, with grave circumspection at all times and only for good cause. Story, Kent, and Sergeant all seem to accept and rely upon the exposition of Mr. Adams in the Smith case as sound. May, in his Parliamentary Practice, page 59, enumerates the causes for expulsion from Parliament, but he nowhere intimates that the offense must have been committed subsequent to the election.

I ask now, why shall we not order this investigation? Will not the gentleman [Mr. KELLOGG] be discharged from the accusation made against him if he is innocent? Does it not touch our conscience and our sense of honor that he should be pronounced innocent if the charge be not true? If he is supposed guilty (I express no opinion at all on that subject, for it would be manifestly wrong and I think improper for me to do so), will not the House act in the premises as becomes the dignity and character of the popular branch of the American Congress? I hope, Mr. Speaker, the resolution offered by the gentleman [Mr. KELLOGG] will pass. I think his own request for investigation ought in the circumstances to control the House. Other considerations of public good and general policy I submit re-enforce on the present occasion the demand.

The SPEAKER. The gentleman's time has expired.

Mr. HAMMOND. How much time have I left?

The SPEAKER. Thirty minutes.

Mr. HAMMOND. I yield now for five minutes to the gentleman from Louisiana [Mr. KING].

Mr. KING. Mr. Speaker, a member from the State of Louisiana rises under these auspices with great embarrassment. The charge of grave misconduct upon a member from that State is certainly sufficient to bring the deepest humiliation to the Representatives from that State upon this floor. Rumors and reports of this charge (the charge of bribery) have been heard from time to time, and have been common in conversations on this floor for some time past. Several weeks have elapsed since they became current. Under these humiliating circumstances the members from that State appreciate the fact that the member charged is of the opposite party, and there having been great acrimony in that State between the contending political parties prevailing there renders it a matter of still greater delicacy for any member from that State to rise and demand an explanation or investigation of the member charged. I was told that the member himself desired an investigation. Upon that statement I rested for several weeks, and during the course of that time prepared resolutions similar to these which I hold in my hand, referred to by the gentleman representing the fourth district, my colleague, Mr. BLANCHARD.

But I was assured that the member himself who is charged with these glaring irregularities had prepared resolutions which would be offered by himself at a suitable time. Upon that statement I have therefore waited for him to present them. He has now risen in his place on this floor and presented those resolutions. Their terms have been made known to this House and to the country; and I am glad that he has offered them. I think that justice to his State, justice to this House, and justice to him demands that they be adopted, and I hope that there will be no dissenting voice on this side of the House. If wrong has been done by the member accused let it be demonstrated and the wrong-doer be brought to punishment; and if he is innocent give him the opportunity of vindicating himself from aspersions which have been cast upon him. I hope, therefore, that members on this side of the House will vote in favor of the adoption of the resolution.

Mr. HAMMOND. Mr. Speaker, as a justification for the position I took as to the law on this subject, I send to the desk and ask to have read a report made in the Forty-fourth Congress with reference to the China mail service.

The Clerk read as follows:

Mr. Lynde, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom were referred the papers and testimony taken by the Committee on Ways and Means of the Forty-third Congress, with instructions to inquire what action should be taken by the House in reference to the persons now members of this House charged with complicity in the alleged corrupt use of money to procure the passage of an act providing for an additional subsidy in the China mail service during the Forty-second Congress, and with giving false testimony in relation thereto before the Committee on Ways and Means of the Forty-third Congress, have considered the same and report:

That the Committee on Ways and Means of the Forty-third Congress, after a thorough investigation of the charge that a large sum of money was used to secure the passage through Congress of an increased annual appropriation to the Pacific Mail Steamship Company, in the nature of a subsidy, report among other things:

"The results of the evidence are, that about $900,000 was disbursed upon the allegation that it was used in aid of the passage of the act now under investigation. That about $565,000 appears to have been paid to the exclusive use of persons having no official connection with such legislation; and that the disposition of the remaining $335,000 remains in doubt upon the evidence presented, but without any testimony showing that it was a reward paid to any person at that time a member of either House of Congress; and that the uncertainty attending the disposition of this latter sum is owing to the refusal of William S. King to testify the truth, and to the failure or refusal of John G. Schumaker to present all the facts which the committee believe it was in his power to give.

"The committee report the following resolutions:

"*Resolved*, That a copy of the testimony taken before the Committee on Ways and Means, upon the question of a corrupt use of money to secure the passage of an act providing for an additional subsidy for the China mail service, be delivered to the Clerk of the House of Representatives, to be by him laid before the House at the first session of the Forty-fourth Congress, to the end that they may make further inquiry and take due action upon the questions affecting William S. King and John G. Schumaker, and further proceed therein as they shall deem just.

"*Resolved*, That the Clerk of this House transmit to the United States district attorney a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service, with directions to lay so much of the same as relates to the truth of the testimony given by William S. King and John G. Schumaker before the grand jury of said District, for such action as the law seems to require."

The above resolutions were adopted by the House, and a copy of the evidence taken before the Committee on Ways and Means upon the question of a corrupt use of money to procure the passage of an act providing for an additional subsidy for the China mail service has been transmitted to the United States district attorney for the District of Columbia, by the Clerk of the House, in accordance with said resolution.

The whole subject is properly before the court; the offenses charged are crimes by statute, and the Constitution provides:

"No person shall be held to answer for an infamous crime unless on a presentment or indictment of a grand jury."

Your committee are of opinion that the House of Representatives has no authority to take jurisdiction of violations of law or offenses committed against a previous Congress. This is purely a legislative body, and entirely unsuited for the trial of crimes. The fifth section of the first article of the Constitution authorizes "each House to determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." This power is evidently given to enable each House to exercise its constitutional function of legislation unobstructed. It can not vest in Congress a jurisdiction to try a member for an offense committed before his election; for such offense a member, like any other citizen, is amenable to the courts alone. Within four years after the adoption of the first ten amendments to the Constitution, Humphrey Marshall, a Senator of the United States from Kentucky, was charged by the Legislature of his State with the crime of perjury, and the memorial was transmitted by the governor to the Senate for its action. The committee to whom it was referred reported against the jurisdiction of the Senate, and say—

"That in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State or district wherein the crime shall have been committed. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent. And they are also of opinion that as the Constitution does not give jurisdiction to the Senate, the consent of the party can not give it, and that therefore the said memorial ought to be dismissed."

This report was adopted by a vote of 16 to 7. This is the construction given to said section in the first case presented to either House after its adoption by the statesmen who framed the Constitution, and we think it an authority which should control the case before the committee. We know of no public interest which will be promoted by further investigation.

Your committee therefore recommend that the House leave these charges where they now are, in court, to be finally adjudicated and disposed of without any interposition or further action of the House.

Mr. BLANCHARD. I ask the gentleman from Georgia [Mr. HAMMOND] to cause to be read also the views of the minority.

Mr. HAMMOND. They may be printed with the report of the majority.

Mr. BLANCHARD. I should prefer to have them read.

Mr. HAMMOND. I do not know how much time it would take. I have but ten minutes remaining.

The SPEAKER. Does the gentleman from Georgia yield to the request to have the views of the minority printed?

Mr. HAMMOND. I have no objection to that.

Mr. BLANCHARD. Very well; let them be printed in the RECORD.

The SPEAKER. If there be no objection, the views of the minority will be printed.

There was no objection. They are as follows:

VIEWS OF THE MINORITY.

The undersigned members of the Judiciary Committee, to whom was referred the resolution of the 24th of January last, set forth in the report of the majority, respectfully report:

That the only question now presented to the House is the question of jurisdiction, which question arises under the last clause of section 5 of article 1 of the Constitution:

"Each House may determine the rules of its proceedings; punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

It will be seen that there are no words of limitation on the power to expel, which seems to have been left to the good sense and discretion of each House; in other words, does not the Constitution refer rather to the fitness of the member to hold the office, resting on considerations of public justice and policy, than to the time of his election? Yet the undersigned do not deny but that there are limitations on the power of this House arising from the circumstances of particular cases and the relations of this House to the constituency of an accused member; therefore, as will be seen, the undersigned need not go further in this case than to assert jurisdiction, because the offenses complained of were not known to the constituents of the members in question until after their election.

Without asserting the guilt of the accused, it is sufficient to say that the gravamen of the charges made against them is that one of them (Mr. Schumaker) received the sum of $275,000, and the other (Mr. King) while an officer of the House, $75,000, for the purpose of purchasing the votes of members of the Congress for a subsidy to the Pacific Mail Steamship Company; and it is conceded that the alleged reception of such money by them was not known to their constituents until after their election.

It is also alleged that one of the members (Mr. King) testified falsely concerning the moneys received by him before his election to the present House, and that the other (Mr. Schumaker) so testified after his election to the present House, before a committee of the Forty-third Congress.

The fact that the questions involved as to the guilt of the accused members have been referred to the courts of the District of Columbia does not and can not affect the question of jurisdiction, nor in any manner release the House from its duty in the premises, as has been held in the cases of Kilbourn and Belknap. The case of Humphrey Marshall, referred to in the report of the majority, is not a case in point. He was accused of the crime of perjury, committed before a State court in Kentucky; a majority of the Senate concluded that he was entitled to a trial before a jury. If the members in the cases before the Congress were accused of the crime of perjury committed in a State court, in dealing with the question entirely different considerations might be presented.

The committee of the Senate, in the case of Marshall, says:

"That in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury."

This decision, however, only relates to trials in court in the adminstration of criminal justice, and not to protective justice by proceedings on impeachment or expulsion from either House of Congress.

Without now discussing or deciding the question to what depths of infamy a member must have sunk, if condoned by his constituents, before the House should exercise the power to expel him, or without deciding that there is any depth of infamy which, if so condoned, would authorize such expulsion, it is sufficient to say that in the cases before the House the offenses, as alleged, related directly to the attempted corruption of members of the Congress of the United States, which crime or crimes, wherever originated, were consummated, as alleged, in the District of Columbia or within the Halls of the Capitol.

In the State of New York, in the case of George G. Barnard, one of the justices of its supreme court, he was held liable to impeachment for offenses committed by him before he was elected to the term of office which he then held. The senate of that State has asserted the same principle.

The Senate of the United States has recently held jurisdiction in a case in which the alleged limitation, if any, forbidding it is found in the words of the Constitution.

The undersigned therefore recommend the adoption of the following resolution:

Resolved, That the House of Representatives has jurisdiction in the cases of William S. King and John G. Schumaker, and that it be referred to the Committee on Civil Service Reform to ascertain and report the facts.

SCOTT LORD.
WM. LAWRENCE.
GEO. F. HOAR.
B. G. CAULFIELD.

I am of the opinion that the House ought not to assume jurisdiction of a case where a member is charged with having sworn falsely at a time prior to his election, especially if such member has been indicted therefor before the proper judicial tribunal, and pending his trial. But where the charge is that a member of the House has received money to be used by him to corrupt legislation in Congress, for which offense no indictment has been found, I think the House may properly take jurisdiction though the offenses charged were committed prior to his election. I am desirous that an inquiry be made to ascertain whether this latter offense has been committed by either or both of the accused members; and for that purpose, and to that extent, I concur in the report of the minority of the committee.

GEO. W. McCRARY.

Mr. HAMMOND. I withdrew my motion to table this whole matter because it was said, though after the gentleman from Louisiana [Mr. KELLOGG] had twice called the previous question and endeavored to cut off debate thereby, that it was unfair for me after a short reply to his speech to cut off debate by such a motion. I therefore yielded to the several gentlemen who asked me to permit them to express their views.

The whole thing now resolves itself into a mere matter of doubt as to the law. The gentleman from Louisiana [Mr. HUNT] had furnished to him by Judge POLAND the report in the Credit-Mobilier case. I grant that the report in that case was as broad as he said it was. I state, however, that there was one jurisdictional fact in that case which perhaps had some control; and that was that the offenses were committed during the terms of the offenders as Congressmen, though not while members of that House. But whether that makes a sufficient answer to it or not, I desire to say personally that I differ with the conclusions of the committee in the Credit Mobilier case. I think that that report was carried by the enormity of the wrong, and that had it been a case in which there had been more caution and deliberation the rule which I invoked to-day would have prevailed. That report went this far: "If two-thirds of the House shall see fit to expel a man because they do not like his political or religious principles, or without any reason at all, they have the power, and there is no remedy except by appeal to the people." I admit that Congress has the power to do wrong. The question is as to the right. I admit that Congress has the power to refuse to pass any law. But can we act upon the idea that it will do such a thing? Congress has the power to block the wheels of the Government by declining to appropriate money. But ought it to do it? Can we act upon the idea that it may do so?

But, Mr. Speaker, I would not have any injustice done any man upon my mere declaration of what the law is, for I may be wholly mistaken. I therefore, instead of making the motion which I intended to make, and which I did make and withdrew to allow others to speak, move that the resolution be referred to the Committee on the Judiciary with leave to report the same back at any time for consideration. And if the committee shall report that under the circumstances of this case it is one where the House can legally investigate and can legally punish, I think that I will withdraw my opposition to investigation. For I now put it upon that ground only, that the gentleman's [Mr. KELLOGG'S] speech disclosed the fact that there was a time when he could have had an investigation, but the statute of limitations prevented it, and I think that he is now appealing to this House for an investigation where the same principle of the statute of limitations in my opinion must again prevent it, because the wrong, if any, was before his election to this House. I ask for the reading of my resolution, and on that I demand the previous question.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] submits a resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That the resolution be referred to the Committee on the Judiciary with leave to report the same back at any time for consideration.

The SPEAKER. And upon that the gentleman from Georgia demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution of the gentleman from Georgia, which is to refer the pending resolution to the Committee on the Judiciary.

The question being taken, there were—ayes 82, noes 49.

So (further count not being called for) the resolution of Mr. HAMMOND was agreed to, and the pending resolution was referred to the Committee on the Judiciary.

NAVY DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the acting chief clerk of the Navy Department, transmitting copies of papers inadvertently omitted from the communication of the Secretary of the Navy of date May 20, 1884; which was referred to the Committee on Naval Affairs, and ordered to be printed.

CLAIM OF CREEK NATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner on Indian Affairs in relation to the claim of the Creek Nation on account of the cession to the United States of surplus lands, inclosing a memorial of the Creek Nation, with the report of the Commissioner thereon and decision of the Department, asking for an appropriation therefor of $86,313.04, to be inserted in the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

INTERNAL-REVENUE OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a letter from the Commissioner of Internal Revenue in relation to an additional appropriation of $150,000 required to complete the service for the fiscal year ending June 30, 1884, on account of salaries and expenses of agents and subordinate officers of internal revenue; which was referred to the Committee on Appropriations.

DISCRIMINATIONS AGAINST UNITED STATES EXPORTS.

The SPEAKER. In accordance with the statute the Chair also lays before the House the following Senate concurrent resolution for reference to the Committee on Printing.

The Clerk read as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That 6,000 additional copies of the report of the Senate Committee on Foreign Relations upon the second branch of the resolution of the Senate, adopted January 22, 1884, in relation to discriminations made by foreign governments against exports from the United States, &c., together with the accompanying documents, be printed, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, 500 copies for the use of the State Department, and 500 copies for the use of the Treasury Department.

The concurrent resolution was referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DUNCAN, for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. HERBERT. I ask unanimous consent to introduce a bill for reference.

The SPEAKER. Is the demand for the regular order withdrawn?

Several MEMBERS. "Regular order."

The SPEAKER. The regular order is insisted upon, which is the call of committees for reports of a private nature.

Mr. MCMILLIN. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a two-thirds vote.

The question was taken; and (two-thirds voting in favor thereof) the morning hour was dispensed with.

Mr. MCMILLIN. I now move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. STEELE. I desire to submit three reports from the Committee on Pensions.

Mr. MCMILLIN. I will yield for that purpose.

DAVID C. PALLUS.

Mr. STEELE, by unanimous consent, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 1912) for the relief of David C. Pallus; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH CONNOR.

Mr. STEELE, by unanimous consent, from the Committee on Pensions, also reported back with a favorable recommendation the bill (H. R. 411) granting a pension to Elizabeth Connor; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EMMA DE LONG.

Mr. STEELE, by unanimous consent, from the Committee on Pensions, also reported back with an amendment the bill (H. R. 3065) granting a pension to Emma De Long; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDINGS AT WEST POINT.

Mr. STOCKSLAGER. I desire to ask unanimous consent to have the reference of a bill changed. The bill (H. R. 6702) to provide for the erection of necessary buildings upon the Government reservation at West Point, N. Y., was referred to the Committee on Public Buildings and Grounds. That committee think that the Committee on Military Affairs are better able to judge of the necessity of such buildings, and therefore have instructed me to move that the committee be discharged from its further consideration and that the same be referred to the Committee on Military Affairs.

There was no objection, and it was ordered accordingly.

HOT SPRINGS RESERVATION, NEW MEXICO.

Mr. COBB, by unanimous consent, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 5647) to withdraw from sale the lands known as the Ojo Caliente or Hot Springs reservation, in the Territory of New Mexico, and to reserve the same for a town site; which was placed on the House Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. MCMILLIN. I now renew the motion to go into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. ROWELL. Pending that motion, I ask unanimous consent that the first bill to be considered in Committee of the Whole to-day be the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. MCMILLIN. I have already agreed to this, and hope it will be done. This is the bill for the payment of the claims reported from the Quartermaster-General's Office, and should pass. The claims have all been reported favorably after full examination by the proper officers. The Government got the property from many citizens in my own and other States, owes the money, and should pay it. It will take but a short time to consider the bill. Let us pass——

The SPEAKER. The House has heard the request of the gentleman from Illinois [Mr. ROWELL]. Is there objection.

There was no objection, and it was ordered accordingly.

The SPEAKER. The question recurs upon the motion of the gentleman from Tennessee that the House now resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. STOCKSLAGER. I desire to say that if the House shall vote down the motion to go into Committee of the Whole for the consideration of business on the Private Calendar, I will then move that the House go into Committee of the Whole on the state of the Union for the consideration of public-building bills.

Mr. MCMILLIN. I trust the House will not vote it down.

The motion of Mr. MCMILLIN was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. COX, of New York, in the chair.

CLAIMS ALLOWED UNDER ACT OF JULY 4, 1864.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar. By order of the House the first bill to be considered at this time is the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Mr. MCMILLIN. I ask unanimous consent that the reading of the schedule of claims be dispensed with. They have all been examined

very carefully, and for the purpose of saving time I suppose there will be no objection to omitting their reading.

Mr. ROWELL. They are simply the reports of the accounting officers, and there are no amendments to be offered to the bill except some to correct the spelling of names, &c.

The CHAIRMAN. If there is no objection the reading of the schedule of claims will be omitted, and they will be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The CHAIRMAN. There are certain amendments reported from the Committee on War Claims for the purpose of correcting names improperly spelled. If there be no objection the question will be taken on those amendments in gross.

There was no objection, and the amendments were agreed to.

Mr. ROWELL. I have also some amendments here for the correction of names, which I will send to the Clerk's desk and ask to have printed in the RECORD.

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

The amended bill was as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers under the provisions of the act of July 4, 1864, since January 6, 1883, namely:

TENNESSEE.

To Washington Aly, of Jefferson County, $150.
To Joshua T. Ashburn, of Marion County, $83.75.
To William Armstrong, of Bedford County, $125.
To William F. M. Aikman, of Meigs County, $100.
To Joseph T. Allen, of Shelby County, $375.
To Richard Averitt, of Sumner County, $741.
To W. H. McMahon, administrator of Elizabeth Allen, deceased, of Williamson County, $45.
To W. K. Ault, of Knox County, $48.
To Alexander Anderson, of Marion County, $48.
To David Angus and William Evans, administrators of Gustavus Angus, deceased, of Giles County, $366.85.
To Frank Akin (or Eakin), (colored), of Davidson County, $940.
To John D. Agee, of Crockett County, $270.
To John F. Anderson, of Franklin County, $5,435.
To Josiah Anderson, of Marion County, $102.
To W. N. Bryant, of Bedford County, $37.50.
To James M. Brownlow, of Giles County, $175.
To Adison Bowman, of Union County, $52.50.
To J. H. Brooks, of Maury County, $100.
To Mary A. Hagan, administratrix of Hartwell J. Bumpass, deceased, of Lawrence County, $100.
To Gale Berry, of Hawkins County, $110.
To W. M. Robinson, administrator of Stephen S. Blackwell, deceased, of Gibson County, $125.
To J. L. Ball, administrator of Daniel M. Ball, deceased, of Lawrence County, $135.
To Daniel Bowman, of Claiborne County, $14.40.
To Walton Bradley, of De Kalb County, $450.
To George B. Bear, of Sullivan County, $235.
To James H. Bryson, of Cannon County, $115.
To Mary T. Ballentine, administratrix of A. M. Ballentine, deceased, of Giles County, $333.
To James Brown, of Campbell County, $13.
To Samuel F. Bell, of Blount County, $39.
To T. H. Bowman, of Claiborne County, $4.25.
To W. G. Crowley, administrator of John L. Boyd, deceased, of Wilson County, $135.
To Eli Brown, of Campbell County, $93.84.
To W. V. Lee, administrator of Ned Bradford, deceased, of Smith County, $125.
To Henry J. Binkley, of Dickson County, $98.
To J. W. Buis (or Bries), administrator of Abraham Buis (or Bries), deceased, of Claiborne County, $579.37.
To Nathan J. Bass, administrator of Gilbert W. Bass, deceased, of Giles County, $80.
To Squire D. Bray, of Giles County, $275.
To J. E. Campbell, administrator of John Burrows, deceased, of Grundy County, $105.92.
To Lunsford P. Black, of Rutherford County, $600.
To D. F. Beeler, administrator of Adam Beeler, deceased, of Claiborne County, $155.50.
To C. H. Botsford, of Fayette County, $465.50.
To W. L. Bodkin, administrator of Meek Bodkin, deceased, of Gibson County, $140.
To Thomas Bell, of Carroll County, $1,231.75.
To Wilson B. Brown, of Greene County, $225.
To Robert B. Barger, of Rhea County, $60.
To James N. Bradshaw, administrator of William G. Bradshaw, deceased, of Maury County, $199.20.
To J. A. Brown, administrator of Neill Brown, deceased, of Hickman County, $150.
To Allen Brown, of Warren County, $75.
To A. P. Brumley, administrator of Nathaniel Brumley, deceased, of Greene County, $130.
To John A. Fite, executor of William H. Beasley, deceased, of Smith County, $120.
To Martha R. Romines, special administratrix of Michael Byerley, deceased, of Rhea County, $33.30.
To Isaac J. Barber, of Giles County, $317.10.
To Alfred N. Balch, of Sumner County, $81.
To Nancy Barnett, of Hancock County, $100.
To Robert Brown, of Madison County, $30.
To William A. Boyd, of Williamson County, $600.
To David H. Branch, of Shelby County, $463.50.
To G. W. Bright (colored), of Lincoln County, $135.
To A. J. Bankston, of Rhea County, $225.
To R. W. Boyd, of Roane County, $60.
To Thomas F. Scott, administrator of Rowlett F. Bragg, deceased, of Tipton County, $230.
To J. W. and J. B. Boyd, administrators of Thomas Boyd, deceased, of Knox County, $108.35.
To Josiah Boyett, of Marshall County, $75.
To Mary Blain, of Sumner County, $1,737.
To Henrietta B. Chambers (née Bolton), administratrix of Isaac L. Bolton, deceased, of Shelby County, $430.
To William Bullin, of Grainger County, $100.
To John R. Bledsoe, of Gibson County, $120.
To W. H. Bradford, of Davidson County, $335.
To Harry Baker (colored), of Sumner County, $18.
To Mary F. Beeler, of Giles County, $215.
To John McBrooks, administrator of Cannon L. Brooks, deceased, of Shelby County, $140.
To Mrs. Elouisa Berry, of Carroll County, $100.
To J. D. Jones, administrator of S. Burrus, deceased, of Obion County, $330.
To J. M. Bramlett, administrator of Garlington Bramlett, deceased, of Rhea County, $120.
To the estate of Margaret Birkhead, deceased, of Hardeman County, $110.
To Mary Bell, of Rhea County, $23.20.
To K. C. Barlow, of Rutherford County, $100.
To Martha and James W. Blackman, administrators of William Blackman, deceased, of Madison County, $315.50.
To M. H. Brown, administrator of Allen Betts, deceased, of Gibson County, $129.40.
To Hugh F. Crawford, of Knox County, $86.50.
To John Cox, of Anderson County, $64.
To R. B. Cowan, of Franklin County, $364.
To Samuel D. Caughron, of Monroe County, $85.
To William M. Cowan, of Franklin County, $390.
To Robert Cantrell, of Marion County, $24.
To R. P. Cochran, widow of James Cochran, deceased, of Blount County, $43.50.
To David Chandler, of Blount County, $125.
To Winston Carter, of Sevier County, $32.
To Nancy A. Cox, of Hardeman County, $125.
To Joseph T. Chadwell, of Williamson County, $125.
To Samuel West, sr., executor of Reuben L. Cates, deceased, of Grainger County, $80.
To B. F. Carter, executor of Dr. Benjamin Carter, deceased, of Giles County, $340.
To Jesse Comer, of Lawrence County, $214.
To John Cinclair, of Sevier County, $75.
To Richard N. Conner, of Knox County, $11.25.
To R. F. Roberts, administrator of John H. Crockett, deceased, of Williamson County, $75.21.
To J. A. Cartwright, administrator of R. H. Cartwright, deceased, of Davidson County, $41.
To Thomas Chapman, of Campbell County, $23.66.
To Sarah A. Cawthon, administratrix of Hugh R. Cawthon, deceased, of Cannon County, $135.
To G. T. Campbell, of Giles County, $257.
To Samuel M. Corson, of Lauderdale County, $125.
To David M. Corbett, of Jefferson County, $100.
To James A. Cole, administrator of Wesley Cole, deceased, of Shelby County, $530.
To R. W. Casey, of Coffee County, $197.
To Stephen P. Cope, executor of James Cope, deceased, of Warren County, $150.
To Martha J. Carter (formerly Martha J. Paine), of Giles County, $144.
To Moses Cox, of Carroll County, $260.
To Moses H. Clift and J. P. Kefauver, administrators of R. F. Cook, deceased, of Monroe County, $450.
To W. J. Craig, of Giles County, $190.
To Tucker Carrithers (or Caruthers), (colored), of Maury County, $450.
To James S. Callaway, administrator of Thomas H. Callaway, deceased, of Bradley County, $1,020.50.
To Nancy Cook, widow of Pleasant Cook, deceased, of Claiborne County, $30.
To Moses Caten, of Warren County, $130.
To Cullen F. Cribbs, of Carroll County, $140.
To Henry Counce, of Wayne County, $219.
To W. H. Campbell, of Perry County, $125.
To Annie E. Cheney, of Davidson County, $39.75.
To Alexander Cowan, of Bedford County, $353.85.
To Nathaniel Holman, administrator of John M. Cook, deceased, of Maury County, $134.40.
To G. T. Chaffin, of Maury County, $448.45.
To E. A. Collins, administrator of William P. Collins, deceased, of Gibson County, $128.61.
To William Campbell, administrator of Alfred Campbell, deceased, of Bedford County, $150.
To William B. Clark, of Lincoln County, $125.
To Samuel B. Collet, of Roane County, $60.
To George W. Crow, of Roane County, $32.
To John Coleman, of Lincoln County, $220.
To Polly Cooper (formerly Polly Bynum), of Maury County, $105.
To Jefferson Chambers, of Giles County, $135.
To G. W. Chipman, administrator of James Crews, deceased, of Sumner County, $200.
To David Chandler, of Blount County, $189.25.
To John D. Coble, administrator of Neely Coble, deceased, of Bedford County, $300.
To A. F. Whitman, administrator of Margaret Castleman, deceased, of Davidson County, $1,526.75.
To Obediah Chissem (or Chisholm), of Robertson County, $17.40.
To John B. Cochran, of Marshall County, $350.
To the estate of W. H. Campbell, deceased, of Obion County, $140.
To G. W. Dodson, C. C. Dodson, and W. A. Dodson, executors of Nimrod Dodson, deceased, of McMinn County, $100.
To John Davis, of Grainger County, $35.
To Sophia A. Dean, of Smith County, $125.
To Armsted Dew, of Anderson County, $70.
To Edmund Gray, administrator of Benjamin Dagley, deceased, of Scott County, $12.
To Alexander T. Dobbins, of Giles County, $350.
To John W. Dyer, of Fayette County, $563.80.
To Isaac Dockery (colored), of Sevier County, $100.
To David F. D'Armond, of Knox County, $125.
To Calvin Y. Douthit, of Lincoln County, $100.
To James Dodds (in his own right), and R. M. Cook, administrator of Sarah Dodds, deceased, of Claiborne County, $100.
To John R. Draper, of Knox County, $39.60.
To Aly Dowis, of Knox County, Kentucky, $15.
To Rachel Dixon, widow of William J. Dixon, deceased, of Davidson County, $56.
To Charles Neely, administrator of Andrew Davis, deceased, of Claiborne County, $20.

To Robert Davis, of Marshal County, $270.
To H. P. Hobson, administrator of Robert Dean, deceased, of Fayette County, $265.
To F. W. Doss, administrator of Eleanor Doss, deceased, of Robertson County, $161.
To John Pates, executor of Michael Dearstone, deceased, of Greene County, $30.
To James G. Davis, of Gibson County, $115.
To James H. Delp, of Hancock County, $275.
To Hugh De Bow, of Obion County, $120.
To W. P. and T. C. Darwin and J. M. Caldwell, administrators of James A. Darwin, deceased, of Rhea County, $246.
To D. R. Corlett, administrator of James Edwards, deceased, of Williamson County, $130.
To A. M. Ezell, administrator of Lavinia C. Ezell, deceased, of Giles County, $270.
To J. J. West, administrator of George Ewing (colored), deceased, of Montgomery County, $115.
To Warham Easley, jr., of Loudon County, $316.20.
To Pinkney H. Ezell, executor of Margaret Ezell, deceased, of Giles County, $385.
To Stephen M. Emmons, of Lincoln County, $248.
To John England, of Claiborne County, $80.
To Eliza England, of White County, $100.
To Wesley English, of Giles County, $125.
To Reuben H. Epperson, of Madison County, $51.90.
To Nancy B. and John W. Elrod, executors of James C. Elrod, deceased, of Rutherford County, $4.05.
To W. A. Walker, executor of John Eagleton, deceased, of Blount County, $24.
To William S. Evans, of Lincoln County, $780.
To William R. Evans, of Lincoln County, $235.
To S. M. Elrod, of Cannon County, $130.
To T. F. Eslick, administrator of Sarah Eslick, deceased, of Lincoln County, $70.
To C. Zimmerman, administrator of Thomas Evans, deceased, of McMinn County, $7,366.25.
To M. J. and John W. Fry, executors of William Fry, deceased, of Giles County, $285.
To Daniel M. Foster, of Lawrence County, $50.
To John Foster, of Giles County, $150.
To Martha A. Fisher (formerly Martha A. Gattis), of Madison County, $755.
To Francis M. Fultz, of Claiborne County, $37.50.
To Calaway Farmer, of Blount County, $160.
To Thomas Ferguson, of Sevier County, $110.
To Nancy Fugate, of Claiborne County, $10.
To W. T. Falls, of Hardin County, $300.
To Mrs. Nancy B. Fowler, of Marshall County, $300.
To Amanda M. Fly, administratrix of C. C. Fly, deceased, of Gibson County, $110.
To Sarah L. Fogg, administratrix of William Fogg, deceased, of Giles County, $375.
To J. N. Fryar and E. D. G. Burnett, administrators of James Fryar, deceased, of Cumberland County, $90.
To Samuel B. Ferguson, of Rhea County, $30.50.
To W. H. Foster, executor of James L. Foster, deceased, of Lincoln County, $100.
To S. R. Hailey, administrator of Bailey P. Goodwin, deceased, of Marshall County, $150.
To Hiram Gilbert, of Claiborne County, $10.
To Jesse Gann, administrator of Ira Gann, deceased of Hamilton County, $225.
To J. J. Greer, of Blount County, $30.
To F. M. Gass, of Jefferson County, $397.
To J. C. Eggleston, administrator of Lucy Giles, deceased, of Williamson County, $625.
To Silas Gaither, of Cannon County, $130.
To William J. Gossett, of De Kalb County, $137.
To William C. Grimmitt, of Maury County, $42.
To William H. Goad, of Lawrence County, $125.
To Berry Griggs, of Lauderdale County, $140.
To Madison W. Gouger, of Warren County, $130.
To Richard G. Jenkins, administrator of David Gilliland, deceased, of Lauderdale County, $250.
To William Gollahorn, of Hancock County, $100.
To Reuben Goad, of Smith County, $100.
To T. M. Hurst, administrator of B. G. Gregory, deceased of Hardin County, $63.
To T. J. Dorsett, administrator of Mrs. J. H. Y. Greenfield, deceased, of Maury County, $10.50.
To H. P. Gault, of Knox County, $60.
To P. C. Smithson, administrator of Richmond Gilbert, deceased, of Marshall County, $150.
To Urias Springer, guardian of W. R. Gulledge (or Gullage), insane, of Carroll County, $125.
To Gion Gregory, of Smith County, $140.
To Mary B. Gallaher, administratrix of Benjamin H. Gallaher, deceased, of Roane County, $269.81.
To Wayne Gideon, of Knox County, $50.
To M. J. Camden, administrator of John C. Gillespie, deceased, of Gibson County, $110.
To John S. Gaither, of Lawrence County, $330.
To John P. Gourley, administrator of John Giles, deceased, of Sumner County, $300.
To Samuel Gilliam, of Lawrence County, $478.
To Mary J. Garrett (formerly Mary J. Winn), of Bedford County, $130.
To C. G. Galloway, of Shelby County, $455.
To Alfred A. Hanks, of McMinn County, $178.
To Mary Henderson, of Madison County, $297.
To B. F. C. Smith, administrator of G. W. House, deceased, of Smith County, $125.
To Mary E. Hutsell, of Blount County, $140.
To Samuel Henry, of Blount County, $180.
To Charles Hill, of McMinn County, $43.70.
To Henry C. Hunter, of Hamilton County, $125.
To David Hargrove, of Maury County, $125.
To Thomas Hodges, of Claiborne County, $375.
To John W. Hunter, of Hamilton County, $100.
To J. M. Higgins, of Giles County, $440.
To Mary Ann Haynes (formerly Atkins), of Union County, $25.
To A. M. Hale, administrator of Jurene Hale, deceased, of Gibson County, $452.50.
To John W. Harvey, sr., of Williamson County, $75.
To James M. Hays, administrator of Miles C. Hays, deceased, of Madison County, $145.
To S. N. Williams, administrator of John Hilliard, deceased, of Carroll County, $175.
To R. Z. Taylor, administrator of John O. Henderson, deceased, of Gibson County, $115.
To William L. Hamilton, of Union County, $60.
To J. M. Hammer, of Sevier County, $32.50.
To Henry J. Hartman, of Greene County, $125.
To John M. Hughes, of Hamilton County, $75.
To J. H. Gregory, administrator of Christopher Harris, deceased, of Maury County, $385.
To Patrick Hodge, of Jefferson County, $53.33.
To D. W. Howard, of Sevier County, $294.
To David Haste, of Gibson County, $6.
To John W. Howard, of Jefferson County, $26.66.
To Stephen Hopkins, of Hancock County, $135.
To J. A. Hamilton, of McMinn County, $100.
To John Hunt, of McMinn County, $125.
To John H. Hatfield, of Sequatchie County, $85.50.
To Robert S. Harris, of Giles County, $135.
To Martha Hurley, administratrix of N. B. Hurley, deceased, of Hancock County, $125.
To J. T. Hampton, administrator of James M. Hampton, deceased, of Lincoln County, $3,722.50.
To Thomas Holland (colored), of Shelby County, $465.
To G. N. and J. M. Howard, administrators of Nehemiah Howard, deceased, of Giles County, $90.
To John A. Hannah, of Blount County, $5.50.
To James R. Harmon, of Greene County, $10.
To G. B. Cloud, administrator of James Hodges, deceased, of Claiborne County, $51.60.
To John H. Hickman, of Rutherford County, $100.
To W. R. Henry, of Rhea County, $405.
To H. R. Hallum, special administrator of William Van Renselaer Hallum, deceased, of Smith County, $500.
To John Herriford, of Davidson County, $112.25.
To James H. McConnell and Josiah N. Henry, executors of James M. Henry, deceased, of Blount County, $92.10.
To John Hendrix, of Marshall County, $250.
To E. L. Hinson, administrator of Jordon Hinson, deceased, of Perry County, $135.
To Martin F. Hampton, of Lincoln County, $285.
To John P. Henry, of Gibson County, $147.50.
To C. W. Hudson, executor of William R. Hudson, deceased, of Madison County, $425.20.
To J. T. Brown, administrator of Joseph Hogan, deceased, of Obion County, $31.50.
To Nathaniel Irvin, of Campbell County, $15.
To Mary J. Igon, of Hamilton County, $215.80.
To C. D. Russell and Lafayette Isley, administrators of John Isley, deceased, of Campbell County, $3.50.
To T. C. Iles, administrator of William R. Iles, deceased, of Loudon County, $125.
To D. P. McCorkle, executor of Daniel Jackson, deceased, of Obion County, $270.
To Andrew W. Jackson, of Obion County, $250.
To Mrs. E. J. Johnson (formerly E. J. Bridgwater), of Smith County, $120.
To Wilson Jackson, of Claiborne County, $30.
To J. B. Johnson, of Carroll County, $85.
To Isaac James, of Gibson County, $125.
To G. B. Johnson and Samuel Johnson, executors of Susanah Johnson, deceased, of Roane County, $414.16.
To Mary A. Johnson, administratrix of William B. Johnson, deceased, of Knox County, $125.
To Caroline Johnson, administratrix of Benjamin Johnson, deceased, of Davidson County, $218.20.
To Andrew M. Johnson, administrator of James Johnson, deceased, of Grainger County, $135.
To John B. Jopling, administrator of John S. Jopling, deceased, of McNairy County, $11.
To S. H. Cearley, administrator of J. B. Justice, deceased, of Hardeman County, $280.
To E. H. Jones, of Rutherford County, $125.
To John Jones, of Blount County, $90.
To William Johnson, of Sequatchie County, $66.
To G. W. Jones, of Lincoln County, $125.
To J. L. Fare, administrator of G. F. Jones, deceased, of Davidson County, $44.90.
To T. A. Reams, administrator of Amanda E. Jackson, deceased, of Davidson County, $100.
To James G. Jones, of Rutherford County, $100.
To John Johnson, administrator of Hiram Johnson, deceased, of Sequatchie County, $31.
To William Kearley, of Smith County, $377.70.
To Samuel W. Knox, of Cannon County, $145.
To S. R. Kittrell, of Maury County, $1,385.
To John G. Kelly, of Marion County, $32.50.
To John H. Keaton, of Carroll County, $324.
To Samantha L. Kelly, of Madison County, $110.
To L. D. Kenney, administrator of George Kenney, deceased, of Greene County, $150.
To William Keen, of Sumner County, $150.
To Jefferson Kidd, of Blount County, $27.50.
To Melinda H. Kidd, widow of Edmund Kidd, deceased, of Blount County, $19.
To C. W. Mosby, administrator of Sarah Leake, deceased, of Shelby County, $265.
To Gertrude A. Leftwich, administratrix of Dr. J. W. Leftwich, deceased, of Shelby County, $135.
To James H. Lockridge, of Maury County, $370.
To Wesley Lowe, of Rutherford County, $136.
To Edward Legg, of Knox County, $358.
To David Lowry, of Monroe County, $135.
To Waman Clark and James Scott, administrators of Mark Lowrey, deceased, of White County, $150.
To John B. Lewis, of Jefferson County, $84.
To T. G. and John Logue, executors of Carnes Logue, deceased, of Wilson County, $620.
To Tapley G. Logue, of Wilson County, $360.
To John W. Lyle, of Jefferson County, $82.
To Charles Lones, of Knox County, $176.
To George W. Lorance, of Rutherford County, $510.
To Newton J. Lebow, administrator of Rial Lebow, deceased, of Claiborne County, $67.50.
To Eugenia Lee, of Rutherford County, $100.
To Isaac Lewis, of Hamilton County, $37.50.

To R. D. Lansden, administrator of Mary Lansden, deceased, of Carroll County, $77.50.
To Isaac Lewis, of Hamilton County, $20.
To Jordan F. Longmire, of Claiborne County, $100.
To Alexander Lyon, administrator of Henrietta Lyon, deceased, of Rutherford County, $130.
To Hugh L. Lamb and William Walker, administrators of Cornelius C. Lamb, deceased, of Bledsoe County, $561.
To Robert Lewis, of Marion County, $3.37.
To James M. Lane, of Blount County, $25.
To Israel Long, of Cannon County, $250.
To Margaret and W. L. Lancaster, widow and son of C. A. Lancaster, deceased, of Obion County, $70.
To James P. Lea, of Bradley County, $138.30; to George J. Lea, of Bradley County, $138.30; to Elizabeth B. J. Boyd (née Lea), of Bradley County, $138.30; in all, $414.90.
To Franklin B. Lester, of Giles County, $389.58.
To Henry H. Long, of Perry County, $27.50.
To Burton B. Leatherwood, of Lincoln County, $400.
To Joseph N. Lannom, of Gibson County, $584.
To James Long, of Marion County, $100.
To Joshua B. Little, of Campbell County, $27.
To William McGill, of Cannon County, $150.
To John A. McMillan, of Robertson County, $125.
To John Melton, of Cannon County, $225.
To J. B. Morell, of Giles County, $420.
To Samuel Montgomery, of Blount County, $317.
To Manlove D. McCurry, of Greene County, $110.
To S. H. McWhirter, of McMinn County, $175.
To John N. Myers, of Warren County, $12.
To John Frazier, administrator of Thomas McKnight, deceased, of Jefferson County, $36.
To Adam E. Moore, of Lincoln County, $75.
To J. C. C. Morton, of Williamson County, $80.
To William Mason, of White County, $90.
To Jeptha H. Moore, of Robertson County, $115.
To Alfred McGahey, of Marshall County, $130.
To James M. Miller, of Hardeman County, $25.
To J. A. McCulley, of Blount County, $110.
To James McGuire, of Monroe County, $235.
To James Mitchell, of Carroll County, $103.50.
To Allen Moore, of Maury County, $56.
To R. S. Montgomery, of Giles County, $100.
To J. N. Moore, administrator of William Moore, deceased, of Hawkins County, $19.
To W. H. Mitchell, of Jefferson County, $12.50.
To Nathaniel McDaniel, of Hancock County, $21.37.
To W. A. Myers, administrator of Enoch Mobley, deceased, of Grainger County, $26.62.
To Robert E. Moody, of Sullivan County, $115.
To William A. McClellan, of De Kalb County, $120.
To J. C. McCoy, of Blount County, $35.
To G. M. C. Mallory, of Williamson County, $120.
To Thomas Maxwell, of Blount County, $22.
To Thomas S. Hawkins, administrator of Thomas B. McGahey, deceased, of Williamson County, $123.
To Mrs. John S. McNairy, of Davidson County, $115.
To W. T. McDaniel, executor of Charles B. McDaniel, deceased, of Lincoln County, $536.20.
To Curtis Mills, of Sevier County, $330.
To Isaac Denton, administrator of Morgan Miller, deceased, of McMinn County, $100.
To John J. McBride, of Van Buren County, $100.
To James Miller, of Cumberland County, $100.
To Robert Morrow, of Fayette County, $740.
To Thomas M. Morrison, of Tipton County, $120.
To Sarah J. McCormac, widow of John D. McCormac, deceased, of White County, $80.
To J. P. McCown and J. H. Hamilton, executors of Thomas McDill, deceased, of Lincoln County, $85.
To B. Martin, of Hardeman County, $350.
To Goodson McDaniel, of Marion County, $187.50.
To Jordan Miller, of Campbell County, $48.
To Alfred H. Mitchell, of Knox County, $8.
To John Mullins, of Rutherford County, $305.
To Joseph P. McDowell, of Williamson County, $45.
To James Molloy, of Van Buren County, $70.
To Nancy J. Moore, of Hamilton County, $248.64.
To John M. Tullock, executor of Adrian Martin, deceased, of Blount County, $320.
To John Mullendore, of Sevier County, $180.
To James Anderson, administrator of John McGavock, deceased, of Davidson County, $1,500.
To Francis S. Massey, of Shelby County, $250.
To David Nelson, administrator of S. H. McClanahan, deceased, of Knox County, $156.
To Margaret M. McKay, administratrix of William A. McKay, deceased, of Williamson County, $39.37.
To David Miller, of Blount County, $20.
To William Maynard, of De Kalb County, $270.
To John Mitchell, of Warren County, $40.
To D. S. Alsbrook, administrator of George Murphy, deceased, of Robertson County, $375.
To James A. Mentlow, administrator of D. W. Mentlow, deceased, of Sumner County, $115.
To Pleasant Morgan, of Wayne County, $75.
To F. M. Woodall, administrator of S. V. Mullen, deceased, of Davidson County, $200.
To Gus A. McLane, of Marshall County, $125.
To W. B. Matthews, of Williamson County, $974.40.
To William S. Madry, of Giles County, $150.
To William J. Mosley, administrator of James H. Mosley, deceased, of Wilson County, $160.40.
To E. J. W. Armstrong, administrator of Henry McGee, deceased, of Gibson County, $130.
To Henry Menees, administrator of Henry C. Menees, deceased, of Davidson County, $188.50.
To David M. McKnight, of Gibson County, $281.
To William B. Martin, of De Kalb County, $125.
To Maria J. Malone, of Rutherford County, $2,537.
To A. H. Rhodes, special administrator of William Murphy, deceased, of Fayette County, $1,445.
To Andy Maclin (colored), of Giles County, $140.
To J. S. Maxwell, of De Kalb County, $150.
To Samuel H. McAdams, administrator of Dorcas McAdams, deceased, of Marshall County, $125.
To J. M. Martin, of Marshall County, $135.
To Alfred McGahey, executor of David McGahey, deceased, of Marshall County, $125.
To William Noblin, of Marshall County, $125.
To Madison Neese, of Marshall County, $125.
To John W. Naylor, of Rutherford County, $185.
To T. W. Kearns, administrator of John Norwood, deceased, of Knox County, $125.
To Sarah F. Nichols, of Sevier County, $52.
To Ralph Neal, of Rutherford County, $115.
To Lewella Wood, administratrix of John Newman, deceased, of White County, $16.66.
To Floyd Nichols, of Knox County, $45.64.
To Mary O'Donnell, administratrix of Connell O'Donnell, deceased, of Davidson County, $446.
To Charles Orten, of Monroe County, $70.
To Thomas H. Oden, administrator of Hezekiah Oden, deceased, of Williamson County, $710.
To Holland Osborn, of Knox County, $60.
To D. S. Long, administrator of John Oliver, deceased, of Franklin County, $240.
To Elijah Oliver, of Blount County, $125.
To James O'Neal, of Marion County, $70.
To Andrew Pebly, of Campbell County, $54.
To Mariah Parkes, administratrix of Andrew Jackson Parkes, deceased, of Giles County, $325.
To James Pollard, of Sevier County, $148.
To Samuel Paschal, of Smith County, $110.
To Samuel Pittillo, of Knox County, $10.08.
To William Pettit, of Greene County, $50.
To M. G. Perry, of Weakley County, $125.
To Albert Pierce, of Jefferson County, $18.
To Daniel G. Perdue, of Sumner County, $132.50.
To James H. Pass, of Rhea County, $135.
To Jacob T. Page, administrator of Charity Page, deceased, of Williamson County, $100.
To George W. Petree, of Campbell County, $15.
To John R. Pearson, of Fayette County, $208.
To Mary Pankey, of Bledsoe County, $22.50.
To John G. Peace, of Monroe County, $65.50
To Henry L. Penick, of Sequatchie County, $107.50.
To Joseph Philpott, of Lincoln County, $540.
To M. M. Powell, administrator of J. M. Powell, deceased, of Lawrence County, $450.
To Cinthia A. Pamplin, of Lincoln County, $125.
To Andrew J. Powell, of Smith County, $125.
To James M. Peebles, of Williamson County, $410.
To John O. Pope, of Warren County, $125.
To James and Eliza N. Marshall, administrators of Sallie M. Parrish, deceased, of Shelby County, $380.
To Henry T. Prater, of Rutherford County, $175.
To Jesse Parker, of Weakley County, $100.
To Willis Perry, of Maury County, $150.
To M. S. Smith, special administrator of Mrs. M. O. Perkins, deceased, of Fayette County, $110.
To Elizabeth Pond, widow of Richard Pond, deceased, of Sumner County, $98.21.
To John S. Parker, of Weakley County, $130.
To James S. Ewing, administrator of James Patterson, deceased, of Marshall County, $625.
To David H. Parker, of Madison County, $455.50.
To Lucinda Pierce, of Sumner County, $117.
To Jeremiah M. Parker, of Giles County, $150.
To W. H. McBride, administrator of Isham W. Parham, deceased, of Davidson County, $172.
To Haggard and McKinley, holders and owners of a voucher of Paul Pruett, of Sumner County, $100.
To the estate of Henry Pigg, of Wayne County, $125.
To Anderson C. Quillin, of Hancock County, $140.
To Caswell Queener, of Campbell County, $160.50.
To Richard C. Quarles, of Marion County, $57.50.
To J. M. Rambo, of Sevier County, $192.
To James Ross, of Greene County, $145.
To Eliza J. Richardson, widow of John Richardson, deceased, of Claiborne County, $75.
To Isaac Roberson, of Bledsoe County, $100.
To J. S. Richardson, administrator of Murray Richardson, deceased, of Davidson County, $24.
To Luke Reed, administrator of Peter Reed, deceased, of Rutherford County, $150.
To Peter Ryan, of Knox County, $25.
To Jordan Ridge, of Marion County, $45.
To Margaret Reneau, administratrix of John Reneau, deceased, of Jefferson County, $20.
To Rufus B. Roberson, of Bledsoe County, $666.
To Mrs. Jane Roberts, of Weakley County, $100.
To Caleb Rule, of Sevier County, $70.
To Thomas J. Ridley, administrator of George W. Ridley, deceased, of Williamson County, $90.
To Hugh Reece, of Johnson County, $25.
To Aaron A. Runyan, of Sevier County, $125.
To David Ridge, of Marion County, $36.20.
To Moody Reynolds (colored), of Giles County, $300.
To George W. Runnions, of Claiborne County, $257.50.
To French H. Rogers, of Claiborne County, $253.75.
To Samuel A. Rule, of Sevier County, $60.
To Levi Reed, administrator of Robert Reed, deceased, of Giles County, $420.
To William B. Roberts, of Giles County, $340.
To S. A. Rule, administrator of John Rule, deceased, of Sevier County, $60.70.
To J. N. Rogers, of McMinn County, $41.
To Alfred and William W. Ross, surviving partners of the firm of Felix G., William W. & Alfred Ross, of Rutherford County, $2,125; and to William W. Ross, administrator of Felix G. Ross, deceased, of Rutherford County, $60; in all, $2,185.
To James Roney, of Sumner County, $150.
To John Robnett, of Wayne County, $16.25.
To D. T. Reynolds, administrator of Allison Reynolds, deceased, of Giles County, $600.
To James L. Reed, of Marshall County, $135.
To George W. Rose, of Claiborne County, $833.25.
To Samuel A. Rodgers, of Loudon County, $11.25.
To J. W. Rutherford, of Sumner County, $140.
To William B. Raiford, of Shelby County, $674.68.
To John A. Renfro, of Grainger County, $84.
To John W. Rice, administrator of Ebenezer Rice, deceased, of Scott County, Indiana, $135.

To H. G. Redman, of Scott County, $7.
To Sarah Ross, widow of John Ross, deceased, of Blount County, $32.
To R. E. Reynolds, of Robertson County, $192.
To James Seals, of Bledsoe County, $278.
To Elizabeth A. Stegall, administratrix of R. A. Stegall, deceased, of Roane County, $600.
To Ellender Shoulders, executrix of Thomas Shoulders, deceased, of Smith County, $235.
To Lewis C. Shell, of Knox County, $36.50.
To N. H. Stone, of Sumner County, $120.
To David Shultz, of Cocke County, $135.
To Jacob Smith, of Greene County, $110.
To John Squibb, surviving executor of William Stanfield, deceased, of Greene County, $117.75.
To William W. Hutzell, administrator of John Stewart, deceased, of Meigs County, $1,770.50.
To Nancy J. Morrison, administratrix of Alfred Saunders, deceased, of Sequatchie County, $90.
To William H. Strickland, of Wilson County, $18.25.
To Hayley Shaw, of Madison County, $175.
To Mrs. Minecy Sharp, of Union County, $87.
To James J. Sherrod, of Knox County, $559.25.
To Nancy Shipe, of Knox County, $23.
To Theodrick Scruggs, of Williamson County, $260.
To William G. Sullivan, of Rutherford County, $125.
To Alfred J. Saunders, of Monroe County, $300.
To Sterling Skaggs, of Union County, $208.75.
To John Sane (or Sayne), of Knox County, $33.
To W. D. L. Scott, administrator of M. T. Scott, deceased, of Knox County, $36.
To Isaac Sharpe, of Grainger County, $55.80.
To Richard H. Spann, of Rutherford County, $90.
To Oliver Shields (freedman), of Grainger County, $2.
To A. G. Spangler, of Campbell County, $135.
To James Steed, of Monroe County, $750.
To John J. Sellars, of Maury County, $473.
To George W. Lewis, administrator of Reuben Smith, deceased, of Marion County, $36.80.
To Claiborne Self, of Greene County, $30.
To T. G. Sullivan, administrator of John R. Sullivan, deceased, of Cannon County, $125.
To William A. Kelly, administrator of David Singleton, deceased, of Rhea County, $30.
To William Sanders, of Bradley County, $26.90.
To Samuel Senter, of Grainger County, $40.
To John Loague, administrator of James Smith, deceased, of Shelby County, $155.
To Samuel W. Stone, of Claiborne County, $100.
To Martha Simmons, of Claiborne County, $37.50.
To M. D. Irvin and H. M. Steele, administrators of Moses Steele, deceased, of Williamson County, $440.
To Miss S. S. Smith, administratrix of J. Gray Smith, deceased, of Blount County, $130.40.
To John W. Simmons, of Perry County, $27.50.
To Mrs. Amanda J. Sims, of White County, $400.
To Willis Sanford, of Rutherford County, $287.
To D. E. Shield, special administrator of Milton Shields, deceased, of Grainger County, $172.
To Andrew H. Stribling, of Lawrence County, $125.
To N. N. Smithson, administrator of Tandy (or Taney, or Tany) S. Smithson, deceased, of Williamson County, $200.
To Charles R. Holmes, administrator of George W. Sanford, deceased, of Rutherford County, $2,110.
To John G. Scheuber, of Hardin County, $50.
To W. K. Smartt, administrator of Samuel G. Smartt, deceased, of Warren County, $340.
To F. M. Stephens, of Fentress County, $45.
To Elizabeth D. Smith, administratrix of William C. Smith, deceased, of Grundy County, $97.50.
To E. T. Seay, of Trousdale County, $125.
To David Sweet, of Williamson County, $270.
To James O. Stilwell, of Marshall County, $90.
To James O. Stilwell, of Marshall County, $125.
To Mrs. S. E. Shankland, administratrix of Alexander B. Shankland, deceased, of Davidson County, $74.
To Benjamin Seward, of Gibson County, $250.
To G. W. Simmons, of Williamson County, $240.
To Richard Smith, of Lincoln County, $135.
To W. J. Smith (in his own right), of Shelby County, $1,020.50; and to W. J. Smith, administrator of James E. Merriman, deceased, of Shelby County, $1,020.50; in all, $2,041.
To Laura M. Sawyer, administratrix of Felix J. Sawyer, deceased, of Shelby County, $490.
To James N. Scribner, of Maury County, $265
To George Snider, of Blount County, $90.
To Isaac J. Sharp, of Claiborne County, $90.
To B. B. Shore, administrator of Robert B. Shore, deceased, of Shelby County, $125.
To Martha E. Fulkerson, administratrix of W. R. Fulkerson, deceased, late heir at law of Moses Scruggs, deceased, of Blount County, $67.50; to Frederick D. Fulkerson, heir at law of Moses Scruggs, deceased, of Blount County, $67.50; to Margaret E. Fulkerson, heir at law of Moses Scruggs, deceased, of Blount County, $67.50; and to Nancy M. Conner, heir at law of Moses Scruggs, deceased, of Blount County, $67.50; in all, $270.
To John M. Leonard, administrator of Margaret Simmons, deceased, of Marshall County, $100.
To Allen Taylor (colored), of Cannon County, $75.
To Mathew Tidwell, of Campbell County, $20.25.
To James Taylor, of Blount County, $72.40.
To John Frazier, administrator of Mary Thornton, deceased, of Jefferson County, $60.75.
To J. H. Tindall, administrator of Mary Tindall, deceased, of Williamson County, $230.
To Hannah Tedford, of Blount County, $20.
To Samuel Tulloch, executor of James Townsley, deceased, of Blount County, $130.50.
To U. S. Tomlinson, administrator of Lucy Tomlinson, deceased, of Stewart County, $125.
To A. P. W. Thurmond, of Maury County, $130.
To John J. Taylor, of Williamson County, $120.
To Sarah Teague, widow of William Teague, deceased, of Claiborne County, $10.
To George B. Guild and John Reid, executors of George Thompson, deceased, of Sumner County, $150.
To Ausbin (or Ausburn) Thomas, of Claiborne County, $26.25.
To Edmond Taylor, of Shelby County, $235.
To Arthur Towles, of Davidson County, $94.
To J. W. Jarrett, administrator of Samuel A. Thompson, deceased, of Lauderdale County, $125.
To Phebe A. Thompson, of Claiborne County, $8.25.
To George W. Thompson, of Bedford County, $80.
To Mils F. Travers, of Rutherford County, $60.
To B. C. Arthur, administrator of H. B. M. Tomlinson, deceased, of Marshall County, $125.
To Phebe M. Tedford, of Blount County, $37.50.
To T. K. Griggs, administrator of William B. Thompson, deceased, of Davidson County, $41.50.
To Andrew J. Trigg, of Giles County, $135.
To W. R. Trewhitt, of Bradley County, $2.
To S. F. Bell, administrator of John N. Tedford, deceased, of Blount County, $26.50.
To Lewis A. Upshaw, administrator of Priscilla M. Upshaw, deceased, of Giles County, $610.
To I. N. Underwood, special administrator of Enoch Underwood, deceased, of Sevier County, $75.
To Daniel G. Ussery, of Giles County, $40.
To John R. Vaughan (or Vaughn), of Weakley County, $21.
To William Van Huss, of Greene County, $135.
To William R. Victry, of Davidson County, $125.
To E. D. Hicks, executor of Sarah Vaughn, deceased, of Lincoln County, $475.
To James Winton, jr., of Coffee County, $200.
To James Williamson, of Blount County, $60.
To Amanda J. Walker, administratrix of Lovel Walker, deceased, of Hamblen County, $158.10.
To James Ward, of Giles County, $270.
To Johnson Wood, of Williamson County, $175.
To John D. Walkup, of Cannon County, $75.
To Hugh L. Wheeler, of Macon County, $100.
To R. M. Ward, administrator of Mary Ward, deceased, of Rutherford County, $955.
To Lovey L. Walker, widow of C. C. C. Walker, deceased, of Hamilton County, $43.50.
To Johnson Wood, of Williamson County, $230.
To James E. Ward, of Wilson County, $120.
To H. A. Warren, of McNairy County, $52.50.
To Dorcas Wear, executrix of J. S. Wear, deceased, of Blount County, $300.
To J. N. Wyatt, administrator of Joseph Wyatt, deceased, of Gibson County, $1,110.
To John J. Woody, of Wayne County, $80.
To Miles Woods, of Marshall County, $125.
To John W. Winn, of Humphreys County, $90.
To Willis W. Whitworth, of Shelby County, $130.
To Solomon Wilson, of McMinn County, $1,025.40.
To George S. Worsham, of Giles County, $265.
To Jane R. White, of Giles County, $200.
To Harrison Wood, of Campbell County, $31.50.
To G. W. Humble, administrator of Jacob H. Whitehorn, deceased, of Carroll County, $125.
To Robert F. White, of Sevier County, $10.
To Sampson Wright, of Rhea County, $75.
To Isaac Whitt, of Giles County, $135.
To Jane C. Wilson, of Lincoln County, $250.
To N. L. Brown, administrator of William Whitlock, deceased, of Warren County, $80.
To James Worthington, of Bledsoe County, $1,117.
To Richard G. Jenkins, administrator of William A. Wood, deceased, of Lauderdale County, $125.
To Mrs. Eliza J. Witherspoon, administratrix of Thomas Witherspoon, deceased, of Maury County, $660.
To William B. Wilson, of Maury County, $605.25.
To William R. Land, administrator of Josiah Wilburn, deceased, of Perry County, $150.
To Jeremiah Walker and W. C. Hixon, executors of William Walker, deceased, of Bledsoe County, $112.50.
To Cyrus Webster (colored), of Maury County, $20.
To Hick (or Hickman) Weakley, of Rutherford County, $42.
To Edwin and Jesse Everett and Alice Alexander (née Everett), heirs at law of James Wilcox, deceased, of Davidson County, $52.
To William H. Wyrick, of Rhea County, $125.
To Joseph D. Wilson, administrator of Joseph Wilson, deceased, of Williamson County, $460.
To James M. Walker, of Wayne County, $150.
To O. H. Wade, jr., executor of O. H. Wade, deceased, of Rutherford County, $370.
To Jesse Whetzell, of Blount County, $280.25.
To Reuben Wallace, of Stewart County, $275.
To T. J. Waller, of Fayette County, $300.
To W. H. Douglass, administrator of Mrs. Harriet Wynne, deceased, of Shelby County, $420.
To John W. Wilkerson, of Giles County, $235.
To Isaac G. Wilson, administrator of John Wilson, deceased, of Monroe County, $410.
To T. W. Wall, administrator of Theophilus Wall, deceased, of Marshall County, $125.
To Clayton H. Witt, of Giles County, $135.
To R. J. Williams, of Sumner County, $292.
To George Whitaker, of Lincoln County, $230.
To Maria Camp, administratrix of Mary Watson, deceased, of Davidson County, $112.
To John W. West, of Giles County, $135.
To Erasmus C. Ward, of Lincoln County, $225.
To J. H. Wells, of Obion County, $2,670.75.
To J. R. M. Yates, administrator of John Yates, deceased, of Coffee County, $90.

KENTUCKY.

To John B. Auxier, of Johnson County, $106.50.
To Gilbert Adams, of Magoffin County, $12.22.
To H. B. Ashby, of Hopkins County, $100.
To Hardin Brandenburgh and Simpson Brandenburg, of Owsley County, $80.
To Mary A. Bodkin, of Shelby County, $110.
To William Bell, of Logan County, $100.
To John M. Montgomery, administrator of Elizabeth Bryan, deceased, of Shelby County, $135.
To Decatur Beatty, of Lee County, $70.
To Thomas P. Burton, of Pulaski County, $30.
To Mrs. Pattie H. Bedinger, administratrix of William Holloway, deceased, of Fayette County, $3,130.
To C. H. Moses, administrator of George P. Brown, deceased, of Laurel County, $125.
To James P. Burton, of Pulaski County, $5.

To James Buchanan, of Pulaski County, $100.
To Minerva Bow, widow of Jesse R. Bow, deceased, of Cumberland County, $75.
To James M. Bryant, of Jefferson County, $1,060.
To James Boon, of Nelson County, $150.
To James E. Blackburn, administrator of Lewis Blackburn, deceased, of Caldwell County, $115.
To James M. Bricken, administrator of Thomas J. Bricken, deceased, of Russell County, $90.
To John Boyle, of McLean County, $73.64.
To Aaron F. Crigler, of Boone County, $230.
To R. G. Cole, of Cumberland County, $30.
To Thomas P. Cardwell, of Owsley County, $100.
To William Cooper, of Marion County, $502.50.
To Catharine Cronin, administratrix of Michael Cronin, deceased, of Jefferson County, $52.50.
To James J. Clark, of Spencer County, $90.
To Martin H. Coyl, of Boyle County, $80.
To William Caskey, of Morgan County, $36.
To Richard Hamilton and L. A. Hamilton, administrators of George S. Conner, deceased, of Washington County, $5.25.
To J. H. Carpenter, of Bourbon County, $130.
To James D. Cook, of Fayette County, $16.
To Wiley J. Coffee, of Magoffin County, $100.
To Valentine Cravens, of Russell County, $23.
To Edmon B. Chapman, of Russell County, $110.
To Russell G. Cole, of Cumberland County, $91.40.
To E. D. Covington, administrator of Isaac C. Covington, deceased, of Warren County, $520.
To James T. Chism, of Monroe County, $163.50.
To Willis and James E. Downing, executors of William Downing, deceased, of Fayette County, $12.
To J. A. Dowell, of Allen County, $150.
To James Doughty, of Laurel County, $10.
To J. D. Elliott, administrator of Cassandra Doom, deceased, of Nelson County, $250.
To Benjamin F. Dunn, of Boyle County, $125.
To John Ewing, of Marion County, $16.
To H. L. Eads, trustee for the Society of Shakers, of Logan County, $103.20.
To Elijah Ewing, of Marion County, $192.
To Joseph Ely, of Harlan County, $250.
To James H. Eades, administrator of Nathaniel Eades, deceased, of Muhlenburgh County, $135.
To Robert Finn, of Simpson County, $120.
To Thomas Miller, administrator of Elizabeth Foreman, deceased, of Spencer County, $415.
To Olin J. Farnsworth, of Hopkins County, $140.
To Elijah Foley, of Russell County, $49.
To R. B. Ward, executor of Richard P. Gresham, deceased, of Rock Castle County, $753.28.
To Ruth S. Garrison, Mark T. Garvis, and William H. Garrison, administratrix and administrators of Thomas Garrison, deceased, of Montgomery County, $77.12.
To Elizabeth Hornback, of La Rue County, $73.28.
To Pleasant M. Honaker, of Butler County, $55.
To T. F. Hieronymus, of Owsley County, $100.
To Lewis A. Howard, of Knox County, $560.
To Campbell R. Holbrook, of Owsley County, $115.
To P. M. Honaker, of Butler County, $100.
To William T. Hutton, of Anderson County, $115.
To A. O. Horn, of Grayson County, $125.
To Howard W. Hinds, Estill County, $120.
To William Herron, of Laurel County, $50.
To George (or George W.) Hounchell, of Clay County, $100.
To John Hood, of Elliott County, $74.
To L. W. Elmore, administrator of L. Hartfield, deceased, of Green County, $100.
To Bennett Hinton, of Allen County, $300.
To David Henry, of Morgan County, $9.85.
To James Marcum, administrator of Levi Hensley, deceased, of Clay County, $46.50.
To Jesse W. Heath, of Pulaski County, $94.20.
To Woodson V. Johnson, of Allen County, $150.
To Allen Jones, of Pulaski County, $14.75.
To Thomas Johnston, of Bourbon County, $250.
To Isaac L. Janes (or James) of Washington County, $9.
To R. S. Knowles, of Warren County, $2.11; and to the estate of J. B. Carter, of Warren County, $2.11; in all $4.22.
To Mary C. Bragg, administratrix of William H. Kirtley, deceased, of Rock Castle County, $181.56.
To Simeon B. Lewis, of Jefferson County, $120.
To Edmund Lucas, of Warren County, $150
To Brittain Lee, of Bell County, $120.
To William Laws, of Knox County, $40.
To John Lewis, of Pulaski County, $54.55.
To Henry Lambath, of Simpson County, $110.
To John L. Lapsley, of Russell County, $7.50.
To Robert L. Langston, administrator of Robert Langston, deceased, of Bourbon County, $300.
To Elias Mears (or Meers) of La Rue County, $110.
To Charles J. Murphy, of Cumberland County, $100.
To Carlisle R. Myers, of Montgomery County, $47.
To James L. May, of Magoffin County, $100.
To Catherine A. McPherson, administratrix of William McPherson, deceased, of Logan County, $140.
To William T. Williamson, administrator of Spencer Morgan, deceased, of Christian County, $150.
To Mary Moore, of Bell County, $120.
To Ray Moss, of Jessamine County, $340.
To Jonathan McNeil, administrator of George W. Miller, deceased, of Laurel County, $235.50.
To John H. Montgomery, of Green County, $169.25.
To Henry Noland, of Owsley County, $100.
To Elizabeth Newcomb, of Marion County, $24.37.
To E. E. McKay, administrator of James M. Nicholls, deceased, of Nelson County, $805.
To James B. Otter, of Warren County, $110.
To Mary O'Hair (or O'Hir), of Wolfe County, $80.
To Smith Overby (or Overly), of Laurel County, $100.
To John Pitman, of Laurel County, $622.27.
To Shelton Pointer, of Rock Castle County, $100.
To John M. Park, of Estill County, $120.
To Ben Hardaway, administrator of Enos Pearman, deceased, of Hardin County, $110.
To Catharine Parsley, widow of Alexander Parsley, deceased, of Laurel County, $17.50.
To John W. Pash, jr., administrator of John W. Pash, deceased, of Nelson County, $48.
To William Ritchie, of Nelson County, $31.41.
To Otha A. Reynolds, of Fayette County, $420.
To Webber H. Reed, of Lee County, $37.50.
To Albion H. Robinson, of Russell County, $24.
To Alfred Redd (colored), of Rock Castle County, $10; and to Henry Redd (colored), of Rock Castle County, $10; in all, $20.
To James A. Rouse, of Spencer County, $50; and to William T. Rouse, of Spencer County, $50; in all $100.
To John A. Rexroat, of Russell County, $60.
To James M. Smith, of Cumberland County, $110.
To Gilbert Saylor, administrator of Levi Saylor, deceased, of Harlan County, $230.
To Wilson B. Saylor, of Harlan County, $100.
To Mrs. P. J. Smith, administratrix of Thomas J. Smith, deceased, of Rock Castle County, $125.
To Jane Shadowen, widow of William Shadowen, deceased, of Pulaski County, $20.
To Mary L. Steele (formerly Mary L. Pilkington), of Franklin County, $60.
To George Simpson, of Spencer County, $50.
To John L. and Sidney C. Spears, executors of George C. Spears, deceased, of Boyle County, $102.06.
To A. A. Strange, of Cumberland County, $60.
To A. B. Sparks. Mrs. N. I. Shackelford, Mrs. M. E. Shackelford, Susan A. Right, W. F. Sparks, S. A. Higerson, and M. T. Sparks, only children and heirs at law of William Sparks, deceased, of Calloway County, $50.
To Jack C. Turner, of Knox County, $240.
To W. L. Townsend, of Logan County, $120.
To J. H. Campbell, administrator of Mrs. Philadelphia Taylor, deceased, of Logan County, $269.
To Ann E. Turner, administratrix of James A. Turner, deceased, of Montgomery County, $200.
To M. L. Totty, of Hickman County, Tenn., $125.
To Stephen H. Tate, of Pulaski County, $32.
To Alexander R. Victor, executor, and Maria C. Victor, executrix, of Warder Victor, deceased, of Bourbon County, $130.
To W. W. Wright, of Warren County, $87.50.
To John A. Wilson, administrator of Benjamin D. Wilson, deceased, of Simpson County, $120.
To John Walsh, of Morgan County, $14.
To W. G. Wade, of Simpson County, $30.18.
To Charles E. Wilson, of Nelson County, $15.
To Henry T. Motley, administrator of Aaron A. Willoughby, deceased, of Allen County, $24.
To James Witt, of Allen County, $25.
To Madison Keeton, administrator of Joshua Wilson, deceased, of Magoffin County, $93.50
To John B. Walton, of Simpson County, $150.
To Vitus Wellington, of Nelson County, $28.
To N. J. Wellington, of Nelson County, $13.80.
To J. W. Wallis, of Fayette County, $201.60.

WEST VIRGINIA.

To William Baker, surviving partner of Nicholas & William Baker, of Hardy County, $245.
To James Brooks, of Hardy County, $100.
To John A. Boggs, of Greenbrier County, $125.
To James A. Crowder, of Kanawha County, $125.
To Charles Crouch, of Randolph County, $77.50.
To Lewis A. Cook, of Wyoming County, $135.
To Daniel Crites, of Hardy County, $316.
To William Canterbury, of Wyoming County, $141.25.
To Joseph M. Craig, of Kanawha County, $80.
To Reuben Custer, of Jefferson County, $330.
To James Dodrill, of Nicholas County, $20.
To Ann M. Duke, widow of Robert N. Duke, deceased, of Jefferson County, $19.
To John H. Kunst, administrator of David Elliott, deceased, of Taylor County, $168.
To Susan P. Farnsworth, widow of Nathaniel Farnsworth, deceased, of Upshur County, $60.
To George W. Fox, of Nicholas County, $358.
To J. M. Fisher, of Gilmer County, $10.
To Thomas J. Grove, of Grant County, $840.
To John M. Greer, of Jackson County, $36.
To Peter Gross, of Morgan County, $100.
To Anderson F. Godbey, of Raleigh County, $75.
To George W. Hines, administrator of Baldwin Goings, deceased, of Grant County, $300.
To Thomas W. Gordon, of Berkeley County, $60.
To Thomas May, administrator of James Gardner, deceased, of Greenbrier County, $375.
To J. Gregg Gibson, of Jefferson County, $130.
To Noah Harbert, of Harrison County, $50.
To John C. Harold, of Lewis County, $100.
To Alfred Hutton, of Randolph County, $300.35.
To Holley Hunt, of Kanawha County, $54.10.
To George W. Hoylman, of Greenbrier County, $283.
To Henry Hutsenpiller, of Greenbrier County, $50.
To George Harmon, of Putnam County, $22.50.
To Samuel Jarrel, of Wayne County, $64.
To Rebecca Jordan, of Cabell County, $100.
To Elijah Judy, of Pendleton County, $100.
To Eveline Jarrett, of Greenbrier County, $251.25.
To Sarah A. Jackson, heir at law of Archibald Jackson, deceased, of Jefferson County, $33.60.
To Thomas A. Keller, of Hampshire County, $155.
To George W. Kile, of Pendleton County, $230.
To James Kincaid, of Fayette County, $136.25.
To Joseph Layton, of Hardy County, $125.
To J. B. Lambert, of Harrison County, $135.
To George M. Lamon, of Berkeley County, $98.68.
To Jacob Light, of Berkeley County, $335.
To John W. Lamon, of Berkeley County, $455.
To Thomas McNicholas, of Wood County, $60.
To James H. Miller, of Fayette County, $45.75.
To Madison Collison, administrator of William Miller, deceased, of Greenbrier County, $175.
To James H. Small, administrator of Samuel Matheys, deceased, of Berkeley County, $230.
To Calvary McCallister, of Putnam County, $10.
To James Moore, of Pocahontas County, $80.
To John McClung, of Nicholas County, $100.
To Franklin D. Moore, of Pocahontas County, $36.
To Elizabeth Myles, of Fayette County, $422.40.

To Henry M. Mathews and Samuel K. McClung, administrators of Samuel McClung, deceased, of Greenbrier County, $135.
To H. T. Peery, of McDowell County, $125.
To George Pfeiffer, of Kanawha County, $80.
To Anna Paulis (or Paulus), administratrix of Frank Paulis (or Paulus), deceased, of Mineral County, $50.
To Thomas Pearell, of Berkeley County, $24.
To James Knight, administrator of John Piercy, deceased, of Greenbrier County, $925.
To Lucinda Riffle, of Braxton County, $50.
To George W. Rollins, of Jackson County, $100.
To David B. Reger, of Upshur County, $27.
To Caroline M. Sinsel, administratrix of Elijah Sinsel, deceased, of Taylor County, $135.
To Marshall Schoonover, of Randolph County, $10.
To Benjamin H. Sterrett, of Putnam County, $752.50.
To Caroline E. Shobe, of Grant County, $875.
To Isaac Snuffer, of Raleigh County, $100.
To A. J. Smith and George T. Nickell, administrators of William W. Smith, deceased, of Monroe County, $435.
To S. H. Smith and Isaac D. Smith, executors of Jacob Smith, deceased, of Grant County, $200.
To Richard Sammons, of Greenbrier County, $260.
To Randolph See, of Upshur County, $8.
To Baliard Shaffer, of Barbour County, $10.
To John Sharp, of Pocahontas County, $22.50.
To Daniel Schaffer, of Berkeley County, $472.50.
To Hester M. Sommerville, administratrix of John Sommerville, deceased, of Lewis County, $669.69.
To Leonard Turner, of Cabell County, $250.
To William Toler, of Wyoming County, $280.
To John W. Thompson, of Greenbrier County, $150.
To John H. Bryan, administrator of Jesse Templeton, deceased, of Cabell County, $125.
To Benjamin Vernon, of Wirt County, $6.25.
To George W. Vance, of Webster County, $100.
To John W. White, of Barbour County, $100.
To Taliaferro Wallace, of Cabell County, $75.
To Joshua Wood, of Hampshire County, $160.
To Joseph H. Zeigler, of Berkeley County, $255.

INDIANA.

To George W. Adams, of Jennings County, $130.
To Samuel J. Wright, administrator of Daniel Arnold, deceased, of Harrison County, $80.
To Maria Neeley Alexander, of Harrison County, $60.
To Clark C. Babcock, of Ripley County, $120.
To Socrates J. Bence, of Harrison County, $130.
To Elijah Brown, of Ripley County, $125.
To Thomas Boone, of Jennings County, $100.
To Samuel J. Wright, administrator of Pleasant D. Bean, deceased, of Harrison County, $75.
To Stephen T. Bruce, of Dearborn County, $250.
To David M. Brumblay, of Dearborn County, $125.
To Isaac N. Blasdel (in his own right), of Ripley County, $135; and to Hiram L. Walker, administrator of Reuben Blasdel, deceased, of Ripley County, $135; in all, $270.
To William W. Borden, of Clark County, $6.20.
To Jacob Bourquin (or Burquoin), of Dearborn County, $110.
To Mary J. Bybee, widow of James Bybee, deceased, of Harrison County, $75.
To William Cravens, administrator of William Cravens, deceased, of Scott County, $125.
To John N. Cravens, of Scott County, $100.
To Mary J. Conchman, administratrix of William D. Conchman, of Jennings County, $80.
To John P. Strouse, administrator of Isaac Comer, deceased, of Scott County, $130.
To Thomas C. Coker, of Washington County, $130.
To Martha J. Cunningham, administratrix of Wirt F. Cunningham, deceased, of Jackson County, $125.
To Sarah Davis, of Washington County, $130.
To Harrison Davis, of Jennings County, $100.
To William Dolman, of Jefferson County, $125.
To Samuel J. Wright, administrator of Thomas K. Enlow, deceased, of Harrison County, $250.
To Thaddeus Elliott, of Jennings County, $75.
To William S. Frakes, of Harrison County, $346.50.
To Samuel J. Wright, administrator of Jacob M. Fellmy, deceased, of Harrison County, $125.
To Nicholas Foltz, administrator of Benedict Foltz, deceased, of Ripley County, $330.
To E. P. Hicks, of Jennings County, $130.
To Edgar A. Walker, administrator of John Henning, deceased, of Scott County, $110.
To Joseph Hemingway, of Jennings County, $85.
To James B. Dickerson, administrator of Fielding Hyatt, deceased, of Ripley County, $56.25.
To Frederick J. Hilcher (or Hilkar), of Harrison County, $125.
To William D. Hutchings, of Jefferson County, $135.
To Thomas Harper, of Ripley County, $120.
To Martha Higbee, administratrix of Nathaniel Higbee, deceased, of Ripley County, $110.
To Mathew Clegg, administrator of John M. Hornaday, deceased, of Jackson County, $345.
To Lewis H. Hill, executor of Jonathan Hill, deceased, of Ripley County, $125.
To Perry Hurst, of Washington County, $120.
To Edmund Hostetter, of Crawford County, $125.
To Samuel J. Wright, administrator of George W. Jamison, deceased, of Harrison County, $120.
To Samuel Knowlton, administrator of Frances J. Knowlton, deceased, of Ripley County, $100.
To Samuel J. Wright, administrator of John Lopp, deceased, of Harrison County, $100.
To Margaret Jane Leitch, executrix of William Leitch, deceased, of Jefferson County, $250.
To Tarkington Lindsey, of Harrison County, $90.
To Frederick Luhring, of Ripley County, $260.
To Daniel F. Lemmon, of Harrison County, $130.
To Mason, Beckman & Co., namely: To Robert Mason, of Dearborn County, $38.63; to Alexander Beckman, of Dearborn County, $38.63; and to Charles C. Mason, of Dearborn County, $38.64; in all, $115.90.
To Christine Mehrhoff, administratrix of William Mehrhoff, deceased, of Dearborn County, $75.
To Philip F. Seelinger, administrator of Samuel N. Marsh, deceased, of Ripley County, $100.
To Henry Naden, of Jennings County, $60.
To Warren Tebbs, administrator of Christian Poose, deceased, of Dearborn County, $125.
To Mrs. Ruth Parr, of Washington County, $115; and to Enoch Parr, of Washington County, $130; in all, $245.
To Elijah H. Richard, of Harrison County, $100.
To Thomas Ross and Patrick Shea (trading as Shea & Ross), of Scott County, $10.
To Lindley Ruddick, of Jackson County, $125.
To George S. Rust, of Tipton County, $110.
To Eliza A. Reynolds, widow of Daniel Reynolds, deceased, of Scott County, $31.
To Daniel Stonecypher, of Harrison County, $100.
To John M. Scott, of Ripley County, $135.
To James K. P. Sonner, of Harrison County, $125.
To George R. Spurgin, of Jefferson County, $200.
To Charles T. Smith, of Harrison County, $270.
To Druza A. Shepherd, widow of Joshua H. Shepherd, deceased, of Jennings County, $15.
To Aquilla T. Standeford, of Harrison County, $125.
To John Stott, of Jennings County, $200.
To William P. Spurgin, of Jefferson County, $110.
To Milton Turrell, administrator of Salmon Turrell, deceased, of Dearborn County, $120.
To Julia A. Webster, of Ripley County, $110.
To Matilda Willoughby, of Jefferson County, $125.
To Andrew P. Daughters, administrator of James Wills, deceased, of Dearborn County, $125.
To George W. Nichols, administrator of Benjamin Wildman, deceased, of Jefferson County, $125.
To Nancy Walker, widow of Samuel Walker, deceased, of Brown County, $14.

PENNSYLVANIA.

To Samuel Arentz, of Adams County, $18.
To Rowland Austin, of Fulton County, $31.74.
To William A. Speer, administrator of Catharine Alexander, deceased, of Fulton County, $36.87.
To Jacob Albright, of Cumberland County, $55.50.
To Simon S. Bishop, of Adams County, $48.
To G. F. and F. J. Beard, administrators of Samuel Beard, deceased, of Adams County, $30.
To Henry Baer, of Franklin County, $56.80.
To Daniel H. Baker, of Franklin County, $10.
To Albert F. Barker, administrator of Joseph Barker, deceased, of Adams County, $135.
To John Bender, of Adams County, $50.
To Christian Burkholder (in his own right), of Franklin County, $104; and to Benjamin and W. L. Chambers, executors of George Chambers, deceased, of Franklin County, $104; in all, $208.
To Solomon Cassatt, of Adams County, $27.
To James H. Collins, of Adams County, $25.50.
To George and John Cole, of Adams County, $77.50.
To William S. Cart, of Adams County $140.
To Samuel Coble, of Franklin County, $60.
To I. N. Durboraw, administrator of Samuel Durboraw, deceased, of Adams County, $53.
To William Duttera, of Adams County, $44.80.
To Hanson J. Diehl and Benjamin Kittenger, executors of Jacob Diehl, deceased, of Adams County, $282.32.
To Emanuel Feeser, of Adams County, $44.
To William Furney, of Adams County, $6.
To Pious P. Fink, of Adams County, $56.
To Fedde Fixsen, of Fulton County, $65.
To James D. and William M. Gillan, administrators of Charles Gillan, deceased, of Franklin County, $5.87.
To C. B. Hanes, of Adams County, $2.81.
To John Baker, administrator of Jacob Hoover, deceased, of Adams County, $16
To Michael Helsel (or Heltzel), of Adams County, $130.
To Newton M. Horner, administrator of Eli Horner, deceased, of Adams County, $38.40.
To Jacob Hershey, of Franklin County, $6.50.
To Abraham Horst, of Franklin County, $62.
To Salome Horst, of Franklin County, $169.80.
To J. Alexander Harper, of Adams County, $9.85.
To Jacob B. Hege, of Franklin County, $7.50.
To Jacob S. Haldeman, of Cumberland County, $73.50.
To Elizabeth Jacobs, of Adams County, $64.
To Jacob Krise, of Adams County, $140.
To Jacob Keefauver, of Adams County, $19.50.
To L. C. Kepner, of Franklin County, $21.92.
To Henry Keffer, of Adams County, $135.
To Samuel Kunkel, of Cumberland County, $8.
To Daniel H. Klingel, of Adams County, $2.
To Martin Kreger, of Cumberland County, $23.
To Abraham Lehman, of Franklin County, $135.
To Henry Lenherr, of Franklin County, $22.
To Johh Lantz, of Franklin County, $18.24.
To Jacob Lefever, of Adams County, $10.64.
To David M. Leisher, of Franklin County, $105.90.
To George Lindemood, of Cumberland County, $42.30.
To Jacob Lightfoot, of Franklin County, $17.64.
To Simon Lecron (or Leckron), administrator of John Lecron, deceased, of Franklin County, $142.80.
To Daniel Line, of Cumberland County, $27.65.
To Ephraim Myers, of Adams County, $149.50.
To Levi D. Maus, of Adams County, $23.
To Jacob Myers, of Adams County, $58.
To Henry Myers, of Adams County, $209.60.
To William McSherry, of Adams County, $256.16.
To Robert C. McKinney, of Adams County, $47.
To Newton M. Horner, administrator of Andrew McKinney, deceased, of Adams County, $40.
To Jacob McDonald, of Fulton County, $34.
To A. N. Michael, of York County, $117.50.
To Andrew S. Mann (or Monn), of Franklin County, $25.
To John Miller, of J., guardian of Susannah Young and John P. Young, and Eliza Young, widow of John Young, deceased, of Franklin County, $17.50.
To William Moner (or Mower), of Cumberland County, $9.
To Peter Noel, of York County, $54.37.
To Samuel Naugle, of Cumberland County, $87.50.
To Henry Oaks, of Franklin County, $23.50.
To Susannah and Rebecca Ocker, executors of William Ocker, deceased, of Cumberland County, $135.
To Bernard O'Neal, of Bedford County, $10.
To J. W. Porter, of Fulton County, $60.
To David Rhodes, jr., administrator of David Rhodes, deceased, of Adams County, $20.

To John Raby, of Fulton County, $325.
To Charles W. Rhodes, of Franklin County, $42.
To Andrew Rudisell (or Rudisill), of York County, $18.
To Emanuel Rudisell, of Adams County, $16.
To William Reichert, of Cumberland County, $16.80.
To Daniel Sheets, of Adams County, $74.
To John Spangler, jr., of Adams County, $88.
To Isaac Sell, of Adams County, $45.
To Catharine Scholl, widow of Jacob Sholl, deceased, of Cumberland County, $66.80.
To John Krumrine, executor of Jacob Sterner, deceased, of Adams County, $33.
To George Smith, of Franklin County, $36.
To William C. and Washington W. Scott, of Adams County, $38.
To Charles N. Spangler, of Adams County, $80.
To Frederick Trimmer, of Adams County, $125.
To Joseph B. Topper and Joseph J. Smith, administrators of Jesse P. Topper, deceased, of Adams County, $230.90.
To J. Henry and Samuel Wiest, executors of John Wiest, deceased, of Adams County, $48.75.
To W. B. Wolf, of Adams County, $155.
To Adam Wert, of Adams County, $84.
To Joseph Walker, of Adams County, $20.
To James S. Wilson, of Adams County, $337.60.
To John George Wolf, of Adams County, $15.
To William Wherry, of Cumberland County, $100.
To Sarah Ellen Woodward, C. R. Woodward, and J. H. Hargis, executors of R. C. Woodward, deceased, of Cumberland County, $141.25.
To John B. Witmer, of Franklin County, $96.04.
To Anna Mary Wolf, administratrix of Henry Wolf, deceased, of Adams County, $32.25.
To Samuel Wolff, of Adams County, $130.
To Charles Young, surviving partner of the firm of Stine & Young, of Adams County, $260.
To William B. and Charles M. Young, executors of William Young, deceased, $77.50.
To Henry Zimmerman, of Cumberland County, $130.

OHIO.

To Joseph Aten, of Jackson County, $115.
To Thornton Baxter, of Gallia County, $100.
To David Burgoon, of Morgan County, $95.
To Buchanan and Adams, of Hamilton County, $405.
To Samuel Clemens, of Harrison County, $135.
To James Connell, administrator of Alexander Connell, deceased, of Jefferson County, $270.
To Martin Cameron, of Hamilton County, $130.
To John Cissna, of Pike County, $50.
To Lewis Pierson, administrator of William Clark, deceased, of Hamilton County, $135.
To Anselm T. Halcomb, administrator of Thomas Damron, deceased, of Lawrence County, $270.
To William H. Davis, of Muskingum County, $110.
To George G. Eagleston (or Eagleson), of Harrison County, $135.
To Thomas Egan, of Meigs County, $59.
To John Gardner, administrator of D. M. Gardner, deceased, of Adams County, $100.
To James Glenn, of Gallia County, $100.
To Francis A. Gibbons, of Hocking County, $125.
To Emily C. House, administratrix of Asbury House, deceased, of Pike County, $135.
To William Humphrey, of Hamilton County, $125.
To John W. Hill, of Harrison County, $135.
To Robert Hastings, of Guernsey County, $80.
To Samuel H. Ford, administrator of Samuel Hall, deceased, of Jefferson County, $110.
To William Jones, of Jackson County, $12.50.
To Maggie L. Jones, administratrix of Enoch Jones, deceased, of Hamilton County, $90.
To Hiram Kilton, of Meigs County, $220.
To H. C. Kennedy, administrator of James Kennedy, deceased, of Adams County, $125.
To George Lehnbeuter, of Hamilton County, $135.
To James W. McMaster, of Washington County, $40.
To William McGrew, of Harrison County, $125.
To Leonard McGarvey, of Clermont County, $75.
To Rosanna Mehaffey, widow of Cornelius Mehaffey, deceased, of Jackson County, $75.
To Margaret McCall, executrix of Hugh McCall, deceased, of Scioto County, $63.
To William Mayer, of Hamilton County, $200.
To David Davis, administrator of Moses C. McCarley, deceased, of Jackson County, $75.
To Sarah A. McElhinney, widow of Robert McElhinney, deceased, of Meigs County, $90.
To Thomas O'Brien, of Hamilton County, $150.
To Augustus Oskamp, of Clermont County, $1,265.
To Michael Overly, of Jackson County, $100.
To Andrew Rhea, of Adams County, $30.
To John M. Rankin, of Harrison County, $15.
To Moses D. Scott, of Meigs County, $75.
To Thomas J. Sweeney, executor of John M. Sweeney, deceased, of Clermont County, $130.
To Wesley H. Smith, of Hamilton County, $135.
To R. J. Shields, of Adams County, $135.
To Andrew Sperber, of Hamilton County, $80.
To William Simonson, of Hamilton County, $100.
To Jackson Stanley, of Meigs County, $80.
To P. L. Shepler, of Lucas County, $68.25.
To John Theobald, of Pike County, $112.
To Malinda Tolbert (formerly Malinda Hammond), of Jackson County, $90.
To Nicholas Todd, of Hamilton County, $125.
To M. W. and G. W. Thompson, of Scioto County, $47.82.
To John Wood, of Clermont County, $135.
To Thomas Wilson (or Willsen), of Harrison County, $110.

MARYLAND.

To Owen Bissett, of Washington County, $660.
To Zedoc T. Crown, of Montgomery County, $152.
To John Counselman, of Montgomery County, $1,194.45.
To Thomas D. Stone, administrator of Eleanor H. Edelin, deceased, of Charles County, $995.
To Isaiah Hammond and George Eakle, administrators of William Hammond, deceased, of Washington County, $701.70.
To Henry Hurley, of Montgomery County, $755.50.
To Sarah Jones, widow of Thomas L. Jones, deceased, of Montgomery County, $30.
To Thomas R. Johnson, of Frederick County, $106.40.
To Thomas E. Lynch, administrator of Thomas J. Lynch, deceased, of Washington County, $140.
To William L. Lancaster, of Washington County, $750.
To John T. Meredith, of Frederick County, $150.
To Catharine Nyman, widow of Lewis B. Nyman, deceased, of Washington County, $11.30.
To Henrietta Norris, of Frederick County, $750.
To John Peters, jr., of Frederick County, $120.
To Benjamin Posey and Thomas E. Bowie, administrators of George R. Posey, deceased, of Charles County, $250.
To Mrs. M. A. Rice, widow of David Rice, deceased, of Montgomery County, $81.
To William Smith, of Washington County, $129.
To John Shifler, of Washington County, $59.13.
To Devolt Stotlemeyer, of Washington County, $240.
To William V. Bouic, administrator of John W. Spates, deceased, of Montgomery County, $185.70.
To Daniel Smith, of Frederick County, $140.
To Samuel Clagett, administrator of Eliza H. West, deceased, of Frederick County, $853.64.
To Elizabeth White, of Montgomery County, $42.
To Richard L. Waters, of Baltimore County, $589.50.
To Patrick M. West, of Frederick County, $125.

MISSOURI.

To Lewis N. Ayres, of Pemiscot County, $125.
To Lewis Adams, of Bates County, $420.
To James Alexander, of Greene County, $80.
To James M. Appling, of Laclede County, $10.
To Charles Beckenbach, of Moniteau County, $45.
To Isaac Chowning, of Howell County, $35.
To Franklin Choice, of Saint Clair County, $35.
To Andreas Dehn (or Dehu), administrator of William Dehn (or Dehu), deceased, of Franklin County, $37.50.
To Sarah E. Foster and Margaret J. Courtney, heirs of G. C. and Martha A. Foster, deceased, of Dade County, $87.50.
To Sarah Phillips, formerly widow of J. W. Frisbee, deceased, of Texas County, $40.
To George D. Hoover, of Cass County, $14.40.
To James L. La Force, of Jasper County, $95.
To Joseph McMoore, administrator of Martha J. Moore, deceased, of Morgan County, $64.30.
To David W. Malcolm, administrator of Andrew Malcolm, deceased, of Phelps County, $100.
To A. H. Mowrey (or Maury), of Bollinger County, $40.
To John C. Proctor, of La Fayette County, $144.64.
To Alfred Ragsdale, of Greene County, $173.
To James Spencer, of Benton County, $261.20.
To Henry C. Schroder, of Franklin County, $15.
To Albert Smithpeter, administrator of Alfred Smithpeter, deceased, of Laclede County, $100.
To George S. Tetrick, of Douglas County, $12.
To James Wise, of Lawrence County, $107.50.
To George Woolsey, of Phelps County, $40.
To Drury Wilkerson, jr., administrator of Drury Wilkerson, deceased, of Barry County, $120.
To A. A. Young, of Christian County, $31.

DISTRICT OF COLUMBIA.

To Louisa S. Brown and Jesse Brown, executors of Marshall Brown, deceased, of Washington city, $854.96.
To Caroline R. Dulaney, of Georgetown, $288.
To A. R. Fowler, of Washington County, $200.
To William Heine, of Washington County, $83.12.
To Matilda Osborn, of Washington County, $158.98.
To Pierce Shoemaker, of Washington County, $2,685.37.
To J. Fenwick Young, of Washington County, $1,305.75.

COLORADO.

To Sylvester J. Plumb, of Boulder County, $300.
To Caroline Suttles, widow of Thomas Suttles, deceased, of Pueblo County, $2.92.

ILLINOIS.

To John Barlow, of Richland County, $100.
To Lindsay Ridgway, of Sangamon County, $1,229.

INDIAN TERRITORY.

To Akey Duck, of Cherokee Nation, $114.50.
To Samuel Ward, of Cherokee Nation, $80.

IOWA.

To Hubbard Holder, of Pottawattamie County, $79.92.

KANSAS.

To Barton Needham, of Franklin County, $33.15.
To David Redfield, of Bourbon County, $130.

HENRY JOHNSON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 1477) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. McMILLIN. I ask unanimous consent that this bill be passed over informally, as a similar bill has been acted on in Committee of the Whole.

The CHAIRMAN. If there be no objection that action will be taken. The Chair hears none.

ALONZO GESNER.

The next business on the Private Calendar was the bill (H. R. 1299) for the relief of Alonzo Gesner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to approve for payment, if on examination he finds the surveys were made in accordance with the report and approval of the surveyor-general of the

State of Oregon of date December 1, 1877, certain surveys of the public lands made by Deputy Surveyor Alonzo Gesner, namely: Townships 16, 17, 18, 19, and 20 south, range 16 east of Willamette meridian, making fifty-four miles and three and nine hundredths chains of township lines, and three hundred miles and sixty-one and ninety-two hundredths chains of section lines, at the rate of $7 per mile for township and $6 per mile for section lines, amounting, in all, to $2,182.91.

The CHAIRMAN. The Chair will advise the House that the report in this case has heretofore been read.

Mr. GEORGE. I desire to offer an amendment to this bill. I move to amend by adding the following:

Which said sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for said purpose.

The amendment was agreed to.

Mr. GEORGE. I move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to.

J. T. PICKETT.

The next business on the Private Calendar was the bill (H. R. 3181) for the relief of J. T. Pickett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay to J. T. Pickett, formerly consul at Vera Cruz, Mexico, out of any unappropriated money in the United States Treasury, the sum of $1,375, or so much thereof as may be necessary, being the amount advanced and disbursed by him while acting as such consul for the relief of destitute American citizens not seamen: *Provided*, That such proof be made of the said expenditures as shall be satisfactory to the Secretary of State."

Mr. TILLMAN. In the absence of the chairman of the Committee on Foreign Affairs [Mr. CURTIN], who had this bill in charge, I have been asked to speak in support of it. It so happens that a similar bill was referred to the Committee on Claims, and I had the honor to report it back to the House with the unanimous approval of that committee. This is a meritorious bill; and, unless some gentleman desires further information, I move that it be laid aside to be reported favorably to the House.

The motion was agreed to.

COL. HENRY J. HUNT.

The next business on the Private Calendar was the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army.

The bill was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to place Col. and Bvt. Maj. Gen. Henry J. Hunt on the retired-list of major-generals, with the rank, pay, and emoluments of a major-general of the United States Army on the retired-list, to date from September 14, 1883.

Mr. LYMAN. I ask for the reading of the report of the Committee on Military Affairs on this bill.

The report (by Mr. LYMAN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army, beg leave to report:

Colonel Hunt's active service with troops, as shown by the official record hereto appended (Appendix A), has extended over a period of more than forty-four years. He has held the rank of major-general by two brevets, one in the volunteer and one in the regular service. He performed the duties of major-general for nearly eight years, of which four were during the late war. For three years he was chief of artillery of the Army of the Potomac, and successfully conducted this important and difficult service. It never has been questioned that his conduct met the approbation of the successive commanders of that Army and of General Grant. His brevet of major-general of volunteers, "for gallantry and distinguished conduct at the battle of Gettysburg and for faithful and highly meritorious services from the Rapidan to Petersburg," antedated all brevets of the same grade conferred at the close of that campaign, and Major-General Meade subsequently recommended his promotion to a full major-general. Although his command was equal in extent to that of an army corps, he is, so far as known, the only permanent corps commander who did not receive the rank of full major-general. This rose from the fact that in his arm of the service (the artillery) there was no such promotion as in the other arms.

The Adjutant-General, in the first year of the war, held that a battery was a company, and as the law authorized not more than one brigadier-general for every four regiments* (forty companies), the largest army could have no more than one brigadier of artillery.

On the other hand, the General-in-Chief, in the second year of the war, held that each battery was a regiment commanded by a captain, and that consequently field officers were unnecessary, and orders were issued to exclude them from the service. (General Orders No. 126, 1862.)

For the remainder of the war both theories were acted on. The artillery was deprived of generals because a battery was a company, and of field officers because a battery was a regiment.

The result was the immediate stoppage of promotion in the artillery. Consequently, as soon as an artillery officer developed high ability he was offered the promotion in other arms that was impossible in his own. In this way the other surviving commanders of batteries in the Mexican war, George H. Thomas, John F. Reynolds, and T. W. Sherman, were in 1861 appointed brigadier generals of infantry, and rose to great distinction. General Hunt was repeatedly offered such commands, but because his skill and experience as an artillerist were essential to the success of his arm, the Government would not permit him to leave it. Thus his very ability prevented his advancement by confining him to the artillery, where there was little or no promotion.

While receiving the pay of a colonel, or at most of a brigadier-general, Colonel Hunt was subjected to all the expenses of a major-general commanding a corps. His command being scattered over a great extent of ground, many of his officers, riding long distances to confer with him, had to be kept over night and entertained. Moreover, many foreign officers and other guests at the headquarters of the Army were billeted on him. As no extra allowance was given him for these unusual expenses, he was obliged to pay them himself, and in this way expended more than $2,000 a year beyond his pay. In other words, he served his country in a position of the greatest responsibility and peril and paid $2,000 a year for the privilege, so that he had in this way, at the end of the war, exhausted his slender private resources.

As has been said, Colonel Hunt's command was fully equal to that of a corps. At the battle of Gettysburg, for example, his artillery consisted of sixty-five batteries (three hundred and sixty-four guns), with over 8,000 men, 7,000 horses, and large trains of ammunition and stores, the whole divided into fourteen brigades. At the investment of Petersburg his command was even more extensive, for he there had sole control of the siege operations south of the Appomattox, which embraced the entire Army of the Potomac and one corps of the Army of the James. And it is to be borne in mind that his duties, unlike those of a general of infantry, were double, being, first, those of a commander of troops on the field of battle, and, secondly, those of an administrative officer having charge of ammunition trains and supplies. And yet no major-general of artillery was admissible, although there were issued during the war one hundred and fifty-six commissions of major-general.

Had promotion to the highest grades in the Army been by seniority, as it is in the Navy, Colonel Hunt would have been for years a major-general, and, when retired, the senior of that grade.

As a retired officer he is now properly eligible to the rank whose duties he performed during the war, and was performing at the date of his retirement. Precedents for such promotions are numerous. Besides the cases of Colonels Robinson and Sickles, and Lieutenant-Colonel Carroll and Major Ricketts, who were retired as major-generals under the general acts of August 3, 1861, and July 28, 1866, there is the case of Brigadier-General Ord, retired on his brevet rank of major-general by special act, January 28, 1881, and of Col. S. P. Heintzelman as major-general, by joint resolution April 10, 1869; Colonel Crawford, as brigadier-general, by special act March 3, 1875; and Colonel Emory, as brigadier general, by a special act June 26, 1876.

To illustrate the saving by the Government in consequence of restricting the chief of artillery to the grade and the staff of a brigadier-general, instead of those of a major-general commanding a corps, the following tables are given:

Pay of a major-general during the war, per annum	$5,368 50	
Staff, five lieutenant-colonels	11,272 50	
Three aids	5,445 00	
		$22,086 00
Average pay of General Hunt as colonel and brigadier-general	3,453 50	
One inspector-general	2,254 50	
One assistant adjutant-general	1,561 50	
Two aids	2,966 00	
		10,235 50
Saving per annum		11,850 50
Saving for the four years of war		47,402 00

The esteem in which Colonel Hunt is held by his companions in arms is shown by the accompanying request in aid of this bill, signed by all the chiefs of the military bureaus of the War Department (Appendix B).

Your committee therefore recommend that the bill be amended by inserting in line 3, after the word "authorized," the following words: "to nominate, and, by and with the advice and consent of the Senate, to appoint, and;" and in line 5, to strike out the words "of major-generals," and to insert the words "as a major-general;" and that the bill pass as thus amended.

APPENDIX A.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 16, 1884.

Statement of the military services of Henry J. Hunt, of the United States Army, compiled from the records of this office.

He was graduated at the United States Military Academy and appointed second lieutenant Second Artillery July 1, 1839; promoted first lieutenant June 18, 1846; captain, September 28, 1852; major Fifth Artillery, May 14, 1861; lieutenant-colonel Third Artillery, August 1, 1863; colonel Fifth Artillery, April 4, 1869; colonel and additional aide-de-camp, September 28, 1861; and brigadier-general of volunteers, September 15, 1862, "for meritorious services."

He received the brevets of captain United States Army, August 20, 1847, "for gallant and meritorious conduct in the battles of Contreras and Churubusco;" major, United States Army, September 13, 1847, "for gallant and meritorious conduct in the battle of Chapultepec;" colonel, United States Army, July 3, 1863, "for gallant and meritorious services in the battle of Gettysburg, Pa.;" brigadier-general United States Army, March 13, 1865, "for gallant and meritorious services during the siege of Petersburg, Va., and in the campaign terminating with the surrender of the insurgent army under General R. E. Lee;" major-general United States Army, March 13, 1865, "for gallant and meritorious services in the field during the war;" and major-general of volunteers, July 6, 1864, "for gallant and distinguished conduct in the battle of Gettysburg, and for faithful and highly meritorious services in the campaign from the Rapidan to Petersburg, Va." He served with his company at Detroit, Mich., from August 30, 1839, to October 15, 1839; at Buffalo, N. Y., to September 21, 1840; at Madison Barracks, N. Y., to August 13, 1841; at Fort Adams, R. I., to August 29, 1843; at Fort Hamilton, N. Y., to October 3, 1844, and at Fort Columbus, N. Y., to August 15, 1845; conducting recruits to October 19, 1845; with company at Fort Adams, R. I., to June 1, 1846; with Light Battery *en route* to, and in, Texas, and in the war with Mexico (commanding battery from November 18, 1847, to June 24, 1849), to July 14, 1848; *en route* to, and at, Fort Columbus, N. Y., to October 11, 1848; and at Fort McHenry, Md., to July 1, 1849; on leave to December 15, 1849; with company at Fort Monroe, Va., to December, 5, 1852, and at Fort Moultrie, S. C., to June 15, 1853; commanding Light Battery at Fort Smith, Ark., to August 16, 1853, and at Fort Washita, Ark., to November 24, 1853; on leave to March 30, 1854; commanding battery at Fort Washita, Ark., to November 14, 1856; member of board revising the system of light artillery tactics to September 30, 1857; commanding battery at Fort Leavenworth, Kans., to May 28, 1858; in the field on the expedition to Salt Lake, Utah, for the relief of Col. A. Sidney Johnston, to August 3, 1858, and at Fort Leavenworth, Kans., to August 31, 1858; member of board revising the system of light artillery tactics to March 22, 1860; commanding battery *en route* to and at Fort Brown, Tex., to December 13, 1860; on leave to January 2, 1861; commanding troops at Harper's Ferry, Va., to April 2, 1861; commanding battery at Fort Hamilton, N. Y., to April 6, 1861; *en route* to and at Fort Pickens, Fla., to June 27, 1861; *en route* to Washington, D. C., and in the field, Virginia, to July 26, 1861; chief of artillery, defenses of Washington south of the Potomac, to September 16, 1861; commanding artillery reserve, Army of the Potomac, at Washington, D. C., to March 10, 1862, and in the field, Virginia (peninsular campaign), to August 21, 1862, being also employed as member of a board to fix number and caliber of guns at permanent fortifications and field batteries, from November 26, 1861, to some time in March, 1862, and president of the board to report upon the various kind of rifled cannon and ammunition therefor, and to examine projectiles to replace those in use in the Army of the Potomac from November 1, 1861, to some time in January, 1862; forwarding batteries from Aquia Creek to General Pope's army in Virginia from August 22, 1862, to some time in September, 1862; chief of artillery, Army of the Potomac, from September 5, 1862, to June 27, 1865 (assigned and on duty according to his brevet rank of major-general from December 29, 1864, to April 30, 1866); commanding artillery division, Department of Washington, to some time in August,

*Act of July 22, 1861, § 3.

1865, and the District of the Frontier at Fort Smith, Ark., from September 13, 1865, to March 24, 1866.

He was honorably mustered out as brigadier-general of volunteers, April 30, 1866.

He was appointed president of the permanent artillery board, in reference to the interest and efficiency of the artillery arm, in session from April 2, 1866, to August 29, 1866; on permission to delay to January 18, 1867; member of board to determine the caliber and proportion of rifled guns for the armament of fortifications to February 27, 1867; commanding Fort Independence, Massachusetts, to April 29, 1867; Fort Sullivan, Maine, to February 5, 1869; Fort Jefferson, Florida, to April 5, 1869; regiment and post of Fort Adams, Rhode Island, from May 20, 1869, to July 28, 1870, being also in command of the Canadian frontier from Lake Ontario to Lake Champlain, with headquarters at Malone, N. Y., during the Fenian disturbances April and May, 1870; commanding the district of North Carolina, July 28 to September 13, 1870, and Fort Adams, Rhode Island, to July 4, 1871; member of board preparing a system of general regulations for the administration of the affairs of the Army to May 23, 1872; commanding post of Fort Adams, Rhode Island, to March 2, 1873; on leave to April 23, 1873; commanding Fort Adams, Rhode Island, to August 24, 1874; on court-martial duty at Fort Sanders, Wyo., to September 26, 1874; commanding Fort Adams, Rhode Island, to November 30, 1875, and at Charleston, S. C., to November 12, 1876; under orders of the Secretary of War to February 21, 1877; commanding post of Charleston, S. C., to April 12, 1877; on leave to June 20, 1877; commanding post of Charleston, S. C., to April 21, 1879, and Atlanta, Ga., to September 19, 1879; on court-martial duty in Kansas to December 3, 1879; commanding post of Atlanta, Ga., to December 21, 1880; on duty in Washington, D. C., to January 6, 1881, and commanding the Department of the South at Newport Barracks, Kentucky, according to his brevet rank of brigadier-general, to March 3, 1883, and as colonel to September 14, 1883, when he was retired from active service by operation of law under the provisions of section 1 of the act of Congress approved June 30, 1882.

In the war with Mexico he was attached to Duncan's battery, and was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Churubusco, Molino del Rey, storming of Chapultepec, assault on the Garita San Cosmé, and capture of the city of Mexico. In this campaign he was twice wounded. He commanded his battery at the battle of Bull Run, Va., July 21, 1861; commanded the artillery reserve in the peninsular campaign of 1862. At the siege of Yorktown, the battles of Gaine's Mill, Garnett's Farm, White Oak Swamp, Glendale, Turkey Bend, and Malvern Hill. As chief of artillery he commanded the artillery of the Army of the Potomac in the subsequent campaigns of that army, being engaged in the battles of South Mountain, Antietam, and Fredericksburg, in 1862; Chancellorsville, Gettysburg, Rappahannock Station, 1863; Wilderness, Spottsylvania Court House, North Anna, Totopotomoy, Cold Harbor, assaults of Petersburg, June 15–18, 1864; siege of that place and its capture, and was present at the capitulation of the Army of Northern Virginia, at Appomattox, April 9, 1865. All the siege operations at Petersburg were placed under his general direction by the following orders:

[Special Orders, No. 43.]

HEADQUARTERS, ARMIES OF THE UNITED STATES,
City Point, Va., June 27, 1864.

In all siege operations about Petersburg, south of the Appomattox, Brig. Gen. H. J. Hunt, chief of artillery of the Army of the Potomac, will have general charge, and be obeyed and respected accordingly. Col. H. L. Abbott, in charge of the siege trains, will report to General Hunt for orders.

By order of Lieutenant-General Grant:

T. S. BOWERS, *Assistant Adjutant-General.*

One army corps of the Army of the James co-operated with the Army of the Potomac, south of the Appomattox; also the siege trains under Colonel Abbott were used for the operations of both armies.

R. C. DRUM, *Adjutant-General.*

APPENDIX B.

WAR DEPARTMENT, *Washington City, January 15, 1884.*

SIR: I have the honor to transmit to you a testimonial of all the chiefs of the military bureaus in this Department, showing the high estimation in which they hold the public services of General Henry J. Hunt, in relation to whom a bill has lately been introduced in the House of Representatives.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

General W. S. ROSECRANS,
Chairman Committee on Military Affairs, House of Representatives.

WASHINGTON, D. C., *January 11, 1884.*

The undersigned desire to express their gratification that a bill has been introduced into the House of Representatives placing Bvt. Maj. Gen. Henry J. Hunt on the retired-list with the rank of major-general. General Hunt was distinguished in the Mexican war, and in the late war his reputation as a gallant, efficient, and thorough soldier rose with his services, which were distinguished in the highest degree in almost every battle fought east of the Alleghanies. Forty-four years of such service richly and justly deserve recognition by Congress.

The undersigned heartily concur in this proposed action by Congress, and strongly recommend that this bill become a law.

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.
D. B. SACKET,
Brigadier and Inspector General, U. S. A.
WM. B. ROCHESTER,
Paymaster-General, U. S. A.
R. MACFEELY,
Commissary-General of Subsistence, U. S. A.
S. B. HOLABIRD,
Quartermaster-General, U. S. A.
R. MURRAY,
Surgeon-General, U. S. A.
H. G. WRIGHT,
Chief of Engineers, Brigadier and Brevet Major General.
W. B. HAZEN,
Chief Signal Officer.
D. G. SWAIM,
Judge-Advocate-General.
R. C. DRUM,
Adjutant-General.

Mr. LYMAN. I now move, under instructions of the Committee on Military Affairs, to perfect the bill by the amendments which are recommended on page 3 of the report. They are merely verbal amendments designed to put the bill in the usual form.

The amendments recommended by the Committee on Military Affairs were read, as follows:

After the word "authorized," in line 3, insert "to nominate and, by and with the advice and consent of the Senate, to appoint, and."

In line 5 strike out the words "of major-generals" and insert the words "as a major-general."

The amendments were agreed to.

Mr. PRICE. If the gentleman from Massachusetts is through with his amendments, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding the following:

"And all honorably discharged soldiers who served three months or more in the Union Army during the rebellion shall also be placed on the retired-list and paid at the rate of $8 per month during their life, and then to the widows until their death, and then to their minor children under 16 years of age."

Mr. LYMAN. I make the point of order that this amendment is not germane. I hope the gentleman from Wisconsin [Mr. PRICE] will not press it.

Mr. PRICE. I will do so if I can. If the amendment is in order, no amount of persuasion will induce me to withdraw it. If it is out of order, of course I can not offer it.

The CHAIRMAN. The Chair must hold that the amendment is out of order, as it is in the nature of a public bill while this is a private bill.

Mr. LYMAN. Mr. Chairman, if the committee will give me its attention for a few moments, I will make a brief explanation. I wish to impress upon the committee that this bill for the promotion to the retired-list of Col. Henry J. Hunt stands on its own merits and is in no way similar to the bills already discussed for the relief of Generals Pleasonton and Averill. It was urged against those bills that the two officers named had long ago resigned from the regular Army and that it was not a good precedent to restore them to the service and to place them on the retired-list.

But General Hunt has never been out of the service. On the contrary, after a continuous and unblemished record of forty-four years he was placed on the retired-list as colonel by operation of law, having attained the age of 64. Now, his retirement as colonel was a hardship which this bill seeks to set right by giving him a rank which in the natural course of events he would have had except for unfortunate accidents. These accidents arose from the unjust position into which officers of artillery were thrust during the late war. By a decision of the Adjutant-General a battery was held to be a company. By a subsequent decision of the General-in-Chief a battery was held to be a regiment. Both these decisions were subsequently acted on during the war. What was the consequence? First, because a battery was a company and it took eighty companies to constitute a major-general's command; and as no army had as many as eighty batteries it followed that there could be no such position as a major-general of artillery. As a fact, out of the one hundred and fifty-six commissions of major-general issued during the war not one was given to the artillery. Secondly, because a battery was a regiment and was commanded by a captain it followed that no field-officers of artillery were required, the captains being all-sufficient for command.

Nearly all promotion was thus stopped in that arm of the service, and the artillery officers naturally made haste to seek higher rank in the volunteer infantry or cavalry. General Hunt was repeatedly offered these coveted promotions. Had he been an ordinary officer he would have been allowed to accept them, but precisely because he was the acknowledged head of his profession his services were considered too valuable to be spared, and he was tied down, first as a colonel and afterward as a brigadier, while he saw his juniors promoted to be major-generals. But this was not the worst. His command as chief of artillery of the Army of the Potomac was quite equal to that of a corps, consisting at the battle of Gettysburg of sixty-five batteries, with over 8,000 men, 7,000 horses, and great trains of ammunition and stores. At the investment of Petersburg his command was even more extensive. What was the consequence? With the pay of a brigadier he had all the expenses of a major-general commanding a corps; he was constantly obliged to feed and house his officers who came from distant points in the line to report to him. Foreign military men who visited the Army were billeted on him for weeks at a time. I have myself seen three foreign officers at once entertained by him for many days. There was no way of avoiding these expenses. The consequence was that even with the most rigid economy he was obliged to spend about $2,000 a year over and above his pay and allowances, and at the end of the war he found that his own slender fortune and that of his wife had been consumed.

Mr. SPRINGER. I would like to ask the gentleman, what is the amount of pay that this officer now gets under the law?

Mr. LYMAN. He now receives under the law, as colonel, $3,375 a year.

Mr. SPRINGER. No other allowances?

Mr. LYMAN. No other allowances; that is the whole pay.

Mr. SPRINGER. How much will he get if he is placed on the retired-list as a major-general?

Mr. LYMAN. Five thousand six hundred and twenty-five dollars.

Mr. SPRINGER. Then this is a bill to give him $5,625 a year instead of $3,375?

Mr. LYMAN. That is it exactly in the matter of pay, without saying anything as to the matter of honor or rank.

Mr. SPRINGER. Would it not be satisfactory to the gentleman if we should amend this bill so as to give the officer the rank which he claims and let the pay remain as it is?

Mr. LYMAN. It would not be. If the gentleman will be patient a moment I will touch on that point.

Now, Mr. Chairman, as I was saying——

Mr. WOLFORD. Let me ask the gentleman whether the additional pay which General Hunt will get under this bill would be anything like equal to the amount that he lost by not being allowed to accept the promotion which was offered him in the Army.

Mr. LYMAN. If Colonel Hunt lives as long as the mortality tables allow him, he being now about 66 years old, the additional pay would not compensate him for his actual losses while in the Army.

Mr. PETERS. What is the difference between the pay of a colonel on the retired-list and one on the active-list?

Mr. LYMAN. One-quarter difference. That is, a colonel on the retired-list gets 75 per cent. of the pay of a colonel on the active-list.

Now, Mr. Chairman, I was about to say when the gentleman from Illinois [Mr. SPRINGER] interrupted me (and I am glad to be interrupted) that the injustice did not cease here, for at the end of the war these officers of artillery who had been the juniors of General Hunt were, because of the high rank they had obtained in volunteer commands, given extra rank in the regular Army over the head of General Hunt, and when the Army was reduced they were retransferred from the infantry and cavalry to the artillery again over the head of General Hunt. So that his juniors were put over his head by the combined action of these conditions. Had it not been for that General Hunt would have been the ranking officer of artillery of the Army and would have been retired as major-general.

After the war, Mr. Chairman, his disadvantages did not cease, for he was put in command of a military division which belonged to a major-general and required the expenses of a major-general, and yet he served in those commands for seven years with the pay a part of the time of colonel and a part of the time of brigadier-general.

To sum up, this bill designs giving to General Hunt the rank he was entitled to by regular promotion had it not been for the accidents to which I have referred. It contemplates giving him the power of saving in his declining years a little to rebuild the fortune which he has spent in the service of his country, and which he needs for the support of his family.

At the other end of the Capitol, Mr. Chairman, as you ascend the steps of the Senate gallery, there is a picture—and I wish it were a better picture—of a great deed of arms, the storming of Chapultepec. On the left of that picture is an officer with a red sash standing by a piece of artillery. That officer is General Hunt, then Lieutenant Hunt, a very young man. From that day to this he has served his country with an unblemished record. He has shed his blood in its service. Now in his old age he comes before this House to ask not a favor but simple justice.

Mr. SPRINGER. I ask the gentleman to answer a question.

Mr. LYMAN. Certainly.

Mr. SPRINGER. How many persons are there now upon the retired-list of the Army who are receiving pay as major-generals?

Mr. LYMAN. There are Generals Ricketts, Sickles, Robinson, Carroll, McDowell—I remember those, but there may be more.

A MEMBER. General Ord.

Mr. LYMAN. General Ord was on the retired-list up to the time of his death. General Ricketts was put upon the retired-list as lieutenant-colonel, General Sickles with the rank of colonel, General Robinson as colonel, and General Carroll as lieutenant-colonel.

Mr. SPRINGER. And promoted afterward.

Mr. LYMAN. Yes; all promoted by bills similar to this, or by the action of law similar to this now proposed.

Mr. SPRINGER. There is no one now on the retired-list as major-general who was retired as such.

Mr. LYMAN. Yes; General McDowell.

Mr. SPRINGER. Only one.

Mr. LYMAN. Only one, so far as I can remember.

Mr. SPRINGER. Is it not true that every regular officer of the Army of the rank of colonel was placed in command of a large number of troops, and acted as brigadier or major general in many instances during the war?

Mr. LYMAN. A great many, but they had the pay of brigadier-general or major-general during the time they held such commands, which General Hunt never did.

Mr. SPRINGER. Could it not satisfy the gentleman from Massachusetts to retire him with the rank of major-general, and let the pay remain as it is?

Mr. LYMAN. It would not, because I wish to give him a chance to make up the fortune he has spent in the war.

Mr. SPRINGER. I would be glad to reimburse this officer—for I have no doubt the statement made by the gentleman from Massachusetts is perfectly true—for whatever expenditure he was compelled to make while in the service, but I dislike to establish a precedent of promoting officers on the retired-list, to be promoted merely for the purpose of getting higher pay.

Mr. LYMAN. That is only incidental.

Mr. SPRINGER. The pay is incidental, or the rank?

Mr. LYMAN. The pay is incidental to the promotion.

Mr. SPRINGER. But the pay is the object of the promotion. If the promotion is all that is required, and that is made without carrying pay with it, there would be no objection.

Mr. HEWITT, of Alabama. If the rank is all that is desired, let him be appointed and retain his present pay.

Mr. SPRINGER. Yes; I have no objection to that.

Mr. HEWITT, of Alabama. That would answer the purpose the gentlemen have in view, if that is all they desire, simply the rank.

Mr. LYMAN. I have already explained, however, that that is not all that is desired.

Mr. SPRINGER. Will the gentleman yield to me a few moments?

Mr. LYMAN. I will yield to the gentleman for three minutes.

The CHAIRMAN. The Chair must request the committee to be in order. The Chair cannot hear what is going on.

Mr. SPRINGER. The gentleman from Massachusetts has yielded three minutes to me.

The CHAIRMAN. The gentleman from Illinois will proceed when members are seated.

Mr. SPRINGER. Mr. Chairman, I dislike exceedingly to oppose a measure of this kind. I concede everything to be true that the honorable gentleman has said in reference to this distinguished officer, and I would be glad if this Government could do justice to every such officer who served his country through the last war or at any other time. But there are certain considerations involved in this case that demand attention. This gentleman is now on the retired-list by virtue of the law as to age, and is receiving about $3,300 a year. If this bill is passed his pay will be increased to $5,625 a year, more than the pay of a member of this House or a Senator of the United States. In his present position of retirement from public life he can take up a quiet abode in any city in this Union and be entirely free from the expenses to which men in the public service are continually subjected; and it seems to me that the pay this officer is at present receiving is more to him than the pay of a Senator or a Representative in the position that they are compelled to hold before the public.

But, sir, I am opposed to this bill for another reason. In my judgment Congress is going too fast in the matter of these numerous promotions for the sake of increasing pensions. We have now a bill upon the Speaker's table which has been passed by the Senate at this session of Congress placing General Grant on the retired-list, or rather, I should say, placing him upon the rolls of the Army as a general and then retiring him with that rank, to enable him to draw a pension for the rest of his life of some $20,000 a year, or perhaps not so much. I will ask some member of the Committee on Military Affairs what the exact pay would be?

Mr. MORGAN. It would only be about $11,000.

Mr. CURTIN. I think $11,500.

Mr. EATON. I am not positive, but it seems to me $17,500 would be the pay.

Mr. CURTIN. Oh, no; not that much.

Mr. SPRINGER. Well, one gentleman tells me $11,500, another says $17,000——

Mr. MORGAN. It will be exactly $10,125.

Mr. WELLER. Well, either would be too much.

Mr. SPRINGER. Is there any other allowance beyond that amount?

Mr. MORGAN. No, sir.

Mr. SPRINGER. Then $10,125 would be the annual pension if that bill passed?

Mr. MORGAN. It would.

Mr. SPRINGER. That is more than the judges of the Supreme Court or any other officer of this Government receives except the General of the Army and the President of the United States. It is alleged in behalf of that bill that General Grant has been the subject of some financial misfortunes recently which commend him particularly at this time to the consideration of Congress, and that therefore because of this fact the bill for his relief should be passed at once by this House. Mr. Chairman, while I would be glad to do honor to General Grant, because of his achievements for this country, under any ordinary circumstances, yet in my judgment this is not the time nor are these the circumstances under which the Congress of the United States should come to his relief. He has associated himself in Wall street with speculators who have ruined his own fortune and the reputations of his partners by the most disreputable practices that have ever been exposed in financial transactions in this country, and which are only paralleled in other countries by the South Sea bubble and John Law's Mississippi scheme. It is true as is alleged that he was entirely unaware of the transactions of his partners, who have succeeded in running up liabilities to the extent, as stated, of some $15,000,000 with no available assets that have been found.

Now, this matter of placing gentlemen upon the retired-list, some-

times taking them from the walks of private life and at other times from the retired-list and giving them a higher promotion with higher pay, ought to be stopped at some time. I believe in doing perfect justice to the distinguished officers of the Government, but until the men in the ranks, and their widows and their orphans, have received what is justly their due at the hands of the Government, I think we may well stop increasing the pensions or retired pay of those who are now receiving as much as $3,300 a year.

Mr. LYMAN. Mr. Chairman, as the time of the House is precious, and I have no desire to occupy it any further unless some gentleman desires to make further inquiry, I shall move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. PETERS. I would like to be heard for about five minutes.

Mr. LYMAN. I accord five minutes to my friend with pleasure.

Mr. PRICE. Allow me to suggest to the gentleman from Massachusetts that I should desire about five minutes on this question myself.

Mr. LYMAN. I have no desire to choke off debate, and am willing to yield to the gentleman the time he suggests.

Mr. PETERS. I concede, Mr. Chairman, that the recommendations in favor of Colonel Hunt present a very strong case to this House and to this committee to make an exception in his favor. But I am opposed to the practice involved in the bill. There is no use to disguise the object of the bill. It is in substance and in fact a promotion of Colonel Hunt to the rank of major-general by a special act of Congress.

Now, we have laws providing for the promotion of persons in the regular Army by regular gradations, but this seeks to evade that law and promote Colonel Hunt without reference to that law at all.

I am no great lover or admirer of officers in the regular Army; and I do not believe that the principle of promotions in the military service by special acts of Congress is a correct principle. If Colonel Hunt is promoted by this measure, then every colonel who commands a regiment to-day in the regular Army has the right when he arrives at the proper age to come to this House and ask that he be retired, or, in other words, promoted to the rank of major-general. There is no other way to get out of it. That is the ultimatum of all legislation of this kind; and you might at once pass a general law that whenever a colonel in the regular Army reaches the age of 60 years he is thereby, by virtue of that fact, promoted to the rank of major-general and placed on the retired-list.

I do not desire to say anything more upon this question than simply to express my dissent to the principle involved in this bill and to express my disapproval of all measures of this kind.

Mr. CURTIN rose.

Mr. LYMAN. How much time does the gentleman from Pennsylvania desire?

Mr. CURTIN. Only two minutes.

Mr. LYMAN. I yield the gentleman from Pennsylvania two minutes.

Mr. CURTIN. I am in favor of this bill and in favor of the principle announced in it. If the House can not discriminate when efforts are made to reward faithful public servants or men who were eminently distinguished in the war, then we are unfit to perform part of our duty. If all the colonels of the Army should come and ask this Congress to promote them in order that they may get increased pay it would be the duty of this House to discriminate between those who deserved the increase of pay and those who did not.

A government like ours, indeed any government on the face of the earth that expects to be perpetuated, must do justice and offer rewards to merit when reward is deserved. And if there be any men living to-day in this country who performed faithful, meritorious, and constant service to their country, General Hunt is one of those men. And I am for the promotion provided in this bill and for the passage of the bill with this principle in it, because it does increase General Hunt's pay, which he richly deserves, and would have had but for the reason assigned by the distinguished gentleman from Massachusetts, that having commanded artillery he did not get the promotion that his colleagues did who were in the same rank with him in the artillery.

Mr. LYMAN. I yield five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. I think there are two or three questions raised here which might as well come up on any other bill as on this—namely, the principle involved, the precedent that might be established, and similar matters of that kind. It seems to me that each case should be determined upon its own merits, and that the question now before the committee is simply this particular case presented by Colonel Hunt's service. That is all.

Did he render the service that would entitle him to what you might call an exceptional act. He did. And this simply seeks to execute what in one sense might be termed the intention of the law to fulfill its true spirit. That is all.

I really do not think that my friend from Illinois [Mr. SPRINGER], if he will look to the lapse of the years which have gone and then to the reputation which men will have in the future, if he will look to the necessities of the present and the financial condition of this gallant officer and then look to his reputation in the future, would care either to cut off the $2,300 during the few years which our good Father may spare this noble old gentleman, or that honor which this increased rank may give him.

There are many things in which I agree with my friend from Illinois, but I do not agree with him here; and to be frank with the committee, I really do not think he himself strongly believes what he says as to this particular case. When one looks ahead a half century, when one looks to the heritage which men who have rendered such services as General Hunt did render, and such services as hundreds and thousands have rendered, both in the ranks and in the higher service; and when one looks to that heritage which men like to leave to their children and which shall be bright a half century hence, I at least feel, as a member of this House, that I would be more than willing to give to his posterity and to him whatever glory, as well as emolument, there may be by this action; simply because I believe that men a half century hence, looking to a period twenty years back from this date, will see General Hunt as having made such a record of heroic and self-sacrificing service as to justify this House in passing this bill. I earnestly hope that this slight recognition by a grateful nation may be given to one whose gallantry has added a brighter tint to its own glory.

Mr. LYMAN. I yield five minutes to my friend from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. Mr. Chairman, I did not expect to say anything in relation to this bill, although upon the Committee on Military Affairs I gave it a very thorough investigation. But the suggestion of my distinguished friend from Illinois [Mr. SPRINGER] that the money ought not to be allowed—he is willing to give the honor but not to pay him the money—has induced me to talk a little upon the money question. So far as honor is concerned, the honor imperishable, the everlasting honor of General Hunt never can fade while there is an American that reads American history. His honor stands upon the highest eminence, and will stand as long as time shall last.

Among the artillery officers in the great struggle which has just closed between the conflicting sections of our country General Hunt stood pre-eminent. He will go down to history as the one man who commanded more respect and more confidence and covered himself with more honor and more glory than any other artillery officer ever in the service of the United States, and I except none. That is his record. And it was his very honor, his very glory, his imperishable reputation as an artillery officer which brought him to poverty, because he occupied a position which no other man could fill. When seeking promotion for his gallantry it was said to him, "No, General Hunt, you can not be promoted because there is a law against your promotion as an artillery officer to this rank, and your country demands that you shall remain in the artillery service, and occupy an inferior rank for your country's good." With a patriotism scarcely ever equaled, and never surpassed, General Hunt, although he could have been a major-general in another arm of the service, and perhaps could have commanded all the forces of the United States, and with honor to himself and glory to his country—General Hunt said: "For my country's good I will continue in the artillery service and be content with this inferior rank."

He was a noble and gallant man, thinking not of self, but thinking of the eternal good of the American nation. The fame of General Hunt spread throughout the world and was known everywhere. Foreigners came here to witness the grand massing of artillery by him, and to talk with a man who conferred such honor on our nation. His pay was not sufficient to enable him to entertain them properly; and out of his own private means, out of his own fortune and the fortune of his wife, he spent the last dollar for his country's honor, for you and for me, for your children and for mine, for the honor and glory and hospitality of this great nation. He spent it in as noble a cause as money was ever spent in.

Having so spent his means he is now poor and asks—no, he does not ask it, but we ask it for him; we appeal to this Congress, for the honor of our country, to give him such a salary as will enable him to live in comfort. [Applause.]

Mr. LYMAN. If no other gentleman desires to speak on this bill I will move that it be laid aside to be reported favorably to the House.

Mr. PRICE. I desire to say a few words.

Mr. LYMAN. Then I will reserve the remainder of my time.

Mr. PRICE. I have no expectation that anything I may say will change the vote of any gentleman in this House on the passage of this bill. I rise merely for the purpose of entering my protest against this sort of legislation. It is unwise, inexpedient, unjust, and vicious.

The arguments which have been made by gentlemen in favor of this bill, as I have heard them, imperfectly no doubt, are, first, that General Hunt was a distinguished officer and rendered important service to the American cause. I grant all that is claimed for him in that respect, and would not pluck one leaf from the laurel that crowns his brow. But is that sufficient to justify us in passing a bill which will make a distinction in favor of this officer and against all the other men in that grand army who were equally daring, unselfish, and patriotic?

The next argument is that he is needy and that we have done this same thing before. I know that we have done it before, to our eternal disgrace. We have pensioned Presidents, ex-Presidents, and their widows, and major-generals, and brigadier-generals *ad infinitum*, until we

have nearly forgotten the private soldier, except in perhaps one case out of every thousand which has been taken up by the Pension Committee of this House, who have reported a niggardly allowance for those few cases.

I have no objection to pensioning every Union soldier, whether he rode on horseback or went on foot. But I do object to picking out for our favors those whose position gives them a significance and power and influence which enable them to press their claims on Congress to the utter forgetfulness of that other class who trudged on foot in mud and sand, carrying knapsacks on their backs, and in many instances stood between generals and danger. I object to taking up isolated cases until we pass a broad, general, generous, and comprehensive bill to make comfortable the last days of the few surviving soldiers of our country, those of the rank and file, many of whom are now dying in our poor-houses—those without whose aid, even with all your major-generals, you would to-day have no flag, no revenue, no Treasury to put it in, and nobody to give it to.

They are the men to whom we to-day owe the fact that that flag still floats over our heads; not your major-generals, who were as thick as blackberries all over the country, and Washington city on many an occasion showed more of them than did any of our battlefields. I do not want to say anything against major-generals or brigadier-generals, against any man who endured hardships and the perils of battle that we might have not only a country, but a free country.

Mr. WOLFORD. I wish to ask the gentleman whether he does not know that there have been reported from the Committee on Military Affairs several bills to make soldiers' homes comfortable for all the soldiers of the Army, and that there have been reported from our Pension Committee several bills to increase pensions, and particularly to grant arrears of pension; and that these bills are especially for the benefit of the private soldiers?

Mr. PRICE. There have been reported here certain bills of a meek and mild character, which may reach out and assuage some of the distresses which are to-day at the doors of the gallant defenders of our country. But we have not passed them, and I do not believe we shall. I shall vote for no bill of this character until you bring up the whole subject and take all these soldiers in as one grand army, as they went in as one army in defense of the country.

Mr. WOLFORD. Will the gentleman vote for those bills reported for the benefit of the private soldiers?

Mr. PRICE. I have thus far. I want to vote in favor of men who have carried the musket, not in favor of a man who is getting $3,300 a year, who risked no limb more precious, shed no blood more sacred, endured no greater pain or hardship than the man who was serving in the Army for $13 a month, and who did not get even that, because he was paid in a depreciated currency.

Mr. LYMAN. The gentleman will allow me to ask (because I have forgotten) what regiment he served in during the war?

Mr. PRICE. What regiment did I serve in? Oh! Do you suppose there can be no love of that flag, no attachment to our country's institutions except on the part of men who went into the Army? I staid at home and made money, and now I want to divide with the men who stood on the battlefield and defended me while I was at home prospering. And I have no respect for a man who will not do that. [Applause.]

Mr. WOLFORD. Does not the gentleman know that in voting to do this act of justice to a gallant officer he would reflect the sentiment of every private soldier in the country?

Mr. PRICE. No, sir, I do not.

Mr. WOLFORD. I do.

Mr. PRICE. Well, if the gentleman knows that, it may properly guide his vote. I neither know it nor believe it.

Sir, there is and there ought to be a deep-seated, widespread hostility to a class of legislation which has dotted our statute-books all over, to their ineffable disgrace. I have grown tired and disgusted with measures looking to the special benefit of men in high places, men who are already receiving liberal pay. Gentlemen say we should make this officer comfortable in his old age. I would make him comfortable. I would take him as the nation's ward, and if $3,300 a year is not enough to maintain him in ease and comfort I would add to his allowance; but I never would do it while all over our country there are men——

A MEMBER. Let them go to the soldiers' homes.

Mr. PRICE. I would not send any of them to the soldiers' homes; I would make them comfortable at their own firesides. I would lay my hand on the wealth of the nation, which they made possible to exist, and would compel it to do the same duty toward these men that they did so gallantly and generously for us.

A gentleman has asked what regiment I belonged to. I venture to say, if that gentleman desires to come down to the question of attachment to the soldiers and the soldiers' cause, attachment to our flag or our common country, or to the matter of physical courage, I will meet him anywhere.

Mr. WARNER, of Ohio. Mr. Chairman, with a retired-list which already calls for an annual appropriation of nearly $1,000,000, I think we should be considerate at any rate in passing bills of this kind giving promotion by act of Congress. Colonel Hunt was a very gallant officer—an officer who performed, I know, very important service during the war. But he attained to the highest rank belonging to that arm of the service of which he was a member. He rose to the highest position in that arm of the service, received the highest pay pertaining to that, and he has gone upon the retired-list with the rank and pay belonging to that grade. Now, if by an act of Congress we give him promotion——

Mr. MAGINNIS. What does the gentleman mean by saying that General Hunt rose to the highest grade in the service?

Mr. WARNER, of Ohio. He became chief of the artillery service.

Mr. MAGINNIS. Is there no higher rank in any other arm of the service than he attained?

Mr. WARNER, of Ohio. Certainly there is a higher rank than colonel.

Mr. MAGINNIS. Was he not as much entitled to become a general as any one else?

Mr. WARNER, of Ohio. If the law provides for it. The law does provide for the rank of brigadier or major general——

Mr. ROSECRANS. But not in this arm of the service.

Mr. MAGINNIS. Allow me a single moment. There were men like General Hunt who rendered distinguished service in the Army, but who when the war was over took rank only as colonel, although they stood at the head of their lists, and their services had been such that they should not have been skipped over; but young officers, like General Hazen and General Miles, were put ahead of them, because it appeared at that time no one could receive promotion unless he came from the State of Ohio.

Mr. WARNER, of Ohio. I hope the gentleman will not impose on me the duty of defending that administration. [Laughter.]

I was saying, Mr. Chairman, if by act of Congress now we give to General Hunt the rank of major-general, which does not pertain to the arm of the service in which he served, it will be expected that when the next chief of artillery is retired he will also be entitled to promotion after retirement to rank which does not pertain to the service.

Mr. ROSECRANS. Will the gentleman indulge me in one question?

Mr. WARNER, of Ohio. Yes.

Mr. ROSECRANS. If the next chief of artillery who is retired comes and asks it, after having made as many sacrifices as General Hunt and done as great service to the country, would you not be willing to give him like promotion?

Mr. WARNER, of Ohio. I admit, Mr. Chairman, the distinguished gentleman from California [Mr. ROSECRANS] and the distinguished gentleman from Massachusetts [Mr. LYMAN] have made a strong case in favor of Colonel Hunt in this, that he did not accept promotion during the war in other branches of the service which probably would have given rank of brigadier-general or major-general. If I were satisfied on that point, and I have no reason to question anything which has been said, that Colonel Hunt remained in that service at the request of the Government as chief of artillery because it could not spare him from that service to accept promotion during the war, then he presents an exceptional case and a strong one. I admit that. But I do think the practice of selecting here and there an officer and bestowing upon them rank which they did not become entitled to in the order of their service is a bad one. Congress has already in my judgment set many bad precedents of this kind. I think that an officer should be satisfied when he has reached the highest position attainable in the arm of the service in which he served and from that goes on the retired-list, and stop at that. I do not, Mr. Chairman, take any stock in the claim that Colonel Hunt expended his own fortune or that of his wife. If he did I do not understand he did it for the Government.

Mr. ROSECRANS. He said it.

Mr. WARNER, of Ohio. He did it to maintain himself.

Mr. ROSECRANS. He was chief of artillery and had to receive as guests and entertain distinguished visitors from abroad. He was the scientific officer to whom they were sent.

Mr. WARNER, of Ohio. That is a practice which ought not to be encouraged. A colonel in the Army should be able to live on his salary as a member of Congress should be able to live on his salary. I do not think there is any claim upon that ground whatever. If he chose to resort to his private fortune in order to maintain this style of entertainment, which other officers less fortunate could not afford, that was a matter for the exercise of his own judgment, and he has no claim upon Congress for reimbursement.

But upon the only point that at the request of his Government he remained in the artillery service during the war, and thereby gave up all opportunity for promotion which he would otherwise have had, if I were satisfied entirely upon that point, I should certainly make no opposition to this bill, because that is a claim which I think we would be bound to consider.

Mr. MCMILLIN. Mr. Chairman, I agree with the gentleman from Wisconsin, Mr. PRICE; the gentleman from Illinois, Mr. SPRINGER, and the gentleman from Ohio, Mr. WARNER, that this is not a case that should enlist our active exertions in behalf of the promotion of this officer. It is not claimed by any one, so far as I have heard, that the salary he is now getting, with no duties to perform—$3,375 a year—is

not sufficient to support him comfortably and well. But it is proposed now by legislative action to take him up and make an exception in his case, still leaving the many officers who held the same rank with him just where they are, and put him upon the retired-list, giving him additional rank, and extra pay for the remainder of his life, more than $5,000 a year.

It is claimed that this is done for the purpose of compensating him for expenditures and losses necessarily sustained during the war. It is not claimed, as I understand from the remarks of the gentleman from California, that these expenditures or losses were sustained in the line of duty, for the purpose of advancing the interests of the Army; but, as I learn from his last declaration, it was an expenditure in the nature of entertainments. As remarked by the gentleman from Ohio, that was a matter that he could have left off or taken on as he liked.

Mr. ROSECRANS. Will the gentleman from Tennessee permit me to correct him with reference to what I have said?

Mr. MCMILLIN. Certainly.

Mr. ROSECRANS. What I meant to say was that the chief of artillery of the Army of the Potomac, being a distinguished officer holding a responsible position, whenever guests of a scientific character were accredited to the commanders of the Army, as was often the case during the war, he was expected to receive and entertain them just as corps commanders did, and to do it decently, and he ought to have done it. It was neither a matter of fancy, taste, nor option with him. It was simply a question of propriety and decent behavior on his part, and that was the cause of these expenditures.

Now, if the gentleman will permit me, the statement should be made in this way so that my friend from Tennessee and all other gentlemen would exactly understand the condition of affairs: It will be found in our Army that provision is made for expenses incurred in this direction by officers commanding separate posts, departments, &c. It is provided for in all civilized countries in the same way that we do, because there is justice in it. In this instance, however, this officer who occupied the position of chief of artillery, and not being a corps commander, no provision was made for this expense which that position involved. He was at the head of the great scientific corps of the Army, and was compelled in consequence of the position he occupied to entertain to a greater or less extent those persons who were out as visitors or guests of the Army. That involved the expenditure of his private fortune.

Mr. MCMILLIN. It seems from the statement the gentleman from California now makes, as I understand him, that this was a matter of "taste and behavior" on the part of this officer. If this Government owes him anything on any account, if it owes him $1 or $100,000, and the claim is presented here, I for one will vote to pay it, and not only that, but I am willing to stop other business in order to pay it. If the Government owes this officer anything this is not the way to pay it. It must be seen that we may do him a great injustice by undertaking to pay a claim in this manner, and why? Suppose we owe him $50,000, and undertake to pay it in the manner proposed by increasing his salary as a retired officer, and he should die next year, $48,000 of it will never be paid. It is not the way to do him justice if injustice has been done.

In an attempt to do justice to one man we should not do injustice to a large number of others who held the same rank with him. His salary is large enough. It is much larger than that of the people who have to pay it. Is it proposed to promote the other colonels on the retired-list to major-generals and pay them accordingly? Is it your purpose to keep on promoting captains to majors, majors to colonels, and colonels to generals long after they have quit the service? I trust no such prodigal and senseless policy will prevail.

Mr. ROSECRANS. I know my friend from Tennessee has been very busy lately and perhaps has not had an opportunity of examining this subject as thoroughly as he ordinarily examines such questions. If he will pardon me I would like to call his attention to the third page of this report, to wit, that had General Hunt had the rank due to the size of his command it would have cost the Government of the United States, under the ordinary allowances made to chiefs of corps, $47,402 in the four years.

Mr. MCMILLIN. The gentleman from California will not deny that he had the rank that was due him, and that he knew what was attached to it when he accepted the office. He held this position with a full knowledge of the pay and emoluments attached to it. If that were a good reason for increasing the rank after an officer is on the retired-list, it would operate in behalf of almost every officer who was in the regular Army of the United States and served during the late war who is now on the retired-list; for we know as a fact that they nearly all held a brevet rank that they did not hold in the volunteer service.

Now, this is a salary more than three-fourths of the governors of the States get. It is net, because the office entails no expense. And I think the plan, as the gentleman from Wisconsin [Mr. PRICE] has stated, of picking out the general officers and bestowing magnanimous and magnificent salaries upon them to the exclusion of those who stood, as he happily said, between them and danger in many instances is not right.

Mr. LYMAN. I move that the committee rise for the purpose of closing debate.

Mr. MCMILLIN. I suggest that that can be done by unanimous consent.

Mr. LYMAN. I ask unanimous consent that debate be now closed.

Mr. GUENTHER. I object.

Mr. LYMAN. What time does the gentleman from Wisconsin desire?

Mr. GUENTHER. About five minutes.

Mr. LYMAN. I yield five minutes to the gentleman.

Mr. GUENTHER. I have heard in this debate that everything has been done for the relief of the ex-privates of the late war. It may be my ignorance that prevents me from seeing it in that light. But I happen to have before me a letter of a recent date written by a worthy lady in my own city, who is noted for her charitable and unselfish disposition, addressing me in behalf of an ex-soldier, a poor Irishman, who is now in the poor-house. I happen to know the old man and am firmly of the belief that he was incapacitated from performing manual labor through his services in the war. In any event I know he is today totally disabled from earning his living. And I wish to know from the gentleman who said that everything had been done for these men why it is that after many exertions on his part and on mine that poor man has never been able to receive a solitary cent from the Government and is now obliged to become a public charge in a country for which he for three years risked his life and in whose behalf he lost his health and ability to provide for himself. This, Mr. Chairman, is only one of the many instances I could cite in my own district, and I mention it because I happen to have the letter with me. I do not wish to prolong this debate, but as a part of my remarks I ask the Clerk to read this letter, which is very short.

The Clerk read as follows:

OSHKOSH, *May* 5, 1884.

DEAR SIR: At the earnest solicitation of William P. Haley, I take the liberty to write you a few lines. You doubtless remember him as one of the many for whom you kindly interested yourself previous to your own removal to Washington. The poor old man is now an inmate of our county-house. He came to me this morning begging me to write asking you for a personal consideration of his prospects in view of his getting his pension.

He has been very sick and sorely needs it, if it is his due, and it seems to me (private opinion, if worth nothing, costs nothing) his serving three years in that terrible war, and having an honorable discharge ought to entitle him to one. He claims his chronic ailments are the direct results of that service. Not knowing him before the war, I can not say as regards that.

Your well-known kindness to all that need help in any way emboldens him, through me, to again ask your aid in this matter.

I suppose this letter is only one of thousands you are called upon to notice, but please answer at your earliest convenience, for the old man is very anxious.

Please address William P. Haley, through,

Yours, respectfully,

MRS. A. CONSO,
Oshkosh, Wis.

His number is 197313, Company L, Second Illinois Light Artillery.

Hon. RICHARD GUENTHER.

Now, Mr. Chairman, is it not about time that we should pass a law which will prevent such distress to old soldiers in the future? Before I will vote to consider claims of men who already are on the retired-list on an annual salary of thousands of dollars I must insist that the poor, penniless soldiers receive prior consideration.

I desire, before my time expires, to have read another letter which I send to the desk, which has just been received by my colleague from Wisconsin [Mr. DEUSTER], and which he just handed to me.

The Clerk read as follows:

SAINT ROSE'S ORPHAN ASYLUM, *Milwaukee, May* 20, 1844.

ESTEEMED FRIEND: You will, I am sure, be a little surprised on seeing my signature. I received a telegram this morning from Mr. John Frawley, of Company C, Fourth Regiment United States Artillery, of the late war. The poor man is lying very low and may die any moment; he wished to speak to me concerning his two children, Katie and Maggie, who have been in the asylum for the last five years, since the death of their mother. The poor man seemed much troubled lest his just claim for his pension may not be obtained for the support of his poor, helpless little girls. You would pity him. I tried to cheer him up, but he could hardly be consoled, only with the hope that on this very day he may obtain his claim for the sake of his poor, motherless children, leaving them without a dollar. While speaking he drew from his vest pocket a document, handed it to me; I opened it and there I saw your own very name. The letter to Mr. Frawley, dated April 7, by "O. P. G. Clarke," Acting Commissioner, in reply to the personal inquiry of Hon. P.V. DEUSTER. Upon seeing the honorable name of the friend of the dear orphans I told Mr. Frawley I would write this very day to our kind friend; that I knew if he could further the obtaining of the pension he would only be too glad to do so. And now, our kind friend, you see the object of my taking the liberty of addressing you.

Very respectfully,

SISTER CAMILLA,
In Charge of the Orphans.

Hon. P. V. DEUSTER.

Mr. LYMAN. I now ask unanimous consent that all debate on the bill be limited to five minutes.

Mr. EATON. Before consent is given to close debate I desire to say a word. I am not quite ready to vote to increase the rank of this distinguished officer. I have heard no good reason why this increase of $2,000 or $3,000 a year should be made to his pay. It is only a few days since I tried to assist my friend here in placing a most gallant officer on the list—I allude to General Averill. If I understand aright, he is cut down to a captaincy—he, one of the most gallant men in the Army, covered all over with wounds.

Now, why should we increase the pay of this gallant soldier? Gallant soldier he was unquestionably and there are a great many others.

The calling of a man general or colonel, unless he possesses ability to warrant the title, does not make a man any better. All of us who have read the history of the French Revolution and the wars of Napoleon will recollect—you in particular, Mr. Chairman [Mr. COX, of New York, in the chair]—that when the Grenadier Guards of the Emperor paraded there was always called first the name of Latour d'Auvergne, a sergeant who died on the field of battle—the first grenadier of France, one who refused a commission and served in the ranks as a matter of choice. Every time the roll was called the first name called was Latour d'Auvergne, and his comrades answered, "Died on the field of battle." And that name will be remembered as long as Frenchmen live.

Now, I beg to ask this House why we should increase the salary of this gentlman? Is he needy? No.

Mr. LYMAN. Yes, he is; I beg your pardon.

Mr. EATON. Needy, and has $3,300 a year!

Mr. LYMAN. He has a large family.

Mr. EATON. Three thousand three hundred dollars a year and a large family; a great many men without legs and with large families do not get $20 a month.

Mr. LYMAN. They are still more needy.

Mr. EATON. This man is not needy. In my view of the term he is not needy. He has his $3,300 from the Government to-day. In my judgment it is enough. I am ready to do all that ought to be done; but there must be a halt somewhere, or not much of the one hundred millions that my friend from Colorado [Mr. BELFORD] talks about will be left in the public Treasury. If a man is needy, suffering, increase his pay, put him on the pension-list.

Mr. ROSECRANS. That is what we want to do—increase his pay.

Mr. EATON. You want to increase the pay of a man who has $3,300 a year. I do not see the necessity of that increase of pay. I think we should do all that justice demands, and no more. Be just before you are generous. Take care of the other half million of people before you are generous with this one individual. I shall vote against the bill.

Mr. LYMAN. I yield the gentleman from Montana [Mr. MAGINNIS] five minutes.

Mr. MAGINNIS. Mr. Chairman, if the armies of France were successful and the achievements of Napoleon startled and astonished the world, it was from the fact that ability and heroism were distinguished; because all who wore the name of soldier were not placed on a common level, but that those who had the skill and the brains to plan and the courage to dare stepped from the very ranks into the sunlight of glory and gained every reward which distinction could win. It will be well for this Republic if it follows in the same path, and holds forth its prizes to those who have the intelligence to conceive great enterprises and the courage to carry them out. How does such a policy compare with that laid down here to-day by the gentleman from Wisconsin [Mr. PRICE]? He inveighs against major-generals as if they were animals, and against shoulder-straps as if they were a disgrace. Why, sir, the boys who enlisted as privates in the late war and came down to serve their country and seek fame and fortune in the dangerous but alluring fields of glory that opened before them, and who, in the fierce and terrible competitive examination of battle, by superior intelligence and conspicuous valor, wore first the straps of a lieutenant, who were again advanced to captain, then to a colonel, and perhaps won the coveted and shining stars of a general officer, believed that these promotions were an honor. They thought in those days that it was a distinction to be recompensed for their bravery and a glory to win the rank and uniform which were evidences of their valor and their skill.

It was thought in those days that one of the proudest privileges of a private soldier of the volunteers was that every honor and every rank could be achieved by his intelligence or won by his valor. And now we are told by men like the gentleman from Wisconsin, who it seems did not get warm enough during the war to test either his courage or devotion, and who has just got to a white-heat now, that it was a disgrace to advance beyond the rank of a private soldier, that there is to be no distinction made for skill or courage or competency, and that the deserving and the undeserving all should stand upon a common level, forgetful of the days when the brains and courage and genius of one man was worth the force of thousands to the country, when there was a difference between the soldier and the coffee-cooler, the hero and the shirk.

I have been thought in this House to advocate the claims of too many to be put on the retired-list, but I ask the House if I ever advocated putting any one there but a hero. What did the House do the other day? I confess that the action of gentlemen in regard to this list does astonish me. I can not comprehend their inconsistencies.

Now, what did this House do the other day when it had the Army appropriation bill under consideration? It provided in that bill that any paymaster in the Army (any mere cashier, any disburser of money) who had served for twenty years should go upon the retired-list; that a non-combatant should be placed on that list after twenty years' service where you will not allow a combatant and a soldier to go unless he has served in the front line of battle for forty years. Yet you who are talking to me about the retired-list and the extravagance of the Government voted for such a distinction in favor of the non-combatant.

Mr. EATON. I have said nothing about that.

Mr. MAGINNIS. Tell me upon what principle you make this distinction? You give to a paymaster, a clerk, the right to go upon the retired-list after twenty years which you deny to soldiers who have been in active service. Did the soldiers of Napoleon win distinction and honor upon any such principle as that? Was it the practice of that great commander and organizer that clerks and paymasters and non-combatants should receive pensions and honors which were denied to soldiers and heroes?

Mr. EATON. I have not heard anybody claim that.

Mr. MAGINNIS. No; but you will recognize the fact that on last Saturday—perhaps it was Friday, when I was out at the races, or it would not have been done without my protest [laughter]—last Friday that very thing was done by the House of Representatives on the Army appropriation bill. And the addition of these paymasters to the retired-list was made by the votes of the very men who can see no reason why one who rendered the distinguished services of General Hunt should have his proper place upon that roll of honor, at least on what should be a roll of honor.

The claim that the friends of General Hunt make is this: that the war found him a particularly skillful and competent officer; that he organized largely the artillery branch of the Army, which requires more science and skill than other arms; that in order to do this he remained in a corps in which promotion was slow, when he might have claimed a place where promotion was rapid; that he held high rank and rendered distinguished and necessary service in the volunteer organization, which placed his claims above those of ordinary colonels; that after the war he was one of the senior colonels of the Army, and that in the due and proper order of time and promotion he was entitled to the grade of brigadier or major general in the regular Army, and should have obtained that grade and been retired upon it; that he was jumped by younger officers through political influence and favoritism. His friends think that it would now be but an act of justice to him, after having rendered such distinguished services to the country, and after having held this high place and rank in the volunteer service, to give him an additional grade, and so place him beside others no worthier than he. That is all there is in this bill. It is to remedy an injustice, and to place this officer in the rank that he won by his bravery, intelligence, and skill in the war.

Mr. LYMAN. The debate upon this bill has been very full, and continued at great length. I now move that the bill be laid aside to be reported favorably to the House.

The question was taken; and upon a division there were—ayes 80, noes 57.

So (no further count being called for) the bill was laid aside to be reported favorably to the House.

MARY A. LEE.

The next business on the Private Calendar was the bill (H. R. 807) for the relief of Mary A. Lee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Mary A. Lee, mother and only heir at law of Walter J. Lee, late a second lieutenant in the Twenty-eighth Regiment Michigan Infantry Volunteers, the amount of pay and allowances of a second lieutenant of infantry from September 22, 1864, to the 10th of April, 1865, and the pay and allowances of a first lieutenant of infantry from April 10, 1865, to August 10, 1865; such payment to be made out of any money in the Treasury not otherwise appropriated, and deducting therefrom the amount of any pay, if any, made him for such service.

Mr. LACEY. I ask that the report accompanying this bill be now read.

The report (by Mr. CUTCHEON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 807) for the relief of Mary A. Lee, would report that they have examined the same, and that the identical bill was favorably reported by the committee of the Forty-seventh Congress and passed the House February 28, 1883, but failed to be reached in the Senate.

The committee adopt the report of their predecessors, being Report No. 191, Forty-seventh Congress, as follows:

"Mr. Spaulding, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. 3335:

"The Committee on Military Affairs, to whom was referred the bill (H. R. 3335) for the relief of Mary A. Lee, submit the following report:

"It appears that Mrs. Mary A. Lee is the widowed mother and sole heir at law of Walter J. Lee, deceased, late a second lieutenant in the Twenty-eighth Regiment of Michigan Volunteers; that Lieutenant Lee was promoted from the ranks to be a second lieutenant in this regiment, was duly commissioned, and entered upon duty as such on the 22d day of September, 1864, and so continued till the 2d day of March, 1865, when he was placed in arrest for alleged disobedience of orders; that he was tried by court-martial on the 3d day of April, 1865, found guilty, and sentenced to be cashiered and to forfeit all pay and allowances due and to become due him; that said sentence was approved in a general order from headquarters, Department of North Carolina, bearing date July 14, 1865; that Lieutenant Lee was commissioned a first lieutenant in the said regiment to date from April 10, 1865, but was not mustered; that he was released from arrest May 18, 1865, and performed duty as first lieutenant in said regiment until the said 10th day of August; that on the said 10th day of August the general commanding the department issued a general order remitting so much of his sentence as forfeited his pay and allowances, but it being held that the sentence had been executed by virtue of the order of July 14, the order of August 10 was inoperative. As Lieutenant Lee actually performed service up to the 10th day of August, and as it is to be presumed the commanding general had good reason for remitting this part of the sentence, it is the opinion of your committee that his pay and allowances to that date were at least equitably due him, and that they should now be paid to his mother and heir at law, and the passage of the bill is therefore recommended.

Mr. LACEY. This bill has been reported unanimously by the Committee on Military Affairs of this House in three different Congresses, and it was passed by the House in the Forty-first, Forty-second, and Forty-seventh Congresses. I have no disposition to take up the time of the committee in discussing it, and unless some gentleman desires to ask a question in reference to it I will move that it be laid aside to be reported favorably to the House.

Mr. SPRINGER. How much is involved in this bill?

Mr. LACEY. There is involved in it the pay of a second lieutenant from September 22, 1864, to April 10, 1865, and the pay of a first lieutenant from April 10, 1865, to August 10, 1865.

Mr. SPRINGER. A very small amount.

Mr. LACEY. Yes; a very small amount, and it is to go to a widowed mother.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOSEPH F. WILSON.

The next business on the Private Calender was the bill (H. R. 275) for the relief of Joseph F. Wilson.

Mr. HALSELL. I ask unanimous consent that the Senate bill for the same purpose be taken up in place of the House bill.

The CHAIRMAN. Is the Senate bill in Committee of the Whole?

Mr. SPRINGER. It is on the Speaker's table.

The CHAIRMAN. Then it can not be considered in Committee of the Whole at this time.

Mr. SPRINGER. This bill can be laid aside to be reported favorably to the House, with a recommendation that the Senate bill be passed by the House in its place.

Mr. WARNER, of Ohio. I would be glad to hear the report read.

Mr. SPRINGER. I can explain the bill in a few words, but the report is not long and can be read.

The CHAIRMAN. The bill and the report will be read.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be, and he is hereby, authorized and required to issue to Joseph F. Wilson, of Peoria, Ill., or his legal representatives or assigns, a number of warrants equal to eighty acres, in tracts not less than the subdivisions provided for in the United States land laws, to be located by the said Wilson, or his legal representatives or assigns, on any of the unoccupied and unappropriated public lands of the United States subject to pre-emption or homestead entry, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which said tract of land was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by the said Josiah Smith, after his said entry, sold and conveyed to the said Wilson, and of the title to and possession of which the said Wilson was divested and dispossessed by the judgment and decree of the circuit court of the United States for the district of Indiana, at the November term, A. D. 1880, thereof, by reason of a prior disposal of, or a prior equitable title in and to, said tract of land, as the said court held and decided, to or in persons other than the said Josiah Smith; and the said Wilson, or his legal representatives or assigns, after the location of the said warrants on such lands as he or they may select, shall be allowed patents for the lands so located.

And the lands taken, selected, and located as authorized and provided for by this act shall be in full satisfaction of any claim, right, or benefit which the said Josiah Smith may have, or may have had, under and by virtue of the provisions of the said acts of Congress, as well as in full satisfaction of any claim which the said Wilson, as assignee or grantee of the said Josiah Smith, may have, or may have had, against the United States touching said described tract of land.

The report (by Mr. HALSELL) was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. 275) for the relief of Joseph F. Wilson, have considered the same, and report it back with an amendment.

The committee, upon investigation, ascertained that, pursuant to the homestead laws, Josiah Smith, on March 22, 1875, entered the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, and that a patent was issued to him for the same May 15, 1875, and was duly recorded in the office of the recorder of deeds of said Porter County, Indiana. This tract of land was subsequently sold and conveyed by said patentee to said Wilson, and the deed of conveyance therefor recorded in the recorder's office of said Porter County, Indiana. Soon after said patent and deed were so recorded, the heirs of one Ruel Starr commenced suit against said Wilson, claiming to be the owners of said land, and alleging that said Starr had acquired title thereto by purchase from one Peter Wimmer. The bill, petition, and other papers in this case were referred by the Committee on Private Land Claims of the Forty-seventh Congress to the Commissioner of the General Land Office, who, in his letter of February 24, 1882, to the Secretary of the Interior, inclosing said papers, says:

"The records of this office show that Peter Wimmer made cash entry 1829 of the land in question at the La Porte land office, Indiana, June 5, 1835, which entry was canceled by this office October 17, 1836. It does not appear that the purchase-money was ever refunded, and the tract remained vacant until March 22, 1875, when Josiah Smith entered the same under section 2036 of the Revised Statutes of the United States, as an additional homestead, and said entry was patented May 15, 1875.

"It seems from the papers submitted to Congress by Mr. Wilson in his petition for relief, and which were filed in this office January 27, 1882, by Hon. Nicholas Ford, chairman of subcommittee Private Land Claims, House of Representatives, that the title to the land in question has been judicially determined in the litigation between Joseph F. Wilson, claiming by deed from the patentee, Josiah Smith, and the equitable owners, claiming, by descent, under Ruel Starr, who claimed, as assignee of the duplicate certificate of entry 1829, from Peter Wimmer.

"From the certified record of the case, herewith, it appears that the court on the 23d December, 1880, adjudged that the equitable title to said land was for many years in Ruel Starr, who, at the time of his death, was entitled to have the legal title conveyed to him by patent from the United States, and that at the death of Starr, intestate, in April, 1875, all of his right, title, and interest in the land vested in the equitable claimants under him, and the patent issued to Smith, from whom Wilson claims by deed, conveyed only the naked legal title, and Smith and those claiming under him were chargeable with the superior equitable title of Starr and those claiming under him, and Mr. Wilson was held to be a trustee for claimants under Starr, and it was decreed that the claimants under Starr were entitled to have the legal title conveyed to them by Mr. Wilson within thirty days, and in case of default a special commissioner, Willard C. Nichols, was appointed to make the necessary deed of conveyance; and it was further ordered and decreed that Wilson and all persons claiming under him were forever enjoined from setting up any claim to the land in question. As Mr. Wilson has been judicially deprived of the title to the land derived by him under Smith's entry, and as the favorable action of Congress in the case has heretofore been recommended by my predecessor, I deem it proper to concur in that recommendation."

The Secretary of the Interior, in his letter to the committee of February 28, 1882, transmitting a copy of the foregoing letter, says that he concurs in the views of the Commissioner. In view of the foregoing facts, and of the further fact that said Wilson having in good faith, for a valuable consideration, purchased said land from said patentee, relying upon the title so granted by the Government, and he being without notice of equitable title existing in others, the committee are of opinion that it is proper and just that he should receive other land belonging to the Government in lieu of that to which his title has failed.

The committee recommend that the bill be amended by striking out the word "entry," in line 12 of said bill, and inserting the word "settlement," and that as thus amended the bill do pass.

The amendment reported from the Committee on Private Land Claims was agreed to.

The bill as amended was then laid aside to be reported favorably to the House.

PRIVATE LAND CLAIM IN NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 130) to confirm a certain land claim in the Territory of New Mexico.

The bill was read, as follows:

Be it enacted, &c., That the private land claim in the Territory of New Mexico known as the San Clémente grant, numbered 67 in the report of the surveyor-general of New Mexico, dated November 18, 1871, recommending the same for confirmation, and transmitted to Congress by the Acting Secretary of the Interior January 24, 1873, be, and the same is hereby, confirmed to the heirs and legal representatives of Ana de Sandoval y Manzanares, named in the juridical possession of said grant executed on the 23d day of July, 1716.

SEC. 2. That this confirmation shall only be construed as a relinquishment on the part of the United States, and shall not affect valid adverse rights of any person or persons, except that it shall not confer any right or title to the precious metals, but all such metals shall remain the property of the United States.

SEC. 3. That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to issue a patent for the said claim upon the presentation to him of a survey thereof, if found correct and in all respects in conformity with the confirmation made by the preceding section.

Mr. HEPBURN. I desire to hear the report in this case.

The report (by Mr. HALSELL) was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico, having considered the same and accompanying papers, submit the following report:

That the committee find the facts to be as stated in House Report No. 1500, Forty-seventh Congress, first session, which said report is hereto annexed and made part of this report, and is as follows:

[House Report No. 1500, Forty-seventh Congress, first session.]

The Committee on Private Land Claims, to whom was referred the bill (H. R. 5692) to confirm a certain private land claim in the Territory of New Mexico (San Clémente), have duly considered the same and accompanying papers, and recommend that it pass.

The facts upon which this recommendation is based are so fully set forth in the letter of the Secretary of the Interior and the report of the Commissioner of the General Land Office that your committee ask to make them a part of their report, and append extracts from House Executive Document No. 128, Forty-second Congress, third session, and other papers that are pertinent.

DEPARTMENT OF THE INTERIOR, *Washington, April* 22, 1882.

SIR: House bill 5692, "to confirm a certain private land claim in the Territory of New Mexico" (San Clémente), was received by reference of Hon. George C. Hazelton, of your committee, and referred to the Commissioner of the General Land Office. I have the honor to transmit herewith copy of his report on the subject, under date of the 19th instant, which is favorable to the passage of the bill.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. R. PACHECO,
Chairman Committee on Private Land Claims, House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 19, 1882.

SIR: The letter of Hon. George C. Hazelton, of subcommittee of Committee on Private Land Claims of the House of Representatives, dated April 15, 1882, addressed to your predecessor, and transmitting H. R. 5692, entitled "A bill to confirm a certain private land claim in the Territory of New Mexico," for a report, is before me by reference from your office.

The history of this claim is so clearly and succinctly given in Surveyor-General Proudfit's decision in the case that I feel that it would be an act of supererogation to do more than call attention to it. He speaks categorically as to the authenticity of the instrument of title upon which the claim is based, characterizing it as an original muniment. After careful examination of the transcript of this document I can see no reason to doubt the accuracy of this conclusion.

I fully concur with the surveyor-general in his opinion that the grant was made by competent authority, and was absolute and complete.

I think the confirmation as proposed in the bill will accomplish the desired result.

The said letter and bill are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

N. C. MCFARLAND,
Commissioner.

Hon. HENRY M. TELLER,
Secretary of the Interior.

The committee therefore adopt said House report as the report of this committee, and report the accompanying bill, with recommendation that it pass.

Mr. HEPBURN. Has the Clerk read the entire report?

The CHAIRMAN. There is an appendix embracing some documents.

Mr. HEPBURN. I understood there was an argument of the com-

mittee—and if so I desire to hear it—referring to the action of the surveyor-general of New Mexico, who had examined this title and given his views as to the evidences on which it rests.

The CHAIRMAN. It would take an hour to read the report with all the documents appended. The Chair suggests that the gentleman indicate the portion which he wishes to have read.

Mr. SPRINGER. While the gentleman from Iowa [Mr. HEPBURN] is looking up that matter I desire to ask the gentleman who made this report to state how many acres of land are involved in this bill? Does anybody know? The bill proposes to confirm the San Clémente grant numbered 67 in the report of the surveyor-general of New Mexico, dated November 18, 1872. Now this grant may embrace a million acres or a hundred thousand acres, or one acre.

Mr. HEPBURN. I understand it embraces 90,000 acres.

Mr. HALSELL. I will ask that this case be laid over until next Friday without prejudice. I have not been able to get the report. There seems to be some confusion in regard to it.

The CHAIRMAN. The gentleman from Kentucky [Mr. HALSELL] asks unanimous consent that this bill be passed over informally, retaining its place on the Calendar. Is there objection?

Mr. HEPBURN. I object.

Mr. SPRINGER. Is the gentleman opposed to the bill?

Mr. HEPBURN. Yes, sir; in my judgment it is a "steal" and ought to be killed now.

Mr. SPRINGER. It appears that the gentleman from Iowa is opposed to the bill and desires to make opposition to it now. For my part I have no objection to its being passed over until next week. But I wish to state that there is now pending on the Calendar a bill, reported, I believe, by the honorable gentleman from Mississippi from the Committee on Private Land Claims, for the purpose of ascertaining by a judicial proceeding all such titles as this. In view of the probability of the passage of that bill or some similar measure I think all cases of this kind should be allowed to remain in our committees or on our Calendar until we can pass a general law for ascertaining in a judicial way titles of this character.

I am informed that there are 90,000 acres of land involved in this claim.

Mr. PARKER. I understand that there are considerably more. This is my understanding, not from documentary evidence, but from the statements of gentlemen familiar with the Territory. If the gentleman will permit me I will state such information as I have.

Mr. HALSELL. I will state to the gentleman who objected to passing this bill over until next Friday that I have been trying to get the report, and have failed to obtain a copy. The supply seems to be exhausted. I think the gentleman will now consent to withdraw his objection to allowing the bill to be passed over.

Mr. HEPBURN. As the gentleman seems not prepared at this time to state his views, I am of course willing for his accommodation that the case shall go over.

Mr. HALSELL. I am not prepared for the reason that I have not been able to get a copy of the report.

The CHAIRMAN. If there be no objection the bill will be passed over informally, retaining its place on the Calendar.

There was no objection; and it was ordered accordingly.

WILLIAM J. LEE.

The next business on the Private Calendar was the bill (H. R. 1073) granting a pension to William J. Lee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William J. Lee, late confidential scout and guide, headquarters Army of the Potomac, subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the United States Army.

Mr. SPRINGER. This appears to be a pension bill, and should, I suppose, be considered at a Friday-night session.

Mr. BAGLEY. The bill has already been considered once on a Friday evening, and, objection being made, it was passed over to be considered at a regular session of the House. I would like to have the case considered now.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 1073, ask leave to submit the following report:

The petitioner, William J. Lee, was a scout in the late war, and rendered valuable and perilous service. The case is well stated in the affidavit of Deputy Provost-Marshal-General George H. Sharpe, Army of the Potomac, who says; "I am well acquainted with William J. Lee, and have known him many years. About March, 1864, I was deputy provost-marshal-general, Army of the Potomac; that said Lee was under my immediate command, and was on duty under my orders to ascertain the movements of the enemy; that at the time stated above said Lee might have contracted, and probably did contract, rheumatism or the permanent disability to which he refers, as he was constantly exposed while on said duty as scout in crossing and recrossing the Rappahannock and Rapidan Rivers in Virginia; that his duties were hazardous; that he was frequently compelled to wade and swim the rivers referred to at all stages of the winter in order to ascertain the movements of the enemy."

Dr. Taliafero's affidavit says: "Lee was a healthy man and free from rheumatism before service in the Army."

John Langdon, chief of scouts, testifies that the claimant contracted rheumatism in March, 1864, while acting as scout.

C. Christian, druggist, says that Lee has bought medicines for rheumatism at various times during the last ten years of him, and the claimant says he is still suffering and under treatment for the disease. Lee, not being an officer or enlisted man, had no title to pension, and hence the rejection by the Pension Office.

The committee are of opinion that it is a meritorious case, and recommend the passage of bill H. R. 1073.

Mr. BAGLEY. I move that this bill be laid aside to be reported favorably to the House.

The CHAIRMAN (having put the question) declared that in his opinion the motion was agreed to.

Mr. CRISP. I call for a division. The object in passing over this bill when it was considered at a night session was that a quorum might vote upon it. This man was never mustered into the service at all.

Mr. BAGLEY. It is true, as the gentleman says, that this man was not mustered into the service. In this respect his case is like those of many other persons, though perhaps they were not all scouts. This case is evidently a very meritorious one. The man is commended by General Grant, General Sharpe, and other prominent generals of the Union Army, whose letters I have in my hand and will ask to have read if it becomes necessary. The case was considered at a Friday-night session six weeks ago, when some gentleman objected to the bill, being seriously opposed to granting a pension in any case of this class where the man was simply a scout. The point of no quorum was made, and the case went over with the understanding it should retain its place on the Calendar. I have examined the case and it is one of real merit.

There is no doubt this man received serious injury. His services were perilous and hazardous. If any man ever was entitled to a pension I think this man is.

Two cases like this have been passed by the House during this month. Last Friday two week ago I tried to get this case up, but the point of no quorum was made and the case went over with the understanding it should retain its place on the Calendar.

I ask for the reading of the letter of General Grant commending this man.

Mr. CRISP. I have no objection if I may be permitted to say something in reply.

The CHAIRMAN. The matter is open for debate, and the Chair recognizes the gentleman from Georgia after the gentleman from New York.

Mr. BAGLEY. I ask for the reading of General Grant's letter.

The Clerk read as follows:

WASHINGTON, D. C., *December* 16, 1880.

DEAR SIR: I would be glad to aid you in any way in my power to procure a pension for your well-deserving services during the rebellion.

I can not specify your services as well as General Meade could if alive, or as General George H. Sharpe—who is living—can, but I know they were hazardous and attended with much exposure to health as well as personal danger. I hope you may yet get your pension.

Very truly, yours,

U. S. GRANT.

WM. J. LEE.

Mr. BAGLEY. I do not think General Grant would write a letter of that kind if he did not think this man was entitled to this pension. The evidence is conclusive that this man performed perilous service and that his disability was occasioned by exposure in the line of duty.

I now ask for the reading of the letter of General Sharpe.

The Clerk read as follows:

KINGSTON, N. Y., *November* 18, 1881.

To any post commander of the Grand Army of the Republic:

I certify that William J. Lee, of Virginia, now on duty in the office of the Chief of Engineers, United States Army, served with me at headquarters Army of the Potomac as scout and guide during a long period while I was in charge of the Bureau of Military Information, and was paid on the rolls of the Provost-Marshal-General's department.

His service was meritorious and often attended with danger, and he was reckoned among the most effective and faithful men serving under my command in that capacity.

GEORGE H. SHARPE,
Late Assistant Provost-Marshal-General
Armies operating against Richmond.

Mr. CRISP. Mr. Chairman, I do not desire to make any protracted argument. I made objection to the passage of this bill because it is to pension a man who has not been mustered into the military service of the Government. As I understand, pensions are only granted for faithful service and to those who have been mustered into the United States service.

This bill is put upon the ground that this man rendered faithful service. I submit, Mr. Chairman, there are thousands of people throughout the country who may have rendered, and doubtless did render, essential and valuable service to the Government, and yet who are not entitled to pensions. There must be some point at which this system must stop.

I understand that Congress has always been liberal in the matter of the proof requisite to establish the right to a pension. To that liberality I make no demur; but I do insist when it comes to a question of a class of people who should receive pension then it should be effected by a general law. That is the distinction I draw. When it comes to an equitable case where a man by the reason of the death of his comrade, by reason of the lapse of time, is unable to show clearly and distinctly the injuries resulted from the service, where under the strict rules of the Pension Office his claim would be rejected, then I understand Congress in dealing with that class of claims is liberal to the man who served his country, and does not require, and has not been in the habit of requiring, strict proof that he incurred the disability in the line of

duty. But when it comes to fastening on the pension-roll a new class, I do not understand any such rule exists.

If it is proper men who were not mustered into the military service should receive pensions, why not provide for it by a general law? Why bring in a particular bill for one of a class when there are not one only, but hundreds and thousands of the same class? Why single out one of a class not now entitled to a pension and say he shall be pensioned.

That is the question I present to the House. The gentleman from New York [Mr. BAGLEY] says such bills have been passed heretofore. I do not question that; but, Mr. Chairman, are we to be always told when we seek to oppose a measure that ought not to pass that some time in the past a like bill has gone through the House? Is that an argument against it? How often do we hear on the floor special appeal in a case and disclaimers of it being a precedent, and yet no matter what the circumstances may be in any other case it is always quoted a precedent.

I might criticise the evidence submitted by this committee as to the disability having been incurred in the Army. I do not feel much inclined to do that. You heard the report and you saw what the evidence is. The officer says he might have contracted and probably did contract rheumatism during the war. Is that evidence? I might say there are men who served in the army on one side or the other who did not contract it and others who did, and that of those who did not one case was traceable to service in the Army.

Now, I ask the gentleman from New York what evidence he presents to this committee to connect the rheumatism in this case with the service performed in the Army?

Mr. BAGLEY. When the gentleman gets through I will offer another document in relation to it from the Surgeon-General of the United States Army.

Mr. CRISP. The evidence submitted in the report is what? That this gentleman suffered hardships; that this gentleman had waded streams; that he had exposed himself as the soldiers exposed themselves. Why, we all know, Mr. Chairman, that any man who served in the army on either side suffered all of that character of exposure. Is it legitimate, is it proper to draw the inference, twenty years after the war has ended, that a man who has the rheumatism now contracted it in the service in the Army without positive proof upon that point? I say, though, that I am not specially inclined to criticise this case upon matters of proof of that sort. My criticism goes to this: that we are putting upon the pension-rolls a new class, and we are doing that by special legislation. If it is proper that scouts who incurred injury in the service of their country should be pensioned, why not say so by a general law, just as you did with reference to the soldiers in the Army? But the general law excludes these, and the presumption is that there is some reason why it excludes them; still we are asked to make a special exception to the general law, and we are given no reason why we should make it. There can not be, I submit, a single argument in favor of placing this scout upon the pension-roll that can not be made in favor of any scout who suffered like injuries.

Mr. BAGLEY. The gentleman, I suppose, is not speaking in my time, as I have promised to yield the time to other gentlemen.

The CHAIRMAN. The gentleman is speaking in his own time, and is entitled to an hour if he chooses to occupy it.

Mr. CRISP. There can be no reason given in this case, I respectfully submit, and I repeat it, to authorize the committee to place this gentleman upon the pension-rolls that can not be given in every other case where a scout served in the war. Now, Mr. Chairman, is it right; is it proper that we should do by indirection, that we should do for this individual what we can not do and have not undertaken to do for the great class of scouts? I go further than that; in my judgment there exists a reason why a scout should not be put on the pension-roll.

I grant you that their services are valuable. I grant you that they were necessary. But is it any argument to say that because a man's services were valuable and necessary therefore he shall go upon the pension-rolls? Could not you make as legitimate an argument in favor of any gentleman who served his country as faithfully in this House until old age and disease overtakes him? He serves his country faithfully; what is the distinction? As I understand it, pensions are granted for military services by military men who are regularly mustered into the service, and are granted exclusively for such services.

Mr. BAGLEY. Will the gentleman permit me to ask him a question? Is he not aware of the fact that many persons are receiving pensions under special acts of Congress who were never mustered into the service? If he is not aware of the fact I will cite him to the cases of the Missouri militia, among others, who were not mustered into the United States service, but who receive pension under special acts.

Mr. CRISP. If I understand those cases, and I am not certain that I do, they were put upon an entirely different ground. Many of them are put upon the ground that they would have been mustered in, but for want of a mustering officer they could not be mustered in. Some gentlemen dissent from that. If it is not put upon that ground, if put solely on the ground of the militia of a State who served during the war being put upon the pension-rolls as a matter of right, then I dissent from that and say that there is no authority except as you make it under a special act of Congress to do such a thing.

At every session of this Congress hundreds and thousands of cases are brought before it for pensions. I do not criticise that. Most of them, I take it, are that class of cases to which I have before referred, cases where by the strict rules of the Pension Office and a technical construction of the pension laws the applicants, though entitled to relief, are unable to make the proofs required by the law. It does not, however, affect the class, but it affects only the character of proof submitted by each individual applicant. That class of cases come here at every session of Congress. As I have said, no criticism is made upon them. But nowwe propose to burden the Calendars of this Congress with a class, not of men who are excluded by reason of a failure of evidence, but men who are not entitled by reason of failure of law. If it is necessary and right and proper in the judgment of the majority of this House that that class should be pensioned, then you will be doing a service to the other class who are entitled under the law but can not make the strict proof by making a general law to get off the Calendar this class of cases. But unless some reason can be given more valid than I have yet heard for putting persons upon the pension-rolls who were not mustered into the service of the United States and not recognized as a part of the Army in that sense that they are mustered in, then I shall oppose it, and I shall request that when such a law is passed, being an exception to the general law, it shall be passed at least by a quorum of the House.

Mr. BAGLEY. I yield ten minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. This is indeed, as has been so very forcibly stated by the gentleman who has just taken his seat [Mr. CRISP], an exception to the general rule. I desire to present to the committee a few reasons why it is made an exception. A scout was a very deserving character in the war. He was one that required to have sense, character, judgment, and discretion. Scouts were used by all the commanders that ever commanded a corps or a division on either side. They were used successfully, and they saved by the information that they brought to these commanders many lives, much money, and much property to the Government.

Before this civil war, the war among neighbors and friends and brothers, one forever to be regretted—before that time the rule in war among foreign nations was to employ spies. The difference between a spy and a scout is very obvious, as the gentleman from Georgia will see if he takes a little pains. A spy may be an officer or he may be a private. If he is caught he forfeits his life; no power on earth can save him. We all recollect the affecting scene in the Revolutionary war where Major André was executed, General Washington signing his death-warrant. He, a noble, gallant British officer, an officer of character and renown, was executed for the good of our country. Because he was a spy there was no possibility of saving him. But in this war, in which neighborhoods were fighting against each other, in which brothers were fighting against each other—in this war it was thought advisable not to employ many spies. I employed a few spies in my division. They all got through safe. One of them was caught, but through the magnanimity of a confederate officer he was saved. Many other officers know how dangerous was that service.

But such men as General Grant and General Sharpe, and on the other side General Lee and General Stonewall Jackson, saw fit to employ another class of men. They were scouts. They could not be mustered into any service. For if they were they would be known and would forfeit their lives. They were citizens that knew the localities occupied by the armies; they could go in citizens' garb. They had to be men of character; no general would trust them unless they were. They had to be men of sense; no general would trust them unless they were; and they had to be brave men. They had to undergo hardships such as soldiers never exceeded. But they could not have a roll to designate them as scouts. That would have brought them under the denomination of spies. In the very nature of the case they had no roll. A soldier has a muster-roll that he can appeal to. An officer has a commission and a muster-roll too that he can appeal to when he asks for a pension. But here is the poor scout without any roll, without any evidence to recognize him except the memory of the officer who employed him.

He goes forth with his life in his hands to wade the streams, to meet the cold, to meet the heat, to encounter every hardship. He goes alone. Alone he takes his life in his hands and goes out to find the information upon which such men as General Grant act and such men as General Lee act; and they are honorable men. He goes forth meeting all the hardships, troubles, and trials, and everything a soldier endures. But he has no roll. The officer can not keep a roll of the scouts, for that would bring them into the denomination of spies. Therefore the scout has no record, no muster-roll to appeal to.

The gentleman from Georgia talks about passing a general law. Where, in Heaven's name, in passing a general law, would you start from? Where is the roll? You have no roll. Every case must come as an individual case. It can come in no other way. Does the gentleman say in the largeness of his heart and his love of soldiers that those who did such signal service for their country shall not be recognized? Does the gentleman say the proof must be in the roll? As I have said, there can be no roll. The proof must be in the memory of

the officer who employed the scout; and upon that memory up comes General Grant and says: "I remember you as a scout; doubtless you lost your health in doing the arduous duty of a scout; I know you did." And here comes General Sharpe and says: "I know you were a scout and you lost your health while serving in that capacity."

Now, shall this man have no pension? Shall this Government, which has acted so magnanimously to its soldiers, give this man nothing? I appeal to the gentlemen who talk so much about making provision for the private soldier to come and help this individual by an individual and particular law. For you can make no general law that will cover all the cases. You must rely on the memory of the officer who employed the scout. I appeal to you to come and help one of the most deserving cases that ever was brought before Congress for a pension.

I ask you to do in this case that justice which you do to the soldier. A soldier comes that has lost his health by exposure on the field, by wading through streams, meeting vicissitudes of cold and heat, and suffering in a variety of ways for his country, and without hesitation you say, your heart makes you say, "You have served your country well; we will give you a pension."

I ask these gentlemen who talk so much about the private soldier to give a favorable consideration to these cases. Here is a man occupying a rank a little inferior to that of a private soldier, a man in the service of the Government whose position is not recognized by a muster-roll. We ask you to recognize that man and to give him what is his right at the hands of the Government. Will you say to this man: "You were employed to go and find out how many soldiers 'Stonewall' Jackson had and where he was marching, and you communicated that information to General Pope or General Grant or General Burnside or whoever it may be; they were enabled by your information to know exactly where the enemy was and to defeat his intentions; in that service you have lost your health; your manhood has been destroyed by the sufferings you were exposed to, and yet we will not grant you a pension because you have no roll to which you can appeal; poor fellow, you are cut off; the policy of the Government cuts you off." But honor, decency, and justice should not cut him off. The proof is clear. Do you believe General Grant? Do you believe General Sharpe? If you do you have all the proof you require. You have all the proof here that you can have in any case; and having that proof you should give him the same pension as you give to the private soldier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I desire, with the permission of the gentleman in charge of the bill, to make a suggestion. There are forty-six committees of this House, all of which have reported private bills which are now on the Private Calendar. The House has very properly set apart one night of each week for the exclusive consideration of pension bills. This is a pension bill, and the only reason why it is brought up to-day is because of the want of a quornm at the time it was considered at one of the night sessions for pension bills.

Now it is very evident that there is no quorum here at present and I understand that point will be made, not by me, but by other gentlemen, if the consideration of this bill is pressed. In the interest of economy of time, and in the interest of other committees of the House that have bills upon the Calendar, I suggest to the gentleman in charge of this bill to let it pass over until there is a quorum present, and in the mean time let some of the others of the forty-six committees have an opportunity to have their bills considered.

Mr. BAGLEY. I would very gladly accede to the wishes of the gentleman but for the fact that this case has been upon the Calendar long enough, I think, to be now considered and determined by the Committee of the Whole in some way. I yield to my colleague from New York [Mr. PARKER].

Mr. PARKER. Before saying anything upon the bill I would like to suggest to the gentleman from Kentucky [Mr. WILLIS], in response to his suggestion, whether we might not now agree to report this bill to the House with a favorable recommendation, with the understanding that there shall be an ay-and-no vote upon it in the House.

Mr. WILLIS. So far as I am personally concerned I have no objection to that course being followed, and I suppose it will be a practical solution of the difficulty.

Mr. PARKER. It seems to me that in that way we can reach a vote in this case.

Mr. CRISP. I have no objection to that, with that understanding.

Mr. BAGLEY. I desire to test the sense of the House upon this bill. If any gentleman desires to make the point that there is no quorum present I want to let him take the responsibility.

Mr. CRISP. If the gentleman puts it upon the ground of responsibility, I will say to him that I am willing to take it. I had no objection, however, to agree to a proposition which I thought would accommodate the gentleman.

Mr. BAGLEY. Perhaps I misunderstood the proposition.

Mr. MILLER, of Pennsylvania. The proposition was to allow this bill to be reported favorably to the House with the understanding that there should be a yea-and-nay vote upon it in the House.

Mr. BAGLEY. I have no objection to that, and very gladly accept the proposition.

There being no objection, the bill was laid aside to be reported to the House with the understanding that the vote upon its passage should be taken by yeas and nays.

A. H. HERR.

The next business on the Private Calendar was the bill (H. R. 4380) for the relief of A. H. Herr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. H. Herr, of the District of Columbia, the sum of $15,000, out of any money in the Treasury not otherwise appropriated, for the use and occupation of the island of Virginius, known as Herr's Island, during the late war by the Army of the United States.

Mr. ROWELL. I move that the bill be laid aside to be reported favorably to the House.

Mr. MILLER, of Pennsylvania, and Mr. HEWITT, of Alabama, called for the reading of the report.

The report (by Mr. ROWELL) was read, as follows:

The Committee on War Claims, to whom was referred the petition of A. H. Herr, have had the same under consideration, and submit the following report:

This claim is for the use and occupation of Herr's Island, near Harper's Ferry, W. Va., by Federal troops from February, 1862, to February, 1866

The property in question "was a very extensive and valuable estate, embracing twelve acres of land, thirty-two dwelling houses, a large four-story cotton-factory building, a large iron foundery, saw-mill, and many outbuildings," and was all occupied at various times during the period named, and under control of acting quartermasters in the United States Army.

Mr. Herr, the owner of the property, was a loyal citizen, who for his loyalty suffered imprisonment at the hands of the rebels, and many other vexations—besides great destruction of property.

February 28, 1866, Maj. Gen. W. S. Hancock made an order convening a board of officers to examine and report upon the condition of property in the department lately used by the Government, under the direction of the Quartermaster's Department, with a view of determining what would be required to put it in the same condition as when first occupied by the Government.

In accordance with such order, the board convened and proceeded to examine the various property covered by the order, and on July 3, 1866, entered upon a critical examination of the property involved in this case, and of the evidence of its occupation, and its rental value; and reported in detail each building occupied, the time of its occupancy, and the rental value. The result of this examination was a report of a total rent of $17,288.53.

This report was not approved by the Quartermaster-General, but the claim was by him referred to General Blunt, chief quartermaster Department of the Potomac, who, on December 27, 1865, made return of his conclusions, in which he stated that he had made personal examination of the premises, accompanied by his agent, and was satisfied that the buildings were occupied for military purposes for the whole of the time alleged in the claim. He expresses the opinion that the occupation tended to preserve the buildings from being destroyed by the rebels, and also says that the works not being in operation would prevent the owner from deriving any material benefit from it. Yet he says the Government derived material benefit from its use, and he carefully readjusts the estimates of the board of officers and recommends the allowance of $15,294.58.

Upon receipt of this report Acting Quartermaster-General Rucker disallowed $8,408.33 of the claim, and recommended the payment of $6,886.25.

This reduction was made upon the statement in the report of General Blunt, that the occupancy of the property by the Army had the effect to protect it from destruction by the rebels, and the assumption that the works were not in operation, and therefore were of little use to their owner.

This finding was approved by Quartermaster-General Meigs, but the claimant refused to accept the amount.

Subsequently, the whole matter was referred to Deputy Quartermaster-General Ekin, who, on June 7, 1869, made an elaborate report upon the findings of the board of officers, the report of General Blunt, and the action of the Quartermaster-General on the same. He also considered additional evidence, which showed that the supposed facts in regard to the operation of this property by the owner, as reported by General Blunt, did not in reality exist, and that the condition of the property, with reference to its use by the owner, had been misunderstood.

The report also combats the idea that its occupancy by the Union troops tended to preserve it from destruction.

After reviewing the history of the case, and reciting the evidence upon which his findings were based, the report concludes with a recommendation of an allowance of $15,000.

This report is returned by the Quartermaster-General to General Ekin, with a suggestion that it is like another case cited. Whereupon General Ekin makes response as follows:

"The ruling in the Murfreesborough decision could be made applicable in this case, but in view of the fact that it has been the custom of this Department to pay rent for property at Harper's Ferry, which was occupied by the United States during the war, and in the absence of any law or order prohibiting its payment, I can not perceive any just reason why Mr. Herr should not be paid such rent as may be found to be due him."

March 16, 1874, the claim was taken before the Secretary of War for review, who, upon examination of all the papers in the case, approved the finding of the board of officers convened by General Hancock, but on reference to the accounting officers the Third Auditor reported adversely, and the claim was disallowed by the Comptroller April 7, 1874—

"On the ground that the prohibitory act of February 19, 1867, was not repealed by the joint resolution of July 28, 1868, extending the benefit of the act of July 4, 1864, to the counties of Jefferson and Berkeley, West Virginia."

On reargument this decision was reaffirmed May 26, 1874.

The case was finally reviewed by the Comptroller July 23, 1875. In that review he says:

"There is but one question now to be determined in the case. The claimant's loyalty and ownership, the occupancy of the property by the Federal forces, the proper administrative action in the War Department, and perhaps the amount of compensation to be allowed, are all sufficiently shown."

After reciting the various acts of Congress bearing upon the right to adjust and pay this claim, the report says:

"It [the act of 1867] expressly prohibits the settlement of certain claims originating in a State, or part of a State, described in the proclamation of July 1, 1868. * * * Jefferson County, Virginia, is among the counties described in that proclamation, and the prohibition, it seems to me, is as positive as if the act had repeated the words of the proclamation."

And so this claim was rejected—not because it ought not to be paid, but because the Department before which it was pending was expressly prohibited by act of Congress from settling claims of this character.

The committee are of opinion that the allowance of this claim is an act of

justice which ought not longer to be delayed for want of a tribunal in which to enforce it.

Claimant's property was occupied by United States troops without any express agreement as to the amount of compensation. Its use was of great value to the Government, and effected a saving of much more than the amount claimed. Its occupancy was a necessity at the time. The officers taking possession and the claimant both supposed that reasonable rent was to be paid. Large damage was done to the property, for which no claim is made.

We are further of the opinion that the amount of $15,000, recommended by General Ekin, being one-half of the rental value of the property previous to the commencement of hostilities in 1861, is a reasonable amount to be paid. We therefore return the petition with the accompanying bill, and recommend that the bill be passed.

Mr. SPRINGER. I would ask my colleague why this amount has not been paid before?

Mr. ROWELL. If my colleague [Mr. SPRINGER] had listened to the reading of the report he would have understood the reason.

Mr. SPRINGER. I did listen to it.

Mr. ROWELL. This claim was originally presented to a commission appointed by General Hancock which approved the payment of the sum of $17,000. The account went through the hands of various quartermasters and was finally approved by the Secretary of War and referred to the auditing officers of the Treasury Department.

When it was there examined it was discovered that the county in which this property is situated was included within the terms of the law of 1867, forbidding officers of the Government to adjust and allow any rent claim in any section of the country covered by the original proclamation of the President in reference to insurrections. For that reason they rejected the account, not because it was such an account as would not have been paid had there been no such law. Finding that the county in which Harper's Ferry was situated was one of the counties originally proclaimed to be in insurrection, the auditing officers of the Treasury refused to audit the claim.

The amount recommended by this bill is only about half of the rental value of this property previous to hostilities for the time it was actually occupied by the Government. It was one of the largest properties there, and was occupied as stated in the report.

Mr. SPRINGER. What is the value of the property itself?

Mr. ROWELL. That I can not tell. The original estimate of its rental value, $17,000, was made upon the basis of 6 per cent. of the assessed value of the property, which was about half the real value. There are upon it thirty-two brick and stone dwelling-houses, a large cotton-factory, and twelve acres of land which was used by the Government as a corral.

Mr. SPRINGER. Were those buildings and the cotton factory used by the Government for Government purposes?

Mr. ROWELL. Yes, sir; all of the buildings were used either for officers' quarters or for hospital purposes or for barracks for the soldiers.

Mr. SPRINGER. Is any part of the claim for damage to the property?

Mr. ROWELL. No; all claim for damage was rejected.

Mr. SPRINGER. It is all for rent?

Mr. ROWELL. It is wholly for rent, although the property was damaged more than the whole amount of the claim. It is wholly for rent and is less than one-half of the rental value of the property previous to hostilities.

Mr. SPRINGER. Was there any contract fixing the amount of rent to be paid?

Mr. ROWELL. No, sir. The circumstances were these: Mr. Herr also owned a large flouring-mill there. After the commencement of hostilities Mr. Herr, with the assistance of the Union forces, got the flour and wheat out of the mill and turned the mill over to the Union authorities. Shortly afterward Harper's Ferry was captured by the confederate forces, the mill was burned by way of retaliation, and Mr. Herr was taken a prisoner and carried to Richmond, where he was kept for some time. When our troops occupied this property no contract was made; they simply took possession of the island, but it was the understanding that rent should be paid.

Mr. STOCKSLAGER. As I understand, my friend states that this claim was paid because the accounting officers discovered that by the original proclamation the officers of the Government were prohibited from paying rent for any property within that county.

Mr. ROWELL. The gentleman misunderstood me. In 1867 Congress passed a law forbidding the accounting officers of the Government to adjust or allow any claims for rent in any section of the country covered by the original proclamation. Under this law the accounting officers held (although the correctness of their holding may be doubted), that Harper's Ferry was within the territory included in the proclamation, which covered all sections of the country in insurrection. Harper's Ferry being in West Virginia, and not excepted, the accounting officers held that it was covered by the proclamation and the law, and therefore they would not adjust or allow any rent claims from that portion of the country.

Mr. STOCKSLAGER. Would not the passage of this bill make a precedent under which other claims from the same territory might come in?

Mr. ROWELL. For years, ever since 1867, we have been passing these claims for rent.

Mr. STOCKSLAGER. Within that territory?

Mr. ROWELL. Within that territory—in Kentucky, Tennessee, and in all the sections covered by that proclamation. The accounting officers of the Government can not settle any claim for rent coming from anywhere in the South, though it may have arisen a year after the war actually closed, except under a special act or a general repeal of the law of 1867.

Mr. STOCKSLAGER. The gentleman says, as I understand, that we have been passing bills to pay these rent claims.

Mr. ROWELL. Oh, yes, sir; claims from Mobile, Memphis, Vicksburg, New Orleans, and other places in the South. These claims, many of them, originated in 1865, after the war was actually closed, but before it had been officially declared terminated, and therefore the claims can not be settled without authority from Congress.

Mr. HEWITT, of Alabama. I would like to know for what purpose these buildings were occupied.

Mr. ROWELL. I stated a little while ago that they were occupied for barracks, for hospitals, for officers' quarters, and the island, embracing twelve acres, for a corral.

Mr. HEWITT, of Alabama. Had these buildings which were occupied by the United States forces been erected by Mr. Herr for the occupancy of the operatives in his cotton factory?

Mr. ROWELL. Herr's Island had upon it a large flour-mill, a cotton factory, and a number of dwellings erected, I presume, to be occupied by his employés. They were two-story brick and stone dwelling-houses. At the time this property was taken possession of by the Union forces his mill had been burned up and his cotton factory was being converted into a mill.

Mr. HEWITT, of Alabama. If the Government had not occupied these buildings, could Mr. Herr have rented them at that time?

Mr. ROWELL. For a large part of the time he would have been able to rent them, and I think for a higher price than before the war. At other times he would not have been able to rent them. This bill provides for paying only 50 per cent. of the rental value, taking each month that the property was occupied. The commission under General Hancock found the exact number of months each building was occupied. Nothing is allowed for the time the buildings were not occupied by the Government. Sometimes some of them were vacant. The use of this property by the Government extended from 1862 to 1866—portions of that time. This bill proposes to allow rent only for the time each building was actually occupied, and at one-half the rental value.

Mr. WOLFORD. As I understand the statement of the gentleman from Illinois, this man was a Union man, and because of that fact was taken from his home and placed in a confederate prison, and while he was thus confined our Government used his property; and now, because he happened to be inside the jurisdiction of the confederacy, there is a law which prevents him from being paid for the use of his property.

Mr. ROWELL. The reason a special act is necessary is that in 1867 Congress forbade the Departments to settle any of these claims for rent.

Mr. WOLFORD. But it is the fact that he was a Union man——

Mr. ROWELL. Yes, sir.

Mr. WOLFORD. Undoubtedly?

Mr. ROWELL. Undoubtedly.

Mr. WOLFORD. And was in a confederate prison while our forces occupied his property?

Mr. ROWELL. A part of the time.

Mr. WHITE, of Kentucky. Mr. Chairman, I do not rise to oppose this bill, but to call attention to the fact that in passing special bills of this character we overlook one very important matter. There are hundreds of claims fully as just as this, but because the amount is not large, or because the parties are not able to come to Washington to push their claims, their claims are neglected. It seems to me if we want to do the right thing we ought to pass a law creating a court with full power to examine into the mirits of all the claims now before Congress, and to classify them so that we shall know the honest and just from the fraudulent and doubtful ones. Then with that information Congress can appropriate money to pay the parties whose private property was taken for public use.

I do not oppose this bill, but I say we are doing wrong to take up isolated cases and pass them when we know there are hundreds as just which are being neglected.

I plant myself on this clause of article 5 of the amendments to the Constitution:

Nor shall private property be taken for public use without just compensation.

You may say this is a claim for rents, and that the Constitution does not cover the case. Now, sir, I claim the rent of property is as much a part of the property as the realty itself; and if it can be proven, as has been done in this case, that the property was taken and used by the Federal Army, we owe it to the persons losing the use of their property to give them just compensation, unless the proof is clear that the owner was giving aid and comfort to the enemy of the United States. What we ought to do is, instead of bringing in bills for private claims like this, to pass a general law creating a court to consider all of this class of cases, so that the poorest man in the United States who has lost a horse or property in any other shape may come and receive just compensation for his property taken for public use

Mr. ROWELL moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

SAMUEL MAY.

The next business on the Private Calendar was the bill (H. R. 625) for the relief of Samuel May; reported adversely by Mr. ROWELL, from the Committee on War Claims.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Samuel May, of Floyd County, Kentucky, the sum of $3,000, in settlement for quartermaster and commissary stores taken from him during the late war.

Mr. ROWELL. I move the enacting clause of that bill be stricken out.

Mr. WHITE, of Kentucky. I ask the gentleman to give the reasons for the motion he has made.

Mr. MORSE. It is an adverse report, and that is sufficient.

Mr. WHITE, of Kentucky. Yes, there is an adverse report; but there is not a member of that committee who will say he is not convinced the property of the gentleman was taken and used by the Federal forces.

Mr. MORSE. This question is not debatable.

The CHAIRMAN. It is not.

Mr. WHITE, of Kentucky. I should like the gentleman to explain what course of argument led to the adverse report.

Mr. MORSE. We will explain by our votes.

Mr. WHITE, of Kentucky. We ought to know so we may vote intelligently. Was it not simply because the Department could not certify it was convinced of his loyalty? But is there any proof that the claimant took up arms against the Government of the United States? And I am sure that no one will deny that Kentucky was a loyal State during the entire war.

The committee divided; and there were—ayes 100, noes 4.

So Mr. ROWELL'S motion was agreed to.

The CHAIRMAN. The bill will be laid aside to be reported to the House with the recommendation that the enacting clause be stricken out.

MARCOS RADICH.

The next business on the Private Calendar was the bill (H. R. 4381) for the relief of Marcos Radich.

Mr. STORM. The House has passed the Senate bill in that case and I move this bill be laid aside to be reported to the House with the recommendation that it be laid upon the table.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. GEDDES. I move that the bill (H. R. 4382) for the relief of William H. Davis be passed over until the next meeting.

Mr. MCMILLIN. I also move the next case, which is an adverse report on the petition of Jane M. Goodale, be also passed over.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. WHITE, of Kentucky, addressed the Chair.

Mr. SPRINGER. I suggest that the two private land claims bills following be passed over informally also.

Mr. WHITE, of Kentucky. I have risen to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to know what effect that would have on the claim of Mr. May, of which bill the enacting clause was stricken out?

The CHAIRMAN. That will be reported to the House with the recommendation that the enacting clause be stricken out. What action the House may see proper to take upon it is not for the Chair to determine.

Mr. WHITE, of Kentucky. Do I understand that this is a motion or proposition to pass over informally all of the other claims on the Calendar?

The CHAIRMAN. The proposition is to pass over informally certain of these claims, allowing them to retain their places on the Calendar without prejudice. The Clerk will report the title of the next bill.

PRIVATE LAND GRANTS, ARIZONA.

The next business on the Private Calendar was the bill (H. R. 1680) to confirm titles to certain private land grants in Arizona Territory.

Mr. SPRINGER. I suggest, if there be no objection, that as the private land claims bill preceding this has been passed over informally, that the same course be taken in connection with this one, and also the one following.

The CHAIRMAN. That has not yet been reported for the action of the committee. It has not been reached.

Mr. MULDROW. I have no objection to that provided it retains its place on the Calendar, as I do not see the gentleman who reported it in his seat.

Mr. SPRINGER. I suggest that that course be taken with reference to this bill, and the next one on the Calendar, which is also a private land bill.

Mr. WHITE, of Kentucky. I ask that the claim of Mr. May, which we have voted on, be passed over informally, not to lose its place on the Calendar.

The CHAIRMAN. That bill, by the order of the committee, is directed to be reported to the House with the recommendation that its enacting clause be stricken out. If that recommendation is concurred in the bill will have no place on the Calendar.

Mr. WHITE, of Kentucky. Then we had better clear the Calendar, and I object to passing over this bill informally.

Mr. SPRINGER. The gentleman will not object when he understands that the gentleman who reported the bill and who has it in charge is not present.

Mr. WHITE, of Kentucky. I will say to the gentleman, who is familiar with the rules of the House, that if the gentleman were present he could not make a speech on the bill, as I found out by experience when a motion was made to strike out the enacting clause on a bill a short time ago.

Mr. SPRINGER. But the motion is not made to strike out the enacting clause of this bill, but only that it be passed over informally, so that the committee may proceed to the consideration of other business upon the Calendar, leaving this bill in its present condition.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. WHITE, of Kentucky. I think we had better clear the Calendar. I call for the regular order.

The CHAIRMAN. If there be no objection, the regular order will be the unanimous consent of the committee to the request of the gentleman from Illinois.

Mr. WHITE, of Kentucky. But I object, and that is the regular order.

Mr. PERKINS. Is a motion in order to lay that bill aside informally?

The CHAIRMAN. That would be in order.

Mr. PERKINS. Then I move that the bill be passed over informally, not to lose its place on the Calendar.

The motion was agreed to.

LAND CLAIM, NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 128) to confirm a certain land claim in the Territory of New Mexico.

Mr. PARKER. Mr. Chairman, as this is a bill which I reported from the Committee on Private Land Claims, and as I have no desire that it shall take precedence over other bills of a similar character from the same committee, and as I should be well satisfied to have the Senate bill reported to this House, and which will take precedence of all of these bills, considered before any of them, I ask unanimous consent that this bill be laid aside informally, not to lose its place upon the Calendar.

There was no objection, and it was ordered accordingly.

FRANCIS B. VAN HAESEN.

The next business on the Private Calendar was the bill (H. R. 847) for the relief of Francis B. Van Haesen.

Mr. STORM. My colleague, Mr. MUTCHLER, who reported this bill, is absent, and at his request I ask that this bill be laid aside informally, not to lose its place upon the Calendar.

Mr. NELSON. I think I must object to that. This bill has been reported from the committee and we had better dispose of it.

Mr. STORM. Then I must make the motion that it be laid aside informally, not to lose its place upon the Calendar.

The motion was agreed to.

PRIVATE LAND CLAIM, NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 129) to confirm a certain land claim in the Territory of New Mexico.

Mr. STORM. I ask that that bill be also laid aside for the same reason—that the gentleman who reported it is not present.

Mr. MULDROW. There is no objection, as I understand it, to this request.

The bill, by unanimous consent, was passed over informally, not to lose its place on the Calendar.

BRANNIN, SUMMERS & CO.

The next business on the Private Calendar was the bill (H. R. 652) for the relief of Brannin, Summers & Co.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be authorized and directed to pay Brannin, Summers & Co., of Louisville, Ky., the sum of $9,588.62, in full for duties paid by them in certain proceedings in rem, brought by the United States against certain sugars, in the United States —— court for the district of Kentucky; alleged to have been fraudulently imported through the custom-house at New Orleans.

Mr. JONES, of Arkansas. This bill I will state has been reported from the Ways and Means Committee by every Congress since the Forty-third. It was the unanimous report of the Committee on Ways and Means of the Forty-third Congress and also in the Forty-fourth Congress, at which time it was unanimously passed by this House. The Committee of Ways and Means of the Forty-fifth, Forty-sixth, and Forty-seventh Congresses each reported the bill, and it is now unanimously reported by the present Committee on Ways and Means. I do

not think there can be any objection to the bill. But if any gentleman wants any explanation I am willing to make it. If there be no objection, I move that it be laid aside to be reported to the House with a favorable recommendation.

Mr. WARNER, of Ohio. One word before that is done. There was but one question that I could see in looking over this report which tended to convey any doubt to my mind as to the propriety of the bill, and if the evidence is clear on that point, in my judgment the case is a good one. The evidence is clear that the claimants here had no knowledge of the fraud committed by the importers and were not in collusion with them. If that be true I have no hesitancy in saying that the claim should be passed.

Mr. JONES, of Arkansas. That is as perfectly clear as anything could be. My attention was specially called to that. The papers were voluminous. The testimony brought in, and the evidence on oath of the parties themselves, and everything connected with it clearly showed that to be the fact, and that the circumstances of the case were such as to authorize the party in Louisville to believe the sugars were shipped in the most perfect good faith. There was not a circumstance connected with the transaction calculated to put a man on his guard.

Mr. WARNER, of Ohio. It was a matter then between the Government and the officials, to which these claimants were not parties?

Mr. JONES, of Arkansas. I am satisfied they had not the remotest idea of it.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS B. VAN HAESEN.

Mr. STRAIT. I believe the gentleman from Pennsylvania [Mr. STORM], who asked that the bill (H. R. 847) for the relief of Francis B. Van Haesen be passed over, is now willing that it should be considered at this time.

Mr. STORM. I learn that the gentleman from Minnesota [Mr. NELSON] had an arrangement with my colleague [Mr. MUTCHLER] which I did not know of. I hope in justice to him the bill will be taken up.

The CHAIRMAN. That may be done by unanimous consent. The gentleman from Minnesota asks unanimous consent to return to the bill H. R. 847.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of the General Land Office is hereby authorized, on behalf of the United States, to accept a relinquishment by the governor of the State of Minnesota, executed under the authority of an act of the Legislature of said State approved February 24, A. D. 1881, of the title derived by said State through an internal-improvement selection certified by the Commissioner of the General Land Office on May 8, A. D. 1869, for the southeast quarter of section 3, township 128, range 40 west, in the district of lands subject to sale at Alexandria, Minn.; and that the location of said tract by Francis B. Van Haesen, with military bounty land-warrant numbered 106976, for one hundred and sixty acres, issued under the act of March 3, A. D. 1855, and which was patented by the United States to said Francis B. Van Haesen on the 15th day of October, A. D. 1870, be, and the same hereby is, confirmed; and the State of Minnesota shall be allowed to select other lands in lieu of the tract relinquished as aforesaid.

Mr. NELSON. If no gentleman desires an explanation, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

L. S. ENSEL.

The next business on the Private Calendar was the bill (H. R. 191) for the relief of L. S. Ensel, reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to pay L. S. Ensel, of Springfield, Ill., the sum of $1,075 out of any money in the Treasury not otherwise appropriated; the same being the amount paid by the said Ensel and covered into the Treasury of the United States as security on the recognizance of Michael Heilbron and Bernard Weil, who were indicted and tried in the United States district court for the northern district of Illinois, under clause 9 of section 5132 of the Revised Statutes of the United States.

The bill was reported by the Committee on the Judiciary with the following amendment:

In line 5 strike out "$1,075" and insert "$1,054.22."

Mr. SPRINGER. I can explain this bill in one moment, or if gentlemen prefer it they can have the report read. This gentleman was security on an official bond. The principals made their escape. Judgment was entered against him and he paid the amount of the bond. Subsequently the defendants returned and moved to quash the indictment. The court quashed it on the ground that the Supreme Court of the United States had decided in a similar case involving the same statute that the statute was void and that it was not an indictable offense at all. This money had been paid to the district attorneys and was covered into the Treasury. This bill passed the last Congress and has been twice reported favorably by the Committee on the Judiciary. The amount involved is only a thousand dollars.

Mr. WARNER, of Ohio. Is there a report in the case?

Mr. SPRINGER. Yes, sir; there is a unanimous report by the Committee on the Judiciary of this Congress, as there was also in the last Congress.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. S. A. WRIGHT AND MRS. C. FAHNESTOCK.

The next business on the Private Calendar was the bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock; reported by Mr. MOREY, from the Committee on Patents.

The bill was read.

Mr. WARNER, of Ohio. Is this bill reported by the Committee on Patents?

Mr. VANCE. It is. A similar bill was acted upon by the Committee on Patents of the House, and was agreed to.

Mr. WARNER, of Ohio. I call for the reading of the report.

ORDER OF BUSINESS.

Mr. MCMILLIN. As the report in this case seems to be lengthy and we have as much business as we can attend to in the House before the recess, I shall be constrained to move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House, having had the Private Calendar under consideration, had directed him to report back sundry bills favorably, some with and some without amendment. He further reported that the Committee of the Whole had directed him to report back the bill (H. R. 625) for the relief of Samuel May with the recommendation that the enacting clause be stricken out.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes; and

A bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

PENSION APPROPRIATION BILL.

Mr. FOLLETT. I move that the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, returned from the Senate with amendments, be taken from the Speaker's table, and that the bill and amendments be referred to the Committee on Appropriations and printed.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa."

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association;

A bill (H. R. 5443) for the relief of N. C. Ridenour;

A bill (H. R. 4994) to vacate an alley in square 234, in the city of Washington; and

A bill (H. R. 7076) to declare the cantalever bridge, constructed by the Niagara River Bridge Company across the Niagara River, a post-route.

CLAIMS ALLOWED.

Mr. MCMILLIN. I ask unanimous consent that in the consideration of bills reported from the Committee of the Whole the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States of the Treasury Department be first taken up.

The SPEAKER. That is the first bill reported to-day.

Mr. MULDROW. There are some bills reported on a former Friday from the Committee of the Whole House. Are they not first in order for the action of the House to-day?

The SPEAKER. They are first in order. But the gentleman from Tennessee asks unanimous consent to dispose of the bill he has indicated.

Mr. MCMILLIN. It is very lengthy and will take some time to engross it. I think the gentleman from Mississippi [Mr. MULDROW] will not object. There was no objection to it in the committee at all.

The SPEAKER. If there be no objection the bill indicated will first be considered.

There was no objection.

The amendments reported by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCMILLIN moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF CHARGES OF DESERTION.

The SPEAKER. The House will now proceed to the consideration of the first bill in order heretofore reported from the Committee of the Whole on the Private Calendar.

The bill (H. R. 3935) to relieve certain soldiers of the late war from the charge of desertion was then taken up.

Mr. SPRINGER. I ask unanimous consent that all the bills reported to-day and heretofore from the Committee of the Whole on the Private Calendar to which there is no objection and upon which no yea-and-nay vote will be called be first considered, and after that those bills shall be taken up upon which the yeas and nays are desired.

Mr. DUNHAM. I object.

Mr. WHITE, of Kentucky. I think we had better follow the regular order of business.

Mr. PERKINS. This bill has been pending now for some weeks and should be disposed of.

The SPEAKER. Objection is made to the proposition of the gentleman from Illinois [Mr. SPRINGER]. The pending question is upon the motion of the gentleman from Indiana [Mr. STEELE] to refer the bill the title of which has been read to the Committee on Military Affairs. Upon that question tellers were ordered by the House, and when the vote was taken no quorum appeared.

Mr. STEELE. If there is no objection I will withdraw the demand for tellers.

Mr. CRISP. I made the point before that no quorum had voted, and I renew the demand for tellers.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] insists upon the point that no quorum had voted on the motion to refer. The Chair will appoint the gentleman from Indiana [Mr. BROWNE] and the gentleman from Georgia [Mr. CRISP] to act as tellers.

Mr. SPRINGER. I ask unanimous consent that this bill be laid aside, not to lose its place in the order of business, to be taken up the next time this class of business is reached.

Mr. MILLER, of Pennsylvania. Let it be taken up to-morrow morning.

Mr. JONES, of Wisconsin. I object.

The SPEAKER. Is there objection to the proposition of the gentleman from Illinois [Mr. SPRINGER]?

Mr. DUNHAM. I object.

Mr. WHITE, of Kentucky. The Democratic party ought to keep a quorum here for other business than the unseating of members on this side.

The SPEAKER. The tellers will take their places.

The tellers proceeded to take the count; and reported that there were—ayes 42, noes 103.

Mr. CRISP (one of the tellers). I make the point that no quorum has voted.

Mr. NICHOLLS. I move that the House now adjourn.

Mr. DEUSTER (to Mr. NICHOLLS). Move to take a recess until 8 o'clock this evening for pension bills.

Mr. NICHOLLS. I modify my motion so that the House take a recess until 8 o'clock this evening.

The SPEAKER. That can only be done by unanimous consent at this time, as it requires a quorum to take a recess.

Mr. CRISP. Then I will withdraw the motion for a recess.

Mr. MCMILLIN. I ask the indulgence of the House to make a suggestion. There are several bills which have been reported from the Committee of the Whole to which there was no objection in committee, and I think they can be passed now. They relate to matters in which I am not personally interested; none of the persons affected by them are of my constituents, and I believe none of the bills have been reported from the committee I am on. When a bill is reached upon which there is any controversy, it can be passed over.

Mr. DINGLEY. I hope the suggestion of the gentleman from Tennessee [Mr. MCMILLIN] will be adopted. There are some bills which have been reported from the Committee of the Whole to which there is apparently no objection.

Mr. DUNHAM. I object.

Mr. WHITE, of Kentucky. This is an important bill and should be acted upon. There is nothing in the way of its consideration at this time except the fact that there is no quorum here. Let us have a quorum, if any business is to be done.

Mr. MCMILLIN. I trust the gentleman from Kentucky [Mr. WHITE] in his anxiety to do business will not stand in the way of doing business.

The SPEAKER. This is not debatable.

Mr. MCMILLIN. I only made the suggestion.

The SPEAKER. Objection is made to the request of the gentleman from Tennessee.

Mr. SPRINGER. It is impossible to do any business at this time, unless we take up that to which there is no objection. I again ask unanimous consent that the Clerk be directed to read over the titles of the bills reported from the Committee of the Whole, and that those to which no objection is made be considered and passed.

The SPEAKER. That is just what the gentleman from Kentucky [Mr. WHITE] objects to, as the Chair understands.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Indiana [Mr. STEELE] to refer the pending bill to the Committee on Military Affairs, upon which no quorum voted.

Mr. BROWNE, of Indiana. If in order, I move that the House now adjourn.

Mr. KING. I hope the gentleman will change his motion and move a recess.

Mr. BROWNE, of Indiana. I will move that the House now take a recess until 8 o'clock this evening for pension bills.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] moves that the House now take a recess until 8 o'clock this evening, for the transaction of business under the prior order of the House.

Mr. NICHOLLS. I thought the Chair said a moment ago that that motion was not in order.

The SPEAKER. It is not if any one objects to it.

Mr. NICHOLLS. I move to amend, so as to make it half past 7 o'clock.

Mr. KING. I ask unanimous consent that the House now take a recess.

The SPEAKER. The motion for a recess is now pending, to which no objection has been made. The gentleman from Georgia [Mr. NICHOLLS] moves to amend so as to take a recess until half past 7 o'clock. The first question is upon the amendment.

The question was taken upon the amendment; and it was agreed to.

Mr. MCMILLIN. Allow me to suggest that last Friday it was ordered that hereafter the hour of meeting for Friday night sessions should be 8 o'clock.

The SPEAKER. It is too late now to make that point. The House has already agreed to the amendment of the gentleman from Georgia to meet at half past 7 o'clock this evening.

Mr. HEWITT, of Alabama. I move to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

The SPEAKER. The question now recurs upon the amendment of the gentleman from Georgia.

Mr. NICHOLLS. I withdraw the amendment.

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry. If we now take this recess, will the business to-night be pension bills, in accordance with the standing order?

The SPEAKER. That is the motion.

Mr. WHITE, of Kentucky. Then this proposition is simply to lose thirty minutes because the other side has no quorum here.

The question being taken on the motion of Mr. BROWNE, of Indiana, for a recess, it was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. MCMILLIN as Speaker *pro tempore*, who directed the Clerk to read the following order:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 23, 1884.

Hon. J. B. CLARK,
Clerk of House of Representatives:

Hon. BENTON MCMILLIN, of Tennessee, will preside as Speaker *pro tempore* at the session this evening.

J. G. CARLISLE, *Speaker.*

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order of business for this evening's session.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole House on the Private Calendar in pursuance of the order just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH, of Missouri, in the chair) and proceeded to the consideration of pension bills on the Private Calendar.

Mr. MATSON. I ask unanimous consent that all the pension bills prior to that for the relief of Nancy Miller, on page 38 of the Calendar, be passed over informally, and that the Committee of the Whole take up the bills on the Calendar at that point.

There being no objection, it was ordered accordingly.

NANCY MILLER.

The bill (S. 494) for the relief of Nancy Miller was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Nancy Miller, widow of Thomas Miller, late a private in Company M, Eighth Regiment Tennessee Cavalry Volunteers.

The report (by Mr. HOUK) is as follows:

The Committee on Invalid Pensions, to whom was referred bill S. 494, submit the following report:

This case passed the Senate at its present session. We adopt the report of the Senate Committee on Pensions, which is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 494) for the relief of Nancy Miller, having considered the same, make the following report:

"That the application for a pension made by Nancy Miller, widow of Thomas Miller, said to have been a member of Company M, Eighth Tennessee Cavalry, was rejected by the Commissioner of Pensions on the ground that no proof that said Miller was in the military service, as alleged, was found in the records of the Adjutant-General of the United States Army, the adjutant-general of Tennessee, the Paymaster-General of the United States Army, or the honorable Second Auditor of the Treasury Department. On all other points the Commissioner reports the case as complete.

"That in proof of said Miller's service claimant submitted the affidavit of Nelson McLaughlin, who was captain of Company M, Eighth Tennessee Cavalry, and who testified that he recruited Thomas Miller, August 27, 1863, in Washington County, Tennessee, into said company and regiment; that Miller drew rations and served and did duty as a private in said company and regiment from the date of his enlistment until October 19, 1863, when 'he was granted leave of absence on furlough to go to Yancey County, North Carolina, and on his return back to his command he was attacked by the rebels, or enemy, and by them killed on the 6th of November, 1863.'

"That Frederick Ledford and James R. Anderson, citizens of Yancey County, North Carolina, certified, under date of December 2, 1867, that they knew the said Miller, 'late a private in Company M, Thirteenth (Eighth) Regiment Tennessee Cavalry;' that they saw him a corpse a few minutes after he had been shot; that the rebel soldiers present said they had killed him; and that said Ledford and Anderson assisted in making Miller's coffin, and in burying him the next day.

"That since the rejection of this claim by the Commissioner a statement has been submitted, which was sworn to August 18, 1882, by Samuel Miller, Peter Peterson, John Miller, and J. G. Cooper, residents of Hollow Poplar, N. C., which furnishes an explanation for the failure to find Miller's name on the muster-rolls, and for the fact that Captain McLaughlin should have sworn that he enlisted Miller before the company was organized, according to the records, and should have failed to give in Miller's name.

"From this statement it appears that in November, 1863, while the Eighth Tennessee Cavalry was being formed, it was assigned to guard duty at Mossy Creek, Tennessee; that Colonel Patton gave the recruits ten days' furlough, by general order, for the purpose of visiting their homes and procuring necessary clothing, with orders to report at Jonesborough for duty; that about this time General Burnside's command fell back to Knoxville, to which place Longstreet laid siege; that the Eighth Tennessee, not having been organized, and being engaged in recruiting, did not go to Knoxville, but during the siege marched, under orders, to Camp Nelson, Kentucky, where the regiment was organized, and then marched to Nashville; that said Miller, with many others who enlisted about the same time, was cut off from his company, and was not able to reach Jonesborough, where the recruits had been ordered to report, because of the occupation of the country by the enemy; that during the said siege the Union men of that locality were exposed to great danger from the enemy, and on this account no regular muster-rolls of enlisted recruits were kept by the enlisting officers, but affiants affirm of their own knowledge that Miller performed the services claimed in his widow's application, and that prior thereto he was enlisted as all other men were enlisted throughout that section at that time; that Miller was enlisted August 27, 1863, and went into camp at once; that in a few days the company went to Mossy Creek, Tennessee, and remained on guard duty until November 19, 1863, when the recruits were furloughed by general order by Colonel Patton, and that Miller was killed while on the way to rejoin his command, about November 25, 1863.

"Therefore, believing that the fact of said Miller's service has been sufficiently well established, and that this claim is one that calls for the favorable action of Congress, the committee recommend that the bill do pass."

Your committee concur in the statements and conclusions of the foregoing report, and therefore report back the accompanying bill of the Senate and recommend that it do pass.

The bill was laid aside, to be reported favorably to the House.

GEORGE H. FLUKE.

The next business on the Private Calendar was the bill (H. R. 5999) granting additional pension to George H. Fluke.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of George H. Fluke, late a private in Company K, Nineteenth Ohio Volunteer Infantry, and to direct the payment to said George H. Fluke the sum of $54 per month, instead of the sum he is now receiving.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5999) granting additional pension to George H. Fluke, submit the following report:

The evidence shows that George H. Fluke is a reputable, respected citizen of Zanesville, Ohio. That he enlisted as a private of Company K, Nineteenth Ohio Volunteer Infantry, on 8th September, A. D. 1861. That while in the line of duty in the battle of Shiloh (Pittsburgh Landing) he was dangerously wounded in manner as follows, namely, by a ball and buckshot striking him in the right side of the thigh, close up to the hip, passing through, shattering and splintering the bone, and lodging. The ball was cut out; from the incision many pieces of bone were extracted, no less than eleven.

The evidence further shows that one buckshot was buried in the right testicle, another buckshot passing entirely through the left testicle. This shot followed along the water passage and came out in front of the anus. The water passage was badly lacerated, cut, and mangled; from the result of this torn condition of the water passage there is a leakage of urine back of the scrotum, which compels the sufferer to wear a cloth or sponge. The evidence shows the left testicle and scrotum to have grown together, causing enlargement of the veins of the scrotum, which becomes very painful in walking or standing, so much so that it is almost impossible for him to do either.

The wound back of the scrotum has grown together in such a manner as to shorten the step of the right leg five or six inches. This wound breaks out into a running sore three to five times yearly, causing him to be confined to his bed several weeks at a time—the parts at these periods being one mass of raw flesh.

The proof further shows that in warm weather walking causes loss of the seminal fluid; this part of the proof might be further extended and particularized, but your committee feel that the results of this terrible wreck will be demonstrated to your minds by explaining that it has caused extreme nervousness, mental as well as physical anguish, the ever-attending confusion of ideas, great bodily suffering, pains in the back and kidneys, choking sensations when in a lying posture, together with all the attendant nervousness.

The applicant was and is married, but by reason of this horrible wound is made sterile and wholly barren. He is thirty-six years of age, and is now borne on the pension-rolls at $12 per month, the utmost limit allowed under the pension laws. The symptoms and wound are growing worse every day.

In view of all these facts, and in view of the many indorsements, certificates, and testimonials from prominent and high-minded citizens of the community wherein he lives, we most earnestly recommend the passage of the bill, when amended, as follows:

Strike out the words "fifty-four," in line 7, and insert in lieu thereof the word "forty."

The amendment reported by the Committee on Invalid Pensions to strike out "$54" and insert "$40" was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

JANE HILTON.

The next business on the Private Calendar was the bill (H. R. 5082) granting a pension to Jane Hilton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane Hilton, widow of Ellis Hilton, deceased, late a private in Company E, Seventy-fourth Illinois Volunteers, and Company B, Eleventh Veteran Reserve Corps.

The report (by Mr. MORRILL) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5082) granting a pension to Jane Hilton, submit the following report:

Ellis Hilton, husband of this claimant, enlisted September, 1862. In July, 1863, he was transferred to the Invalid Reserve Corps on account of permanent disability, caused by chronic diarrhea. On the 13th of October, 1863, while in the service, he died from the effects of a fracture of the skull. The officer in charge of the hospital says, "My impression is he was killed by the falling of a crowbar." The Adjutant-General's report is that he fell and fractured his skull while intoxicated.

The evidence is so meager that your committee are unable to determine whether this man's death was the result of his own negligence or not. It is certainly not clearly shown that this soldier's death was the result of his own vicious habits. He lost his health and his life in the service, leaving a destitute family. The benefit of the doubt ought to be given to the widow.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

WILLIAM REINHARDT.

The next business on the Private Calendar was the bill (H. R. 585) granting a pension to William Reinhardt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Reinhardt, late a private in Company K, First Regiment Kansas Volunteer Infantry.

Mr. MCMILLIN. I ask that the report in this case be read.

While I am willing that the reading of reports be waived in special cases, I think it proper that as a general rule these reports should be read, because we have no other means of getting information concerning these bills.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 585) granting a pension to William Reinhardt, submit the following report:

This soldier enlisted May 31, 1861, in Company K, First Regiment of Kansas Volunteers. He was discharged May 20, 1862, for disability; cause for which, in general hospital, not stated. On the 27th of February, 1880, he made application for a pension, which was rejected on the ground that claimant was unable to furnish medical evidence of treatment in service or for fifteen years thereafter. He furnishes the affidavits of four persons that he was sound and healthy when he enlisted and free from rheumatism. Dr. J. L. Wever, an eminent physician of Leavenworth, and one who is very cautious and guarded in his statements, testifies, July 17, 1882, that—

"I have this day examined claimant, and find from personal interview and facts, which he states, that he was in hospital at Leavenworth in May, 1862, and that I treated him for rheumatism and lung trouble, and signed the surgeon's certificate of disability on which he was discharged."

Claimant makes affidavit that he was also treated by Regimental Surgeons Buddington and Smith, but that both died many years ago; that Dr. Grimes, a well-known and highly respected physician of Atchison, Kans., treated him from 1862 until 1877, at which time Dr. Grimes died.

Major Ketner testifies that he was commanding Company K, to which Reinhardt belonged, from August 10, 1861, to June, 1863; that "in January, 1862, the claimant, with his company, marched from Tipton to Lexington, Mo., a distance of one hundred and twenty-five miles, through and in very cold, snowy weather, and at night slept on the ground without covering, and without sufficient under him to guard him from the extreme cold and damp ground, by reason of which, as affiant remembers, he complained considerably, and was sent to the hospital, from which he was finally discharged from the service on account of such disease—rheumatism. That said claimant was at the battle of Wilson's Creek, and was a good soldier, and at that time a stout, able-bodied man. * * * The above facts are stated from a personal knowledge as captain of said soldier's company."

Peter Young and Frederick Stephan, members of Company K, who knew Reinhardt intimately in the service, and ever since his discharge, testify fully to his exposure on the march referred to, his sleeping on the snow and his being sent to hospital. They also say that he has been afflicted with rheumatism ever since his discharge.

Frederick Treffy testifies that he has been intimate with claimant ever since his discharge, and that he has been all the time disabled with rheumatism.

The postmaster certifies that the last three witnesses are credible persons, and their statements can be relied upon.

John Dougherty, for twenty-three years a respected citizen of Atchison, says, under oath, that he has known claimant intimately ever since his discharge, seeing him every week, and sometimes every day for a considerable time; that he was disabled when he returned from the Army, and that he has gradually grown worse ever since. Dr. Lenneker testifies that he treated him in Novem-

ber, 1878, and has continued to treat him; that he then found him suffering with chronic rheumatism, and that it has continued ever since.

August 29, 1881, Dr. A. P. Tenney, examining surgeon, certifies that he carefully examined him and found that "in walking left leg moves forward slower than right; left arm hangs to side and is moved with difficulty and pain; muscles of left shoulder are one-third less than on opposite side; muscles of left hip are also atrophied, only less in extent than about shoulder; left arm is of little use to him."

In any ordinary court of justice evidence as strong and clear as this would send a person charged with crime to the penitentiary; it ought to be sufficient to entitle a poor, disabled soldier, who bravely fought at the battle of Wilson's Creek, to a pension.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

WILLIAM C. H. BOWMAN.

The next business on the Private Calendar was the bill (H. R. 4061) for the relief of William C. H. Bowman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William C. H. Bowman, late a private in Company D, Second Regiment Missouri Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4061) far the relief of William C. H. Bowman, submit the following report:

This soldier enlisted August 12, 1861, in Company D, Second Regiment Missouri Cavalry. On the 12th day of August, 1864, while on a march, he received a severe sunstroke; two of his comrades testify that they were near him when he fell and assisted in taking him to the hospital. The reports of the Adjutant-General show that these men were present with the command on that day. The evidence shows that he was not again fit for duty, and that on the 15th day of September, 1864, he was discharged. He was examined August 16, 1882, by Dr. A. P. Tenney, an examining surgeon, who bears an enviable reputation as a physician of great skill and a gentleman of high integrity, who reports that he is three-fourths disabled from the effects of a sunstroke, and that it is his belief that it originated in the service. The case was rejected in the Pension Office for want of evidence of medical treatment in the service and subsequent to discharge. In view of the fact that the claimant served his country faithfully for three years and one month, and that the evidence shows conclusively that he received a serious sunstroke while in the line of duty, and that he is now suffering from the effects of it, the committee recommend the passage of the bill.

This bill was laid aside to be reported favorably to the House.

MRS. ANN CORBIN.

The next business on the Private Calendar was the bill (H. R. 4526) granting a pension to Mrs. Ann Corbin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Corbin, widow of Ebenezer Corbin, formerly of Company B, Tenth Regiment New Hampshire Heavy Artillery.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4526) granting a pension to Ann Corbin, having duly considered the same, respectfully report as follows:

Ann Corbin is the widow of Ebenezer F. Corbin, late private of Company B, First Regiment New Hampshire Heavy Artillery, who died March 18, 1880. The deceased drew a pension of $4 per month from May 17, 1865, to February 16, 1878, and $12 per month from the last-mentioned date till the time of his death. He enlisted August 11, 1863, and was discharged for disability incurred in the line of his duty while in the service May 16, 1865.

Dr. Samuel G. Jarvis, a pension surgeon, who made an examination of said Corbin's physical condition February 15, 1871, certified that—

"Said Corbin is one of that class of men who have been continually running down ever since he left the service. His present condition is as follows: The left lung is diseased, with a constant cough and expectoration, which will sooner or later prove fatal. No treatment can be of any permanent service to him."

He was also examined in 1872 and in 1873 by the same surgeon, and by Dr. O. B. Way, of Claremont, N. H., a most excellent surgeon and physician, in 1875, 1877, and February 16, 1878. Dr. Way, at the last-named examination, reports Corbin's condition as follows:

"This to my mind is a clear case of chronic malarial poisoning. The abdomen is very tender and somewhat enlarged, the pulse rapid and weak, the tongue coated, the expression sickly, the body weak and emaciated. The man states that he has diarrhea most of the time; that frequently there are six or eight movements daily; that he has chills and fever usually every other day; that his appetite is poor and his weakness extreme. He is in fact a physical wreck. The disability has increased since I last examined him, in September (1877)."

Indeed, the following letter from Dr. Hood, of the Pension Office, so fully and clearly states the condition of the case that we adopt it as part of our report:

(263784. E. F. CORBIN.)

Judge WALKER:

This man was a wreck from malarial poisoning. He died of pneumonia, which speedily proved fatal, no doubt on account of his debilitated condition. Yet, so far as I can see, the pneumonia bore no relation to the disease for which he was pensioned. So long as the office adheres to decision 31, such a case as this must be rejected.

T. B. HOOD, *Medical Referee.*

NOVEMBER 5, 1881.

Mrs. Corbin is extremely poor, and your committee, not being bound to adhere to the decision referred to, feel not only justified but gratified that they are able to recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

IRA M'NAIR.

The next business on the Private Calendar was the bill (H. R. 3613) granting a pension to Ira McNair.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ira McNair, late a private in Company D, Eighteenth Regiment Iowa Volunteers.

The report (by Mr. HOLMES) was read, as follows:

Ira McNair enlisted as a private in Company D, Eighteenth Regiment Iowa Volunteer Infantry, and was discharged from the service on the 20th day of July, 1865. In November or December, 1864, claimant was detailed to work in a bakery, where he baked bread for the hospital; in March, 1865, claimant avers that his eyes began to trouble him, and so continued to do as long as he remained in the service. The evidence shows that the bakery was a hot, dusty place.

At the pressnt time the claimant is nearly or quite blind, and there is no question that his eyes are in a very bad condition. His application before the Pension Office was rejected on the ground that the disease of the eyes was contracted before he entered the service. This is the only question in the case. The evidence in regard to his freedom from any difficulty with his eyes prior to entering the service is conflicting. More than a dozen witnesses testify that his eyesight was unimpaired and always good prior to his enlistment in the service. Two special examiners were sent out by the Government to look up the evidence in the case.

Nearly or quite an equal number of affidavits of his former acquaintances, too, show that he had sore eyes frequently before he enlisted, and some evidence showing that he was addicted to the use of intoxicating liquors to excess, also before enlistment; the evidence shows that since his discharge from the service, however, he has not used intoxicating liquors to excess. He is now almost totally blind, and in indigent circumstances. Granting that he may have been troubled to some extent with sore eyes prior to enlistment, yet his three years' service in the Army would, to say the least, aggravate such a disability, and a hot, dusty bakery would not be a good place to recover from a disability of this kind incipiently developed. Claimant has been steadily growing worse, and is quite sure to be totally blind. He is reported by surgeon as disabled two-thirds on third grade. He is now unable to perform manual labor, and in view of the principle declared by this committee heretofore in regard to the rule of soundness on entering the service, we think that the Government, having accepted him and availed itself of his services for three years, should, under his present condition, and the evidence in relation thereto, grant him a pension subject to the provisions and limitations of the pension law, on account of disability incurred in the service.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BUCHANAN.

The next business on the Private Calendar was a bill (H. R. 1862) for the increase of the pension of James Buchanan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James Buchanan, formerly of Company I, Thirty-first Regiment Ohio State Volunteers, to $24 per month, from and after the date of the passage of this act.

The report (by Mr. CULLEN) was read, as follows:

It appears the petitioner enlisted February 21, 1865, and served as a private in Company I, Thirty-first Ohio Volunteers, and was taken sick from exhaustion and overexertion during the march of his regiment from Goldsborough, N. C., to Petersburg, Va., on April 20, 1865. He was honorably discharged July 20, 1865; applied for pension August 17, 1869, on the ground that ever since the time he was taken sick in the Army he has been incapacitated for manual labor on account of inflammation of the bones of the right leg. His claim was barred under section 4717 Revised Statutes, limiting the time for completing the proof in applications for pensions to five years from date of the same. The soldier's services were proved by comrades and a commissioned officer. The proofs furnished by applicant show that he was under treatment by the regimental surgeon.

Claimant was pensioned March 6, 1880, from March 1, 1879, at $2 per month, for disease of bones and right leg (special act, approved March 1, 1879). Increase application filed April 4, 1883, asking increase for disease of legs and results; rejected June 1, 1883.

We find claimant has been examined three different times since September, 1879: First. By the examining board at Springfield, Ill., September 4, 1879 (Drs. Henning, Lord, and Buck); they certified to the disability as total; $8 per month. Second. By same board January 7, 1880; disability same. Third. By the examining board at Bloomington, Ill., May 2, 1883 (Drs. Elder, Cole, and Luce); they found the disability to entitle claimant to a total rating.

We recommend the passage of the bill, after amending by striking out the word "twenty-four," in line 6, and inserting the word "eight."

The amendment was read, as follows:

Strike out "twenty-four," and insert "eight."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CALVIN L. KNICK.

The next business on the Private Calendar was the bill (H. R. 1866) granting a pension to Calvin L. Knick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Calvin L. Knick, late a private in Company E, One hundred and forty-fifth Regiment Illinois Volunteers.

The report (by Mr. CULLEN) was read, as follows:

Claimant enlisted May 26, 1864, and was mustered into service as a private in Company E, One hundred and forty-fifth Illinois Volunteers, June 9, 1864; discharged September 23, 1864.

It appears that he enlisted for and was in the service one hundred days, fifty-two of which were spent in hospital. He filed his declaration July 30, 1875, alleging lung disease contracted on the march from Springfield to Rolla, Mo., in July, 1864. Rejected April 29, 1878, upon the ground of no record and inability to furnish satisfactory evidence connecting alleged disability with the service.

Capt. Silas W. West (of claimant's company) testifies to claimant's having contracted disease of the lungs while on the march from Springfield to Rolla, Mo., June 20, 1864 (as claimant alleges). Affidavit filed August 15, 1876. Captain West further testifies in substance as above set forth. Affidavit filed February 4, 1878.

SINCE SERVICE.

Ed. D. Davis and J. L. Boucher, residents of Mackinaw, Ill., well known to be reputable and entitled to credit, state, January 19, 1878, that they have been well and intimately acquainted with claimant ever since he returned from the

Army; lived near him, and know from personal knowledge that he came home from the Army with lung disease, and that he has been a sufferer therefrom ever since.

Dr. James E. Parker, who has been a practicing physician for over thirty years, states August 11, 1879, residence Danvers Township, Illinois, commenced treatment for lung disease October 6, 1870, and continued ever since; also, claimant was treated by another physician before that time.

Dr. G. D. Elder, residence same, states August 25, 1880, treated claimant for disease of lungs February, 1880, and since, but not regularly.

Dr. F. J. Parkhurst states, February 26, 1881, that claimant has lung disease; no treatment.

Dr. Harvey Parkhurst, a resident of Danvers, Ill., states, October 27, 1882, treatment for lung disease frequently from discharge to date.

D. B. Smith, a resident of Danvers, Ill., states, January 8, 1883, claimant came home September 24, 1864; lived with affiant for one year after, and had lung trouble. Claimant, when he arrived home, went immediately to the doctor saying his lungs were affected.

William Booth, comrade, a resident of Clinton, Ill., corroborates claimant's statement as to origin; also since discharge only able to work a small part of the time.

William F. Hodge, Danvers, Ill., testifies to lung disease ever since discharge. Affidavit October 25, 1883.

Dr. Selden M. Payne, a resident of Lexington, Ill., states, August 28, 1883, that while claimant was on a visit to his father's (claimant's) in August, 1864, he (affiant) was called professionally to treat claimant and found lung disease. Treated him about six weeks.

Dr. W. E. Schenck, United States examining surgeon at Pekin, Ill., examined claimant September 6, 1875, and reported his disability, lung disease, as entitling him to total pension, or $8 per month.

Drs. W. B. Cole and H. C. Luce, examining board at Bloomington, Ill., examined claimant July 19, 1882, and reported his disability, lung disease, as entitling him to total pension, or $8 per month.

We have had access to all the evidence and believe this case one of great merit, and therefore report in favor of the bill and recommend its passage, and ask to be discharged from the further consideration thereof.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH J. COLBERT.

The next business on the Private Calendar was the bill (H. R. 3160) granting a pension to Elizabeth J. Colbert.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth J. Colbert, widow of Joseph C. Colbert, late a private in Company K, One hundred and twenty-third Illinois Infantry Volunteers, said pension to take effect from the date of the death of her said late husband, Joseph C. Colbert.

The report (by Mr. CULLEN) was read, as follows:

Petitioner is the widow of Joseph C. Colbert, late private of Company K, One hundred and twenty-third Illinois Volunteers, who enlisted August 13, 1862, and was discharged December 18, 1862. His application for pension was filed February 9, 1863, and he was pensioned from date of discharge, at $4 per month. Pension increased to $8 per month from December 21, 1869, till his death, September 26, 1874.

Widow filed her application July 28, 1875. Claim rejected July 13, 1876, on the ground that the cause of death—paralysis—was not the result of the wound for which he was pensioned.

The Adjutant-General's report shows the soldier to have been wounded in battle at Perryville, October 18, 1862. The certificate of disability upon which the soldier was discharged shows him to be unfit for duty on account of gunshot wound of the lower third of the right arm, fracturing the radius, producing paralysis of the hand.

Your committee find that the examining surgeon who last examined the soldier found his arm to be paralyzed.

The testimony of Dr. Thomas L. McMorris, a resident of Cumberland, Ill. (whose reputation for truth and veracity is excellent), the attending physician at the time the soldier died, gives the cause of death as paralysis of the right side, and says that "said paralysis was immediately developed by reason of a fall, but that it would have developed itself sooner or later, independent of said fall, and as a result of the wound received in the service at Perryville, Ky., being a gunshot wound, the large bone of the right arm, from the elbow down, having been completely crushed, compelling its extraction. He was also severely wounded in the upper half of the same arm, so that the muscular portions thereof were mangled and partially torn away; that said wounds left a constant numbness and deadness in the said right arm, side, and leg, which previous to said fall was gradually developing into paralysis, and that said fall merely precipitated the final catastrophe; that such paralysis, superinduced as aforesaid, produced the soldier's death; that the fall of itself need not have produced any such a serious result, and the soldier would have (undoubtedly) recovered had it not been for the pre-existing tendency to paralysis."

This affiant was the soldier's physician previous to his enlistment, as well as during his last illness.

Your committee are of the opinion that the death cause was paralysis of the right arm, caused by the gunshot wound. We therefore recommend the passage of the bill, after amending by striking out all after the word "Volunteers," in line 8.

The amendment was read, as follows:

Strike out the words "said pension to take effect from the date of the death of her said late husband, Joseph C. Colbert."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LOUIS D. PETTY.

The next business on the Private Calendar was the bill (H. R. 5776) granting a pension to Louis D. Petty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Louis D. Petty, late a private in Company —, Eighth Missouri Volunteer Cavalry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. FYAN) was read, as follows:

That Louis D. Petty enlisted in Company E, Eighth Missouri Volunteer Cavalry, on the 12th day of July, 1862, at Webster County, Missouri, and was a remarkably stout, healthy, able-bodied man.

That on or about the 1st of September, 1863, in Arkansas, while in line of duty, he was shot by the enemy and wounded in two places—one wound below left hip, the other just under left shoulder-blade. These facts, and also the fact that he was carried to and remained in hospital under treatment for several weeks, are sworn to by two of his comrades, the second lieutenant of his company, the lieutenant-colonel commanding the regiment, the surgeon of the regiment, and others; all of whom testify they know the same of their own personal knowledge. Petty afterwards remained in service, but was always put on light duty, being unfit for any other kind.

When discharged he went back to his home in Webster County, Missouri, and his neighbors, whose reliability is established beyond question, swear they saw him two or three times a week, and that frequently his wounds rise and break and sometimes come near killing him, and that he is unable to make a living by work.

Dr. N. H. Hampton, an old an experienced physician and surgeon of more than thirty years' experience, swears that he examined said Petty; that the wound under left shoulder-blade is serious, and in moving left hand produces a grating sound; that there is a defect in left hip from ball entering upper part of glutæus maximus muscle and lodging near head of femur, rendering him unable to perform more than half manual labor.

E. B. Brown, examining surgeon at Ozark, Mo., in 1880, and I. H. Fulbright, examining surgeon at same place in 1881, describe the wounds in a similar manner.

This man made his original application for pension September 17, 1874, and it was rejected in February, 1884. He has struggled along trying to keep a large family of small children together, but is now prostrate on a bed of sickness and without money or property.

Your committee recommend that the bill be amended by inserting the letter "E" after the word "Company," in the fifth line, and that the bill so amended do pass.

The amendment was read, as follows:

Insert "E" after word "Company."

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation it do pass.

JAMES HAWKINS.

The next business on the Private Calendar was the bill (H. R. 2358) granting a pension to James Hawkins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of James Hawkins on the pension-roll, subject to the limitations and provisions of the pension laws.

The report (by Mr. FYAN) was read, as follows:

James Hawkins was a servant of the colonel of the Third Regiment United States Reserve Corps, Missouri Volunteers. On or about the 16th day of July, 1861, a portion of said regiment became engaged with the enemy at or near the town of Fulton, Callaway County, Missouri. The confederates largely outnumbering the Federal forces, the colonel of said Third Regiment ordered that all men, whether soldiers or not, be made available, and to that end ordered said James Hawkins to be supplied with arms, ammunition, and accouterments, and to be put in the line with the skirmishers, who were then thrown forward to feel the enemy; and while so engaged said Hawkins received two wounds, one of them being a wound in the thigh of one of his legs, described as being "at forepart of upper third of right thigh," the second wound, in the pit of the stomach, apparently penetrating the abdominal cavity, causing severe pains and inflammatory symptons.

These facts are sworn to by the colonel of the regiment; also by W. A. Hequemborg, captain of Company E in said regiment, and whose company was immediately behind the skirmish line, and who saw Hawkins when he fell, and shortly after examined the wounds.

Dr. Philip T. Weigel, who was captain of Company F, Third Regiment Reserve Corps, Missouri Volunteers, and an eminent surgeon, swears he was present and dressed the wounds on the ground and afterward treated him in hospital.

The colonel and two captains mentioned testify Hawkins behaved most gallantly. One of the balls is still in the body of Hawkins, and his wounds are of such a character as to render him totally unable for hard manual labor and frequently from any kind of work. He is now old and has nothing, but is maintained by his old colonel, who will not permit him to suffer.

Your committee find that this brave man can get no pension under the laws as they exist, and therefore recommend that the bill pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE ZIEFLE.

The next business on the Private Calendar was the bill (H. R. 5960) granting a pension to George Ziefle.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Ziefle, of Livingston County, State of Missouri.

The report (by Mr. FYAN) was read, as follows:

The Committee on Invalid Pensions, having had under consideration House bill No. 5960, make the following report:

George Ziefle, a citizen of Livingston County, Missouri, before and since the war, enlisted in a company of mounted men that were organized by General Fisk, of the United States Army, whose headquarters was at Saint Joseph, in said State. Said company was commanded by A. J. Stewart; said company was armed and fed, while on duty, by the United States Government.

On the 28th day of July, 1864, the company of which he was a member was ordered to march and attack a company of rebel bushwhackers in Carroll County, Missouri. They left Chillicothe, the county seat of Livingston County, at 2 o'clock p. m., halting that night on the north line of Carroll County and camped, leaning their guns against a board fence. About 2 or 3 o'clock next morning the company, by the said commander, was ordered to move on the enemy. When Ziefle took hold of his gun, his horse being fractious, pulled back, and the hammer of his gun caught on a board of the fence, and the gun was discharged, the entire contents, nine large buckshot, going into his left shoulder and armpit.

These facts are sworn to by Ziefle himself, and Elkannah M. Hereford, a comrade who was by his side when the discharge took place, and who was detailed to take Ziefle back to Chillicothe, which he did in an ambulance. Dr. Thomas W. McAuthor, who treated Ziefle, certifies to the character of the wound, and that he extracted two of the buckshot, some clothing, and several pieces of bone.

Judge Clark, formerly judge of the seventeenth circuit of Missouri; James Wright, clerk of the circuit court; John R. Middleton, clerk of the county court;

the county collector, probate judge, and the editor of the Chillicothe Tribune, and other citizens, all of Livingston County, Missouri, certify to substantially the same facts, and also that Ziefle spent all his means in trying to be relieved by surgical and medical treatment in Saint Louis, California, and other places; that, by reason of said wound, he is totally unable to work; and, to add to his misfortunes, his wife, while attending him while confined with said wound, in arranging the window blinds of his sick chamber, fell out of the window, a distance of some ten feet, and thereby so injured her leg that it had to be amputated.

Ziefle has always borne a good character, and has always had the reputation of a good citizen, and sober, industrious man. His disabilities grew out of his efforts to preserve the Union, and while in the line of duty as a soldier. As he was not regularly in the United States service the pension law makes no provisions for his case, but is as meritorious and deserving as if he had been regularly mustered into the United States service.

Your committee therefore recommend the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN ALLEE.

The next business on the Private Calendar was the bill (H. R. 2378) restoring to the pension-roll the name of John Allee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Allee, formerly of Company K, Twenty-second Regiment Indiana Volunteers.

The report (by Mr. FYAN) was read, as follows:

That John Allee enlisted in Company K, Twenty-second Regiment Indiana Volunteers, on 14th of July, 1861, and at that time was a strong, robust man.

That on the 10th day of August, 1861, he had a severe attack of measles, which settled in his hip, resulting in an abscess.

After suffering in hospital for two months he returned to regiment, but was unfit for duty. In a word, he contracted hip disease, which totally rendered him unfit for duty as a soldier and left the hip stiff, lame, and painful, and him almost unable to walk.

He was discharged from the United States service on the 26th day of December, 1862.

The evidence is voluminous that from that time up to the present date Allee has been incapacitated for labor. As late as the 14th day of March, 1884, Dr. W. M. Cox and Dr. J. G. Wright, physicians and surgeons of the highest standing and of many years' experience in their profession, swear they have known him, Allee, for twelve years; that he is incapacitated for manual labor by reason of a disease of the hip-joint, resulting from an abscess; that he has been continuously lame all the time and frequently confined to his bed for days.

Being without means and unable to work, and having been reduced to this condition by disease contracted in the service of his Government, your committee recommend the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY MORRIS HUSBAND.

The next business on the Private Calendar was the bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mary Morris Husband, a volunteer nurse in the late war, giving her the sum of $25 a month from and after the passage of this act.

Mr. MATSON. I ask unanimous consent to dispense with the reading of the report in that case since it is quite lengthy, and embodies a number of letters of recommendation and indorsement from various distinguished persons. The evidence is clearly set forth in the report that she rendered valuable services as a nurse in the hospitals, and her application for a pension is indorsed by a large number of persons, among them the president of the United States Sanitary Commission, Rev. Alonzo Potter, bishop of Pennsylvania, ex-Governor Hartranft, of Pennsylvania, Governor Curtin, and others. It will be seen from an examination of the report that some fifteen or twenty persons unite in recommending her pension. I hope, therefore, that the reading may be dispensed with by unanimous consent, and the report printed in the RECORD.

There was no objection. The report is as follows:

Mr. MATSON, from the Committee on Invalid Pensions, submitted the following report:

That at the commencement of the late war Mrs. Mary Morris Husband was a lady of good education and family, in the possession of ample means, and a resident of Philadelphia, Pa., who, when the Government was taxed to its utmost capacity to relieve the wants of the sick and wounded Federal soldiers, gave up the comforts of home and devoted her whole time and means to the relief of the sick and wounded soldiers in the hospitals, in camp, and on the battlefields; in fact, going wherever suffering was to be relieved, regardless of danger to her health or person. About one year of service was given to the Philadelphia hospital and three years in the field, either on hospital transports, or as matron of division or corps hospitals.

John S. Jamieson, M. D., of Hornellsville, N. Y., February 11, 1884, says:

"I was surgeon of the Eighty-sixth Reigment New York Volunteers, and was chief surgeon of the Third Division, Third Army Corps, and well remember Mary M. Husband, and know that she was hospital nurse of said division from the fore part of December, 1863, until about April 15, 1864, near Brandy Station."

H. B. Fowler, M. D., of Bristol, N. H., says, January 17, 1884:

"I am acquainted with Mary M. Husband, who was a nurse in the Union Army during the war; that she was with the Third Army Corps, of which I was in charge of the hospital during the battle of Chancellorsville, May 3, 1863; that said Mary M. Husband rendered valuable services and was untiring in her devotion to the sick and wounded; that I saw her often after the battle and while she was in charge of the sick and wounded of said Third Division, Third Army Corps; that I saw her several times afterward, and in 1864, while she was at City Point Hospital, at which place she was on duty sometimes."

R. V. K. Montfort, M. D., of Newburg, N. Y., February 12, 1884, says:

"I was in the service of the United States as a surgeon from September 5, 1862, until the close of the war, and was well acquainted with Mrs. Mary Morris Husband; that I first formed her acquaintance at the field hospital of Third Division, Third Corps, Army of the Potomac, near Falmouth, Va., where she served as hospital matron for several weeks in the spring and summer of 1863, after the battle of Chancellorsville. The services there were of great value to the wounded men. Also knew her to be connected with the field hospital of Third Division, Sixth Army Corps, Army of the Potomac, at or near Brandy Station, Va., in the winter of 1863-'64, and frequently saw her while on duty at that place. Also knew her to be employed at the depot for sick and wounded at City Point, Va., during the operations before Petersburg, in 1864-'65, and frequently saw her there; knew her to be faithful and untiring in the discharge of her duties, and believes her to have been one of the most efficient of all the volunteer lady nurses, and that her services were such as to entitle her to a favorable consideration of her claim."

John A. Douglass, M. D., of Amesbury, Mass., says, March 11, 1884:

"I was surgeon Eleventh Regiment Massachusetts Volunteers, and was well acquainted with Mrs. Mary Morris Husband, a nurse 'at the front' in the late civil war; at Gettysburg, Pa., during the month of July, 1863, while she was on duty nursing the confederate wounded, who were cared for by the Third Corps after the battle at that place; that I was put in charge of the same station, and thus had ample opportunity to know of Mrs. Husband's work as nurse; that she was kind, faithful, and skillful in her management of the wounded, unremitting in her labors, sparing herself neither night nor day whenever there was anything she could do to relieve the sufferings of the wounded and sick; that I saw her subsequently, and know she was thoroughly devoted to her work of caring for and relieving suffering soldiers wherever found and of whatever color, whether 'blue' or 'gray;' that no one can undergo the watching, anxiety, labor, and deprivations through which Mrs. Husband passed, simply to aid her country and relieve the suffering soldiers, without effects being left on her system that would impair her health and strength in after years."

Frederick N. Knapp, of Plymouth, Mass., says, March 20, 1884:

"In the winter of 1862, as officer in charge of the special relief work of the United States Sanitary Commission, I appointed Mrs. Mary Morris Husband to serve as relief agent of the commission at Camp Parole, and in this capacity she performed arduous and valuable service with the same devotion of spirit and rare executive ability which gave such efficiency to her work for the soldiers during the long years of the war."

The following extract from Frank Moore's Women of the War, published in 1866, page 314, shows the self-sacrificing devotion of Mrs. Mary Morris Husband to the cause of the Union:

"In the summer of 1862 our national affairs assumed a darker phase than ever before, and the demands of a bleeding and endangered country were brought home as earnestly to the self-sacrificing spirit of women as to the courage and patriotism of men. About the 1st of July Dr. Hexon was sent on a hospital transport from Philadelphia to bring away a load of the sick from Harrison's Landing, and Mrs. Husband went with him. From this time till the close of the war and the disbanding of the regiments in June, 1865, a period of three years, Mrs. Husband was constantly in service, and for a larger portion of the time laboriously occupied in a great number of different hospitals. She made three trips to Harrison's Landing and labored in the manner elsewhere fully described in an account of the hospital-transport service. In the latter part of August she took temporary charge of the National Hospital at Baltimore, while the matron, who was sick, was recovering, and saw its wards filled and overflowing with the groaning and mutilated results of the second battle of Bull Run and the fights of Chantilly and South Mountain.

"After two or three weeks thus spent in scenes of horror and agony, striving by constant labors to assuage a part of such immense suffering, and to rob the amputation-room of some of its terrors, the matron, whose place she was filling, resumed her former duties, and Mrs. Husband proceeded at once to Smoketown hospital, where some of the sufferers from the great field of Antietam were collected. Here she remained two months and labored, not in any position of command or superiority, but doing the very things that others had left undone and given over to some utterly unselfish and truly noble character like Mrs. Husband.

"Numerous letters from all parts of the country, from soldiers who were the recipients of her care and attention in the hospitals and on the battle-fields of the Army of the Potomac, attest in feeling terms the devotion of this heroic woman to the relief of the suffering soldiery."

The evidence before this committee of the long and valuable service of Mrs. Mary Morris Husband is shown by letters from H. W. Bellows, D. D., president United States Sanitary Commission; Alonzo Potter, bishop of Pennsylvania; George H. Stuart, president Christian Commission; J. F. Hartranft, ex-governor of Pennsylvania; E. R. Biles, colonel Ninety-ninth Pennsylvania Volunteers and brigadier-general in the volunteer service; General I. T. Owens; Surg. L. W. Hixon, in charge of John Brooks hospital transport; Surg. P. Vanderkeift, in charge of Antietam hospital; Surg. E. G. Marshall, in charge of Third Division, Third Corps, hospital; Surg. A. B. Hassur, in charge of Camden street hospital, Baltimore; Chaplain C. I. Bowen, in charge of Camden street hospital, Baltimore; Chaplain I. O. Sloan, in charge of Antietam hospital; L. H. Stiner, chief inspector United States Sanitary Commission; Hon. A. G. Curtin, ex-governor of Pennsylvania and a member of the present House of Representatives, and numerous orders for transportation and passes.

Mrs. Mary Morris Husband is a granddaughter of Robert Morris, one of the signers of the Declaration of Independence, whose financial ability contributed much to the achievement of our national independence in the Revolutionary war, and is a lady of high character. She received no compensation for her service, and was frequently called upon to pay the cost of her transportation and subsistence, besides constantly contributing of her own means for the relief of sick and wounded soldiers, in this way expending at least $2,000 during her service to the Government. Since the war she has lost by misfortune her property, her husband, and by a fall upon the ice has broken her hip, and is now in advancing age thrown entirely upon her own resources for a livelihood, and is a confirmed cripple.

The Forty-seventh Congress, first session, passed a special act placing the name of Mrs. Elizabeth Leebrich, a nurse, on the pension-roll. (See 22 United States Statutes at Large, page 730.) At the second session of the same Congress, by act approved March 2, 1883, the name of Miss Amanda Slopes, a nurse, was placed on the pension-roll. (See 22 United States Statutes at Large, page 803.) Your committee is advised that a number of other cases have been passed by previous sessions of Congress since the war.

In view of the distinguished service of this lady, and the value of her services to the Government, and the precedents established by Congress, your committee unhesitatingly recommend the passage of the accompanying bill.

Mr. WARNER, of Ohio. What is the amount of pension recommended?

Mr. MATSON. Twenty-five dollars per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MAJ. W. W. FRYBARGER.

The next business on the Private Calendar was the bill (H. R. 4379) for the relief of Maj. W. W. Frybarger.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to put Maj. W. W. Frybarger, of Connersville, Ind., on the pension-roll at the rate of $50 per month; said pension to begin at the date of the approval of this act, and to be in lieu of all other pensions granted the said Frybarger.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4379) granting a pension to W. W. Frybarger, submit the following report:

That William W. Frybarger was mustered into the military service of the United States August 24, 1861, as captain Third Battery Indiana Light Artillery, being the first battery that left the State of Indiana for the seat of war in the South. November 30, 1861, he was commissioned as major of the First Indiana Artillery, and was commissioned colonel First Indiana Artillery April 25, 1863, and honorably discharged from the military service of the United States March 29, 1865.

That on or about the 16th of May, 1862, during the advance on Corinth, Miss., and while inspecting the Indiana artillery, under the special order of Maj. Gen. George H. Thomas, passing along the line of divisions in performance of his duties, his horse became frightened and unmanageable, and he was violently thrown to the ground, causing severe injury of the spine and double rupture.

William J. Pepper, M. D., of Connersville, Ind., testifies that he has been the family physician of William W. Frybarger since 1859, and that he was free from hernia and spinal disease prior to his enlistment in the military service of the United States. On his arrival home from the Army affiant was called upon to treat him professionally for hernia and spinal affection.

Elisha Prichard, Charles E. Mayer, and Amos Kinder testify that they were members of the Fourteenth Indiana Battery, and are acquainted with William W. Frybarger, who was major of the First Indiana Light Artillery, and that on or about the 18th day of May, 1862, while near Corinth, Miss., they saw William W. Frybarger riding rapidly from the direction of Major-General Halleck's headquarters toward the front, where the Indiana batteries were at the time, and while in view of the affiant was violently thrown to the ground from his horse while passing an Illinois regiment.

L. R. Johnson testifies that he was assistant surgeon Forty-first Indiana Volunteers, and that in May, 1862, he met William W. Frybarger in company with Governor Morton at the headquarters of Colonel McCook, and knew him to be in the service. A fortnight afterward, while on his way home, affiant met William W. Frybarger on board a steamboat on the Tennessee River, suffering from injuries received in the military service, as affiant believes; he was suffering with pain in the back, and was greatly prostrated, the result evidently of injury to the spine. Has seen him at short intervals since that time, and has no doubt his present disability is the result of injuries received while in the service.

H. F. Barnes, M. D., says that he was one of the additional surgeons at the siege of Corinth, during which period William W. Frybarger was so seriously injured in the spinal region by being thrown from his horse; that his injuries were of a permanent character, and might eventually terminate in paralysis of the lower extremities.

D. D. Hall, M. D., of Connersville, Ind., says, July 7, 1862:

"Maj. W. W. Frybarger, of the First Artillery Indiana Volunteers, having applied for a certificate on which to ground an application for leave of absence, I do hereby certify that I have carefully examined this officer and find that he is entirely unfit for duty in consequence of an injury received at Corinth, about the 24th day of April, 1862, from a fall from his horse, which produced an injury of the spine which still renders him unable for duty; and I further declare my belief that he will not be able to resume his duties in a less period than thirty days. Said officer at this time is not able to travel without seriously endangering his life."

At the expiration of the leave of absence Major Frybarger reported at Indianapolis, Ind., and was advised by Dr. Bobbs, then chief surgeon on duty at that place, to resign, on the ground that he was totally unfit for service in the field. But at the instance of Governor Morton he remained in the service, being, by a special order from the War Department, directed to report to Governor Morton, by whom he was, on the 18th of August, 1862, assigned to staff duty as an instructor of artillery and superintendent of the recruiting for that arm of the military service in Indiana.

On the 24th of March, 1876, the name of Major Frybarger was placed on the pension-roll at the rate of $18.75 per month, on account of scrotal hernia and disease of spine, which was subsequently increased to $25 per month.

S. W. Vance, M. D., of Connersville, Ind., United States pension examining surgeon, who examined Major Frybarger pending his application for pension, reports him laboring under double reducible or ventro-inguinal hernia, the hernia forming two tumors about the size of large hen-eggs, and a soreness along the spinal column, especially over the lumbar vertebra.

May 10, 1877, Major Frybarger was examined by Rufus Hammond, M. D., United States examining surgeon, for an increase of pension, who reports double scrotal hernia and injury of the spine from a fall of his horse, throwing him over his head, upon his back, near Corinth, Miss. There is constant pain in the base of the skull, with tenderness of the spine, and partial paralysis of the right leg, so that he walks with some difficulty.

On the 18th of May, 1880, William W. Frybarger was again examined by S. W. Vance, M. D., of Connersville, Ind., pension examining surgeon, who says:

"This applicant is laboring under a double reducible inguinal hernia. The tumor of the left side is double the size of a small goose-egg, while that of the right side is about the size of a hen's egg. He wears a truss upon the right or lesser tumor, which he states gives him the most trouble."

On the 8th of February, 1882, Major Frybarger was examined by Drs. J. S. Beck, J. M. Wessner, and Dunlap, constituting the board of United States pension examining surgeons, at Dayton, Ohio, who report:

"Double hernia (inguinal) complete. Complains of acute pain over almost entire course of dorsal vertebra. No curvature. Enlargement of joints of fingers, both hands; tongue red and somewhat fissured; abdomen enlarged and tympantic over lower portion. Alleges to have frequent and violent attacks. Seems to be entirely broken down and used up, although able to go about and wait upon himself."

On the 3d of May, 1882, the application for additional increase was rejected by the Pension Office on the ground that claimant was receiving the full amount of pension to which he is entitled under the law.

Your committee find, from the voluminous evidence in this case, that Major Frybarger is totally disabled; and in view of the long service rendered, and the long and painful suffering experienced as a result of the injuries received in the line of his duty, therefore recommend that the bill be amended by striking out the word "fifty," in line 5, and inserting "forty," and when so amended that the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SAMANTHA HARRIMAN.

The next business on the Private Calendar was the bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Samantha Harriman, widow of Maj. Isaac M. May, late of the Nineteenth Regiment of Indiana Volunteers, subject to the provisions and limitations of the pension laws.

SEC. 2. That this act shall take effect from and after its passage.

The report (by Mr. MATSON) is as follows:

That Isaac M. May entered the service as a captain in the Nineteenth Indiana Regiment Infantry Volunteers, on the 29th day of July, 1861, and that he was promoted to the rank of major February 5, 1862, and killed at the battle of Gainesville, Va., August 28, 1862, leaving as his widow Samantha May, also one child (Isaac E. May); that said widow made application for a pension, which was granted her, and which she continued to receive until the year 1865, when she intermarried with one Milton N. Harriman, at which time her name was dropped from the pension-roll.

The said Harriman died in the year 1872, leaving the said Samantha his widow, and also leaving to her care the said Isaac E. May, offspring of her first husband (said Isaac M. May), and two children by her second husband (said Milton N. Harriman), and that she by her own industry provided for, educated, and reared said children, although in very limited circumstances, her entire worldly possessions being only three or four hundred dollars, and that she is an upright and worthy woman in every respect.

Also, that Albert G. Porter, governor of the State of Indiana, ex-Senator Joseph E. McDonald, all the State officers of Indiana, and a large number of the very best citizens have joined in a petition praying for the passage of this act. That there are a number of precedents establishing and justifying legislation of this character.

In view of all the facts in the case, your committee respectfully recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT J. EBBERMAN.

Mr. HATCH, of Missouri. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 891) granting a pension to Robert J. Ebberman out of its order, which I send to the desk. I will state to the committee that this bill was delayed in the Committee on Invalid Pensions because of the difficulty of getting the papers at the Pension Office. It is a very meritorious case, and I ask the courtesy of the committee to take it up now and consider it.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert J. Ebberman, of Macon, Mo., late colonel of the Sixty-second Missouri Regiment Volunteers.

Amend the title so as to read: "A bill granting a pension to Reuben J. Ebberman."

Mr. HATCH, of Missouri. I ask unanimous consent to dispense with the reading of the report and that it be printed in the RECORD, as it is quite lengthy. I will state in a moment its substance. This case was pending before the Commissioner of Pensions, and it was rejected solely upon the ground that the applicant, although he had been in the service for three years or more, had not been regularly mustered into the service of the United States. He was kept in command of some State organization all during the war, occupying such positions as chief ordnance officer, provost-marshal, and positions of that character, under the Federal authorities, however, all the time, but he was not regularly mustered into the United States service.

It is a very meritorious case, and the Commissioner of Pensions would have granted it except for the reason that he was not mustered in, and technically under the law the pension could not be granted by the office.

Mr. WARNER, of Ohio. He was not mustered in, as I understand?

Mr. HATCH, of Missouri. No, sir; but there is no question of the incurrence of the disability. The Pension Office is to fix the rating.

Mr. WARNER, of Ohio. The disability occurred, as I understand, while in the State service?

Mr. HATCH, of Missouri. Not only in the State service, but he served under the United States authorities. I ask that the report be printed in the RECORD.

The report (by Mr. FYAN) is as follows:

That Reuben J. Ebberman was commissioned colonel Sixty-second Regiment Enrolled Missouri Militia August 4, 1863, to rank from September 3, 1862, and was honorably discharged March 12, 1865.

June 4, 1880, he filed a declaration for pension, alleging "that while colonel of the organization aforesaid in the service, and in the line of his duty, and while with a portion of his regiment stationed at Brookfield, Linn County, Missouri, on or about the month of October, 1864, he contracted rheumatism in his limbs and body, which became chronic," which was rejected December 22, 1882, on the ground that he was not mustered into the military service of the United States, and the claim not having been filed prior to July 4, 1874.

That at the commencement of the late war Colonel Ebberman was a practicing lawyer at Macon City, Mo., and when it became known that the conflict of arms was to be fought out, Colonel Ebberman espoused the Union cause in Missouri, and from the 1st day of August, 1861, up to the date of his commission as colonel of the Sixty-second Regiment Enrolled Missouri Militia, he devoted his entire time to the recruiting of troops for the Federal Army, and by his personal popularity where he was known contributed greatly to the augmenting of the Union forces, and the loyal sons of Missouri recruited by him were represented in the ranks of nearly all the regiments of that State and upon the field of almost every battle of the Southwest during the war. The men thus recruited by him were sent to Benton Barracks, at Saint Louis, for the Federal service and for different regiments of the State service, under orders from Governor Gamble.

While in command of the Federal force guarding the bridges and building

block-houses on the line of the Hannibal and Saint Joseph Railroad, and scouting in the counties of Macon, Shelby, Randolph, and Linn, he performed invaluable service to the cause of the Union.

In November, 1862, he was appointed assistant provost-marshal for Macon County by F. A. Dick, United States provost-marshal-general, and performed the difficult duties of that position until May 13, 1863, as will be seen by the following order relieving him from that position:

[Special Order No. 74.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
OFFICE PROVOST-MARSHAL-GENERAL,
Saint Louis, Mo., May 13, 1863.

Col. R. J. Ebberman, E. M. M., is hereby relieved from duty as assistant provost-marshal for Macon County, Missouri, and will turn over to his successor, Thomas Craupton, Second Cavalry, Missouri State Militia, all public property, records, books, papers, and other matters of his office, take receipt therefor, and forward one to this office.

* * * * * * *

By command of Major-General Curtis.

F. A. DICK,
Lieutenant-Colonel and Provost-Marshal-General.

Colonel EBBERMAN,
Macon City, Mo.

Immediately on being relieved from the duties of assistant provost-marshal he entered upon the duties of ordnance officer for the eighth military district, to which he had been assigned by the following order:

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
Saint Louis, May 7, 1863.

COLONEL: As ordnance officer, acting under special order from Brigadier-General Barthalow, you are charged with the custody of all the arms that may be ordered to the two points, namely, Macon City and Hannibal, in compliance with my instructions from the commander-in-chief.

You will cause all the arms to be overhauled immediately upon their arrival at these two points, causing careful accounts to be kept of the kind and condition of them, and to this end you will employ two careful and competent men, one at each point, to attend to the duty under your supervision.

You will make a weekly report to me, at these headquarters, of the number of arms on hand and received during the preceding week, their condition, &c., and await instructions as to their disposition from these headquarters.

Any further instructions will be furnished you on application at State headquarters, Saint Louis.

Very respectfully, your obedient servant,

WILLIAM D. WOOD,
Colonel and A. D. C., Chief Cavalry and Inspecting Officer.

Colonel EBBERMAN,
Ordnance Officer.

Colonel Ebberman held this responsible position until July, 1864, when he was relieved, and assigned to the recruiting service again by the governor of the State, and had organized a number of companies for the Forty-second Regiment, when he was ordered into active service in the field with his regiment to repel the last raid of General Price into Missouri.

James M. Holman, Macon City, Mo., testifies, June 27, 1881:

"That he was adjutant of the Sixty-second Regiment Enrolled Missouri Militia; that he was well acquainted with Colonel Ebberman in the Army; was with a part of his regiment at Brookfield, Mo., in October, 1864, at which place he remembers that claimant was sick and unable to attend to his duties, and at his request made out the pay-rolls for him, while he was confined to his bed; they were then in active service of the United States, and the sanitary conditions of Brookfield are very bad."

Jeptha D. Banta, Darksville, Randolph County, Missouri, testifies, April 25, 1881:

"He was captain Company B, Sixty-second Regiment Enrolled Missouri Militia, and was personally well acquainted with claimant in the service; knew him to be a man of good, sound, physical health until the fall of 1864, when he contracted rheumatism; remembers very distinctly seeing him on crutches as late as the spring of 1865."

Lewis Heeyl, New Cambria, Mo., testifies June 17, 1881:

"That he was first lieutenant Company B, Sixty-second Regiment Enrolled Missouri Militia; was stationed with said company at Callas, Mercer County, Missouri, in October, 1864; was on the platform at the depot at said place, and saw claimant returning from Brookfield, Mo., who informed him that he had contracted rheumatism, and was thereby unable to perform his duties; saw him frequently after this during the following year, and know that he was so badly disabled as to use crutches in consequence of said rheumatism."

Dr. John Clarke, Seneca, Newton County, Missouri, testifies, June 17, 1881:

"That he was surgeon of Colonel Ebberman's regiment. In the year 1864 he was with a part of the regiment at Macon City, Mo. The colonel with his command was at Brookfield, Mo. Assistant Surgeon Dr. Scroggin was with him. Claimant returned to Macon City, Mo., sick, in the fall of 1864; remembers seeing him on crutches after he was 'able to come out.'"

Dr. John C. Scroggin, Bevier, Macon County, Missouri, testifies, July 17, 1881:

"That he is a physician, and has been in the practice of medicine for the past thirty years. In the war of 1861–'65 he was appointed assistant surgeon of the Sixty-second Regiment Enrolled Missouri Militia, by Colonel Ebberman, of said regiment, but did not receive his commission. In the fall of the year 1864 he was ordered by claimant to go to Brookfield to attend the sick soldiers of said regiment. Claimant was in command of the post at that place. On or about the 5th day of October, 1864, claimant contracted rheumatism, caused, he believes, by sleeping on the damp ground without proper camp equipage; affiant treated him for said disability. He frequently saw him that fall, and knows of his personal knowledge that he was unable to perform any kind of labor."

The reputation of the above witness certified to be good. In a subsequent affidavit Dr. Scroggin says:

"He knows that claimant has been greatly afflicted with rheumatism ever since he contracted the same; saw him frequently every year since."

N. B. Warner, Ten Miles, Macon County, Missouri, whose reputation is certified by the postmaster to be the best of any man in the township where he lives, testifies, May 14, 1881:

"That he was captain of Company L, Sixty-second Regiment Enrolled Missouri Militia, and personally well acquainted with claimant, and knows that he was severely afflicted with rheumatism many months after he first contracted said disease."

Dr. Edward C. Still, Macon City, Mo., who is certified by the clerk of the Macon County court to be a reputable witness, and a physician of long practice, testifies, June 17, 1881:

"That he has been claimant's family physician ever since he returned to Macon City from Brookfield; that claimant has been confined to his bed a number of times, and has been afflicted more or less all the time ever since he first contracted said rheumatism; the disease has long since become chronic, and has greatly disabled him. Have treated claimant more or less all the time for said disease since he first contracted it, and he has been disabled for the performance of manual labor thereby ever since."

That he was a sound man and in perfect health prior to and at the commencement of his military service is clearly shown by the voluminous testimony of those who knew him intimately before said service, both medical and lay.

The United States medical examining board of Macon County, Missouri, certify, July 19, 1882:

"We find the joints enlarged and tender; synovial membranes and ligaments thickened; muscles of limbs contracted and atrophied; hands and feet edematous; heart's action abnormally strong; pulse correspondingly weak; disability, total."

The connection of Colonel Ebberman with the military service in behalf of the Union, from the commencement to the close of the war, is shown by numerous orders and telegrams from the military authorities in Missouri. The high esteem in which the service rendered the Union by Colonel Ebberman is attested by the interest manifested by the ex-Union soldiers in the success of his application for pension, as is shown by the following memorial:

HEADQUARTERS F. A. JONES POST,
DEPARTMENT OF MISSOURI, GRAND ARMY OF THE REPUBLIC,
Macon, Mo., January 8, 1883.

We, the undersigned, officers of the post of the Grand Army of the Republic, at Macon City, Mo., would state that they have personally and intimately known Col. R. J. Ebberman for many years, and know him to be a worthy and deserving citizen, and believe his claim for invalid pension a meritorious one and worthy of due consideration.

N. S. RICHARDSON,
Post Commander.
S. G. BROCK,
Senior Vice-Commander.
THOS. A. H. SMITH,
Junior Vice-Commander.
R. W. CASWELL,
Adjutant Post.
B. A. MOORE,
Quartermaster.
GEO. YUNCKER,
Chaplain.

We have carefully examined this case, and find from the evidence that this soldier contracted the disease from which he is now suffering in the military service of the United States, though never mustered, and for this reason his application was rejected by the Pension Office. Your committee deem this a very strong case, as disclosed by the evidence, and therefore recommend that the bill be amended by striking out the word "Robert," in the title and in line 6 of said bill, and inserting in lieu thereof in each instance the word "Reuben," and when so amended that the bill do pass.

The amendments recommended by the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN BOYLE.

The next business on the Private Calendar was the bill (H. R. 389) granting a pension to John Boyle.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John Boyle, late a private in the Tenth Battery Indiana State Volunteers, subject to the provisions and limitations of the pension laws. This act to take effect from and after its passage.

The report (by Mr. MATSON) is as follows:

That said Boyle was mustered into the service as a private in the Tenth Indiana Battery, January 3, 1862, and remained with his command about eighteen months, during which time he participated in the campaign against Murfreesborough, Tenn., being engaged with his battery in the battle of Stone River and all the hard fighting during that memorable campaign, being exposed to the extreme bad weather, day and night, without shelter. In his application for a pension claimant alleges that it was during this time that he contracted his disease, and supports his declaration by affidavits of his commanding officer and many of his comrades; that he was sent to a convalescent camp near Murfreesborough, and thence to Louisville, Ky., where he was transferred to the Veteran Reserve Corps, July 5, 1863, he not being examined by any surgeon at the time of such transfer.

The evidence further shows that he was treated in hospital at various times for general debility, and that he remained in the service until discharged for disability, January 7, 1865.

His application for pension is on account of disease of spine, hernia of left side, and general debility.

The examining board of surgeons at La Fayette, Ind., before whom applicant was ordered for examination, certify that applicant has oblique inguinal hernia of the left side, and the pain in his back is the result of hernia, and not a spinal affection, and that in their opinion the disease did originate while he was in the service; that he is incapacitated for obtaining his subsistence by manual labor, and that the disability is permanent.

The affidavit of C. H. Jenks, a person of undoubted respectability, residing at La Fayette, Ind., shows that he was well acquainted with claimant, having been engaged in business with him before the war, and knows of his own personal knowledge that the claimant was a sound, healthy man at the time of his enlistment, and that afterward, in 1865, when Boyle returned from the Army, he was a broken-down man and not able to earn his living by manual labor. Dr. F. D. Leary makes affidavit November 21, 1870, that he had been acquainted with Boyle for ten years last past, and that his disability has not been aggravated or prolonged by intemperance or other bad habits or practices.

The claimant says that at the time he applied for a pension he could not get the affidavit of any of his commissioned officers, for the reason that he did not know where they resided, but that shortly after the rejection of his claim he learned that Jerome B. Cox, his former captain, was residing in San Francisco, Cal., and that he immediately procured his affidavit, which is now on file in the Pension Office, and which is to this effect: He, the said Jerome B. Cox, was captain of the Tenth Indiana Battery; that he was well acquainted with the claimant, and that he knew him to be a sound, healthy man at the time of enlistment; he further states that the claimant became so badly broken down during the Murfreesborough campaign that he was entirely unfitted for further service in the field.

There are numerous affidavits on file, all to the same effect, namely, that applicant was a strong, vigorous man at enlistment, and broken down by hard service and exposure in the Army in line of duty.

The claim for pension was rejected on the ground that there is no satisfactory evidence that the disease originated in the service and in line of duty. This is accounted for in the following way: When claimant was first taken sick he was sent to a convalescent camp, and from that to the Veteran Reserve Corps, without any medical examination, and in point of fact he did not know the nature of the injury that caused his disability until after he was discharged, and at the time he was examined by a board of medical examiners, when they discovered

that he had been ruptured, and it was from this injury that he was suffering and not spinal trouble.

The claimant is now 67 years old, and feeble in health, and asks that in his declining years the Government that he helped to preserve will grant this small remuneration to assist him in his distress.

In view of the above facts the committee report favorably, and recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRIETTA M. SANDS.

The next business on the Private Calendar was the bill (H. R. 4297) granting a pension to Henrietta M. Sands.

The bill is as follows:

Be it enacted, &c., That from and after the passage of this act there be paid out of the naval pension fund to Henrietta M. Sands, widow of the late Rear-Admiral Benjamin F. Sands, United States Navy, the sum of $50 per month during her widowhood, the same to be in lieu of her present pension.

Mr. MATSON. I ask unanimous consent to dispense also in this case with the reading of the report, and that it be printed in the RECORD. This is the widow of Rear-Admiral Sands, who had served forty-five years in active service and some fifty-five years altogether. It is a bill similar to those which have been passed to pension the widows of rear-admirals in other cases.

The CHAIRMAN. The report will be printed in the RECORD.

The report (by Mr. CULLEN) is as follows:

The petitioner, Henrietta M. Sands, is the widow of Rear-Admiral Benjamin Franklin Sands, who died in the city of Washington June 30, 1883. She is now receiving a pension of $30 a month, that being the maximum amount allowed the widows of officers under the general law.

Rear-Admiral Benjamin F. Sands entered the naval service April 18, 1828, and rendered faithful and efficient service to his country throughout his long career. Prior to 1861 he was constantly employed on duty of great benefit to the country, and on the United States Coast Survey he won for himself an enviable reputation as an energetic and capable officer. In applying to have him ordered to special duty on the Pacific coast, the Superintendent of the Coast Survey, Professor A. D. Bache, under date of May 21, 1861, says of Commander Sands:

"This excellent officer has been attached heretofore to the Coast Survey, and was distinguished for the judgment, zeal, and capacity which are so essential in that distant command, where only general instructions can be given, and that from time to time."

During the late war he was always assigned to duty of great responsibility, which he ever discharged with ability and fidelity. For three years he was division commander in immediate charge of the fleet blockading the port of Wilmington, N. C., and participated in both attacks on Fort Fisher, and was recommended for promotion by Admiral Porter for his gallant services.

After the capture of Fort Fisher, Captain Sands was assigned to duty in command of the second division of the West Gulf Squadron, and discharged that duty well, being relieved from duty after the surrender of Galveston, in June, 1865, when he returned North.

In 1867, as commodore, he was placed in charge of the United States Naval Observatory, and under his superintendency that institution attained to its highest standard. His administration of its affairs was marked by zeal, industry, and good judgment in seeking, and so successfully, to advance its interests and add to its reputation at home and abroad.

It is established that to the devotion to duty which was shown by Admiral Sands when engaged in the arduous work of the blockade was owing the origin of the disease which terminated the life of this distinguished officer. His entire service, as shown by the record, was sea service twenty years and three months, and shore duty twenty-two years and two months, making a total service of forty-two years and five months.

In view of the foregoing facts, and in accordance with the numerous precedents heretofore established, your committee would report favorably, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY M. ORD.

The next business on the Private Calendar was the bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord.

The bill was read, as follows:

Be it enacted, &c., That a pension of $100 per month, payable monthly during the term of her life, be, and is hereby, ordered to be paid to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord, late of the Army of the United States.

The bill was reported by the Committee on Invalid Pensions with amendments, as follows:

In line 3, strike out "$100" and insert "$50;" and after the word "month" strike out the words "payable monthly during the term of her life."

Mr. MATSON. I offer for this bill the substitute which I send to the desk. The bill, I discover, is not in the usual form; and for the sake of uniformity I offer the substitute.

The Clerk read the proposed substitute, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary M. Ord, widow of Maj. Gen. E. O. C. Ord, late of the United States Army, and pay her a pension of $50 a month from and after the passage of this act.

Mr. MATSON. The report in this case simply recounts the services of Major-General Ord, which are well known not only to every member of this House but to the whole country. He served a great length of time and rendered very distinguished services. I ask that the reading of the report be dispensed with.

There was no objection.

The report (by Mr. CULLEN) is as follows:

General Ord entered the Military Academy as a cadet September 3, 1835, and graduated June, 1839. He was assigned to the Third Artillery as a second lieutenant July 1, 1839. From that time until his retirement from the active service, December 6, 1880, he was continuously in the military service of the United States, a period of more than forty-five years, counting from the date of his entrance into the academy as a cadet.

General Ord was retired from active service December 6, 1880, by the President, by virtue of the following section of the Revised Statutes:

"SEC. 1244. When any officer has served forty-five years as a commissioned officer, or is 62 years old, he may be retired from active service, at the discretion of the President."

General Ord was retired on the ground of age, having reached the age of 62, as your committee is advised, on the 19th of October, 1880.

The official history of General Ord is given in the following order, furnished by the Adjutant-General at the time of the announcement of General Ord's death:

[General Orders No. 54.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, July 24, 1883.

With profound sorrow the General of the Army announces the death at Havana, Cuba, at 7 o'clock on the evening of the 22d instant, of Maj. Gen. Edward O. C. Ord, retired, and lately brigadier-general and brevet major-general on the active-list.

General Ord was graduated at the Military Academy and appointed second lieutenant in the Third Artillery July 1, 1839. Having passed through the several grades to include that of lieutenant-colonel in the artillery arm, he received his appointment as brigadier-general of the permanent establishment on the 26th of July, 1866. He had, on the 14th of September, 1861, for service in war, been appointed brigadier-general of volunteers, and on the 2d of May, 1862, major-general of volunteers. He was mustered out of the volunteer service September 1, 1866.

For gallant services in action at Dranesville, Va.; Iuka, Miss.; Big Hatchie, Mississippi, and at the assault of Fort Harrison, Virginia, he received, successively, the brevets of lieutenant-colonel, colonel, brigadier-general, and major-general, United States Army. He served in the Florida war against the Seminole Indians, on the Pacific coast in the war against Mexico, and in Indian campaigns on the same coast.

In the Army of the Potomac he was a brigade and division commander; in the Army of the Tennessee he commanded the left wing from August to September, 1862; and subsequently he commanded, successively, the Thirteenth, Eighth, Eighteenth, and Twenty-fourth Corps, and the Army of the James. He was severely wounded in the battle of Big Hatchie, Mississippi, and was wounded in the assault and capture of Fort Harrison, Virginia.

Since the late war he has at different times commanded the Departments of Virginia, the Ohio, Arkansas, California, the Platte, Texas, and the Fourth Military District.

He was retired on the 6th day of December, 1880, and by act of Congress approved January 28, 1881, he became a major-general on the retired-list. Retirement did not close his active life, for immediately thereafter he engaged in civil pursuits, and continued therein until death suddenly came upon him.

Distinguished among his country's defenders, General Ord was a soldier of national repute. Through his long military service, reaching toward half a century, his career has been marked by faithful, devoted, and intelligent discharge of duty, by personal gallantry, by honest administration, and by a firmness which was not weakened by his great kindness of heart. As his intimate associate since boyhood, the general here bears testimony of him that a more unselfish, manly, and patriotic person never lived.

By command of General Sherman.

GEO. D. RUGGLES,
Acting Adjutant-General.

General Ord died at Havana, Cuba, July 22, 1883, of yellow-fever, contracted at Vera Cruz on shipboard. Under the law the widow can not receive a pension because the direct cause of death was not due to the military service. It is true, however, that General Ord was worn out by his long military service, which made him susceptible to any epidemic disease to which he might be exposed, and not having strength of constitution or vitality to throw it off, became an easy victim.

In view of the long and distinguished services of General Ord, and the acknowledged poverty of the widow, who had but the small sum of $600 left by her husband and no real property whatever, your committee report favorably on the bill and recommend that it do pass, amended, however, as follows:

Strike out, in line 3, the words "one hundred" and insert "fifty:" and, in said line 3 and line 4, strike out the following: "payable monthly during the term of her life."

The substitute proposed by Mr. MATSON was agreed to.

The bill as amended by the adoption of the substitute was laid aside to be reported to the House with the recommendation that it do pass.

ALONZO B. CHATFIELD.

The next business on the Private Calendar was the bill (H. R. 3112) for the relief of Alonzo B. Chatfield.

The bill was read, as follows:

Be it enacted, &c., That the pension of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment Illinois Volunteer Infantry, be rerated and included as equal disability with that class of pensioners who have lost an arm at or above the elbow, under an act of Congress entitled "An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes," approved March 3, 1883.

The bill was reported by the Committee on Invalid Pensions with an amendment, as follows:

Add at the end of the bill the following: "to take effect from and after the passage of this act."

The report (by Mr. CULLEN) was read, as follows:

They have carefully examined the Pension Office papers in this case and find that the facts are clearly stated in the report of the Senate Committee on Pensions in the present Congress, which report they adopt as their own, as follows:

"[Senate Report No. 371, Forty-eighth Congress, first session.]

"The evidence shows that the claimant, Chatfield, was a private soldier in Company B, Thirty-third Regiment Illinois Volunteers; that he enlisted August 20, 1861, and was discharged September 26, 1863; that he was discharged on account of a gunshot wound, which resulted in the loss of his right forearm, in action at Black River, Mississippi.

"He afterwards applied for a pension, and on April 30, 1864, received the authorized pension for the loss of his arm below the elbow. His pension was subsequently increased from time to time as the law gave an increase. He is now receiving the lawful pension for the loss of his arm below the elbow. He asks for an increase to $30 per month. He insists that his disability is the same as though he had lost his arm at or above the elbow. There is no doubt about the fact. The fact is that his arm was amputated just below the elbow, and so close to it that the remaining portion is of no use or advantage whatever.

"The committee are of opinion that he should receive a pension equivalent

to that given under the law to persons having lost an arm at or above the elbow, and they therefore recommend the passage of the bill."

The committee recommend that the bill be amended by adding the following: "To take effect from and after the passage of this act," and, as amended, that it do pass.

Mr. CULLEN. Would it be in order now to ask unanimous consent to substitute the Senate bill in this case for the House bill?

The CHAIRMAN. Is the Senate bill on the Calendar?

Mr. CULLEN. It is.

The CHAIRMAN. The gentleman can ask unanimous consent to call up the Senate bill.

Mr. CULLEN. I make that request.

There was no objection.

The bill (S. 1299) to increase the pension of Alonzo B. Chatfield was read, as follows:

Be it enacted, &c., That the pension of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment Illinois Volunteer Infantry, be rerated and included as equal disability with that class of pensioners who have lost an arm at or above the elbow, under an act of Congress entitled "An act to amend the pension laws by increasing the pensions of soldiers and saliors who have lost an arm or leg in the service, and for other purposes," approved March 3, 1883, such increase to date from and after the passage of this act.

The bill (S. 1299) was laid aside to be reported to the House with the recommendation that it do pass.

The bill (H. R. 3112) was laid aside to be reported to the House with the recommendation that it do lie on the table.

ANNA BECK.

The next business on the Private Calendar was the bill (H. R. 5728) granting a pension to Anna Beck.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Anna Beck, widow of August Beck, late of Company F, Seventh New York Volunteers, on the pension-roll, and pay her a pension at the rate of $8 per month, from and after the passage of this act.

The bill was reported by the Committee on Invalid Pensions with the following amendment:

In line 6, after the word "roll," strike out the words "and pay her a pension at the rate of $8 per month," and insert in lieu thereof "subject to the provisions and limitations of the pension laws."

The Clerk commenced to read the report.

Mr. WOLFORD. Enough has been read to satisfy every one that the pension should be granted in this case. I ask that the further reading of the report be dispensed with.

There was no objection.

The report (by Mr. CULLEN) is as follows:

That Anna Beck is the widow of August Beck, who enlisted in the military service of the United States as a private in Company F, Seventh Regiment New York Volunteers, April 20, 1861, and was honorably discharged February 17, 1863.

May 10, 1865, the name of August Beck was placed on the pension-roll at the rate of $5 per month, on account of valvular disease and hypertrophy of the heart, contracted in the line of his duty in the military service of the United States. It is clearly shown by overwhelming testimony submitted to your committee that the disability of August Beck continued up to the 9th day of October, 1871, when he was burned to death in the great Chicago fire.

June 7, 1873, Anna Beck, as the widow of the deceased soldier, filed her application for pension on account of the death of her husband from disability incurred in the military service of the United States, which was rejected on the ground that the deceased soldier's death was not due to his military service.

Anna Beck (claimant) testifies that on Monday, October 9, 1871, she was residing with her husband, August Beck, in the house numbered 93, on Hurlbut street, north division, in the city of Chicago, Ill., and that at said time the fire known as the "great Chicago fire" was raging in that vicinity. That she and her husband occupied rooms on an upper floor of the house, while the lower portion was occupied by one Fridoline Myer, who was the owner of the premises. That on that day, and for sixty days prior thereto, her husband was sick in bed by heart disease, and was unable to get up and down without assistance, and was almost daily attended by his physician, one Christ. Fessel, who was an old man and is now dead. At the time above mentioned affiant was lame from a diseased leg, and was only able to move about with the aid of a crutch or cane, and continued so lame for several years until she had said leg amputated. As the fire spread and increased it became necessary for herself and husband to remove from the house in order to save themselves from being burned to death. By her assistance her husband was dressed and succeeded in getting downstairs, and proceeded but a few steps when her husband sank down upon the sidewalk, overcome. In a few moments the flames swept over that locality, and, she believes, burned the body of her husband, who had fallen dead from the excitement attending the fire.

Fridoline Myer, the owner of the building occupied by claimant and her husband at the time of the Chicago fire, October 9, 1871, testifies that August Beck, known to him as an invalid pensioner of the United States, and his wife, Anna Beck, the claimant, resided in his house at No. 93 Hurlbut street, north division, Chicago, Ill., previous to the fire of October 9, 1871, and up to that date; that August Beck was unable to leave his bed without assistance at the time of said fire; that the house he occupied and many adjoining houses were totally destroyed by said fire; that affiant occupied a part of the house at the same time of claimant and up to and at the time of the fire.

The utterly helpless condition of the deceased soldier at the time of the fire from heart disease, and the destruction of the house in which he lived, along with the other buildings in that vicinity, are fully shown by a number of witnesses who resided in that vicinity, and while no one testifies to seeing him on that occasion, all agree that he has not been seen or heard of since that great calamity swept over Chicago.

We therefore think that we are justified by the evidence in the case in the conclusion that the excitement occasioned by the sea of flames at that hour sweeping over Chicago caused his death from heart disease which he had contracted in the military service of the United States, for which reason he was discharged from said service, and pensioned by the Government, and that his body was burned, and that he may well be classed among the victims of that fire.

His widow has never remarried and is in indigent circumstances, and is a confirmed cripple, having lost a leg by amputation, and therefore disqualified from earning a subsistence by her own labor.

Your committee therefore recommend the passage of the accompanying bill, amended as follows:

Strike out all after "pension-roll," in line 6, and insert the following: "Subject to the provisions and limitations of the pension laws, from and after the passage of this act."

The amendment reported by the Committee on Invalid Pensions was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JACOB LAFFERTY.

The next business on the Private Calendar was the bill (H. R. 5148) granting a pension to Jacob Lafferty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Lafferty, a private soldier in the late war of the States.

The report (by Mr. PATTON) was read, as follows:

The Adjutant-General's report shows that Jacob Lafferty was drafted September 21, 1864, and discharged December 21, 1864.

The declaration filed by Jacob Lafferty states that during the latter part of October, 1864, while at Camp Reynolds, Pennsylvania, he contracted lung disease.

The Adjutant-General's report states that Jacob Lafferty, a private unassigned, draft Pennsylvania, was enrolled 21st day of September, 1864, at Allegheny, Pa., and reported present. Pittsburgh draft rendezvous, September 30, 1864, answering to Pennsylvania draft men, and discharged on surgeon's certificate of disability December 22, 1864.

S. F. Redic, M. D., says:

"I became acquainted with Jacob Lafferty in the year 1858, and was his family physician from that time until after he was drafted. I have no recollection of prescribing for him personally during the period referred to, and I feel certain that had he labored under any constitutional malady I would have known it. In 1864, in the early part of November, he came home, and on furlough of ten days, suffering, as he said, from a very bad cold. I was called to see him, and found him prostrated with vascular bronchitis, complicated with pneumonia; I told him he would not be able to return at the end of his furlough without serious detriment and great risk to himself. He then requested me to write and secure, if possible, an extension of his furlough. I did as he requested. The answer received was a peremptory order to report at the end of his furlough, about five or six days from the time I first visited him. He did as directed, as I thought at the risk of his life. Shortly afterward I learned from the family that he was in a hospital. He was discharged in December and returned to his family with apparently broken-down constitution. I, leaving that locality after his return home, have had no opportunity personally of knowing anything of his health."

Dr. James L. Crawford testifies that he has been an attending physician in the family of said claimant, Jacob Lafferty, at different times for eight years; that he has prescribed for said claimant, and knows at different times within the past eight years he, the said claimant, has been totally unable to work for several weeks at a time, and that never since he has known said claimant has he been in good health, general constitutional disability being manifest at all times, latterly showing a tendency to serous effusion, markedly in the scrotal sack; is weak, and suffering from shortness of breath upon exertion, showing impairing of lungs, resulting, as I think, from adhesion of the pleura, a sequel of pleuro-pneumonia. Affiant has had frequent opportunities to examine said claimant since he has been acquainted with him, and does not consider that at any time he has been fit to perform manual labor except of the lightest kind. Affiant was not acquainted with claimant prior to enlistment. (Sworn to October 22, 1879.)

Dr. Thomas Carson testifies on the 22d of October, 1879, that he has known Jacob Lafferty for the past four years, and that since he has known him he, the applicant, has not been able to perform manual labor. His trouble is general debility, resulting from the effects of chronic disability of liver and stomach, also lungs. "Am treating him at present for hydrocele; and claimant is not able to perform manual labor, and has not been since I knew him; and I advised him as his physician not to perform any heavy manual labor."

On December 9, 1882, John Clawson and J. M. Ringer testify:

"We have known Jacob Lafferty, the claimant for pension, for thirty years and upward; have lived near neighbors; we never heard him complain of lung disease before he went to the Army, and he was able to work till after he came back from the Army. The following year we know he could not do any work, and for years after and up to the present time he has not been an able-bodied man, and complains of lung disease."

Also, affidavits of Henry Dunmire and H. F. Steer:

"We have known Jacob Lafferty thirty years and upward; we know that before he went to the Army he appeared to be a stout, hearty man; we saw him work and worked with him; we never heard him complain of any disease of the lungs or any other disease, and since he came back from the Army he does not appear to be able to do anything, and is not the same strong man he was before he went to the Army; this we know from personal observation, being neighbors of Jacob Lafferty."

Affidavit of L. T. Shaffer:

"I, L. T. Shaffer, a private, Company F, Fiftieth Regiment Pennsylvania Volunteers, do swear that Jacob Lafferty, a private unassigned, draft of the war of 1861, while in military service of the United States in the line of his duty, and without fault or improper conduct of his own, on or about the 1st of November, 1864, at Ringgold Camp, Pennsylvania. Jacob Lafferty went with me to Camp Ringgold. I never knew Jacob Lafferty being sick before he went to Camp Ringgold. He built a house for our family during the summer of 1864; he was apparently a healthy man at that time, and since I came home from the Army I know he has been sick a greater part of the time, and has continued so more or less ever since, and is not able to work to any extent."

Israel Smatzer, private Company F, Fiftieth Regiment Pennsylvania Volunteers, testifies:

"I went with Jacob Lafferty to Camp Ringgold when he was drafted, and I left him in camp; he was well when he went and well when he was drafted, and I know it."

The committee, in view of all these facts, report the bill back with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB J. MORNINGSTAR.

The next business on the Private Calendar was the bill (H. R. 3403) for the relief of Jacob J. Morningstar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby,

directed to increase the rate of pension now paid Jacob J. Morningstar, late a private in Company D, Seventy-sixth Regiment Pennsylvania Volunteers, from $24 per month to $30, as provided by the act of March 3, 1883, and pay him a pension of $30 a month from and after the passage of this act.

The report (by Mr. PATTON) is as follows:

The claimant presents to the committee (which we beg leave to accompany this report) petitions and affidavits. The petition of applicant sets forth the fact (which is corroborated by papers on file in the Pension Office) that while in the service of the United States he received a wound in the left leg which caused it to be amputated, for which he is now receiving $24 per month, and by reason of his immense weight and the nature and character of his injuries received through the military service, he is thereby disabled and incapable of performing any manual labor and does not receive any pension on account of his disability. The Commissioner of Pensons rejected his claim presented to him on account of said disability, and he now comes to Congress praying that a special act be passed granting an increase of pension, and in support of said request the petition of neighbors as well as affidavits of Dr. O'Neal, A. J. Snively, M. D., F. A. H. Roch, M. D., O. T. Everhart, M. D., J. H. Bittinger, M. D., George L. Rice, M. D., and also affidavits of neighbors and members of the same company and regiment, Franklin M. Roberts, Henry E. Miller, who all corroborate the petitioner, Jacob J. Morningstar, in his staments of his total disability to perform manual labor.

Your committee, in view of the fact of the petitioner having so well established the assertion of his inability to perform manual labor by the petitions and affidavits of his neighbors, and also affidavits of so large a number of eminent physicians, report the bill (H. R. 3403) back, with the recommendation that it do pass.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

The petition of the subscriber, a citizen of the Commonwealth of Pennsylvania, respectfully represents:

That he has been a resident of the borough of Hanover, in the county of York, State of Pennsylvania, all his lifetime; that in the year 1862 your petitioner entered the Federal service as a private in Company D, Seventy-sixth Regiment Pennsylvania Volunteers, for the term of three years or during the war; that on the 11th day July, A. D. 1863, while in the discharge of his duties as a soldier, he was severely wounded at Fort Wagner, S. C., in the left leg, which was shortly thereafter amputated close to the knee; that your petitioner is a very corpulent old man, over 63 years of age, and by reason of his immense weight and the nature and character of his injuries received through the military service he is totally disabled and incapable of performing any manual labor; that he receives no United States pension on account of his disability, the Commissioner of Pensions rejecting his claim presented to him two years since for pension on account of disability; and your petitioner has no other redress for relief than to your honorable body.

He therefore prays for a special act of Congress in his behalf, authorizing the Commissioner of Pensions to pay your petitioner at least $30 per month on account of his total disability to perform manual labor. And he will ever pray, &c.

JACOB J. MORNINGSTAR.

NOVEMBER 17, 1883.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, citizens of the borough of Hanover, county of York, State of Pennsylvania, most heartily join in the petition of Jacob J. Morningstar, a disabled soldier of the Union Army, to grant him a special act of Congress for pension on account of his total disability to perform any manual labor. And they will ever pray, &c.

Signed by—

Emanuel Wolford, Jacob Gundrum, J. P., Joseph Utz, George W. Thomas, Jeremiah Kohler, Jacob Becker, David F. Forney, L. F. Melsheimer, H. C. Slagle, L. H. P. Weaver—all of Hanover, York County, Pennsylvania.

Certificate of Dr. O'Neal.

Having made a personal examination of the injuries of Jacob J. Morningstar, I do hereby certify that his left leg was amputated so close to the knee-joint that the artificial support must be rested and swung from the hip-joint, the assistance from the knee-joint amounting to nothing. The stump is contracted and weak, the bones roughened, at times experiencing or suffering great pain, both in the hip-joint and stump. By reason of his inability to take active exercise his weight has increased, amounting now to two hundred and forty-five pounds, making it slow and painful to move around on an artificial leg. By reason of the left leg being disabled, the great tax on the right leg has rendered it weak and painful, while moving, and at times there is swelling and hardness of the right leg between the knee and the ankle. He is only able to move around by the aid of two canes.

In addition to the above disabilities he has contracted (he alleges while in the United States Army) and is still suffering from a chronic skin disease, resembling eczema. He is incapacitated from doing all kinds of manual labor and requires frequent medical and personal attention.

The above I do hereby certify to.

WALTER H. O'NEAL, M. D.
(Graduate of the University of Maryland the year 1871, Baltimore City.)

STATE OF PENNSYLVANIA,
County of Adams, ss:

On the 20th day of November, A. D. 1883, before me, the subscriber, a justice of the peace in and for the county and State aforesaid, personally appeared Walter H. O'Neal, M. D., who is personally known to me and who is entitled to full faith and credit, and who, being duly sworn according to law, doth depose and say that the facts set forth in the foregoing affidavit are true to the best of his knowledge and belief.

WALTER H. O'NEAL, M. D.

Sworn and subscribed before me the day and year aforesaid.

EDW. J. COX, *J. P., Gettysburg, Pa.*

STATE OF PENNSYLVANIA, *Adams County, ss:*

I, F. M. Timmins, clerk of the court of quarter sessions in and for said county, do certify that E. J. Cox, esquire, before whom the foregoing affidavit was made, and whose genuine signature appears thereto, was at the date thereof, and now is, an acting justice of the peace in and for the said county, duly commissioned and qualified, and authorized by the laws of this State to take the acknowledgment of deeds and other instruments; to all of whose official acts full faith and credit are due.

Witness my hand and the seal of said court, at Gettysburg, the 20th day of November, A. D. 1883.

[SEAL.] F. M. TIMMINS, *Clerk.*

HANOVER, PA., *November* 14, 1883.

Certificate of the physicians of the borough of Hanover, county of York, State of Pennsylvania, respectfully presented to the honorable the Senate and House of Representatives.

In the matter of the petition of J. J. Morningstar.

We, the undersigned, physicians, practicing in Hanover county and State aforesaid, having made a personal examination of the injuries of Jacob J. Morningstar, do hereby certify that his left leg was amputated so close to the knee-joint that his artificial leg must be swung from the hip-joint alone, receiving no assistance from the knee-joint whatever; that the stump, which is contracted and weak, is equivalent to an amputation above the knee-joint; that by reason of the amputation his weight (245 pounds) and weakness of his right leg, he can walk only by the aid of two canes; that in addition to the above, said Jacob J. Morningstar has contracted a skin disease in the military service (as he alleges) which seems to be incurable; that in consequence of the above injuries and disease he is incapacitated from doing any manual labor, and requires frequent personal and medical attendance; all of which we herewith certify.

HORACE ALLEMAN, M. D.
A. J. SNIVELY, M. D.
F. A. H. KOCH, M. D.
O. T. EVERHART, M. D.

YORK COUNTY,
State of Pennsylvania, ss:

Personally came before me, the subscriber, a notary public of Hanover Borough, in and for said county, the within-named physicians, personally known to me, Horace Alleman, A. J. Snively, F. A. H. Koch, and O. T. Everhart, all being duly sworn according to law, did depose and say that the within certificate is true, to the best of their knowledge and skill.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 4th day of December, 1883.

[SEAL.] A. N. MICHAEL, *Notary Public.*

Certificate of Dr. J. H. Bittinger, a physician of Penn Township, York County, Pennsylvania, respectfully submitted to the honorable the Senate and House of Representatives of the United States.

In the matter of the petition of Jacob J. Morningstar.

I, J. H. Bittinger, a practicing physician and a graduate of Jefferson Medical College, at Philadelphia, Pa., have examined Jacob J. Morningstar, of Hanover, Pa., aged 43 years, a carpenter by occupation, and during the late war of the rebellion a member of Company D, Seventy-sixth Regiment Pennsylvania Volunteers. He states that he was wounded in his left leg on July 11, 1863, while engaged in the United States service.

The leg was subsequently amputated immediately below the knee-joint, leaving a stump that is not long enough to have an artificial socket leg adjusted to it, and is therefore deprived of the use of the knee-joint.

The comparative measurements of the legs are: Circumference of left leg at knee-joint, 14 inches; circumference of right leg at knee-joint, 19 inches; circumference of left leg, at middle third of femur, 15 inches; circumference of right leg, middle third of femur, 21½ inches. Externally, on the posterior surface of the stump, is a small subcutaneous tumor, which, upon pressure, gives intense pain, and corresponds to the termination of the external popliteal or peroneal nerve. The applicant claims to have constant pain at this joint, and at times is so intense as to make him miserable.

He also is afflicted with a chronic skin affection of a very annoying character, which he claims to have contracted in the service.

He can not walk without the aid of two canes, and is unable to work at his trade.

J. H. BITTINGER, M. D.

STATE OF PENNSYLVANIA,
County of York, ss:

Personally appeared before me, a notary public in and for said State and county, Dr. J. H. Bittinger, who, being sworn according to law, says the facts set forth in the above certificate are just and true to the best of his knowledge and belief.

J. H. BITTINGER, M. D.

Sworn and subscribed to this 19th of November, A. D. 1883.

[SEAL.] A. N. MICHAEL,
Notary Public.

This is to certify that I, George L. Rice, a practicing physician, residing in McSherrystown, Adams County, Pennsylvania, have examined Jacob J. Morningstar, late a private in Company D, Seventy-sixth Pennsylvania Volunteer Infantry, and find that his left leg has been amputated below the knee-joint. The amputation is so close to the knee-joint that the artificial leg which he wears must be swung from the hip-joint alone, receiving no assistance from the knee-joint whatever. The stump, which is weak and contracted, is equal to an amputation above the knee (it would be far better were it so).. By reason of his weight, two hundred and forty-five pounds, and the weakness of his right leg, locomotion is impossible without the aid of two canes. In addition to the above he has a skin disease, which he says he contracted while in the service of the United States, which seems to be incurable. In consequence of the injury above narrated he can not perform any manual labor, and frequently has to be assisted by friends, &c. Especially is this the case when the ground is frozen and covered with snow and ice, when he can not be about at all.

GEO. L. RICE, M. D.,
McSherrystown, Adams County, Pennsylvania.

YORK COUNTY,
State of Pennsylvania, ss:

Personally came before me, a notary public of Hanover Borough, in and for said county, George L. Rice, practicing physician, personally known to me, who being duly sworn according to law did depose and say that the above statement is true to the best of his knowledge and skill.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 21st day of November, A. D. 1883.

[SEAL.] A. N. MICHAEL, *Notary Public.*

In the matter of the petition of J. J. Morningstar.

STATE OF PENNSYLVANIA,
County of York, ss:

Personally appeared before me, a notary public in and for said State and county, Henry Miller, of Hanover Borough, county and State aforesaid; also, Franklin M. Roberts, of same borough, county, and State aforesaid, who, being severally sworn, do depose and say that we knew Jacob J. Morningstar before the war; that he was drafted in the United States service, and shortly thereafter enlisted as a volunteer private in Company D, Seventy-sixth Regiment Pennsylvania Volunteers; that his weight at that time was at least 215 or 225 pounds; that we were members of the same company, same regiment; that he contracted a skin disease in the military service, of which said Morningstar has never been cured; that on account of his weight and the weak right leg he is compelled to walk with two canes, and is unable to do any manual labor, and requires personal though not regular attendance, and that he is entirely de-

pendent for his living on his United States pension; that we are not personally interested, either directly or indirectly, in the prosecution of this application before your honorable Congress.

FRANKLIN M. ROBERTS.
HENRY L. MILLER.

Sworn and subscribed to before me this 24th day of November, A. D. 1883.
[SEAL.] A. N. MICHAEL, *Notary Public.*

STATE OF PENNSYLVANIA,
County of York, ss:

Personally appeared, also, Capt. Jeremiah Kohler, who, being duly sworn, says that he was present when said Jacob J. Morningstar was weighed, and that he was weighed in 1862, before the draft, and that said Morningstar then weighed 215 pounds; that said Morningstar must walk with two canes, and can not do any labor at this time from his injuries.

JEREMIAH KOHLER.

Sworn and subscribed to before me this 27th day of November, A. D. 1883.
[SEAL.] A. N. MICHAEL, *Notary Public.*

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EUGENE L. TOWNSEND.

The next business on the Private Calendar was the bill (H. R. 5595) granting a pension to Eugene L. Townsend.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eugene L. Townsend, late of Company H, Seventy-first New York Volunteers, and Ninth Regiment Veteran Reserves, subject to the provisions and limitations of the pension laws.

The report (by Mr. PATTON) was read, as follows:

That Eugene L. Townsend enlisted in the military service of the United States as a second lieutenant in Company H, Seventy-first Regiment New York Volunteer Infantry, August 27, 1862, and was honorably discharged September 1, 1863. April 28, 1864, he was commissioned first lieutenant Ninth Regiment Veteran Reserve Corps, and was honorably discharged therefrom December 1, 1865, as brevet captain.

December 3, 1879, he filed in the Pension Office his application for pension, on the ground that at Falmouth, near Fredericksburg, Va., March 1, 1863, he was thrown from his horse while on duty as field officer of outposts of the Third Corps, causing left inguinal hernia. The application received careful consideration in the Pension Office, a number of special examiners being detailed to take testimony in the case. After examining the testimony thus taken the Commissioner of Pensions forwarded the papers in the case to the committee with the following letter of recommendation:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., March 1, 1884.

SIR: Under the provisions of the joint resolution of Congress, approved May 29, 1830, I have the honor to forward herewith the papers in the case of Eugene L. Townsend, late second lieutenant Company H, Seventy-first New York Volunteers, application No. 326695, to consider the propriety of placing the applicant's name upon the pension-roll by special act of Congress, subject to the provisions and limitations of the general pension laws, for the reason that his claim appears to be deserving, but the evidence is not deemed sufficient to warrant favorable action under the general law.

Applicant alleges that he was thrown from his horse at Falmouth, near Fredericksburg, Va., about March 1, 1863, and incurred left inguinal hernia, and in a subsequent letter he avers that two previous accidents had in all probability predisposed him to this hernia; that the first occurred in October, 1862, and, as near as he can remember, about the middle of the month; that he was ordered to accompany General Sickles upon a reconnaissance up the railroad from Manassas Junction, and that on the return to headquarters at Manassas, while riding very fast through the woods, it being very dark, his horse stumbled, throwing him violently against the pommel of the saddle, painfully injuring his left groin and testicles, and that he was unable to mount his horse for some time afterwards; that a similar accident occurred on the night of December 13, 1862, during the progress of the battle of Fredericksburg, when, in pursuance to orders from the adjutant-general of the division, he had proceeded to the outpost to ascertain the cause of the continued chopping of wood heard in the front, and on his return to headquarters, in crossing a sunken road, his horse fell, and the pommel of the saddle struck him in a similar manner as before; that when the accident mentioned in his application occurred, his brother, George D. Townsend, assistant surgeon of the Seventy-second Regiment, upon examination, stated that he had received a rupture or hernia, and would require a truss, which he subsequently obtained for him.

The claim is still pending, having come to a standstill because applicant appears to be wholly unable to furnish testimony showing that he incurred the alleged disability in the line of duty, or in lieu thereof positive and substantial evidence of prior soundness at the date of entering the service.

It appears from the records of the War Department that applicant's fellow-officers of the field are dead, hence he is unable to procure evidence to corroborate his allegations. The only testimony to show prior soundness is that of his mother, sister, and brother, the assistant surgeon aforesaid, who was younger and not an associate, and one John G. Kearsing, who roomed with him in Paris, France, during the spring of 1862, about six months before his entering the service.

Your attention is invited to the reports of the various special examiners, who have made strenuous efforts to arrive at a satisfactory conclusion on the question of applicant's prior soundness, also to the report of the War Department and the medical certificate embodied therein, in which the applicant stated to the surgeon of the hospital the origin of his disability, which statement does not materially differ from his present one.

Inasmuch, therefore, as there is record evidence of the existence of hernia during service, and there is nothing presented adverse to applicant's character as a soldier and credible man, and he is now helpless, suffering from locomotor ataxia, I deem it proper to submit the papers to your consideration, with my recommendation that he be pensioned by special act of Congress.

Very respectfully,

W. W. DUDLEY,
Commissioner.

Hon. C. C. MATSON,
Chairman Committee on Invalid Pensions, House of Representatives.

Your committee have carefully examined the voluminous testimony in this case, and find the recommendations of the Commissioner of Pensions are fully sustained by the evidence, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DENNIS M'GINNIS.

The next business on the Private Calendar was the bill (H. R. 1449) granting a pension to Dennis McGinnis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dennis McGinnis, formerly a private in Company D, of the One hundred and seventieth Regiment of New York Volunteers.

Mr. BROWN, of Pennsylvania. This is a bill which has passed the House in two Congresses before this. I ask that reading of the report be dispensed with.

There was no objection.

The report (by Mr. PATTON) is as follows:

The committee, after considering the evidence, see no reason to alter the report presented to the second session of the Forty-fifth Congress, and adopted in the second session of the Forty-sixth Congress, and therefore adopt the same, as follows:

"[House Report No. 141, Forty-sixth Congress, second session.]

"That Dennis McGinnis was a private in Company D, One hundred and seventieth New York Volunteers; enlisted September 2, 1862, to serve three years in the war for the Union, and was honorably discharged July 15, 1865, after the close of the war; that he filed an application for a pension October 30, 1874, for disability, which he alleges arose as follows:

"'That while in the service aforesaid, and in the line of his duty, near Patrick Station, Va., in December, 1864, or January, 1865, while building a corduroy road, he was thrown from a wagon onto a stump by the sudden starting of a team, and his right hip was badly injured by the fall, by reason of which he was laid up for several days, and was treated in his tent by Surgeon Olmstead, of said regiment; that his hip has troubled him ever since, and is much wasted in size, and at times very painful, and he is greatly disabled by it; and the same fall injured his back.'

"At the time of this injury he was detailed and acting as teamster, and none of his own officers were present; that the surgeon who treated him for the injury is dead; that he has advertised and tried at considerable expense to find the officer who had charge of the detail, but can not; that he was not sent to hospital, and no record of his injury or treatment can be found; that his family physician, who knew him intimately before and at the time of his enlistment, as well as since his discharge, states that he (McGinnis) was healthy and sound at the time of his enlistment and has been in broken health ever since his discharge; that before his enlistment he considered your petitioner 'as healthy and sound a man as he ever knew,' and that, from his 'personal knowledge of the man, he believes he contracted the diseases and disability from which he is now suffering while in the service as aforesaid;' that another family physician of applicant, who has known him and treated him professionally ever since his discharge, states that he first treated him on his return from the service 'for an injury to the back and hips, which finally resulted in sciatica of a severe character and a general derangement of the system, and lately (May 31, 1877) has affected the heart; that said McGinnis has frequently been laid up for weeks, confined to his house; that he has been and is unable to labor, and that his disability increases rather than diminishes; and that from his personal knowledge of the man he has every reason to believe that he contracted the diseases from which he is suffering while in the service of the United States or that they resulted from injuries received in said service.'

"That a petition signed by an ex-member of Congress who resided in the same county with the applicant, by the president and additional law judges of the district, and by most of the public and professional men of the county, was produced before your committee, together with a large number of affidavits of the neighbors of the applicant, which satisfy your committee that this claim is worthy of most respectful consideration, notwithstanding the fact that a letter was presented to your committee which alleges that the application for pension in this case is fraudulent; and from all the evidence in the case your committee believe the applicant entitled to a pension for disability which originated as alleged by him, and therefore report the bill with recommendation that it be passed."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BARBARA A. SMITH.

The next business on the Private Calendar was the bill (H. R. 4663) granting a pension to Barbara A. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Barbara A. Smith, widow of William A. Smith, deceased, late a private in Company B, Fifty-fifth Regiment Pennsylvania Volunteers.

The report (by Mr. PATTON) is as follows:

The soldier, William A. Smith, was admitted to the post hospital at Camp Curtin, Harrisburg, Pa., on the 16th of March, 1884, and died the same day. There is no evidence that he was treated for any disease, but the assistant acting surgeon in charge reported to the Surgeon-General that he died of delirium tremens, and so the record stands. The widow's claim was rejected on this ground by the Pension Office.

The testimony of six reputable citizens, who swear that they were well acquainted with the soldier, establishes the fact conclusively that he was a man of temperate habits and not addicted to the use of intoxicating liquors.

The testimony of six other reputable witnesses prove the same fact, and in addition that they were comrades; that at Beaufort, S. C., in September, 1861, the soldier was attacked with epilepsy, and that he had a similar attack at about the period of his death. In addition. J. P. Martin, assistant adjutant-general, under date of March 10, 1874, certifies that the record in the Adjutant-General's office shows that he died of intermittent fever.

He was a good soldier, served several years, and was detailed as a recruiting officer part of the time.

Under these circumstances the committee feel justified in recommending that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS SCOTT.

Mr. PRICE. I ask unanimous consent of the Committee of the Whole to take up out of its order Senate bill No. 626, on page 51 of the

Calendar. I wish to state in this connection that the man in whose favor this bill is reported stands at the door here and wants to return home.

Mr. ERMENTROUT. I demand the regular order.

The CHAIRMAN. The call for the regular order is equivalent to an objection.

Some time subsequently,

Mr. PRICE said: I understand that the objection that was made a short time ago to considering Senate bill No. 626 out of its order is not now insisted upon.

The CHAIRMAN. Is there objection to considering out of its order the bill indicated by the gentleman from Wisconsin [Mr. PRICE]? [After a pause.] The Chair hears none.

The bill (S. 626) to increase the pension of Francis Scott, and to rate him in the second grade of pensioners, was taken up and read, as follows:

Be it enacted, &c., That Francis Scott, late a private in Company B, Twenty-third Regiment of Wisconsin Infantry Volunteers, now on the pension-roll at the rate of $24 per month, shall, from and after the passage of this act, be entitled to receive the same pension as a soldier now receives or which shall be allowed hereafter by law to one who has lost one arm at or above the elbow or one leg at or above the knee.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM HARBESON.

The next business on the Private Calendar was the bill (H. R. 4248) granting a pension to William Harbeson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Harbeson, of Reading, Pa., late a private in Company G, Sixth Pennsylvania Cavalry.

The report (by Mr. PATTON) is as follows:

William Harbeson enlisted August 8, 1861, as a private in Company G, Sixth Regiment Pennsylvania Cavalry. About November, 1863, while in the line of duty going into camp at Mitchell's Station, his horse reared up and fell backward, throwing Mr. Harbeson under him, hurting him so badly that he had to be led into camp, a doctor was called in, and Harbeson was unfit for duty for some time. The above is testified to by a comrade, though there is no record of such medical attendance and disability. The testimony also shows that he was a sound man before entering the Army. After the accident he served out his time; but the testimony shows that from date of accident he always complained of his injuries, though they did not reach the point where medical aid was summoned till in 1872. The injury culminated in a chronic inflammation of the spinal cord and partial paralysis of the limbs.

The committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

ANNA MARIA RESSLER.

The next business on the Private Calendar was the bill (H. R. 4247) granting a pension to Anna Maria Ressler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna Maria Ressler, of Reading, Pa., widow of Lawrence Ressler, deceased, late a private in Company Sixty-four, Second Baltimore Veteran Reserve Corps, and of Company D, Pennsylvania Reserve Corps.

The report (by Mr. PATTON) is as follows:

Lawrence Ressler was enlisted May 26, 1861, as a private in Company I, Seventh Pennsylvania Volunteers. The captain of said company, Joseph G, Holmes, testifies from personal knowledge that while in the line of his duty the applicant, during the seven days' fight on the Peninsula, contracted a heavy cold, which settled on his chest. After service he was admitted to the general hospital parol, Camp Chase, Columbus, Ohio, November 12, 1862, with rheumatism; was returned to his regiment, and was then under treatment for lumbago till April 11, 1863; was treated August, 1863, for orchitis; September 21 to October 4, 1863, was treated for gastritis.

Records of July 10, 1863, of a list of officers and men unfit for duty, excepting invalid corps, shows him to have been at Alexandria, Va.; to have been disabled eight months from chronic rheumatism and epididymitis, on account of which disease he was transferred to Sixty-fourth (?) Company (?) B, Company H, Twentieth Regiment Veteran Reserve Corps, October 7, 1863.

He appears again, October 14, 1863, at post hospital, Cliffburn Barracks, Washington, D. C., with intermittent fever; mustered out in 1864; December 29, 1868, entered hospital at Saint Louis, Mo., with acute diarrhea; left January, 1869; entered again March 16, 1869, and died, according to record of hospital, of acute bronchitis April 3, 1869. Pension was claimed by widow on ground that soldier died of consumption contracted in service.

The testimony of reputable persons who knew the soldier long and well, including Captain Holmes, is overwhelming that prior to enlistment he was a sound man, and that from the time of service in the Peninsula his health began to fail, and so continued to fail to the time of his death. He was in humble circumstances, and because of this and a belief that medical attendance could avail nothing, resorted to home remedies exclusively for his ailments. The widow was therefore unable to supply any medical testimony as to his condition, and for this reason her claim was rejected.

There can be no doubt that the soldier's heroic fidelity to duty while suffering under a long catalogue of complicated diseases was ultimately the cause of his death. The committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

NOAH CATON.

The next business on the Private Calendar was the bill (H. R. 2627) granting a pension to Noah Caton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place on the pension-roll the name of Noah Caton, late of Company H, Eighty-fifth Regiment Pennsylvania Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. PATTON) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2627) granting a pension to Noah Caton, have had the same under consideration, and ask leave to submit the following report:

This bill was before the Committee on Invalid Pensions of the Forty-sixth and Forty-seventh Congresses and was favorably considered by both committees.

Upon a re-examination of the claim your committee have reached the same favorable conclusion, and as the facts and conclusions are fully set forth in former reports, it is again adopted as the report of your committee, herewith appended, and recommend the passage of the same.

[House Report No. 509, Forty-seventh Congress, first session.]

This bill was before the Committee on Invalid Pensions of the Forty-sixth Congress, to whom the subject was referred, and favorably considered, which report we now append and adopt as our own:

"The claimant, Noah Caton, enlisted on the 27th of September, 1861, in Company H, Eighty-fifth Regiment of Pennsylvania Volunteers, and was honorably discharged on the 25th of September, 1862, by surgeon's certificate of disability (partial paralysis). He filed an application for a pension, alleging that in line of duty at Yorktown, Va., in May, 1862, he received a shell injury, resulting in a large tumor in the right side, which disables him from manual labor. His application was rejected on the 24th of October, 1879, because 'no record of alleged injury or result, and the claimant states he is unable to furnish medical testimony to show that the disability existed in service.'

"The commissioned officers in the company of which the applicant was a private are all dead, and the whereabouts of the surgeon the applicant is unable to find, although he has made diligent search to ascertain his residence.

"The applicant produces Aaron Wicklow and John W. Dial, who testified, on the 8th of April, 1879, that 'they were privates in Company H, Eighty-fifth Regiment of Pennsylvania Volunteers, and that Noah Caton was of the same company and regiment, and that while the company was at the battle of Yorktown, Va., on the 15th day of May, 1862, he was hit with a piece of shell in his right side, and, from the effects, there formed a gathering and originated a large tumor.'

"Other evidence in this claim fully sustains this statement, and shows the claimant's disability.

"Examining Surgeon Dr. S. S. Good, who on the 1st day of February, 1879, examined the claimant, reports 'that in his opinion the disability did originate in the service, and that he finds a large fatty tumor in the claimant's right side; measures 8 inches in length and half as much in width;' and also says, 'the claimant feels partial paralysis of the entire right side.' He further says, 'I recommend one-half, $4 per month.'"

In view of the evidence, the committee are of the opinion that the claimant is entitled to a pension, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM WEDDINGFIELD.

The next business on the Private Calendar was the bill (H. R. 732) granting a pension to William Weddingfield.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Weddingfield, late a private in Company E, First Regiment Potomac Home Brigade Cavalry, Maryland Volunteers, and that the said William Weddingfield be allowed a pension at the rate of $17 per month, commencing July 10, 1864.

The Committee on Invalid Pensions recommend that the bill be amended by striking out all after the words "Maryland Volunteers."

The report (by Mr. PATTON) was read, as follows:

William Weddingfield alleges that on or about June, 1864, while on detached duty to drive train, the mule he was on fell and he was thrown on croup of saddle, striking him in left groin, causing rupture.

The affidavit of John T. Hickman, second lieutenant Company E, First Regiment Potomac Home Brigade Cavalry, Maryland Volunteers, and of which William Weddingfield, the claimant, was a member, states that in the beginning of the month of July, 1864, he had occasion to detail the said William Weddingfield to drive ammunition or baggage wagon, as the regular teamster thereof had deserted, and upon coming to Maryland Heights the said William Weddingfield reported to this affiant that while in the discharge of his duty as teamster he was thrown upon the croup of his saddle, injuring him in the groin. He was never thereafter able to do duty on account of said injury, which seemed to be an internal hurt. He was never sent to hospital. Although frequently requested to go there, he would not consent. This affiant was, in the following month (August), sent to hospital, suffering with a wound which he received, and consequently can testify no further.

Walter R. Way, M. D., testifies that he treated William Weddingfield in July, 1864, for an injury in the left side of the abdomen, a few inches above the left inguinal ring, understood to have been received by the claimant while in the discharge of his duty, getting off wagon train from Martinsburg, W. Va., and while defending the same from capture by the enemy, and that he exempted the claimant from any other like duty, awaiting developments in the case, and that he shortly after resigned his position as regimental surgeon to accept a position in the staff corps of surgeons, United States Veteran Volunteers, and therefore can not complete history of the case, but in his opinion claimant has a permanent rupture in the left side, resulting, as he believes, from said injury, as above stated.

The affidavit of Herman Heneman states:

"I have known William Weddingfield since 1853; have seen him at short intervals ever since his discharge from the Army in 1865, and from frequent and constant intercourse with him from that time to the present day know that he is affected and troubled with hernia or rupture from the time of his discharge from the Army up to the present time. Immediately after his return from the service heard him, the said Weddingfield, complain frequently of having been injured in the groin, from which he continually suffered, and complained of his injury for some time until the hernia or rupture commenced developing or coming down, until it became so large as to be clearly visible whenever he walked or sat down, without removing or opening his clothing; and said Weddingfield is, and has been for several years, totally disabled from doing work."

The testimony of Fred. Mathica, M. D., states that he has been acquainted with William Weddingfield since the year 1869, and has given him medical treatment since that time, and that Weddingfield was unable to perform any labor during these years.

The affidavit of H. Eigenbrott states:

"Knew William Weddingfield previous to the year 1854, before we came to this country, and belonged to the same lodge, and knew he was a sound and

healthy man and free from rupture of groin, otherwise he would not belong, as members of said lodge are required to be able-bodied; and knows from personal intimacy that he, Weddingfield, returned from the United States Army with a rupture upon his person, which now exists."

The affidavit of Francis Waldner states that he has been intimately acquainted with William Weddingfield since the year 1859, at which time we worked in the malt-house, and continued to work there up to about the time he enlisted. He would have been unable to work there had he been a ruptured man, as the work was very hard; was also a member of lodge before he went in the Army, and knows, therefore, that he was not a ruptured men, as no men with any bodily defects upon them are admitted as members; and he also knows that said rupture existed when he, Weddingfield, returned from the Army, and that it now exists.

The affidavit of John Mass states that he was a private in Company E, First Regiment Potomac Home Brigade, Maryland Cavalry, and well knew William Weddingfield, of said company and regiment; that he was a good and faithful soldier, and that on one occasion was detailed by Lieutenant Hickman to drive some wagons, and when he reached Maryland Heights he reported as having injured himself in the groin, as it was generally understood and known by them that said Weddingfield was injured. Deponent further declares that he has resided in close proximity to the said Weddingfield ever since their discharge, and recollects that after his discharge he constantly complained of said injury received in the Army, which affiant understood to be a rupture. Said rupture gradually commenced developing and coming down, until it became so large as to be plainly perceptible without the removal or opening the clothing, rendering the said Weddingfield totally disabled, and unable, for the past five years, to do any work whatever. He has been a constant and continued sufferer from said rupture from the time of his discharge to the present time.

The committee, in view of all these facts, report the bill back, with the recommendation that it do pass as amended.

In line 8 strike out all in bill H. R. 732 after the word "volunteers."

The motion was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

MAJOR D. WILLIAMS.

Mr. LAIRD. I ask unanimous consent to take up out of its order for consideration at this time Senate bill 394, restoring to the pension-roll the name of Major D. Williams.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Major D. Williams, late captain of Company C, Twelfth Regiment Indiana Volunteers, and grade his pension at $20 per month from the 13th day of September, 1869, the date his name was dropped from the roll.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 394) restoring to the pension-roll the name of Major D. Williams, submit the following report:

Your committee find that a similar bill to this (H. R. 1738) was reported favorably from this committee by a unanimous vote. (See Report 1196.) Your committee therefore report the bill back with the recommendation that it pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM T. M'COY.

The next business on the Private Calendar was the bill (H. R. 1436) granting a pension to William T. McCoy, reported from the Committee on Invalid Pensions with amendments.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William T. McCoy, late of Company B, One hundred and tenth Regiment of Pennsylvania Volunteer Infantry, and that the said William T. McCoy be allowed a pension at the rate of $4 per month, commencing from the date of his honorable discharge, to wit, October 24, 1864, from the Army of the United States, on account of injuries and disease incurred and contracted by him while in the service and line of duty during the late war of the rebellion.

The amendments reported from the committee were, to insert, after the words "place on the pension-roll," the words "subject to the provisions and limitations of the pension laws;" also strike out at the end of the bill all after the words "Pennsylvania Volunteer Infantry."

The report (by Mr. PATTON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1436) granting a pension to William T. McCoy, have had the same under consideration, and ask leave to submit the following report:

A bill passed the House of Representatives in the Forty-sixth and Forty-seventh Congresses, and report in the Forty-seventh Congress says it was not acted on in the Senate of the Forty-sixth Congress for want of time.

The committee are compelled to append the report of the committees of the Forty-sixth and Forty-seventh Congresses upon the subject, and adopt the same as their own, because the committee find the evidence of Examining Surgeons Dr. William C. Findley and Dr. G. W. Smith, and evidence both medical and that of persons who knew the claimant, sustaining the report has been lost or does not appear with the papers on file in the Pension Department.

The committee, in view of all the facts, after careful consideration, are of the opinion that the claimant is entitled to a pension, and therefore recommend the passage of the accompanying substitute report herewith appended, and recommend that it do pass as amended.

Add in line 4, after the word "pension-roll," "subject to the provisions and limitations of the pension laws," and strike out all of the bill after the word "infantry," in line 6.

[House Report No. 618, Forty-seventh Congress, first session.]

This bill was before the Committee on Invalid Pensions of the Forty-sixth Congress, to whom the subject was referred, and favorably considered, and passed the House of Representatives, but was not acted on in the Senate for want of time. We append the report of the committee of the Forty-sixth Congress upon the subject, and adopt the same as our own:

"The claimant enlisted in the military service of the United States on the 1st day of September, 1861, in Company B, One hundred and tenth Regiment of Pennsylvania Volunteers, and was honorably discharged on the 24th day of October, 1864. He filed an application for pension, setting forth in it that while in action at the battle of Fredericksburg, Va., on the 13th of December, 1862, he received a gunshot wound on the top of his head, and also, while on the march to Chancellorsville, Va., about May, 1863, he sustained an injury to his left side, causing palpitation of the heart, &c. His application was rejected because "no disability since discharge."

"There is no dispute about the gunshot wound and injury being received by the claimant while in the Army and line of duty.

"Examining Surgeon Dr. William C. Findley says in his report of the examination of the claimant on the 27th of November, 1878, that by reason of alleged disability, resulting from gunshot wound on the top of head and injury to left side, causing heart disease, the claimant is one-half incapacitated for obtaining his subsistence by manual labor.

"Examining Surgeon Dr. G. W. Smith says, in his report of the examination of the claimant, made July 16, 1879: 'By reason of the gunshot wound of the head the applicant is not incapacitated for obtaining his subsistence by manual labor.'

"All other evidence, both medical and that of persons who know the claimant, sustains the report of Examining Surgeon Findley; and it will be seen that Examining Surgeon Smith only examined the claimant for the gunshot wound, entirely overlooking the injury that caused heart disease.

"After reviewing and considering all the evidence, the committee are of the opinion that the claimant is entitled to a pension, and therefore recommend the passage of the accompanying substitute bill."

The amendments reported from the committee were agreed to; and the bill as amended was laid aside to be reported favorably to the House.

JAMES AARON.

The next business on the Private Calendar was the bill (H. R. 4254) granting a pension to James Aaron.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James Aaron, late of Company F, Ninety-first Regiment of Pennsylvania Volunteers, at the rate of $9 per month, commencing on the 29th of June, 1865, that being the date of his discharge from the Army of the United States on account of injuries received and disease contracted while in said military service and in line of duty.

The Committee on Invalid Pensions recommend that the bill be amended by inserting, after the words "place on the pension-roll," the words "subject to the provisions and limitations of the pension laws," and to strike out at the end of the bill all after the words "Pennsylvania Volunteers."

The report (by Mr. PATTON) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4254) granting a pension to James Aaron, respectfully submit the following report:

Your committee beg leave to adopt the report made to the Forty-sixth Congress in this case as representing its views and recommendations, and report the bill (H. R. 4254) back to the House and ask that it do pass as amended, namely:

In line 4, after the word "pension-roll," add "subject to the provisions and limitations of the pension laws." In line 6 strike out all in the bill after the word "volunteers."

[House Report No. 67, Forty-sixth Congress, first session.]

James Aaron, the claimant, enlisted on the 21st day of September, 1864, in Company F, Ninety-first Regiment of Pennsylvania Volunteers, and was honorably discharged on the 29th of June, 1865. He filed an application for pension, alleging that while in the Army of the United States he was disabled in consequence of severe exposure and hardship of the service, by contracting lung fever and varicose ulcerations of the right leg. His claim was rejected on the 17th of February, 1879, on the supposition that the varicose veins existed prior to enlistment.

The committee have carefully reviewed all the sworn testimony filed in support of this claim, and they are of the opinion that the rejection is erroneous; that there is not a syllable of evidence to show that the claimant suffered from varicose ulceration of the right leg before he enlisted in the Army.

John G. Leasure and Joseph Bennett, members of Company F, Ninety-first Regiment of Pennsylvania Volunteers, and comrades of the claimant, swear "that at the time of the enlistment they were well acquainted with him, and that he was an able-bodied man, and was examined by a physician appointed for that purpose. That on or about the 26th of November, 1864, at or near Hatcher's Run, Virginia, said James Aaron was disabled in the line of his duty, by reason of an aggravated disease (by camp life) of the right leg, as reported by the hospital steward of that place, and was sent away from the regiment unfit for duty, and never returned, he being unfit for excessive fatigue or duty."

Zachariah Shaffer, a private in the same company, swears that the claimant "was an able-bodied man at the time of his enlistment, and that at or near Petersburg he was attacked by some slow fever, which appeared to create a severe sore or running ulcer on his right leg, and still (August 8, 1878) remains a running ulcer." This witness also says he was "acquainted with the claimant, James Aaron, at the time of his enlistment, while in the Army, and since his return to the present." Other witnesses sustain this testimony.

On the 11th of September, 1871, Dr. D. Helm Hite swears "that I have examined James Aaron, formerly of Company F, Ninety-first Regiment of Pennsylvania Volunteers, and find his affliction to be a chronic ulcer of the right leg, extending almost from the knee to the ankle-joint, on the inner and anterior aspects of the limb."

On the 22d day of February, 1877, Dr. John G. Hughes swears that he graduated at Jefferson Medical College in March, 1853, and that he has been well acquainted with James Aaron for eighteen years, and had been his family physician prior to his enlistment, and says: "I never knew him (prior to his enlistment) to suffer from any pulmonary disease or give any evidence or indication of pulmonary weakness. I saw him at his home soon after his return from the service. I was called upon to visit him professionally and give him treatment. I found him at that time very much debilitated and broken down in general health, but suffering particularly from diseased lungs." He furthers swears that he was then the "unfortunate bearer of varicose ulcers of the lower limb, from which he suffers greatly much of the time. Indeed, they never heal up entirely, but are open and discharging, more or less, all the time. As they seem to be the result of the enlarged and varicose condition of the veins of the legs, they render walking about often almost an impossbility. In closing my statement of this case I would add that I do consider the applicant, James Aaron, a most worthy claimant; that he is a confirmed sufferer from ailment contracted in the service."

On the 16th of August, 1878, O. P. G. Clark, Acting Commissioner of Pensions, addressed a letter to Philip Knee, a resident of Chaneysville, Pa., where the claimant resides, asking him, "Will you please inform this office of any knowledge you may have, either personal or from information, relative to this man's (James Aaron's) physical condition before enlistment in 1864 and since his final discharge in 1865?"

Mr. Knee answered as follows:

CHANEYSVILLE, BEDFORD COUNTY, PENNSYLVANIA,
August 28, 1878.

SIR: I have known James Aaron for twelve years, and have seen him more or less every day during this time. He has had a bad leg ever since he has been discharged out of the Army; know that his physical condition was good before he went in the Army, and that he ought to be entitled to pension above others that are getting pensions.

Respectfully,

PHILIP KNEE.

Hon. COMMISSIONER OF PENSIONS.

The examining surgeon, Jacob A. Baird, in 1878, fixes the disability at one-half loss of foot, or $9 per month, and says: "Judging from his (the applicant's) present condition, and from the evidence before him, the said disability did originate in the service in the line of duty."

In the opinion of the committee this is a meritorious claim, and report the bill back to the House and recommend its passage.

The amendments reported from the committee were agreed to, and the bill as amended was laid aside to be reported favorably to the House.

ARTHUR I. M'CONNELL.

The next business on the Private Calendar was the bill (H. R. 2623) granting a pension to Arthur I. McConnell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Arthur I. McConnell, late of Company M, One hundred and second Regiment Pennsylvania Volunteers, at the rate of $6 per month, from the 28th of June, 1865, that being the date of his discharge from the Army of the United States in the late war of the rebellion on account of injury received and disease contracted while in said military service and in line of duty.

The Committee on Invalid Pensions report an amendment, to strike out all after the words "Pennsylvania Volunteers" and insert in lieu the words "subject to the provisions and limitations of the pension laws."

The report (by Mr. PATTON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2623) granting a pension to Arthur I. McConnell, report as follows:

Your committee beg leave to adopt the report made to the Forty-sixth Congress in this case as representing its views and recommendations, and report the bill (H. R. 2623) back to the House and ask that it do pass as amended, namely, by adding after the word "volunteer," in line 6, "subject to the provisions and limitations of the pension laws," and strike out all of lines 7, 8, 9, 10, 11, 12, and the word "at," in line 6.

[House Report No. 52, Forty-sixth Congress, second session.]

Arthur McConnell made application for pension on the 8th of June, 1876, alleging "that while in line of duty at Burkeville, Va., he contracted chronic diarrhea and asthma." His application was not favorably considered by the Commissioner of Pensions, because the applicant was unable to furnish the medical evidence required by the Department.

Thomas J. Krise, a private and comrade in the same company with the applicant, and who went from the same neighborhood to the Army, testifies "that while at Burkeville, Va., on or about the 10th day of May, 1865, the claimant contracted, from exposure while lying on the damp ground, chronic diarrhea and asthma; that at the time of his enlistment into the military service of the United States he was in the enjoyment of sound bodily health and perfectly free from the aforesaid diseases, from which he has been suffering from the date of his discharge."

Michael Shortencercher, another comrade, corroborates this testimony as to the contracting of chronic diarrhea and asthma at Burkeville, Va.

Elias B. Barnicle and W. A. Adams, two reputable citizens of the town in which the applicant lives, swear "that they are personally well acquainted with the claimant; knew him before and at the time of his enlistment into the military service of the United States, when he was in the enjoyment of sound bodily health and perfectly free from chronic diarrhea and asthma; that since his discharge from the service he has suffered from these diseases, which have continuously existed to the present time."

Dr. Alexander Tate, who treated the claimant for chronic diarrhea and asthma a part of the time since his return from the Army, says the claimant, because of said diseases, is unable to do manual labor.

Examining Surgeon Dr. D. W. Evans says the claimant's disability is likely to be permanent, and, from the evidence before him, the disability originated in the service, and in the line of duty, and rates the disability at three-fourths, or $6 per month.

The committee are of opinion, after considering all the facts in the case, that the claimant is entitled to a pension, and they therefore recommend the passage of the accompanying bill.

The amendment reported from the committee was agreed to, and the bill as amended laid aside to be reported favorably to the House.

PETER LENNON.

The next business on the Private Calendar was the bill (H. R. 796) to increase the pension of Peter Lennon.

The bill was read, as follows:

Be it enacted, &c., That the pension of Peter Lennon, late second lieutenant of Company B, Fifth Regiment Michigan Volunteers, be increased to $50 per month.

The Committee on Invalid Pensions report an amendment, to strike out "$50" and insert "$45."

The report (by Mr. WINANS, of Michigan) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 796) to increase the pension of Peter Lennon, report:

That Peter Lennon, late second lieutenant of Company B, Fifth Regiment Michigan Volunteers, is now on the pension-list, rated at $30 per month, for wounds received in service. He was four times wounded. A severe wound in the head is the one on which he bases his claim for increase, for the reason that it has totally disabled him from labor or business for the past eight years. He is subject to constant recurring periods of illness, in which he suffers extreme pain, and is necessitated to have constant medical attendance during those attacks, by reason of which his expenses are large and have exhausted his resources, requiring much more than he receives from his pension to pay doctors' bills, which in one year cost him $600, and every year several hundred dollars for medical attendance.

R. N. Murray, a reputable physician of Flint, Mich., testifies that he is the family physician of said Peter Lennon, and has been for the past ten years; that Lennon is suffering from a gunshot wound in the head, which is serious and incurable, entirely disabling him from manual labor.

James C. Wilson, M. D., of Flint, Mich., testifies that he has known Peter Lennon since his return from the war, and was called in consultation to see him when he suffered a severe acute attack of congestion of the brain.

Under date of December 21, 1882, he also says:

"To-day I find him with a pulse of 102 and a temperature about the same, with a furred and fissured tongue. I know Lennon has been sick a great deal during the last ten years. His case is much worse than if he had lost a leg, for he is constantly in ill-health and compelled to employ a physician."

The circumstances in this case make it one of unusual hardship, and appeals strongly to our feelings of sympathy as well as justice. In years he is still on the sunny side of life, with warm friends and family ties binding him strongly with the desire to live, and but for this wound in his head he would be in the very prime and heyday of existence. Instead of a bright and happy future there is for him only suffering, without hope of recovery, till the end comes with release and rest in the grave. Totally incapacitated from labor or business, he asks from Congress a sum sufficient for his care and reasonable support.

Your committee think an increase should be granted, but as it does not appear that he requires the constant aid and attendance of another person, we therefore amend the bill by striking out the word "fifty," in line 5, and inserting the words "forty-five," and recommend that the bill pass.

The amendment reported from the committee was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

ADOLPH WEACH.

The next business on the Private Calendar was the bill (H. R. 2282) granting a pension to Adolph Weach.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Adolph Weach, late of Company I, Eleventh Regiment Michigan Volunteer Infantry.

The report (by Mr. WINANS, of Michigan) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2282) granting a pension to Adolph Weach, report:

That said Adolph Weach enlisted in the Eleventh Michigan Infantry August 24, 1861, and having served his full term faithfully, making a good military record, he was honorably discharged September 30, 1864. He filed his declaration for an invalid pension April 28, 1876, claiming disability from chronic rheumatism contracted in the service while in line of duty, which claim was rejected on the ground of "no record of alleged disability."

Claimant states that he contracted said disease from exposure and hardships while chasing Morgan through Kentucky, and that it settled in his left hip, by reason of which he is disabled.

Capt. Nelson Chamberlain, of the Eleventh Michigan Infantry, testifies that claimant while in pursuit of Morgan contracted rheumatism, which settled in his left hip.

The regimental surgeon, William N. Elliott, testifies that claimant was sound and healthy at enlistment, and that in June, 1862, at Columbia, Ky., he treated him for rheumatism, which settled in his left hip; and he further says in a letter of date January 26, 1878, that the regimental records are very imperfect.

The claimant further states that from date of discharge he used liniments and home remedies to alleviate his sufferings, and employed no physician till 1870, when he was compelled to call in Dr. Gregg, by whom he was treated till 1877, which is established by the affidavit of said John M. Gregg, M. D., and is corroborated by ample testimony of neighbors who have known the claimant intimately since his discharge to the present time, who testify that he has not been free from chronic rheumatism during said period.

Examining Surgeon W. F. Breakey certifies that his disability from chronic rheumatism is total and probably permanent.

From the foregoing facts your committee are of the opinion that the imperfect regimental records should not prevent a worthy and deserving soldier from receiving what is clearly and justly his due. We therefore recommend the passage of the bill.

Mr. WINANS, of Michigan. The reason this claim was rejected by the Pension Office was that there was no record in the case of the alleged disability. The captain and the colonel of the regiment testify that the record was not kept correctly. The case is a good one, and should be allowed.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOHN ALGOE.

Mr. WINANS, of Michigan. I ask unanimous consent to take up out of its order Senate bill 783 to increase the pension of John Algoe. It is a very meritorious case.

The CHAIRMAN. If there be no objection the bill indicated by the gentleman will be taken up.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John Algoe, formerly of Company A, Tenth Regiment Michigan Infantry State Volunteers, to $50 per month from the date of this act.

The amendment reported by the Committee on Invalid Pensions, to strike out "$50 per month" and insert "$45 per month," was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

CATHERINE WEISS.

The next business on the Private Calendar was the bill (H. R. 5976) for the relief of Catherine Weiss.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine Weiss, widow of William Weiss, late a private in Company E, Ninth New Jersey Infantry Volunteers.

The amendments recommended by the Committee on Invalid Pensions were read, as follows:

Strike out, in line 6, the word "Weiss," where it twice occurs, and insert "Meis."

Amend the title of the bill by striking out "Weiss" and inserting "Meis."

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5966) for the relief of Catharine Meis, having considered the same, make the following report:

It is abundantly shown that William Meis received a gunshot wound of the right leg in the battle of the Wilderness, on the 6th day of May, 1864, which necessitated amputation of the thigh, lower third, and that after receiving treatment in the general hospital, Philadelphia, he was discharged December 7, 1864, by reason of the disability and expiration of term of service, the records of both the Adjutant-General and Surgeon-General establishing these facts. At the time of receiving the wound he was a private in Company E, Ninth Regiment New Jersey Volunteers, having been regularly mustered into the service on the 13th September, 1861. Death transpired May 15, 1875. At the time of death he was receiving a pension, amount not stated, but it was paid to time of death. The widow filed her application on the 16th of August following, alleging that her husband died of "gastric ulcer," the result of wounds. It was rejected "on the grounds that the gastric ulcer which caused the soldier's death did not originate in the service and was in no way the result of the loss of his leg or of the service." The testimony is voluminous and the affidavits numerous, all tending to the conclusion that the debilitated condition of the soldier superinduced the disease of which he died. Three or four of these affidavits, relieved of their verbiage, the committee think will be sufficient to convince that the widow's declaration is true.

Lewis Helmen says that he knew Meis more than ten years prior to his death; that he died at Newark, N. J., on or about May 15, 1875; that prior to enlistment he was a strong, healthy, and able-bodied man; that after the amputation he declined in health; that his wounds gave him great pain, with constant discharges; that pieces of bone came out; that he kept growing worse until death ensued, and, affiant believes, solely from the gunshot wound; and that from the time of discharge the soldier was constantly under the care of doctors.

Lewis H. Smith, who was a private in Company G, One hundred and twenty-first Regiment Pennsylvania Volunteers, and who knew Meis for ten years prior to death, and cognizant of the amputation, testifies to the suffering of the soldier and the constant discharges from the wound, and gives as his opinion that death was the result of said wound.

Ferdinand Stoll, who was captain of Company D, Second Regiment New Jersey Volunteers, and who had known Meis for twenty years, says that he knows of his personal knowledge that the wound never healed, but when partially closed would again break out and discharge pus and pieces of bone, and that he believes death was caused by his sufferings and continuous loss of strength. He also testifies to the temperate habits of soldier.

These affiants are all spoken of as persons of respectability and entirely trustworthy.

Hillmar J. Gallubu, M. D., treated the soldier professionally at intervals, for at least five years prior to his death, for general debility and weakness, resulting from and due to amputation of one of his legs, and he says he considered the soldier's condition due wholly to the amputation, and that his death was due to the weakness and debility and impoverishment of blood resulting from the loss of leg.

Dr. Herman W. Gedicke says that Meis was totally disabled, very weak, and wholly debilitated from the anæmic condition of his blood; was confined to his bed and part of the time delirious.

Dr. L. Burkheiser says the soldier died from exhaustion, weakness, and general debility, resulting from the constant discharge from the stump.

Layman and physicians agree in their conclusion that death was due to the amputated limb; and although the technical term "gastric ulcer" does not seem to be used in the affidavits quoted, the committee think there can be no doubt that death resulted from the wounds received by the soldier in the service and in the line of duty, and therefore recommend that the bill be passed with the following amendments: Strike out the word "Weiss," wherever it occurs in the bill, and insert "Meis," and amend the title so as to read "Catherine Meis" instead of "Catherine Weiss."

The amendments reported by the Committee on Invalid Pensions were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ALONZO COOPER.

The next business on the Private Calendar was the bill (H. R. 5889) granting a pension to Alonzo Cooper.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Alonzo Cooper, late first lieutenant of Company F, Twelfth New York Cavalry, war of the rebellion, on the pension-roll, at the rate of $25 per month.

SEC. 2. That this act shall take effect immediately.

The amendments reported by the Committee on Invalid Pensions were read, as follows:

Strike out at the end of section 1 the words "at the rate of $25 per month" and insert "subject to the provisions and limitations of the present laws."

Strike out the second section.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5889) granting a pension to Alonzo Cooper, having considered the same, make the following report:

The petitioner enlisted in the United States service as second lieutenant in Company I, Twelfth New York Cavalry, August 27, 1862, and was discharged July 19, 1865. The basis of claim for pension, as stated in his declaration filed October 2, 1879, is that one rib was fractured and injury to back received while on horseback, by the horse jumping through an open stable-door and the frame of the door striking him in the stomach. This occurred at Plymouth, N. C., November 11, 1863. The claim was rejected by the Pension Office because claimant was not in line of duty when the injuries were received.

R. Scott, M. D., and Chancey W. Brown testify to their acquaintance with claimant for twenty or thirty years, and know that he was a sound, able-bodied man prior to enlistment. R. B. Hock testifies that he was captain of Company F, Twelfth New York Cavalry, and knew claimant as first lieutenant of Company I, and knew him to have received a severe injury to his back while on horseback, the horse jumping through an open stable-door and claimant's stomach striking the door-frame; knows the above from being in claimant's quarters soon after his injury.

William Wells, sergeant of Company I; Simson Church, captain Company B; and Ernest B. Colby, sergeant Company I, all of the Twelfth New York Cavalry, corroborate the averments of Captain Hock, making substantially the same statement.

Hannah A. Borlis, Chancey Brown, and Byron De Witt, M. D., certify to the claimant's disability and its character and to the fact of his inability to perform manual labor since his discharge from the Army.

The fact of the injury is clearly proved, but the question to be determined is, whether or not it was received in the line of duty.

On this point the claimant offers the testimony of James W. Savage, late colonel of Twelfth Regiment New York Cavalry, who says:

"Cooper, while in the military service of the United States, and in the line of his duty, and without fault or improper conduct of his own, on or about the 11th day of November, 1863, at Plymouth, N. C., was injured by a vicious horse which he was trying to subdue. I know these facts from hearsay only, as I did not join the regiment until the month following, but I recollect hearing of the accident soon after it occurred. I remember Cooper as an expert rider and good trainer of horses, and regarded his injury as having occurred in the line of duty."

Capt. John S. Ellison's (of Company I) testimony is more valuable, as showing that Cooper was acting under orders. He says:

"Cooper was injured by a vicious horse which he was trying to conquer, said horse having acquired a habit of refusing to leave the stable when mounted; and while said Cooper was endeavoring to ride him from the stable he suddenly turned and attempted to re-enter the door, striking Cooper's breast against the door-frame, breaking one of his ribs and severely injuring his back. Cooper was at that time acting under my general instructions for efficiency of the troop and in the line of duty."

The committee think that this clearly shows that the petitioner was in the line of duty when the accident occurred.

A. S. Coe, examining surgeon, says:

"Cooper had a fracture of seventh rib at the junction of the cartilage of the left side. The fractured ends are imperfectly adjusted and override, forming a prominent tumor. There was no union of parts. Stooping causes a slipping of one end over the other; alleges that at the time of receiving the fracture of the rib he suffered a severe strain of back in the lumbar region. Overwork and excitement cause severe pain in the back, and any labor that requires him to stoop disables him for manual labor. Disability one-fourth total."

The committee are of the opinion that the soldier was disabled while in the line of duty, and recommend that the bill do pass with the following amendment: Strike out all after the words "pension-roll," in line 6, and insert the words "subject to the provisions and limitations of the pension laws."

The amendments reported by the Committee on Invalid Pensions were agreed to.

The bill was ordered to be laid aside to be reported favorably to the House.

MARY E. SEYMOUR.

The next business on the Private Calendar was the bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and conditions of the pension laws, the name of Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier, and pay her at the rate of $—— per month.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier, having had the same under consideration, report as follows:

Charles J. Seymour, the husband of Mary E. Seymour, entered into the employment and service of the United States Government as a contract surgeon on the 25th day of June, 1862, and he was duly mustered into pensionable rank on the same day. His contracts with the Government ended on the 23d day of September, 1863, but he remained in the actual service of the United States as surgeon in charge of one of its hospitals at Nashville, Tenn., until the close of the war. He was a capable, honest, and faithful surgeon. Until he took charge of the hospital at Nashville he accompanied the armies on their long marches, and did good service, except that for a short time he was in hospital at Bowling Green, Ky., suffering from diarrhea.

It is conclusively proved by the evidence of two disinterested and credible witnesses (Dr. J. H. Chittenden and George R. Seymour, one of them a surgeon in the Army with him) that in January, May, and April, 1864, he was suffering from chronic diarrhea; that he was weak and emaciated, largely reduced in flesh, and able to do but little duty, He suffered more or less from the same disease until the close of the war, and from that time on until the day of his death the evidence is abundant and conclusive that he was suffering from chronic diarrhea. (Evidence of Dr. Chittenden, Dr. Andrews, and Dr. Bates; also George R. and John B. Seymour.)

He died of that disease at Santa Barbara, Cal., December 29, 1873. (Evidence of Dr. Bates.)

He left his widow, and children under the age of 14 years. The application of the widow for a pension was rejected on the ground "that there was no evidence to show that the disease of which the soldier died originated in the service." The evidence presented on that subject is as follows: At the time he entered the service he was a healthy man and free from diarrhea and had never suffered from that disease. (Evidence of Dr. Chittenden.)

About the middle of January, 1864, he was in feeble health, suffering from chronic diarrhea to such an extent that he was weak, feeble, largely reduced in flesh, and able to do but little duty. In April, 1864, from the same disease, he was reduced and able to do but little duty, and on that account sought and obtained a short leave of absence. He soon returned to duty, but remained in feeble health. In May, 1864, he was very weak from the same disease. (Evidence of Dr. Chittenden, George R. Seymour, and letters.)

From his letters, written September 2, 18, and 27, 1862, and April 30, 1863, it appears conclusively that he was then suffering from diarrhea, and that to an extent that impaired his health and broke him down so that he was left in hospital at Bowling Green for a short time.

These letters were written and sent by him at a time when he had no possible inducement to misrepresent the facts, and as he was a physician and surgeon, he of course well knew his disease. When under treatment immediately after leaving the service, and before death or a pension was thought of, he stated that the disease arose in 1862. As it is clearly proved that he was free from this disease at the time he entered the service of the Government in 1862, and that he was suffering from the disease in January, 1864, which had then become chronic, and as his letters written in 1862 and 1863 show that he was then suffering from diarrhea, and as it is well known that it takes time for diarrhea to become chronic, we think it a fair and logical inference that he contracted the disease of which he died while in the actual employment of the Government and in the line of his duty.

We also think that, even if the disease was not contracted until after September 23, 1863, at which time his contract expired by its terms, inasmuch as it was contracted while in the actual service of the United States, in the field, the pension should be granted.

The evidence is that he did duty with the Army in its hard marches and on many fields. It is well known that chronic diarrhea is a disease that accrues by slow degrees from hard work, exposure, &c. The "particular circumstances" under which the disease was induced or the particular circumstances that caused the disease may be, and often are, beyond the ability of man to ascertain.

We therefore report the bill favorably, and recommend that it do pass, with the following amendment: Strike out all after the name "Charles J. Seymour," in line 6, and insert in lieu thereof the words "surgeon in the United States Army."

The amendment reported by the Committee on Invalid Pensions to strike out, at the end of the bill, all after "Charles J. Seymour" and insert "a surgeon in the United States Army," was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

GEORGE S. RIGGS.

The next business on the Private Calendar was the bill (H. R. 3332) granting a pension to George S. Riggs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George S. Riggs, late a private in Company E, Eighty-third New York Volunteers, on account of disease contracted in the line of duty and in the military service of the United States in the war of the rebellion; said pension to date from the discharge of said soldier, November 26, 1862.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3332) granting a pension to George S. Riggs, having considered the same, make the following report:

The petitioner, in his declaration for a pension, alleges under oath that in the year 1862, while in the service of the United States, he contracted chronic dysentery and hemorrhage of the lungs, and is wholly unable to attend to any kind of business by which he can make a living. In a subsequent affidavit, on the 10th of August, 1877, he says that he was enlisted at New York city, in April, 1861, as a private in Company E, Eighty-third New York Volunteers (Ninth New York Militia), and was discharged November 26, 1862, from branch of Trinity hospital, Washington, D. C., on account of chronic diarrhea. That while in the service aforesaid, and in the line of duty as a soldier, he was disabled by the disease before mentioned, in the fall of 1861, in the State of Maryland. He was treated in tent hospital, at Darnestown, Md., for about two weeks in August, 1861, then had a sick furlough, and was home about twenty-eight days, when he rejoined his regiment at Muddy Branch, Md.

Some time in September, after the battle of South Mountain, 1862, on the march, he was severely attacked by the disease of which he now complains, and went to Trinity hospital, as before stated, and remained until discharged. It seems the petitioner has made three declarations for pension, the last of which is dated August 30, 1877, and rejected, as follows: "Disability not referable to service."

F. Mills Fisher, M. D., swears that in the month of May, 1861, he was surgeon of the Ninth Regiment New York Militia, known as the Eighty-third Regiment United States Volunteers of the State of New York, and that in the latter part of May he examined George S. Riggs, of Company E, and that then Riggs was physically sound and robust, and every way qualified for service according to the Government requirements, and as such passed Riggs, and he was sworn into the service of the Government.

Cornelius F. Fuller and Joseph Price, of Brooklyn, affiants, say that they have known Riggs for over twenty-five years, and have had intimate acquaintance with him; that prior to his enlistment he was a sound, well man; that they have known him since his discharge, and that since then Riggs has been more or less afflicted with the disease of which he complains.

Henry C. Smith, captain of company to which Riggs belonged, says that he was well acquainted with Riggs, and that while in the performance of his duty in the field, from exposure or otherwise, contracted chronic diarrhea or other disability, and that the disease was contracted in the month of August, 1861, in and around the city of Darnestown, Md.

Isaac N. Comings, M. D., practicing in the city of New York, says that George S. Riggs came under his treatment in December, 1862, for chronic diarrhea, immediately after his discharge from the Army, and was under his care for about one year. The treatment was of some benefit, but I consider him incurable. He says, further, that he examined the soldier August 17, 1877, and found him still suffering from the disease named and its effects.

The case seems to be quite clear that Riggs went into the service a sound and healthy man; that he suffered from exposure and fatigue to that extent that the weakness and disease complained of were produced. We think the continuance of the disease is clearly proved by the physician's testimony; and, moreover, the acting Commissioner of Pensions, in a letter sent to the chairman of the Committee on Invalid Pesions, under date of May 27, 1880, containing a schedule of the papers sent in the case, concludes by saying, "Upon a review of the medical evidence in the case, it is believed that claimant is disabled in a pensionable degree from the disease alleged." The committee are satisfied to recommend the passage of the bill with the following amendment: Strike out all after the word "volunteers," in line 7.

The amendment reported by the Committee on Invalid Pensions, to strike out at the end of the bill all after the word "volunteers," was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar, having had under consideration various pension bills, had directed him to report the same to the House with sundry recommendations.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally considered, ordered to be engrossed for a third reading; and being engrossed, were read the third time, and passed:

A bill (H. R. 5082) granting a pension to Jane Hilton;
A bill (H. R. 585) granting a pension to William Reinhardt;
A bill (H. R. 4061) for the relief of William C. H. Bowman;
A bill (H. R. 4526) granting a pension to Mrs. Ann Corbin;
A bill (H. R. 3613) granting a pension to Ira McNair;
A bill (H. R. 1866) granting a pension to Calvin L. Knick;
A bill (H. R. 2358) granting a pension to James Hawkins;
A bill (H. R. 5960) granting a pension to George Ziefle;
A bill (H. R. 2378) restoring to the pension-roll the name of John Allee;
A bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband;
A bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman;
A bill (H. R. 389) granting a pension to John Boyle;
A bill (H. R. 4297) for the relief of Henrietta M. Sands;
A bill (H. R. 5148) granting a pension to Jacob Lafferty;
A bill (H. R. 3403) for the relief of Jacob J. Morningstar;
A bill (H. R. 5595) granting a pension to Eugene L. Townsend;
A bill (H. R. 1449) granting a pension to Dennis McGinnis;
A bill (H. R. 4663) granting a pension to Barbara A. Smith;
A bill (H. R. 4248) granting a pension to William Harbeson;
A bill (H. R. 4247) granting a pension to Anna Maria Ressler;
A bill (H. R. 2627) granting a pension to Noah Caton; and
A bill (H. R. 2282) granting a pension to Adolph Weach.

House bills of the following titles, reported from the Committee of the Whole House on the Private Calendar with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5999) granting additional pension to George H. Fluke;
A bill (H. R. 1862) for the increase of the pension of James Buchanan;
A bill (H. R. 3160) granting a pension to Elizabeth J. Colbert;
A bill (H. R. 5776) granting a pension to Louis D. Petty;
A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger;
A bill (S. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord;
A bill (H. R. 5728) granting a pension to Anna Beck;
A bill (H. R. 732) granting a pension to William Weddingfield;
A bill (H. R. 1436) granting a pension to William T. McCoy;
A bill (H. R. 4254) granting a pension to James Aaron;
A bill (H. R. 2623) granting a pension to Arthur I. McConnell;
A bill (H. R. 796) to increase the pension of Peter Lennon;
A bill (H. R. 5889) granting a pension to Alonzo Cooper;
A bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier;
A bill (H. R. 3332) granting a pension to George S. Riggs;
A bill (H. R. 891) granting a pension to Robert J. Ebberman; and
A bill (H. R. 5976) for the relief of Catherine Weiss.

The SPEAKER *pro tempore*. Without objection, the titles of the two bills last passed will be changed to conform to the action of the Committee of the Whole.

There was no objection, and it was ordered accordingly.

Senate bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 394) restoring to the pension-roll the name of Major D. Williams;
A bill (S. 626) to increase the pension of Francis Scott;
A bill (S. 1299) to increase the pension of Alonzo B. Chatfield; and
A bill (S. 494) for the relief of Nancy Miller.

Senate bill of the following title was considered, the amendment reported from the Committee of the Whole House on the Private Calendar agreed to, the bill as amended ordered to a third reading, read the third time, and passed:

A bill (S. 783) to increase the pension of John Algoe.

The bill (H. R. 3112) for the relief of Alonzo B. Chatfield was laid on the table, in accordance with the recommendation of the Committee of the Whole.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 3 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. R. DAVIS: Petition of A. W. Irwin and others, citizens of Chicago, Ill., in support of H. R. 5280—to the Committee on Claims.

By Mr. DOCKERY: Memorial of Joe Hooker Post, No. 17, Grand Army of the Republic, Department of Missouri, relative to pensions,

bounties, &c.—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. HAMMOND: Papers relating to the claim of Stephen G. Dorsey—to the Committee on War Claims.

Also, petition of Stephen G. Dorsey, to have his claim referred to the Court of Claims—to the same committee.

By Mr. HANCOCK: Memorial of Concho County Wool-Growers' Association—to the Committee on Ways and Means.

By Mr. HITT: Remonstrance of G. A. Sarford and 16 others, bankers and business men of Rockford, Ill., against Government monopoly of telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS: Petition of 500 citizens, in favor of a law to prohibit the importation of labor under contract—to the Committee on Labor.

Also, two petitions from mechanics and builders of the District of Columbia, in favor of an amendment to the mechanics' lien law—to the Committee on the District of Columbia.

By Mr. KEIFER: Petition of Charles H. Parker and 21 others, citizens of Beloit, Wis., praying for the passage of a bill to organize the Patent Office into a separate and independent Department—to the Committee on Patents.

By Mr. KELLEY: Petition of citizens of Pulaski, Pa., in favor of extending the privilege of voting irrespective of sex—to the Committee on the Judiciary.

By Mr. LACEY: Petition of Post No. 125, Grand Army of the Republic, Hastings, Mich., in favor of the passage of H. R. 6463, giving a pension to each Union soldier and sailor who served sixty days in the war of the rebellion—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LOVERING: Memorial of Persis M. Thompson, of Chelsea, Mass., charging the United States district attorney and United States commissioner for the district of New Hampshire with misconduct in the suppression of evidence, &c., and praying for an investigation—to the Committee on Expenditures in the Department of Justice.

By Mr. McCOMAS: Petition of the president and faculty of the Ohio State University, for an appropriation for Indian schools—to the Committee on Appropriations.

By Mr. MORSE: Petition of Thomas Drew, jr., and 28 others, employés, and of T. A. Lewis and 28 others, employés, of the Boston post-office, praying for a readjustment of the salaries and classification of clerks in all the first-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. NICHOLLS: Memorial of William Cantwell and others, employés of the post-office at Savannah, Ga., asking for an equalization of salaries—to the same committee.

By Mr. PETERS: Resolutions of Pollock Post, Grand Army of the Republic, No. 42, Department of Kansas, favoring the granting of a pension to B. F. Brocket—to the Committee on Invalid Pensions.

By Mr. W. E. ROBINSON: Petition of New York Stationers' Board of Trade, in favor of the penny postage bill—to the Committee on the Post-Office and Post-Roads.

By Mr. W. F. ROGERS: Petitions of citizens of Buffalo, N. Y., for increasing the appropriations for the education of Indian children—to the Committee on Appropriations.

By Mr. STOCKSLAGER: Petition of citizens of Jeffersonville and New Albany, Ind., for the improvement of the roadway between the New Albany National Cemetery and the turnpike from the Jeffersonville depot of the Quartermaster's Department—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 24, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, of Missouri. I rise to make a privileged report. I send up to the Clerk's desk the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

W. H. HATCH,
G. G. DIBRELL,
JAMES WILSON,
Managers on the part of the House.

WARNER MILLER,
P. B. PLUMB,
JNO. S. WILLIAMS,
Managers on the part of the Senate.

Mr. HATCH, of Missouri. I ask for the reading of the statement under the rules.

The Clerk read as follows:

To the House of Representatives:

The conferees appointed by the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 3967) entitled "An act for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," respectfully submit the following report:

The conferees on the part of the House are unanimous in recommending concurrence in the Senate amendments.

Amendment No. 1, which is to strike out "number, value, and," in line 7 of section 1, will not, in the opinion of your conferees, impair the efficiency or value of the work contemplated by this section, as reliable statistical information upon these subjects from various sources are now collected, tabulated, and published by another bureau of the Department of Agriculture, and will be continued.

Amendments numbered 2 and 3 to section 2 are simply explanatory and intensive in their character, and are unobjectionable.

Amendments numbered 4, 5, 6, 7, and 8 are to be considered together, as they relate to one subject-matter of the bill.

The amendments limit the jurisdiction of the Commissioner of Agriculture to such "investigations and to such disinfection and quarantine measures as may be necessary to prevent the spread of dangerous, contagious, infectious, and communicable diseases from one State or Territory into another;" and prohibit him from applying any portion of the money appropriated by this act toward paying any part of the value of animals it is deemed necessary to slaughter to extirpate the disease, leaving this responsibility to the States respectively, or to the individual owners, and confining the efforts of the Federal authority solely to preventing the spread of such diseases from one State or Territory into another.

Section 3, as it passed the House, provided "that one-half the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle, should be borne by the authorities of the State or Territory in which the disease existed, and the expenditure was made.

The section as amended defines the jurisdiction of the States and the Federal Government respectively, leaving each to provide for the payment of such expenses as may be incurred by their respective officials in dealing with such diseases.

Your conferees, after mature consideration of these amendments, recommend concurrence therein, believing that they will not seriously, if at all, impair the efficiency and completeness of the work contemplated by the organization of a national bureau of animal industry, and the labor of assisting the States in extirpating the diseases described. Experience will enable Congress, from time to time, to enact such additional legislation as may be deemed beneficial and necessary.

Section 6 of the act as it passed the House prohibited the transportation by any mode of animals affected with contagious, infectious, or communicable diseases, and provided penalties for its violation. The Senate amended this section so as to provide that splenetic or Texas fever shall not be considered a contagious, infectious, or communicable disease within the meaning of this act, as to cattle being transported by rail to market for slaughter, when the same are unloaded only to be fed and watered in lots on the way thereto.

This proviso is not considered by your conferees as inimical to the original intent of the act, but in harmony with the interpretation put upon this section by the members of the Committee on Agriculture, who reported and supported the bill in the House, and, as we believe, so understood by the House.

Amendment numbered 10, to section 10, reduces the appropriation from $250,000, to $150,000.

In view of the amendments to section 3, which have been fully explained, your conferees promptly agreed to and recommend concurrence in this amendment.

Respectfully submitted.

W. H. HATCH,
G. G. DIBRELL,
JAMES WILSON,
Conferees on the part of the House.

Mr. HATCH, of Missouri. I demand the previous question.

The previous question was ordered; and under the operation thereof the conference report was adopted.

Mr. HATCH, of Missouri, moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. TALBOTT, by unanimous consent, was granted leave of absence from to-morrow until June 3.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of a bill (H. R. 1340) to establish and maintain a bureau of labor statistics with amendments, in which concurrence was requested.

NAVAL BUSINESS.

Mr. COX, of New York. This day has been set apart for the consideration of the business of the Naval Committee. Once before it was postponed for the John Marshall ceremonies. I move to dispense with the morning hour.

The SPEAKER. That requires a vote of two-thirds.

Mr. COX, of New York. I wish to get to the business of the Committee on Naval Affairs.

Mr. COBB. I wish to get to the unfinished business, which is the Oregon Central bill.

Mr. STOCKSLAGER. I rise to a parliamentary inquiry.

The SPEAKER. State it.

Mr. STOCKSLAGER. Would it be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills for the erection of public buildings under the special order?

The SPEAKER. Not during the motion to dispense with the morning hour.

The morning hour was dispensed with (two-thirds voting in favor thereof).

Mr. COX, of New York. I call for the regular order.

The SPEAKER. The Chair will cause the order of the House to be read.

The Clerk read as follows:

Resolved, That the session of Saturday, May 24, after the morning hour, be devoted to the consideration of bills and resolutions reported from the Committee on Naval Affairs, and bills and resolutions on the Speaker's table over which said committee has jurisdiction, except bills providing for the construction of additional war vessels; the bills and resolutions to be considered in the order agreed upon by the committee.

Mr. STEELE. I wish to ask unanimous consent to take from the Speaker's table the bill H. R. 355, returned from the Senate with an amendment.

The SPEAKER. The regular order is called for and insisted on.

Mr. COBB. I raise the question of consideration. I desire to take up the Oregon Central bill.

The SPEAKER. The question of consideration can not be raised against the order of the House itself; but the Chair has always decided the question of consideration can be raised against each particular bill as it is taken up. If the House refuses to consider it, then it can be passed over.

Mr. KASSON. That would waste half the day.

ENSIGN REYNOLDS.

Mr. COX, of New York. I am directed by the Committee on Naval Affairs to call up for action the joint resolution (S. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria.

Mr. COBB. I raise the question of consideration.

Mr. RANDALL. There are some here who favor the Oregon Central bill, and who yet feel it is essential to give to the Naval Committee the day it has under the special order. I make this statement so it shall not be held that those who vote to take up the naval business are hostile to the legislation to which the gentleman from Indiana refers.

Mr. COBB. I have raised the question of consideration. If the House determines to consider the Naval Committee business, I shall not object.

Mr. RANDALL. Why, the House on yesterday, I believe, or the day before, by a very decided vote, if I recollect correctly, determined to go on with that Oregon land-grant-forfeiture bill. It is not therefore a fair inference to draw from the action of the House to-day in determining to give the Committee on Naval Affairs precedence for its business instead of going on with the land-grant bill, that therefore there is hostility on the part of the House to the Oregon bill. I make this statement, for, as I have said, there are gentlemen here who think it only proper that the Committee on Naval Affairs should have the day which has been assigned to them.

Mr. COBB. I do not raise that question simply, but for the purpose of raising the question of consideration the allusion was incidentally made to it. I do not think that any such construction can be put upon the action of the House in voting one way or the other; that is, whether it will take up the Oregon bill or proceed with the reports from the Committee on Naval Affairs. Both are important public measures——

Mr. KASSON. I would like to make an inquiry, sir. As I understand, if the gentleman from Indiana should carry his objection to this bill to the point of raising the question of consideration, still it remains the order of the House, and the same point would have to be made on each successive bill reported by the Committee on Naval Affairs. The result would then be the waste of at least half the day without the accomplishment of anything.

Mr. COX, of New York. I now call up the Senate joint resolution No. 26, granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Ensign L. K. Reynolds, United States Navy, be, and he is hereby, granted permission to accept the decoration of the Royal and Imperial Order of Francis Joseph awarded him by the Austrian Government in recognition of heroic conduct in saving the lives of the crew of the Austrian bark Olivo, November 24, 1879.

Mr. COX, of New York. I move the previous question upon the third reading of the joint resolution.

Mr. COBB addressed the Chair.

The SPEAKER. The order of business is not debatable. The Chair has simply allowed suggestions to be made. Does the gentleman desire to raise the question of consideration?

Mr. COBB. While the bill I have referred to, the Oregon bill, has been pending for some time and is the unfinished business, I find that there is a decided disposition on the part of many gentlemen to take up the special order to-day, and as I have no desire to antagonize the wishes of gentlemen, although the importance of the bill which I have named in my judgment warrants such a course, still I am willing to let the special order be proceeded with to-day without interruption with the hope that the Naval Committee will get through with its business and will afterward assist us in getting up the unfinished business and conclude it.

The SPEAKER. The question is on ordering the previous question on the third reading of the Senate joint resolution.

Mr. ROBINSON, of New York. Is this not open to debate?

The SPEAKER. The previous question has been demanded.

Mr. ROBINSON, of New York. I trust it will not be ordered, as I want to discuss this question for a few moments.

The previous question was ordered; and under the operation thereof the joint resolution was read the third time.

Mr. COX, of New York. I demand the previous question upon the passage of the resolution.

The previous question was ordered.

Mr. ROBINSON, of New York. Before the announcement is made I wish to ask, as I did not hear the statement of the gentleman from New York, whether, the previous question having been ordered on the third reading of the bill, fifteen minutes on each side are not allowed under the rule for discussion? If so, I claim that privilege.

The SPEAKER. The Chair will state to the gentleman from New York that the previous question has been ordered. The question now is, Shall the bill pass? Upon this question, by the rules of the House, after the previous question has been ordered thirty minutes are allowed for debate—fifteen minutes to those in support of, and fifteen minutes against the proposition.

Mr. KEIFER. Has not this joint resolution been already debated?

The SPEAKER. This is a Senate joint resolution. The gentleman from New York will be recognized for fifteen minutes in opposition to the bill.

Mr. ROBINSON, of New York. I wonder, Mr. Speaker, what it is that prompts this pertinacity on the part of a leading committee of this House to prostrate the people—the American people—into the degradation which is intended by this resolution. I have no time, sir, in the fifteen minutes allotted to me to go over this subject, but I will say here that since the Fifth Congress, in 1798, there never has been an attempt until recently, until after the advent of the monarchical ideas engendered by our late war—there never has been an attempt made to degrade the American people in the way it is now attempted to be done.

Sir, in 1798—and I claim the attention of the House for a few moments upon this subject—a resolution was introduced into the Senate of the United States, and also offered in this House, to grant a present of a snuff-box or some royal trifle to Mr. Pinckney, of South Carolina, for having negotiated an important treaty on account of our Government with Spain, which was then an important power. That was discussed, sir, and every Democrat and every Republican in the House of Representatives denounced it as a degradation of the American people; and that if it was ever attempted again the man who wanted the decoration and the man who introduced the resolution into this House should meet the execration of the patriots of this country.

I want both sides of this House to look into the history of America and see what has been done upon this subject. I refer particularly to two or three illustrious statesmen of that age. I have no time in the short space allotted to me to send for papers and have their speeches read in this connection, but I should like to read some of the speeches of Albert Gallatin, who did more for the formation of this Government than perhaps any other man of the time. Albert Gallatin took the floor and denounced the idea that the illustrious statesman, Mr. Pinckney, who was at the time a member of this House, should be allowed to accept such a recognition of his services for negotiating this treaty with Spain. He denounced the idea as not in harmony with our idea of government and opposed to the sentiment of the American people.

The illustrious Nathaniel Macon, of North Carolina, took the same position. All the illustrious men of that age who were democrat-republican denounced it, and some of them went so far as to say that they wanted to settle it so far that hereafter for all time no man should be bold enough to introduce a proposition to confer these pretended honors upon any one of our citizens.

I implore these gentlemen around me on both sides, if they doubt my word, to send for the proceedings of the Fifth Congress and read over the speeches of Nathaniel Macon, Albert Gallatin, Tazewell of Virginia, and all the illustrious men of that age, all the prominent Democrats and Republicans, denouncing it as a degradation to the American people and appealing to the House of Representatives that by their vote it should declare that any man who would dress our officers to go around the world like decorated dudes should be execrated by posterity, and especially by the American Congress. And that resolution to allow the acceptance of these presents was voted down on a solemn vote of yeas and nays. And the illustrious Bayard of Delaware afterward introduced a resolution, and in his speech introducing it he declared the vote of this House which had been given solemnly against even allowing that illustrious statesman Pinckney to receive a present would govern for all time, and that no man who attempted to appeal to the American people for support for such a thing hereafter should be allowed to go without its denunciation and execration.

I ask my illustrious friend from New York [Mr. COX], does he believe his constituents in New York are in favor of sending decorated dudes about the world to represent the American people? Will he go before his constituents and justify this idea? What has instigated this idea that this man should be decorated above all others? I mentioned on a former occasion that a member of this Committee on Naval Affairs had dared to come into this House and say that my constituency in Brooklyn should receive no favors because I would not consent that this thing should be unanimously considered. And yet, sir, what is this that is proposed now? Not a present of a snuff-box, but an order of nobility. Aye, my friend here from Ohio [Mr. KEIFER] shakes his head. I will prove it. What is an order of nobility? I hold in my hand the report of this committee in favor of giving this honor. I read from it.

Mr. Schaeffer, the Austrian minister, writes to Hon. Frederick T. Frelinghuysen and says that Hon. Mr. Hunt had declared that permission would undoubtedly be given—

And that the Department saw no objection to Lieutenant Reynolds being made a knight—

A nobleman—

a knight of the Imperial and Royal Order of Francis Joseph.

There it appears on the very face of it. What is knighthood? Sir, it is an order of nobility. This decoration which it is proposed to give is the decoration of an order of nobility. It is not only that, but it is the beginning of a series of orders of nobility to be conferred. We have fourteen, fifteen, or twenty applications here to-day from the officers of our Navy asking these decorations to be conferred upon them outside the authority of the United States and above the honors which we can give.

This man has declared that he is willing to accept this title of nobility. The Constitution of the United States does not give Congress the power to confer it. And Albert Gallatin and Nathaniel Macon and the illustrious Tazewell of Virginia, all the statesmen of that day, opposed this thing, and said Congress should not allow an order of nobility to be conferred. You may allow this young lieutenant to take a snuff-box or anything of that kind; but you can not allow him to be decorated with the Imperial and Royal Order of Francis Joseph of Austria unless you become perjurers and render yourself liable to indictment as such. As members of this House, you and I and all of us have sworn to support the Constitution of the United States; and the Constitution of the United States says, "No title of nobility shall be granted by the United States," even with the consent of Congress.

I must hurry along. I am sorry I have not much time. I hold in my hand a list of these officers that are waiting at your door to be decorated. Macon and Gallatin and all these illustrious men thought they had killed that scorpion, that monarchical idea. But here we have these men coming up by battalions to be decorated with foreign ribbons and foreign orders. I hold in my hand a report from the Secretary of the Navy in answer to a resolution of the House of Representatives which I introduced.

We have Rear-Admiral J. W. A. Nicholson, who wants to receive—

A gold medal tendered by the King of Sweden, &c.

He helped England at the bombardment of Alexandria, and therefore gained the good-will of the monarchical powers. Then, Rear-Admiral R. W. Shufeldt is now before Congress asking to be permitted to receive—

A sword, Persian carpet, and other articles presented by the Sultan of Zanzibar during the cruise of the Ticonderoga; presentation made after the custom of oriental princes.

We have got into a nice position when our officers are to be decorated with swords "after the custom of oriental princes."

Then Rear-Admiral C. H. Baldwin is to have—

A gold box with a portrait of the Emperor of Russia set in diamonds—

because he went over and looked with a kindly eye on that despot "on the occasion of his coronation," where the letters that have been published in the papers come to the lovers of liberty throughout the world from Siberia and the dungeons of Russian despotism written in blood. And he is to have a gold box with the portrait of the Emperor of Russia set with diamonds, presented by the Emperor himself!

Then we have Capt. George E. Belknap with the—

Decoration of knight commander of the Royal Order of Kamehameha I [laughter], tendered by the King of the Hawaiian Islands—

The highwaymen have captured our officers—

tendered by the king of the Hawaiian Islands, in recognition of his services in restoring order upon the occasion of the riot at Honolulu.

It seems he took sides with the king in putting down the people.

Then we have Captain Henry Wilson and Commander Frederick Pearson:

Decorations of knight commander of the Royal Order of Kalakaua.

Kalakaua, or kill-cow, or however you may pronounce it. We will call it "cow," because you are making a bull in conferring such an order. [Laughter.]

Decorations of knight commander of the Royal Order of Kalakaua, tendered by the King of the Hawaiian Islands upon the occasion of his coronation, now in the custody of the Department of State.

Has Congress given permission for that? By what authority is it in the State Department?

Then come Lieut. Charles A. Foster and Lieut. Jesse M. Roper, all trying to rope in these decorations. They want to receive the decorations of knight commander of the Royal Order of the Crown of Hawaii, now in the custody of the Department of State. Then come Commanders Cooper and Strong and Lieutenant Wood, who want to receive the decorations of the Order of El Busto del Libertador, tendered by his excellency the President of Venezuela. And then we have Rear-Admiral Cooper, Captain Bradford, Lieutenant Tilley, Lieutenant Cowles, and Ensign Milligan for the same decorations of the Order of El Busto del Libertador.

You see we are coming down now to the ensigns who want to be made princes. And then we have Ensign Reynolds, this case now before the House, who wants the decoration of the Royal and Imperial Order of Francis Joseph, tendered by the Emperor of Austria.

Now, why are we to do all this? Are not these men contented with the honors which America gives them? Why do they want to accept these orders from King Kamehameha, or I believe it is the Order of Kamehameha from King Kalakaua? I understand that Claus Spreckels owns the island where Kalakaua resides, and I understand that the principal production there is sugar. Now, if this dark prince or Prince of Darkness, or Claus Spreckels, his owner, had tendered to each one of these men a barrel of sugar or a keg of molasses, which Claus Spreckels could give them without much injury to his income in San Francisco, there would be something to sweeten the recollection of this gift of royalty.

I would ask how much time I have left?

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman has one minute left.

Mr. ROBINSON, of New York. I think I have three minutes. This is the first time I ever contradicted the Chair.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the gentleman has one minute remaining.

Mr. ROBINSON, of New York. In that one minute it is impossible for me to pour out the abhorrence of my heart for this miserable monarchical, aristocratical idea. But I call upon both sides of this House to mark with their disapprobation this attempt to revive this monarchical idea which Albert Gallatin, Nathaniel Macon, and all the illustrious men of the first generation of this Republic in 1798 were opposed to, before this city became the city of our Government. I call upon all men here to give us the yeas and nays on this proposition and let us see once for all whether we are to spend the remainder of this session which we should devote to important American questions in conferring these orders on this long list of applicants—and there are more coming; the vision of Macbeth is nothing to it—whether we are to continue or will stop now.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. TURNER, of Kentucky. I ask unanimous consent that the time of the gentleman be extended.

Mr. MORSE. I object. We have had enough of this, and we have something else to do.

Mr. COX, of New York. In the Constitution of the United States our republican fathers said that no title of nobility should be granted by the United States. I showed the other day that this was not a title of nobility, and I proved it by the Austrian minister and my friend from Germany [Mr. GUENTHER]. The Constitution also says that "no person holding any office of profit or trust under them (the United States) shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state." Now, this is a present; it is not an order of nobility. It is so explained by the Austrian minister in the letter attached to the report. No one doubts it who will examine the facts. It is simply a medal for life-saving.

Mr. ROBINSON, of New York. Now, Mr. Speaker——

Mr. COX, of New York. I will not be interrupted.

Mr. ROBINSON, of New York. I suppose you will not be to hear the truth.

Mr. COX, of New York. The gentleman has argued this matter three times out of order, and I will take three minutes to use him up. [Laughter.]

Mr. ROBINSON, of New York. And then give me one minute to use up what is left of him. [Renewed laughter.] A half a minute will do it.

Mr. COX, of New York. This officer, whom this gentleman so truculently designates as a dude, is now going to the northern seas in search of the Greely party.

Mr. ROBINSON, of New York. He is ordered to go there.

Mr. COX, of New York. I will not be interrupted, I say.

Mr. ROBINSON, of New York. I know you will not.

Mr. COX, of New York. The gentleman has undertaken to fix some opprobrious epithet on him. He calls him "dude." Now, the evidence shows that this officer saved eleven lives at the Azores. This is simply a life-saving medal which was given to him for that heroic action. At his death it goes back to the organization, as the Austrian minister explains, named for the Emperor Francis Joseph.

What was the service for which this officer is so berated in this House? It is unexampled in intrepidity.

On the 24th of November, 1879, the United States steamer Constellation is lying near the Azores. There is a wild gale prevailing at the time. A vessel is seen several miles astern. It flies a signal of distress. It is the Austro-Hungarian bark Olivo. Two boats are ordered off from our vessel. They go to give assistance. One fails; the other is under command of Ensign Reynolds. It makes two trips and takes off nine of the twelve persons who are on board the Austrian vessel.

Darkness comes. He returns to the sinking bark and takes off the remaining men. At every visit he has to leap into the sea to reach the imperiled bark. The sea is rough under the tempest. The men are obliged to jump overboard for safety, and be hauled into the small boat——

Mr. ROBINSON, of New York. I rise to a question of order. The last time this matter was up the gentleman from New York [Mr. COX] spent his time in praising this officer and is doing so now, and is not speaking to the question of whether we shall confer the Royal and Imperial Order of Francis Joseph on this man.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. ROBINSON] is out of order.

Mr. COX, of New York. Now, if any one believes that the gentleman was in earnest in this matter in thus bestowing opprobrious epithets on this man, then they might tolerate him; but I sometimes think in charity that he is not in earnest in making such appeals.

But I was going on to show the service for which this medal is to be given to this young officer. He consumed the day and part of the night in rescuing these eleven men, two or three at a time, from the bark. He rescued them by leaping into the sea every time and swimming to the bark until darkness came. Then, on his last trip, he was ordered again to the sinking boat. The hurricane was still on. It was after dark that this "dude" took off the last three men. He had been ordered to fire the vessel in two places, as it was in the track of vessels going into the harbor at the Azores. He fires the vessel, and at the very time the vessel is burning he misses his own little boat. At last it appears upon the crest of the wave. He leaps into the sea and with the last three men he reaches safely his own vessel. And for this service, and in high appreciation of this gallantry, he is tendered this honor; and for this he is insulted by this member from New York as a "dude."

The service thus rendered by this hero, for which we propose simply to allow him, in accordance with the Constitution, to accept a medal as a present, is worthy of an officer in our gallant Navy, and the objection is hardly worthy of the gentleman, my colleague. [Applause.]

Mr. BRUMM. I wish to ask the gentleman a question.

Mr. COX, of New York. The previous question has been ordered. Three times this thing has been debated already.

Mr. BRUMM. Then I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. Some time ago when this question was first brought to the attention of the House unanimous consent was asked for its consideration. I objected. Some time afterward, in my absence, the gentleman from New York [Mr. COX] called this question up again, stating that he had spoken to those gentlemen who had objected before and that they had withdrawn their objection; that it was with their consent that this matter was brought up. Now the question of personal privilege that I rise to state is, first, that I having been the original objector to the consideration of this resolution——

Mr. COX, of New York. I never knew it.

Mr. BRUMM. I never was consulted upon the question of consideration. I never withdrew my objection. I never knew that the gentleman from New York was going to bring this matter up without my consent.

I spoke to the gentleman afterward and asked him to make an explanation of the facts on the floor of the House. He assured me that it would be done, but he failed to do it. I have now simply asked him the privilege of a question, and he has refused to allow me to put it. Now the question of privilege is that I may be placed right on the record; and as a matter of information—for that is all I wanted from the gentleman when he refused to allow me a question—I wish to know whether this is an imperial decoration or not——

Mr. COX, of New York. Oh! that I answered.

Mr. BRUMM. Whether this does not——

Mr. COX, of New York. I rise to a point of order.

Mr. GEORGE D. WISE. I make the point of order that the gentleman from Pennsylvania [Mr. BRUMM] has not stated any question of privilege.

Mr. ROBINSON, of New York. I want a single definition read from Worcester's Dictionary.

The SPEAKER. In the opinion of the Chair the matter stated by the gentleman from Pennsylvania [Mr. BRUMM] is not a question of personal privilege, but a mere matter of personal explanation, which can not proceed except by unanimous consent.

Mr. ROBINSON, of New York. Can I not have unanimous consent to read from Worcester the meaning of "knight?"

The SPEAKER. The Chair decides that the matter stated by the gentleman from Pennsylvania is not a question of privilege. Nothing has been done or said, so far as the gentleman's statement shows, reflecting upon him in any way in his representative capacity. His statement is in the nature of a personal explanation, which can only be made by unanimous consent.

Mr. ROBINSON, of New York. I have asked unanimous consent merely to read the meaning of "knight," a title which it is acknowledged this measure confers. [Cries of "Object!"] If you refuse to hear Worcester or Webster you can go to—Heaven! [Great laughter.]

Mr. COX, of New York. I wish to say one word more in my own time.

Mr. BRUMM. I rise to a question of privilege again.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. My question of privilege is that I have been misrepresented on the floor of the House.

The SPEAKER. The Chair does not understand the gentleman from Pennsylvania to state that the gentleman from New York has mentioned his name at all.

Mr. BRUMM. But the RECORD mentions my name; it shows that I was one of those who objected.

Mr. COX, of New York. I never knew that the gentleman objected to this bill until he told me so. Then I told him I would make an explanation to the House. I did not think of it this morning or I would have told the House that he is in the same category as my colleague. He and my colleague are now contending who shall be the worst man in this business. [Laughter and applause.]

Mr. BRUMM. That would only be another misrepresentation like the first.

Mr. COX, of New York. I do not care what the gentleman says——

The SPEAKER. The gentleman from New York will suspend. The House will come to order.

Mr. COX, of New York. Mr. Speaker, I will not take the time allowed me by the rules except to say in response to what fell from the gentleman from Pennsylvania [Mr. BRUMM] when he says that I misrepresented him. He is rather too flush with his words. I do not take that from anybody and never have. I give it back to him. I said before in this House what I repeat now. I was not bound to look up the men who objected to this. Is it my duty here to follow gentlemen—who object to measures I propose—from place to place in order to advise them that I am about to call up the measure they object to, or to ask their consent about it? How can I follow the gentleman from Pennsylvania through the coal-banks of Pennsylvania, or the gentleman from New York through the mazes of his movements? I consulted with men who were here when I brought it up the last time before Ensign Reynolds went to the north. I consulted with two men who objected [Mr. WELLER and Mr. FINERTY], and they agreed to withdraw their objection.

Mr. ROBINSON, of New York. Mr. FINERTY did not withdraw his objection.

Mr. COX, of New York. I do not refer to the gentleman from Pennsylvania [Mr. BRUMM], nor the gentleman from New York who has not the grace to listen to me.

Mr. ROBINSON, of New York. Mr. FINERTY has not withdrawn his objection.

The SPEAKER. The gentleman from New York has the floor.

Mr. COX, of New York. And I have refused to yield any further to the gentleman from New York. I yield now to the gentleman from Iowa.

The SPEAKER. For how long?

Mr. COX, of New York. For two minutes.

The SPEAKER. The gentleman has only four minutes remaining.

Mr. KASSON. I only rise, Mr. Speaker, to say that in a former case of a proposition to grant a medal for services involving no gallantry and nothing of personal merit, but given as a mere matter of personal favor, I voted against it and shall always do it, as in the case where King Kamehameha bestowed a decoration for mere personal attendance of an officer. But when a case is presented of personal gallantry that does honor to the Navy and to the naval corps to which the officer belonged, when he has imperiled his life to save the lives of others, when an official and special report is made to the Government of the United States in order to commemorate that gallantry and put it on record in the service of the Navy itself, a different question is presented. In this case, which refers to the rescue of the lives of foreigners on the high seas, I desired that a portion of time should be taken up in reading the official report of the facts; but there is now no time to do it. This young officer repeatedly imperiled his life, and after all the Austrian sailors except two or three were saved and dark came on, he volunteered again and went back to his dangerous and noble work, saving the remaining lives. Not being able to accomplish all his duty in his boat, he leaped into the sea, remembering the direction of his superior officer that this bark, if allowed to remain, would endanger other vessels in that part of the ocean——

Mr. ROBINSON, of New York. Will the gentleman permit me to ask him a question?

Mr. KASSON. No; for you have had your time.

Mr. ROBINSON, of New York. Only one question.

Mr. KASSON. I can not. This man, I say, leaped into the sea and managed to board the bark in the terrible storm, remembering the direction of his officer, and he set fire to that vessel so that it might not endanger other vessels sailing that part of the ocean. It was in the direct track of vessels on the sea.

Mr. ROBINSON, of New York. Would you destroy the Constitution of the United States?

Mr. KASSON. I repeat that he again leaped into the whirling sea and destroyed that vessel that other vessels and lives might not be endangered by the wreck.

Mr. ROBINSON, of New York. But it is much more important the Constitution of the United States should not be destroyed.

Mr. KASSON. I say you are persistent in wrong, my friend; you are dishonoring your own countrymen.

Mr. ROBINSON, of New York. I must deny that. I am not dishonoring my countrymen. I am only keeping my oath to sustain the Constitution of the United States.

Mr. KASSON. In recognition of his heroism in thus saving the lives of these Austrian sailors the Emperor of Austria, on the advice of his government, has sent this young naval officer a token of official recognition, which we have every assurance is not in any respect an order of nobility.

Mr. ROBINSON, of New York. I want the words taken down. I want those words taken down where I am charged with having dishonored myself. I fling them back into the teeth of the gentleman from Iowa himself.

Mr. KASSON. I say, sir——

Mr. ROBINSON, of New York. I say the man who is violating the Constitution of the United States dishonors himself. I am standing by the Constitution.

The SPEAKER. The gentleman from Iowa is entitled to the floor and it can not be taken from him without his consent.

Mr. ROBINSON, of New York. Let him withdraw that word.

Mr. KASSON. I withdraw nothing. I say the man who stigmatizes with the word "dude" a gallant naval officer who has done this gallant act in saving the lives of others repeatedly at the peril of his own, does dishonor the Navy and the officers of the Navy. [Applause.] I say there is no order of nobility in it.

Mr. ROBINSON, of New York. Does the gentleman know this young man? I have seen his picture.

Mr. KASSON. Of course the gentleman must understand that I can not allow this to come out of my time.

Mr. ROBINSON, of New York. I ask you, do you know the man; have you ever seen him?

Mr. KASSON. I think I have repeatedly stated to the gentleman that I do not know him. I say——

Mr. ROBINSON, of New York. And I will tell the gentleman——

The SPEAKER. The gentleman from New York will not interrupt the gentleman from Iowa without his consent. The Chair will, of course, see that the gentleman from Iowa is protected in his right to the floor.

Mr. KASSON. And the idea of this being a decoration of nobility is set aside in the very letter accompanying the medal, for it is stated there, if the gentleman will take the trouble to read it.

I have the honor to forward you hereby the said decoration, with the diploma and the bond attached to it, requesting you to inform me in due time whether Lieut. L. K. Reynolds has been permitted to accept that decoration. In that case he will have to sign the annexed bond, &c.

Now, I ask the gentleman, who ever heard of signing a bond before receiving a patent of nobility? It is simply, as all men must recognize it, a distinctive mark of recognition of the heroism and gallantry of this young man.

Mr. ROBINSON, of New York. Read the adjoining lines and you will see what it is.

Mr. KASSON. Under these circumstances I can not refuse to give my vote for the passage of this joint resolution. It confers a worthy distinction upon this gallant young man who has honored the Navy of his country by his noble heroism.

Mr. COX, of New York. Mr. Speaker, I merely wish to allude, in the moment or two that remains, to something that has been said as to my district. Oh, it is said that I could not go home to my people voting in favor of this proposition. Indeed! In response to that suggestion I wish to say that if there is one thing in the world that my district loves better than any other, it is the Life-Saving Service, and those who assert otherwise know very little of the heroic services rendered in the cause of humanity by many of my constituents.

There is a man standing now as one of the custodians at Castle Garden who has saved thirty-four lives. He wears medals which have been given to him by humane societies all over the country, from Boston, New York, and other cities at home and abroad. There is also a man who is filling the position of policeman. He is, strange to say, no relation of mine, although his name is Samuel Sullivan Cox. [Laughter.] He has saved seventeen lives and modestly wears the honors and badges. It is the highest order of nobility—the nobility of nature! This man is located at Grand street ferry, has saved these lives in the discharge of his duty and at the peril of his own life. He makes no discrimination. I believe that he would save anybody's life—even the life of the gentleman from Pennsylvania himself, or of my friend from New York.

Mr. ROBINSON, of New York. But he would not accept a decoration from a foreign government for doing it; he is not that kind of a Cox. [Laughter.]

Mr. COX, of New York. Yes; even the life of my friend from New York he would doubtless save, although that gentleman is the licensed libertine of debate upon this floor, simply because of his age [laughter], his venerable aspect, or his good old-fashioned Democracy, which he is now running to an extreme, and is playing such fantastic tricks before high heaven as make the angels weep. [Laughter and applause.] I demand the previous question.

The SPEAKER. The previous question has been ordered.

Mr. BRUMM. I rise for a matter of information. [Cries of "Vote!" "Vote!"]

Mr. ROBINSON, of New York. On that I demand the yeas and nays.

Mr. BRUMM. I wish to obtain information with reference to this subject before I vote. [Cries of "Regular order!"] I would like to know either from the gentleman from New York or some other gentleman whether the franking of this decoration——

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that the time allowed for debate under the rules of the House has expired, and the question is upon the passage of the joint resolution.

Mr. BRUMM. I am simply asking for information, and am perfectly sincere in this. I do not think the gentleman in charge of this matter will object if he knows my object.

Several members demanded the regular order.

Mr. BRUMM. I might vote with him if I could get information upon a point here——

Mr. DUNN and others objected.

The SPEAKER. The question is upon the passage of the joint resolution, upon which the gentleman from New York demands the yeas and nays.

The yeas and nays were not ordered.

The joint resolution was passed.

Mr. COX, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RANK OF GRADUATES, NAVAL ACADEMY.

Mr. THOMAS. Mr. Speaker, I am directed by the Committee on Naval Affairs to call up the bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to various corps, and ask that the same be put upon its passage.

The bill was read. It is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all graduates of the Naval Academy who are assigned to the line of the Navy, on the successful completion of the six years' course, shall be commissioned ensigns in the Navy.

SEC. 2. That the grade of junior ensign in the Navy is hereby abolished, and the junior ensigns now on the list shall be commissioned ensigns in the Navy: *Provided*, That nothing in this act shall be so construed as to increase the number of officers in the Navy now allowed by law.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. THOMAS. I would like to have the attention of the House for a moment to call attention to the report made by the Committee on Naval Affairs to accompany this bill, in which most of the reasons why the bill should pass are set forth. I ask that the report be now read.

The report (by Mr. THOMAS) is as follows:

This bill in no way increases the number of officers now in the Navy, nor does it change the limit now fixed by law; it simply provides that the junior officers of the line who are debarred from promotion for years by the act of August 5, 1882, reducing the *personnel* of the Navy, shall be allowed to wait for their promotion in a grade of the same rank as that held by the junior officers in the other corps of the Navy.

Those graduates of the Naval Academy who are assigned to the line of the Navy are given a rank and pay much inferior to that given their classmates, who are assigned to the Engineer and Marine Corps, and as the reduction in the *personnel* of the Navy made by the act of August 5, 1882, has almost put a stop to promotion in the junior grades, it results that the younger line officers have to wait for years in a grade inferior to any in the other corps of the Navy or in the Army, and year after year see themselves passed over by those graduates of succeeding classes who enter the Engineer and Marine Corps.

The superintendent of the Naval Academy, in his annual report, says:

"The duties required of the lowest grade of line officers are fully as important and arduous as those required of the lowest grade of marine and engineer officers, and frequently involve much more responsibility. It would seem but just that the naval cadet assigned to the line after the completion of the six years' course should be commissioned as ensigns. * * * Even this would not put them on an equal footing as regards pay with those assigned to the Marine and Engineer Corps, the pay of an ensign being but $1,200 per annum at sea. * * * It will hardly seem complimentary to the number one of a class, who should evince special ability as a line officer, to give him a simple appointment with a salary of $1,000 per annum, while others who passed below him are given commissions and salaries of $1,400 and $1,700 per annum. * * * When at sea an ensign (junior grade) receives $1,000 per annum, an assistant engineer $1,700 per annum, and a second lieutenant of marines $1,400 per annum. * * * The first assignments of final graduates under the law of August 5, 1882, was made in June last; seven were assigned as ensigns (junior grade), three as assistant engineers, and ten as second lieutenants in the Marine Corps. * * * An examination of the Navy Register will show that at the present rate of pro-

motion it will be at least fifteen years before the senior graduate assigned to the line can receive the same rate of pay per annum as was at once received by those members of his class who were assigned to the Engineer Corps and to the Marine Corps."

The Secretary of the Navy, in his last report, says:

"The status of junior ensigns also calls for the attention of Congress. The lowest grade in the Army and in the Marine Corps, that of second lieutenant, corresponds to that of ensign, and so does the lowest relative rank in the naval staff corps. In the line exists the anomalous grade of junior ensign, in which officers must pass several years at the present rate of promotion. During this period, therefore, they are junior to every other officer in their own service, and to the lowest commissioned officer in the Army. As graduates of the academy are now appointed to the Engineer Corps and the Marine Corps as well as to the line, members of the same graduating class who enter the more favored corps obtain at once rank and pay above their comrades who enter the line. The Department, therefore, recommends the abolition of the rank of ensign of the junior grade; that commissions as ensigns be issued to the present officers of that rank; and that all graduates hereafter appointed to the line shall receive such commissions."

It seems just to your committee that all graduates of the Naval Academy should at least be given equal rank on their assignment to the different corps of the Navy, and this rank should be that of senior ensign, which corresponds to the rank of second lieutenant given graduates of the Military Academy. They are of the opinion that the anomalous grade of junior ensign should be abolished, and that hereafter all graduates of the Naval Academy who are retained in the service after successfully completing the six years' course should be given the rank of senior ensign; and they therefore unanimously recommend that this bill do pass.

Mr. THOMAS. Mr. Speaker, it scarcely seems necessary to say a word in behalf of this bill, for it has been fully considered by the committee, and is unanimously reported favorably by them.

Under the law as it now stands——

Mr. BUDD. May I ask what will be the effect of this bill upon the graduates of 1883?

Mr. THOMAS. It will only affect those who went into the service.

Mr. BUDD. But you desire to change the operation of the act of 1882.

Mr. THOMAS. Yes, sir.

Mr. BUDD. Now, the act of 1882 affects the graduates of 1883, and I desire to know whether or not this bill will affect the graduates of 1883 and 1884, and, if so, to what extent?

Mr. THOMAS. The gentleman is talking about an entirely different bill.

Mr. BUDD. No, sir; I am talking about this bill.

Mr. THOMAS. This bill in no way applies to the class of cases mentioned by the gentleman from California. This is not a bill for the benefit of the cadets who were mustered out of the service, but is a bill for the benefit of the young officers who entered the service with the grade of junior ensign. This bill simply proposes to abolish that grade and make them ensigns and to make such other officers as may hereafter enter the line of the Navy ensigns instead of junior ensigns. Members of the same class graduating from the Naval Academy upon entering the line as the law now stands are made junior ensigns; but they may enter the Marine Corps, and in doing so they become full ensigns with pay of $1,400, while the man who graduated above them gets only $1,000 as a junior ensign. A man may go into the Engineer Corps and get $1,700, whereas the man who graduated with honor, perhaps the first man in his class, only gets $1,000 a year. It is for the purpose of abolishing this anomalous, unnecessary, and unjust grade for the first, the leading graduates of the academy, that the bill is proposed.

Mr. BUDD. When was this grade established?

Mr. THOMAS. By the act of 5th August, 1882.

Mr. BUDD. Then if it was established by the act of Congress of August, 1882, the graduates of 1883 are left entirely out from the operations of your bill.

Mr. THOMAS. On the contrary, such as come into the service will be made full ensigns under the bill.

Mr. BUDD. Your statement was that this would operate "hereafter."

Mr. THOMAS. Oh, no. The bill applies to all that heretofore have entered or may hereafter enter the line of the Navy. It is simply to equalize the grades of these graduates in all the different corps and put them on the same footing as graduates from the Military Academy.

Mr. WARNER, of Ohio. Will the gentleman allow me to ask him a question?

Mr. THOMAS. Yes, sir.

Mr. WARNER, of Ohio. There was some confusion at the time, and I did not gather from the reading of the bill whether this increased the number of the officers of the Navy.

Mr. THOMAS. It does not increase the number.

Mr. WARNER, of Ohio. Does it provide against that?

Mr. THOMAS. It expressly provides against that. It is simply to equalize the grades of those who enter the Navy and abolish the grade of junior ensign.

Mr. WARNER, of Ohio. How much will it increase the pay of the Navy?

Mr. THOMAS. Very little; it is but a trifle.

Mr. WARNER, of Ohio. It is a matter of equalization merely?

Mr. THOMAS. It is simply a matter of equalization and common justice. I move the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LONGEVITY PAY IN THE NAVY.

Mr. GEORGE D. WISE. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity pay to certain officers of the Navy, and that the same be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the passed assistant engineers of the Navy shall receive during the third five years after the date from which they take rank as passed (first) assistants, when at sea, $2,450; on shore-duty, $2,250; on leave or waiting orders, $1,900. During and after the fourth five years from such date, when at sea, $2,700; on shore duty, $2,350; on leave or waiting orders, $1,950. And section 1556 of the Revised Statutes is hereby amended accordingly.

Mr. GEORGE D. WISE. I call for the reading of the report of the committee.

The report (by Mr. TALBOTT) was read, as follows:

The purpose of the bill referred to is to give the passed assistant engineers of the Navy an increase of pay of $250 per annum after they have received the pay now provided by law for a period of ten years, and at the expiration of a further period of five years to give them another increase of like amount.

All officers who would be affected by this bill have the relative rank of lieutenants by law but are paid $400 per annum less than they, while they are subject to the same expenses as to uniforms, messes, &c. The next higher grades of the staff corps to which these officers belong have five grades of pay, increasing with each period of five years' service in those grades.

Great injustice seems to have been done to this grade of officers. All of the forty-five who would be benefited by the bill entered the Navy during the war, in 1861 and 1862, under regulations of the Navy Department which provided for their promotion to the grade of chief engineer after they had seen seven years' sea service in the junior grade; but, as a matter of fact, all of them have already been passed assistant engineers for from fifteen to eighteen years, and by reason of the laws now in force they can only be promoted by the deaths or retirements of chief engineers. Many of them can not be promoted in less than ten or twelve years from the present time, which will give them an approximate period of twenty-seven years' service in the same grade.

An examination of the Navy Registers from 1862 to 1882 shows that the officers of the line who entered the active service from the Naval Academy in 1861 and 1862 have long been commanders, and the medical and pay officers of the same dates of entry are medical and pay inspectors, or have been surgeons or paymasters for many years; while those engineer officers who entered at the same time are still passed assistant engineers, receiving from one-half to less than two-thirds of the pay of their contemporaries of twenty-two years ago.

The honorable Secretary of the Navy, in his last annual report, earnestly recommends their case to favorable consideration.

During the last session of the Forty-sixth Congress the Committee on Naval Affairs reported a bill giving this same increase of pay to the passed assistant engineers, which was passed by the Senate but failed to be reached in the House. The Naval Committees of both Houses of the Forty-seventh Congress (Senate, April 4, 1882; House, June 6, 1882) reported favorably upon bills similar to those now proposed. Also report that the Secretary of the Navy recommended in his annual report to Congress the passage of a bill giving the relief provided for in the accompanying bill. Your committee therefore recommend the adoption of this report and the passage of the accompanying bill.

Mr. GEORGE D. WISE. Mr. Speaker, if I can get the attention of the House I can make a statement which I believe will secure the concurrence of every member on this floor. This is a bill to give to the passed assistant engineers of the Navy after a service of ten years in the grade of passed assistant an increased pay of $250 per annum, and after a service of five years to give them another increase of $250 per annum. As the law stands they are entitled to but one increase, and that is $200 after a service of five years. It is only necessary for me to say that these officers, some forty-five in number, have served from fifteen to eighteen years in their present grade without any increase of pay. There are officers now in the Navy who entered the service in the Naval Academy when these officers held their present grade whose pay is $400 per annum greater than theirs. It is true that some of these officers received at the Naval Academy as cadets, taught there and trained by him as officers, to-day receive a pay of $400 per annum more than that assistant engineer.

This is not only the unanimous report of the committee, but it is recommended by the present Secretary of the Navy, by his predecessor, and by a number of the highest officers in the Navy, among them Admiral Porter.

Mr. MCMILLIN. I wish to ask my friend from Virginia what the compensation of these officers is now by law.

Mr. GEORGE D. WISE. Two thousand two hundred dollars when at sea, and the pay for a lieutenant is $2,600 at sea; and they have the relative rank of a lieutenant.

I may say that the officers in the other corps of the Navy who entered service at the same date have now the higher relative rank of commander and receive higher pay—officers both of the Pay Corps and of the Medical Corps. This is the only branch of the Navy which has received no consideration. I now ask the Clerk to read a letter from Admiral Porter and also a letter from Captain Meade.

The Clerk read as follows:

WASHINGTON, D. C., *January* 29, 1884.

To the honorable Senate and House of Representatives, in Congressassembled:

I have carefully examined bill No. 1401, presented in the House of Representatives December 11, 1883, and am satisfied that what the bill asks for is nothing more than long-delayed justice.

There is no grade in the Navy whose services have been so overlooked as the grade of passed assistant engineers, who have been over twenty-one years in the naval service and who have received none of the advantages so liberally bestowed on other branches of the Navy.

Many of these officers have served under my immediate command and nearly all of them have served through the great civil war.

Many are known to me personally, and I do not hesitate to say that the Navy does not hold a more gallant or deserving set of officers.

It would be committing a great act of injustice to withhold from them longer that which they ask.

I am satisfied that if Congress will look into their request carefully it will not hesitate to grant it.

Respectfully submitted.

DAVID D. PORTER, *Admiral.*

OFFICE OF THE CAPTAIN OF THE YARD,
Navy-Yard, New York, February 5, 1884.

My attention has been called to the bill (H. R. 1401) for the relief of the passed assistant engineers of the United States Navy.

Considering all the circumstances, I regard the relief asked for as very modest indeed, since some fifty-seven of these officers entered the Navy during the civil war, many of them serving through it with credit.

Had promotion been as rapid with them as with their brother officers of the line—Medical Corps and Pay Corps—who entered the Navy at the same date, many of them would now be from *one* to *three* grades higher, and in the enjoyment of much greater emolument than they now receive.

So far back as 1866 one of these officers served with me as senior engineer (that is, acting chief engineer) of a gunboat I commanded, and on my last cruise in command of the Vandalia a passed assistant engineer of that vessel antedated by original appointment every officer in the ship except myself, the chief engineer, and the executive officer, the last named having seen no war service whatever, as he graduated from the Naval Academy in 1865, while the passed assistant engineer had completed three years of war service.

In my judgment, some measure of relief is demanded by common justice for this long-suffering and patient body of men, and I heartily welcome House bill 1401 or any other bill that will give them what they are clearly entitled to.

RICHARD W. MEADE, *Captain U. S. N.*

Mr. GEORGE D. WISE. I now call the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. GEORGE D. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIUS A. KAISER.

Mr. TALBOTT. I am instructed by the Committee on Naval Affairs to ask that the Committee of the Whole on the Private Calendar be discharged from the further consideration of House bill No. 1348, for the relief of Julius A. Kaiser, and that the same be now considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Julius A. Kaiser upon the retired-list of the Navy, with the rank of passed assistant engineer, and pay thereof from February, 1868, now an assistant engineer on the retired-list of the Navy.

The Committee on Naval Affairs recommend that the bill be amended by striking out all after the words "and pay thereof from," and insert in lieu thereof the words "the date of the passage of this act."

The amendment was agreed to.

Mr. TALBOTT. I now call the previous question on the bill as amended.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. TALBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL KRAMER.

Mr. GEORGE D. WISE. I ask consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the House joint resolution No. 17, authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States, and that the same be now considered in the House.

There was no objection.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint Samuel Kramer a chaplain in the Navy, and place him on the retired-list.

The question was upon ordering the joint resolution to be engrossed and read a third time.

Mr. GEORGE D. WISE. I think I can briefly state the facts in this case. The beneficiary of this bill is an old man, now bowed under the weight of 76 years. When he was but 14 years of age he entered the naval service in Baltimore as a seaman. After serving before the mast for eight years he was offered promotion, but preferred to give up that course of life in order to study for the ministry, and did so. For the last fifty years he has devoted himself as a minister, especially to seamen.

In 1872 he came from the city of Baltimore to the city of Washington, and there being at that time no chaplain at the navy-yard, this old man has performed service there for the last ten or twelve years without pay except for two years. During that time he has built up a seaman's Bethel retreat near the navy-yard gate, and has founded in the navy-yard a reading-room and library.

For fifty years he has devoted himself to the improvement of the morals and the condition of the seamen of the United States Navy. All the officers and men who know him love him, and he has their confidence and their respect. We now only ask, after he has thus served for a period of fifty years without pay, that the President shall be authorized to appoint him as chaplain and place him on the retired-list of the Navy. I now call the previous question.

Mr. MCMILLIN. Before that is done I wish to inquire of the gentleman how many officers of this rank are now on the retired-list?

Mr. GEORGE D. WISE. Only one or two.

Mr. MCMILLIN. Then the tendency of this bill is to establish a rank of this kind, and it is against that I wish to protest. I know it is not a pleasant duty to oppose a proposition like this, where you are met with a plea of semi-charity in favor of a man whose life has been spent in the interest of good morals.

But I do not believe that it is sound policy or right to place on the retired-list those who have not for years been connected with the service of the United States. It is said that this man has received compensation for but two years. Is it proposed to take all the ministers who have officiated in any capacity in this city, and who have at different times served in any branch of the service in a ministerial way, and place them on the retired-list? It seems to me that would not be well.

I know that the gentleman from New York [Mr. COX] has in the past stood up against an increase of the retired-list. What good can come from it? Is it claimed that this man is unable to act actively as chaplain? If such is the fact, the gentleman from Virginia has not disclosed it. If such is not the fact, then appoint him as chaplain and keep him as such as long as he can serve.

Mr. GEORGE D. WISE. I will state to my friend from Tennessee [Mr. MCMILLIN] that this man is beyond the age when he can be appointed chaplain, or he would have been appointed long ago.

Mr. MCMILLIN. Why was he not appointed when he was within the age?

Mr. GEORGE D. WISE. He was not engaged in it then.

Mr. MCMILLIN. Not in the ministry then? I thought the gentleman said he had been in the ministry for more than fifty years.

Mr. GEORGE D. WISE. He was not then in the navy-yard here.

Mr. MCMILLIN. I see constant efforts made to increase the retired-list in every department of the Government. Those efforts come from the Navy, from the Army, from the Supreme Court, and from other branches of the judicial service. I think there ought to be a stop put to it.

Mr. CANNON. Will the gentleman allow me a question?

Mr. MCMILLIN. Certainly.

Mr. CANNON. Am I correct in understanding the gentleman from Virginia [Mr. GEORGE D. WISE] and the gentleman from Tennessee [Mr. MCMILLIN] as saying that it is proposed to put this man on the retired-list of the Navy when he has rendered no service as chaplain and was too old to be appointed as chaplain?

Mr. TALBOTT. He has rendered gratuitous services as chaplain.

Mr. CANNON. He has not spent his life in the service of his country in the Navy, but it is now proposed to give him this appointment as a gratuity.

Mr. MCMILLIN. Since he became too old to be appointed——

Mr. CANNON. Since he became too old to be appointed chaplain. This is the proposition, is it?

Mr. MCMILLIN. That is the proposition, stated in plain English.

Mr. CANNON. Does the gentleman from Virginia understand that to be the case?

Mr. GEORGE D. WISE. Certainly.

Mr. CANNON. Then I do not see that we ought to break down the retired-list in this way.

Mr. MCMILLIN. It ought not to be done, and I do hope the gentleman from Virginia will not insist on it. It is not right to do it; it is not policy to do it. If this man had spent his life in that service in behalf of the Government there might be some plea in behalf of this measure; but under the circumstances there is none whatever.

Mr. CANNON. I suggest to my friend from Tennessee that when he gets through he make a motion to strike out the enacting clause.

Mr. MCMILLIN. I will yield to the gentleman for that purpose. I think such a motion ought to prevail.

Mr. CANNON. I will make it if the gentleman from Tennessee does not.

Mr. GEORGE D. WISE. I hope the gentleman will allow me a word.

Mr. CANNON. Certainly.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. GEORGE D. WISE] is entitled to the floor. He has not yielded, as the Chair understands, except temporarily to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. GEORGE D. WISE. I wish to repeat what I said before, that this old minister came from Baltimore in 1872. At that time there was no chaplain at the navy-yard in Washington; and from that time he has been, at the earnest request of officers of the Navy, performing service there. In 1880 President Hayes put him upon the temporary roll as chaplain, and for two years, from 1880 to 1882, he received pay as such. Since that time, there having been no fund out of which he could be paid, he has not received a dollar.

Now, I do think that when Congress has placed upon the retired-list not one man merely but hundreds of men who are wealthy, whose private fortunes are sufficient for the maintenance of themselves and their families; when to-day the proposition is urged to place upon the retired-list a gentleman who has been out of the Army for more than twelve years, and to give him a yearly allowance of something like $30,000—it does seem to me small business to deny to an humble follower of the meek and lowly Jesus, after such services as this man has rendered for fifty years, the poor privilege of being put upon the retired-list as a chaplain in the last days of his life.

I wish to state another fact which I have not yet mentioned. In the days when you required the services of soldiers at Antietam, this same old man, when there was a vacancy in the position of major of a regiment, belted his sword to his waist and fought bravely for the Union throughout that fight. He has rendered service to the country on the field of battle.

It does seem to me that this House ought not to sustain the motion to strike out the enacting clause of this bill. The measure violates no principle. You have done this thing a thousand times——

Mr. MCMILLIN. Have we put upon the retired-list a thousand chaplains of the Navy under circumstances like these?

Mr. GEORGE D. WISE. I did not say "chaplains." But you have put thousands of men upon the retired-list as captains, as colonels, as major-generals, and in other ranks. Why should you not retire this man as a chaplain?

Mr. MCMILLIN. We did that in the case of men who had spent their lives in the service.

Mr. GEORGE D. WISE. Fifty years of this man's life, according to the testimony of officers of the Navy and of seamen, have been spent in the service of the Government. He served before the mast as a sailor. Yet you would deny him what you grant to captains and colonels and generals—to men of higher rank. For myself I take more pleasure in voting for this act for the benefit of this poor old minister than I would in voting pensions to men of higher grade. I call the previous question.

Mr. MCMILLIN. If the gentleman will yield to me a moment I will make a suggestion that may afford a way out of this difficulty. The gentleman says that this man has served the Government in the capacity of chaplain and for such service has received no compensation. Then, if the enacting clause of the bill be not stricken out, which I think ought to be done, why not recommit the bill, so that there may be reported a bill to pay this man for what he has done, thereby giving him a competency, while avoiding the establishment of a precedent that may work injuriously hereafter?

Mr. GEORGE D. WISE. This is the only way to provide for him.

Mr. MCMILLIN. This is not the only way. If the Government owes him anything for services, a bill can be reported to pay him what is due him; and there is not a man here who would object to such a bill, if the Government really owes him anything.

Mr. PETERS. I wish to ask a question for information. Did this minister receive pay from any denomination prior to 1882 for his service as a preacher which has been spoken of?

Mr. TALBOTT. I will state the case. This old man was at the navy-yard here, and was allowed $75 a month by Secretary Thompson for two years. This payment would have been continued but for the fact that the appropriation bills failed to provide a fund from which payment could be made. Since that time he has kept on performing his duties at the request of officers of the Government, but has not been paid by anybody.

Mr. MCMILLIN. Then pay him for what he has done.

Mr. TALBOTT. The only thing we can do for him—at least this was the opinion of the Committee on Naval Affairs, and the measure was recommended by many officers of the Navy—is to put him on the retired-list. The old gentleman will then have a competency, and will still discharge the duties of chaplain as he has been doing. He is specially qualified for duty as chaplain in the Navy, because he has served in this capacity for a long time, and, as I am informed, has more influence with the seamen with whom he comes in contact than any other man who has ever served in this locality.

Possibly the Committee on Naval Affairs may have stretched a point as a matter of policy in proposing to place this man on the retired-list; but we believe it to be an act not only of charity but of substantial justice.

Mr. DUNHAM. The gentleman from Virginia has said this man was employed for some fifty years preaching among seamen.

Mr. GEORGE D. WISE. Thirty years.

Mr. DUNHAM. I wish to know whether he was engaged by the Government of the United States during the whole of that time. Was he in the Government employ or under the authority of the Government, or only attached to some church?

Mr. GEORGE D. WISE. He has been in the service of the Government, at its request, since 1872 or 1874.

Mr. DUNHAM. But where was he back of that?

Mr. GEORGE D. WISE. Back of that he was preaching, as I understand, in Baltimore. I do not know anything particularly about that.

Mr. TALBOTT. He was preaching there in Baltimore among the seamen at what is called the Bethel church.

Mr. DUNHAM. Who paid for that?

Mr. TALBOTT. There is a church in Baltimore called the Seamen's Bethel, and he was attached to that church.

Mr. DUNHAM. But what time has he been in the service of the Government?

Mr. GEORGE D. WISE. He has been, as I understand, in the service of the Government some fourteen years.

Mr. MCMILLIN. If in order, I should like to have this bill recommitted.

Mr. GEORGE D. WISE. I demand the previous question on the bill.

Mr. MCMILLIN. I should like to have the bill recommitted to the Committee on Naval Affairs with instructions to report back what, if anything, is due the party named in this bill.

Mr. PETERS. It seems to me it ought rather to be referred to the Committee on Claims.

Mr. GEORGE D. WISE. I have demanded the previous question on the engrossment and third reading of the bill.

The previous question was ordered.

Mr. MCMILLIN. Is it in order to recommit at this time?

The SPEAKER *pro tempore*. Not now.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question recurs on the passage of the bill.

Mr. MCMILLIN. I move to recommit with instructions to report what, if anything, is justly due to the party named here for services rendered to the Government.

Mr. DUNHAM. I wish to ask a question.

Mr. MCMILLIN. I am willing if the gentleman prefers, with leave to report at any time, for if we owe anything to this man I would not stand in the way of his payment. I do not wish, however, to see a bad precedent set.

Mr. COX, of New York. I think the Committee on Naval Affairs have eliminated all bills which ought not to pass. There can be no objection to this one, as it is a unanimous report.

The SPEAKER *pro tempore*. The pending question is on the motion to recommit with instructions.

Mr. COX, of New York. The Committee on Naval Affairs might report back $1,500 or $2,000 as due to this man for services already rendered and for which he received no pay. The mode proposed by the committee, however, is easier, cheaper, kinder, and a better way of providing for him. It will take less money out of the Treasury.

Mr. DUNHAM. Is this a unanimous report from the Committee on Naval Affairs?

Mr. COX, of New York. It is.

Mr. MCMILLIN. I wish only to prevent the establishment of a bad precedent.

The SPEAKER *pro tempore*. The Chair can not entertain the motion to recommit with instructions for the reason the instructions must be such as would be in order as an amendment to the bill, and it would not be in order to move to amend the bill, which provides for putting on the retired-list, by allowing a private claim, which is an entirely different subject.

Mr. MCMILLIN. Then I move to recommit the bill in order when the committee again report it they may be enabled to present something of the kind I have suggested.

Mr. COX, of New York. That is equivalent to killing it.

Mr. MCMILLIN. It is not my purpose to kill it.

Mr. DUNHAM. Let us vote it down.

The House divided; and there were—ayes 34, noes 83.

Mr. MCMILLIN. No quorum has voted.

The SPEAKER *pro tempore* appointed as tellers Mr. MCMILLIN and Mr. GEORGE D. WISE.

The House again divided; and the tellers reported—ayes 60, noes 103.

So the motion to recommit was disagreed to.

The bill was passed.

Mr. GEORGE D. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALFRED HOPKINS.

Mr. BUCHANAN. I call up the bill (H. R. 2552) for the relief of Alfred Hopkins.

The SPEAKER *pro tempore*. That bill is on the Private Calendar.

Mr. BUCHANAN. I move the Committee of the Whole House on the Private Calendar be discharged from its further consideration and it be taken up for action in the House.

Mr. CANNON. Let the bill and report be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That Alfred Hopkins be, and he is hereby, restored to the rank of captain in the Navy of the United States.

Mr. CANNON. I object to discharging the Committee of the Whole House on the Private Calendar.

Mr. BUCHANAN. I move the House resolve itself into the Committee of the Whole House on the Private Calendar for the purpose of taking up that bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. TOWNSHEND in the chair.

Mr. BUCHANAN. I call up the bill (H. R. 2552) for the relief of Alfred Hopkins.

The CHAIRMAN. The bill has been read, and the Clerk will now read the report.

The Clerk read the report (by Mr. BUCHANAN) as follows:

The Committee on Naval Affairs, to whom was referred the bill H. R. 2552, beg leave to make the following report:

Capt. Alfred Hopkins entered the Naval Academy October 1, 1851, and graduated No. 5 in his class on June 9, 1855, and received a warrant as midshipman from that date.

On June 25 of the same year he joined the United States frigate Congress, and remained on board her cruising, in the Mediterranean squadron, until January 14, 1858, when the ship returned home and was put out of commission. In March of the same year his class received their final examination, when he passed No. 2, and received his warrant as passed midshipman April 15, 1858. On April 19, 1858, he was ordered to the United States brig Bainbridge as acting master.

The Bainbridge sailed for the coast of Africa, where she cruised for several months and then joined the expedition to Paraguay under Commodore Perry. The Bainbridge was one of the vessels selected to form one of the Brazil squadron, and he remained on that station in her until she returned home and was put out of commission, November 13, 1860. November 4, 1858, he was warranted as master, and May 31, 1860, commissioned as lieutenant. On July 15, 1861, he was ordered to the United States steamer Louisiana as executive officer, and was engaged in all the operations of the squadron in Burnside's expedition to the sounds of North Carolina. A day or two before the capture of New Berne he was ordered to command the United States steamer Underwriter. He was present at the battle of New Berne, in command of the Underwriter, and remained in command of her until October 30, 1862, when he was ordered to the ironclad Weehawken. On December 2, 1862, he was ordered to the ironclad Lehigh and remained attached to her until April 6, 1863. On July 16, 1863, he was promoted to be a lieutenant-commander. On September 13, 1863, he was ordered to duty in the South Atlantic blockading squadron. He was on duty there first as executive of the Wabash, then of the Lehigh, and finally in command of the United States steamer Seneca until February 16, 1864.

On September 24, 1864, he was ordered to the Naval Academy, where he remained until May 3, 1865, when he was ordered to the United States steamer Agamenticus, as executive, where he remained on duty until she was put out of commission, September 18, 1865. On November 17, 1865, he was ordered as executive to the United States school-ship Savannah, but was detached on the 29th of the same month, the ship going out of commission. On April 21, 1875, he was examined for promotion to the rank of commander and received his commission as such to date from March 2, 1871. From December 21, 1875, until July 15, 1876, he commanded the ironclad Wyandotte. From August 7, 1877, he commanded the Wyoming until February 11, 1878. From November 20, 1878, until May 6, 1879, he was on duty at the navy-yard at Norfolk, when he joined the class at the torpedo station, where he was stationed until August, 1879. On June 10, 1881, he reported for duty at the navy-yard at Pensacola. On May 10, 1882, he was examined for promotion to captain, and received a captain's commission, dated May 11, 1882. On September 6, 1882, he was detached from the Pensacola yard.

On November 21, 1882, he was dismissed by sentence of a court-martial on the charge of leaving his station before being regularly relieved, and conduct unbecoming an officer and prejudicial to discipline. He has seen thirteen years and nine months' service at sea, and six years and eight months' duty on shore.

The committee refer to the certified copy of the entire proceedings of the court-martial appointed by the Secretary of the Navy to try said Captain Hopkins, which accompanies this report, and is made a part of the same. Captain Hopkins was put on trial the 8th day of November, 1882, and the court-martial, on the 20th day of November of the same year, found him guilty of the charges and sentenced him to be dismissed from the naval service of the United States. The last session of the court—the one in which the defendant was found guilty, and in which he read his defense and was replied to by the judge-advocate—continued only one hour and fifty minutes. The next day, November 21, 1882, the Judge-Advocate-General of the Navy Department submitted to the Secretary of the Navy the proceedings, findings, and sentence of the general court-martial in the case of Capt. Alfred Hopkins, with the recommendation that the same be approved.

On the same day the foregoing proceedings, findings, and sentence in the case of said Capt. Alfred Hopkins, United States Navy, were approved by William E. Chandler, Secretary of the Navy, and submitted to the President of the United States for his action. On the same day, November 21, 1882, the sentence in the foregoing case of Capt. Alfred Hopkins, United States Navy, was confirmed by Chester A. Arthur, President. It appears from the record of the court-martial that Captain Hopkins had no counsel. The fact of not having one may have been his own fault; nevertheless the fact remains that he conducted his defense without the aid and advice of counsel.

The committee believe the court erred in refusing to allow Dr. Owen to answer the fourteenth question propounded to him by the accused, in the words following:

"Do you or not believe that I left only temporarily, and with the intention of returning in case the sick-leave recommended by you was not granted?"

To the above question the judge-advocate objected as an opinion upon which no facts had been stated on which to ground it, and one which does not require an expert. The objection of the judge-advocate was sustained. Is it true as claimed by the judge-advocate, and decided by the court, that no facts had been stated in evidence on which to ground the opinion of the witness? The witness, Dr. Owen, states, in answer to the tenth question, that the principal objection of the defendant to going from the navy-yard was the fear that the Department would not approve of his leaving his station. The witness, in answer to the eleventh question, states that he suggested to the defendant that if the Department did not approve his leaving he could return. It appears to the committee that these facts which were in evidence were amply sufficient upon which to found the opinion asked of the witness in the fourteenth question, and that the answer, if in the affirmative, was important and material in the defense of Captain Hopkins, and under the ruling of the court he was deprived of a clear legal right.

The fifth question propounded to Lieutenant Welch, a witness for the accused: "What was your understanding of the length of time I was to be gone?" The judge-advocate stated to the witness that "if there was anything of his own knowledge and not his thoughts," he could answer the question. Answer, "I only know from conversation." The judge-advocate objects to the question, as the witness states "that he only knows the facts from conversation." The court directed that the witness will reply to this question directly and without preamble. Accused and witness re-entered the court, and were informed of the decision of the court. The witness answered, "My understanding of the length of time he was to be gone would depend upon——" The witness was here again directed to confine himself to the question. He then answered as follows: "I do not know."

The objection of the judge-advocate is that the witness must know, of his own knowledge, the length of time the defendant was to be gone from the navy-yard, and this objection was sustained by the court. The committee think the court committed a great error in thus ruling. Intention on the part of others in the commission of an act could rarely be arrived at if witnesses in testifying are to be restricted to absolute knowledge of the fact of intention. The rule of evidence admits the sayings and conversations of a person in the performance of an act in explanation thereof to be given in evidence; as if a person departing on a journey declares that he is going to a certain place on certain business and to be absent a certain length of time, these statements are clearly admissible as explanatory of the act of performance and the intention connected therewith. Indeed, it is difficult to fully explain the acts in any other way. In this instance the witness had a knowledge from conversation, and was not allowed to tell with whom or under what circumstances the conversation was held. It is evident the witness had knowledge from conversation, and yet the court refused to ascertain what his knowledge was.

It is not a strained presumption that if the witness had been allowed to have stated what he knew from conversation that he might have stated that when Captain Hopkins turned the command of the navy-yard over to him in the act of departure told witness that if leave of absence was not granted to him he would return within a week. Who will say that such would not have been the evidence? And if so, the defendant was deprived of a fair trial by the ruling of the court in thus excluding evidence material and important to the defendant.

In the Regulations for the Government of the Navy, page 126, edition 1876, we find the following:

"A commander-in-chief of a squadron, and a commandant of a yard or station in the United States, will not leave the limits of their command longer than one week in any successive two months, without permission of the Secretary of the Navy."

The defendant was a commandant of a yard in the United States, and under the regulations had a limited discretion conferred on him to leave the limits of his command not longer than one week in any successive two months. To make the defendant guilty of charges 1 and 2, he must have violated the terms of this regulation. Does the evidence show that the defendant did violate them? The committee deny that it does. Captain Hopkins was the commandant of the navy-yard at Pensacola on the 1st day of September, 1882. On that day he left the limits of his command. On the 6th day of that month, while at Morristown, Tenn., by order of the Secretary of the Navy he was detached from the navy-yard and put on waiting orders. Under the rule it is not competent to count the first and last days of a definite period of time. Captain Hopkins was therefore absent from the navy-yard only five days, under the regulation, when he was put on waiting orders. He had the right, as we have seen, to be absent seven days. He therefore violated no law or regulation. As a general rule, no person can be tried, convicted, and punished for a crime unless he has violated some law, in the operation of which there is a joint union of act and intention or criminal negligence.

Tried by this rule, the committee do not believe that the finding of the court-martial can be sustained by the evidence in the record. We do not believe the evidence warrants the finding of the court, but the same is wholly without evidence to support it.

It is not sufficient to warrant a conviction that the defendant intended to violate a law; he must not only intend, but must violate the law. The judge-advocate, in his argument, seemed to think that intention without act of violation of law is sufficient, for he says:

"The accused seems to have attempted to establish three theories as to his right to leave the station: First, that he intended to take a week's leave under the regulations. To confute this theory, the prosecution would call the attention of the court to Captain Hopkins's letters of August 30 and 31, and his telegram of September 1, saying in the one: 'I shall endeavor to get away with my family, and leave the yard in charge of Lieutenant Collins;' in another: 'I propose to return to Cleveland, Ohio, as I need an entire change of air,' &c. And his telegrams of September 4 and 5 and the Department's of the 6th show that he had not changed his intention as to the length of his stay until after frost, or until it was safe for a Northerner to return, as he could not return to his station within the week."

It is clear that the judge-advocate admits the right of the defendant to absent himself from the yard without permission for one week, but claims that as Captain Hopkins when he left intended to remain longer than a week, he is guilty. We can not so regard it. The defendant was absent only five days, and he could have been lawfully absent seven days, and while so lawfully absent he was detached by the lawful order of the Secretary of the Navy, which he was bound to obey, and did obey. The specifications to both charges consist in his leaving the navy-yard at Pensacola. The reply to these specifications is that he had the lawful right to leave for one week, and before the week ended he was detached from said yard. Even if the evidence is sufficient to sustain the finding, the punishment awarded seemed to be more than commensurate with the conduct of the accused. The evidence shows that the accused was broken in health; that the measures he took to prevent the ingress of the yellow fever to the navy-yard were efficient, and that no injury accrued to the property of the United States nor to any person in the service of the United States, nor to any other person or property by reason of the conduct of the defendant.

It appears from the record, in the judgment of the committee, that the latter part of the proceedings were unduly accelerated, as the defendant read his defense and the judge-advocate replied thereto and the court made its finding in the short space of one hour and fifty minutes, inflicting a sentence of great severity, there being only one other more severe, the sentence of death: thus turning an officer, after long service, which rendered him unfit for any other avocation whereby to make a support for himself and family, out of the profession of his choice and pride.

This sentence, on the next day after the finding, was approved by the Judge-Advocate-General, the Secretary of the Navy, and the President. A very short time for three separate examinations and considerations of the record of the court-martial. This was rapid work for a short November day.

Many other reasons why this bill should pass will be suggested to any one who reads the record of the court-martial. The committee report the bill favorably with the recommendation that it pass.

Mr. BUCHANAN. Captain Hopkins in the year 1882 was the commandant of the navy-yard at Pensacola. In August, 1882, the yellow fever made its appearance at that station. Captain Hopkins took efficient means to prevent its ingress to the navy-yard, and under the means that he adopted on that occasion no yellow fever appeared on the United States reservation at that point.

Captain Hopkins himself, as the evidence of Dr. Owen and Dr. Persons shows, was broken in health. He had been in Pensacola for two years, that being his second summer there, and he had been advised by Dr. Owen to leave the yard in consequence of his health. The record shows that Dr. Owen insisted upon his leaving the navy-yard and going to some other point.

Dr. Owen insisted that an order should be issued that all of the officers and men at the navy-yard should have the liberty of leaving in consequence of the threatened danger. That order was granted, and it included officers and men, sailors and marines, who were sent to a healthy part of the country and remained out of Pensacola during the whole period that the yellow fever was there, or until after the frost came.

Dr. Owen insisted that Captain Hopkins, on account of the state of his own health, as I have said, ought to leave, and he recommended that he should have a leave of absence from the Navy Department. On the 1st of September, he having sent two days before this application and this recommendation of the surgeon, he left the yard in charge of an efficient man, a man that in 1883, the next year after this occurrence, yielded up his life a victim to the yellow fever. In 1883 the commandant of that yard that succeeded Captain Hopkins—I do not know who he was—was not as fortunate as Captain Hopkins was in keeping the yellow fever out of the United States navy-yard, and it went there and there was a considerable number of deaths on account of it. On September 1 Captain Hopkins left the yard and went to Morristown, Tenn.

On the 4th he asked again by telegram for the leave of absence to be granted, but received no reply. Cn the 5th he again asked that the leave be granted, but received no reply. He received no response until the 6th, and the reply that he then received was an order detaching him from the command of the navy-yard and putting him on waiting orders.

Now, there are two points first before we come to the main point in this case. One point is that important and material evidence was ruled out by the court-martial. The following question was asked Dr. Owen:

Do you, or not, believe that I left only temporarily, and with the intention of returning in case the sick-leave recommended by you was not granted?

Now, Mr. Chairman, this is a very material question on the trial as to the question of guilt, and applies to the intention of Captain Hopkins. But what was the result? The result is that to this question the judge-advocate objected as an opinion upon which no facts had been stated on which to ground it.

By reference to this report, which shows exactly what occurred, as it embodies the language of the official record of the proceedings, it will be seen that there were then before the court-martial facts stated upon which an opinion could be predicated, and ought to have been predicated, and which ought to have been received by the court. Hence important testimony was ruled out. This of course is a material fact, because it applies to the question of intention.

Mr. CANNON. Will you allow me a moment?

Mr. BUCHANAN. Certainly.

Mr. CANNON. Will you allow that the opinion of this party is competent testimony, or was it not rather the duty of the defendant to prove what the facts were and let the court judge of the intention from the facts, and not take the opinion of this surgeon as to whether the accused intended to return as competent testimony?

Mr. BUCHANAN. By all means; intention is a fact to be proven like any other fact.

Mr. CANNON. Precisely.

Mr. BUCHANAN. And unless it is proved no conviction could be had.

Mr. CANNON. And yet what A may believe as to the intention of B in returning is certainly not as competent testimony as the fact itself. I do not think the opinion of A would be material from any standpoint, unless a different rule prevails before a court-martial than that which prevails in the civil tribunals of the country.

Mr. BUCHANAN. A party is always allowed to give an opinion as to a fact when he has stated the facts upon which the opinion can be predicated.

Mr. CANNON. Only as an expert.

Mr. BUCHANAN. An expert may give his evidence with or without facts. He is not required to give facts on which to base an opinion, and that is the difference between expert and non-expert testimony.

But I will proceed with this testimony again. Lieutenant Welch was interrogated, and his testimony is important. Let us see what was done with it. This is the officer to whom the command was turned over when Captain Hopkins left the navy-yard, and that gentleman was asked, "What was your understanding of the length of time I was to be gone?" The judge-advocate stated to the witness that "if there was anything of his own knowledge, and not his thoughts," he could answer the question.

Answer. I only know from the conversation.

There he was interrupted again and not allowed to testify to anything else upon that subject. The judge-advocate, as will be seen from the record, objected to the question on the ground that the witness states that he only knows the facts from conversation. The court then directed that the witness should reply to this question directly and without preamble. The accused and witness re-entered the court and were informed of the decision of the court. The witness then answered:

My understanding of the length of time he was to be gone would depend upon——

Here he was interrupted again and was not allowed to testify or tell what he knew. The witness was directed to confine himself to the question. He then answered as follows:

I do not know.

Now the objection of the judge-advocate was that the witness must know of his own knowledge of the length of time the defendant was to be gone from the navy-yard, and this objection was sustained by the court.

Now we say here in this report and I say on this floor that the court committed a great error in ruling out the evidence:

Intention on the part of others in the commission of an act could rarely be ascertained if witnesses in testifying are to be restricted to absolute knowledge of the fact or intention. The rule of evidence admits the sayings and conversations of a person in the performance of an act in explanation thereof to be given in evidence; as if a person departing on a journey—

Which is the fact in this case—

declares that he is going to a certain place on certain business and to be absent a certain length of time, these statements are clearly admissible as explanatory of the act of performance and the intention connected therewith.

They are termed in law the *res gestæ*, and can always be given as matter of explanation. How could it be ascertained in any other way? My friend from Illinois [Mr. CANNON] departs this night to his home or to New York or to Baltimore. And who can tell where he intends to go, what he is going for, and how long he is going to remain unless his declarations made at the time of starting are allowed to be proved?

Now, this evidence was ruled out. Why? The presumption is—it is not a strained one, at least—that if this witness, Lieutenant Welch, had been allowed to go on he would have stated that Captain Hopkins, in the hour of his departure, had told him he was not to be gone exceeding a week.

Mr. CANNON. Will the gentleman from Georgia yield to me for a question, because I want to get at the facts? On page 3 of the report, you set out the following:

The fifth question propounded to Lieutenant Welch, a witness for the accused, "What was your understanding of the length of time I was to be gone?" The judge-advocate stated to the witness that "if there was anything of his own knowledge, and not his thoughts," he could answer the question.

Now, then, I will grant you if the record shows—but it does not appear from this report—that there was an effort to prove what was said at the time he left that would be competent. But the Judge-Advocate-General objecting to the question, I think, puts it upon the proper ground that if the witness knew anything of his own knowledge he could state it, but if it was his own thoughts he was seeking to state he objected to the question, and therefore it was ruled out.

Mr. BUCHANAN. Lieutenant Welch said he knew from conversation.

Mr. CANNON. With whom?

Mr. BUCHANAN. That conversation he was not allowed to state.

Mr. CANNON. I do not know he was asked whether defendant said anything.

Mr. BUCHANAN. He was stopped right there.

Mr. CANNON. This report leaves me in the dark.

Mr. BUCHANAN. The record shows that.

Mr. CANNON. What the record shows I do not know.

Mr. BUCHANAN. Here it is; you can turn to it.

Mr. CANNON. I do not desire to turn to it. The witness says: "I only know from conversation." There was no conversation as to who the conversation was with. Was it a conversation with the defendant?

Mr. BUCHANAN. He was not allowed to show, and that is the complaint.

Mr. CANNON. I do not find with whom the conversation was.

Mr. PETERS. As a matter of fact, whom was the conversation with?

Mr. BUCHANAN. Here it is. I read from the record, page 43:

Fifth question. What was your understanding of the length of time he was to be gone?

[The judge-advocate stated to the witness that "if there was anything of his own knowledge, and not his thoughts," he could answer the question.]

Answer. I only know from conversation.

The judge-advocate then objects just as soon as he gets to the word "conversation."

The judge-advocate objects to his question, as the witness states that he only knows the facts from conversation.

Mr. CANNON. That excludes all conversation.

Mr. BUCHANAN. Yes.

[Court cleared. The court directed that the witness will reply to this question directly and without preamble. Accused and witness re-entered the court. The accused and the witness were informed of the decision of the court.]

Answer. My understanding of the length of time he was to be gone would depend upon——

The witness was here again stopped when he was going on.

[The witness was here again directed to confine himself to the question. He then answered as follows:]

Answer. I do not know.

It was a complete muzzling. And there never was a proposition more clear and uncontradicted by the authorities, and one that was material to the defense of this man, than that this question and the answer to this question were illegally ruled out.

Mr. STEWART, of Vermont. May I ask the gentleman from Georgia a question?

Mr. BUCHANAN. Certainly.

Mr. STEWART, of Vermont. Was the witness or anybody interrogated as to what Captain Hopkins declared at the time he left?

Mr. BUCHANAN. He was interrogated as to what was his understanding of the time the accused was to be absent, and he was going on to state it. He did have an understanding of the time Captain Hopkins was to be absent. He had that understanding, and he had that understanding from conversation. And then he was not allowed to state it.

Mr. STEWART, of Vermont. My question is whether the direct question was put to anybody as to what Captain Hopkins declared at the time he left?

Mr. BUCHANAN. The witness was stopped because it was conversation.

Mr. STEWART, of Vermont. They did not ask him that question as to what Captain Hopkins said?

Mr. BUCHANAN. All that was ruled out because it was a conversation.

Mr. STEWART, of Vermont. It was not ruled out if the question was not asked.

Mr. BUCHANAN. He was asked what his understanding was. He said he had an understanding, and it was from conversation, and that conversation was ruled out. Nothing can be more clear than that.

Mr. PETERS. Allow me to ask the gentleman a question. If the witness had that understanding from a conversation with some other party, then it would be hearsay testimony of course, and the ruling it out could not do Commander Hopkins any wrong.

Mr. BUCHANAN. But he had the right to show that Captain Hopkins turned over the yard to Lieutenant Welch, and then he had a right to presume what the conversation was with Lieutenant Welch.

Mr. PETERS. That is what I want to know.

Mr. EZRA B. TAYLOR. And in the other case the conversation was with Dr. Owen, who advised him to go, directed him where to go, how long to be gone, and of course knew how long he intended to be gone.

Mr. BUCHANAN. Certainly.

Mr. HAMMOND. And the committee believe from the testimony that Captain Hopkins did explain, and the court would not allow the explanation to be given.

Mr. BUCHANAN. He explained both to Dr. Owen and Lieutenant Welch.

Mr. HAMMOND. And he had a right under the regulations to be absent for a week?

Mr. BUCHANAN. Yes. There were two grave errors committed by the court, and both against the accused; such errors as a court of law would grant a new trial upon. There is not a court on the face of the earth but what would grant a new trial for either of those errors.

But I have something more serious still to state. I say that there was no evidence that warranted a conviction by the court-martial upon the charges, and I say that the conviction which was had was without evidence to sustain it. There were two charges, both of which consisted in leaving the navy-yard without permission from the Secretary of the Navy. Both charges are the same in substance, and that is the charge—leaving the navy-yard without permission. I propose to demonstrate that beyond question.

In the Regulations for the Government of the Navy, page 126, edition of 1876, is this regulation. I will say that I sent to the Navy Department for a copy; I could find none elsewhere; and there was only one copy of the regulations of 1876 at the Department. I obtained it from the Department, but was required to send it back again, which I have done. It is now in the Navy Department here. I have verified the regulation which I will now read, and which is in these words:

A commander-in-chief of a squadron, and a commandant of a yard or station in the United States, will not leave the limit of their command longer than one week in any successive two months without permission of the Secretary of the Navy.

That gives the right to leave for one week without the permission of the Secretary of the Navy. The defendant was the commandant of a yard; that is not disputed, and the charges on record so state. Now, what is the evidence to show that he left the yard without permission? Here it is.

On the 1st day of September, 1882, Captain Hopkins left the yard, having sent a request to the Department that he be granted leave of absence. That request was neither granted nor refused. On the 4th of September he was at Morristown, Tenn.; on the 5th of September he was at Morristown, and on the 6th of September he was at Morristown, Tenn., and on that day received a telegram detaching him from the navy-yard at Pensacola and putting him on waiting orders.

A MEMBER. Before his week was out.

Mr. BUCHANAN. He had been gone only five days, for it is the rule that the first day of a definite period of time and the last day can not both be counted. In this case you must exclude either the 1st or the 6th of September, so that he had been absent only five days. He had the legal right to be absent seven days, and no one had any authority to call him in question for it. Under the regulations of the Navy it was his privilege to absent himself for seven days, and he had done nothing more in the world than he had a right to do under his privileges.

That is the case. He was detached from that navy-yard by order of the Secretary of the Navy when he had been absent only five days. The Secretary of the Navy had the right to detach him from the yard and put him on waiting orders as he did. From that time until the 30th of October—that is, from the 6th of September to the 30th of October—he was on waiting orders, as many officers of the Navy are.

I do not wish to take up more time than is necessary. I appeal to every lawyer in this House if there was any evidence to support the charge of a violation of law on the part of Captain Hopkins. I say there was not one bit. But the court was misled by the argument of the judge-advocate. The judge-advocate based his argument on "the intention." Gentlemen can refer to the record. I will glance at it in order to show how the court was misled by the judge-advocate.

I do not blame the judge-advocate for this. He is not expected to be a lawyer, at least not a very brilliant one. I had the honor of meeting him the other day, and I formed a very good opinion of the gentleman. He has now gone to the Arctic seas. This is a part of his argument, and the only part that bears on the question I am now discussing:

The accused seems to have attempted to establish three theories as to his right to leave the station: First, that he intended to take a week's leave under the regulations. To confute this theory the prosecution would call the attention of the court to Captain Hopkins's letters of August 30 and 31, and his telegram of September 1, saying in the one, "I shall endeavor to get away with my family, and leave the yard in charge of Lieutenant Collins;" in another, "I propose to return to Cleveland, Ohio, as I need an entire change of air," &c. And his telegrams of September 4 and 5 and the Department's of the 6th show that he had not changed his intention as to the length of his stay until after frost, or until it was safe for a Northerner to return, as he could not return to his station within the week.

It was not his intention, he said, when he left to return within the week. I do not care whether it was or not. He had not been absent the week when he was detached, and then he could not go back. It is not denied that he had the right to be absent a week, but is said that he did not intend to return within the week.

Now, in order to constitute a violation of law it is necessary that there should be a union of act and intention. In this case there was no union of act and intention, for the officer was not gone a week before he was detached from the yard.

One word in regard to the action of the authorities in this case. The court-martial heard the argument of Captain Hopkins. He had no counsel. This was his own fault, it is true, but I think he committed a grievous error in not having counsel, for if he had had counsel this finding of the court, in my judgment, would never have been obtained.

At the last meeting of the court-martial they heard the arguments of the judge-advocate and of Captain Hopkins, and made up their finding of conviction, all in the short period of one hour and fifty minutes, upon a charge as serious as this. That was on the 20th of November. On the next day, the 21st, the record of the proceedings of the court went to the Judge-Advocate-General's Office.

Here is the record. Gentlemen can examine it; they can see how much there is in it. It went to the Judge-Advocate-General's Office the next day. The presumption is that it was examined by him, for he approved it, and sent it to the Secretary of the Navy. On the same day, November 21, the Secretary of the Navy is presumed to have examined it; at any rate he approved it and sent it to the President. On the same day, November 21, the President of the United States approved the sentence of the court. All these examinations or "revisions" of that record were concluded in one day, and that the day after the finding of the court. Now, gentlemen, could this matter have been carefully and considerately acted on? In my judgment, that is very questionable.

One further suggestion. As the report and the evidence show, no man lost a cent's worth of property, no injury came to a human being, from this absence of Captain Hopkins. Yet under such circumstances, the yellow fever having been excluded from the yard, Captain Hopkins having taken these precautions beforehand, this court imposes upon him a penalty worse even than death to a man in his position. He had been an officer of the navy for thirty-one years; he had nothing but his pay to support himself and his family; yet after this length of service he was turned out to encounter the world without any knowledge of any other profession or employment whatever. After these years of service, after

having gone through the late war, in which he commanded vessels, he must be dismissed, although no harm from what he had done had accrued to the service. Even if he had been guilty, would not suspension for one year or two or three years without pay have been sufficient? But I deny that he was guilty; I deny that there is a particle of evidence or justification for the finding of that court.

Mr. LYMAN. Mr. Chairman, I suggested to my honored friend from Georgia [Mr. BUCHANAN] the propriety of withholding this bill because it is a thankless and painful task to speak against any man in misfortune. I do so now only because my sense of justice and a regard to the good of the service require me to do so. I have been interested in this case, and have obtained from the Navy Department a portion of the official record of this officer, which I ask the Clerk to read.

The Clerk read as follows:

June, 1867, Capt. Alfred Hopkins, United States Navy, was tried by a naval general court-martial upon the following charges:

CHARGE I.—Drunkenness on duty.

CHARGE II.—Scandalous conduct tending to the destruction of good morals.

He was found guilty and sentenced to be suspended from rank and duty for three years on half his leave-of-absence pay, and to retain his present number in the list of lieutenant-commanders. This sentence was approved by the Department, but remitted to suspension for one year from rank and duty on half of leave-of-absence pay.

December, 1867, the unexpired portion of his sentence was remitted.

November, 1871, ordered to examination for promotion, but the board before which he appeared for examination having declined to recommend him for promotion, he was in January, 1872, placed on furlough until further orders.

March, 1874, the order placing him on furlough was rescinded.

May, 1882, he was ordered to examination for promotion, and commissioned as captain the same month.

September 1, 1882, while in command of the navy-yard, Pensacola, turned over the command to a subordinate officer, left his station without leave, and went to Morristown, Tenn., and reported his arrival, by telegraph, at that place to the Department on the 4th of that month, in consequence of which he was detached from the Pensacola yard and placed on waiting orders September 6.

October, 1882, he was ordered to appear before a naval general court-martial, and was tried upon the following charges:

CHARGE I.—Leaving his station without being regularly relieved.

CHARGE II.—Conduct unbecoming an officer and prejudicial to good order and discipline.

He was found guilty of these charges, and on the 21st of November, 1882, dismissed from the naval service of the United States.

[General Court-Martial Orders No. 50.]

NAVY DEPARTMENT, *Washington, November* 21, 1882.

I. Before a general court-martial, which convened at the navy-yard, Washington, D. C., November 8, 1882, and of which Rear-Admiral Andrew Bryson, United States Navy, is president, was arraigned and tried Capt. Alfred Hopkins, United States Navy.

CHARGE I.—"Leaving his station before being regularly relieved."

Specification. "In this, that on or about the 1st day of September, 1882, the said Capt. Alfred Hopkins, United States Navy, being in command of the navy-yard, near Pensacola, Fla., did, without authority, place a subordinate officer in command of said navy-yard, and leave his said station before being regularly relieved. This at a time when yellow fever was prevailing in the city of Pensacola, Fla., and when the officers and others residing at and in the immediate vicinity of said navy-yard were apprehensive of the approach of that disease."

CHARGE II.—"Conduct unbecoming an officer and prejudicial to good order and discipline."

Specification.—"In this, that on or about the 1st day of September, 1882, the said Capt. Alfred Hopkins, United States Navy, being in command of the navy-yard near Pensacola, Fla., did, without authority, place a subordinate officer in command of said navy-yard and absent himself from his command and duty at said station, and did, without permission from proper authority, proceed to Morristown, Tenn., where he remained absent without leave until the 6th day of September, in the year aforesaid, on which latter date he was relieved from duty as commanding officer of said navy-yard by order of the Secretary of the Navy. This, at a time when yellow fever was prevailing in the city of Pensacola, Fla., and when the officers and others residing at and in the immediate vicinity of said navy-yard were apprehensive of the approach of that disease."

To which charges and specifications the accused, Capt. Alfred Hopkins, United States Navy, pleaded "not guilty."

FINDINGS.

The court, having maturely considered the evidence adduced, found the accused, Capt. Alfred Hopkins, United States Navy, as follows:

Charge I.

Specification, "Proved."
Of the charge, "Guilty."

Charge II.

Specification, "Proved."
Of the charge, "Guilty."

SENTENCE.

The court thereupon sentenced the said Capt. Alfred Hopkins, United States Navy, "to be dismissed from the naval service of the United States."

II. The proceedings, findings, and sentence of the general court-martial in the foregoing case of Capt. Alfred Hopkins, United States Navy, having been approved by me, were submitted to the President of the United States for his action. The following are his orders thereon, viz:

EXECUTIVE MANSION, *November* 21, 1882.

The sentence in the foregoing case of Capt. Alfred Hopkins, United States Navy, is hereby confirmed.

CHESTER A. ARTHUR.

III. Capt. Alfred Hopkins, United States Navy, accordingly ceases to be an officer of the Navy from the date of this order.

WILLIAM E. CHANDLER,
Secretary of the Navy.

Mr. TALBOTT. Will the gentleman from Massachusetts [Mr. LYMAN] yield for a suggestion?

Mr. LYMAN. Certainly.

Mr. TALBOTT. When Captain Hopkins made application for promotion it was necessary that he should be found fit for it mentally, morally, and physically. The finding in that respect by that board having been in his favor, and he having been promoted, I think the gentleman ought not to go behind the finding of that board. He ought to confine himself to this case.

Mr. LYMAN. Mr. Chairman, the record just read shows, first, that this officer was in the year 1867 severely punished for drunkenness while on duty. The House will understand that drunkenness on duty is a much more dangerous offense on the part of a naval officer——

Mr. EZRA B. TAYLOR. Will the gentleman allow me a question?

Mr. LYMAN. Yes, sir.

Mr. EZRA B. TAYLOR. Does the gentleman think that Captain Hopkins was properly punished at that time?

Mr. LYMAN. I wish to be excused from answering.

Mr. EZRA B. TAYLOR. Well, you can answer this: Do you think he should be punished twice for this offense?

Mr. LYMAN. I do not.

Mr. EZRA B. TAYLOR. Then what relation has that matter with this, that you bring it in here now?

Mr. LYMAN. If the gentleman from Ohio had listened to me and not interrupted, or if he will listen patiently now a few moments, I think he will understand the reason why I do so.

Mr. EZRA B. TAYLOR. I would like to hear the reasons now, because I must confess I am impatient to know what they can possibly be to justify it.

Mr. THOMAS. Will the gentleman from Massachusetts permit me to answer for a moment in his time?

Mr. LYMAN. Certainly.

Mr. THOMAS. I think I can give the gentleman from Ohio the reasons. This is a bill proposing to restore this gentleman to the Navy. It is proper for the House, therefore, to consider the character of the man, and to take cognizance of every part of his record before determining whether it will again make him an officer of the Navy or not.

Mr. LYMAN. I was about to say so in the natural course of my remarks when I was interrupted. But I will begin again.

In 1867 or 1868 this officer was punished for drunkenness on duty, which is an offense, as we all know, in a naval officer of a peculiarly perilous character; because when a man is on his ship and is in that condition he may sink her to the bottom with all on board, a case of which kind has recently occurred.

Second. In 1871 he was examined for promotion, and the board reported him unfit for promotion. The committee will understand that this means that he had not in the intervening time so attended to his studies and the duties of his position as to fit him to pass an examination for a higher grade, which examination, as I am informed by gentlemen who are familiar with the subject, is not of a very difficult character.

Third. To come to the present matter before the committee. This officer was dismissed the service for leaving his post at the navy-yard at Pensacola without leave on account of the approach of the yellow fever.

Now, let it be distinctly understood why the evidence was considered to be of such an aggravated character. It was because he left his post when the yellow fever was approaching; in other words, he left in an emergency. My friend from Georgia [Mr. BUCHANAN], whom I am glad to recognize as one of the most able lawyers in this House, has explained to us in a very lucid manner the law points involved in the case. I am not a lawyer, and I should come to sit at his feet for such information. But perhaps I may give my friend a hint or two on the military view of the case when I tell him that in a moment of crisis or a moment of peril the common rules of the Army and the Navy which permit an officer to take a vacation even of a week are known to be suspended.

Mr. BUCHANAN. Show me the authority for the statement.

Mr. LYMAN. It is well known as a custom of the service.

Mr. BUCHANAN. I want to see the law for it.

Mr. LYMAN. There is no law, but it is a well-known fact, and I will illustrate it in a way that will convince my friend from Georgia.

Mr. MCADOO. Will the gentleman from Massachusetts permit me to make a suggestion in this connection?

Mr. LYMAN. If the gentleman from New Jersey will excuse me for a moment I will finish my remarks, which will be very brief, and will then yield such time as he may desire.

I was going on to say that in an emergency it is perfectly well known that no officer is allowed or expected to leave his post. I will illustrate that by citing an example. General Griffin, the commander of the Fifth Corps, a gallant soldier, was stationed after the war in Texas. The yellow fever approached and threatened the post, and he was advised by the surgeon and officers of his command that he could leave the post if he chose, because the yellow fever was coming. He said in reply, "Do you take me for a coward—a man who would leave his subordinates in a place of danger and run away to shield himself?" Mr. Chairman, General Griffin was not a man of that character. He staid at his post, for he knew that his duty required him to stay there, and he died of yellow fever, and his only child also died of yellow fever at that point. That is what he thought of his duty.

Now, sir, in conclusion, I wish to say that I think it a doubtful policy for any committee of this House to revise or to sit in judgment upon, as a superior court sitting upon an inferior court, the proceed-

ings of any court-martial unless there be peculiar reasons for doing so. I think it a dangerous thing, although I do not pronounce upon it. All I say here is that this officer by his record which I have caused to be read appears not to be efficient; appears to be one against whom charges have been made, and which charges have been substantiated—charges against an officer which would dishonor him in any other service; and considering that the service is already overcharged, overburdened with good officers against whom no charges lie, I think it to be a dangerous policy in this way to undertake to restore this gentleman to the service. And I wish to give notice here, for there are two or three other bills of this character from the Naval Committee now on the calendars, that against each of them I shall make objections similar to the objections I have made against this. I have the record of these men at hand, and if these bills are put forward I will have the records read, as I have caused this one to be read.

Now, if in order, I shall move to strike out the enacting clause of the bill.

Mr. BUCHANAN and Mr. EZRA B. TAYLOR rose.

The CHAIRMAN. The motion to strike out the enacting clause is in order, and is not debatable.

Mr. LYMAN. If gentlemen wish to speak I have no desire to cut off debate. I withdraw the motion for the present, intending to renew it hereafter.

Mr. BUCHANAN. I have only this to say to the gentleman from Massachusetts [Mr. LYMAN]. I have found him an unusually fair man. But it does seem very strange to me that he brings as an argument why this man is not restored to the Navy that we have too many officers in the Navy now. If he was an innocent man he should be restored. If he was tried for drunkenness in 1867 he has paid the penalty for that. And if he failed in examination for lieutenant or something else, he did stand it creditably in the very May before he was tried by this court-martial; and everything in relation to his character as an officer and a gentleman was then and there tried and decided. The Government is barred by that judgment, and the reopening of it is now estopped evermore.

Mr. EZRA B. TAYLOR rose.

Mr. BUCHANAN. I had promised to yield five minutes to the gentleman from Ohio [Mr. FORAN].

Mr. EZRA B. TAYLOR. I desire recognition in my own time. But I wish to say I shall occupy but a few moments, and will willingly yield the remainder of my time to my colleague from Ohio [Mr. FORAN].

Mr. BUCHANAN. I reserve the remainder of my time.

Mr. EZRA B. TAYLOR. Mr. Chairman, I myself am inclined always, unless compelled otherwise, when a case has been decided by a tribunal having jurisdiction of it, to allow its decision to remain final. I am ordinarily opposed to one department of this Government interfering with another. But I may say in passing, if there is any excuse in the world for the interference of Congress in matters of any kind which have been adjudicated by a tribunal it is when they have been adjudicated by a tribunal known as a court-martial, administered by a body of men not lawyers, moved more than almost any other class of citizens by personal feeling and personal interest. Such judgments do not bring to us the sanction that judgments of another kind ordinarily do. Hence in my opposition to interfering with the judgment of such a court in the Fitz-John Porter case I never urged that as a reason in that case, and I do not like to hear men urge that reason now who failed to feel it then.

Mr. Chairman, a somewhat peculiar line of argument has been followed here—I do not know but it is right; I confess it must be right or the courtesy of the gentleman from Massachusetts would not have permitted him to indulge in it. He does not base this case that we now have before us upon the merits of itself, but has gone back into the character of the man as a make-weight in reference to the propriety of this decision. As a lawyer, sir, I protest against it. If we are trying this case mainly as a matter of review, which I think we are, we should confine ourselves to the case itself. If it were a matter involving promotion, then it might be that such argument might have weight. Let me, however, refer to these matters for a single moment.

In 1867 this man was found guilty of intoxication. In 1882 he was tried for another offense. Was he rightly and properly and legally tried then? The gentleman from Massachusetts does not and dare not argue that he was; and no other gentleman will dare to say so.

Mr. LYMAN. I beg the gentleman's pardon. I did argue that he was.

Mr. EZRA B. TAYLOR. The argument was so small it did not reach my comprehension. I say in 1882 he was tried again. In 1867 he was suspended. In 1881 or 1882 he was promoted. Presumptively he had been right during those years. Presumptively he had been guiltless of that offense. And why bring it up now?

Mr. Chairman, I believe that I have as wide a charity as most men. God knows I have needed to have the mantle of charity thrown over me, and I do protest against the injustice and the cruelty of this attack. It means nothing else, and may I say it was intended for nothing else but an injury behind which there is no good reason? Take this House, sir, in the discharge of its duty, let every man here deny the same charity to this gentleman that they would take for themselves, and where would this House sometimes be? No, sir; I protest against any such argument or talk as that.

I proceed now to consider the present case. In 1882, Capt. Albert Hopkins was in command of the navy-yard at Pensacola. It was not averred against him except in the public newspapers that he left his position there because of any yellow fever. It was not made a ground of charge against him in this complaint or in these charges or specifications that there was any fear on his part. And let me say here that on the trial of this case before the court-martial the evidence showed that there was not one single particle of yellow fever about the navy-yard when Captain Hopkins left.

Mr. STEWART, of Vermont. Was it in the city?

Mr. EZRA B. TAYLOR. The evidence showed the fear about the yellow fever was ended. It is not true that this court-martial found that to be the motive of his going. There is not a single particle of evidence that that was the motive. But it was this: He was getting to be old, he had been for thirty years in the service. He was borne down with the burdens of the year preceding taken upon his shoulders, and the surgeon of the post and the assistant surgeon of the post said then was the time he must take care of himself and that he should resort for a few days' absence to the mountains of North Carolina or Tennessee. Taking the advice of this Dr. Owen, the surgeon of the post, he telegraphed and wrote the Department here at Washington his situation, and seeing no danger existing there, and expecting to receive permission to visit Cleveland, he expressed a desire to go there, for it was there he lived.

He went away under this direction of the physician, and waited in a place of easy access from Pensacola and from Washington. He telegraphed from that point to Washington, telegraphing where he was, as he expected to receive an order granting him leave of absence. He had before that time received a letter saying that if he left on a certain occasion to turn the yard over to the officer next in command. After he had been absent five days he was met by an order detaching him from the command of that yard.

Mr. BLOUNT. I would like to ask the gentleman, for information, from whom that letter was received?

Mr. EZRA B. TAYLOR. What letter?

Mr. BLOUNT. The gentleman refers to the fact that before Captain Hopkins left the yard, on this occasion, he had received a letter directing him to turn the yard over to the next in command.

Mr. EZRA B. TAYLOR. That was from the Navy Department, general instruction from the Secretary of the Navy to whom to turn over the yard if he left. That is my recollection of it; I have not read the papers in this case for some time.

That being the fact, there being no intention to shirk his duty, there being no charge of any kind resting against him, this officer having been promoted the year before because he was worthy of it, having had a long period of service, thirty years, in the Navy, he was brought to this city and tried by a court-martial. He employed no lawyer in his defense.

I say there was no evidence against him of any kind except the dispatches and papers to which I have referred, and the evidence of the surgeon and of the officer to whom he turned over the command. When he talked with the surgeon, Dr. Owen, as to where he was to go, why he was to go, and how long he was to go, Dr. Owen knew exactly from that conversation what his intentions were. Yet when he came before the court-martial the mouth of Dr. Owen was shut, because Captain Hopkins was unaware of the legal way in which to get at that testimony.

Lieutenant Welch, the second in command, was the one to whom Captain Hopkins turned over the navy-yard. He talked with him in reference to why he was going, where he was going, and how long he intended to stay. When Lieutenant Welch was before the court-martial and the question was put to him the court overruled it and excluded his answer.

Now, I do not doubt but that had Lieutenant Welch been asked this question: "How long did you understand that Captain Hopkins was to stay away?" he would have answered that it depended upon whether he got leave from the Department to go to Cleveland; if he did not get that leave he would be back within a week. That was the conversation.

Mr. BLOUNT. Does that appear of record?

Mr. EZRA B. TAYLOR. Not expressly and distinctly of record, but it appears from the circumstances of the case. Lieutenant Welch was the second in command. When Hopkins was going away he had a conversation with Welch, told him where he was going, and left him in command. How long was he to be gone? That depends.

Now a word or two in reference to the main matter. This court-martial found as a matter of fact—and there is no evidence against the finding; there is no evidence except the two or three pages of this record, and that consists mostly of the letters and telegrams in the case—the court-martial found that he had been absent for five days. Now the regulations of the Department contain this provision:

A commander-in-chief of a squadron, and a commandant of a yard or station in the United States, will not leave the limits of their command longer than one week, in any successive two months, without permission of the Secretary of the Navy.

Captain Hopkins left it for but five days without that permission, and was in momentary expectation of receiving that permission, according to a previous understanding. The whole crime of which this man was convicted consists simply in the fact that he had been away five days, when by law he had a right to be away for seven days. There was nothing attributed to him in the way of motive or intent, but he was convicted when he had been in the exact line of his duty. I assert to this committee, and to every member of it, that it is the absolute fact that there was no crime committed by this man under any circumstances, no violation of the law, no violation of the regulations, but that he was actually, exactly, and all the time within the limit of the law.

Now what is the answer given to the complaint that this great wrong was committed against this man? It is that in 1867 he was found guilty of drunkenness while on duty. It pains me exceedingly to say this, but I must say it as a matter of duty to myself. It is not said and can not be said that this court-martial did not violate every principle of law and find this man guilty of an offense that he could not have been guilty of, that there was no sort of suspicion that he was guilty of. He had been away less time than he had a right to be away. Yet that finding is defended upon the ground that at some other time, twenty years ago nearly, he had committed an indiscretion which is regarded as pardonable in others and sometimes pardonable in many.

I said that I would yield my time to my colleague from Ohio [Mr. FORAN], but my friend from West Virginia [Mr. GOFF] wishes a few minutes. I will ask him how much time he wants?

Mr. GOFF. Say five minutes.

Mr. EZRA B. TAYLOR. I will yield five minutes to the gentleman from West Virginia and then yield the rest of my time to my colleague.

Mr. GOFF. As a member of the Committee on Naval Affairs, I have examined the case under consideration, and have given it a patient investigation while it was before the committee. I must say that when I commenced that investigation, and even some time after I had begun it and had heard the facts presented by the friends of this man and by officers, I was in some doubt as to the propriety of relieving this officer; but after I had studied the record, after I had considered the situation in which this officer was at the time when this dereliction was charged to have been committed, I changed my opinion, if I had formed one, and I have come to the conclusion that this bill should pass.

Now, it seems to me my usually just friend from Massachusetts [Mr. LYMAN] is, I have no doubt unintentionally, unfair in this particular instance. Whatever may have been the demerits of this particular officer previous to "the late unpleasantness," I say that in view of his record as shown by the Register of the Navy Department it is not a fair thing to arraign him in this way.

If his official character has been such as to warrant this Congress in reinstating him, we can ascertain that from the register of the Navy Department better than from the isolated record of a court-martial. And, Mr. Chairman, going back to the year 1857, when this officer was appointed, and coming down to the present time, you find only this blemish of 1867 and this supposed blemish of 1882. Subsequently to the blemish of 1867, for which, as has been well stated, he has been fully punished, he was called before a board of his superiors, examined, and certified to be worthy of promotion.

This officer, who was thus examined and certified to be worthy of promotion, has had eighteen years of continuous service at sea since he has been an officer of the Government.

Mr. BLOUNT. Is not that an unusual amount of sea-service?

Mr. GOFF. It is. He was a gallant officer. Up to the time in question he discharged every duty that was laid upon him with fidelity and honor.

Now, it has been said that he was at one time drunk while on duty. We can not go back of the record upon that matter; there is no effort to do so. But Captain Hopkins has atoned for that offense. He has been punished for it. He has performed admirable service since that time. If all the men who have been guilty of this offense—soldiers, sailors, or statesmen—are to be arraigned and disgraced, and if it is left to this House to determine upon these cases, our time from now till the end of our term will be taken up in the consideration of such charges.

One other point. It is demonstrated beyond all question by the record of this court-martial that this officer, who is held up before us as having escaped from duty, as having fled from the position which the Government confided to him, was not at the time in a condition to assume the responsibility that my friend from Massachusetts says was devolved upon him.

[Here the hammer fell.]

Mr. GOFF. I would like to occupy a few moments more.

Mr. FORAN. I yield the gentleman five minutes.

Mr. GOFF. I ask the attention of the House to page 38 of the printed record of this court-martial. Surg. A. M. Owen, United States Navy, the surgeon who was in charge at the Pensacola navy-yard, was examined before this court-martial, and I read from his testimony:

Question. Do you recognize the accused?
Answer. I do. Capt. Alfred Hopkins.
First question by accused. Where were you on duty during July and August last?
Answer. Navy-yard, Pensacola, Fla.
Second question. Where was I—

These questions are by Captain Hopkins, who was acting as his own counsel—

Where was I on duty during the same time?
Answer. Navy-yard, Pensacola, Fla.
Third question. What was the state of my health during July and August last?
Answer. Miserable.
Fourth question. Was I or was I not utterly unfit for duty when I left?

Now here is the answer:

Answer. Totally unfit for duty.
Fifth question. Did you or not advise me to go North at least six week sbefore I left and several times subsequently?
Answer. I did.
Sixth question. Did you or not consider it necessary for me to leave at once at the time I left?
Answer. I did.
Seventh question. Was or was not the boat on which I left supposed to be the last opportunity that would occur?
Answer. It was.
Eighth question. Was or was it not exceedingly doubtful, until late on the evening of the 31st, whether the boat would come back at all?
Answer. Very doubtful.

Mr. STEELE. Why was it doubtful whether the boat would come back again?

Mr. GOFF. It was understood it would not be permitted to come back under the order, on account of the yellow fever.

Ninth question. Did you have any difficulty in persuading me to go?
Answer. I did.
Tenth question. Do you remember my principal objection to going at the time I did? If so, please state it.
Answer. His principal objection to going was fearing that the Department would not approve of his leaving the station.
Eleventh question. What did you suggest as against that reason?
Answer. I suggested that if the Department did not approve he could return.
Twelfth question. Do you say that my principal reason for not going was the fear that the Department would not approve my going at all, or that it would not approve the recommendation for sick-leave sent?
Answer. That it would not approve of his going at all.

Now, I have read this for the purpose of showing that for six weeks this officer had been in such a condition that he could not discharge in that exigency the duties which my friend from Massachusetts alludes to. The surgeon in charge had advised him to leave the yard; told him that it was best that he should go. They did not think at that time, and owing to the circumstances they anticipated would occur, that this officer was in a proper condition to assume the responsibility of continuing in charge of the yard.

Mr. BRUMM. Will the gentleman permit me to ask him if the yellow fever had existed or was threatening six weeks previous?

Mr. GOFF. It had been threatening some time before.

Mr. BRUMM. As I understand, it only threatened a short time before he left.

Mr. GOFF. It had threatened sufficient time for the navy-yard there to be gotten into proper shape for it, and the Department here to communicate with it upon the subject.

Mr. BRUMM. How long had it threatened before this gentleman left his post?

Mr. GOFF. I do not remember the exact time.

Mr. BLOUNT. Let me ask the gentleman from West Virginia if it does not appear from the testimony that the object of this officer in leaving before getting a reply from the Secretary of the Navy in response to his application for leave, and requesting that it be sent to him at another point than the navy-yard, did not grow out of the fact that this was the only opportunity which he would have had for leaving, because the vessel would not be allowed to return?

Mr. GOFF. Yes, sir.

Mr. FORAN. Mr. Chairman, I do not propose to enter into a discussion of the merits of this bill at all. That has been sufficiently done by the gentlemen who preceded me. I suppose nearly all of the gentlemen here present have read the record, the memorial, and the proofs in this case. No gentleman who has read it can come to any other conclusion than that great injustice and wrong has been done to Captain Hopkins and that the wrong should now be remedied. The gentlemen on the other side really concede that the trial of Captain Hopkins was manifestly unfair.

My predecessor in this House, Mr. Townsend, of Cleveland, introduced a bill for the relief of Captain Hopkins during the second session of the Forty-seventh Congress. That bill was never reported from the committee, owing, perhaps, to the appropriation bills being in the way and also the tariff discussion, which occupied so much time last winter. Now, Mr. Townsend all of the older members of this House know to be a man of honor, of honesty, and strict integrity. He introduced the bill after thoroughly and carefully looking the subject over. I was also asked to introduce a bill for the same purpose at the opening of this session. I read the testimony, record, and brief in the case, and became satisfied in my own mind that Captain Hopkins had been unjustly dismissed and that he should be restored and that such restoration was warranted by all the facts in the case, and would be but a simple act of justice to a good officer and a much-injured man. Thereupon I

introduced the bill. Captain Hopkins lives in Cleveland, the district I have the honor to represent in this House. I have not the pleasure of his personal acquaintance, for he has been since his dismissal confined to his house by sickness; but I have taken special pains to inquire among his acquaintances and neighbors as to his character and standing in that city.

Sir, from all of the information I have been able to obtain upon these inquiries I can come to no other conclusion than that he is a man of exceptionally high character and of exemplary habits, and all those who know him speak of him in the highest terms, and his immediate friends, those who know him in association and outside of associations, have sent me dozens upon dozens of letters testifying to his uniform good character and habits.

I have but a word to say in reference to the remarks of the gentleman from Massachusetts [Mr. LYMAN], a gentleman who has been always characterized here by his fairness and his courtesy, in his reference to the fact that Captain Hopkins was examined for promotion in 1871 and failed. He makes the statement that his application for promotion was then rejected. That perhaps was true. But the gentleman from Massachusetts ought to have had the candor to state also that when Captain Hopkins again applied for promotion in 1875, and passed the examination for promotion at that time, his examination was dated back to 1871, when he had first made application for promotion, showing conclusively that the board which examined him in 1875 recognized that he ought to have been promoted in 1871. I repeat, I think the gentleman ought to have made that statement.

The gentleman from Massachusetts also said that there are a great many good officers in the service now, that the service is overcrowded with good officers, and that Captain Hopkins ought not to be restored upon that account, because perhaps thereby there will be another addition to the corps. I submit to the candor and sincerity of the gentleman from Massachusetts that even if that statement were true it furnishes no conclusive reason why an injustice that has been done to a man should not be undone. I think the statement was not calculated of course to appear in that light, but that is the impression it made upon me. I trust the committee will come to a vote on this question at once, as I do not care to trespass further upon its time, knowing that the Naval Committee have many other matters they desire to call up. I am satisfied this matter can be safely left to the judgment of those who have investigated the case.

Mr. BUCHANAN. I move that the bill be laid aside to be reported favorably to the House.

Mr. LYMAN. I yield ten minutes to my friend from Pennsylvania [Mr. BRUMM].

The CHAIRMAN (Mr. TOWNSHEND in the chair). The chair understood the gentleman from Massachusetts to have surrendered the floor without reserving his time.

Mr. LYMAN. It was my desire to reserve the remainder of my time, and I presumed that I was entitled to it.

The CHAIRMAN. The present occupant of the chair was not present at that time. If, however, the gentleman states that he reserved the time, the chair will of course recognize him.

Mr. COX, of New York. Will the gentleman from Pennsylvania [Mr. BRUMM] consent that debate be limited for ten minutes without the committee rising?

Mr. BRUMM. Yes, sir.

Mr. TALBOTT. I ask unanimous consent that all debate on the bill be limited to ten minutes.

Mr. LYMAN. I have no objection to that.

The CHAIRMAN. If there be no objection that order will be made.

There was no objection.

Mr. BRUMM. It seems to me that the main point in this question has escaped the attention of gentlemen on both sides of this House. The statement is made that the innocent will suffer, that the family of Captain Hopkins are wronged or at least will suffer great punishment by reason of this sentence. Unfortunately in our human affairs no man has ever yet been punished that the innocent do not suffer more than the guilty. When a man is punished his family always suffer. That in itself is no argument.

The next proposition is that no harm will be done by restoring him. I submit there may be great harm done. This court-martial was regularly convened. It was composed of the men who were the peers or the superiors of the party at the bar. These men, being a regularly and legally organized court, have rendered their decision; and for us to set aside that decision, especially if there is no new evidence upon which we should do so, is a reflection upon them and is an absolute injustice to them. This is in the nature of a court of appeal, and it becomes our duty before we can take cognizance of a case to traverse the facts that were before the court below, and to insist that some additional testimony or some facts that were not traversable before the court below have been adduced to us before we changed their verdict.

What is the additional fact? It depends simply upon the testimony of Dr. Owen. And what is that testimony? Simply as to the intention of Captain Hopkins as to the time that he should be absent. Now, I say we should eliminate the case of all immaterial questions and come down to the actual gravamen of the charge. It was this: that he left because yellow fever was approaching. That yellow fever was there right in the immediate vicinity they all admit. So dangerous was it, in fact, that the boat on which Captain Hopkins left would not be permitted to return again. That is the best evidence, in my judgment, that there was great danger and that that was the reason why Captain Hopkins left.

Now, the additional testimony that has been before the committee was only upon the subject of his intention, not as to why he left, but as to how long he was going to stay away. And the question as to the time he was going to stay away is not material at all. It does not enter into this case. The question is simply as to why he left. If this House believes Captain Hopkins left because there was yellow fever, the question how soon he intended to return is not material. And inasmuch as that fact was traversable before the court which tried him, and that court found he left because there was yellow fever, and there is no evidence to show he did not leave because there was yellow fever, we have no right, I submit, as a court of appeal to exonerate him on the proposition as to the length of time he intended to stay away.

Mr. RAY, of New York. Do I understand the gentleman from Pennsylvania to assert that it was a violation of the law of the Navy for Captain Hopkins to leave simply because he was afraid of the yellow fever?

Mr. BRUMM. Yes, sir.

Mr. RAY, of New York. Wait a moment. Hear my question out.

Mr. BRUMM. My time is limited.

Mr. RAY, of New York. If he had a right to leave for a week, and was not gone a week, did that make any difference as long as he had a right to leave for that time?

Mr. BRUMM. As to his having a right to leave for one week, that is a technical matter. It is the very highest military crime for a military man to be a coward. If a man shows cowardice, leaving his post because it is threatened by yellow fever, he is guilty of the highest crime known to military or naval law in this or any other country.

Mr. GOFF. Will the gentleman allow me a moment?

Mr. BRUMM. If you will give me more time, I will. But let me finish this proposition. The question as to the technical right to leave and stay away six or seven days is not a material question. The gravamen of the charge is the reason why he left. The question was not a material element in the case when he left.

Mr. GOFF. None of us will take issue with you in the proposition you lay down. The only issue is as to whether or not it is applicable to this case. Now, will you tell me where in the evidence of this case there is any proof at all that this man left on account of the prevalence of the yellow fever?

Mr. BRUMM. The evidence of that is in the finding of a court of competent jurisdiction.

Mr. GOFF. That is evidence, is it? Does the gentleman call that evidence—the finding of a court.

Mr. BRUMM. The finding of a court is the best evidence, and it is the finding of a court of competent jurisdiction.

Mr. GOFF. There is the evidence of the surgeon who insisted on this man going away on account of his physical inability to discharge the duties of his post.

Mr. BRUMM. Yes; he did so, and for six weeks before. But Captain Hopkins did not go until he found the last boat was about to leave. That is the trouble. When he was assured he could not go unless he went by that boat, he went then.

Mr. GOFF. That is a mere assumption on your part.

Mr. BUCHANAN. I understood that when it was ordered that debate should close in ten minutes the time was to be divided between the two sides.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LYMAN] was entitled to the floor and yielded ten minutes to the gentleman from Pennsylvania [Mr. BRUMM]. And then all debate was limited to ten minutes. Of that time there are now two minutes remaining.

Mr. CANNON. Two minutes is all I want.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. CANNON. I objected to the consideration of this bill in the House. I knew nothing of the case at the time, but in a general way I am opposed to Congress setting aside by special acts the judgments of courts-martial. I knew nothing of this case then, and I do not know a great deal about it now. But since the discussion of it began my attention has been called to the record, and I have given it such examination as I could in a short time.

It does occur to me, and I ought to state it in fairness to this officer, that the record shows that under the circumstances it was the duty of the judge-advocate, if the defendant had not sufficient knowledge of law to be able to put in technical form the questions he desired to have answered, to have put them in technical form for him, so as to permit him to prove or attempt to prove that which he set forth in his statement to the courts. That statement is as follows:

I wish Dr. Owen to prove that the state of my health was such as to render me unfit for duty; that it was only after repeated and urgent requests from him that I consented to leave the yard at all, and that I only left with the intention of being absent one week in case the bureau declined to grant the leave I asked for.

The CHAIRMAN. The time fixed by unanimous consent of the committee for debate upon this bill has expired.

Mr. BUCHANAN. I move that the bill be laid aside to be reported favorably to the House.

Mr. LYMAN. I move to strike out the enacting clause of the bill.

The motion of Mr. LYMAN was not agreed to.

The question was taken upon the motion of Mr. BUCHANAN; and upon a division there were—ayes 99, noes 13.

Mr. STEELE. No quorum has voted.

Tellers were ordered; and Mr. BUCHANAN and Mr. STEELE were appointed.

The committee again divided; and the tellers reported that there were—ayes 137, noes 37.

So the motion was agreed to; and the bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. TALBOTT. I am instructed by the Committee on Naval Affairs to call up as the next business for consideration the bill (H. R. 1408) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes."

The CHAIRMAN. The Chair would inform the gentleman that the bill which he has indicated is in Committee of the Whole on the state of the Union, and can not now be considered except by unanimous consent.

Mr. THOMAS. I object.

Mr. TALBOTT. Under the order of the House the Committee on Naval Affairs have selected this bill as next in order for consideration.

The CHAIRMAN. But the bill is in Committee of the Whole on the state of the Union, while the House is now in Committee of the Whole on the Private Calendar.

Mr. TALBOTT. Then I move that the committee now rise.

The motion was agreed to, upon a division—ayes 90, noes not counted.

CAPTAIN ALFRED HOPKINS.

The committee accordingly rose; and Mr. SPRINGER having resumed the chair as Speaker *pro tempore*, Mr. COX, of New York, reported that the Committee of the Whole House on the Private Calendar had had under consideration the bill (H. R. 2552) for the relief of Captain Alfred Hopkins, and had directed him to report the same to the House with a recommendation that it be passed.

Mr. BUCHANAN. I call the previous question on the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. BUCHANAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESTORATION OF NAVAL CADETS.

Mr. TALBOTT. I am instructed by the Committee on Naval Affairs to ask consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 1408) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes."

Mr. CANNON. I object.

Mr. TALBOTT. Then I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill I have indicated.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. TOWNSHEND in the chair.

Mr. TALBOTT. I now call up the bill I have indicated.

Mr. CANNON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. What is the first bill to be now considered? What is the first bill on the Calendar?

The CHAIRMAN. The gentleman from Maryland [Mr. TALBOTT] has been recognized to call up a bill from the Committee on Naval Affairs.

Mr. CANNON. I understand that we are now in Committee of the Whole House on the state of the Union.

The CHAIRMAN. For the purpose of considering bills reported from the Committee on Naval Affairs.

Mr. COX, of New York. The resolution of the House fixing the order of business for to-day indicated the order in which that business should come up.

The CHAIRMAN. The Chair will direct the Clerk to read the order of the House for to-day.

The Clerk read as follows:

Resolved, That the session of Saturday, May 24, after the morning hour, be devoted to the consideration of bills and resolutions reported from the Committee on Naval Affairs, and bills and resolutions on the Speaker's table over which said committee has jurisdiction, except bills providing for the construction of additional war vessels; the bills and resolutions to be considered in the order agreed upon by the committee.

Mr. CANNON. What is "the order agreed upon by the committee?"

The CHAIRMAN. The Chair is of opinion that the Committee on Naval Affairs is authorized to call up such bills as they may select.

Mr. COX, of New York. I am authorized by the Committee on Naval Affairs to call up bills.

Mr. CANNON. I should like to see the order of the committee, as evidence of the action of the committee.

Mr. COX, of New York. This bill is called up according to our order.

Mr. CANNON. What is that order?

Mr. COX, of New York. I have it here in my hand.

The CHAIRMAN. The Chair takes it for granted that the gentleman representing the Committee on Naval Affairs is acting by order of that committee. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That that part of the act approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service in each year shall not apply to those classes who had completed the four years' course at the Naval Academy prior to the passage of said act; and those members of the class of 1881 who have been honorably discharged under the provisions of the aforesaid act may return to the service and take their places on the Naval Register in the same manner as if said part of such act had not been passed.

The Committee on Naval Affairs recommend that the bill be amended by adding to it the following:

SEC. 2. That each cadet re-entering the service under the provisions of this act shall be charged with the sum of $950, it being the amount paid each of them upon their discharge; that one-third of said sum shall be deducted from the first year's pay, one-third from the second year's pay, and the remaining third from the third year's pay. And that hereafter there shall be allowed at the Naval Academy five cadets at large and one from the District of Columbia, to be appointed by the President of the United States, and a number of cadets equal to one-half of the number of Representatives in Congress from the States and Territories, or as near thereto as may be; that two adjoining Congressional districts rating numerically shall constitute a cadet district, and the Congressional district having the first vacancy shall be entitled to the first appointment, the appointment to alternate thereafter.

SEC. 3. That the odd district in States, and States having but one Congressional district, the Territories, and the District of Columbia shall be entitled to an appointment once in every twelve years, instead of six years, as now provided by law; that in case of adjoining Congressional districts comprising a cadet district having vacancies at the same time, the district being first numerically shall have the first appointment, the appointments to alternate thereafter; that in case of a vacancy the said vacancy shall be filled from the Congressional district or Territory from which the original appointment was made.

SEC. 4. That nothing herein contained shall be construed so as to prevent the nomination and appointment of cadets to fill vacancies now existing at the academy, or that may occur between now and the 15th day of May, A. D. 1884, or to cause the dismissal of any cadet now at the academy except for cause.

SEC. 5. That all laws inconsistent herewith are hereby repealed.

Mr. TALBOTT. Mr. Chairman, the act of August 5, 1882, making appropriations for the naval service——

Mr. THOMAS. I ask that the report of the committee be read.

The CHAIRMAN. If the report be read it will come out of the time of the gentleman from Maryland.

Mr. TALBOTT. Then I decline to yield for that purpose now.

The act of August 5, 1882, making appropriations for the naval service continued in addition to the regular appropriations for that purpose a proviso limiting the number of graduates from the Naval Academy to be thereafter retained in the service to the number requisite to fill the vacancies in the various grades above; and it also provided that at least ten should be retained in the service.

At the date of the passage of that act the class of 1881 were at sea; they had not the opportunity to resign from the service; they had not the opportunity to qualify themselves for the final examination, having already graduated with credit to themselves at the end of four years' service. When they came back a number of them, seventy-one in all, were mustered out, only so many being retained in the service as were necessary to fill vacancies in the various grades above.

Now, Mr. Chairman, I hold that the act of 1882 was retroactive. Whenever a cadet enters the service of the Government the Revised Statutes provide what shall become of him upon graduation, that he shall be assigned to duty by the Secretary of the Navy. This was the contract with these young men, that if they behaved themselves properly, if they were competent mentally, morally, and physically to discharge the duties of their positions, they should be retained in the service. These gentlemen come now to Congress and ask that this injustice perpetrated upon them be corrected. They admit that Congress had the power but not the right to enact such legislation.

Mr. Chairman, we are told that to do this act of justice now proposed is going to cost this Government a fabulous sum of money. The Secretary of the Navy has made a statement on this subject, and he undertakes to show, I believe, by calculations something like those the insurance men make, that if these young men be put back in the Navy they will become rear-admirals, commodores, commanders, lieutenants, &c. But, sir, the law regulates the number of these officers that shall be in the various grades of the Navy on the active-list, and provides that when a vacancy occurs in any of these grades it shall be filled by the appointment of an officer from one of the lower grades. That is the law.

Then the Secretary of the Navy goes on with his calculations, and tells us that this measure will cost the Government nine or ten million dollars before we get through. But, Mr. Chairman, the fact is that these young men take their grade as junior ensigns in the various corps of the Navy, and will never get above that grade, except when vacancies occur in the higher grades, when promotions are made. But by this bill the number of officers allowed to any grade is not increased. All that these young men would gain by this legislation is retention in the service until they are regularly promoted.

Sir, I submit that this bill is calculated to reduce public expenditures. It needs this "hue and cry" that the officers of the Navy are too numerous. Let us begin reform in the right direction. If young men are to be educated for the Navy and retained in the service, let us educate only the number actually required. In accordance with this idea the bill provides that hereafter there shall be at the Naval Academy only one-half the number of cadets now allowed by law. I am satisfied that if this change be made in the law the number of graduates will be just about sufficient to fill the vacancies in the various grades.

I say this bill is in the interest of economy. It costs over $600 a year to educate one of these cadets. Hence there will be a very considerable saving in the expenses of the Naval Academy by the reduction in the number of these cadets. At the same time the Government by the passage of the bill is enabled to do an act of great justice to these young men who have been wronged.

Mr. WHITE, of Kentucky. Will the gentleman answer a question?

Mr. TALBOTT. Certainly.

Mr. WHITE, of Kentucky. Do I understand the gentleman to argue that when the Government has spent $600 a year for four years in educating each of these young men——

Mr. THOMAS. For six years.

Mr. WHITE, of Kentucky. That if the Government does not afterward keep them in the service it has broken a contract with them?

Mr. TALBOTT. Yes, sir; I do take that position, and I mean to say that such a contract as this, if it were between individuals, would be enforced by any court of equity in this land.

Mr. TULLY. Does the Government enter into a contract with its officers?

Mr. TALBOTT. It does not, but it enters into a contract with these boys entering that academy from private life.

Mr. TULLY. Then they are to be kept by the Government during the remainder of their natural lives, whether needed or not?

Mr. TALBOTT. If they are mentally, physically, and intellectually qualified, yes, as long as the Government stands.

Mr. WHITE, of Kentucky. Will the gentleman read the statute to which he refers?

Mr. TALBOTT. If I can lay my finger upon it I will.

Mr. WHITE, of Kentucky. Because I do not understand that the Government after giving $3,600 to educate each of these young men is compelled to keep them in the service until they die or are worn out with old age, whether their services be needed or not. Does the gentleman from Maryland mean to hold that the Government is compelled to keep them?

Mr. TALBOTT. The Government accepts their services with the distinct understanding that that condition shall be fulfilled; and when a young man enters the service under those conditions there is an implied if not an express contract to that effect.

The Government tells them that if they are physically and mentally qualified they shall be officers, after their graduation, of the Navy. After they had entered upon their duties, though, and were absent at sea, this bill was passed legislating them out of office.

Mr. WHITE, of Kentucky. I hope the gentleman will read the law upon that subject, as I do not want to break any contract as far as I am concerned.

Mr. TALBOTT. I now yield ten minutes to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. Mr. Chairman, it seems to me that the best way to arrive at a proper understanding of this case will be by taking an individual example as an illustration. Let us suppose the case of a young man who is appointed to the Naval Academy at Annapolis. He has to undergo, before he is admitted to that institution, a rigid competitive examination as to his mental capacity, as well as an examination of his physical ability. As a general rule throughout the United States members of Congress who have these appointments of young men to make advertise the fact in their districts and appoint some place where this examination is to be held. They call upon young men who are within the years prescribed by the law to present themselves at the competitive examination in order to select the party who shall fill the vacancy.

That examination is generally a very severe one, because competition is right to secure such a young man as can enter the academy and undergo the examination that is there required. After the young man has gone through that examination, after competing with a number of rivals for the place, if he has been successful and secured his appointment in that position he has a right to suppose that under the laws of the United States, under the statutes governing this academy, that he is to be given when he graduates a position in the Navy of this Government—to be, in other words, a life officer of the United States Navy.

There has never been a case up to the time when this amendment was put upon an appropriation bill by which these cadets were dismissed where an officer was cashiered from the naval service of the United States after he had passed the examination required by the academy unless he was dismissed for cause, and there are reasons why this should be so. He makes it his life business. He enters the academy for that purpose. He goes to the academy, and what kind of an education does he there acquire? He is especially educated to be a naval officer, not for civil life; and, sir, after an examination on my part I am thoroughly satisfied that the education there obtained does not fit him generally to take part in the ordinary avocations of life, but it is to fit him solely for the naval service. He is educated in navigation, in mechanics, in mathematics, but the focal point of his education is that he shall be able to command men and that he shall be thoroughly competent to navigate ships.

Now, in this case, so far as this bill is concerned, if he has undergone the severe mental training of the academy, after passing various other examinations, after successfully passing the most severe tests of academic scholarship, a standard probably the most severe of any educational institution in this country, he may become a graduate after a four years' course. This bill presented by the Committee on Naval Affairs applies only to naval graduates who were at sea at the time of the passage of the act to which I have referred. But I want gentlemen of this committee to recollect that there are really two graduations. The young man is four years at the academy, during which he is compelled to pursue the studies fixed at that institution. He is examined severely upon them all, and after passing the academic test he goes to sea for two years for the purpose of studying navigation. When he comes back from that sea service he is again examined. Now, when the appropriation bill alluded to was passing this House it had tacked on to it a provision discharging not the young men in the academy, but the young men who had passed the academic examination and were at sea.

To my own knowledge one young man who had passed this severe mental ordeal at the Academy, and who was on board of the flag-ship Lancaster at the port of Trieste, in Austria, learned for the first time at that place of the passage through this House of an appropriation bill on which a provision had been tacked which discharged him from the naval service. Is it not, then, a retroactive act? Was it not in the nature really of an *ex post facto* law, and an injustice to those young men? But whether it be *ex post facto* or not, it will not be claimed that it was not a retroactive act.

Mr. MULDROW. May I ask the gentleman a question?

Mr. McADOO. Certainly.

Mr. MULDROW. I desire to know why it is not as much an *ex post facto* law in its application to the young man who had passed the academic examination and had gone to sea, or why it is any more *ex post facto* or retroactive as to them than to those remaining in the academy and who had not gone to sea, and who had not passed the academic examination?

Mr. McADOO. The young men who were in the academy were at home. They had immediate knowledge of the passage of this law, and they might have resigned immediately. The young men who were at sea knew they had to come back to pass the examination. The young men in the academy had a further advantage. They knew if they passed an extraordinarily good examination, if they came out in advance of their fellow-students, they would be retained in the service, whereas the young men at sea would not have that advantage.

I have this further to say: When the honorable Secretary of the Navy came before the Naval Committee and made his statement to that committee I myself asked him the question: "Will you make a distinction between those who were at sea and those who were at the academy?" And he said, "Yes; there is a distinction, and the advantage is with those at the academy as against those at sea." So I think I have answered the objection of the gentleman from Mississippi [Mr. MULDROW].

Mr. MULDROW. I do not see how the principle can be applied to those at sea without applying the same principle to those then in the academy. The principle is the same as regards both.

Mr. McADOO. Many of those who were at the academy at the time of the passage of this bill had been there for a very short time.

Mr. MULDROW. It is then only a question of degree, not of principle.

Mr. McADOO. I will say the bill is a concession. There was a violent opposition to it on the part of the minority; and there was a concession made. The concession, as far as I am personally concerned as a member of the committee, was based on the fact that on the equities of the case there was a distinction in favor of those who were at sea. I have not yet heard from the able report which will be presented by the gentleman from Illinois [Mr. THOMAS] who represents the minority, nor have I found any argument in the statement of the honorable Secretary of the Navy, who, with all due deference, gave fallacious figures to the committee. I have not heard anything yet why as a simple act

of justice these men should not be reinstated in the service of their country.

Shall we refrain from doing justice to these men because the Navy is top-heavy? Shall we blight their lives? Shall we break the faith of this great Government? Shall we send these men back into the ordinary avocations of life, for which four or five years of service in the academy and on sea have unfitted them, simply because the Navy is top-heavy? It is too late to urge that proposition now. When the bill was passed, if I had been a member of this House as I am a member of it now, and if a bill had been presented to me to cut down the number of graduates, to cut down the number of applicants, to cut down the number of students, and by a just measure to decimate the ranks of those who overload and make top-heavy the official register of the Navy, I would have given my vote and voice in favor of it. But I will not give my vote and voice in favor of doing injustice even to save the Treasury or to make less top-heavy the American Navy.

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a question?

Mr. MCADOO. Yes, sir.

Mr. WHITE, of Kentucky. It has been said by the gentleman from Maryland that this is a matter of good faith, and that we violate a contract if we do not restore these gentlemen. Now I ask you if we can afford to break faith with half and not with all; if we can afford to keep faith with a few and not with all? And if we keep faith with all, how many millions of dollars will it cost?

Mr. MCADOO. For myself I have to say this: I would prefer to stand upon the bed-rock of principle. But I did not see that this bill could pass unless there was a concession made, and when the chief opponent, the honorable Secretary of the Navy, made a concession in favor of these young men who were at sea, I said a modicum at least of justice would thereby be obtained to them.

Mr. THOMAS obtained the floor and said: I yield five minutes, or so much time as he may desire, to the chairman of the committee, the gentleman from New York [Mr. COX].

Mr. COX, of New York. I desire to say that I signed the report of the minority along with the intelligent gentleman from Illinois [Mr. THOMAS]. He will have it read. I did not sign that report because I would not give all the stamina, *esprit*, and strength possible to, and needed now for our Navy. As I said here once before in debate, I would strengthen the Navy by large guns on shore, and by building large iron or steel vessels to meet large ironclads of other nations at sea. I have not, do not, and will not favor these dainty cruisers that are intended to run away from fighting vessels and chase after commercial ships.

I desire in connection with the rehabilitation of the Navy to ask permission to print some remarks on that subject. They connect these ideas just suggested with this bill; and if there is no objection I will do so.

[No objection was made.]

But as to this special bill my thoughts are expressed by the Secretary of the Navy and in the minority report. They are briefly these: We should pursue the reform which we began. On the 5th day of August, 1882, we passed certain amendments on the appropriation bill. By those amendments we instituted a policy. Let us adhere to that policy instead of recklessly and extravagantly adding sixty-two more officers to the already overgrown and plethoric navy-list. Since the Government has no use for this "surplus" I would not restore them to the Navy. It is within our power. We have control over it. We are not bound by any contract. It is a gratuity we tendered.

Mr. OATES. Will the gentleman allow me a question?

Mr. COX, of New York. My friend who wrote the report [Mr. THOMAS] will answer you fully. The examination of the Navy Registers shows that at the date of the passage of the law to which I have referred there were 1,817 officers on the active-list. Their actual pay amounted to $3,825,000. The Government had only thirty-one naval vessels in commission. There were fifty-nine officers for each ship, or one officer to every five men. This number was annually augmented by the addition of forty young officers from the surplus cadets from the Naval Academy. This is simply astounding as an extravagance. Why are these unnecessary officers paid for by the hard-earned money of a laboring people in the cost of their clothing, food, shelter, and what not?

This state of facts shows the top-heaviness of our Navy. This situation is unpleasant to the officers and ricketty to the Government. The Government has had in commission at a vast expense since the war many more officers than could be provided with any legitimate duty in the line of their profession. Therefore the law of August 5, 1882, was passed. It was needed. It may be harsh in its effect and troublesome in execution, but we had to cut down somewhere. We cut down the officers of the staff 140 and of the line 115, leaving 1,562 officers. This was enough, according to the estimate of the Secretary of the Navy, for seventy ships. By this reduction there was an annual saving to the Government of over $200,000. Are we to reverse this?

This question confronted me as chairman of the Committee on Naval Affairs, and as somewhat responsible for good advice as to frugal and economic legislation as well as for good and efficient service in this arm of the Government, our committee can not aid by appropriations the restoration of the Navy; that is for the Appropriations Committee. We can advise as to the efficiency required. We can not reach the purse. The question which confronted and puzzled me was this: Shall we restore these men who have already been retired by the action of Congress? I believe it would be unwise to do so. Because it adds to the overweight and inutility it is unwise.

I do not find fault with those honorable gentlemen here who oppose this view. They have nominated young men to the Naval Academy. They feel a proper interest and pride in them and their future. They feel as if good faith requires that they should be retained to the end of their term. I do not complain of those gentlemen, for they are leaning on the side of generosity and kindness to their protégés and constituents. But I speak for the Government, for good service and rigid economy.

[Here the hammer fell].

Mr. THOMAS addressed the House. [See Appendix.]

Mr. BELFORD. I am utterly opposed to this bill. [Many cries of "Vote!" "Vote!"] Now, gentlemen, if you undertake that game with me I will insist on a quorum; and you have not got it, and you have not had a quorum five times in five weeks; and yet you have your seventy-six majority in this House. Now, you take your tactics and I will take mine.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE, of Kentucky. The point of order that I make is that there is no order on this floor. We should have order when we are discussing this bill, which involves ten or twelve millions of dollars.

The CHAIRMAN. The Chair has taken notice of the fact that there is disorder on the floor and is endeavoring to preserve order. The gentleman from Kentucky needlessly consumes time in stating that fact.

Mr. WHITE, of Kentucky. I have noticed that the Chair was trying to perserve order, but he does not seem to have been successful.

The CHAIRMAN. The gentleman from Colorado [Mr. BELFORD] will proceed.

Mr. BELFORD. I desire to state to this House a fact that can not be controverted. It is, that under the law we each as members of Congress have the right to appoint a cadet to West Point and a cadet to the Naval Academy at Annapolis. That, however, is merely a matter of theory. The professors—the snobocracy, the aristocracy—of those two institutions absolutely override our right to make such appointments. No man can question that.

I brought a boy here from Colorado, over 2,000 miles, who had been examined by the governor of my State, by its chief-justice, and by the president of the State University; yet because he failed to parse a particular phrase they rejected him.

Now, what are these schools for? They are for the purpose of educating boys, are they not? General Sheridan told me the other night that the standard in those institutions was so high that nobody could get into them who was not a graduate of Yale or of Harvard. Now, are we going to make appropriations to support gentlemen who meet you in the german here, naval dudes and military dudes? Why should we restore these cadets to the Navy for the purpose of continuing such practices as we have had in the past?

Let me call your attention to the great admirals of the world who never saw a naval school, but whose names are imperishably written on the scrolls of glory.

Sir Francis Drake was a famous admiral in Queen Elizabeth's reign, whose splendid victories over the Spaniards were achieved without his having had any naval or military training.

General Monk, the great captain who was commander-in-chief in the time of the civil wars, became an admiral in 1652, although wholly without naval education. He defeated the Dutch fleet in the famous action in 1653, in which Admiral Van Tromp was killed.

Admiral De With had no other training than that of cabin-boy on an East India merchantman.

The Dutch Admiral Hein ran away to sea when 14 years of age, following the fisheries many years, and nothing more is known of him until after the age of 44, when he became one of the most distinguished of admirals.

Admiral De Ruyter went to sea when 11 years old, in 1618, as boatswain's boy, and rose, without other education, to be the great master of naval science and warfare.

Themistocles, wholly without nautical training, commanded the Athenian fleet in numerous fights between the Greeks and Persians, and covered himself with glory by a series of great and successful actions, Xerxes himself giving him the title of the great Athenian admiral.

Several MEMBERS. Louder!

Mr. BELFORD. Well, if you will be quiet you will be able to hear better. These were worthy men who had common sense in their heads, who could grasp the situation. All the great generals of the world in the past have been men who have been guided and directed by common sense.

I stood the other day on the battlefield of Fredericksburg. Yes, for six days I walked over the ground there on each side of the Rappahannock. I looked at the sweet, beautiful, paradisiacal gardens of that coun-

try on each side of the river. I was a civilian. Possibly I might have been mistaken, but I thought I would have fought that battle from our side somewhat differently from the manner in which it was fought. Men differ in judgment.

I say you have your schools of snobs and aristocrats, and no one can get in that one at Annapolis unless he is the son of a naval officer. That institution down there is as close a corporation as ever existed in this country. I say we have appropriated for it all that we ought to.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. I now yield to my colleague [Mr. CANNON].

Mr. CANNON. It is Saturday evening and about the time for adjournment. I am quite sure the consideration of this bill can not be completed to-night, and I therefore move that the committee now rise, and give notice that if that motion shall prevail I will then move that the House adjourn.

Mr. TALBOTT. I move to amend, so that the committee shall now rise for the purpose of closing debate on the pending bill.

The CHAIRMAN. The motion of the gentleman from Illinois [Mr. CANNON] is in order.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having resumed the chair as Speaker *pro tempore*, Mr. TOWNSHEND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 1408) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," and had come to no resolution thereon.

Mr. TALBOTT. I move that the House again resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering House bill No. 1408. And pending that motion I move that all debate upon the bill and amendments be limited to one-half hour.

The SPEAKER *pro tempore*. It is in order now only to move to limit general debate.

Mr. TALBOTT. Then I move that general debate be limited to one minute.

Mr. BLOUNT. I move that the House now adjourn.

Mr. BROWNE, of Indiana. Before the question is put on the motion to adjourn, is it in order to move to amend the motion to limit debate?

Mr. NICHOLLS. I move that the House now adjourn.

The SPEAKER *pro tempore*. That motion is already pending, made by the gentleman's colleague [Mr. BLOUNT].

The question was taken upon the motion of Mr. BLOUNT; and upon a division there were—ayes 80, noes 62.

Mr. TALBOTT. Before the vote on the motion to adjourn is announced, I ask unanimous consent to have printed in the RECORD the answer of the cadets to the letter of the Secretary of the Navy.

The SPEAKER *pro tempore*. The gentleman from Maryland asks unanimous consent to have printed in the RECORD a certain paper.

Mr. THOMAS. What is it?

Several MEMBERS. Regular order!

The SPEAKER *pro tempore*. The regular order is the announcement of the vote on the motion to adjourn.

The result of the vote was then announced as above stated; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLOUNT: Petition of citizens of Pike County, Georgia, and of citizens of Bibb County, Georgia, in favor of the passage of the Senate bill to aid the States in popular education—severally to the Committee on Education.

By Mr. CHACE: Two petitions in regard to bills of lading—to the Committee on the Judiciary;

Also, a petition for the reduction of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. CONVERSE: Petition of the president and faculty of the Ohio State University, for an appropriation for Indian schools—to the Committee on Education.

By Mr. ERMENTROUT: Memorial of the employés of the Reading (Pa.) post-office, for classification, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. GUENTHER: Memorial of the Milwaukee Association of ex-Prisoners of War, asking for the passage of H. R. 1189 and S. 44—to the Committee on Invalid Pensions.

By Mr. PAIGE: Petition of the Ohio ex-Prisoners of War Association, relative to pensions—to the same committee.

By Mr. PERKINS: Resolutions of the Board of Trade of the city of Lawrence, Kans., and resolutions of the citizens of Chanute, Kans., asking that the right of way be granted to the Southern Kansas Railway Company through the Indian Territory—severally to the Committee on Indian Affairs.

Also, resolutions adopted by the Oklahoma Colony Company looking to the opening of the Oklahoma lands—to the same committee.

Also, resolutions adopted by the Grand Army of the Republic, Department of New York, relative to pensions—to the Committee on Invalid Pensions.

By Mr. PRICE: Memorial of General H. C. Hobert and others, praying for the passage of H. R. 1189 or S. 44—to the same committee.

Also, petition of Benjamin Allen Post, No. 127, Grand Army of the Republic, in favor of the recommendations of the Grand Army of the Republic of the United States—to the same committee.

By Mr. REESE: Petition of citizens of Georgia, in favor of the passage of the Senate educational bill—to the Committee on Education.

Also, petition of the grand jury of Jefferson County, Georgia, on the same subject—to the same committee.

By Mr. ROWELL: Petition of Post No. 251, Grand Army of the Republic, Department of Illinois, and of Rathburn Post, No. 359, Grand Army of the Republic, Department of Illinois, for amendment to pension laws, &c.—severally to the Committee on Invalid Pensions.

By Mr. WAIT: Petition of Hon. Lorenzo Blackstone and others, citizens of Norwich, Conn., remonstrating against the establishment of a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. WEMPLE: Petition of citizens of Saratoga Springs, N. Y., against the postal telegraph bill—to the same committee.

By Mr. WILLIS: Resolution of the common council of Louisville, Ky., requesting an appropriation for the Falls of the Ohio—to the Committee on Rivers and Harbors.

SENATE.

MONDAY, *May* 26, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Daniel Rittenhouse and 26 others, of Washington, D. C., praying that the charter of the Metropolitan Passenger Railroad Company may be so amended as to require the company to remove its stables to one end or the other of its road; which was referred to the Committee on the District of Columbia.

Mr. JACKSON. I present the petition of S. L. Terry and other employés of the post-office at Nashville, Tenn., praying Congress to make a classification of the clerks in the distributing department of all first-class post-offices, suggesting the proper classification, and praying that salaries be so adjusted that all clerks doing the same kind of work be placed in the same class and receive like salaries. This petition is addressed to me in person, but was evidently intended for presentation to the Senate. I move that it be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SEWELL presented a joint resolution of the Legislature of New Jersey; which was read, and referred to the Committee on Commerce, as follows:

[Joint resolution No. 8.]

STATE OF NEW JERSEY.

Joint resolution requesting Congress to pass a bill to promote the efficiency of the revenue-marine service.

Whereas the eminent services rendered by the brave men of the revenue marine entitles them to the highest commendation; and

Whereas no provision exists in the present laws for the retiring of the meritorious, aged, or disabled in that service: Therefore,

1. *Be it resolved by the senate and general assembly of the State of New Jersey*, That the Senators and Representatives from this State are earnestly requested to use their influence for the passage of the bill pending in Congress, H. R. No. 4483, "to promote the efficiency of the revenue-marine service," whereby the officers of the revenue marine who have grown old or who have been seriously injured in the performance of their duty, may be retired, in accordance with provisions similar to those now in force in relation to the naval officers of the United States.

2. *And be it further resolved*, That copies of these resolutions be forwarded to the Senators and Representatives in Congress from New Jersey, by the secretary of state.

Approved May 9, 1884.

Mr. WILSON. I present the memorial of G. A. Madison and 22 other residents of Ottumwa, Iowa, and a memorial of citizens of Keota, Rose Hill, and Delta, Iowa, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials, or establish a governmental monopoly of the telegraph business, or which shall employ the functions of the Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation. As the subject has been reported upon, I move that the memorials lie on the table.

The motion was agreed to.

Mr. WILSON presented the petition of G. B. Keffer, of Des Moines, Iowa, praying for certain appropriations for the benefit of State agricultural and horticultural associations; which was referred to the Committee on Agriculture and Forestry.

Mr. PLATT presented two petitions of manufacturers, inventors, and others, citizens of Rockford, Ill., praying for the passage of Senate bill

1924, organizing the Patent Office into a separate and independent department; which were referred to the Committee on Patents.

Mr. CONGER presented a petition of members of C. A. Whitney Post, Grand Army of the Republic, of Hadley, Mich., and a petition of members of Waddell Post, Grand Army of the Republic, of Howell, Mich., praying for legislation in accordance with the recommendations of the general pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

Mr. SAWYER presented a memorial of William P. Lynde and 39 other citizens of Milwaukee, Wis., remonstrating against the purchase by the Government of the telegraph lines; which was ordered to lie on the table.

Mr. GORMAN presented the petition of Martha A. F. Terrett, widow of Colville Terrett, late a lieutenant United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. PENDLETON presented resolutions adopted by the Chamber of Commerce of Cincinnati, Ohio, respectfully requesting the Senators and Representatives from that State to oppose House bill No. 6562, or any other bill authorizing the construction of a bridge across the Ohio at Cincinnati without a pivot-draw span, or less height than the suspension-bridge at Cincinnati, urging the amending of the laws so that the channel span will not be less than six hundred feet; which were referred to the Committee on Commerce.

Mr. PIKE presented a memorial of E. H. Woodman and 65 other citizens of Concord, N. H.; a memorial of Charles A. Zufts and 55 other citizens of Dover, N. H., and a memorial of W. B. Morrill and 48 other citizens of Exeter, N. H., remonstrating against the enactment of any law to establish a governmental monopoly of the telegraph business; which were ordered to lie on the table.

Mr. MILLER, of New York, presented a petition of manufacturers of New York, Philadelphia, and other cities, praying for the repeal of the law of 1883 whereby macaroni, vermicelli, and similar products were placed upon the free-list; which were referred to the Committee on Finance.

He also presented a memorial of citizens of Monticello, N. Y.; a memorial of citizens of Nyack, N. Y.; a memorial of citizens of Avon, N. Y.; a memorial of citizens of Auburn, N. Y.; a memorial of citizens of Oswego, N. Y.; and a memorial of citizens of Cochecton, N. Y., remonstrating against the establishment of a governmental telegraph system; which were ordered to lie on the table.

Mr. BLAIR. I have been requested to present to the Senate the action taken by the General Conference of the Methodist Episcopal church now in session in Philadelphia, approving the educational bill recently passed by the Senate, and urging that it become a law. The resolutions are accompanied by a letter, which I will read, as it is very brief:

GENERAL CONFERENCE ROOM, METHODIST EPISCOPAL CHURCH,
Philadelphia, Pa., May 23, 1884.

MY DEAR SIR: The inclosed action of the General Conference of the Methodist Episcopal Church I send to you for transmission to the United States Senate and House of Representatives.

This action represents a communion of nearly 2,000,000 of people and a constituency of nearly 10,000,000, who since the war have expended in church and education in the South fully $5,000,000. The conference, on the same day this action was taken, made an appeal to the church for $500,000 as a special centennial gift for 1884 for Christian education in the South, in addition to the regular annual contribution of fully $250,000 for benevolent church and educational work in the same territory.

Yours, faithfully,

J. C. HARTZELL.

Hon. H. W. BLAIR,
United States Senator.

The preamble and resolution are brief, and I ask that they may be printed in the RECORD.

The resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Whereas by the last census of the United States it appears that 6,000,000 of our population over 10 years of age are unable to write; and

Whereas an ignorant suffrage is a constant peril and menace to the peace and welfare of society and the safety of the Republic; and

Whereas we as a church are deeply interested in the education and happiness of the toiling masses of the American people of all classes and in every part of the nation: Therefore,

Resolved, That the bill now pending before Congress known as the Blair education bill, providing national aid for the common schools of the several States on the basis of the illiteracy in the States respectively as shown by the census, meets our hearty approval as being eminently wise and patriotic, and we do therefore most respectfully urge its speedy enactment.

EDWARD G. ANDREWS, *President.*
J. N. FITZGERALD, *Assistant Secretary.*

Mr. SHERMAN. I present twenty-seven memorials remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of Government officials and establish a governmental monopoly of the telegraph business. Accompanying some of these memorials is a very creditable statement of the grounds on which the memorialists place their opposition to any action by the Government on the subject of telegraph companies. I will file that with the other papers, and move that all these memorials be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The memorials will be received, if there be no objection, and, as the bill has been reported, will lie on the table.

Mr. CULLOM presented a memorial of citizens of Monmouth, Ill., remonstrating against governmental control of the telegraph business; which was ordered to lie on the table.

Mr. BROWN presented memorials of citizens of Atlanta, Rome, Marietta, Newnan, Troup County, Griffen, and Cartersville, Ga., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; which were ordered to lie on the table.

Mr. DAWES. I present the memorial of E. W. Bond and other intelligent citizens of Springfield, Mass., who desire, in order that the people may not be exposed to the dangers of monopoly, that the telegraph business may remain just as it is. I move that the memorial lie on the table.

The motion was agreed to.

Mr. DAWES. I present also a petition adopted at a large meeting of the citizens of Cleveland, Ohio, signed by the chairman of the meeting, who represents to me that the meeting consisted of 4,000 of the best citizens of the city of Cleveland, Ohio, praying that justice may be done to the little band of Nez Percé Indians who are now down in the Indian Territory. As provision has been made for them in the Indian appropriation bill, I move that this petition lie on the table.

The motion was agreed to.

Mr. BECK presented the memorial of John A. Bell, James E. Cantwell, and other citizens of Scott, County, Kentucky, and the memorial of Hon. J. Proctor Knott, Col. I. Stoddard Johnson, and other citizens of Frankfort, Ky., remonstrating against the establishment of a governmental telegraph; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 74) proposing an amendment to the Constitution of the United States changing the terms of office of President and Vice-President of the United States, reported it with amendments.

Mr. MCMILLAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 1682) providing for two additional associate justices of the supreme court of the Territory of Dakota, reported it with amendments.

Mr. GARLAND. I desire to say that the report on House bill 1682 is not a unanimous report from the Committee on the Judiciary. For one I object to it, and when the bill comes up for consideration I shall give my reasons for the objection.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes, reported it without amendment.

Mr. VEST, from the Committee on Territories, to whom was referred the bill (H. R. 6074) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes, submitted an adverse report thereon; and moved its indefinite postponement.

Mr. MAXEY. I ask that the bill with the adverse report be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. VEST, from the Committee on Territories, to whom was referred the bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas, reported it with an amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2232) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same for settlement, and for other purposes, reported it with an amendment.

Mr. LOGAN, from the Committee on Appropriations, to whom were referred certain papers relating to an appropriation for the improvement of Calumet River, asked to be discharged from their further consideration and that they be referred to the Committee on Commerce; which was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 394) restoring to the pension-roll the name of Major D. Williams;

A bill (S. 494) for the relief of Nancy Miller;

A bill (S. 626) to increase the pension of Francis Scott;

A bill (S. 1299) to increase the pension of Alonzo B. Chatfield; and

Joint resolution (S. R. 26) granting permission to Ensign L. K.

Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

The message further announced that the House had passed the bill (S. 783) to increase the pension of John Algo, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 389) granting a pension to John Boyle;
A bill (H. R. 585) granting a pension to William Reinhardt;
A bill (H. R. 732) granting a pension to William Weddingfield;
A bill (H. R. 796) to increase the pension of Peter Lennon;
A bill (H. R. 891) granting a pension to Reuben J. Ebberman;
A bill (H. R. 1436) granting a pension to William T. McCoy;
A bill (H. R. 1449) granting a pension to Dennis McGinnis;
A bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord;
A bill (H. R. 1862) for the increase of the pension of James Buchanan;
A bill (H. R. 1866) granting a pension to Calvin L. Knick;
A bill (H. R. 2282) granting a pension to Adolph Weach;
A bill (H. R. 2358) granting a pension to James Hawkins;
A bill (H. R. 2378) restoring to the pension-roll the name of John Allee;
A bill (H. R. 2623) granting a pension to Arthur I. McConnell;
A bill (H. R. 2627) granting a pension to Noah Caton;
A bill (H. R. 3160) granting a pension to Elizabeth J. Colbert;
A bill (H. R. 3332) granting a pension to George S. Riggs;
A bill (H. R. 3403) for the relief of Jacob J. Morningstar;
A bill (H. R. 3613) granting a pension to Ira McNair;
A bill (H. R. 4061) for the relief of William C. H. Bowman;
A bill (H. R. 4247) granting a pension to Anna Maria Ressler;
A bill (H. R. 4248) granting a pension to William Harbeson;
A bill (H. R. 4254) granting a pension to James Aaron;
A bill (H. R. 4297) for the relief of Henrietta M. Sands;
A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger;
A bill (H. R. 4526) granting a pension to Mrs. Ann Corbin;
A bill (H. R. 4663) granting a pension to Barbara A. Smith;
A bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier;
A bill (H. R. 5082) granting a pension to Jane Hilton;
A bill (H. R. 5148) granting a pension to Jacob Lafferty;
A bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman;
A bill (H. R. 5595) granting a pension to Eugene L. Townsend;
A bill (H. R. 5728) granting a pension to Anna Beck;
A bill (H. R. 5776) granting a pension to Louis D. Petty;
A bill (H. R. 5889) granting a pension to Alonzo Cooper;
A bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband;
A bill (H. R. 5960) granting a pension to George Ziefle;
A bill (H. R. 5976) for the relief of Catherine Meis;
A bill (H. R. 5999) granting additional pension to George H. Fluke;
A bill (H. R. 1348) for the relief of Julius A. Kaiser;
A bill (H. R. 1401) to amend section 1556 of the Revised Statutes giving longevity pay to certain officers of the Navy;
A bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps;
A bill (H. R. 2552) for the relief of Alfred Hopkins;
A bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and
Joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*.

A bill (H. R. 4994) to vacate an alley in square 234, in the city of Washington;
A bill (H. R. 5443) for the relief of N. C. Ridenour;
A bill (H. R. 7076) to declare the cantalever bridge constructed by the Niagara River Bridge Company across the Niagara River a post-route; and
Joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association.

COMMISSIONERS OF ALABAMA CLAIMS.

Mr. LOGAN. I am directed by the Committee on the Judiciary, to whom was referred the amendment of the House of Representatives to the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes, to report it back with a recommendation that the Senate non-concur in the amendment of the House.

The PRESIDENT *pro tempore*. The report will be placed on the Calendar.

Mr. HOAR. I desire to have it taken up now.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the report made by the Senator from Illinois from the Committee on the Judiciary be now considered. Is there objection? The Chair hears no objection, and the bill and the amendment of the House of Representatives will be reported.

The Chief Clerk read the bill and the amendment of the House of Representatives, which was, in section 1, line 7, to strike out "eighty-four" and insert "eighty-five;" so as to read:

That the existence of the Court of Commissioners of Alabama Claims, re-established by the act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the disrtribution of the unappropriated moneys of the Geneva award," approved June 5, 1882, be, and the same is hereby, continued and extended to the 31st day of December, in the year 1885, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the committee that the Senate non-concur in the amendment of the House of Representatives.

Mr. HOAR. Is it in order to move that the Senate concur?

The PRESIDENT *pro tempore*. The Chair thinks that motion is entitled to precedence.

Mr. HOAR. I make that motion.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate concur in the House amendment.

Mr. HOAR. I suppose there is no impropriety in saying, as I have the honor to be a member of that committee, that the committee are not unanimous in favor of this report at present. The case is a very simple one indeed. There was, as everybody knows, a very earnest discussion in regard to the principle upon which the money awarded by the tribunal at Geneva to the United States should be distributed. The Judiciary Committee as it was constituted some years ago, composed of very able men, took the view that this money ought to be given to the insurance companies that paid for vessels which had been destroyed. That matter was very fully discussed in the Senate and in the other House and throughout the country, and the number of persons who adhered to that view diminished, almost disappeared, with the exception of three or four eminent gentlemen upon the Judiciary Committee, who retained their original opinion.

This is a very important matter indeed, and it is a matter which can be stated very briefly in two or three sentences only. The act of 1882 constituted a court which has been in existence between a year and a half and two years. All the expenses of that court are to be paid by the claimants among whom the fund is to be distributed. There have been 5,721 claims filed in that period of time. Of these 1,666 have been argued before the court and 1,562 finally decided, leaving 4,055 cases to be tried and 4,159 cases to be decided. The bill without the amendment extends the time of the court only six months from the 1st of July next; that is, the court having taken a year and a half to determine 1,666 cases, it is proposed to leave only eight months to determine the remaining 4,055 cases.

It is very clear that the business of the court can not possibly be disposed of in a less time than a year from next December. All the court are of that opinion. All the persons practicing in that court, including the counsel of the United States, are of that opinion. I think I hazard nothing in saying that all the claimants are of that opinion. The expense of the court is wholly paid from the fund. So every person knowing anything about the matter and every person interested in having the business of the court done promptly and expeditiously is agreed in the opinion that this extension as proposed by the House ought to be made.

However gentlemen may think as to the propriety of the original judgment of Congress, that is a settled matter, and we are bound to give to those persons whose claim to this fund has been vested, so far as the act of Congress could invest them with property in a claim, reasonable justice as in other cases.

I hope, therefore, the Senate will concur with the opinion of the House.

Mr. ALLISON. May I ask the Senator, is that the only matter of difference?

Mr. HOAR. That is the only matter of difference. The Senate provided that the court should be continued until next December. It will expire on the 1st of July next, in about six weeks, and at that time the act provided that the President might by proclamation continue it a year further. Some persons—it is not proper for me to say whether they are or are not members of the House—but some quite eminent lawyers and experienced statesmen are of the opinion that that provision is unconstitutional on the ground that it invests the President with

a legislative power, and that opinion would undoubtedly be a great embarrassment in ever getting the Senate's proposition made into a law. The President might possibly be of that opinion himself. But it is clear beyond any possibility of doubt that the duty of hearing and settling these claims which have been filed pursuant to law can not be discharged by the court before the 31st of December, 1885. The court is an able and very laborious tribunal; there has been no suggestion of want of industry on their part. As I said before, they have been able to dispose of 1,562 cases in a year and a half, and the provision of the House gives them a year and a half more to dispose of 4,055.

Mr. GARLAND. On the 5th of June, 1882, Congress reorganized the Court of Alabama Claims, as it is called, and fixed the time in which they should conclude their labors at July, 1884. The measure excited a debate somewhat lengthy and somewhat minute as to the real authority of disposing of this money and the relative rights of parties under the award. At the time that the law was passed it was asserted with a great deal of confidence by the friends of the measure that the two years given would be ample to wind up this estate, so to call it. We gave two years and nearly a month under that act.

Now we are asked again to extend this time another year, or two years as the case may be. With these applications before the Senate the Senate did pass a bill extending the time to the 31st day of December in the year 1884. The House has amended that, and strikes out the figure "4" and inserts "5," making the time one year longer under the House provision than is given in the Senate bill.

The Senate Committee on the Judiciary, regardless of their views as to the rights of this fund in behalf of anybody, thought that extending it to the 31st day of December, 1884, based upon the declaration that was made when the act of June 5, 1882, was passed, would be certainly sufficient time in which to adjudicate these matters and dispose of all the cases. But failing in that, or being wrong in that, the committee were of the opinion that it was best to make it some early time so as to expedite this business, to hurry it up, to give it proper speed, and to have the time expire when Congress will be in session, and Congress then would be the proper judge after the return of that work to determine whether any further extension should be given. But now the House extends the time one year beyond that named in the Senate bill, and I am not yet for one impressed with the necessity of such an extension.

It was urged here that the time given in the act of June 5, 1882, was too long. It was replied, "Oh, no; that will be just about the right time, and this business will be closed up, the whole matter will be settled, all the claims propounded will be adjudicated in that time." Now we are met with another request to extend the time until December, 1885.

I submit to the Senate that it is right and proper under the circumstances to adhere to its original bill and say that by the 31st of December, 1884, this matter must be wound up; if not we shall then be in session and we can determine upon the showing that is then made on the propriety of granting a further extension of time. This matter is being extended from time to time until it is getting to be, if I may be pardoned the expression, a nuisance. It does seem that by December next, with proper care and proper attention and proper exertion, this business can be disposed of.

I speak not with reference to the views that I entertained then and entertain now that these moneys are going to the improper persons. That is out of the question with me; I waive that; I dispose of it; but for the proper expedition of the business and the disposing of this matter to some persons under some act of Congress, it seems to me we are delaying too much and extending the time beyond all reasonable length.

This is a subject that the committee has examined a long time, and closely and diligently, and I hope the Senate will insist on its bill and will not agree to the amendment of the House.

Mr. BAYARD. I have no doubt that the longer this time is extended the greater the number of the claims will be found to be, and that as long as there is one dollar of the fund left there will be the claim for an extension in order to found some demand to get it from the Treasury.

I have always believed, and I believe now, that the money is being paid to persons not entitled to it, and that the money is being withheld from other classes who clearly are entitled to it. I expect with great confidence that the day will come when the Government of the United States will have to pay this money over again to those who are entitled to it under treaty stipulation and under the award of the Geneva tribunal. That has been my belief always in respect of this class of claims.

I have not consented, therefore, either to the original act to pay the money to those who are clearly excluded by the arbitration to which the whole question was submitted, or to extending the time in which more claims can be gotten up for the purpose of absorbing the fund.

I hope the Senate will insist upon its action and non-concur in the amendment.

Mr. BECK. How much of it will be expended in salaries and fees in another year's extension?

Mr. BAYARD. I do not know how much they will spend in salaries and fees, but I have observed in debates in other places not to be named here that the increase of fees and salaries was allowed because the money did not come out of the United States Treasury. Ultimately it must be paid by the people of the United States to those to whom it truly is due. It is a trust fund, and if the Government in executing that trust shall not administer it, they must answer. Therefore all this generosity in the way of fees and salaries and the like may be very well to-day to be said to come out of this fund, but it will come out of the pockets of the tax-payers, the people of this country.

Mr. LOGAN. Mr. President, I do not wish to enter into a discussion as to the merits of the proposition so far as the bill is concerned. That certainly has nothing to do with the question now before the Senate. The question now before the Senate is whether or not we shall agree to the proposition that the time be extended to December 31, 1885, instead of December 31, 1884. The original bill as introduced in the Senate provided for the extension to December, 1885. In the Committee on the Judiciary that date was stricken out and December, 1884, inserted and that was agreed to by the Senate. It went to the other end of the Capitol and there they reported the bill with the original proposition in it extending the time to December, 1885, as the bill originally was before the Senate.

In the time that the commission has already had it has passed upon about 1,600 claims. There are about 4,500 claims now before the commission. I do not believe the time is too long, and so far as the mere matter of expense is concerned it certainly has nothing to do with this question. The Senator from Delaware says the Government will ultimately have to pay this expense. If we insist that the Government owns this money, that it belongs to the Government of the United States, then the suggestion of the Senator from Delaware would be correct; but the fact is that according to the agreement between the Government of Great Britain and this Government this money was paid for a certain purpose. We have decided how the money shall be disposed of; in other words, how it shall be distributed. Out of that money the expenses of the commission are taken. It is immaterial, I suppose, on the idea of the Senator from Delaware, whether those expenses come out of the fund that is in the Treasury for this purpose or whether the Government pays them out of some other fund. I do not desire to discuss that proposition, but I certainly differ with the Senator in reference thereto.

The Senator from Arkansas says that the Congress of the United States will be in session in December, 1884—that is true—and therefore the time can be extended if the necessity shall arise for so doing. But taking the number of cases already disposed of and the number before the commission now, we certainly can come to the conclusion very readily that the time will not be extended too far if we agree to the proposition of the House; and I favor the proposition of the House as much for the reason that it will dispose of the bill and get it out of the way as for any other. The House disagrees with the Senate only in reference to the time; not in reference to the mode of distribution, nor in reference to the manner in which the money shall be paid, whether to the first-class or the second-class claims, nor when it shall be paid; but solely in reference to the extension of the time. I think that is a very small thing for the two Houses to be differing seriously about. For that reason I hope the Senate will concur in the House amendment, and instead of Congress at the next session passing another bill to extend the time we will complete the whole thing by this action and let it be done now.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Will the Senate concur in the House amendment to the bill?

The question being put, a division was called for, and the ayes were 29.

Mr. BAYARD. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHERMAN (when Mr. EDMUNDS'S name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS] on this question. He would vote, as I understand, in the negative, and I should vote in the affirmative.

The roll-call was concluded.

Mr. BROWN (after having voted in the negative). As I see the vote on this question has taken somewhat of a political turn, I withdraw my vote and announce that I am paired with the Senator from Maine [Mr. FRYE].

Mr. HOAR. I am exceedingly anxious to have this measure adopted, but I do not think there is any politics in it. I do not think the Senator from Georgia is bound to withhold his vote on that account. The Senator from Maine [Mr. FRYE] is in favor of concurrence, but there is no politics in it.

Mr. BROWN. I voted "nay."

Mr. HOAR. I understand, but I think the Senator is at liberty to vote if he chooses to do so.

Mr. BROWN. I withdraw my vote.

The result was announced—yeas 29, nays 19; as follows:

YEAS—29.

Aldrich,	Dolph,	Logan,	Plumb,
Allison,	Harrison,	Manderson,	Sawyer,
Blair,	Hawley,	Maxey,	Sewell,
Bowen,	Hill,	Miller of N. Y.,	Williams,
Cameron of Wis.,	Hoar,	Mitchell,	Wilson.
Conger,	Ingalls,	Morrill,	
Cullom,	Jonas,	Pike,	
Dawes,	Lapham,	Platt,	

NAYS—19.

Bayard,	Farley,	McMillan,	Slater,
Beck,	Garland,	Morgan,	Vance,
Camden,	Gorman,	Pendleton,	Vest,
Coke,	Harris,	Pugh,	Walker.
Fair,	Jackson,	Ransom,	

ABSENT—28.

Hampton,	Colquitt,	Jones of Florida,	Palmer,
Anthony,	Edmunds,	Jones of Nevada,	Riddleberger,
Brown,	Frye,	Kenna,	Sabin,
Butler,	George,	Lamar,	Saulsbury,
Call,	Gibson,	McPherson,	Sherman,
Cameron of Pa.,	Groome,	Mahone,	Van Wyck,
Cockrell,	Hale,	Miller of Cal.,	Voorhees.

So the amendment was concurred in.

CHARLES L. JONES.

Mr. PLATT. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the joint resolution (S. R. 73) authorizing the Secretary of the Treasury to pay to Charles L. Jones the sum of $705.50, for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, to the 1st day of January, 1880, inclusive, to report it back favorably with amendments. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments of the committee were, in line 6, after the words "sum of," to strike out "$705.50" and insert "$465.65;" in line 9 to strike out "January" and insert "November;" and in line 10 to strike out "1880" and insert "1879;" so as to make the joint resolution read:

Resolved, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Charles L. Jones the sum of $465.65, for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, until the 1st day of November, 1879, inclusive.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of the Treasury to pay to Charles L. Jones the sum of $465.65 for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, to the 1st day of November, 1879, inclusive."

NORTHERN PACIFIC RAILROAD.

Mr. BOWEN. I move at this time to take up Order of Business 541, being the bill (S. 2019) to provide for the establishing of terms of court in the district of Colorado.

Mr. GARLAND. I suggest that we go through with the morning business. The call for reports of committees has not been concluded.

The PRESIDING OFFICER. Reports of committees are in order.

Mr. GARLAND. The Committee on the Judiciary have instructed me to report back with an amendment and recommend its passage as amended the resolution which was submitted on the 20th instant by the Senator from Oregon [Mr. SLATER] and referred to the committee, in regard to the appointment of commissioners for the Northern Pacific Railroad.

The amendment of the Committee on the Judiciary was to make the resolution read:

Resolved, That the President be, and he is hereby, requested to communicate to the Senate any information possessed by him or in the possession of any of the Executive Departments concerning the appointment of commissioners since July 4, 1877, in respect of examining sections of the Northern Pacific Railroad and the acceptance of any of such sections, together with the dates of the acceptance of such sections respectively; and whether patents for lands have been issued to said company in respect of any part of said road completed since July 4, 1877, and, if so, to what extent, and whether any public lands are now reserved from sale or other disposal by reason of the building of said road or any part of the same, and, if so, to what extent.

MEXICAN BOUNDARY.

Mr. ALLISON. The Committee on Appropriations instruct me to ask the Senate to have printed a document relating to our boundary with Mexico, being a preliminary survey with reference to the re-establishment of that boundary under a treaty made in March, 1883. I ask that the document may be printed as a miscellaneous executive document.

The PRESIDING OFFICER. If there be no objection, that order will be made. It is so ordered.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 2253) granting an increase of pension to Martha A. F. Terrett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2254) granting an increase of pension to Norman Kaufman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2255) for the relief of Harriet L. Stevens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2256) for the relief of A. H. Herr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 2257) to authorize the Secretary of War to improve and enlarge the barracks at Newport, Ky.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENDLETON (by request) introduced a bill (S. 2258) granting a pension to Martha Bates; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 2259) for the relief of Lewellyn E. Wordin, late United States Indian agent for the Otoe Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENT TO A BILL.

Mr. GARLAND submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

Mr. CONGER. I find there is on the Calendar a resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] on the 8th of May. It is morning business and is pending on my motion to refer it to the Committee on the Judiciary. Why it is placed on the Calendar I do not know. I move to take up that resolution.

Mr. GARLAND. Let it be reported for information. I do not know what it is.

The PRESIDING OFFICER. The Secretary will report the resolution referred to by the Senator from Michigan, by title.

Mr. CONGER. It is Order of Business 583.

The PRESIDING OFFICER. The Chair will state to the Senator from Michigan that if it be a resolution proper to come up in the morning business, that order of business has not yet been reached.

Mr. CONGER. It may not be reached by the intervention of other business, and I suppose a motion is in order to take it up.

The PRESIDING OFFICER. It is.

Mr. CONGER. I move to take it up now.

Mr. INGALLS. Can that be done before the morning business is completed, except by unanimous consent?

The PRESIDING OFFICER. The Chair thinks it is in order to make the motion.

Mr. INGALLS. I reserve the right to object under the rule.

Mr. WILLIAMS. May I ask if we have concluded the morning business?

The PRESIDING OFFICER. The morning business has not yet been concluded. The resolution called for by the Senator from Michigan will be read by title.

The CHIEF CLERK. "A resolution directing the Secretary of the Interior to withhold certain land patents claimed by the Northern Pacific Railway Company."

Mr. CONGER. I believe that stands on a motion to refer it to the Committee on the Judiciary.

The PRESIDING OFFICER. The pending question upon the resolution is on the motion to refer the resolution to the Committee on the Judiciary.

Mr. CONGER. I suppose there will be no further discussion about that.

The PRESIDING OFFICER. Does the Senator from Michigan move to proceed to its consideration at this time?

Mr. CONGER. Yes, sir.

The PRESIDING OFFICER. The Senator from Michigan moves to proceed to the consideration of the resolution just reported.

Mr. CONGER. Simply for reference.

Mr. WILLIAMS. That is a very important matter, which is likely to lead to discussion, and the Senate will recollect that on last Friday there was an agreement that the Senate would take up House bill 5667, known as the Mexican pension bill, immediately after the morning business to-day.

Mr. CONGER. I suppose the motion is not debatable.

The PRESIDING OFFICER. The motion is not debatable. The question is on the motion of the Senator from Michigan.

Mr. INGALLS. I call attention to the second clause of Rule VII, which reads:

2. Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the presiding officer, unless by unanimous consent.

The PRESIDING OFFICER. The Senator from Kansas is quite right, and the Chair was in error in ruling that the motion was in order at the time it was entertained.

Mr. CONGER. The hour of 1 o'clock has arrived.

The PRESIDING OFFICER. But the hour of 2 o'clock has not.

Mr. CONGER. But the rule says 1; it does not say 2.

The PRESIDING OFFICER. The Chair will hold the rule to mean at least to cover the ordinary morning business, and he holds that the motion of the Senator from Michigan at this time is not in order.

Mr. CONGER. I was of the impression that either when the morn-

ing business was finished or at any time after 1 o'clock the motion was in order. I think it somewhat important that the ruling of the Chair should be the same in all these cases. It has been held here before that after 1 o'clock had arrived the right to make such a motion attached. I have no choice about it.

The PRESIDING OFFICER. The Chair will recognize the Senator on the conclusion of the morning business.

Mr. CONGER. Very well.

The PRESIDING OFFICER. The introduction of bills is still in order.

WILLIAM R. BROWNE.

Mr. SLATER. I ask that Order of Business 606, being the bill (H. R. 1751) for the relief of William R. Browne, which was reported adversely by me on the 15th instant, be recommitted to the Committee on Pensions for further consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. CONGER. Is not that doing just what I proposed?

The PRESIDING OFFICER. The proposition is to recommit a bill. Is there objection? The Chairs hears none, and the bill is recommitted.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

The PRESIDING OFFICER. If there be no "concurrent or other resolutions," the morning business is closed.

Mr. CONGER. Now I renew the motion I made.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate proceed to the consideration of a resolution which will be read by title.

The CHIEF CLERK. "A resolution directing the Secretary of the Interior to withhold certain land-patents claimed by the Northern Pacific Railway Company."

Mr. WILLIAMS. I object. There was an agreement on Friday on the part of the Senate that we would take up House bill 5667, known as the bill to pension the soldiers of the Mexican war, at this very moment, and I shall insist upon that. I move that we now take it up.

The PRESIDING OFFICER. The motion of the Senator from Michigan is in order, and it is a question for the Senate to determine. The question is not debatable except by unanimous consent.

Mr. CONGER. Before the Senate disposes of this proposition, I ask that the pending motion on the resolution, the motion for reference to the Committee on the Judiciary, be stated.

The PRESIDING OFFICER. The question upon the resolution is to refer it to the Committee on the Judiciary. The question now is on the motion to take up the resolution for consideration.

The question being put, there were on a division—ayes 23, noes 6; no quorum voting.

Mr. INGALLS. I call for the yeas and nays.

Mr. COCKRELL. Let us have the question put again.

Mr. INGALLS. Very well.

The PRESIDING OFFICER. If there be no objection the Chair will put the question again, the Chair being confident that a quorum is present.

Mr. FARLEY. I should like to hear the resolution read.

The PRESIDING OFFICER. The resolution will be read at length.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be requested to withhold granting patents to, or recognizing any claim made by, the Northern Pacific Railroad adjoining and on account of what is known as the Puyallup branch, built many years ago, until this Congress shall take action on the question of the forfeiture of lands granted to said road.

Mr. CONGER. Now let the Chief Clerk read the motion.

The PRESIDING OFFICER. The Chief Clerk will read the motion, which is the pending question.

The CHIEF CLERK. It is proposed to add the following words:

With instructions to report——

Mr. CONGER. Not that.

The PRESIDING OFFICER. The question is on the motion to refer the resolution to the Committee on the Judiciary, with instructions which the Chief Clerk was in the act of reading. He will proceed to read the instructions.

Mr. INGALLS. How can a motion to refer be made until the resolution has first been taken up by a vote of the Senate?

The PRESIDING OFFICER. It can not; but the Senator from California desired to know what the resolution was before voting on the question of taking it up. The proposed instructions will be read.

The CHIEF CLERK. It is proposed to add the following:

With instructions to report to the Senate at an early day its opinion whether or not it is competent for the Senate to direct or request an executive officer to suspend the execution of a law.

The PRESIDING OFFICER. Will the Senate proceed to consider at this time the resolution that has just been stated?

The motion was agreed to.

The PRESIDING OFFICER. The resolution is before the Senate. The question is, Will the Senate refer it to the Committee on the Judiciary with the instructions just reported?

Mr. CONGER. The motion which I made was to refer the resolution to the Committee on the Judiciary. That was the pending motion, that was proposed to be amended by the Senator from Massachusetts, I think.

Mr. WILSON. I believe I moved the instructions.

Mr. CONGER. Yes, it was the Senator from Iowa who moved to refer it with these instructions. The original motion was to refer to the Committee on the Judiciary, and that was proposed to be amended by the instructions.

The PRESIDING OFFICER. The first question is on the amendment proposed by the Senator from Iowa [Mr. WILSON].

Mr. CONGER. I accept the amendment.

The PRESIDING OFFICER. The amendment being accepted by the Senator from Michigan, the question is on the motion to refer with instructions.

Mr. VAN WYCK. I ask to have the original resolution read.

The PRESIDING OFFICER. The Secretary will again report the original resolution.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to withhold granting patents to or recognizing any claim made by the Northern Pacific Railroad adjoining and on account of what is known as the Puyallup branch, built many years ago, until this Congress shall take action on the question of the forfeiture of lands granted to said road.

Mr. VAN WYCK. Mr. President, I desire to modify the original resolution.

Mr. CONGER. I make the point of order that while this question is pending the resolution can not be modified.

The PRESIDING OFFICER. What was the suggestion of the Senator from Nebraska?

Mr. VAN WYCK. I proposed to modify the resolution by making part of the resolution——

The PRESIDING OFFICER. The Chair will state to the Senator from Nebraska that it is not in order at this time to modify or amend the resolution. The motion to refer takes precedence of all propositions to amend. The question is on referring with the instructions.

Mr. VAN WYCK. Then I desire to state wherein I proposed to amend the resolution out of deference to the suggestions of some gentlemen on that point by preceding the resolution——

Mr. HOAR. I ask for the reading of the second clause of Rule XXI.

The PRESIDING OFFICER. The rule referred to by the Senator from Massachusetts will be read.

The CHIEF CLERK. The second clause of Rule XXI reads:

Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

Mr. HOAR. I submit that the mover has a right to modify his resolution, because that may change the purpose of the Senate as to referring the resolution, unless there has been an ordering of the yeas and nays on the original resolution or an amendment actually made.

The PRESIDING OFFICER. Under Rule XXII, fixing the precedence of motions, the motion to commit has precedence of a motion to amend, and a modification is certainly a change of a resolution equivalent to an amendment.

Mr. HOAR. I respectfully ask leave to point out to the Chair that this is not a question of the order of putting questions. I make a motion. Somebody moves to commit it to a committee, perhaps by reason of some informality in it. I have the right reserved to me by the rules before that motion is put to modify my original proposition, which might save the necessity of a commitment. That right is expressly affirmed in Rule XXI. It has nothing to do with the order of motions. Rule XXI says it may be withdrawn or modified at any time before a decision, that is a decision whether on the final passage or on commitment, amendments, or ordering of the yeas and nays.

Mr. CONGER. That would permit a new motion, a new resolution, all kinds of modification, when the subject-matter was to be referred to a committee which should report to the House upon the very question. Of course we never could reach the decision of any proposition of this kind; we never could refer it to a committee if new resolutions or new amendments or modifications could be introduced just as the Senate were proposing to refer the very subject-matter to a committee to report upon.

The PRESIDING OFFICER. The Chair, being by no means free from doubt as to the question suggested by the Senator from Massachusetts, will adhere to the original decision. The question is on commitment.

Mr. VAN WYCK. I was proceeding to state that in deference to the suggestions of some Senators I had concluded to modify the resolution by making it read:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate any information he may possess on the subject of the right of the Northern Pacific Railroad to the lands claimed on account of the construction of the Puyallup branch by the Northern Pacific Railroad; and in the mean time he to be requested——

To do what is required in the original resolution. The purport of the modification is to not seem so harsh as I understood some Senators considered the original resolution to be on the part of the Senate, at least not in an offensive way to assume to give directions to the Secre-

tary in the discharge of his duty. To relieve it from any difficulty of that kind it was thought best to call upon the Secretary in the first place for any information upon the subject, and in the mean time that he should suspend action.

To meet the ruling of the Chair and to accomplish the purpose I had—because I should like to make this resolution as little obnoxious as possible to Senators and make it as palatable to all as ordinary language may do and accomplish the purpose sought—I desire to modify it in this respect. I have now indicated to the Senator from Michigan my object and I have read the language of the proposed amendment, and I would ask now if he has any objection to the modification. I ask now for unanimous consent to modify the resolution in the manner and by the phraseology indicated.

Mr. CONGER. I have not heard it fully.

Mr. VAN WYCK. I propose to make it read:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate any information he may possess on the subject of the right of the Northern Pacific Railroad to lands claimed on account of the construction of the Puyallup branch of the Northern Pacific Railroad.

And in the mean time that he be requested to suspend the issuing of patents. I would ask unanimous consent to so amend.

Mr. CONGER. So far as I am concerned I have no objection to the resolution being modified in that way if it goes to the Committee on the Judiciary. I have no objection to the modification.

Mr. VAN WYCK. The Senator from Michigan consents to the modification of the resolution, and I submit it.

Mr. ALLISON. Let it be reported from the desk as modified.

Mr. CONGER. Let the resolution be read as proposed to be modified.

The PRESIDENT *pro tempore*. The resolution as modified will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate any information he may possess on the subject of the right of the Northern Pacific Railroad to lands claimed on account of the construction of the Puyallup branch of the Northern Pacific Railroad, and in the mean time that he be requested to withhold granting patents to or recognizing any claim made by the Northern Pacific Railroad adjoining and on account of what is known as the Puyallup branch, built many years ago, until this Congress shall take action on the question of the forfeiture of lands granted to said road.

Mr. CONGER. I have no objection to that proposition going to the committee.

Mr. VAN WYCK. All the resolution now asks is to call for information from the Secretary of the Interior as to one point, information as to the right or claim of the Northern Pacific Railroad Company to land on account of the construction of the Puyallup branch, and in the mean time that action shall be suspended by him, so that on that basis there will be no necessity of a reference of this resolution to the Judiciary Committee.

Mr. CONGER. Ah, the gentleman proposes to modify his resolution and then use that as an argument against the reference.

Mr. VAN WYCK. Certainly.

Mr. CONGER. The gentleman is too smart for me entirely.

Mr. VAN WYCK. If the Senator did not understand it, I give him consent to withdraw his agreement to the modification. I supposed he understood the object as I did.

Mr. CONGER. I consider it equally desirable to have the opinion of the Committee on the Judiciary on the proposition with the amendment as without it.

Mr. VAN WYCK. If the Senator from Michigan was led into withdrawing his objection by what he supposed would be the action of myself or the Senate, I desire that he should be placed back in the same position.

Mr. CONGER. I accepted it so that the Senate might act upon it and refer it, if they saw fit, without further discussion.

Mr. VAN WYCK. Then I call attention to the fact that the resolution having been modified in that particular, calling on the Secretary of the Interior for information as to this point, I think it must be conceded by all that it is eminently proper for the Secretary to send the whole information, and until that information be furnished or until Congress shall act he withhold action. I care not which phraseology is adopted.

Mr. HOAR. It seems to me that the resolution as it now stands presents a very grave question both of propriety and of constitutional power to this body, upon which we may well have the instruction of a committee. In the absence of this request these parties have or may have—I have not investigated the facts to know—absolute legal rights to have this officer act, as much as a person having a claim against the Government which had passed through all the stages would have a right to a warrant from the Treasury. Now, it seems to me that it is questionable at least within what limits the Senate may, even with propriety, request an executive officer to abstain from action necessary to enforce legal rights. It may be that there is a case where such a request would be eminently proper; but I think it ought to go to a committee as it stands.

Mr. INGALLS. I hope we may have the resolution read with the modification proposed by the Senator from Nebraska, so that we may vote intelligently on the subject.

The PRESIDENT *pro tempore*. The resolution will first be read as originally offered by the Senator from Nebraska.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to withhold granting patents to or recognizing any claim made by the Northern Pacific Railroad adjoining and on account of what is known as the Puyallup branch, built many years ago, until this Congress shall take action on the question of the forfeiture of lands granted to said road.

The PRESIDENT *pro tempore*. The modification proposed by the Senator from Nebraska will now be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate any information he may possess on the subject of the right of the Northern Pacific Railroad to land claimed on account of the construction of the Puyallup branch of the Northern Pacific Railroad, and in the mean time he be requested, &c.

The PRESIDENT *pro tempore*. The amendment proposed on a former occasion by the Senator from Iowa will now be read.

The CHIEF CLERK. The proposed amendment was to add:

With instructions to report to the Senate at an early day its opinion whether or not it is competent for the Senate to direct or request an executive officer to suspend the execution of a law.

Mr. CONGER. That was an amendment to my motion to commit, not an amendment to the resolution.

The PRESIDENT *pro tempore*. Does the Senator from Michigan accept that as an amendment to his motion?

Mr. CONGER. That has been accepted as part of the motion to commit; it is not a part of the resolution.

Mr. VAN WYCK. Mr. President, the Senator from Massachusetts, I understand, concedes that in some cases it may be eminently proper to call upon an executive officer to withhold what might be called the execution of the law or the discharge of some duty imposed upon him. Then he says in some cases it may not be. To illustrate that it may not be, he says in the case of a warrant drawn on the Treasury of the United States that it would not be competent for us under any circumstances to ask the Secretary of the Treasury to withhold action upon the payment of that warrant. Was that the proposition?

Mr. HOAR. I can withdraw the proposition or modify it.

Mr. VAN WYCK. Did I understand the Senator correctly? Because if the argument is good I want to get rid of that point. I understood that to be the Senator's position, and I think the Senator admits it from the fact that he proposes to withdraw it. I have no objection to his withdrawing after I get through with it.

I can see how it would be proper to ask the Secretary of the Treasury to withhold payment in some cases. I can very readily see how it might. If a warrant drawn on the Treasury of the United States to be indorsed thus and so, and a forged indorsement put on the back thereof, which might or not be known to the Secretary—those facts might appear in such way that Congress should take some action in order to protect the United States. Will the Senator pretend to say that it would not be competent for the Senate or for either branch, when they discovered or thought they discovered some question which had arisen as to the legality of that warrant, and that if it was paid by the executive officer it would be a claim against the Government which should not have been paid, to interpose to prevent its payment? It seems to be a strange proposition. Now, my friend says he is willing to withdraw from that position, and I ask him what application he proposes of the homestead to which he has referred?

I do not understand the force of the suggestion the Senator had in his mind when he spoke about the homestead law. I think I have demonstrated that it would be perfectly competent under certain circumstances to ask the Secretary of the Treasury to withhold the payment of money when it was believed that it would be improperly paid.

Take this case as it is. The Senator from Iowa [Mr. WILSON] proposes an amendment. He says he wants the Judiciary Committee to find out—what? When they have finished they will not tell him anything more than he knows. To ascertain what? When they ascertain what he proposes it will be impossible for this committee or this body to have any one general rule which shall possibly apply to every case. If you ask whether an officer of this Government can always, without regard to the peculiar circumstances of the case, be asked to withhold the execution of the law, that is one thing; but if you expect the committee to say to us whether under certain circumstances, of which circumstances the Senate is to be the judge when they occur, there can be any possibility which will justify the Senate or the House in asking a suspension of action, that is another thing. I presume the Senator from Iowa will admit that there can be such circumstances where it would be perfectly competent that we should ask an executive officer to withhold action. I suppose the Senator from Iowa will admit that.

Mr. WILSON. I will admit that there is one way in which we may participate in a request to an executive officer to suspend action under an existing law, and that is by passing another law. I do not understand that by the passage of a resolution directing or requesting, by the Senate or by the House, or a concurrent resolution by the two Houses, anything that falls short of a law, it is competent for us to request or direct an exective officer to suspend the operation of a law.

Mr. VAN WYCK. Take cases before Congress to-day; take the one here now. The Northern Pacific Railroad have constructed to Wallulah; they have constructed many miles of road since 1879, have been continuously building from 1879 to the present time. One branch of Congress by its committee have reported a forfeiture of lands dating from the 4th of July, 1879, the day it is claimed the forfeiture attached. There is a proposition that the forfeiture of the Northern Pacific Railroad lands attached on the 4th day of July, 1879. From that arise great legal complications which it is competent for Congress to determine. One branch of Congress by its committee says that that forfeiture should attach from that date, since which they have constructed hundreds of miles, and are claiming the lands adjoining the road they have constructed since the 4th day of July, 1879. A co-ordinate branch of Congress through its committee declared that that forfeiture should take place on the 4th of July, 1879. Now, I ask my friend, suppose the Northern Pacific Railroad Company should go to the Department of the Interior—and I know they will not find a willing tool, as they found there in years gone by, I am glad to say—but suppose there was such an officer there to-day and the Northern Pacific entered his office and asked him to give them certificates of land or patents for land that they claimed they had earned from the 4th of July, 1879, to the present time; I ask my friend from Iowa, if there was a Secretary of the Interior who was willing before the sun set to-night to give them a patent for millions of acres of land which were disputed in Congress, would he then rise in his place and say it was not competent for the Senate or the House to request him to suspend action on that matter until the question could be determined? Would he rise then and say, "Oh, wait until this or another Congress repeals the law" before he would ask for any interposition to protect the Government?

Mr. WILSON. Why, Mr. President, I think that I have the same right as a citizen of the United States to step into the office of the Secretary of the Interior and give him information concerning some duty that he is about to perform which may induce him to withhold the performance for a time that I have to convey the information to him by my vote as a Senator. I do not think there is any difference, and in either case the Secretary of the Interior simply takes the risk that attends all performance or non-performance of executive duties. Suppose that the Senate should pass a resolution touching this or any other subject directing or requesting the Secretary of the Interior to suspend executive action, and he should obey the request of the Senate, and the House should happen to be of a different opinion and it should present articles of impeachment against the Secretary of the Interior for the reason that he did what the Senate had requested him to do, that in following the request or the direction of the Senate he committed an offense against the law, what position would the Senate of the United States be in when that officer was presented here for trial on those articles of impeachment, having given the direction under which the act was done on which the articles of impeachment were based? The Secretary of the Interior may act upon such information as he has from private sources or from public sources, and take the risk that is involved in doing or not doing an executive duty, but we have no constitutional power to direct or request him to do or not to do a duty which is imposed on him by law passed by the two Houses and approved by the President under the constitutional method of making laws.

Mr. VAN WYCK. There is more risk in this matter than any personal risk which an officer of this Government assumes. The Secretary of the Interior would not be able to indemnify this Government for the millions of acres of land he might improperly give away. His risk would amount to nothing. It is the risk of the Republic; it is the risk of the people in this matter; and it is the people who speak to this body and to the other, as they speak also to the executive department of this Government.

Mr. WILSON. All I can say in response to that is, that whatever risk is therein involved springs from the fact that Congress has not acted differently from what it has in the matter of making or unmaking law.

Mr. VAN WYCK. The question in a case like this is not the making or the unmaking of a law. Congress made a law in which it declared that those lands shall be forfeited at a certain time. The law is made. The only question is whether the executive department of this Government shall do as they have done in time past, usurp power, because no President of the United States and no Secretary of the Interior, after there was a forfeiture which Congress provided, recognized the right of the company, gave away the public domain, otherwise than in defiance of the law. It was an assumption of power which belonged not to them. The question is whether they shall obey the law, or whether they shall continue to disobey it, as has been done in this Department of the Interior, and sometimes by the head, the President of the United States.

Mr. WILSON. If the Senator will allow me again?

Mr. VAN WYCK. Yes, sir.

Mr. WILSON. I will say this in that connection: if a forfeiture is provided in existing law and the Secretary of the Interior issues patents in violation of that law thus working the forfeiture, he conveys no title from the United States to the company receiving those patents. His act is simply a void act for the want of power.

Mr. VAN WYCK. Well, then, we see the Secretary of the Interior asked to do a void act which Secretaries of the Interior have done in the past, and will the Senator from Iowa rise in his place and say that it is not competent for this body or the House to interpose and tell him to halt, to stop, to obey the law, and suspend action until this body or the other can investigate it? I say to my friend that it is not a case of the execution of a law; it has passed beyond that point. When the Congress of the United States made a law it made it to be obeyed. My friend says we can not direct or request an executive officer of our own creation or the creation of the people not to execute the law. It is not that case. We step in and ask him to obey the law. Where did your President or your Secretary of the Interior ever obtain the power to recognize the right of a railroad company to lands after the time of forfeiture had passed designated by Congress itself? Will the Senator tell me? Tell me, will you, when the President of the United States or when the Secretary of the Interior ever obtained any right for the assumption of power to step in and protect the pretended right of a railroad to lands which had been forfeited by the very terms of the grant?

Mr. WILSON. Neither the President nor the Secretary of the Interior nor anybody else except Congress and the President, through the methods by which they enact laws, can confer any right or title to land under such circumstances upon any railroad company. If by virtue of the terms of the law a forfeiture exists in such a case as the Senator put, the forfeiture is by operation of law, and no act of the President or Secretary of the Interior can change its legal effect.

Mr. SLATER. Will the Senator from Nebraska allow me a moment?

Mr. VAN WYCK. Certainly.

Mr. SLATER. Mr. President, the question is not one of forfeiture. The question is whether or not every mile of this road received since 1879 has not been received in defiance of law; whether there was authority to receive a mile of road after the time in which the statute said it should be completed, which was 1879, the most extended time.

I desire to read from the section which conferred the authority on the President to appoint commissioners to receive this road, and I undertake to say if the statute is strictly construed according to its expressed terms every commission that has been appointed since 1879 to receive a section of the Northern Pacific road has been appointed without authority of law, and every certification by a commission from that date to the present time has certified facts that were not true. Section 4 of the Northern Pacific Railroad act is in these terms:

SEC. 4. *And be it further enacted*, That whenever said "Northern Pacific Railroad Company" shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and coterminous with, said completed section of said road; and from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid.

The provision is that the road should be commenced within a certain specified time and be completed in a certain other specified time, to wit, July 4, 1876, and by a subsequent statute it was extended so as practically to extend to the 4th of July, 1879. The power of the President to appoint a commission was limited to the time within which the road was to be completed, and the certification of each division or section of the Northern Pacific Railroad subsequent to 1879 was without authority. The commissioners were required to certify that the road was completed, and one of the purposes of the law was that it should be certified within the time within which the road was required to be built. It seems to me that these propositions are so plain that they can not well be denied.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate bills from the House of Representatives. First a bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

This bill passed the Senate with sundry amendments which were non-concurred in by the House, and a committee of conference was appointed. The message from the House of Representatives will now be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May* 24, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3667) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. MILLER, of New York. I present the conference report on that bill.

The PRESIDENT *pro tempore*. The report of the conference committee will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

WARNER MILLER,
P. B. PLUMB,
JNO. S. WILLIAMS,
Managers on the part of the Senate.

W. H. HATCH,
G. G. DIBRELL,
JAMES WILSON,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The Chair thinks that as the House appears to have concurred in the report of the committee of conference, withdrawing its disagreement and agreeing to all the amendments of the Senate, no action of the Senate is necessary to complete the bill; but it is the duty of the Chair to call the attention of the Senate to the fact that it appears in the message from the House that the bill the amendments to which the House has concurred in is No. 3667 instead of 3967 which is in the report of the Senate conferees, although the rest of the title of the bill is the same in both.

Mr. MILLER, of New York. It must be a clerical error if there is a discrepancy in the numbers.

The PRESIDENT *pro tempore*. As the papers are here the identity of the bill the Chair thinks can be preserved by the Senate concurring in the report of its committee, and sending a message to the House of that character, which will probably overcome the error. The Chair will put the question on agreeing to the report of the conference committee.

The report was concurred in.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

Mr. SLATER. I ask unanimous consent——

The PRESIDENT *pro tempore*. The Chair has yet some bills to lay before the Senate.

Mr. CONGER. I suppose the pending resolution goes over at 2 o'clock?

The PRESIDENT *pro tempore*. Yes; the resolution of the Senator from Nebraska was suspended for the purpose of laying before the Senate these communications from the House of Representatives.

Mr. CONGER. I saw the hour of 2 o'clock had come, and I was inquiring whether at that time, or whenever 2 o'clock was announced, the resolution would go over.

The PRESIDENT *pro tempore*. At that time the resolution of the Senator from Nebraska passes from the present consideration of the Senate and resumes its place on the Calendar, and the unfinished business comes up.

Mr. CONGER. I simply desire before that time comes to give notice that to-morrow morning at the close of the morning business I shall again move to consider the resolution.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

On motion of Mr. COCKRELL, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives and ask a conference with the House on on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. PLUMB, and Mr. CALL.

JOHN ALGOE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 783) to increase the pension of John Algoe, which was, in line 4, to strike out the word "fifty" and insert "forty-five."

Mr. SHERMAN. I do not see any member of the Committee on Pensions present, and I therefore move that the bill, with the amendment, be referred to the Committee on Pensions.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 1348) for the relief of Julius A. Kaiser;

A bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity pay to certain officers of the Navy;

A bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps;

A bill (H. R. 2552) for the relief of Alfred Hopkins; and

Joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States.

The bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was read twice by its title, and referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 389) granting a pension to John Boyle;
A bill (H. R. 585) granting a pension to William Reinhardt;
A bill (H. R. 732) granting a pension to William Weddingfield;
A bill (H. R. 796) to increase the pension of Peter Lennon;
A bill (H. R. 891) granting a pension to Reuben J. Ebberman;
A bill (H. R. 1436) granting a pension to William T. McCoy;
A bill (H. R. 1569) granting a pension to Mrs. Mary M. Ord, widow of Maj. Gen. E. O. C. Ord;
A bill (H. R. 1449) granting a pension to Dennis McGinnis;
A bill (H. R. 1862) for the increase of the pension of James Buchanan;
A bill (H. R. 1866) granting a pension to Calvin L. Knick;
A bill (H. R. 2282) granting a pension to Adolph Weach;
A bill (H. R. 2358) granting a pension to James Hawkins;
A bill (H. R. 2378) restoring to the pension-roll the name of John Allee;
A bill (H. R. 2623) granting a pension to Arthur I. McConnell;
A bill (H. R. 2627) granting a pension to Noah Caton;
A bill (H. R. 3160) granting a pension to Elizabeth J. Colbert;
A bill (H. R. 3332) granting a pension to George S. Riggs;
A bill (H. R. 3403) for the relief of Jacob J. Morningstar;
A bill (H. R. 3613) granting a pension to Ira McNair;
A bill (H. R. 4061) for the relief of C. H. Bowman;
A bill (H. R. 4247) granting a pension to Anna Maria Ressler;
A bill (H. R. 4248) granting a pension to William Harbeson;
A bill (H. R. 4254) granting a pension to James Aaron;
A bill (H. R. 4297) for the relief of Henrietta M. Sands;
A bill (H. R. 4379) for the relief of Major W. W. Frybarger;
A bill (H. R. 4526) granting a pension to Mrs. Ann Corbin;
A bill (H. R. 4663) granting a pension to Barbara A. Smith;
A bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier;
A bill (H. R. 5082) granting a pension to Jane Hilton;
A bill (H. R. 5148) granting a pension to Jacob Lafferty;
A bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman;
A bill (H. R. 5595) granting a pension to Eugene L. Townsend;
A bill (H. R. 5728) granting a pension to Anna Beck;
A bill (H. R. 5776) granting a pension to Louis D. Petty;
A bill (H. R. 5889) granting a pension to Alonzo Cooper;
A bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband;
A bill (H. R. 5960) granting a pension to George Ziefle;
A bill (H. R. 5976) for the relief of Catharine Meis; and
A bill (H. R. 5999) granting additional pension to George H. Fluke.

POLYGAMY IN UTAH.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business of the last sitting, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882. The bill is now before the Senate as in Committee of the Whole, and has been read, and is open to amendment.

Mr. WILLIAMS. Mr. President——

Mr. HOAR. I rise to a question of order. I am entitled to the floor under the precedents of the Senate, having taken the floor to address the Senate upon this bill and the Senate having adjourned when I was upon the floor.

The PRESIDENT *pro tempore*. The Chair had forgotten the circumstance. The Senator from Massachusetts is correct. The Senator from Massachusetts is entitled to the floor.

Mr. WILLIAMS. I wish to suggest that by an agreement between the Senator from Massachusetts and some of us he consents to an informal waiver of the bill now under consideration so that we may take up the Mexican pension bill this morning or for a limited time.

Mr. HOAR. When the Utah bill was first reached I consented, to accommodate several Senators, to its postponement for three or four days, and I am now appealed to to make a further concession, that it shall be laid aside informally in order that the Mexican pension bill may be taken up. The Senators who have that bill in charge assure me that if the Senate assents to this arrangement, which requires unanimous consent, if the Mexican pension bill is not disposed of in two hours, there shall be no further request to lay aside the Utah bill after that time, that the pension bill will take its fate in the morning hour, at any rate that it shall not conflict with the Utah bill. Upon that un-

derstanding I give my assent to laying aside the Utah bill informally until such time as the Mexican pension bill is disposed of, not exceeding two hours.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the pending order be laid aside informally and that the Senate proceed to the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes. Is there objection?

Mr. ALLISON. I do not intend to object at this particular moment, but the Utah bill has been the regular order now for several days and it has been set aside from time to time for special measures. There is a measure which the Senator from Kansas gave notice some days ago that he intended to call up soon, this week. If the Senator from Massachusetts will give way from day to day it prevents the opportunity of other Senators to call up important measures, and I desire to admonish him that I think the Utah bill ought either to be passed or to be laid aside at some convenient time.

Mr. HOAR. I am much obliged to the Senator for the admonition. I deserve it.

Mr. ALLISON. The Senator certainly does deserve it. I shall not object at this moment; neither shall I object to laying aside the Utah bill informally for the Mexican pension bill, provided the latter can be finished in two hours, but I desire only that the docket may be cleared in some sense, and that I may call up a measure which affects a great many people in my own State.

Mr. HOAR. The Senator from Kentucky stated to me in private the reasons for his earnest desire for this accommodation, and they were reasons which it seemed to me I could not in courtesy resist unless some substantial reason connected with the public business stood in the way. I therefore make no objection. Has the Chair announced the consent of the Senate to the arrangement?

The PRESIDENT *pro tempore*. The Chair was asking for unanimous consent. Is there objection to laying aside the pending order informally and the Senate proceeding to the consideration of what is called the Mexican pension bill? The Chair hears no objection. The bill will be read.

Mr. HOAR. Before considering that bill formally, I desire to address the Senate for a few minutes only, if the Senator from Kentucky will pardon me.

Mr. WILLIAMS. Certainly.

Mr. HOAR. I wish to say a few words in reference to the Utah bill, and it will be more convenient to do so at this time than after the Mexican pension bill has been considered.

There are a great many public questions in regard to which the debate upon the general principle takes place at a time quite remote from the legislative vote. Sometimes the debate takes place at a place quite distant from the legislative chamber. I conceive that the mind of the American people whom we represent has been, on full discussion, after the most patient forbearance, after the most careful reflection on the relation of these questions to the great principles of constitutional liberty and public order, made up. We do not mean to have in the heart of our continent a nation grow up under the Constitution of the United States upon the territory belonging to the United States, upon territory over which it is the constitutional duty of Congress to exercise exclusive legislation until the settlers there shall be admitted to the Union as an American State, founded upon the denial of the purity and integrity of the family relation.

That proposition is one which it seems to me is passed beyond the debatable stage. The dominant party in this assembly has many times affirmed that proposition as a part of its political creed, and I am yet to learn that anywhere except in Utah itself from the lips of any great leader of any other party has there come a declaration in conflict with this proposition.

I only take the floor at this time to say that in framing this bill, severe and stringent as some of its provisions may be conceived to be, it has not been the purpose of the committee whom I represent to infringe in the least upon the great American fundamental doctrine of the entire liberty of conscience. We do not propose to inquire into, still less to affect by any legislative process whatever, the opinion in regard to the relation of the soul to its Creator of any American citizen or any dweller upon American soil. The American citizen is at liberty to accept or deny the great fundamental doctrines of Christianity so long as that acceptance or denial does not find expression in a course of conduct which is in violation of the fundamental principles upon which our Constitution rests.

The Mussulman, the fire-worshiper, the Mormon, the atheist have the tribunal of their own breast, the realm of their own creed, the liberty of their own conscience sacred from the profane interposition of any human authority whatever. But when those beliefs, whether genuine or pretended, find expression in acts, find expression in conduct toward other men, they must then be brought to the test of the law which the law-making power deems for the safety of the State.

There was a man in my own Commonwealth a few years ago, intelligent, well educated, venerable for age, who came to the belief that the same divine command had been laid upon him which had been laid upon Abraham of old, to sacrifice his own son for the glory and honor of his Maker. That belief was as free from the interposition of human law as the belief of any person upon this floor in regard to his relation to his Maker, but when he undertook to carry it out, by his action, he was arrested, tried, and held amenable to the course of the law of the Commonwealth.

Mr. President, the American State rests upon the fundamental doctrine that the family, which is the result of the pure and chaste union of one man to one woman, constitutes the unity of citizenship; that the protection of the purity of these families is the great object of human legislation; that without it no state, no Christian state, certainly no republican or democratic state, can long exist.

Now, what do we find the condition of things? We find in the very heart of our continent a community established which lays down as its fundamental principle the denial of this right, which proposes to establish by law, to surround with the sanctions of religion, households which are made up of one man and many women living with him as his wives. To the establishment of that community upon that principle every social force, every religious influence, every practical power of that State now for more than a generation has been bent. Great funds have been raised and set apart which are expended in ransacking all Europe for converts among the ignorant and poorer classes largely, but not wholly, to that doctrine. The lands are held by the men who believe in it, and by them only. The juries, the legislatures, the magistracies, so far as they do not derive their authority immediately and directly from the United States, are in hands by which their forces are bent wholly to the propagation of this doctrine and to the establishment of the community upon this doctrine.

The influence of the church, the forces of the state, the power of missions, the influence of the ownership of land, sometimes disclosed but more often undisclosed—these influences, as I say, are all exhibited, all lent to the establishment of the one object, and it is quite time that the American Congress, clothed with its vast responsibility, directed its attention to that object.

We have the right until a community is admitted as a State to exercise the legislative forces which shall influence its destiny and affect its character. We have the right to put against the forces which I have described the superior force, the greatest force known upon this continent, the power of the whole American people; and it is for that purpose this bill has been framed.

The bill attacks, and attacks only, the powers of the state or of the community which have been used and are now used as far as possible wholly for the accomplishment of this one end. We find juries impaneled and selected in order that when there is a question between a Mormon and a person not entertaining that belief it shall no longer be the inquiry, "What is the law or the fact?" it shall be the inquiry, "What verdict is in favor of the Mormon?" We find schools established where the text-books are selected wholly to instruct the youth of that community in a doctrine inconsistent, as we believe, not only with Christianity but with civilization itself. We find the great trust fund of education and charity established and administered for that one end; and we claim that it is not only the right but the duty of the American Congress to so far by law affect and control these instrumentalities, not as to make them instrumentalities for the promotion of any opinion which a majority of this body may entertain, either political or religious, but solely to prevent their being used any longer as instrumentalities for the building up of a state founded upon the doctrine to which I have adverted.

It is therefore in no spirit of religious intolerance, it is with no desire to interfere by the least tittle with the conscientious belief, however erroneous we may deem it, of any man, Mormon or otherwise; but it is simply that the responsible law-making power for that Territory, as for all Territories, shall see that the great influences of government and of legislation are no longer used for this illegal and unchristian purpose that the bill is drawn.

MEXICAN WAR PENSIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The bill was reported from the Committee on Pensions with amendments.

The PRESIDENT *pro tempore*. The first amendment recommended by the committee will be read.

The CHIEF CLERK. In section 1, line 17, after the word "as," it is proposed to strike out the words:

Were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States.

And to insert:

Have not remarried: *Provided*, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent, in whole or in part, upon his or her own labor or assistance from others for support.

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847-'48

with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars, although their term of service may have been less than sixty days, and the surviving widows of such officers and enlisted men as have not remarried: *Provided*, That no such officer, &c.

Mr. LOGAN. I desire to have the bill amended so that the amendments of the committee striking out lines 17, 18, 19, 20, and 21 shall be agreed to, and that the part proposed to be inserted shall be stricken out except the words "have not remarried;" so as to read:

And the surviving widows of such officers and enlisted men as have not remarried.

The PRESIDENT *pro tempore*. The Senator from Illinois can move to amend the amendment as an entirety by substituting for it an amendment to strike out and insert whatever he chooses.

Mr. LOGAN. I move to strike out all after the word "as" in line 17 down to line 25, at the end of the paragraph, and to insert after the word "as," in line 17, the words "have not remarried."

Mr. WILLIAMS. The first lines that the Senator proposes to strike out are to be stricken out by the report of the committee.

Mr. LOGAN. Certainly.

Mr. HARRIS. I suggest to the Senator from Illinois that his precise object, as it seems to me, will be accomplished by striking out in line 22 the word "provided" down to and including the word "support" in line 25. The committee reports to strike out a part of the text of the House bill, that part which the Senator desires to strike out, and the Senator agrees with the committee's amendment to the word "provided." Hence, the motion of the Senator should be, as it seems to me, to strike out the proviso.

Mr. LOGAN. That accomplishes the same thing and leaves it exactly as I propose. It is immaterial to me how the motion is put so that it accomplishes the same object.

Mr. INGALLS. The words "have not remarried" can not be stricken out, because they are not yet inserted.

Mr. VOORHEES. Let the proposed amendment be read.

The PRESIDENT *pro tempore*. The amendment of the Senator from Illinois to the amendment of the committee will be read.

The CHIEF CLERK. It is moved to strike out all that is proposed to be stricken out by the committee and to insert "have not remarried;" so as to read:

And the surviving widows of said officers and enlisted men as have not remarried.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. BLAIR. Do I understand that this vote, if in the affirmative, will strike out all after and including the word "provided" in the amendment of the committee?

The PRESIDENT *pro tempore*. It will substitute for the amendment of the committee the words "have not remarried," so that it will begin after the word "as," in line 17, and then read "have not remarried;" but it will require a second vote, if the amendment to the amendment be agreed to, to reach the ultimate point. This is an amendment to an amendment.

Mr. BLAIR. If the matter is one worth discussing, it may as well be discussed now as at any time. I suppose this is the proper time. The bill is in charge of the chairman of the Committee on Pensions [Mr. MITCHELL], who is in the Capitol, and I have sent for him. I suppose he will be here very soon. Does the Senator from Illinois propose to go on now?

Mr. LOGAN. I have no speech to make.

Mr. BLAIR. I ask that a statement from the Commissioner of Pensions, which is furnished in reply to a letter from the chairman of the committee calling for information as to the scope and expenditure that will fall upon the country in consequence of the enactment of this bill into a law, be now read. It was the design of the chairman of the committee to have it read, and I presume before the reading is concluded he may come into the Hall.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The communication will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 8, 1884.

DEAR SIR: In answer to your inquiry of March 25, 1884, for an estimate of the probable increase in annual expenditure of pensions, as well as the aggregate cost if House bill 5569 should become a law, I have the honor to submit the following statement in reply thereto for your consideration. The general features of the bill referred to, so far as these statements are applicable, are as follows:

First. To place on the pension-roll the surviving soldiers and sailors who served sixty days in the war with Mexico in 1846, 1847, and 1848, or actually served in Mexico.

Second. Such soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war without regard to length of service; also to the widows of such as have been so mentioned, provided they were married before the discharge of the soldier or sailor, and have not since remarried.

Third. That the beneficiaries named shall have been honorably discharged.

Fourth. That the pension allowed shall be at the rate of $8 per month.

As several reports have heretofore been made by this office upon bills before Congress for pensioning the soldiers and sailors of the Mexican war, varying in essential features from that under consideration, I shall take the liberty of referring to the same, that confusion may be avoided in comparison of results, as well as to explain away certain criticisms made on the former.

It is and always will be impossible to give exact figures when so much that enters into such calculations is of a conjectural character. In Executive Document No. 24, first session Thirty-first Congress, dated December 3, 1849, the Adjutant-General of the Army makes a report relative to the forces engaged in the war with Mexico, as well as other forces in the service, who did not participate in that war. From this document I present the following details and conclusions:

The aggregate strength of the regular Army in May, 1846, was 7,244, composing what was known as the old establishment. These were augmented by 35,000 recruits during the war period, 11,186 of whom were organized into new regiments; this includes 548 marines, giving the aggregate of the regular Army as 42,253.

Of the old establishment 3,554 were reported as on the frontier of Mexico in May, 1846, and eight old regiments with their recruits, making an aggregate force of 15,736 men; and 11,186 men of the new regiments, together with 548 marines, "joined the several divisions of Mexico." This would give 19,838 men of old regiments (including 548 marines) and 11,186 men of new regiments who were in Mexico.

The estimated number of re-enlistments which would be from the old organization out of the aggregate of 7,244 was 524.

There were 12,229 soldiers of the regular Army, therefore, who did not reach Mexico.

The volunteers raised during the war period were as follows: 34,112 enlistments for the war, which includes 516 belonging to Trèmont Battalion, and 39,664 who were enlisted for 12, 6, and 3 months. It is known that 2,770 of the war volunteers were not in Mexico, besides 235 recruits who did not reach the seat of war, leaving the number who served in Mexico as 31,107 (of war volunteers), from which there were no re-enlistments.

Of the 39,664 who enlisted for 12, 6, and 3 months, 990 are reported as discharged within a period of 60 days, not having been forwarded to Mexico. This would leave 38,674. From these 10,565 were killed, deserted, discharged for disability, &c., so that out of the total 39,664 enlistments, less the casualties in service (10,565) must come all re-enlistments. Estimating these at one-third, which is high enough, there would be 9,699 re-enlistments, leaving 28,975 as the actual number who served in Mexico.

I am unable to give exact figures of those who served in the Navy and revenue marine, but the official estimate in 1849 was at 5,000, and these do not include that portion of the Navy, Marine Corps, and the revenue marine who did not participate in the war.

The following table will show the aggregate force of the Army, regular and volunteers, the number who were and those who were not in Mexico, and the numbers of each who survived at the close of the war:

	Old and new regulars.	War volunteers.	Twelve, six, and three months' volunteers.	Total.
Total Army May 1, 1846	7,244	.....	.....	7,244
Increase by enlistments	35,009	34,112	39,664	108,785
Aggregate force of Army	42,253	34,112	39,664	116,029
Deduct as follows:				
Number not serving in Mexico	11,239	3,005	990	15,224
Number of re-enlistments	524	.....	9,699	10,223
Total who served in Mexico	30,500	31,107	28,975	90,582
Deduct losses in Mexico	13,450	12,122	10,565	36,137
Number of survivors at close of war	17,050	18,985	18,410	54,445
Add Navy (estimated)	.....	.....	.....	5,000
Total	.....	.....	.....	59,445

In the enlistments of the regular Army are included 548 marines, and in the war volunteers 516 men of the Trèmont Battalion.

Thus it is shown that 54,445 of the Army and 5,000 of the Navy, in all, 59,445, survived at the close of the war in 1848.

For the purposes of reference I add herewith the details of the 36,137 losses while in the service:

Deaths, from all causes in service, as follows: 3,599 regulars, including 45 marines; 2,264 from new regulars, 4,572 of the war volunteers, and 2,443 of the twelve, six, and three months' volunteers	12,878
Discharged for disability, and resignations, as follows: 3,753 old regulars, 985 of new regulars, 3,732 of the war volunteers, and 5,437 of the twelve, six, and three months' volunteers	13,907
Desertion, 2,247 old regulars, 602 of new regulars, 2,730 of war volunteers, and 1,146 of the twelve, six, and three months' volunteers	6,725
Not accounted for at discharge of company because of defective roll and reports, 1,088 war volunteers and 1,539 of the twelve, six, and three months' volunteers	2,627
Total loss in service	36,137

The apparent differences when these results are compared with former ones made by this office are, first, in the aggregate strength of the Army; but as the basis of computation was upon a sixty-days' service, and in this estimate it is confined to same length of service, also that the same should have been performed in Mexico, the apparent difference does not affect the results. Second, in former calculations the mortality tables were those known as the "Carlisle," and the computation made on the average age of 65 years. In this statement the "American longevity" and "Carlisle" tables are both used, with the average age of survivors (at present) at 62 years.

The aggregate force of the Army is shown as 121,029, excluding that portion of the Navy and revenue marine who did not participate in that war. It is claimed by many that these figures are excessive.

An examination of the bounty-land files of this office shows that warrants have been issued for more than 104,000 individual services. Assuming that every soldier who was in service or his heirs received a land-warrant according to the provisions of existing laws, and deducting the following persons, who would not be entitled:

Deserters	6,725
Those not accounted for	2,627
Re-enlistments	10,223
Total	19,575

Providing there were no errors in the issuance of more than one warrant to an individual, upon false and fraudulent representations, these results would show an aggregate force of upward of 123,000 during the Mexican war period. Whatever these discrepancies may be and however explained, you will bear in mind that the actual force engaged in Mexico and as herein reported are not predicated on the aggregate force, but gleaned from official documents, which report very generally the details I have given on that point. I have made no estimates of probable desertions from the regular Army after the close of the war, or those in that Army who may have died after the close of the war with Mexico and before their term of enlistment expired.

As the number of survivors is shown to be 59,445, the mortality, according to the American longevity tables, to the present time (average age, 62 years) would be 38.5 per cent., leaving at present surviving to be affected by the proposed bill 36,550, and at the rate of $8 per month one year's pension would be $3,508,800. The average duration of life of the whole number would be 12.9 years, making the aggregate cost $45,263,520; or, according to the Carlisle tables, 41.8 per cent. would die, leaving at present surviving 34,597. One year's pension at $8 per month would be $3,321,312, and the average duration of same would be thirteen years, making the aggregate $43,177,056.

It was stated in the report of the House committee that the percentage of deaths shown by the mortality tables was much too small when applied to those who served in the Mexican war. Please to remember that the Carlisle table, upon its basis of computation, included the average run of lives in a community. The American longevity tables are based upon selected lives. I think that surviving soldiers of any war will show an expectation of life greater than any standard mortality tables, even though based on selected lives. Any class of soldiery is a "selected" class compared with those of a community. The rough usage of campaign life quickly eliminates the weaker, and the survivors have a physical endurance which has been severely tested, though severely strained. You will bear in mind that all the losses in the service have been eliminated from these calculations as though they had all died. That these criticisms may be sustained by such facts as history has recorded, I will invite your attention to the following: The test of physical endurance afforded by the experience of the late war (1861–'65) is certainly as great as any afforded by the history of this country. Since 1861 and up to June 30 last there have been 245,210 claims for pension allowed to soldiers on account of disability incurred. The number of pensioners of this class on the rolls of June 30 last was 201,111, showing a net loss during the entire period of twenty-two years, of 44,099 from all causes, *i. e.*, deaths, dropped by reason of failure to claim pension for three years, and dropped by reason of recovery from disability or because it was shown they were not entitled to a pension. This aggregate loss is 17 per cent. of the whole number pensioned. The percentage of mortality of the Carlisle tables shows that out of the same number 22 per cent. would die. This is more remarkable when the actual number of deaths among the pensioners is approximately ascertained.

During the past few years this office has kept a classified record of the causes for which pensions terminated, and in the cases of 20,258, about one-half of the net loss in twenty-two years, these reports show:

For deaths reported	10,886
Failure to claim pension	4,805
All other causes	4,567
Total loss	20,258

The highest possible number of deaths must be in the two first named, in the aggregate 15,691, or 13 per cent. in the twenty-two years. Included in these are 4,000 pensioners who were on the rolls in 1861 for disabilities incurred in former wars, principally the Mexican war, or that out of a disabled class not more than 13 per cent. have actually died, compared with 22 per cent. who would be expected to die according to the Carlisle tables. As the computation heretofore used was applied to surviving soldiers presumed not to have been disabled, it will hardly be asserted that the percentage of probable deaths was excessive when from disabled soldiers the death-rate is but little more than one-half as great as reported for the surviving soldiers.

In making these estimates I have been governed very largely by what I supposed to be the intent of the bill. That is, that none should be regarded as beneficiaries who were not in Mexico; also, that it was not the intention to provide for the widows. The language of the bill is open to a construction that the widows should be included, and in my opinion should be modified somewhat. In section 1, line 7, strike out the words "sixty days;" and, in line 9, strike out the word "with," and insert the word "in" before "Mexico;" otherwise an alternative is presented, and all who were in service during a period of sixty days, though not in Mexico, might be held as entitled.

I would also strike out all in the first section after the word "Mexico," in line 9, except the words " and were honorably discharged," in line 12, as the terms of the bill provide that one day's service in Mexico entitles to its provisions; therefore the "battle service" and special mention of resolutions of Congress would be otherwise provided for.

It will be important for a proper administration of the law that these changes be made, or that the intent be more clearly defined. Unless these or similar changes are made, the estimates herein stated should be increased at least 25 per cent.

I am, sir, very respectfully,

W. W. DUDLEY,
Commissioner of Pensions.

Hon. JOHN I. MITCHELL,
Chairman Committee on Pensions, United States Senate.

Mr. MITCHELL. Mr. President, perhaps I ought to say a word or two in explanation of the bill, although the subject has been before the country for many years, and I suppose is generally understood by Senators and others.

The bill proposes to pension the soldiers of the war with Mexico purely on the ground of service. It provides for the following classes: First, those who served sixty days in that war; second, those who served in Mexico with the Army for one day; third, those who were engaged in any battle; and fourth, those who were complimented by resolution of Congress. It also contains a provision for pensioning the widows of all these classes of soldiers who have not remarried. The committee thought proper also to add the proviso at the end of the first section which I understand the Senator from Illinois wishes to have stricken out. That proviso reads as follows:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent in whole or in part upon his or her own labor or assistance from others for support.

I can state, I think, the reasons which led the committee to adopt this amendment. We are unable to see, if, as proposed in this bill, we pension every soldier who served a single day in the war with Mexico, and every soldier who chanced to be borne on the roll of the Army during that war for sixty days without regard to any service in that war, why we shall not at once provide a pension at least for all of the soldiers in the late war for the Union who fought for the Government from three to four years, that is all that class known as veterans in the late war for the Union.

We are not disposed to take the responsibility now of saying that we are ready to adopt or recommend the adoption of this policy by the Government at this time.

The second section of the bill speaks for itself, and the whole bill is clear on this subject and needs no further explanation, I think, except a reference to section 6, which contains a proposition to repeal section 4716 of the Revised Statutes. That section reads as follows:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

The proposition as it came from the House was to repeal this section "so far as it relates to this act or to the pensioners under this act." To the mind of the committee it appeared that if the section were to be repealed so far as it should be affected by this proposed legislation, it ought to be abrogated entirely. To my own mind that is a proposition clear of all doubt. The inequalities that would arise under a partial repeal of the law would be very apparent on a moment's reflection. If we are to remove from the statute-book this provision of the existing law, it ought to be taken away entirely, so that those who served in other wars than the Mexican war and who engaged in the rebellion may have the benefit of the pension laws. Not only that, but those who have certain specific disabilities, and who would come under the general pension laws of the United States, if section 4716 were repealed, would be entitled to a higher rate of pension than that provided by this bill, and ought, if any are to be relieved from that disability, to come in for such pension as the general law would give them. I do not know that it is necessary for me now to say anything more in explanation of the action of the committee.

Mr. VOORHEES. I wish to ask the chairman of the Committee on Pensions a single question.

Mr. MITCHELL. I am willing to listen to the Senator now or a little later if he will allow me to make a further explanation as to probable cost of the legislation proposed.

Mr. VOORHEES. I thought the Senator was through. I will wait, of course.

Mr. MITCHELL. The communication from the Commissioner of Pensions to the committee, which has been read, is simply an estimate of the probable cost of this bill as it came from the House, and I have taken from it the principal figures, which I think will make its meaning clear. It ought to have been printed so that Senators might have it before them. I regret that it has not been, but it was thought that the subject was so generally understood that this was not necessary.

It will be found by reference to that communication that it is estimated that there were altogether upon the rolls of the Army in the Mexican war, regulars and volunteers, 116,029. The Commissioner in his estimate deducts from this number 15,224 who were borne upon the rolls but who never entered Mexico; and he estimates the re-enlistments included on the Army rolls at 10,223, making a total of 25,447 to be taken from the whole number of men who served in that war or were borne on the rolls, leaving a total who served in Mexico of 90,582.

It will be observed that the purpose of the bill is to provide for one class of those who served in Mexico with the Army, and it is for that reason that the Commissioner makes this division in his estimate of 90,582 who served in the war in Mexico. He does not appear to have construed the bill to cover those who did not reach Mexico. The losses in Mexico were 36,137. There were 5,000 enlisted in the naval and marine service, and adding these the number of soldiers, sailors, and marines surviving at the close of the war, according to his estimate, was 59,445. By the longevity life-tables he estimates that 38.5 per cent. of these have died since the war, amounting to 22,895, leaving now surviving 36,550. At the rate of $8 a month proposed by this bill the annual increase of the pension-roll on account of invalid claimants will be $3,508,800, and making a calculation also as to the probable prospect of life of all these survivors, the aggregate cost of this bill, according to his estimate, not including any provision for widows, would be $45,263,520, according to the American longevity tables. By the Carlisle tables it would be a little less, $43,177,056. This aggregate would probably extend over a period of about thirteen years as the Commissioner calculated the average prospective life of this class. From these amounts should be deducted the sum which the pensions of this class now on the rolls would amount to at the rate proposed by this bill. The number of these does not appear.

The estimate of the Commissioner does not include the widows, but they are included in the bill, and the committee could see no reason why they ought not to be.

Mr. ALLISON. Will it disturb the Senator if I ask him what he estimates the number of widows to be?

Mr. MITCHELL. There is here no estimate of the number of widows, but it is easy to see from these figures that their number must be very large, and that the expenditure on that account must approxi-

mate that required for the surviving soldiers. I have myself from these figures made a statement which I will present to the Senate as the best I am able to give. The estimate made by the Commissioner is $3,508,800. He states in his calculation that if the widows are to be included there should be at least 25 per cent. added. If that be added the annual expenditure would be $4,386,000; but it will be observed that the bill as he construes it does not include 15,224 who did not reach Mexico, and I have added an estimate from these figures as follows: According to the statement made by the Commissioner there died in Mexico 36,137, and since that war, according to the estimate, 22,895, and of the class of sixty-day men not included in the Commissioner's estimate, but, as I think, included in the bill, amounting to 15,224. Adopting the estimate he makes in regard to the probable deaths of 38.5 per cent. as applied to this number, there would be on that account 5,861 more, showing that there are now probably deceased of the soldiers who served in that war 64,893.

Senators may judge for themselves as well as I can the proportion of widows who would be surviving, and the number of those who may have been the wives of these soldiers at the close of the war, or who may have married such soldiers since, and who would therefore be covered by this bill. I have made an estimate on a basis of one-half which I think a low one, and upon that basis there would be 32,000 widows to be provided for, being one-half of the number of the 64,000 soldiers who died in Mexico, or must be presumed to have died since, and at the rate of $8 a month for them the allowance for widows will amount to $3,072,000 a year. Adding that for the invalids, and including 9,363 survivors of the sixty-day class, making the annual increase for invalids $4,407,648, we should have $7,479,648 total annual increase, and the aggregate cost of this legislation would probably be about $96,000,000.

Mr. HOAR. May I ask the Senator from Pennsylvania a question at that point?

Mr. MITCHELL. Yes, sir.

Mr. HOAR. Applying the policy of this legislation to all pensioners, how much would it cost the Government?

Mr. MITCHELL. There has been no estimate made on that subject so far as I know.

Mr. HOAR. It seems to me we ought to have it, because I suppose you do not mean to do any worse for the soldiers of the late war than for the soldiers of the Mexican or Indian wars.

Mr. MITCHELL. I think we ought not to.

Mr. HOAR. What sum would be required, according to the estimate of the Pension Committee, if we take the principle which they tell us is a just one in this bill and apply it to all our soldiers? Would it be less than $100,000,000 a year, in the Senator's judgment?

Mr. MITCHELL. No, sir; it would be over $100,000,000 a year. I suppose there are now from 1,200,000 to 1,500,000 soldiers, or widows representing soldiers of the late war, who are not provided for by the present pension laws, and it will be seen in a moment that it would require largely over $100,000,000 a year to pension them all.

Mr. WILLIAMS. How many does the Senator say died in Mexico?

Mr. MITCHELL. The Commissioner estimates that there died in Mexico 36,137.

Mr. WILLIAMS. How many does he estimate are now entitled to pensions?

Mr. MITCHELL. He estimates that 36,550 are now surviving. The Commissioner states that so far as those who died in the war are concerned it is a matter of record.

Mr. President, I may perhaps say for myself that I have never yet been able to bring judgment to the conclusion that it is wise, safe, or patriotic for this or any government to pension any man merely for service in its army. I believe that every citizen, especially of a country like this, owes service to his country in time of her need, and I do not think it safe for any great nation to adopt that as a part of its policy, for I do not believe it possible that any nation, however great, can always certainly adhere to it. I do not believe it patriotic or wise for any nation to do in time of peace or to promise on its statute-book what it is not able to perform in time of trial.

Saying this much I must be understood as standing opposed to this legislation; and if I were to consult my own judgment I would not consent to it. It is only in deference to that public opinion which appears to exist throughout the country and to have found expression very strongly not only in this but in former Congresses that I was willing to unite in this report. I desire that the Senate shall consider this question, and if this body, joining its judgment with that of the House of Representatives, thinks it is wise now to adopt this as the permanent policy of this Government, and is willing to take the responsibility for it, I shall defer to the judgment of the Senate and of Congress and believe that I am mistaken and that it is a wise and patriotic policy for us to adopt and adhere to. But if we do it, we must do it with our eyes open. We must do it in the face of the fact that here is a law proposing to pension men who served only a single day in the war with Mexico when we are approaching the time when we must consider the fact that nearly two million of men served in the late war for the preservation of the nation, not for a single day, but many of them for four long years. It is a great question. It is a question that involves so much in point of money that it ought to be carefully deliberated and acted upon, and ought not be met and acted on upon the spur of public sentiment or upon the provocation of political occasion or anything of that kind.

I know that very much can be said on account of our past history in support of the policy of pensioning for service, but the times are changed and the country has changed with them, and what our fathers may have done under the conditions that existed which they had to consider might in their minds and judgment be an entirely different thing in the present condition of affairs.

I know, too, that a Presidential election approaches, and I know that many feel that there is political significance in this action. I trust that the Senate will not give weight to that consideration, and if it does I believe that the hour will be perilous to the financial stability and possibly to the financial honor and credit of this nation, for I believe that if we inaugurate this system to-day the time is not remote when there will be no question as to the existence of a surplus in the national Treasury, but the question will be how we shall by taxes provide for the payment of pensions and the support of the Government.

Mr. BLAIR. Mr. President, I have seldom thought the Senate was approaching the discussion and disposition of so important a measure as this, nor have I ever in my own mind thought the Senate approached so important a measure in such an indifferent mood as to its disposition as seemed to prevail when this measure was called to its attention to-day. I may have been laboring under a mistake, but if we were to judge of the importance of this bill simply by what it contains itself, simply by the number that it provides for, those who served in the Mexican war and their dependent relatives, the question would be comparatively unimportant. According to the best opinion which I am able to form, in that case it would involve an expenditure of from eight to ten million dollars a year only; and while that is a large sum of money in and of itself, nevertheless it is not a prodigious amount in comparison with the revenues of this people, nor is it an extravagant amount in comparison with the capacity of our people to endure taxation.

But, Mr. President, the principle involved in this bill is not a new one, and yet it is a principle which we have applied in reference to our pensions but sparingly, and in former years only in such a way as to involve the country in relatively small expense. Circumstances, however, exist now which make it entirely impossible for us to adopt it in this bill without contemplating its extension in the course of the next few years, probably within the next five years, very likely within a shorter period of time, to a vastly greater number of equally in many cases far more deserving soldiery of the country. In the war of the rebellion there was a total enlistment of 2,808,000 men for the Union, according to some authorities. By the most recent statement that I have seen, there were over 2,600,000 separate and distinct enlistments. Some of these were duplicate enlistments, or it may have been triplicate, the same men enlisting two or more times. The number of enlistments of separate individuals is fixed at over 2,000,000, and the number who were on the rolls of the Army at the close of the war was over 1,000,000 men. By the lowest computations that I have seen—how reliable they may be I can not say, but I think they are underestimates rather than overestimates—the total number of living soldiers who if this bill were extended to the soldiers of the recent war would be entitled to claim under its provisions would be over 1,000,000. Call it 1,000,000, then beyond that number would be the widows and perhaps the dependent parents.

This bill proposes to pension purely and simply upon the ground of service, and if we adopt that number it will be utterly impossible to resist fulfilling very soon this obligation to all in the country who have done service in our armies. If we assume the total number to be added to the pension-roll by the adoption of this principle within the next few years at 1,000,000, including widows as well as the soldiers themselves (and that must be an underestimate), it would involve an annual expenditure of $96,000,000. There is little reason to doubt that the real expenditure would be increased to $125,000,000 or $150,000,000 annually. Whether the country is able to bear that amount of taxation is for the Senate and for the country itself to determine. For my own part, I should be inclined to face the responsibility if I did not think the principle adopted here is an erroneous principle. I do believe that the Government which is defended, protected, and perpetuated by its citizens risking their lives in the battlefield, taking upon themselves a risk in support of the commonwealth in which they have no more interest than those who fail to thus expose themselves to the hardships and dangers of war, I believe that the Government thus saved and perpetuated is under an obligation to support that soldiery whenever it is in need.

I do not consider a contribution to the assistance of a soldier who is unfortunately poor, or to his relatives, those in law dependent upon him, who are entitled from some source to help, in any sense whatever disgraceful. I do not look upon poverty as disgraceful, and I utterly repel and repudiate and would almost offensively stigmatize the doctrine which we sometimes hear advanced in the Senate and elsewhere, that it is a degradation to aid the man who is honorably poor. No matter if he is a common citizen, without any special claim on his country or on the community wherein he lives, no man ought to blush for honest poverty, and no Senator, no member of Congress, no citizen does

his nation good service, in my opinion, when he advances the idea that poverty is in any sense dishonorable, or that to receive assistance from his fellow-men when poverty is honest and is not a badge of crime, or is not the result of any wrongdoing on the part of the individual, is in any sense whatever a degradation, or that he should be stigmatized as a less worthy citizen than were he a millionaire.

But to the soldier I think there is a special obligation. He of all men, when under the necessity of receiving help, should receive help from that community or from that organization which he has done most to serve; and often the soldier's invalidism and his poverty are the result of special service to the state, and therefore there results an honorable obligation on the part of the state to maintain him. This obligation was recognized by the republics of antiquity. The idea that poverty was dishonorable was not recognized by the ancients, and it has been reserved, so far as I am concerned, at least, to hear in the debates which have taken place on this floor and that of the other Hall of Congress in support of this particular bill that it was a proper cause of indignation that we should make provision for the Mexican war soldier only when he was in need of pecuniary help.

I believe that it is well for the nation to give medals, to vote thanks, to erect monuments, to do anything whatever which is not specially and pecuniarily a contribution, to exhibit the gratitude of the nation to all. I believe that honorable service should be recognized. We are inclined to do it. But that the nation should be called upon to give dollars and cents to a man who may be worth his millions, who at all events is not in any sense whatever dependent upon his country, I think is dishonorable to the man who is placed in the position where he may claim it. Why should you invite my friend, the honorable Senator from Kentucky [Mr. WILLIAMS], or my other distinguished friend who sits before me [Mr. LOGAN], neither of whom probably would avail himself under any circumstances of the provisions of this bill and thus obtain a gratuity from the Government? If it is dishonorable to them, and if they may with some haughtiness of manner refuse to receive this, and in debate, as they have before this time, say that they do not expect to profit by it, let me ask why is it not an insult for us to offer it to them and to place upon the statute-books of the country a law which by implication says that this class of men may avail themselves of the bounty of the Government, however unnecessary it may be to them? No, Mr. President, I believe that the true doctrine is this which I have endeavored to enunciate, that the man who really needs help, having served his country, should be assisted by that country, not because poverty is dishonorable, but simply because of the obligation of the country to him for what he has done for it and somebody must assist him. He has a right to call upon the Government for that pecuniary aid; he has a right to be relieved from that dishonorable feeling which the community itself is too apt to entertain toward the ordinary poor.

Now, Mr. President, in regard to the actual expenditure which would result if we incorporate in this bill the amendment which has been reported by the committee it is impossible to state specifically, for there are no data that I am aware of from which we can draw a mathematically accurate conclusion; yet I think, as a result of some inquiry, that probably not more than three-fourths of the soldiers of the Union and of the wars prior to that for the preservation of the Union are really in need of pecuniary aid. If we should extend the provision of this bill to that class, and to that class alone, the burdens fastened upon the country—properly fastened upon the country, too, burdens which it should bear—would be certainly onerous. It is difficult to concede that in that case the annual expenditure immediately would be less, in addition to our present expenditure in the way of pensions, than $75,000,000 or $80,000,000 a year. This amount of money would of itself almost absorb the annual surplus of the Government at the present time, and probably would absorb the surplus remaining to the Government in the future, upon the supposition that there should be no essential modification of the existing tariff and revenue laws. Whether the country is prepared to submit to still greater taxation in discharge of its just obligations I can not tell. If it were necessary in order to give proper maintenance to the soldiers of the country, those who are in real need and who by reason of approaching age or actual disability have occasion for assistance from some source, to increase the national taxation fifty, one hundred, one hundred and fifty, or even two hundred million dollars, I have no doubt the country would submit to that taxation; but I do not believe it is right for us, that it is just for us, to pension every one, nor shall we do it unless it be in deference to a false sense of obligation, to a false pride, yielding to a feeling which we ought not to encourage among our people, that poverty is dishonorable when the cause of that poverty may be honorable. If we incorporate in this bill the wrong principle which I have mentioned, and thereby saddle fifty or seventy-five millions of taxation upon the people of the country for the next ten, twenty, twenty-five, or it may be fifty years before we shall see the end of this, though diminishing undoubtedly after twenty years—if we fasten that principle on the country by incorporating it into this bill, I do not believe that we shall be held entirely guiltless as to the manner in which we shall have discharged our high duties.

I am as anxious as any man to make proper provision for the soldiers of this country. I would not limit this bill to those who served in the Mexican war; I would include the soldiers of the Indian wars also. I would include as well the soldiers of the still later war and their widows and their orphans and their dependent fathers, all who are in law or in equity dependent upon them for a livelihood, and when there is an inability on their part fully to contribute to that obligation I am ready to go as far as the furthest ought to go, as it seems to me; but I am unable to persuade myself that this dangerous principle should receive the sanction of the Senate.

I have drawn a bill which was introduced and referred to our committee, not with the expectation that it would be adopted at this or perhaps at any session of Congress, but nevertheless it is a bill which in my belief embodies the true principles upon which pensions should be given. It indicates a substantial and a permanent policy that I believe should be adopted, and the only true one which we can adopt and justify the patchwork of pension legislation in which we have hitherto indulged. In the other House—and it is proper to allude to the nature of pending measures—there is pending to-day a bill, strongly supported, too, which proposes to give to every soldier of the recent war, as I understand it, and to those dependent upon such soldier, a full pension of $8 a month, regardless of disability, regardless of dependence, regardless of everything but service for the limited period of thirty days. That bill has very strong support in this country. There are 4,000 posts of the Grand Army in the United States at the present time. Already something like 1,200 of those posts have strongly memorialized Congress in support of that measure, and they come from all parts of the country.

Mr. HAWLEY. I do not understand precisely the character of the measure the Senator says they have memorialized for. Pensioning every soldier?

Mr. BLAIR. Every soldier.

Mr. HAWLEY. Every honorably discharged soldier?

Mr. BLAIR. Yes, sir; at $8 a month.

Mr. HAWLEY. I do not remember having received any memorials from my State of that description.

Mr. BLAIR. The statement that I make is on the authority, as I saw it in the public prints, of a member of the House, who had received these memorials and asked to have printed in the RECORD the names of the posts; and at the time when I saw the statement the number was over a thousand, and others were coming in very rapidly, as it was stated.

Mr. HAWLEY. Was that included in the series of propositions suggested by a committee of the Grand Army?

Mr. BLAIR. The pension committee? Oh, no.

Mr. HAWLEY. I thought not.

Mr. BLAIR. I say there is already such a proposition in the form of a bill very strongly supported by the soldiery of the country.

Mr. HAWLEY. The Senator does not propose to do that now?

Mr. BLAIR. Oh, no; I am opposing the principle of pensioning simply upon the ground of service. What I assert is that where anybody is under the necessity of contributing to the support of a soldier, wherever a soldier is partially disabled by approaching age or from any other cause and is dependent upon his personal labor or the pecuniary assistance of others wholly or in part for his support, as he must be maintained by somebody, assisted by somebody, either the local community where he lives or by the State or by private charity, the obligation, costing no more in this case than any other, should devolve on the General Government. It costs the country no more; the obligation is a universal one; and it is better to diffuse the burden of that support coextensively with the obligation than that it should be fastened upon individuals or upon poor communities who too often are unable to endure the taxation—an inability that very often may have resulted from burdens growing out of the same war already imposed upon them.

I mention the circumstance only as indicative of the tendency of public opinion and to show that if we sanction the principle which we are to do if we pass this bill as it came from the House, there is no earthly stopping place until we give to the whole soldiery of the country the same benefit which it is proposed in this bill to extend to the soldiers of the Mexican war. There is a logic that will drive us to it. We shall be under the necessity of doing justice and we shall be under the necessity of holding that to be justice which we have already done.

Sir, I was saying that I had drawn a bill which for my own part I would be glad to support. I would be glad that it might be adopted as a substitute for this bill. I know that it includes within its provisions legislation that very soon will be enacted, and it would place a quietus upon the effort to obtain what will be deemed to be justice, and what in the general concession of the Senate, if it adopt this bill without amendment, will be conceded to be justice. Sooner or later it must be done, and that very soon. I ask the Secretary to read the bill as part of my remarks.

The PRESIDING OFFICER (Mr. GARLAND in the chair). If there be no objection the bill will be read. Does the Senator desire the preamble to be read?

Mr. BLAIR. I do; because the preamble contains the reasons for the bill.

The PRESIDING OFFICER. The Secretary will read the bill called for by the Senator from New Hampshire.

The Secretary read as follows:

A bill (S. 1342) to provide pensions for dependent soldiers, sailors, and officers who have been honorably discharged after three months' service in any previous war, or who shall hereafter be honorably discharged from the service in future wars, at the expiration of twenty years after such discharge, and to their dependent relatives.

Whereas it is unjust and unworthy the American people that their defenders in time of war should be permitted to suffer for the necessaries of life, or to be dependent for them upon the charity of individuals or upon the ordinary relief and the refuges of pauperism; and

Whereas the public revenues are ample, and, by reason of the peculiar resources from which they are derived, fall almost wholly upon the luxuries of life and slightly upon those classes of our people who are unable to submit to the burdens of taxation; and

Whereas those persons who have served in the Army and Navy of the United States are generally dependent upon their personal labor and the assistance of others, wholly or partially, for support, and thus an increase of pensions and of the classes of persons entitled to them will consequently place upon the nation at large a pecuniary burden which belongs to it rather than to individuals and local communities; and

Whereas nothing can more generally develop the patriotism of a people than liberal provisions in the public and permanent laws of the land for those who in times of common peril risk their lives for the general welfare and for the preservation of institutions in which they have no more interest than others who, incurring no personal danger, share fully in the benefits of the common defense; and

Whereas under the administration of existing laws great injustice and delay is unavoidable by reason of loss or of difficulty in procuring evidence, and many other causes which can not here be enumerated: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any surviving soldier, sailor, or officer who shall have been honorably discharged from the Army or Navy of the United States, and who shall have served ninety days in any war in which the United States shall have been engaged prior to the 1st day of January, 1866 (including the wars with Mexico, with Indian tribes, and the war of 1861), shall receive a pension of $4 per month: *Provided*, That he is dependent wholly or in part upon his personal labor, or wholly or in part upon pecuniary assistance from any other person or persons whatever for the means of comfortable support; and any such soldier, sailor, or officer shall be entitled to receive, in addition to the aforesaid pension of $4 per month, any pension to which he may have right by existing law on account of wounds or injuries received or disability contracted in the service and line of duty; but no officer who is not suffering from wounds, injuries, or disability contracted in the service and line of duty shall receive a pension of more than $4 per month under the provisions of this act. Said pension of $4 per month shall be paid from the date of application, upon proof of the service, discharge, and dependence aforesaid; and the granting thereof shall not interfere with the prosecution of any claim for pension on account of wounds or injuries received or disability contracted in the service and line of duty, nor shall the provisions of this act reduce the pension to which any person shall be entitled under existing laws; and on the expiration of twenty-five years from the discharge of the pensioner the pensions payable under this action shall be increased to $8 per month, and in all cases where twenty-five years have elapsed since such discharge the pension shall commence at the rate of $8 on the passage of this act.

SEC. 2. That the surviving widow of any soldier, sailor, or officer who shall have served in any such war and been honorably discharged, or the widow of any soldier, sailor, or officer who shall have intermarried since his death and be now single, whether by reason of death or a divorce in her favor as the innocent party, and who shall be dependent wholly or in part upon her personal labor, or the assistance of any other person or persons whatever for the means of comfortable support, shall be entitled to receive a pension of $12 per month; but this provision shall not be construed to reduce the pension of any such widow under the existing laws, and only so much of such $12 herein provided shall be paid to such widow as shall be required to insure to her the rate of $12 per month.

SEC. 3. That the mother of any such soldier, sailor, or officer who has died in consequence of wounds and injuries received or disability contracted in the service as provided in the first section, who shall be in like manner wholly or in part dependent for support, and in case of the decease of the mother, then the father, if in like manner dependent, shall be entitled to receive a pension of $8 per month.

SEC. 4. That all pensions granted under the provisions of this act shall be paid so long as such dependence upon personal labor of any kind or assistance from any person or persons whatever for the means of comfortable support shall continue; but no pensions shall be granted or continued under the provisions of this act when such dependence upon personal labor or assistance of another person or persons for the means of comfortable support shall have been caused or created by reason of the personal fault, bad practice, or habit of the applicant or pensioner, or by reason of the transfer of property of the applicant or pensioner without valuable consideration, or to devolve the support of the applicant or pensioner upon any other person, the property so transferred being sufficient to provide such means of support, or for the purpose of enabling the applicant to establish a claim for pension under this act.

SEC. 5. That the provisions of this act shall be applicable at the expiration of twenty-five years from the honorable discharge of soldiers, sailors, and officers, and to their widows and parents, in cases of like service in any war subsequent to the 1st day of January, A. D. 1866, and like dependence existing at or after the expiration of such twenty-five years from discharge.

SEC. 6. That any person entitled to pension under the provisions of this act may apply, by petition setting forth the fact of dependence as herein made necessary to the establishment of right to pension, to the judge of the district court of the United States wherein the applicant shall reside; and thereupon notice shall be given by the judge of the pendency of such petition to the district attorney, and the proofs shall be taken, the fact found upon report by a commissioner resident near the applicant to be appointed by the court and certified by the court to the Commissioner of Pensions, and the finding of the court shall be placed on file by the Commissioner, and shall be final and conclusive upon the alleged dependence of the applicant under the provisions of this act. The testimony shall be taken at the expense of the applicant and the commissioner shall be paid a fee in no case exceeding $5, to be allowed by the court and paid by the United States.

Mr. BLAIR. The principle pervading the bill is that the Government should help those and those only who need help, and help those to the extent of $8 per month in the case of the soldier, and in the case of the widow of the soldier to the amount of $12 per month, and the dependent parent to the amount of $8 per month. It does not interfere with the pension on the ground of disability at all. It would be a pension in addition to that for disability. It does seem to me that if we grant pensions upon the ground of service, if we give a pension to a man of $8 upon the ground of service and then deprive the man who is disabled and is drawing pension upon the ground of disability of his pension on the ground of service, we do relatively a great injustice to him. He did service certainly as much as the man who was not wounded or disabled, and upon that ground is entitled to as much consideration as his fellow. If in addition to the service and to the necessity which he is under of support he has also a disability, a physical or mental disability occasioned by his service, he should be pensioned for that in addition, and therefore it would be a sort of robbery to give a service pension and deprive the disabled soldier of that to which he is already entitled by contract, as I think, with the Government.

This proposition would give to soldiers of the Mexican and all wars prior to that of the rebellion pensions at once at the rate of $8 per month, because more than twenty-five years have elapsed from their honorable discharge. It would give immediately to all soldiers dependent and in need and the relatives of the war of 1861 $4 per month, and at the expiration of twenty-five full years from their discharge would give them a pension at the rate of $8 per month. It undertakes a little to deal with the future and proposes as a part of the permanent law of the land that hereafter soldiers shall enlist with the understanding that at the end of a quarter of a century from their honorable discharge they shall be entitled, if in need of help from any source, to help to the amount of $8 a month from the Government. The pension to which the disabled man is entitled is a part of his contract. It is his as part of his contract with the Government. He agrees to work for his $13 a month, and is to have his $13 a month all the same whether he is harmed or whether he is unharmed at the expiration of his service. If physically disabled in addition to having rendered the service, if he suffers an injury in the service of the country, he is by existing law entitled as a part of his contract to such pension as the laws provide at the time of his enlistment for those who may be disabled in the service.

In the case of the soldiers of the war of the Revolution and of the war of 1812, after the lapse of a great deal of time the country gave them pensions upon the ground of service. These two great precedents will undoubtedly be followed in all time to come. We are unquestionably about to follow these two precedents in the case of the soldiers of the Mexican war, and the logic that we have adopted and the justice that we have done will of course be continued in the future.

I think, then, in order that there may be no uncertainty in regard to the legislation as to what the man is to have, in order that there may be no discussion such as has been going on during the last eight or ten years, at least with reference to pensions to the Mexican war soldiers, it would be well that the laws of the land should give notice at the time of the enlistment of the soldier when he renders his service to the volunteer Army or the regular Army, that at the end of twenty-five years, having served in the Army, he is to be entitled to his pension if he needs help from any source. Therefore that section is inserted in this proposition.

A convenient method of ascertaining the fact of dependence, which is the great difficulty so far as the allowance of pensions based upon dependence is concerned, is provided in the final section of the proposition, which I may or may not move as an amendment to this bill. It gives the man a tribunal that may be appointed by the district court within whose jurisdiction he resides, a commissioner acting under the authority of the court, who must live near the man in the community, must know personally oftentimes in regard to him, and at all events will be able to seek accurate information in an informal and, if necessary, in a formal way from those who possess it; and thus the fact, which is now established with great difficulty, may be very easily settled. The certificate of the court based on the finding of the commissioner being filed in the office of the Commissoner of Pensions is final and conclusive upon the question of dependence. The rest, the discharge, the identification of the application, will all be matter of record or to a great extent so, and thus the establishment of the claim would be a matter of very slight difficulty.

Mr. President, I have here what I think it may be well to have printed, because it has been prepared with some care by the assistant clerk of the Committee on Pensions, Mr. York, a reference to all the pension legislation down to the year 1848, giving the year when the law was passed and in a word the pith of the act itself. I have no doubt in this and in future discussions it may be a great convenience to members of the Senate and perhaps others interested in the subject to be able to find this matter. It is informally prepared, but it is sufficient to make reference to the statutes easy. I ask that it be printed as part of my remarks.

The PRESIDING OFFICER. The matter presented by the Senator from New Hampshire will be ordered to be printed in the RECORD unless objection be made.

The statement is as follows:

September 28, 1789. Military pensions heretofore paid by the States to be paid from 4th March last for one year to invalids who were wounded and disabled in late war.

1790. Continued for one year.

1792. Officers who had not received half-pay, soldiers, &c., disabled in service shall be placed on pension-list during life or continuance of disability, and arrears.

1796. Pension not to exceed half-pay.

1798. Widows and orphans—extended to.

1800. Officers and seamen, disabled—pension not exceeding half-pay.

1803. About same as 1792—officers half-pay, privates $5 month.
1806. From known wounds—has since become and continued disabled to procure subsistence by manual labor.
1814. Navy widows and children under 16.
1818. Officers and privates, Army and Navy, who served till end of revolution, or nine months or longer, who is or hereafter shall be, by reason of his reduced circumstances in life, in need of assistance from his country for support, shall receive a pension—officer $20, non-commissioned $8.
1819. Evidence of continued disability to be furnished, but does not extend to invalids of Revolution under act of 1818. (Repealed 1832.)
1820. No person to be pensioned unless he exhibits a schedule of estate and income, and Secretary of War may strike from roll persons in his opinion not in indigent circumstances.
1823. Secretary of war authorized to restore to roll if satisfied person is in such indigent circumstances as to be unable to support himself without assistance of his country, and has not disposed or transferred his property to obtain a pension.
1824. Extending five years half-pay pensions to widows, &c., of officers, &c., who died in public service.
1828. Each surviving officer of Revolutionary army to receive full pay, according to rank in line, to begin 3d March, 1826, and continue during life, but no more than full pay of captain.
Also, every private and non-commissioned officer, &c., who enlisted during the war and continued to end in service to receive full pay during natural life, excepting those on pension-roll.
1828. Extending five years pensions, chargeable on navy and privateer pension fund.
1828. Extending act of 1806 six years.
1829. Entitles representatives of deceased invalid pensioner to arrears.
1832. All who served two years during Revolution, and not entitled under act of 1828, to receive full pay (not exceeding that of captain) from 4th March, 1831, during natural life.
Also, such persons who served less than above, and not less than six months, to get pro rata for the time served.
1832. Extending widows (Navy) five years, and to all widows same.
1836. Five years' half-pay to widows and orphans of those who died from service since 20th April, 1818, no more than half lieutenant-colonel's pay.
Any person in Revolution under act of 1832, leaving widow who was married to him before expiration of last service, such widow will receive while unmarried pension husband entitled to.
1838. Five years' pension from 1836 to widow married before expiration of last service and before 1794, same as soldier would have been entitled to under act of 1832.
1843. Extending pensions to Revolutionary widows, under acts of 1832, 1838, 1842, for one year.
1844. Extending same four years.
1846. Volunteers wounded or disabled entitled under pension laws.
1848. Any person who served as in act of 1832, and died or shall die, leaving widow married before 1794, such widow shall receive during natural life pension husband would have been entitled to.
1848. All widows of Revolution entitled to same pension husband would have been entitled to if living, to begin 1848, but no widow married after 1800 is entitled.
1848. Half-pay to widows of those who have died from wounds received or disease contracted in Mexican war.

Mr. WILLIAMS. Mr. President——

Mr. PLATT. Will the Senator from Kentucky allow me to ask a question of the Senator from New Hampshire?

Mr. WILLIAMS. Yes, sir.

Mr. PLATT. In former bills of this nature the soldiers of the Seminole war and certain Indian wars have been included. Now, upon what principle are they excluded from this bill?

Mr. BLAIR. Upon no principle. It may be that it was thought the bill would get through easier; I can conceive of no other reason; and if that is a principle that is the principle the Senator inquires of.

Mr. PLATT. Is there any reason why, if this bill should pass, another bill should not be framed extending the same privileges and benefits to the soldiers of those wars?

Mr. BLAIR. There can be none.

Mr. WILLIAMS. Mr. President, I have spoken so often heretofore on this subject that I do not feel like making an extended speech now.

I differ with the chairman of the committee in regard to the policy as well as the principle of the bill. I think that this bill stands upon a just principle and that it is based upon sound policy, a policy established in the first years of our Government. Ours is the only great government in the world that relies for its defense upon the patriotism and courage of its citizen soldiers. It commenced its very existence with the declaration that a large standing army was a standing menace to popular liberty, and that a well-regulated militia was the true defense of a free state. Our whole military system is based upon this idea.

Why, sir, with more than fifty millions of people, we have a standing army of only 25,000 men—about one soldier to every two thousand people. But behind this standing force we have a militia reserve of ten millions of fighting men, ready at a moment's warning to respond to the call of their country. This is not the policy of foreign nations. The European governments keep up large standing armies all the time, thirty to forty times as great as ours, and these vast establishments are maintained more for the purpose of suppressing the people than of defending the state.

Our policy is, when war comes upon us and we have need for troops, for the Government to call for volunteers, and they never fail to come. The Government says to them: "If you are killed in battle your wife and children shall not become beggars; if you are disabled in the service yourself, you shall be taken care of, and when you become old and infirm your Government will see that you do not become a charge upon charity." That is the American policy. No such provision is made there as here. Their policy is to get all the service possible out of their soldiers, and when they are no longer fit for use to turn them out like old horses on the common to die of starvation. I say therefore the principle and the policy are different with us and the governments of Europe.

Mr. BLAIR. Will the Senator allow me?

Mr. WILLIAMS. Certainly.

Mr. BLAIR. The Senator said he differed from me, as I understood him.

Mr. WILLIAMS. No; I referred to the chairman of the committee, the Senator from Pennsylvania [Mr. MITCHELL].

Mr. BLAIR. The Senator from Kentucky and I agree absolutely, completely, as to the principle.

Mr. WILLIAMS. I alluded to the Senator from Pennsylvania.

Mr. MITCHELL. I think it may be necessary for the Senator not to misapprehend me.

Mr. WILLIAMS. I was so far from the Senator that I perhaps did not hear his remarks correctly. His voice is not very stentorian, at all events.

Mr. MITCHELL. The bill as reported by the committee, as I understand it, is precisely in accordance with the view the Senator has expressed. The statement the Senator from Pennsylvania made in regard to the general question is one thing, and the bill is another.

Mr. WILLIAMS. The Senator's views in regard to the general question were what I was alluding to; I say this has become the settled policy of the country, and it is a better one than the European policy in my judgment. I think it is more humane as well as more economical, for, sir, in my judgment all the money we have ever paid out for pensions from the beginning of our pension system down to the present day would not keep in the field a single year one of those vast military establishments of Europe. The system has worked well with us; our people have never failed to respond to the call of the country, whether it required a thousand or a million troops, and we have found it cheaper to pension our soldiers than to keep up great standing armies. That is the broad distinction.

Now, sir, as this has been the policy of the country, as the Government has discharged all its obligations to the soldiers of the Revolution and to those of the war of 1812, why should not a like honorable recognition of the services and sufferings of the veterans of the Mexican war be made by this Government? The Legislatures of twenty-eight sovereign States have recommended it, and the whole people will hail with delight this act of justice.

Mr. President, the Mexican war is one of the most remarkable in history; and when we consider the smallness of the means employed and the vastness of the results accomplished, the nature of the country which was the subject of its operations and the character of the people that we had to combat, the obstacles in the way and the skill and valor required to overcome them, the war stands absolutely without a parallel.

I said, sir, that it was without a parallel. Why, just think of it. Our little Army invaded a country of twelve millions of brave people intrenched behind those bulwarks of nature, the everlasting Cordilleras, every pass of which bristled with a fortress manned and defended by a warlike race of men, accustomed to scenes of carnage and bloodshed through generations, led by officers trained in the best military schools of the world, animated and united by a religious fanaticism to expel the Northern barbarians, as they called us, from their country, and all led by Santa Anna, the most renowned captain of the age, who presented obstacles to the invader of no ordinary character. And yet, sir, in less than two years from the commencement of that war we were masters of the country, and from the landing of our troops at Matamoras and Vera Cruz to the capture of the halls of the Montezumas our troops never met with a single defeat. Whether the battle was by a charge on the open plain or by an assault upon a mountain fortress, victory always perched upon our banners. It was no sectional war; it was no party war. It was a war of the whole country against a common enemy, and its glories, unstained by a single drop of fratricidal blood, are the common inheritance of us all.

This war was as remarkable for the humanity of its conduct as for the splendor of its achievements. Our Army made war only upon the organized forces of the enemy, and not upon the people and property of the country. It conquered but did not desolate.

The military men of the world had said that our volunteer system might do very well for defensive operations, but ridiculed the idea of a war of invasion by volunteer troops. But the victories of Taylor and Scott dispelled this illusion and demonstrated beyond a doubt that our volunteers were equal to all the emergencies of war. They taught the world that freedom makes men brave, that courage makes them warlike, that the freest nations are the bravest nations and the most formidable in war.

This war assured the annexation of Texas and added to the public domain a million of square miles of terrritory, abounding in all the elements of wealth—agricultural, pastoral, mineral, manufactural, and commercial. It squared the Republic out from ocean to ocean and gave a new impulse to civilization and progress such as the world had not seen in five hundred years. I will venture to assert that this is the only war in all history which in a business point of view has proved to be a profitable investment. It cost us $60,000,000 and its results amount to thousands of millions. Great Commonwealths and splendid

cities have sprung up upon the acquired territory. Its mines have furnished gold and silver enough to pay the whole of the public debt and have revolutionized the commerce of the world. All this wealth, fame, power, and prestige are the fruits of the toil and valor of the veteran soldiers of the Mexican war, and why shall not they be recognized by their Government? There are not many of them now. Since then change and war have thinned their ranks until there is scarcely a handful of them left.

I have seen some exaggerated statements in regard to the number that will be entitled to this pension when the bill passes. The very paper read by my friend from New Hampshire is all a mistake. From these exaggerated estimates made by the enemies of the bill one would be led to suppose that there were yet living Mexican veteran soldiers enough to conquer Mexico again after nearly the lapse of forty years.

I remember about four years ago a most intelligent committee of the House of Representatives, after a thorough and exhaustive investigation of this whole subject, reported to the House—and I believe that report is as near correct as it was possible to make it—that 100,780 enrolled men were connected with the Mexican war, of all arms; that 5,200 of these served less than sixty days, and would not therefore be entitled to a pension under this bill. The first enlistments in that war were for three, six, and twelve months, and the terms of these short-enlistment men expired during the progress of the war, and 17,224 re-enlisted and are counted some of them three times and all of them twice upon the muster-rolls of the Army. Sixteen thousand of our men found soldiers' graves in Mexico; 7,225 the record shows deserted; and of those who returned, escaping the balls of the enemy, and the climate of the country, more deadly than they, 11,000 were pensioned. I do not believe that the report made by the Commissioner of Pensions as read—for I never saw it before it was read at the desk of the Senate—mentions these 11,000 men who were pensioned for disease or disability under existing laws.

All these amount to 56,649, which number is to be subtracted from the whole of the enrollments, 100,780, leaving 44,131 who would have been entitled to pensions at the end of the war if this bill had been then in operation; and the question now is, how many of these 44,000 men have survived for thirty-six years through all the vicissitudes, excitements, and rapid whirls of American life? This same committee, basing their report upon all the records accessible to them, and upon principles of the most advanced vital statistics, say that the number of survivors, including widows then entitled to be pensioned, would not exceed 8,000.

What a disparity between that and the estimates made by the enemies of those old soldiers. Why, sir, to illustrate the mortality, let me say to the Senate that during that war I commanded the first year a company of one hundred twelve-months' men, and to-day but thirteen of them survive. At the beginning of the second year I was commissioned colonel of the Fourth Kentucky Regiment, numbering 1,100 men, enlisted for the war, many of whom re-enlisted; and of those 1,100 men less than one hundred and sixty can answer to roll-call to-day. All the general officers of that war are dead, and I am told that but nine colonels are living. The annual amount in pensions to these old men will not, in my judgment, exceed $1,000,000.

These veterans are passing rapidly away—for old men we know, like leaves with advancing autumn, fall thicker and faster as they draw near threescore and ten. It will not be long, sir, before the last one of them will have crossed the cold, dark river and pitched his silent tent in a common camping-ground, where he shall sleep till the trumpet of the archangel shall sound reveille in the morning of the resurrection and summon all the living and the dead to the last grand roll-call of the nations.

Mr. President, if we ever intend to give these old men their pension, let us do it while it can do them some good and not wait until they are all dead or grown too old to enjoy any of the blessings of life. Our Government has dealt generously in the main with its soldiers, and in its generosity toward the soldiers of the late war it seems to have overlooked the veterans of the Mexican war. We have given generously pensions to the widows and orphans of dead Presidents and other distinguished public officials, and why shall we overlook this needy remnant of the most glorious little army the country ever had in the field. We passed through the Senate the other day a bill giving to General Grant fifteen or sixteen thousand dollars a year as a pension as long as he lives. I am not complaining of this, but I am for justice to all, justice to the humble as well as to the great, justice to the common soldier as well as the general officer. And, sir, whatever we do let us do it generously and gracefully. Let us give these old men their pension as a badge of honorable distinction and not as a mark of mendicancy. Let it be an expression of the gratitude of a great nation toward a band of old heroes and not as a cold charity dispensed to a set of old beggars.

Let it be a roll of honor and not one of humiliation, for there is nothing in the world that our people, especially the poorer classes, hate so much as to be compelled to confess or prove themselves paupers. The most hateful words in the language to the common people are "poor-house" and "pauper." Then, according to the amendment of my friend from Illinois, strike out this pauper clause and pass a bill worthy of the greatness of our country and of the services of these old men, and they will accept their certificates of pension with as much pride as the old soldiers of Napoleon did the cross of the Legion of Honor.

Mr. President, I have spoken with earnestness because I feel deeply interested in all that affects these old soldiers. They were the companions and comrades of my youth, and they are the friends of my old age. I have been pressing this bill for five long years, in season and out of season, and sometimes almost without hope, but I am glad now to feel that its passage is assured, and that the country is about to honor itself in rendering a just recognition for the services of those men who in the prime of their young manhood carried its flag in triumph through its first and only great foreign war.

Mr. INGALLS. Mr. President, I have nothing but honor and admiration for the valor of the officers and soldiers who fought in the war with Mexico. I appreciate their achievements and the great material results which came from that war. But I do not concur with the sentiments expressed by the Senator from Kentucky as to the meaning of that war or its relation to the sentiment of the country.

I heard the Senator say that the war with Mexico was not a party war, that it was a great contest waged by the American people with a foreign nation. I do not read history in that way. I think that a more indefensible war of spoliation and robbery and conquest was never waged by a great people against a defenseless and powerless neighbor. It was a party war waged by one of the political organizations of this country in defense of and for the purpose of extending the limits and aggrandizing the system of human slavery.

I am not here to vote for this measure upon the ground that it was a great war waged by the American people in defense of some great principle. This does not detract from the valor of the men who were engaged in it. I honor and appreciate that. They are entitled to all praise; but it is not fitting that the war with Mexico should be defended here upon this floor as a measure which was not in its incipiency and has not been from that time until the present in opposition to the moral sense and to the conscience of this nation.

Mr. President, I am not terrified by the specter which appears to affright the souls of some of the fearful adversaries of this bill. I am not at all alarmed at the idea of pensioning all the surviving Union soldiers of the armies in the war of the rebellion. One of the reasons why I shall vote for this measure is because I desire to establish more firmly in the legislation of this country the precedent that has been recognized by previous statutes in favor of the idea of pensioning the surviving soldiers of the wars in which this country has been engaged, irrespective of the idea of personal disability. The Senator from Massachusetts inquired, I thought with something of alarm, if we adopt the principle established in this bill how long will it be before all the survivors of the Union armies will be applying to be placed on the pension-rolls?

Mr. HOAR. Does the Senator allude to me.

Mr. INGALLS. I do.

Mr. HOAR. The Senator misconstrued my question. My question was not how long before they would all be put on the pension-roll, but what would be the annual cost of carrying out the principle?

Mr. INGALLS. Those two questions are so nearly allied and so inextricably blended that I trust the Senator will excuse me from intentional misrepresentation, because I supposed that the motive which actuated him was the idea that if this bill was passed we should then be compelled to pension the surviving soldiers of the war for the Union.

The Senator from New Hampshire [Mr. BLAIR] who advocates this bill nominally and ostensibly by saying that he is in favor of the report, but hopes to offer an amendment that will be a substitute dealing with an entirely or different subject, also said that if we adopted this principle we must be prepared at no very distant day to decide whether we would place the surviving veterans of the war for the Union on the pension-roll. He spoke of it as if this were an innovation, as if we were for the first time to be called upon to declare a principle with regard to American soldiers that perhaps would be of infinite detriment hereafter.

The precedent that is involved in this bill is as venerable as the flag of this country. In 1778, less than two years after the Declaration of American Independence, and long before the close of the war of the Revolution, an act was passed giving half-pay for seven years from the conclusion of the war to all military officers who then were or thereafter might be in the service of the United States. In 1780 another act was passed giving half-pay for life to those officers who remained in the Army until the close of the war. In 1818 Congress obliterated entirely the distinction that had hitherto existed between the officers and the privates in the war of the Revolution by the passage of an act granting a pension for life to all the officers and enlisted men who served through the war of the Revolution to its close, or for a term of nine months or longer at any time during the war, who, being citizens of the United States, in the language of the amendment of the committee to this bill, were then or might thereafter, by reason of reduced circumstances, be in need of assistance from the country. That act was passed thirty-five years only after the treaty of peace with Great Britain, and that was the first precedent. It dates back to the very inception of the history of this country as a government.

What was known as the pauper clause in the act of 1818 aroused the most profound discontent and dissatisfaction in the minds not only of

the surviving officers and veterans of the war of the Revolution but in the country at large. An agitation was commenced for its repeal. It went on through successive Congresses until at last, in 1832, it was absolutely repealed by an act passed by both Houses of Congress; and I desire as a matter of history to read what was said upon that clause in the debate in May, 1832, fifty-two years ago this month, by Mr. Frelinghuysen, then a Senator from New Jersey, the uncle of the present Secretary of State. He said:

There were two defects in the system, even as thus liberalized. In the first place, it exacted the humiliating confession of absolute poverty. It required of the aged veteran that he should publicly, and in the presence of the sons by the side of whose fathers he had fought and suffered, expose the wretchedness of his condition; that he should produce the proof of his pauperism, and swear to it himself. I have seen these worthies in our public courts of justice exhibit the inventory of their poverty down to the items of cups and saucers, and I have felt humbled for my country. Sir, a noble spirit would sometimes exclaim, "I will die in want first. If my country exacts such ignoble conditions let her withhold the miserable pittance." And who, sir, of this Senate does not honor the sentiment? It has been honored and vindicated by the manly feeling of this great community. Public opinion would not longer brook such terms of national honor and gratitude, and by the concurring indications of Legislatures and people we are invoked to relax these hard conditions. And should a few partake of a favor that do not need it, better so than that even one deserving relic of times so dearly cherished should go down to the dust neglected and forgotten.—*Congressional Debates*, volume 8, part 1, page 928.

Sir, those sentiments might be repeated to-day without the change of a word, a syllable, or a letter. They did honor to the great spirit that uttered them, and they are to-day the sentiments of a great majority of the American people on this subject.

The act against which these remarks were directed required the applicant for pension to solemnly swear or affirm that he was a resident citizen of the United States on the 18th day of March, 1818; that he had not since that time, by gift, sale, or in any manner whatever, disposed of his property or any part thereof, with intent thereby so to diminish it as to bring himself within the provisions of an act of Congress entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed on the 18th day of March, 1818; that he has not, nor has any person in trust for him, any property or securities, contracts or debts due to him; that he had no income other than what is contained in the schedule hereto annexed and by him subscribed. The law continues:

Nor until such person shall have delivered, or caused to be delivered, to the Secretary of War a copy of the aforesaid schedule and oath or affirmation, certified by the clerk of the court to which the said schedule was delivered, together with the opinion of the said court, also certified by their clerk, of the value of the property contained in said schedule: *Provided*, That in every case in which the pensioner may be insane, or incapable of taking an oath, the court may receive the said schedule, without the aforesaid oath or affirmation, from the committee, or other person authorized to take care of such person.

In view of the action that was taken by Congress in regard to the surviving veterans of the Revolutionary war in the discussion that then ensued upon what was known as the pauper clause in the act of 1818, which was subsequently repealed upon a direct appeal to Congress for the purpose, I think I may say with confidence that the American people have established as one of the precedents upon this subject that they will not insist that a soldier shall be proven to be a pauper before he shall be entitled to the benefactions of the country.

Mr. WILLIAMS. Will the Senator allow me to read a short letter just in the line of his argument?

Mr. INGALLS. I shall be very glad to hear it.

Mr. WILLIAMS. It is from a man I know. He is very poor.

SAINT MARY, SAINT GENEVIEVE COUNTY, MISSOURI,
May 15, 1884.

Hon. JOHN S. WILLIAMS, *Washington, D. C.:*

In the name of God, humanity, justice, and fair-dealing, do not pass the bill pensioning the Mexican veterans in such a shape that we will have to swear and prove that we are paupers before we can have any of its benefits. Though in my own case it might not be hard to do, yet I protest against this paternal Government placing that stigma on the survivors of that war. We demand it because it is just and right.

Yours, respectfully, &c.,

GEO. MATTINGLY.

He was one of my soldiers.

Mr. INGALLS. With regard to the first great struggle in which this country was engaged, that with the mother country, the precedent has been clearly established that within a specified period after the close of the war all the surviving officers and enlisted men of the contest shall be placed upon the pension-rolls irrespective of disability and irrespective of the fact whether they possess the means of personal support.

Now we come to the next war, that of 1812. In 1858, or forty-three years after the close of the war with Great Britain, the House of Representatives passed a bill pensioning all the soldiers of that war. It was defeated, however, in the Senate. The then Commissioner of Pensions, Mr. Whiting, was opposed to the measure, just as some Commissioners of Pensions have been since, and he contributed to its defeat by furnishing the most extravagant and unfounded estimates of the amount that the measure would cost. He said that at that time, taking the longevity question, the probable duration of life, and the number of soldiers engaged in the war, it could not be assumed that less than $30,000,000 per annum would be imposed upon the Treasury of the country by the adoption of that measure; and in consequence of his estimate, and his opposition, and the pendency of other very important and interesting matters, an adverse report on the bill was adopted in the Senate.

Immediately after that of course every Senator is familiar with what occurred. The great anti-slavery debate came up; the war for the Union began, continued four years; the measures looking to the reconstruction of the States followed; and the time and attention both of Congress and the people were engrossed and engaged in matters affecting the national life. But in 1871 Congress passed the first act pensioning the soldiers of the war of 1812. That was fifty-six years after the war closed. I assume it, however, to be fair to conclude, in view of the action of the House of Representatives in 1858, that being the popular branch of the National Legislature, that there was a conviction in the minds of the people of this country that the soldiers of that war ought to have been pensioned at an earlier date; whether it should be forty or forty-three or forty-five years of course there is no definition and no designation; but following the precedents of the war of the Revolution, the first act that looked like a recognition of that precedent so far as the war of 1812 was concerned was forty-three years after the war closed. The act of 1871 was more liberal in its terms than the act which has been passed by the House of Representatives and reported by the Senate Committee on Pensions pensioning the soldiers of the Mexican war; but in March, 1878, Congress still further liberalized the provisions of the pension law with regard to the soldiers of the war with Great Britain, and provided that every surviving soldier who had served for fourteen days in that war (the period previously having been sixty) or who had been in any engagement, and all the surviving widows of those who had been in that war, should be placed upon the pension-rolls irrespective of any question of dependence upon others or of the possession of means for their individual support.

Mr. BLAIR. If the Senator will permit me, for of course we all understand he does not wish to misrepresent the bill, I desire to say that as I understand it the bill gives a pension to all who served sixty days in the war, but outside of Mexico, during the time of the war, and to all who served in Mexico, as the chairman explained, even for a single day, a pension is given; and the widows are by the amendment reported taken care of very liberally. The legislation with reference to the war of 1812 originally gave a pension only to those who had served sixty days. As I recollect they must have actually served sixty days; but in this case those who served in Mexico a day will get a pension.

Mr. INGALLS. But the act of March, 1878, which was supplemental to the act of 1871, provided that all those who had served for a period of fourteen days, or who had been in any engagement irrespective of the term of service, should be placed upon the pension-rolls, and that, as I said before, without reference to other conditions so far as their means of support were concerned.

Mr. BLAIR. This bill, still more liberal than even the latest legislation in relation to the soldiers of the war of 1812, gives a pension to any one who actually served at all in the theater of the war, not for fourteen days, but even for a single day. That is the form in which the bill comes to us from the House. The amendment reported by the committee gives a pension to the same classes, but only to those who really need support or need assistance.

Mr. INGALLS. Of course I am very glad indeed if the clause in lines 7 and 8 which makes the period of service sixty days in the war of 1846, 1847, and 1848 with Mexico does not mean anything. I supposed it had some significance, but inasmuch as the Senator advises us that it does not in any way whatever limit the period of service which must have been gone through with by the applicant in order to entitle him to a pension, of course I dismiss that.

Mr. BLAIR. The Senator will hardly dismiss it and do justice to the bill if he does so on the assumption that it does not mean anything, because it gives a pension to those not reaching the theater of the war, those who may have been in camps of enlistment or in the forts or arsenals or in military stations within the country itself, but not in the theater of the war, for sixty days, and therefore the clause has some significance.

Mr. INGALLS. I shall not occupy the time of the Senate in any dispute upon that point. I have only examined the bill casually for a few moments, and I am not familiar with its provisions. I will take the suggestion of the Senator from New Hampshire as being the real meaning of the bill.

Mr. LOGAN. If the Senator from Kansas will allow me——

Mr. INGALLS. Certainly.

Mr. LOGAN. I do not agree with the Senator from New Hampshire. Does the Senator mean that a company stationed in barracks here that belonged to the regular Army, but had not moved in the direction of Mexico, would be included in the bill?

Mr. BLAIR. It depends perhaps upon a careful construction of what would be included in the war. The military force of the country actually necessary to be employed during the existence of the war may perhaps be properly said, the whole of it, to be in the war.

Mr. LOGAN. Not at all.

Mr. BLAIR. This is a House bill, I would remind both Senators, and I can not undertake to say just how far this should go; but my own belief is that the man who rendered military service during the war, whether in or out of the country, should be entitled to the benefits

of the provisions of the bill, for the soldier as a rule would prefer the activities of the battlefield or of active hostilities to confinement in camp or in a fort. It certainly embraces all who enlisted with the intent of going to Mexico or who sailed for Mexico without reaching there.

Mr. LOGAN. There is no question about that, but the term "served during the war" has a definite signification.

Mr. WILLIAMS. I think I can explain that.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Illinois has the floor.

Mr. HOAR. I shall call for the regular order on anything except finishing the speech of the Senator from Kansas. I saw the Senator was in the midst of his speech and I did not desire to interrupt him.

Mr. WILLIAMS. I ask the Senator from Kansas to allow me——

The PRESIDING OFFICER. The Senator from Kansas did yield the floor to the Senator from Illinois. Does he yield to the Senator from Kentucky?

Mr. INGALLS. If the Senator from Massachusetts will not regard that as a violation of the understanding and agreement, I should be very glad to yield to the Senator from Kentucky; but of course the Senator from Kentucky will understand that if I am to be taken off the floor without concluding my remarks in case I yield to him, I prefer to go on, because I have little more to say. I do not care at this point to be diverted from the main proposition I started out to discuss, and that is that the bill is in the direct line of all the precedents that have been established in this country and is no innovation.

The only question that is before the Senate at this time is whether the proper period has arrived at which the precedent shall be applied. There is nothing else in it. After a certain lapse of time we pensioned every soldier of both the great wars in which this country had been engaged prior to 1846, irrespective of disability, irrespective of his capacity to support himself, for service merely. The only question that remains, as I said, is whether under these precedents the period has arrived at which it should be applied to the soldiers of the Mexican war. The soldiers of the Revolutionary war were pensioned for the service thirty-five years after its close; those of the war of 1812 were pensioned first fifty-six years after the treaty of Ghent; but I contend that had the country been in a prosperous condition in 1858, as appears affirmatively by the action of the House of Representatives in that year, the soldiers of the war of 1812 would have been then pensioned, which was a little more than forty-two years after the close of that war. The average age of the pensioners under that precedent would have been somewhere about sixty-five years. The war with Mexico closed in 1848. Under the precedent established by the law of 1818 which pensioned all the surviving soldiers of the Revolutionary war, the Mexican war soldiers were entitled to pension in 1883. Under the precedent established in 1871, which I contend is not strictly applicable for the reasons I have heretofore suggested, they would not become pensionable until 1903; but under the principle that was recognized by the House of Representatives in 1858, they would not be pensioned until 1890, which is about six years later than this time. But if the period of forty years should be adopted, which is midway between the different periods which have been recognized by the Government, then of course the time would not arrive until 1888.

But there are several considerations, as I say, that cause me to vote for this measure now. In the first place there has been a distinctive declaration in favor of it by the Legislatures of, I think, three-fourths of the States of this Union. If I am not mistaken the Legislature of Kansas has directed its Senators by joint resolution to support this measure.

And I vote for it because I want the way clear; I want another impregnable precedent established by which the soldiers of the war for the Union will be justified and entitled to come here and say, "In accordance with what you have done for the soldiers of the war of 1812, of the Revolutionary war, and of the war with Mexico, we demand that the names of all the survivors of that great contest shall be placed on the pension-rolls of the Republic that they saved, irrespective of disability, for service only, and without an inquisition into their means of support, without requiring them to establish to the satisfaction of a court of justice that they are paupers and mendicants, and that this pension should be thrown to them as a man would throw a plate of broken meats at a tramp in a kitchen area."

The war of the rebellion closed in 1865. Between nineteen and twenty years have elapsed since the armies of that great struggle were disbanded. Sixteen years more, which will be A. D. 1900, the period will have arrived at which the Revolutionary precedent will apply to soldiers of the Union in the war of the rebellion. My impression, however, is that this movement is proceeding with accelerated force, and that it will not be likely that we shall wait until the year 1900 before this precedent is applied. Bills have already been introduced for this purpose, demands for the recognition of this principle have been sent here from many quarters of the Republic, and the time is not far distant when both political parties will emulate each other in their alacrity in obeying the demand.

I can see therefore no reason, whether we refer to the precedents that have already been established or whether we refer to the still greater and more patriotic considerations that are to come hereafter, why this bill should not be passed, and why it should not be passed without the stigmatizing clause which the motion of the Senator from Illinois is intended to remove.

Mr. HOAR. I call for the regular order.

Mr. LOGAN. If the Senator will allow me one moment I do not think it will take ten minutes to dispose of the pension bill unless some Senator desires to make a speech.

Mr. HOAR. I think there are several Senators who wish to speak upon it. We can call it up in the morning hour to-morrow after the routine business and still get through. I must call for the regular order at this time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 263) for the relief of George F. Bicknell, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes.

POLYGAMY IN UTAH.

The PRESIDING OFFICER. The Senator from Massachusetts calls up the regular order, which is the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. HOAR. I give notice that to-morrow I shall ask the Senate to remain until the evening and to dispose of the Utah bill.

Mr. HARRIS. I desire to give notice that at the close of the morning business to-morrow I shall ask the Senate to continue the consideration of the Mexican pension bill up to 2 o'clock.

Mr. LOGAN. I wish to detain the Senate probably for two minutes and no longer to explain the amendment that I offered to the pension bill. There have been several speeches made about the bill, but I do not think any one of the Senators has referred in the slightest degree to the amendment that I proposed, which is the proposition before the Senate.

I propose to amend the bill by striking out some five lines and inserting three words, "have not remarried." The bill as it stands now without that amendment proposes to exclude a widow unless she had been married to the soldier prior to his discharge from the service. I propose to make the bill provide that all widows of these soldiers shall receive a pension who have not remarried, and I will state my reason for it.

Mr. BLAIR. That is the Senate committee's amendment so far as the widows are concerned.

Mr. LOGAN. I understand that is the Senate committee's amendment with the poverty clause attached, which I propose to strike out. I can not understand why a widow who has married a soldier prior to his discharge should be entitled to a pension if he dies, and the widow who marries a soldier subsequent to his discharge should not be entitled to a pension. In each case they are certainly the widows of soldiers; and why a person who marries a soldier to-day shall be entitled to a pension if he dies to-morrow and the one who marries him to-morrow shall not if he dies the next day is something I can not get through my intellect. Therefore I propose that the widow of the soldier shall receive a pension irrespective of the time she married him.

So far as the other proposition is concerned, I presume that no person in the Senate, not even the Senators who reported the bill, will insist on it that a soldier shall prove that he is a pauper and that he shall be brought out of the poor-house with a rope around his neck and hauled up before a justice of the peace in order to testify that he is a pauper and is therefore entitled to a pension. I presume nobody wants to heap an indignity of that kind upon a man who served his country.

Mr. BLAIR. The Senator will allow me to state to him that the pension legislation of this country to which he has contributed most honorably himself, and in the existence of which he has acquiesced ever since the war, does thus, if this is a just commentary, stigmatize the fathers and the mothers of the soldiers who fought in the war. I ask him if the mother who gave her boy to the country is to be dragged from the poor-house with a rope around her neck and to be called upon to prove that she is degradingly poor. He acquiesced in that; and now he rises here and stigmatizes this bill because it contains the very provisions that he thus long has acquiesced in in the general laws of the land.

Mr. LOGAN. I am somewhat surprised at my friend the Senator

from New Hampshire that he should suggest to me that there is a provision of that kind in the pension laws. I think I can satisfy him that he is mistaken. The mother of the son who lost his life in the Army has not performed service for the country as a soldier; hence she is not paid for services performed, she receives a pension because of the fact that he was her support. The Government takes it upon itself to support her inasmuch as she has lost her support, and not at all upon the principle that this bill goes on, that the pension is given to the soldier because he did service to the country. The distinction is very broad and very clear.

Mr. BLAIR. Does the Senator think that the mother who bears the boy and gives his life to the country renders any less service than the son who sacrifices that life or becomes disabled?

Mr. LOGAN. I shall not enter upon that field of discussion with the Senator about the mother or daughter or sister or anybody else. I am speaking of the principle that controls the Government in reference to the payment of pensions for services or paying pensions to parties who have lost their support. The distinction is very broad, and I should think the Senator would understand it.

Mr. CAMERON, of Wisconsin. Will the Senator from Illinois allow me to call his attention to one matter?

Mr. HOAR. I understand that all this is debate on the Utah bill.

The PRESIDING OFFICER. The Chair so understands it. The debate proceeds by unanimous consent.

Mr. CAMERON, of Wisconsin. I ask the Senator if the same reasoning would not apply to the pensioning of the widow just as strongly as to the pensioning of dependent mothers? The mother, the Senator says, did not perform service as a soldier. Neither did the widow perform service. Consequently why should not the rule apply to the widows if it applies to dependent mothers?

Mr. LOGAN. Very well, let it apply——

Mr. HOAR. I rise to a question of order.

Mr. LOGAN. The Senator need not rise. I see I am disturbing the equanimity of the Senate by desiring to make a few remarks on the bill. If it is not desired that I should be heard I will sit down and the Senator may proceed.

Mr. HOAR. The Senator will be kind enough to permit me to say that I have let the Utah bill go over two or three times to accommodate Senators. To-day when it was up three or four gentlemen, who seemed to have this pension bill in charge, urged me to allow two hours, saying that if at the expiration of two hours it was not finished they would make no further request to have it conflict with the Utah bill, but would take their luck in the morning hour or after the consideration of the Utah bill was concluded. Now, the two hours have gone by half an hour since and I am faithless to the committee whom I represent if do not make these suggestions. It is not to prevent the Senator from Illinois proceeding. When my friend got up he said he wanted to talk a few minutes, but when my friend from Wisconsin and other Senators began questioning him I thought it was time for me to interpose.

Mr. LOGAN. I have no disposition to interpose against the Utah bill; I am in favor of the Utah bill myself, and I did not intend to detain the Senate at all. I only wished to make the remarks that I did in reference to the amendment that I had proposed, and the reason why I prolonged my remarks was in response to the Senator from New Hampshire, not because I had any desire to continue the discussion. I understood that the Senator from Massachusetts desired to take up the Utah bill, as it is commonly called, in the morning hour to-morrow.

Mr. HOAR. No; this bill is to come up in the morning hour, the Mexican pension bill.

Mr. LOGAN. Then I misunderstood the Senator.

Mr. HOAR. It is to come up after the morning business.

Mr. LOGAN. The remarks I desired to make on the bill, and they are but few, are on the general principles of the bill when we shall pass upon the amendments. Of course I do not desire to make them now; I will make them hereafter.

Mr. HOAR. I hope the Utah bill will now be proceeded with, and I give notice again——

Mr. LOGAN. If the Senator will allow me to interrupt him, unless there is further discussion on this one amendment (if there is of course I would not ask it) I should like to have a vote on the amendment now, and that would settle that part of the bill, and that is really all there is about it.

Mr. INGALLS. Will the Senator from Massachusetts pardon one suggestion from me?

Mr. HOAR. Certainly.

Mr. INGALLS. The Senator I presume does not at this hour of the evening expect that if the consideration of the Utah bill should be resumed any further debate would be had upon it or any progress made with it. What is the object to be gained, then, by interfering with the discussion of the Mexican pension bill? That could undoubtedly be finished to-night.

Mr. HOAR. I supposed that the Utah bill could be proceeded with to-night.

Mr. INGALLS. At 5 o'clock!

Mr. HOAR. The Senator from Georgia [Mr. BROWN] has not told me that he is ready, but I have heard of other Senators who are ready to address the Senate upon the Utah bill.

Mr. LOGAN. If the Senator will yield for the purpose of a vote, unless some Senator desires to address the Senate, I should like to have a vote on the amendment, and that will settle the whole question really so far as the bill is concerned.

Mr. BROWN. The Senator from Massachusetts has referred to the fact that I might desire to proceed to-night with some remarks upon the Utah bill. I desire to introduce an amendment to the Utah bill this evening, and would be very glad to have the floor when we adjourn if it suits the convenience of the Senate. I do not wish to antagonize the other bill for the rest of the evening. I would be very willing to have the discussion on that proceed.

Mr. HOAR. I am willing for one, if the Senate will now conclude to take up the Utah bill immediately after the routine business to-morrow morning and to go on with it through the day, to let the Mexican pension bill be proceeded with now.

Mr. PLATT. I do not think we ought to do that.

Mr. BROWN. If the Utah bill is now up I should be glad, for the purpose of having the floor, to have my amendment reported for information.

Mr. HOAR. The Utah bill is now up.

Mr. PLATT. I do not think we ought to vote on the Mexican pension bill to-night. Very interesting information has been read here to-day, which we ought to be permitted to see in print. The committee made no written report upon the bill. The letter of the Commissioner of Pensions, and other documents which have been read here for the first time to-day, are in the nature of a report by the committee, or in the nature of facts which would have been embodied in a report of the committee; and I think at least that those of us who do not feel at present that we can vote for the bill ought to have an opportunity to examine those documents which have been submitted to-day.

Mr. BROWN. I offer an amendment to the Utah bill and ask that it be read for information at this time and printed.

The PRESIDING OFFICER. The Senator from Georgia offers an amendment to the Utah bill, the regular order, which will be read.

The Chief Clerk read the proposed amendment, as follows:

That the voluntary sexual intercourse of a married person with one of the opposite sex not the husband or wife of such married person shall be the cause and the only cause of absolute divorce from the bond of marriage in the District of Columbia and the Territories of the United States and in other places subject to the exclusive jurisdiction of the United States. But the courts of the United States may in proper cases, as at common law, grant divorce from bed and board in said District, Territories, and other places subject to the exclusive jurisdiction of the United States.

The PRESIDING OFFICER. The amendment will be printed.

Mr. BROWN. Now I take the floor. I shall not have time to make the remarks I desire to make on the amendment this afternoon, but if I can be considered as retaining the floor I shall gladly yield to the Senator from Illinois for the discussion of the pension bill, and let that discussion proceed during the remainder of to-day's session.

Mr. WILLIAMS. I give notice that to-morrow morning, after we are through with the morning business, I shall move to take up the Mexican pension bill. The Senator from Tennessee [Mr. HARRIS] has given notice that at 2 o'clock he will do so, I believe.

Mr. HARRIS. No; my notice was for the morning, after the conclusion of the morning business proper. I understand the Senator from Massachusetts is willing to yield the residue of this evening for the consideration of the pension bill.

Mr. LOGAN. We can finish it this evening as well as not.

Mr. WILLIAMS. All right.

Mr. HARRIS. The Senator from Massachusetts, I understand, consents to that.

Mr. CAMERON, of Wisconsin. I desire to say that I shall not consent that this bill may be taken up to-morrow morning immediately after the completion of the routine business. I shall insist at that time that the Senate shall proceed with the consideration of the Calendar.

The PRESIDING OFFICER. Does the Senator refer to the regular order, the Utah bill, or the Mexican pension bill?

Mr. CAMERON, of Wisconsin. The Utah bill will be the regular order, if not displaced, at 2 o'clock to-morrow, but not before that time.

The PRESIDING OFFICER. The pending question is on the amendment presented by the Senator from Illinois [Mr. LOGAN].

Mr. HOAR. The Senator from Georgia [Mr. BROWN]——

The PRESIDING OFFICER. The Chair is in some trouble to know what bill is before the Senate. [Laughter].

Mr. HOAR. The Utah bill, I understand, is before the Senate. The Senator from Illinois [Mr. LOGAN] asked that the other bill might proceed to have a vote, to which I made no objection, but the Senator from Connecticut objected, saying that he wanted to see certain documents in print.

Mr. HARRIS. I think the Senator from Massachusetts misunderstood the Senator from Wisconsin. He simply announced that he would object to the consideration of the Utah bill or the pension bill after the conclusion of the morning business to-morrow and before 2 o'clock.

Mr. HOAR. I did not allude to the Senator from Wisconsin, but to the Senator from Connecticut.

Mr. HARRIS. Oh! I was not aware of that.

Mr. BROWN. I understood that I had the floor on the Utah bill,

but I was willing for that to go over until to-morrow at 2 o'clock, and in the mean time to yield to my friend the Senator from Illinois [Mr. LOGAN], who desired to make further remarks on the pension bill.

Mr. HOAR. I will give notice——

The PRESIDING OFFICER. The Chair will be allowed to state that the Chair certainly understood that the Senator from Georgia offered his amendment to the so-called Utah bill and yielded that the consideration of the Mexican pension bill might proceed.

Mr. HOAR. He could not do that without unanimous consent.

The PRESIDING OFFICER. The suggestion was made by the Senator from Tennessee [Mr. HARRIS] and one or two others, and no objection was made.

Mr. HOAR. It was objected to by the colleague of the honorable Senator who now occupies the chair, he saying that some very interesting statistical matter had been read which he desired to see in print before voting, as I understood him.

But I rose to say that I understand that no Senator who wishes to use the time otherwise to-night will desire to have any interference with the progress of the Utah bill to-morrow at 2 o'clock when it is in order; and that being the case, in order to accommodate the Senator from Illinois, as far as I am concerned I will make no opposition to using the time to-night as so many of the Senate seem to desire. I wish to say, however, that I shall insist as strenuously as is in my power to sitting till a late hour into the evening to-morrow to end the Utah bill if we can, and if we can not to make as large progress as is possible.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes;

A bill (S. 394) restoring to the pension-roll the name of Major D. Williams;

A bill (S. 494) for the relief of Nancy Miller;

A bill (S. 626) to increase the pension of Francis Scott;

A bill (S. 1299) to increase the pension of Alonzo B. Chatfield;

A bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces;

A bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial districts of Texas at the city of El Paso, and for other purposes; and

Joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria.

MEXICAN WAR PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. LOGAN. So far as I am concerned I am very easily satisfied. It is immaterial to me when this bill is taken up. I would rather see it voted on this evening.

I can see no reason whatever for delay because, as suggested by the Senator from Connecticut, some very important statistics have been presented to the Senate to-day and he would like to read them. I should be very glad to have him or any other Senator read them who desires to do so. I am almost positive that they are not correct. The letter to the Senate states that there are 36,000 of the Mexican soldiers surviving. It is a statement to which I do not give any credence. I have evidence to the contrary. There are organizations of Mexican war veterans, and they have appealed through the newspapers and in other ways to get the names of all surviving veterans in the United States.

The best evidence produced shows that there are not over 12,000 living. This is the highest estimate made by any association. Some reduce it to 8,000. The statements read here to-day are not on a proper basis. The calculation is made on the same system as the vital statistics which are made up by life-insurance companies, which can not apply to men leaving an army whose service has been in such a climate as that of Mexico. Soldiers are not to be judged, so far as the duration of life is concerned, as people generally, for the reason that there is more mortality among soldiers than among any other class of people, because of their exposure. The whole history of the world in reference to armies shows that to be true.

Mr. MORGAN. The Senator from Illinois will allow me to suggest that the climate of Mexico was very inhospitable, and a great many men contracted disease there and died since their return home who would not have suffered from that disease but for service in that country.

Mr. LOGAN. From the best information that we have from all over this country the statement made by the Commissioner of Pensions as to the number of survivors is not borne out.

Mr. MAXEY. Will the Senator from Illinois permit me to make a suggestion?

Mr. LOGAN. Yes, sir.

Mr. MAXEY. The amendment offered by the Senator from Illinois does not touch the matter of which the Senator from Connecticut has spoken. It is a pure and naked question, first as to whether the widows shall be allowed pensions, and second, whether or not the pauper oath shall be required. That does not affect these statistics. Therefore I see no reason why we should not take a vote this evening, and inasmuch as we have notice now that the Utah bill will be pressed to-morrow, and as we are, I hope, near the close of the session, I do hope the Senator from Illinois will insist that we shall have a vote on his amendment this evening.

Mr. LOGAN. I very much desire a vote to be taken; but I will make one further remark in reference to the suggestion made by the Senator from Connecticut in regard to numbers. What figure does it cut in a question of this kind whether the number affected is 12,000 or 20,000? The question to be decided by the Senate is whether or not this is right at this time. It is not a question of numbers; but it is a question whether or not this is the right thing to do. According to the principle that numbers must govern, we may say we will reduce it down to one, we will wait until there is only one living and we will give him a pension. If you are going on the economy dodge and propose to give only the smallest amount you possibly can to these men, you had better wait until they are all dead except one or two, and then you will save much expense to the Government. But if there is any principle involved and you propose to give the pension to these men because they earned it, it is immaterial whether they are many or few. It is a question whether it is right to give it to them at all or not. If it is, I think it is not a very good argument to inquire about their numbers.

I should like to have the vote taken if the Senate is ready to take the vote; if not, I have nothing further to say.

Mr. PLATT. The suggestion that the Senator from Illinois makes that the statistics which have been sent here are unreliable, and the charge which he makes at least by implication, which I hardly think he would feel like insisting upon, that they were sent here to defeat the bill, makes it the more important——

Mr. LOGAN. Oh, no; the Senator did not understand me to say that the person who got them up got them up to defeat the bill. I did not mean any such thing as that.

Mr. PLATT. I did not know exactly what the Senator did mean.

Mr. LOGAN. I meant that the use of such statistics was for the purpose of defeating the bill. If I used other language, I certainly did not intend to impute any improper motives to the getting up of the statistics. My meaning was that such figures are used to defeat the bill, whether I made myself clear or not. I do not see any reason why statistics should be produced here showing a certain number of men still living unless the object was to show that it would be a great expense to the Government, and thereby defeat the bill. That is my reasoning about it, and I believe it.

Mr. PLATT. I do not know just what the Senator means.

Mr. LOGAN. I have stated what I mean exactly.

Mr. PLATT. I understand that the Committee on Pensions, of which I do not happen to be a member, I am very happy to say, desiring to give to the Senate of the United States such information as they could in relation to the cost of a measure which was proposed here, asked the Commissioner of Pensions to prepare certain statistics, and give his opinion as to what the cost would be, and that in response to that request of a committee of this body the Commissioner of Pensions has sent here a statement which has been read stating in his judgment the cost of the proposed measure, and giving the reasons on which he based it. Who intended to defeat the bill by that means, I do not know. I leave that for the Senator from Illinois. I do not think that anybody intended thereby to defeat the bill. I do suppose that the committee and the Commissioner desired honestly to give the best statement which they could to the Senate as to the expense which the Government would incur by the passage of this bill. I did not hear the amount which the Commissioner thought this bill would cost. I did not hear very fully, read as the letter was in the confusion of the Chamber, the arguments and facts upon which he based his conclusion, and therefore it was that I said I thought we might at least wait until we had an opportunity to examine that before we came to a vote upon this measure.

I do not know any reason why a bill of this importance should be taken up at 2 o'clock in the afternoon of a certain day and hurried through to its passage by 5 or half past 5 of the afternoon of the same day. It seems to me that it is of importance enough for a careful consideration such as the Senate is in the habit of giving to measures of this kind. For one I want to say, however, that I do not believe in this principle of pensioning soldiers on account of service at any period in their lives. I believe that the true principle is to pension them for disability, and not for service. I believe that the country made a mistake in its policy when it pensioned the Revolutionary soldiers and when it pensioned the soldiers of the war of 1812 for service merely. I believe that is the sentiment of the country, not only among those who have not been members of the Army but among those who have been members of the Army. I believe it to be the sentiment

of the country that a great mistake was made when for fourteen days' service in the war of 1812 a pension of $8 a month was at some period after the war granted to the soldiers in that war, and 160 acres of land. I believe that is the sentiment of the country, and, whether it was twenty, thirty, forty, or fifty years after, I do not believe that the sentiment of this country upholds that kind of legislation.

I believe we have had two bad precedents, and we had better stop now. I wish to say right here that I do not want to pass this Mexican pension bill until we have settled the question of what is to be the final policy with regard to the pensioning of the soldiers of our recent war. There are numerous bills before the Senate, I think it safe to say there are a hundred bills before the Senate, proposing in various ways to increase the pension to the soldiers of our recent war, to pension them for different causes than now exist, and I believe that a very great many of these bills have merit in them, and I believe it to be the duty of the Senate first, before it acts on any Mexican pension bill, to establish some well-settled, well-defined policy resting upon justice and right as a basis for the pensions which are to be granted in the future to our Union soldiers.

For myself, I believe that disability is the only correct basis of a pension. I will not insist twenty or twenty-five years after the war that the soldier shall be compelled to prove that that disability was incurred in the service. I am willing to admit that after as many years have passed as have now passed since the close of the war every soldier who suffers present disability shall receive a pension. But when you go beyond that, when you propose to pension soldiers for service merely, then you are recognizing this principle, that a soldier fights for pay—his pay during the time he is in service or the pay which is to come to him if he lives thirty or forty years after the war shall have concluded. I do not believe that is the principle upon which the Government calls upon its citizens. I believe the principle is that every man owes service to his country, owes it to his country in return for the protection which his country affords to his life and his property. If there is any contract in this matter it is a contract between the citizen and the Government that when the Government is endangered the citizen will fight for it in consideration of the protection which the Government affords to the citizen in war and in peace. If you go one step beyond this you take away from the character of the soldier all that is noble and glorious in it. When you propose to pension a soldier for service merely you are proposing to pay him for glory, for courage, for patriotism, for endurance, and I undertake to say from what I know of the soldiers of this country that they do not claim or desire pay for any of those great qualities.

I did not expect this afternoon to say one word upon this bill. I did think that perhaps to-morrow after I had read the statistics which have been introduced here I might have something to say upon it; but I have in these few words expressed my idea of the only basis upon which pension legislation can justly be put.

Mr. HOAR. Mr. President, the Senator from Connecticut and the Senator from Kansas, unless I have misunderstood both those Senators, seem to me to have misapprehended the force of our precedents upon this subject. The last shot was fired in the war of the Revolution in the assault and capture of Yorktown on the 19th of October, 1781. In 1818 Congress granted to the soldiers who were in need, survivors of the Revolution, a pension. That condition was done away with, and all the survivors of the Revolutionary war were placed upon the pension roll in the year 1832, fifty-one years after the close of the war. That principle was applied to the soldiers of the war of 1812, which ended in 1815, in 1871. ["1878."] The final principle was extended to all who had served sixty days in 1871; that is, fifty-six years after the close of that war when by the inexorable law of nature every survivor of that war labored under the disability of old age, and the principle therefore was jealously and sedulously adhered to that no person should be pensioned but a disabled soldier.

Now we are proposing not to follow two bad precedents or one bad precedent, but we are proposing to set for the first time a precedent which is that the survivors of the Mexican war, which ended in 1848, only thirty-six years ago, many of whom are strong men, healthy, vigorous in mind and in body, shall without an exception be put upon the pension-roll merely as a reward for service. There is no principle upon which this legislation can be defended which will not require us hereafter to place upon our pension-roll at the close of every war at the discharge of the soldier from his military service the soldier as a pensioner for life. There are many of these survivors who have reached the period of old age, who are decrepit and poor; and for them every Senator without an exception would be glad to frame a pension bill which would relieve them, I have no doubt; but there are a large number of them in my own State, and in other States, in the Senate and in the House, men who in every respect, in vigor and ability of mind and of body, are among the most fortunate of the citizens of the Republic.

Now, this precedent which we are asked to set contains within itself a promise, as the Senator from Kansas has implied in his remarks, and it is because of that promise that Senator from Kansas indicates his purpose to support it; and what is the promise? It is a promise to put upon the roll every soldier who has served, whether at the front or at home, whether during a campaign or a battle or by a night's sleep in a tent distant from the theater of war—to put upon the pension-roll every officer and soldier and sailor of the late war for the Union. And unless the statement which the chairman of the Committee on Pensions makes to the Senate on his official responsibility be mistaken, that involves a promise of over $125,000,000 a year. That is the answer which the honorable Senator from Pennsylvania made to my question. What is the foundation on which that answer rests, I am not prepared to say; but I do say that the Senator from Pennsylvania is the organ of the Committee on Pensions to whom the Senate have the right to look for information on that subject, and his answer is the only information we have received.

Mr. MITCHELL. I stated over $100,000,000.

Mr. HOAR. I thought the Senator said over $125,000,000.

Mr. MITCHELL. I believe I did mention that it would be over $100,000,000 in addition to the existing pension-list.

Mr. HOAR. Let me understand the Senator.

Mr. BLAIR. That statement was one which I made based on other data which seemed to give good ground for it.

Mr. HOAR. It is immaterial. One of two members of that committee says that the Senate is pledged by this policy to an annual expenditure of $100,000,000; the other Senator of the same committee thinks that is $125,000,000.

Mr. CAMERON, of Wisconsin. That is in addition to the present amount.

Mr. HOAR. In addition to the present existing pension-list.

Mr. INGALLS. That is when the survivors of the Union Army are placed on the roll.

Mr. HOAR. That is what I said, that taking the view which the honorable Senator from Kansas contended for and so clearly stated, this bill contains in itself a promise which if we apply its principle requires us now and at once forthwith——

Mr. INGALLS. Oh, no.

Mr. HOAR. Oh, yes. Now and at once, forthwith to place upon the pension-roll the survivors of the late war for the Union.

Mr. INGALLS. Will the Senator permit me one moment?

Mr. HOAR. Certainly.

Mr. INGALLS. I said with regard to the propriety of passing this bill the only question was whether the time had arrived at which existing precedents should be applied.

Mr. HOAR. I understand.

Mr. INGALLS. I say with regard to the surviving soldiers of the Union Army that the question when that measure comes up will be the same, to ascertain whether the period has arrived when the precedent should be applied; but if the Senator understood me as saying that I favored now *instanter* placing the surviving veterans of the Union Army on the rolls, he misunderstood me.

Mr. HOAR. I heard the sentence which the Senator has now repeated in his speech before, and that sentence as it seems to me is inconsistent with the argument which he addressed to the Senate, and is inconsistent with the body of the speech itself.

Mr. INGALLS. I will say to the Senator that I do not retreat or retire from any of the consequences which he seems to put upon it.

Mr. HOAR. I understand. The Senator's proposition to the Senate was this, and it is a theory on which alone in our pension legislation this bill rests, that the pension is given to the soldier not by reason of his need; it is given to the soldier not on account of his pecuniary want; it is given to the soldier not on account of his physical or mental disability; it is given to the soldier solely as his right, as a reward for service. If that be true—and it is the ground on which every person who has spoken at length on this bill has put it, including the Senator from Kansas—the right, as I just said, is perfect and complete when the soldier receives his discharge at the end of his military service as it is five, ten, fifteen, or twenty years afterward, and there is no principle on which you can distinguish my honorable and gallant friend from Texas [Mr. MAXEY], or my honorable and gallant friend from Kentucky [Mr. WILLIAMS], or the illustrious soldier on this side of the Chamber who has just spoken [Mr. LOGAN], from the Union soldier who has just closed his military service. They stand on the same principle; they seek by the same right; and if you open this door to the soldier of the Mexican war you can not shut it in the face of the soldiers of the war for the Union.

Mr. INGALLS. I do not want to.

Mr. HOAR. You do not want to, and therefore, as I say again, voting "yea" on this bill is a pledge of the Senator who casts that vote that forthwith, as soon as may be, if he carries out the logic of his action here, there shall be added to the annual expenditure of this country for pensions a sum not less than $100,000,000, if one Senator is right, and not less than $125,000,000 if another Senator is right, year in and year out. I think the political discussions as to the removal of the surplus revenue will disappear; I do not think that there will be much difference in the political opinion of the friends of tariff for revenue only and tariff for protection hereafter when this principle of expenditure is once established.

Mr. MAXEY. I have no intention of discussing the merits of the bill to-night; nor has there been a call for a vote upon the bill itself

to-night but only on the amendments suggested. Now, the first amendment to which the Senator from Illinois referred is an amendment which the committee itself has agreed upon. It has therefore passed the Committee on Pensions and needs, I think, no further going into figures or statistics. That is simply that the bill shall provide for surviving widows of such officers and enlisted men as have not remarried. That is the proposition of the committee. We ought to be able to take a vote on that without any trouble. The committee report that; the friends of the bill agree to that. Why, then, shall there be any question about taking a vote on that to-night? The object we have in view is to strip this thing down and get the amendments made, perfect the text, and then let us discuss the merits of the text itself.

Mr. HOAR. The Senator will pardon me a question. I desire to say to the Senator from Texas that there are sundry amendments which it is desired to offer. I have myself one which I desire to offer now if the amendment of the Senator from Illinois is adopted. We can not amend that language after it has once been voted in by the Senate, and if it is put on the ground that the friends of the measure desire a peculiar expression in framing their language, the right ought to be reserved to Senators hereafter to test the sense of the Senate on amendments to that as if it were an original bill, and I should ask that we might have unanimous consent to that course if we vote to-night.

Mr. BLAIR. Will the Senator from Texas permit me to explain a misapprehension which he seems to be laboring under before he proceeds? This clause with reference to the widows and also that in reference to dependence are both reported by the Senate Committee on Pensions and they are together. Now the Senator from Illinois moves to amend the amendment reported by the committee by striking out of that amendment all excepting this which touches the widows. If this is stricken out, if the amendment of the Senator from Illinois is adopted, it is a striking out of what he calls the poverty clause and the whole discussion turns upon that, and there will be nothing left of the bill or the discussion if we vote on that to-night, and I desire myself to say something more before the vote is taken.

Mr. PLATT. Will the Senator from Texas yield to me for a single inquiry that I may understand this proposed amendment?

Mr. MAXEY. Certainly.

Mr. PLATT. This bill, as I understand it, when it came from the House limited the pensions to widows to those who were widows at the time of the discharge of the soldier.

Mr. BLAIR. To those who were married while the soldier was in the service.

Mr. PLATT. To those who were married while the soldier was in the service. Striking that out would pension the present widow of any soldier who was in the Mexican war, or if such soldier married hereafter their widows would be affected when the husband died. Is that it?

Mr. BLAIR. The proposed amendment the committee report is eliminating the limitation in the House bill which carries the pension to the widows of Mexican war soldiers who have not remarried, without reference to the date when the contract of marriage was entered into.

Mr. PLATT. Suppose that ten years from now a woman marries a person who was in the Mexican war, would it give her a pension at his death?

Mr. BLAIR. It would, and in addition to that, as part of the same clause, at the end of it, a continuation of that is the dependent clause. Striking out the dependent clause is the motion of the Senator from Illinois to amend the amendment, and if we take the question on his motion to-night all this discussion in regard to the dependence of the soldier is eliminated. There is nothing left of this discussion.

Mr. MAXEY. Now I may be permitted to go on for a moment and conclude what I have to say. There are two propositions wholly and essentially distinct. The committee report, first, that the bill should extend to the widows of the Mexican war soldiers who have not remarried. That has nothing whatever to do with the question of pauperism. It is wholly and essentially distinct from the proposition which the Senator from Illinois moves to strike out; there is no connection between the two. The committee come in and report that this bill should extend to the widows of the Mexican war soldiers who have not remarried. We say that is all right, and somehow I must confess my utter inability to appreciate the position taken by the Senator from New Hampshire, for what has the question of widowhood to do with the question of the pauperism of the soldier? Nothing whatever. Hence there is one question upon which we can certainly vote, and as I suppose without any real division, because the committee have agreed that all widows not remarried should come in under the bill, and if anybody is pensioned they ought to be. The very fact that the Senator from Illinois was permitted to move to strike out the latter clause shows that there were two distinct subjects embraced in the committee's amendment, and that the question was divisible, as every one will admit at once that it was.

So then the real question is, at last, shall the bill be amended by an amendment put upon it here in the Senate compelling a man who served his country upon the fields of Mexico to go into a court of justice and swear that he is too poor to earn his own support, and that he must therefore apply for the bounty of the Government? Why, sir, the argument which was made in 1832 in the Senate of the United States by Mr. Frelinghuysen, and which was read by the Senator from Kansas, is entirely unanswerable upon that question.

I happen to know that there were soldiers in the Revolutionary war who were excluded by the act of 1818 because they were not willing to take that pauper oath and who never made application for a pension until after the amended act of 1832 came into force; and I say that I honor the manhood of a man who will make his own living, however poor that living may be, rather than come in and with the ashes of abasement on his head say to his Government, "I come for your pity, because I am too poor to make a living." That is the only proposition which the Senator from Illinois combats. He says that that should be stricken out, and let all who are entitled, if any, come in on terms of perfect equality. That is his proposition.

What has that to do with numbers? What has that to do with statistics? It is a principle, and the principle is right or wrong. If any are entitled, let it be all those who served; or if none are entitled, then they should all go together. So at last waiting to take a vote on the amendment till we receive statistics, to my mind, is useless. It is simply a principle, and a principle which is as actually under the control of the intelligence of the Senate as it could possibly be after any number of statistics that might be brought forward were presented.

One other point. I am probably, like the Senator from Illinois, as conversant with the real statistics of the surviving officers and soldiers of the Mexican war as any member of the Senate. I have had opportunities of knowing something about them, and the Senator from Illinois has had opportunities of knowing, and my judgment is that when he fixes the number at 12,000 he is beyond the real number. The most intelligent and enlightened men who served in the Mexican war, and who have devoted years in order to ascertain the number of survivors, come under the figure fixed by the Senator from Illinois.

But put the number at 12,000. If the figures fixed in the statistics of the Commissioner of Pensions were true, I would say that the soldiers of the Mexican war are the most astonishing men who have lived since the days of Methusaleh; there are no men on earth who equal them in point of longevity. After thirty-seven years have passed since the last gun was fired more than one-half of the men who entered that service are still living, according to these statistics; and that, too, when our men died from diseases which were contracted in that inhospitable climate.

As the Senator from Illinois, the Senator from Kentucky, and the Senator from Mississippi know, thousands of men were cut off by chronic diarrhea, which prevailed in every army that went out from the United States into Mexico, and which followed those men into this country, and many of them died after they reached home. Then they have met with the ordinary casualties that befall the lot of man, and in addition to that a great war has swept over the land and a large portion of them have fallen in that great conflict; so that upon any conceivable basis it would be to my mind utterly impossible for any intelligent calculation in this case to show that there are 33,000 of the soldiers of the Mexican war living. There are much nearer 12,000 than 33,000.

But at last it comes to the proposition which was presented by the Senator from Illinois. If it be a question of equity, if it be a question of fair-dealing, if it be a question of justice, in view of all the facts, in view of the magnificent territory which was brought into the American Union by that war—for when we come to look at the vast country which came in by virtue of that war, Arizona, Colorado south of the Arkansas River, California, Nevada, New Mexico, Utah, and a portion of Wyoming Territory—and when we consider the great ports which have been added to the American Government on the Pacific Slope, yielding their thousands and their hundreds of thousands of dollars into the Treasury of the United States, San Francisco being, I believe, now the second paying customs port in the Union—when we consider the vast gold and silver fields that have been opened there, the vast productions of wool and wheat and other agricultural products which have been brought to this country, when we count in these things and consider that thirty-seven long years have passed by since that war closed, and that in the opinion of the Senate of the United States there is equity and right and justice in paying out to these men not a great fortune but the highest pension that we propose to give is $8 a month, $96 a year—if it be right to pay these men that amount, is it a question whether there should be a few more or a few less? That is not the question. It is a question of principle. The question which is now discussed is not the question of numbers; that is not the question before the Senate; it is the question whether any man should be required to go into a court of justice, as was mentioned by Mr. Frelinghuysen fifty-two years ago, to swear to an invoice going down even to his cups and saucers and show that he was not able to support himself. That is the question, and the only question, and upon that there is no reason, so far as I can see, why we shall not take a vote now.

I am notified by the Senator from Massachusetts that other amendments hereafter will come up. We are ready to meet them as they come. This is the one we now have under consideration, and in view of the Utah bill, which is pressed with such earnestness here, and in view of other business before the Senate, and in view of the fact that we have time to take a vote on this measure, I see no reason why we

should not have a vote to-night on the amendment offered by the Senator from Illinois.

Mr. HARRISON. I move that the Senate do now adjourn.

Mr. BLAIR. I wish to ask for the printing of the amendment which I suggested in my remarks. I desire to have it printed as an amendment proposed to be offered to the bill.

The PRESIDING OFFICER. It will be so ordered.

Mr. ALLISON. I ask the Senator from Indiana to yield to me that I may withdraw a motion entered a few days ago to reconsider a bill.

Mr. HARRISON. I will do so.

The PRESIDING OFFICER. The Senator from Indiana withdraws the motion to adjourn.

MISSOURI RIVER BRIDGE.

Mr. ALLISON. I wish to withdraw the motion to reconsider the vote by which the Senate passed the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

My friend from Tennessee [Mr. HARRIS], who is a strict parliamentarian, informs me that I should have unanimous consent to withdraw the motion.

Mr. HARRIS. A motion to reconsider can not be withdrawn without unanimous consent.

The PRESIDING OFFICER. Is there objection to withdrawing the motion? No objection being made, the motion to reconsider is withdrawn.

HOUSE BILL REFERRED.

The bill (H. R. 263) for the relief of George F. Bicknell was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRISON. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 26, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

NORTHERN JUDICIAL DISTRICT, STATE OF TEXAS.

Mr. LANHAM. Mr. Speaker, I move, by unanimous consent, to take from the Speaker's table the bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes, returned from the Senate with amendments.

The SPEAKER. Is there objection?

There was no objection, and the bill was taken from the Speaker's table and the amendments of the Senate read, as follows:

First amendment. In section 1, strike out the words: "shall hereafter read as follows," and insert in lieu thereof "is hereby amended as follows."

Second amendment. Strike out the following:

"The courts in the northern judicial district shall be held twice in each year at Waco and Dallas, and at Graham, in Young County; and the courts in the eastern judicial district shall be held twice in each year at Galveston, Tyler, and Jefferson; and."

Third amendment. Strike out the following words:

"At the city of Waco on the first Mondays in April and October; at the city of Dallas on the first Mondays in June and December; at the town of Graham, Young County, on the first Mondays in February and August; at the city of Galveston on the first Mondays in November and March; at the city of Tyler on the second Mondays in January and May; at the city of Jefferson on the second Mondays in February and September."

Fourth amendment. Strike out the following words:

"And the district judge of each of said districts shall have power to fix adjourned terms at all of said places so as to dispose of the whole of the business of said courts."

Fifth amendment. In section 2, after the word "issued," insert the words "after the act shall take effect."

Sixth amendment. In section 3 strike out the following words: "The ninth section of said act be so amended as to authorize the clerk and marshal of the said western judicial district, respectively, to appoint," and insert in lieu thereof: "There shall be appointed, in the manner provided by law."

Seventh amendment. Strike out the following words:

"And deputy marshal, each of whom shall reside at El Paso, for said court," and insert in lieu thereof "who shall keep his office."

Mr. LANHAM. I move the amendments of the Senate be concurred in.

The amendments of the Senate were concurred in.

Mr. LANHAM moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS WILLAMETTE RIVER, OREGON.

Mr. GEORGE. Mr. Speaker, I move by unanimous consent to take up for action at this time the bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads.

The SPEAKER. The bill will be read, subject to objection.

The bill was read *in extenso*.

The SPEAKER. Is there objection to taking up for present consideration the bill which has just been read?

Mr. WELLER. I object.

Mr. GEORGE. I hope the gentleman from Iowa will withdraw his objection. This is a local measure which has received the approval of the Secretary of War. It is a Senate bill. I hope the gentleman from Iowa will withdraw his objection.

The SPEAKER. Is there objection to taking up the bill for present consideration?

Mr. WELLER. Yes; I object.

RETIREMENT OF NATIONAL-BANK CIRCULATION.

Mr. WELLER. I ask unanimous consent to introduce for present consideration a joint resolution authorizing the Secretary of the Treasury to invest the lawful money deposited by national-bank associations for the retirement of their circulation, and for other purposes.

The SPEAKER. The joint resolution will be read, subject to objection.

The Clerk read as follows:

A joint resolution authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury, in trust, by national banking associations for the retirement of their circulating notes, and for other purposes.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized, out of any lawful money deposited by national banks for the purpose of retiring their circulation, under the provisions of section 4 of the act of July 20, 1874, and of sections 5222 and 5230 of the Revised Statutes of the United States, and of section 6 of the act of July 12, 1882, to purchase, at not exceeding the par value thereof, under such regulations as he may prescribe not inconsistent therewith, any bonds of the United States now outstanding; the bonds so purchased to be held in trust and used as security for the payment of the circulating notes of the banks which have or may deposit lawful money for such redemption and payment: *Provided, however*, Whenever the circulating notes of national banking associations, for the retirement of which lawful money has been deposited, are presented to the Treasury for redemption, the Secretary of the Treasury shall use any available moneys in the Treasury for the redemption thereof, and to that extent the bonds so held shall be canceled and destroyed, together with the interest thereon: *And further provided*, All of the interest accruing on said bonds or any of them shall be canceled as it matures: *And further provided*, That all of said bonds and the interest thereon shall by the Secretary of the Treasury be canceled and destroyed whenever it shall appear to him that the outstanding notes of said banking associations are destroyed or lost, the intent being that the Government shall redeem by lawful money payment all such notes so provided for and also to cancel all of said bonds and interests thereon accruing, as stated hereinbefore.

The SPEAKER. Is there objection?

Mr. GEORGE. Yes. I think I shall have to object until my bridge bill gets through. [Laughter.]

Mr. WELLER. I hope the gentleman will withdraw his objection until I present the reasons why this joint resolution should be considered at this time and passed. [Cries of "Regular order!"]

The SPEAKER. Is the demand for the regular order insisted upon or withdrawn?

Mr. BLAND. It is withdrawn.

GEORGE F. BICKNELL.

Mr. LONG. Mr. Speaker, I move by unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 263) for the relief of George F. Bicknell, and that it be put on its passage at this time.

The SPEAKER. The bill will be read subject to objection.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of dismissal now standing upon the records of the War Department against the name of George F. Bicknell, late captain of Company C, Third Regiment Rhode Island Volunteer Cavalry, and to grant said George F. Bicknell an honorable discharge from the service of the United States as of date of June 29, 1865.

Mr. TOWNSHEND. We reserve the right to object.

The SPEAKER. Certainly.

Mr. LONG. I will say, Mr. Speaker, that this bill was unanimously reported by the Committee on Military Affairs in the Forty-seventh Congress, and has been unanimously reported by the same committee of the present Congress. The circumstances are these: George F. Bicknell was a faithful officer and served with great gallantry from the time of his muster into the service in 1862 until the end of the war. He served in the regiment commanded by Lieut. Col. George R. Davis, now a member of this House, who certifies to his excellent record.

After the war was over the colonel of the regiment, who had been absent, returned and took command and Bicknell was transferred to a remote station to do police duty. His company was greatly diminished by detail, until at last it was so far reduced he sent in his resignation. The colonel was not familiar with his services, and he forwarded his resignation with the recommendation that it be accepted. It was accepted, and Bicknell was dismissed the service. Lieutenant-Colonel Davis, of the same regiment, now a member of the House, states in emphatic terms the faithfulness and efficiency of Bicknell's services, and that he would have forwarded the resignation with a favorable rec-

ommendation on account of his good character and excellent record. He also states that had the colonel known the circumstances he would not have recommended his dismissal. This man has been for ten years under this reproach, and the Committee on Military Affairs of two Congresses have unanimously recommended the passage of this bill. At this Congress the bill is reported by the chairman of the Committee on Military Affairs [Mr. ROSECRANS]. I move that the bill be put upon its passage.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL HOMES FOR DISABLED VOLUNTEER SOLDIERS.

Mr. ROSECRANS. Mr. Speaker, I hope there will be no objection to the motion which I submit on the part of the Committee on Military Affairs, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the preamble and resolutions in reference to the national homes for disabled volunteer soldiers.

The SPEAKER. The preamble and resolution will be read subject to objection.

The Clerk read as follows:

Whereas experience hitherto shows a steady increase in the numbers as well as in the percentage of disease and death of the inmates of the national homes for disabled volunteers, which increase will probably continue for ten or fifteen years and will demand enlarged provision for the care and maintenance of disabled soldiers; and

Whereas the board of managers of those homes, solicitous for the best possible administration thereof, have repeatedly requested Congressional examination of their system, and especially in view of certain general and specific complaints which have reached the Committee on Military Affairs as to the workings and management of some of the homes, it is desirable, for guidance in future legislation, that Congress should have full and authentic information on these matters:

Resolved, That the Committee on Military Affairs be, and it is hereby, empowered to examine and report to this House upon the plan, practical workings, and management of the national homes for disabled volunteer soldiers, and to recommend what, if any, legislation appears necessary to insure the most effective, economical, and humane application of the funds annually appropriated by Congress to this great beneficence; and for that purpose the committee is authorized to sit during the sessions of the House, to examine by subcommittee such of the homes as it may deem necessary, to send for persons and papers, to administer oaths, to employ such clerical assistance as may be required for this work, and to meet during the recess of Congress; all the necessary expenses to be paid out of the contingent fund of the House upon the certificate of the chairman of the committee.

Mr. DEUSTER. I heartily approve of the resolution presented by the honorable gentleman from California. Sir, the district I have the honor to represent on this floor has within its boundaries one of these grand institutions, a fitting memorial of the generosity and gratitude of the American people in caring for those gallant men who sacrificed the best years of their manhood that the nation might survive and who were maimed upon the field of carnage, or broken down by the rigors of the camp and the march. The white-winged messenger of peace that at last settled down upon a Union cemented together with their blood, as it was born in the smoke of battle, brought joy and happiness to the people, and returned the soldiers, or a vast number of them, to the pursuits of peace, broken in health, crippled and prematurely aged, to gain a livelihood in competition with vigorous youth and sturdy manhood, grown to those estates while they were breaking down beneath a southern sun and exposure to the elements of war.

A generous and grateful people could not do less than they have done in erecting palatial buildings and laying out beautiful grounds to at least make pleasant the pathway of the grave for these men to whom we all of us owe so much. It was their right to demand and our duty under the unwritten law of humanity to comply. And yet, sir, with all this outward show of beauty set forth in massive piles of brick and mortar, wrought out into the highest excellence of architectural art, and surrounded with beautiful lawns, from which roses put forth their fragrance and blush in the noonday sun, and with shady groves and sparkling fountains, it has been claimed that the "Soldiers' Home" is a misnomer, that the outward show of beauty is often but a covering for the inward misery and despair. The complaints sent out by the inmates of ill-treatment and hardships endured are numerous if they be but partly true. I speak advisedly on this subject, and have only to put in evidence the letters addressed to me by inmates of the different homes to justify my assertions. It is not in the province of things that so large a body of men should be gathered beneath one roof without some grumblers, but the complaints are not confined to the few but extend to the many.

In my judgment the evils complained of are more the result of the "rules and regulations" governing these institutions than the fault of the officers in charge. The discipline exacted is that of the regular Army, with all its arbitrary rules and articles, which robs the "home" of its comforts and reduces the inmate to the level of a cringing creature, utterly dependent, helpless, and devoid of individuality or manhood, a mere machine, in fact, to be started and stopped at the order of a superior officer. Men whom the world has beaten in the great struggle, or who have beaten themselves by yielding to temptations until unfit for anything else, accept the regular Army as the *dernier ressort*, the last step in human degradation, as a means of avoiding starvation. And yet, sir, the experiment is going forward of trying to make a home under the same system that governs in the regular Army, a system the only tendency of which is to degrade.

The responsibility for ill-treatment complained of by many of these crippled, diseased invalids who are slowly tottering toward the grave should be placed, to a great extent, to a class that by training from boyhood and associations has become estranged from the mass of the people from whom it was taken to be educated at the country's expense at a military academy, and that has thus lost that feeling of a common equality. They forget that they are no longer to terrorize poor regulars, but simply to superintend men and citizens who are their equals before the law. I demand a rigorous investigation of the management of these homes. We owe it to these invalids, who sacrificed their all for our common country. Their stay with us is shortening with every day, and as I said on another occasion, before long they will have gone to that home which is governed by a Merciful Father, which needs no arbitrary rules and regulations save mercy and justice for its inmates.

Mr. MURRAY. Mr. Speaker, many of my people are interested in the passage of this resolution; but, sir, aside from a local desire it is of national importance that this resolution should pass.

This Government has been to great expense in furnishing homes for its disabled soldiers, and bills are now pending in this House for the establishment of several more of these institutions. It is of great importance that a careful investigation of the manner in which these homes are conducted should be made by a committee from this House, in order that errors of management, if any, may be made known and corrected. It may be that no improvement is needed; but certain complaints have been made against the management of the home situated near the city of Dayton, Ohio. This home, known as the Central branch, has over 4,000 inmates, or almost as many as all the other homes combined.

For years complaints have been made against the management of this home, and so numerous were the grievances that the National Board of Managers of the Soldiers' Homes deemed it necessary to order an investigation last year. This investigation was made and changes in the management recommended, but the complaints are now more numerous than ever; not from the inmates alone, although a great many reasonable complaints have been made to me from the inmates of this home to the effect that they are not treated kindly, that the discipline is so severe and under such constant enforcement as to be even more irksome than when they were in the full vigor of their manhood, fighting the battles of their country in the trenches and on the tented field, when severe discipline was an absolute necessity. The men have grown old and weak, borne down by their age, sorrows, and afflictions, and no reasonable man can think that these crippled children of the Republic should be treated as if they were in a garrison.

A short time ago I received a petition signed by a large number of reliable and responsible citizens of Montgomery County, Ohio, worded as follows:

The undersigned, citizens of Montgomery County and city of Dayton, in the State of Ohio, respectfully request you to urge such action upon the part of Congress as will bring about a change in the governorship of the National Military Home for Disabled Volunteer Soldiers at this place. The conduct of the governor is, and has been in many cases, tyrannical, and we might say inhuman, to the men under his control. He has refused admittance, even temporarily, to many wounded and disabled soldiers, who are thus thrown upon the public charity or have become inmates of the county infirmary, now crowded with men who by right ought to be in the home. He has inflicted unusual and severe punishment upon the inmates, and for small and trivial offenses that should be overlooked in old soldiers who have been wounded and disabled in the service and are of infirm health and mind. Blind and insane men, for expressing opinions for which they are wholly irresponsible, have been dishonorably discharged from the home and are now a burden upon our charitable institutions.

I might read a great many other appeals that I have received, but the one given is sufficient to show the general character of the complaints made. One of the directors of the county infirmary of Montgomery County wrote me not long ago as follows:

There are now twenty-three inmates of the soldiers' home in this county in the county infirmary who have been discharged from the home, and nearly all of them are either insane or blind, and dependent upon this county for their support.

Governor Patrick was a regular Army officer and accustomed to the rigorous discipline of the regular Army, but the 4,000 men over which he has control were of the volunteer army and unused to that kind of discipline. Being volunteer soldiers it would be a fair request that some one should be chosen to govern them from the volunteer army rather than the regular Army even if there was no other cause of complaint.

But, sir, these homes were established in order that the crippled and disabled soldiers of this country might have a place to spend the last of life in peace and comfort. Money has been extravagantly expended, and if these men are not comfortable and happy it certainly is not the fault of a generous Government. Grand and expensive places have been provided, and there is hardly anything more beautiful on this continent than the home and grounds of the Central branch at Dayton. But what are beautiful grounds or a comfortable place to sleep, or even plenty of substantial and good food, when you are ruled with an iron hand that

wipes away all sense of liberty, that keeps you so subdued that you hardly dare call your soul your own, that when you lie down at night or wake at dawn the thought is constantly uppermost that you know not what punishment is imminent or about to fall upon your defenseless head.

The men who are obliged to live in our national homes are not in its best sense subjects of governmental charity. By their sightless eyes, their maimed and broken bodies, their lost limbs, their shattered constitutions, and dethroned reason, they present a long line of melancholy witnesses to the fact that they have done more for their country than their country can ever do for them. To offer these people a home, even if it be surrounded with all the beauty of Eden's garden, and is not governed in the spirit of kindness, is like asking for bread and getting a stone. The charges made may be to some extent groundless, but the complaints are so numerous and from such a variety of sources that I hope the resolution will pass without opposition.

The SPEAKER. Is there objection?

There was no objection, and the Committee of the Whole House on the state of the Union were discharged from the further consideration of the preamble and resolution, and they were adopted.

Mr. ROSECRANS moved to reconsider the vote by which the preamble and resolution were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSISTANT ENGINEER HOWARD D. POTTS.

Mr. THOMAS. Mr. Speaker, I move by unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 6081) for the relief of Assistant Engineer Howard D. Potts, United States Navy.

The SPEAKER. The bill will be read subject to objection.

The bill was read *in extenso*.

Mr. WARNER, of Ohio. I object, unless there be some satisfactory explanation.

Mr. BLAND. I object, unless some good reason shall be given for the passage of the bill. What is the difficulty about the pension now?

The SPEAKER. Is the objection insisted upon?

Mr. BLAND. Yes. I call for the regular order.

LEAVE TO PRINT.

Mr. THOMAS. I will of necessity be absent to-day, and therefore I ask unanimous consent for leave to print some additional remarks in connection with those I submitted on Saturday last on the bill for the relief of cadet-engineers.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

SALE OF NAVAL VESSELS.

Mr. MORSE. Mr. Speaker, I rise to submit a privileged report from the Committee on Expenditures in the Navy Department. I report back the following resolution with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be, and is hereby, requested to report to this House at as early a date as practicable—

First. The names of the vessels of the United States which have been taken to pieces or removed by virtue of the provisions of the act approved March 3, 1883, and the places where such vessels were broken up.

Second. The amount of money expended in breaking up the said vessels, separately stated for each vessel.

Third. What disposition has been made of the old materials derived from said vessels, and if the said materials have been sold, the amount of money realized from such sale, separately stated for each vessel, and the disposition thereof.

Fourth. The names of any other vessels which in the judgment of the Secretary ought to be taken to pieces, stating the reason why the same should not be sold at public auction or on tender, after due advertisement.

Mr. CALKINS. I ask for the reading of the report.

Mr. MORSE. I did not think the rules required in a case of this kind the submission of a written report.

The SPEAKER. The rules require a written report.

Mr. CALKINS. And I object unless there is a written report.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL, by unanimous consent, from the Committee on Agriculture, reported back the amendments of the Senate to the bill (H. R. 5261) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, with the recommendation that the amendments of the Senate be non-concurred in.

The motion was agreed to; and the amendments of the Senate were non-concurred in.

Mr. DIBRELL moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded. It is the call of States and Territories for the introduction and reference of bills and joint resolutions. On this call resolutions of inquiry addressed to heads of Departments are in order, and also resolutions and memorials of State and Territorial Legislatures for reference only.

INTERNAL-REVENUE TAXATION.

Mr. HERBERT introduced a bill (H. R. 7085) to reduce internal-revenue taxation; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BOUNDARIES OF A MEXICAN GRANT IN CALIFORNIA.

Mr. HENLEY (by request) introduced a bill (H. R. 7086) to authorize a suit to settle the boundaries of the grant known as the Rancho Corte de Madera del Presidio, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BUDD (by request) introduced a bill (H. R. 7087) to amend section 4426 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES E. MILES.

Mr. BISBEE introduced a bill (H. R. 7088) granting a pension to Charles E. Miles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRIETTA M. HALLAM.

Mr. TOWNSHEND introduced a bill (H. R. 7089) granting a pension to Henrietta M. Hallam, widow of Samuel Hallam, deceased, Company B, Sixty-third ——— Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HAZLE.

Mr. LAMB introduced a bill (H. R. 7090) for the relief of William Hazle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. LAMB also introduced a bill (H. R. 7091) granting leave of absence to the employés of the Government Printing Office and pay when actually sick; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

ANTHONY BEYER.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7092) for the relief of Anthony Beyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF BARRACKS, NEWPORT, KY.

Mr. CLAY introduced a bill (H. R. 7093) to authorize the Secretary of War to improve and enlarge the barracks at Newport, Ky.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRINTING REPORT OF COMMISSIONER OF EDUCATION.

Mr. WILLIS introduced a joint resolution (H. Res. 257) for printing report of Commissioner of Education for 1882–'83; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PORTRAIT OF LA FAYETTE.

Mr. RANNEY. I desire to introduce a resolution relating to the portrait of La Fayette.

The SPEAKER (after examining the resolution). This is not a joint resolution, and is not in order under this call.

Mr. RANNEY. I hope it will be entertained by unanimous consent.

The SPEAKER. The Chair can not ask unanimous consent during this call.

LEMUEL M. BARTLETT.

Mr. LOVERING introduced a bill (H. R. 7094) granting a pension to Lemuel M. Bartlett; which was read a first and second time, referred to the Committee on Invalid Pensions and ordered to be printed.

LEWELLYN E. WOODIN.

Mr. ELDREDGE (by Mr. WINANS, of Michigan) introduced a bill (H. R. 7095) for the relief of Lewellyn E. Woodin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHARLES BRANDT.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 7096) granting a pension to Charles Brandt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC HARALSON.

Mr. SINGLETON introduced a bill (H. R. 7097) for the relief of Isaac Haralson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. BARNHOUSE.

Mr. FYAN introduced a bill (H. R. 7098) granting a pension to J. A. Barnhouse, Company H, Seventy-fifth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH SMITH.

Mr. FIEDLER introduced a bill (H. R. 7099) granting a pension to Elizabeth Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. GEORGE W. PATTEN.

Mr. KEAN introduced a bill (H. R. 7100) granting an increase of pension to Mrs. George W. Patten; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REVENUE-MARINE SERVICE.

Mr. KEAN also presented a joint resolution of the Legislature of the State of New Jersey, requesting Congress to pass a bill to promote the efficiency of the revenue-marine service; which was referred to the Committee on Commerce.

OBSTRUCTIVE DEPOSITS, HARBOR OF NEW YORK.

Mr. COX, of New York, introduced a bill (H. R. 7101) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York, and to punish and prevent such offenses in connection therewith; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

MICHAEL COHEN.

Mr. MULLER introduced a bill (H. R. 7102) for the relief of Michael Cohen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FOREIGN EMBASSADORS.

Mr. ROBINSON, of New York, introduced a joint resolution (H. Res. 258) in relation to foreign embassadors; which was read a first and second time, referred to the Committee on the Rules, and ordered to be printed.

Mr. ROBINSON, of New York. I ask that the joint resolution be read at length; it is brief.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be a standing rule in both Houses of Congress that no member of either House ought to receive or give any visit to or from any foreign agent or embassador, or any other person that avows himself to be a public agent or embassador for a foreign country, without the consent of the House to which he belongs.

FRANCIS DANIELS.

Mr. BURLEIGH introduced a bill (H. R. 7103) for the relief of Francis Daniels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. WHALEN.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 7104) for the relief of James A. Whalen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL BANKING ASSOCIATION.

Mr. HEWITT, of New York, introduced a bill (H. R. 7105) to amend the act authorizing the formation of national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

COL. EDWARD BUNCOMBE.

Mr. VANCE introduced a joint resolution (H. Res. 259) to provide for the erection of a monument in memory of Col. Edward Buncombe, a Revolutionary soldier of the State of North Carolina; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

THOMAS MATHEWS AND OTHERS.

Mr. NUTTING introduced a bill (H. R. 7106) for the relief of Thomas Mathews and others; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. LOUISA NOLAND.

Mr. WARNER, of Ohio, introduced a bill (H. R. 7117) granting a pension to Mrs. Louisa Noland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORY OF ALASKA.

Mr. JORDAN introduced a bill (H. R. 7108) to facilitate the settlement and to develop the resources of the Territory of Alaska, and to open an overland communication therewith; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ROBERT A. JOHNSTON.

Mr. FOLLETT introduced a bill (H. R. 7109) for the relief of Robert A. Johnston, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. MOREY introduced a bill (H. R. 7110) granting a pension to all honorably discharged soldiers and sailors of the war of the rebellion who are now or may hereafter become 45 years of age; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW WINTER.

Mr. MOREY also introduced a bill (H. R. 7111) for the relief of Andrew Winter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY OHR.

Mr. MOREY also introduced a bill (H. R. 7112) increasing the pension of Henry Ohr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESLEY M'GEE.

Mr. MOREY also introduced a bill (H. R. 7113) granting a pension to Presley McGee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. CRAIN.

Mr. MOREY also introduced a bill (H. R. 7114) granting a pension to Sarah A. Crain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIXTY-SECOND REGIMENT PENNSYLVANIA INFANTRY.

Mr. HOPKINS introduced a bill (H. R. 7115) for the payment of bounty hitherto withheld from the volunteers of the Sixty-second Regiment of Pennsylvania Infantry; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

BREVET RANK UNITED STATES ARMY.

Mr. HOPKINS also introduced a bill (H. R. 7116) relating to brevet rank in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE T. M'CORMICK.

Mr. CURTIN introduced a bill (H. R. 7117) granting a pension to George T. McCormick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL SAFE DEPOSIT COMPANY, WASHINGTON.

Mr. BARR introduced a bill (H. R. 7118) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN H. BRUNING.

Mr. DIBBLE introduced a bill (H. R. 7119) for the relief of John H. Bruning, asignee of Frederick Jager; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE JACOB HUTHMACHER.

Mr. DIBBLE also introduced a bill (H. R. 7120) for the relief of George Jacob Huthmacher; which was read a first and time, referred to the Committee on War Claims, and ordered to be printed.

JAMES B. GUTHRIE.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 7121) to pay to James B. Guthrie, late postmaster at Paris, Henry County, Tennessee, the amount paid by him to the Government on account of loss of package in 1875 when his office was broken into, &c.; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Claims.

Mr. TAYLOR, of Tennessee. I move that it be referred to the Committee on the Post-Office and Post-Roads.

The motion was agreed to; and the bill was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COURTS IN TENNESSEE.

Mr. CALDWELL introduced a bill (H. R. 7122) to establish a district and circuit court at Clarksville, Tenn.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. ANN B. ARMSTRONG.

Mr. CALDWELL also introduced a bill (H. R. 7123) for the relief of Mrs. Ann B. Armstrong; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN C. GILLUM.

Mr. CALDWELL also introduced a bill (H. R. 7124) for the relief of John C. Gillum; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEWART COLLEGE, MONTGOMERY COUNTY, TENNESSEE.

Mr. CALDWELL also introduced a bill (H. R. 7125) for the relief of the trustees of Stewart College, Montgomery County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DICK MUMFORD.

Mr. CALDWELL also introduced a bill (H. R. 7126) for the relief of Dick Mumford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. MEICLE.

Mr. CALDWELL also introduced a bill (H. R. 7127) for the relief of John M. Meicle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM TERRELL.

Mr. CALDWELL also introduced a bill (H. R. 7128) for the relief of William Terrell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM BILLINGS.

Mr. OCHILTREE introduced a bill (H. R. 7129) for the relief of William Billings, postmaster at Victoria, Tex.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRIET R. HARRINGTON.

Mr. POLAND introduced a bill (H. R. 7130) granting a pension to Harriet R. Harrington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUITS FOR DAMAGES IN THE DISTRICT.

Mr. POLAND also introduced a bill (H. R. 7131) to authorize suits for damages where death resulted from the wrongful act or neglect of any corporation in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN B. GOODIE.

Mr. KASSON (by Mr. POLAND) introduced a bill (H. R. 7132) for the relief of John B. Goodie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH E. WILSON.

Mr. HANCOCK introduced a bill (H. R. 7133) for the relief of Joseph E. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF DOC B. SHERMAN.

Mr. LACEY introduced a bill (H. R. 7134) granting a pension to the heirs of Doc B. Sherman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BROWN AND OTHERS.

Mr. LIBBEY introduced a bill (H. R. 7135) for the relief of John Brown, James Payne, and A. G. Lee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD TATERSALL.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 7136) for the relief of Edward Tatersall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

STEAM RAILROADS IN WASHINGTON, D. C.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 7137) to define the routes of steam railroads entering the city of Washington, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MATHIAS WONDRAK.

Mr. DEUSTER introduced a bill (H. R. 7138) granting a pension to Mathias Wondrak; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION LAWS.

Mr. DEUSTER also introduced a bill (H. R. 7139) supplementary to an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NIELS OLAVUS THORSEN.

Mr. GUENTHER introduced a bill (H. R. 7140) to pay Niels Olavus Thorsen the sum of $100 for arrears of bounty; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection the Chair will now recognize gentlemen who were not in their seats when their names were called for the introduction of bills and joint resolutions for reference.

There was no objection.

DANIEL W. ADAMS.

Mr. MATSON introduced a bill (H. R. 7141) granting a pension to Daniel W. Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DEITER.

Mr. BUCKNER (by request) introduced a bill (H. R. 7142) for the relief of John Deiter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SHIPLEY, SMITH & CO.

Mr. FINDLAY introduced a bill (H. R. 7143) for the relief of Shipley, Smith & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES E. THUMLERT.

Mr. FINDLAY also introduced a bill (H. R. 7144) for the relief of James E. Thumlert, administrator; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NORMAN KAUFMAN.

Mr. FINDLAY also introduced a bill (H. R. 7145) granting a pension to Norman Kaufman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. C. THOMAS.

Mr. BROWNE, of Indiana (by request), introduced a bill (H. R. 7146) granting a pension to Mrs. C. Thomas; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWARD WEST.

Mr. BROWNE, of Indiana (by request), also introduced a bill (H. R. 7147) granting a pension to Edward West; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA MURPHY.

Mr. CULLEN (by request) introduced a bill (H. R. 7148) for the relief of Eliza Murphy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. LAW.

Mr. HITT introduced a bill (H. R. 7149) for the relief of John S. Law, late veterinary surgeon Third New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the fourth Monday of the month, the session of the day after the call of States and Territories is set apart by order of the House for the consideration of business from the Committee on the District of Columbia.

Mr. TURNER, of Georgia. I call up, as a question of privilege, the contested-election case of Jonathan H. Wallace *vs.* William McKinley, jr., from the eighteenth Congressional district of Ohio.

The SPEAKER. If there be no objection, the Chair will lay before the House certain executive communications.

There was no objection.

CAPE HENLOPEN BEACON.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board concerning the threatened destruction of Cape Henlopen beacon, and asking an immediate appropriation of $25,000 for the removal of lights and fog-signal to the end of the Delaware breakwater; which was referred to the Committee on Appropriations.

LIGHT-HOUSE ON LUDLAM'S ISLAND, NEW JERSEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board recommending an appropriation at the present session of $5,000 for the establishment of a light-house on Ludlam's Island, New Jersey; which was referred to the Committee on Appropriations.

COLUMBIA HOSPITAL, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a letter of the secretary of the Columbia Hospital for Women and Lying-in Asylum, in reference to a claim for taxes amounting to $13,388.88, which had accrued on the site of the hospital prior to its purchase by the Government; and recommending the remission of a portion thereof and an appropriation for the payment of the residue.

Mr. TOWNSHEND. This question is now being considered by the Committee on Appropriations, and I move that the communication be referred to that committee.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JONES, of Arkansas, for this day, on account of sickness.

MUSTER AND PAY OF CERTAIN VOLUNTEERS.

Mr. STEELE. The gentleman from Georgia [Mr. TURNER] yields to me to call up the bill (H. R. 365) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, which has

been returned from the Senate with an amendment. I desire to move a concurrence in the amendment of the Senate.

Mr. TURNER, of Georgia. If it gives rise to no debate I will not object.

The SPEAKER. The amendment of the Senate will be read, after which the Chair will ask for objection.

The Clerk read as follows:

That the joint resolution approved July 11, 1870, entitled "Joint resolution amendatory of 'Joint resolution for the relief of certain officers of the Army,'" approved July 26, 1866, is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date when his commission was actually issued by competent authority, and shall be entitled to all pay and emoluments as if actually mustered at such date: *Provided*, That at the date of his commission he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties: *And provided further*, That any person held as a prisoner of war or who may have been absent by reason of wounds or in hospital by reason of disability received in the service in the line of duty at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date: *And provided further*, That this act and the resolution hereby amended shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when their commands were not below the minimum number required by existing laws and regulations: *And provided further*, That the pay and allowances actually received shall be deducted from the sums to be paid under this act.

SEC. 2. That the heirs or legal representatives of any officer whose muster into the service has been or shall be amended hereby shall be entitled to receive the arrears of pay due such officer, and the pension, if any, authorized by law, for the grade into which such officer is mustered under the provisions of this act.

SEC. 3. That all claims arising under this act shall be presented to and filed in the proper Department within three years from and after the passage hereof, and all such claims not so presented and filed within said three years shall be forever barred, and no allowance ever made thereon.

SEC. 4. That the pay and allowances of a rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

The SPEAKER. Is there objection to the consideration of this amendment?

Mr. COX, of North Carolina. Is this a Senate bill?

The SPEAKER. It is a House bill with a Senate amendment in the form of a substitute. The gentleman from Indiana [Mr. STEELE] desires that the House concur. If there be no objection the amendment of the Senate will be concurred in.

There was no objection, and it was ordered accordingly.

Mr. STEELE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OHIO ELECTION CONTEST—WALLACE VS. M'KINLEY.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] having called up the contested-election case from the eighteenth Congressional district of Ohio, the Clerk will read the resolutions reported by the majority of the Committee on Elections.

The Clerk read as follows:

Resolved, That William McKinley, jr., was not elected a member of the Forty-eighth Congress, and is not entitled to a seat in this House.

Resolved, That Jonathan H. Wallace was elected a member of the Forty-eighth Congress, and is entitled to a seat in this House.

The SPEAKER. The Chair will inquire whether the minority of the Committee on Elections desire to offer a substitute for the resolutions just read?

Mr. RANNEY. The resolutions of the minority are appended to their views as printed.

The SPEAKER. The Clerk will now read the resolutions proposed by the minority of the Committee on Elections, which, as the Chair understands, the gentleman from Massachusetts [Mr. RANNEY] now offers as a substitute for the resolutions of the majority of the committee.

The Clerk read as follows:

Resolved, That Jonathan H. Wallace was not elected as a Representative to the Forty-eighth Congress from the eighteenth Congressional district of Ohio.

Resolved, That William McKinley, jr., was duly elected, and is entitled to retain his seat.

Mr. TURNER, of Georgia. If there be no objection, I ask that the reading of the reports in this case be waived. On account of the length of these reports I would be glad to save the time which their reading would require. An intimation has been made that this proposition will be satisfactory.

Mr. RANNEY. I have made no such intimation.

Mr. ROBERTSON. I insist on their being read.

Mr. EZRA B. TAYLOR. Would it not be satisfactory if the reports should be printed in the RECORD without reading?

Mr. ROBERTSON. Very well.

The SPEAKER. The reports can not be read as a mere matter of right. Any gentleman who desires the reading may call for it in his own time.

Mr. TURNER, of Georgia. Then I have no objection to the proposition of the honorable gentleman from Ohio [Mr. EZRA B. TAYLOR] that the reports be printed in the RECORD without reading.

Mr. RANNEY. That will be satisfactory.

The SPEAKER. If there be no objection, the report of the majority of the Committee on Elections, together with the views of the minority, will be printed in the RECORD.

Mr. TURNER, of Kentucky. I object. Any gentleman who desires it can call for the reading of the reports in his own time; otherwise I do not think we should encumber the RECORD in this way.

Mr. TURNER, of Georgia. Mr. Speaker, there are two occasions in the life of a man engaged in the public service on which he is entitled to congratulate himself. The first occurs when he is praised by both parties, and the other when he is abused by both parties. Of the enjoyment which grows out of this latter situation I have had in this case a full surfeit. I have been accused by the journals of my own party of too much deliberation in the conduct of this case. To that impeachment I shall make no reply. On the other hand, by the organs of the opposite party I have been accused of a purpose to sacrifice the gentleman from Ohio [Mr. MCKINLEY] on account of his political opinions. As to whether or not the Committee on Elections are amenable to this criticism will depend on the manner in which they present this case. I shall make no specific reply to these denunciations, but upon the facts and upon the law of the case I will go to the country without fear of the consequences.

I desire to add, just at the threshold, that for whatever of wrong may accrue to the honorable gentleman from Ohio I take my full share of accountability. I know that the responsibility is large. I recognize the distinction of the gentleman who occupies the disputed seat. I testify to the fair and orderly manner in which this contest has been conducted by the parties and their counsel, and I concede that it will be incumbent on me to give a good reason for the judgment I shall invoke from the House of Representatives.

That reason, Mr. Speaker, I shall now endeavor to give. At the Congressional election held in the eighteenth district of Ohio on the 10th of October, 1882, there were four candidates. These candidates were William McKinley, jr., Jonathan H. Wallace, Lemuel T. Foster, and James A. Brash. The first was the Republican candidate, the second was the Democratic candidate, and the other two were respectively the Greenback and the Prohibition candidates.

The first question is, what did the returns prescribed by law show as the result of these rival candidacies? I ask the attentive consideration of gentlemen to the figures. For William McKinley, jr., there were certified 16,906 votes, and for Jonathan H. Wallace 16,898 votes. Gentlemen may easily deduct the one from the other and show a majority of votes for Mr. McKinley over the contestant of 8 votes. As I understand, that was the basis upon which the certificate was issued to the sitting member.

Now let us look further into these same returns. Not going behind them, but taking them on their face, what did the facts show? For John H. Wallace there were certified 4 votes; for Major Wallace, 1 vote; for Wallace without any title or initial, 5 votes; for W. H. Wallace, 2; for W. W. Wallace, 1; for Jonathan Wallace, 5; for Maj. Wallace, 3; and for J. H. Wallace, 2.

Now, Mr. Speaker, I would like to know on what principle any gentleman here can exclude Jonathan Wallace's votes from Jonathan H. Wallace?

Where the opposing candidates were McKinley and Wallace, and these surnames were the rallying cries of the two great parties and known of all men, would any fair man exclude a ballot that contained either of these names without more? I would like to know on what principle Major Wallace with the full military title should be treated as a different person from Maj. Wallace with the military title abbreviated? I affirm, sir, there has never been a time when the votes I have designated would have ever been excluded or rejected because of their variation from the full and complete name of the candidate.

Adding these votes thus cast for "Wallace," for "Jonathan Wallace," for "Major Wallace," for "Maj. Wallace," and "J. H. Wallace," sixteen in all, to the votes certified for Jonathan H. Wallace, the positions of the parties are exactly reversed, and the contestant has over his competitor a majority of eight. By all the rules of logic, by all the rules of law, I insist that the burden of proof is shifted from the contestant to the sitting member. No lawyer will deny that position.

Now, Mr. Speaker, as to votes cast for John H. Wallace, W. W. Wallace, and W. H. Wallace, seven in number, I desire to say a word:

The facts show that there was no other candidate competing for this place by the name of Wallace throughout the district, and there was much scratching of Mr. McKinley's name, for reasons that will appear in the course of this debate. There were no ballots on which these names were printed; but in every case they appear in the written characters on the printed ticket of the sitting member with his name erased. The ballot is secret in Ohio, and each voter may arrange his ticket as he pleases. It is not strange that mistakes occurred. The intention of the voter is, however, manifest from the ticket, in the light of the circumstances.

I desire to advert to a very late precedent established by the House.

I refer to the case of Abbott *vs.* Frost, page 614, Contested Elections 1871–1876. I read now from the report of the committee:

It is also unanimously agreed that all the votes set forth in the following table shall be counted for the contestant and contestee, respectively, the same as if the votes had been cast for them with their full names. Josiah G. Abbott, of Boston—

Which was the correct name of the candidate—

had 6,511 votes. Judge Abbott had 2 votes; Josiah G. Abbott had 4 votes; Josiah G. Abbott, of Chelsea, had 5 votes; Abbott, of Chelsea, had 1 vote; P. G. Abbott had 1 vote; J. G. Abbott had 2 votes; Abbott had 6 votes; J. G. Abbott, of Chelsea, had 2 votes.

Making a total of 23 ballots that involved some slight variations from the correct designation of the Democratic candidate. Now let us go to the other side, and we will find that "Rufus S. Frost," which is the proper designation of the candidate, had 6,721 votes:

Rufus S. Frost, of Chelsea, had 6,721 votes; Benjamin Frost, of Chelsea, had 1 vote; Rufus S. Frost had 1 vote; Frost, of Chelsea, had 1 vote; Rufus S. Frost, of Boston, had 3 votes; R. S. Frost, of Chelsea, had 2 votes.

It was a decision in accordance with the general principle which inclines every patriot and liberty-loving citizen to cast all the presumption in favor of the popular right. I stand, sir, upon a platform which demands that no narrow punctilios, no hair-splitting scruples shall be set up by any board of precinct judges or returning board or court to nullify the popular will. Adding these votes upon which I have just commented, it will be found that there are 23 votes to be carried to the contestant's case, making for him a majority of 15 votes at this stage of the controversy.

Now, sir, I am met here with the views of the gentleman from Massachusetts [Mr. RANNEY] who has presented the minority report. He undertakes in his report to save from criticism the canvassing board of the State of Ohio. It is no part of my purpose to indulge in any strictures upon that board, consisting in part as it did of the governor of that great State. I have no heart to inveigh against the conduct of an officer whose dignity is the highest under our system of government excepting only the Presidential office. But I desire to call attention to the authority which comes to me from the supreme court of the State of Ohio in a case which originated in another Congressional district of that State at the same time with this case.

I refer to the case of Campbell against Morey. In that case it appears that on the face of the returns votes were certified as cast for "Henry L. Morey," and also it appeared that votes had been certified as cast for "H. L. Morey." Following the precedent which has been set by the board in the case of Wallace against McKinley, a mandamus was issued at the instance of Campbell against Morey in order to test this question of hair-splitting—no, I will withdraw that word, because I do not mean to apply it to the governor of a State.

The petition for mandamus recited that so many thousand votes had been cast for Henry L. Morey. It also showed that several thousand votes had been certified for H. L. Morey, and prayed the supreme court to compel the returning board to treat these votes as cast for different persons; their duty, it was said, being merely ministerial. So the gentleman from Massachusetts [Mr. RANNEY] contends in his report. Now, sir, when Campbell sought that high forum in order to have a decision of this question so narrow and technical, that court stated what I will now read:

It is not claimed in this proceeding for mandamus that H. L. Morey, for whom 5,517 votes were returned from Clermont County, is in fact a different person from Henry L. Morey for whom the votes were returned from the other counties.

Again, sir, that high court said:

If H. L. Morey and Henry L. Morey designate the same person, as appears from the returns read in the light of such facts of public notoriety connected with the election as every one takes notice of, the defendants have performed their duty correctly in giving the certificate to Henry L. Morey.

This high authority settles the principle that the returning board may take notice of such facts of public notoriety as everybody else is bound to notice, and assumes that *prima facie* H. L. Morey and Henry L. Morey were one and the same person. This decision is found in the record of the case of Campbell against Morey, printed by the present House.

Now, if the returning board in the case to which I have just adverted had applied to that case the artificial rules which prevail in this, then instead of Mr. MOREY being a member of this House Mr. Campbell would have occupied the seat. I say that the returning board of Ohio decided rightly in the case of Campbell against Morey, and I respectfully and deferentially suggest that that high tribunal, the canvassing board of Ohio, decided wrong in the case now on trial.

There are other questions involved in this record which will increase contestant's majority to 30 when the reply on the other side has been fully presented.

I come now to notice a reply made to this branch of the case by the gentleman from Massachusetts [Mr. RANNEY] in his report. It is stated in that report that a close examination of the returns from the county of Carroll in this district will show on their face an error against the sitting member of 10 votes. This proposition, I will not say amazes me, but I will say that it amuses me.

To suppose for one moment that, at an election held by partisan officers presiding over the returns at every stage of it up to the issuance of the certificate to the sitting member on a close case, they would have omitted to have counted every item and syllable of this case with the minutest zeal and with the most punctilious care is to impose on my intelligence.

Why, sir, those returns were counted up and added and re-examined a thousand times before that certificate was issued. There were probably bets made on that election. There were gentlemen of different parties present at every stage of the count contesting and litigating the result. To assume that in the addition of the votes given in a single column of figures there could be an error against the sitting member is too preposterous on its face to require further elaboration.

But let me specify the manner in which the minority of the committee have sought to establish this error in the count. I am giving examples of the manner in which the rights of the sitting member to this seat are being presented to the House and to the country. If gentlemen will turn to page 46 of the record they will see in the tabulated statement of the vote of Carroll County that the footings showed for Mr. McKinley a certain number of votes and for Jonathan H. Wallace 1,497 votes. Now run up the column which results in this aggregation, and it will be found that the summation of the figures as they are printed here would make, instead of the number I have given, 1,487, and hence on that basis the minority of the committee claim that there was an error of ten votes in the figures in favor of the contestant and against the sitting member.

How easy it is, Mr. Speaker, to explode an error the allegation of which on its face is absurd and monstrous. Look back to the previous page, and it will be found in the certificate of the officers in which they give the itemized result in words and letters and figures and specifically certify that the contestant received in that county the vote I have stated, 1,497.

Now, sir, I remember that on a late occasion, when I had the happiness to agree with my learned friend from Massachusetts [Mr. RANNEY], there was a return from the county of Tate, in the State of Mississippi, on one side of which return there appeared so many votes in words and letters and figures as cast for a man named J. R. Chalmers; in a tabulated statement on the back of the paper there appeared not the name of J. R. Chalmers, but the name of J. R. Chambless. I said then that the returning board of the State of Mississippi, whose good name I love, had erred in treating that paper as a return for J. R. Chambless.

How did the gentleman from Massachusetts stand then? I have before me the remarks made by the honorable gentleman from Massachusetts [Mr. RANNEY] on that occasion:

With the fact then patent on the record, as already stated, that the secretary of state falsified the return as to the matter of count, when he was merely a ministerial officer, whose duty it was simply to sum up the returns and ascertain who had the greater number of votes and declare him elected and certify that fact to the governor, who was thereupon required by law to issue the commission accordingly; with the further fact before us that the secretary of state falsified the return upon a mere pretext, without even the air of plausibility to excuse him, that there was no such man as Chambless who had run in that election, no such man in the district, and the secretary of state probably knew it—with these facts patent before us, what are we to conclude?

There the gentleman said that the secretary of state might act on other information than that which the returns contain. Here the gentleman stickles for a different principle.

Mr. RANNEY. Will the gentleman allow me a moment right there?

Mr. TURNER, of Georgia. The gentleman will have full opportunity to reply to me in his own time.

Mr. RANNEY. I want to call attention to one fact which distinguishes that case from this.

Mr. TURNER, of Georgia. The gentleman can do it in his own time. It was stated in that case—and I suppose that is the matter to which the gentleman from Massachusetts intends now to call my attention—that the tabulated statement in the case was no part of the return. That was one of the questions involved in the case. Some gentlemen on this side insisted that that was the usual form in which returns in Mississippi were made; others, the gentleman from Massachusetts among them, insisted that it was no part of the return.

There is another principle in the case from Mississippi to which I wish to apply this *argumentum ad hominem*. The gentleman from Ohio who occupies this seat [Mr. McKinley] filed an answer in this case in which the canvass was a matter of contention, and on which the sitting member in five different places in his answer admits distinctly that aggregation of the returns which gives to contestant 1,497 votes from the county of Carroll.

The gentleman from Massachusetts [Mr. RANNEY], in the case to which I have just referred, took the position that when the parties came to make up their pleadings and the member declared elected had confessed or traversed the grounds of the contest, and the issues were thus made up in a regular and orderly way, then there could be no controversy about the facts which were admitted. I have here in the record of the speech from which I have already read the doctrine solemnly laid down by the gentleman from Massachusetts that parties are concluded by the admissions which they make in their answers, and upon which admissions the other parties act in the taking of testimony and in the preparation of their cases. That question about the error in the footing never was raised until the case had come before the Committee of Elections; it was raised there for the first time.

Passing all these positions which I have taken as conclusively reinstating the integrity of these returns and the correctness of the addition of these votes, I desire to overwhelm and confute any thought of controversy on this question by a certificate sent from the county of Carroll since that question was raised. I hold in my hand a certificate from the clerk of Carroll County, in which the figures are given in the column in dispute so as to show in one place 134 votes for Wallace instead of 124, as in the copy in the record to which I have referred. It dwindles into a mere mistake of the copyist.

I have reinstated my position if evidence is worth anything, if reason is worth anything, if authority can avail. I have demonstrated that this contestant has on the face of the returns a clear majority over the sitting member of 15 votes.

In parting with the case at this stage of the discussion, with the burden of proof on the other party and the relations of the parties inverted, I propose to leave to my colleague on the committee and to his associates the opportunity of presenting the defense which the sitting member makes in this case. Let him state it in his own way. I invoke for him a fair and candid consideration of all the propositions he may advance.

He arraigns me in his report for having rendered a general verdict. I recriminate and say that the gentleman himself has on his part rendered fifty general verdicts; that instead of giving this evidence as I understand it, and as I think it ought to be given, he has, no doubt unconsciously and without any intention to be unfair, synopsized that evidence so as to do this contestant, in my judgment, the greatest wrong.

Mr. ROBERTSON. I would ask the gentleman if he has not stated generally his propositions in his report, and now proposes to state them generally on the floor, without going into the details of the case, but to save that for the end of debate?

Mr. TURNER, of Georgia. The gentleman from Kentucky [Mr. ROBERTSON] will have his opportunity to state his case.

Mr. ROBERTSON. I would like the gentleman to state his position on this contested case.

Mr. TURNER, of Georgia. I propose to let the gentleman from Massachusetts, the gentleman from Kentucky, and all others who concur with them in their conclusions, state their own views to the House, and, if they can, confute every general assertion which I have made. I promise in the further progress of this debate to demonstrate to every fair-minded man on either side of this House that before you can confirm the sitting member in his seat you must reject votes contrary to law, give him the benefit of all doubts, and deduct from the contestant votes to which he is clearly entitled.

In turning over this case for the defense which is to be made, I do not ask that the House accept my statement on the issues of fact and law which still lie in my path, and on which I ask the House to hear the gentleman from Kentucky [Mr. ROBERTSON] and those who agree with him in opinion. All I ask (and that I demand) is that gentlemen shall reserve their judgment on these questions until they have heard the entire debate.

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman has eleven minutes remaining.

Mr. RANNEY. May I ask the gentleman a question?

Mr. TURNER of Georgia. You may out of your own time.

Mr. HEPBURN. Mr. Speaker, this case of Wallace *vs.* McKinley is one which has received very patient attention at the hands of the Committee on Elections. It is a case the record of which shows that more than two hundred and fifty witnesses were examined. There are more than one hundred distinct controverted propositions of fact. After much time was devoted to the case a conclusion or conclusions were at length reached. We have here what is called a majority report. Whether that has ever received the sanction of a majority of the committee I am not yet informed. So far as my knowledge goes, so far as any expression has ever been had, there are but six of the fifteen members composing the Committee on Elections who have concurred in those conclusions. So far as expression has been had the majority of that committee have declared that in their judgment the sitting member was elected by 67 majority, and being so elected is entitled to retain his seat upon this floor.

In view of the large vote polled in the eighteenth Congressional district in Ohio in the year 1882 the election was a very close one. About 35,000 votes were cast. The difference in the votes cast for the parties to this contest is probably 67—an approach toward equality that should induce gentlemen who desire that exact justice attend their action to give careful attention to the matters in dispute.

On the face of the returns the sitting member had a majority over Jonathan H. Wallace of 8 votes, and, the canvassing board so finding, the certificate was given to McKinley. But the returns made by the election boards of the respective counties to the State board of canvassers reveal the fact that there were, in addition to the votes cast for McKinley and for Jonathan H. Wallace, 4 votes cast for John H. Wallace, 1 for Major Wallace, 3 for Maj. Wallace, 2 for W. H. Wallace, 1 for W. W. Wallace, 5 for Jonathan Wallace, and 2 votes for J. H. Wallace. These, aggregating 23, were not counted for Jonathan H. Wallace, and the failure to so count them excites the criticism of the committee, who say "there can be no doubt that the certificate should have been issued to the contestant and he should have been the occupant of the seat, with its honors and emoluments." The majority of the committee say there can be no doubt upon this question. We think that this positive expression is indulged in without sufficiently inquiring as to the duties and powers of the canvassing board. To me the question does not seem to be material here, except as it is used by the majority as a basis on which to shift the burden of proof, and to exhibit the contestant as a deeply wronged sufferer, entitled to the commiseration and sympathy of the House. The duty of the State canvassing board is fixed by section 2986 of the Revised Statutes of Ohio, which reads as follows:

> Within ten days after the first day of December next after such election, the governor and secretary of state shall, in the office of the secretary of state, in the presence of the auditor of state and attorney-general, open the returns of abstract number 2, made to the secretary of state, for State commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, and Representative to Congress for each Congressional district; and if it appear that the returns have been received from all the counties, agreeably to the provisions of this chapter, the governor and secretary of state shall forthwith proceed to ascertain the number of votes given for the different persons for such offices.

The governor and secretary of state "shall forthwith proceed to ascertain the number of votes given for the different persons for such offices." Their duties are purely ministerial. They have no judicial functions whatever. They are not permitted to receive evidence to ascertain whether the elector, when he used the name of W. W. Wallace, intended to vote for Jonathan H. Wallace, nor yet to inquire into the life of contestant so far as to know him to be entitled to the prefix of maj., and thus create the presumption that when a vote was cast for Maj. Wallace the voter had in his mind the military prowess and antecedents of Jonathan H. I can not think the board was invested with such judicial power as would have authorized this inquiry. Its powers were limited to a scrutiny of the returns, and its results must be those that with *certainty* could be ascertained from the returns. The rule governing the governor and secretary of state differed widely from the one to be followed by a court having jurisdiction in election contests or by this House. Here we exercise judicial functions, and the whole range of facts, circumstances, and other environments are open to our scrutiny. And in this examination it may well be suggested that under the Constitution this House is and must be the sole judge of the election, returns, and qualifications of its members, and the authority cited by contestant might well be regarded as an utterance where the quoted court were without jurisdiction of the subject-matter discussed.

But while we deny to the canvassing board the right to determine questions that, if considered, might result in the counting of certain of these votes for contestant, yet this House undoubtedly possesses that right. It has the right to examine this contention in the light of "the facts of public notoriety connected with the election" that are properly brought to its attention by and through the proofs, and I am willing to concede that all of those ambiguous votes returned that are explained and made plain by the facts of public notoriety established by the proofs ought in justice to be counted for contestant. I find that the votes cast for Wallace, J. H. Wallace, Jonathan Wallace, and Major Wallace, in view of the fact that contestant's name is Jonathan H. Wallace, are ambiguous. It is not certain, looking at the ticket alone, that these votes were intended for him; but in view of the facts of public notoriety, aided by these facts, that he was a candidate nominated by his party, that his surname sometimes bore the military prefix of major, that to those who knew of his affectionate yearnings he was called Jonathan, while still others who knew of his propensity to come at the slightest call officeward seductively called him Wallace—I say that in the light of these facts of general and public notoriety we may solve the ambiguity of these 16 ballots in favor of the contestant, and give him the 16 votes. We may do so; the board might not. But the other 7 ballots—those having the names of W. H. Wallace, W. W. Wallace, John H. Wallace—these ballots present no ambiguity. There is nothing to explain. There is nothing hidden. W. W. Wallace is as distinct a person from Jonathan H. Wallace, even in the light of all facts of public notoriety, as Sancho Panza; and so with the other two names. It is not enough to say that there was no nominated candidate named W. W. Wallace, nor that the parties called as witnesses were unacquainted with a person of that name who was eligible to the office. It may be and often is the case that persons who are without proper regard for the duties imposed upon the elector, in mere wantonness or ridicule or malice, derisively vote for persons not generally known or worthy or nominated. There is no ambiguity in these 7 ballots, and the only way in which they could be rightfully claimed for contestant would have been for him to have produced witnesses to show that through mistake or because of some fraud practiced upon them they had been induced to so cast their votes. To secure these votes he should have pursued the course of the contestant in the matter of the vote cast for "Kinley"—introduced the man casting the ballot bearing that name, fully identified it, and thus showing the mistake of the voter, who supposed that Kinley was the name of the Republican candidate, and that he had intended to vote for Wm. McKinley, jr.

Pursuing this course or one equally explicit would alone have met the requirements of the law and entitled the contestant to the 7

other votes returned to the canvassing board. But the record is entirely wanting in proofs of this character. The contestant has apparently entirely failed to notice the distinction between ballots that are ambiguous and those without uncertainty, and to have thought the character of proof adequate to meet the requirements of the first would be sufficient in the latter case. Commenting upon the case of McKenzie *vs.* Braxton, the rule is laid down by Mr. McCrary that when it appears that a party is a candidate, and the ballot has his proper initials, it should be counted for him.

But he says:

Where a wrong initial is given the case is of course very different from one where the first name is correctly given and the middle initial omitted. And so if the Christian name is given—as Anthony, when it should have been Andrew, or where the surname is erroneously given.

In that case this further language is used:

The cases are numerous where an imperfect ballot, by the aid of extrinsic evidence, can be made clear and perfect. No harm can result from admitting such extrinsic evidence so long as it is only admitted to cure or explain such imperfections and ambiguities as could be cured if they occurred in the most solemn written instruments, and to this extent and no further would we carry it.

I am willing in this case to admit that the ballot may be explained, but by an entirely different kind of proof from that required in case of any one of the 16 ballots conceded to contestant. There the rule governing in similarity of sound of name and the facts of public notoriety are sufficient. In the other, particular and individual explanation must be demanded.

But the majority, as I believe, by a process that is violative of law and justice, give to the contestant the entire 23 votes, forcing for him a majority of 17 over the sitting member.

It is further sought to increase this majority by giving contestant the benefit of 11 votes said to be found in the ballot-box of Fairfield Township, Columbiana County, on a recount of ballots had several months after the election.

The facts sought to be established by a recount should always be regarded with suspicion. They seek to overthrow the long-established presumptions of regularity and correctness with which the law surrounds and protects the acts of its chosen and sworn administrators. The presumptions are always in favor of such acts, and their overthrow should never be permitted except by proofs, themselves freed from all suspicion and of the most satisfactory and convincing nature. It should be shown clearly that the law respecting the custody of the ballots to be recounted has been strictly complied with, and, this being shown, that material errors were committed by the officers of election in the original count.

The law of Ohio requires that at the conclusion of the official count the box shall be locked and placed in the custody of one of the officers of election (the clerk of the township); that the key to the box shall be placed in the custody of another of the officers of the election (the minority judge). In this instance this law was not complied with.

The provisions of the statute are clear. The box in which the ballots are placed shall be in the hands of the clerk, who in the great majority of instances is of the political party of the majority of the election board, but the key to the box shall be in the custody of the minority judge.

There is wisdom in this provision. The Legislature had an object in declaring that one person should have the custody of the box and another of a different political party should be the custodian of the key.

In this instance Augustine was the clerk, and Carpenter, who had the key (and was Augustine's father-in-law and lived in the same house with him), was the minority judge.

Augustine, in his testimony taken by contestant (page 15 of the record), says:

13th Q. What then was done by the judges of said election with the ballot-box and contents thereof?

A. They opened the ballot-box and proceeded to count the votes; as they counted the votes *they were strung*, and when the count was completed *they were all put back in the box*—

I call the attention of the House to this language of this witness, who swears with emphasis and distinctness that after the ballots were counted, after they were strung, all the ballots cast at that election in Fairfield were put in the box—

and I locked the box by direction of the judges, and by their direction I gave the key of the box to Robert H. Carpenter, the minority judge of the election.

14th Q. What was then done with said ballot-box?

A. I left the ballot-box in the room where the election was held until the next morning about 7 o'clock, when I went and got it and took it to my office. Shortly after—perhaps an hour after—I left it at my office I met Mr. Carpenter on the street and asked him to go to my office and get it for me, as I was busy and couldn't go myself just then. In a few minutes after I asked him to go and get it I met him on the street with it. He gave it to me and I took it to my house, where it has been until to-day, when I brought it here.

17th Q. Where is the room, in whose house, and who had control of the room in which said ballot-box was left on the evening of said election, and from which you say you removed it the following morning?

A. It is on the first floor of Jacob Hum's residence on Main street, Columbiana, Ohio. Jacob Hum, I believe, had control of the room at that time.

At page 13 Mr. Carpenter, the minority judge, testifies in relation to this box as follows:

22d Q. As I understand you, you got the key of the ballot-box on the night of the election, and don't know who got the ballot-box itself that night?

A. That is correct. I got the key and I didn't see who got the ballot-box.

23d Q. When did you next see the ballot-box, and where, and who was with you?

A. It was the next day, I think, I got the ballot-box out of Squire Augustine's office in the presence of Mr. Overholtzer and Mr. Fessler. I think those were the men.

27th Q. Where was he when you got the ballot-box?

A. The ballot-box was in his office. I was going down street, and he told me to fetch the ballot-box to him. I took the ballot-box down. I met him some place on the street about Mr. Patterson's, and I gave the ballot-box to him.

28th Q. When did you find the ballot-box in his office, and how?

A. I found the ballot-box, I think, on his desk. He told me to go there and get it.

29th Q. Was the office locked?

A. I stated before there was two men in the office. I wouldn't say positive. If those men were in the office the office wasn't locked. I can't say positive whether I unlocked the office or not.

Whether he locked the office or not, here is proof abundant for opportunity for tampering with that ballot-box. It was left all night in the protection and custody of no one. It was then taken down to the office of Augustine. It was then left in the presence and control of two unauthorized persons—unsealed, unprotected, and was in their custody for more than an hour. Then we find it again in the custody of the man who had the key of the ballot-box; and we find him and these two unauthorized persons together in an office with the ballot-box, there being abundant opportunity for the perpetration of the fraud which we believe it is conclusively shown was perpetrated against the integrity of that box.

Carpenter says he voted for Wallace; Augustine says he voted for McKinley. But it is shown that he was violently opposed to McKinley's nomination, and Stephen M. Beatty swears (page 113 of the record) that he said he would not vote for McKinley.

4th Q. Are you acquainted with John G. Augustine, who was the clerk of this township at that time, and also a clerk of the election?

A. Yes, sir.

5th Q. Have you the means of knowing who he voted for at the election held October 10, 1882, in this township for member of Congress from this Congressional district, and who he favored for said office before the election?

A. I have no means of knowing who he voted for, but from what he said to me a few days before the election I should judge he favored Mr. Wallace.

6th Q. What did he say to you on that subject before the said election? Please state fully all about it.

A. During a conversation with him a few days before the election he stated that he would not vote for a man like McKinley.

It is shown quite satisfactorily that Carpenter was on Friday following the election seen with the ballot-box in his possession with the avowed, we think, purpose of taking it to New Lisbon for the purposes of a recount. On this subject the witness Beatty says (page 113 of the record):

8th Q. Do you know the ballot-box of this township that was used at said election, and are you acquainted with Robert H. Carpenter, who was the minority judge of that election?

A. I have seen the ballot-box, and I think I could tell it again if I saw it. I am acquainted with Mr. Carpenter.

9th Q. Did you see him with that box at any time after the election; and, if so, when and where?

A. I did. I saw him with the box, I think it was just at the crossing of Union and Main streets, in this town, or very close to the crossing. To the best of my recollection it was on the Friday morning after the election.

10th Q. Who, if any one, was with him or near him at the time?

A. I do not remember of any person being with him just when I saw him.

11th Q. What was he doing with the box, and what, if anything, did he say about it in your hearing?

A. He was taking the box down street. I don't remember of asking him, or hearing him say, anything about the box just then.

12th Q. Did you afterward have any conversation with him on the subject; and, if so, when and where?

(Objected to as incompetent and irrelevant.)

A. I think it was in the evening of the same day that Mr. Carpenter and Mr. Robert Patterson, I believe—I am not sure whether it was Robert Patterson or John Patterson—were talking together, and I came up and asked them what they were doing with the ballot-box, and one of them—I don't remember which one—spoke of taking the ballot-box to New Lisbon, in order to have those 14 or 15, or whatever number of votes were thrown out here, counted.

13th Q. Was Mr. Carpenter by at this time during the entire conversation that you had with them?

A. I do not remember.

14th Q. Was he present when this conversation as to the ballot-box occurred which you have mentioned?

(Objected to as leading and incompetent.)

A. He was, during the forepart of it at least.

15th Q. How long did the conversation continue?

A. I couldn't say positively, but I think about ten or fifteen minutes. It may have been less or longer.

We may be quite positive this was on Friday, and was not confounded with the other day, Wednesday, on which Carpenter carried the box from Augustine's office to his house, for E. S. Holloway says that on Friday after election Beatty stated to him that a few moments before he had seen Carpenter with the box, and that he was going to carry it to New Lisbon for a recount of the ballots. It is true that Carpenter denies that he opened or tampered with the box or ballots, but that there were ample opportunities for evil persons so to do there can be no doubt.

The mere denial of a man who would thus deport himself is to be expected, and ought not to weigh an iota in opposition to the facts that bear upon the affirmative proposition. If he had said otherwise he would have been a self-confessed felon and would be subjecting himself to punishment for felony.

The box was negligently left in the place where the election was held the first night after the election. It was in the custody of no one,

in a public place, with no one to protect it, and was unsealed. The next morning it is found in Augustine's office, an unlocked office, in the custody of two men. Next it is found in Carpenter's possession, he having at the same time the key. Then it is in Augustine's house, a house occupied jointly by the custodian of the box and the custodian of the key. Next we find it on its way to New Lisbon in the custody of men who wanted to produce the results that contestant claims were established on the recount. These palpable and inexcusable violations of the law, affording so many and convenient opportunities for outrages upon its integrity, ought to destroy any claim that might be urged that weight or credence should be given to the pretended facts of the recount. But strong as is this assaulting array of facts against the recount and its inferences, there is still another of the gravest character. The ballots used in the recount were not the ballots placed in the box on the night of the election. All of the officers swear that all of the ballots, after being examined, were "strung," and all of the ballots were placed in the box. The tally-list and the poll-books show that 638 votes were cast; besides, there is shown to be 1 double Greenback ballot that was not counted; making a total of 639 ballots that were placed in the box. On the recount but 633 ballots were found in the box. No witness breaks the force of this important fact.

Six hundred and thirty-eight votes cast at that election about which there is no controversy and no room for controversy. Every witness concurs in the statement that there were placed in that ballot-box on that night after the election 638 ballots. In addition to these there was still another vote. It is shown by the proof that there was cast 1 double ballot—2 Greenback ballots wrapped together—making 639 votes, which were placed in the box by the officers upon the conclusion of their count.

Again, there was 1 ballot shown by many of the witnesses to have been cast which had the name of McKinley printed and the name of the contestant written, the name of McKinley not being erased. On the recount there are found in that ballot-box 633 ballots all told—a deficiency of 5 ballots as shown by the tally-list and by the poll-books. Upon this assumed recount this marked ballot, noticed by so many witnesses, which bore the names of the two candidates for Congress, was not found at all. Here is proof convincing, absolutely certain, that after that ballot-box was locked on the night of the 17th of November some one with improper purposes and without authority opened it, manipulated the ballots, and produced a difference between the totals at the time of the recount and the time of the election.

But there is another circumstance that is more convincing than even this. It is in proof, and it is not questioned, that there were 19 blank ballots in that box on the night of the election. This is testified by Mr. Holloway, a most intelligent witness—a man who understands the use of language and uses it with deliberation and correctness. At the time the votes were being counted and at the conclusion of the count he made a memorandum of the result of the election, and on the occasion of giving his testimony he goes to his safe and produces from it this memorandum, made by him at the time and put in his safe on the next day. I wish to call attention to the results shown by that memorandum. I refer to page 104 of the record. Mr. Holloway says:

The number of straight votes for Jonathan H. Wallace was 232; there were 19 Republican tickets read off without any member of Congress; there were 41 Republican tickets that were counted for Jonathan H. Wallace; there were 2 Democratic tickets with the name of William McKinley for Congress, and which were counted for him; there were 2 Greenback tickets with the name of William McKinley for Congress; there were 12 Greenback tickets with the name of Jonathan H. Wallace upon, which were counted for him; that is all that is put on the memorandum except the total vote and some figuring; the 2 Greenback votes with the name of William McKinley upon them were counted for him.

In another place he expressly says that a vote for "Brush" was not counted by him. He says in his testimony that there were from 2 to 4 votes of such a mutilated character or so difficult to decipher that they were not counted at all.

Now if you will make these additions and the further addition of 4 votes—the increase given to the Greenbacker upon the recount, there having been 53 on the first count and 57 on the second—you will find that every one of the 638 votes is accounted for, showing conclusively that this statement of Mr. Holloway that there were 19 blank ballots was the truth; that there were in that box when it was locked on the night of the election 19 Republican votes from which the name of McKinley was scratched, and on which no other name was substituted.

Now, upon the pretended recount Mr. Augustine, who makes the recount, says there were 7, and only 7, blank ballots in that box—only 7 Republican ballots from which the name of Mr. McKinley had been scratched. How is it possible to account for the others? Let me call your attention to some of the assumed statements of this recount.

Mr. Augustine, in his testimony, says, among other things:

I have made the count as requested in the above question, and find the total number of votes in the box to be 633.

All told, 633—5 less than the poll-book, 5 less than the names written on the poll-book, and 6 less than the number of votes in the box, counting the double Greenback vote.

Augustine proceeds:

A. I have made the count as requested in the above question, and find the total number of votes in the box to be six hundred and thirty-three (633), of which votes I find—

Jonathan H. Wallace to have received two hundred and seventy-nine (279) votes.

Jonathan Wallace, two (2) votes.
J. H. Wallace, five (5) votes.
"Mager" Wallace, one (1) vote.
"Ma" "Wllac," one (1) vote.
"Wolac," one (1) vote.
"Mag Wolac," one (1) vote.
"Wollac," two (2) votes.
Wallace, two (2) votes.
"Woloc," one (1) vote.
"Mage Wolac," one (1) vote.
"Wolloc," one (1) vote.
"Johanhtan H. Wallace," one (1) vote.
Wm. McKinly, one (1) vote.
William McKinley, jr., two hundred and sixty-six (266) votes.
Wm. McKinley, jr., two (2) votes.
William McKinley, one (1) vote.
Lemuel T. Foster, fifty-seven (57) votes.

In the original count Foster had 53 votes.

Prof. James A. Brust, one (1) vote.
Blank, seven (7) votes.

The votes here counted for "Wallace," "Magor Wallace," "Ma Wllac," "Wolac," "Mag Wolac," "Wolloc," "Woloc," "Mage Wolac," "Wolloc," and "Johanhtan H. Wallace," had these names written in pencil on Republican and Greenback tickets, on which tickets the printed names of the regular candidates on such tickets were erased, and I here hand the said ballots to the notary, and which are here attached and marked for identification by the notary by his initials, H. E. F., and consecutively numbered from one to six hundred and thirty-three, both numbers inclusive.

That is the kind of votes we have on this recount. How easy it would have been—and is it not probable, gentlemen, this did occur?—when these parties had these ballot-boxes in their control they simply substituted or wrote these peculiarly spelled names. Remember all of them ended with a final "c." All so ending on that ticket were written under the scratched name of McKinley. The numbers correspond—19, 7, 12. It would have been an easy matter to have made the substitution. It would not have answered the purpose to have written them "Wallace;" that would have been too open, too plain.

So, forgetting that rule of orthography that gives to "c" when it is the final letter of a word or syllable the hard sound of "k," they supposed by means of this orthography they could secure these 12 "Woloc" votes for contestant. Of these 12 votes 11 were given by the majority of the committee to the contestant.

There is this singular circumstance: Here stood twelve or fourteen men around the ballot-box, and these names of peculiar and laughable orthography were called out (if the theory of contestant is true), "Mage Wolac," "Ma Wllac," and "Wolac," for the distinguished contestant here, and they never excited a solitary risible throughout that whole audience. Nobody laughed and there was no comment. Is it possible my distinguished friend there could be called "Mage Wolac," and no one suggested anything about the peculiar and odd designation given him? Yet the evidence is entirely silent about it. Though the circumstance is concealed, when it is a thing of importance, if there were these 12 votes there voting in this manner of attempted violation of the rules of spelling, some one would have indulged in comment. Yet in all of the nearly 7,000 votes the contestant received we have no evidence that in any other township in that entire district was his name attempted to be spelled in this way. Yet in this one there is this large number.

All those which had the initials were counted. He had the benefit of them. And now these 11 votes with this astonishing orthography the majority of the committee say shall be given to the contestant. We think they ought not to be counted for him; that the evidence is overwhelming that some one has committed a fraud on that ballot-box, that some one has committed a forgery of those ballots, and there is now an attempt to give to the contestant in this case the benefit of that double crime.

Contestant indulges in speculations as to how 5 of the ballots might have been lost while counting; but the proofs show that no person handled the ballots except the officers during the count, and all of these say that all of the ballots were placed in the box after the count was finished. This discrepancy of 6 votes, this unexplained absence of 6 votes, present at the last lawful opening of the box, is a corroboration as strong as could be asked of the charge that some one in the interest of the contestant tampered with the box:

Again, statement of Holloway:

It is in proof that from 2 to 4 votes were in the box claimed to be for Wallace that were not counted for him. It is now claimed that this number is swelled by the recount to 13. I think this change can be accounted for. The recount shows that 7 blanks were found in the box. That is, 7 ballots that had the printed name of the Republican candidate for Congress erased and no other substituted. Mr. Holloway, a very intelligent and well-informed witness, swears that he was present during the count on the night of the election, and that there were 19 Republican ballots from which the name of McKinley was scratched, and no other written in lieu of it. He is corroborated in this by a memorandum which he produces, made at that time, and since kept in his safe, from whence it is first taken when and while he is being examined in this case. This, among other data, shows that 19 blank ballots—blank as to Congressional candidates—were in the box on the election

night. On the recount there were but 7. May we not assume, in fact are we not forced to the belief, that when this box was taken to New Lisbon, or on some other occasion, this stupid and blundering fraud was conceived and perpetrated? Here were 19 blank Republican ballots. How easy to write something underneath the scratched name of McKinley. That this was done is proven, I believe—there were 19 blanks; there are but 7.

No witness noticed this singular spelling. But why not have written "Wallace" instead "Wollac," "Ma Wllac," "Wolac," "Mag Wolac," "Woloc," "Mage Wolac," "Wolloc?" That would have been too easily detected. It could scarcely have been possible to induce the belief that the judges of election rejected 12 votes written "Jonathan H. Wallace," but it was well known that from 1 to 4 votes with Wallace's name had been omitted from the count. This gave the opportunity for the fraud, the forgery of the ballots, and the form of spelling so peculiar in its character was resorted to. In the belief that contestant could insist upon their being counted, under the pretense that they were of the same sound, that is, that Wolac would be pronounced as Wallace, forgetting that when "c" is used as the final letter of a syllable or word it is given the hard sound of "k," and that Wolac properly pronounced could not be pronounced as Wallace. The contestant received nearly 17,000 votes. So far as we are advised, in no other township or precinct ward was his name attempted to be spelled with "c" as the final letter. Yet in this township of Fairfield we find no less than eight ballots in which this crime against orthography is perpetrated. The circumstance is so peculiar that, taken with the other circumstances of opportunity and probability, there can be but little if any possible room for doubting that this ballot-box was outrageously and criminally tampered with.

But even if we are mistaken in this theory we do know that there was a less number of ballots in the box at the time of the recount than at the time of the official count. That conceded fact in and of itself is absolutely destructive of this pretended recount; and we may here very properly remark that if five of these ballots could disappear entirely, as they did, what other changes were made can, perhaps, never be known. The box and key were in the custody of Augustine and Carpenter, the former the son-in-law of the latter; both occupying the same house; the key and box under the same roof. The custodian of the key was a Democrat and the custodian of the box not a friend of McKinley. But at all events the integrity of these ballots at the time of the recount had been entirely destroyed. In addition to this, we find that while by the official count Lemuel T. Foster, the Greenback candidate for Congress, had 53 votes, by this pretended recount he had 57 votes; and we also further find from the record in this case that there was in that box at the time of the official count one ballot having on it the names of both of these candidates, contestant and contestee (record, page 11, question 28; page 110, question 51), which ballot was not found in the box at the time of the pretended recount (page 15). And thus it most conclusively appears that these ballots were not the same that were used at the time the official count was made, and no weight, therefore, is to be given to this recount.

There can be no recount unless you have the identical ballots, and every one of them, that had been cast and were counted when the official count was made. A recount implies that you are counting again the identical ballots and the same in number that were used in making the official count.

Therefore we insist the majority are in gross error when they add to Wallace's vote the 11 votes claimed by him in Fairfield Township, which 11 added to the 7 cast for John H., W. H., and W. W. Wallace, make 18 that must be deducted from the majority of 30 given him by the committee.

The committee have allowed contestant an additional vote cast in Washington Township, Stark County. The grounds for such allowance are incomprehensible. The disputed ballot bore the name of "Walce" for Congress. The elector casting it is unknown. No explanation is given concerning it, showing the purpose and intent of the voter. The proofs show that the officers of election were not able to so decipher it as to make the characters spell Wallace. They could make out the three first letters W-a-l, but could not determine the other two. The ticket is in evidence, and I think the committee correctly spell it W-a-l-c-e—without initial letters. These letters do not spell "Wallace." Their arrangement lacks the merit shown by the Fairfield conspirator. He had the ingenuity of arrangement that gave us a final "c," but this lacks even that poor pretense. The ballot does not come within any rule of law that will permit it to be counted for contestant.

Again, the committee concede to contestee a ballot, with his name, that was properly rejected in Lee Township, Carroll County. The election board did not count it for the contestant because it was a marked ballot. On the back of it was written in ink: "H—— W. J. McCausland," and then two columns of figures under the letters R and D, respectively. The Ohio statute in relation to ballots, so far as is important to this inquiry, is as follows:

Section 31, page 343, Supplement to Revised Statutes of Ohio, provides—

That all ballots voted at any election held in pursuance of law shall be written on plain white paper, or printed with black ink on plain white news printing paper, without any device or mark of any description to distinguish one ticket from another, or by which one ticket may be known from another by its appearance except the words at the head of the ticket, and that it shall be unlawful for any person to print for distribution at the polls, or distribute to any elector, or vote any ballot printed or written contrary to the provisions of this act: *Provided*, That nothing herein contained shall be construed to prohibit the erasure, correction, or insertion of any name, by pencil-mark or otherwise, upon the face of the printed ballot.

The law is plain. There must be no device or mark of any description. This ballot had prohibited marks and was properly rejected. It ought not to be counted.

No notice was given by contestant of a claim to a vote in Madison Township, Columbiana County. But it is urged by the majority of the committee that under the eighteenth assignment of contestant's notice this claim may now be made. This eighteenth assignment is the basket clause, a sort of n. o. p. schedule, and is as follows:

18. That in the several townships, wards, and election precincts composing the said Congressional district, which have not been hereinbefore specifically mentioned, there were polled for me for said office many legal votes by legal voters thereof which were not counted nor returned by the judges of election in said several election precincts; the number of such votes and the election precincts in which the same were cast are now unknown to me; and I further aver that in the several wards, townships, and election precincts composing said disdrict, which have not been hereinbefore specifically mentioned, there were polled, counted, and returned for you many illegal votes polled by persons who had no right to vote at said election, because some thereof were not of legal age, and some thereof were not citizens of the United States and of the State of Ohio, and had not been residents of said State, county, and township wherein they voted a sufficient length of time to entitle them to vote at said election; the number of such illegal votes so cast and counted for you and the election precincts wherein they were so cast are now unknown to me.

The language of the statute (section 105) governing in contested elections is as follows:

Whenever any person intends to contest an election of any member of the House of Representatives * * * he shall * * * give notice in writing * * *, and in such notice shall specify particularly the grounds upon which he relies in the contest.

In all of the other items of contest we find that contestant has specified his grounds with particularity. Seventeen assignments have been made with minute particularity. But suppose that the seventeen particular assignments had been omitted, would the honorable chairman contend that the matters urged in the eighteenth would have been a response to the requirements of the law for the purposes of the entire case? Yet he might as well have omitted, any or all of the others as the one under discussion. I can not believe the vote should be counted.

Here are 3 other votes allowed to contestant by the committee, to be added to the 18 heretofore discussed, making 21 votes to be deducted from the majority of 30 given him by the committee. A bare majority of 9 is all that can be claimed for him if I am correct in the positions I have taken. True, there are other votes that contestant claims should be given him and a few that he claims should be deducted from the total of the sitting member, but I will not take up the time of the House by examining them, as they were all pressed upon the attention of the committee, and the majority has passed upon them and found his claim to be untenable. I will act upon their verdict thus far and dismiss them from further consideration.

Contestee admits that 2 votes cast for him by Frederick Ott and Thomas Black were illegal and ought to be deducted. They are not mentioned, however, by your committee. (See contestant's brief, page 67.) Deducting these 2 from the 9 majority above referred to, we find that the 30 majority of contestant found by the committee has been shriveled to a bare 7.

Let us see what further reductions should be made from contestant's vote.

In Osnaburg Township contestee's name was scratched and Jonathan H. Walser was written under it. There is no similarity whatever of sound as between Walser and Wallace, nor is there any evidence aside from this name on the ballot as for whom the party who cast the ballot intended to vote. And, further, Walser is a well-known Democratic name in Stark County, where this ballot was cast. In Beaver Township, Mahoning County, there was a vote cast for Wallage (see page 334, 6, 7) which was counted for Jonathan H. Wallace.

Those ballots are among the proofs, and open for inspection. They are unaccompanied by any explanation whatever. They are given to contestant by the committee. The distinguished gentleman making the report in that paper says: "We have already cited the principle on which the question as to those votes should be decided." I have examined carefully the report to find the "principle," and have utterly failed to find anything having that "quality or flavor," and am left entirely in the dark as to the reason, except as I find it in this language of the report: "Besides, the judges of election counted these votes for contestant, when the facts were well understood and the tickets were fresh from the hands of the voter." What facts are referred to "no fellah can find out." There are none except the naked facts presented by the ballots. There stand the names of Walser and Wallage, and you can not make Wallace out of either or both, whether the "facts are fresh" or stale. These 2 votes should be deducted from the vote of contestant. It is conceded by contestant that four persons, namely: Charles Ducatry, Michael Stimler, Bartholomew Waldecker, and Joseph Frickert voted the Democratic ticket. These parties were in

the Stark County infirmary. They voted in precincts other than in which this infirmary is situated. It is claimed that they voted in the precincts in which they had resided before going to the infirmary, and it becomes, therefore, a question in this case whether the residence and voting-place of these parties were in the precinct where the infirmary is, or whether it is in the precinct from which they went to the infirmary.

Now, referring to the evidence as to these voters, see first, as to Ducutry, page 411, where will be found the testimony of Ducutry himself as to his residence. He is 65 years old and an inmate of the Stark County infirmary.

Q. How long have you been an inmate of the Stark County infirmary?
A. Since the 4th of July, 1882.
Q. State whether or not you have adopted the Stark County poor-house as your home.
A. Yes, sir.

In answer to question 4, on cross-examination (page 412):

Q. 4. When you voted at the election last fall did you regard Louisville your home?
A. No; at the poor-house. I lived at the poor-house, but voted at Louisville.

On cross-examination he states that before he came to the poor-house he lived in Nimishillon Township.

Now, contestant has attached to his brief as an appendix that portion of the law of the State of Ohio in relation to residence, which reads as follows:

The place where the family of a married man resides shall be considered and held to be his place of residence, &c.

This witness says that he has a family living in Michigan—a wife and three boys.

If the above-quoted statute applies to Ducatry, then he had no residence in the township where he voted. But he claims that his residence was at the poor-house.

The supreme court of Ohio (34 Ohio State R., 525) hold "that an inmate of a poor-house in our State is not under such restraint as to incapacitate him from adopting the poor-house township as the place of his residence." In the above case the pauper had exercised his right to adopt the infirmary as his residence.

Michael Stimler says (page 413 of the record):

1. What is your name, age, occupation, and place of residence?
Michael Stimler; am nearly 80 years old. I live in the poor-house in Stark County, Ohio.
2. How long have you been in the infirmary?
Four years next October.
3. Are you able to do any work or labor to support yourself.
I am not able to earn anything; all I had burnt up; I was a wagon-maker by trade.
4. Since you have lived in the poor-house have you adopted it as your home?
That is now my home.
5. State whether you voted at the last fall's election; and, if so, where?
I voted the Democratic ticket at Freeburg, Washington Township, Stark County, Ohio.
6. State what ticket you voted at said time and place?
Democratic ticket; I voted it since 1835; I first voted for Van Buren for President.
7. Is the poor-house in Washington Township?
No; in Canton Township.
8. Who did you vote for for member of Congress at said election?
I don't know any more; I voted the whole Democratic ticket; I put on none and took none off.

This man had lived more than three years at the infirmary and had adopted it as his home.

In the case of Bartholomew Waldecker, here is his testimony (page 414):

1. What is your name, age, occupation, and place of residence?
Bartholomew Uvaldecker; am 78; and am an inmate of the Stark County infirmary.
2. How long have you lived at the Stark County poor-house?
Ten years next November.
3. State whether or not you have adopted the Stark County poor-house as your home?
Yes; that is my home as long as I live.
4. Have you any other home or place to stay than the poor-house?
I have no other home, and can't get one, as I am too old for that.
6. Did you vote at the last October election; if so, where did you vote?
I voted at the old fourth ward in Canton, on the road toward Louisville.
7. What ticket did you vote at said election?
Democratic ticket.
8. Did you vote the whole ticket, or did you scratch it?
I voted the whole ticket.

On page 415 we have the testimony of Joseph Frickert.

1. What is your name, age, occupation, and place of residence?
Joseph Frikert; am 70 years old; and am an inmate of Stark County infirmary.
2. How long have you been in the county poor-house?
Four years.
3. Have you any other home except the poor-house?
No.
4. Are you able to work and earn a living?
No; my lungs and breast are affected, and I am too old to earn a living.
5. State where you expect to live the rest of your life?
I can't expect anything better than to live in the poor-house the rest of my life.
6. Did you vote at the election last fall; and, if so, state for whom you voted at said election, and when you voted?
Yes; I voted the Democratic ticket at the court-house in Canton, Ohio.
7. What township is the poor-house in?
In Plain Township, Stark County. I got my papers in Canton, and I had to vote there.

There can be no reasonable doubt that these four old men were voters in Plain Township, that they voted in other townships, and that they voted for contestant. The 4 votes should be deducted from his count.

John Riegler voted in the fourth ward, in the city of Canton. He lived in the fifth ward. He voted for contestant. As a witness he swears:

4. To what political party did you belong last October?
I always voted the Democratic ticket; I didn't vote the ticket out and out generally.
5. Did you vote at the October election in 1882, and, if so, where did you vote?
I voted on that day; I voted on Tuscaroras street.
6. Where did you vote; in what ward?
I voted in the fourth ward.
7. You stated in your first answer that in October you lived in the fourth ward; do you mean that you lived in the fourth or fifth ward?
I meant the fifth ward, but supposed it was the fourth I lived in. I supposed I lived in the fourth ward, but as I find out now it was the fifth.
8. For whom did you vote for Representative in Congress from the eighteenth district of Ohio on that day?
Wallace.
9. Was the Wallace whom you say you voted for on that day Jonathan H. Wallace, the candidate on the Democratic ticket from said district for Congress?
Yes, sir.

Frank Walters testifies:

Q. 1. What is your name, age, occupation, and place of residence?
Frank Walters; am 27 next month; was in the saloon business all winter, and live in Canton, Stark County, Ohio.
2. Where did you reside on and before the 10th day of October, 1882?
In the city of Canton, Stark County, Ohio.
3. On what street and in what ward of said city did you reside on and before said 10th day of October, 1882?
On Tenth street; couldn't say as to the ward; the second house west from the corner of Tenth and Walnut, on the north side of Tenth.
4. What ward did you live in at that time, nearly as you can tell?
I supposed at that time it was the second ward, but have heard since it was the fifth.
5. Will you examine the ward map of said city of Canton, now before you, and state what ward it was you lived in October, 1882?
I have examined the map. It is in the fifth ward.

Next, Daniel Winkleman, of Canton, Stark County, testifies as follows (page 387):

Q. 1. What is your name, age, occupation, and where do you reside?
Daniel Winkleman; am 45 next April; am a carpenter by trade, and keep a saloon, and live in Canton, Ohio.
2. Whereabouts in Canton do you reside?
By the Valley round-house, on Union street, No. 108.
3. How long have you lived there?
Since October.
4. What time in October?
On or about the 1st of October, 1881.
5. Whereabouts on Union street is your said residence?
Right opposite the round-house. I live on the east side of the railroad. The Valley Railway cuts off the corner of my lot.
6. In what ward in the city of Canton is your said residence?
I live in the sixth ward.
7. Did you vote at the last October election in this State?
Yes, sir.
8. Where did you cast your vote?
By the engine-house, on Eighth street, corner of Poplar.
9. In what ward of said city of Canton is said engine-house where you voted at said election?
It is in the seventh ward.
10. What ticket did you vote at said election?
(Question objected to.)
The Democratic ticket.
11. For whom did you vote for member of Congress at said election?
I voted for Wallace, I guess.
12. State whether you voted at said election the entire Democratic ticket.
Yes, sir.

Next, Celestine Jordan, of Canton, testifies as follows (page 388):

Q. 1. What is your name, age, occupation, and place of residence?
Celestine Jordan; am 49 years old; I work in a brick-yard, and live in Canton, Ohio.
2. Where did you reside on or before the 10th day of October, 1882?
South Plum street, No. 196.
3. Is No. 196, where you resided, north or south of Cedar street, in said city?
South.
4. In what ward is No. 196 South Plum street, and in what ward was your residence in October, 1882?
In the sixth ward; that is what I was told.
5. Did you vote at the October election, 1882; if so, where did you vote?
I voted in the engine-house in Canton.
6. In what ward in said city did you vote, if you know?
At the seventh ward.
7. What ticket did you vote at the October election at said ward in 1882?
(Objected to as incompetent.)
Democratic ticket.
8. Did you vote for any person for Congress from the eighteenth district of Ohio at said October election in said ward; if so, for whom did you vote for Congress on that day?
(Objected to.)
Wallace.

Next, Martin Zilch testified as follows:

Q. 1. What is your name, age, occupation, and where do you reside?
A. Martin Zilch; am 32 years old; I work in Aultman's shop, and live in Canton, Stark County, Ohio.
2. Were you not subpœnaed here to-day as Martin Silk, and are you not generally known by that name?
Yes, sir; I was subpœnaed, and I am generally known by that name.
3. Are you a married or single man?
A single man.
4. And were you ever married?
No, sir.
5. Where did you reside on the 10th day of October, 1882, and how long had you resided there?
I resided in 74 Housel street, in the city of Canton, Stark County, Ohio, and had resided there twelve days before that day.

6. In what ward of the city of Canton was 74 Housel street on the 10th day of October, 1882, where you then resided?
The fifth ward.
7. Did you vote on said 10th day of October, 1882, for any person for Congress? If so, for whom did you vote on that day?
I voted the Democratic ticket, and voted for Major Wallace for Congress.
8. In what ward did you vote?
In the fifth ward.

John H. Hall is the city engineer of the city of Canton. He is a Democrat. As a witness he produces and identifies a map of that city showing the boundaries by wards of the city of Canton, each ward plainly marked. That map is in evidence in this case, and shows the localities named by the last five witnesses as their place of residence to be in each case in a ward different from the one in which they voted. The committee think this evidence is not the best. Winkleman says he lived in the sixth and voted in the seventh. Jordan says he lived in the sixth and voted in the seventh. Reigler says he voted in the fourth ward and lived in the fifth. They ought to know. They corroborate the map and the engineer. They all voted for Wallace. On this point the case of Wigginton *vs.* Pacheco is in point.

That was a case in which the vote was exceedingly close and every vote was important. In that case one Charles Gilbert resided at the house of Alva Mitchell, and the question was whether Mitchell's house was in the one precinct or the other. It was claimed that Gilbert voted in the wrong precinct, "and one witness testified that he knew the line dividing the precinct, for he saw it surveyed, and that Mitchell's house was not in the precinct;" and upon this testimony Gilbert's vote was rejected, because he voted out of the precinct in which Alva Mitchell's house was situated. The committee say Gilbert did not reside in the precinct where he voted and his vote must be rejected.

These five votes were undoubtedly illegal.

Contestant practically admits these persons voted in the wrong ward.

John Moriarty, of the town of Alliance, Stark County, testifies as follows:

What is your name, age, occupation, and where do you live?
John Moriarty; am 49; am a laboring man; and live in Alliance, Stark County, Ohio.
Where did you live on October 10, 1882?
I lived at the same place I do now.
How long have you lived there?
I guess about eighteen or nineteen years.
Is your residence in the north or south voting precinct of said town of Alliance?
North.
Did you vote at the October election, 1882; if so, in which precinct did you vote?
I voted at the town hall, *south precinct*.
What ticket did you vote, and for whom did you vote for member of Congress from this district?
I voted the Democratic ticket, and voted for Wallace.

Joseph Bittaker—contestant admits him to be a Democrat and to have voted in Sugar Creek Township, Stark County. Mary Dorcy and A. Hollinger swear that he was a single man and lived with his father in Tuscarawas County. There is no fair pretense that he lived elsewhere. These 7 votes cast for contestant by persons in wards or precincts other than their residence should be deducted.

The law of Ohio on the subject of residence and the duties of election officers in determining questions of residence is as follows:

SEC. 2945. No person shall be permitted to vote at any election unless he shall have been a resident of the State for one year, resident of the county for thirty days, and resident of the township, village, or ward of a city or village for twenty days next preceding the election at which he offers to vote, except where he is the head of a family, and has resided in the State, and in the county in which such township, village, or ward of a city or village is situate, the length of time required to entitle a person to vote under the provisions of this title, and shall, *bona fide*, remove with his family from one ward to any other ward in such city or village, or from a ward of such city or village to a township or village in the same county, or a township or village to a ward of a city or village in the same county, or from one township to another in the same county, in which cases such person shall have the right to vote in such township, or ward of a city or village without having resided therein the length of time above described to entitle a person to vote: *Provided*, That such voter so removing with his family from a township to a village, or ward of a city, or village, in the same county, shall not have the right to vote at any municipal election held in such city or village.

Herschel Urmson was a minor. He voted for contestant. Here is what contestant says about it (record, pages 338, 339):

The testimony shows that this party voted in Knox Township, Columbiana County; that he was under age at the time. The ticket he voted he says he got from a man named Doyle, who was a Democrat. But the ticket was folded so that he did not see the inside of it, and does not know what was on the ticket. We submit that this proof does not show that he voted for contestant. It does not follow that the ticket was Democratic because obtained from a Democrat, nor does it follow that contestant's name was on the ticket even if it was a Democratic ticket.

If it were not for the great respect I have for any person living in Columbiana County, Ohio, I should characterize the above as a very petty specimen of pettifogging. A Democrat goes to a Democratic ticket peddler and is given what he supposes to be a Democratic ticket and is permitted to vote it by his partisan friend. This is all conceded, yet the contestant meets it all with the "gush" above quoted. I am reminded further that Urmson himself says he voted for Wallace.

Ed. Marks voted at fifth ward in Canton. He was a married man. His wife and child resided in Wooster, Wayne County, Ohio, where they had resided for many years continuously. The effort is made by the contestant to prove that he had separated from his wife; this to avoid the provision of the statute which makes the residence of the family the residence of the husband, and for this purpose Marks is called by the contestant as a witness. His testimony is on page 462.

And the scabby creature, for the purpose of avoiding the difficulty in which he had placed himself by this illegal vote, actually swears to a separation from his wife.

Maggie Marks, his wife, is called as a witness, and shows that he was temporarily absent from his home, it being in Wooster, Wayne County, but that whenever in that city he made his home with her and their child, and that no longer distant than the Saturday before her testimony was given he was with them and remained until Monday; that on all occasions when he was in Wooster he lived with his family.

And yet no longer than the Saturday before this miscreant's testimony was taken it is shown that he was in that city and at his wife's home, living with her as her husband.

Contestant makes the claim that James Benson had also separated from his wife. His wife testifies that he has been back and forth to his home. He told the witness Mossop that his home was in Youngstown, and that he had a wife, two children, and property in Youngstown. He voted in Lawrence Township, Stark County.

Lewis Little is shown to be without any residence. He moves from place to place. The contestant makes no denial that all of these persons voted for him. He appears to concede it.

Edward Yaste voted in first ward, city of Massillon. It is admitted that he voted for contestant.

He had lived in Massillon, had been in Chicago for about three years, and returned to Massillon two weeks before Christmas, 1881. He so stated to the witness March 31, 1883 (rec., page 432). He said he had been working in Chicago nearly three years. He is an unmarried man. He is called by contestant as a witness (page 473). He says that he "was away from Massillon two years;" says he came to Massillon about two weeks before the October election.

An examination of his testimony will show that he was remaining wherever he went as long as he could get a job of work. When, if ever, he would return to Massillon was wholly uncertain. And I submit that departure from a place with no present intention of returning involves the loss of residence.

Nicholas Dicks voted in Canton, Stark County, Ohio, for contestant. He is the only witness (pages 394, 395, 396). Says he resided in Pittsburgh in 1880—from January, 1880, to December, 1880, eleven months; returned to Canton for two weeks; returned to Pittsburgh, where he resided until the following September; thence he went to Cleveland, where he staid a week; thence to Canton, where he remained two weeks "on a visit;" returned to Pittsburgh, where he worked at his trade for three months; thence to Sharpsville, Pa., where he worked at his trade five weeks; thence to Cincinnati in search of work; thence to Saint Louis on a visit; thence to Chicago, where he worked at his trade about six months; thence to Paris, Ill.; thence to Canton, where he arrived about September 1, 1882.

William H. Ohl voted for contestant, and was an illegal voter. He was a foreigner. He claims that he had been naturalized and that his papers were burned. As to this he makes conflicting statements. First he says he burned them, and again that they were burned in the burning of Stripe's house. He gives the place where he was naturalized, and names the judge before whom, he says, he took out his papers. The records of the court are produced at page 410 of the record, and those records show that no such person had ever had naturalization papers issued to him. We claim that this is an illegal vote.

This man is sought to be sustained as a voter by a man who claims to have seen his naturalization papers. He fixes the time a year after the date of their alleged destruction.

William Brown voted for contestant in the wrong county. He voted at Alliance, Stark County. He resided in Butler Township, Columbiana County. The evidence leaves this too clear for argument.

He had long lived in Butler Township; owned a residence there. Shortly before the election he went on a visit to Alliance, and after the election concluded to sell his residence and reside with his son-in-law. (Record, pages 139–141.)

David Spring voted for contestant in Bethlehem Township, Stark County. This is not disputed. He had for many years resided at Canton, where he had a family and where his wife died. His children were there. He was a traveling clock tinker. At pages 352, 355, 357, 360, and 361 will be found the evidence relating to his vote and place of residence.

Harvey Sloan was an unmarried man; his parents lived at New Lisbon, not in the township where he voted. He had been traveling from place to place for more than a year. Came back to New Lisbon and from thence to Salmeville, Columbiana County, on the 18th day of September, 1882, less than a month before the election. He voted at Salmeville. If he had a residence in Ohio, it was at New Lisbon. It was certainly not long enough in the township where he voted to qualify him. (Record, pages 124, 125.) He voted for contestant.

Peter J. Collins's case is similar to the above. His residence was in Wayne Township and he voted in Washington Township. He voted for contestant. (See record, pages 126, 127.)

Frank Kirby was a young physician; he voted for contestant in Perry Township, Carroll County. In the spring of 1882 he went West for the

avowed purpose of practicing his profession and with no intention of returning. By so doing he lost his residence. He did not return in time to gain his residence anew. Robert Figley and George W. Orr voted in Saint Clair Township, Columbiana County. Neither of them were legal voters at the time of the election. Both of them admitted on oath they voted for contestant. These votes should be deducted from contestant. They were not residents of Saint Clair Township.

Here are 28 votes shown to have been cast for contestant by persons who are shown not to have had the right to vote. And let it be mentioned that no one of these 28 is shown to have voted for contestant by his unsupported statements, unless those statements have been made on the witness-stand. I have purposely omitted the name and case of every one where the question of so-called hearsay testimony could be urged. The fact of the vote being cast for contestant is in no case disputed, I believe. I have left the other class of votes, a large number of which should be deducted from the count of contestant as I regard the law and facts, to be presented by some other member of the committee. Deducting these 28 votes from contestant gives to the sitting member a clear majority of 21 votes after giving contestant due credit for all the votes he has shown himself to be entitled to.

But the vote of the sitting member should be increased.

Contestant on page 23 of his brief says:

> In Stark County a ballot was cast on which contestee's name appeared simply as "Kinley" (record, page 351), written in pencil under contestant's printed name. While this is hardly *idem sonans* with the name "McKinley," we do not doubt that it was the intention of the voter to vote for him, and we concede him this ballot.

The voter casting this ballot is produced as a witness, and shows conclusively that it is his ballot and that he intended to vote for contestee.

In Yellow Creek Township, Columbiana County, it is shown that contestee is entitled to an additional vote because of a blunder of the voter. The proofs are satisfactory. On this question contestant admits as follows:

> In Yellow Creek Township, Columbiana County, a Republican ballot, containing contestee's name, folded with a ballot for justice of the peace, and both voted together. This ballot was not counted. Statutes, section 2963 provides: "When two or more ballots are found folded or rolled together it shall be conclusive evidence of their being fraudulent, and neither shall be counted." As the two ballots folded together in this instance were not of the same kind, but pertain to two different elections being held on the same day, there may be doubt whether the statute just quoted applies. If not, he is entitled to this vote.

In Centre Township, Columbiana County, the sitting member is shown to be entitled to another vote because of a blunder of the voter in preparing his ticket. On this point contestant says:

> In Centre Township, Columbiana County, a ballot was cast which is attached to the deposition of James Freeman. (Record, page 163.) It is a Republican ballot, with C. Hune's name written below contestee's printed name. It is shown that Hune was a candidate for prosecuting attorney; that his competitor's name was scratched on this ticket, and as contestee's name is not scratched, it is claimed that it is apparent that the voter intended to vote for contestee for Congress and for Hune for prosecutor. While this is far from being entirely clear, we admit that there is some force in the claim, and that this, like the one last mentioned, is in doubt.

In Salem Township, Columbiana County, a ballot was found in the box with contestee's name written below contestant's, which was printed. It was not counted for contestee, but clearly should have been (Record, pages 174, 175).

Then it is clearly proved by both the Republican and Democratic judge that there was such a ballot and that it was not counted for either contestant or contestee (Record, pages 174, 175).

In the sixth ward of Canton, Stark County, there was another ballot of the same kind. This is clearly proved by the testimony of three witnesses (Record, pages 370, 390, 392, 394).

Three of these 5 votes are admitted. Of the right of the sitting member to the other 2 there should be no serious contest.

In Austintown Township, Mahoning County, on a recount of the ballots it was shown that the vote of the sitting member was 201. It had been theretofore counted as 199. This increase of 2 votes should be allowed him. On this recount it was further shown that on a ballot contestee's written name was under the printed name of contestant on a Democratic ballot. A similar ballot was found in which the names printed and written were unused. As both parties are alike affected by these last two votes I will not count either of them.

In Butler Township, Columbiana County, it is shown that early in the morning some evil-disposed person got possession of all of the Republican tickets and mutilated them by erasing the name of the sitting member and interpolating that of the contestant. Parties were compelled to take these mutilated tickets and attempt to remedy the evil by rubbing out the name and pencil-marks. They were not entirely successful in doing this, so as to leave the ticket looking fresh and clean. The result was that four of these tickets intended for McKinley, and that were for him, were by mistake counted by the election board as blanks owing to their soiled and blurred condition. These tickets are present as exhibits; they are satisfactorily identified by the persons who voted them or similar tickets, and who say they intended to vote for the sitting member. There was a recount in this precinct, in which the sitting member had 160 votes. At the original count he had been allowed but 158. The claim of the 2 votes and of the 4 votes is not seriously disputed, I think, and the proofs show contestee to be clearly entitled to them, and that 6 additional votes should be given him in Butler Township.

G. W. Shrimp, in Minerva Township, Stark County, tendered to the judges of election his ballot for contestee. He complied with every requirement of the law, but from some unexplained perverseness the judges prohibited him from voting. His vote should have been received, and because of their failure to receive it 1 additional vote should be given the sitting member. This, with others above named, makes a total of 14 votes to which contestee is entitled but which were not counted for him.

There are 10 votes to be deducted from the total of the contestant because of an error in the footing of the vote of Carroll County, which I have purposely omitted to discuss. I have not abandoned claim to the deduction. I have the greatest confidence in this claim, but have not had time to properly elaborate it. I leave it with 27 of the 55 illegal votes cast for contestant and not discussed by me to other members of the committee. I have only sought to occupy unassailable and indisputable ground. I have only taken up cases where I have thought contestee's proofs to be not only preponderating but irresistible, where I was willing to meet the issue on the ground proposed by the worthy chairman of the committee, not because he stated the law correctly, but because I felt that I could safely do so; that is, with the burden of proving the case I advocate "to the exclusion of every reasonable doubt." That is not the law bearing upon the question of proof. The burden is upon the contestant to make out his entire case. But he can do that by a preponderance of proof, if he has it.

I therefore, in conclusion, present the following summary of the votes as I view the case, so far as I have argued it, and with the distinct statement that I have discussed contestant's claim to every vote to which I think he is entitled, and have left undiscussed more than 30 votes to which I believe contestee to be entitled:

Official vote for contestee		16,906
Add votes not counted		14
		16,920
Deduct vote of Douglas		1
		16,919
Official vote of contestant	16,898	
Add votes not counted	16	
	16,914	
Deduct illegal votes received and discussed by me	28	
True vote		16,886
Leaving contestant with a majority of		33

Now, in addition to this number are the 10 votes given to contestant by an error in the addition of the vote of Carroll County and 24 votes that were illegal and were cast for contestant in Liverpool and other townships, that I have not had time to present, and which I must therefore leave to some other member.

And when the case is further and more fully argued and these other numbers which should be deducted are shown in their true nature and character I have no doubt the House will come to the conclusion that the real majority of the contestee is 67 votes, and that he should be declared to be entitled to retain his seat.

Mr. Speaker, I must apologize for trespassing so long upon the patience of the House; but this case is one of very peculiar character, as you must have seen, involving many controversies as it does; but I am willing now so far as I am concerned to leave the matter to the dispassionate judgment of this House.

During the delivery of the foregoing remarks the hammer fell.

The SPEAKER *pro tempore* (Mr. COBB in the chair). The time of the gentleman from Iowa has expired.

Mr. HEPBURN. I should like to have a few minutes longer.

Mr. LONG. How much time does the gentleman wish?

Mr. HEPBURN. I should like to have thirty minutes to conclude my remarks.

Mr. LONG. I move that the time of the gentleman be extended for thirty minutes.

There was no objection.

Mr. HEPBURN then resumed and concluded his remarks as above.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3967) for the establishment of a bureau of animal industry, and to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

The message further announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes.

The message further announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. R. 73) authorizing the Secretary of the Treasury to pay to Charles L. Jones the sum of $465.65 for services as messenger

under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, to the 1st day of November, 1879, inclusive.

CONTESTED ELECTION—WALLACE VS. M'KINLEY.

Mr. ADAMS, of New York. Mr. Speaker, I shall try within the time allowed me to present this contest from our side as fairly as I can in the interest of the sitting member. I have given considerable time and attention to it. I have gone through every vote carefully, read and weighed all the evidence bearing upon each vote, and in the course of my remarks I will present a summary of the votes by which I reach the conclusion that Mr. Wallace, the contestant, was elected to a seat in the Forty-eighth Congress by not less than 14 majority, without regard to the number of votes which he puts in issue that were cast for the sitting member and which he claims were illegally cast for him:

	Carroll.	Columbiana.	Mahoning.	Stark.	Totals.
Wm. McKinley, jr	2,006	4,411	4,278	6,211	16,906
Jonathan H. Wallace	1,497	4,438	3,915	7,048	16,898
Lemuel T. Foster	63	470	256	187	976
James A. Brush		59	53	149	261
J. K. Burbeck		1			1
John H. Wallace	1	3			4
Major Wallace		1			1
Wallace		5			5
W. H. Wallace		2			2
W. W. Wallace		1			1
Jonathan Wallace		5			5
Maj. Wallace		3			3
J. H. Wallace		2			2
Scattering			1		1

The sitting member received a certificate of election from the governor of the State, and it appears by that certificate that he received 16,906 votes and Mr. Wallace 16,898 votes, electing the sitting member by a majority of only 8 votes. There were three other candidates running for the same office who received an aggregate vote of 1,238, as will more fully appear by the return I print in the RECORD. It will thus be seen that Mr. McKinley was declared to be elected by a majority of 8 votes over the contestant and received a certificate of election under which he has held a seat in the Forty-eighth Congress. The district is composed of the counties of Carroll, Columbiana, Mahoning, and Stark. The board of State canvassers was composed of the governor and the secretary of state, and they were to sit in the presence of the attorney-general and the auditor of the State. The last two were merely witnesses to see that the vote was properly counted.

The first question that arises in this case is as to the 23 votes for Wallace which the State board of canvassers refused to count and about which there has been considerable discussion this morning. In the argument before the Election Committee the sitting member's attorney conceded 16 of these votes. Had they been counted for the contestant by the State board he would have been entitled to a certificate by the same majority as that by which the sitting member now holds his seat. From that point of view the sitting member would become the contestant in this contest, and the burden of proof would be shifted to him to show that he is entitled to a seat on the floor of this House.

The names appearing on the ballots, which were certified to by the district judges to the county clerk, and from him certified to the State canvassing board, are as follows: John H. Wallace, 4; Major Wallace, 1; Wallace, 5; W. H. Wallace, 2; W. W. Wallace, 1; Jonathan Wallace, 5; Maj. Wallace, 3; and J. H. Wallace, 2; making in all 23 votes, 16 of which are conceded by the contestee. Seven of them are disputed or denied to the contestant.

Mr. RANNEY. Conceded on the evidence?

Mr. ADAMS, of New York. Conceded that they should have been counted for Wallace, as there is no other evidence before the committee or the House than the State canvassing board had at the time of the count.

Mr. RANNEY. That they should now be counted on the evidence?

Mr. ADAMS, of New York. No, sir; I repeat that the State board had the same evidence that we had, and you can not relieve the board from the suspicion which attaches to them by their act.

The 7 votes they dispute are John H. Wallace, 4; W. H. Wallace, 2; W. W. Wallace, 1. The question that arises, then, is this: Was the board right in rejecting the 23 votes? In the report submitted by the minority the distinguished gentleman who wrote it uses this language:

They—

Alluding to the board—

had but a ministerial duty to perform, and that was simply to sum up the figures from the returns made in conformity to law from the several counties composing the district.

Now I will read the law of Ohio upon this point:

Within ten days after the 1st day of December next after such election the governor and secretary of state shall, in the office of the secretary of state, in the presence of the auditor of state and attorney-general, open the returns of abstract No. 2, made to the secretary of state, for State commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, and Representative to Congress for each Congressional district; and if it appear that returns have been received from all the counties agreeable to the provisions of this chapter, the governor and secretary of state shall forthwith proceed to ascertain the number of votes given for the different persons for such offices.

Now, that is the law under which they counted the votes. This section has received a construction by the supreme court of the State of Ohio in a decision referred to this morning by the distinguished chairman of the Committee on Elections. The question before the court in that case was as to the correctness of the action of the board of canvassers in canvassing the returns of votes for members of Congress at the election in October, 1882, in the seventh Congressional district of Ohio. In speaking of the duties of the board under the statute aforesaid the court holds as follows:

It is true the defendants as a canvassing board were required to ascertain the number of votes given for the different persons for the office, and the certificate was to issue to the persons so elected. The person so elected was to be determined from the returns before the board. The returns are only evidence of the will of the electors, expressed by their ballots. If this evidence is such as to produce reasonable conviction of what that will is, it should be allowed legitimate effect. If the person receiving the certificate did not receive the plurality of votes as shown by the returns, fairly and reasonably understood, the defendants have not performed the duty enjoined upon them.

Now, I submit, Mr. Speaker, that it was the duty of the State canvassing board at the time they counted the votes to have not only given the 16 votes which they now concede but the 23 votes, if they could be "fairly and reasonably understood" to have been cast for the contestant.

Now, let us see whether they could be fairly and reasonably understood to have been cast for the contestant, and for no other person, because there was no other person running for that office in the district at the time. The court in the same case further says:

The rule that should govern in canvassing the returns is thus stated by Judge Cooley in his work on Constitutional Limitations, and we think correctly. The action of such boards is to be carefully confined to an examination of the papers before them and a determination of the result therefrom in the light of such facts of public notoriety connected with the election as every one takes notice of, and which may enable them to apply such ballots as are in any respect imperfect to the proper candidates or offices for which they are intended, provided the intent is sufficiently indicated by the ballot in connection with such facts, so that extraneous evidence is not necessary for this purpose. (Cooley's Const. Lim., 623.)

Now, I submit that they did not need any extraneous evidence in this case to identify the ballot and to count it for the only person who ran in that district by the name of Wallace. But my distinguished friend from Massachusetts [Mr. RANNEY] says that their duties were only ministerial. Why, sir, I think that the distinguished gentleman who then presided over that Commonwealth, Governor Foster, was one of the visiting statesmen in 1876, who at that time claimed (and has not since repented) the largest and fullest judicial power for all the returning boards in the South.

And yet, when clothed with the duties of the high office of governor and charged with the duty of counting the votes, he was, as laid down by the decision of the supreme court of Ohio, in duty bound to give these ballots effect and count them for Wallace, if no other reasonable construction could be placed upon them, in order that the voters of the county should have effect given to their preference for Wallace as against the sitting member. Let us test the action of the State canvassers in rejecting these 23 votes by the rule laid down by the supreme court.

Now, what are the facts? First, the contestant was the regular nominee of the Democratic party for that office; second, there was no other candidate by that name; and third, during the canvass he was spoken of very frequently as Major Wallace, J. H. Wallace, and generally by the press as Wallace. That the contestant was a regular nominee, regularly nominated at a public convention of his party; that there was no other candidate by that name, and nobody ever heard of and no testimony in the case mentions any other candidate bearing the name of Wallace, are facts clearly and legally established by the testimony of Potts, Moore, and other witnesses which appears on record. The facts are established by the witnesses and are admitted by the contestee. It seems to me that they must be regarded as facts of general notoriety, coming within the meaning of the decision of the supreme court, and as well known to the governor and secretary of state as to any other intelligent citizen of the State who takes any interest in public affairs.

When we read the official returns in the light of the foregoing facts of public notoriety it seems clear that the 2 votes for J. H. Wallace, the 3 for Major Wallace, the 5 for Jonathan Wallace, the 5 for Wallace, the 1 for Major Wallace, and the 4 for John H. Wallace should have been given to the contestant as clearly falling within the above rule of law. If they had been so counted then the majority for the contestant would have been 12.

I further claim that it was reasonably certain that the 2 votes certified for W. H. Wallace and the 1 vote for W. W. Wallace should have been counted for the contestant, and that the returns, fairly and reasonably understood, would have given them to him, making his majority 15 votes. But for some reason or other the governor and secretary of state rejected them and gave the contestee the certificate of election to which he was not in any wise entitled and by means of which he is now representing a district which repudiated him at the polls.

I will not read the authorities which I have before me from cases both in the States and in preceding Congresses which would govern a

case presenting the same facts as are presented here. This is no new question; it had been passed upon by prior Congresses and it was the duty of the governor and secretary of state, in view of the fact that similar cases had been passed on in prior Congresses and by the courts of several States in the Union, and it was clearly the duty of the governor and of the secretary of state, acting not as ministerial officers in the sense in which my friend from Massachusetts [Mr. RANNEY] has put it, but acting as judges of election in the great State of Ohio, to have given to the contestant the certificate which by the votes of the people at that election he was entitled to receive. I have thus briefly passed over the question of these 23 votes, and shall insert in my remarks the cases which bear on the question, and which can leave no reasonable doubt in the mind of any man as to the duty of the State canvassing board.

It is difficult to see upon what principle of law the 16 votes heretofore referred to should be conceded by contestee and the remaining 7 votes not. Why concede 16 votes and deny the votes cast for John H. Wallace, W. H. Wallace, and W. W. Wallace? If the 16 votes which are part of the 23 are to be conceded, in the name of common sense as well as justice how can this House deny the other 7 votes?

In support of this view of the case I cite authorities as follows:

1. That the 2 votes certified to J. H. Wallace should be counted for contestant. (See Carpenter *vs.* Ely, 4 Wis., 420; People *vs.* Furgason, 8 Cowen, 102; McKenzie *vs.* Braxton, McCrary El., page 336; People *vs.* Seamen, 5 Denio, 409; Newton *vs.* Newell, 26 Minn., 529.)

2. That the 5 votes certified to Jonathan Wallace should be counted for contestant. (See Carpenter *vs.* Ely, 4 Wis., 420; McKenzie *vs.* Braxton, McCrary El., page 336; People *vs.* Kennedy, 37 Mich., 67; People *vs.* Cook, 14 Barb., 259; People *vs.* Cook, 8 N. Y., 67.)

3. That the 1 vote certified to Major Wallace and the 3 votes certified to Maj. Wallace should be counted for contestant. (See Carpenter *vs.* Ely, 4 Wis., 420; Chapman *vs.* Furguson, 1 Bartlett, 267.)

4. That the 4 votes certified to John H. Wallace, the 2 votes to W. H. Wallace, and 1 vote to W. W. Wallace, should be counted for contestant. (See Carpenter *vs.* Ely, 4 Wis., 420; State *vs.* Gates, 43 Conn., 533; 3 Am. Law Rev., 142 (J. Champney for James A. C.), in Mass. legislative house document (1867) No. 64.)

5. That the 5 votes certified to Wallace should be counted for contestant. (See Carpenter *vs.* Ely, 4 Wis., 420; Talkington *vs.* Turner, 71 Ill., 234; Newton *vs.* Newell, 26 Minn., 529; Sessinghaus *vs.* Frost, Election Cases, Forty-seventh Congress, 393.)

From the foregoing authorities it will be seen that votes cast for "Ely" were counted for "George B. Ely," votes cast for "George B. Ela" were counted for "George B. Ely," and votes cast for "D. M. Carpenter," "M. D. Carpenter," "M. F. Carpenter," and "Carpenter" were counted for "Matthew H. Carpenter." (4 Wis., 420.) Votes cast for "Talkington," were counted for "Joseph Talkington." (71 Ill., 234; 1 Bart., 267.) That votes cast for "Newell," "Frank E. Newell," "F. E. Newell," or "F. Newell" should be counted for "Frank E. Newell." (26 Minn., 529.) That votes cast for "Jonas Champney" and for "J. C. Champney" should be counted for "Jonas A. Champney," although he had a father living and eligible, whose name was "Jonas C. Champney." (3 Am. L. Review, 142.)

It seems to us that these cases and the other authorities above referred to fully entitle contestant to claim each and all of the 23 votes before referred to, counting which gives to contestant a majority of 15 votes on the returns as certified to the board of State canvassers.

I have thus far considered only what appears on the face of the official returns made and certified to by the State board of canvassers. I think it is established by abundant authorities that all of those votes should be counted. By that way alone will the will of the voters be established and effect given to their votes.

I will refer, however, to another and a very late case on the question:

One of the latest decisions is Clark *vs.* Robinson, 88 Ill., 498; it is held: "At an election where there were but two candidates for circuit clerk, E. E. Clark and William E. Robinson, it was held that 3 votes cast respectively for W. E. Robso, Robertson, and W. E. Robers, for clerk of the circuit court, should be counted for William E. Robinson. And when the name of E. E. Clark in the printed ballot was erased and the word Robin written on the margin of the left of the words for 'circuit clerk,' with a light mark at the end of the name a half an inch long, it was held that the vote should have been counted for Robinson."

The next question in the contest is as to the 11 ballots found in the box in Fairfield Township, Columbiana County, on a recount of the votes at the time the testimony was taken. I desire in connection with this subject to call the attention of the House to a very important fact discovered on the recount of the vote. It appears that the total number of votes certified to by the judges of election of that county to the county clerk and by him certified to the State canvassing board was 638, of which number Wallace had certified for him 287 and for the sitting member 271. The remaining portion of the 638 votes were certified for other candidates and for State officers. At the recount there was found to be only 633 ballots in the box, showing 5 ballots less than the original count. From the loss of these 5 ballots it is sought to throw a doubt or suspicion on the manner in which the ballot-box was kept subsequent to the election and prior to the recount.

The number of ballots found in the box for Wallace on the recount tallied precisely with the original count, except that there were found in the box 11 ballots upon which the name of Wallace appeared in some shape or other. The tickets as found in the box were as follows: for "Major Wallace," "Ma. W—llac," "Wolac," "Mag. Wolace," "Wallace," "Woloc," "Mage. Wolac," and "Wolloc," making in all 11 ballots.

Now, none of these 11 ballots were certified by the district judges to the county clerk and by him to the State convassing board. I desire to make this point in the case as clear as I can. Had they been certified in the first instance by the judges of election to the county clerk and by him certified to the State canvassing board, it would have presented for our consideration the very point involved in the 23 votes to which I have just alluded. And the question now arises whether or not these 11 votes should be counted for the contestant.

Two questions arise here: first whether or not the ballots were in the box on the night of the election; that is the first question to be determined. The second question is, was the box properly kept as provided for by the laws of Ohio? If we prove that the ballots were in the box on the night of election, the second question becomes one of minor importance, but becomes subordinate to the first.

I will now address myself to that point and show by indisputable testimony, by the testimony of three judges of election, two of whom were Republicans, and by the testimony of the two clerks both of whom were Republicans, that these ballots were in the box on the night of the election, but were not counted or certified to the State board of canvassers.

Suppose, for illustration, that a recount was asked of any particular box, but no question was raised as to an excess of ballots at all.

That presents the question, would it be fair to undertake to throw doubt and suspicion on the box because it was not properly kept? I am not speaking of any excessive ballots; I am only speaking of a case in which a recount is asked for by either party; where, for example, a district or precinct returns 230 votes and I want to have a recount for the purpose of proving whether the first count was right. Suppose I am met on the other side by the declaration "Why, this box was not properly kept." But if on the recount it is shown that the identical ballots and the same number of ballots were in the box, is it any answer for you to say that the ballots should not be counted because doubt and suspicion are thrown upon the question of the safe-keeping of the ballot-box?

I am going to show by the testimony of every one connected with that precinct that those ballots were in the box on election night and were not certified to by the judges of election. There is a dispute as to the number of ballots which were not counted and were in the box on election night, some of the judges placing the number as low as 2 and others as high as 15. I think I state the matter correctly. The evidence of Augustine, one of the Republican clerks, as to the fact that the ballots were in the box on election night and were not certified is as follows:

7th Q. State whether or not any announcement was made publicly by the judges of said election immediately after the close of the counting of the ballots as to the result of said election in said township for Representative in Congress, and, if so, state what the announcement was.

(Objected to as incompetent by attorneys for contestee.)

A. The result as shown by the tally-sheet was announced, and some person or persons also announced that there were fourteen (14) votes cast for Wallace that were not counted, and some one announced that there were but thirteen (13) votes cast for Wallace that were not counted.

Mr. RANNEY. Do you call that evidence when the witness was not one of the parties?

Mr. ADAMS, of New York. He was one of the clerks of the election by whom these ballots were counted. They were put down on paper, and by this very witness.

Now I read from the testimony of William R. Heim, one of the Republican judges:

9th Q. You have stated that after the count made on the night of the election by the judges of the election your impression was that there was from 1 to 7 or 8 ballots in the box which were not counted for Congress.

A. Yes, sir.

10th Q. Will you now state whether there is anything that has occurred since that time to change this impression then formed, except what you have heard Augustine, Carpenter, and others say?

A. I believe Augustine, Carpenter, and others told me the truth; I believe them truthful men. I believe there was the 13 votes in the box.

11th Q. Is there anything whatever to induce this belief, except what Augustine, Carpenter, and others told you?

A. If I mistake not, I also heard Judge Ambler say there was 13 votes that we hadn't counted in the first place.

12th Q. Whoever you heard say anything on the subject, after the night of the election, was there anything, except what they said, to change your impression as to the number of votes not counted on the night of the election—that is to say, is not the change in your impression made from hearsay alone?

A. Well, if the question means, if between the election and the time these votes were counted, no.

13th Q. That is, you mean that the change in your impression was made from hearsay—what people said about it.

A. The change in my impression was made after the votes were counted the second time.

14th Q. By what you heard people say about it alone. Is not that so?

A. Why, yes; in a certain sense it is.

15th Q. In what sense is it not?

A. It is just this: I believe what they told me. I believe them to be truthful, and I have every reason to believe there were 13 votes there.

I understand that Judge Ambler was the contestee's counsel in this contest at the time of the recount. Now, the testimony of Carpenter, the Democratic judge, is as follows:

22d Q. State whether or not all the votes cast for Representative in Congress in said township at said election were counted by the judges of election.

A. They were not.

23d Q. State whether or not all the votes so cast at said election for said office were tallied and returned by the officers conducting said election?

A. They were not.

24th Q. How many votes, as near as you can tell, which were cast for Representative in Congress at said election were not counted and returned?

A. To the best of my knowledge I think—well, from 7 to 15; I wouldn't be positive.

25th Q. Why did you not, as the judges of said election, count and return said votes which you say were not counted or returned?

A. They were declared—I believe they were declared illegal votes by one of the trustees or judges of election, and the other judge didn't say nothing. He was willing to count the votes, but was overruled by outside influence brought to bear, and the whole matter just stopped there, just where it was, and the votes wasn't counted.

26th Q. What ground or reason was given by said judge for the claim that said votes for Representative in Congress were illegal?

(Objected as incompetent by attorneys for contestee.)

A. Because they hadn't Jonathan H. Wallace; the votes were declared illegal because they wasn't written or printed Jonathan H. Wallace.

27th Q. How were those votes that were not counted written or printed as to said office?

(Objected to as incompetent by attorneys for contestee.)

A. There were some of them wrote "Wallace" and some of them "Major Wallace."

The testimony of Shields, the other Republican judge, is to the same effect:

5th Q. State who handle the tickets; who took them from the box, and through whose hands did th pass before they came to you.

A. To the first question, Robert Carpenter. Hum and myself handled the tickets. Robert Carpenter took them from the box; he handed them to W. R. Hum, and he passed them to me.

6th Q. What, if any, question was raised during the counting of said votes as to whether or not any of said votes should be counted?

(Objected to as irrelevant.)

A. The first objection that was raised was when we came to a ticket that had McKinley's name scratched and the name "Wallace" written for Congress. I objected to its being counted for Jonathan H. Wallace.

7th Q. What was done in that connection, and tell all about it?

(Objected to as incompetent and irrelevant.)

A. Mr. Carpenter wanted it counted for Jonathan H. Wallace. It was talked about by the judges, as to whether it should be counted for him or not. Mr. W. R. Hum and myself decided that it could not be counted for Jonathan H. Wallace. The ticket was not counted for Jonathan H. Wallace.

8th Q. What was done with said ticket?

A. It was put on the string with the others by me.

9th Q. How many such tickets were there, and what was done with them?

A. I can't say positively; I can only give my recollection as to the number. My recollection is that there were either two (2) for "Major Wallace" and three (3) for "Wallace," or three (3) for "Major Wallace" and two (2) for "Wallace," and one that had both names on for Congress, "William McKinley" and "Jonathan H. Wallace." They were strung on the string by me with the others.

10th Q. Were these six tickets counted or not?

A. They were not counted for Congress. The balance of the ticket was counted.

11th Q. You say you examined these tickets; how was "Wallace" and how was "Major Wallace" spelled on them, if you remember?

A. In regard to the spelling, I would not be positive, but I can give my recollection. My recollection is that the name of "Wallace" was spelled "Wallace;" my recollection is that it was spelled the same on all of them. I think the word "major" was spelled correctly on part of them, but I will not be positive that it was on all of them.

I now turn to the testimony of Crook, the Republican clerk. He states that he did not say to any person on the night of the election that Wallace received about 15 majority in that precinct or town, but did say if all the votes had been counted for him he would have had a majority of 30 or 31 if all the votes had been counted. This was the language he used to a friend of his on his way home that night when he called at his house to let him know the result of the election in the town.

Lower, the person referred to, was called to the stand, and in his testimony stated that Crook, the Republican judge, did tell him that Wallace would have had about 30 or 31 majority if the votes had all been counted for him. I refer to his testimony here to show that there could be no dispute whatever about the matter; that instead of receiving 13 or 14 majority, Wallace would have received 30 majority if those votes had been counted for him on election night.

The testimony is as follows:

Thomas B. Crook, the Republican clerk, says:

4th Q. How many votes, as near as you can remember, for member of Congress were not counted, and who were these votes, which were not counted, for?

A. I don't recollect the number. I was under the impression at the time that there were but three (3) or four (4) for Major Wallace. I didn't know of any others then.

(The foregoing answer of the witness, so far as the same relates to his impressions, is objected to as not being competent testimony.)

5th Q. After the counting of the votes, did you hear Isaiah Flickinger, or any other person, announce that 12 or 15 votes had been thrown out, which should have been counted for Wallace?

A. I did not.

9th Q. Are you acquainted with George Lower, and do you know where he lived at the date of said election?

A. I am, and I do.

10th Q. Did you see him on the evening or night of the election, and after the counting of said ballots had been completed; and, if so, where did you see him, and at what time?

A. I did see him at his home, about between 2 and 3 o'clock in the morning after election; I mean the morning of the 11th of October, 1882. I was on my way home from election.

11th Q. Did you then and there call him up out of bed and have some conversation with him on the subject of the election in said Fairfield Township?

A. I did. Before he went home from the election he requested that I should call him up as I went home and give him the news.

12th Q. Did you say to him in that conversation that Jonathan H. Wallace had carried this (Fairfield) township by a majority of 15, or about that number, for Congress, and that he would have had a majority of 31 or 32 if all the ballots which had his name on had been counted for him, or in substance that?

A. To the first question, whatever Mr. Wallace's majority was in the township, I told him. But I did not tell him what his majority would have been if the votes had been counted for him or had not been thrown out.

13th Q. Did you tell him in that conversation that about 15 ballots with Wallace's name on had been thrown out, or not counted, or did you tell him in substance that?

A. I did not. I didn't know anything of it myself.

14th Q. What, if anything, did you tell him in that conversation about ballots being thrown out or not counted for Wallace for Congress?

A. I told him I thought there were 3 or 4 for "Major Wallace," written "Major Wallace," which were not counted for him. This is all I told him on that subject.

15th Q. What is your politics, and for whom did you vote for Congress at said election?

A. I am a Republican, and I voted for William McKinley, jr.

The George Lower referred to says in his testimony that Crook did tell him that Wallace would have had about 30 to 31 majority if the votes had been all counted. He says:

2d Q. Do you know Thomas B. Crook; if so, do you know where he lives?

A. I know him. He lives in the town of Fairfield, Fairfield Township.

3d Q. What office did the said Crook hold in Fairfield Township, at the election held in said township on the 10th day of October, 1882?

A. He acted as clerk.

4th Q. Did you see him at the election, and what request, if any, did you make of him on that day concerning the election?

(Objected to as incompetent by attorney for contestee.)

A. In the evening, after the polls were closed, I told him I was going home, and that when they got through counting and he was going home he should call me up and tell me the result of the election.

5th Q. Did he call you up that evening; and, if so, about what time of night; and did he tell you the result of the election in Fairfield Township?

A. He called me up, as near as I can say, about half-past 1. He told me the result of the election in Fairfield Township.

6th Q. What did he say to you about the result of said election in Fairfield Township as to the candidates for Congress?

(Objected to as incompetent, irrelevant, and as hearsay by attorneys for contestee.)

A. He told me that Wallace had 15 of a majority in Fairfield Township, and would have had 30 or 31 if the votes had not been irregular—that is, he told me that part of the votes had John Wallace, some Major Wallace, and some Wallace, and some you could scarcely make out what was on them. He told me that they were not counted; that they were objected and were not counted for Wallace.

7th Q. Did he in that conversation say anything to you about the number of such ballots that had on them Wallace, Major Wallace, and other Wallaces which the judges did not count?

(Objected to as leading, because the question assumes what the witness has not testified to, and is hearsay, and incompetent, by attorney for contestee.)

A. He did; he told me that there was either 15 or 16; he did not remember which.

8th Q. In the conversation you say you had with said Crook at your house on the night of said election did the said Crook say to you in substance that Wallace had a majority for Congress of 15 votes in Fairfield Township; that his majority would have been 30 or 31 votes if the judges of the election had counted for Wallace all the ballots having the name Wallace thereon, and did the said Crook further say in said conversation that there were 15 or 16 of such ballots which did not have Wallace's full name on them, and were not counted for that reason?

(Objected to as leading, incompetent, and irrelevant by attorneys for contestee.)

A. He did.

I have thus far shown by the testimony of all the witnesses who were parties to the election in that precinct or town that some votes were in the box; there is no dispute about that; the witnesses all agree upon that point. But they disagree as to the number. When the ballot-box was opened there were found in it 11 ballots upon which the name of Wallace appeared in some shape or other.

Mr. EZRA B. TAYLOR. Will the gentleman allow me to put a question for information?

Mr. ADAMS, of New York. Yes, sir; certainly.

Mr. EZRA B. TAYLOR. If those 13 votes were counted——

Mr. ADAMS, of New York. Eleven is the correct number.

Mr. EZRA B. TAYLOR. Thirteen or 11, or whatever the number may be, would there have been 5 less in the box than those counted at the time?

Mr. ADAMS, of New York. I will come to that.

Mr. EZRA B. TAYLOR. I would like to know now "yes" or "no" as to the matter.

Mr. ADAMS, of New York. I will come to that in due time.

Now, if the ballots were in the box it is no answer at all to say that the box was tampered with because 5 of the ballots are missing.

Mr. RANNEY. You admit there are 5 missing?

Mr. ADAMS, of New York. Oh, yes; I do not deny that. I hope the gentleman will be as frank when he comes to be questioned.

Mr. EZRA B. TAYLOR. I only wanted to know the fact itself—not the result—whether if you allow the whole 11 which were not counted there would then be 5 less than the number that were counted or the number that were in the box.

Mr. ADAMS, of New York. I do not entirely understand the gentleman's question; but there is no dispute whatever that the original count was 638 ballots and upon the recount 633 only were found, showing a loss of 5.

Mr. EZRA B. TAYLOR. Including these ballots or not including them?

Mr. ADAMS, of New York. Including these ballots altogether. They were not certified. Only the ballots counted and allowed for Wallace were certified; these were not counted.

Mr. EZRA B. TAYLOR. In the recount they were counted. Now in the recount were there less or more votes than originally?

Mr. ADAMS, of New York. Of course not; there were 5 less than the original return.

If the other 5 had been there, there would be no dispute at all as to this township, except as to the 11 uncounted ballots.

Now I come to the next point in this contest. I am going to be perfectly fair and frank. If the members on this side of the House see fit to deny to the contestant these 11 votes, they have a perfect right to reject them. But even if they are rejected Wallace would still be elected by 3 majority, saying nothing of 8 or 9 votes which are put in issue by him as against the sitting member, and 5 of which are certainly fraudulent votes.

I claim that the box was properly kept, kept as required by law. I invite attention to the testimony of the Republican judges themselves as to whether or not the law was violated in the least.

Augustine, the Republican clerk, says this—and, by the way, I understand he voted for the sitting member:

13th Q. What then was done by the judges of said election with the ballot-box and contents thereof?

That is the night of the election.

A. They opened the ballot-box and proceeded to count the vote; as they counted the votes they were strung, and when the count was completed they were all put back in the box, and I locked the box by direction of the judges, and by their direction I gave the key of the box to Robert H. Carpenter, the minority judge of the election.

Under the law of Ohio I believe the key is to be taken by the minority judge, and the box by the majority judge.

A MEMBER. Township clerk.

Mr. ADAMS, of New York. Township clerk.

14th Q. What was then done with said ballot-box?

A. I left the ballot-box in the room where the election was held until the next morning about 7 o'clock, when I went and got it and took it to my office. Shortly after—perhaps an hour after—I left it at my office I met Mr. Carpenter on the street, and asked him to go to my office and get it for me, as I was busy and could not go myself just then. In a few minutes after I asked him to go and get it, I met him on the street with it. He gave it to me, and I took it to my house, where it has been until to-day, when I brought it here.

That is the testimony of the minority judge, who had the key of the box. It had remained with him and in his possession from that night until the recount over this contest.

15th Q. State whether or not you have ever had the key to said box since the same was given to Mr. Carpenter on the evening of election, as before stated?

A. I have never had it since, and to the best of my knowledge I have never seen it until to-day.

16th Q. State whether or not said ballot-box has ever been opened, or the contents thereof in any way interfered with, since the said box was closed and locked on the day of said election, as before stated?

A. It never has been, to the best of my knowledge.

17th Q. Where is the room, in whose house, and who had control of the room in which said ballot-box was left on the evening of said election, and from which you say you removed it the following morning?

A. It is on the first floor of Jacob Hum's residence on Main street, Columbiana, Ohio. Jacob Hum, I believe, had control of the room at that time.

18th Q. What, if you know, was the politics of said Jacob Hum?

A. He is a Republican.

At page 13 Mr. Carpenter, the minority judge, testifies in reference to this box as follows:

22d Q. As I understand you, you got the key of the ballot-box on the night of the election and don't know who got the ballot-box itself that night?

A. That is correct. I got the key and I didn't see who got the ballot-box.

23d Q. When did you next see the ballot-box, and where, and who was with you?

A. It was the next day, I think, I got the ballot-box out of 'Squire Augustine's office in the presence of Mr. Overholtzer and Mr. Fessler. I think those were the men.

24th Q. Had you in the mean time seen the contestant?

A. No, sir; I had not.

25th Q. Had you seen anybody who was acting for him?

A. No, sir; I didn't. We didn't know anything about the result of the election at that time.

That is an important point. It shows that at that time there was no motive, none whatever, to tamper with the box, because the result of the election in that district had not then been announced. From the time it went into the possession of the Republican judge, the next morning, he said it had remained in his undisputed and undisturbed possession down to the time of this recount.

26th Q. I understand that Augustine was the township clerk.

A. Yes, sir.

27th Q. Where was he when you got the ballot-box?

A. The ballot-box was in his office. I was going down street, and he told me to fetch the ballot-box to him. I took the ballot-box down. I met him some place on the street about Mr. Patterson's, and I gave the ballot-box to him.

28th Q. When did you find the ballot-box in his office, and how?

A. I found the ballot-box, I think, on his desk. He told me to go there and get it.

29th Q. Was the office locked?

A. I stated before, there was two men in the office. I wouldn't say positive. If those men were in the office the office wasn't locked. I can't say positive whether I unlocked the office or not.

30th Q. What relation or connection is Augustine to you?

A. He is my son-in-law.

31st Q. And you live in the same house?

A. I board with him.

32d Q. And lodge there also?

A. Yes, sir.

33d Q. What did he do with the box when you gave it to him?

A. As far as my knowledge is concerned I don't know.

34th Q. About how long was you in possession of the box before you gave it to him?

A. I don't think I had the box in my possession over five minutes.

I submit in all fairness to the gentlemen on both sides of this Chamber if they attempt to throw suspicion over a ballot-box returned by their own partisan, and only in the possession of the minority judge five minutes on the day following the election, when he met his father-in-law and gave it to him on the street, and from that hour to the present the box has not been out of the possession of the man who was charged by law to safely keep and preserve it.

A much stronger case must be made out than this; but I know the weakness of the gentleman from Massachusetts when the seat of a Republican is in dispute, and I have met and surrounded him on all sides and from which he can not escape.

Now I come to the loss of the 5 ballots, and it is no more than fair and right that we should try to find out where they went to, or to present what seems to be a reasonable excuse for this loss. It will be seen by an examination of section 2956 of the Ohio statutes that certain duties are required to be performed by the officers charged with the duty of keeping the returns of the election. Among other duties it will be found that they are required to string the tickets after the votes have been tallied, one by one, in order to preserve them. Now, mark you, these ballots are counted up to the number of 5 and then tallied by the officers, and they are handed to the next officer, who checks them, and after that is gone through and the other requirements of the law complied with as to their being tallied they are then strung on a thread and all preserved until the expiration of the time within which any legal notice of contest can be given.

The loss of the 5 ballots did not take 1 vote from either of the parties to this contest.

Mr. MCKINLEY. By no means. I lose 1 vote by that on the recount.

Mr. ADAMS, of New York. We give you the 1 vote.

Mr. MCKINLEY. But let me interrupt the gentleman, if he will permit it?

Mr. ADAMS, of New York. Certainly.

Mr. MCKINLEY. The recount shows 1 less ballot for me than was given by the official count; so, as the gentleman will see, it does affect me to that extent.

Mr. ADAMS, of New York. But if you get the 5 you do not lose anything by the mere loss of the tickets.

Mr. MCKINLEY. Do I understand you to say that you do not take this number from me; is that your conclusion?

Mr. ADAMS, of New York. I do not think I have done so in my calculations. But I have the calculation here and will come to that presently. It is reasonable, however, to assume that in stringing the ballots in lots of fives this number, 5, fell to the floor, because on the recount they were not found. Now, the purpose of stringing the ballots is simply to preserve them for future reference. And if there is no dispute as to the correctness of the count—and there is none—the loss of 5, or 10, or 15, or 20 ballots could not change the result. The contestee can not complain if he loses nothing; but he complains—and there is where the sting is—that the contestant gains 11 votes. If it were found on a recount that the contestee had gained any votes I can imagine how my friend from Massachusetts [Mr. RANNEY] would plead that they counted for contestee, and I think he would undertake to prove that the ballot-box had been guarded most sacredly.

I will pass from those votes, the 23 votes and the 11, to the votes found on the brief of the contestee, on page 96 of his brief. The following are the votes claimed by him:

Official vote for contestee		16,906
Add the following in Stark County:		
Ballot for "Kinley"	1	
Sixth ward, Canton	1	
G. W. Shrimp, Minerva precinct	1	
Columbiana County:		
Orlando Brown (admitted)	1	
Centre Township, Hune ballot (admitted)	1	
Washingtonville precinct, Salem Township	1	
Butler Township	6	
Mahoning County:		
Austintown Township (recount)	2	
Austintown Township ballot with McKinley under Wallace, printed, admitted	1	
Being a total of		15
Which, added to the 16,906 votes returned for contestee, foot up		16,921

Now, we concede 6 of these votes——

Mr. RANNEY. Do you concede the 6 votes in Butler Township?

Mr. ADAMS, of New York. No; I am only stating what appears in the brief of the sitting member and as were conceded in the argument. I concede 6 votes, as follows: One of the 3 claimed in Stark County, the ballot for "Kinley;" 2 in Columbiana County, the Orlando Brown and the Hune ballot in Centre Township; 2 in the Austintown Township on the recount; and the "McKinley" ballot written under "Wallace" in this same township of Mahoning County.

Now, 6 of these ballots are conceded, as I understand it, by the contestant on the argument, leaving 9 which are disputed and which we do not concede, at least for the purpose of argument at the present time. I can therefore eliminate from the discussion these 6 conceded ballots. I turn my attention now to the votes that are not conceded.

The next vote is in the sixth ward of Canton, and I come back to that. The evidence shows that the ballot was not in the box on the recount. The contestee claims that under the printed name of "Wallace" his own name was written below, and the Wallace name was scratched out. Two of the judges of election swear there was no such

ballot. The names of the two judges, who were Democrats, are Rauch and Hawenstine. They testify that there was a ticket so scratched, but whether it was voted for Congress or not they do not know. Rex, the Republican judge of elections, says that there was such a ballot. Now, if I am right——

Mr. RANNEY. Let me interrupt the gentleman. They do not say that there was no such ballot, but they do say that they do not remember whether there was or was not such a vote.

Mr. ADAMS, of New York. If there was such a ballot an answer to that suggestion is given by saying that it was not produced. It is a case of the non-production of the ballot claimed by the other side. I submit if the ballot was not in the box the testimony of two of the judges is sufficient to overcome that of one of the judges; but the question is absolutely settled, as far as the testimony is concerned, by the subsequent fact that the ballot itself was not produced in order to overthrow the testimony to the two judges. Therefore, I deny that vote.

Now I come to the Shrimp vote. It is claimed that this was rejected; but the facts in the case are these: He was challenged at the polls and took the oath. The challenge was as to non-residence alone, and he stated that he lived with a Mr. Yant, in the precinct or township. Mr. Yant was sent for at the time, and in the mean time Shrimp, because he was challenged on account of non-residence, left the polling place, went away, and did not return at all.

Now I submit they had a perfect right to challenge any voter, and having challenged him, if his vote was honest it was his duty to have remained there until such time as they could have ascertained the fact whether or not he was a legal voter. But he did not do that; he left. He was not entitled to his vote. *Non constat* it would have been allowed if he had remained. I deny that vote.

Washington precinct: This box was not opened at all. It was the duty of the contestee to produce the ballot-box, open it and see if the ballot was in the box. Not having done so, and the vote not having been certified in the first instance, I do not see on what grounds or upon what principle or justice the contestee is entitled to it.

Now I come to Butler Township, where the 6 votes are claimed. The claim is made here of 6 votes, 2 of which are claimed on a recount and 4 are claimed on ballots which should have been counted, as the contestee says, for him. There is some ground or claim as to the 4 ballots, all of which I have carefully examined. But as the judges of election, charged with the duty of counting the vote on election night, denied the contestee those votes, my judgment is that their verdict can not be overruled. The point as to those ballots was this, as claimed by the contestee: The claim is made that on the morning of the election a large number of the Republican ballots, with the contestee's name on, were scratched through with a lead-pencil mark and the name of Wallace written underneath; and the voter, whoever he was, evidently a Republican, being conscience-stricken after having written the name of Wallace in, struck the name of Wallace out, and so the ballot stood with both names erased; and having scratched out the name of Wallace after it had been written in with lead-pencil, the question arises whether or not the voter intended the name of the contestee to stand and to vote for him.

The judges of elections did not count those 4 ballots, and I can not overrule their judgment arrived at when the ballots were fresh. The ballots have been handled frequently and considerably since that time. They have been handled a good deal in the committee-room here. When they were taken out fresh by the judges of election they denied the contestee those votes and claimed that the voters did not intend to vote for either candidate. I therefore deny him those 4.

Mr. MCKINLEY. The gentleman says these ballots have been handled very frequently since. Does not the testimony show those ballots were not handled from the time of the official count until they were put in testimony by the contestant and until they came here and were handled by the Committee on Elections? They have been handled by nobody else.

Mr. ADAMS, of New York. I concede that. That disposes of the 7 ballots; but even though you are allowed all of them it would not elect you.

Mr. MCKINLEY. What do you do with the 2 ballots which are not mutilated which are found on the recount?

Mr. ADAMS, of New York. Have you not referred to them here in your brief?

Mr. MCKINLEY. Yes; they are in my brief. There were 6 ballots found on the recount which were not counted at the official count. You have said you rejected 4 because they were mutilated, and because the judges of election rejected them. What of the other 2?

Mr. ADAMS, of New York. I give you the other 2.

Mr. MCKINLEY. You give me the 2 in Butler Township?

Mr. ADAMS, of New York. I give you the 2 on the recount and deny the 4. So that disposes of all the 15 ballots claimed by the contestee. This would make the total number of votes received for the contestee up to this point, taking the number which was certified as 16,906, adding 8 votes would make 16,914, from which number I deduct 1, which is deducted by the contestee himself in his brief, making the total number of votes actually cast for him in that Congressional district 16,913; 7 votes more than the certificate of election gives him; 8 altogether, but 1 of which they themselves concede. Now, taking Wallace's vote at this point, 16,898, adding 23 votes and the 11 and 5 which I believe are conceded on the other side in the argument, would make 16,937 votes for Wallace.

If we stop right here, Wallace would have a majority of 24 votes, and from this point on I will present the case as though the burden of proof, the onus, was thrown upon the sitting member and Wallace stood in the position of contestee in this House. To obviate or overcome this 24 majority at this point, the contestee sets up 53 illegal votes cast in the district for Wallace.

It will now be remembered that Wallace stands on the count as the sitting member, and the sitting member is before the House as the contestant. The burden of proof is on him to overcome the 24 majority from this point on, for even if we dispute as to the number 24, it is conceded by the sitting member that in the first instance 16 votes more should have been counted for Wallace, which would have elected him by 8 majority in the first instance.

I will not, as I said before, refer to the votes put in issue by the contestant against the contestee on the ground of non-residence or illegality, for the reason that, without any reference to them whatever, I claim the contestant was elected. But I will now take up the report of the minority, vote by vote, if I have time, and submit to the honest judgment of this House as to those illegal votes whether or not that report and the conclusions reached in it should receive the sanction of this House.

As a specimen of the facility with which the distinguished gentleman from Massachusetts [Mr. RANNEY] gets over an alleged illegal vote I will refer only to a case to be found on page 18 of the report, the case of Samuel Thompson, whose vote is put in issue by the contestee. The report says this:

> Samuel Thompson was a Democrat and always voted that ticket; he voted at the election in this township, and unquestionably voted for Mr. Wallace. He is an inmate in the county infirmary, and registered there as an idiot; and if the proof shows that he is an idiot, under the constitution of the State he is not a legal elector.

Now, whoever heard of an idiot unquestionably voting the Democratic ticket? [Laughter.]

Mr. RANNEY. I think that is established.

Mr. KELLEY. It has often been done.

Mr. ADAMS, of New York. "Unquestionably," he says. There is no evidence at all, but the gentleman hides himself behind the word "unquestionably;" he says that he unquestionably voted the Democratic ticket. Now, that is a specimen of the manner in which he has analyzed the testimony, and the fairness with which he treats all the votes in dispute and has by such ponderous research and reasoning reached the conclusion that the sitting member was elected by 60 or 70 majority.

I will now take up the 53 disputed votes in their regular order, and be as brief as I can in running them over. I have given the subject a great deal of time and attention, have given the contestee the benefit of every doubt, and if it were possible to vote for the resolution to retain him in his seat, I would unquestionably, unhesitatingly do so.

Now, starting with the 4 votes of Ducatney, Stimler, Waldecker, and Freckert. Those are the voters who it is claimed voted in the townships from which they were sent to the infirmary. The only question as to those 4 votes is whether they acquired a residence in the precinct in which the infirmary is situated, or whether they could have gone back to the respective towns which sent them to the infirmary and voted there. Each of these four voted in the town from which he was sent to the infirmary. Ducatney testifies that he was taken to the infirmary in July, 1882; that he came from Louisville, a town in that district, and at that election voted the full ticket at Louisville. He says that he had adopted the poor-house as his home until such time as he might get well and be able to find employment outside.

Stimler says that he had lived at the poor-house for four years; that he was 80 years of age; that he voted the Democratic ticket in Washington Township, and that he had voted that ticket since 1835. The poor-house is in Plain Township, but Stimler testifies that he always voted at Washington Township, and went there from the poor-house every year to vote. That is the testimony of one of the persons whose votes they want to take away from the contestant. He says that he had voted the Democratic ticket from 1835 to 1882; that he never voted anywhere else since he went to the poor-house but in Washington Township; and that from the time he was placed in the infirmary at each successive election he went from the infirmary to his township to vote.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MILLER, of Pennsylvania. I ask unanimous consent that the time of the gentleman be extended.

The SPEAKER *pro tempore*. Is there objection to extending the time of the gentleman from New York [Mr. ADAMS]?

There was no objection, and the time was accordingly extended.

Mr. ADAMS, of New York. Waldecker testifies that he is 78 years of age, had been an inmate of the poor-house for ten years, and that the poor-house was his home as long as he lived; he says that he has no other home and can not get one. He further says: "I voted at the old fourth ward in Canton on the road toward Louisville; I always vote there."

He says that he never voted anywhere else; that Canton was his home, and that when he moved to the poor-house they told him Canton was the proper place for him to vote. That he voted at Canton at that election, as he had done at all prior elections.

The other voter is Freckert; who testifies that he is an inmate of the poor-house, is 70 years of age, and expects to live there the rest of his life; that he voted the Democratic ticket at the court-house in Canton, that he went there from the poor-house to vote, and that he always had voted in Canton.

Each one of these voters went back to the township that had sent him to the infirmary, to vote, as they had always done since they had been in the poor-house. They had an undoubted right to vote where they did. I have an authority on this point, but I can not put my hand on it now.

Mr. RANNEY. The gentleman can not find Ohio authority to sustain him; the question is well settled there.

Mr. ADAMS, of New York. Oh, yes; I can. I do not wish to contradict the gentleman from Massachusetts, but I say that the gentleman can not show an authority from Ohio that says otherwise. The supreme court of Ohio (in 34 Ohio State Reports, 525) holds that an inmate of a poor-house is not under legal restraint as to incapacitate him from the poor-house township as his place of residence. The fact of living there does not fix that as his home; it is a question of intention. The intention and removal must both concur to bring about a change of residence. Does not the testimony show that they always voted in the township from which they came? This constitutes an election on their part to make the township from which they came their residence:

Voting in a precinct is the equivalent of a declaration of a residence therein. (6 Am. Law Record, 694.)

The removal of a pauper from his original home does not thereby change his residence, but that such residence is, constructively, at his old home. (See Monroe *vs.* Jackson, 2 El. Cases; Covode *vs.* Foster, and Taylor *vs.* Reading, Forty-first Congress, and McCrary on El., page 502 and section 42.)

The case of Cessna *vs.* Myers, reported in Digest of Election Cases from 1871 to 1876, page 65, passes squarely on the point. Let me read from it and see whether or not I am not right:

The case of paupers presents greater difficulty. Under the laws of Pennsylvania it is conceded that they may be entitled to vote. In the absence of statute regulations on the subject, a pauper abiding in a public almshouse, locally situated, in a different district from that where he dwells when he becomes a pauper, and by which he is supported away from his original home, does not thereby change his residence, but is held constructively to remain at his old home.

I think that the gentleman from Massachusetts [Mr. RANNEY] ought to be satisfied. Why, sir, there is no statute in Ohio governing the question, and the matter is left to the pauper himself to decide where he shall vote.

I pass now to the question in regard to voters voting in the wrong wards. The contestee in this case claims that five votes should be deducted from the contestant on this ground. The voters had all lived in the town for a number of years and voted at all former elections, and now the claim is made, but no proof is given to sustain it, that this town was redistricted or divided into new wards subsequently to the preceding election, and prior to the election of 1882.

There is no claim that these are not legal voters. I wish to impress that fact upon gentlemen of the House—no claim whatever that they are not residents of the State of Ohio and legally entitled to vote. The point is narrowed down to the question whether or not those voters have voted in the wrong wards. I do not concede that they did, but on the contrary assert they did not from the testimony.

Now, I admit unhesitatingly that if there was any proof whatever that if they voted in the wrong wards, these votes must be deducted from the contestant because the law of Ohio says that voters shall vote in the districts or precincts or wards in which they reside; and it is too elementary to be disputed that if they voted outside of their wards their votes should be deducted.

But what is the evidence? Two of these five voters are called; a map is placed in their hands and they are asked, "By the dividing line of this map what ward do you live in?" Well, they stated that they lived in a ward different from that in which they voted. I concede that.

Mr. MCKINLEY. May I ask the gentleman from New York whether each of those voters does not himself swear that he lived in one ward on the 10th of October, 1882, and voted in another?

Mr. ADAMS, of New York. I answer the gentleman by saying that such testimony would not be admitted before a justice of the peace in a ten-dollar suit.

Mr. MCKINLEY. You say that?

Mr. ADAMS, of New York. I do, if it was sought to prove it as you do here, as I shall presently show.

Mr. MCKINLEY. Well, I do not think you mean it. Permit me to say that in the very case now before the House the vote of Elias Medley is, I understand, deducted from me as having been illegal, though the record shows that the only proof of his having voted in the wrong county is the statement he makes himself that he heard the hotel in which he lived on the 10th of October was in Carroll County and not in Stark County.

Mr. ADAMS, of New York. Does the gentleman concede that vote?

Mr. MCKINLEY. I concede that vote if you show that it was cast for me.

Mr. ADAMS, of New York. Yes; but if you concede it do you not relieve me from the trouble of ascertaining whether it was cast for you? But if a voter votes in a wrong county it would not present the same question, for the reason that the counties of the State are recognized by State authority and all courts must take judicial notice of the existence of them. A State court is bound to take judicial notice of all State laws, but not of the ordinances of any town or village; they must be proved, and it is so laid down in Abbott's Trial Evidence.

I say that when the gentleman comes before this House or before the committee and concedes away 1 or 10 votes to relieve us of the labor of ascertaining whether the persons casting these ballots voted in proper wards he should be bound by his admission. But I say further there is no court in Christendom that will permit a voter to go on the stand for the purpose of changing the result of an election and say "according to this or that map I voted in the wrong ward." If that town was redistricted prior to the election in October, 1882, and subsequent to the preceding one, there was legal and competent evidence attainable which you were bound to produce.

Mr. RANNEY. Was it not sworn that the map was made by the surveyor of the city, himself a Democrat, and that it was an official map?

Mr. ADAMS, of New York. I say he did not say so, and it is another instance where the gentleman shows that he has not read the testimony carefully. He did say that he believed the map was correct. We are not electing people or disfranchising a legal voter on the belief of any witness.

The ordinance of the city redistricting the city, or the town, or whatever it may be, is the highest evidence that the wards had been changed, and you can not prove such a fact except by the ordinance and by official maps authorized to be drawn by the commonalty of the town.

Mr. MCKINLEY. Does the gentleman claim that if I should challenge or assail his right to vote, and he should go upon the witness-stand and swear that he lived in Carroll County and voted in Stark County, I would be required to produce the act of the Legislature fixing the dividing line between Carroll and Stark Counties?

Mr. ADAMS, of New York. No; but I do claim that——

Mr. MCKINLEY. I ask the gentleman further whether there is any difference between the subdivisions of a township and the divisions of a county or State in reference to this matter?

Mr. ADAMS, of New York. I will answer the gentleman, if he will allow me, by reading from my summary, but I have answered that question before.

Mr. MCKINLEY. I did not wish to interrupt the gentleman, only to understand him.

Mr. ADAMS, of New York (reading). Rigler says:

Lived in Canton, Stark County, prior to October (10th day), 1882. I lived corner Seventh and Cherry streets, what they now call the fifth ward. "I did not know that last fall." I resided in the same place nine or ten years. I voted the Democratic ticket on Tuscarora street, and voted in the fourth ward, and supposed it was the fourth ward I lived in, but as I now find out it was the fifth ward. Voted for Wallace.

I didn't know the boundaries had been changed until yesterday. There had been no election in the city of Canton since the change of the wards, and prior to the October election of '82. "I thought I voted in the right ward when I did vote." I voted in the wrong ward, but for the right man.

Where is the evidence that they were changed? This testimony was taken in April, 1883, six months after the election, and the witness says he did not know the boundary had been changed until—when? The day before. In other words, somebody in April, 1883, long after the election, told him that he resided without the district. Now, if that is competent evidence to deprive the contestant of these votes, then I do not understand the elementary principles of evidence.

Mr. RANNEY. Would not an official map made by the surveyor of the city be sufficient evidence?

Mr. ADAMS, of New York. There is no evidence in this case of a change in the wards by ordinance or otherwise or of any official map. I defy any gentleman on this floor to point out in this record any evidence to that effect. I have looked over the volume carefully; except the mere statement of the voter, and he says he did not know of the change until "yesterday," and he was called as a witness some time in April, 1883.

Walters is the same. No map, mark you, at all was shown to this voter; nothing except he heard from somebody else that he lived in a ward different from the one in which he voted. No ordinance, no map, no competent person called to prove the boundary or dividing lines or any division of that town. Yet they claim the voter himself, who says he did not know anything about it but what he was told; that this vote shall be taken from the contestant.

Mr. CALKINS. Any proof from the admission of the voter himself what ward or precinct he lived in?

Mr. ADAMS, of New York. I can not find any.

Mr. CALKINS. Does the gentleman say oral proof is not competent to show what ward or precint a voter lives in?

Mr. ADAMS, of New York. I doubt it very much in any large city or town, and certainly not for the purpose of changing the result of an election. I think I have fully answered that before.

Mr. RANNEY. It is competent evidence in a homicide case.

Mr. ADAMS, of New York. That question could not possibly arise in a homicide case, unless the party was about to be tried in a wrong county or State, and then that question would be decided before any wrong could be done. There is competent evidence, and that is what I am addressing myself to.

Mr. CALKINS. If my friend will allow me. In the case of boundaries of land, or when something of that kind is in issue, the position of the gentleman may be correct; but where it is a mere incident, would it not be competent to show that persons living in a city knew the boundaries as marked, and for the purpose of showing the residence of the voter would not their oral testimony be perfectly competent in any tribunal?

Mr. ADAMS, of New York. The point I am addressing myself to is the evidence in this contest.

Mr. RANNEY. In this case.

Mr. ADAMS, of New York. And I say there is no evidence as to that voter as to where he lived.

Mr. RANNEY. Except what he said.

Mr. ADAMS, of New York. Except what he said; and he said he was told so "yesterday." No map was shown him; nothing except that he was told "yesterday" he lived in another district; and for all I know he might have been told so for the very purpose of testifying in this contest.

Surely my good friend from Massachusetts [Mr. RANNEY] who bears the honored title of judge would not write himself down as contending for such a proposition so illogical and so contradictory of all rules of evidence. I know he would not do it except in an election case.

Mr. ROBERTSON. Allow me——

Mr. ADAMS, of New York. You can answer in your own time.

Mr. ROBERTSON. I wish to read you some law.

Mr. ADAMS, of New York. I decline to yield further; I wish to conclude what I have say.

Mr. ROBERTSON. If you are in a hurry to conclude, all right. You have spoken over your time.

Mr. ADAMS, of New York. By unanimous consent of the House. You were not in at the time.

Walters, one of the other voters, said he lived in Canton. He could not say as to the ward he lived in. He said, "I suppose it may be the second; but I have heard since it was the fifth." A map was handed to the witness, and he says that his residence from the map is in the fifth ward. He voted in October, 1882, and voted for Wallace. And that is the character of the testimony that is produced to throw out these 5 voters. I have not time to go over all of the voters.

I desire, in connection with this subject, to call attention of the House to this fact: the contestee and his counsel claim as a reason why they did not call the voters on the stand was that they could not be compelled to testify. I am not speaking of the 9 I have just referred to, but I am speaking of the remaining number out of the 53 whose claim to vote is put into issue on account of non-residency or fraud. There were, I believe, two or three voters called to prove how they voted; but as to all others they were not called to prove for whom they voted. They start out with the claim of inviolability and secrecy of the ballot as a reason why the voters were not called. Well, I respect that claim. After a ballot is deposited in the box by a voter it is claimed by contestee that he can not be forced to tell for whom he voted; and counsel for contestee, in his argument before the committee, and the gentleman from Massachusetts in his report, also contend for the same principle, and rely on the case of the United States *vs.* Reyburn, 6 Peters, 352, to sustain them. But reference to that case will show that it has no analogy to the questions involved in this contest. It is true that the court did hold that—

> A subpœna to compel his attendance (that is, the witness) would have availed nothing, and the law does not require the performance of an act perfectly nugatory. But suppose Chase had been within the reach of a subpœna, and had actually attended the court, he could not have been compelled to produce the commission and thereby furnish evidence against himself.

That was a criminal case, however, and the record shows that the witness Chase was indicted for the same offense with Reyburn, and could not be found.

Now as to these 5 in the wrong ward and 4 in the poor-house, they do not claim they were illegal voters. They only claim they voted at the wrong precinct and wrong wards. They were legal voters; and I wish to impress that on gentlemen who will have to vote on this to-morrow evening. They have ridden rough-shod over the great principle for which they themselves have contended. They have called every one of the alleged wrong-ward voters and every one of the poor-house voters; they called every one of them as witnesses.

Mr. RANNEY. They were honest ones.

Mr. ADAMS, of New York. They were honest ones. But you did not know that until you called them. The dishonest ones, he says, were not called because no voter can be compelled to testify for whom he voted. I have yet to become convinced that you can call a legal voter and make him testify how he voted, and that you can not compel an alleged fraudulent or illegal voter to do the same. In other words, a person entitled by the laws of a State to vote and about which no dispute can arise can be forced to tell for whom he voted, and a person who had no right to vote at all must be protected by the laws from divulging the contents of his ballot. Surely we have at last reached the highest degree of civilization when the dishonest are protected and shielded, not in their right, but in wrongdoing, and the honest voter forced to submit to exposing the contents of his ballot.

They start out with the charge that over forty of these voters had no right to exercise the suffrage, violating the laws of their own Commonwealth and destroying the great right of the vote of an honest voter to count one. And yet they say that as to those voters whom they charge with violating the law and having debased the ballot-box, that you shall throw around them the great sanctity or privilege you claim for a legal voter. But they also say that you can not call a legal voter; he may decline to tell for whom he voted; and yet not one of the honest ones, as the gentleman from Massachusetts [Mr. RANNEY] styled them, refused to say how he voted when called as a witness!

Now, Mr. Speaker, in the case of O'Ferrall *vs.* Paul, a very recent case, the minority report was written by my distinguished friend now here on my left [Mr. MILLER, of Pennsylvania], sanctioned and approved, as I have reason to believe, by all the gentlemen on the committee on the other side of the House, but suppressed before it reached the House—a report which I now hold in my hand, and which was not the report submitted to this House and upon which this House acted.

Here is the language of my distinguished friend from Pennsylvania who is about to be elevated to a seat on the bench in his own State after October:

> The best available evidence of how a voter cast his ballot—

Mark the language, because this is important. That contest, you will remember, was decided on the 5th of the present month, in this House, and is a very late case; and I shall preserve it carefully and have it bound.

Mr. RANNEY. I hope you will keep Judge LOWRY'S report, too, and have them bound together.

Mr. ADAMS, of New York. You can refer to that yourself when you take the floor. What does the gentleman from Pennsylvania say in his report:

> The best available evidence of how the voter cast his ballot—

And again I ask your attention to this language—

> * * * If 1,385 voters cast illegal ballots, as alleged by contestant, the persons who cast them may be compelled to answer how they voted. The contestant says to us, "I furnish the names, and residence, and color, and politics of these illegal voters." Why did he not call them? What effort was made by contestant to prove by them how they voted, where they got their tax receipts, who gave them to them? None. In Cook *vs.* Cutts, Dig. 1880-'82, 249, 250, every effort was made to procure the evidence of the alleged illegal voter, and circumstantial evidence was only resorted to when those efforts failed.
>
> The same rule was laid down in Lowe *vs.* Wheeler (*Id.*, page 85; see also McCrary on Elections, section 196, and cases therein cited). Here, however, nothing of the kind is done.

Mr. RANNEY. Will the gentleman from New York permit me now to ask him a question?

Mr. ADAMS, of New York. Just let me get through with this portion of my remarks first, and then I will gladly do so.

Mr. RANNEY. Very well; when you get through I should like to ask a question in this connection.

Mr. ADAMS, of New York. Now, Mr. Speaker, I submit, with the shrewdness for which these distinguished gentlemen are so well recognized upon this floor, knowing this contest was to be brought up here in a few weeks from the date of the report from which I have just read, and knowing that this case rested entirely upon hearsay evidence as to the illegality of the vote, and knowing that not one of the voters was ever examined, although a large number of them resided in the district at the time the testimony was taken, some one on the committee, possibly the distinguished gentleman from Massachusetts himself, discovered that to commit themselves to such an honest expression as to hearsay evidence would be binding as a precedent on the whole Republican party in the McKinley-Wallace contest.

Mr. RANNEY. Do you mean to assert that as a fact with reference to me?

Mr. ADAMS, of New York. Oh, no. I mean to state that the gentleman probably found out that that would be the result of it.

Mr. RANNEY. The gentleman has been arguing probabilities, not facts, all the way through.

Mr. MILLER, of Pennsylvania. Will the gentleman from New York not yield to me now for a moment?

Mr. ADAMS, of New York. Not now.

Mr. MILLER, of Pennsylvania. Certainly in this connection I ought to be allowed a moment.

Mr. ADAMS, of New York. Very well.

Mr. MILLER, of Pennsylvania. The gentleman from New York scarcely does justice to the Committee on Elections when he quotes one paragraph from the views submitted by me to the minority of the committee. That sentence which he reads was in the report, but when I submitted it to the members of the committee they objected to it, and as I was ordered to write the views of the committee——

Mr. ADAMS, of New York. The minority.

Mr. MILLER, of Pennsylvania. The minority of the committee. I left it out because they did not indorse it. And I think I was justi-

fied in doing so, because I was asked to write the views of the minority of the committee. For myself, however, I stand by the language quoted when you couple it with the balance of my report. But I explained subsequently, while I did not deny that other evidence might be adduced, yet I say that the best evidence is the evidence of the man himself, and I do not vary from that statement now.

Mr. RANNEY. Even if he is a knave and will swear to a lie?

Mr. MILLER, of Pennsylvania. That is another consideration. If a man is not to be believed on oath of course you must seek other testimony.

Mr. RANNEY. Will the gentleman from New York now allow my question?

Mr. ADAMS, of New York. Certainly.

Mr. RANNEY. I would like to know which the gentleman from New York considered the best authority on that question, a statement in a report which was changed before submission to the House or the report of Judge LOWRY, who made the report for the majority of the committee, which is otherwise, and which the House adopted? Which is the best?

Mr. ADAMS, of New York. I fail to find anything of the kind in the report, but do find that you have committed yourself to the doctrine time and time again. Judge LOWRY can explain that for himself, and I have no doubt will do so, but not so as to produce conviction in the mind of the gentleman from Massachusetts on this side.

Mr. COOK. He did not have anything of that kind in his report.

Mr. RANNEY. But in the case of O'Ferrall 1,300 votes were rejected where no evidence was called whatever, and the only evidence, their politics alone, was put in to show how they voted.

Mr. ADAMS, of New York. Now, Mr. Speaker, as to the question of whether or not in a legislative assembly, as in a court to which an election case may be submitted, you can call a voter, or whether you can not, although I know that there are authorities the other way, still I claim that in the celebrated case of Vallandigham against Campbell, decided in 1858, and adopted by this House, the distinguished chairman of that committee dissented from that report and reported to the House that neither was elected. In a careful and well-considered speech addressed to the Representatives upon the floor of the House he stated that not one of the authorities cited in the report by the distinguished gentleman now on the other side of this Capitol, Senator LAMAR, touched in the remotest degree the question involved in the case upon which they based the opinion, stated that the authorities that were cited in that case decided nothing of the kind; but even were it otherwise the later cases that have been decided the other way certainly denounced it, and the distinguished Senator from Mississippi distinctly said in that report that it was not necessary to pass upon that question at all, as the election of Mr. Vallandigham did not depend upon it.

In the case of Lowe against Wheeler the distinguished gentleman from Massachusetts [Mr. RANNEY] wrote the report; and that subsequent, too, to Vallandigham against Campbell. He says:

> Contestee's evidence does not show for whom many if any of the persons claimed to be non-registered voted. He has not called the persons themselves but attempted with little success to prove it by third parties. The instances proved by any competent or sufficient evidence are very few and need not be stated.

Mr. RANNEY. I indorse that; every word of it.

Mr. ADAMS, of New York. I read further:

> Contestee, for aught that appears, could have taken the evidence of the witnesses themselves to establish their title as the persons whose names appear on the poll-list and to prove for whom they voted.

Out of his own mouth he is convicted, and he breaks in upon what he now claims to be an unbroken line of precedents from the Parliament of England to the Forty-seventh Congress.

But the gentleman from Massachusetts does not now and never did believe that hearsay evidence is admissible; for let me read what he said in the debates in the last Congress. The language is so eloquent and so apropos that I can not forbear to read it:

> I state this, too, as a proposition which will not be denied: One man comes afterward and swears that he was an illegal voter, and voted for contestee illegally. He is presumed to know the law, and knew if he did what he says he did, that he had violated it by voting when he had no right to vote. Now, I ask if you will rely upon that man's uncorroborated evidence?
>
> I ask if you will take and rely upon that man's uncorroborated evidence, alleging as he does his own turpitude and violation of the law? I state this as a fair proposition of law that if a man shows by his own evidence that he violated the law and committed a criminal offense he is not to be credited, as a general rule.

I thank the gentleman from Massachusetts for his honest expression of opinions upon the subject of hearsay testimony.

I also call the attention of the gentleman from Massachusetts to the case of Cessna *vs.* Myers, the report of which is written by Senator HOAR, then a member of the Election Committee. Has the gentleman from Massachusetts ever read the report? And if he has, surely his prejudices, if he have any, would lean toward Massachusetts as against Mississippi.

Senator HOAR says:

> Another question of importance which has arisen in the discussion of the cause is the question whether evidence of the declarations of alleged voters, made not under oath, in the country should be received, to show the fact that they voted, or for whom, or that they were not legally entitled to vote.
>
> Some of the committee think that such evidence ought in no case to be admitted, except, of course, so far as declarations made at the time of the party's intent or understanding as to his then present residence, or his purpose in a removal, is admissible as a part of the *res gestæ*. All of the committee are of opinion that such evidence is to be received with the greatest caution, to be resorted to only when no better is to be had, and only acted on when the declarations are clearly proved, and are themselves clear and satisfactory.

And again says:

> It may be said that the principle of the secret ballot protects the voter from disclosing how he voted, and in the absence of power to compel him to testify and furnish the best evidence, renders the resort to other evidence necessary.
>
> The committee are not prepared to admit that the policy which shields the vote of the citizen from being made known without his consent is of more importance than an inquiry into the purity and result of the election itself. If it is, it can not protect the illegal voter from disclosing how he voted. If it is, it would be quite doubtful whether the same policy should not prevent the use of the machinery of the law to discover and make public the fact, in whatever way it may be proved. It is the publicity of the vote, not the interrogation of the voter in regard to it, that the secret ballot is designed to prevent. There would seem to be no need to resort to hearsay evidence on this ground, unless the voter has first been called, and, being interrogated, asserts his privilege and refuses to answer. Even in that case a still more conclusive objection to hearsay testimony of the character is this: It is not at all likely to be either true or trustworthy.
>
> The rule that admits secondary evidence when the best can not be had only admits evidence which can be relied on to prove the fact, as sworn copies when an original is lost, or the testimony of a witness to the contents of a lost instrument. Hearsay evidence is not admitted in such cases, and is only admitted in cases where hearsay evidence is in the ordinary experience of mankind found to be generally correct, as in matters of pedigree and the like. But a man who is so anxious to conceal how he voted as to refuse to disclose it on oath, even when the disclosure is demanded in the interest of public justice, and who is presumed to have voted fraudulently—for otherwise, in most cases, the inquiry is of no consequence—would be quite as likely to have made false statements on the subject if he had made any. To permit such statements to be received, to overcome the judgment of the election officers, who admit the vote publicly, in the face of a challenge and with the right to scrutinize the voter, would seem to be exceedingly dangerous.
>
> And again in the case of Newland *vs.* Graham, the declarations of voters made after the election of their having voted for the sitting member were held inadmissible and were excluded, although it was shown that by the statute of North Carolina, where the election took place, voters were not compellable to give evidence for whom they voted. The committee did not in their report state the ground of their decision, but we may fairly presume that it was held that an illegal voter could not refuse to answer for whom he cast his vote, and shield himself under the statute made to preserve the secrecy of an honest ballot, and that, therefore, since all such persons can be compelled to state for whom they voted, they should be called as witnesses, and their declarations not under oath should not be received.

Now, I have here a well-considered decision of the court of appeals of New York, certainly one of the most respected and ablest benches in this country. Judge Andrews, who wrote the opinion in that case, says as to the right of calling a voter, for whom these gentlemen here claim all the sanctity and inviolability and secrecy of the ballot, says:

> In an action to try the title to an elective office the evidence of voters as to how they voted is proper, and a voter may be required to disclose for whom he voted.

I also refer to a few other cases:

Gilliland *et al. vs.* Schuyler *et al.* (1872, 9 Kansas, 569):

"Hearsay: declarations of a voter. On the trial of a contested county-seat election a witness can not be allowed to state what other persons, not parties to the record, told him subsequent to the election as to the number of times and names under which they claimed to have voted."

On pages 582, 583, and 584 the court say:

"That so much of this testimony as purports to give the statements of third parties as to the number of times and the names under which they had voted is hearsay and incompetent seems to us clear. It is the testimony of what other persons told the witness, persons not parties to the suit, so that their admissions could be receivable.

"These declarations were not made at the polls by persons conducting the election and so as to make them part of the *res gestæ;* nor do they accompany a principal fact which they serve to qualify or explain. They are simply concerning past transactions by strangers to the record. They come within none of the exceptions to the rule which excludes hearsay testimony. It was perfectly legitimate and competent to prove the casting of fraudulent votes, but it was not competent to prove that fact by the statements of parties who claimed to have cast them. It may be said that the contest was between Lyndon and Burlingame, and that all persons supporting either were principals on the one side or the other. But this is true no more in case of a contest between towns for the county seat than between individuals for an office. Surely a candidate for the office of governor would hardly feel that all who voted for him so far represented him that in case of a contest their admissions and statements could bind him on the question of fraudulent votes. No more is it than in the present case.

"We have examined the cases of People *vs.* Pease (27 N. Y., 45; State *vs.* Olin, 23 Wis., 319; and the note in 3 McCord, 230), and so far as they enunciate any principle contrary to the doctrine here announced we disapprove them."

76 Illinois, 34 (1875), Beardstown *et al vs.* Virginia *et al.:*

Syllabus 10: "Declarations of voter not admissible to show how he voted.

"On the contest of an election, where the ballots are lost, the unsworn declarations of a voter as to how he voted are not competent evidence to prove how he in fact voted."

See also 9, and opinion of court on pages 45, 46, 47, and 48.

McCrary, 2d ed., sec. 397*a:*

"But the unsworn declarations of voters at such an election as to how they voted are not admissible. As to the admissibility of such declarations there is some conflict, but the better opinion is as above stated."

Now, if a legal voter can be compelled to disclose for whom he voted, why not an illegal voter? The Vallandigham case was decided in 1858. Since that time a statute has been passed—probably some of the gentlemen who are here drafted or voted for it—which seems to have escaped the attention of the Election Committee. It has this provision:

> No witness is privileged to refuse to testify to any fact or to produce any paper respecting which he shall be examined by either House of Congress or any committee thereof.

These witnesses are treated as testifying before this committee just as if personally present.

Then in section 859 Congress shields such witnesses from prosecution, as follows:

Testimony of witnesses before either House, or before any committee of either House of Congress, is not admissible against him in criminal prosecutions.

Now, is not this a proceeding pending in one of the Houses of Congress? Have we not the right to-day to call witnesses here to ask them how they voted? And if they refuse to testify can they not be committed for contempt? Now, they claim under the common-law rule that where you start out with the theory that a voter has given an illegal vote to compel him to testify would be to make him criminate himself, and no court would compel him to do it. But here the laws of the country protect him. Even if they do not protect him, I submit if you can compel a legal voter to testify, with all the more force can you compel an illegal voter.

Now I give a summary of the results (as I have no further time to go over the vote in detail) I have arrived at in reference to this election: Wallace has 16,937 votes up to this disputed point. From that number I deduct the following votes included in the 54: Moriarity, Black, Ott, Dicks, Huhn, Urmson, Ward, Meyer, Leibocher, Tasker, Rumberger, and Sterling. And I defy any gentleman to read the testimony and concede one more vote than I have conceded out of the whole number. I would show, if I had the time, from the testimony as to the others that they have resided there and voted there year in and year out. That leaves 16,926.

Mr. RANNEY. Three out of the 55.

Mr. ADAMS, of New York. Oh, no; I give you the right number. Now, giving to the sitting member all the votes I can possibly allow him, he has 16,913. This leaves the contestant with a clear and undisputed majority of 14 votes.

Mr. RANNEY. Will you give me the number of those you allow as illegal out of those 52?

Mr. ADAMS, of New York. I will gladly do so.

I leave this contest to the fair-minded gentlemen on both sides of the House, confident that the care and study which the Election Committee have given to it will receive the approval and support of the House and the sanction of the country; that it will not be acquiesced in by any person more cheerfully than by the sitting member, if for no other reason than that it gives full effect to the free ballot of the voters of the district which he has so long and so ably represented.

Mr. ROBERTSON. Mr. Speaker, I hope I will have the attention of the House while I proceed to give my views upon this very complex case. I hope I will have the undivided attention of the members on this side of the House, because I want to talk to them, and try, if possible, to see if I can demonstrate to their minds that the sitting member, the honorable gentleman from Ohio, Mr. William McKinley, jr., was duly and honestly elected a member of the Forty-eighth Congress.

I have given this case an honest and careful consideration, and if you as partisans call the vote I shall give a Republican vote; then when I shall have cast it it will be the first one I ever gave in my life. I know that the distinguished chairman of the Committee on Elections said that he could convince any fair-minded man that he was right in his position. I do not say that I have got all the honesty and all the fairness of every man in this House of Representatives. The learned and distinguished gentleman from Georgia, the man whom I love almost above all other men on the committee, may be an embodiment of all the learning and all the fairness upon that committee. But if by chance I put in a mild demurrrer to his statement I hope it will not offend him.

When we had a *prima facie* case here several months ago they then tried the merits of the case; and now when we are trying a case on its merits they want to try a *prima facie* case. They want to go back and arraign the governor of Ohio, perhaps because they think that will be popular with the Democrats.

When I first came here it was my privilege on one occasion to make a few remarks upon an election case. I said then that I intended so long as I was a member of the Committee on Elections to vote as I conceive the law to be, no matter whom it may hurt; "to hew to the line, no matter on which side the chips might fall," believing that law ought to be justice and politics ought to be statesmanship.

Guided and controlled by that sentiment I have looked into this case, and after a careful and deliberate examination of it, viewing it from all standpoints, and giving my party the benefit of all doubt, I have arrived at the deliberate conclusion that Mr. McKinley was elected. I know it is said that it is all right to turn him out. It is said that it is all right to do that because in the last Congress the Republicans acted in that way. But I say to you, gentlemen, that that is the very reason why I do not want this thing done; for I do not want to follow Republican practices. If they have done a decent thing in an election case in the last twenty years, it has entirely escaped my observation. [Laughter.]

Mr. JOSEPH D. TAYLOR. Did not the last Congress seat Mr. COOK?

Mr. ROBERTSON. If you had heard as much about Cook against Cutts as I have you would not refer to them.

Mr. SPRINGER. Notwithstanding, they tried filibustering to keep him out.

Mr. ROBERTSON. I know that the average American politician and the average American journalist can see nothing in an election contest except party. Now, I deplore that; not that I am above the average, but upon this occasion I want to rise above partisanship, and to say to gentlemen on the other side, whom we have denounced from one end of the country to the other for their conduct in election cases, that we are willing to do the fair, right, and honest thing, because we do not need now to come in here and vote that this man be seated in order that we may have a majority. That is the whole of it; we do not have to do that now. [Laughter.]

I propose now to come down to the point in this case, and that is as to the votes cast in the wrong wards. I hope I shall have the attention of all here, because I want to speak honestly and earnestly and to state the matter correctly, with a view of appealing to your intelligence and judgment and trying to get you to do right on this occasion. And I believe I can do it if you will only listen to me and believe what I say. [Laughter.]

Mr. SPRINGER. Do not draw too strongly on our credulity.

Mr. ROBERTSON. The first thing that comes up in this case is that the returning board refused to count for Mr. Wallace certain votes which were given for John H. Wallace, Major Wallace, Wallace, W. H. Wallace, W. W. Wallace, Jonathan Wallace, Maj. Wallace, and J. H. Wallace. Now all of these votes, 16 in number, I concede cheerfully to Mr. Wallace, believing that the intention of the elector should control, and that those votes should have been counted for Mr. Wallace.

We now come down to the Fairfield Township vote, where 11 additional votes are claimed for Mr. Wallace on the recount. I am absolutely ashamed to think that the distinguished chairman of the Committee on Elections [Mr. TURNER] and the distinguished gentleman from New York [Mr. ADAMS] should make any pretense that 11 additional votes in the Fairfield Township should be given to Wallace. Why do I say that? Because the box had been for four long months in the hands of hostile parties; every one of the men who had control of it were hostile to Mr. McKinley. The district is largely Republican, and naturally, without fraud and on an honest ballot, a Republican would represent it.

Mr. COSGROVE. Will the gentleman allow me to ask him a question?

Mr. ROBERTSON, No. [Laughter.] I say that in this Fairfield Township the ballot-box was taken after the election and carried to some fellow's house where it was kept for weeks, and then carried to the county town, and afterward they met there to recount the votes. Now, what do you find as the result of that recount? You say, Mr. Chairman of the committee [addressing Mr. TURNER], that there was no tampering with that ballot-box, do you not?

Mr. TURNER, of Georgia. I did not say so.

Mr. ROBERTSON. Well your colleague on the committee, the gentleman from New York [Mr. ADAMS], says so. The fact is, that when they came to recount the votes in that box they found that instead of 638 votes which had been counted on the night of the election, there were only 633 votes in the box. I say there was eliminated from that box 5 ballots. Yet gentlemen say it is all right, it is all honest, it is all fair. And then, in addition to the 5 thus abstracted, they claim that there ought to be 11 more counted for Wallace. I say that would be the greatest outrage that ever was perpetrated upon the elective franchise in this country. And I say that unless you give to Wallace those 11 votes in Fairfield Township, you can in no way elect him to a seat upon this floor.

We now come to the votes given in the wrong wards, which the gentleman from New York [Mr. ADAMS] says it is all right and proper to count for Wallace, for the men have a right to vote wherever they please.

Let us see what the law is in such a case. I am going to give you Democratic law, law made by a Democratic Congress, made before the war, made before the gentleman from New York [Mr. ADAMS] joined the Democratic party; and therefore I have a right to appeal to it as authority upon the question. I quote from the report in the case of Vallandigham *vs.* Campbell:

Of non-residents of the ward or township 2 votes are disputed by the returned member and none by the contestant. It is not denied that both of these voters were legal electors of the county; but having voted (though not fraudulently, but by mistake) out of their proper wards, the undersigned find the votes illegal and deduct them from the poll of the contestant.

That was Democratic law then, and it was a time when we wanted to squeeze a fellow in, I guess. But we do not have to do that now, and we can stand by that law. I now come to the poor-house or infirmary vote. There we have 4 votes that the law of Ohio fixes beyond all question. It has been decided by the supreme court of Ohio—I thought I had the book here, but I find I have not—that wherever the infirmary is that is the home of the inmate and the place which he must vote if he is a voter. But the inmates did not.

I now come to Butler Township. There are 6 votes which ought to be counted for Mr. McKinley, and I believe the gentleman from New York virtually concedes them, and therefore it is not worth while to take up the time of the House considering them. I have gone over the disputed questions except about 12 or 15 votes, and the gentleman from New York concedes about 8 of them.

Now we come to Liverpool Township, and there is the great contention in this case. That is a little town of six or eight thousand inhabitants, where they make crockery-ware. It is a manufacturing town, where there was some dispute, and they raised considerable "fuss and feathers." [Laughter.] Mr. Wallace and Mr. McKinley both went out there, and it was a question which should be the biggest man with the "strikers" and the "Knights of Labor." And upon that issue they went to the polls. What was the result? In that township they voted men who lived in Steubenville, Ohio, and in Wheeling, W. Va., for Mr. Wallace; and why they voted I know not, unless they thought if Wallace was elected the tariff on the milk vessels of the poor people of this country would be a little higher.

Now, I appeal to the fair and impartial judgment of Democrats of this House whether you are willing to say that Mr. Wallace shall have a seat on this floor upon the votes cast for him by voters who lived out of the district and some of whom lived in West Virginia. That is the way to put the question; that is the question which must be answered.

Mr. SPRINGER. How many votes did he get of that kind?

Mr. ROBERTSON. Over 25. If you throw out those votes Mr. McKinley is elected by a respectable majority. Now, gentlemen who join in the majority report do not dispute this proposition. My friend from Georgia [Mr. TURNER] does not dispute it.

Mr. TURNER, of Georgia. Does not dispute what?

Mr. ROBERTSON. You do not dispute that these voters lived outside the district.

Mr. TURNER, of Georgia. Yes, I do.

Mr. ROBERTSON. It was not disputed in the argument before the committee, it was not disputed by the lawyers who represented Mr. Wallace before the subcommittee, that if the witness had been first called the contestee could afterward have produced secondary evidence.

I want to give a little history of this case, and in doing so I will say that the Election Committee is composed of fifteen members, then that committee is divided into three subcommittees consisting of five each. It so happens that the chairman [Mr. TURNER], Mr. ADAMS, Mr. RANNEY, Mr. HEPBURN, and myself constitute one of the subcommittees, and to that subcommittee was given the consideration of the case now being considered by this House. It was learnedly, ably, and exhaustively argued by the most distinguished counsel in this country, and at the conclusion of it three of that committee were in favor of Mr. McKinley; and I desire to say further, that we five gentlemen are the only members of the Elections Committee that heard the arguments or that investigated the case. Hence I say that instead of us appearing here as the minority we ought to appear as the majority, because nearly, I believe quite, all of the members of the Elections Committee confessed and admitted at the time that they voted when the subcommittee's report was reported to the full committee that they had given the case little or no consideration.

Mr. ROBERTSON. Now, I say there is no dispute that there were votes cast in Liverpool Township by men who lived in Wheeling and Steubenville; but the proposition of law is insisted upon that secondary evidence to prove how the voter voted can not be produced until you first call him. Is not that the position?

Mr. ADAMS, of New York. Not exactly.

Mr. ROBERTSON. Well, I would like to know how I have stated the proposition incorrectly. I say there is the point of difference between us.

Now let me produce some Democratic law on this subject. I read from the report of the majority of the Committee on Elections in the Forty-fifth Congress upon the case of Wigginton *vs.* Pacheco:

> In the absence of the voter's own evidence it would be difficult to prove more certainly than is done in this case for whom a person voted. A person can not be compelled to state for whom he voted; and the Supreme Court of the United States has expressly decided that where a witness can not be compelled to answer he need not be called (6 Peters's Reports, 352, 367). But Mr. Pacheco might have called the voter, and if he had not claimed his privilege he could have made it clear for whom he did vote. Mr. Pacheco not having done so, nor having shown his inability to procure his deposition, we may infer that Gilbert, if produced, would have corroborated the witness whose deposition is in the record. Gilbert did not reside in the precinct where he voted, and his vote must be rejected.

Mr. ADAMS, of New York. Now will the gentleman allow me to ask him a question right there?

Mr. ROBERTSON. No, sir; I have not time.

I now come to the great case of Vallandigham against Campbell; and this case came from the State of Ohio, as does the present case. The report was written by Hon. L. Q. C. LAMAR, now an honorable and distinguished Senator at the other end of the Capitol. And I remember, when the gentleman from Georgia, then standing, as I do now, with the Republicans, held him up as the grandest and most magnificent man that had ever lived upon this earth.

Mr. TURNER, of Georgia. No, sir; I did not.

Mr. ROBERTSON. I desire to have read an extract from the report in that case which the gentleman has pronounced good authority. It was written during the same session as the one from which he quoted when we had up the Manning and Chalmers case.

The Clerk read as follows:

> Objection was also taken to the admission in evidence of declarations or admissions by voters here disputed as illegal touching their qualifications and the candidate for whom they voted. Some of the declarations objected to the undersigned are of opinion were such as are received daily in courts of common law relating to residence or being part of the *res gestæ*; others they believe to be competent upon a reasonable application of the usual rules and principles of evidence by analogy and according to their spirit. Neither the committee nor the House is bound by these rules in their letter and strictness, but should proceed upon more liberal principles in the investigation of truth. They regard a contested election not as a mere private litigation but a great public inquiry, where the real parties are not so much the returned member and the contestant as the voters of the district, and they are content to rest their opinion on this question upon the reasoning and upon the usages and solemn decisions of Parliament and Congress for years past, inasmuch as the distinction claimed to exist between an ordinary forensic court and a legislative assembly is recognized not in Parliament and Congress but by the courts themselves and from a very early period.
>
> The admissibility of evidence consisting of the declarations of voters as to any matter concerning their own voting has been settled in the British Parliament repeatedly and uniformly for one hundred and fifty years and is no longer to be questioned. These decisions are to be found in numerous volumes of reported election cases and of treatises upon this subject. The rule has been recognized also in approved books of law: 3 McCord's Reports, 233, note; Phillips's Evidence, with Cow. and Hill's notes, 322. It is sometimes treated as an exception to the rule, excluding the hearsay declarations of third persons, but generally it is put upon the ground that in elections contested because of illegal votes being received each voter challenged is a party to the proceeding, and therefore whatever he says about his own voting is an admission or confession. In Congress also, while the undersigned find several precedents distinctly adopting or recognizing the rule, they find none where it has been decided the other way except in Newland *vs.* Graham, 1835-'36. Against this they refer to the following: Contested Elections, 80, 260, 272, 282, 258, 367, 750, the Broad Seal case, 1840; 3 House Reports, No. 541, pages 699 and 749; Farley *vs.* Runk, 1845-'46, and Monroe *vs.* Jackson, 1847-'48.
>
> In England, as in some of the States of this Union, the voting being *viva voce*, a class of declarations continually occurring in States where elections are by ballot are there of course almost unknown. We refer to declarations by voters as to how they voted. One case, however, accidentally occurred in Parliament where the poll-list did not show for whom the party had voted, and so his statement as to how he intended to vote made to a third person was allowed to be given in evidence (the Windsor case, 1807; P. & O. Election Cases, 173.) No distinction has been set up in this country, nor do the undersigned perceive any; both are but hearsay, and the latter affects the party as much and in the same way as the former, and as the voter can not be compelled to testify as to his qualifications, so neither can he as to how he voted.
>
> The American cases have, indeed, been mainly directed to the question of receiving the declarations of voters. As to the latter, and besides several prior cases, the point was expressly and deliberately decided in the great New Jersey case in 1840, usually known as the Broad Seal case, and the evidence was unanimously received and a large number of votes determined upon it. This precedent has been generally approved ever since, and the undersigned attach more importance to it than usual because it was unanimous in a highly partisan case, and because of the great ability and distinction of the gentlemen who composed the committee. The same rule of evidence as to declarations of voters, both as to qualification and vote, was deliberately adopted by the Legislature of Maryland in 1819, and also in the Legislatures of other States and courts having a special jurisdiction to try contested elections. As to a number of voters whose declarations are given in evidence, it appears upon the papers and testimony that their attendance as witnesses could not be procured; but it is not necessary in such cases to first call the voter and see if he will claim his privilege of refusing to answer. It was not done in any of the cases decided in the British Parliament. It is not necessary in the settlement of cases where the declarations of the parishioner may be given in evidence (1 Greenleaf on Evidence, section 175), and the Supreme Court of the United States has expressly decided that where a witness can not be compelled to answer he need not be called. (6 Peters's Reports, 352, 367.)

Mr. ROBERTSON. You see from that, Mr. Speaker, that a Democratic Congress admitted a man to a seat upon this floor upon the very testimony that has been relied upon by the contestee in this case. And I say the rule there laid down has been followed by every Congress from that time on, when it was a Democratic Congress. When it got down to the case of Wigginton against Pacheco, when Mr. John T. Harris, of Virginia, was the chairman of the Committee on Elections, he approved of that very doctrine I quoted a while ago. The distinguished gentleman from Indiana [Mr. COBB] also signed his name as indorsing and approving of the same doctrine.

But, sir, before I forget it I must speak of another distinguished gentleman whose ability every man in this House has long since recognized, because he has stood in the front rank of constitutional lawyers on all questions that have come before us. I need hardly say I refer to the distinguished gentleman, WILLIAM M. SPRINGER, of Illinois. [Laughter and applause.] It is now easily explained why he wanted to take the book away. It was for fear I should see his name, and he thought I would not recollect it. But that is not the only distinguished gentleman. There is another one on that committee who has gotten more money out of the Treasury for noble and generous purposes than any man who ever came to Congress. I refer to E. JOHN ELLIS, of Louisiana. [Laughter and applause.]

You see, then, Mr. Speaker, that all these distinguished gentlemen as they have come along have indorsed the doctrine laid down in this case. In doing so they are only following the case of Vallandigham against Campbell. That case was signed by one of the greatest lawyers this country has ever produced, the Hon. John W. Stevenson, of the State of Kentucky, than whom no better man or abler jurist ever lived in this country. When he was a Senator from Kentucky he stood along with Thurman and a host of others distinguished in our annals.

Notwithstanding all this, Mr. Speaker, the gentleman from New York [Mr. ADAMS] mounts the stand and says, "Oh, no; this is not a well-considered case." [Laughter and applause.] It is not a well-considered case, isn't it? Why, that is the very height—well, I will not say what I was going to, because I like the gentleman from New York all the same. [Laughter and applause.]

I am absolutely and profoundly pained, however, to think that the distinguished chairman of the Committee on Elections, for whose ability

I entertained such sincere respect, should have jumped crosswise on this case and got wrongwise on all the others. [Laughter and applause.]

But I am about to conclude, and I wish to say in all seriousness, because I have tried to treat this case in a serious manner—I want to say this country can stand all but two things—corruption in the judiciary and corruption in elections.

Mr. NICHOLLS. Will the gentleman permit me to ask him a question?

Mr. ROBERTSON. No, sir. Now, when these two combined, the judiciary and the elections, become corrupt, then only will follow the dissolution and breaking down of this fair fabric of free government we have with so much difficulty erected. The elective franchise will be gone, and elections transferred from the people to the House of Representatives. Perchance if we do not get votes enough or a certificate we will be counted in just as though we had received one.

Viewing the case from any standpoint, it can not be denied but what Mr. McKinley was elected by from 40 to 50 majority, or rather plurality, and this is bound to be conceded by any fair-minded man (if I be permitted to use the term) that has given this case a careful consideration. Deducting from contestant the votes cast in the wrong wards—the "poor-house" vote, the Butler Township vote, the Liverpool Township vote, and the other admitted and proved illegal votes for contestant, leaves a clear majority in favor of Mr. McKinley.

Mr. NICHOLLS. What have you to say about the doctrine of turning the rascals out? [Laughter.]

Mr. ROBERTSON. What I was going to say is this: Turn Mr. McKinley out if you will; you do it contrary to Democratic precedent. Turn him out if you will; you do it contrary to the law. Turn him out if you will; you do it contrary to the facts in the case. [Applause.]

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria;

A bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes;

A bill (S. 394) restoring to the pension-roll the name of Maj. D. Williams;

A bill (S. 494) for the relief of Nancy Miller;

A bill (S. 626) to increase the pension of Francis Scott, and to rate him in the second grade of pensioners;

A bill (S. 1299) to increase the pension of Alonzo B. Chatfield; and

A bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes.

Mr. HOOPER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

CONTESTED-ELECTION CASE—WALLACE VS. M'KINLEY.

Mr. EZRA B. TAYLOR. Mr. Speaker, there is no more unpleasant position, I apprehend, in which a man can possibly be placed than to feel that he has the charge to some extent of important interests that require close consideration and careful judgment, and yet feels that the tribunal to which he must appeal is indifferent to what he says. I can understand how a man may be willing to insist upon arguing to a tribunal that is hostile to him, for that hostility may after a little while disappear. I can understand how a man may be willing to argue to a tribunal that he knows is prejudiced against him and his cause, for such prejudice may be removed; but I never did, and I think I never can, understand how a man can well put important matters of debate before a tribunal which he knows is totally indifferent to whatever he may say and unheeding to his most serious arguments.

I stand here for the little time that I shall occupy the floor in behalf of my colleague, who has sat for a long time at my right hand, and with whom for many years I have been intimately acquainted; believing as I live that I stand for him in the right and am maintaining the right, and in his name and for him I say to this House strike if you will, but first hear him.

Mr. Speaker, I doubt whether even half of the members of this House who listen to me have a fair and comprehensive understanding of what the issues are between these parties, and in saying this I mean no disrespect to any member of this House. Our system here is such as to make it almost impossible to get down to the consciences of members upon such questions as this. They do better in England, where under the same constitution in this respect, although unwritten, they refer the whole matter of contested elections of members of Parliament to the courts, and they report the law and the facts, that Parliament may consider them. I know how we have to act upon this matter.

We decide them largely upon the strength of the reports of our committees.

I have the greatest respect for the Election Committee of this House. With many of its members I have a personal acquaintance; with the chairman I have been acquainted for some two years or more. As to his intention to do right I have not the slightest doubt. As to his capacity to ascertain the right I have no more doubt than I have in regard to any mortal. He is, however, liable to make mistakes. One hundred and thirty members of this House thought he made a grave mistake in judgment in the English-Peelle case only last week, and so expressed themselves in their votes. I think that he has made a mistake now, not then. So that we may take the case without any great authority resting merely upon the fact that he has reported it, and I speak of him merely to illustrate my meaning; for no word of mine shall be or can be taken to cast the slightest intimation of disrespect upon his action in either or both of these cases or upon any action of the committee over which he presides.

Mr. Speaker, we get up committees and give them authority, but are we sure how our committees stand? Will members for a moment reflect upon the mass of business coming before committees, and how much some of its members have to rely upon the judgment of others? The cases referred to the Committee on Elections are each submitted to a subcommittee of five. Three of that subcommittee may act. Taking our present case, we will say the subcommittee report in favor of Mr. McKinley by a vote of 2 for him, 1 against. This report comes before the general committee, a portion only being present, say eleven in all. How much it is examined, and whether by all, is unknown. From my own experience in other committees I may express a doubt as to whether all of them accurately and thoroughly acquaint themselves with the facts of the case. Nay, in the very last election case that we had, and that was tried before that committee and before the House, if the votes of members had been given as in the House there would have been a different report—an adverse report instead of a favorable report for the man who now occupies a seat on this floor. Why, upon my desk is a report of a committee adverse to a bill here; and yet connected with that report are the views of the minority of the committee, so called, consisting of not less than ten members.

Ten members in the minority of a committee of fifteen! And the bill is reported adversely notwithstanding that fact, and that an important pension bill. And yet, Mr. Speaker, we must stand up here for our committees; and if anybody says anything against the report in the case, it is replied, "Oh, he is on the other side." No matter whether I read the newspapers, whether I write letters, or go out of the House, it is safe for me to put my conscience into the custody and keeping of a committee of this House when I am unacquainted even as to how many of that committee join in the report. But we are told it is sufficient if they make a report for or against the man. That is all we need! We must take their views and adopt them as our own. In the case now in hearing the press states that eleven members of the committee were present when the report was agreed upon, six voting for, five against. To the minority report, however, are attached seven names. It may be the real status of the committee is seven to six in favor of contestee, or at best or worst it can only be eight to seven in favor of contestant; enough to make a report and place the ban, but what firm assurance of correctness in its conclusions does it employ or enforce.

I remember once when I was a lad and reading law a man in the neighborhood where I lived went to market one day with a wagon-load of produce from his farm, and among other things he had some bags of hickory-nuts. He had been for many years wrestling with "John Barleycorn" and usually got worsted in the contest, and was so at this time.

He thought he discovered that some one had stolen a bag of his hickory-nuts; and as he staggered along he assaulted a gentleman in the street. In coming in contact with him this gentleman, not expecting the assault, was knocked over, my friend falling on top. I will let him tell the balance of the story in his own language, as he gave it in my presence. The man he had knocked over says, "Get off from me; what are you doing?" He said: "You have stolen my hickory-nuts!" "I have not touched your hickory-nuts!" "Yes, you have stolen my hickory-nuts; if you have not stolen my hickory-nuts why are you down here and I on top of you?" Well, I thought at the time it was rather remarkable logic; but I am older now than I was then, and I find that a great portion of the transactions of this world, so far as they have come under my observation, have been decided upon that same logic. Indict a man, and a community will believe him to be guilty. Let a committee report against a man who sits here, and their party is ordinarily bound to understand he is not entitled to his seat. The argument is, "If you have not stolen my hickory-nuts, why are you down here and I on top of you?" [Laughter.]

Mr. Speaker, let me come to this case now and say to this House that no part of the contestee's claim for this seat depends upon the counting or not counting the votes which it is argued should have been counted for him in the various precincts that have been named. The report of

the majority of the committee claims that by their way of treating this case there is a majority of 30 in favor of the contestant. And yet, when I come to count the votes as given by that majority report, I make it 28.

Now, I say to this House, I say it without fear of contradiction, that admitting every vote that is claimed in that majority report for the contestant, still the sitting member is entitled to retain his seat by a majority of 47 votes. Grant everything claimed in the way of statement in the majority report and this is true. Let no man on this side say that a vote given for W. H. Wallace ought to have been counted for contestant; that a vote given for John H. Wallace ought to have been counted for Jonathan H. Wallace. For I have included every one of those and more in this statement which I here make.

Nay; let no man say in addition to this that a vote given for "Mag. Wolac" should be counted for contestant; for I have given her vote to him; although I think he ought to have been too gallant a man to take from Mag. the only vote she got. Every vote they claim under any name in the world is given in my calculation to this contestant. And then let us see how the matter stands.

I, too, have examined this case with care. I would not ask any man in this House to vote as I do because I say that; and yet I have a right to ask it, at least as much as the gentlemen who have addressed the House to-day. I went over this case before I saw the report of the majority or the report of the minority. I went over every page of the evidence. I investigated it not thinking I could change any votes here; but I would know for myself upon what I voted and why. And strange as it may seem, not going in the same order that the minority report did, but covering the whole ground, I arrived exactly at the same result, to wit, 67 majority for the sitting member. Yet I had varied from their report in certain items. There were four different individuals whom I placed differently from what they placed them; but the aggregate was the same.

I claim nothing from that; because I know that it is easy for me to think that Major McKinley ought to keep his seat. I know that I may have been prejudiced; I know that I may have come to this conclusion from a partisan view of the evidence. But I believe that I have been as capable of deciding fairly as others. It is true that every crow thinks its own chick is the whitest; every mother thinks her own child is the handsomest. But that does not apply to me any more than it does to you. I think so far as I argue this case I will argue it upon principles of law that I will not have to change before I get through. If I succeed in this I will improve upon the arguments of the gentleman from New York [Mr. ADAMS]. I may as well give an illustration. You remember that in the case of Fairfield Township—or some of you may remember it, the chairman of the committee will remember it if nobody else does—there were claimed to be some votes in the ballot-box not counted for either candidate for member of Congress. They were all written with peculiar spellings, "Woloc," "Wolac," &c. Now, the judges of election read over those names and judged that they did not mean Wallace; that "Mag. Wolac" was not Jonathan H. Wallace and did not mean him.

The gentleman from New York [Mr. ADAMS] who recently addressed the House argued that these votes should now be counted notwithstanding the fact that the judges of election had considered them and rejected them.

We come now to the precinct of Butler, in the same county, where we find 6 ballots of a peculiar kind. On the morning of the day of election certain voters came there and were unable to find any Republican ballot that was unscratched. Some of them, anxious to go away, took an eraser and erased the line that had been drawn in pencil across the name of William McKinley, jr., and then voted those tickets. When the judges of election came to count the tickets, after the election was over, in the dim light of the evening it was seen that the paper of those ballots was roughened, and they were thrown aside.

But those very voters came by their depositions before the Committee on Elections and identified those ballots. They testified that they had themselves erased the pencil line across the name of William McKinley, jr., and then had voted the ballots, intending them to be for Mr. McKinley. The gentleman from New York [Mr. ADAMS] says that in that case the judges of election, having carefully considered those ballots and decided to rule them out, their action is final and this House can not review it.

Mr. SHAW. Can not go behind the returning board.

Mr. EZRA B. TAYLOR. Very well; take it that way, if you prefer. But the gentleman from New York [Mr. ADAMS] proposes to go behind the returning board in one case but not in the other. I am only reciting his argument, not arguing the question myself, and so we might go on; but I will not do it.

By the returns Mr. McKinley had 16,906 votes. The majority of the Committee of Elections add 1 vote on a recount in the sixth ward of the city of Youngstown. Wallace had 16,898 votes, as shown by the returns. The majority of the Committee on Elections have added to that the ballots that contained the names of John H. Wallace, Jonathan Wallace, Wallace, Major Wallace, J. H. Wallace, and perhaps some others, in all making 23 additional votes. And then they also add 11 votes from Fairfield Township. I will comment on them after awhile. They also add 1 which was indicated simply by the letters "Wall;" the committee now have it "Walce;" not any given name, and with no outside proof to show the intention of the voter. There is also a marked ticket in Lee Township, Carroll County, which they claim and add to the vote for Wallace. Also a vote in Madison township, Columbiana County, which they add to Wallace. These are all the additions which they make, giving Wallace a vote of 16,935, or a majority of 28.

Now, if you will remember all the way through that this is allowing the contestant every vote which is claimed, everything that has been argued by the chairman of the committee or by the gentleman from New York as to votes for this contestant, we will have no trouble. Taking that vote, I purpose now to cast up both sides of this ledger and see how the balance of votes stands. And I will say as I start that if I were able to take any man in this House, let him fix the law as the questions of law arise, and I do nothing but turn over the leaves of the testimony as I go on, I would have no hesitation in leaving the decision of this case absolutely to him, I asking only patience on his part. I care not who he is, so only that he would hear before he decided and would know what has been testified before he undertakes to give his decision as a judge in the case.

I intended to have said, and I will say it here, that I have not found, as the newspapers say, that these election cases are always decided on partisan grounds. In the Forty-sixth Congress, during one session of which I was here, I saw a Democratic House voting to seat a Republican contestant. In the Forty-seventh Congress, which was Republican, out of twenty-two contested-election cases all but five were reported in favor of the Democratic side of this House. I think the very last case we acted upon was the case of Cook *vs.* Cutts, and the House voted Mr. Cook into the seat. And I call to mind the fact that the present House has not, and I venture to say it will not do for either side of the House to build entirely upon the idea that the Committee on Elections have reported so and so, but on the contrary some of the members will investigate for themselves.

Allowing every claim that is made by the majority of the Committee of Elections in their report, allowing everything for the contestant that is specifically claimed in it—for I take it they do not ask us to allow anything which they do not claim—they have specified in their report all the claims which they make, and for the present I admit them all.

In the footing up of the vote of Carroll County, as shown by the record produced here, there was a mistake of ten votes in favor of contestant, a mistake merely of footing the column, giving contestant 1,497 votes, when he received but 1,487. There is nothing in the testimony that I have seen to show that that mistake was anything but a mere error in computation. Deduct that number from the majority for Wallace which is claimed by the majority of the Committee of Elections and you will find that the balance remaining, according to the claim of the majority, as the majority for Wallace is but 18 votes to start with.

Mr. RANNEY. If the gentleman from Ohio [Mr. EZRA B. TAYLOR] will yield, I will move that the House now adjourn.

Mr. EZRA B. TAYLOR. I will yield for that purpose.

Mr. TURNER, of Georgia. Pending the motion to adjourn, I desire to give notice that I shall ask the House to come to a vote on this case to-morrow at 4 o'clock.

Mr. RANNEY. If we get through the discussion by that time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, disagreed to by the House of Representatives, asked for a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PLUMB, and Mr. CALL as conferees on the part of the Senate.

Pending the motion to adjourn, the following business was transacted:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROSECRANS, until Saturday next, on account of important business.

To Mr. GUENTHER, indefinitely, on account of important business.

To Mr. CLAY, for twelve days.

WITHDRAWAL OF PAPERS.

Mr. CALKINS, by unanimous consent, obtained leave to withdraw from the files of the House the discharge papers in the case of Lewis Deems, there having been no adverse report.

LEAVE TO PRINT.

By unanimous consent, general leave was granted to print remarks in the RECORD on the resolution for the appointment of a committee to examine the National Soldiers' Home.

PAY OF HOUSE EMPLOYÉS.

Mr. VAN EATON. I ask the gentleman from Massachusetts [Mr. RANNEY] to withdraw for a moment the motion to adjourn that I may submit a resolution for present consideration.

Mr. RANNEY. I will do so.

Mr. VAN EATON. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and instructed to pay the officers and employés of the House their respective salaries for the month of May, 1884, on the 29th day of said month.

There being no objection, the resolution was considered and adopted.

HOME FOR DISABLED CONFEDERATE SOLDIERS.

Mr. BELFORD, by unanimous consent, introduced a bill (H. R. 7150) appropriating $500,000 for the erection of a home for the disabled soldiers of the confederate army; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

Mr. BELFORD. I ask unanimous consent that this bill, which is brief, be printed in the RECORD.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the sum of $500,000 be appropriated for the erection of a home for the disabled soldiers of the confederate army, which home shall be erected at Fredericksburg, Va., under the supervision and direction of the Secretary of War.

THOMAS H. LEAR.

Mr. WHITE, of Kentucky, by unanimous consent, introduced a bill (H. R. 7151) granting a pension to Thomas H. Lear; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOE FRISBEE.

Mr. WHITE, of Kentucky, by unanimous consent, also introduced a bill (H. R. 7152) granting a pension to Joe Frisbee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOEL MARTIN.

Mr. WHITE, of Kentucky, by unanimous consent, also introduced a bill (H. R. 7153) granting a pension to Joel Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NASBY MILLS.

Mr. WHITE, of Kentucky, by unanimous consent, also introduced a bill (H. R. 7154) granting a pension to Nasby Mills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILES W. NICKELL.

Mr. WHITE, of Kentucky, by unanimous consent, also introduced a bill (H. R. 7155) for the relief of Miles W. Nickell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN L. BRASSFIELD.

Mr. WHITE, of Kentucky, by unanimous consent, also introduced a bill (H. R. 7156) for the relief of John L. Brassfield; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FELIX HIBBARD.

Mr. WHITE, of Kentucky, by unanimous consent, also introduced a bill (H. R. 7157) for the relief of Felix Hibbard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE S. STEELE.

Mr. WHITE, of Kentucky, by unanimous consent, also introduced a bill (H. R. 7158) granting a pension to George S. Steele; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT N. MARSHALL.

Mr. KEIFER, by unanimous consent, introduced a bill (H. R. 7159) granting a pension to Robert N. Marshall, of Clark County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. FRANCIS E. HYDE.

Mr. KEIFER, by unanimous consent, also introduced a bill (H. R. 7160) granting a pension to Capt. Francis E. Hyde, of Mechanicsburg, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH S. HURST.

Mr. HITT, by unanimous consent, introduced a bill (H. R. 7161) for the relief of Joseph S. Hurst, late private Company F, Tenth Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF HOUSE EMPLOYÉS.

Mr. ERMENTROUT. I desire to submit a report from the Committee on Accounts for present consideration.

The SPEAKER. The report will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Accounts is hereby authorized to take into consideration the advisability of adjusting the salaries of the officers and employés in the Doorkeeper's department, House of Representatives, with a view of paying to them the same compensation now paid to the officers and employés of the Senate of the United States performing similar duties and responsibilities, and thereby place them upon an equality with the same, and report back to the House by bill or otherwise.

Mr. ALEXANDER. I object.

Mr. ERMENTROUT. I hope the gentleman from Missouri will withdraw his objection until he hears a statement.

Mr. HOLMAN rose.

Mr. ERMENTROUT. Do I understand the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Missouri [Mr. ALEXANDER] to object to the consideration of this matter before hearing my statement?

Mr. HOLMAN. I hope the gentleman from Pennsylvania will have an opportunity to make his statement.

Mr. ERMENTROUT. If the gentleman from Indiana and the gentleman from Missouri object all the time, I shall never get an opportunity. I know no better opportunity than this; and I trust the objection will be withdrawn.

Mr. HOLMAN. I hope the gentleman will be permitted to make his statement.

The SPEAKER. Does the gentleman from Missouri withdraw his objection?

Mr. ALEXANDER. I do not.

Mr. HOLMAN. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. H. BREWER: Joint resolution of the New Jersey Legislature, to promote the efficiency of the revenue-marine service—to the Committee on Commerce.

By Mr. T. M. BROWNE: Petition in support of pension claim of Edward West—to the Committee on Invalid Pensions.

By Mr. BURNES: Petition of the Capitol police board, to authorize payment for uniforms to watchmen under the act of August 7, 1882—to the Committee on Appropriations.

Also, petition of night watchman in the folding-rooms, for pay due him from January 1 to February 4, 1884—to the same committee.

Also, petition of Frank Galt, for salary for services as assistant journal clerk—to the same committee.

Also, petition of John M. Carson, for additional compensation as clerk of the Committee on Ways and Means during the Forty-seventh Congress—to the same committee.

By Mr. G. R. DAVIS: Petition of William E. Flynn and 40 others, members of Assembly 1810, Knights of Labor, Chicago, Ill., in favor of eight-hour law and legislation favorable to labor—to the Committee on Labor.

By Mr. DIBBLE: Papers relating to the bill for the relief of George Jacob Huthmacher—to the Committee on War Claims.

Also, papers relating to the bill for the relief of John H. Breening, assignee, &c.—to the same committee.

Also, memorial of the board of health, Charleston, S. C., in favor of further legislation to prevent the introduction of infectious and contagious diseases, &c.—to the Committee on the Public Health.

By Mr. DINGLEY: Petition of George Hoyt, jr., and others, of Vinal Haven, Me., and of George Green and others, for bill to carry into effect the eight-hour law—severally to the Committee on Labor.

Also, remonstrance of N. C. Fletcher and others, of Camden, Me., against Government postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. ELDREDGE: Papers relating to the pension claim of Parmelia Smith, of Monroe, Mich.—to the Committee on Invalid Pensions.

By Mr. ELLIS: Petition of Lieut. E. L. Zaliuski, for allowance for mileage for attendance on Committee on Appropriations—to the Committee on Appropriations.

By Mr. ERMENTROUT: Memorial of New York Leaf-Tobacco Board of Trade, praying for repeal of internal-revenue laws taxing tobacco—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of citizens of Lawrence, Kans., for increase of appropriations for support of Indian schools—to the Committee on Appropriations.

By Mr. HOPKINS: Papers relating to the claim of Irwin B. Linton, for compensation as clerk of the Boynton investigation committee—to the same committee.

By Mr. HOUSEMAN: Petition of citizens of Holland, Ottowa County, Michigan, and resolution passed at a meeting of citizens, setting forth the advantages Holland and vicinity offer for the site of the proposed soldiers' home for Michigan, and that Holland will be prepared to furnish a suitable site if located in the vicinity of said city—to the Committee on Military Affairs.

By Mr. LIBBEY: Petition of certain citizens of Southampton County, Virginia, praying for the establishment of post-routes—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Remonstrance of Andrew P. Wiswell and others, against the law relating to telegraph company—to the same committee.

By Mr. MURPHY: Petitions of citizens of Iowa, relative to banks, &c.—to the Committee on Banking and Currency.

By Mr. NICHOLLS: Resolutions of the New York Leaf-Tobacco Board of Trade, favoring the repeal of the internal-revenue laws imposing a tax on tobacco—to the Committee on Ways and Means.

By Mr. NUTTING: Petition in regard to record of soldiers in the late war for use of the State of New York—to the Committee on Military Affairs.

By Mr. POLAND: Papers relating to the pension claim of William Bridges, jr.—to the Committee on Invalid Pensions.

By Mr. RIGGS: Papers relating to the bill for the relief of Mrs. Elizabeth Leebrich—to the Committee on War Claims.

By Mr. WOOD: Resolutions of Veteran Post No. 41, Grand Army of the Republic, Department of Indiana, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. WOODWARD: Petition of W. C. Hobart and others, ex-prisoners of war, in favor of the passage of H. R. 1189—to the same committee.

By Mr. YOUNG: Petition of R. D. Goodwyn, to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of R. D. Goodwyn, to refer claim to the Quartermaster-General to rehear—to the same committee.

Also, papers relating to the claim of R. D. Jordan, guardian of minor children of Claiborn De Loach, deceased—to the Committee on Claims.

SENATE.

TUESDAY, *May* 27, 1884.

Prayer by Rabbi E. B. M. BROWNE, of New York city.

JAMES DONALD CAMERON, a Senator from the State of Pennsylvania, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in answer to a resolution of the 8th instant, certain correspondence relating to the shooting of Black Wolf, an Indian, by Hal Palfarino in the Territory of Montana, and the measures taken for his arrest and trial; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of Charles Sheldon and 23 other citizens of Rutland, Vt., remonstrating against the establishment of a governmental postal telegraphic system; which was ordered to lie on the table.

Mr. LAPHAM presented a petition of 91 citizens of Mexico, N. Y.; a petition of 22 citizens of Yonkers, N. Y.; a petition of 50 citizens of Oswego, N. Y., and a petition of 291 citizens of the city of New York, praying for the passage of Senate bill No. 1223, providing that all qualified physicians be made equal before the law in the Government service; which were referred to the Committee on Civil Service and Retrenchment.

Mr. SHERMAN presented a petition of 104 citizens of Lima, Ohio; a petition of 60 citizens of Columbus, Ohio; a petition of 22 citizens of Duncan's Falls and Chancellorsville, Ohio; a petition of 51 citizens of Middletown, Ohio, and a petition of 40 citizens of Belleville, Ohio, praying for the passage of Senate bill No. 1223, providing that all qualified physicians be made equal before the law in the Government service; which were referred to the Committee on Civil Service and Retrenchment.

Mr. SEWELL presented the petition of Dr. C. J. Cooper and 100 other citizens of New Jersey, and the petition of Dr. H. F. Hunt and 84 other citizens of Camden, N. J., praying for the passage of Senate bill No. 1223, providing that physicians shall be made equal before the law in appointments in the Army and Navy; which were referred to the Committee on Civil Service and Retrenchment.

Mr. LOGAN presented the petition of Dr. George F. Roberts and others, citizens of Illinois, Iowa, and Minnesota, praying for the passage of Senate bill 1223, providing that all qualified physicians be made equal before the law in appointments in the Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. LOGAN. I present also a memorial of the Methodist Episcopal conference, colored, recently held at Baltimore, asking that a resolution now pending before Congress providing for the appointment of a commission to investigate the condition of the colored people in the South may be favorably acted upon at an early day. The resolution was reported adversely, I think.

Mr. BLAIR. It was reported adversely, but I shall call it up at some day and offer a substitute for it.

Mr. LOGAN. I move that the memorial lie on the table, inasmuch as the resolution is now on the Calendar.

The motion was agreed to.

Mr. LOGAN presented a petition of ex-Union soldiers of Ludlow, Ill.; a petition of ex-Union prisoners of war of Columbus, Ohio; a petition of ex-Union soldiers of Martinsville, Ill.; a petition of Thomas Watson Post, No. 427, Grand Army of the Republic, Department of Illinois; a petition of Kenesaw Post, No. 77, Grand Army of the Republic, of Danville, Ill.; and a petition of Post No. 81, Grand Army of the Republic, of Kirkwood, Ill., praying for the passage of such legislation as is recommended by the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

He also presented a memorial of citizens of Waukegan, Ill., and a memorial of citizens of Freeport, Ill., remonstrating against Government control of the telegraph system; which were ordered to lie on the table.

He also presented resolutions adopted by one hundred and sixty-eight posts of the Grand Army of the Republic, Department of Ohio, favoring the passage of the bill granting public lands to soldiers and sailors of the war of the rebellion; which were referred to the Committee on Public Lands.

He also presented a petition of citizens of Rock Island and Moline, Ill., for the enforcement of the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented the petition of Frank Schwartz, of Saint Clair County, Illinois, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. McPHERSON presented memorials of citizens of Ramsey's, Deckertown, Passaic, and Paterson, N. J., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a Government monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; which were ordered to lie on the table.

He also presented a memorial of the Legislature of New Jersey; which was read, and referred to the Committee on Commerce, as follows:

[Joint resolution No. 8.]

STATE OF NEW JERSEY.

Joint resolution requesting Congress to pass a bill to promote the efficiency of the revenue-marine service.

Whereas the eminent services rendered by the brave men of the revenue marine entitles them to the highest commendation; and

Whereas no provision exists in the present laws for the retiring of the meritorious, aged, or disabled in that service: Therefore,

1. *Be it resolved by the senate and general assembly of the State of New Jersey*, That the Senators and Representatives from this State are earnestly requested to use their influence for the passage of the bill pending in Congress, H. R. No. 4483, "to promote the efficiency of the revenue-marine service," whereby the officers of the revenue marine who have grown old or who have been seriously injured in the performance of their duty may be retired, in accordance with provisions similar to those now in force in relation to the naval officers of the United States.

2. *And be it further resolved*, That copies of these resolutions be forwarded to the Senators and Representatives in Congress from New Jersey by the secretary of state.

Approved May 9, 1884.

Mr. ALLISON presented a memorial of citizens of Charles City, Iowa, remonstrating against the Government assuming control of the telegraph business of the country; which was ordered to lie on the table.

He also presented the petition of the National Association of Ex-Union Prisoners of War, praying for the passage of a bill granting pensions to all soldiers who were confined in confederate prisons; which was referred to the Committee on Pensions.

He also presented a petition of Selina Milne, praying that an increase of pension be granted to widows and dependent relatives of persons of the military service; which was referred to the Committee on Pensions.

He also presented the petition of Carbee Post, No. 270, Grand Army of the Republic, of Springville, Iowa, praying for the equalization of bounties, and for such amendments of the pension laws as were recommended by the pension committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented the petition of clerks employed in the post-office at Cedar Rapids, Iowa, praying that a classification be made of the clerks in the distributing department of all first-class post-offices, and that salaries be so adjusted that all clerks doing the same kind of work be placed in the same class and receive like salaries; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of J. S. Duffie and others, praying for an amendment of the bill (H. R. 6094) relating to fees allowed to attorneys in pension cases; which was ordered to lie on the table.

Mr. INGALLS presented the petition of Dr. W. G. Graham and 22 other citizens of Winfield, Ky., praying for the passage of Senate bill 1223, making all qualified physicians equal before the law in appointments to the Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. CAMERON, of Wisconsin. I present a petition in regard to the needs of the Signal Service, very numerously signed by business men of Milwaukee, Wis. The signers are Frankington & Armour; George M. Tibbets, agent of the Western Union Transit Company; G. Hurton, agent of the Goodrich Transportation Company; Alexander Mitchell, George W. Allen, Edward Sanderson, and many others. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CALL. I present the petition of numerous prominent citizens of Key West, in the State of Florida, praying for an investigation in the interest of Mr. F. N. Wicker, late collector of the port at Key West, who was removed on untrue charges of collusion with Aguero and others in the expedition to the coast of Cuba. The petition is very numerously signed and contains the names of citizens of high character, and is very earnest in its vindication of Colonel Wicker, the late collector of the port of Key West. The request of this petition is certainly reasonable and just, and the solicitude which the people of Key West feel that a citizen and officer of the Government should not be condemned when he is innocent is honorable to them.

If it is competent for the Senate to institute some proceeding which will enable Colonel Wicker to be entirely vindicated I shall give it my support. In the mean time, as I do not know what action it is competent for the Senate to take, I ask that the petition lie on the table.

The PRESIDENT *pro tempore*. A telegraphic petition on the same subject was referred some days ago to the Committee on Foreign Relations.

Mr. CALL. Then I move that this petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BROWN. I present a petition of numerous citizens of Atlanta, Ga., and of Macon, Roswell, and other points in that State, stating that at the present time the opinions and practice of physicians of equal learning, ability, and honesty differ so widely as to divide them into sects, such as those commonly called allopathic and homeopathic; that one of these sects, calling itself "regular," has now, and has always, held absolute medical control of all the Departments of the Government service, thus compelling all Government employés to submit to its arbitrary choice of medical treatment; that no candidate for appointment to medical service under the Government who avowed his belief in any other system of medical practice than that called "regular," however learned and well-qualified in other respects, has heretofore been accorded an appointment or even an examination for the same in any Government service except in the Pension Office; that such discrimination in favor of one medical system against all others equally high in the confidence of the people of the United States is an evident usurpation of powers not granted to the said public servants by law, and therefore tacitly prohibited to them; and they pray the passage of a law to prohibit this practice in the future. I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. BUTLER presented a petition of the Charleston (S. C.) board of health praying for the passage of the House bill to prevent the introduction of infectious and contagious diseases into the United States and the establishment of a national board of health; which was referred to the Committee on Epidemic Diseases.

Mr. BUTLER. I present a memorial of the Sumter Silk Culture Association of South Carolina in regard to the practicability of raising silk in that State. I ask that the memorial, which is made by the ladies of South Carolina, go to the Committee on Manufactures.

The PRESIDENT *pro tempore*. The Chair thinks that similar memorials have been referred hitherto to the Committee on Agriculture and Forestry.

Mr. BUTLER. I should prefer that the memorial go to the Committee on Manufactures.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Manufactures on the motion of the Senator from South Carolina.

Mr. PALMER presented the petition of the students of the University of Michigan, and the petition of W. D. Scott and 38 other citizens of Lowell, Mich., praying for the passage of Senate bill No. 1223, making all schools of medicine equal in appointments to Government service; which were referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of Bishop Harries, Hon. H. P. Baldwin, and 17 other citizens of Detroit, Mich., praying that an appropriation of $400,000 be made for the proper maintenance of Indian schools; which was referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, presented petitions of citizens of Port Jervis, New York city and vicinity, Brooklyn, Troy, Poughkeepsie, Middletown, Bath, Lockport, Hamilton, Hartwick, N. Y., praying for the passage of Senate bill No. 1223, making all qualified physicians of whatever school of medicine equal in appointments to the Government service; which were referred to the Committee on Civil Service and Retrenchment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the return of the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. G. G. DIBRELL of Tennessee, Mr. THOMAS WILLIAMS of Alabama, and Mr. MILO WHITE of Minnesota managers at the conference on its part.

RETURN OF BILL TO THE HOUSE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

Ordered, That the Clerk of the House be directed to request the Senate to return to the House the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The PRESIDENT *pro tempore*. If there be no objection the request of the House of Representatives will be complied with and the bill named will be returned to that body. It is so ordered.

REPORTS OF COMMITTEES.

Mr. SLATER. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 2036) to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, to report it with sundry amendments. I shall ask the leave of the Senate at some future day to file a report.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. 344) to regulate the payment of bills of exchange drawn in foreign countries on persons, firms, companies, or corporations in the United States, where the amount to be paid is named in foreign coins, reported it without amendment, and submitted a report thereon.

Mr. HILL. I am instructed by the Committee on Post-Offices and Post-Roads to submit a report to accompany the bill (S. 2022) to establish a postal telegraph system reported from the committee on the 9th of April last. I give notice that as soon as the report is printed I shall ask the Senate to fix a day for the consideration of the bill.

The PRESIDENT *pro tempore*. The report will be received. The Senator from Colorado has also sent to the Clerk's desk sundry bills.

Mr. HILL. Those bills are reported back.

The PRESIDENT *pro tempore*. What is the nature of the report on the bills?

Mr. HILL. The committee reported an original bill, on which the report has just been submitted.

The PRESIDENT *pro tempore*. What disposition does the Senator desire to have made of the bills?

Mr. HILL. They may be indefinitely postponed.

The bills were postponed indefinitely, as follows:

A bill (S. 17) to provide for the establishment of a postal telegraph system;

A bill (S. 227) to establish a system of postal telegraphs in the United States; and

A bill (S. 1016) to provide for the transmission of correspondence by telegraph.

Mr. HILL, from the same committee, to whom were referred the following petition and resolutions, asked to be discharged from their further consideration; which was agreed to:

A petition of officers and members of the Board of Trade and business men of Winona, Minn., praying for the control by the Government of telegraph lines in the United States;

Joint resolution and memorial of the Eighth Legislative Assembly of the Territory of Wyoming, praying for the establishment of an independent postal telegraphic system to be owned, controlled, and operated by the United States;

A resolution by Mr. VAN WYCK directing the Committee on Post-Offices and Post-Roads to inquire whether the Western Union and Baltimore and Ohio Telegraph Companies at any time entered into contract or negotiations with a view of consolidation;

A resolution by Mr. PLATT instructing the Committee on Post-Offices and Post-Roads to inquire into operations of the Western Union Telegraph Company;

A resolution by Mr. VAN WYCK, directing the Committee on Post-Offices and Post-Roads to inquire into transactions between the Baltimore and Ohio and Western Union Telegraph Companies; and

A concurrent resolution of the State of California indorsing the postal telegraph bill introduced in Congress by Hon. Charles A. Sumner.

ALLEGED ELECTION OUTRAGES IN VIRGINIA AND MISSISSIPPI.

Mr. LAPHAM. The Committee on Privileges and Elections, who were directed by a resolution adopted by the Senate in January last to examine into the circumstances attending the alleged outrages on colored citizens at Danville, Va., on the 3d day of November, 1883, have instructed me to submit a report thereon, together with the testimony.

The PRESIDENT *pro tempore*. The Senator from New York from the Committee on Privileges and Elections submits a report on the subject mentioned in the Senate resolution inquiring into certain transactions in the State of Virginia. The report will be placed on file, and printed under a standing order.

Mr. VANCE. In connection with the report submitted by the Senator from New York [Mr. LAPHAM] in relation to the investigation by the Committee on Privileges and Elections into alleged outrages at Danville, Va., I shall ask leave on the part of the minority to present the views of the minority in the course of a few days.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks leave as a member of the Committee on Privileges and Elections to submit hereafter, within a short time, the views of the minority in respect of the subject reported on by the Senator from New York. That order will be entered if there be no objection.

Mr. LAPHAM. I should like to inquire of the Senator from North Carolina how much time he will want in which to submit the views of the minority. The reports are all in now and it is desirable to have them printed as soon as practicable.

Mr. VANCE. I shall want this week.

Mr. SAULSBURY. Some days ago the majority of the Committee on Privileges and Elections, who had examined under a resolution of the Senate into the condition of affairs in Copiah County in the State of Mississippi, submitted their report. At that time I gave notice that the minority of the committee did not concur in the report of the committee and that I should at a future day ask leave to submit the views of the minority. I now ask leave to present the views of the minority and ask that they be printed in connection with the report of the committee.

The PRESIDENT *pro tempore*. The Senator from Delaware presents the views of the minority of the Committee on Privileges and Elections on the subject named by him, and asks that the views of the minority be printed. That order will be entered, if there be no objection.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

Mr. CONGER. I move to take from the Calendar the resolution under discussion yesterday which was submitted by the Senator from Nebraska [Mr. VAN WYCK] on the 8th instant.

The PRESIDENT *pro tempore*. It will not be in order to move to take it from the Calendar until resolutions have been called.

Mr. CONGER. I will reserve the motion, then.

BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 2260) for the relief of Assistant Surgeon Thomas F. Azpell; which was read twice by its title.

Mr. LOGAN. I introduce this bill at the request of a gentleman in this city, one of the comrades of Mr. Azpell. I do not know anything about it. I move its reference to the Committee on Military Affairs.

The motion was agreed to.

Mr. LOGAN introduced a bill (S. 2261) to extend the patent issued P. M. Justice; which was read twice by its title.

Mr. LOGAN. This bill I also introduce by request. I know nothing about it except that a constituent of mine sent it to me and asked me to introduce it on account of his being interested in the patent. I move the reference of the bill to the Committee on Patents.

The motion was agreed to.

Mr. LOGAN introduced a bill (S. 2262) granting a pension to Sedate P. Martin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2263) granting a pension to Abel J. Lewis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 2264) to provide for the sale of the lands belonging to the Prairie band of Pottawatomie Indians in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLISON (by request) introduced a bill (S. 2265) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands, and for other purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2266) for the relief of William H. Manning; which was read twice by its title, and referred to the Committee on Claims.

Mr. PALMER (by request) introduced a bill (S. 2267) for the relief of Capt. W. J. Lyster; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2268) for the relief of Robert J. Ballort; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes; which was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 255) appropriating the further sum of $100,000 for the sufferers by the overflow of the Mississippi River and tributaries, in which it requested the concurrence of the Senate.

WITHDRAWAL OF PAPERS.

On motion of Mr. MILLER, of New York, it was

Ordered, That Eugene C. Johnson have permission to withdraw his papers from the files of the Senate.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are now in order.

Mr. HARRIS. If there be no further "concurrent or other resolutions" I desire to ask the Senate to proceed to the consideration of the Mexican pension bill.

The PRESIDENT *pro tempore*. The Chair feels obliged under the courtesy of the Senate to recognize the Senator from Michigan [Mr. CONGER] who addressed the Chair previously for the purpose of submitting a motion.

Mr. CONGER. I renew the motion made that the Senate now proceed to the consideration of the resolution directing the Secretary of the Interior to withhold certain land patents claimed by the Northern Pacific Railway Company.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion that the Senate now consider the resolution.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on agreeing to the motion. [Having put the question.] The ayes have it, and the resolution is before the Senate. The question is on the motion of the Senator from Michigan [Mr. CONGER] to refer the resolution with instructions to the Committee on the Judiciary.

Mr. CONGER. I have been requested to waive for a moment the consideration of the resolution to allow the Senator from Wisconsin [Mr. SAWYER] to ask unanimous consent to take up a measure which he assures me will occupy no time.

CINNABAR AND CLARK'S FORK RAILROAD.

Mr. SAWYER. The Senator from Michigan yields that I may ask the Senate to take up the bill (S. 1373) granting the right of way to the Cinnabar and Clark's Fork Railroad Company.

The PRESIDENT *pro tempore*. The Senator from Wisconsin, pending the question of the reference of the resolution now under consideration, asks unanimous consent that the Senate consider the bill named by him.

Mr. HARRIS. Let the bill be read at length for information subject to objection.

The bill was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Railroads with an amendment after the word "Montana," in line 9, to insert:

By the way of the Yellowstone River to its junction with the East Fork of said river, thence by the way of said East Fork to the Soda Butte Creek, thence by said creek to the Clark's Fork mining district.

So as to make the bill read:

Be it enacted, &c., That a right of way is hereby granted the Cinnabar and Clark's Fork Railroad Company, a corporation duly organized under the laws of the Territory of Montana, across such portions of the northern border of the Yellowstone National Park as may be necessary to reach, by the nearest practicable route from Cinnabar, the Clark's Fork mining district, in said Territory of Montana, by the way of the Yellowstone River to its junction with the East Fork of said river, thence by the way of said East Fork to the Soda Butte Creek, thence by said creek to the Clark's Fork mining district, upon such location as may be approved by the Secretary of the Interior, subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875.

The amendment was agreed to.

Mr. CONGER. I move to add at the end of the bill the following proviso:

Provided, That the right of way hereby granted shall be of the width only of one hundred feet for road-bed, for the track of the road, and for necessary turnouts and side-tracks, water-tanks, turn-tables, and buildings necessary for the use of its employés. Nor shall the company erect any hotel, boarding-house, or building other than as above described. Nor shall it cut any timber within said park except within the one hundred feet hereby granted for right of way; and to such trees as, if left standing, might endanger said buildings and constructions. Nor shall it take any stone, gravel, or dirt from without said one hundred feet limit, except upon the special permission of the Secretary of the Interior in writing, and then only for the necessary use of the company in the construction of the road and buildings within the limits of the park. The control of the Secretary of the Interior over the Yellowstone National Park shall be in no wise affected or impaired by the provisions of this act except as herein expressly and especially provided.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan [Mr. CONGER].

Mr. VEST. This is a charter to a railroad to run through the northern portion of the Yellowstone National Park. I have opposed the chartering of any railroad through that park, and I express the belief now that if this system is commenced it will end in the utter destruction of the park for the purposes for which it was originally created.

I recognize the fact, however, that there is an overwhelming public sentiment in the Territory of Montana, adjoining this portion of the park, in favor of this project. I have received a number of letters from prominent persons in that Territory, including the governor of the Territory, urging upon me to withdraw any opposition to this railroad project for the reason that large mining interests are involved in the construction of the road. There are valuable mines, not in the northeastern portion of the park, but in the section of the country immediately adjoining that portion of the park, and it is alleged that this road is absolutely necessary to carry the ores from those mines through that part of the park for smelting purposes.

While I am opposed to any railroad going into the park, I have no question but what they will be forced in there for some purposes; and if this bill is to be passed I hope the amendment which is now pending will be adopted. That confines the right of way to one hundred feet and prohibits the company from taking any stone or timber except for the absolute purposes of the construction of the road and off the right of way.

I shall not myself vote for the bill, but the committee has reported in favor of it, and the pressure seems to be overwhelming in favor of its passage. However, I want to say distinctively now and here that if this is to be a precedent for the construction of other railroads under schemes which are now pending and under bills which are now before the Senate, I shall protest against it. If it is to be simply an ore road, to carry out the ores from the Clark's Fork mine, then I recognize the fact that the interests involved will secure the passage of the bill, especially with the report of the committee as it now stands.

Mr. CONGER. The bill before the Senate giving the right of way through the National Park, which by the action of Congress and the approval of the President and by the judgment of the people of the United States was intended to be set apart solely for the purposes mentioned in the act, and not to be passed through by a highway nor to be infringed for any other purpose than as a health and pleasure ground of the people of the United States, met with and has the opposition of the Committee on Territories. Unless some provisions may be adopted like the one which I have presented, which will guard as far as possible the intrusions of business and those who might injure the wonderful works there, the committee will oppose it individually, I believe, and I should oppose it now with any amendment, with all amendments, were it not for the fact that at the northeast corner and outside of the park there are said to be—and the proof is perhaps sufficient in that respect—valuable mines belonging to citizens of the United States, which have been worked, and there are many miners engaged; and that after examination there is no practical outlet for any railroad or railroad communication except down the valley of the river along which the charter runs and across the north part of the National Park down a branch of the river to reach a point where a railroad and some buildings have been constructed. There is no other way for the citizens located in the Clark's Fork mining district to find an outlet for their ores and to carry on their business, as we are told. If so, this would seem to be a necessity.

The original bill had no particular restrictions about it. It followed the usual course of bills which grant the right of way through territory belonging to the United States. This amendment restricts the width of the right of way to one hundred feet. It prevents any buildings except those absolutely necessary along the line of this road from being constructed, even on the one hundred feet, and allows side-tracks and turn-tables and houses for employés, and prevents the cutting of timber in the park except within the one-hundred-feet limit, or such timber as by overhanging the track or buildings might be dangerous if left standing. With these and some other provisions which are in the amendments, I reluctantly agree to the passage of the bill, guarding it as strongly as can be done from any abuse, and I desire to join the Senator from Missouri in stating here before the passage of this bill, if it shall pass, that the peculiar circumstances of this case and the necessity of granting to our own citizens the only right of way out from their mines to the markets of the world compel me to yield this much of my own judgment in regard to the use of the National Park. I do not desire that it shall ever be taken as a precedent, or be considered as a consent of the Committee on Territories or of myself, that highways and railroads shall be run through this National Park, or that this shall ever be taken as a precedent for the granting of rights of way to other railroads unless some such extreme urgency should arise.

Mr. GARLAND. I think the passage of this bill will amount in the end to a virtual nullification and repeal of the act originally passed in reference to the Yellowstone Park. If we intend to reserve that park, my judgment was in the Committee on Territories when the matter was before us that no such bill as this should be passed. I think the amendment proposed by the Senator from Michigan is eminently a proper one. While I shall vote for the amendment I shall vote against the bill after it is amended. But my purpose in rising was simply to suggest to the Senator from Michigan that his amendment should be amended by adding to it:

And the right of Congress to repeal, modify, or amend this act is hereby reserved.

Mr. CONGER. I have no objection to that amendment. I assume that that right inheres in Congress, but the expression of it is usual in such bills, and I will accept that, if the Senator desires me to do so, as part of my amendment.

The PRESIDENT *pro tempore*. The Senator from Michigan accepts the amendment proposed by the Senator from Arkansas.

Mr. SAWYER. I can see no objection to that amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Arkansas [Mr. GARLAND] accepted by the Senator from Michigan [Mr. CONGER] will be read for information.

The CHIEF CLERK. Add to the proposed amendment:

And the right of Congress to repeal, amend, or modify this act is hereby reserved.

The PRESIDENT *pro tempore*. This addition is accepted by the mover of the original amendment, the Senator from Michigan. The question is on the amendment as modified.

Mr. CALL. Mr. President, I hope that this bill will not be passed. I think when the Senate have deliberately passed a bill setting aside this park as a national reservation, then an attempt to pass another act at the same time which virtually destroys the force and efficacy of that reservation and the purposes for which it was made, and which must end in the destruction of the game that may be found there, ought to be opposed unanimously by the Senate. There can be no doubt that the passage of a railroad through this reservation must destroy the game found there. The park and the natural curiosities there and the game were set aside to be preserved for future generations, for the naturalist and the philosopher. Great public objects will be promoted by faithfully adhering to this policy. We cannot estimate the value of the preservation of the remnants of the almost extinct animals of the western continent to science. For one I shall vote against the bill.

Mr. HARRISON. I call the attention of the Senator from Michigan to the fact that the bill as it now stands, in lines 14 and 15, provides that this grant of right of way shall be "subject to the provisions of the act of Congress entitled 'An act granting to railroads the right of way through the public lands of the United States,' approved March 3, 1875." I was trying to find that act, but have not yet done so. I understand it provides for a right of way of two hundred feet in width and may perhaps contain other provisions not consistent with the provisions of this bill. I suggest, therefore, that after the word "subject" in line 14 these words be added, "except as herein otherwise provided," so as to bring this grant under the general law "except as herein otherwise provided."

The PRESIDENT *pro tempore*. The amendment suggested by the Senator from Indiana will be in order after the present amendment is disposed of. The question is on the amendments of the Senator from Michigan.

Mr. VAN WYCK. The Senator from Indiana was inquiring as to the width of the right of way.

Mr. HARRISON. I stated that I understood the general law provided two hundred feet.

Mr. SAWYER. It does.

Mr. VAN WYCK. "To the extent of one hundred feet on either side of the center line of said road."

Mr. HARRISON. One hundred feet on each side. That is two hundred feet.

Mr. VAN WYCK. Two or three Senators who have spoken on this subject have spoken with some degree of force and emphasis, desiring to be understood that what shall be done now shall not be a precedent in the future. I do not exactly understand the force of that suggestion, whether it is intended that hereafter when an application may be made on its merits for any other road through any other corner of this park it shall be antagonized by the proceedings of the Senate at this time as a sort of conclusion or understanding that no other road shall ever go through the park. I desire as earnestly to protest on the other side that it shall not be understood that this shall not be considered as a precedent if an application is made from any other source.

Mr. CONGER. I had only for myself said that the peculiar necessities of this case were all that would induce me, with all the restrictions we could put on it, to consent to the passage of this bill. I protested against its being considered a precedent for any other road whatever through the park, and qualified it by saying unless the extreme emergency of the necessities of citizens might make it a proper case. I think on that protest of my own, backed up by the protest of the Senator from Nebraska, no person will ever dare to come to Congress to ask for such powers.

Mr. VAN WYCK. I desire to protest on the other side.

Mr. LOGAN. I did not intend to take any part in the discussion of this matter for the reason that I supposed from what I had understood that the persons who were examining into it would explain to the Senate and show an opposition that would have some influence on the minds of Senators. The fact that Senators protest against this being a precedent for the future is, as all of us know, nothing to be taken into account if any corporation shall desire a similar charter hereafter. I have heard this remark made very frequently in the Senate that we pass a bill merely because the necessities of the hour require it, but it must not be taken as a precedent in the future. Now I humbly protest against the passage of this bill at all, and in a very few words I will give my reasons.

This tract, by the legislation of Congress, was laid out as a national park on account of its beauty, its scenery, and the many curiosities that are there found, and the intention was that it should be kept for the use of the people of this country and visitors as a great and beautiful park where the people might resort at all times for the purpose of seeing the greatest curiosities that had ever been found in the world. But we find to-day, just as we have always found in the Congress of the United States, some corporation desires a railroad to run in there to disfigure the beauties of this park, and all that is necessary and has been in this country for years is for some corporation to ask Congress to do something, and, no matter what the request is, it is always done, but not to be taken as a precedent for the future!

I traveled through this park last summer with some other members of the Senate. We entered at the Montezuma Hotel, where the geysers that have existed in years gone by are about extinct, went through the fine passes of the mountains and the beautiful hills and valleys until we struck the immense geyser basin, the equal of which in beauty and grandeur and as a curiosity does not exist in the world. In passing around there I said (and we talked frequently about it) that we would never permit it, so far as we were concerned, to be invaded by a railroad or anything else that should be calculated in the future to destroy it or be a precedent for others to come and invade it.

Now, what is the object of this railroad? We are told that some gentlemen have got a mine up there in the hills and therefore they must have a railroad to come to their mine. Will Senators tell me that that is the only mine there is in that country? Will Senators tell me when they come to examine the hills and mountains in sight of the park that no other mines are to be found? And if, forsooth, another mine is found in or near the park, another railroad must be built for the benefit of the individual or the company that owns it?

My friend from Wisconsin [Mr. SAWYER], who knows all about railroads, thinks it will not injure the park to have a railroad, because somebody might be benefited by it. I find that men who are connected with railroads are always in favor of sending them anywhere, no matter where they desire to go. I ask any Senator who favors this bill, if another mine is found on the other side, why shall you not allow a railroad to be built to it as well as one to be built to this mine? What reason can Senators give for not granting the same rights to other parties which you give to this party? I should like some Senator to explain to me why it is that one party shall have the right to go into the park, and yet you say it shall not be a precedent; nobody else shall have the same right. If you give this right to one company, for the same reason that you give it to them you must give it to another, or else you do injustice. This is but the entering-wedge. This railroad means more than running to these mines; it means to branch off down the valley to the mines, and then the Senate will next be asked to allow a railroad to run from the Union Pacific Railroad up to the Cascades so as to make a continuous line across to the Northern Pacific; and that is the object of this. The "mine" is a mere gauze to cover it over. I heard it talked of when I was out in the park last summer that what was desired was to bring a branch road up from the Union Pacific line and tap it by a line from the Northern Pacific road. This is the entering-wedge for it, covered under a "mine."

I might as well say what I feel about this thing now. We passed a bill here saying that but ten acres of ground should be allowed for the purposes of a hotel, &c. What was done by the same Department from which this emanates? They divided up the ten acres into seven parts and gave to one company every place there was in the park for hotel purposes. They established one company with ten acres, securing every part of the park where a hotel could be established, and drove every body else out, ordered persons who had built cabins there for the benefit of poor travelers to leave the park so that these men should have the sole control of it.

I do not care who is hit. It makes no difference to me. There is an attempt being made, if I may use the expression, to gobble up everything in the park by railroads and hotel companies and herders. We found there men who seemed to have a monopoly given them by our Government, with herds of cattle and herds of horses, and places used as herding-grounds; and one of the objects was to have possession of every spot of ground where people would likely stop to view the curiosities in the hands of one company, and then that vast domain would be a vast ranch for them out of which they would make millions. That was the intention beyond all question. Now, a railroad must go in; some company that has a mine must have a chance to destroy the beauties of the park that was intended for the people of this country.

Sir, I think it is about time for us to stop in this career that we have been marching in for years. The Congress of the United States seems to be a mere football to be used according to the desires of men who wish to use everything in this Government for their own personal gain.

This much I have said, sir, in opposition to invading the National Park, for whenever you do it you will destroy it. There is not a government on earth, I believe, except our own that if it owned this beautiful park would allow it to be invaded or interfered with or used for any purpose except that which was contemplated by the bill that was first passed reserving it for the benefit of this people as a beautiful resort. I hope, Mr. President, that I may be pardoned for saying a word here that perhaps may not sound very pleasant to some persons outside, but I have been lobbied more this winter in behalf of this railroad by an official of this Government who is getting $5,000 a year than I ever was before in my life. It had no effect on me. I do not mean to say whether lobbying does have an effect or not, but this at least had not. I know the gentleman well, but I thought it was in very bad taste when one Department has charge of this park, put in its keeping for its preservation and to prevent its being despoiled, for an officer belonging to that Department to become a lobbyist for the destruction of the park which was put in the hands of his Department for preservation.

With all the respect that I have for all officers of the Government, whatever this gentleman may think about my remarks is immaterial to me. He and I have always been good friends; but I must say that in a great measure I lose my respect for any man who is an officer of this Government that will allow himself to use his influence for a corporation. That has been done persistently in the Senate and in the House day after day, and I think perhaps Senators enough have been button-holed to pass the bill to destroy this park; but I beg leave to enter my protest on the record against the action of the Government of the United States if it intends to go in the direction of this demand for the destruction of the park that was made for the people of this country.

Mr. VEST. Mr. President, when the bill passed the Senate at this session which is now pending in the House to amend the original act creating the National Yellowstone Park, a considerable portion of the northeast corner of the territory that was proposed to be added to the park by the bill as introduced was left out. A piece ten miles south and running five miles east of the original boundary was left out on account of these Clark Fork mines. They were represented to be mines of great value and that a considerable town had sprung up there. Rather than have the complications which would arise from a mining town inside of the limits of the National Park, the Committee on Territories ran the line ten miles south and five miles east so as to leave out these mines. After that bill had passed through the Senate and went to the House, this project, of which I had never heard before, was sprung upon the Senate to run a railroad through the northern portion of the park from Cinnabar, which is the terminus of the branch of the Northern Pacific Railroad, in a southeastern direction down the Yellowstone River to Cooke City, which is the village at which the Clark Fork mines are located. I said then that in my opinion this was an entering-wedge to a system of railroads that would utterly destroy the Yellowstone National Park.

I addressed a letter to General Sheridan on the subject to know whether some other survey could not be made and some other route discovered to these mines than the one that is presented in the bill before the Senate. General Sheridan submitted the matter to an engineer officer who had made a survey in a northern direction from Cooke City to the Northern Pacific Railway up Boulder Creek, and this officer replied that it was entirely feasible to construct a railroad upon that route without touching the Yellowstone Park at all. Notwithstanding that fact letters were brought before the Committee on Territories from the survevor-general of Montana, from the officials, from all the leading men, representing that it was absolutely necessary to construct this road in order to get at the ores in the Clark Fork mines. It seemed a foregone conclusion that the road would be constructed, and the question was whether it should go in a northern direction up Boulder Creek, or on the route that was proposed in the bill before the Senate.

In my opinion on the testimony a route could be found outside of the Yellowstone Park entirely, but the testimony was brought as I have said in such a fashion that I could not blame Senators for coming to the conclusion that in order to get across to these mines at all it is necessary to take the route projected in the bill now before us. I believe with my knowledge of the American people, and especially of the Western people, that if these mines turn out to be as valuable as they are supposed to be and as they are reported to be, they will in some sort of way and by some sort of means and influence force a railroad through the park in order to reach the mines.

What the Senator from Illinois has said in regard to the management of the park is every word true, and he might have added in addition to it that besides nullifying the act of Congress passed at the last session which limited for hotel purposes the tracts granted to ten acres, after cutting up ten acres into seven parts and giving them to one company known as the Rufus Hatch Improvement Company, the Secretary of the Interior then permitted an order to be made, a copy of which I have myself, in which no transportation could be hired by or granted to any tourist or traveler in the park except from this improvement company itself. Every provision in the act of Congress was nullified, and the result has been as the Senator from Illinois stated, that the park has been as absolutely under the control of that improvement company as if it was their private property. Recent events have been such that the orginal object of the company has entirely failed, and I received the other day a letter from the mechanics who constructed the hotel at the Mammoth Hot Springs, stating that they had seized the hotel and they were now in possession of it in order to secure their wages and the cost of its construction, and declaring that they intended to hold it, there

being no other law in the park, by force of arms until they received the money which was contracted to be paid to them.

Mr. VOORHEES. May I ask the Senator from Missouri a question for information?

Mr. VEST. Certainly.

Mr. VOORHEES. What company is to build this railroad through the park?

Mr. VEST. The title is given in the bill—a company called the Cinnabar and Clark's Fork Railroad Company. The initial point is Cinnabar, which is the terminus of the branch running from the Northern Pacific Railroad down toward the park, and the terminus of the road is at Cooke City, which is the point where the Clark's Fork mines are located.

Mr. VOORHEES. How much of the track is to be laid in the park?

Mr. VEST. About sixty miles, I think.

Mr. HARRISON. I think a little less than that. I think the estimate of the whole distance is about fifty or sixty miles—perhaps forty in the park.

Mr. VEST. It may be that.

Mr. VOORHEES. Now I desire to make a single remark with the consent of the Senator from Missouri. This seems to be a novel subject to the Senate at this time. We have set aside the park because of its great natural curiosities; it is rich in the graces and beauties of nature; and we have not had it set aside more than a year and a half for the enjoyment of the American people, in the cultivation of esthetic taste, until a railroad drives headforemost, locomotive light up, to lay its track down through it. I am not going to vote for this bill as at present advised, and I think the Senate ought to vote it down and look the matter over a little more fully at least. If this is to be done, then it is just as well to throw open this reservation that we have set aside and be done with it, and let each person go in for a grab. When you open up a Government reservation set aside because of its curiosities and its game and the wonders of nature to one railroad track, there will be another railroad track and another one, and all this talk about its not being a precedent, just as the Senator from Illinois says, amounts to nothing at all. Whenever another company wants the same favor, it will be backed up by the same reasons for granting it, and it will be granted.

I do not know whether it was the wisest thing at the beginning to set aside this reservation. If it was, it ought to be retained as such. If it was not, it ought to be abandoned. For the present I propose to stand by existing legislation, and protect it, until I know of more cogent reasons than have been presented, why this should be done.

Mr. MCPHERSON. Will the Senator from Missouri yield to me to ask a question for information?

Mr. VEST. Certainly.

Mr. MCPHERSON. How near does any railroad come to the park anywhere?

Mr. VEST. Cinnabar, which is the terminus of the branch of the Northern Pacific Railroad, is a few miles from the northern boundary of the park.

Mr. MCPHERSON. Within a convenient distance?

Mr. VEST. Within five miles, I think.

Mr. MCPHERSON. The Senator spoke of the monopoly that had absolute control of the hotel improvements in the park. Is there anything in the law requiring that the charges for accommodations there shall be reasonable?

Mr. VEST. The general law simply puts this park under the control of the Secretary of the Interior, and he grants contracts for hotel privileges. The rates of charge are approved by the Secretary of the Interior and published.

Mr. MCPHERSON. Are those rates exorbitant, in the opinion of the Senator?

Mr. VEST. I can not say that they are. I never examined them particularly. I heard considerable complaint of them last summer in the park, but you always hear more or less of that from persons who are tourists. What I complain of, if I complain at all, what I call the attention of the Senate to is that after we had limited the amount of land for hotel privileges after a debate here in the Senate of which the Interior Department was perfectly aware, after we had by law limited the amount of land for hotel purposes to ten acres for any one tract, then the Interior Department nullified that act of Congress by taking a tract of ten acres and cutting it into seven parts and giving one seventh to each of the objects of interest in the park and the control of those objects to one company. The object of Congress was that there should be no monopoly, and in order to bring that about we provided that not more than ten acres should be granted to any one person or corporation. The Secretary of the Interior evaded that by taking ten acres, having originally by contract allowed this company to have nearly 5,000 acres of land for hotel purposes, and after Congress had destroyed that contract and limited it to ten acres, he then took ten acres and allowed one-seventh of ten acres to surround each one of the geysers and the Yellowstone Falls, so as to give them sole absolute control of the park with only a smaller quantity of land.

Mr. HARRIS. Seven hotel locations instead of one.

Mr. VEST. Seven hotel locations.

Mr. ALLISON. I do not understand it in that way. Do I understand the Senator from Missouri that there are seven hotel locations in the park?

Mr. VEST. Yes, sir; seven hotel privileges.

Mr. ALLISON. And that at each one of these places he gave one company one-seventh.

Mr. LOGAN. This company?

Mr. VEST. Only one company.

Mr. ALLISON. He gave this one company the one-seventh, allowing six others to have what?

Mr. LOGAN. No, sir.

Mr. VEST. No; he did not allow anybody else but one company.

Mr. ALLISON. Then I understand the Senator from Missouri to say that this park is now in the control of a single corporation absolutely.

Mr. VEST. That is what it is, except that the corporation is bankrupt. That is all that saves us. Every word of that is the truth.

Mr. SAWYER. I do not see what that has to do with this bill.

Mr. LOGAN. If the Senator from Missouri will allow me, I wish to suggest to him in the line of his remarks that he give the distance between these hotels belonging to the same company. There is one for instance at the Mammoth Springs; then the next one—I forget the name of the stream it is on—the next at the geysers, and so on around, and at the Yellowstone Falls; there are seven spots for locating hotels belonging to the same company on the ten acres given to that company, and some of them are fifty miles apart.

Mr. ALLISON. And can nobody else have the right?

Mr. LOGAN. No, sir.

Mr. ALLISON. Then they have absolute control of the park.

Mr. VEST. In order that this may be understood, as we have gone thus far——

Mr. INGALLS. Do I understand also in that same connection further that no person can get into the park except upon the horses or vehicles belonging to this company?

Mr. VEST. That was the order a copy of which the Senator from Massachusetts [Mr. DAWES] has and I have. Although we had actually provided by act of Congress that there should be no monopoly and no exclusive privileges to any corporation or person, still the Secretary of the Interior permitted, or at least it was done, and I saw the notices publicly there and brought one of them away.

Mr. INGALLS. A good deal like the Garden of Eden after the angel with the flaming sword was stationed before the gate.

Mr. SAWYER. I should think my friend from Missouri would be willing to have this railroad so as to have a way to get in there.

Mr. HARRISON. It was expressed to be by order of the superintendent of the park.

Mr. VEST. The superintendent called on me and showed me an order from Mr. Joslyn, Assistant Secretary of the Interior, authorizing him to issue this order. But I want to say to the Senator from Iowa, in order that there may be no mistake in regard to what I stated about the contract which was attempted to be made by the Interior Department more than a year ago, that six hundred and forty acres of land in seven tracts, each one of these tracts surrounding one of the principal objects of interest in the park, including the geysers and the Yellowstone Falls and a portion of Yellowstone Lake which is visited by tourists, the rest of the lake being inaccessible—by this contract these seven tracts of six hundred and forty acres each were to be leased to Rufus Hatch & Co., with absolute control of transportation and hotel privileges in the park.

By the action of Congress that contract was stopped, and the chairman of the Committee on Appropriations will recollect a debate which we had in regard to an amendment I offered to the sundry civil bill, limiting the amount to forty acres in each tract. Upon motion of the Senator from Indiana that was further decreased to ten acres, and the amendment to the sundry civil bill, which became a law, prohibited the Secretary of the Interior from leasing more than ten acres in any one tract to any one person or corporation for hotel purposes, and provided that not more than one tract should be leased to any one person, the object being to destroy this very monopoly which had been attempted to be created. Congress had not adjourned one week until the Secretary of the Interior made a contract with the very same company, Rufus Hatch & Co., cutting up a tract of ten acres into seven parts, and putting the fractional pieces of land around the same objects of interest. The only difference between it and the contract was that Rufus Hatch & Co. hold all the geysers, the falls, and a part of the lake, altogether ten acres cut into seven pieces, instead of six hundred and forty acres in each tract around each one of these objects.

Mr. ALLISON. Now, I ask the Senator what becomes of the remaining portion of the ten-acre tract around these objects of interest?

Mr. VEST. There was no remaining portion, because they cut the ten acres into seven parts.

Mr. ALLISON. That gave one-seventh to this company.

Mr. VEST. One-seventh around each object of interest, one acre and three-tenths at one point, one and four-tenths acres at another, and so on, so as to amount exactly to ten acres in all.

Mr. ALLISON. I seem to be obtuse about this whole business. Now, I understand that there are seven places of interest.

Mr. VEST. Yes.

Mr. ALLISON. And the law of last year required that not more than ten acres at each one of these places should be leased to one person.

Mr. VEST. Yes; that was the sundry civil act.

Mr. ALLISON. Now, at one of these places this company, as I understand, took a lease of one-seventh of ten acres.

Mr. VEST. Yes.

Mr. ALLISON. Now, I want to know what became of the other six-sevenths of that particular ten acres?

Mr. VEST. That was applied to the other objects of interest. The Department took ten acres and divided them into seven parts and put one fraction around each one of these objects of interest, and thus made a contract for the whole ten acres. Now you have the thing.

Mr. ALLISON. You have only ten acres, and there must still be sixty acres undisposed of. What I want to know is what has become of the remaining sixty acres?

Mr. VEST. Under the construction of the Secretary of the Interior, he held that ten acres could be let to one person and divided as the person pleased.

Mr. ALLISON. The Senator does not still get the point I want to understand. There are seventy acres set apart about these objects of interest. Now, the company of which the Senator speaks took ten acres. What has become of the other sixty acres?

Mr. VEST. Under the construction of the Secretary of the Interior, there is no residue. Under the construction that I gave to it, and that I thought Congress gave to it, there were seventy acres.

Mr. VOORHEES. May I ask the Senator from Missouri a question?

Mr. VEST. Certainly.

Mr. VOORHEES. The description which the Senator gives of the administration of affairs in the Yellowstone Park is very entertaining and very interesting; and now I should like to know, and I am sure it is what the Senator from Wisconsin would like to know, what connection that has with the railroad bill?

Mr. SAWYER. That is what I should like to know.

Mr. VOORHEES. It has some connection, I presume.

Mr. VEST. I am sorry I have been led into this discussion, which has nothing to do with the railroad particularly, except that this railroad runs through the park and is associated with the park.

As to this railroad I want to say only one word more, and I am done with it. In my judgment no railroad at all ought to be permitted to go through the park; no railroad ought to be permitted to touch in any direction or at any place. I have opposed the construction of any such road, but there seemed to be an overwhelming sentiment against me, and I am satisfied that sooner or later some road will be constructed through some portion of it, though I hope that time will never come.

Mr. HARRISON. Mr. President, I only want to say a word.

Mr. WILSON. Will the Senator from Indiana yield to me a moment?

Mr. HARRISON. Yes, sir.

Mr. WILSON. The Senator from Indiana made some suggestion covering the position of the superintendent of the park in connection with this matter. I wish to say, in justice to the superintendent of the park, that in correspondence with me he has expressed himself as utterly opposed to all invasions of the park by railroad or hotel companies or in any other respect. I wish to make that statement in justice to that officer, and, in addition thereto, I will state that there is correspondence from the superintendent of the park on file in the Interior Department which, in justice to him, I shall call for by resolution of the Senate at an early day. I think it ought to be communicated to the Senate and put in our possession.

Mr. VEST. All that information is before the Senate in a printed form.

Mr. WILSON. It is not. There is a letter from the superintendent of the park that is not embraced in that document.

Mr. HARRISON. Of more recent date probably.

Mr. VEST. Very likely.

Mr. WILSON. Or it may be of a date earlier, but may not have reached the Department at the time the communication was made to the Senate by the Secretary in response to the resolution.

Mr. LOGAN. I take it that the Senator from Iowa is right in what he says in justification of the superintendent of the park; and these reflections, if they may be so considered, in reference to the notices that were published over the signature of the superintendent of the park should not fall on him, because the notices were published in accordance with directions issued to him from the office of the Secretary of the Interior. When we were there the letters, notices, and everything were shown to us, and I saw them myself, so that there is no fault with the superintendent. It was simply a subordinate carrying out the instructions given to him.

Mr. HARRISON. Mr. President, in making the inquiry which I did a few moments ago of the Senator from Missouri as to the authority upon which these notices seemed to have been issued, I had no intention of reflecting upon the superintendent of the park or anybody else. I only wanted to know whether these placards or posters or circulars were issued by the hotel and improvement company as a claim of certain exclusive privileges, or whether they had an official character. That was the object of my inquiry. Certainly if the superintendent of the park issued those orders in pursuance of instructions from his superior, the Secretary of the Interior, no criticism can be made upon his conduct.

But I rose, Mr. President, simply to explain to the Senate the course which this bill has taken up to this time. From the fact that the members of the Committee on Territories have been proposing these amendments and have been chiefly occupying the time which has been given to the discussion of the bill, I thought perhaps some might get the impression that this bill had been reported from that committee. The fact is, as Senators will see by looking at the bill, that it was reported from the Committee on Railroads, the appropriate committee to consider this question perhaps. When it was reached upon the Calendar objection was made either by myself or the Senator from Missouri to this invasion of the park by a railroad, and we asked that it might be passed over without prejudice until our committee could consider the question. Therefore the interest which members of that committee have taken in this bill and in its discussion.

For one, I have been persuaded from the beginning that no railroad would be constructed upon the line proposed here solely for the purpose of bringing out ore or any other produce or freight from the Clark's Fork mining district, or Cooke City, as it is called. I have believed that as this railroad would bring tourists nearer to the falls of the Yellowstone, would certainly bring them close to Barnett's Bridge at the crossing of the Yellowstone, it was thought to be a profitable venture in connection with tourist travel in the park. I have not believed that, separated from that consideration, it would be proposed to construct this route. At the same time, as the Senator from Missouri has said, there was evidence furnished to the committee of the existence of important mines which were turning out a considerable amount of bullion at Cooke City, and it was represented by divers persons in official and in private position in Montana that this route was the only practicable one to reach Cooke City with a railroad. Now, upon information to which the Senator from Missouri has alluded, and upon information which I have had myself in a letter or two, one especially from a miner located at Cooke City, I have believed that it was practicable to construct a road entirely outside of the park down what is called the Big Boulder Creek in a northerly direction toward the Northern Pacific Railroad. I have believed that was practicable. Perhaps it would be a more expensive route; that would have to be determined by an actual survey. The Committee on Territories only yielded so far that they would withdraw their objections—the matter was not before us in any formal shape in which we could take action—to the consideration of the bill, and would propose certain amendments, leaving each member free to take his own course as to favoring or opposing the bill itself.

I think, for one, that it were well to have more definite information, that those who desire to reach the mining camp should lay before us some survey of the two routes which have been made—observation surveys; they need not be detailed, but observation surveys of these two routes, in order that we might definitely determine whether there was not a route entirely outside of the Yellowstone Park over which these people could build their road and get out their freight and produce to Cooke City. This road, if it is built, runs up the valley of the Yellowstone to the mouth of the East Fork, and, as indicated in a rude way upon the map which we have seen, would probably cross the Yellowstone River several times.

I sympathize somewhat with what the Senator from Illinois has said as to the particular direction from which urgency for the passage of this bill has come. I hope the efforts which were made by the person to whom he has referred without naming him were made without any reflection upon what seemed to him and seemed to me the impropriety of that course. I have no other information as to who it is that is interested in this project. I have been disposed to consider it as in part a proposition to reach these mines, and having at least a subsidiary interest connected with it of getting a road that entered the park that would be valuable as a tourist road in the summer time.

For one, I am not in favor of the passage of the bill. I think that even if the interests in connection with those mines are shown to be so important that they should dominate, what some may call the sentimental interest connected with the preservation of this park as a pleasure resort, it is not yet demonstrated—and when it is there should be added to that proof a demonstration that there is not some equally advantageous route by which they may reach the Northern Pacific Railroad.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Michigan as modified.

Mr. VAN WYCK. Probably the Senator from Michigan will accept an amendment to his amendment which I wish to propose.

The PRESIDING OFFICER. An amendment to the amendment is in order.

Mr. VAN WYCK. This is it:

That the rates for passenger and freight traffic over said road shall be first approved by the Secretary of War.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska will be read.

The SECRETARY. The amendment to the amendment is:

That the rates for passenger and freight traffic over said road shall be first approved by the Secretary of War.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. VAN WYCK. Does the Senator from Michigan accept my amendment?

Mr. CONGER. I have no right to accept an amendment in regard to the charter of this road of which I am not in favor. If the Senate shall pass this bill my amendment is to restrict it to the smallest possible territory and to the least possible encroachment on the park. I have nothing to do with the general bill. My object will be accomplished if the bill pass by having the most stringent regulations possible, to make it as little injurious to the park, to that great preserve, as possible. It is not for me to accept any amendment in regard to the general character of the bill. My object is to place restrictions upon it and confine it to a right of way one hundred feet wide, and prevent any timber whatever being taken except from the one hundred feet, or stone or dirt or anything. I join with the other gentlemen—I believe I have already expressed it—that I am unwilling to favor any bill that shall encroach on this park, as I think our Committee on Territories are; but if the bill passes I think it proper that we should make it a mere right of way without any other appurtenances that should make this a road for traffic in the park either for passengers or freight, and therefore this is left just as a mere passage-way.

There was proof to my mind before the committee that in the other direction, up the stream to which this road is to pass, and over the mountains which intervene from the north and northeast between these mines and the Northern Pacific, there is a shorter route than this; but there are ranges of hills that run in such a direction that they must be passed over to reach the nearest creek on the map, and the opinion of some who have spoken on the subject is that such a road not only would be excessively expensive but that it is impracticable for any route to pass that way. I agree that if it is possible, even at much greater expense, to go off from these mines in an easterly direction by any practicable route, not in the park at all, it would be much more satisfactory to me.

With these views, I have nothing to do with accepting or rejecting any proposition. I have no other amendment to make to the bill, either to accept or reject, than that, if this must go through the park, to restrict it to the least possible danger of injury to the park or encroachment upon it.

I may say here that if this road ran in the neighborhood of the main, leading curiosities in the park, the geysers, and the beautiful things that are to be preserved there, or if it went off nearer to the boundaries of the park than where it enters the park, I should oppose its going there at all, let the mines go up or down.

Mr. VAN WYCK. I agree with what the Senator from Michigan has said, but I still further think that the limitation should be extended as to the rates which this road shall charge.

Mr. CONGER. The Senator will allow me to suggest to him that the proper place for his amendment is in the body of the bill granting powers, and not in my amendment.

Mr. VAN WYCK. I thought it better to put it on the amendment, to complete the amendment, as the amendment was restrictive. The committee which reported this bill gave this railroad company, without intending it, the right to take all the timber they wanted from the public domain, except as it is curtailed and limited by the amendment of the Senator from Michigan, and I desired to make that restriction still more effective, so that there shall be some benefit to the people, if this road must be built, by allowing the Secretary of War to restrict and fix the price of transportation over the road. Congress already, having control of this park, has provided how the rates of hotel charges shall be fixed; and why should we not also provide some way in which the charges over this road shall be fixed?

I presume this is a branch of the Northern Pacific Railroad. All these roads of course need this restriction, and I may be allowed to say here that I think the country will rejoice that light is beginning to break on the United States Senate. It would not be so strong if some Senator had not seen and felt the power of these grasping monopolies. Senators who have visited the Yellowstone Park have seen it and felt it, and what they have seen and felt there the citizens of this Republic have seen and felt in all the Territories of this Union. There is nothing more for censure in the administration of the affairs of the Yellowstone Park than there is in every other Territory. I take it that it is not disputed that this road is a branch of the Northern Pacific Railroad.

Mr. CONGER. I understood, and I think the committee did, that this is an independent road, entirely distinct from the Northern Pacific Railroad. I have no information on the subject, however.

Mr. VAN WYCK. The Northern Pacific have a branch to Cinnabar, have they not?

Mr. CONGER. I do not know anything about it.

Mr. VAN WYCK. This is a branch from Cinnabar to the Yellowstone Park, the Northern Pacific now having a branch to Cinnabar. These branches are under the cover of another organization of their own creation; that is what it means; and the excuse for this is the existence of a mine in that section of country, as the Senator from Illinois says.

Mr. MCPHERSON. May I ask the Senator from Nebraska a question?

Mr. VAN WYCK. Certainly.

Mr. MCPHERSON. As I understand this case, all matters pertaining to the park are under the control of the Secretary of the Interior. Why is it that the honorable Senator now proposes that the simple matter of the regulation of transportation rates shall be delivered over to the Secretary of War? Does it require two great Departments of this Government, one to regulate all the affairs of the park in respect to hotels and their accommodations, and the other to regulate transportation charges?

Mr. VAN WYCK. Yes, sir; it will require two Departments to do it effectually and to accomplish anything. One has not done much except on one side of the case.

Mr. MCPHERSON. Perhaps it was an improper question for me to ask, as I know nothing about the facts, but judging from the admissions made by Senators on the other side of the Chamber those gentlemen certainly have a faculty of wandering widely from the law more than any political party of which I have any knowledge.

Mr. VAN WYCK. I heard the words of the Senator and tried to catch his idea, but really I did not see the application. If the Senator will please make his application a little plainer I shall be glad.

Mr. MCPHERSON. I do not think it is necessary.

Mr. VAN WYCK. If the Senator is satisfied, very well. The Senator wonders why I desire two Departments to have charge of this. Evidently one has not been able to do it. If there is any political aspect of the case, it comes from the political associates of my friend. I am rejoiced to know that there is no politics in this matter, that there is one thing which can come up in the American Senate affecting the people generally without regard to politics. One Department has not been able to do this, it seems, and the Secretary of War I suppose would be probably the best, because he can a little more easily perhaps resist certain influences.

Mr. MCPHERSON. Has the Secretary of the Interior had an opportunity of regulating the charges on this railroad?

Mr. VAN WYCK. He has had the regulation of the eating and sleeping arrangements of the hotels.

Mr. MCPHERSON. But I understood the Senator to say—perhaps I did not understand him correctly—that the charges at the hotels and for other services rendered to tourists by the so-called monopoly in the park were not exorbitant or extravagant; that they were reasonable. Now if the charges are reasonable, both for hotel accommodations and for stage accommodations, which, as I understand, are very much needed by tourists in the park, as it is impossible to reach the points of interest except by stages—if sufficient accommodations are afforded both as to hotels and stages, and the Secretary of the Interior has managed them prudently and well, why not leave to him the minor question of regulating the transportation of passengers, and not call on two great Departments of the Government to do what one can do just as well.

Mr. VAN WYCK. Here is a railroad concerned. I do not care so much about the hotel as the railroad.

Mr. MCPHERSON. I will say to the Senator now that I expect to vote against granting privileges to a railroad to cross the park except necessity for it can be shown, and I will qualify my remark by saying this further: If it can be shown that there is a communication leading to important industries beyond the park, even at an extravagant cost to reach them by some other route, I should certainly vote against letting a railroad line cross the park. If it can be shown—and I have no knowledge of the facts—that lying beyond the park there are important industries to reach which it is necessary to cross the park, I care not whether those industries be mining or agricultural or what they are, I say then it is the duty of Congress, under certain regulations, under certain restrictions that can be as onerous as you please, to give the facilities for communication. But that is not shown; no Senator has so stated; and therefore it is my expectation to vote against the construction of this railroad across the park. Therefore the Senator need not say there is any influence on behalf of railroads in my course.

Mr. VAN WYCK. Then, as to the regulation of railroads, the Senator will not deny that we can regulate the charters of railroads which we allow to go through our public park.

Mr. MCPHERSON. Now, perhaps if the Senator will yield to me he will not follow me quite so far as I would go on the question of the regulation of railroads. I believe that it is within the power of the National Government, where railroads cross the national territory, and within the power of the State governments in the States, and that it is the duty of both the National and the State Governments, to regulate the charges upon railroads.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. SAWYER. I ask the Senator from Massachusetts to give us a few minutes. I do not want two minutes' time. I merely ask to have the report read and that we may have a vote on this bill.

Mr. HOAR. I would do more for the Senator from Wisconsin than for any other man in the Senate, but if he takes his vote now his bill will be beaten, and if it goes over until to-morrow he will have a chance to save it. I think I must object.

The PRESIDENT *pro tempore*. The Utah bill is before the Senate.

Mr. LOGAN. I wish to offer an amendment to the railroad bill, so that it may be printed:

Provided, That an examination shall be made by some competent engineer of the Army, under the direction of the Secretary of War, and if any other route can be found to the Clark's Fork mines mentioned in this act over which a railroad can be constructed without passing through any part of the said park, then on the report of this fact to the Secretary of War this act shall be null and void.

The PRESIDENT *pro tempore*. The proposed amendment will be printed.

NOTICES OF BUSINESS.

Mr. HARRIS. I desire simply to give notice, which I suppose is quite unnecessary, that immediately on the conclusion of the regular morning business on to-morrow morning I will move to proceed to the consideration of the Mexican pension bill.

Mr. CONGER. I wish to give notice that until it is disposed of I shall ask the Senate from day to day as opportunity may arise to consider the resolution of the Senator from Nebraska which I have moved to refer to the Committee on the Judiciary.

Mr. VAN WYCK. I trust the Senator will also see that when he calls it up and gets it before the Senate for consideration he will not yield the floor to a measure which will occupy the whole of the morning hour.

Mr. CONGER. It was the opinion of some of my friends that we might engage a part of the time in a little useful business rather than be occupied during the entire hour that I understood would be occupied by the Senator from Nebraska in discussing the resolution.

HOUSE BILLS REFERRED.

Mr. JONAS. I wish to call up the House joint resolution lying on the President's table.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks that the Chair lay before the Senate a joint resolution from the House of Representatives, which the Chair accordingly does.

The joint resolution (H. Res. 255) appropriating the further sum of $100,000 for the sufferers by the overflow of the Mississippi River and tributaries was read twice by its title.

Mr. JONAS. If I thought it would not take too much of the time of the Senate I would ask for the present consideration and passage of the resolution.

Mr. HOAR. I must object.

The PRESIDENT *pro tempore*. Objection is made, and the joint resolution will be referred to the Committee on Appropriations.

PAY OF SENATE EMPLOYÉS.

Mr. VOORHEES. I offer a resolution and ask that it be printed and go over until to-morrow.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and instructed to pay the officers and employés of the Senate their respective salaries for the month of May, 1884, on the 29th day of said month.

Mr. VOORHEES. The House has passed a similar resolution for their employés. I move that this resolution be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; in which it requested a concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the importation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals; and it was thereupon signed by the President *pro tempore*.

ALEXANDER SWIFT & CO.

Mr. HOAR. I ask unanimous consent to make a report at this time. I am directed by the Committee on Claims, to whom was referred the bill (S. 567) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works, to report it with an amendment in the form of a substitute. I should like to call the attention of the Senator from Mississippi [Mr. GEORGE] to it.

Mr. GEORGE. The chairman of the Committee on Claims [Mr. CAMERON, of Wisconsin] and myself dissent from that report, and we ask leave to present our views hereafter.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The request will be granted if there be no objection. The Chair hears no objection.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 2269) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 2270) to extend the limit of cost in the construction of the Government building at Columbus, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

JOHN ALGOE.

Mr. CULLOM. I ask leave to report from the Committee on Pensions upon the amendment of the House of Representatives to the bill (S. 783) to increase the pension of John Algoe, and I move that the Senate concur in the amendment made by the House. I will state that the Senate passed the bill making the pension $50 a month. The House has reduced it to $45. I move that the Senate concur in the amendment.

The amendment was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was read twice by its title, and referred to the Committee on Claims.

POLYGAMY IN UTAH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. BROWN. Mr. President——

Mr. HOAR. Before the Senator proceeds, I wish to be indulged for a moment. There was an amendment offered by me, not formally offered by the Committee on the Judiciary, but on consultation with at least one member of the committee in regard to dower, which I should be glad to have embraced in the understanding by which the amendments offered should be considered as part of the bill, with the right to amend them as if they were parts of the bill. The effect will be that it will give the right to make additional amendments.

The PRESIDENT *pro tempore*. Does the Senator from Georgia yield for this purpose?

Mr. BROWN. I do.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the amendment which will now be read shall be considered as a part of the bill.

The Chief Clerk read as follows:

Add the following as an additional section:

SEC.—(a.) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage.

(b.) The widow of any alien who, at the time of his death, shall be entitled by law to hold any real estate, if she be an inhabitant of this State at the time of such death, shall be entitled to dower of such estate, in the same manner as if such alien had been a native citizen.

(c.) If a husband, seized of an estate of inheritance in lands, exchanges them for other lands, his widow shall not have dower of both, but shall make her election, to be endowed of the lands given, or of those taken, in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange, within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(d.) When a person seized of an estate of inheritance in lands shall have executed a mortgage of such estate before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged, as against every person except the mortgagee and those claiming under him.

(e.) Where a husband shall purchase lands during coverture and shall at the same time mortgage his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands as against the mortgagee or those claiming under him, although she shall not have united in such mortgage, but she shall be entitled to her dower as against all other persons.

(f.) Where, in such case the mortgagee, or those claiming under him, shall after the death of the husband of such widow cause the land mortgaged to be sold either under a power of sale contained in the mortgage or by virtue of the decree of a court of equity, and if any surplus shall remain after payment of the moneys due on such mortgage and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life as her dower.

(g.) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(h.) In case of divorce, dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that this amendment be treated as a part of the text of the bill and subject to amendment. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. BROWN. Mr. President, as the question I am about to discuss is an important one, and I have prepared my remarks with some care, I desire to say in advance that I will not submit to interruptions during the delivery of my speech. At the close of it I will cheerfully answer any questions that may be propounded by Senators, or engage in any running debate to the extent I may think necessary to a full understanding of the whole question. As the bill reported by the committee is one professing to have for its objects, as stated by Mr. HOAR, in charge for the committee, on yesterday, the correction of improper social habits in Utah and the punishment of illicit intercourse between the sexes and the preservation of the purity of the family by the suppression of polygamy, it would seem not only to be germane to the objects of the bill but proper that we should also consider what is necessary to protect the family against the wrongful dissolution of the mar-

riage tie and the contracting of other marriages which are illegal and immoral. In other words, if the protection of the family against illegal and immoral marriages is a proper subject of Congressional legislation, then the protection of the family against illegal dissolution of the marriage tie and adulterous remarriages is likewise a proper subject for our consideration.

The question of the marriage relation and of the manner of dissolving the marriage tie is often discussed with propriety in ecclesiastical and clerical assemblages. And some may consider it an encroachment upon the proper prerogatives of that jurisdiction to discuss the subject here.

But as the question of the family and of the marriage relation is considered necessary for discussion in and action by Congress, it follows that the moral principles which lie at the foundation of the family and the dissolution of the bond of marriage are also proper for discussion while these questions are under consideration in the Senate.

If, then, in the remarks which I shall make I may seem to trench upon the rights of any other jurisdiction, let it be borne in mind that our own jurisdiction over the question can not be properly discussed nor our own duties properly performed without an examination into the great moral principles which underlie this whole question. Before I proceed further I will ask the Secretary to read the amendment which on yesterday I proposed as an additional section to this bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

That the voluntary sexual intercourse of a married person with one of the opposite sex, not the husband or wife of such married person, shall be cause, and the only cause, of absolute divorce from the bond of marriage in the District of Columbia and in the Territories of the United States and in other places subject to the exclusive jurisdiction of the United States; but the courts of the United States may, in proper cases, as at common law, grant divorces from bed and board in said District, Territories, and other places subject to the exclusive jurisdiction of the United States.

Mr. BROWN. The bill is directed against the abuse of the family by an illegal plurality of marriages in Utah, which is called polygamy. My amendment is directed against the destruction of the family by the rapidly increasing practice of divorce, which is forbidden not only by the principles of sound morality, but by the divine law itself, and against the polygamy which is rapidly increasing by remarriages by numerous parties who have been illegally divorced. But before entering upon that part of the subject, I shall make some remarks upon the constitutional guarantees which are thrown around religious liberty in this country, and upon the proper organization of the family.

Mr. President, the Constitution of the United States expressly declares that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Webster, in his dictionary, defines religion as follows:

First, the recognition of God as an object of worship, love, and obedience; right feelings toward God as rightly apprehended; piety. Second, any system of faith and worship, as the religion of the Turks, of Hindoos, of Christians; true and false religion.

Then, Mr. President, the Constitution of the United States guarantees to every citizen of the United States the free exercise of his religion, whether he be Christian, Turk, Hindoo, or Mormon, and the Congress of the United States not only has no right by any act to restrict the free exercise of religion, or of religious opinion, but such restriction is absolutely forbidden. But this free exercise of religion which is guaranteed by the Constitution of the United States does not authorize the practice of gross immorality under the cloak or in the name of religion.

According to the general opinion of the Christian world, and according to the statutes of the Congress of the United States, the practice of polygamy is grossly immoral, and is not only prohibited by statute, but its practice is to be punished by penitentiary imprisonment. The Supreme Court of the United States has sustained this construction of the constitutional provision under consideration. It follows, therefore, that no Mormon or other person in a Territory of the United States can shield himself in any court when arraigned for the practice of polygamy by pleading his religious freedom as a justification. Then what follows? Those who commit polygamy in the Territories are subject to indictment, trial, and punishment in the courts of the United States. When convicted after a fair trial, it is the duty of the court to sentence the defendant to penitentiary imprisonment, just as it is the duty of the court upon trial and conviction to sentence any one who is found guilty of murder or any other felony.

The same rule which applies to the class of offenders known as polygamists applies in like manner to every other class of violators of the penal statutes of the United States; and the criminals of this class should be arraigned, tried, and convicted as are the criminals of other classes of violators of the penal code. I have repeatedly denounced polygamy on this floor. I consider it grossly immoral—in violation of the laws of God and man. Our law consigns polygamists to the same punishment, when convicted, to which it consigns any other like class of criminals. I admit, in the broadest sense of the term, that no Mormon or other citizen of a Territory can defend himself in court under an indictment for polygamy by pleading his right to the free exercise of religion.

But while this is true, I utterly deny that the Congress of the United States, or any department or officer of the Government of the United States, has any power to punish a Mormon or any other citizen of the Territory by imprisoning his person or confiscating his property, or depriving him of his right to vote or hold office, or of any other civil right, for bigamy or polygamy or any other crime without presentment or indictment of a grand jury and trial and conviction by due course of law. And I utterly repudiate the right of the Government of the United States or any department or officer thereof to ascertain the guilt of any such offender by the application of a test-oath, or to deny to any one the exercise of any right of a citizen on account of his or her refusal to take such oath or to be interrogated under oath as to his or her guilt or innocence.

And while it is true that the Mormon who commits polygamy is subject to indictment, conviction, and punishment, as any other criminal, it is equally true that the 100,000 Mormons who, as the report of the Utah commissioners appointed by the President shows, do not practice polygamy are protected by the provisions of the Constitution already referred to in the free exercise of their religious opinions. And no Mormon can be convicted or punished, or his goods seized, or his property confiscated, or his right to vote or hold office abridged, on account of any opinion he may entertain on the subject of polygamy, if he does not engage in its practice. A church or sect whose religious faith is that the Old Testament practice of polygamy is right and the Christian practice of monogamy wrong has as much right to the free exercise of its opinions as any other church or sect in the United States.

One sect or class of religionists believes in the Old Testament scriptures, and utterly repudiates the New; another believes in the present Christain Sabbath, while another repudiates Sunday as the Sabbath, and believes only in the Jewish Sabbath, or that Saturday is the true Sabbath.

Each of these is fully protected by the Constitution of the United States in the free exercise of his religious belief as long as the belief does not lead him into the actual practice of immorality. In other words, the Government has no right to punish any man, woman, or child within its broad limits for his or her religious belief, no matter what it may be, nor for the free exercise of that religious belief, as long as such exercise is not immoral, but the Government has the right to punish the practice of immorality in any and every sect or denomination.

Mr. President, in the early period of this debate I had the honor to submit some remarks on the question of the constitutionality of the law in reference to Utah known as the Edmunds act, in which I attempted, I trust successfully, to show that the vital part of that law, as construed and administered, was unconstitutional, and therefore null and void.

At this stage of the discussion I desire to submit some remarks on the moral aspect of this case, and to compare the civilization of Utah with that of other parts of the Union. If reform is necessary, and I think it is, let it apply to all sections where the same evil exists.

At the creation, God made them male and female, and said they twain shall be one flesh.

Notwithstanding the identity or oneness of the couple at the time of the creation, nearly all the nations had departed from this rule in practice. And even Moses lays down the rule in this language:

When a man hath taken a wife and married her, and it come to pass that she find no favor in his eyes because he has found some uncleanness in her, then let him write a bill of divorcement and give it in her hand and send her out of his house.

Under this law of Moses the Jews gave divorces and practiced polygamy without restraint. And at the coming of Christ probably every leading nation of the earth practiced it to a greater or less extent. If the Roman Empire was an exception in theory, its loose laws of divorce and its prostitution and concubinage were in practice the equivalent of polygamy. With the law of Moses standing in force, all the Jews considered it legal to put away their wives and marry others at pleasure.

If such were the law of Moses and the practice of the Israelites, what right have we at the present day to deny its validity or to arraign the people of Utah, or any other people, for the practice of divorce and polygamy? We should certainly have no such right if it were not for the law as laid down by Jesus Christ himself. He is the authority for the doctrine of monogamy. In Matthew xix, "He said, For this cause shall a man leave father and mother, and shall cleave to his wife; and they twain shall be one flesh." This excludes the idea of more than one wife, as the two, husband and wife, are one flesh under the law of Christ. Therefore if the husband marries a second wife while he has a living wife it is illegal, because he and the first wife being one flesh there can be no room for the second. And upon this doctrine of Christ's rests the law of monogamy, or of but one wife, throughout the Christian world. I believe all Christian denominations have adopted as correct the one-wife system, or the law confining one husband to one wife, because it is the law laid down by the Saviour himself. This doctrine of the Saviour, as I understand it, leaves no room for the practice of the Mormon Church which recognizes the right of the husband to have more than one wife. But bear in mind the Christian world places the doctrine upon the authority of Christ. It is His law; He did not find it in practice when He came into the world, but He announced it as the rule, and no Christian has a right to deny His authority.

It is true the Mormons believe there was a later revelation to their prophet, Joseph Smith, which again authorized polygamy. As I can not accept this revelation, and do not, as they do, regard Joseph Smith as a true prophet, I must reject the doctrine of polygamy and be governed by the divine doctrine of monogamy.

But in this connection I beg to invite the attention of the Senate to another proposition. The doctrine of monogamy, or but one wife to one husband, rests upon the authority of Christ, and the Christian world accepts Him as a lawgiver and recognizes His authority and is controlled by His teachings. If His authority or His word is the law upon which monogamy rests and polygamy is condemned, then the Christian world which accepts His authority for the one-wife system must accept also the rule laid down by Him as to the manner of dissolving the marriage relation between the husband and wife.

When the Jews called the attention of the Saviour to the fact that Moses commanded to give her a writing of divorcement and to put her away, he replied: "Moses, because of the hardness of your hearts, suffered you to put away your wives, but from the beginning it was not so; and I say unto you whosoever shall put away his wife except it be for fornication, and shall marry another, committeth adultery; and whosoever marrieth her who is put away committeth adultery."

In Mark, chapter x, verses 11 and 12, he says: "Whosoever shall put away his wife and marry another committeth adultery against her; and if a woman shall put away her husband and be married to another she committeth adultery." And in Luke, chapter xvi, verse 18, he says: "Whosoever putteth away his wife and marrieth another committeth adultery; and whosoever marrieth her that is put away from her husband committeth adultery."

Then, Mr. President, the law laid down by Christ himself is that a husband shall have but one living wife, and a wife shall have but one living husband; and when the marriage relation is entered into by parties competent to contract, it continues during the joint lives of the parties, and it shall in no case be dissolved, except for the cause of fornication. Two of the writers lay down the rule without any exception, that if a husband puts away the wife and marries another he commits adultery; and that if the wife who is put away marries another husband she commits adultery. But Matthew makes the exception distinctly, that it may be legally done for the cause of fornication, and for that alone.

Then, Mr. President, I feel fully authorized to assume the position as founded upon the rock of the authority of the Saviour himself, and firmly embedded in the doctrines of Christianity, that no husband shall put away his wife and no wife shall put away her husband except for the cause of fornication, and that if either puts away the other except for that cause and marries another, or they both marry others, they are guilty of adultery, and the second marriage according to the divine law is a nullity, and the parties are still husband and wife, refusing to discharge the duties of husband and wife toward each other, and living in adultery with other persons. Then there is no escape from the conclusion that according to the divine law every man who has divorced his wife except for fornication, and married another, or has married a second wife without divorce, is neglecting his legal wife and living in adultery with another woman. And every man who has married a woman who was illegally divorced from her husband is living in adultery with the wife of another man. And if the wife puts away the husband for like cause and marries another, she too has a living husband and is living in adultery with another man. And each having a plurality of wives or husbands living at the same time is living in the practice of bigamy or polygamy or polyandry. I apprehend this position can not be controverted by any one who admits Christ to be the Son of God and the divine lawgiver. All who deny His divinity and authority may reach a different conclusion. But those who deny Christ's divinity have no other sufficient authority for monogamy.

It follows, then, that a man, whether he lives in Massachusetts or Georgia, who has left his wife without a divorce, or has divorced his wife, except for fornication, and married another, and is now living with her, is a bigamist, and is living in a state of adultery, as much so as is a Mormon in Salt Lake City who has married two wives, under their system, and lives and cohabits with both. The only difference being that the Mormon relation is condemned by a statute passed by the Congress of the United States, while the bigamy practiced by the citizen of Georgia or the citizen of Massachusetts is legalized, in the very teeth of the divine law, by the authority of the State. They stand side by side alike condemned by the divine lawgiver of the universe. They are both bigamists, and they both live in a state of adultery; and the moral guilt of the husband in Utah who lives with two wives, one of whom he has no right to have, is no greater than the moral guilt of the husband who in Georgia or in Massachusetts has two wives and cohabits in a state of adultery with the one he has no right to have.

Now, if the doctrine of Christianity be true, and Christ is the lawgiver and his precepts are the law, I would like to hear some one draw a tangible distinction between the moral guilt of the Utah adulterer and the adulterer in Georgia or Massachusetts. If Christ be a lawgiver, and the law as announced by Him be authoritative, of which I have no doubt, then they are alike both adulterers, both bigamists, both polygamists—the only difference being that, in violation of one of the fundamental laws of the Christian religion, the State of Massachusetts or of Georgia, in the case supposed, has by human law declared legal that which the eternal lawgiver has declared to be illegal and adulterous.

Mr. President, I believe that that State or nation which in its legislation conforms most strictly to the great moral law laid down by the Creator himself will be most blessed and most prosperous. No member of Congress and no member of the Legislature of a State has a moral right to enact laws in the teeth of the divine law. We may avoid temporal punishment while we live in obedience to laws enacted in violation of a divine law, but the nation as well as the individual which habitually violates that law must sooner or later suffer the penalty.

Now, Mr. President, I propose with the indulgence of the Senate to contrast to a limited extent the social system of Utah with the social system of other parts of the United States, and to inquire whether there is any tangible distinction between polygamy as practiced in Utah and polygamy as practiced in other portions of the Union. Whatever attempt we may make by the enactment of laws to punish the guilty offender in one section of the Union, and leave him free from punishment and protect him in his adultery in another section, we can draw no moral distinction between the same practices in different sections. If it is murder maliciously to destroy the life of a human being in Utah, it is murder likewise to do the same in New England. If it is adultery to have more than one wife in Utah, it is also adultery to have more than one living wife in New England.

Having laid down this rule, which I think is sustained by the highest possible authority, I now proceed to inquire whether other sections of the Union are not more guilty of polygamy than Utah, and whether the bigamy, prostitution, and fœticide practiced in other sections are not more demoralizing and more destructive to society than polygamy as practiced in Utah. If so, why confine our legislation to Utah? Why not give it a broader scope? If our practice of divorce violates the divine law, why not check the immoral practice in all places subject to the jurisdiction of Congress?

Under the Mormon system the husband is married to a plurality of wives. He cohabits with them all as his wives, and they are generally prolific of offspring. According to the law of his Church he believes his offspring are legal, and it is his duty to care for and support them all alike. The mother of each is regarded as his legal wife, and each of the children is regarded as his son or daughter. The family is sustained and kept together according to the old patriarchal usage. The people are an industrious, laborious people; they are a thrifty people. No beggars or tramps are found in the streets. Pauperism is but little known in the Territory. Everybody seems to have plenty to do, and each person is at work to accomplish the task before him. What they call adultery, or the cohabitation by a Mormon husband with a woman to whom he is not married according to the rites of their Church, is regarded as a great crime. And I believe it is generally admitted that prior to the settlement of Gentiles, as they term outside people, among them neither prostitutes nor houses of ill-fame were known to any extent in the Territory.

But all this thrift, and order, and labor, and prosperity are, in my opinion, insufficient to justify the practice of polygamy, which is allowed by the Mormon Church. I refer to it only to contrast their system of bigamy and prostitution with our own system. Go to the other parts of the Union, where Mormonism is not known, and you will find it unfortunately true that prostitution is practiced to an alarming extent. In many States of the Union houses for the practice of it are either licensed by the public or permitted without interference by the police. Large numbers of illegitimate children are born without the protection either to the mother or child given to the plural wife and her offspring in Utah. In most instances the mother and child are discarded by the child's father, and they are cast together into the streets to make their living as best they can. I have not the statistics before me to show the exact proportion that the prostitutes bear to the population of any of our States, or to show the percentage of children born in the United States that are illegitimate. Our census reports are defective in this particular, but both classes are large.

Twenty-five years ago it was estimated that there were more than 6,000 prostitutes in the city of New York alone. Since that time the city has more than doubled in population, and I presume we have made fearful strides of increase in this pernicious practice. It is no doubt safe to assume the position that there are 12,000 prostitutes in that great city at the present time. And in the other cities of the Union, something like the same number in proportion to population. If this number is regarded too startling for belief, I beg to call the attention of the Senate to the fact that it is not so large as the statistics of some other countries show in proportion to population. I find it stated as a statistical fact that in the province of Brandenburg there were 10.9 illegitimate children out of every 100.

In the province of Schleswig-Holstein there were 9.6 out of every 100; in Berlin, there were 13⅝ out of every 100; in Magdeburg, there were 9.6 out of 100; in Hanover, 8.9. The same author gives the proportion which the prostitutes bear to the inhabitants of certain European cities as follows: In Hamburg, 1 to 48 inhabitants; in Berlin, 1 to 62;

in London, 1 to 91; in Vienna, 1 to 159; in Munich, 1 to 222; in Dresden, 1 to 236; in Paris, 1 to 247; in Brussels, 1 to 275; and in Strasbourg, 1 to 302. Unfortunately we have no reliable statistics in this country, as they have in Europe, by which we can give the correct proportion of population who are either illegitimate or prostitutes. But I fear it may safely be assumed that in proportion to population we are but little behind European countries in laxity of morals in this regard.

Now, let it be borne in mind that the Utah commissioners, who have applied the test-oath to both men and women, who are alike voters in Utah, have found but 12,000 in the Territory of Utah who could not take the oath that they were not bigamists or polygamists or that they had never at any time practiced bigamy or polygamy. Then the prostitution, counting all the polygamy of Utah as prostitution, is not so great as it is in the city of New York. And it should be borne in mind that of the 12,000 who refused to take the oath probably nearly 6,000 are males, and it would leave the polygamists, women, who are termed prostitutes by the opponents of Mormonism, at less than 7,000 in the Territory. For I believe it will not be charged truly against the Mormons that they practice prostitution to any considerable extent outside of their plural-wife system. Then the Mormon women who are engaged in illegal sexual practices are about the same in Utah that the number in the city of New York was twenty-five years ago. (See Sanger, on Prostitution, page 456, edition of 1858.) In other words, the number of females who practice illicit intercourse with the male sex in the city of New York is greater to-day, by almost double the number according to the best estimates and statistical information we can get, than the whole number who practice it in the Territory of Utah; but if it bears a much less proportion we are still guilty of great wrong. And if we may believe the reports which we see as to the chastity of Boston and Chicago and other cities as compared with New York, the city of New York will compare not unfavorably with them. It is probably safe to assume, then, that in either of the four or five largest cities in the Union prostitution is practiced to as great an extent as pologamy in Utah.

These are most unpleasant facts, but we can not shut our eyes to their existence. Thus far I have not referred to legalized bigamy in the States and Territories of the Union, but only to prostitution. And making allowance for the frailty of human nature in everybody but the Mormons, our commissioners have kindly made such reservation in the oath of the voter in Utah as to permit the Gentile who has one wife and half a dozen prostitutes in the Territory to vote, provided he does not claim to cohabit with the prostitutes in the "marriage relation." The language of the oath is: "I solemnly swear (or affirm) that I am not a bigamist nor a polygamist; that I have not violated the laws of the United States prohibiting bigamy or polygamy; that I do not live or cohabit with more than one woman in the marriage relation, nor does any relation exist between me and any woman which has been entered into or continued in violation of said laws of the United States prohibiting bigamy or polygamy." This is a very carefully worded document: "I do not cohabit with more than one woman in the marriage relation."

Doubtless there may be some who are called very respectable Gentiles there, each of whom has one wife and one or more mistresses not in the marriage relation. And as the votes of such were needed, the commissioners were careful to reserve to them the right to vote notwithstanding the plurality of women with whom they may cohabit. But the Mormon who has the same number of women, and claims that he lives in the marriage relation with all of them, though he is guilty of precisely the same practice as the Gentile, is carefully excluded from the right to vote or hold office. And I suppose if the Mormons would drop what is called the marriage relation, as recognized by their church, and cohabit with the same number of women they now keep as they are kept in other parts of the Union, we might find fewer public men and public journals denouncing them and crying, "Crucify them!" I certainly do not justify their illegal practices, but I have no stronger words of condemnation for the Mormon who cohabits with more than one woman, calling each his wife, than I have for the Gentile in the States or Territories who cohabits with a like number, calling but one of them his wife. It is simply the same crime under a different name, the Mormon having the advantage of position in this, that he claims and holds himself bound to support all his children, while the man with one wife and one or more mistresses denies his obligation to support the children of the latter. So much for polygamy as contrasted with prostitution.

Now, Mr. President, I desire for a time to contrast polygamy in Utah with polygamy in the States; and as most of the States have been inattentive to this great evil and have kept no statistical information that is reliable, and as our brethren in New England have dealt more fairly in this regard and have kept statistics of their polygamy, I shall be compelled from want of information from other States to draw the contrast between New England and Utah.

I have already referred to the law of Christ in reference to the marriage relation, which establishes monogamy, and also to His positive law in reference to the dissolution of the marriage tie. I have shown from that highest of all authority that every man who puts away his wife by divorce except for the cause of fornication and marries another commits adultery; in other words, when they marry again they both become adulterer and adulteress. And as the law of the State recognizes the legality of the marriage relation with the second wife, and as the law of God lays down the rule most distinctly that the marriage with the first wife is not legally and rightfully dissolved, he who has one or more divorced wives and is again married is as much a polygamist as he is in Utah who marries more than one woman. I see no just escape from this position unless we deny the authority of the law of Christ; and if so, we at once overturn the whole doctrine of monogamy, for it rests on His authority.

Now, Mr. President, how does polygamy in New England stand? On that subject I prefer to read from New England authors. Not with a view to assail New England, but for the purpose, as she is in the lead in the crusade against the Mormons and as she has kept statistics of her crimes, of drawing the contrast between her and Utah as to the practice of polygamy.

I shall make no apology to the Senate for reading from an article which appeared in the July number of the Princeton Review for 1882, from the pen of that very pungent and fearless writer, Rev. Dr. Leonard Woolsey Bacon, of Connecticut. The article is entitled "Polygamy in New England." I shall send it to the desk and ask the Secretary to read the parts of it which I have marked.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Secretary will read the part indicated by the Senator from Georgia.

The Chief Clerk read as follows:

POLYGAMY IN NEW ENGLAND.

It is only a careless student of American society who would allow himself to be misled by the mere use of the word "polygamy," in application to the social usages of New England and of Utah, into supposing that these usages are alike in all particulars. As a matter of fact the polygamy of these mutually remote regions of our common country presents points of dissimilarity hardly less striking than the points of resemblance. In both regions polygamy is very widely prevalent, probably more prevalent in Utah than in the New England States, although on this point the statistics of Utah are not sufficient for an exact comparison. In both regions it exists in spite of the distinct interdict of the sacred books that are held in reverence among the people; in both it is defended on the ground of later and fuller light on the subject; and in neither is there any serious difficulty in getting clergymen of the prevailing religion to "seal" the polygamous marriages in the name of the divine authority by which they are held to be interdicted. In both regions polygamy is attacked by a respectable but not numerically a strong party, and in both it maintains itself successfully in the general popular favor. These are certainly very numerous and curious points of resemblance.

But on the other hand in some striking particulars the two forms of polygamy, that of New England and that of Utah, depart from each other. In the first place, polygamy in Utah is unlawful. It is scarcely just to speak of it as an institution of that Territory when it is only a prevailing social usage, sustained by some religious sanctions. In the New Egland States, on the contrary, polygamy is distinctly instituted by act of Legislature, and the polygamous marriages, instead of being "sealed" in some private sacristy of a religious sect, are authorized by the highest judicial officers of the State under the seal of its superior court, a dignity which is not bestowed by these Commonwealths on ordinary Christian wedlock. The concubinage thus authorized is usually blessed in the name of the Lord Jesus Christ and declared to be Christian marriage by a minister of the Christian religion, which (as it can hardly be necessary to inform the reader) is the prevailing religion of the New England States. This singular rite is frequently made the occasion of a good deal of social festivity and merry-making. The perfect solemnity of visage with which the ecclesiastic goes through his part of declaring that in the name of the Lord to be Christian marriage which the Lord himself declares to be adultery tends to impart to the affair a *buffo* aspect that may naturally minister to the hilarity of the guests and spectators.

Another and perhaps more important point of difference between the New England and the Utah—perhaps it would be better to say the Puritan and the Mormon—polygamies, is this: That the Mormon polygamy is simultaneous, and the Puritan polygamy is consecutive. The Mormon polygamy is quite after the old patriarchal pattern. It does not require one to be "off with the old love" as a condition of being "on with the new." The fresher youth and beauty of the latest acquisition to the harem may indeed crowd out her predecessors from a proportionate share in the husband's affections. But the Mormon usage still permits, if it does not require, a support and a place of honor in the family to be conceded to the senior wife. And herein the Mormon usage would appear to a superficial observer to have the advantage in point of humanity over the Puritan institution, which requires ordinarily, under severe penalties, that the first wife, with or without her children, and with or without provision for her support, as the case may be, shall be put out into the street before the new wife is received. It seems a harsh requirement, partaking of the austerity of the Puritan traditions, or perhaps dictated by the narrow views of domestic economy which are sometimes imputed to the New England character. But a more considerate, not to say charitable, judgment is at no loss for a worthier motive. It is among the gravest accusations against the polygamy of Utah that it results in incessant and protracted jealousies, heart-burnings, and domestic discords.

There would seem to be an element of stern but not unkindly wisdom in the legislation which founded the polygamy of the New England States, and which provides against these direful possibilities by mercifully insisting that they shall be concentrated into one single pang and over with. If the half is true which is alleged of the dissensions that prevail in the scandalous and unlawful harems of Mormondom, and if the half is true which is claimed for the New England home, with its peaceful and lawful succession of wives, each happy for the time in the exclusive enjoyment of the home and affections of the husband, it can hardly be denied that the wisdom and mercifulness of the Puritan legislators is approved by the result. If the brazen advocates of the base system of Mormonism should have the hardihood in the face of our Christian civilization to claim it as an offset in their favor that this picture of domestic bliss under the New England system fails to represent the pining loneliless of the rejected wife, the sons of the Pilgrim Fathers would promptly retort that if the old wife pursued a solitary life it would be either her own fault or her misfortune, and in either case the law on which the institution of New England polygamy is founded must not be held responsible.

They would say that if, out of squeamish notions of morality or sentimentality, she should decline to enter into new relations which the law, with a noble impartiality, leaves free to her, that is her own affair; and that if, on the other hand, at the time of her being put away under authority of the State, her beauty, or youth, or fortune was too far impaired for her to be eligible for a new contract, this is one of the hardships that are incidental to human life in the best ordered society; the law makes what provision it can, by way of alimony, for such exceptional cases; but the great domestic institution of New England must

not be sacrificed on account of individual hardships. *De minimis non curat lex.* The disgusting defenders of Mormonism will do well to count the cost before attempting any such attack upon the Christian civilization of New England.

The discussion has already brought before us a third characteristic of the Puritan, as distinguished from the Mormon polygamy—its impartiality. The system in vogue at Salt Lake City has many historical precedents and contemporary examples. It is the patriarchal or the Turkish polygamy, which constitutes the household with plurality of wives under the headship of one husband. It looks down, no doubt, with scorn on the usages of some of the most undeveloped tribes of savages, in which that condition prevails which is known as polyandry—the marriage of one woman to a plurality of husbands. It is such a common device of a guilty conscience to comfort itself by finding some lower type of degradation than its own on which it can look down! It is well for Mormonism to have that conceit taken out of it by finding that the polyandry which it delights in despising is really an organic part of that civilization which claims to be the foremost in Christendom.

* * * * * * *

The laws of the different States with reference to this general subject differ, of course, in detail and phraseology. Practically the substance of them may be stated thus: 1. Simultaneous polygamy is interdicted. 2. Consecutive polygamy is interdicted except by license from a magistrate. 3. When the two parties to a marriage consent to ask a license to marry again at their discretion there is no difficulty in obtaining it. 4. Even when one of the parties is reluctant the fact is not ordinarily a practical hinderance to the other party to get from the court the desired license for bigamy. 5. The bigamous or polygamous marriage, if duly licensed, is held by the State to be in all respects equally honorable with Christian wedlock. It must be conceded to the honor of these laws that they are not chargeable with favoritism toward any class in society. There is no indication in them of that blemish upon the usages of Turkey or of Deseret—that they make polygamy the luxury of the rich.

The license-fees are trifling, and for the slight professional work involved there is so lively a competition among gentlemen of the bar that the expense is kept down to a moderate figure. The most serious cost of bigamy is one not really necessary—the increased fee paid to the officiating clergyman in consideration of the awkwardness of his position and the strain upon his feelings. But this is a mere matter of compliment, or perhaps religious zeal, on the part of the bridegroom, for the case is rare indeed when five or ten dollars will not procure, for such an occasion, the services of a minister of the Gospel of unimpeached orthodoxy and good and regular standing.

The question will be raised by some reader, to what extent the facilities for polygamy thus offered by law are actually utilized by the people; to what extent the people of New England are actual polygamists, as compared with the population of other polygamous countries. An off-hand answer, given from general impression, is that actual polygamy prevails among the New Englanders to a greater extent than among the Mohammedans, but to a less extent than among the Mormons. But the basis for an exact comparison is wanting, for lack of statistics from Turkey and from Utah. Even in the New England States the statistics are defective. They give us the number of permits for bigamy issued by the courts in each year, and they give us the total number of marriages. According to these figures, the annual issue of bigamy permits in the State of Connecticut (which is a fairly representative State in this respect) is something like one-tenth of the total number of marriages. But a considerable proportion of the marriages in New England take place among a class of foreign population, the large increase of which is looked on by the representatives of the original Puritan stock with much solicitude as dangerous to morals and religious purity.

The people of this class do not easily keep pace with the rapid march of civilization among the population generally, and are obstinate monogamists. Leaving these out of the calculation, the number of permits for bigamy annually issued is to the total number of marriages in the proportion of about 1 to 8, varying in different States, and fluctuating from time to time, with a general and rapid tendency to increase. Each one of these permits, however, is good for two persons, so that practically where this ratio exists there is one permit for every four marriages.

* * * * * * *

Altogether, the nearest that we can safely come to a statement of the ratio of polygamies to the total number of marriages among the New England population of native stock in the State named is that it is somewhere between 1 to 8 and 1 to 4. This estimate includes only the legal polygamies. The unlicensed or criminal polygamies are a class by themselves, and are generally regarded in good society as not only unlawful but immoral. Rarely, if ever, can an acknowledged bigamist maintain his position in society and his good standing in the church, unless he can show his authorization from the superior court. In view of the facility with which such authorization is granted, it is felt, not unreasonably, that a person desiring to indulge in bigamy is without excuse for not complying with the prescribed formalities.

* * * * * * *

There is some reason to fear that the entirely dispassionate consideration of polygamy in New England may be hindered by sectional jealousy toward that highly favored region and people. For, whatever view may be taken of the merits of this institution of consecutive polygamy as established by law, there is no doubt that they are mainly to be accredited to the New England people of Puritan stock. The population of New England is indeed largely mixed with foreigners, but the foreign population in general, being of a lower grade of culture and of less enlightened religious faith, do not conform in this particular to the local institutions. And when the New England people migrate they carry with them the cherished usages of their home. Their orators and preachers delight to dwell on the distinguishing glories of the "New England zone," over which the tide of emigration has flowed due West, as if confined by parallels of latitude, marking its course everywhere with churches, schools, and colleges. But with a modesty rare in the festival panegyrist they have refrained from expatiating on the spread of that more unique and characteristic institution still—the Puritan Family, with its almost ascetic temperance counterbalanced by a genial freedom to

"Chop and change ribs *á la mode* Nov-Anglorum."

The Rev. Mr. Dike, who writes on this subject with an undisguised animosity against the institutions of his own State and section, but the accuracy of whose statistics can not be successfully gainsaid, distinctly shows the fidelity with which the westward-moving Puritans guard the sacredness of their domestic liberties. *Cœlum, non animum, mutant.* It is not only that they fix the legal guarantees of these liberties in the statute-books of new States; they set to the less-favored people round about the example of using their liberties. In the Western Reserve, peopled almost exclusively from New England, polygamy of the identical Puritan type is rife; in Ashtabula County, famed in the annals of reform, the ratio of polygamies to the total number of marriages rises to an extraordinary figure. In the southern counties f Ohio, on the other hand, that are said to have been injuriously affected by the influx of "poor white" population from the slave States, are to be found fewer indications of popular education, and religion, and nuptial liberty. Coming to a still higher latitude, we find in Wayne County, Michigan, according to a recent estimate, for every six marriages one application for a double-bigamy permit. It is often boasted that the qualities of the New England stock are intensified by transplanting into the western soil.

* * * * * * *

The future of New England society it is not difficult, from present tendencies, to forecast. The present amount of polygamous marriage there prevalent is a fact, not of social statics, but of social dynamics. It represents a stream in motion, and in pretty rapid motion too. For polygamy as a legal institution has existed in New England for much less than two generations, and the present per annum and per cent. of polygamous marriages represents an irregular but rapid increase which is continually going on. The leaven has only begun to work. Old traditions and prejudices do not disappear at once. The old-fashioned law and Gospel conspired to repress with severe and solemn sanctions, in the mind of husband or wife, the risings of mutual anger or dislike, or the first wanderings of adulterous lust.

The new institution has changed all that. The traditionary phrase "until death shall part you" still lingers by force of habit in most marriage formulas; but from the wedding day, and from before it, the statute-book whispers intelligibly in the ear of bridegroom and of bride: "If you find that you don't like each other, or if you find that you like some one else better, there is a cheap, easy, quiet, and perfectly respectable way out of it;" and every new instance of prosperous and comfortable bigamy repeats the whisper of the statute-book in a resounding voice.

Withal the genial gospel preached so persuasively and amid so much applause in the new State-house of Connecticut by Hon. Mr. Sumner, ex-mayor of Hartford, in which he disposed with such easy jocularity of the notion of future punishment for sin and extolled the superior delights of what the New Testament somewhat harshly characterizes as adultery, in comparison with Christian wedlock, is a gospel sure of making converts, even from the lips of a less enthusiastic preacher. The carnal mind has no enmity to it whatever. The friends of progress, in the direction in which progress is now tending in New England, may count with confidence on the future. The time is not far distant when the ratio will be not, as now in some parts of New England, two bigamy permits to every eight marriages, but a much higher ratio. Progress in this direction is so rapid as naturally to alarm timid minds. But a calm faith in evolution, a well-grounded confidence in the perfectibility of human nature, a serene and abiding trust in Stuart Mill can witness unappalled the change that shall make polygamy the rule in New England and Christian wedlock the exception. Even minds unfriendly to the change may comfort themselves in view of the incidental resulting benefits. Whether it result happily or disastrously to New England, the experiment will be one of great value to social science, and the conservative and theological folk who are shocked at it as both sinful and ruinous ought to be able to find comfort for themselves in the favorite New England dogma concerning "willingness to be damned for the glory of God."

May we not hope, also, as the result of the progress before us, that "in the good time coming" the "envy shall depart" which has been unnecessarily stirred up between New England and Utah, between the Puritan and the Mormon? Already perspicacious minds can see that the difference between these antagonized parties is not really one of principle; that the question between the simultaneous polygamy and the consecutive polygamy, if it is worth disputing about at all, is one on which there is something to be said on both sides, and that really our only serious contention with our Mormon brethren is on the ground of their prematurity that they have usurped in their nonage privileges of legislation that belong only to a sovereign State. Let them wait their turn, avoid in the phraseology of their statutes any needlessly offensive expressions, and it will soon become obvious to all but fierce polemics on either side that there is really no moral question at issue between the two sections. When that happy day shall arrive, Judah and Ephraim shall cease their mutual vexations, apostolic delegates from the Church of the Latter Day Saints shall be welcomed with fraternal greetings in the national council of Congregationalists, and Methodist bishops from New England shall communicate in the peculiar Eucharist of the Deseret temple.

It has been no part of the plan of this article to enter into any discussion, either pro or contra, of the merits of the New England system of polygamy, considered from a moral, religious, or economical point of view. That debate, with its inevitable acrimony, is gladly remitted to such writers as by their tastes or talents for controversy are qualified for it. It is a humbler, but not altogether useless function dispassionately to depict the matrimonial laws, institutions, and usages of a remarkable people who are not always rightly judged nor understood by their fellow-citizens of other States, and who have many claims to the thoughtful attention of mankind, and especially to the critical observation of all students of social science.

Mr. BROWN. Again, in the same Review for November, 1883, the same writer says:

The disgraceful laws of the New England States that fall so far below the standard of good secular legislation have become the canons of church fellowship. Adulterers and adulteresses, the only mitigation of whose crime is that it is licensed by the State, which ought to punish it, sit down together unrebuked at the table of the Lord's Supper. And in one notorious instance at least a man who has put away his wife and given her a writing of divorcement is maintained without so much as the institution of an inquiry in the fellowship of the Congregationalist ministry.

It does not appear that there is often any serious difficulty either in New England or out of it to find a respectable minister of any desired denomination who for a ten-dollar bill will stand up before an adulterous couple and declare them in the name of the Lord Jesus Christ to be husband and wife.

If there has ever been an instance in which this transaction has brought the culprit under any formal censure from his brethren, or his superiors, the fact is not generally known to the public.

I desire in this connection to read a few sentences from the valuable book entitled "Divorce and Divorce Legislation," written by Theodore D. Wolsey, D. D., LL. D., then president of Yale College. On page 60 he says:

To claim for an adulterer and adulteress the protection of law in a Christian State, so that when free through their crimes from former obligations they may legally perpetuate a union begun in sin, is truly to put a premium on adultery. A Herod on that plan after sinning with his brother's wife would need only to wait for legal separation to convert incest into legitimate wedlock.

Again, on page 232, this able author says:

And are not all the churches, all right-minded people, all Protestants and Catholics, called upon to unite in a demand that there be some check on so great and threatening an evil?

On page 242 Dr. Woolsey says:

The minister, if his celebration of the marriage be not a farce, can no more join in marriage two persons who in his view have no right to form such a union than he can aid in any other immoral proceeding. Suppose the parties intending such a union be a woman put away for other cause than that of adultery, and a man, whoever he be, to whom our Saviour's words would have application, "that he who marrieth her who is put away committeth adultery," how can the fact that such a union is legal in the least degree justify a minister of Christ in giving a religious sanction to an act which he believes to be an adulterous one? Ought he not to say in solemnizing such a union, "Whom God hath not joined together let no man put asunder?"

On page 270 he says:

But any one, lawyer or not, must be aware of the miserable state of things now existing in some of the States, and no one who will compare the careful, thorough law of the code civil with most of our statutes relating to divorce will feel any great respect for American legislation.

Speaking of the ratio of divorce to the whole number of marriages, Dr. Woolsey agrees with Dr. Bacon and others from whom I shall quote in substance as to the state of things in Connecticut. He says on page 223, speaking of marriages between persons of foreign birth:

Now of these it is safe to say two-thirds, say eight hundred, were Catholics, who rarely petition for divorce in this State. Deducting them, we have the ratio of one divorce to less than eight and a half so-called Protestant, or rather non-Catholic, marriages.

To show the alarming extent to which this practice of bigamy has gone in New England, I beg leave also to refer to an article in the North American Review, entitled "Divorces in New England," written by Rev. Dr. Nathan Allen, of Massachusetts. He gives the statistics of divorce from 1860 to 1878 in Massachusetts, Vermont, and Connecticut: In Massachusetts the whole number during that period was 7,238, in Vermont 2,775, in Connecticut 7,781. And in Rhode Island, from 1869 to 1878, inclusive, or for ten years, the statistics not having been kept prior to 1869, the whole number for the ten years was 1,866, making an aggregate of 19,655 divorces for the period of eighteen years in the three first-named States and ten years in Rhode Island. If we had the statistics of Rhode Island for the other eight years it would doubtless increase the number to considerably over 20,000. The author says:

It is well known that the laws in Maine and New Hampshire are liberal, the causes alleged numerous, and divorces are of frequent occurrence, probably as much so as in any of the other New England States.

It would seem to be very safe then to put down the number in these two States for the period of eighteen years at not less than 7,000 in the aggregate, which is less than the number in Connecticut alone, making over 27,000 divorces granted in the six New England States within eighteen years. And as there are two parties to each divorce, this turns loose over 54,000 divorced persons upon the community to contract other marriages or to engage in the practice of polygamy.

The author goes on to add:

On an examination of the above tables two things are obvious: First, the steady increase of divorces in each State since 1860; secondly, the remarkable uniformity of this increase. If five years are taken as the commencement and closing of each table it makes a fairer comparison than one year. In Vermont the first five years averaged 1 divorce to 22 marriages; the last five years, 1 to 15, omitting fractions. In Connecticut, the first five years, 1 to 13; the last five years, 1 to 10. In Massachusetts, first five years, 1 to 50; the last five years, 1 to 22. In Rhode Island, the first five years, 1 to 13; the last five, 1 to 12. Thus in Vermont and Connecticut the increase has been nearly one-third. In Massachusetts the increase is more than double, while in Rhode Island the increase has been less than in either of these States.

In a note the author adds:

The Catholic marriages should be deducted in each State.

And the true ratio of divorces to marriages stands thus (omitting fractions): In Massachusetts, 1 to 15; in Rhode Island, 1 to 9; in Connecticut, 1 to 8; and in Vermont, 1 to 13. The author adds, on page 560:

What a strange spectacle does it present in social life that in twenty years more than 20,000 divorces should have been granted in four New England States; that in this period the marital relations should be severed between 40,000 persons. If we include the divorces granted in Maine and New Hampshire with those in the other four States, it makes 2,000 families broken up every year and 4,000 persons at the same time divorced. And it should be remembered that this destruction of the family does not apply to the foreign population, but is confined to the strictly native New Englanders.

Again he adds:

Among no Christian or civilized people at the present day do we find divorces sought and obtained to such an extent as in New England, and in only three instances in the history of nations can we find such a breaking up of the family by this means. The first indication of decline in Greece and Rome were disturbances in the family.

In 1790, when the flood-gates of the French revolution were open, the frequency of divorces became alarming. Within a year and a half more than 20,000 divorces were granted. But even these in proportion to the whole population of France at that time are not equal to the ratio of divorces to marriages as now found in Rhode Island and Connecticut.

It is well known that the charge of fœticide and of the use of means to prevent conception has often been made against the people of the New England States. This matter has not escaped the attention of the New England author from whom I am quoting. He says:

From the same reports it appears that the birth rate of the foreign class is more than twice as large as the American, and the marriage rate of the foreign is also considerably larger. It also appears that the birth rate and the marriage rate of the strictly American have for a long time been decreasing; so much so that the increase of numbers in this class is very small and in some places even doubtful.

It is a noted fact that the Irish and other foreign population which have settled in New England, and do not indulge in the practices above mentioned, have a birth rate double the native American. At this ratio another century will change New England into New Ireland, or convert her into the home of the Irish and other foreign population.

In view of this state of things, the timely warning by a well-known lady is worthy the serious consideration of the people of New England. Mrs. Elizabeth Cady Stanton is reported to have said in substance "that if this crime against the family, fœticide, continues as it has begun, the descendants of the Celt will soon trample upon the graves of the Puritans." I believe the Mormons have never been charged with the practice of fœticide or the use of means to prevent conception. They are an exceedingly prolific people. So that in this respect at least the polygamy of Utah has decidedly the advantage of the polygamy of New England.

An able writer in the Catholic World sets forth in substance the same facts that are so forcibly stated by Drs. Woolsey, Bacon, and Allen, corroborating them in almost every particular. But as I do not know whether the author was a New England man I shall not trouble the Senate with the quotations. As New England is the prosecutor of Utah, I prefer to learn from the pen of New England authors and divines the true condition of society in New England and the alarming increase of polygamy in that section.

Rev. Samuel W. Dike, of Vermont, in a carefully prepared article in the New York Independent, February 16, 1882, on certain crimes in Massachusetts, gives the statistics of convictions for crimes against chastity in that State for the period running from 1866 to 1869 and from 1876 to 1879. The column from 1866 to 1869, inclusive, foots up 1,960 convictions; the like period from 1876 to 1879, inclusive, 2,274 convictions. The author says:

The increase is pretty evenly distributed through the State. * * * Take for example adultery, which is perhaps as good a test as any. The increase from 109 sentences to 300 is found very evenly distributed.

He then says:

But when we come to the crimes against chastity, only 34 per cent. were by foreign born, while natives of this country were guilty of 63 per cent., and 3 per cent. unknown. About two-thirds of those convicted for prostitution were natives, though more like to escape the police than foreigners.

He adds:

There is also a remarkable parallel between several evils that may be regarded as kindred:

Crimes against chastity in Massachusetts, 1866 to 1869, 683; 1876 to 1879, 1,537.
Illegitimate births, 1866 to 1869, 1,625; 1876 to 1879, 2,766.
Divorces, 1866 to 1869, 1,352; 1876 to 1879, 2,255.
Marriages, from 1866 to 1869, 57,551; 1876 to 1879, 52,202.

This shows a constant increase in crime and a falling off in the number of marriages.

The sentences for crime against chastity as a whole, with the exception in Suffolk County, increased in Massachusetts in ten years 125 per cent. The five of these classed under "felony and aggravated crimes" show an increase in the whole State from 150 to 378, or 157 per cent. In the same period all crimes classed under that head increased 52 per cent., while all minor crimes and misdemeanors, including so-called "liquor offenses," increased 14 per cent. The population meanwhile gained about 22 per cent. Again, he says, a polished officer in Massachusetts, one especially competent to give an opinion of this sort, lately declared that in his judgment licentiousness is the cause of more crimes than intemperance.

Another, whose official duties gave him the best facilities for forming an opinion, believes that the direct or indirect murder of illegitimate children after birth is frightfully prevalent, and the author adds, "The Christian and the citizen, the man of business and the practical economists, have some work to do in the direction of these crimes and vices."

Mr. Dike, who has probably given more attention to statistics in New England on these questions than any other person, and who has at great pains gotten statistics in Maine and Vermont, in a circular lately issued gives the following statistics of divorce in New England, showing that in 1878 Maine granted 478 divorces, New Hampshire 241, Vermont 197, Massachusetts 600, Connecticut 401, Rhode Island 196, making a total of divorces granted in New England in a single year of 2,113, thus turning loose 4,226 persons to marry again, probably three-fourths of them divorced for causes other than adultery, which provides for an increase of nearly 3,000 cases of legalized bigamy in New England in a single year.

The following quotations are from a lecture delivered by Mr. Dike as one of the Boston Monday lectures of 1880 and 1881:

New Hampshire prints no statistics, either of divorce or marriage, but it has been found that there were 159 divorces in the entire State in 1870, 240 in 1875, and 241 in 1878. Three counties that had only 18 in 1840 and 21 in 1850 granted 40 in 1860 and 96 in 1878. In Connecticut we find that Benjamin Trumbull, in 1785, mourned that 439 divorces had taken place in that State within a century, and that all but 50 had occurred within the last fifty years. About twenty years later President Dwight was alarmed that there was one divorce to every one hundred marriages. Not one-fourth of these divorced cases are for adultery. Desertion and severity are the chief causes. The courts are crowded with unhappy couples, and often the cases are dispatched with unseemly haste. There is a daughter of a prosperous farmer, still a young woman, who has been divorced from three husbands, each of whom is living and married to another wife, while she has been lately married to the fourth husband. Nor is this the only or the worst case of the kind reported in the State of Connecticut."

Two Vermonters deliberately swapped wives by aid of the courts. Young people coolly reckon on divorce in contracting marriage. A Vermont couple married on trial for six months, agreeing to get a divorce if either party did not like. While, then, crime generally has increased 20 per cent., this class of crimes has increased 174 per cent., or eight times as fast as crime in general, and more than three times faster than the population, and with accelerating rate. Add to this the fact that the children born out of wedlock in the State have risen in the same period from 8 in 1,000 to 17 in 1,000, and the most rapid increase has been in the last six years, while in just those years England has as rapidly improved. In three-fourths of the localities reporting on this point licentiousness is said to be increasing. In nearly as many the destruction of unborn life goes on as fast, or faster, than ever.

The family of Massachusetts, including both native and foreign, fell from an average of 4.69 in 1865 to 4.60 in 1875.

The marriage-rate, that is, the ratio of persons married annually to the population, has fallen in twenty years from a higher figure than reported in any European country to the level of Austria, and lower than in any other country except Sweden.

The number of children under 5 years of age in Vermont was 159 in every 1,000 inhabitants in 1830, and 113 in 1870, having fallen to 100 in 1860, and rising chiefly because of the foreign element.

The birth-rate in New England is probably as low as in any country in Europe; among the native stock far lower.

Look at one more class of facts: In the Western Reserve, comprising the twelve northeastern counties of Ohio, settled mainly by emigrants who went from Connecticut long before that State made its new departure in divorces, and containing, it is said, a purer New England stock than can be found in the entire country, unless it be in parts of Maine, the ratio of divorce to marriage was 1 to 11.8 for the two years, 1878 and 1879, while in the rest of the State it is 1 to 19.9. Nor is the worst of the Reserve in the cities. The ratio in Ashtabula County, among a farming people originally from New England, is 1 to 8.5, and in Lake County the proportion of divorce suits begun to marriages is 1 to 6.2, and the divorces granted 1 to 7.4. Unless there be like counties in Maine this is the worst county for divorce in the United States, except for a few years Toland County, Connecticut. So this wretched business goes on apparently wherever New England people are found.

But if you will go down to Gallia County, peopled with Welshmen and Southerners, the ratio is 1 to 50.

Professor Phelps, of Andover College, wrote a year ago:

We are not half awake to the fact that by our laws of divorce, and our toleration of the "social evil," we are doing more to corrupt the nation's heart than Mormonism tenfold. Vice avowed, and blatant, and organized to a large extent nullifies itself so far as self-diffusion is concerned. But vice lurking and still trickles into all the crevices of society. A nation of Mormons is impossible—not so a nation of libertines.

I make but one more quotation from this able lecture:

Mormonism and the late Oneida system of social life are in no small degree other forms of the evils under consideration. They are both largely Yankee notions in their origin and leaders. Joseph Smith, Brigham Young, and J. R. Noyes were all born in Vermont.

I will now refer to a few facts contained in the official registration report of Massachusetts for 1882. I find on page 122 of that volume a statistical table showing the divorces granted by years, and the statute causes, for twenty years in the State of Massachusetts. It embraces the period 1863 to 1882, inclusive, and shows the divorces granted under each provision of the statute, as adultery, desertion, intoxication, &c., and foots up the aggregate at 8,610. This is a larger aggregate, as shown by the official figures of Massachusetts, than the aggregate reported by Rev. Dr. Allen or either of the other distinguished gentlemen from whose productions I have read. This shows officially, so far as Massachusetts is concerned, a larger aggregate of divorces than I have seen claimed by any one of the New England writers on this subject. They have palliated the practice by understating it.

I take it for granted, therefore, that the figures which have been given above are substantially correct. On page 139 of the same official volume I find a table showing the increase in the ratio of divorces, and increase of marriages from 1863 to 1882, inclusive, and the ratio of increase of population as shown by the census of 1860 and 1880.

The table shows the increase, under each head, in each county in Massachusetts. At the top of the page the aggregate is given for the whole State, and it shows an increase in the ratio of divorces, omitting fractions, of 147 per cent., and increase in the ratio of marriages of 62 per cent., and the increase in the ratio of population of 44 per cent.

I presume the correctness of these figures will not be doubted, as they are published by the authority of the State of Massachusetts. And they show a most alarming increase of divorces in that State. I am happy to say in this connection that Mr. Dike, as secretary of the New England Divorce Reform League, reports some diminution in divorces within the last year or two.

This league is composed of able, earnest, good men, who are justly alarmed at the terrible strides of the social evil in New England, and they have gone earnestly and actively to work to try to check the evil. I think they deserve the sympathy and best wishes of all good men who are cognizant of the facts as they exist.

In an article which I find in the North American Review of April, 1883, written by Judge John A. Jameson, of Chicago, referring to our lax laws of divorce and their bad influence on society, the learned judge says:

Cook County, in which is Chicago, had a population in 1880 of 607,468. In the year 1882 divorces were granted in 714 cases in that county. Of these 565 were cases in which no defense was interposed by the party accused, and 49 cases in which there was an issue tried by a jury or by the courts. Of the 714 divorces granted 318, or 44 per cent., were for desertion; 142, or 19.8 per cent., for adultery; 141, or 19.7 per cent., for cruelty; 93, or 13 per cent., for drunkenness. These figures—

Says the author—

are undoubtedly painful ones, but as intimated they are below those exhibited by some of the older States. Thus in Maine in 1878 there is said to have been 1 divorce to every 819 inhabitants; and in Penobscot County, the seat of a theological seminary, 1 to every 820 inhabitants.

When it is considered that Vermont is an old State with a fixed population, of nearly pure American descent the ratio of 1 divorce to every 13 marriages in 1878 indicates a much greater laxity in its divorce laws than prevails in Illinois, even if no credit be given to the assertion, made by citizens familiar with the facts, that in a certain county of Vermont, out of twenty-two divorces granted at one term of the court twenty-one were believed to be collusive.

If the truth could be ascertained, at least two-thirds, perhaps four-fifths of the 714 cases divorced during the past year in Chicago either were fraudulent in fact or with a reasonably conciliatory temper on the part of the couples divorced, and under sufficiently stringent legal conditions were avoidable or preventable. There is beyond question fraud in the inception of many cases.

These figures and statements are from a gentleman of character as I understand, and are worthy of careful consideration.

While they reiterate what so many others have said in reference to the practices in New England, they give us meager statistics of the practice in other States, and while the judge condemns the loose practice in his own State, he is somewhat consoled with the reflection that it is not so bad as it is in the New England States.

But, Mr. President, it may be said that this outrageous system of legalized polygamy by illegal divorce grows out of the practice of the States, and that Congress has no jurisdiction of the question in the States, and that we are not therefore responsible. This may be true as to the State Legislatures and the practice within the States. But we are equally guilty with the States, as our legislation is equally unjustifiable. Take the District of Columbia over which the Government of the United States has exclusive jurisdiction, and under the act of Congress there are seven causes of divorce from the bond of marriage. The three last are in the following language:

Fifth. For habitual drunkenness for a period of three years of the party complained against.

Sixth. For cruelty of treatment endangering the life or health of the party complaining.

Seventh. For willful desertion and abandonment by the party complained of against the party complaining for the full uninterrupted space of two years. (See acts Forty-third Congress, Statutes at Large, 1878, 1879.)

In other words, in the District of Columbia, under the legislation of Congress, habitual drunkenness, cruelty, and abandonment, which are the most prolific sources of divorce in the States, are causes of divorce under which a great many divorces are granted, in the teeth of the divine law; and adulterous marriages follow, and thus polygamy is legalised as well by Congress as by the State Legislatures. While we are providing a remedy for this great evil in the Territory of Utah let us remove the cause that produces it in the other Territories and in the District of Columbia. This is the object of my amendment, and I trust the Senate will adopt it.

As I have already stated, the commissioners appointed under the Edmunds act to take charge of the affairs of Utah prescribed a severe test-oath, permitting none to vote or hold office or to occupy a place of public trust who will not swear that he or she is not a bigamist or polygamist, and that he has not cohabited with more than one woman in the marriage relation. And this oath is administered to each man or woman who offers himself or herself as a voter, and it covers the whole period of the life of each Mormon. Now the fact is worthy of notice that the commissioners report only 12,000 men and women who refused to take the test-oath. As it requires the affiant to swear that he is not a bigamist nor polygamist, many who believe in polygamy but have not practiced it may have refused to take the oath.

Admit, however, that the 12,000 persons reported by the commissioners who refused to take the oath have at some period of their lives practiced bigamy or polygamy, then there are in the Territory of Utah 12,000 men and women; and we will here suppose there are 6,000 of each who have within the period of their lives, say the last twenty-five years, engaged in this unlawful practice.

In comparing the polygamy of Utah with the polygamy of New England how does the account stand? The statistics given by the Rev. Dr. Allen and the other able authors referred to show that within the last eighteen years, estimating for the number in Maine and Vermont, and putting it lower than the proportion in the other States, there were over 27,000 divorces granted in New England, making 54,000 persons who have been divorced there within that period.

Now, let us suppose that one-third of that number were divorced for the cause of fornication, and therefore legally divorced (though the statistics show a much smaller proportion), and when they married again were not adulterers under the divine law, and it leaves 36,000 who were unlawfully divorced according to the divine law, and who as each marries presents the case of more than one living wife or more than one living husband, and are therefore bigamists; and New England presents to the world 36,000 bigamists while Utah presents but 12,000, placing New England in the lead in the practice of bigamy by 3 to 1 as compared with Utah. I speak of the two sections, and not their relative population. If it be said that part of the 36,000 do not marry again, the reply is that the statistics show that less than one-third of the divorces granted are for adultery, and it is doubtless true that of the 12,000 in Utah who refused to take the oath that they were not bigamists or polygamists a very considerable number had never practiced polygamy. Therefore I think it is safe to say that the proportion is 3 in New England to 1 in Utah.

And let it be remembered that the percentage of divorce for the last twenty years has increased so rapidly that all the different writers above referred to agree that there are now over 2,000 divorces granted each year in New England.

The official statistics of Massachusetts show that the increase in divorce in that State for the twenty years from 1863 to 1882, inclusive, was 147.6 per cent.

The number now being over 2,000 divorces per annum granted in New England, if the increase should go on at the fearful rate of the last twenty years, and if Massachusetts is a fair sample of the other New England States, the whole number of persons divorced for the next twenty years would greatly exceed the number for the last twenty years.

At the present rate of 2,000 per annum, twenty years would show without any increase in the per cent. 40,000 divorces, turning loose 80,000 persons to marry again. If we add to this 147 per cent., which was the increase in the last twenty years, it will make 98,000 divorces, turning loose 196,000 persons in the next twenty years to marry again. This is a fearful destruction of families. It is a lamentable state of things to contemplate.

Let us earnestly hope that some benign influence will be brought to

bear to check this alarming evil, not only in New England but in all the States of the Union, and let us use all the power possessed by Congress to check and control it in the District of Columbia and in the Territories of the United States where Congress has jurisdiction.

Now I presume it is a fact that will be admitted by all that prostitution outside of the marriage relation is committed to an immensely greater extent in New England than in Utah; and that in the practice of fœticide and the prevention of conception Utah does not begin to compare in numbers with New England. And while I have not the statistics to enable me to make a perfectly accurate calculation, I think it very safe to say that, if we count the polygamy in New England from illegal divorces, the prostitution of New England, the practice of fœticide, and the prevention of conception, the *social evil* is five times as great in New England as it is in Utah.

Mr. President, this is a horrible record; and it behooves the Christian and the patriot to ponder well the consequences that must follow from such a state of society. The marriage of one man to one woman, by which they twain become one flesh, is the foundation of the family, and the family is the foundation of the state, and the preservation of its purity one of the fondest hopes of the church. Strike down the family or destroy its sanctity by a loose law on the subject of divorce, and all the other social evils referred to, and decadence, and decline must be the inevitable result. The patriot must look upon this picture with the most intense anxiety; and the ministry of all the churches of this land and all the Christian people of this country should unite in one solemn protest against this great and degrading evil. It must be admitted that while Protestants do not agree with the Catholic Church that marriage is a sacrament, that that church has set a noble example on the question of the sanctity of the marriage relation and the indissolubility of the marriage tie. Is it not time that the other churches should imitate her example on the question of preserving the family tie, and that the ministry of all the other churches should cry aloud and spare not until all good people awake from their slumbers and unite in one grand effort to save the country, and New England especially, from the demoralization and prostitution which is growing and spreading with such frightful rapidity.

Mr. President, in drawing this dark and gloomy picture of New England society on the social question from the statistics and statements of distinguished New England authors and divines, I beg to assure the Senate that I do it in sorrow rather than in anger, and that I am prompted only by a sense of duty in making the comparison between New England and Utah which is so unfavorable to New England. I have a great admiration for the activity, energy, enterprise, education, and growing wealth and prosperity of that important section of the Union, and I have selected her, as already stated, for a comparison because the statistics showing the unfortunate state of things there are at hand, and because her representatives take the lead in the prosecution of Utah.

Much as the Southern States have been condemned and denounced for their practices, and however much they may be at fault in some respects, it must be admitted by all who know anything of the state of society there, at least among the white people, the practices referred to do not prevail to anything like the extent to which they are practiced in New England.

Prior to the war a divorce was not to be obtained in South Carolina for any cause. After the war, while the government was in the hands of the carpet-baggers, a liberal divorce law was passed, but when the white people of South Carolina resumed their sway and obtained control of their own affairs they promptly repealed that statute, and, as I am informed by their representatives, the old rule of no divorce is again applied. And I hazard nothing in saying that there is no State in the Union where there is more conjugal felicity or the families of the State live more happily together than they do in the State of South Carolina. I regret to say that in my own State the law of divorce is entirely too liberal, but I am glad to be able to say that in practice divorces very seldom occur, and I trust all good people in every Southern State, as well as in every New England State and in every Western State, will unite for the suppression of this great, growing, and alarming evil.

The Christian churches denounce polygamy and demand its suppression by every constitutional and legal means in our power, and the churches are right. But how can they demand this and justify their inertness and neglect of duty while winking at divorce and illegal and adulterous marriages, to say nothing of their feeble denunciation of prostitution and fœticide nearer home.

How can the churches professing to worship Christ as the divine lawgiver with His word in their hands, which on this point is neither ambiguous nor doubtful, justify divorce, which He forbids, and the marriage of persons divorced in violation of His law, which he denounces as adulterous. And how can the churches sustain and recognize as ministers of Christ professed preachers of the gospel who for a small fee will join together in what they call holy wedlock persons whose union Christ, the head of the Church, denounces as adulterous, and the parties to the union adulterer and adulteress? It is a gross violation of divine law, a crime in the minister who professes to bless the adulterous union, and a shame on the church which sustains him.

It is no reply to say that the union is sustained by the law of the land. No law of the land compels any minister to officiate at such an adulterous union. If the law of the State authorized the practice of polygamy, would the Christian ministers be authorized to celebrate the marriage of the husband to his second or third wife while his first wife was still living? No minister could plead the law of the State as his justification for celebrating such polygamous marriage. Then how can he plead the law of the State as his justification for celebrating an adulterous marriage in violation of the express command of the Saviour himself?

If all the ministers of all the churches would do their duty and decline to officiate when the union is adulterous, the power and the influence of the churches brought to bear would soon correct popular sentiment, and sweep from the statute-book such wicked and immoral legislation as is now found in the laws of the States and the United States on the subject of divorce.

I claim no right to lecture either the Christian churches or the Christian ministry, but, as a Senator and as a citizen, I feel it my duty and my right here and elsewhere to express freely my opinions on this vital question. As it seems to me, this departure by the States and General Government from the divine law is fast undermining the sanctity of the family and threatening the safety of society and the very existence of the state itself.

But how to suppress polygamy is one of the greatest social problems of the day. As I have been quoting almost exclusively from New England authority as to the prevalence of this evil, I will now quote from another distinguished son of New England as to the remedy in Utah.

The Rev. Henry Ward Beecher has lately visited the Mormons in their homes, and closely scanned their modes of life and their system of ecclesiastical government. In extracts from his speech, which I shall now read, he refers to their life and practices, and then to the only remedy which in his opinion can suppress Mormonism. He says:

No matter what the past was, no matter who started it, no matter on what false ground the question is, there stands the phenomenon of the nineteenth century. What is its power? Wherein does it consist? What is it doing? It is a spiritual despotism absolute. It is founded on fanaticism and ignorance, absolute. It is founded on a literal acceptance of the Old Testament. I do not see how a man who believes in verbal inspiration can throw stones at the Mormons. Are they polygamists? So is the Old Testament saint. What sort of a fellow was Solomon? Inall his glory he was not arrayed like one of these. Mormonism in its religious philosophy is simply the attempt to introduce into modern economy the institution and beliefs of the Mosaic period of the Old Testament.

Of the orderly character of the Mormon people and of their morality he says:

Aside from the spiritual question, my impression is that no more orderly city exists on this continent than Salt Lake City. I suggested to an anti-Mormon that the way to reach them was to have Christian families of refinement and spiritual force introduced among them, whose example would be a perpetual testimony to the Mormons. I received a buffet, however, when I was told that the average Gentile was not so high up morally as the Mormons themselves were, and that in industry, frugality, truth-speaking, temperance, and chastity the contrast was in favor of the Mormon people.

Discussing the remedy, he adds the following:

Now, the question comes, is there any remedy? I think there are two. One is to let them alone, and the other is to put them to the sword. Let us look at both of them. And, first, the Edmunds bill was not only no disadvantage to the Mormon Church, but a great advantage. It has driven in all the wanderers and consolidated them. It has made them feel again and again that they were a persecuted people. They have felt this always. They have said, "We are kept outside of the United States. The laws that are made for us are perfectly different from the laws of any other State or Territory in the Union."

They harp upon this, and a superstition run to fanaticism and intensified by the sense of persecution is a power which is not easily dealt with. Now a commission appointed with absolute authority, despotic—a drum-head commission—with the Army at its back, settled down in Utah, with the command of the people of this continent to eradicate polygamy at all hazards. I do not know but that could succeed. This I know, that such a measure as that is foreign to our history, unknown to our laws, not according to the genius of our institutions, nor of our people. I think the poorest people on the face of the earth to play at despotism is the great intelligent American people, and to send forth a body of men armed to the teeth to exterminate polygamy, not bound by the laws of evidence, forming their own judgment as to guilt or innocence, laying the hand of power on whomsoever they think it necessary to lay it, that would be an extraordinary state of things. And yet I do not think any legislation short of that is going to accomplish anything.

Having thus disposed of the bloody remedy as indefensible, Mr. Beecher enlarges as follows upon the peaceful one:

Well, what is the other remedy? Let them alone; receive them into the Union; withdraw your soldiers; let them have their church; let them be open to all the influences that are affecting the public sentiment of every State in the Union; send there your intelligent teachers; establish schools among them as you do among the heathen; send in there those who can preach a better gospel. Do you believe that while we may convert the people of Asia and Africa there is nothing in the Gospel that can touch Utah? Take persecution off of them. Go back absolutely to moral influences. Take away from them the feeling that they are singled out from all the people on this continent, and held in and denied their civil rights, and are abused on account of their religion. Take away all that, substitute kindness and patient teaching and preaching of the Gospel with more piety and fervor than it is now preached to them, and wait for time. It is not likely that they are going to take possession of the United States.

If there be any such thing as superiority of intelligence over ignorance; if there be any such thing as the triumph of divine power or pure faith over an abject superstitious faith; if there be any truth in the claim that liberty emancipates men; if it be true, that the Gospel of Jesus Christ is adequate to all the emergencies of depravity and wickedness, in high places and in low, it would seem to me that the way of the future is the way of religion in all the days that have gone by. It is an odious thing to have such a stink-pot right in the midst

of the nation, we loathe the mere thought of polygamy, and yet I do not see any other way to eradicate it. So far as I can see at present there are but two courses, one by the sword of the Government and the other by the word of the Lord, and of the two it seems to me I would rather trust to the sword of the Lord than to the sword of Gideon. Set the New Testament against the Old Testament. If the New Testament can not whip out Moses and the prophets, then it is not what it pretends to be.

Mr. President, polygamy can not be increased in Utah, but must steadily decline. We have a stringent penal statute against it, dooming its perpetrators to penitentiary imprisonment. We appoint the judges and other officers of the courts, and popular sentiment requires a faithful execution of the penal law.

The law of the Mormon Church, as I understand it, makes polygamy permissive and not compulsory. The young men of the Mormon Church will not consent to engage in polygamy at the risk of penitentiary imprisonment and the addition when convicted of disqualification to vote or hold office. The priesthood will not continue to urge it in the face of these penalties, and immigration into the Territory from other States and Territories will constantly increase the non-Mormon element of the Territory of Utah.

The rule among Mormon husbands, being that they must treat all their wives alike in dress and other indulgences, will in this age of extravagance prevent many from engaging in it on account of the cost. If in addition to these impediments to polygamy the Christian churches of the Union will wake up to their responsibility in connection with this question, and send faithful, earnest, energetic missionaries into Utah, we may expect that a large proportion of the followers of the Mormon priesthood may be converted to what we consider the purer faith.

The Mormon Church will not be suppressed. They are earnest in the belief that they are right, and they are ready to make great sacrifices for their belief. The church may grow and still avow its belief in the lawfulness of polygamy, but in view of all its surroundings, of the odium heaped upon it, of the penalties annexed, and of the influence of better teaching, polygamy must steadily decline. And the causes enumerated will of themselves at no distant date eradicate it.

Now, Mr. President, I would be glad to hear a better remedy suggested, if there be one. Neither the imposition of illegal test-oaths nor the destruction of their Territorial government nor placing them under arbitrary commissions will suppress the evil. If the Government should send the Army to slaughter all the men, women, and childen who belong to the Mormon Church, that could suppress it, but the Government of the United States could neither justify the act before its own people, before the civilized world, nor at the bar of the Almighty God of the Universe.

If the different Christian churches of this broad land would do their duty thousands of the present deluded followers of the Mormon priesthood would throw off their present church government and renounce polygamy and the illegal practices of the Mormon sect.

But as long as the Government of the United States tyrannizes over the people of Utah and makes them feel that the hand of fifty millions of people is against them and that they are singled out for vengeance for the commission of crimes which are neither censured nor punished when committed by others, our unconstitutional legislation will, as Mr. Beecher says, only drive in the stragglers and consolidate Mormonism.

And if we treat the Mormons as a persecuted class, by that sympathy which is ever kindled in generous breasts in favor of the persecuted we shall add to their numbers and increase their strength. But it has been said on this floor that the Mormons are in rebellion against the Government of the United States, and that this authorizes the Government to tear down and destroy the republican form of government under which they live in the Territories and put them under an absolute tyranny.

Now, I deny the truth of this proposition. The Mormons are not in rebellion against the Government of the United States in any legal acceptation of that term.

They are a quiet, peaceable, orderly people, who have comfortable homes, work hard, and make an honest living, and who worship according to the dictates of their own conscience, and, as a mass, believe they are right. There are one hundred and ten to one hundred and thirty thousand Mormons in the Territory. Not more than 12,000 of this whole number, as has been ascertained by the Utah Commission, practice polygamy. The other one hundred and odd thousand believe it is right, but do not practice it. We have a penal law making the practice of polygamy in the Territory a crime punishable by penitentiary imprisonment. We have passed laws disfranchising those who practice polygamy, and we deny them the right to vote or hold office. It is true they may not have ceased the practice since the passage of these laws, but they stay at home quietly; there is no difficulty in serving process upon them. As a class they hold themselves subject to arrest at any time when an officer of the law has a legal warrant against them; they appear in court and defend themselves as best they may, and they offer no armed resistance and no forcible resistance to the execution of any law of the United States.

What constitutional lawyer or publicist can say that this is rebellion against the Government of the United States? The law forbids polygamy. Notwithstanding that law they have practiced polygamy, just as the law forbids murder, and some persons in every community not in rebellion commit murder. The officers of the law have free access to them; they do not obstruct the courts by forcible resistance, but submit themselves to their jurisdiction and obey their process as other citizens do. They offer no armed resistance or other forcible resistance to any act which any law requires any officer to do in the Territory. And still it is proposed to treat them as a people in rebellion because they do not cease to commit acts which we have passed laws designating to be crimes. I say you have no right to destroy the government of the Territory, to punish the 12,000 offenders who peaceably submit to the execution of your criminal laws and make the best defense in their favor, or the best evasion of the law they are able to make for themselves, as other criminals do.

But if there were any pretext for the destruction of republican government in the Territory, so far as the 12,000 are concerned, what sort of pretext or excuse is there for the destruction of the government to punish the remaining 100,000 who believe that polygamy is right but violate no law by the practice of it?

Is it rebellion against the Government of the United States for 100,000 people professing to be Mormons to avow their belief that the practice of polygamy is right though they never practiced it, or that it was right when practiced by David or Solomon? The proposition is simply monstrous. Neither this Senate nor this Government has the shadow of a right to punish any man for his opinions on any such subject, or to punish 100,000 people because of an erroneous opinion which they hold as a sect, or to punish 100,000 people of a particular sect because 12,000 of the same sect violate the penal code of the United States or of the Territory. If they should rise in armed rebellion, or in any forcible manner set aside the courts and resist the officers of the law, then there would be an excuse for the exercise of arbitrary military authority until the rebellion is crushed.

But there can be no excuse for any such arbitrary, illegal, or unconstitutional measures, on account of the belief entertained by the mass of the Mormons, or the violation of the criminal law by a small minority, who do not resist the process of the criminal courts. There is scarcely a State in the Union that does not have a penal law against the practice of adultery and fornication; there is not a city in the Union where these offenses are not practiced; but what constitutional lawyer would say that there was any excuse for an act of the State Legislature abolishing the charter and laws of the city and putting the people under arbitrary government, or putting them to the sword, because a portion of the citizens may practice adultery and fornication? So long as they hold themselves amenable to the criminal laws, and neither refuse to obey the process of the courts, nor use force to set their authority at defiance, no such act could be justifiable.

If the practice of these social crimes by a portion of the people of a community is rebellion against the Government, because the Government has passed laws declaring these offenses criminal, then there is not a city in the Union that is not in rebellion to-day. The proposition is preposterously absurd. But some persons profess to believe that these unconstitutional and arbitrary measures will ultimately drive the Mormons into open resistance and war. Possibly some hope so. But there is not the slightest probability of any such occurrence. Every utterance which we hear from the Mormon priesthood and the Mormon people is one of loyalty to the Government of the United States; and while they complain that they have been cruelly oppressed and feel that the hand of the Government has been placed heavily upon them, they advise each other to look to God for protection, and in no event to forcibly resist the laws of the United States, come what may.

Then tell me not that the violation of a criminal law by a portion of a peaceable people who offer no armed resistance to the execution of the law is rebellion, or such defiance of the law of the United States as to justify the enactment or enforcement of arbitrary and oppressive measures tending to the subversion of republican government and the destruction of the liberties of the people. No, Senators, you can not justify arbitrary oppression by any such false pretext. But some of you say their government should be destroyed, and arbitrary despotism established in its stead, because they persist in practicing polygamy in violation of penal law. We appoint their governors, their judges, their prosecuting attorneys, and their marshals. We have by statute declared a person who has practiced polygamy, or who believes it is right, ineligible as a juror to try a person indicted for polygamy in the Territory.

The governor of the Territory is appointed because he is opposed to polygamy; the judges, the prosecuting attorneys, the marshals, and the clerks are appointed for the same reason. Jurors are selected from the class alone who are opposed to the defendant. If they refuse to swear that they have not practiced polygamy and that they do not believe it is right to practice it, they are excluded from the jury-box. In other words, when a Mormon is put upon trial for the practice of polygamy he can be tried under the statute only by jurors who have not practiced it and who do not believe it is right. With all these advantages in favor of the Government we also enact the penal laws for them, and we have made polygamy in Utah a penitentiary offense, and we have punished some of the Mormons in the penitentiary for its practice.

This certainly gives the Government advantage enough over the unfortunate defendant. If he can be acquitted with the judge, jury, marshal, prosecuting attorney, and clerk of the court against him, it must be because he is not proven to be guilty. With all these advantages against them they offer no forcible resistance to the laws, but submit to them as other citizens do. Under these circumstances, if you destroy their government because you can not convict all who commit crimes, to be consistent you must tear down and trample under foot the government of the people of New England and other sections of the Union because they persist in practicing illegal marriage and prostitution in open violation of law.

If the Mormons should be destroyed because 12,000 of them practice polygamy, then how will you excuse the people of New England when 36,000 of them, divorced for causes unknown to the law of Christ, marry again at pleasure and practice polygamy in the teeth of the divine law, and when an army probably three times as large as all the polygamists of Utah practice prostitution and adultery in violation of the divine law and the criminal laws of the respective States? If you are ready to use force outside of the Constitution and in violation of it, why crush one and not the other?

Why destroy republican government in one and have no word of censure for the other? Or, to give it a broader scope, though our means of arriving at the facts are limited for want of statistics, I think I can safely say within the bounds of reason that for every one Mormon who practices illegal sexual intercourse twenty, and probably fifty, persons in all other parts of the Union practice the same crime. The Mormon says he does it in the marriage relation. The people of the other States and Territories of the Union practice it outside of the marriage relation. The crime is the same, the moral guilt is the same, in the one case as in the other. Why, then, should the Government pour the vials of its wrath upon the heads of the Mormon offenders, and take no steps to punish an infinitely more numerous, and equally wicked, army of offenders living in the States and other Territories? The Mormons may well turn to us and say, "Physician, heal thyself." Or the Mormons, in the language of Him who spake as never man spoke, may turn and look us in the face, and may justly say, "Thou hypocrite, first cast out the beam out of thine own eye, then thou shalt see clearly to cast out the mote out of thy brother's eye."

Mr. President, these extraordinary measures for the punishment of the Mormon people in Utah are persistently pressed upon us by the able and distinguished Senators who represent in part that very remarkable section of the Union known as New England of which I have already spoken. The head and front of the Mormon agitation has had its origin in New England; but this proud little section, as I have shown, has its peculiarities, and while it has many very remarkable qualities which challenge the approbation of mankind it is not, as shown by its own authors and divines, free from some of the imperfections of our nature. It has frequently been styled the "land of 'isms'" by those who may not have judged impartially. I believe, however, it may truthfully and justly be said that no other section of the Union has been so prolific in the production of "isms." And it is a little remarkable, among the numerous "isms" which have sprung from the brain of the New England people, that Mormonism is not one of the least important. As already shown, Joseph Smith and Brigham Young, the prophets and founders of the Mormon sect, first drew the breath of life in the salubrious and bracing atmosphere of the highlands of Vermont. With the characteristic energy and restless ambition of that proud little State they conceived it to be their duty and felt inspired to found a new sect, which they termed the "Latter-day Saints." This sect also has its peculiarities. Its founders being native New Englanders, partook probably to some extent of the New England character on the social question.

Their prophet while viewing the dark visions that rolled before him thought he saw a bright millennial dawn, which cheered his heart and authorized him to proclaim to the world that permission was granted to each of the faithful to add to the family circle another help or other helps meet for him.

The vision was communicated to the faithful, and it was accepted as a revelation from the Most High, and the liberty it gave has been practiced to an extent that has excited the envy of some and the just indignation of many more of the population of other sections of the Union. This sect, persecuted as few sects have been, led by its prophet deep into the wilderness and exposed to hardships and sufferings that were almost intolerable, has by the aid of its persecutors sprung to its feet and risen and prospered to a remarkable degree. In their industry, their thrift, their attention to education, and their prosperity they greatly resemble the good people of New England from which they sprang.

But having sprung from New England stock, they must not forget that it has often been charged by those who felt that they had been the sufferers that the people of New England, who are very prosperous and attentive to their own business, are understood to claim as a sort of divinely given right, like the Mormons claim divinely given polygamy, that they should give some of their attention to other people's business, and that they should not be entirely inattentive to the regulation of other people's affairs. Some people seem to be of opinion that in the course of events, Southern affairs having been regulated, we had reached a period where for a time New England was out of a job, or unemployed in the regulation of other people's affairs; and it was thought that such a people with such a mission naturally grew restless and excitable when deprived of the comforts attending the execution of their inspired calling. And it has been said while looking around for a proper subject for the exercise of their peculiar prerogative, their eyes rested upon prosperous Mormonism, and they determined to regulate it before attending to other like pursuits.

The wrath of some of the representatives of New England at the sexual impurity of the Mormons was not appeased by the warnings given by some of the purest and best sons of that proud section of the Union that it might be shown in the contrast between the two sections that nothing appeared unfavorable to the Mormons, who were the descendants of New England stock, and carrying out under different names and in different modes the practices of the fatherland. These faithful warnings and the cry of "physician, heal thyself," addressed to New England, have only tended to increase her ire and intensify the indignation of some of her statesmen in the National Legislature, until we have reached the point where it burns with such intense heat that they are ready to "cry havoc and let slip the dogs of war" for the extermination of this hated sect if it does not at once surrender the tenets taught by its New England founders and modify its practices of the "tender passion" so as to conform to those which now predominate in the land of its birth. What right has Utah to practice any but the New England system? This burning indignation is not directed so much against the practices of Utah as it is against the manner of the practices and the name by which they call it.

And sooner than have the crusade fail and not have the misnomer corrected, we find able, zealous men who are ready if need be to disregard and trample under foot the constitutional restraints which lie at the very foundation of our Government, and to pass laws which no court can reconcile with fundamental law, and therefore no court can execute; to sweep away with the violence of a tempest the fundamental principles of republican government and the unbroken usages of half a century in order to blot out the Territorial government, crush out of existence the forms of our republican system, and undermine the very pillars upon which it rests, rather than fail by coercive means to compel *free love* in Utah to conform in its methods, its practices, and its nomenclature to *free love* in New England. To accomplish this great object the Territorial practices of half a century are to be blotted out, local self-government is to be destroyed, the church is to be plundered, and the prosperous region of Utah is to be subjected to the rule of satraps whose unlimited power will enable them to rob and pillage the people at pleasure. If this system is once inaugurated, bitter as was our experience in the South during the late reconstruction period when our affairs were being regulated, it was mildness itself compared with what is in store for Utah as long as the wealth accumulated by the Mormons is not exhausted.

Mr. President, I shall be a party to no such proceedings. Other sections of the Union have frequently run wild in keeping up with New England ideas and New England practices on issues of this character. I presume they will do so again, but I, for one, shall not be a party to the enactment or enforcement of unconstitutional, tyrannical, and oppressive legislation for the purpose of crushing the Mormons or any other sect for the gratification of New England or any other section. The precedents which we are making, when the persons and parties in the States who feel it their duty to regulate the affairs of others find themselves unemployed and the regulation of Mormonism no longer profitable, will be used against other sects. Whether the Baptists, or the Catholics, or the Quakers will be selected for the next victim does not yet appear. But he who supposes that this spirit of restless and illegal intermeddling with the affairs of other sections will be satiated or appeased by the sacrifice of the Mormons has read modern history to little advantage.

The Mormon sect is marked for the first victim. The Constitution and the practices of the Government are to be disregarded and if need be trampled down to gratify the ire of dominant intermeddling. When the reconstruction measures were under consideration in 1867 the great leader of the House of Representatives, Mr. Thaddeus Stevens, of Pennsylvania, frankly avowed that the measures were unconstitutional, but claimed the right in the then state of things to regulate the affairs of the South outside of the Constitution.

And such is the fanaticism now prevalent in reference to the Mormon sect that when it is clearly shown the regulation which they desire can not take place within the Constitution and laws, the restless regulators will doubtless be ready to follow the example of Mr. Stevens and regulate Mormonism outside of the Constitution. But why should Southern men become camp-followers in this crusade? While there is nothing in the test-oath prescribed by the Utah commissioners that condemns cohabitation with more than one woman in Utah, if it is done outside of the "marriage relation," there seems to be an unbending determination that, come life or come death, come war or come peace, the Mormons must be compelled to conform to the practice of New England and conduct their prostitution outside of the marriage relation, or they must suffer the penalties.

The Mormons may, however, be consoled by the reflection that their

privileges need not be curtailed if they are obedient, nor the present practice diminished, but they must change the name and no longer conduct the wicked practice in what they call the "marriage relation."

The Government considers this no great hardship, as it freely permits in the Mormons, if called by the right name, what it does not punish in other people. For, without violating the policy of the Government in so far as it has been proclaimed by its Utah Commission, if the Mormons will conform to its requirements as to the mode the practice of prostitution in Utah need not in the slightest degree be diminished. The clamor is not against the Mormon for having more than one woman, but for calling more than one his wife. And the Mormons will do well to remember that the policy of putting the whole population, men, women, and children, to the sword, and filling the whole land with wailing, blood, and carnage will not be wanting in advocates if a portion of them still continue each to cohabit with more than one woman in what they call "the marriage relation."

The Government and people of the United States have deliberately determined that they must call it by the proper name. Let the Mormon who has a plurality of women remember that he must conform to the practice elsewhere and call but one of them his wife.

This, Mr. President, is the point we have reached. This is the distinction we have drawn. This is our present policy and practice as applied to the Territory of Utah. What consummate statesmanship!

Others who feel it their duty upon such hollow pretexts to destroy a prosperous Territory by such unconstitutional and illegal means as are proposed will doubtless proceed with this unnatural warfare until they have seen the result of their folly.

Let those whose ambition prompts them to such deeds of daring take part in this tyrannical and illegal conquest over a helpless people, who, to gratify an insatiate fanaticism, are to be crushed without the morals of this country being in the slightest degree improved or illegal sexual intercourse in the least degree diminished, and let them enjoy the fruits of their triumph.

But as I have sworn to support the Constitution of the United States and can not therefore belong to the army of the conquerors, I shall have no right to claim any of the trophies of the victory. Nor when the slaughter comes shall I have upon my hands the stain of the blood of any of the victims. Nor shall I share in the responsibility when in future our present unconstitutional and unjustifiable legislation against the Mormons shall be used as a precedent for like legislation to crush some other sect or denomination who may chance, as the Mormons now do, to fall under the ban of popular fanaticism and indignation which will afford another pretext for New England interference and regulation.

Mr. HOAR. In the amendment to which I called the attention of the Senate a little while ago——

Mr. BROWN. I offered an amendment yesterday and asked that it be read for information and printed.

Mr. HOAR. The Senator will pardon me for a moment.

Mr. BROWN. Certainly.

Mr. HOAR. In the amendment to which I called the attention of the Senate when the bill was laid before the Senate this morning, there is a mistake, owing to the error of the transcriber, in the second subdivision. It was called to my attention by one of the gentlemen at the desk. The words "in this State" should be "in the Territory." The provision of the amendment was copied from a statute of the State of New York.

The PRESIDING OFFICER. The correction suggested by the Senator from Massachusetts will be made if there be no objection.

Mr. MCPHERSON. There are many gentlemen on this side of the Chamber who yet wish to speak on the bill. The hour is somewhat late, half-past 4. If it is not interfering with the Senator from Massachusetts, who I believe has charge of the bill, I will move that the Senate do now adjourn.

Mr. HOAR. It is not yet quite half past 4. I should certainly object to an adjournment at the present time. I had proposed to say a few words in reply to what has fallen from the Senator from Georgia [Mr. BROWN].

The PRESIDING OFFICER. Does the Senator from Georgia now propose the amendment submitted by him?

Mr. BROWN. I propose the amendment.

The PRESIDING OFFICER. The Secretary will read the amendment of the Senator from Georgia first before the Senator from Massachusetts proceeds.

Mr. VEST. I suggest to the Senator from Massachusetts to take up the bill by sections. It would facilitate the matter.

Mr. HOAR. I will agree to that. Let it be done by unanimous consent.

Mr. VEST. I beg pardon. I understand the Senator proposes to speak now.

Mr. HOAR. Let that be understood by unanimous consent.

The PRESIDING OFFICER. Such will be the understanding. The Secretary will now report the amendment offered by the Senator from Georgia [Mr. BROWN].

The CHIEF CLERK. It is proposed to add to the bill—

SEC. —. That the voluntary sexual intercourse of a married person with one of the opposite sex, not the husband or wife of such married person, shall be cause and the only cause of absolute divorce from the bond of marriage in the District of Columbia and in the Territories of the United States, and in other places subject to the exclusive jurisdiction of the United States; but the courts of the United Sates may, in proper cases, as at common law, grant divorces from bed and board in said District, Territories, and other places subject to the exclusive jurisdiction of the United States.

Mr. HOAR. Mr. President, I have heard a part of the speech of the Senator from Georgia, enough of it to make me quite sure that I comprehend its entire character. I am not sure that I comprehend its motive. It is impossible to believe that that Senator has devoted so much industry and labor in the preparation of a written, I believe a printed, document, which he has read, for the mere purpose of making a vicious and malignant attack upon the people of any section of his country. The character of an American Senator and the high character of that Senator is utterly inconsistent with the thought that such a motive could have found a lodgment in his mind, and I hasten to acquit him of that purpose.

The only other logical motive which can be attributed to his speech must be that Mormonism in his judgment is right, that polygamy works well, that it is not worth while to exercise our legislative power to suppress it, because it is a better practical rule, so far as the statistics to which that Senator's taste and inclination attracted him, than Christianity or the lawful connection of one husband with one wife.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. HOAR. Certainly.

Mr. BROWN. The Senator, I know, does not intend to misrepresent me. He did not hear the first part of my speech or he would not make the statement he is making. I condemned in the strongest possible language polygamy in Utah or polygamy anywhere else; I undertook to show that it was our duty as far as we had jurisdiction to check illegal divorce, that I claim under the divine law amounts to polygamy, and said that while we are legislating for the Mormons we ought to legislate wherever else we have jurisdiction against the same evil.

Mr. HOAR. The Senator selected a bill which was supplementary to an act of Congress passed by a large majority in the Senate directed at the single offense of polygamy and intended to use the supreme power of this Government, so far as it is supreme over the Territories under the Constitution, to prevent founding a State with that for its corner-stone—he selected that occasion, and while we were intent on that measure, to make a speech in regard to the divorce laws under the guise of an amendment, which I do not suppose I am doing any injustice to that Senator in saying he could hardly expect to have adopted in the present state of opinion in this country.

Therefore, repeating that I absolutely acquit the Senator of the purpose of making a vicious or malignant attack upon any portion of the country, I can not see logically any other purpose of his speech. Certainly the logical result of his speech, if it has premises from which a logical result is to be derived, is that polygamy is better than the lawful marriage of one husband and one wife, and that Mormonism is better than Christianity as the practical governing rule of a State. That is the way it seems to me, and I can understand nothing else.

It is true that each community has its own dangers, its own faults, and its own vices, and that the evils which the Senator has described exist in portions of this country and elsewhere. The Senator has found them out, as I am proud to say of the section of the country where I dwell such things are usually found out, by the investigation and confession and endeavor at amendment of the people whom they concern. Whatever there is in the history of New England which is justly a reproach to her, is to be found written in the pages of New England historians. Whatever there is of vice or crime or poverty or wrong-doing or error in those communities, you find out from the humane statisticians belonging there who are giving their lives to their suppression and cure.

If I chose to follow the honorable Senator from Georgia in the spirit of his speech, there are topics enough which might easily be presented, which it would not even require an inquiry into statistics to suggest. I think the Senator has preferred for a great part of his life institutions lying at the foundation of Government which prohibited the institution of marriage altogether to a majority of the people of his State, and under which, highly moral, as I am happy to say of my countrymen, the large portion of the white people of that State are, the number and presence of mulattoes remains to be accounted for in some way. But I do not propose to enter upon that debate.

I should like to ask the honorable Senator from Georgia if he denies that under the Constitution we have the power of legislation over the Territories of the United States.

Mr. BROWN. I would have been saved, and the Senator would have saved himself, a good deal of trouble if he had kept up with my speeches on that question.

Mr. HOAR. I certainly had some trouble with what I did hear.

Mr. BROWN. I stated in my other speech here on the constitutional question that I admitted the right and power of Congress over the Territories, but I argued that under the circumstances Congress ought not to break down the legislation of fifty years for the purpose of illegally punishing any people on that subject.

Mr. HOAR. There being by the Senator's confession legislative au-

thority over the Territories, this bill, unless I have forgotten some provision (I think it is universally true, or if not, nearly so), contains no legislation for the Territory of Utah which is not in principle and substance the existing legislation in the State of Georgia.

Mr. BROWN. It is very different.

Mr. HOAR. I think it is not very different. It may be that there is a provision for arresting a witness and bringing him in, which is the English provision and the New York provision, which does not exist in Georgia, and one or two other slight things of that kind; but the substance of every provision of the bill and the act of which it is a supplement and addition is, varying in phraseology and form, now the law of the State of Georgia.

The first provision is that the husband or wife of the person accused shall be a competent witness in a case of bigamy or polygamy, bigamy and polygamy having been made a statute offense by the statute of the last Congress; and it is an offense punishable by three years in the penitentiary in the State of Georgia. We are doing for Utah and the Territories what Georgia does for herself.

Mr. BROWN. Georgia does not make the husband and wife witnesses against each other.

Mr. HOAR. I beg the Senator's pardon. Georgia does make a husband and wife witnesses, unless I am mistaken. I made the answer a little too emphatic against so learned a lawyer; but I think it will be found that Georgia does make a husband and wife witnesses against each other. If she does not she does in all analogous cases, and it is a mere omission that that is left out. I should not have contradicted the Senator. I did that in the earnestness of speech, but I understand that Georgia does. I got the statute from another Senator and looked. Now let us see:

No husband shall be competent or compellable to give evidence for or against his wife in any criminal proceeding—

This is the code of Georgia published in 1882—

nor shall any wife, in any criminal proceeding, be competent or compellable to give evidence for or against her husband. But the wife shall be competent but not compellable to testify against her husband upon his trial for any criminal offense committed or attempted to have been committed upon the person of the wife.

Section 3855 provides that—

Nothing contained in the preceding section shall apply to any action, suit, or proceeding or bill, in any court of law or equity, instituted in consequence of adultery.

Mr. BROWN. That does not apply to criminal prosecution, as the Senator sees.

Mr. HOAR. The wife is competent in any criminal proceeding for an offense against the person of the wife.

Mr. BROWN. But not compellable, and your bill is compellable.

Mr. HOAR. Then we have the Senator's argument, as far as that is concerned (let us do it full credit), that while Georgia permits the summoning of the wife but makes her not compellable in cases against her person, it expressly excepts in all suits for adultery the exemption from testifying of the wife in the preceding section. What earthly difference in principle is there? Can anybody doubt that if this precise offense of bigamy was raging in Georgia as it is in Utah the Legislature of Georgia would instantly supply any omission in the details of that statute and extend the principle which it contains to the whole subject?

Now, let us take the next section. This tyrannous bill, this subversion of all the safeguards of constitutional liberty, this meddling of one section of the country with the institutions of other people, which is the definition the Senator gives to the proposition of a bill in the American Congress to legislate for the Territories, depends, as far as its first section goes, for its liability to that reproach on the distinction between extending the right to compel the wife to testify from civil suits for adultery to criminal suits against the husband, and from the case where she is permissible but not compellable in criminal proceedings for injuries to her to making her compellable in all cases. That is the first section. The second section provides for the attachment of a witness, which is the law of the State of New York and I suppose of many other States to-day, though I have not looked, and it is the English law to-day.

Section 3 provides—

That any prosecution under any statute of the United States for bigamy, polygamy, or unlawful cohabitation may be commenced at any time within five years next after the commission of the offense.

Then, section 4 provides—

That every ceremony of marriage, or in the nature of a marriage ceremony, * * * shall be certified in writing by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest, and person, and shall be immediately recorded, and the record shall be *prima facie* evidence of the facts stated therein.

That is the next atrocious piece of tyranny which this bill contains. Section 5 provides—

That every certificate, record, and entry of any kind concerning any ceremony of marriage, or in the nature of a marriage ceremony of any kind, made or kept by any officer, clergyman, priest, or person performing civil or ecclesiastical functions, whether lawful or not, in any Territory of the United States, and any record thereof in any office or place, shall be subject to inspection at all reasonable times by any judge, magistrate, or officer of justice appointed under the authority of the United States.

That is the next outrage. Think of it! The sixth section is:

That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

Section 7 is tyrannical. I will join the Senator from Georgia and we will try to get that out. I admit here is one outrage:

SEC. 7. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah.

I think that is a violation of constitutional principles, but I am very sorry to say that it is a violation of constitutional principles which I am afraid has prevailed in the State of Georgia for some generations.

Section 8 provides—

That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled.

That is, that the particular voter shall not have a ballot distinguished so that secrecy can not be preserved. Then, excepting the law in reference to the estate of deceased persons and guardianship of infants, the jurisdiction of the probate court is confined by the ninth section to its proper object, and that matter is transferred from the probate courts, the judges of the Territory, to the higher district court. That is ecclesiastical law strictly; and the settlement of the estates of deceased persons is as in England, and as in most of the States of the Union, I suppose; and civil cases are remanded.

The tenth section provides that illegitimate children shall not inherit from their fathers, intending to strike that blow at the offense of polygamy. That is the law of my own State; it is the law I suppose of most of the States of the Union. Is it in Georgia? Will the honorable Senator inform me if in Georgia illegitimate children inherit from the father?

Mr. BROWN. Only from the mother.

Mr. HOAR. So we have taken Georgia as our model in section 10. Section 11 provides:

That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecution for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

Will the Senator inform me whether that is the law in Georgia?

Mr. BROWN. I would prefer to answer the Senator's speech after he gets through, and not be interrogated on each point as he goes along. I have no objection to answering, however.

Mr. HOAR. The Senator will pardon me; I am not interrogating the Senator with a view of testing the strength of his memory. I am asking now for particular facts, which I have not time to detain the Senate by turning over the code to look up.

Mr. BROWN. What was your question?

Mr. HOAR. My question is whether it is not competent for any person other than husband or wife in Georgia to institute a prosecution for adultery?

Mr. BROWN. Oh, yes; it always has been.

Mr. HOAR. And everywhere else. But a provision of the law of Utah is intended to screen and promote and encourage this class of adultery, and the authority of the United States comes in and says that the law as it exists everywhere else in the country shall prevail there; in other words, no man can be punished for adultery without the consent of his wife in Utah; no woman can be punished for adultery without the consent of her husband in Utah; and section 11 of the bill says that any other person may make the complaint. Then comes section 12:

SEC. 12. That the acts of the Legislative Assembly of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-day Saints, and the ordinance of the so-called general assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled.

That is a corporation against public policy, a corporation established to promote, increase, and make proselytes for the institution of polygamy, and a fund is established which would not be held lawful in any civilized country on the globe or in any single American State to be applied to those uses. If a private trust, a trust by a grant, were made to trustees in the State of Georgia for that precise purpose to the Church of Latter-day Saints or any body of trustees, I think I hazard nothing in affirming without asking the honorable Senator from Georgia that it would be held *ipso facto* void by the courts of that State without any legislative interposition whatever. That section simply repeals a Territorial law which has created a corporation with a trust fund for an illegal and immoral purpose, and then leaving to be done with it what would be done with it without, except that instead of the severity which we might exercise and which would be exercised in very many communities and countries, it certainly would be in England, of forfeiting this altogether, we provide that the funds shall go for the education of the children of that people.

The thirteenth section is:

That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other

places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or in violation of section 1890 of the Revised Statutes of the United States.

Now, this property is held in express violation of law, in express violation of a law which the Catholic barons of England, when she was a Catholic country and would have burned a Protestant at the stake, enacted to restrain the Catholic Church—that is, limiting the amount of property which should be held for church purposes, held in mortmain. We enacted in 1862 a statute of mortmain, founded on the ancient English principle, for our Territories, and this section simply declares that in the case of property now held in direct and unquestioned violation of the law of the land the Attorney-General of the United States shall proceed to take steps for the forfeiture.

I may as well say in this connection as any other that so careful of the rights of this people have been the committee that it is my purpose when that section is reached, a purpose adopted after consultation with the member of the committee who now occupies the chair of the Senate [Mr. GARLAND] and the chairman of the committee [Mr. EDMUNDS], to offer an amendment excluding from the operation of the law property held exclusively for the public worship of God, for a church, and remitting the penalty unless the limit of $100,000 has been passed—the present limit being $50,000—so as not to occasion the possible forfeiture of any lands which, having been originally acquired under the law, may have grown in value by the natural growth of values.

That is section 13. Then there is a provision for the courts compelling in those processes the production of books, records, and papers. Then section 15 annuls a corporation or association called the Perpetual Emigrating Fund Company, which is an association established, as was the other, for a purpose immoral and in direct violation of the laws of the United States. We propose to prohibit in every Territory in the United States the establishment and existence of corporations to hold and raise funds which shall be expended for the purpose of bringing men into those Territories to create a State of polygamous persons in violation of the law. That is the next outrage!

Then it is made the duty of the Attorney-General to take steps to dissolve that corporation. Then comes the seventeenth section of the bill which provides for the annihilation of the existing election districts, and requires the United States judges, governor, and secretary to redistrict the Territory, to apportion representation in a manner to provide for equal representation of all the people, and to make a record of their proceedings and of the new districts.

Then section 18 provides that the provisions of section 9 of the act of 1882 shall continue and remain operative until the provisions and laws under that section made and enacted by the Legislative Assembly of the Territory of Utah shall have been approved by Congress.

Then there is a provision for the punishment of adultery which does not now exist in that Territory; and there is a provision for the punishment of fornication which does not now exist in that Territory.

Then section 21 gives to the commissioners appointed by the supreme court and district courts in the Territory the common powers of a justice of the peace.

Section 22 gives to the marshal the ordinary powers of a sheriff in the arrest of offenders and imposes on him the ordinary duty of preserving the peace.

Then there is a provision for the appointment by the supreme court of the Territory of a Territorial superintendent of district schools, instead of the person who is now appointed and who always must be a Mormon, a believer in polygamy, by their practice, and a provision that this superintendent shall have power to prohibit the use in any district school of any book of a sectarian character.

That is the bill. Now, Mr. President, taking this bill I challenge the honorable Senator to find a single clause or provision in it which he will say is not either now the law of the State of Georgia or is not within the principle of the law of the State of Georgia, or would not be made by the Legislature of the State of Georgia the law for that State if there were any condition of things like that in Utah growing up there which made the people of that State deem it necessary.

The PRESIDING OFFICER (Mr. HARRIS in the chair.) The question is on the amendment proposed by the Senator from Georgia.

Mr. BROWN. Mr. President——

Mr. MCPHERSON. I move that the Senate adjourn.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. BROWN. Yes, sir; I yield to a motion to adjourn.

Mr. HOAR. I hope the Senate will continue. The session is growing late.

Mr. MCPHERSON. It is 5 o'clock.

Mr. HOAR. I see that there are some very industrious persons, not to be named here—when the Senator from Vermont is in the chair certainly not to be named—who promise that we may get away in a fortnight. [Laughter.]

The PRESIDING OFFICER. The Chair did not understand the object of the Senator from New Jersey.

Mr. MCPHERSON. I move that the Senate adjourn.

Mr. HOAR. I ask for the yeas and nays on that motion.

The yeas and nays were ordered and taken.

Mr. HARRISON (after having voted in the negative). I am paired with the Senator from Missouri [Mr. COCKRELL]. I see he is not in the Chamber. I announce the pair and withdraw my vote.

Mr. LAPHAM. On this question I am paired with the Senator from North Carolina [Mr. VANCE].

The result was announced—yeas 27, nays 27; as follows:

YEAS—27.

Bayard,	Colquitt,	Jonas,	Ransom,
Beck,	Farley,	Jones of Florida,	Saulsbury,
Brown,	Garland,	Lamar,	Vest,
Butler,	George,	McPherson,	Voorhees,
Call,	Gorman,	Morgan,	Walker,
Camden,	Harris,	Pendleton,	Williams.
Coke,	Jackson,	Pugh,	

NAYS—27.

Aldrich,	Hale,	Mahone,	Riddleberger,
Allison,	Hawley,	Manderson,	Sawyer,
Blair,	Hill,	Maxey,	Sewell,
Cameron of Wis.,	Hoar,	Morrill,	Sherman,
Conger,	Ingalls,	Palmer,	Van Wyck,
Cullom,	Logan,	Pike,	Wilson.
Edmunds,	McMillan,	Platt,	

ABSENT—22.

Anthony,	Fair,	Jones of Nevada,	Plumb,
Bowen,	Frye,	Kenna,	Sabin,
Cameron of Pa.,	Gibson,	Lapham,	Slater,
Cockrell,	Groome,	Miller of Cal.,	Vance.
Dawes,	Hampton,	Miller of N. Y.,	
Dolph,	Harrison,	Mitchell,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. BROWN].

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate do now proceed to the consideration of executive business.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LAPHAM (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

The roll-call was concluded.

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. My colleague, if present, would vote "nay."

Mr. COCKRELL. I desire to say that I have been paired with the Senator from Indiana [Mr. HARRISON] and have been necessarily detained in the room of the Committee on Appropriations in a conference committee.

The result was announced—yeas 29, nays 29; as follows:

YEAS—29.

Bayard,	Colquitt,	Jones of Florida,	Saulsbury,
Beck,	Farley,	Lamar,	Vest,
Brown,	Garland,	McPherson,	Voorhees,
Butler,	George,	Maxey,	Walker,
Call,	Gorman,	Morgan,	Williams.
Camden,	Harris,	Pendleton,	
Cockrell,	Jackson,	Pugh,	
Coke,	Jonas,	Ransom,	

NAYS—29.

Aldrich,	Edmunds,	McMillan,	Riddleberger,
Allison,	Hale,	Manderson,	Sawyer,
Blair,	Harrison,	Miller of N. Y.,	Sherman,
Cameron of Pa.,	Hawley,	Morrill,	Van Wyck,
Cameron of Wis.,	Hill,	Palmer,	Wilson.
Conger,	Hoar,	Pike,	
Cullom,	Ingalls,	Platt,	
Dawes,	Logan,	Plumb,	

ABSENT—18.

Anthony,	Gibson,	Lapham,	Sewell,
Bowen,	Groome,	Mahone,	Slater,
Dolph,	Hampton,	Miller of Cal.,	Vance.
Fair,	Jones of Nevada,	Mitchell,	
Frye,	Kenna,	Sabin,	

So the motion was not agreed to.

Mr. HOAR. The Senator from Georgia will pardon me for a moment. I will not insist upon asking the Senate to stay against these two votes which manifest so near an equality of opinion. I am aware that a number of Senators have an engagement a little later in the evening. I wish to manifest my urgent desire to have the bill hurried forward as promptly as possible within the bounds of reasonable debate, and to state that I am myself obliged to leave town the latter part of the week, and to remind Senators on the other side that the condition of this bill would have been advanced by three or four days if it had not been for my yielding to their request to give priority to a measure in which they took great interest. I am sure that they will hereafter in dealing with the progress of this bill not forget that fact. I will, therefore, move that the Senate do now adjourn, or I will yield to the Senator from Delaware [Mr. BAYARD], as I see he rises.

Mr. VOORHEES. I should like to know whether the Senator will press the bill to-morrow. I wish to say frankly to the Senator that I

am in sympathy with the substance of this bill, but I do not believe that during this week or the next week (for I know the engagement on which he is to be away) much progress can be made; but I think after that we can make a great deal of progress and we shall all join in and assist him. The condition of business is such now that I should be glad, while not presuming to suggest, much less dictate, to intimate that this bill had better go over a little while. I am not speaking for myself; I am speaking for others who are deeply interested in the bill and upon the committee from which this bill comes.

Mr. HOAR. I feel bound to-morrow at 2 o'clock to press the consideration of the bill and to ask the Senate to sit several hours in the evening to complete its consideration.

Mr. VOORHEES. I shall then feel bound to-morrow at every opportunity to press the consideration of the Mexican veteran pension bill, and I shall do it under all the parliamentary privileges that I have. It has lost two days when it ought not to have lost one.

Mr. HOAR. Will the Senator from Indiana permit me to say to him that two days ago four or five Senators, including the Senator who reported that bill and had it in charge, came to me and asked me if I would consent that this bill be laid aside for two hours with an agreement (which of course does not bind the Senator except so far as he thinks it may bind him) that if at the end of two hours it was not completed, that bill should not antagonize the Utah bill, but they would take their luck in the morning hour. I made that statement, and neither the Senate nor anybody else dissented from it, and thereupon I gave way.

Now, the Senator from Indiana will decide all questions appealing to his sense of honor, in the most delicate manner. I would rely on his sense of an obligation of that kind as fully as on that of any man living. I merely state that for his consideration to do what he thinks best.

Mr. VOORHEES. If I felt at all hostile to the measure advocated by the Senator from Massachusetts, then I would shrink from the course that I think it is right to pursue; but here is a bill from the House that can be made a law and effective in a very few hours. I concede to the Senator from Massachusetts and not only concede, but I say with pleasure that his course was liberal and generous on the Mexican pension bill; and I would not if I was antagonizing his bill take the position I do, for I intend to assist the Senator from Massachusetts in the passage of the bill he has at heart. But this pension bill comes here as a House bill and we can pass it in one hour. I think a mistake has been made by the friends of the Mexican pension bill in talking on it. I have not talked; I do not think we ought to talk, although gentlemen on this side of the Chamber talked one or two hours, and I think we can pass the bill very soon. If I did not I would yield the right of way to the Senator from Massachusetts.

The Senator from Massachusetts has in charge a bill which if it passes the Senate during the present session, owing to the condition of business in the other House, I know can not pass there. I know the business of the House is in such a condition that as soon as they have passed the appropriation bills they will break away from the Capitol and leave the work to be finished up at the next session of Congress. I say I know that. Perhaps I ought not to say that. I know it in no other sense than from my judgment that that will be the course. There are two hundred bills from the Senate on the Speaker's desk to-day that can not be touched, and will not be until next winter.

While all my sympathies and my judgment are with the bill presented by the Senator from Massachusetts from the Committee on the Judiciary, yet it is a bill that can wait awhile far better than the bill for the Mexican veterans. This pension bill of the Mexican veterans has been talked of here, thought of, considered, reported upon, and what we are going to do we ought to do now, and let us do it; and if we are not going to pass it let us vote upon it and refer it back quickly. If we are going to pass it let us pass it at once in some shape. That is all I have to say.

Mr. HOAR. I move that the Senate adjourn.

Mr. WILLIAMS. May I be allowed a word?

Mr. HOAR. Very well. I withdraw the motion.

Mr. WILLIAMS. The Senator from Massachusetts withholds his motion for a moment. I did not understand the other day when that arrangement was made by the friends of the Mexican pension bill and my friend from Massachusetts that he was to have the right of way until his bill was disposed of.

Mr. HOAR. That that bill should not antagonize this.

Mr. WILLIAMS. I did not so understand it, because if I had I would have insisted on having the whole day; but the Senator only gave us two hours, and we agreed at the end of the two hours, if we had not disposed of it, we would yield. That was all.

Mr. HOAR. I move that the Senate adjourn.

The PRESIDING OFFICER. The present occupant of the chair desires to state, in justice to the Senator from Massachusetts, that he appealed to the Senator from Massachusetts, and did use the exact language that the Senator from Massachusetts has reported. The Senator from Massachusetts moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 27, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BEACH. I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction of bills and joint resolutions.

There was no objection.

The Clerk read the remainder of the Journal, which as read was approved.

MATERIAL FOR FOLDING.

The SPEAKER, by unanimous consent, laid before the House a letter from the Clerk of the House in reference to an appropriation to supply deficiency in the appropriation for material for folding; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

Mr. JONES, of Arkansas, by unanimous consent, was granted leave of absence, on account of sickness.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL moved that a conference be requested on the disagreeing votes of the two Houses on the agricultural appropriation bill.

The motion was agreed to.

The SPEAKER appointed as conferees on the disagreeing votes of the two Houses on the bill (H. R. 5261) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, Mr. DIBRELL, Mr. WILLIAMS, and Mr. WHITE of Minnesota.

RELIEF OF SUFFERERS BY OVERFLOW OF MISSISSIPPI RIVER.

Mr. ELLIS. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (H. Res. 255) appropriating the further sum of $100,000 for sufferers by overflow of the Mississippi River and tributaries, in order that it may be brought up at the present time for consideration.

The SPEAKER. The joint resolution will be read subject to objection.

Mr. ELLIS. I will ask the House after the reading of the joint resolution to indulge me in a brief statement.

The joint resolution was read, as follows:

Resolved, &c., That the further sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War for the relief of such destitute persons as may require assistance in the district overflowed by the Mississippi River and its tributaries, in the manner provided for in the joint resolution entitled "A joint resolution authorizing the Secretary of War to issue rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making an appropriation to relieve the sufferers by said overflow," approved February 12, 1884.

The SPEAKER. Is there objection?

Mr. COOK. I call for the regular order of business.

Mr. ELLIS. I ask the gentleman from Iowa to allow me to make a brief statement before he insists on his objection.

Mr. COOK. I withdraw my objection for that purpose.

The SPEAKER. If there be no objection the gentleman from Louisiana will be allowed to make a statement subject to objection. The Chair hears no objection.

Mr. ELLIS. Mr. Speaker, a few days ago, from the Committee on Appropriations, I reported this resolution. I did so with diffidence. I did so with hesitancy. I did hope the emergency would pass away. I did hope the receding waters would give those people a chance to see dry ground again. Since that time, Mr. Speaker, the waters have risen upon them again; since that time there have been rises upon the rivers above which have come down on these people. There have been unprecedented rains, and our information now is that the waters will remain for weeks longer. It has been four months since these people saw dry ground.

A few weeks ago, sir, when intelligence reached the House of the vast floods in the Ohio River there was a thrill of sympathy followed by the swiftest action on the part of this House. We voted $500,000 for the relief of these people, $375,000 of which was expended, expended justly, righteously, mercifully I say, and in accordance with the humane spirit of this country shown with regard to foreign people and with regard to this people.

Three hundred and seventy-five thousand dollars were expended for the relief of the Ohio sufferers. Yet, sir, those floods passed away within two weeks, and where the devouring waters were now fields and gardens are all a-bloom, and the people are in their homes. A very few days afterward those overflows reached the valley of the Mississippi River. Those people have no prosperous towns, no high back country to which they can flee. They are without telegraph facilities, or, sir, the very air would be burdened with the mournful plaints which come from that region. They have not seen the dry ground beneath them

for four months. Their hopes of making a crop are gone; the merchants who usually advanced them upon the faith of their crops can not and will not do so because there is no hope of a crop. From the most reputable people, from gentlemen for whose honor and integrity I vouch, there comes a startling statement that from twenty-five to forty thousand people are in an absolute state of starvation in Arkansas, Mississippi, and Louisiana. Under these circumstances I appeal to the humanity of this House; I appeal to the humanity of every member of this House to give this appropriation.

The Secretary of War has recommended it, the officers of the Commissary Department have recommended it, the relief commission have recommended it, and now there comes here every day some new intelligence of this widespread fearful suffering among the people which demands relief. I hope there will be no objection to the passage of the resolution.

Mr. DUNN. Will the gentleman from Louisiana permit me to ask him if it is not true that there has not been a dollar appropriated for these sufferers except the crumbs that fell from the Ohio River appropriation?

Mr. ELLIS. Not a dollar.

Mr. DUNN. And nothing has been given but the remainder of that unexpended appropriation?

Mr. ELLIS. Not a cent.

Mr. COSGROVE. Let me ask the gentleman how much of that was given?

Mr. DUNN. One hundred and twenty-five thousand dollars, where there were 500,000 people destitute.

Mr. COSGROVE. Let me ask the gentleman from Louisiana if this is a unanimous report of the Committee on Appropriations?

Mr. ELLIS. With one exception it is the unanimous report of the committee—a gentleman who is not present now. If he were here I am satisfied that he would unite with the committee in this recommendation.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. PERKINS. Let me ask if the Legislature of the State of Louisiana has not been recently in session?

Mr. ELLIS. It has recently convened.

Mr. PERKINS. Did it make any appropriation for the sufferers by this overflow?

Mr. ELLIS. I will state to the gentleman that on account of its debts, on account of the inability to collect the taxes by reason of these overflows, the treasury of my State is empty, and relief is impossible on the part of the government of the State through its Legislature. Hence the necessity of this appeal to Congress.

I will state further to the gentleman that I would not stand here in the attitude of a mendicant in behalf of my people for five hundred times the amount needed to help them if it were not for the absolute impoverished condition in which this overflow finds them at this time and the inability of the State authorities to grant them any relief.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. POST, of Pennsylvania. I object.

Mr. TURNER, of Georgia. I demand the regular order.

Mr. ELLIS. I must, then, Mr. Speaker, in obedience to the voice of suffering behind me from my people, ask this House to pause in its regular business and go with me into Committee of the Whole on the state of the Union until we can reach the consideration of this resolution. I ask that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. The Chair will state to the gentleman from Louisiana that that motion would not be in order until after the morning hour has been exhausted or dispensed with.

Mr. POST, of Pennsylvania. I will withdraw the objection, at the solicitation of gentlemen around me.

The SPEAKER. Is there further objection to the request of the gentleman from Louisiana?

Mr. OATES. I wish to say, Mr. Speaker, that while I am unalterably opposed to this character of legislation for reasons heretofore given, I will not object to allowing the gentleman from Louisiana now to have consideration by the House of this resolution.

The SPEAKER. The question is upon ordering the resolution to be engrossed and read the third time.

The joint resolution was ordered to be engrossed and read the third time.

The question recurred upon the passage of the resolution.

Mr. POST, of Pennsylvania. Upon that I demand the yeas and nays.

The yeas and nays were ordered, 33 members voting in favor thereof.

The question was taken; and there were—yeas 120, nays 77, not voting 126; as follows:

YEAS—120.

Aiken,	Brewer, F. B.	Carleton,	Davidson,
Anderson,	Brewer, J. H.	Cassidy,	Davis, G. R.
Ballentine,	Broadhead,	Clardy,	Davis, R. T.
Barbour,	Burnes,	Cobb,	Dibrell,
Barksdale,	Cabell,	Collins,	Dockery,
Bayne,	Caldwell,	Covington,	Dorsheimer,
Blanchard.	Calkins,	Cox, S. S.	Dunn,
Bland,	Cannon,	Cullen,	Ellis,
Ermentrout,	James,	Neece,	Stephenson,
Follett,	Jeffords,	Nicholls,	Struble,
Foran,	Johnson,	Ochiltree,	Sumner, C. A.
Funston,	Jones, J. H.	O'Ferrall,	Taylor, E. B.
Fyan,	Kasson,	O'Hara,	Taylor, J. M.
Garrison,	Keifer,	Payson,	Thomas,
George,	Kelley,	Peel,	Thompson,
Glascock,	King,	Pierce,	Throckmorton,
Goff,	Kleiner,	Poland,	Townshend,
Graves,	Laird,	Pryor,	Valentine,
Greenleaf,	Lamb,	Pusey,	Vance,
Hancock,	Lewis,	Randall,	Van Eaton,
Hart,	Libbey,	Robinson, J. S.	Wakefield,
Hatch, W. H.	Lovering,	Robinson, W. E.	Washburn,
Henderson, D. B.	McCoid,	Rogers, J. H.	Wellborn,
Henley,	McKinley,	Rogers, W. F.	Weller,
Hiscock,	Matson,	Rowell,	White, Milo
Holman,	Maybury,	Ryan,	Williams,
Horr,	Miller, S. H.	Scales,	Wilson, James
Houseman,	Morey,	Shelley,	Wilson, W. L.
Howey,	Morrill,	Smith,	Wise, J. S.
Hunt,	Muldrow,	Steele,	Wolford.

NAYS—77.

Adams, J. J.	Eaton,	McAdoo,	Springer,
Alexander,	Eldredge,	Miller, J. F.	Stewart, Charles
Bagley,	Elliott,	Mitchell,	Strait,
Barr,	Ellwood,	Morgan,	Sumner, D. H.
Beach,	Everhart,	Morse,	Tillman,
Bennett,	Ferrell,	Murray,	Tucker,
Bisbee,	Fiedler,	Mutchler,	Turner, H. G.
Blount,	Geddes,	Nutting,	Turner, Oscar
Boyle,	Halsell,	Oates,	Van Alstyne,
Brown, W. W.	Hardeman,	Patton,	Warner, Richard
Buchanan,	Hemphill,	Post,	Weaver,
Buckner,	Hewitt, G. W.	Potter,	Wemple,
Campbell, Felix	Jones, B. W.	Price,	Winans, E. B.
Candler,	Lanham,	Ranney,	Woodward,
Clements,	Lawrence,	Reese,	Worthington,
Connolly,	Le Fevre,	Seymour,	Yaple,
Cosgrove,	Long,	Shaw,	York.
Cox, W. R.	Lore,	Slocum,	
Crisp,	Lowry,	Spooner,	
Culberson, D. B.	Lyman,	Spriggs,	

NOT VOTING—126.

Adams, G. E.	English,	Kean,	Robertson,
Arnot,	Evans, L. N.	Kellogg,	Rockwell,
Atkinson,	Evins, J. H.	Ketcham,	Rosecrans,
Belford,	Findlay,	Lacey,	Russell,
Belmont,	Finerty,	McComas,	Seney,
Bingham,	Forney,	McCormick,	Singleton,
Blackburn,	Gibson,	McMillin,	Skinner, C. R.
Boutelle,	Green,	Millard,	Skinner, T. G.
Bowen,	Guenther,	Milliken,	Smalls,
Brainerd,	Hammond,	Mills,	Snyder,
Breckinridge,	Hanback,	Money,	Stevens,
Breitung,	Hardy,	Morrison,	Stewart, J. W.
Browne, T. M.	Harmer,	Moulton,	Stockslager,
Brumm,	Hatch, H. H.	Muller,	Stone.
Budd,	Haynes,	Murphy,	Storm,
Burleigh,	Henderson, T. J.	Nelson,	Talbott,
Campbell, J. M.	Hepburn,	O'Neill, Charles	Taylor, J. D.
Chace,	Herbert,	O'Neill, J. J.	Tully,
Clay,	Hewitt, A. S.	Paige,	Wadsworth,
Converse,	Hill,	Parker,	Wait,
Cook,	Hitt,	Payne,	Ward,
Culbertson, W. W.	Hoblitzell,	Perkins,	Warner, A. J.
Curtin,	Holmes,	Peters,	White, J. D.
Cutcheon,	Holton,	Pettibone,	Whiting,
Dargan,	Hooper,	Phelps,	Wilkins,
Davis, L. H.	Hopkins,	Rankin,	Willis,
Deuster,	Houk,	Ray, G. W.	Winans, John
Dibble,	Hurd,	Ray, Ossian	Wise, G. D.
Dingley,	Hutchins,	Reagan,	Wood,
Dowd,	Jones, J. K.	Reed,	Young.
Duncan,	Jones, J. T.	Rice,	
Dunham,	Jordan,	Riggs,	

So the joint resolution was passed.

On motion of Mr. ELLIS, by unanimous consent, the reading of the names of members voting was dispensed with.

The following members were announced as paired on all political questions until further notice:

Mr. STORM with Mr. RUSSELL.

Mr. TALBOTT with Mr. BREITUNG.

Mr. EVINS, of South Carolina, with Mr. BOWEN.

Mr. ROSECRANS with Mr. PETTIBONE.

Mr. HARDY with Mr. MOREY.

Mr. DAVIS, of Missouri, with Mr. BELFORD.

Mr. DUNCAN with Mr. SMITH.

Mr. CLAY with Mr. RICE.

Mr. HILL with Mr. EVANS, of Pennsylvania.

Mr. JONES, of Arkansas, with Mr. HANBACK.

The following pairs were also announced:

Mr. FORNEY with Mr ATKINSON, until May 30.

Mr. O'NEILL, of Missouri, with Mr. HAYNES, until May 28.

Mr. HAMMOND with Mr. REED, until May 30.

Mr. WILKINS with Mr. BRAINERD, on this vote.

Mr. DOWD with Mr. HOUK, on this vote.

Mr. CONVERSE with Mr. SENEY, on this vote. Mr. CONVERSE would vote for the resolution and Mr. SENEY against it.

Mr. BELMONT with Mr. HARMER, for this day.

Mr. MULLER with Mr. RAY, of New Hampshire, for this day.

Mr. GEORGE D. WISE with Mr. KELLOGG, on this vote.

Mr. YOUNG with Mr. WHITING, for this day.

Mr. BUDD with Mr. COOK, on the pending resolution.

Mr. AIKEN. I did not hear any pair announced of my colleague from South Carolina [Mr. DARGAN]. I desire to state that he is confined to his room by sickness.

Mr. SMITH. I desire to say that I am paired on all political questions with Mr. DUNCAN; but not regarding this as a political question, I have voted.

The result of the vote was then announced as above stated.

Mr. ELLIS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELLIS. I ask unanimous consent to have printed in the RECORD certain telegrams relating to this subject.

There was no objection.

The telegrams are as follows:

SAD TIDINGS.

[Special to the Republican.]

VICKSBURG, MISS., *May* 9.

The Anchor line steamer City of Vicksburg arrived from below this evening with about two hundred negroes, farm hands, from points in Tensas Parish. Captain Keith states that he was hailed at other points where there were numbers of colored people huddled together on points of levees waiting transportation to any point out of the overflowed section. It is estimated that at least 60 per cent. of Madison and and 75 per cent. of Tensas Parishes are yet under water. The larger portion of the planters in the parishes named have given up all hopes of making a crop this season. At many points in the overflowed sections mules and cattle are dying in great numbers. The stock at some places are dying from actual starvation, and at other points from the swarms of gnats that are now causing great destruction in the valley.

NATCHEZ, MISS., *May* 24, 1884.

Hon. E. JOHN ELLIS, *Washington:*

Appeals are becoming daily more urgent; destitution in many cases is becoming starvation, especially in the Black, Tensas, and Little River bottoms in parts of Tensas, Madison, and Carroll, and in Mississippi below Vicksburg to mouth Red River. Much of this country has been inundated for three to four months. River now stands 45 feet 1 inch, 5 feet above danger line, and has not changed for weeks. People have neither money nor credit and no means of getting away. Planters have exhausted their credit in many instances, as chances of making a crop grow less daily. The situation is already desperate, and relief must soon come or deaths from starvation and hardships will be recorded in a country with an overflowing Treasury.

T. S. SHIELDS, *Relief Commissioner.*

MONROE, LA., *May* 24, 1884.

Hon. E. JOHN ELLIS, *Washington D. C.:*

The condition of the people on Black River desperate. See my dispatch to General KING, and get relief as soon as possible.

C. J. BOATNER.

VIDALIA, LA., *May* 25, 1884.

Hon. E. JOHN ELLIS, M. C., *Washington D. C.:*

Laboring people on Texas River on the verge of starvation, and unless relieved speedily will starve. Land under water, and water stationary.

F. GRIFFIN.
T. E. CALVIN.

VIDALIA, LA., *May* 24, 1884.

Hon. E. JNO. ELLIS:

Have just made a trip from Troyville to this place in a skiff, nearly forty miles by water, and I must state suffering from the Catahoula Hills to the Mississippi Hills is very great. Planters can not help themselves, much less the freedmen. Merchants have refused to furnish further, and the outlook for the water to remain several weeks is rather gloomy. Can not something be done for these poor people in the back part of this and Catahoula Parish?

SAM'L BLOCK.

TROYVILLE, LA., *May* 24, 1884.

Hon. E. JNO. ELLIS:

Entire country still overflowed and destitution among people very great; white and black both suffering alike, as merchants have refused to furnish any relief. In fact, country is short of necessaries of life. Can not something be done, as from the present outlook water will remain considerable time yet.

R. B. WALTERS.

RODNEY, MISS., *May* 8, 1884.

Hon. E. BARKSDALE:

Need rations for fifteen hundred hands; overflowed.

J. F. GILLIAM,
A. A. COX,
D. P. MULLINS,
And others.

NATCHEZ, MISS., *May* 19, 1884.

Hon. H. S. VAN EATON, *Washington:*

Your constituents Deadman's Bend represent great suffering from overflow. Want to know what prospect for Government aid. Condition overflowed people more desperate now than heretofore. Answer.

JAS. W. LAMBERT.

WOODVILLE, MISS., *May* 16, 1884.

Hon. H. S. VAN EATON:

We are now overflowed, the second time, by late rise. All means for supply of laborers is exhausted. We ask in their behalf assistance from the Government. Will it be granted? Who shall we apply to? Answer immediately.

W. N. WHITE.
J. A. MCGILL, JR.
L. E. STUART.
B. C. STUART.
H. MONIS.
DR. R. T. LESSLIE.
P. J. STRICKER.
G. M. HERRICK.
RICHD. HARRISON.
JNO. H. BARKLEY.
E. S. KELLOG.
R. R. BROWN.
MAT. MALLER.
P. D. DALLEY.
W. H. SWAN.
JAS. A. V. FETUS.

CLAIMS ALLOWED.

The SPEAKER. The gentleman from Illinois [Mr. ROWELL] asks that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department. The Chair is advised there was an error in the engrossed copy of this bill by which certain claims were duplicated.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. TURNER, of Georgia. I call for the regular order.

Mr. SCALES. I desire to make a privileged report. I ask the gentleman from Georgia to yield to me for that purpose.

Mr. TURNER, of Georgia. I can not yield further.

CONTESTED ELECTION—WALLACE VS. M'KINLEY.

The SPEAKER. The House resumes as the regular order of business the consideration of the report of the Committee on Elections in the contested-election case of Wallace *vs.* McKinley, eighteenth district of Ohio. The gentleman from Ohio [Mr. EZRA B. TAYLOR] is entitled to the floor. The gentleman has thirty minutes of his time remaining.

Mr. EZRA B. TAYLOR. Mr. Speaker, it will be remembered by those who were present and listened to me last evening that when the House adjourned I was proceeding to count up the votes which I thought ought to be counted for the two parties upon the basis of counting to the contestant all that was claimed for him specifically in the report of the committee. I had proceeded so far as to deduct from the apparent majority of 28 in favor of the contestant the 10 votes which I claimed to be an error in the footing in favor of the contestant in the county of Carroll. I will proceed now in the same line as briefly as I may, taking every vote that is and ought to be contested, and balancing the books so to speak upon every page as I go, that there may be no mistake when the outcome is arrived at.

Next there are the 4 votes called the "Kinley" vote, the "Orlando Brown" vote, the "Hune" vote, and the vote at Austintown, which are admitted by the contestant to be votes that ought to be counted for the contestee, but which were not counted for him. The "Kinley" vote is admitted by the counsel in the argument for the contestant, but it needs no admission, because the man who cast that vote identifies it as his vote and says he intended it for the contestee. The "Orlando Brown" vote is also conceded. The "Hune" vote and the "Austintown" vote are of this kind: Tickets were found in the box on which was printed the name of the contestant, and under it was written the name of William McKinley, jr., the printed name not being erased. In the argument of this case and in the action of the committee, there being cases of this kind on both sides, it has been agreed and understood, as it ought to be agreed and understood, that all such votes were intended to be cast and should be counted for the party whose name was written under the printed name. Those 2 votes, then, are admitted, and leave the apparent majority of the contestant upon the basis named at 14 votes.

Frederick Ott testifies that he was a foreigner; that he voted for Wallace; and that he was never naturalized; neither was his father. Thomas Black is admitted to have voted for Wallace and it is admitted that he was never naturalized and was a foreigner, coming into this country after age. Those 2 votes are deducted without objection, leaving 12 votes still in favor of contestant.

George W. Shrimp was sworn; he offered his vote at Minerva; had a McKinley ticket. He swears he was a resident, over age, and a voter in that precinct, but he was refused, being required to bring some other man to vouch for him and to swear for his vote, and that other man was residing three miles away. Ohio law allows no vouchers and no assisting affidavits. It turns out now that this man had an unquestioned right to vote, and he offered to vote for McKinley and was rejected. One more to be deducted, leaving a majority of 11.

In the sixth ward of Canton admittedly a vote was cast and not counted. The ballot had the name of Wallace printed on it, and that name was not erased, but underneath it there was written clearly and undisputedly the name of William McKinley, jr. Under the agreement and concession all around this vote is to be added to McKinley, reducing the apparent majority of Wallace to 10.

In the township of Butler, Columbiana County, this state of facts existed: On the morning of election day some one opposed to the election of Mr. McKinley obtained possession of all the Republican ballots at the polls and drew a pencil-mark through the name of McKinley upon each one of those ballots. Republican voters coming there to vote found no other tickets than those. They took a rubber eraser and rubbed off the pencil-mark until the printed name appeared clearly upon the ticket, and then voted those tickets. Those votes were not counted. There were 6 of them.

The men who cast those votes came in afterward during daylight, when the votes could be seen, and recognized their ballots and swore that they intended by that erasure to restore the name of McKinley on the ballot and to vote it for him. Those names should be added to the list of those voting for McKinley.

Mr. COOK. Will the gentleman permit me to ask him a question?

Mr. EZRA B. TAYLOR. Certainly.

Mr. COOK. Does the gentleman claim that under the law of contested elections it is competent to call the voter in order to show what he intended by his ballot, when the ballot will show for itself? Or are you not limited to the ballot itself and surrounding circumstances?

Mr. EZRA B. TAYLOR. I am disposed to try this case upon any ground that you and your people will take, if you will keep that ground all the way through. And for my purpose I will take your law.

Mr. ADAMS, of New York. Will the gentleman state how these voters identified their ballots?

Mr. EZRA B. TAYLOR. I do not mean to say that they identified these specific ballots, but they said that they voted that kind of ballots, and for the number of that kind of ballots which we find there are also voters found.

Mr. ADAMS, of New York. A number of those ballots were counted about which there was no dispute.

Mr. EZRA B. TAYLOR. This is a fact that the gentleman from New York [Mr. ADAMS] argued yesterday that these ballots should not be counted, not because the truth about them is not as I state, but because the judges of the election had decided upon them and rejected them, and their decision was final. Accepting the doctrine suggested by the gentleman from Iowa [Mr. COOK] the ballot itself on inspection shows that the history of it is as I have stated, and for that reason I hold that it should be counted.

One of the ballots of that kind was cast by a man of the name of Stanley. He was a man not of sound mind, that is, not of strong mind. He was a man who attended to his own business, was a man of some education and read a good deal. I am speaking now from the evidence in the case. He had mastered Ray's Arithmetic to quite an extent, contracted for himself, did business for himself, and yet not being as strong-minded a man as some, they say that his vote ought not to be counted. But I claim his vote under the law. With that vote the number of such ballots was 6.

I am going hastily necessarily over this list of names, but I have the testimony here in each case; I have the record before me, and if any gentleman wants the testimony concerning any special statement which I make I shall be glad to refer him to the evidence. It is the law and the evidence on which I stand; not general declarations nor opinions unsupported by the law or evidence. Counting those 6 votes for McKinley, there is at this point left an apparent majority for the contestant of 4 upon the basis I have so often stated.

In Salem Township, Columbiana County, there was another ballot with the name of Wallace in print and the name of McKinley under it clearly in writing. That was not counted, but should be counted for McKinley. That reduces the apparent majority to 3.

In the recount in Austintown, Mahoning County, there were found 2 ballots with McKinley's name which were not counted. That recount has not been impeached; it has all the conditions about it to make it a complete legal count. There were 2 of these tickets not counted for McKinley which ought to have been counted for him; and that is conceded by the gentleman from New York [Mr. ADAMS].

But there were 2 other votes there about which we need say nothing, because in regard to them both the majority and the minority of the committee are agreed—ballots upon each of which the name of one of the candidates was printed and the name of the other candidate was written underneath; but counting the 2 votes about which there is no dispute, that leaves at this point an apparent majority of 1 for the contestant.

There was a vote in Washington Township, Stark County, that had written on it, under the name of McKinley, the name of J. Wales. In the county of Stark there was a large and influential family by the name of Wales, one member of which had been a candidate for Congress. I speak now from the evidence. I say it is asking too much, without any explanatory circumstances showing the intent, to count a ballot with the name of J. Wales on it for Jonathan H. Wallace; yet it was so counted. That ballot should be deducted, and that will leave neither party at this point with a majority.

The two candidates at this point are now even in number of votes; still we have allowed the contestant every claim he makes; we conceded to him the law upon all points as he claims it to be; we have allowed him every count that he claims, and yet the contestant has no majority.

In Osnaburg, Stark County, there was a ticket with the name of Jonathan H. Walser on it, which was counted for Jonathan H. Wallace. There were many men in that county by the name of Walser. By what rule of law, by the force of what presumption, is this name of one individual claimed to indicate another? I have therefore deducted that vote from the contestant, though with more doubt than in any other case that is included in this whole volume of testimony.

Mr. DORSHEIMER. I would like to ask the gentleman whether there was any person there of that precise name?

Mr. EZRA B. TAYLOR. No person bearing the precise name "Jonathan H. Walser," but there were many of the name of "Walser."

Mr. McKINLEY. And there was a "J. H. Walser."

Mr. DORSHEIMER. Was there any person bearing the name of "J. H. Walser?"

Mr. EZRA B. TAYLOR. I do not remember the evidence on that point, but I am informed by my friend here [Mr. McKINLEY] that the evidence shows there was a "J. H. Walser."

Now, there was another ticket bearing the name "Jonathan H. Wallage." I count that vote for Wallace. I can give no reason for doing so except that I can do it safely, and I wish to be in the right at all hazards.

At the infirmary in Plain Township, Stark County, there were four inmates, one of whom voted in Louisville, Nimishiller Township, another in Washington Township, while two voted in Canton city, no one of those precincts being in Plain Township.

The supreme court of Ohio has recently, in the thirty-fourth volume of its decisions, decided what is the law in Ohio upon this subject. It decides that the inmates of an infirmary may be voters, but it fixes also that persons whose home is an infirmary, who have adopted it as their home, or have been put there under such circumstances that it is their home, are entitled to vote in the precinct in which the infirmary is situated, and that alone is their legal voting-place, for in Ohio a man can not have and never is entitled to have a choice of voting-places. Each one of these four men swears that he had adopted this place as his home. They voted honestly but mistakenly out of their precincts.

You may say these men ought to be allowed to vote. So they ought; but let me remind this House that in regard to voting there is only a legal right—never an equitable right as distinct from the legal right. The right to vote is purely and simply a legal right. In the State of Ohio these four men had no right to vote anywhere else than in the township of their legal residence, which was Plain Township, if the supreme court of Ohio understands the law of that State. Add, then, these 4 votes to the 1; and Mr. McKinley has a majority of 5.

There were 5 electors who voted in the city of Canton, legal voters, honest men, but they voted in the wrong ward. Their names are John Rigler, Frank Walters, M. Zilch, Daniel Winkleman, and Celestin Jourdain. Every one of these men swears that he voted out of his ward, having since learned in which ward he actually resided, and swears that he voted for Wallace, not for McKinley.

It is an unquestioned fact that these men voted out of their ward; but it is argued—not that they had a right to vote somewhere else, because I repeat my statement made a moment ago in relation to the infirmary voters—these men had no right to vote except where they were legal voters. They had no more right to vote in an adjoining ward than in an adjoining township, or an adjoining county, or an adjoining State. How dangerous it would be to adopt the rule that the residents of a city might vote according to their own choice in any ward of the city. What corruption might result. It is argued, I say, that those votes should not be deducted because of want of proof as to ward lines.

On page 389 of this record I find the testimony of a man whose name is printed John H. Holl. His proper name is Hole. He is the civil engineer of the city of Canton. In testifying he produces a map, upon which are drawn the outlines of the different wards. That map is not printed with the evidence, but it is admitted here.

He shows that map to these voters, and they admit that they voted outside of their wards. He swears that the map is a correct map of the wards of Canton. Besides, he goes on to give in language, which is here in the record, the exact boundaries of each ward by streets, showing that each of these men voted out of his precinct.

Yet we are told by the gentleman from New York [Mr. ADAMS] that there must be some other evidence of the boundaries of these divisions. Suppose a man is tried for murder; the venue is laid in Stark County; a witness who saw the deed committed is asked: "In what county was this done?" He answers, "In the county of Stark." My friend from New York, if he were conducting the defense in such a case, would say that was not competent evidence; that the statute of the State forming this county must be produced; that the survey made by some man who knew it was correct must be exhibited.

Mr. ADAMS, of New York. The court in a case of that kind would take judicial notice of the fact.

Mr. EZRA B. TAYLOR. Would take judicial notice of what?

Mr. ADAMS, of New York. Of the existence of the county.

Mr. EZRA B. TAYLOR. Does the judge of an election, or the citizen when he presents his vote, take judicial or other notice of it?

Mr. ADAMS, of New York. Precisely so.

Mr. EZRA B. TAYLOR. These men did that, and were bound by it.

Mr. ADAMS, of New York. The witness says he does not know whether the map is correct, but in his judgment it is so.

Mr. EZRA B. TAYLOR. He says that in his judgment the map is correct, and he says he knows the wards are so bounded.

But the gentleman from New York made another point, that the voter said he did not know until the day he gave his testimony, or the day before, that he had voted in the wrong ward. But it is no matter when he learned it. He knows when he testifies that the place where he voted the preceding fall was not in the ward in which he should have voted.

So I take those 5 votes out. Yes—if it makes any difference; in my judgment it does not—this engineer is a Democrat, and so testifies. That leaves 10 majority for McKinley.

A man by the name of Moriarty voted in the same way in the town of Alliance, in the wrong precinct, by his own testimony, and voted for Wallace.

Joseph Bittaker voted in Sugar Creek Township, Stark County, and lived in Tuscarawas, out of the district of McKinley. These 2 make 12 majority for McKinley.

Herschel Urmson voted in Knox Township, and was but a few days over 20 years old by his own testimony—13.

Lewis Little voted in Alliance; his family resided in Canton—14.

Ed. Marks voted in Canton; his family lived in Wooster. I know he says he did not reside with his family, but the evidence is overwhelming that he did; and his wife swears he continued to furnish her with provisions and support and that he visited her within a day or two of the election—15.

James Benson voted in Lawrence, while he lived in Youngstown.

E. Yaste was not a resident of Ohio at all.

William Ohl was not naturalized. Both voted for Wallace.

Mr. ADAMS, of New York. Does he not swear he lost his papers and voted twice on them?

Mr. EZRA B. TAYLOR. He told where he got them and they went to that court and found that he had falsified; that he did not get them there. He said he destroyed them at a certain time and place. And yet afterward he said he destroyed them at another time and place; he made still another contradictory declaration, and I put his testimony out of the way.

Mr. ADAMS, of New York. There were three witnesses who saw him vote and saw his papers.

Mr. EZRA B. TAYLOR. Yes; he did vote, and he had pretended papers, but he had no naturalization papers, as inquiry of the court where he claimed to have got them demonstrated, the name of the judge and the name of the court having been given, and the judge and the records of that court deny his claim.

D. Spring, a resident of Canton, voted in Bethlehem Township, some distance away.

E. W. Shafer voted in Bethlehem and lived in Sugar Creek Township. Undoubtedly in every case they swear they voted for Wallace.

Figley and George W. Orr lived formerly in Saint Clair Township, voted in Liverpool Township, and were residents of Pennsylvania, and had been for two years.

These make 22 majority for McKinley.

William Brown voted in Alliance for Wallace, and lived in Butler Township, Columbia County—23.

Harvey Sloan voted in Salineville, and lived in New Lisbon—24.

Peter J. Collins, a non-resident—25.

In the township of Liverpool, aside from Figley and George W. Orr, there voted 20 others—21, as is claimed, and it may be 21—some of whom lived in Wheeling, some in Steubenville, some in New Cumberland, W. Va., some in Trenton, N. J., but none of them in Liverpool. The testimony all shows they voted for Wallace, but not altogether by direct testimony. For instance, the New Cumberland man was sworn to have been a Democrat of the straightest school for ten years. Others were there peddling Wallace tickets. They came with Democrats; others said they voted for Wallace. Add the 20 and McKinley's majority becomes 45.

John Beiber voted in Bram Township, but was a resident of Pennsylvania—46.

Frank Lucas, a minor, voted in Alliance for Wallace. Forty-seven majority for the sitting member is thus demonstrated, granting everything the contestant demands.

I invite attention to some of these demands briefly, and claim to be ble to show that they are untenable.

The contestant claims that on a recount he is entitled to an addition of 11 votes in the township of Fairfield, and that addition has been allowed in the foregoing calculation. I inquire now whether the allowance is admissible?

The official count at this precinct shows that there were 638 votes cast and counted at the election, of which number McKinley had 271. Carpenter, a Democrat, was the minority judge of the election, and, as the law provides, became custodian of the key to the ballot-box. Augustine, the township clerk, a son-in-law of Carpenter, a Republican, but not a friend of McKinley, though he voted for him, was the custodian of the ballot-box itself. After the votes were counted the key was delivered to Carpenter and the box left that night in the room where the election had been held.

The next morning Augustine took the box to his place of business, where he left it in a public place entirely unprotected. Carpenter, at the request of Augustine, on Wednesday took the box from the shop and carried it to Augustine at his house, who took it and put it in an unlocked closet in one of his bed-rooms, where he testifies any person who had access to his house had access to it.

It is not certain whether it was on Wednesday or the following Friday that Carpenter had both the box and key, intending to (and he probably did) take them to the county seat. Carpenter boarded and lodged with Augustine till the time of the recount, some four months afterward. During all this period, commencing the day after election, much dispute and doubt existed as to which candidate was elected. On the recount only 633 tickets were found in the box, of which 270 were for McKinley, being 1 less than he received by the official count, while Foster, the Greenback candidate for Congress, had 4 votes more than by the official count; the whole number of votes being 5 less than the official count shows. Eleven ballots had the printed names of McKinley and Foster erased from them, and written in as follows: "Mager Wallace," 1; "Ma Wllac," 1; "Wolac," 1; "Mag Wolac," 1; "Wollac," 2; "Wallace," 2; "Woloc," 1; "Wolloc," 1; "Mage Wolac," 1.

Until this recount no one had observed any votes of this peculiar spelling among the ballots, although it is clearly proven that there were some uncounted ballots written in under erasures of the printed names of McKinley and Foster for Wallace, with various initials and with none, the number being indefinite in the minds of all the witnesses, one saying "3 or 4," another "from 7 to 13," and so on. In fact 8 such ballots were found in the box at the time of the recount, not including those of the peculiar spelling referred to. That number answers all the requirements of the testimony as to uncounted votes cast for Wallace. At the time of the official count every ballot was examined closely, and it is impossible that those of such peculiar orthography should pass without being seen, or having been observed should escape observation and comment, especially as one of the judges was a lawyer and presumably a man of education.

A recount is and can only be a count of the same ballots first counted. If there is even a reasonable suspicion that the ballots have been in any way changed or tampered with, a recount is not allowable. If ballots have been added or taken away, a recount is impossible; but there were 5 votes less in the box than at the official count, saying nothing of their changed character, therefore there was no recount. It follows from either view of the case, or from any that can be taken, that these 11 votes must be taken from the contestant's vote, which adds so many to contestee's majority and increases it to 58 absolutely and unquestionably unless it should be diminished by new proof said to be in the possession of the committee, not printed, and which I have not seen, but which I have just been told exists, which explains the supposed error in footing of the Carroll County vote as a misprint.

In that case the contestee's majority is at the very least 48, and not subject to any further possible deductions, and to what I am sure I could demonstrate that further additions should be made had I but a little time in which to do it, but my time is exhausted.

Mr. Speaker, I know not how this contest is to terminate. I can only judge for myself of its merits. I feel a deep interest in its result, and would fain continue the close companionship of my friend and colleague in this House. For three years and more he has been my nearest friend here. We have always stood shoulder to shoulder together in our public duties. I shall regret his absence, which I think I see approaching, but I shall regret it not the most for personal reasons relating to myself or to him. I would rejoice more for the honor a favorable determination of this case would bring to this House and to the country than on account of any personal gratification it would bring to him or to me. You can not injure him by any act of yours. You may without right send him away from here and to his people. Some of you may rejoice in so doing, but others of the majority and those not the least wise of your number will regret the act even though they assist in it.

At the bidding of this House my colleague will leave us with dignity and without repining, but be assured he will come again. Ohio exacts much of her sons who undertake her service, but she is also full of noble generosity to those of them who discharge their duty to her faithfully and well, and will not allow them to be stricken down.

If my friend is required to yield his seat in this House, which he has so long honored, I shall regard it as but a temporary absence, and as I take his hand at parting I shall say to him in the spirit of sure prophecy, with an abiding faith in his future, "Farewell and hail." [Applause.]

ADDENDA.

Mr. H. G. TURNER, from the Committee on Elections, submitted the following report:

The Committee on Elections have had under consideration the above-stated case and submit the following report:

This case grows out of the Congressional election held in the eighteenth district of Ohio on the 10th day of October, 1882. At that election William McKinley, jr., Jonathan H. Wallace, Lemuel T. Foster, and James A. Brush were the opposing candidates. The district was composed of Carroll, Columbiana, Mahoning, and Stark Counties. The result of the county returns certified to the State canvassing board is shown in the following statement:

	Carroll.	Columbiana.	Mahoning.	Stark.	Total.
Wm. McKinley, jr.	2,066	4,411	4,278	6,211	16,906
Jonathan H. Wallace	1,497	4,438	3,915	7,048	16,898
Lemuel T. Foster	63	470	256	187	976
James A. Brush		59	53	149	261
J. K. Burbeck		1			1
John H. Wallace	1	3			4
Major Wallace		1			1
Wallace		5			5
W. H. Wallace		2			2
W. W. Wallace		1			1
Jonathan Wallace		5			5
Maj. Wallace		3			3
J. H. Wallace		2			2
Scattering			1		1

The State canvassing board, consisting of the governor and secretary of state,

treated Jonathan H. Wallace, John H. Wallace, Major Wallace, Wallace, W. H. Wallace, W. W. Wallace, Jonathan Wallace, Maj. Wallace, and J. H. Wallace as distinct persons, and in that way awarded the certificate of election to the sitting member. Under this treatment of the returns the sitting member has a plurality over the contestant of 8 votes.

On the argument the concession was made that the votes certified for "Major Wallace," "Wallace," "Jonathan Wallace," "Major Wallace," and "J. H. Wallace," 16 in number, should be counted for contestant. Conforming the figures to this addition, the positions of the parties are reversed, and the contestant has a plurality over the sitting member of 8 votes on the face of the returns. In this state of the case the burden is cast upon the sitting member to contest the election of Mr. Wallace. Indeed, there can be no doubt that the certificate of election should have been issued to the contestant, and he should have been the occupant of the seat, with its honors and emoluments. Logically, we assign him *nunc pro tunc* his true position in the controversy, and the *onus* is shifted to his adversary.

The proof shows that the contestant was the only candidate at the election bearing the name of Wallace, and under the weight of authority we think that the ballots certified to have borne the names John H. Wallace, W. H. Wallace, and W. W. Wallace, 7 in all, in the absence of any other evidence, should be also counted for the contestant.

In Fairfield Township, Columbiana County, a number of ballots bearing the surname of the contestant, or some approximation to that name, though improperly spelled, were omitted from the count and were not included in the return. An effort was made to ascertain the number and character of these ballots by a re-examination of the box. Although the persons charged with the custody of the box and the key of the box deny on oath that they had tampered with the box or its contents, it appears that for a short time the box and the key were in the possession of the same person, contrary to the law of the State. An opportunity was thus afforded for casting suspicion upon the integrity of the box. It also seems that on a recount of the ballots, which had been counted and strung and placed in this box, a different result was reached from the result certified by the judges of election.

But from the testimony of the judges of election and others there can be no doubt that at this precinct ballots of the character described were voted at the election and excluded from the count. Carpenter, Democratic judge of the election, in his evidence states the number of these uncounted ballots to have been from 7 to 15. Hum, a Republican judge of the election, in his evidence estimates the number at from 2 to 13, and his impression seems to have favored the latter number. Shields, another Republican judge, in his testimony places the number at 5. Augustine, Republican clerk of the election, states that there were 13 or 14 of these uncounted ballots. And others testify on the subject with more or less variant results. In the box at the recount just mentioned were found 11 ballots for "Major Wallace," "Ma. W-llac," "Wolac," "Mag. Wolac," "Wollac," "Wallace," "Woloc," "Mage. Wolac," and "Wolloc." This species of ballots the judges say they rejected from the count. We adopt this number and think they ought to be counted for contestant.

In Washington Township, Stark County, the judges of election cast out a ballot on which the sitting member's printed name was erased, and the name "Walce" was written in pencil under the erased name. The reason given by one of the judges for the rejection of this vote was that "it lacked the Christian name or initials." We think it ought to be counted for contestant.

In Lee Township, Carroll County, a ballot for contestant was not counted by the judges because it had a name and some figures on the back of it. It is claimed by the sitting member that this ballot is obnoxious to the statute of Ohio which forbids any mark or device by which one ticket may be distinguished from another. The evidence shows that this ticket was voted in the condition described by accident or inadvertence. We do not think that it is within the mischief intended to be prevented by the statute, and count it for this contestant.

A recount was had at the instance of the sitting member in the sixth ward of Youngstown, in Mahoning County, and a gain of 1 vote for the contestant was there established. This gain we count for the contestant.

Again, a recount was also had in Austintown Township, Mahoning County, at the instance of the sitting member, and 2 ballots were found in the box which had not been counted by the judges of election. On one of these ballots the name of the contestant was written under the printed name of the sitting member, and on the other the name of the sitting member was written under the printed name of the contestant, and the printed name on each had not been erased. These ballots should, we think, have been counted according to the written names appearing on them; but as they set off each other no further notice will be taken of them.

In Madison Township, Columbiana County, a ballot having the name of contestant written under the printed name of the sitting member was excluded by the judges of election. We think that this vote should have been for very obvious reasons counted for the contestant. The only objection urged against this appropriation of this vote was that it was not distinctly itemized in the notice of contest. But we think that the eighteenth ground of contest is sufficient to justify the addition of this vote to the contestant's case.

By the votes hereinbefore allowed the contestant, he has a plurality of 30 votes to be overcome by his competitor.

To meet this exigency the sitting member took a large mass of testimony for the purpose of proving illegal votes cast for the contestant, and he specifies 55 individual votes which he insists should be deducted from the aggregate vote of the contestant. Three of these votes are challenged because they did not contain the precise name of the contestant, but contained instead the names "J. Wales," "Jonathan H. Walser," and "Jonathan H. Wallage," respectively. We have already cited the principle on which the question as to these votes should be decided. Besides, the judges of election counted these 3 votes for contestant, when the facts were well understood and the "tickets were fresh from the hands of the voters," and we will not reverse their judgment.

We append a list of the persons who are said to have cast the remaining 52 votes alleged to be illegal, chiefly on the ground of non-residence:

Charles Ducatry.	William H. Ohl.	Charles Huhn.
Michael Stimler.	David Spring.	William Ward.
Bartholomew Waldecker.	E. W. Shaffer.	Frederick Mayer.
Joseph Frickert.	Sam'l Thompson.	Enoch Bradshaw.
John Rigler.	Michael Higgins.	Owen Tigh.
Frank Walters.	William Brown.	Peter Helms.
Daniel Winkleman.	Harvey Sloan.	William Henry.
Celestine Jordan.	Peter J. Collins.	William Leibscher.
Martin Zilch.	John Bieber.	Henry Tasker.
John Moriarty.	Frank Allison.	John Rumberger.
Joseph Bittaker.	Joseph Hanlon.	J. P. Sterling.
Frederick Ott.	Oscar Bowles.	Robert Figley.
Herschel Urmson.	Hugh McCurran.	George W. Orr.
Lewis Little.	James McCurran.	Frank Lucas.
Ed. Marks.	Milton Heckathorn.	Harvey Shiltz.
James Benson.	John A. O'Neill.	Frank Kirby.
Edward Yaste.	James Sypher.	
Nicholas Dicks.	Thomas Black.	

Two questions arise as to each of these votes: 1st. Was the vote illegal? 2d. For whom was it cast?

The evidence on which the determination of these questions depends is too voluminous to be reviewed in a report. Each of the votes specified turns on peculiar facts and constitutes a distinct litigation. The testimony will be found in Miscellaneous Document No. 19 of the present session. No synopsis would do it justice.

After a somewhat diligent study, running through many weeks, we can not find sufficient evidence to justify the deduction of more than 8 of these challenged votes from the contestant's case. Indeed, even as to these 8 votes we can not say that they are removed from doubt. The rule in such cases, from the New Jersey case (2 Bartlett, page 25) down to the present time, is as follows:

"It is not sufficient that there should exist a doubt as to whether a vote is lawful or not; but conviction of its illegality should be reached to the exclusion of all reasonable doubt."

(We think that one of the votes assailed in this list, that of Frank Lucas, who is shown to have been a minor, was probably cast for the sitting member.)

In this list there are 5 votes alleged to have been cast for contestant in wards of the city of Canton in which the voters did not reside, and 2 votes said to have been cast for contestant in townships in which, it is claimed, the voters did not reside. In these cases a dispute arose as to the boundaries of these voting subdivisions, and if the highest evidence should be required on this question, the municipal ordinances or official action of the local authority having jurisdiction and establishing these boundaries, should have been produced. In the city of Canton it is alleged, and not denied, that a very recent change of ward limits had been made.

The sitting member insists that declarations of voters made long after the election, not under oath, are admissible to prove how they voted. Even if this evidence were competent, we could not under the rule just cited add more than 10 to the votes involved in doubt; in any view, therefore, the contestant's plurality can not be overcome. But we believe that these unsworn declarations of voters made after the election are hearsay and inadmissible for any purpose. It has been attempted to justify the admission of this species of evidence upon the pretext that the voters are parties to the case. They are not served with notice; they have no right to appear in the contest in their own right, either in person or by counsel; they can not of their own motion even present themselves as witnesses. They are as much strangers to the case as the men of the district who did not vote, or the women and children of the district, or the other people of the United States.

It is also urged that this is a public inquiry, and therefore a more liberal rule of evidence ought to prevail. But we fail to discover in this suggestion any good reason why a controversy involving the right to represent 150,000 people and to make laws for the entire Union should be adjudicated upon evidence which the courts have always rejected in other causes.

In the early cases of contested elections they originated in the House, and the witnesses were examined in the presence of the Committee on Elections, or of a subcommittee detailed for that purpose. Under this practice there was possibly more significance in this suggestion of "a public inquiry," many of the cases arising upon memorials of private citizens. It was during the prevalence of this practice that the celebrated New Jersey case arose. Cases in the English House of Commons were originated and conducted in a similar manner. But since Congress passed the act governing contested elections they are instituted upon regular pleadings like any other suit, the proofs taken by the parties before designated officers and all the proceedings are conformed to judicial precedents. We respectfully submit that it is greatly to be desired that these cases should be adjudicated upon the principles as well as the forms which prevail in the courts.

The vicious tendency of hearsay evidence in election cases needs no demonstration. An unlawful vote may be cast for one party and then upon the unsworn statement of the voter it may be deducted from the other party.

And we deny that the weight of authority is in favor of the admission of this class of testimony. On the contrary, we affirm that the overwhelming weight of authority supports the view which we have taken. For the sake of brevity here we reserve our review of the precedents, which we will present to the House in due time.

The presumption is that all votes cast are lawful. The benefit of all doubts as to their legality, by all the precedents, is given to the voters. If we had excluded a sufficient number of these 52 votes to elect the sitting member we would have been compelled to give him the benefit of all doubts, and in addition to take from the contestant votes about his right to which we have no doubt at all.

In conclusion we will add that there were 5 votes excluded by the judges of election which we think should be counted for the sitting member; but there were 5 illegal votes shown to have been cast for him which ought to be rejected.

We recommend the adoption of the following resolution:

Resolved, That William McKinley, jr., was not elected a member of the Forty-eighth Congress, and is not entitled to a seat in this House.

Resolved, That Jonathan H. Wallace was elected a member of the Forty-eighth Congress, and is entitled to a seat in this House.

Mr. A. A. RANNEY, by leave of the Committee on Elections, presents the following report in behalf of the minority in the case of Jonathan H. Wallace *vs.* William McKinley, jr.:

The learned chairman of the committee has prepared and shown to us the report which he proposes to make to the House in behalf of the six members who constituted the majority, voting in favor of the resolutions appended thereto, as against five other members voting otherwise. It is to be regretted that this case proceeded to a vote in committee during the necessary and enforced absence of four of its members. The minority feel it to be their duty not only to dissent from the majority report and its conclusions but to assail it as failing to present the case fully and properly for the determination of the House.

In our judgment the object of a report should be to set forth all of the controverted issues of law and fact, with the substance of the evidence on which they rest, and not simply the general decision of the majority, as though their conclusion was final and not subject to revision. We shall therefore not only combat the conclusion of the so-called majority, both upon the issues of law and fact involved, but endeavor, at the expense of brevity, to present more fully the issues and the evidence, so as to enable the House to form an intelligent judgment of their own. Both parties contesting and the public have a right to that judgment.

The sitting member was declared elected by the State canvassing board, consisting of the governor, the attorney-general (now a member of the supreme court commission), and the secretary of state, he being found, upon the returns made to them, to have been chosen by a plurality of 8 votes. They had but a ministerial duty to perform, and that was simply to sum up the figures from the returns, if made in conformity to law, from the several counties composing the district. These counties consisted of Stark, Carroll, Columbiana, and Mahoning. The returns from them, through certified copies furnished by the secretary of state, have been put in evidence by each party contesting, and are made a part of the printed record. Had the State board examined more carefully the returns from Carroll County, they would have seen, what is perfectly apparent, that there was an error of 10 votes in favor of contestant, in the footing of one column of figures giving the votes for him in the several townships composing that county. (Record, pages 44, 45, 46.)

The tabulated statement on page 46 is required by law and made a substantial and an essential part of the returns. Had they seen this manifest error it would have been their duty, and they would doubtless have corrected the same, and declared contestee's majority to have been 18 instead of 8. We have done that, and the examination starts with a majority of 18, as shown by the official county returns transmitted to the secretary of state.

It has been urged by contestant that the error in the returns from Carroll County consisted not in the footing but in the statement of the votes in the third item of the column of votes for contestant. Whatever may be the fact it is sufficient to say that there is no such error apparent, and no competent and sufficient evidence adduced to prove the assertion and contradict the copies of the returns contained in the record. We should regret the necessity of depriving the contestant of the benefit of these 10 votes if there was in fact a clerical error of the kind asserted. But we can only go by the record evidence before us. Contestant at the hearing proposed to get evidence to sustain his assertion, but he has furnished nothing which is adequate to that end, nor asked further time, which, if asked, would doubtless have been cheerfully accorded to him.

It is alleged, and the majority report seems to hold, that the State board ought to have found that the 23 other votes returned from Columbiana County as cast for other persons than the contestant were in fact cast and intended by the electors to be cast for him. The majority report goes so far as to say that the certificate of election ought to have been issued to the contestant on this account, and proceeds to treat him in advance as duly elected upon the final returns alone. Nothing, in our judgment, can be more clearly erroneous than this finding and statement. It is against every principle and rule of law and all precedent. It can not be justly denied that under the laws of Ohio the State board are merely ministerial officers invested with no power to meet the parties and hear evidence, and had they attempted to do it it would have been a clear violation of duty. The precinct officers (the judges of election) had presumably counted the votes in question as cast for different persons, and they had been so returned to the county canvassers, and by them in turn to the State board. The State board had no right or authority to assume that votes for John H. Wallace, Major Wallace, Wallace, W. H. Wallace, W. W. Wallace, Maj. Wallace, and returned as if for different persons, were in fact intended for Jonathan H. Wallace. The State board had no legal authority whatever to hear evidence and determine that issue of fact. If they had they should not have stopped there, but proceeded to hear other controverted issues of fact.

The board followed the rule uniformly laid down in the decided cases. (McCrary on Elections, sections 211, 81, 82, 83; 27 Barb., 77; 25 Illinois, 328; 4 Wisconsin, 779; 10 Iowa, 212; 22 Missouri, 224; Clark *vs.* Board, &c., 126 Massachusetts, 282; 64 Maine, 596; 71 Maine, 371; 59 Indiana, 152.)

No authority to the contrary can be found, except in cases where the statutes gave the board greater authority than do the statutes of Ohio. The House can go behind the returns and hear evidence, and get at the facts, which the State board had no power to do.

In this investigation, therefore, we are to assume that contestee rightfully obtained his certificate, and that he has a *prima facie* title to the seat, with all of the usual presumptions that attach to the same. It is incumbent upon the contestant to overthrow that title and right. If, in attempting to do so, he shows, or it appears otherwise, that contestee got more votes than were counted and returned for him, those must be overcome also. If the evidence nullifies any of the votes counted and returned for contestant, he can not have the benefit of them in maintaining his claim of a majority. It is erroneous to assume that the burden shifts from the contestant to the contestee, by proving one item of his claim, which alone considered might change the result.

We do not hesitate to say in advance, from a most careful and painstaking examination of all the case, that it is capable of demonstration, upon the evidence of witnesses apparently of an unquestionable character, the credibility of which has not been questioned by contestant, that contestee was duly chosen by a decided majority. And we shall proceed to show it in a way that will enable the House to verify or refute what we have to say, asking no member to take our mere assertion. The case, as presented to the committee on the record, and the briefs of counsel start with the concession on the part of the contestant, upon unmistakable evidence, that there were 4 votes cast for contestee which were not counted and returned for him, to wit, 1 ballot for "Kinley" proved to have been intended for him by the voter himself; 1 ballot by Orlando Brown; 1 called the Hune ballot, in Centre Township, and another in Austintown Township. (Contestant's brief, page 68.) Contestant also concedes in said brief, on same page, upon irrefragable proof, 2 votes which are to be deducted from his own vote, to wit, those of Frederick Ott and Thomas Black. To start with them contestee has, upon the record of the returns, 18 majority, the 4 votes proved and conceded making 22 majority, and this, increased to 24 by the conceded deduction of 2 votes from the official count for contestant.

The proofs established beyond all reasonable doubt that contestee is entitled to have counted for him 11 votes more than contestant concedes to him; and, if so, contestant must overcome these also before he can ask to have him unseated. The majority report seems to brush aside this claim with hardly a passing notice, or to ignore it altogether. We shall therefore set it forth with some detail of evidence and treatment.

The testimony as to George W. Shrimp clearly shows that he was a voter of Paris Township, Minerva precinct; that he offered to vote, but was challenged, then sworn, and by his testimony established his right to vote. His vote was refused. That he had a Republican ticket with McKinley's name, which he tendered and offered to vote. Afterward he was recalled by the judges, and told he must bring Yant, with whom he lived, to corroborate his own evidence. This the judges had no right to require of him. Yant had been to the polls and returned to his farm, two miles away. Shrimp had no power or means to bring him back. He had already shown his right to vote, and there was no testimony against it.

In Bell *vs.* Snyder, election cases, 1875, 1876, page 251, it was held that where a person clearly entitled to vote offers his ballot at the proper time and place and to the proper officer the same should be counted, although rejected by the election officers. (McCrary on Elections, second edition, section 530.) (George W. Shrimp, record, page 317; C. K. Yant, page 316; D. C. Chaddick, page 319; T. J. Perdue, page 321; T. J. Roach, page 321.)

In the sixth ward of Canton it appears that a ballot having Mr. Wallace's name printed on for Congress, with Mr. McKinley's name written under it, was not counted for either candidate for Congress. The contestee first undertook to open the box, but it had been kept in such manner that no reliance could be placed upon the identity of its contents. The great weight of the testimony shows that there was such a vote polled in said ward and not counted. Three witnesses, apparently of the highest character for integrity, swear positively that there was such a ballot at this poll. Rauch, a Democrat, admits that there was some such ballot, but thinks it was for some other office. Howenstine, also a Democrat, says there was a ticket so scratched, but whether for Congress he did not know.

The decided weight of the testimony is that there was such a ballot uncounted. (E. M. Grimes, rec., page 365; A. Howenstine, pages 370–467; G. Rex, page 390; J. Dine, page 392; J. W. Stimmel, page 394; J. P. Rauch, page 463.)

SIX VOTES CAST FOR CONTESTEE, BUT NOT COUNTED, IN BUTLER TOWNSHIP, COLUMBIANA COUNTY.

The ballot-box in Butler Township was opened and the ballots recounted; the ballots were identified fully, and are in evidence as exhibits, and the facts as to this township are clearly established, with no conflict whatever in the testimony.

The proof shows that on the morning of the election held October 10, 1882, there were no Republican tickets at the polls, or to be obtained by voters, except such as had been obliterated by scratching off the name of Mr. McKinley and writing in the name of Mr. Wallace; that this condition of affairs continued until about 10 o'clock, when a fresh supply of clean tickets was obtained. Meantime a number of voters came to the polls who desired to vote the Republican ticket straight, including Mr. McKinley for Congress, and many of these, being unable to wait until clean tickets could be obtained, undertook to erase the scratches on Mr. McKinley's name and the name of Mr. Wallace on these altered tickets with a rubber eraser, and voted them, intending to vote for Mr. McKinley.

The erasing of the scratches and of Mr. Wallace's name with the rubber left the tickets in some instances in a somewhat blurred condition, and the proof shows that these tickets, when at all blurred, were not counted for Mr. McKinley.

The recount, made in daylight, instead of by the imperfect light of indifferent lamps, as on the night of the election, when the original count was made, showed, very clearly, two more of the ballots in question than had been counted for Mr. McKinley were intended for him, the efforts to obliterate the pencil-marks being quite apparent, and the marks being so obliterated as to leave no possible question as to the intention of the voters to cast their ballots for him.

Four other ballots were found as to which there might be some question but for the testimony of the witnesses, who either identify them as the ballots which they voted, intending to vote for Mr. McKinley, or show that they voted ballots intended for him, which were at least as much defaced as the ballots in question.

There was returned for Mr. McKinley only 158 votes; the count shows 160 for him, besides the 4 identified ballots, making 6 votes which should be added to Mr. McKinley's poll.

There having been an excess of 1 ballot in the box over the number of votes shown by the poll-book, the last ballot taken from the box, which happened to be for Mr. Wallace, was not counted, under the provisions of the Ohio statute, which requires this. (Revised Statutes of Ohio, 1880, section 2957; 78 Ohio Laws, page 29.)

The integrity of the recount and the preservation of the box and contents according to law are not questioned.

(Hiram Burns, rec., page 129; Joseph Crew, page 130; Hiram Cameren, page 132; Abner Woolmon, page 134; Edwin Holloway, page 135; M. D. Butler, page 136; J. A. Graham, page 137; Phœbe Crew, page 180; Geo. Wolf, page 138; E. Warrington, page 143; Lindley Tomlinson, page 145; Albert Warrington, page 145; Ezra C. Galbreath, page 147; John Butler, jr., page 147; Robert Ellison, page 148; Murdock Jehu, page 137; T. B. Quin, page 447; B. F. Miller, page 448; L. Hoopes, page 453.)

A BALLOT WITH M'KINLEY WRITTEN, WALLACE NOT SCRATCHED.

The ballot shown to have been voted in Salem Township, Washingtonville precinct, and not counted, was a regular Democratic ticket, with Mr. McKinley's name written in full under the name of Mr. Wallace as a candidate for Congress, the name of Mr. Wallace not, however, being scratched. The writing should prevail, and the ticket not having been counted, should be added to Mr. McKinley's poll.

(W. W. Forney, rec., page 174; Henry Bixler, page 174; Lewis Herman, page 175; Z. Tetlow, jr., page 175.)

AUSTINTOWN TOWNSHIP RECOUNT.

A recount of the ballots shows that Mr. McKinley received 201 votes, instead of 199, as returned for him.

The ballot-box and key were properly kept. The recount was actually made, as appears by the testimony of Mr. Evans, by the counsel for both parties, acting with the officers of election. There can be no question as to its correctness. These two votes must be added to Mr. McKinley's return. It also appears that two tickets were in the box not counted at either the election or the recount. On one of them the name of Mr. McKinley appears written under the printed name of Mr. Wallace. Upon the other the name of Mr. Wallace appears in a like manner, written under the printed name of Mr. McKinley. Neither of the printed names is erased. These ballots should each be counted for the person having the written name, and do not affect the result.

It will be seen that the majority report recognizes the recount here as reliable, and finds 1 more vote in it for contestant and 1 more vote for contestee, being ballots last above referred to. It should have gone further and added the other 2 votes found in the box. The integrity of the recount is nowhere questioned. That these other 2 votes should be counted for contestee is nowhere controverted in the testimony. The confession of the majority that the recount is good for any purpose must render it good for all it discloses, and not a part only.

ALLEGED ILLEGAL VOTES FOR CONTESTEE.*

We now come to contestant's claim as to illegal votes having been cast for contestee, and which he insists upon having deducted from the vote of the latter. The notice of contest sets up any amount of grave charges of fraud, corruption, and illegal use of money, on the part of the contestee, to obtain illegal votes. We feel bound to say that the charges thus deliberately made are not only not proved, but the evidence leaves them absolutely without foundation. Contestant's counsel apparently abandoned these charges, and has presented no argument thereon. The contestee's counsel has, in the brief, very properly uttered what is justified from the record, and which we fully indorse after examining the same:

"The election in this district has been most thoroughly investigated. On behalf of contestant much time has been devoted, with all the appliances that the law affords, to the search for irregularities and illegalities on the part of the contestee, his friends, and supporters, and it is a conspicuous and most gratifying fact that after all the scrutiny, notwithstanding this wholesale charge of corruption, no taint or fraud has attached to a single ballot, no improper use in money has anywhere appeared, nor is there anything in all this record that in the slightest degree reflects upon the honor or integrity of contestee or any of his friends."

The only illegal votes claimed on the proofs to have been cast for contestee are 11 in number, given in contestant's brief (page 68). The learned chairman, in his report, has not done the House the favor, nor the contestee the justice, to specify a single one of them which he finds to be established in proof, saying generally that about as many of them are proved as are shown against contestant out of the 55 alleged against him. This we deem a partial if not a very unfair treatment of the subject. The report speaks of each individual vote turning on peculiar facts and constituting a distinct litigation. This being so, each one should be treated and the issue presented to the House, so that justice may be done. We do not propose to brush aside such cases and cover them with a general assertion and ask the House to adopt that assertion as conclusive. We invoke the attention of the House to the evidence and the facts:

CARROLL COUNTY.

Charles Hardesty: It is claimed that Charles Hardesty voted for Mr. McKinley in Centre Township; that he was a non-resident of the county at the time. There is some proof tending to show that Hardesty did not keep his family in Carroll County. He traveled about from place to place with a sawing-machine. There is no testimony to show how said Hardesty voted. He is not produced. No declaration of his is offered. It is not shown how or where he got his ticket. The testimony shows only that the witness "never heard him accused of being anything but a Republican." Upon this alone he is claimed to have voted for contestee.

(J. J. Bricker, rec., page 74; J. B. Hollar, rec., page 77.)

*Only 11 claimed.

CENTRE TOWNSHIP, COLUMBIANA COUNTY.

Mr. Stratton: As to Stratton, it is shown that he is an inmate of the infirmary, registered as insane. There is no evidence that he voted, except that his name appears upon the poll-book, and no evidence at all as to how he voted. Nothing showing with which party he usually voted.

(W. Monaghan, rec., page 70; C. D. Filson, pages 65-67; C. Miller, page 68.)

Thomas Burson: The testimony is equally uncertain as to Burson. There is no proof as to how he voted. We need therefore give his case no further consideration.

(C. D. Filson, rec., pages 65-67; W. Monaghan, page 70.)

Lewis H. Coulson: The only evidence as to how he voted is that the superintendent of the infirmary was a Republican. It appears that both parties sent to the infirmary and got inmates as voters, and it does not appear which party got those persons in question.

(C. D. Filson, rec., page 68; —— Miller, page 68.)

Rev. S. Collins: The testimony in relation to Rev. Samuel Collins, who voted for the contestee in Unity Township, East Palestine precinct, shows that the voter was a minister of the United Presbyterian Church and a resident of said precinct, having formerly been in charge of a congregation there, resigned, and went, temporarily, for the purpose of endeavoring to establish a mission of his church under the authority of the presbytery of Philadelphia, having jurisdiction over Washington City. He dissolved his connection with the presbytery of Cleveland and became connected with the presbytery of Philadelphia. This the testimony shows did not involve any change of residence, as the ministers of this church may live in one ecclesiastical jurisdiction and be a member of another in which his charge for the time being is situate. The testimony shows that his leaving East Palestine was temporary; that he regarded East Palestine as his home, and intended to return to it whenever absent therefrom. He was back and forth. He was clearly entitled to vote in East Palestine. (Rev. Stats. Ohio, sec. 2946; rec., page 194; Cyrus Rothwell, page 34; T. W. Winter, page 36; F. Goble, page 37; J. Britton, page 38.)

James C. Stanley: In the testimony taken on behalf of the contestee in Butler Township, Columbiana County, as will hereafter appear, it was shown that Stanley's vote was not counted for the contestee.

On cross-examination the counsel for contestant sought to show that said Stanley was under guardianship and incompetent to vote. The testimony, however, clearly shows that he is a competent voter. He had sufficient understanding to acquire a common-school education and engage in small business transactions for himself. He has always been recognized as a legal voter. He is neither an idiot nor a lunatic, and therefore not excluded from the right of suffrage by the laws of Ohio; and his vote should be counted for Mr. McKinley, as one of the four hereinbefore shown and added from the recount in Butler Township.

(A. Warrington, record, page 145; E. Warrington, record, page, 143; L. Tomlinson, record page, 145; R. Elyson, record, pages 148-150; E. C. Galbraeth, record page 147.)

Phillip Simon: As to the vote of Phillip Simon, in Canfield Township, the testimony shows that he had gone to an adjoining township, to the house of his son-in-law, for temporary purposes only. There can be no doubt he was a legal voter. (Record, page 79.)

The vote of Mark Green for contestee is assailed on the strength of a deposition of his own (rec., page 67). The evidence of Mr. Filson (rec., page 66), a director in the infirmary, shows that he was not an idiot, but an epileptic, with sufficient intelligence to entitle him to vote (rec., page 68). He was rather low in intelligence and capacity, but not so much so as to sustain the claim made. (McCrary, sec. 50.) He had been in the habit of voting right along each year.

Elias Medley: The evidence fails to invalidate his vote; is utterly insufficient. (Rec., 92, 93, 94.)

C. C. Douglas' vote is conceded conditionally by contestee in his brief, on the ground of residence, under a claim that if rejected several votes cast for contestant should be deducted on same ground. In the list of illegal votes cast for contestant there are at least two votes which should be rejected if his is.

CONTESTEE'S CLAIM AS TO ILLEGAL VOTES CAST FOR CONTESTANT.

We are surprised and amazed at the way in which the majority report has treated the list of 55 votes, claimed by contestee to have been illegally cast and counted for contestant. The policy seems to be to turn them aside without any special examination or treatment, giving the House no opportunity to test or verify the claims made. The report does not specify what ones, or how many, he allows as proved, or even give the names of the "seven or eight" allowed. If we knew what ones the seven or eight consist of, we might be spared the necessity of examining same, and the evidence which is adduced to substantiate them. The contestant in his brief distinctly admits two of them, to wit, Mr. Ott and Thomas Black, and deducts them. He admits 8 others as illegal, controverting only the proof as to how they voted. (Brief, 52, 56.)

We will incorporate first the list of this class of votes, and then proceed to set before the House in detail, to the end that our views may be tested and our conclusions in relation thereto verified.

Illegal and miscounted votes for contestant claimed as follows:

"J. Wales," Washington tp., Stark Co		1
Jonathan H. Walser, Osnaburg tp., Stark Co		1
Charles Ducatry	Stark Co. infirmary. Voted at wrong tp.	1
Michael Stimler		1
Bartholomew Waldecker		1
Joseph Frickert		1
John Rigler	Wrong wards, Canton, Stark County.	1
Frank Walters		1
Daniel Winkleman		1
Celestine Jordan		1
Martin Zilch		1
John Moriarity, Alliance, Stark Co		1
Joseph Bittaker, Sugar Creek tp., Stark Co		1
Frederick Ott, Canton, Stark Co. (admitted)		1
Herschel Urmson, Knox tp., Columbiana Co		1
Lewis Little, Alliance, Stark Co		1
Ed. Marks, Canton, Stark Co		1
James Benson, Lawrence tp., Stark Co		1
Edward Yaste, Massillon, Stark Co		1
Nicholas Dicks		1
William H. Ohl, Lake tp., Stark Co		1
David Spring, Bethlehem tp...do		1
E. W. Shaffer...do		1
Sam'l Thompson, Centre tp., Columbiana Co		1
Michael Higgins, Columbiana Co		1
William Brown, Alliance, Stark Co		1
Harvey Sloan, Salineville, Columbiana Co		1
Peter J. Collins...do...do		1
John Bieber, Beaver tp., Mahoning Co		1
Frank Allison, Liverpool tp., Columbiana Co		1
Joseph Hanlon...do		1
Oscar Bowles...do		1
Hugh McCurran...do		1
James McCurran...do		1
Milton Heckathorn...do		1
John A. O'Neill...do		1
James Sypher, Liverpool tp., Columbiana Co		1
Thomas Black...do		1
Charles Huhn...do		1
William Ward...do		1
Fred'k Mayer...do		1
Enoch Bradshaw...do		1
Owen Tigh...do		1
Peter Helms...do		1
William Henry...do		1
William Leibscher...do		1
Henry Tasker...do		1
John Rumberger...do		1
J. P. Sterling...do		1
Robert Figely, St. Clair tp...do		1
George W. Orr...do...do		1
Frank Lucas, Alliance, Stark County		1
—— Wallace, Beaver tp., Mahoning Co		1
Harvey Shiltz, Perry tp., Carroll Co		1
Frank Kirby...do...do		1

"J. WALES" BALLOT.

In Mount Union precinct, Washington Township, a ballot was cast for "J. Wales," which was counted and returned for Mr. Wallace. The name is not that of the contestant by any possible manner of spelling. It is a well-known name in Stark County, the proof showing that a gentleman of this surname was once a candidate for Congress in the district. To count the vote for him contradicts the ballot. We shall deal with this subject in another connection.

(T. Rakeshaw, record, page 372; S. D. Brosius, page 373; H. Antrim, page 377; J. Watson, page 375.)

This was an independent voter.

"WALSER" BALLOT.

In Osnaburgh precinct of Osnaburgh Township a ballot for Jonathan H. Walser was counted and returned for Mr. Wallace. The proof shows that there was a John Walser in Stark County, a prominent Democrat and candidate for office. In any event, the name Walser is not that of the contestant. If intended for him it was a mistake of the voter which can not be corrected.

(A. Smith, record, page 361; M. Miller, page 363; G. Holben, page 364; B. F. Sullivan, page 365.)

There is no evidence adduced from which the intention of the voter in the last two cases can be inferred, save the ballots themselves and the mere fact that contestant was one of the candidates.

STARK COUNTY INFIRMARY VOTES.

It appears in evidence that Charles Ducatry, M. Stimler, B. Waldecker, and Joseph Frickert were inmates of the Stark County infirmary, situate in Plain Township. Ducatry voted at Louisville, Nimishillen Township, Stimler voted in Washington Township, Waldecker and Frickert in Canton Township, and all voted for Mr. Wallace.

An inmate of a county infirmary who has adopted the township in which the infirmary is situated as his place of residence is a resident and voter in the township in which the infirmary is situated. (Sturgeon *vs.* Korte, 34 Ohio S., 525.)

Each of these persons states unequivocally that he regarded the poor-house as his home; had no other home, and never expected to leave the infirmary. They voted in the township to which they were taken to vote because they were told to do so. Frickert said he voted in Canton because he got his papers there. None of them, owing to poverty, great age, and infirmity, had any expectation of living elsewhere. They had a right to vote in Plain Township and nowhere else.

(C. Ducatry, record, page 411; M. Stimler, page 413; B. Waldecker, page 414; Joseph Frickert, page 415.)

VOTERS IN WRONG WARDS IN CANTON, STARK COUNTY.

John Rigler, Frank Walters, M. Zilch, Daniel Winkleman, Celestin Jourdain, are proved to have voted in the wrong wards in Canton. They each admit this, and say upon oath that they voted for Mr. Wallace.

(John Rigler, record, page 381; Frank Walters, page 382; M. Zilch, page 385; D. Winkleman, page 387; C. Jourdain, page 388; J. H. Holl, page 389.)

It is expressly provided by the constitution of the State of Ohio, article 5, section 1, that to be an elector requires residence in the State for one year and of the "county, township, or ward in which he resides such time as may be provided by law."

Section 2945, Revised Statutes of Ohio, 1880, provides that—

"No person shall be permitted to vote at any election unless he shall have been a resident of the State for one year, resident of the county for thirty days, and resident of the township, village, or ward of a city or village for twenty days next preceding the election at which he offers to vote, except where he is the head of a family and has resided in the State and in the county in which such township, village, or ward of a city or village is situate the length of time required to entitle a person to vote under the provisions of this title, and shall *bona fide* remove with his family from one ward to any other ward in such city or village, or from a ward of such city or village to a township or village in the same county, or from a township or village to a ward of a city or village in the same county, or from one township to another in the same county, in which cases such person shall have the right to vote in such township, village, or ward of a city or village without having resided therein the length of time above described to entitle a person to vote."

Moreover, it is made a crime by the laws of Ohio to vote in a ward or election precinct in which the voter has not actually resided for more than twenty days preceding the election. (Revised Statutes of Ohio, 1880, section 7047.)

This precise question was passed upon in the case of Vallandigham *vs.* Campbell, Contested-Election Cases, 1834-1865, 232:

"Of non-residents of the ward or township, 2 votes are disputed by the returned member and none by the contestant. It is not denied that both of these voters were legal electors of the county; but having voted (though not fraudulently, but by mistake) out of their proper wards, the undersigned find the votes illegal, and deduct them from the poll of the contestant." (Report Vallandigham *vs.* Campbell, *supra*. See also Cushing's Law and Pr. Leg. Assemb., 9th ed., section 24. Cook *vs.* Cutts, 47th Congress; Wigginton *vs.* Pacheco, Contested Elections, 1876.)

The same is true of John Moriarty, who voted in the wrong precinct in Alliance, Stark County. (Record, page 400; J. W. Coulter, page 401.)

Jos. Bittaker: He voted in Sugar Creek Township, for Mr. Wallace. The testimony shows that he resided with his father in Franklin Township, Tuscarawas County. He recognized the fact that he had no right to vote in Sugar Creek Township, and said he would offer to vote, and if challenged would go away.

The evidence is that he was a Democrat in politics. It is not denied by contestant in his brief that he was a Democrat, and no question is made apparently about his having voted the Democratic ticket.

(A. A. Hay, record, page 378; N. Bose, page 380; I. Welty, page 380; A. Hollenger, page 405; Mary Dorsey, page 407; L. McKinney, page 460.)

KNOX TOWNSHIP, COLUMBIANA COUNTY.

Herschel Urmson voted at the poll in Knox Township, voted the Democratic ticket, and for contestant for member of Congress. He was at the date of that

election only seven days over 20 years of age. This vote was illegal. The case is established by his own testimony. He says distinctly that he voted for Mr. Wallace, and the testimony established this.

(H. Urmson, record, page 338; Eliza Urmson, record, page 339. Vallandigham *vs.* Campbell, Elect. Cases, 1834–1865, page 233, and cases cited.)

Lewis Little: Little voted for Mr. Wallace, in Alliance. He had a family in Canton consisting of a wife and four children. Although he seems not to have been supporting his family, and his wife afterward obtained a divorce, neither his own nor any other testimony shows that he had acquired a residence at Alliance. He was temporarily working there. When he had finished his work at Alliance he went to Columbiana County.

(Jesse Dixon, record, page 398; T. C. Ripley, page 400; L. Little, page 457.)

Ed. Marks: He voted for Mr. Wallace in the fifth ward of Canton. He had a wife and child at Wooster, Wayne County. He frequently went to his home in Wooster. Lived with his wife there, and contributed to the support of wife and child. The Ohio statutes (Rev. Stats., Ohio, section 2946) provides:

"The place where the wife of a married man resides shall be considered and held to be his residence, except when they have separated."

There was no separation. He was a resident of Wooster, and he should have voted there.

(Maggie Marks, record, page 439; John Nichols, page 421; John J. Clark, page 421; Ed. Marks, page 462.)

James Benson: He voted for Mr. Wallace, in Lawrence Township. He had a family in Youngstown, Mahoning County. He told the witness Mossop that his home was in Youngstown; that he had a wife and two children there, and would go there when he returned from Colorado. He left Lawrence shortly after the election and has not returned. His legal residence was in Youngstown, and he should have voted there.

(John Johnson, record, page 428; John Pollock, page 429; John Mossop, page 408; Jas. Brown, page 415; Elizabeth Benson, page 344.)

E. Yaste: Was not a resident of Ohio for a year previous to the election. He had been away more than two years. His own testimony shows that where he worked he intended to stay, if his work proved agreeable and profitable. He had no property or family in Ohio. He stands in the precise position of laborers on the railroad whose votes were in dispute in Cessna *vs.* Myers, Contested-Election Cases, 1871–1876, pages 61–63. The committee unanimously reported that such persons had established a residence where they were at work.

"If a person has actually removed to another place, with an intention of remaining there for an indefinite time, and as a place of present domicile, it becomes his place of domicile, notwithstanding he has a floating intention to go back at some future period." (Cessna *vs.* Myers, *supra*, page 63.)

He voted for Mr. Wallace.

(E. Yaste, page 473; E. O. Mirwin, page 432; —— Hose, page 432.)

N. Dickes: It is claimed that Dickes was not a resident of Ohio for a year preceding the election. He returned to Ohio about September 1, 1882. He had been living in various cities for about three years, working at his trade. He evidently had located in these cities, and had his residence in them while living at such places. He had no property at Canton. (Record, page 344.)

Until he had been in Ohio for one year he was not a legal voter.

William Ohl, it is admitted, was an alien. He claims to have been naturalized at Akron, Summit County, Ohio, in the probate court, before Judge Marvin. A careful search shows no record of any such naturalization. He told the witnesses Shanafelt and Smith that he had burned his papers. He told Shanafelt that he got mad one Sunday and threw them in the stove. He swears the papers burned in Stripe's fire, near Greentown, in August, 1879. Brumbaugh claims to have seen them in the spring of 1880. At least papers were shown then that Ohl claimed were his naturalization papers. The proof shows that he was never naturalized. If he obtained any papers it was probably the certificate of his declaration of intention to become a citizen. If he ever had papers, they were burnt by him intentionally. The Ohio statute only dispenses with the production of the original certificate when it is shown that against the will of the voter it is lost or destroyed, or beyond his power to produce. (Sec. 2940, Rev. Stat. of Ohio, 1880.)

(N. W. Goodhue, record, page 410; L. E. Smith, page 416; O. P. Shanafelt, page 418; W. Ohl, page 464; John Gindling, page 478; Jesse Rinehart, page 467; H. Brumbaugh, page 478.)

D. Spring: The testimony shows that David Spring was a resident of Canton Township and voted for Mr. Wallace in Bethlehem Township. His family was in Canton. He had no residence in Bethlehem Township. On the morning of the election he was told to go home to Canton to vote. The judges were of opinion that he ought to vote in Canton, but allowed him to vote if he would "swear in" his ballot.

He was sworn at the election and said, "I make my home wherever I am."

(G. G. Barnett, record, page 352; A. Garver, page 355; F. Corl, page 357; L. Sauer, page 475.)

E. W. Shafer: The vote of E. W. Shafer was cast at Bethlehem Township for Mr. Wallace, while said Shafer's residence was in Beach City, Sugar Creek Township; at least he had acquired no residence in Bethlehem Township. If the testimony offered by the contestee left any doubt as to Shafer's non-residence in Bethlehem, it is clearly established by the testimony of Julius Hugg, called by contestant, who swears that he had come into the township merely to do a job of wood-carving for said Hugg. He was brought there for that purpose by Hugg. As soon as he finished this work he left the township and returned to Beach City, as it was understood he should when he was employed.

Shafer was at Massillon when the rebutting testimony was taken for the contestant. He was regularly subpœnaed, but was discharged by the contestant's counsel without testifying. This raises a strong presumption adverse to contestant.

(G. G. Barnett, record, page 352; A. Garver, page 355; F. Corl, page 357; A. Crites, page 380; C. W. Sprankle, page 381; J. Hugg, page 470.)

COLUMBIANA COUNTY, CENTRE TOWNSHIP—SAMUEL THOMPSON'S VOTE.

Samuel Thompson was a Democrat, and always voted that ticket; he voted at the election in this township, and unquestionably voted for Mr. Wallace. He is an inmate of the county infirmary, and registered there as an idiot, and if the proof shows that he is an idiot under the constitution of the State he is not a legal elector. (Constitution of Ohio, article 5, section 6.)

(Thomas H. White, record, page 163; Craig D. Filson, record, page 165; William Davidson, record, page 168; Horace P. Hessin, record, page 170; A. J. Cowan, record, page 443; James Brubeck, record, page 446.)

Michael Higgins voted at the election in Leetonia precinct. He was an insane person, under guardianship as such, and, his own declarations show, was not of sufficient intelligence to know how he voted. Although there is some conflict in the testimony we do not think there is sufficient evidence to overcome the presumption arising from the inquisition of lunacy and the appointment of the guardian, which is shown.

The only proof of the person for whom he voted is the testimony showing that he came to vote with his fellow railroad-track hands, who were Democrats, was living with his brother, who was a Democrat, and was understood to be a Democrat; but we think the evidence is sufficient on the authority of the case of Vallandigham *vs.* Campbell, *supra*, and the authorities there cited. (See pages 233, 234.)

(P. Higgins, record, page 176; J. L. Truesdale, page 178; John Quinly, page 451.)

COLUMBIANA COUNTY—SAINT CLAIR TOWNSHIP.

Figley and Orr: Robert Figley and George W. Orr voted for the contestant at the poll in Saint Clair Township. Neither of them had been residents of the State for the year preceding the election.

Both of them had resided in the township, and both had moved with their families into Pennsylvania, and resided there for some time, and their return to the State was less than one year before the election.

They sold out their homes and property in Ohio, and although they claim to have intended to return, their admissions, which are in evidence, show differently, and the cross-examination of Figley shows, as we think, that he formed the intention to return after the death of his wife in Pennsylvania.

(George W. Bannon, record, page 241; J. M. Mehaffie, page 242; Robert Erwin, page 243; Alexander H. McCoy, page 244; C. M. McCoy, page 245; Robert Figley, page 454; George W. Orr, page 468; H. R. Hill, page 215.)

William Brown: He voted at Alliance, in Lexington Township, for Mr. Wallace. He was not at the time a resident of Lexington Township, but resided in Butler Township, Columbiana County. He was on a visit at the time to his son, Joseph Brown, who resided at Alliance, and on his return home declared that he voted at Alliance for Mr. Wallace. He was a Democrat, and a housekeeper in Butler Township at the time of the election, and until November following, and his vote should be deducted from the poll of contestant.

(John S. Walker, record, page 139; Sarah E. Walker, page 141; B. F. Christ, page 142.)

Harvey Sloan voted in Washington Township for contestant. If he had any residence in Ohio it was New Lisbon, and not Salineville. (Record, pages 124, 125.)

The evidence as to how he voted is that he was always a Democrat and told how he voted.

Peter J. Collins stands on same ground. He was a Democrat in politics. (Record, pages 124 to 127.)

John Beiber: The claim as to him is allowed, he being an illegal voter. How he voted is shown by an admission made to two men of high character under an assurance that he should not be prosecuted for voting illegally. (Record, page 345.)

LIVERPOOL TOWNSHIP, COLUMBIANIA COUNTY.

In this township the bulk of the illegal voting seems to have been carried on, and we will treat the several cases in order.

As to Oscar Boles, Hugh McCurran, Frank Allison, James McCurran, and Joseph Hanlan, the following is a part of the testimony concerning them.

E. M. Pearson, on page 307, testifies:

"Q. Please state your name, age, residence, and occupation?

"A. My name is Edward M. Pearson; my age is 34 years; I reside at Wheeling, W. Va.; am a manufacturer of pottery; am the manager of the Wheeling Pottery Company.

"Q. Do you know Joseph Hanlan, Oscar Boles, Hugh McCurran, Frank Allison, Frank Queen, and James McCurran, or any of them?

"A. Yes; all of them.

"Q. Where did they reside, if you know, on the 10th day of October, 1882, and in whose employ were they?

"A. I presume that they all resided in Wheeling; I know that they worked for us at the pottery.

"(The foregoing answer objected to as incompetent.)

"Q. Do you know where they lived at that time?

"(Objected to as leading and incompetent.)

"A. I can't say the house where they lived, or anything of that kind; I know that they engaged with me to work for me. I am not watching the workmen to know where they lived.

"Q. State what you know as to where they have been since that time.

"(Objected to as incompetent.)

"A. They have been in Wheeling.

"Q. In whose employ?

"A. Of the Wheeling Pottery Company.

"Q. Do you know James Larkins?

"A. Yes, sir.

"Q. In whose employ was he on the 10th of October last?

"A. Of the Wheeling Pottery Company.

"Q. State, if you know, whether he was away from Wheeling on that day?

"A. He was in Wheeling on that day.

"Cross-examined by counsel for contestant:

"Q. The James Larkins you speak of is the gentleman who was on the witness stand this morning, is he not?

"A. Yes, sir.

"E. M. PEARSON."

James Larkins, on page 304, testifies:

"Q. Do you know Joseph Hanlan, Oscar Bates, Hugh McCurran, Frank Allison, Frank Green, and James McCurran?

"A. Yes, sir.

"Q. Where did they reside during the month of October, 1882?

"A. In Wheeling, I believe.

"(The foregoing question and answer objected to as leading and incompetent.)

"Q. Do you know the politics of said persons, or either of them, at said time?

"(Objected to as incompetent.)

"A. I believe they were all Democrats.

"Q. State what, if anything, you know as to said persons, or either of them, leaving Wheeling on or about the 10th of October, 1882, where they went to, if they left, and their purpose in going, if you know.

"(Objected to as incompetent.)

"A. They came to East Liverpool to vote on that day.

"Q. Do you know for whom they voted for member of Congress at said election?

"(Objected to as incompetent.)

"A. For Wallace.

"Q. Were you at the polls in Liverpool Township on election day last October?

"A. No, sir.

"Q. Then how do you know that the parties whom you have named in your examination-in-chief voted in Liverpool Township on that day, and that they voted for Wallace there?

"A. Because that was their politics, and that is what I heard them say—one of them especially—before they came up."

M. Heckathorn: He lived at the city of Steubenville, Jefferson County, until four or five days before the election; he had not been in the county of Columbiana for thirty days or Liverpool for twenty days before the election; he admitted that he voted for Mr. Wallace.

(W. H. Vodrey, rec., pages 292–296; Charles Gill, rec., page 246; H. H. Searles, rec., page 282; Alf Day, rec., page 291.)

John A. O'Neil: He had formerly been a resident of Liverpool, and removed to Trenton, N. J., December 10, 1881, with his family, declaring his intention to make that his residence; he returned to East Liverpool March 25, 1882, and voted October 10, 1882; at the election in the spring of 1882 he admitted that he had no vote; he voted for Mr. Wallace; having been less than a year in the State he voted illegally, and his vote must be taken from contestant.

He was a leading Democrat and was distributing Democratic tickets on election day.

(R. Bodon, rec., pages 234-5-6; G. Harrison, rec., page 259; W. L. Thompson, rec., page 260; C. F. Thompson, rec., page 262; W. L. Smith, rec., page 281; J. Hulm, rec., page 278; C. Stewart. rec., page 287; G. Peach, rec., page 305; H. N. Harker, rec., page 298.)

It is conceded by contestant in his brief (pages 52, 56-'7), as the evidence shows, that the following persons, viz, William Leibschuer, Henry Tasker, John Rumberger, J. P. Sterling, Charles Huhn, William Ward, and James Sypher, voted illegally. The proof that they voted for Wallace consists in evidence either that they said they voted the Democratic ticket, or that they were Democrats and said they so voted. William Ward is shown to be a Democrat (record, 250-'1). Thomas Black is conceded by contestant, and has already been allowed as such, as before stated.

Fred. Mayer: He voted for Mr. Wallace at this poll. He had not been in the State a year preceding the election. He came from Trenton, N. J., in April, 1882. After the election he ran away to avoid the consequences of illegal voting. (T. Clinton, record, page 201; C. Gill, record, page 256; G. Hamson, record, page 259; T. H. Arbuckle, record, page 211; H. N. Harker, record, page 298.)

E. Bradshaw: He was a wanderer; he came from Evansville, Ind., in June, 1882, for the purpose of being supported by the striking potters; he had no legal residence in Liverpool; his family was at Trenton, N. J.; he voted for Mr. Wallace illegally. (R. Barlow, rec., page 234; C. Shenkle, rec., page 258; G. Harrison, rec., page 259; J. Rhinehart, rec., page 273; T. Blower, rec., page 290.)

Owen Tigh: He came to the township in March, 1882; he had been there before, but moved to Pittsburgh and other places; his family was at Trenton, N. J.; he had not been in the State a year; his vote was illegally cast for Mr. Wallace; showed his ticket for Wallace, and said he voted it. (R. Bodon, rec., pages 234-'5-'6.)

Peter Helms, Wm. Henry, Wm. Ward: They lived at Steubenville, Jefferson County, Ohio; they came to Liverpool and voted at the election; they were fraudulent and illegal voters; they voted for Mr. Wallace. (Wm. Parks, rec., page 250; H. H. Searls, pages 282, 287.)

Charles Huhn: He lived in Wheeling, W. Va.: he came to East Liverpool on election day and voted there for Mr. Wallace; Huhn voted at Wheeling, W. Va., in January, 1883. In West Virginia the law requires a residence of one year in order to qualify a person to vote. (David Pugh, rec., page 252; R. Whitehead, page 302.)

Frank Lucas: The testimony introduced by the contestant clearly shows that Frank Lucas, voting at the Alliance precinct, was not of legal age, being under 21 years of age at the time of the election, and his vote should therefore be deducted from that of the person for whom it was cast. There is slight testimony indicating that he voted for Mr. McKinley; but, on the contrary, it appears from the testimony of Rachel Succors and G. Q. Freer that he voted for Mr. Wallace. Freer testifies that he took him to the polls, gave him a Republican ticket, and supposed he had voted it, but was informed by those working for Mr. Wallace at the election that he had voted for the contestant, and saw the Republican ticket in his hand after he had voted, and found the same on the floor of the carriage, folded as it was handed to Lucas. Rachel Succors, his mother, testified that immediately on his return from the polls Lucas declared he had voted the Democratic ticket, stating how and why. (Rachel Succors, record pages 82-86; H. Laughlin, record, page 83; H. Adams, record, page 83; G. L. Freer, record, pages 83-87.)

CARROLL COUNTY.

Harvey Shiltz: He voted in Perry Township, Carroll County; was a Democrat, and presumably voted for the contestant. He was the proprietor of a portable saw-mill, traveling around the country from place to place, wherever he could find work for his mill. Was a widower, with one child, who resided at Urichsville, Tuscarawas County, Ohio. He had no home "except his saw-mill," boarding in the neighborhood when it was at work. It does not appear that he ever had a residence in Perry township. (J. Morgan, record, page 324; J. M. Gladden, page 326.)

This concludes our examination of the list of 55 alleged illegal votes, and embraces all which we deem worthy of note.

It is to be observed the following votes depend upon declarations alone as to how the voter voted:

1. John Bieber, Beaver Township, Mahoning County, Ohio. (Record, page 345.)
2. William Leibscheur, Liverpool Township, Columbiana County, Ohio. (Record, pages 234 and 273.)
3. Henry Tasker, Liverpool Township, Columbiana County, Ohio. (Record, pages 205-6-7, 282, and 306.)
4. John Rumberger, Liverpool Township, Columbiana County, Ohio. (Record, pages 248-9, 257, and 274.)
5. Peter Helms, Liverpool Township, Columbiana County, Ohio. (Record, pages 250-1, 253-4, and 282.)
6. William Henry, Liverpool Township, Columbiana County, Ohio. (Record, pages 250-1, 253-4, and 282.)
7. J. P. Sterling, Liverpool Township, Columbiana County, Ohio. (Record, pages 239, 240, 283, and 306-7.)
8. Frank Lucas, Alliance, Stark County, Ohio, whose vote is assailed by contestant (record, pages 82, 86, 83, 83, 87), claimed by contestant to have voted for contestee. As to him there is also other evidence.

The majority report discusses at length, trying to destroy the rule in legislative bodies admitting admissions and declarations of the voters themselves, not on oath, as to how they voted. One might infer from the prominence given to it that the result of this case depended upon it, whereas that is not true.

The question has arisen somewhat frequently in legislative bodies and before the courts of Great Britain and this country, and we apprehend it will not be denied that the English cases and nearly all American cases favor the admissibility of such testimony. (3 McCord, S. C., 232, note; 1 Doug. Election Cases, 67; 6 Doug. Election Cases, 76; 3 Doug. Election Cases, 6; 3 Doug. Election Cases, 129-150; Vallandigham *vs.* Campbell, Dig. Contested Election Cases, 1834-1865, pages 223, 230, 231; S. C., 1 Bartlett, 231; Farlee *vs.* Runk, 1845, 6 Dig. Contested Election Cases, from 1834-1865, page 87; People *vs.* Pease, 27 N. Y., 45-52; 2 Phillips on Ev., Cowen & Hill's notes, page 322; Bell *vs.* Snyder, Dig. Contested Election Cases, 1871-1876, page 248; The New Jersey Case, 1 Bartlett, 19; State *vs.* Olin, 23 Wis., 319, 327; Wigginton *vs.* Pacheco, Dig. Election Cases, 1876-'80, pages 11, 13, 15, 17.)

The only case which we have been able to find intimating the contrary doctrine in the House of Representatives is Newland *vs.* Graham, 1 Bartlett, 5; S. C., Contested Election Cases, 1834-1865, 5. In this case it is true the committee say they deem this class of evidence inadmissible and decline to investigate the votes for the sitting member objected to upon such testimony, but as these votes would not have changed the result arrived at by the committee, the subject seems not to have been carefully considered, and the cases can hardly be entitled to much consideration as against the great weight of authority already cited. The case of Cessna *vs.* Myers, Contest. Elect., 1871-1876, page 60, has been supposed to be authority opposed to the admission of this class of testimony. While the report discusses the question, and it is stated that some of the committee think that such declarations are only admissible when part of the *res gestæ*, and all agree that such evidence should be received with caution, only to be acted on when declarations are clearly proved and in themselves satisfactory (page 65), the committee and the House did consider the testimony and act upon it in deciding the case. So, notwithstanding the discussion of the subject and the expression of the opinion of the member of the committee who framed the report, the case is an authority in favor of the admissibility of such testimony; holding "evidence of hearsay declarations of the voter can only be acted upon when the fact that he voted has been shown by evidence *aliunde*, and the declarations clearly proved and are themselves clear and satisfactory." (Page 67.)

Cook *vs.* Cutts, Forty-seventh Congress, ought to be mentioned, perhaps. What is said on the subject in the report of that case, as the writer of this report knows, was not the result of a decision by the committee. The question was not essential to the determination of the case, but that turned upon other grounds.

This subject was most elaborately discussed in the case of Vallandigham *vs.* Campbell, and the conclusion reached, sanctioned by the House, was that such declarations are admissible.

The report has distinguished names attached to it, such as Mr. LAMAR (now Senator from Mississippi), and ex-Governor J. W. Stevenson, of Kentucky.

This case is cited and approved in People *vs.* Pease, 27 N. Y., page 51.

The doctrine contended for is upheld in State *vs.* Oliver (23 Wis., 319, 327).

The person assailing the right of the voter and charging against him moral turpitude and crime in the unlawful excercise of the franchise should not be compelled to make this alleged dishonest adversary his own witness, thus giving validity to his testimony. The doctrine is well settled that it is not necessary in such cases to first call the voter:

"It was not done in any of the cases decided in the British Parliament. It is not necessary in settlement cases, where the declaration of the parishioner may be given in evidence, and the Supreme Court of the United States has expressly decided that where a witness can not be compelled to answer he need not be called." (1 Greenleaf on Evidence, sec. 175; 6 Peters, 352-367; Vallandigham *vs.* Campbell, *supra.*)

Wigginton *vs.* Pacheco, cases 1876, page 10.

The common-law rule as to hearsay evidence can not be made to apply. If so, it would apply and exclude the evidence just as much after the voter had been called and refused to testify as before.

The suggestion of the chairman of the committee that the rule of admitting the declaration of voters as to how they voted originated in the House in the early cases of contest, when witnesses were summoned and testified personally before the Committee on Elections, in no sense destroys the force or reason for the rule. If competent in one case it must be clearly competent in the other. He fails to state, what is the fact, that the rule has been followed since Congress passed the act governing contested elections; notably in the case of Vallandigham *vs.* Campbell in 1858, and in the very recent case of Wigginton *vs.* Pacheco in 1877, and in other cases. The fact that election cases are tried upon pleadings now instead of upon a memorial can not be justly held to change the rule in question. This does not make the contest any more a proceeding *inter partes* than it was before. The public has the same interest and rights in the contest as they ever had.

The conclusion is that 53 of the list of votes given and alleged to have been illegally cast for contestant should be deducted from his returned vote. If the admissions of the voters themselves as to how they voted are not competent or sufficient evidence, then there remain 47 which are otherwise proved.

The House will please observe that the evidence adduced by contestee, and the substance of which has been given or referred to in his report in support of his claim as to the said list of 55 alleged illegal voters for contestant, stands substantially without contradiction or conflict. Evidence in rebuttal was introduced by contestant only in a very few instances, and none at all as to the votes in Liverpool Township. In the few cases where evidence in rebuttal was taken it served only to confirm the evidence in chief. If the evidence was not true contestant had the means and an ample opportunity to refute it and show how the facts were. When the legality of votes is assailed, upon notice and answer, and the issue is formed, that issue is to be fairly heard and tried upon evidence. When one party adduces apparently credible evidence sufficient of itself to maintain the issue, the opposite party is called upon to meet it; and if he does not do it with the means at hand, there can be but one reasonable conclusion, and that is that there was no answer to it. The committee adopted such a rule in the case of Manzanares *vs.* Luna, decided at the present session.

We feel bound to notice one other claim: Contestant claims that the evidence being incompetent to prove how the voters voted, and contestee not having called the voters themselves as witnesses, the voters should be presumed to have voted for him and the votes deducted. Claim is disallowed. The more reasonable inference would be, that, after the evidence was adduced as to the illegality of the votes and how the electors voted, and contestant did not call the voters to rebut the same, what was testified to and claimed was true. Contestant makes one other claim, to wit: that 17 illegal votes were cast by unknown persons, and that they should be deducted *pro rata*. Contestee's contention on this subject upon the evidence may be stated as follows in substance, namely:

"In addition to the persons named above, all of whose names appear upon the poll-book as having voted at the election, the poll-book also shows voters at the election, to wit: James Arbuckle, James Fortune, Basil Britt, E. J. Ortman, William Parks, Philip O'Brien, R. W. Raley, George Speight, W. R. Warrick, Henry Prichard, Robert Tie, Frank Carnahan, Walter Elsworth, R. E. Banks, James Larkins, James Nixon, John Trainor, none of whom were residents of Liverpool Township at the time of the election, and most of them never were. James Larkins is shown by his own oath to have resided at Wheeling, and William Parks at Steubenville. They each swear they did not vote at all, so that some other persons must have voted in their names. Banks is also shown to be a resident of Steubenville. If it be claimed that these persons, or some of them, may have been residents of Liverpool Township, we have to answer that diligent inquiry is shown to have been made on the part of the contestee with a view to finding them, advertisements put into local papers calling for information concerning them, without success. The large number of witnesses whose business and acquaintance are such that they would probably know them, who testify that they know of no such persons, seem sufficient to establish that there are no such electors in the township.

"The school enumerator, postmaster, and others well qualified to know, who were residents and electors in said township, were called, and all say they do not know such persons as residents of the township, and never heard of any of them. On the other hand, the contestant offers nothing whatever in reply to this testimony. The town is not large, having not to exceed 6,000 inhabitants, and if said persons were residents it could be easily shown. It is claimed that the names mentioned do not represent voters of the township, especially as a number of them are shown not to be residents of the township, but live at Steubenville or Wheeling.

"It is also noticeable that the evidence tends to show that a number of residents of Steubenville and Wheeling came to Liverpool on the day of election for the purpose of voting for contestant, and did vote for him.

"It further appears in the testimony that on the day of this election the polls in this township were in the hands of the contestant's friends. His supporters were active and in force at the polls. Although contestee's friends represented at least one-half of the population, they were only represented at the polls in the proportion of 1 to 4 of the opposition. If this was all that appeared in the testimony as to this township, it would seem a fair inference that the fraudulent voting was in the interest of the contestant; but this is not all. It clearly appears from the testimony that at the preceding elections the Republican party had been strong in its majority in this township, and that contestee at the primary election previous to this received 634 Republican votes for the nomination

as against 48 in opposition, while at the election in question the majority in the township against him was 67, and he actually received 30 votes less at the election than at the primary election in the spring of the same year.

"The testimony shows that on the part of the friends of contestant there was an organized effort at fraud in this township; that some voters were imported from Steubenville and Wheeling who voted for contestant is, under the proof, beyond question; and the testimony shows that some of the persons named were at the time of the election residents of one or the other of these places, and there is such evidence of frauds practiced by contestant's friends as to justify deducting all of the illegal votes proved from the poll of contestant."

We do not deem it necessary to pass upon this question, as no account is made of it in the majority report, and it is not deemed necessary to the result. We do not feel certain that all of the voters counted as unknown are sufficiently proved to be illegal; some of them doubtless were. If so found, we should be more inclined, upon the evidence referred to, to draw unfavorable inferences as against contestant's vote. From the facts shown it appears that the scratching was mainly in the name of the contestee, and there is other evidence in the record, which we do not care to deal with in detail, that tends to prove the fraud to have been on the part of contestant's friends. The claim on the part of contestant that they should be deducted pro rata is disallowed. Contestee does not contend that the evidence is such as to warrant a deduction from contestant's vote on account of same.

(Wm. H. Vodrey, record, page 292; H. H. Searls, record, page 282; R. Barlow, record, page 234; J. Wyman, record, page 293; S. J. Richards, record, page 295.)

AS TO THE CLAIM THAT ADDITIONAL VOTES SHOULD BE ALLOWED CONTESTANT.

Contestant claims an addition of certain votes not counted for him, and the majority report seems to adopt about every claim made by him in this regard. So far as can be seen, it does not even adopt the concessions of votes made by him, and to which allusions have already been made.

The majority report allows a ballot which was rejected by the judges of election in Lee Township, Carroll County (R., page 177). It was not counted because on the back of it was written in ink: "H.—W. J. McCausland," and then two columes of figures under the letters R. and D., respectively. The ballot was clearly in violation of the statute supplement to Revised Statutes, section 31. It provides:

"That all ballots voted at any election held in pursuance of law shall be written on plain white paper, or printed with black ink on plain white news printing-paper, without any device or mark of any description to distinguish one ticket from another, or by which one ticket may be known from another by its appearance, except the words at the head of the ticket, and that it shall be unlawful for any person to print for distribution at the polls, or distribute to any elector, or vote any ballot, printed or written, contrary to the provisions of this act: *Provided*, That nothing herein contained shall be construed to prohibit the erasure, correction, or insertion of any name, by pencil mark or otherwise, upon the face of the printed ballot."

The ballot had clearly on the back of it what made it a mark, which served to distinguish it from other ballots. (McCrary, sec. 403; Hirk *vs.* Rhoades, 46 Cal., 398.) We do not think the ballot should be allowed contestant.

The chairman, in his report, seems here to forget his purpose to allow all reasonable presumptions in favor of the action of the judges of elections, as availed of in the instances of J. Wales and J. H. Walser.

FAIRFIELD TOWNSHIP, ELEVEN VOTES.

The majority report allows contestant 11 votes not counted in Fairfield township. We can not concur in this finding. Annexed are the references and a statement of the facts, which the references sustain as proved.

The contestant undertook to open the ballot-box of this township and to recount the ballots; it is claimed that on this recount Mr. McKinley had only 270 ballots instead of 271, as returned for him.

(R. H. Carpenter, record, page 10; J. G. Augustine, record, page 14; William R. Hum, record, page 29; E. S. Holloway, record, page 102; S. M. Beatty, record, page 113; F. Diemer, record, page 115; A. C. Shields, record, page 117; I. B. Crook, record, page 119; D. Bushong, record, page 121; J. W. Weaver, record, page 121; J. B. Mellinger, record, page 122; George Lowe, record, page 453.)

It is claimed that 11 votes were cast, intended for the contestant, which were not counted. It appears, first, that the ballot-box and key were not kept as provided by the statute, and the circumstances of the case are such that no reliance can be placed upon the recount of the ballots. The Ohio statute has been carefully framed with a view to prevent any tampering with the ballot-box. To this end it is provided that of the three judges one shall be from the minority party of the township, and he shall keep the key of the box; the box itself to be retained in the possession of the township clerk, who is, presumably, of the opposite party—the purpose evidently being to keep the box and key in separate hands, representing the opposite political parties, thus securing the ballots from any fraudulent interference. (Rev. Stats. Ohio, 1880, sections 2932-2957.) The proof shows that in this township, after the box was locked, the key was delivered to the minority judge, and the box left that night in the room in which the election was held, instead of being taken possession of by the clerk. The next morning the clerk took the box to his shop or place of business, where he left it in a public place, entirely unprotected.

The minority judge and the clerk testify that the next morning the minority judge, at the request of the clerk, went to the shop, obtained the box, carried it to the clerk, who took it to his house, and there placed it in an unlocked closet in one of the bed-rooms, where, as the clerk testifies, any person who had access to the house had access to it. The clerk testifies that he is a Republican, and voted for Mr. McKinley. On the other hand, it is clearly shown by the uncontradicted testimony of Frank Diemer, Stephen Beatty, J. B. Mellinger, that the clerk was not friendly to McKinley at the primary election and declared he would not vote for him.

It is evident that before Carpenter had possession of the box some controversy had arisen as to who was elected.

He appears soon to have begun to inquire of witnesses about number of ballots not counted. Augustine says he sent him for it, because he could not go for it himself "just then." It is not certain that it was not on the next morning after the election, but on the following Friday, that Carpenter had the box on the street. He intended to take it to the county seat, and probably did take it there. In any event, it is certain, by all the testimony, that Carpenter, the minority judge, a warm partisan of the contestant, had the key and box both in his possession either the Wednesday or Friday after the election.

From that time until the count by contestant it is apparent that the box as well as the key continued to be within Carpenter's reach. He was the father-in-law of Augustine, boarded and lodged in the same house at which the box was kept, without any precaution to prevent access to it.

This is not such securing of the integrity of the box as is contemplated in the statute referred to, and neither its letter nor spirit was complied with.

The temptation to tamper with and change the ballots after an election is so great, especially when the election is close, and a slight change will elect the one and defeat the other candidate, that courts and the House have uniformly required the party offering the ballots to overcome the official count made at the time of the election to show that the ballots have been kept strictly as required by law. Upon the person offering the ballots is cast the burden of showing that the ballots offered for recount are the identical ones cast at the election, and have been in no way tampered with or changed. (Butler *vs.* Lehman, 1 Bartlett, 354; Kline *vs.* Verree, 1 Bartlett, 381; McCrary on Elections, 2 ed., secs. 96, 277, 278, 555; Gooding *vs.* Wilson, Contested Elect. Cases, 1871-1876, page 79.)

"When it was alleged that there was a mistake in the original count, and upon reopening the boxes the allegation was apparently substantiated, as the boxes had been for three months in an insecure position, where they might have been tampered with, it was held that the recount should not overturn the original sworn returns." (Kline *vs.* Verree, *supra*.)

In this case four months elapsed after the election before the reopening of the ballot-boxes for the purpose of a recount.

Besides this, there is clear proof that the ballots recounted were not the original ballots. The official count gives 638 ballots, while the recount gives only 633. Their names appear on the poll-book. The evidence of ballots missing is so strong that contestant, on page 12 of his brief, says:

"On this recount only 633 ballots were found in the box (record, page 16), while the official abstract of the secretary of state shows that 638 ballots were actually cast at said election, so that on the recount 5 less ballots were found than were cast at said election."

What became of the five we do not know. The evidence does not disclose. But it appears that there was a less number of ballots in the box at the time of the recount than at the time of the official count. That conceded fact in and of itself is absolutely destructive of this pretended recount.

In addition to this we find that while by the official count Lemuel T. Foster, the Greenback candidate for Congress, had 53 votes, by this pretended recount he had 57 votes; and we also further find from the record in this case that there was in that box, at the time of the official count, one ballot having on it the names of both of these candidates, contestant and contestee (rec., page 11, q. 28; page 110, q. 51), which ballot was not found in the box at the time of the pretended recount (page 15).

There can be no recount unless you have the identical ballots that had been cast and were counted when the official count was made.

Without stopping to give all the evidence, we have only to say that it is perfectly manifest that somebody had tampered with the box and contents.

It is manifest from all the testimony that there were some irregular ballots not counted, which would not be applied to contestant. They are not described adequately. The majority report virtually abandons the claim as based upon the recount, and appears to find that the evidence establishes, independently of the recount, that 11 more votes were cast for him than were counted. A careful examination shows that the evidence falls far short of proving this. The mixing up of the recount, when it is discredited, with what evidence is furnished by witnesses orally, is most remarkable. The oral evidence alone is not enough to prove distinctly the claim, either as to the number of the ballots not counted, or to give an intelligible description of them.

As to the ballots for "Walae," "Ma. Wilac," "Mag. Wolac," "Waloc," "Mage Woloc," and "Waloe," and others (if proved), they neither indicate the proper name of contestant, nor any name by which he was ever known.

The oral testimony describes no such ballots.

The judges of election made no return of such, as scattering or otherwise; whereas if it was true that there were so many such irregular votes as is now pretended they would have been returned, as was done at other places in the county of Columbiana, and as the statute absolutely required. It is more probable that they are mistaken now than that they were guilty of any such misconduct. A witness who stood by and kept a tally of all the votes, and kept a memorandum, and who now contradicts Mr. Carpenter, is entitled to more weight.

The evidence of the farmer (Hum), one of the judges of election, was of the strong impression that there were from 2 to 8, and would not exceed 4, regular votes until the recount was had four months afterward. He seems to be staggered then at the alleged and apparent contents of the box. He was unwilling to believe that the men who had the box were dishonest, and a labored attempt was made in the examination to work his memory up to higher numbers. It is unnecessary to prove that Carpenter or Augustine changed the ballots, and it did not occur to the witness that other persons had means of access to the box and did the nefarious work without their knowledge or connivance. It is not enough to prove that these particular men did not tamper with the box, but it is enough that it appears that others had an opportunity to do it and that it was done in fact.

An inspection of the ballots shows that all which was needed to be done in order to make the alterations was to write the name of contestant in pencil under the name of contestee, which could be quickly and easily done. What serves to discredit somewhat the integrity of these ballots is the fact that contestant and his counsel, after the box was opened and the ballots put in evidence, denied contestee and his counsel all reasonable opportunity to have other witnesses examine the same and testify about them. A reasonable request in writing was made for this purpose, and the opportunity denied. (Rec. 183, 184.)

Contestant and his counsel did the same as to the ballot in Washington Township. (Rec., page 98.)

To count them in any event for the contestant involves a contradiction of the ballots, they having been cast for names different from any by which the contestant has ever been known.

It seems perfectly well settled that no evidence can be received to contradict a ballot; it must be sufficiently certain upon its face that when read in the light of the surrounding circumstances it appears to be manifestly for the candidate claiming it.

The rule is thus stated by Judge Cooley (Constitutional Limitations, 2d ed., 611):

"Upon the question how far extrinsic evidence is admissible by way of helping out any imperfections in the ballot no rule can be laid down which can be said to have a preponderating weight of authority in its support. We think evidence of such facts as may be called the circumstances surrounding the election—such as who were the candidates brought forward by the nominating conventions; whether other persons of the same names resided in the district from which the officer was to be chosen; and, if so, whether they were eligible or had been named for the office; if a ballot was printed imperfectly, how it came to be so printed, and the like—is admissible for the purpose of showing that an imperfect ballot was meant for a particular candidate, unless the name is so different that thus to apply it would be to contradict the ballot itself or unless the ballot is so defective that it fails to show any intention whatever, in which cases it is not admissible." (McCrary on Elections, 2d ed., sections 395, 396, 397, 407, 408; Cushing's Law and Practice of Legislative Assemblies, 9th ed., sections 110, 112, 113.)

It is the duty of an elector to clearly indicate for whom he intends to vote, at least to the extent that surrounding circumstances free his ballot from all ambiguity without contradicting the same.

"The name on a ballot, being an essential part of it, should be so written or printed as to designate the person intended beyond any reasonable doubt." (Cushing's Law and Pr. Leg. Assemb., 9th ed., section 110.)

It being the policy of the law to require the choice of the elector to be expressed by written or printed ballot, one who has failed to avail himself of this privilege can not complain if his own carelessness has failed to express his intention in such manner that it may be certainly known for whom he intended to vote.

It can never be shown that a mistake has been made in casting a ballot as to the person intended to be voted for.

"Where the name is not only different, but unlike, no question can arise as to the intention, because it clearly amounts to a mistake on the part of the voter as to the name of the person for whom he intends to vote, which, as has already

been stated, can not be corrected." (Cushing's Law and Pr. Leg. Assemb., 9 ed., sec. 113.)

COLUMBIANA COUNTY—TWENTY-THREE VOTES AS RETURNED.

We now come to the 23 names returned from Columbiana County, which contestant claims, and which the majority report finds. Upon the evidence that he was the candidate, and was known and went by the name of Major Wallace and Jonathan Wallace, contestee very liberally concedes him 16 of the votes, and we need not discuss that matter.

As to 7 ballots, reading—

W. H. Wallace	2
John H. Wallace	4
W. W. Wallace	1
	7

there is no ambiguity, and the names designate other persons. There is no evidence to show the intention of the voter, as in case of the ballot for "Kinley." It is not safe to go into the region of guess, surmise, or conjecture. The intention can be got only from the ballots themselves. There were other Wallaces in the district eligible to the office. There was a John Wallace. There was a good deal of scratching and independent voting, by Republicans especially. When this is done, third persons, not regular candidates, are often voted for. There were in fact some four different candidates at least, and numerous scattering votes, the names not being given.

We can not allow these ballots as proved to have been cast for contestant.

MOUNT UNION PRECINCT, STARK COUNTY.

The majority report allows contestant 1 vote not counted at Mount Union. It allows it on the evidence of Rakestraw alone (page 96), the chairman evidently not having seen, or at least he takes no notice of, the evidence of Brosius (R., page 373), Antram (page 377), Watson (page 375). The ballot is in evidence, marked Ex. A.—A. L. Jones. An inspection of the same shows that it is impossible to read more than the first three letters, which are probably W-a-l. Beyond this it is impossible to decipher any letters. It is printed in the record "Walce." It is written in pencil under name of contestee erased in pencil. (R., page 97.)

The judges, including Rakestraw, Democratic judge, were unanimously of the opinion at the time that the name could not be deciphered, and rejected the ballot at the time of the count. In his evidence he now pretends that it was because the initials were wanting. But the evidence of the other witnesses (entirely ignored by the chairman in his report) completely refutes this pretense now. We find that this should not be allowed for contestant with all the presumptions against it and upon the evidence.

An opportunity to examine the same further and call witnesses about this ballot was denied contestee and his counsel as already hereinbefore stated (R., page 98).

This would have been a good occasion for the chairman to have applied the principle, which he enunciates, as to the force which is to be given to the action of the election officers, and on this case "refuse to reverse their judgment."

SIXTH WARD OF YOUNGSTOWN, MAHONING COUNTY.

The majority report finds one vote for contestant here. It was found on a recount, and is claimed not to have been counted originally. We do not allow it, because it appears that the box had not been kept according to law, but the same had been opened subsequent to the election and before the recount (Record, page 348). The law is very strict in that regard, as already shown. A recount under such circumstances should not be allowed to discredit the official count. Then, again, no notice was given of such a claim in the notice of contest.

We summarize our conclusions, as follows:

Official vote for contestee		16,906
Add the following in Stark County:		
Ballot "Kinley," (admitted)	1	
Sixth ward, Canton	1	
G. W. Shrimp, Minerva precinct	1	
Columbiana County:		
Orlando Brown (admitted)	1	
Centre Township, Hune ballot (admitted)	1	
Washingtonville precinct, Salem Township	1	
Butler Township	6	
Mahoning County:		
Austintown Township (recount)	2	
Austintown Township, ballot with McKinley under Wallace, printed (admitted)	1	
		15
Total		16,921
Deduct vote of C. C. Douglass, making total vote for contestee (having deducted some votes for contestant on same ground) 16,920.		
Official vote as returned for contestant		16,898
Add votes cast for him by various names heretofore conceded in the brief		16
Add Austintown Township		1
Add Madison Township vote		1
		16,916
Deduct illegal votes cast for contestant, of the list of 55 set out herein before, and as found		53
Balance		16,863

From which is to be deducted 10 votes (there being no adequate proof to the contrary for the manifest error in the footing in the returns from Carroll County. Deducting these leaves contestant's total net vote 16,853.

Contestee's total net vote	16,920
Contestant's total net vote	16,853
Contestee's majority	67

The closest scanning of the other votes in question, and of which we have hereinbefore treated in detail, can not, as it seems to us, materially affect this majority. There may be found doubt enough about 5 of the votes deducted from contestant's returns to require that they should be retained. They do not exceed that, in our judgment, after the most painstaking study of the record. We can come to no different conclusion, unless we disregard the evidence of witnesses, whose character, integrity, and means of knowledge of the facts to which they testify are not assailed, and ignore what we deem to be sound rules of law and well-considered precedents.

It will be seen that if the House do not deduct 10 votes on account of the error in the voting of the return from Carroll County, and do allow contestant the whole of the 23 votes appearing in the official returns from Columbiana County, and even the 11 in Fairfield Township (the extreme claim of contestant in that respect), contestee will have even then a majority of 39.

We recommend the passage of the following resolutions:

Resolved, That Jonathan H. Wallace was not elected as a Representative to the Forty-eighth Congress from the eighteenth Congressional district of Ohio.

Resolved, That William McKinley, jr., was duly elected, and is entitled to retain his seat.

A. A. RANNEY.
WM. P. HEPBURN.
AUGUSTUS H. PETTIBONE.
S. H. MILLER.
EDWARD K. VALENTINE.
ALPHONSO HART.

I concur in the resolutions contained in the above report.

THOMAS A. ROBERTSON.

Mr. COOK. Mr. Speaker, it can not be expected of course that every member of the House shall examine in detail the records or evidence in every contested-election case. It can not be expected that members of this House can examine the record in this case. It is therefore of the highest consequence that a report made here by one side or the other of a committee upon which the committee is divided should fairly set forth the true facts and the law for the guidance of the House. What I complain of in the very outset of this case as against the minority of the committee in their report is that it neither states the law accurately nor the facts correctly. I took pains last night to examine the report of the minority more in detail than I had heretofore done.

I have taken up in several instances the votes of men who were charged to be illegal voters. Reference is made in the minority report to the testimony of witnesses, and the page of the record is given in each instance which it is claimed shows the illegality of the vote in question. I took one of the first cases here mentioned, appended to which are the names of some four or five witnesses whose testimony it is claimed would go to show that the man's vote was illegal. These witnesses in no instance made any reference to it at all. We have in their testimony nothing as to the qualifications of the voter nor as to whom he voted for. They were not even asked concerning those points, and I invite your attention to the record in support of what I have said. I repeat, you give the names here of five witnesses whose evidence you say shows this man was not a qualified voter, when four of these witnesses are not even asked concerning the voter nor his vote. There is not even the slightest reference to the matter in all their evidence, and the remaining witness only refers to it incidentally.

Mr. RANNEY. To what case does the gentleman refer?

Mr. COOK. To the first cases given here from Jefferson County, the Heckathorn vote. There are other cases of the same kind. It is to be expected that these reports deal accurately with the facts, and when a man states in a report that a witness testifies to a fact there should be at least a reference to the fact in the evidence.

But, sir, it is not my purpose to take up in detail the votes that are questioned here by either side as being illegal. I leave that to be considered by other gentlemen who have examined that portion of the case more in detail than I have.

In the report of the minority it is claimed that an error of ten votes is shown in the return of the votes for the contestant. We have here in the record a tabulated statement of the vote of Carroll County. We have then the certified return, in which we have an abstract of all of these votes.

It is said, as I understand the minority in their report, that the law of Ohio makes this tabulated statement the official return and the other not. I sent this morning for the statute of Ohio, and I find that there is no such thing in it. The statute that I refer to simply requires the clerk, aided by two justices of the peace, to make an abstract of the votes, not a tabulated statement of the votes; not a statement in detail of the votes as is given here where it is claimed the error occurs, but an abstract of the votes as is given here on this page of the record where it is written out in full. The law of Ohio is not as claimed by the minority. It does not require a tabulated statement. It requires an abstract of the vote which is contained here in the certificate where the vote is given in full.

Now, Mr. Speaker, there is a discrepancy between the tabulated statement and the abstract of the votes as given in the return certified to the secretary of state. In the case of Manning *vs.* Chalmers in the beginning of this Congress it was insisted that the return proper and not the tabulated statement should govern. Here it is claimed that the tabulated statement should govern, and not the return. The report of the minority relies upon this tabulated statement. They seek to deduct from Mr. Wallace 10 votes because in this tabulated statement, taken by itself, it would appear that an error was made, although in the footings the number is given correctly.

I claim that under the law of Ohio the return made to the secretary of state by the county canvassers governs, and not the tabulated statement. But, passing that, I hold in my hand here a certified copy, certified by the clerk of the court of Carroll County and the two justices of the peace who assisted in making the canvass of this county, and he gives the vote in detail of every township in that county for Mr. Wallace, just as does the official report to the secretary of state. It gives the votes for Mr. Wallace as they were counted for him by the State canvassing board. Here it is, and any member of the House may inspect it for himself. It gives the vote in detail of every township. It was on file before the Committee on Elections, but I have failed to discover in the ingenious report of the minority any reference to it.

Now, if there be any question made by the sitting member and his friends that there was an error here, if it is claimed that Wallace should have deducted 10 votes from the number given him by the canvassing board, why do you not go down to Carroll County, in your own district, and ascertain from the poll-books and the records in the office of the county clerk, where the original returns are, what the actual facts are. Here is a certified transcript, and, I repeat, it shows Wallace is entitled to the 10 votes you seek now to deduct from him, notwithstanding the State canvassing board and the county canvassing board gave them to him.

I come now to the point I wish mainly to discuss. Underlying all questions in this case, I may say, is the one of competency of testimony, reliability of testimony. It is insisted by the minority that the merest hearsay evidence, the declaration of a voter made long after the election in casual conversation to a man who was hired by one side to hunt up evidence—that those declarations shall be sufficient to deduct a vote from Mr. Wallace. That is the question in this case in which I mainly feel an interest, because from my experience and observation in contested elections I believe it is essential that in this House we should have fixed rules to govern us; that we should require, before we find a fact in an election contest, such a degree and quality of evidence as to make it reliable before we take the fact as proved. My objection to all cases where they have been decided by the House contrary to my views and in accordance with the views of what happened to be the political majority at the time arises from the fact that they have departed from fixed rules in regard to reliable testimony, and gone out into the field of speculation, there to hunt up what they want for their side.

It was said yesterday by the gentleman from Kentucky [Mr. ROBERTSON] that the law in this case was well settled by Democratic precedents; that hearsay evidence was competent; that the declarations or statements of voters in casual conversation long after the election were competent not only, if I understood him, to show the vote illegal but competent to show for whom the man voted.

Mr. ROBERTSON. I never stated any such thing.

Mr. COOK. Well, the record will, I think, bear me out on the question of what was said in reference to that proposition. And so the position is assumed in the minority report that it is competent to prove whom a man voted for by his declaration after the election was over for months; and the gentleman from Kentucky [Mr. ROBERTSON] surely will not so soon go back upon it.

Now, Mr. Speaker, what I want to show is that that has not been the rule in this House in the last fifteen years; that it never was the settled rule; that so far as it was adopted partially in the Vallandigham-Campbell case it has not only never been followed, but has been expressly and repeatedly overruled. In the first place, Mr. Speaker, the report of the minority, in referring to the Vallandigham-Campbell case, makes a peculiar little statement.

He says that the report was signed by eminent gentlemen, such men as Mr. LAMAR, of Mississippi, and Mr. Stevenson, of Kentucky. One would think from the language of the report that they were given only as examples, and that there were dozens of others who also signed the report. The fact is that that report was signed by those two gentlemen only of a committee of five; and instead of their being "such men as Mr. LAMAR and Mr. Stevenson," they were Mr. LAMAR and Mr. Stevenson themselves, and only them.

That report came into this House. It is true that Mr. Vallandigham was seated. As I look back to that case I find in it the same facts that I find here. Mr. Vallandigham was a prominent man; if I remember aright he was the sitting member; he was an influential member upon the floor of this House. It seems that he had a majority in his favor on the final vote. But the House never committed itself directly to the rule announced by Mr. LAMAR, of the minority of the committee. It did then what it has done in many cases, simply voted in a general way to seat a certain man, the man who happened to be sustained by the report of the committee.

Now, I want to show first that the rule in the case of Vallandigham against Campbell was adopted upon a false assumption. It was claimed to be based upon the rule in England. I have here the report of the debate in that case upon the floor of this House. Mr. Harris, of Illinois, in his speech on that occasion showed that that rule never was adopted in England, and that none of the cases referred to by Mr. LAMAR sustained him in his position. I will send to the Clerk's desk and have read for the information of the House a paragraph which I have marked in the speech of Mr. Harris.

Before that is done, however, I will say that it must be remembered that in England the vote is *viva voce;* they have there no vote by ballot. The elective franchise there is a valuable one and prized by the voter, or it was at that time regarded as a valuable right by the limited number who possessed it. But the admissions of voters never were received there to show for whom they voted. Their admissions were sometimes received to show their disqualification, upon the ground that the admission of a man against his own interest might be received as testimony.

But it is claimed in this case, and it was sought to be claimed in the Vallandigham case, that that rule should be extended so as to receive admissions by the voter as to whom he voted for. Such a rule never was adopted in England, and yet Mr. LAMAR claimed to found his report upon the rule practiced in England.

The Clerk read as follows:

This statement of the law of evidence as applied to contested elections must be shown to be correct, or the conclusion to which that portion of the committee have arrived is erroneous. Is the statement correct; and, if so, does it show the establishment of a rule applicable to this case? Nearly all the cases referred to in the contested elections in England refer to the qualifications of the voters alone. The votes there are given *viva voce;* and the register-lists and poll-books show the names and residences of the voters and the names of those for whom the votes are cast, leaving the question of qualification as the only one that can ordinarily arise in contests for seats in the house of commons.

Those who are entitled to vote in the counties in England are "freeholders having lands or tenements to the value of 40*s.* a year above all charges, &c. Copyholders, or of any other tenure than freehold, whether of inheritance or for life, to the value of £10 above rents and charges, &c. Lessees or assignees for a term originally created for sixty years or more, value £10; for twenty years or more, value £50 above rents and charges," &c. In the boroughs, including cities and towns, the qualifications are different; but in all the possession of certain property interests are requisite; and in questions that have arisen in England as to the qualifications of voters, in most cases it has directly related to their existing interest in property. And proceeding upon the presumption that a man will not make a confession or declaration against his pecuniary interest, it is true that many cases are reported in the English books where the statements of the voter against his interest have been received to exclude his vote.

Mr. COOK. The difficulty with the report of Mr. LAMAR in that case was the same as is the difficulty with the report of the minority of the committee in this case. It assumes that tribunals and legislative bodies have decided what they have not decided. The admission by a voter in England against his right to vote under the circumstances rests upon a well-known principle of law—that it is to be presumed a man will not make a statement falsely contrary to his own right.

Now, I want to ask every lawyer in this House what there is of interest in the matter of electing a Representative in Congress to the man who has voted which would lead him to admit falsely that he voted when such an admission would be against his own interest? Every interest of the voter would prompt him to do the reverse. If I am an illegal voter and voted for my friend from Iowa here [Mr. KASSON] or for any person for an office, and the election was contested, my interest would be to retain him in office because he was my favorite. Therefore, so far as selfishness is concerned, I would be prompted, if I was an illegal voter, to say that I had voted for the other man. My interest would not be to do anything which would injure the man for whom I voted. Whatever selfish interest there would be would prompt the voter to give the name of the man he did not vote for as being the one he did vote for.

Mr. KASSON. Allow me to inquire, how many voters does the question which the gentleman is now discussing apply to? I ask because I understand there were only 7 to whom it would apply.

Mr. COOK. My colleague [Mr. KASSON] is in error. As I have gone through this record I think that question relates to some 30 or more of the voters; some of them are sustained by a little pretense of testimony that is not worthy of the name of evidence. It applies exclusively to a number of them, and applies with slight evidence to a larger number of them.

Mr. MCKINLEY. Will the gentleman please name the 30 voters to whom it applies?

Mr. KASSON. I find only 7 voters where the question rests on that point.

Mr. RANNEY. There are only 7 that depend upon that.

Mr. COOK. Well, now, Mr. Speaker, if I am making this speech I want to make it myself. I stated in the outset that I left the examination of these votes in detail to gentlemen who are more familiar with them than I am, and that I would address myself to the propositions of law which were presented in the committee as being decisive in this case.

The gentleman from Kentucky [Mr. ROBERTSON] stated yesterday that the Democratic side of the House had uniformly decided that this kind of testimony was competent; and he read from the case of Wigginton *vs.* Pacheco, in the Forty-sixth Congress. I want to read from that case to show to this House that they are upon the threshold of committing the same error that, in my opinion, was at the bottom of any incorrect decisions of questions of law in the Vallandigham case.

He quotes the case of Pacheco in the Forty-sixth Congress as holding that hearsay evidence is admissible. I say it does no such thing. I read from that report. The witness testified he voted for Pacheco, and that—

Gilbert always told me he was a Republican. He asked me which were the Republican tickets. He took one, folded it up, and to my honest belief put it in. I only showed him a Republican ticket with Pacheco's name on it. He took it, folded it up, and to my honest belief voted it.

Now, Mr. Speaker, no man pretends to-day that this is not competent evidence. But it is not hearsay. The true rule upon this question was stated by a unanimous committee in the case of Cessna *vs.* Myers, the report in that case, one of the ablest reports ever made in this House, written by Hon. GEORGE F. HOAR, now Senator. The true rule is that the ballot itself, if it can be identified, is of course the best evidence to show whom the man voted for. But in general this is not attainable, because no man can identify his ballot unless the ballots are numbered. Then all other evidence becomes secondary. If you call the voter him-

self, and he swears whom he voted for, that is secondary evidence. If you prove by circumstances whom he voted for, that is secondary evidence. It is not, however, incompetent testimony. The rule is not claimed by us to be that these admissions are secondary evidence. We say they are incompetent and unreliable evidence, evidence which would be spurned in any court upon any question involving 2 cents, and it ought to be spurned in a case before the House of Representatives involving the right to a seat upon this floor.

We do not claim (although the position has been taken by some) that the voter himself must first be called. I hold that it is immaterial whether you call the voter or not. You may prove in the first instance whom he voted for by circumstances, just as the committee held had properly been done in the Pacheco case. This witness testifies that the voter told him he was a Republican; that on the election day and at the polls the voter came to him and asked for a Republican ticket, and he gave him a Republican ticket; that the voter folded it up and as he believed put it in the box. That is not hearsay evidence; that is not secondary evidence. That is primary evidence. This evidence in the Pacheco case was competent, for it was not evidence showing what the voter had said after he had voted. What the voter says at the time he votes may properly be admitted as part of the *res gestæ*. It is a part of the act of voting. Whoever can testify how a man voted from having seen him vote, whoever can say where the voter obtained his ticket, what kind of a ticket he obtained, and what kind of a ticket he had put in the box, has the right to testify.

But there is a great difference between that kind of testimony and the testimony of a man who goes around among thirty-seven men two months after the election, saying to a man: "Did you vote?" "Yes." "For whom did you vote?" "For Wallace." "All right." Then he goes to another man, puts similar questions, and gets similar answers; and having gone around among the voters in that way he comes forward to testify how they said they voted, and upon that testimony you propose to deduct the votes from Mr. Wallace!

The objection to this class of testimony was pointed out in the case of Cessna *vs.* Myers, and was pointed out so forcibly and clearly by Senator HOAR, then a member of this House, that it seems to me his statement is unanswerable. He shows that the danger of accepting that class of testimony lies in this: A man may be an illegal voter and may have voted for A. When the contest is inaugurated he tells another man that he voted for B; and this man comes forward and testifies to what this illegal voter told him; and you deduct a vote from the man for whom it is stated to have been cast. Thus you make the illegal voter's vote count two instead of one; and you do so without any man having committed perjury.

It does seem to me, Mr. Speaker, that the House ought to hesitate before it goes back to a rule which was only partially adopted in the case of Vallandigham *vs.* Campbell—a rule which has not been followed in this House in a single case since that time.

The minority report in this case cites decisions of courts to the effect that it is not necessary in the first instance to call the voter, because the voter may decline to testify. It is true, Mr. Speaker, I concede, that a legal voter may decline to disclose the secrecy of his ballot, but the well-settled rule of universal application is that an illegal voter is not excused from disclosing for whom he voted. He may under his constitutional privilege decline to testify that he voted at all, because to admit that he voted at all might tend to criminate him. But these decisions simply go so far as to say that inasmuch as you can not compel the voter to testify, therefore you are not obliged to call him in the first instance, but may enter at once upon your secondary or circumstantial evidence. There is no difficulty on that point. I concede that a man is not obliged to call the voter under such circumstances; but that does not admit incompetent testimony; that does not excuse you from bringing testimony which may be regarded as reliable. You might excuse yourselves from calling these voters as witnesses, but when you undertake to show for whom they voted you are still limited to the same class of testimony that was received by the committee in the Pacheco case.

Now, if there has been in this Congress a case since the Vallandigham and Campbell case in which the rule partially adopted in that case has been recognized, I have not with the most diligent examination been able to find it.

Mr. MCKINLEY. Does the gentleman claim that the case of Cessna *vs.* Myers is not authority for that doctrine?

Mr. COOK. I most emphatically do.

Mr. MCKINLEY. Will the gentleman cause that authority to be read?

Mr. COOK. I will. At the gentleman's request I will send it to the Clerk's desk—that is, what McCrary says and what he quotes from it.

Mr. RANNEY. He does not quote all of it.

Mr. COOK. You can get the original case.

Mr. RANNEY. They admitted the evidence in that case.

Mr. COOK. In that case both parties took this hearsay evidence, and both parties asked it to be considered. They both proceeded on the theory that this testimony was competent, and they argued the case on the theory that the law permitted it. And notwithstanding that fact, this report criticises it and says that kind of testimony should not be received. The committee says inasmuch as the parties tried the case on the theory that it was admissible, they therefore admitted it.

Mr. MCKINLEY. If the gentleman will permit me, the conclusion of the decision by Judge HOAR, of Massachusetts, who I believe made the majority report, is almost in these words: that where the qualification or disqualification of the voter is shown by the evidence *aliunde*, then declarations of voters as to how they voted are admissible when clear and satisfactory.

Mr. COOK. I will send the case to the desk and have it read, and that will settle the question between the gentleman and myself.

The Clerk read as follows:

It often appears in the course of the trial of a case of contested election that votes have been cast by persons not qualified to vote, and in such cases it becomes very important to ascertain for whom such votes were cast. A question of much importance has arisen as to whether the declarations of illegal voters made not under oath should be received to show the fact that they voted, or that they were not legally qualified to vote. The English authorities, though not entirely uniform, are generally in favor of admitting such declarations, and perhaps the weight of authority in this country is the same way, though it can not be denied that the tendency in the more recent and we think also the better considered cases is to exclude this evidence as hearsay.

The soundness of the rule which admits this species of evidence is seriously questioned in the late case of Cessna *vs.* Myers, Forty-second Congress. The report in that case presents the following objections to the rule:

"The general doctrine is usually put upon the ground that the voter is a party to the proceeding, and his declarations against the validity of his vote are to be admitted against him as such. If this were true, it would be quite clear that his declarations ought not to be received until he is first sworn, *aliunde*, not only to have voted, but to have voted for the party against whom he is called. Otherwise it would be in the power of an illegal voter to neutralize wrongfully two of the votes cast for a political opponent: First, by voting for his own candidate; second, by asserting to some witness afterward that he voted the other way, and so having his vote deducted from the party against whom it was cast.

"But is it not true that a voter is a party in any such sense as that his declarations are admissible on that ground. He is not a party to the record. His interest is not legal or personal. It is frequently of the slightest possible nature. If he were a party, then his admissions should be competent as to the whole case—as to the votes of others, the conduct of the election officers, &c., which it is well settled they are not. Another reason given is, that the inquiry is of a public nature, and that it should not be limited to the technical rules of evidence established for private causes. This is doubtless true. It is an inquiry of a public nature, and an inquiry of the highest interest and consequence to the public. Some rules of evidence applicable to such an inquiry must be established. It is nowhere, so far as we know, claimed that in any other particular the ordinary rules of evidence should be relaxed in the determination of election cases. The sitting member is a party deeply interested in the establishment of his right to an honorable office. The people of the district especially, and the people of the whole country, are interested in the question, who shall have a voice in framing the laws. The votes are received by election officers, who see the voter in person, who act publicly in the presence of the people, who may administer an oath to the person offering to vote, and who are themselves sworn to the performance of their duties. The judgment of these officers ought not to be reversed and the grave interests of the people imperiled by the admissions of person not under oath and admitting their own misconduct.

"The practice of admitting this kind of evidence originated in England. So far as it has been adopted in this country it has been without much discussion of the reasons on which it was founded. In England, as has been said, the vote was *viva voce*. The fact that the party voted, and for whom, was susceptible of easy and indisputable proof by the record. The privilege of voting for members of Parliament was a franchise of considerable dignity, enjoyed by few. It commonly depended on the ownership of a freehold, the title to which did not, as with us, appear on public registries, but would be seriously endangered by admissions of the freeholder which disparaged it. An admission by the voter of his own want of qualification was therefore ordinarily an admission against his right to a special and rare franchise, and an admission which seriously imperiled his title to his real estate. An admission so strongly against the interest of the party making it would seldom be made unless it were true. It furnishes no analogy for a people who regard voting, not as a privilege of a few, but as the right of all, where the vote, instead of being *viva voce*, is studiously protected from publicity, and where such admissions, instead of having every probability in favor of their truth, may so easily be made the means of accomplishing great injustice and fraud, without fear either of detection or punishment.

"It may be said that the principle of the secret ballot protects the voter from disclosing how he voted, and in the absence of power to compel him to testify and furnish the best evidence, renders the resort to other evidence necessary.

"The committee are not prepared to admit that the policy which shields the vote of the citizen from being made known without his consent is of more importance than an inquiry into the purity and result of the election itself. If it is, it can not protect the illegal voter from disclosing how he voted. If it is, it would be quite doubtful whether the same policy should not prevent the use of the machinery of the law to discover and make public the fact in whatever way it may be proved. It is the publicity of the vote, not the interrogation of the voter in regard to it, that the secret ballot is designed to prevent. There would seem to be no need to resort to hearsay evidence on this ground unless the voter has first been called, and, being interrogated, asserts his privilege and refuses to answer. Even in that case a still more conclusive objection to hearsay testimony of the character is this: It is not at all likely to be either true or trustworthy.

"The rule that admits secondary evidence when the best can not be had only admits evidence which can be relied on to prove the fact, as sworn copies when an original is lost, or the testimony of a witness to the contents of a lost instrument. Hearsay evidence is not admitted in such cases, and is only admitted in cases where hearsay evidence is in the ordinary experience of mankind found to be generally correct, as in matters of pedigree and the like. But a man who is so anxious to conceal how he voted as to refuse to disclose it on oath, even when the disclosure is demanded in the interest of public justice, and who is presumed to have voted fraudulently—for otherwise, in most cases, the inquiry is of no consequence—would be quite as likely to have made false statements on the subject if he had made any. To permit such statements to be received to overcome the judgment of the election officers, who admit the vote publicly, in the face of a challenge and with the right to scrutinize the voter would seem to be exceedingly dangerous.

"In Newland *vs.* Graham, the declaration of voters made after the election of their having voted for the sitting member were held inadmissible and were excluded, although it was shown that by the statute of North Carolina, where the election took place, voters were not compellable to give evidence for whom they voted. The committee did not in their report state the ground of their decision, but we may fairly presume that it was held that an illegal voter could

not refuse to answer for whom he cast his vote, and shield himself under the statute made to preserve the secrecy of an honest ballot, and that, therefore, since all such persons can be compelled to state for whom they voted, they should be called as witnesses and their declarations not under oath should not be received."

Mr. COOK. Now, sir, I want to go a little further, and then I am through with this subject. I repeat what I said a while ago, and I challenge contradiction, that in no case that has ever been tried in this House, except possibly to some extent in the Vallandigham case, has this character of evidence been accepted as sufficient to show for whom a man voted, and if it is to be received as competent to show for whom a man voted, why not also receive it to show that the vote was illegal? If the testimony is good for one it is good for the other. Yes; there is even stronger ground for claiming the latter as a proper condition than the former. But let us see what we have in connection with this subject from the gentleman from Massachusetts himself.

In the last Congress the Committee on Elections was unanimous upon the proposition, and in a report made here in a pending case it was expressly stated that this class of testimony was incompetent and insufficient. The gentleman from Massachusetts [Mr. RANNEY] in his report says it was not directly involved in that case. I know that it was; and I further know that some men then held to the doctrine with reference to the subject that they do not maintain to-day. I want to read something from the debates in the last Congress upon this point, and I take it from the remarks of the gentleman who is the author of this minority report. In that question a controversy arose as to whether the sworn declarations of the voters themselves were sufficient, when the voter himself was on the stand and under oath and subject to cross-examination and interrogatory. And he, in a spirit of abundant caution, insisted that it was unreliable. Here is what he says:

I state this, too, as a proposition which will not be denied: One man comes afterward and swears that he was an illegal voter, and voted for contestee illegally. He is presumed to know the law, and knew if he did what he says he did that he had violated it by voting when he had no right to vote. Now, I ask if you will rely upon that man's uncorroborated evidence?

Ah! it is singular, to say the least, that in the last Congress the sworn declarations of a voter needed corroboration when he was against you before you deduct a vote from that side, although to-day you are willing to deduct them from the other side upon the uncorroborated declarations of a man not under oath, on a declaration made merely in a casual conversation, where he was not on the stand and not subject to cross-examination. But I call attention to the gentleman's language again:

I ask if you will take and rely upon that man's uncorroborated evidence, alleging as he does his own turpitude and violation of the law? I state this as a fair proposition—

A fair proposition!—

of law, that if a man shows by his own evidence that he violated the law and committed a criminal offense he is not to be credited, as a general rule.

How remarkable, Mr. Speaker, that only one year ago, according to the gentleman from Massachusetts, a man's oath would not be taken; you would not accept the declaration of a witness, he himself having a full knowledge of the fact, under the solemnity of an oath, when subject to cross-examination, upon the question, and to-day you are willing to take an unsworn statement! No; you would not take his testimony to show for whom he voted; you must bring evidence to corroborate his testimony. To-day, however, a single postmaster, perhaps anybody, can go out in the employ of one man or the other, in the interest of either side of a controversy, and can go to Tom, Dick, and Harry—and perhaps after another has posted him ask the question—"Who did you vote for?" and the man says: "Wallace." And because of that declaration of the voter, not under oath nor subject to cross-examination, we are to understand that the gentleman regards it as sufficient testimony, reliable and competent, to authorize us to deduct these votes from Mr. Wallace.

I trust that this House will not take a backward step in this case. I am anxious to see rules adopted here that shall be precedents reliable for all time to come. I insist that no fact shall be taken as proved until it is shown by testimony which clearly and fairly proves that fact, and when you come to this and will stand on this doctrine in this class of questions in this House its decisions will receive the approbation and have the confidence of the country more than they do now or more than they have had for the last twenty years.

But it was said here a while ago in the House during this discussion that this class of testimony only affects 7 votes, I believe, of the number claimed. According to my examination of it it affects a much larger number, and, as I always understood the matter in the committee, both sides conceded this question was decisive of the case, at least it so came to us from the subcommittee. For a moment I will turn to the minority report to show to the House on what kind of testimony they propose to hold these votes illegal. Here I give the testimony which it is claimed bears upon a number of these votes. I suppose the strongest testimony is given, because it is the strongest testimony ordinarily which men give to show their case, and not the weakest. I will read it with the indulgence of the House. After the witness has stated his name and that he resides in Wheeling, his testimony proceeds:

Q. Do you know Joseph Hanlan, Oscar Boles, Hugh McCurran, Frank Allison, Frank Green, and James McCurran, or any of them?
A. Yes; all of them.

Q. Where did they reside, if you know, on the 10th day of October, 1882, and in whose employ were they?
A. I presume that they all resided in Wheeling—

Mark the testimony—

I presume that they all resided in Wheeling.

Is it for the witness to say where he presumes they resided? He should testify to facts that show these men were not qualified voters, and not to his assumption merely or his belief.

A. I know that they worked for us at the pottery.
Q. Do you know where they lived at that time?
A. I can't say the house where they lived, or anything of that kind; I know that they engaged with me to work for me. I am not watching the workmen to know where they lived.

Now, is it not possible these men may have worked in the potteries at Wheeling for a short time, as the fact is, and never have resided at Wheeling? It does not matter where a man works, where a man labors; the question is, where does he reside, where is his residence in fact?

Q. State what you know as to where they have been since that time.
A. They have been in Wheeling.
Q. In whose employ?
A. Of the Wheeling Pottery Company.

That is all there is given by that witness on that subject. There is another witness, who I understand testifies as to his belief that they lived in Wheeling at the time. And upon that class of testimony half a dozen votes are to be deducted here by one stroke of the pen from Mr. Wallace. The true rule is that when a man's vote has been received the presumption of law is that it is legal and you must overcome that presumption by clear and satisfactory evidence. That is the rule as it has been stated time and again in these election contests. You must find that a man has committed a crime before you can say his vote is illegal. And the rule at common law and the rule in every court in this land and the rule in this House that has been uniformly applied is that you must overcome that presumption by clear and satisfactory evidence. It is universally the case that where votes are attacked as illegal you find a large number attacked on both sides; and if you take the pains to examine the reports of committees you will find not one in ten to have been proved illegal.

There is one fact that stands out in bold relief in this case, and that is the conceded fact that Mr. Wallace had a majority of the votes as cast in the district; that he had a majority of the votes as returned to the State canvassing board. But by some legerdemain or by some peculiar decision that no man in this day ought to attempt to justify the certificate was taken from Mr. Wallace and awarded to the sitting member. Certainly it is true that the contestant thus far has been deprived of the privileges of his seat upon the floor of this House. It is certainly true that the State canvassers of Ohio wrongfully certified that the sitting member was elected to this Congress from that district.

The burden of showing to the contrary rests on the sitting member, and I insist that no vote should be deducted from the votes cast for the contestant until it is clearly and satisfactorily shown that those votes were cast by men who were not legal voters and that they were cast for the contestant. I reserve the remainder of my time.

The SPEAKER. The gentleman from Iowa has ten minutes of his time remaining.

Mr. HURD. Mr. Speaker, this case in some of its features is peculiar. While I admit that the sitting member is not under the law of the State of Ohio entitled to his seat on this floor, I yet believe that he was elected. It appears that in the returns which were made by the officers of the different counties constituting this Congressional district in Ohio, the eighteenth, there were included several votes cast for persons bearing names in some respects similar to that of the Democratic nominee. His name was Jonathan H. Wallace. There were 4 votes returned for John H. Wallace, 1 vote for Major Wallace, 5 votes for Wallace, 2 votes for W. H. Wallace, 1 vote for W. W. Wallace, 5 votes for Jonathan Wallace, 3 votes for Maj. Wallace, and 2 votes for J. H. Wallace; 23 in all. The canvassing board of the State refused to regard these votes as having been cast for the contestant, and issued the certificate of election to the sitting member, the returns as they canvassed them showing a plurality of 8 for him.

I believe that the canvassing board erred in their judgment. I am the more strengthened in that opinion by the decision made by the supreme court of Ohio since that time in the case of Morey against Campbell. There it was held that the canvassing board was not bound merely to the exercise of ministerial duties, but that it had the right to take into consideration facts of general notoriety from which the intention of the voter might be inferred when the name on his ballot was not the same as that of any of the regularly nominated candidates. If the doctrine here laid down had been followed in this case, the 23 votes above specified should have been counted for Jonathan H. Wallace. Then he would have received the certificate of election and would have been the sitting member instead of Mr. McKinley. If the canvassing board had done its duty, as I understand it, while it would not have changed the result of a contest of the election, it would have reversed the position of the parties to it. The present sitting member would then have been the contestant, and the now contestant would have been the contestee.

If there were nothing more in this case than these returns upon which

the canvassing board rendered its decision I would have no hesitation in voting that the contestant was entitled to the seat. But that is not the situation. The contest having been begun, the question as to the entire election was opened up, and every vote that was cast in that Congressional district became the subject of investigation and of scrutiny. Now, what was the result of that election as disclosed by this scrutiny?

I take the report of the majority of the committee in favor of the contestant, and I accept in the main all that it states as to matters of fact. I differ from the majority of the committee chiefly in its conclusions of law. Now, let us see what the report of the majority makes out for the contestant.

In the first place, there are the 23 votes which were cast for the persons I have named and which ought to have been counted for Jonathan H. Wallace. Second, there are 11 votes in Fairfield Township, one of the election precincts in Columbiana County. At that election a number of votes were cast for "Walser," "Wales," "Wals," "Walce," and others by individuals who evidently intended to vote for Jonathan H. Wallace. The judges of election refused to count them for him. A recount under the laws of the State of Ohio was had, and upon that recount it was found that there were 11 such votes which ought to have been counted for contestant. The majority of the committee so report, and I concur with them in that opinion. I think that the voters, having intended to vote for Jonathan H. Wallace, ought not to be disappointed in their choice simply because they did not spell his name correctly.

Then there is one vote from Washington Township, Stark County, for "Walce," which was not counted for contestant and which the majority of the committee think should have been counted for him. In that I concur with them. Then there was one ballot for contestant in Lee Township, Carroll County, which had upon its back some figures and marks. The law of Ohio prohibits the marking of ballots, in order to prevent the exposure of votes. These figures and marks were evidently put on that ballot inadvertently and with no intention of violating the statute. The majority of the committee think that ballot does not come within the spirit of the prohibition of the statute, and that therefore it ought to be counted for contestant. I also concur with them in that opinion.

Then there is 1 vote for contestant from the sixth ward of Youngstown, found on a recount, which I agree with the majority should be counted for contestant. There is also a vote in Madison Township, where the name of "McKinley" was printed in the ticket, and the name of "Wallace" was written underneath it. Under the rule that the written name shall prevail, that vote should be counted for contestant as the majority report. That makes 38 votes as reported by the majority of the committee which should be counted for contestant which were not counted for him by the judges of the election. The majority also report 5 votes which were illegally cast for contestee which should be deducted from his vote. There is 1 vote also on a recount in Austintown Township which should be counted for contestant.

The aggregate addition which the committee report to contestant's vote is 39 votes, with a deduction of 5 from the vote of the contestee, making a change from the returns of the election of 44 votes in favor of Jonathan H. Wallace.

That is the case which is presented to this House by the majority of the committee in favor of contestant. I agree to everything they have reported; I concede that they are correct in all their statements of fact, and that a change of 44 votes, all that is claimed in his behalf, shall be made in his favor.

What does the sitting member say in answer to this case of contestant? From this aggregate of 44 votes there must be deducted first the 8 votes which are reported by the canvassing board as the plurality of the contestee. Then there must be deducted 8 illegal votes for the contestant, which are admitted by the majority report to be illegal. Then there are 8 votes more to be deducted which judges of election refused to count for contestee which ought to have been counted for him, as admitted by the gentleman from New York [Mr. ADAMS] in his speech of yesterday, being three more than admitted by the report of the majority. Upon a careful examination I am satisfied that the gentleman from New York [Mr. ADAMS] was correct; that there are 8 votes which were not counted for Mr. McKinley which should have been counted for him. So it will be seen that by the admissions of the majority of the committee there are 24 votes to be taken from these 44, leaving 20 votes as the plurality for contestee upon the statements and claims of the majority. These are from admissions in the majority report as presented to the House and by the admission of the gentleman from New York [Mr. ADAMS].

Mr. TURNER, of Georgia. Will the gentleman pardon an inquiry?

Mr. HURD. Yes, sir.

Mr. TURNER, of Georgia. From what portion of the report of the majority does the gentleman obtain his information?

Mr. HURD. I can read it to you. On page 4 of the report of the majority will be found this:

After a somewhat diligent study, running through many weeks, we can not find sufficient evidence to justify the deduction of more than 8 votes of these challenged votes from the contestant's case.

I suppose that to be an indirect way of stating that there are 8 votes to be deducted from the contestant's case. Then, on page 5 of the report of the majority I find this:

In conclusion we will add that there were 5 votes excluded by the judges of election which we think should be counted for the sitting member.

The gentleman from New York [Mr. ADAMS] admitted in his statement yesterday that there were 3 more, making 8 instead of 5, and the 8 of the plurality which Mr. McKinley was entitled to, under the decision of the canvassing board, nobody will dispute.

Mr. TURNER, of Georgia. But the gentleman from Ohio certainly does not understand that statement as referring to any in the list of illegal votes to which he has just referred?

Mr. HURD. I certainly do not. I understand it to refer to the 5 votes which were excluded by the judges of election, but which ought to have been counted for the contestant; just what the words of the majority report expressly state.

So, upon the admission of the majority, there are 20 votes of a plurality left for contestant. From these 20 votes I insist that 4 which have not been allowed by the committee to the sitting member must be taken. Those 4 votes were cast in Butler Township, Columbiana County, under these circumstances: On the morning of the election there were no straight Republican tickets at the polls. The Republican ticket had contestee's name scratched off and contestant's written in. Some Republicans came to the polls without tickets, and, desiring to vote their straight party ticket, rubbed out with a piece of rubber the erasure and then scratched out the name of contestant, intending this as a vote for contestee. On the night of the election, in the insufficient light of the room where the votes were counted up, the judges of the election were unable to determine exactly the intention of the voters who had voted these tickets, and refused to count them for contestant. Those 4 votes which were not allowed by the majority of the committee are, I understand, here, and are open to the inspection of members of the House who may desire to examine them.

Mr. RANNEY. I have them.

Mr. HURD. I have no doubt that this matter stands just exactly as claimed by the sitting member. His claim is re-enforced by the sworn statement of the men who cast these ballots, who swear that in changing the scratched Republican tickets as they did they intended to vote for the contestee.

Under these circumstances, I think there can be no doubt that these 4 votes should be counted for the sitting member. There is another undisputed ballot for contestee found upon a recount in Austintown Township. These reduced the plurality of contestant to 15.

To overcome this, contestee claims that the vote of one Shrimp, a legal voter, which the judges refused to receive, should be counted for him, Shrimp having sworn that the name of the sitting member was upon the ticket which he offered, and which the judges rejected.

Upon the principle that the result of an election should not be disturbed by votes not actually cast, I decline to count this ballot for contestee.

It is also claimed that 9 votes cast for contestant in wrong precincts and wards should be deducted from his vote. While technically these voters had no right to vote where they did, and while in doing so they made themselves liable to criminal prosecution under the laws of Ohio, I shall not deduct their ballots from contestant's vote. They lived in the eighteenth Congressional district and had a right to vote there, and I shall not insist that their votes shall be lost because they happened to cast them in the wrong place.

Contestee further claims that there were 52 illegal ballots counted for contestant which should be deducted from his vote. From these 52 the 8 must be deducted which were allowed to contestee in the majority report and which I have already counted for the sitting member. Then there are 20 more as to which there is a conflict of testimony as to whether they were illegal or not. The preponderance of the evidence establishes conclusively to my mind the fact of their illegality. Nevertheless, as there is a dispute about them, I shall not take them from contestant's vote. This leaves 24 votes as to the illegality of which there is no controversy. The contestant has offered no evidence to contradict the proof of illegality presented by the sitting member. It is practically conceded in the case that there were 24 illegal votes cast at the election in this Congressional district. The sole remaining question is, "For whom were these votes cast?" If they were cast for contestant they should be deducted from his vote, and the sitting member would be elected by 9 plurality.

In my judgment no man can rise from the perusal of the testimony in this case without being satisfied that every one of these 24 votes was cast for the contestant. In most of the cases the proof is found in the declarations of the voters themselves that they had voted for him. In many of the cases the statements of the voters are corroborated by other circumstances; as, for example, the understood and known party affiliations of the persons who cast the votes, the people with whom they were associated on the day of election, the persons who accompanied them to the poll, &c.

But to my mind the statements of the voters themselves, made voluntarily and without inducement and without motive to misrepresent, that they voted for contestant is conclusive evidence upon this point,

and more especially when contestant failed to contradict or impeach their statements when he had full opportunity to do so.

Mr. COOK. Had not Mr. McKinley the same privilege and opportunity of calling those witnesses and proving by their testimony how they had voted as the contestant had?

Mr. MOULTON. And if the votes were impeached the burden was upon Mr. McKinley.

Mr. HURD. If this evidence of declarations of the voter were competent, and there was nothing in their statements or in the circumstances under which they were made to discredit them, then these, together with the other circumstances developed in the proof, made out a *prima facie* case for contestee, which it became the duty of contestant to overcome. The contestee claims that these 24 illegal votes were cast for contestant. He proves it by the declaration of the voters themselves, unimpeached and credible men so far as the testimony shows, and by other circumstances corroborating them, if the declaration of those voters, made after the election, as to how they voted are admissible in evidence.

This presents the question, Are the declarations of a voter made after the election as to the person for whom he voted, competent in an election contest? The ground on which the majority of the committee would exclude this proof is that it is hearsay.

I can not understand how any man can read the authorities, English and American, on this subject and have any doubt upon this point. I refer to the cases decided by the courts. The line of precedents in England is unbroken to the effect that such declarations are admissible. There is not a case to be found to the contrary. It is as well established as any other part of the English law relative to elections that the declarations of an illegal voter as to how he has voted, and in some cases even as to the nature of the illegality, are competent evidence and are not to be excluded because they are hearsay. This doctrine has been approved in this country. It is laid down in Cowen and Hill's Notes to Phillips on Evidence. It is there expressly stated as one of the exceptions to the rule which prohibits hearsay evidence that the declarations of the illegal voter may be received. Any gentleman desiring to pursue this inquiry will find much information upon the subject in a learned note in 3 McCord, in which the twenty-second exception to the rule prohibiting the introduction of hearsay evidence is stated to be the declaration of an illegal voter as to the manner in which he had voted.

In the courts of the United States the English rule has been uniformly followed. It has been expressly approved in New York, Wisconsin, Michigan, and Massachusetts, and followed everywhere in the courts in proceedings in *quo warranto* where the title to office is involved.

A MEMBER. In the courts in this country?

Mr. HURD. Yes, sir It has also been followed in contested-election cases in this House. The first case in which it was elaborately discussed was the celebrated case of Vallandigham *vs.* Campbell, and there the doctrine was laid down as I claim it.

The report was written by a Representative from Mississippi, now Senator from that State [Mr. LAMAR], who in his argument displayed that profound knowledge of the law and that acumen, clearness, and force for which he has always been so justly distinguished.

There has not been any attempt to shake the authority of this case except in the report of Cessna *vs.* Myers, a case reported a few Congresses ago (I have forgotten the number of the Congress), in which I believe Cessna was seated.

Mr. RANNEY. In 1867?

Mr. HURD. In 1867. The majority report in this case discussed the doctrine as to the admissibility of these declarations and the competency of this proof. It proceeds, in order to establish the position it maintains, to attack the English decisions. It declares that they are not applicable in this country because in England they vote *viva voce*, while in this country they vote secretly by ballot. The majority in that case maintained that the situation where voting is *viva voce* is so different from where it is by ballot that the rule of evidence which would admit the declarations of voters in one case is totally inapplicable in the other. But I find a ready answer to all that is said in that report upon this point in what has transpired in England since that time. In 1872 England abolished voting *viva voce* and adopted the secret ballot substantially as we have it here. How has this change affected the rule as to the admissibility of the declarations of illegal voters? It remains precisely the same since as before the adoption of the secret ballot. I refer to Cunningham on Elections, a book published in 1880 in England, in which the doctrine is laid down that these declarations are as competent there now with the secret ballot as they were before. That of itself answers completely the argument upon this point made in the report in the Cessna and Myers case and overthrows the proposition on which they relied to break the force of the English decision.

The reasons for the admission of these declarations govern in the one case as well as in the other, and with more strength, it seems to me, in the case where the ballot is secret than where the voting is *viva voce*. One of the principal reasons, where the ballot is a secret one, urged for the admission of these declarations is that it is the best or highest evidence of which the case is capable. If the voter has deposited a folded ballot in the box what must be the best evidence of the contents of that ballot? Neither the judge nor the bystanders can testify as to what the ballot contains, for they have not seen it. Upon the hypothesis that a secret ballot has been deposited there are no declarations of the voter at the time of voting to be proved as part of the *res gestæ*. Some maintain that the voter himself can be placed on the stand, and that statements then made will be the best evidence, and that if he declines to make a statement then declarations may be proved as secondary evidence. It is admitted on all sides that he can not be compelled to state how he voted. This immunity is considered by the majority in the present case as a privilege of which the voter may avail himself when he is asked on the witness-stand as to his ballot. It is not that only; it is more. It is not merely a privilege to the voter; it is a protection to the vote. When a man is asked how he voted he is not obliged to say, "The law gives me the privilege of declining to answer your question, and I avail myself of that privilege and decline to answer;" but he can say, "I deny your right to ask me any such question; it is an incompetent one." I maintain that no tribunal will permit a voter to be interrogated as to his ballot where it is a secret one. It is absurd, therefore, to say that that is the highest evidence, which the law will not permit to be given.

If while the voter should be a witness he should state how he voted, it is nothing but a voluntary declaration on his part, and stands upon no better ground as to admissibility than other declarations made by him at other times and under other circumstances. There is no one who knows how he voted but himself. There can be no proof as to how he voted except his own declarations. There necessarily, therefore, can be no higher proof than such declarations. I admit they are not conclusive. The question of credibility is another thing. I only maintain that proof of this kind is competent. If the proof be not impeached or contradicted; if, so far as the record goes, the voter is a credible man and there appears no motive to make a misstatement, then I maintain that the declarations of the voter, of the only man who knows what his ballot was, must be accepted as the best evidence of which the case is capable.

Mr. OATES. What authorities have you for that position?

Mr. ADAMS, of New York. Let me ask the gentleman how do you get clear of section 103 of the Revised Statutes?

Mr. HURD. I understand very well the statute to which the gentleman alludes. That, however, relates to immunity from prosecution——

Mr. ADAMS, of New York. Oh, no; that is section 859.

Mr. HURD. I have been talking about the question of the privilege of the secrecy of the ballot under laws such as we have in the State of Ohio. But I come now to the question suggested by the gentleman from New York, namely, how far this immunity extends to the illegal voter. Some persons maintain, and this was pressed ably by my friend from Iowa, that this protection of secrecy applies only in cases where a voter is a legal one, but where you have made out the fact that a man has voted illegally he may be compelled to answer as to how he voted.

The weight of authority undoubtedly is that the protection of secrecy of the ballot does not extend to the illegal voter. But before any voter can be deprived of this protection he must himself have admitted in the investigation that he is an illegal voter or he must have been convicted in due course of law of illegal voting. When the question of illegality depends, as in this contest, upon the preponderance of testimony only, without confession on the part of the voter or conviction, there is no stage in the proceedings where he can be put on the stand and compelled to disclose for whom he voted. Until by admission or conviction by due process of law he has been declared an illegal voter he must have all the presumption of innocence known to the law so far as his personal rights are concerned, and the protection of the secrecy of the ballot will be thrown around his vote as around that of any other voter.

But there is another ground on which the English authorities base the doctrine of the admissibility of this testimony. It is this: that in an election case it is not a contest so much between the contestant and the sitting member as it is between the person attacking a particular vote and the man who cast that vote. The man, therefore, whose vote is attacked is in substance a party to the proceedings, so that his declarations may be taken and his admissions received upon the subject under the same rules which govern in ordinary action in admitting declarations of the party to the record.

It would be a singular thing indeed if there were no way of proving the declaration of parties who may have voted unlawfully, thereby often depriving the man who has been wronged by that very vote of all opportunity of asserting his right to the office, to which but for that vote he might have been elected. This view just suggested considers the illegal voter a party to the extent of making his declaration admissible as in case of parties in other proceedings. The doctrine is stated as follows in Cunningham on Elections, page 294:

> Another peculiar feature of the law of evidence in election petitions is presented in dealing with hearsay. The general rule is that hearsay is inadmissible. To this rule there are the exceptions as in civil proceedings. * * * Secondly, that statements made by the parties, or persons proved or admitted to be their agents, are admissible against such parties but not in their favor. * * * Under the principle involved in this latter exception it has been held that in scruti-

nies, in which every voter whose vote is questioned is considered a party to the investigation relative to his vote, any declaration or statement by such voter adversely affecting his vote is admissible whether it has been made before, during, or after the election.

This doctrine has been followed in all the American cases where the question has arisen and, as I have stated, in the case of Vallandigham against Campbell.

I have seen a third reason suggested for the admissibility of this testimony. The member of the House is a trustee and is holding his office in trust for his constituents. These are the *cestuis qui trust*, and so long as the trust continues, that is during his Congressional term, declarations of any of the *cestuis qui trust* are competent as to the methods by which the trust was created.

Without expressing any opinion as to the soundness of this view, I will say that the reasons already given are those on which the best considered authorities rest their conclusions upon the subject, and on which also the ablest judges and the most eminent jurists both in this country and in England have based their decision. I call to mind particularly Mr. Justice Denio, in New York, and Lord Chelmsford, for some time the lord chancellor of England. An unbroken line of authorities both at law and in legislative bodies may be shown in support of the position I maintain, with the single exception of the case of Cessna against Myers, whose force has been weakened by the change in the methods of holding elections in England without change in the rule of evidence on this point, as already shown. I think it will be safer to follow these authorities than to pursue the contrary course. If we do follow them, the declarations of the 24 illegal voters in the case are competent to show how they voted. They have all declared that they voted for contestant. There is nothing to show that they are not credible persons. Their statements are not attempted to be contradicted or impeached. In nearly every case there are some other corroborating circumstances. I read the testimony impartially, with a bias in favor of contestant if I had any at all. There was no resisting the conclusion that these illegal votes were cast for contestant. These votes, therefore, must be deducted from him. This will leave 9 plurality for the sitting membes—1 more than given him by the canvassing board.

Mr. Speaker, I regard this question as to the admissibility of the declaration of voters as one of the most important likely to arise in contested elections. It is one which in some form or other must arise in every election case where illegal votes are charged to have been cast. I do not believe that this House can afford to lay down now any rule to which in the future it will be expected to adhere as a precedent that is contrary to the best settled principles established by the authorities in this country and in England. I am sure that if this House approve the majority report on this point it will introduce into our election system a doctrine that will prove disastrous; one that will place obstacles in the way of the ascertainment of the truth, and give to the recipient of dishonest votes a great advantage over those who have been injured by them.

Mr. WHITE, of Kentucky. Will the gentleman allow me a question?

Mr. HURD. Certainly.

Mr. WHITE, of Kentucky. Do I understand the gentleman to say that it would be necessary for the voter to identify his ballot before the testimony would be admissible?

Mr. HURD. There is no possible way in which he can identify his ballot under the laws of Ohio. The law expressly provides for the secrecy of the ballots.

Mr. WHITE, of Kentucky. Does not the gentleman see that that would leave the result in a close election to the mere declarations of a few floaters who might make untrue assertions as to the way they voted, unless the ballots could be produced?

Mr. HURD. Does the gentleman from Kentucky appreciate the difference between the competency of testimony and the credibility of a witness?

Mr. WHITE, of Kentucky. I do not understand the gentleman has made that to appear.

Mr. HURD. I have been arguing that the declarations of voters were competent testimony to prove how they voted. Whether they shall be believed or not is a question of how much credit their statements should receive. This is to be determined by the same rules which govern in ascertaining the credibility of testimony in other cases. I have said, and now repeat, that after a careful examination of the testimony I believe that these 24 illegal voters told the truth when they said they voted for contestant, and that therefore these votes should be deducted from him, which will give the seat to the sitting member.

Mr. FOLLETT. I confess, Mr. Speaker, that wonders never cease. But after a careful examination of the testimony in this case I am astonished that my distinguished colleague from Ohio [Mr. HURD] should in the first place claim that there were the number of illegal ballots which he admits it is necessary should be found to have been cast for Mr. Wallace to overcome the admitted majority that he has and was entitled to, and further that upon this proof he or any man can claim that those votes should be rejected.

Mr. Speaker, it is proper for us to consider the surroundings of this case. The ballots that were cast for the two candidates who are contesting for this seat, and the ballots that are contested now in determining the rights of these two candidates, were ballots cast in townships and voting precincts where the Republican party had a majority of the officers having charge of that election and of those ballots. There is in every voting precinct where there is a controversy in this case evidence clear and conclusive that everything was done that could be done to prevent the contestant from having the rights that are now accorded to him even by the minority upon this contest. Further than that, it is now conceded that had the contestant had the rights to which he was entitled he would be here to-day sitting upon this floor and the contestee would be on the outside. If the 16 votes that the minority find he was entitled to had been given to him by the Republican returning board in Ohio he would be here the contestee, the sitting member, and the man who is now occupying the seat would be the contestant.

And there is another fact disclosed by this record—that when it was necessary to seat a Republican in this House that returning board applied to him the rule which they denied in this case. And yet my distinguished colleague from Ohio [Mr. HURD] has suddenly discovered Republican purity and Republican simplicity and honesty in the count and treatment of men who are contestants for office.

The principal contention in this case arises in two townships in Columbiana County. One of them was Liverpool Township and the other was Fairfield Township, in that county, both of them, as I said before, having a majority of the judges Republicans; in one, at least, and I think in both, both clerks were Republicans. And we are gravely asked by the minority, who have adopted the exact language of counsel for contestee, who have incorporated in their report the argument of contestee's counsel, and who have taken their schedule—we are asked by them to find that in one of those townships there were some 20 or 25 illegal votes cast; and that is the township of Liverpool.

Liverpool was not a very large place. You need not tell me that in a voting precinct no larger than that, or in the two precincts where there were Republican judges and Republican electioneering campaign committees to look after the purity of the ballot, Republican challenging committees, that there were that number of fraudulent Democratic votes got into the box and no fraudulent Republican votes. And the proof shows nothing of the kind. There is not a single man called who is alleged to be an illegal voter to prove his residence. A large number of them were young men, who had resided there and in that immediate vicinity for years, who were known to everybody there; their every act, their every movement, all that they had done, was known; and they voted unchallenged, because their residence was known to be in that precinct and that they were entitled to vote. But how do they attempt to prove these illegal votes? Some man said he had seen some of these young men working at Wheeling or Steubenville or somewhere else; they had to work for a living, and occasionally went from home to work. But their homes were there.

Under the law of Ohio intention governs with reference to a man's residence, with reference to his home, with reference to his habitation; and the fact that he may have gone away from home and been gone a year or more is of no consequence when he has gone simply for temporary purposes with the expectation and intention of returning to his home. His home is the place from which he has gone, his residence is there, and he has a right to vote there.

Mr. GEDDES. All the Department clerks go home and vote.

Mr. FOLLETT. I was about to allude to that. At every election held in Ohio there are men who come from Washington who have lived here for years. Their residence has been here for years; their families have been here for years. These men come home to Ohio to vote and do vote. And they vote unquestioned, just as those boys, who had been away from home perhaps for a time to work, voted in Liverpool Township, in Columbiana County.

Now, sir, here is an illustration of the claim made by the contestant in this case. A preacher who came to Washington, brought his family here, took charge of a church here, and went back to Ohio shortly before the election, voted. They say he was a qualified voter; but the boys that worked for a living are not to be judged in the same way or by the same law or by the same methods as the preacher who does not work for a living as they do! In the first place, that is the general character of this testimony with reference to these alleged illegal votes. There are not 10 of them that were not legal votes upon the testimony as it stands in this record—not 10 of them.

Scan it by any rule you please, when you apply it to the well-known rule that intention is what governs with reference to a man's residence and as to where he has the right to vote, the conclusion of the minority of the committee will be found incorrect.

Now what more? This minority report undertakes to subtract from the total vote for the contestant 10 votes. On what grounds? Because there was an error in the return from one precinct by writing 2 instead of 3, making it 124 instead of 134. Now, they say that you should foot it over, although the judges of the election, although those who returned the vote, returned it as it was, at 134. They say that 10 should be subtracted, and they base their argument on that idea.

In addition to that we have the returns of the State returning board as well as the certificate of the judges and clerks of election who footed

up these figures. Upon the very votes of that return, taking the votes cast for Congressman and comparing them with the votes cast for other candidates in that same township, it shows conclusively that 3 instead of 2 was the figure that belonged in that column. Yet upon that sort of testimony they ask that 10 votes should be deducted from the contestant, and that the contestee should have the benefit of that deduction.

Now a little further. There is one vote here which it struck me was a vote giving a remarkable characteristic of this whole case on the part of the minority of the committee. There was a colored boy, 20 years of age, who was not a qualified voter. Nobody claims that he was a qualified voter, and the minority of the committee claim that that vote should be deducted from the vote for the contestant.

Now, what are the facts about that boy? A Republican campaign committeeman went after that boy at his home; and instead of permitting him to go to the polls on foot, as most of us do, walking there and depositing our ballots, this committeeman took a carriage for him. On the way to the polls with him the committeeman handed the boy a Republican ticket and watched him until that ticket was put into the box; so he testifies.

Now, that committeeman had been out all day hunting up voters in that same way. Yet he says that at night he found the Republican ticket on the seat of that carriage, and because he found that ticket there he thinks this darkey must have exchanged it for a Democratic ticket. And the majority of the committee gravely ask you to take that vote from the vote of the contestant. That man's name is Frank Lucas; you will find it near the bottom of the column, page 3, of the report of the minority.

Mr. RANNEY. Has the gentleman noticed the evidence of the mother of that boy?

Mr. FOLLETT. I have, and I am going to allude to that a little further along.

Mr. RANNEY. I understood you to say that that was all the evidence.

Mr. FOLLETT. Oh, no; I said that was the evidence of the campaign committeeman. When the colored boy came up to vote, some one seeing a colored man going to the polls—and it is only recently that we have seen them going to the polls and voting the Democratic ticket, but they are doing it now quite commonly—it was such a novelty to see a colored man going to the polls to vote, that some Democrat jocularly remarked, "There comes a Democratic ticket." Now, this committeeman marched this boy up to the polls and watched him until he put his ticket in, and because of that jocular remark that was made my friend from Massachusetts [Mr. RANNEY], who writes the report of the minority, says that that vote should be taken from the vote for Mr. Wallace.

More than that; they say that the old lady, the mother of this colored boy, said that after he came home that night he told her that he had met a lot of boys, had got on a spree with them, and had voted the Democratic ticket. The Republican committeeman who took him to the polls says that is not so; he says that he took him straight from the carriage to the polls.

Mr. RANNEY. He did not say that boy was not on a spree.

Mr. FOLLETT. The boy says that he got to drinking with some of the boys. That, I say, is characteristic of some of this testimony. There is a little more of it I want to call attention to, for it is upon such testimony as this that my distinguished friend from Ohio [Mr. HURD] has the virtue to rise above party and vote to retain in his seat the contestee in this case.

Now, I ask you who is it that testifies as to declarations made of how these men voted? First, the postmaster at Liverpool, who said he had been working for the contestee for two months; and secondly, a man by the name of Evans, employed by the contestee as his counsel. They were the persons who do the swearing. In no instance do they bring to the stand the man who voted.

Mr. COSGROVE. And did not offer to, either.

Mr. FOLLETT. And did not offer to do so. They sent out an agent and employed attorneys to have him obtain declarations, and then we are asked to take his statement of those declarations as testimony. Why, my friends of the minority of the committee and of the other side of the House, there is a little thing in a report which you made in a case somewhat noted last week, the case of English against Peelle, somewhat in point and significant. I want to call your attention to what you said in that report:

> But there is another reason still stronger why no reliance whatever can be placed upon his action in this matter.
>
> You refer to Mr. Austin H. Brown and his recount.
>
> He was the hired agent and employé of William H. English, a party interested in disturbing the count and making a ground of contest. He would naturally, almost inevitably, be inclined to take such action and make such a report of his proceedings as would favor the purpose had in view by Mr. English, his employer.

How is it about Mr. Evans and the postmaster at Liverpool? You ask us to retain a man in his seat upon their statements as to declarations which had been made to them. Now let me call your attention to what they say about how they obtained those declarations. I read from page 345 of the record. The minority of the committee admit that they held out inducements to some men to make declarations.

But here is a sample brick:

> Q. You may state the exact conversation you had with Mr. Beiber from beginning to end.
>
> A. I drove up to his house in company with Mr. Anderson, and called him to the buggy from his yard. The conversation which followed was partly carried on by Mr. Anderson as well as myself. Mr. Anderson first introduced himself and then introduced me to Mr. Beiber. I said to Mr. Beiber that we were looking up the Congressional contest matter for Mr. McKinley—

Evans notified him at the very outset that he was there in the interest of McKinley—"looking up the Congressional contest matter for Mr. McKinley"—

> that we were informed that he had voted at the Congressional election held the October previous, and that we would like to know for whom he voted for member of Congress.

If Mr. Beiber could be found by Mr. McKinley's attorney on this occasion he certainly could have been found to be put on the stand as a witness.

> Some conversation then took place between Mr. Anderson and Mr. Beiber, about as follows: Mr. Anderson said to Mr. Beiber that this contest was something that did not then affect him directly, and that his voting, if he had no right to vote the fall previous, would not be used against him in any way; that his brother-in-law had told us that he, Beiber, was a reliable man, and that he would doubtless tell us for whom he voted if we asked him, and that we would like to have him tell us for whom he voted. After some hesitation Mr. Beiber said he had voted the straight Democratic ticket. I think I then asked him if he had voted for Jonathan H. Wallace, and he said he had voted a clean Democratic ticket. I then asked him if the ticket was in any way scratched, and he said it was not, and I think he added that it was a clean Democratic ticket. We had some further conversation about crops, and farming, and the new house he was working at, and no other conversation about his voting was had. We then thanked him, and drove away.

They go to a man and say to him in the first place, "You have violated the law." If a man votes where he has no right to vote, if he votes in a county where he has not resided a sufficient length of time, or if he votes without a sufficient residence in the State to entitle him to vote, it is under the law of Ohio an offense for which he can be convicted and sent to the penitentiary for a period not less than one year nor more than five years. I have the statute here. Upon their theory this man was an illegal voter. I say the theory is false, for Beiber was entitled to vote, as the testimony shows. The question of his residence was simply a question of intent, so far as he was concerned. The proof shows that his intent was to make his home just where he was then living, and nobody has undertaken to show any other intent, except simply these agents of the contestee, who testified that the man had not been there all the time, which, as I have said, is not necessary under the law of Ohio.

But these men go to this man and say, "You have violated the law." He, poor ignorant man, did not know whether he had violated the law or not. They say to him, "We will not use the fact against you; but we are here in the interest of McKinley, who has a contest on hand, and we want to get testimony for him." Then they say this poor old fellow made these statements. I do not know whether he did or not; I would not believe it any the sooner because agents employed for this purpose have undertaken to detail a conversation. * Where is the lawyer within the sound of my voice who does not know that the most unreliable and uncertain testimony in the world is an attempt to narrate a conversation? A remark may have been made jocularly; but this does not appear in the narration. It is not so much what a man says as his manner of saying it that conveys the intent, the purpose, the idea he has in expressing any opinion or stating any fact. Here, for instance, is an illustration in the circumstance I mentioned a moment ago. When this young negro Frank Lucas went to the polls to vote some Democrats standing near said jocularly, "There goes a Democratic ticket." And now you are asked by the minority of this committee to take that declaration and charge Wallace with that ticket.

So in this case how do we know how this language was used, what were the exact expressions, or what was the purpose in using them? One thing we know from the admission of these men is that they held out inducements to this man to tell just such a story as he knew they wanted him to tell for the purpose of accomplishing what they were seeking to accomplish by getting a statement from him.

I now come to the other point which the distinguished gentleman from Ohio says is settled upon this question. Before coming to that, however, let me repeat that there is no competent proof here of the illegality of one-half the number of votes required to overcome the admitted majority of the contestant in this case.

The gentleman from Ohio brings in here, he says, an English authority upon election cases. We have a tolerably reliable American authority upon the same subject—McCrary on Elections. The gentleman says that the work to which he refers was written in 1880. That is exactly the date of this work of McCrary. Now let us see what McCrary states as the analysis and digest of the decisions in the United States on this subject. I read from section 302:

> While a mere irregularity which does not affect the result will not vitiate the return, yet where the provisions of the election law have been entirely disregarded by the officers and their conduct has been such as to render their returns utterly unworthy of credit, the entire poll must be rejected.

Before passing further let me say that this word "irregularity" applies to exactly such votes as were cast in the city of Canton, admitting for the sake of argument that there is proof, as I say there is not, as to the boundary lines of the wards in the city of Canton. The men who

voted are admitted to have been legal voters; to have resided there for years. They voted exactly where they had been accustomed to vote for years. Nobody questioned their right to vote. If there had been such a thing as a redivision of the city into wards, they never had heard of it. The most that can be claimed is that there was simply a deposit of a ballot in the box in one ward instead of a deposit of exactly the same ballot in the box in another ward. Under the rules of law in Ohio or anywhere else that is simply an irregularity—not an illegal vote.

In such a case the returns prove nothing. But it does not follow that legal votes cast at such poll must be lost. They may be proven by secondary evidence (the return being until impeached the primary evidence) and when thus proven may be counted.

That is true upon that branch of the case, but I want to read another passage:

It is very clear that the rule which upon grounds of public policy protects the legal voter against being compelled to disclose for whom he voted does not protect a person who has voted illegally from making such disclosure. To give to that rule this wide scope would be to make it shield alike the right and the wrong, the honest and dishonest. It was intended to protect the inviolable secrecy of an honest ballot, and thus the purity of the ballot-box. It was not intended to be used in aid of the schemes of corrupt men to defeat the will of the people. It follows that having proven that A voted at the election in question and that he was not a legal voter, he may be required to testify as to the person or persons for whom he voted.

That is the American law distinctly stated; it can not be mistaken, and it is the only sound and sensible rule of law to apply to a case of this kind.

Now, then, after the able argument of my friend from Iowa [Mr. COOK] it does not seem necessary there should be a repetition of the reasons which conclusively show it would be the most dangerous thing in the world to adopt any other rule.

Take this case as an illustration: After election you claim a number of votes have been illegally cast. Start out your attorney, start out your postmaster, start out men especial friends of yours, hunt up these men, tell them you are there in the interest of Mr. McKinley. Mr. McKinley wants to hold his seat; he has received from the Republican returning board that which he never was entitled to, the *prima facie* case. He wants to hold it; help him to hold it. How did you vote? If you will help us accomplish our object we will not prosecute you. You violated the law. You do not know anything about the law; but I am a lawyer; I tell you as a lawyer you shall not be prosecuted, you shall not be punished.

Mr. COSGROVE. Will the gentleman let me ask him a question right there?

Mr. FOLLETT. Yes, sir.

Mr. COSGROVE. Have any of these men alleged to have been illegal voters ever been arrested or prosecuted?

Mr. FOLLETT. No, sir; not one of them, and they are in a Republican township, where this postmaster has spent two months in the interest of the contestee. Notwithstanding that, not a man has been prosecuted, nor indeed has there been any attempt to prosecute one of them. Why? They knew they could not convict a man. They did not dare attempt it.

A MEMBER. Was the public prosecutor a Republican?

Mr. FOLLETT. Of course a Republican prosecutor, as the county was Republican, although my friend Wallace carried the county by a small majority. Nevertheless the Republican ticket generally had about 1,200 majority.

Mr. EZRA B. TAYLOR. Do you say those men remained in Liverpool?

Mr. FOLLETT. Yes; a large number not only remained there, but have been there ever since.

Mr. EZRA B. TAYLOR. They went away immediately.

Mr. FOLLETT. Who went away?

Mr. EZRA B. TAYLOR. I do not remember. [Laughter.]

Mr. FOLLETT. No, I do not think you do.

Mr. EZRA B. TAYLOR. But who staid?

Mr. FOLLETT. The majority or nearly all of them were there and are there now, with the exception of 4 or 5.

Mr. EZRA B. TAYLOR. Who did stay?

Mr. FOLLETT. Now, these were men who came from another part of the State of Ohio and were operating in the glass-works which were there and at the time of the election in full blast.

Now, they bring men to testify they did not know such men. If they did not know them, what does that argue? Sometimes it is true to say you do not know a man may be to write yourself unknown.

These men came from different parts of the State to work in the glass-works. These glass-works were in operation at that time, and when they closed down, as they did soon after the election, some of them went away. With the exception of those few men who were at the glass-works and went away when it closed down, every man of them could have been found and prosecuted any time up to the present day.

A MEMBER. Indicted anywhere?

Mr. FOLLETT. Yes, they could have been indicted if they had gone away.

Mr. CONVERSE. Let me ask my colleague a question.

Mr. FOLLETT. Certainly.

Mr. CONVERSE. Let me ask whether these admissions or pretended admissions made to Mr. McKinley's attorneys were not made months after the election?

Mr. FOLLETT. Yes; every one of them after they prepared to get up the testimony in this case, and there is not a case where the admission was made when the man went to the polls and deposited a ballot; not a case where it is a part of the *res gestæ*. It was all done afterward as an inducement to help the contestee to hold his seat in this House.

My attention is called to the fact that the case to which my distinguished colleague from Ohio [Mr. HURD] referred was a case decided in 1785, and was a case in which the question was raised as to the party's right to vote, and not as to how he voted.

Another thing further I desire to call attention to. In this township of Liverpool, where the books and papers and all appliances relating to the election were in the hands of the Republicans, they have not produced the poll-book, or offered to produce it, or attempted to produce it, to show anything about who they claim cast these illegal votes. They have claimed that certain of these votes in that township were illegal votes; but they have not shown or attempted to show it by the best testimony; they have not produced the record testimony that could have been produced upon that subject. They do not produce the only competent evidence that ought to be permitted to be produced, the poll-books themselves. Why? Simply because these poll-books had not been returned as the law of Ohio required them to be returned, nor had they been kept as the law of Ohio required them to be kept. And you ask now, as against the expressed will of the people of the eighteenth district of Ohio, to retain in his seat a man admittedly not entitled to it up to this hour, for if he ever have a title to a seat it must commence after a vote is taken upon this case. You are asked to retain him here upon what grounds? They introduce this testimony of A, B, C, and D, who knew nothing and can know nothing of the intention, as alleged, of abandoning their residence on the part of some of these young men who had gone away—some of them had been absent from their homes for a year—and yet, in the face of the fact that these were young men seeking employment, looking for employment, searching for a means of livelihood, you are asked to mark them down as illegal voters, every one of those men who had lived there for years in that neighborhood, who had been born and raised there, and whose families were still living there. And you are asked to follow it up by the declaration of a man made under the circumstances such as I have narrated to an attorney of the contestee, and a postmaster who perchance had his help to secure his position, and follow it up by taking their statements as to what these men had said under such circumstances and not under oath.

But there is another thing about this Liverpool Township. Mark you, here is where the fraudulent votes came from. When they got through tallying the votes the two clerks disagreed by seven votes; one of them had seven more votes recorded for McKinley than the other had. What did they do? Did they count the votes over and see who was wrong? Oh, no; they only averaged them up, and McKinley unquestionably has got his average part of the seven votes more than he is entitled to; and yet you are to retain a man in his seat on this floor by virtue of declarations coming through such sources as this; a man admitted by everybody not to be entitled to a seat, unless you take notice of this testimony and give to it all the faith that you would give to the testimony of an honest man under honest circumstances and under oath.

Now, a word or two further. I want to allude to Fairfield Township for a few moments. There were 11 votes in that township in that county that were not counted for Wallace that my friend from Ohio at least now admits ought to have been counted. They were votes cast unquestionably by poor men, by illiterate men, men who wanted to vote for Mr. Wallace but were afraid to do it openly, as shown by the fact that instead of their going to a man who knew how to write and spell the name properly they undertook to write their own ballots, because of the fact that they were afraid to let somebody know that they were scratching a Republican ticket. There was one of these that was cast for "Wales," and it is claimed that that does not spell Wallace.

Well, now, I think it may be conceded to be a very short, simple, and phonetic way of spelling that name, and the intention of the voter is evident. That, however, they are unwilling to admit. Another undertook to spell it and wrote it "Ma. Wllac." Another spelt it, but they claimed that the second "l" was an "s," and the final "e" was an "r," so that it made "Walser," although the "Jonathan H." was prefixed to it; and that they would not count either, though it is manifest that the vote was intended for Wallace. Another one spelt the name "Wallac" and they undertook to interpret that as not intended to be a vote for Mr. Wallace, but for somebody else. There are a number of other votes which were cast in the township of Fairfield where Major Wallace was spelt correctly, but where the initials were wrong. These I hold were intended to be cast for the contestant.

Well, now, as an illustration I may mention that I received a note last night from the distinguished Speaker of the House simply introducing somebody—I want you to know that the Speaker and I have no corrupt alliance [laughter]—and I found the note was addressed "J. W. FOLLETT." I have known the Speaker for years and he has known me for years, and we have been together in this House; and

yet, instead of putting on the note my proper initials, "J. F.," he calls me "J. W." Should I have refused to open the note on the ground that it was intended for somebody else? So say our friends on the other side of the House. Why, sir, if you are to apply rules of that kind to an election you would universally defeat the will of the people so far as it was attempted to be expressed by men who were not entirely familiar with the initials of the candidates before them or with the spelling of their names. I have received hundreds of letters spelling my name with every combination almost that could be put together having an approximation to its pronunciation, and I never questioned that those letters were intended for me. So with these ballots. Who doubts that every one of them was intended for Wallace in this case?

One thing more. They say this ballot-box was not properly kept. The proof shows that the ballot-box was untouched and unopened from the time the ballots were cast, and it was locked up until the time it was produced for examination. It was in the hands of Republicans. They had it under their supervision. The township judges intrusted with its custody were Republican judges. When the ballot-box was produced, and before it was produced, men were put upon the stand who testified in numbers ranging from 5 up to 13, I think, that there were such ballots as these that had been cast and that the judges had not counted in that box. The testimony, therefore, before the box was opened was strong and conclusive that such ballots were there and would be found there. When it was opened they were found, and there were 11 of these ballots that had been refused, the judges not counting them. There were 11 of those ballots that the contestant claimed he had a right to have counted for him. And every fair-minded, impartial man upon this floor will agree with me that he had a right to have every one of them counted.

Let me refer to another thing, as illustrating the entire fairness of the minority in this case. If you look at the minority report, on page 14, you will observe the third name from the bottom is "——— Wallace, Beaver Township, Mahoning County." The ticket they attempt to exclude there had distinctly written upon it "Jonathan H." where they have got the dash. But you are asked to take that vote out because of the dash in the place of "Jonathan H." And that is called fairness and treating this House fairly upon the investigation of a matter of this kind.

Now I want to say a word or two with reference to the four tickets which it is claimed ought to be counted for the contestee, where it is said that when the ballots were opened in the morning there were no Republican tickets except such as had the name of McKinley scratched upon them. Those tickets were in the box; the persons whose duty it was to pass upon that question, who had them while they were fresh, before there was any opportunity to tamper with them, before there was any opportunity to still further erase, if any erasures or attempted erasures were made of the marks, those men counted these ballots and made their return; and you are asked to undo that work upon the statement of a clerk, who afterward says he thinks there were four more of them—without our knowing how much the attempt to erase the erasure might have been subsequently made, you are asked to count those votes for the contestee.

I say the parties whose duty it was to pass upon that question were the judges of election. They were there that night. The minority say they were working in dim candle-light. How do they know that they did not have an argand burner? They did not know that the light was not as bright as that of the sun at noon-day. We are to presume at least they had light sufficient to enable them honestly, intelligently, and fairly to discharge the duties they were intrusted with. They did discharge them. They said how many of those votes showed they were scratched and intended to be scratched, how many of those votes ought to be counted for the one or the other; and their determination on that question is final and conclusive, and certainly will be relied upon by this House in preference at least to an attempt that may now be made on the ground of the opinion of some clerk called to testify in the interest of the contestee to show that 4 more of them ought to be counted.

I believe, Mr. Speaker, if ever there was a case presented to Congress where the contestant was entitled to his seat it is this; and in this belief I but voice the sentiment, I know, of a large portion of the voters of my State. If ever there was a contestant entitled to a seat upon the floor it is Jonathan H. Wallace, the contestant in this case. For fifteen months he has been kept out of that office by what is now admitted to be a fraudulent return of the returning board of Ohio—if not fraudulent, at least mistaken. We might say "mistaken" if it were not the fact that they applied in this case one rule when in the very same election in another district they applied the other rule. Men do not make that kind of mistakes. It was a deliberate attempt, in my judgment, to put into this House and keep here until such hour as a contest could determine the rights between these two parties a man who was never elected and who the returns showed was never elected to the seat.

The question is whether this House, by any specious argument, by any declaration or admitted testimony of the attorney of the party as to conversations which he had with men alleged to have been illegal voters, but without any proof of the fact that they were illegal voters, shall now vote to continue and force upon the eighteenth Congressional district of Ohio a man they did not elect, but the man whom they repudiated at the polls. I do not believe it is within the province of honest men to undertake to stifle the voice of the people or to suppress their deliberate judgment as expressed at the polls by continuing in a seat upon this floor a man that his constituents elected to stay at home, and to keep out of that seat the man they chose as their Representative, and who is entitled to the seat for which the contestee has been drawing the pay, and in which up to this time he has been performing the duties of a Representative for six months and obtaining all its honors and emoluments. I think that for the nine months which are left of this Congressional term the man whom the people elected ought to be placed in the seat to which the voice of the people called him, and to which they designated him as their Representative.

I want now to call attention for a single moment to the views of the minority upon the question of the kind of testimony that should be sought in cases of this kind as expressed by the minority of the Committee of Elections in the case of O'Ferrall against Paul. The gentleman who wrote that minority report said that the report from which the gentleman from New York [Mr. ADAMS] read the other day was simply an expression of his individual opinion, with which the subcommittee did not agree when it was submitted to that subcommittee. I have here the views of the minority as reported to the House in that case. Mark the language:

> We contend that the only reliable evidence would be the testimony of the alleged delinquents, or a sworn copy of the list of such as paid their tax, made out by the collector to whom the tax was paid and by whom the receipts were issued. If the latter could not be obtained, then the delinquent voters alone could testify.

Mr. MILLER, of Pennsylvania. Will the gentleman permit me a moment?

Mr. FOLLETT. Certainly.

Mr. MILLER, of Pennsylvania. The gentleman ought to do me the justice to read a little further on, where I went on to state that I do not deny that the affiliations of the voter, the persons with whom he came to the polls, the persons who gave him his ticket, were all competent evidence to show how that voter voted.

Mr. FOLLETT. Neither do I deny it in this case.

Mr. MILLER, of Pennsylvania. Allow me to say to the gentleman that of the 557 votes which you voted to take off from the votes of Judge Paul there was not one of them called, neither was there a man who testified as to how one of them voted, and there was not a man who testified as to with whom one of them came to the polls.

Mr. FOLLETT. The gentleman is on the Committee on Elections, and can take his own time.

Mr. MILLER, of Pennsylvania. Then you ought not to quote me. You sustained that report.

Mr. FOLLETT. On the distinct ground, as shown by the testimony, that nobody could get the tax receipt except as it came from a Read-juster.

Mr. MILLER, of Pennsylvania. In nine cases out of ten they got the tax-receipts a week before the election.

Mr. FOLLETT. The O'Ferrall and Paul case is settled.

Mr. MILLER, of Pennsylvania. Oh, yes; there is no doubt about that.

Mr. FOLLETT. And this will be directly.

Mr. MILLER, of Pennsylvania. But not on the same principle that you adopted in the case of O'Ferrall against Paul, or, if you do, you must vote for McKinley.

Mr. HEWITT, of Alabama. And the gentleman from Pennsylvania on the same principle must vote for Wallace.

Mr. MILLER, of Pennsylvania. Oh, no; there is testimony here as to how McKinley's men did vote—testimony as to their declarations.

Mr. FOLLETT. I suppose the gentleman can have an hour, while I have not that amount of time left, and I can not yield any further.

A great deal has been said here about magnanimity and all that sort of thing. I do not think that is a question which should affect a case of this kind. If I can reach what I believe to be the expressed voice and will of the people, I intend that to be my only rule in my action on this floor in contested-election cases.

Now, so far as gentlemen on the other side of the House are concerned, or a large proportion of them, and more especially so far as concerns the contestee in this case, in his seven years' service in this House there never has been a case where a Democrat and Republican were contesting—though in many of those cases the majority of votes in favor of the Democrat was thousands—there never was a case in which that gentleman, if he voted at all, did not vote for the Republican during his seven years' service.

A MEMBER. How many cases?

Mr. FOLLETT. About forty-six cases. It may be that I am mistaken, but I have been advised that my friend from Ohio [Mr. MCKINLEY] made his canvass boasting that he had voted in the last Congress to unseat twelve men on this floor who were Democrats and to seat twelve Republicans, and he regretted that he did not have a chance at more of them. I say it comes with a bad grace from gentlemen in cases of this kind, upon testimony such as this, for them to say that they are ignoring party affiliations, that they are ignoring party lines, that they are ignoring party prejudices for the purpose of retaining in his

seat here a man that the people never intended to occupy that seat at all.

My friend from Ohio says that his majority here is 67. How made? By cutting off from Mr. Wallace 10 votes that the men who counted the returns say he was entitled to upon simply a clerical error, without a shadow of proof that it was anything more than a clerical error; by denying to him votes that were intended for him—such, for instance, as the votes of men who were so unfortunate as to be compelled to live in the county infirmary, one of whom, 80 years of age, had been living there for years, and at every election had gone back to the township from which he was sent and voted there. He did it at this election. The gentleman from Ohio says that the supreme court of Ohio has decided that the proper place for such a man to vote was in the township in which the infirmary was situated. The supreme court of Ohio decided nothing of the kind. That court has said that a man may adopt the infirmary as his home and make that his voting place; but when he chooses to go back to where his early associations were—to the township from which he was sent—the place where he can vote surrounded by his friends and former neighbors—it is his right to do so. The supreme court never said anything to the contrary. [Applause on the Democratic side.]

HOUSE CONTINGENT FUND.

The SPEAKER, by unanimous consent, laid before the House a letter from the Clerk of the House of Representatives, submitting a statement of the condition of the miscellaneous items of the contingent fund, and recommending an appropriation to meet expenditures from that fund; which was referred to the Committee on Appropriations.

ENROLLED BILL SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate returned to the House, in compliance with its request, the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The message further announced that the Senate returned to the House the bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and south lines of the county of Douglas, State of Nebraska, and to make that a post-road, the same having been heretofore recalled from the House by the Senate.

OHIO ELECTION CONTEST—WALLACE VS. M'KINLEY.

The House resumed the consideration of the report of the Committee on Elections upon the contested-election case from the eighteenth district of Ohio.

Mr. MILLS. Mr. Speaker, I believe that the public will when expressed in the form ordained for its manifestation is the supreme law of the land, and that it ought to be obeyed and executed in good faith by every one charged with its enforcement. The people of the United States have ordained a Constitution and laws for their government, and they have required us as their representatives before entering upon our duties to take an oath to support that Constitution. One of its articles imposes upon us the duty of hearing and determining the right in every contest for a seat in this House. We are made the judges of the "election, returns, and qualifications" of its members. We are not to determine as partisans, but as fair and impartial judges. We are not to determine who ought to have been elected, but who has been. We dare not in the presence of our consciences, if they are not dead, vote in a contest for a seat here according to our partisan prejudices. We must vote, as judges, according to the law and the testimony, and that alone.

I will not appeal to party prejudice to aid me in my cause. The only appeal I make to my own prejudice is to "get thee behind me, Satan," that I may examine impartially and determine with a clear judgment and a living conscience, which of these two the legal voters have chosen for their Representative. Having examined the subject, I have reached the conclusion that Mr. McKinley was fairly elected. I do not intend to apologize for the conclusion at which I have arrived. I have no apologies to make to any one. Believing from the law and the testimony that McKinley is elected I should be less than a man if I should sit here and permit party clamor around me to drive me to vote against my convictions.

It has been my habit ever since I have had a seat in the House when I was not familiar with the case to give the benefit of the doubt to my own party associates and vote with my friends on the committee. But when I have had an opportunity to examine the case for myself, or to hear the discussion of the controversy and become informed, I have appealed from party allegiance to the tribunal of my own judgment and conscience. It is not for me to say how I would have had the election. If that was the question I would not hesitate a moment how to vote. But that is not the question. And the question is one that must be decided, if decided rightly, not by my prejudices but by my conscience and convictions.

Now, let us examine the case. And in doing so I will give to McKinley only the votes the testimony shows he is clearly entitled to, and to Wallace all the doubtful votes. This is putting Mr. Wallace's claim on the strongest ground. Let us take McKinley's side of the case and add to his vote the legal ballots that were excluded and subtract from him all illegal and doubtful votes and ascertain his true vote. The canvassing board gave him 16,906 votes. There is no contest about those votes. No one denies that they are all legal. Then he is entitled to a ballot cast in the name of "Kinley" instead of "McKinley." This vote is conceded in the brief of contestant. He is entitled to the vote of Orlando Brown, who voted for Congress and justice of the peace in the same box instead of different boxes. This vote is conceded in contestant's brief. He is entitled to 1 vote which was excluded because the voter put Hune's name, who was a candidate for district attorney, in the wrong place on the ballot, and that vote is conceded in contestant's brief. That makes 3 more.

Mr. TURNER, of Georgia. Let me inform the gentleman as to that ballot.

Mr. MILLS. Yes, sir.

Mr. TURNER, of Georgia. I will state for the information of the gentleman from Texas that that concession made in the brief was made from misconception of the testimony. In the printed form of the ticket it appears to be set out as the gentleman takes as conceded, but in pursuing the matter and going to the original ballot I find that Hune ballot to which you refer is in this state: the name of Hune is written beneath that of McKinley and not where the gentleman states.

Mr. MILLS. Mr. Hune was a candidate for district attorney. In voting for Hune the voter wrote his name on the wrong part of the ballot. That is what I said.

Mr. TURNER, of Georgia. I say, according to the rules the vote is counted for the written and not the printed name.

Mr. MILLS. That is the rule as to two candidates running for the same office. But Hune and McKinley were not running for the same office. Hune was a candidate for district attorney, and McKinley for Congress, and the elector voted for both, but by mistake wrote the vote of Hune on the wrong part of the ballot. The vote is conceded in the brief, but whether it is or not, it is clear that that vote ought to be counted for McKinley for Congress and for Hune for district attorney.

At two precincts there were 2 votes cast for McKinley with his name written under the printed name of Wallace. These votes are legal and must be counted. Wallace has 2 of precisely the same sort which we concede to him. That makes 5 that must be added to the number given him by the canvassing board. Then he is entitled to the vote of George W. Shrimp. He was a legal voter who had lived in the county where he offered to vote, all his life, had lived in the same precinct, had voted there before. He tendered his vote and it was excluded. McKinley is entitled to have that vote. (McCrary on Elections, sec. 530.)

Now we come to the Butler recount. There were 4 votes thrown out which were cast for McKinley. The testimony is that some one had taken the ballots and erased the printed name of McKinley with a lead-pencil and written Wallace's name under it. These persons came to the polls to vote and desired to vote for McKinley, and there were no other tickets to be had, so they procured a piece of India rubber and rubbed out Wallace's name and all the marks over McKinley's printed name, and then put the ballots in as they were originally printed. They testified to these facts themselves, and that they had so voted. There can be no doubt as to their right to have their votes counted. Wallace has 11 votes that were cast for him in the same way. These votes were not counted by the judges, but they are allowed by the committee. They are the Fairfield box votes, which we concede to him. If Wallace is entitled to the 11 votes so cast for him, McKinley is entitled to the 4 so cast for him. Then the recount at Austintown showed a gain of 2 votes for McKinley, and the recount at Butler a gain of 2 votes for McKinley. These he is entitled to. Wallace gained 11 on the recount at Fairfield and they are conceded to him, and McKinley is equally entitled to the 4 votes he gained on the recount, and certainly so when 1 vote is deducted from him which he lost by a recount at another box. This makes 14 votes that must be added to the number given McKinley by the canvassing board, making in all 16,920.

The contestant in his brief claims that 12 votes should be deducted from McKinley which he charges were illegal. Among these is the vote of Lucas, of whom we heard this morning. He was a colored boy of about 20 years of age. He was a "spring chicken," and both Republicans and Democrats were after him. A Republican started to the polls with him and gave him a Republican ballot. He suspicioned him when he gave him the ticket. He says he folded it in a peculiar manner that he might recognize it when he went to vote. He thought the boy put the ballot in the box, but as he went away one of Wallace's friends said that Lucas had voted for Wallace. This boy afterward said he had two tickets, and held back the Republican ticket and put the Wallace ticket in the box. It seems his mother called

him to account for voting the Democratic ticket. He admitted he had voted for Wallace. He said that he was full—I suppose of whisky—and that he had voted for Wallace. McKinley's friend says he found the ballot he gave him on the seat of the buggy when he returned, folded just as it was when he gave it to him.

Mr. ROGERS, of Arkansas. You call that a "spring chicken," do you? [Laughter.]

Mr. MILLS. Who will say that the Democratic party of Ohio is wanting in enterprise when they can outstrip the Republicans with the colored voter?

Mr. HEWITT, of Alabama. Let me ask the gentleman from Texas, does the evidence show that the Democrat who said that the negro voted a Democratic ticket had an opportunity to determine that fact?

Mr. MILLS. It shows that he was about, and when he saw the ticket go in he let a smile drop out of the left corner of his eye and said, "That vote is for Wallace." But I do not charge that vote to Wallace; I charge it to McKinley and deduct it from him as an illegal vote. As I said, I have deducted all doubtful votes from McKinley. Another vote which I take from McKinley is that of a Presbyterian preacher who had lived for years in the town in which he voted. He had been sent by his church to establish a mission in this city. He says he never abandoned his residence where he voted. He always claimed it as his home, and that he voted there, and thought he had a right to vote there. We were told a few moments ago, and correctly too, that the intention has much to do in fixing the residence of a person. This law is not peculiar to Ohio. It is the law everywhere in the United States, and I suppose in Europe. If one leaves a place where he has a home with the intention of returning, he still retains his home. If he leaves with the intention of remaining away, he abandons it. This man by the law was entitled to vote in Ohio, but we we will deduct him as an illegal voter from McKinley. Out of the 12 who are about as well entitled to be counted illegal voters for McKinley as the 2 I have given I deduct 9. The remaining 3 were paupers who voted at the election; but there is not a word of proof that either one of them voted for McKinley or that either one of them was a Republican. There is no proof as to how they voted or as to their politics. So that deducting 9 from 16,920 leaves McKinley's true vote 16,911. On this vote he must succeed or fail.

Now let us take Mr. Wallace's side of the case. The canvassing board give him 16,898. He claims 16,938. Let us correct an error of 10 votes in the footing up by the canvassers, which makes his corrected vote 16,888. To that add the votes he claims should be given him, and his vote is 16,928. We will not contest any of the votes he claims should be given him. The error in footing up the vote must be corrected. The gentleman from Georgia [Mr. TURNER] says the 1,497 votes from Carroll County were stated in so many words in the return. They are so stated, but the abstract which accompanies it shows the mistake. Will not the statement in the certificate be corrected by the tabular statement of the vote in the abstract? Suppose a lawyer sues on two promissory notes, which he sets out in his petition, each for $200, and says that the defendant owes him $500. Will not the court look to the notes to see the correct amount? If the court should render judgment for $500, would not a revisory court correct it? That is the position of the case. The certificate from Carroll County shows 1,497, but it refers to the abstract, and that shows 1,487.

Now, it is charged that the committee have a certificate made by the same officers since then that corrects the mistake and shows that 1,497 is right. But the subsequent certificate can not be received. Where an officer is charged by law with the performance of a duty and once performs that duty he has no authority to reopen and examine the case anew unless that authority is given by law. When he has once acted his authority is exhausted and he is nothing more than a private citizen as far as that case is concerned. That has been decided repeatedly. It was held so by Chief-Justice Marshall in the Marbury and Madison case. I have here a decision of Chief-Justice Denio, of New York, which says:

> The common council, having once legally canvassed the returns of the election for mayor, have exhausted their power, and can not subsequently reverse their decision by making a different determination.
>
> The effect of the returns is not open for consideration in a collateral proceeding in which the title of the officer is in question.

The same was held here in election reports by Mr. Kerr and Mr. RANDALL. Both of them were afterward Speakers of this House. In the case of Chrisman *vs.* Anderson both sides of the committee laid down that principle. The House may have testimony taken to prove that was the correct vote, and it may go behind the first certificate, but the officer who made it cannot go behind it.

Now, then, that leaves Mr. Wallace's vote 16,928 and Mr. McKinley's vote 16,911. That gives Mr. Wallace 17 votes the advantage. Now I begin to take from him his illegal votes. According to my statement Mr. Wallace is 17 votes ahead, and I have to commence to see if there were any illegal votes cast for him, which must be subtracted. I find in his brief he admits 2 votes that were illegal and were cast for him. That leaves but 15. I find in his brief he admits there are 4 illegal votes, but he says there is no proof for whom those votes were cast, and he assumes therefore that they should be taken from Mr. McKinley. I shall give you those voters by name, and will show how they voted. The contestant's brief says:

> As to Charles Huhn, William Ward, Frederick Mayer, and James Sypher, mentioned in the above list of 16, we think that the testimony shows that they were illegal voters by reason of not having resided in the State or county the required time. But there is no testimony to show whether these persons voted for contestant or contestee. It is shown that they voted at said election, and there is some testimony tending to show that they were Democrats. They were not examined as witnesses, but it appears from the testimony that all of them except Mayer might have been examined if contestee had desired so to do.

Now, Mr. Speaker, as to the rule of law much has been said here about taking the admission of the voter as to how he voted. But the rule as established the other day in the case of O'Ferrall against Paul is that if you first establish the illegality of the vote and then the party affiliation of the voter, that is sufficient until rebutted to determine for whom the illegal vote was cast. Now, if these voters were Democrats and not authorized to vote at this election, that is testimony sufficient to show that they voted for Wallace until there is testimony contradicting that statement. Now let us see for whom they voted.

The testimony says:

> Q. Do you know anything as to whether the said Charles Huhn voted in Liverpool Township, Columbiana County, Ohio, on the 10th day of October, 1882; and if so, what?
>
> A. After repeated interviews with him he confessed that he had voted here.
>
> Q. Do you know what ticket he voted, and for whom he voted for member of Congress at said election?
>
> A. I do.
>
> Q. State whom he voted for for member of Congress, and what ticket he voted?
>
> A. He voted for Wallace.
>
> Q. Do you know the politics of said Charles Huhn? If so, state what his politics is.
>
> A. Democrat; that is personal knowledge on my part.

That ought to be sufficient for Mr. Huhn.

Mr. EATON. Is not that hearsay testimony?

Mr. MILLS. He says he knows of his own personal knowledge.

Mr. EATON. You had better have got the testimony of the voter.

Mr. MILLS. He could not be compelled to testify if he had been summoned. I come now to the case of Frederick Mayer. I quote from the record, page 259:

> Q. Do you know Frederick Mayer?
>
> A. Yes, sir.
>
> Q. Was he residing here at the time of the October election, 1882; and, if so, how long had he been residing here at that time?
>
> A. He was residing here. I first got acquainted with him about the latter part of May, 1882.
>
> Q. Where, if you know, had he been residing before that time?
>
> A. He told me he had been residing in Trenton, N. J.

It is to be remarked that the illegality of the votes of these people is admitted. I will now read to show how this man voted.

I read from the testimony:

> Q. Do you know whether he voted at the election on October 10, 1882?
>
> A. Yes, sir.
>
> Q. State, if you know, whether he voted or not, and for whom he voted, at said election.
>
> A. Yes, sir, he voted. He voted for Wallace.

In reference to William Ward the testimony shows that he lived at Steubenville, in a different Congressional district; that he voted at Liverpool, in the eighteenth district; and the testimony of William Parks (page 251) says that "he is a Democrat, I know." What doubt can there be that his vote should be deducted from Wallace? According to the rule laid down by his attorney in his brief, and which has been sanctioned by this committee and this House, the proof of his party affiliation is sufficient evidence that he voted for his party's candidate.

The testimony in regard to James Sypher will be found on page 197 of the record. James Porter, produced as a witness, testifies as follows:

> Q. Are you acquainted with James Sypher?
>
> A. Yes, sir.
>
> * * * * * * * *
>
> Q. State if you know what ticket he voted, and for whom he voted for member of Congress from this district.
>
> A. He said he voted the straight Democratic ticket.

Now there can be no question as for whom these people voted; I have read you the testimony. Mr. Wallace admits that these voters were illegal; but he charges that there was no testimony as for whom they voted. I have read you the testimony showing that they voted for Mr. Wallace.

Mr. MCADOO. Will the gentleman permit me to ask him a question?

Mr. MILLS. Yes, sir.

Mr. MCADOO. How did this man get his knowledge of that?

Mr. MILLS. I do not care about how he got his knowledge.

Mr. MCADOO. Did he say that he saw them vote for Mr. Wallace?

Mr. MILLS. As I said awhile ago, the main question is, was the voter a Democrat? and that is proved here.

Mr. MCADOO. It does not follow that they voted for Wallace.

Mr. MILLS. The voter said he did, and I have read you the testimony of the witness. I say I do not care how he arrived at his conclusions; I lay aside that question entirely. If the witness knows that the voter was a Democrat, and if the contestant admits that he voted illegally, then the burden of proof is on Wallace to show that he did not vote for him. That is the very doctrine which we established the other day

in the case of O'Ferrall against Paul. It is the very doctrine which has been established heretofore, that a man's party affiliations show for whom he votes, and if he is an illegal voter, then his vote must be charged against the candidate who represents the party to which the voter belongs. The man's party affiliations determine how he votes. I will not take up the time of the House by discussing the question of admissions. The rule as laid down was correctly stated by my friend the other day. And the counsel of the contestant in his brief says so. Let me read you what the counsel of the contestant says in his brief. He says:

The witness (Bricker) swears that he saw him (Charles Hardesty) vote—

That is one of the votes which I have taken away from McKinley—

The witness (Bricker) swears that he saw him vote; did not see the face of his ticket, but both witnesses know him to be a Republican in politics, which raised the presumption that he voted for contestee.

That is a reasonable presumption; the position is unassailable and I maintain it to-day. Now in regard to those people about whose admissions you have heard so much said, so far as I have been able to examine, I believe that every solitary one of them is proved to be a Democrat. I therefore take those illegal votes away from the vote for Wallace.

Then his counsel says in his brief that there were 4 other Democratic illegal votes. This is what he says:

Of the 29 names before referred to, there remain for consideration the four following, to wit: 1, William Liebschuer; 2, Henry Tasket; 3, John Rumberger; 4, J. P. Stirling.

He charges that those were illegal votes, but says there was no testimony as to how they voted, and therefore they must be taken from McKinley by some rule of law which he does not quote. Now, how did these parties vote? On page 203 of the record is the testimony of James Stevenson:

Q. Do you known when William Liebschner came to this place and from whence he came?
A. He came about September or October, 1881, from Johnstown; don't know what State. I don't know only what I heard him talk about.
Q. Do you know anything about when he came here except what he said?
A. No, sir.
Q. Please state whether or not he voted at the election for State and county officers and member of Congress held in this township on the 10th day of October last, if you know.
A. Yes, sir.
Q. How do you know that he voted?
A. He told me so.
Q. Do you know who he voted for for member of Congress from this district? And if so, state who he voted for and your means of knowledge.
A. Yes, sir; he voted for Wallace. I know it because he told me so; and I have no other means of knowledge.
Q. Please state when and where he told you this.
A. In William Brunt's pressing shop. We both worked there for William Brunt. It was since this contest came out.

There is one who admits that he voted for the contestant. Then on page 205 is the testimony of John W. Vodrey. He testifies as follows:

Q. Are you acquainted with Henry Tasker, of East Liverpool; and if so, how long have you known him, and where?
A. I am acquainted with him; have known him several years in East Liverpool.
Q. State what you know as to his residence at this time of the election for State and county officers and member of Congress on October 10, 1882, and before.
A. The first I remember of him he lived here; then he went to Beaver Falls; I couldn't say when; then he went to Trenton, N. J.; I don't know where he went after that, but he was in Baltimore and New York; then he came here in the first part of March, 1882.
* * * * * * *
Q. Do you know whether he voted at the election on the first Monday of April last year?
A. He said he went to vote, but his vote was rejected on the grounds that he had not been here long enough, and he knew then that he had no right to vote. This was the spring election last year.
Q. What, if anything, did you hear him say as to whether or not he voted at the fall election for member of Congress in 1882? And you may state whether he said who he voted for and what he said, if anything, as to his right to vote there.
A. He said he had voted for member of Congress in 1882; he said he voted for Wallace, and he said he had been here a good while since the spring election, and he thought he had a right to vote in the fall.

On page 257 the testimony says of John Rumberger he told me "he voted for Wallace," and on page 283 a witness testifies that Sterling told him he voted for Wallace.

There are 8 of these votes. Two or three of these voters stated that they voted for Wallace, and the others are proven to be Democrats; and they are all admitted in the brief of the contestant to be illegal voters. These 8 added to the 2 before make 10 illegal votes, which taken from the 17 leaves 7. Then we come to 6 other votes, the testimony in regard to which will be found on page 304 of the record. This is the testimony:

Q. Do you know Joseph Hanlan, Oscar Bates, Hugh McCurran, Frank Allison, Frank Green, and James McCurran?
A. Yes, sir.
Q. Where did they reside during the month of October, 1882?
A. In Wheeling, I believe.
Q. Do you know the politics of said persons, or either of them, at said time?
A. I believe they were all Democrats.
Q. State what, if anything, you know as to said persons or either of them leaving Wheeling on or about the 10th of October, 1882, where they went to, if they left, and their purpose in going, if you know.
A. They came to East Liverpool to vote on that day.
Q. Do you know for whom they voted for member of Congress at said election?
A. For Wallace.

Now, here are six persons who lived in the State of West Virginia who went to East Liverpool, in Ohio, on the day of election and voted for Wallace. It is unnecessary to multiply words about them. People in West Virginia do not have the right to vote in Ohio; they must vote in their own State.

We now come to persons who voted in the wrong wards. In the State of Ohio the law requires every man to vote in his own ward, in his own precinct, and declares every vote outside of that to be an illegal vote. I now refer to the testimony to be found on page 381, the testimony of John Rigler:

Q. 1. What is your name, age, occupation, and place of residence?
John Rigler; am 45 years of age; am a molder; and live in Canton, Stark County, Ohio.
2. In what ward in the city of Canton, Stark County, Ohio, did you live on and before the 10th day of October, 1882?
On the corner of Seventh and Cherry, what they call now the fourth ward, in said city of Canton; I did not know that last fall.
3. How long had you resided in this same place before the 10th of October?
I can't tell exactly, but I think it will be nine or ten years this 1st of April.
4. To what political party did you belong last October?
I always voted the Democratic ticket; I didn't vote the ticket out and out generally.
5. Did you vote at the October election in 1882; and, if so, where did you vote?
I voted on that day; I voted on Tuscarora street.
6. Where did you vote; in what ward?
I voted in the fourth ward.
7. You stated in your first answer that in October you lived in the fourth ward. Do you mean that you lived in the fourth or fifth ward?
I meant the fifth ward, but supposed it was the fourth ward I lived in. I supposed I lived in the fourth ward, but as I find out now it was the fifth.
8. For whom did you vote for Representative in Congress from the eighteenth district of Ohio on that day?
Wallace.
9. Was the Wallace whom you say you voted for on that day Jonathan H. Wallace, the candidate on the Democratic ticket from said district for Congress?
Yes, sir.

Now, there is one man who admits that he voted in the wrong ward. Mr. Speaker, the right of suffrage is not a natural right like the right of life, liberty, or property. It is a political right conferred by law, and must be exercised in obedience to law or the vote is illegal. This man's vote can not be counted. He had no more right to vote than a citizen of Illinois, or Indiana, or West Virginia, or Pennsylvania, because the law under which the right of suffrage is exercised in the State of Ohio required him to vote in his own precinct or not at all. Deducting this vote, Mr. Wallace is one ahead.

Now look at the testimony of Frank Walters, on page 382:

Q. 1. What is your name, age, occupation, and place of residence?
Frank Walters; am 27 next month; was in the saloon business all winter, and live in Canton, Stark County, Ohio.
2. Where did you reside on and before the 10th day of October, 1882?
In the city of Canton, Stark County, Ohio.
3. On what street and in what ward of said city did you reside on and before said 10th day of October, 1882?
On Tenth street; couldn't say as to the ward; the second house west from the corner of Tenth and Walnut, on the north side of Tenth.
4. What ward did you live in at that time, as nearly as you can tell?
I supposed at that time it was the second ward, but have heard since it was the fifth.
5. Will you examine the ward map of said city of Canton, now before you, and state what ward it was you lived in in October, 1882?
I have examined the map. It is in the fifth ward.
6. Did you continue to live in the same place after said election?
I did for a month after election, and then moved to Sandusky City.
7. Did you vote at the October election, 1882, in said city of Canton; and, if so, at what ward in said city did you vote?
I did; I voted at the seventh ward.
8. Did you vote for any candidate at said election for Congress in said seventh ward in said city of Canton; if so, for whom did you so vote?
Voted for Wallace, the Democratic candidate.

Now, can there be any contest about how that man voted or whether his vote was illegal? This vote must be deducted from Wallace; and now there is a tie.

Now I refer to the testimony of Daniel Winkleman:

6. In what ward in the city of Canton is your said residence?
I live in the sixth ward.
7. Did you vote at the last October election in this State?
Yes, sir.
8. Where did you cast your vote?
By the engine-house, on Eighth street, corner of Poplar.
9. In what ward of said city of Canton is said engine-house, where you voted at said election?
It is in the seventh ward.
10. What ticket did you vote at said election?
(Question objected to.)
The Democratic ticket.
11. For whom did you vote for member of Congress at said election?
(Objected to.)
I voted for Wallace, I guess.
12. State whether you voted at said election the entire Democratic ticket?
(Objected to.)
Yes, sir.

Is there any question about how that man voted, or whether his vote was legal or illegal? Deducting his vote from Wallace, McKinley is now 1 ahead.

I have not time to go over all these. There are 6 voters who voted in the wrong ward, John Rigler, Frank Walter, Morton Zilch, David Winkleman, Celestine Jordan, and John Moriarity. One of these is John Moriarity, who lived in the north ward of Alliance and who voted in

the south ward. He testifies to it himself. Here are these 6 votes that must be deducted from Wallace, leaving McKinley, if I have made the count correctly, 7 votes ahead.

Then there are the votes of Charles Ducatry, M. Stimler, B. Waldecker, and Joseph Frickert, who were paupers in the poor-house and who voted in the wrong townships. These men voted for Mr. Wallace, as they testify themselves. They say that they are Democrats. One of them stated in his pride (and I honor him for it) that he had commenced by voting for Martin Van Buren, and had always voted the Democratic ticket, and voted it straight. These men did not vote in the townships in which they lived. The poor-house was in Plain Township. These four men voted in other townships; no one of them voted in the township in which he lived. Each one of them, when questioned, said that the poor-house was his home. My friend from Georgia [Mr. TURNER] who is listening to me, and who is familiar with the testimony, knows that it is true. My friend shakes his head; and that puts me to the proof. Let me read the evidence of Charles Ducatry.

Mr. TURNER, of Georgia. Take the next two.

Mr. MILLS. Then I understand the gentleman admits the case as to the first two, Ducatry and Stimler. When he says "the next two" I understand him to mean Waldecker and Frickert. I will read from evidence of Stimler, on page 413:

4. Since you have lived in the poor-house have you adopted it as your home?
That is now my home.
5. State whether you voted at the last fall's election; and, if so, where?
I voted the Democratic ticket at Frieburg, Washington Township, Stark County, Ohio.
6. State what ticket you voted at said time and place.
Democratic ticket; I voted it since 1835; I first voted for Van Buren for President.
7. Is the poor-house in Washington Township?
No; in Canton Township.
8. Who did you vote for for member of Congress at said election?
I don't know any more; I voted the whole Democratic ticket; I put on none and took none off.

This voter, it appears, testifies that the poor-house was his home.

Mr. TURNER, of Georgia. The gentleman had better read the cross-examination.

Mr. MILLS. That may occupy more time than I had expected to use in this way, but I will do so:

Cross-examination:

1. Was the ticket you voted printed in English or in the German language?
In German; I got it from Piera at the court-house; he hauled me from the poor-house and I went to Strasburg on the train.
2. Have you always voted in Washington Township?
Yes, sir; in Strasburg; lived over thirty years there.
3. Do you go down there to vote every year from the poor-house?
Yes, sir.
4. Do you stay at the poor-house all the time, or not?
I don't know whether I will stay there or not; when I get a little help I will go away.
5. Have you been at the poor-house all the time for the last three years?
Yes.
6. Is not your home in Washington Township?
Not now; I live in the poor-house now.

I do not see how the evidence could be any stronger. Yet this, I infer, is the strongest case that the majority of the committee have, and the weakest on the side I am advocating.

Mr. TURNER, of Georgia. You did not finish reading that testimony.

Mr. MILLS. I thought I read all that covered the case. If my friend had called my attention to any particular part that he wished read I would have done so. He can refer to the book and read any part he wishes in his own time.

Now, I hold as to these people at the poor-house that the home of a pauper is just like the home of anybody else, it is wherever the party lives with the intention of remaining. If he is there one moment with such an intention, it is as much his home as though he staid there a thousand years. But if he is there with no fixed intention of remaining, it is not his home, though he may remain there for years. These people lived at the poor-house. That was their present home; and some of them said that they expected to stay there always, for they had no means of living elsewhere. Where such an intention is fixed in the mind, that constitutes that place the person's home. I read from a decision of the supreme court of Ohio on this subject in 34 Ohio Reports:

The court below specially found that each of the persons whose right to vote in Falls Township is drawn in question possessed the necessary qualifications to entitle them to vote therein, if they could, after becoming inmates of the infirmary, change their respective residences from other townships in said county to that township, and that while such inmates they severally did adopt Falls Township as their permanent residence, and by such act of adoption and selection, and not otherwise, did change their residence to Falls Township.

This we think they were competent to do. Persons may be, and often are, so needy and helpless as to make it reasonably certain that the remainder of their days will be spent in the infirmary—

That is what these people said—

and when this is the case the infirmary is to such persons in the full sense of the term their habitation or home. If the inmate is a voter, and has no family in another township, and has adopted the infirmary as his abode, looks upon and treats it as his home, and has been sufficiently long a resident, he is entitled to vote at all elections in the township wherein the infirmary is situated.

That made the infirmary the voting-place for those four paupers; but they did not vote there; every one of them voted at different places, and must be deducted from Wallace, because their votes are illegal.

That is 11 majority McKinley has got. I can give you the 10 votes you claim by the incorrect footing and still McKinley has 1 majority. I will not go further. Here is a list of illegal votes I might discuss. I will give you 1 more illegal vote that was cast for Mr. Wallace.

Mr. SPRINGER. Do you claim the deduction of 10 from the vote for Wallace in Carroll County?

Mr. MILLS. I did, but I have given that up. I mean I have 11, or 1 over that 10. I claim that ought to be corrected.

Mr. SPRINGER. Do you claim that Mr. Wallace was not entitled to the 1,497 votes?

Mr. MILLS. I claim if he was entitled to them he ought to have proved it. I say the second certificate was not such a certificate as the law regards as competent testimony.

Mr. SPRINGER. Competent if that is the issue.

Mr. MILLS. No, sir. It is competent for either party to show the mistake, if any, but it is not competent for an officer to do so by his second certificate. The officer was authorized by law to give a certificate; having once discharged that duty, his official authority is exhausted.

Mr. TURNER, of Georgia. My friend is mistaken about the facts. This was not an election return; he certified a copy of the record in his office.

Mr. MILLS. My dear sir, it is not peculiar to judges of election and canvassing boards. The supreme court of the different States can not do it. No court can exercise this duty twice. If a judge renders a decision once the law does not give him power to rehear and revise a decision made at a former term unless the law specially gives that power.

Mr. SPRINGER. Is it not a fact that Mr. Wallace did receive in that county 1,497 votes?

Mr. MILLS. I think not. I have no evidence of it.

Mr. SPRINGER. The return shows it.

Mr. MILLS. The return shows 1,487 votes. When you add it all up it gives only 1,487.

Mr. SPRINGER. Does not Mr. McKinley admit that Mr. Wallace received that number of votes in that county?

Mr. MILLS. I do not say so. My friend from Georgia says he conceded it in his answer. He does not admit he received 1,497 votes, as I understand him.

Mr. SPRINGER. The fact is he received 1,497 votes.

Mr. MILLS. Not at all. He does not admit it. As I have shown, McKinley is 1 ahead of Wallace. I grant you the 10 votes to which you are not entitled by law. I have 11, and after allowing you those 10, I have shown that McKinley is 1 ahead.

But there is one more, a gentleman by the name of Herschel Urmson, who was a minor of only 20 years of age. He was an honest, good boy in Ohio and voted the Democratic ticket, but he commenced too early. He went to the polls and voted for Wallace. Next time he will be all right; but the law forbids that vote being counted. He says in his own testimony that he was 20 years and 7 days old when he voted.

So I might go on. Here is Samuel Thompson, who is an illegal voter. I took away from McKinley all parties claimed to be of weak mind and not of sufficient intelligence to vote; I took them away because they were charged as not having intelligence enough to vote, and they were doubtful, and I gave that doubt to Mr. Wallace. But here is one Samuel Thompson, proved by the testimony as not having sufficient intelligence to vote. Not only that, but in the asylum he was classed among idiots. He voted for Mr. Wallace. Is not that enough?

This is the kind of testimony that you have got to pass upon in voting to seat the contestant here. Can you afford to do it? My friend said the other day that to continue Mr. McKinley in his seat would be to break down and violate every principle of law and overturn all of the testimony, as I understood him. But to seat Mr. Wallace simply because we have a majority here, and the power to do it, against the sworn testimony of the voters themselves and the testimony as to the illegality of votes which were returned for him, is to rush in the face of an intelligent public opinion which will hold us responsible. It is no use to tell us that the Republicans did the same thing when they had the majority, and that because they did it we should do it too. They did it, it is true, but there are many empty seats on that side of the House to-day. Many of our people will turn their faces against us if we occupy the position in which that side of the House has seen proper to place itself. Our partisan affiliations and feelings are as strong as theirs; our people will train with us, and will march with us under the common flag only when that is borne aloft over a party which plants itself squarely upon the eternal principles of right and justice.

I will not follow the lead of gentlemen upon the other side of the House who have turned out our people here when we have had majorities ranging all the way up from the hundreds to the thousands. I will not accept their example or be tortured into any spirit of retaliation, and punish them because they violated the law when they had the power. Mr. McKinley is elected by the legal votes of his district, and he is entitled to occupy a seat on this floor. It is not good policy, any more than it is just or right, to punish a Republican because the Republicans when they had the power punished us. We are tread-

ing upon dangerous ground, we are treading upon the rights of our own people when we undertake to set aside the will of an intelligent people who love fair play and who will require of us that justice shall be done though the heavens fall. [Applause.]

Mr. RANNEY addressed the House. [See Appendix.]

Mr. TURNER, of Georgia. Before I take the floor to close the debate I desire to ask the gentleman from Ohio whether he desires to be heard?

Mr. McKINLEY. Mr. Speaker, in response to the inquiry of the gentleman from Georgia, the chairman of the Committee on Elections, I desire to say that if it is his purpose to take a vote on this case this afternoon I will content myself with occupying only five or ten minutes of the time of this House.

Mr. TURNER, of Georgia. I hope the gentleman will take the time now and occupy ten minutes if he wishes, as I do not desire to limit him.

Mr. McKINLEY. Then the vote will be taken to-night?

Mr. TURNER, of Georgia. It will depend upon the temper of the House after the gentleman has finished his remarks.

Mr. McKINLEY addressed the House. [See Appendix.]

Mr. TURNER, of Georgia. Mr. Speaker, I desire now——

Mr. CALKINS. Will my friend from Georgia yield a minute to me to make a simple statement to the House?

Mr. TURNER, of Georgia. I have no time to spare.

Mr. CALKINS. But a simple statement.

Mr. TURNER, of Georgia. To what does the gentleman refer?

Mr. CALKINS. To a suggestion made by a gentleman on the other side of the House during the debate to-day in reference to—— [After a pause.] Perhaps I have been misinformed, but I wanted to correct a statement which I understood was made in reference to the action of the Committee of Elections of the last House. If I have been misinformed about the matter, of course I do not ask the gentleman to yield me any time.

Mr. TURNER, of Georgia. Mr. Speaker, before I demand the previous question I desire to present a rapid review of the questions involved in this case.

Fortunately the honorable gentleman from Ohio [Mr. HURD] and his colleague, the sitting member [Mr. McKinley], have saved me much labor by the concessions which they have made in this debate. Every proposition by which on yesterday I endeavored to demonstrate *prima facie* that the contestant is entitled to occupy this seat has been yielded. I therefore need only to reassert that by the returns Mr. Wallace was elected and the sitting member defeated.

I had intended to advert to that intrepid statement made by the gentleman from Texas [Mr. MILLS] as to the error in addition alleged against the return from the county of Carroll. But the gentleman from Ohio, the sitting member himself, disdains to stand upon that position, and I pass it by in silence. I was surprised that a lawyer laboring to be fair should have stigmatized the corrected copy of this return duly certified by the officer charged by law with its custody as a supplemental election return. But as I have stated, I pass that by.

The grounds on which the sitting member relies for the maintenance of his seat having been presented, I propose now to state the concessions which I make to the other side.

I concede that there were illegally rejected from the count for Mr. McKinley the vote on which his name was written "Kinley," also Orlando Brown's vote (Columbiana County), and in Mahoning County, Austintown Township, 2 other votes which appear to be due to him on a recount. There may also be allowed him an additional vote in Washingtonville precinct, Salem Township, making 5 votes in all which should have been but were not counted for him.

On the other hand, I insist that there were an equal number of illegal votes counted for him, to wit, the votes of Elias Medley, Charles C. Douglass, and Frank Lucas, in Stark County, and Samuel Collins and Mark Green, in Columbiana County. There is here a full set-off. It will be remembered that the report which I had the honor to submit for the committee finds for the contestant a majority of 30, taking the votes as they were actually cast.

I now come to the list of 55 votes which the sitting member claims should be deducted from contestant. They constitute the chief defense to this case. Of the infirmary votes, I think that two of them ought to be deducted from Mr. Wallace. I refer to the votes of Charles Ducatry and Joseph Frickert, who should have voted in the township in which the poor-house was located, because they had abandoned their former homes for all purposes.

Let the 5 votes alleged to have been cast for contestant in the wrong wards of Canton be also deducted, notwithstanding the objection so strongly urged by my colleague [Mr. ADAMS]. I also deduct from the contestant the votes of Frederick Ott, Herschel Urmson, John A. O'Neil, Thomas Black, Frederick Mayer, and perhaps 1 other.

Taking from the contestant the 13 votes just enumerated, he still has a majority of 17 votes. No other concessions can be justly made.

I ought, Mr. Speaker, to allude to Fairfield Township. I do not think that the ballot-box there was kept as the law of Ohio requires. I wish to concede that much to the gentleman from Massachusetts. But the evidence of the judges of the election and of other persons who were standing by at the election demonstrates that there were at least as many ballots for Wallace rejected there for misspelling as were found in the box at the recount. And it is on their testimony that I count these irregular ballots for the contestant.

On a recount in Butler Township the gentleman from Massachusetts claims an addition of 6 votes for McKinley. The integrity of the box in that case was questioned; it was held in illegal custody under circumstances which gave an opportunity to tamper with the ballots and to change the result.

The law of Ohio requires that the box shall be given to the township clerk and that the key shall be given to the minority judge. In that township the key was given to the Republican judge; so that the key and the box were in the hands of partisans of Mr. McKinley. Yet with all his virtuous indignation about the opportunity to Democrats of tampering with the ballot-box in Fairfield, he wants to assume that Republicans who had the opportunity would not do that sort of thing. [Laughter and applause.]

In his schedule of illegal voters the sitting member challenges Frank Lucas, to whom the gentleman from Ohio [Mr. FOLLETT] has alluded. Lucas was working for one of the partisans of the sitting member, who carried him to the polls in a carriage, gave him a ticket, saw him vote, and returned him to his work. Now, when the contestant undertook to prove that this Lucas was a minor, a prompt effort was made to show by rumor that he had voted for the contestant!

It seems to be the rule in the eighteenth district of Ohio when you have shown a man to be an illegal voter to assume that he was an idiot or a Democrat. [Laughter.]

The defense also arraigns a mythical man named William Ward, who is said to have voted for the contestant. There is not one particle of evidence showing that this man voted at all, except hearsay. The poll-list, which has been put in evidence, does not contain his name. And yet the gentleman from Massachusetts and those who concur with him in opinion propose to deduct this imaginary vote from the contestant. The evidence of a record seems to be worth less than rumor.

Let me illustrate the fairness of the other side by a sample of the votes which we allege to have been illegally cast for Mr. McKinley. Take the case of Elias Medley. The law of Ohio requires that a man shall have resided for thirty days in the county in which he offers to vote. My friend from Massachusetts states in his report that the evidence fails to show that this vote was illegal. The testimony to which the gentleman himself refers in his own report, the evidence of the man himself, shows that he had lived in the county in which he offered to vote only twenty-five days. Elias Medley must fall into ranks with the paupers!

The sitting member challenges the vote of Michael Higgins on the ground of imbecility. The evidence shows that this man was employed as a watchman on the railroad to guard the track and prevent accidents to the trains. His overseer, the section-master, stated that he was entirely competent for this responsible service. He "associated with Democrats," "was understood to be a Democrat," and therefore he was an idiot and a fool! [Laughter.] Samuel Thompson, they claim, was another Democratic idiot, and they propose to show by his private declarations that he voted for contestant. It is said that he was too stupid to vote, and in the same breath it is claimed that he was competent to give away the rights of all the public by his mere admissions!

Take the cases of Peter Helms, William Henry, and this man Ward (the last of whom I have shown did not vote at all). The witness William Parks said that William Henry told him that Ward and Helms said that they had voted. [Laughter.]

These are but samples of the votes about which my learned friend from Massachusetts [Mr. RANNEY] has no sort of doubt.

As to the rejection of illegal votes I cite the established rule:

> It is not sufficient that there should exist a doubt as to whether the vote is lawful or not, but conviction of its illegality should be reached to the exclusion of all reasonable doubt. (1 Bartlett, 25.)

Where the proof falls short of conviction, let us give the benefit of all doubts to the voter.

Declarations alleged to have been made by voters not at the election, but three or four months afterward, pending the contest, and proved by the agent and attorney of the sitting member, were offered as evidence in this case to show that the votes challenged by him were cast for the contestant. This species of evidence overlies the defense like a blanket. Under its cover chiefly it is proposed to subtract from the contestant more than 30 votes. The gentleman from Ohio [Mr. HURD] concedes this estimate and insists upon the rejection of these votes. The gentleman from Massachusetts [Mr. RANNEY] says that "the English cases and nearly all American cases favor the admissibility of such testimony." I join issue, and denounce this testimony as hearsay and inadmissible for any purpose.

Strike out the hearsay testimony, and you have the basis upon which I have reached my conclusions. Add the hearsay testimony, and then you have the basis upon which the contrary view rests.

I contend for a great principle of law. I demand that contested elections shall be adjudicated upon reliable evidence and under time-honored rules essential to the security of American liberty and to the purity of American elections. The gentleman from Ohio [Mr. HURD] has im-

ported from England, duty free, as a work of art I presume [laughter], this vicious principle of hearsay evidence in these cases. I followed him on that little bill the other day, and feel very hard with not many of my friends around me. [Laughter.] I decline to follow him on this occasion. He stated candidly the case of Cessna *vs.* Myers was authority for the position which I here take; but he then stated in the same breath that that case had been overruled by the British Parliament. [Laughter and applause.] Why, Mr. Speaker, I decline to accept the reversal of American law and American precedents by those who did not give us the ballot but who borrowed it from us. [Applause.]

I insist that they shall learn lessons of popular liberty from us on this side of the ocean rather than that we shall learn of them in a school in which we are their masters. [Applause.] He refers to a case cited in Douglass. In England voting is *viva voce*, and the principle there settled was that the admissions of the voter as to his disqualifications can be given in evidence in a contested election.

Now, Mr. Speaker, from that great State from which you come and from which comes my good friend and colleague [Mr. ROBERTSON] has come a precedent which must command the respect and confidence of every gentleman on this floor.

I refer, sir, to the case of Letcher against Moore, which originated at a time when these cases were carefully and elaborately tried. In that case the report was made by a gentleman from the State which I now in part humbly represent. I refer to Mr. Jones. In that report, which I have before me, the Committee on Elections unanimously held in a case originating in a State where the voting was *viva voce*, and where the only question was as to the disqualification of the voter, "that all declarations or statements made by voters after the election relative to their right of suffrage should be rejected." That case was upon all-fours with the British cases, and overrules them. (Clark and Hall's Digest, page 750.)

Mr. ROBERTSON. What about the Vallandigham against Campbell case?

Mr. TURNER, of Georgia. I had intended to consider that case at a later stage of my argument, but the gentleman has flaunted it in my face and I will give him the benefit of it now. The case of Vallandigham *vs.* Campbell has been cited in the minority report and by every gentleman who has preceded me in this debate as the leading case upon the competency of declarations made by voters after the election. I deny that it is authority for any such thing. What is the authority in an election case? Is it the report of the committee? If so, only a minority of the committee in that case adopted the proposition for which my colleague contends, and the majority of the committee were against it. Or is the authority of an election precedent to be found in the decision of the House? If the gentleman will read the report of Mr. LAMAR, which he cites, to the end, he will find that Mr. LAMAR distinctly states that the admission of the declarations of voters made after the election was not necessary to the decision of the case. There were 14 majority for Vallandigham without regard to the votes whose rejection from Campbell depended on the declarations of voters. And Mr. LAMAR adds "that as to declarations, most of them were made at or about the time of voting, on the day of election, or soon after." (Digest 1834–'65, pages 235, 236.) But, sir, following the analogies of the courts, I put the judgment of the House in that case upon the good count in the report. On the basis of common sense the fair inference is that the House put the decision upon that part of the report which demonstrated Vallandigham's election without reference to the obnoxious evidence. But in any view the authority of the case on this question evaporates into thin air.

Reference has been made in the report by the learned gentleman from Massachusetts to other cases. Let us take the case of Bell against Snyder.

Mr. RANNEY. Take the case cited from the twenty-seventh New York——

Mr. TURNER, of Georgia. I hope the gentleman will let me select his authorities in my own way. In passing from the Vallandigham case I want to suggest that while I believe that gentleman did commit himself in a mild form to this unfortunate doctrine, yet a careful examination of all of the authorities he cites in support of his position (and I have traced them all with the minutest research) fails to disclose a single American case which sustains his opinion, except the case from New Jersey, to which I may presently refer.

But I come to the other authorities cited by the gentleman from Massachusetts. I take the case of Farlee against Runk, and I ask the gentleman to look at pages 91 and 92 of that case as it appears in the reports of contested elections of the House. My learned and elaborate friend from Massachusets cited that case as a precedent for the admission of the declarations of voters made after the election to show how they voted. I affirm, with the case before me, that that report distinctly rejects the doctrine, and the action of the House was in accordance with it. I take it for granted that the gentleman has only read the report as printed in the digest. It states that if certain evidence is competent and credible Mr. Farlee was elected, and appends an exhibit, marked D, setting out this evidence. The resolution submitted declared Mr. Farlee not elected, the digest having strangely omitted the exhibit.

I have had recourse to the orignal publication of the full report made by the House, which I hold in my hand. Turning to the page on which the exhibit is found, it will be seen that the evidence by which it was proposed to deduct each unlawful vote from Mr. Runk was as follows: "He told me he voted for Mr. Runk," "He said he voted for Mr. Runk," &c. That is the character of the testimony on which the Committee on Elections invited the action of the House; and the action of the House, as well as of the committee, was the rejection of the principle of evidence for which the gentleman from Massachusetts contends. Mr. Runk retained his seat. This is the precedent which the gentleman, without sufficient investigation, lays at the threshold of this case, and on which he predicates his conclusion. I put him on it and hoist him with his own petard.

I refer now to the case of Bell against Snyder (Digest of Contested Election Cases, 1871 to 1876, page 248), on which the gentleman from Massachusetts relies with great confidence. To that case the compiler of the digest has prefixed a syllabus, one paragraph of which is as follows:

The declaration of a voter as to how he voted or intended to vote is competent testimony.

I wonder why the gentleman from Massachusetts did not go deeper into this case—why he did not look at the report.

Mr. RANNEY. I did look into it. But the syllabus refers to the *res gestæ*.

Mr. TURNER, of Georgia. But the gentleman has cited this case as if it were authority for his position, and now he concedes he knew it was not authority. [Applause.]

Mr. RANNEY. I concede no such thing.

Mr. TURNER, of Georgia. Here is what the report says:

The law is settled that the declaration of a voter as to how he voted or intended to vote, made at the time, is competent testimony on the point.

The gentleman cited this case in his report as authority for the proposition that the declaration made by the voter three or four months after the election was competent testimony.

Mr. RANNEY. Some were made at the time.

Mr. TURNER, of Georgia. Now, Mr. Speaker, I had for the gentleman from Massachusetts the charity to suppose that he had been misled by a hasty examination of the cases he cited.

Mr. RANNEY. You are mistaken.

Mr. TURNER, of Georgia. I am now led to think that my charity was misplaced. Now this paragraph which I have just read, with the whole report, negatives the doctrine that the declarations of voters made long after the election can be admitted. Again I have turned the enemy's guns upon himself.

I desire to state that Mr. LAMAR, of Mississippi, who made the minority report in the case of Vallandigham against Campbell, was also a member of the committee which reported the case of Bell and Snyder. His attention was necessarily called to it; and he filed no minority report. He seems to have acquiesced in this report, which in effect reverses the doctrine deduced from the case of Vallandigham. I believe on the evidence which I have given that the gentleman from Mississippi whose great name has been invoked here has changed his opinion on this question. Certainly when the opportunity was given him to stand by his own proposition he acquiesced in a report which confined this kind of testimony entirely to *res gestæ*.

Mr RANNEY. How about the New York case?

Mr. TURNER, of Georgia. I ask the gentleman to be patient. I am trying to give all the authorities in my own way.

The case of Cessna against Myers distinctly affirmed the doctrine on which I stand in this case (Contested Elections, 1871–'76, page 60). The Newland and Graham case from North Carolina establishes the same doctrine (Contested Elections, 1834–'65, page 5). The New Jersey case (1 Bartlett, 19) to which such frequent reference has been made on this floor, laid down the proposition that the admissions of the voters, both as to their disqualifications and as to how they voted, should be received. Does the gentleman from Massachusetts go that far?

Mr. RANNEY. That case goes to the full extent of that principle. The case of Cessna against Myers modifies it.

Mr. TURNER, of Georgia. The case of Cessna does not merely modify, it explodes the New Jersey case. Again I ask, does the gentleman think that the admissions of the voter may be received to show not only how he voted but his disqualifications as a voter?

Mr. RANNEY. Will you give me a chance to answer?

Mr. TURNER, of Georgia. I will, to answer "yes" or "no," but nothing more, for the gentleman has had his time. The gentleman declines to give a categorical answer.

Now, I affirm that, except the gentleman from Ohio [Mr. HURD], who is not afraid to accept responsibilities, there is no other man on this floor who will go to the extent of the New Jersey case.

Mr. RANNEY. I do not.

Mr. TURNER, of Georgia. Then the gentleman repudiates that case himself. So do I.

I will now turn my attention to the gentleman from Massachusetts [Mr. RANNEY] in the proper order of this debate, saving the highest and best for the last. My excellent friend from Kentucky [Mr. ROB-

ERTSON] has grown weary of the case of Cook and Cutts, decided by the last Congress; but I beg his permission to give it a brief review. An attentive examination of that case will show by clear evidence that the gentleman from Massachusetts [Mr. RANNEY] has made some progress since he participated in the report and the discussion of that case.

Mr. RANNEY. I stand by my report in the case of Cook vs. Cutts.

Mr. TURNER, of Georgia. Let us see if the gentleman still stands by it. I have examined that case with a great deal of care. The majority report in that case was made by Mr. Beltzhoover, of Pennsylvania.

Mr. RANNEY. I submitted a dissenting opinion.

Mr. TURNER, of Georgia. I will come to that, my friend, if you will be patient. I will show that the gentleman did not dissent from the proposition which I shall state. If he can show that he did, at least he has not yet done so.

In the report made by Mr. Beltzhoover it was distinctly stated that there were alleged to have been counted for Cook certain illegal votes, but that the only evidence by which it was attempted to show that these votes were cast for Mr. Cook consisted of the declarations of voters made in casual conversation.

Mr. Beltzhoover in his report denounced such testimony as hearsay and incompetent, and the majority of the Committee on Elections of the Forty-seventh Congress indorsed that report, and the House admitted Mr. Cook to his seat. So the last Congress also established the precedent that the hearsay statements of illegal voters can not be produced as evidence on which to deny a man a seat in this House.

Now let us go one step further in this history. I have invoked a precedent set by the House which I think is of higher authority than the gentleman from Massachusetts, much as I respect him. Mr. Thompson, of Iowa, then a member of the Committee on Elections, filed a minority report, in which he undertook to exclude these hearsay votes from Mr. Cook, and on that basis to decide the case against him. The gentleman from Massachusetts, then as now a member of the committee, had the opportunity to sign this report and declined to do it.

Mr. RANNEY. I put in one of my own.

Mr. TURNER, of Georgia. The gentleman put in a report of his own, and in that report of his own, in three distinct places where the question confronted him, he distinctly declined to take the position he has taken here to-day.

Mr. RANNEY. I said nothing adverse to it.

Mr. TURNER, of Georgia. There was a fine opportunity for the gentleman to assert those deep convictions of a patriotic heart. [Laughter.]

Mr. RANNEY. It was not necessary to the case.

Mr. TURNER, of Georgia. I suppose it is necessary now. The gentleman split hairs then, and has been splitting hairs all through this case. If he had believed in this great fundamental law of election cases, there was a good time for him to have embedded it in our parliamentary history. If he believed in it then and did not do it, I charge him with having neglected a high public duty. I invoke the authority of the last Congress and the great name of the gentleman from Massachusetts himself.

I have gone over the entire field. I have shown that there is not a single accepted authority in the decisions of Congress for the proposition which has been contended for by the other side. As to the case of Wigginton against Pacheco, the gentleman from Iowa [Mr. COOK] has already demonstrated that the evidence in that case was ample and complete without reference to any declarations made by the voter.

Now to come to the text-writers. I affirm with entire confidence that there is no single one of them that sustains the proposition laid down by the gentleman from Massachusetts. McCrary denounces it; Cushing denounces it; and every other text-writer whom I have consulted, including Cooley, the author of Constitutional Limitations, denounces it.

Yet my good friends on the other side of this case, gliding easily over these authorities, brushing out of their paths these great precedents on which our rights and our freedom depend, striding over them with relentless unconcern, assuming that the British Parliament can overturn American precedents, propose here, in a land of law and liberty, to admit hearsay testimony on the trial of a question which involves the right to make laws for fifty millions of people. Do it if you dare, and I will then be a prophet of evil, as the gentleman from Ohio [Mr. HURD] has been.

Once establish the fact that a fellow is an illegal voter and criminal, even though the Republican partisan of the sitting member conveyed him in a carriage to the polls, gave him a ticket and voted him—assume, if you please, that the vote is illegal, and then compound with him and prove that he said he voted for the other man.

Besides the case of Lucas, take also that of Beiber as another illustration. Beiber, in the first place, was not an illegal voter. He had as much right to vote in his county as any other man who lived there, having only temporarily lived elsewhere, intending to return. On this foundation Mr. McKinley's attorney, a skilled artisan in this industry, was sent to Beiber, and told him he had information that he (Beiber) would state exactly how he voted. Beiber replied that he had voted for Wallace. But this statement was elicited from him by the previous assurance that no harm would be done to him, even if he had voted illegally. Here is the key-note. Involve the voter in a criminal penalty, and then compromise with him—compound the crime by inducing him to admit that he voted for the other candidate.

On this principle, Mr. Speaker, illegal votes which ought not to be counted at all will count twice; first for the man for whom they are cast, and then by subtraction from his competitor. This scheme of evidence is an *ex post facto* poll! It is a hired, clandestine, partisan recount! It is a supplemental return made by the paid rounders of a party! It incloses in each unlawful ballot a "little joker!" It is a protective tariff for the slums! It utilizes the sluggish currents that now escape through the sewers of society and concentrates them upon the wheels of the "machine!" It will raise the wages of election experts, and protect and dignify a sickly, struggling industry! Mr. Speaker, on this question I belong to the school of the reformers. Following the lead of the gentleman from Texas [Mr. MILLS] and the gentleman from Ohio [Mr. HURD], I want to give this business a deep, horizontal, Morrisonian cut! [Laughter and applause.]

Mr. RANNEY. What about the New York case?

Mr. TURNER, of Georgia. The gentleman from Massachusetts again calls my attention to a certain case decided in a New York court and predicated chiefly on the British cases. I could show if I had time that that case has been reversed in the courts (9 Kansas, 569; McCrary, section 273), and no man knows it better than the gentleman from Massachusetts. [Applause.]

There is on the Avenue occasionally as one passes down from the Capitol a man who holds on his arm a basket, and who has a board across his breast on which there is written this sentence: "I am blind." There are some gentlemen higher in the scale of life who when they appeal to the charities of the public need not carry that sort of legend on their bosoms to show that they can not see. [Laughter and applause.]

I call for the previous question.

The previous question was ordered.

The SPEAKER. The question first recurs on the resolution of the minority moved as a substitute for the resolution of the majority of the Committee on Elections, which will be read.

The Clerk read as follows:

Resolved, That Jonathan H. Wallace was not elected as a Representative to the Forty-eighth Congress from the eighteenth Congressional district of Ohio.

Mr. HART demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 158, not voting 57; as follows:

YEAS—108.

Adams, G. E.	Ellwood,	Lacey,	Ray, G. W.
Anderson,	Evans, I. N.	Laird,	Robertson,
Atkinson,	Everhart,	Lawrence,	Robinson, J. S.
Barr,	Funston,	Long,	Rockwell,
Bayne,	George,	Lyman,	Rowell,
Belford,	Goff,	McCoid,	Ryan,
Bingham,	Harmer,	McComas,	Skinner, C. R.
Bisbee,	Hart,	McCormick,	Smalls,
Blackburn,	Hatch, H. H.	Millard,	Spooner,
Brainerd,	Henderson, D. B.	Mills,	Steele,
Brewer, F. B.	Henderson, T. J.	Morey,	Stephenson,
Brewer, J. H.	Hepburn,	Morrill,	Stewart, J. W.
Browne, T. M.	Hiscock,	Nelson,	Stone,
Brown, W. W.	Hitt,	Nutting,	Strait,
Brumm,	Holmes,	Ochiltree,	Struble,
Burleigh,	Holton,	O'Hara,	Taylor, E. B.
Calkins,	Hooper,	O'Neill, Charles	Taylor, J. D.
Campbell, J. M.	Horr,	Parker,	Thomas,
Cannon,	Howey,	Payne,	Thompson,
Chace,	Hurd,	Payson,	Valentine,
Culbertson, W. W.	Johnson,	Perkins,	Wait,
Cullen,	Kasson,	Peters,	Wakefield,
Davis, G. R.	Kean,	Phelps,	Washburn,
Davis, R. T.	Keifer,	Poland,	Weaver,
Dingley,	Kelley,	Potter,	White, Milo
Dorsheimer,	Kellogg,	Price,	Wise, J. S.
Dunham,	Ketcham,	Ranney,	York.

NAYS—158.

Adams, J. J.	Clardy,	Findlay,	Le Fevre,
Aiken,	Clements,	Follett,	Lewis,
Alexander,	Cobb,	Foran,	Lore,
Arnot,	Connolly,	Fyan,	Lovering,
Bagley,	Converse,	Garrison,	Lowry,
Ballentine,	Cook,	Geddes,	McAdoo,
Barbour,	Cosgrove,	Glascock,	Matson,
Barksdale,	Covington,	Graves,	Maybury,
Beach,	Cox, W. R.	Green,	Miller, J. F.
Belmont,	Crisp,	Greenleaf,	Mitchell,
Bennett,	Culberson, D. B.	Halsell,	Money,
Blanchard,	Curtin,	Hardeman,	Morgan,
Bland,	Davidson,	Hatch, W. H.	Morrison,
Blount,	Deuster,	Hemphill,	Moulton,
Boyle,	Dibble,	Hewitt, G. W.	Muldrow,
Breckinridge,	Dibrell,	Hoblitzell,	Murphy,
Broadhead,	Dockery,	Holman,	Murray,
Buchanan,	Dowd,	Houseman,	Mutchler,
Buckner,	Dunn,	Hunt,	Neece,
Budd,	Eaton,	Jones, B. W.	Nicholls,
Cabell,	Eldredge,	Jones, J. H.	Oates,
Caldwell,	Elliott,	Jones, J. T.	O'Ferrall,
Campbell, Felix	Ellis,	King,	Paige,
Candler,	Ermentrout,	Kleiner,	Patton,
Carleton,	Ferrell,	Lamb,	Peel,
Cassidy,	Fiedler,	Lanham,	Pierce,

Post,	Shelley,	Tillman,	Wemple,
Pryor,	Singleton,	Townshend,	White, J. D.
Pusey,	Skinner, T. G.	Tucker,	Wilkins,
Randall,	Slocum,	Tully,	Williams,
Rankin,	Snyder,	Turner, H. G.	Willis,
Reagan,	Spriggs,	Turner, Oscar	Wilson, W. L.
Reese,	Springer,	Van Alstyne,	Winans, E. B.
Riggs,	Stevens,	Vance,	Wolford,
Rogers, J. H.	Stewart, Charles	Van Eaton,	Wood,
Rogers, W. F.	Stockslager,	Ward,	Woodward,
Scales,	Sumner, C. A.	Warner, A. J.	Worthington,
Seney,	Sumner, D. H.	Warner, Richard	Yaple.
Seymour,	Taylor, J. M.	Wellborn,	
Shaw,	Throckmorton,	Weller,	

NOT VOTING—57.

Boutelle,	Gibson,	Jeffords,	Robinson, W. E.
Bowen,	Guenther,	Jones, J. K.	Rosecrans,
Breitung,	Hammond,	Jordan,	Russell,
Burnes,	Hanback,	Libbey,	Smith,
Clay,	Hancock,	McKinley,	Storm,
Collins,	Hardy,	McMillin,	Talbott,
Cox, S. S.	Haynes,	Miller, S. H.	Wadsworth,
Cutcheon,	Henley,	Milliken,	Whiting,
Dargan,	Herbert,	Morse,	Wilson, James
Davis, L. H.	Hewitt, A. S.	Muller,	Winans, John
Duncan,	Hill,	O'Neill, J. J.	Wise, G. D.
English,	Hopkins,	Pettibone,	Young.
Evins, J. H.	Houk,	Ray, Ossian	
Finerty,	Hutchins,	Reed,	
Forney,	James,	Rice,	

So the substitute was not agreed to.

On motion of Mr. POST, of Pennsylvania, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced:

Mr. ROBINSON, of New York, with Mr. JAMES, on the contested-election case of Wallace *vs.* McKinley. Mr. ROBINSON would vote to seat Mr. Wallace; Mr. JAMES would vote to continue the seat to Mr. McKinley.

Mr. HOPKINS with Mr. MILLIKEN, on the contested-election case of Wallace *vs.* McKinley. Mr. MILLIKEN would vote in favor of Mr. McKinley; Mr. HOPKINS for Mr. Wallace.

Mr. BOUTELLE with Mr. COX, of New York, on the contested-election case of Wallace *vs.* McKinley.

Mr. GIBSON with Mr. GUENTHER, on the contested-election case of Wallace *vs.* McKinley. Mr. GIBSON would vote in favor of contestant; Mr. GUENTHER in favor of contestee.

Mr. WADSWORTH with Mr. HENLEY, on the contested-election case of Wallace *vs.* McKinley.

Mr. MILLER, of Pennsylvania, with Mr. MCMILLIN, on the contested-election case of Wallace *vs.* McKinley for this day.

Mr. HILL with Mr. HOUK, on all political questions for this day.

Mr. JORDAN with Mr. JEFFORDS, on all political questions for this day.

Mr. GEORGE D. WISE with Mr. LIBBEY, on all political questions for this day.

Mr. DARGAN with Mr. WILSON, of Iowa, on all political questions for this day.

Mr. DUNN. I did not hear the Clerk read the pair of my colleague [Mr. JONES].

The SPEAKER. The pairs read this morning are not reported again during the day.

Mr. DUNN. I wish to state that my colleague is absent by reason of sickness.

Mr. BOUTELLE. I would like to have it stated in connection with my pair with the gentleman from New York that I would vote in favor of Mr. McKinley retaining his seat, and if Mr. COX, of New York, were present he would vote the other way.

Mr. LOWRY. I wish to state that Mr. ENGLISH is prevented from attending to-day by reason of illness.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is upon the adoption of the resolution reported by the majority of the committee.

Mr. BELFORD. I desire to ask whether it is proper to offer this resolution as a substitute for the report of the committee?

The SPEAKER. It would not be in order; the previous question has been ordered. The question is upon the adoption of the resolution reported by the majority.

The resolution was agreed to.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WALLACE then appeared at the bar of the House and qualined, taking the oath prescribed by section 1756 of the Revised Statutes.

LEAVE TO PRINT.

Mr. ROBERTSON, of Kentucky. On yesterday in my remarks I left out a summary of the vote in the case of Wallace *vs.* McKinley, and I wish to add some other remarks to my argument on that occasion. I would like to have the privilege of the House to print the same in the RECORD. [See Appendix.]

There was no objection.

And then, on motion of Mr. CASSIDY (at 6 o'clock and 30 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers relating to the claim of William H. Brown—to the Committee on War Claims.

By Mr. BELMONT: Petition of Daniel Valentine and 55 others, residents of Glen Cove, N. Y., protesting against the establishment of a governmental telegraph monopoly—to the Committee on the Post-Office and Post-Roads.

By Mr. BINGHAM: Papers relating to the pension claim of Joshua Armstrong and of James Nelson—severally to the Committee on Invalid Pensions.

Also, resolutions of the council of the city of Philadelphia, urging the removal of the walls of the United States arsenal and the United States asylum in said city—to the Committee on Appropriations.

By Mr. CALDWELL: Petition of clerks in the distributing department of the post-office at Nashville, Tenn., for adjustment of salaries, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. S. S. COX: Memorial of Albert Meyer, in regard to certain action of the Swiss Government—to the Committee on Foreign Affairs.

Also, remonstrance of N. Wilson against an appropriation for payment of French claims, &c.—to the Committee on Appropriations.

Also, memorial of A. Foster Higgins, concerning New York Harbor—to the Committee on Rivers and Harbors.

By Mr. HARMER: Resolutions of the council of the city of Philadelphia, urging the removal of the walls around the United States arsenal and United States asylum in said city—to the Committee on Appropriations.

By Mr. MCCOMAS: Petition of 60 officers and soldiers of the Union Army, asking that pensions be granted to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. MATSON: Petition of Winchester Post, No. 333, Grand Army of the Republic, Department of Indiana, favoring the recommendations of the pension committee of the national encampment of the Grand Army of the Republic—to the same committee.

By Mr. PERKINS: Resolutions of the New York Leaf-Tobacco Board of Trade, favoring the repeal of the internal-revenue laws taxing tobacco—to the Committee on Ways and Means.

Also, resolutions adopted at a conference of the county and city superintendents of education in Virginia, favoring the passage of the Blair educational bill—to the Committee on Education.

By Mr. REESE: Petition of citizens of Georgia, in favor of the Senate educational bill—to the same committee.

By Mr. J. H. ROGERS: Petition of post-office employés, Little Rock, Ark., for equalization of salaries, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. SINGLETON: Memorial of S. R. Berry, S. C. Shepard, and others, in relation to legislation on the subject of telegraph laws, &c.—to the same committee.

By Mr. THOMPSON: Petition of Middleton Smith, for commutation of quarters and fuel while on Point Barrow expedition, as provided by law—to the Committee on Appropriations.

By Mr. VANCE: Petition of J. S. West and 50 citizens of Macon County, North Carolina, asking aid to common schools from the surplus in the Treasury—to the Committee on Education.

By Mr. YOUNG: Papers relating to the claim of Robert H. Cleer—to the Committee on War Claims.

SENATE.

WEDNESDAY, *May* 28, 1884.

Prayer by Rev. C. E. MANDEVILLE, D. D., of Rockford, Ill.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, giving notice of the transmission by him to the House of Representatives of the report of Lieut. Giles B. Harber, United States Navy, concerning the search for the missing persons of the Jeannette expedition, and of the transportation of the remains of Lieutenant Commander De Long and companions to the United States; which was ordered to be printed and placed on the files.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from William F. Lutz, of Washington, D. C., submitting for inspection a design for an official seal which he desires to engrave for the United States Senate; which was referred to the Committee on Rules.

He also presented a petition of Devol Post, No. 313, Department of Ohio, Grand Army of the Republic, praying that a pension of $8 a month may be granted to every Union soldier and sailor who served sixty days or more in the late war of the rebellion and who under existing laws is not entitled to that or a greater sum; which was referred to the Committee on Pensions.

Mr. PLATT presented a petition of William H. Miller and others, mechanics, inventors, and manufacturers, of Meriden, Conn., praying

for the passage of the bill reorganizing the Patent Office into a separate and independent department; which was referred to the Committee on Patents.

Mr. MAXEY. I present the memorial of Lem Reynolds, national senator and Chickasaw delegate, representing the Chickasaw Nation of Indians, remonstrating against the passage of Senate bill No. 209, providing for the establishment of a United States court in the Indian Territory, and favoring the passage of House bill No. 6074, attaching a part of the Indian Territory to the eastern and northern judicial districts of Texas. Both these bills being on the Calendar, I move that the memorial lie on the table.

The motion was agreed to.

Mr. BECK. I present two memorials, signed by some 70 citizens of Louisville, Ky., doctors and others, in favor of the passage of Senate bill 1223, providing that all qualified physicians be made equal before the law in appointments to the Government service, which I understand is now before the Committee on Civil Service and Retrenchment. These memorialists remonstrate against what they claim to be an unjust discrimination in regard to the different classes of physicians. They state that the United States does not now grant any rights to other physicians than those who are called "regulars," and they ask that all physicians may have equal rights before the law. I move that the memorials be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. PUGH presented a memorial of citizens of Eufaula, Ala., remonstrating against the Government taking charge of the telegraph; which was ordered to lie on the table.

Mr. WILLIAMS presented the petition of J. M. Wright, general manager, on behalf of the Louisville Southern Exposition, praying for an appropriation to pay the expenses of certain exhibitors at the exposition during the present year; which was referred to the Committee on Appropriations.

Mr. HOAR presented the memorial of Charles C. Doten and other residents of Plymouth, Mass., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business; which was ordered to lie on the table.

Mr. COCKRELL presented a memorial of resident business citizens of Trenton, Mo., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a Government monopoly of the telegraph business; which was ordered to lie on the table.

Mr. COCKRELL. I present the petition of J. C. Douglass, a citizen of Missouri, late a private in Company H, First Nebraska Cavalry, praying that the charge of desertion be removed from his record. Accompanying the petition are sundry affidavits. I move that the petition and the accompanying papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLUMB presented a petition of 103 citizens of Newton, Kans., praying the passage of the bill (S. 1223) to secure to the medical profession equal rights in the service of the United States; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. CULLOM. The Committee on Pensions, to whom was referred the bill (S. 2208) to provide pensions for certain invalid soldiers and sailors who have been discharged from the Army or Navy of the United States after three months' service therein during the war of the rebellion, and for the widows and dependent parents of deceased pensioners, and to increase the rate of pension in certain cases, and for other purposes, have instructed me to report it back with sundry amendments. I ask the attention of the Senate to the bill, and I give notice that I shall call it up for action very soon after I return from the West.

Mr. JACKSON. It is proper for me to say that that is simply a majority report, by a bare majority. There is a large minority in the committee who are opposed to the bill.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 1761) to amend section 2743 of the Revised Statutes, reported it with amendments.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green;

A bill (S. 591) for the relief of the estate of Chester Ashley; and

A bill (H. R. 1800) for the relief of J. L. Burchard.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, and moved their indefinite postponement:

A bill (S. 2025) for the relief of John Ricketts;

A bill (S. 1568) for the relief of the Florence Masonic Lodge, No. 14, at Florence, Ala.;

A bill (S. 2172) for the relief of Mrs. Clara Morris; and

A bill (S. 1071) for the relief of James R. Howard, formerly assistant special agent of the Treasury Department.

The PRESIDENT *pro tempore*. The order indefinitely postponing the bills will be entered.

Mr. CAMERON, of Wisconsin. And the report in each case agreed to.

The PRESIDENT *pro tempore*. The adverse reports will be considered as agreed to, if there be no objection.

Mr. MORGAN. I object unless I know what they are. They may announce some doctrines that we can not quite admit. That is an unusual motion.

The PRESIDENT *pro tempore*. The Senator from Alabama objects to the Senate agreeing to the reports. If the Senator from Wisconsin makes such a motion, one objection, the Chair thinks, as the bills under consideration are reported to-day, will carry them over. The bills will go over if there be no objection and placed on the Calendar. The bills will be placed on the Calendar with the adverse reports of the committee.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 2005) to authorize the Court of Claims to investigate the claim of George F. Brott for logs used in the construction of Fort Abercrombie, Dakota, and to give judgment for the same, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HOAR. The Committee on Claims, to whom was referred the petition of Samuel Noble for compensation for cotton seized by the United States authorities during the late war, direct me to report the same adversely and recommend that the prayer of the petitioner be denied.

Mr. MORGAN. I ask that that case may go on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Alabama objects to the order denying the prayer of the petitioner. The report of the committee will be placed upon the Calendar.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 2209) for the relief of Joseph H. Maddox and others, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2000) to reimburse the several States for interest paid on war loans, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 724) for the relief of Nathaniel McKay, George M. Clapp, and the executors of Donald McKay, reported it without amendment, and submitted a report thereon.

Mr. HOAR. The Committee on Claims, to whom was referred Senate bill No. 1948, to require the payment in cash to the State of Georgia—I call the attention of the honorable Senator from Georgia [Mr. BROWN] to this report—direct me to report it favorably, and it seems to be just that the bill should be disposed of at once. I ask leave to have the title of the bill read for the information of the Senate, and then to make a statement and ask for its present consideration. If there is any objection whatever, I will withdraw the request.

The CHIEF CLERK. "A bill (S. 1948) to require the payment in cash to the State of Georgia of $35,555.42 appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 3, 1883."

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the bill be now considered.

Mr. VOORHEES. Mr. President——

Mr. HOAR. I ask unanimous consent to make a statement, which the Senator will hear.

Mr. VOORHEES. I am perfectly willing to hear the statement, but I reserve the right to object to the consideration of a bill of such magnitude at this time.

Mr. HOAR. The State of Georgia, as nearly all the old thirteen States, made certain expenditures for the common cause in the war of the Revolution. The vouchers were lost, and the State never was paid. The vouchers were recently discovered, I think during the administration of the office of governor of that State by the senior Senator from Georgia [Mr. BROWN]. Thereupon Congress last winter, there being no dissenting vote in the Senate, passed an act to reimburse this sum, $35,000, without interest. The auditing officers at the Treasury held that they could not pay that sum to Georgia in cash, because the share of that State of the direct tax imposed during the war when the State was in rebellion was unpaid. The committee think it would be extremely unjust to Georgia to make her pay by an offset of this kind a tax which the other Southern States are not compelled to pay. If any method should be adopted hereafter to compel all the delinquent States to pay their tax, it would apply to Georgia, and she would have to make the payment. If nothing is done, Georgia would stand with the other States relieved from the payment. If Congress should hereafter reimburse the amount of direct tax paid by those States who paid it, that would be another mode of reaching equality; but Georgia would in that case indirectly contribute her share. So it seems to me very clear that this bill ought to pass and require this payment; and that is the whole story. I hope the Senate will now allow the bill to be read for information.

Mr. VOORHEES. I expect to vote for the bill when it comes up,

but I gave notice yesterday evening that I should economize time and resort to all parliamentary practices that were proper to advance the bill paying pensions to the survivors of the Mexican war. Their interests have been kicked and cuffed from one end of the Capitol to the other ever since I have been here, and I want a fair chance at their bill and let us see whether we are going to pass it or not. I expect to vote for the bill which has been reported by the Senator from Massachusetts, but if we take it up now the probabilities are that it will consume the morning hour. We can, after the routine business of the morning hour is finished, take up the Mexican pension bill and pass it, and it is for the purpose of saving the time for that bill that I make this objection.

Mr. BROWN. Mr. President——

The PRESIDENT *pro tempore*. Objection is made and the bill goes over.

Mr. BROWN. I want to make an appeal to my friend before we pass over this matter. There is one additional statement that the Senator from Massachusetts did not make. The Senate has disposed of this very question at this session. There is another bill that was introduced to refund to the State of Georgia a still smaller amount of money that was due her on account of advances made during the Florida Indian war, and the same objection was made to the bill. It went to the Committee on Claims and they reported in favor of the payment of that amount, and after considerable discussion in the Senate the Senate unanimously agreed that the State of Georgia ought not to be charged in the Treasury Department with it on the war debt, and allowed the bill to pass and go to the other House. So I do not think there will be a word of discussion on this bill. The Senate has decided the very question in this case on a bill passed at this session. The Comptroller of the Treasury stopped the payment under the act of last session by ordering the officer to set off the case, and has not paid over the money, though Congress ordered it last session by an appropriation to be paid. This is simply a bill to direct the Comptroller to pay it notwithstanding his objection. That is all there is in it. If there is any discussion at all I shall not insist upon it, but I appeal to my friend not to object to its consideration.

Mr. VOORHEES. The Senator from Georgia knows he could make no appeal to me on account of his State that I would not respond to; but I think we can take up this bill just as well to-morrow morning. I have no doubt the Senator states what he candidly believes, that it will lead to no discussion. I have been cheated so often in my hopes in that regard that I think the safest way is to let it go over until to-morrow.

Mr. BROWN. I say if it leads to any discussion I will withdraw it.

Mr. VOORHEES. I must decline to yield.

Mr. BROWN. Then I shall ask my friend to-morrow morning to help me get up the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. DOLPH. I desire to submit an amendment to the bill for the purpose of having it printed and considered when the bill shall be called up. The amendment puts the States of California and Oregon on the same footing.

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from Oregon will be printed.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans., reported it with amendments.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2270) to extend the limit of cost in the construction of the Government building at Columbus, Ohio, reported it without amendment.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 2271) declaring May 30, commonly called Decoration Day, a public holiday in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee, a soldier of the war of 1812; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2273) granting a pension to George W. Margrove; which was read twice by its title, and referred to the Committee on Pensions.

PAY OF SENATE EMPLOYÉS.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are in order, and it is the duty of the Chair to lay before the Senate the resolution offered yesterday by the Senator from Indiana [Mr. VOORHEES] which went over. It will be read.

Mr. BLAIR. I desire to offer a resolution for reference.

The PRESIDENT *pro tempore*. It is the duty of the Chair first to lay the resolution offered yesterday before the Senate.

Mr. BLAIR. That was offered yesterday. I desire to offer now a resolution for reference.

The PRESIDENT *pro tempore*. This resolution was offered yesterday and under objection went over, so that it is the first resolution to-day to be called under the head of resolutions. It will be reported.

The Chief Clerk read the resolution submitted yesterday by Mr. VOORHEES, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and instructed to pay the officers and employés of the Senate their respective salaries for the month of May, 1884, on the 29th day of said month.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. VOORHEES. The House has adopted a similar resolution. I understand the object of it is to avoid the necessity of paying on the 30th, which is a legal holiday, being Decoration Day. It is a matter of convenience to the officers and employés of the Senate. I ask that the resolution be adopted.

The resolution was agreed to.

EDUCATION REPORT.

Mr. BLAIR. I submit the following concurrent resolution for reference to the Committee on Printing:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That of the report of the Commissioner of Education for 1882-'83, there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

In asking the reference of the resolution I wish merely to say that the bureau has been very seriously embarrassed in the discharge of its functions by the want of the necessary number of printed reports in years hitherto, especially in the last year. The resolution introduced this year is precisely the same as the one introduced last year, but several thousand numbers were cut out by an amendment. I ask the Committee on Printing if they would be kind enough to make a call upon the Bureau of Education, either upon the Commissioner or in some other official way ascertain the real necessities for the printing of the full number called for by the resolution. I discussed it considerably last year, and I do not wish to be involved in a like discussion at this session. I shall be entirely satisfied with the result of an investigation upon the matter if made by the Committee on Printing.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

Mr. BLAIR. In this connection I ask that criticisms upon the nature and value and importance of the report which I have caused to be copied from the periodicals of the day interested in the subject be printed, being very brief, and when printed I ask the attention of the Committee on Printing to them.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that certain papers, the nature of which he has described, which he has presented, be received and printed for the use of the Senate.

Mr. BLAIR. I ask that they be simply printed in the RECORD. That will be sufficient; or let them be printed for the use of the Senate.

The PRESIDENT *pro tempore*. They will be printed for the use of the Senate.

Mr. BLAIR. That would make them a miscellaneous document. I prefer that they be printed in the RECORD. They are not extensive enough for a miscellaneous document.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that these papers be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The papers referred to are as follows:

[From a review of the Report of the Commissioner of Education for 1880, in Nature, May 10, 1883.]

Another valuable survey of education in the United States has been published relating to the year 1880, a survey made by the bureau whose duty and purpose, it is laid down, shall be "to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems and otherwise promote the cause of education throughout the country." The bureau has no authority, it tells us, and seeks none, to interfere with school organization, but aims to report institutions precisely as they are; and the variety of experiments tried in the States which in kindred and spirit of government are so close to our own must make this publication a repertory of experiences of the utmost value to the English educationalist.

This report contains a review of education through the decade, and perhaps the most striking thing is the absence of uniformity in the circumstances and changes in the different States. * * *

Education, we are told, has become in every section of the country a matter of more active public interest than usual. City and country papers have given a place in their columns to the subject, besides periodicals discussing them. It is rather curious to us in aristocratic England to find not selfishness and stupidity only but demagogism also charged with creating discouragements.

[From a review of the Report of the Commissioner of Education for 1881, in Nature, March 27, 1884.]

A successful effort made to meet a strong desire that this report should be brought out sooner, enables us to call attention to it in less than twelve months after the last, but, as in material food so in the case of the many reports embodied here, thorough digestion has been essential.

An additional interest, moreover, is lent to this report by the working up of the information supplied by a compendium of the census of 1880. Here are given

very full particulars of the changes in distribution of population during the last ten years, and of the amount of education still required by its various classes.

The report calculates that more than half the English-speaking people of the earth live now in the United States, which in size and population has become the fourth nation of the world. Rather more than one-eighth, six and a half out of fifty millions, of its inhabitants are immigrants; and a singularly similar proportion exists between the colored and the white population. Emigration is a stream westward, not only across the Atlantic but across the continent of America.

It would seem to an Englishman in his own land that this "unsettled" state of the country must loosen all the feeling of attachment to the soil suggested by the word "home," but it must, as the report describes, tend immensely to consolidate the widespread territories.

On no point does England show to such disadvantage by the side of the United States as in the matter of free libraries.

* * * * * * *

The chief of the four recommendations with which the report ends is the appropriation of more national land for the purposes of education in impoverished portions of the country. Yet the special reports of New York and Connecticut show that ignorance is not caused by want only, for the reduced attendance is accounted for by commercial prosperity and demand for labor, during which a hard-struggling population is tempted to forsake school in order to earn money.

* * * * * * *

The lucid, concise résumé of the work of other countries supplied in this United States report would be valuable to many a reader in Europe who has not the time or the taste to go through the more lengthy documents published in his own country.

[From a review of the Report of the Commissioner of Education for 1881, in the Revue Pedagogique, February 15, 1884.]

Mr. John Eaton, Commissioner of Education, published his report for 1881 last December.

He makes some excuses for the late appearance of the work, but there is no reason to be surprised at the delay when the mass of precise and detailed information which this voluminous document contains is taken into account.

The London School Guardian and Globe point out that from this point of view the blue books of the department of education of Great Britain can not compare with the American report. But it must be recollected that this report treats of three degrees of instruction—primary, secondary, and superior—while the English blue books only deal with primary education. (Pages 190, 191.)

[Extracts from a review of the Report of the Commissioner of Education for 1879, in the Pädagogisches Archiv, February 3, 1884, by Professor Dr. H. Bicling, of Berlin.]

A noteworthy instance of self-government is shown us in the fine set of publications which the Bureau of Education of the United States has sent to the editors of the Pädagogisches Archiv. * * * The object of the bureau is only to form a central point for arranging the statistics of education, and to furnish information and advice in all matters connected therewith. It is therefore an institution of extraordinarily great importance, both from a theoretical point of view as well as from its practical reaction upon the school systems of the Union. The expense of the bureau, including the cost of publishing its comprehensive reports, is borne by the General Government, but the very thorough statistical work is the voluntary performance of the States, Territories, universities, teachers, seminaries, and higher and lower schools (purely voluntary statistical reports, page xii).

This voluntary character of the work is, of course, the cause of defects in the statistics, so that absolute completeness is not to be expected, and the Commissioner calls attention to the defects and omissions. Yet the conviction of the necessity of the institution is continually gaining ground, and the Commissioner can show with just pride how much has already been done in a purely voluntary way, with comparatively small means.

If besides the newness of the bureau we take into account the peculiar political formation of the country and the very different development of American school systems in different parts of the country which would make any other than voluntary statistics impossible, the results already attained are worthy of high esteem. We know the difficulties which Muschacke's little calendar continues to meet with in this respect.

[From the Brighton Guardian, England.]

The Bureau of Education at Washington may be described as the clearing-house of information upon American schools, and to some extent as the center of information regarding education throughout the world. * * *

The reports of the bureau compile all statistics bearing upon American schools, and consequently are a very arsenal of useful information. (Extracts from a review of the report for 1879.)

The report upon public education in the United States for 1880, recently published by Mr. Eaton, United States Commissioner of Education, is written in a most masterly and concise manner. In it the philosophers and politicians of every land will find abundant food for reflection and study. * * * The Bureau of Education, besides the compilation of this report, does much other valuable work. The documents which it publishes and sends out regularly to teachers and professors are not of the sort that go into the waste-basket. They are really efficient aids to the teacher in his work. * * * The bureau has not been in operation many years, but it has already accomplished great results. (Extracts from The American Correspondence of the review of the report for 1880.)

[From the Canada School Journal.]

The report of the United States Commissioner of Education for 1880 is before us. It is a most elaborate volume, comprising a complete record of the year specified, and a brief survey of the preceding decade.

[N. B. Advertiser and L. Journal, a newspaper published in London, England. Review of report for 1881.]

This comprehensive and admirably compiled digest of a year's work done by sixty millions of the Anglo-Saxon race, drawn up to the latest period practicable in a country so vast as the United States of America, has just reached us. Belonging, as we do, to a portion of Great Britain which has alone for two hundred years kept the lamp of elementary knowledge comparatively bright, we feel sure that many of the details given by the American Commissioner of Education in his annual report will be unusually interesting to all of us. There is no department of instruction which it does not include; no statistics worth collecting are too minute for its record. * * * In addition the state and progress of elementary education of every leading nationality in the New and Old Worlds are given, from Canada to Japan, making it a "blue-book" on that subject for the globe.

SMITHSONIAN REPORT FOR 1883.

Mr. MAXEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That the annual report of the Smithsonian Institution for the year 1883 be printed; and that there be printed 15,560 extra copies, of which 2,500 shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

ALLEGED ELECTION OUTRAGES IN MISSISSIPPI.

Mr. HOAR. I move that the report of the Senate Committee on Privileges and Elections in regard to the case known as the Copiah County case, and the views of the minority which were presented yesterday and the testimony, be printed for the use of the Senate. I suppose that would be done as of course, but I desire to get a special order for this reason: the testimony is quite voluminous; the report of the committee was submitted some time ago and the report only was printed without the testimony, which does make a part of the report, but the testimony was not reprinted at that time, it being convenient to have it delayed until the minority should present their views. I therefore wish now that the whole document may go together.

The PRESIDENT *pro tempore*. The order to print will be entered, if there be no objection.

JOHN C. HARGRAVE.

Mr. COCKRELL. I move that the bill (S. 361) granting a pension to John C. Hargrave be taken from the Calendar and indefinitely postponed, as the pension has already been allowed.

The motion was agreed to.

PURCHASE OF DIPLOMATIC CORRESPONDENCE.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the joint committee of the two Houses of Congress on the Congressional Library be, and it is hereby, instructed to inquire into the propriety and expediency of purchasing "five large bound volumes of manuscript, containing the official correspondence of Hon. William Vans Murray, minister resident to the Batavian Republic at the Hague from March 2, 1797, until February, 1800, and subsequently a joint envoy to the French Republic with Messrs. Ellsworth and Davie; also a file—17 in number—of loose papers."

Mr. VOORHEES. I ask leave to send certain papers bearing on the subject of the resolution to the Secretary's desk, and move that they be referred, with the resolution, to the Committee on the Library.

The motion was agreed to.

THE YELLOWSTONE NATIONAL PARK.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate the correspondence of the present Superintendent of the Yellowstone National Park with him relative to said park, and the action of said superintendent, and not heretofore sent to this body.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. HARRIS. Mr. President——

Mr. CAMERON, of Wisconsin. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is the presentation of resolutions. Are there further "concurrent or other resolutions?"

Mr. SLATER. I desire to call up a resolution submitted by me a few mornings ago concerning the appointment of commissioners to examine sections of the Northern Pacific Railroad. It will take but a moment.

The PRESIDENT *pro tempore*. Are there further "concurrent or other resolutions?" [A pause.] If there be none, that order is closed.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDENT *pro tempore*. The morning business being closed, the Chair lays before the Senate the Calendar under Rule VIII, pending which the Senator from Tennessee moves that the Senate now proceed to the consideration of the Mexican pension bill. The question is on agreeing to the motion.

Mr. SLATER. I ask the Senator from Tennessee to yield to me for a moment to call up a resolution which I desire to have passed and which has been reported from the Committee on the Judiciary. No objection will be made to it, I am satisfied.

Mr. HARRIS. Reserving the right to object if the resolution leads to any debate whatever, I am willing to consent to suspend my motion until the question may be decided as to whether the resolution shall pass without debate.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Tennessee the Senator from Oregon asks unanimous consent to take up Order of Business 635, being a resolution submitted by him "requesting the President to communicate to the Senate certain information concerning the appointment of commissioners to examine sections of the Northern Pacific Railroad." Is there objection?

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made. The question is on agreeing to the motion of the Senator from Tennessee that the Senate now proceed to the consideration of the Mexican pension bill.

Mr. CAMERON, of Wisconsin. I ask for the yeas and nays.

Mr. CONGER. What is the pending proposition?

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Tennessee that the Senate now proceed to the consideration of the Mexican pension bill, as it is ordinarily called. The question is on agreeing to the motion, on which the Senator from Wisconsin demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired with the Senator from New York [Mr. LAPHAM]. If my colleague were here, he would vote "yea."

The roll-call was concluded.

Mr. BUTLER. My colleague [Mr. HAMPTON] is paired with the Senator from Rhode Island [Mr. ANTHONY]. My colleague, if present, would vote "yea." I do not know how the Senator from Rhode Island would vote.

The result was announced—yeas 47, nays 6; as follows:

YEAS—47.

Bayard,	Cullom,	Ingalls,	Pike,
Beck,	Dawes,	Jackson,	Pugh,
Blair,	Edmunds,	Jonas,	Ransom,
Bowen,	Fair,	Jones of Florida,	Sewell,
Brown,	Farley,	Lamar,	Sherman,
Butler,	Garland,	Logan,	Slater,
Call,	George,	Mahone,	Van Wyck,
Camden,	Gorman,	Manderson,	Vest,
Cameron of Pa.,	Groome,	Maxey,	Voorhees,
Coke,	Harris,	Mitchell,	Williams,
Colquitt,	Hill,	Morgan,	Wilson.
Conger,	Hoar,	Palmer,	

NAYS—6.

Cameron of Wis.,	Hale,	Platt,	Sawyer.
Dolph,	Morrill,		

ABSENT—23.

Aldrich,	Hampton,	McMillan,	Riddleberger,
Allison,	Harrison,	McPherson,	Sabin,
Anthony,	Hawley,	Miller of Cal.,	Saulsbury,
Cockrell,	Jones of Nevada,	Miller of N. Y.,	Vance,
Frye,	Kenna,	Pendleton,	Walker.
Gibson,	Lapham,	Plumb,	

So the motion was agreed to.

MEXICAN WAR PENSIONS.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Illinois [Mr. LOGAN] to the amendment reported by the Committee on Pensions.

Mr. HOAR. That amendment is very brief. I should like to have it read.

The CHIEF CLERK. In section 1, lines 17, 18, 19, and 20, it is proposed to strike out:

Were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States.

And insert:

Have not remarried.

Mr. ALLISON. I should like to have the amendment of the Senator from Illinois reported again.

The PRESIDENT *pro tempore*. The amendment will be again reported, if there be no objection.

The CHIEF CLERK. In section 1, beginning in line 17, it is proposed to strike out:

Were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States.

And insert:

Have not remarried.

So as to read:

And the surviving widows of such officers and enlisted men as have not remarried.

Mr. ALLISON. As I understand the amendment of the Senator from Illinois, it simply strikes out the proviso.

Mr. MITCHELL. That is the effect of it, but in form it is different.

Mr. ALLISON. What I wish to get at is an opportunity of voting in some way upon the clause respecting the time of marriage of the widows who are to receive pensions. The first part of the clause proposed to be stricken out is: "were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men." If this amendment be adopted as read, the widows of the soldiers of the Mexican war, whether they are widows to-day or become such ten years from now or twenty years from now, will receive pensions. That is certainly going beyond any provision of law that has ever been made in any of our pension bills, and I submit to the Senate that it is not worth while for us to make so radical a departure in this bill.

Mr. VEST. I should like to ask the Senator from Iowa if he would say that the widow of a Mexican war soldier who has remarried and then becomes a widow again is embraced in this provision of the law?

Mr. ALLISON. What I mean to say is this: As I understand the provision of this bill, if the amendment shall prevail it will be held that if a Mexican war soldier shall marry ten years from now or twenty years from now and then after such marriage shall die his widow will then draw a pension during her natural life. I submit that that has never been done even in the case of the Revolutionary soldiers or the soldiers of the war of 1812. When we made the sweeping legislation in 1878 in reference to the soldiers of the war of 1812 we made it to apply to the widows then living, and it seems to me that we should make a more restricted clause here with reference to widows than is proposed in this amendment. Therefore I ask for a separate vote upon this provision.

The PRESIDENT *pro tempore*. This is a motion to amend an amendment. An amendment to an amendment can not be very well divided. If the amendment proposed by the Senator from Illinois is agreed to, then the question will be on striking out the words that are lined in the text and inserting the words "have not remarried."

Mr. ALLISON. I understand the motion now to be to strike out that portion of the text which is crossed in the print.

The PRESIDENT *pro tempore*. That is not the motion. It is a motion to amend the amendment of the committee, so that if the motion be agreed to, the question will then recur on agreeing to the committee amendment as amended. It will then be a proposition to strike out the lined words and insert the words "have not remarried."

Mr. WILLIAMS. The amendment offered by the Senator from Illinois I think is not printed, but I understand it to be in the nature of a substitute for the clause.

Mr. HARRIS. If my friend from Kentucky will allow me, it was not in the nature of a substitute. It was simply to strike out from that part that the committee propose to insert the proviso—to strike out the proviso only.

Mr. WILLIAMS. And also to strike out something that the House bill has in it.

Mr. HARRIS. The committee propose to amend the bill by striking out a part of the text and inserting. The Senator from Illinois proposes to amend that part of the committee amendment which inserts by striking out the proviso. That is all there is of the amendment of the Senator from Illinois.

Mr. WILLIAMS. The amendment of the Senator from Illinois goes further, and proposes to strike out a portion of the House bill and to strike out the entire proviso of the Senate committee.

Mr. HARRIS. As to that portion of the House bill which the committee propose to strike out, the Senator from Illinois does not interfere with the recommendation of the committee at all in respect to that.

Mr. WILLIAMS. I see the Senator from Illinois in his place. Let him state his amendment.

Mr. VOORHEES. I hope the Senate will proceed to vote under the ruling of the Chair. It seems to me it will be entirely satisfactory to the friends of the measure. Let us vote for the amendment of the Senator from Illinois. If it is adopted, then we can consider the proposition made by the Senator from Iowa. I think the matter is very well understood.

Mr. LOGAN. I explained the amendment the other day and I suppose the Senate understand it. I propose to agree with the Committee on Pensions in striking out, beginning with the words "were married," in line 17 of section 1, down to and including line 21, and then to strike out the proviso and insert the words in lieu thereof "have not remarried;" so that the bill will read:

The surviving widows of such officers and enlisted men as have not remarried.

That is my proposition.

Mr. BECK. I desire to understand the effect of this proposition, if I can. Does the amendment of the Senator from Illinois mean that if after this bill passes a person who was a soldier in the Mexican war shall marry and die, his widow shall have a pension?

Mr. LOGAN. I had no particular intention about it at the time, so far as that is concerned; but I will state to the Senator from Kentucky my judgment is that that would be the construction of the law.

Mr. BECK. I thought it was, but it seemed to be controverted by the Senator from Missouri [Mr. VEST].

Mr. LOGAN. I will say to the Senator that that is the law now. For instance, under the law to-day applying to the widows of the soldiers who are pensioners, where it does apply to them, it is no matter when they married or when the soldier died, they are entitled to a pension. So this would bring it on all-fours with the law as it stands to-day with reference to all other pensioners.

Mr. BECK. The reason I asked the question was this: If a person who was a soldier in the Mexican war should marry hereafter—they are all 62 now it seems by the report—of course the older he gets the more certain he will be to marry a very young woman if he can; I believe as a rule the older men get the younger the wife they want.

Mr. LOGAN. Do you mean the Mexican war soldiers?

Mr. BECK. I mean everybody, all old men. I should be afraid to trust some of the old gentlemen in the Senate if they were widowers. I think they would try to marry younger women than they ought. This question arises under this provision: If an old soldier should be

foolish enough to marry a girl of 18 or 19, the tax-payers of the country would have to pay a pension to her for many years. If we adopt that principle now, how can we avoid pensioning all the widows of soldiers of the late war if we pension a young woman now because she marries an old Mexican soldier after this lapse of time? The Mexican soldier may not have been in active service at all; he may never have heard a hostile gun fired, for I believe the last ten regiments of soldiers who went to Mexico never did hear a gun fired in anger; still any one of them, though rich and unhurt, may marry a women of 18 or 20, and we are called upon here to pension her as long as she lives. If we do that, how can we resist pensioning every widow of every soldier of the late war who is dead now, or the widow of every one who may marry hereafter? I do not care to discuss these questions now. I am prepared to vote for the House bill, whether I like all its provisions or not, because my Legislature has instructed me to vote to pension all the survivors of the Mexican war, without regard to their pecuniary condition, and I will obey their instructions, but I am not prepared or instructed to vote to pension every woman that any one of them may marry.

Mr. LOGAN. The proposition of the Senator I do not think would affect the law in the least because a young lady should marry an old gentleman. I do not think the reasoning would go so far as to say she should not be pensioned.

Mr. BECK. I should not like to give her a pension of $96 a year to do it.

Mr. LOGAN. I think she ought to be pensioned for having married an old soldier. If she chooses to do it she deserves a pension more than if she was an older person. [Laughter.]

But it is asked how, if we do this, can we refuse to pension the widows of all soldiers of other wars? I have not been educated up to the point of arguing a proposition by insisting on some other proposition that may happen at some future time. The logic of my mind only carries me to the point that is in discussion at the time. I never cross a bridge until I come to it. The other day I noticed that the principal argument made in reference to this bill was with regard to soldiers in the war for the suppression of the late rebellion. Now, let us have one thing at a time. When we come to that question it will be met in a proper way. This is the question before the Senate now: will you pension the Mexican war soldiers and the widows of the Mexican war soldiers? That is the only proposition before the Senate. It is not a question as to whether you will pension somebody else at some other time; but will you do this act now?

As a matter of course persons may say that I feel more than ordinary interest in this question for the reason that I was a soldier myself. It is not so, because I certainly do not desire any pension for myself, but I know a great many of these poor men that do, and I believe they ought to have it, and I am willing to give it to them. Those who are entitled to it will take it, and those who do not need it I presume will not take it. I do not know whether they will or not, but I presume they will not. A great majority of them do need it. It is a fact well known that the majority of men who serve in armies as soldiers are not the class of men who are usually in a condition to live in luxury. That is not the class of men who usually carry the musket or volunteer in armies for the preservation of their government or for the purpose of warring against any other government. While in the army their time is gone, their profession is gone. When they come back they are usually shoved aside; other people have the positions they occupied prior to the time they bore arms for their government, and if there is any class of people on earth who deserve a pension I think they are the class who do.

So far as the Mexican war soldiers are concerned—and I do not wish to detain the Senate in discussing this proposition at length—I was somewhat surprised to hear the remarks a few evenings ago in reference to hunting up to find out how many there were and to show that the Government would be mulcted in great expense. The people of this country should remember that the soldiers who served in the Mexican war by achieving the victories they did brought more wealth than any army ever brought to any government. Your Government has been made rich by the immense wealth that was found in the Territories that were brought to this Government by the valor of the Mexican war soldiers. When you consider the wealth that has been given to this country in consequence of their success, the pensioning of the soldiers would be a mere drop in the bucket compared with it. There is something due to them at least in their old age after acquiring what they did for this great nation of ours. The time will never come, so far as I am concerned, that I myself will refuse to give a pension to such men when they are stricken with years, as many of these men are to-day, poor and unfortunate. Go out to the Soldiers' Home, near this city, and you find many old Mexican war soldiers; go to the home at Hampton Roads and other places and you find the old Mexican war veterans living almost on the charity of the country. You find them everywhere. There are exceptions as a matter of course, and many exceptions; but to pass a bill making exceptions would be invidious. Let the bill pass. Let those who need the pension and choose to take it have it. Those who have accumulated fortunes and do not need it need not take it, but I would not say they should not have it if they desired to take it.

Mr. BECK. Mr. President, the bill as it came from the House of Representatives pensioned—

The surviving widows of such officers and enlisted men as were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States.

That bill I am willing to vote for. I think the provision that gives to a widow who has spent her life with the old soldier, who was married at that time or at some time not long afterward in the somewhat remote past, would be very well; but to pension any person that the well-to-do old soldier chooses to marry hereafter, I do not think we are required to do. When the Senator from Illinois requested us not to allude to the late war, but to let this proposition stand on its own merits, I desire to say to him and to the Senate that I do not propose by now voting to pension women who may hereafter marry the old Mexican soldiers, as these women have no claim on our generosity, to be told when the same proposition is made for the widows of the soldiers of the late war that I was willing to vote for the widows of the Mexican soldiers and yet would not vote for the same class of widows of those who served during the late war.

Mr. MITCHELL. Will the Senator from Kentucky allow me to make a suggestion?

Mr. BECK. Yes, sir.

Mr. MITCHELL. I think the Senator from Kentucky and also the Senator from Iowa are under a misapprehension in regard to this whole matter. Section 4702 of the Revised Statutes gives to the widows of soldiers who were engaged in the late war for the Union a pension without regard to the time of their marriage.

Mr. BECK. But those are soldiers who have been disabled in the late war.

Mr. MITCHELL. That is true; they were disabled.

Mr. BECK. Now we are taking in a class of men who are not disabled, men who may have never heard a gun fired, and we are to pension their widows, whether they are rich or poor.

Mr. MITCHELL. But the act of 1878 gives to the widows of the soldiers of the war of 1812 a pension without regard to the time of their marriage.

Mr. BECK. But for a very long time it did not, and limited it to those who were married before the war; and it was a very late day when the law was changed, and great frauds have been practiced under it, as the pension-rolls now show, as we are yet paying about $2,000,000 a year to widows of soldiers of the war of 1812.

Mr. WILLIAMS. If my colleague will allow me I wish to make a single suggestion right there. If this pension was confined to the widows of such soldiers as were married during the war with Mexico, it would not reach one hundred women in the whole United States. There were not a thousand married men engaged in that war. They were nearly all unmarried men. They were young men or old bachelors who went to war. It was not like a great levy *en masse* such as we had in the late war, when both married and unmarried men were taken. I had command of a company in which there was not a married man from myself down, and I do not believe there were more than three or four married men in my regiment.

Mr. BECK. The last ten regiments that went to Mexico—my colleague knows, as he was colonel of the Fourth Kentucky—I believe never reached the seat of war till after the City of Mexico was taken.

Mr. WILLIAMS. They did not.

Mr. BECK. The men of those ten regiments never heard a gun fired in anger, and we are to pension women whom they may marry hereafter.

Mr. WILLIAMS. I beg pardon. A great many of them were in action.

Mr. BECK. Where?

Mr. WILLIAMS. Up the valley of Mexico.

Mr. MAXEY. A large number of the ten new regiments were in the battle before the City of Mexico.

Mr. BECK. Perhaps some of them were; but that by the way. While, as I say, I am willing to vote for pensioning all the Mexican war survivors, and my Legislature were unanimous in their instructions to me in regard to that, and I am willing to obey them, yet I want to limit the pension-roll as to widows, because I do not see——

Mr. VOORHEES. Will the Senator from Kentucky allow me to ask him if it would not do justice to adopt the bill just as it came from the House?

Mr. BECK. It would.

Mr. VOORHEES. That suits me.

Mr. BECK. That does justice and avoids all difficulty with me. I was only going to add another word. The Senator from Illinois said to me that I ought not to be alluding to the late war.

Mr. LOGAN. Oh, no!

Mr. BECK. The precedent we settle now will be brought up hereafter as one that ought to be applied generally.

Mr. LOGAN. The Senator misunderstood me. I did not say the Senator ought not to allude to it; I said that was not the question now. I described it by saying we would cross the bridge when we came to it. That question has nothing to do with this bill.

Mr. BECK. No, but if I vote for pensioning this class of widows, when the same class of widows are presented of men who were not wounded nor in any way injured in the late war, how can I consistently refuse to vote for them as well? The Senator also alluded to the fact that the Mexican war soldiers acquired California and other great Territories. Admit that, yet when the soldiers of the late war who are unhurt and independent come up and their services are talked about, he will tell the country and the Senate that not a foot of territory south of the Kentucky line would to-day belong to the Union but for their services, and he will make an argument as to the value of those services quite as earnest as that which he makes in regard to the value of the services of the Mexican soldiers. I desire now to confine our bounty to those widows of soldiers who were married in the past. If, as my colleague says, they were mostly single men in 1846—as I believe they were; those who went from our State I think were—let it include all who married prior to 1860 or some other past date. Include the widows who are wives now or were married at least some years ago; but I do not propose to pension those women who may hereafter marry some man who served in the Mexican war.

Mr. LOGAN. I desire to call the Senate's attention to this proposition. I am not tenacious about the amendment; I am not managing the bill. The only reason I have participated in the debate at all was because I thought some of the committee who had charge of the bill were not very favorable to it or to some provisions of it. I proposed to strike out this clause which the committee had moved to put in. But the point I desire to call attention to particularly is this: A widow is not pensioned merely because of the fact that her husband soldier was pensioned. That is not the ground. She is pensioned because she is a widow. No wife of a soldier draws a pension. She draws the pension when she becomes a widow, and it is because she has lost her husband. Therefore the suggestion of the Senator that the widows of soldiers who were wounded are those who draw pensions is not correct. The widow of a soldier draws a pension because she is a widow, and not because her husband was a pensioner. She draws it because he is dead, and for no other reason. Therefore when you argue that, as to the widow of a soldier who has drawn a pension, she is entitled to a pension and that the widow of a soldier who did not draw a pension is not entitled to one, I can not understand the logic of it, because the principle is that she gets the pension because the husband is dead, and not because he has been a pensioner.

Mr. ALLISON. My attention was called to this particular provision with reference to the widows of these soldiers by noting the legislation on this subject in 1871 and 1878. In 1871 we pensioned all the soldiers of the war of 1812 who had served sixty days, and we also pensioned the widows of such soldiers who were married at the time of the conclusion of the treaty of peace, thus restricting the widows. There may have been no reason for that. The Senator from Illinois says there was none. There may have been none; but such a provision has run through all the pension laws from time to time relating to the war of 1812 and the Revolutionary war.

In 1878 we swept down all distinctions upon that subject, and we pensioned all the soldiers of the war of 1812 who had served fourteen days, or who had been actually in battle, and we also pensioned all their widows. What was the result? There are upon your pension-roll to-day 21,000 widows of the war of 1812 as reported in the report of the Commissioner of Pensions. My friend from Wisconsin [Mr. CAMERON] suggests to me that there are still several hundred widows of the soldiers of the war of the Revolution. There are only to-day a little over 4,000 of the survivors of the war of 1812 to these 21,000 widows.

What I desire to call the attention of the Senate particularly to is that if we leave this provision as the committee propose it with reference to widows we shall find a growing pension-list for the next twenty years under this bill, and the time will come when there will be 30,000 widows pensioned as widows of soldiers of the Mexican war.

All I want to do is to call the attention of the Senate to these facts. If it is proposed to swell this pension-list so as to include not only the widows of to-day but all the widows of twenty years from now, so be it; but I call the attention of Senators to the fact that they will thereby more than double the provisions of this bill as it came to us from the House.

Mr. BUTLER. Would it not meet the difficulty suggested by the Senator from Iowa to insert, in line 16, the word "present" before the word "surviving?"

Mr. ALLISON. Of course that would improve it; but what I desire to call the attention of the Senate to is the fact that we are passing this bill because it has a precedent in the case of the Revolutionary war and the war of 1812. They say we are bound to do this because we did it in those two instances.

Mr. LOGAN. I do not say that.

Mr. ALLISON. That is the argument generally. I recognize the force of the argument; it has great force that we should follow those precedents. In 1871, when we pensioned the soldiers of the war of 1812 and their widows, we confined it to the widows who were married at the conclusion of the treaty of peace, and that law was passed fifty-seven years after the close of the war.

Mr. BECK. The Senator will allow me to state that I have sent for the report of the Commissioner of Pensions for the present year, and I find for the year 1883 that we are paying the survivors of the war of 1812 $357,000; that we are paying to the widows of the soldiers of the war of 1812 $1,882,000, or five and a half times as much to the widows as we are paying to the old soldiers. They are entitled to it under the law, but I have no doubt many of them were married since the bill passed.

Mr. ALLISON. There are over 21,000 widows of that war on the pension-list, as I stated a while ago. If the amendment of the Senator from Illinois shall be adopted as proposed by him, this provision in reference to widows will pass from the control of the Senate; and that was the reason I made the suggestion a while ago to the Chair that in some way we should take this vote so as to test the two propositions separately; first, whether we shall retain the pauper clause as it is called by some Senators, and then vote separately on the clause relating to widows. In that way we can vote intelligently; but if this amendment is voted upon in the form proposed now by the Senator from Illinois, for one I shall be compelled to vote against it.

Mr. LOGAN. I should hate very much to have my friend from Iowa compelled to vote against this, and if I can have the assent of the Senate to withdraw my amendment I will suggest one that I think the whole Senate will vote for.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Illinois has the right to withdraw or modify his amendment, the yeas and nays not having been ordered upon it.

Mr. LOGAN. I made this proposition for the purpose of getting the understanding of the Senate in reference to the question and getting the sense of the Senate as near as possible so that we might perfect the bill and so that the bill might become a law. In reflecting upon it, knowing that if it is amended the bill has to go back to the House, and remembering that many propositions have been made to put by this bill other persons on the pension-list than those who served in the war with Mexico, and fearing possibly that if the bill is amended at all its passage may be endangered thereby, I will suggest now in withdrawing my amendment that the amendment of the Committee on Pensions striking out lines 17, 18, 19, 20, and 21 be disagreed to, so as to leave that portion of the bill as it came from the House, striking out what is denominated the pauper clause. In other words, I want the bill agreed to just as it came from the House. That will leave the widows pensionable who were married prior to the close of the war. I believe the time will come when the same rule which was applied to the widows of the war of 1812 will be applied to these widows; and inasmuch as that was the rule applicable to the war of 1812, I am willing that this bill shall conform to that rule adopted first by the Congress of the United States in that case, so that, as I said, this shall include those widows who were married prior to the conclusion of the war and exclude those who have been since married, leaving them for future consideration.

The PRESIDING OFFICER. Does the Senator withdraw his amendment?

Mr. LOGAN. Yes, sir.

The PRESIDING OFFICER. The amendment of the Senator from Illinois is withdrawn.

Mr. JACKSON. Do I understand that the Senator from Illinois also moves to disagree with the Senate committee's amendment in section 6?

Mr. LOGAN. Yes, sir; I propose to disagree with all the amendments made by the Committee on Pensions to the bill, and to agree to the bill as it came from the House. I want, first, to disagree to the clause confining the pensions to persons who are not able to make a living, and then to disagree to the amendment proposed by the committee which strikes out a portion of lines 2 and 3 of section 6, so as to leave the section as it was passed in the House; that is:

That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Pensions.

Mr. BLAIR. This vote is upon the first amendment.

The PRESIDING OFFICER. The question is on agreeing to the first amendment reported by the Committee on Pensions, striking out and inserting. The amendment will be read at the desk.

The CHIEF CLERK. The amendment of the Committee on Pensions is, on page 2——

Mr. CAMERON, of Wisconsin. Would it be in order to ask for a division of the question and call for a separate vote on the motion to strike out?

The PRESIDING OFFICER. A motion to strike out and insert is not divisible except for the purpose of amendment, as the Chair thinks.

Mr. SHERMAN. The Senator can move to strike out any part of that which is proposed to be inserted, or any part of that which is proposed to be stricken out.

Mr. CAMERON, of Wisconsin. We shall have the ruling of the Chair.

The PRESIDING OFFICER. Under Rule XVIII the question is not divisible. The part proposed to be stricken out is amendable, and the part proposed to be inserted is amendable. The question may be di-

vided for that purpose, but not for any other. The question is on the amendment as reported by the committee, which will be read.

The CHIEF CLERK. Beginning in line 17, it is proposed to strike out:

Were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States.

And to insert in lieu thereof:

Have not remarried: *Provided*, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent, in whole or in part, upon his or her own labor or assistance from others for support.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment just read?

Mr. JACKSON. I would suggest that the vote be taken on that portion of the amendment down to the word "remarried," in line 22. It was intended as two amendments.

Mr. LOGAN. But it is not two amendments. The committee report to strike out certain lines and insert certain others. It is only one amendment.

Mr. JACKSON. I ask for a vote on the proviso.

The PRESIDING OFFICER. The Chair has just held that the amendment as reported is not susceptible of division. It must be agreed to or disagreed to as a whole.

Mr. JACKSON. Before the vote is taken I should like to ask the attention of the Senate for a few minutes to the proviso which is to be voted upon now. I understand from the Chair that the whole amendment is to be voted on. I desire to say a word or two in reference to the amendments proposed by the Senate Committee on Pensions to this bill, and I will take them in inverse order.

First, in reference to the amendment proposed in section 6, which proposes to strike out the words:

So far as the same relates to this act, or to pensioners under this act.

By the acts of 1862 and 1873, carried into the Revised Statutes in section 4716, the disabled soldiers of the Mexican war, those who had received wounds or disabilities in that service, if they aided or sympathized with the rebellion, were excluded from their pensions. Now, we propose in this bill as it came from the House to pension the able-bodied Mexican soldier who went through the civil war on the confederate side, to pension him at the rate of $8 a month, and exclude the disabled Mexican soldier who merely sympathized with the rebellion from his disability pension. Is that right or is it just? If the soldier is entitled to a pension for service he is much more entitled to a pension for disability incurred in that service.

When the act of March 9, 1878, was passed, to place the soldiers of the war of 1812 on the pension-list, the provisions of section 4716 was repealed as to them. I believe that pension legislation should be more for the benefit of the disabled soldier than in the interest of those soldiers who incurred no disability. The committee took this view of the subject and proposed this amendment to the bill, so that the wounded or disabled Mexican veteran might be enabled to apply for and receive his disability pension instead of being restricted to the sum of $8 per month. I stand by that amendment because it is right and just and rests upon sounder principle than the balance of the bill.

Now, in reference to the next amendment, that which is called the pauper clause; that proviso which offers aid to those who need help and assistance it is said is a stigma on the Mexican soldier. Mr. President, I ask the attention of the Senate while I show that this amendment is in direct line with all our legislation on this subject except the acts of 1871 and 1878. It was not intended as a stigma or to humiliate the Mexican soldier. The Senate Committee on Pensions were brought face to face with the grave question as to whether we should give pensions for service alone. There is not a more important question that has been brought to the attention of this Congress. There is not one involving larger expenditures or more dangerous in tendency and results or more unsound in principle. The policy of granting service pensions rests upon no principle. The committee undertook to follow the legislation adopted in respect to the soldiers of the Revolutionary war, believing that the Mexican soldier would suffer no disgrace and be subjected to no stigma or humiliation in being provided for upon similar or better terms than were extended to the veterans of the Revolution. I represent in part nearly or quite as many Mexican soldiers as any member of this body. I never supposed for a moment that I was degrading them by placing them upon the footing and providing for them even better than the soldiers of the Revolution.

The first act pensioning the Revolutionary soldiers other than for disabilities was passed on the 18th of March, 1818, thirty-seven years after the close of the Revolutionary war. That act provided as follows:

That every commissioned officer, non-commissioned officer, musician, and private soldier, and all officers in the hospital department and medical staff, who served in the war of the Revolution until the end thereof, or for the term of nine months or longer, at any period of the war, in the Continental establishment; and every commissioned officer, non-commissioned officer, mariner or marine, who served at the same time, and for a like term, in the naval service of the United States, who is yet a resident citizen of the United States, and who is, or hereafter, by reason of his reduced circumstances in life, shall be in need of assistance from his country for support, and shall have substantiated his claim to a pension in the manner hereinafter directed, shall receive a pension from the United States.

"In the manner hereinafter directed" was simply that he make oath as to the fact of his service. That provided for the soldiers who were in such destitute circumstances of life as to be in need of assistance from their country for support.

Let us look back for a moment to what the Revolutionary soldiers went through, the hardships they endured, the miserable supplies they had, and the poor pay or no pay at all, and yet thirty-seven years after the close of that war these terms were applied to them. But, Mr. President, the amendment proposed to this bill does not even require that the Mexican soldier should be dependent on his manual labor. The word "manual" is stricken out. Any man who labors for his support is entitled to the benefit of this provision. Do those who oppose this proviso desire to grant the bounty of the Government to those who do not need it? Is it any stigma to withhold it from those who do not require such assistance, from those whose property or resources or means of support are such as enable them to be supported without personal labor? Where is the stigma either to the wealthy or to those who take the benefit of this act. There is no stigma in it. The obligation of the Government does not extend beyond the duty of providing for and taking care of the disabled, the wounded, the aged, the helpless, and the needy soldier.

There is no obligation on the part of this Government to bestow bounty upon the wealthy Mexican soldiers or upon those who have means and wealth that enable them to live without either personal exertion or assistance from any source. Military service, however meritorious, rendered upon the call of the Government and attended with no injury or disability, creates no legal or moral claim to life pension. I fail to see any sound principle on which either to rest or bestow mere service pensions. If they are treated or regarded as a recognition or reward for the services rendered, they should be granted as soon as the service is performed.

But before I proceed further on this point I wish to call attention to the fact the act of 1818 was amended in 1820, and the act of 1820 required that the soldier should make oath before some court as to his poverty. There is no such provision or requirement in the present bill or in the amendment proposed by the committee.

Mr. WILLIAMS. Will the Senator allow me to ask him a question as he is a lawyer and a member of the committee?

Mr. JACKSON. Yes, sir.

Mr. WILLIAMS. I want his opinion on the effect of this as a question of law, for he has doubtless examined it thoroughly. I ask whether the amendment to the sixth section, line 2, to strike out, after the word "repealed," the words "so far as the same relates to this act, or to pensioners under this act," would apply to all pensioners of the Mexican war, whether the pensions were for disability or not?

Mr. JACKSON. Yes, sir; if these words are stricken out disabled Mexican soldiers who sympathized with the rebellion will be enabled to receive their disability pensions.

Mr. WILLIAMS. I ask the Senator whether he thinks by striking out those words they would be entitled to arrearages?

Mr. JACKSON. It will not entitle them to arrearages, but to disability pensions where disabilities exist. It was not intended to cover arrearages.

Mr. WILLIAMS. The disability pensions in some instances are larger than $8 a month, that the general law would allow.

Mr. JACKSON. Yes, sir. Those who were so disabled in the service that they are incapacitated for the performance of manual labor would receive under the general law more than $8 per month. The act of 1820 required the Revolutionary soldier to show by schedules of his personal effects that his means were not sufficient to support him. That act was further extended in 1823, and the Secretary of War had the right to review the schedule and see whether the soldier had the means of support. We come next to the act of 1828, which made another amendment, and then we come to the act of June 30, 1832, referred to by the Senator from Kansas [Mr. INGALLS], which he said wiped out all these requirements as to poverty. Here is the provision of that act passed in 1832, fifty-one years after the close of the Revolution:

That each of the surviving officers, non-commissioned officers, musicians, soldiers, and Indian spies who shall have served in the Continental line, or State troops, volunteers or militia, at one or more terms, a period of two years, during the war of the Revolution, and who are not entitled to any benefit under the act for the relief of certain surviving officers and soldiers of the Revolution, passed the 15th day of May, 1828, be authorized to receive, out of any money in the Treasury not otherwise appropriated, the amount of his full pay in the said line.

That was two years' service. What were the circumstances surrounding Congress when that act was passed? All the officers of the Revolution had been promised half-pay or full pay, I believe, if they continued in the service during the war. Nearly every one of the States engaged in the Revolution had promised their private soldiers half-pay if they continued for a certain length of time in service. Congress had assumed those obligations. Solemn assurance had been given either by Congress or by the States that they would make this provision for them during life. When the Mexican soldiers and soldiers of the late war were enlisted they were simply promised bounties or pensions for disabilities incurred in service. There was no assurance or promise made by the General Government or the States that the Mexican soldier or the soldier of the late war should have his pay continued after the expira-

tion of his service. Many if not all of the Revolutionary soldiers had received such assurance.

Before the passage of the act of 1832 Virginia had been sued upon such a promise and judgment rendered against her in repeated instances, by soldiers who had served for the length of time stipulated, and Congress in the act of 1832 met that obligation.

The next legislation on the subject is the act of 1871, referred to by the Senator from Kansas [Mr. INGALLS], which placed the soldiers of the war of 1812 upon the pension-list. That act required sixty days' service. The act of 1878 required only fourteen days. I have no hesitation in saying that that was wrong legislation, and was a bad precedent. This bill as amended follows in the line of what was done for the Revolutionary soldiers whose valor and heroic endurance, under the greatest difficulties and trials any soldiery were ever called upon to endure, secured our independence as a people. Instead of discriminating against the Mexican soldiers in any offensive way, the bill as reported by the committee is more liberal in its provisions than were ever extended to the soldiers of the Revolution.

I call attention to the bill in another respect. The widows of the Revolutionary soldiers first received service pensions in 1836 for five years. That was the first service pension a Revolutionary soldier's widow ever received. What was the provision made for widows? By the act of July 4, 1836, the widows of Revolutionary soldiers simply on the ground of service were allowed five years' half-pay or pension. By the act of June 7 of the same year that was applied to widows who married before the expiration of the last service and before 1794. That provision was again extended for one year by the act of March 3, 1843. By the act of June 17, 1844, it was further extended four years. By the act of July 7, 1848, it was extended to any widow who had married before 1794. By the act of June 29, 1848, it was extended to all widows who had married prior to 1800. This bill as reported by the committee gives the pension to every existing widow of a Mexican soldier thirty-six years after the service was rendered. The widows of the soldiers of the war of 1812 were pensioned in 1871, fifty-six years after expiration of their husbands' service. This is certainly no discrimination against the widows of the Mexican soldiers.

The bill is broader and in many respects more liberal than was passed for the Revolutionary soldiers; and is any soldier, however sensitive, stigmatized by being put on the footing of the Revolutionary soldier? I say no. Neither the committee nor the amendment they propose are justly subject to this criticism. The acts of 1871 and 1878 are the only ones that present a different precedent, and they were bad in principle, and if followed out will involve the Government in ruinous expense if not bankruptcy, as our pension-list will show. With what claim to consistency can we stand before the country and extend service pensions to the soldiers of 1846, 1847, and 1848 and deny the same to the soldier of the late war? If it is a question of right and the pension is a matter of right, the pension is due at the close of the service.

The time that has elapsed since the service was rendered cuts no figure in the question unless you place the pension on the ground of disability or age; but if you grant it for the service it is due at the time the service is rendered, and whenever we undertake to pay service pensions in this country instead of following the policy of the European governments referred to by the Senator from Kentucky [Mr. WILLIAMS], and who lauded our Government in consequence thereof, we shall have instead of a standing army of soldiers a standing army of pensioners. Whenever the policy is adopted that the Senator from Kansas thinks is not far distant, political parties emulating each other in their alacrity to meet all the demands of the soldiers, no man can conjecture the expense that will be entailed upon the country, nor properly estimate the dangers that will result from such an emulation. For one, I shall endeavor to avoid party emulation of this kind.

I believe in dealing generously with the disabled soldier; I believe in dealing generously with him whenever he has incurred disability in the service or when accumulated years fall upon him and he is not able to meet the responsibilities of life or earn a comfortable support. Then I would provide for him in the Mexican war and in all wars; but I can not bring myself to the conclusion, however meritorious may be the military service, that it is right or proper to bestow bounty where it is not needed. I do not wish by my action to establish or perpetuate such a policy. It may promote party purposes, but I can not support the policy of service pensions from any such considerations. It is not right; it is not founded upon any principle. My convictions on this subject are not shaken by the oft-repeated declaration that it is a stigma upon the Mexican soldier to require him to say that he has to depend on his personal efforts or personal exertions for support. Ninety-nine men out of every hundred in the United States have that to do. The whole object and purpose of that amendment was to exclude from the benefit of this pension men who do not need it, men of wealth, men of position, men who are receiving salaries and incomes which relieve them from the necessity of labor or personal exertion.

The committee were brought face to face with the question of service pensions, not only in this case but as applied to all the soldiers of the Union in the late war and in the Indian wars.

The committee had this subject of service before them as to all the wars, and for the very reason so frankly stated by the Senator from Kansas they inserted this provision. He supports this bill frankly; and on the same ground that I adhere to this amendment he is seeking to reject it. He said:

> One of the reasons why I shall vote for this measure is because I desire to establish more firmly in the legislation of this country the precedent that has been recognized by previous statutes in favor of the idea of pensioning the surviving soldiers of the wars in which this country has been engaged, irrespective of the idea of personal disability.

I say therein lies the danger, especially when he asserts as he does a little further on in reference to service pensions to the soldiers of the late war:

> And the time is not far distant when both political parties will emulate each other in their alacrity in obeying the demand.

When that day arrives it will be a dangerous one for this country. That is a dangerous precedent to adopt. It calls to mind the days when the armies of the Roman Republic were demanding free grain, free corn, free land for their support, and the fate of that republic was sealed when these demands were met and obeyed for party purposes. I would appeal to no class by legislative favors or bounties. By my vote I will spend no Government funds for party purposes. I will not for party purposes vote to meet demands of soldiers or any class in the community. I am not opposed to the disabled soldiers' being pensioned, as I already stated. Wherever I find one needing the support of the Government on account of disability, I will pension him cheerfully; but I am opposed to class and discriminating legislation, which is growing to an alarming extent. I am opposed to mere service pensions. I am opposed to making gratuities on the part of the Government to soldiers who do not need such assistance.

We are moving in a dangerous direction. Every day by the score and by the hundred private bills are crowding on our committees asking special legislation and special benefits at the hands of the Government. Such legislation should not be encouraged. Carry out the principle involved in the House bill and there are between 1,250,000 and 1,400,000 of surviving soldiers of the late war. We have just passed an appropriation bill of $90,000,000 for pensions and the expenses of the Pension Bureau for the next fiscal year. If we carry out the principle of service pension to the soldiers of the late war we have $125,000,000 more to add to the annual pension appropriation bill.

We are told that we must not look at the statistics and must not look at the numbers involved, nor think of the amount necessary to meet these new obligations. I understand that in every government, however moral the obligation may be, the legislators are required by their sworn duty to look at the expenses that may be incurred and the effect on the finances of the country, and especially the effect upon the other citizens and tax-payers of the land. Are we to shut our eyes to the expense and say, because this thing has been done in one case, when the Government was free from debt as in 1832 and 1844, when our expenses were nothing as compared with the present, we should continue the policy now, when circumstances have wholly changed? That the revolutionary soldier was pensioned after fifty-one years had elapsed from the date of his service, does it follow therefore that we should now grant service pensions to all the surviving soldiers of subsequent wars? We are called upon to do this regardless of expense and of the burden it will impose upon the tax-payers of the country to provide pensions for men who do not need them. Give them in every case where they need them; give them in every case where they have reached an age which implies disability; give them in every case where there is actual disability or want, but do not extend them to men who do not need them.

Against this extension of the pension policy and expense my protest is made.

The PRESIDING OFFICER. The Senator from Tennessee will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, which is the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. LOGAN. I move that the regular order be laid aside for the present, and that we continue the Mexican pension bill. I do not think it will take very long to get through with it.

Mr. BLAIR. I do not wish to oppose the motion myself, and shall not do so, but I think the Senator from Massachusetts [Mr. HOAR] may have expected that I should notify him when 2 o'clock came. He is in his committee-room, and it escaped my mind. I would ask that the whole matter proceed as though it were not yet 2 o'clock, until the Senator from Massachusetts can come in.

Mr. LOGAN. Well, let the Senator from Tennessee proceed until the Senator from Massachusetts comes in.

The PRESIDING OFFICER. Is there objection to the Senator from Tennessee proceeding with his remarks, the unfinished business being informally laid aside for that purpose? The Chair hears none.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 251) providing for printing the Annual Report of the Commissioner of Agriculture for the year 1884, was read twice by its title, and referred to the Committee on Printing.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1555) in relation to the public building at Leavenworth, Kans., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 403) authorizing the erection of a fire-proof building in the city of Washington to contain the records, library, and museum of the Army Medical Department, reported it with an amendment.

BILL INTRODUCED.

Mr. HOAR introduced a joint resolution (S. R. 90) for the printing of extra copies of the report of the Committee on Privileges and Elections on certain recent occurrences in the State of Mississippi; which was read twice by its title, and referred to the Committee on Printing.

Mr. SAULSBURY. Does that include the views of the minority?

Mr. HOAR. Certainly; by all means.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. The Committee on Appropriations have had under consideration the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, and have directed me to report it with amendments. I give notice that I will ask the Senate to-morrow after the morning business or at some convenient time after the close of the morning business to proceed to the consideration of the bill.

MEXICAN WAR PENSIONS.

The PRESIDING OFFICER. The bill (H. R. 5667) is before the Senate as in Committee of the Whole.

Mr. JACKSON. I wish to call the attention of the Senate again to the fact that when the pension laws were extended to the soldiers of the Revolution the Government was comparatively free from debt and its expenses were very light. It had no heavy civil-list or pension-list as it has now. I want to call attention to another circumstance——

Mr. WILLIAMS. Allow me to ask the Senator how it was in 1871, when we pensioned the soldiers of 1812?

Mr. JACKSON. The list was large. I concede that so far as the principle was concerned that is a precedent, but it is not a precedent for this bill that we ought to follow under the circumstances that now exist, especially as we shall have to extend it, if we are consistent and have any respect for our consistency, to all the soldiers of the late war.

On what ground do pensions proceed, Mr. President? They are granted upon the idea that the soldier by reason of his services has incurred wounds or disabilities which have incapacitated him for the performance of manual labor necessary to his support. The existing pension laws have that requisite in them in regard to the soldiers of the late war except for specific disabilities, such as the loss of a hand or an arm or a foot or a leg. In all cases of general disability contracted in the service the soldier of the late war has to show that he is incapacitated for the performance of manual labor necessary to his support.

Is there any dishonor in that? Is there any dishonor in saying to the Mexican soldier, "Show that you are dependent on your labor for subsistence?" I can not see the dishonor or the wrong that there is in it. It simply seeks to exclude men from the bounty of the Government who do not need it. The doctor, the merchant, the lawyer, any man depending upon his personal exertions for his support, takes the benefit of this law under that amendment; but the man occupying high position, the man of wealth that has an income, does not need the pension and should not take it; and it is no dishonor to exclude him from the benefits of the act. What does the paltry sum of $8 a month add to the honor, the reputation, or the profit of the distinguished Mexican soldiers who occupy seats in this Chamber? What does it amount to for any man who has the means of support without resorting to personal labor? Nothing.

We cannot vote down that amendment which is right in itself unless we intend to adopt the policy of service pensions not only to the Mexican soldiers but to all the soldiers of the late war and all the wars to come. Bills have been introduced, and several of them already reported, which if passed will raise the pension-list within two years to over $250,000,000. Here are demands that parties are called upon to emulate each other in meeting, for at no distant day we are told they will emulate each other in meeting these demands for pensions to be granted and extended.

Here are some of these demands:

1. Pension to be granted disabled ex-prisoners without requiring proof that disability is the result of imprisonment.
2. The extension of the arrears act to January 1, 1885.
3. The increase of widows' pensions from $8 to $12 per month.

A very just provision. Look at the attitude we stand in before the country in reference to these widows. The widows of the soldiers of the late war are pensioned to-day at $8 per month, and a private pension granted to an able-bodied soldier of the war of 1812 is as much. Where is the right in that? Where is the equity in that? You talk of right or justice to the Mexican soldier. I do not propose to withhold it, but I do not propose to extend it where it is not needed.

Going on with these demands—

4. Proof of soundness prior to enlistment to be assumed in the absence of an adverse record.
5. Increase of pensions for the totally or partially maimed.
6. Increase of pensions for minor children from $2 to $5 per month.
7. Continuance of a soldier's pension to widow or dependent relatives, regardless of cause of death.
8. Pensions for all honorably discharged ex-soldiers and sailors now disabled and dependent upon their own labor for support, or who have reached 65 years of age, without requiring proof of origin of disability.
9. Proof of physical disability and dependence upon others than those legally bound for their support, together with the fact that the soldier or sailor left no widow or minor child, to be held sufficient to entitle dependent parents to pensions.
10. Legislation defining the status of pension clients and their attorneys.
11. An equitable equalization of bounties.

We are told that parties will soon be called upon, if they are not doing it now, to emulate each other in meeting these demands. If so, taxation never will be reduced, but the Finance Committee of the Senate and the Ways and Means Committee of the other House will be called upon to find new sources of revenue to meet our increasing expenditures.

I shall not detain the Senate by referring to the mistakes that have been made in debate in reference to the number of surviving Mexican soldiers. From the official reports of the Secretary of War to Congress during the Thirtieth and Thirty-first Congresses it will be seen that the loss by death in Mexico was not so large as stated by the Senator from Kentucky. I believe the number of survivors is much larger than he estimates. We are liable to be mistaken as to the expenditure involved in this bill just as members were who spoke in support of the arrears-of-pension act as to what it was to cost. Those who spoke in support of the bill to pension the soldiers of the war of 1812 also underestimated the cost of that bill. The same mistake occurred then, for there were 33,408 soldiers and widows who took the benefit of the act of 1878.

Mr. HOAR. I desire to ask my honorable friend from Tennessee if he will yield to me for a moment. I suppose I have the right under the rule to call for the regular order at any time.

Mr. JACKSON. I shall be through in a moment.

Mr. HOAR. The Senator will pardon me. I should not think of doing that while the Senator was on his feet; but it has been suggested by several Senators that it is unlikely that the Utah bill can be finished, with what they know of the desire of other Senators to debate the question, before Friday morning, when I am to go away myself for some time, and some other Senators interested in that question will be absent. It is also said that it is inconvenient for the Senate to have these two measures playing together, one of them interrupted for the other, and that it would be more convenient for the Senate to make some arrangement by which the Utah bill can be resumed after the Chicago convention. I am not prepared to make or propose that arrangement at this time, but in order that I may be able to see whether it can be made, I am willing to consent to have the Mexican war pension bill proceed for the remainder of the day, laying aside the Utah bill informally, and having it understood that the Utah bill is to be laid before the Senate again before its adjournment this afternoon, and in the mean time very likely some arrangement may be made.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent of the Senate that the unfinished business be informally laid aside for the day.

Mr. HOAR. Until immediately before adjournment.

The PRESIDING OFFICER. Informally laid aside until called up in the course of the day by the Senator from Massachusetts.

Mr. BAYARD. That I think was the condition of affairs when the Senator came into the Chamber.

The PRESIDING OFFICER. No; the Senate agreed to give unanimous consent that the Senator from Tennessee should proceed with his remarks, the unfinished business being laid aside informally for that purpose. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the unfinished business is informally laid aside.

Mr. PLATT. The Senator from Tennessee has yielded so long and so frequently that I trust he will yield to me to read a short extract from the debate upon the bill granting pensions to Revolutionary soldiers in 1832. The bill was under the charge of Senator Foot, from my own State. The report was made by him and he placed the ground of his report, the reason of his support of the bill, not upon the ground of service, but upon the ground that those soldiers had never been paid. This was in reply to Senator Hayne, of South Carolina. Senator Foot said:

Both the Senators from Maryland and South Carolina have charged on me a departure from the ground taken by the Senators from Connecticut in former times. They are said to have protested and voted against the principle of pensioning for military services. If the Senators will look at reports made by me during the present and former sessions, which have been printed and sustained by the unanimous vote of the Senate, they will find a strong protest against pensioning for military services in more than one report. These reports go further and state what, in my opinion, is strictly true: that Congress have never recognized the principle of pensioning for military services, and I trust they never will. They have indeed granted invalid pensions to such as were disabled by known wounds received in the "service;" and this is to be considered rather as part of the contract, or inducement to enter the service. The act of 1818 can not be considered as recognizing the principle of pensions. Its provisions did not embrace all who served in the Revolutionary war, even on the continental establishment; but only those "who were in such reduced circumstances as to need the aid of their country for support." It was rather a gratuity or charity, induced by the conviction that those men had never been fully paid according to contract, and were then pining in poverty. The act of 15th May, 1828, to which this bill is a supplement, does not recognize the pension principle

at all. It rests on the ground that the contracts of the Government with these men were never performed in good faith; that they never received a full compensation; and this bill proposes to add the remnant of the Revolutionary army, including militia, State troops, and volunteers, upon the same principle—that they were never paid according to contract. It does not propose to make full payment, but to do something like equal justice to all who have equal claims for their services, sacrifices, and sufferings, in the glorious struggle for our independence.

Mr. JACKSON. Mr. President, I am obliged to the Senator from Connecticut for referring to the extract he has read, because it is just in the line of what I stated, that they were being provided for under some assurances, either by Congress or by the States previously made to them, and it is known to every man familiar with the history of the Revolution that the soldiers of the Continental army were not paid, and therefore had a claim upon Congress; but as I was saying when interrupted, we have always underestimated the cost of these pension bills. The cost of the pension bill passed on the 3d of March, 1883, turned out more, and will turn out more, than the Committee on Pensions thought. They all cost millions and millions more than was expected. So of the act that pensioned the soldiers of 1812. It was said they were but a handful; that 53 years had elapsed from the close of the war of 1812; that there were no soldiers of that war surviving; and after the passage of the act of 1878, the very first year afterward, 10,000 surviving soldiers applied, and 22,000 widows in two years, and there are now on the pension-rolls of the soldiers of the war of 1812, survivors and widows, 26,197. It is a mistake to suppose the report of the Commissioner of Pensions is intended to prejudice the bill. No such object was had in view by the Commissioner who gave us the data in reference to the Mexican war soldiers or by the committee. It was our duty to lay before the Senate all the facts in this case showing what would be the probable expense.

I say that instead of being overestimated the estimate is not an exaggeration. Fifty-three years after the close of the war of 1812, 10,568 survivors appeared to claim their pension, and it will be found an error to suppose that there are not more than 12,000 survivors of the Mexican war now after a lapse of thirty-six years, when all the soldiers of that war were young men, and, except only about a thousand of them, were unmarried men.

Mr. MITCHELL. If the Senator will allow me I will give him the figures of the Commissioner of Pensions as to the number now upon the the roll.

Mr. JACKSON. Yes, sir.

Mr. MITCHELL. Of the Army and Navy invalids, 3,830; of widows, 3,150; making 6,980 altogether now upon the rolls on account of the Mexican war. This is down to January 1, 1882. In that connection of course it will be understood that all those from the South (and the larger portion of them came from the South) are not now on the pension-roll.

Mr. JACKSON. No, sir; they are not now, and the object of the amendment to the sixth section is to allow the disabled to get there. But the Senator from Kentucky states that there were 16,000 who lost their lives in the service in Mexico. I have here the official report called for by Congress just at the close of the war, in 1848, in which the Secretary of War reported the casualties much lower than stated by the Senator from Kentucky. The regular and volunteer army both amounted to over 104,000; the killed were greatly less than 16,000; the number discharged for disabilities was 7,028, I believe; so that the great bulk of the soldiery returned. They are not yet old men.

Mr. INGALLS. Will not the Senator be good enough to repeat those statistics?

Mr. JACKSON. They are found in executive documents of 1848 and 1850, from the report of the Secretary of War.

Mr. INGALLS. What was the whole number of deaths that occurred during the war?

Mr. JACKSON. Killed and wounded I only gave.

Mr. INGALLS. The killed?

Mr. JACKSON. I can not state accurately without further examination.

Here is the official report. It was made in 1850, giving the aggregate number of deaths. The discharges I do not see now, but there were about 7,000 discharged in all.

There is a second report made by the Secretary of War in 1850. I of course have no knowledge as to the accuracy of these reports, but they correspond substantially with the statement made by the Commissioner of Pensions. I will not take the time of the Senate to look to it now, but there is a large survivorship. Most of them married after the war, it is presumed. The bill gives the pension either to the surviving widow or the soldier, and what difference does it make? There is no point in that.

Mr. President, one word more, and I shall not detain the Senate longer. I want to disclaim the idea or the intention of putting any stigma upon any soldier of the Mexican war in the amendment that the committee have reported. I think that for any man to earn an honest living by his own labor is an honor instead of a stigma or a disgrace, and it will set a bad example to the country for Senators to convey the impression that to require of the soldier to show that he has to labor for his support subjects him to either dishonor or a stigma. Labor here and anywhere is honorable, and the youth of this country should be so taught. There is no stigma intended or meant, nor is there any in fact in the amendment, which should be adopted by all means, unless we are ready to go into the policy of pensioning for service all the way through.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Pensions.

Mr. BAYARD. I merely desire to understand the question. I will ask the Chair, am I correct in supposing the vote now to be taken is on striking out all the lines canceled from 17 to 21 and inserting the words in italics that follow?

The PRESIDING OFFICER. That is the question.

Mr. BAYARD. Precisely as it is printed?

The PRESIDING OFFICER. That is the question now pending before the Senate.

Mr. BAYARD. And that motion to strike out and insert is not separable?

The PRESIDING OFFICER. It is not divisible.

Mr. WILLIAMS. I understand that the vote is to disagree to the amendments of the Senate committee.

Mr. LOGAN. That is it exactly.

Mr. BLAIR. As there seems to be a desire to vote upon the two propositions of the committee separately, and the question is being taken on the motion to disagree to the amendment which includes them both, and as some would like to vote differently perhaps upon the two propositions, I ask the Chair if instead of putting that motion, that being withdrawn, it would not be in order for any Senator to move to strike out in the Senate amendment all after the word "remarried" in the twenty-second line, so that the vote would be taken separately upon the question of giving assistance to those who need it, as seems to be desired?

The PRESIDING OFFICER. Certainly that amendment would be in order. It is perfectly competent for any Senator to move to amend the part proposed to be stricken out or the part proposed to be inserted.

Mr. BLAIR. Then if whoever asked to have the question taken on disagreeing to the committee amendment in whole would withdraw that motion and any Senator who wants to take it upon what is called the poverty clause alone would make the motion to strike out, the whole difficulty would be obviated.

Mr. CAMERON, of Wisconsin. I suppose it is not necessary that the motion now pending shall be withdrawn before a motion can be made to amend the portion which is proposed to be inserted.

The PRESIDING OFFICER. The Chair will state to the Senator from Wisconsin that there is no amendment pending except the amendment reported by the Committee on Pensions. The question is whether the Senate will agree to that amendment.

Mr. CAMERON, of Wisconsin. That is a motion to strike out and insert.

The PRESIDING OFFICER. A motion to strike out and insert.

Mr. CAMERON, of Wisconsin. Then I move to amend the portion which is proposed to be inserted by striking out thereof all after the word "remarried," in line 22.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Wisconsin.

The CHIEF CLERK. In line 22, after the word "remarried," it is moved to strike out the following words proposed to be inserted by the committee:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act, unless dependent, in whole or in part, upon his or her own labor or assistance from others for support.

Mr. BLAIR. The motion now is to strike out the proviso, which will be excluded from the bill if the motion prevails, leaving its provisions applicable to everybody whether he needs or does not need a pension. It is proposed to strike out the words:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act, unless dependent, in whole or in part, upon his or her own labor or assistance from others, for support.

If those words remain in the amendment proposed by the committee and the bill should thus pass every soldier of the Mexican war who needs help from this Government would obtain it, and so would every widow of a soldier of that war, and so every woman not now the widow of a soldier of that war but who may become so hereafter would receive in case of need support to the amount of $8 per month from the Government. The bill under no circumstances would give to either soldier or widow aid unless it were necessary.

In addition to what I have said during the debate already I wish to make only one further suggestion. Those who rise here and speak of this with derision as the pauper clause, as an insult, as a thrust in the face of the mendicant soldiery of the country, and who would prevent the adoption of the amendment of the committee upon that ground, claim that they oppose this amendment as the special friends of the soldiers of the late war; and of those Senators I would ask attention to one consideration. If this amendment is adopted it becomes at once a precedent for granting to all the soldiers, to the widows of all the soldiers, and also to all dependent parents, for the principle is the same, of those who were engaged in the war of the rebellion, immediate help from the Government, provided that they need it.

If the amendment of the committee is rejected and the bill passes as

it came from the House, then Senators on this side of the Chamber will have helped to establish a precedent for—what? Not to assist the soldiers, the widows, and the parents of the soldiers of the late war who are in immediate need, but who can complain of no disability contracted in the service, but to extend to them after most of them are dead aid in the far future; and Senators call that a vote cast in this Chamber upon this bill in favor of the soldiers of the late war. For what action is it a precedent if those Senators succeed in rejecting the amendment proposed by the committee? That at the end of thirty-six or thirty-eight years a like bill shall be passed? Do Senators on this empty side of the Chamber when a question like this is under discussion suppose that by the rejection of the amendment of the committee (which is offered in good faith by a unanimous report, members upon both sides concurring in it), and by establishing a precedent that applies only when at least one-half, if not two-thirds, of the living soldiery of the late war are in their graves, the survivors shall be aided, that they are in so doing meeting any obligations that the country may owe to the soldiers of the late war? Is their vote one favoring or one injuring the soldiers of the late war, the widows of the soldiers of the late war, and their dependent parents?

The principle embodied in this amendment, and which the committee have incorporated in the bill which was reported this morning by the Senator from Illinois [Mr. CULLOM], if adopted in this measure and carried out in that bill (and if adopted in this measure it must be carried out in that bill), will give to the soldiers and to the widows of soldiers who need it anywhere in this country immediate help. The rejection of this amendment is information conveyed from every Senator who votes that way that the needy soldier of the late war who was not disabled in the war, and is not consequently included in existing pension laws, his widow, or his parent, may expect after the expiration of thirty-six, thirty-seven, or thirty-eight years, to receive assistance. After many of them have starved, after multitudes of them must have died, then they are to be aided, and Senators call that a vote in favor of the soldiers of the recent war!

As I said before, here is a principle involved. I think that the Government should aid its soldiery when they are in need, and only when they are in need. I think that those who stand here in the Senate and say that to assert that because a man is poor we will therefore help him by reason of the honorary obligation of the Government is to insult him preach a false doctrine. It is false pride; it is unrepublican. As the Senator from Tennessee [Mr. JACKSON] has just stated, it is not a good doctrine to preach to the people of this country, nineteen-twentieths of whom are laboring people to-day.

No, sir; work is honorable; poverty is not dishonorable. It is conceded by every advocate of the bill on this floor that to accept this grant of aid when the soldier does not need it would be dishonorable. As I said the other day, if it is dishonorable for the Senator from Kentucky [Mr. WILLIAMS] to take the pension proposed here of $8 per month, or the Senator from Illinois [Mr. LOGAN], or the Senator from Texas [Mr. MAXEY], or the other Senator on this floor who would be entitled to claim a pension under the provisions of the bill and who proposes to vote it, why is it not an insult for the Government to offer it to him? All men are not particular to be governed by the highest and nicest sense of honor whenever there is a dollar in question. Members of the committee know, for they have so stated to me, of more than one man worth his thousands and his hundreds of thousands who is in correspondence with members of the committee urging the passage of this bill in order that he may take his $96 a year and add it to his hoards already at interest.

There are at least one-fourth of the soldiers of the late war who are under no necessity of receiving help from the Government, and who could claim a pension if this principle were carried out; it may be there are at least one-half. There must be a very large proportion of those who were engaged in the Mexican war who do not need this help. As the friend of the soldier, as the friend of the laboring man who must pay this tax, or of the capitalist who must pay this tax, in view of a precedent which may involve the financial safety of the country now or within a very few years to come, and in view of the precedent we are setting which in some future time, when other wars will have oppressed the country, and when the revenues of the country shall not be as they are now, liberal and easily collected, I ask how it is that any Senator in the face of all these considerations can justify himself in casting a vote that indorses this ruinous principle?

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. CAMERON] to the amendment of the Committee on Pensions.

Mr. MITCHELL. I think the amendment had better be stated plainly.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Wisconsin.

The CHIEF CLERK. In section 1, line 22, after the word "remarried," it is moved to strike out the proviso in the proposed committee amendment, in the following words:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent in whole or in part upon his or her own labor or assistance from others for support.

Mr. CAMERON, of Wisconsin. I made the motion to amend the committee's amendment for the purpose of getting a separate vote on each of the two propositions. I agree with the committee, and am not myself in favor of the amendment which I have moved.

Mr. SLATER. I am desirous of voting in such a way, as suggested by the Senator from Wisconsin who has just taken his seat, as to reach a separate vote on the two propositions which the Chair has decided are not divisible. As the amendment of the committee stands, while I favor the proviso, I shall vote to strike it out now with a view that it shall be hereafter offered, so that I may vote directly against the committee's amendment on the marriage clause and vote for the bill on that point as it came from the House. As I understand parliamentary law, after that vote shall have been carried either in Committee of the Whole or in the Senate it will be in order to offer the proviso which the Senator from Wisconsin has now moved to strike out, and in that way reach a direct vote upon the question.

Mr. BAYARD. It probably is my fault that I do not understand the effect of the motion my friend from Oregon suggests. If I understand him correctly, he is in favor of restricting this act of Government bounty to those classes of men who served in the Mexican war who need it. He proposes, as I understand him, that those who do not need this pension, who by fortune otherwise are provided for, shall not receive this bounty from the Treasury, but that those who alone need it shall receive it. I agree with him there. But he proposes to strike out that feature of the amendment that would produce the very restriction which both he and I favor.

The restriction proposed by the House and the restriction proposed by the Senate committee I desire to assist by my vote. I desire that the marriage which shall entitle the widow to a pension shall have taken place during the term of service.

Mr. SLATER. That is the bill as it comes from the House.

Mr. BAYARD. That is the bill as it passed the House. That is one restriction.

Mr. CAMERON, of Wisconsin. Will the Senator from Delaware allow me to interrupt him?

Mr. BAYARD. Yes, sir.

Mr. CAMERON, of Wisconsin. The Senate committee recommend that certain words and lines be stricken out and that in lieu of those lines and words some other lines and words be inserted. The Chair has held under the rule that that motion is not divisible. In this case it happens to embody two propositions. One is in regard to the widow, and the other is the so-called pauper clause. Inasmuch as the Chair has held under the rule that that amendment is not divisible, for the purpose of getting a separate vote on each proposition I have moved to amend by striking out the proviso which embodies the proposition called the pauper clause. I do that for the purpose of getting a separate vote upon the two propositions. I agree with the Senator from Delaware that that proviso ought to be retained and consequently will vote against my own motion, the object being to obtain a separate vote on each distinct proposition which under the ruling of the Chair can not be obtained in any other way. If my motion is voted down, then the proviso remains in the bill, as I understand the Senator from Delaware desires that it shall remain.

Mr. BAYARD. But may I ask the Senator, for I have much greater confidence in his knowledge of parliamentary law than my own, suppose we shall vote down the proposition of the committee, that will leave the lines from 22 to 25 as part of the text.

Mr. CAMERON, of Wisconsin. Yes, sir.

Mr. BAYARD. Then will come the vote upon the amendment still as to the cancellation of lines 17 to 21 as the bill came from the House. I desire, as the Senator does, to retain both those restrictions. I do not see the justice or the right in pensioning a widow who was married after the term of service for which we seek to reward the husband.

Mr. SLATER. Will the Senator allow me to interrupt him at that point?

Mr. BAYARD. Certainly.

Mr. SLATER. If we adopt the entire amendment of the committee we shall lose the restriction of the House bill and broaden it so as to let in not only all those who are widows now, but those who may become widows hereafter. I wish to retain the provision of the House, and the only way we can reach it is by first striking out the proviso and then let the question come up on the amendment offered to strike out the words and insert the words "have not remained;" and by voting "yea" upon that proposition we shall be in a position to offer the other amendment.

Mr. CAMERON, of Wisconsin. If my motion be disagreed to, as I stated the proviso will remain in the bill. Then the question will recur upon the amendment of the committee to strike out lines 17, 18, 19, 20, and 21, so that we get a separate vote upon that portion of the proposed amendment, that is the motion to strike out. Those who favor striking out will vote for the amendment and those opposed will vote against it.

Mr. BAYARD. It does seem to me something of a parliamentary paradox that you are to establish this language in the bill by moving to strike it out and then vote against the proposition.

Mr. CAMERON, of Wisconsin. Under the ruling of the Chair, in no other way can we get a separate vote upon it.

Mr. BAYARD. The Senator moves to strike out the words from

lines 22 to 25. A vote against the proposition will keep the proviso in the bill?

Mr. CAMERON, of Wisconsin. It will keep it in the bill.

Mr. BAYARD. And then the vote will be taken upon the question of cancellation separately?

Mr. CAMERON, of Wisconsin. That is it exactly.

Mr. LOGAN. Mr. President, I did not intend to detain the Senate another moment, but I have heard the statement made by two or three Senators, following the statement of the Senator from Tennessee [Mr. JACKSON] who addressed the Senate from the committee's standpoint, that only persons who are not competent to make a living should be entitled to a pension; and, on the principle that this bill proposes to grant a pension, that is such a remarkable statement to me that I must respond to it at least in behalf of some of the soldiers of the Mexican war who, perhaps, according to this theory, have not so many friends here as it seems to me they deserve.

I ask the Senator from Delaware, if he will give me his attention, to tell me upon what principle he will vote a pension to a man who is not competent to make a living. Is it because of his want of ability to make a living? Is that the ground? Is it because of disease? Is it because of infirmity on account of old age? Is that it? I should like to have the Senator state right now if that is the proposition. I ask the Senator if that is the ground. Does the Senator understand me?

Mr. BAYARD. If the Senator asks for an answer——

Mr. LOGAN. I ask the Senator this question: Following the statement of the Senator from Tennessee, who represents the committee, he says that the pension should be granted to the soldiers of the Mexican war who are not capable of making a living. I ask if the ground upon which he proposes to vote for this proviso is that the pension shall be granted because the soldier is not competent to make a living. I ask if that is the ground.

Mr. BAYARD. The Senator can find a definition for "pension" and the object of it. In the first place, I never held that it was a matter of contract between the soldier and the Government; nor do I hold that it is a thing to be based upon mere pauperism. I hold that a pension is a sum of money paid upon the principle of gratitude by the nation at large to those who have suffered and become needy in its defense. That is my view of a pension. It is for a public service, and in this case for a military service which has disabled the person who rendered it from following the ordinary avocations of life in greater or less degree, and because of his doing for the country that which we had a right to ask all to do. I propose to reward the class who suffered for the rest.

That is my view of a pension. I do not hold it to be a matter of contract at all. You may call it a gratuity, but I mean to say it is a rendition of gratitude in the shape of pecuniary annuity to those who have suffered in behalf of the rest. If they need it you graduate your pension accordingly. You give your pensions to-day for total disability at a higher rate than you do for partial disability, and all that is a question of legislative discretion.

That is my answer as to the definition of a pension; but this bill goes far beyond that. The Senator rose to argue the question of widowhood. That was the first part. Then the question is whether, after the service is performed and after the contract of matrimony is formed, there should be a survivorship to the widow of a pension, or the original granting of a pension to a widow who has married long after the services have taken place. I hold that the restriction put in by the House of Representatives was a very wise, reasonable, and proper one.

Mr. LOGAN. It is a very noticeable fact that whenever a Senator undertakes to explain the reason why he gives a pension to a man who is not entitled to a pension under the present law for disability incurred in the service he generally gets into tolerably deep water.

Mr. BAYARD. I did not refer to the present law.

Mr. LOGAN. There is no principle involved in this bill in reference to the law of pensions except the question of service. You are not giving a pension to the soldier who served in the Mexican war because of wounds or disability. Such a one is entitled to a pension now under the law without this bill; so that is not the purpose of the measure. If you give the pension to him because he is incompetent to make a living and not for his services, I ask you if you are not equally bound to give it to every man who is incompetent to make a living whether he served or not? So that can not be the reason for it. There must be something higher than that. It must be based upon some principle of liberality toward men who have faithfully served their country, and upon none other.

If you give the pension on the ground you state, that it is a gratuity for faithful service, tell me why you do not give it to a man who has become disabled and diseased since the war for some other misfortune than the war, who served his country better than other men who have not been unfortunate since the war? It is a distinction that I do not recognize. I myself ask for no pension, but I will not allow any man to say, without at least protesting against it, that any one served his country with more zeal in that war than I did, a mere boy. I ask no pension for it, but to those who are willing to take a pension for their services to the country I am willing to vote it, not because they are mendicants, not because they are suppliants at the crib of the Treasury, but because they were patriots in the time when their country desired their services.

Sir, there are men in this Chamber who scaled the giddy heights of Mexico under a terrible fire. I am not one of those to whom I allude. Will any Senator tell me that they performed less their duty because they are in health to-day than the man who is unfortunate on account of disability brought on by disease incurred years and years after that war? When you make that distinction you give a pension to them because they are mendicants and not because they are patriots. That is not the rule which should be applied. If the Government of the United States does not desire to give pensions to these men, it is easy enough to say so.

I vote for this bill because the Government of the United States did this for the soldiers of the war of the Revolution, the war of 1812, and every war down to the Mexican war. I would not perhaps have introduced the bill myself, having been a soldier in that war, but inasmuch as the bill is before me, when the comrades with whom I served ask me to extend the hand, I shall not falter or fail in doing it.

Mr. President, there is one other thing in reference to this matter. The Senator from Tennessee (and I desire while I am up to respond to that part of his argument) said he was opposed to leaving the sixth section in the bill as it came from the House, and therefore desires to amend it as is proposed by the Committee on Pensions. I say to him that I am very sorry the committee undertook to make that amendment. I have advocated the bill without reference to any man who served in that war, or other wars, except those who are laboring under disabilities on account of serving against the Government; for a pension to them I never will vote, and I shall never advocate it or agree to it. The proposition of the House was to repeal that section so far as this bill is concerned. Why? I am glad to say that those who believe with the Senator at the other end of the Capitol are a little more liberal than he is in reference to the statutes that have been passed in former years by gentlemen who differ with him, and yet who are willing now to be generous so far as the past is concerned.

That statute was passed for a purpose. What was the purpose? It was that men who were drawing pensions from the Government on account of wounds or disability received in the Mexican war and who took arms against the Government of the United States should be prohibited from being placed on the pension-list under the laws that existed then or now. It was passed for that reason, and in my judgment it was right; and the proposition of the committee now to repeal that law *in toto* is to put them back on the pension-rolls as they were before that section was enacted. I do not agree to that.

Mr. MITCHELL. Will the Senator allow me to interrupt him so that we may come to an understanding in regard to this matter?

Mr. LOGAN. Very well.

Mr. MITCHELL. I presume on this question the Senator and myself will not take a different view where the purpose of the committee was good according to his and my view.

Mr. LOGAN. I hope not.

Mr. MITCHELL. The act of 1878 does restore to the rolls all the soldiers who were engaged in the Creek and Seminole war, and if we adopt the sixth section as it came from the House we shall have this state of affairs: the soldiers who took part in those wars will have received their pensions during all the time since the 9th of March, 1878, whereas the soldiers who were engaged in the Mexican war will have a pension simply from the time of the passage of this proposed law. Not only that, but there will be also a distinction between the two classes of soldiers, those who will get a service pension under this measure and who under the general law will be entitled to a pension for a specific disability, as for instance the loss of a hand or an arm or anything of that kind known as a specific disability under the existing law. The purpose of the committee was simply to place the soldiers of the Mexican war upon the same footing precisely as soldiers of other wars who have been relieved of their disabilities. I intend to make a proposition to that section suggested by the Commissioner of Pensions which will relieve it of all doubt on the question.

Mr. LOGAN. I made a proposition to leave that section just as the House passed it, for the House in my judgment did exactly right. The House refused by that section to put gentlemen back on the pension-roll where they were before the rebellion commenced when they had taken part in the rebellion, but so far as this measure is concerned to allow them to be on the roll as soldiers of the Mexican war who had been relieved of disabilities. That was the proposition of the House, and they are correct.

Mr. MITCHELL. If the Senator will allow me, as I have no doubt he desires to understand the committee——

Mr. LOGAN. I do understand it.

Mr. MITCHELL. I fear the Senator does not. In what respect are the soldiers who were engaged in the late rebellion and who are included within this bill relieved from disabilities by any law unless it be by this measure?

Mr. LOGAN. They are not entitled to a pension at all until they have been relieved of their disabilities.

Mr. MITCHELL. Precisely.

Mr. LOGAN. And that is the language of the act.

Mr. MITCHELL. Is not that the effect of the proposition of the House itself?

Mr. LOGAN. Not at all. If the Senator had listened to me, I was replying to the Senator from Tennessee, and was trying to show wherein he had fallen into error.

Mr. MITCHELL. When we come to the sixth section I shall endeavor to make myself understood by the Senator.

Mr. LOGAN. I hope I am not so dull of comprehension as not to understand the Senator. I think I do. At least I think I understand myself. I will state my understanding and my intention. If the Senate amend the bill as the committee propose to amend it, so far as I am concerned I shall vote against it for the reason which I shall state. First, the Senator from Tennessee says persons who served in the confederate army and who had been wounded in the Mexican war and entitled to a larger pension than this bill gives them would be excluded by the proposition that I make. That is true, and that is exactly what I mean.

I certainly should not have alluded to this subject if the Senator had not brought it up himself, and I am very sorry he did, for I was in hopes at least that we should get through the discussion of this bill without any reference to what had occurred heretofore; but he brought it in himself. Of course they would be excluded from a higher pension than $8 a month, and why? Because if they drew a pension from the Government and voluntarily went into a rebellion against it they forfeited their right to a pension and are not entitled to one cent of it except as the Government chooses to give them a pension under this bill, and if they can not take this I would not vote to give them a cent. I am willing to be as generous toward them as anybody, but so far as I am concerned I propose to put them all upon the same footing, and if they forfeited their right to a pension it seems to me they ought to be perfectly satisfied to be placed on a footing in this bill with others.

Now, let us go a little further. If they drew a pension on account of disability incurred or wounds received in the Mexican war and then went into another war, no matter which side they were on, their pension was unjustly given them, because if they were entitled to a pension they certainly were not able to make good soldiers. Being entitled to a pension, if they staid out of the war they could receive their pension, no matter how large or how small; but by going into a war against the Government they proved that they received a pension unjustly or they would not have been competent to perform the duties of a soldier.

So, taking it on either ground, the bill is perfectly just to them, and my proposition is to strike out the amendment of the committee, so that these men shall receive $8 a month on an equality with other men who are pensioned under this bill; but that they shall not be restored to a pension-list that they were on prior to the war known as the war of the rebellion.

I want it distinctly understood that I should not vote for this bill with a provision in it restoring those men to the pension-rolls and giving them the same character of pension they had before the war after they had forfeited it by going into rebellion against the Government.

Mr. BLAIR. The Senator will allow me to say that as the bill comes from the House that is its effect so far as the soldiers of the Mexican war are concerned.

Mr. LOGAN. I beg the Senator's pardon; the effect is just the contrary. The effect of it is to give them pensions, and your amendment is to put them back on the pension-rolls where they were before. That is the difference exactly. If I am mistaken in that, then I will take back all I have said.

Mr. MILLER, of California. You are in favor of the bill as it came from the House?

Mr. LOGAN. I am in favor of the bill as it came from the House. It repeals the law that prohibits them from drawing pensions so far as this bill is concerned; it allows them to receive $8 a month; but the amendment of the committee repeals the law so far as this pension act is concerned and strikes out the section of the Revised Statutes entirely. When you strike the section out entirely, then the law stands as it did prior to the enactment of the section which allowed them to be on the pension-roll. That is the only thing that excludes them from the pension-roll, and you propose to repeal it entirely. When you repeal it entirely they will be put back on the pension-roll as they were before. I propose to adhere to the bill as it passed the House, which repeals the act so far as this measure is concerned and no further. It puts them on the pension-roll, but excludes them from the roll they were on prior to the rebellion. That is the distinction precisely. That is the way the Senator from Tennessee understands it, and it is exactly correct as he understands it. It has precisely that effect. For that reason I made the proposition to strike out the amendment of the committee, leaving section 6 to stand as it came from the House. I hope the bill will pass as it passed the House; that the pauper clause proposed by the committee will be stricken out, and that we shall take it as it came from the House and in no other way. If the pauper clause is retained in the bill, then I am relieved so far as I am concerned from its support, or if the amendment of the committee in section 6 is retained in the bill I am relieved also. I do not propose to say that a man shall be entitled to a pension for going through a war who received no disability in the war merely because he is incompetent to make a living to-day, and those who went through the war and served just as well shall not receive any because they are competent to make a living. I do not propose to put myself on the record in that way. If we give a pension for service, all who served are entitled alike. If we do not give it to all alike, then let us give to none, because if they are not entitled on account of the many years which have passed since the war for the service they performed, they are not entitled to it for any other reason whatever, for if they were so entitled they would be pensioners on the roll to-day.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin to the amendment of the Committee on Pensions.

Mr. CALL. I should like to have the question stated again, so as to know precisely what it is we are to vote upon.

The PRESIDING OFFICER. The Secretary will report the amendment of the Senator from Wisconsin.

The CHIEF CLERK. In section 1, line 22, after the word "remarried," it is moved to strike out of the amendment of the committee the following proviso:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent in whole or in part upon his or her own labor or assistance from others for support.

Mr. HOAR. I have an amendment covering the same ground which I should like to offer at some time during this discussion, and I ask to have the amendment read for information now, if there be no objection.

The PRESIDING OFFICER. If there be no objection the amendment suggested by the Senator from Massachusetts will be read.

Mr. HOAR. It is an amendment to be added at the end of the first section.

The PRESIDING OFFICER. The Secretary will report the proposed amendment.

The Chief Clerk read as follows:

Provided, further, That the provisions of this act shall not apply to any person who is not disqualified from earning his own living until such person has reached the age of 70 years.

Mr. MCPHERSON. I should like to ask the Senator from Illinois a single question, because I think I rather failed to understand him entirely. If I understand him aright he advocates granting a pension for service. Applying that principle, as I think the Senator will insist upon applying it, to all cases, what will be the result as to all the soldiers of the war to suppress the rebellion? If that principle is embodied in this legislation it does not seem to me that we could with very great propriety withhold it from all the soldiers who served in the war of the rebellion on the side of the Union. If the Senator will now go so far as to answer the question, upon a proposition of that character what would be the Senator's judgment?

Mr. LOGAN. If the Senator desires me to answer I can do so very readily.

Mr. MCPHERSON. Before the Senator proceeds to answer the question I wish to modify it to this extent: that it being for service without any regard to wounds or disabilities of any character whatever that may have been incurred during the war, the question recurs then upon the principle of granting a pension for service. Would the Senator grant a pension to every man who was engaged in the war of the rebellion upon the Union side or in any other war?

Mr. LOGAN. I can divine very easily the reasons of the Senator for asking the question, and so can almost any one on this side of the Chamber. I will say to the Senator very frankly if the bill does not proceed upon the theory of service it proceeds upon no theory at all, for you have no evidence that any of the soldiers of the Mexican war who are not drawing pensions to-day are incapacitated from making a living. Hence there is no principle in the bill except the principle of service, and because time enough has elapsed to show that the majority of them are old and bordering upon the very verge of the grave.

Mr. MCPHERSON. The Senator is supporting it upon the principle of such service?

Mr. LOGAN. I am supporting it on the principles I have stated time and again. I will say further to the Senator, as I have said before, I never cross a bridge until I come to it. When other questions come up I shall be ready to meet them, as I have always been ready to meet any that come up; but I do not propose to anticipate them.

Mr. MCPHERSON. The Senator will pardon me one moment. I have always noticed in all the arguments the Senator makes upon the floor of the Senate a desire on his part to be entirely consistent. Now, as universal principles admit of no change whatever, it does not seem to me possible that the Senator would fail to apply that principle to all the soldiers of the late war. I do not wish an answer from the Senator if he declines to give one. The statement that when the question came before the Senate there would be time enough to answer it is hardly, I submit to the Senator, a proper reply to the question.

Mr. LOGAN. I will say to the Senator that it is my reply to the question that I meet questions as they come up, and he is not adroit enough nor shrewd enough to force me into discussing subjects that are not before the Senate. Some men may be, but that Senator is not.

Mr. CALL. Mr. President, there is not a great deal of practical

benefit involved in this proposed amendment to the bill so far as it confines the pensions to soldiers who are in extreme poverty. I presume that while the Senator from Illinois is logically correct, and that a pension is not grantable as a matter of reason to any man because he is a pauper, because he is dependent upon his own exertions for a support, while the meritorious consideration must be the service he has rendered to the country; and while beyond all question there can be no other reasonable or logical proposition; and while we can not say we will pension men because they are helpless, for that is the subject of the poor-laws of the States; and while certainly it is the duty of every State government to make provision for those who are unable to take care of themselves, and poor-laws for the people of the States are not within the sphere of the National Government; and while poverty or mendicancy can not be assumed to be a ground for public gratitude or for compensation or any other basis for legislation on the subject of pensions, yet I can see no reason why there should not be a mixed or composite ground for such legislation; why the moving consideration of a pension should not be both meritorious service and helplessness and dependence produced more or less by the service rendered to the country as a reasonable ground for legislation.

But in this case there is no reason for thus restricting the law. Many years have passed. The burden upon the public Treasury of the small number of persons who were soldiers of that war, and who are now in comfortable circumstances, would be infinitesimal; it is not worthy of consideration. There is therefore no practical reason which should govern this legislation why a condition should be inserted in the bill which is more or less objectionable to the soldiers of the Mexican war, and why pauperism or mendicancy or helplessness or dependence upon their own manual exertions should be made the condition of the pension.

The ground on which pensions are granted is the service of the soldier and the public policy which will encourage the citizen to be a defender of the state. This public policy finds the provision for the support of the soldier and of those dependent on him, when he has become disabled from any cause in the service, by the citizens for whom he has sacrificed his life and health, the only means by which an army of brave volunteer soldiers can be encouraged. The same public policy finds it expedient, after many years have passed, to bestow on the survivors of some great war an evidence of national gratitude; but all these measures of public policy must be limited by the national ability to pay without burdening the people with too great and oppressive taxes.

The terms of the amendment include almost every one, and are therefore of no practical benefit, and only serve to declare extreme poverty as the ground of the pension. There are but few persons in this country who are not dependent upon their own exertions for support. Strictly construed, the amendment would not limit the provisions of the bill to persons in extreme want or destitution. The proviso reads:

That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent, in whole or in part, upon his or her own labor, or assistance from others, for support.

It is a large fortune which exempts a man from contributing something by his own labor to his support. The term "labor" used in the amendment is general. It is not manual labor; it is exertion of any kind; and as I said there are but few who are enabled to live without more or less of their own labor.

I oppose the amendment on that account, because it is objectionable to the great majority of the people who served in that war, and because it is of no practical benefit to the country in lessening the burdens which will be imposed upon it.

I should like to hear some Senator give a reason why a woman who has married a soldier of the war and served faithfully in her relation of a wife and contributed to his comfort, but who married him after his term of service, should not be entitled to a pension, while you give it to the woman who married him on the day of his discharge. The soldier who served unmarried through the war and married the day after and died, his widow receives no pension.

Why do you give a pension to the widow who was married during the term of service? It is to extend the benefaction which you make to the soldier to those whose comfort is more desirable to him than his own. It is because a pension given to him would be of comparatively little value if he were told that the objects of his affection, his children and his wife, should receive nothing from it; that upon the sacrifice of his life for others, for his country, those to whom he gave his life would refuse to support his wife and children. You would thus destroy the incentive to the soldier to give his life and strength to the country. You destroy his patriotism. You can not have an army of brave and self-sacrificing soldiers on this policy. You can not make men love their country by enacting laws that the wives whom they love better than their own lives shall not derive any benefit from their sacrifice.

Does not the same reason imperatively demand that if a woman should marry the soldier after his term of service and perform the part of a faithful wife to him she should have the same privilege that is given to the one who married the soldier during his service? What ground of reasonable distinction is there? I can perceive none. I can see no ground whatever for a conclusion that the woman who marries after her husband's term of service shall have no benefit from the pension after her husband dies, while the woman who marries during his term of service and before his discharge shall be entitled to a pension. I insist that there can be no reason given for such a distinction.

I shall vote against the amendment of the committee so far as it makes the poverty of the soldier the sole condition of granting the pension, and I shall vote for so much of the amendment as allows the widow of a soldier who served through the war and married the day after the same pension that is given to the widow who married the soldier on the day before his discharge.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin to strike out the proviso in the amendment proposed by the Committee on Pensions.

Mr. WILLIAMS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. Let me make an inquiry. Is it the proviso embraced between lines 22 and 25?

The PRESIDING OFFICER. That is the proviso.

Mr. VOORHEES. The motion now is to strike it out?

The PRESIDING OFFICER. To strike it out.

Mr. MORRILL. Let the amendment be read, so that the Senate may understand it.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. It is proposed to strike out in section 1, after the word "remarried" in line 22, the following proviso:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent, in whole or in part, upon his or her own labor or assistance from others for support.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. GARLAND (when Mr. WALKER's name was called). My colleague [Mr. WALKER] is necessarily absent from the Chamber to-day. He has a general pair with the Senator from Illinois, Mr. CULLOM. If my colleague were here, he would vote "yea" upon this proposition.

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Arkansas [Mr. WALKER].

Mr. CAMDEN. I wish to announce that my colleague [Mr. KENNA], who is absent, is paired with the Senator from Minnesota, Mr. SABIN.

Mr. RANSOM. I desire to state that my colleague [Mr. VANCE] is paired with the Senator from New York, Mr. LAPHAM, on this question.

Mr. BUTLER. I wish to state that my colleague [Mr. HAMPTON] is paired with the Senator from Rhode Island, Mr. ANTHONY. I state the pair now for the day.

Mr. COCKRELL. I am paired with the Senator from Indiana [Mr. HARRISON]; but on this particular motion I have the right to vote. I vote "yea."

The result was announced; yeas 24, nays 32; as follows:

YEAS—24.

Beck,	Farley,	Logan,	Ransom,
Brown,	Garland,	Mahone,	Riddleberger,
Butler,	Harris,	Maxey,	Sherman,
Call,	Hill,	Miller of Cal.,	Vest,
Cockrell,	Ingalls,	Morgan,	Voorhees,
Coke,	Jonas,	Palmer,	Williams.

NAYS—32.

Aldrich,	George,	McMillan,	Platt,
Bayard,	Gorman,	McPherson,	Pugh,
Blair,	Groome,	Manderson,	Saulsbury,
Camden,	Hawley,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Hoar,	Mitchell,	Sewell,
Conger,	Jackson,	Morrill,	Slater,
Dawes,	Jones of Florida,	Pendleton,	Van Wyck,
Dolph,	Lamar,	Pike,	Wilson.

ABSENT—20.

Allison,	Cullom,	Hale,	Lapham,
Anthony,	Edmunds,	Hampton,	Plumb,
Bowen,	Fair,	Harrison,	Sabin,
Cameron of Pa.,	Frye,	Jones of Nevada,	Vance,
Colquitt,	Gibson,	Kenna,	Walker.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment reported by the Committee on Pensions.

Mr. MORRILL. On that I ask for the yeas and nays.

The yeas and days were ordered.

Mr. MITCHELL. I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment of the committee will be reported.

The CHIEF CLERK. In section 1, line 17, after the word "as," it is proposed to strike out the words:

Were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States.

And to insert:

Have not remarried: *Provided*, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent, in whole or in part, upon his or her own labor or assistance from others for support.

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847–'48 with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific services in said wars, although their term of service may have been less than sixty days, and the surviving widows of such officers and enlisted men as have not remarried: *Provided*, That no such officer, &c.

Mr. SHERMAN. Mr. President, I have no desire to participate in this debate or do more than vote according to my convictions of what is best. I wish to vote for the House proposition in regard to widows, so as to confine pensions to those who were married to soldiers before the end of the term of enlistment. I also wish to vote against the proviso. The way the question is now put it is impossible for me to vote according to my convictions. I shall therefore vote against the amendment.

I am in favor of granting pensions to the soldiers of the Mexican war according to the rule that we established as to the soldiers of the war of 1812, and as to the soldiers of the Revolutionary war. I believe it is right to give a pension to the widows of those soldiers who were married at any time before the end of the term of enlistment, or even a few years afterward. I would be willing to extend it to widows who were married within, say, a few years afterward; but to extend the pension granted to widows of soldiers of the Mexican war, to widows who were young, and married the soldiers years after the war, in no way connected at all with the services of the soldier in the war, I think would be following a very bad and dangerous precedent and example which was set in 1878 for the first time. When that law passed Congress I was an executive officer, and my attention was called to the fact that pensions were granted to widows of soldiers who had been married late in life to young women who would be pensioners for years. I see no ground, no reason for following that bad example. I am willing to vote for pensions to soldiers of the Mexican war, and also to their widows who were married at some early period after the close of the enlistment, but I am not willing to extend it further. But as the question is now put——

Mr. CAMERON, of Wisconsin. Allow me to make a suggestion, as I think I can remove the difficulty under which the Senator from Ohio seems to be laboring. The committee propose to strike out lines 17, 18, 19, 20, and 21 of section 1, and to insert other words. The Chair held that it was in order to move to strike out all after and including the word "provided." The question was taken upon that, and the Senate refused to strike it out. Now is it not in order to take a vote on the remainder of the proposed amendment; that is, to strike out "were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States," and insert in lieu of those lines the words "have not remarried?" Is that not in order now?

Mr. SHERMAN. I think that under the parliamentary law, which is a wise law, you can not divide a motion to strike out and insert. It must be taken as a single question, because the motion to strike out can not be acted upon properly except in connection with the motion to insert, and, therefore, that is called an indivisible motion; it is founded upon good reason and the Chair very properly held that that was the parliamentary law. But in this case the proviso ought not to be connected with the preceding matter. It is a separate and distinct matter. And therefore, believing that the House was right in the limitation of pensions to widowers where the marriage occurred within the period of enlistment or before the enlistment or shortly afterward, I shall vote against the whole amendment. Then, after the amendment is disagreed to and the House bill is left to stand as it passed there, it is within the power of any Senator to offer the proviso as an addition to the clause.

The PRESIDING OFFICER. Unquestionably.

Mr. SHERMAN. I suggest, therefore, that those of us who are opposed to the extension of pensions to widows beyond what the House allowed will vote against this whole amendment, and then those who are in favor of drawing the line, as the proviso does, between those who are able and those who are not able can offer that as an independent proposition. I shall vote against making any distinction between soldiers who served honorably, whether they are able or not. I do not think the line of poverty should ever be drawn in this country. These pensions are not given to relieve the poor; they are given to reward services rendered in the cause of the country; and I therefore will not put a poor man because he is poor in the position of basing his application on the ground of poverty. I think that is a degradation to impose on a great mass of pensioners, and I am not willing to vote for any such provision. I will, therefore, vote against the amendment as it now stands, and then if the Senate desire afterward to insert the proviso as an independent clause, so as to limit the pension to those who are needy, they can do so. I shall vote against that proposition, but if a majority carry it, it is very proper that it should be added as a substantive proposition.

There is no connection at all between the provision contained in the House bill and the provision now sought to be inserted by our committee, and the latter ought not to be considered as one amendment. It contains separate and distinct propositions. I shall vote against the amendment as it now stands because I think the House have properly limited the pensions of widows. It will make a difference of at least $2,000,000 a year in the burdens of this bill, and that $2,000,000 a year would go to young persons comparatively, who would have probably a long period of life, and who are not entitled to pension on the principle of any pension law that ever existed in this country until 1878. I would apply the same rule to the soldiers of the Mexican war that was applied by our grandfathers to the soldiers of the Revolution, and by our fathers to the soldiers of the war of 1812. If in some time hereafter it is deemed proper to extend the provision of the pension laws so as to include all the widows of the Mexican-war soldiers that may properly come, according to the precedents of the past some twenty, thirty, or forty years hence; but I do not think there is any ground on which to base that proposition now. When it was adopted by Congress, though not then a member of Congress, my attention was called to it and I thought it wrong, and I think it wrong now.

I hope you will follow the precedents of the past and confine these pensions to the soldiers of the Mexican war, and to their widows who have passed through life side by side with the old soldier of the Mexican war, and not extend it to those who probably married at a late period of the soldier's life, when they were young and in the full vigor of life, and when his life was pretty well spent. There is no reason why we should grant pensions to such widows; they are not entitled to them under the general provisions of the pension law and the practice of the Government, and I am not disposed at this time to extend it.

This bill will impose a burden on the people of the United States as it came to us from the House of about $4,000,000 a year, not less than that, to last I do not know how many years, but a good many years, and that is a sufficient burden. If you add this clause about widows you add $2,000,000 more, for which there is at present no occasion. Should Congress, some twenty or thirty years hence, when we have less burdens upon us than we have now, choose to extend it to those widows, well and good; but certainly it ought not to be done for many years yet.

Mr. CALL. I wish to ask the Senator from Ohio upon what ground he bases his opinion that it will add $2,000,000 to the present pension-list to adopt the amendment made by the committee, and include widows who have married since the discharge of the soldiers?

Mr. SHERMAN. I am told that there were eighteen or twenty thousand such cases. I think it was stated by the Senator from Iowa [Mr. ALLISON] that it would add about 18,000 to the pension-roll, and I believe the same information was conveyed to us by the chairman of the committee [Mr. MITCHELL]. The pension is a little less than $100 a year, $96, making, say, $1,800,000. I spoke in round numbers when I said $2,000,000.

Mr. MAXEY. I was very glad to hear the remarks made by the Senator from Ohio [Mr. SHERMAN] in regard to the amendments to the bill presented by the Senate Committee on Pensions. I shall vote against the amendment presented by the committee. I voted to strike out all the proviso that related to pauperism. I believe that the bill as it came from the House is a fair bill. If hereafter it is deemed by Congress prudent and wise to enlarge it as to the widows of those who married after the close of the Mexican war, that can then be done, but the bill as it comes to us now is a fair bill. No amendment ought to be put upon it in my judgment. The amendment in relation to pauperism is not, as I think, magnanimous or just. That proposed amendment extending the bill to all widows of our soldiers in the Mexican war has already developed opposition, and while I would be entirely willing to see the benefits thus extended, I am not willing to risk the bill itself on that point, for if hereafter Congress deems it prudent to enlarge the provisions so as to embrace all widows it can be done, and I have no doubt ultimately will be done. It is not wise thus to endanger the passage of the bill, for its failure would defeat the very object had in view by those who wish to extend the provision as indicated by the amendment.

I listened with great attention and interest to the able remarks of the Senator from Tennessee [Mr. JACKSON]. I do not agree with him. It is said that we should place our support of this measure not upon service but upon gratitude. Well, suppose you place it on the ground of gratitude, put it upon that broad ground. I ask if the Government of the United States ought not to be grateful to that Army which brought into the jurisdiction and under the Constitution of this country the vast and illimitable wealth which was added to the resources of this country by our soldiers in the Mexican war? I ask you if you ought not to be grateful for the customs ports which have been added to the United States, bringing in hundreds of thousands of dollars of customs annually, not one dollar of which would you have had without this war? I ask you if there is not some ground of gratitude for the vast gold-fields and silver-fields that have been added, for the great agricultural enlargement of this country acquired by the gallantry of our

soldiers in the war with Mexico? For the outlet across the continent to China and East India? Basing this measure upon the ground of gratitude, the Government of the United States to-day is drawing out of this acquired country very much more money into the Treasury of the United States by tariff and internal revenue than is to be paid out by virtue and by reason of this bill to pension the gallant soldiers who, with their dead comrades, won it.

Sir, this is the only army that ever served under our flag that left their own land and fought for two long years, as many did, upon foreign soil. It is the only army that ever brought back to the Union more than the expenses of the war. This army brought into this Union millions, yea, untold millions, of wealth, with riches yet to come surpassing the wildest dream. Take the State of California, so well represented by the Senators from that State, one on this side and one on the other, the State of Nevada, the State of Colorado, both represented by Senators respected by all; should we be willing to give up those great States for any consideration? No, sir; no man would yield a foot of that grand acquisition. How would it be possible for them to have had their seats in this Chamber without that war? So, if you place it on the ground of gratitude alone, there is reason for it. On the eternal principles of justice and equity there is unanswerable reason.

But it is said that this will cost money. Undoubtedly it will; but thirty-seven years have passed by since the last gun was fired in the war with Mexico.

I am one of the youngest men who was in that war, and my gray beard shows that I am not young now. I served first with Taylor and then with Scott, from the landing at Vera Cruz up to the planting of the Stars and Stripes on the halls of the Montezumas. I was in every engagement from Vera Cruz up to and including the taking of the City of Mexico, save that at Chapultepec—there I was in another part of the field, at La Piedad, as part and parcel of the general plan on that occasion; and I mention this, which is to be found in your Library, only to emphasize my earnestness for those who need help. I ask nothing, I want nothing; I need nothing, so long as God gives me the ability to earn my living by the sweat of my face. I never yet have asked a man to help me to support my family; I never expect to, for God has blessed me and mine with health and a modest competency. But, sir, I regard this pauper clause in this bill as humiliating. It is humiliating. Where will you draw the line? Where will the point come where a gallant soldier must come in, as I said yesterday evening, with ashes upon his head, and say to this Government: "I am so poor! I can not earn enough bread for myself and old wife, and I ask my Government to help us?"

Sir, it is humiliating to ask a man who has risked his life on the battlefield in the defense of the flag of his country thus to say. I want nothing of that kind in this bill, and whatever may have been done in the past, it should not be done now or in the future. We are to-day a proud and glorious nation, with fifty-odd millions of people united as never before, with an overflowing Treasury, and a vast amount of this treasure which thus flows in comes from that great domain added to the Union by the exertions of these men. I ask a Government of magnanimity not to turn the back of its hand to the men who went out into a foreign land and served in that inhospitable climate, many of them for two years.

It is well for men to talk who know nothing about the dangers of that war, the inhospitality of that climate. But this great and glorious people do not talk that way. Twenty-eight States of this American Union have sent up through their Legislatures, representing directly the people, the tax-paying people if you will, positive instructions to their Senators and requests to their Representatives to vote for this bill, not as a pauper bill; oh, no; you will not find that in the instructions of the Legislature of Tennessee; you will not find it in the instructions of that grand and glorious State which I in part represent; you will not find it in the instructions of any one of the twenty-eight States; but it is to pension the soldiers of the Mexican war. It is a manly instruction; nothing little about it.

Do not these Legislatures know the will of their people? Do the tax-payers not know what they propose to do when they urge that these men should be pensioned? They know it. They say that the men who never lost a battle, who brought back with them and presented to their Government an empire in dimensions, rich in mineral and agricultural wealth, are entitled to a pension. They know that this is going to cost money. They say those men have furnished a thousand times over the means to pay. You talk about the soldiers of the late war. No men in the land are more in favor of this bill than Union soldiers. I have had occasion to know; the Senator from Georgia [Mr. COLQUITT], the Senator from Kentucky [Mr. WILLIAMS], the Senator from Illinois [Mr. LOGAN] know the expressions in a meeting of the National Association of Veterans of the Mexican War which we held last winter with some of the remnants of that glorious band who carried triumphantly on every battlefield the flag of the Union, men who had served in the Mexican war and since had been confederate soldiers and Union soldiers. These men met as brethren, all standing up fairly and squarely together as a band of brothers, all to-day upholding the flag of the Union, all loving one country, one flag, one destiny.

And when you come to talk about the dollars that it is going to cost it reminds me of that magnificent speech which was made by Patrick Henry in Virginia, which was so happily reported by Wirt, when Henry described so inimitably Ferguson calling for his beef. He had had a beef killed by the soldiers of the Continental army, as others have had by other armies since, not paid for. Henry said that when the clouds of war spread like a pall all over the land, when every patriot had taken up arms in defense of the Colonies, when "Down with King George!" was the sentiment of all patriots, when the women were on their knees praying to the God of their fathers to bless the soldiers on the battlefield, Ferguson came into a justice's court and cried, "Beef! beef! beef!" and we hear "Beef!" to-day.

Sir, I say as one tax-payer that I am willing, and representing 2,250,000 tax-paying people I am willing, to vote a tax on my people to aid in what they believe and what I believe to be right. They so instruct and I cheerfully obey.

But it is said, and that remark was made, "Why help men in the Senate and in the House?"

Shall members of the Senate and House, acting here in a representative capacity, be driven from a public duty, and from the expressed will of their people, by such an argument as that? I should be greatly surprised if that argument weighs here or elsewhere.

If you want to put on an amendment to this bill saying that no gentlemen who are members of the Senate or House of Representatives who served in Mexico shall receive a dollar of this, I say "amen" to that, strike them out if you will; but when you go to passing a pauper act and say that a man shall go into court and swear to his own inability to support himself, his wife, and his family, that is humiliating. I care not upon what ground you place it, it is un-American to do that. I know what it is to struggle with poverty. I have traveled that road, and my sympathies go out to the poor of this land.

So, Mr. President, I ask the friends of this bill to vote down this amendment and take the bill as it came from the House. In respect to the amendment to the sixth section, I would in like manner vote that amendment down, because so far as the general repeal of section 4716 is concerned that can be done at any time when we deem it proper to do it, but so far as its total repeal as connected with this bill is concerned it is not necessary to do that, for it is by the bill repealed so far as all the purposes of this bill are concerned, and so the House have said. But whenever an independent bill for the repeal of the whole of that section is presented I will cheerfully vote for its passage.

That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

So the bill reads.

That is far enough to go in this bill. That removes all disabilities from those who have been relieved of political disabilities, regardless of where they live. So that there is no amendment of the House bill which, in my judgment, ought to be put there, and I shall vote against the amendment now under consideration as I shall vote against the amendment proposed by the committee to section 6 when it comes up. Wisdom demands of the friends of the bill to pass it as it came to us, and in my judgment if we expect the bill to become law we should vote down every amendment.

Mr. BLAIR. Mr. President, the precise condition of the bill now is this: the Senate has voted for the retention of the provision recommended by the Senate Committee on Pensions extending a pension to all who need it.

Mr. WILLIAMS. Oh, no; the Senator will allow me to say that the Senate have refused to strike out a portion of the amendment as offered. That is all.

Mr. BLAIR. The entire clause voted upon is the provision reported by the committee confining the appropriations under this act to those who need help of some kind. I will read it:

That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent, in whole or in part, upon his or her own labor or assistance from others for support.

The Senate refused to strike that out of the amendment, which is equivalent to a vote to retain it, and is expressive of the sense of the Senate that that should be in the bill, and that the law should be so restricted. There remains of the committee amendment that which modifies the House bill with reference to the provision for widows. The House bill comes here confining its assistance to the widows of such soldiers of the Mexican war as contracted marriage with those widows before the close of the war; that is to say, if it passes as it came from the House it will make provision, as the Senator from Kentucky thinks, for about 1,000 widows. He says there were not a thousand married men in the American Army in the war with Mexico; and that is very likely a correct statement, for the resources of the country were very slightly drawn upon in the way of population by the Army. Naturally the young, the vigorous, those without home ties volunteered, and the regular Army was not large, and the soldiers of the regular Army very largely, nearly entirely, were unmarried men. So, then, if we pass this bill as it came from the House, we are in the attitude of making provision for scarcely any of the women who have united their fortunes with the soldiers of the Mexican war, and who have been so unfortunate during these nearly forty years as to lose their husbands. It seemed

to the committee that these women, as a rule, were dependent, more needy, and, appealing to the chivalry of the country more strongly than the men that we were making provision for if we do anything, should receive the benefits of this law, and therefore the committee recommended the other branch of this amendment, which will give to all widows of soldiers of the Mexican war, no matter when the contract of marriage was consummated, a right to pensions.

The Senator from Ohio understands that the increased expense under this bill, in case the amendment recommended by the committee is adopted, will be less than $2,000,000, say $1,800,000, and that the entire expense, including soldiers and widows, if the bill passes as amended on the recommendation of the committee, will not be over $6,000,000. Probably it would not be. If this amendment should be adopted, very likely it would be reduced to four and a half or five millions, including all widows down to the present time; for if this amendment is accepted by the Senate, if the poverty clause or pauper clause, as it is stigmatized, is accepted by the Senate, it will undoubtedly relieve the country from the burden of contributing to a large number (probably amounting to a million or a million and a half of dollars) of men who do not require aid from any source whatever, men who are wealthy, and even men who are occupying exalted public positions, who are drawing large salaries from the Government, who are engaged in lucrative business, who are presidents of banks, who are leaders in the communities where they live, and who ought not to be put in a way that they may draw this $96 a year out of the Treasury when that $96 in every instance is to be put there by taxation which falls upon the mass of the people of the land.

These facts ought not to be forgotten by these old soldiers, and they are not forgotten by the soldiery of this country. There is more good common sense among the soldiers of this country than perhaps they receive credit for. They do not fail to weigh and attach the proper importance to this talk of its being an insult to offer a man who needs help the assistance that he is to receive from somebody, whether from the country or from the local community. They understand that matter and will discount it, and it will go for just what and no more than it is worth. But it is not for us to fasten on the masses of the people of this country an expenditure of $1,000,000 or $5,000,000, and in the end—for the principle must go to the soldiers of the last war—hundreds of millions of dollars in the aggregate (it must, be as I believe, at least $50,000,000 annually), that never ought to be drawn from the people in the form of taxation. They will understand that; and this bill, if passed in the way the men who claim to be its special friends and the special friends of the soldiers wish it to be, will constitute a precedent, and such a precedent that we shall be in no situation whatever to extend any assistance to the needy of the war of the rebellion for a quarter of a century to come.

What sort of a precedent do the friends of the soldier on this side of the Chamber ask us to establish here? That it is disgraceful to aid those who need it who were in the war of the rebellion; that it is an infamy, that it is a cause for indignation on their part for us to tender them aid, although they may need it to the point of starvation. The result will be, if this bill goes through as it came from the House, that when we ask the Senate to adopt the bill already reported from the Committee on Pensions to give aid where it is necessary to all soldiers of the country (which is already upon the Calendar and upon which we must very soon pass judgment and for which we shall be held responsible by the thousands of maimed soldiers of the late rebellion), our friends on the other side of the Chamber and on this side of the Chamber will say: "The Mexican pension bill is no precedent for what you ask; you ask us by legislation to insult the soldier in offering him help; the Senate of the United States has voted that it is dishonorable for you to apply for assistance; go back then to the poor-house, beg for charity or starve in the local community where you live, but do not come here and ask us to insult you by legislation which tenders you assistance, however sadly you may need it."

That is the attitude in which Senators on this side of the Chamber and on the other side of the Chamber are choosing to place themselves by insisting that this bill shall pass as it came from the House, and the work of the committee in the bill reported this morning, which has had incorporated into it since this discussion began the essential ideas of the substitute which I have proposed to move as an amendment to this bill, is voted out in advance from a fair discussion in this Chamber on the ground that we are offering an insult to the soldiers of the Union and to the dependent widows and to the parents who bore the boys that saved this country intact and kept that whole which the soldiers of the war with Mexico did increase very largely. And now if I could see him I should like to ask the Senator from Texas, or the Senator from Kentucky, or any of those Senators who have painted in such vivid colors the glories of the soldiers of the war with Mexico, telling us how they enlarged our boundaries—and they did so—adding one-third at least to our territory, probably more than a third to the wealth of the country, if the men who within a quarter of a century offered their lives in defense of the integrity of the whole are not entitled to as much of consideration and as much of honor as those who are so gloriously championed by my friend from Illinois and by the rest of you? And if you adopt this bill as it came from the House, when we ask you to give every one of them a pension at once, no matter whether they are millionaires or not, and tax the poverty-stricken inhabitants of the cities and of the country at large their pittance in order to pay them pensions irrespective of need, how are you to resist the appeal and be consistent at all?

I can not believe that upon a full and fair understanding and discussion of this whole subject, remembering that this is a republic that we live in, and that nineteen-twentieths of the people in this Republic work for a living, and receive assistance from one source or another in obtaining their support, the Senate of the United States does itself any honor or that it broadens or deepens the foundations of republican government when it asserts to nineteen-twentieths of the population that it represents on this floor that to be poor is to be disgraced.

This talk of "the pauper clause" is an artful appeal, but not a sensible or a proper appeal, as I think, to a feeling in human nature that is better suppressed than cultivated. It is the principle of aristocracy, of fast living. It is an appeal to us to enact fast legislation. It is much better for us to adopt the language of the Scottish poet and to hold that honest poverty is no disgrace to any man; on the contrary, it is honorable. And for the soldiers, the widows of the soldiers, and the mothers and the fathers of the soldiers who have saved this whole country by the blood and effort which they have given to the country, to receive when in need from that country which they have thus honorably served rather than from the overseers of the town poor that contribution which they must have from some source or perish is not a dishonorable thing either to them to receive or for us to tender.

Mr. President, so far as this provision for widows is concerned, I would feel almost less than a man if I could vote to strike this amendment recommended by the committee of the Senate from the bill. I see no reason why, because there may be now and then an exception, a woman who may have married an old soldier late in life who may draw this pension and draw it for many years to come, we should inflict a grievous wrong upon the helpmeets of the soldiers of the Mexican war who are already dead, the women who went honorably through the brunt of this battle of life and who are in greater need to-day than the majority of the surviving soldiers of the same war, and who will be benefited by the provisions of this bill even although the amendment of the committee shall be adopted.

I trust, Mr. President, that the amendment as a whole will now be adopted, for the Senate already has adopted what is claimed to be the offensive poverty clause. Now, if we adopt the amendment as a whole, we simply extend $1,800,000 to widows. Thus amended the bill is a good bill, and a safe, sound principle is established, upon which we can justify ourselves to our constituents and to God's poor who served in the late war as well as in the Mexican war.

With these views I propose to abandon the discussion of this bill.

Mr. INGALLS. Mr. President, I was not aware until advised by the Senator from New Hampshire that in opposing the proviso reported by the committee I was advocating the idea either that poverty was disgraceful or that labor was dishonorable. It appears to me, with deference to that Senator, that with somewhat of distorted ingenuity he has endeavored to distract the attention of the Senate from the real question in this controversy. It certainly would be a monstrous and revolting doctrine if the Senate of the United States should declare that it was disgraceful to be poor or dishonorable to labor; and if I thought that my act could by any possible construction be made to bear the view that the Senator from New Hampshire has seen fit to place upon it, I should hesitate before endeavoring to enforce the views that I have hitherto submitted. It is not in my opinion in any particular whatever a vote upon the question whether labor is honorable or dishonorable, and whether poverty is a decoration or a disgrace.

And I am somewhat surprised that the Senator from New Hampshire, in his eagerness and zeal to have the conclusions of the committee supported, should resort to what appears to be a somewhat extraordinary method of appealing to what may be considered a popular prejudice and denouncing those who are unwilling that any badge of dishonor or disgrace should be placed upon a man who has periled his life for his country as in favor of establishing an aristocracy in this country, for the Senator gravely advised us that unless we did agree to the amendment reported by the committee we were practically recognizing the existence of an aristocracy and practically saying that only those men were reputable who were deprived of the necessity of labor by accumulated capital whose revenue was sufficient for their support.

I should very much like if some enchanter would furnish us with a clew by which we could extricate ourselves from the parliamentary labyrinth into which we have been driven by the various motions that have been made.

I want to vote for this bill exactly as it came from the House of Representatives. I desire, so far as my vote will do, to enforce the idea that those widows who were married to officers or enlisted men prior to the discharge of such officers or enlisted men shall be entitled to a pension. I know that we went further than that in the law of 1878, which provided for the pensioning of the officers and men and surviving widows of the war of 1812; but it was a very vicious and mistaken precedent. We pensioned young women who married infirm and decrepit old men in their dotage and in their second childhood,

who were tottering upon the brink of eternity, for the very purpose of enabling them to perpetuate these pensions, and for nothing else. It was a great deal more than the union of May and January that has been celebrated by the poet. They were unnatural alliances, and the terms of that bill provoked and stimulated that sort of alliance for the purpose of securing the condition of widowhood of a surviving officer or soldier by which a claim for a pension could be indefinitely extended.

Mr. President, if there is any possible way, if any one can by ingenuity suggest any method by which we can obtain a vote upon that simple proposition, I should be very much delighted, because that is one of the things I want to do.

The bill as it came from the House provides further "that such widows have not remarried," which is just; and provides further "that this act shall not apply to any person not a citizen of the United States."

The Committee on Pensions propose by their amendments to obliterate entirely the distinction that we ought to observe as to the period when the right to a pension on the ground of widowhood shall accrue. I wish to exclude, if possible, all this class of bereaved mourners who marry the surviving veterans for the purpose of obtaining a pension.

Mr. MITCHELL. Will the Senator allow me to make a suggestion?

Mr. INGALLS. Yes, sir.

Mr. MITCHELL. I find so many opinions similar to those the Senator has expressed here that if the Senator desires to accomplish that object, why will he not make a proposition to fix the time soon after the close of the war, and not to make the law apply to the date of discharge, which discriminates against all the widows of volunteer soldiers who were discharged immediately on the close of the war, while those who were in the regular Army continued afterward in service. If the Senator has the desire he has expressed, he can very easily accomplish his purpose, because I believe it to be in order under the rules to move to strike out the words "discharge of such officers and enlisted men," in lines 18 and 19, and put in whatever date he thinks proper—say the 1st of January, 1860.

Mr. INGALLS. The Senator from Pennsylvania perplexes me with another conundrum. As if confusion were not already sufficiently confounded, the Senator from Pennsylvania proposes that we shall amend the part to be stricken out by striking out a portion of what the committee recommended shall be stricken out altogether, and I suppose, of course, omitting the portion of the amendment suggested by the committee which proposes to insert the words "have not remarried."

Mr. MITCHELL. The rule of the Senate, very wisely I think, permits that to be done, for it provides that where a proposition is made by a committee to strike out and insert, each branch of that proposition shall be considered a separate one for the purpose of amendment. I think there is reason in that rule. As I stated before, I observe that there is a difference of opinion, and this is to permit Senators to have an opportunity to have, if they really desire to have, such a proposition made. I have not myself made it.

Mr. INGALLS. I shall have the opportunity of voting exactly as I desire if I can vote on this bill as it came from the House of Representatives. It is entirely satisfactory to me in terms. I do not propose to go over the ground that was traveled the other day and that has been journeyed over again to-day upon the meaning of a pension or upon the result or object of the proviso, but I rose simply for the purpose of repudiating and disavowing the construction placed upon those who do not favor that proviso by the Senator from New Hampshire. It is not in any way a declaration that it is dishonorable to be poor or disgraceful to labor for a living, but simply a declaration that whenever the Government desires to pension for service the surviving soldiers of one of its wars, those who are to avail themselves of the benefits of the act shall not be called upon to make proof of their inability to support themselves.

There is one further observation I desire to make upon that proviso, and that is the vague, indefinite, and general terms in which it is vouched I believe would render it entirely inoperative even if it were to be adopted.

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act unless dependent, in whole or in part, upon his or her own labor, or assistance from others, for support.

I presume that there is not a member of this body, and I doubt if there is a citizen of the United States, who is not dependent in whole or in part upon his or her own labor or assistance from others for support, so that if the committee desire to exclude those who are dependent upon charity, which I suppose is their intention, or upon those who are compelled to resort to manual or menial labor for their assistance, I believe that this proposed amendment will be entirely ineffectual and inoperative.

Now, Mr. President, I hope we shall be able in some way to have a vote upon the simple proposition that is presented here by the amendment of the committee, for I am very sure that a majority of the Senate desire to have this bill enacted exactly as it came from the House. I do not regard the action of the Senate a short time since upon the proviso as in any way indicative of the intention or wish on their part that this mendicant or pauper clause shall be retained. I am very sure if we can obtain a vote on the amendment as it stands *in toto* that it will be rejected.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the committee.

Mr. MORGAN. I desire to ask whether it would be now in order to strike out the entire amendment of the committee as proposed?

Mr. INGALLS. That is the proposition pending.

Mr. MORGAN. To strike out the entire amendment?

The PRESIDENT *pro tempore*. The question is on agreeing to it.

Mr. INGALLS. And voting "no," as I understand, will reject the amendment of the committee.

Mr. WILLIAMS. It will leave the House bill to stand.

Mr. INGALLS. Precisely.

Mr. MORGAN. The Senator from Kansas expressed a desire to vote for the bill as it came from the House. I am unwilling to agree to any amendment of the bill I have heard suggested yet. I think it is a very well-considered measure and one that is founded on principles of justice and equity. I understand now that the pending motion would effect the result I desire if the Senate should vote "no," thereby refusing to strike out what the committee have recommended to be stricken out and to insert what it has recommended to be inserted in this part of the bill; and then that would bring up the other subject in section 6, which is to be reached by a separate motion. Thus the question is now fairly presented whether we will follow the Senate committee in its proposed amendments or whether we will enact the bill as it came from the House.

A good deal has been said in this debate about precedents on the subject of pensions, when the fact is that there is no precedent established by pensioning soldiers in one war that has any necessary reference or relevancy to another or a different war. Every war stands upon its own footing historically as to this matter. There are reasons connected with every war why the soldiers after a certain time after its expiration should be pensioned. For instance, in the late war, the civil war between the States or the people of the United States, there were two very large armies in the field from the beginning to the end, including millions of men, and I undertake to say that on the part of the confederate soldiers, whether they were right or whether they were wrong, they fought under their flag with as perfect a conception of duty as did the Federal soldiers. They both thought they were serving their country with their lives, and as to the sense of patriotism it was as keenly felt and as much obeyed by the one party as by the other. That war has passed away. No one would assert that because a man served honestly and faithfully in a war under these circumstances he was to be pensioned if he happened to be under the confederate flag. He was fighting against the United States Government which proposes to bestow the bounty in favor of a government that has now no existence at all. Notwithstanding each man fought with equal credit and with equal fidelity to his own flag and equally pursued his own convictions, we have no hesitancy, North or South, in saying that those men must be pensioned and are entitled to a pension who were successful and those men must never be pensioned who were defeated.

Sir, I hope in the providence of Almighty God that that question will never arise again in the United States, and that the precedent of pensioning soldiers on one side of that conflict will never be required to be brought in again or never required to be cited in any war that shall hereafter occur. But still a war might occur between the people of the United States under different circumstances, and the men who occupy the position that the confederate soldiers did in the last war might come forward and claim their pensions because they were victorious, not fighting for a secession ordinance, but fighting within the Union and under the flag. We see, Mr. President, the impossibility of incurring any danger or difficulty in respect of precedents to be established by votes in granting pensions to the successful soldiers of the late civil war in other civil wars that may arise.

Precedent has nothing to do with such matters. Every case must stand on its own peculiar merits.

I take the Revolutionary struggle for another example. That, too, was a rebellion, a rebellion against the Crown of Great Britain, and the men engaged in it who received pensions from the Government of the United States and from the different Colonies and States afterward would have been entitled to halters, and doubtless would have received them if they had failed in the struggle. There were certain other men, royalists, who fought on the other side, who received no pensions. No person thought about pensioning those men, and yet we gave bounty to British soldiers and Hessians who deserted from the British flag during the war. There was no precedent established there that the Government of the United States is bound to follow in future.

We have had four wars of great magnitude in the United States. Two of them were for establishing independence and the preservation of the liberties of the people of this country. They were called the first and second wars of independence. Both of those wars were fought by the Government of the United States at a time when we were poor, when we had very great struggles to maintain our position among the nations of the earth, and they had reference to the invasion of our own soil.

After those wars had a long time passed away, and after the country had become free and rich and safe in all of its relations to foreign countries as well as prosperous in its interior affairs, we commenced to vote pensions to the soldiers of the Revolutionary war and the soldiers of the

war of 1812, which was the second war of independence. We did not find for the vote of pensions in the second case a precedent in the vote of the first; we varied from it; we differed the terms; we disregarded the precedent. We voted in those two instances entirely what we conceived to be the real merits of the proposition, not controlled by any law that existed or anything connected with the pensioning of these men except merely the historical incident of the events themselves, the success of our arms, and the ability of the country to care for its patriotic soldiery.

Then we have been recently engaged in the pensioning of soldiers of our first civil war. Upon what principle has that been done? It was done upon a principle of gratitude to the men who, as it is alleged, saved the American Union. I do not object to it. On the contrary, I applaud it. I believe that it is the duty of the Government of the United States to reward those men who stood by its flag in times of great emergency and who saved the destruction of the Government, notwithstanding I was a soldier in the ranks opposed to the very men about whom I speak now and whose claims in that particular I advocate. But in voting pensions to the soldiers of the Union Army I am not controlled by a precedent that I draw from the war of the Revolution or the war of 1812, for they were wars of a different description, wars that required a different kind of service, and different motives for the service; for in this last war there was a brother's hand raised against a brother's bosom in the strictest and most intense sense of the expresssion. I have known brothers in great battles that have been fought lying face to face upon the battlefield, enemies at the moment that they died, because they fought under hostile flags. I think we shall search in vain among the incidents and characteristics of the history of that war for the precedents which justified the voting of pensions to the Revolutionary soldiers, or those of 1812, or perhaps that will ever justify the voting of a pension to a man hereafter in the history of this country. That war stood entirely upon its own footing, and in voting the pensions that may be due to that war the people of the United States will consult a sentiment of gratitude to the men who stood beneath their flag, who were called into the service some by draft and some by voluntary enlistment to fight with their brothers who came from the same womb with themselves and had been nurtured at the same breast. It may be, and I dare say it will be, that the sentiment of gratitude will rise higher in degree in that case than it did even to the soldiers of the Revolutionary war who were fighting a foreign foe, or the soldiers of the war of 1812 who were engaged in the second struggle for the independence of their country.

We have had still another war, that with Mexico, differing in its characteristics in every particular from the others, the only war with any foreign power where our infantry soldiers and cavalry soldiers have marched beyond the frontiers for the purpose of carrying our flag in honor and for the purpose of vindicating a demand of justice made by our nation against a foreign power. In what particular do these other wars resemble that? In the military array, the bloodshed, the triumph, the battle; but only in the subsequent acquisition by treaties of enormous conquests do they differ.

Who were the soldiers who marched out to that war? I saw them when I was a boy marching off to Mexico. They went with alacrity and zeal, they hastened to the front for the purpose of having an opportunity of signalizing their devotion to their country. They were youths and striplings, and it has been well said by the Senator from Kentucky that perhaps nine-tenths or a larger portion of them were youths who were unmarried. They went into a tropical country, a really inhospitable clime. I do not know what proportion of them ever came back, but I think that I should not exaggerate if I were to say that not more than two-thirds of them ever returned to the United States. Death in a thousand forms marked them as a prey in that torrid climate. They were there among the sands of Mexico, hurrying from point to point in order to meet great armies such as met General Taylor at Buena Vista, making forced marches from San Francisco across an unknown wilderness and desert down into the heart of the Mexican country. Such services, such hardships, no set of young men claiming the honorable name of American had ever before or have ever since been required to perform, for notwithstanding the heroism exhibited on both sides in the great civil war, it was the truth that we were all fighting in a country where the climate was temperate, where the heat was moderate and the cold was light, and where we had some access to the hospitalities of home for the purpose of being nursed and cared for in time of sickness. The Mexican-war soldiers had nobody but the hospital stewards and the doctors to see after them when they were abroad. They had hard service in every particular, hard marches, and a hard climate. They were young and unseasoned, and it is no wonder that so few of them came back or that those who did come back have become prematurely old. A man who served in the Mexican war, unless he happened to have been a man of powerful frame like my friends from Kentucky, Illinois, and Texas, endured sufferings and disease during his service in Mexico that in very many cases has prostrated him by the time he got to the meridian of life.

I happen to know personally many of the Mexican-war soldiers, and I scarcely know one who has been occupied in the ordinary laboring vocations of life who to-day is not an older man by from ten to twenty years than men of the same age who did not have these hardships to undergo.

They went to Mexico, and what did they do there? They did for the honor of our arms more than was ever done by an unseasoned army of raw volunteers and militia in the history of the world. They were obedient to law in that conspicuous way that drew upon them the encomiums even of their enemies. There never was an army that marched to an invasion that was followed by such a sense of security as the Mexican people felt when our Army was pushing through their country. They had gentlemen to fight; they had men of character, lovers of their country and of its laws and its honor when they met the armies that we sent to Mexico. Our Army was never defeated; they fought many times against great odds and under circumstances that have brought the very romance of renown to settle in honor and glory on their brow. They remained until the treaty of peace had been finally signed. Young men who enlisted for a six months' term or a twelve months' term freely volunteered in the regiments enlisted for three years or the war, and our country never experienced a moment of doubt in its reliance upon the fortitude and the fidelity of the men who bore arms in Mexico.

When they came back what did they bring? Trophies from the halls of the Montezumas, flags torn from Chapultepec. They brought back those tattered banners which gave more joy, a greater feeling of reverence and love for that soldiery than the American people had ever experienced before, I believe, in their then history. They came back with title deeds to an empire won by their courage and blood. They laid at our feet a dowry greater than that which the greatest armies of the world, those of Alexander and Napoleon, had brought back to their country. Yes, sir; greater than even those, in proportion to the numbers of the men who went out to the war in Mexico; and what have we got out of it? We received for a cost of $15,000,000, 334,443,520 acres of land under the treaty of Guadalupe Hidalgo. We then received in addition 29,142,400 acres under the subsequent Gadsden purchase, which was one of the fruits and results of the war. We also received the great State of Texas with a title confirmed to us, for that, after all, was the real question in the controversy between the United States and Mexico, and if Mexico had been as powerful a people as we were and had successfully resisted the invasion that we made, the recurring tide of invasion would have come back to the Mississippi River, or at least to the Sabine, and we should have lost Texas also. They settled forever the questions of boundaries between the United States and Mexico, including the great States and Territories of Texas, California, Nevada, Utah, Arizona, and New Mexico, besides other territory lying partly in Colorado.

Now, sir, look at the value of that per acre. Suppose you were to put it at a dollar and a quarter per acre, would any man feel disposed to begrudge to these soldiers at any time in life after they had brought back this rich supply to us a sum equivalent to one-fourth of the value of that territory? I should suppose not. But when you come to price it according to the great wealth which has been developed in California, both agricultural and mineral, in New Mexico, in Arizona, in Colorado, in Nevada, and elsewhere, through that broad expanse of territory, look at the countless millions of money which it has brought into the hands of the people of the United States and into its Treasury—the countless millions of money. We to-day are the beneficiaries of it, with Senators on this floor who hold their titles to a seat here in virtue of that war, and who but for the gallantry of these Mexican-war soldiers would never have even penetrated the forests that are now the great States they represent so honorably in this body, many members of the other House also, many State governors, many institutions of civilization, great Territorial and State organizations, and a power looking out over the Pacific Ocean that thinks of nothing but the supremacy over that vast and wealth-laden body of water. Our boundaries extended from ocean to ocean, including a country which we have filled up with miraculous rapidity. With great lines of railroads, having three now connecting us from ocean to ocean through this acquired territory, we have already incalculable wealth, incomprehensible power, a future that no man, even with the most vivid imagination, can begin to comprehend. And yet we, the Senate of the United States, are here engaged in bickering with each other about these poor fellows upon the question whether we will give them a pension of $8 a month, and require them to produce a poor-house certificate before we shall give that!

Sir, I should feel ashamed of myself were I in the face of facts like these, and while the word "gratitude" has expression on human tongue or a home in the human heart, to make a question with the soldier of the Mexican war whether I would require him, when I sought to give him the miserable sum of $8 a month for his sustenance, to go and make an oath that he was unable to earn a living, was compelled to do it, could not live unless he or the poor wife that we are trying to exclude under this section was unable after all, with God's good providence, to obtain food. Yes, food that gentlemen on this floor when they owned slaves would have disdained to have given them. The poor creature would have been considered even among the slaveholders of the South as the most wretched man in the world. Who would own a slave that he would stint down to $8 a month for the support of himself, his wife, and his children?

Here is a man who must be poor enough to beg for $8 a month to clothe him and the wife that we exclude from the pension laws and the children who have grown up around him before we will give him a pension. He may be lame or sick from after-acquired disease; it makes no difference what may be the nature or extent of his infirmities, the poor fellow has to live on that, and he has to go to a pension agent to try to get it with a paper in his hand, sworn to by him or certified by somebody else, saying, "I am unable to live except by my labor; not able to live by that; the assistance of my wife is not enough to keep me alive." To himself I fancy he will say, "I do remember the day when I assisted in planting the flag on the Belen Gate in Mexico; I do remember the proud step with which I marched across that fatal causeway between Chapultepec and the city; I remember the glory and the honor with which I was received in the hearts of my countrymen when I returned, and now, O God, I remember the ingratitude of a rich and powerful people." Shame upon us, Mr. President, when we can stop to consider a man in that position and to require of him a certificate of his poverty before we will give him $8 a month.

How much land did he bring us? I have stated under one treaty 334,443,520 acres, and under the other treaty 29,142,400 acres, besides the great empire of Texas. What have we been doing with the public lands of the United States that these men earned for us by their blood and by their suffering? We have not stopped or halted at all to give the saline lands to the States, 559,965 acres; the swamp lands to the States, 69,206,522 acres; to the schools of the States and Territories, 67,893,919 acres; to the universities, 1,165,520 acres; to the agricultural colleges, 1,770,000 acres; in scrip to various institutions, 8,830,000 acres; and to railroads and canals, 226,000,000 acres.

We have not stopped in doing these liberal deeds. We have taken the patrimony that these men fought for, that they earned under the flag of our country in honorable struggles—boys as they were, not grown men scarcely—and we have squandered it away, giving 226,000,000 acres of it to rich and powerful corporations, and here we are to-day bickering with them about the miserable pittance of $8 a month.

Sir, if we had taken these lands—yes, a moiety of them; yes, a tenth of them—and sold them for the money they could be sold for to-day, we should have a sinking fund sufficient to keep every Mexican war soldier of the United States in good condition of living—he and his poor wife and his children—as long as God shall bless them with life.

How much land have we given to the soldiers of the Revolution and the war of 1812 and the war with Mexico, put it altogether? Sixty-one million acres. That is all, as the books show. That is all the land we have given to our soldiers. Two hundred and twenty-six million acres to the railroads and sixty-one millions to our soldiers, and Senators here seem to be alarmed almost to death for fear we are going to bankrupt and impoverish this Government by paying a few pensions to the soldiers of $8 a month, and to their poor old widows after they have died. A great state of excitement and alarm has suddenly sprung up in the Senate of the United States, and yet the other day we voted $78,000,000 out of the Treasury of the United States, taxed from the people, to educate the children of the negroes of the South, for it was intended for nobody but for them.

We make no discriminations there whether their fathers were poor or whether they were not. You give a negro child as much at least as $4 a year for his education, and extend it to the whole family, although there may be ten in the family. These very Senators who are now so close with the money of the country as to be unwilling to vote $8 a month to a soldier without putting him on his knees to beg for it are giving money to the negroes to educate their children and never ask the question whether their parents are able to do it or not. There are negroes in the city of Washington worth more money than I am or ever expect to be, and so there are in my State; but we do not stop to inquire as to color or quality or circumstance, but we vote the money of the people out of the Treasury of the United States to educate their children as a free gift, though they are able to earn their education, and would do a great deal better if they were put to work to do it.

The Mexican-war soldier who earned the very land we are going to sell and dispose of for the purpose of getting money to educate the children comes here and asks for $8 a month, and we say to him, "Sir, come like a mendicant, come with a poor-house certificate; do not come to us like a patriot who once shouldered arms for his country and listened to its drum-roll when death was to take the field for all the day through which he was to march and fight; do not come to me in that character; come as a humble suppliant. The Senate of the United States that holds the keys of the Treasury has not the manhood to do this unless you show a poor-house certificate and prove that you are in extreme want."

Mr. President, I am afraid I can not speak with proper patience about this. Sir, it arouses me, it worries me, annoys me; yes, sir, it disgusts me.

Mr. VAN WYCK. Probably it might relieve the Senator from that disagreeable state if I suggest a question which I should like to have him answer. I want to relieve that somber picture.

Mr. MORGAN. Do not insult me when you rise to ask a question. Ask me the question.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Sir——

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. I do.

Mr. VAN WYCK. I suggested that I could relieve the Senator in that direction, and therefore there was no occasion for any feeling on the part of the Senator. I certainly would not add to the grief or the gloom of the picture he was drawing.

Mr. MORGAN. State the question and I will hear it.

Mr. VAN WYCK. I wanted my position distinctly understood with the Senator's. I proposed this as a relief in the matter, which is a legitimate question to be answered: Does the Senator think it a just expression of gratitude to give a Mexican-war soldier who may be in an almshouse or begging his bread in the street, not only poor but debilitated, a pittance of only $8 per month, while to the strong and wealthy Mexican-war soldier an equal sum of $8 per month is given?

Mr. MORGAN. It may be very unjust to give to the poor soldier as small a sum as that. It certainly is no compliment to give the wealthy soldier $8 a month. If he can put up with receiving $8 a month when he does not need it and put it in his pocket as an act of gratitude from his country, the other man can put up with receiving it and put it in meat and bread to support his family and keep out of the poor-house. That is my answer to the Senator.

I did not frame this bill. I never would have framed it in the form it is; but we have to move on this subject by gradual degrees, and I dare say we have gone as far in this bill as we shall ever get. But I happen to know the condition of many of the men who came out of the Mexican war, and $8 a month is a great boon to them. With that in their little cottages that they have in the woods in the country, some on public land and some as tenants on other people's land, some who occupy land by courtesy and by charity, they can supply themselves with the necessaries of life; they can keep the wolf from the door; they can feel that they have reached a period in their lives where they can smooth the way to the grave without the anxiety of dying by inches day by day from poverty, from distress, from anxiety. It is a great relief to a common poor man to have $8 a month. We forget it here when we get $13 or $14 a day, but it is a great relief to get that much. I would not spurn the bill on account of the amount that is in it, but I would as a Mexican-war soldier, if I had been one, spurn it if I were required to go to the Treasury of the United States and give a certificate that I had to earn my living in such a way as that I could not live without this money.

The different States of the Union have their poor-houses, and I never have seen any human being yet who was so poor as to be willing to go to them. I have had people call at my house time and again since I have been in this great city of Washington, and when I would recommend that they should go and participate in public charity they would beg me for God's sake not to make that recommendation; what I had to give give to them, and let them get along with it the best way they could.

There is an innate opposition, at least in the American character, to becoming a professional beggar, to occupying a position where it is admitted that the person has neither kith nor kin to sustain him, friends to support him, or the ability to support himself, and that he must go upon public charity for a living; and that is precisely the condition in which you want to put these soldiers. There are thousands and thousands of them who will spurn your $8 a month if you require that they shall humiliate themselves in order to get it, and I can not blame them for it. There is no reason why this great Government in a freak of economy should attempt to clip the little penny that it puts into the hands of its old poverty-stricken soldier who for so many years has carried the honor of his country not only on the battlefield but in his character as a man and as a citizen since the battles were gained and the triumphs were secured.

I am opposed to clipping the coin that we put into the hands of the Mexican-war soldiers. Let them go upon the same honorable footing that the soldiers of the last war occupy. They are old enough now as a body to be considered as resting under physical disability, and if we do not legislate so as to make them prove that they are physically unable to sustain themselves, it is because we can not do it in justice to our own sensibilities after we remember how rich they have made us.

Mr. CAMDEN. Will the Senator from Alabama allow me to ask a question?

Mr. MORGAN. Certainly.

Mr. CAMDEN. I do not understand the statement of the Senator as to the committee's amendment to be correct. It is not incumbent on the soldier to show that he is unable to make a living or that he is in any wise the subject of charity, but simply that he is dependent on his own exertions for support.

Mr. MORGAN. "Dependent in whole or in part upon his or her own labor." We can smooth this over until we get into the hands of the officers of the law who execute the act. When they come to face the officers of the Treasury and the pension agents they have got to come with somebody's certificate under such regulations as the Pension Bureau may prescribe, either their own affidavit or the affidavit of some person else, following the provisions of the act.

Mr. CAMDEN. One word more, if the Senator will allow me.

Mr. MORGAN. Certainly.

Mr. CAMDEN. In the present law applicable to the soldiers of the last war, in the case of dependent parents, the same language is used, and a very large number of pensions are now allowed to dependent parents of soldiers. They are required simply to show that they were dependent to some extent upon the soldier.

Mr. MORGAN. That is a case of pure charity, without any consideration whatever moving the Government. There is nothing to justify such action on the part of the Government except mere kinship between the soldier who was disabled and has died and his kinsmen by blood or by marriage who were dependent on that soldier for support. In this case it is the soldier himself who comes; it is the man whom we are seeking to honor by this bill; and he does not want to come in the guise of a seeker of charity, a mendicant. He wants to come as an American citizen who has honored his country and in his turn has a right to be honored by it. He has got a right to our honor and he has got a right to demand of us the discharge of the duty due to him. He has earned it on the battlefield and we have enjoyed it with increasing and accumulating success from the time he first carried our banner in victory over those fields down to the present moment; and the only thing that is in the case wrong at all is that we have not long ago appreciated him and that we have not voted him this respectful and honorable consideration for his services.

I do not know that we have ever given to these men a vote of thanks. We have given to them a little land-bounty warrant which the young fellows as soon as they got back from Mexico spent in courting, for most of them came back boys and swapped off their land-warrants for horses and dry goods and the like for the purpose of courting the very girls we are now going to exclude from the benefits of this act. That is all we have ever done for them; and now, Mr. President, we are asked in this parsimonious way to load down what ought to be an honorable debt and paid in an honorable way with conditions that must wound the feelings of an honorable race of men. I hope, sir, with the honorable Senator from Kansas, that the bill, all of it, will be adopted just as it came to us. If there are amendments to be made to it hereafter the country will find good reason for making them.

Mr. INGALLS. Mr. President, I move to lay the amendment of the committee on the table under Rule XVII.

Mr. BLAIR. That is not a debatable motion. If it should be the sense of the Senate——

The PRESIDENT *pro tempore*. The Chair has not yet put the motion. The Chair will look at the rule to see whether it is in order.

Mr. BLAIR. Before the motion is put I ask the Senate to allow me to say that if it should prove to be the sense of the Senate that there should be no restriction with reference to dependence or necessity of aid, I then wish to give notice of an amendment which I propose to move, in the ninth line of the first section, to insert after "Mexico" the words "or any other war;" and in the eleventh line, after the word "war," "or any other war;" and in the twelfth line, after the word "war," "with Mexico or any other war;" and also to insert at the end of the section:

The pension allowed by this act shall not deprive any one of a pension to which he may be entitled by existing law.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the amendment of the committee be laid upon the table. The Chair thinks that is in order under the rules. The question is on that motion.

Mr. SHERMAN. Only this amendment.

Mr. JACKSON called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONAS (when his name was called). On this motion I am paired with the Senator from Nebraska, Mr. MANDERSON. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Arkansas, Mr. WALKER. I am informed by his colleague [Mr. GARLAND] that he would vote "yea" if he were here, and so I record my vote. I vote "yea."

Mr. CAMDEN. I announce the pair of my colleague [Mr. KENNA] with the Senator from Minnesota, Mr. SABIN.

The result was announced—yeas 40, nays 20; as follows:

YEAS—40.

Allison,	Farley,	Logan,	Platt,
Bayard,	Garland,	McMillan,	Ransom,
Beck,	Gorman,	McPherson,	Riddleberger,
Brown,	Groome,	Mahone,	Sawyer,
Butler,	Hale,	Maxey,	Sherman,
Cockrell,	Harris,	Miller of Cal.,	Slater,
Coke,	Hill,	Miller of N. Y.,	Vest,
Cullom,	Ingalls,	Morgan,	Voorhees,
Dolph,	Jones of Florida,	Palmer,	Williams,
Fair,	Jones of Nevada,	Pendleton,	Wilson.

NAYS—20.

Aldrich,	Conger,	Hoar,	Pike,
Blair,	Dawes,	Jackson,	Plumb,
Call,	Edmunds,	Lamar,	Pugh,
Camden,	George,	Mitchell,	Saulsbury,
Cameron of Wis.,	Hawley,	Morrill,	Van Wyck.

ABSENT—16.

Anthony,	Frye,	Jonas,	Sabin,
Bowen,	Gibson,	Kenna,	Sewell,
Cameron of Pa.,	Hampton,	Lapham,	Vance,
Colquitt,	Harrison,	Manderson,	Walker.

The PRESIDENT *pro tempore*. The amendment is laid on the table.

The next question is on the amendment of the committee to section 6.

Mr. BLAIR. I wish to move an amendment to this section.

The PRESIDENT *pro tempore*. That is not in order until the amendments of the committee are gone through with, the Chair thinks. There is one other amendment reported from the committee.

Mr. LOGAN. I move to lay the amendment to section 6 on the table.

The PRESIDENT *pro tempore*. The amendment will first be reported.

Mr. BLAIR. Before the motion is put upon that I would ask the Senator from Illinois to withhold his motion until we can ascertain the sense of the Senate in regard to putting into the first section the words which the Senate refused to strike out of the committee's amendment. On that proposition I desire the sense of the Senate, and as the discussion is now fresh I would ask unanimous consent that I may move to insert those words now.

The PRESIDENT *pro tempore*. The Senator from New Hampshire, pending the question on the amendment reported from the committee to section 6 of this bill, asks unanimous consent to receive and consider an amendment the Senator desires to propose to section 1. Is there objection?

Mr. HARRIS. Regular order.

The PRESIDENT *pro tempore*. Objection is made.

Mr. WILLIAMS. Before I vote I should like to know——

The PRESIDENT *pro tempore*. The Chair will first state the question, if the Senator from Kentucky please. The amendment of the committee will be read, after which the Chair will recognize the Senator.

The CHIEF CLERK. It is proposed in section 6, lines 2 and 3, to strike out the words:

So far as the same relates to this act or to pensioners under this act.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment. The Senator from Kentucky.

Mr. LOGAN. I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Kentucky is entitled to the floor.

Mr. WILLIAMS. I understand it. I do not care to talk.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to lay the amendment on the table. The question is on that motion.

Mr. JACKSON. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. SHERMAN. Would it be in order to have read the section proposed to be repealed?

The PRESIDENT *pro tempore*. The Chair thinks it would.

Mr. SHERMAN. I ask that that section be read.

The PRESIDENT *pro tempore*. The Senator from Ohio asks that the section of the Revised Statutes affected by this amendment be read for information. If there be no objection it will be read.

The Chief Clerk read as follows:

SEC. 4716. No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois to lay this amendment on the table.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Arkansas, Mr. WALKER, and I am not advised what his vote would be on this question.

Mr. JONAS (when his name was called). I am paired with the Senator from Nebraska, Mr. MANDERSON.

Mr. WILLIAMS (when his name was called). I want to know what we are voting on.

Mr. LOGAN. Laying the amendment on the table.

Mr. WILLIAMS. What amendment?

Mr. LOGAN. The last amendment. The amendment to section 6.

Mr. WILLIAMS. I vote "yea."

The roll-call was concluded.

Mr. MCPHERSON. I am paired with my colleague [Mr. SEWELL], and as I do not know how he would vote on this motion, I withhold my vote.

The result was announced—yeas 35, nays 23; as follows:

YEAS—35.

Aldrich,	Dolph,	Ingalls,	Palmer,
Allison,	Edmunds,	Logan,	Pike,
Bayard,	Garland,	McMillan,	Platt,
Beck,	Gorman,	Mahone,	Sawyer,
Brown,	Groome,	Maxey,	Sherman,
Butler,	Hale,	Miller of Cal.,	Voorhees,
Cockrell,	Hawley,	Miller of N. Y.,	Williams,
Conger,	Hill,	Morgan,	Wilson.
Dawes,	Hoar,	Morrill,	

NAYS—23.

Blair,	Farley,	Lamar,	Riddleberger,
Call,	George,	Mitchell,	Saulsbury,
Camden,	Harris,	Pendleton,	Slater,
Cameron of Wis.,	Jackson,	Plumb,	Van Wyck,
Coke,	Jones of Florida,	Pugh,	Vest.
Fair,	Jones of Nevada,	Ransom,	

ABSENT—18.

Anthony,	Frye,	Kenna,	Sewell,
Bowen,	Gibson,	Lapham,	Vance,
Cameron of Pa.,	Hampton,	McPherson,	Walker.
Colquitt,	Harrison,	Manderson,	
Cullom,	Jonas,	Sabin,	

So the motion was agreed to.

Mr. BLAIR. I now move to insert at the close of section 2 the words:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act, unless dependent, in whole or in part, upon his or her own labor or assistance from others for support.

Mr. INGALLS. I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to lay the amendment on the table.

Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. HOAR. I rose to inquire if it was in order to move to amend the amendment, but I understand the motion is a motion to lay on the table.

The PRESIDENT *pro tempore*. It is not subject to amendment at this time. On the motion to lay on the table the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. JONAS (when his name was called.) I am paired on this question with the Senator from Nebraska, Mr. MANDERSON. If he were here, I should vote "yea."

Mr. BLAIR. Would it be in order to have the question again stated, as it was misunderstood by some?

Mr. LOGAN. I think it is understood.

The PRESIDENT *pro tempore*. By unanimous consent it is in order. If there be no objection the Chair will state it. The question is on laying the amendment offered by the Senator from New Hampshire [Mr. BLAIR] on the table.

Mr. JACKSON (after having voted in the affirmative). I voted under a misapprehension as to what was the question. I should like to change my vote.

The PRESIDENT *pro tempore*. The Senator from Tennessee can change his vote after the roll-call is through.

The roll-call having been concluded, the result was announced—yeas 34, nays 22; as follows:

YEAS—34.

Allison,	Farley,	Jones of Nevada,	Ransom,
Beck,	Garland,	Lamar,	Riddleberger,
Brown,	George,	Logan,	Sherman,
Butler,	Gorman,	Mahone,	Vest,
Call,	Groome,	Maxey,	Voorhees,
Cockrell,	Harris,	Miller of N. Y.,	Williams,
Coke,	Hill,	Morgan,	Wilson.
Dolph,	Ingalls,	Palmer,	
Fair,	Jones of Florida,	Pugh,	

NAYS—22.

Aldrich,	Dawes,	Mitchell,	Saulsbury,
Bayard,	Edmunds,	Morrill,	Sawyer,
Blair,	Hawley,	Pendleton,	Slater,
Camden,	Hoar,	Pike,	Van Wyck.
Cameron of Wis.,	Jackson,	Platt,	
Conger,	McMillan,	Plumb.	

ABSENT—20.

Anthony,	Frye,	Jonas,	Miller of Cal.,
Bowen,	Gibson,	Kenna,	Sabin,
Cameron of Pa.,	Hale,	Lapham,	Sewell,
Colquitt,	Hampton,	McPherson,	Vance,
Cullom,	Harrison,	Manderson,	Walker.

So the motion to lay the amendment on the table was agreed to.

Mr. HOAR. I move the amendment which I sent to the desk for information a little while ago.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts will be read.

The CHIEF CLERK. At the end of the first section it is proposed to add the following proviso:

Provided, That the provisions of this act shall not apply to any person who is not disqualified from earning his or her own living until such person has reached the age of 70 years.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. WILLIAMS. I move to lay the amendment on the table.

Mr. HOAR. Has the Senator from Kentucky the floor on the amendment?

The PRESIDENT *pro tempore*. The Chair would certainly recognize, as the custom is, the Senator offering the amendment.

Mr. WILLIAMS. Of course. I give way to the Senator.

Mr. HOAR. I merely wish to say that this amendment proceeds upon the precise theory that any pension act ever adopted by this country proceeds upon, and that is that no person not disqualified and not under disability shall be pensioned for military service. We have recognized old age as a disability in our other pension laws; never, however, in the case of the Revolutionary war, or the war of 1812, or any Indian war pensioning soldiers, treating old age as a disability until a time when the soldiers had reached the age of nearly 80 years. This treats arrival at the age of 70 as a disability from age. That is all I wish to say.

Mr. WILLIAMS. I move to lay the amendment on the table.

Mr. HOAR. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 34, nays 22; as follows:

YEAS—34.

Allison,	Farley,	Jones of Nevada,	Ransom,
Bayard,	Garland,	Lamar,	Riddleberger,
Beck,	George,	Logan,	Sherman,
Brown,	Gorman,	Mahone,	Vest,
Butler,	Groome,	Maxey,	Voorhees,
Call,	Harris,	Miller of N. Y.,	Williams,
Cockrell,	Hill,	Morgan,	Wilson.
Coke,	Ingalls,	Palmer,	
Fair,	Jones of Florida,	Pugh,	

NAYS—22.

Aldrich,	Dolph,	Mitchell,	Saulsbury,
Blair,	Edmunds,	Morrill,	Sawyer,
Camden,	Hawley,	Pendleton,	Slater,
Cameron of Wis.,	Hoar,	Pike,	Van Wyck.
Conger,	Jackson,	Platt,	
Dawes,	McMillan,	Plumb,	

ABSENT—20.

Anthony,	Frye,	Jonas,	Miller of Cal.,
Bowen,	Gibson,	Kenna,	Sabin,
Cameron of Pa.,	Hale,	Lapham,	Sewell,
Colquitt,	Hampton,	McPherson,	Vance,
Cullom,	Harrison,	Manderson,	Walker.

So the motion to lay the amendment on the table was agreed to.

Mr. HOAR. I move to amend the bill by inserting, in the ninth line of the first section, after the word "Mexico," the words:

Or in the late war for the suppression of the rebellion.

So as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847-'48 with Mexico or in the late war for the suppression of the rebellion, or who, being enlisted as aforesaid, &c.

Mr. WILLIAMS. I move to lay the amendment on the table.

Mr. LOGAN. I hope the Senator from Kentucky will withdraw his motion for just a moment.

Mr. WILLIAMS. I will do so.

The PRESIDENT *pro tempore*. The motion to lay on the table is withdrawn.

Mr. LOGAN. In justification of my vote on this proposition I desire to say that there can be no object in the amendment, in my judgment, except the defeat of the bill. Being satisfied that the Senator from Massachusetts is not friendly to the bill, I have no doubt his object in moving the amendment is the defeat of the measure.

Mr. HOAR. If the Senator will yield to me I will state that that is precisely my object, and I desire to put it in words.

Mr. LOGAN. I so understood it, and therefore I shall vote to lay the amendment on the table.

Mr. BLAIR. I ask the same indulgence to state that I am for the bill, and therefore shall vote against the proposed amendment. If the purpose is to kill the bill I shall oppose the amendment; for I believe that, although a fraction of the soldiers of the Mexican war may receive this benefit who ought not to do so, and it would be almost criminal for them to accept it and it ought not to be tendered, three-fourths of those who served in the Mexican war are in need of the bounty of the Government, and therefore I favor the bill.

Mr. VAN WYCK. Why does the Senator say that the addition of this amendment will kill the bill? Why is that stated?

Mr. BLAIR. The Senator from Massachusetts, the mover, avows that as the purpose of the amendment.

Mr. MCMILLAN. That does not preclude the rest of us.

Mr. HOAR. I have no doubt that the bill rests upon an utterly untenable and indefensible principle. It seems to me so; I speak for no other person than myself. Gentlemen have advocated it and have stated their dissent from that view. If the principle of the bill be sound, no person can state, in my judgment—certainly no person has stated in my hearing—any reason why it should not be applied to all soldiers who have served the United States in the late war. For the first time in our history, if this bill passes, we say that a soldier is entitled to a pension merely because of his military service, without any regard to his disability or his need. If that be a true and sound principle, it is true universally, and the principle of the arrears-of-pension act which was passed some time ago ought to be applied to the soldiers of the Mexican war, and undoubtedly there will be an application for it.

Mr. WILLIAMS. I rise to a point of order.

Mr. HOAR. What is the Senator's point of order?

Mr. WILLIAMS. I made a motion to lay the amendment on the table.

Mr. HOAR. It was withdrawn by the Senator.

Mr. WILLIAMS. I withdrew it to allow the Senator from Illinois to make an explanation of his vote and he renewed it instantly; and therefore——

Mr. HOAR. He did not renew it.

Mr. WILLIAMS. I shall insist that the motion to lay on the table is not debatable.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Chair did not understand the Senator from Illinois to renew the motion to lay on the table.

Mr. CAMERON, of Wisconsin. The point of order is not well taken.

Mr. WILLIAMS. I will not insist on the point of order if the Senator from Massachusetts wishes to proceed.

Mr. HOAR. There are no conditions about it. I have a right to speak, and I shall speak twelve hours if I am so disposed.

Mr. WILLIAMS. I withdraw the point of order.

Mr. HOAR. I do not expect to speak twelve minutes, but I do not propose to have any condition made as to my right to the floor.

That is the principle, and if it be true that the United States are bound as a matter of principle to pension soldiers or sailors who do not need the pension, who stand in no need and who are not under disability either of age or from wounds or illness, not under a present disability then it is a universal principle, and we are bound to make good our failure to act on that principle to these soldiers and to give them arrears of pension as we did the soldiers of the late war who were held entitled to pension. We are bound to extend this proposition to the soldiers of the late war. The Senator from Kansas [Mr. INGALLS] frankly avowed his purpose to make that extension at a proper time. Indeed, the Senator from Kansas in his earnest appeal for this bill stated the other day that he supported the bill because of the implied pledge of Congress to a policy which would require us to put upon the pension-roll the names of the soldiers of the late war. Are gentlemen afraid to accept the consequences of their own logic? Is there a different rule more favorable to the soldiers of the Mexican war than that which applies to the soldiers of the late war?

It is impossible that this bill can be enacted without very soon compelling Congress by its logic to take the next step, a step which puts upon the Government an annual burden of from $100,000,000 to $125,000,000. It is utterly impossible to separate these two things in principle. Nobody has attempted in the debate to separate them; and therefore we are to stand giving the soldiers of the Mexican war a superior claim to public honor and bounty to those who saved the Union, or we are soon, as was stated the other day, to take the next step. That either demonstrates that the principle of the bill is vicious or it requires us to apply the logic of it to all cases.

For that reason I shall vote against laying the amendment on the table.

Mr. VAN WYCK. Mr. President, I ask the Senator who took the position that this amendment was offered for the purpose of defeating the bill his authority for the assertion. I am in favor of the Mexican pension bill. I am also a friend of the soldiers of the late war. Whatever principle the Senate chooses to apply to the soldiers of the Mexican war I insist and have a right to insist shall be applied to the soldiers of the late war, and I do not intend to be precluded by any admission of the Senator from Massachusetts as to the effect of the amendment which he proposes. I am in favor of the amendment proposed by the Senator from Massachusetts to have it in harmony with the bill, and while Senators have to-day discussed the principles of previous pension bills, we certainly can at this time put the soldiers of this Republic who served in all wars upon the same basis.

That I understand is what the amendment contemplates. Whether the author so intends it or not, or whether he denies it or not, the question is here, and no matter what the motive of the Senator who proposes it, the question is as to the effect of the amendment, and whether we approve it. Whatever principle is attached as the foundation of granting pensions in the Mexican pension bill should be applied to all other soldiers.

Gentlemen have stated in their arguments as a reason why in the past pensions were not granted earlier to the soldiers of previous wars that the Treasury was not sufficiently full. They have said there was tardy justice and a tardy recognition to the soldiers who served in the Revolutionary war and the war of 1812. It has not been pretended that it was right or just to the soldiers of those wars that the time should have been so long deferred, but it was claimed that the state of the country was such that it was impossible in justice to the remaining portions of the nation that there should have been an earlier recognition of their services.

Senators have apologized to-day to the soldiers of the Mexican war because this was not done previously. We have made the same admission when pensions were granted to the soldiers of the Revolution. To-day we are confronted with more fortunate circumstances. We have a Treasury so full and overflowing that it is a source of annoyance to gentlemen every day in this Chamber and to the American statesmen in and out of Congress. It is full and overflowing, and the great policy of statesmanship to-day and the great merit of legislation is claimed to be the depleting process, the exhausting, the emptying out, of the Treasury.

Senators have bewailed to-day that this measure of relief comes so late. The eloquent Senator from Alabama [Mr. MORGAN] regretted that so many had passed away, and on both sides of the Chamber we have been appealed to for haste, because the soldier of that war was standing upon the brink of the grave.

Now, I appeal to those Senators, eloquent in their speeches, and I ask them if they desire us to postpone this question until some future Congress shall apologize to the soldiers of the last war when we had not the same reason for speedy action.

If the principles now established in the bill are right, then I insist that they shall be applied to the soldiers who struggled longer and harder than the soldiers in the Mexican war. The Senator from Alabama has correctly stated the hardships, the great victory, and the greater results springing from the war with Mexico. That is undoubtedly true, but I would say to him, they will not compare with the hardships, with the brilliancy of the victory, or the grandeur of the result of the soldiers of the Union Army. I say to my friend from Alabama when the Union soldier followed the flag of his country he marched against a braver enemy and a better soldiery than our Army confronted on the fields of Mexico.

So as an additional argument for the adoption of the amendment of the Senator from Massachusetts, not detracting from or discrediting the bravery of the soldiers or the importance of their victory in the Mexican war, is the still greater and higher results of the war for the Union. It is true the victorious legions in the Mexican war brought millions of acres to the American Republic, but when we come to the soldier of the Union we can see not only that fragment which was brought, but we call the attention of gentlemen to the other fact, that they rescued the whole of the American Republic. They added not one more stripe nor one more star to the flag, but they rescued the whole flag from the destruction by which it was imperiled. The soldier of the Mexican war added a part; the Union soldier gathered in and saved the whole.

Can we falter now with a Treasury full? Can we hesitate now when there is no possible reason why we should make this discrim nation? And to save cavil in future Congresses we should place this matter of pensions upon what is claimed to be the broad basis that all soldiers in every war are entitled to the same recognition.

The Senator has very justly said that in the fullness of our gratitude we should recognize the services of the soldiers of the Mexican war. I ask gentlemen on both sides of the Chamber if the poor though not disabled in the sense of the law, if the healthy and possibly strong soldiers who followed the fortunes of our Army at Chapultepec, are more entitled to gratitude and recognition by Congress and the great American nation than the soldiers who followed the flag of our country in its varying fortunes for four long and weary years on Southern battlefields?

I protest against the declaration made by the Senator from Massachusetts. I desire the amendment to be adopted, because after the policy established here to-day I believe it to be right. If Congress says "Let every man who served for mere service be entitled to a pension," then extend it to all. We can not afford to falter and fail while we are upon the threshold of a declaration of what is claimed to be the correct principle upon which pensions shall be granted. If it be right to grant a pension for service, as my friend says, not for disability, but right because it should be an expression of gratitude, then is it not eminently just that the expression should be given to the soldier who has passed fifty or sixty years as well as he who is tottering toward the grave?

We have to-day Union soldiers who are living in exile—not exactly in prison or exile but substantially that, where they are sent by reason of their poverty and infirmities to the different soldiers' homes scattered throughout the country.

Mr. RIDDLEBERGER. If the Senator will permit me, I wish to hear him speak on this question, but I want to give him all that is likely to come before the Senate in connection with it. Is it in order to move an amendment to the amendment?

The PRESIDING OFFICER. It is not in order at this time, as the Senator from Nebraska is on the floor.

Mr. RIDDLEBERGER. I ask the Senator from Nebraska to yield so that I may submit the whole proposition.

Mr. VAN WYCK. I yield with pleasure.

Mr. RIDDLEBERGER. I understand the Senator to say that he is in favor of the amendment proposed by the Senator from Massachusetts. I propose to amend the amendment by striking out the words "for the suppression of the rebellion," so that we may have the whole question before the Senate.

Mr. VAN WYCK. Including all wars?

Mr. RIDDLEBERGER. Including all the soldiers in the late war, so that the Senator may speak to the whole proposition.

Mr. VAN WYCK. Including all the soldiers of the late war?

Mr. RIDDLEBERGER. Yes, sir; on both sides.

Mr. VAN WYCK. I have no objection to that amendment being considered. Will the gentleman in his generosity extend it further and put on our pension-roll the soldiers of Mexico? Will he do that?

Mr. RIDDLEBERGER. Will the Senator yield for an answer?

Mr. VAN WYCK. Certainly.

Mr. RIDDLEBERGER. I do not care to interrupt the Senator. I ask pardon.

Mr. VAN WYCK. Will the Senator put the heirs of the English tories on our pension-rolls? Will he consent to that? I have no objection to the consideration of the amendment of the gentleman. I do not know precisely the force of it, whether he desires to place the enemies and the friends of the nation upon it. If so, it had better be understood right here and now, because we are settling this matter of pensions. We are ascertaining upon what basis they are to be allowed.

First, it was supposed that pensions were to be allowed on the basis of disability; that is, that the man who came out of the Army and was not disabled was supposed to have so much of glory and fame that he is satisfied for the inconveniences of camp, the horrors of the battle-field, and the discomforts of the hospital, and that only those who came out disabled should receive a pension. That was one basis; and then the ground of dependence would be another. We have been told in this Chamber to-day that the only true doctrine was an expression of gratitude for service rendered, and therefore when you give the pension on the ground of poverty or dependence or misfortune it is casting a disgrace on the pensioner.

Our attention has been called to the fact that many soldiers of the Mexican war have gone down to the grave in poverty. I point you to the other fact that there are to-day Union soldiers in exile. They are exiled in a home which the charity of this nation gives and in which it compels them to spend the remnant of their days under harsh and cruel military discipline. We give a jail and exile to the men who gave the best of their days and their blood not to add a portion but to save the whole Republic; not to add one more star, however bright its brilliancy, but to save the entire constellation.

I trust now at the threshold of this great question we will be able to discharge our whole duty and gather up the men crippled and maimed, turning hand-organs on the street corners, and surround them with the gratitude of a grateful people. Do that, do it now, so that future Congresses occupying our seats may not be forced to the humiliating confessions of regret as Senators have made this day—conscience stricken because this act of justice had not been done before.

Remember there is no reason for our delay. There is no excuse for us now to withhold the hand of charity, or fail to express our gratitude by suitable pensions in recognition of years of danger and longer years of suffering and privation since.

Mr. ALLISON. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate do now adjourn.

Mr. HARRIS. I desire to appeal to the Senator from Iowa to withdraw the motion.

Mr. WILLIAMS. We can get through with the bill in a few moments.

Mr. HARRIS. We can dispose of it in a short time.

Mr. ALLISON. I am very well satisfied that we can not dispose of the bill to-night.

The PRESIDING OFFICER. The Senator from Iowa insists on the motion that the Senate do now adjourn.

Mr. BUTLER and Mr. WILLIAMS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Arkansas, Mr. WALKER.

The roll-call was concluded.

The PRESIDING OFFICER. Before the Chair announces the vote on the motion to adjourn he will lay before the Senate the unfinished business, which is the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

The result was announced—yeas 33, nays 17; as follows:

YEAS—33.

Aldrich,	Fair,	McMillan,	Sawyer,
Allison,	Garland,	Mitchell,	Sherman,
Beck,	George,	Morgan,	Slater,
Blair,	Hawley,	Morrill,	Van Wyck,
Camden,	Hoar,	Palmer,	Vest,
Cameron of Wis.,	Ingalls,	Pendleton,	Wilson.
Conger,	Jackson,	Pike,	
Dawes,	Jones of Nevada,	Platt,	
Dolph,	Lamar,	Saulsbury,	

NAYS—17.

Bayard,	Coke,	Jonas,	Voorhees,
Brown,	Farley,	Maxey,	Williams.
Butler,	Gorman,	Pugh,	
Call,	Groome,	Ransom,	
Cockrell,	Harris,	Riddleberger,	

ABSENT—26.

Anthony,	Gibson,	Lapham,	Plumb,
Bowen,	Hale,	Logan,	Sabin,
Cameron of Pa.,	Hampton,	McPherson,	Sewell,
Colquitt,	Harrison,	Mahone,	Vance,
Cullom,	Hill,	Manderson,	Walker.
Edmunds,	Jones of Florida,	Miller of Cal.,	
Frye,	Kenna,	Miller of N. Y.,	

So the motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 28, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. J. G. BUTLER, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

BUSINESS FROM THE COMMITTEE ON THE PACIFIC RAILROADS.

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent of the House that Saturday, June 7, be set apart for the consideration of bills reported from the Committee on the Pacific Railroads. It is desirable to reach as soon as possible the Thurman bill——

Mr. CANNON. I would suggest to the gentleman that many of us want to be here when that bill is considered, and I would ask if the gentleman can not fix it for two weeks from Saturday next?

Mr. THOMPSON. Very well. Then I will ask that Saturday, the 14th of June, be set apart for that purpose.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. RANDALL. What is the request of the gentleman from Kentucky?

Mr. THOMPSON. I desire that Saturday, the 14th of June, be set apart for the consideration of bills reported from the Committee on the Pacific Railroads. I wish to state to the gentleman that it is particularly desirable to take up the Thurman act.

Mr. RANDALL. I have no objection, provided the sundry civil bill is not then under consideration. I do not make this statement in opposition to the bill——

Mr. HATCH, of Michigan. I object.

Mr. THOMPSON. I did not hear the remark of the gentleman from Pennsylvania.

Mr. RANDALL. If the sundry civil bill should not be disposed of when Saturday, the 14th, is reached we should like to proceed with that bill and dispose of it, and the gentleman can come in afterward.

The SPEAKER. Objection is made by the gentleman from Michigan.

Mr. HATCH, of Michigan. I think we had better go on with the appropriation bills.

PUBLIC BUILDING, KEOKUK, IOWA.

Mr. McCOID. Mr. Speaker, I ask unanimous consent to take up House bill 483 and put it upon its passage. I will state that it is the unfinished business coming over from the Committee of the Whole. It is in relation to the erection of a public building at Keokuk.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objection.

Mr. McCOID. The question is upon the engrossment and third reading of the bill.

The SPEAKER. The clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 483) for the erection of a public building at Keokuk, Iowa.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. TULLY, Mr. RANDALL, and others objected.

Mr CANNON. I demand the regular order.

ANNUAL REPORT COMMISSIONER OF AGRICULTURE.

Mr. SCALES. I rise to make a privileged report from the Committee on Agriculture.

I am directed by the committee to report back the joint resolution (H. Res. 251) providing for the printing of the annual report of the Commissioner of Agriculture for the year 1884, with the recommendation that the same be passed.

The SPEAKER. The joint resolution will be read.

It is as follows:

Resolved, &c., That there be printed 400,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1884; 314,000 copies for use of members of the House of Representatives, 56,000 copies for use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

The SPEAKER. The Clerk will read the report accompanying the resolution.

The Clerk read as follows:

The Committee on Printing report as follows:

"The increasing demand for these reports and the increased membership of the House of Representatives justify the committee in favoring an addition of 100,000 copies to the usual number printed in past years. The cost of these reports has been materially reduced in the last two years. In the year 1880 the illustrations alone cost the Government $96,000. Since that time the cost has been reduced every year, until now it does not exceed $5,000. The copy for the report for 1884 has not been received at the Government Printing Office and the exact cost of printing the report can not be estimated. But taking last year's report as a basis the total cost will hardly exceed $165,000."

Mr. SCALES. I desire to state for the information of the House that this resolution provides for the printing of 100,000 copies in addition to what has been printed heretofore. The committee took into consideration the number of new members and the reduction in cost, and concluded that 400,000 under the circumstances would not be too many. The cost of the Agricultural Reports in 1880–'81 was $120,000 for the printing and $96,000 for illustrations; in 1881–'82 the cost was $180,000

and $24,000 for illustrations. By diminishing the illustrations and by a new process of making them that cost has been reduced to $5,000; so that we can now furnish the 400,000 copies at $160,000 for the printing and binding, and $5,000 for the illustrations, aggregating $165,000—less by a good deal than the publication cost in 1880–'81.

I understand, Mr. Speaker, that this is in accord with the views of the Committee on Agriculture. They did not assume the jurisdiction of this question, but left it to the Printing Committee; and I am glad to say that the Committee on Printing concur with them in regard to what the public interests demand. I hope the resolution will pass.

Mr. TOWNSHEND. I ask my friend from North Carolina when these reports will be ready for distribution?

Mr. SCALES. I can not give my friend that information. It will be just as early as they can be printed and bound.

Mr. TOWNSHEND. I am afraid they may be stale before we get them.

Mr. SCALES. I demand the previous question.

The previous question was ordered, and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD LAND GRANTS.

Mr. COBB. I desire to make a privileged report from the Committee on Public Lands. This is a substitute for all the bills introduced in regard to the forfeiture of the Atlantic and Pacific Railroad land grants.

The bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast" and to restore the same to settlement, and for other purposes, was read a first and second time, referred to the House Calendar, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense with the morning hour, and state to the House that the Committee on Appropriations are desirous of going on with the legislative appropriation bill this morning. I understand that the Committee on Rivers and Harbors desire the river and harbor bill to be considered. The Committee on Appropriations are of opinion that the legislative bill should be proceeded with, and have instructed me to act accordingly.

Mr. BLOUNT. Will the gentleman from Pennsylvania allow me to ask whether all the appropriation bills except the river and harbor bill do not in the Senate go to one committee, while the river and harbor bill goes to a different committee?

Mr. RANDALL. The river and harbor bill goes to a different committee, and therefore can be disposed of more speedily than the others. The committee are also advised that it will be in harmony with the wish of the other side of the House to have the legislative bill disposed of before Friday, when many of the members on that side desire to leave for Chicago.

Mr. WILLIS. I desire to say that the Committee on Rivers and Harbors have instructed me to endeavor to obtain the consideration of the river and harbor appropriation bill to-day. There are several members of the committee who will be necessarily absent after the next two or three days. The river and harbor bill can be disposed of, I think, in two days. The legislative bill, as we know, can not.

Mr. RANDALL. I think the gentleman is mistaken.

Mr. WILLIS. At least that is my opinion, and I think the facts will verify it. The difficulty is, the river and harbor bill ought now to be in the Senate for consideration by the Senate committee. If, therefore, we go into Committee of the Whole House on the state of the Union I give notice that I shall endeavor to secure the consideration of the river and harbor bill.

Mr. RANDALL. I desire to say only one or two words. In reply to the gentleman from Kentucky, who thinks that the legislative appropriation bill will occupy a long time in its consideration, I want to say there is in the Committee on Appropriations almost entire accord on the provisions of that bill; and if that be a fair reflex of the opinion of the House, it is likely to take less time than the river and harbor bill.

Mr. CANNON. I should like to say a single word.

The SPEAKER. This matter is not debatable, but with the permission of the House the gentleman from Illinois will be allowed to proceed.

Mr. CANNON. What the gentleman from Pennsylvania [Mr. RANDALL] says is true. There is not to be much contest, I am satisfied, on the legislative appropriation bill. I believe we can pass it to-day and to-morrow. It is especially desirable on the minority side of the Appropriations Committee that it should be considered now. And it is important it should be considered and go to the Senate on an early day. I do hope gentlemen will permit us to consider and dispose of this bill to-day and to-morrow.

Mr. BLANCHARD. I wish to make one observation in reference to this matter. There is not the slightest danger of this House adjourning without passing the legislative appropriation bill; but there is danger of the House adjourning without passing the river and harbor bill unless it is taken up now. That was our experience in the last session of the Forty-seventh Congress, and may be again unless the House takes up now and puts through the river and harbor bill.

The SPEAKER. The question is on the motion to dispense with the morning hour.

Mr. GIBSON. I want to say a word. [Cries of "Regular order!"]

The SPEAKER. The regular order is the question on the motion to dispense with the morning hour.

The question being put, it was decided in the affirmative (two-thirds voting in favor thereof).

JEANNETTE EXPEDITION SEARCH.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Navy, transmitting report of Lieut. G. B. Harber, United States Navy, concerning the search for the missing persons of the Jeannette expedition and the transportation of the remains of Lieutenant-Commander De Long and companions to the United States; which was referred to the Committee on Naval Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BRUMM, for one week, on account of important business.

To Mr. KEIFER, indefinitely, on account of important business.

To Mr. HOPKINS, for two days, on account of important business.

To Mr. JORDAN, for remainder of this week, on account of important business.

To Mr. STEELE, indefinitely, on account of important business.

To Mr. GEDDES, for ten days, on account of important business.

To Mr. HEWITT, of New York, for two days, May 28 and 29.

To Mr. DUNHAM, for ten days, from Friday next.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded and is insisted upon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union, under the rule, for the consideration of general appropriation bills.

Mr. WILLIS. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. If the House should resolve itself into Committee of the Whole as proposed by the gentleman from Pennsylvania, can not objection be made to the consideration of the legislative, executive, and judicial appropriation bill when that bill is reached in the Committee of the Whole?

The SPEAKER. It can be to any bill.

Mr. RANDALL. Under the rule, according to my recollection——

The SPEAKER. If the House adopts the motion of the gentleman from Pennsylvania to go into Committee of the Whole for the purpose of considering general appropriation bills, the Committee of the Whole must consider general appropriation bills according to the order of the House.

Mr. RANDALL. That is the reason I made my motion in that language.

Mr. WILLIS. Then it is necessary, as I understand, to wait until we get into Committee of the Whole in order to test the question what bill shall be considered.

Mr. RANDALL. I will state to the gentleman from Kentucky that if a majority of the House desires to reach the river and harbor bill in preference to the legislative appropriation bill, the object can be reached by voting down my motion, when the gentleman would be recognized to make his motion. Otherwise there is no way for him to reach his object under the rules.

The SPEAKER. That is the rule of the House.

The question being taken on the motion of Mr. RANDALL, there were—ayes 85, noes 65.

Mr. WILLIS. As there seems to have been some misunderstanding of this question, I ask for tellers on this vote.

Tellers were ordered; and Mr. WILLIS and Mr. RANDALL were appointed.

The House again divided; and the tellers reported—ayes 96, noes 80.

Mr. BLANCHARD. I call for the yeas and nays on this question.

Mr. WILLIS. I hope we shall have them.

The yeas and nays were not ordered.

So the motion of Mr. RANDALL was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. COX, of New York, in the chair), and proceeded to the consideration of the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HOLMAN. I ask unanimous consent that the first reading of this bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. KASSON. It is understood that all points of order are reserved.

The CHAIRMAN. All points of order are reserved.

Mr. HOLMAN. Mr. Chairman, the provisions of the pending bill make comparatively few changes in the law for the current year; and I shall, therefore, have no occasion to make any extended remarks. The bill does not claim to be in any respect a measure of reform in regard to the large official list of the Government. Indeed, sir, the condition of the times, the state of the Treasury, and perhaps other considerations seem to render anything like thorough reform in reference to either the adjustment of the salaries of officers of the Federal Government or the reduction of their number practically impossible.

The bill embraces but two important changes of the law for the current year. One of these is a provision reducing the number of collection districts under the internal-revenue system from eighty-four to sixty-three. It is believed that this measure is entirely practicable and will result in some reduction of expenditure, while it will not cripple the administration of the internal-revenue system, but on the contrary will increase its efficiency. The bill proposes a large increase of force in the Pension Bureau by increasing the number of special agents from about two hundred and fifty to four hundred, there being an increase of about one hundred and fifty of these officials, with salaries of $1,600 per annum and their current expenses. These two provisions are the most important changes proposed by the present bill upon the law for the current year.

There are some instances, but not many, where increases of salaries have been recommended by the Committee on Appropriations. A few new offices in addition to those in the Pension Bureau have been provided for. Beyond this the changes in the law for the current year are comparatively unimportant.

It will be seen that there is nothing in this bill to arrest special attention. For this reason I do not deem it necessary to occupy the time of the House; and unless some other gentleman desires to be heard on the bill, I will ask that general debate be closed at an early moment.

Mr. CANNON. Will the gentleman yield to me? I wish to occupy only a minute or two.

Mr. HOLMAN. I yield to my friend from Illinois.

Mr. CANNON. I wish only to say that this bill in the main is to be criticised for its sins of omission rather than those of commission. The two principal changes in existing law proposed by this bill, to which the gentleman from Indiana [Mr. HOLMAN] has referred, I do not believe to be wise.

But I am frank to say that while I would be glad under ordinary circumstances to talk a half an hour on this bill, yet I am so desirous that it shall receive prompt consideration in the Committee of the Whole and be disposed of at an early day, that although I was upon the subcommittee which prepared it, I feel like waiving anything I could say in the way of general debate, and content myself with saying what I may desire about particular clauses in the bill upon amendments that may be offered from time to time.

Mr. HOLMAN. I now ask unanimous consent that general debate upon this bill be considered as closed, and that the Committee of the Whole now proceed to consider the bill by paragraphs under the five-minute rule.

Mr. THOMPSON. I desire a few minutes on this bill.

Mr. HOLMAN. Very well; I will yield to the gentleman from Kentucky [Mr. THOMPSON] with pleasure.

Mr. THOMPSON. I do not desire to enter into any general discussion of the provisions of this bill, but simply to give notice that during the progress of its consideration I propose to offer some amendments which I think may probably be acceptable to the Committee on Appropriations and the Committee of the Whole. The paragraph of the bill commencing with line 839 appropriates "for salaries and expenses of collectors and deputy collectors, $1,800,000." The paragraph then goes on to provide that after the 30th of June, 1884, the number of collection districts shall be reduced to sixty-three. I do not think it necessary that we should any longer maintain the internal-revenue system with the number of collectors which we now have. While I agree with the Committee on Appropriations in what it has done in the reduction of the number of collectors, I do not think they have been radical enough in their action. There can now exist no possible necessity for maintaining a distinct system for the collection of the internal revenue of the country.

When that system was first established by act of Congress there was provided a collector for each Congressional district, and shortly thereafter there was also provided for each Congressional district an assessor. Each of those officers was surrounded by what was considered at the time the necessary officers for collecting the internal-revenue taxes. Those taxes at that time were laid upon many articles, but now the taxes have been removed from more than four-fifths, yes, more than nine-tenths of the articles on which they were then imposed. Take the number of articles now taxed under the internal-revenue system and compare it with the number of articles on which the taxes were laid when this system was originally instituted, and it will be found that nearly all of the articles have had the tax removed from them, and the internal-revenue tax is now laid almost entirely upon three articles—in fact, upon only three—that is, distilled spirits, beer, and tobacco, with the exception of a few license fees as the necessary accompaniment of those taxes.

The taxes collected in many of the existing districts are insignificant. Under the internal-revenue system a few licenses are collected, such as the license for retail dealers in tobacco, a $25 license for retailing distilled spirits, and a wholesale liquor dealer's license, all of which are granted, not like licenses under the State law, but, without a discretion on the part of the collector, they are granted to any man who will pay the tax. Take the State of Alabama, for instance. Down there there is hardly any tax collected except what arises from taxes of that kind, at least half from tobacco and licenses, and I believe that the tax, except upon whisky, amounts to only about $50,000 a year. They have only three storekeepers in the State. It is the same in the State of Maine; the amount collected there from all internal sources is almost insignificant. The result is that we are maintaining in the country a large number of internal-revenue collection districts which are wholly, totally, and absolutely unnecessary.

Take the State of Kentucky, where the tax upon whisky collected during the next year will possibly amount to $19,000,000. There are still five districts maintained there after the late Presidential consolidation, when one district alone would be sufficient. What is the process by which the tax on whisky is collected? It is now a stamp tax. Originally, when we started with all these districts, it was not collected through the medium of a stamp, but the money was collected directly, and, instead of the stamp on the barrel, the amount of money collected was branded on the barrel or shown in that way, and necessarily took more officers to execute it. The law has been modified, changed, simplified, until now the whisky tax is collected with as much ease, as much facility, and with as little trouble and less expense than the sale of postage-stamps.

Mr. Chairman, the suggestion I desire to make to the House, and I do not want to detain it with any long statement, is that we can here under this bill, by proper provision ingrafted on it—and I shall offer an amendment of that kind—wipe out the internal-revenue system—not the tax on whisky and tobacco, but in a large measure the useless office-holders which they give rise to through maladministration. There is no use in continuing a dual system for the collection of Federal taxes. There is a scarcely a State of the Union where we have not now a collector of customs at the main port of entry. Nearly every State has a port of entry. All that have not one now ought to have one. Every State in my judgment ought to have at least one port of entry. At that port of entry the collector of Federal taxes can be located, and that collector of Federal taxes can collect not only the customs duties but also the internal taxes just as well.

Why should you continue the internal-revenue system when you have already removed nearly all the internal-revenue taxes and all the complications arising out of their collection? Your customs collections reach over and cover every State in the Union and every portion of the country.

If you do not wish to go that far, if the House does not wish to abolish all of these internal-revenue districts in the United States, let them all in each State be abolished save one. Leave one collector in each State to collect and account for the taxes. I propose to offer an amendment to meet that object.

I propose to go further, Mr. Chairman, and incorporate upon that the further recommendation of the Secretary of the Treasury wherein he recommends likewise that the customs-collection districts in the United States shall in many instances be consolidated by the abolition of those which are unnecessary and expensive. Maine has fourteen customs districts, of which the Secretary of the Treasury recommends the abolition of nine. He so recommends because they are paying nothing—that the amount paid out in those nine districts exceeds the amount collected. The Secretary very justly said it is a shame we shall longer continue for the purpose of gratifying a local pride of those people collection districts which absolutely pay less than is collected.

As I have said, I propose to ingraft on this bill, with the permission of the committee, in the House a provision of that character. Not that I shall ask the House to pass complete consolidation upon this appropriation bill, but merely that we shall give to the President of the United States the same power over customs-collection districts he now has over internal-revenue districts, and that is, wherever one exists which is not deemed necessary the President shall have the power to abolish it or to consolidate two or more districts where only one is required by the public service. Those customs-collection districts are now cast-iron, and the President has no power over them. Congress establishes them, and when it makes a port of entry he has no power to abolish a district where the collections are less than the expenditures, and where they are kept up at a useless and unnecessary expense. There is no good reason why the President should not have the same power of consolidating or abolishing customs-collection districts he now has over the internal-revenue districts. The Secretary of the Treasury in his annual report at the beginning of this Congress recommends that this power shall be given to the President. He has fur-

nished a map for the consolidation of these collection districts, and if this House will give the power to do it he tells us he can save a million and a half of dollars every year in the collection of customs duties, at least collect the revenue for one million and a half less than was appropriated for that purpose last year.

A MEMBER. A million and a half?

Mr. THOMPSON. Yes, sir; a million and a half. In order to bring the matter clearly to the attention of the House I will read the recommendation of the Secretary of the Treasury in this regard.

Mr. CANNON. Allow me right here to call the attention of the gentleman from Kentucky to the fact that the pending bill does not take up that subject at all. So far as I understand it was supposed if taken up it would be done in the sundry civil bill. So far as I know of any investigation in the Committee on Appropriations it has been by the subcommittee on that sundry civil bill. Therefore perhaps what the gentleman proposes would be more appropriate there than anywhere else. But I see the chairman of the committee is present, and I will therefore yield the floor to him.

Mr. RANDALL. Members of the subcommittee on the sundry civil bill have, as the gentleman from Illinois has stated, considered this question, and while I have no authority to speak for any other than myself, I believe I can say to the gentleman from Kentucky that in the light of the recommendation of the Secretary of the Treasury, if this discretion be given for the consolidation of customs-collection districts, it will save an enormous amount of money to the public Treasury, there is no reason why the House should not promptly and at once, either in the sundry civil or some other appropriation bill, provide for dispensing with that large number of unnecessary officials and save the large amount of money which will necessarily result.

Mr. THOMPSON. As has been stated by the gentleman from Illinois [Mr. CANNON], the customs-revenue department is not supported by annual appropriation, but by permanent appropriation of $2,750,000 semi-annually and by fees which are collected under the laws.

Mr. RANDALL. Seven millions in the aggregate.

Mr. THOMPSON. Yes; $7,953,329.51 for the last fiscal year.

Now let me read the recommendation made by the Secretary of the Treasury in his last annual report:

> The statement herewith submitted, marked "A" (see appendix, page 111), went with the letter, and exhibits the number at that time of employés and expense for salaries in each district as now constituted, and the estimated number of employés and expense for the districts as it is proposed that Congress should authorize them. In these respects it is near enough to a correct statement of the existing state of things to show it with closeness to accuracy. The number of officers and employés in the existing districts as given by it is 4,255. The number thought to be needed under the arrangement of districts proposed would be 4,054, the reduction being mostly of those receiving the largest compensation.
>
> The actual cost of the service in the districts for the fiscal year ending June 30, 1882, is given as $6,549,595 07
> The estimate for the year ending June 30, 1884, with the districts remaining as they are, is stated at 6,650,781 42
> The cost, if consolidation of districts as proposed is made, is estimated at 6,148,855 00
>
> These figures show that the consolidation would save in public expenses $501,926.42 over the estimate for 1883–'84, and $400,740.07 over the ascertained cost of the year 1882–'83.
>
> The estimates submitted according to law by this Department for the fiscal year 1884–'85 called for an appropriation of $5,500,000 00
>
> In addition thereto is the amount to come from the provision of the United States Revised Statutes, section 3687, which makes a permanent annual appropriation of $2,750,000 for the expenses of collecting the revenue from customs for each half-year, in addition to such sums as may be received from fines, penalties, and forfeitures connected with the customs, and fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services. In the year 1882 the amount derived by the operation of this section increased the available funds to the sum of $7,566,688.24; in 1883, to $7,953,329.51. These figures are furnished to me from the warrant division of this Department. If they err at all it is that they are less rather than more than they should be. Consolidation, according to the estimate above given, is in expense less than this nearly $1,500,000.

Now, how is that to be accomplished, this saving of $1,500,000 to the people of this country in the collection of the revenues? Simply in this manner: by Congress giving to the President by a single line in this bill the same power over the collection districts that he now has over the internal-revenue districts. Give him that power, and then the President, with the recommendation of the Secretary of the Treasury before him, has nothing to do but to wipe out all of these districts that the Secretary of the Treasury says ought to be wiped out, that are a shame and an unnecessary expense, which are maintained merely to gratify local pride and possibly the personal ambition of members of Congress. They are of no possible service to the people or to the country. There is no reason why they should not be wiped out, and there is no reason why this authority should not be given to the President.

I propose, therefore, to incorporate into this bill, and not to wait for some other bill where it might be or might not be ingrafted, a provision which will accomplish that. I propose upon this bill, if the House will stand by me and the Committee on Appropriations, and I have no doubt that they will, a simple provision giving the President the power over these districts that he now has over the internal-revenue districts, in order that he may be able to save these million and a half dollars annually to the people of this country. They keep now open thirty-two ports in which but little is collected, and they show that twenty-two are kept open at which nothing whatever is collected. All of these have their full corps of officers and are kept up at great expense. They have their collectors, their deputy collectors, their inspectors, and all of the other paraphernalia of the office, simply for the purpose of rendering to the Secretary of the Treasury a report which shows that nothing is collected, and to visé the papers of sailing vessels, which, as we all know, are now but few in number and comparatively unused. They look over these matters, and report to the Secretary of the Treasury and to the Bureau of Statistics that they have not collected a dollar of money within the last ten or twelve years. That is all they have to do.

Not only that, sir, but the fact is well known that we have gone ahead under this same policy and built up at these different points expensive public buildings—custom-houses—which must be maintained at the public expense; which must be kept in repair, with all the quota of officers there, for no other purpose in the world except to make these annual reports to the Secretary of the Treasury that they are not collecting a cent of money and have not collected any for ten years. I propose, therefore, to prune out that system. Here is an opportunity; let us avail ourselves of it.

Now, I propose to go into this thing if the House will help me and the Committee on Appropriations, and not only to go into that, but to go a step further and make a different arrangement with reference to the internal-revenue districts. I know in my own State that we have a much larger number of officials connected with the internal-revenue system than is necessary and that could well be dispensed with, as I said in the last Congress, because I commenced the agitation of this subject with one of the appropriation bills last year, as members of this House will perhaps recollect who were then present. My object then was to reduce these internal-revenue collectors. I propose to reduce them so that there shall be but one for each State. I think under the law of last year we succeeded in reducing the number to sixty-three.

The Senate, however, struck out that provision; but the President, under the authority which he had over that subject, reduced them to eighty-two. This year under the stress of circumstances, especially perhaps under circumstances which arise during a Presidential year and the press of influence in that direction, they have been increased again to eighty-four. There is no reason in the world why we should have more than one collector in each State. One collector located in my State at Louisville can collect the nineteen millions of revenue paid under the internal-revenue system from that State as well as six collectors scattered all over the State. How will you go about it? What is the process by which a man pays his tax into the collector's hands? Let us take for instance a whisky-man; he is located in the county—take my own county, for instance. The collector lives twenty-odd miles away by land from where we are. Now it would be much easier to go to Louisville and see a collector there and get the necessary papers and stamps, and it could be done much more readily than you can go this twenty miles that is now traveled for that purpose.

All that you want in the world in order to subserve the convenience of the people in this matter is to have a collector located in the central portion of the State, with various stamp agencies throughout the State. All of the taxes then would go through the hands of this one man, and would be a simple, economical process of collecting the taxes in comparison to the process by which they are now collected. This would bring it home to the people. The best way to do that is not by multiplying collectors throughout the State, but by giving these stamp agencies at different points, which are more economical. In this connection I will take as an illustration my own town again, where I secured this convenience for our people a year or so ago. A stamp depot is located there. This gentleman sells the stamps and collects the money and pays it over to the collector. Now, this is done at an expense of $50 a month, which is paid to him, instead of paying $4,000 a year to a collector, and the process is much more convenient to the people. There is no reason, then, for continuing the present costly and inconvenient process. If you want to make it convenient to the people it can not be said to be for the convenience of the people to increase the districts. If you deny the stamp depots you multiply the disadvantages of the system. I repeat, then, if you desire to make it convenient under the internal-revenue system to these people who are associated with and interested in the system, all you want is these stamp agencies and not this vast number of collectors. Now, how can you economize upon this system?

You can abolish these collection districts; you can abolish the rents they have to pay, the number of officers they have to maintain—I mean the clerks around them—and let the whole business be done through one collector's office with more convenience to the people and economy to the Government than under the system as now administered. There is no practical, sensible, business reason why you should longer maintain them.

As I have said, I would go further than I propose to do on the appropriation bill. We ought to abolish the Internal-Revenue Bureau entirely. You are bound to maintain your customs collection districts. There is no reason for maintaining a dual system of offices in this country any longer. My friend from Alabama on the Committee on Ways and Means [Mr. HERBERT] knows there is a customs collection district at Mobile and there is an internal-revenue collector in the same place. You have twenty-three officers under the one and twenty-four under the other to collect about $222,000 of customs and $110,000 under the

internal-revenue system. You could transfer the duties of the internal-revenue officer there to the collector of customs at Mobile. He is bound to be maintained. He is furnished with his house; and there is no longer any use of paying rent and hiring clerks and maintaining a separate internal-revenue district when the customs collector can collect all that money just as easily by the sale of those stamps, and account for them just as safely, as can be done under the dual system. You have taken off the taxes, and there is no longer any reason for maintaining a dual system of offices all over the country. I ask the House to make that change.

I do not desire to detain the committee much longer, but I will say there are some other matters which I should like to have put on this bill. I think there is no reason why we should maintain so many storekeepers and gaugers in connection with the internal-revenue system all over the country as we now do. No doubt if we abolish any of these storekeepers there may be an outcry on the part of men who have not investigated the system, and do not know much about it, that by taking away the storekeepers you will give facilities for fraud. They will charge that fraud will increase and that the money will not be collected. And some of them may say that it is because I happen to be from a State where a large proportion of the whisky is made that I desire the removal of these officers so that my people may escape the payment of taxes. I desire to say there have been few frauds perpetrated in the State of Kentucky. No State in this Union has furnished as few cases of fraud on the Treasury growing out of the internal-revenue system as the State of Kentucky, in proportion to the amount of whisky made and the revenue paid in. We have had few if any prosecutions there, especially of late years.

There is no reason for maintaining any longer in this country a large number of storekeepers and gaugers. The great hue and cry raised against the internal-revenue system arises from the fact that it multiplies officers, that it is inquisitorial in its character, and that by the multiplication of its officers free elections by the people are interfered with. We have it now in our power to lop off many of these officers. Take the sixth district of North Carolina. The whole State of North Carolina has four hundred and forty-six officers under the internal-revenue system; two hundred and eighty-five of these are in one district. There is no reason why those officers should be maintained there. We ought to put on this bill a provision to prohibit collectors of internal-revenue from multiplying officers. In that State, and especially in that district, there are a large number of small distilleries. The collector can appoint three men for each distillery, and has the right to change the officers; so that he can run one for sixty days, another for sixty days, and another for sixty days, thereby dividing the work among three or even more officers, who if kept at them will receive $400 apiece, which is considered a good living there.

The proper way would be to have merely as many officers as are necessary for the collection of the revenue and its protection. I think if gentlemen took the list and looked over it they would be surprised at the multitude of officers growing out of the number of distilleries which mash less than five bushels of grain a day. In the sixth district of North Carolina I do not believe there are ten distilleries out of two hundred and ninety running there that mash over five bushels a day and the annual product of which amounts to more than five barrels of whisky apiece; and yet we maintain three office-holders, at $400 a year each, to watch those few distilleries. Is that a right thing? Ought not something to be done to put some sort of yoke on these fellows, so that they can not multiply those offices?

I will tell you what I propose to do. So far as those little distilleries are concerned, there is no reason why you should maintain a storekeeper at them. There are some five thousand of fruit-brandy distilleries in the country, every one of them without a storekeeper, and you get the same tax per gallon from them as from those little distilleries mashing not over five bushels of grain a day, and their annual product is about the same.

Why should we maintain these officers at these little five-bushel distilleries? I recollect seeing once a table, prepared by the Department, of the expenses under this system in the upper end of Kentucky, from some of the districts there, a part of which is now in my district. That table showed that we paid a man over $1,300 to sit astraddle a ten-gallon keg of whisky at a three-bushel distillery and watch it for a whole year. And that is a fair sample of what is done at these little distilleries and of the expense following the maintenance of these officers at such distilleries.

There is no reason in the world why a storekeeper should be maintained at a little distillery running five bushels a day or even ten bushels a day. You can get along without them, and get the same amount of tax and do away with the expenses of some three or four hundred officers. I am satisfied that the people do not want to defraud the Government out of the tax; they are willing to pay this little whisky tax; it does not amount to much. The whisky made there is drunk around in the immediate neighborhood. If we do not make whisky in the upper end of your district and mine for the consumption of the people living there, the people are too poor to buy whisky of the great monopolies (so called) in the cities, and the result would be that they would not get any at all. We all know that Democracy can not flourish where there is no whisky. [Laughter.]

I shall therefore ask the House, when we come to provide for the payment of these storekeepers, to agree to an amendment which will do away with all this expense now paid to a large number of officers—to such men as the one I referred to, where $1,300 was paid to an office-holder to watch a ten-gallon keg of whisky in the storehouse and, maybe, by the end of the season the storekeeper and the fellow that watched it had drunk it as dry as a powder-horn and reported that it had all leaked out. [Great laughter.]

Mr. HOLMAN. I would inquire how much time I have left?

The CHAIRMAN. The gentleman has twenty-five minutes of his hour remaining.

Mr. HOLMAN. I will yield five minutes of that time to the gentleman from New York [Mr. DORSHEIMER].

Mr. DORSHEIMER. I rise for the purpose of re-enforcing so far as I can the views expressed by the gentleman from Kentucky [Mr. THOMPSON]. I think there is no reason why there should be more than one bureau charged with the collection of Federal taxes, whether the taxes are levied upon imported goods or upon the productions of this country. I am quite certain that in my State there is no necessity for more than two internal-revenue collectors.

I, however, should prefer that in the city of New York the officer who is charged with the collection of customs duties should also be charged with the collection of internal-revenue taxes. I can see no reason, with the machinery of the custom-house in that city so complete and so ample, with its operations extending not only over the city of New York, but over the city of Brooklyn, over Jersey City and all the towns upon those waters, why the collector of customs should not also have the small addition to his duties which would be made by charging him with the collection of the internal-revenue taxes in the city of New York.

An officer located in Albany would in my judgment very conveniently collect the internal-revenue taxes throughout all the rest of the State. I may say that there is now a customs officer at Albany, Albany being a port of entry; but whether he is a surveyor or collector of customs I do not remember. My impression, however, is that he is a collector of customs, and as such collector he has very little to do. He might properly be charged, in addition to his present duties, with that of collecting internal-revenue taxes throughout all the State of New York except the city and Long Island.

I venture to speak upon this subject with some emphasis for the reason that I have had special acquaintance with the manner of collecting taxes in the northern district of New York, which embraces nearly the whole State outside of the city and Long Island. For four years I was United States attorney for that district, at a time when the internal-revenue system was in full operation. The result of my experience led me to believe then that the internal-revenue taxes in the northern district of New York would have been collected with more efficiency if the collection of them were in the hands of one officer only, instead of there being, as there were at that time, an internal-revenue collector in every Congressional district.

I think the gentleman from Kentucky [Mr. THOMPSON] has made a most important suggestion to the House, and I shall look with interest to the amendment which he proposes to offer. I venture to suggest to him, if it be within the rules of our procedure, that he submit his amendment now and have it printed, so that it may be placed upon our desks and we be able to give it the consideration which its importance deserves. It proposes an economy worth making, and it is important not only on account of the economy it proposes, but because through it a great improvement in administration can be accomplished.

Mr. THOMPSON. I will say to the gentleman from New York [Mr. DORSHEIMER] that I have not yet formulated the amendment, but will do so immediately. As the place at which I propose to offer it is line 839 of the bill I did not suppose it would be reached for consideration to-day, and therefore have not reduced the proposition to exact form, but will do so promptly.

Mr. HOLMAN. I now yield to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, on this particular subject—I speak only for myself—I am quite willing to follow the gentleman from Kentucky [Mr. THOMPSON] as to that part of his proposition which suggests a reduction in the number of internal-revenue officials, or as to any system of consolidation of customs-service districts, so as to diminish their number and cost, if it can be done without impairing its efficiency.

I rise, however, more particularly to speak in connection with the proposition which has been made as to the consolidation of customs districts. The Secretary of the Treasury has communicated to Congress his opinion that seventy-five customs districts can be dispensed with. There are at present one hundred and forty-two of these districts; he recommends a reduction to sixty-seven. He accompanies this recommendation with a designation of the points at which, in his opinion, these reductions might be made. I think, however, that if the reduction be decided upon, it would be best to allow the Secretary of the Treasury to determine in his discretion the particular districts which should be abolished, rather than that Congress should make a particular designation of those districts.

The Committee on Appropriations has not been unmindful of this recommendation of the Secretary of the Treasury. The subcommittee

on the sundry civil appropriation bill, of which I am chairman, has more or less discussed the subject. I have maturely considered it, and believe we should fail to acquit ourselves of the responsibility resting upon us if we did not in some way come up to the measure of the recommendation of the Secretary of the Treasury. After looking over all the propositions, I have for one decided, so far as my own action is concerned, that it would be best perhaps in reaching the desired end to conform to the suggestions embraced in a bill introduced in the Senate, I think by Mr. Senator BECK. The bill to which I refer embraces also, in connection with the measure of reduction, a proposition to remit to Congress hereafter the annual inspection of the expenses necessary in the collection of the customs revenue, those expenses being now provided for by an indefinite and permanent appropriation of five and a half million dollars, together with whatever additional sum may be necessary, to be taken from the sums collected from fees, penalties, and forfeitures.

The last annual report of the Secretary of the Treasury, on page 116—and I ask the attention of the gentleman from Kentucky [Mr. THOMPSON] for a moment—gives very fully the anticipated savings, together with every other fact in connection with this proposed reduction of customs districts. From that report I incorporate in my remarks the following:

A summary of the proposed changes in the number of customs districts, by States.

States.	Present number of districts.	Proposed number of districts.	Reduction.	Present districts.		Proposed districts.		Remarks.
				Number of employés in 1882.	Salaries paid in 1882.	Number of employés.	Salaries.	
Maine	14	5	9	149	$163,035 35	136	$125,470 00	
New Hampshire	1	1	.....	9	9,577 62	9	9,600 00	
Vermont	1	1	.....	66	71,884 70	68	73,460 00	
Massachusetts	11	3	8	494	607,845 26	448	581,760 00	
Rhode Island	3	1	2	30	34,305 95	22	27,820 00	
Connecticut	5	2	3	32	34,879 43	28	29,900 00	
New York	14	8	6	1,723	2,322,258 10	1,646	2,198,820 00	
New Jersey	6	1	5	17	15,267 21	7	8,300 00	Except Little Egg Harbor, Great Egg Harbor, Bridgeton, and Lamberton.
Pennsylvania	3	3	.....	290	375,905 42	296	367,120 00	Includes Little Egg Harbor, Great Egg Harbor, Bridgeton, Lamberton, N. J., and Wheeling, W. Va.
Delaware	1	1	.....	12	8,438 18	11	9,200 00	
Maryland	3	1	2	221	287,858 28	204	253,680 00	
District of Columbia	1	1	.....	4	5,097 20	5	6,800 00	Includes Alexandria, Va.
Virginia	7	2	5	44	39,620 65	31	30,920 00	Includes Albemarle, N. C.
West Virginia	1	.....	1	1	1,021 00	.....	.....	Annexed to Pennsylvania.
North Carolina	4	1	3	35	27,783 57	27	21,760 00	Except Albemarle.
South Carolina	3	1	2	33	32,486 06	28	25,950 00	
Georgia	4	1	3	32	34,785 67	25	25,840 00	Except Saint Mary's.
Florida	7	3	4	75	64,402 71	75	62,180 00	Includes Saint Mary's, Ga.
Alabama	1	1	.....	21	22,444 04	19	19,080 00	
Mississippi	3	1	2	7	7,329 47	6	6,160 00	
Louisiana	2	1	1	183	247,728 06	178	194,860 00	
Texas	5	5	.....	114	158,465 53	102	130,460 00	Except part of Paso del Norte.
Arizona	.....	1	.....	.....	.....	9	11,320 00	New district made from part of Paso del Norte, Tex.
Tennessee	3	1	2	5	3,144 88	4	4,100 00	
Kentucky	2	1	1	7	10,991 48	8	11,000 00	
Ohio	5	3	1	57	63,303 23	52	56,965 00	
Indiana	3	1	2	6	6,594 51	5	5,120 00	
Illinois	3	1	2	80	96,869 79	91	111,880 00	Includes Omaha, Nebr., Dubuque and Burlington, Iowa.
Missouri	3	1	2	30	43,114 00	31	44,320 00	Includes Cairo, Ill.
Michigan	4	4	.....	148	131,492 89	151	127,430 00	
Wisconsin	2	1	1	14	13,740 84	14	13,800 00	
Iowa	2	.....	2	3	1,290 28	.....	.....	Annexed to Illinois.
Nebraska	1	.....	1	2	1,625 11	.....	.....	Do.
Minnesota	2	1	1	31	40,493 30	32	38,800 00	Includes Montana.
Montana	1	.....	1	2	2,618 55	.....	.....	Annexed to Minnesota.
California	4	3	1	229	346,931 00	236	332,300 00	
Oregon	4	2	2	25	36,755 50	27	39,460 00	
Washington Territory	1	1	.....	17	22,168 35	17	21,220 00	
Alaska	1	1	.....	6	10,414 77	5	9,000 00	
Colorado	1	1	.....	1	1,000 00	1	1,000 00	
	142	67	75	4,255	5,404,967 94	4,054	5,036,855 00	
	67							
Reduction	75							
Incidentals	.....	.....	.....	.....	1,144,627 13	.....	1,112,000 00	
					6,549,595 07		6,148,855 00	

Reduction in the number of employés	201
Reduction in the amount of salaries	$368,112 94
Reduction in the amount of incidental expenses	32,627 13
Total reduction over 1882, by consolidation	400,740 07
Number of employés recommended by commissions	4,291
Amount of salaries recommended by commissions	$5,490,158 40
Amount of incidental expenses recommended by commissions	1,160,623 02
Total amount recommended by commissions	6,650,781 42
Total amount recommended by the Secretary	6,148,855 00
Amount of reduction over commissions' estimates	501,926 42

It will be seen that the estimated reduction, as given by the Secretary of the Treasury, is not so large as that stated by the gentleman from Kentucky. The Secretary of the Treasury proposes, as I have said, a reduction of seventy-five in the number of districts. The number of employés under the present system is 4,255, with salaries aggregating in 1882 $6,549,595.07. Under the proposed reduction the number of employés would be diminished only to 4,054, thus dispensing with 201 officers, while the amount of official compensation would be reduced to $6,148,855, an aggregate reduction of about $400,000.

I desire to have read the amendment which the subcommittee on the sundry civil appropriation bill has directed to be printed for consideration of full committee in relation to this particular matter. For myself I am entirely indifferent whether this amendment be placed upon the legislative appropriation bill, where perhaps it most properly belongs, or be deferred that the sense of the House may be tested upon it as an amendment to the sundry civil appropriation bill. I ask the Clerk to read the proposed amendment.

The Clerk read as follows:

That the President is hereby authorized and directed to consolidate and reorganize the customs collection districts of the United States, on or before the 1st day of July, 1884, so that the same shall not exceed in number sixty-seven.

And the President shall fix the boundaries of such reorganized districts and designate ports of entry therein, and shall also, from time to time, designate ports in each of such districts at which deputy collectors may be stationed to receive duties and other moneys, enter and clear vessels, and perform such other services in relation to the customs and navigation laws as he may deem necessary; and he shall give notice of the boundaries and designations of such reorganized customs districts.

And the President is authorized and directed to discontinue the services and abolish the offices of such collectors, surveyors, and appraisers as may be necessary to conform to the number of collection districts herein provided for, and to designate places of deposit for the records and files pertaining to those collection districts which may be abolished pursuant to the provisions of this act.

Sections 2648 and 3687 of the Revised Statutes of the United States, together with all laws or parts of laws, authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites, of whatsover name and nature, are hereby repealed, to take effect on the 1st day of July, 1885; and all fees collectible by law shall thereafter be accounted for and paid into the Treasury as moneys belonging to the United States; and the Secretary of the Treasury is hereby authorized to provide for the collection of such fees by the use of stamps, under such regulations as he may prescribe.

And it shall be the duty of the Secretary of the Treasury to include in the regular Book of Estimates for the fiscal year ending June 30, 1886, and each fiscal year thereafter, estimates specifying in detail the number and class of officers and employés of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specifically provided for.

Mr. MCMILLIN. If the gentleman from Pennsylvania [Mr. RANDALL] will allow me a moment, I wish to make a suggestion. He has stated that he is indifferent whether the proposed amendment be placed upon this bill or upon an appropriation bill which is to come up hereafter. I rise for the purpose of urging him to offer it upon this bill, because the experience of all of us is that the nearer we approach the end of a session the more difficult it is to inaugurate necessary reforms.

I think the object will be more certainly accomplished by offering the amendment upon this bill, and if the matter should go to a conference it will give longer time for the deliberate consideration which may be essential to its adoption. I hope, therefore, the proposition will be presented upon this bill. It is certainly second in importance to no measure that has been proposed on any appropriation bill. I hope the reform suggested by the gentleman from Kentucky will be inaugurated, for it is the experience of every one representing any portion of the country where these small distilleries are in operation that there is a useless and wholly unnecessary attendance upon them.

Mr. KASSON. Will the gentleman allow me to ask whether that amendment is now offered, or simply read for information in connection with the remarks which he is now submitting?

Mr. RANDALL. In harmony with the suggestion made by the gentleman from New York [Mr. DORSHEIMER], in connection with the proposition of the gentleman from Kentucky [Mr. THOMPSON], as indicated by him in the remarks he has submitted with reference to the internal-revenue and customs-collection service, I have introduced it here at this time, so it might go into the RECORD, and each and every member upon the floor might understand exactly what the Committee on Appropriations in part, through one of its subcommittees, has been considering.

Mr. KASSON. I wish to say to the gentleman that some of the points are now under consideration by the Ways and Means Committee, and this it seems to me relates exclusively to that business. I want, therefore, when it is offered to have something to say on the subject.

Mr. RANDALL. Every facility should be afforded to the gentleman from Iowa and the Ways and Means Committee to propose such amendment and to be heard on that subject. I desire to say I have myself been in constant conference with the gentleman from Texas [Mr. MILLS], who I believe represents the subcommittee of the Committee on Ways and Means having this matter in relation to customs districts in charge.

Mr. Chairman, it will be noticed the question has been precipitated upon the House by the suggestion this morning made by the gentleman from Kentucky, so that the Appropriations Committee, as it were, have been compelled to state the consideration they have given the subject.

Mr. KASSON. I will say the suggestions of the gentleman from Kentucky likewise have been before the Ways and Means Committee.

Mr. RANDALL. The first branch of that amendment which has been read at the Clerk's desk has been considered with great care, and in effect is just the legislation approved by the Secretary of the Treasury and recommended by him as necessary to reach the object he had in view in submitting his annual report on this subject.

The second branch, providing for doing away hereafter with permanent appropriations and making them subject to annual inspection, as other expenditures of the Government, has been considered from time to time for many years past. It met with the approval of the Appropriations Committee in the Forty-fourth Congress, and so far as I know there never has been a time since then that the Committee on Appropriations has not favored such action. I remember very well that the gentleman from New York [Mr. HISCOCK], while chairman of the Committee on Appropriations of the last Congress, not only advocated doing away with these permanent appropriations, but presented to the House the facts and figures to show why that policy, with certain exceptions, should be adopted. In his speech presenting a résumé of his duties during that Congress as chairman of that committee he laid great stress on the absolute need of such legislation.

There are, however, Mr. Chairman, exceptions which should be made, as I think, in any law repealing permanent and indefinite appropriations. I have always thought that matters of appropriation relating to the payment of the principal and interest of the public debt should not be left to the humor of Congress or the vicissitudes of a Congressional session. I have also believed the sinking fund should be preserved sacred outside the range of annual appropriation bills. So also have I believed in reference to moneys in the Treasury placed there in trust for beneficiaries of the Government. And, Mr. Chairman, those three exceptions should be distinctly made in any amendment which Congress may adopt in reference to such legislation as to the permanent appropriations.

Mr. BLAND. With the permission of the gentleman from Pennsylvania I would like to submit this question. You will remember in the last Congress the Senate passed a bill repealing the permanent appropriations. If that bill had passed the House the appropriation requiring the purchase of $2,000,000 of silver every month would have been repealed. If I understand the amendment sent up by the gentleman from Pennsylvania to be read at the Clerk's desk, and that amendment shall be adopted with the exceptions which have been stated, then we can have no more silver coinage unless Congress from year to year shall make appropriation therefor. I therefore hope the gentleman will consent to make that an additional exception.

Mr. RANDALL. The committee I think will give every consideration to the circulation of silver. The gentleman will observe that the repeal of the permanent appropriations as provided for in the amendment as read at the desk only relate to the customs-revenue service. Some members of the committee did wish to go further and repeal every permanent and definite appropriation save and except those I have stated. The action of the committee in reference to the silver dollar, the coinage of which is provided for by the permanent appropriations, has not been unfriendly. On the contrary, the fullest opportunity for testing the practicability of the circulation of that coinage will not be interfered with. The gentleman from Missouri will remember by the action of the Secretary of the Treasury the printing of one and two dollar notes, which bear an important relation to the circulation of the silver dollar, was suspended as to the greenback circulation. The national associations are not allowed to put in circulation any note under the denomination of $5.

The effect of the act of the Secretary of the Treasury in relation to the suspension of the printing of the one and two dollar United States notes has been to take from the Treasury of the United States for circulation about double the amount of silver that was taken from the Treasury heretofore during a corresponding length of time. I am not able to say what has been the increase resulting therefrom from the various subtreasuries of the United States, not having the figures at hand, and to state whether there has been an increase or not, but I presume there has been a corresponding increase at the subtreasury offices.

While I have no authority or warrant to speak for the Secretary of the Treasury, yet as I view his act I do not believe that this suspension of the printing of one and two dollar United States notes can have any other effect than the testing, and that quickly, of the views of the people as to whether the public are willing to take the "Bland" dollar as one of the permanent circulating mediums of the country.

Mr. BLAND. I had no idea that the Appropriations Committee intended anything derogatory to the circulation of silver or to its coinage; but inasmuch as the Senate at the last session of Congress, or rather during the Forty-seventh Congress, did pass an act repealing all permanent appropriations, with certain specified exceptions, and did not enumerate among those exceptions the permanent appropriation for the purchase and coinage of this silver bullion, and did it by mistake or inadvertence, I have no doubt—and certainly the effect was unintentional, out of abundance of caution—I desire now to call the attention of the Committee on Appropriations to that fact. I do this because a repealing clause of that character may be placed upon an appropriation bill which would repeal this permanent appropriation, or in the repealing of other permanent appropriations would make no provision for the exception of this to which I refer, relating to the purchase and coinage of the silver bullion. It was therefore that I called attention to it, so that no action might be taken from inadvertence that would have that effect.

Mr. RANDALL. If I remember correctly the bill which passed the Senate was passed with unanimity.

Mr. BLAND. This provision to which I refer was inadvertently passed, as I am informed.

Mr. RANDALL. At all events it falls within the power of the gentleman from Missouri or the House, if they want to make the permanent appropriation applying to the silver dollar an exception, along with what I have suggested—as to the principal and interest on the public debt, the sinking fund, and trust funds held by the Government—to add a provision, as suggested by the gentleman, which would also make a continuation of the permanent appropriation for the coinage of that dollar to the extent of $2,000,000 a month.

Mr. BLAND. But the gentleman from Pennsylvania will notice the difficulty that might arise. The fact that Senators permitted that bill to pass the Senate without knowing that its effect would be to destroy the permanency of that appropriation is sufficient warrant to place us upon our guard in this House against similar action here, which may also be taken by inadvertence.

The Appropriation Committee might on some bill in this House, in

the very middle of the bill, incorporate some provision which would repeal all the standing appropriations without exception, and the effect of that would also be to repeal this appropriation unless a special exception was made of it. Therefore I called the attention of the gentleman to this point in order that the House may not be misled by such action on the part of the committee——

Mr. RANDALL. There is certainly no intention to mislead the House.

Mr. BLAND. And cause the House to repeal that exception without a distinct knowledge of what it is doing.

Mr. RANDALL. There is no purpose to ask action as to any of these matters until the House has maturely considered the subjects. As just read it only applies to the repeal of the permanent appropriations in connection with the customs service; and would not interfere in any degree with the existing law which makes a permanent appropriation for the coinage to which the gentleman refers.

Mr. BLAND. The gentleman from Pennsylvania, however, went on to discuss the question of policy of repealing not only standing appropriations but mentioned certain exceptions, leaving out the appropriations for the purchase and coinage of silver. Now, whether the Appropriations Committee expect to report a bill for that purpose or not—of course I have no means of knowing—but if they do I desire simply to call attention to this particular matter, because, as I have already said, it passed the Senate, as I am informed by Senators, inadvertently.

Mr. RANDALL. The Committee on Appropriations would not at this time, I think, go beyond what is embraced in the amendment that has been read, leaving the other matters for subsequent action by the Committee on Appropriations of the House. So far as I am concerned—I speak only for myself—I am in entire accord with what seems to be the effect of the action of the Secretary; that is, to secure the testing and if possible the circulation of the coinage to which I have referred. I have no particular hostility if it be the will of the public to take it; on the contrary, I would rejoice at its successful issuance. I have never known any country to demonetize any of its own precious metals. I have always maintained that it was the duty of this Government to give every facility that could be given to the use of silver as a circulating medium so far as is consistent with the trade and commerce of the country.

Mr. BELFORD. May I ask the gentleman a question?

Mr. RANDALL. Certainly.

Mr. BELFORD. The gentleman has used two words which are very comprehensive in their terms, and I want the country to understand thoroughly what he means. He uses in this connection first the word "particularly." What do you mean by that?

Mr. RANDALL. I would say that it meant specifically.

Mr. BELFORD. Then you also used the word so far as it is "consistent" with the interests of our country. Now, what do you measure that consistency by with respect to the pig-iron interests of Pennsylvania?

Mr. RANDALL. I want the duty on pig-iron as low as is consistent with the maintaining of the manufacture of pig-iron in the United States.

Mr. BELFORD. Very well. Do not you want to protect silver to the same extent in the Western country that will maintain those great mining interests?

Mr. RANDALL. The gentleman from Colorado is not familiar with my record in this House if he thinks he can point out a time when I was in favor of demonetizing silver.

Mr. BELFORD. I do not charge the gentleman with that.

Mr. RANDALL. Moreover, I recognize the fact I think true, or what I have heard to be true, that three-fifths of the civilized people who circulate coin have adopted silver as their mode of interchanging commodities.

Mr. BELFORD. I want the gentleman from Pennsylvania to understand distinctly that I make no charge against his record on this or any other question touching the silver interest. But the gentleman used two words that struck me as being peculiarly significant.

Mr. RANDALL. What significance did the gentleman from Colorado attribute to them?

Mr. MORSE. The gentleman from Colorado wants you to say the people shall be compelled to take the silver.

Mr. RANDALL. I am willing to say, so far as the legislation of this country can accomplish it, I want the silver produced within its limits utilized as a means of the interchange of commodities; not only as a subsidiary coin in the retail business of the country, but as far as possible in other relations. But you can not alter trade relations between nations. I am not alone in hoping that through the decrease in the production of silver in the United States and elsewhere the time may come—how soon I know not, but it may be speedily when we measure time as applied to the life of nations and governments—when silver shall appreciate so as to be in equal relation to gold.

Mr. BELFORD. Will the gentleman yield to me a moment longer?

Mr. RANDALL. Yes, sir.

Mr. BELFORD. Do you not know—— [Cries of "Vote!"] Oh, we will take our time! Do you not know that one of the objects of forming our Federal Constitution was to bring about a uniformity in the coinage?

Mr. RANDALL. I have often read the words in the Constitution to which the gentleman refers, and I think I understand their signification.

Mr. BELFORD. What was our coinage system at that time? It was silver, was it not? We were using Spanish dollars at that time in the various States; and to equalize the coinage we conferred upon the Government of the United States the right to coin our money. Did we ever authorize the Government to take away from us those rights of coinage? And yet it is a fact that you men in the East are persistently hostile to that policy all the while.

Mr. RANDALL. I have always claimed the right to speak for myself on all public questions, and I do not want the gentleman from Colorado to classify me as one of "you men in the East." I realize the fact that even in my own time the silver production has so enormously increased that in some degree it has changed the trade relations in the interchange of balances, especially between Great Britain and the United States. I am aware that Germany never demonetized silver until she ceased to produce it in quantity.

Mr. BELFORD. Did she not demonetize gold when she found we produced it in California?

Mr. RANDALL. I want the United States in the use of its silver product to be a law unto itself, guided in no degree by any other government; because we are coming to be the great nation of the earth and the money center is traveling fast from London to the city of New York. [Applause.]

Mr. BELFORD. I am glad to hear the gentleman from Pennsylvania say that. But I want him to answer another question. Is it not a fact that when we had an overproduction of gold in California the Rothschilds sent from Germany a commission to the United States, and when they ascertained an overproduction, as they claimed, to exist at that time, did not the German Parliament demonetize gold in the interest of the creditor class of that people? Then when they found we had an overproduction of silver did not that same German Parliament demonetize silver? Had we not better, as you say, stand up for this marriage, this sublime union of the metals that has come down to us for a thousand years, a marriage that never was divorced except by fraud on the floor of this House?

Mr. RANDALL. I have nothing to do and little sympathy with legislation in the German Parliament, or in any foreign legislative body, that will produce the effect which the gentleman speaks of, of increasing the valuation of the property of those who have a surplus of it. And I do not believe to-day there is a single man on this floor on either side of any representation of party that for a moment would honestly and sincerely so legislate. But I believe, on the contrary, we are all gathered together here rather to take care of those who are not wealthy, because those that are not wealthy in this country are those who most need our help. In taking care of such I would prefer to treat the rich and the poor exactly alike in our legislation. What the producing portion of our people want is that the producers shall have a fair share of the profits of production.

Mr. CANNON. The longer I am a member of this House the more convinced I am of the importance of conducting our business in an orderly manner under the rules. We have a number of committees, some forty or fifty, to which are referred in proper order the business that naturally belongs to each. Those committees in turn are divided into subcommittees, and those subcommittees take charge of and consider the several matters referred to them. After they have considered those matters they report to the full committees, and the full committees again consider the subjects, determine upon them, and report to the House, where, if the subjects relate to appropriations or revenue, they are considered in Committee of the Whole. Any other mode of procedure would produce confusion.

To the Committee on Appropriations was referred that portion of the President's message transmitting estimates for appropriations for the support of the Government. That committee proceeded to perform its work, and gave to certain subcommittees the great money bills, eleven in number I believe. To the subcommittee consisting of the gentleman from Indiana [Mr. HOLMAN] as its chairman, the gentleman from Texas [Mr. HANCOCK], and myself was assigned the duty of preparing the legislative appropriation bill. To the subcommittee consisting of the chairman of the Committee on Appropriations [Mr. RANDALL], the gentleman from Alabama [Mr. FORNEY], and the gentleman from Kansas [Mr. RYAN] was assigned the duty of preparing the sundry civil appropriation bill. That bill is yet in subcommittee and has not been reported to the full committee. The legislative appropriation bill was prepared by the subcommittee, reported to the full committee, and by the full committee considered and reported to this House and is now before us for consideration.

The gentleman from Kentucky [Mr. THOMPSON] rises here in his place and gives notice that when the proper time shall come he will move certain amendments, sweeping in their nature, covering almost the whole public service of this Government from first to last. The bare discussion of such a proposition has called our attention away from the bill proper to the question of the double monetary standard, to the subject of silver bullion and gold bullion, and has wandered in its range from the United States to Germany. Now I undertake to say, that while there is much in the recommendation of the Secretary

of the Treasury and in some of the propositions of the gentleman from Kentucky which should occupy the attention of this House, that attention should not be directed to it until it has first received consideration in the appropriate committee (the Committee on Appropriations and perhaps the Committee of Ways and Means) and reported to this House.

The amendment of which the gentleman from Kentucky gives notice, and to which the gentleman from Pennsylvania [Mr. RANDALL] seems inclined to assent, has never been considered during this session of Congress for one minute by the Committee on Appropriations, except as the proper subcommittee of that committee may have considered it. The subcommittee having in charge the legislative appropriation bill, together with the full committee, refused to consider the question on the legislative appropriation bill, for the reason that the gentleman from Pennsylvania [Mr. RANDALL] with his subcommittee having in charge the sundry civil appropriation bill had proceeded to consider the subject and had given notice that they would prepare the proper amendments to be considered and matured by the full committee.

Now, if we want to proceed in an orderly, safe way in regard to these propositions, I apprehend that it is proper for this Committee of the Whole to wait until the Committee on Appropriations has considered the whole subject exhaustively and has reported to the House the provisions they recommend and their reasons therefor, so that every member of the House may have time to examine the subject.

Mr. BELFORD. When are you going to consider it?

Mr. CANNON. We will consider it when the proper subcommittee of the Committee on Appropriations charged with the matter, at the head of which is the gentleman from Pennsylvania [Mr. RANDALL], has completed its consideration and reported to the full committee and the full committee has in due course given its attention to the subject.

There are many provisions touching the customs service which I think might perhaps be wisely adopted. We investigated that subject somewhat in the last Congress, and put a clause in the legislative, executive, and judicial appropriation act two years ago, directing specific estimates to be submitted for the service. They did not come in time for action, and when in order I shall stand ready after due preparation to co-operate with gentlemen in any wise measure that may be proposed.

One other matter I will refer to. This bill carries the appropriation for the internal-revenue service, and it is reported by the gentleman from Indiana [Mr. HOLMAN] with a clause reducing the number of internal-revenue districts from eighty-four to sixty-three. The amendment touching that service which the gentleman from Kentucky [Mr. THOMPSON] may see proper to offer would be in order, and I apprehend the House will be ready to consider such amendment.

Mr. BELFORD. Why have you not done it during the last four months?

Mr. CANNON. I would prefer not to be interrupted by the gentleman from Colorado.

Mr. BELFORD. I only asked you a question.

Mr. CANNON. Certainly; but the gentleman did not rise in his place and ask it.

Mr. BELFORD. It was simply a question.

Mr. CANNON. Then if you have anything to say do not say it in an undertone, because it annoys me. I can not talk and at the same time listen to you. I have not the gift of double consciousness. [Laughter.]

Now, the gentlemen proposing this amendment to reduce the districts from eighty-four to sixty-three are not, in my view, wise or happy in the proposition. The question is one to which I have given very considerable attention both in the last Congress and in this, and I undertake to say that if we are to collect every year the $120,000,000 that we are now collecting from 56,000,000 of people, scattered from the northern boundary of our country to the southern, and from one ocean to the other, we can not do it without a sufficient and efficient corps of revenue officers.

Now, some gentlemen think our internal-revenue legislation should be wiped off the statute-book. I am not here to discuss now the question whether this system should be abolished in whole or in part. It does not legitimately come up on this bill. My friend from Pennsylvania [Mr. KELLEY] and some of my friends on the other side do not believe that this is a good scheme by which to gather revenue. At the proper time and in the proper place I stand ready to meet that question; but until it is properly presented I say that so long as these laws stand on the statute-book it is our duty to see that they are enforced and the revenue provided for by law collected.

I have no sympathy with those legislators who would let the law stand upon the statute-book but would make it a dead letter by refusing the proper machinery to execute it. In my opinion some of the provisions which the gentleman from Kentucky proposes to move as an amendment would tend to have that effect.

Twelve months ago there were one hundred and twenty-six collection districts. Under the statute the President, without any action by Congress, consolidated those districts so as to reduce the number to eighty-four. He has the same power now. A former President had cut them down by a still greater percentage than was made by the last reduction.

Now, it is a very serious question in my mind whether the reduction of these districts as made by the President a year ago from one hundred and twenty-six to eighty-four has in fact been beneficial to the service. Much has been said about it through the public prints. It involves a saving of not more than $125,000. Remember that the amount of revenue now collected is at the rate of $120,000,000 annually.

Now it is proposed to make, not at the discretion of the President, but by positive legislation, a further reduction to sixty-three. Allowing a reduction in expenditures of $3,000 per annum on each district consolidated, the sum saved in twenty districts would be $60,000. I have requested the Commissioner of Internal Revenue to embody in writing his views as to the effect of this legislation. I send his answer to the Clerk's desk to be read as part of my remarks.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 19, 1884.

DEAR SIR: Referring to your verbal inquiries concerning the two propositions for further consolidating and reducing the internal-revenue collection districts from eighty-four to sixty-three, and reducing the number of revenue agents from thirty-five to twenty-five, I have the honor to reply that in my judgment the proposed reductions would each be unwise and expensive, in the end costing very much more in the diminution of receipts than could possibly be saved in the mere item of salaries.

I beg to call your attention to the fact that this bureau will, during the fiscal year to end on the 30th of June next, collect over $120,000,000 at an expense of only about 4 per cent.

The immense sum thus collected is drawn from a most extensive territory and a vast population, many of whom contribute to it in various ways, and it is believed that no internal taxation is collected so cheaply by any government anywhere.

To collect it successfully and from all who owe it, the Government must have the aid and services of a reasonable number of men of first-class ability, and the territory and population assigned to each must not be so large as to leave his supervision of much of the work merely nominal. To assign a State like New York to only one or two collectors would, from a business point of view, be grossly absurd. This will illustrate my idea, that to put such extensive territory or so large a population under one person, even of fine executive ability, must necessarily result in an attenuated sort of surveillance which is anything but desirable or profitable to the service.

If the service is to be allowed to retain any vigor at all the number of deputy collectors can not be reduced. In many localities, indeed, the demand is continual and pressing for an increase of deputies, and it is difficult to resist it. This demand comes from business communities, from members of Congress, and from many other sources, but deputy collectors are usually paid about $100 per month, and the kind of ability needed for the higher-grade duties of the service is not thus obtained. Few of these deputies handle money or are responsible for it.

With as great a desire as any officer or citizen for economical administration, and with some opportunities for understanding the practical workings of the internal-revenue service, I have no doubt the proposed reduction of districts would only cripple and impair that service, and in the end prove expensive and injudicious.

In cases of consolidation of districts, the places of the outgoing collectors must necessarily be filled by deputy collectors, and the duties would thereby be assigned to less responsible and consequently less efficient officers. It is believed that the force of internal-revenue officers, as at present organized, is not so effective as it was before the late reduction, and that any further reduction would impair the efficiency of the service in greatly increased proportion. The results of a want of proper supervision of the service would appear in reduced receipts and in an increased number of violations of law, while the amount that could be saved in expenses by such reduction would not exceed $3,000 per district.

The employment of revenue agents has proved highly beneficial to the service and has been productive of the very best results. As shown by reports on file in this office, during the last fiscal year the discovery of nine hundred and twenty-seven violations of law was reported by agents, and property of the value of $91,401.16, liable to forfeiture, was reported for seizure. In addition to these results, unpaid taxes and accrued penalties amounting to $294,912.15 were discovered and by them reported for assessment. But for the fear of detection produced by this vigilance and industry on the part of the revenue agents the violations of law would most certainly have been vastly greater in number.

The prime object of the employment of agents is the prevention of fraud. They are frequently transferred from one district to another, to do what the local officers can not accomplish, for the reason that they are well known to the tax-payers and necessarily on familiar terms with them. Agents are especially necessary to keep the Commissioner informed of the character, fidelity, and vigilance of local officers and of the condition of the service in each district. Nearly every important discovery of violation of law has been made by revenue agents. They are constantly required for the purpose of investigating matters which can not be intrusted to or which affect local officers. This branch of the service reaches every part of the country, and necessarily there are frequent reports and charges which must be specially looked into.

It is absolutely necessary to carefully scrutinize the accounts of collectors to prevent the improper use of public money. Examinations of this kind are constantly being made by agents, and in this connection attention is called to the fact that during the last eight years the sum of $1,013,793,000 has been collected as internal-revenue taxes and every dollar of it turned into the Treasury. Not one dollar has been lost by dishonest officers.

In localities infested by illicit distillers, where the enforcement of the laws is so hazardous that the local officers shrink from it, the services of agents are absolutely essential. The employment of revenue agents is not only a necessity for the proper conduct of this bureau, but in the interest of wise public economy it should commend itself to everybody. When there were more than double the present number of collectors we had thirty-five revenue agents. The least reflection will demonstrate that the fewer collectors there are the more revenue agents should be employed if the vast territory of the United States is to be properly watched over for internal-revenue purposes.

Very respectfully,

WALTER EVANS, *Commissioner.*

Hon. J. G. CANNON, *House of Representatives.*

Mr. CANNON. Now, Mr. Chairman, in my opinion the proposition of the gentleman from Kentucky is not in the line of good administration. I notice, as I have noticed for a long time during that gentleman's service here, that the officers of the internal revenue have not met with his approbation; and I think perhaps in many instances they have not met with the approbation of many of his constituents. Nor do I believe that they are as a usual thing popular in some of the districts of Georgia, and perhaps Tennessee, and possibly Virginia.

I have here the report of the Commissioner of Internal Revenue, and I wish to call my friend's attention to one point. During the last year these officers of internal revenue seized 397 illicit stills, 43 of them in Kentucky. In 1878 the number of illicit stills seized was 1,000; in 1879, 1,319; in 1881, 756; in 1882, 464.

"But," says my friend from Kentucky, "those are in the main little stills which do not make more than five or ten gallons a day." But, sir, when you impose a tax of 90 cents a gallon upon whisky, and when in one district of my own State—I might say in one town—there is collected from $14,000,000 to $16,000,000 of these revenues every year, when you gather from sixty to eighty million dollars a year by this taxation, it is important first for the revenue and second for the honest distiller and the honest dealer that the revenue should be collected not only in Illinois, but in Kentucky, in Tennessee, in Georgia, and every other State.

Now, this revenue will not collect itself. If it is in the power of a man in the mountains or elsewhere to put up his still and run it evading the payment of 90 cents tax per gallon, I apprehend the man will be found to do it.

True my friend from Kentucky says they are are all honest and would pay this tax of their own motion. I thank God for that improvement. [Laughter.] Last year there were four hundred who did not. A year or two before over a thousand whose illicit stills were seized.

Mr. THOMPSON. The gentleman does not mean in Kentucky.

Mr. CANNON. Oh, no; only forty-three, I will say to my friend, in Kentucky last year. That is all. How many more there would be if you cut off the power of the Internal Revenue Bureau to collect these revenues and properly police the country I do not know. It is only fair to say that everywhere in the country where the mountains afford shelter if you did not have the police arm of the Government so long as this tax law stands they would have one or more illicit stills in every valley. [Laughter and applause.]

I wish now to refer to another matter. Whenever gentlemen undertake to legislate touching a great interest like this, changing the machinery, breaking a part of it, putting in new machinery, if you please—making one engine, as the gentleman from Kentucky proposes, draw two trains of cars—I say, sir, whenever you undertake to do that there is apt to be more or less of collision, more or less of friction, more or less of inefficiency.

Take this provision as it stands in this bill and what does it propose to do? That the President of the United States "shall"—not "may," but "shall"—before the 1st day of July next—just one month off—consolidate these districts down to sixty-three. When is this bill going to pass? It can not pass for ten or fifteen days yet. If the President should go to work now and use all the diligence in his power for the consolidation of these districts he could not do it and have them in running order within a month. There would not be time to set new machinery in motion. Three or four months at least would be required. In the first place you have to investigate and find out how the districts are to be consolidated without injury to the service. Then appointments would have to be made and these appointments would have to be confirmed by the Senate. Bonds would have to be made out and executed and instructions given. The proposition therefore as it stands in a mild form proposed by the gentleman from Indiana [Mr. HOLMAN] would give this country for weeks or months absolutely no machinery whatever for the collection of the internal-revenue taxes.

I suspect, sir, that would suit my friend from Colorado, who wants to get rid of the surplus in the Treasury. It might suit constituents of many gentlemen; but I undertake to say it would not be wise action on our part so long as the internal-revenue law remains upon the statute-book.

But stranger still, Mr. Chairman, the gentleman from Kentucky [Mr. THOMPSON] for the first time comes into this House—it is the first time I ever heard the proposition made in the committee or in the House—with an amendment to consolidate the system for the collection of customs duties with that for the collection of internal-revenue taxes. It may be that it can be done, but I doubt it. Anyway such a provision should not receive its first consideration in the Committee of the Whole House. All will agree or should agree it ought not to be done until after the matter has been freely and fully investigated by the proper committees of the House.

I should not, Mr. Chairman, have said anything touching this matter at this time but for what has occurred here this morning. I was content to allow the whole of the legislation provided for in this bill to be considered under the five-minute rule. After the gentleman from Kentucky, however, had made his remarks and notified the committee of the remarkable amendments he intended to offer I felt it was my duty, not only to myself but to the Committee of the Whole, to protest against such sweeping legislation, made, in my judgment, without sufficient consideration.

I now yield for five minutes to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Chairman, I only rise to re-enforce the suggestions made by the gentleman from Illinois that action be not taken upon this matter of the proposed consolidation of customs districts without further and more mature consideration than it can have when now suddenly sprung upon us. Especially do I urge delay if the matter is now under consideration by a subcommittee of the Committee on Appropriations, who will report it in connection with the sundry civil bill; and further do I urge it if the matter is also pending before the Committee on Ways and Means.

A consolidation of customs districts which shall result in a saving of expense is certainly desirable so far as the mere saving of expense is concerned. But if that saving is inconsiderable in amount, then in the absence of other important reasons it is not worth while if it be at the expense of the interests of the country in any other way. I do not propose, sir, to go into this matter with any degree of elaboration at the present time, nor could I do so in five minutes. But there are some serious objections which arise in my mind to carrying into execution this proposed consolidation of the customs districts, or rather to carrying it too far.

In the first place, as a matter of good politics, I doubt if it is desirable to have one big "boss" in one great collection district in the place of a dozen local officials close to the people in a dozen small ones. In the next place, it is a very doubtful question whether the consolidation would serve the convenience of the people, or whether, on the other hand, it would not be a very serious inconvenience to compel the people of Massachusetts, for instance, who are now reaping the benefit of the convenience of the present arrangement of eleven districts, to transact their business through the one collector's office at Boston or Salem or New Bedford. It is not enough, I take it, to meet this objection of inconvenience to say that you can have a deputy collector in each of these eleven districts

Whoever has business with the collector will desire to transact it at headquarters. Detentions of vessels will often occur if the decision of the collector must be waited for and the red tape and technicalities of the great central department imposed upon the business of local ports. The Plymouth district, which is in my own Congressional district, is an illustration. The proposition of the Secretary of the Treasury is to consolidate that with the district of Boston. Now, the gentleman from Kentucky has referred to a number of districts which, as he claims, are maintained at considerable expense, which pay no revenues to the Government, and which therefore should be abolished. This district of Plymouth, to which I now refer, pays into the Treasury of the United States over $71,000 a year, and the expenses for salaries amount to the economical sum of $2,845 a year. Certainly in this case no reason exists for consolidation on the ground that Plymouth pays nothing to the Government.

It would be a great inconvenience if the masters of vessels coming out of the port of Plymouth were obliged to transact their business with the collector of the port at Boston, which is located forty or fifty miles away. Consolidation is undemocratic; it withdraws the sources of local convenience and contact, and it deprives the people of the service of those near to them and familiar with their interests.

In further consideration of this subject I call attention to what I think is a mistaken statement of the gentleman from Kentucky with regard to the saving that this consolidation of customs districts would, according to his calculations, produce. I understood him to say the Secretary of the Treasury estimates that this consolidation will result in a saving of some million and a half dollars annually.

That is a mistake, arising, I think, from a mistaken reading of the statement of the Secretary of the Treasury. What the Secretary states is that by his plan there would be a reduction in the number of employés of only two hundred and one persons in the whole customs service, an annual reduction in the amount of salaries of only $368,112, and an annual reduction in the amount of incidental expenses of only $32,627. That is the immediate effect of the reduction. But I undertake to say, and I think experience in other directions will bear out the statement, that if the consolidation were to be made there would speedily and certainly follow, as always follows in such cases, an increase of incidental expenses and salaries. Local deputies doing the duties of former collectors would at once push for collectors' pay, and in the end it would be found that while there was great inconvenience occasioned by the consolidation there would be no reduction in expenditures at all. Even upon the Secretary of the Treasury's showing the whole amount of saving, instead of being one and a half million of dollars, would reach a total in round numbers of only $400,000.

Practically, as I have said, it would not result even in that, and on the other hand it would be a saving at the expense to a great extent of the convenience of the people and at the dangerous risk of massing in the hands of one great political control the power which is now divided and made safer among a number of different persons.

But I intend no lengthy remarks. Nor do I wish to be understood as objecting to consolidation when it will save expense and cause no inconvenience. Within certain limits there may be reason for giving to the President authority to reduce the number of customs districts, although it is doubtful whether we can or ought to transfer legislative functions to the executive power. I only ask that we may not act hastily, may await the report of the subcommittee which has the case now under consideration, may preserve the convenience of the people, and may not carry the present tendency to consolidation and centralization to too undemocratic an extent.

Mr. CANNON. I now yield to the gentleman from New York such time as he may desire.

Mr. HISCOCK. Mr. Chairman, I desire to impress upon the committee, and I call the special attention of the gentleman from Pennsylvania [Mr. RANDALL] to what I am about to say, that for obvious reasons this matter of consolidation should be left for consideration on the sundry civil bill. It is a subject that should be considered in connection with that bill.

I believe that this reduction of the customs districts, or at least some reduction of the customs districts, can properly be made. I have investigated the question enough to have reached that conclusion. And yet after as full a consideration as I was able to give to it in the last Congress I have been unable to determine precisely what reductions should be made. I am somewhat impressed with the idea that it should be upon the principle of "cut and try." I doubt if Congress can wisely consolidate the districts. I am inclined to think that it would be the better plan, the only practicable plan, to vest a discretionary power, say, with the President or the Secretary of the Treasury, or both, and give them jurisdiction of the question of reduction and consolidation.

But, however that may be, the chairman of the Committee on Appropriations will bear me out in the assertion that it has always been the policy—and it is the policy I believe which he has pursued strictly—that the appropriation bills should be well defined in their character. The legislative bill in the main, too, deals with the Departments here in Washington. This subject of consolidation properly belongs to the sundry civil bill. Now, I suggest to the chairman of the Committee on Appropriations whether, if he considers this matter in connection with this bill, he will not make confusion between the different bills and break down the wise distinction which he has always sought to maintain and which always has been maintained by the Committee on Appropriations of keeping certain subjects in the legislative bill and certain subjects in the sundry civil bill and certain subjects in the Post-Office bill, and so on, from year to year. And I appeal to the gentleman from Kentucky, and to every gentleman who is interested in this question, to let the Committee on Appropriations take its own course as to the bill in connection with which consolidation shall be considered.

Again, as has been well said by the gentleman from Illinois [Mr. CANNON], the Committee on Appropriations is considering this very question. Whenever a recommendation comes in here, if it comes in upon the proper bill, it will come with such light as that committee is able to give us after a full investigation of the subject. This is hardly the place to consider gravely so serious a question. Very few members will have given to the subject that investigation which is required to apprize the House of the facts that it should possess before it passes upon this question. We have been informed that the subcommittee of the Committee on Appropriations, of which the honorable chairman of the Committee on Appropriations is chairman, are now considering the subject and have not yet reported it to the full committee. I appeal to gentlemen to let this matter rest until the sundry civil bill is brought before the House with the recommendation of the committee upon this subject. They my formulate some plan. Let us have the benefit of that. They doubtless will give us a report upon this subject. Let us have their most mature thought. You lose nothing by it; certainly not more than a week or two at the outside. You will have an opportunity of having the matter considered, and you will have the same power of amendment then as you have now. If the Committee on Appropriations fail to bring in a provision then you can amend or propose to amend their bill.

There is one other question I desire to submit to the gentleman from Pennsylvania. He says he thinks it unwise, if I understood him correctly, to repeal the permanent appropriation that provides for the payment of the interest on the public debt and for the payment to the sinking fund. Now, I ask him if he ought not to leave the permanent appropriations for the collection of sufficient revenue to make up those sums; if he ought not to leave those permanent also upon the same principle?

I have considered that question somewhat, and I agree with the gentleman from Pennsylvania that we ought not to strike down the permanency of our appropriations for the payment of the interest on the public debt or for the payments to the sinking fund. And I believe that we ought to leave permanent the appropriations for the collecting of sufficient revenue to pay the interest upon the public debt and also to make the proper payments to the sinking fund. And I submit this for the consideration of the chairman of the Committee on Appropriations: If he proposes to repeal the permanent appropriations or any part of them, that he should make these exceptions. There is no use in maintaining the permanency of the appropriations for interest upon the public debt and for the sinking fund if you have the power to prevent the collection of the revenue which is to be applied to those purposes. The permanency rests precisely upon the same principle, as I understand it, and you can not distinguish between the two.

I do not imagine, Mr. Chairman, that there will ever be a Congress that will refuse to appropriate the money to pay the interest upon the public debt. I do not suppose that there will ever be a Congress that will refuse to raise the money required for the sinking fund. But it gives credit to the Government that it is understood that those appropriations, and the power to collect them, are permanent, and that they do not rest upon the whim, the caprice, the prejudices, or the partisan zeal of any majority in Congress. It seems to me that they should be left untouched. I therefore would not strike at the permanency of the appropriation for collecting the customs revenue. I would leave that alone. From that source sufficient will always come of course to pay the interest on the public debt and kept the sinking fund good; and it seems to me for the credit of the Government both at home and abroad we had better not legislate upon that subject.

Mr. CANNON. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. DAVIS].

Mr. DAVIS, of Massachusetts. I only desire to say a word on this question, which is one of unusual importance, covering, as it does, the whole line of our Atlantic, Gulf, and Pacific coasts, embracing also the collection of all the revenues of the Government from imports and revolutionizing the system that was adopted early in our history, and has continued to the present time without substantial change. I make no question that improvements could now be made in the boundaries of collection districts, and that they could be consolidated with advantage in many cases, but any scheme for that purpose should be carefully and deliberately considered by Congress, and in the first instance by the appropriate committee after a full hearing of those parties who are best able to state the condition of things on the line of coast within their respective districts. I know, and the chairman of the Committee on Appropriations will concede, that in some respects the scheme which has been twice proposed by the Secretary of the Treasury is an improper one, and would prove inefficient and unfair in its operation.

As an instance of this unfairness I would state that it abolishes the most important customs district within the district which I represent. It is a district comprising nearly 100,000 inhabitants, in which was collected during the last fiscal year more than $90,000 of revenue. In the economy of its service as compared with the amount of revenue collected it ranks among the highest of New England districts—the cost of collection being less than 7 per cent. of the amount of duties received. And it is upon a wholly different system of waters, which are divided by a wide strip of territory from the district with which it is proposed to consolidate it. I think upon a full examination of the subject it will be conceded that in any general plan of consolidation this district should be retained as it now stands; but of course this is no time to discuss the merits of any particular scheme. I have alluded to this matter simply to show that the whole subject should be carefully considered by Congress in advance of any conclusive legislation.

If there is any subject which from its nature and importance is peculiarly within our legislative province, and which should from first to last be controlled by our authority, and which should receive the direct stamp of legislative intelligence, it is that of the arrangement of the customs districts along our extended coast. It would indeed appear to be an abnegation of the legislative power of Congress and a transfer of its rights and duties to another branch of the Government to surrender to that branch the determination of a subject so important as this. It is in effect a declaration that owing to our manner of doing business we are not competent to carefully consider a subject of this kind and legislate intelligently upon it.

As a member of this body I decidedly object to conferring this authority on the executive branch of the Government, which ought never to exercise such power. If, however, such a course should be decided upon, it would then be preferable to leave the discretion with the President.

The Secretary of the Treasury is already committed to this precise scheme, and we might as well adopt it here to-day as to confer upon him discretionary power in the premises. I think, however, this whole subject should be fully considered by the appropriate committee, and then, when reported to the House, it can be discussed at the proper time and in proper order.

Mr. CANNON. I will now yield five minutes to my colleague from Illinois (Mr. ADAMS).

The CHAIRMAN. The Chair will state to the gentleman from Illinois that he has twenty minutes remaining.

Mr. ADAMS, of Illinois. I do not know that I shall need the five minutes so kindly yielded to me by my colleague, as I wish only to submit a suggestion or two to the House.

I represent a large collection district, both for import duties and for internal-revenue taxes. Yet I believe that my district is interested against such a change as the gentleman from Kentucky [Mr. THOMPSON] now proposes. When we charge a heavy duty upon goods imported into Boston or any place like Boston, the Government is bound to assure the merchant who imports those goods that there shall not be an evasion of the law by persons importing goods into some small, insignificant New England seaport, in which the gentleman from Kentucky would like to see the custom-house abolished. Therefore this Federal officer whom he describes as being in charge of an insignificant port is a part of the legitimate system of enforcing import duties in the larger ports of New England.

So it is with regard to the internal-revenue duties throughout the country. For instance, you levy upon the large distillers in my district and the large distillers in the district of the gentleman from Kentucky

a tax of 90 cents a gallon. Now, when you do that the Government is bound to assure those distillers that there shall not be illicit distilling in districts that are extensive and not easily policed. Therefore this corps of Federal office-holders, which the gentleman from Kentucky in his imaginative way describes as sitting astride a barrel of whisky, is only a part of the legitimate expenses of enforcing the internal-revenue laws in those districts where there are large distilleries and where a large amount of internal-revenue tax is collected.

I think it is a mistake to assume that the distiller or the importer, whether large or small, in any district of the country, is willing to pay the tax unless he is very carefully watched. I believe that every citizen of this country is a little less honest in his dealings with the Government, particularly in the matter of evading such laws as the internal revenue and customs laws, than he is in his dealings with individuals. It is a matter of universal human experience that that is so. Therefore I doubt whether such an amendment as is proposed by the gentleman from Kentucky would be a real measure of economy. At all events I hope it will not be considered on this bill.

Mr. CANNON. I reserve the balance of my time.

The CHAIRMAN. The gentleman has 18 minutes of his time remaining.

Mr. HOLMAN. I ask unanimous consent that general debate on this bill close in twenty minutes.

Mr. THOMPSON. I can not consent to that when the gentleman from Illinois [Mr. CANNON] reserves eighteen minutes to himself.

Mr. CANNON. If the gentleman from Indiana [Mr. HOLMAN] desires that the committee rise in order that the House may adopt an order to terminate debate I am perfectly content.

Mr. THOMPSON. But I have the floor.

Mr. HOLMAN. The gentleman from Illinois has still eighteen minutes. Therefore I propose that general debate close in forty minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that general debate on this bill terminate in forty minutes. Is there objection? The Chair hears none, and it is so ordered.

Mr. THOMPSON addressed the committee. [See Appendix.]

Mr. WHITE, of Kentucky. Will my friend yield to me for a moment?

Mr. THOMPSON. Certainly.

Mr. WHITE, of Kentucky. In reply to the remarks of the gentleman who represents the second district of Massachusetts, that a consolidation of these districts as contemplated by the Secretary of the Treasury would lead to bossism or a reduction of all the collection districts (customs and internal-revenue) to one, as proposed by my colleague, I wish to say a few words to give an illustration of the boss system in politics under the law as it now is.

In the State of Mississippi there is but one officer as contemplated by my colleague, at least there is but one collector of internal revenue; I am not informed as to the number of customs districts in that State. The amount of internal revenue collected annually in that State is less than $50,000. The number of officers, as I am informed, employed to collect that small amount is one collector, ten outside deputy collectors, and two office deputies. The existence of such a political machine as that has resulted, I believe, in the selection of an almost unanimous delegation in accordance with the views of the Commissioner of Internal Revenue, who sits in Washington, but who will soon take control of his wards in Chicago for his chief who sits in the White House. If the argument of the gentleman from Massachusetts were good to prove that a distribution of custom-house officers would leave men to control their individual sentiments and views upon political subjects, I do not see why it should not apply as well to the internal-revenue collection districts.

The last Congress refused to pass a bill reducing the number of internal-revenue collection districts on the argument given by the gentleman from New York [Mr. HISCOCK], followed by the Republican side of the House, contrary to my wishes and advice on this subject. The President of the United States and the Secretary of the Treasury after Congress adjourned made the reduction. We have not seen any evil effects arising from that reduction in the States where the reduction was made more than in the States where it was not made. Look at the State of Kentucky, where there are five collectors of internal revenue and where one collector could do all the work. Through the influence of what I term the "whisky ring" the political machinery was continued—only one little collector, he of small political power, was dropped—in that State. Was it for the purpose of forcing the collection of the tax on whiskies? Not at all. They have been shipping most of the whisky abroad so as to avoid the payment of the tax. They have been taking it out of bond, in which, by the leniency of the Government, it was allowed to remain at a cost of millions of dollars in expenses and leakage, by law, for three years, and are shipping it out of the country and putting the new whisky in bond in place of it, so that the Government is fleeced out of millions of dollars of taxes, and the internal-revenue officers, as far as can be, are used as a machine for the renomination of the President.

Now, the argument of the gentleman from Massachusetts [Mr. LONG] that this will make a "boss" in each State is not true. The boss is here in Washington, whether the districts be few or many. That is the point I want to make. He is at the head of the Department of Internal Revenue; and until this country repudiates the idea that a candidate for President may nominate himself, as Secretary Sherman attempted to do but failed a few years ago, and as the Chief Executive, at the present time a candidate for the Presidency, is attempting to renominate himself, but as we will, in my opinion, see in the next week at Chicago, he will also fail—until the Republican party ceases to rely on public patronage for its support, until the legislation in this House ceases to be controlled by the fear of losing a few customs officers and internal-revenue officers, until we cease to rely upon them more than upon the disinterested and patriotic voters for re-election, either of members of Congress or United States Senators, these evil results must continue. For it can not be denied that nothing in the last decade has done so much to re-elect members of Congress and United States Senators as the gigantic whisky-ring monopoly now in the hands of the Commissioner of Internal Revenue, a delegate from Kentucky to the Chicago convention.

By my reply to the gentleman from Massachusetts I do not wish to be considered as agreeing with my colleague from Kentucky. The point I desire to bring out clearly is that the fault is in the department here; that the fault is in the Chief Executive here. When Massachusetts proposes to pose as a civil-service reformer and then through her Representative [Mr. LONG] squeals as soon as she is about to lose a collector of customs, I denounce it. And when the President of the United States proposes to pose as a civil-service reformer, and allows the Commissioner of Internal Revenue, who has more Federal patronage at his control than any other man, to whip in his collectors, to whip in his deputy collectors, to whip in his storekeepers and gaugers in every State where he can do it, I propose to speak out against it.

Mr. CANNON. I yield five minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. I desire to call the attention of the committee to an amendment I propose to offer at the proper time, and which I desire to have printed in the RECORD, so that gentlemen may have an opportunity to consider it. It has no connection with this question of whisky, I am glad to say, because my State has passed beyond the condition of considering the whisky question. It relates to the more substantial question of the public domain. On page 73, at the end of line 1772, I desire to add this amendment:

Provided, That when, after investigation, it is ascertained that any land charged to have been fraudulently entered has passed into the hands of an innocent holder, the title to such land shall be confirmed in such person.

I desire to state very briefly the object of this amendment. We have now a system of inspection of fraudulent land entries, in the West particularly. Parties are sent out there who investigate the entries of land and report to the department, and in case there is a fraudulent entry the title is refused. The Land Department holds, as I understand, that where a person purchases a piece of land after the final certificate has issued, and before the patent has issued, he purchases it at his peril. It happens by reason of the immense amount of work in the department that frequently the patent does not issue until months after the certificate. In many instances the party who goes on and proves up his land at the land office is authorized to sell it, as he can do legally under the law, before the patent issues. He may go on and sell this land to an innocent holder, a party coming into the country who buys this quarter-section of land for the purpose of making it his home. And after he buys it and goes upon it and improves it, perhaps by the time nine months or twelve months roll round and he is looking for his patent from the Government, he receives notice from the department that the entry has been canceled. He never knew anything about any claim that fraud had been committed. He is an innocent holder; he has purchased without any notice of fraud upon the part of the person who originally made the entry. And therefore, by reason of this secret investigation, he is wronged out perhaps of a year's toil, and not only that, but he is wronged out of the hard-earned money he has paid for that quarter-section of land. Now, what I ask is that there shall be an amendment to provide that whenever the Government investigates a case of this kind and ascertains the land has passed into the hands of an innocent purchaser, that innocent purchaser shall not be wronged out of his land. The Government can well afford to make this concession to the innocent holder, because it has a large amount of land, and no one but the innocent holder can obtain any benefit from this provision.

Mr. CANNON. I relinquish the balance of my time.

Mr. RANDALL. I ask the gentleman from Kentucky [Mr. THOMPSON] to make a modification of this amendment, so that it shall apply simply to a reduction of internal-revenue officials. I do so for this reason: The Committee on Ways and Means are considering that subject. The subcommittee which had charge of this particular bill considered that subject, and we recommend a reduction. In addition to that, both a subcommittee of the Committee on Ways and Means and a subcommittee of the Committee on Appropriations are considering the question of a reduction and consolidation of the customs service as a separate and distinct matter. But the question of making reductions by bringing about a consolidation of both branches into one has never been considered, as far as I know, by any committee of this House.

The Committee on Appropriations wanted to introduce this amendment on the sundry civil bill, because they wanted that part of the change which related to appropriations to come from the Committee on Appropriations, and that part which related to a consolidation of the customs districts, as recommended by the Secretary of the Treasury, to come from the Committee on Ways and Means; and the two committees, at least members of the two committees, have been in concert and conference in relation thereto. But nobody, so far as I know, has considered the question of the consolidation of the internal-revenue collection with the customs collection of the country. The gentleman from Kentucky can see that we ought to go cautiously in that particular. Take the port of New York, where the collection of customs is very great; we ought to know our way before in such a district as that we consolidate the collection of the internal revenue with the collection of the customs revenue. I only wish to make the suggestion to the gentleman from Kentucky. I am heartily in accord with him in seeking to reduce the internal-revenue system even beyond what the Committee on Appropriations recommended.

Mr. THOMPSON. I would say in reply to the gentleman from Pennsylvania [Mr. RANDALL] that I have given this matter personally considerable consideration, and have had the proposition for consolidation before the Committee of Ways and Means and they are now considering it.

Mr. RANDALL. I did not know that.

Mr. THOMPSON. They are considering it in the manner indicated by the bill which I have presented. I will not stop to consider the question of consolidation in the district of New York, though I have given much attention to that. I will say that the amendment which I have had read at the Clerk's desk is the one which I intend to offer; but if, on consultation with my friends on this side of the House, it is thought best to modify it, I can make such modifications in it as is desired before it is acted upon by the Committee of the Whole.

Mr. WHITE, of Kentucky. With the permission of the House——

Mr. CANNON. I believe I have the control of the remainder of the time for general debate.

Mr. RANDALL. I thought the gentleman waived it.

The CHAIRMAN. The Chair understood the gentleman to give up the balance of his time.

Mr. CANNON. I reserved it for the benefit of those to whom I might be inclined to yield. I have the right to absolutely waive it, and thus close general debate and the earlier get to the reading of the bill under the five-minute rule.

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a few minutes?

Mr. CANNON. For what purpose?

Mr. WHITE, of Kentucky. I want to reply to a remark made by my colleague [Mr. THOMPSON].

Mr. CANNON. I will yield to the gentleman for two minutes.

Mr. WHITE, of Kentucky. I desire to call the attention of my colleague to a statement made by him a few moments ago about the twenty-nine illicit distilleries discovered in my district and only one moonshiner. I wish to refresh his recollection by calling his attention to the fact that the twenty-nine illicit distilleries, perhaps consisting of old tea-kettles and gun-barrels, were discovered in the eighth collection district of the State of Kentucky. The gentleman near me [Mr. WOLFORD] represents a part of that district, the gentleman from the Eighth district [Mr. THOMPSON] represents another part, and I represent still another part of it.

Now, in all probability the illicit distilleries were discovered in the part that my colleague [Mr. THOMPSON] represents, while the moonshiner was discovered within twenty-five miles of his home. I do not know that to be the fact, but I will assume, until he brings forward the proof, that they were not discovered in my district.

Now, in reference to the Mississippi case, I wish to say that although there are in Mississippi one collector, ten outside deputy collectors, and two office deputies to collect the pitiful sum of less than $50,000 per annum, within the last two years, I am informed, there have not been ten arrests in that State for violations of the internal-revenue laws; which proves either that Mississippi is the best State in the Union, or that the Government has down there the worst officers.

Mr. THOMPSON. It is so hard to locate a moonshiner, that I do not know in whose district he was found.

Mr. CANNON. I will yield two minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. I will say to my colleague from Kentucky [Mr. WHITE] that I represent a comparatively temperance district, and I am myself a temperance man. [Laughter.] But I want to correct a misapprehension that there is much illicit distilling in my district. The most of it is done in the district of my friend here [Mr. ROBERTSON].

Mr. ROBERTSON. No; it is not.

Mr. WOLFORD. Many gentlemen labor under the misapprehension, even the gentleman from Illinois [Mr. CANNON], that there is no other interest in Kentucky but the whisky interest. Now, it is true that the whisky interest is a tolerably large interest in that State, but we have other and better industries there. For my own part I would a great deal rather that there was no liquor made out of corn, rye, and fruit; I wish that no liquor was ever made from it. It would be more for the good of our country, more for the happiness and prosperity of our people, and more to the general interest of Kentucky itself.

Now, I want to talk for a while, when we come to the amendment which is indicated, and give the reasons why I may favor it. But I want to reply for a moment to the argument of my friend here who would seem to indicate that the people of Kentucky think of nothing but liquor. I say they think of other things. He says that there are in the mountains illicit distilleries, and that to regulate the matter it would require a police force so great that there would be a man on every hill and in every hollow. Now, if they would be required on every hill and in every hollow in John's district, great God, what a number of distilleries there must be there. [Laughter].

But that is only one thing among the others which I want to see regulated by law. Perhaps it had better be done on this bill. That police force of yours in Kentucky (I do not know and I do not care what it has been in other States) has been composed mostly of men who themselves liked to drink. It has been the misfortune in Kentucky that two-thirds of the police force employed there has been composed of men who love whisky. In many instances they will hunt up the stillhouses, and if the men owning those distilleries run away they will murder them, and then drink up their whisky. That police force in the State of Kentucky has cost the Government twenty times the amount it would have been defrauded of by all the little distilleries in that State.

It has been a disgrace to our civilization. Yet these men have claimed the authority of the General Government for what they have done. This is all I wanted to say. When the amendment is proposed I may say a few words by way of statement of my reasons for favoring it.

Mr. CANNON. Mr. Chairman, I will add but one or two words, and will then give away the balance of my time—give it away for the general good.

I felt like encouraging this friendly little controversy between gentlemen from Kentucky—crimination and recrimination—as to where these people live who evade the payment of the revenue. I have heard again to-day, as I have often heard upon the floor of this House, great abuse against those who enforce the law. I have no doubt that many times abuses have been committed in the administration of the law. There always have been and in the nature of things always will be some abuses in the enforcement of any general tax law. I think that in the main the enforcement of our revenue system has been wise. I believe that in the main the revenues have been well collected. In conclusion, I will only say for the benefit of some of the gentlemen who have spoken—

> No man e'er felt the halter draw,
> With good opinion of the law.

I do not know but this applies as well now as it did two or three hundred years ago.

Mr. WOLFORD. It applies to internal-revenue officers who have been sent to our country.

Mr. HOLMAN. I ask now that the bill be read by paragraphs for amendment and debate under the five-minute rule.

The CHAIRMAN. The bill will now be read for amendment under the five-minute rule.

The Clerk read as follows:

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, $330,115.10, namely: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $4,500, and for hire of horses and wagons for the use of the Clerk's office, $600; for Chief Clerk, Journal Clerk, two reading clerks, and tally clerk, five in all, at $3,000 each, and for the Journal Clerk (H. H. Smith) for preparing Digest of the Rules, $1,000 per annum; for printing and bill clerk, $2,500; for disbursing clerk, file clerk, and enrolling clerk, three in all, at $2,250 each; for assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, superintendent of document-room, index clerk, and librarian, seven in all, at $2,000 each; for distributing clerk and stationery clerk, $1,800 each; for document clerk, upholsterer and locksmith, and two assistant librarians, four in all, at $1,440 each; and one page, at $60 per month.

Mr. MUTCHLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, on line 189, all after the word "each," and, on line 190, the words "one thousand eight hundred dollars each," and insert in lieu thereof "for distributing clerk eighteen hundred dollars, for stationery clerk twenty-five hundred dollars."

Mr. HOLMAN. I make the point of order that this is an increase of salary and the creation of a new office.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For clerk to the Committee on the Judiciary, clerk to the Committee on Claims, clerk to the Committee on the Public Lands, clerk to the Committee on War Claims, clerk to the Committee on Invalid Pensions, clerk to the Committee on Foreign Affairs, clerk to the Committee on Indian Affairs, and clerk to the Committee on Rivers and Harbors, at $2,000 each.

Mr. RANDALL. I am directed by the Committee on Appropriations to move to amend by inserting after the words "Indian Affairs," in line 221, the words "clerk to the Committee on Commerce." I will state that this amendment is not subject to a point of order, but is in obedience to existing law; that is, it is the same provision contained in the act of last year.

Mr. DUNN. I will ask the gentleman whether this clerkship is an annual office.

Mr. RANDALL. Yes, sir; we made it annual.

The amendment was agreed to.

Mr. HATCH, of Missouri. I move to amend by inserting after the word "Judiciary," in line 217, the words "clerk to the Committee on Agriculture."

Mr. HOLMAN. I wish to reserve a point of order on this proposition.

Mr. HATCH, of Missouri. I do not think any question of order will lie against this amendment.

Mr. HOLMAN. I desire to reserve it, however.

Mr. HATCH, of Missouri. I wish to state that the paragraph as it stands in the bill changes existing law. Ever since the rules of the House gave to the Committee on Agriculture the charge of the agricultural appropriation bill the clerk of that committee has been an annual clerk. That has been the law. This committee is composed of sixteen members; it is one of the largest committees of the House, and has charge of an important appropriation bill. Now, notwithstanding all the work performed by this committee, and after this has been an annual clerkship for the last three years, the gentleman from Indiana, without any request from our committee, and without any notice to them in any way that this change was to be made, brings in a bill proposing to cut down the clerk of the Committee on Agriculture to a per diem compensation during the session of Congress.

The CHAIRMAN. The Chair would like to hear the point of order stated.

Mr. HOLMAN. I am not certain that I shall press the point of order. I believe that the Committee on Agriculture for several years has had a permanent clerk, not provided for by any specific provision of law, but by successive appropriation bills. Upon reflection, I am inclined to think that where there has been a succession of appropriations for a given office the Chair would probably rule that those appropriations were to be treated as a law creating the office. I concede that this office has been provided for in that way. I withdraw the point.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. HOLMAN. I wish to say a word on the merits of the proposition.

Mr. HATCH, of Missouri. I reserve the residue of my time.

Mr. HOLMAN. Mr. Chairman, it is very evident that the clerk of the Committee on Agriculture has no duties to perform except during the sessions of Congress. I wish to state, in order to prevent any misapprehension, that this bill, while it does not make provision for this clerk as an annual clerk, does provide for his payment during the session of Congress.

My friend from Missouri will admit that this clerk has no duties to perform except when Congress is in session. It will not do to answer me by saying that the same remark is true with regard to the clerks of other committees. I think there are but three committees whose clerks have any duties to perform extending beyond the session of Congress. I mean the Committee on Ways and Means, the Committee on Appropriations, and the Committee on War Claims. I think there is no necessity for an annual clerk for any other committee of the House. Others have been provided for. It was the opinion of the Committee on Appropriations that there was no necessity for a permanent clerk. It has but one important bill to prepare, and that is the agricultural appropriation bill. It has a single bill of any importance. Let my friend think for a moment that the committee which prepares twelve of these appropriation bills, either of which is of greater magnitude than the agricultural appropriation bill, has but one clerk and an assistant. Yet this bill proposes to give this Committee on Agriculture a clerk during every session of Congress and pay him at the rate of $6 a day.

Mr. HATCH, of Missouri. Mr. Chairman, that shows how little the gentleman knows about the business of the Committee on Agriculture. There is on the docket of our committee to-day over seventy bills, and twenty-five of them are as important as any bill reported by the Committee on Appropriations. There is one matter on which the committee was in session over a score of hours. We have taken down four hundred pages of manuscript of the testimony of the best and ablest men representing agricultural colleges of this country. Over seventy bills are now pending before that committee, and we have had a meeting of the whole committee or subcommittee almost every day since the committee was appointed, and this clerk has to be daily in attendance and employment.

And so far as it is objected that this clerk will have no business during the recess of Congress, he will have as much to do as any clerk provided for in this bill. He has the correspondence of the committee to attend to, and he or the chairman has to pay—for no allowance was made on that account—for the postage out of his own pocket.

Mr. TULLY. Does this clerk do anything during the vacation?

Mr. HATCH, of Missouri. He will be expected by the chairman of the committee to keep up its correspondence during that time.

Now, what is this $2,000 that is paid him per annum? Certainly not too high a salary. If I had picked up a deadbeat about Washington and made him clerk it would have been all right with the gentleman who reported this bill from the Committee on Appropriations. But because a man has been selected who is a representative of the agricultural interests of the country the gentleman comes here with a proposition to cut down that pay from $2,000 a year to $6 a day during the session.

Mr. GEORGE D. WISE. You speak of seventy bills before that committee.

Mr. HATCH, of Missouri. Yes, sir.

Mr. GEORGE D. WISE. Are they not all of the same character?

Mr. HATCH, of Missouri. There are many important bills.

Mr. GEORGE D. WISE. How much correspondence will that clerk have to attend to?

Mr. HATCH, of Missouri. If you will wait until next session I will tell the gentleman. I have not been chairman of that committee during a vacation as yet.

Mr. GEORGE D. WISE. I do not wish to pay and get my information afterward. I want to get my information before I pay.

Mr. HATCH, of Missouri. He will have as much to do as the clerk for the past three years had to do.

Mr. GEORGE D. WISE. Just about.

Mr. HATCH, of Missouri. And no man on this floor since the committee has had charge of the agricultural appropriation bill has intimated that it was necessary to cut this clerk down to per diem pay.

The question recurred on the amendment of Mr. HATCH, of Missouri.

The committee divided; and there were—ayes 109, noes 19.

So the amendment was adopted.

Mr. BUCHANAN. I move to strike out "and," in line 222, and insert, after the word "harbor," these words: "A clerk to the Committee on Naval Affairs."

Mr. HOLMAN. That is subject to a point of order. That committee has not heretofore had a permanent clerk.

The CHAIRMAN. The Chair is informed this committee in past years has had an annual clerk.

Mr. HOLMAN. I think the Chair is mistaken in that respect. This has not been a permanent clerk heretofore.

The CHAIRMAN. The Chair was misinformed. The gentleman from Indiana is right. The Chair is now informed by the Clerk that the clerkship to the Committee on Naval Affairs was not heretofore permanent. The Chair is therefore compelled to sustain the point of order.

Mr. MURRAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 222, after the word "harbors," insert the words "a clerk to the Committee on Military Affairs."

Mr. MURRAY. I think it is eminently proper that the amendment I propose should be adopted. There have been over 1,100 cases on the docket of the Committee on Military Affairs, requiring an immense amount of labor on the part of its clerk.

In addition to that there has been a large amount of testimony taken, many executive communications and reports received, that must be carefully prepared to publish during the recess of Congress. During the Forty-seventh Congress there was a permanent clerk to this committee. What I have said would in my judgment be sufficient reason for the adoption of the amendment, but in addition to that only a few days ago an investigation was ordered relating to the management of the national homes for disabled soldiers. This investigation will undoubtedly take place during the recess of Congress. So apparent is the necessity for this amendment that the Committee on Military Affairs have recommended its adoption, and I send the indorsement of the committee to the Clerk's desk and ask that it be read as a part of my remarks.

The Clerk read as follows:

Whereas in the last legislative, executive, and judicial appropriation bill the salary of the clerk to the Committee on Military Affairs was fixed at $2,000 per annum; and

Whereas the work before the committee in the present Congress is far greater than in the last, with a large amount of reports, testimony, and executive communications to be edited for publication during the recess of Congress; and

Whereas the committee has been granted leave to sit during the recess to investigate the management of the national homes for disabled volunteer soldiers and to report at the next session: Therefore,

Resolved, That the chairman be instructed to ask that the legislative, executive, and judicial appropriation bill now pending in the House be so amended that an annual salary of $2,000 be provided for the clerk to the Committee on Military Affairs.

W. S. ROSECRANS, *Chairman.*
JOHN C. NICHOLLS.
G. G. DIBRELL.
CHARLES H. MORGAN.
GEO. W. STEELE.
W. A. DUNCAN.
H. W. SLOCUM.
THEODORE LYMAN.
R. M. MURRAY.
FRANK L. WOLFORD.
JAMES LAIRD.
THOS. M. BAYNE.

Mr. HOLMAN. The facts set forth in the resolution which has been read at the suggestion of the gentleman from Ohio, that the House has devolved upon the Committee on Military Affairs certain additional

duties to be performed during the recess of Congress, may furnish some reason why this committee should have a clerk whose pay shall extend beyond the present session.

In fact, I think the general scope of the duties required of the clerk of that committee are greater than the duties of the clerk of the Committee on Agriculture; but the committee seemed to think it was proper that that committee should have a permanent clerk. In view of that action of the committee I do not feel justified in resisting the motion of the gentleman from Ohio. And yet I feel very confident that if this committee was actuated by a moderate degree of economy it would simply request this clerkship for the Committee on Military Affairs to extend for a reasonable time beyond this session—a time that would probably cover the period contemplated by this investigation, say some two or three months. However, in view of the action of the committee in regard to the clerk to the Committee on Agriculture, I do not feel justified in further occupying the time of the House.

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the gentleman from Ohio.

Mr. CANNON rose.

The amendment was agreed to.

Mr. BARBOUR. I send to the desk an amendment.

Mr. CANNON. I rose in my place and attempted to obtain the recognition of the Chair for the purpose of offering an amendment——

The CHAIRMAN. The Chair has recognized the gentleman from Virginia.

Mr. CANNON. I wanted, however, to offer an amendment prior to his amendment. I rose for the purpose of offering this amendment before the announcement of the vote on the proposition submitted by the gentleman from Ohio.

The CHAIRMAN. If the gentleman rose for the purpose of calling for a division, the Chair will of course recognize him.

Mr. CANNON. I think, with all deference to the Chair, I have a right as a member of the Committee on Appropriations to offer an amendment when I called repeatedly to the Chair for that purpose.

The CHAIRMAN. The Chair will of course take the gentleman's statement. The gentleman from Illinois states that he rose to offer an amendment to the amendment of the gentleman from Ohio. The Chair had recognized the gentleman from Virginia——

Mr. CANNON. Well, let that amendment be read for information; perhaps I can offer the amendment to his amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Virginia.

The Clerk read as follows:

In line 221, after the words "Foreign Affairs," insert the words "clerk to the Committee on the District of Columbia."

Mr. BARBOUR. This amendment has the sanction of the committee——

Mr. CANNON. Am I recognized to offer an amendment?

The CHAIRMAN. The gentleman from Virginia has offered an amendment and is entitled to the floor.

Mr. CANNON. I can offer my amendment to this as well as to the other amendment, and will do so after the gentleman from Virginia gets through.

Mr. BARBOUR. I desire to speak for a moment to that amendment. The bill proposes to reduce the compensation of the clerk to the Committee on the District of Columbia from his annual pay, which he is now receiving by the law, to that of a session clerk. I wish to say, sir, that the clerk of that committee is a most efficient one, and was selected carefully, looking to the business of the committee and looking to the discharge of its duties, duties which are as important as that of any other committee; in fact I may say it is one of the most important committees, so far as the volume of business is concerned, of the committees of the House.

This gentleman came here upon an implied contract that he would get the compensation then allowed by law. He is a gentleman who was filling an important place at home and gave it up to come here. I think under the circumstances we would be wanting in good faith to him, we would be doing injustice to him under the arrangement made with him, to reduce his pay. In addition I would say in reference to this rule of reduction that a clerk who is competent and accomplished, as some of these gentlemen are, should be hardly reduced to less compensation than you pay your men in the bath-room. To pay an efficient man who gives up his business and comes here acting as the clerk of a committee, a man who is competent to perform the duties, the paltry sum of $740.74 per annum, must strike every one as being a ridiculously small amount to secure competent public officials. The work of these committees should be properly done, and it can not be properly done without an efficient clerk; and you do great injustice not only to the business of the committee but to those individuals who fill the positions by cutting down their compensation as proposed here. I hope it will be the pleasure of the committee to adopt this amendment, and let this clerk remain where he now stands under existing law.

Mr. HOLMAN. I do not rise for the purpose of opposing this amendment. I take it for granted from the action of the committee that this amendment will be adopted; and I am not prepared to say but what the duties of this clerkship of the Committee on the District of Columbia are as important as those of the clerkships of the three committees to which permanent clerks have been restored. But I might say this: that the committee would be startled if they would consider the increase of the clerical force in this House since the attempted reform entered upon by the Democratic party in the Forty-fourth Congress. Since that time you have nearly doubled the number of clerks in your employment.

Mr. BUCHANAN. Why, then, did you insert in this bill the clerk to the Committee on Foreign Affairs? I know that the clerk of the Committee on Foreign Affairs does not have as much to do as the clerk of the Committee on Naval Affairs.

Mr. HOLMAN. I have answered that question already. In my judgment there are but three committees of the House to which we are justified in giving permanent clerks, the Committee on War Claims, the Committee on Ways and Means, and the Committee on Appropriations.

Mr. BUCHANAN. I understand it was the gentleman from Indiana [Mr. HOLMAN] who reported this bill.

Mr. HOLMAN. I am speaking now for myself and not as the organ of the Committee on Appropriations.

Mr. RANDALL. I will say to the gentleman from Georgia that the gentleman from Indiana did not vote for that in the committee.

Mr. HOLMAN. I think the gentleman from Georgia need not be apprehensive of any efforts on my part to increase the clerical force.

Mr. BUCHANAN. I want the information from any member of the committee who can give it.

Mr. RANDALL. You can ask me, if you please.

Mr. BUCHANAN. Then I ask the chairman of the committee.

Mr. RANDALL. I did not support the proposition for an annual clerk for the Committee on Foreign Affairs, and I am ready to state the reason why. The gentleman can hear it at any time he pleases.

Mr. HOLMAN. I regret the Committee of the Whole is not willing to agree to some moderate arrangement in this matter. I thought we could at least get back to the reforms inaugurated in the Forty-fourth Congress and received with so much approval by the whole country. But that would seem to be out of the question.

Mr. WILSON, of West Virginia. I ask the gentleman from Indiana why the clerk of the Committee on the District of Columbia at the other end of the Capitol, which certainly has not more labor to perform than the House committee, is retained at a salary of $2,200 and a messenger for that committee at the rate of $1,440, while the Committee on Appropriations report here a bill giving the clerk of the House committee a compensation not greater than that received by the female attendant in charge of the ladies' retiring-room of the Senate.

Mr. HOLMAN. The gentleman had better address that question to the gentlemen at the other end of the Capitol. The gentlemen there are not quite as responsible to the people as we are here.

Mr. CANNON. I move to strike out the last word. I do it not because I think I can defeat this amendment, but to call the attention of the House to the fact—possibly it is necessary—that these appropriations for the House of Representatives are increasing upon this bill as compared with the former service very rapidly. I want to say another thing, that this whole system of compensation of clerks of this House, and I think the same applies to clerks of the committees of the Senate, is a pretty extravagant system. I do not know that it can be corrected; but I do know that it ought to be corrected. I am not seeking to blame the present bill or the present House for this matter, but I wish to call the attention of gentlemen to the statement that in my opinion, after some length of service in this House, there are not to exceed three committees that have any use whatever for an annual clerk. We have got a long list of committees with a long list of clerks, many of them annual, most of them session clerks; many of them having messengers; their contingent expenses considerable; and many of those committees are of no use whatever to this House. There are many of them that do not meet at all, and many of these committees that have annual clerks have no use for the clerks the moment that Congress adjourns.

In this same connection I want to call the attention of the committee to the fact that we have already provided in this bill that no part of the Senate contingent fund shall be applied to the payment of clerical services for any Senator. Yet upon our side we are continuing the old practice of a lot of dress-parade committees and of unnecessary payments to clerks. What for? That we may give the gentlemen who may happen to be the chairmen of those committees private secretaries. And I apprehend before this session is over we will probably yield the point to the Senate that each Senator shall have a clerk payable from the contingent fund.

Mr. HATCH, of Missouri. Will the gentleman yield to me a moment?

Mr. CANNON. Let me complete my sentence. I think it would be wiser if both the House and the Senate would lop off those unnecessary expenses pertaining to these clerkships for the advantage of a few gentlemen that happen to be their chairmen, and make some just and proper provision for the payment of clerical services where they are needed for each and every member, whether he happens to be on the majority or the minority side, or happens to be a chairman of a committee or not.

I want to say this, and to call the attention of the House to the matter, because in my opinion before this session closes it will be necessary for us to back squarely down on the proposition that the Senators shall be allowed to have pay for the services of their clerks; or if we do not back down it will be necessary for us to make some just and proper economies touching these matters, and to make just and proper provision for the House the same as for the Senate, whatever that provision may be. For one I am not willing that the Senate of the United States, a co-ordinate branch of the national Legislature, shall have any privileges either as individual Senators or as a body that do not pertain to the House. I think it might be well that we lay now the foundation for a just and proper economy, so that we may be able to meet that question when it comes.

Mr. BARBOUR. But one word, Mr. Chairman, in reply to what the gentleman from Illinois [Mr. CANNON] has said with reference to the use of clerks of committees as private secretaries for their chairmen. I can only say this for myself, I do not speak for anybody else, that I have never used the clerk of the Committee on the District of Columbia as my private secretary or for any private purpose for one minute, and do not expect to.

Mr. CANNON. I referred more particularly to the "dress-parade" committees than to anything else.

Mr. HATCH, of Missouri. And allow me to say, in reply to the gentleman from Illinois [Mr. CANNON], that the clerk of my committee has not written one single private letter for me since the organization of this House. He may have done some little work, such as addressing speeches, for other members of the committee outside of the committee hours, but he has done no work as private secretary for me or any other member of the committee.

Mr. CANNON. I will withdraw the *pro forma* amendment.

Mr. WOLFORD. I renew it. I want to say this in response to my friend from Indiana [Mr. HOLMAN]: we have been upbraided here as long as I feel like being upbraided in a just cause, with the remark eternally thrown at us that as Democrats we are pledged to reformation. I am pledged to reformation as a Democrat, and I would be pledged to reformation if I was a Republican.

But I apprehend there is no reformation in some things which the gentleman brings forward here and calls reformation. I reckon that no Democrat is pledged to a reformation which deprives him of the right of vindicating the people of this country, and providing for its officers and those who have served it, as the good of the country demands.

It has been intimated that a permanent clerk for the Committee on Military Affairs, for instance, is not needed. Now I know something about that, and I want to say a little about it. There has been a resolution adopted directing that committee to examine into the matter of homes for our soldiers. I want to call the attention of this House to that matter for a moment, for it is a shame and should not be allowed. I understand that to-day in many of the States of this Union soldiers who have spent the prime of their years in the service of their country, who have almost given their lives to that service, who have sacrificed their health in the service of their country, are in the poor-house. Now do you propose to submit longer to such a shame as that?

The Committee on Military Affairs has that matter now under consideration. No one will deny that it is a disgrace to our nation that a soldier, who fought for our honor and glory as a nation, shall linger for the balance of his life in a poor-house. The Committee on Military Affairs have been directed to investigate this matter, to ascertain if there are homes enough in which these soldiers of ours can be taken care of in some better manner than they can be in some town or county poor-house. It is a shame longer to say to the soldier, "You poor dog! It is true you have served your country for a number of years, until you have lost your health, until the seeds of death have been sown in your constitution; and now we will let you die in the poor-house." Sir, any Democrat who is willing to advocate that kind of economy is not the Democrat that I am, nor is that the economy I am in favor of.

[Here the hammer fell.]

Mr. HAMMOND. I am very anxious to vote against making these clerks of committees annual clerks, for I can see no necessity for it whatever. But I am unwilling to be more economical than the gentleman from Indiana [Mr. HOLMAN], for I think that would ruin my reputation. [Laughter.] And as that gentleman will not oppose the proposition, I suppose I must submit.

Mr. HOLMAN. I do not propose to give my friend from Georgia [Mr. HAMMOND] any occasion to abandon his well-known efforts at economy because of any apparent dereliction of duty on my part. My friend has more wit a great deal, I have discovered, than I have.

I thought that the rebuke which this Committee of the Whole administered to the Committee on Appropriations on the very first vote was sufficient to admonish us that any attempt at retrenchment or reform, especially upon this great bill involving the fortunes of so many persons—that rebuke ought to admonish us that that was a line of reform which could be triumphant only when the great surplus which is now in our Treasury has been somewhat diminished.

I can assure my friend from Georgia that in my opinion the views expressed by the gentleman from Illinois [Mr. CANNON] ought to come home to each one of us. Gentlemen on this side of the House, and I trust gentlemen on the other side, were elected to this Congress with the expectation and belief that there would be an enormous reduction of the expenses of the Government. And if we are to enter upon this duty of retrenching expenditures we must commence right here. We can not satisfy the country that there is a sincere desire on the part of the Democratic party in this House to retrench Government expenses unless we begin at home in this Hall.

In view, however, of the fact that the few retrenchments that have been suggested by the Committee on Appropriations appeared not to meet the favor of this House, I was inclined to yield so far as these clerkships are concerned. But after the remarks of the gentleman from Georgia I certainly must call for a vote on each of these propositions.

The question being taken on the amendment of Mr. BARBOUR, there were—ayes 74, noes 50.

Mr. HOLMAN. There being no quorum on this vote, I think we should have tellers.

Tellers were ordered; and Mr. BARBOUR and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 88, noes 44.

So the amendment of Mr. BARBOUR was adopted.

Mr. HOLMAN. I ask unanimous consent that further debate on is paragraph be closed.

thMr. ERMENTROUT. I object.

Mr. HOLMAN. I move that the committee rise, so that an order may be made to close debate.

The motion of Mr. HOLMAN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the legislative appropriation bill; and pending that motion I move that all debate in Committee of the Whole on the pending paragraph be closed in ten minutes.

Mr. RANDALL. I suggest to the gentleman from Indiana [Mr. HOLMAN] that when points of order are raised against any amendment they should be stated and decided at once, so that time may not be wasted in discussion of propositions subsequently declared out of order.

Mr. GEORGE D. WISE. I move to amend the motion of the gentleman from Indiana [Mr. HOLMAN] by striking out "ten minutes" and inserting "fifteen minutes." There are several amendments to be offered.

Mr. HOLMAN. I accept the gentleman's amendment and modify my motion accordingly.

The motion of Mr. HOLMAN as modified, to limit debate in Committee of the Whole on the pending paragraph of the legislative appropriation bill to fifteen minutes, was agreed to.

The motion of Mr. HOLMAN that the House again resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. COX, of New York, in the chair), and resumed the consideration of the legislative, executive, and judicial appropriation bill.

Mr. ERMENTROUT. By instructions of the Committee on Accounts, I move to amend by inserting, after the words "Foreign Affairs," in line 221, the words "clerk to the Committee on Accounts."

Mr. HOLMAN. I raise the point of order that the existing law does not apply to this office.

Mr. ERMENTROUT. I hope the gentleman will allow me to say a word in favor of this amendment.

The CHAIRMAN. Debate upon the point of order is in order.

Mr. ERMENTROUT. Mr. Chairman, I submit to the gentleman from Indiana [Mr. HOLMAN] who has raised a point of order on this amendment that he should act with some show of justice, and should make the same point against all amendments obnoxious to such an objection.

The chairman of the Committee on Accounts is required, in the performance of his official duties, to be here during the recess. The Committee on Accounts, as members are aware, has charge of disbursements of the contingent fund, and the chairman of the committee is required to be here from time to time during the vacation for the purpose of supervising those disbursements. It seems to me that if any committee has an annual clerk in addition to the three committees named by the gentleman from Indiana this morning, the Committee on Accounts should certainly have one.

I agree with all that the gentleman from Indiana has said on this question of economy. I do not impugn his motives. I am glad to see that his constituents have honored themselves and shown their appreciation of his services in the direction of economy by nominating him again for Congress.

Several MEMBERS (to Mr. HOLMAN). Now you ought to withdraw your point of order.

Mr. ERMENTROUT. I hope the gentleman from Indiana will not insist on the point of order, and that this proposition may be submitted to a vote of the Committee of the Whole.

Mr. HOLMAN. In reference to the point of order, my friend from Pennsylvania does me some injustice. I have made the point of order against every one of these propositions which I considered liable to the point.

Mr. ERMENTROUT. Will the gentleman say to me that there are no propositions in this bill within his knowledge which are subject to a point of order, but upon which he has failed to make the point?

Mr. HOLMAN. Up to this time there has been no such proposition, and I think my friend will find no such case will occur.

The CHAIRMAN. The amendment proposed by the gentleman from Pennsylvania is obnoxious to the point of order. The Chair sustains the point.

Mr. GEORGE D. WISE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 220 to 221 strike out "clerk to the Committee on Foreign Affairs."

Mr. GEORGE D. WISE. I wish to say in reference to this amendment that I do not approve of the policy of being niggardly, but I am opposed to having mere figure-heads quartered on the Government. I happened to have been a member of this Committee on Foreign Affairs. The House has just voted not to allow a clerk to the Committee on Naval Affairs because it never had one before. Neither has this committee had one. It has had but two bills before it. But for the presence of the Chinese and the fact that a member from Texas called into action the latent forces of Prince Bismarck, that committee would have been without anything to do. Two bills during the whole session; literally nothing in God's world to do; and the proposition is to give this committee an annual clerk with a salary of $2,000 a year. I am in favor of paying liberally for services when rendered, but I think it much better we should adopt the suggestion the gentleman from Colorado made here a few weeks ago—let every member have a clerk—and we can slip them in by this process. This committee has literally nothing in God's world to do. It is a mere ornament. Its only occupation is to go in spike-tail coats and dine with diplomates. It has nothing to consider, and yet we are asked to vote this committee an annual clerk.

Gentlemen, let us stop preaching economy so much and practice it a good deal more. Let us cut off these appendages, these men who are of no use in God's world, and get down to a solid basis. I know this committee has no use for that clerk as an annual clerk. The Committee on Naval Affairs has 10 per cent. more business. I ask this House to strike that provision out of this bill.

Mr. CURTIN. Mr. Chairman, it is quite unnecessary the gentleman from Virginia should work himself into a passion on a question he knows nothing about. [Laughter.] How he could get inside of that committee-room after it was his pleasure to leave it, and understand it had nothing to do, I can not apprehend. I presume the reason of his ignorance is the cause of his excitement. [Laughter.]

He says the Committee on Naval Affairs should have a standing secretary. If that committee are of that opinion, this House should be the proper judge and give it to them.

Now quietly, with the coolness of my Northern blood, I say to my excitable, enthusiastic, and generous Southern brother, I wish you to understand I am on that committee, and I wish to say we have more to do than he thinks.

Mr. GEORGE D. WISE. There were forty-five bills last Congress.

Mr. CURTIN. We have a great number of bills sent to us from the House.

Mr. GEORGE D. WISE. Here is the record.

Mr. CURTIN. We have important measures pending before that committee of great consequence to this country. We found, when we went in that committee-room, in confusion communications from the State Department of great importance to the country, many of them of a secret and private character. I regarded it as absolutely necessary there should be some custodian of the papers in the absence of the committee during the recess of Congress, and therefore recommended a permanent clerk should be provided to take care of the archives of that committee. If that committee had not supposed it was just and right to the public service there should be a permanent clerk, I desire to say to my friend from Virginia they would have been incapable of making such a recommendation.

A MEMBER. Was not the recommendation unanimous?

Mr. CURTIN. Yes, the recommendation was unanimous. The gentleman said he does not know in God's world what that committee has to do. I will tell him that I am a worm in that world and I do know they have something to do of great consequence to the country.

Mr. BUCHANAN. Mr. Chairman, the record of the last Congress shows that the Committee on Foreign Affairs had in bills and resolutions eighty-eight. The Committee on Naval Affairs of the same Congress had in bills and resolutions a total of one hundred and forty-five. Now, the gentleman who reported this bill said he was opposed to this provision. The chairman of the committee says he did not vote for it. The chairman of the committee, then, is opposed to the bill. The gentleman who reported it is opposed to it, and I ask where is the strength that this bill has from the committee?

Mr. CURTIN. In the good sense of the committee.

Mr. BUCHANAN. But the chairman says he was opposed to it.

Mr. RANDALL. No; I said I did not vote for it.

Mr. BUCHANAN. You did not vote for it?

Mr. RANDALL. That is what I said, that I did not vote for it in the committee; and I will tell the gentleman now, as I said before, that I would give him the reasons I had for taking that position.

Mr. BUCHANAN. The gentleman who reported the bill said he was not in favor of it. There are other members of the committee, and I ask why it happened that a Pennsylvania clerk——

Mr. CURTIN. He is not a Pennsylvania clerk.

Mr. BUCHANAN. For a committee with a Pennsylvania chairman, coming from the Appropriations Committee with a Pennsylvania chairman also——

Mr. RANDALL. Now the gentleman from Georgia, I apprehend, is saying what I supposed he was trying to get at from the way he commenced his remarks—that is, that he would ascribe the selection of this clerk and his appointment to Pennsylvania influences. Now, in the first place, this young man is not a Pennsylvanian.

Mr. BUCHANAN. Then I have been misinformed.

Mr. RANDALL. You have been misinformed; he is a Virginian, and the Committee on Foreign Affairs regard his services as essential to that committee, and therefore the Committeee on Appropriations acceded to this request. I will tell the gentleman his history.

Mr. BUCHANAN. I do not give you my time to do it.

Mr. RANDALL. Very well; then I will take my own time.

Mr. BUCHANAN. Now, I ask the gentleman having this bill in charge what reason there is for giving an annual clerk to the Committee on Foreign Affairs that does not apply to a dozen other committees of this House which have equally important duties to perform? I ask the chairman of the Committee on Appropriations, if he is going to reply to me, to give the reasons why the Committee on Naval Affairs was left out of this appropriation bill, and this clerk not made an annual one? I ask him why that was done, and hope he will give me the reason for it, because I must confess my inability to understand on what ground the committee acted.

Now, this is in the interest of economy. I suppose and I apprehend that this House will look to this matter of economy, and then also to the matter of justice connected with it. If you can give a reason why a committee with eighty-eight bills and resolutions in the last Congress should have a permanent clerk, and another committee that had one hundred and forty-five bills and resolutions should be permitted to get along the best way they can with a clerk who is paid a per diem salary only, or who is put upon a different basis from the one that does much less business, I would like to understand it, and then if I understand it I may yield to say that as a matter of justice this committee ought to have it. You can not show that, however.

Mr. HEWITT, of Alabama. I will tell the gentleman from Georgia that there is another committee of this House that has over five hundred bills before it now.

Mr. BUCHANAN. Yes; and that ought to have an annual clerk, and this should not be an annual clerk. If there is to be a clerk to take care of the papers of this committee, certainly other papers of other committees are as important as the papers belonging to the Committee on Foreign Affairs, of which the gentleman from Pennsylvania is chairman. But I call upon this House to do justice. Either make all the clerks annual that have any business to do, or make them daily clerks with a salary of $6 per day. Do not make fish of one and flesh of another.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I am obliged to the gentleman from Georgia, or perhaps I ought to be——

The CHAIRMAN. The Chair will state that the fifteen minutes fixed by the House for general debate has expired.

Mr. RANDALL. I only desire to say a word in connection with this matter.

The CHAIRMAN. By unanimous consent the gentleman can proceed. The Chair hears no objection.

Mr. RANDALL. I wish to state that this action of the committee rose out of the fact that the Committee on Foreign Affairs asked it. Now, as to the young man himself, he is not a Pennsylvanian, he is a Virginian, and first came to my knowledge as having been appointed messenger to Speaker Kerr. When I became Speaker I continued him, and he served and was promoted twice in my service as Speaker, from the position of messenger to assistant clerk and then to the private secretaryship. As soon as I had an opportunity to appoint him to a clerkship of a committee of which I was chairman in the last Congress I appointed him as such, to the exclusion of forty or more applicants from my own district, simply because of his worth and because of his faithfulness and his usefulness. I was not guided in any way by personal considerations or political considerations in this matter, but acted simply from convictions of propriety arising in connection with the public business.

When I came to consider this application in the Committee on Ap-

propriations, believing that some one here might not be as frank as the gentleman from Georgia [Mr. BUCHANAN] but might suppose that this young man was continued there through my agency, I stated to the committee that I could not vote in favor of it because of the past peculiar personal relations which existed between this young man and myself; and I did not choose to subject myself in any way to the imputation that in my discharge of duty in that committee I was controlled by any friendship or any personal motive at all. It is therefore through no act of mine that this proposition is in the bill. But I should do injustice to myself if I did not say to this House that I rejoice in everything that promotes the advancement and exaltation of that young man; for he is a remarkable man in every respect.

Mr. WARNER, of Ohio, rose.

The CHAIRMAN. Debate on this paragraph has been closed.

Mr. WARNER, of Ohio. I do not rise to debate the question; but I wish to make a parliamentary inquiry—whether that is not subject to the point of order under clause 3 of Rule XXI. I understand, Mr. Chairman, that we have not passed that paragraph; and inasmuch as the committee is now considering the paragraph, and all the items in it, I submit that any item in the paragraph is still subject to the point of order if it comes within clause 3 of Rule XXI.

Mr. CURTIN. I suggest that the point of order comes too late.

Mr. CANNON. I would like to say a single word here.

The CHAIRMAN. The gentleman from Illinois will be heard on the point of order.

Mr. CANNON. I supposed there would be no question about the point of order coming too late. There has been an amendment offered by the gentleman from Virginia [Mr. GEORGE D. WISE] to strike out this clause; and after an amendment has been offered and discussed it is too late to make the point of order on the original paragraph.

But I want to say right in that same connection, as a member of the subcommittee that prepared this bill, the gentleman from Texas [Mr. HANCOCK] and myself did vote to put this clerk on as an annual clerk. I think in justice to him and myself and the gentleman from Pennsylvania [Mr. RANDALL] I should say that, with the exception of three committees, I am satisfied there is just as much use for the Foreign Affairs Committee having an annual clerk as any other. The gentleman says, "If you are to make fish of one and fowl of another I want to know it." It may be the Committee on Naval Affairs has just as much to do as half a dozen other committees that have no considerable use for an annual clerk. But it occurred to me, while gentlemen were talking, that their objection to the Committee on Foreign Affairs having an annual clerk might possibly not be so very vigorous if the Committee on Naval Affairs also had one.

The CHAIRMAN. On the point of order raised by the gentleman from Ohio [Mr. WARNER] the Chair is ready to give a decision. The time to make that point of order was when the paragraph including this portion of it was read. It is too late now to make the point.

Mr. BLOUNT. Is debate closed on this paragraph?

The CHAIRMAN. It was closed some time ago, and has only proceeded by unanimous consent. The question is on the amendment of the gentleman from Virginia [Mr. GEORGE D. WISE], which the Clerk will read.

The Clerk read as follows:

Strike out in lines 220 and 221 the words "clerk to the Committee on Foreign Affairs."

The question being taken, there were—ayes 43, noes 88.

So (further count not being called for) the amendment was not agreed to.

Mr. ROWELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 223 insert "for assistant clerk to the Committee on War Claims, $1,600."

Mr. HOLMAN. I make the point of order on that amendment.

Mr. ROWELL. The amendment is not subject to the point of order. It is in accordance with what has been the law for three Congresses.

Mr. HOLMAN. I concede that the law has provided for this assistant clerk, and I do not insist on the point of order.

Mr. ROWELL. I want to say if there is any committee in the House that has occasion for clerks during the vacation it is the Committee on War Claims, with nearly 2,000 bills and petitions before it.

The CHAIRMAN. This debate can only proceed by unanimous consent.

Mr. ROWELL. This may be considered a new paragraph on which debate has not yet been closed. I was proceeding to say that with nearly 2,000 bills and petitions before the committee, with work during all the summer for two clerks, it seems to me this committee ought to have its clerk and assistant clerk as it has had in the past. A great many cases are undisposed of because the evidence has not yet been obtained from the Departments. The clerks have been constantly engaged in getting it, and will be constantly engaged all summer. It is no sinecure; it is work. The gentleman who holds this position has been for three Congresses assistant clerk in that committee. He is invaluable; he is worth more than any member of that committee; and to deprive us of that clerk will be to deprive Congress of the work of that committee and of proper reports from it. I do hope this Congress will do as Congresses have done in the past, and will allow us to retain such invaluable service.

Mr. WARNER, of Ohio, rose.

Mr. HEWITT, of Alabama. Is debate in order?

The CHAIRMAN. Debate has proceeded by unanimous consent.

Mr. HOLMAN. I ask unanimous consent to allow this paragraph, so far as regards this particular motion, to be passed over informally.

Mr. ROWELL. Why not have it voted on now?

The CHAIRMAN. The Clerk will report the amendment, which the Chair understands to be an amendment to the pending paragraph.

The amendment was again read.

Mr. COSGROVE. Does this committee have an annual clerk besides the one to whom the amendment relates?

The CHAIRMAN. The Chair understands it has, in accordance with the law.

The question being taken on Mr. ROWELL'S amendment, there were—ayes 61, noes 71.

So (further count not being called for) the amendment was not agreed to.

Mr. NEECE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 222 strike out the word "and" where it occurs the first time, and after the word "harbors," in said line, insert "a clerk to the Committee on Enrolled Bills."

Mr. HOLMAN. I suppose there is no law providing for that. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. O'NEILL, of Missouri. I move to amend by inserting after the word "each," in line 190, the words "for assistant file clerk, $1,650."

Mr. RANDALL. We have passed that paragraph.

Mr. O'NEILL, of Missouri. That is not my fault. I was on my feet trying to be recognized; I have done my part.

The CHAIRMAN. The amendment can be entertained only by unanimous consent.

Mr. HOLMAN. I must object to going back.

Mr. O'NEILL, of Missouri. Then I will inform both of those gentlemen that I shall hereafter exercise the same privilege of objection.

Mr. RANDALL. Of course that is the gentleman's right.

The Clerk resumed the reading of the bill and read the following:

For private secretary to the Speaker, $1,800.

Mr. BELFORD. I move to amend by inserting that which I send to the Clerk's desk.

The Clerk read as follows:

That each member of the House of Representatives shall be furnished with a clerk, whose compensation shall be $100 per month during the sessions of Congress.

Mr. GEORGE D. WISE. I make the point of order on that amendment that it is not authorized by existing law.

Mr. BELFORD. I hope the gentleman will reserve his point of order until I can get in for a few minutes in the way of some appropriate remarks.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BELFORD. I ask the Chair to hear me on the point of order.

The CHAIRMAN. It is too late; the Chair has already decided it.

Mr. BELFORD. Then I move to strike out the last word of the pending paragraph.

The CHAIRMAN. The gentleman has the right to make that motion.

Mr. BELFORD. Yes; that is what I want to do. We have been generously providing clerks for the committees of this House, which in my judgment is wise and just. Why should not each member of this House have a clerk——

Mr. BOUTELLE. Give it up. [Laughter.]

Mr. BELFORD. To transact public business for him just as the Senate has at the other end of the Capitol?

Mr. COSGROVE. I understand that the Chair has passed upon the point of order.

Mr. BELFORD. Oh, this is another thing.

The CHAIRMAN. The Chair will state that the gentleman from Colorado moves to strike out the last word of the pending paragraph, which is in order.

Mr. BELFORD. I say that if the Senate, composed principally of millionaires, can vote to themselves each a clerk to transact their private business, why have not we the courage to vote to ourselves a clerk each to transact public business? There is but one reason that can be assigned, and that is the cowardice of the members of this House; there is no other reason.

How can you members perform your duties in the House of Representatives, how can you attend to your duties in the committee-rooms, and yet go to all the Departments of this great Government, not on your own business but on the business of the people? How many members of this Congress are there who have not the means to employ at their own expense a clerk? I say that I have three, and my salary is exhausted in paying them, and if it were not for some little independent income which I have I should be a pauper.

If you gentlemen had the courage to stand up and do what the Sen-

ate have done the people would have respect for you as heroes and not feel derision for you as cowards. I am through, Mr. Chairman, and withdraw my *pro forma* amendment.

The Clerk resumed the reading of the bill, and read the following:

For clerk to the Speaker's table, $1,400.

Mr. COSGROVE. I move to amend the paragraph just read by striking out "$1,400" and inserting "$1,600."

Mr. HOLMAN. I regret to do so, but I shall have to insist that the present law shall govern. The proposition of the gentleman is to increase a salary.

The CHAIRMAN. The Chair must sustain the point of order.

Mr. COSGROVE. In former Congresses we paid this officer $2,100 a year, and I do not see why he should now be cut down to $1,400.

Mr. HOLMAN. The salary of this officer was reduced to $1,400 a year in the Forty-fourth Congress, and has been that since that time.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HOLMAN] insist upon his point of order?

Mr. HOLMAN. I must do so.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLOUNT. Does the gentleman from Indiana [Mr. HOLMAN] claim that the salary of the clerk for the Speaker is not now $1,600 a year?

Mr. HOLMAN. This is the clerk to the Speaker's table.

Mr. COSGROVE. If the Chair has ruled, under a misapprehension of the facts, when the salary is $1,600 a year instead of $1,400——

The CHAIRMAN. The Chair is willing to be corrected.

Mr. COSGROVE. I understand that it was $1,600 last year.

Mr. HOLMAN. It has not been $1,600 a year since the Forty-fourth Congress.

The CHAIRMAN. The Chair will direct the Clerk to read the paragraph from the bill of last year.

The Clerk read as follows:

For clerk to the Speaker's table, $1,400.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will proceed with the reading of the bill.

The Clerk read the following:

For Sergeant-at-Arms of the House of Representatives, $4,000; for one horse and wagon for his use, $500; one deputy to the Sergeant-at-Arms, $2,000; one cashier, $3,000; one paying-teller, $2,000; one book-keeper, $1,800; one messenger, $1,200; one page, at $60 per month; and one laborer, at $660.

Mr. RANDALL. There is a provision in the Post-Office appropriation bill, now pending between the two Houses, that the officers of the Government, which include the officers of this House, shall be entitled to use what is known as the penalty envelope. That clause is not in dispute between the two Houses, so that it may be accepted as likely to become law, and we may proceed to legislate with that view. Yet there may be times when the Sergeant-at-Arms will be required to pay postage in cases where the use of the penalty envelope would not be legal. I therefore move to amend the paragraph by inserting "for postage-stamps, $25." I do not want the Sergeant-at-Arms or the Doorkeeper or the Postmaster of the House to be required to pay for postage out of their own funds on business of the House. I do not know but what it would be well to make at this point an amendment which would apply to each of them, somewhat in this form:

For postage-stamps for the officers of the House of Representatives, namely: for the Sergeant-at-Arms, $25; for the Clerk, $25; and for the Postmaster, $25.

Mr. BLACKBURN. I would ask the gentleman from Pennsylvania if in his judgment that will be sufficient?

Mr. RANDALL. I thought it was sufficient; if it is not, I am willing to increase the sum.

Mr. BLACKBURN. I know that heretofore there has been an appropriation of $300 for this purpose. I know, too, that it is now proposed to introduce the penalty envelopes as far as possible——

Mr. RANDALL. Fifty dollars is suggested as the proper allowance. I have no objection to fixing that amount.

Mr. HOLMAN. I think that $25 will be ample.

Mr. BLACKBURN. We have been appropriating $300 heretofore. I know that the present Sergeant-at-Arms of the House is already out more than $50 on this account.

Mr. WILLIS. I hope we shall not spend an hour in discussing a matter of $25.

Mr. RANDALL. I will modify the amendment by fixing the amount at $50 as suggested. I ask the Clerk to read the amendment again.

The Clerk read as follows:

After line 236 insert:

"For postage-stamps for the officers of the House of Representatives, namely: for Sergeant-at-Arms, $50; Clerk, $50; Postmaster, $50."

The amendment was agreed to.

The Clerk read as follows:

For Doorkeeper, $2,500; and for hire of horses, $500; assistant doorkeeper, $2,000; second assistant doorkeeper (George A. Bacon), under resolution of December 21, 1881, to be employed in the document-room, $2,000; clerk for Doorkeeper, $1,200; janitor, $1,200.

Mr. RANDALL. Under instructions from the Committee on Appropriations, I submit the amendment which I send to the desk.

The Clerk read as follows:

After the word "Doorkeeper," in line 237, strike out "$2,500" and insert "$3,000."

Mr. WARNER, of Ohio. I make a point of order on this amendment.

Mr. THOMPSON. It is not subject to any point of order.

The CHAIRMAN. The law of last year appropriated $2,500 as the salary of this officer.

Mr. THOMPSON. The Doorkeeper of this House ought to receive more than $2,500.

The CHAIRMAN. The question is on the point of order.

Mr. CALKINS. I suppose the point of order is that this amendment changes existing law. I ask the gentleman from Ohio to point out the provision of law that is proposed to be changed by the amendment. The appropriation act passed last year will expire on the 30th of June next, and there is no law fixing the salary of Doorkeeper after that time. This amendment is proposed to a bill which is to take effect on the 1st of July next. Therefore, as I understand, there is no change of existing law. If I am wrong in this matter I would like to be corrected.

Mr. WARNER, of Ohio. Under existing law the Doorkeeper of this House is entitled to $2,500 a year. This amendment proposes to change the law and give him $3,000.

Mr. CALKINS. Under what existing law is he entitled to $2,500? He is entitled to it under an annual appropriation bill. Each annual appropriation bill may make a different appropriation in a matter of this kind without involving any change of existing law. This is the first time I have ever heard it seriously asserted that where there is no general or permanent statute fixing the salary of an officer an amendment of this kind is obnoxious to the point of order.

Mr. BLOUNT. I am surprised to hear the gentleman from Indiana say that this is the first time he has heard the question raised that an annual appropriation bill is a law in reference to the salaries of officials.

Mr. CALKINS. I did not say that. I said that this amendment was not obnoxious to the point of order on the ground of changing any existing law.

The CHAIRMAN. The Chair is ready to decide this question. The present occupant of the chair has ruled again and again—in the Forty-fourth Congress and other Congresses since—that the appropriation act passed in the preceding year is the rule by which to ascertain whether there is existing law in a matter of this kind. The Chair, therefore——

Mr. RANDALL. I would have liked to give the reasons why the Committee on Appropriations thought there ought to be an increase in this case. But I am debarred from doing so.

Mr. WARNER, of Ohio. And I would like to give the reasons why I raised the point of order.

The CHAIRMAN. Does the gentleman from Ohio insist on the point of order?

Mr. WARNER, of Ohio. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CALKINS. I move to amend by striking out in line 239, after the words "assistant doorkeeper," the words "two thousand dollars" and inserting "two thousand five hundred dollars."

Mr. HOLMAN. I make a point of order upon this amendment.

Mr. CALKINS. I desire to be heard for a moment upon the point of order. I do not wish to occupy uselessly the time of the committee, but I do wish to insist, with due deference and great respect to the opinion of the Chair, that a point of order against an amendment of this kind as changing existing law is certainly not correct. These appropriation acts run from year to year.

The law under which the salaries are now paid was passed in the last Congress. By that act these salaries were fixed for one year only. On the 30th of June next that law will expire. The pending bill will not take effect as law till July 1. How, then, can it be said that this is a proposition to change existing law when it will not take effect until the law as it now exists has expired and become dead?

I admit that if there were a general statute fixing these salaries the point of order would be well taken. But where appropriation acts passed from year to year fix the salary of officers for simply a single year at a time, I maintain that no point of order can lie against an amendment of this kind as a change of existing law, because the law which it is claimed to change will have ceased to have effect when this bill goes into operation.

Mr. BLAND. Suppose we should make no appropriation for this officer and he should continue to perform the duties of the office, would he not have a claim for compensation at the rate fixed in the law for the present year?

Mr. CALKINS. He would have no claim at all except for such salary as had been fixed by law, and in this case the law would expire with the appropriation.

Mr. HOLMAN. I wish to say to my colleague he misapprehends the state of the law. All these salaries depend substantially upon the legislation of the Forty-fourth Congress. He will find that the appropriation bill fixes the amount to be appropriated.

Mr. CALKINS. It is not a general statute.

Mr. HOLMAN. It is a general statute.

Mr. RANDALL. It is made the general law so far as that is concerned, but I need not go as far back. The legislative bill of last year fixes these salaries, and it contains a provision that all acts and parts of acts inconsistent therewith shall be repealed.

Mr. CALKINS. The point I make is that this can not be in conflict with any existing law, because before it takes effect the law referred to will have expired.

Mr. BLOUNT. The gentleman from Indiana and the gentleman from Pennsylvania will remember there was a provision fixing all these salaries just at so much. There was no general provision repealing the prior laws. The question came up in the Department on the claim of clerks that the law gave them a fixed salary and the appropriation bill had simply failed to provide the amount necessary. The law officers of the Department held that appropriation bill had changed existing law and they had no right under it.

Mr. HOLMAN. And the Supreme Court of the United States decided the same thing.

Mr. BLOUNT. Yes, sir; and from that time on this question whenever it has been raised has been ruled as the Chair has already declared to-day, but it has never stopped the repetition of the argument made by my friend from Indiana.

Mr. RANDALL. I remember an instance when the gentleman from New York [Mr. HISCOCK] availed himself of that position.

The CHAIRMAN. The Chair has no difficulty in that matter. In a former decision the Chair quoted from the decision of the Supreme Court. He remembers it perfectly well. The Chair sustains the point of order and rules the amendment out.

The Clerk read as follows:

For eight messengers, at $1,200 each; ten messengers, at $1,000 each; seven laborers, at $720 each; ten laborers, during the session, at the rate of $720 each per annum; one laborer, at $600; two laborers in charge of water-closet, at $720 each; eight laborers in charge of cleaning the Hall of the House, known as "cloak-room men," at $50 per month during the session; and for one female attendant in ladies' retiring-room, $600.

Mr. CURTIN. I will move in line 266 to strike out "$720" and insert "$1,000."

Mr. HOLMAN. I am sorry to raise the question of order on these smaller salaries, but I am constrained to do it.

Mr. CURTIN. Oh! withdraw it. There are men doing the same duty who are getting $1,200 a year.

Mr. HOLMAN. The same inequality the gentleman will find going through the bill.

Mr. CURTIN. Never mind the inequality. Be just.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

The Clerk read as follows:

For one Department messenger (C. W. Coombs) under resolution of April 6, 1882, $2,000.

Mr. O'NEILL, of Missouri. I move to insert, after line 277, the following:

For assistant file clerk under resolution of March 3, 1881.

Mr. HOLMAN. Is that offered as an amendment? It is not provided for by law. I regret very much, but I must raise the point of order against it.

Mr. O'NEILL, of Missouri. It is provided for by resolution of March 3, 1881.

Mr. HOLMAN. It is provided for in that way in a former portion of the bill.

Mr. O'NEILL, of Missouri. The object of this amendment is to increase the compensation from $1,300 to $1,600 a year.

Mr. HOLMAN. I object to the increase. The resolution referred to was merely for temporary employment.

The CHAIRMAN. The Chair understands this force is already provided for in a previous clause in the bill.

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For thirty-four pages, while actually employed, including two riding pages, one telephone page, and one telegraph page, at $2.50 per day each, $10,285.

Mr. RANDALL. I move to strike out the words "while actually employed," and in lieu thereof insert the words "during the session." As it is the bill would cut off the additional month's salary subsequently provided for. It is appropriated for in amount in this paragraph; and by words inserted in another part of the bill it is provided that the words "during the session" as applied to the short session shall mean four months' pay. So that by the words actually employed here, if kept in, the pages would be cut out of a month's pay; which the committee did not desire, and I presume the House does not either.

Mr. BLOUNT. By the appropriation bill of last year I find that for twenty-nine pages the amount was fixed at $15,442. In this bill for thirty-four pages provision is made for only $10,285. Is not that a mistake in the calculation?

Mr. RANDALL. Last year there were thirty-two pages; this year the House has thirty-four.

Mr. BLOUNT. I have the bill of last year, which reads for twenty-nine pages, while actually employed, $15,442——

Mr. RANDALL. But last year was the long session. This makes provision, of course, for the short session.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Pennsylvania from the committee.

The amendment was agreed to.

Mr. O'NEILL, of Missouri. Mr. Chairman, it seems that there is some mistake about the position of assistant file clerk having been provided in the bill. There is no provision for it, and it will be necessary to offer this amendment.

The CHAIRMAN. The Clerk will report the proposed amendment.

Mr. HOLMAN. I make the point of order that we can not go back.

The CHAIRMAN. The Chair understands that the gentleman proposes to offer it at this point.

Mr. HOLMAN. This clerkship has always been a temporary one, and provided for by resolution. There is no law for it.

The CHAIRMAN. The Chair is informed by the Clerk that this officer has been a permanent employé under this resolution.

Mr. HOLMAN. Only by the session, and session after session. It is not a permanent employment. It has been simply a temporary employment under a resolution of the House.

The CHAIRMAN. The Chair will overrule the point of order. It is a continuous employment under this resolution.

Mr. HOLMAN. Is the Chair informed of the fact that this temporay employment has been at the rate of $1,600 a year?

The CHAIRMAN. The Chair is informed that it has been at the rate of $1,200 a year.

Mr. HOLMAN. I make the point of order against any increase of salary.

Mr. O'NEILL, of Missouri. Then I offer it at the present compensation of $1,314 per annum. I am informed by the Clerk of the House that that is the amount.

Mr. HOLMAN. I would like to see this resolution authorizing this appointment.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Missouri as modified.

The Clerk read as follows:

For assistant file clerk under a resolution of March 3, 1881, $1,314.

Mr. O'NEILL, of Missouri. This clerk is absolutely necessary, as any one who has visited the file-room will know.

Mr. HOLMAN. And he has always been employed under a resolution.

The CHAIRMAN. The question is upon the amendment of the gentleman from Missouri.

The committee divided; and there were—ayes 31, noes 46.

Mr. O'NEILL, of Missouri. I prefer having tellers on this.

Tellers were not ordered.

So the amendment was rejected.

The Clerk read as follows:

For thirty-five clerks to committees, at $6 each per day during the session $26,136.

Mr. ADAMS, of Illinois. If in order I wish to ask an explanation from the Committee on Appropriations as to how it happens that in appropriating for thirty-five clerks to committees last year, at the same rate per diem during the session, $40,896 were appropriated, where this session you provide only $26,136?

Mr. HOLMAN. We are providing now for the short session of Congress. I move to amend the paragraph in order to conform to what has already been done by the committee, to strike out of line 294 "thirty-five" and insert "thirty-one;" and strike out "twenty-six thousand one hundred and thirty-six" and insert "twenty-three thousand two hundred and thirty-two."

The amendment was agreed to.

Mr. BELFORD. I desire to offer the following amendment.

The Clerk read as follows:

Add to line 296:

"*Provided*, That to conform the service of the House of Representatives to the principles of civil-service reform, it is hereby enacted that no clerk of any committee of this House shall perform any service of a clerical or other character for any member of the House; and any violation of this proviso shall be summarily punished by the dismissal of the clerk so offending; and any member of this House soliciting, demanding, or permitting such private service by clerks of committees shall be subject to the censure of the House, or fine, or imprisonment, or all of these penalties, at the discretion of the House."

Mr. DUNN. I make the point of order upon that.

Mr. BELFORD. I do not believe debate is limited; and I desire to discuss that point of order. I wish to know upon what theory the gentleman can sustain the point of order against the amendment? It does not add to the expenses of the Government. It simply says that the clerks of the committees shall do the public service and not the service of individuals. Are we to have a clique of five Mikadoes here who are to have clerks from appropriations of this Government—moneys for their personal service—while the rest of us can get nothing? If you are to have the clerks to these various committees I insist that they shall devote themselves entirely to the public service, and not to the private enjoyment and in the interest or for the benefit of members. And if we are going to have a clerk supported by the Government under the guise that he is the clerk of the chairman of a committee and yet writes the letters for every other member, I propose that we each shall have a clerk in common decency and out of common respect for the public service.

The CHAIRMAN. The gentleman from Arkansas [Mr. DUNN] makes the point of order on this amendment. On what ground?

Mr. DUNN. On the ground that it changes existing law and does not reduce expenditures.

The CHAIRMAN. In what respect?

Mr. DUNN. It changes existing law and does not reduce expenditures in any respect. It proposes to attach legislation to the bill prohibiting that which is not now prohibited by law. And therefore it is a change of law.

The CHAIRMAN. The present occupant of the chair recollects that in the last Congress he offered a similar amendment to this on the bill in reference to the navy-yard at Brooklyn, and he was overruled by the chairman at that time, Mr. Robinson, of Massachusetts. The Chair does not see why this amendment is not in order, restraining and restricting as it does the use of this money. The Chair overrules the point of order. The question is on the amendment proposed by the gentleman from Colorado [Mr. BELFORD].

The committee divided; and there were ayes 91.

Before the negative vote was counted,

Mr. LAMB called for tellers.

Tellers were not ordered.

The negative vote was then counted, and the result of the vote was announced as—ayes 91, noes 23.

So (further count not being called for) the amendment was adopted.

The Clerk read the following paragraph:

For postmaster, $2,500; first assistant postmaster, $2,000; nine messengers, at $1,200 each; six messengers during the session, at $800 each; and one laborer, at $720.

Mr. BURNES. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 302 strike out the word "nine" and insert "ten;" in line 303 strike out the word "six" and insert "seven;" so that it will read:

"Ten messengers, at $1,200 each; seven messengers during the session, at $800 each."

Mr. WARNER, of Ohio. I reserve the point of order until the gentleman from Missouri shall give an explanation of his amendment.

Mr. BURNES. No point of order, I apprehend, can be sustained on this amendment for the simple reason that it restores to the post-office of the House the force authorized by law. The attempt in the bill is to reduce the lawful assistants in the post-office by dropping two messengers.

I beg to state to the committee what I would have stated to the Appropriations Committee if I had had the opportunity, and I feel justified in saying that in my opinion the Appropriations Committee would have sanctioned this amendment if their attention had been called to it. The business of the Postmaster is increasing rapidly. We all appreciate that upon the statement of the proposition. Now it is proposed to take from him two assistants that he assures me he needs and that we all, I think, can see he does need. It occurs to me it would not only be bad policy but unjust to the Postmaster to take from him these two messengers now doing duty, and unjust to ourselves and the House. I trust the amendment will be agreed to.

Mr. RANDALL. If I apprehend correctly, the point of order would rest against the proposition of the committee; for there is in fact an increase of two messengers in this bill over what is provided in last year's law.

Mr. BURNES. No, sir. The bill appropriates for fifteen, and the law authorizes seventeen.

Mr. RANDALL. I am so advised.

Mr. WARNER, of Ohio. Reserving the point of order, I will say that I find this to be the law:

For Postmaster, $2,500; first assistant postmaster, $2,000; nine messengers, at $1,200 each; four messengers during the session, at $800 each; and one laborer, at $720.

This bill provides for six messengers during the session at $800 each. Therefore the bill itself provides for two more messengers of one class than the law now provides for.

Mr. TOWNSHEND. I suggest that the point of order comes too late.

The CHAIRMAN. The gentleman from Ohio reserved the point of order. The Chair is ready to decide it.

Mr. HOLMAN. Before the point of order is ruled upon I desire the facts should be distinctly understood. The resolution of the present session provides for an increase of four employés of the post-office. This only provides an increase of two in number. The increase proposed by the committee is of messengers to receive compensation of $800 each. But the Chair will discover on reading the proposition of the gentleman from Missouri [Mr. BURNES] that it proposes not simply an increase of numbers but also an increase of salaries. There would be more merit in the proposition if the number should be increased from six to eight during this session at $800. That would be in conformity with the law and the resolution of the present Congress. But this is not the effect of this proposition. If the Clerk will report it again the Chair will perceive that it is an increase of salaries more than it is an increase of numbers. I ask that the Clerk again report the resolution.

The resolution was again read.

Mr. HOLMAN. I concede that the motion to strike out "six" and insert "seven" would be in conformity with the present law. But to increase the number from nine to ten with the salary of $1,200 is not in conformity with the law.

Mr. SKINNER, of New York, rose.

The CHAIRMAN. The Chair is ready to rule on the point of order. The resolution of the House of Representatives provides for four additional messengers in the post-office.

Mr. WARNER, of Ohio. If these messengers are really necessary, I withdraw the point of order.

The CHAIRMAN. The question of the necessity for them does not enter into the point of order. Under the resolution passed in this Congress four messengers in addition to those now employed were provided without saying anything as to salary. The gentleman from Missouri now proposes two of those four messengers in this bill. The Chair overrules the point of order, believing the amendment is not in conflict with existing law.

Mr. HOLMAN. Does the Chair understand that the amendment, without naming the compensation, really makes an increase of salary? The messengers have been paid undoubtedly at the rate of $800 a year.

The CHAIRMAN. There is a provision for their payment in this bill.

Mr. HOLMAN. The four additional messengers authorized by the resolution were to be paid at the rate of $800.

The CHAIRMAN. The Chair has overruled the point of order. Does the gentleman from Indiana appeal from the decision of the Chair?

Mr. HOLMAN. I am confident that the Chair will find that these men were placed on the roll at the rate of $800 a year each. I hope the resolution of the House will be found and read by the Clerk. It would be very remarkable, indeed, if there was simply an increase in the number of these messengers without any designation of their salary or compensation.

Mr. RANDALL. We are providing in this bill for the short session of Congress. If these messengers are to be paid only for that session, if we have the right to call upon them for their services only during that session, and the compensation of $800 each is given them, then they would be getting $200 a month, treating the short session as four months.

Mr. NICHOLLS. I would like to ask the gentleman a question.

Mr. RANDALL. Certainly.

Mr. NICHOLLS. Is it not true that there is now no law fixing their compensation at $800 a year, or at any other amount?

Mr. RANDALL. That I do not know.

Mr. COSGROVE. The Committee on Accounts had occasion to make a full and thorough investigation of this whole matter. My recollection is that the resolution reported from that committee and adopted by this House provided for the payment of this additional force at the rate of $100 a month during the remainder of the session.

Mr. BURNES. That is my recollection, though I am not sure of it.

Mr. COSGROVE. I am quite sure that the additional force provided for in that resolution was to receive $100 a month, except one laborer, who was to receive $60 a month.

Mr. WARNER, of Ohio. When the amendment comes up on its merits I desire to be heard on it.

Mr. BURNES. The Chair having ruled on the point of order, I trust that we will proceed with the business of the House.

Mr. RANDALL. The facts upon which the Chair decided the point of order were understood to be different from what they really are.

The CHAIRMAN. The Chair has sent for the resolution.

Mr. RANDALL. The only point is whether the words "at the rate of $800 per year each". shall be put in. Provision is made in this bill for this force for the next session, which is a short session; but we provide payment for four months of all our officials for a short session. Therefore, unless the words "at the rate of" are inserted, these messengers would receive $200 a month for the next session.

The CHAIRMAN. The Chair would say that if the resolution of the House contained the words "at the rate of $100 a month during the session," then he would sustain the point of order; but he can not determine that until the resolution is found.

Mr. RANDALL. Let the amendment of the gentleman from Missouri [Mr. BURNES] provide for compensation at the rate of $100 a month.

Mr. HOLMAN. There will be no objection to that.

Mr RANDALL. As fixed by the resolution of the Committee on Accounts.

Mr. HOLMAN. And also strike out the word "six" before the word "messengers" and insert the word "eight."

The CHAIRMAN. Will the gentleman from Missouri [Mr. BURNES] send up his amendment as he proposes?

Mr. BURNES. It is already at the Clerk's desk.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

In line 302 strike out "nine" and insert "ten;" and in line 303 strike out "six" and insert "seven;" so that it will read: "ten messengers at $1,200 each; seven messengers during the session at $800 each."

Mr. RANDALL. That proposes an increase of the number of $1,200 messengers from nine to ten; I suppose they are here continuously. It also proposes to increase the $800 messengers from six to seven, which I have no objection to, provided it is made in harmony with existing law.

Mr. HOLMAN. That is to say, that the additional messengers shall be paid at the rate of $100 a month, which would be in harmony with the resolution of the House of the present session.

Mr. BURNES. I beg to say that in order to keep this proposition within the limit of expenditure authorized by the resolution of the House, the amendment is drawn so as to not come up to the allowance of that resolution. The amendment might have provided for eight inferior assistants. Instead of that it provides for six inferior assistants and ten superior. I am informed by the Postmaster of the House that without more first-class clerks, at a salary of at least $1,000 to $1,200 a year each, he can not successfully transact the business of his office.

Mr. HOLMAN. He is doing it now.

Mr. BURNES. He is doing it now, for he has the force there now; but he can not do it under the provisions of this bill.

Mr. WARNER, of Ohio. Does it require that force during the vacation?

The CHAIRMAN. The Chair will state that he has not yet been supplied with the resolution of the House on this subject, but he will not take the matter from the consideration of the Committee of the Whole. The Chair will overrule the point of order, and allow the amendment to be passed upon by the Committee of the Whole.

Mr. RANDALL. I then move to amend the amendment so as to make it in exact accord with the existing law and resolution of the House, so as to make it escape the point of order; make the compensation $100 a month each.

Mr. HOLMAN. That is the additional four messengers.

Mr. RANDALL. Yes.

Mr. HOLMAN. Then the amendment should be to strike out the word "six," in line 303, and insert the word "four;" also, in line 305, after the word "each," insert "four messengers at $100 per month each during the session." And if it is thought proper I would add "for one month thereafter."

Mr. RANDALL. That is not necessary; for wherever the word "session" is used in this bill it means four months.

Mr. SKINNER, of New York. I wish to ask the gentleman from Indiana whether these four messengers at $100 per month are in addition to the four messengers at $800 each. In other words, does the amendment provide for an increase of four messengers beyond the four messengers at $800 each?

Mr. HOLMAN. No, sir; four additional messengers during the session.

Mr. SKINNER, of New York. As I understand, this paragraph as proposed to be amended provides for the appointment of nine messengers at $1,200 each, four messengers at $800 each, and four additional messengers at $100 per month. Am I correct in that?

Mr. HOLMAN. The increase authorized is four.

Mr. SKINNER, of New York. I would like to inquire upon what ground this increase of force is asked?

Mr. HOLMAN. It has already been provided for by a resolution of the House.

Mr. SKINNER, of New York. Mr. Chairman, I do not propose to oppose the amendment offered by the gentleman from Indiana. I am glad to know that he appreciates the necessities of at least a small portion of the postal service. He appreciates this branch of the service. I do not say it is because the excellent gentleman who presides over our post-office hails from the same State as my friend from Indiana.

I am in favor of this increase. I am in favor of giving the Postmaster of the House of Representatives all the help that he states to be necessary. I only wish that the gentleman from Indiana, when we had under consideration the general bill making appropriations for the postal service, had taken the same position that he takes now—had measured the appropriations according to the increase in the population and business of the country. We all recognize that the increased membership on this floor calls for additional facilities in the House post-office. The same principle that applies to the postal business of this House applies in a larger degree to the postal business of the whole country as provided for in the general Post-Office appropriation bill.

Mr. HOLMAN. The gentleman from New York [Mr. SKINNER] when he makes a speech should at least know the facts of the case. He is under a misapprehension. This bill as reported proposed to authorize only one-half the increase of force which the House had previously authorized—proposed to limit the additional messengers to two instead of four. I opposed any increase. I thought the Postmaster could get along with the force he already had. But when the point of order was overruled and the amendment was pending, it was then important to make the amendment correspond with the present law, and with the resolution theretofore adopted by the House. I do not agree that this increased force was necessary. I think it was not.

Mr. SKINNER, of New York. Am I wrong in the understanding that this bill provides for nine messengers at $1,200, four messengers at $800, and four additional messengers at $100 per month?

Mr. HOLMAN. These four additional messengers are provided for by a resolution of the House which the Chair holds is to be regarded as the law of the House. My amendment is made simply in harmony with the ruling of the Chair.

Mr. HOLMAN'S amendment as amended was agreed to.

The amendment as amended was adopted.

Mr. RANDALL. I desire to ascertain the wish of members as to whether we shall have a night session for the further consideration of this bill. [Cries of "Oh, yes!" and "Oh, no!"] If we are not to have a night session, I desire that we shall sit till 6 o'clock.

Mr. HOLMAN. I hope the gentleman from Pennsylvania will insist upon a night session. If we are to finish this bill at all within the next week, it must be done during to-day and to-morrow.

Mr. HEWITT, of Alabama. I think we had better go on until 6 o'clock.

Mr. HOLMAN. The temper of the House as to holding a night session can be ascertained by a request for unanimous consent. I ask unanimous consent that there be a session to-night.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that there be a session this evening for the consideration of this bill.

Mr. DUNN. I object.

Mr. BLOUNT. This is a bill in regard to which there is not likely to be any trouble.

Mr. RANDALL. The only trouble is on account of the time necessary to get through with it.

Mr. BLOUNT. The only difficulty is as to the time to read the bill, not that it is going to cause any prolonged debate.

Mr. BLAND. There are things in this bill which are likely to cause debate and upon which it will be necessary to have a quorum.

The CHAIRMAN. Objection is made by the gentleman from Arkansas.

Mr. RANDALL. Then I move that the committee rise so as to test the sense of the House as to an evening session. I make the motion now because later there may be no quorum here to vote on the proposition for a recess.

Mr. CALKINS. A great many members on this side want to leave for Chicago to-morrow night. If we have a session to-night we may get through with the bill in Committee of the Whole and be ready to vote upon its passage to-morrow.

Mr. RANDALL. I think so.

Mr. McMILLIN. Can we not get through the bill anyhow to-morrow?

Mr. CALKINS. I hope the gentleman from Arkansas will withdraw his objection. We may have occasion to reciprocate before long, when gentleman on the other side want to go to their convention.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL. I submit the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 5261, making appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend to their repective Houses as follows:

That the Senate recede from its amendments numbered 1 and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 8, 9, 10, 11, and 13, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of "six" insert the word "four;" and the Senate agree to the same.

G. G. DIBRELL,
THOMAS WILLIAMS,
Managers on the part of the House.
EUGENE HALE,
WILKINSON CALL,
Managers on the part of the Senate.

The SPEAKER. The statement required by the rules will now be read.

The Clerk read as follows:

The undersigned, managers on the part of the House on the disagreeing votes in the two Houses of Congress on H. R. 5261, making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, respectfully submit the following statement to accompany the conference report, to wit:

No. 1. The Senate recedes from amendment No. 1, which increased the salary of the disbursing officer of the Department to $2,000.

No. 2. The House conferees recede from their disagreement to amendment No. 2, increasing the salary of the engineer of the Department to $1,400, an increase of $200.

No. 3. The Senate recedes from amendment No. 3, fixing the total, and agrees to fix the amount at $65,400, instead of $65,200, and the House conferees agree to the same.

No. 4. The Senate recedes from their amendment adding "traveling expenses" in place of "subsistence."

No. 5. No. 5 was an error of the printer, using the word "said" instead of "seed," and is agreed to.

No. 6. The House recedes from its disagreement increasing the amount for the manufacture of sugar from sorghum, and agrees to the same, increasing the amount from $15,000 to $50,000.

No. 7. The House agrees to Senate amendment numbered 7, increasing salary of superintendent of seed-room from $1,200 to $1,600.

No. 8. The House agrees to requiring reports from persons to whom seed is sent.

No. 9. The House agrees to a mere verbal amendment, "and valuable seeds," instead of vegetable.
No. 10 is agreed to, making the aggregate in this paragraph.
No. 11 is agreed to, changing verbiage only.
No. 12. The Senate recedes from its amendment appropriating $20,000 for experimenting in artesian wells.
No. 13. The House recedes from its disagreement to its amendment numbered 13, appropriating $15,000 to encourage the culture of silk.
All of which is respectfully submitted.

G. G. DIBRELL,
THOS. WILLIAMS,
MILO WHITE,
Managers on the part of the House.

Mr. DIBRELL. I demand the previous question.

Mr. HOLMAN. How many salaries are increased by that conference report?

Mr. DIBRELL. Only two. I demand the previous question.

The previous question was ordered, and under the operation thereof the conference report was adopted.

Mr. DIBRELL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House take a recess until 8 o'clock this evening. It is understood with the gentleman from Kentucky [Mr. THOMPSON] that the internal-revenue matter shall go over until to-morrow morning.

Mr. HOLMAN. I can not consent to that.

Mr. HENLEY. If the House takes a recess until this evening, will the session then be limited to the appropriation bill?

The SPEAKER. That is not the motion.

Mr. HENLEY. If that be the understanding I believe there will be no objection.

Mr. RANDALL. I accept that so far as I am concerned.

Mr. HERBERT. The amendment of the gentleman from Kentucky is not to be taken up to-night.

The SPEAKER. It is in committee, and the Chair can not answer.

Mr. THOMPSON. That I believe is the understanding.

Mr. BLAND. I demand a division. Let us go on now and not take a recess.

Mr. RANDALL. We can get on faster by taking a recess.

The House divided; and there were—ayes 78, noes 32.

Mr. HENLEY. No quorum.

The Speaker appointed as tellers Mr. RANDALL and Mr. HENLEY.

Mr. KASSON. Let it be understood the proposed amendment for change of the internal-revenue law shall go over till to-morrow evening.

Mr. RANDALL. It is the duty of members of Congress to be here when the House is in session, day or evening.

Mr. KASSON. Members, I believe, would rather remain an hour or two than come back this evening.

Mr. RANDALL. If members will not come we will do the best we can.

Mr. HENLEY. Make it a portion of the order that no other business than the appropriation bill shall be considered to-night.

Mr. RANDALL. I accept that as a modification of my motion.

The motion as modified was agreed to; and the House accordingly took a recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

The SPEAKER. By order of the House this evening's session will be devoted to the consideration of the legislative, executive, and judicial appropriation bill, no other business to be transacted.

Mr. HOLMAN. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The Clerk read as follows:

For stationery for members of the House of Representatives, officers of the House, and committees of the House, including $6,000 for stationery for the use of the committees and officers of the House, $47,625.

Mr. HOLMAN. For the purpose of correcting the footings in order to conform to the amendments which have been made, I move, in lines 173, 174, and 175, to strike out $330,115.10, and insert $335,355.10.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I move to strike out the last word of the pending paragraph of this bill.

In the progress of the debate on this bill during the afternoon some statements were made as to the increase in the clerical and other force of the House as between the present Congress and the Forty-fourth Congress, and I find that some statements which I myself made on the spur of the moment, and speaking only from memory as to the increase over the Forty-fourth Congress, were not entirely accurate. I desire, therefore, to correct them from the data now before me. It appears from a careful examination of the expenditures of the legislative branch of the Government, so far as the House of Representatives is concerned since the Forty-fourth Congress, that the following is a true statement of the increase. In the Forty-fourth Congress the clerical force of the Clerk of the House necessitated an expenditure of $62,185. This has grown until under the present bill the amount appropriated is $73,885.20, being an increase in this department since the Forty-fourth Congress of $11,600.20.

In the office of the Sergeant-at-Arms of the House of Representatives the appropriations made in the Forty-fourth Congress amounted to $9,800. The amount appropriated by this bill is $15,880, showing an increase of $6,080 in this branch of the service since the Forty-fourth Congress. In connection with the office of the Speaker of the House the appropriations for the Forty-fourth Congress were $3,600. They have grown until they now reach $4,800, being an increase of $1,200. In the Forty-fourth Congress we appropriated for clerks to committees, $39,860. The present bill appropriates $76,346.66, being an increase of $36,486.66.

I hold in my hand a tabulated statement giving the increase in these various offices connected with the House of Representatives in detail, which I shall, with the permission of the House, append to my remarks. I stated on the spur of the moment during the debate to-day that the clerical force had been trebled. I find in fact that it is about doubled.

The itemized statement referred to by Mr. HOLMAN is as follows:

Objects of expenditure.	Forty-eighth Congress.	Forty-fourth Congress.
UNDER CLERK.		
Clerk House of Representatives	$4,500 00	$4,500 00
Horses and wagons	600 00	600 00
Chief Clerk	3,000 00	2,500 00
Journal Clerk	3,000 00	2,500 00
Reading clerk	3,000 00	2,500 00
Second reading clerk	3,000 00	2,500 00
Tally clerk	3,000 00	2,500 00
Journal clerk (Digest of Rules)	1,000 00	.....
Printing and bill clerk	2,500 00	2,250 00
Disbursing clerk	2,250 00	2,250 00
File clerk	2,250 00	2,250 00
Enrolling clerk	2,250 00	2,250 00
Assistant disbursing clerk	2,000 00	2,000 00
Assistant enrolling clerk	2,000 00	2,000 00
Resolution and petition clerk	2,000 00	2,000 00
Newspaper clerk	2,000 00	2,000 00
Superintendent document-room	2,000 00	2,000 00
Index clerk	2,000 00	2,000 00
Librarian	2,000 00	2,000 00
Distributing clerk	1,800 00	1,800 00
Stationery clerk	1,800 00	1,600 00
Document clerk	1,440 00	1,440 00
Upholsterer and locksmith	1,440 00	1,440 00
Assistant librarian	1,440 00	1,440 00
Second assistant librarian	1,440 00	1,440 00
One page	720 00	525 00
Book-keeper	1,600 00	1,600 00
Clerk	1,600 00	1,600 00
Clerk	1,600 00	1,600 00
Clerk	1,600 00	1,600 00
Clerk	1,600 00	1,600 00
Clerk indexing Journal	2,500 00	.....
Assistant clerk indexing Journal	2,000 00	.....
Messenger in House library	1,317 60	.....
Messenger in House library	1,317 60	.....
One laborer in bath-room	720 00	720 00
One laborer	720 20	720 00
One laborer	720 20	720 00
One laborer	720 20	720 00
One laborer	720 20	720 60
One telegraph operator	720 20	400 00
Total	73,885 20	62,285 00
	62,185 00	
Increase	11,600 20	
UNDER SERGEANT-AT-ARMS.		
Sergeant-at-Arms	4,000 00	4,000 00
Horse and wagon	500 00	500 00
Deputy sergeant-at-arms	2,000 00	2,100 00
Cashier	3,000 00	.....
Paying-teller	2,000 00	2,000 00
Book-keeper	1,800 00	.....
Messenger	1,200 00	1,200 00
Page	720 00	.....
Laborer	660 00	.....
Total	15,880 00	9,800 00
	9,800 00	
Increase	6,080 00	

Itemized statement—Continued.

Objects of expenditure.	Forty-eighth Congress.	Forty-fourth Congress.
UNDER SPEAKER.		
Private secretary	$1,800 00	$1,800 00
Clerk	1,600 00	.....
Clerk, Speaker's table	1,400 00	18,00 00
Total	4,800 00	3,600 00
	3,600 00	
Increase	1,200 00	
UNDER COMMITTEES.		
For clerk to Ways and Means	2,500 00	2,500 00
For assistant clerk to Ways and Means	1,200 00	.....
For messenger to Ways and Means	1,000 00	1,200 00
For clerk to Appropriations	2,500 00	2,500 00
For assistant clerk to Appropriations	1,600 00	.....
For second assistant clerk to Appropriations	1,200 00	.....
For messenger to Appropriations	1,000 00	1,200 00
For clerk to Judiciary	2,000 00	.....
For clerk to Claims	2,000 00	2,000 00
For clerk to Public Lands	2,000 00	2,000 00
For clerk to War Claims	2,000 00	2,000 00
For assistant clerk to War Claims	1,600 00	.....
For clerk to Invalid Pensions	2,000 00	.....
For clerk to District of Columbia	2,000 00	.....
For clerk to Agriculture	2,000 00	.....
For clerk to Commerce	2,000 00	.....
For assistant clerk to Commerce	1,500 00	.....
For clerk to Indian Affairs	2,000 00	.....
For clerk to Military Affairs	2,000 00	.....
For clerk (balance fiscal year) to Military Affairs	666 66	.....
For 33 clerks for committees, at $6 per day, for 7 months	41,580 00	.....
For 21 clerks for committees, at $6 per day, for 7 months	.....	26,460 00
Total	76,346 66	39,860 00
	39,860 00	
Increase	36,486 66	

Mr. POST, of Pennsylvania. Mr. Chairman, I rise for the purpose of asking a question. I understand in line 309 provision is made for the Chief Official Reporter of debates of $6,000. I am informed that that is an increase over the salary heretofore paid of $1,000. I would like to inquire of the gentleman from Indiana the reason for this increase.

Mr. HOLMAN. I suggested that a moment ago to the chairman of the committee [Mr. RANDALL], and understand from him that the extra appropriation of $1,000 was made in the last session of Congress——

Mr. RANDALL. Twice in the last Congress, at the first and second sessions.

Mr. HOLMAN. It has been made twice in addition to the five thousand fixed by law, and that is the basis on which this appropriation of $6,000 was made. In that view it did not appear to be subject to the point of order.

The CHAIRMAN. The Chair will state the committee have already passed that portion of the bill.

Mr. POST, of Pennsylvania. It has just been read this moment, and is a part of the paragraph on which, as I understand, the committee is now acting.

The CHAIRMAN. It has been read and passed, some time ago, and it is too late now to discuss it.

Mr. POST, of Pennsylvania. I wanted some information in regard to it.

Several MEMBERS. It is all right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CIVIL-SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $1,600; one stenographer, $1,600; and one messenger, $600; in all, $17,300.

Mr. MUTCHLER. Mr. Chairman, I desire to offer an amendment to this paragraph. In line 418, I move to strike out "$1,600" and insert "$2,000." That amendment, I will state, is recommended by the commissioners of the civil service.

Mr. HOLMAN. I very reluctantly interpose the point of order against this amendment.

Mr. CANNON. I hope my friend will not insist upon that point.

Mr. MUTCHLER. Will the gentleman at least hear an explanation of this?

Mr. HOLMAN. I am very willing to listen to that.

Mr. MUTCHLER. I desire to state that the civil-service commissioners are anxious to retain a very efficient clerk who is now in their service, and who has absolutely refused to act for them for the compensation now allowed under the last appropriation bill. They ask that it be increased to $2,000 in order that they may be able to retain him. His salary is now $1,600 a year, and they ask this increase to $2,000 in order that they may have the services of a very efficient secretary. I trust, therefore, the honorable gentleman from Indiana will not insist upon the point of order.

The CHAIRMAN. Does the gentleman from Indiana insist upon the point of order?

Mr. HOLMAN. As I have said before, I am very reluctantly compelled to insist upon it.

The CHAIRMAN. And the Chair is compelled also to sustain the point of order.

Mr. MUTCHLER. I offer also the amendment which I send to the desk.

The Clerk read as follows:

In line 420 strike out "$600" and insert "$840;" so that it will read: "And one messenger, $840."

Mr. MUTCHLER. That is the compensation that is paid to messengers generally, and there is no reason why the messenger of the Civil-Service Commission should receive less compensation than is paid to the messengers in all the other Departments.

Mr. CONNOLLY. I make the point of order on that amendment.

Mr. MUTCHLER. I suppose the point of order is good.

Mr. CANNON. No, sir; I do not understand that it is good; and for this reason: The Revised Statutes fix the salaries of messengers at $840. This clause reads, "one messenger, $600;" and it is exactly in accordance with law to fix it at $840. It will be seen that all through this bill messengers are appropriated for specifically.

Mr. MUTCHLER. Does not the civil-service law fix the compensation?

Mr. CANNON. Oh, no.

Mr. MUTCHLER. It fixes the compensation of the secretary. If the civil-service law does not fix the compensation of the messenger at $600, then the gentleman from Illinois is entirely right.

Mr. HOLMAN. My friend from Illinois [Mr. CANNON] is mistaken. The law creating this commission provided for these salaries in specific terms. I agree if any of the salaries named should be increased it is the salary of this messenger. I understand he is thoroughly competent.

Mr. HEWITT, of Alabama. What does he receive under the present appropriation?

Mr. HOLMAN. Six hundred dollars. And that is the law.

The CHAIRMAN. Does the gentleman from Indiana state that the civil-service law fixes the compensation?

Mr. HOLMAN. I think it does.

The CHAIRMAN. The Clerk will read the provision in the civil-service act.

The Clerk read as follows:

An act to regulate and improve the civil service.

It may when necessary employ a stenographer and a messenger, who shall be paid when employed the former at the rate of $1,600 a year, and the latter at $600 a year.

The CHAIRMAN. The Chair must sustain the point of order.

Mr. CANNON. I was under the impression that the law did not fix the compensation.

Mr. CONNOLLY. I withdraw the point of order.

The CHAIRMAN. The point of order having been withdrawn the question is on the amendment.

The amendment was agreed to.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 420, insert "one copyist, $900."

Mr. HOLMAN. That is subject to the point of order.

Mr. CANNON. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. CANNON. The amendment is not subject to the point of order, as I understand it. If the Chair will turn to sections 163 to 167 of the Revised Statutes he will see it is provided that—

The clerks in the Departments shall be arranged in four classes, distinguishable as the first, second, third, and fourth classes.

Then the statute proceeds to provide what their salaries shall be. It provides in section 167 that the salaries of messengers shall be $840, &c. In section 169 authority is given to employ copyists, &c., "at such rates of compensation as may be appropriated for by Congress from year to year."

This is under the regular law. Now it is just as competent to move to include a clerk or a copyist, provided for in the Departments under the general law, in the civil-service bureau as it is in the money-order department of the Post-Office Department or in any other bureau of any other Department. If the point of order was good you could not move to increase the number of clerks or copyists or messengers in an appropriation bill, because forsooth it exceeded the number provided for in the current year. There never could be any increase in this class of employés.

The CHAIRMAN. The Chair will state that, as he understands the rule, the appropriation has to be in pursuance of the law. The civil-service law provides for no copyists. The Chair therefore sustains the point of order.

Mr. WHITE, of Kentucky. I move to strike out the paragraph from line 415 down to line 421, inclusive.

Mr. COSGROVE. Have we not passed that paragraph? I understand the Clerk commenced to read the following paragraph.

The CHAIRMAN. The Clerk has not read the subsequent paragraph. The motion of the gentleman from Kentucky is in order.

Mr. WHITE, of Kentucky. Mr. Chairman, the idea on which the civil service was established, as I understand it, is stated correctly as follows:

1. Official authority and influence must no longer be used to impair the freedom of elections or to coerce the political action of citizens.
2. Extortion from those in the public service, whether under the form of political assessments or otherwise, for the purpose of paying the expenses of parties or candidates, must come to an end.
3. Selections for the executive service on the basis of official favor and partisan influence must be suppressed by requiring examinations and other adequate tests of character and capacity as the conditions of entering this service.
4. The true responsibility and independence of the legislative and executive departments under the Constitution must be restored and preserved.

Now I undertake to say we have tried it and it has been found wanting, and therefore we should abolish it. I do not want you to take my statement for that, but I ask you to take the report of the commission itself. On page 20 of this report of the Civil-Service Commission, Executive Document No. 105 of this session, I find this statement:

Further than this the act, by requiring the appointments to the service at Washington to be apportioned among the States, Territories, and the District of Columbia, practically makes the competition between those from the same State or Territory, rather than an interstate competition. In some cases, perhaps, this State competition may put into the service a person inferior to the one whom the broader competition would have supplied. But it gives to each State and Territory, what it has not yet had, a proportion of the appointments numerically due to its population, and it will unquestionably stimulate education in the States as well as increase the local interest in all matters affecting the administration of the Federal Government.

Now, it would seem that the idea of the Civil-Service Commission was to carry out the clause in the statute passed by the Forty-fourth Congress which provided that after January 1, 1876, the appointments in the Department (referring to the Treasury Department) shall be so arranged as to be equally distributed between the several States and Territories of the United States and the District of Columbia, according to the population. The commission seems to be of the opinion that that would be a fair way to apportion these appointments; that they ought to endeavor to find men in each State who are qualified to perform the departmental work in all the branches of this Government, and that the balance should be apportioned according to the population among the States and Territories and the District of Columbia.

Now, has that been done? Look at the report of the Civil-Service Commission. I call your attention to page 66 of their report, where it shows that four hundred and ninety-four appointments had not come within this Civil-Service Commission of the most important clerks and heads of the Departments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE, of Kentucky. I ask some one to yield me five minutes more.

Mr. RANDALL. I have no objection, if the gentleman will stop at the end of that five minutes.

Mr. HISCOCK. I will yield my time to the gentleman.

Mr. WHITE, of Kentucky. I thank the gentleman from New York [Mr. HISCOCK] for his courtesy. On page 66 of their report you will find a statement showing, first, the number appointed by the President and confirmed by the Senate, 76; second, the number whose salary exceeds $1,800 and hence are not in classified service, 283; and third, the number excepted under Rule XIX, 135; making a total of 494 appointments that do not come under the Civil-Service Commission who have been appointed since the civil-service law went into effect. Now, turn back to page 65 of their report, and you will find that there have been appointed under the civil-service law to a lower grade than $1,800 a year 372 clerks.

On the face of it the whole thing is a fraud. It is simply what a reporter once said, when called before an investigating committee of this House and asked why he had sent a certain telegram to the Chicago Inter Ocean when it was not true, and he replied that it was "a blind to cover a scoop." When asked what he meant by that, he said that if it should turn out that there was something in the telegram, then he could say, "I told you so."

Now, that is all there is in this Civil-Service Commission. A few gentlemen in Massachusetts and New York who part their hair in the middle have been throwing dust in the eyes of the American people until finally they have got the distinguished gentleman from Iowa [Mr. KASSON] to champion this civil-service idea. It is simply "a blind to cover a scoop," nothing more.

I find another objection to this thing. Of the three hundred and seventy-two clerks, at less than $1,800 a year each, who have been appointed since this Civil-Service Commission was organized, only eight of them were females. Does not that show on the face of it that this Civil-Service Commission business is a fraud; that it is intended only to throw dust in the eyes of the voters? All those who are appointed are voters, who in one way and another can aid in your political campaigns. Put the ballot in the hands of women and half of these appointments would be females instead of eight out of three hundred and seventy-two.

Now, I want to call your attention to the operations under the clause in the law passed by the Forty-fourth Congress requiring that appointments shall be proportioned among the States and Territories according to their population. In the Census Office Kentucky has 1 appointment, at $720 a year. In the Land Office Kentucky has 4, at a total compensation of $3,900; in the Patent Office 3, at $3,520; in the Treasury Department 28, at $38,080; in the Bureau of Engraving and Printing 6, at $6,420; and in the Pension Office 22, at $25,340. How is it with regard to the District of Columbia? In the Census Office the District of Columbia has 64 appointments, at a total compensation of $52,880; in the Land Office 44, at $61,120; in the Patent Office 113, at $109,300; in the Treasury Department 245, at $176,080; in the Bureau of Engraving and Printing 89, at $98,100; and in the Pension Office 155, at $133,620. And the same proportion rules in all the Departments in regard to appointments from other States.

[Here the hammer fell.]

Mr. RANDALL. The proposition of the gentleman from Kentucky is to strike out this entire paragraph. The Committee on Appropriations are not in any wise responsible for the existence of the law in relation to the civil service. We found the law, and the estimates in obedience to the law were sent to us, and we have inserted them in the bill.

Mr. JEFFORDS. Is it in order to move to strike out the last word?

Mr. RANDALL. The gentleman from Kentucky [Mr. WHITE] moves to strike out all the words of the paragraph.

The CHAIRMAN. The Chair supposes the gentleman desires to move a *pro forma* amendment, in order to get an opportunity to be heard.

Mr. JEFFORDS. I was not in when the gentleman from Kentucky [Mr. WHITE] commenced his remarks, but I desire to say a few words.

The CHAIRMAN. The gentleman has five minutes.

Mr. JEFFORDS. I would like to see the whole of this clause stricken out. In my opinion there has been no legislation passed by Congress which has operated more harshly than this. I represent a State that has only one-third of the Federal appointments to which it is entitled under the law. Unfortunately for us, for a few years the Republican party was allowed representation in this Hall, and during that time the States which had Republican representation gobbled up all the Federal patronage that belonged to the State of Mississippi.

Although there have been many examinations, I have not heard of a solitary appointment of any of the parties from my State who have submitted to examination before this commission. I would like to inquire when the States entitled to this patronage are to get it under this Civil-Service Commission? I do not see myself that we are ever to get anything. My State is certainly entitled to something under the provisions of that law; at least it seems to me to have been the intention of the law that the Federal patronage should be distributed among the States in proportion to population. But, as I have said, I have not heard of a solitary appointment for the State of Mississippi under this law.

Now, we were excluded before the passage of the law. None of the States gave up any portion of the patronage which they had seized upon belonging to my State, and none has come to her since.

Unless this thing is to be equalized in some manner, I trust that this provision of law will be stricken out. I hope it may be. It has worked no good. It does not seem to me that there is any disposition to have this law operate as it was designed to do.

Mr. DUNHAM. The gentleman will allow me to ask him whether his State is any worse off than it was before the law was passed?

Mr. JEFFORDS. We are no better off—not a bit. Now we have a Republican Representative, and we think that if this law were obliterated we would stand some chance in the scramble for places. [Laughter.] But we were denied our share before, and there is no chance for us under the present law.

Mr. KASSON. You, Mr. Chairman (Mr. COX, of New York, in the chair), as well as myself, had some interest in this act at the time it was passed. I do not know whether or not in what I am going to say I shall have your concurrence. But I do desire to call the attention of the House to the fact that the true friends of civil-service reform expected no miracle to be accomplished in the first two years or the first four years of the administration of this reform. The spirit of spoils, the grasp for patronage, have been so strong among all men in political life, of both parties, that years will be required to eradicate them entirely and to enable us to appreciate the enormous benefit to us all and to the public service by eliminating that element from our political contests.

My worthy friend from Kentucky [Mr. WHITE] and my good friend from Mississippi [Mr. JEFFORDS] both give as the only reason for present opposition to the law a disappointment in respect to that portion of patronage which falls now to their respective States. I desire very much to maintain, so far as consistent with the public service, the principle of a diffusion of the employments which are provided for by law, not that we as individuals should have the patronage, because we have it not under the civil service, but that knowledge of public affairs and interest in such affairs may be diffused in all the States of this Union.

Now, this board of civil-service commissioners has been in operation but a very short time. The appointments made under it amount to but a few hundreds out of the many thousands to which we may be ultimately able to extend it. While I am no enthusiast in expecting the immediate accomplishment of every reform contemplated in the civil-service law, I do believe that it has accomplished already great good among the people of the country, and especially among politicians, by crystallizing into the law of the country the principle that appointments to the public service are to be made for the good of the service, not as the reward of political and partisan assistance rendered to members of this House or officers in any other branch of the Government.

I hope therefore that nothing may be done by this House to discourage that reform which is going on—I know it to be going on not merely among us in public life but in the breasts of the people of the country—a reform which looks to eliminating the whole system of spoils from our political service, and I may add what I am sure every member of the House will appreciate, eliminating from our labors the most annoying and distracting element and that most dangerous to our success as legislators.

Mr. JONES, of Wisconsin. Mr. Chairman, it has been my pleasure to be identified to some extent in my own part of the country with the civil-service movement since it began. I have watched with very great interest its progress from its unpromising beginning to the success it has lately attained. I am very glad that if this proposition to strike it down must come before this House at all it has come from the other side of the House; and I hope that if it shall receive any support at all it will receive its support from that side, not from this.

I believe that it would be an evil day for that political party which should now array itself against the movement to purify the public service; and it is a somewhat significant fact that the movement has so far succeeded that both political parties are willing to claim the honor of its establishment.

Gentlemen criticise defects in the working of the law. Now, there may be defects in the operation of this law as of every other law. It must be remembered that it has been in operation less than two years. Yet it has been in operation long enough to have extended from the civil service of the General Government to that of the great States of New York and Massachusetts. It has been in operation long enough for us to see the clerks in the Departments here in Washington attending to their regular duties and not giving their whole time and attention to political affairs. Although the civil-service law is a new law, it is no longer an experiment.

It has been in operation long enough so that members of Congress have been relieved very much from that petty annoyance which was the most troublesome part of their duty—that is, from solicitations to obtain office in the various Departments. I wish the law were in operation so effectually as entirely to remove that solicitation and annoyance.

Sir, if we should do anything, if we should in any way interfere with this wholesome legislation, in my judgment we ought to strengthen and not cripple this Civil-Service Commission. I was sorry any objection was made to one or two amendments offered to give that service greater efficiency in its clerical force. I guarantee that if we should now strike down this movement for reform in the civil service we would hear, and hear very soon, from the people on the subject. I know professional politicians are opposed to it. I know just as well that the common people are heartily in its favor. The common people are not politicians, and but a small proportion of them are office-seekers. We may be sure that they will have no sympathy with the ideas of those who would turn backward in one of the most wholesome reforms of this generation.

Mr. RANDALL. I only want to say, Mr. Chairman, that the objections raised by the gentleman from Kentucky [Mr. WHITE] and the gentleman from Mississippi [Mr. JEFFORDS] are against the administration of the law and are not in any respect applicable to the provision contained in this bill.

The gentleman from Iowa [Mr. KASSON], however, has spoken of the civil service, approving of it. I would like to ask that gentleman whether he knows how far official heads of Departments of the Government respect the certificates of examination given under the law by the Civil-Service Commission. I do not believe there is that respect paid to them there should be by the heads of Departments. If we allow the law to remain upon the statute-book it should be executed. I submit to the gentleman from Iowa that the complaints made here to-night are against the administration of the law—that it is not properly executed.

Mr. KASSON. I am not able to answer an indefinite question. I can only say I have known no single person to be appointed in violation of the civil-service rules in any Department of the Government. In certain cases where by the newspapers objection has been made they have called for others to be recommended by the Civil-Service Commission in place of those not adapted to the particular service.

I will say further that if there has been violation in any Department I hold it to be the duty of a committee of this House, and particularly of that Committee on Civil-Service Reform, to inquire into it and let us know authoritatively the facts.

With the gentleman from Pennsylvania, I have been too long acquainted with the habits of newspapers in dealing with everything at Washington to be ready to believe everything they publish touching the action of the heads of Departments and members of Congress. I do not believe the law has been violated. That is all I can say, and that based on my own ignorance of any violation.

Mr. RANDALL. I did not speak of anything I saw in the newspapers.

Mr. KASSON. I only say I will co-operate with that gentleman or any other in desiring examination into any alleged case which shall be named, that examination to be made by the proper committee of this House.

Mr. RANDALL. I have understood, but I can not indorse the statement—I might be willing to investigate it—that in the Pension Bureau certificates of capacity from the Civil-Service Commission have not received that attention which the law requires.

Mr. MUTCHLER. If my colleague will permit me for a moment I will say to him the commissioners of civil service made a statement before the committee as to the manner in which the law was executed, a statement which I have no doubt is correct. They say whereever a vacancy occurs in any of the Departments the fact is certified by the head of the Department to the Civil-Service Commission; and that commission certify four names of persons who have been examined and have passed the best examination of all applicants, taking into consideration, of course, the States entitled to appointments, and that the heads of Departments have invariably selected from those four. The only discrimination the head of a Department has in the selection of an applicant to fill the vacancy is from the four names certified up by the board of civil-service commissioners. He must select from them.

Mr. WILLIS. Mr. Chairman, I renew the amendment for the purpose of being heard for a moment. I only desire to say a word or two in this connection. I hardly think, sir, that this proposition is made with the expectation of any indorsement by this House. In the early part of the session of this Congress several bills for the repeal of the civil-service act were introduced, and I am glad to know that, being referred to the appropriate committee, they were unanimously laid upon the table, and I believe to-day that if a proposition to repeal the civil-service act was presented to the people of the United States, and not to the politicians, that it would be rejected by the vote of nine-tenths of those who understand it, whether Democrats or Republicans.

Now, this is not entirely a new law. This civil-service bill was in operation in this country years ago, and it was attempted then as it is now attempted to nullify it by withdrawing the appropriation necessary to carry it on. But it was done in the face of the testimony of every head of a Department who was called upon to give his opinion that the operations of the law had been pre-eminently successful. We all know that under General Grant's administration a civil-service commission was appointed. We all know that the objection was then made, just as it has been uttered by my friend from Mississippi to-night, that it was too much of a success for the benefit of the politicians, for they found their patronage and their power were waning before the power of that law.

What was the early history of the present law? There was a bill introduced here for the restoration of this Civil-Service Commission. I am glad to know, Mr. Chairman, that I had the honor of being the first Democrat in ten years who introduced a bill in either branch of Congress for that purpose. It was rejected by the Forty-seventh Congress in its first session. The question then went before the people of the United States. It entered into the Congressional campaign and the Congressional elections of that year. The Forty-seventh Congress, when it reconvened at its second session, met with very different sentiments upon this subject. What was the spectacle then presented? Over twenty bills were presented at the very beginning at the bar of this House, and were rushed through under the impetus of the popular will.

What man here claiming to be a representative of the people of this country, with the vote of that people expressed at the polls with reference to this issue before him, will dare to stand before the American people now and attempt to override their will deliberately expressed at the polls in that election in favor of this civil-service law? No party in this country, in view of the success of this law, would have the courage to stand up and say that it would deliberately favor its repeal. It has been a decided success in the United States. It has been applied in New York; it has been applied in Massachusetts; and the day will come, Mr. Chairman, when it will be applied in every State in this Union.

In conclusion permit me to say if there ever was a time when my friend should not have made this motion that time is right at this present moment. There is need of reform in all the departments of the Government, judicial, executive, and legislative. Here we are to-night, a House of three hundred and twenty-five members, constituting this branch of the American Congress, considering a bill involving an appropriation of over $20,000,000, a bill that touches the American people in a thousand different points, a bill that is dear, or ought to be, to every American Congressman, because it provides for the payment to him of his salary, and yet what do we behold? A beggarly array of empty benches; forty-five or seventy-five members out of the three hun-

dred and twenty-five are here considering the question of civil-service reform. One hundred other or a thousand other questions of equal importance are involved in this, the greatest bill that will be before us of all of the bills bearing on appropriation, sir. It is not an auspicious moment for my friend to undertake to repeal the civil-service act. Of all other times there is need now of reform in the civil service. It is enforced by what we see here to-night and by what we know to exist in every department of the Government.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, I move to strike out the last two words. The only trouble with my friend from Mississippi, I apprehend, is to be found from an examination of this report of the Civil-Service Commission. It appears that an examination has been made from his State, and there are shown by this report to have been but four examined, and only one succeeded in passing the examination. Now, of course if a vacancy was to be found from Mississippi, under the law this man must come in competition with three other parties from different parts of the country, and there would be a contest.

Mr. Chairman, this law has been in operation I believe for not quite a year yet. It is a comparatively new law. I hold in my hand the report of the Civil-Service Commission, which gives an elaborate account of the operation of the law from the time of its enactment up to this time; and while I will not take the time to read it I will simply cite an extract from each of the reports of the heads of the various Departments upon it.

The report was transmitted to Congress in the following message from the President of the United States:

To the Senate and House of Representatives:

In compliance with the act of Congress approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," the Civil-Service Commission has made to the President its first annual report.

That report is herewith transmitted, together with communications from the heads of the several Executive Departments of the Government, respecting the practical working of the law under which the commission has been acting.

Upon the good results which that law has already accomplished I congratulate Congress and the people, and I avow my conviction that it will henceforth prove to be of still more signal benefit to the public service.

I heartily commend the zeal and fidelity of the commissioners and their suggestions for further legislation, and I advise the making of such an appropriation as shall be adequate for their needs.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 29, 1884.

The Secretary of State says:

Within my observation the change has produced and promises most satisfactory results.

Says the Secretary of the Treasury:

The result is, from my observation of the workings of the law, that it is calculated to be of benefit.

Says the Secretary of War:

The result of the operation of the law most apparent to myself is the cessation of personal application for appointments of this character, which, before this law became operative, compelled the head of the Department to give up no inconsiderable portion of each day to their consideration. The benefit of the law in this regard is very great.

Says the Secretary of the Navy:

I believe that the experiment should be persevered in, that it will grow stronger in its actual benefits to the governmental service and in public favor, and that it should be fairly and cordially sustained by the Executive and Congress.

Says the Postmaster-General:

So far as this Department is concerned, the results of the law have been satisfactory.

Says the Attorney-General:

As I said before, the Department of Justice has but few clerks who will come within the control of the Civil-Service Commission; but I have no doubt that as to those few the Department will be benefited and the public service helped by the assistance that will be given to it by this commission.

Says the Secretary of the Interior Department, after commending the system in a letter of considerable length:

While these are the only advantages I have seen of the system, I do not wish to be understood as saying that they are its only merits. I am of the opinion that a system of civil service, such as time and experience will enable the Government to perfect, based on the present system, will be of real advantage, and will result in an improved service in all departments of the Government.

Although the gentleman from Kentucky [Mr. WHITE] makes this motion and my friend from Mississippi [Mr. JEFFORDS] advocates it, yet the uniform testimony as to the operation of this law by the heads of these Departments, who ought to know, and I apprehend do know more about it than anybody else, is that it operates well. And I do hope we will carry out the recommendations of the commission and continue this appropriation.

Mr. HOLMAN. I have risen for the purpose of asking that by unanimous consent the debate on this paragraph shall be limited to a short time, say ten minutes. But before making that request I desire to say, repeating somewhat the remarks made by the chairman of the Committee on Appropriations, that that committee has not deemed it necessary to pass on the merits of this measure. This Civil-Service Commission was only created at the last session of Congress. The estimates for the commission were made in the usual way, and the Committee on Appropriations simply in the discharge of the duties which devolved upon that committee have presented to the House the necessary appropriations to carry that law into effect.

But let me say, Mr. Chairman, anxious as I am for the success of every measure looking to the improvement and purification of our civil service, I can not indulge in any great hopes of important results growing out of this commission. I think that this commission can not even under the most favorable conditions reach the real evil. The evil in our civil service does not lie within the administration of the powers which have been conferred upon this commission. My hopes of a substantial improvement in the public service through this commission are not increased by this effort to secure an increase in the salaries of its own employés, for to my mind, and with my views of the public service, this ceaseless effort to create public employments and enlarge salaries and the steady success of these efforts are the roots of the evil. Your civil service will improve when the motives for entering the public service is diminished.

This honorable commission must know that it is not the question who shall be appointed to a given public office or the method of appointment that creates the demoralization of our civil service. It is the motive for the struggle for public employment that corrupts your public departments. That motive is found in the simple fact that the compensation largely exceeds that obtained elsewhere, and because the service is not so laborious as in other employments. And that commission may bring to the task which has been imposed upon it by the law the highest intelligence and the highest industry, and all its investigations will terminate in the discovery of a single fact, that the disorder of our civil service is not in the method of appointment but in the venal motive for the struggle for political employment which your great salaries create.

I had only designed to occupy a moment, and I now ask unanimous consent that the debate shall terminate in ten minutes.

Mr. WHITE, of Kentucky. On the entire section?

The CHAIRMAN. Yes, sir.

Mr. WHITE, of Kentucky. Then I object.

Mr. HOLMAN. I move that the committee rise.

Mr. CANNON. All the gentleman can do is to limit debate on the paragraph as to the civil service.

Mr. HOLMAN. That is what I propose.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the committee resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill; and pending that motion, I further move that all debate on the pending paragraph and amendments thereto be limited to ten minutes.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to know what is meant by the pending paragraph in the motion of the gentleman from Indiana.

The SPEAKER. The paragraph which has been read?

Mr. WHITE, of Kentucky. That might have been agreed to without the committee rising if the proposition had been understood.

Mr. HOLMAN. If there be no desire to continue the debate, I will move that all debate be closed in one minute.

Mr. BLAND. Make it five minutes.

Mr. HOLMAN. I agree to that.

The SPEAKER. The gentleman from Indiana moves that when the House shall again resolve itself into Committee of the Whole House on the state of the Union all debate on the pending paragraph of the bill under consideration be limited to five minutes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House resumes consideration of the legislative appropriation bill.

Mr. BLAND. The gentleman from Kentucky has referred to the civil-service law, to the last election, and to the Forty-seventh Congress. It may be well enough to review some parts of the history of this civil-service law. We may as well look back to ascertain what the people of this country expected to obtain by it, in order to show that they got a stone when they were asking for bread. We remember that in the Forty-seventh Congress bills were pending for the purpose of organizing this commission. In the first session of that Congress no attention was paid to these bills, our Republican friends having the majority in this House and in the Senate.

But when our friend "Dear Hubbell" went through the Department here with his assessments and there was a cry went up throughout the country from the Atlantic to the Pacific against the fraud and the

wrong of those political assessments; when the elections overwhelmed the Republican party and the corruption of those political assessments was brought to their notice, then for the first time in the Forty-seventh Congress, after the members of the Forty-eighth Congress had been elected, they came forward with a pretended civil-service reform bill, in which there was a provision prohibiting political assessments through which you could drive a coach and four, and before the pending election shall be closed you will see it.

The whole thing is a humbug. At the time the law was passed it was understood that it was an attempt to humbug the people of this country, to make them believe that political assessments would not hereafter be made. But the whole thing was left open, and every proposition of amendment which was intended to prohibit assessments of Federal office-holders was voted down in the Senate time after time.

Mr. WILLIS. If it is a humbug, why did you vote for it?

Mr. BLAND. I did not vote for it, I voted against it. When the Republican party saw that the Democrats had succeeded in the election of Representatives to this Congress and that there was a strong probability that the Democratic party would succeed in electing the next President then they went in for a bill to prevent if possible the Democratic party from coming into office. Now, while I voted against this bill and believe it to be a humbug, I am willing to make the necessary appropriations to enforce this bad law until it can be repealed. I think some distinguished man in this country once said that that was the best way to secure the repeal of a bad law. We will make the necessary appropriations to carry out this law, and then see whether gentlemen on the other side will enforce it in political assessments. I say to you, gentlemen, that you do not intend to do it, and you know it. You know that it was all a fraud and a humbug, and the country knows it. Let the Democratic House make the appropriation and go on with the law.

Mr. WHITE, of Kentucky. Allow me a word just there.

Mr. BLAND. I can not yield; I have only five minutes. Now, when I say that this is a fraud, that it was known and denounced everywhere as a fraud, that the law while passed professedly against political assessments never once prevented them, I feel it to be my duty here and now to denounce it.

Mr. CRISP. Why not vote against this appropriation?

Mr. BLAND. I say that the best way to kill a bad law is to enforce it. I believe in making appropriations to carry out the law as it is, whether a bad law or a good one. But while I vote to make appropriations to carry on this Civil-Service Commission, I do not want the country to fail to notice that it began as a humbug and will end in that way.

The CHAIRMAN. By order of the House the time for debate on the pending paragraph has expired. The question is on the motion of the gentleman from Kentucky [Mr. WHITE] to strike out the paragraph.

The motion to strike out was not agreed to.

The Clerk read the following:

For necessary traveling expenses, $3,000.

Mr. HEPBURN. I move to amend by striking out "$3,000," and inserting "$5,000." I was very much interested in the remarks made a few moments ago by the gentleman from Kentucky [Mr. WILLIS] while he was assuming to give to the House some information as to the history of this civil-service measure.

Mr. WHITE, of Kentucky. Do not forget Pendleton.

Mr. HEPBURN. There was one matter which he forgot to tell us about. I thought the gentleman was rather pluming himself on the authorship of this civil-service bill. I do not understand that he was the author of it, although I recollect that it was introduced into the other end of the Capitol by a gentleman who belonged to his party.

Now, while he was giving us information in the nature of history he neglected to tell us one important fact. While he was pluming himself upon the fact that this measure was supported by the political party to which he belongs he forgot to tell us the manner in which the author of this bill was condemned by his own party in his own State; an honored Senator, a man who for years had the confidence of the people of his State.

Mr. WILLIS. The gentleman from Iowa misunderstood me if he understood me to make any political point on this measure. It is not a political measure; it is a measure entirely above politics.

Mr. HEPBURN. I do not say that the gentleman did so. But my friend from Wisconsin [Mr. JONES] felicitated himself upon the fact that this motion to strike out did not come from his side of the House. He went on to tell us of the esteem in which he held the measure. I thought he attempted to appropriate entirely too much credit for it.

When I was interrupted I was about saying that the author of this bill had been honored by his party, had stood in the very front rank of that organization, and had been chosen as one of the two leaders of his party in a great political campaign. Yet when he gave his adhesion to this measure he was destroyed politically in his own State and stricken down in the very hour of his greatest usefulness, at a period when he most deserved promotion.

Gentlemen tell us that they are in favor of measures of this kind. The gentleman from Missouri [Mr. BLAND], it is true, told us that it was a humbug. But he said he was willing to appropriate $23,000 of the people's money for the maintenance of this humbug. He said that it was passed for the purpose only of keeping Democrats out of office. Now, does not the gentleman remember that on his own side of the House there has been a bill introduced this session to further extend the provisions of the civil-service law?

In that bill there was an express exception to the effect that parties now in office should not be continued under its operations. The reason was that the gentleman proposed and hoped there would be a change in administration and that there would then be an opportunity to turn out men now in office and put in those of his own political party. He was unwilling, as were the majority on his side, that there should be a law in operation which would prevent them from appropriating to themselves the spoils of office which they now seem so seriously to fear will disturb the good government of this country.

Mr. POTTER. Mr. Chairman, in the few words I shall say I do not propose to treat this as a political question, for I do not understand this to be a measure belonging peculiarly to either party. In my judgment the reform of the civil service is a measure which should command the support of all the well-wishers of this Government upon both sides of the House.

It may be that this measure will need to be modified and improved. As we go forward we shall be able to do that with the light of our experience. But if our Government is to exist as a free representative Government, if it is to exemplify the principle that the citizen is the sovereign, then we must do away at once and forever with the vastly increasing power of political patronage in this country, let that power be in the hands of whichever party it will. I make no distinction in that respect. If the hundred thousand and more of appointees of the executive branch of this Government are to be driven to the polls to vote under the whip of party, or under any other constraint deprived of the exercise of free judgment and free will, we strike a blow at the foundation of this Government severer than has yet been struck.

We have gone too far already in that direction; and it is time that men upon both sides of this House should understand this country is resolved that men in the civil service of the Government shall be as free to express their opinions at the polls by their ballots as if they were not in that service; that they shall not be punished therefor either by dismissal from office or by degradation in any other way. It is time that we should commence here to act in unison with the emphatic sentiment of every portion of the country that the ministerial officers of the Government shall exercise their right to vote without their chance of continued employment being in any way affected thereby. I hope, sir, that instead of any attempt being made to strike out this paragraph we shall promptly make this appropriation. I trust the amendment of the gentleman from Iowa will be adopted.

Something has been said here about the *personnel* of this commission. I know something of some of its members. I know that one man upon this commission in order to accept the position gave up employment where he could have earned three times the amount he receives here; and he has done this with no other purpose than to do something that shall accomplish good for his country.

[Here the hammer fell.]

Mr. HORR obtained the floor.

Mr. RANDALL. Will the gentleman from Michigan [Mr. HORR] yield a moment? I desire to have this debate limited. The gentleman can be recognized again after the limitation has been made.

Mr. WHITE, of Kentucky. Oh, do not cut off debate on this.

Mr. ADAMS, of Illinois. I hope the gentleman from Pennsylvania will remember that nothing has been said upon this amendment.

Mr. HORR. Mr. Chairman, I move to amend by striking out the last word of this paragraph. I was a little surprised when one gentleman on the other side took to himself a good deal of satisfaction because this motion came from an isolated friend on this side of the House. [Laughter.] This is not a political question, nor is it one, I think, about which our Democratic friends should put on many airs; because I have before me here the record of the vote in this House—it was then a Republican House—upon the passage of the civil-service reform act. There were 46 votes against it. Of these 42 were Democrats and only 4 Republicans.

Mr. COSGROVE. How many Republicans failed to vote?

Mr. HORR. Quite a large number, and a good many Democrats. But of those who did vote squarely against it, like the gentleman from Missouri [Mr. BLAND], forty-two belonged to the Democratic party. I recollect very well that the gentleman from Missouri then denounced the whole thing as a fraud and a humbug. But the people of the country have not so regarded it.

But I desire to express my surprise at the position of my colleague on the committee, the gentleman from Indiana [Mr. HOLMAN], who stated that one reason was the thought why this commission was a failure was because they had had backbone enough and sense enough—these are my words, not his—to recommend where a man did not receive enough pay for the duties he performed that his salary should be raised. I suppose if they had come in and recommended that the salary should be split in two, and only half of it allowed, that would have been evidence to the gentleman that this is a great and glorious commission. [Laughter.]

Now, I submit, it speaks well for these gentlemen, if they thought one of their employés did not get as much as he earned, to say so. For, sir, I say it is as much in the interest of civil-service reform to pay what men ought to have as to try to reduce their wages away below what they actually earn. I was also surprised to find our chairman of this committee—perhaps he did not intend to do it, but he asked a question in such a way it left the impression on my mind he was trying to insinuate this commission was not doing its duty fairly.

Mr. RANDALL. I did not say that.

Mr. HORR. You left that impression.

Mr. RANDALL. I said I had heard—I did not stand sponsor for it—that the heads of Departments did not always accept certificates of the Civil-Service Commission in regard to appointments. I asked the question with care of the gentleman from Iowa [Mr. KASSON].

Mr. HORR. Can the gentleman state an instance of the kind?

Mr. RANDALL. I will state to the gentleman and give him authority at any time he may ask it.

Mr. RYAN. Let us find out about it.

Mr. RANDALL. The gentleman is not going to lead me into the discourtesy of mentioning names. My remark was carefully made, and I have nothing to take back.

Mr. HORR. That leaves it indefinite, and leaves it as I understood him to mean in the first place, that he really believed they are not doing it, and he has not the courage to stand up and say so.

Mr. RANDALL. I said distinctly I had heard the Pension Bureau did not pay that respect it ought to. I did not answer for it, and I only asked for information on the subject.

Mr. HORR. Now, Mr. Chairman, I think it is generally understood that commission is working as honorably and honestly——

Mr. RANDALL. I did not say the commission. I understand so far as the commissioners are concerned they are doing everything possible to carry out the law.

Mr. HORR. I have heard from the commissioners themselves, who would be the best authority on this subject, not the least complaint in the world. And one of these commissioners belongs to the opposite party in politics. If the gentleman knows of his own knowledge of an instance of this kind I would be glad to have that matter probed, because I do not believe any head of Department would be sustained in trying to evade in the slightest manner the full effect of this law which we passed at the last session of Congress.

Mr. RANDALL. Allow me a moment.

Mr. HORR. Certainly.

Mr. RANDALL. I wish to say I have heard of complaint from the Civil-Service Commission, not, however, of heads of Departments, but of paragraphs in this bill by the Committee on Appropriations, that we have not applied the civil-service rules to the appointment of pension examiners as provided for in this bill.

Mr. HORR. Does not the gentleman believe in the main it is done honestly?

Mr. RANDALL. I made no assault on it.

Mr. HORR. I think the gentleman——

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. I hope he will have more time by unanimous consent.

The CHAIRMAN. The Chair hears no objection.

Mr. HORR. This question goes directly and vitally to this whole business.

Mr. RANDALL. I think so.

Mr. HORR. You are right about it. If this commission is being troubled by the heads of Departments in the execution of this law, I, for one, am as anxious to find it out as anybody.

Mr. RYAN. It is time the country should know it.

Mr. HORR. I will state this, as I understand it, that the commissioners themselves are perfectly satisfied with the treatment they receive from the heads of Departments in respect to their examinations and certification of candidates and in other respects with their execution of the law.

Mr. RANDALL. Well, I will state to the gentleman that one of this board called upon me and complained that this bill in its provisions of appointments and increase of service did in effect omit to allow these appointments as provided in this bill to pass under the civil-service rules.

Mr. HORR. Oh, that is another question entirely. That is not the question that the gentleman from Pennsylvania started out with. This is a question, as he now states it, which we as members of Congress are called upon to consider as to whether or not we interfere with the civil-service bill.

But the statement the gentleman from Pennsylvania made was that the heads of Departments gave little credit or weight to the recommendations of the commission.

Mr. RANDALL. I had finished that point, and have already given the reasons as far as I am at liberty to state them in reference to that matter. Then I stated that the civil-service board complained of this bill, which, as it was claimed, exempted the increased examining force from appointments under the requirements of the civil-service rules. I am not at liberty to state what occurred in the committee with reference to this matter.

Mr. KASSON. With the permission of the gentleman from Michigan on this point, I would like to call the attention of the gentleman from Pennsylvania to the fourth subdivision of the second section of the act organizing the commission, which will show that they themselves have authority over the question to which he refers. That fourth subdivision is in the following words:

> Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations and concerning the action of any examiner or board of examiners hereinafter provided for, and its own subordinates and those in the public service, in respect to the execution of this act.

Showing that by the law if any Department fails to comply with the law it is the duty of the commissioners, and power is given them, to investigate as to the facts and call attention to it.

Mr. HOLMAN. I must now insist, Mr. Chairman, unless some limit can be made to this debate, that the committee shall rise. I ask that by unanimous consent all debate be limited to ten minutes.

Mr. WHITE, of Kentucky. I hope the gentleman will not do that.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. WHITE, of Kentucky. I object.

Mr. RANDALL. I hope the objection will not come from that side. We are trying to hasten through with this bill to accommodate gentlemen upon that side.

Mr. HOLMAN. I move that the committee do now rise.

Mr. ADAMS, of Illinois. I wish to ask the Chair a question, with his permission.

The CHAIRMAN. Certainly.

Mr. ADAMS, of Illinois. My impression was that I was recognized, and only yielded the floor to permit these gentlemen to go on with their colloquy, with an understanding, as I thought, that I was to have the floor again?

The CHAIRMAN. The Chair will recognize the gentleman from Illinois when we again go into Committee of the Whole.

Mr. HOLMAN. I insist on the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having had under consideration the legislative, executive, and judicial appropriation bill, had come to no resolution thereon.

Mr. HOLMAN. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union; and pending that motion I move that all debate upon this paragraph and amendments thereto be limited to five minutes.

Mr. WHITE, of Kentucky. I move to amend by making it twenty-five minutes.

Mr. HOLMAN. If ten minutes will be satisfactory to the gentleman I should not object to that.

Mr. TOWNSHEND. No; five minutes. Regular order.

Mr. HISCOCK. I think the gentleman in charge of this bill ought to take time enough to explain why he has reduced the appropriation for traveling expenses from $5,000 to $3,000.

Mr. HOLMAN. My answer is that $5,000 was not expended, according to the understanding of the Committee on Appropriations.

Mr. HISCOCK. I understand that it will be before the end of the current year.

Mr. HOLMAN. I think my friend will find that this is in harmony with the views of the commission.

Mr. WHITE, of Kentucky. I will modify my motion by making it ten minutes' debate instead of five.

Mr. HOLMAN. Rather than consume the time of the committee, I accept the amendment.

The motion to limit debate to ten minutes was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. By order of the House all debate on the pending paragraph and all amendments thereto is limited to ten minutes.

Mr. ADAMS, of Illinois. Mr. Chairman, I do not desire to discuss this question which gentlemen have been discussing but for a minute. I wish to say a few words only in regard to this particular amendment, upon which not a word has been said, for or against, except what the gentleman from New York [Mr. POTTER] said when he expressed the hope that it would be adopted. [Laughter.]

I understand the commission want $5,000 for traveling expenses and the Committee on Appropriations cut that down to $3,000. I want to remind the committee that this law has been only in operation since last July, and to remind them further that when it went into operation a general complaint arose all over this country that because appointments were to be made by competitive examinations therefore they would as a rule be made from residents of the District of Columbia, because the examinations would be held here, and therefore there would be a discrimination in favor of residents of this locality or its vicinity as against the residents of other large cities or those located in the remoter parts of the country who were equally qualified to assume the duties of

public office and equally able to pass the examination required by the commission.

I took considerable interest in these examinations in Chicago when the bill first went into effect. I have visited the examining-rooms every time an examination was held. I saw there people not only from Chicago, not only from Illinois, but from Iowa and from States further off. Those examinations must of course be managed largely by local boards of examiners. But in order that they shall be on an equal plane all over this country, and in order that those who live far from the seat of Government shall have fair play, these commissioners, who have not any interest in perverting the examination in any locality, simply because they have no local feeling, ought to have sufficient traveling expenses to enable them to oversee the whole country, in order that there may be fair play from one end of it to the other. That is the idea I wish to give to the committee. I do not desire to waste time elaborating it.

Mr. WHITE, of Kentucky. The gentlemen from Iowa [Mr. KASSON] in discussing this question went out of his way to say that the only reason I had for opposing the appropriations for this Civil-Service Commission was because the State of Kentucky had not got her proportionate part of the patronage. I think after the remarks I made in the opening of this discussion to show that there were only three hundred and seventy-two who had been appointed under this Civil-Service Commission by examinations, all of whom were males except eight, and that outside of the Civil-Service Commission there had been four hundred and ninety-four appointed by the President and heads of Departments, many of whom have taken prominent part in the political campaign which is now going on before this country—when the gentleman remembers the remarks I made on this floor this afternoon, and then says that was the only reason I could give, I simply reply that such a remark is unworthy any man except one who could sit in the Committee on Ways and Means and join in a unanimous report of an unlimited bonded period as he did in the Forty-seventh Congress, and then go to Iowa and preside over a temperance meeting, a Republican prohibition convention.

I say, sir, that when he makes that remark he makes it knowing that when this civil-service bill was passed two years ago it was a part of the same diplomacy which enabled him to perform antics in one of the committee-rooms in this deliberative body and then perform statesmanship in the State of Iowa.

Now, I want to call attention to the exception in Rule XIX:

RULE XIX.

There are excepted from examination the following: 1. The confidential clerk or secretary of any head of a Department or office. 2. Cashiers of collectors. 3. Cashiers of postmasters. 4. Superintendents of money-order divisions in post-offices. 5. The direct custodians of money for whose fidelity another officer is under official bond; but these exceptions shall not extend to any official below the grade of assistant cashier or teller. 6. Persons employed exclusively in the secret service of the Government, or as translators, or interpreters, or stenographers. 7. Persons whose employment is exclusively professional. 8. Chief clerks, deputy collectors, and superintendents, or chiefs of divisions or bureaus. But no person so excepted shall be either transferred, appointed, or promoted, unless to some excepted place, without an examination under the commission. Promotions may be made without examination in offices where examinations for promotion are not now held, until rules on the subject shall be promulgated.

There are eight classes of exceptions to the civil-service examination. I remember the old Latin phrase *exceptio probat regulam*. But here is a case of four hundred and ninety-four exceptions, and only three hundred and seventy-two under the rule. The four hundred and ninety-four exceptions are salaried officers above $1,800, political bosses, like the Commissioner of Internal Revenue, the paid agents, prowling over the country beating up recruits for the Chicago convention. But three hundred and seventy-two under your Civil-Service Commission were little clerks from $1,800 down, possibly including women who scrub the floors in the Department, &c. Now I want to call your attention to a letter I have received on this subject.

Mr. HENDERSON, of Iowa. Have the women who scrubbed the floor anything to do with the civil service?

Mr. WHITE, of Kentucky. I want to read a letter from an ex-member of Congress who had a seat on this floor for six years.

Mr. BLAND. Who is he?

Mr. WHITE, of Kentucky. I refer to Hon. George C. McKee, of Mississippi. His letter is dated "Jackson, Miss., May 13, 1884," and is addressed to myself. He says:

I note your fight in the Kentucky convention against the revenue ring. It was worse here. The revenue ring brought up county after county in their pockets. The roll of revenue men, from Bruce, of the Treasury, down, might have been called at our convention and every man could have answered, "Here, with a hatful of proxies." The whole thing was shameless and disgraceful. For six months the revenue men have traversed the State under Government pay—

Mind you, these are the men not appointed under the Civil-Service Commission, but men who soar above it. They are the exceptions to your law—

For six months the revenue men have traversed the State under Government pay; doing nothing but one-sided politics. There is only about $50,000 of revenue collected this year in Mississippi.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE, of Kentucky. I ask that the remainder of the letter be printed as part of my remarks.

Objection was made.

Mr. COSGROVE obtained the floor.

The CHAIRMAN. The gentleman from Missouri is entitled to the floor for three minutes.

Mr. COSGROVE. I yield my time to the gentleman from Kentucky to enable him to finish reading his letter.

Mr. WHITE, of Kentucky. Ohio sat down on Pendleton on the civil-service law, and the kindness of the gentleman shows me that he is not in sympathy with this civil-service law.

Mr. COSGROVE. Does the gentleman refer to me?

Mr. WHITE, of Kentucky. I beg the gentleman's pardon, I mistook him for an Ohio man. I make the *amende honorable* to the gentleman from Missouri. [Laughter.]

The letter proceeds:

The revenue collector has ten outside deputies and two office deputies. There have not been ten violations of the revenue law reported for prosecution in two years. I am speaking by the card. Now what is the use of this army of employés? The percentage of cost of collections is so heavy that I am afraid to state it. It is much greater than you can figure out from above data.

Since the convention—mark it—since the convention the Commissioner seems to have discovered that there are too many and too costly deputies. To-day I hear it rumored that they will be cut down to two.

The whole revenue machine here in Mississippi is slimy and rotten. Knife it.

Yours,

GEO. C. McKEE.

P. S.—You may think we are the most law-abiding people in the world, not to have even five violations of the revenue laws in a whole year in a State of a million thirsty souls. But so runs the record. Some people are so uncharitable as to say that we are no better than our neighbors, and that it is our officers who attend wholly to politics and not to their duties. Pay your money and take your choice.

So I say to the distinguished gentleman of the Ways and Means Committee that reported the unlimited bonded whisky bill and presided over a prohibition convention in the State of Iowa. I ask now, Mr. Chairman——

The CHAIRMAN. The time allowed for debate on this paragraph has expired. The question is on the amendment which the Clerk will report.

The Clerk read as follows:

In line 422 strike out "$3,000" and insert "$5,000."

The amendment was not agreed to.

Mr. HOLMAN. The total in this first paragraph should be changed to $17,540, to make it correspond with the amendment which has been adopted. I ask consent to make that change.

There was no objection.

Mr. HOLMAN. And in order to save time I ask consent that the Clerk be authorized to change the footing in the various paragraphs in this bill as we go along, to correspond with the amendments which may be made by the Committee of the Whole.

There was no objection, and it was ordered accordingly.

The Clerk read the following:

For furniture and repairs of furniture, file-cases and file-boxes, books, stationery, printing, advertising, telegraphing, telephone service, ice, car tickets, and other absolutely necessary expenses, including heating, lighting rooms, and care of same, $3,000.

Mr. KASSON. I move to strike out the last word, not so much for the purpose of responding to the worthy gentleman from Kentucky [Mr. WHITE], except in passing, as to say a word in response to the gentleman from Missouri [Mr. BLAND], who has attacked the entire system of civil-service reform.

In passing, I have only to say that the gentleman from Kentucky is unfortunately not only incorrect in his logic, but very sadly incorrect in his facts. It is his misfortune to make his statements in such a manner that either they can not be understood, or when understood they deserve naturally the censure of those who have any respect for accurate statement of facts. When he refers to "the gentleman from Iowa" as uniting in a unanimous report from the Committee of Ways and Means during the early part of this session on the bonded whisky bill——

Mr. WHITE, of Kentucky. I beg the gentleman's pardon. I referred to the bill of two years ago. The bill of this session was a baby compared with the one two years ago, which you united in unanimously reporting to the House.

Mr. KASSON. I think the memory of the gentleman is probably quite as unfortunate as he goes back into the past. I only know that there was such a report made two years ago, and such a report was made this year, and that I consented to the report coming into this House, although I was opposed to it.

Now, as to "the gentleman from Iowa" presiding over a prohibitory convention in the State of Iowa, I will say that I never had such an honor. That is all I have to say to the gentleman from Kentucky [Mr. WHITE], except that he should be a little more careful in his statements, unless he would have them regarded with amusement, to say the least of it.

Now, upon the other question, a more serious one, presented by the gentleman from Missouri [Mr. BLAND], who calls this law a fraud and a humbug, and in support of that statement points to a part alone of the law relating to assessments, I desire seriously to call the attention of the House and of the country to the actual condition of that law. I welcome every opportunity to bring this question to the attention of the country.

I said very moderately a little while ago that this law was the first vital blow administered to the entire spoils system in this country, which has degraded public life into a mere scramble for office, and misappropriated the time of members on this floor to the brokerage of offices. The first ten sections of the act referred to change the entire system in regard to the management of the patronage of the country. It is not alleged on this floor that those first ten sections of the law are not administered according to the law of the land.

Following those ten sections are certain other sections which were expressly designed to prevent the exercise of official power in obtaining money for political purposes from subordinates in the Departments of the Government. When the gentleman from Missouri [Mr. BLAND] pronounces this law a fraud and a humbug I challenge him to cite a single instance where that law can be violated except as laws against theft and robbery may be violated. The law is so complete that if the gentleman from Missouri were the chairman of the national Congressional campaign committee of his party, and should request his colleague who sits by him on the right to make a contribution of a hundred dollars for campaign purposes he would subject himself to arrest and fine or imprisonment. And if a superior officer or any officer of the Government of the United States should ask any other officer or subordinate to contribute a single penny for political purposes, he too would be liable under the criminal law of the land to punishment.

I know of no instance where that law has been violated since it was passed. And I tell gentlemen on this floor on both sides that they will have to reorganize their committees in order to carry on the operations of a political campaign.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASSON. I beg a few minutes more in order to complete my explanation of the law; it is no partisan talk which I am making.

Mr. HOLMAN. I will yield to the gentleman.

Mr. KASSON. Now I desire to say——

Mr. BLAND. Will the gentleman state how MAHONE got money for the Virginia campaign?

Mr. KASSON. I wish to say that the——

Mr. BLAND. Can not the gentleman answer that question? How did Senator MAHONE get money for his political campaign?

Mr. KASSON. I can not tell, because I do not know a syllable about it. I do not know that he got a single dime of money in violation of that law.

Mr. BLAND. He got it in violation of the sentiment of the country, and your law does not prevent it.

Mr. KASSON. The law does prevent Senator MAHONE from soliciting a dime from an officer or subordinate of this Government for political purposes; and if he does it he is liable to the penalty, as I would be and as you would be.

Now, to denounce this law is to denounce the truth and justice of civil-service reform. And I repeat to gentlemen on both sides of this House that they will be obliged to change their system in order to accomplish what the law meant to secure, the independence of the employé of the Government from all official influence whatever, by having your campaign committees, which are to solicit contributions to carry on an ordinary political campaign, composed of men selected entirely outside of officers of the Government.

[Here the hammer fell.]

Mr. HOLMAN. May I ask unanimous consent that the debate be closed on this paragraph?

Mr. BLAND. I would like to occupy a few minutes.

Mr. HOLMAN. Then I suggest that the debate terminate by unanimous consent after three minutes.

The CHAIRMAN. Is there objection to terminating the debate on this paragraph in three minutes?

Mr. BLAND. I may occupy three minutes, or four or five.

Mr. HOLMAN. Unless it be understood that the debate shall close in three minutes I move that the committee rise to terminate debate.

Mr. BLAND. The gentleman can not deprive me of my five minutes. He has not that power in this committee or in the House.

Mr. HOLMAN. I shall have to move that the committee rise.

Mr. BLAND. You have no quorum to do anything; and you had better let me go on.

Mr. HOLMAN. Will five minutes satisfy the gentleman from Missouri [Mr. BLAND]?

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana that debate on this paragraph terminate in five minutes?

Mr. WHITE, of Kentucky. I think the gentleman had better not do that.

The CHAIRMAN. Is there objection?

Mr. WHITE, of Kentucky. I object.

Mr. HOLMAN. I move that the committee rise.

Mr. BLAND. I understood that I had recognition from the Chair.

The motion of Mr. HOLMAN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House again resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the legislative appropriation bill; and pending that motion, I move that all debate in Committee of the Whole on the pending paragraph be limited to five minutes.

Mr. WHITE, of Kentucky. Pending that motion, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. During the debate a few moments ago the gentleman from Iowa [Mr. KASSON] took occasion to say that I could not make correct statements. Now I challenge that remark of the gentleman. Whenever I make a statement I am very apt to have facts to support it. I propose to read to the gentleman in support of the statements I have made.

In the Forty-seventh Congress, on the 3d day of April, 1882, as the RECORD will show, Mr. Dunnell rose in his place here and said:

I move the rules be suspended and the bill (H. R. 5656) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses and the withdrawal of the same therefrom be passed.

I desire to say that this bill has been unanimously reported from the Committee on Ways and Means, and the bill itself was prepared by the Commissioner of Internal Revenue, and all its parts meet with his approval.

There is a report accompanying the bill. The bill itself does nothing more than extend the period for the retention in warehouses of distilled spirits. It puts distilled spirits upon the same footing with snuff, tobacco, cigars, fermented liquors, and other articles upon which there is an internal-revenue tax.

The SPEAKER. The question is on suspending the rules and passing the bill as read.

Mr. WHITE. I desire to be heard on this question.

The SPEAKER. It is not debatable.

Mr. ANDERSON. I demand the yeas and nays.

Mr. HUTCHINS. I ask for a second, if the gentleman wishes to be heard.

Mr. WHITE. I should like to be heard for a few minutes on this question.

The SPEAKER. It is not debatable.

Mr. GUENTHER. I ask for a second.

The SPEAKER. It comes too late.

Mr. CAMP. The gentleman labored under a misapprehension. As the gentleman from Minnesota discussed it, he supposed unanimous consent was given for the second.

The SPEAKER. It was not demanded.

Mr. WHITE. I have been objecting all the time.

The SPEAKER. The Chair understands the gentleman as objecting, but that is not the question.

The House divided; and there were—ayes 123, noes 29.

Mr. WHITE. I demand the yeas and nays.

The yeas and nays were not ordered.

* * * * * * *

So (two-thirds having voted in the affirmative) the rules were suspended and the bill passed.

Mr. DUNNELL. I ask by unanimous consent the report of the committee and a letter from the Commissioner be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The papers are as follows:

"Mr. Dunnell, from the Committee on Ways and Means, submitted the following report, to accompany bill H. R. 5237:

"The Committee on Ways and Means, to whom has been referred various bills and memorials relating to changes in the internal-revenue laws, has had the same under consideration, and begs leave to report to the House a bill to amend the laws relating to the internal revenue, and for other purposes.

"The bill herewith reported proposes to extend indefinitely the period during which distilled spirits may remain in bonded warehouse, and requires the payment of the tax when the same shall be withdrawn for sale or consumption. In this respect it places distilled spirits on the same footing with tobacco, snuff, cigars, fermented liquors, and all other articles now subject to taxation under the internal-revenue laws. None of these other articles are required to pay a tax until they are actually sold or removed for sale or consumption, no matter how long this may be after they have been manufactured, and your committee is of the opinion that the same rule should be applied to distilled spirits. The purpose of the Government is to tax the consumption of these various articles, and not their manufacture or production, and in order to accomplish this in all cases, and thus make the laws uniform in their application, the provision on that subject contained in the accompanying bill is necessary and proper.

"Besides, the information received by the committee conduces to show that there is at this time an urgent necessity for the extension of the time during which spirits may remain in bond as a measure of relief to distillers and dealers who have large stocks on hand. Under the law as it now stands all spirits must be withdrawn and the tax must be paid within three years from the date of its entry into the warehouse, and the consequence is that large quantities of spirits manufactured in 1879 and still remaining unsold will be forced out during the next two or three months. Unless the time shall be extended the tax of 90 cents per gallon must be paid to the Government on these spirits, whether there is a sale of the article or not, and there are reasonable grounds to believe that in many cases the immediate exaction of such large amounts of money from the owners of unsold goods would result in their financial ruin, while in all cases it would be a very great hardship. As this relief can be granted without affecting the revenues of the Government, except to temporarily postpone the collection of a part of it, the committee believe that it is wise and proper under the circumstances to extend the bonded period.

"The bill also provides for the execution of annual warehousing bonds instead of monthly bonds, as now required by law, and specifies the amounts for which such bonds shall be given. The present system is very inconvenient to the parties engaged in the business of distilling, imposes useless labor upon the revenue officials, and affords no additional security for the payment of the tax beyond what would be afforded by an annual bond.

"The allowances for loss of spirits in bond by leakage and evaporation are continued for eight years upon the basis of the existing law. If there shall be a loss, after the expiration of eight years, no allowance can be made for it, but the tax must be paid on the whole quantity in excess of the aggregate allowance provided for in the bill.

"There are other provisions in the bill relating to the administration of the law by the Government officials, but they need not be explained here in detail, as they are such only as are considered necessary by the Commissioner of Internal Revenue to enable him to execute the law as amended by the bill.

"In fact, the bill as reported has been submitted to the Treasury Department, and has received the approval of the head of the Internal Revenue Bureau. The

committee therefore report the bill back to the House with the recommendation that the bill be so amended as to read 'A bill to amend the law relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same therefrom,' and with the bill so amended its passage is recommended."

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, April 3, 1882.

SIR: I acknowledge receipt of your valued favor of this instant in regard to House bill No. 5237, which provides for an extension of the bonded period upon distilled spirits.

The bill was prepared with great care, and in respect to its machinery I am satisfied it will work admirably. The principle of the bill I think is correct. Upon all manufactured articles upon which the internal-revenue tax is levied, except in the case of distilled spirits, the manufacturer or owner is not compelled to remove the same from the place of manufacture until he can find a sale for the product. This is so in respect to beer, tobacco, cigars, matches, &c. The extension of the bonded period to three years gave quite a stimulus to the manufacture of fine whiskies. On the 1st of March last there were 69,243,835 gallons in distillery warehouses in Kentucky, Pennsylvania, and Maryland. It seems to me unreasonable to suppose that these spirits can all be removed for consumption within the time now required by law. If the manufacturers and owners are required to pay the taxes within three years, I would expect to see such a decline in prices as would seriously embarrass many strong firms, probably cause many failures, and unfavorably affect other branches of business without any beneficial results to the Government. I think upon this ground alone the extension of the bonded period is entirely justifiable.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

Hon. BEN. BUTTERWORTH,
House of Representatives.

Now I want to read to the House the names of the members of the Committee on Ways and Means at that time, and then I will leave it to the gentleman from Iowa to explain what he meant by saying that I could not make a correct statement. The members of the Committee on Ways and Means of this House at that time were WILLIAM D. KELLEY, of Pennsylvania; JOHN A. KASSON, of Iowa; Mark H. Dunnell, of Minnesota; William McKinley, jr., of Ohio; Jay A. Hubbell, of Michigan; Dudley C. Haskell, of Kansas; WILLIAM A. RUSSELL, of Massachusetts; Russell Errett, of Pennsylvania; SAMUEL J. RANDALL, of Pennsylvania; J. RANDOLPH TUCKER, of Virginia; JOHN G. CARLISLE, of Kentucky; WILLIAM R. MORRISON, of Illinois; and Emory Speer, of Georgia.

Now, Mr. Speaker, the two statements I made were these: That the gentleman from Iowa was a member of the Committee on Ways and Means in the Forty-seventh Congress, and joined in the unanimous report to this House of the bill allowing an unlimited bonded period for whisky—a bill which was killed in the Senate, which came back here in a modified form, and was killed in the second session of the Forty-seventh Congress—neither of those measures being so mild or well guarded as the little bill which was brought before the House during this session.

Subsequently to that, while in Dakota, I was amused and astonished to read in the daily papers that the gentleman from Iowa had presided over the Republican convention in that State, a prohibition convention, which nominated prohibition candidates, and that he there took occasion to make this remark, that "this was the question before the people: free homes against free saloons." On that issue the governor of the State was elected.

There was also elected a prohibition majority in each branch of the Legislature. In Iowa, unlike many other States, a majority of all the members elected to the lower house of the Legislature is required for the passage of any bill. The prohibition Republican party in Iowa, with prohibition at the head; and Republican diplomacy at the tail, throughout the campaign, elected fifty-two prohibition Republicans to the lower house, and a majority of the senate; and both houses of that Legislature, by a vote this spring and the signature of the governor, have confirmed the platform on which the party ran, and have put ale, wine, and beer in the same category as other alcoholic liquors.

Now I leave it to the House and the country, and I appeal to your constituents in Iowa, who can make a true statement—the gentleman or myself. [Applause.]

Mr. KASSON. Mr. Speaker, I have to rise to correct his statement in one particular. A good deal of what he says is true in spirit, but unfortunately, like so much he says, inaccurate in fact. I want to say, for I hate to be misquoted, that what I said as a temporary presiding officer of the convention was that the Republicans of Iowa were not in favor either of free alcohol or free foreign trade.

Some other gentlemen, I suppose, spoke about free homes and free saloons. And further, to indorse entirely the spirit of the remarks which I did make, and which I wish the gentleman would imitate in his State of Kentucky and in his general modes of speech, which usually in this House indicate that he has, at least, been sitting on a bonded whiskey barrel if the contents are unknown to his lips. [Laughter and applause.]

Mr. HOLMAN. I now move that the debate be closed on the pending paragraph in the Committe of the Whole House on the state of the Union in five minutes after its consideration shall be resumed.

The motion was agreed to.

Mr. HOLMAN. I now move the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House resumes the consideration of the legislative appropriation bill.

Mr. BLAND. Mr. Chairman, I alluded to this civil-service law as not being a law the people had expected on this subject, and I mentioned the fact that the demand of the people throughout this country was for a law that would prohibit political assessments. That, sir, was the reason why civil-service reform was demanded. When that bill was under debate in the Senate and House various amendments were offered to it, not only prohibiting heads of Departments and political committees and Members and Senators from levying assessments or requesting contributions, but prohibiting entirely employés of the Government making voluntary contributions. That is the only way you can reach it; but the bill was left simply under the condition made by the gentleman from Iowa, prohibiting simply heads of Departments and political committees and Members and Senators from levying voluntary contributions, or contributions or solicitations made by citizens. We have learned assessments were to stop, or voluntary contributions, if they can properly be so called, were to stop. They have always been denominated voluntary contributions.

We have learned, however, they have been made for the purpose of carrying elections in Virginia since the law was passed. What I said was that the law the people demanded was a law prohibiting voluntary contributions from employés in the Departments for political purposes. In that the law failed, and in that it is a humbug, and instead of prohibiting these political contributions and assessments it is wide open to both.

Now, Mr. Chairman, we have heard this commission goes to Chicago, and probably it will go to Saint Louis and New York. It goes to the large cities and it gives gentlemen of elegant leisure in Washington and other large cities opportunity to be examined for appointment and promotion in the Departments, but the great mass of the people in the country who labor on farms or in factories are shut out entirely. It is simply a bill and a provision to make a life tenure of office in this Government for gentlemen who happen to be raised in cities or who have money enough to visit them and be examined, while it shuts out the great mass of the bone and sinew of the country. In that respect it is a fraud, a sham, and a humbug. [Applause.]

Mr. KASSON. I withdraw the *pro forma* amendment.

The CHAIRMAN. Two minutes yet remain of the time allowed for general debate.

Mr. CANNON. I would like to have the two minutes.

This civil-service law was intended to prevent that force which a man occupying official position might be supposed to exert upon a man occupying a place below him to put him, as it were, in duress for the purpose of enabling him to levy a political assessment upon him. That is all I voted for, and that is as far as I am willing to go upon that subject.

When, therefore, the gentleman from Missouri proposes to say that an American citizen, whether holding office or not, shall not have the right to bestow his money where he may choose to bestow it and for any purpose that appears to him to be a praiseworthy purpose, let that subject be what it may, whether connected with politics, religion, or any other object, he goes a step further than I am willing to go, and proposes to do that which, in my opinion and judgment, would condemn and ought to condemn any man or any party that would vote for it.

Mr. BLAND. And the party that would undertake to pass a bill that leaves that out would be condemned by public sentiment all over the country.

The Clerk read as follows:

DEPARTMENT OF STATE.

For compensation of the Secretary of State, $8,000; First Assistant Secretary of State, $4,000; two Assistant Secretaries of State, at $3,500 each; for chief clerk, $2,750; for six chiefs of bureau and one translator, at $2,100 each; eleven clerks of class 4; four clerks of class 3; seven clerks of class 2; fourteen clerks of class 1; four clerks, at $1,000 each; and ten clerks, at $900 each; one messenger; two assistant messengers; ten laborers; one packer, at $720; in all, $111,850.

Mr. HOLMAN. I wish to call attention to a request made by Governor CURTIN, before leaving the Hall, that the following portion of this paragraph, "First Assistant Secretary of State $4,000," should be passed over until he can be present. I trust that will be done, as he desires to move an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection, and the paragraph was informally passed over.

The Clerk read as follows:

TREASURY DEPARTMENT.

Secretary's Office: For compensation of the Secretary of the Treasury, $8,000; two assistant secretaries of the Treasury, at $4,500 each; chief clerk and *ex officio* superintendent of the Treasury building, $2,700; stenographer to the Secretary, $2,000; chief of division of warrants, estimates, and appropriations; chief of division of customs, and chief of appointment division, at $2,750 each; one assistant chief of division of warrants, estimates, and appropriations, $2,400; seven chiefs of division, at $2,500 each; two assistant chiefs of division, at $2,100 each; five assistant chiefs of division, at $2,000 each; assistant superintendent of the Treasury building, $2,100; estimate and digest clerk, $2,000; two disbursing clerks, at $2,500 each; Government actuary under control of the Treasury Department,

$2,250; forty-one clerks of class 4; additional to three fourth-class clerks, namely, receiving clerk of bonds, and two book-keepers, $100 each; thirty clerks of class 3; twenty-seven clerks of class 2; twenty-four clerks of class 1; sixteen clerks, at $1,000 each; fifty female clerks, at $900 each; ten messengers, ten assistant messengers, one foreman of laborers, $1,000; forty-six laborers; superintendent of the Treasury building, $300; eleven laborers, at $500 each; three laborers, at $360 each; one captain of the watch, $1,400; one engineer, $1,400; one assistant engineer, $1,000; one machinist and gas-fitter, $1,200; one storekeeper, $1,200; sixty watchmen, and additional to two of said watchmen acting as lieutenants of watchmen, $180 each; seven firemen, at $720 each; seventy-five charwomen, at $180 each; three conductors at elevators, at $720 each; one telegraph operator, $1,200; one gardener, $840; one superintendent of paper-room, $1,600; and for the following employés while actually employed; one foreman of cabinet shop, at $5 per day; one draughtsman, at $4 per day; one cabinet-maker, at $3.50 per day; twelve cabinet-makers, at $3 per day; one cabinet-maker, at $2 per day; one foreman of bindery, at $5 per day; four binders, at $4 per day; one sewer and folder, at $2.50 per day; one paper-cutter, at $3 per day; one paper-counter, at $2.25 per day; twenty-six paper-counters and laborers, at $2 per day; in all, $494,121.25.

Mr. HOLMAN. In line 472, after the word "appropriations," the semicolon should be stricken out and a comma inserted.

The CHAIRMAN. The modification will be made unless there be objection.

There was no objection.

Mr. HOLMAN. I move now an amendment to come in later in the section.

The Clerk read as follows:

In line 508, after the word "dollars," insert "one paper-counter, at $660; twenty-six paper-counters and laborers, at $600 each."

In lines 517, 518, and 519, strike out "one paper-counter, at $2.25 per day; twenty-six paper-counters and laborers, at $2 per day."

In line 520, strike out "4121," and insert "3401."

Mr. HOLMAN. The effect of the amendment is to pay these employés annual salaries, instead of per diem salaries as at present. The effect is also to reduce the appropriation $720. It is done at the request of the Department.

The amendments were agreed to.

The Clerk read as follows:

Auditor of the Treasury for the Post-Office Department: For the Auditor of the Treasury for the Post-Office Department, $3,600; deputy auditor, $2,250; chief clerk, $2,000; eight chiefs of division, at $2,000 each; fifteen clerks of class 4, and additional to one clerk as disbursing clerk, $200; sixty-three clerks of class 3, eighty clerks of class 2, sixty-four clerks of class 1, fifty clerks, at $1,000 each; twenty-eight female assorters of money-orders, at $900 each; three assistant messengers, twenty laborers, and ten charwomen, at $180 each; in all, $433,010.

Mr. CANNON. In line 640, I move to strike out "sixty" and insert "seventy-eight;" so that it will read "seventy-eight clerks of class 1."

I desire to take up the attention of the committee but a minute——

Mr. RANDALL. The point of order is reserved.

Mr. CANNON. It had just as well be disposed of at once.

The CHAIRMAN. Will the gentleman from Pennsylvania state the point of order?

Mr. RANDALL. It is an increase of the existing law.

Mr. CANNON. I call the gentleman's attention to section 169 of the Revised Statutes.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. RANDALL. No, I will withdraw it; but I am in hopes that we can vote the amendment down. I will hear what the gentleman from Illinois has to say upon the subject.

Mr. CANNON. I have only to say that this Auditor—the Sixth Auditor—has charge of the accounts of the Post-Office Department. It is his duty to audit them. He submits in the regular estimates for an increase of forty-nine clerks of different grades. A portion of them are of a higher grade than this bill gives or this amendment proposes to give.

Since that time, with the increase of work in his office, he has written to the committee, transmitting his letter through the proper channels, asking for a still further increase of the force, stating that it was necessary if the work of his office is to be done that he should be provided with the force asked. I believe that it is necessary he should have the full force estimated. The Committee on Appropriations recommend an increase of thirty-seven. I believe he should have the full increase of forty-nine asked by him in the original estimates. That is all I desire to say.

Mr. HOLMAN. It is conceded, sir, that some additional clerical force is required in this bureau; but it will be seen that there is an increase provided in this bill of thirty-seven clerks over the number provided for the current year. It is believed by the Committee on Appropriations that that increase is very ample.

Mr. RANDALL. The majority of the committee think so.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

The amendment was not agreed to.

The Clerk resumed the reading of the bill, and read to the following paragraph:

Treasurer: For the Treasurer of the United States, $6,000; assistant treasurer, $3,600; cashier, $3,600; assistant cashier, $3,200; chief clerk, $2,500; five chiefs of division, at $2,500 each; one principal book-keeper, at $2,500; one assistant book-keeper, at $2,400; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; twenty-six clerks of class 4; seventeen clerks of class 3; fifteen clerks of class 2; one coin clerk, at $1,400; twenty-three clerks of class 1; five clerks, at $1,000 each; eighty clerks, at $900 each; six messengers; six assistant messengers; twenty-six laborers; and seven laborers, at $240 each; in all, $275,000.

Mr. CANNON. I will submit to the gentleman from Indiana [Mr. HOLMAN] that from the point where the Clerk is now reading, on page 28, I am satisfied there will be no contest until we reach line 834, on page 35; and I suggest to him that by unanimous consent we consider the bill as read up to that point.

Mr. WARNER, of Ohio. Oh, no.

Mr. CANNON. Having gone over the bill, I am well satisfied there is no contest about the intervening paragraphs.

Mr. HOLMAN. I think the proposition of the gentleman from Illinois is reasonable.

Mr. RANDALL. It is not usual to pass a bill without any reading.

Mr. WARNER, of Ohio. I must object.

The Clerk resumed the reading of the bill, and read the following paragraph:

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, $4,000; assistant general superintendent of the Life-Saving Service, $2,500; one topographer and hydrographer, $1,800; one civil engineer and draughtsman, $1,800; one principal clerk and accountant, $1,800; one clerk of class 4, three clerks of class 3, two clerks of class 2, four clerks of class 1, two clerks, at $1,000 each; five clerks, at $900 each; one assistant messenger; and one laborer; in all, $33,980.

Mr. COX, of New York (Mr. MCMILLIN having taken the chair). I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 764 strike out the word "four" and insert the word "seven;" so that it will read: "seven clerks of class 1."

Mr. HOLMAN. I will have to insist on the point of order. This is an increase.

Mr. COX, of New York. If the gentleman will reserve the point of order I will ask to have read a letter from the Superintendent of the Life-Saving Service, Mr. Kimball.

Mr. HOLMAN. The estimates are fully complied with in the appropriations for this service.

Mr. RANDALL. We have increased the appropriations.

Mr. COX, of New York. As to the point of order, I would like to have the statute read, section 169 of the Revised Statutes, which allows the Departments to appoint clerks of certain classes.

Mr. HOLMAN. And there should be read also the third clause of Rule XXI.

The Clerk read section 169 of the Revised Statutes, as follows:

SEC. 169. Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Mr. RANDALL. They have to be of the classes recognized by law, and must then be appropriated for.

Mr. COX, of New York. And this is the law which authorizes them.

The CHAIRMAN. Does the gentleman from New York [Mr. COX] desire to be heard on the point of order?

Mr. COX, of New York. No, sir.

Mr. CANNON. I would like to be heard on the point of order, if the Chair has any doubt upon it.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CANNON. I think if the Chair will look at section 169 in connection with the prior sections he will find it is conclusive against the point of order. In these sections, from 163 to 169, inclusive, certain classes of clerks are provided for, namely: First, second, third, and fourth classes, at $1,200, $1,400, $1,600, and $1,800. Certain copyists, certain messengers, certain watchmen are also provided for in the Departments by the general terms of the law. Then this general law makes it lawful for each head of a Department—

To employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation respectively as may be appropriated for by Congress from year to year.

Now, then, the rule always has been, without exception, in the last Congress and every other Congress, that as to these classes of employés, clerks at $1,800 and less, we have the power under this general law, without reference to Rule XXI, to increase as well as decrease the numbers of these classes of employés. You could not increase the salary of one of these clerks or other employés. You could not upon an appropriation bill provide that a clerk of class 4 should get $1,900, because the law says he shall get $1,800. That is admitted. But if the construction the gentleman from Indiana [Mr. HOLMAN] contends for should obtain we are bound hand and foot, whatever the necessities of the service might be, so as to be prevented from adding a clerk in any one of these classes or a messenger or a copyist or a watchman, however much an increase might be required.

The amendment of the gentleman from New York requires a certain number of first-class clerks provided for under this general law. So far as the ruling of the chairman a few moments ago touching a copyist in the civil-service office is concerned that does not come under this law, because the Civil-Service Commission is not under any Department. It stands alone, created by law, and it exists only by the law that breathed the breath of life into it. And so far as its *personnel* is concerned it does not come under any general law; especially it does not come under section 169.

I want to say in conclusion this is an exceedingly important matter,

because it runs all along the line as to this class of employés, and I hope the chairman, if he has any doubt about it, will thoroughly investigate it and see what are the precedents and what is a fair construction of the rule. I am quite clear it has always been ruled that it is in order to increase the number of employés of the classes specified in the general law in any Department.

Mr. HOLMAN. It is clear that the third clause of the twenty-first rule of the House is in perfect harmony with the statute to which the attention of the Chair has been called. That is to say, the heads of Departments are permitted to employ as many clerks and other employés as are authorized by law, and at the compensation provided by law to the extent that appropriations shall have been made. But the third clause of the twenty-first rule of the House expressly prohibits an original proposition, and in language equally emphatic and even broader, if possible, an amendment to a bill of this class or a proposition in it which shall increase the number of officers or shall increase the salaries of officers of the United States, so that the rule and the law to which attention has been called are in perfect harmony.

And permit me an additional word. The object of the rule adopted by the Forty-fourth Congress was, more than for any other one purpose, to prevent an increase of the number of officers. The struggle had been for years to get such an amendment of the rules, with a view to prevent just such amendments as this.

Mr. COX, of New York. I do not think the gentleman from Indiana [Mr. HOLMAN] has met this precise case. The case which the Chair ruled upon a moment ago was the case of an amendment to give a copyist to the Civil-Service Commission, which belongs to no Department. This provision of the law covers all the Departments; the copyist for the Civil-Service Commission did not come under this general provision of law. This general provision of law, *in hæc verba*, says "as may be appropriated for by Congress from year to year." That authorizes this very appropriation. In what cases? The law says, "Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year." Now, it looks to me that this law was made to cover just such cases as this.

Mr. HOLMAN. If my friend is correct, then the third clause of the rule amounts to nothing.

Mr. RANDALL. This rule of the House arose out of a struggle on this very point. A former Speaker of this House had decided that the then existing rule allowed us to increase the number and compensation of officers. This rule was adopted by the Forty-fourth Congress to reverse that decision, and to provide that amendments should be in order only where there was a reduction of expenditure accomplished by them.

Mr. CANNON. Allow me a moment, because we can not afford to make a mistake on this matter. The rule was passed for the purpose of enabling the House to decrease the salary of an official.

Mr. RANDALL. Or the number of officials.

Mr. CANNON. Yes; or the number of officials, if you choose, either one. It was intended to prevent the increase of the salaries of officials, which was in order under the old rule.

Mr. RANDALL. Under the old decision, rather; I never thought it was in order under the rule.

Mr. CANNON. Well, I am speaking of the decision. Now, here is a general law which provides for clerks of different classes. The proposition now before the Committee of the Whole is not to increase the salary of any official, but to increase the number to be employed under the head of one of the Departments, in accordance with the law which authorizes the head of a Department to employ such clerks, &c., as may be appropriated for from year to year.

Mr. HOLMAN. And authorized by law.

Mr. CANNON. While the gentleman from Pennsylvania [Mr. RANDALL] was Speaker of a former Congress, and also during the last Congress, the rulings of chairmen of the Committee of the Whole were uniform that the number of clerks, copyists, and messengers to be employed in the various departments of the public service might be increased as Congress should see fit, without reference to Rule XXI.

Mr. HOLMAN. If that is correct, then you simply nullify the rule.

Mr. CANNON. It always has been so.

Mr. RANDALL. I do not recollect that.

Mr. COX, of New York. I ask that the letter of the General Superintendent of the Life-Saving Service may be printed in the RECORD.

There was no objection.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF GENERAL SUPERINTENDENT U. S. LIFE-SAVING SERVICE,
Washington, D. C., May 21, 1884.

DEAR MR. COX: On examining the legislative and executive appropriation bill, as reported from the Appropriations Committee, I observe the addition of one clerk of class 2 and one clerk of class 1 for the office of the Life-Saving Service, and that a draughtsman is taken away from the office. You are familiar with the needs of the office, as well as those of the service in general, and may I ask your intervention by seeing the proper members of the committee and representing what you know to be the facts

In estimating for three additional clerks I asked for no more than was indispensably necessary for the proper conduct of official business. In fact I am now convinced that I asked for a smaller increase than I should have done, and I trust that at least the three estimated for may yet be given me.

In regard to the draughtsman dropped from the bill, his services are absolutely necessary, and I do not see why the committee should not have made this allowance, unless they think the person mentioned in the bill as a "civil engineer and draughtsman" is sufficient to discharge both functions in relation to this office. The civil engineer is, however, almost wholly engrossed in engineering work, and there is no one to perform the ordinary draughting required by the service except the person of whom the bill in its present shape would deprive me. There is at least a year's draughting work already behindhand. We have not been able to prepare, for example, maps of the districts showing the location of stations—maps which are constantly desired by mariners; and if the only available draughtsman we have is taken away we shall be still less able to prepare them, besides being obliged to forego a mass of other draughting work quite as desirable.

I am aware that there is no disposition on the part of the committee to cripple the service, but they certainly have acted under a misapprehension of its needs in the particulars mentioned.

Very truly, yours,

S. I. KIMBALL,
General Superintendent.

Hon. S. S. COX,
House of Representatives, Washington, D. C.

Mr. COX, of New York. I have now done my duty in the matter.

Mr. RANDALL. And we have done our duty as well. The Committee on Appropriations have increased the clerical force in this very bureau.

Mr. CANNON. While we have in this bill, if I recollect aright, increased the number of clerks by from ninety to one hundred, on the recommendation of the Committee on Appropriations, the gentleman from Pennsylvania [Mr. RANDALL] now comes in and says that the rule of the House should be so construed that however much the public service might require it the point of order may be invoked in order to prevent members of the House from doing the very thing which the Committee on Appropriations have done.

Mr. RANDALL. When the Committee on Appropriations say that an increase of clerks ought to be allowed, I am not going to get up here and make the point of order on it; but whenever a proposition comes from the other side to increase the number beyond what the Committee on Appropriations have recommended, then I am going to avail myself of my rights to make a point of order upon it.

Mr. HOLMAN. If no point of order is made, and the increase recommended by the committee upon fair examination is found to be reasonable, then of course it stands. But when a point of order is made, then everything must go back to the old order of things.

Mr. CANNON. If the gentleman will allow me, I will say that I am not in sympathy with the amendment of the gentleman from New York [Mr. COX], so far as I am informed.

Mr. RANDALL. But your construction of the rule would let in everything and everybody.

Mr. COX, of New York. I do not propose to let in everybody under this ruling. I only contend for a compliance with the law which I have read.

Mr. RANDALL. The gentleman has decided the point of order over again.

Mr. HOLMAN. And has made the decisions on this bill.

Mr. COX, of New York. I can not help the confusion of ideas of the gentlemen. I hope neither of those gentlemen will allow themselves to be confused in this matter. This is in the precise line of the rule which gentlemen have been so long talking about and claiming the merit of advocating. This rule is to be interpreted by the statute.

Mr. HOLMAN. Certainly, and the statute expressly refers to clerks authorized by law.

Mr. COX, of New York. I propose to follow this statute exactly. I offer this amendment because three clerks are indispensable for carrying on the service by reason of the increase in the number of stations and the increased business of that Department.

Mr. HOLMAN. It is very strange that the necessity for this increase did not appear by the estimates.

Mr. COX, of New York. I was told by the superintendent of this service that he laid this matter before the committee, but somehow or other they did not think it worth while——

Mr. RANDALL. It is not embraced in the estimates, so far as I can see.

The CHAIRMAN. The Chair is ready to rule on this question.

Mr. KASSON. One word before the decision is made. I understood the gentleman from Pennsylvania to say that when the Committee on Appropriations recommend anything of this kind the point of order should not be made against it——

Mr. RANDALL. I said nothing of the sort.

Mr. KASSON. But that if it came from the other side of the House he would interpose his objection.

Mr. RANDALL. No; from any side.

Mr. KASSON. Well, the remark as made did not seem to me to be entirely fair. It seemed to imply that amendments coming from the committee should receive different treatment from those offered by other members of the House. I believe the rest of the House ought to have the same rights in respect to these matters as members of the committee. I think the rule was intended to give as much right to the majority of the House in respect to amendments as to the Committee on Appropriations.

Mr. RANDALL. Why, sir, if the gentleman from Iowa, or any other

gentleman on this floor, chooses to raise a point of order on any case where the Committee on Appropriations has proposed an enlargement of force or an increase of salary it is entirely competent for any gentleman to do so. It is with this view that points of order are always reserved when an appropriation bill is reported from the Committee on Appropriations.

Mr. KASSON. There is no misunderstanding about that. But I do think the law of Congress operates as a rule of the House and beyond any rule of the House; and if the Committee on Appropriations in reporting a measure of this sort fail to make proper provision for the public service under the law, members on the floor ought to have the right to offer amendments in that direction.

Mr. RANDALL. As I have said, whenever the Committee on Appropriations recommend an increase in the number of employés or an increase of salary it is competent for any member on the floor to raise a point of order against the action of the committee.

Mr. WARNER, of Ohio. I take it that the House alone is authorized to make rules for the House, and in making such rules may provide how it will proceed with its legislation. It may provide that it will not increase the number of clerks at all on appropriation bills, or that it shall be done in a separate measure. It is a matter solely for the House.

Mr. KASSON. But subject to the law.

Mr. WARNER, of Ohio. The House determines by what rules it will proceed in carrying out the law.

Mr. KASSON. Oh, yes; in carrying out the law.

Mr. WARNER, of Ohio. The House is the sole judge in that respect.

Mr. KASSON. But what the law requires the rules must allow.

The CHAIRMAN. The Chair is ready to decide this question. The Clerk will read section 169 of the Revised Statutes.

The Clerk read as follows:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

The CHAIRMAN. This is a proposition to increase the number of employés of a class named in the amendment from four to seven. Under the section just read the heads of Departments are authorized to employ such number of clerks, &c., "as may be appropriated for by Congress from year to year." It is not insisted in this debate nor could it be that Congress has heretofore appropriated for the additional clerks proposed in the amendment; and the question for the Chair to determine is how the House can proceed to do so under the rules; for it will be admitted that it must be done in accordance with the rules? Can it be done on an appropriation bill?

The third clause of Rule XXI has been so often read that it is only necessary to refer to this language contained therein:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States—

It is not claimed that the amendment does that—

by the reduction of the compensation of any person paid out of the Treasury of the United States—

That is not accomplished by the amendment—

or by the reduction of the amounts of money covered by the bill.

Not only is "the amount of money covered by the bill" not reduced, but the amendment would necessarily increase it. The amendment does not "retrench expenditures" in any one of the three ways contemplated by the rule. The Chair is therefore of opinion that as there is no provision of existing law for the employment of these officials—no "appropriation therefor by Congress"—it is incompetent to undertake to accomplish that object upon an appropriation bill in violation of the section of the rule which the Chair has just read. The point of order is therefore sustained.

Mr. RANDALL. A very clear ruling.

The Clerk read as follows:

Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; five heads of division, at $2,250 each; one superintendent of stamp agencies, $2,100; one superintendent of stamp vault, $2,000; one stenographer, $1,800; twenty-four clerks of class 4; twenty-five clerks of class 3; thirty-four clerks of class 2; twenty-four clerks of class 1; fourteen clerks, at $1,000 each; seventy-nine clerks, at $900 each; two messengers, fourteen assistant messengers, and thirteen laborers; in all, $296,390.

Mr. HOLMAN. Unintentionally in line 825 there has been left in the bill "one superintendent of stamp agencies, $2,000," which, as the gentleman from Illinois [Mr. CANNON] will remember, was to have been omitted.

Mr. CANNON. That is so, and it ought to be stricken out, as there is no further use for it.

Mr. HOLMAN. I make that motion.

The motion was agreed to.

The Clerk read as follows:

For salaries and expenses of collectors, $1,800,000: *Provided*, That from and after the 30th day of June, 1884, there shall be no more than sixty-three collection districts, and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid, in the manner heretofore provided by law.

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, $2,264,000; and hereafter there shall not be employed exceeding twenty-five agents in lieu of the number authorized by section 3152 of the Revised Statutes as amended by the act approved June 19, 1878.

Mr. RANDALL. In accordance with the agreement made before taking a recess, I move that those paragraphs be informally passed over.

Mr. CABELL. When again taken up will they be open to amendment by others than the gentleman from Kentucky?

Mr. RANDALL. Of course. It is a subject of a good deal of controversy, and they will be open to all amendments under the rules when again taken up for consideration.

Mr. CABELL. I have an amendment to offer and that is satisfactory to me.

The CHAIRMAN. The Chair hears no objection, and the paragraphs indicated are informally passed over for the present.

The Clerk read as follows:

Office of the Assistant Treasurer at Boston: For asssistant treasurer, $4,500; for chief clerk, $2,500; paying-teller, $2,500; assistant paying-teller, $2,200; vault clerk, $2,000; receiving teller, $2,000; first book-keeper, $1,800; second book-keeper, $1,400; specie clerk, $1,800; assistant specie clerk, $1,500; money clerk, $1,500; coupon clerk and redemption clerk, $1,400 each; receipt clerk and general clerk, $1,200 each; assistant redemption clerk, $1,100; two clerks, at $1,000 each; one clerk, $800; messenger and chief watchman, $1,060; two watchmen, at $850 each; in all, $35,560.

Mr. MORSE. I move to strike out $4,500 and insert in lieu thereof $5,000 as the salary of the assistant treasurer at Boston. I understand that is the present salary, and that in fact the responsibility has largely increased instead of being diminished. That perhaps may have been the reason why the committee reduced the salary.

Mr. HOLMAN. By some accidental legislation this salary has been increased above the salary for assistant treasurers at Philadelphia, Cincinnati, and Chicago. Corresponding assistant treasurers only receive $4,500, and it became manifest one of two things had to be done, either the others had to be increased or this exceptional one had to come down.

Mr. MORSE. What is it at New York?

Mr. RANDALL. Eight thousand dollars.

Mr. MORSE. Why not cut that down?

Mr. HOLMAN. New York is a great commercial center.

Mr. MORSE. So is Boston.

Mr. HOLMAN. I know it is an important point. We make a discrimination in favor of New York, in the post-office as well as the subtreasury at New York, as a great commercial center. There is none other approaching it. The salary at Boston has been made to correspond with that at other like subtreasuries. I hope the amendment will not be adopted.

The amendment was disagreed to.

The Clerk read as follows:

Office assistant treasurer at Saint Louis: For assistant treasurer, $4,500; chief clerk and teller, $2,500; assistant teller, $1,800; book-keeper, $1,500; assistant book-keeper and one clerk, at $1,200 each; messenger, $1,000; four watchmen, at $720 each; in all, $16,580.

Mr. O'NEILL, of Missouri. I ask the chairman of the Committee on Appropriations what became of the letter of the assistant treasurer at Saint Louis?

Mr. RANDALL. It went to the subcommittee.

Mr. O'NEILL, of Missouri. I was under the impression, as the reasons urged appeared to the chairman to be sufficient, that what was asked would have been provided for here. As the information is in that committee I ask for the present this paragraph be passed over.

Mr. CANNON. I will call my friend's attention to the fact that he can not make any possible amendment here that would not be subject to the point of order.

Mr. RANDALL. That is not in the Book of Estimates at all events.

Mr. HOLMAN. And it will be subject to the point of order.

Mr. O'NEILL, of Missouri. I will take the chances of somebody being contrary enough to make that point of order. [Laughter.]

Mr. RANDALL. It is a mere presumption.

Mr. O'NEILL, of Missouri. I will have to ask to have it passed over until the matter can be looked into. The authorities, as I have said, in support of the proposition are all with the committee, and I object to it being disposed of now. I move, therefore, that this whole paragraph, beginning with line 1021, down to and including line 1029, be passed over informally, with the privilege of returning to it again.

Mr. HOLMAN. I have no objection, and I think there is none on the part of the committee. I think it only proper to accommodate the gentleman in that respect.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri that this paragraph be informally passed over, to be returned to hereafter?

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Office of assistant treasurer at San Francisco: For assistant treasurer, $5,000; cashier, $2,500; book-keeper, $2,000; one chief clerk, $2,000; assistant cashier, $2,000; receiving-teller, $2,000; assistant book-keeper, $2,000; coin-teller, $1,800; one clerk, $1,800; one clerk, $1,400; one messenger, $840; and four watchmen, at $720 each; in all, $26,220.

Mr. MORSE. I move to strike out "five thousand," in line 1031, and insert "four thousand five hundred."

I believe the gentleman in charge of this bill has said clearly to this House that all the other subtreasurers in the United States, except the one in New York, were reduced to the equal sum of $4,500, and I do not see, therefore, why San Francisco should stand as a solitary exception at a higher rate. There is no reason, as far as I am able to discover, why that city should fare any better than the others.

Mr. HOLMAN. I am not certain that I mentioned San Francisco. I said that there had been a reduction of $500. There is a reduction here, I think.

Mr. MORSE. Then they had $500 too much and we ought to make it $3,500 to equalize it. But in this case I do not see that this officer at that point is entitled to any more than the subtreasurers at other points. I think the gentleman gave $500 too much, or that much more than he was entitled to.

Mr. HOLMAN. The criticism of my friend from Massachusetts is not exactly correct. I named the subtreasuries where the salaries were $4,500, but I do not think I mentioned San Francisco, though I might have done so. My impression was at the moment that in reducing them $500 each we reduced the salary here down to the same as in Philadelphia, Chicago, and other places.

Mr. MORRISON. Why should it be more than the subtreasurer at Boston or Chicago receives?

Mr. HOLMAN. The salary there was originally $1,000 higher than these other officers received, except at Boston and New York; and I do not know of any good reason why that salary should be more than the salaries at these other places.

Mr. MORSE. My memory is perfectly clear, and the statement was made only five minutes ago—the RECORD will show it—that the gentleman distinctly stated that the only office that received a higher salary was the one at New York.

Mr. HOLMAN. It is possible that I did; but I do not think I mentioned San Francisco at all.

Mr. RANDALL. The committee do not, as far as I know, object to the amendment. But the reason why the wages or salaries at the San Francisco mint are all higher than they are in Philadelaphia or anywhere else is because, as has been alleged, there has been an increased cost of living at that point.

Mr. ADAMS, of Illinois. But the wages of watchmen and others are the same. They are not fixed by the bill at a higher rate.

Mr. HOLMAN. All the salaries, as is well known in California, were for a time greatly above the average throughout the country in every Government employment. But it is clear that there is no necessity for its existing at this time, because the cost of living is not greater now in California than elsewhere. For my part I have no objection to the amendment proposed by the gentleman from Massachusetts.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

That the act entitled "An act to establish an assay office in the city of Saint Louis, Mo.," approved February 1, 1881, be, and the same is hereby, repealed.

Mr. BURNES. I have an amendment to offer at this point.

Mr. RANDALL. The gentleman will agree, I think, to pass this section over informally with the privilege of returning to it again to offer his amendment.

Mr. BURNES. I have no objection to it, but would prefer to submit the amendment now and let it be printed.

Mr. BLAND. We had better act upon this now, I think.

Mr. RANDALL. The effect will be, I fear, to find ourselves without a quorum.

The CHAIRMAN. The gentleman from Missouri will send up his amendment.

The Clerk read as follows:

Strike out all of lines 1203, 1204, 1205, and 1206, and in lieu thereof insert:

"Assayer's office at Saint Louis, Mo.: For assayer in charge, $2,500; one clerk, $1,000; in all, $3,500."

"For incidental and contingent expenses, including labor, $4,800."

Mr. RANDALL. The gentleman who offers this amendment is quite willing, as I understand, to allow us to pass this for the present and to return to it hereafter.

Mr. BLAND. We will have a vote upon this now. I object to passing it over.

The CHAIRMAN. Does the gentleman object to passing it over informally.

Mr. BLAND. This is the only assay office that is proposed to be stricken out, and I want a vote to be taken upon it now.

Mr. BURNES. Mr. Chairman, just a few remarks upon this point. I desire to call the attention of the committee to the fact that we have just passed an appropriation for assay offices in a half-dozen different places, from the Territories to North Carolina. The argument with regard to the amendment I have proposed will be presented by my friend and colleague from Missouri, Colonel BROADHEAD.

Mr. COX, of North Carolina. Let us rise now.

Mr. BROADHEAD. A word or two on this proposition. I do not exactly see why Saint Louis should be singled out for attack on this bill.

There are six assay offices in the United States, including the one at New York. The assay office at Saint Louis was established in an act passed in 1881. It went into operation on the 1st of January, 1882. It has not had time to develop its business capacity. But I received on yesterday a letter from the assay officer at Saint Louis which shows a large increase in the business of that office during the first quarter of the present year and during the first part of the second quarter. It shows that the amount of bullion deposited there during the second quarter will amount to about $18,000, which would make the annual deposit about $80,000, whereas the annual deposits during the second year of its establishment were only about $30,000. A large increase of the business there is thus shown.

It is true the office does not pay. And neither does any assay office in the United States pay. None of them has a business which is equal to the amount of the expenses. It is so in regard to New York. It is so in regard to the smaller assay offices at Boisé City, Idaho, and at Helena, Mont., the assay office there having been established at the same time as the assay office at Saint Louis and under the same act. But the proportion of expenses and profits is about the same at Saint Louis as at Boisé City and at Helena, Mont. So in regard to the assay office at Charlotte, N. C. None of them pay by a large amount the expenses of their operations; they are intended for the benefit of persons who are the holders of bullion and want to have it assayed by an assay office of the United States.

The assay office established at Saint Louis is established in a building which belongs to the Government, which was erected there at a cost of nearly $400,000, and which is now vacated or about being vacated for the purpose of occupying a larger and more expensive building, because it is too contracted for the business of the Government offices at Saint Louis. That building, if sold by the Government, must be sold at a great sacrifice. It is now used for assay purposes. The expenses only amount to $5,300, although the business has increased enormously. The business done during this year would be four or six times the amount of the business done during the first year. I hope the amendment will be adopted.

Mr. RANDALL. I want to suggest to the gentleman from Indiana that we might as well rise now. But before that motion is made I want to say in reply to the thought which the gentleman from Saint Louis [Mr. BROADHEAD] expressed when he said he did not know why Saint Louis was selected for attack. I assure the gentleman the recommendation of the committee is based on no reason whatever of that sort. We have not selected Saint Louis over any other place.

Mr. BROADHEAD. Can the gentleman tell the House why the assay office at Saint Louis is singled out and the recommendation made that the act establishing it be repealed?

Mr. RANDALL. It was done at the recommendation of the bureau, as I understand. This will be shown when the consideration of the bill is resumed to-morrow morning.

Mr. BLAND. Will the gentleman from Pennsylvania show that recommendation? It is not in any of the annual reports.

Mr. RANDALL. I do not think the gentleman from Missouri [Mr. BURNES] will controvert that proposition. Mr. Burchard favored the change here proposed.

Mr. HOLMAN. My friend from Missouri [Mr. BLAND], I presume, does not question the statement that the head of the bureau thought this a proper recommendation.

Mr. BLAND. While we are upon this subject I want to say one word. I am in favor of economy, but I do not like this favoritism which is sometimes shown in the exercise of economy. I do not understand, for instance, why the Committee on Appropriations come here, and the gentleman from Indiana [Mr. HOLMAN] can recommend the reduction of clerks having annual salaries to session clerks, and yet in some other instances where clerks have but little to do he places them on the annual-salary list; it may be perhaps because they have some friends on the Appropriations Committee. Nor do I understand why it is that the assay office that is at Saint Louis should be particularly selected out by the Mint Bureau or the Committee on Appropriations, when it pays more than any other assay office now established, except Charlotte, in proportion to the expenses.

Mr. HOLMAN. I hope my friend will——

Mr. BLAND. I hope I may not be interrupted at this point.

Mr. HOLMAN. I wish to say that I hope my friend will be more specific in his statement about it.

Mr. BLAND. I think the gentleman from Indiana understands me.

Mr. HOLMAN. I do not understand the gentleman.

Mr. BLAND. I think the gentleman from Indiana [Mr. HOLMAN] did not make any point of order to-day on the increase of a session clerk of a committee to an annual clerk, while he did make the point of order as to others.

Mr. HOLMAN. What instance does the gentleman refer to?

Mr. BLAND. If the gentleman does not know it, it is scarcely worth while for me to state it.

Mr. HOLMAN. I ask the gentleman to name the instance.

Mr. BLAND. The clerkship of the Committee on Foreign Affairs is one instance.

Mr. HOLMAN. That was already in the bill. The points of order I made were on motions to amend the bill.

Mr. BLAND. The gentleman made no point of order on that proposition, although it changed existing law and increased expenditures.

Mr. HEWITT, of Alabama. And the gentleman from Missouri [Mr. BLAND] made no point of order on the clerkship referred to.

Mr. BLAND. I am making no point of order on it now, but I am making a point of order on that favoritism which would strike down clerks who are now receiving an annual salary under the law, and then change the existing law to give an annual salary to a clerk not now receiving it, because he had a friend on the committee that seemed to be in very great sympathy with him.

Mr. HOLMAN. I still do not understand the point the gentleman is making. I have no relations with any of these parties.

Mr. HEWITT, of Alabama. I should think that if the gentleman from Missouri had thought that was the reason why that clerk was made an annual clerk he himself would have made the point of order against it.

Mr. BLAND. I would have made it if I had noticed it in time. But a motion was made to strike it out, and it was debated before any opportunity was given to make the point of order upon it.

Now, in regard to this assay office at Saint Louis, I will say that it was established for a purpose, and that purpose was stated by the Director of the Mint before the Committee on Coinage, Weights, and Measures when the bill was under consideration in that committee. I was authorized to move to suspend the rules and pass the bill. Mr. Burchard, the Director of the Mint, stated before the committee that when he purchased silver bullion in the city of New York he was compelled to pay 60 cents on every $100 worth to transport it to New Orleans, and he had given the bullion brokers of New York notice that unless they would transport the bullion from New York to New Orleans as cheaply as they would do it from Philadelphia he would open up a market in Saint Louis for that purpose and establish an assay office there. And that was done.

And he told me and he told the gentleman from Indiana [Mr. HOLMAN] that after that assay office was established in Saint Louis he obtained bullion there and shipped it to New Orleans as cheaply as he could get it in Philadelphia, saving by that means 60 cents on every hundred dollars' worth, or $37,000 a year in the matter of transportation alone. Mr. Burchard also states that if we continue the coinage of silver as it now is going on, with the silver-producing country so near the city of Saint Louis, instead of coining silver at San Francisco as we now do, and piling it up there to the amount of $40,000,000, as well as in Philadelphia and New Orleans, it would be better to buy the bullion and coin it where they can buy it cheapest and coin it cheapest. And it is because a bill has been reported here to establish a mint at Saint Louis that gentlemen are so hot against the assay office there.

Mr. HOLMAN. I move that the committee now rise.

Mr. O'NEILL, of Missouri. I hope that motion will be voted down. We will save time by discussing this matter a little longer to-night.

The question was taken by a *viva voce* vote on the motion that the committee rise, and the chairman announced that the ayes appeared to have it.

Mr. O'NEILL, of Missouri. I call for a division.

The committee divided; and there were ayes 33.

Before the noes were counted,

Mr. HOLMAN said: I will withdraw the motion that the committee rise.

Mr. WARNER, of Ohio. I renew it. It has been over twelve hours since the session of to-day began, and it is time for this House to adjourn.

Mr. HOLMAN. I think perhaps that it may be better to debate this matter to-night rather than to-morrow.

The question was taken on the motion of Mr. WARNER, of Ohio; and it was agreed to, upon a division—ayes 28, noes 4.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUTELLE: Petition of citizens of Vinal Haven, Me., in behalf of the enforcement of the eight-hour law—to the Committee on Labor.

By Mr. CRISP: Petition of J. F. De Lacey, J. Bishop, jr., and others, citizens of Dodge County, Georgia, asking aid to education—to the Committee on Education.

By Mr. ERMENTROUT: Protest of the Philadelphia Board of Trade against the passage of H. R. 5831, relative to pilotage—to the Committee on Commerce.

Also, petition of Philadelphia Board of Trade, in favor of the bill for the relief of commercial travelers trading in the United States—to the same committee.

Also, memorial of the Duluth Chamber of Commerce, to amend S. 1853 as set forth in said memorial—to the same committee.

Also, memorial of the Southern Exposition, in regard to exhibits from the Executive Departments—to the Committee on Appropriations.

By Mr. EVERHART: Protest of the Philadelphia Board of Trade against the passage of H. R. 5831—to the Committee on Commerce.

Also, petition of Philadelphia Board of Trade, in favor of the bill for the relief of commercial travelers in the United States—to the same committee.

By Mr. FERRELL: Petitions of citizens of Camden, N. J., relative to Indian education, &c.—to the Committee on Indian Affairs.

By Mr. HANCOCK: Papers relating to the claim of John Mellifont—to the Committee on War Claims.

By Mr. HARMER: Protest of the Philadelphia Board of Trade against the passage of H. R. 5831—to the Committee on Commerce.

Also, petition of Philadelphia Board of Trade, in favor of the bill for the relief of commercial travelers in the United States—to the same committee.

By Mr. HEPBURN: Petition of J. F. Howell and 79 others, citizens of Ringgold County, Iowa, asking Congress to build a double-track steel railroad from the city of New York to the city of San Francisco, Cal.—to the same committee.

By Mr. JAMES: Petition of Rev. J. M. Peck and 19 others, of Corona; of Rev. Joseph F. Elder, pastor of Baptist Church of the Epiphany; of Rev. William Wylie and 6 elders of Reformed Presbyterian church; of Mrs. J. J. Astor and other ladies of New York; of Rev. James H Hawley and congregation of Faith Chapel Presbyterian church; and of Rev. R. M. Somerville, pastor of Second Reformed Presbyterian church, New York city, relative to education, &c., for the Indians—severally to the Committee on Indian Affairs.

Also, petition of Rev. R. B. Hull, pastor of Tabernacle Baptist church; of Rev. James B. Simmons, pastor of Trinity Baptist church; of Rev. J. M. Keck, pastor of Summerfield Methodist Episcopal church; and of F. A. Barnard, president, and the professors of Columbia College, praying for the allotment of lands, &c., to Indians—severally to the same committee.

By Mr. LAIRD: Petition of Rocky Face Post, Grand Army of the Republic, State of Nebraska, asking a pension of $8 per month to all Union soldiers of the late war—to the Committee on Invalid Pensions.

Also, petition of Elliott Post, No. 88, Grand Army of the Republic, Davenport, Nebr., praying for the passage of H. R. 6649—to the same committee.

By Mr. LOVERING: Petition of Thomas J. Pearson and others, asking for the passage of an act granting a pension of $8 per month to all honorably discharged soldiers and sailors of the late war—to the same committee.

By Mr. MCCORMICK: Petition of Post No. 68, Grand Army of the Republic, Department of Ohio, in favor of H. R. 6463, relative to pensions for soldiers—to the same committee.

By Mr. MAYBURY: Petition of Messrs. Tompkins, Gibson, and many others, for the location of a home for disabled soldiers at Dearborn, Wayne County, Michigan—to the Committee on Military Affairs.

By Mr. MILLIKEN: Petition of Henry W. Carville, for invalid pension—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Protest of the Philadelphia Board of Trade, against the passage of H. R. 5831—to the Committee on Commerce.

Also, petition of Philadelphia Board of Trade, in favor of the bill for the relief of commercial travelers in the United States—to the same committee.

By Mr. RANDALL: Petition of Women's National Indian Association, relative to Indian appropriations—to the Committee on Appropriations.

By Mr. ROCKWELL: Remonstrance of citizens of Massachusetts, against the enactment of any measure which shall establish a governmental monopoly of the telegraph business—to the Committee on the Post-Office and Post-Roads.

Also, petition of 3 dealers in earthenware, china, and glass, of Springfield, Mass., asking for a reduction of the tariff to relieve their business—to the Committee on Ways and Means.

By Mr. J. S. ROBINSON: Remonstrance of Asbury Post, Grand Army of the Republic, Department of Ohio, against the passage of the bill retiring General U. S. Grant—to the Committee on Military Affairs.

By Mr. W. E. ROBINSON: Memorial relative to penny postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH: Protest of the Philadelphia Board of Trade, against the passage of H. R. 5831—to the Committee on Commerce.

Also, petition of Philadelphia Board of Trade, in favor of the bill for the relief of commercial travelers in the United States—to the same committee.

By Mr. SPRIGG: Petition of citizens of New York, for reduction of internal-revenue taxes—to the Committee on Ways and Means.

SENATE.

THURSDAY, *May* 29, 1884.

Prayer by Rev. J. G. BUTLER, D. D., of Washington city.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting certain correspondence and statements relative to the amount of surveys in the district of Arizona and California, and recommending that the appropriation for clerical hire in the office of the surveyor-general of Arizona be increased to $6,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Miss Augusta L. Reed, of Washington, D. C., praying that the amount of the unpaid pension due her father up to the time of his death may be appropriated for her benefit; which was referred to the Committee on Pensions.

Mr. WILSON presented a memorial of C. E. Perkins and 313 other citizens of Burlington, Iowa, and a memorial of 33 citizens of Stuart, Iowa, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials, or establish a governmental monopoly of the telegraph business, or which shall employ the function of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; which were ordered to lie on the table.

Mr. BECK. I present a petition of the Southern Exposition Company at Louisville, Ky., in regard to exhibits from the Executive Departments. It is somewhat in detail, but the substance of it is contained in a note to me from J. M. Wright, the general manager. He says:

> Under the instructions of the board of directors of the Southern Exposition, I am instructed to request that you, in conjunction with the other representatives of the Kentucky delegation, will present the matter and ask to have an appropriation of $25,000 for the Government exhibit incorporated in the bill relating to the exposition.

I move that the petition and the letter which I have read be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. VOORHEES presented the petition of Col. R. N. Hudson and 96 others, citizens of Terre Haute, Ind., praying for the passage of the bill placing General John C. Frémont on the retired-list of the United States Army; which was referred to the Committee on Military Affairs.

Mr. HALE presented the memorial of John K. Ames and other citizens of Machias, Me., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of Government officials or establish a governmental monopoly of that business; which was ordered to lie on the table.

Mr. CAMERON, of Wisconsin. At the request of the Senator from New York [Mr. LAPHAM] who is absent, I present a joint resolution of the Legislature of New York.

The joint resolution was read, and referred to the Committee on Commerce, as follows:

> STATE OF NEW YORK, IN SENATE, *Albany, May* 8, 1884.
>
> Whereas this Legislature fully believes that the New York system of water ways is of interstate commercial importance, and is not confined in its beneficent control of the rate of freights to the location through which they run: Therefore,
>
> *Resolved* (*if the assembly concur*), That in view of their national, defensive, and commercial importance we respectfully request the careful consideration of our representatives in Congress of such measures as upon due investigation and consideration shall be found to be best adapted to accomplish the proposed object.
>
> By order.
>
> JOHN W. VROOMAN, *Clerk.*
>
> IN ASSEMBLY, *May* 15, 1884.
>
> Concurred in without amendment.
>
> By order.
>
> C. A. CHICKERING, *Clerk.*

Mr. CONGER presented the petition of Dr. A. I. Sawyer, Dr. D. A. McLachlin, and 183 other citizens of the cities of Monroe and Holly, Mich., praying for the passage of Senate bill 1223 making all qualified physicians equal before the law in appointments to the Government service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. SHERMAN presented a resolution of the Chamber of Commerce of Cincinnati, Ohio, remonstrating against the passage of the House bill No. 6562, or any other bill, authorizing the construction of a bridge across the Ohio at Cincinnati without a pivot-draw span or less height than the present suspension bridge at that place; which was referred to the Committee on Commerce.

He also presented a petition of James M. Brown and others, citizens of Toledo, Ohio, praying that the appropriations asked for by the Secretary of the Interior for Indian schools be granted by Congress; which was ordered to lie on the table.

He also presented a memorial of citizens of Coshocton, Ohio, and a memorial of citizens of Greensburg, Ind., protesting against the creation of a governmental telegraph system; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 159) for the relief of Rodman M. Price, reported it with amendments.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the bill (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army, reported it with amendments, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, agreed to the conference asked by the Senate, and had appointed Mr. H. W. SLOCUM of New York, Mr. SAMUEL DIBBLE of South Carolina, and Mr. N. DINGLEY of Maine managers at the conference on its part.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route; and it was thereupon signed by the President *pro tempore*.

LANGLEY B. CULLEY.

Mr. HALE. I move that the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

SUFFERERS BY MISSISSIPPI OVERFLOW.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," that order is closed.

Mr. HARRIS. I move that the Senate proceed to the consideration of House bill 5667.

The PRESIDENT *pro tempore*. The Calendar under the eighth rule being before the Senate, the Senator from Tennessee moves that the Senate now proceed to the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes. The question is on agreeing to the motion.

Mr. ALLISON. My attention was diverted for a moment. I have a report that I desire to make from the Committee on Appropriations with reference to the Mississippi River overflow, and I should like to ask the Senate to consider the measure this morning. I do not think it will take a great deal of time.

Mr. HARRIS. I will consent to do so, reserving the right to object if it leads to any extended debate.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The Senator from Tennessee withdraws his motion for the moment.

Mr. HARRIS. Yes, sir, for the moment, for the purpose indicated by the Senator from Iowa.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the joint resolution (H. Res. 255) appropriating the further sum of $100,000 for the sufferers by the overflow of the Mississippi River and tributaries, have instructed me to report it with an amendment. I ask for its immediate consideration.

The PRESIDENT *pro tempore*. Is there objection to receiving the report? The Chair hears no objection. The Senator from Iowa asks that the joint resolution be now considered. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported by the Committee on Appropriations was to strike out all after the resolving clause and to insert:

> That so much of the appropriation for the relief of the sufferers by the overflow of the Ohio River and its tributaries as remains unexpended may be used by the Secretary of War in the purchase and distribution of subsistence stores and payment for necessary transportation to aid in the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; and he is authorized to co-operate with the authorities of the several States of which such district is a part in making distribution of supplies.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. ALLISON. I will state briefly in respect to the amendment that on consultation with the Secretary of War it appears that there is from $45,000 to $50,000 of an unexpended balance of the appropriation for the Ohio River sufferers still in the Treasury. With that sum the Secretary can issue 400,000 rations in round numbers, and the committee were of opinion, especially in view of the scanty and rather unsatisfactory character of the information in reference to this subject,

that that amount would probably cover the necessities of the case, and therefore instructed me to report the amendment.

Mr. GARLAND. Let me ask the Senator a question. Is the Secretary of War of the opinion that that will be sufficient to meet the exigencies of the case, from the information that he has?

Mr. ALLISON. The Secretary of War informed the committee that he had no very definite information on the subject. There was a report made to the House on this subject, which contains a number of telegrams addressed to the Secretary of War, of date running from May 1 to the 15th. The Secretary of War informed the committee that since that time he has received but one telegram on this subject, which is dated on the 26th of May. Therefore he is not in possession of information which would enable him to give a very definite opinion on the subject.

Mr. GARLAND. Do I understand the chairman of the committee to say that the committee think from investigation that that sum will be sufficient to meet the demands of the case?

Mr. ALLISON. The committee are of opinion that that sum will be sufficient to meet present wants, at least such wants as will be required, until more definite information can be obtained.

Mr. BECK. There is one thing I desire the Senator from Arkansas to know which influenced some members of the committee at least, and that is that while this appropriation of $45,000 or $50,000 furnishing about 450,000 rations would help out for a while, it was thought that during the time it would relieve those people there ought to be some more effort than seems to have been made by the local authorities there to aid them. The Legislature of Louisiana is in session, for example, and it has not given a dollar so far as we know. New Orleans and Baton Rouge are in the neighborhood, and nothing seems to have been done. We thought it was very well while furnishing immediate relief to see what could be done at home among the people and by the State before we went much further.

Mr. ALLISON. I wish to add to what the Senator from Kentucky has said that it appears no effort has been made, at least none that we can gain information about, showing that the local authorities have in any way contributed to the relief of the sufferers.

Mr. JONAS. Mr. President, I am very much opposed to the adoption of the amendment reported by the committee. The sum appropriated in the resolution as it passed the House was based upon the recommendation of the Secretary of War made in accordance with a resolution adopted by the House requesting him to furnish information to that body when he should think the exigencies required an appropriation to be made. The Secretary of War communicated to the House his opinion that it was necessary in order to relieve the suffering caused by the overflow of the Mississippi that an appropriation of $100,000 should be made sufficient to purchase a million rations, which he thought would be needed. No new report has been made by the Secretary of War to the House, because action upon his previous communication has been pending there for the last three weeks, and the appropriation was passed in accordance with his recommendation only a few days ago.

This whole matter, I repeat, was placed in the hands of the Secretary of War. That officer was directed to obtain such information as would enable him to advise Congress as to the necessity for an appropriation for relief. Acting upon the information obtained from his officers, obtained from commissioners appointed by him for the purpose of investigating this subject and making reports to him, he communicated to the House advising them that the sum of $100,000 would be necessary, and the House passed the resolution and sent it to the Senate.

Now, the Committee on Appropriations have no information and have furnished none to the Senate which justify them in saying that $45,000 or $50,000, as the case may be, is sufficient to meet this exigency. On the contrary, the original report from the Secretary of War which is before them and based upon information satisfactory to him has been contradicted in no particular but strengthened by telegraphic dispatches sent to the members of Congress representing the overflowed district from every section, setting forth that every day since the report was made by the Secretary of War the suffering has become greater, and the necessity of an appeal to Congress for the relief of the suffering people more exigent and more peremptory.

This is the most extraordinary flood to which at least a portion of those people have ever been subjected. It has lasted now for over three months. For over three months some of the most populous and fruitful portions of the valley of the lower Mississippi have been under water, and there is no prospect that they will be relieved from this overflow for at least a month to come. During all that time but $125,000 have been appropriated by Congress to relieve their necessities, necessities far greater than were provided for by an appropriation of nearly $400,000 two years ago.

The time has passed when there is a possibility for those people to plant and expect to make crops, even to make bread with which to feed their families. They are not able to go away and seek other homes, because they are surrounded by water. In portions of several parishes in Louisiana there has scarcely been an acre of dry land visible for the last two months. Those people can not go away. They live in their houses; they have no food; they have no prospect of making crops; the merchants are unable to extend them credit or help.

While I have no figures before me, I ask what figures the Committee on Appropriations have and what information they have that nothing has been done by the people or the local authorities to relieve the necessities of those sufferers? I undertake to say that everything has been done which suffering neighbors and suffering people can do. Everybody is involved in this common misfortune. The white people as well as the colored people have had their property swept away; their plantations are under water; their crops are gone; their stock is dead and dying; they are involved in the same calamity.

The people of the States affected are poor, and the governments and treasuries of those States are poor and impoverished. The Legislature of Louisiana is the only one which I believe is in session, and I have here a dispatch from the governor of Louisiana and a letter from him which I communicated to the committee, in which he says that their treasury is exhausted, and nothing can be done unless the money appropriated by law for the purpose of paying the interest on the public debt and past-due contracts is to be taken illegally by the Legislature and appropriated for the purpose of relieving the sufferers.

Mr. GEORGE. I should like to ask the Senator from Louisiana how much of the tax-paying part of Louisiana is overflowed.

Mr. JONAS. It is the richest tax-paying portion of the State of Louisiana, including some of the richest cotton and sugar growing sections of the State.

Mr. GEORGE. What is the proportion? I think the per cent. must be very large.

Mr. JONAS. I can scarcely state the per cent., but I do not think I hazard anything in saying that one-fifth, perhaps more, in value of the agricultural property of the State of Louisiana is now under water, its inhabitants deprived of all hope of making crops during the approaching season.

The number of people for whom we ask relief is estimated by the governor of Louisiana at 25,000 alone for that State, and there are a large number in Arkansas and Mississippi; they are principally colored people. They are nearly all colored people in my State. They are laborers, who live upon the prospect of making a crop. They get advances from their merchants or from the owners of the land to feed their families and their animals during the time when they are occupied in making a crop. They seldom have anything on hand; they have nothing in savings-banks, and they have no credit except that which is extended to them as laborers based upon their expectation of realizing a crop. The lands which they hoped to cultivate are under water; the time has passed when it is possible for them to raise cotton or corn; they can not get a dollar to buy meal, or bacon, or bread, or any necessary of life predicated on their chance of making a crop and paying for such advances in the fall, as is their custom, and unless something is done for them they must be left to starve.

Mr. GEORGE. I wish the Senator to state what means of employment those people have during the overflow, and what chance they have to make money to buy bread.

Mr. JONAS. They not only have no chance of employment, but they have no means of getting away from the locality where they are. They live on a few acres of dry ground, or in the lofts of gin-houses or sugar mills, or on the tops of their cabins. In this mild weather they live out of doors, unable to change their locality, unable to do any work, unable to earn a dollar, unable to get any bread, and they are there waiting for something to eat, grown people and children alike.

I admit that I dislike to come before the Senate asking help for any portion of the people of my State, but it is in the cause of common humanity. I assert that the people of the neighborhood have done everything in their power, and I reassert that it is beyond the power of the people of the State to meet this great misfortune.

A few months ago we appropriated $500,000 to relieve the suffering caused by the overflow in the Ohio Valley (for which I cheerfully voted); but that was a temporary calamity. In two weeks the water went off, in two weeks the flood ceased and those people were relieved from their sufferings; in two weeks they were able to cultivate their fields and plant crops; and one who goes through that country now will not see a vestige of the recent flood. But nothing is changed in lower Louisiana, or Mississippi, or Arkansas. The Mississippi River is still as high as it was at the very acme of the flood. It has not fallen at all. The levees have given way; there is nothing but a waste of water. There is no chance of cultivating the fields; there is no chance of feeding the people; and I repeat I make this appeal in the cause of common humanity.

Mr. MORGAN. I wish to ask the Senator from Louisiana if he will explain to the Senate the cause of the overflow there. Is it the high river and because the river continues high; or are the people penned in behind the levees and unable to get out?

Mr. JONAS. On the contrary, the levees have been swept away. The flood has gone over the levees. It is an unprecedented flood, caused by an early rise in the river, followed by a later rise and by constant and increasing rains. Such a season I believe has never been known in the South. I appeal to other Southern Senators who can give the same report as to the localities in which they live.

Mr. MORGAN. Will the Senator inform me how far the high water extends?

Mr. JONAS. The water in the river is unusually high everywhere. The overflow extends above Vicksburg, in Mississippi.

Mr. BECK. I think we were told to-day that the overflowed district was two hundred miles in length and ninety miles in width.

Mr. MORGAN. On the east side of the river?

Mr. JONAS. On the west side of the river. The river is some ninety miles wide where it ought not to be more than a mile, covering the whole country from hill to hill.

Mr. MORGAN. Will the Senator allow me further to inquire whether the Legislature of Louisiana has done anything to relieve the sufferers in that State?

Mr. JONAS. The Legislature of Louisiana is in session now and I see that a bill has been introduced appropriating $50,000. It has not passed yet, so far as I know. I have a letter from the governor, who says that the only available funds in the treasury are the interest fund and others already appropriated. That money would have to be taken which is appropriated by law for the payment of the interest on the public debt if an appropriation should be made. The taxes furnishing the public revenue are not yet collected or collectible. My colleagues in the House and myself have had dispatches in great numbers from all sections of the overflowed country, from the most reliable men, representing the terrible suffering which exists among the people and the danger of starvation, and all asking for this aid and saying that it is impossible for the people of the localities affected to relieve the distress.

I sincerely trust that the amount appropriated by the House will be given here. There has not been an occurrence since the Secretary of War made his recommendation to reduce the necessity for the appropriation. On the contaary, every report which has reached us either from private individuals or through the papers, and I presume the last dispatch to the Secretary of War, has confirmed the necessity for the appropriation. I trust the amount will be voted as recommended by the House.

Mr. ALLISON. The Senator from Louisiana speaks of the recommendation of the Secretary of War. A reference to the letter of the Secretary of War will show that his recommendation is very guarded. I wish to read it:

> The Secretary of War has the honor to inform the House of Representatives that he is in receipt of communications, copies of which are inclosed, from which it appears that all the suffering caused by the floods in the lower Mississippi Valley has not yet been relieved.
>
> This letter is dated May 9.
>
> These communications are from Capt. Frederick F. Whitehead, United States Army, the officer in charge of the distribution of relief supplies in the lower part of the overflowed region, and from the gentlemen who, at the request of the Secretary of War, have been acting as a local committee to assist Captain Whitehead in his work. These communications are submitted for the consideration of the House with the information that a full compliance with the suggestions made in them would require an additional appropriation of about $100,000.

So it will be observed that in his original communication of May 9 the Secretary of War simply submits the papers. On the receipt of this information the Commissary-General of the Army telegraphed to Captain Whitehead asking him to inform the War Department what amount would be required to relieve the situation. He answers, under date of May 8, that 500,000 rations at the lowest estimate would be needed for relief in the State of Louisiana, and that that would relieve 25,000 people for thirty days. That is all the practical information which is contained in these papers, from which it appears that 500,000 rations may be required. From the 8th of May, when this information came to the House of Representatives, until this time no relief of course has been provided. The Secretary of War informs us that the amount now on hand will supply 400,000 rations, within 100,000 of the lowest estimate made. It is true that a committee estimates that a million rations will be required, but the Secretary of War only submits that information and does not say whether or not in his opinion it will be required.

The Legislature of Louisiana is in session. It has as yet made no appropriation for this purpose. The Committee on Appropriations believe that the Legislature of Louisiana should take some action on the matter and should supplement the appropriation here proposed with an appropriation from the treasury of that State. And therefore I think there can be no doubt that the amount proposed in the amendment will satisfy the present wants of the sufferers in this region. I trust the amendment will be agreed to.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the amendment of the Committee on Appropriations.

Mr. GEORGE. Mr. President, I desire to say but a word or two in favor of the resolution as it passed the House of Representatives. The State of Mississippi is at this time very little interested in this measure. The overflow has gone downstream, and it only affects one or two counties in the extreme southwestern part of Mississippi, and it so happens that in that part the valley of the Mississippi on the east bank is very narrow, so that there is very little need for help so far as the State of Mississippi is concerned. But I desire to say in behalf of the suffering people principally of Louisiana—of course I want the poor people of Mississippi who are overflowed to have their share—that the principal part of that very fertile State is overflowed at this time, now the 29th day of May. The principal part of the agricultural districts of Louisiana are now under water, and I wish to make a few remarks in reference to them.

In the first place, this is the 29th of May and it is too late—I know this from my experience as a farmer—in that latitude to plant a crop with any assurance of a proper return. It is too late for cotton, it is too late for corn, although corn will mature in that latitude planted now, yet the chances are that the season will be unfruitful. Successful corn-raising in that latitude comes from planting in March and in the early part of April. So we may take it as settled that this large district of ninety miles wide and two hundred miles long will be without a good crop at the end of the season.

Some complaint is made that the Legislature of Louisiana has not acted. No complaint of that sort was made when the resolution or bill was before the Senate to make appropriations for the sufferers from the overflow of the Ohio. I do not know that those Legislatures had acted at the time we made that appropriation. As suggested by my friend to my right, no question was made on that subject. But if this large calamity is sufficient to invoke the aid of the National Government, I submit that we can not get rid of our duty in that respect by charging a default upon the local authorities. Their default, if it exist, should rather stimulate us to action in behalf of the suffering people.

Then I want to call the attention of the Senate to another thing. This disaster is so great, extends over so large a portion of Louisiana, that I feel warranted in saying that not only no sufficient food will be raised in that district this year but there will be a total incapacity on the part of the property-owners there to pay their taxes, and so if a tax was levied it could not be collected so far as they are concerned.

Mr. PLUMB. Mr. President, I am opposed to the amendment of the committee. Congress gave in the beginning of this session to the Ohio Valley sufferers a large sum of money, gave it without stint, without paring, without let or hinderance, gave everything that was asked, gave it to the richest communities on the North American continent, to communities which I think did not need it. While I think Congress gave more than was usefully made use of, at the same time we established a rule and principle of action which I do not think we ought now to go back on. The people in the lower Mississippi are without local resources. No individuals in that country can borrow money, and, from whatever cause, the States of which they are members and constituencies are in the same condition. We may be giving more than we ought; but as long as we have established the principle of giving we ought not to hesitate about the amount. As between a small amount which may be too small and a large amount which may be too large, I would resolve the doubt in favor of the larger sum.

I do not expect to be bound to vote for another similar appropriation. I am simply following the rule, the precedent, which we ourselves have established this year. I believe these people situated on the lower Mississippi are more meritorious as objects of charity than anybody could possibly be up in the Ohio Valley, so far at least as the necessity for the receipt of charity calls for the action of the General Government. Whatever these people want they want at once. Whatever they want they want in sufficient supply to enable them to get to a point where they can labor with the probability of being able to make a crop to relieve them from a similar experience next year, or at all events from want next year.

It may be said that if we do this now, and if we do it without stint, these people will lean on us hereafter; but that argument could have been better applied to the appropriations already made, that we made this year and made last year and have made from time to time. I am conscious that what we do increases the general demand that is made upon the General Government for relief against misfortunes of all kinds; but we have established the rule this session and I propose to follow it out to its logical conclusion. The people who are needy down there are needy in a way that can not be relieved unless they are relieved in this way; at least they are much more needy than those whom we have heretofore relieved.

If it be true, as has been said here and elsewhere, that these overflows may be counted on every year, then we must consider the question as to whether the Mississippi Valley should be made habitable, or if not habitable, then as to whether the people who live along the banks of that river shall not be required to move away, or at least left to their own devices, freed from any expectation of charity on the part of the General Government or on the part of individuals.

But this question to-day is one of immediate necessity. The appropriation of $46,000 is a confession that money is needed, that it is needed beyond the possibility of supply from individual sources or from the resources of the States of which these people are citizens. That being the case, I am in favor of making it large enough so that it shall not be said that we were economical in regard to a question of suffering, and, having determined that we would relieve, stop short of doing that which was ample for the occasion.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The question being put, there were on a division—ayes 29, noes 10.

Mr. JONAS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I am sorry to ask the indulgence of the Senate, but I should like to have the amendment read again.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That so much of the appropriation for the relief of the sufferers by the overflow of the Ohio River and its tributaries as remains unexpended may be used by the Secretary of War in the purchase and distribution of subsistence stores and payment for necessary transportation to aid in the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries, and he is authorized to co-operate with the authorities of the several States of which such district is a part in making distribution of supplies.

Mr. GEORGE. I understand that the amendment simply gives to these people down there that part of the appropriation heretofore made which the sufferers in the Ohio Valley did not want.

Mr. BECK. They got $125,000 before, and this gives them $47,000 more, making $172,000, and there are bills now pending before the Legislature of Louisiana to give them $50,000; but Louisiana has not seen fit to give a penny up to this time, and if we give $100,000 she will give nothing, while if we give $47,000 or $50,000 she will give $50,000, I have no doubt. That is the whole case.

Mr. JONAS. I do not know where the information and knowledge of the Senator from Kentucky in regard to the Louisiana Legislature comes from. It is knowledge and information which he seems to have imbibed as a member of the committee——

Mr. BECK. I wish to say——

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. JONAS. I do not yield.

Mr. BECK. I thought the Senator asked a question.

Mr. JONAS. I did not. The Legislature of Louisiana has only been in session a few days and the committees have just been formed. I said I noticed that a bill had been introduced to appropriate $50,000. Whether it will pass or not, I do not know; and if it does pass, where the money is to come from to pay that appropriation I do not know. It certainly can not come in time to relieve the necessities of these starving people, and if it does come, I know not what it will do for the people of Arkansas or the people of Mississippi.

This amendment of the Committee on Appropriations proposes to give some $45,000 to $50,000, originally appropriated for the relief of the sufferers in the Ohio Valley and not needed by them, instead of $100,000 which the committee of the House reported as necessary. That is the question before the Senate. I say from the knowledge which I have of this section of country—I state from the dispatches which I am receiving every day from responsible and respectable citizens of that locality, from the governor of the State and from members of the Legislature, that this necessity exists and that these people are now actually starving, and can not be relieved except by the efficient machinery of the Government under the administration of the Secretary of War, which has hitherto been so effectual in distributing the relief almost immediately after Congress made the appropriation.

It is not a question of what the State of Louisiana will do or what it has done. The question is as to some 40,000 people who are now in a starving condition, and those people colored laborers, without credit, without the means of making crops or of making bread for themselves and their families, left on some little dry spot in an ocean which has been created by the overflowing waters, who have been two or three months in that condition and have a prospect of being there a month or six weeks longer.

Compare their condition with the condition of the overflowed people in the valley of the Ohio. The water swept away and poured down on us, and within two weeks everything was as prosperous in that valley as it had been before the flood; the people were able to go to work, to plant their corn and make their crops, and one riding through that country can not see one vestige of the misfortune which befell them. I traveled up the Mississippi two or three weeks ago and passed a portion of the overflowed country in Louisiana, and as far as the eye could reach, stretching to the horizon, there was nothing but a sea of water spread over the most fertile and productive and valuable lands and improved plantations in my State, and the poor laborers were gathered on the levees or seated on top of their cabins waiting until the waters should subside so that they could move off, if spared so long from starvation.

These people are starving, and the necessity is imminent, which has been brought home to the House of Representatives and brought home to the Committee on Appropriations and brought home to the people of this country, and it is a question now whether, having exercised without objection a noble munificence to the people dwelling in the Ohio Valley, having before repeatedly voted money to feed these starving people in the valley of the Mississippi—whether we are to haggle now to cut down an appropriation of $100,000, which provides only 1,000,000 rations, because the Committee on Appropriations find that $47,000 of a previous appropriation is yet unexpended, which will buy 400,000 rations.

While the Committee on Appropriations may well pause to consider ordinary items of expenditure and to prevent extravagance in public affairs, yet they act with small information and narrow policy when they seek thus to cut down an appropriation which is intended to feed 40,000 starving people, and those people laborers, those people colored men, those people "wards of the nation," so called, with whom you on the other side have far more political influence than I have, from whom I have nothing to hope, who are not my political friends or supporters. They are on the soil of my State; they belong to it; they are deprived of the means of livelihood; they are on the shores of this vast river which has become a sea through the infliction of Divine Providence; and you hesitate—you who claim to be their friends hesitate to extend to them a crust of bread when they are starving. This is the simple situation, Mr. President. I have nothing further to say.

Mr. BECK. The Senator from Louisiana saw fit to say that I had made a statement without information. I now desire to advise him and the Senate that the information we received that Louisiana has done nothing up to this time I received in part from him in the committee-room on yesterday. That is the authority for what I said, yet that is what the Senator said I had no right to state. He gave that information himself to the committee, and I repeated it upon his authority. So much for that assertion.

Other representatives have said the same thing to us. There is a bill pending now before the Louisiana Legislature to give the flood sufferers $50,000. If we give the whole $100,000 needed I assume they will give nothing, as they have allowed that condition of things to go on in Louisiana up to this time without State aid. It will be observed that it was the 9th of May when the Secretary of War made his communication on the subject to the House; nearly three weeks had run before even the House acted. Now we find that there are $47,000 in the Treasury in addition to the $125,000 we have already given. We now propose to give that amount and see if Louisiana and the other States in that neighborhood will not help.

The reason there was $125,000 and $47,000 left from the Ohio River donation was that the Legislature of Ohio, the Legislature of Kentucky, and the Legislature of Indiana, the moment they were advised as to the condition of the sufferers, appropriated large amounts of money, and therefore they did not call for all the money Congress appropriated. Let Louisiana do the same thing. If those people are suffering as seriously as it is said they are, ought not the great State of Louisiana to aid her citizens as the States along the Ohio River did theirs? If she does not, this Congress will be in session for some time longer, and if to her shame it can hereafter be said that her citizens are starving without her contributing anything to their relief, and this money we now give shall be expended and prove insufficient, Congress can give more; but we ought not to relieve Louisiana from all responsibility, and she ought not to ask to be relieved from all responsibility of aiding her own people.

Mr. CALL. Mr. President, I hope the amendment of the Committee on Appropriations will not be adopted by the Senate, but that the resolution will be passed as it came from the House.

The situation of Louisiana with respect to the floods of the Mississippi River is altogether different from that of the States of Ohio, Indiana, and Kentucky in reference to the Ohio River. At the terminal point of the great river the accumulated floods of the whole water drainage of the upper portion of the United States flows upon and overflows their country. The amount of distress, the amount of loss, is far greater there in proportion to the population than it is upon the Ohio River.

In addition to that, the economical and industrial condition of the State and people of Louisiana is entirely different from that of the great States of Ohio, Indiana, and Kentucky. They were comparatively undisturbed by the war; they are in a prosperous condition, with unlimited wealth and resources, with unimpaired credit, while Louisiana has a population a large portion of whom are entirely without property and dependent upon the land for a living and upon the planters in that region, while their State credit is greatly impaired by the misgovernment which succeeded the war and which left them without either private or public resources to meet this great calamity, proceeding as it does from causes which are not within the control of the State, but from natural causes, to remedy and prevent which is not either within the power or the province of the State, but is within the power and the duty of all the States or of the National Government. Without a word of objection we passed at the request of the Senator from Ohio a joint resolution giving $500,000 to the sufferers from the Ohio flood. Now, in the presence of a calamity ten times greater, we are asked to appropriate with what has already been given a little more than two-fifths of the amount we gave the rich States of the Ohio Valley, and we refuse, and give them about one-tenth.

These are the reasons why the action of the House seems to me to have been deliberately and wisely taken in view of the facts which have been stated by the Representatives of Louisiana and by the Senator here. These are imperative reasons in my judgment why there should be at least the same amount of liberality as was given to the great States on the Ohio River, which were in far less distress and far less necessity for relief than exists now in reference to Louisiana.

I think we should vote the amount passed by the House of Representatives, leaving it to the Secretary of War to expend it in the most economical and prudent manner for accomplishing the purpose desired.

Mr. HARRIS. Mr. President, I desire to say that if we can come to a vote at once on this resolution I shall be glad to do so. If we can

not, I shall exercise the right that I reserved to object to its consideration.

Mr. COCKRELL. Mr. President, I hope the Senate will affirm the action of the Committee on Appropriations by a decided majority. We have done all that we think ought to be done in justice and right to these people. We have given them $47,000, enough to purchase 400,000 rations, and they will relieve them until we can have their condition investigated more fully, and know whether they need anything more or not. The appropriation made for the Ohio River overflow was because of an overwhelming calamity. This is entirely different, and we have dealt I think liberally.

Mr. BUTLER. May I ask the Senator from Missouri if the Secretary of War does not ask an appropriation of $100,000?

Mr. COCKRELL. I think $47,000 is an abundance.

Mr. BUTLER. The information embodied in the communication from the Secretary of War I think represents a necessity for $100,000.

Mr. GEORGE. I simply desire to say in reference to the amount that it is less than $2 a head for the persons in distress.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on Appropriations, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 32, nays 15; as follows:

YEAS—32.

Allison,	Cockrell,	Harris,	Morrill,
Bayard,	Coke,	Hawley,	Pendleton,
Beck,	Conger,	Hoar,	Pike,
Blair,	Cullom,	Ingalls,	Pugh,
Brown,	Edmunds,	Maxey,	Saulsbury,
Camden,	Gorman,	Miller of N. Y.,	Sawyer,
Cameron of Pa.,	Groome,	Mitchell,	Sherman,
Cameron of Wis.,	Hale,	Morgan,	Wilson.

NAYS—15.

Butler,	Jackson,	Plumb,	Vest,
Call,	Jonas,	Ransom,	Voorhees,
Garland,	Lamar,	Slater,	Williams.
George,	McPherson,	Van Wyck,	

ABSENT—29.

Aldrich,	Frye,	Lapham,	Riddleberger,
Anthony,	Gibson,	Logan,	Sabin,
Bowen,	Hampton,	McMillan,	Sewell,
Colquitt,	Harrison,	Mahone,	Vance,
Dawes,	Hill,	Manderson,	Walker.
Dolph,	Jones of Florida,	Miller of Cal.,	
Fair,	Jones of Nevada,	Palmer,	
Farley,	Kenna,	Platt,	

So the amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

On motion of Mr. ALLISON, the title was amended so as to read: "A joint resolution reappropriating an unexpended balance for the relief of the sufferers by the overflow of the Mississippi River and tributaries."

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 2274) for the better protection of life on steamers and sailing vessels of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. RIDDLEBERGER introduced a bill (S. 2275) to declare the true meaning and intent of the fifth section of the act of Congress approved June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the petition and accompanying papers in the case of Paige, James, & Co., of Tennessee, be taken from the files of the Senate and referred to the Committee on Claims.

LIGHTING OF BUOYS.

Mr. McPHERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate copy of report made to Light-House Board by the committee on experiments to whom was referred the matters before the board in reference to the Foster system of lighting buoys.

LANDS IN FLORIDA.

Mr. VAN WYCK submitted the following resolution; which was on his motion referred to the Committee on Public Lands, and ordered to be printed:

Resolved, That the Secretary of the Interior and the Attorney-General of the United States be, and they hereby are, directed respectively to take such action as each may deem necessary to prevent any sale by the Atlantic and Gulf West India Transit Company, or by any company or person claiming under them, of the lands described in the act approved May 17, 1856, and entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," so far as the same lie within the line of said railroad between Waldo and Tampa Bay, Florida, until Congress shall have authorized the same.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the message from the House of Representatives on the conference report upon the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and other purposes.

Mr. HALE. I present the report of the conference committee and ask its adoption.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 6, 7, 8, 9, 10, 11, and 13, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of "six" insert the word "four;" and the Senate agree to the same.

EUGENE HALE,
WILKINSON CALL,
Managers on the part of the Senate.
G. G. DIBRELL,
THOMAS WILLIAMS,
Managers on the part of the House.

Mr. MORGAN. I hope the Senator will explain what the amendments are that are disagreed to.

Mr. HALE. The Senator from Alabama asks me to explain the effect of the conference report. The main amendments which the Senate put upon the agricultural appropriation bill were three. The first of these was an amendment largely increasing the appropriation for the item including experiments in the manufacture of sugar from sorghum and other vegetable plants from $16,000, the sum given by the House, to $50,000. Upon that the House has receded and the Senate has its way.

The next important amendment put upon the bill by the Senate was "for continuing, locating, and sinking artesian wells on the plains with a view to reclaiming arid and waste public lands, $20,000."

The Senate conferees were unable to gain the consent of the House conferees either to the whole of this appropriation or to a part, or indeed to any form or modification which involved an appropriation for this purpose, and on full conference the Senate conferees receded and the House had its way.

The third of these items which the Senate put upon the bill was for the encouragement and development of the culture and raising of raw silk $15,000, to be expended under the direction of the Commissioner of Agriculture.

To that the House conferees were strongly opposed, not believing it to be a practical enterprise, but upon full conference they at last yielded and the Senate has its way upon this item of appropriation.

These are about all the subjects that were in controversy in the conference. There are two or three little appropriations that were changed touching clerk-hire and for an engineer; but the substance of what the conference committee had to consider I have stated and the results I have stated.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference.

The report was concurred in.

MEXICAN-WAR PENSIONS.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. PLUMB. If that motion shall prevail—I do not design to antagonize it—I shall ask the Senator from Tennessee to consent that the bill shall be laid aside informally until I can bring up the District of Columbia appropriation bill, which I presume will not consume any very considerable portion of the afternoon.

Mr. HARRIS. I am not in charge nor have I the control of the bill, but so far as I am personally concerned I shall be inclined to yield to the request of the Senator from Kansas.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, the pending question being on the amendment proposed by Mr. HOAR, to insert in section 1, line 9, after the word "Mexico," the words "or in the late war for the suppression of the rebellion;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847–'48 with Mexico or in the late war for the suppression of the rebellion, or who, being enlisted as aforesaid, &c.

EXAMINER OF DRUGS AT BOSTON.

Mr. MORRILL. I ask permission of the Senator from Kansas to be allowed to call up a House bill, Order of Business 640, to which an amendment is to be made that requires it to be sent back to the House, and it ought to be sent back promptly.

Mr. PLUMB. I am myself a trespasser on the good-will of the Senator from Tennessee, and I can not yield.

Mr. MORRILL. This will not take longer than the time needed to read the bill. If it takes any time I shall withdraw the request, but I think it will not take three minutes of the time of the Senate.

Mr. PLUMB. I took the floor to make a motion, and I will yield to the Senator from Vermont if the Senator from Tennessee is willing that I should do so.

Mr. HARRIS. The Mexican pension bill has been taken up, and that is the business now in order. The Senator from Kansas indicated a desire to have it informally laid aside for the purpose of considering the District of Columbia appropriation bill. I had indicated my personal willingness to agree to that, but I have no control of the matter. It is a question for the Chair to put to the Senate as to whether or not there are objections to informally laying aside the pension bill. I shall interpose no objection myself.

Mr. PLUMB. If the bill which the Senator from Vermont mentions does not occupy any time more than the reading, I shall not object.

Mr. MORRILL. There is merely an amendment proposed by the Committee on Finance reducing the proposition of the House from $3,000 to $2,500.

Mr. HARRIS. I shall not object to the bill of the Senator from Vermont being considered.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield the floor?

Mr. PLUMB. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the Senate now consider House bill 1761 without displacing the regular order. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1761) to amend section 2743 of the Revised Statutes.

The bill was reported from the Committee on Finance with amendments, after the word "chemicals," in line 5, to strike out "and so forth" and insert "chemical preparations, dyes and dye-stuffs, paints, oils, varnishes, and other similar articles;" after the word "Massachusetts," in line 7, to strike out "shall, in addition to the duties prescribed by the act of June 26, 1848, examine and appraise all drugs, chemicals, chemical preparations, dyes and dye-stuffs, paints, oils, varnishes, and so forth, and;" after the word "of," in line 12, to strike out "3,000" and insert "2,500;" and after the words "per annum," in line 13, to insert "and shall be paid each year quarterly;" so as to make the bill read:

Be it enacted, &c., That section 2743 of the Revised Statutes is hereby so amended that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes and dye-stuffs, paints, oils, varnishes, and other similar articles, at Boston, in Massachusetts, shall receive a salary of $2,500 per annum, and shall be paid each year quarterly.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MORRILL. I suggest that the title be amended by inserting, after "statutes," the words "in relation to the salaries of special examiners of drugs, dye-stuffs, and other articles."

Mr. HOAR. I suggest that it be simply "concerning the examination of drugs."

Mr. MORRILL. I will accept the suggestion of the Senator from Massachusetts that the whole title be "concerning the examination of drugs."

The PRESIDENT *pro tempore*. The Senator from Vermont modifies his amendment to the title so as to make it read "An act concerning the examination of drugs." If there be no objection that amendment will stand as agreed to. It is agreed to.

JOSEPH H. MADDOX AND OTHERS.

Mr. GORMAN. I ask unanimous consent that the vote by which the Senate indefinitely postponed the bill (S. 2209) for the relief of Joseph H. Maddox and others, on which an adverse report was made from the Committee on Claims by the Senator from Massachusetts [Mr. HOAR], be reconsidered, and that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent that the vote of the Senate indefinitely postponing the bill named by him be reconsidered. Is there objection? The Chair hears no objection, and the vote is reconsidered. The bill will be placed on the Calendar with the adverse report.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. Now I ask unanimous consent that the bill in regard to Mexican war pensions be laid aside informally in order that I may move to take up the District appropriation bill, being House bill 6656.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the pending order be informally laid aside and that the Senate proceed to the consideration of the bill indicated by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

Mr. PLUMB. I ask consent that the formal reading of the bill be dispensed with and that it be read by paragraphs for amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the formal reading of the bill through be dispensed with, and that it be read by paragraphs, and that the amendments of the Committee on Appropriations be considered as they are reached in the reading of the bill.

Mr. PLUMB. I will not detain the Senate by making any statement in regard to the bill, but will submit an itemized account of the changes made, which I ask may be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the paper which he sends up on the subject of this bill be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The statement is as follows:

District of Columbia appropriations, 1885.

Amount of estimates for 1885, exclusive of water department	$3,439,02 847
Amount of House bill, exclusive of water department	3,354,583 97
Increase made by the Senate committee	87,742 57
Total as reported to the Senate	3,442,326 54
Amount of the act for 1884, exclusive of the water department	3,397,894 47
Amount to be paid by the United States under the bill as reported to the Senate	1,721,163 27

The changes made by the Senate Committee in the House bill are as follows:

Commissioners' office	$980 00
Assessor's office	2,200 00
Auditor's office	2,600 00
Auditor's office, made immediately available	143 96
Engineer's office	2,800 00
Work on streets, avenues, replacing pavements, &c	46,000 00
Washington Asylum	240 00
Heating apparatus, &c., for building for National Association for Destitute Colored Women and Children	2,000 00
Repairs to county roads, pumps, &c	13,000 00
Lighting streets	4,620 00
Purchase of Gamewell alarm telegraph and telephone, police stations	5,000 00
Privates of fire department, increase of salaries	3,240 00
Clerk of police court, restoration of salary	200 00
Repairs to school buildings and grounds	5,000 00
Ambulance, horse, harness, and pay of driver, office of health officer	1,200 00
To pay Rezin W. Darby for remodeling Georgetown hall for engine-house	1,658 61
Total increase	90,882 57
REDUCTION.	
Reform School	2,000 00
Metropolitan police, salaries of lieutenants, &c	1,140 00
Total reduction	3,140 00
Net increase	87,742 57

Table showing the appropriations for 1884, *the estimates for* 1885, *the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations.*

Object.	Appropriations, 1884.	Estimates, 1885.	House bill.	Senate committee.
SALARIES AND CONTINGENT EXPENSES.				
Executive office	$21,101 50	$21,344 00	$20,264 00	$21,244 00
Assessor's office	12,600 00	13,500 00	11,400 00	13,600 00
Collector's office	17,300 00	17,300 00	17,300 00	17,300 00
Auditor's office	12,700 00	16,500 00	13,900 00	15,500 00
Auditor's temporary clerk-hire	2,500 00			1,143 96
Attorney's office	8,812 00	8,792 00	8,612 00	8,612 00
Sinking-fund office	2,700 00	2,700 00	2,700 00	2,700 00
Coroner's office	2,500 00	2,500 00	2,500 00	2,500 00
Engineer's office	61,550 00	62,450 00	61,950 00	64,750 00
Miscellaneous expenses District offices	5,000 00	5,000 00	5,000 00	5,000 00
Total salaries and contingent	146,763 50	150,086 00	143,626 00	152,349 96

Table showing the appropriations for 1884, *the estimates for* 1885, *the amounts of House bill, &c.*—Continued.

Object.	Appropriations, 1884.	Estimates, 1885.	House bill.	Senate committee.
IMPROVEMENTS AND REPAIRS.				
Repairs to concrete pavements	$50,000 00	$50,000 00	$50,000 00	$50,000 00
Materials for permit work	30,000 00	50,000 00	50,000 00	50,000 00
Surveys of the District	5,000 00	5,000 00	5,000 00	5,000 00
Boundary intercepting sewers	75,000 00	100,000 00	100,000 00	100,000 00
Lateral sewers	20,000 00			
Work on sundry streets and avenues	350,000 00	245,417 50	240,000 00	286,000 00
Total improvements and repairs	530,000 00	450,417 50	445,000 00	491,000 00
Constructing, repairing, &c., bridges	3,500 00	2,500 00	2,500 00	2,500 00
Washington Aqueduct	20,000 00	22,000 00	20,000 00	20,000 00
INSTITUTIONS OF CHARITY, ETC.				
Washington Asylum	46,320 00	52,735 00	52,070 00	52,310 00
Georgetown Almshouse	1,800 00	1,800 00	1,800 00	1,800 00
Indigent insane, District of Columbia, in Government Hospital	46,700 00	112,500 00	50,436 00	50,436 00
Transportation of paupers, &c	3,000 00	3,000 00	3,000 00	3,000 00
Reform School	32,950 00	32,800 00	32,916 00	30,916 00
Relief of the poor	15,000 00	15,000 00	15,000 00	15,000 00
Columbia Hospital for Women	15,000 00	15,000 00	15,000 00	15,000 00
Industrial Home School	10,000 00	15,000 00	12,500 00	12,500 00
Women's Christian Association	5,000 00		5,000 00	5,000 00
National Association, Destitute Colored Women and Children, support	7,000 00		7,000 00	7,000 00
National Association, Destitute Colored Women and Children, building	20,000 00			2,000 00
Children's Hospital	5,000 00		5,000 00	5,000 00
Saint Ann's Infant Asylum	5,000 00		5,000 00	5,000 00
Church Orphanage of District of Columbia	1,500 00		1,500 00	1,500 00
Total charities, &c	214,270 00	247,835 00	206,222 00	206,462 00
FOR STREETS.				
Sweeping, cleaning, &c., streets and avenues	40,000 00	40,000 00	40,000 00	40,000 00
Cleaning alleys	7,500 00	10,000 00	10,000 00	10,000 00
Current repairs of streets, avenues, and alleys	25,000 00	25,000 00	25,000 00	25,000 00
Current repairs of county roads and suburban streets	20,000 00	35,000 00	20,000 00	30,000 00
Cleaning and repairing lateral sewers and basins	20,000 00	25,000 00	20,000 00	22,000 00
Cleaning tidal sewers	3,000 00	3,000 00	3,000 00	3,000 00
Repairs to pumps	3,000 00	2,000 00	2,000 00	3,000 00
	118,500 00	140,000 00	120,000 00	133,000 00
Parking commission	18,000 00	18,000 00	18,000 00	18,000 00
Lighting streets, avenues, &c	95,380 00	109,000 00	95,380 00	100,000 00
Total for streets	231,880 00	267,000 00	233,380 00	251,000 00
Metropolitan police	301,560 00	331,000 00	337,040 00	335,900 00
Fire department	101,060 00	116,440 00	115,990 00	119,230 00
Repairs to Georgetown hall for engine-house				1,658 61
Telegraph and telephone service	12,440 00	20,440 00	20,440 00	20,440 00
Purchase of Gamewell alarm-telegraph police stations				5,000 00
Police court	15,418 00	16,218 00	16,018 00	16,218 00
PUBLIC SCHOOLS.				
For officers	7,050 00	7,250 00	7,250 00	7,250 00
For teachers	349,125 00	371,850 00	371,850 00	371,850 00
For janitors and care of school buildings	23,500 00	27,780 00	28,780 00	28,780 00
Rent of school buildings	8,000 00	6,460 00	6,460 00	6,460 00
Fuel	18,000 00	20,000 00	18,000 00	18,000 00
Repairs and improvements	15,000 00	25,000 00	20,000 00	25,000 00
Contingent expenses	15,000 00	20,000 00	20,000 00	20,000 00
Purchase of sites, new buildings, and furniture	90,000 00	66,000 00	69,500 00	69,500 00
New heating apparatus for school buildings	6,000 00 12,000 00			
Total public schools	543,675 00	544,340 00	541,840 00	546,840 00
MISCELLANEOUS EXPENSES.				
Repairs, &c., public hay-scales	500 00	600 00	500 00	500 00
Rent of District offices	3,600 00	3,600 00	3,600 00	3,600 00
General advertising	4,000 00	4,000 00	4,000 00	4,000 00
Books for register of wills, printing, &c	2,500 00	2,500 00	2,500 00	2,500 00
Total miscellaneous	10,600 00	10,600 00	10,600 00	10,600 00
Health department	42,780 00	36,200 00	42,980 00	44,180 00
General contingent expenses of the District for emergencies	10,000 00	10,100 00	5,000 00	5,000 00
Interest and sinking fund	1,213,947 97	1,213,947 97	1,213,947 97	1,213,947 97
Total for the District of Columbia, exclusive of the water department	3,397,894 47	3,439,024 47	3,354,583 97	3,442,326 54
For water department, to be paid out of its revenues	105,850 50	186,349 00	186,349 00	186,349 00
Amount (one-half) payable by the United States	1,698,947 23	1,719,512 23	1,677,291 98	1,721,163 27

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations for the "executive office," in line 19 after the word "dollars," to insert:

One messenger, $480.

The amendment was agreed to.

The next amendment was, in line 22, after the word "items," to strike out "in the discretion of the commissioners;" in line 23, after the word "thousand," to insert "five hundred;" and in the same line, after the word "all," to strike out "twenty thousand two hundred and sixty-four" and insert "twenty-one thousand two hundred and forty-four;" so as to read:

For contingent expenses, including printing, books, stationery, and other necessary items, $2,500; in all, $21,244.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations "for assessor's office," in line 30, after the word "dollars," to strike out "one messenger, $600," and insert "one assistant or clerk, $900;" in line 32, after the word "dollars," to insert "one clerk, $1,000 dollars; one clerk and messenger, $900," and in line 36, after the word "all," to strike out "eleven thousand four" and insert "thirteen thousand six;" so as to read:

For assessor's office: For one assessor, $3,000; two assistant assessors, at $1,600 each; one license clerk, $1,200; one inspector of licenses, $1,200; one assistant or clerk, $900; one clerk, $1,200; one clerk, $1,000; one clerk and messenger, $900; for contingent expenses, including printing, books, stationery, detection of frauds on the revenue, and other necessary items, $1,000; in all, $13,600.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations "for auditor's office," in line 48, after the word "dollars," to insert:

One chief clerk, who shall in the necessary absence or inability from any cause of the auditor perform his duties, without additional compensation, $1,800.

The amendment was agreed to.

The next amendment was, in line 52, before the word "clerks," to strike out "three" and insert "two;" so as to read:

Two clerks, at $1,400 each.

The amendment was agreed to.

The next amendment was, in line 53, before the word "clerks," to strike out "two" and insert "three;" so as to read:

Three clerks, at $1,200 each.

The amendment was agreed to.

The next amendment was, in line 55, after the word "dollars," to insert:

For temporary clerk-hire, $1,000.

The amendment was agreed to.

The next amendment was, in line 58, to increase the total amount of the appropriation "for auditor's office" from $13,900 to $16,500.

The amendment was agreed to.

The next amendment was, after line 59, to insert:

For temporary clerk-hire to enable the auditor to bring up the books and arrange the accounts of his office and to audit the books of the collector, $143.96, to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations "for engineer's office," in line 85, before the word "clerks," to strike out "two" and insert "three;" so as to read:

Three clerks, at $1,200 each.

The amendment was agreed to.

The next amendment was, in line 92, after the word "Treasury," to strike out "of the United States" and insert "to the credit of the United States and the District of Columbia in equal parts;" so as to read:

One inspector of gas and meters, who shall pay into the Treasury to the credit of the United States and the District of Columbia, in equal parts all fees collected by him, $2,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 94, to insert:

For office-rent and necessary expenses, and for maintaining and keeping in good order and repair the laboratory and apparatus of inspector of gas and meters, $600.

Mr. PLUMB. I move to strike out the words "office-rent and;" so as to make the proposed amendment read:

For necessary expenses, and for maintaining and keeping in good order and repair the laboratory, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in line 101, after the word "dollars," to insert:

One assistant to inspector of plumbing, $1,000.

The amendment was agreed to.

The next amendment was, after the word "Treasury," in line 115, to strike out "of the United States" and insert "to the credit of the United States and the District of Columbia, in equal parts;" so as to read:

Provided, That the fees collected by said harbor-master shall be paid into the Treasury to the credit of the United States and the District of Columbia, in equal parts.

The amendment was agreed to.

The next amendment was, in line 126, to increase the total amount of the appropriations "for engineer's office" from $61,950 to $64,750.

The amendment was agreed to.

The reading of the bill was continued to line 149.

Mr. HALE. I should like to ask the Senator in charge of the bill whether the item in line 144 "for repairs to concrete pavements, $50,000" is all the amount that the bill covers for repairs upon the streets that are laid with the concrete pavement in the city of Washington, not new streets?

Mr. PLUMB. There is a subsequent item—

For current work of repairs of streets, avenues, and alleys, $25,000—

to be found on line 306, page 13. The difference, as I understand, is substantially this: The work to be done under the appropriation of $50,000 is done by contract; it is the larger part of the repairs that are not done by the convicts or by the employment of men by the day, while the minor repairs are carried on under the appropriation of $25,000, the amount found in line 307.

Mr. HALE. But if any large work like the relaying of a street or a considerable portion of a street that is laid with concrete is to be done, it has to come from this appropriation of $50,000.

Mr. PLUMB. From the appropriation of $50,000.

Mr. HALE. Does the Senator believe that that sum is enough in the present condition of the streets in Washington?

Mr. PLUMB. All the information I have on that subject is that vouchsafed by the commissioners. They estimated that amount. They thought that would be enough. It is true, as is said in private, that the condition of Pennsylvania avenue, the principal street in the city paved with concrete, is not what it should be. Whether that is due to the lack of appropriation or to the fact that for some other reason the repairs are not carried on I do not know. I am now informed by one of the commissioners who is present that the repair has been waiting for the result of an experiment in regard to the material to be used in the repair of streets; it is not due to the lack of money.

Mr. HALE. I trust that the authorities in charge of this matter, which affects not only the comfort but the security and health of the resident population of Washington and of all the great army of citizens who come here from every State, will see to it that this is properly attended to. I do not believe to-day that it is a safe thing for any person in Washington to undertake to drive an invalid over Pennsylvania avenue, and that ought not to be. The whole line of the street from the Treasury Department to the foot of the Capitol grounds is broken up into pits, small holes, and depressions that anybody who undertakes to drive over it with a carriage, or who has for months past, will find himself so racked and shaken that he will be driven perforce on to some other avenue or street. I know I am not alone in the experience that I have had, and I have been driven onto some of the other streets leading from here to the other part of the city where the public buildings are and where Senators and others reside. I tried G street this morning and it was almost as bad as Pennsylvania avenue. Connecticut avenue almost all the winter has been impassable.

I am not saying this in a fault-finding way. The fault, if anywhere, probably has been in Congress in not giving appropriations enough to the authorities; but it is a shame and an offense if the streets of this city are not made good, convenient, and safe; and Congress is at fault if it does not furnish money enough to see that this is done. It is the great visiting center of the American people during the entire winter and in the spring months; they come here by thousands and tens of thousands. The city is beautiful and is ornamented in a thousand ways, and becoming more and more attractive; and it ought not to be the subject of every-day comment, as it is, that the streets which you are obliged to drive over the most are the worst in any city on the American continent. If it is necessary, I shall be in favor of making this appropriation $100,000 instead of $50,000.

Mr. MORGAN. I wish to inquire of the Senator who has charge of the bill whether any portion of the money to be applied for the repair of the streets is to be left to the sundry civil bill or whether it is all included in this bill.

Mr. PLUMB. It is all included in this bill.

Mr. MORGAN. And in the two items to which attention has been called?

Mr. PLUMB. Yes; amounting to $75,000.

Mr. MORGAN. One is $50,000 for concrete pavements and the other is $25,000 for current repairs of streets. I do not know whether or not that is money enough for the purpose of putting the streets of the city in good order. I take it for granted, however, that it is not owing to the condition of the streets mentioned by the Senator from Maine, but owing to some things I have seen myself in traveling about over the town. An enormous amount of money is spent every year for the District of Columbia in one way and another; the taxes on the people are heavy enough, and yet Congress has assumed half the burden of the taxation of this city and has been very liberal in its appropriations, and I must say that I think there is less outcome for the amount of money spent in the city of Washington than in any town I have ever known. It is very evident that the money we vote here is not expended on the same principle that characterizes the expenditures by men having the control of money in their own business. There is a great number of office-holders, a great amount of service rendered perfunctory and otherwise in the District of Columbia that increases the expense enormously, without bringing any real outcome of advantage to the people.

There is a street out here, I think it is Fifteenth street, that stretches across the beautiful plateau lying east of the Capitol for a great distance. It has been dug out like a ditch, probably to a depth of three or four feet on the average, clear through from end to end. It has been lying there for many years. During any moist spell of weather it is practicably impossible even to get a horse through it. There are no pavements or sidewalks that the people can walk over. There are a good many people living out there, not many of them rich, I suppose, but still they are people, they pay taxes out of what little property they have; they pay as large a percentage of taxes as anybody else and even larger. It is a greater inconvenience to them to do without what little they contribute than it is to men of larger means. That street has remained in that condition for years without anything being done upon it. The property-holders along that street were taxed for the purpose of paying for the excavation, and they are not permitted, as they inform me, even to put a pavement there on private account.

There is no responsibility in the city authorities to the people in this District. That element of government which pervades the entire extent and breadth of the United States in all of its Territories and in all the States is wanting at the capital, a responsibility on the part of the governing power to the people whom they govern. It is an autocracy and a despotism in the simplest form. These commissioners come up here annually for the purpose of looking around at the appropriations; sometimes they listen to a few lectures that members of the House and members of the Senate read to them from their desks; they go off and forget them, and they refuse to the people of this District

even a hearing, contemptuously refuse to them a hearing as to the complaints that they have a right to make in respect to the expenditure of the money appropriated for their advantage. That is the sort of government we have here. It will never be any better, of course, until we change the form of it, never will be any better until the people of the District of Columbia have some moral influence upon their rulers, have the right, at all events, to go to them and make complaint in respectful terms, and to hold them to a degree of accountability in their conduct upon the subjects that are complained of.

I have no idea that the large amount of money which we expend annually for streets is applied to the benefit of the people—not the slightest. There are twenty-five men in the city of Washington who are great land-owners and great capitalists, who can take the commission and cause them to spend an appropriation at any place they see proper for the purpose of increasing the value of their property; and you may take 2,500 ordinary citizens of the District of Columbia and send their petition up there, and it produces no effect in the world.

That is the fault of humanity left unrestrained in the exercise of power; that is the result of the unrestrained and uncontrolled exercise of power in this country among this free and democratic people as much as in autocratic Russia or in any other country in the world. I was in hopes that the Committee on the District of Columbia would see proper to put some requirements in the bill of a positive character in regard to the expenditure of money upon the streets, so that these gentlemen should not have an absolute discretion to expend it just as they see proper without accountability. The history of their previous expenditures is one of injustice and discriminations against a certain part of this city and certain people in it, and they will never listen to the complaints of the people of the District of Columbia until we who are the representatives and the only representatives, as it turns out, of this people require in our laws that they should listen to them.

These commissioners are not the representatives of the people of the District of Columbia. Some of them had not resided here up to the time of their appointment; some of them own no property here; some of them are officers in the military service of the United States detailed for the purpose of civil government over a free people. None of them are elected; none of them have any responsibility to the people; none of them regard the people as having any voice or authority or control in matters in the District of Columbia.

I am very well aware that what I am saying upon this question will produce no effect in the world. I am very well aware that the appeal I put up for the constituency that I am compelled to serve as a Senator from Alabama, for the reason that these people in Washington have no other representatives but the Senators on the floor coming from other States, will have no effect at all in changing the current of administration of public affairs in this District—extravagant, expensive, partial, wrong; I will stop there, but I might say corrupt without the slightest difficulty.

I had a conversation a moment ago with an honorable member of this committee, and I asked him whether any provision had been put in this bill to require the expenditure of money upon the streets of the city of Washington in such manner as that the people might have a fair distribution of the advantages of this fund that we vote. I was informed that that must be left to the discretion of the commissioners. So it appears it must be left. There have been provisions of law heretofore that did regulate it to some extent, but they were not observed. I have little expectation that anything that is said here now will lead to any reformation in this direction.

I can only say, Mr. President, that I will bring this subject to the attention of the country from time to time until those who are in power in this government and who have been in power for twenty years shall in some way give to the people of the District of Columbia that sort of government which is the rightful heritage of every free American citizen. I care not who it may be in the body-politic of the United States or in what part of the country he may be found, if he is an American citizen he has the right to exercise his power upon those who represent him in a direct form of responsibility, either actual or moral, so that his will shall be felt in the execution as well as in the enactment of the laws. That honorable Senator with whom I conversed said that the commissioners had been informed very distinctly that they were to expend this money equitably, and that they had said that they would do so. There the matter begins and there it will end.

I can only content myself on this occasion with putting in a remonstrance in favor of the people of the District of Columbia which I hope will reach the ears of their representatives in this body and will cause us to exercise, through our Committee on the District of Columbia, at least a supervision over the commissioners of this District which shall cause them to act justly and righteously in the distribution of this fund. I for one pledge myself to that honorable body of gentlemen that I will keep close surveillance over their conduct, and if they do not keep the pledges they have made to the members of this committee from time to time I shall hold them up before the world.

Mr. PLUMB. A great deal that the Senator from Alabama has said undoubtedly is entitled to consideration. In fact it is all entitled to consideration, but I mean there is much of it that would be proper on another measure. After a somewhat thorough examination of the affairs of this District so far as they relate to the appropriations to be made and the expenditure of the appropriations made for the maintenance of the District government during the last three years I am very happy to say that I think the District, so far as its financial affairs go, has been well managed. I think we have an economical government; I think we have an efficient government; I think we have a government that answers all the reasonable purposes of a municipal government anywhere. While there is a good deal to be said in favor of popular government, without desiring to go into that I may say there is also a good deal to be said against it in a place like the District of Columbia; but the general purposes which are had in view in the appropriation of money I think are as fully realized in the administration of the affairs of the District as in that of any other portion of the Government for which we appropriate.

Mr. VAN WYCK. I wish only a few words on this matter following out the line of the suggestions made by the Senator from Alabama [Mr. MORGAN], that there should be relief provided somewhere for the people of this District. They are powerless for the redress of any wrongs. There is no tribunal to which they can go, as I understand, for any redress of the grievances of which they complain. Will the Senator from Kansas state how much is appropriated by the bill?

Mr. PLUMB. About three and a half million dollars.

Mr. VAN WYCK. About three and a half million dollars are appropriated by the bill. This includes all I think, and three and a half million dollars raised by taxation on the people of this District.

Mr. PLUMB. Excuse me, there are two branches to that question. The Senator is himself a tax-payer here, I think, and if he will observe his tax bill he will see that people who own property in this District are only taxed one-half of the expenses of the District government. As a tax-payer in Nebraska, I will challenge the Senator to take his tax receipts home and see how much less percentage of tax he pays in the District of Columbia than he pays in Nebraska. The Government pays one-half the tax. About $1,700,000 is collected here in the District and the balance comes from the Treasury.

Mr. VAN WYCK. How much does the bill appropriate?

Mr. PLUMB. About three and a half million dollars.

Mr. VAN WYCK. One-half of that is paid by citizens of the District. Nearly $2,000,000 are raised by taxation upon the people, and the people of the United States contribute $2,000,000 more, making nearly $4,000,000. There certainly should be very much to show for $4,000,000.

My friend the Senator from Kansas asked me to compare the tax receipts of Washington with the tax receipts of Nebraska. I suggest to my friend that if he has investigated the matter, and probably every tax-payer does, and as the Senator from Alabama says the tax-payer has no redress nor remedy. I venture to say that there is not any State or city in this nation where the manner of assessment is more outrageous than it is in this city. I do not say it is corrupt; it is not necessary that I should say that; but I say that it is infamously outrageous. If it be ignorance or stupidity, it is such ignorance or stupidity as any man with an idea in his head and any grain of common-sense in his brain could not possibly make. I venture to say that no man in or out of Washington, who has any conception of the duty of an assessor, can take the assessed valuation of the property of this city and walk through the blocks of the city and not know that there is an outrage in the discharge of that duty. It is no matter to the citizen what is the occasion or the motive; whether it is ignorance and stupidity or whether it is corruption it is equally unjust upon the citizen.

Such is the case in this city, and citizens here are laboring under this imposition; but still more I think do they feel that there is no redress in their reach. While the citizens of any other city or State of the Union feel the result of the administration of a bad law it goes in a measure to them because they are responsible for the election and continuation in office of such officers, but here it is not so. Persons are sent to rule over them, and I presume the Senator from Alabama states correctly that they have no real redress upon an appeal for grievances.

Mr. SAULSBURY. Will the Senator allow me to ask him a question for information?

Mr. VAN WYCK. Certainly.

Mr. SAULSBURY. Is there no appeal from assessments made by the assessors to any body?

Mr. VAN WYCK. None that will avail. Will my friend from Wisconsin tell me?

Mr. CAMERON, of Wisconsin. I do not know what the statute is, but of course there is an appeal to the courts. That exists everywhere that the common law exists.

Mr. VAN WYCK. I do not remember to whom, but it can not afford either redress or protection. I know there is great occasion for complaint in this city on account of the manner in which the assessment of the valuation of property is made here.

The citizens of this District can only have relief through Congress. It is the only Legislature which has any power over them or through which they can have any redress. Therefore it becomes necessary for Congress to consider this question. We have noticed during this Congress the citizens have been appealing to the commissioners, to Congress, to a public sentiment for some redress by reason of what they claim to be the outrageous impositions by certain railroad companies that they can enter their streets with or without authority and take their prop-

erty; that they can make it valueless in the market and almost valueless to themselves as residences. Here those people are knocking at our doors asking us to hear their complaints, and yet they come and they go without any redress.

Mr. President, I only rose for the purpose of indicating this one branch of the case in regard to the matter of valuation. I am satisfied that I know, as every other Senator may know, as many citizens of this city do know, that the valuation of property is unjust and outrageously so to citizens in many cases in this District.

Mr. VOORHEES. Will the Senator from Nebraska allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. VOORHEES. The Senator from Nebraska has made very severe and very grave charges. For aught I know they may be well founded; but there is always a personal responsibility and individuality behind such conduct. I would be glad to come a little closer to the grievance and to know who makes the assessments and who is responsible for such a condition of things as that depicted by the Senator from Nebraska. There must be somebody, and if there is, that matter ought to be looked into in a more practical way than by arraignment in speeches on the floor of the Senate.

Mr. VAN WYCK. I agree with the Senator that something more practical should be done in regard to the mode of assessments provided by Congress.

Mr. VOORHEES. What is the mode?

Mr. VAN WYCK. The assessors are appointed I presume by the commissioners; and the excuse of the commissioners is to throw it back upon Congress, and to say that Congress required this work to be done within too short a time. The position of the commissioners I understand is that Congress did not give them time enough in which to do this work honestly or fairly or justly. That is the attitude I think of the commissioners in the case.

The fact that this unjust valuation exists I think can not be disputed. Congress has imposed that upon these people, and let Congress pause long enough to give justice and right or at least to give them some redress. If all is true as stated in regard to the intrusion of the railroad companies upon the streets and avenues of this city, it is a wrong that ought to be reached somewhere.

The Senator from Kansas asked me to compare the valuation of property here with the State of Nebraska or Kansas. I apprehend that the valuation in Washington is probably up to its market value, whereas the valuation in Kansas and Nebraska would be one-third of the value. But that is neither here nor there. The important fact is that there is this unjust discrimination for some reason, and there is this unequal valuation of real estate in this city. That statement I make boldly, I say to the Senator from Indiana, without the fear of contradiction, and it can be proved to be true in different sections of the city.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The reading of the bill will be proceeded with.

The reading of the bill was resumed at line 144. The next amendment of the Committee on Appropriations was in the appropriations "for improvements and repairs, and for care and repair of bridges," in line 149, after the word "dollars," to insert:

And the sum of $85,000 appropriated for the Boundary street intercepting sewer by the act approved July 1, 1882, is hereby reappropriated and made immediately available, for prosecuting the work under the contracts heretofore made for its expenditure, or such future contracts as shall be made therefor.

The amendment was agreed to.

The next amendment was, after the word "pavements," in line 156, to insert "on streets;" and in line 159, before the word "thousand," to strike out "forty" and insert "eighty-six;" so as to read:

For work on sundry avenues and streets, and replacement of pavements on streets named in Appendix J, annexed to the estimates of the commissioners of the District for 1885, $286,000.

Mr. MORGAN. I ask the Senator in charge of the bill to have that Appendix J read.

Mr. PLUMB. Does the Senator desire to have the Secretary read it?

Mr. MORGAN. Yes, sir.

Mr. PLUMB. I will send it to the Senator and he can read it himself.

Mr. MORGAN. I should like to have it read at the desk. I want to have it put in the RECORD. I want to know what it is.

The PRESIDING OFFICER. Does the Senator from Alabama wish to have it read at the desk or printed in the RECORD without being read?

Mr. MORGAN. Let it be read at the desk.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

APPENDIX J J.

CLASS A.—*Replacement of wooden pavements.*

Street.	From—	To—	Square yards.	Cost per square yard.	Total cost.
Second street southwest	B street	Maryland avenue	1,070	$2 25	$2,407 50
B street southwest	First street	Maryland avenue	5,430	2 75	14,932 50
Water street southwest	L street	M street	1,566	2 75	4,306 50
Missouri avenue northwest	Third street	Four-and-a-half street	2,481	2 75	6,822 75
New Jersey avenue northwest	L street	O street	10,724	2 25	24,129 00
P street northwest	New Jersey avenue	Ninth street	6,230	2 25	14,017 50
P street northwest	Fifteenth street	Eighteenth street	8,123	2 25	18,276 75
R street northwest	Ninth street	Fourteenth street	7,590	2 25	17,077 50
Ninth street northwest	Rhode Island avenue	Boundary	3,400	2 25	7,650 00
Eighteenth street northwest	K street	L street	1,429	2 75	3,929 75
Nineteenth street northwest	K street	M street	3,740	2 75	10,285 00
Twenty-second street northwest	K street	M street	2,806	2 25	6,313 50
Twenty-third street northwest	K street	M street	2,920	2 25	6,570 00
New Hampshire avenue northwest	P street	Q street	2,710	2 25	6,097 50
L street northwest	Pennsylvania avenue	Twenty-sixth street	486	2 25	1,093 50
Potomac street Georgetown	M street	O street	2,517	2 25	5,663 25
Total Class A			63,222		149,572 50

CLASS B.—*Replacement of rubble pavements.*

H street northwest	Fourteenth street	Fifteenth street	1,566	2 25	3,679 50
H street northwest	Sixteen-and-a-half street	Nineteenth street	4,890	2 25	14,519 50
I street northwest	Second street	Fifth street	4,940	2 25	13,860 62
Total Class B			11,396		32,059 62

CLASS C.—*New pavements.*

A street southeast	Third street	Fifth street	2,355	2 25	5,455 75
C street southeast	New Jersey avenue	Fourth street	7,220	2 25	18,598 51
A street northeast	Second street	Fourth street	3,460	2 25	8,015 00
B street northeast	Second street	Fifth street	4,540	2 25	10,515 00
C street northeast	Third street	Fourth street	1,612	2 75	4,540 40
Third street northeast	East Capitol street	Maryland avenue	3,380	2 25	7,830 40
Fourth street northeast	East Capitol street	Maryland avenue	4,616	2 25	10,693 80
Fifth street northeast	East Capitol street	Maryland avenue	5,240	2 25	12,139 40
M street southwest	Four-and-a-half street	Seventh street	2,823	2 75	9,309 25
Third street southwest	B street	Virginia avenue	6,200	2 75	20,200 70
Water street southwest	M street	Sixth street	3,822	2 75	12,360 30
Vermont avenue northwest	R street	T street	6,956	2 25	17,541 30
Thirteenth street northwest	Corcoran street	T street	4,890	2 25	12,495 50
Eighteenth street northwest	P street	Q street	2,227	2 25	6,110 75
O street, Georgetown	Twenty-eighth street	Thirty-second street	5,813	2 25	13,459 25
P street, Georgetown	Thirty-second street	Thirty-fifth street	3,420	2 75	13,198 50
Total Class C			68,574		182,463 81

CLASS D.—*Grading and regulating.*

Street.	From—	To—	Square yards.	Cost per square yard.	Total cost.
M street southeast	Fourth street	Eleventh street			$9,530 51
North Carolina avenue southeast	Sixth street	Eleventh street			9,399 60
South Carolina avenue southeast	Third street	Eleventh street			7,542 12
New Jersey avenue northwest	O street	Boundary			6,402 56
Vermont avenue northwest	T street	Boundary			2,940 50
Thirteenth street northwest	T street	Boundary			4,641 00
For filling up any streets below the established grade, provided the cost in no instance shall exceed 10 cents per cubic yard					5,000 00
Total Class D					45,456 29

RECAPITULATION.

CLASS A.—Replacement of wood pavements, 63,222 square yards	$149,572 50
CLASS B.—Replacement of rubble pavements, 11,396 square yards	32,059 62
CLASS C.—New pavements, 68,574 square yards	182,463 81
CLASS D.—Grading and regulating	45,456 29
Total, 143,192 square yards	409,552 22

Mr. MORGAN. That I understand covers the entire description of the streets that are mentioned in the bill. That description is made a part of the bill itself by the following language:

For work on sundry avenues and streets, and replacement of pavements on streets named in Appendix J, annexed to the estimates of the commissioners of the District for 1885, $286,000.

While we are legislating in this way that appendix ought to be put in the bill. The committee recommend the expenditure of $286,000 on the streets named in Appendix J. Therefore the streets named in Appendix J must be identified in some way by the act itself, for it will be a part of this statute when it is enacted. No one can know by the mere description as it is given here what are the streets named in Appendix J and what is to be the distribution of money among them unless Appendix J is made actually a part of the bill, as it is by reference, for there is no statute I understand that preserves Appendix J in its present form, which prevents anybody from interfering with it, or keeps it on file at any place where the public can have access to it. The mode of putting in the description of a paper which the law does not require thus to be preserved is a blind method of legislation.

I do not wish to encumber the bill by putting unnecessary recitals in it, but when it is considered by the committee to be a proper part of the bill, there should be some distinct reference made to the paper, and it should be identified by the law itself in such a manner as that we can hereafter resort to it for the purpose of the interpretation of the law.

Appendix J contains necessarily an authority on the part of Congress to the commissioners to expend the money upon the streets therein named, and to the extent upon each of the several streets that is therein named. Therefore that appendix ought to be put into the bill. I have had it read to put into the RECORD in order that the people of this District may know what we mean by this legislation; but when we come to address ourselves to the commissioners themselves and to put mandatory requirements upon them, we do it by a mere reference to Appendix J without defining what Appendix J is.

As we progress further with the bill I shall confer with the honorable Senator who has charge of it and see whether some means can not be devised by which Appendix J can be made an appendix to the bill, if it can not be put into the text of it. It has never been printed under the order of the Senate, and although it is part of the law we are now enacting, nobody here has ever known anything about it until I had it read at the desk. From the reading of it as I listened to it from the desk of the Senate it appeared to me that there was a certain portion of this city, the northwestern portion of it, which gets nearly the whole of this appropriation of $286,000. But I can not determine that; I can not know anything about it until the reporters have made up their statements and they are put into the RECORD. Although this is a part of the proposed law that is to be mandatory upon the commissioners, there is not a Senator here, unless it may be the honorable Senator from Kansas who has charge of the bill, who can inform us of the manner in which this money is to be distributed according to the appendix referred to, how much one section of the city is to get and how much another, or how much one street is to get and how much another street.

Mr. PLUMB. The question of the distribution of the money received a great deal of consideration and attention at the hands of the committee. I was of the opinion last year that money enough was not spent in the northeastern and southeastern portions of the city. That has been measurably changed this year, but there is one difficulty in the way of the distribution which will not be out of the way until after this year's expenditure, and that is the replacement of wooden pavements. Under the old District government, about which I know nothing except as I inherit that knowledge, a large number of useless and worse than useless pavements were put down by the then District government. They were not only useless, but they were offensive to the health of the District. It became a necessity to replace them, and a very considerable portion of the expenditures made since that time has been for the purpose of replacing those wooden pavements as a matter not only of obligation to the property-owners in the portions of the city where they were laid, by reason of the fact that they had been taxed to put down insecure and ineffective pavements, but because of the fact that by remaining there and rotting, as they were doing, they were disseminating disease in the District.

The work of replacing those pavements has been carried on for a number of years, and this year will see the last of it. This year also one-third of the entire appropriation made, including what is made for replacing wooden pavements, is to be expended in what is known as the eastern portion of the city. I thought that that was, if not entirely fair, at all events nearly so, and I have no doubt that another year the appropriation there will be greater, because of the fact that the wooden pavements will have been replaced, and therefore the necessity for this special expenditure will have ceased.

In regard to the question of making this appendix a portion of the bill by reference, I will say that that has always been done. The committee in adopting it have done just what has been done heretofore and what has so far not met with exception. The estimate is published with the estimates of the Secretary of the Treasury, and is also published in the report of the commissioners, and consequently is public. I admit that it is not as public in one sense as it would have been if it had been put into the bill, but it was public for all practical intents and purposes. No expenditures can be made except such as are named in that appendix, because that matter has been tested; the Comptroller himself three or four years ago, the commissioners having gone outside of it for a small amount, refused to pass the account.

I suggest that where the word "J" occurs in the capital letter it be followed by an italic *j*. It has been overlooked in the reference that was made.

The PRESIDING OFFICER. If there be no objection the proposed amendment will be made.

Mr. MORGAN. Will there be any objection to inserting after the second *j* the words "as follows," and then putting in that part of the appendix which was read at the desk, which describes the streets upon which this work is to be done?

Mr. PLUMB. I would not like to do that without thorough consideration. I am not instructed by the committee on that point. We took the bill as it came from the House. We adopted the plan that has heretofore prevailed.

Mr. MORGAN. I will let the matter pass then until we get into the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 160, to increase the total amount of the appropriation "for repairs to concrete pavements," &c., from $445,000 to $491,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for Washington Asylum," in line 190, to increase the item for compensation of "one blacksmith" from $120 to $240.

The amendment was agreed to.

The next amendment was, in line 191, to increase the appropriation for compensation of "one hostler" from $60 to $120.

The amendment was agreed to.

The next amendment was, in line 192, to increase the appropriation for compensation of "one ambulance driver" from $60 to $120.

The amendment was agreed to.

The next amendment was, in line 206, to increase the total amount of the appropriations "for Washington Asylum" from $52,070 to $52,310.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in

the appropriations "for Reform School," in line 229, after the words "discretion of the," to strike out "board of trustees" and insert "commissioners of the District;" and in line 231, before the word "thousand," to strike out "twenty-two" and insert "twenty;" so as to make the clause read:

For subsistence, including groceries, flour, meats, dry goods, leather, gas, coal, hardware, woodenware, tableware, furniture, farm implements and seed, harness and repairs, fertilizers, stationery and books, plumbing, painting and glazing, medicines and medical attention, purchase of stock, fencing, and other necessary expenditures, all in the discretion of the commissioners of the District, over and above the income from the farm and school, $20,000; and an itemized account of said income shall be submitted to and approved by the commissioners quarterly.

Mr. MORGAN. I desire to inquire the reason for changing that discretion from the board of trustees to the commissioners of the District, and whether that is a change in the general law on the subject.

Mr. PLUMB. That is in accordance with the existing law. All the other eleemosynary institutions of the District are under the control of the commissioners of the District, and it has been the purpose of the committee, so far as it deemed itself having authority, to bring all the institutions having appropriations from the Treasury under the control and responsibility, so far as possible, of the commissioners, rather than to have them under the power and control of separate boards, whereby there would be expenditures of which we might not have as good an opportunity as we ought of ascertaining the character and effect.

Mr. MORGAN. I ask the chairman of the Committee on the District, who I see in his seat, whether that change meets the approbation of the Committee on the District of Columbia?

Mr. INGALLS. I am not aware that the matter has ever received the consideration of the Committee on the District.

Mr. MORGAN. I think that is a matter of a good deal of public concern. These reformatory institutions deal with a class of people who are humble and poor, and usually somewhat under a cloud, having been committed there because they are friendless and without means of subsistence, and also because of immorality or crimes that they may have committed of a minor character. So much has been said about the management of institutions of this kind, even in the States and under very close care and supervision, that it seems to me we ought to be very careful about providing for their proper management. I am not sufficiently informed as to the composition of this board of trustees to say whether they are inefficient or whether they are not well calculated to take care of the institution.

Mr. PLUMB. There is no question about the high character and the ability of the gentlemen who compose the board of trustees, at least the present board of trustees, but the words putting these expenditures in the control of the board of trustees were inserted by the House; that is to say, it is a new provision, and we are practically restoring the law as it was before. We did not care to have this innovation, and for a reason which I will explain now, but expected to explain further on: that we are endeavoring to get, as the Senator will see by looking at page 13, some unity of action by getting a thorough report of the condition and the necessity of these various charities. I will say to the Senator that this does not interfere at all with the management of the school; it only puts the discretion as to the expenditure of the money under the control of the commissioners.

Mr. GORMAN. I ask the Senator from Kansas whether he is not mistaken about the change made in the bill by the House of Representatives, and whether it is not the fact that all expenditures have heretofore been made under the board of trustees and not under a commissioner?

Mr. PLUMB. If so, it has been done without any provision of law. If the Senator will observe the law of last year he will find that it is entirely silent. If there is any disposition on the part of the Senate to leave the bill as it came from the House, and if there is any doubt about the amendment proposed by the committee, I have no objection to striking out the whole provision; but at this time, when there has been an effort made to bring these charities together under some unified management, to affirmatively take away this particular institution from the control of the board of commissioners the committee thought was not wise.

Mr. GORMAN. I object strongly to the amendment of the Committee on Appropriations. It is a well-known fact that one of the most unseemly struggles which have ever taken place in the management of the District of Columbia occurred in this very board of District commissioners over the divisions of power in the departments and the particular charge of these various institutions under the three commissioners. While we have nominally a government of three commissioners, it is in fact a government of one commissioner for each of the three separate divisions. One commissioner is assigned to the charitable institutions to control them, another to the fire department, another to the engineer department. If you adopt the amendment of the committee you are simply placing all the appropriations for these charitable institutions in the hands of one commissioner of the District of Columbia, and that I deem to be a very unwise provision.

Notwithstanding the statement of my friend from Kansas, I do not believe it can be controverted that for all time past since the Government has appropriated for these institutions the appropriations made for them have been expended under the direction of the trustees who manage the institutions and who know their wants.

It is a well-known fact that neither of the three commissioners of this District has any interest with the people here. They already have too much duty to perform to do it well. They themselves complain that it is almost impossible for them to discharge the duties now imposed by law; and I think it would be very unwise to add to the duties of a single commissioner this immense power of controlling and managing the various institutions here, those for the insane as well as for the paupers, and that he should determine the expenditure of everything connected with them.

I trust the amendment will not be adopted.

Mr. MORGAN. I wish to call the attention of the Senate further to this matter. I would be glad to know the names of the gentlemen who are the trustees now, if I could ascertain them in some way. I do not know who they are nor how many there are.

Mr. PLUMB. I do not know the names of all of them. I know that one of the present commissioners, Mr. Edmonds, is a member of the board of trustees; a gentleman named Fitch is one of them, and so also is Mr. Warner. No question is made about the character of these men nor about their qualifications, but they are men who are absorbed in their other business, they are not bonded officers of the Government in any respect, and it has not seemed wise, so far as the committee has viewed it, to put the final charge of these institutions, including the expending of money, under the control of a separate board. We believe that all the institutions ought to be practically under the same management.

Mr. MORGAN. Now we are informed that there are three citizens on the board, one of whom is one of the commissioners.

Mr. PLUMB. There are more than three; I think there are at least seven.

Mr. MORGAN. Seven on the board?

Mr. PLUMB. I think so.

Mr. MORGAN. One of them is one of the commissioners. My attention has been called to a former appropriation act, the act of 1883, in which the following language is found:

And hereafter the commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity within the District which may be herein appropriated for, and shall require an itemized report of receipts and expenditures to be made to them, to be transmitted with their annual report to Congress.

That gives them a general supervision and the right of inspection of all these charitable establishments, and requires them, indeed, to make examination and to examine into the expenditures made, by whomever made, in the direct or the immediate charge of these institutions. Now it is proposed to change the law. The House suggests that any other necessary expenditures shall be in the discretion of the board of trustees. In this particular item there are $20,000 appropriated, to be expended in the discretion of the board of trustees according to the House arrangement, and according to the Senate committee's arrangement by the commissioners of the District. That is over and above the income of the farm and school. That income also is to be expended, according to the amendment proposed by the committee, by the commissioners of the District. Now, let us look at the accountability for this:

And an itemized account of said income shall be submitted to, and approved by, the commissioners quarterly.

Here we give $20,000 and the income of the farm and school and all other matters that are appropriated by law into the hands of the commissioners, to be expended by them at their discretion, and the accounts are to be submitted to the parties who make the expenditures and approved by them quarterly. That closes the account. I do not know how a set of gentlemen could desire greater power over expenditures than that. The money is placed in their hands to be expended at their discretion; it is to be accounted for to themselves; and the accounts are to be approved by themselves alone. It seems to me that if there was ever a satisfactory arrangement for the accounting of public officers who are invested with a complete discretion in the expenditure of money, this is that arrangement.

I should like to ask the honorable Senator from Kansas whether the committee were actually in earnest when they provided here that whatever sum of money may come to the hands of the commissioners for the purposes indicated in this part of the bill should be expended by them at their discretion and should be accounted for in itemized accounts to be approved by the commissioners quarterly? Is there any other instance in the Government of the United States in all of its history, except in respect of the contingent fund given to the Chief Executive of our country, in which an officer is intrusted with the discretionary expenditure of money, and is required to file an itemized account with himself, to be approved by himself, and that is the close of the transaction? I do not know of any other case like it.

I concur with the Senator from Maryland that the commissioners of this District now have as much power as any three men in this world ought to be intrusted with in respect to the destiny of 150,000 people, with the vast value of property included in the boundaries of this District. I do not know how any person would reach one of the com-

missioners if he should commit never so flagrant a violation of his duties either by neglect or by malfeasance. I suppose a commissioner could be impeached by the House of Representatives and removed by the Senate, or that the President of the United States might remove him; but in what other way is there an accountability? The inquiry has been suggested whether there might not possibly be a common-law indictment for a violation of the duties of the office of commissioner, but they are an irresponsible set of men. We have not provided in our statutes for the government of this forlorn District any means by which its rulers shall be held to a personal accountability for malfeasance in office or for any neglect of duty or abuse of discretion; and now it is stated that for the purpose of unifying the charities and getting them under a common control and systemizing the management of them we shall give the discretionary power (which now rests, I suppose we may take it for granted, in the board of trustees, or which will rest there if we enact the bill as it passed the House in this particular) to the commissioners of the District of Columbia, and then relieve them from all accountability except to themselves.

I trust that the Senate of the United States will not commit itself to a proposition of this character. It seems to me that the Committee on the District of Columbia should have been consulted, and that their attention should have been drawn to so important a matter as this. I take it that that honorable committee would not consent to the concentration of greater powers in the hands of the commissioners than they already possess. The Senator from Maryland tells us that it is practically the government of one commissioner; that the work is divided out between the commissioners, I suppose, in consequence of the immense amount of labor and responsibility that is devolved upon those three gentlemen. One commissioner has charge of the public charities; he makes his order for the expenditure of the money that we vote; he can give it to whom he pleases, because it is entirely within his discretion, and the most that he is required to do is to show reasonable and probable cause that he has expended it, not in some immoral and positively illegal way, but in some discretionary manner, which may produce results quite as disastrous as if it had been squandered or thrown away or put into his own pocket. What friends can he not prefer? What influence can he not purchase? What querulous mouth can he not shut? What complaint can he not silence? What wrong done by him can he not gloss over? What breach of character growing out of the public administration may he not varnish and whitewash with a discretionary use of $20,000. Then he is to be accountable to nobody but himself, and when he passes upon the account that closes it forever.

I am surprised that in dealing with the people of the District of Columbia we have not at least by this time given some attention to some of the complaints they have made of the abuse of power and authority by the commissioners themselves, and that we have not got our consent up to this moment to stop in the course we have been observing and pursuing and reverse it, and that we should now go on for the purpose of making the District government more discretionary in the hands of the commissioners, more autocratic and more arbitrary, and to give them a power as broad and as dangerous as that which is sought to be put into the bill by the Committee on Appropriations.

I have not any interest in this city, not a dollar of property in it except a little household goods. My convenience can be subserved as well in one part of the city as another. The District government is neither in my way nor is it in the slightest degree accessory to my happiness or pleasure, so far as I know, beyond the fact of keeping order within the limits of the city; but I can not repress a feeling of strong and earnest sympathy in behalf of the people of this District, who have no voice in their government at all, when the Congress of the United States is by express statute conferring discretionary powers upon the commissioners in the expenditure of $20,000 and more, perhaps twice $20,000, at a time, and then providing that they shall pass upon their own accounts and render an account to nobody else in the world.

Mr. PLUMB. The Senator certainly is not exhibiting his usual candor or judgment. The paragraph that he refers to has no such meaning as he now intimates, while the concluding part of it that escaped my attention before is not at all as he supposes it is. If it is, the committee will save him from any extended remarks upon it by accepting any proper amendment. "An itemized account of said income" means simply the account of the income from the farm, which is made by the superintendent, and he is to submit that to the commissioners. Let me appeal to the Senator (and certainly no one is fairer than he in regard to matters that come before this body or elsewhere) whether there would be any propriety in having the income of the farm submitted to the scrutiny of the commissioners while the $20,000 of cash is to be expended entirely without their scrutiny?

I wish to direct the Senator's attention to another point. Without saying anything about the form of words that has been adopted here to meet the idea of the committee, every dollar of account, every single cent of expenditure made by the commissioners is supervised by the First Comptroller of the Treasury, who passes upon the accounts, rejecting or affirming just such as he sees fit. So there is no question of arbitrary power here, but a question of supervisory power in regard to the expenditure of money to be appropriated out of the Treasury to meet an end which I know the Senator from Alabama subscribes to just as fully as I or any one else, and that is that instead of having a number of boards in this city, each one of them entitled to spend money in their own way, paying their own prices for things, it is proposed to bring all of those expenditures together, in order that there may be a basis of comparison and at the same time some responsible head, and that, too, a bonded officer and an officer appointed by authority of the Government, whom we can reach in case of any misappropriation, and who can challenge in the proper way the expenditure by civilians who are serving without pay. Those who served as members of this board of trustees are estimable men, amiable men, honest men; nobody questions that; but, as we all of us know, where men do that thing they are beyond the bounds of criticism to an extent that is not known on the part of persons whom we ourselves appoint and who are receiving pay out of the Treasury of the United States.

This is not a matter of any very great importance. I have great respect for the judgment both of the Senator from Alabama and the Senator from Maryland. The Senator from Maryland lives near the District and probably may be interested in it; at all events he knows more about it than I in many respects, perhaps in all, and he is a member of the District Committee. Without being authorized to do so in a representative way, I will say that so far as the Committee on Appropriations is concerned, if the statute can be restored as it was before, leaving this matter out, I have no objection to that course. That would take out all these paragraphs.

But I call the attention of both Senators to the problem which we are confronted with here year by year in regard to these charities. We are told, and I believe with truth, that we appropriate more money per annum for charities in the District of Columbia than is appropriated for such purposes for any similar community in the world. That may be a matter to be corrected or it may not, but at all events it is a proper matter to be inquired into, and we have desired to get such information as to bring these matters from time to time under such control as that we should not be beset by appropriations for an institution carried on under private hands, and that it shall then be said we have given to one and we must give to another, but that we shall ourselves be the means of bringing into existence from time to time new charities which will not depend upon solicitation to obtain money out of the Treasury. If there is any other way of obtaining that purpose, or if that is not a good purpose, let the Senate say so.

We do not care anything about it as a committee one way or the other, but in the discharge of the responsibility which I assure the Senator has been very considerable in regard to these matters we have simply sought to unify the management of these various institutions and to put them under that proper charge which would enable us to see that in the sacred name of charity money was not misappropriated, not imputing anything to the gentlemen who have control of it, but simply following the method which we believe to be the safe one, to have the bonded officers of the Government, men appointed by the President of the United States, to control as far as possible the money taken out of the Treasury by Congress.

Mr. MORGAN. There is a number of charities provided for in this bill. The Washington Asylum is first; the Reform School, about which we are talking, is the second; the Georgetown Almshouse is another; the support of indigent insane of the District of Columbia in the Government Hospital for the Insane is another; we appropriate for the relief of the poor $15,000; for physicians to the poor; for the support and maintenance of the Columbia Hospital for Women and Lying-in Asylum; for the Women's Christian Association; for the National Association for Destitute Colored Women and Children, Children's Hospital, Saint Ann's Infant Asylum, Industrial Home School, and the Church Orphanage, and in respect of all these the commissioners, it appears, are willing to let matters go at loose ends or under the control of their natural guardians, the persons who, I suppose, have a private interest in these foundations; but when we come to the reformatory school, which handles a good, large, round sum of money, it appears that the commissioners are not satisfied to have that regulated and controlled by a board of trustees, seven or nine gentlemen selected from the body of the community to look into this delicate affair, to regulate the conduct of that reformatory school and to superintend its expenditures. Quite a large amount of money, it appears, passes into the hands of the different employés at the reformatory under this bill, and then there is a fund of $20,000 which we will call a contingent fund for subsistence, including groceries, &c. The provision is:

And other necessary expenditures, all in the discretion of the commissioners of the District, over and above the income from the farm and school, $20,000.

Added to that is the income from the farm and the school. It occurred to me that the discretion given in respect of the income from the farm and school was no broader than the discretion given in respect of the $20,000, and that the accountability which is not otherwise provided for is precisely what is stated in the bill.

An itemized account of said income shall be submitted to and approved by the commissioners quarterly.

Either the commissioners are to approve the itemized accounts of the expenditure of $20,000 a year quarterly, or nobody is to approve them and no one is to regulate the discretion. I maintain that is giving to

the commissioners an unnecessary power, and I for one can not concur that there is good public policy in taking the control of this institution out of the hands of a board of citizens who are trustees and placing still greater power in the hands of the commissioners. We are looking and legislating in the wrong direction. Instead of increasing the power and relaxing the responsibility and accountability of the commissioners, we ought to control and decrease their powers, or at least we ought to increase their responsibility and their accountability to the country.

This is too important a subject for the Committee on Appropriations to have taken up without conferring with the Committee on the District of Columbia. I maintain that the House is right about it. If there is any discretion to be invested in any body of men for the expenditure of this money, it ought to be in the hands of a board of trustees of the citizens, and not in the hands of the commissioners. I therefore oppose the amendment of the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The question being put, there were on a division—ayes 12, noes 2.

Mr. MORGAN. As no quorum has voted, I ask for the yeas and nays.

Mr. PLUMB. I ask the Senator simply to reserve the point on the amendment and let him take it in a full Senate.

Mr. MORGAN. Very well.

Mr. PLUMB. I do not care to debate the matter any more.

Mr. MORGAN. I do not.

The PRESIDING OFFICER. If there be no objection, the amendment will be regarded as agreed to as in Committee of the Whole, and the question will be reserved until after the bill is reported to the Senate. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 253, appropriating for the National Association for Destitute Colored Women and Children, to insert:

For heating apparatus and for furnishing and other necessaries for the new building for said National Association, $2,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 259, after the word "industrial," to insert "home;" in the same line, after the word "school," to strike out "home;" and in line 262, after the word "improvements," to insert "payment of indebtedness heretofore incurred;" so as to make the clause read:

For the Industrial Home School: For maintenance of inmates and salaries of superintendent and employés, the promotion of industries, additional water supply, bath-room, fencing, improvements, payment of indebtedness heretofore incurred, and necessary expenses over and above any income from the school, all in the discretion of the commissioners, $12,500; and an itemized account of said income shall be submitted to the commissioners quarterly.

The amendment was agreed to.

The next amendment was, in line 269, after the words "District of Columbia," to strike out "the sum of;" so as to make the clause read:

For maintenance of the Church Orphanage of the District of Columbia, $1,500.

The amendment was agreed to.

The next amendment was, after line 270, to insert:

That the appropriation of $5,000 made by the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes, approved July 1, 1882, "for the erection of a building on the grounds recently purchased by the German Protestant Orphan Asylum Association of the District of Columbia, now the German Orphan Asylum Association of the District of Columbia, provided that the asylum shall contribute an equal sum for this purpose," and continued and made available for the same purpose and subject to the like condition for the fiscal year 1884 by the act approved March 3, 1883, be, and the same is hereby, reappropriated and made available for the uses of the institution in the discretion of the board of trustees.

Mr. PLUMB. In line 286, after the word "available," so as to make it perfectly plain, I move to insert the words "without condition;" so as to read:

And the same is hereby reappropriated and made available, without condition, for the uses of the institution in the discretion of the board of trustees.

The amendment to the amendment was agreed to.

Mr. PLUMB. In line 287, at the end of the clause, after the words "board of," I move to strike out "trustees" and insert the word "directors." "Board of directors" is the title of the official board of the institution.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "revenues," in line 291, to insert "in whole or in part;" and in line 294, after the word "Congress," to insert:

Which report shall also include such recommendations as the commissioners may deem proper concerning the necessity for such institutions, together with a plan for their organization and management, and estimates of appropriations necessary for their maintenance.

So as to make the clause read:

And hereafter the commissioners of the District of Columbia are required to visit and investigate the management of all the institutions of charity within the District which may be appropriated for out of the District revenues, in whole or in part, and shall require an itemized report of receipts and expenditures to be made to them, to be transmitted with their annual report to Congress, which report shall also include such recommendations as the commissioners may deem proper concerning the necessity for such institutions, together with a plan for their organization and management, and estimates of appropriations necessary for their maintenance.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations "for streets," in line 308, before the words "county roads," to insert "and opening of;" in line 309, before the word "thousand," to strike out "twenty" and insert "thirty;" in line 310, after the word "basins," to strike out "twenty" and insert "twenty-two;" in line 311, after the word "pumps," to strike out "two" and insert "three;" and in line 313, before the word "thousand," to strike out "twenty" and insert "thirty-three;" so as to make the clause read:

For sweeping, cleaning, and sprinkling streets and avenues, $40,000; cleaning alleys, $10,000: *Provided*, That hereafter contracts for cleaning streets and alleys may be made for periods not exceeding five years, and subject to annual appropriations therefor by Congress; for current work of repairs of streets, avenues, and alleys, $25,000; current repairs to and opening of county roads and suburban streets, $30,000; cleaning and repairing lateral sewers and basins, $22,000; cleaning tidal sewers, $3,000; repairs to pumps, $3,000; in all, $133,000.

The amendment was agreed to.

Mr. MORGAN. I should like to make an inquiry of the Senator from Kansas. I notice the words "and opening of county roads" are put in here, and the sum raised from twenty to thirty thousand dollars. I suppose the intention of the amendment is to appropriate $10,000 for the opening of county roads.

Mr. PLUMB. No; instead of limiting the appropriation to the repair of existing roads, it is intended that the commissioners may have the power to open new roads, suburban roads, from time to time. As the city extends itself there becomes a necessity for new streets; roads they are technically, because they are without the corporate limits of the city. By such extension and opening up property of new value becomes taxable and the city is given an opportunity to grow. The design is simply to prevent the possibility of such a construction of the language as would prevent the expenditure of money for anything except simply the repairs of existing streets.

Mr. MORGAN. I desire to ask the Senator whether any programme has been laid before the committee indicating the roads that are to be opened and those that would be of advantage to the community if they were opened.

Mr. PLUMB. None whatever.

Mr. MORGAN. Then it is a matter resting entirely in the discretion of the commissioners.

Mr. PLUMB. Yes; just as it always has been. There are certain roads which have been established, and the commissioners ask $5,000 for this purpose specifically, for the repair of the Tennallytown turnpike, which was bought by the commissioners under direction of an act of Congress last year; but that was left out. It was deemed better to leave the appropriation as it has been heretofore, to be expended from time to time as the commissioners should see fit.

Mr. MORGAN. It is a very pleasant thing to walk into the suburbs of Washington in certain directions and find beautiful pavements laid along, which I take it for granted are all laid at private expense—I do not know anything to the contrary—for a great distance outside the corporate limits of the city; fine avenues marked out and certain improvements going on outside of the city, as if the city had already extended its boundaries to quite a large circumference beyond their present limits. Some portion of the people of this city complain very much about that. They say that a discretionary power is vested in the commissioners to open new roads, as they are called, and that money is employed, after being taxed out of them, in the opening of roads in certain directions prescribed entirely by the commissioners for the advantage of private property held on speculative account, which after a while will come into the market and be very largely increased in value in consequence of these public improvements which are made in the discretion of the commissioners.

There is another chance for the commissioners to exercise their discretion. Congress can not attend to these things. Congress can not send a committee out for the purpose of investigating a road that is being laid out, to see really whether it is done for private account or for public advantage. We intrust the money entirely to the hands of the commissioners, at their discretion, and increase it from year to year. We now run it up $10,000 for this year, and not one dollar of that money, I undertake to say now, will really be expended for the general public convenience. This District has been so long inhabited, the roads leading to it are so numerous and so well designed and so well planned and worked, I may say, as to furnish to the people of the District of Columbia and the surrounding country of Maryland and Virginia ample opportunity for traversing it in every direction required by commerce or traffic of any kind or even by pleasure.

Now we are engaged in giving to the commissioners of this District $20,000 a year, or $30,000 as it is proposed by this amendment, to be employed in their discretion in the opening of county roads and for current repairs. They can put it all into the opening of roads, if they choose to do so, and one of these commissioners or his friends can go out into the suburbs of Washington, buy a tract of land, and run an avenue by it, pave it or pave the sidewalks, present every convenience

to induce purchasers to go there and put up residences, and we have no control of it. We just abandon the whole subject into their hands.

I insist that before any work of this kind is done in this District, these commissioners ought to have brought before us a programme, and they ought to have specified to the committee the particular road that was needful for the community to be opened, and not take $30,000 a year and expend it for the purpose of improving the wild property of their friends and enable them to make a good speculation out of it.

This is one of the points to which I desire to call attention, and it is one of those public abuses which have drawn the attention of the community about Washington city upon these commissioners. They conceive and they believe, as they state, that their money has been unjustly and unwisely expended, not for the public good or convenience, but merely for the benefit of certain private speculators whose maps and plats may be found daily in the newspapers printed in this city of great new areas of lots to be sold. Leading along by these areas of lots are these new roads, which are only avenues, and waiting now to have the city limits extended over them and around them as soon as they have become valuable as property.

I hope, sir, that the Senate will not concur in the recommendation of the committee, unless the committee is able to give us some definite information as to the necessity for the expenditure of this $10,000.

Mr. PLUMB. No plan has been filed of this work to be done, and in the very nature of things it would be impossible to do it. Repairs are something the necessity of which occurs from time to time. I admit that the commissioners could, if they were disposed, do even worse than the Senator from Alabama has said. They could put this money in their own pockets if they pleased and we could not help it. But there is not a board of county commissioners in the State of Kansas nor in the Senator's own State that has not just this power. We have got to deposit it somewhere. The board of county commissioners of my own county spend this much money every year in the establishment of new roads and in the improvement of old roads, and I do not doubt that they sometimes exercise favoritism in regard to the expenditure of that money, and I do not see how a road can be opened anywhere that does not benefit the man whose property lies adjacent to it. Therefore we can not escape the fact that if we spend this money at all it will benefit some individual, and I do not think that is really a substantial cause of complaint.

I admit that this money might be spent in one quarter of the city, whereas it ought to be spent in half a dozen quarters of the city. I can understand that perfectly; and I do not see any way whereby that can be prevented. If we are to give this money at all it has to be spent by somebody, and I do not think there is any reason to suppose that these commissioners will do otherwise with the money than has been heretofore done, and so far as I know—I do not speak of that as very significant, because my information is not very extensive—there has been no complaint of the manner in which this money has been spent.

Now, suppose the city wants to grow. Suppose that in any quarter a decent tract of land is laid out, and people build houses upon it and add to the taxable value of the city. Is there anything improper in the opening and grading of streets, to make accessible the buildings men put up on such suburban property? Is it not the office of municipal expenditure partly to see to it that the city does grow and extend its borders in various directions—to give it an opportunity to grow? Every one of these additions made, every new piece of property thus subdivided and improved, adds to the taxable value of the city and makes the burden upon all lighter. If any way can be devised whereby that exact result that the Senator from Alabama desires—and I desire as much as anybody—can be obtained, and at the same time consistent with proper flexibility in regard to expenditures of this kind, I have no objection to accepting it; but I do not see any way. I am not fearful of abuses growing up under the expenditure of this money.

Mr. MORGAN. The Senator from Kansas in his opening remarks on this case intimated, if he did not say, that one of these appropriations was to extend the streets of this city. That is what has been done heretofore, merely a prolongation of the streets and avenues of this city out into the country. What I object to is that we are required to put this money in the hands of the commissioners to be expended at their discretion, without any previous statement from them of the use to which they intend to apply it. They know what they want with it. When they ask for $10,000 additional they know what they want with it. If they do not, they do not know that there is any necessity for having it; and surely we are not going to vote $10,000 in addition to the $20,000 we have been in the habit of voting because the commissioners may suspect that there may arise a state of case in which it might be useful for them to have it. Our appropriation ought to be predicated upon some public necessity. In this case it is predicated either entirely upon conjecture or upon some requirement made by the commissioners which they do not wish to disclose. It would have been a very easy matter when they asked this committee for $10,000 to have said, "Gentlemen, we want it for the prolongation of a certain avenue or a certain street, or for the building of a road between certain points to be named, which is necessary for the convenience of the people of the District." They leave the Senate and the committee entirely in the dark upon this question and demand the $10,000 additional. Sir, I object to that.

The Senator has cited the case of the commissioners of public roads in the different States. The commissioners in my State—and I presume that is the law in most of the States—when they wish to build a public road, and do it at public expense, pass an order that a certain road shall be built, and they open biddings for it, and they receive the biddings and make contracts; and after the contracts are made in accordance with law and the work is done it is paid for out of an appropriation; and oftener than otherwise—I believe in almost every case in my State—the appropriation follows the completion of the work. But they have authority to make contracts. Now, let these commissioners go and make contracts provisionally for the building of these roads and the extension of these streets, and then come to Congress and say, "We found it necessary to make a provisional contract to extend a street or to build a road, and we ask you now upon this estimate and for this purpose to give us $10,000." But this way of keeping in the dark everything connected with it and relying upon the indulgence of Congress to vote them money to be expended at their discretion is what I object to.

We are yielding up the power of government in the city of Washington not only into the hands of three men, but we are yielding it into their discretionary power, and every Senator who has had occasion to go into the suburbs of this city, especially in the northwestern direction, must have seen that moneys heretofore appropriated and expended by the commissioners have been applied really not to the public benefit and advantage; for it can not be that we want three or four or five hundred yards of brick pavements extending out into the country with dirt roads between them. Whether they are built by the city or not I do not know, but the avenues move out in the same direction, and the streets move out in the same direction, and the plats appear in the morning papers, and the lands are advertised as eligible locations for new building sites, &c. It is a common thing to find in the morning prints of this city new plats and plans of grounds past which, alongside of which, new avenues are run and at the expense of the District government.

I do not object that a man's property shall be improved, that all the property in this city shall be increased in its value, but I object to giving to any set of men the power to manage the matter in such way as to extend this street or that street according to their own private will and pleasure. I would not intrust it to any set of men in the world, especially to a set of men over whom we have so little power as we have over the District commissioners in this city.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill at line 314. The next amendment of the Committee on Appropriations was in the appropriations "for street lamps," in line 321, after the word "lamp-posts," to insert "and to replace such as are old, damaged, and unfit for use;" and in line 322, after the word "use," to strike out "ninety-five thousand three hundred and eighty" and insert "one hundred thousand;" so as to read:

For street-lamps: For illuminating material and lighting, extinguishing, repairing, and cleaning lamps on avenues, streets, and alleys, and for purchasing and erecting new lamp-posts, and to replace such as are old, damaged, and unfit for use, $100,000.

The amendment was agreed to.

The next amendment was, in line 324, after the word "than," to strike out "twenty-two" and insert "twenty-four;" in line 328, before the word "hundred," to strike out "six" and insert "eight;" and after the word "and," at the close of line 328, to insert "in case a contract can not be made at that rate;" so as to read:

Provided, That no more than $24 per annum for each street-lamp shall be paid for gas, lighting, extinguishing, repairing, and cleaning under any expenditure provided for in this act; and said lamps shall burn not less than 2,800 hours per annum; and in case a contract can not be made at that rate, the commissioners of the District of Columbia are authorized to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations "for Metropolitan police," in line 349, to reduce the item for compensation of "ten lieutenants" from $1,320 each to $1,200 each.

The amendment was agreed to.

The next amendment was, in line 361, to increase the appropriation for compensation of "one driver" from $300 to $360.

The amendment was agreed to.

The next amendment was, in line 377, to reduce the total amount of the appropriation for "Metropolitan police" from $337,040 to $335,900.

The amendment was agreed to.

The next amendment was, after line 378, to insert:

To purchase, if on due trial found useful and necessary, twenty Gamewell alarm telegraph and telephone police stations, $5,000, or so much thereof as may be necessary.

Mr. GORMAN. I should like to inquire from the member of the committee having charge of this bill as to that paragraph, why it is limited to one particular patent?

Mr. PLUMB. If the Senator will notice, these telegraph and telephone police stations are set up in the city on some of the corners. There

is one at the corner of F and Fourteenth streets. They have been put on trial with no obligation to purchase them, but with the expectation that if they should prove satisfactory Congress would see the necessity and would appropriate for them. They contain inside an alarm which enables any person having access to the alarm to notify the police station of any fire or of any burglary or of any disturbance. A responsible person in each block is furnished with a key by which that person can open the box and make a communication. For the purposes of security against false alarms the station is so constructed that the key can not be removed by the person who inserts it. It can only be removed by a person from the police station sent for the purpose. Therefore any alarm can be traced to the person who makes it, and he is identified. They have so far worked well. They are deemed by the commissioners and the police department a very important accompaniment to the administration of the police department of the city, and for that reason the committee inserted the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations for the fire department, in line 391, to increase the item for compensation of "fifty-four privates" from $720 to $780 each.

The amendment was agreed to.

The next amendment was, in line 404, to increase the total amount of appropriations for the fire department from $115,990 to $119,230.

The amendment was agreed to.

The next amendment was, in line 406, after the word "Provided," to strike out:

That $1 per month additional pay for each man in the fire department shall be paid to the commissioners as a firemen's relief fund and used.

And insert:

That the commissioners shall deduct $1 each month from the monthly pay of each private, which sum so deducted shall be kept as a firemen's relief fund, under the control of the commissioners, and shall be used.

So as to read:

Provided, That the commissioners shall deduct $1 each month from the monthly pay of each private, which sum so deducted shall be kept as a firemen's relief fund, under the control of the commissioners, and shall be used for the relief of any fireman who by accident, while in actual performance of duty, shall become so permanently disabled as to be discharged from service therefor, and in case of his death, leaving a widow or children under 16 years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of $40 per month.

The amendment was agreed to.

The next amendment was, after line 419, to insert:

To pay Rezin W. Darby the amount due him on his contract for remodeling the Georgetown town-hall and converting the same into a fire-engine house, $1,658.61. And the amount which shall be received from the sale of the Georgetown fish-wharf, authorized by the act of March 3, 1883, shall be covered into the Treasury of the United States

The amendment was agreed to.

The next amendment was, in the appropriations "for the police court," in line 443, to increase the item for "one clerk" from $1,800 to $2,000.

The amendment was agreed to.

The next amendment was, in line 455, to increase the total amount of appropriations for the police court from $16,018 to $16,218.

The amendment was agreed to.

Mr. MORGAN. I wish to inquire of the Senator from Kansas if in striking out, in line 443, the words "one thousand eight hundred dollars," and inserting "two thousand dollars," it was meant to retain the words "and hereafter the salary of said clerk shall be $1,800?"

Mr. PLUMB. Leaving them in was an omission. In putting the salary at $2,000 we put it at what it had been heretofore. It was reduced by the bill as it came from the House. We restore the $2,000, and the words "two thousand" should take the place of "eighteen hundred" below. I am obliged to the Senator from Alabama for the suggestion, and I will move now to amend the text by striking out "eighteen hundred" and inserting "two thousand," in line 445.

Mr. MORGAN. It is the same officer referred to as clerk?

Mr. PLUMB. Yes, sir.

The PRESIDENT *pro tempore*. The Chair will receive the amendment of the Senator from Kansas, if there be no objection. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "public schools, District of Columbia," in line 462, before the word "thousand," to strike out "forty-one" and insert "forty-six;" so as to make the clause read:

For salaries of superintendents, teachers, and janitors, secretary of the board, and clerks, including additional teachers, rents, repairs, fuel, furniture, books, stationery, new school buildings, furniture for new school buildings, and other necessary items, $546,840, namely:

The amendment was agreed to.

The next amendment was, in line 504, after the word "grounds," to strike out "twenty" and insert "twenty-five;" and in line 508, before the word "thousand," to strike out "sixty-four" and insert "sixty-nine;" so as to make the clause read:

For rent of school buildings, $6,460; for fuel, $18,000; repairs and improvements to school buildings and grounds, $25,000; and for contingent expenses, including furniture, books, stationery, printing, insurance, and other necessary items, $20,000; in all, $69,460.

The amendment was agreed to.

The next amendment was, in line 513, before the words "new buildings," to strike out the word "three;" so as to read:

For buildings for schools: For addition to school building on the new Bladensburg pike, $3,500; for the purchase of sites, when necessary, and the erection and completion of new buildings, and for furniture for new school buildings, $66,000; in all, $69,500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, after line 523, to insert:

That the commissioners of the District of Columbia be, and they are hereby, authorized and empowered to sell and convey to the highest bidder, at public auction, the following-named property belonging to and being within the District of Columbia: Sublot 30, square 209; part of lot 6, square 925; lots 16 and 17, square 1098; one acre near the junction of the Chain Bridge, Tunlaw and Loughborough roads, on north line of Pickrell's land; one-half acre on Grant road, between Tennallytown and Brightwood, adjoining land of John Noonan, south side; one acre on Queen's chapel road, adjoining land of George W. Utermehle; a lot forty feet square, formerly the Georgetown powder-house property, one hundred perches west of Saint Alban's church; the old fish-market lot in Georgetown, northwest corner Potomac and Grace streets. And that the act entitled "An act to protect Holmead Cemetery, in the District of Columbia," approved March 3, 1879, be amended by adding the words "and convey," after the word "sell;" so as to make it read "sell and convey any part or the whole of said square." The proceeds of the sale of the foregoing property shall be applied, in addition to the sums of money herein appropriated, to the purchase of sites and the erection of school buildings thereon as provided by this act: *Provided*, That if in the opinion of said commissioners the highest bid made at public sale for any or all of said pieces of property or parts thereof is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and to annul said sale or sales, and to sell any or all of said pieces of property or parts thereof at private sale, at a price exceeding the bid or bids made at public auction.

Mr. MORGAN. I would suggest that the terms of sale might be improved. It is not stated whether it shall be on cash or credit, or part cash and part credit. Of course a public sale under ordinary circumstances would be for cash, but I think it would be better to mention the fact, inasmuch as the commissioners have the right to declare the sale forfeited and proceed to resell in certain contingencies.

Mr. PLUMB. What is the suggestion?

Mr. MORGAN. That there is no provision here as to whether the sale shall be for cash or on credit. I do not know what the committee desire. I have no preferenee in the matter.

Mr. PLUMB. I think the fair construction of this would be that it should be for cash, but still I am not certain that there would not be a discretion vested in the commissioners in reference to the terms of sale. That had not occurred to me, or I think to any other member of the committee. The power to resell perhaps should be incorporated if it does not already sufficiently appear in the latter part of the paragraph; but if the Senator from Alabama has any suggestion to make that is more definite and certain, I shall be ready to accept it.

Mr. MORGAN. I have no preference as to how it ought to be, but I think the statute ought to be explicit that they shall sell for cash, or may sell partly for cash and partly on credit. The power to annul the bid is given after line 549 in these words:

Provided, That if in the opinion of said commissioners the highest bid made at public sale for any or all of said pieces of property or parts thereof is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and to annul said sale or sales, and to sell any or all of said pieces of property or parts thereof at private sale, at a price exceeding the bid or bids made at public auction.

Mr. PLUMB. I think there would be no question that under that provision the sale must be for cash, as it is not otherwise expressed. While I conceive there might be a short time given to advantage, yet as the purpose of selling this property now is to build two additional schoolhouses that purpose would not be accomplished if the sale were on time. I think the provision now means undoubtedly a sale for money.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. SHERMAN. It is very unusual here, and it might lessen the purchase-money a great deal, to require the property to be sold for cash. It seems to me it would be proper to give the commissioners a reasonable degree of latitude. Sales of squares or lots in this city for cash would bring less in price probably than they could be sold for on a partial credit.

Mr. PLUMB. An amendment might be inserted that it should be for cash or on such other terms as the commissioners might prescribe.

Mr. SHERMAN. In line 526 should be inserted "on such terms of payment as they deem best for the public interest."

Mr. PLUMB. I have no objection to the amendment if the Senator will reduce it to writing.

Mr. SHERMAN. I move to insert after the words "public auction," in line 526, the words:

On such terms of payment as they may deem advisable.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio to the amendment of the committee, which will be read.

The CHIEF CLERK. In line 526, after the word "auction," it is proposed to insert:

On such terms of payment as they may deem advisable.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "health department," in line 577, after the word "dollars," to insert:

For the purchase of ambulance, horse, and harness, and pay of driver, $1,200.

The amendment was agreed to.

The next amendment was, in line 580, to increase the total amount of the appropriations for health department from $42,980 to $44,180.

The amendment was agreed to.

The next amendment was, in the appropriations for interest and sinking fund, after the word "cents," in line 589, to insert:

And the time allowed for filing claims in the Court of Claims under an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880, be, and the same is hereby, extended sixty days from and after the approval of this act; and all claims not so presented shall be forever barred.

Mr. ALDRICH. I raise the point of order on that amendment. It is legislation?

The PRESIDENT *pro tempore*. The Senator from Rhode Island raises the point of order that this is legislation.

Mr. PLUMB. Before the Senator makes the point of order, I wish to say that the District appropriation bill of last year contained a precisely similar provision, inserted on the recommendation of the commissioners, who stated that about $5,000 of the claims referred to were outstanding, all of them, as far as known, in the hands of the original holders; that they were being presented from time to time to the commissioners by intelligent people, who held them on the supposition that they were to be paid in cash, persons who had been oblivious entirely of the act which authorized them to go before the Court of Claims and prove them. Acting on that representation the committee inserted a provision, which will be found under the title of "interest and sinking fund" in the last year's appropriation bill, in the language of this amendment, which the Senator from Rhode Island is disposed to make a point of order against, except that the time was limited to thirty days in place of sixty days.

The committee received the following letter, or rather it was a letter addressed to myself, but I think copies of it were sent to other members of the committee:

HOUSE OF REPRESENTATIVES, *Washington, D. C., May* 21, 1884.

MY DEAR SIR: One of my constituents received some years ago four certificates of indebtedness, numbers 8524, 8526, 8527, and 8528, issued by the board of public works of the District of Columbia, of $50 each, dated July 1, 1873, and he has been unable to collect the money for them. He is now poor and needs the $200, and the only way for him to get it seems to be by the re-enactment of the sinking-fund clause of the last District appropriation bill, granting additional time in which holders may file claims in the Court of Claims. Mr. Eben Blunt, the gentleman referred to, was not to blame for failing to get his claim in under the former grant of time and he ought not to suffer the loss.

I have explained the case to Senator HALE and spoken about it to Senator DAWES, your colleague on the committee, and you will afford relief to a worthy creditor of the District by having the few lines inserted in the bill that will extend the time so that he can file his claim. There are quite a number of others, I think, similarly situated.

Very truly, yours,

C. A. BOUTELLE.

Hon. PRESTON B. PLUMB,
United States Senate.

These are the only claims, so far as I know, that will be affected by this provision. It is undoubtedly true that these people have been guilty of some laches; but the time originally granted was very short; and it was not a presentation of claims which should by that act of presentation be deemed good, but it was only authority to sue in the Court of Claims, using the certificates as *prima facie* evidence of their claims only for the purpose of enabling them to get into court, practically a question of personal identity, while the claim itself had to be proved in every way necessary to establish any other claim in any court anywhere before anything could be allowed.

In 1872 and 1873, as stated by Mr. Boutelle in this letter which I have read, there were a great many of these claims. There can not be very many now, because, as stated to us by the commissioners on an examination of the books, the whole amount outstanding does not exceed $5,000 in amount. But whether there be two, or two hundred, or two thousand of them, and the people who hold them have not had their money, there would not seem to be any reason, in morals at least, why they should not have the privilege of going into the Court of Claims and proving them up.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. HALE. Will the Chair, before ruling, allow me to appeal to the Senator from Rhode Island to withdraw the point of order?

The PRESIDENT *pro tempore*. The bill is the subject of debate. The Senator can speak on the bill.

Mr. HALE. I do not want to speak to the point of order, for I have no doubt the intimated ruling of the Chair is correct; but if the Senator from Rhode Island, who I have no doubt wants to shut out any class of claims that would involve a large sum of money, would realize that the occasion of this amendment being on the bill is simply to give this poor man the opportunity to present his claim, which through no fault of his he failed to do before, and that no large amount of money can be taken out of the Treasury, I do not believe he will insist on making the point of order. This is the only way the man can get his money, and it is an honest case. It is not intended to open and it can not open the door to any drain on the Treasury.

Mr. ALDRICH. By unanimous consent, I will say that this does open the door to a very large number of claims which have been barred by act of Congress at different times. If the case that the Senators have alluded to is as meritorious as they believe it to be, a special act for relief could be very easily passed by both Houses without any difficulty; and it seems to me that would be very much wiser legislation than to open a door of this width upon a bill of this kind.

Mr. HALE. The Senator knows that it is not possible there should be any large number of claims coming in under this. It is a case where, as is frequently legislated upon by Congress, there are individuals who fail to come in, and as a matter of indulgence and sympathy a little more time is added, and on every occasion that the new time is given the number outstanding is less and less. There is no large class of claims that under any circumstances, by any possibility, can be brought in under this amendment. But if the Senator insists upon the point of order, of course it will have to go out and this man will be sent to the tender mercies of the committees of the House and get on to the general Calendar, and the Lord only knows what will become of him.

Mr. ALDRICH. I ask the Senator whether he thinks it is good legislation to legislate for private claims or particular claims in a general way of this kind on a general appropriation bill?

Mr. HALE. Yes, I do. I believe that where a class of claims is allowed by a statute, where a time is given for them to appear and that time runs out, and it is discovered that a few who are just as meritorious and worthy as those who have come in have not been able to get in through no fault of theirs, it is good legislation to let the door open a little longer and let them in. It is not introducing a new class of claims; it is only giving to men, who through no fault have not got in, the same privileges that others have had. I think it is very good legislation.

Mr. ALDRICH. I happen to know that there are several millions of dollars of outstanding claims that might come in under the provisions of this proviso.

Mr. HALE. Why did they not come in when we extended the time last year, which we did, and it was only a bagatelle? There are no large claims to come in here. They would have been in long ago if there had been.

Mr. ALDRICH. The reason they did not come in, I expect, was on account of the ruling of the Court of Claims in regard to some provisions of the act of June 16, 1880, which these people are now trying to have amended so that it shall apply to all claims originally filed or which may hereafter be filed, being another portion of the same class of legislation which would be affected by this amendment. It is for that reason, and that reason alone, that I made the point of order, and it seems to me that in justice to good legislation I must insist on it.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 628, after the word "expended," to strike out "at the discretion of the Commissioners;" so as to read:

For general contingent expenses of the District of Columbia, to be expended only in case of emergency, such as riot, pestilence, calamity by flood or fire, and of like character, not otherwise sufficiently provided for, $5,000: *Provided*, That in the purchase of all articles provided for in this act no more than the market price shall be paid for any such article, and all bids for any of such articles above the market price shall be rejected.

The PRESIDENT *pro tempore*. Is there objection to this amendment?

Mr. MORGAN. I object to that amendment.

Mr. PLUMB. I desire to state to the Senator from Alabama that if he will examine the remaining portion of the paragraph I think he will not object. That language was stricken out here because it was designed to limit the discretion in regard to other items of contingent expenses where those words do not appear. The committee therefore have stricken out that language where it does appear in two cases only, and inserted a general provision giving to the commissioners control of various contingent funds provided in the bill amounting to about $10,000 altogether.

Mr. MORGAN. The House seems to have had the idea that this appropriation of $5,000 for the contingent expenses of the District ought not to be expended except "in case of emergency, such as riot, pestilence, calamity by flood or fire, and of like character, not otherwise sufficiently provided for." And in connection with that they gave the commissioners discretion, not a discretion as to the event in which the money should be spent, but as to the manner and extent to which the money should be applied to each necessity as it might arise.

Now, by the action of the committee in striking out these words, "at the discretion of the commissioners," and inserting the proviso at the end of the clause, you remove all restraints upon the commissioners in

the direction of the expenditure of all the contingent funds contained in this bill, both as to the amount they shall apply to the different subjects and as to the subjects to which they will apply them. I do not think it wise legislation to give $10,000 or any other sum to the commissioners to be expended as a contingent fund simply under their sole discretion. There can not be anything in respect to which any of them is responsible except some fraudulent conduct on his part in the expenditure of the money. You give the entire control of it and restrain him in no respect by legislation.

The change of the language here is a change in the entire sense, and authorizes these commissioners to expend this money as a contingent fund for any purpose that they may think would be beneficial to the city; or it makes no difference whether they think so or not, if it appears to be so upon a general examination of the circumstances of the expenditure; in other words, there is no accountability. There might possibly be some liability for a fraudulent use or fraudulent embezzlement of it; but if you go beyond those limits you reach the ground of discretion and make the discretion of this board absolute.

I do not wish to repeat any remarks I have made on that question; but I do think that in this bill particularly we have advanced a great way in the wrong direction of giving unlimited discretion over expenditure to the commissioners of this District. They have got power enough; they have got too much as it is. Congress ought to seek in some way to abridge and regulate their powers, until that favorable hour shall arrive when the people of this District shall again receive the liberties guaranteed in the Constitution to all self-governing communities in the United States, and they shall receive the right to elect their representatives and in some way to express their opinion and their wish upon the control of their own money.

One-half the money that is appropriated in this bill is taxed from the people of this District. Their property is the subject of the taxation. To take the money out of the pocket of the tax-payer of this District and put it into the hands of a man and authorize him to expend it at his discretion, without even saying that it shall be for the good of the District or for any general public purpose or specified public purpose, it seems to me, is the very extreme of tyrannous legislation.

These people have no representation here. They are not touched by the law in any respects except two; one is taxation and the other is the judgment of a court; and I do not know a people who are in a more forlorn condition than those who are simply liable to taxation and the judgment of a court, without having the right of expressing an opinion on any public matter in any other way than by petition, and I am informed (and I believe it too) that their petitions brought before these commissioners are scouted systematically. They come before committees of Congress and ask a hearing here. The committees have not time to listen to them. Very few men get into contact with the commissioners of this District, and those of humble position in life, who after all suffer the heavier penalties and weights and burdens of the law more than any other class, have no representative and have no hearing.

Now, sir, I object to taking a dollar out of the pocket of any citizen of the District of Columbia and putting it into the hands of any commissioners whatever with a discretionary power on their part to expend it just as they please, for the language of this bill is "shall be expended under the direction and in the sole discretion of the commissioners of the District of Columbia." There is nothing but an implication, a mere intendment or presumption of law, that there is some moral duty resting upon them that they shall expend it with reference to some subject that they may conceive of public utility or importance in the District, and not even the subject is named, nothing is named in this bill to confine the exercise of this extraordinary power. I would not vote money to the President of the United States to be expended in his discretion and no more than that said about it. I would not intrust it to any man in the faith that because he holds a prominent or powerful position he will expend it in some manner connected with the duties and obligations of his office, giving him absolute control over it. That is a power which I would not confer upon the President of the United States.

Mr. VOORHEES. Will the Senator allow me to ask him how much it is proposed to appropriate in this way?

Mr. MORGAN. It is said to be here $10,000. I think it will be found a much larger sum than that in this bill falls within the discretionary powers of the commissioners.

Mr. VOORHEES. Appropriated to no object specifically?

Mr. MORGAN. None whatever. I will read it again. I know the Senate is not in the habit of listening to matters of this kind in regard to the District of Columbia, because we consider that they are a people who are not entitled to be governed by the laws that affect civil communities in this country. I will read it again:

Provided further, That all appropriations for contingent expenses made by this act shall be expended under the direction and in the sole discretion of the commissioners of the District of Columbia.

If I were to give my son a sum of money to be spent by him under his direction and in his sole discretion I would give to him a title to that money which I could never recall, which I could never control, and about which I could only indulge in a reprimand or a censure upon his conduct if he was profligate in the use of it. That is the most I could do. But when I came to say to him, "You have abused the trust and confidence which your father reposed in you when he gave you this money," he could reply to me: "You did trust me; it is very true I have not complied in every respect with what your opinions are about the manner in which it ought to have been expended, but still you gave me the absolute discretionary power over it."

Sir, the Congress of the United States have got no right under the Constitution of the United States to apply money in that way and call it an appropriation. An appropriation within the meaning of the Constitution of the United States must designate some object to which the money is appropriated, and there must be some limitation upon the power of the expenditure of the money. Here it is nothing; the object is not named, and the discretion is entirely uncontrolled.

I am willing to concede a great deal to this honorable Committee on Appropriations, but I can not stultify myself by voting for a measure of this kind and in these words. I should conceive that I had abused my powers under the Constitution of taking money out of the people of this District, one-half of it, and the other half from the Treasury of the United States, if I were to turn it over to a man to be disposed of as he saw proper merely because he happened to hold the position of commissioner in this District. One of these gentlemen is now a military officer in the Government service, holding his commission there and drawing his pay as a Government officer and also as a commissioner. How shall we control him about the expenditure of this money? It is a public trust confided to him as an individual. Shall we take him before a court-martial and try him there in the event that he abuses our confidence in the expenditure of the money in some way that we do not think is appropriate?

The House thought it was necessary to say something about the emergency, inasmuch as this is an emergent fund, upon which this money might be expended. They therefore said: "Only in case of emergency, such as riot, pestilence, calamity by flood or fire, and of like character, not otherwise sufficiently provided for, $5,000."

I understand that the sums placed by this bill in the discretionary control of the commissioners by the committee's proviso amount to $10,000 in the aggregate. They may amount to more, and I really think they do; but the sum of money does not make any difference; there is a principle in the matter. We call this an appropriation. If it is an appropriation at all, it is a gift of the money into the hands of the commissioners to do with it as they see proper, for it is discretionary and the discretion is not controlled by law. I do not think we ought to follow this honorable committee in legislation like that.

Mr. PLUMB. Mr. President, if the words remain in that paragraph as the bill came from the House it will be in effect saying that while we deposit discretion in this case with the commissioners we do not do it in reference to other items of the contingent funds in the bill. Now, I ask the Senator from Alabama to be consistent, either to consent that these commissioners shall have charge of the contingent expenses, of all the little sums provided for that purpose, or to say once for all that he is not willing to trust them in regard to any of them, and let us make out a schedule of all possible items they can ever expend any money for and insert that in the bill in such a way that they can not control a penny beyond the power of the Comptroller to bring them to time about.

I am certain the Senator from Alabama is forgetful of some of the things which have been done by the Senate while he has sat here and which he has participated in doing. I have before me, which I turn to at hap-hazard, an appropriation bill of 1881. In that I find that we gave to the Commissioner of the General Land Office for the contingent expenses of his bureau $51,000; I find that we gave to the Bureau of Education $18,775, and so on. There is not a bureau of this Government in which contingent expenses are not provided for and in which those expenses are not made, substantially, without the supervision of anybody.

In this bill the only sums of money which can be used by the commissioners themselves without the consent of the First Comptroller of the Treasury are these various items of contingent funds: One of $2,500 on the second page of the bill for the executive office of the commissioners; one of $1,000 in the following paragraph for the assessor's office; one of $2,500 in the collector's office; one of $300 in the auditor's office, and one of $500 for the attorney's office, and then this item of $5,000, which is just one-half of what it was last year.

The Senator may find some comfort in that. Whereas last year we appropriated $10,000 for this purpose, the commissioners spent but half of it, and only ask us this year to give them half as much as we gave them last year. I think that pretty fair evidence in the first place that as to these individuals personally they do not mean to spend any money that is not necessary on a business estimate of what is the situation of affairs; and next it is not possible that this District shall be absolutely run in regard to all its parts by the First Comptroller of the Treasury as to the question whether a steel pen is to be purchased, as to whether a horse is to be shod, as to whether he is to eat oats or corn, as to whether they will buy books bound in muslin or bound in sheep or bound in Turkey morocco, whether the paper shall be of a certain size or a certain weight. And yet it is in just these few items, em-

bracing a total aggregate of less than $12,000, out of an expenditure of nearly $4,000,000, that this question arises.

The small sums are the only sums that are to be spent by these commissioners without the supervision of the Comptroller of the Treasury, representing the United States Government. You can not put a District government or a municipal government within such bounds as the proposition of the Senator from Alabama would impose. There is not a municipal government in his own State that could get along in that way. Take his own city of Selma, a place of 5,000 or perhaps 10,000 inhabitants, and the entire revenues of that city I will venture to say are under the control of the municipal board of that town, with nobody to supervise them except such supervision as they get at the polls when they come up as candidates for re-election two or three years after the money is spent. This is not only not a dangerous power, not an unwise power, but it is absolutely a necessary power.

As I said, if these words remain the bill will stand as an expression of Congress that so far as regards these particular items the commissioners may exercise their discretion, while in regard to all these other items they can exercise no discretion whatever. A little municipal emergency of any kind which requires the expenditure of some money, the purchase of ink, of printing material, or of anything else necessary for the executive office, can not be provided for unless the Comptroller is first consulted to ascertain whether in his judgment he believes that he as commissioner would do that particular thing in the way it is proposed to be done. It amounts to obstruction.

While I concur in what the Senator says about the fact that these people are not represented, that is no reason why they should not be governed; why, having a different machinery of government here by law, we should not apply money necessary to carry it out in the proper way.

Mr. SHERMAN. I think the Senator from Kansas is quite right in saying that the District commissioners ought to have the direction of this expenditure; but the same qualification ought to be put upon this expenditure as is put on our own expenditures for the Senate and House or on the expenditures of any Department of the Government; that is, they should be accounted for so as to show in a published account that the money has been properly applied. I move, therefore, to add to the end of line 639 these words:

But such expenditures shall be accounted for in the Treasury Department as other expenditures for the District of Columbia.

That is the course that is adopted in regard to all expenditures of this kind which can not be measured in detail, but must be left to the discretion of the proper officers, that they should account for them in this way by formal reports showing how much they paid out for shoeing horses, how much they paid out for railroad tickets, and the like. That is the common course that is adopted in regard to contingent expenses in the Senate. Our contingent expenses, I believe, are disbursed under the direction of the Committee on Contingent Expenses.

Mr. MORGAN. I had supposed that the Senator from Ohio had been long enough Secretary of the Treasury to have learned to appreciate the value of the First Comptroller's office in the control of the expenditure of money appropriated under the different laws of the United States. I think him one of the most valuable officers, as well as I think that one of the most important offices, in the United States Government.

Mr. SHERMAN. These expenditures are brought to him by this amendment of mine.

Mr. MORGAN. No, they are not; I beg pardon. I was discussing the proposition that came from the committee, and the Senator from Ohio has attempted to amend it and relieve it of some of the difficulties that I suggested, but he has not succeeded in getting rid of all of them.

The Senator from Kansas complains, doubtless in behalf of the commissioners, that there is such a man as the Comptroller to scrutinize the expenditures of these gentlemen. I am in favor of keeping the First Comptroller of the Treasury in authority over the commissioners.

With reference to the case of the city of Selma, in which I reside, he says he has not any doubt that the common council of the city of Selma have the right to make expenditures of money and that they are not accountable to any person if they should make any mistake or even abuse their authority in making expenditures of money. Quite the reverse. They are accountable to the people. They are accountable to the people who elect them. Here there is no accountability at all of the commissioners to the people, and that makes the difference in the case. If the people of the District of Columbia had the ordinary powers of government that belong to the rest of the United States, then we might very well trust their officers with the discretionary exercise of public powers, because there is a corresponding responsibility. But it is left to us, inasmuch as we are the government of the District of Columbia, we are the town council of the District of Columbia, to provide in some way to put a check upon expenditures in that office.

The Senator from Ohio suggests that the Senate controls the contingent expenses of this body. It is very true the Senate does it; but still it isa Senate that controls it. In the District commissioners' office the Senate is absent; the feature of control is wanting; the responsibility of the commissioners is not to the Senate of the United States but to itself, and it has to answer its responsibility by wrapping itself up in its own authority and saying, "You gave to us unlimited power over all contingent expenses, and in doing so and authorizing us to expend this money under our own discretion you have made us the judge of the occasion for the expenditure and the extent and manner of it, and unless you can prove fraud upon us in some way or other we are all safe and right; it is you who have made a mistake in intrusting us with so broad an authority without reserving to yourself or any person else that we shall be accountable otherwise than by the mere statement of our accounts."

The President of the United States, for purposes of diplomatic intercourse, has $50,000, we will say, to the credit of his contingent fund. He is not required to account to us for it. At the same time he would account if we chose to make that requirement. But suppose he were required to account, and the money has been expended by him under his discretion and we required him to account, all he has to do is to show that he has expended it in pursuit of some general public object.

So the commissioners are to be authorized by this law to show, in answer to a demand for an account by the Comptroller, that they have expended it in reference to some general purpose connected with the District of Columbia, that purpose being entirely discretionary with them and they being entirely protected, whether they select a rightful or a wrongful one, whether they are extravagant or whether they have put their friends in position and stuffed them with money or not.

The Senator from Kansas has omitted to take the distinction between special contingent funds and general contingent funds. He refers to the case of the contingent fund of the Land Office and of the Patent Office, and various other offices of this country to which we give contingent funds, and authorize the chiefs of bureaus or the head of the Department to expend the money appropriated to such contingent funds. Suppose we should find that the head of the Department had authorized the expenditure of a contingent fund for the Patent Office in the Land Office, there would be a violation of law for which that man would be impeachable, because Congress had designated the purpose to which the money should be applied, and that became a special and not a general contingent fund attached to the Department of the Interior.

Now, we have gone on and we have provided here, as the Senator has shown in preceding parts of this bill, for $10,000 of special contingent funds applied by the law itself to the particular officers named and to the sums named. The Senator recited them a moment ago, and I will not stop to go over the enumeration. In addition to that, here is another special contingent fund of $20,000 provided for on page 10 of this bill, where the commissioners of the District have the entire discretionary right to apply $20,000 in such manner as they see proper in the conduct of the reformatory school. Suppose they should take that $20,000 and apply it to the Insane Hospital instead of the reformatory school, they would be liable out of their own purses and on their bonds for a misappropriation of the money; but when the special contingent fund is applied to the purpose for which we appropriated it, then the question arises, not on a diversion of the funds to an improper purpose, but the honest management of the fund for the purpose and in pursuance of the purpose for which Congress has appropriated it.

Now we pass on through this bill and come to the present clause, and in that there is not a special contingent fund provided for but a general contingent fund. Says the statute: "For general contingent expenses of the District of Columbia," $5,000. That makes $32,000 given in the discretionary power of the commissioners first and last under this bill.

Mr. COCKRELL. Will the Senator permit me one moment?

Mr. MORGAN. Yes, sir.

Mr. COCKRELL. I understood the Senator to read from page 10 about $20,000 in the discretion of the commissioners. Mr. President, that $20,000 can be expended alone for the articles enumerated in that provision. It can not be perverted to any other use; but whether they shall spend $10 or $15 for flour and twenty or thirty dollars for woodenware, or forty or fifty dollars for farming implements and furniture is left to the discretion of the commissioners; but they are compelled to apply this entire amount, if they apply it at all, to the purchase of the articles named here.

Mr. MORGAN. Nobody knew that better than I did.

Mr. COCKRELL. Then why say it was discretionary.

Mr. MORGAN. I did not say it was discretionary except as you have said so in the bill. If the Senator from Missouri wants to sit as a hovering hen over these commissioners he may do so, but I shall stir them up.

Mr. COCKRELL. I sit as a hovering hen over nothing, but I should like to know when it was that the distinguished Senator from Alabama became the guardian of the people of the District of Columbia in the way that he has assumed and that the District Committee——

Mr. MORGAN. Stop! It was when I was sworn into the Senate that I became such.

Mr. COCKRELL. The District Committee have given these questions and others the attention that they deserve. Now, I have just as much respect as that Senator for the tax-payers of the United States who pay one-half of all the taxes of the District of Columbia as I have for the people of the District of Columbia, and while I do not espouse the cause of the people specifically against the District of Columbia,

neither do I espouse the cause of the men here in the District against the tax-payers of the United States.

Mr. MORGAN. The honorable Senator from Missouri, although he is a member of the Committee on Appropriations, must submit to just criticism. He will find that I will give it to him and that committee whenever it is proper to do so, fearlessly and in good temper, patiently and justly. But I do criticise this committee for having on every occasion in this bill stricken out the limitations of power which the House had imposed upon this body of autocrats, and expanded and extended their authority according to their own discretion in every instance.

Mr. PLUMB. Will the Senator please point out one case where we have removed any limitation the House imposed?

Mr. MORGAN. I have been all the morning painfully and laboriously engaged in pointing them out.

Mr. PLUMB. I challenge that Senator to find one.

Mr. MORGAN. If the Senator can not find them, I will. There has not been a provision restricting the power of the commissioners in this bill which might admit of a full license of discretionary power that the committee have not enlarged it. They give discretionary power over $20,000 in regard to the Reform School, and it will not be three years from this time if they keep on in this style of legislation until we have a Tewksbury stamped on the District of Columbia. They have given a discretionary power over several contingent funds which the Senator himself has named in the earlier part of this bill of $12,500. Adding this $20,000, makes $32,500. Here is a discretionary power over $5,000 more. That makes $37,500. In every case they have enlarged the discretion and put it especially in this bill that these commissioners should have the sole discretionary right of pronouncing where this money shall go.

Sir, I am not the representative of the District of Columbia, except against my will and consent, being compelled to usurp and exercise over these people a power of local self-government which I have usurped in common with the rest of the Senate from them, leaving them exposed to the men who rule them or else exposed to our authority and control of those men, and when I find the Committee on Appropriations have slacked up in every instance in the regimen and control that we ought to impose on this body of commissioners, I must assert my duty as well as my right as a member of this body to undertake to prevent it.

I was drawing the distinction between general and special contingent funds, and I think I have established the proposition beyond question that there is a distinction between the two. When we come to the last clause of this bill in reference to the general contingent fund of $5,000 the House said do not let us make this entirely a discretionary fund under the control of the commissioners, but let us say that there shall be thus much control over their discretionary expenditure that they shall expend it "only in case of emergency, such as riot, pestilence, calamity by flood or fire, and of like character, not otherwise sufficiently provided for," and they make the sum $5,000. Those are just limitations upon the authority of these commissioners in the expenditure of this money.

Now, the committee strike out these provisions, and say in the place thereof that all appropriations, whether special or general, in this bill, the whole $38,000 for contingent expenses appropriated by this act, "shall be expended under the direction and in the sole discretion of the commissioners of the District of Columbia," and there is $5,000 of it in this last item of appropriation where even the object of expenditure is not expressed in the amendment of the committee. They are willing to take $5,000, and if necessary $500,000 or $5,000,000, and give it to the commissioners of this District to spend under their sole discretion; and if they violate the principles of the Constitution in giving $5,000, I am safe in assuming they would do it if it were $500,000.

The people of this District and the people of the United States, the tax-payers of this District, have got no protectors unless we are; and although they are tabooed and estranged from all connection with the laws of the United States except in their criminal responsibilities and in their responsibilities as tax-payers, it is our duty to see that they are protected, and that the commissioners shall be confined in the expenditure of their money to named objects. But the Appropriations Committee have brought in a bill here for appropriating $5,000 out of their money to be expended by the commissioners without reference to any named object whatever. No object is named, and if you were to undertake to predicate an indictment upon this statute for embezzlement you would have to go about saying that they had diverted the fund from the object intended in the statute. You have named no object; you have expressly and by design pretermitted the naming of an object; and when we come to find out the reason of it, it is because you are afraid Mr. Lawrence will not allow your accounts.

I am glad Mr. Lawrence is down there, and I am for upholding his authority; and inasmuch as it appears that he is the only man who can sift matters passing through the minds of these honorable commissioners, I want Mr. Lawrence's power preserved. Let us have somebody that can look through it; let us have somebody who can call them to account. I would not trust them if they were as much better than they are as the best man who lives in this world is better than I am.

And, sir, I wish to say here in this Senate that until the people of the District of Columbia have the right to speak upon their affairs like the people of any other part of the country, I shall consider myself not an intrusive volunteer in their service, but a constrained and coerced Senator, whose duty and obligation it is to his own oath that he shall see that they are not imposed upon, and it makes no difference what may be the power or the character of any committee who may come into this Senate with measures like this, they must answer so far as debate is concerned to an honest and just criticism upon their conduct. It is loose and slack and unworthy of the committee to bring in measures of this kind and lay them before this Senate and this country and ask us to adopt language like that conferring discretionary power upon men who are already so environed and protected with discretionary power that they have lost all sense of obligation to the people other than the committees of the two Houses.

No, sir, it is time we had spoken out about this. It is not a duty that I desire to assume; it is an obligation that I can not avoid or get away from. Senators may well expect when I feel an obligation rests upon me that I am not going to be afraid to stand up to it.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the committee in line 628.

Mr. MORGAN. On that I ask for the yeas and nays.

Mr. SHERMAN. I have offered an amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Ohio is to a different paragraph, one not yet reached.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. Does the Senator from Alabama desire the yeas and nays on the amendment in line 628?

Mr. SHERMAN. That is not material any way.

The PRESIDENT *pro tempore*. The committee recommend striking out the words "at the discretion of the commissioners," in line 628.

Mr. MORGAN. I ask for the yeas and nays on that, because that is the pith of the whole subject, as I understand.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll-call was concluded.

Mr. JACKSON. My colleague [Mr. HARRIS] has been called away by indisposition, and is paired with the Senator from Massachusetts [Mr. HOAR].

The result was announced—yeas 41, nays 5; as follows:

YEAS—41.

Aldrich,	Dawes,	Jackson,	Saulsbury,
Allison,	Dolph,	Jones of Nevada,	Sawyer,
Beck,	Edmunds,	McMillan,	Sherman,
Blair,	Fair,	Miller of N. Y.,	Slater,
Brown,	Garland,	Mitchell,	Van Wyck,
Call,	George,	Morrill,	Vest,
Camden,	Groome,	Pendleton,	Voorhees,
Cameron of Wis.,	Hale,	Pike,	Williams.
Cockrell,	Hawley,	Plumb,	
Colquitt,	Hill,	Pugh,	
Conger,	Ingalls,	Ransom,	

NAYS—5.

Bayard,	Gorman,	Morgan,	Wilson.
Coke,			

ABSENT—30.

Anthony,	Hampton,	Lapham,	Platt,
Bowen,	Harris,	Logan,	Riddleberger,
Butler,	Harrison,	McPherson,	Sabin,
Cameron of Pa.,	Hoar,	Mahone,	Sewell,
Cullom,	Jonas,	Manderson,	Vance,
Farley,	Jones of Florida,	Maxey,	Walker.
Frye,	Kenna,	Miller of Cal.,	
Gibson,	Lamar,	Palmer,	

So the amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, after the word "rejected," in line 635, to insert the following proviso:

Provided further, That all appropriations for contingent expenses made by this act shall be expended under the direction and in the sole discretion of the commissioners of the District of Columbia.

Mr. SHERMAN. I desire to modify that so as to make it conform to the provisions of law in the Departments of the Government. I offer this amendment to the amendment, to be added to it:

But such expenditures shall be accounted for in the Treasury Department as other expenditures for the District, and a detailed statement of such expenditures shall be reported to Congress, in accordance with section 193 of the Revised Statutes of the United States.

The Senator from Alabama seemed to think that this would be different from the law as to other expenditures. Now, the contingent expenditures of every Department of the Government are under the discretion of the head of that Department, and so of every branch of the Government to a certain extent. The restraint upon them is contained in section 193, which I send to the desk and ask the Secretary to read. My amendment will bring these expenditures under that restraint.

The PRESIDENT *pro tempore*. The section will be read if there be no objection.

The Chief Clerk read as follows:

SEC. 193. The head of each Department shall make an annual report to Con-

gress, giving a detailed statement of the manner in which the contingent fund for his Department, and for the bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Ohio to the amendment reported by the Committee on Appropriations.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment as amended.

Mr. MORGAN. I should like to have it reported as amended.

The PRESIDENT *pro tempore*. It will be read as amended.

The CHIEF CLERK. After line 635 it is proposed to add:

Provided further, That all appropriations for contingent expenses made by this act shall be expended under the direction and in the sole discretion of the commissioners of the District of Columbia; but such expenditures shall be accounted for in the Treasury Department as other expenditures for the District, and a detailed statement of such expenditures shall be reported to Congress in accordance with section 193 of the Revised Statutes of the United States.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "water department," in line 658, before the word "thousand," to insert "and thirty," so as to read:

Engineers and firemen, coal, material, and for high service in Washington and Georgetown, pipe distribution to high and low service, including public hydrants, fire-plugs, replacing the 9-inch with 10-inch fire-plugs, material and labor, repairing and laying new mains, and lowering mains, $130,000.

The amendment was agreed to.

The next amendment was, after the word "advantageous," in line 671, to strike out:

To pay interest on one-half of all moneys already advanced and that may be advanced to July 1, 1885, by the United States (excepting the amounts advanced for constructing fishways) under the provisions of an act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," $30,000, or so much thereof as may be required, said amount to be drawn from the Treasury only on the requisition of the Treasurer of the United States: *Provided*, That hereafter it shall be the duty of the commissioners of the District of Columbia to include in their annual estimates for the expenses of the water department an estimate, to be made by the Treasurer of the United States, of the amount necessary to refund, in not less than twenty-five annual installments, one-half of the amount advanced by the United States under the said act of July 15, 1882, with interest on said amount at the rate of 3 per cent. per annum, computed annually on the principal sum remaining unpaid.

The amendment was agreed to.

The next amendment was, in section 2, after the word "year," line 7, to strike out:

As required by the third section of the act approved June 27, 1879, entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes.

So as to make this section read:

SEC. 2. That said commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during the fiscal year 1885 than they make on the appropriations arising from the revenues of said District, including one-half all general taxes paid in drawback certificates during said fiscal year.

The amendment was agreed to.

The next amendment was to insert as section 3 the following:

SEC. 3. That in all cases where special assessments have been revised, as provided for by law, the commissioners of the District are hereby directed to issue drawback certificates to the holder of any lien certificate of such assessment for the amount such assessment has been reduced, and the interest accrued thereon to the date of issue: *Provided*, That application is made therefor within sixty days from the passage of this act; which drawback certificate shall be receivable for all arrears of general taxes due and unpaid June 30, 1882.

Mr. ALDRICH. Mr. President, I make the point of order that that is legislation.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. PLUMB. That was an amendment which came from the Committee on the District of Columbia, sent to the Committee on Appropriations by that committee, and was recommended by the commissioners of the District in a letter which I shall ask to have placed in the RECORD, at all events, if the statement I have made does not qualify the decision of the Chair in regard to the point of order.

The PRESIDENT *pro tempore*. The Chair will hear, on the point of order, the letter, though the Chair does not see how a communication from the commissioners can change the rules of the Senate.

Mr. PLUMB. I am not speaking of that as bearing on the point of order, but as a justification of the committee. I spoke of the fact that the amendment came from the Committee on the District of Columbia, with reference to the point of order.

The PRESIDENT *pro tempore*. The point of order in respect to general legislation is not affected by any report from a committee. It is only reports from committees, standing or select, increasing items of appropriation or proposing new items, that are in order. The rule against general legislation stands independent of the opinion of any committee. Does the Senator from Kansas desire that the letter be read?

Mr. PLUMB. No; I only ask now that it go into the RECORD.

The PRESIDENT *pro tempore*. It will be printed in the RECORD if there be no objection.

The letter is as follows:

OFFICE OF THE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, May 26, 1884.

SIR: In response to a verbal request made by Senator INGALLS the commissioners of the District of Columbia submit it as their opinion that due consideration to the rights of parties holding lien certificates of assessment requires that existing laws governing the issue of drawback certificates be so amended that the lien-holder will not be deprived of any part of the interest-legally and equitably due on his liens. This will be accomplished by the amendment proposed by Mr. INGALLS to the bill (H. R. 6656) making appropriations for the District of Columbia for the coming fiscal year.

The commissioners would recommend, however, that the amendment be amended by adding after the word "taxes," in line 9, the words "due and unpaid June 30, 1882." If taxes accruing after that date are made payable by drawback certificates the anticipated cash receipts for the next fiscal year may be reduced below the amount required for the necessary expenses of the District. The drawback issue under the provisions of this bill will not exceed $260,000 (including interest), and the outstanding general taxes in arrear June 30, 1882, to the payment of which these drawbacks are applicable, is not less than $750,000.

If the amendment is adopted the bill (H. R. 6656) should be further amended by striking out all after the word "year," on page 24, section 2, line 7.

Very respectfully,

J. B. EDMONDS, *President.*

Hon. P. B. PLUMB,
Chairman Subcommittee Committee on Appropriations,
United States Senate.

The next amendment of the Committee on Appropriations was to insert, as a new section, the following:

SEC. —. That the commissioners of the District of Columbia shall hereafter have power to assess and collect the taxes authorized by law; and all assessments and collections heretofore made by them be, and the same are hereby, declared valid and fully confirmed to the same effect as though levied and collected in full compliance with law.

Mr. MORGAN. I ask a division of that matter. I desire to object to the last clause, in these words:

And all assessments and collections heretofore made by them be, and the same are hereby, declared valid and fully confirmed to the same effect as though levied and collected in full compliance with law.

The PRESIDENT *pro tempore*. Does the Senator make the point of order that this amendment is legislation?

Mr. MORGAN. I do make the point of order.

The PRESIDENT *pro tempore*. The Chair sustains the point of order. The amendment is not in order.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. If there be no objection, the vote will be taken on the amendments made as in Committee of the Whole in gross.

Mr. MORGAN. I desire to have a separate vote on the amendment of the committee in lines 229 and 230, page 10.

The PRESIDENT *pro tempore*. The Senator from Alabama reserves for a separate vote the amendment in lines 229 and 230. That amendment will be reserved. Does any Senator desire any other amendment reserved? If not, the question is on concurring in all the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment made as in Committee of the Whole on lines 229 and 230, which will be read.

The CHIEF CLERK. In line 229, after the words "discretion of the," the Senate, as in Committee of the Whole, struck out "board of trustees" and inserted "commissioners of the District of Columbia;" so as to read:

For subsistence, including groceries, flour, meats, dry goods, leather, gas, coal, hardware, woodenware, tableware, furniture, farm implements and seed, harness and repairs, fertilizers, stationery and books, plumbing, painting and glazing, medicines and medical attention, purchase of stock, fencing, and other necessary expenditures, all in the discretion of the commissioners of the District, over and above the income from the farm and school, $20,000.

Mr. MORGAN. I do not wish to discuss that matter any further, although the Senate was very thin when the subject was up, and I presume most of the Senators present now really do not understand what the question is.

There is a board of trustees organized under the law as it exists, consisting of seven members, for the purpose of taking charge of and having the control of this reformatory school out here in the country, and the proposition is to strike out of the law "board of trustees" and to make an appropriation of $20,000 in addition to the income from the farm, to be—

all in the discretion of the commissioners of the District, over and above the income from the farm and school, $20,000; and an itemized account of said school—

That is, of the farm, as explained by the Senator from Kansas—

shall be submitted to and approved by the commissioners quarterly.

I believe we shall commit a great mistake if we remove this board of trustees from the reformatory school and substitute in place of them the commissioners. The general law governing such matters of charities in the District of Columbia, as has been read here to-day and in

fact a provision of this bill, makes it the duty of the commissioners of the District to supervise all the charities that the Government contributes to in this District, and to make a report of the condition of each of these charities. I believe the report is required to be made annually, or to each session of Congress.

Now, sir, there is no occasion I think for the transfer of the control of this institution out of the hands of the people of this District into the hands of the commissioners. The people have had enough to give up here any way, and I should feel very much more content to know that the children, for they are mostly children who are in that reformatory school, were under the supervision of a board of gentlemen selected out of the body of citizens of this District. I do not want to increase the power of the commissioners. They have too much now. They presume entirely too much on what they have got; and I think it is very much wiser policy that we should keep the law as it is than to change it and increase their power.

The PRESIDENT *pro tempore*. The question is on concurring in this amendment made as in Committee of the Whole.

The question being put, there were on a division—ayes 26, noes 10; no quorum voting.

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. RANSOM. I state now for the day that my colleague [Mr. VANCE] is necessarily absent, and is paired with the Senator from New York [Mr. LAPHAM].

The result was announced—yeas 28, nays 17; as follows:

YEAS—28.

Allison,	Cockrell,	Ingalls,	Plumb,
Beck,	Conger,	Lamar,	Pugh,
Blair,	Dawes,	Logan,	Ransom,
Call,	Dolph,	McMillan,	Sawyer,
Camden,	Hale,	Miller of N. Y.,	Van Wyck,
Cameron of Pa.,	Hawley,	Mitchell,	Williams,
Cameron of Wis.,	Hill,	Pike,	Wilson.

NAYS—17.

Bayard,	Garland,	Jonas,	Vest,
Butler,	George,	Morgan,	Voorhees.
Coke,	Gorman,	Pendleton,	
Edmunds,	Groome,	Riddleberger,	
Farley,	Jackson,	Saulsbury,	

ABSENT—31.

Aldrich,	Gibson,	Lapham,	Platt,
Anthony,	Hampton,	McPherson,	Sabin,
Bowen,	Harris,	Mahone,	Sewell,
Brown,	Harrison,	Manderson,	Sherman,
Colquitt,	Hoar,	Maxey,	Slater,
Cullom,	Jones of Florida,	Miller of Cal.,	Vance,
Fair,	Jones of Nevada,	Morrill,	Walker.
Frye,	Kenna,	Palmer,	

So the amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Wisconsin. I move that when the Senate adjourns to-day it be to Monday next.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts and joint resolutions:

An act (S. 51) to authorize the construction of a bridge over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico;

An act (S. 664) to authorize the construction of a bridge over the Rio Grande River between the cities of Laredo, Tex., and Nueva Laredo, Mexico;

An act (S. 689) granting a pension to Elizabeth A. Barbour; and

Joint resolution (S. R. 26) granting permission to Ensign L. H. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis Joseph from the Government of Austria.

EDWARD H. LADD.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I transmit herewith, in response to the resolution of the Senate of March 10, last, a report from the Secretary of State, with accompanying papers, in regard to the claim of Edward H. Ladd against the Government of Colombia.

CHESTER A. ARTHUR,

EXECUTIVE MANSION, *Washington, May* 29, 1884.

POLYGAMY IN UTAH.

Mr. INGALLS rose.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the regular order, being the bill (S. 1283) to amend an act entiled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. WILLIAMS. Mr. President——

Mr. VOORHEES. I do not understand that it is the purpose to proceed with the bill at this time. What is the wish of the Senator from Kansas? I thought the Senator from Kansas rose.

Mr. INGALLS. I beg the Senator's pardon.

Mr. VOORHEES. I desire to move to proceed to the consideration of the Mexican pension bill, if I have the floor for that purpose.

Mr. WILLIAMS. That is exactly what I rose for.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate now proceed to the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I ask the Senator from Kansas if he will not allow the Mexican pension bill to be taken up at this time and then be laid aside so that it will be taken up on Monday.

Mr. INGALLS. The regular order has already been laid before the Senate. That was informally laid aside to permit the consideration of the Mexican pension bill.

Mr. VOORHEES. I think I commit no impropriety in saying that it is not the desire of the Senator from Massachusetts [Mr. HOAR] that the regular order which has been laid before the Senate shall be proceeded with, for he will be absent for some days from this time.

Mr. INGALLS. The Senator from Massachusetts, being necessarily absent, desired me to attend to the formal presentation of the Utah bill as the unfinished business before the Senate.

Mr. VOORHEES. To that I do not object at all; but that being the case——

Mr. INGALLS. I agree fully with the Senator that the Mexican pension bill should be proceeded with; but of course I can only discharge my obligation by asking that the regular order may be laid before the Senate, and I shall be ready to consent that the regular order may be informally laid aside for the consideration of the Mexican pension bill on Monday, but not now.

Mr. VOORHEES. Then I give notice that on Monday, after the transaction of the routine morning business, I shall ask that the regular order be informally laid aside in order to move to proceed to the consideration of the bill which I have indicated.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 56 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 29, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. J. G. BUTLER, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

WAR CLAIM OF MASSACHUSETTS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in reference to an allowance of $28,619.33 to the State of Masssachusetts, being the ninth installment on account of war claims; which was referred to the Committee on Appropriations.

LEASES FOR LIGHTS AND BEACONS.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a letter from the Light-House Board asking legislation authorizing the board to lease sites for lights and beacons on Willamette and Columbia Rivers, Oregon; Hudson River, New York; Cape Fear River, North Carolina; Saint John's River, Florida; Red River, Louisiana; Illinois River, Illinois; and increasing estimate for lighting and buoyage from $175,000 to $250,000; which was referred to the Committee on Appropriations.

DIVISION OF FIFTEENTH LIGHT-HOUSE DISTRICT.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a letter from the Light-House Board, inclosing an extract from the report of the board recommending a division of the fifteenth light-house district, embracing the Missouri, Mississippi, and Red Rivers, and recommending the passage of a bill in accordance with the accompanying draught; which was referred to the Committee on Commerce.

AMERICAN SHIP-BUILDING.

The SPEAKER announced the appointment of Mr. SLOCUM, Mr.

DIBBLE, and Mr. DINGLEY as members on the part of the House of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 2228) to remove certain burdens on the American merchant marine, and encourage the American foreign carrying trade.

DEDICATION OF WASHINGTON MONUMENT.

The SPEAKER also announced the appointment of Mr. DORSHEIMER, Mr. TUCKER, Mr. REAGAN, Mr. COLLINS, Mr. ELDREDGE, Mr. BINGHAM, Mr. CANNON, and Mr. LAIRD as the members on the part of the House of the commission to make arrangements for the dedication of the Washington Monument.

ABUSE OF THE PRIVILEGE OF THE FLOOR.

The SPEAKER also announced as the select committee to inquire into and report whether or not any ex-members of Congress have abused the privileges allowed them under the thirty-fourth rule of the House, Mr. HAMMOND, Mr. ROGERS of Arkansas, Mr. HENLEY, Mr. RIGGS, Mr. BAYNE, Mr WAKEFIELD, and Mr. MILLARD.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the the same:

A bill (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'HARA, for ten days, from the 29th instant.

To Mr. ELWOOD, until June 10.

To Mr. LONG, for ten days, from the 29th instant.

To Mr. ROBINSON, of Ohio, indefinitely, on account of important business.

To Mr. MCCORMICK, until June 4.

To Mr. DIBRELL, for ten days, on account of important business.

To Mr. BRAINERD, until June 4.

To Mr. HART, for ten days, on account of important business.

To Mr. BROWN, of Pennsylvania, for two days.

To Mr. BURLEIGH, for ten days, on account of important business.

INVESTMENT OF TREASURY DEPOSITS OF BANKS.

Mr. WELLER. I ask unanimous consent to introduce for present consideration a joint resolution authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury in trust by national banking associations for the retirement of their circulating notes, and for other purposes.

The joint resolution was read.

The SPEAKER. Is there objection to the introduction of this joint resolution for immediate consideration?

Several members objected.

Mr. COSGROVE. I call for the regular order.

INTERNATIONAL ELECTRICAL EXHIBITION.

Mr. MUTCHLER. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 2655) to authorize the appointment of a scientific commission which may conduct a national conference of electricians and special investigations on the occasion of the international electrical exhibition to be held in Philadelphia in 1884, and that the bill be referred to the Committee on Appropriations.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. ELLIS. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HOLMAN. I trust that there will be consent to allow gentlemen who have reports prepared to submit them without the delay which a regular call of committees would necessitate.

The SPEAKER. Without objection that course will be adopted.

There was no objection.

UNEARNED LAND GRANTS.

Mr. LEWIS, from the Committee on the Public Lands, reported back the joint resolution (H. Res. 253) prohibiting the confirmation, certification, and patent of unearned land grants; which, with the accompanying report, was ordered to be printed, and recommitted to the committee.

Some time subsequently,

Mr. OATES asked and obtained leave to file the views of the minority of the committee, to be printed with the report of the committee.

FORM OF BILLS OF LADING.

Mr. LONG, from the Committee on Commerce, reported, as a substitute for H. R. 5797, a bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MECHANICS' LIENS, DISTRICT OF COLUMBIA.

Mr. MULDROW, from the Committee on the District of Columbia, reported a bill (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS STATEN ISLAND SOUND.

Mr. SEYMOUR, from the Committee on Commerce, reported, as a substitute for H. R. 4830, a bill (H. R. 7165) to authorize the construction of certain bridges across the Staten Island Sound; which was referred to the House Calendar, and, with the accompanying report, was ordered to be printed.

Mr. PETERS. In connection with that bill I desire leave to submit the views of the minority of the committee.

There was no objection, and the minority were granted leave to file their views, to be printed with the report of the committee.

KILLICK SHOAL, VIRGINIA.

Mr. BARKSDALE, from the Committee on Commerce, reported back with amendments the bill (H. R. 6734) making an appropriation for a small light and fog-signal on Killick's Shoal, Chincoteague Bay, Virginia; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

EXPORTATION OF IMITATION BUTTER AND CHEESE.

Mr. BARKSDALE, from the Committee on Commerce, also reported, as a substitute for H. R. 2421, a bill (H. R. 7166) to regulate the exportation of articles made in imitation of butter and cheese; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS WAR OF 1812.

Mr. BROADHEAD, from the Committee on the Judiciary, reported back the bill (H. R. 5431) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PORT OF DELIVERY, SALAMANCA, N. Y.

Mr. WOODWARD, from the Committee on Commerce, reported back the bill (H. R. 6769) to establish a port of delivery at Salamanca, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EDGAR BROADHEAD.

Mr. GOFF, from the Committee on Naval Affairs, reported back the bill (H. R. 5437) for the relief of Edgar Broadhead; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADMINISTRATION OF OATHS.

Mr. COLLINS, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 6865) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public, which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF SUFFRAGE.

Mr. COLLINS, from the Committee on the Judiciary, also reported back with amendments the joint resolution (H. Res. 73) proposing an amendment to the Constitution of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

IMPROVEMENT OF WATER-POWER, MISSISSIPPI RIVER.

Mr. PETERS (in behalf of Mr. DAVIS, of Illinois), from the Committee on Commerce, reported back with amendments the bill (H. R. 6140) to authorize the improvement of the water-power of the Mississippi River at Little Falls, Minn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JUDICIAL DISTRICTS, KANSAS.

Mr. MCCOID, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 4764) to divide the district of Kansas into two districts, and to prescribe the times and places for holding courts therein, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JOHN WALLER.

Mr. OCHILTREE, from the Committee on Claims, reported back the bill (H. R. 3558) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INTRODUCTION OF INFECTIOUS AND CONTAGIOUS DISEASES.

Mr. RIGGS, from the Committee on the Public Health, reported

back with an adverse recommendation the bill (H. R. 2785) to amend an act entitled "An act to prevent the introduction of infectious and contagious diseases into the United States, and to establish a national board of health;" which was laid on the table, and the accompanying report ordered to be printed.

Mr. RIGGS. I am instructed by the Committee on the Public Health to report the resolution which is appended to the report accompanying the bill just read, with the recommendation that it be referred to the Committee on Appropriations.

The resolution was read, and referred to the Committee on Appropriations. It is as follows:

Resolved, That the Committee on Appropriations of this House be, and they are hereby, instructed to include in the sundry civil appropriations for the year ending June 30, 1885, the following items:

"For the contingent epidemic fund, to be at the disposal of the President and to be expended at his discretion, the sum of $200,000, including the unexpended balance of previous appropriations, amounting to $115,000.

"For the support of the National Board of Health the following sums:

"For pay and expenses of the members of the board, and for the investigation of questions affecting the public health, including the study of other diseases than small-pox, cholera, and yellow fever, $18,000.

"For rent, fuel, postage, telegraphing, printing, and all other miscellaneous expenses, $2,500.

"For disbursing agent, clerks, and messenger, $4,500; amounting in the aggregate to $25,000."

H. K. BELDING.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported back with amendments the bill (H. R. 2327) for the relief of H. K. Belding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. HARDWICKE.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported back a bill (H. R. 7167) for the relief of George W. Hardwicke; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DENTON & SAGE.

Mr. WARNER, of Ohio, from the Committee on Claims, reported back favorably the bill (H. R. 1735) to refund to Denton & Sage, of Chicago, Ill., the sum of $1,549.67, duties paid on sixty hogsheads of sugar; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. WARNER, of Ohio, from the Committee on Claims, also reported back adversely on the following cases; which were severally laid on the table, and the accompanying report ordered to be printed:

Petition of A. H. Thompson; and

Petition of James R. Howard.

WEST POINT BUILDINGS.

Mr. ROSECRANS (by Mr. MURRAY), from the Committee on Military Affairs, reported back favorably the bill (H. R. 6702) to provide for the erection of necessary buildings upon the Government reservation, West Point, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LOUISVILLE, KY.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with an amendment the bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. MATSON, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 1405, a bill (H. R. 7168) to amend the pension laws; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOSEPH RAIBLE.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 3947) granting a pension to Joseph Raible; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT C. M'KEE.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 4012) to restore the name of Robert C. McKee to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH SHADDY.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 5021) granting a pension to Joseph Shaddy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH KALER.

Mr. MATSON, from the Committee on Claims, also reported, as a substitute for H. R. 5310, a bill H. R. 7169 for the relief of Elizabeth Kaler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM HERRING.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 4752) granting a pension to William Herring; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY ROYAL.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 5304) for the relief of Mary Royal; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN C. SHACKLETT.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 1934) granting a pension to John C. Shacklett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLOTTA A. WELTON.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 298) granting a pension to Charlotta A. Welton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BOONE.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 374) granting a pension to William Boone; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPT. ISRAEL STOUGH.

Mr. MATSON, from the Committee on Claims, also reported back the bill (H. R. 1940) granting a pension to Capt. Israel Stough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL H. ROSS.

Mr. MATSON, from the Committee on Claims, also reported back with an amendment the bill (H. R. 391) granting a pension to Daniel H. Ross; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT JEHLE.

Mr. MATSON, from the Committee on Claims, also reported back the bill (S. 777) granting a pension to Albert Jehle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6107) granting an increase of pension to Joseph Moore;

A bill (H. R. 6275) granting a pension to Jonathan J. Tupper;

A bill (H. R. 4437) for the relief of Austin P. Cox; and

A bill (H. R. 4013) granting a pension to Larkin F. Roberts.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4025) for the relief of Gabriel Daugherty; and the same was referred to the Committee on Pensions.

ALICE RILEY.

Mr. MATSON (for Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 6590) granting arrears of pension to Alice Riley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

RICHARD DILLON.

Mr. MATSON (for Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2457) granting a pension to Richard Dillon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TREADWELL SEAMAN, JR.

Mr. MATSON (for Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2485) for the relief of Treadwell Seaman, jr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MRS. D. P. WOODBURY.

Mr. MATSON (for Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MATSON (for Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 6903) granting a pension to Catherine Gattie; which was laid on the table, and the accompanying report ordered to be printed.

NOAH E. SMITH.

Mr. WOLFORD, from the Committee on Pensions, reported back with amendments the bill (H. R. 6171) granting a pension to Noah E. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JOHN T. BRAKE.

Mr. FYAN, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6803) granting a pension to John T. Brake; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

JOHN T. PENNINGTON.

Mr. FYAN, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 884) granting a pension to John T. Pennington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ZENAS HAMILTON.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5953) granting a pension to Zenas Hamilton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOUTHERN MARYLAND RAILROAD COMPANY.

Mr. MCCOMAS, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 6122) to extend the time specified in an act approved June 27, 1882, entitled "An act to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia;" which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 1841) granting a pension to Sarah C. Thomas.

Mr. CULLEN. Out of deference to a colleague I ask that this report be put upon the Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS A. BRYAN.

Mr. VANCE, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 4087) to reissue a patent granted to Thomas A. Bryan for dredging purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HEIRS OF JONATHAN SMITH.

On motion of Mr. COX, of New York, the Committee on Naval Affairs was discharged from the further consideration of the petition of the heirs of Jonathan Smith for value of a yawl; and the same was referred to the Committee on Claims.

PUBLIC BUILDING AT NEW HAVEN, CONN.

Mr. WEMPLE, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 5470) providing for the enlargement and improvement of the post-office, custom-house, and court-house of New Haven, Conn.; and the same was referred to the Committee on Appropriations.

ELIZA J. NORRIS.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6235) granting a pension to Eliza J. Norris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN J. WILLIAMS.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6934) granting a pension to Ann J. Williams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES D. KUNKLE.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 6834) granting an increase of pension to Charles D. Kunkle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ADJOURNMENT OVER DECORATION DAY.

Mr. COX, of New York. I move that when the House adjourns to-day it be to meet on Saturday next; to-morrow being Decoration Day.

The question was taken by a *viva voce* vote, and the Speaker announced that the ayes appeared to have it.

Mr. HEWITT, of Alabama. Let us have a division on that motion.

The House divided; and there were—ayes 98, noes 26.

Mr. HEWITT, of Alabama. No quorum has voted. I will state that I have no objection to adjourning from to-day until Saturday.

Mr. COX, of New York. That is my motion.

Mr. HEWITT, of Alabama. I thought the motion was to adjourn from to-day until Monday. I withdraw the point that no quorum has voted.

So (no further count being called for) the motion was agreed to.

CHANGE OF REFERENCE.

Mr. RANDALL, from the Committee on Appropriations, reported back the following; which were referred as indicated:

Papers in support of the claim of Thad. Thayer for compensation for logs seized and sold—to the Committee on Claims;

Papers relating to the claim of W. J. Hazen, for compensation on account of depredations committed by the Chippewa Indians—to the Committee on Indian Affairs; and

Petition of James R. Walker, for an appropriation for medical services for Indians, &c.—to the Committee on Indian Affairs.

ORDER FOR AN EVENING SESSION.

Mr. RANDALL. I ask unanimous consent of the House that if at 5 o'clock this afternoon the consideration of the legislative, executive, and judicial appropriation bill has not been completed in Committee of the Whole on the state of the Union the committee shall rise and the House shall take a recess until 8 o'clock this evening, for the purpose, so far as possible, of completing the consideration of that bill in Committee of the Whole on the state of the Union this legislative day.

Mr. TOWNSHEND. I would rather the House should continue in session until 7 o'clock than to take a recess and have an evening session.

Mr. RANDALL. The session of last night was a wonderful success in the way of expediting the consideration of that bill.

The SPEAKER. Does the gentleman from Illinois [Mr. TOWNSHEND] object to the proposition of the gentleman from Pennsylvania?

Mr. TOWNSHEND. I do not like to object.

The SPEAKER. There is no objection, and the order is made.

ORDER OF BUSINESS.

Mr. MCCOID. I move that the House now proceed to the consideration of unfinished business reported from the Committee of the Whole, for the purpose of taking up at this time House bill 483 for the erection of a public building at Keokuk, Iowa.

The SPEAKER. That is not a privileged motion, except on the part of the committee itself.

Mr. MCCOID. I make that motion.

The SPEAKER. Is the gentleman a member of the Committee on Public Buildings and Grounds?

Mr. MCCOID. I am not a member of that committee.

The SPEAKER. The order of the House is that such bills reported from the Committee on Public Buildings and Grounds shall be considered as may be designated by the Committee on Public Buildings and Grounds.

Mr. MCCOID. This bill has been reported from the Committee of the Whole.

The SPEAKER. That is true.

Mr. MCCOID. And is unfinished business.

The SPEAKER. It is still pending in the House.

Mr. MCCOID. And is unfinished business.

The SPEAKER. It is not unfinished business, because the House has never considered the bill at all. It was considered in Committee of the Whole and reported to the House, and took its place in its proper order with the other business of the House; but the House has never entered upon its consideration at all.

Mr. MCCOID. It will take but a moment to dispose of the bill, and I ask unanimous consent that it be taken up and considered at this time.

Mr. MCMILLIN. I object.

The SPEAKER. Objection is made. The Chair desires to state in regard to these bills, so that there may be no misunderstanding about them, that they are not unfinished business, because the House has never entered upon their consideration at all. They were simply reported back to the House from the Committee of the Whole on the state of the Union, and it is competent, under the order of the House heretofore made, for the Committee on Public Buildings and Grounds to move at any time to proceed to their consideration. But it is not competent

for any other person except a member of the committee, under instructions of the committee, to make such motion.

SALE OF NAVAL VESSELS.

Mr. MORSE. I rise to a privileged report.

The SPEAKER. The gentleman will present it.

Mr. MORSE. I am directed by the Committee on Expenditures in the Navy Department to report back to the House a resolution heretofore referred to that committee and ask for its adoption with an amendment. Objection was made the other day, when I undertook to report back this resolution, to its consideration because there was no report in writing, as required by the rules. I now report the resolution back with a report in writing.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and is hereby, requested to report to this House at as early a date as practicable—

First. The names of the vessels of the United States which have been taken to pieces or removed by virtue of the provisions of the act approved March 3, 1883, and the places where such vessels were broken up.

Second. The amount of money expended in breaking up the said vessels, separately stated for each vessel.

Third. What disposition has been made of the old materials derived from said vessels, and if the said materials have been sold, the amount of money realized from such sale, separately stated for each vessel, and the disposition thereof.

Fourth. The names of any other vessels which in the judgment of the Secretary ought to be taken to pieces, stating the reason why the same should not be sold at public auction or on tender, after due advertisement.

The committee recommend that the resolution be amended by adding to the second clause the words "and from what appropriation the expenses have been paid."

The SPEAKER. The report will be read.

The Clerk read the report, as follows:

The Committee on Expenditures in the Navy Department respectfully report the annexed resolution with the recommendation that the same be passed, inasmuch as the information asked for is not to be found in any document in print, and is desirable in case further legislation as to the disposition of the condemned vessels of the Navy may be deemed necessary.

The amendment was agreed to; and the resolution as amended was adopted.

Mr. MORSE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move to dispense with the morning hour.

The SPEAKER. That requires a two-thirds vote.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. HOLMAN. I now move that the House resolve itself into Committee of the Whole for the further consideration of the legislative, executive, and judicial appropriation bill.

Mr. JOSEPH D. TAYLOR. I ask the gentleman to yield to me to introduce a resolution.

Several MEMBERS. Regular order!

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER. The regular order is called for, which is the motion of the gentleman from Indiana [Mr. HOLMAN] that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

Mr. HOLMAN. And pending that motion I move that all debate on the pending paragraph and amendments thereto be closed in twenty minutes.

Mr. O'NEILL, of Missouri. I hope that motion will not prevail. It is an extremely important question whether the Committee on Appropriations, without consulting with a single member from that section of the country, shall recommend the abolition of the assay office at Saint Louis. I suggest that the time for debate be extended to thirty minutes.

Mr. HOLMAN. I accept the gentleman's amendment and modify my motion accordingly.

The motion of Mr. HOLMAN as modified, to limit debate in Committee of the Whole on the pending paragraph of the legislative appropriation bill to thirty minutes, was agreed to.

The motion of Mr. HOLMAN that the House again resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. COX, of New York, in the chair), and resumed the consideration of the legislative, executive, and judicial appropriation bill.

The pending paragraph of the bill was read, as follows:

That the act entitled "An act to establish an assay office in the city of Saint Louis, Mo.," approved February 1, 1881, be, and the same is hereby, repealed.

The pending amendment was read, as follows:

Strike out all of lines 1203, 1204, 1205, and 1206, and in lieu thereof insert:

"Assayer's office at Saint Louis, Mo.: For assayer in charge, $2,500; one clerk, $1,000; in all, $3,500.

"For incidental and contingent expenses, including labor, $4,800."

Mr. BROADHEAD. Mr. Chairman, I wish to say one word in regard to the mode of legislation proposed in the pending provision of this appropriation bill. Ordinarily when any legislation on a particular subject is demanded or desired a bill is introduced and referred to the appropriate committee for an examination of the subject. Everybody is supposed to know the purport of the bill and has opportunity to present his objections before that committee. But here the Committee on Appropriations reports a provision repealing an act of Congress. The report is printed and submitted to this House without any one having been informed that the proposition was before the committee at all. Now, I wish to know whether the Committee on Appropriations is to run rough-shod over this House. If that committee is to assume control of all the legislation of this Congress, we might just as well go home and leave the residue of our business in its hands.

Why is it proposed to repeal this act of 1881 establishing the assay office at Saint Louis? I have asked the chairman of the Committee on Appropriations why, and his answer is that the measure is recommended by the Director of the Mint.

Mr. RANDALL. As I understood.

Mr. BROADHEAD. I have seen no authority and so far as I know there is no authority for stating that the Director of the Mint recommends any such thing.

Mr. O'NEILL, of Missouri. I have his report here, and there is not a word in it to that effect.

Mr. BROADHEAD. And the conversation I had with the Director of the Mint induced me to believe that he was not in favor of any such thing.

Mr. RANDALL. I hope the gentleman from Illinois [Mr. CANNON], who is a member of the subcommittee, and who, I think, informed me in regard to this matter, will state whether the Director of the Mint has recommended this.

Mr. BROADHEAD. I decline to be interrupted. In the report of the Director of the Mint, as embraced in Executive Document No. 2, I find on page 392 a statement of the earnings and expenditures of the different assay offices of the United States during the last fiscal year. There are five of these offices, located, respectively, at New York, Boise City, Charlotte, Helena, and Saint Louis. The earnings at New York were $140,230.74, the expenses $157,935.43; at Boisé City the earnings were $475.91, the expenses $7,997.12; at Charlotte the earnings were $769.44, the expenses $4,200.80; at Helena the earnings were $2,139.93, the expenses $25,549.62; at Saint Louis the earnings were $444.32, the expenses $5,372.03.

The office at Saint Louis has been in operation but a short time. I hold in my hand a report made by the officer in charge of it as to its present condition. I will not trouble the House by reading these statistics in full. It is sufficient to say that whereas during 1882 the amount of bullion deposited in that office was $15,392.45, in 1883 it was $46,170.06. The estimate based upon the receipts during the first quarter of the present year and two-thirds of the second quarter is that the amount of bullion deposited at that assay office during the present year will be upward of $80,000.

I mention these facts for the purpose of showing that the business there is in its infancy; that it is growing rapidly, more rapidly than at any other assay office in the United States. Why? Because Saint Louis is a business center, a financial center; because as soon as it is ascertained by men owning bullion that they can have it assayed at a financial center whence it is to be distributed, they will send it there.

It will be seen by the figures I have read that none of these assay offices pay expenses, but the office at Saint Louis pays more in proportion than the assay office at Boise City, and nearly as much in proportion as any other assay office in the United States.

Then I ask the question why should Saint Louis be selected to be stricken down by the Committee on Appropriations? I will tell you why. It is because the Committee on Coinage, Weights, and Measures has reported to this House a bill recommending the establishment of a mint at Saint Louis; and the chairman of the Committee on Appropriations represents a city where the largest and oldest mint in the United States is located.

Mr. RANDALL. The gentleman will allow me to say I did not know the fact that a bill had been reported in regard to a mint at Saint Louis. Moreover I never stood here asking for the Philadelphia mint any special advantages or appropriations. On the contrary, when the Philadelphia mint——

Mr. BROADHEAD. Can the gentleman give me any good reason why he proposes to strike down the mint at Saint Louis?

Mr. RANDALL. Because, and only because, I understood the Director of the Mint recommended it.

Mr. BLAND. The gentleman can not show any such recommendation.

[Here the hammer fell.]

Mr. CANNON obtained the floor.

Mr. BROADHEAD. Mr. Chairman——

Mr. CANNON. If the gentleman has not completed his remarks I will cheerfully yield to him, provided I can be recognized afterward.

The CHAIRMAN. The House limited debate to half an hour, fifteen minutes on each side, and the Chair has no discretion. Does the gentleman yield?

Mr. CANNON. No; I do not yield my own time.

Mr. BROADHEAD. How much time have I left?

The CHAIRMAN. The gentleman's time has expired. Ten more minutes remain on that side.

Mr. CANNON. Mr. Chairman, I was a member of the subcommittee which helped to prepare this bill. During its preparation, in connection with the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Texas [Mr. HANCOCK], there came before us to answer various questions, as is usual, different officials connected with the Departments, and among others the Director of the Mint. Now the Director of the Mint made no recommendation in his official report touching the assay office at Saint Louis. As we ran over these different assay offices, and in reply to our questions, while he did not recommend the discontinuance of this assay office, I understood him to say in his opinion there was no necessity for an assay office at Saint Louis. We then took up the report touching the business at the assay offices in the United States, after having this admission from the Director of the Mint, which report I hold in my hand, and it shows the total earning at the assay offices of the United States last year was $5,215,000 and that the total expense was $1,726,000, being a profit of over three million and a quarter dollars at the different assay offices. It did show, Mr. Chairman, that at Saint Louis the total charges for treatment of the precious metals was $414.32, while the total expense was $5,372, as shown by this report.

It did show still further, Mr. Chairman, that of imported gold bars there were treated at Saint Louis last year in round numbers $25,000—that is, of imported gold bars; and of silver bars seven thousand and fifty-one dollars' worth, that being the whole business of that assay office at the city of Saint Louis.

Now, then, on that showing and what the Director of the Mint said, as a subcommittee of three we felt justified in striking this out and so reported to the full committee, and the full Committee on Appropriations sustained that report.

If there is any matter of public policy which requires this assay office to be at Saint Louis, then so be it; but it is just and proper, Mr. Chairman, I should state the grounds upon which we proceeded, and those grounds I believe this House will agree fully justified our action.

Mr. BROADHEAD. There was no opportunity afforded to show whether it was necessary or not.

Mr. CANNON. I will say to the gentleman that opportunity is here in the great committee of this House, the Committee of the Whole House on the state of the Union. But I am now speaking as to what actuated the Committee on Appropriations in doing what it has done.

One word further. It was claimed yesterday that by the establishment of this assay office, in which there was only a little over thirty thousand dollars' worth of bullion parted last year, $30,000 were saved in freight on silver bullion purchased by the Government. That may be so. I think, however, it is a mere matter of presumption. I am inclined to think it was not that, but it was because of the cyclones we had last year; that is, one followed from the other just as much as in the other case. [Laughter.] I know one thing which is true, that last year we had a great many cyclones, and that the freight on silver bullion fell, and that fall might just as well be ascribed to the occurrence of cyclones as in the other case, when the operations of the assay office at Saint Louis last year amounted only to treating a little over thirty thousand dollars' worth of gold and silver bars.

Mr. BLAND. If the gentleman knows as much about cyclones as he does about this assay office, I can see why he is talking.

Mr. CANNON. I know all wisdom resides with my friend from Missouri on all questions he talks about, and the only wonder with me is what in the world is to become of the House of Representatives and the whole country when he dies. [Laughter and applause.]

Mr. BLAND. He is not going to die; you need not be uneasy about that. [Laughter.]

Mr. CANNON. One word in conclusion. I have no feeling about this recommendation, no pride about it. Saint Louis is my neighbor. If it is to her interest to have this assay office and to the interest of her people, it is to my interest. I have no objection if this Committee of the Whole puts this assay office in. I am only speaking of what actuated the Committee on Appropriations in its action in this particular matter.

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. Mr. Chairman, I would have preferred to have made my speech before the Committee on Appropriations if they only had been kind enough to give me that opportunity. But not only was no member from the city of Saint Louis, so seriously affected by this proposed repeal, permitted to go before that committee, but this feature of the bill was considered in the absence of the member on that committee from the State of Missouri [Mr. BURNES], and our only knowledge of the intended blow came to us when the report was made to the House. Amazed at this action of the committee, I have vainly endeavored to find an intelligent reason for its conduct, the only pretext so far given being that the Director of the Mint, Mr. Burchard, in conversation with the subcommittee, had suggested the advisability of abolishing this assay office at Saint Louis on the ground that it was not self-sustaining. I am informed that Mr. Burchard denies having made this recommendation, but only referred to the small receipts from this office and the cost of maintaining it. In the case of this officer his reports are annually printed for our information, and the recommendations that he deems pertinent are contained in it. I have it before me now, and on page 16, concerning the Denver mint and the assay office at Saint Louis, I find the following:

At these institutions the deposits of bullion were much greater than in the previous year. The business of the Denver mint more than doubled in amount and at Saint Louis it quadrupled.

No other reference appears in his report, and it seems incredible that this officer would give such a flattering report of this office and then quietly ask a subcommittee to destroy it. It is evident that the subcommittee must have misunderstood him, for the reason that the Saint Louis assay office, established since 1882, has steadily increased its business, until it now exceeds some offices much older than itself, equaling in its second year the business done by the Boise City office in its third year and the office at Charlotte, N. C., in its fifth year. Its business at the end of the first year was $15,000; in 1883 it went up to $46,196; in 1884, first quarter, it reached $11,896; for the seven weeks of the second quarter, $12,200, indicating that for this year the business of this office will probably be over $80,000. What a commentary upon the statements that have been made and the supposed estimates that rule in this great Committee on Appropriations of this House to say that an assay office established but two years ago that has doubled its business the second year and quadrupled it the third year is be cut down upon a mere verbal statement.

The cause of the small receipts at this office and all assay offices is owing to the small charge imposed for assaying, which is one-eighth of 1 per cent.

They are not expected to be self-sustaining, but are maintained for the convenience of the bullion producers, the one at Saint Louis being the most accessible to the people of Southern Colorado and New Mexico and who purchase their goods in Saint Louis.

Now, it is unfair, as I have shown, that this bill should be reported in this shape and the House asked to sustain that report. The business of the office shows that it should be maintained and the people allowed to have the benefit of the facilities that it affords. I hope the House, therefore, will stand by us in this matter, and resent this unfairness on the part of the Committee on Appropriations.

I now yield two minutes to my friend and colleague from Missouri [Mr. CLARDY].

The CHAIRMAN. The gentleman from Missouri has two minutes remaining.

Mr. HISCOCK. Before the gentleman from Missouri proceeds I would like to inquire of him or his colleague whether this mint is used as a political engine in any way?

Mr. O'NEILL, of Missouri. Not unless it is used by the Republican party.

Mr. CLARDY. In answer to the gentleman from New York I will say that we are quite willing that in Saint Louis the Republican party may employ its customary methods to carry elections against the will of the people, for we feel competent to get a fair expression of the voters, and therefore to defeat that party.

Mr. Chairman, I can do but little more in the short time allotted to me than to emphasize the statements made by my colleagues who have preceded me.

The proposition submitted by the Committee on Appropriations to strike down the assay office in the city of Saint Louis is one which if its effects shall be understood I am sure will not prevail; and I regret that the time allowed me is not sufficient to enable me to present to the committee the bad results which are most likely to follow the adoption of the committee's recommendation.

Why is it, and at whose official suggestion do the Committee on Appropriations seek to strike down this office? Gentlemen have assigned no reason for their action, but their response to the latter question is that it is upon the presumed recommendation of the Director of the Mint, Mr. Burchard. I ask where is that recommendation to be found? He has not addressed it to the proper officer of the Government. It has not been submitted in writing to Congress. I do not think that a subordinate officer of the executive department of this Government should by his whisperings dictate the action of the Committee on Appropriations, and if Mr. Burchard has in this instance been able thus to influence or control that committee I trust that we may show by our action that he can not influence us to do the gross wrong of abolishing this office. The gentleman in charge of this bill admits that the only information the committee possess on the subject is that which they have derived from an executive officer of the Government in a simple conversation with him. This office, as has been stated here, has been established for a period of two years only. Its business has increased in greater proportion than several other offices that the committee have allowed to remain undisturbed. I am at a loss, then, to know why the committee determined to strike at this particular office when the statement of the officer in charge is that the business is increasing and that it will continue to increase. Now, when we remember that the Government has just expended $10,000 to buy the necessary machinery, and placed it in a building belonging to the Government, which building the Government can put to no other use, it must be apparent to every member of this committee that the indorsement of the recommendation of the

Committee on Appropriations would be unwise, and would argue that we possess a spirit of extravagance rather than a disposition to economize.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HOLMAN. I now yield three minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Chairman, we have now five mints in the United States, and in addition to the five mints, all of which have assay offices, we have five separate assay offices. There is no doubt in the world but that two out of these five mints, if properly equipped, are sufficient to supply the United States with all the coin required now or that will be required for the next fifty years; and really what ought to be done, in my opinion, is to cut out two of the mints which now exist.

The tendency, moreover, Mr. Chairman, is to use bullion in mass by means of certificates rather than multiply coins. For that purpose and to that end, however, assay offices are requisite, wherein the Government, by certifying the weight and fineness of the bullion, fits it to become money by certificate representatives.

I do not know that I should object to the maintenance of an assay office at Saint Louis if such an accommodation can be furnished; but if the object of that is to follow it with the establishment of a mint then I should be opposed to it, because we need no more mints and will not for fifty years. The capacity of those now in existence is ample for all over needs. The capacity of three of them to supply the United States with coin I say is ample for fifty years to come, and the only reason why so many mints are maintained is the reason we see everywhere exhibited: First, you multiply offices requiring new buildings; then you increase the number of officials, and next after that you raise their salaries. That is the only reason why so many mints exist now.

[Here the hammer fell.]

Mr. BURNES rose.

Mr. BLAND. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. I understand five minutes yet remain in favor of the amendment.

The CHAIRMAN. Five minutes still remain in favor of and seven minutes against it.

Mr. BLAND. I desire to occupy those five minutes in favor of the proposition.

Mr. BURNES. Then I will say to my colleague that if he desires to occupy that time it will be impossible for me to get any time.

Mr. BLAND. The gentleman from Indiana [Mr. HOLMAN] is opposed to the proposition and should not farm out the time to those in favor of it.

Mr. HOLMAN. The gentleman is mistaken; I am not farming out the time in favor of the proposition.

Mr. RANDALL. The gentleman from Missouri [Mr. BURNES] is a member of the committee and has not yet spoken.

The CHAIRMAN. The Chair desires to divide the time equally, pro and con.

Mr. HOLMAN. The gentleman from Missouri [Mr. BURNES] is in favor of the proposition to strike out.

Mr. BLAND. I understood the gentleman from Indiana to yield to the gentleman from Missouri.

Mr. BURNES. I will say I intend to yield five minutes to my colleague [Mr. BLAND] if he desires it. But perhaps I should be justified in asking the committee if it be possible to obtain unanimous consent to allow me to make a personal explanation in reference to this matter?

Mr. HOLMAN. I have no objection to that.

Mr. BURNES. The personal explanation which I desire to make will be followed by but a brief statement of some of the material facts involved by the amendment I had the honor to offer.

This entire bill now under consideration was prepared by the subcommittee consisting of Messrs. HOLMAN, HANCOCK, and CANNON. It was submitted to the full Committee on Appropriations on the morning of the fire in Willard's Hotel. Some eight or ten pages had been read and considered when the fire was announced. Having my rooms in that hotel, I very naturally and somewhat hurriedly proceeded to them. The next day the consular and diplomatic appropriation bill, in my charge, was taken up for consideration in the Committee of the Whole House on the state of the Union, and the debate thereon was continued throughout three days.

Meanwhile the committee considered and passed upon the remainder of this legislative, executive, and judicial appropriation bill in my absence and reported the same to the House. I received no notice whatever that the bill contained a provision repealing the act establishing an assay office in the city of Saint Louis, and was left without the slightest intimation that the subcommittee intended to strike down that important institution of the Government in the chief city of my State. It seems also that neither one of the three able and faithful Representatives of that great city had any warning or notification that the subcommittee was content to consult unofficially the Director of the Mint rather than the chosen Representatives of the people in whose midst this assay office is established.

More than this, no one of the fourteen Representatives of the State of Missouri on this floor was consulted or informed concerning this raid upon a Federal institution in that State. The Director of the Mint was sent for and advised with, but not one of Missouri's Representatives was allowed to be summoned into the presence of the subcomittee pro or con.

Time and again members of subcommittees have visited the heads of Departments or bureaus for the purpose of obtaining facts concerning very trivial matters. The abolition of a twelve-hundred-dollar clerkship or the payment of a fifty-dollar claim has been the occasion for summoning before the committee persons interested in or informed with regard thereto. But in this instance, where a colleague of the members of the committee or thirteen other colleagues on this floor might properly be supposed to feel an interest in the subject and to have valuable information concerning it, and where they all had the undoubted right to be heard, no information from them was sought, and no regard was paid to their right to represent in part at least so much of the United States as was contained in their districts.

I can not and will not impugn the motives of any one; but this attempt to abolish an institution to which the business and commerce of a city of 500,000 inhabitants have become adjusted, and that, too, without notice to or a hearing of those representing that city, savors (and I say it respectfully and regretfully) of injustice and discourtesy. Here was my distinguished colleague, the chairman of the Committee on Coinage. Why send for the Director of the Mint and give no notice to my colleague? We all know that he has perfect knowledge of every phase of the silver question, and on his motion this assay office in Saint Louis was established three years ago.

But because of this action on the part of the subcommittee I will not say an unkind word of my valued and distinguished friend from Indiana [Mr. HOLMAN]. His intentions, his motives, were economy and reform, and like the magistrate who feared his ability to decide if he heard both sides he concluded to practice the surgery of his profession before he might be persuaded from it by the knowledge or information in possession of his Missouri colleague on this floor. And saying this I would add that I know, and have faith in, the perfectly disinterested integrity of my friend from Indiana. His zeal in the cause of economy is true and sincere, but it is too often, I fear, carried beyond the limits of practical reason.

Some allusion has been made to the able and distinguished statesman who is the honored chairman of the Committee on Appropriations, as if he had some motive in supporting the bill other than the public good. I regret all such allusions. I have been associated with the honorable chairman since the beginning of the session and have closely observed his every act and utterance with regard to the business of his committee, and am here to-day to bear witness, even in the heat of this strife, that he is in my judgment incapable of a selfish or unjust action in his official capacity. I am sure he knew nothing about this matter until his attention was called to it by myself and colleagues. He accepted the work of the subcommittee, as did the rest of the members, without thought that it would be objected to or the slightest knowledge that it was being reported to the House without the knowledge or consent of my colleagues from the Saint Louis districts or myself.

My friend upon my left [Mr. HOLMAN], having reported this provision in his bill, can not yield it up without a struggle. He is honest in his purpose, but stern and unyielding. Solid as a rock, he can not, without remorse and despair, surrender this opportunity to cut away something and cut down. I knew this much last evening; and after consultation with my esteemed colleague [Mr. COSGROVE] we determined our brethren from the Saint Louis districts should have the benefit of the evidence of Mr. Burchard, Director of the Mint.

My colleague and myself called on that official less than an hour ago. He informed us that he had never recommended to the subcommittee or anybody else the abolition of the assay office in Saint Louis; that when before the subcommittee he was asked to point out something under him for destruction, and he named this institution in Saint Louis as a sacrificial offering on the altar of economy, if an offering was indispensable, but at the same time giving the information that over $32,000 had been saved last year to the Government in the cost of transporting silver bullion from New York and Philadelphia to the mint at New Orleans, and that it was fair to argue that but for the existence of the assay office at Saint Louis the combination to send silver to New Orleans via the cities before mentioned would not have been broken; that 60 cents on every hundred dollars of bullion sent to New Orleans direct from Saint Louis had been saved to the Government, and that if the assay office in Saint Louis were abolished it might well be argued the combination as to silver transportation once existing might be restored, and then the Government would have to pay for transporting bullion over 2,000 miles instead of 700 miles.

This is the statement which the Director of the Mint made to two of your colleagues on this floor. These are the facts with reference to the hearing given by the subcommittee on appropriations to fourteen members of this House. And these also are the facts in regard to the fair and honorable conduct of the chairman of the Committee on Appropriations and of all the members of that committee.

But that does not rectify the wrong. My friend here, in his zeal for economy (and I honor him for it), has stricken down an important in-

stitution in my State without notice and without warning. I simply say that it was an act of discourtesy on his part in the zealous performance of what he regarded as his duty. This Committee of the Whole I am satisfied will not sustain a wrong, even unintended, upon fourteen gentlemen who have stood shoulder to shoulder with their brethren in this House in regard to every important question that has come before it. I am satisfied that you can not and that you will not do it.

Now a word more, and a word that I commend to my economical, my distinguished, and my honored friend from Indiana. The silver handled in Saint Louis last year amounted to $32,786. The silver handled in Charlotte, N. C., amounted to $922.20.

Now is this equality—is this justice? Is this the economy which the gentlemen would commend to the House? Is this that universal right which we all feel should be extended to one man as well as another, whether he be a member of the Committee on Appropriations or a humble member of this House without other distinction than that of being the peer of any other member? These facts which I submit to the Committee of the Whole, without feeling, prejudice, or passion, can not be controverted. Nearly $9,000,000 of silver go annually to New Orleans, and if you would not pay 60 cents on the $100 more for transportation of every dollar of it, vote down this provision of the bill. Keep the assay office in Saint Louis as it is. Adopt my amendment, and save $32,000 in the cost of transportation next year as you did last, and settle the rule that the members of a delegation are entitled to be heard on all questions affecting their State.

Mr. BROADHEAD. I desire to say that my colleague is mistaken if he supposed that I intended to impeach the integrity of any member of the Committee on Appropriations. It is perfectly natural that a Representative should represent the interests of his constituents, especially where there is no question of principle concerned.

Mr. BLAND. After the very full presentation of this case by my colleague, a member of the Committee on Appropriations [Mr. BURNES], I shall try to confine myself somewhat to the history of the establishment of this assay office at Saint Louis. It was ascertained by the Director of the Mint, in purchasing silver bullion from the bullion dealers in New York, that it required first the transportation of silver bullion thousands of miles from the mining States and Territories of the West to the city of New York and thence from the city of New York to New Orleans, for the purpose of coining it there.

The bullion dealers in the city of New York charged for the transportation of silver bullion from New York to the mint at New Orleans for coinage at the rate of 60 cents on every hundred dollars' worth, which would amount to about $30,000 a year. In order to save that amount the Director of the Mint, as he stated before the Committee on Coinage, Weights, and Measures, of which I was then a member, represented to the bullion dealers of New York that unless they would deliver silver bullion at New Orleans for the same price that they delivered it at Philadelphia, or for the same price that he could purchase it in Saint Louis and have it delivered at New Orleans, he would establish an assay office in Saint Louis and make a market for silver bullion at that point.

Upon that representation the Committee on Coinage, Weights, and Measures instructed me to move to suspend the rules and pass a bill to establish an assay office at Saint Louis. I did so and the bill passed the House and afterward passed the Senate. That was two or three years ago. The effect of that, as stated by the Director of the Mint to me, to my colleague [Mr. BURNES], and to the honorable gentleman from Indiana [Mr. HOLMAN], has been to secure the delivery of silver bullion from the mining Territories directly at New Orleans and the saving of that extra charge for transportation.

It is true that the Director of the Mint said that the assay office at Saint Louis having accomplished its purpose there will probably be no more trouble in the future in that respect, and that so far as saving the expense to the Government is concerned the assay office there might be dispensed with. But he stated that it was a matter of probability that in case the assay office at Saint Louis was taken away and this menace to the bullion brokers removed, he might have the same trouble again with the bullion brokers in the city of New York.

It seems to me that if this assay office is continued in Saint Louis and the money deposited there for the purchase of bullion the Director of the Mint could at any time open a market there for silver bullion, at a place adjacent to the mining regions of Colorado, New Mexico, and Arizona, which produce more silver bullion than would supply all the coinage of this country, and secure the delivery of bullion at New Orleans for coinage cheaper than he is now doing even under the agreement which he has with the bullion delears in New York.

In reference to the cost of this assay office allow me to say that it is located in a public building belonging to the Government and which is used for no other purpose. It is in operation there with a plant which has cost about $25,000, and the expenditures of the office were only about $4,900 above the receipts for the past year.

If as a matter of economy we are going to do away with this assay office, will you destroy the plant? What are you going to do with it? Are you going to abolish this office in spite of all these advantages, in spite of the reasons which induced its establishment, in order to save the petty sum of $4,900 a year? Next year this assay office will probably be a self-sustaining institution. It now costs less than any other office except that at Charlotte, N. C. It pays more in proportion to the expenditures than any other except one. Yet is marked for demolition by the Committee on Appropriations.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I have no feeling on this subject, but am guided only by what I believe to be my public duty. In considering this question I have treated it just as I try to treat every public matter coming before our committee.

I know the difficulties which surround the Committee on Appropriations and myself as a member of it. We must of necessity come constantly in conflict with what individual members consider the interests of their respective localities. I therefore expect to have my own judgment and that of the committee combated from time to time; I expect to have our policy inveighed against; but I do not consider it just or generous for gentlemen to rise on this floor and impugn either my motives or those of other members of the committee.

I have had very little to do with the consideration of this particular question in the committee; yet for some cause or other I seem to have been made the target at which in this discussion the shot has been leveled. I believe, however, that gentlemen upon mature reflection will be ready to acquit me of having been influenced in this matter at all by the fact that there is a mint located at Philadelphia. In reference to the Philadelphia mint it happens that I have not in my action come up to the expectations of those who have controlled that institution. It is notorious, and I want to call the attention of the House to the fact, that when this mint demanded additional ground adjoining the present property (which I did not and do not now consider to be demanded by the public necessities) I stood here and in committee resisted that scheme, as the gentleman from Missouri himself knows.

Mr. BLAND. Let me correct the gentleman. My remembrance is that the gentleman appeared before the Committee on Coinage, Weights, and Measures in advocacy of the extension of the mint at Philadelphia.

Mr. RANDALL. I never advocated the proposition to extend the mint in Philadelphia. I said, "If you are going to have an entirely new mint, the location ought to be changed."

Mr. BLAND. The gentleman advocated the extension of the mint at Philadelphia so as to meet all the needs of the Government.

Mr. RANDALL. Never, sir.

Mr. BLAND. I say you did.

Mr. WARNER, of Ohio. It is within my knowledge that in the Forty-sixth Congress the gentleman from Pennsylvania opposed that proposition.

Mr. RANDALL. Now I expect, of course, to be guided in every matter of this kind by the wish of the majority of this House; but when gentlemen undertake to arraign my action I desire them to exercise that same measure of justice which they would expect to be extended toward themselves.

Mr. KELLEY. I wish to say that the fact of my colleague's opposition to the extension of the Philadelphia mint is notorious in that city.

Mr. BROADHEAD. I certainly acquit the gentleman from Pennsylvania of any improper motives in this matter. It is perfectly legitimate that he should be governed by considerations affecting his own constituents.

Mr. HOLMAN. Mr. Chairman, it is quite an unusual spectacle to witness an appeal to this House by fourteen gentlemen all of whom are on this side, and who seem to be struggling simply to secure the appointment in Saint Louis of five or six Federal office-holders.

Mr. BURNES. They are already appointed.

Mr. HOLMAN. Certainly it will not be questioned that this is the whole sum and substance of the opposition to this part of the bill. What public reason is there for it?

Reference has been made to the assay office at Charlotte, N. C., which is the least important of these offices except Saint Louis. But my friend from Missouri has fallen into a mistake. The whole amount of bullion—gold and silver both—worked at the office in Saint Louis during the last year was but $32,786.67, while at Charlotte, N. C., the amount was $105,686.73.

Mr. BURNES. There comes the war on silver again.

Mr. HOLMAN. I speak of gold and silver both. Are they not both precious metals?

Mr. BURNES. But there is a war between them.

Mr. HOLMAN. I hope gentlemen will bear these facts in mind: The establishments at New York, New Orleans, Philadelphia, and San Francisco are at great and important commercial centers, though they can not be properly called mining centers; but the establishments at Charlotte, Boise City, Helena, Denver, and Carson are for the benefit of local mining interests. The establishments at New York, New Orleans, Philadelphia, and San Francisco, outside of the mining districts, pay large sums into your Treasury. Except in the single case of Saint Louis you do not keep up any assay office outside of mining districts, as they bear heavily on the Treasury without benefit to the country.

Mr. CLARDY. What about New York?

Mr. HOLMAN. New York falls slightly below the standard of being self-supporting. It is proposed to keep up this assay office at Saint

Louis with a profit of $414 and at an expense of over $7,000. The question is whether this side of the House is prepared to do that merely for the purpose of giving Saint Louis five or six Federal office-holders. I am glad some gentlemen on this side are impartial enough to consider this question aloof from any local interest.

The question recurred on the motion of Mr. BURNES to strike out the paragraph.

The committee divided; and there were—ayes 128, noes 16.

So the amendment was agreed to.

Mr. HOLMAN. We will not break a quorum, but will have a vote on this in the House.

Mr. COSGROVE. I will ask for a vote, then, on every amendment.

Mr. HOLMAN. That is right.

The Clerk read as follows:

Territory of Wyoming: For salary of governor, $2,600; chief-justice and two associate judges, at $3,000 each; and secretary, at $1,800, $13,400.

For legislative expenses, namely: For fuel, rent, light, stationery, postage, and incidentals, $1,500.

For contingent expenses of the Territory, to be expended by the governor, $500.

Mr. HATCH, of Michigan. I move to insert the following.

The Clerk read as follows:

Territory of Alaska: For salary of governor, $3,000; judge, $3,000; attorney, marshal, and clerk, $2,500 each; four commissioners, $1,000 each; four deputy marshals, $750 each.

For actual and necessary expenses of the judge, marshal, and attorney while traveling in the discharge of their official duty, $1,000.

For repairs to jail in the town of Sitka, so as to render it suitable as a jail and penitentiary, $1,000.

For contingent expenses of the Territory, to be expended under the direction of the governor, $500.

Mr. HOLMAN. I must raise the point of order.

The CHAIRMAN. State it.

Mr. HOLMAN. These provisions are not authorized by law.

Mr. HATCH, of Michigan. I have copied these provisions from the law in reference to the Territory of Alaska passed the other day.

Mr. HOLMAN. Has it been approved?

Mr. HATCH, of Michigan. Yes; on the 17th of May. I had a copy of the law in my hand.

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. It is a new subject to the Committee on Appropriations.

Mr. CANNON. It is in pursuance of law.

Mr. HOLMAN. Let it be passed over for the present.

The CHAIRMAN. Has this been copied from the law?

Mr. HATCH, of Michigan. It has.

Mr. HOLMAN. The contingent expenses are not provided for in the law. Let the gentleman send up the law and have it read.

Mr. HATCH, of Michigan. I will call attention to the law.

Mr. HOLMAN. In the mean time we reserve the point of order.

Mr. HATCH, of Michigan. Section 9 of the law passed a few days ago provides among other things they shall receive respectively the following annual salaries: governor, $3,000; attorney, $2,500; marshal, $2,500; judge, $3,000; and clerk, $2,500, payable quarterly.

The district judge, marshal, and district-attorney shall be paid their actual necessary expenses when traveling in the discharge of their official duties.

This act does not provide the amount to be paid, but says that they shall have their necessary expenses paid to them. I have supposed that they might reach the sum of $1,000, and propose in this amendment to appropriate that amount.

Mr. RANDALL. I suggest to the gentleman from Michigan that we pass over this for the present, so that the committee may have an opportunity of examining the matter in all of its bearings.

Mr. HATCH, of Michigan. I have no objection.

Mr. HOLMAN. The salaries provided in this amendment seem to be higher than the average.

Mr. HATCH, of Michigan. They are just the salaries fixed by the law which we have already passed.

Mr. RANDALL. But I think you embrace more than is fixed in the law; for instance the jail construction.

Mr. HATCH, of Michigan. I will read the law in relation to that. The salaries I have fixed here are precisely those fixed in the act. The appropriations for the traveling expenses are provided for in the act, though the amount was not named. That, as I have stated before, I have estimated in the amendment. The appropriation for the jail at Sitka is referred to in the tenth section in the following words:

That any of the public buildings in said district not required for the customs service or military purposes shall be used for court-rooms and offices of the civil government; and the Secretary of the Treasury is hereby directed to instruct and authorize the custodian of said buildings forthwith to make such repairs to the jail in the town of Sitka, in said district, as will render it suitable for a jail and penitentiary for the purposes of the civil government hereby provided, and to surrender to the marshal the custody of said jail and the other public buildings, or such parts of said buildings as may be selected for court-rooms, offices, and officials.

For that I appropriated $1,000. Then I added $500 for contingent expenses; the same as is given in other cases in the Territories.

Mr. HOLMAN. I hope the gentleman will consent to pass this over for the present.

The CHAIRMAN. The gentleman has already expressed his willingness to do that, and if there be no further objection this paragraph will be informally passed over.

There was no objection.

The Clerk read as follows:

For one bridge-keeper at Chain Bridge, $660.

Mr. WARNER, of Ohio. I would like to inquire of some member of the Committee on Appropriations why a watchman is needed at the Chain Bridge? I presume if that bridge were anywhere else in the United States, or belonged to any State or municipality, they would not deem it necessary to keep a watchman there at all.

This is an iron bridge, and not a railway bridge. I can see the propriety of keeping a watchman to guard a wooden structure against fire, or to protect travel over a railroad bridge, but I can conceive of no other reason in this case than merely to provide a place for somebody; and if there be no good reasons for it assigned by the committee or somebody familiar with the subject, I shall move to strike it out.

Mr. HOLMAN. I have no personal information upon the subject. Several of these items are incorporated in the bill because they have been appropriated heretofore. I am not aware of any special reason why this watchman should be employed. There may be some gentlemen connected with the District Committee—I do not see the chairman of the committee present—who may inform us as to the necessity for the retention of this watchman. For myself, in the absence of other information upon the subject, I have no objection to the amendment.

Mr. RANDALL. Let it go out.

Mr. CANNON. This is the bridge-keeper at that point.

Mr. WARNER, of Ohio. I have just said if there is no reason for his retention there I shall move to strike this paragraph out. I can see none except to make a place for somebody.

Mr. CANNON. I did not answer the suggestion of the gentleman from Ohio in the first instance, because this appropriation has been borne in this bill for many years. I never was there with the exception, I believe, of one time in my life; but I have no doubt that there is a necessity for his employment. In fact, as far as that is concerned, I could not tell perhaps the duties which are performed by one-fourth of the people who are appropriated for in this bill, but yet we all recognize the fact that it is necessary to make provision for them.

The CHAIRMAN. Without objection the amendment will be considered as agreed to.

Mr. KEAN. I object.

Mr. HAMMOND. I do not know personally anything of this matter; but it seems to me that the laws in reference to this bridge could not be enforced unless there is a watchman there; for instance, with reference to fast driving over it, tearing it up, &c. Undoubtedly it would seem to require the attention of some one there, and unless there be some good reason for striking this out I hope it will not be done.

Mr. MILLS. It might be desirable to keep some one there to warn people off on the approach of trains.

Mr. WARNER, of Ohio. This has reference to the Chain Bridge, not to the Long Bridge. There are no trains over that bridge.

Mr. HAMMOND. There are laws and ordinances against driving too fast over it. Who is to report a man for an infraction of the law in that respect? Who is to protect the bridge property, which I understand is valuable, unless a watchman be employed?

Mr. WARNER, of Ohio. Does the gentleman know of any watchman anywhere else for any bridge unless it be a railroad bridge or a toll-bridge? We have watchmen of course for toll-bridges or on railroad bridges as a rule, but I do not believe outside of the District of Columbia or this government there is any other place in this country that a watchman would be employed on a bridge of that character. If there is any reason for it I will not make the motion.

Mr. HAMMOND. I do not know anything about that bridge, as I have stated, but I take it for granted that when Congress after Congress has made this appropriation and had a man stationed there year after year, there has been some good reason for it.

Mr. WARNER, of Ohio. I do not take it for granted that all the places, all of the offices provided for and appropriated for heretofore, are necessary at all. I believe the Government could be just as well administered, would be better, in fact, with 25 per cent. less in the number of officers than we now have.

Mr. CANNON. Can my friend from Ohio say that this bridge-keeper at Chain Bridge is not necessary?

Mr. WARNER, of Ohio. Oh, I rose to ask the question, because I wanted, if there was no use for this watchman but to furnish a place for somebody, to strike out the appropriation. If any use can be shown for the appropriation I am willing to retain it.

Mr. HAMMOND. Congress for years has thought this appropriation necessary. I think the amendment should be voted down.

Mr. MILLIKEN. If any one has ridden across that bridge recently he will know there is not the slightest danger of any man who has any respect for his life or health driving faster than a slow walk over that corduroy bridge. To do so would shake him out of his boots and give him worse than fever and ague. There is no need of a watchman there to keep a man from driving his horses faster than a slow walk over that bridge.

Mr. WARNER, of Ohio. This is the Chain Bridge?

Mr. HAMMOND. The gentleman from Maine [Mr. MILLIKEN] seems to know less about it than the gentleman from Ohio. He does not know what bridge it is. [Laughter.]

Mr. MILLIKEN. I have not found any gentleman yet who knows anything about it.

Mr. WARNER, of Ohio. I withdraw the amendment.

Mr. WOLFORD. I renew it.

Mr. MILLIKEN. I find I was right. It is my friend from Georgia [Mr. HAMMOND] who does not know what bridge he has been talking about. [Laughter.]

Mr. WOLFORD. I renew the amendment. We ought to know whether there is a watchman needed or not before we vote this appropriation.

The CHAIRMAN. The question is on the amendment.

The amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

NAVY DEPARTMENT.

For compensation of the Secretary of the Navy, $8,000; for compensation of chief clerk of the Navy Department, $2,500; one disbursing clerk, $2,250; five clerks of class 4; three clerks of class 3; one stenographer, at $1,600; two clerks of class 2; six clerks of class 1; four clerks, at $1,000 each; telegraph operator, at $1,000; one carpenter, $1,000; two messengers; three assistant messengers; one messenger boy, $420; one messenger boy, at $240; three laborers; one clerk of class 2, and one laborer (for inspection board); one clerk of class 2 (for examining and retiring board); one clerk of class 1; and one assistant messenger (in care of library); in all, $56,010.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "two," in line 1592, insert the words "who shall be a stenographer;" so that it shall read:

One clerk of class 2, who shall be a stenographer (for the examining and retiring board).

The amendment was agreed to.

Mr. MORSE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1594, insert the following:

For collating and copying the naval war records: For one clerk of class 1, $1,200; one clerk, $1,000; three copyists, $2,700; in all, $4,900.

Mr. RANDALL. I make the point of order on that amendment.

Mr. MORSE. The proposed amendment I think is not subject to the point of order, as it contains no new legislation, but merely provides additional clerical force to enable the Department to classify and arrange its records.

An amendment proposing an increase in the number of clerks in any Department for the coming fiscal year does not change existing law, for the reason that there is no existing law fixing the number of such clerks in advance. The number of such clerks is to be fixed by law in the pending bill. The last appropriation bill is not existing law with reference to the coming fiscal year, but only with reference to the fiscal year now current. Section 169 of Revised Statutes, which has been made the basis of a decision on the point of order in connection with Rule XXI, does not touch the case. The law says:

Each head of a Department is authorized to employ such number of clerks, &c., as may be appropriated for by Congress from year to year.

That is, he may employ such number in the fiscal year ending June 30, 1884, as are appropriated for by the bill for that year; and he may employ such in the next fiscal year as are appropriated for in the pending bill. He can not under section 169 Revised Statutes employ in the next fiscal year the number appropriated for under existing law, unless the existing law is re-enacted in the bill for this year. There is no law now in existence fixing the number of clerks to be employed after June 30, 1884, and a simple omission of such an appropriation in this bill would put an end to the official existence of the clerk hitherto paid therefrom. An increase in the number of clerks is therefore in no sense a change in existing law, because no law exists on the subject.

I desire to say further, independently of the point of order, that this is a very important matter. It is in connection with the work going on in the publication of the history of the war. I have no interest in it except the interest of the public good to finish this work which is now in course of preparation, and it seems to me the committee ought to admit this amendment.

Mr. RANDALL. On the point of order the gentleman from Massachusetts [Mr. MORSE] himself admits there is no law at present existing for the doing of this work. That is the whole point. His amendment proposes to make a law, which is not in the line of retrenchment, but which is in the line of further expenditure, directly at variance with the letter and spirit of the third clause of Rule XXI.

The CHAIRMAN. A decision was given last evening on a point of order in a case the same as this. The Chair will not change that decision. Does the gentleman from Pennsylvania insist on the point of order?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. The Chair sustains the point of order under the ruling last night.

Mr. CANNON. I would like to be heard for two or three minutes on this matter, because it is one of very considerable importance.

Mr. RANDALL. I thought the Chair had decided the point of order?

The CHAIRMAN. The Chair decided that he would not change the ruling of the gentleman from Tennessee [Mr. MCMILLIN], who was in the chair last night.

Mr. CANNON. The Chair seems inclined to follow the precedent made last night purely on account of that precedent. But it is a matter of so much importance, now and hereafter, that I feel the Chair ought to decide this point of order not by virtue of the precedent made last night, but if we are to be guided by precedents, by those made in former Congresses. If the precedent of last night be wrong, I think the Chair owes it to himself as well as to the Committee of the Whole and to good legislation to reverse that decision.

I will not weary the Chair with discussing this point, but I want to say just one thing about it. I want to call the attention of the Chair to the language of clause 3, Rule XXI, which prohibits an appropriation for any expenditure not previously authorized by general law except in certain cases. The rule says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Now, then, if this expenditure is not previously authorized by law the point of order is well taken. If in fact it be previously authorized by law then the point of order should be overruled. Very briefly, then, with the chance of wearying the committee and the Chair, I want to call the attention of the chairman again to sections 163 to 169, inclusive, of the Revised Statutes. I know the present occupant of the chair has read them. I will not occupy time in reading them again. But I beg to call the attention of the Chair to this fact, that these sections create not one clerk, not any definite number of clerks, but four classes of clerks and certain classes of messengers and copyists without number.

When you come to the officers created by special law, for instance the Assistant Secretary of the Navy, there is but one of them; and should I rise in my place and move an appropriation for a second assistant secretary of the Navy, that would be subject to the point of order that there was no law authorizing such an officer as second assistant secretary of the Navy; and so with regard to heads of bureaus, and so with regard to all officers receiving compensation exceeding $1,800 a year.

But with regard to these specific employés, of which there are in the Departments in round numbers several thousand, divided into classes, not any specific number (for that is not provided by the law, which fixes only the several classes of employés), into four classes of clerks and messengers, assistant messengers, &c., there are more this year than there were last year, and more last year than there were the year before; and there may be more or less next year, according to the will of Congress.

After defining these different classes of employés without fixing definitely their number—for according to the law you can not tell whether there should be 5,000 or 50,000 of them—the law goes on to provide that "each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law." By what law? By the law just preceding, which fixes the classes of clerks but not their number. Then it goes on, "and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year."

Now the general law intended that the number of clerks of the various classes designated by the law should be flexible, and it is made the duty of Congress to appropriate for such number of clerks of the classes created by this general law as the exigencies of the service may require from year to year, and it is clearly in order to move from time to time for either the increase or decrease of the number of such clerks and employés.

Now, let us see where a different rule would carry us. The Committee on Appropriations have upon this very bill provided for probably a hundred additional clerks. It may be said that if the ruling which I contend for shall be adopted it will lead to an indefinite increase of the number of these employés. Not so. It merely leaves the majority of this House to use its discretion under Rule XXI of the House and under the general law to increase or decrease the number of these several classes of clerks, which number is not specified in the general law, but is left to the wisdom of the majority of this House. Any other ruling would create great confusion and great hardship.

I was surprised when the gentleman from Tennessee [Mr. MCMILLIN] made the ruling that he did last night, because it was directly in conflict with nearly all the rulings of chairmen of Committees of the Whole in former Congresses. I think the present occupant of the chair owes it to himself, owes it to this Committee of the Whole, owes it to good legislation, to good administration, and to sound precedents to decide this question not as somebody else may have happened to guess last night without sufficiently looking over the ground, but to exercise that higher judgment and higher reason which is dictated by the necessities of the service and a sound construction of Rule XXI and of the general law; in other words, to decide this case upon its merits.

Mr. RANDALL. I hope the Chair will exercise his usually clear judgment and not be led astray by the argument just made by the gentleman from Illinois [Mr. CANNON].

The material, substantial point of this matter, and the Chair will readily recognize it, is that this amendment proposes to enter upon a new work not now authorized by law, and then it proceeds to provide clerks to do that work. That is the point and the sole point that is involved in this controversy.

The case so ably presented yesterday to the Committee of the Whole by the gentleman now occupying the chair was not like this proposition at all. It related to the Life-Saving Service, which is already in operation. I make the point in regard to the proposition now offered that it is for a work not now authorized by law.

Mr. HOLMAN. And is new legislation.

Mr. RANDALL. Yes; is new legislation.

Mr. MCADOO. I think if the gentleman from Pennsylvania would consider this matter aside from the urging of a point of order on the technical question, if he understood the facts of the case, he would not insist upon the point of order.

Mr. HOLMAN. Oh, yes.

Mr. MCADOO. This is a most important matter.

Mr. HOLMAN. This is not a new proposition; it was before the subcommittee on appropriations, and well considered by that subcommittee.

Mr. MCADOO. This is a most important matter. It was submitted to the Committee on Naval Affairs of this House, and after full consideration by that committee they were unanimously of the opinion that this work should be provided for. The amount of money asked for is small, but the work itself is of vast importance. It is to collect and collate the naval records of the rebellion. The members of the House know with what favor the military records of the rebellion, those relating to the operations of the Army, have been received by the country. It is equally important that we should have the facts relating to the great naval struggles of that war. They would be invaluable to the Government; they would facilitate greatly the work of the Court of Claims, and they are frequently called for by the committees of this House in the consideration of the measures coming before them. They are becoming scarcer and more difficult of obtaining every year. There is valuable correspondence in the hands of ex-officers of the Navy, not alone of the Navy of the United States but of the confederate navy, which is every day becoming more valuable and less readily accessible to the Government. Members of this House should consider that we are not asking a large sum, such as was given for collecting the military records of the rebellion. The proposition is to give only $15,000 in order that these invaluable records, in the interest of impartial history and in the interest of the Government itself, shall be collected and made accessible to the people of the country at large.

Mr. HOLMAN. This is a new work entirely.

The CHAIRMAN. In view of the ruling made last evening by the then chairman [Mr. MCMILLIN], who was called to preside by the present occupant of the chair, it would be ungracious and improper to make a diversity in the rulings upon this particular subject.

Mr. RANDALL. A proposition to enter upon new work has always been held to be out of order on bills of this kind.

The CHAIRMAN. The Chair therefore, without stating his own opinion upon the question, will sustain the point as made by the gentleman from Pennsylvania.

Mr. MORSE. It seems to be perfectly clear that when the Committee on Appropriations has once acted on any matter of this kind the rest of this House might just as well retire and go home. It seems to be useless for Representatives here, under the present circumstances, to advocate any proposition which they deem to be in the interest of the people. With all due consideration and respect for the Chair I appeal from the decision.

Mr. RANDALL. The decision is right.

The CHAIRMAN. The gentleman from Massachusetts appeals from the decision of the Chair.

Mr. RANDALL. Whenever new work of this kind is to be entered upon the matter ought to pass under the examination of the Committee on Naval Affairs and not be thrust into the Committee on Appropriations, because such a method of proceeding deranges the current form of doing business.

Mr. MORSE. If the gentleman from Pennsylvania will allow me to respond to him, I wish most respectfully to state that, if I remember correctly, the Committee on Naval Affairs were distinctly informed that if they required any legislation at any time which possibly might not be reached in the regular order they might refer it to the Committee on Appropriations, who would provide for it if they saw proper. We unanimously considered that the matter embraced in this amendment ought to be provided for. Every member of the House knows how difficult it is to obtain any separate legislation on these subjects. I think it no more than proper that the gentlemen last on the floor should admit the statement I now make to be perfectly correct, and he knows it better than I do, because the suggestion came from him to our committee that when anything in this line was desired we should send it to the Committee on Appropriations and they would provide for it. I do not mean that he stated positively it would be provided for, but that the committee would consider it. There is no other way for us to accomplish legislation of this sort than by asking the House to vote upon an amendment of this kind whether the appropriation shall or shall not be made.

Mr. HISCOCK. I would like to inquire whether the effect of the present decision is that this Committee of the Whole can not increase the number of the clerks in any of the Departments beyond those provided for by the appropriation acts for the current year?

Mr. MORSE. Unless the recommendation comes from the Committee on Appropriations.

Mr. RANDALL. There is no exception at all.

Mr. HOLMAN. No exception.

Mr. HISCOCK. Without regard to the question whether the recommendation comes from the Committee on Appropriations or any other source, is it decided that it is out of the power of this Committee of the Whole to increase the number of clerks in any Department——

Mr. RANDALL. That is not involved in this matter.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MORSE] has offered an amendment upon which a point of order, made by the gentleman from Pennsylvania, has been sustained by the present occupant of the chair in accordance with the ruling made last night. The gentleman from Massachusetts now appeals from that decision; and the question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. CALKINS. May I make a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. CALKINS. Is not the ruling made by the present occupant of the chair somewhat different from the ruling made last night?

Mr. RANDALL. It is an entirely different case.

The CHAIRMAN. The Chair does not propose to argue that question.

Mr. CALKINS. Does not the ruling involve a different proposition?

The CHAIRMAN. That is a matter which the gentleman must decide for himself.

Mr. RANDALL and Mr. HOLMAN. This is new work.

Mr. CALKINS. But authorized by law.

Mr. RANDALL. Where is the authority?

Mr. MORSE. This work is embraced in the Book of Estimates in exactly the same words as the amendment.

Mr. CANNON. This work is just as much authorized by law as any other current work in the Navy Department.

Mr. HOLMAN. This is not a portion of the current work.

Mr. CANNON. Oh, yes, it is; it relates to the records of the Navy Department.

Mr. HISCOCK. I think the committee ought to understand whether this amendment is ruled out upon the ground that it proposes new work——

Mr. RANDALL. That is the point I made.

Mr. HISCOCK. Or on the ground simply that it proposes an increase of clerical force.

Mr. RANDALL. No, sir; my point is that it is new work not authorized by law.

Mr. HISCOCK. Has the gentleman any objection to stating his opinion as to whether we have the power to increase the number of clerks?

Mr. RANDALL. Whenever that question comes up I will state my opinion, as I have done in the past.

Mr. CALKINS. As I understand, the gentleman from Pennsylvania has no doubt that the House at any time may make an increase in the number of clerks.

Mr. RANDALL. I am not committing myself on any supposititious case.

Mr. WARNER, of Ohio. Let each case be considered as it comes up.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee.

The committee divided; and there were—ayes 64, noes 49.

So the decision of the Chair was sustained.

Mr. MORSE. I offer the following amendment.

The Clerk read as follows:

On page 65, after line 1594, insert:

"For one clerk of class 1, $1,200; one clerk, $1,000; three copyists, $2,700."

Mr. HOLMAN. I ask for the reading of the third clause of the twenty-first rule of the House.

The CHAIRMAN. Does the gentleman raise the point of order?

Mr. HOLMAN. I do.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which

amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. HOLMAN. The Chair must see this proposition, if it is admissible, completely nullifies that rule of the House.

The CHAIRMAN. In conformity with the ruling last night the Chair sustains the point of order

The Clerk read as follows:

Bureau of Navigation: For chief clerk, $1,800; one clerk of class 3; two clerks of class 2; one clerk of class 1; one clerk, $1,000; one copyist; one assistant messenger; and two laborers; in all, $11,340.

Mr. HOWEY. I move the following amendment.

The Clerk read as follows:

In line 1609, after the word "dollars," strike out the word "one" and insert the word "two;" and in line 1610 strike out the word "two" and insert the word "one;" so as to read: "Two clerks of class 3, and one clerk of class 2."

Mr. HOLMAN. I make the point of order on that amendment.

The CHAIRMAN It is obnoxious to the point of order, and is ruled out.

The Clerk proceeded with the reading of the bill.

Mr. KASSON. I was waiting for the reading of the Nautical Almanac office paragraph, but it seems it has been passed. There was a communication from the Secretary of the Navy, re-enforced by the statement of details from Professor Newcomb's office, in which request is made for a laborer, rendered necessary and in fact indispensable in distributing the largely increased number of publications from that office. Has the committee considered that matter?

Mr. RANDALL. It has been considered but not finally acted on.

Mr. KASSON. It perhaps will be acted on hereafter.

Mr. HOLMAN. What is the gentleman's proposition?

Mr. KASSON. Has the gentleman from Illinois [Mr. CANNON] that communication from the Nautical Almanac office? It shows that they have not the means for packing and getting off the publications issuing from that office without an additional laborer. There is also a letter from the Secretary of the Navy on the subject. As the gentleman from Kansas is not in his seat and I have not those communications, I will leave the matter to the committee.

Mr. HOLMAN. We have passed that paragraph, and I shall object to going back.

Mr. KASSON. I call the attention of the committee to it with the hope provision will be made for such a laborer.

The Clerk read as follows:

Hydrographic Office: For chief of engraving and draughting, $2,400; two clerks of class 2, one assistant messenger, and one office attendant, $420; in all, $6,340.

Mr. FINDLAY. I move to insert the following.

The Clerk read as follows:

Contingent expenses of branch offices, including furniture, fuel, light, care of office, car-fare, ferriage in visiting merchant vessels, freight, express, telegrams, and other necessary expenses incurred in collecting the latest nautical information for the pilot charts, $8,000.

Mr. RANDALL. Five thousand dollars is the amount for this purpose.

Mr. HOLMAN. Mr. Chairman, I reserve the point of order for a moment, if the gentleman from Maryland will let that pass over undisposed of and we can recur to it again. The subject has been before the Committee on Appropriations but the amount has not been considered at all. Let it go over and we can come to some understanding that will be satisfactory.

Mr. FINDLAY. I consent to that.

Mr. HOLMAN. We can come back to it again. I reserve the point of order.

The Clerk read as follows:

For fence to inclose grounds on north side, $1,000.

Mr. MILLS. Mr. Chairman, I move to strike out that paragraph of the bill. I do so for the purpose of saying that I do not see any necessity for fencing around the public grounds in the city of Washington; and I think wherever there are parks fenced in and locked up, as the Botanical grounds down here, the fences should be removed. I therefore offer this amendment.

Mr. HOLMAN. No objection to it.

The amendment was agreed to.

The Clerk read as follows:

For completing reductions of the observations of the transit of Venus (to be expended under direction of the Transit of Venus Commission), $5,000.

Mr. LYMAN. I offer an amendment to come in at the close of this section.

The Clerk read as follows:

Add after line 1667 of the bill:

And the National Academy of Sciences is hereby requested to take into consideration the management, functions, and expenses of the Naval Observatory and the plans for the proposed new buildings, and to report to Congress what functions should be assigned to the said observatory and what changes, if any, are required in its organization in order to secure to other departments of the Government and to science at large the greatest benefit from its observations and researches at the least cost.

Mr. LYMAN. Mr. Chairman, I offer this amendment for the purpose——

Mr. HOLMAN. I am compelled to insist upon the point of order that this is new legislation.

Mr. LYMAN. Will the gentleman withhold the point of order to permit me to make a statement?

Mr. HOLMAN. Certainly.

Mr. LYMAN. Mr. Chairman, this is an amendment the purpose of which is to save time and to save money, as well as to save confusion which now exists. The Naval Observatory is something like Topsy, in Uncle Tom's Cabin: "I spec she growed; she never was made." Originally it was an establishment or place merely for the deposit of charts and maps, or where these articles were kept. Subsequently a few instruments were introduced, and then the charts and maps were moved to the Hydrographic Office, leaving the instruments. Observations were taken occasionally, and little by little, without special law or special provision, the department gradually grew up to what it is.

It ought either to be done with altogether, or else provision should be made by which it could be conducted on strictly scientific principles, so as to be of service. The whole country—the scientific men of the country and scientific bodies throughout the country—call attention to the necessity of a proper organization of this establishment. Plans have been before Congress for some time to organize this establishment on a proper basis. Propositions have been made to appropriate a half million dollars to build up this observatory.

But, sir, unless we know these plans, unless we know how to administer this institution economically and properly, it is impossible to act; and every year only increases the difficulty under which we labor. Besides, Mr. Chairman, there is no government that amounts to anything for the observatory. There is no fixed plan of operations. No scientific work is carried forward on any general principle. This should not go on any longer. This is the time for a beginning, at all events, in the right direction.

I appeal therefore to my friend from Indiana to withdraw the point of order and allow this amendment to be incorporated in the bill. It will cost no money; not a cent. It simply refers the whole matter to the first scientific body in this country, the National Academy. It calls merely for a report from this academy, which contains among its members many of our first astronomers, and when this report is submitted, which, as I have said, costs nothing, we shall be placed in a position where we can act intelligently, or not act, just as we please. I do not say that it is not new legislation; but it is germane to the general principles of the bill. I may say further to my friend from Indiana that it is like the great number of medicines that we used to take from our nurses when we were boys, on the principle that if they did no good they certainly could do no harm. The proposition submitted here will simply give us information on which we can predicate our action in the future. I hope, therefore, my friend will see proper to allow this amendment to pass.

Mr. HOLMAN. I regret, Mr. Chairman, to feel compelled to insist upon the point of order. The experience of Congress has not shown us that these commissions are agents of economy. The solution of this matter, permit me to say to my friend from Massachusetts, in my judgment, is to be found ultimately in making the Naval Observatory a bureau, or by placing its management under some one of the bureaus of the Navy Department.

Mr. LYMAN. Is it not so at this time?

Mr. HOLMAN. To a certain extent—only in what I may almost say to an intangible degree.

But we have considered the subject somewhat, and I would not be acting in good faith with the committee if I did not insist upon the point of order.

The CHAIRMAN. The Chair will be compelled to rule that this is new legislation, although it may be in the line of economy. It is new legislation, and under the rule the Chair is compelled to hold that it is not in order.

Mr. FINDLAY. I now offer the amendment I have prepared to the paragraph making an appropriation for the Hydrographic Office.

The CHAIRMAN. The Clerk will report the amendment.

Mr. FINDLAY. I have made the amount $5,000. I have been informed that $5,000 is all that is asked to be appropriated; that the other $3,500 will be obtained otherwise.

The Clerk read the proposed amendment, as follows:

At the end of line 1638 insert the following:

"Contingent expenses of branch offices, including furniture, fuel, lights, care of offices, car-fare, and ferriage in visiting merchant vessels, freight, express, telegrams, and other necessary expenses incurred in collecting the latest nautical information for the pilot charts, $5,000."

Mr. HOLMAN. I think that the appropriation in the bill can be somewhat reduced. I think, indeed, it should be reduced to the extent of the appropriation in the amendment.

Mr. FINDLAY. I will say to my friend from Indiana [Mr. HOLMAN] that when I went before the subcommittee on appropriations the day before yesterday along with representatives of the board of trade, the corn and flour exchange, and other commercial bodies of the city of Baltimore, I understood the amount asked as absolutely necessary for these branch offices was $8,500; and the statement was made at that time that that was the amount needed. But I have since been informed by the clerk of the Appropriations Committee that the gentleman connected with the Navy Department who makes the estimates, Commo-

dore Bartlett, said he proposed to raise $3,500 out of some miscellaneous source or other and therefore only $5,000 would be necessary in this bill. The $3,500 from "miscellaneous" together with $5,000 would make the $8,500, the sum required. For that reason I have changed my amendment from $8,500 to $5,000, and only for that reason. I suggest that the Clerk read in connection with the amendment and as a part of the amendment the names of the places.

Mr. HOLMAN. I will not insist on reducing the other amount.

Mr. FINDLAY. The amendment includes the offices at New York, Philadelphia, Boston, Baltimore, New Orleans, and San Francisco.

Mr. RANDALL. The names of the places should be inserted.

Mr. HOLMAN. I thought they had been inserted.

Mr. FINDLAY. I will add them to the amendment.

The amendment, as modified by the insertion of the words "at New York, Philadelphia, Boston, Baltimore, New Orleans, and San Francisco," was agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

General Land Office: For the Commissioner of the General Land Office, $4,000; chief clerk, $2,250; law clerk, $2,000; recorder, $2,000; three inspectors of surveyors-general and district land offices, to be appointed by the Secretary of the Interior, at $2,000 each; three principal clerks, at $1,800 each; thirty-three clerks of class 4; forty-six clerks of class 3; fifty-seven clerks of class 2; fifty-eight clerks of class 1; forty-seven clerks, at $1,000 each; and fifty-four copyists, at $900 each; eight assistant messengers; twelve laborers; and six packers, at $720 each; in all, $417,650.

Mr. CANNON. In line 1761 I move to amend by striking out the word "three" and inserting the word "eight;" so that it will read "thirty-eight" clerks of class 4." I will say that I desire to move an increase of five clerks of class 4, ten clerks of class 3, fifteen clerks of class 2, and ten clerks of class 1; making an increase of forty in all.

Mr. HOLMAN. I must insist on the point of order.

The CHAIRMAN. The Chair would not like to have discordant decisions from the Chair in this committee, and therefore sustains the point of order.

The Clerk read the following paragraph:

For the actual expenses of inspectors, while on duty, and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, $10,000.

Mr. PETERS. I desire to offer the amendment which I send to the desk; and I will state for the information of the committee that I have changed it from the notice given yesterday.

The Clerk read the proposed amendment, as follows:

Add after "dollars," in line 1772, on page 73, the following:
"*Provided*, That when it is ascertained, after investigation, that any quarter-section of land entered under the provisions of the homestead, pre-emption, or timber-culture laws charged to have been fraudulently entered has been transferred to an innocent holder, without any collusion between such holder and the person charged with the fraudulent entry, then in such case or cases patents for such lands may, in the discretion of the Secretary of the Interior, be issued."

Mr. RANDALL. I make the point of order on the amendment. It may be very good legislation, but this is not the time to consider it. It is not in place here.

Mr. PETERS. By a careful examination of the proposed proviso it will be seen it simply gives to the Secretary of the Interior a certain discretion, which he may now have, perhaps, but which it is doubtful whether he does have. I have changed the wording of the amendment so as to obviate the objection that might arise on the ground of its being new legislation.

Mr. RANDALL. If the Secretary has that discretion under the law then this legislation is not necessary. If he has not, then it is a change of law and is obnoxious to the rule.

Mr. PETERS. It is merely a custom and not a law.

Mr. RANDALL. It is making a custom into a law, which is a change of existing law. It may be all right, but I do not like to have it put on this bill in this way.

Mr. PETERS. I will state for the information of the chairman of the committee that at present there is no chance for the Secretary of the Interior to have any discretion in the granting of a patent for land between the man who goes upon a quarter-section of land and buys it for a homestead and the man who buys it for a large stock ranch. In other words, the Secretary of the Interior can make no discrimination between those parties at present; under the custom there is no law. What I desire by this proviso is that where there is an innocent holder who has gone upon the public land, and by reason of the lapse of time between the issuing of the final certificate and the time that the Department can get around to the issuing of the patent, where the man goes on the land in good faith, having paid his money for the quarter-section, that that land shall be patented to him by the Government, and that the Secretary of the Interior shall, in his discretion, issue patents to that class of cases without investigation.

Mr. RANDALL. If I understand correctly, from the hasty reading of the amendment, it provides that where there is a fraudulent entry or if the holder conveys his right to the land to a third party, then this proviso would compel the Government to grant a patent to that third party, even although it is based upon fraud.

Mr. PETERS. It does not compel the Government to do it; it only says that the Secretary of the Interior in his discretion may do it.

Mr. RANDALL. It is a very dangerous procedure.

Mr. BUDD. I would like to have the amendment again read. If it is as stated by the gentleman from Pennsylvania [Mr. RANDALL] it would throw out thousands of honest homestead and pre-emption settlers in California.

Mr. RANDALL. The amendment would?

Mr. BUDD. Yes; if as stated by you.

Mr. RANDALL. Let it be again read.

The amendment was again read.

Mr. RANDALL. I maintain that there can not be an innocent holder of land where there is fraud in the entry of it, and where no patent has been issued.

Mr. PETERS. I beg leave to suggest to the gentleman from Pennsylvania that in my judgment there can be an innocent holder, for this reason: the Government itself, by the issuing of the final certificate, by placing it in the power of the land officer to accept proof in the matter and to grant the final certificate, is in the same position that a party stands in who places it in the power of another to commit a fraud in relation to commercial paper. Therefore, when one of the innocent parties, even conceding that the Government is an innocent party, is compelled to suffer, that person should suffer who has made it possible for the fraud to be committed.

Mr. RANDALL. Has anybody a title to the land until the patent is issued?

Mr. PETERS. A man may have an equitable title, but no legal title until the patent is issued.

Mr. RANDALL. I insist upon my point of order.

The CHAIRMAN. The Chair is ready to decide the question. Does the Chair understand the gentleman from Kansas [Mr. PETERS] to say that this is not new legislation?

Mr. PETERS. I do not understand that it is new legislation.

Mr. RANDALL. If it is the law now, then it is not necessary to insert it here.

Mr. BUDD. What is the need of it if it is not new legislation?

The CHAIRMAN. In the recollection of the Chair it is certainly not existing law, and therefore the Chair sustains the point of order.

Mr. RYAN. I move to strike out the last word of the pending paragraph for the purpose of presenting to the House the condition of the Land Office with reference to its clerical force and its ability to perform promptly the public service required of it.

I regret exceedingly the ruling of the Chair which excluded the amendment offered by my friend from Illinois [Mr. CANNON] to increase the force in the Land Office. There is no service more important to the people than the public land service. It is something that comes home directly to a class of worthy pioneers whose interests ought to be respected by the Congress of the United States. This Department of the Government is at least two years and a half in arrears in almost if not in every division of it, so that to-day when a homesteader or a pre-emptor has literally complied with the law, has done everything required of him with regard to settlement, with regard to improvement, and with regard to payment, he must wait from one to three years before he can get a title to his land. I say this is a disgrace to this nation.

I wish now merely to call the attention of members of the House to this subject. I want to place upon record the exact status of the land office in this respect, in the hope that I may be able to attract the attention of members to the condition of this service. Without delaying the House further, and in order to not unnecessarily consume the time of the committee, I ask to have printed in the RECORD some papers bearing on this subject from the Department, which I hold in my hand.

Mr. POLAND. Let them be read.

Mr. RYAN. Well, I will ask to have them read to the Committee of the Whole. From these papers it will be seen that the increase in the service in this land office since 1879 is more than 100 per cent., while the increase in the clerical force has not exceeded 10 per cent. This increase is going on from year to year and the current business of the office is accumulating without the capacity on the part of the office to dispose of it.

The Clerk began the reading of the papers, but before concluding the hammer fell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HISCOCK. I will take the floor and yield my time to the gentlemen from Kansas [Mr. RYAN].

Mr. RYAN. I ask that the Clerk complete the reading of the papers.

The Clerk resumed and concluded the reading of the following:

DEPARTMENT OF THE INTERIOR, *Washington, May 7, 1884.*

SIR: I transmit herewith copy of a letter from the Commissioner of the General Land Office touching the necessity which exists for an appropriation for one hundred additional clerks in his office.

The great accumulation of unadjusted entries, a settlement of which is of the first importance to citizens of the public land States and Territories, and the rapid increase in the business of the General Land Office, render the additional clerical force asked for a matter of unquestionable need.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
United States House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 2, 1884.

SIR: I have the honor to call your attention to the necessity existing in this

office for one hundred additional clerks, heretofore estimated for, on account of the great increase of current work.

In my last annual report (pages 31 and 32) I made a comparative statement, showing the increase of new business to have been 39 per cent. during the fiscal year 1883 over the year 1882, and 82 per cent. over the year 1881, while the total increase in clerical force allowed in 1883 was but 10 per cent.

I transmit herewith a comparative statement of the new work brought into this office during the calendar years 1882 and 1883, showing an increase in 1883 of 88,381 new entries of land, and increase in areas entered of 10,928,976.61 acres, and an increase in cash received of $3,377,430.92. Fifty per cent. more work was thrown upon the office during the last calendar year than the year previous, and the year previous the force of the office was insufficient for the work then in hand. The amount of new work coming into this office increases constantly, each year showing more than the year preceding.

The clerical force has never been adequate to dispose of current work in any year, even if the accumulations of previous years were not also pressing for disposal. These accumulations of unfinished work constitute a source of harassing public complaint. They also impede the disposal of current work, and additional arrears are created faster than the old can be brought up.

The clerical force is worked to its full extent and with every regard to individual industry, efficiency, and dispatch, and a large amount of overwork is performed without additional compensation.

The ratio of work so far performed during the present fiscal year indicates that by June 30 next upward of 50,000 agricultural patents will have been issued, and ten or twelve thousand more prepared for issue, and that from 1,500 to 1,700 mineral patents will have been issued, and upward of 100,000 letters answered, and some 3,000 reports of special agents acted upon, in addition to the great volumes of examinations and adjudications, many of them elaborate and each important, which in all cases precede issue of patents.

The number of additional clerks asked for is small compared with the needs of the service, and is the least possible request that can be made.

Very respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. H. M. TELLER,
Secretary of the Interior.

Mr. RYAN. I ask consent that the tabular statement accompanying the papers just read be printed in the RECORD without being read by the Clerk.

There was no objection, and it was ordered accordingly.

The tabular statement is as follows:

Statement showing the increase in the disposals of the public lands by fiscal years, from July 1, 1879, to June 30, 1883.

Fiscal years.	Number of entries.	Area.*	Percentage of increase.		Remarks.
			Entries.	Area.	
		Acres.	*Per cent.*	*Per ct.*	
1879	106,061	9,333,383.29			
1880	125,392	11,034,484.00	18	58	Over 1879.
1881	115,166	10,128,175.25	†8	8	
1882	158,224	13,998,780.27	37	38	Over 1881.
1883	222,640	19,030,796.89	40	36	Over 1882.

*Does not include Indian lands disposed of. †Decreased from 1880.

The percentage of increase for 1883 over 1879 is, in entries, 109 per cent.; area, 107 per cent.

The increase in disposals involves a proportionate increase in every branch of the public-land system.

L. HARRISON, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE, *May* 17, 1884.

Mr. CANNON. I ask the gentleman from Kansas [Mr. RYAN] to yield me the remainder of his time.

The CHAIRMAN. The gentleman has four minutes and a half remaining.

Mr. RYAN. I yield that time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I desire to say that this Land Office is delayed in its work months and months. The poor settler from my State and from all over the country who goes to Dakota and elsewhere and takes up a homestead, in case there is any contest concerning it, is compelled to remain in doubt and uncertainty for months and months while the matter is looked up in the Department.

Mr. RYAN. For years sometimes.

Mr. CANNON. Yes, sometimes for years, and all for the want of a sufficient force in the Land Office to do its work. I have received letters by the score, as I apprehend every other member from the West has, touching this matter.

In the last Congress we gave to the Land Office an increased force of eighty clerks. I am frank to say that it was not enough; but it was eighty more than the Committee on Appropriations of this House proposes to give. I am sorry to say, and I want to call the attention of the Committee of the Whole and of the country to the fact, that not only does the Committee on Appropriations of this House refuse to recommend any increase in the clerical force of this office, but under what in my opinion is the unjust ruling of the Chair, sustained by the Committee of the Whole, we stand here with our hands fettered and our tongues tied, and are denied the poor privilege of even taking the sense of the Committee of the Whole upon the propriety of increasing the number of clerks to do the work in this office.

This office is not only denied these clerks, but we are denied, under an arbitrary ruling upon the point of order, which ruling is forced and out of the line of all precedent, the poor privilege of arguing the case and having a vote in this Committee of the Whole upon this proposition for an increase. It is unjust; it is not a wise method of procedure. I hope and believe that the people who are interested in this class of business throughout the country, especially in the Territories and the new States of the great West, will take notice that not only is this additional force denied to this office, but we are refused the poor privilege of taking the sense of the Committee of the Whole upon the proposition.

Mr. TOWNSHEND. Why did not my colleague, when his party was in power in the last Congress, increase the number of these clerks?

Mr. CANNON. We did make an increase of eighty.

Mr. TOWNSHEND. Why did you not increase them sufficiently?

Mr. CANNON. We made an increase of eighty; it has been found not sufficient. I am sorry we did not make a greater increase; for now we are denied even the opportunity to obtain a vote of the Committee of the Whole upon this proposition.

Mr. RYAN. I withdraw the *pro forma* amendment.

Mr. HOLMAN. I think it will be found that the clamor for this increase of force comes from railroad corporations who are anxious to anticipate the action of Congress——

Mr. CANNON. Not at all; it comes from the multiplied thousands of settlers upon these lands of the West.

The CHAIRMAN. The amendment is withdrawn.

The Clerk read as follows:

For connected and separate United States and other maps prepared in the General Land Office, $6,000.

Mr. BUDD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after the word "dollars," in line 1777:

"For surveying and listing to the State of California swamp and overflowed lands therein, in accordance with existing laws, $20,000, or so much thereof as is necessary."

Mr. HOLMAN. I regret to be compelled to make a point of order upon this proposition. I am induced to insist upon the point largely from the fact that these matters belong in any event to the sundry civil bill. But this amendment proposes new and independent legislation.

Mr. BUDD. I desire to know what is the gentleman's point of order?

The CHAIRMAN. The gentleman from Indiana will state his precise point.

Mr. HOLMAN. My point is that the amendment embraces new legislation and is not germane to this bill, as the subject-matter belongs to the sundry civil bill.

Mr. BUDD. As to the amendment being new legislation, I dispute the statement.

Mr. HOLMAN. The amendment is liable to the further point that it is the substance of a pending bill.

Mr. BUDD. As to the last point, the pending bill is different from this proposition. There is a similarity between the two measures; the general object to be accomplished may be the same; but I deny that the two propositions are the same.

The CHAIRMAN. Is this amendment substantially the same as a pending bill?

Mr. BUDD. I can not recollect the language of the bill referred to; I introduced it by request.

The CHAIRMAN. The Chair will ask whether that bill has the same object?

Mr. BUDD. It refers to the same subject-matter. The two propositions relate to the general purpose of having the lands in California, owned by the State, surveyed and listed to the State under existing laws. The gentleman from Alabama [Mr. OATES] who has charge of the bill in committee can state his knowledge on the point.

Mr. OATES. The provisions of the bill are the same as those of this amendment, except that the bill proposes an appropriation of $25,000 and the amendment appropriates only $20,000.

The CHAIRMAN. The rule is that an amendment containing the substance of a pending bill is not in order.

Mr. BUDD. I would like to have that bill read.

The CHAIRMAN. The Chair has sent for it. If it has the same purpose, or is substantially the same, the amendment is not in order.

Mr. HOLMAN. At any rate, I submit that this subject-matter, the survey of the public lands, is not germane to this bill, but bel ngs properly to the sundry civil bill.

The CHAIRMAN. The Chair sustains the point of order on the ground that the provisions of the amendment belong properly to the sundry civil bill, and also because the amendment is the same in substance as the following bill now pending before the Committee on Public Lands:

A bill (H. R. 3568) to provide for the survey of certain swamp and overflowed lands in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of and to be used in surveying swamp and overflowed lands in the State of California, bordering on the rivers thereof, so that said lands may be listed to the State of California, as by existing laws of the United States of America required; said money to be expended by and under direction of the Secretary of the Interior.

Mr. PETERS. I move *pro forma* to amend by striking out the last word. Mr. Chairman, we have brought to our attention this peculiar

and anomalous fact, presented by extracts which have been read from reports of the Land Department, and known to every member of this House from the West, that the Commissioner of the General Land Office is from twelve to sixteen months behind in issuing patents for lands. A party who settles upon the public domain makes his improvements, then goes to the local land office, makes his proof, and receives his final certificate. He is then authorized under any law anywhere to transfer the equitable title which he has in that land to any one for a consideration.

He knows when he makes that final proof it will be from twelve to sixteen months before the patent can issue. If he desires to change his place of residence, if by reason of drought, misfortune, or sickness he desires to dispose of his land, he can do so under that final certificate, and it may be disposed of to some one of your constituents who goes there to secure a home on the Western prairies. That man goes in there knowing the man has a final certificate because he can see it, knowing he has the right to dispose of the title because that any lawyer can tell him. He buys the quarter-section and goes on it, makes improvements thereon, and lives on it in blissful ignorance of the volcano on which he is standing. After the expiration of a year he learns through some source, not direct from the Department, that his title to the land has been undergoing investigation through some special agent sent there, and that the original entry has been declared fraudulent and is held for cancellation.

For the first time he then learned that his title to his home had been canceled in a proceeding to which he was not a party and of which he knew nothing. The original-entry man from whom he purchased has left the country; the money paid is gone; the home is taken from him; his year of toil in making improvements upon the piece of land he intended to occupy as a home is entirely lost, and he is houseless and homeless; and all because this great Government, for the preservation of which perhaps he battled in the late war, made it possible for the perpetration of this fraud upon an innocent man. The Government should protect this man.

I introduced a bill for the protection of this man. It was referred to the Committee on Public Lands, but it has not been reached, and under the arbitrary rules of this House it can not be passed during this session. The proviso offered by me a short time ago during the consideration of this bill would have given the Secretary of the Interior power to protect this innocent man from this wrong and injury, but the power of the arbitrary rules of this House was invoked against the provision by the opposite side of this House, and I could not even get the poor boon of a five-minute speech in support and explanation of the measure.

I want your people to know and my people to know where the responsibility for this injustice rests. Instead of granting the additional force necessary to the dispatch of business in the Land Department, and thus enable the entry man to obtain his patent in a reasonable time after proving up, and thus lessen the chances for the commission of these frauds upon innocent men, the Democratic side of this House cut down the force and increase the wrong and injury.

[Here the hammer fell.]

Mr. PETERS. I withdraw my formal amendment.

The Clerk read as follows:

For per diem for traveling examiners, for subsistence, and for actual and necessary expenses for transportation and assistance, $360,000.

Mr. JOSEPH D. TAYLOR. I move the following amendment.

The Clerk read as follows:

Strike out the words "two thousand five hundred," after the words "medical referee," on line 1796, and insert the words "three thousand."

Mr. HOLMAN. I make the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOSEPH D. TAYLOR. I move to strike out the last word, for the purpose of calling attention to the fact that while the medical referee at the head of this immense department bears that responsibility he ought to have the same pay as the Commissioner. His duties and labor are very great, and we are all interested in commanding the highest grade of talent for a position of this kind. The present incumbent is a man of such high character, yet by looking at this bill you will discover he only gets one-half of the salary now paid to the Commissioner of Pensions. The first deputy gets $3,600, $1,100 more than the medical referee gets. The second deputy commissioner gets $3,600, $1,100 more than the medical referee. And it seems to me it is wrong. A man can fill the position of the first or second deputy, or of chief clerk, who could not fill the position of medical referee.

The man who occupies this place must be learned in the medical profession. The character of service which he renders is of a kind which ordinarily commands a very high compensation. I think we owe it to the medical profession, we owe it to the medical referee, we owe it to this great Department, we owe it to the pensioners of the country to place at the head of this Department a man of ability; and in order to retain a man of that character we should pay him a proper salary. I think $3,000 is too little. It should be $4,000, yet I would be content to make an increase of only $500. I ask that may be made. I do not think the bill in the aggregate need appropriate any more money. I withdraw my formal amendment.

The Clerk read as follows:

For an additional force of one hundred and fifty special examiners, at an annual salary of $1,600 each, $240,000: *Provided*, That said special examiners shall be appointed, on the recommendation of the Commissioner of Pensions, by the Secretary of the Interior, who shall have full power to remove or suspend such appointments, and that no person so appointed shall be employed in the State from which he is appointed: *Provided further*, That all of said appointments shall be temporary and on probation.

Mr. RANDALL. Mr. Chairman, last evening we heard something in favor of civil-service reform. This proviso here removes these appointments from the civil-service rules and regulations. Therefore, to test the sense of the committee, I move to strike out the first proviso.

Mr. FINDLAY. Who then would have these appointments?

Mr. RANDALL. They would be remitted to the civil-service rules. I do not care anything about it, but we may as well preserve our consistency.

Mr. CANNON. A word or two on this proposition. The subcommittee of the Committee on Appropriations, having this matter in charge, prepared this provision with a great deal of care, and have fixed it in this shape purposely, the object being not to place the appointment of these additional examiners under the civil-service rules, but to put them under the authority of the Secretary of the Interior, and for this reason: There are already about 15,000 cases that have been referred to these special agents and that have not yet been examined. The present corps of special agents are nearly a year behind in their examinations, and the Commissioner of Pensions in his letter which I have before me, and which I will print as a part of my remarks, asks Congress to authorize the employment for one year of one hundred and fifty additional special agents, and that they shall receive the pay of $1,600 a year; an increase of $200 over what the agents are now getting, $1,400 being what the general corps receives.

The object of this recommendation is to enable him to employ lawyers, young men familiar with the rules of evidence, who will not require any education to fit them specially for the duties, but who will be ready at once to go into the field with a knowledge of the duties they are called upon to perform, and the ability to take this evidence and assist claimants in making up their cases.

Now, if you place their appointment under the Civil-Service Commission the result will be that you will not get trained men, not lawyers, but you will get people who are able to pass successfully the examinations of the civil-service board, and these will be recommended for appointment by the Secretary of the Interior. You will get men who are incompetent for the work without special training, which will take time. You will get men who, even if they could become competent to discharge the duties, would have to be educated for a period of from four to six months of the length of their service before they could enter upon their actual duties in the field, and for that reason, in order that we might have this work promptly done and get men with legal training who are competent to enter upon the duties at once, we made this provision.

I say further, Mr. Chairman, that this is clearly in the line of economy.

Mr. RANDALL. Let me ask the gentleman if the best way to judge of the capacity of applicants for this service is not by following the rules of the Civil-Service Commission?

Mr. CANNON. By no means. A man just out of college, a great many people throughout the country of general intelligence, but not versed in the rules of evidence, would pass as good a civil-service examination as anybody.

But the point here is to get persons who are familiar with the rules of evidence. That is merely what is required in this service. It is not so essential to have a man thoroughly versed in history and geography, which are required under the rules of the Civil-Service Commission, as it is to have a man who understands the taking of testimony, who understands the force, weight, and effect of testimony. Why, you had just as well submit the Commisioner of Pensions himself or any head of a Department to a civil-service examination and say that until they pass that examination they shall not fill their positions as to require these special agents to pass that examination. You had just as well go into the corps of Major Powell or the Coast Survey, where men are chosen because of their fitness for special work who are not subject to the general rules of the civil-service examination, as to submit this class of employés, who are only to be appointed for one year and for the purpose of bringing up these deferred claims, to such examination.

Mr. LONG. What evidence do they have to take?

Mr. CANNON. A great deal of evidence connected with the subject in various ways, and properly weigh the same; in fact, that is their only duty.

The letter referred to by Mr. CANNON is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, February* 27, 1884.

SIR: I inclose herewith a supplemental estimate from the Commissioner of Pensions requesting an increase in the amount to be appropriated for the use of the special examination division of his office during the next fiscal year, and requesting also a deficiency appropriation of $40,000 for the use of the same division during the present year; and I beg to recommend the matters to the very favorable consideration of your committee. I inclose, too, a letter from the

Commissioner, dated the 23d instant, explaining the necessity of the supplemental estimate.

Very respectfully, H. M. TELLER, *Secretary.*

CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 23, 1884.

DEAR SIR: At the personal request of the chairman of the subcommittee of the House Committee on Appropriations, I have the honor to submit the following statement with regard to the necessity for taking some steps for the speedy consideration of the cases now in the hands of the special examiners of this office, for a special examination at the homes of the claimants. In this connection I desire to call your attention to page 25 of my last annual report, under the head of "special examiners," wherein I attempt to set forth the very obvious necessity and importance of this branch of the service, and by stating the facts as to its overcrowded condition the manifest reasons why either this system should be enlarged very materially so as to bring up the delayed work, or else some other system should be provided by which the needed testimony might be obtained.

This branch of our service is the only one where it can be said that there is any unnecessary delay on the part of the Government in the settlement of pension claims, it being true that so far as the *ex parte* consideration of cases is concerned, on the 1st day of July, 1883, with but few exceptions, the great mass of pending claims were delayed by the fault of the claimants rather than by that of the Government. As a means of relief, therefore, and one which is earnestly demanded, I have to suggest that an extra or additional force of special examiners be specially provided, who shall possess the qualifications necessary to enable them to gather testimony wanted and to cross-examine witnesses. For this particular duty it seems to me that a due regard for economy of time and the necessities of the case require that such additional force of special examiners should consist of men versed in the law, and especially in the application of the rules of evidence. They should be men of unquestioned integrity, good habits and moral character, and be possessed of a considerable amount of tact in dealing with men. The item for this force is not included in my regular estimate for the reason that at the time it was made I was not fully advised, and thought it prudent to be sure of the necessities of the case and of the advisability of the step before advising it.

I would suggest that legislation providing for such a force should provide also that no person be employed in the State from which he is appointed; that his appointment shall be temporary and probational; that the Secretary of the Interior shall be authorized to make such appointments of persons qualified as aforesaid, and that he have full power to remove and suspend such appointments. In explanation of the above recommendation I have to say that in my judgment a salary of $1,600 and the payment of the actual expenses of subsistence and travel of such a force will command the services of the kind of men referred to for temporary employment, say at least for one year. The necessities of the case so urgently demand such a measure of relief that in my judgment no other plan of action can be devised of equal efficiency at so small a cost, and I think that in one year from the time I am furnished with such a force (which will hardly require the usual probationary education) I shall be able to bring up the 15,000 cases now delayed. I find that each case requires upon an average from ten to twelve depositions to be taken; that the most expeditious examiner, whose work will bear the test of thoroughness, can not, as the cases run, complete to exceed eight per month, and then under the most favorable conditions only.

May I not hope that this recommendation will meet with your approval, and that you will forward the same at your earliest convenience to the chairman of the subcommittee of the Appropriations Committee, Mr. HOLMAN, as per his request.

In explanation of my supplemental estimate, herewith forwarded, for $400,000 for expenses and per diem of special examiners, instead of $300,000, as originally estimated, I beg leave to state that the average run of cases is more difficult and requires a more thorough examination and a larger number of witnesses, and that the estimate of expenses of the two hundred and fifty men in the field as originally made has proven insufficient; that in order to enable me to keep as large a force in the field as is now at work for the remainder of the fiscal year, and to keep within the appropriation available, I shall be compelled to cancel the details of a large number of clerks, and hence I have asked that $40,000 of the $400,000 be made immediately available, in order to avoid the necessity of either incurring a deficiency or of crippling the work of that division by withdrawing any part of the force.

Hoping this may receive your earliest consideration, I remain,

Yours, truly,

W. W. DUDLEY, *Commissioner.*

Hon. H. M. TELLER, *Secretary of the Interior.*

Estimates of appropriations required for the service of the fiscal year ending June 30, 1885, by the Pension Bureau, Interior Department.

Detailed objects of expenditure and explanations.	Estimated amount required for each detailed object of expenditure.	Amount appropriated for the current fiscal year ending June 30, 1884.
OFFICE OF COMMISSIONER OF PENSIONS.		
For an additional force of one hundred and fifty special examiners, at an annual salary of $1,600 each, and actual expenses of subsistence and travel, to be accounted for and paid upon voucher. Salary, $240,000; for expenses, $220,000. Submitted	$460,000	.....
INVESTIGATION OF PENSION CASES.		
For per diem, when absent from home on duty for special examiners or other persons employed in the Pension Office detailed for the purpose of making special investigations of matters pertaining to the Pension Bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, $400,000, of which $40,000 shall be immediately available for the current fiscal year ending June 30, 1884. (22 Statutes, page 557, section 1)	400,000	*$200,000

*In addition to the unexpended balance of the appropriation for fiscal year ending June 30, 1883, which balance was $128,363.92.

Mr. WARNER, of Ohio. Mr. Chairman, applicants for the places which are provided for in this clause of the bill before us must be examined by somebody as to their fitness for the work to be done; and who or what board is more competent to make this examination than the Civil-Service Commission? It is a board already established and prepared to make the necessary examinations at once. Why, the Commissioner of Pensions, before he can intelligently recommend an applicant, must constitute a board of examiners of some kind to examine not only the testimonials submitted, but the general fitness of the applicant for the work.

I concede that these examiners should be persons learned to some extent in the law; at least they should be versed in the rules of evidence. But the facts of such qualifications can be ascertained by the Civil-Service Commission as well as anywhere else. But the chief reason why these appointments should be made after examination and recommendation of the Civil-Service Commission is this: that if there is any duty to be discharged by any officer or agent of this Government where there should be absolute impartiality and perfect freedom from partisanship or political consideration of any kind it is such a duty as these examiners have to perform—the examination of claims of wounded and disabled soldiers for pensions. Partisanship or partisan or political considerations ought not to be thought of in connection with this duty, and that these appointments may be taken entirely out of politics and be absolutely free from political consideration they ought to be made through the Civil-Service Commission, which we are led to suppose and which I believe does not permit political considerations to enter into its decisions or influence appointments; or, if made in any other way, provision should be made to secure them from partisan control. If left to be made as proposed in the bill the appointments will doubtless all be taken from one party; for, although I believe the Commissioner of Pensions himself to be incapable of being influenced in the administration of his office by any political considerations, nevertheless he would be almost compelled, unless provided against in the bill, to make his recommendation from the dominant party, and the Secretary would be quite as certain under the pressure that would be made upon him to make only such appointments.

Therefore, Mr. Chairman, if the amendment of the gentleman from Pennsylvania is voted down, I shall offer an amendment to make these appointments non-partisan by requiring them to be made irrespective of party, or to be taken equally from the different political parties; and I do not think the Commissioner of Pensions will object to that, for I know he appreciates the importance of making these examiners non-partisan. And, Mr. Chairman, to better show the views of the Commissioner on this matter, I will ask to add in the RECORD some extracts from a printed report:

The CHAIRMAN. If there is anything further on the question of delays in special examinations, we shall be glad to hear it.

The COMMISSIONER. Yes, I would like to say something more about that. I find it almost impossible to gain on that number. You will see by my monthly report that on the 1st of July there were 14,000 cases waiting in that division, and now there are 17,400. I got twelve hundred and odd cases in December from my special examiners and 1,249 in January, and yet there are more cases being referred to those special examiners than are returned, and for the reasons I have already stated.

The CHAIRMAN. Would it expedite claims and better secure the ends of justice to have the appropriation and force for that service increased? Is that your opinion?

The COMMISSIONER. I shall have to have it increased, because I can not spare many more men from the office who are fit for that duty. When I detail more than a certain number for that duty I fall behind in the examination of evidence in cases that can be settled on an *ex parte* presentation. I have caught up on that work, and I do not wish to get behind again. There is a bill pending which was introduced by Mr. PETERS, of Kansas, and referred to the Committee on Invalid Pensions, which will be sufficient for that purpose. It provides that there may be one hundred and fifty special examiners appointed by the Secretary of the Interior, who shall be required to be attorneys at law and sufficiently versed in the laws of evidence to be able to take the testimony properly. The bill requires that they shall have that qualification, and that it shall be certified by the judge of the court of whose bar they are members.

The CHAIRMAN. And you would have those appointed from outside?

The COMMISSIONER. Yes; I should never bring them here at all. I would not let a man work in his own State, because if he did work there he probably could not very well divorce himself from politics.

The CHAIRMAN. And would you let these men start in without experience?

The COMMISSIONER. I should confine them to taking testimony, and if I can get lawyers for the service I shall not have to educate them for that. Most of the men that I have sent out were not educated in that way, and they "scatter;" they do not condense the testimony; they bring in a lot of immaterial testimony, matter which it takes time to read and to weed out. If I can have lawyers for that service and can have one hundred and fifty of them for a year, I can get up with the work.

Now, it might be suggested as a remedy to cancel the detail of the men now in the field and let those cases be sent to the circuit court of the circuit in which the claimants reside, and let the testimony be taken by commissioners to be appointed by the judge and let them certify that testimony to the office. I do not see any other way of dealing with the matter unless you leave it entirely under the control of the Pension Office and provide sufficient force.

The CHAIRMAN. Would you advise calling in the circuit court of the United States in cases of that kind?

The COMMISSIONER. I should rather send them to the circuit courts of the States.

The CHAIRMAN. But would you favor calling in the State courts to aid in that work instead of keeping it under the direction of the Department?

The COMMISSIONER. No, sir; I do not wish to be understood as saying that I would recommend that in preference to the other plan. I should very much prefer to have the men under my own control; but if the objections to the appointment of additional men are found to be cogent enough to prevent it, why then some other remedy ought to be devised, and I merely throw out this one by way of a suggestion. The responsibility seems to be on Congress to provide some remedy adequate for the difficulty that will be effective, and put delays to an end.

Mr. CONNOLLY. Your suggestion is that it might be well to have commissioners appointed by the courts to take the testimony and certify it to the Pension Office?

The COMMISSIONER. Yes.

Mr. CONNOLLY. The court would have nothing further to do with the matter but to certify the testimony?

The COMMISSIONER. No, sir.

The CHAIRMAN. That would be only a source of delay.

The COMMISSIONER. I am afraid that it would be so. I think that one hundred and fifty of the right kind of men for a year, if you could give them a good salary so as to be able to command the services of efficient men, and if the Department could have something to say in their selection—for I should not want drunkards, bummers, or men selected haphazard, but men of good clean habits, who know enough about evidence to reject irrelevant matter and confine the proofs to the points in issue—I think if I could have one hundred and fifty of such men for a year I could get the business up.

The CHAIRMAN. The important thing would seem to be to keep politics out of it. If you divide those examiners out between the parties, keeping politics out of the business, the plan, you think, would undoubtedly work well.

Mr. YORK. Any man who dabbles in politics while detailed in this particular work which is so pressing ought to be dismissed.

The COMMISSIONER. That is understood to be the rule now in the administration of the office. I should at once dismiss any man detailed as a special examiner who interferes in any way with politics, because he is expected to give his whole time, day and night, to his work on pension cases, and I regard the administration of the pension business as a sacred trust which would be polluted by the interference of politics in any shape or form in the field or office work.

Mr. BLAND. I move to strike out the last word. I think I remarked last night it was not supposed or expected that this law would be enforced either as preventing political assessments and corruption funds or in making appointments; and the very first opportunity we have to bring its operation to bear in a department that ought especially to be non-political, the very first time if anywhere in the Government this commission could serve the public in a non-partisan character our friends on the other side seek to evade the provisions of the civil-service law. One hundred and fifty clerks, I understand, are proposed right now in this bill to be taken from under the provisions of this Civil-Service Commission. And why? The gentleman says they want lawyers appointed. Can not the Civil-Service Commission recommend lawyers? Does his amendment or the bill propose they shall be lawyers? If there is a political necessity or any other necessity to have lawyers in the Pension Department as examiners, the Civil-Service Commission can recommend them.

Hence I wanted to restate the proposition which I stated last night that this law is to be violated, not respected, in regard to these appointments. And when you come to political assessments it will be evaded in the same way. It stands as a fraud and a humbug in its execution.

Now, sir, if it is a bad law execute it, and I am in favor of executing it. If it is a good law execute it. If it is a good law in one respect, it is a good law in all respects, or ought to be. If it is a bad law, amend or repeal it. If it is a good law, execute it and not attempt to evade it. After pretending you are in favor of civil-service reform and organizing your Civil-Service Commission, the first time you have an opportunity to apply it in any one political department you ask the House to assist you in evading its provisions in order to appoint lawyers as examiners, as if the Civil-Service Commission might not appoint lawyers.

Mr. HORR. This matter was canvassed carefully by the Committee on Appropriations, and I think any man who will give it a moment's thought will see that it is no violation of the spirit of the civil-service law to have these men appointed outside of it. There are certain classes of men who perform work for the Government that you can not select by the examination of a committee. The intention in this case is to select men and only men who have had sufficient experience in the practice of law to make them well qualified to examine testimony and determine its bearing, and to report intelligently to the Department in reference to that.

Does any one here suppose that this commission is adapted to the examination of men in that regard? Does not every one know that it is simply a matter of whether a man has had sufficient legal practice to familiarize himself with the duties of this office which should entitle him to this appointment? School-boys go and are examined for positions as clerks. That is well enough; but here you are examining men to perform judicial functions, to perform duties acquaintance with which can only come from legal practice. It would be simply annulling this law to attempt to get these men appointed through the long processes of the Civil-Service Commission. They should all be in the field and at work in a few days, because this work is now waiting and the Commissioner desires to get these cases through in a systematic manner. There is no idea that the appointments will be political in their nature. The only object is that we may get good men who are versed in their profession sufficiently to do this work and do it well.

Mr. WARNER, of Ohio. What better way is there to ascertain that than through the existing Civil-Service Commission?

Mr. HORR. Why, Mr. Chairman, that commission does not examine men to see whether they are qualified as lawyers to perform this work.

Mr. WILLIS rose.

Mr. HORR. There would be just as much sense, let me say to my friend from Kentucky [Mr. WILLIS]——

Mr. WILLIS. Why can the commission not do that?

Mr. HORR. I might ask you why not have them examine every man that runs for Congress? How many of you would get back if you had to go through the civil-service examination? If we had to answer questions in geography and grammar, where would we all be? Just think of it for a moment. [Laughter.] And yet there would be just as much sense in examining men who are candidates for Congress as there would be in examining men who are to perform judicial work of this kind. Why not apply it to the district judges of the courts of the United States?

Mr. BLAND. The bill does not provide for lawyers. How do we know that they will appoint lawyers?

Mr. HORR. Because that is the kind of men they need.

Mr. BLAND. The bill does not make any provision as to the employment of lawyers.

Mr. TOWNSHEND. Mr. Chairman, if there are any appointments that ought to be scrutinized with care, in order to obtain faithful officers who are strictly impartial and who will discharge their duties conscientiously without reference to politics, bias, or other considerations than simply to do justice to the applicant for a pension and justice to the Government, it is the appointment of these special examiners. Now, I am willing to say that so far as my observation goes, the present Commissioner of Pensions is a very fair and upright man in the administration of the affairs of his office. I do not believe he is influenced by political considerations in the granting of pensions or in the discharge of the duties pertaining to that service.

But, Mr. Chairman, these special examiners are appointed upon the recommendation of those who hold political influence in the party in power. It is upon the recommendation of politicians that these special examiners are appointed. The Commissioner is not acquainted in the different districts through the country. He must generally rely upon the recommendations of politicians of the Republican party to make these appointments. Therefore, Mr. Chairman, I am satisfied there is danger of appointments being made of men who are unfitted because of their political prejudices. I am driven to this conclusion by circumstances which have come within my personal knowledge.

There is a soldier in my district whose name I could give, and I could also give his post-office address, who has written to me that the special examiner, when he came to examine him, ascertained that he was a Democrat and held out to him reasons, or rather endeavored to lead him to believe that it would be better for his interest as an applicant for pension for him to change the manner in which he casts his votes.

Several MEMBERS. Give his name.

Mr. TOWNSHEND. I do not intend to give names. I only assert the fact which it is in my power to prove.

Mr. BOUTELLE. Have you reported that case to the Department?

Mr. TOWNSHEND. I can give the name and will give it in private to any gentleman who may demand it, and I will give it to the Commissioner of Pensions himself.

Mr. STRUBLE and others. Give the name now.

Mr. TOWNSHEND. I exonerate the Commissioner of Pensions from all blame of this kind. The examiner was no doubt appointed on the recommendation of a politician who looked more to the service which he might render to the Republican party than he did to securing justice to the pensioner or to the Treasury.

In order to guard against such abuses creeping into the public service, I hope the gentleman from Pennsylvania [Mr. RANDALL] will insist upon his amendment, so that if there be any virtue in this civil-service reform commission it may prevent such abuses from being practiced.

I say to gentlemen here that if they wish to know the name of the soldier I can give it. I know him personally and have his letter on file in my room, and I can give the name of the special examiner also.

Mr. BOUTELLE. If you had done your duty you would have reported the name to the Commissioner before now.

Mr. TOWNSHEND. I refer to it only to convince gentlemen that there are abuses of this kind which ought to be guarded against.

[Here the hammer fell.]

Mr. CALKINS. In discussing the particular question before the Committee of the Whole, I desire to say that for my own part I do not care one farthing whether these examiners are appointed by the Civil-Service Commission or directly by the Secretary of the Interior. If the service requires this number of men the Commissioner of Pensions ought to have them.

But I rise more particularly to address some remarks to the latter part of the remarks of the gentleman from Illinois [Mr. TOWNSHEND] who has just taken his seat. If there is a man in the service, especially in the pension service, who is guilty of the crime which the gentleman from Illinois has alleged against one of these examiners, he ought not only to be exposed on the floor of the House but he should be published from one end of the country to the other. [Applause.] And I demand the name, so that I, if nobody else will do it, may demand his immediate dismissal. If there be a man in the public service who will refuse to grant to a soldier the poor right which he has under the pension laws of getting a pension, simply because of his politics, that man ought to be served worse than we used to serve men in the Army who had deserted and who were drummed out of camp with "D" branded on them.

No man has a right to make a charge of that kind against any public officer without being able and willing at once to give the name of the

man. I stand here for the good, the glory, and the honor of that Pension Department in its dealings with the poor soldiers who have been in the service of my country.

Mr. TOWNSHEND. Let me say to my friend that I will present him the letter from the soldier who made this charge. It is in my room now, and I will show it to him. And since he has demanded it, I will submit it to the Commissioner of Pensions.

Mr. CALKINS. I can not yield longer to the gentleman. I believe he has already made that statement. What I demand is not the letter from the soldier, but the name of the man guilty of that charge.

Mr. CANNON. Will my friend ask the gentleman from Illinois [Mr. TOWNSHEND] whether he will indorse the truth and reliability of the statement of that soldier?

Mr. TOWNSHEND. I will say this, that I know the soldier personally. He was a brave and good soldier; I believe him to be an honest and truthful man. I am willing to say that of the soldier.

Mr. CALKINS. It would seem to me that the proper course to pursue in this matter, if there has been any such act as that complained of by the gentleman from Illinois, would be, not in the first place to make a charge of that kind on the floor of this House, for the gentleman will see that it not only reflects upon one man, but incidentally it draws in question the action of the Pension Department, a thing which I am sure the gentleman does not intend to do.

Mr. TOWNSHEND. I especially disclaimed any such intention.

Mr. CALKINS. And I say to the gentleman that the proper thing for him to have done was to have made the application directly to the Department in order to get rid of an unworthy employé of this kind, for no man in this country, I do not care to what party he belongs, would ever sanction any such conduct on the part of any one.

[Here the hammer fell.]

Mr. COSGROVE. A short time ago in this House we had under consideration a bill reported by the gentleman from Ohio [Mr. WARNER] from the Committee on Pensions, Bounty, and Back Pay. One of the reasons which induced me to support that bill was the statement of the Commissioner of Pensions that if it should become a law a large number of the special examiners then on duty could be dispensed with. That bill was passed by the House and is now awaiting the action of the Senate. If it is to become a law, it seems to me there is no necessity whatever for this increase of force. For that reason I shall support the amendment of the gentleman from Pennsylvania. But I would much prefer that the entire provision should be struck out, because if the statements of the Commissioner of Pensions before the committee which reported the bill I have mentioned were true, as I have no doubt they were, these officers will certainly be unnecessary if that bill shall become a law. I am not in favor of increasing these special examiners unless there is some public necessity for it. If the bill which is now awaiting the action of the Senate is acted upon favorably by that body, then, in my judgment, there is no necessity for this increase of this force, and the whole of this provision of the bill should be stricken out.

Mr. LONG. Mr. Chairman, as we have just entered upon the civil-service system, I think we had better not invade it at this early time. On the other hand, some good reasons have been given why there should be a change in the method of appointing these special examiners. It is admitted on all hands that they should be men skilled in the law. It is further admitted by every one that they should be appointed at once, so that they may enter upon their duties immediately. In order to meet these two points—first to preserve the system, and, second, to meet the necessity for the immediate appointment of special examiners skilled in the law—I propose as a substitute for the amendment of the gentleman from Pennsylvania to strike out the words "appointed on the recommendation of the Commissioner of Pensions by the Secretary of the Interior, who shall have full power to remove or suspend such appointments," and insert "summarily appointed under the direction of the Civil-Service Commission, and shall be skilled in the law." The clause will then read:

The said special examiners shall be summarily appointed under the direction of the Civil-Service Commission, and shall be skilled in the law, and that no person so appointed shall be employed in the State from which he is appointed.

Mr. WILLIS. Mr. Chairman, I desire only to call back the House for a moment to the proposition that is now pending. It seems to me that no gentleman on this floor who considers that proposition can deny its justice.

The gentleman from Michigan [Mr. HORR] starts out with a false assumption. He assumes that this one man who under the bill as reported would have the appointment of these examiners would do better in making these appointments than the three men constituting the Civil-Service Commission. Where does he find a warrant for that assumption? Where does he find his authority for assuming that the Civil-Service Commission will subject applicants to an examination as absurd as that he details? Upon what authority does he assume that they will not conform their examination in this case to the character of the duties to be performed by those examiners?

The officers of the Civil-Service Commission vary their examinations. The examination of a person seeking to be a custom-house clerk is different from the examination of a candidate for the position of post-office clerk. I therefore can not see the force of the objection which the gentleman from Michigan urges against the amendment of the gentleman from Pennsylvania, and certainly the objection has no force as applicable to the substitute proposed by the gentleman from Massachusetts [Mr. LONG].

This Civil-Service Commission appointed under a law of Congress is, if you please, a Republican body; but it deserves our confidenee. It has by its work entitled itself to our confidence. And shall we now, in the very first step that we make for the appointment of new officers, throw discredit upon the character of this commission by excepting from its operations one hundred and fifty officers? I say no; let us trust that commission. In this democratic government we should always trust a number of men in preference to a single man.

The bill proposes to confide these appointments to the discretion of a single man, without any rule to govern the exercise of his discretion. It is proposed, by way of amendment, that the appointments shall be confided to a commission acting under the sanction of an oath, governed by rules and regulations, and responsible for its action to the American people. I believe that the substitute submitted by the gentleman from Massachusetts should receive the support of members on both sides of this Chamber.

The CHAIRMAN. The question will be first on the motion of the gentleman from Massachusetts [Mr. LONG], which is to perfect the paragraph.

Mr. BOUTELLE. Mr. Chairman, I think this House will have reason to deprecate the intrusion of partisan debate upon a proposition of this kind, to provide the means for adjudicating some 15,000 pension claims, many of which have been delayed for more than one year.

I think there are very few members on this floor who have not had their attention repeatedly called to the absolute and pressing need of an immediate addition to the force of special examiners. A statement prepared at the Pension Office shows that on the 1st of last April there were 15,000 cases behindhand, awaiting the action of the special examiners to whom they have been assigned—an average of over seventy-four cases to each examiner—with no possibility that a majority of these cases could be reached within six months at least, and a probability that the consideration of some of them might be prolonged over two years.

I have been waiting for this proposition to come up and be acted on with an impatience stimulated by the appeals which have come to me from every part of my district and State, from men, women, and children who deserve to have their claims adjudicated by the officers of this Government, and the same state of facts is found in nearly every other State of this Union.

Now, Mr. Chairman, for gentlemen to seize upon this proposition to air their partisan eloquence, for men to undertake on a question of this kind to raise a political battle-cry or make a partisan harangue, seems to me to be beneath the dignity of a deliberative body. To intelligent observers who have noted the industry and persistency with which this Democratic House has labored to so act on every great question as to render the election of a Republican President this year inevitable the allegation that the appointment of one hundred and fifty pension clerks is favored on this side for partisan purposes will appear too absurd for consideration.

Why, the idea that the Republican party should desire to use one hundred and fifty appointments of clerks for partisan purposes in this campaign ought to excite a smile of derision on the face of every man.

Mr. GIBSON. I ask the gentleman to yield to me.

Mr. BOUTELLE. You can have an hour after I have finished. Any man who has sat on this floor for the last five or six months and noticed the alacrity with which the Democratic party has been rendering the election of a Republican President inevitable must smile at the suggestion that we feel the need of utilizing the appointment of one hundred and fifty clerks for political purposes. But I dismiss that.

Now, in regard to the appointment of these clerks, I imagine the object of the committee in providing that the Commissioner of Pensions shall make the appointments was governed solely by the desire to have them made as speedily as possible and by the officer who best knows the class of persons from which to make them. The whole case of the objection to this mode of appointment, it seems to me, has been conceded away by the distinguished gentleman from Massachusetts [Mr. LONG], who admits that there should be exceptional provision in this case, and who proposes to bridge over the difficulty by an amendment providing that the Civil-Service Commission shall "summarily" appoint these examiners. The distinctive and special feature of the operations of the Civil-Service Commission system consists in the competitive examinations, conducted under special regulations, the application of which must of necessity be slow. If you are to have clerks "summarily" appointed, without the preliminary examinations and other conditions provided by the civil-service law, of course the Commissioner must be better able than any other person to make judicious selections.

I appeal, therefore, to the House not to fritter away the opportunity of doing something for which many disabled soldiers of the country, for which the widows, mothers, and orphans of soldiers are anxiously waiting. Let us have these one hundred and fifty additional examiners. I do not care whether they are Democrats or Republicans; but we want men who can intelligently take evidence and ascertain the merits of these

cases; we want men competent to impartially deal in collecting *ex parte* testimony; and most of all we want men of the highest integrity, men who can be trusted to do justice in every case assigned to them. I believe the Commissioner knows better than any other who are best fitted for this work; that he can best ascertain the antecedents, character, and special qualifications of the men; and that he should be invested with the responsibility and required to organize and put at work as promptly as possible a corps of competent examiners to dispose of the cases so long and grievously delayed for lack of this additional force.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose; and a message from the Senate, by Mr. SYMPSON, one of its clerks, announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5261) making appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

It further announced concurrence in the amendment of the House to the bill (S. 783) to increase the pension of John Algoe.

It further announced it had passed with amendments the following bill and joint resolution; in which concurrence was requested:

A bill (H. R. 1761) to amend section 2743 of the Revised Statutes; and

Joint resolution (H. Res. 255) appropriating the further sum of $100,000 for the sufferers by the overflow of the Mississippi River.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The committee resumed its session.

Mr. WARNER, of Ohio. I ask the gentleman from Massachusetts to substitute for "summarily" the words "without delay."

Mr. BOUTELLE. What difference does that make? It is a mere juggle of words.

Mr. HEWITT, of Alabama. If the examiners in the Pension Bureau would perform their duty to the pensioners of the country the docket would soon be cleared. One hundred and fifty examiners ought to examine every case that is pending in that Pension Bureau in twelve months and dispose of them—that is, if they would perform their work as they ought to do. Any examiner at all expert in taking evidence can examine five cases a day, and at the rate of five cases a day 225,000 cases ought to be disposed of in a year. I can say to the House and the country, and to the soldiers especially, the reason why their cases are pending in that bureau, without being disposed of, is that if they were finally disposed of Othello's occupation would be gone! These men then would have nothing to do. Hence it is to their interests and the interest of these examiners who are to be appointed not to dispose of all cases, but to keep as many on hand as possible.

Now, Mr. Chairman, I assert without fear of successful contradiction if the board of examiners in that bureau would do their duty to the soldiers of this country they could dispose of every one of these cases and give every solitary individual soldier who is entitled to it his pension within twelve months.

Again, sir, the gentleman from Indiana asks for a special case where a man had been dropped from the rolls because of his politics. Now, I propose to give him one, according to the report of the Committee on Invalid Pensions; and I believe the report was submitted by the gentleman from Kansas [Mr. MORRILL]. This is for the information of the gentleman from Indiana, who demanded a specific case, and I now propose to satisfy him. If you will examine the CONGRESSIONAL RECORD of May 10, on page 4444 you will find the following, which I send to the Clerk's desk to be read, in the report of the Committee on Invalid Pensions, and I believe submitted, as I have said, by the gentleman from Kansas [Mr. MORRILL]. The bill in this case passed the House and the man was restored to the pension-roll.

The Clerk read, as follows:

On the 23d day of December, 1873, pension was allowed by the Department, but a few months later it was supended, one Ellis claiming that it was improperly granted, and an investigation by a special examiner was ordered. The evidence shows clearly that a very bitter feeling existed between claimant and certain parties on account of the active part claimant had taken in political contests.

The special examiner seems to have fallen into the hands of these parties and to have made the mistake of supposing that he was sent for the special purpose of preventing claimant from receiving a pension instead of that of making a full and thorough investigation of the case and of ascertaining the exact truth in the matter.

Mr. HEWITT, of Alabama. Now read the bill, so as to show the name of the party for the information of the gentleman.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name William B. Keith, late second lieutenant of Company E, Tenth Regiment of Kansas Volunteer Infantry, said pension to commence from the date when his name was dropped from said roll.

Mr. HEWITT, of Alabama. I hope that will be a satisfactory response to the gentleman.

Mr. HOLMAN. I ask unanimous consent that debate on this paragraph be terminated in ten minutes.

There was no objection, and it was ordered accordingly.

Mr. CANNON. Mr. Chairman, I only want a very little time with reference to this subject. I have already said that there are now pending some 15,000 cases awaiting the action of these special examiners in the office. I have also said it is not contemplated that these one hundred and fifty examiners provided for by the bill will remain in office for a period longer than one year, and if you select them under the rules of the Civil-Service Commission it will be from four to six months before they can be in a condition to enter upon the work. I do not care what gentlemen say back and forth in this debate; this is in the path of the civil-service law, and all I desire to get at is the more steady and effective way of having this work done. What the soldiers want, and what everybody else wants throughout this country, is to have these cases promptly and properly examined. If you take these young lawyers, who can be obtained for $1,600 a year, as the Commissioner of Pensions recommends in his letter, which I have already had put into the RECORD, they can enter upon the work at once. But for the purpose of embarrassment, in this discussion back and forth here between the different sides of the House, if you burden this bill as the gentleman from Pennsylvania proposes, it will be found that months must elapse before the one hundred and fifty men can be utilized; and in the mean time the only party interested in this matter, the soldier himself, that wants his claim examined and adjusted, is to be kept standing and waiting. I hope this bill will not be amended in the manner proposed, and I appeal to the committee in behalf of the soldiers of this country not to do it.

I now yield such time as he may want to the gentleman from Indiana [Mr. CALKINS].

Mr. CALKINS. Mr. Chairman, I do not exactly get at the pith or the point of what the gentleman from Alabama has said with reference to the dismissal or dropping from the roll of the name of the man to whom he has referred, on account of partisan prejudice. I am informed by the gentleman who made the report, and if I am mistaken in that I hope he will correct me, that Mr. Keith, the gentleman whose name was restored to the roll, was an intensely bitter Republican. I am further informed that he got into some factional fight over there on the border between Missouri and Kansas, and when the examiner came along he fell in with the enemies of Mr. Keith, and in this respect if I am wrong I hope the gentleman from Kansas will also correct me. I am therefore at a loss to know exactly what point the gentleman from Alabama made. Not apprehending what it is, I will yield the floor.

Mr. CANNON. How much time have I remaining?

The CHAIRMAN. The gentleman from Illinois has two minutes of his time remaining.

Mr. CANNON. I will yield that to my friend on my right, who wishes to be heard for a moment.

Mr. HOLMES. Mr. Chairman, there are, it seems to me, pertinent reasons for supporting this report as it was originally made by the Committee on Appropriations, and certainly no good reasons have been assigned in my judgment for changing it. It is proposed now to relegate the matter of the appointment of these special examiners to the Civil-Service Commission. I believe there is one gentleman upon that commission who is an attorney and counsellor at law; but I do not understand that the commission is composed of lawyers. Such is my information. I do not understand that a man is qualified to examine an applicant for these places, to say whether he is competent to perform the duties of an attorney such as these cases require, unless he is himself acquainted with that profession or branch of the law.

It may be said, on the contrary, that the Commissioner of Pensions is not himself a lawyer. That may be, but this matter has been made a specialty by the Commissioner of Pensions, and there are many other duties than those of a lawyer that enter into the performance of the functions of his office. They are duties that do not require the services of a lawyer, and which can as well be performed by any other man of equal ability.

But there is a provision that seems to be overlooked in connection with this suggestion of the gentleman from Pennsylvania. Under the terms of the law the Commissioner is entitled to dismiss a man whom he finds to be incompetent to perform the duties assigned to him. But if these applicants now to be provided are to be selected by the Civil-Service Commission, who would be entitled to dismiss them if they are found to be incompetent? If they can pass a satisfactory examination under the rules laid down by the commission in geometry, algebra, in history, and on other subjects embodied in the rules, they would be entitled to appointment. But if found to be incompetent to fill the positions to which they are assigned and which require special fitness apart from general intelligence, there is no provision for dispensing with their services.

Is there any charge made that in the appointments heretofore the Commissioner of Pensions has been incompetent? In the case alluded to by the gentleman from Illinois, he does not pretend that he brought it to the notice of the Commissioner of Pensions, or that there has been any demand made for justice and it has been refused.

There can be no office or class of offices in which some malfeasance will not creep in, and it does certainly seem that this is by far the best way to appoint these examiners.

I can not in the moment allotted to me speak of this question in connection with the assumptions gentlemen have made of its political character. If this is to go to the Civil-Service Commission, as the gentleman from Illinois has said, we must wait for some time, and every State in the Union must have its examination and representatives in this addition to the pension examiners. The Commissioners must take so

many from each State of the Union. They must hold examinations at remote points, and but one or two of the commissioners can be present at one time. And it is evident there would be a great deal of delay before the provisions of this bill could be carried out.

Mr. RANDALL. I yield two minutes to the gentleman from West Virginia [Mr. GIBSON].

Mr. GIBSON. During the remarks of the gentleman from Maine [Mr. BOUTELLE] I desired to ask him a question, in answer to which I received a very polite reply that I might have an hour to speak if I chose. Beyond returning to the gentleman my thanks for such politeness I have not time now to address myself to the question which I proposed to ask him.

I want to say in advocacay of the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL] that there is no reason why the examiners to be appointed under this act shall not be subject to the same rules of examination as apply to any other officers in the Government. I know no reason why the examiners in the Pension Department are not subject to the same human frailties and the same political prejudices and the same political partialities as officers in any other Department of the Government. And I know one thing, and have seen it, and my State has felt it, that officers belonging to the Department of Justice have been used as a political machine all over that State. Instead of attending to the business of the courts, instead of attending to the business belonging to the revenue department, they have been attending to political affairs.

I do not mean to say that these men connected with the Pension Department are any more political than men belonging to any other Department. But if there ought to be civil-service reform in one Department, or if it should be applied to one set of men, the same principle will require that it should be applied to others.

There is no good reason for applying a different rule to these appointments. If you want lawyers, here is a board of examiners that can select them equally as well as the Secretary of the Interior. There is no difficulty in selecting them, no trouble in reaching them, no delay in it. The service can not be hindered. And it will relieve the service of all chance of any charge of unfairness or political motive in it. Gentlemen who are in favor of civil-service reform ought to support and adopt either the amendment of the gentleman from Pennsylvania [Mr. RANDALL] or the amendment of the gentleman from Massachusetts.

Mr. BOUTELLE. Did I understand the gentleman from West Virginia to say that he asked me a question?

Mr. GIBSON. Yes, sir.

Mr. RANDALL. There is no disposition on the part of the committee to prevent or retard the early examination of all these numerous pension claims. There are already two hundred and sixty examiners of this sort, and for a year the Committee on Appropriations are willing there should be one hundred and fifty more. Those two hundred and sixty examiners are not required to be lawyers. This debate seems to have run on the belief that the men to be appointed must be lawyers. The truth is, men of integrity and common sense possess qualities quite sufficient for this duty. But I want to say that I for one object altogether to the idea that they must have a lawyer's license, and that they must be technically skilled in the law.

Mr. HISCOCK. Will the gentleman allow me to inquire if he does not think it would be better to have these examiners from the force already employed?

Mr. RANDALL. That touches the very point; under the act of 1882, if I recollect correctly, the Commissioner to-day has the power of detailing men from the office for this duty.

Mr. MATSON. Any number he pleases.

Mr. RANDALL. He has the power of detailing men well skilled and qualified for such duties as the gentleman from Indiana [Mr. MATSON] says to any number that is necessary, and I hope that kind of men will be appointed. Then if there are to be outside selections in addition of men to take the place of those selected in the office and detailed away from the office, those appointments ought surely to be made under the existing law.

Mr. HISCOCK. The very point I desire to make to the gentleman from Pennsylvania is this: will not the practice be continued of detailing the skilled service from the office to do this work, and then if new appointments are made in the service will they not be made under the civil-service law?

Mr. RANDALL. If the gentleman will so provide in this bill I suppose there will hardly be any objection to it.

Mr. CANNON. Oh, no! These special examiners are only to be employed for a year, and you could not get regular clerks who have permanent employment to accept service in that way, because they would have to go out of employment at the end of the year.

The CHAIRMAN. The time fixed for debate on the pending paragraph has expired.

Mr. RANDALL. I desire to modify my amendment. I want also to strike out from the paragraph, in line 1823, the words "at an annual salary" and insert the words "for one year at a salary;" so that it will read:

For an additional force of one hundred and fifty special examiners for one year, at a salary of $1,600 each.

Mr. MCMILLIN. I wish to ask the gentleman from Pennsylvania what is the reason for giving these officers $1,600 a year when a salary of $1,400 is given to the two hundred and sixty now in the field, especially when we remember the fact that in addition to the $1,600 they get their expenses, which would amount to about $1,000 more.

Mr. RANDALL. I do not consider myself in any way responsible for any part of this paragraph.

Mr. MCMILLIN. I am glad to hear the gentleman say so, for there is certainly no need of it. These men have been in the service a long while and their aggregate salary now is about $2,400 a year each.

The CHAIRMAN. The time for debate on the pending paragraph has expired. The gentleman from Pennsylvania proposes to modify his amendment. The Chair would suggest to him that the proposition to strike out should be submitted last.

Mr. RANDALL. Certainly.

The CHAIRMAN. The Clerk will now report the first amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out the words "at an annual," and insert in lieu thereof the words "for one year, at a;" so that it will read:

"For an additional force of one hundred and fifty special examiners for one year, at a salary of $1,600 each," &c.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Massachusetts [Mr. LONG] to perfect the text of the proviso before the question is taken on the motion to strike out.

Mr. LONG. I have modified my amendment and submit it now in that modified form.

The Clerk read as follows:

Amend the first proviso by striking out the words "appointed on the recommendation of the Commissioner of Pensions, by the Secretary of the Interior, who shall have full power to remove or suspend such appointments," and inserting in lieu thereof the words "summarily appointed by the Secretary of the Interior under direction of the Civil-Service Commission, and shall be familiar with the rules of evidence;" so that it will read:

"*Provided*, That said special examiners shall be summarily appointed by the Secretary of the Interior under the direction of the Civil-Service Commission, and shall be familiar with the rules of evidence," &c.

The amendment was not agreed to.

The CHAIRMAN. The question now recurs upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] to strike out all of the first proviso down to and including the word "appointment," in line 1828.

The question was taken; and upon a division there were—ayes 99, noes 44.

Mr. CANNON. I must demand a further count. And pending that I ask that the paragraph may be read as it will be if amended as proposed by the gentleman from Pennsylvania.

Mr. RANDALL. I think it is understood now.

Mr. CANNON. A number of gentlemen on this side of the House do not understand it.

The CHAIRMAN. The paragraph will be read as proposed to be amended.

The Clerk read as follows:

For an additional force of one hundred and fifty special examiners for one year, at a salary of $1,600 each, $240,000; and no person so appointed shall be employed in the State from which he is appointed: *Provided*, That all of said appointments shall be temporary and on probation.

Tellers were ordered; and Mr. RANDALL and Mr. CANNON were appointed.

The committee again divided; and the tellers reported that there were—ayes 107, noes 31.

Mr. CANNON (one of the tellers). I do not ask for any further count.

So (no further count being called for) the amendment was agreed to.

Mr. HOLMAN. In order to avoid any misapprehension as to the meaning of this legislation, I move to amend by adding the words "that the Secretary of the Interior may detail from persons now employed in the bureau of the Commissioner of Pensions persons to perform the duties of special examiners."

Mr. MCMILLIN. Is not that already the law?

Mr. WILLIS. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIS. It changes existing law. If there is such a law now, then there is no need of this amendment; if there is not such a law, then the amendment is not in order under the rule.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] will reduce his amendment to writing.

Mr. HOLMAN. This is the amendment which I propose to offer. At the end of the paragraph insert the following:

That the Secretary of the Interior may detail persons employed in the bureau of the Commissioner of Pensions to act as special examiners in lieu of those authorized by the foregoing provision.

The CHAIRMAN. The point of order is made that this is new legislation. Does the gentleman insist upon his point of order?

Mr. WILLIS. I do. As I understand the amendment, I think it does not improve the situation.

The CHAIRMAN. This is evidently new legislation, and the Chair sustains the point of order.

Mr. HOLMAN. I think that before we get through with the matter gentlemen will find out that this is very important.

The Clerk read the following:

That hereafter there shall be allowed not exceeding $3 per day for subsistence and other actual and necessary expenses, not including transportation, to special agents in the customs and internal-revenue service in the Treasury Department, special agents of the Post-Office Department appointed under section 4017 of the Revised Statutes, agents investigating claims under the Quartermaster-General, special agents, inspectors, and examiners in the Interior Department, the Department of Justice, and in the Department of Agriculture when they are actually engaged in traveling or absent from their established posts of duty, on the business of the Government.

Mr. MATSON. I move to strike out the paragraph just read and to insert in lieu thereof that which I send to the Clerk's desk.

The Clerk read as follows:

That hereafter there shall not be allowed to any special agent of any of the Executive Departments, when they are actually engaged in traveling or absent from their posts of duty on the business of the Government, for subsistence and other actual and necessary expenses, not including transportation, any sum exceeding the amount actually expended, in no case to exceed $3 per day; and sworn itemized statements of such expenses shall be presented at the end of each month by each of said special examiners so engaged to the proper accounting officer of the Treasury.

Mr. HOLMAN. That is a very good provision.

The amendment was agreed to.

The Clerk read the following:

United States Patent Office: For compensation of the Commissioner of the Patent Office, $5,000; for assistant commissioner, $3,000; for chief clerk, $2,250; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner and examiner of designs, at $2,400 each; twenty-three principal examiners, at $2,400 each; twenty-six first assistant examiners, at $1,800 each; twenty-six second assistant examiners, at $1,600 each; twenty-six third assistant examiners, at $1,400 each; twenty-five fourth assistant examiners, at $1,200 each; one financial clerk, $2,000, who shall give bonds in such amount as the Secretary of the Interior may determine; one librarian, $2,000; three chiefs of division, at $2,000 each; three assistant chiefs of division, at $1,800 each; two clerks of class 4; one machinist, $1,600; four clerks of class 3 (one of whom shall be translator of languages); fifteen clerks of class 2; forty-five clerks of class 1; one skilled laborer, $1,200; four skilled draughtsmen, at $1,200 each; three draughtsmen, at $1,000 each; one messenger and property clerk, $1,000; thirty-two permanent clerks, at $1,000 each; five model attendants, at $1,000 each; ten model attendants, at $800 each; seventy-five copyists, six of whom may be copyists of drawings; four copyists, at $720 each; fifty-one skilled laborers, at $720 each; forty-five laborers, at $600 each; forty laborers, at $480 each; in all, $546,850; and the Commissioner of Patents may, in his discretion, after such examination as he may prescribe, promote persons now employed in the Patent Office and performing duty as copyists and who have been in the service a year or more.

Mr. HOLMAN. I make the point of order on the first clause of the paragraph just read increasing the compensation of the Commissioner of the Patent Office to $5,000, $500 more than it is under existing law. I feel compelled to make the point of order, because this is doing an injustice to other heads of departments. The salary of the Commissioner of Indian Affairs and of the Commissioner of the Land Office is only $4,500 a year, and to increase the salary of the Commissioner of the Patent Office, it seems to me, would be very unjust to these other officers.

Mr. CANNON. Various officers connected with this House have had their salaries increased in this bill—one of them from $1,200 to $2,000. Now, here is a proposition in behalf of a very worthy and hard-worked officer. The increase should be made. I hope the gentleman from Indiana will withdraw his point.

Mr. HOLMAN. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. VANCE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend line 1857 so it will read, after the word "each," "twenty-seven principal examiners; thirty-two first assistant examiners; thirty-six second assistant examiners; forty-one third assistant examiners; fifty fourth assistant examiners."

Mr. HOLMAN. I make a point of order upon the amendment.

Mr. CALKINS. Mr. Chairman, I hope my colleague [Mr. HOLMAN] will withdraw the point of order and allow these extra officers to be appointed. The business of the Patent Office is now very much behind.

Mr. HOLMAN. I insist on the point of order. I hope my colleague will allow us to go on with the bill.

Mr. CALKINS. I will do so, if my friend says he intends to insist on the point of order.

Mr. HOLMAN. I must insist on it.

Mr. VANCE. I desire to ask the gentleman in charge of this bill [Mr. HOLMAN] whether he intends to raise points of order upon all amendments increasing the force of the Patent Office. If he does, it is unnecessary for me to take up time in offering such amendments.

Mr. HOLMAN. I must oppose all increases of officers or salaries.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. Yesterday in the consideration of this bill two subjects were passed over—the reduction of revenue districts and the salary of the First Assistant Secretary of State. Although we have not concluded the reading of the bill, I ask unanimous consent that we now go back to those subjects before we are left without a quorum.

The CHAIRMAN. The Chair hears no objection.

Mr. CURTIN. I move to amend by striking out, in line 432, the words "four thousand dollars," and inserting "$4,500;" so as to make the salary of the First Assistant Secretary of State $4,500.

Mr. BLOUNT. I reserve a point of order on this amendment.

Mr. CURTIN. It is not liable to a point of order. My amendment proposes to give the First Assistant Secretary of State in this bill the same salary he now receives. It is the same salary received by assistant secretaries in the Treasury Department; it is the salary paid to the Commissioner of Railroads. I know no just reason why this salary should be reduced while all the other salaries in the Department of State are allowed to remain as they are now.

The office of First Assistant Secretary of State is one of very great importance to this country. It is an office demanding great experience and talent and intelligence of the first order, for the various details of this leading Department of our Government are submitted to the care of this officer.

I am aware of no reason why the salary of the present incumbent of this office should be reduced. I have great pleasure in saying that in the course of my official relations with him he has impressed me with his high qualifications for the discharge of all the duties of his position. I doubt very much whether you could obtain for less than the present salary a gentleman equal to these duties.

But more than that, I do seriously object to singling out this official among all those in the State Department and reducing his salary, while the others are allowed to remain as at present. Especially is there no reason for this when the assistant secretaries in the Treasury Department receive each the salary which my amendment proposes to pay this gentleman. If the appropriation be made as proposed in the bill, it will look as if the present incumbent were not performing his duties properly. I do not understand that any such charge can be made against him. On the contrary, I think it will be admitted by all those who have had business in the State Department that his duties are admirably and promptly performed.

I appeal to the good sense and justice which should control us all in our official action. I hope we shall adopt this amendment and not single out, as the bill proposes, one officer in this whole Department for a reduction of salary.

Mr. HOLMAN. I am very glad that my friend from Pennsylvania [Mr. CURTIN] puts the objection to this reduction of salary upon the ground that it seems to be a discrimination against one of the three assistant secretaries of State.

But on that ground my friend will see how utterly untenable is his position.

Three years ago, when the salaries of the three assistant secretaries of State were $3,500, and their duties substantially the same (there being really no difference in the official grade except as to the manner in which the offices were numbered) the salary of the First Assistant was increased by the addition of $1,000, making it $4,500, leaving the other two salaries untouched. The only effect of the provision contained in this bill is to leave this gentleman's salary still $500 higher than the salary of his two associates. Each of these other gentlemen, in regard to whom the same pleasant things which my friend has said in regard to the First Assistant may truly be said, receives now $3,500. The only unfairness in this matter is that under the bill the salary of the First Assistant will be $4,000 and that of the other two $3,500.

The committee thought that under the circumstances this reduction of $500 should be made. That is the basis on which the matter stands. I think the Committee of the Whole will see that it would be eminently proper and just to restore these salaries to what they formerly were, because the occasion for increase of salary passed by more than two years ago.

Mr. MORSE. Mr. Chairman, I hope the amendment offered by the gentleman from Pennsylvania will be adopted. This is a case different from ordinary ones. This man is not a mere clerk; he can not afford to take into a free lunch the guests who naturally come to him on account of his position. His position is that of a gentleman. He is expected to wear decent clothes. It is not a money-making place. He spends more than he receives. His salary should be increased.

Mr. KASSON. A distinction should be made between this Assistant Secretary and the assistant secretaries of other Departments from the fact in the other Departments they are not changed with their chief. This officer comes and goes with his chief. In addition, during the season of the year when the heads of Departments are away he remains and is continually at work doing the duties of the Secretary himself. A distinction was made originally, and ought always to be made, in favor of this Assistant Secretary. It is only the same rate paid to the Assistant Secretary of the Treasury.

I am glad to second the amendment of the gentleman from Pennsylvania.

Mr. HOLMAN. Let us have a vote.

The question recurred on Mr. CURTIN'S amendment.

The committee divided; and there were—ayes 86, noes 34.

So the amendment was agreed to.

Mr. HOLMAN. No quorum; but I will not make the point, only giving notice I will call for a vote in the House.

The CHAIRMAN. The Clerk will now read the paragraphs passed over last evening included between lines 839 and 854.

The Clerk read as follows:

For salaries and expenses of collectors and deputy collectors, $1,800,000: *Provided*, That from and after the 30th day of June, 1884, there shall be no more

than sixty-three collection districts, and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid in the manner heretofore provided by law.

For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and for miscellaneous expenses, $2,264,000; and hereafter there shall not be employed exceeding twenty-five agents in lieu of the number authorized by section 3152 of the Revised Statutes as amended by the act approved June 19, 1878.

Mr. THOMPSON. I offer the following substitute for that portion between lines 839 and 846, inclusive.

The Clerk read as follows:

That the President is hereby authorized and directed to consolidate and reorganize the customs collection districts of the United States, on or before the 1st day of October, 1884, so that the same shall not exceed in number sixty-nine.

And the President shall fix the boundaries of such reorganized districts and designate ports of entry therein, and shall also, from time to time, designate ports in each of such districts at which deputy collectors may be stationed to receive duties and other moneys, enter and clear vessels, and perform such other services in relation to the customs and navigation laws as he may deem necessary; and he shall give notice of the boundaries and designations of such reorganized customs districts, and said ports when so designated shall have all the privileges of ports of entry and delivery.

And the President is authorized and directed to discontinue the services and abolish the offices of such collectors, surveyors, and appraisers as may be necessary to conform to the number of collection districts herein provided for, and to designate places of deposit for the records and files pertaining to those collection districts which may be abolished pursuant to the provisions of this act.

Sections 2648 and 3687 of the Revised Statutes of the United States, together with all laws or parts of laws authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites of whatsoever name and nature, are hereby repealed, to take effect on the 1st day of July, 1885; and all fees collectible by law shall thereafter be accounted for and paid into the Treasury as money belonging to the United States; and the Secretary of the Treasury is hereby authorized to provide for the collection of such fees by the use of stamps, under such regulations as he may prescribe.

And it shall be the duty of the Secretary of the Treasury to include in the regular Book of Estimates for the fiscal year ending June 30, 1886, and each fiscal year thereafter, estimates specifying in detail the number and class of officers and employés of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specifically provided for: *Provided*, Nothing in this act shall prevent the shipment of merchandise to ports of delivery heretofore established by law.

Mr. RANDALL. I would like to suggest to the gentleman from Kentucky, with his permission, the propriety of limiting debate upon the amendment. With his consent I will ask that all debate be closed within thirty minutes. I suppose the other side will not object to this, since the proposition was debated at some length on yesterday.

Mr. LONG. Mr. Chairman, I rise to a point of order with reference to this amendment.

The CHAIRMAN. The gentleman will state it.

Mr. LONG. I make the point that this is new legislation, not reducing expenses, and also that so far as it relates to the consolidations of the customs districts it is not germane.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. THOMPSON. Mr. Chairman, with reference to the point of order permit me to say that so far as that portion is concerned which relates to the reduction of expenses it certainly can not lie, because the bill under consideration expressly provides for a reduction of the internal-revenue collectors from eighty-four, the number now established by law, to sixty-three; and this amendment goes still further and proposes a reduction of these collectors from sixty-three to forty-three. It is evident, therefore, that a clear reduction in the number of officers under the law is made by the amendment. It comes directly within the provision of the rule which this House has established and by which it is guided in regard to these matters. Now, it certainly can not be argued to the House that forty-three collectors, whose salaries are fixed by law and which can not be increased except by Congress, whose salaries are fixed and graduated by the statutes—that if we reduce them twenty in number that it is not a reduction of expenses and a reduction in the number of officers. So far, therefore, as that portion of the point of order is concerned it clearly will not lie against the amendment.

Now, upon the second point as to the consolidation of the customs districts. The reduction of the customs collection districts, whether or not it is germane to the bill, comes in as a part and parcel of the whole amendment. This amendment is a substitute to that section of the bill. The substitute is an entirety, and if any part of it is germane then all of it must be germane, because there is no process, of parliamentary law at least, by which you can detach one from the other. That can not be done until the House comes to a vote upon it, and then any gentleman may, where the proposition involves two distinct questions, demand a division of the question and a separate vote upon each. But so far as the point of order is concerned, one portion being clearly germane to the bill and the other being a mere attachment to that portion, it is an entirety and the point of order can only be made on it as an entirety. This does not come within that range. I claim, therefore, that the point of order will not lie.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. ERMENTROUT having taken the chair as Speaker *pro tempore*, a message from the President of the United States, in writing, was communicated to the House, by Mr. PRUDEN, one of his secretaries.

The message further announced the approval of the following bills and joint resolution:

An act (H. R. 6856) to make a loan to aid in the celebration of the World's Industrial and Cotton Centennial Exposition;

An act (H. R. 2267) granting an increase of pension to Samuel C. Wright;

An act (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa;"

Joint resolution (H. Res. 245) authorizing the loan of certain flags to the Portland Soldiers and Sailors' Monument Association; and

An act (H. R. 3967) for the establishment of a bureau of animal industry to prevent the exportation of diseased cattle and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. KASSON. Mr. Chairman, a word upon the point of order.

Mr. CANNON. If my friend from Iowa will yield to me for a moment I want to make an additional point of order, and then I will yield the floor to him. I think the greater includes the less, and I do not know that it is necessary to make it, but I make the point of order as to the second provision in the amendment which provides for the consolidation of the customs districts. I make the point that it is not germane, first that it does not upon its face retrench expenditures. I make the point relying particularly upon the want of germaneness in the second clause. Later on I should like to submit a word about it. For the present I yield to the gentleman from Iowa.

Mr. KASSON. Mr. Chairman, as you are aware in Committees of the Whole repeatedly great embarrassment has arisen by the practice of gentlemen offering amendments which change, reducing perhaps by a single dollar, the amounts appropriated in a bill, and which sweep away or propose to sweep away an entire system of legislation or a part of it. I have had occasion both in the chair which you now occupy and upon the floor of this House, in one case in deciding and in another case asserting, as I do now, that it is not within the meaning of the rule that they should by virtue of an alleged reduction operate a great change of law; holding that the direct and necessary effect of the amendment must itself operate a reduction to bring it within the rule.

Secondly, that if in addition to what was proper under the rules they include legislation which would not be of itself proper, but obnoxious to the rule, then the entire proposition fails as an amendment under the rule. The last point is that if a part is in order and a part not in order, and it is offered as an indivisible proposition, the defective part vitiates the whole.

Now, examining in the light of these two propositions, about which there ought to be no contest, I find this proposes first to consolidate and reorganize the customs collection districts of the United States on or before a certain date so that the same shall not exceed in number sixty-seven.

It does not follow because the number is to be reduced that the expenses will be reduced, because other provisions are made for transacting the same amount of business in sixty-seven districts that are transacted in the others, and the same number of persons may be required. Then the amendment provides that the President shall fix the boundaries of such reorganized districts, designating ports of entry, and designating ports at which there shall be deputy collectors, receivers of money, persons for the entry and clearance of vessels, and indefinite employments which may or may not reduce the expenditure.

But there is a radical and complete change of system. For example, Congress itself has exercised the right to do what the commerce of the country demanded in the way of designating districts for public convenience. It is proposed so radically to change this system that you divest yourselves of all power and control and put it in the power of a single executive officer of the Government who resides here at Washington. He is to say what is needed in California, what the commerce of California requires, what is needed in Louisiana, Alabama, and other States of the Union. You observe it is a radical sweeping change of system and a transfer of power and authority from Congress to one single executive.

Mr. RANDALL. Is this on the point of order?

Mr. KASSON. I hope the gentleman from Pennsylvania has listened to me enough to appreciate how essential is the point I make. I think I ought to be able to convince him that the object of this is to change the entire system; not to reduce expenditures, because it does not appear on the face of the paper that it will reduce expenditures.

The other portion relates to the internal revenue, and the same reasons apply to a great extent but not to the same extent to the internal revenue. As to the merits of that proposition I will be prepared to speak when the proper time comes. There are still other clauses here which show the indefinite character of the expenditures to be incurred under this bill which should preclude the chairman from deciding on the face of the paper that this proposition will reduce expenditures. And those other clauses are new legislation, and vicious for that reason, and not germane to the place where they are proposed to be inserted in the bill.

Mr. RANDALL. I would have preferred to ask, and if this amendment is ruled to be in order will ask, for a division of the question, so that the internal-revenue portion of it may be considered separately and distinctly from the other proposition. For myself, I favor a reduction even beyond what the Committee on Appropriations report. In other words, I favor a still further reduction from sixty-two to forty-two, which is a reduction of the number of officers, and certainly comes within the spirit and letter of the rule, the third clause of Rule XXI.

As regards the proposition as to the customs-collection districts, I would have preferred, as I said before, that that should come from the Ways and Means Committee. But here it is; we have to dispose of it as presented. And I therefore am anxious that the many friends, perhaps, of the proposition, shall have the opportunity of voting in detail as to the internal revenue and then as to the customs consolidation.

There has been some desire expressed that the customs consolidation should be left to the sundry civil bill; and to that bill it should come, if possible, from the Ways and Means Committee as an amendment under the last provision of clause 3, Rule XXI. But I think the propositions have been so drawn as to show a very large decrease, both in the number of officers and in the amounts that are necessary to be appropriated in the bill both as to the internal-revenue districts and also as to the customs districts. We have as to the customs consolidation the figuring of the Secretary of the Treasury that it does save $400,000 of money and two hundred and one officials. And I think we should fail in the discharge of our duty, especially those who occupy seats in this House, if we fail to accept the recommendation of the Secretary of the Treasury when he proposes to reduce the number of the officials and the amounts of money necessary to maintain that service, and tells us that no injury will come to the service thereby.

Mr. KASSON. Is that on the question of order?

Mr. THOMPSON. I desire, in response to what the gentleman from Iowa [Mr. KASSON] has said, to read so much of clause 3, Rule XXI, as is applicable to this question. Here is what the rule says:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in oder, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, this clearly comes within the very reason of this rule. I desire to say that so far as I am concerned I will consent—because I do not desire to force this House to action upon these matters when it is not prepared—I will consent that separate votes may be taken on these two propositions; and if the House is not willing to sustain me upon the subject of the customs collection districts they can vote that out. I do not propose to make the reduction of the internal-revenue collectors a vehicle to draw the other proposition through. I will consent so far as I am concerned that a separate vote be taken.

Mr. CANNON. Why not modify your amendment in that way?

Mr. RANDALL. Will the gentleman from Illinois on that side of the House consent that in case the Ways and Means Committee should present the proposition on the sundry civil bill it may be argued and acted upon in that connection?

Mr. CANNON. I have no doubt the Ways and Means Committee have a right to have argued and acted on any proposition they may submit if it be in accordance with the provisions of clause 3, Rule XXI.

Mr. THOMPSON. There is some doubt whether there is any bill upon which this amendment can be placed except here, because these are permanent appropriations; the customs collection districts are run by permanent appropriations.

Mr. CANNON. It is just as germane on the sundry civil bill as it is on this bill.

Mr. THOMPSON. If it be not more germane to the sundry civil bill, why not go on with it now, because now is the accepted time?

Mr. KASSON. I do not observe that on the point of order either of the gentlemen, the one from Pennsylvania [Mr. RANDALL] or the one from Kentucky [Mr. THOMPSON], has really met the question. But a little while ago a point of order was made upon the proposition of the gentleman from Massachusetts [Mr. LYMAN] which simply called for a report from the Academy of Sciences, but involved no expenditure. The point of order was made on that proposition that it was new legislation, although it would cost nothing, and the present occupant of the chair ruled it out.

Mr. MCMILLIN. Because it did not reduce expenditures.

Mr. KASSON. Now, observe what is just before the Chair in the last clause of this amendment:

> And it shall be the duty of the Secretary of the Treasury to include in the regular Book of Estimates for the fiscal year ending June 30, 1886, and each fiscal year thereafter, estimates specifying in detail the number and class of officers and employés of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specifically provided for.

Now, all of that is precisely of the same character as was ruled out of order in the proposition of the gentleman from Massachusetts. Hence, I say that the amendment as now presented as a whole must fall, because a large part of it is subject to the point of order.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. CANNON. I want to make a single remark. I will not weary the Chair. If we proceed under the rulings of the chairman of the Committee of the Whole during the last Congress, then my point of order against the second provision of this amendment must be sustained, because it is clearly not germane to the pending paragraph; and if we proceed under the ruling at this session of Congress made by the gentleman from Texas [Mr. WELLBORN], as chairman of a Committee of the Whole, that where two propositions are coupled together, one being germane and the other not, the whole provision is subject to the point of order.

Mr. KASSON. There is no doubt about that.

The CHAIRMAN. The Chair will decide the point of order, upon the entire proposition, holding it to be a unit, no division of it having been made. The amendment meets the requirements of the third clause of Rule XXI by reducing the number and salaries of officers, and of necessity it retrenches expenditures by the reduction of salaries appropriated for; and also of necessity it will reduce the amount of money covered by this whole bill.

As to the other question, the Chair is not so clear. The question is whether or not there can be a consolidation of the internal-revenue system with the customs-revenue system.

Mr. THOMPSON. That is not involved in this proposition.

Mr. RANDALL. That is not involved here.

Mr. THOMPSON. The amendment does not consolidate the two systems and make a single system of them. That was what I suggested yesterday, but I have yielded that point and do not now offer it.

The CHAIRMAN. Then if the point of order is simply dependent upon the proposition as first stated, the Chair overrules the point of order.

Mr. KASSON. Has the Chair directed his attention to the last clause of the amendment?

The CHAIRMAN. The Chair has listened to that. The Chair supposed that the gentleman from Kentucky [Mr. THOMPSON] had offered the proposition which he suggested yesterday.

Mr. THOMPSON. No, sir; I have offered the proposition of which the chairman of the Committee on Appropriations gave notice yesterday, with a few variations suggested by the letter of the Secretary of the Treasury. My proposition is to reduce the number of internal-revenue districts from sixty-three, as recommended by the bill, to forty-three. I do not propose a consolidation of the two systems, as I suggested yesterday, because I understood that I would not be sustained in that by my own side of the House.

The CHAIRMAN. The Chair overrules the point of order.

Mr. RANDALL. I now ask unanimous consent that debate upon the pending proposition be limited to thirty minutes.

Mr. HISCOCK. As the law in regard to this matter being appropriate to an appropriation bill has been declared by the Chair, I hope that gentleman will consent to allow the question of consolidating the customs districts to go over until we have the sundry civil bill under consideration. I will say frankly that there are a great many members on our side of the House who would like to be heard on that question, and they are not now here.

Mr. HAMMOND. The ruling of the Chair on this occasion may not be sustained upon that bill.

Mr. CANNON. We will consent that the gentleman from New York [Mr. COX] may occupy the chair on the sundry civil appropriation bill.

Mr. BLOUNT. But how can an arrangement be now made that a point of order will not then be raised?

Mr. HISCOCK. Of course the point of order will be made, but the present occupant of the Chair has held that the amendment is in order.

Mr. THOMPSON. But the present occupant of the Chair may not be the chairman of the Committee of the Whole on the sundry civil bill.

Mr. HISCOCK. If it is in order on this bill, it will be in order on the sundry civil bill.

Mr. HAMMOND. The Committee of the Whole now can not by consent determine who shall be chairman of the Committee of the Whole on some other bill.

Mr. MCMILLIN. The object of the gentleman from New York [Mr. HISCOCK] can be attained by demanding a division of the proposition.

Mr. THOMPSON. I demand the regular order.

The CHAIRMAN. The regular order is the amendment of the gentleman from Kentucky.

Mr. RANDALL. There are two substantive propositions in that amendment, and I ask for a separate vote upon them, which is my right. And then I ask unanimous consent that there be some limitation of debate on the amendment. I will suggest thirty minutes.

Mr. CANNON. Why not make it twenty minutes?

Several MEMBERS. Say ten minutes.

Mr. RANDALL. All right; I will say ten minutes.

Mr. KASSON. I wish the gentleman from Pennsylvania [Mr. RAN-

DALL] would let us first understand one or two things. If this proposition is to be passed upon in a merely formal manner, then we may as well have no debate upon it all. But I suggest that a subject that would take weeks in committee to canvass thoroughly, the subject of the reorganization and consolidation of the internal-revenue districts and of the customs districts, can not be properly debated in ten minutes.

Mr. THOMPSON. I call for the regular order.

The CHAIRMAN. Is there objection to limiting debate to ten minutes?

Mr. KASSON. I object, if gentlemen are not willing to hear me out.

Mr. HOLMAN. I ask unanimous consent that debate on this proposition close in twenty minutes.

Mr. HISCOCK. Allow me to make a single suggestion to the gentleman from Indiana. I think that yesterday, when we commenced the consideration of this bill, it was understood that subjects which would sharply involve political questions should be laid over until after gentlemen on our side had returned from the national convention at Chicago. There certainly was that understanding. Now, this is a political question.

The CHAIRMAN. This debate is going on by unanimous consent.

Mr. HOLMAN. I ask unanimous consent that debate on this proposition terminate at 5 o'clock.

Mr. THOMPSON. I shall object to that, because I want a vote taken before the recess this evening.

Mr. HOLMAN. In order to obtain an order of the House on this subject, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. HOLMAN. I move that the House again resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the legislative appropriation bill; and pending that motion I move that all debate in Committee of the Whole on the pending paragraph be closed in ten minutes.

Mr. KASSON. Now I have a suggestion to make. In view of the large scope of this proposition, and in consideration of the fact that there has been no report from the Committee on Ways and Means, which has the question under consideration, I suggest that by unanimous consent or by an order of the House, if gentlemen so desire, it be agreed that this same proposition shall be reported to the House on the sundry civil bill. We can then go on and complete this bill.

Mr. RANDALL. Will you agree not to raise the question of order?

Mr. KASSON. Let it take the same position on the sundry civil bill that it holds on this bill.

Mr. HISCOCK. We will agree that no question shall be made as to the proposition being germane to the sundry civil bill. We will make no point in reference to that.

Mr. KASSON. My desire is to let the Committee on Ways and Means have a little time to consider this question.

Mr. HISCOCK. I think we can afford to agree that the matter shall take the same position upon the sundry civil bill that it holds on this.

Mr. KASSON. That is my proposition.

Mr. HOLMAN. I call for the regular order.

Mr. HISCOCK. If the gentleman from Indiana will pardon me a moment, I appeal to the gentleman from Pennsylvania whether there has not been some sort of an understanding that political questions shall remain in abeyance until after the adjournment of the Chicago convention, when gentlemen on this side of the House now absent will be here?

Mr. RANDALL. The object of holding a session last night was to finish this bill before gentlemen on the other side had gone away.

Mr. KASSON. That is the object of my proposition, to finish this bill now.

Mr. MCMILLIN. It was expressly understood that the session of last night was held in order to complete this bill before gentlemen on the other side would go away.

Mr. MORRISON. This matter may just as well be determined upon this appropriation bill as any other. If there is anything good in the proposition, let us have the benefit of it, whether it comes from the Committee on Ways and Means or any other source.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] to limit debate in Committee of the Whole on the pending paragraph of the legislative appropriation bill to ten minutes.

Mr. KASSON. I move to amend so as to allow one hour.

The amendment was not agreed to.

Mr. KASSON. I now move to amend by inserting "thirty minutes" instead of "ten minutes." I hope gentlemen on the other side will assent to this. We must have a little time for debate.

Mr. THOMPSON. If by unanimous consent the session can be extended to half past 5 o'clock I have no objection to the proposition for thirty minutes' debate.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the time for the recess to-day be extended till half past 5 o'clock. Is there objection? The Chair hears none, and it is so ordered.

The question being taken on the amendment of Mr. KASSON to allow thirty minutes for debate in Committee of the Whole on the pending paragraph, it was agreed to.

The motion of Mr. HOLMAN as amended was agreed to.

Mr. HOLMAN. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. COX, of New York, in the chair), and resumed the consideration of the legislative, executive, and judicial appropriation bill.

Mr. LONG. The amendment of the gentleman from Kentucky having been divided, I ask whether it is the ruling of the Chair that the portion relating to the consolidation of customs collection districts is so far germane to the bill that it is in order as an amendment? My parliamentary inquiry is whether that portion relating to the expiration of revenue-customs districts is ruled by the Chair to be so far germane to the pending matter and pending bill as——

The CHAIRMAN. The Chair has decided the amendment published in the RECORD yesterday is germane to the bill; and since that decision he has examined it carefully and affirms his own opinion.

Mr. LONG. I refer to the amendment pending before the House.

The CHAIRMAN. The amendment is taken in its entirety and ruled in order. If the Chair had any doubt he would not take the amendment from the committee.

General debate is limited to half an hour, fifteen minutes on each side. The gentleman from Kentucky will be recognized to control the time in favor of the amendment.

Mr. THOMPSON. I yield five minutes to the gentleman from Tennessee.

Mr. MCMILLIN addressed the committee. [See Appendix.]

Mr. THOMPSON. I reserve the remainder of my time.

The CHAIRMAN. The gentleman has seven and a half minutes remaining.

Mr. KASSON. I yield now five minutes to the gentleman from Indiana [Mr. CALKINS].

Mr. CALKINS. Mr. Chairman, it may be that there can be reduction in the number of officers of the customs districts without injury to the public service, as has been alleged by gentlemen who favor this proposition, but I respectfully submit to this committee that if there can be such a reduction there is now nothing whatever before this committee upon which they can predicate that act.

We have nothing before us but mere assertions, and no single proposition on which to base intelligent legislation. Take, for instance, the suggestion of the gentleman from Tennessee that there were thirty-two customs districts in the United States that do not pay the expense of the collection at those several points. That suggestion is worth nothing, and for this reason, that if you should abolish these officers and do away with these customs districts, then the next thing would be an immense amount of smuggling which would directly follow the removal of the guardians of the revenue now provided by law. The only reason why this does not take place at the present time in evasion of the customs law is because the customs officers are there to watch and prevent it. Take, for instance, the mouth or the harbor of any little river emptying into the ocean where there is now a customs officer for the purpose of protecting the revenues, and although he does not collect but $14 or $15 in the year, while his salary is much more, I undertake to say that if you abolish that office thousands and thousands of dollars' worth of goods will be brought into that port free of duty and scattered all over the United States. So that if you should abolish these customs collection districts or consolidate the districts it would not be a saving of expense, because in the end you simply open the door whereby the laws of the United States might be evaded and smuggling promoted.

I submit, sir, that a proper way for a legislative body to deal with a subject that comes so largely home to the people of this country as the customs revenue of this Government is to have a report from a committee, after a careful consideration, with all of the facts before it. I say candidly that if my friend now before me, the chairman of the Committee on Ways and Means, had investigated this matter upon the facts, if he had called the people before him that knew of the facts and made a careful investigation and report to this House that certain districts might be abolished with safety to the revenue, I should not hesitate to follow him.

But I do hesitate to say that it is entirely safe or that it is wise to take hasty action in a matter that in its results might be so disastrous as I apprehend this to be. I ask gentlemen, I ask every gentleman on this floor, every one of them, how much they have considered this question? How much have you investigated and looked into the facts alleged as to the propriety of this thing? Are you now qualified to vote

intelligently upon the subject? I confess that I am not. I want the report of some committee that has taken the whole scope of the subject into consideration and carefully examined it, investigated the important points involved, and bring that report in here before I can intelligently vote upon it, or before I think this House can commit itself to such a proposition as this.

Another word in reference to the consolidation of these districts for the collection of the internal revenue. I know, sir, that a consolidation has to a certain extent taken place. That has taken place under the direction of the present Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury and the President. I believe, in fact I know in some instances, that this consolidation has worked an injury to the revenues of the Government and a loss to its revenue, for the reason that the districts are made so large that it is practically impossible for one collector to take charge of the whole of any one of them.

I see that there is a disposition on the part of some to abolish the internal revenue of this country. I am not sure, if you go on in this manner, whether it will not be better, in fact, whether it will not really be a benefit to the Government, to do it, although I am opposed to it. I believe that the tax collected upon whisky, tobacco, and especially upon the first, should be maintained, at least until we have paid all the pensions and arrears of pensions due to our soldiers, as well as the pensions to the Mexican soldiers provided this session. We can not spare the revenue of this Government until all that is done.

Another thing: we are increasing our expenditures year by year instead of diminishing them. We must increase especially in the directions to which I have alluded. There are many other things that this Congress should provide for before it can undertake to reduce the revenues. The equalization-of-bounties bill should be passed. It has been long promised, and we owe it to the people to pass it.

Mr. TOWNSHEND. A Republican President vetoed that bill.

Mr. CALKINS. Not that bill——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. KASSON. I now yield two minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, I desire to say that I think the consolidation of the customs districts will be the poorest kind of economy. The gentleman from Kentucky the other day, if I recollect aright, was descanting upon the small revenues which were paid into the Government from the custom-houses along the coast of Maine, but he did not take cognizance of the fact at the same time that there was a coast and frontier line of five hundred miles, allowing a more magnificent opportuntiy for smugglers to get through with their unlawful entries than in any other part of this country.

And while the custom-houses upon the coast of Maine may not themselves collect a very large amount of revenue, if they are consolidated, and that line is broken, gentlemen will find that the custom-houses in Boston and in New York will collect very much less revenue than they do to-day.

Those custom-houses are important not only to accommodate commerce, not only for the purpose of collecting revenue, but for the purpose of preventing the Government from being cheated of its revenue by smugglers all the time ready to go through there. And I have further to say that the plan of consolidation of the Secretary of the Treasury is a very unjust one and very unfair. There are a hundred miles of the coast of Maine, having a large amount of commerce, which would have to go to Bangor, over thirteen miles of ice, during four months of the year, to get to the custom-house, if the plan of the Secretary of the Treasury should be adopted.

[Here the hammer fell.]

Mr. KASSON. I assume, from the disposition shown on the other side to reject whatever suggestions of fair treatment are made to them, that it is their intention, whatever these provisions of law may be, to adopt them. Certainly the idea of setting forth satisfactorily in thirty minutes the arguments for and against a change of the entire system of the customs service, organized by laws running through eighty years, and an important change of the internal-revenue system as it now exists, involves such absurdity that it is consistent with nothing but a resolution to pass these things blindly.

I look in vain here for the amendment proposed by the gentleman from Kentucky [Mr. THOMPSON]. I thought it was printed in the RECORD. I beg the chairman's attention to it. He confined his ruling to the amendment printed in the RECORD. I find nothing in this about the internal revenue. And yet we know that such a thing is somehow or somewhere pending. That which I have examined and which is in the RECORD before me relates to the customs districts; and to that I call the attention of the House, because I only know what the gentleman from Kentucky proposes by his interview with me in the Ways and Means Committee on the subject. I find nothing printed here to enlighten me.

Now, as to the customs districts this act proposes, as I find it printed on page 5121 of the RECORD, among other things this:

Sections 2648 and 3687 of the Revised Statutes of the United States, together with all laws or parts of laws authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites of whatsoever name and nature, are hereby repealed.

Are there three gentlemen on this side of the House, or one, who can tell me now what those sections are and mean, which it is proposed to repeal? Why, sir, the other laws are not even mentioned. And yet the first of the sections that you propose to repeal is one for the accommodation of the people along the northeastern, northwestern, and northern frontier of the country, authorizing collectors to keep on sale at their several offices blank manifests and clearances convenient for the use of the community in commercial business. But because it allows the collector to charge a 10-cent fee for each blank executed, I suppose for that reason they sweep that away; they sweep away all the provisions here made for the accommodation of the merchants of the country in regard to these blanks which are indispensable to them.

The second of the sections proposed to be repealed is section 3687. And what is that? Do you know what you are asked to repeal there with a suppression of discussion and of debate? That section reads:

There is appropriated out of any money in the Treasury not otherwise appropriated the sum of $2,750,000 for the expenses of collecting the revenue from customs for each half year, in addition to such sums as may be received from fines, penalties, and forfeitures connected with the customs and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services.

Your bonded-warehouse system is involved in that. So far as these expenses for storage, &c., are concerned your permanent appropriation is repealed. Simply because the section provides that certain fees shall be collected from the persons interested, including fees for storage, they repeal your appropriation for carrying on your custom-houses and repeal all the charges which are customary and which in some instances constitute the entire, or nearly the entire, pay of your customs officers.

We have under consideration in the Committee on Ways and Means a bill, under the direction of the gentleman from New York [Mr. HEWITT], in which relief is sought to be got from the payment of fees. He provides that the officers shall have certain compensation to be paid in lieu of the fees you take away. This does nothing of the kind.

I repeat to gentlemen that this act goes further than any man dreams of it going. You can not pass this act unless you do it blindly, irrespective of all its consequences on the rights of individuals as well as the interests of the Government. I have never seen such a thing proposed in the House at any time except on the written report of a committee after full investigation of questions of such magnitude. If you do not want your Ways and Means Committee to do it, your Appropriations Committee should do it and let you know what the effect of this amendment is to be before you proceed to enact it into law.

The point to which I confine my attention, namely, the effect of the amendment which I find printed in the RECORD, is that it will render it exceedingly doubtful whether any man can vote for it, except blindly, for I understand that the amendment now offered by the gentleman from Kentucky [Mr. THOMPSON] is not the one which is printed in the RECORD. What I have said is as to the substance of this amendment, that by adopting it you will repeal laws without which the service can not go on. It goes far beyond what from the face of it may seem to have been intended. It is proposed to take away from Congress all discretion along the entire frontier of the country and confer it upon a single executive officer here in Washington.

The CHAIRMAN. The time for debate in opposition to the amendment has been exhausted.

Mr. HISCOCK. Does the order limiting debate apply to the pending proposition?

The CHAIRMAN. It applies to the pending amendment.

Mr. HISCOCK. Then amendments to the amendment would be in order and debatable?

The CHAIRMAN. The Chair understands that amendments to the amendment would not be debatable under the order of the House. The gentleman from Kentucky [Mr. THOMPSON] has seven minutes remaining of the time allowed in support of the amendment.

Mr. THOMPSON. I yield three minutes of that time to the gentleman from Pennsylvania.

Mr. HISCOCK. Will the gentleman allow me to ask this question: If this amendment shall be adopted does this bill provide any appropriation in place of the permanent appropriation to carry on the customs service?

Mr. RANDALL. It does not interfere with the existing law as to permanent appropriations to carry on the service.

Mr. HISCOCK. For one year.

Mr. RANDALL. It does not interfere with that law for one year. Mr. Chairman, there are three different propositions embraced in the amendment offered by the gentleman from Kentucky. The first relates to the internal-revenue system, and the issue involved is whether there need be more than forty-three collection districts for the collection of internal revenue. The gentleman from Kentucky [Mr. THOMPSON] has explained that, certainly to my satisfaction, and I think it should be satisfactory to all present.

The next proposition is in regard to the customs service. I want to say here that this proposition is substantially what the Secretary of the Treasury himself has recommended, except in this: the Secretary accompanied his recommendation by a designation of the sixty-seven districts which he thought could be consolidated. We have thought that discretion in the matter had better be left to the Secretary of the Treas-

ury. We have therefore simply authorized him to make the reduction to the extent proposed by him at his discretion, because upon further investigation on his part it may appear that he will be required to vary from the designation in which he indicated the sixty-seven districts that he was likely to consolidate.

The third proposition is that after the next fiscal year the amounts of money necessary to carry on the customs service shall pass through the annual inspection of Congress. That proposition has been recommended at various times, and so far as I recollect has received the approval of every Committee on Appropriations of this House from and including the Forty-fourth Congress, and I think the Senate at the last session passed a bill for that purpose, which failed in this House.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Kentucky [Mr. THOMPSON] has four minutes of his time remaining.

Mr. THOMPSON. I yield to the gentleman from Oregon [Mr. GEORGE] a half-minute.

Mr. GEORGE. Mr. Chairman, it will be remembered that on yesterday the honorable chairman of the Committee on Appropriations [Mr. RANDALL] had read the proposition to consolidate the customs districts of this country to only sixty-seven, which he stated was under consideration by the subcommittee having charge of the sundry civil bill.

It will be noticed to-day that substantially the same proposition is submitted by the gentleman from Kentucky [Mr. THOMPSON], except that the customs districts are only cut down by his amendment to sixty-nine, thus leaving undisturbed two districts proposed to be consolidated by Mr. RANDALL'S proposition. In order that this House and the country may more fully understand this change from sixty-seven to sixty-nine I desire to state that to-day the honorable Secretary of the Treasury withdrew, for reasons which I shall hereafter set forth, his former recommendation for the consolidation of Yaquina and the Southern Oregon district with Portland, in Oregon, and addressed a letter to this House asking that the present arrangement of those districts be continued.

This recommendation I am pleased to state has been favorably considered by the distinguished chairman of the Appropriations Committee and the gentlemen associated with him, and by the honorable gentleman from Kentucky [Mr. THOMPSON], the mover of this amendment. I especially desire to return my thanks and the thanks of the people of my State to my friends on the other side of this House, and to all others, for their kindness in this matter and for their consideration of the commercial interests of these two sections, so deeply concerned in this legislation.

That the reasons for leaving these two districts as they now are may be more fully set forth, I ask leave to have printed for the information of the House the following papers:

HOUSE OF REPRESENTATIVES, *Washington, D. C., April* 17, 1884.

SIR: Respectfully referring to the portions of your last annual report on the subject of the consolidation of certain customs districts, I beg leave to make the following suggestions in reference to so much thereof as relates to the State of Oregon: These districts were defined by the act of Congress approved 25th April, 1882, creating the collection district of Yaquina and authorizing the appointment of a collector there with a compensation of $1,000 per annum and fees, the whole being limited to $2,500 per annum. The executive recommendation, as I understand it, is to merge this district into that of Portland, and to assign a deputy collector to perform the needful duties.

The harbor of Yaquina is the ocean and western terminus of the Oregon Pacific Railroad, connecting with the fertile and well-populated valley of the Willamette River, a distance of sixty miles. The company are now rapidly completing this connection. Tunnels have been cut and a portion of the track has already been laid. There is now every prospect that the connection will be fully completed by the month of October next. A large quantity of steel rails, valued at $190,202, is now being shipped from San Francisco to this port in bond, and I am advised that six or more cargoes have already been landed at Yaquina. The whole will be transferred during the present year, and the duties arising from this source alone to the Federal Treasury will amount to $164,658.05.

In this connection I beg your attention to a report from the deputy collector of San Francisco to the Chief of the Bureau of Statistics of the United States Treasury Department, dated the 26th of February last. I also transmit copies of the public journals of Oregon, showing the presence of large vessels in this port and a considerable trade with San Francisco and Portland. It is true that these operations consist largely in rails and railroad supplies, but the result is a payment to the United States Treasury which during the current year alone will exceed the possible expenses of the collection district for a period of twenty years. In addition to these considerations it is to be observed that the connection with the Willamette Valley will give it an easy outlet to San Francisco and other points, and the trade thus sought to be realized is very large. The vast resources of this valley I need not suggest or enlarge upon.

During the next year it is proposed to extend this railroad connection to Eastern Oregon, and the result will be the rapid development of that portion of the State and a yet greater commerce in the future. It would be most unfortunate if the development which is now near at hand to this people should be hindered or embarrassed by any abridgment of custom-house facilities. So far from a reduction being advisable, it is highly probable that in the exercise of a wise discretion you will ere long be called upon to increase the present force.

In view of these considerations, I venture to ask that the recommendation of the Department be so far modified by a letter to Congress as to except this district of Yaquina from any legislation of the character referred to.

There are also cogent reasons why the district of Coos Bay should not be included in the proposed consolidation with Portland. Coos Bay district is an isolated section to itself and of difficult access from Portland, it being nearly three hundred miles distant and with irregular means of communication. It has little or no commercial relationship with Portland. On the contrary, its trade is almost exclusively with San Francisco, with which it has regular lines of steamers and sailing vessels. The district has long been established and it will cost but little if any more to continue it than to maintain a deputy, which would be an absolute necessity. It is a rapidly growing section, and since the completion of the Northern Pacific Railroad the whole State will develop rapidly.

I am now in receipt of a letter from a capitalist in New England informing me that his company had just made an investment of $1,000,000 in valuable land near Coos Bay. In this connection I beg to refer you to the last report of the United States engineers upon the improvement of the harbor at Coos Bay. The report shows there are fifty-six vessels engaged in this trade and a growing commerce.

Just now, as Oregon is being opened up to easy immigration and is on the eve of a great progress already begun, it is clearly unadvisable to make changes.

Since the recommendation heretofore made by the Treasury Department the situation is materially changed. The completion of the Northern Pacific Railroad and the consequent development, and the renewal of work on the Yaquina Railroad, with an assured prospect of speedy completion, materially changes the existing state of affairs from that when the Government inspector visited these sections.

There is indeed all the difference possible in legislating for the old and the new States of the Union. In the former, the Department can probably estimate their requirements for years to come with great precision. In the latter, so rapid is the growth of our Western coast and so great its latent resources, that while recommendations and bills are pending before Congress, new commercial necessities are arising, and it is necessary to be very vigilant in order to supply the proper facilities and agencies of government to the people.

Yours, very respectfully,

M. C. GEORGE.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

CUSTOM-HOUSE, SAN FRANCISCO, CAL.,
Collector's Office, April 17, 1884.

SIR: Respectfully referring to your telegram of yesterday, and to my letter of February 26, 1884, in regard to shipments and value thereof from this port to Yaquina Bay, Oregon, I have to advise you that the following are the whole shipments from January to date:

Date.	Warehouse bond.	Merchandise.	Value.	Duty.*
February 2, 1884	3867	1,360 steel rails	$10,172	$5,618 89
February 13, 1884	3867	589 steel rails	4,406	2,433 21
March 6, 1884	3867	809 steel rails	6,051	3,341 13
March 11, 1884	3868	1,619 steel rails	11,221	6,725 74
March 15, 1884	3868	1,847 steel rails	12,801	7,634 06
March 21, 1884	3868	130 steel rails	701	540 90

*Including 10 per cent. ad valorem.

The duty on the first two items given in my letter of February 26 was inadvertently stated at the old rate in existence prior to act March 3, 1883.

I am, very respectfully,

E. L. SULLIVAN, *Collector.*

[Telegram.]

YAQUINA, OREG., *April* 21, 1884.

DEAR SIR: Learning that an effort is being made by the enemies of the Willamette Valley, Eastern Oregon and Idaho, to consolidate this port of entry with the Willamette (Portland) district, against the best interests of commerce and the best wishes of our people, I will offer a few facts showing why such consolidation would be wrong and injurious, and against the best interests of the large extent of country now centering at this point. Business is just beginning at this port. It is taking unnecessary time to tell you why during the first months since the establishment of the port of Yaquina the volume of business was small. You are pretty well acquainted with all the facts. The uncertainty of water on the bar, not real, but made to appear so by our enemies, has disappeared with a partial completion of the jetty. The proof being so positive, and coming from the many disinterested parties, establishes the fact that there is. During the same time, the free goods entering this port approximated $150,000. Within ten days the first of a line of steamers to be put on between here and San Francisco, the Yaquina, will arrive, having on board, dead-weight, 2,100 tons of material, valued at $150,000.

The actual tonnage entering this port during the thirty days ending April 7, 1884, was 2,000 tons. During the same time the amount of dutiable goods entered amounted to $45,542. From twenty-one to twenty-three feet of water has sent (?) in shipping. The business of this port from this time forward will increase very rapidly. It will soon be the equal as regards receipts of any port north of San Francisco. In this hurried statement can give but little data.

The Yaquina will at once enter upon the transportation of dutiable goods in warehouses in San Francisco to this port valued at one or two hundred thousand dollars, the duties to be paid here. Two more steamers of still greater carrying capacity will arrive here from New York early in the present season loaded with railroad material to go into the line between here and San Francisco. Other steamers of equal power and capacity will follow these to be used on this coast. Oregon Pacific Railroad, on which cars are now running, will be completed to Corvallis by September next, when commerce at this port will assume immense proportions. For these and many other reasons that might be advanced Yaquina might be continued as a district and separate port of entry.

Respectfully, yours,

COL. VAN CLEVE, *United States Collector.*

Hon. M. C. GEORGE, *Washington, D. C.*

PORTLAND, OREG., *May* 1, 1884.

Hon. M. C. GEORGE, *Washington:*

State convention unanimously adopted following preamble and resolution:

Whereas this convention recognizes the vital interest to the Willamette Valley of maintaining the port of Yaquina as a port of entry: Therefore,

Resolved, That our Senators and Representative in Congress are hereby requested most earnestly to oppose all movements for consolidating Yaquina with any other port in Oregon.

HENRY FAILING,
President Republican State Convention.

[Resolution of Benton County (Oregon) Republican convention.]

Whereas this convention recognizes the vital interests of the whole Willamette Valley as inseparably connected with the maintenance of Yaquina as a port of entry: Therefore,

Be it resolved, That our Senators and Representative in Congress be requested most earnestly to oppose the movement now being made tending to the consolidation of Yaquina with any other port in Oregon as detrimental to every interest we uphold and directly opposed to the development of this portion of the State, now opening out under such favorable prospects.

Resolved, That the secretary of this convention be directed to send to our Senators and Representative copies of this resolution.

TREASURY DEPARTMENT, *May* 29, 1884.

SIR: Referring to the proposition now pending for the consolidation of customs collection districts, I have the honor to transmit herewith a copy of a report from Special Agent A. K. Tingle, of this Department, relative to certain districts in Oregon, in which it is suggested, for reasons therein stated, that the present arrangements of districts in that State be continued. The views expressed in said report are concurred in by this Department.

Very respectfully,

H. F. FRENCH, *Acting Secretary.*

Hon. S. J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 28, 1884.

SIR: I have the honor to return herewith the communication of Hon. M. C. George and accompanying papers in regard to the consolidation of the southern district and the district of Yaquina, in the State of Oregon, with the district of Willamette (Portland), in the same State, as proposed by the bill now pending for the consolidation of the customs collection districts. After reading the papers and hearing the verbal statements of Mr. George, I am convinced that the commercial interests of the sections embraced in the two districts mentioned will be promoted by their continuance as at present constituted, and that such continuance will not be detrimental to the interests of the customs service.

These districts embrace the only ports on the coast of Oregon, extending over three hundred miles, and are isolated and remote from Portland, their communications and trade being with San Francisco, and not with Portland. They are cut off from Portland and the interior of Oregon by the Coast Range of mountains, over which travel is difficult and infrequent.

The object of consolidation is to secure economy of administration, and this purpose can be effected under existing arrangements by abolishing subordinate offices and requiring the collectors of the districts to discharge their official duties in person. The cost of maintaining the districts as they now stand would then be no greater than if they were made dependencies of Portland.

Very respectfully,

A. K. TINGLE, *Special Agent.*

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

Mr. THOMPSON. I am glad that we are going to have a vote on this matter at last, because I think that the House is as well advised upon the subject now as it can reasonably be. The gentleman from Iowa [Mr. KASSON] has expressed his regrets that he has not been allowed more time for debate. Who limited the debate on this proposition? Sir, it was the other side of the House that tried to limit the debate to ten minutes, and we on this side gave thirty minutes, twenty minutes more than they asked.

Gentlemen have forced us into the consideration of this bill at this time in order that they might have an opportunity to go to Chicago and meet together there in a grand pow-wow. It does not come with good grace from them to complain of want of time for debate after they have undertaken to force the bill through at this time in order that they might go off there.

There is not one line in the amendment proposed by me which has not received the assent, yea, which has not been dictated by the Secretary of the Treasury, save that part of it which limits the number of internal-revenue collectors to forty-three. So far as the statements of the gentleman from Iowa [Mr. KASSON] are concerned let me say to him that every single provision of this amendment to which he has referred has been thoroughly considered, together with the effect of it, at the Treasury Department. And now they come to us and ask us to give them the benefit of these proposed repeals of the law in order that they may wipe out the fee system, which has brought so much disgrace upon the customs service, and enable them to transact the business of the service through the means of stamps and have the fees derived from the service turned into the Treasury.

I am not surprised that my friend from Maine [Mr. MILLIKEN] is opposed to cutting down the number of these officers and reducing the ports of entry. I have found that that gentleman usually holds fast to everything that he has, and not only that, but endeavors to get as much more as he can. I find by reference to the papers that for the privilege of collecting duties at the little port of Belfast the Government pays out $5,076.23, while it receives only $4,489.82. And in addition to that the Government maintains a custom-house there which cost over $30,000.

Mr. MILLIKEN. Would the gentleman abolish the post-office in a particular town because its receipts were not equal to the cost of maintaining the office?

Mr. THOMPSON. No, sir.

Mr. MILLIKEN. Why would the gentleman apply a different rule to a custom-house?

Mr. THOMPSON. Because in these cases there is not the same necessity for it as there is for a post-office.

Mr. MILLIKEN. It is just as much a part of the public service as a post-office is.

Mr. THOMPSON. In opposing these reductions the gentleman from Maine is quarreling with his own Secretary of the Treasury, who says there is no necessity for a number of the existing custom-houses.

The CHAIRMAN. The time allowed by order of the House for debate on this amendment has expired.

Mr. CALKINS. I move to amend the amendment of the gentleman from Kentucky in the first paragraph by striking out the words "not exceeding in number" and inserting the words "be as nearly sixty-seven as the necessities of the service will admit;" so that the clause will read:

The President is hereby authorized and directed to consolidate and reorganize the customs collection districts of the United States, on or before the 1st day of October, 1884, so that the same shall be as nearly sixty-seven as the necessities of the service will admit.

Mr. RANDALL. Does that amendment relate to the customs districts?

Mr. CALKINS. Yes, sir. The object is to give the Secretary of the Treasury a little leeway.

The question being taken on the amendment of Mr. CALKINS, it was not agreed to; there being—ayes 66, noes 116.

Mr. PARKER. I move to amend the amendment by inserting in the third paragraph, after the words "name and nature," the words "except so far as relates to the sale of blanks."

The amendment was not agreed to.

Mr. HOLMAN. I move to amend the amendment by adding to that portion relating to internal-revenue districts the proviso which I send to the desk.

The Clerk read as follows:

Provided, however, That the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of the internal revenue shall not be increased, nor shall the salaries of said officers and employés be increased beyond the salaries paid during the last fiscal year.

The amendment was agreed to.

The amendment of Mr. THOMPSON as amended was agreed to.

Mr. RANDALL. The gentleman from New York [Mr. HISCOCK] has made to me a suggestion that probably we can continue in session and finish this bill without meeting to-night.

Mr. HISCOCK. Everybody on this side of the House seems to desire that.

Mr. RANDALL. I move that the committee rise for the purpose of vacating the order for a recess.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I ask unanimous consent that the order heretofore made for a recess and evening session be vacated, the object being that we may sit continuously until the legislative appropriation bill is finished.

There being no objection, the order for a recess and evening session was vacated.

Mr. HOLMAN. I move that the House again resolve itself into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. COX, of New York, in the chair) and resumed the consideration of the legislative, executive, and judicial appropriation bill.

Mr. THOMPSON. Last evening we passed over by unanimous consent the paragraph embraced in lines 847 to 854. I now desire that the Committee of the Whole recur to that paragraph.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. THOMPSON. I move to amend by inserting after the word "dollars," in line 850, the provision which I send to the desk.

The Clerk read as follows:

That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operations of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to payment of the tax, and said distilleries shall be run and operated without storekeepers. And said Secretary may exempt any distillery or all distilleries which mash twenty-five bushels of grain per day from the operation of the provisions of said title relating to the manufacture of spirits, except as to the payment of the tax, and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by the Secretary of the Treasury in which he may cause to be deposited the product of any number of said distilleries, to be designated by him, by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses.

Mr. HOLMAN. I wish to reserve a question of order on this amendment until the object of it is better understood.

Mr. HISCOCK. I hope the point of order will be made immediately.

Mr. CANNON. The point of order is made.

Mr. BLOUNT. I would like to know what the point of order is.

Mr. HOLMAN. My point of order is that the amendment embraces new legislation, and is not shown to be in the interest of economy.

Mr. MCMILLIN. It comes within Rule XXI by reducing the number of officers.

Mr. THOMPSON. I want to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. THOMPSON. I desire to say for the benefit of the House that the object of that is this: Under section 3255 of the Revised Statutes the Secretary of the Treasury is authorized to exempt fruit-brandy

distilleries from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of goods, except as to the payment of taxes. Under the operation of that provision of the Revised Statutes, 5,000 fruit distilleries run in this country making small product are run without storekeepers, thereby saving an enormous expense of $3 a day for each at every small distillery for a storekeeper. These fruit distilleries pay the tax on their product semi-monthly, pay it in cash, and the goods are delivered on the market as tax-paid goods twice a month.

The object and purpose of this amendment is that small grain distilleries which mash ten gallons or less in a day shall be exempt from the operation of the same act, and they shall be allowed to run in the same way with fruit-brandy distilleries—that is, that they shall not have storekeepers stationed at each to watch them.

There are 648 of these distilleries, involving 648 storekeepers, or on the basis on which appointments have been made of 1,800 storekeepers for 1,026 distilleries. It involves that proportionate number of storekeepers; a most unnecessary expense. They can be and are dispensed with under this amendment.

Mr. WHITE, of Kentucky. Let me make a suggestion.

Mr. THOMPSON. Yes.

Mr. WHITE, of Kentucky. In fruit-brandy distilleries the tax is payable within sixty days after the brandy is made?

Mr. THOMPSON. Yes.

Mr. WHITE, of Kentucky. Does my colleague propose to make that applicable to small grain distilleries, so that the tax of 90 cents a gallon shall be payable within sixty days, while the large distilleries have three years and certain leakages?

Mr. THOMPSON. I will explain. When the same law is applied to the grain distiller it is not more harsh than to the fruit-brandy distiller. But I have gone further than that and met the very difficulty my friend is now troubled about. I have provided that the Secretary of the Treasury may establish special bonded warehouses in his discretion and collect into them the product of the small distilleries, where they may remain for the same length of time and under the same regulation and under the same law applicable to the large distilleries, thereby giving them double advantages.

Mr. WHITE, of Kentucky. Will the gentleman yield to me there for a moment?

Mr. THOMPSON. Yes.

Mr. WHITE, of Kentucky. In the event that should be done and a man should have a distillery forty miles from a railroad——

The CHAIRMAN. The Chair would suggest to the gentleman the point of order is pending, and the Chair is ready to rule on it.

Mr. CANNON. I should like to be heard on that point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CANNON. Mr. Chairman, I am embarrassed on the point of order for the reason that the chairman and the whole body of the Ways and Means Committee, as embodied in the gentleman from Kentucky [Mr. THOMPSON], has for the first time offered this amendment, and I can only speak of it from the standpoint of the point of order as I heard it read from the Clerk's desk. As I understand it from the reading and the gentleman's explanation, it changes the law and does not retrench expenditure. It is true the gentleman says it will dispense with a certain number of storekeepers, the aggregate compensation being quite small. I undertake to say, if I am correct in my views, and from what the gentleman says, it will render absolutely helpless the Commissioner of Internal Revenue in the collection of the revenues. I will state further that under the guise of economy it proposes to jeopardize the revenues of the Government.

Having said thus much of what I understand to be the effect of the amendment, the Chair should hesitate long before he sacrifices the spirit of Rule XXI in favor of the pretended economy the gentleman claims and promises.

Mr. WHITE, of Kentucky. I would like to be heard for a moment upon this subject.

The CHAIRMAN. The Chair must draw the line somewhere as to these debates on points of order.

Mr. TOWNSHEND. Regular order.

The CHAIRMAN. The Chair will rule on the point of order. The amendment of the gentleman from Kentucky seems to be rather in the nature of an amended code or mode of collecting the revenue tax on whisky, and not so much a change in the machinery of taxation. It does not appear, save in one exception, that they shall be run without storekeepers, that it operates to retrench expenditures, and even in that it is indefinite as to the retrenchment. The Chair can not, therefore, upon its face *prima facie* regard it as a retrenchment of expenditures, and sustains the point of order.

Mr. THOMPSON. Mr. Chairman, then I offer the amendment now with this proviso attached to it, so as to make it clear that it is a retrenchment of expenditures.

The CHAIRMAN. The amendment will be read as modified.

The Clerk read as follows:

Add after the words "sixty-four thousand dollars," in line 850:

"That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to the payment of the tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery, or all distilleries, which mash twenty-five bushels of grain per day from the operations of said title relating to the manufacture of spirits, except as to the payment of the tax, and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by the Secretary of the Treasury, in which he may cause to be deposited the product of any number of said distilleries, to be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses: *And provided further*, That storekeepers, or storekeepers and gaugers, who are assigned to distilleries whose registered capacity is twenty-five bushels or less shall receive $2 per day for their services; and no collector in any district shall recommend, nor shall there be appointed or commissioned, more deputy collectors, storekeepers, storekeepers and gaugers, gaugers and inspectors, or other officers, or allow to remain in commission more of any of said officers at any one time than are actually engaged in performing duty at the time, and are indispensably necessary for the performance of said duty."

Mr. CANNON. I do not exactly understand where that comes in, whether it is a part of the preceding amendment or some new amendment.

The CHAIRMAN. The gentleman offers the amendment, which has just been read and ruled out, with the proviso added.

Mr. THOMPSON. The purpose is to bring it clearly within the rule to show that it does reduce expenditures by fixing the salary of certain of these officers, making it two dollars a day instead of three and four dollars as they are now receiving.

Mr. CANNON. I must make the same point of order upon that amendment.

Mr. MCMILLIN. I suggest that it is too late to make the point of order now.

Mr. CANNON. I beg pardon; I made the point of order as soon as I found out what it was. I did not find out where it came in or what it was, and I made the point of order as soon as I could.

The CHAIRMAN. The gentleman had the right to have it read before making the point of order upon it.

Mr. THOMPSON. Let us have a ruling upon it.

The CHAIRMAN. The Chair would be inclined to sustain the point of order, but there is a matter of doubt in connection with it, and where a proviso is so drawn, as this is, to prevent anything like an increase in expenditures, and which looks upon its face toward a reduction, the Chair does not feel like taking the responsibility of ruling the amendment out, but prefers to leave it for the action of the committee. The Chair overrules the point of order.

The question is upon the amendment proposed by the gentleman from Kentucky.

Mr. THOMPSON. I wish to explain the operation of the amendment to the House, for I am satisfied that there will be no objection to it when it is understood.

Mr. WHITE, of Kentucky. I ask that it be read again, not to come out of the time of my colleague.

Mr. CANNON. I understand that the gentleman has no time; that the debate has been exhausted.

The CHAIRMAN. There is no limit to debate upon this proposition so far.

The gentleman from Kentucky is entitled to five minutes.

Mr. WHITE, of Kentucky. Then I ask that it be again read.

The CHAIRMAN. It can only be read by unanimous consent.

Mr. WHITE, of Kentucky. I hope there will be no objection to its being read again.

The amendment was again read.

Mr. THOMPSON. I desire to state to the House that the adoption of that amendment to the law will only put distilleries which mash less than twenty-five bushels a day and not less than ten bushels—between ten and twenty-five bushels—in the discretion of the Secretary of the Treasury upon the same basis and in the same attitude that they occupied before the act of 1868. I desire to say further and to have the House understand that it places distilleries which mash less than ten bushels absolutely there without any discretion on the part of the Secretary of the Treasury. I desire the House to understand further that that only applies to small grain distilleries the same law which is applied to the fruit-brandy distilleries.

Now, there are five thousand and over fruit-brandy distilleries in this country. They make a very small quantity of spirits. Their average is about three hundred gallons, the whole amount produced averaging a million and a half, yielding a million and a quarter dollars of revenue. There are also scattered all over the country—there are 438 distilleries run in this country at which you keep storekeepers, which mash less than five bushels of grain a day. Their product is less in proportion than is made at the fruit-brandy distilleries. But yet you keep up an expensive machinery which costs you nearly a million dollars a year to watch those little insignificant grain distilleries, when you do not find it necessary to watch the others; and one can be run with the same economy and just as satisfactorily and with as few frauds on the Government as the other without the storekeeper.

There is no necessity for keeping the storekeeper stationed at these small distilleries. Up to 1868 you did not do it, and there is no reason in existence why it should be done. This will enable you to muster out of the service a thousand men who are doing the Government no service;

nay, more than that, it will enable you to muster out more than a thousand officers who are not serving the Government but are serving their party as political bummers at every election, and especially at every Presidential election that occurs in the country. They are all still subject to inspection; they all still have the gaugers; they are all still watched and graduated according to their capacity. They are left subject to the regulations necessary for the security of the Government and the payment of the taxes. The amendment merely permits the Secretary of the Treasury to relieve the country and the people of a thousand useless office-holders, which he ought to do and which ought to have been done long ago. That is all the change it makes, except further, where the Secretary in his discretion between distilleries of ten bushels and of twenty-five bushels chooses to place a storekeeper, it limits the pay of that storekeeper to $2 a day. That is all the change it makes in regard to that; and so far as that is concerned that is practically insignificant.

Mr. WHITE, of Kentucky, and Mr. CANNON rose.

Mr. CANNON. My understanding is that a member of the committee should be first recognized.

The CHAIRMAN. The Chair will state that the Chair has allowed no opportunity to pass of recognizing the gentleman from Illinois who has just addressed the Chair without receiving that recognition. The Chair desires to state that explicity. The gentleman from Kentucky addressed the Chair a few moments ago, and was cut off prematurely.

Mr. WHITE, of Kentucky. I am very sorry to differ with my colleague [Mr. THOMPSON] on this seemingly very fair proposition. While it seeems to be in the interest of economy, while it seems to be perfectly fair to the class of small manufacturers of distilled spirits, it is an enemy in disguise both to the Government which collects the revenue and especially to the small distiller. It is as directly in the interest of the class of larger manufacturers who distill spirits as the sixty days' extension for the payment of taxes due was in the first place; as the one-year extension of the bonded period was in the second place; and as the repeal of the interest clause of promise in consideration of the extension of the bonded period for one year and the extension of the bonded period suspending the payment of taxes for three years which was granted the whisky ring by the law of 1878 in the third place; and as the leakage clause of the Carlisle bill of 1880 which provided for an outage of seven and a half gallons for each barrel of forty gallons; and as the repeal of the wholesale liquor dealers, warehouse, and rectifiers' stamps; and as the drawback on taxes for spirits exported, whereby the Government has doubtless been defrauded out of millions of dollars—all of which legislation has inured to the benefit of the gigantic whisky monopoly which now holds in bond at the Government expense nearly one hundred millions of gallons of whisky, and is slowly but surely crushing out small distillers who are unable to honestly compete with the favored whisky monopoly.

I am opposed to the importation or the manufacture or sale of intoxicating liquors as a beverage in the United States at all; but if you are going to let it be manufactured and sold, then, in the name of honesty and fair play, let us not discriminate in the interest of moneyed monopolists who make one hundred to five hundred barrels a day, against the man who perchance lives one hundred miles from the railroad, and only cares to mash five bushels a day.

My colleague by his special warehouse provision would compel the distiller who lives in a remote locality in North Carolina, West Virginia, in Tennessee or Kentucky, to haul his spirits for fifteen or possibly fifty miles to put it in a bonded warehouse that might be inconveniently designated by the Secretary of the Treasury. My colleague [Mr. THOMPSON] advocates the change he recommends because, as he says, he wants to get rid of a few storekeepers and gaugers. Does he not know that the storekeeper and gauger is but a policeman under the eye of the deputy collector, who reports to the collector and through the collector to the district attorneys, who issue warrants or have the warrants issued for the arrest of the violators of the internal-revenue law? The remedy is worse than the disease. It is but another step in the direction of piling up more whisky in bond under the control of the great whisky corporation which now extends as a political power and money-making concern from Maine to California, which not only holds the whisky in bond, but elects members on this floor, governors of States, and United States Senators, who by bargaining their advice and consent to the President may select the Commissioner of Internal Revenue and the collectors of internal revenue, internal-revenue agents, and through them all the officers who are to sit over these millions of barrels bonded up in your warehouses at the Government expense until after the Presidential election, and then if possible avoid altogether the payment of the taxes due.

I want to call the attention of my friends to the fact that if they will look at this proposition they will see that it is but a tightening of that grasp which the whisky ring now has on the deliberative bodies of this country.

[Here the hammer fell.]

Mr. CANNON. I move to strike out the last word, not for the purpose of using all of the five minutes to which I am entitled, but to call the attention of the Committee of the Whole to the fact that title 35 of the Revised Statutes, the provision of which by the amendment of the gentleman from Kentucky [Mr. THOMPSON] is dispensed with as to a certain class of distilleries, cover from pages 601 to 686, inclusive, of the Revised Statutes. I have not had time to examine them since the gentleman from Kentucky proposed his amendment.

I have been a little surprised during the discussion touching the whole machinery of collecting our revenue, internal as well as customs, to sit here and listen to the silence (if a man can listen to silence), to the absolute silence of the Committee of Ways and Means, with its distinguished chairman, the gentleman from Illinois [Mr. MORRISON]. Important amendments have already been adopted here upon the motion of the gentleman from Kentucky without the active investigation or the recommendation of that committee. And now the gentleman comes in here and proposes, as he explains his amendment and as I can gather his meaning from the reading of it, a wholesale change of the machinery for collecting internal revenue, so far as a large number of distilleries are concerned.

In his first amendment he struck down the number of internal-revenue collectors from eighty-odd, as proposed by this bill, to forty-two. That, I believe, has been or is to be adopted. Then comes in the gentleman from Indiana and proposes an amendment that there shall be no increase of deputy collectors or any other internal-revenue officials. The gentleman from Kentucky by his proposition weakens and lessens the number of chief officers, and the gentleman from Indiana by his amendment provides that, notwithstanding that lessening of the number of chief officers, there shall be no increase of deputies and other officials. So that the revenue, so to speak, is between the devil on the one hand and the deep sea upon the other.

I hope this Committee of the Whole will halt before it adopts the amendment of the gentleman from Kentucky. I do not know that it will. It may be that we are prepared to shut our eyes and go it blind and adopt this amendment or any other.

I apprehend, however, that when gentlemen go to the country they will find that the country will not approve of the destruction of the machinery which results in the honest collection of $120,000,000 of taxes annually. Gentlemen ought to be a little careful before they change that machinery or weaken it. I sometimes think that my Democratic friends have a genius for destruction and not much capacity for construction, for it has been with them all day destruction touching the revenue of the Government.

I am not prepared to say but what some of the provisions are wise and would have received my support had they been orderly considered and properly matured by committees. That is all I care to say about this matter.

Mr. MORRISON. If I heard my colleague distinctly, he expressed some surprise at my silence upon this subject. I want to say to him that, with the help of the committee of which I have the honor to be a member, I have very carefully considered several measures which have been proposed, and in my opinion they were very wise measures. I brought them into this House, but the fact that they had been examined by me did not seem to commend them especially to my colleague. I think that perhaps he can better understand some of the measures proposed by the gentleman from Kentucky than he can anything which I or my committee may propose here.

Mr. THOMPSON. The gentleman voted against both just the same.

Mr. HOLMAN. Up to this time, perhaps as a result of the confusion here, at all events from some cause or other, the exact effect of this proposition does not seem to be understood. Gentlemen all around me inquire what is the effect of this proposition. The title of the Revised Statutes proposed to be affected by this measure has not yet been read. I ask, for the benefit of my friend from Illinois [Mr. CANNON], that it be read. I admit that it may be quite tedious, but I think that the effect of the measure should at least be understood.

Mr. CANNON. That title of the Revised Statutes covers eighty-five printed pages.

Mr. THOMPSON. If the gentleman from Indiana [Mr. HOLMAN] will yield to me for a moment——

Mr. HOLMAN. I will do so if the gentleman will state the exact effect of his amendment.

Mr. THOMPSON. I think I can do so in five minutes. I call the attention of the House to section 3255 of the Revised Statutes, which I will read:

> The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, or grapes from any provisions of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so.

Under that provision of the Revised Statutes the Commissioner of Internal Revenue, with the consent of the Secretary of the Treasury, has exempted all fruit distillers all over the country from the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, not to the payment of the tax. That provision of the statutes which requires the distiller to exact a certain annual bond, that provision which requires that the storekeeper shall be placed in the distillery and keep a set of books and report every day every pound of fuel which is used for the distillery and every bit of grain that came into the distillery and all the other provisions of that character, are

totally worthless when you come to run an insignificant distillery of the capacity and character of fruit-brandy distilleries.

Mr. HOLMAN. As I understand, the effect of this proposition is to place the small grain distilleries where the amount of grain distilled each day is below a given quantity on the same footing with fruit distilleries—that is to say, to confer upon the Secretary of the Treasury the same discretion as to these small grain distilleries that he has as to the others.

Mr. KASSON. It goes beyond that.

Mr. THOMPSON. It makes the matter compulsory as to distilleries distilling ten bushels or less per day, and it leaves the matter discretionary with the Secretary of the Treasury as to distilleries distilling between ten and twenty-five bushels a day.

Mr. HOLMAN. Why would it not be safer to extend to the small grain distilleries exactly the same discretion which you now confer upon the Secretary of the Treasury with regard to the fruit distilleries?

Mr. THOMPSON. As the discretion of the Commissioner of Internal Revenue has been exercised in reference to the fruit distilleries, and no bad results have followed, in other words, as for nearly fifteen years 5,000 fruit-brandy distilleries have been run without storekeepers, I thought in a Presidential year, when of course there might possibly be reasons why a discretionary enactment might not be enforced, Congress could in this instance exercise the discretion and muster out these 1,000 unnecessary office-holders, leaving to the head of the Department a discretion as to the residue.

Mr. HOLMAN. But here is a field of distillation going greatly beyond the fruit distillation. That being so narrow a field, confined to a comparatively small district of country, and the business being carried on only a part of the year, it was deemed that the discretion might simply be exercised by the Secretary of the Treasury. Now, when you come into the broader field of grain distillation, it seems to me we can not safely go further than to confer upon him a discretion in this matter.

Mr. THOMPSON. I wish to say to the gentleman from Indiana that prior to 1868 all these distilleries were run practically under this provision. They had no storekeepers stationed at them, but were special bonded warehouses, as provided in this section, in which the product was placed. And there was no more trouble then in running these small distilleries than there has been since.

Mr. HOLMAN. The gentleman from Kentucky knows that there were special reasons for that. [Cries of "Vote!" "Vote!"]

Mr. KASSON. I must detain the committee in order to call attention briefly to the actual results to be accomplished by this amendment. It provides in the beginning that the provisions of title 35 of the Revised Statutes shall not apply to any of these small distilleries of grain. I think the House ought to understand why a distinction has been made hitherto between the fruit distilleries and the grain distilleries. The fruit comes once a year, in the fall; the period in which it is to be distilled is comparatively brief. Grain may be distilled the year round, day and night. Stores of the material can be kept; it does not decay, as fruit does.

Again, this amendment repeals—absolutely as to the smaller grain distilleries distilling up to ten bushels a day, and at the discretion of the Secretary of the Treasury as to the distilleries distilling between ten and twenty-five bushels—the entire provisions of your statutes designed to guard against frauds. Everything is repealed except the bare tax, and the amendment destroys the means of ascertaining the tax.

I have thought it my duty as a member of the committee, as well as the subcommittee charged with this subject, to call the attention of the House to this matter; for, as we do not intend to arrest business by raising the question of a quorum, it is fair that those who are to vote upon this proposition should understand the extent to which they are asked to go in the repeal of the safeguards for the collection of the revenue. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. THOMPSON, it was agreed to, there being—ayes 53, noes 52.

M. CABELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 849 and 850 strike out "$2,264,000" and insert "$2,164,000;" so as to make the appropriation for miscellaneous expenses $2,164,000.

After the word "exceeding," in line 851, strike out "twenty;" so as to read: "There shall not be employed exceeding five agents," in lieu of the number authorized, &c.

Mr. CABELL. Mr. Chairman, in consequence of the amendments which have been adopted by the committee it will be necessary and proper to reduce the amount of money appropriated in this bill. The amount of reduction proposed by my first amendment, considering all things, is very moderate indeed, and will leave enough to fulfill all the requirements of the bill as it now stands. I think the amendment reducing the amount of the appropriation ought to be adopted by the committee without hesitation.

My next amendment is to strike out the word "twenty," so as to leave the number of revenue agents to be provided for in this bill at five. It is known to the committee that year by year the internal-revenue laws have been improved and perfected to such an extent that now the business of collecting the revenue can be done with much less trouble and at much less cost than heretofore. It is a fact known to all of us that we have far too many officials pensioned upon the Government and provided for the execution of these laws.

It is also a fact not unknown to this committee and the country that a large number of these officials, running even into the hundreds, are mere "hangers-on" upon the Government and are not required to carry on the legitimate operations of this war. [Laughter.] I should have said "the legitimate operations of this law;" but I will not, if you so choose it, correct the expression just indulged. Everybody knows who knows anything of the subject at all that in many portions of this country, especially in the South, literal, absolute, and outrageous war upon a small scale is carried on against the people by the army of collectors, marshals, gaugers, and other officials provided and paid by Congress to execute the revenue laws of the United States, and the object of this amendment is to break up the operations of these men and to relieve the people of the country of their harassing operations. It is to break down and end the war, it is to break down the operations of this licensed band of marauders that I would provide against, and put a check upon their illegal proceedings, that I ask the adoption of this amendment.

Why do we want these internal-revenue officials in every district? What need have we for them? There are collectors, deputy collectors, marshals, deputy marshals, and officials of every kind now discharging or pretending to discharge official duties.

Why do you want these men roving round the country? Fully one-half of them, if not more, are nothing but political tramps and bummers. They stir up more strife, they produce more trouble, more distress, and ill-feeling than all other officers of the Government combined. Five of them at the seat of Government are all that are required when any difficulty arises which can not be settled by the local officials.

The Secretary of the Treasury or the Commissioner of Internal Revenue can send one of these five men out, left by this amendment, into the country to do whatever is necessary to be done.

If this amendment is adopted it will cut down the expenses of the Government $100,000 and leave all the officers necessary to a proper and efficient execution of the revenue laws. I hope the amendment will be adopted in the interest of the Government, as also that of the people.

[Here the hammer fell.]

Mr. HOLMAN. Does not the gentleman bring in his amendment at an improper place?

Mr. CABELL. No, sir.

Mr. HOLMAN. This provision is for salaries and expenses of collectors and deputy collectors, $1,800,000. We have not reduced the number of those.

Mr. CABELL. There is where the amendment comes in.

Mr. HOLMAN. What line?

Mr. CABELL. In lines 849 and 850.

Mr. HOLMAN. The amount the gentleman has suggested is too large. The amount to be deducted is $50,000, leaving $1,750,000. My friend should modify his amendment.

Mr. CABELL. I will modify it so as to apply to that section, but not to change the amount of reduction.

Mr. KEAN. That comes too late, and I object.

The CHAIRMAN. It is too late to go back.

Mr. HISCOCK. Does the gentleman in charge of this bill think this amendment proper?

Mr. HOLMAN. I think if the reduction is made to the extent of twenty there may be a reduction to the amount of $50,000.

Mr. HISCOCK. Are you in favor of the reduction?

Mr. HOLMAN. I was going to address the Chair on that. Under the law the number of special agents is thirty-five. That is reduced in this bill to twenty-five. All I can say is, after such consideration as the Committee on Appropriations were able to give it, they were of the opinion the number should be reduced. We reduced the number from thirty-five to twenty-five, and now the proposition is to reduce the number to five. I do not think we can go to that extent, in view of the importance of the supervision these officers exercise over the internal-revenue system.

Mr. CANNON. I object to going back.

Mr. CABELL. They ought to be reduced. We ought not to have them. They are of no use.

The CHAIRMAN. As objection is made to going back the amendment is pending as originally offered.

Mr. HOLMAN. We can reduce that item. It is not going back. It is the same paragraph.

The CHAIRMAN. It is a different one.

Mr. HOLMAN. The Chair is right. Of course it ought not to be adopted in that form.

Mr. CABELL. It seems to me this is the place in which it should be adopted.

Mr. WHITE, of Kentucky. I renew the amendment to strike out the last word. If I understand the proposition of the gentleman from Virginia it is to reduce the number of officers, and salaries to the amount of $50,000. Is that it?

Mr. CABELL. It is to cut down from $2,264,000 to $2,164,000. I made the calculation and it seems to me proper to reduce it to that amount.

Mr. HOLMAN. Certainly the gentleman will see that the amendment of the gentleman from Kentucky had no application to this paragraph but to the preceding one.

Mr. WHITE, of Kentucky. The point I wanted to make on the gentleman from Indiana [Mr. HOLMAN] was that I did not think he was the proper person to object to reducing an appropriation bill $50,000. The committee will note that the gentleman from Virginia has made that proposition and made a good argument to support it; and I feel inclined to think with him. I do not see any reason that the gentleman from Indiana has advanced to off-set the argument made by the gentleman from Virginia.

The gentleman from Virginia makes an argument which is quite clear to my mind, in fact I may say conclusive, that the duty of these twenty-five men is not of importance to the collection of the revenue, but that they are occupying sinecure positions. These supposed traveling agents of the Government in the Revenue Department are often political agents. Their duties have not been clearly defined or set forth to this House. It does not appear, as I stated in a former Congress and as I repeat now, that they are necessary at all; but on the other hand, as I believe, they are busybodies, stirrers up of strife, setting spies to work to made trouble only and make some showing as a result of their salaries from the Government, and in order to demonstrate if they can in this manner that they are not occupying mere sinecure positions.

It is not the wish of the people of this country that this Government shall maintain a system of this kind by which a number of salaried officers is to be allowed to go through the country and stir up strife and discord and bring trouble and discontent upon the people, simply for the purpose of enabling these men to draw their salaries. I understand the gentleman from Virginia to have taken that position.

Mr. CABELL. I did.

Mr. WHITE, of Kentucky. And I think it is a correct one. I say it is proper to cut off these men and save the people from insult, annoyance, and harassment. The collectors and deputy collectors of internal revenue and the United States district attorneys and marshals are quite sufficient.

The gentleman from Indiana, however [Mr. HOLMAN], rises and says he opposes the reduction, which on its face saves $50,000. Now, I claim that it does not become him to say so, especially when he higgles over a few dollars on a clerk's salary and seems to favor economy in everything except this; and I might except his vote for the whisky bill and the New Albany public building.

Mr. HOLMAN. I took no occasion to say what I was in favor of. I do say to the gentleman, if it is a matter of any importance to the committee, that I think the number of these officers could be reduced to twenty without detriment to the service. That was my individual opinion. The committee thought it could not be reduced below twenty-five. I thought myself, on an examination of the subject, that we might with some degree of safety, however, reduce them to the number I have mentioned.

Mr. WHITE, of Kentucky. Will the gentleman tell the House their duties and why they can not be abolished?

Mr. HOLMAN. We are a little responsible now for the appropriation of the public moneys and also for their collection, and I hope that there will be no mistake made.

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the gentleman from Virginia.

The committee divided; and there were—ayes 16, noes 40.

Mr. HOLMAN. I think there ought to be tellers on this vote.

Mr. HISCOCK. The gentleman can have a yea-and-nay vote in the House.

Mr. HOLMAN. I do not wish to accumulate questions in the House. There are too many reserved already.

Mr. HISCOCK. It is not necessary to reserve the question to have a yea-and-nay-vote.

Mr. WHITE, of Kentucky. The gentleman is just killing time. We shall compel a quorum. I hope we will take a vote in the House.

The CHAIRMAN. The Chair will order tellers.

Mr. HOLMAN and Mr. CANNON were appointed tellers.

The committee again divided; and the tellers reported—ayes 45, noes 35.

Mr. HOLMAN. I do not ask a further count.

So (no further count being demanded) the amendment was agreed to.

Mr. CANNON. I move to strike out the last word. I do this for the purpose of saying that we have now succeeded—so far as the Committee of the Whole is concerned—we have succeeded in cutting down to one-half the force of collectors. We have cut at both ends all along the line upon these officers and cut the appropriations under the lead of the gentleman from Kentucky [Mr. THOMPSON], and by the aid of the people from his section in the main. We have succeeded in cutting down from thirty-five revenue agents to five, when we need more instead of less. As a fitting sequence now to the whole matter, as far as I am concerned, I desire to have read a small editorial from the Evening Star. I know nothing as to the truth of it, but of course if it is not true the gentleman whose district is referred to can upon a future day rise upon the floor to a question of privilege and take the editor to task for his statement. I ask the Clerk to read.

The Clerk read as follows:

While the members of the Kentucky delegation in the House were playfully interchanging compliments yesterday on the alleged prevalence of "moonshiners" in their respective districts, the officers of the law were locating the whereabouts of these outlaws in all seriousness; and one desperate band, at least, was discovered in PHIL. THOMPSON'S district, as a sheriff and his posse, in attempting to make an arrest of illicit distillers in Laurel County, were fired on, and the sheriff killed.

Mr. CANNON. On that I make no comment.

Mr. WHITE, of Kentucky. I desire as a comment upon it to have read an extract from a New York paper as to what occurred in the State of New York on yesterday.

The CHAIRMAN. That is not in order on this bill.

Mr. WHITE, of Kentucky. I ask consent to have it read as part of my remarks as an offset to the calamity which occurred in the district of my colleague [Mr. THOMPSON]. I see he has returned to his seat and can speak for himself. But before the Clerk reads what I have sent to the desk I want to say this to the gentleman from Illinois, that there is the greatest danger—mark my words—there is the greatest danger that by the legislation that has been going on since 1878 on this whisky matter, by which millions of gallons are being stored up, by which certain leakages are allowed, by which other allowances are made, by which certain duties are dispensed with time and again in the interest of this great monopoly, you are spurring on the people in remote localities to defy the law. And the reason of it is very clear to my mind, that there is a discrimination in the interest of capital against poverty; that there is a disposition to hunt down the poor through the United States, not in the interest of good government, not to collect the revenue, but to enable the whisky monopoly to roll up millions of gallons in bond with a view in some future Congress to wipe out the law so that the tax shall never be collected. In consequence of this you see a disposition in all remote localities where the business can be carried on to defy the law; and the longer you legislate in the way you have done the worse will it be. I ask the gentleman from Indiana to give me his attention, because he voted for the whisky bonded bill to give millions of dollars to the whisky monopoly, and yet he higgles about a few dollars to a clerk in a Department and thinks that is economy. I want the Clerk to read what is being done by these defiers of the law, not in Kentucky and Tennessee and North Carolina and Georgia, but in New York.

The Clerk commenced to read the paragraph sent to the desk by Mr. WHITE, of Kentucky.

Mr. HOLMAN. I submit that this is taking up too much time.

Mr. WHITE, of Kentucky. It is only a small paragraph.

Mr. HOLMAN. I call for the regular order.

Mr. WHITE, of Kentucky. I am having it read in my own time.

Mr. HOLMAN. If we are not to go on with the consideration of the bill we might as well adjourn.

The CHAIRMAN. Does the gentleman from Indiana make the point of order?

Mr. HOLMAN. I do not insist on it.

The Clerk read the paragraph, as follows:

ANOTHER REBELLION THREATENED.

WASHINGTON, *May* 28.

The Commissioner of Internal Revenue has received a letter from Williamsville, N. Y., signed by Martin Schneider, saying:

"The farmers will give you another week to decide whether you will permit us to distill in small quantities or not; if not, we will distill you in spite of you and the Government. We want you to distinctly understand that we will not submit to this extortion, which is a terrible outrage and should be resisted morally and physically. The farmers are excited and are determined to have their own way in this matter. Be wise and answer at once to avoid a terrible calamity."

Mr. SKINNER, of New York. I suppose the gentleman from Kentucky, in causing that paragraph to be read, justifies the course of conduct which it describes.

Mr. WHITE, of Kentucky. I do not justify it; but I say that by the legislation you have been enacting for years you drive men into that sort of thing.

The Clerk commenced to read the next paragraph of the bill.

Mr. THOMPSON. With the permission of the Clerk——

The CHAIRMAN. The Chair can not recognize the gentleman from Kentucky till the end of the paragraph is reached.

Mr. THOMPSON. The article sent up by the gentleman from Illinois [Mr. CANNON] and read from the Clerk's desk alludes to my district, and I think it but courtesy on the part of the House that I should be permitted to make a remark upon it.

The CHAIRMAN. The Chair will recognize the gentleman when the paragraph of the bill is read through.

Mr. THOMPSON. I do not desire that there should be any intervening action between the attack on my people and my response to it.

Mr. HISCOCK. I would suggest that the discussion of all these matters be deferred until we get through with the bill.

Mr. THOMPSON. That would have been a more appropriate suggestion if the gentleman had kept his own friend off. It is scarcely the thing to let my district be attacked and then to close my mouth.

The Clerk resumed and concluded the reading of the paragraph of the bill.

Mr. THOMPSON. Mr. Chairman, I find while I was in the rear of the Hall, so that I did not hear it at the time, the gentleman from Illinois [Mr. CANNON] sent to the Clerk's desk an article taken from some paper published I do not know where.

Mr. CANNON. I took it from the Star, published in this city.

Mr. THOMPSON. It is not the star that followed the wise men, to say the least of it.

Mr. TUCKER. The wise men followed the star.

Mr. THOMPSON. I think there are too many talking at once. I believe, however, it is the same Star which tells us of the defalcation of Burnside, your big leader in the Post-Office Department, to the amount of $45,000. You had better investigate him before you attack my district. The gentleman from Illinois [Mr. CANNON] was always efficient in investigating the affairs of the Post-Office Department, and I refer that matter to him.

So far as concerns this charge against my district that in Laurel a sheriff was killed while locating a moonshine distillery, I would have supposed that a gentleman of the distinguished ability which the gentleman who sent this paragraph to be read possesses, and who has the knowledge of such matters which he seems to have, possibly would have known that sheriffs did not hunt up moonshiners or moonshine distilleries. That is done by deputy marshals. The State law, of which the sheriff is the executor, has nothing in the world to do with the manufacture of whisky or with moonshine distilleries or moonshiners. And so far as the charge is concerned that somebody was killed in attempting to locate a moonshiner in some part of my district, I have no knowledge of it except through this paper. I would recommend the gentleman to clean out his own stable before he attacks mine.

The Clerk resumed the reading of the bill and read the following paragraph:

For rent of additional buildings for use of the Pension Office, $18,760.

Mr. VANCE. By direction of the Committee on Patents I offer the amendment which I send to the desk, and to which I think there will be no objection.

The Clerk read the proposed amendment, as follows:

After line 2018, insert as follows:
"For rent of additional building for use of the Department of the Interior, $5,000, to be paid out of the receipts of the Patent Office."

Mr. HOLMAN. There is no estimate for this, and yet I am inclined to make no point of order upon the amendment. I would suggest that it is important to say out of what fund it should be paid. The revenue from that business goes into the public Treasury. This is an ordinary appropriation. I understood from the gentleman from North Carolina that it was quite important that there should be additional facilities furnished for the Patent Office. And I would suggest that instead of the words "to be paid out of the receipts of the Patent Office," it would be better to say simply "for the use of the Patent Office."

Mr. VANCE. I have no objection to that.

Mr. HOLMAN. And then it becomes simply an appropriation of $5,000.

Mr. VANCE. I have no objection to that and will make that change in the amendment.

Mr. HOLMAN. It has been suggested to me that there are a number of rooms in the Interior Department which are now being furnished under an appropriation made for the year. In that event will it be necessary to make this additional appropriation?

Mr. VANCE. I think it will be. There is absolutely needed at the present time forty-five rooms for the growing business of the Patent Office. There were nearly 23,000 patents issued last year. The business of the office is increasing rapidly all the time, and its condition is positively ridiculous and disgraceful.

Mr. HOLMAN. There has been no increase in the force of the Patent Office.

Mr. VANCE. There ought to have been; there was an increase made last year.

The CHAIRMAN. The amendment as modified will now be read.

The amendment was read, as follows:

For rent of additional buildings for the use of the Patent Office, $5,000.

The amendment was agreed to.

The Clerk resumed the reading of the bill and read the following:

For surveyor-general of California, $2,750; and for the clerks in his office, including those completing, translating, copying, and indexing original Spanish archives and preserving from destruction originals greatly defaced in the office of the surveyor-general of California, $32,250; in all, $35,000.

Mr. BUDD. I move to amend the paragraph just read by inserting, after the word "dollars," in line 2034, that which I send to the Clerk's desk.

The Clerk read as follows:

For listing and platting swamp and overflowed lands in the State of California, and causing the same to be patented to said State, and doing all necessary acts to that end, as by existing laws provided, the sum of $20,000, or so much thereof as may be necessary.

Mr. HOLMAN. I wish to reserve all points of order on that amendment, and also to say to the gentlemen from California [Mr. BUDD] that even if it were proper to make this appropriation it should be made in the sundry civil appropriation bill, where the subject properly belongs. I must make the point of order that it is not germane to this bill, which simply provides for the *personnel* of the several Departments.

Mr. BUDD. I offered an amendment in substance like this at an earlier hour of to-day, and a point of order was raised against it which the chairman decided at the time was well taken. Since then I have examined the question and have come to the conclusion that the point of order was not well taken, and therefore I have offered the amendment at this time.

It is immaterial to me whether it is considered as a part of this bill or as a part of the bill mentioned by the gentleman from Indiana [Mr. HOLMAN], the sundry civil appropriation bill. But I desire to have the ruling of the Chair upon the objection of the gentleman that it belongs to the sundry civil and not to this bill, so that when the proper time comes for me to offer it again another objection may not be made that it belongs to this bill.

The CHAIRMAN. The Chair would state that in the preparation of bills, especially of appropriation bills, in order to prevent multifariousness and confusion, certain subjects are assigned to certain bills. We know what this bill is intended for—to provide for the *personnel* of the various Departments of the Government. The sundry civil appropriation bill will be the proper bill for the amendment of the gentleman if it be otherwise in order. The Chair therefore sustains the point of order.

Mr. BUDD. Very well; that is all I desire to have, a ruling on the point of order.

The Clerk resumed the reading of the bill and read the following:

POST-OFFICE DEPARTMENT.

For compensation of the Postmaster-General, $8,000; chief clerk to the Postmaster-General, $2,200; stenographer, $1,800; appointment clerk, $1,800; law clerk, at $2,500; and one clerk of class 4 (in office of Assistant Attorney-General for Post-Office Department); two clerks of class 3; one clerk of class 2; three clerks of class 1; one clerk, at $1,000; one clerk (J. M. Hunt), at $1,000; one copyist; one messenger; one assistant messenger; in all, $30,760.

Mr. CANNON. There are on our side but three small amendments to be offered to this bill, which the gentleman from Indiana [Mr. HOLMAN] and myself have agreed upon. I therefore ask unanimous consent to waive the reading of the remainder of the bill, in order that those amendments may be considered at this time.

Mr. HOLMAN. If that is the desire of the Committee of the Whole I will not object.

Mr. O'NEILL, of Missouri. I object.

Mr. CANNON. Do not object.

Mr. O'NEILL, of Missouri. I insist on the sensible way of doing business.

The CHAIRMAN. Objection being made, the Clerk will proceed with the reading of the bill.

The Clerk resumed the reading of the bill and read the following:

For First Assistant Postmaster-General, $4,000; chief clerk, $2,000, and while the office is held by the present incumbent, $500 additional; chief of salary and allowance division, $2,000; one clerk of class 4; twenty clerks of class 3; one clerk of class 3, to act as stenographer and Department telegraph operator; six clerks of class 2; sixteen clerks of class 1; four clerks, at $1,000 each; superintendent division post-office supplies, $2,000; one clerk of class 3; four clerks of class 1; two clerks, at $900 each; four clerks, at $1,000 each; four assistant messengers; seven laborers (for division of post-office supplies); superintendent of free delivery, $2,100; one clerk of class 4; one clerk of class 2; and one clerk of class 1 (office of superintendent of free delivery); in all, $100,060: *Provided*, That three of the clerks at $1,000 each and four of the laborers provided for above shall be paid from the appropriation made for stationery in the act making appropriations for the service of the Post-Office Department for the fiscal year 1885.

Mr. HOLMAN. I am instructed by the Committee on Appropriations to submit to the Committee of the Whole the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 2103, after the words "chief of salary and allowance division, $2,000," insert the words "chief of appointment division, $2,000."

The amendment was agreed to.

The Clerk resumed the reading of the bill and read the following:

Office of the Solicitor of the Treasury: For compensation of the Solicitor of the Treasury, $4,500; assistant solicitor, $3,000; chief clerk, $2,000; three clerks of class 4; three clerks of class 3; two clerks of class 2; two clerks of class 1; one assistant messenger, and one laborer; in all, $26,280.

Mr. HOLMAN. I am instructed by the Committee on Appropriations to move to amend the paragraph just read by increasing the number of clerks of class 4 from three to four; and also to change the total to $28,000.

The amendment was agreed to.

The Clerk read the following:

For compensation of the district attorneys of the United States, $20,100.
For compensation of the district marshals of the United States, $12,700.

Mr. HOLMAN. I am instructed by the Committee on Appropriations to move to strike out those two paragraphs and let provision be made for them in the sundry civil appropriation bill.

The motion to strike out was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. SMITH. I ask unanimous consent to recur to page 10, line 223, in order to amend by inserting the following:

For assistant clerk to the Committee on War Claims, $1,600.

The CHAIRMAN. Is there objection to recurring to the portion of the bill indicated by the gentleman from Pennsylvania?

Mr. HOLMAN. Reserving the right to object, I hope the gentleman from Pennsylvania will make a statement of the exact facts in regard to this matter, and I trust that members of the committee will listen to the gentleman's statement.

The CHAIRMAN. If there be no objection the point of order will be reserved until the gentleman from Pennsylvania has made a statement. The Chair hears no objection.

Mr. SMITH. Mr. Chairman, having been, with my friend the gentleman from Indiana, a member for six years of the Committee on War Claims, I have personal knowledge of the necessity for an assistant clerk of that committee. One special reason of this necessity is the fact that after the Southern claims commission had expired all the books and papers of that commission, together with its opinions and 32,000 rejected claims, were put in charge of the committee. Those claims are now being considered by the accounting officers in the Quartermaster's Department; and very often the clerk of the committee is called upon to give transcripts of these opinions. He is the chief officer of the committee, and the amount of clerical work imposed upon him is very great. In the Forty-sixth and Forty-seventh Congresses this committee had an assistant clerk, who received a compensation of $1,600 per annum, as proposed in this amendment.

Having personal knowledge of these facts, it is but fair that I should state them for the information of the Committee of the Whole, the chairman of the Committee on War Claims [Mr. GEDDES] being not now present.

Mr. RANDALL. The War Claims Committee is already provided with a clerk?

Mr. SMITH. Yes, sir. But by reason of this extra work, of which I have spoken, imposed upon that clerk, an assistant clerk at $1,600 a year was allowed in the Forty-sixth and Forty-seventh Congresses. In consequence of this extra quantity of work it is proper that this assistant clerk should be authorized in this Congress.

The CHAIRMAN. Is there objection to entertaining the amendment?

Mr. NEECE. I object.

Mr. BLAND. I move to amend by adding to the bill the proviso which I send to the desk.

The Clerk read as follows:

Provided, That no clerk or other employé whose salary or compensation is provided for herein shall perform any private service of a clerical or other character for any Senator or Representative in Congress, or for the head of any Department, or for the chief of any bureau in a Department, or for any campaign committee of any political party. And any clerk or employé who shall violate this proviso shall be summarily dismissed from his employment. And any officer or person herein prohibited from receiving or demanding such services of said clerk or employé who shall violate the provisions hereof shall be subject to a fine of not less than $100 for each offense. And the United States court for the district in which the offense may be committed shall have jurisdiction of the offense herein named.

Mr. BLAND. This amendment simply extends to the various employés of the Government the same provisions embraced in the amendment of the gentleman from Colorado [Mr. BELFORD] as to clerks of the House. As gentlemen on the other side all voted for that proposition I presume there will be no objection to this.

The CHAIRMAN. Is there objection to the amendment? The Chair hears none, and it is adopted.

Mr. HOLMAN. I move to amend by adding as a new section the provision which I send to the desk.

The Clerk read as follows:

SEC. 5. No officer, clerk, or other employé in the service of the United States shall, except in case of sickness, be absent from the duties of his office for a longer period in any year than may be authorized by law, and shall not, except in case of sickness, receive salary or compensation for any period of absence in excess of the period so authorized.

Mr. BUDD. I make the point of order that this amendment is not germane.

Mr. HOLMAN. I think it is germane to the bill. It applies to every person whom the bill authorizes to be employed.

The CHAIRMAN. On the same ground upon which the amendment of the gentleman from Colorado was ruled in order yesterday—that it restrains and directs the expenditure of the money appropriated in the bill—the Chair overrules the point of order.

Mr. CANNON. Mr. Chairman, this provision is not reported from the Committee on Appropriations. May I ask who offered the amendment?

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN].

Mr. CANNON. Well, that is as much as I care to say, and perhaps as much as I can say in order, that this amendment was not reported by the Committee on Appropriations as a part of this bill. I do not believe it will receive the support of a majority of the members of the Committee on Appropriations. It is exceedingly broad in its scope. It is an effort on the part of a co-ordinate branch of the Government, the legislative, to prescribe exactly how much service the heads of Departments shall render.

It undertakes to place a limitation on the Executive. It prescribes leaves of absence of Secretaries and their pay. In my judgment it should not be adopted.

Mr. THOMPSON. I want to understand the amendment. We have a large number of annual clerks who during the vacation of Congress have but little to do. Is the effect to keep them here at their posts when they have nothing to do?

Mr. CANNON. Of course it does.

Mr. THOMPSON. Here is the Doorkeeper. I do not think he should be kept here during the vacation of Congress.

Mr. HOLMAN. I am willing to except the officers round here.

Mr. CANNON. Why do you make that exception when you include Secretaries? You should not apply a rule to others you are not willing to apply to your own employés.

Mr. RANDALL. The service in the Departments extends over the entire year, while the employés of Congress are only here during the session.

Mr. CANNON. That does not necessarily follow.

Mr. RANDALL. I think so.

Mr. CANNON. In contemplation of law they are here all the time.

Mr. THOMPSON. They ought not to be kept here when they have nothing to do.

The amendment was rejected.

Mr. HOLMAN. The gentleman from Michigan [Mr. HATCH] offered an amendment, which was passed over. I ask it be read.

The Clerk read as follows:

Territory of Alaska: For salary of governor, $3,000; judge, $3,000; attorney, marshal, and clerk, $2,500 each; four commissioners, $1,000 each; four deputy marshals, $750 each.

For the actual and necessary expenses of the judge, marshal, and attorney, while traveling in the discharge of their official duties, $1,000.

Repairs to jail in town of Sitka so as to render it suitable as jail and penitentiary, $1,000.

For contingent expenses of the Territory, to be expended under the direction of the governor, $500.

Mr. HOLMAN. The gentleman from Michigan who moved that amendment is not present, and I regret it. These items are in conformity with the bill which has passed both Houses and become a law. It will be observed the salary of this governor is $3,000, which is $400 higher than that of governors of the other Territories. I do not like to submit an amendment in his absence, yet I would think for the small service this governor will have to render $2,600 is enough. He should not be paid $400 more than the other Territorial governors.

Mr. CANNON. Does not the gentleman think that a law assented to by a Democratic House of Representatives within the last twenty days ought to stand for at least a month longer?

Mr. HOLMAN. I do not see why this governor should have more pay than other governors of Territories, and yet in the absence of the gentleman offering the amendment I do not care to move a reduction.

Mr. CANNON. Alaska is far north and this governor will be isolated, and I believe the salary is right.

Mr. RYAN. It has been only a few days since Congress deliberately fixed these salaries. It seems to me we ought to let them remain for the present.

Mr. HOLMAN. In view of the absence of the gentleman who offered the proposition it would not be proper for me to move to amend it. I regret very much to see these salaries steadily growing on us.

The amendment of Mr. HATCH, of Michigan, was agreed to.

Mr. HOLMAN. I move, on page 86, to insert "Jennie;" so it will then read as follows:

POST-OFFICE DEPARTMENT.

For compensation of the Postmaster-General, $8,000; chief clerk to the Postmaster-General, $2,200; stenographer, $1,800; appointment clerk, $1,800; law-clerk, at $2,500; and one clerk of class 4 (in office of Assistant Attorney-General for Post-Office Department); two clerks of class 3; one clerk of class 2; three clerks of class 1; one clerk, at $1,000; one clerk (Jennie M. Hunt), at $1,000; one copyist; one messenger; one assistant messenger; in all, $30,760.

The amendment was agreed to.

Mr. HOLMAN moved the committee rise and report the bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and had directed him to report the same back with sundry amendments.

Mr. HOLMAN. I demand the previous question.

The previous question was ordered.

Mr. RANDALL. I move to reconsider that vote, and to lay the motion to reconsider on the table.

The SPEAKER. If there be no objection it will be so ordered.

Mr. HOLMAN. One matter intended to be done before the committee rose has not been done, and I ask unanimous consent to be allowed to do it now. On page 35, in lines 839 and 840, $1,800,000 is appropriated for salaries and expenses of collectors and deputy collectors. In

view of the reduction made in committee that ought to be reduced to $1,750,000. I ask that reduction be made.

Mr. CANNON. I do not think that it is any too much as it is, and therefore I object.

Mr. HOLMAN. I hope the gentleman will not do that, because it will only necessitate a motion on my part to reconsider the vote by which the previous question was ordered. I hope my friend, therefore, will not put us to the trouble of going through that process in order to correct this error.

Mr. KASSON. But the House may not agree to the reduction made by the committee; if so, I understand that this amount is correct.

Mr. HOLMAN. I move to reconsider the vote by which the previous question was ordered upon this bill.

The SPEAKER. The Chair will state that the gentleman from Pennsylvania moved to reconsider the vote by which the previous question was ordered and moved to lay that motion on the table. The Chair stated that if there be no objection the motion would be agreed to; but the gentleman from Indiana rose while that statement was being made to ask this correction.

Mr. CANNON. I will withdraw the objection.

Mr. KASSON. Before it is withdrawn I want to ask if this is because of the amendments which have been adopted by the committee?

Mr. HOLMAN. Yes, sir.

Mr. KASSON. Well, inasmuch as that amendment or reduction of the number of officers may not be adopted by the House I do not think it necessary to make this change in the amount appropriated; because if the House does agree to the action of the committee this correction can be made in the Senate. For that reason I object.

Mr. HOLMAN. Then, Mr. Speaker, I must move to reconsider the vote on the previous question. We can not allow the bill to go to the Senate in this form.

Mr. HAMMOND. We can have a vote on both propositions in the House by consent.

Mr. HOLMAN. But the difficulty is that this will not be before the House.

Mr. HISCOCK. You can not get it before the House unless it be reported from the committee.

Mr. KASSON. It had better go before the Senate in this form and let the change be made there. It is very late now, and there is no necessity for keeping us here longer this evening.

Mr. HOLMAN. This is the only chance to make the correction.

Mr. KASSON. There is no quorum any way.

Mr. HOLMAN. O, well, if the gentleman is going to make that point, I will ask if the gentleman will agree that if this recommendation of the committee is adopted by the House this correction shall also be made?

Mr. KASSON. I will make no objection.

The SPEAKER. The Chair will suggest that that can be done in the House if the amendment proposed by the committee is agreed to. If it is agreed to in the House then the proper correction can be inserted.

Mr. HISCOCK. But I understand the gentleman from Illinois thinks the reduction ought not to be made even if the amendment is agreed to.

The SPEAKER. The Chair will state that if the amendment was not agreed to the amount in the bill is the correct one.

Mr. HOLMAN. I understand there is no objection.

Mr. HISCOCK. I do not understand that this agreement has been made. I understand the gentleman from Illinois says the appropriation would be too small under any circumstances.

Mr. CANNON. No; I say the appropriation is not now large enough by from fifty to one hundred thousand dollars for the present force.

Mr. HOLMAN. It is up to the estimates for this purpose. I ask for a vote upon the proposition on the motion to reconsider the vote by which the previous question was ordered. But again I ask unanimous consent that if this amendment be adopted by the House reducing the number of collection districts then the amount shall be reduced $50,000.

The SPEAKER. The Chair will again submit the request of the gentleman from Indiana. The gentleman from Indiana asks unanimous consent that if the amendment proposed in the Committee of the Whole on the state of the Union shall be accepted by the House then this amount shall be corrected by deducting $50,000.

Mr. KASSON. If the gentleman affirms that to be the proper reduction I make no objection. But as I understand there has been no computation.

Mr. HOLMAN. This is a reduction that we find necessary on account of the reduction of the number of collection districts from eight-four to sixty-three and the reduction of these officers. We make a corresponding reduction in the appropriation.

Mr. HERBERT. I understand the agreement is that the Clerk shall make the figures to correspond with the modifications made in Committee of the Whole.

Mr. HOLMAN. To the extent stated, $50,000, if the House accepts the amendment.

The SPEAKER. Is there objection to the correction of the figures in case the amendment shall be adopted by the House?

There was no objection, and it was ordered accordingly.

Mr. HOLMAN moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REWARD TO RESCUERS OF CREW OF STEAMER UMATILLA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I transmith herewith for such action as is deemed proper a communication from the Secretary of State, accompanied by several inclosures, in which he recommends an appropriation for rewarding the services of the Osette Indians in rescuing and caring for the crew of the American steamer Umatilla, which vessel was wrecked in February last near the coast of Vancouver's Island.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *May* 29, 1884.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 783) to increase the pension of John Algoe; and

A bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRISP, for ten days, from and including the 31st May.

To Mr. SMALLS, for ten days, from the 30th instant.

To Mr. HOLMES, until the 6th June, on account of important business.

To Mr. KELLOGG, for ten days, from the 31st May.

To Mr. DINGLEY, for one week, from Saturday, the 31st May.

To Mr. POTTER, on Saturday next, on account of important business.

To Mr. DAVIS, of Missouri, indefinitely, on account of sickness.

To Mr. CULLEN, for ten days, on account of important business.

To Mr. PATTON, for one week, on account of important business.

To Mr. VALENTINE, for ten days, on account of sickness in his family.

To Mr. KASSON, for one week, from Saturday.

To Mr. CANNON, for ten days.

To Mr. KEAN, for one week.

WITHDRAWAL OF PAPERS.

On motion of Mr. CALKINS, by unanimous consent, leave was given to withdraw the papers on file in the Clerk's office of C. C. Humphreys, there being no adverse report.

Mr. ERMENTROUT. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 7 o'clock and 30 minutes p. m.) the House adjourned until Saturday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Protest of the Philadelphia Board of Trade, against the passage of House bill No. 5831—to the Committee on Commerce.

Also, petition of Philadelphia Board of Trade, for the relief of commercial travelers trading in the United States—to the same committee.

By Mr. CALKINS: Petition of R. K. Brush, for payment of salary as mail clerk—to the Committee on Appropriations.

By Mr. CANDLER: Petition of John W. Holt and others, citizens of Gilmer County, Georgia, and of the grand jury of said county, for national aid to education—severally to the Committee on Education.

By Mr. CHASE: Petition for funds for Indian schools—to the Committee on Appropriations.

By Mr. S. S. COX: Memorial of Charles P. Daly, William M. Evarts, and others, citizens of New York, as to W. O. Ninderman and L. P. Noros, survivors of the Jeannette expedition—to the Committee on Naval Affairs.

By Mr. ERMENTROUT: Memorial of the Choctaw and Chickasaw Nations, relative to H. R. 3961 and their objections thereto—to the Committee on Indian Affairs.

By Mr. FORNEY: Petition of Hon. T. J. Burton, A. A. Hurst, and others, citizens of Cleburne County, Alabama, asking for the passage of the Senate bill for educational purposes—to the Committee on Education.

By Mr. GEORGE: Papers relating to the claim of Thad. Thayer—to the Committee on Claims.

By Mr. NELSON: Petition of James R. Walker, for an appropriation for medical services for Indians—to the Committee on Indian Affairs.

By Mr. POLAND: Remonstrance of C. Denny & Co. and others, against the Government assuming control of the telegraph business—to the Committee on the Post-Office and Post-Roads.

Mr. REAGAN: Petition of C. H. Morgan, postmaster at Marquez, Tex., for relief on account of the destruction of Government money and property by fire—to the Committee on Claims.

By Mr. STEPHENSON: Memorial of the Milwaukee Association of ex-Prisoners of War, in favor of the passage of H. R. 1189 and S. 44—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Papers relating to the claim of W. J. Hazen—to the Committee on Indian Affairs.

By Mr. W. L. WILSON: Papers relating to the claim of Catharine Murray—to the Committee on War Claims.

By Mr. E. B. WINANS: Petition of S. D. Bingham, Frank Wells, George W. Feary, and 125 others, citizens and merchants of Lansing, Mich., praying for the passage of a bill granting to letter-carriers fourteen days' leave of absence without loss of pay—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of citizens of the tenth Indiana district, requesting Congress to grant $150,000 for educational purposes to the Indians—to the Committee on Appropriations.

Also, petition of soldiers of Indiana, for a general pension—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 31, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. J. G. BUTLER, D. D., of Washington, D. C.

The Journal of the proceedings of Thursday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 6656) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

ORDER OF BUSINESS.

Mr. LE FEVRE. Having been absent from my seat when reports were being made on Thursday, I ask unanimous consent to make some reports from the Committee on Invalid Pensions.

There was no objection.

SOLOMON K. RUGGLES.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1237) granting a pension to Solomon K. Ruggles; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES D. KIRK.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4079) granting a pension to James D. Kirk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2164) granting a pension to F. M. Castle; and

A bill (H. R. 4468) for the relief of William Buckner.

APPEALS IN HABEAS CORPUS CASES.

Mr. POLAND. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 5691) amending section 764 of the Revised Statutes.

The bill was read, as follows:

Be it enacted, &c., That section 764 of the Revised Statutes be amended so that the same shall read as follows:

"From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the preceding section."

Mr. POLAND. I will state in a word just what the effect of this is. The habeas corpus act of 1867 gave jurisdiction to the Federal courts and judges to allow a writ of habeas corpus in all cases where a person was confined in violation of the Constitution, laws, or treaties of the United States; and that same act gave an appeal to the Supreme Court of the United States. In a year or two after that, as gentlemen will remember, a case was pending in the Supreme Court——

Mr. HOLMAN. I suggest that the section of the Revised Statutes which it is proposed to amend shall be read.

Mr. POLAND. I can state the effect of it as well as I can read it. The McCardle case was pending in the Supreme Court and Congress repealed so much of the law as gave a right of appeal to the Supreme Court of the United States. The effect of this bill is merely to restore that right of appeal.

Mr. HOLMAN. There is so much confusion in the Hall that we are unable to hear the statement the gentleman from Vermont is making.

The SPEAKER. The House will come to order.

Mr. POLAND. The Judiciary Committee have made a full report upon this subject and have pointed out the evils that have grown out of this taking away of the right of appeal to the Supreme Court of the United States. Inferior Federal judges have taken a very wide jurisdiction and have overthrown the decisions of the highest courts of the States, and have made themselves really a court of error over the decisions of the highest State tribunals. The object of this bill is to restore this right of appeal to the Supreme Court, so that the proper exercise of its decision may be brought about.

Mr. HAMMOND. Will the gentleman allow me to ask him a question?

Mr. POLAND. Yes, sir.

Mr. HAMMOND. Does this legislation do anything more than restore the law to what it was prior to the McCardle case?

Mr. POLAND. Nothing more. It makes the act of 1867 just as it was when it was passed.

Mr. GEORGE D. WISE. Is there a favorable report from the committee?

Mr. POLAND. The Judiciary Committee unanimously reported this bill.

Mr. HOLMAN. While the latter portion of the statement of the gentleman from Vermont was understood, it was impossible in this part of the Hall to hear the first portion of his statement.

Mr. POLAND. I will repeat that the bill merely restores the right of appeal to the Supreme Court of the United States just as it was given in the act of 1867, leaving the law precisely as it was before that right of appeal to the Supreme Court was taken away.

Mr. HAMMOND. That is all right.

Mr. COX, of New York. The effect of this, as I understand it, is to enlarge personal liberty, giving greater opportunities of rectifying the decisions of less important and dignified and learned tribunals. I think the bill ought to pass, as it is in the interest of the great writ of liberty.

Mr. HOLMAN. This confidential conversation does not inform us generally of what is going on. The section of the statute referred to, section 764, provides that—

From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the last clause of the preceding section.

Mr. POLAND. And this makes the right of appeal apply to the whole.

There being no objection, the bill was taken up, ordered to a third reading, read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VISITOR TO MILITARY ACADEMY AT WEST POINT.

The SPEAKER announced the appointment as Visitor to the Military Academy at West Point of Mr. CHARLES R. SKINNER, of New York, in place of Mr. THOMAS J. HENDERSON, of Illinois, excused.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CULBERTSON, of Kentucky, until June 10.

To Mr. MOREY, for eight days.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. FOLLETT. I desire to submit a privileged motion. I move that the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, returned from the Senate with amendments, be taken from the Speaker's table, referred to the Committee on Appropriations, and printed with the Senate amendments, numbered.

There was no objection, and it was so ordered.

Mr. WELLBORN. I call for the regular order.

RELIEF OF SUFFERERS BY MISSISSIPPI FLOODS.

Mr. ELLIS. I ask unanimous consent to take from the Speaker's table House joint resolution 255, appropriating the further sum of $100,000 for the sufferers by the overflow of the Mississippi River and tributaries, returned from the Senate with amendments, and that the same be referred to the Committee on Appropriations.

The SPEAKER. The regular order has been called for.

Mr. ELLIS. I understand the gentleman from Texas will withdraw that call for a moment.

Mr. CONNOLLY. I call for the regular order.

BUSINESS FROM COMMITTEE ON INDIAN AFFAIRS.

The SPEAKER. The regular order, by resolution of the House, is the consideration of bills reported from the Committee on Indian Affairs and bills and resolutions on the Speaker's table over which the Committee on Indian Affairs have jurisdiction.

Mr. PERKINS. Before that order is proceeded with I desire to submit a report from the Committee on Indian Affairs, so that it may be ready for consideration to-day.

The SPEAKER. The gentleman has the right to do so under the order of the House.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with an amendment the bill (H. R. 5700) to grant to the Kansas City, Fort Scott and Gulf Railroad Company a right of way through the Indian Territory, and for other purposes; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

SIOUX INDIAN RESERVATION IN DAKOTA.

Mr. STEVENS, from the Committee on Indian Affairs, reported back with amendments the bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure a relinquishment of the Indian title to the remainder; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

PRESIDENTIAL SUCCESSION AND PRESIDENTIAL COUNT.

Mr. EATON. With the permission of the gentleman from Texas [Mr. WELLBORN], I would like to call the attention of the House for a moment to a subject of importance. I do not propose at this time to antagonize the action of the House in reference to business from the Committee on Indian Affairs. I desire to say, however, that there are two measures of importance which by order of the House were assigned for consideration on the 22d day of April last, and the order was a continuing one. I have found no opportunity thus far to ask the consideration of those measures. They are measures of very great importance, relating to the Presidential count and to the Presidential succession.

What I desire to say at this time is, that within the last three days I have received letters from distinguished gentlemen, living in fifteen different States, urging that those measures be taken up and acted upon. And I now give notice that on Monday next I will endeavor to satisfy the House that those measures should be brought up for consideration at an early day.

Mr. PETERS. I hope the gentleman from Connecticut [Mr. EATON] will not call up those bills in the absence of the gentleman from Ohio [Mr. HART], who has prepared a minority report on one of them.

The SPEAKER. They are not to be called up to-day.

Mr. PETERS. I understood the gentleman to give notice that he would endeavor to call those bills up on Monday. I ask him not to call them up in the absence of the gentleman from Ohio [Mr. HART], who has prepared a minority report on one of the bills.

LEASING AND INCLOSING LANDS IN INDIAN TERRITORY, ETC.

Mr. WELLBORN. I must insist now upon the regular order. By direction of the Committee on Indian Affairs I call up for consideration at this time from the House Calendar a resolution in relation to the unlawful leasing of tracts of land in the Indian Territory, &c., for cattle-grazing and other purposes.

The SPEAKER. The resolution will be read.

Mr. WELLBORN. The resolution is accompanied by a report, which I ask to have read, after which I will yield to the gentleman from Arkansas [Mr. PEEL].

The report (by Mr. PEEL), together with the resolution, was read, as follows:

The Committee on Indian Affairs, to whom were referred sundry memorials of citizens of the Cherokee Nation and other Indians, complaining of unlawful leasing of large tracts of lands in the Indian Territory and reservations to citizens of the United States for cattle-grazing and other purposes, and the inclosure of such lands by wire fences, and the alleged unjust and illegal disbursement and discrimination against the adopted citizens of said nation in certain moneys appropriated by the Forty-seventh Congress, beg leave to submit the following report:

That it appears from Senate Ex. Doc. 54 of the present session of Congress that several million acres of land in the Indian Territory and reservations have been leased by the Indian tribes to citizens of the United States for cattle-grazing and other purposes, in violation of the laws of the United States (see Revised Statutes, section 2116 and 2118), and that hundreds of miles of wire fences have been constructed around said lands (see Ex. Doc. 54, Forty-eighth Congress, page 148). That said leases have not been approved by the Secretary of the Interior Department (see same Executive Document, pages 1, 126, and 160). That the construction of said fences is in violation of law (see Revised Statutes, section 2118).

It also appears from the colored citizens and adopted Shawnees and Delawares of said Cherokee Nation, and not denied by the Cherokee authorities, that in the distribution per capita of the $300,000 appropriated to the said Cherokee Nation during the second session of the Forty-seventh Congress all the adopted colored citizens, Shawnees, and Delawares were excluded upon the ground that they were not of Cherokee blood; that said discrimination was in violation of treaty stipulation between said Cherokee Nation and the United States. (See treaty 1866, article 9, Revised Treaties, page 89.)

Your committee are of the opinion that these several causes of complaint are proper subjects for the inquiry of Congress, and to the end that an intelligible and correct understanding may be reached, with a view that proper Congressional relief may be had, your committee recommend the adoption of the following resolution:

"*Resolved*, That the Committee on Indian Affairs, or any subcommittee thereof, in order that they may more fully and thoroughly investigate all matters touching the leasing, subleasing, fencing, and inclosing lands in the Indian Territory and reservations by citizens of the United States, and the disbursement of the $300,000 appropriated to the Cherokee Nation during the second session of the Forty-seventh Congress, be, and they are hereby, authorized to send for persons and papers and administer oaths, and report the same to this House."

Mr. PEEL. I move to amend the resolution by adding—

That the expenses of such investigation shall be paid out of the contingent fund of the House, subject to the approval of the Committee on Accounts.

Mr. HOLMAN. I trust my friend will limit the amount of money to be expended.

Mr. PEEL. I have no objection to that. I suppose the expenditure will not exceed $2,000.

Mr. HOLMAN. I move to amend the amendment by adding "not to exceed the sum of $2,000."

Mr. PEEL. I accept that amendment, and modify my motion accordingly.

The amendment of Mr. PEEL as modified was agreed to.

The resolution as amended was adopted.

Mr. PEEL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GULF, COLORADO AND SANTA FÉ RAILWAY.

Mr. WELLBORN. I call up for consideration the bill (H. R 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. WELLBORN. I am aware that the bill has been so referred, but I am satisfied in my own mind that the reference was an improper one. I therefore ask that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House.

Mr. PERKINS. The bill makes no appropriation?

Mr. WELLBORN. It makes no appropriation and involves no tax upon the people.

The SPEAKER. The question is on discharging the Committee of the Whole on the state of the Union from the further consideration of the bill.

Mr. HOLMAN. It is understood, I suppose, that the bill does not involve an appropriation?

The SPEAKER. It does not. As the Chair ascertains upon examination, it makes a grant of way through the lands of the Indian Territory.

Mr. HOLMAN. I hope the gentleman will consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. If there be no objection the Committee of the Whole on the state of the Union will be discharged from the further consideration of this bill, and it will be considered in the House as in Committee of the Whole. The Chair hears no objection.

The bill was read.

Mr. WELLBORN. Under the direction of the Committee on Indian Affairs I desire to offer some amendments.

The SPEAKER. Does the gentleman from Indiana desire to have the bill read by sections?

Mr. HOLMAN. I hope the report accompanying the bill will be read.

The SPEAKER. The report will be read.

The report (by Mr. WELLBORN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill H. R. 1576, respectfully submit the following report:

This bill grants a right of way through the Indian Territory, from the northern boundary of Texas to the southern boundary of Kansas, to the Gulf, Colorado and Santa Fé Railway Company, a corporation created by and existing under the laws of the State of Texas.

The right of eminent domain in the Federal Government over the Indian Territory is the principle on which the bill has been constructed. Its precedent is found in a law enacted by the Forty-seventh Congress, granting a similar right of way to the Saint Louis and San Francisco Railway Company.

The limitations which the bill now reported throws around the exercise of the right of eminent domain have been conformed as far as circumstances would allow to those provided by the laws of all the States where the same right is exercised by State authority within State limits. The rights of the Indians are fully protected, both in tribal and individual relations.

Suitable provisions are made for the ascertainment and payment to the Indians of just and fair compensation for property taken from and damages done to them.

Where the company and the respective tribes or the company and individual occupants of the land fail to agree, a board of appraisers is constituted to determine the amounts of compensation, and if a tribe or individual occupant should be dissatisfied with the award of the appraisers, such tribe or occupant has substantially the same resort to the courts of the country that is allowed to the citizens of a State whose property, under like circumstances, is appropriated for public use. The details of the bill in this particular are believed by the committee to be appropriate and fully adequate to the purposes they contemplate. They protect fully and amply all the rights of the Indians.

The main questions presented by the bill are two:

First. Has Congress the power to grant the proposed right of way?

Second. Is there any necessity for the exercise of this power?

To both of these questions the committee make affirmative answers.

The power of Congress, as already stated, rests upon the right of eminent domain. That the Federal Government possesses this right over the Indian Territory it seems to the committee can not be seriously questioned. The Indian Territory is a part of the United States, and subject to its jurisdiction. This jurisdiction is now, and has been for a long number of years, exercised in a variety of ways.

The executive branch of the Government has its civil officers and agents located throughout the Territory. Postal routes permeate it as they do the States and other Territories. The Army occupies it. The judicial power of the Government is also extended over it in certain cases. In a word, whenever exigencies have required, the potential jurisdiction of the Government has been called into actual exercise.

While existing laws allow to the tribes which occupy this country certain sorts of domestic or local government, there is nothing in the relations which these tribes sustain to the Federal Government which denies to the latter ultimate jurisdiction and sovereignty over them.

This proposition is abundantly established, not only by the practices of the

Government in the various instances cited, but also by an unbroken line of judicial constructions. Such jurisdiction and sovereignty embrace within their scope the right of eminent domain. So long as the Federal Government possesses this jurisdiction and sovereignty it must have the right also. No department or departments could divest the Government of this right, save and except by an absolute cession of the Territory to some foreign power.

The committee are equally convinced that there is a necessity for the exercise of the power.

The Indian Territory divides prosperous and growing States and Territories. On the west is New Mexico; on the north, Colorado and Kansas; on the east, Missouri and Arkansas; and on the south, Texas. The rapidly increasing productions of these respective sections of country demand corresponding facilities for mutual exchanges. It is needless to add that in this age railroads alone furnish such facilities.

There is now but one line of railroad running north and south across the Indian Territory. This line of road has, therefore, a monopoly of transportation and travel in the directions indicated. The commercial and other national interests, not only of adjacent States but of the whole country, demand competing lines. Whenever private capital, without Government aid, proposes to meet this demand, it should be allowed to do so.

The conclusions of the committee on the two main questions which the bill presents may be clearly stated in one sentence, namely, that Congress has the power to grant rights of way through the Indian Territory, and that there is an occasion for the exercise of this power whenever private capital in good faith proposes to build a new road.

That the condition on which an occasion for the exercise of the power arises exists in this case has been satisfactorily shown to the committee. The Gulf, Colorado and Santa Fé Railway Company has already built five hundred and thirty-four miles of road. Its main line extends, and is now in actual operation, from Galveston to Fort Worth, the latter point being but seventy miles from the Indian Territory. The company has no floating liabilities of consequence, while its bonded debt does not exceed $15,000 per mile.

The needfulness of a line across the Indian Territory to complete its ultimate connection between the Gulf and the Northwestern States, together with its sound financial condition, furnishes a reasonable guarantee for the building of the road along the right of way which this bill grants.

The committee report the accompanying bill as a substitute for H. R. 1576, and recommend its passage.

Mr. WELLBORN. I have nothing to add to the statements contained in the report just read, and unless some member desires to be heard on the bill I will ask the previous question on the pending amendments and on ordering the bill to be engrossed for a third reading.

The SPEAKER. The amendments are not all in order at one time, but by consent they can be considered as pending, and the previous question ordered by the House.

Mr. MILLER, of Texas. Let the amendments be read.

The Clerk read as follows:

Amend section 2 by striking out all after the word "land," in line 3, and inserting the following:

Two hundred feet in width, with a length of 3,000 feet, in addition to the right of way, is granted for stations for every ten miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional ground, when there are heavy cuts or fills, as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way, provided that no more than said addition of land shall be taken for any one station.

Mr. WARNER, of Ohio. I desire to move an amendment to the amendment by inserting after the word "right," in line 8, the words "during construction." As I understand, the amendment as it now reads amounts really to granting one hundred feet additional on each side of the one hundred feet granted as right of way to this railroad company wherever there may be cuts or fills. It is only during the construction of the road that this additional land can be required. Therefore I move this amendment.

Mr. BLOUNT. Was it not the understanding that this bill should be read by sections?

The SPEAKER. The Chair inquired of the gentleman from Indiana [Mr. HOLMAN], who asked to have the bill considered in the House as in Committee of the Whole, whether he desired to have the bill read by sections, and that was not insisted upon. The Chair will, however, direct that these amendments be taken up in the order of the sections.

Mr. HOLMAN. This is not a very long bill, and I think the gentleman from Texas will not object to allowing it to be read by sections.

Mr. WELLBORN. No, sir; I have no sort of objection to that proceeding, because I want the House to be informed in regard to the measure.

The SPEAKER. If there be no objection the bill will be read by sections for amendment.

Mr. WELLBORN. I think there will be no objection to that.

The first section of the bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Gulf, Colorado and Santa Fé Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, north of the northern boundary of Cook County, in the State of Texas, and running thence by the most practicable route through the Indian Territory to a point on the southern boundary of the State of Kansas, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

Mr. WELLER. I move to amend by adding to this section the following:

That the Government reserves the right to establish and maintain telephone and telegraph lines on said line of railroad at its option.

Mr. WELLBORN. I have no authority from the committee to accept that amendment.

Mr. DUNN. That amendment is not germane to this section. If it is germane to any part of the bill it would come in properly at the end of the fourth section, because that section provides for regulating the prices of telegraphic and telephonic messages along the line.

The SPEAKER. Still the rule of the House does not require the amendment shall be germane to any particular section if it be germane to the bill.

Mr. DUNN. I am not making the point of order, but suggesting to the gentleman from Iowa it would be better to reserve his amendment until we reach the fourth section.

Mr. WELLER. I desire that amendment to come in at the end of the first section, for the reason that the first section contemplates specifically the establishment of telegraph and telephone lines on this line of railway. I am certain it can do the bill no harm. I am certain it can do the Government no harm to specifically reserve this right.

I know, Mr. Speaker, we have been troubled heretofore in the matter of construction which has been placed on certain features of bills which have passed previous Congresses in the matter of Government right, control, and supervision over railroad companies established under land grants. If the Government makes this specific reservation there can not in future be any question about it.

It is argued personally to me by gentlemen that the Government will have the right to make the grant under the right of eminent domain, but it seems to me it would be desirable to make this reservation at this time and have no question about it. It certainly can do no harm to the railroad company if the position taken by those antagonizing this amendment be true. It certainly can not harm them if their position is correct. If it is not correct, then it is essential the Government should have this reservation in its interest at this time.

It can as well come in at the end of section 1 as at the end of section 4. Indeed, it seems to me it would be more proper, because section 1 of this bill makes the telephone and telegraph question specific.

The House divided; and there were—ayes 41, noes 60.

Mr. HAMMOND called for tellers.

Mr. WELLER. No quorum has voted and I am entitled to tellers.

The SPEAKER appointed as tellers Mr. WELLER and Mr. WELLBORN.

The House again divided; and the tellers reported—ayes 62, noes 81.

So the amendment was rejected.

The Clerk read the second section, as follows:

SEC. 2. That a right of way 100 feet in width through said Indian Territory is hereby granted to the Gulf, Colorado and Santa Fé Railway Company, and a strip of land 400 feet in width and 3,000 feet in length is also granted to said railway company at every station that may be designated and established by it upon its line through said Territory, no portion of which shall be sold or leased by the company, with the right to use such additional ground, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of its road-bed, not exceeding 100 feet in width on each side of said right of way: *Provided*, That said stations shall not be established nearer than seven miles of each other until otherwise provided by law.

Mr. WELLBORN. I move the following amendment.

The Clerk read as follows:

Amend section 2 by striking out all after the word "land," in line 3, and inserting as follows:

"Two hundred feet in width with a length of 3,000 feet, in addition to right of way, is granted for stations for every ten miles of road, no portion of which shall be sold or leased by the company, with the right to use such additional ground, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of the road-bed, not exceeding one hundred feet in width on each side of said right of way: *Provided*, No more than said addition of land shall be taken for any one station."

Mr. WARNER, of Ohio. I move to amend the amendment by inserting after the word "ground" the words "during construction;" so it will read: "that the right to use such additional ground during construction where there are heavy cuts and fills," &c.

Mr. Speaker, it is clear enough that during construction it may be necessary to use additional ground both in the cuts themselves or fills or burrow-pits. I do not think the company, however, should have the right to hold this additional one hundred feet on each side of its right of way.

Mr. WELLBORN. I have no authority from the committee to accept the amendment, but so far as I am personally concerned I do not object to it.

Mr. WARNER, of Ohio. It should be adopted, as it is only a proper guard.

Mr. DUNN. A general right to use material is very different from that of right of way. I can understand a cut may be so deep that at the summit it may exceed one hundred feet in width.

Mr. WARNER, of Ohio. Certainly.

Mr. DUNN. Therefore, the company ought to have permanently the absolute control of its entire width. But the right to take material is different from a grant of right of way. They may take timber, they may take stone, they may take earth, but they have no further right after taking what is needed.

But if in order to get the necessary width for the tops in these cuts, or the bottom of fills, it should be necessary to take a greater width than one hundred feet or than the amount contemplated here, they should certainly have the right to that entire width; otherwise the cuts would be worthless. That is what I understand to be the meaning of

the grant of the additional width, and we had better not adopt the amendment for that reason, since it may lead to confusion.

Mr. WARNER, of Ohio. If it were so guarded as to include in that manner only the actual amount of land required for the cuts, and avoid all ambiguity of expression in other respects, I should have no objection to that. But it seems to me——

Mr. COBB. Will the gentleman allow me to ask him a question in my own time?

Mr. WARNER, of Ohio. I will.

Mr. COBB. Do you know to whom that land belongs, or by what authority the Government seeks to part with any portion of it? Whose property is it? Does the gentleman understand that this right of way and the large amount of land that is proposed to be granted here is property that actually belongs to the Government of the United States?

Mr. WARNER, of Ohio. I do not. I understand that it belongs to the Indian Territory. But the United States claims the right of eminent domain to make the grant for public purposes.

Mr. COBB. I do not so understand. I understand that this Indian Territory, or a large portion of it, is now owned by absolute title in fee on the part of the Indians resident there. If that be true, and I see no reason to doubt it, from the reports of the Secretary of the Interior, I would like to ask what authority there is for making the grant?

Mr. WARNER, of Ohio. That is just what I am inquiring for.

Mr. COBB. I want to know where the authority comes from myself?

Mr. WARNER, of Ohio. I refer you for that to the gentleman from Texas, the chairman of the Committee on Indian Affairs, who reports this bill.

Mr. COBB. I ask the gentleman or any member of the committee whether you can grant the right of way through the Indian Nation, and vest that right of way in any company or individual or corporation, when this property is the exclusive property of the Indians themselves? I do not believe, in the first place, that we have the right to do it; but if it is done at all, it must be done with the greatest possible care.

Mr. WARNER, of Ohio. I agree to that.

Mr. COBB. This thing of giving a strip of land 400 feet wide and 3,000 feet in length to this company at each one of these various depots that they may establish I submit is not necessary for the company, and certainly it ought not to be done when it is attempted to be done upon lands that do not belong to the Government of the United States, and which are not subject to its control as the public lands are.

This is in the Indian Territory, and it is not held by the Government like the other Territories are held. It is not regarded by the officers of the Government as a Territory in the ordinary acceptation of that term.

The Interior Department designates it not as a Territory. You can not in the Indian Territory, according to the decisions of the Secretary of the Interior, make a grant of title to the lands in this Territory and vest them in a railroad company in the ordinary way by granting alternate sections of land as a subsidy for building a road. That right does not exist in this Territory.

Mr. ROGERS, of Arkansas. Will the gentleman permit me to make a suggestion to him?

Mr. COBB. Certainly.

Mr. ROGERS, of Arkansas. I would like to suggest to the gentleman from Indiana, for the purpose of getting his view of the subject, whether the Government can part with or divest itself of the right of eminent domain under any circumstances? That the right of eminent domain exists as a part of the functions of the Government—does the gentleman hold that the Government can divest itself of that right by any process?

Let me invite his attention to this point: whether or not, if a grant of a territory is made to an Indian tribe or nation, the Government does not reserve the right of eminent domain? That is an element of sovereignty with which the Government can not part. But there is a further suggestion which I think, perhaps, is not familiar to the gentleman from his argument, and that is by the acts of Congress the Indians have a right to be paid for the property so granted under a subsequent title, according to the forms of law, but the right of eminent domain in the Government can not be parted with, and the Government has the right to exercise that power whether it be over the public domain, over Indian reservations, or private property.

Mr. COBB. Suppose that to be true, the right of eminent domain does not give the right to a government to appropriate private property for the benefit of a railroad company or any other corporation. I take it no lawyer would insist that that could be done. If the Government of the United States does not own the fee-simple to this Territory—this Indian Territory—I would like to know how the right of eminent domain would give the Government of the United States authority to vest the fee-simple of any portion of it in a railroad corporation or any other individual or class of individuals.

Now, this property is the Indian Territory, and I want to say here that had I known that this bill was coming up here to-day I should have been prepared with authorities upon the subject, because I have looked it up in connection with the Atlantic and Pacific road, which has been granted a right of way through the Indian Territory, and if we have a right to grant this property now to this company as proposed here, I submit that the Atlantic and Pacific Railroad Company would be entitled under the same provisions, and the Government would be bound to give to that company twenty miles on each side of this roadbed; for the Secretary of the Interior has held that with reference to the right of way through the Territories the grant applies to twenty miles on each side of the road in alternate sections and ten miles in the States, but that it does not apply in the Indian Territory, that being held by a very different title as far as the Government of the United States is concerned. A large portion of it is vested directly by patent in the Indian tribes themselves.

Mr. DUNN. Let me suggest one thing to the gentleman from Indiana. In the granting act to the Atlantic and Pacific Company the condition is expressed that the grant shall not take effect until the Indian title shall be extinguished.

Mr. COBB. No; it does not quite say that.

Mr. DUNN. It says exactly that.

Mr. COBB. That is the construction the railway company puts upon it.

Mr. DUNN. The statute makes that provision.

Mr. COBB. The granting act gives to the railway corporation the right to buy out the Indians, and they undertook to do it and could not do it.

Mr. DUNN. That does not apply to the right of way of the Atlantic and Pacific Company, but to the grant of land to aid in the construction of the railroad, which are two different things.

Mr. COBB. I understand that. That is what I am talking about. The bill proposes in the second section to give not only the right of way but quite a body of land for each depot, and provides these depots shall not be nearer than seven miles to each other. It gives for that purpose a strip of land in each case of 400 feet in width and 3,000 feet in length.

Mr. WELLBORN. We propose to give a little over four acres.

Mr. COBB. There is an amendment pending that has not been adopted. I am speaking of the original bill. The bill provides for a strip of land 400 feet in width and 3,000 feet in length.

Mr. DUNN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DUNN. We are proceeding, as I understand, as in Committee of the Whole and reading the bill by sections for amendment. That I understand means debate under the five-minute rule.

The SPEAKER. It does.

Mr. DUNN. The question, then, is on the pending amendment offered by the gentleman from Ohio [Mr. WARNER]. I submit that this discussion is out of order.

The SPEAKER. How? For what reason?

Mr. DUNN. Because gentlemen are discussing a different question and not the amendment of the gentleman from Ohio; and the gentleman from Indiana I think has occupied more than five minutes.

The SPEAKER. The Chair understands the gentleman from Indiana to be arguing that Congress should not grant any land at all; and the amendment relates to that subject.

Mr. DUNN. I will ask that the five-minute rule be enforced.

The SPEAKER. The Chair will enforce the five-minute rule. The gentleman from Indiana has one minute remaining.

Mr. COBB. That being so, having yielded most of my time, or a portion of it at least, to others, I have not time to discuss this question from the legal standpoint. But it does seem to me that the House ought to be very careful before they undertake to interfere with vested rights. And I insist that, so far as this railroad corporation is concerned, it ought not to have one single inch of this land through this Territory until it first acquires the land from the Indians.

Mr. STEVENS. That is what it proposes to do.

Mr. COBB. By treaty with the Indians the Government of the United States provided that two rights of way should be granted through this Territory: one to run from east to west, the other to run from north to south. And they never contemplated that any other road should run through that Territory, and the Indians did not, and the treaties do not. And now I undertake to say if we grant a right of way to this company as this bill provides, we are violating treaty stipulations. I find I have not time to talk about it further.

[Here the hammer fell.]

Mr. REAGAN. I apprehend the gentleman from Indiana [Mr. COBB] is entirely mistaken in his legal assumption. If the proposition with which he closed his argument is true, if it is sound law, then it would be impossible to build any railroad in this country anywhere. The construction of railroads in this country is mostly under State authority. In their charters provision is made for the condemnation of private property upon compensation. The Government has the power to authorize that condemnation for the public use upon compensation by virtue of its right of eminent domain.

There is no denial of the fact that the right of eminent domain to the Indian Territory is in the United States. The usufruct of the Territory belongs to the Indians. Now, in answer to what the gentleman from Indiana has said, I remark that what this bill proposes to do is to give the right of condemning and paying for the right of way through the Indian Territory, just as we would have to condemn and pay for the

right of way over private property in a State under a charter from the State. That is all there is of it. That is a legal proposition that can not be questioned or denied.

Mr. COBB. What is the gentleman's proposition?

Mr. REAGAN. It is that the States granting charters give the right by virtue of the right of eminent domain to condemn private property on compensation to secure the right of way; and that the right of eminent domain in the Indian Territory remains in the Government of the United States, and by virtue of the right of eminent domain we propose now by authority of the United States to give the right to condemn property in the Territory to secure the right of way as against every one. You can condemn the property of a white man or an Indian.

Mr. TULLY. Does not the Indian own the land in fee-simple?

Mr. REAGAN. The Indian has his right there; and if the land was owned by white men we could do it.

Mr. TULLY. But the Indian could not dispose of the land like a white citizen and give title to anybody else.

Mr. REAGAN. We do not ask for a distribution of this land in fee, except for the right of way for the construction of a great thoroughfare, and it does not matter who owns the land, whether the Indian, the white man, or the great governing class in the South, the black man. The Government, by virtue of its right of eminent domain, has the right to condemn the land for public uses. If that be not true, then you could not build a railroad through any State in the country.

Mr. TULLY. The fee-simple of this Indian Territory is in the Government of the United States.

Mr. REAGAN. The right of eminent domain is in the Government of the United States. I do not care to go into the question of the exact condition of the title. All I say is that the right of eminent domain is in the Government, and the principle that the Government can authorize the condemnation of land over which it exercises the right of eminent domain can not be disputed.

Mr. WARNER, of Ohio. In that case, however, should not the railroad company be required to condemn this right of way from the Indian tribes?

Mr. REAGAN. So I understand the bill does, and requires that the Indians shall be paid for the land so condemned.

Mr. WARNER, of Ohio. I agree with the gentleman from Texas.

Mr. REAGAN. If it be assumed that by virtue of the right of eminent domain the Government can not authorize the condemnation of the right of way through this Indian Territory, then you block the track of civilization for three or four hundred miles across one of the most beautiful regions of country in the world.

Mr. DUNN. And fortify the monopolies already in there.

Mr. WELLER. I would ask the gentleman from Texas [Mr. REAGAN] if the Government can part with the right of eminent domain to the extent that it can order the taking of the property of others that it once possessed, but granted by letters patent or otherwise, except by condemnation and purchase?

Mr. REAGAN. The Government can not part with the right of eminent domain, either qualifiedly or unqualifiedly.

Mr. TULLY. That is true.

Mr. REAGAN. By virtue of its sovereignty, by virtue of the provisions of the Constitution itself it reserves to itself the power to authorize the condemnation of private property for public uses.

[Here the hammer fell.]

Mr. WELLER. A further question, if the gentleman will yield.

Mr. REAGAN. My time has expired.

Mr. WARNER, of Ohio. I will withdraw the amendment which I offered and instead offer the one which I send to the Clerk's desk, in order to meet the suggestion of the gentleman from Arkansas [Mr. DUNN], and I think it will be satisfactory to all and perhaps save further discussion.

The Clerk read the amendment, as follows:

After the words "100 feet in width on each side of said right of way" insert the words "or as much thereof as may be included in said cuts or fills;" so that it will read:

"With the right to use such additional ground, where there are heavy cuts or fills, as may be necessary for the construction and maintenance of its road-bed, not exceeding 100 feet in width on each side of said right of way, or so much thereof as may be included in said cuts or fills.

Mr. WARNER, of Ohio. That will allow the railroad company to retain all the ground that it may need to occupy for cuts or fills, and no more.

Mr. WELLBORN. I think that perhaps I will have no objection to the amendment which the gentleman from Ohio [Mr. WARNER] has just proposed. In view, however, of the discussion which has taken place within the last few minutes, and in view of the fact that no explanation of this bill was made in the outset, if the House will permit me to do so I will make a brief statement of the theory upon which the bill has been framed, and state exactly what it proposes to do. I think I can do so in five minutes.

This bill simply grants the right of way across the Indian Territory to the Gulf, Colorado and Santa Fé Railroad Company. And right here I want to disassociate the bill from the embarrassment which the distinguished gentleman from Indiana [Mr. COBB] seems to have thrown around it; that is, that the bill confers upon the company anything in the way of a land grant. The bill does no such thing. It does not propose to give one foot of land more than is necessary for the actual construction and operation of the road.

The principle upon which the bill is framed is the right of eminent domain in the Federal Government. The limitations which the bill throws around the exercise of that right are, as far as circumstances would allow, precisely the same limitations which exist in the States of the Union where the same right of eminent domain is exercised under State authority. The bill provides that the Indian tribes and the individual occupants of the land shall be paid a fair and just compensation for the land taken, and for the damages done by the construction of the road.

Mr. ROGERS, of Arkansas. The compensation to be paid beforehand.

Mr. WELLBORN. Yes, as the gentleman from Arkansas [Mr. ROGERS] suggests, the compensation to be paid before the land can be appropriated. And in the event that the occupant of the land is dissatisfied with the compensation proposed by the railroad company the bill provides for the appointment of disinterested referees, who are to hear and determine the controversy; and if either party is dissatisfied with the award of the appraisers, then there is provided for the dissatisfied party substantially the same right of appeal to the courts of the country that a citizen is entitled to under like circumstances. In a word, the bill in every particular protects fully and amply all the rights of the Indians.

Now, with reference to the principle of the bill about which something has been said. The Government of the United States has unquestionably the right of eminent domain over the Indian Territory. I care not, and it is not necessary now, to discuss the peculiar character of the Indian title. Whether it be a fee-simple title, a title by permission or sufferance, or whatever may be its character, is not material to this controversy. The right of eminent domain, however, belongs to the Federal Government, and the right is coextensive with the territory of the Federal Government. There is not a foot of soil within the limits of the country over which the flag floats but what is subject to the right of eminent domain, and it is preposterous to attempt to deny it.

Why, sir, no civil government under the sun could live for one moment without this right.

I will not undertake to discuss the question whether or not this right of eminent domain belongs within State limits to the States exclusively, or whether it belongs concurrently to the States and the Federal Government. That is foreign to this controversy, because there is nothing in the relations of the Indian tribes to the Federal Government which analogizes them to States. The right of eminent domain over this Territory is unquestionably in the Federal Government and nowhere else.

As suggested to me, the Federal Government in numberless ways by the practice of all its Departments has exercised sovereignty and jurisdiction over the Indian Territory. The executive department has sent there its officers and agents; our postal routes permeate that country; our Army occupies it; the judicial power of the Federal Government has been extended over it in certain cases. In a word, the potential sovereignty and jurisdiction of the Federal Government over the Indian Territory have been called into actual exercise wherever and whenever public exigency demanded it.

[Here the hammer fell.]

Mr. CULBERSON, of Texas, obtained the floor and said: I yield my time to my colleague [Mr. WELLBORN].

Mr. WELLBORN. One other point. The Government having the power to grant this right of way, is there any occasion for its exercise? A mere glance at the map of the Indian Territory will disclose the necessity for this proposed legislation. The Indian Territory is situated between prosperous and rapidly growing States and Territories—New Mexico on the west, Colorado and Kansas on the north, Missouri and Arkansas on the east, and Texas on the south. Will it be seriously contended that this Indian country shall stand as a perpetual barrier to commercial intercourse between these rapidly growing and prosperous States and Territories?

I am told—and such seems to be the intention of the gentleman from Indiana, who I am satisfied does not understand the full force of the situation there—that there is already one line of railroad crossing this Territory north and south. That is true; but that line of railroad now crossing the Indian Territory north and south is a part of what is known as the Gould Southwestern system, being but one line of road, with a complete and absolute monopoly of all transportation and travel north and south across the Territory. Now, is it possible that gentlemen on this floor representing the interests of the people of this country are willing to say that the Congress of the United States shall not enact legislation in the interest of full and free competition—legislation which proposes to place a restraint and curb upon the tendencies of this absolute and complete monopoly?

The bill, Mr. Speaker, is clearly within the constitutional power of Congress, and is demanded by the highest and best interests of the American people.

Mr. PERKINS. Mr. Speaker, I desire to discuss briefly the amendment proposed by the gentleman from Ohio [Mr. WARNER]. It seems

to me that this amendment, if ingrafted upon the bill, would embarrass the question of compensation or damages. As the chairman of the committee has suggested, this bill provides that full compensation shall be made to these Indians for land which may be appropriated for the purposes of this railroad. But if the amendment be adopted, how is the compensation to be fixed? The bill authorizes the appropriation of land; but if the amendment be insisted upon and adopted, it will not be an appropriation; the company will simply be authorized to take so much land as may be necessary temporarily for the construction of the road, leaving the title of the land thereafter with the Indians. How, under such circumstances, is compensation to be fixed?

Mr. WARNER, of Ohio. The amendment has been changed, and as finally offered avoids the objection now suggested by the gentleman.

Mr. PERKINS. If I understood the amendment when last read it embraces substantially the same provision as it did before. I may be in error on this point; and if so I have nothing further to say on that feature of the amendment. I thought, however, that the amendment as read the last time provided simply for the temporary use of so much ground as might be necessary for the purposes of this company.

In regard to the other question which has been suggested, the question of eminent domain, it seems to me the power of Congress in that respect has been settled by our legislation and has been recognized by the courts of the country. The Forty-seventh Congress exercised this power in conferring upon the Saint Louis and San Francisco Railroad Company the right to extend their road through the Choctaw Nation. This bill does not make an absolute appropriation of land, but makes it only upon the condition recognized in all the States of the Union, that compensation shall be made to the occupants of the land.

The bill provides that when land proposed to be taken is occupied by Indians they shall be consulted in regard to compensation, and the land is not to be taken until full compensation is made. If the railroad company and the occupants can not agree upon the amount of damages, arbitrators or commissioners are provided for; and if their report is not satisfactory, an appeal to the courts is authorized—just as is done in the State of Indiana and most of the States of the Union where this power of eminent domain is exercised in favor of the common carriers of the country. There is scarcely a State in the Union in which this right has not been exercised by conferring upon railroad companies authority to have commissioners appointed for the purpose of condemning the right of way and assessing damages. That is the whole effect of this bill. As has been so well suggested by the chairman of the committee, Congress has exercised the right and the courts have recognized and upheld it, so that there can be no longer any question concerning the power of Congress to confer upon a railroad company the right to construct its road through the Indian Territory, provided compensation is made to the occupants of the land.

I might further say, in answer to the gentleman from Indiana [Mr. COBB], the Indians do not own or possess the absolute fee there. Their right is a conditional one. They have a right to occupy and a right to possess it, but they have not the right of alienation. If they abandon it, it reverts to the Government of the United States. Such is the condition of their possession. They do not own the absolute fee. They can not sell it; they can not abandon it. If they alienate it it reverts to the Government. If they abandon it it reverts to the Government. They have the possessory right such as I have suggested.

Mr. WELLER. Mr. Speaker, I desire to say a word on the amendment to the amendment offered by the gentleman from Ohio [Mr. WARNER]. It is well known, sir, that I am radically opposed to the whole land-grant system which has been in operation in this country for the last fifteen or twenty years under the régime of the Republican party. I regard the policy of the party which has been in power, at least so far as the Executive of the nation is concerned, for the last twenty years to have been radically wrong in granting lands for railroad purposes. I am radically opposed to it, sir. But I discover this bill does not contemplate a land grant in the ordinary acceptation of the word. It merely contemplates a right of way, so far as I understand, but it seems this right of eminent domain, necessarily taken into consideration in the discussion of this measure, should be looked after very carefully. I do understand the Government can grant its right of eminent domain so completely and absolutely to individuals or to corporations that it can not recover that right except by condemnation and compensation.

For instance, the Government of the United States grants to me a homestead right, or I receive letters patent for lands which originally belonged to the Government, I do not understand that the Government by its Congress can pass a law taking that right away from me for the benefit of a private corporation. I do understand the Government can condemn that land for its own specific use, but it seems to me the line should be drawn right here—that it should be understood right here. This is a private corporation that is seeking at the hands of this Congress the right of eminent domain, exclusively resting in Congress in this case, for its own special benefit, and not a right for the benefit of the Government. If this railroad corporation or this company were operating for the benefit of the Government it would be a very different thing, but I do not understand it is, and I am apprehensive if this bill is passed as now framed, even with the amendment which the committee has presented to the attention of the House and the amendment to that amendment of the gentleman from Ohio [Mr. WARNER], it may bring up grave questions for consideration which can alone be determined by courts of the highest jurisdiction in our Government.

I think we should be exceedingly careful. I think another thing, that the Indians occupying claims with color of title ought to be carefully protected in this bill, and protected as they are not, as I have read the bill. I am exceedingly anxious an amendment should be offered to this bill which shall so cover the rights of occupying claimants and so cover the rights of Indian tribes as that they shall not be transgressed upon at all.

The amendment of Mr. WARNER, of Ohio, to the amendment was agreed to.

Mr. BLOUNT. I offer the following amendment to the amendment.

The Clerk read as follows:

Provided further, That no part of the lands intended to be occupied for right of way or depot purposes shall be used by said company or any other person for any other purpose.

Mr. WELLBORN. I would suggest to the gentleman from Georgia that he should insert the words "than railroads" before the word "purpose."

Mr. BLOUNT. I do not object to that.

The amendment as it will read if amended was then read.

Mr. BLOUNT. I ask the gentleman in charge of the bill, as I have never seen the charter of this company, whether it has authority to do any other business?

Mr. WELLBORN. None whatever.

Mr. BLOUNT'S amendment to the amendment was agreed to.

Mr. COBB. I inquire, Mr. Speaker, whether the amendment as amended is still open to amendment?

The SPEAKER. It is in order to move amendments to the text of the second section of the original bill, or to the pending amendment moved by the gentleman from Texas [Mr. WELLBORN] as amended.

Mr. COBB. Then I move to strike out that part which provides for a length of 3,000 feet, in addition to the right of way, and make it 1,000 feet. I desire to say that possibly gentlemen misunderstood me when I was first on the floor discussing this question. I do not deny, of course, the right of eminent domain in the Government further than it may be limited or affected by treaties with the Indians or other parties. Now, I understand that there are two treaties which have been entered into with these Indians providing that a railroad should be constructed, or might be constructed, from east to west through the Indian Territory, and another from north to south. As I remember these treaties——

Mr. HOLMAN. Were not both rights covered by the same treaty?

Mr. COBB. No; I think there were two treaties, as I recollect.

As I remember these treaties or their provisions, it occurs to me that this bill may in some respects violate either the spirit or the letter of the treaties. But whether that be so or not, my object when I first rose was to present this question to the House with reference to the amount of land that is proposed to be given to this company. At that time it was proposed to give them 400 feet in width and 3,000 feet in length. It has been amended since that time so as to give 200 in width, having the length the same as before.

Mr. THROCKMORTON. The amendment was proposed before the gentleman made his remarks.

Mr. COBB. I think not.

Mr. THROCKMORTON. That was one of the amendments that had been suggested.

Mr. COBB. Then I did not hear it; of course if the gentleman says it was offered I accept his statement.

Now, I think we are all quite familiar or sufficiently familiar with the proceedings of railroad companies and their demands to know that to grant them a right of way 200 feet in width and 3,000 feet in length at every way station they may choose to establish is a grant that places them in possession of an immense amount of property, especially in view of the fact that it is contemplated that one of these stations may be established at every seven miles.

Mr. THROCKMORTON. Every ten miles.

Mr. COBB. No; the bill itself provides every seven miles. The language of the bill is, and I quote it—

That said stations shall not be nearer than seven miles of each other until otherwise provided by law.

Now, that is the original provision contained in the second section of the bill. I submit that that is too much land. It is totally unnecessary. I do not believe that there is a member on this floor who will not say that it is too much.

Mr. DUNN. Do you know what they want to use it for?

Mr. COBB. I do not know what they want to use it for, nor do I care. They have no need of that much land. I represent in part a State which has numerous railroads, as many as any State in the Union. I live in a town which has seven railroads, and I am satisfied that you might put them all together and they do not use thirteen acres of land, which, I believe, is about the amount covered by these grants.

Mr. DUNN. How long are these side-tracks?

Mr. COBB. Not one of them, I am satisfied, reaches a thousand yards in length, as provided here in this bill.

Mr. STEVENS. I suppose you mean a thousand feet.

Mr. COBB. By this bill it is proposed to grant 3,000 feet; that is a thousand yards. If it was only 1,000 feet I should not object. I do not believe that there is a gentleman here who can specify a road which needs a side-track a thousand yards in length at any of its stations. Certainly there is not one in Indiana.

Mr. DUNN. Oh, that is a small State. [Laughter.]

Mr. WILSON, of Iowa. May I ask the gentleman from Indiana a question?

Mr. COBB. Certainly.

Mr. WILSON, of Iowa. This land is wanted for side-tracks. Now some of the trains are one-fifth of a mile long. There are 1,760 yards in a mile, and five hundred yards would not be too long an estimate for the length of some of these long trains.

Mr. COBB. But this proposes to give a thousand yards, three times as much as could possibly be necessary.

Mr. DUNN. That would not side-track as many empty railroad cars as one good engine could pull.

Mr. COBB. Well, that is something that I never heard of before. You have longer trains in your State than we have in mine. One thousand yards is longer than we would need for any of our side tracks at any of the large stations in Indiana.

Mr. WILSON, of Iowa. I will tell the gentleman exactly what it is: twenty-five 40-foot cars; that is all.

Mr. COBB. That would be a thousand feet. Here you are proposing to give 3,000 feet. Now, I submit that when it comes to granting in every seven miles along this railroad 3,000 yards of ground, it is too much and ought not to be given. I say that this company ought to be left to acquire its title in its own way as best it may, through individuals, either through condemnation or in the mode provided by law or by direct purchase. If they are to have this amount of land they ought to get it in the proper way without the interference of Congress, giving them the apparent power to go on and take this vast amount of land every seven miles through the Indian Territory.

Mr. THROCKMORTON. Every ten miles.

Mr. BLOUNT. The mode of acquiring it can be arranged hereafter, I suppose.

Mr. COBB. I do not know anything about the mode excepting what I see here in the bill.

Mr. WELLBORN. Let me ask the gentleman a question.

Mr. COBB. Certainly; if it does not come out of my time.

Mr. WELLBORN. The gentleman says he wants to leave it to the companies hereafter, if they need additional land, to acquire it from the Indians themselves. One feature of this bill expressly declares that the company, for the purpose of enabling them to open up these roads in the Indian Territory, shall not make an effort to acquire any additional property in the Territory.

Mr. STEVENS. The gentleman from Indiana [Mr. COBB] does not of course intend to misrepresent this bill or the substance of it. He probably has not read the bill carefully and therefore does not understand it. The amount of land granted to the railway company for its right of way is one hundred feet in width, and there is a further provision that when it takes any land beyond what it needs for the right of way it has to pay therefor either to the individual Indian who may be occupying the land and have improvements thereon or to the tribe; and if they are unable to agree upon the value of this, then the bill provides means by which the proper value shall be assessed and fixed. And further, if either party is dissatisfied with this valuation, then they have an appeal to the courts, so that every guard possible is placed upon this bill to prevent the absorption of a foot of land without an honest and just payment therefor.

A word in regard to the requisite amount of land for side-tracks. It is evident, Mr. Speaker, from the statement of the gentleman from Indiana, as well as from his own admission, that he is not very well posted in the operation of railroads. As has been very pertinently said by a gentleman on my right [Mr. WILSON, of Iowa], a strip a thousand feet long would admit of siding only for sixteen or eighteen cars.

Mr. COBB. I said a thousand yards.

Mr. STEVENS. I thought you objected to 3,000 feet.

Mr. COBB. I did.

Mr. STEVENS. And your idea was to restrict it to a thousand feet?

Mr. COBB. This bill provides for 3,000 feet; that is a thousand yards according to my arithmetic.

Mr. STEVENS. I understood you to object to a length of 3,000 feet.

Mr. COBB. I did.

Mr. STEVENS. And that you thought a thousand feet was long enough.

Mr. COBB. Yes, sir.

Mr. STEVENS. I am talking to that idea of the gentleman from Indiana in order to refute it, and to show that a length of 1,000 feet is not sufficient. A length of 1,000 feet would allow but the passage of about eighteen cars with their engines and cabooses. Every gentleman knows that such a restriction would utterly obstruct the operation of the railway.

Mr. COBB. Does the gentleman insist that this width for side-tracks is necessary for the passage of cars? Does the gentleman not know that they are never 100 feet apart as a rule?

Mr. STEVENS. A width of 100 feet for a siding is ample; but this additional width is only proposed to be granted at depots, and there they do want more.

Mr. COBB. I am willing to give them more, but I do not believe they ought to have the 3,000 feet or a thousand yards in length, with a width of 200 feet.

Mr. STEVENS. The length of 3,000 feet is not a foot greater than is necessary. I venture the assertion that the gentleman in his own State will find multitudes of side-tracks half a mile long.

Mr. COBB. But they are always within the 100 feet of width.

Mr. STEVENS. But where the company have stations and require depots and cattle-yards and coal-bunks the width of 100 feet is not enough.

Mr. COBB. The length here proposed is over half a mile.

Mr. STEVENS. The width of 100 feet is not enough.

Mr. COBB. It is enough for the side-tracks. That is what I am contending for. They have 100 feet in the first place by virtue of the right of way, and then you propose to give them 200 feet more, making 300 feet in width and a thousand yards in length.

Mr. STEVENS. That is no more than they need at important stations where there is a transfer of locomotives and large numbers of cars accumulate. At some stations in the West to-day you will find three or four hundred cars.

Mr. BLOUNT rose.

The SPEAKER. Debate on the pending amendment is exhausted. There are pending one amendment and an amendment to the amendment.

Mr. BLOUNT. I ask the gentleman from Indiana to withdraw his amendment temporarily.

Mr. COBB. I withdraw the amendment for the present.

Mr. BLOUNT. I renew the amendment to the amendment. I do think there is enough in the criticism of the gentleman from Indiana [Mr. COBB] to justify the House in making a modification of this proposition. It is claimed that it might be of importance to the railroad company to have this length of 1,000 yards at some particular station. Where this is true I am perfectly content to give it. But this bill provides that at every single station, at intervals of every seven miles——

Mr. RYAN. Ten miles.

Mr. BLOUNT. The bill says seven miles.

Mr. WELLBORN. The amendment makes it ten miles.

Mr. BLOUNT. Very well. The bill provides that at stations at intervals of every ten miles they shall have 1,000 yards in length. It is true under the amendment which I offered and which has been agreed to neither the railroad company nor any person could use that land for any other than railroad purposes. But, sir, it might be important, if the railroad did not have occasion to use it, in the future progress of events that somebody else should use it. I think it is important that the railroad company should not be allowed to exclude parties who might want to occupy the land for business purposes to the extent of 1,000 yards at each station. I trust the gentleman in charge of the bill will modify it in that particular, so as not to make the grant absolute, but on condition that the road may occupy that much or so much thereof as may be necessary.

Mr. ROGERS, of Arkansas. There are one or two observations I desire to make, to which I especially invite the attention of my friend from Indiana [Mr. COBB] and my friend from Georgia [Mr. BLOUNT]. In the first place, the great guarantee to prevent the unnecessary use of this land by the railroad company lies in the fact that it is necessarily compelled to pay for all that it takes; and the assessment of its value is to be made by a board of three persons, one of whom is to be appointed by the Indian Commissioner, the guardian of these people, another by the principal chief of the nation or tribe, and the other by the railroad company. We may, therefore, rest assured, in the first place, that the railroad company will have to pay all for the land that it is worth.

Mr. BLOUNT. I think my friend is mistaken about that.

Mr. ROGERS, of Arkansas. I think not.

Mr. BLOUNT. The provision which the gentleman has read applies only to the land which is held by individual occupants.

Mr. ROGERS, of Arkansas. The third section of the bill contains this provision:

> In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, one to be named by the Commissioner of Indian Affairs, one by the principal chief of the nation or tribe in which the land to be appropriated is situated, and one by said company.

And then if they are not satisfied with the award they can go with the matter to the Federal courts.

Mr. BLOUNT. The gentleman does not read all the provisions in the bill on this subject. He has read only that relating to land of individual occupants.

Mr. ROGERS, of Arkansas. Do not occupy all my time.

Mr. BLOUNT. I do not propose to do so.

Mr. ROGERS, of Arkansas. So far as I have read I have given the provision correctly. If they are not satisfied with the award of the commissioners, then they can go to the Federal courts. Is not that correct?

Mr. BLOUNT. The gentleman will not allow me to occupy his time. I will only say that he does not give this paragraph or section as it is in the bill.

Mr. ROGERS, of Arkansas. I have read a portion of the section.

Mr. BLOUNT. And it should be qualified by the portion with which it is connected.

Mr. ROGERS, of Arkansas. My friend from Indiana [Mr. COBB] says that he desires to commit this railroad company to the Indians to get this land. In the Cook case, decided by the Supreme Court, in 19 Wallace, it was held that the Indians had no power of alienation except to the United States. Therefore I say that when we come to provide with regard to these lands in behalf of this railroad company, while the provisions of the bill may grant a little more than is necessary for some of the stations, we can not tell what the more important stations may require, and therefore we should grant enough to meet all the requirements and prevent this railroad company from coming to Congress again in order to secure their rights.

Mr. BLOUNT. I have no objection to a conditional grant; what I object to is the absolute grant.

Mr. ROGERS, of Arkansas. There is no grant of land here; my friend from Georgia [Mr. BLOUNT] is mistaken in that. There is only a grant of the right of way, of the right to condemn whatever the railroad company may desire to use and will pay for. Whatever they pay for they get the use of and no more. And I will say that the cupidity of human nature will be sufficient to guard against the company absorbing any more land for railroad purposes than is required for the transaction of railroad business. They will not buy lands which they do not want to use, and under this bill they can not use land except for railroad purposes.

Mr. BLOUNT. Section 3 of this bill provides—

That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway.

And then follows the part of the section which was read by my friend from Arkansas [Mr. ROGERS]. With that exception, that section has no application at all to the matter of compensation for this land. Section 5 of this bill provides:

That for and in consideration of the uses, privileges, and grants herein contained said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of $50 for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each ten miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in said Territory.

That is the compensation which is to be paid for land occupied by this company, except in the case of individual occupants of the land. I think, therefore, that it is manifest that the gentleman from Arkansas [Mr. ROGERS] was in error in this particular. The provision in relation to the grant of land for stations is an absolute provision.

Mr. ROGERS, of Arkansas. It is not a grant of title, but of right of way.

Mr. DUNN. Will the gentleman allow me?

Mr. BLOUNT. In a moment; let me finish what I started on. The second section of this bill provides:

That a right of way of 100 feet in width through said Indian Territory is hereby granted to the Gulf, Colorado and Santa Fé Railway Company, and a strip of land 400 feet in width and 3,000 feet in length is also granted to said railway company at every station that may be designated and established by it upon its line through said Territory.

That has been amended so as to make the strip of land two hundred feet in width. Now why should we quibble about this matter? The purpose of this bill is to grant unconditionally at every railroad station a strip of land 200 feet in width and 3,000 feet in length. I say that the criticism of the gentleman from Indiana [Mr. COBB] is correct, at least in part, in my judgment. I do not see why, in advance of any knowledge that there will be a necessity for this land grant, we should assume that this amount will be required, and proceed at once to grant it. I think the gentleman in charge of this bill should, and I have no doubt he will, modify it so as to confine this grant to so much land as may be necessary for the purposes of the road.

Mr. WELLBORN. I fully agree with the spirit that actuates the gentleman from Georgia in his effort to see that the rights of the public and the rights of the Indians are carefully guarded in this bill. I am thoroughly in accord with that idea. I have carefully examined the bill, and I am satisfied that the quantity of land which the bill proposes to allow at stations ten miles apart (and the amendment offered on behalf of the committee restricted the amount originally proposed to be granted) is not excessive, but reasonable. I cheerfully agree to the amendment of the gentleman from Georgia proposing to confine the use of this land strictly and absolutely to railway purposes. That amendment is certainly all-sufficient.

Mr. BLOUNT. The gentleman says he is satisfied that the amount of land proposed to be granted at these depots is not more than necessary. Now, the gentleman said a while ago that the quantity proposed to be granted was to be four acres. His colleague has an estimate that it would amount to thirteen and one-half acres. I do not pretend to know what is the exact quantity. But I do not appreciate fully what my friend says when he declares he is satisfied that this land will not be more than enough.

Mr. WELLBORN. I can very readily satisfy the gentleman on that point. Neither he nor I can know upon our own information what amount of land is necessary. We must rely in this respect upon the testimony of men who have had experience in these matters. It is upon the testimony of disinterested men, especially my colleague on the committee, the gentleman from New York [Mr. STEVENS], who has had more of such experience than any of us, that my judgment on this question has been formed.

Mr. BLOUNT. Conceding that the gentleman is right in his understanding that 200 feet of land one way and 3,000 feet another will be required for the purposes of this road, what harm can come from confining the amount to so much thereof as the company may find it necessary to use?

Mr. WELLBORN. I think any such limitation as that proposed by the gentleman would result only in embarrassment. I do not believe it practicable to attempt any such limitation. The quantity proposed to be allowed is not excessive. Gentlemen who have had large experience in these matters, and who have no conceivable interest in this measure other than the advancement of the public weal, assure me that this allowance is reasonable. They have satisfied my own judgment on this matter, and, indorsing their view, I have no hesitancy in recommending other gentlemen to indorse it.

Mr. RYAN. There is another consideration. Under the non-intercourse act the employés of this road will have to occupy for their residences the portion of land now set apart as right of way. They will not be allowed under the law to settle outside. That is another reason why this quantity of land will be necessary.

The SPEAKER. Debate is exhausted. The question is on the amendment of the gentleman from Georgia to the amendment. It will be read.

The Clerk read as follows:

Strike out "three" and insert "one;" so as to read "1,000" instead of "3,000."

The amendment was not agreed to.

Mr. HERBERT. I send up to the Clerk's desk an amendment, to which I ask the attention of the chairman of the committee.

The Clerk read as follows:

Strike out of the last proviso the words "shall not be used for any other than railway purposes," and insert "shall only be used in such manner as may be necessary for the construction and convenient operation of said railroad, telegraph, and telephone.

Mr. WELLBORN. I have no objection to that amendment.

Mr. HERBERT. Does the gentleman accept it?

Mr. WELLBORN. I have no objection to it.

Mr. RYAN. There is no objection to it, so far as I know.

Mr. HERBERT. I will say a word in explanation of the amendment, as some gentlemen seem not to understand it.

The language "railway purposes" is very broad and indefinite; it is not such a phrase as we are in the habit of using in statutes. It would leave a great deal open to construction. Sometimes railroads, as in Colorado, build hotels or run mines. We have not the charter of this company before us. Hence this amendment proposes to confine this grant of land to whatever may be necessary for the construction and convenient operation of the railroad. It embraces also the telephone and telegraph. The amendment of the gentleman from Georgia applied simply to railway purposes, while the bill proposes to grant the right of way for a railroad, telephone, and telegraph. The amendment is intended simply to make the provision clearer and more definite.

Mr. PERKINS. That is all right. I think there is no objection to it.

Mr. WELLBORN. The gentleman from Georgia [Mr. BLOUNT] suggests to me that he is unwilling to have his amendment struck out. Now, so far as I am concerned, I am willing that both amendments shall be inserted if they can be arranged in systematic order so as not to make the section illogical.

Mr. BLOUNT. I prepared my amendment after consultation with a judge of some prominence and experience, who considered the language very accurate and proper for the purposes in view.

The SPEAKER. The question is on the adoption of the amendment of the gentleman from Alabama [Mr. HERBERT].

Mr. BLOUNT. I do not suppose so far as telephone and telegraph are concerned the right of way is given only in connection with the railroad.

Mr. HERBERT'S amendment to the amendment was agreed to.

Mr. WARNER, of Ohio. I move to strike out "3,000" feet and substitute "2,000." One thousand feet in length perhaps is not sufficient. Three thousand feet is more than the railroad company will require in a hundred years. Two thousand is ample siding ground for all the business this railroad company will have.

Mr. WILSON, of Iowa. I do not wish to take the time of the House in discussing it because we ought to go on with the bill, but 3,000 feet is not too long for side-tracking. They can not possibly side-track one long train of empty cars on 2,000 feet.

The amendment of Mr. WARNER, of Ohio, to the amendment was disagreed to.

Mr. WELLBORN'S amendment as amended was then agreed to.

The Clerk read as follows:

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, one to be named by the Commissioner of Indian Affairs, one by the principal chief of the nation or tribe in which the land to be appropriated is situated, and one by said company. In case the commissioners can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the commissioners shall have the right, within twenty days after the making of the award and notice of the same, to appeal by original petition to the courts, where the case shall be tried *de novo*. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad. Each of said commissioners shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs shall be made a part of the award, and be paid by the losing party.

Mr. WELLER. I offer the following amendment:

Insert after "constructed," in line 4, "or any person or persons occupying claimants under color of title."

In reading this part of the section I am satisfied it does not furnish such protection as ought to be furnished to occupying claimants under color of title. I think there can be no harm in making ample provision in this bill for occupying claimants as well as the Indian tribes under their tribal relations. I am satisfied there are many persons living upon these lands who believe to-day they have as good a right to the occupancy of these lands as I believe I have to the occupancy of lands in Iowa.

Mr. STEVENS. I think the gentleman from Iowa is discussing this matter under a misapprehension of the fact. This right of way proposed to be granted does not come near Oklahoma or any of the disputed lands, but runs straight, clear through lands belonging to the Choctaws, Chickasaws, Seminoles, Creeks, and Cherokees. This provision of the bill in the section under discussion says "held by individual occupants according to such customs and usages of any of the Indian nations or tribes." There can be no people living or occupying lands there except by the consent or under the tribal laws of the various tribes. There would be some pertinency in the amendment of the gentleman from Iowa if the line of the road ran through any of the lands to which the gentleman refers; but, as I have said before, it runs only through lands of these Indians.

Mr. WELLER. I notice the use of the words "individual occupant," and I am apprehensive with the use of these words it will militate against the Indian tribes which have a right to these reservations. I am sure the amendment I have proposed can not harm this railroad corporation. It can do them no earthly harm if the position taken by the gentleman from New York is true. If my position is correct it may be of material advantage.

And I think it is worth while, Mr. Speaker, that this Congress, the Forty-eighth Congress, should take in hand the protection of the individual rights of citizens of the United States on lands the Government has granted to them.

Mr. PERKINS. The individual occupants provided for here are the Indians themselves, who have made improvements on a portion of these lands. There can be no other occupying claimants there under the treaty of 1836. If these Indians abandon the lands they revert to the United States. If they attempt to alienate them they revert to the United States. There can be no individual rights. This is to protect the individual Indians who have made improvements on certain portions of these lands.

Mr. WELLER. Then why use the words "individual occupant?"

Mr. PERKINS. It is for the protection of those individual Indians who have made improvements on a portion of these lands.

Mr. WELLER. My amendment takes in the matter collectively as well as individually.

Mr. PERKINS. There can be no individual occupant of this land except an Indian.

Mr. WELLER'S amendment to the amendment was rejected.

Mr. HOLMAN. Let me call the attention of the gentleman from Texas to the fact that in the ninth line the term "referee" is made use of, while in the twelfth line the word "commissioner" is used. I move the term "referee" be used throughout.

Mr. PERKINS. Do you like "referee" better than "commissioner?"

Mr. HOLMAN. No; but one or the other should be used throughout.

Mr. PERKINS. There is no objection to that.

Mr. HOLMAN. There is another suggestion I wish to make. In line 27 of this section it is provided:

That the costs shall be made a part of the award, and be paid by the losing party.

As I understand, that includes the compensation of the referees. Would it not be safer to include the words "costs, including the compensation of the referees, shall be made a part of the award," &c.?

Mr. WELLBORN. I think the amendment is a good one. I have no objection to it.

Mr. WELLER. Mr. Speaker, I rise to a parliamentary inquiry. Does the amendment of the gentleman from Indiana at the close of this section preclude amendments that should come in at a previous part of the section?

The SPEAKER *pro tempore* (Mr. COX, of New York, in the chair). It does not. It does of course after we have passed over that section.

Mr. WELLER. I desire to offer an amendment, to come in previous to this, at the proper time.

The SPEAKER *pro tempore*. The question now is on agreeing to the amendments already proposed by the gentleman from Indiana, which the Clerk will read.

The Clerk read as follows:

Insert, in line 12, instead of the word "commissioners," the word "referees," also in line 14 and in line 22, and insert, after the word "costs," in line 27, the following words: "including the compensation of the referees."

Mr. PERKINS. There is no objection to the amendments.

The amendments were agreed to.

Mr. BLOUNT. Mr. Speaker, I wish to call attention to a preceding paragraph, with the consent of the chairman of the committee. I would make this suggestion to the gentleman from Alabama, but he is not at present in his seat. In the modification of the amendment I offered the following error occurs:

Shall only be used in such manner as may be necessary for the construction and convenient operation of said railroad, telegraph, and telephone.

I move to strike out the word "only," and after the word "used" insert the word "except;" so that it would read:

Provided further, That no part of the lands intended to be occupied for right of way or depot purposes shall be used except in such manner as may be necessary, &c.

Mr. WELLBORN. The verbal changes suggested are necessary to complete the sense, and I have no objection to them.

The amendments were agreed to.

Mr. HOLMAN. I desire to ask a question in regard to the jurisdiction of the court——

Mr. WELLBORN. That is provided for in a subsequent section.

Mr. LEWIS. Mr. Speaker, I desire to call the attention of the House for a moment to this clause of the section now under consideration:

When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

My idea is that the compensation ought to precede the entry upon the land by the railroad company. Such is the law, I know, in most of the States. In my State we have felt the inconvenience of allowing railroads to make their entries and begin operations upon the property of private citizens before compensation was made. I think it is a safe rule of law that it ought to be required in this case that the compensation should precede the entry upon the land.

I move, therefore, to strike out this paragraph.

Mr. WELLBORN. Mr. Speaker, it is in the interest not of the company but in the interest of the occupant of the lands that this provision was put into the bill. Suppose, for instance, the occupant of the land is dissatisfied with the award of the commission. Suppose the commissioners do not award him such amount as he thinks is adequate for the value of the land taken. By this paragraph there can be no payment to him, and he ought to have some security before the railroad can be built. This provision requires, in case of disagreement as to the award of the commission, that the railroad company shall pay this double amount of the award into the court to abide the decision. This of course is a protection to the holder of the land in case he is unwilling to accept the award of the commissioners.

Mr. LEWIS. Suppose that he is unwilling to part with the property at all, or to have the road built upon the land, and he wants to try the question in court.

Mr. WELLBORN. If that be true one man could put such an exorbitant demand upon his property as to absolutely preclude the construction of the road at all.

Mr. LEWIS. But the company have the right to come into court and regulate such exorbitant demand.

Mr. WELLBORN. Is the construction of the road to be defeated because there may be one man who is opposed to it, and who may name any exorbitant price he chooses so as to defeat its construction, costing millions of dollars to the company in delay?

Mr. GLASCOCK. Mr. Speaker, I am in hearty accord with this motion. This provision does not conform to any provision that I have read in any State statute in regard to condemnation proceedings. In the first place no notice is given, which is essentially a prerequisite to all condemnation proceedings. In the second place it says:

In case the commissioners can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the commissioners, shall have the right within twenty days after the making of the award and notice of the same to appeal by original petition to the courts, where the case shall be tried *de novo*.

Mark the language there: "original petition." Now, if there is to be a *de novo* trial, and every lawyer upon this floor understands what that means, of course the original award made by the commissioners goes for nothing and there is nothing upon which the clause which follows can rest.

When proceedings have been commenced in court the railway company shall pay double the amount of the award into court, &c.

What award? This is a *de novo* trial. Therefore the award previously made must go for nothing.

I am opposed to this principle of allowing anybody, a railway company or anybody else, seeking advantage of the condemnation law, of the laws of eminent domain, to enter upon lands until compensation has been awarded. I know in my own State what injury it has worked; and whenever this law has been enforced it has always been to the injury of the occupants of the land. Therefore I am in favor of striking out this provision.

The SPEAKER *pro tempore*. The question is on the amendment proposed by the gentleman from Louisiana [Mr. LEWIS].

Mr. LEWIS. I do not want to be fractious about this matter. I am in sympathy with the objects and purposes of the bill. But I desire to read what I find in Chancellor Kent's Commentaries, in a foot-note, page 339:

The settled and fundamental doctrine is that government has no right to take private property for public purposes without giving a just compensation; and it seems to be necessarily implied that the indemnity should in cases which will admit of it be previously and equitably ascertained, and be ready for reception concurrently in point of time with the actual exercise of the right of eminent domain.

In my State the railroads overslaugh private rights in such an outrageous manner under similar provisions to these that I am unalterably opposed to them. I do not see why private rights should be made to give way to the demands of railway companies in this manner.

It is claimed that this would give the right to any individual to speculate upon the necessities of the road by interposing an objection and stopping its building by exorbitant demands. This very bill provides for judicial proceedings for the purpose of ascertaining what is just compensation. And I for one can see no reason why the railroad company who have ample means should not go into court and have these matters settled before the actual expropriation of property is made by the road. They go upon the land, build their road, and then as a matter of fact they defy these poor people who never get their rights and have not generally the means to vindicate them in the courts.

Mr. WELLBORN. I ask for a vote.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Louisiana [Mr. LEWIS].

The question being taken, there were—ayes 13, noes 61.

So (further count not being called for) the amendment was not agreed to.

Mr. WELLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 3, line 7, after the word "occupant," insert "or any person or persons occupying claimants under color of title," so that it will read:
"In case of failure to make amicable settlement with any occupant or person, or any person or persons occupying claimants under color of title, such compensation shall be determined, &c."

Mr. WELLER. I have observed all through this bill that it is worded so as to give a remedy to an occupant in the singular number. It seems to me to preclude an opportunity for the Indians in their tribal relations to have their rights respected. I am not prepared to think that I am standing alone on the floor of this House in my desire to protect the Indians.

I believe, Mr. Chairman, that they have been made the prey of the money-sharks and the railroad corporations altogether too long, and I believe this House should set a marked example of its desire to protect them, not only in their tribal relations, but in their individual relations to the Government; and not only that, but in the right of property which they may have in their tribal relations or their individual relations.

I believe, Mr. Speaker, that the bill as it is now framed does not properly protect them. Certainly the amendment which I propose can not injure the railroad corporation. It can do no harm whatever, while if it is left out of the bill I am apprehensive that much harm may come to these Indian tribes and occupying claimants. I hope my amendment will prevail.

The amendment was not agreed to.

Mr. HOLMAN. I do not know whether it was intentional or not, but I see no provision in this section requiring the referees to take the usual oath. I think under the statutes in all the States referees require to be sworn.

Mr. WELLBORN. I think that is proper.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 12, after the word "company," insert the following:
"Who, before entering upon the duties of their appointments, shall take and subscribe, before competent authority, an oath that they will faithfully and impartially discharge the duties of their appointments, which oath, duly certified, shall be returned with their award."

Mr. WELLBORN. So far as I have authority, I accept that amendment.

The amendment was agreed to.

Mr. WELLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 15, after the word "within," strike out "twenty days," and insert in lieu thereof "one year;" so that it will read:
"Either party being dissatisfied with the finding of the commissioners, shall have the right, within one year after the making of the award and notice of the same, to appeal," &c.

Mr. HOLMAN. I would suggest to the gentleman from Iowa that the usual time is ninety days.

Mr. WELLBORN. I have no objection to ninety days.

Mr. WELLER. Will you change it to six months?

Mr. COOK. I suggest to the gentleman that he should accept ninety days.

Mr. WELLER. I desire to say that in the State of Iowa, until the revision of 1860 was adopted by the Legislature of the State, we had the right of appealing and giving notice of appeal from the circuit and district courts of one year.

Mr. COOK. That is, to the supreme court.

Mr. WELLER. To the supreme court of the State. Now, I wish to urge this to the attention of the gentleman from Texas [Mr. WELLBORN], that the parties who are interested in this appraisement are men who have little or no capital; that they are persons who are ignorant, in a large degree, of the law; and they ought to have the fullest time. Perhaps one year is too much. I will concede, if the gentleman will assent to it, that it shall be six months.

Mr. WELLBORN. I agree to three months, which is in accordance with the opinion of gentlemen all around me.

Mr. WELLER. Very well; I will modify the amendment by making the period ninety days.

The amendment as thus modified was agreed to.

Mr. WELLER. Before we pass from this section I want to move another amendment. I move at the close of the section to strike out the words "the losing party," and insert in lieu thereof the words "such railroad company;" so that it will read: "costs shall be made a part of the award, and be paid by such railroad company."

Mr. HOLMAN. I hope that amendment will be accepted.

The question was taken by a *viva voce* vote, and the Speaker *pro tempore* [Mr. COX, of New York] announced that the "noes" appeared to have it.

Mr. WELLER. I call for a division.

Mr. WELLBORN. Rather than have the consideration of this bill obstructed by taking a vote by a division, I prefer that the amendment shall go in, although it reverses the whole theory of the bill.

Mr. OCHILTREE. Do not let it go in.

Several MEMBERS. Vote it down.

Mr. STEVENS. We might as well fight it here.

Mr. WELLBORN. Very well, then, let it be voted on.

Mr. ROGERS, of Arkansas. I suggest to the gentleman from Iowa [Mr. WELLER] to make his amendment read: "such railroad company if the judgment of the court is in excess of the award of the referees."

Mr. WELLER. I can not accept that. I want to say that it seems to me it is time that we did something to protect the men who have gone to the frontiers to build up homes. The railroad companies of the country have wealth at their command and can protect themselves.

Mr. BLAND. If the gentleman will amend it so as to make the company pay one-half of the costs——

Mr. WELLER. It seems to me that if these parties are compelled to pay any of the costs, that fact of itself will amount to their defeat. I understand how railroad companies manage the people. I understand how they have managed them in my section of the country. They go there, get the property condemned, get their juries to assess damages, and the parties owning the property are compelled to take whatever is awarded them, and there is no remedy, because they are too poor to appeal to the courts, while the railroad companies have money at their command and can afford to appeal. I would like to have this House make an example which shall be worthy the Democracy of the country.

Mr. COOK. And the Greenbackers, too.

Mr. WELLER. Yes, and the Greenbackers and all honorable men.

Mr. WELLBORN. So far as I am concerned, as there seems to be a very decided sentiment manifested here by gentlemen who I think are not in opposition to the bill to adopt the amendment, I hope it will be permitted to go in rather than consume the time that would be required to take a vote by a division.

The question was taken on the amendment; and it was agreed to.

No further amendment being offered to section 3, the Clerk read section 4, as follows:

SEC. 4. That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines.

Mr. SUMNER, of California. I move to amend this section by inserting in line 4, after the words "transportation of the same kind,"

the words "and shall not charge over 3 cents per mile as passenger first-class fare, nor over 2 cents per mile as passenger second-class fare."

Mr. BUCKNER. That is the law of Texas.

Mr. WELLBORN. I hope the limitation will not be put in this bill.

Mr. SUMNER, of California. Call it by what name you please, this is a subsidy bill to that extent that gives us the right, if we will but exercise it, to prescribe as to fares for freight and passenger traffic. And now is the auspicious hour for that sort of business, on which for one I confess my special mission here to the Congress of the United States. It is suggested that this only gives a right of way—"Please, sir, a very little one," as the girl is reported in Midshipman Easy—but in truth it is a large grant, considering the absolute wants of the corporation, the unsurpassed fertility and ultimate value on other accounts of the wide strip of territory bestowed; and while it will not rise to an aggregate to compare at all with the land space donated to the Union and Central Pacific Railroad Companies, it is no wise insignificant, and fully entitles us to this fourth section as I would have it amended. Come, now: we are entitled to reasonable fares on this road, such as a maximum of 3 cents a mile for a first-class ticket and 2 cents a mile for a second-class ticket will secure.

This section seems shrewdly shaped to avoid the legislation that should be had at this precise point. It says that the railroad company shall not charge the inhabitants of the Territory—may it charge anybody else?—a greater sum for freight—for freight, mind you—than is authorized for similar services in the State of Texas. Why are freight fares mentioned and not a word about the price of passenger tickets? "This ought ye to have done, but not to have left the other undone." And besides, why leave this standard with the Legislature of Texas, which may change the schedule to-day or to-morrow? And how easily one might have slipped along in reading this language with the acquired impression that passenger fares were included in this cunning sentence!

The State of Texas provides that passenger fares shall not exceed 3 cents per mile. How does it happen that no reference is made to that class of transportation in this sentence? Was it a mistake, an oversight?

Well, be it what it may, I offer to supply the notable deficiency; remarkable when you do see and consider it. Though the argument is far greater in multiplied reasons and emphasis for such a provision in bills which I have introduced affecting the Union and Central Pacific Railroads, it is a good time and place to institute reform of the nature indicated right here. I welcome this little section in this little bill, as its reading affords the opportunity for the most wholesome of amendments.

Mr. WELLBORN. The provision in regard to freight rates was put in the bill on the suggestion of the Indians, so that the railroad company should not be permitted to charge them any greater rate of freight than is allowed by the laws of the State of Texas for the same services.

Mr. HOLMAN. I wish to further amend the section by adding to it——

Mr. MILLS. Let the vote be taken on this amendment first.

Mr. HOLMAN. Perhaps they could be considered together.

The SPEAKER *pro tempore*. They can not be considered together except by unanimous consent.

The question was taken on the amendment of Mr. SUMNER, of California; and upon a *viva voce* vote the Speaker *pro tempore* announced that the noes appeared to have it.

Mr. SUMNER, of California. I call for a division; and if the negative has it, then I shall call for the yeas and nays.

Mr. REAGAN. I only desire to say that while 3 cents a mile is perhaps enough for passenger fare in a populous country, it must be borne in mind that this road which we are now authorizing the building of goes through a country with little or no population at all. The road must rely on its way business for enough to keep it up. I am afraid that the adoption of the rate of 3 cents a mile through a Territory that is at present and perhaps will be for some time almost without population will not be just.

Mr. BLOUNT. If there is nobody there to ride the road will not lose much because of this provision.

Mr. REAGAN. But the cars must run.

Mr. BLOUNT. I know that; but if nobody rides on them the road will lose nothing by reason of this amendment.

Mr. SUMNER, of California. I desire to be heard on this amendment again.

The SPEAKER *pro tempore*. Does the gentleman withdraw his call for a division?

Mr. SUMNER, of California. I do.

The SPEAKER *pro tempore*. The gentleman will proceed.

Mr. SUMNER, of California. My honored and much-respected friend from Texas [Mr. REAGAN] will pardon me for saying that I am surprised, I am astounded to hear him deprecating and seeking to defeat this amendment. Why, this is a direct-action opportunity for carrying out what I had had reason to suppose was one of the cherished objects of his Congressional life. There are no commissioner kinks in this. It is a straight thrust for the right and the just, and the expedient withal.

And was it the wisdom of the Indians that brought in this clause about charging for freight transportation? Then let us add our original wisdom and forecast to theirs and annex to their amendment. We should strike out those words that give the benefit of the Indian line to their own race or adopted companions exclusively. Why, even the Cherokees and Choctaws will not trust this new railway company to give them reasonable fares.

Mr. PERKINS [interrupting]. Mr. Speaker, was not the House dividing?

Mr. SUMNER, of California. The gentleman, I hope, does not want to insist on dividing the House in order to keep me from speaking four or five minutes on an amendment of this purport?

The SPEAKER *pro tempore*. The Chair was about to call for a vote upon the amendment, but suspended the division in order that the gentleman from California [Mr. SUMNER] might proceed.

Mr. SUMNER, of California. I do not tax the indulgence of my fellow-members with long speeches; it is only at wide intervals, and only when I am constrained by an imperative sense of duty, that I seek the attention of this body. I am admonished of the anxiety of some to hurry through the consideration of the bill, but there must be a pause here until the sense of this House is put upon unmistakable record with respect to a main question before the American people.

This road is to be several hundred miles in length, through one of the most fertile and salubrious and every way eligible sections of the Union for a railway location and a thriving multitude of inhabitants. Talk about sparsely settled portions of the country in such a relation. We are not children, that we do not foresee the quick-coming results of this construction. The limitations for settlement will soon be enlarged—I mean of course for the settlement of the Caucasian. And, besides, this is to be a through, a trunk route; and what with traffic from Southern State to Northern State and the patronage of the Indians along the route there is going to be a profitable business from the day of completed rail-laying. Who doubts it or imagines that the incorporators here have misgivings on that point? There is such a thing as a comparatively sparsely patronized railroad—if I may be permitted the expression—on account of high charges for poor accommodations. There is no occasion here for sympathy with money-losing railroad-builders or railroad stockholders, such as my friend from Texas strangely appears to fancy. If Texas freight charges are just, Texas passenger tolls will be even more righteous, if there are degrees in that species of schedule.

And now is the day and now is the hour. "Oh, don't you see that the next sentence provides that Congress reserves the right to fix rates of fare in the future!" My friends, I do notice that provision. I have seen a similar one elsewhere. That is a good provision. Let it stand. But put in my amendment, and then no one will be bothering you with importunities to act on this last sentence in the next few years to come. For once let us start correctly in this kind of a section.

Now, I know something about the difficulties in the way of securing legislation of an aggressively reformatory character, based on a permission to cut down fares on railroads west of the Missouri. The most honorable committees find it difficult to prevail upon their judgments and consciences to report even the mildest form of a fare-reducing measure. In fact, they can report with much more readiness many other bills which an unsophisticated legislator would think involved a far greater labor of consideration and delicacy of mental balancing.

My friends, if you do not put this amendment in, you and I will never live to see passengers traveling on this projected road at a regular rate that is not above 3 cents a mile from each place to place. But if we put in this amendment the road will be built all the same, and we or our contemporaries will journey by this route at reasonable charges.

Incidentally the passage of this amendment will be of good import. It will say what ought to be the maximum of railroad charges elsewhere, on roads over which Congress has the power to fix and establish the rates, and it will say what this House would do if it had a bill before it on which it could act in wisdom and reformatory spirit, reducing passenger fares on the original Pacific roads that crossed the continent and joined the oceans. In all this there will be encouragement to honest and well-meaning but timid committees to act in accordance with the wish and will of the people with respect to reasonable passenger and freight fares on long Western and transcontinental lines. An advance provision here will make it certain that we ought from this Congress to have reformatory, fare-reducing legislation touching and governing other iron highways of the Republic.

I tell you, sir, this is what the people, the great majority of the people, of this country are asking for, nay, are demanding this day. This is one of the matters of supreme importance for your legislation in obedience to popular wish and will. Not futile tinkering with the tariff, not cheese-paring on clerical salaries, not alone or not so much the lopping off of superfluous office-holders—all worthy work, as the latter may be and is—but the passage of laws guarding against future transportation monopolies and breaking down, so far as we can do so, with a sudden and sweeping blow, the rules of extortion and consequent oppression that now exist in monopoly form and vigor; rules which it was intended should be subject to our criticism and control.

Mr. BLOUNT. Mr. Speaker, I think the amendment of the gentle-

man from California [Mr. SUMNER] ought to be adopted. The provisions of this bill are exceedingly liberal to this railroad company. This road, as I am informed, is to pass through land as fine as any on this continent. The company is getting this right of way for almost a nominal consideration, as will be seen by an examination of the provisions of the bill. Therefore there is much force in the remark of the gentleman from California that this is a grant in aid of the road. It is exactly of that nature.

As has been before stated, there is by the law of Texas a regulation of the rates of freight over the road. I would like to know upon what principle a similar regulation is to be omitted in regard to passenger traffic? My friend from Texas says that this railroad is to pass through a sparsely settled country and that a restriction of this kind is calculated to cripple the operations of the company. Why, sir, I apprehend that a railroad passing through a fertile country like this is likely to do what has always been done in other places—to build up business, not only local passenger travel, but a large passenger business from the terminal points of the line. In view of the liberality of this bill, I can see no reason why the friends of this company should object to a provision that the passenger rates of this road, as well as the freight rates, shall be regulated as they are in Texas.

Mr. REAGAN. The gentleman from California [Mr. SUMNER] expresses astonishment at my suggestion that I was afraid 3 cents a mile would not be a sufficient compensation to this company for carrying passengers through this country without population or commerce. I suppose the gentleman's astonishment arises from the fact that I have heretofore devoted some attention and labor to the effort to protect the people against what I believe to be the wrongs practiced by railroad corporations. But, sir, I trust that because I have tried to protect the people in this direction it is not to be assumed that I am prepared to make an unjust war upon these corporations and injure them causelessly and without justification. That is not any part of my business, and never has been.

The gentleman from Georgia mentions the fine soil of the country through which this road is to pass. But of what use is that to the company if they get no commerce and no travel? If we wish to benefit commerce and afford convenience to the travel of the country, we must allow a reasonable compensation to the men who are to furnish the money to build this road. My suggestion was that I feared a limitation of 3 cents per mile for first-class passengers over that sparsely settled country, having no commerce, would not be just. I do feel that this is so.

But it is said in reply that the State of Texas has fixed a limit of 3 cents per mile for passenger transportation. So it has. But so far as that limitation applied to all that immense country west of Fort Worth to El Paso, and west of San Antonio to the Rio Grande, there are many people who doubted the justice of such a limitation of compensation for travel through that vast country with a small population and small business. Certainly, if I had been a member of the Legislature, I would not have voted to fix 3 cents a mile as the limit for passenger transportation on a railroad running through a sparsely settled portion of the country. I believe 3 cents a mile to be a sufficient compensation where there is a reasonable amount of business. But if we expect, as proposed here, to secure railroad facilities to connect the population and business and civilization of disconnected States, we should not attempt to impose onerous and, it seems to me, unjust conditions upon those whom we expect to furnish these facilities.

Mr. WILSON, of Iowa. Mr. Speaker, this amendment opens up a pretty wide question. The New York Central Railroad Company gets 2 cents a mile on its passengers, and makes a good deal of money. Some of our railroads in Iowa are allowed to charge 5 cents a mile and do not make any money.

I am well satisfied and have been for a long time that the State ought to arrange freights for local hauls within the State, and Congress ought to take steps so that reasonable rates shall be secured to the people on interstate commerce. The amount of traffic has everything to do with rates of railroads, and railroads that have little traffic can scarcely get enough, and railroads which have a great deal of traffic generally get too much.

Volume has much more to do with transportation rates than distance. If the local rates of Texas as applied to freights should be applied to passengers in this Indian Territory, perhaps we are going as near to what is right as we can reach, because until the time that country can regulate its local rates the laws of Texas would apply.

There is no question but 3 cents a mile on that railroad when first applied is not adequate compensation, and the railroad can not carry passengers profitably for that rate. The time will doubtless come when 3 cents a mile will be entirely too much, as time and volume have everything to do with this fixing of rates.

My friend from Texas [Mr. REAGAN] calls my attention to the fact that the last section of this bill reserves to Congress the right to fix the rates at any time.

I believe it is the bounden duty of Congress to take steps intelligently to fix rates of interstate commerce entirely on this road and on all the roads in the United States. I regret ill-health has prevented my friend from Texas [Mr. REAGAN] bringing to the attention of the House the bill he has prepared in the Committee on Commerce.

We have a pretty heavy population in the State of Iowa, and we allow our roads which have most business to charge 3 cents a mile.

A remark has been made by a gentleman here that we ought more readily to fix rates for transportation of passengers than freights. I regard that as an entire mistake. Much the greater hardship arises from overcharges of freight than passenger fares. The American citizen who travels as a general proposition can afford to pay, but the American citizen who has his trade shipped on the railroad is the man who needs protection, for many men are affected vitally by the charge of freight who seldom travel at all.

The question recurred on the amendment of Mr. SUMNER, of California.

The House divided; and there were—ayes 25, noes 46.

Mr. SUMNER, of California. I demand the yeas and nays.

The House divided; and there were—ayes 20, noes 72.

So (one-fifth having voted in the affirmative) the yeas and nays were ordered.

The Clerk proceeded to call the roll and members answered to their names.

Mr. WELLBORN. Mr. Speaker, gentlemen friendly to the bill have agreed with the mover of the amendment to offer an amendment providing that passenger rates shall not exceed 3 cents a mile. Rather than consume time in calling the roll I have determined with the consent of the House to accept that amendment.

The SPEAKER. Is there objection to vacating the order of the House ordering the yeas and nays with a view to having the amendment indicated offered in lieu of the one now pending?

There was no objection, and it was so ordered.

Mr. WELLBORN. The amendment is as follows: "Passenger fare shall not be in excess of 3 cents a mile;" and I trust it will be adopted without further objection.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Insert after the word "kind" in line 4, the following:
"Provided passenger rates on said road shall not exceed 3 cents per mile."

The amendment was agreed to.

Mr. HOLMAN. I move to add the following:

Until a State government or governments shall exist in said Territory, within the limits of which said railway or a part thereof shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed.

Mr. WELLBORN. I shall not object to that.

Mr. DUNN. I suggest to my friend from Indiana that it only reenacts the Constitution of the United States and does not add anything to or subtract anything whatever from the bill. It is entirely useless.

Mr. HOLMAN. My friend, I think, misapprehends the character of the amendment. Standing by itself it is nothing, but it gives effect to what precedes it. I hold it to be important for that reason.

Mr. DUNN. Well, if we are going to consume the entire day by reenacting the Constitution of the United States we shall do the work of the two corporations now intrenched and holding a monopoly of transportation in that Territory, we simply defeat this bill; that is all.

Mr. HOLMAN. The gentleman in charge of the bill has no objection to the amendment.

Mr. WARNER, of Ohio. Mr. Speaker, I wish to offer an amendment to come in before this amendment of the gentleman from Indiana, unless it is understood that at the close of the bill a clause reserving the right to alter or amend the bill is inserted. It will be seen that there is no such provision now in the bill, and we may want to grant to other roads the right to cross this road, for instance——

The SPEAKER. The Chair will state that that is not in order at this time.

Mr. WARNER, of Ohio. Then I give notice of the intention to offer such an amendment. I propose to bring it in at the end of the bill.

Mr. WELLBORN. That may come in and should properly come in at the end of the bill.

The SPEAKER. The question is upon the amendment of the gentleman from Indiana.

Mr. LEWIS. I wish to offer an amendment to the amendment.

The SPEAKER. The gentleman will forward his amendment to the desk.

The Clerk read as follows:

And provided further, That this grant is made upon the express condition that neither the grantees nor their successors shall sell or dispose of their road through this Territory to, or consolidate the same with, any competing railway running through the Indian Territory.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was not agreed to.

Mr. THOMPSON. If in order I wish to offer an amendment at this point which may be incorporated with the amendment of the gentleman from Indiana. I do not care, however, whether it goes onto that amendment or not. I will ask the parliamentary question of the Chair, will it be in order after the amendment of the gentleman from Indiana is disposed of to offer an amendment to that section of the bill?

The SPEAKER. The section will still remain open to amendment.

Mr. THOMPSON. Well, let the amendment be read.

The Clerk read as follows:

And provided, That said railroad company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

The SPEAKER. The Chair thinks that is in order either as an amendment to the amendment or as an amendment to the bill.

Mr. THOMPSON. I offer it as an amendment to the section.

Mr. HOLMAN. Let it be offered as an amendment to the amendment. I would suggest, however, to the gentleman that the word "further" be inserted after the word "provided," inasmuch as there is one proviso already appended.

Mr. THOMPSON. Then I will make the modification and offer it as an amendment to the amendment.

Mr. HOLMAN. There is no objection, I imagine, to that provision.

Mr. THOMPSON. It is to comply with the requirements of the Revised Statutes, section 4001, and to bring the dealings with this road in strict accordance with the law, so as to escape the complications which have arisen with reference to the Pacific railroads.

Several MEMBERS. All right. [Cries of "Vote!"]

The SPEAKER. The question is upon the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment of Mr. HOLMAN as amended was agreed to, on a division—ayes 47, noes 12.

Mr. MCADOO. I wish to offer a further amendment, which I send to the desk.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

After line 7 in section 4 insert these words:

After line 7, in section 4, insert these words:
"All railroad companies operating roads under this act shall pay taxes on all properties, real or personal, owned by them the same as the individual citizens of the States and Territories through which they run."

Mr. MCADOO. Mr. Speaker, it has been the history of all railroad corporations who have taken control of the political and material interests of States that they have got it at the inception of the enterprise, at the very beginning of the building of the road, by the immunities given to them by various localities and by the legislation of States. Coming from the State of New Jersey, where, as is well known, we have suffered so much from the immunities granted to these vast railroad corporations—immunities which have taken them from the plane of the individual citizen and given them special privileges exempting them from all local taxes, while the individual citizen is in consequence made to bear a double burden—I think that this provision, or something similar to it, ought to go into this bill, as well as into other bills of a like character which we may enact.

There is nothing in this bill to prevent the various localities or Territories or States through which these roads are to operate from assessing them the same as individual citizens. That is true; but at the same time it is best that it should be fixed in the fundamental law. And the American people are growing decidedly jealous of the power given to these great corporations. You can not detract from the power which you have given them in that direction, and it is a difficult matter in many localities to deal with the power of these great companies. But you can stop them at the very threshold when you are granting their charters. That is the place to prevent it. I hope the amendment will be adopted or accepted by the gentleman from Texas.

Mr. ROGERS, of Arkansas. I desire to say just a word or two. I want to suggest to my friend from New Jersey that the reason we have had trouble with railroad companies in various States was because by the charters they were exempt from taxation. If this related to a State there would be no objection. But I suggest this charter only runs through the Indian Territory, and they have no system of taxation there whatever; and if they had, by the terms of the treaties and the organization of the Territory the Indian people can not undertake to deal with the whites at all. The dealing with the whites and with the railroads is a matter under the Federal jurisdiction and does not belong to the Indians.

Mr. MCADOO. Will not this prevent giving immunities to railroad companies in the future, and is not that desirable?

Mr. ROGERS, of Arkansas. I take my friend from New Jersey [Mr. MCADOO] to be a thorough Democrat. If he is, he believes in the right of local self-government. That is my Democracy. If the States when formed are not capable of taking care of themselves, let them go.

Mr. MCADOO. As a constitutional and Jeffersonian Democrat, I wish no State had the power to make irrepealable contracts with a railroad company.

Mr. BLAND. I think the gentleman from New Jersey will see that his amendment would more properly come in at the end of section 5. There the subject of the taxation of the railroad is treated of; and I had intended to offer an amendment at line 20 of that section providing that there shall be the same right to tax this property as any other property lying within the Indian Territory.

In section 5 this whole subject of taxation is treated of, and there is a tax imposed of $15 a mile—an insignificant tax. We ought to provide after the word "benefit," in line 20, that this road and this property shall be taxable like any other property for the benefit of these various nations and tribes; and I think that is a better place for it to come in.

Mr. DUNN. I ask the gentleman from Missouri does he not know, as everybody that knows anything about it must know, that everything is subjected to a tax in a State that is not exempted from taxation by local authority? Why do they want to enact these absurd things in this bill?

Mr. BLAND. But the gentleman will ascertain when we reach this section that Congress does undertake to take away from those tribes the right of taxation and reserves that in the power of Congress instead of leaving it where it belongs, with the Indians themselves.

The SPEAKER. The question is on the adoption of the amendment proposed by the gentleman from New Jersey [Mr. MCADOO].

The question being taken, there were—ayes 14, noes 42.

So (further count not being called for) the amendment was not agreed to.

Mr. WELLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Congress hereby reserves the right to establish, operate, and maintain telegraph and telephone lines on said line of railway without cost or charges from the Government to such railway corporation or its representatives.

Mr. WELLER. Mr. Speaker, I am very certain in my own mind that this amendment ought to be adopted. To boil it down and state it very simply it means this: that the Government as long as that section of country remains a Territory shall have the right to set up poles, put on the wires, establish telephone and telegraph offices and run and maintain them. In short, it puts that right beyond question. It is maintained by gentlemen on this floor that the Government would have that right anyway; that the right thus to do is an inherent right in the Government, and that it is not taken away by the bill.

Now, if it be true, as has been stated, that the Government has that inherent right, then there can be no possible harm in making it quite clear by making this provision in the bill. I do not know that the Government has a right to establish telegraph and telephone lines on railroad lines in the Territories where the railroad corporations have their grants from the Government to-day. I do not understand it so. It may be true. Whether true or not this can not do harm; and I wish the gentleman from Texas having the bill in charge would accept this amendment, for I am so in earnest in the matter of this amendment that I am not certain but that I shall feel warranted in resorting to the extreme parliamentary right and practice under the rules of the House to secure its adoption.

I believe it is worth while for us to attend to these matters now in their inception and not wait for the courts to determine this matter for the people as against these corporations.

I have had too much observation and experience with railroad companies not to know that they are unwieldy and ungainly institutions to deal with for simple men like myself. I know they have almost unlimited power; and it is worth while that that power be defined in the inception instead of awaiting the action of the parties and the courts under a bill that has passed without such definition. I really hope that my amendment will prevail. It costs nothing to put this in the bill. It is just what gentlemen say the Government has a right to do, and I only want to make it certain.

Mr. DUNN. I hope that the gentleman from Iowa will not carry into execution the threat that is made to defeat this bill.

Mr. WELLER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WELLER. The confusion is such here that with the closest attention I am unable to hear more than one-half of what is said by the gentleman from Arkansas [Mr. DUNN].

The SPEAKER. The Chair has again and again appealed to gentlemen to preserve order while the debate is going on. The Chair again requests that order may be preserved, that gentlemen may be able to hear what is said in this discussion.

Mr. DUNN. I said that I hoped the gentleman from Iowa [Mr. WELLER] will not carry into execution his threat to defeat this bill by making the point of order of no quorum.

I want to tell him also that his amendment just proposed is unnecessary. The Constitution confers upon Congress the right to regulate the postal service. That means the power to erect and operate every agency necessary to that service throughout the United States. The statutory law declares that every railroad now constructed or hereafter to be constructed shall be a post-road. Another statute declares not only that the Government but that all telegraph companies may construct their telegraph lines through all the public territory of the United States, and along all post-roads of the United States, and over all the

water ways. Therefore the gentlemen are trying to do what is entirely unnecessary here to-day, to re-enact in another phase and form the Constitution and statutory law now in existence.

I exceedingly deprecate this delay. I know these gentlemen do not want to defeat this bill. I know that they do not want to serve the purpose of the only two railroad corporations in the United States who to-day have the right to run roads through the Indian Territory and who now hold an absolute monopoly there. I know they do not want to fortify these existing monopolies there to the exclusion of all other railroad companies. But let me tell those gentlemen that the friends of these corporations on this floor are silent in admiration of the work that those gentlemen are doing for them. You are defeating this bill and serving those two corporations for no public good.

If we enact all the amendments which you may offer, there will be nothing accomplished. You will have neither added to nor subtracted from the powers of the Government or the rights of the people, and I hope it will be desisted from.

The SPEAKER. Debate upon the pending amendment has been exhausted.

Mr. WELLER. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WELLER. The gentleman from Arkansas [Mr. DUNN] stated, as I understand him, that I had made a threat——

Mr. DUNN. I so understood the gentleman.

Mr. WELLER. I wish to state that I did not so understand my own language. I understood my own language to be simply a suggestion that I might feel warranted in resorting to the extreme of my privileges in this House under the rules of the House in order to see that these amendments should obtain. I do not desire, as intimated by the gentleman, if I understood him correctly, to aid and abet the two railroad corporations now running roads through the Indian Territory in any effort of theirs to trespass upon the rights of the people.

Mr. DUNN. No; I said I knew you did not desire to do it, but the effect of your action was the same.

Mr. WELLER. I do not understand the position which I took to have that effect, and I repel that statement. I understand the position which I have taken to have the very opposite effect. I understand that this corporation wants to obtain franchises from this Congress and everywhere else without restrictions, and I am seeking to impose such restrictions as will be in the interest of the people.

The SPEAKER. Will the gentleman state what his question of personal privilege is?

Mr. WELLER. My question of personal privilege is that I understood the gentleman from Arkansas [Mr. DUNN] to charge me with making a threat.

The SPEAKER. The Chair does not understand that involves a matter of personal privilege.

Mr. WELLER. I desire to repel that assumption.

Several MEMBERS. Vote! Vote!

The SPEAKER. The time for debate on this amendment is closed, and the question is on the adoption of the amendment.

The question was taken on the amendment of Mr. WELLER, and it was not agreed to.

No further amendment being offered to section 4, the Clerk read section 5, as follows:

SEC. 5. That for and in consideration of the uses, privileges, and grants herein contained, said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose land said railway may be located, the sum of $50 for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each ten miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned to him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit: *Provided further*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within sixty days after the passage of this act, by resolution duly approved, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, except that one of said commissioners shall be appointed by the council of the dissenting nation or tribe, instead of by its principal chief, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the provisions of this section. Nothing in this act shall be construed to prohibit Congress from imposing taxes upon said railway. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Mr. WELLBORN. By instructions of the Committee on Indian Affairs, I move to amend this section by striking out the word "to," in line 13, and inserting the word "by;" so that it will read:

The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands, &c.

The amendment was agreed to.

Mr. SPRIGGS. I move to amend the section just read by striking out "$50" in line 4, and inserting "$250;" so that it shall read:

That for and in consideration of the uses, privileges, and grants herein contained, said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of $250 for each mile of railway that it may construct in said Territory, &c.

It seems to me that the amount of $50 per mile is hardly even a nominal sum to be paid for this privilege. Concededly the company, under this bill, will occupy something like fourteen or fifteen acres of land per mile. Taking only the right of way of one hundred feet per mile, it would be just about ten acres. It can not possibly be that this Congress means to grant to any railroad corporation the right of way for such a trivial sum as $50 per mile.

Mr. WELLBORN. Does the gentleman know what that would amount to per acre?

Mr. SPRIGGS. Yes, pretty nearly; it would be about $5 per acre. It will not amount to the sum which the company would pay if they located the right of way through the Territory; it would not pay the expenses of litigation; it would hardly pay the expenses of the commissioners. In addition to that, it seems to me that this section should be stricken out and let the company rely upon the mode of payment provided by the other sections in the bill.

That would be much better than to adopt the provisions of this section, for the reason that the section further on provides:

If the general council of either of the nations or tribes through whose lands said railway may be located shall within sixty days after the passage of this act.

Now, it is hardly conceivable that within sixty days after the passage of this act these Indians will know very much about their rights. I would much prefer, with a view to the protection of the rights of the Indians, that the only mode of compensation should be that provided in the third section of the bill.

If compensation is to be fixed we should fix a reasonable allowance, something which the country will consider reasonable. I think there is no man in this House who can believe that it is proper or just toward these Indians, in regard to whose rights we are legislating, that we should put them off with this nominal sum of $50 per mile.

Mr. WELLBORN. It was the judgment of the committee that $50 per mile or $5 per acre, together with the additional $15 per mile which is to be paid annually for the benefit of the Indians, would be a fair and reasonable compensation. This is the tribal compensation; it has nothing to do with the compensation to the individual occupants of the land.

In regard to the other suggestion of the gentleman from New York [Mr. SPRIGGS], if he insists that sixty days' notice would be unreasonably short, perhaps it would be proper to extend the time to ninety days or whatever other period may be regarded as reasonable. To any such suggestion I should offer no objection. But I do not think the compensation ought to be increased.

Mr. BLOUNT. It seems to me, Mr. Speaker, we ought to fix the mode of assessing the value of this right of way according to the provisions of section 3. I do not know whether the amount proposed in the amendment is too much or too little, but I feel satisfied that the sum proposed in the bill is entirely too small. I submit to any gentleman here (and most of us have had some experience in matters of this kind) whether any private land-owner would regard that he had received just compensation for right of way over his lands if he should be paid according to the valuation of the land per acre as proposed here. Certainly in the portion of the country where I live that would be regarded as very inadequate.

I have no desire to obstruct the passage of this bill. I favor the granting of the right of way to this railroad company, but in granting it we ought to be guided by principles which would govern a similar proceeding in any of the States of this Union. The true mode, it seems to me, would be not to fix arbitrarily any sum, but to provide for a valuation of the right of way by commissioners, as proposed in section 3. I hope my friend from New York [Mr. SPRIGGS] will modify his amendment so as to carry out this view, which in his remarks he appeared to favor. The provision of the bill as now presented to us does not insure adequate compensation. No one will undertake to say that it does.

My friend from Texas states the view of the committee. I do not know what reasons induced them to come to their conclusion. They have not given those reasons to the House. There is nothing upon which our judgment can act. I trust that in granting this right of way we shall see to it that the rights of the Indians are protected just as fully as the rights of land-owners would be protected in any State of this Union.

Mr. ROGERS, of Arkansas. Will my friend from Georgia allow me to call his attention to the provision of the bill?

Mr. BLOUNT. Certainly.

Mr. ROGERS, of Arkansas. If the gentleman will examine the

provision in regard to this assessment he will find that in addition to the compensation of $50 per mile—which I think myself would alone be probably too low—it is provided that these Indians shall receive $15 per annum for each mile of railroad. As the road will be three hundred miles long, this will amount to $4,500 every year. Does it not occur to the gentleman that this provision is much better for the Indians in their present state than to undertake to assess the full value of the property and pay the whole amount to the Indians at one time?

Mr. BLOUNT. It occurs to me that no citizen of any State of this Union would submit to any such assessment.

Mr. ROGERS, of Arkansas. This does not apply to that portion of the land which may be improved. This sum of $15 per annum per mile is in addition to paying wherever there are improvements the usual damages which would be paid in any of the States. It occurs to me that the provision here made for the benefit of the Indians is very liberal.

Mr. BLOUNT. That provision in regard to $15 per mile per annum relates simply to taxes that may be paid hereafter. It has nothing to do with this question.

[Here the hammer fell.]

Mr. WELLBORN. Let me put a question to the gentleman from Georgia: Suppose that the Indian tribes are satisfied; suppose they think this is reasonable compensation——

The SPEAKER. The time of the gentleman from Georgia [Mr. BLOUNT] has expired.

Mr. BLOUNT. I would be glad to answer the gentleman.

Mr. THROCKMORTON. Mr. Speaker, it is clear to my mind that there is a misapprehension on the part of the gentleman from New York [Mr. SPRIGGS] in regard to this bill, and I think that misapprehension is shared by my friend from Georgia [Mr. BLOUNT] in some degree. The third section, to which the gentleman from Georgia has referred, provides simply for the ascertainment of damages that may accrue to individuals who occupy particular portions of this land which they have improved.

That section has been passed in a way satisfactory to the House. The fifth section applies alone to the nation as a tribe. This bill gives to the people in their tribal capacity $50 per mile in the first place for the right of way. That would include lands occupied by individuals as well. The individual occupants would get whatever damage should be done to them. If this is a three-hundred-mile road, there is so much to be paid to the tribe in its capacity as a nation. That would be over and above what might be awarded to individual occupants through whose premises the road should pass.

One word further. In addition to this, after the individual occupant has been satisfied, after the nation or tribe has received $50 a mile for the length through its territory, then there is an annual tax of $15 on each mile of road passing through that nation. There is that additional compensation to the nations of Indians through which this road runs.

Mr. SPRIGGS. Mr. Speaker, I thought it was possible some such explanation as the gentleman makes might be made in regard to this bill, and I have therefore prepared this amendment:

In section 5, strike out "for and in consideration of the uses, privileges, and grants herein contained;" and after the word "dollars," in line 2, insert "in addition to compensation provided for in this bill for property taken and damages done by the construction of the railroad."

Mr. THROCKMORTON. I have no objection to that.

Mr. SPRIGGS. That would satisfy me with what is at the end of the third section.

Mr. THROCKMORTON. I am satisfied the suggestion of the gentleman will be entirely satisfactory. I wish to say a word in regard to taxes. We have been careful to ascertain what is the amount of tax assessed in our own State of Texas. I hold in my hand a statement that for State purposes in that State the tax on the five hundred and thirty-six miles to be constructed of this road would be $12.39 a mile. That is the tax for State purposes in Texas under our laws. Yet we are proposing to pay to these Indians $3 more than is paid to the State of Texas. Is not that satisfactory?

Mr. COBB. There is one point I have not heard suggested in regard to these $50 a mile which seems to me unjust. These lands are owned by various tribes of Indians. I do not understand they are of the same quality; that they are of different quality in this Territory as in the States. You fix the compensation of these Indians in their tribal capacity at $50 a mile.

Mr. THROCKMORTON. Three dollars and seventy-five cents an acre.

Mr. COBB. That is about what it is. It was estimated too high a while ago when it was put at $5. Is not that an unjust way to get at the compensation which ought to go to these tribes?

Mr. RYAN. It is over $4 an acre.

Mr. COBB. You will find miles not worth half as much as other lands. Is it not better to get down to the appraisement system? Let this right of way be appraised as property taken for public use, and let compensation depend on that. If land is worth more than $50 a mile the road ought to pay it.

Mr. THROCKMORTON. What are the Government lands worth; $1.25 an acre?

Mr. COBB. I know that is what we hold them at. But we are not dealing between the Government and this railroad company, but we are dealing with Indian tribes who own this land the same as you and I own our lands.

A MEMBER. Not one of them.

Mr. COBB. I submit it is so. They have patents for this land. There is no question about it. The patent is made to the Indian nation and not to individuals. I did not mean to say to individuals but to the tribes. There are several tribes whose lands this road will pass through and the land of one may be worth more than of another.

Mr. SPRIGGS. The second proviso authorizes the taking of an appeal.

Mr. COBB. I understand that it does attach certain conditions. But why not take the conditions out of the way and allow this thing to be done in every case just as it is done when you go to condemn the property of a private individual? That is the way it ought to be done. Why not allow the tribes to have the land appraised and allow the company to pay them what it is worth in each case per mile as it may be agreed between them?

I am sure the effect would be different and more beneficial than the provisions of this bill would permit them to be. I understand there is a provision under a later paragraph or clause of this bill if a nation or tribe object to the $50 a mile as compensation, through whose lands it passes, under this appraisal process they may certify the same to the Department, and then proceedings may be had under section 3. But why not in the first instance allow it to be done as it would be done in individual cases here or elsewhere? Let the lands be appraised as they are everywhere for condemnation. I can see where it would be hard to get a tribe of Indians to unite in certain conditions. There may be individual members of a tribe who would stand out against it, and I think it would be better to have some rule specially adapted to the process; and that rule, in my judgment, is the one suggested by the gentleman from New York.

[Here the hammer fell.]

The SPEAKER. The question is on the adoption of the amendment proposed by the gentleman from New York, which the Clerk will again report.

The Clerk read as follows:

Strike out all after the word "that," in line 1 of section 5, down to and including the word "contained," in line 2, and insert "in addition to compensation provided for in this bill for property taken and damages done to the construction of the railroad;" so that it will read:

"That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of $50 in addition to compensation provided for in this bill for property taken or damages done by the construction of the railroad."

Mr. BLOUNT. I desire to offer a substitute to that amendment, commencing at the end of line 4 of this section, after the word "located." I move to strike out all of the section down to the proviso in line 17. Then strike out all after the word "benefit," in line 20, down to the word "section," in line 37.

The SPEAKER. Does the gentleman offer a substitute for the amendment of the gentleman from New York?

Mr. BLOUNT. Yes, sir.

The SPEAKER. The Clerk will report the substitute proposed by the gentleman from Georgia.

The Clerk read as follows:

Insert after the word "located," in line 4:

"Such damage for right of way and depot purposes as shall be ascertained through the referees authorized in section 3."

Mr. BLOUNT. I ask that the section be read as it will stand if modified as I suggest. It will be seen that I propose to strike out from line 5 to line 17, and again certain words from line 20, the second proviso, to line 37.

The SPEAKER. The Clerk will read the section as proposed to be modified by the substitute of the gentleman from Georgia.

The Clerk read as follows:

SEC. 5. That for and in consideration of the uses, privileges, and grants herein contained, said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, such damage for right of way and depot purposes as shall be ascertained through the referees authorized in section 3: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit. Nothing in this act shall be construed to prohibit Congress from imposing taxes upon said railway. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Mr. BLOUNT. That proposition simply gives to these Indians the same right of ascertaining the damages to their property that obtains in every State in this Union so far as I know. And certainly it is a proposition that addresses itself to the sense of fairness of this House. I trust that it will be adopted.

My friend from Texas says: "If the Indians shall be satisfied with the sum named and the conditions we have prescribed in this bill, why do we complain?" Why, sir, we have been claiming for many years that they are the wards of the nation. We are constantly legislating for

them, and without reference to their own wishes. There is no use in stating that we have always consulted their wishes, although they are in our custody and we are their special guardians. Now, it seems to me that it is only right for the House, and proper, to place in this bill a provision to guard them as we would guard our own property, especially when a great railroad corporation is coming in and asking to take their lands at rates which would be an insult to any white man in this country.

It is said that the proviso of this section remits this matter at last to a general council of the Indians, and if they are dissatisfied they can resort to the provisions of section 3. But that does not meet the difficulty. Who does not know how these councils are ofttimes managed and controlled? Who knows better than the astute and shrewd men in charge of railway interests how to manage them? The treaties we make and the contracts entered into with them are too often preceded by bribery and intoxication on their part. Are they to be protected in this way? Sir, the Indians, I predict, will not so regard it, and the result of this bill will establish the contrary. Our experience here has shown the contrary, and I trust that this House in a sense of fairness to these people will do for them what they would do for their own rights if they were placed in a similar position. I declare that there is nothing in this bill that any individual or any corporation can complain of. It is all in their favor. The Indians alone have cause to complain. We permit the corporations to get their lands; we allow the right of way through them, providing only for such damages as shall accrue from the mere passage of the road. That is not all the damage to be done. I trust therefore that the gentleman in charge of this bill will consent to that amendment.

Mr. WELLBORN. A word only as to the suggestions thrown out in reference to this particular clause of the bill. Gentlemen certainly do not understand it. If I understood it as they do I should consent to the modifications that are proposed. But I say to the gentleman from Georgia that this bill more thoroughly and absolutely guards the rights of the Indians than the amendment the gentleman himself proposes.

In the first place the bill proposes a specific amount to be paid to the tribe. Now, the amendment of the gentleman from New York [Mr. SPRIGGS], which has been assented to, was to fix this idea definitely that the individual occupants are to be paid in the first place their damages and their compensation; and in addition to that the tribes are to be paid a stated compensation. That is now fixed beyond all cavil by the amendment of the gentleman from New York. Now, then, this section of the bill provides a specific amount of compensation. If the tribes, however, or the occupants are dissatisfied with that amount of compensation, then it is to be appraised by disinterested and impartial appraisers, by whom the amount is to be ascertained and determined, and if they are dissatisfied with the award of these appraisers they have the same resort to the courts of the country that is afforded to citizens under like circumstances. And in addition to these safeguards which have been carefully thrown around the rights of Indians it is provided—

That Congress shall have the right so long as said lands are occupied and possessed by said nations and tribes to impose such additional taxes upon said railroad as it may deem just and proper for their benefit.

All of that would be eliminated from the bill by the amendment of the gentleman from Georgia. This bill has been carefully drawn, I repeat, with reference to the absolute and full protection and security of the rights of the Indians wherever those roads are in any way involved. I trust that the amendment proposed by the gentleman from Georgia [Mr. BLOUNT] will not be agreed to.

Mr. BLOUNT. The friends of this bill claim, I believe, that the amount of compensation for the lands the road will occupy will be $4.81 per acre. I am told they are the finest lands in the country. They are bound to be developed, and I think any one will see the compensation is not ample.

The gentleman from Texas says that under the proposition I have offered the Indian will get less than under this proposition of $4.81 an acre. Then why not let us take care of the railroad company if they are being swindled? If this is an inequitable provision which is being applied to them, if they are being compelled to pay more than an honest, fair commission would allow them, why, let us take care of them. For once I am on the side of the railroad company in this particular instance, and I trust we will take care of them. Or, if not, let us take care of the rights of these Indians, as we are bound by the highest considerations to do.

Mr. WELLBORN. I want to say one word. The gentleman from Georgia speaks of being on the side of railroad companies and being on the side of the Indian.

Mr. BLOUNT. I did not mean that remark as applying to anybody else.

The SPEAKER. The question is on the adoption of the amendment proposed by the gentleman from Georgia [Mr. BLOUNT] as a substitute for the amendment proposed by the gentleman from New York [Mr. SPRIGGS]. The Clerk will read the amendment to the amendment.

Mr. HOLMAN. Let both be read.

The SPEAKER. The Clerk will first read the amendment proposed by the gentleman from New York, and then the amendment to the amendment, proposed by the gentleman from Georgia [Mr. BLOUNT].

The amendment and the amendment to the amendment were again read.

Mr. HOLMAN. I hope the gentleman from Georgia will consent to a slight modification of his amendment by inserting after the word "ascertained" the words "not less than $50 per mile."

Mr. BLOUNT. I do not accept that modification of the amendment. My object is simply to do what is fair in the matter; and I do not know that the lands are worth that.

Mr. WARNER, of Ohio. You ought to consent to a minimum.

Mr. HOLMAN. I think a minimum ought to be fixed.

Mr. BLOUNT. I consent to modify my amendment in the way suggested.

Mr. HOLMAN. My friend must know that in the assessment of these damages these Indians are liable to be placed in an attitude very different from that which would be occupied by citizens of a State. Here are two gentlemen out of three in the appointment of whom they have no choice, while a citizen is directly protected by his State in the settlement of his rights as between himself and a railroad corporation.

The SPEAKER. The question is on the adoption of the amendment proposed by the gentleman from Georgia [Mr. BLOUNT] as modified on the suggestion of the gentleman from Indiana [Mr. HOLMAN].

The question being taken, there were—ayes 21, noes 53.

Mr. BLOUNT. No quorum.

Mr. HOLMAN. In the interest of a fair understanding I hope this proposed amendment will be again read.

Mr. NICHOLLS. I demand the regular order.

The SPEAKER. The gentleman from Indiana asks that the amendment be again read.

Mr. NICHOLLS. I object.

Mr. HOLMAN. Then I shall have to object to further proceedings without a quorum.

The SPEAKER. The point having been made that a quorum has not voted, the Chair will order tellers, and appoints the gentleman from Georgia, Mr. BLOUNT, and the gentleman from Texas, Mr. WELLBORN.

Mr. NICHOLLS. If the point as to a quorum is withdrawn I will consent to the amendment being read.

Mr. BLOUNT. I made the point with a view to having a vote by tellers. Beyond that I do not propose to go.

Mr. NICHOLLS. I withdraw the objection to the amendment being again read.

The amendment was again read.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Georgia [Mr. BLOUNT]. The tellers will please take their places.

The House again divided; and the tellers reported—ayes 25, noes 56.

Mr. BLOUNT. I do not call for further count.

So the amendment to the amendment was not agreed to.

The SPEAKER. The question recurs on the amendment proposed by the gentleman from New York [Mr. SPRIGGS].

Mr. WELLBORN. I hope that will be assented to.

Mr. THROCKMORTON. I hope it will be adopted.

The amendment was agreed to.

Mr. SPRIGGS. I withdraw the other amendment which I indicated.

Mr. MCADOO. I move to amend by inserting, in line 20, after the words "as it may deem just and proper for their benefit," that which I send to the Clerk's desk.

The Clerk read as follows:

Provided further, That no railroad company operating roads under this bill shall have granted to them any immunity from taxation not allowed to the individual citizens in the localities, States, and Territories through which said road may pass, and the acceptance by them of any such immunity from taxation shall operate to take from said company or companies any benefits they may receive under this bill.

Mr. MCADOO. In order to obviate the force of the objection made by the gentleman from Arkansas [Mr. ROGERS] as to the right of a State to regulate these matters, I have added to my former amendment the clause which provides that if any railroad company shall accept such immunities it shall lose the benefit of this act. I do not insist upon this amendment from any factious opposition to this bill, but because I know it has been the history of railroad legislation in the United States that new States and Territories, in order to induce the building of railroads, have granted immunity from taxation to railroads which is not given to individual citizens. One immunity is piled upon another until finally these great corporations outtop the State itself.

I think it is right, before this company shall go out of these Halls to operate this long line of railroad in the Indian Territory, that we shall save the people in those localities from themselves. As was ably and eloquently said by the gentleman from Georgia [Mr. BLOUNT], we know from experience what will be the result of any conference between the Indians and railroad companies. Let these railroad companies but get these privileges from Congress, and with their astuteness, with their unlimited wealth, with their experience in controlling local political bodies, they will get the rest from the local Legislatures in this Territory.

I have no doubt that they will go to the Indian Territory and get from the chiefs and councils of these Indian nations any immunity they may see fit to ask for. Their argument is a ready one and always at hand, that they propose to build up the Territory, to advance the material interests of the locality, and to benefit the people by giving them rapid communication with other points. And they will say to them, "Why should you not grant us immunities which you do not grant to individual citizens?" It is an illustration of the old story of the elephant and his trunk; let them but get a foothold and they will go there to remain, to rule, and sometimes to ruin the State.

In the State which I have the honor in part to represent on this floor there is to-day nearly sixty million dollars' worth of railroad property which pays no local taxation, and yet receives all the protection and benefits which any of the citizens of the State enjoy. I think this is the time and now is the place, before this company shall go from the Halls of Congress with this grant of privileges, for us to adopt some measure to curb its powers and prevent it from obtaining privileges which individual citizens are not allowed to enjoy.

The people of the United States are becoming jealous of the influence of these great corporations. The cry in California is for equal taxation as against these monopolies. The cry in New Jersey is for equal taxation. Throughout the land the demand of all the people is that the railroad companies, these giant corporations that have controlled Legislatures, that have elected Senators to the United States Senate, that are now threatening the liberty of the people of the United States, shall be compelled to stand upon the same plane as individual citizens.

Mr. ROGERS, of Arkansas. I presume the reference which the gentleman from New Jersey [Mr. MCADOO] has made to me is an invitation to debate this question with him; but I have no disposition to consume the time of the House in that way.

Mr. MCADOO. I disavow any such intention; not that I do not want to hear what the gentleman has to say, but I do not court any controversy.

Mr. ROGERS, of Arkansas. If we were dealing with a State, then there would be some ground upon which we could proceed in the direction which my friend from New Jersey [Mr. MCADOO] now indicates. But if he had listened attentively to the few remarks which I made but a moment ago, he would have realized the fact that he could not proceed one inch in the direction which he proposes to go with the relations now existing between these Indians and the United States.

I will say to my friend that the Supreme Court of the United States, in not less than a half a dozen decisions, running back over a period of forty or fifty years, has held that this Indian country is a quasi foreign nation; that we deal with them by treaties. Now, do we propose to confer upon another nation, upon a quasi nation, the power to tax our own citizens or our own corporations? Why, sir, no such principle as that has ever been recognized with reference to this Territory. If the power of taxation be exercised with reference to this Territory it must be exercised through the instrumentality of the Federal Government, which is the only authority that can deal with this Indian Territory. No State can deal with it, because the Federal Constitution does not allow it. Nor can the Indian tribes deal with our Government except through treaties until that system of policy which I hope to see some time stricken down is abandoned by the Government. Therefore I say that we ought not to confer upon any Indian tribe or upon the Indian Territory, a quasi foreign territory, the power to tax our citizens.

Mr. MCADOO. My amendment does not propose to confer that power. It looks to the future, when this Territory may become a State. I do not undertake in this amendment to say that a State can not grant immunity from taxation, because of course a State has that sovereign right; but the amendment provides that if this company should accept such immunity it shall forfeit its privileges under the original charter.

Mr. ROGERS, of Arkansas. Mr. Speaker, the want of necessity for any provision of this kind—I will not say the folly of such a provision—grows out of a fact of which I presume my friend has no knowledge, that these Indian tribes never have undertaken, and perhaps so long as they are the wards of this nation never will undertake, to exercise the taxing power at all with reference to property. They do not tax their own property, and of course they will not undertake to tax the property of any one else unless the power should be conferred upon them by treaty or by act of Congress. If we should now undertake to confer upon them this power, hostile as they naturally are to the development of that country, to railroad corporations, and everything of that kind, they would doubtless undertake in the exercise of the taxing power to destroy any corporation which might attempt to develop and build up that country. Certainly the taxing power should not be conferred upon or delegated to a tribe or nation whose views are hostile to those of the citizens of the country.

Mr. MCADOO. I am not proposing to confer on the Indian any power of taxation. I am looking to the time when this Territory shall become a great and populous State of this Union.

Mr. BLAND. I move as a substitute for the pending amendment the provision which I send to the desk.

The Clerk read as follows:

Provided further, That nothing herein shall be construed to prohibit or interfere with the right of the different nations or tribes of Indians through whose territory said railroad shall be constructed to tax said railroad and its property in the same manner and to the same extent as other property may be taxed by such nations or tribes.

Mr. BLAND. When it is proposed to take lands from these Indians in order to give to a railroad company an easement to run through their territory, the gentleman from Arkansas [Mr. ROGERS] considers the Indians as entirely under the jurisdiction of the Federal Government; he considers that we have the same right of eminent domain as in any other Territory of this Union. But when it comes to the power of taxation the gentleman wants to treat these Indians as foreign nations, over which we have no jurisdiction whatever.

Mr. ROGERS, of Arkansas. The gentleman from Missouri, I apprehend, does not wish to misrepresent me. I used the word "quasi" all the way through. The Indian tribes are not foreign nations; the Supreme Court has never so held.

Mr. BLAND. I believe I understood the gentleman from Arkansas. He held that for the reason I have suggested these Indians have no power to tax such property as may be authorized to be placed under their control or within their territory.

Mr. ROGERS, of Arkansas. And they have not.

Mr. WELLBORN. Does the gentleman from Missouri mean to imply by his amendment that he thinks the Indian tribes ought to have power to enforce taxation upon this railroad company?

Mr. BLAND. Why not?

A MEMBER. The amendment says so.

Mr. WELLBORN. Then, when the gentleman gets through I would like to answer him.

Mr. BLAND. Now, Mr. Speaker, it is claimed that these tribes do not tax their own property. If that be true, they will not tax the property of this railroad company. This amendment simply provides that nothing contained in this bill shall be construed to prohibit or take away from them the right to tax this property the same as any other property in their midst. That is the whole amendment.

Now, in this bill we undertake to authorize this corporation to go within the Territorial jurisdiction of these Indian tribes. I believe that they have their own tribal regulations, their own councils or legislatures, so to speak, and their own local laws. I take it for granted there must be taxation of some sort in order to maintain the form of government which exists there.

Mr. ROGERS, of Arkansas. Not taxation on property.

Mr. BLAND. Then, if it is not on property, this amendment can not affect this company in any way.

This corporation is to last forever. The law as now existing in that Territory may last but a short time. These tribes may see proper in the future to tax their own property, and why should Congress deny them the right to treat the property of this railroad company in the same way as other property in their midst is treated?

The bill provides that Congress may in the future have the right to impose further taxation, but it limits this right to Congress; it attempts to take away from the people of the Territory the power to tax this property. I deny that you can rightfully do this. I say that this power ought to be reserved to the people of the Territory.

They may apply, and I hope they will, in favor of opening these Territories to settlement and admitting them as Territories under the jurisdiction of the Government and also as States into the Union. I do not desire to treat them differently from other Territories.

Mr. ROGERS, of Arkansas. Let me make a suggestion to the gentleman. Suppose this railroad company should simply say when they undertake to tax them that they would not pay it, how are they going to enforce the payment of that tax without the exercise of civil jurisdiction, which they never have had?

Mr. BLAND. That is outside of this question. The only effect of the amendment is to reserve to these people the same power they have over their own property for taxation. I do not desire this bill shall accomplish what the gentleman seems to think, and that is to deprive them of any power over their own property. If they do not tax their own property at the present time, this will not tax them. It is simply to preserve to these people the same rights they have just as though this bill did not undertake to take from them the right of taxation.

Mr. WARNER, of Ohio. I desire to suggest before we vote on the amendment that I shall propose a provision reserving the right to Congress to repeal, alter, or amend this act. When this Territory becomes a State, if necessary a provision may then be adopted permitting the State or States which may be formed out of it to tax the railroad property. This amendment will not, therefore, be necessary. [Cries of "Vote!"]

The question recurred on Mr. BLAND'S amendment.

The House divided; and there were—ayes 15, noes 47.

So the amendment was disagreed to.

Mr. HOLMAN. I move after the word "railway," where it first occurs in line 39, section 5, to add the following words:

Nor any Territory or State hereafter formed through which said railroad shall have been established from exercising the like power as to such part of said railway as may lie within its limits.

At the request of Mr. HOLMAN the whole paragraph was then read as it would be if amended.

Mr. HOLMAN. I take it for granted, Mr. Speaker, in the progress of time these tribes will become Territorial governments and ultimately States.

Mr. WELLBORN. I think there will be no objection to that amendment. You mean Territorial governments.

Mr. HOLMAN. I mean governments hereafter formed.

Mr. WELLBORN. Is the object of the amendment to recognize the Indian tribes?

Mr. HOLMAN. It refers to States and Territories hereafter formed.

Mr. WELLBORN. Formed by act of Congress?

Mr. HOLMAN. Yes, sir.

Mr. HOLMAN'S amendment was agreed to.

Mr. WELLER. I move to amend section 5 by striking out in lines 22, 23, and 24 the words "within sixty days after the passage of this act by resolution duly approved," and inserting "within six months after notice in writing of the definite location of the lines of said railroad company."

I have taken note, Mr. Speaker, of the language used in this section, and I find that these parties may have no notice whatever of the passage of this act of Congress until long after this time has elapsed, and therefore they could take no advantage whatever of this section.

Mr. WELLBORN. Let me suggest to the gentleman whether four months would not be sufficient?

Mr. WELLER. If the gentleman will agree to four months, I will so modify my amendment.

Mr. WELLBORN. All right.

Mr. SKINNER, of North Carolina. That would be one hundred and twenty days.

Mr. COOK. From what time?

Mr. WELLER. From the definite location of the road.

Mr. WELLBORN. It is sixty days in the paragraph, and I agree to strike that out and insert four months.

The SPEAKER. That is not the amendment as modified. The gentleman from Iowa strikes out six months in his amendment and inserts four months.

Mr. SKINNER, of North Carolina. We do not accept that.

Mr. WELLER. The bill does not say the road shall be located within sixty or ninety days after the passage of the act, and how can they give the notice until they know where the line is to be located?

I have made it very definite that the line shall be definitely located, and the parties interested shall have notice of the definite location of this line within a reasonable time.

Mr. WELLBORN. There is much force in what the gentleman from Iowa suggests as to the Indians being informed of the definite line of location requiring their assent or dissent. I concede that.

Mr. WELLER. Then the only other point is the change of time.

The SPEAKER. The Chair understands the gentleman from Texas does not object to the change of the time.

Mr. WELLBORN. And since I have heard the gentleman from Iowa I think it ought to be after the determination of the line of definite location, instead of after the passage of this act.

Mr. COOK. Let the amendment be again read.

The SPEAKER. Without objection it will be again read.

The Clerk read as follows:

Provided further, That if the joint council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the passage of this act, &c.

Mr. COOK. Who is that notice to be given to?

Mr. WELLER. I assume that the notice will be given to the Secretary of the Interior.

Mr. STEVENS. I would like to call the attention of the gentleman from Iowa to the next section of the bill before proceeding with this. The next section provides that this company shall cause maps showing the general route of its located line through the Territory to be filed in the office of the Secretary of the Interior, and also in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located. Now, if this map of definite location is filed in the office of the principal chief four months, I think there is no necessity for the notice in writing also.

Mr. WELLER. I understand this section as it was originally drawn does not provide for either their acceptance or dissent only within sixty days after the passage of this act.

Mr. STEVENS. If the gentleman will accept the modification and let it read, "within four months after the filing of the map of and definite location in the office of the principal chief," there will be no objection to the amendment.

Mr. WELLER. I will modify the amendment to that extent.

Mr. STEVENS. Let the amendment be read, then, as modified.

The Clerk read as follows:

That if the general council of either of the nations or tribes through whose lands said railway may be located shall within four months after the filing of maps of and definite location, as set forth in section 6 of this act, &c.

The SPEAKER. The motion of the gentleman from Iowa is to strike out certain words and insert what has been read.

The motion to strike out and insert was agreed to.

Mr. HOLMAN. Before leaving this section I want to call the attention of the gentleman from Texas to the fact that where the word "commissioners" occurs here it strikes me that that also should be "referees."

Mr. WELLBORN. That was intended to have been provided for in a preceding amendment. It was there directed that the Clerk should strike out the word "commissioners" and insert "referees" where it was proper in the bill.

Mr. HOLMAN. It occurs correctly at one place in the third section, but in the twenty-second line it should be changed.

Mr. WELLBORN. It should be stricken out where it is evidently erroneously used and the word "referees" inserted. That, I understand, has been ordered.

The SPEAKER. Without objection that will be done.

There was no objection.

The Clerk read the following sections of the bill.

SEC. 6. That said company shall cause maps showing the general route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void as to any occupant thereof.

SEC. 7. That the officers, agents, servants, operators, and employés of said company, and their families, shall have the right to settle upon and occupy any portion of the right of way and depot grounds herein conveyed, and shall be exempt from payment of permits, as required from other non-residents of said Territory.

SEC. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Gulf, Colorado and Santa Fé Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least one hundred miles of its railway in said Territory within three years after the passage of this act, or this grant shall be forfeited as to that portion not built.

SEC. 10. That the said Gulf, Colorado and Santa Fé Railway Company shall accept this right of way upon express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Mr. WELLBORN. There is an additional section which is to be added to this bill, the amendment recommended by the committee, which I ask to have read:

The Clerk read as follows:

SEC. 11. All mortgages executed by said railway company conveying any portion of its road, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

The amendment was agreed to.

Mr. WARNER, of Ohio. I offer an additional section.

The Clerk read as follows:

SEC. 12. Congress may at any time amend, add to, alter, or repeal this act.

The amendment was agreed to.

The SPEAKER. The question is now upon ordering the bill to be engrossed and read the third time.

The bill was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WELLBORN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN KANSAS RAILROAD COMPANY.

Mr. WELLBORN. By direction of the Committee on Indian Affairs I now call up for consideration the bill (H. R. 4680) to grant a right of way over the Indian Territory to the Southern Kansas Railroad Company, and for other purposes.

I will state that this bill is precisely similar to the one which has just been perfected by the House; and if there could be some way by which the perfected bill could be applied to this without going through the forms of offering all of the amendments which have been incorporated in the preceding bill, I would suggest that perhaps it would be desirable, in order to save time, that we should do it.

Mr. RYAN. I wish to suggest to my friend from Texas that as the bill which he now calls up is exactly a copy of the bill which we have considered, except that it grants this right of way about one hundred miles west of the bill already provided for, we might facilitate the passage of it by adopting and inserting the amendments already agreed to in the preceding bill as the various sections of this one are read.

Mr. HAMMOND. What would be the objection by unanimous consent to reconsider the vote upon the other bill, and amend that so as

to make it apply to both? It might be done, I should think, by making it read so as to apply to each of the following roads, giving the titles of each, so that time could be saved in that manner.

Mr. PERKINS. The terminal points in the two bills are different. The provisions of this bill are the same as those of the bill which has just been passed, but the terminal points of the two railways are different.

Mr. HAMMOND. If that is the sole difference, you could make the amendments in the bill which has been passed apply to this company in the way I have suggested, with the further amendment that the termini of this road shall be from such a point to such another point.

Mr. PERKINS. The parties interested in this company are willing to accept the amendments put upon the other bill.

Mr. BLOUNT. I suggest that the better course will be to have this bill read section by section and adopt the amendments as they are reached,

Mr. WELLBORN. Then I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill, and that it be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

The SPEAKER. If there be no objection the Clerk will not read those sections to which no amendments were made, it having been stated that this bill is exactly like the other bill which has been passed.

There was no objection.

Mr. BLOUNT. I ask the gentleman from Texas whether the lands through which the Southern Kansas Railway is to pass are similarly situated as to population to the lands through which the other railroad is to pass.

Mr. WELLBORN. Yes, sir; in every particular.

The Clerk proceeded to read the sections of the bill corresponding to sections of the bill (H. R. 3961) to which amendment had been made, and the amendments to the same, which were successively agreed to, making the two bills correspond except as to the names and termini of the respective railroads.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RED LAKE INDIAN RESERVATION.

Mr. WELLBORN. I am directed by the Committee on Indian Affairs to call up for consideration from the House Calendar the bill (H. R. 4384) in relation to the Red Lake Indian reservation, in the State of Minnesota.

The bill was read.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The question is on the engrossment and third reading of the bill.

Mr. HISCOCK. I should like to hear some explanation of it.

Mr. WELLBORN. The reservation to which this bill relates is in the northwest part of Minnesota, near the British possessions. Occupying and inhabiting the reservation are between 1,100 and 1,200 Indians. The reservation contains something upward of 3,000,000 acres of land, being vastly more than the Indians can put to any practical use. Of these 3,000,000 acres of land about one million acres are tillable lands; and of these tillable lands about one-half are timber lands. On the western part of this reservation is situated what is known as the Red River Valley, a country rich in all agricultural resources except timber and wood for domestic uses.

Mr. BLOUNT. How much tillable land is there?

Mr. WELLBORN. About five hundred thousand acres, besides the timber lands. This Red River Valley country is thickly and densely populated, the great need of the people, however, being wood and timber. Now I will state what this bill proposes, and I think an analysis of it will be sufficiently accurate which states the following items:

This bill purposes, in the first place, the inauguration with reference to these Indians of a policy which looks to their ultimate advancement to a condition of civilization and self-sustaining citizenship. It proposes to allot to them in severalty their lands, and to make such provision in the outset as will start them reasonably forward in their new habits of life. The bill, in the second place, purposes the utilization of the timber upon these reservations in the interest of the Indians and for the advantage and convenience of the white settlements contiguous to the reservation. The provisions of the bill in reference to this timber land, I will add, have been carefully and vigilantly drawn, so as to secure to the Indians the full value of their timber, and at the same time to the white settlements around all the convenience to result from the development of the timber, protecting them from unreasonable exactions by speculators.

The bill purposes in the third place the opening up to settlement of the agricultural and tillable lands in the reservation, the extinction of the Indian title to these lands, and the opening them up to white settlers. In reference to this matter I will say the bill must commend itself strongly to every member on this floor who joins in the indorsement of the resolution passed by the House a short time ago. It looks to the holding of the public domain of the country hereafter for homesteads to actual settlers. The bill provides that all the public lands brought into the domain of the United States by this bill shall be disposed of only under the homestead laws to actual settlers, and with the additional requirement that the settlers shall pay 50 cents an acre in four annual installments.

Therefore, to sum up the statements I have already made, the bill accomplishes the three objects I have stated, and does so without involving any ultimate tax or charge upon the Treasury of the United States.

Mr. COOK. Will the gentleman permit me to ask him a question?

Mr. WELLBORN. Certainly.

Mr. COOK. What provision is made in this bill to prevent a ring from purchasing this timber land for a small sum? I see that the limit is placed at the low sum of $1 per thousand feet. Is not pine timber on the stump worth much more than that?

Mr. NELSON. That is the minimum.

Mr. COOK. Why should the minimum be fixed so low as that?

Mr. WELLBORN. The stumpage upon these pine lands varies in value from $1 to $3 per thousand feet; and in fixing the minimum we have taken the lowest value. The value of these pine lands, I will say to the House, depends not upon the intrinsic character of the pine timber so much as upon its accessibility to water courses and railways. This land is remote from facilities for transportation. While the best lands may be worth $3 a thousand feet for stumpage, I think some may be worth not more than a dollar a thousand feet.

Mr. COOK. Is it not true that there is a railroad right by this reservation?

Mr. NELSON. There is not.

Mr. WELLBORN. I will state to the gentleman that the stumpage upon some of this land is not worth as much as a dollar a thousand feet, but the committee think that none of it should be sold for less than that sum.

Mr. COOK. Is it not true that the average value of pine stumpage is in the neighborhood of $4 per thousand feet?

Mr. WELLBORN. My information is that it ranges from $1 to $3 per thousand.

Mr. COOK. Then it must be very remote from streams or railroads.

Mr. WELLBORN. Some of it on this reservation is quite remote from transportation. Of course I have no personal information in reference to this matter. This reservation is far remote from my section of country. For particular information upon that subject the gentleman from Minnesota, my colleague on the committee [Mr. NELSON], who represents that section of the country, is better qualified to speak, and I will yield the floor to him in a moment. I have myself no immediate or direct concern in reference to it.

I wanted to say that this bill, as I stated, purposes in the first place the inauguration of a policy in reference to these Indians which looks ultimately to their advancement to a condition of self-sustaining citizenship. In the next place the bill proposes the utilization of this timber in such a way as to properly guard and preserve it and to secure to the people in the neighborhood the benefit of the timber on the reservation. In the third place the bill proposes to dispose of the agricultural lands in such a way as to secure them only to actual settlers in the future. These are the objects to be promoted by the bill without any ultimate tax on the Treasury of the United States.

Both in its general scope and its details the bill has commended itself strongly to my judgment at least, and, indorsing it as I do, I have no hesitancy in asking its passage by the House.

Mr. HOLMAN. Will the gentleman allow me to ask him a question?

Mr. WELLBORN. I will, after a word more. I desire to say that it is proposed by the Committee on Indian Affairs to amend the bill as read from the Clerk's desk in some particulars so as to carry out the general views which I have thus hurriedly indicated. When it shall be read by sections, the particular amendments will be submitted.

Mr. HOLMAN. This bill is somewhat different from any measure of a corresponding character that has ever passed Congress. It provides for paying to the Indians $1.25 an acre.

Mr. WELLBORN. That is to be changed.

Mr. NELSON. I am instructed by the Committee on Indian Affairs to offer an amendment to that part of the bill.

Mr. WELLBORN. I will now yield to my colleague on the committee, the gentleman from Minnesota [Mr. NELSON], who represents the immediate section of country to which this bill relates. If the gentleman from Indiana [Mr. HOLMAN] will give me his attention for a moment, I would suggest to him to repeat his question, so that the gentleman from Minnesota [Mr. NELSON] may hear it and reply to it.

Mr. HOLMAN. When this measure was under consideration before by the House it provided for paying to these Indians $1.25 an acre for their agricultural lands, and also to pay to them the whole amount of the proceeds of the timber lands. It was supposed that the timber lands would be worth more than $1.25 an acre, because the minimum was placed at $2 a thousand feet. I suppose that this bill is the same in another respect as the bill which was before under consideration, and

inasmuch as a portion of these lands is to be furnished to actual settlers for 50 cents an acre, it occurs to me that the Government will be paying rather a high price for these lands.

Mr. NELSON. I desire to state to the gentleman that he is in error as to the character of the bill at the time I sought to get passed under a suspension of the rules. I am instructed by the Committee on Indian Affairs to offer certain amendments, which I think will make it satisfactory. I ask that the bill be now read by sections for amendment.

The SPEAKER *pro tempore*. If there be no objection, the Clerk will now proceed to read the bill by sections for amendment.

There being no objection, the Clerk read first the preamble of the bill, as follows:

Whereas the said reservation contains upward of 3,000,000 acres of land, whereof about one-third is tillable land, and is occupied by less than 1,200 Indians, who have not to exceed six hundred acres thereof under cultivation; and

Whereas nearly all the lands of the United States in said State suitable for agriculture, and not included in any Indian reservation, have already been disposed of, and there is a great demand among the people of said State that the Indian title to said reservation be extinguished, that suitable provision be made for the Indians by allotments in severalty and otherwise, and that the lands not required for such allotments be disposed of to actual settlers under the homestead and pre-emption laws of the United Saates: Therefore, &c.

Mr. NELSON. I am instructed by the Committee on Indian Affairs to move to strike out the words "and pre-emption," near the close of the second paragraph of the preamble.

The amendment was agreed to.

The Clerk read the first section of the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed, as soon as practicable, in person or through three commissioners to be appointed by him, to obtain and acquire for the United States of America, from the Red Lake Chippewa Indians, in the State of Minnesota, their cession and relinquishment, in writing, of all their title and interest in and to said Red Lake reservation, for the purposes and upon the terms hereinafter stated; and such cession and relinquishment shall be deemed sufficient if made by the chiefs or headmen of said tribe of Indians, in a public council or meeting of the band, and assented to by a majority of the male adults of said band present at such meeting; and the acceptance and approval of such cession and relinquishment by the Secretary of the Interior shall be deemed full and conclusive proof of the assent of said Red Lake Chippewa Indians to said cession and relinquishment.

Mr. BLOUNT. I would like to know what order is to be observed on this bill in regard to debate. Is any other debate in order than the debate under the five-minute rule?

The SPEAKER *pro tempore*. The general debate has been closed and the bill is being read by sections under the five-minute rule.

Mr. BLOUNT. I do not think the record will show that general debate has been closed. The gentleman from Texas took the floor, saying to me that he would yield in a few minutes. There was never any proposition to close general debate.

The SPEAKER *pro tempore*. The gentleman from Texas yielded to his colleague on the committee, the gentleman from Minnesota, who occupied the floor and sent up an amendment to the first paragraph, which was read. There was no objection, and the gentleman yielded the floor. The Clerk then proceeded to read the bill by paragraphs.

Mr. BLOUNT. The gentleman had stated to me that if I had anything to say he would yield to me, but that he desired to get his amendment in.

The SPEAKER *pro tempore*. The Chair knew nothing about any arrangement between the gentlemen.

Mr. BLOUNT. The Chair did know that there was no order closing general debate.

The SPEAKER *pro tempore*. No special order to close general debate is necessary when no gentleman rises and demands recognition.

Mr. BLOUNT. Experience has been to the contrary. I have seen the closing of general debate delayed until the pending bill had been read half through. Of course I submit to the ruling of the Chair.

Mr. BUCHANAN. I move to amend the first section of the bill by striking out, in line 14, the words "present at such meeting." I think it is not fair or right that so large a portion of territory belonging to this Indian tribe or band should be disposed of without the consent of a majority of the Indians. The bill provides for the holding of a council. But at that meeting less than a majority of the Indians may be present——

Mr. NELSON. If the gentleman will yield, I wish to say that with the permission of the committee I am willing to accept that amendment.

The question being taken on the amendment of Mr. BUCHANAN, it was agreed to.

Mr. BLOUNT. Mr. Speaker, I move to amend by striking out the pending paragraph. This bill recites that it is designed to gratify a desire on the part of the people of the State that these lands shall be occupied by settlers and to extinguish the Indian title.

I regret very much that, in consequence of the ruling of the Chair, I shall not be able to state fully my objections to the bill. The first that occurs to me is that I see no evidence in any information which has been presented to the House that these Indians are to receive proper consideration for these lands. The distinguished gentleman in charge of this bill has fallen into error in reference to two facts. In the first place, when asked by myself as to the number of acres of tillable land, he said it was 500,000. I hold in my hand the report of the Commissioner of Indian Affairs for 1883, and I find that the number of acres of tillable land is just twice what we are told it was. The quantity is 1,000,000 acres.

Further than that, it was stated by the gentleman from Minnesota in a former debate that about six hundred acres of this land were under cultivation. I find by the report of the Commissioner of Indian Affairs that only two hundred and fifty acres are under cultivation.

This is the character of the information upon which we are invited to act—upon which a bill disposing of three millions of acres of land is to be hurried through this House without any sufficient debate. And it is to be done at the instance, so the preamble says, of the people of Minnesota, who are exceedingly anxious to have the land occupied, and at the instance, perhaps, of those who in presenting the interests of the people of Minnesota are significantly in error as to the facts of the case.

These lands belonging to these Indians—lands so valuable, located in this great State—are to be taken from them by this bill, and they are to be allowed for them only $1.25 an acre. I say it is a shame to this Government to resort to such practices upon these poor savages.

How are we to negotiate with these poor people—between 1,200 and 1,400—cultivating only two hundred and fifty acres of land? A commission is to be sent to these people to negotiate with them for these lands. As I said before to-day, bribes are perhaps to be used and intoxication to be resorted to. In saying this I am not indulging in mere suspicion, but speaking from our knowledge of practices heretofore adopted in dealing with the Indians.

Mr. WELLBORN. I have been out of the Hall for a few minutes——

The SPEAKER *pro tempore*. Does the gentleman from Georgia yield?

Mr. BLOUNT. Certainly.

Mr. WELLBORN. I understand that during my absence the gentleman has said I erroneously stated the quantity of these lands, giving only one-half the real amount; and he added that it was on this sort of information the House was asked to proceed with the rapid consideration of this bill.

Mr. BLOUNT. I did so state; and I quoted from the report of the Commissioner of Indian Affairs——

Mr. WELLER. What does the gentleman understand to have been my statement?

Mr. BLOUNT. In answer to my inquiry as to the number of acres of tillable land, the gentleman stated the quantity as 500,000.

Mr. WELLBORN. I do not remember my exact language, but I started out with the statement that the tillable land on this reservation amounted to 1,000,000 acres, or about one-third of the whole, and that of those tillable lands 500,000 acres were timber lands.

Mr. BLOUNT. Of course, if the gentleman so states——

Mr. WELLBORN. The report will show what I stated.

Mr. BLOUNT. I inquired of the gentleman the number of acres of tillable land; and he certainly replied 500,000.

Mr. WELLBORN. Then the remark was made inadvertently. If the gentleman had listened to the first part of my speech he would have known there was nothing to justify the criticism he afterward made when he remarked that on such broad and erroneous statements I was asking of the House undue haste in the consideration of this bill.

Mr. BLOUNT. Mr. Speaker, how much time have I?

The SPEAKER *pro tempore*. Fifty-two minutes.

Mr. BLOUNT. I made a further statement about the amount of tillable land, and I certainly have no disposition to do my friend from Texas injustice.

Mr. WELLBORN. I made no statement about that.

Mr. BLOUNT. I understood the gentleman or some other person to make a statement that it amounted to six hundred acres.

Mr. WELLBORN. No, sir; I did not make any such statement.

Mr. WILLIS. The preamble declares there are six hundred acres under cultivation.

Mr. BLOUNT. Yes; the preamble states the said reservation contains upward of 3,000,000 acres of land, whereof about one-third is tillable land, and is occupied by less than 1,200 Indians, who have not to exceed six hundred acres thereof under cultivation.

Mr. SKINNER, of North Carolina. It says not to exceed six hundred acres.

Mr. BLOUNT. But I am not caring so much as to that. The fact is this reservation in the State of Minnesota, permeated by railroads, with an intelligent population, with exceedingly desirable lands, is to be negotiated for by the Government. We are to send commissioners and make a treaty with these Indians; but no matter what the treaty may be, they are to get no more than $1.25 an acre. I submit, Mr. Speaker, this House ought to hesitate before it will undertake to do so great a wrong. The public lands are disposed of at $1.25 per acre. They belong to the Government, which has the title to them. It has the right to utilize those lands at low figures for the purpose of inducing settlement and occupation, but it has no right to take from these poor, ignorant savages these valuable lands and pay them only $1.25 per acre.

Mr. WELLBORN. The gentleman talks about robbing these poor Indian savages. Does the gentleman understand the bill proposes to pay to these Indians nothing but $1.25 per acre?

Mr. BLOUNT. I do.

Mr. WELLBORN. That is a sufficient answer to the gentleman's charges.

Mr. BLOUNT. I know a little more about the bill than perhaps the gentleman thinks. I will read from it. If my friend wishes to say anything more I will give way to him.

Mr. WELLBORN. No; go on.

Mr. BLOUNT. The bill provides as follows:

Provided, That the United States shall compensate the Indians for all of said lands that may be disposed of under the homestead laws at the rate of $1.25 per acre.

The United States shall compensate the Indians for all of said lands that may be disposed of under the homestead laws at the rate of $1.25 per acre.

Here are the best lands, those fitted for cultivation, and they are to be taken from these Indians! I do not care whether you call it robbery or not. It is an outrage and a disgrace to the Government to take those valuable lands belonging to these Indians, not to the Government, and let settlers go in and occupy them at the same rate at which the public lands are sold.

I know these people are eager to get them; I should be glad to have them occupy them; but I will not aid them to do so by committing this outrage upon these poor Indians.

There is another class of these lands, about two million acres, which are not tillable. These are timber lands. I have had letters since this bill was up before from gentlemen in that State, and I have had it suggested to me by gentlemen of large experience and intelligence on this floor that there are gentlemen—I do not speak of it to their dishonor, but there are gentlemen with capital engaged in lumbering, and that it is this great lumber interest in that State which is so anxious to get hold of these pine lands. Certainly it can not be any other. It can not be the people who wish to go on them for cultivation. It must be those who desire to get possession of this timber.

This whole reservation is to be taken save some allotments for the Indians, which they are to occupy as farms. It is all to be taken except certain lands to be occupied for farming purposes. I must be accurate, because I am criticised in all I say. The great bulk is to be taken at a nominal value, such as we give our lands for to homestead settlers. They are to be paid for at that rate, and all in the interest of this eager class of money-making people who want to get possession of these pine lands for lumbering purposes.

A proposition contained in this bill is to provide these people with so much of these lands as homes in severalty and for the period, I believe, of thirty years. They are to be inalienable. A man who knows nothing about farming, with his wife and little ones about him, a thorough savage, devoted to fishing and hunting on lands of his own which the Government by treaty gave him and where he went under the supposition that it was to be a permanent home all his life, is to be thus treated.

Mr. DUNN. He lived in Georgia on the same supposition once.

Mr. BLOUNT. The gentleman says that he lived in Georgia on the same supposition once. Sir, if he did, and if he was wronged in Georgia, I will not sanction the wrong by repeating it now.

Mr. DUNN. You ought to invite him back home then.

Mr. BLOUNT. All this is idle talk. I invite him back home! says the gentleman. He has a home and is not asking to be returned there. He has perhaps better lands now than he had then. He is amply provided for, and these suggestions are impossible, as the gentleman knows, in the very nature of things, rights having become vested in those lands; and this is simply an effort to get away from the exact principles of justice to them in this matter. I for one am opposed to it. The proposition here is that these Indians shall be placed upon lands where gentlemen know they can not and will not become farmers. It is a miserable mockery to think of their going on such lands to occupy and cultivate them when the Government has even now in their present position from year to year found it necessary to aid them with gifts of agricultural implements and in various other ways to bring about such a state of things as the gentleman suggests.

If the lands are to be sold at all, they ought to be sold in their entirety. They should be sold only at such rates as will give a fund sufficient to take care of the Indians themselves. There is no other principle of right that can commend itself to anybody who will consider the matter.

But, sir, I have no hope that anything I may say will stay the passage of this bill. I presume that it is the purpose of this House to take these valuable lands from these people at $1.25 an acre. I presume that it is their purpose to place them on other lands and to mock them with the pretense of inviting them to farm. I presume, sir, that under this hospitable guise we are to make them vagabonds by setting them adrift and putting their own lands in the possession of white people. The end will be the poverty and the further degradation of the Indians. That is all you can expect from it. The inalienable character of this title you propose to give him will not aid him at all. He can not occupy the lands. He will not cultivate them, for he knows nothing about it.

But I repeat, sir, nothing that I can say, I presume, will prevent this being done. I shall have the satisfaction, however, at least of protesting against it, and preventing what I deem to be the serious objections to this measure.

How much time have I remaining?

The SPEAKER. The gentleman has forty minutes of his time remaining.

Mr. BLOUNT. I yield ten minutes to my colleague from Georgia [Mr. BUCHANAN].

Mr. COOK. If the gentleman wlll yield the floor, I will move to adjourn.

Mr. BUCHANAN. I will yield for that motion with the understanding that I retain the floor.

Mr. WELLBORN. Before that motion is put I should be glad to make a suggestion to the House.

Mr. STEVENS. This is the only day that the Committee on Indian Affairs can have, and we had better go on with the bill.

Mr. COOK. I withdraw the motion to adjourn.

Mr. WELLER. I renew the motion to adjourn.

Mr. COOK. I am informed that this is the only opportunity the committee has.

Mr. BLOUNT. If the motion to adjourn is withdrawn, I renew it. The gentleman from Iowa [Mr. COOK] has not the floor. I yielded it to my colleague from Georgia.

Mr. BUCHANAN. And I gave way for a motion to adjourn.

Mr. WELLBORN. I hope the gentleman will permit me to submit a request to the House.

Mr. WELLER. I will yield a moment to the gentleman from Texas.

Mr. BLOUNT. The gentleman has no time to yield.

Mr. WELLBORN. May I ask who has the floor now?

The SPEAKER. The gentleman from Georgia, Mr. BUCHANAN, if he insists upon it.

Mr. BUCHANAN. I do insist upon it.

Mr. BLOUNT. I do not want it understood that this is to come out of my time.

The SPEAKER. It will not be so regarded.

Mr. WELLBORN. Will the gentleman yield to me for a request?

Mr. BLOUNT. I will yield to the gentleman.

Mr. WELLBORN. I desire to make this request: The consumption of time on the first bill that I called to the attention of the House to-day was such as to preclude the consideration of this and other bills that it is desirable to consider. I ask, therefore, that the House give to the Committee on Indian Affairs an evening session, say on Monday night next.

Several MEMBERS. All right.

Mr. BLOUNT. I have no objection.

Mr. WELLBORN. At the request of gentlemen around me I will say Tuesday night next.

Mr. HISCOCK. Let me suggest to the gentleman whether he had not better put it a week from next Tuesday, as there will probably be no quorum next week.

Mr. WHITE, of Kentucky. I rose to make the same suggestion to the gentleman, that he modify his request to make it one week from next Tuesday.

Mr. DUNN. That had better be done, because next week we will have the appropriation bills.

Mr. WELLBORN. I shall ask, then, that there be an evening session a week from next Tuesday for the further consideration of business reported by the Committee on Indian Affairs.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Tuesday of the week after next, the 10th of June, the House take a recess at 5 o'clock until 8 o'clock for the further consideration of business reported by the Committee on Indian Affairs. Is there objection?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. WELLER. I renew my motion that the House do now adjourn.

The SPEAKER. Does the gentleman from Georgia [Mr. BUCHANAN] yield for that motion?

Mr. BUCHANAN. I yield, reserving my right to the floor on this bill.

The SPEAKER. The gentleman from Georgia will have the floor when the question comes up again.

LEAVE OF ABSENCE.

Pending the question on the motion to adjourn, by unanimous consent leave of absence was granted as follows:

To Mr. THOMAS, indefinitely, on account of important business.

To Mr. LAIRD, for two weeks, on account of important business.

To Mr. STRAIT, for ten days, from Monday next.

To Mr. SNYDER, for one week, from this day.

To Mr. HITT, for one week, on account of important business.

To Mr. HENDERSON, of Illinois, for one week, on account of important business.

To Mr. BINGHAM, for ten days.

To Mr. WASHBURN, for ten days from to-day.

To Mr. RANNEY, for one week, from to-day, for urgent reasons.

To Mr. SKINNER, of New York, for one week.

To Mr. WEAVER, for one week.

To Mr. RAYMOND, for one week.

PRINTING OF SENATE BILLS.

The SPEAKER. The Chair will state that there are about one hundred and eighty bills from the Senate on the Speaker's table. It has been usual heretofore to have these bills printed, that the House may know what they are. If there be no objection the Chair will direct that the bills of the Senate be printed for the use of the House.

There was no objection, and it was so ordered.

ADVERSE REPORT.

Mr. BALLANTYNE, by unanimous consent, from the Committee on Naval Affairs, reported back with an adverse recommendation the bill (H. R. 244) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel ironclad Merrimac on the 9th March, 1862; which was laid on the table, and the accompanying report ordered to be printed.

EDUCATION.

Mr. JOSEPH D. TAYLOR. The General Conference of the Methodist Episcopal Church, which has recently been in session in Philadelphia, adopted a resolution which I ask to have read and to have printed in the RECORD. I will state that the membership of the Methodist Episcopal Church is about 1,800,000, and the number of clergymen in the active ministry is about 12,000, with an equal number of local preachers. This Church is older than the Government, and has always taken an active interest in it. Hence I present this resolution.

Mr. WILLIS. Let it be printed without being read.

Mr. JOSEPH D. TAYLOR. Very well.

There being no objection, the resolution was referred to the Committee on Education, and ordered to be printed in the RECORD.

It is as follows:

PHILADELPHIA, PA., *May* 23, 1884.

To the House of Representatives:

We respectfully call your attention to the following action taken by the General Conference of the Methodist Episcopal Church this day, now in session in this city:

"Whereas by the last census of the United States it appears that 6,000,000 of our population over 10 years of age are unable to write; and

"Whereas an ignorant suffrage is a constant peril and menace to the peace and welfare of society and the safety of the Republic; and

"Whereas we, as a Church, are deeply interested in the education and happiness of the toiling masses of the American people of all classes and in every part of the nation: Therefore,

"*Resolved*, That the bill now pending before Congress, known as the Blair educational bill, providing national aid for the common schools of the several States on the basis of the illiteracy in the States, respectively, as shown by the census, meets our hearty approval as being eminently wise and patriotic, and we do therefore most respectfully urge its speedy enactment."

EDW. G. ANDREWS,
President.
J. N. FITZGERALD,
Assistant Secretary.

The motion of Mr. WELLER was then agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Petition of residents of Kingston, N. Y., against a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. BALLENTINE: Papers relating to the claim of Samuel Edmonson—to the Committee on War Claims.

Also, petition of citizens of Lewis County, Tennessee, asking national aid for education—to the Committee on Education.

By Mr. BLANCHARD: Concurrent resolution of the General Assembly of Louisiana, favorable to the Blair educational bill—to the Committee on Education.

By Mr. CURTIN: Petition of members of the Grand Army of the Republic, praying the establishment of a national cemetery near Philadelphia—to the Committee on Military Affairs.

By Mr. DARGAN: Memorial of the Sumter (S. C.) Silk-Culture Association—to the Committee on Appropriations.

By Mr. ERMENTROUT: Protest of Henry W. Magee relative to the Dearborn park at Chicago—to the Committee on the Public Lands.

By Mr. HARMER: Petition of members of the Grand Army of the Republic, for an appropriation to establish and maintain in one locality the remains of the heroes of the late war—to the Committee on Appropriations.

By Mr. HORR: Petition of citizens of East Saginaw, Mich., praying for the passage of a bill granting to letter-carriers fourteen days' leave of absence without loss of pay—to the Committee on the Post-Office and Post-Roads.

By Mr. JAMES: Petitions of General H. D. Wallace and 47 others, of Rev. William R. Williams, of S. D. Alexander, D. D., and members of Phillips Presbyterian church, Rev. James Kennedy and members of Fourth Reformed church, of Rev. S. B. Rossiter and members of North Presbyterian church, and of Rev. Edward M. Deems and members of Westminster church, all in New York, in favor of the education, &c., of the Indians—severally to the Committee on Indian Affairs.

By Mr. KELLEY: Petition of 15 ex-soldiers of the Union Army, asking that a national cemetery be established at or in the vicinity of Philadelphia—to the Committee on Military Affairs.

By Mr. McADOO: Joint resolution of the Legislature of the State of New Jersey, in favor of promoting the efficiency of the revenue marine—to the Committee on Commerce.

By Mr. McCOID: Resolutions of Adam Kimpel Post, No. 245, Grand Army of the Republic, Department of Iowa, in favor of the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MATSON: Petition of Gus Abbet Post, No. 113, Grand Army of the Republic, Department of Indiana, relative to pension legislation—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Petition of veterans, &c., residing at Philadelphia, asking that an appropriation be made for one general national cemetery, to be established near Philadelphia, &c.—to the Committee on Military Affairs.

By Mr. PARKER: Resolutions of the Legislature of the State of New York, relative to pensions—to the Committee on Invalid Pensions.

By Mr. PRICE: Papers relating to the claim of Henry C. De Ahna—to the Committee on Claims.

By Mr. RIGGS: Petition of Maj. N. Vedder, for relief—to the Committee on War Claims.

By Mr. C. R. SKINNER: Joint resolutions of the senate and assembly of the State of New York, asking pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Memorial against the news-copyright bill—to the Committee on the Judiciary.

Also, memorial of citizens of Illinois, relative to patents—to the Committee on Patents.

By Mr. J. D. TAYLOR: Petition of Edward Ratliff and 35 others and of D. B. Updegraff and 28 others, asking for an appropriation asked for by the Secretary of the Interior for Indian education, &c.—severally to to the Committee on Appropriations.

Also, petition of N. B. Stewart and 76 ex-soldiers, asking that all honorably discharged soldiers be pensioned at $8 per month—to the Committee on Invalid Pensions.

Also, petition of N. B. Stewart and 62 other soldiers, asking that they be paid the difference between the value of the depreciated currency in which they were paid and gold—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of D. V. Mays and 28 others, asking for the return of the Nez Percé Indians to their former homes in Idaho, &c—to the Committee on Indian Affairs.

By Mr. VAN ALSTYNE: Joint resolution of the senate and assembly of the State of New York, favoring a pension to ex-Union prisoners of war—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of sundry citizens of Shelby, N. C., in favor of arming the United States militia—to the Committee on the Militia.

By Mr. J. D. WHITE: Petition for the relief of Thomas Pryse, guardian, &c—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *June* 2, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Jules Cassard and 29 others, bankers and business men of New Orleans, La., praying for an increase of clerical force in the office of the assistant treasurer of the United States in that city; which was referred to the Committee on Finance.

He also presented the memorial of C. C. Warren and 19 others, of Waterbury, Vt., remonstrating against the establishment of a governmental postal telegraphic system; which was ordered to lie on the table.

Mr. McPHERSON presented a concurrent resolution of the Legislature of New Jersey; which was read, and ordered to lie on the table, as follows:

Concurrent resolution.

STATE OF NEW JERSEY.

Be it resolved by the house of assembly (the senate concurring), That the Senators and Representatives representing this State in the Congress of the United States are earnestly requested to use all honorable means to prevent the passage of any bill having for its object the building of a bridge between any portion of the State of New Jersey and Staten Island, in the State of New York.

ALFRED B. STONEY,
Speaker House of Assembly.

Mr. McPHERSON presented the following concurrent resolution of the Legislature of New Jersey; which was read, and referred to the Committee on Commerce:

Concurrent resolution.

STATE OF NEW JERSEY.

Whereas it appears from the report of Commander Taylor, of the United States Navy, naval aid to the mayor of the city of New York, that the approaches to

the port of New York at Sandy Hook have become inadequate to meet the commercial necessities of the times by reason of shoaling and the increased draught of modern ships, which fact affects most seriously the commercial, manufacturing, and other interests of New Jersey, which are identical with those of New York, and have in great part their communication with the world at large through the same channel; and

Whereas the authorities of the city and State of New York have taken or are about to take action requesting the General Government to improve the said entrance to the port of New York, and it is the interest of New Jersey to aid in every way: Therefore,

Be it resolved by the house of assembly of New Jersey (the senate concurring), That the Senators and Representatives of this State in Congress be urgently requested to use their endeavors toward securing such prompt and efficient action of the General Government for the improvement of the entrance to the port of New York at Sandy Hook as the case demands, and as is warranted by the demands of a foreign commerce exceeding that of all the remainder of the country.

And further resolved, That copies of these resolutions be forwarded to the Senators and Representatives of this State, to be presented by them to their respective Houses.

A. B. STONEY,
Speaker House of Assembly.

Mr. SHERMAN presented a petition of the board of commissioners of the Cincinnati (Ohio) Industrial Exposition, praying for an appropriation of $35,000 to aid in that exposition; which was referred to the Committee on Appropriations.

Mr. SHERMAN. I present several memorials of citizens residing in different parts of Ohio, remonstrating against any change in the law respecting telegraph companies, setting out in a somewhat formal letter their objections to any change, stating that they believe the present rates charged for telegraph messages are not unreasonable, and that the Government ought to leave the business to be conducted by private parties. I move that the memorials lie on the table.

The motion was agreed to.

Mr. JONAS presented a petition of the underwriters and other commercial bodies of New Orleans, La., praying for the continuance of the appropriation for the support of the Hydrographic Bureau of the Navy Department; which was referred to the Committee on Appropriations.

Mr. JONAS presented a concurrent resolution of the Legislature of Louisiana; which was read, and ordered to lie on the table, as follows:

Concurrent resolution, requesting the Representatives in Congress from Louisiana to use their efforts to secure the passage of the Senate bill granting aid to popular education, commonly called the Blair bill.

Resolved by the house of representatives of the State of Louisiana (the senate concurring), That the people of Louisiana express to the Senate of the United States their profound gratitude for the passage of the bill commonly called the Blair bill, making a munificent appropriation in aid of popular education in the several States of the Union.

Resolved further, &c., That our Representatives in Congress be requested to use their utmost endeavors to secure the passage of the bill through the House of Representatives.

Resolved further, &c., That we return our thanks specially to Hon. H. W. Blair, of New Hampshire, and to Hon. B. F. Jonas and Hon. Randall L. Gibson, Senators from Louisiana, for their efforts, which aided so materially in the success of this important measure.

Resolved further, &c., That a copy of these resolutions be forwarded to Hon. H. W. Blair and to each of the Senators and Representatives in Congress from Louisiana.

PETER J. I. TREZEVANT,
Clerk of the House of Representatives of the State of Louisiana.

Mr. CALL presented a petition of citizens of Florida, praying for an appropriation of lands in the State of Florida for the permanent endowment of the Florida University at the city of Tallahassee; which was referred to the Committee on Public Lands.

Mr. CALL presented the petition of H. R. Stout and other citizens of Jacksonville, Fla., praying that the present discriminations in the medical service under the Government of the United States shall be done away with, and that persons of the different schools of medicine may be appointed to the Army and naval service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. PUGH presented memorials of citizens of Tuscaloosa, Selma, Montgomery, Opelika, and Birmingham, in the State of Alabama, remonstrating against the Government postal telegraph bill; which were ordered to lie on the table.

Mr. BUTLER presented a resolution of the Charleston (S. C.) Chamber of Commerce, in favor of certain legislation in relation to international bills of lading; which was referred to the Committee on Commerce.

Mr. BECK presented a memorial of Hon. Charles Reed and other citizens of Paducah, Ky., remonstrating against the passage of the Government postal telegraph bill; which was ordered to lie on the table.

Mr. BECK. I received this morning the following petition:

To the Senate and House of Representatives in Congress assembled, We, the undersigned, citizens of the District of Columbia, respectfully request that your honorable body will consider and enact the bill to incorporate the North Capitol and Glenwood Cemetery Horse Railroad Company—House bill 5786.

The petition is signed, I think, by everybody who lives on Capitol Hill. I did not know indeed that there were so many citizens there. I suppose it was sent to me because I lived there about a year ago myself. I move that the petition be referred to the Committee on the District of Columbia, and I invite the special attention of my friend from Maryland [Mr. GORMAN] who is a member of that committee to it.

The motion was agreed to.

Mr. COKE presented a memorial of the mayor and other citizens of Sherman, Grayson County, Texas, remonstrating against the location and holding of a Federal court in Denison, Grayson County, Texas; which was ordered to lie on the table.

Mr. MITCHELL presented a memorial of the citizens of Carbondale, Pa., and a memorial of citizens of Susquehanna County, Pennsylvania, remonstrating against the passage of a Government postal telegraph bill; which were ordered to lie on the table.

He also presented a petition of the Commercial Exchange of Philadelphia, in favor of the passage of House bill No. 2414, in relation to bills of lading, with the amendments proposed by the committee of the House having the same in charge; which was referred to the Committee on Commerce.

He also presented a memorial of the Philadelphia Board of Trade, remonstrating against the passage of House bill No. 5831, concerning pilotage, without certain amendments; which was referred to the Committee on Commerce.

Mr. INGALLS. I present the petition of a large number of the citizens of this District who are engaged in the business of taking fish from the waters of the Potomac, praying for certain legislation with regard to a bill that has already passed the House. I move that the petition be referred to the Committee on Fish and Fisheries.

The motion was agreed to.

Mr. WILSON presented the memorial of Roberts & Roberts and other citizens of Fort Madison, Iowa, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials; which was ordered to lie on the table.

Mr. WILLIAMS presented a memorial of 38 citizens of Mayfield, Ky., and a memorial of 38 citizens of Covington, Ky., remonstrating against the passage of the Government postal telegraph bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1606) granting a pension to Mrs. Ellen M. Flagg, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WILSON. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 1119) for the relief of John M. Brisbois, to report it adversely.

The PRESIDENT *pro tempore*. Does the Senator desire the bill to go on the Calendar or to be postponed indefinitely?

Mr. WILSON. It may go on the Calendar, as I presume some Senator who is absent may take an interest in the case.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WILSON. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven, to report it adversely.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WILSON, from the Commmittee on Pensions, to whom was referred the bill (H. R. 2400) for the relief of Judith Lauter, reported it with an amendment, and submitted a report thereon.

Mr. WILSON. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton, to report it adversely.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WILSON. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 1356) for the relief of Caroline M. Montgomery, to report it adversely.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 709) granting a pension to Robert L. Willey, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 283) granting a pension to Patrick Horan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 4697) for the relief of Rudolph John Marti, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON. I am also instructed by the Committee on Pen-

sions, to whom was referred the bill (S. 1068) giving a pension to Alexander Thompson, of Newton County, Missouri, to report it adversely.

Mr. COCKRELL. Let that be placed upon the Calendar until I can see the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1095) granting a pension to Aaron Shurtleff, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

RAILROAD BRIDGES IN WISCONSIN.

Mr. MCMILLAN. I am instructed by the Committee on Commerce to report favorably and without amendment the bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin.

Mr. CAMERON, of Wisconsin. A Senate bill identical with the House bill just reported from the Committee on Commerce by the Senator from Minnesota passed the Senate some time ago, and I would be pleased if this should be taken up and considered now.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent that the bill just reported from the Committee on Commerce be now considered.

Mr. SHERMAN. Let it be read.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT *pro tempore*. If there be no objection the reading just concluded will be taken as the reading of the bill as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. MORRILL (by request) introduced a bill (S. 2276) for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people of said District from empiricism in relation thereto; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2277) granting to the Ashland Boom and Canal Company the right to occupy and use certain lands of the United States situated in Ashland County, State of Wisconsin, for the purpose of driving, booming, and rafting logs in certain streams running through said lands, and improving said streams for said purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VOORHEES introduced a bill (S. 2279) granting a pension to Lewis L. Canady; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. SHERMAN submitted an amendment intended to be proposed to a bill making an appropriation for the printing of 600 copies of volume 2 of Lewis Heyl's work entitled "United States Duties on Imports," edition of 1884; which was referred to the Committee on Finance, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MORRILL. If there are no further bills or resolutions to be presented, I ask unanimous consent to take up two bills reported unanimously by the Committee on Finance, and if there is no question made as to a quorum or anything else, I should like to get them off the Calendar.

Mr. CAMERON, of Wisconsin. I suggest to the Senator to allow the routine morning business be completed.

Mr. MORRILL. Certainly.

Mr. CAMERON, of Wisconsin. That has not yet been gone through with.

Mr. MORRILL. I thought it had.

WITHDRAWAL OF PAPERS.

On motion by Mr. CAMERON, of Wisconsin, it was

Ordered, That Clara Morris have leave to withdraw her petition and papers from the files of the Senate.

On motion of Mr. COCKRELL, it was

Ordered, That Richard H. Porter and James H. Porter have leave to withdraw from the files of the Senate, under the rules, a certain award made by the Third Auditor of the Treasury, bearing date May 10, 1861.

On motion of Mr. BUTLER, it was

Ordered, That Louisa H. Hasell have leave to withdraw her papers from the files of the Senate for use in the House of Representatives, subject to the rules of the Senate.

DISTRICT WATER FUND.

Mr. MORGAN submitted the following resolution for consideration; which was ordered to be printed:

Resolved, That the commissioners of the District of Columbia be required to report to the Senate a statement of the receipts and disbursements on account of the water department or water fund for each year from 1875 to 1884 inclusive, stating the amount received from each separate source, and when, where, and for what purpose the money has been expended.

DISTRICT TAXES AND STREET IMPROVEMENTS.

Mr. MORGAN submitted the following resolution for consideration; which was ordered to be printed:

Resolved, That the commissioners of the District of Columbia be directed to report to the Senate the aggregate amount collected from taxation for each of the fiscal years from 1875 to 1884, inclusive, in each of the four quarters of the city of Washington, in Georgetown, and in the county of Washington outside of said cities.

Also, the aggregate amount expended in each of said six divisions for each of said ten years for street improvements of all kinds, including the replacement of wood, stone, and macadam pavements, new pavements, laying sidewalks, regulating, grading, and filling up streets, repairs to concrete pavements and macadam roadways, parking, for permit work, and for repairs to streets, avenues, alleys, county roads, suburban streets, &c.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had appointed Mr. WILLIAM DORSHEIMER of New York, Mr. J. R. TUCKER of Virginia, Mr. J. H. REAGAN of Texas, Mr. P. A. COLLINS of Massachusetts, Mr. N. B. ELDREDGE of Michigan, Mr. H. H. BINGHAM of Pennsylvania, Mr. J. G. CANNON of Illinois, and Mr. JAMES LAIRD of Nebraska members of the commission on the part of the House to make arrangements for the ceremonies to be authorized upon the completion of the Washington Monument, as provided for by the joint resolution approved May 13, 1884.

The message also announced that the House had passed a bill (H. R. 5691) amending section 764 of the Revised Statutes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 783) to increase the pension of John Algoe; and

A bill (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. 5691) amending section 764 of the Revised Statutes was read twice by its title, and referred to the Committee on the Judiciary.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed, and the Chair lays before the Senate the Calendar under Rule VIII.

Mr. MCPHERSON. I do not wish to interfere with the motion of the Senator from Vermont, but——

Mr. MITCHELL. It is my intention, after conferring with a number of Senators, to ask the Senate now to proceed to the consideration of the private pension bills on the Calendar reported favorably by the Committee on Pensions.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey yield?

Mr. MCPHERSON. I do not; but I shall only take one moment's time. There is a bill I wish to call up—it has been unanimously reported by the Committee on Finance—to aid a man who has held a Government draft twenty-four years in his possession. I do not suppose any objection will be made to it.

Mr. MITCHELL. Very well.

Mr. COCKRELL. I shall object, unless we can proceed regularly in this matter. I propose that we go to the Calendar and consider the cases that can be disposed of by unanimous consent and to which there will be no objection. Thus we can reach all the cases that the Senators desire to have taken up and dispose of them, and in that way do more business in two hours than we should do in five hours the other way. I ask that by unanimous consent we proceed to the Calendar of cases to which there is no objection and no adverse report or contest at all, and that that order shall not change the status of the Calendar, so that when we go back to the Calendar regularly the bills passed over will stand just where they are now, and there will be no prejudice done, disposing of the uncontested cases.

Mr. ALLISON. That is, a single amendment will take over any case?

Mr. COCKRELL. A single objection taking over any case.

Mr. HARRIS. But not to carry a bill passed over to the Calendar under Rule IX?

Mr. COCKRELL. Not to carry it over to Rule IX, but to leave it at its place on the Calendar under Rule VIII.

Mr. MCPHERSON. There are many bills on the Calendar which will provoke a great deal of discussion.

Mr. MITCHELL. There will be no objection to the course suggested by the Senator from Missouri if the bills passed over are allowed to retain their places on the Calendar.

Mr. MCPHERSON. There are also cases on the Calendar in which Senators are interested who are absent.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from New Jersey to make a motion?

Mr. MCPHERSON. I do not make a motion.

Mr. SHERMAN. I hope that the suggestion of the Senator from Missouri will be adopted. I think we can get through with the unobjected cases in a short time if Senators will promptly make objection when they have any doubt about a bill.

Mr. COCKRELL. Certainly; that should be done.

Mr. SHERMAN. Otherwise the reading of a long bill would occupy some time and prevent the order from being fully carried out. The objection should be promptly made, and there ought to be no begging to withdraw an objection.

Mr. COCKRELL. Certainly not. We understand that one objection will carry a case over and that ends it. It does not place it on the old Calendar, however, but leaves it at its present place, so that the case does not lose anything.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that in proceeding with the Calender under Rule VIII an objection to the consideration of a matter shall pass it over, retaining its place on the Calendar under Rule VIII. Is there objection? The Chair hears none.

MEXICAN-WAR PENSIONS.

Mr. HARRIS. I ask the unanimous consent of the Senate that on next Monday, after the conclusion of the regular morning business, the Senate will consent to take up and proceed to the consideration of what is known as the bill to pension the Mexican-war veterans.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the so-called Mexican pension bill be made the special order for Monday next—at what hour?

Mr. HARRIS. I said "after the conclusion of the regular morning business;" but I believe I will say 2 o'clock.

The PRESIDENT *pro tempore*. At 2 o'clock. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HARRIS. Then I give notice that I shall, on Monday morning, at the conclusion of the morning business proper, move to proceed to the consideration of the bill referred to.

Mr. HAWLEY. Will the Senator allow me to suggest to him that he make the notice for Tuesday morning? Many Senators, twenty or twenty-five, are away. Some of them will undoubtedly stay away over Sunday, and may not be here in time for business on Monday. I think that Tuesday would be better.

Mr. HARRIS. I will let the notice stand as it is, but if on Monday next the condition of the Senate shall be as indicated by the Senator from Connecticut I shall then very cheerfully adopt his suggestion.

Mr. MAXEY. I trust Senators on the other side will understand the object of the motion of the Senator from Tennessee. It is to accommodate those Senators who are absent. That is the purpose of it. The time indicated by the Senator from Tennessee was fixed by an understanding with the expectation that those who are absent at Chicago will be present by Monday. If, however, they are not present by Monday, I for one shall be perfectly willing, and think it is right, to let the matter stand until they have a fair opportunity of being here. That was the purpose in fixing the time.

GOVERNMENT LIENS ON ENCUMBERED PROPERTY.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will report the first case on the Calendar under Rule VIII, being Order of Business 314, Senate bill 1733.

Mr. MORGAN. Order of Business 291 is the first.

The PRESIDING OFFICER. The two cases prior to Order of Business 314 have by a previous understanding been postponed.

The bill (S. 1733) to provide for protecting the interests of the United States in respect of any incumbrances on property wherein they have an interest was announced as first in order on the Calendar.

Mr. GARLAND. That is contested. Let it go over.

The PRESIDING OFFICER. The bill goes over.

MARRIAGE AND DIVORCE STATISTICS.

The bill (S. 1734) providing for the collection of statistics touching marriage and divorce was considered as in Committee of the Whole. It proposes to enact that the Chief of the Bureau of Statistics in the Treasury Department shall, under such regulations as the Secretary of the Treasury may prescribe, collect and report to Congress the statistics of and relating to marriage and divorce in the several States and Territories and the District of Columbia.

Mr. GARLAND. When the Labor Statistics Bureau bill was up I incorporated that in an amendment I offered and I explained it then, particularly in answer to a question propounded by the Senator from Alabama [Mr. MORGAN]. I suppose there will be no objection to the bill. It simply provides that the Bureau of Statistics in the Treasury Department shall gather these statistics, of which I gave an explanation when that matter was up.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD FENLON.

The bill (S. 444) for the relief of Edward Fenlon was considered as in Committee of the Whole. It proposes to authorize the chief quartermaster of the Department of the Missouri to settle with and issue vouchers to Edward Fenlon, contractor for the transportation of military supplies from Alamosa to Fort Lewis, according to the terms of the contract entered into between the chief quartermaster of the Department of the Missouri and Edward Fenlon, on the basis of the actual distance over which the supplies were transported, the distance to be ascertained and determined by the chief quartermaster of the Department of the Missouri.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS MILLER.

The bill (S. 1361) giving a military record to Thomas Miller was considered as in Committee of the Whole. It proposes to require the Secretary of War to enter on the rolls of Company M, Eighth Regiment Tennessee Cavalry Volunteers, the name of Thomas Miller, as duly mustered into the United States service on the 27th of August, 1863, and to complete his military record as follows: "Killed by the enemy November 25, 1863, while in the line of duty."

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

W. C. MARSH.

The bill (S. 318) for the relief of W. C. Marsh was announced as next in order.

Mr. INGALLS. I object to that bill.

The PRESIDING OFFICER. The bill goes over.

MRS. LOUISA H. HASELL.

The bill (S. 1118) for the relief of Mrs. Louisa H. Hasell was considered as in Committee of the Whole. It provides for the payment of $350, in full compensation for the use by the United States Army of the house and other buildings in Summerville, S. C., belonging to Mrs. Louisa H. Hasell, during the years 1865 and 1866, and in full satisfaction for any damage to the property arising from or incident to its occupation by the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD HAWLEY & SONS.

The bill (S. 1170) for the relief of Richard Hawley & Sons was announced as next in order.

Mr. ALLISON. I object to that.

The PRESIDING OFFICER. The bill goes over.

ROOMS FOR COMMITTEES.

The next business on the Calendar was the resolution authorizing the Sergeant-at-Arms and Architect of the Capitol to rent suitable rooms for use of Senate committees; which was reported from the Committee to Audit and Control the Contingent Expenses of the Senate March 5, 1884.

The Chief Clerk read the resolution, as follows:

Resolved, That the Sergeant-at-Arms and the Architect of the Capitol be, and they are hereby, authorized and directed to rent and prepare suitable rooms outside of the Capitol for the use of such Senate committees as have no rooms, and that all expenses hereunder be paid out of the fund for the contingent expenses of the Senate, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MORRILL. It is now so near the end of the session that I hardly think it would be worth while to rent any rooms outside of the Capitol, and therefore I object.

The PRESIDING OFFICER. The resolution goes over.

POSTAGE ON SECOND-CLASS MAIL MATTER.

The bill (H. R. 1323) fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent was announced as next in order.

Mr. SHERMAN. I think that ought not to be acted upon at present.

The PRESIDING OFFICER. The bill goes over.

Mr. MAXEY. If the Senator will permit me, I can explain the bill.

Mr. SHERMAN. It is a bill fixing the rate of postage.

Mr. MAXEY. It is a House bill, which passed the House and came to the Senate. It does not affect the newspapers that go from the office at all; it is only those sent by private individuals. The Postmaster-General in his report, after going on and speaking of the difficulty of men putting papers into the offices which have been stopped because they are not full-paid, says:

The postage on third-class matter, embracing newspapers and periodicals sent by others than the publishers, is 1 cent per two ounces. Some of the larger newspapers weigh more than two ounces. There seems to be a popular impression that 1 cent per copy is the uniform rate for all newspapers. Many persons, under this impression, deposit in post-offices newspapers which weigh more than two ounces and not exceeding three ounces, bearing a 1-cent stamp. Such papers are not entitled to be sent, and perhaps as a rule are not sent. This creates dissatisfaction and complaint. In order to obviate this I recommend that the rate of postage on newspapers and periodical publications sent by others than the publishers or news agents be made 1 cent per three ounces.

The committee, on careful examination, concluded to report the bill.

Mr. SHERMAN. Let us hear the bill read.

The PRESIDING OFFICER. The bill will be read at length.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the rate of postage on newspaper and periodical publications of the second class, when sent by others than the publisher or news agent, shall be 1 cent for each four ounces or fractional part thereof, and shall be fully prepaid by postage-stamps affixed to said matter.

Mr. INGALLS. What is the rate now?

Mr. MAXEY. One cent for two ounces.

Mr. INGALLS. This reduces the rate by one-half.

Mr. ALLISON. It allows the large papers to go in the mail.

Mr. MAXEY. The Postmaster-General recommended 1 cent for three ounces, but we found that the Chicago papers and some others weigh a little more than three ounces. The bill was in charge of the most accomplished man on this subject in the House, formerly postmaster at Philadelphia. He was of opinion that the bill ought to pass. The committee of the Senate agreed to it unanimously and thought it right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. QUACKENBUSH.

The bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy was announced as next in order.

Mr. INGALLS. I object.

The PRESIDING OFFICER. The bill goes over.

PORTS OF DELIVERY IN WASHINGTON TERRITORY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1741) making the cities of Tacoma and Seattle, in the Puget Sound customs district, Washington Territory, ports of delivery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1742) to authorize Albert T. Stream, keeper of life-saving station at Shoal Water Bay, Washington Territory, to accept a medal awarded to him by the British Government was announced as next in order.

Mr. MAXEY. I object.

The PRESIDING OFFICER. The bill goes over.

The joint resolution (S. R. 37) allowing the widow of General Jesse H. Moore, late consul at Callao, Peru, one year's salary was announced as next in order.

Mr. COCKRELL. That is an adverse report. I object to it.

The PRESIDING OFFICER. The joint resolution goes over.

The bill (S. 671) for the relief of Elon A. Marsh and Minard Lafever.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 180) for the relief of Stephen N. Smith was announced as next in order.

Mr. CAMERON, of Wisconsin. I object to that.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1010) to accept and ratify an agreement between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, in Washington Territory, and to make the necessary appropriations for carrying the same into effect, was announced as next in order.

Mr. SHERMAN. I think that had better go over. The Senator from Massachusetts [Mr. DAWES] who reported it is not here.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1502) to grant a right of way to the Fort Worth and Denver City Railway Company through the Indian Territory, and for other purposes, was announced as next in order.

Mr. MCMILLAN. Let that go over.

The PRESIDING OFFICER. The bill goes over, being objected to.

BENJAMIN F. POPE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 81) to confirm the title of Benjamin F. Pope to his office of assistant surgeon in the United States Army. The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Benjamin F. Pope to be an assistant surgeon in the Army of the United States as of the 14th day of May, 1867, and he shall take rank and position on the list of assistant surgeons as of the date aforesaid; and the said Benjamin F. Pope is hereby authorized to retain all pay and allowances actually received since the date of his original commission and to receive all other pay and allowances due since that date: *Provided*, That he shall receive no pay or allowances for the time between February 13, 1871, and June 17, 1871, during which he was actually out of the service.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY. As to the title, I submit to the Chair a question. In the original form the bill was to confirm the title, but the Military Committee thought it better to strike that all out and report a substitute authorizing the President to nominate and, by and with the advice and consent of the Senate, to appoint him, dating back that time.

Mr. COCKRELL. Let it be a bill for his relief.

Mr. HAWLEY. That will answer the purpose.

The PRESIDING OFFICER. If there be no objection the title will be modified so as to read: "A bill for the relief of Benjamin F. Pope."

C. S. MOSS.

The bill (S. 493) for the relief of C. S. Moss was announced as next in order.

Mr. COCKRELL. That is reported adversely.

The PRESIDING OFFICER. The bill will be passed over.

HEIR OF CONSTANTINO BRUMIDI.

The bill (S. 1041) for the relief of the heir of Constantino Brumidi was considered as in Committee of the Whole.

The bill was reported from the Committee on the Library with amendments, in line 8, before the word "thousand," to strike out "two" and insert "one;" and in line 9, before the word "hundred," to strike out "five" and insert "three;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Lawrence S. Brumidi, heir of the late Constantino Brumidi under his last will, dated June 27, 1879, filed in the office of the register of wills for the District of Columbia, the sum of $1,500, in five annual installments of $300 each, as payment in full for designs made by the above-named Constantino Brumidi for the embellishment of the belt of the Rotunda of the Capitol.

The amendment was agreed to.

Mr. MORGAN. I remember that we made an appropriation some time ago for the work of Mr. Brumidi.

Mr. MORRILL. That passed the Senate, but did not pass the House.

Mr. SHERMAN. This is the same thing that passed the Senate once before.

Mr. MORGAN. If it is the same bill, very well.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, was announced as next in order.

Mr. CAMERON, of Wisconsin. That had better go over.

The PRESIDING OFFICER. The bill, if objected to, goes over.

The bill (S. 1574) to provide for the sale of the Cherokee reservation in the State of Arkansas was announced as next in order.

Mr. GARLAND. That is reported from the Committee on Public Lands by my colleague [Mr. WALKER], who is absent, and when it was called up the Senator from Massachusetts [Mr. DAWES] the chairman of the Committee on Indian Affairs felt interest in it, and I see he is not here. The bill had better go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress was announced as next in order.

Mr. SHERMAN. I think that bill ought to go over.

Mr. MORGAN. Yes; it ought to go over.

The PRESIDING OFFICER. The bill will be passed over.

The next bill in order was the bill (S. 1018) to amend sections 3929 and 4041 of the Revised Statutes, authorizing the Postmaster-General to prohibit the delivery of registered letters and the payment of money-orders, and providing for the return of the same.

Mr. GARLAND. That will cause debate. Let it go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 64) to authorize suits in the Court of Claims in certain cases therein mentioned was announced as next in order.

Mr. MCMILLAN. There is an adverse report on that bill.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1577) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases was announced as next in order.

Mr. GARLAND. I think that had better go over, as it will lead to debate.

The PRESIDING OFFICER. The bill goes over.

ELIZABETH COMSTOCK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1242) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored refugees.

The bill was reported from the Committee on Finance with an amendment, after the word "appropriated," in line 5, to strike out "the sum of $722.78, customs dues paid by her on articles donated for the relief of colored refugees," and insert in lieu thereof, "such sum, not exceeding $722.78, as she may show by satisfactory proof that she paid as customs dues on articles donated for the relief of colored emigrants;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Elizabeth Comstock, out of any moneys in the Treasury not otherwise appropriated, such sum, not exceeding $722.78, as she may show by

satisfactory proof that she paid as customs dues on articles donated for the relief of colored emigrants.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored emigrants."

JOHN B. READ.

The next business in order was the joint resolution (S. R. 67) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

Mr. INGALLS. I object to that.

The PRESIDING OFFICER. The resolution goes over.

HENRY AYRES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 530) for the relief of Henry Ayres, of Evansville, Ind.

The bill was reported from the Committee on Finance with amendments, in line 6, after the word "cents," to insert:

Or such part thereof as the said Ayres shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits which resulted from unavoidable accidents, or from misunderstanding of the requirements of the law or regulations.

And in line 12, after the word "any," to strike out "sum" and insert "money in the Treasury;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, directed and required to pay to Henry Ayres, of Evansville, Ind., the sum of $3,282.68, or such part thereof as the said Ayres shall show to the satisfaction of the Commissioner of Internal Revenue was erroneously or illegally assessed or collected, or was collected on deficiencies in the production of spirits which resulted from unavoidable accidents, or from misunderstanding of the requirements of the law or regulations, out of any money in the Treasury not otherwise appropriated, on account of taxes unlawfully collected from him by James C. Veatch, collector of internal revenue for the first collection district of Indiana.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The next bill in order was the bill (S. 1008) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and make the necessary appropriations for carrying out the same.

Mr. COCKRELL. That had better go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 283) to increase the pension of George W. Bausman was announced as next in order.

Mr. MCMILLAN. There is an adverse report in that case.

Mr. COCKRELL. Let it go over.

The PRESIDING OFFICER. The bill goes over.

BETTS, NICHOLS & CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1237) for the relief of Betts, Nichols & Co.

The bill was reported from the Committee on Finance with amendments, in line 8, after the word "and," to strike out "Henricks" and insert "Hendricks;" and in line 10, after the word "dollars," to insert "out of any money in the Treasury not otherwise appropriated;" so as to make the bill read:

That the Treasurer of the United States be, and is hereby, authorized and directed to pay to the holder thereof draft numbered 5453, on Treasury-Interior warrant numbered 4801, dated March 1, 1860, payable to and indorsed by Sampson and Hendricks, of Austin, Tex., on the assistant treasurer of the United States at New Orleans, for $250, out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH SPOLIATION CLAIMS.

The bill (S. 1820) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801, was announced as next in order.

Mr. SHERMAN. Let that go over.

The PRESIDING OFFICER. The bill goes over.

W. H. POWELL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 582) for the relief of W. H. Powell.

The bill was reported from the Committee on Claims with an amendment, in line 5, after the words "the sum of," to strike out $9,857.10," and insert "$498.54," so as to read:

That the Secretary of the Treasury be, and is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to said W. H. Powell the sum of $498.54, which shall be in full compensation for said property; and that the judgment against W. H. Powell & Co., and John Mills and others, of Dayton, Ohio, as sureties for W. H. Powell & Co., be released.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question now is on the preamble. The committee propose to strike it out. The Chair will put the question on the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The attention of the Chair is called to the fact that in the latter clause of the bill the language is "which shall be in full compensation for said property," the "property" being described in the preamble and not previously described in the bill.

Mr. INGALLS. Strike out the words "which shall be in full compensation for said property."

Mr. COCKRELL. No; you do not want that stricken out.

Mr. CAMERON, of Wisconsin. Yes, let it go out.

Mr. ALLISON. Say "in full compensation of all claims."

Mr. CAMERON, of Wisconsin. Say "in full satisfaction of all claims."

The PRESIDING OFFICER. The amendment suggested by the Senator from Wisconsin [Mr. CAMERON] will be made if there be no objection. The Chair hears no objection, and the amendment will be considered as agreed to.

DRAFT OF SANTIAGO VIDAURRI.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 46) relative to a certain accepted draft in the Department of State.

The joint resolution was reported from the Committee on Foreign Relations with amendments, in line 6, after the word "August," to strike out "second" and insert "nineteenth;" in line 8, before "governor," to strike out "Vidauri" and insert "Vidaurri;" in line 9, after "Ignacio," to strike out "Gulinda" and insert "Galindo," and in the same line, after "Galindo," to strike out "agent;" so as to make the joint resolution read:

That the Secretary of State be, and he hereby is, directed to deliver to the person justly entitled to the possession thereof one draft for the sum of $8,950, dated New York, August 19, 1859, and drawn by Santiago Vidaurri, governor of Nuevo Leon and Cohahuila, by Ignacio Galindo on J. M. Mata, Mexican minister, Washington, D. C., and accepted by said J. M. Mata, and made payable at the Bank of the Republic, New York, the same having been deposited in the Department by error: *Provided*, That a copy of said draft, with all the indorsements and protests, if any, thereon, shall be retained by the Secretary of State.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

O. W. STREETER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1821) to authorize the Secretary of the Interior to examine and adjust the claim of O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860. It provides for examining and adjusting the claim of O. W. Streeter for moneys expended and services performed by him in the year 1860 as special agent of the United States to take the census of the country west of Minnesota, then known as Dakota, and allowing to him, in addition to the amount heretofore received by him, reimbursement for reasonable and necessary expenditures shown to have been made by him and reasonable compensation for his time and services, settling the same on principles of justice and equity. The amount allowed and to be paid is in no event to exceed $10,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF PETER DELLA TERRE.

The bill (S. 294) for the relief of Frank Della Terre and Susan Della Terre, heirs of Peter Della Terre, deceased, was announced as next in order.

Mr. ALLISON. I object.

The PRESIDING OFFICER. The bill goes over.

CHESAPEAKE AND OHIO RAILWAY.

The bill (S. 1212) to authorize the extension of the Chesapeake and Ohio Railway to a point in the military lands at Fortress Monroe, Va., was announced as next in order.

Mr. MORRILL. Let that go over.

The PRESIDING OFFICER. The bill will go over.

EDUCATIONAL FUND.

The next bill in order was the bill (S. 1235) to establish an edu-

cational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education.

Mr. SHERMAN. That might as well go over.

Mr. MORRILL. I ask to have it passed over.

The PRESIDING OFFICER. The bill goes over.

RETURN OF ARTICLES IN THE TREASURY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1153) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War.

The bill was reported from the Committee on Finance with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver, under such rules and regulations as he may prescribe, to the proper claimants or owners, any silverware, jewelry, portraits, watches, or other articles deposited in June, 1869, in the Treasury of the United States, by the Secretary of War, as property captured by the United States Army during the late war, and now in the possession of the United States Treasury: *Provided*, That in all cases proof satisfactory to the Secretary of the Treasury be made by the said claimants of the ownership and identification of the said silverware, jewelry, portraits, watches, or other articles.

SEC. 2. That all of the aforesaid articles which may remain in the United States Treasury one year after the passage of this act shall be advertised in not less than six newspapers, to be selected by the Secretary of the Treasury; and all of said articles which may remain in the United States Treasury two years after the passage of this act shall be duly advertised and sold at public auction, under such rules and regulations as the Secretary of the Treasury shall prescribe, and the net proceeds thereof be covered into the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADMISSION OF SOUTH DAKOTA.

The next bill in order was the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes.

Mr. GARLAND. Let that go over.

Mr. MCMILLAN. Is there objection to that?

The PRESIDING OFFICER. The bill goes over.

WICKLIFFE COOPER.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 39) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army. It proposes to direct the Secretary of War to correct so much of the record of the War Department as states that the late Major Wickliffe Cooper, Seventh Cavalry, committed suicide on the 8th of June, 1867, and to substitute therefor the words "died by hand of person or persons unknown, while in the line of his duty as an officer of the Army."

The joint resolution was reported to the Senate without amendment.

Mr. INGALLS. I move to change the frame of this so that it shall be a bill.

The PRESIDING OFFICER. If there be no objection the amendment will be agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army."

SOUTHERN MAIL CONTRACTORS.

The joint resolution (S. R. 13) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors was announced as next in order.

Mr. MAXEY. That may as well go over, as there will be some debate, I understand.

The PRESIDING OFFICER. The joint resolution goes over.

OREGON CENTRAL LAND GRANT.

The bill (S. 428) to forfeit certain public lands granted to the Oregon Central Railroad Company in the State of Oregon and the Territory of Washington was announced as next in order.

Mr. MCMILLAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

PETER TARGARONA.

The bill (S. 902) for the relief of Peter Targarona was announced as next in order.

Mr. ALLISON. I object.

The PRESIDING OFFICER. Being objected to, the bill goes over.

MARIA E. WARFIELD.

The bill (S. 214) for the relief of Maria E. Warfield was announced as next in order.

Mr. COCKRELL. That is reported adversely.

The PRESIDING OFFICER. The bill will be passed over.

JULIA A. NUTT.

The bill (S. 1851) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, was announced as next in order.

Mr. INGALLS. I object to that.

The PRESIDING OFFICER. The bill goes over.

JOHN SILSBY AND OTHERS.

The bill (S. 504) for the relief of John Silsby and others, purchasers of the "Weaver tract," lot of land in the city of Selma, State of Alabama, was announced as next in order.

Mr. COCKRELL. That is reported adversely.

The PRESIDING OFFICER. The bill will be passed over.

LOST LAKE AND MOUNT HOOD IMPROVEMENT COMPANY.

The bill (S. 1303) to grant the right of way over the public lands of the United States to the Lost Lake and Mount Hood Improvement Company was announced as next in order.

Mr. GORMAN. Let that go over.

The PRESIDING OFFICER. The bill being objected to goes over.

LANDS OF UNCOMPAHGRE AND WHITE RIVER UTES.

The bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians was announced as next in order.

Mr. ALLISON. I object.

The PRESIDING OFFICER. The bill goes over.

WILBUR F. STEELE.

The bill (S. 1543) for the relief of Wilbur F. Steele was announced as next in order.

Mr. INGALLS. As there is no report in that case and the Senator who reported the bill is absent, I object to it.

The PRESIDING OFFICER. The bill goes over.

FIRST NATIONAL BANK OF NEWTON, MASS.

The bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass., was announced as next in order.

Mr. ALLISON. Let that bill go over. It is a long case.

The PRESIDING OFFICER. The bill goes over.

SUITS IN COURT OF CLAIMS.

The bill (S. 1472) to permit the owners of certain vessels and cargoes to sue the United States in the Court of Claims was announced as next in order.

Mr. GARLAND. Let that go over, as there is objection on the part of one member of the committee.

The PRESIDING OFFICER. The bill will go over.

MRS. EMILY MILLER.

The bill (S. 1320) for the relief of Mrs. Emily Miller was announced as next in order.

Several SENATORS. There is an adverse report.

The PRESIDING OFFICER. The bill goes over.

PROTESTANT ORPHAN ASYLUM OF NATCHEZ.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 401) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi.

The bill was reported from the Committee on Claims with an amendment, after the word "dollars," in line 9, to strike out the words "unanimously recommended to be paid on such account by the Committee on War Claims of the House of Representatives on the 29th day of June, 1876;" so as to make the bill read:

That the accounting officers of the Treasury be authorized and required to audit, settle, and pay the claim of the Protestant Orphan Asylum of the city of Natchez for the use and occupation of the property of the said asylum by the United States military authorities during the late war: *Provided*, That the amount allowed shall not exceed the sum of $1,750; nor shall any allowance be made for any damage done to said property during such use or occupation or otherwise.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PEARSON C. MONTGOMERY.

The bill (S. 896) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDING OFFICER. The bill goes over.

EXECUTRIX OF GREGORY JARRATT.

The bill (S. 492) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased, was announced as next in order.

Mr. INGALLS. I object to that.

The PRESIDING OFFICER. Being objected to, the bill goes over.

CONVEYANCE AND DEVISE OF DISTRICT REAL ESTATE.

The bill (S. 754) in regard to the conveyance and devise of real estate in the District of Columbia was announced as next in order.

Mr. BAYARD. I think that bill is too important to be passed at this time.

The PRESIDING OFFICER. Being objected to, the bill goes over.

WILLIAM BOWEN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1625) for the relief of William Bowen. The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the claim of William Bowen for $3,749.80, as a balance due him for abating certain nuisances under authority of the late board of health of the District of Columbia, be referred to the Court of Claims for its decision and adjudication upon the merits of the claim according to law and the practice of said court, without regard to the statute of limitations or the conclusiveness of a certain receipt signed by said Bowen, in 1875, in full settlement for all claims against the District of Columbia for said work.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BANKRUPTCY PROCEEDINGS.

The bill (S. 1326) to compel the prosecution of proceedings in bankruptcy to a final decree was announced as next in order.

Mr. INGALLS. This bill was incorporated practically in the general bill on the subject of bankruptcy that passed the Senate. I move that this bill be indefinitely postponed.

The motion was agreed to.

WESLEY MONTGOMERY.

The bill (S. 1047) for the relief of Wesley Montgomery was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 5, after the word "enter," to insert "under the homestead laws of the United States;" so as to read:

That the Commissioner of the General Land Office be, and he is hereby, authorized and required to permit Wesley Montgomery, of Adams County, State of Nebraska, to enter, under the homestead laws of the United States, one hundred and sixty acres of any of the unappropriated public lands of the United States, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 536) for the relief of Capt. Nicholas J. Bigley was announced as next in order.

Mr. COCKRELL. That bill is reported adversely.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1420) to increase the efficiency of the Army of the United States was announced as next in order.

Mr. COCKRELL. The Senator who reported the bill is not present and the next two bills are contested cases, being Senate bills 1876 and 1886 and 54. Let them go over.

The PRESIDING OFFICER. Being objected to, the bills referred to by the Senator from Missouri will go over.

EXCESS OF DUTIES OF RAW SUGARS.

The bill (S. 719) to provide for the refund of excess of duties assessed and collected on imports of raw sugars was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, in section 1, line 16, after the word "paid," to strike out "with the accrued legal interest on such excess;" so as to make the section read:

That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that during the period in which duties on imports of raw sugars were collected in accordance with the order of September 2, 1879, that is, on polariscope test, importers were assessed and compelled to pay more money for duties than the law required to be paid, and such payments were made under protest and appeal, as provided by section 3011 of the Revised Statutes, the Secretary of the Treasury shall obtain from the collector of customs a certified statement showing the duties lawfully payable and those actually paid on such import or imports of raw sugars, and for the excess of duties paid over those which the law required to be paid the Secretary of the Treasury shall draw his warrant upon the Treasurer in favor of the person or persons entitled to the overpayment, directing the Treasurer to refund the same out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. INGALLS. I hope we shall hear some explanation of this matter before we are called upon to allow the bill to pass by unanimous consent. I see there is quite an extensive report, and it does not appear how far this bill may extend or what amounts may be ultimately involved. The letter of the Secretary of the Treasury says that there are only three cases yet ascertained to which the bill would apply, amounting in the aggregate to $14,645.73. The most significant paragraph, however, follows:

If there are more, of course they must be paid.

It would be interesting to know whether there are more, and if so, how much obligation is imposed upon the Treasury by the passage of this innocent-appearing bill.

Mr. MORRILL. All that the Treasury Department has been able to ascertain are three cases, amounting, as the Senator from Kansas has already stated, to $14,645.73; but if there are more cases where the proceedings have taken place in accordance with the Revised Statutes, that is where protest was properly made and entered at the time, of course the United States under the decisions of the Supreme Court will be compelled to pay and refund these duties to the parties who overpaid them.

Mr. INGALLS. I think until I am advised I shall object to the bill.

The PRESIDING OFFICER. The bill goes over.

Mr. McPHERSON. One word, if the Senator from Kansas pleases. The bill can be explained so that we can understand it. I should like to have him withdraw the objection for a moment.

Mr. INGALLS. I withdraw the objection for the purpose of allowing the Senator to make any observations.

Mr. McPHERSON. If I understand the matter aright a certain suit was pending between the Treasury Department and some importers of sugar, and the intimation was given by the Department that it was unnecessary for parties who had protested against an illegal claim for duties to commence suit, as the suit then pending would determine the status of each case. It was a test case. No suit was brought by these other parties claiming $14,645.73, I think, but a protest was made. This bill applies, as I understand, to the parties covered by that protest.

Mr. BAYARD. That is my recollection also of this matter. The then Secretary of the Treasury, the present Senator from Ohio, saw fit to apply a test for the collection of duties not warranted by law. The duties under the law were entirely to be paid according to the color of the sugar, what is known as the Dutch standard of color, and he applied additionally to that the polariscopic test and exacted a higher rate of duty than the color test would have allowed. A test case was made; it went to the courts, and the courts decided that it was unlawful for the Secretary of the Treasury to apply the polariscopic test, and this bill is intended to relieve in those cases in which a greater amount of duty was exacted than the existing law warranted. Unless the Senator from Kansas has reason to apprehend further discussion, or desires on consideration to object, I think the present measure is so plainly in the interest of justice,—it was assented to by the Committee on Finance after examination,—that there is really no reason why it should not pass.

Mr. MORRILL. I could add to what the Senator from Delaware says, that the person who was Secretary of the Treasury agreed that so far as this bill went it was just and proper and that it should be passed.

Mr. BAYARD. That is the fact.

The PRESIDING OFFICER. Did the Senator from Kansas withdraw his objection?

Mr. INGALLS. Only for the purpose of allowing an explanation to be made.

The PRESIDING OFFICER. Objection being made, the bill goes over.

PATTISON & CALDWELL.

The bill (S. 956) for the relief of Pattison & Caldwell was announced as next in order.

Mr. WILSON. I object to that bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. BECK. I reported the bill.

The PRESIDING OFFICER. Does the Senator from Iowa withdraw his objection?

Mr. WILSON. Temporarily.

Mr. BECK. The bill was referred to myself and the Senator from Rhode Island [Mr. ALDRICH] as a subcommittee to look into it. We took a great deal of pains to have all the proof gathered together and went to the Department and finally reported. The last eight or ten lines of the report I will read to the Senator from Iowa, being report 356, in which Walter Evans, Commissioner of Internal Revenue, reports to the Secretary of the Treasury, and he to us:

The records of this office show that the distillery of Messrs. Pattison & Caldwell was destroyed by fire March 18, 1883; that the contents of the receiving cisterns were damaged and reduced below proof by water from the fire-engines; that the spirits so damaged and reduced below proof were drawn off and warehoused on the 28th of March, 1883, the gauger's report showing 2,899 wine and 2,319.20 proof gallons; and that they were withdrawn and the tax paid on the number of wine gallons, 2,899, April 19, 1883. Had the tax been collected on the proof gallons only it would have been collected on 2,332 gallons, the difference between this and 2,319.20 being made by the fractions of over one-half. The difference between the number of wine and taxable gallons was therefore 567 gallons, the tax on which, at 90 cents per gallon, is $510.30.

I am of the opinion that the bill (S. 956) is an equitable one, and that a bill of this nature should become a law.

Very respectfully,

WALTER EVANS, *Commissioner.*

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

We examined all the reports of the gaugers and everybody who was acting officially on the subject and found all these facts. The Department laid the proof officially before us from the gaugers, showing that these men are clearly entitled to this relief. That is the whole case.

The PRESIDING OFFICER. Does the Senator from Iowa renew his objection?

Mr. WILSON. Yes, sir.

The PRESIDING OFFICER. Being objected to, the bill goes over.

JOHN V. B. BLEECKER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleeker, a paymaster in the Navy.

The bill was reported from the Committee on Naval Affairs with amendments, in line 6, after the word "with," to strike out "all stoppages" and insert "the amount;" and in line 7, after the word "him," to strike out "amounting to" and insert "on their books, namely;" so as to make the bill read:

That the accounting officers of the Treasury of the United States be, and they are hereby, directed, in settling the accounts of the late John V. B. Bleeker, a paymaster in the United States Navy, to credit him with the amount charged against him on their books, namely, $3,531.36.

The amendments were agreed to.

Mr. McPHERSON. There is another amendment needed. The word "Bleeker" should be spelled "Bleecker."

The PRESIDING OFFICER. That amendment will be made, there being no objection.

Mr. McPHERSON. That change should be made both in the title and in the body of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed. The title was amended by changing the spelling of the name "Bleeker" to "Bleecker."

BILLS PASSED OVER.

Mr. GROOME. Orders of Business 404, 405, 406, and 407, being the bill (S. 954) for the relief of F. Prosh and T. F. McElroy, the bill (S. 337) granting pensions to Wilson W. Brown and others, the bill (S. 772) granting a pension to Erastus W. Babson, and the bill (H. R. 1433) granting a pension to Mary E. Murray, are all objected to.

The PRESIDING OFFICER. These bills will go over, being objected to.

POLYGAMY IN UTAH.

Mr. INGALLS. It being 2 o'clock, I ask that the regular order may now be laid before the Senate, being the bill commonly known as the Utah bill.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. COCKRELL. Now I ask unanimous consent that it may be temporarily laid aside and that we may proceed under the former order of the morning.

Mr. INGALLS. To be laid before the Senate before the adjournment?

Mr. COCKRELL. Certainly.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the unfinished business be informally laid aside. Is there objection? The Chair hears none.

ALABAMA DIAGONAL RAILROAD COMPANY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1011) granting the right of way over the public lands in Alabama and Florida to the Alabama Diagonal Railroad Company, and to grant to said company the right to purchase public lands in said States, and for other purposes.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 9, after the word "way," to insert "and from the adjacent public lands;" so as to read:

And the right is also granted to such company to take from the lands included in such right of way, and from the adjacent public lands, necessary materials of earth, stone, and timber for the construction of said railroad.

The amendment was agreed to.

The next amendment was to strike out sections 2 and 3, in the following words:

SEC. 2. That the right and authority is hereby given said Alabama Diagonal Railroad Company to construct and erect bridges across the Tennessee, Warrior, Cahaba, Alabama, Conecuh, Pea, Choctawhatchee, Chipola, Chattahoochee, and other navigable rivers crossed by said line of railway, at such points as may be deemed necessary by said railroad company: *Provided*, That such bridges shall be built in such a manner as not to obstruct the navigation of said streams. And the plan of such bridges as to the necessary draws shall be approved by an officer of the Engineer Corps of the United States to be designated by the Chief of Engineers.

SEC. 3. That in case it becomes necessary to locate any depots, sidings, switches, or turnouts of said railroad upon any lands belonging to the United States which may be intersected by said line of railroad, such land may be selected for such purposes in like manner as is herein provided; but in no case shall the selection of land for the purposes aforesaid exceed forty acres in one body and at one place.

Mr. MORGAN. Those provisions are covered by a separate bill.

Mr. ALLISON. Do you mean the general bill?

Mr. MORGAN. No; a separate bill before the Committee on Commerce, authorizing this railroad company to build bridges across the streams.

Mr. ALLISON. Suppose that bill does not pass.

Mr. MORGAN. Then we do not get the right.

Mr. ALLISON. Do not get the right to bridge the stream?

Mr. MORGAN. No; we only take the right of way then.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. There seems to be a good deal more in this bill than the title indicates. The title merely is: "Granting the right of way over the public lands."

Mr. MORGAN. There is nothing else in it now. We have stricken out all the rest.

Mr. ALLISON. There is a provision allowing them to take material from adjacent public lands.

Mr. MORGAN. That is a necessary part of every right of way.

Mr. ALLISON. It is an important thing to grant the right of taking material from adjacent public lands; for instance bridge material, ties, &c. I only call attention to that to inquire if the Senator from Alabama thinks that is important.

Mr. MORGAN. It is really provided for in a general statute, and we have located this road under a general statute too. In Alabama we have what is called a general incorporation law, and five or six or eight or ten companies or bands of men who assume to be companies with an organization under the general law place their lines so as one to interfere with another, and it embarrasses the Government officers very much to know who is to have the right under the general law. The object of this bill is really to bring the railroad company within the purview of the railroad law. It does not confer any privileges above those that might be obtained under the general law, but the United States makes a grant to this railroad company.

Mr. ALLISON. The general law applies only to the Territories, I think.

Mr. MORGAN. To all public lands in the States and Territories.

Mr. CAMERON, of Wisconsin. Is this bill identical with the language of the general law to which the Senator refers?

Mr. MORGAN. It is not as broad as the language of the general law.

Mr. CAMERON, of Wisconsin. This is the provision to which reference has been made:

And the right is also granted to such company to take from the lands included in such right of way necessary materials of earth, stone, and timber for the construction of said railroad.

The committee propose to amend by inserting after the word "way" the words "and from the adjacent public lands;" so as to read:

And from the lands included in such right of way and from the adjacent public lands necessary materials of earth, stone, and timber for the construction of said railroad.

Mr. INGALLS. That is a gift to this corporation of all the materials, including timber, necessary for the construction of bridges and the manufacture of ties necessary for the entire construction of this road from one end to the other. I can see no reason why, under the language of the amendment reported by the committee, "and from the adjacent public lands," they would not have the right to go all over the State in search of material that they might require for the construction of this road.

Mr. MORGAN. I will read to the Senator from Kansas from the act of March 3, 1875, the general law on this subject. After prescribing "that the right of way through the public lands"——

Mr. INGALLS. What is the title of the act?

Mr. MORGAN. The title of it is not given in this supplement which I read from. "An act granting to railroads the right of way through the public lands of the United States," I suppose, is the title.

Mr. INGALLS. What is the date of that act?

Mr. MORGAN. March 3, 1875:

That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road;

Also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad;

Also ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

The provisions of the bill before the Senate are substantially those, and I had but one purpose in getting this bill enacted by Congress, and that was to fix the right of way through a country that is rather an important one in favor of this the oldest organization, and a road really

of very great importance. Capitalists will not invest their money, they will not lend money, they will not buy the bonds of a railroad company which depends for its right of passage through the public lands and the privileges conferred on a general law, while there is no other evidence of their right than the mere incorporation under the general law of the State. This company is a very good one——

Mr. INGALLS. When was it organized?

Mr. MORGAN. The company has been in organization about five years; I can not give the precise date.

Mr. INGALLS. Has there been any previous action by Congress in its favor?

Mr. MORGAN. Various favorable reports on bills have been made here, but no bill has passed.

Mr. INGALLS. Why do they require this special act when they could undoubtedly organize and obtain a right of way under chapter 152?

Mr. MORGAN. The Senator will see that four or five lines of railroad might organize within four or five miles of each other under that law, and it would lead to controversy.

Mr. INGALLS. How will this bill prevent that?

Mr. MORGAN. I think it will prevent it by signalizing the determination of Congress to give a special right to this company.

Mr. INGALLS. The Senator is more sanguine than I am on that subject, if the line is a valuable one.

Mr. MORGAN. I hope I am not too sanguine about it. It is a valuable line. It passes through the mineral regions of Alabama, and is the only line connecting directly between the mineral region and Florida, reaching out to the Saint John's on one side and to the Gulf of Mexico on the other. The bill can not do any harm, and it may do a great deal of good, as the Senate will find if it passes.

Mr. INGALLS. Does the Senator doubt that under chapter 152 this company would have the right to pass over the public lands of the United States in the State of Alabama?

Mr. MORGAN. No, sir; I do not. At the same time I know that there are several persons who, as soon as this company was organized for the purpose of passing over the region stated, commenced putting down their charter under the general law for the purpose of interfering. We have to wait and perhaps go through the process of a lawsuit before we can get the road. I do not think that law was ever intended to apply really to those States in which general incorporation laws exist. It would be a very unfortunate system if it does, and lead to a great deal of confusion. Where a Legislature gives a special charter to a railroad company and you can name it as a charter given by the Legislature the difficulty is removed; but where four or five men may get together who have no capital, go before the proper officers of the different counties and file their declaration for incorporation, and get half a dozen charters on the same line of road, it merely tangles the subject up so that nobody gets anything and no road is built. I really do not think this act of Congress was intended to apply to a case where such acts of incorporation as private citizens might choose to pull out of the offices of the courts could be presented. If we had the power to get a specific charter by the laws of Alabama I would not be here asking for this; but we can not get it, and I want some recognition on the part of some government of the right of this particular railroad company to pass through the public lands. That is all there is in this bill.

Mr. INGALLS. I move to amend by adding another section, to be numbered 5:

Congress hereby reserves the right at any time to alter, amend, or repeal this act or any part thereof.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas.

Mr. MORGAN. I have no objection to that; I accept it.

The amendment was agreed to.

Mr. INGALLS. I move to amend further by adding another section, to be numbered 6:

That this act shall not apply to any lands within the limits of any military or Indian reservation or other lands especially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed.

Mr. MORGAN. I had those provisions of the statutes in my mind, and I know that there is no reservation of the kind; so I have no objection to the amendment, but it is not necessary.

The amendment was agreed to.

Mr. INGALLS. And I move to add a further proviso to the last section:

Provided, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

The amendment was agreed to.

Mr. INGALLS. Do I understand that sections 2 and 3 in the original bill have been stricken out?

The PRESIDING OFFICER. They have been stricken out.

Mr. INGALLS. I hope the Senator will consent to omit the preamble, which commits Congress to a declaration that this company has been formed and duly chartered, about which we know nothing.

Mr. MORGAN. That was merely incorporated in the bill for the information of Congress on that subject. Of course I will agree to strike out the preamble at the proper time.

The PRESIDING OFFICER. If no further amendment be proposed, the bill will be reported to the Senate.

Mr. McMILLAN. Was the proviso regarding the forfeiture if the road is not built passed upon?

The PRESIDING OFFICER. It has been already agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MORGAN. I move that the preamble be stricken out.

Mr. INGALLS. Both clauses of the preamble?

Mr. MORGAN. Yes, the entire preamble.

The PRESIDING OFFICER. It is moved that both clauses of the preamble be stricken out.

The motion was agreed to.

The title was amended so as to read: "A bill granting the right of way over the public lands in Alabama and Florida to the Alabama Diagonal Railroad Company, and for other purposes."

PATTISON & CALDWELL.

The PRESIDING OFFICER. The Secretary will report the next bill on the Calendar.

Mr. WILSON. I wish to state that my objection to the bill (S. 956) for the relief of Pattison & Caldwell was made under a misapprehension, and I withdraw it.

The PRESIDING OFFICER. The Senator from Iowa withdraws his objection to the bill named.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that in an attempt to extinguish the fire by which the distillery of Pattison & Caldwell, located at Hamilton, Ohio, was destroyed, water was thrown into, ran into, and became intermixed with certain distilled spirits then in the drawing-off cisterns in the cistern-room of the distillery; that by reason of the intermixture the spirits were reduced twenty degrees below proof; and that, under that provision of law by which a tax of 90 cents is imposed on each and every wine-gallon of distilled spirits when below proof, Pattison & Caldwell were required to pay and did pay internal-revenue taxes to the amount of $510.30 in excess of the sum they would have been required to pay had there been no such intermixture. The bill directs the Secretary of the Treasury to pay to Pattison & Caldwell so much, not exceeding $510.30, as it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue they have paid as internal-revenue taxes on the spirits in excess of what they would have been required to pay thereon had there been no such intermixture of water and reduction of proof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

GULF AND CHICAGO AIR-LINE RAILWAY.

The bill (S. 1909) granting the right of way over the public lands in Alabama to the Gulf and Chicago Air-Line Railway Company, and for other purposes, was considered as in Committee of the Whole.

Mr. INGALLS. Why is the grant in this bill made to the State of Alabama, while in the one that we have just passed it is made to the railway corporation?

Mr. MORGAN. I think that that was a mistake in preparing the bill. The committee evidently did not criticise that view of the subject. The amendment to be suggested would be to make the grant to the railway company, I suppose, which would improve the bill. I will therefore move to amend the bill, in section 1, line 4, by striking out the words "State of Alabama" and inserting the words "Gulf and Chicago Air-Line Railway Company;" and in line 6, after the word "Alabama," by striking out the words "known as the Gulf and Chicago Air-Line Railway Company;" so as to read:

That the right of way through the public lands is hereby granted to the Gulf and Chicago Air-Line Railway Company for a line of railway to be constructed by the corporation chartered and organized under the laws of Alabama, to construct its railway substantially on the line indicated in and granted to it by said State of Alabama; and the right is also granted to such company to take from said right of way and from the adjacent public lands necessary materials of earth, stone, and timber for the construction of said railroad.

The amendment was agreed to.

Mr. INGALLS. In section 1, line 7, after the word "railway," I move to strike out the word "substantially;" so as to read:

To construct its railway on the line indicated in and granted to it by said State of Alabama.

Mr. MORGAN. I hope the Senator will not insist upon that, because no railway company can possibly fix its line absolutely before the final surveys are made.

Mr. INGALLS. They can fix it on the line indicated and granted to them.

Mr. MORGAN. That is substantially the line always, but it is not

the precise line. I do not suppose any railway company has ever been so confined in a grant of a right of way.

Mr. INGALLS. Under the word "substantially" the road might meander all over the State.

Mr. MORGAN. Hardly. It must be a road connecting certain terminal points running in a certain direction.

Mr. INGALLS. But the intermediate route might be as diverse from the line as the limits of the State would permit.

Mr. MORGAN. It might be necessary to make the intermediate route diverge from the line in order to get a good grade and to get an easy line of construction, and that is the reason for putting the word in.

Mr. INGALLS. That would be still on the line.

Mr. MORGAN. I hope the Senator will not insist upon the amendment. There is very little public land through the country there any way.

Mr. INGALLS. What is the amount of public land remaining in the State of Alabama at this time?

Mr. MORGAN. I have no idea how much, but there is not a great amount.

Mr. INGALLS. Millions of acres?

Mr. MORGAN. No, probably not. I would not like to estimate the quantity, because I do not know precisely. It is not a large amount. The lands have been in market there for a great number of years, and the lands through which this road would run were offered quite a while under the graduation laws at 12½ cents an acre and not taken. The line runs right along the ridge. There is no importance attached to the value of the land really. I hope the Senator will not insist upon the amendment.

Mr. INGALLS. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. INGALLS. I move to add the same sections that were added as amendments to the previous bill.

Mr. MORGAN. Yes; they ought to go in.

Mr. INGALLS. I offer first the amendment reserving the right to alter, amend, repeal, or modify the act by Congress.

The PRESIDING OFFICER. The Secretary will report the first amendment suggested by the Senator from Kansas.

The CHIEF CLERK. It is proposed to add as section 5:

That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any part thereof.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment suggested by the Senator from Kansas will be reported.

The CHIEF CLERK. It is proposed to add as section 6:

That this act shall not apply to any lands within the limits of any military or Indian reservation, or other lands especially reserved from sale, unless such right of way shall be provided for by treaty stipulation or by act of Congress heretofore passed: *Provided*, That if any section of said road shall not be completed within five years after the location of said section the rights herein granted shall be forfeited as to any such uncompleted section of said road.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MORGAN. I move to strike out both clauses of the preamble of the bill.

The motion was agreed to.

BILLS PASSED OVER.

The bill (S. 1273) for the relief of the State University of California was announced as next in order.

Mr. COCKRELL. That is reported adversely.

The PRESIDING OFFICER. The bill is reported adversely and goes over.

The bill (S. 1399) for the relief of William C. Dodge was announced as next in order.

Mr. SHERMAN. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1578) to amend the charter of the National Soldiers' and Sailors' Orphans' Home, and in relation to the assets thereof, was announced as next in order.

Mr. GARLAND. Let that go over.

The PRESIDING OFFICER. The bill goes over.

ESTATES OF DECEASED KICKAPOOS.

The bill (S. 1720) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD MAIL TRANSPORTATION.

The bill (S. 1450) for the readjustment of compensation for the transportation of the mails on railroad routes was announced as next in order.

Mr. COCKRELL. That bill will lead to controversy.

The PRESIDING OFFICER. Being objected to, the bill goes over.

CHIPPEWA INDIAN LANDS.

The bill (S. 1564) providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior residing in the State of Wisconsin, and granting patents therefor, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

NEZ PERCÉ INDIAN WAR.

The bill (S. 512) for the relief of citizens of Oregon, Washington, Idaho, and Montana who served in connection with the United States troops in the war with the Nez Percé Indians, and for the relief of the heirs of such as were killed in such service, and for other purposes, was announced as next in order.

Mr. COCKRELL. There is an adverse report in that case.

The PRESIDING OFFICER. The bill goes over.

RUPERT G. HILL.

The bill (S. 1419) for the relief of Rupert G. Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add the words "as of that date;" so as to make the bill read:

That the Secretary of War be, and hereby is, authorized to revoke the orders of the Adjutant-General of the United States Army dismissing from the United States service, October 10, 1861, Rupert G. Hill, late second lieutenant of Company E, Fortieth Regiment New York Volunteers, and to so amend the record of the War Department as to show him honorably discharged from the United States service as of that date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES TRABUE AND OTHERS.

The bill (S. 1034) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and John Waters was considered as in Committee of the Whole. It proposes to pay for use and occupation of property by the United States, to James Trabue, $600; to Thornton Thatcher, $93.33; to Michael Callahan, $113.66; and to John Waters, $1,825.

The bill was reported from the Committee on Claims with an amendment, in line 14, after the word "to," to insert the words "the widow of;" so as to read:

To the widow of John Waters, $1,825.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters."

SCHOONER ADDIE B. BACON.

The bill (S. 478) referring the claim of the owners of the schooner Addie B. Bacon to the Court of Claims was announced as next in order.

Mr. MCMILLAN. I object to the consideration of that bill.

Mr. CAMERON, of Wisconsin. I do not think the Senator from Minnesota will insist on his objection to the bill. The report is very brief, made from the Committee on Claims by the Senator from Mississippi [Mr. GEORGE.]

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. GROOME. I can state the case in one minute.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. MCMILLAN. I will listen to the report.

Mr. CAMERON, of Wisconsin. I understand that the objection is withdrawn.

Mr. MCMILLAN. I withdraw the objection for the purpose of hearing the report, if it is short.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. GEORGE from the Committee on Claims March 26, 1884:

The committee report that this claim was before them in the last Congress, and was then fully considered. They refer for the facts to the report then made, which is as follows:

"That the schooner Addie B. Bacon, about the 8th day of July, 1876, was run into and injured by the United States steam-ram Alarm and seriously injured is established by the evidence. It seems also from the *ex parte* showing made that the schooner was wholly without fault. The petitioner only asks for leave to sue in the Court of Claims, where the facts can be fully investigated. The committee believe that such an investigation should be allowed, and therefore report back the accompanying bill (S. 1083) and recommend its passage."

The collision took place in the Delaware River, near Philadelphia, and near the eastern shore. The committee believe the more appropriate tribunal to adjudicate this claim is the United States district court for the eastern district of Pennsylvania, and they recommend that the bill be amended by striking out, in lines 7 and 8, "Court of Claims" and inserting "district court of the United States for the eastern district of Pennsylvania," and, when so amended, that it pass.

Mr. MCMILLAN. The bill had better go over. I want to look at it.

The PRESIDING OFFICER. The bill will go over.

IMPORTATION OF OPIUM.

The bill (S. 1158) to provide for the execution of article 2 of the supplemental commercial treaty of November 17, 1880, between the United States and China, for the repression of the opium trade, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. SHERMAN. I do not think there will be any objection to the bill if it is read.

Mr. COCKRELL. All right, then; I withdraw the objection.

Mr. SHERMAN. It is simply to carry into effect a treaty.

Mr. COCKRELL. I did not see the Senator present who reported the bill, and therefore thought it had better be passed over.

The PRESIDING OFFICER. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Foreign Relations with an amendment, to strike out all after the enacting clause and insert:

That the importation of opium into any of the ports of the United States by Chinese subjects is prohibited; and no package composed in whole or in part of opium imported by or consigned to a Chinese subject in the United States shall be admitted to entry. All packages of opium, or of which opium shall form a part, imported or consigned as aforesaid, shall be proceeded against, seized, and forfeited by due course of law, in the same manner and with the same effect as is now provided by law for proceedings against and the condemnation of articles the importation of which is prohibited. Any person offending against the provisions of this section shall, on conviction thereof, be punished by a fine of not more than $500 nor less than $50, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment.

SEC. 2. That no vessel owned or chartered by a subject of China, and no vessel under the Chinese flag, even when chartered by citizens or subjects of another country, shall be permitted to bring opium to any port of the United States; and all opium found on board of any such vessel shall be proceeded against, seized, and forfeited by due course of law as aforesaid; and there shall, moreover, be imposed on the master of the vessel a fine equal to the value of the opium so unlawfully carried; but opium duly bonded for transit to a third country shall not be liable to process, nor the master carrying the same to any fine.

SEC. 3. That whenever it shall appear that the Government of China has promulgated appropriate legislation prohibiting citizens of the United States, or the vessels owned or chartered by citizens of the United States, from importing opium into any of the open ports of China, or transporting opium from one open port to another open port, or buying and selling opium in any of the open ports of China, it shall be lawful for and the duty of the consular courts of the United States of the district where the offense shall be committed to arraign and try such citizens of the United States as may be accused of such offense by the Chinese authorities; and, on conviction, they shall be punished by a fine of not more than $500 nor less than $50, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment. But such jurisdiction of the consular courts of the United States in China shall only extend to the person of the accused, and not to the opium seized or the vessel on which it may have been unlawfully carried.

SEC. 4. That this act shall take effect ninety days after its approval.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company was announced as next in order.

Mr. COCKRELL. I see that the Senator who reported that bill is not present, and it is a long bill. We had better pass it over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. R. 61) to authorize Lieut. Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia was announced as next in order.

Mr. COCKRELL. That is an adverse report.

The PRESIDING OFFICER. The joint resolution goes over.

The bill (S. 880) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate proceedings before them, was announced as next in order.

Mr. SHERMAN. That is an important bill; I think it had better go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States, was announced as next in order.

Mr. ALLISON. Let that go over.

The PRESIDING OFFICER. The joint resolution goes over.

The bill (S. 1437) to enable Martrom D. Lewis, public administrator of the city of Saint Louis, in the county of Saint Louis and State of Missouri, having charge of the estate of Gabriel Neudecker, deceased, to make application to the Commissioner of Patents for the extension of letters patent No. 70012, for a process of preparing tobacco, granted October 22, 1867, to said Gabriel Neudecker, deceased, was announced as next in order.

Mr. ALLISON. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1021) to authorize the reapportionment of the Territory of Idaho into council and representative districts was announced as next in order.

Mr. COCKRELL. I think we had better let that pass over.

The PRESIDING OFFICER. The bill goes over.

D. O. ADKINSON.

The bill (S. 1455) for the relief of D. O. Adkinson was considered as in Committee of the Whole. It directs the proper accounting officers of the Post-Office Department, in adjusting the accounts of D. O. Adkinson, postmaster at Virginia City, Nev., to allow and credit him with $174.95; being the amount paid by him on money-orders on the 25th of October, 1875, the vouchers for the payments having been destroyed by fire on the day following.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CITIZENS' BANK OF LOUISIANA.

The bill (S. 85) for the relief of the Citizens' Bank of Louisiana, was announced as next in order.

Mr. MCMILLAN. The Senator who reported that bill is absent, and it had better be passed over.

Mr. COCKRELL. That is a controverted case.

The PRESIDING OFFICER. The bill goes over.

CAROLINE TRECKELL.

The bill (S. 929) granting a pension to Caroline Treckell was announced as next in order.

Mr. GROOME. That is an adverse report.

The PRESIDING OFFICER. The bill goes over.

MISSOURI AND COLUMBIA RIVERS HEADWATERS.

The bill (S. 1824) to establish a forest reservation on the headwaters of the Missouri River and the headwaters and Clarke's Fork of the Columbia River was announced as next in order.

Mr. ALLISON. As the Senator reporting that bill is absent, perhaps it had better go over. I have no objection to it.

Mr. SHERMAN. I think it had better go over.

The PRESIDING OFFICER. Does the Senator from Ohio object?

Mr. SHERMAN. As the Senator is not here who reported it, and it involves a very large reservation, although I should be inclined to vote for it, I think it ought not to be considered now.

The PRESIDING OFFICER. The bill goes over.

INDIAN HOSTILITIES IN IDAHO.

The bill (S. 1304) to authorize the Secretary of War to ascertain the expenses incurred by the Territorial authorities and the people of the Territory of Idaho in the suppression of Indian hostilities in the years 1877 and 1878, known as the Bannock and Nez Percé outbreaks, was announced as the next in order.

Mr. ALLISON. I object to that.

The PRESIDING OFFICER. Objection being made, the bill goes over.

RAILROAD TO KEY WEST.

The bill (S. 779) for a survey and estimates for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the Saint John's River, for military and naval purposes, was announced as next in order.

Mr. GROOME. That is an adverse report.

The PRESIDENT *pro tempore*. The bill goes over.

SURETIES OF GEORGE F. ELLIOTT.

The bill (S. 535) for the relief of the sureties of George F. Elliott was considered as in Committee of the Whole.

It directs the Secretary of the Treasury to allow to the legal representatives of William A. Elliott, deceased, and to Louis Sohngen, a credit of $6,000, of date of November 1, 1871, on a judgment taken and now pending against them, as sureties for George F. Elliott, in the United States circuit court for the southern district of Ohio, upon condition that the expenses incurred by the Government in prosecuting the claim shall first be paid by the defendants or their legal representatives.

The bill was reported to the Senate without amendment.

Mr. GROOME. I should like to hear the report read or to have some explanation made of the bill.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. VOORHEES April 1, 1884:

The Committee on Finance, to whom was referred the bill (S. 535) for the relief of the sureties of George F. Elliott, have considered the same, and respectfully report:

That in October, 1871, a judgment was obtained in the United States circuit court for the southern district of Ohio against George F. Elliott, principal, and William A. Elliott and Louis Sohngen, sureties, on a distiller's bond for the sum of $15,831.66. Of this amount $9,331.66 were on account of taxes due the Government, the remaining $6,000 being on account of a meter which was never in use in the distillery. George F. Elliott, the principal, was insolvent when the judgment was obtained, and is so now. Louis Sohngen was not in condition to assist in the payment of said judgment. The result was that William A. Elliott paid in full the amount of $9,831.66 due for taxes to the Government, the Treasury Department in May, 1882, having suspended the collection of the remaining $6,000 pending an application to Congress for relief.

William A. Elliott is now dead, and the committee is advised that the payment of the $6,000 balance on said judgment, with interest, will impoverish his widow. It is therefore thought, in view of all the facts, that a credit should be given on said judgment for the sum of $6,000 of date of November 1, 1871, with the exception of such expenses as may have been incurred by the Government

in enforcing said claim. The committee therefore report the bill with an amendment.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JANE VENABLE.

The joint resolution (S. R. 14) for the relief of Mrs. Jane Venable was considered as in the Committee of the Whole.

The joint resolution was reported from the Committee on Foreign Relations with an amendment, in line 7, to strike out "eight thousand one" and insert "five thousand six;" so as to read:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Treasury pay, out of any moneyin the Treasury not otherwise appropriated, to Mrs. Jane Venable, widow of William E. Venable, late minister of the United States to Guatemala, and who fell a victim to the climate while in the discharge of his duty, the sum of $5,636.87, balance of one year's salary.

The amendment was agreed to.

Mr. INGALLS. In line 6, after the word "Guatemala," I move to strike out the words "and who fell a victim to the climate while in the discharge of his duty."

The amendment was agreed to.

Mr. INGALLS. In line 1 I move to strike out the word "resolved" and to insert "be it enacted."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

Mr. INGALLS. I wish to have an amendment made changing the resolution to a bill. Whether it should be made now or not I do not know.

The PRESIDING OFFICER. That will be done after the resolution is passed.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill (S. 2280) for the relief of Mrs. Jane Venable."

INDIAN HOSTILITIES IN IDAHO.

Mr. MAXEY. I should like to call the attention of the Senator from Iowa for a moment to a bill that has just been passed over on his objection. It is the bill (S. 1304) to authorize the Secretary of War to ascertain the expenses incurred by the Territorial authorities and the people of the Territory of Idaho in the suppression of Indian hostilities in the years 1877 and 1878, known as the Bannock and Nez Percé outbreaks. The matter was very thoroughly investigated by the Committee on Military Affairs, and among other things this controlled them very much, and I call the attention of the Senator especially to it, a letter of General Sherman embodied in the report of the committee, in which he says:

The sooner this investigation is made the better for the interests of the United States, as experience demonstrates that claims of this nature grow with time and delay.

The whole purpose of the bill is to enable the Secretary of War to make investigation into the nature and character of these claims, and the judgment of the committee was that while the matters were fresh the sooner it is done the better. I hope the Senator will let the bill be read, and on the reading of the report he will be entirely satisfied with the bill. I ask the Senator from Iowa to withdraw his objection in order that the bill may be considered.

Mr. ALLISON. I withdraw my objection.

Mr. SHERMAN. Before that bill is acted upon I withdraw my objection to Senate bill 1824, which precedes that.

Mr. MAXEY. After the bill indicated by the Senator from Ohio is disposed of I shall ask to go back to Senate bill 1304.

MISSOURI AND COLUMBIA RIVERS HEADWATERS.

The PRESIDING OFFICER. The Senator from Ohio withdraws his objection to the bill (S. 1824) to establish a forest reservation on the headwaters of the Missouri River and the headwaters and Clarke's Fork of the Columbia River.

The Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

Mr. FARLEY. That is a very important bill, it strikes me, and its reading does not seem to have had much attention paid to it. There is a large territory embraced, including an immense amount of public land.

Mr. EDMUNDS. If my friend from California will permit me, I will state that this bill was very carefully prepared at the suggestion of gentlemen interested in preserving everywhere in the United States the sources of the streams in order that the rivers may not entirely dry up and great freshets occur. The Land Office was called upon to prepare carefully a map, which is here with the papers accompanying the bill, and the boundaries of this territory on the crests of the Rocky Mountains where the sources of the Columbia on the one side and of the Missouri on the other find their first springs. This sets out about 6,000 square miles, I believe it is, of these crests of the Rockies, and the effect of it merely is to reserve them to the United States and keep them from settlement and the cutting of the timber in order to preserve the sources of these streams in such a way that the water will continue to run. That is all there is to it. It costs nothing, but only saves this tract from being taken up and the timber cut down and all the evils which result from such action to follow.

Mr. FARLEY. I notice there are penalties attached to the bill against persons entering upon the territory, and the penalties seem somewhat severe. At the same time I defer to the Senator from Vermont, but it looked to me like an important bill, and it covers a very large territory.

Mr. EDMUNDS. Yes, it is important and very important. It should be passed before the squatters and other people get into those higher regions upon which the value of the Missouri and Columbia, the two streams which are to run steadily in the dry season, depends, and the land for settlement is almost worthless except in raiding upon it to cut down the timber upon those steep mountain slopes.

Mr. SLATER. I should like to ask the Senator from Vermont if he is informed as to whether the boundary set apart for this forest reservation includes any settlements or mining camps? I am not myself familiar with the country.

Mr. EDMUNDS. So far as is known from the Land Office report there is nobody there unless it may be mere hunters. It takes that wild and at present almost inaccessible region and keeps it, in order that these streams may have something to begin on, as the phrase is.

Mr. INGALLS. It does not appear from the boundaries mentioned in section 1, nor can it be ascertained without an inspection of the map, what area or superfices of the earth's surface is reserved by the bill. I wish the Senator from Vermont would state, if he knows approximately, what the area of this reservation would be.

Mr. EDMUNDS. I think it is between six and seven thousand square miles, but there is in the papers, or should be, a letter from the Commissioner of the General Land Office, who framed the description in the bill of the boundaries, together with a map which explains exactly where it is, how much it is, what it includes and excludes.

Mr. INGALLS. Our experience in the setting apart of reservations is not favorable to an increase in this kind of legislation. We already have the Yellowstone National Park, which has practically become a department of the Government. We occupy a large portion of the force of the Secretary of the Interior in taking care of it, and a contingent of the Army of the United States in expelling intruders. Instead of reserving the objects of interest in that portion of the country for the benefit of the whole people, it has been so managed that all the people of the United States are practically kept out of it, and we are to legislate so that every point of interest shall be under the exclusive control of one or two favored individuals; railroads are to be kept away from its boundaries, and no person is to be permitted to enter except upon the animals or in the vehicles owned by the company which has control of what was intended as a great reservation for all the people of the nation.

If this proposed reservation is established, the inhibition of section 3 will require the employment of an additional force to make the bill operative should it become a law. It is declared—

That it shall be unlawful for any person to establish any settlement or residence within said forest reserve, or to engage in any mining, lumbering, or other enterprise or occupation therein, or to enter thereon for any private purpose whatever—

Whether it be for sight-seeing or observation or for hunting—"any private purpose whatever"—

and every person violating the provisions of this act shall be punished by a fine of $1,000 and by imprisonment not more than one year, and shall further be liable for all damages, &c.

Then in section 5 the President is authorized to employ the military force whenever necessary to aid in executing the provisions of this act. It seems to me we are in danger of biting off rather more than we can comfortably masticate; that we are involving ourselves in obligations and assuming responsibilities about this reservation that will be very embarrassing, because if persons are to be forbidden entering the reservation there must be methods of detecting trespasses, there must be a force employed for the purpose of expelling those who invade this domain, and then we must increase the Army, because if after intruders upon the Yellowstone Park are expelled the Army is also to be employed in this proposed reservation, the present establishment will not be sufficient.

I am sincerely in favor of any measure that looks to the improvement of the Missouri River, for there is no river on this continent (and I believe there is none on the face of the earth) that needs improvement more than the Missouri. If the reservation of 6,000 square miles of timber in the heart of the Rocky Mountains will contribute to the improvement of that stream, which is now a little too thick for a beverage and a little too thin for cultivation, I certainly should be very much in favor of the enactment of this bill. But I hesitate to believe that the expulsion of intruders from so small a portion of the earth's surface would result in retarding the flow of the water or would prevent the accumulation of floods that would descend in freshets to devastate the regions below.

I do not myself see any sufficient ground on which this legislation can be invoked. I am also bound to say that after a somewhat careful consideration of this subject I believe a great deal more importance is attributed to the cultivation of forests in connection with the water

supply of this country than it deserves. My study has not led me to believe that the vicissitudes which occur in the precipitation of moisture, in the accumulation of floods in valleys, and the devastation of the regions that have been overflowed by the Ohio, the Missouri, and the Mississippi result to any great extent from the denudation of the country by the destruction of the forests. Still, as the Senator from Vermont says that the bill has been prepared by a gentleman of great information who has no doubt that these results will be secured, it would be presumptuous in me to oppose it; but I venture to express my disapprobation of this kind of legislation. I think that we are entering upon responsibilities that will return to plague us.

Mr. EDMUNDS. If I thought, as my friend from Kansas thinks, that the preservation of forests has no substantial influence upon the prevention of devastating floods and the preservation of a continuous flow of water along the ancient river basins, I should agree with him that this bill and a thousand more like it would be entirely useless; because if he is right as to 6,000 square miles he would be right as to 100,000 square miles or 500,000, that would cover the whole areas of the river sources of the United States. But according to my information and study, human experience has proved that just as far and as fast as you cut away the forests and open the fields, just in that proportion devastating floods in rain-time occur, and just in that proportion absolute dryness, dearth, and the misery of a great drought, and the absence of water occur on the other hand.

There are interesting reports and statistics on the subject of the forests of Europe, and some people who have been over what is now a very narrow water way, the Atlantic, have seen great tracts of country in France and in Italy especially where a century ago the forests clothed the hillsides and their low mountains (leaving out the Alps, which are high mountains), and where these terrific and destructive operations of nature had never been known in the course of history to occur, and where the traveler can now see as he rides by rail mile after mile, and hundreds after hundreds of miles, a large part of the country laid waste, the forests all gone, and every descending shower runs off with the violence that the showers run off from the roofs of the houses and the asphalt pavements of this city; and the rainfall of twelve hours in a violent storm, being two or three or four inches of deposit, is carried away in a day, bringing destruction into all the valleys and even to the borders of the Mediterranean Sea; whereas when they had the forest and its leaves, its tangles, its dells, its boskiness, and all that, the water that now runs off in twenty-four hours required twenty-four days to be carried away, and its flow was comparatively slow, and everything was preserved. There is an absolute demonstration to anybody who looks at the face of nature in those countries that the existence of forests on the steep hillsides and low slopes is of infinite importance to the preservation of the lands below and to the preserving of the equilibrium of the forces of nature.

Mr. HAWLEY. They are trying now to recover from it.

Mr. EDMUNDS. And now, by very expensive operations, as my friend from Connecticut says, the governments of those countries are endeavoring to recover from it by trying again to replant those steep hillsides with forests.

That, too, is the experience in this country. I know in the State of Vermont a brook in which I used to fish for trout when I was a lad, that was then a great, noble, broad-pouring brook, coming from the forests—and that only illustrates a thousand others in the same State—now, after a period of, I do not dare to say how long, all the headwaters of that brook have been cleared up and are in farms. When the spring-time comes and the snows melt and the rains fall there is a flood that sweeps away the road-bridges and overturns the farm buildings and washes away the meadows and the corn fields, and then when the summer comes the brook is dry. It is a torrent in the spring; in the summer it is a mere dry gully. The only difference that nature has experienced is in the fact that the forests are cut off. My friend with his house on a beautiful bluff of the Missouri, or whatever river it is that flows along that border of Kansas that is fortunate in his residence, must see that if he planted his garden and his surrounding possessions with trees, and a shower came that lasted for six hours, the water would not draw out and run away from that ground of his near so quick as it would do if the ground were bare and smooth. That is plain enough.

Now, here are the sources of the Missouri River, where, according to this map of 1883, the General Land Office map, there are more than twenty streams of the various branches of the Missouri flowing down to the eastward from this proposed reservation, which is marked on this map in green, and on the other side, going into the Columbia, there are a good many also. All that high region is clothed with forests, with the Western fashion of openings here and there, which nature seems to have provided for the grazing of the deer, the elk, the buffalo, and so on. If you cut off all those forests and expose the land to the rain and the sun and the air, when the rains fall they will run off as they would from the roof of a house in this city, and you precipitate through all those twenty streams into the Missouri instantly the whole of the rainfall and the snow melting in those 6,000 or almost 7,000 square miles of territory. Would you not get an accelerated and accumulated force to your down-flow? It is perfectly plain that you would.

Take the Ohio River, where we have been appropriating money at the present session to save from distress the people who have suffered from its overflow, if you would put back on the sources of the Ohio River in Eastern Ohio and Western Pennsylvania the forests that existed there a century ago, with the very same storms you would have had no disaster. The forest saves the water and pours it down through its leaves and its dells and its accumulations of fallen timber, and there is a slow discharge. Now the country is rich and redolent with farms, with cleared lands and with smooth surfaces, where the water instantly flows away when it falls and becomes a tremendous and devastating flood.

Here the United States has this land. No settler is eager to take it; there is plenty of other land. No hunter is eager to hunt there; and if he is, there is plenty of room for him to hunt somewhere else. No timber agent is desirous to go so far away from the railroad to get out timber. There it is, the fountain-heads of these two great eastern and western rivers of the continent. Why should we not, as we now own the land, save it and leave the forests to stand there, and do whatever good they can to diminish the floods and increase the constancy of the Missouri River and of the Columbia? That is the question.

There met the other day in this city the American forestry congress or association, by whatever name it goes, and it had seen this bill and the scheme, and it considered it, men having no other interest than that of preserving for posterity the best possible results of government. That convention, I am informed by my friend from Iowa [Mr. WILSON], unanimously, after considering this bill and inspecting these maps, indorsed it and urged Congress, I believe by a memorial (I am quite sure of it; I think one has been presented at the desk), to pass this bill.

It harms nobody; it costs nothing. The laws of the United States now provide for giving the President power to protect the public lands and the Indian country and all the other property of the United States at the point of the bayonet against illegal invasion. It adds nothing to the cost. It is not setting up an establishment of curiosities like the Yellowstone Park; it is only saying that this land shall not be entered upon and settled upon but shall be left as nature has left it, in order to furnish the fountain-heads of these rivers perpetually; and I hope my friend from Kansas will let it pass.

Mr. INGALLS. The recent flood in the Ohio River and the devastation of the valley of that stream did not result in any particular from the destruction of the forests. It occurred in this way: The ground had been frozen during the winter. Upon that frozen surface came a very heavy snowfall. That was succeeded by an elevation of temperature and a warm rain, so that the snows which had accumulated upon the frozen surface of the earth ran suddenly off into the stream, not being able to penetrate below the surface, and the consequent accumulations occurred. I had the interest in this subject that induced me to inquire specifically as to the occasion of those floods, and I was informed by those who had made the subject a study that not only the recent great flood in the Ohio River but the one that occurred two or three years ago resulted from exactly the same causes, and that it was not right to attribute the destruction that had occurred there to the loss of the forests in the Alleghanies, which are the source of the Ohio River and its affluents.

So far as the Missouri is concerned the floods in that stream do not come from the mountains; they come from the prairie far below the mountains, from the treeless region known as the plains. That comprises a great many hundred thousand square miles along the borders and reaching back from the line of the valley of that stream.

I have been a resident of that country for a quarter of a century, and I can say to the Senator from Vermont that the great remedy for the evil that existed originally in that stream has been found in breaking the surface of that country and making farms of it. The water formerly fell upon the trampled sod of the prairie, which now, broken up by the plow in consequence of the colonization of that region, absorbs the rain that falls to the point of saturation. It is the plow that prevents this mischief, and not the forests.

Just exactly as fast as this country is broken up, as fast as the sod of the prairie yields to the furrow of the plow, the process of saturation and absorption begins, and the possibility of this rapid accumulation of water in the valley of the stream by the sudden drainage of the prairies diminishes and finally ceases; and during the past few years, although the rainfalls in that country have increased somewhat, the liability to destruction from floods has diminished; and not in consequence of the planting of forests, but in consequence of the opening of farms, that permits the water which falls to be absorbed and then returns to the atmosphere again by solar evaporation, whence it is again precipitated and again returned, so that this fruitful and fertilizing circuit is continually kept up, and the possibility of destruction is diminished and finally ceases.

The water that falls upon this little reservation which is proposed to be established at the headwaters of these streams would not be, as we have the habit of saying, a drop in the bucket. The supply of these streams is not from these petty and insignificant rivulets in the mountains. It is from the vast expanse of level territory extending from the base of the Rocky Mountains eastward by gentle declivities toward the valleys of these great streams.

The dangers that have hitherto existed, as I say, are being very rap-

idly diminished by the opening up of that country by farms, and I believe that the theory about the office of forests is being practically abandoned by those who have given the most study to the subject. I remember reading not long since a treatise by one of the most eminent scientists upon this subject, I am not sure that it was not in one of the reports of Professor Hough, in which the statement was made that there was no proof or evidence sufficient to base the theory upon that the water fall and water supply of a country were really affected by the condition of its forests.

Mr. EDMUNDS. Mr. President, that is a debatable point as to the effect of forests upon the law of storms; but I have never heard, and my friend does not state, that it is debatable that the effect of forests upon the flow of water after the storms have passed is not very great indeed. Nobody can drive out of this town ten miles in any direction and not see that with his own eyes. You go to a large farm place that is cleared on the hills and slopes about the valley of the Potomac and you will find that the showers which fall upon those hills and slopes that have been cleared run away instantly, and then the cultivated fields are gullied and torn in every direction. You strike a belt of forest, and you find that in that belt of forest the brook is forcing its even course, swollen a little to be sure, but clear, bright water gently running away, and long after the open field is dry and arid again that brook in the forest is still flowing and carrying its beneficence to the fields below that like the foolish virgins have spent all their oil the first hour that the storm begins. That is true everywhere, and all human experience proves it.

What my friend has said about the effect of cultivating land in the great prairies is undoubtedly true, because the more porous you can make the land, the more near you can make the open land to the nature of the soil in the forest where the soil is always loose and where the leaves and the brush and the plants furnish the means for the water to go into the soil, it is obvious that that is true; so that the cultivation of the open fields, the deeper you plow the better approaches the processes of nature where the forests come in to save the water and let it run away slowly.

My friend says that these 6,000 square miles are only a drop in the bucket. That is perfectly true; but the last drop in the full bucket makes it overflow. The last straw on the camel's back breaks it down. Now if we can without injury to private interest—which is of course beyond all public interest—preserve 6,000 square miles of the great headwaters of the branches of the Missouri River and of the Columbia and leave the forests there which nobody needs, why should we not do it?

Mr. HAWLEY. Mr. President, as to these 6,000 square miles being a mere drop in the bucket, if the Senator from Kansas will but take his pencil a moment he will see that a foot of water on the 6,000 square miles would be equivalent to two feet deep on a river 3,000 miles long and one mile wide; or three inches on that area would be equivalent to two feet deep on a river 750 miles long and a mile wide, or four feet deep on a river half a mile wide and 750 miles long. That water runs off, as the Senator from Vermont has said, very rapidly now, and it would run slowly if the forests were preserved.

Mr. EDMUNDS. I move to fill the blank in section 2, line 2, by inserting the words "the Interior," so as to read "that the reservation established by this act shall be under the control and custody of the Secretary of the Interior."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN HOSTILITIES IN IDAHO.

The bill (S. 1304) to authorize the Secretary of War to ascertain the expenses incurred by the Territorial authorities and the people of the Territory of Idaho in the suppression of Indian hostilities in the years 1877 and 1878, known as the Bannock and Nez Percé outbreak, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add the words "and how much, if any, of said claims are just and reasonable;" so as to read:

That the Secretary of War be, and he is hereby, authorized and required to ascertain, or cause to be ascertained, the amount of expenses claimed to be necessarily incurred by the Territory of Idaho, or the citizens thereof, for arms, ammunition, equipments, supplies, transportation, and services of the volunteer forces in the suppression of Indian hostilities in said Territory during the outbreak of the Nez Percé and Bannock and Shoshone tribes of Indians during the years 1877 and 1878, and report the same to Congress at the next session, and the names of persons who claim to be entitled to relief, together with a statement of the facts and sums upon which such report may be based, and how much, if any, of said claims are just and reasonable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The PRESIDING OFFICER. Order of Business 452 and 453, being respectively Senate bill No. 1360, giving a pension to Mina M. Gwynn, and Senate bill No. 1144, granting a pension to John W. Wright, are reported adversely, and will be passed over.

The bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers, was announced as next in order.

Mr. HAWLEY. There are some differences of opinion, I believe, among some of the absent members of the Military Committee on that bill. It may as well pass over.

The PRESIDING OFFICER. The bill goes over.

ENOCH JACOBS.

The bill (S. 1983) to compensate Enoch Jacobs for services rendered the Department of State was considered as in Committee of the Whole.

It provides for the payment to Enoch Jacobs of $500, in full compensation for services rendered by him in securing the release of Alexander Guridi, an American citizen unlawfully held in confinement by the authorities of the Republic of San Domingo, which services were rendered at the request of the Secretary of State.

The bill was reported to the Senate without amendment

Mr. CAMERON, of Wisconsin. I see there is a report in this case, and perhaps the report had better be read, or the Senator from Ohio [Mr. SHERMAN] who made the report can explain the case.

Mr. SHERMAN. The report is very short, but I can state the matter briefly. The committee gave this claim full attention. There were several items of it, three or four items, and the committee on the whole concluded there was but one that could be well sustained by the facts, and they allowed Mr. Jacobs $500 for the services rendered by him at the request of the Department of State in securing the release of an American citizen by naturalization in San Domingo. The report is very brief, but that is the sum and substance of it. We all agreed that $500 ought to be allowed.

Mr. INGALLS. What did he do?

Mr. SHERMAN. He had a good deal of trouble in having this man released. He was a newspaper correspondent, on his way from a post formerly held by him in South America as a consul to New York. He did this service at the request of the State Department and never received any compensation for it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. ROSE.

The bill (S. 717) for the relief of John G. Rose was announced as next in order.

The PRESIDING OFFICER. The bill is reported adversely and will be passed over.

ASTORIA AND WINNEMUCCA RAILROAD COMPANY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1425) to grant the Astoria and Winnemucca Railroad Company the right of way through the public lands and the right to construct bridges over navigable water courses.

Mr. ALLISON. I desire to ask the Senator from Oregon if this bill provides that on these bridges across the navigable streams any railroad may pass by paying a proper consideration.

Mr. SLATER. The amendments cover that point.

The PRESIDING OFFICER. The amendments of the Committee on Commerce will be read.

The first amendment of the Committee on Commerce was in section 1, after the word "Oregon," line 4, to strike out:

Is hereby granted the right of way through the public lands of the United States of the width of one hundred feet on each side of its road.

SEC. 2. That the said company, and its successors and assigns.

And in line 12 of section 1 [2], after the word "sloughs," to insert "within the State of Oregon;" so as to make the section read:

That the Astoria and Winnemucca Railroad Company, a corporation duly organized under the laws of Oregon, be authorized and permitted to build railroad bridges across the Willamette River, south of Oregon City, at such point as it may select, and across such other navigable streams or sloughs within the State of Oregon as it may be necessary to bridge along the line of said railroad or along the line of any of its branches.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any change in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The next amendment was to insert, as section 4, the following:

SEC. 4. That all railroad companies desiring the use of any bridge constructed under this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

The amendment was agreed to.

The next amendment was to insert, as section 5, the following:

SEC. 5. That such alterations or changes as may be required by the Secretary of War or Congress in bridges constructed under the provisions of this act shall be made by the persons or corporations owning or controlling said bridges at their own expense; and it is hereby expressly provided that Congress reserves the right at any time to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses."

TEXAS AND INDIAN TERRITORY BOUNDARY.

The next bill in order was the bill (S. 1947) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas.

Mr. ALLISON. The Senator who reported that bill is not in his seat. I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

MELISSA G. POLAR.

The bill (H. R. 2344) for the relief of Melissa G. Polar was considered as in Committee of the Whole. It proposes to direct the auditor of the District of Columbia to issue to Melissa G. Polar two duplicate certificates, respectively, issued by the board of audit of said District, and stolen from her, numbered 8884, for the sum of $75.34, and 13634, for the sum of $18.80, dated August 1, 1874, on being furnished satisfactory proof of the loss of the certificates, and that they have not been paid. Melissa G. Polar is to execute and deliver to the auditor her bond of indemnity, in double the amount of the certificates, with two sufficient sureties, to be approved by the auditor, payable to the District of Columbia, which bond shall be filed by the auditor in the archives of his office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. H. TIBBITS.

The bill (S. 2004) for the relief of William H. Tibbits was announced as next in order.

Mr. ALLISON. I see that the Senator who reported this bill is not in his seat, and there is no report. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

S. N. WOOD.

The bill (S. 1554) for the relief of S. N. Wood was announced as next in order.

Mr. CAMERON, of Wisconsin. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM W. AVERELL.

The bill (H. R. 2487) for the relief of Bvt. Maj. Gen. William W. Averell, United States Army, was announced as next in order.

Mr. HAWLEY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER.

The PRESIDING OFFICER. Order of Business 473, being the bill (S. 459) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878, was reported adversely, and it will be passed over.

The bill (S. 2022) to establish a postal telegraph system was announced as next in order.

Mr. INGALLS. Let that await the return of the Senator from Colorado [Mr. HILL].

The PRESIDING OFFICER. The bill will be passed over.

SURETIES OF DAVID L. GREGG.

The bill (S. 723) for the relief of Eugene B. Rail and others was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 10, after the word "hereby," to insert "upon the payment to the United States of the sum of $1,000;" so as to make the bill read:

That Eugene B. Rail, James H. Hardy, John M. Gearhart, George W. Hopkins, Lloyd Frizell, and Archibald N. Smith, sureties upon the official bond of David L. Gregg, given as security for the faithful performance by said Gregg of his duties as receiver of public moneys at Carson City, Nev., and dated June 17, 1865, be, and the said sureties and their personal representatives are hereby, upon the payment to the United States of the sum of $1,000, released and discharged of and from all and every obligation and liability whatsoever on account of said bond or any breach thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTRIX OF WILLIAM WARD.

The bill (S. 879) for the relief of P. L. Ward, widow and executrix of William Ward, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to P. L. Ward, executrix of William Ward, deceased, of Norfolk, Va., $2,075.13, in full satisfaction of all claim for beef and vegetables furnished by William Ward to the United States Navy, and in full satisfaction for hay sold to the quartermaster of the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. S. PICKETT.

The bill (S. 534) for the relief of J. S. Pickett was considered as in Committee of the Whole. It proposes to pay to J. S. Pickett, formerly consul at Vera Cruz, Mexico, $1,375, being the amount advanced and disbursed by him, while acting as such consul, for the relief of destitute American citizens not seamen.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE AT SAINT LOUIS.

The bill (S. 200) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo., was announced as next in order.

Mr. MCMILLAN. The Senator making the report in that case is absent and I think the bill had better go over.

The PRESIDING OFFICER. The bill, being objected to, goes over.

BILLS PASSED OVER.

The bill (S. 1700) to authorize the appointment of three commissioners to visit the principal countries of Central and South America for the purpose of collecting information looking to the extension of American trade and commerce and the strengthening of friendly and mutually advantageous relations between the United States and all the other American nationalities; and the bill (S. 1860) for the relief of Richard Phœnix, being reported adversely, were passed over.

COURT OF APPEALS.

The bill (S. 1035) to establish a court of appeals, was announced as next in order.

Mr. GARLAND. Let that go over.

SARAH A. REDMOND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2346) for the relief of Sarah A. Redmond. The bill was reported from the Committee on the District of Columbia with an amendment, in line 11, after the word "bond," to strike out "double the amount, as security for the issue of said certificate," and insert "with two sufficient sureties, in double the amount, as security in the issue of said certificate, and as an indemnity to said District against all cost, loss, or damage in consequence of the issue of said duplicate certificate. And;" so as to make the bill read:

That the auditor of the District of Columbia be, and is hereby, authorized to issue to Sarah A. Redmond a duplicate certificate for one lost or burned, numbered 18313, class 6, of the board of audit, for $30.94: *Provided*, That she furnish to the auditor satisfactory proof of the loss or destruction of the original certificate, and that the same has not been paid, and executes to the commissioners of the District of Columbia a bond, with two sufficient sureties, in double the amount, as security in the issue of said certificate, and as an indemnity to said District against all cost, loss, or damage in consequence of the issue of said duplicate certificate. And said certificate shall be redeemed, as all board of audit certificates are, by the Treasurer of the United States, as commissioner of the sinking fund of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM C. DODGE.

The bill (S. 1832) for the relief of William C. Dodge was announced as next in order.

Mr. ALLISON. That is objected to.

The PRESIDING OFFICER. The bill will be passed over.

COMMISSION ON ALCOHOLIC LIQUOR TRAFFIC.

The bill (S. 654) to provide for a commission on the subject of the alcoholic liquor traffic was announced as next in order.

Mr. PENDLETON. I object to that.

The PRESIDING OFFICER. Being objected to, the bill will be passed over.

THREE MONTHS' PAY TO VOLUNTEER OFFICERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 675) ro extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865. It provides that section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865, shall be so construed as to entitle to the three months' pay proper provided for therein the heirs or legal representatives of all officers of

volunteers specified therein who were killed or who died in the service between the 3d of March and the 10th of April, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEZ PERCÉ INDIAN ALLOTMENTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1005) for the relief of the Nez Percé Indians in the Territory of Idaho, and of the allied tribes residing upon the Grande Ronde Indian reservation, in the State of Oregon.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 1, line 6, to strike out "eighty-three" and insert "sixty-three;" so as to make the section read:

That in lieu of the allotments of lands in severalty authorized to be made to the Nez Percé Indians by the third article of the treaty between the United States and the said Indians, concluded June 9, 1863, there shall be allotted to each male person of the tribe who may have attained the age of 21 years eighty acres, and to each head of a family one hundred and sixty acres of land, the allotments to be made in the manner and subject to the provisions and conditions prescribed in said treaty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DENVER BRANCH MINT.

The bill (S. 463) to provide for coinage at the branch mint at Denver, Colo., was announced as next in order.

Mr. CAMERON, of Wisconsin. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM J. SMITH.

The bill (S. 969) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with amendments, in line 4, after the word "formerly," to strike out "collector" and insert "surveyor;" in line 11, before the word "he," to strike out "collector" and insert "surveyor," and in line 13, at the end of the bill, to strike out "collector" and insert "said surveyor;" so as to make the bill read:

That in the settlement of the accounts of William J. Smith, formerly surveyor of customs at the port of Memphis, State of Tennessee, the proper accounting officers of the Treasury be, and are hereby, authorized and directed to credit the said William J. Smith with the sum of $2,004.99 in the settlement of his accounts as late collector of customs, on account of the embezzlement and defalcation of N. D. Smith, deputy to the said surveyor, he being no relative, and it clearly appearing that the embezzlement and defalcation were no fault of the said surveyor.

The amendments were agreed to.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Tennessee that in line 9 there ought to be an amendment to conform to the others. It reads "late collector of customs."

Mr. HARRIS. Wherever the word "collector" occurs it should be "surveyor."

The PRESIDING OFFICER. The change will be made.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee."

LANDS FOR SCHOOL PURPOSES.

The bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes was announced as next in order.

Mr. ALLISON. Let that go over.

The PRESIDING OFFICER. It will be passed over.

Mr. HARRIS. I appeal to the Senator from Iowa not to object to that bill. I am not advised particularly as to it, as the Senator from Oregon [Mr. DOLPH] who reported it is not present, but my impression is that it extends to a very small amount of land.

Mr. ALLISON. I withdraw the objection if the Senator from Tennessee is satisfied that the bill ought to pass.

Mr. HARRIS. I know that a very small part of the lands are in my State, and it is somewhat important to the school interests there that this bill should pass.

Mr. ALLISON. I withdraw the objection.

The PRESIDING OFFICER. The bill will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the second section of the act passed February 15, 1843, chapter 33, so as to read as follows: "That the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee be, and they are hereby, authorized to make such laws and needful regulations as may be deemed expedient to secure and protect from injury or waste the sections reserved by the laws of Congress for the use of schools to each township, and to provide by law, if not deemed expedient to sell, for leasing the same for any term of years they may think proper, in such manner as to render them productive and conducive to the object for which they are designed."

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MRS. SARAH ELIZABETH HOLROYD.

The bill (S. 1366) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, was announced as next in order.

Mr. ALLISON. I object.

The PRESIDING OFFICER. This bill is objected to and will be passed over.

BRIDGES IN WISCONSIN.

The bill (S. 2060) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers in the State of Wisconsin was announced as next in order.

Mr. MCMILLAN. That may be indefinitely postponed, as the House bill on the same subject was passed this morning.

The bill was postponed indefinitely.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 3961) to grant to the Gulf, Colorado, and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes; in which it requested the concurrence of the Senate.

BRIDGES ACROSS THE MISSISSIPPI RIVER.

The bill (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin, was considered as in Committee of the Whole.

The bill was read.

Mr. ALLISON. I should like to hear read again the provision alluding to the bridge at Clinton, Iowa.

The Chief Clerk read section 5, as follows:

SEC. 5. That this act shall be subject, except as above mentioned, to the limitations and provisions of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April 1, 1872.

Mr. ALLISON. I ask the Senator from Minnesota if it would not satisfy his purpose to simply recite the bridge act of 1866, without making any allusion to the act establishing the bridge at Clinton, Iowa?

Mr. MCMILLAN. The title of the act is merely cited for the purpose of identifying it.

Mr. ALLISON. But I do not see why it is necessary to allude to the Clinton bridge.

Mr. MCMILLAN. Because the act contains provisions regulating this matter.

Mr. ALLISON. I see that is a mere recital, and I do not object to it.

Mr. MCMILLAN. May I ask to have reread the section in regard to the construction of booms and piers?

The Chief Clerk read section 6, as follows:

SEC. 6. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the company or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft-spans, as shall be specified in his order in that behalf; and on the failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

Mr. SHERMAN. I ask the Senator from Minnesota if that bill in all respects conforms to the other bills for bridges across the Mississippi River above Dubuque?

Mr. MCMILLAN. It conforms to the recommendations of the Engineer Bureau, to whom the bill was referred for examination.

Mr. SHERMAN. Hastings is below Saint Paul.

Mr. MCMILLAN. One limit here is to a point between Hastings and Saint Paul. I am inquired of as to the provision for booms. That requires the company to build certain accessory works in connection with the bridge, if the Secretary of War regards it as necessary for the protection of the navigation of the river by rafts, &c., and if the company do not build them the Secretary of War may do so, and the Attorney-General then is authorized to bring suit against the company for the recovery of the amount expended.

Mr. EDMUNDS. Suppose they have not any money?

Mr. MCMILLAN. If they have a bridge they will have funds enough to meet the expense.

Mr. ALLISON. I ask the Senator from Minnesota if the provision is in any bridge bill we have passed?

Mr. MCMILLAN. Yes, sir; it has been embraced in most of the bridge bills passed at this session of Congress, but it has not been incorporated in such bills usually before this session.

Mr. ALLISON. This is a new provision, then, intended to protect the navigation of the river.

Mr. MCMILLAN. Yes, sir. It has not been usually inserted in bridge bills before this session.

Mr. INGALLS. I move, in section 6, to strike out, after the word "behalf," in line 10, all that follows in that section.

The PRESIDING OFFICER. The Senater from Kansas moves an amendment, which will be read.

The CHIEF CLERK. In section 6, after the word "behalf," in line 10, it is proposed to strike out the following words:

And on the failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEEDING.

The PRESIDING OFFICER. Order of Business 495, being the bill (S. 1647) to establish a chaplaincy of the jail and the institutions of charity and reform in the District of Columbia, which was reported adversely, will be passed over.

Mr. MORRILL. I move that the Senate do now adjourn.

Mr. INGALLS. I hope the Senator will withdraw that motion.

Mr. MORRILL. Certainly.

Mr. INGALLS. I was about to state that the District Committee have reported Order of Business 624, being House bill 4652, on the same subject as Order of Business 496, being Senate bill 1621, for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia, and I would ask that the House bill may be passed and this Senate bill indefinitely postponed; but if the Senator from Vermont desires to adjourn now I shall not interpose any objection. Before the motion is put, however, I ask that the regular order be laid before the Senate.

The PRESIDING OFFICER. The Senator from Kansas calls for the regular order.

Mr. INGALLS. If the motion to adjourn is insisted on.

Mr. MORRILL. I think we have done about enough for to-day, and I shall therefore insist on the motion to adjourn.

Mr. SHERMAN. Before that is done I hope by unanimous consent it will be understood that after the regular morning business to-morrow we shall go through the Calendar under the same order as has applied to-day. I ask unanimous consent that to-morrow after the regular morning business the Calendar shall be proceeded with under the rule under which we are now acting.

The PRESIDING OFFICER. The Senate hears the request of the Senator from Ohio. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is agreed to.

GULF, COLORADO AND SANTA FÉ RAILWAY.

Mr. COKE. I ask that the bill sent over from the House be laid before the Senate before adjournment.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes; which was read the first time by its title.

Mr. COKE. I desire to state that this bill is an exact and literal copy of a bill which has been reported from the Committee on Railroads of the Senate and is now on the Calendar, and I see no necessity for referring it to a committee. Therefore I ask consent that it lie on the table without a reference, to be called up hereafter.

Mr. ALLISON. I suggest to the Senator that he had better have the bill printed.

Mr. COKE. I suppose it will be printed, of course. I move that it be printed.

The PRESIDING OFFICER. The bill will be considered as read the second time, and laid on the table, and printed.

Mr. INGALLS. I ask the Senator from Vermont to allow House bill 4652 to be considered.

Mr. COKE. I desire to ask unanimous consent of the Senate to make the bill just received from the House a special order for consideration at 2 o'clock on the 12th day of June; being Thursday week.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the bill which has been received from the House of Representatives be made the special order for June 12 at 2 o'clock.

Mr. ALLISON. I trust the Senator will not ask consent to that. There will be no trouble in his getting up the bill at any proper time.

Mr. COKE. I do not hear the Senator.

Mr. ALLISON. I trust consent will not be asked to make this bill a special order. There will be no difficulty in getting up the bill at the proper time, when appropriation bills and other pressing business may not be in the way.

Mr. COKE. I regret very much that the Senator objects to this. It is a bill of vital importance to my State, involving simply the granting of a right of way.

Mr. ALLISON. I will not object. I only asked the Senator not to request consent to make this bill a special order. It is a bad precedent at this stage of the session.

Mr. COKE. Then I shall feel constrained to comply with the request of the Senator from Iowa, as I regard his request as an objection. I therefore simply ask that the bill lie on the table and be printed.

The PRESIDING OFFICER. That order has already been made.

SAINT LUKE'S PROTESTANT EPISCOPAL CHURCH.

Mr. INGALLS. I ask the Senator from Vermont to allow House bill 4652 to be passed—it is a very brief bill—and that will enable us to indefinitely postpone Order of Business 496. It is the Saint Luke's Protestant Episcopal church bill.

Mr. MORRILL. I have no objection.

The PRESIDING OFFICER. The Senator from Kansas asks that House bill 4652, Order of Business 624, be now taken up. The Chair hears no objection.

The bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and to insert:

That all taxes, together with the interest and penalties, now due and unpaid, for the years 1876, 1877, 1878, 1879, and 1880, upon lots 38, 39, and 40, in square 194, in the city of Washington, District of Columbia, now occupied by the stone church known as Saint Luke's Protestant Episcopal church, be, and the same are hereby, remitted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. INGALLS. Now I move that the bill (S. 1621) for the relief of St. Luke's Protestant Episcopal church, in the District of Columbia, be indefinitely postponed.

The motion was agreed to.

PROPOSED ADJOURNMENT TO THURSDAY.

Mr. GARLAND. I rise to submit a motion. All we can do is to go through the Calendar of unobjected cases, and I do not know, in view of what we have done to-day, but that we can easily go through the rest of it on Thursday. I move that when the Senate adjourns to-day it be to meet on Thursday next.

The PRESIDING OFFICER. The Senator from Arkansas moves that when the Senate adjourns to-day it be to meet on Thursday next.

The motion was not agreed to.

POLYGAMY IN UTAH.

Mr. INGALLS. Now let the unfinished business be laid before the Senate.

Mr. MORRILL. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate do now adjourn, prior to putting the question on which motion the Chair lays before the Senate the regular order, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882. The question is on the motion of the Senator from Vermont.

NORTHERN PACIFIC RAILROAD.

Mr. SLATER. Will not the Senator from Vermont allow me to call up a resolution reported on the 26th of May by the Committee on the Judiciary?

Mr. ALLISON. It can be passed in the morning.

Mr. SLATER. It is only a resolution calling for information. The Committee on the Judiciary reported it a week or so ago, and I have been anxious for some time to get it up.

Mr. ALLISON. I trust there will be no objection.

The PRESIDING OFFICER. Does the Senator from Vermont withdraw his motion?

Mr. MORRILL. Yes, sir.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent to take up Order of Business 635.

Mr. INGALLS. The regular order being informally laid aside.

The PRESIDING OFFICER. The regular order will be informally laid aside.

By unanimous consent, the Senate proceeded to consider the following resolution, submitted by Mr. SLATER May 20, 1884:

Resolved, That the President be, and he is hereby, requested to inform the Senate by what authority commissioners have been appointed from time to time to examine the report upon sections of the Northern Pacific Railroad which were

constructed and completed subsequent to the time within which, by the terms of the act of July 2,1864, and acts and joint resolutions amendatory thereof and supplementary thereto, the said road was required to be completed.

The resolution was reported from the Committee on the Judiciary with an amendment, to strike out all after the word "to," in line 1, and insert:

Communicate to the Senate any information possessed by him or in the possession of any of the Executive Departments concerning the appointment of commissioners since July 4, 1877, in respect of examining sections of the Northern Pacific Railroad and the acceptance of any such sections, together with the dates of the acceptance of such sections, respectively. And whether patents for lands have been issued to said company in respect of any part of said road completed since July 4, 1877, and, if so, to what extent, and whether any public lands are now reserved from sale or other disposal by reason of the building of said road or any part of the same, and, if so, to what extent.

So as to make the resolution read:

Resolved, That the President be, and he is hereby, requested to communicate to the Senate any information possessed by him or in the possession of any of the Executive Departments concerning the appointment of commissioners since July 4, 1877, in respect of examining sections of the Northern Pacific Railroad and the acceptance of any of such sections, together with the dates of the acceptance of such sections, respectively. And whether patents for lands have been issued to said company in respect of any part of said road completed since July 4, 1877, and, if so, to what extent, and whether any public lands are now reserved from sale or other disposal by reason of the building of said road or any part of the same, and, if so, to what extent.

The amendment was agreed to.

The resolution as amended was agreed to.

POLYGAMY IN UTAH.

Mr. MORRILL. I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair again lays before the Senate the regular order of business, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882. The Senator from Vermont moves that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 34 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 2, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HANCOCK for fifteen days on account of sickness in his family.

RELIEF OF SUFFERERS BY MISSISSIPPI FLOODS.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent that House joint resolution 255, appropriating the further sum of $100,000 for the sufferers by the overflow of the Mississippi River and tributaries, returned from the Senate with amendments, be taken from the Speaker's table and referred to the Committee on Appropriations.

The SPEAKER. Is there objection?

Mr. POST, of Pennsylvania. I object.

PUBLIC LANDS IN ALABAMA.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the House Calendar for consideration at this time the bill (H. R. 27) to amend an act entitled "An act to exclude the public lands in Alabama from the operations of the laws relating to mineral lands," approved March 3, 1883.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill just read?

Mr. TULLY. I call for the regular order.

The SPEAKER. The call for the regular order is equivalent to an objection. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions for reference and printing.

Mr. HEWITT, of Alabama. I understand that the gentleman from California [Mr. TULLY] withdraws his call for the regular order.

The SPEAKER. The Chair has not heard the call withdrawn.

Mr. TULLY (rising). I withdraw the call.

The SPEAKER. Is there further objection?

Mr. HOLMAN. When the reading of the bill was begun there was a great deal of confusion in the Hall, and sitting as near as I am to the Clerk's desk it was impossible for me to hear distinctly all the bill as read. It is an important measure and one upon which we should vote understandingly. I therefore ask that it be read again.

ORDER OF BUSINESS.

Mr. CONNOLLY. I call for the regular order.

The SPEAKER. The regular order is the call of States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees. Under this call resolutions and memorials of State and Territorial Legislatures are in order for reference; also, resolutions calling for executive information are in order for reference only.

AMENDMENT OF THE RULES.

Mr. HERBERT submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That paragraph 3 of clause 5 of Rule XXIV be amended by adding the following:

"*Provided*, That whenever the subject-matter of a Senate bill shall have been referred to, and reported by a committee of the House, it shall be in order to consider such bill without reference to clause 3 of Rule XXIII."

CONTRACTS FOR INDIAN SUPPLIES.

Mr. STOCKSLAGER submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish this House the names of the persons with whom contracts have been made for furnishing the Indian Department with supplies during the last fiscal year, together with the terms of such contracts and the bids submitted for the same; also whether any of said contracts have been assigned, and, if so, to whom.

CONTRACTS FOR ARMY SUPPLIES.

Mr. STOCKSLAGER also submitted the following resolution:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House the names of all persons with whom contracts have been made through his Department for furnishing the Government with stores and supplies during the last fiscal year, together with the terms of said contracts and the bids submitted for the same; also whether any of said contracts have been assigned, and, if so, to whom.

The question was upon the reference of the resolution.

Mr. STOCKSLAGER. I ask that the resolution be referred to the Committee on Military Affairs.

The SPEAKER. The Chair thinks that under the rule the resolution would properly go to the Committee on Expenditures in the War Department.

Mr. STOCKSLAGER. I have no objection to that reference, but I hope the committee will see the necessity of reporting the resolution back at the earliest day possible.

The resolution was accordingly referred to the Committee on Expenditures in the War Department.

FREDERICK HUTTEN.

Mr. LAMB introduced a bill (H. R. 7170) for the relief of Frederick Hutten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENOLT LOYD.

Mr. LAMB also introduced a bill (H. R. 7171) for the relief of Enolt Loyd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORSON YOUNG.

Mr. McCOID introduced a bill (H. R. 7172) for the relief of Orson Young; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

C. M. STINSON.

Mr. McCOID also introduced a bill (H. R. 7173) for the relief of C. M. Stinson, late sergeant Company A, One hundred and seventeenth Regiment Ohio Volunteer Infantry; which was read a first and second time.

The question was upon the reference of the bill.

Mr. McCOID. I move that the bill be referred to the Committee on Appropriations.

The SPEAKER. Has the claim been adjusted?

Mr. McCOID. It has not been adjusted.

The SPEAKER. Then the Committee on Appropriations has no jurisdiction over it.

Mr. McCOID. I thought it would properly go into the sundry civil appropriation bill.

The SPEAKER. The gentleman says the claim has not been adjusted. The Committee on Appropriations has jurisdiction of appropriations for the support of the Government, but is not clothed with authority to settle unadjusted claims. This is apparently a war claim, and, under the rules, should go to the Committee on War Claims.

Mr. McCOID. Very well.

The bill was accordingly referred to the Committee on War Claims, and ordered to be printed.

HENRY COWLES.

Mr. McCOID also introduced a bill (H. R. 7174) granting a pension to Henry Cowles, late a private in Company G, Fourth Regiment Iowa Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORTS OF NATIONAL BOARD OF HEALTH.

Mr. McCOID also introduced a joint resolution (H. Res. 260) authorizing the printing and binding of additional copies of the reports of the National Board of Health; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JAMES O. M'KENNA.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7175) granting a pension to James O. McKenna; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN HARRINGTON.

Mr. STRUBLE introduced a bill (H. R. 7176) granting arrears of pension to Martin Harrington, late a private in Company E, Tenth Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. KINMAN.

Mr. MORRILL (by Mr. PETERS) introduced a bill (H. R. 7177) granting a pension to William H. Kinman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN O. GARDNER.

Mr. MORRILL (by Mr. PETERS) also introduced a bill (H. R. 7178) granting an increase of pension to John O. Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. F. BROCKETT.

Mr. RYAN introduced a bill (H. R. 7179) granting a pension to B. F. Brockett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. SHAWBELL.

Mr. RYAN also introduced a bill (H. R. 7180) granting a pension to John G. Shawbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. RUSSELL.

Mr. PERKINS introduced a bill (H. R. 7181) granting a pension to George W. Russell, late teamster in the Ninety-first Ohio Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES P. ROE.

Mr. COVINGTON introduced a bill (H. R. 7182) granting a pension to James P. Roe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPORTATION OF MERCHANDISE THROUGH THE UNITED STATES.

Mr. COLLINS introduced a joint resolution (H. Res. 261) concerning the repeal of laws authorizing the free importation of merchandise through the United States to Canada; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES H. M'LAUGHLIN.

Mr. MAYBURY introduced a bill (H. R. 7183) granting a pension to James H. McLaughlin, late sergeant Company I, New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FINAL ADJOURNMENT OF CONGRESS.

Mr. ELDREDGE introduced a joint resolution (H. Res. 262) fixing the time for final adjournment of the first session of the Forty-eighth Congress; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

O. W. STREETER.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 7184) to authorize the Secretary of the Interior to examine and adjust the claim of O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAW.

Mr. BUCKNER introduced a bill (H. R. 7185) to amend sections 5142, 5209, and 5211, relating to national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

THOMAS G. NEWMAN.

Mr. GRAVES introduced a bill (H. R. 7186) to place Thomas G. Newman on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. G. BOLLINGER.

Mr. MORGAN introduced a bill (H. R. 7187) granting a pension to H. G. Bollinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JENNIE HUGGINS.

Mr. MORGAN also introduced a bill (H. R. 7188) granting a pension to Jennie Huggins, minor heir of ——— McPowers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORGAN WHITE.

Mr. MORGAN also introduced a bill (H. R. 7189) granting a pension to Morgan White, Company G, Eighty-first Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT ELLINGTON.

Mr. MORGAN also introduced a bill (H. R. 7190) granting a pension to Robert Ellington, late private Company I, First North Carolina Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MALINDA VEST.

Mr. FYAN introduced a bill (H. R. 7191) granting pension to Mrs. Malinda Vest, widow of William Vest, Company F, Seventh Regiment Provisional Enrolled Missouri Militia; which was read a first and second time, referred to the Committee an Invalid Pensions, and ordered to be printed.

HENRY W. GOODNIGHT.

Mr. FYAN also introduced a bill (H. R. 7192) for the relief of Henry W. Goodnight, Company A, Sixth Regiment Provisional Enrolled Missouri Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROLLY WEST.

Mr. FYAN also introduced a bill (H. R. 7193) for the relief of Rolly West; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CANNON.

Mr. FYAN also introduced a bill (H. R. 7194) for the relief of William Cannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN SAUER.

Mr. ROGERS, of New York (by request), introduced a bill (H. R. 7195) for the relief of Stephen Sauer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESERVATION OF REPORTS OF COMMITTEES.

Mr. ROGERS, of New York, also introduced a joint resolution (H. Res. 263) providing for preservation of reports of committees; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

COMMEMORATION OF BATTLE OF TRENTON.

Mr. BREWER, of New Jersey, introduced a bill (H. R. 7196) in regard to a monumental column to commemorate the battle of Trenton, appropriating $25,000; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

REVOLUTIONARY BATTLE-FIELDS.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 7197) relative to revolutionary battle-fields, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEGAL-TENDER STANDARD SILVER DOLLARS.

Mr. HUTCHINS introduced a bill (H. R. 7198) to amend the act to authorize the coinage of standard silver dollars, and to restore its legal-tender quality; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WATER WAYS—NEW YORK STATE.

Mr. WEMPLE presented a joint resolution of the Legislature of the State of New York, requesting the careful consideration of its representatives in Congress of the bill for the improvement of the system of water ways of New York State; which was referred to the Committee on Railways and Canals, and ordered to be printed.

PRISONERS-OF-WAR BILL.

Mr. WEMPLE also presented joint resolution of the Legislature of the State of New York, urging the passage of the prisoners-of-war bill; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF MAJ. ANDREW J. GROVER.

Mr. MILLARD introduced a bill (H. R. 7199) for the relief of the heirs of Maj. Andrew J. Grover, formerly major of the Seventy-sixth Regiment New York State Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORDYCE FORSTER.

Mr. BURLEIGH (by Mr. GREENLEAF) introduced a bill (H. R. 7200) for the relief of Fordyce Foster; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM M'KEAN.

Mr. PARKER introduced a bill (H. R. 7201) for the relief of William McKean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZEPHANIAH CRUBAUGH.

Mr. EZRA B. TAYLOR (by request) introduced a bill (H. R. 7202) for the relief of Zephaniah Crubaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE GREYBIG.

Mr. FOLLETT introduced a bill (H. R. 7203) granting a pension to Catherine Greybig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT LEWIS.

Mr. FOLLETT also introduced a bill (H. R. 7204) granting an increase of pension to Albert Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT STANTON.

Mr. McMILLIN introduced a bill (H. R. 7205) for the relief of Albert Stanton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TREATY WITH MEXICO.

Mr. STEWART, of Texas, introduced a bill (H. R. 7206) to carry into operation the convention between the United States of America and the United States of Mexico signed on the 20th day of January, 1883; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOSEPH T. BLAKE.

Mr. POLAND introduced a bill (H. R. 7207) restoring the name of Joseph T. Blake, Company E, Sixth Regiment Vermont Volunteers, to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. EMMA L. MOORE.

Mr. O'FERRALL introduced a bill (H. R. 7208) for the relief of Mrs. Emma L. Moore, widow and legatee of Commodore Edwin W. Moore, of the navies of the United States and Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROTECTION AGAINST LOSS OF LIFE BY FIRE.

Mr. GARRISON (by request) introduced a bill (H. R. 7209) to require the owners of hotels and other public buildings in the District of Columbia to provide proper escapes and other apparatus for the protection of life in case of fire; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARIA SALTSMAN.

Mr. McCORMICK (by Mr. PRICE) introduced a bill (H. R. 7210) for the relief of Maria Saltsman; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JOEL T. BREWSTER.

Mr. RANKIN (by Mr. SUMNER, of Wisconsin) introduced a bill (H. R. 7211) granting a pension to Joel T. Brewster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAURA SALTZMAN.

Mr. RANKIN (by Mr. SUMNER, of Wisconsin) also introduced a bill (H. R. 7212) granting a pension to Laura Saltzman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FIBROUS PLANTS FOR ECONOMIC USES.

Mr. OURY introduced a bill (H. R. 7213) to appropriate money for the encouragement of the production of fibrous plants for economic uses; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ANASTACIO SANDOVAL.

Mr. MANZANARES introduced a bill (H. R. 7214) for the relief of Anastacio Sandoval; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The regular order for the call of States and Territories having been concluded, the Chair will now, if there be no objection, recognize gentlemen for the introduction of bills and joint resolutions who were not in their seats when their States were called.

There was no objection.

JOHN GOODWIN.

Mr. HENLEY introduced a bill (H. R. 7215) granting a pension to John Goodwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES E. WALTER.

Mr. NICHOLLS introduced a bill (H. R. 7216) for the relief of James E. Walter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JULIA M. MICHLER.

Mr. McADOO introduced a bill (H. R. 7217) granting an increase of pension to Julia M. Michler; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF WILLIAM ADAMS.

Mr. MORSE introduced a bill (H. R. 7218) for the relief of the heirs of William Adams; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHRISTIAN F. E. BLAICH.

Mr. MATSON introduced a bill (H. R. 7219) granting a pension to Christian F. E. Blaich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOUTHERN EXPOSITION, LOUISVILLE, KY.

Mr. WILLIS introduced a bill (H. R. 7220) relative to the Southern Exposition at Louisville, State of Kentucky, in the year 1884; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEVI DODGE.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7221) for the relief of Levi Dodge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS FROST.

Mr. WAIT introduced a bill (H. R. 7222) authorizing and directing the Secretary of the Interior to rerate the pension of Francis Frost; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLA E. GIBSON.

Mr. ROCKWELL (by request) introduced a bill (H. R. 7223) granting a pension to Ella E. Gibson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER M. PROCTOR.

Mr. WILSON, of Iowa, introduced a bill (H. R. 7224) for the relief of Alexander M. Proctor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY BUCKNER.

Mr. VANCE introduced a bill (H. R. 7225) granting a pension to Nancy Buckner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA CURTIS.

Mr. VANCE also introduced a bill (H. R. 7226) for the relief of Joshua Curtis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILSON KING.

Mr. SENEY introduced a bill (H. R. 7227) for the relief of Wilson King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASAHEL D. WHITCOMB.

Mr. McCOID introduced a bill (H. R. 7228) for the relief of Asahel D. Whitcomb, late of Company E, First Missouri Engineers and Mechanics; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HISCOCK. I now move to suspend the rules and pass the bill which I send to the desk.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. The legislative, executive, and judicial appropriation bill comes over as unfinished business from Thursday, the previous question having been ordered upon the amendments and the engrossment and third reading of the bill. It is of the highest public importance that that bill should go to the Senate at the earliest moment. I submit as a parliamentary inquiry whether that measure is not entitled to present consideration as against a motion to suspend the rules?

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] calls up the unfinished business, which is the legislative, executive, and judicial appropriation bill, upon which the previous question was ordered on Thursday last. That can be called up subject to the right of the House to consider it or not.

Mr. HISCOCK. By what vote?

The SPEAKER. A majority vote. The question of consideration can always be raised against unfinished business.

Mr. TOWNSHEND. Inasmuch as it comes over as unfinished business is it not entitled to prior consideration?

The SPEAKER. The previous question was ordered on the bill.

Mr. TOWNSHEND. Does not that give it priority over all other business?

The SPEAKER. It does. Still it is for the House to say whether it will consider it or not.

Mr. HISCOCK. I raise the question of consideration.

The SPEAKER. The question of consideration having been raised, the question is, Will the House now proceed to the consideration of the legislative, executive, and judicial appropriation bill?

Mr. SCALES. I call for a division.

The SPEAKER proceeded to put the question, but before the count of the House was completed,

Mr. SCALES withdrew the call for further count.

So the House agreed to consider the bill.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER. The question is upon agreeing to the amendments reported by the Committee of the Whole House on the state of the Union on the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HOLMAN. I suggest that the amendments be read in their order.

Mr. RANDALL. The amendments may be read, with the privilege of demanding a separate vote on any amendment on which it may be desired.

Mr. HISCOCK. I wish to say that I do not know what else is required on this side of the House, but so far as I am concerned I will call for separate votes on three amendments: one limiting the power of clerks of the House to do work for other people when they are not engaged in the service of the House; another being the customs-districts amendment. I shall also call for a separate vote on the amendment with reference to distilleries.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] has called for the reading of the amendments, which is a right he has under the rules of the House. As they are read, whenever an amendment is reached on which a separate vote is called it will be taken. The amendments on which no separate vote is called for will be considered as concurred in.

The Clerk proceeded to read the amendments reported by the Committee of the Whole House on the state of the Union, and those on which separate votes were not called for were agreed to.

The first amendment on which a separate vote was called for (by Mr. HOLMAN) was the following:

In line 217, after the words "clerk of the Committee on the Judiciary," insert "clerk to the Committee on Agriculture;" so that as amended the paragraph will read:

"For clerk to the Committee on the Judiciary, clerk to the Committee on Agriculture, clerk to the Committee on Claims, clerk to the Committee on the Public Lands, clerk to the Committee on War Claims, clerk to the Committee on Invalid Pensions, clerk to the Committee on Foreign Affairs, clerk to the Committee on Indian Affairs, and clerk to the Committee on Rivers and Harbors, at $2 000 each.

The house divided; and there were ayes 70.

Before the negative vote was taken,

Mr. HOLMAN said: I do not call for further count.

So the amendment was agreed to.

The next amendment on which a separate vote was called for (by Mr. HOLMAN) was the following:

In line 221, after the words "clerk to the Committee on Foreign Affairs," insert "clerk to the Committee on the District of Columbia."

The question being taken, the amendment was agreed to.

The next amendment on which a separate vote was called for (by Mr. HOLMAN) was the following:

In line 221, after the words "clerk to the Committee on Indian Affairs," insert "clerk to the Committee on Commerce."

Mr. HAMMOND. I understand the effect of this amendment is to make the clerk to the Committee on Commerce an annual clerk.

The SPEAKER. It is.

The House divided; and there were—ayes 70, noes 33.

So (further count not being called for) the amendment was agreed to.

The next amendment on which a separate vote was called for (by Mr. HISCOCK) was the following:

Add to line 296:

"*Provided*, That to conform the service of the House of Representatives to the principles of civil-service reform, it is hereby enacted that no clerk of any committee of this House shall perform any service of a clerical or other character for any member of the House; and any violation of this proviso shall be summarily punished by the dismissal of the clerk so offending; and any member of this House soliciting, demanding, or permitting such private service by clerks of committees shall be subject to the censure of the House, or fine, or imprisonment, or all of these penalties, at the discretion of the House."

The House divided; and there were—ayes 27, noes 82.

Mr. YORK. I ask for the yeas and nays on this amendment.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. This amendment was agreed to in Committee of the Whole on the motion of the gentleman from Colorado [Mr. BELFORD], who is absent. I ask that it be laid over until the gentleman shall be present.

The SPEAKER. That is not a question of order.

Mr. WHITE, of Kentucky. Then let us have the yeas and nays.

The question was taken on ordering the yeas and nays; and there were ayes 12.

The SPEAKER. Not a sufficient number.

Mr. WHITE, of Kentucky. Count the other side. I want to see where the civil-service reform comes in.

The negative vote being counted, there were noes 113—the affirmative not being one-fifth of the entire vote.

Mr. WHITE, of Kentucky. No quorum. I make that point in the interest of civil-service reform. [Laughter.]

The SPEAKER. The Chair will state it has always been held that a quorum is not necessary to decide the question as to ordering the yeas and nays. The gentleman has the right to demand tellers.

Mr. WHITE, of Kentucky. I call for tellers.

Tellers were not ordered.

The SPEAKER. The yeas and nays have been refused. The ayes are 27 and the noes are 82. The amendment is not agreed to.

Mr. WHITE, of Kentucky. Would it be in order now to make the point of no quorum?

The SPEAKER. It is too late to make that point now. The gentleman had the right to make it before the Chair announced the result. [Cries of "Regular order!"]

The following amendment was read:

In line 420, under the head of "Civil-Service Commission," strike out $600 and insert $840; so that it will read: "and one messenger, $840."

Mr. WHITE, of Kentucky. I rise to oppose that amendment.

The SPEAKER. The previous question has been ordered by the House.

Mr. WHITE, of Kentucky. Is not debate in order?

The SPEAKER. It is not.

Mr. WHITE, of Kentucky. As I have been abandoned by the civil-service reformers, I shall not oppose this amendment.

The amendment was agreed to.

The next amendment on which a separate vote was called for (by Mr. HOLMAN) was the following:

In line 432 strike out $4,000 and insert $4,500; so that it will read: "First Assistant Secretary of State, $4,500."

The House divided; and there were—ayes 60, noes 13.

So (further count not being called for) the amendment was agreed to.

The next amendment on which a separate vote was called for (by Mr. HATCH, of Michigan) was the following:

In line 842 strike out the words "sixty-three" and insert "forty-three;" so that it will read:

"That from and after the 30th day of June, 1884, there shall be no more than forty-three collection districts, and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the internal-revenue districts to not exceeding the number aforesaid, in the manner heretofore provided by law."

The House divided; and there were—ayes 112, noes 31.

So (further count not being called for) the amendment was agreed to.

Mr. HOLMAN. The amendment in line 842, to reduce the number of collection districts from sixty-three to forty-three, having been adopted, the total in line 40 should be changed from $1,800,000 to $1,750,000.

There being no objection, the change was made accordingly.

The next amendment upon which a separate vote was demanded was to insert, after line 846, the following:

Provided, however, That the number of deputy collectors, gaugers, storekeepers, and clerks employed in the collection of internal revenue shall not be increased, nor shall the salary of said officers and employés be increased, beyond the salaries paid during the last fiscal year: *And provided further*, That the President is hereby authorized and directed to consolidate and reorganize the customs collection districts of the United States on or before the 1st day of October, 1884, so that the same shall not exceed in number sixty-nine.

And the President shall fix the boundaries of such reorganized districts and designate ports of entry therein, and shall also, from time to time, designate ports in each of such districts at which deputy collectors may be stationed to receive duties and other moneys, enter and clear vessels, and perform such other services in relation to the customs and navigation laws as he may deem necessary; and he shall give public notice of the boundaries and designations of such reorganized customs districts; and said ports when so designated shall have all the privileges of ports of entry and delivery.

And the President is authorized and directed to discontinue the services and abolish the offices of such collectors, surveyors, and appraisers as may be necessary to conform to the number of collection districts herein provided for, and to designate places of deposit for the records and files pertaining to those collection districts which may be abolished pursuant to the provisions of this act.

Sections 2648 and 3687 of the Revised Statutes of the United States, together with all laws or parts of laws authorizing the allowance to collectors and surveyors of customs of salaries, fees, commissions, storage, and perquisites, of whatsoever name and nature, are hereby repealed, to take effect on the 1st day of July, 1885; and all fees collectible by law shall thereafter be accounted for and paid into the Treasury as money belonging to the United States; and the Secretary of the Treasury is hereby authorized to provide for the collection of such fees by the use of stamps, under such regulations as he may prescribe.

And it shall be the duty of the Secretary of the Treasury to include in the regular Book of Estimates for the fiscal year ending June 30, 1886, and each fiscal year thereafter, estimates specifying in detail the number and class of officers and employés of every grade and nature, with the rate of compensation to each, that may in his judgment be necessary to properly conduct the business of collecting the revenue at each port of entry in the United States, together with an estimate of the amounts required for contingent expenses at each of said ports, and for such additional expenses of the service as can not be otherwise specifically provided for: *Provided*, Nothing in this act shall prevent the shipment of merchandise to ports of delivery heretofore established by law.

Mr. CALKINS. I demand a division of that amendment, and ask for a separate vote on the first part of it, which relates to the appointment of deputy collectors.

The SPEAKER. It has always been the rule in the House that an amendment reported from the Committee of the Whole on the state of the Union is not divisible, but is voted on as an entirety.

Mr. CALKINS. Does not the rule provide that where amendments

contain two or more separate and distinct subjects a separate vote may be asked?

The SPEAKER. The gentleman may remember, probably, that the question was discussed very elaborately on the Army appropriation bill during the extra session of the Forty-sixth Congress, when an attempt was made to have a divison of an amendment reported from the Committee of the Whole on the state of the Union and the House by vote decided that the amendment could not be divided.

Mr. RANDALL. That is the current of the decisions upon this subject.

The question was taken upon agreeing to the amendment by a *viva voce* vote, and the Speaker announced that the ayes appeared to have it.

Mr. PARKER. I call for a division.

The House divided; and there were—ayes 103, noes 41.

So (no further count being called for) the amendment was agreed to.

The next amendment upon which a separate vote was asked was the following:

In line 850, after the word "dollars," insert the following:

That the Secretary of the Treasury shall exempt all distilleries which mash ten bushels of grain or less per day from the operation of the provisions of title 35 of the Revised Statutes, relating to the manufacture of spirits, except as to the payment of tax; and said distilleries shall be run and operated without storekeepers; and said Secretary may exempt any distillery, or all distilleries, which mash twenty-five bushels of grain per day from the operations of said title relating to the manufacture of spirits, except as to the payment of the tax, and any distillery so exempted shall be run as fruit distilleries are now operated: *Provided*, That special warehouses may be established by the Secretary of the Treasury, in which he may cause to be deposited the product of any number of said distilleries, to be designated by him by his order, and in which any of said distillers may deposit his product, and when so deposited shall be subject to all the laws and regulations as to bonds, tax, removal, and otherwise as is now provided by law for other warehouses: *And provided further*, That storekeepers, or storekeepers and gaugers, who are assigned to distilleries whose registered capacity is twenty-five bushels or less, shall receive $2 per day for their services; and no collector in any district shall recommend, nor shall there be appointed or commissioned, more deputy collectors, storekeepers, storekeepers and gaugers, gaugers and inspectors, or other officers, or allow to remain in commission more of any of said officers at any one time than are actually engaged in performing duty at the time, and are indispensably necessary for the performance of said duty.

The question was taken upon agreeing to the amendment by a *viva voce* vote, and the Speaker announced that the noes appeared to have it.

Mr. THOMPSON. I call for a division.

The House divided; and there were—ayes 91, noes 46.

Mr. HISCOCK and Mr. WHITE of Kentucky called for tellers.

The question was being taken upon ordering tellers, when

Mr. HISCOCK said: I call for the yeas and nays on agreeing to this amendment.

The yeas and nays were ordered; there being 46 in the affirmative—more than one-fifth of the last vote.

The question was taken; and there were—yeas 116, nays 74, not voting 133; as follows:

YEAS—116.

Alexander,	Elliott,	Lanham,	Singleton,
Ballentine,	English,	Lewis,	Skinner, T. G.
Barbour,	Ermentrout,	Lore,	Spriggs,
Barksdale,	Findlay,	Lovering,	Springer,
Bennett,	Forney,	McAdoo,	Stewart, Charles
Blanchard,	Fyan,	McMillin,	Stockslager,
Bland,	Garrison,	Maybury,	Sumner, D. H.
Blount,	Glascock,	Miller, J. F.	Taylor, J. M.
Breckinridge,	Graves,	Mills,	Thompson,
Broadhead,	Green,	Mitchell,	Throckmorton,
Buchanan,	Greenleaf,	Money,	Tillman,
Buckner,	Halsell,	Moulton,	Tucker,
Cabell,	Hardeman,	Murray,	Tully,
Caldwell,	Hardy,	Mutchler,	Turner, Oscar
Candler,	Hatch, W. H.	Neece,	Vance,
Cassidy,	Hemphill,	Nicholls,	Wallace,
Clardy,	Henley,	Oates,	Warner, A. J.
Clements,	Herbert,	O'Ferrall,	Warner, Richard
Connolly,	Hewitt, A. S.	Pierce,	Wellborn,
Converse,	Hewitt, G. W.	Peel,	Weller,
Cosgrove,	Hoblitzell,	Pryor,	Wemple,
Culberson, D. B.	Hopkins,	Pusey,	Williams,
Dargan,	Houseman,	Reese,	Willis,
Davidson,	Hunt,	Robertson,	Wilson, James
Davis, L. H.	Hurd,	Rogers, J. H.	Wilson, W. L.
Dowd,	Jones, J. H.	Rogers, W. F.	Winans, E. B.
Dunn,	Jones, J. T.	Scales,	Wise, J. S.
Eaton,	King,	Seymour,	Wolford,
Eldredge,	Lamb,	Shelley,	York.

NAYS—74.

Bagley,	Everhart,	Lowry,	Rowell,
Barr,	Follett,	Lyman,	Ryan,
Bisbee,	Foran,	McCoid,	Slocum,
Breitung,	Funston,	McComas,	Spooner,
Brewer, F. B.	George,	Millard,	Stephenson,
Brewer, J. H.	Goff,	Nelson,	Stevens,
Brown, W. W.	Hatch, H. H.	Nutting,	Struble,
Burnes,	Haynes,	O'Neill, Charles	Taylor, E. B.
Calkins,	Hiscock,	Parker,	Turner, H. G.
Campbell, J. M.	Holman,	Payne,	Wait,
Chace,	Howey,	Payson,	Wakefield,
Cobb,	James,	Perkins,	Ward,
Collins,	Johnson,	Peters,	White, J. D.
Covington,	Jones, B. W.	Poland,	White, Milo
Cutcheon,	Jordan,	Price,	Wood,
Davis, R. T.	Kelley,	Randall,	Worthington,
Deuster,	Ketcham,	Ray, G. W.	Yaple.
Dockery,	Lacey,	Riggs,	
Evans, I. N.	Lawrence,	Rockwell,	

NOT VOTING—133.

Adams, G. E.	Dingley,	Kellogg,	Robinson, W. E.
Adams, J. J.	Dorsheimer,	Kleiner,	Rosecrans,
Aiken,	Duncan,	Laird,	Russell,
Anderson,	Dunham,	Le Fevre,	Seney,
Arnot,	Ellis,	Libbey,	Shaw,
Atkinson,	Ellwood,	Long,	Skinner, C. R.
Bayne,	Evins, J. H.	McCormick,	Smalls,
Beach,	Ferrell,	Matson,	Smith,
Belford,	Fiedler,	Miller, S. H.	Snyder,
Belmont,	Finerty,	Milliken,	Steele,
Bingham,	Geddes,	Morey,	Stewart, J. W.
Blackburn,	Gibson,	Morgan,	Stone,
Boutelle,	Guenther,	Morrill,	Storm,
Bowen,	Hammond,	Morrison,	Strait,
Boyle,	Hanback,	Morse,	Sumner, C. A.
Brainerd,	Hancock,	Muldrow,	Talbott,
Browne, T. M.	Harmer,	Muller,	Taylor, J. D.
Brumm,	Hart,	Murphy,	Thomas,
Budd,	Henderson, D. B.	Ochiltree,	Townshend,
Burleigh,	Henderson, T. J.	O'Hara,	Valentine,
Campbell, Felix	Hepburn,	O'Neill, J. J.	Van Alstyne,
Cannon,	Hill,	Paige,	Van Eaton,
Carleton,	Hitt,	Patton,	Wadsworth,
Clay,	Holmes,	Pettibone,	Washburn,
Cook,	Holton,	Phelps,	Weaver,
Cox, S. S.	Hooper,	Post,	Whiting,
Cox, W. R.	Horr,	Potter,	Wilkins,
Crisp,	Houk,	Rankin,	Winans, John
Culbertson, W. W.	Hutchins,	Ranney,	Wise, G. D.
Cullen,	Jeffords,	Ray, Ossian	Woodward,
Curtin,	Jones, J. K.	Reagan,	Young.
Davis, G. R.	Kasson,	Reed,	
Dibble,	Kean,	Rice,	
Dibrell,	Keifer,	Robinson, J. S.	

So the amendment was agreed to.

Mr. WILSON, of Iowa (before the result of the vote was announced), said: I would like to make a statement. All the pairs are so written that the right of gentlemen present to vote to make a quorum is reserved. I think that with more than half of the Republican members absent gentlemen who are present and paired are justified in voting whenever it may be necessary to make a quorum.

Mr. POST, of Pennsylvania. I am paired with the gentleman from Massachusetts [Mr. LONG.] If he were here I should vote "no." I do not know how he would vote.

The following pairs were announced:

Mr. AIKEN with Mr. MCCORMICK, on this vote.

Mr. HOPKINS with Mr. BRUMM, until June 5.

Mr. DIBRELL with Mr. DAVIS, of Illinois, until June 8.

Mr. DOWD with Mr. O'HARA, until June 8.

Mr. GIBSON with Mr. BURLEIGH, until June 9.

Mr. ROBINSON, of New York, with Mr. ATKINSON, until June 3.

Mr. COX, of New York, with Mr. BOUTELLE, until June 8.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio, until June 13.

Mr. WARD with Mr. HOOPER, until June 7.

Mr. MATSON with Mr. CULLEN, until June 7.

Mr. CAMPBELL, of New York, with Mr. WADSWORTH, until June 4.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont (except on appropriation bills), until June 9.

Mr. SHAW with Mr. SMALLS, until June 8.

Mr. DIBBLE with Mr. DINGLEY, until June 7.

Mr. MORRISON with Mr. KASSON, until June 8, except on revenue questions offered on Monday under suspension of the rules.

Mr. SENEY with Mr. DUNHAM, until June 12.

Mr. TOWNSHEND with HENDERSON, of Illinois, until June 8.

Mr. MULDROW with Mr. BINGHAM, until June 11.

Mr. CRISP with Mr. MILLIKEN, until June 9.

The following were announced as paired until further notice:

Mr. STORM with Mr. GUENTHER.

Mr. TALBOTT with Mr. WHITING.

Mr. EVINS, of South Carolina, with Mr. BOWEN.

Mr. ROSECRANS with Mr. PETTIBONE.

Mr. MULLER with Mr. HOUK.

Mr. DUNCAN with Mr. SMITH.

Mr. CLAY with Mr. RICE.

Mr. JONES, of Arkansas, with Mr. HANBACK.

Mr. WILKINS with Mr. BAYNE.

Mr. BOYLE with Mr. LAWRENCE.

Mr. BLACKBURN with Mr. RUSSELL.

Mr. GEDDES with Mr. STEELE.

Mr. PUSEY with Mr. BRAINERD.

Mr. HILL with Mr. RAY, of New Hampshire.

Mr. PAIGE with Mr. VALENTINE.

Mr. GEORGE D. WISE with Mr. LIBBEY.

Mr. POST, of Pennsylvania, with Mr. LONG.

Mr. BEACH with Mr. SKINNER, of New York.

Mr. PATTON with Mr. HOLMES.

Mr. CURTIN with Mr. KEAN.

Mr. CARLETON with Mr. BARR.

Mr. HANCOCK with Mr. WASHBURN.

Mr. BARKSDALE with Mr. JEFFORDS.

Mr. SNYDER with Mr. HART.

Mr. FINERTY with Mr. ADAMS, of Illinois.

Mr. LAMB with Mr. HARMER.

Mr. MONEY with Mr. JOSEPH D. TAYLOR.

Mr. REAGAN with Mr. LAIRD.
Mr. MORSE with Mr. THOMAS.
Mr. VAN EATON with Mr. STRAIT.
Mr. ADAMS, of New York, with Mr. WEAVER.
Mr. KING with Mr. HORR.
Mr. ELLIS with Mr. KEIFER.
Mr. COOK with Mr. CANNON.
The following were announced as paired for this day:
Mr. COX, of North Carolina, with Mr. HITT.
Mr. FIEDLER with Mr. ANDERSON.
Mr. FERRELL with Mr. MORRILL.
Mr. HAMMOND with Mr. REED.
The result of the vote was announced as above stated.
Mr. THOMPSON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
The next amendment on which a separate vote was asked was read, as follows:

Provided, That no clerk or other employé whose salary or compensation is provided for herein shall perform any private service of a clerical or other character for any Senator or Representative in Congress, or for the head of any Department, or for the chief of any bureau in a Department, or for any campaign committee of any political party. And any clerk or employé who shall violate this proviso shall be summarily dismissed from his employment. And any officer or person herein prohibited from receiving or demanding such services of said clerk or employé who shall violate the provisions hereof shall be subject to a fine of not less than $100 for each offense. And the United States court for the district in which the offense may be committed shall have jurisdiction of the offense herein named.

Mr. HOLMAN asked for a division.
The House divided; and there were—ayes 20, noes 51.
So the amendment was disagreed to.
The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.
The SPEAKER. The question is on the passage of the bill, and under the rules it will be taken by yeas and nays.
The question was taken; and it was decided in the affirmative—yeas 140, nays 46, not voting 137; as follows:

YEAS—140.

Aiken,	Eaton,	Lamb,	Seymour,
Alexander,	Eldredge,	Lanham,	Shelley,
Bagley,	Elliott,	Lewis,	Slocum,
Ballentine,	English,	Lore,	Spriggs,
Barksdale,	Findlay,	Lovering,	Springer,
Bennett,	Follett,	Lowry,	Stevens,
Blanchard,	Foran,	McAdoo,	Stewart, Charles
Bland,	Forney,	McCoid,	Stockslager,
Blount,	Fyan,	McMillin,	Sumner, C. A.
Breckinridge,	Garrison,	Maybury,	Taylor, J. M.
Broadhead,	Glascock,	Miller, J. F.	Thompson,
Buchanan,	Graves,	Mills,	Throckmorton,
Buckner,	Green,	Mitchell,	Tillman,
Burnes,	Greenleaf,	Morgan,	Tucker,
Cabell,	Halsell,	Moulton,	Tully,
Caldwell,	Hardeman,	Murphy,	Turner, H. G.
Campbell, J. M.	Hardy,	Murray,	Turner, Oscar
Candler,	Hatch, W. H.	Mutchler,	Van Alstyne,
Cassidy,	Hemphill,	Nelson,	Vance,
Clardy,	Henley,	Nicholls,	Wallace,
Clements,	Herbert,	O'Ferrall,	Warner, A. J.
Cobb,	Hewitt, A. S.	O'Neill, J. J.	Warner, Richard
Collins,	Hewitt, G. W.	Payson,	Wellborn,
Connolly,	Hoblitzell,	Pierce,	Weller,
Converse,	Holman,	Peel,	Wemple,
Cosgrove,	Hopkins,	Potter,	Williams,
Covington,	Houseman,	Pryor,	Willis,
Culberson, D. B.	Hunt,	Pusey,	Wilson, James
Dargan,	Hurd,	Randall,	Wilson, W. L.
Davidson,	Jones, B. W.	Reese,	Winans, E. B.
Davis, L. H.	Jones, J. H.	Riggs,	Wolford,
Deuster,	Jones, J. T.	Robertson,	Wood,
Dockery,	Jordan,	Rogers, J. H.	Worthington,
Dowd,	King,	Rogers, W. F.	Yaple,
Dunn,	Kleiner,	Scales,	York.

NAYS—46.

Bisbee,	Goff,	Millard,	Skinner, T. G.
Breitung,	Hatch, H. H.	O'Neill, Charles	Smith,
Brewer, F. B.	Haynes,	Parker,	Spooner,
Brewer, J. H.	Hiscock,	Payne,	Stephenson,
Brown, W. W.	Howey,	Perkins,	Struble,
Calkins,	James,	Peters,	Taylor, E. B.
Chace,	Johnson,	Poland,	Wait,
Cutcheon,	Kelley,	Price,	Wakefield,
Davis, R. T.	Ketcham,	Ray, G. W.	White, J. D.
Evans, I. N.	Lacey,	Rockwell,	White, Milo
Everhart,	Lyman,	Rowell,	
Funston,	McComas,	Ryan,	

NOT VOTING—137.

Adams, G. E.	Bowen,	Crisp,	Evins, J. H.
Adams, J. J.	Boyle,	Culbertson, W. W.	Ferrell,
Anderson,	Brainerd,	Cullen,	Fiedler,
Arnot,	Browne, T. M.	Curtin,	Finerty,
Atkinson,	Brumm,	Davis, G. R.	Geddes,
Barbour,	Budd,	Dibble,	George,
Barr,	Burleigh,	Dibrell,	Gibson,
Bayne,	Campbell, Felix	Dingley,	Guenther,
Beach,	Cannon,	Dorsheimer,	Hammond,
Belford,	Carleton,	Duncan,	Hanback,
Belmont,	Clay,	Dunham,	Hancock,
Bingham,	Cook,	Ellis,	Harmer,
Blackburn,	Cox, S. S.	Ellwood,	Hart,
Boutelle,	Cox, W. R.	Ermentrout,	Henderson, D. B.
Henderson, T. J.	McCormick,	Rankin,	Sumner, D. H.
Hepburn,	Matson,	Ranney,	Talbott,
Hill,	Miller, S. H.	Ray, Ossian	Taylor, J. D.
Hitt,	Milliken,	Reagan,	Thomas,
Holmes,	Money,	Reed,	Townshend,
Holton,	Morey,	Rice,	Valentine,
Hooper,	Morrill,	Robinson, J. S.	Van Eaton,
Horr,	Morrison,	Robinson, W. E.	Wadsworth,
Houk,	Morse,	Rosecrans,	Ward,
Hutchins,	Muldrow,	Russell,	Washburn,
Jeffords,	Muller,	Seney,	Weaver,
Jones, J. K.	Neece,	Shaw,	Whiting,
Kasson,	Nutting,	Singleton,	Wilkins,
Kean,	Oates,	Skinner, C. R.	Winans, John
Keifer,	Ochiltree,	Smalls,	Wise, G. D.
Kellogg,	O'Hara,	Snyder,	Wise, J. S.
Laird,	Paige,	Steele,	Woodward,
Lawrence,	Patton,	Stewart, J. W.	Young.
Le Fevre,	Pettibone,	Stone,	
Libbey,	Phelps,	Storm,	
Long,	Post,	Strait,	

So the bill was passed.
During the roll-call,
Mr. MONEY said: I ask leave to vote. I was in the building but not in the Hall when my name was called.
The SPEAKER. The Chair is not under the rules permitted to ask unanimous consent for that purpose.
The following additional pairs were announced from the Clerk's desk:
Mr. ERMENTROUT with Mr. CULBERSON, of Texas, for this day.
Mr. MURPHY with Mr. ELWOOD, until further notice.
The vote was then announced as above recorded.
Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HISCOCK. I move to suspend the rules and pass this bill.
Mr. COSGROVE. I move the House adjourn.
Mr. WHITE, of Kentucky. I ask the proposition be read. [Cries of "Regular order!"]
Mr. HISCOCK. Before the motion to adjourn is put, am I not entitled to have the bill read so the House may know the motion before it?
The SPEAKER. If the vote were to be taken on the gentleman's motion he would have that right.
Mr. HISCOCK. I rise to make a parliamentary inquiry. [Cries of "Regular order!"]
The SPEAKER. The gentleman has a right to make a parliamentary inquiry.
Mr. YORK. I demand the yeas and nays on the motion to adjourn.
The yeas and nays were ordered.
Mr. HISCOCK. I desire to make this parliamentary inquiry: Can I be taken off my feet by a motion to adjourn by the gentleman from Missouri when I have made the motion to suspend the rules and pass the bill? I am upon the floor, and I ask the Chair whether I can be taken off the floor by a motion to adjourn? [Cries of "Regular order!"]
The SPEAKER. The gentleman had made his motion. The Chair then recognized the motion to adjourn.
Mr. HISCOCK. I desire to say that this bill——
Mr. COSGROVE. Regular order.
Mr. HISCOCK. This is a bill to reduce internal taxes. It takes the tax [cries of "Regular order!"] off tobacco altogether.
Mr. MILLS. The gentleman was not recognized for a speech, was he?
Mr. HISCOCK. And it takes the tax off alcohol for use in the arts, but not when used as a beverage. [Loud cries of "Regular order!"]
The SPEAKER. The regular order is the vote by yeas and nays on the motion to adjourn.
The question was taken; and there were—yeas 94, nays 92, not voting 137; as follows:

YEAS—94.

Aiken,	Follett,	Lowry,	Slocum,
Alexander,	Forney,	McMillin,	Springer,
Bagley,	Fyan,	Matson,	Stockslager,
Barksdale,	Graves,	Maybury,	Sumner, C. A.
Bland,	Halsell,	Miller, J. F.	Thompson,
Blount,	Hardeman,	Mills,	Tully,
Breckinridge,	Hatch, W. H.	Mitchell,	Turner, H. G.
Buchanan,	Henley,	Money,	Turner, Oscar
Buckner,	Herbert,	Morgan,	Van Alstyne,
Burnes,	Hewitt, A. S.	Morrison,	Warner, A. J.
Caldwell,	Hoblitzell,	Moulton,	Warner, Richard
Connolly,	Holman,	Murray,	Wellborn,
Cosgrove,	Houseman,	Neece,	Weller,
Covington,	Hurd,	Nicholls,	Wemple,
Culberson, D. B.	Hutchins,	Oates,	Williams,
Dargan,	Jones, B. W.	Potter,	Willis,
Davidson,	Jones, J. H.	Pryor,	Wilson, W. L.
Davis, L. H.	Jones, J. T.	Pusey,	Winans, E. B.
Deuster,	Jordan,	Reese,	Wolford,
Dockery,	Ketcham,	Riggs,	Wood,
Dunn,	Kleiner,	Robertson,	Worthington,
Eaton,	Lanham,	Rogers, J. H.	Yaple.
Eldredge,	Lewis,	Seymour,	
Elliott,	Lore,	Singleton,	

NAYS—92.

Bennett,	Findlay,	Lovering,	Rowell,
Bisbee,	Foran,	Lyman,	Ryan,
Blanchard,	Funston,	McAdoo,	Scales,
Breitung,	Garrison,	McCoid,	Shelley,
Brewer, F. B.	George,	McComas,	Skinner, T. G.
Brewer, J. H.	Glascock,	Millard,	Smith,
Brown, W. W.	Goff,	Nelson,	Spooner,
Cabell,	Greenleaf,	Nutting,	Stephenson,
Calkins,	Hardy,	O'Ferrall,	Stevens,
Campbell, J. M.	Hatch, H. H.	O'Neill, Charles	Struble,
Candler,	Haynes,	Parker,	Taylor, E. B.
Cassidy,	Hemphill,	Payne,	Throckmorton,
Chace,	Hewitt, G. W.	Payson,	Tillman,
Clements,	Hiscock,	Pierce,	Tucker,
Cobb,	Hopkins,	Peel,	Vance,
Collins,	Howey,	Perkins,	Wait,
Converse,	Hunt,	Peters,	Wakefield,
Cutcheon,	James,	Poland,	Wallace,
Davis, R. T.	King,	Price,	White, J. D.
Dowd,	Lacey,	Randall,	White, Milo
English,	Laird,	Ray, G. W.	Wilson, James
Evans, I. N.	Lamb,	Rockwell,	Wise, J. S.
Everhart,	Lawrence,	Rogers, W. F.	York.

NOT VOTING—137.

Adams, G. E.	Davis, G. R.	Jones, J. K.	Rosecrans,
Adams, J. J.	Dibble,	Kasson,	Russell,
Anderson,	Dibrell,	Kean,	Seney,
Arnot,	Dingley,	Keifer,	Shaw,
Atkinson,	Dorsheimer,	Kelley,	Skinner, C. R.
Ballentine,	Duncan,	Kellogg,	Smalls,
Barbour,	Dunham,	Le Fevre,	Snyder,
Barr,	Ellis,	Libbey,	Spriggs,
Bayne,	Ellwood,	Long,	Steele,
Beach,	Ermentrout,	McCormick,	Stewart, Charles
Belford,	Evins, J. H.	Miller, S. H.	Stewart, J. W.
Belmont,	Ferrell,	Milliken,	Stone,
Bingham,	Fiedler,	Morey,	Storm,
Blackburn,	Finerty,	Morrill,	Strait,
Boutelle,	Geddes,	Morse,	Sumner, D. H.
Bowen,	Gibson,	Muldrow,	Talbott,
Boyle,	Green,	Muller,	Taylor, J. D.
Brainerd,	Guenther,	Murphy,	Taylor, J. M.
Broadhead,	Hammond,	Mutchler,	Thomas,
Browne, T. M.	Hanback,	Ochiltree,	Townshend,
Brumm,	Hancock,	O'Hara,	Valentine,
Budd,	Harmer,	O'Neill, J. J.	Van Eaton,
Burleigh,	Hart,	Paige,	Wadsworth,
Campbell, Felix	Henderson, D. B.	Patton,	Ward,
Cannon,	Henderson, T. J.	Pettibone,	Washburn,
Carleton,	Hepburn,	Phelps,	Weaver,
Clardy,	Hill,	Post,	Whiting,
Clay,	Hitt,	Rankin,	Wilkins,
Cook,	Holmes,	Ranney,	Winans, John
Cox, S. S.	Holton,	Ray, Ossian	Wise, G. D.
Cox, W. R.	Hooper,	Reagan,	Woodward,
Crisp,	Horr,	Reed,	Young.
Culbertson, W. W.	Houk,	Rice,	
Cullen,	Jeffords,	Robinson, J. S.	
Curtin,	Johnson,	Robinson, W. E.	

So the motion to adjourn was agreed to.

Mr. LORE. I move to dispense with the recapitulation of the names of those voting.

Mr. HISCOCK and others objected.

The SPEAKER. The Clerk will read the names of those voting.

Mr. HISCOCK. Pending the announcement of the vote I ask unanimous consent to have the bill I offered printed in the RECORD for the information of members of the House.

Mr. MORRISON and others. Regular order.

The result of the vote was then announced as above recorded; and accordingly (at 2 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Resolutions of the Legislature of the State of New York, relative to pensions for ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of Henry Judd Post, No. 421, Grand Army of the Republic, relative to the passage of sundry pension bills—to the same committee.

By Mr. J. H. BREWER: Concurrent resolution of the Legislature of New Jersey, opposing the passage of any bill granting the privilege to build a bridge between Staten Island and New Jersey—to the Committee on Commerce.

By Mr. BURLEIGH: Petition of citizens of Troy, N. Y., in favor of the passage of several labor and other bills—to the Committee on Labor.

By Mr. CUTCHEON: Memorials of Carver Post, No. 123, of Steedman Post, No. 198, and of Post No. 92, Grand Army of the Republic, Department of Michigan, asking for a service pension for soldiers of the late war—severally to the Committee on Invalid Pensions.

By Mr. GEORGE: Petition of Simeon L. Hyde and other soldiers of the war of the rebellion, asking for various amendments to the pension laws—to the same committee.

By Mr. D. B. HENDERSON: Petition of James O. McKenna, for a pension—to the same committee.

By Mr. HUTCHINS: Petition of citizens of the town of Rye, N. Y., in reference to the enactment of any measure relating to the telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: Petition of citizens of Louisiana, relative to public lands—to the Committee on the Public Lands.

By Mr. J. H. ROGERS: Memorial of the Grand Army of the Republic, Department of Arkansas, relative to soldiers' homes—to the Committee on Military Affairs.

By Mr. SLOCUM: Petition of the Congregational church and of citizens of Brooklyn, N. Y., asking appropriations for Indian schools—severally to the Committee on Indian Affairs.

Also, petition of soldiers and citizens, for amendment of pension laws—to the Committee on Invalid Pensions.

Also, petition of citizens of Brooklyn, for change of law relative to postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Memorial of R. B. Thrapp and others, members of Dick Johnson Post, Grand Army of the Republic, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of Hon. George Bushyhead, ex-chief, and James Taylor, esq., and 1,200 or more North Carolina Cherokee Indians, for a final settlement with the United States, &c.—to the Committee on Indian Affairs.

Also, papers in the matter of the application of Catharine Baur for extension of letters patent No. 49495—to the Committee on Patents.

By Mr. VAN EATON: Petition of A. G. Stevenson, superintendent of education, and others, citizens of Hancock County, and of citizens of Pike County, Mississippi, in favor of Federal aid to education—severally to the Committee on Education.

SENATE.

TUESDAY, *June* 3, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO FRIDAY.

Mr. INGALLS. Mr. President, I move that when the Senate adjourns to-day it be to meet on Friday next.

Mr. SHERMAN. The motion is not debatable, but I should like to see the Calendar gone through with.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a telegraphic petition of H. T. Ceperly, president of Board of Trade, Livingston, Mont., stating that the company incorporated to build the Cinnabar and Clark's Fork Railroad is composed of men who own mines in the Clarke's Fork district, and praying that the bill granting the right of way through a portion of the National Park thereto may be passed; which was ordered to lie on the table.

Mr. ALLISON presented memorials of citizens of Pella and Sioux City, Iowa, remonstrating against the enactment of any measure which will establish a Government monopoly of the telegraph; which were ordered to lie on the table.

Mr. MCMILLAN presented a memorial of the Chamber of Commerce of Duluth, Minn., remonstrating against the passage of Senate bill 1853, for the reconstruction and consolidation of the customs districts of the United States; which was referred to the Committee on Commerce.

He also presented memorials of citizens of Austin, Winona, Faribault, Lake City, and New Ulm, Minn., remonstrating against the enactment of any measure relating to the telegraph system which shall increase the number of public officials or establish a governmental monopoly of the telegraph business; which were ordered to lie on the table.

Mr. WILSON presented the memorial of D. M. Thompson and other citizens of Chariton, Iowa, remonstrating against the enactment of any measure which shall increase the number of public officials or establish a governmental monopoly of the telegraph business; which was ordered to lie on the table.

Mr. JONAS presented the petition of Edward M. Walker, administrator of the estate of Marcus Walker, deceased, of Franklin, La., praying that the reference of Senate bill 1167, for the relief of the estate of Marcus Walker, deceased, to the Court of Claims be recalled for the reasons therein stated, and that the case be considered by the Senate; which was referred to the Committee on Claims.

He also presented certain papers to accompany the bill (S. 85) for the relief of the Citizens' Bank of Louisiana; which were referred to the Committee on Claims.

Mr. BROWN. I present the petition of the Georgia Medical Society, at Savannah, the Augusta Academy of Medicine, and the board of health of the city of Augusta, asking for the offering of a reward or premium for the discovery of the causes or germ of yellow fever, or a mode of treatment that will amount to a prevention of the cause or the destruction of the disease. To state the substance of the petition would take me some little time, and as it is on a very important and interesting subject, I respectfully ask the consent of the Senate that it be read.

The PRESIDENT *pro tempore*. The Senator from Georgia presents a petition, the nature of which he has stated, and asks that it be read. Is there objection?

Mr. ALLISON. Why not have it printed in the RECORD?

Mr. BROWN. It is not very long.

Mr. INGALLS. Why not print it in the RECORD?

Mr. BROWN. I will simply ask that it be printed in the RECORD instead of being read.

The petition was ordered to be printed in the RECORD, and referred to the Committee on Epidemic Diseases, as follows:

To the Senate and House of Representatives of the United States:

The undersigned respectfully represent that the insecurity to the public health from the epidemic prevalence of yellow fever is chiefly due to a total ignorance of the real cause of the disease, together with the circumstances and laws governing its generation, reproduction, and spread; that the portability and reproductive nature of said cause suggest the idea of physical and perhaps physiological qualities that may lead to its ultimate identification by some means within the reach of science, or, if not to this, to a more intimate knowledge of its organic potencies by which its virulence as a poison may be reduced; therefore, with a view to stimulate inquiry in this direction, and thereby subserve the commercial interests of the country and the welfare of its citizens, your petitioners pray your honorable bodies to offer a premium of $100,000, open to the world, for the discovery of the true cause (or germ) of yellow fever, with (or in default thereof) any certain means of effecting its prevention, destruction, or material modification, the same to be subjected to such practical tests, under the direction of Congress, as will determine its real merits and efficiency.

In support of this petition we will present no array of statistics to show the frequency of the epidemic prevalence of the disease, the loss of life and suffering to the people, the disasters to commerce entailed by the suspension of intercourse with infected ports and even cities of the interior of our country, the bankruptcy of cities caused by its blighting presence, or even that it (yellow fever) is a perpetual menace to this country. All of this and much more is familiar to you and to the intelligent American public, who since the epidemics of 1876, 1878, and 1879 have favored controlling legislation on the subject. We do desire, however, to present and stress the fact, more potential than the most convincing statistics above alluded to, that the failure of sanitary bodies, as well as of all legislation (State and Federal), to give security to the public interests against this disease, which ranks floods and fire and all other sources of devastation in the certainty of its coming and in the powerlessness of the people before it, arises from a painful, helpless ignorance of its cause and the laws governing its origin and reproduction. Its fatality is but slightly affected or altered by medical treatment, the death-rate being determined rather by the degree of poisoning.

Science hitherto offers no practical defense against it, except in a quarantine, which to be reliable must be so perfect as to prevent evasion. This is so difficult of attainment that when a sporadic case occurs in one of our ports it is forthwith charged to an evasion of quarantine, and every effort made thus to explain its origin. When the disease extends to an interior city the difficulties in the way of a successful quarantine are greatly increased. We therefore pray a beneficent government to aid in dispelling this cloud of ignorance with the light of positive knowledge, if it be attainable, by stimulating observers, known and unknown the world over, with the hope of reward as well as of merited honor and distinction.

Positive knowledge upon all subjects pertaining to sanitary science, and on this one in particular, is the great desideratum. All measures of quarantine and internal hygiene, however judicious and forcible, are simply defensive in character and altogether indirect, and must of necessity remain so as long as directed against an unseen, intangible, and unknown entity protected by ignorance and clothed with mystery.

The discovery of only a single additional feature in the character or quality of this poison, or germ, or cause, of whatever nature or source, may reveal the secret of its prevention, destruction, or material modification, and thus place it in the power of sanitarians to disarm it as completely as vaccination does small-pox.

The aim of the present efficient quarantine, on which confidence mainly reposes, is to prevent its introduction; it may or may not confer practical immunity against the disease. Too much, however, should not be conceded to it, since the history of yellow fever shows that even when one far less efficient was in force, or virtually none at all, yellow fever has spared for years in succession the Gulf and Atlantic coasts. But, admitting all that its most sanguine advocates may claim for it, shall its enforcement be accepted as a perpetual duty and the limit of our resources; or, in imitation of the wise policy of other enlightened governments, shall we so legislate as to invite a knowledge of the *causa causans*, and thus possibly make precise for its destruction what is at present left solely to empirical observation? The problem is more pressing now than ever, because the railroad transportation of disease germs has acquired equal dignity with their importation by ships, and thus the danger has been made co-equal with the railroad development of the Southern section.

The French and German cholera commissions now engaged in a philosophic and strictly scientific inquiry into the cause of Asiatic cholera, with a view to the arrest of this disease in its westward progress, may be referred to in this connection. One lesson is certainly taught by the example thus set to the world by France and Germany, namely, the folly of longer dependence upon empirical observation for protection against this subtile disease; the line of progress is the path of diligent research, fearlessly, faithfully made.

The British Parliament voted £30,000 to the immortal Jenner for the discovery of vaccination against the then greatest scourge to mankind. The prevention of small-pox by vaccination is indeed the greatest achievement of sanitary science known to the world; it was then seemingly as unattainable as the problem in hand may now appear. Who will dare say that a similar ultimate success may not attend the effort that you are solicited to further by a premium scarcely equal to the annual appropriation made for the maintenance of quarantine? The award is based upon the successful discovery of some certain means of preventing, destroying, or materially modifying the cause (known or unknown) of yellow fever. It is not offered for the successful treatment of yellow fever; that is a problem for the medical profession, who wish only to become the beneficiaries of whatever light research, promoted by your generous interest, may reveal. It is rather for the prevention of the disease, with all the beneficent results that are likely to follow to humanity and to commerce, that you are asked thus to legislate.

The amount specified is not large when the time, labor, and expense incident to such investigations are taken into consideration.

WM. H. DOUGHTY, *M. D.*

AUGUSTA, GA., *April* 30, 1884.

GEORGIA MEDICAL SOCIETY, SAVANNAH, GA., *December* 14, 1883.

DEAR SIR: At a meeting of the Georgia Medical Society, held the evening of the 11th instant, the committee to whom was referred your papers and resolutions to memorialize Congress to appropriate a premium of $100,000 for the discovery of the cause of yellow fever, &c., reported for its indorsement, and the society unanimously indorsed the same.

Very respectfully,

[SEAL.] JNO. M. JOHNSTON, M. D.,
Recording Secretary.

W. H. DOUGHTY, M. D., *Augusta, Ga.*

The above petition was read in meeting of the board of health of Augusta, Ga., and received its approval, and was ordered to be signed officially by the president and secretary of said board.

Augusta, Ga., May 1, 1884.

[SEAL.] EUGENE FOSTER, M. D.,
President Board of Health, C. A.

Attest:

L. T. BLOME,
Secretary Board of Health, C. A.

This memorial was read before the Augusta Academy of Medicine, and received its unanimous indorsement. The president and secretary were directed to append their official signatures.

Augusta, Ga., May 9, 1884.

THEO. LAMB, M. D.,
President Augusta Academy Medicine.
WM. H. HARRISON, SR., M. D.,
Secretary Augusta Academy Medicine.

Mr. BROWN. When the order of the introduction of bills is reached I shall introduce a bill on the subject.

Mr. SHERMAN presented the petition of Frank Arnim, late captain Third Regiment Iowa Cavalry, United States Army, praying compensation for recovering money for the United States Government that belonged to the late confederacy; which was referred to the Committee on Claims.

Mr. HARRIS. I present the petition of the heirs of Matthew Allison, deceased, of Tennessee. This case has had an adverse report heretofore, but this petition states that there is new and material evidence. I therefore present the petition and move its reference to the Committee on Claims.

The motion was agreed to.

Mr. HARRIS. In connection with the petition I ask for the following order:

Ordered, That the petition and accompanying papers in the case of the heirs of Matthew Allison, deceased, of Tennessee, be taken from the files of the Senate and referred to the Committee on Claims.

The order was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7069) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; and

A bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 4822) for the relief of Frances McNeil Potter, submitted an adverse report thereon.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 1590) for the relief of Frances McNeil Potter, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 4014) for the relief of Isaac Reed, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1340) granting a pension to Isaac Reed, reported it adversely; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 2325) granting a pension to Helen M. Harrison, submitted an adverse report thereon.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1075) granting a pension to Caroline Lauffer, reported it without amendment.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 1324) to increase the pension of William Taylor, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 796) to increase the pension of Peter Lennon, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1756) granting a pension to George Overmire, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BROWN introduced a bill (S. 2281) offering a reward of $100,000

to any person of any nationality who will discover the true cause or germ of yellow fever with any certain means of effecting its prevention, destruction, or material modification; or who without discovering the cause or germ of said disease shall discover a certain and practical mode of effecting its prevention, destruction, or material modification; which was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2282) for the relief of John Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONAS introduced a bill (S. 2283) for the relief of Charles M. Flower, Frank S. Flower, William Flower, D. Spriggs Flower, and Clara H. Flower; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SLATER introduced a bill (S. 2284) appropriating certain moneys for the construction of a steam-vessel of the revenue marine, and steam-launch for special service in Alaskan waters; which was read twice by its title.

Mr. SLATER. I move that the bill be referred to the Committee on Commerce with the accompanying papers, consisting of correspondence with the Treasury Department. I ask leave to say that I hope the Committee on Commerce will give the measure immediate attention, in order that if they should approve of it an amendment may be offered in proper shape to some bill that may come in hereafter on the subject-matter.

The bill was referred with the accompanying papers to the Committee on Commerce.

Mr. MCPHERSON introduced a bill (S. 2286) granting a pension to Charles H. Cundell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2287) to change the time of holding United States circuit and district courts in the southern district of the State of Florida; which was read twice by its title.

Mr. CALL. I present to accompany the bill a petition of citizens of Tampa, in the State of Florida, praying for a change of the time of holding the United States circuit court and district courts at Tampa. The matter is one of pressing importance and demands immediate attention. I move that the bill, with the accompanying petition, be referred to the Committee on the Judiciary.

The motion was agreed to.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MAXEY submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT TAXES AND STREET IMPROVEMENTS.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are in order, and the Chair lays before the Senate the resolution submitted yesterday by the Senator from Alabama [Mr. MORGAN] in respect of District taxes and street improvements. The resolution will be read.

The Chief Clerk read the resolution:

Resolved, That the commissioners of the District of Columbia be directed to report to the Senate the aggregate amount collected from taxation for each of the fiscal years from 1875 to 1884 inclusive, in each of the four quarters of the city of Washington, in Georgetown, and in the county of Washington outside of said cities. Also the aggregate amount expended in each of said six divisions for each of said ten years for street improvements of all kinds, including the replacement of wood, stone, and macadam pavements, new pavements, laying sidewalks, regulating, grading, and filling up streets, repairs to concrete pavements and macadam-roadways, parking, for permit work, and for repairs to streets, avenues, alleys, county roads, suburban streets, &c.

The PRESIDENT *pro tempore*. The Chair notices that the Senator from Alabama is not in his seat.

Mr. INGALLS. I was about to observe that when the Senator from Alabama who offered the two resolutions appears, I shall move that they be referred to the Committee on the District of Columbia; but as he is not here, I ask unanimous consent that they may lie over.

The PRESIDENT *pro tempore*. The resolutions will be laid aside, if there be no objection.

WITHDRAWAL OF PAPERS.

On motion of Mr. JONAS, it was

Ordered, That the petition and papers of the Union National Bank of Louisiana, on the files of the Senate, be referred to the Committee on Claims, no adverse report having been made thereon.

THE CALENDAR.

Mr. SHERMAN. I ask for the execution of the order made yesterday in regard to business to-day.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed. Pursuant to the unanimous understanding of yesterday Order of Business 497, being Senate bill 2033, will be reported, being the bill next after those last disposed of yesterday.

The bill (S. 2033) providing for a writ of error in the cause of the heirs of Arredondo against the United States of America, in the circuit court of the United States for the northern district of Florida, was announced as first in order.

Mr. CALL. I ask that that may lie over for to-day.

The PRESIDENT *pro tempore*. The Senator from Florida objects to the consideration of the bill and it goes over.

The bill (S. 1728) giving copyright to newspapers was announced as next in order.

Mr. HARRIS. That is an adverse report.

The PRESIDENT *pro tempore*. Objection is made and the bill goes over.

The bill (S. 2072) to prevent the advertisement of lotteries in the District of Columbia and the Territories of the United States, to prevent the sale of lottery tickets therein, and for other purposes, was announced as next in order.

Mr. SHERMAN. I object to that being considered now, as it will lead to discussion.

The PRESIDENT *pro tempore*. Objection is made and the bill goes over.

The joint resolution (S. R. 18) proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States, in relation to the veto power, was announced as next in order.

Mr. CAMERON, of Wisconsin. That had better go over also.

The PRESIDENT *pro tempore*. The joint resolution is objected to, and goes over.

THOMAS MULVIHILL.

The bill (H. R. 4704) authorizing and empowering the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY JOYCE.

The bill (S. 837) granting a pension to Mary Joyce was announced as next in order.

Mr. HARRIS. That is reported adversely. Let it go over.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over.

JOHN W. BLAKE.

The bill (S. 1631) for the relief of John W. Blake was considered as in Committee of the Whole. It proposes to pay to John W. Blake, of Indianapolis, Ind., $1,700, in full payment of all claims against the Government of the United States for back pay and interest due him as brigade inspector and brigade commissary on the staff of General W. S. Rosecraps during the three months' service in the war of 1861.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 5, after "Indiana," to strike out "the sum of $1,700;" and after the word "appropriated," in line 7, to insert:

The pay and allowances of a captain of infantry in the volunteer service from the 23d day of June, 1861, to the 21st day of July, 1861.

Mr. COCKRELL. There is a little amendment that I know ought to have gone in, but it is not printed. In line 10, I move to amend the committee's amendment by inserting, after the word "sixty-one," the words "less any amounts paid him during said term."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, after the words "back pay," in line 15, to strike out the following words:

And interest due him as brigade inspector and brigade commissary on the staff of General W. S. Rosecrans during said three months' service in the war of 1861.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONDITION OF COLORED PEOPLE.

The bill (S. 1464) creating a commission whose duty it shall be to inquire into and report upon the material, industrial, and intellectual progress made by the colored people of this country since 1865, and making appropriations for the same, was announced as next in order.

Mr. HARRIS. That is an adverse report. Let it go over.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The bill goes over.

RIO GRANDE, MEXICO AND PACIFIC RAILROAD.

The bill (S. 286) granting the right of way through a military reservation to a railroad company was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 3, before the word "hundred," to strike out "two" and insert "one," and after the word "feet" to insert "and no more;" in line 5, after the word "hereby," to strike out "granted" and insert "confirmed;" and after the word "Railroad," in line 6, to strike out the remainder of the bill in the following words:

Together with ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turnouts, and water stations, not to exceed in amount twenty acres for such station.

So as to make the bill read:

That the right of way to the extent of one hundred feet, and no more, in width through the Fort Selden military reservation, New Mexico, be, and the same is hereby, confirmed to the Rio Grande, Mexico and Pacific Railroad.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. McMILLAN the title was amended so as to read: "A bill granting the right of way through the Fort Selden military reservation, New Mexico, to the Rio Grande, Mexico and Pacific Railroad."

THOMAS T. STRATTON.

The bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldran, was considered as in Committee of the Whole. It proposes to pay $3,256.88 to Thomas T. Stratton, as assignee of W. B. Waldran, in full payment and satisfaction of Waldran's claim and demand against the United States for and on account of work and labor done on the United States court-room offices and judges' chambers at Memphis, Tenn., under contract with and direction of J. M. Timony, United States marshal for the western judicial district of Tennessee, which claim and demand was by W. B. Waldran assigned and transferred to Thomas T. Stratton.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LETTER-CARRIERS' LEAVE OF ABSENCE.

The bill (S. 1727) to grant letter-carriers at free-delivery offices thirty days' leave of absence in each year was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 4, after the word "exceed," to strike out "thirty" and insert "fifteen;" so as to make the bill read:

Be it enacted, &c., That all letter-carriers at free-delivery offices shall be entitled to leave of absence, not to exceed fifteen days in each year, without loss of pay; and the Postmaster-General is hereby authorized to employ, when necessary, during the time such leave of absence is granted, such number of substitute letter-carriers as may be deemed advisable, who shall be paid for services rendered at the rate of $600 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MITCHELL, the title was amended so as to read: "A bill to grant letter-carriers at free-delivery offices fifteen days' leave of absence in each year."

JAMES S. CLARK & CO.

The bill (S. 1384) for the relief of James S. Clark & Co. was announced as next in order.

Mr. ALLISON. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill goes over under the objection of the Senator from Iowa.

H. K. BELDING.

The bill (S. 1570) for the relief of H. K. Belding was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $1,566 to H. K. Belding, of Minnesota, for carrying the mails of the United States between the years 1858 and 1862.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2092) for the relief of Sallie Carroll was announced as next in order.

Mr. ALLISON. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill goes over on the objection of the Senator from Iowa.

The bill (S. 1744) for the relief of Mrs. Martha L. Burch was announced as next in order.

Mr. COCKRELL. That is an adverse report.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1898) to provide for the formation and admission into the Union of the State of Tacoma, and for other purposes, was announced as next in order.

Mr. COCKRELL. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2098) to amend section 4078 of the Revised Statutes was announced as next in order.

Mr. GORMAN. I object to the consideration of that bill.

The PRESIDING OFFICER. The Senator from Maryland objects, and the bill goes over.

JOHN W. SAVILLE.

The bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy was announced as next in order.

Mr. McPHERSON. Let that bill go over.

Mr. HAWLEY. I wish the Senator would be so kind as to suspend his objection for a moment.

Mr. McPHERSON. I withdraw the objection.

Mr. HAWLEY. This is a case so obviously one of mercy and justice both that I think the Senator will not object if he hears me. This officer was entitled to promotion and was on duty in the East Indies, or the China waters, and the Admiral would not spare him to go home to pass his examination. He was kept there twenty-eight months and over beyond the usual tour of duty, until broken down from heart disease, and when he got back here he was retired and lost his promotion. He served honorably during the war, was twice wounded, suffered severely from malarial fever, and is now hopelessly afflicted with heart disease. He is retired and is honestly entitled to the promotion.

Mr. McPHERSON. I only objected because I saw that the Senator who reported the bill from the Committee on Naval Affairs was not present. I withdraw the objection. I favor the bill myself.

Mr. HAWLEY. I supposed that was the reason of the objection.

The bill was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint Assistant Engineer John W. Saville a passed assistant engineer in the Navy, to date with his class on the active-list; and to place him on the retired-list of the Navy with the highest rate of retired pay of that grade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2062) to provide for the deposit in the Treasury of the receipts of the money-order system, and for the payment of its expenses out of appropriations, was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDING OFFICER. The bill goes over.

Mr. McPHERSON. With respect to the next bill on the Calendar, being the bill (S. 1447) to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads, it will require a great deal of discussion, even more perhaps than the Utah bill. I ask to have it transferred to the Calendar under Rule IX.

Mr. McMILLAN. I consent that the bill shall go over, but under the unanimous consent under which we are now acting it does not lose its place on this Calendar.

The PRESIDING OFFICER. Does the Senator from New Jersey ask that the bill go over to the Calendar under Rule IX?

Mr. McPHERSON. I made the suggestion for this reason: It is a bill that will require a great deal of discussion, and it is impossible to discuss it properly under Rule VIII. Therefore I want it to be put under Rule IX, where it can be discussed.

The PRESIDING OFFICER. It retains its place under Rule VIII.

Mr. HARRIS. Under the consent rule upon which we are now acting an objection does not carry a bill over, but when it is reached under Rule VIII at another time an objection will carry it over under Rule IX.

Mr. McPHERSON. Very well. I understood that; but at the same time I did not understand that the unanimous consent obtained yesterday would prevent a motion to carry a bill to the other Calendar. If the understanding prevents that, I certainly shall not make the motion.

Mr. SHERMAN. The understanding would prevent any motion whatever that would lead to controversy or dispute.

Mr. McPHERSON. I shall not insist on the motion.

Mr. SHERMAN. The understanding had yesterday would prevent any motion being made that would lead to controversy, any motion that was objected to by any one. Therefore the bill will stand precisely as it is.

Mr. McPHERSON. I have no objection.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3056) to constitute a bureau of navigation in the Treasury Department was announced as next in order.

Mr. INGALLS. That bill is too important to be considered under the rule under which we are proceeding.

The PRESIDING OFFICER. The bill will go over on the suggestion of the Senator from Kansas.

The bill (S. 1407) to amend the pension laws, and for other purposes, was announced as next in order.

Mr. INGALLS. That also requires consideration.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2099) for the relief of Hiram Johnson and others was announced as next in order.

Mr. INGALLS. In that case the committee are divided. I suggest that it go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1572) to encourage Indian education in the Territory of Dakota was announced as next in order.

Mr. MAXEY. I object.

Mr. INGALLS. That bill received the approval of the Department of the Interior.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2042) to protect American laborers was announced as next in order.

Mr. FARLEY. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The next bill in order was the bill (S. 1484) to provide for the study of physiology, and the effect of intoxicating, narcotic, and poisonous substances upon life, health, and welfare, by the pupils in the public schools of the Territories and the District of Columbia.

Mr. COCKRELL. Let that go over.

The PRESIDING OFFICER. The bill will go over.

WIDOW OF EDWARD M. WILKINS.

The bill (S. 1641) for the relief of the widow of Edward M. Wilkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the name "Wilkins," to insert "executed in his lifetime;" so as to read:

That the Commissioner of Pensions be, and he is hereby, authorized and directed to accept the application of Edward M. Wilkins, executed in his lifetime, for pension on account of disability contracted while serving as a private in Company G, First Regiment Rhode Island Militia, filed in the Pension Office December 19, 1879, as though the same had been filed during the lifetime of the soldier, and adjudicate the claim, numbered 333122, accordingly.

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN AND P. B. MURPHY.

The joint resolution (S. R. 56) for the relief of Martin and P. B. Murphy was considered as in Committee of the Whole. It provides for the payment to Martin and P. B. Murphy $10,000, in full payment and satisfaction for the site of the light-house on Point Conception, on the Pacific coast, conveyed to the United States by deed dated April 18, 1881.

The joint resolution was reported to the Senate without amendment.

Mr. CAMERON, of Wisconsin. That had better be put in the form of a bill.

The PRESIDING OFFICER. The Senator from Wisconsin moves to amend by striking out the word "resolved" and inserting "enacted."

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill (S. 2285) for the relief of Martin and P. B. Murphy."

BILLS PASSED OVER.

The bill (S. 2112) to establish a commission to regulate interstate commerce, and for other purposes, was announced as the next in order.

Mr. COCKRELL. That should go over, and orders of business from 534 to 538, inclusive, being the bill (H. R. 569) granting a pension to Reuben Marshall, the bill (H. R. 570) granting a pension to M. H. Clements, the bill (H. R. 562) granting a pension to H. E. Van Trees, the bill (S. 484) granting a pension to Charles H. Noble, and the bill (S. 784) granting a pension to James S. Donahue, are all reported adversely, and let them go over.

The PRESIDENT *pro tempore*. These bills will all be passed over.

RESURVEY OF LAND IN FLORIDA.

The bill (S. 2066) providing for a resurvey of township 12 south, of range 27 east, in Putnam County, Florida, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PACIFIC RAILROAD SINKING FUNDS.

The bill (S. 2123) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, was announced as next in order.

Mr. SHERMAN. That is manifestly a bill of too much importance to be considered now.

The PRESIDING OFFICER. The bill goes over.

COURT TERMS IN COLORADO.

The bill (S. 2019) to provide for the establishing of terms of court in the district of Colorado was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. READ.

The next business in order was the joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

Mr. HAWLEY. There are absent Senators who have decided views on that resolution. It had better go over, I think.

The PRESIDING OFFICER. The joint resolution will go over.

Mr. HAMPTON. I did not hear the Senator from Connecticut.

Mr. HAWLEY. I have no unwillingness myself to consider the resolution, but I happen to know that some of my neighbors now absent have very decided views on the question, and I think it but fair to them to object to the present consideration of the measure.

The PRESIDING OFFICER. The joint resolution will go over.

RANCHO CORTE DE MADERA DEL PRESIDIO.

The bill (S. 2124) to authorize a suit to settle the boundaries of the grant known as the Rancho Corte de Madera del Presidio, and for other purposes, was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDING OFFICER. The bill goes over.

HENRY Z. BLINN.

The bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn was considered as in Committee of the Whole. It is a direction to the Secretary of War to so amend the rolls of Company A, Fifth Indiana Cavalry Volunteers, as to show Henry Z. Blinn a private in that company from the 5th of August, 1862, until the 5th of October, 1862, and to grant Blinn an honorable discharge, to date from October 5, 1862, if he shall be considered as having been acting in obedience to orders and in the line of duty when wounded on the 6th of August, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONTANA'S ARMS ACCOUNT.

The bill (S. 1921) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDING OFFICER. The bill goes over on the suggestion of the Senator from Kansas.

THOMAS P. MORGAN, JR.

The bill (S. 2132) for the relief of Thomas P. Morgan, jr., was announced as next in order.

Mr. COCKRELL. I interpose an objection unless there is some explanation of that bill.

The PRESIDING OFFICER. There is a report.

Mr. COCKRELL. I should like to know why it is that this forfeiture is to be paid back. There should be some information, or the bill must go over.

The PRESIDING OFFICER. The bill goes over.

SHIP-CANAL IN WASHINGTON TERRITORY.

The bill (S. 2125) to provide for and aid in the construction and to regulate the operation of a ship-canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and for other purposes, was announced as next in order.

Mr. INGALLS. Let that pass over.

The PRESIDING OFFICER. The bill goes over.

J. HENRY RIVES.

The bill (S. 991) for the relief of J. Henry Rives was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 5, after the words "sum of," to strike out "$885.57" and insert "$293.90;" in line 9, after the word "arrest," to strike out "and the recovery of the money embezzled;" so as to make the bill read:

That the Secretary of the Treasury be authorized to pay to J. Henry Rives, of Lynchburg, Va., out of any money in the Treasury not otherwise appropriated, the sum of $293.90, being the amount of the expenses necessarily incurred by him in the arrest of John C. Henry, deputy collector, for embezzlement.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. T. PICKETT.

Mr. CAMERON, of Wisconsin. A bill passed the Senate yesterday for the relief of J. S. Pickett. There was an error in the name of the claimant. His name is John T. Pickett. The bill is Senate bill No. 534, and I understand has been sent to the House of Representatives. I move that the House of Representatives be requested to return that bill to the Senate. The object is to make the correction in the name.

The PRESIDING OFFICER. The Senator from Wisconsin moves to reconsider the vote by which the bill (S. 534) for the relief of J. S. Pickett was passed, and to request the House of Representatives to return the bill. If there be no objection the motion to return the bill

will be considered agreed to, and the motion to reconsider will be entered.

TEA IMPORTATIONS.

The bill (S. 2037) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883, was announced as next in order.

Mr. ALLISON. In the absence of the Senator from New York [Mr. MILLER] who reported the bill, let it go over.

Mr. SHERMAN. There is no objection to it, as I think will be seen if it is read.

Mr. ALLISON. Very well; I withdraw the objection.

The bill was read.

Mr. SHERMAN. The bill goes beyond what I supposed in respect to inspection, &c. I think probably it had better lie over, so that the Senator from New York who reported it may be here to defend it. I supposed it was merely a change in the criminal law in reference to adulterated tea.

The PRESIDING OFFICER. The bill goes over.

GOVERNORS OF TERRITORIES.

The bill (H. R. 4713) requiring the governors of certain Territories to be residents of said Territories at least two years preceding appointment was announced as next in order.

The PRESIDING OFFICER. This is an adverse report and goes over.

WILLIAM P. REID.

The bill (S. 1184) for the relief of William P. Reid was considered as in Committee of the Whole.

The preamble recites that William P. Reid, a pensioner, from wounds incurred in the war with Mexico, and who was on the pension-roll from November 29, 1847, at the rate of $8 per month, and who re-enlisted in Company A, Sixty-first Regiment Ohio Volunteer Infantry, on the 14th of March, 1862, and was honorably discharged on the 14th of February, 1863, and who on being again restored to the pension-roll was by misconception of the examining surgeon reduced to $5.33⅓ per month, which rating was too low and unjust: The bill therefore proposes to authorize the Secretary of the Interior to pay William P. Reid, or his legal representatives, the difference between $5.33⅓ and $8 per month from February 14, 1863, to September 4, 1873, the sum of $337.77.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INGALLS. I move to strike out the preamble.

The motion was agreed to.

FOURTH ARKANSAS INFANTRY VOLUNTEERS.

The bill (S. 589) to carry out the provisions of a joint resolution entitled "Joint resolution providing for the payment of the Fourth Arkansas Infantry Volunteers," approved March 18, 1870, was announced as next in order.

The PRESIDING OFFICER. There is an adverse report in this case.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

RETIREMENT IN NAVY AND MARINE CORPS.

The bill (S. 2147) regulating the retirement of officers in the United States Navy and Marine Corps, and for other purposes, was announced as next in order.

Mr. INGALLS. Let that go over.

The PRESIDING OFFICER. The bill goes over.

PREVENTION OF COLLISIONS AT SEA.

The bill (H. R. 5692) to adopt the Revised International Regulations for Preventing Collisions at Sea was announced as next in order.

Mr. ALLISON. That is a pretty important bill. It had better go over.

The PRESIDING OFFICER. The bill goes over under objection.

Mr. VEST. Is there objection to the bill?

The PRESIDING OFFICER. The Senator from Iowa [Mr. ALLISON] has objected.

Mr. ALLISON. I do not object if the Senator has any special desire about it.

Mr. VEST. The bill is a copy of one agreed upon by the Committee on Commerce in both Houses, and is drawn with a view to the suggestions made by the Secretary of State on copies of these regulations brought to the State Department. The bill is of very great importance, because it conforms the regulations as to lights, &c., in ocean navigation on the part of the United States Government to the code that prevails now in all the maritime nations of the world. As the matter now stands the system which we adopt is different from the general system of other maritime nations. Unless the Senator has some specific objection I would ask that the bill be considered.

Mr. ALLISON. I do not object.

Mr. INGALLS. I object now.

The PRESIDING OFFICER. The Senator from Kansas objects, and the bill goes over.

JOHN C. F. BEYLAND.

The bill (S. 547) granting a pension to John C. F. Beyland, of New York, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "pension-roll," in line 4, to strike out:

Of the United States the name of John C. F. Beyland, of New York, who was wounded while in the service of the United States at the post of Clarksburg, West Virginia, in December, 1861, as appears from the transcript of the Surgeon-General's record, at a rate of pension per month commensurate with the character of the wound received by said Beyland; the pension to commence from the—

And to insert:

Subject to the provisions and limitations of the pension laws, the name of John C. F. Beytand, of New York, wounded at the post of Clarksburg, West Virginia.

So as to make the bill read:

That the Commissioner of Pensions be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John C. F. Beytand, of New York, wounded at the post of Clarksburg, West Virginia.

The amendment was agreed to.

Mr. INGALLS. There is a discrepancy between the name of the beneficiary of the bill in the title and in the body of the act. I do not know which is correct, but some amendment should be made to correspond with the fact.

Mr. SHERMAN. The name is right in the title. I know the gentleman.

Mr. INGALLS. Then let the amendment be made in the body of the bill.

Mr. SHERMAN. The name is Beyland.

The PRESIDING OFFICER. The amendment of the committee will be corrected accordingly.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA V. DE KILPATRICK.

The bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Major-General Judson Kilpatrick, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "her," to strike out "the pension of the widow of a brigadier-general of the United States Army" and insert "a pension at the rate of $50 per month;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TRUSTEE OF C. D. DE FORD & CO.

The bill (S. 562) for the relief of Orville Horwitz, trustee for C. D. De Ford & Co., was considered in Committee of the Whole. It provides for the payment to Orville Horwitz, assignee in trust of William Y. De Ford and George T. De Ford, copartners trading as C. D. De Ford & Co., $4,653.75, or so much thereof as the trustee shall prove to the satisfaction of the Commissioner of Internal Revenue that he or the firm have expended in the purchase of revenue-stamps used by him or them to stamp packages containing cigars upon which he or they shall prove to the satisfaction of the Commissioner that a tax had been previously paid under the revenue laws in force at the time of manufacture and sale, but which were made liable to be stamped under the act of July 20, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK S. HILLARD.

The bill (S. 1363) granting a pension to Frank S. Hillard was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank S. Hillard, late a lieutenant in the Seventh United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMILY AGNEL.

The bill (S. 475) granting arrears of pension to Emily Agnel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "directed," in line 4, to insert:

To readjudicate the pension claim of Emily Agnel, widow of Hyacinthe Robert Agnel, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880, and.

So as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to readjudicate the pension claim of Emily Agnel, widow of Hyacinthe Robert Agnel, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880, and to pay, or cause to be paid, to the aforesaid Emily Agnel, a pension, at the rate prescribed by law from the date of death of the said Hyacinthe Robert Agnel: *Provided*, That all sums previously paid on account of pension to the said Emily Agnel be deducted.

Mr. COCKRELL. There is a report in that case. I should like to know the grounds of the bill.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. INGALLS. I object to the further consideration of the bill.

The PRESIDING OFFICER. The bill will go over.

FORT HAYS MILITARY RESERVATION.

The bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society, of Kansas, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIGNAL CORPS LIEUTENANCIES.

The joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants was considered as in Committee of the Whole.

Mr. McPHERSON. Let me inquire if officers of the Signal Corps are entitled to promotion. If I understand it aright this bill gives promotion in the Signal Corps to sergeants.

Mr. COCKRELL. Under the law there were required to be two second lieutenants annually appointed from the sergeants. That was the requirement of the law each year. One year when the present Secretary came in some controversy came up as to the appointments, which was referred to the Attorney-General, and before his decision was made the time elapsed, and so there were just two of them left out. This is simply to authorize the President to carry out the law and appoint them as they ought to have been appointed at the time. That is the only promotion allowed in the Signal Corps from the sergeants who have proved themselves faithful, two second lieutenants to be appointed each year.

The joint resolution was reported to the Senate without amendment, and ordered to a third reading.

Mr. ALLISON. Does the resolution allow the appointment each year of two second lieutenants?

The PRESIDING OFFICER. The joint resolution will be read.

The joint resolution was read the third time, and passed.

LUCIEN GOYAUX.

The bill (S. 588) for the relief of the estate of Lucien Goyaux was considered as in Committee of the Whole. It provides for the payment to Julia Enclin, as the widow, and, with Francois Enclin and Leon Helvin, as the tutrix of Emma Goyaux, minor child of Lucien Goyaux, of $1,545, for hospital stores, vehicles, harness, and saddlery taken from Lucien Goyaux, deceased, at Baton Rouge, La., for the use of the United States Army, during the war of 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHNSTON'S UTAH EXPEDITION.

The bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SANTIAGO DE LEON.

The bill (S. 1411) for the relief of Santiago de Leon was announced as next in order.

Mr. JACKSON. That bill has passed the House and is now before the Senate, and I move that this bill be indefinitely postponed and that the House bill be taken up and passed.

The motion for indefinite postponement was agreed to.

The PRESIDING OFFICER. The House bill will now be taken up. [A pause.] The Chair understands the House bill has been referred to the Committee on Claims.

Mr. JACKSON. I move that the committee be discharged and that the bill be taken up for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1724) for the relief of Santiago de Leon. It provides for the payment of $2,988 to Santiago de Leon, of Victoria, Tex., in full compensation for certain mules, horses, and wagon-harness belonging to and taken from him, for the use of the Government, at Brownsville, Tex., on or about the 31st of May, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM TABB.

The bill (S. 1774) for the relief of William Tabb was considered as in Committee of the Whole. It proposes to pay to William Tabb, of Spottsylvania County, near Fredericksburg, Va., $2,149.75, for supplies taken from him during the years 1863 and 1864 by and for the use of the United States troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTRIX OF AYRES P. MERRILL.

The bill (S. 2168) for the relief of the executrix of Ayres P. Merrill was considered as in Committee of the Whole. By its terms the claim of Katherine C. B. Merrill, executrix of the last will and testament of Ayres P. Merrill, deceased, late of the State of Mississippi, for quartermaster and commissary stores and supplies alleged to have been taken and used by the United States Army during the rebellion, from the plantations of said Merrill in the vicinity of Natchez, Miss., will be referred to the Quartermaster-General, who is to investigate the justice and legality of the claim and report to Congress the amount and value of the stores and supplies taken and used by the Army of the United States, and also what amount has been paid on the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The PRESIDING OFFICER. The Chair will lay before the Senate the bill (H. R. 4680) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes.

The bill was read the first time by its title.

Mr. INGALLS. The Committee on Indian Affairs have had under consideration a Senate bill upon the same subject as that received from the House, which has been acted on favorably and is now on the Calendar. I will therefore ask that this House bill be read twice, printed, and lie on the table.

The bill was read the second time, and ordered to lie on the table.

Mr. INGALLS. I suppose the House bill referring to the right of way through the Indian Territory will go upon the Calendar.

The PRESIDING OFFICER. That will be the order.

The bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

ISABELLA J. RAMSDELL.

The bill (H. R. 4981) granting a pension to Isabella I. Ramsdell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "from" to strike out "September 24, 1877," and insert "the passage of this act;" so as to read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, to date from the passage of this act, the name of Isabella J. Ramsdell, on account of the death of her husband, David D. Ramsdell, a sailor and marine of the United States service for over thirty years, who died of disease superinduced by said service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Isabella J. Ramsdell."

The PRESIDING OFFICER subsequently said: The Senate passed a few moments ago a bill (H. R. 4981) granting a pension to Isabella I. Ramsdell. An amendment was adopted correcting the title to make it "J" instead of "I," but the Senate failed to correct a similar error in the body of the bill. Is there unanimous consent to making the correction? The Chair hears no objection, and it will be corrected accordingly.

MRS. KADY BROWNELL.

The bill (S. 773) granting a pension to Mrs. Kady Brownell was considered as in Committee of the Whole. It provides for placing on the pension-roll, at the rate of $8 per month, the name of Mrs. Kady Brownell, of New York city, late daughter of the regiment of Capt. C. W. H. Day's company, First Regiment of Rhode Island Detached Militia, who was regularly mustered into the service of the United States, and, though a woman, followed the flag of the Union, was wounded in the line of duty at the first battle of Bull Run, and received an honorable discharge, signed by General Burnside.

The bill was reported to the Senate without amendment.

Mr. INGALLS. I move to strike out all after the word "militia," in line 9.

The Secretary read the words proposed to be stricken out, as follows:

Who was regularly mustered into the service of the United States, and, though a woman, followed the flag of the Union, was wounded in the line of duty at the first battle of Bull Run, and received an honorable discharge, signed by General Burnside.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT BIDWELL RESERVATION.

The bill (S. 1845) authorizing the Secretary of War to set apart certain lands of the Fort Bidwell military reservation for cemetery purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 16, after the word "soldiers," to insert "and civilian employés," and in line 17, after the word "Army," to insert "and their relatives;" so as to read:

One lot to be reserved for the burial of deceased officers and soldiers and civilian employés of the United States Army and their relatives; one lot to the township of Fort Bidwell, Modoc County, California.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. MILLARD.

The bill (S. 3936) for the relief of Benjamin F. Millard was announced as next in order.

Mr. HARRIS. That is adversely reported. Let it pass over.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The bill will be passed over.

PUYALLUP BRANCH OF NORTHERN PACIFIC.

The next business in order was the resolution submitted by Mr. VAN WYCK, May 8, 1884, directing the Secretary of the Interior to withhold certain land patents claimed by the Northern Pacific Railway Company.

Mr. GROOME. That had better go over.

The PRESIDING OFFICER. The resolution will be passed over.

THEODORE C. HAWKINS.

The bill (H. R. 3838) granting a pension to Theodore C. Hawkins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theodore C. Hawkins, late a private in Company C, Fourth Wisconsin Volunteers, and late an employé in the United States Quartermaster's Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. DAY.

The bill (H. R. 4188) granting a pension to William W. Day was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William W. Day, father of Cornelius V. Day, late a private in Company D, One hundred and fifty-sixth Regiment New York Volunteers, at the rate of $8 per month, commencing December 12, 1863, the amount allowed Abbie A. Day, mother of the soldier, under pension certificate numbered 198859.

Mr. INGALLS. What does the latter clause of that bill mean? It provides "that there be paid to him, at the rate of $8 per month, commencing December 12, 1863, the amount allowed Abbie A. Day, mother of the said soldier, under pension certificate numbered 198859."

Mr. JACKSON. I will state to the Senator from Kansas that a pension was allowed the mother, but she died before the certificate reached her. The committee thought it proper, inasmuch as it had been allowed, to let the dependent father take the pension which had been allowed to the mother.

Mr. COCKRELL. As I understand the rule, a dependent father can only come in after the death of the mother, and then can only take the pension from and after the date of his own application.

Mr. JACKSON. That is the strict rule.

Mr. COCKRELL. Then why should there be an exception in this case?

Mr. JACKSON. This pension had been allowed and the certificate issued to the mother, but the mother died before it reached her.

Mr. INGALLS. And he is to receive $8 a month in addition to that?

Mr. JACKSON. No, sir; it is to give to the father the accrued pension due the mother.

Mr. INGALLS. The bill is rather awkwardly expressed, but it would give him the amount allowed to the mother of the soldier and also $8 a month from 1863.

Mr. JACKSON. That was not the intention of the committee.

Mr. INGALLS. It bears no other construction.

Mr. COCKRELL. The bill had better be passed over.

The PRESIDING OFFICER. The bill will be passed over.

FEES OF COURT CLERKS.

The bill (S. 215) to prohibit clerks of the Federal courts from collecting fees in any common-law action for copying the papers filed in such cause in a book styled "the final record," and for other purposes, was announced as next in order.

Mr. HARRIS. There is an adverse report in that case.

The PRESIDING OFFICER. The bill will be passed over.

ELIZA W. PATTERSON.

The bill (H. R. 4689) for the relief of Eliza W. Patterson was considered as in Committee of the Whole. It remits and cancels all national, municipal, and county taxes, general and special, and all interests, costs, and penalties thereon, levied or assessed, to and including June 30, 1883, upon the property (in the District of Columbia) now held or claimed by Walter S. Cox and others in trust for Eliza W. Patterson, widow of Carlile P. Patterson, late Superintendent of the United States Coast and Geodetic Survey.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KICKAPOO DIMINISHED RESERVATION.

The bill (S. 1781) to provide for the sale of the Kickapoo diminished reservation, in Kansas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 3, after the words "consent of the," to insert "majority of the chiefs, headmen, and male adults of the;" so as to read:

That with the consent of the majority of the chiefs, headmen, and male adults of the Kickapoo tribe of Indians, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold, the reservation of the Kickapoo Indians lying in the State of Kansas. The said lands shall be appraised in tracts of eighty acres each by three competent commissioners, one of whom shall be selected by the Kickapoo tribe of Indians, and the other two shall be appointed by the Secretary of the Interior.

The amendments were agreed to.

The next amendment was, in section 2, line 3, after the word "same," to insert "as hereinafter provided;" so as to read:

That after the survey and appraisement the Secretary of the Interior shall be, and hereby is, authorized to offer the same, as hereinafter provided, through the United States public-land office at Topeka, Kans., at public sale, to the highest bidder.

The amendment was agreed to.

The next amendment was, in section 2, line 29, after the word "required," to insert "within ninety days after maturity;" so as to read:

No patent shall be issued to any of said lands until full payment shall have been made for the tract for which patent is claimed; and on the failure of any purchaser to make payment as required, within ninety days after maturity, he shall forfeit the land purchased and all sums paid thereon; and the land so forfeited shall be subject to entry and sale at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

The amendment was agreed to.

The next amendment was, in section 3, line 7, after the word "so," to strike out "selecting" and insert "electing;" and in line 11, before the word "twenty-five," to insert "the period of;" so as to read:

SEC. 3. That if any member of said Kickapoo tribe of Indians residing at the date of the passage of this act upon any of the lands authorized to be sold by the second section of this act, and who has made valuable improvements thereon, shall elect to remain on the lands occupied by him, such lands shall be withheld from sale, and the Secretary of the Interior shall cause a patent to issue to the person so electing for one hundred and sixty acres of land, to include his said improvements, which patent shall be of the legal effect, and declare that the United States does and will hold the land thus patented for the period of twenty-five years in trust for the sole use and benefit of the patentee, or in the case of his decease, of his heirs according to the laws of the State of Kansas, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever.

The amendment was agreed to.

The next amendment was, in section 5, line 12, after the word "Kickapoo," to strike out "and such other Indians as the Secretary of the Interior might see fit to locate thereon," and insert "Indians;" so as to make the section read:

SEC. 5. That the President of the United States be, and he is hereby, authorized to cause a patent to be issued to the Kickapoo tribe of Indians for the following-described lands in the Indian Territory, namely: Commencing at the southwest corner of the Sac and Fox reservation; thence north along the western boundary of said reservation to the Deep Fork of the Canadian River; thence up said Deep Fork to the point where it intersects the Indian meridian; thence south along said Indian meridian to the North Fork of the Canadian River; thence down said river to the place of beginning, which lands were set apart for the permanent use and occupation of the Kickapoo Indians by an executive order dated August 15, 1883.

The amendment was agreed to.

The next amendment was, in section 6, after the word "patented," in line 4, to strike out the words "for the period of twenty-five years;" so as to make the section read:

SEC. 6. That the patent authorized by the preceding section to be issued to said Kickapoo tribe of Indians shall be of the legal effect, and declare that the United States does and will hold the land thus patented in trust for the sole use and benefit of said Kickapoo tribe, and that at the expiration of said period the United States will convey the same by patent to said Kickapoo tribe of Indians, in fee, discharged of said trust, and free of all charge or incumbrance whatsoever.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. COCKRELL. I should like to ask whether, when this patent has been granted to the tribe, the United States can grant the land to individuals in severalty? Does this bill so treat the land that it must always be held in the tribal relation?

Mr. INGALLS. I should think not. This bill, I will say, was prepared at the Interior Department and receives the assent of the Commissioner of Indian Affairs. It is very strictly guarded, so that it is believed that the rights of the Indians and of the Government are fully protected.

Mr. COCKRELL. The bill provides:

SEC. 5. That the President of the United States be, and he is hereby, authorized to cause a patent to be issued to the Kickapoo tribe of Indians for the following-described lands in the Indian Territory, namely: Commencing at the southwest corner of the Sac and Fox reservation; thence north along the western boundary of said reservation to the Deep Fork of the Canadian River; thence up said Deep Fork to the point where it intersects the Indian meridian; thence south along said Indian meridian to the North Fork of the Canadian River; thence down said river to the place of beginning, which lands were set apart for the permanent use and occupation of the Kickapoo Indians by an executive order dated August 15, 1883.

SEC. 6. That the patent authorized by the preceding section to be issued to said Kickapoo tribe of Indians shall be of the legal effect, and declare that the United States does and will hold the land thus patented in trust for the sole use and benefit of said Kickapoo tribe, and that at the expiration of said period the United States will convey the same by patent to said Kickapoo tribe of Indians, in fee, discharged of said trust, and free of all charge or incumbrance whatsoever.

Mr. INGALLS. I should have no doubt but that with the consent of the tribe an allotment could be made in severalty by subsequent legislation.

Mr. VEST. I object to the further consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

J. T. PICKETT.

A message was received from the House of Representatives, by Mr. CLARK, its Clerk, returning, in accordance with the request of the Senate, the bill (S. 534) for the relief of J. S. Pickett.

Mr. CAMERON, of Wisconsin. Will the Chair lay before the Senate the bill just returned from the House of Representatives?

The PRESIDING OFFICER. The Chair lays before the Senate the bill (S. 534) for the relief of J. S. Pickett, returned from the House of Representatives in accordance with the request of the Senate.

Mr. CAMERON, of Wisconsin. Will it be necessary to reconsider the vote by which the bill was passed before an amendment can be made in the name of the beneficiary?

Mr. HARRIS. By unanimous consent we can correct the name.

Mr. CAMERON, of Wisconsin. Then I ask unanimous consent that the name be corrected in the body of the bill and in the title to J. T. Pickett, instead of J. S. Pickett.

The PRESIDING OFFICER. The Chair understands the Senator to desire that the names shall be "J. T. Pickett."

Mr. CAMERON, of Wisconsin. Yes, sir.

The PRESIDING OFFICER. There being no objection, that correction will be made, and the bill sent back to the House of Representatives.

STEAM-RAILROADS IN WASHINGTON.

The bill (S. 581) to define the routes of steam-railroads in the city of Washington, and for other purposes, was announced as next in order.

Mr. ALLISON. I object.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF JOHN COOK.

The bill (S. 1530) for the relief of the estate of John Cook, was considered as in Committee of the Whole. It provides for the payment to Franklin Cook, administrator of the estate of John Cook, deceased, of $1,800, in full for the destruction of the property of John Cook by Chippewa Indians of Minnesota in April, 1872, being the amount found due by the Commissioner of Indian Affairs, and reported to the Secretary of the Interior May 14, 1874.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WARD B. BURNETT.

The bill (H. R. 4682) granting a pension to Ward B. Burnett was announced as next in order.

Mr. COCKRELL. That is an adverse report.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT M. FLACK.

The bill (H. R. 3669) granting a pension to Robert M. Flack was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert M. Flack, late captain of Company F, Eighty-fourth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KICKAPOO DIMINISHED RESERVATION.

Mr. INGALLS. The Senator from Missouri [Mr. VEST] withdraws his objection to Order of Business 589, Senate bill 1781, that was just now read, and I am willing that the sixth section, to which the attention of the Senate was called, should be stricken from the bill. I ask that the bill may be further considered.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Missouri withdraw his objection?

Mr. VEST. I withdraw it.

The PRESIDING OFFICER. The consideration of the bill will be resumed.

The Senate resumed the consideration of the bill (S. 1781) to provide for the sale of the Kickapoo diminished reservation, in Kansas.

The PRESIDING OFFICER. All the amendments reported by the Committee of the Whole have been concurred in.

Mr. INGALLS. I move to further amend the bill by striking out section 6.

The Chief Clerk read the section, as follows:

SEC. 6. That the patent authorized by the preceding section to be issued to said Kickapoo tribe of Indians shall be of the legal effect, and declare that the United States does and will hold the land thus patented in trust for the sole use and benefit of said Kickapoo tribe, and that at the expiration of said period the United States will convey the same by patent to said Kickapoo tribe of Indians, in fee, discharged of said trust, and free of all charge or incumbrance whatsoever.

The amendment was agreed to.

Mr. INGALLS. I move that the numbers of the succeeding sections be changed to correspond with the amendment just made.

The PRESIDING OFFICER. That order will be made.

Mr. COCKRELL. Now, what effect will that have? Section 5 says that the patents shall be issued to the Kickapoo tribe of Indians.

Mr. INGALLS. Then section 7 controls and declares—

That whenever the Indians who may be properly residing upon said Kickapoo reservation shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians.

Mr. COCKRELL. I suppose, the reservation being in the same act, it might be considered a saving clause.

Mr. INGALLS. I should think there would be no trouble about procuring allotments in severalty when they desire them.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE DAY.

The bill (H. R. 4706) for the relief of Charlotte Day was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charlotte Day, mother of Charles E. Day, formerly of Company F, First New Jersey Militia (Pennsylvania Emergency).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPLORATION OF ALASKA.

The bill (S. 1954) making an appropriation to pay the expenses of a military expedition for the exploration of the Territory of Alaska was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the words "expenses of," to strike out "a military" and insert "an;" and, in line 6, to strike out "Secretary of War" and insert "President;" so as to make the bill read:

That the sum of $30,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of an expedition, under the direction of the President, for the exploration of the Territory of Alaska.

The amendments were agreed to.

Mr. SAULSBURY. I should like to inquire what committee recommended that?

Mr. COCKRELL. The Committee on Military Affairs.

Mr. SAULSBURY. What is the necessity of sending an expedition to Alaska? What will come of it?

Mr. CALL. I should like to inquire why that expedition is not under the charge of the Geological Survey? It seems to me that is the proper department. I think the bill had better go over for the present.

The PRESIDING OFFICER. Being objected to, the bill goes over.

MILES B. FARLIN.

The bill (H. R. 1076) granting a pension to Miles B. Farlin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Miles B. Farlin, late a private in Company C, Thirty-first Regiment Massachusetts Volunteers, in the war of the rebellion.

Mr. GROOME. I move to amend by adding the words:

And pay him a pension from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM REINHARDT.

The bill (S. 315) granting a pension to William Reinhardt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Reinhardt, late a private in Company K, First Regiment Kansas Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WETMORE & BROTHER.

The bill (S. 391) for the relief of Wetmore & Brother, of Saint Louis, Mo., was considered as in Committee of the Whole. It provides for the payment to Wetmore & Brother, of Saint Louis, Mo., of $220, being the amount in part of fees due to them as attorneys in colored bounty cases, retained and covered into the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. ROSS.

The bill (H. R. 5259) granting a pension to Julia A. Ross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to add:

This pension to be in full of pension to which she may hereafter become entitled by general laws.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Ross, widow of Michael M. Ross, late a private in Company I, First United States Artillery, and who died in said service August 10, 1852. This pension to be in full of pension to which she may hereafter become entitled by general laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE F. DRESSER.

The bill (H. R. 1065) granting an increase of pension to George F. Dresser was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of George F. Dresser, formerly a private in Company A, Thirty-fifth Regiment New York State Volunteers, at the rate of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1337) granting an increase of pension to Lucy Le G. Jeffers was announced as next in order.

Mr. JACKSON. That bill and the next, being the bill (H. R. 1406) granting a pension to Mrs. Mary T. Barnes, the committee was divided about. They had better be passed over.

The PRESIDING OFFICER. The bills will be passed over.

The next bill in order was the bill (S. 1026) to amend the ninth section of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880.

Mr. CAMERON, of Wisconsin. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1327) to amend section 604 of the Revised Statutes, and for other purposes, was announced as next in order.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in line 4, after the word "amended," to strike out "to read;" so as to read:

That section 604 of the Revised Statutes be, and the same is hereby, amended as follows.

The amendment was agreed to.

The next amendment was, after the word "follows," in line 4, to strike out:

SEC. 604. The judicial districts of the United States are divided into ten circuits, as follows:

First. The first circuit includes the districts of Rhode Island, Massachusetts, New Hampshire, and Maine.

Second. The second circuit includes the districts of Vermont, Connecticut, and New York.

Third. The third circuit includes the districts of Pennsylvania, New Jersey, and Delaware.

Fourth. The fourth circuit includes the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth. The fifth circuit includes the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Sixth. The sixth circuit includes the districts of Ohio, Michigan, Kentucky, and Tennessee.

Seventh. The seventh circuit includes the districts of Indiana, Illinois, and Wisconsin.

The amendment was agreed to.

Mr. VEST. That is a very important bill. I do not understand it, I confess. I think it had better go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The bill (S. 1225) granting a pension to Mary Hopperton, widow of Edward Hopperton, was announced as next in order.

Mr. JACKSON. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1640) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg, and for other purposes, was announced as next in order.

Mr. JACKSON. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (H. R. 6370) to limit the time within which prosecutions may be instituted against persons charged with violating internal-revenue laws was announced as next in order.

Mr. SHERMAN. That had better go over.

Mr. JACKSON. If the Senator from Ohio will withdraw his objection for a moment——

Mr. SHERMAN. I withdraw it.

Mr. JACKSON. The bill is recommended by the Secretary of the Treasury and by the Commissioner of Internal Revenue.

Mr. SHERMAN. The only objection I have to it is that it involves a question of the statute of limitations for and against the Government, and I do not think we ought to act upon it without a full Senate.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The bill (S. 1580) for the relief of John H. Kinkead, of Nevada, and others, was announced as next in order.

Mr. MCMILLAN. That had better go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

GOVERNMENT LAND IN LOUISVILLE.

The bill (S. 1978) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, after the words "provided for," in line 11, to strike out the words:

Or the said Secretary of War may cause a suit to be instituted in the name and on behalf of the United States of America for partition of said real estate.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS PASSED OVER.

The bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins was announced as next in order.

Mr. INGALLS. What is the amount involved in that?

Mr. JACKSON. I object to the consideration of the bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The bill (S. 714) for the relief of the Mobile Marine Dock Company was announced as next in order.

Mr. MCMILLAN. That had better go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The bill (S. 958) granting arrears of pension to Augustus D. Blanchet was announced as next in order.

Mr. COCKRELL. Let that be passed over. It is reported adversely.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 124) to amend certain sections of the Revised Statutes of the United States relating to pensions, and certain laws enacted since the revision of the statutes, and for other purposes, was announced as next in order.

Mr. MITCHELL. Let that bill go over also.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The bill (S. 804) for the relief of William Beddo and others was announced as next in order.

Mr. MCMILLAN. That is an adverse report.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2250) for the relief of the First National Bank of Portland, Oreg., R. G. Combs, and others, was announced as next in order.

Mr. COCKRELL. I should like to have some explanation of this matter. I do not see the report here.

Mr. CAMERON, of Wisconsin. There is a report, made by the Senator from Nebraska [Mr. MANDERSON].

Mr. SHERMAN. I think the bill had better go over.

The PRESIDING OFFICER. Does the Senator from Ohio object?

Mr. SHERMAN. I think it is too long and complex a matter. I can not understand it without hearing the report.

The PRESIDING OFFICER. Being objected to, the bill goes over.

DAKOTA LEGISLATURE.

The bill (H. R. 4359) in relation to the Legislature of Dakota Territory was considered as in Committee of the Whole. It provides that the Legislature of the Territory of Dakota shall hereafter consist of twenty-four members of the council and forty-eight members of the house of representatives, and that there shall be elected at the next general election in that Territory two members of the council and four members of the house of representatives in each of the twelve legislative districts provided for in chapter 7 of the Territorial statutes of 1883 of that Territory.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EASTERN PRESBYTERIAN CHURCH.

The bill (S. 2045) for the relief of the Eastern Presbyterian church, in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That all taxes, together with the interest and penalties, now due and unpaid, for the years 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, and 1883, upon lots 34, 35, 36, 37, and 38, in square 891, in the city of Washington, D. C., now occupied by the frame church known as the Eastern Presbyterian church, be, and the same are hereby, remitted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CONNOLLY.

The bill (H. R. 2858) for the relief of John Connolly was considered as in Committee of the Whole. It requires the commissioners of the District of Columbia to refund to John Connolly, of the city of Washington, $91.80, the amount paid in error by him as administrator of the estate of James Barwood, deceased, to the District of Columbia, for general taxes for the years ending June 30, 1877, and June 30, 1878, respectively, on certain real estate in Washington theretofore owned by Barwood, but which had escheated to the United States upon his death, prior to the assessment of the taxes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2149) authorizing suits for damages in cases of death caused by the wrongful act, neglect, or default of a person or corporation in the District of Columbia was announced as next in order.

Mr. McMILLAN. That involves some very important principles, and I think it had better go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The bill (S. 803) for the relief of Overton Love and the administratrix of the estate of Wyatt Gilschrist was announced as next in order.

Mr. SHERMAN. That is an adverse report.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The joint resolution (S. R. 74) proposing an amendment to the Constitution of the United States changing the terms of office of President and Vice-President of the United States was announced as next in order.

Mr. McMILLAN. That had better go over.

The PRESIDING OFFICER. Being objected to, the joint resolution goes over.

The bill (H. R. 1682) providing two additional associate justices of the supreme court of the Territory of Dakota was announced as next in order.

Mr. FARLEY. Let that go over.

The PRESIDING OFFICER. The bill, being objected to, goes over.

CUSTOM-HOUSE LOT IN PROVIDENCE.

The bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes was considered as in Committee of the Whole. It proposes to convey to the city of Providence, for highway purposes, such portion of the old custom-house lot, so called, owned by the United States, situated on the southwest corner of South Main street and Custom avenue, as may be required for the widening of South Main street, upon the application for such widening now pending in the supreme court of Rhode Island.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 6074) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes, was announced as next in order.

Mr. SHERMAN. That is an adverse report.

The PRESIDING OFFICER. The bill goes over.

The bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas, in connection with a similar commission to be appointed by the State of Texas, was announced as next in order.

Mr. McMILLAN. Let that go over.

The PRESIDING OFFICER. The bill is objected to, and goes over.

The bill (S. 2232) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same to settlement, and for other purposes, was announced as next in order.

Mr. MORRILL. All these bills are bills that ought to be explained to the Senate, and probably it would take some time to consider them all. I think all of these bills had better go over for the present, although they may be proper bills to be passed after consideration.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The bill (S. 2036) to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Does the Chair understand the Senator from Vermont as objecting to the consideration of this bill also?

Mr. MORRILL. I think there ought to be a fuller consideration given than can be given to-day.

The PRESIDING OFFICER. The bill goes over.

FOREIGN BILLS OF EXCHANGE.

The bill (S. 344) to regulate the payment of bills of exchange drawn in foreign countries on persons, firms, companies, or corporations in the United States, where the amount to be paid is named in foreign coins, was considered as in Committee of the Whole. It provides that all bills of exchange drawn on persons, firms, companies, or corporations in the United States by foreigners or parties who, though citizens of the United States, do business abroad, the amount of which is to be paid in foreign money coins, shall hereafter be paid in the lawful money of the United States, without any deduction or charge whatever, at the rate of value which the foreign coin named has in the United States according to the standard value fixed in pursuance of law by the Director of the United States Mint, as proclaimed by the Secretary of the Treasury, and in force at this time or hereafter, under section 3564 of the Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER SWIFT & CO.

The bill (S. 567) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works was announced as next in order.

Mr. INGALLS. The committee was divided in that case. I ask that the bill may go over.

The PRESIDING OFFICER. The bill goes over.

PENSIONS FOR SERVICE IN THE LATE WAR.

The bill (S. 2208) to provide pensions for certain invalid soldiers and sailors who have been discharged from the Army or Navy of the United States after three months' service therein during the war of the rebellion, and for the widows and dependent parents of deceased pensioners, and to increase the rate of pension in certain cases, and for other purposes, was announced as next in order.

Mr. COCKRELL. That is a general bill. The Senator who reported it is absent. Let it be passed over.

The PRESIDING OFFICER. The consideration of the bill is objected to, and it goes over.

R. G. P. WHITE AND OTHERS.

The bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green was considered as in Committee of the Whole. It proposes to pay to Dr. R. G. P. White, of Pulaski, Tenn., $1,250; to Peter Hanger, of Little Rock, Ark., $20; and to L. T. Green, of Chattanooga, Tenn., $51; these sums being for the rent of property belonging to them, respectively, and occupied by the United States under contract, and for which vouchers were given by the United States to them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF CHESTER ASHLEY.

The bill (S. 591) for the relief of the estate of Chester Ashley was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the estate of Chester Ashley $1,100 in full for rent of building in the city of Little Rock, Ark., for the use of the Army from July, 1865, to the 31st of March, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. L. BURCHARD.

The bill (H. R. 1800) for the relief of J. L. Burchard was considered as in Committee of the Whole. It authorizes the proper accounting officers of the Treasury, in the settlement of the accounts of J. L. Burchard, late Indian agent of Round Valley Indian reservation, to adjust and settle the same upon the principles of justice and equity, and to award him credit for disbursements honestly made, and for payments made in good faith where such payments have inured to the benefit of the Government or the Indians.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2025) for the relief of John Ricketts was announced as next in order.

Mr. GROOME. That case and the next four are all adverse reports.

The PRESIDING OFFICER. The bill goes over, having been adversely reported.

The four succeeding cases were passed over, as follows:

A bill (S. 1568) for the relief of the Florence Masonic Lodge, No. 14, at Florence Ala.:

A bill (S. 2172) for the relief of Mrs. Clara Morris;

A bill (S. 1071) for the relief of James R. Howard, formerly assistant special agent of the Treasury Department; and

The report on petition of Samuel Noble.

The bill (S. 2000) to reimburse the several States for interest paid on war loans, and for other purposes, was announced as next in order.

Mr. ALLISON. I object to the consideration of that bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

The bill (S. 724) for the relief of Nathaniel McKay, George M. Clapp, and the executors of Donald McKay was announced as next in order.

Mr. McPHERSON. That is one of a class of bills that I have always deemed it my duty to object to, and I shall object to its consideration.

The PRESIDING OFFICER. The consideration of the bill is objected to, and it goes over.

The bill (S. 1948) to require the payment in cash to the State of Georgia of $35,555.42 appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 3, 1883, was announced as next in order.

Mr. INGALLS. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill is objected to, and goes over.

MISSOURI RIVER BRIDGES.

The bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 2, line 31, after the word "than," to strike out "one hundred and sixty" and insert "two hundred;" so as to read:

With spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw.

Mr. VEST. That amendment was made in order that this bill might conform to the general bridge law which passed the Senate at this session; but it turns out that the Secretary of War, or the Chief of the Engineer Corps through the Secretary of War, had sent a letter to the House committee which recommended that these spans should be only one hundred and sixty feet. Under the circumstances I am instructed by the committee to withdraw the amendment so as to let the bill go through as it came from the House.

The PRESIDING OFFICER. It is quite as well for the Senator to ask the Senate to disagree to the amendment.

Mr. VEST. Very well; it is just the same.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 5, after the word "to," to strike out "contract" and insert "construct;" so as to read:

That it shall be lawful for the Leavenworth Bridge Company, a corporation organized for that purpose under the general corporation laws of the State of Kansas, or its assigns, to construct, under and subject to the conditions and limitations hereafter provided, a bridge across the Missouri River, at the city of Leavenworth, Kans.

The amendment was agreed to.

The next amendment was, in section 1, line 21, after the word "same," to strike out "under the limitations and conditions hereinafter named," and to insert:

And if the amount of said compensation can not be agreed upon by the parties, the same shall be fixed by the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 27, after the word "that," to strike out "Congress" and insert "the Secretary of War;" so as to make the proviso read:

That the Secretary of War may at any time prescribe such rules, regulations, and rates of toll for transit and transportation over said bridge as may be deemed proper and reasonable.

The amendment was agreed to.

The next amendment was in section 2, line 2, before the word "corporation" to strike out the words "person or persons or;" so as to read:

SEC. 2. That any bridge built under the provisions of this act may, at the option of the corporation building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans.

The amendment was agreed to.

The next amendment was in section 2, line 18, after the word "than" to strike out "one hundred and sixty" and insert "two hundred;" so as to read:

And with spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw.

The amendment was agreed to.

The next amendment was, in section 2, line 27, after the word "delay," to add:

And said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and such sheer-booms or other structures as may be necessary to safely guide vessels, rafts, or other water crafts safely through said draw-openings, and as shall be designated and required by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, line 16, after the word "bridge," to insert "or persons controlling the same;" so as to read:

And all such obstructions be removed, at the expense of the owner or owners of said bridge, or persons controlling the same.

The amendment was agreed to.

The next amendment was, in section 3, line 20, before the word "courts," to strike out "district" and insert "circuit;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River, at or near the crossing of said bridge, caused or alleged to be caused thereby, the cause shall be commenced and tried in the circuit courts of either judicial district of Kansas or Missouri in which the said bridge or any portion of such obstruction touches.

The amendment was agreed to.

The next amendment was, to add at the end of section 4 the following:

The United States shall also have the right to construct, without charge therefor, telegraph or telephone lines across said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT COLUMBUS, OHIO.

The bill (S. 2270) to extend the limit of cost in the construction of the Government building at Columbus, Ohio, was considered as in Committee of the Whole. The preamble recites that the construction of the fire-proof Government building at Columbus, Ohio, upon the present plan and limit of cost will fail to afford adequate accommodation for the present needs of the Government. In order to add a third story to the building, and make such other changes as to the Secretary of the Treasury may seem advisable, the bill provides that the limit of cost for the construction of the building shall be extended to $400,000.

Mr. MCPHERSON. How much increase is that?

Mr. SHERMAN. I think it increases the limit $100,000.

Mr. ALLISON. It is at the capital of the State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PUBLIC BUILDING AT LEAVENWORTH.

The bill (S. 1555) in relation to the public building at Leavenworth, Kans., was considered as in Committee of the Whole. It provides that the entire cost of purchasing a site and for the erection of a public building for the use of the United States courts, internal-revenue offices, and post-office at Leavenworth, Kans., shall not exceed $160,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY MEDICAL DEPARTMENT BUILDING.

The bill (S. 403) authorizing the erection of a fire-proof building in the city of Washington to contain the records, library, and museum of the Army Medical Department was announced as the next in order.

Mr. MCPHERSON. That seems to be a very important bill; it involves a large expenditure of money.

Mr. HAWLEY. Will the Senator wait a moment?

Mr. CAMERON, of Wisconsin. It is very important, and for that reason it ought to be passed.

Mr. MCPHERSON. I withdraw my objection.

Mr. HAWLEY. Think of it, please.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause, and to insert:

That the sum of $300,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of a site and the erection in Washington of a brick and metal fire-proof building to be used for the safe-keeping of the records, library, and museum of the Surgeon-General's Office of the United States Army; and the building shall be constructed in accordance with plans and specifications provided by the Surgeon-General of the Army and approved by the Architect of the Capitol Extension; and the money hereby appropriated shall be expended under the direction and superintendence of the officer in charge of the State, War, and Navy Department building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RODMAN M. PRICE.

The bill (S. 159) for the relief of Rodman M. Price was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments.

The first amendment was, in line 6, after "eighteen hundred and," to strike out "eighty-three" and insert "fifty-three;" so as to read:

That the Secretary of the Treasury is hereby directed to pay to Rodman M. Price, his heirs or assigns, such sum of money as became due to him under an act approved March 3, 1853, giving extra pay to those who served in the Navy on the west coast of Mexico during the war with Mexico, the same as if said law had not been repealed by the act of 1870.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, That satisfactory proof be made to the Treasury Department that said Rodman M. Price was entitled to compensation under the act of March 3, 1853.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. BLAKE.

The bill (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 7, after "allowances," to insert "paid to or received by him;" so as to read:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed in the settlement of the accounts of Charles M. Blake, a post chaplain in the United States Army, to allow him credit for all pay and allowances paid to or received by him as a post chaplain in the United States Army.

The amendment was agreed to.

The next amendment was, after the word "from," in line 8, to strike out "April 28, 1869, to July 2, 1870, and from;" so as to read:

As a post chaplain in the United States Army from May 14, 1878, to May 20, 1881.

The amendment was agreed to.

The next amendment was, after the words "eighteen hundred and eighty-one," in line 12, to strike out the following:

Deducting therefrom such sum as may have been paid him on account of service during such period; and for all purposes of longevity and retirement his service shall be computed as if he had served from April 28, 1869, to July 2, 1870, and from May 14, 1878, to May 20, 1881, continuously and thereafter.

The amendment was agreed to.

The next amendment was to add to the bill:

And that said Blake shall accept the terms of this act in full satisfaction and discharge of any and all claims of every kind on his part against the United States growing out of his connection or alleged connection as chaplain or post chaplain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. MADDOX AND OTHERS.

The bill (S. 2209) for the relief of Joseph H. Maddox and others was announced as next in order.

Mr. COCKRELL. That is adversely reported. Let it go over.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The bill goes over.

MRS. ELLEN M. FLAGG.

The bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Ellen M. Flagg, widow of William H. Flagg, late a member of the Fifty-seventh Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BRISBOIS.

The bill (S. 1119) for the relief of John W. Brisbois was announced as next in order.

Mr. COCKRELL. That is reported adversely. Let it go over.

The PRESIDING OFFICER. The bill goes over.

MARIE LOUISE CRAVEN.

The bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven was announced as next in order.

Mr. COCKRELL. That is also reported adversely.

The PRESIDING OFFICER. The bill goes over.

JUDITH LAUTER.

The bill (H. R. 2400) for the relief of Judith Lauter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to direct the payment to Judith Lauter, widow of Anton Lauter, late a private in Company E, First Regiment New York Cavalry, of a pension of $12 per month, in lieu of the pension of $8 per month which she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton was announced as next in order.

Mr. COCKRELL. That bill and the two bills following, the bill (S. 1356) for the relief of Caroline M. Montgomery and the bill (H. R. 709) granting a pension to Robert L. Miller, are reported adversely.

The PRESIDING OFFICER. The bills will be passed over.

PATRICK HORAN.

The bill (H. R. 283) granting a pension to Patrick Horan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Horan, late a teamster in the Quartermaster's Department of the United States Army, with the same rate of pension to which a private soldier would be entitled for like disabilities.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE J. STANNARD.

The bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers, was considered as in Committee of the Whole. It proposes to increase the pension of George J. Stannard, late brevet major-general of volunteers, to the sum of $48 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER THOMPSON.

The bill (S. 1068) giving a pension to Alexander Thompson, of Newton County, Missouri, was announced as next in order.

Mr. COCKRELL. Let that go over. It is an adverse report.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE OVERMIRE.

Mr. McMILLAN. There were some pension bills reported favorably by the Committee on Pensions this morning. I ask that the Senate now consider the pension bills reported favorably this morning.

The PRESIDING OFFICER. There are certain bills reported from the Committee of Pensions which are not on the Calendar.

Mr. SHERMAN. Favorable reports.

The PRESIDING OFFICER. They will be announced in their order.

The bill (H. R. 1756) granting a pension to George Overmire was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of George Overmire, formerly captain of Company F, Thirtieth Regiment, Illinois Volunteers, as of the rank of captain, in lieu of the pension allowed him under the general pension law of the rank of sergeant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE LAUFFER.

The bill (H. R. 1075) granting a pension to Caroline Lauffer was considered as in Committee of the Whole. It places on the pension-roll the name of Caroline Lauffer, widow of Jacob Lauffer, late of Company C, Sixth Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC REED.

The bill (H. R. 4014) for the relief of Isaac Reed was considered as in Committee of the Whole. It places on the pension-roll the name of Isaac Reed, late a private in Company F, Twenty-sixth Indiana Volunteer Infantry.

Mr. COCKRELL. Let the bill be read again.

The Chief Clerk again read the bill.

Mr. WILSON. There was no objection to the bill in committee, I will state to the Senator from Missouri.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE JARRATT.

Mr. MORRILL. Have all the pension bills reported this morning been disposed of?

The PRESIDING OFFICER. The Chair understands that they are now completed.

Mr. MORRILL. I move that the Senate do now adjourn.

Mr. COKE. I hope the Senator will withhold the motion for a moment.

Mr. HARRIS. I ask the Senator from Vermont to withdraw the motion for a moment at least.

Mr. MORRILL. Certainly.

Mr. HARRIS. I wanted to ask the Senate to consider the bill (S. 492) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased, which was objected to yesterday by the Senator from Kansas [Mr. INGALLS]. The Senator from Kansas authorizes me to say that he withdraws the objection. The case is a perfectly plain one.

The PRESIDING OFFICER. The Senate has heard the statement of the Senator from Tennessee. Is there objection to considering the bill indicated by him?

Mr. MORRILL. Let it be read.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. SHERMAN. The chairman of the Committee on Claims is not here.

Mr. JACKSON. I will say to the Senator from Ohio that this is a

unanimous report of the Committee on Claims. There is no difficulty about it.

Mr. SHERMAN. The chairman of the committee is not here.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The amendment of the Committee on Claims will be read.

The amendment was, in line 7, after the words "sum of," to strike out "five thousand two hundred and eight" and insert "three thousand four hundred and seventy-eight;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, directed to pay to Sallie Jarratt, executrix of Gregory Jarratt, deceased, late of Hardeman County, Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of $3,478, in full compensation for supplies furnished to the Union Army by the said Gregory Jarratt, deceased, in the said county, in 1862 and 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GULF, COLORADO AND SANTA FÉ RAILWAY.

Mr. COKE. I move that the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, which was received from the House yesterday and laid on the table, be taken from the table and placed on the Calendar.

Mr. COCKRELL. It ought to have been placed on the Calendar yesterday.

The PRESIDING OFFICER. There being no objection, the bill will be placed on the Calendar.

Mr. COKE. As of yesterday.

JULIA A. ROSS.

Mr. MITCHELL. I notice in the bill (H. R. 5259) granting a pension to Julia A. Ross an amendment was agreed to by the Senate which requires a return of the bill to the House, and I think that the amendment is entirely unnecessary. I move to reconsider the vote on the passage of the bill, or it can be done by unanimous consent.

The PRESIDING OFFICER. The Chair has heard the request of the Senator from Pennsylvania, who states that there is an immaterial correction made which would require a bill to go back to the House. He therefore asks unanimous consent to reconsider the vote passing the bill.

Mr. HARRIS. Has the bill gone to the House?

The PRESIDING OFFICER. It has not.

Mr. MITCHELL. It is a bill of the House which was amended by the Senate in a manner entirely unnecessary, and therefore the amendment unnecessarily requires it to be sent back to the House. The amendment to which I call attention is at the close of the bill:

This pension to be in full of pension to which she may hereafter become entitled by general laws.

It appears on its face to be an absurdity, I think.

The PRESIDING OFFICER. Is there unanimous consent for the reconsideration of the action of the Senate passing the bill? The Chair hears no objection. The vote passing the bill will be regarded as reconsidered. The vote on the third reading will also be reconsidered, and the question now is on concurring in the amendment made as in Committee of the Whole and originally reported by the Committee on Pensions.

The amendment was rejected.

Mr. COCKRELL. What is the amendment?

Mr. MITCHELL. The amendment reads as follows:

This pension to be in full of pension to which she may hereafter become entitled by general laws.

Of course no amendment of that sort is necessary, but adopting it here makes it necessary to send the bill back to the House. My object is to save that trouble.

Mr. COCKRELL. Is that the only amendment the Senator wants disagreed to?

Mr. MITCHELL. The only one.

The bill was ordered to a third reading.

Mr. COCKRELL. Now let the bill be read in full as it will stand when passed.

The bill was read the third time at length.

The bill was passed.

POLYGAMY IN UTAH.

Mr. HALE. I move that the Senate do now adjourn.

The PRESIDING OFFICER. Pending that motion the Chair lays before the Senate the regular order, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882. The Senator from Maine moves that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 3, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

On motion of Mr. SPRINGER, by unanimous consent, the reading of so much of the Journal as related to the introduction and reference of bills and joint resolutions was dispensed with.

The remainder of the Journal was read and approved.

WAR CLAIMS, MICHIGAN.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, reporting an allowance of $42,345.95, being the ninth installment of war claims to the State of Michigan; which was referred to the Committee on Appropriations.

PAYMENT OF JUDGMENT, UNITED STATES MINT, SAN FRANCISCO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing copy of judgment of the United States circuit court for the district of California in favor of John Reynolds, against H. L. Dodge, superintendent, and A. Martin, melter and refiner of the United States mint at San Francisco; also copies of letters from the Attorney-General and the Director of the Mint, and the bill and receipt of John Reynolds, and recommending that authority be given in the deficiency appropriation bill for the payment of same out of appropriation for parting and refining bullion; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ADAMS, of New York, until Thursday, the 5th instant.

To Mr. BUDD, until next Thursday, on account of important business.

To Mr. MORRILL, for one week, on account of important business.

PUBLIC BUILDING AT SPRINGFIELD, ILL.

Mr. SPRINGER. I ask unanimous consent to take up for present consideration Senate bill No. 674, to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RANDALL. There is. These public buildings ought all to go together.

Mr. SPRINGER. I ask unanimous consent to make an explanation.

The SPEAKER. Objection has been made.

Mr. SPRINGER. I hope the gentleman will withdraw the objection to enable me to make a brief explanation.

Mr. RANDALL. I object because these public building questions ought all go together and not be taken up by unanimous consent in this manner.

Mr. SPRINGER. This is an exception, and if the gentleman from Pennsylvania will allow me to make an explanation I think I can satisfy him.

Mr. RANDALL. It is only a loss of time. If the gentleman wants to print anything I have no objection.

Mr. SPRINGER. Then I will ask leave to print in the RECORD an explanation of the importance of this matter.

There was no objection.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. PAYSON. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 5479) to prevent unlawful occupancy of the public lands, and put the same upon its passage.

Mr. HENLEY. Very much against my inclination, I have to object to that. It will take all day to dispose of that bill, and very obviously it is not a bill to be taken up by unanimous consent.

Mr. PAYSON. Then I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. I move that that bill be taken from the House Calendar for present consideration. This is reported from the Committee on the Public Lands, and the motion I make is a privileged one.

The SPEAKER. The bill will be read, after which the Chair will decide whether it is or is not a privileged motion.

The bill was read at length.

Mr. HENLEY. I make the point of order that the bill is not privileged under the order of the House in regard to reports from the Committee on the Public Lands.

The SPEAKER. Does the gentleman from California [Mr. HENLEY] desire to be heard on the point of order?

Mr. HENLEY. I should like in the first place to hear the gentle-

man from Illinois [Mr. PAYSON], if he has anything to say on the question of order. I do not see upon what ground this is privileged.

Mr. PAYSON. If the gentleman from California has any reasons to urge why this is obnoxious to the question of order, I should be glad to hear him.

Mr. HENLEY. I think it is perfectly self-evident that it is not within the privilege.

Mr. PAYSON. I think it is within the privilege. On the 31st of January this House almost unanimously, upon the motion of the gentleman from Indiana [Mr. HOLMAN], adopted resolutions, a portion of which I will read:

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

The facts in regard to the evil which this bill is intended to reach are matters of public record and are contained in the report accompanying this bill. They show that millions of acres of the public lands are held and fenced in by people who have no shadow of claim to an acre of them. And not only that, but they show that millions of acres, between five and six millions, are held by foreign corporations.

Mr. HENLEY. I make the point of order that the gentleman from Illinois is discussing the merits of the bill.

The SPEAKER. The gentleman from Illinois has the right to state the purpose of the bill, to enable the Chair to decide whether it comes within the terms of the resolution adopted by the House.

Mr. PAYSON. As I was saying, Mr. Speaker, millions of acres of the public lands are fenced in with barbed-wire fences by foreign corporations in which there is not a dollar of American money invested. And as to this very land this report shows and the public records of the country show that American citizens when desiring to pre-empt or make homestead claims upon this land are run off with shotguns and rifles. It is to open this land up to sale and settlement that this bill is introduced. And most assuredly no strict construction of the rule would be insisted upon by any member of the American Congress when the evil which is sought to be cured is that which prevents an American citizen from making a settlement upon the public lands, which he is prevented from doing for the reason that they are fenced in by foreigners, Americans having no interest in the fencing whatever.

It seems to me it ought to go without saying that this is a privileged matter under the resolution. Otherwise it is empty air. I would like to hear some argument from the gentleman from California—and, by the way, I believe he is the only member of this House opposed to this measure—why this bill is obnoxious to the point of order he makes. I submit that on the very face of it it ought to be held to be privileged.

Mr. HENLEY. So far from my being the only gentleman in the House opposed to this bill——

Mr. PAYSON. I say to my knowledge.

Mr. HENLEY. Then your inquiry has been exceedingly circumscribed.

Mr. PAYSON. The vote will show.

Mr. HENLEY. With no disrespect to the gentleman, I will say that to the *ad captandum* portion of his speech I shall make no reply. The question is whether or not this bill is within the privilege under the Holman resolutions, with which the House is familiar. The only portion of those resolutions upon which the claim of privilege can be based is the latter portion of the second resolution, to which I will call the attention of the House. It reads as follows:

And to that end—

It is not necessary to read what precedes, because it has already been read by the gentleman from Illinois—

and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed—

This bill does not touch that part of the resolutions, and there is no pretense that it does, and can not be—

and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Now, then, the Speaker will observe that it is intended that the public domain shall be reserved for homestead settlement. There is not a lawyer on this floor who has had any experience in this matter who does not know—and I have no doubt it is within the personal cognizance of the Speaker—that no number of fences can in the smallest degree interfere with the entry upon any portion of the public domain for the purpose of settlement. That, Mr. Speaker, is the crucial test of the point here made. Nothing in this bill will do away with any obstruction to the acquisition of any portion of the public domain by any settler. The gentleman from Illinois talks about rumors and reports, &c., having reached the Interior Department to the effect that people invade the public domain with shotguns, rifles, &c., and that thus by violence, as a matter of course, they prevent those seeking an actual settlement from effecting a lodgment. If this bill is aimed at that evil there is nothing here about shotguns and rifles, and I think the gentleman will not pretend there is any remedy for that except under the penal laws of the country. Therefore it is perfectly obvious that this is not within the privilege.

I would not make the objection, except on account of the crowded condition of the Calendar. There are now on that Calendar many bills, land-grant bills, representing 130,000,000 acres of the public domain on which the zeal of the gentleman from Illinois may expend itself for the purpose of rescuing them from the grasp of railway corporations and throwing them open to public settlement. This is a bill which must be fully considered before it is passed. As to these foreigners he speaks of having the smallest interest in this matter, I ask, where do you find them?

I am advised by the Secretary of the Interior that these parties have no further interest in this matter; that after experiment they have concluded that these wire fences, which constitute the great evil this bill is addressed to, are a detriment and the parties themselves desire to have them destroyed. Of course that will only involve the necessity of their hiring additional vaquero forces, or cowboys; that is all there is about it. And then after the gentleman has abolished the fences he will have to abolish the cowboys. That, however, is on the merits of the bill, which I will not discuss at this time.

Mr. HOLMAN. I submit that the evil complained of, and for which this bill proposes to give a remedy, is covered apparently by the resolution which has been read. The spirit of that resolution, if not its very language, shows that the design of it is that the public lands shall be so administered as to permit homesteads for the purpose of agriculture. I submit that the assumption of this bill is true, that large tracts of land, embracing many quarter-sections and many sections, are now placed beyond the reach of actual examination and inspection for entry under the homestead law, and that practice tends to prevent the result which this resolution seeks to reach—that is, the occupation of the public lands by *bona fide* settlers under the homestead law; that the tendency of the practice sought to be prohibited by this bill is to interfere with the proper exercise of the right sought to be secured to *bona fide* and actual settlers. I submit that it may be assumed from the face of this bill that the tendency of the practice is to hold these lands by the strong hand against proper examination and inspection of those who desire to secure homesteads.

Mr. BELFORD. I live in a region of country where the cattle kings are seeking to dominate and reign over us. Under the pre-emption law citizens of the United States are allowed to take up one hundred and sixty acres of the public land, and under the homestead law they are allowed to take one hundred and sixty acres more.

Yet there are men in that region of country who have fenced in over 300,000 acres of the public domain. For what purpose? To graze their cattle and to keep that land from public occupation. What is the great controversy to-day? It is to bring the empty lands and the empty hands together. Is not this a question of the gravest importance for the consideration of the American Congress?

I think it was in the Forty-fourth Congress that California's influence carried through what was denominated the desert-land act, under which enormous frauds were practiced, until the Commissioner of the General Land Office was compelled to call the attention of Congress to it. I say that this is a question that should receive the consideration of the American Congress. It ought to be a privileged question, because it affects the disposition of the lands owned by this great nation.

I received last fall a letter from a distinguished gentleman in the Territory of New Mexico, in which he informed me that one single person there had fenced in thirty square miles of the public lands. Yet, as we are going on now, no American citizen can appropriate by honest and legitimate methods over one hundred and sixty acres by pre-emption and one hundred and sixty acres by homestead. This bill ought to pass this House *nem. con.*, without a single vote against it, so that we may teach these cattle kings of the West that they have no more rights than a citizen of the United States.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. Just wait a moment.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] rises to a question of order.

Mr. SPRINGER. I understand that we are now discussing the point of order. I am in favor of this bill and would like a chance to vote for it, but the question now before us is the point of order.

The SPEAKER. The only question now for discussion is the point of order raised by the gentleman from California [Mr. HENLEY], and the gentleman from Colorado [Mr. BELFORD] will please confine himself to the point of order.

Mr. BELFORD. You know (addressing Mr. SPRINGER), because you have been in the West, that English corporations have appropriated hundreds of thousands of acres of the public lands and absolutely kept the people from settlement upon it. You know that as I do, because you have been repeatedly there.

Mr. SPRINGER. That is very true, and I am in favor of this bill and want to get a chance to vote for it.

Mr. BELFORD. This is a bill reported from the Committee on Public Lands. I say it is a privileged report, because it is a report of supereminent importance [laughter] to the people of this country. It overrides the darkness of your rules as the sun overrides the clouds of the day. Therefore it should be considered. If you Democrats desire to place yourselves in the interest of corporations and monopolists, English capitalists, and everything of that sort, then vote that this bill shall not be considered. What should we consider except the great vital and material interests of this nation? And is this not a privileged bill under the resolution introduced by the gentleman from Indiana [Mr. HOLMAN]? I think it is.

Therefore on the question of order I insist that under the Holman resolution this bill is a privileged bill and should be considered, in order that our great heritage in the far West, the public domain, shall be opened up to settlement of our citizens, and not appropriated without law by English monopolists. You assume the responsibility of defeating this bill if you dare.

Mr. ROGERS, of Arkansas. I trust, Mr. Speaker, that it is with becoming diffidence I rise to support the point of order. A wrong decision of that point would set a precedent that might annoy us and trouble us a great deal more than the bill under consideration will trouble us. I desire to invite attention to the three subdivisions of the resolution which it is claimed make this bill a privileged question:

Resolved, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

I take it it can not be assumed for one moment that the bill now under consideration, the object of which is simply the destruction of wire fences which have been set up on the public domain in the West, can fall under that provision of the resolution. I pass from that to the second branch of the resolution:

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Now, I repeat that the object of this bill is simply to break down and destroy fences which have been unlawfully or without authority of law established upon the public domain. It is not pretended, as I understand, that the parties who have undertaken to set up these fences have any lawful authority for doing so. If they have any authority of law, this bill does not by its terms reach them at all, for it is directed only against a class of persons who do not claim to have entered the public domain under any laws of the United States.

The SPEAKER. The Chair so understands the bill. But the question is this: Suppose parties to be there without any authority whatever, holding the public lands unlawfully, or suppose there are no such parties there now, but in order to prevent persons from hereafter taking possession of the public lands unlawfully a bill is proposed. The resolutions have substantially three branches or objects. First, they relate to the forfeiture of lands granted to railroad companies; secondly, to speculations in large bodies of the public lands; and, thirdly, to the preservation of these public lands for *bona fide* settlers. Now, how can a *bona fide* settler or a person who desires to become such obtain possession of any part of the public lands so as to establish his title to them under existing laws if he finds the land in the unlawful possession of somebody else, and if the Government takes no steps to bring that unlawful possession to an end?

Mr. ROGERS, of Arkansas. He can not do so, Mr. Speaker, and the fact that he can not demonstrates the importance of some such bill as the one now before us becoming a law. But that is not the question at this time. The question now is whether the resolutions authorize this bill being considered now as privileged under the resolution. You have admitted, Mr. Speaker, that the first resolution does not authorize the consideration of this bill now. Does the second resolution authorize it? I say not. It reads as follows:

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

The first paragraph of the resolution simply declares it of the "highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens." This bill does not either contravene or promote that policy. The bill simply provides for cutting down unlawful fences on and preventing the unlawful fencing of the public lands in future. It declares no rule as to how any citizen shall obtain a home or a freehold in the lands.

The second paragraph of the resolution simply declares it the sense of Congress that speculating in the public lands should be stopped, the laws facilitating it repealed, and the public domain reserved for actual settlers. But this bill has no such purpose in view as that. It simply provides, as I have said, for removing obstructions on the public lands and for preventing obstructions thereon in the future.

Now, the third resolution simply authorizes the Committee on Public Lands to report a bill to effectuate the purposes set forth in the two foregoing resolutions. I respectfully submit, therefore, that this bill is not embraced in the terms or spirit of the resolutions.

The SPEAKER. A person can not secure a fee-simple title under the pre-emption or homestead laws without occupancy; and he can not occupy the land if it is in the unlawful possession of somebody else.

Mr. ROGERS, of Arkansas. But if this bill be passed, it does not grant any right to any party to acquire a freehold there either by homestead or otherwise. If this bill be passed it only breaks down those fences which have been illegally set up. If any other obstacle had been set up, if the construction now contended for is correct, a bill to remove any such obstacle would be in order under the resolution; whereas the sole object of the resolutions was to retain the public domain for the purposes specified in them; not at all to enable this House under the resolution to pass bills for the purpose of destroying or removing the impediments which may have been set up on the public domain. That is the point I make. I take it that this resolution in its whole scope and spirit looks to two things: first, that these land grants heretofore made to railroad corporations should be forfeited; secondly, to declaring the policy of the Government that in future the public domain shall be kept clear for the purposes of occupation by actual settlers. That is the whole of it. The resolution does not confer any power to pass any criminal statute at all.

Take the second clause of the second resolution:

And to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed.

Now the question is, does this bill look at all toward the repealing of laws facilitating speculation in the public lands? Not at all. These parties do not pretend to be speculators at all. They are upon the public domain as trespassers, not as speculators, not as persons who have any title or who set up any claim or right to these lands; and persons of this description the bill does not contemplate reaching.

Mr. CASSIDY. These people sell their possessory rights one to another.

Mr. ROGERS, of Arkansas. That is as if I should undertake to sell the gentleman's hat. I have no title to it, and the purchaser from me acquires no title by my pretended sale.

Mr. SPRINGER. It seems to me this point of order is not well taken. The whole scope of the argument of the gentleman from Arkansas tends to show that this bill is in order under the general resolution placing bills of this character in a privileged position. The very object of this bill is to remove obstructions which have been placed in the way of obtaining possession of the public land under the homestead or pre-emption laws. Now, the gentleman says if it were lawful occupancy, if they went there by color of law, then this proposition would be in order, but as they are trespassers and have no color of law, then it is not in order.

Mr. ROGERS, of Arkansas. I made no such point; I made no such argument as that.

Mr. SPRINGER. I so understood the gentleman.

Mr. ROGERS, of Arkansas. I made no such argument. [Cries of "Regular order!"] It makes no difference whether they are lawful or unlawful; the scope of the resolution does not look to the passage of the proposition, which is a criminal act to punish these parties for setting up these fences.

Mr. SPRINGER. This is to remove one of the great obstructions to the peaceful occupancy of the public domain, and in that respect is strictly within the rule laid down by the House.

Mr. OATES rose.

The SPEAKER. The Chair is ready to decide the question, but will hear the gentleman from Alabama on the point of order.

Mr. OATES. Mr. Speaker, the question is whether the bill is privileged within the spirit of the Holman resolution. It is decidedly not within the letter of that resolution, but I maintain when we look to the object and purpose of the bill, and to the history of this proposed legislation, it is clearly within the spirit of the resolution. The prime object of the resolution is to facilitate the acquisition of the public domain by homestead entry. It is a matter within the knowledge of the House that large amounts of the public domain have been illegally fenced in, because in response to the resolution offered by the gentleman from Louisiana [Mr. BLANCHARD] the information was sent to this House, and is of record, that the public domain was fenced in in many parts of the West by cattle-men, and that these latter actually drove from their domains so unlawfully fenced in every person attempting to enter them for any purpose whatever, even obstructing the passage of the United States, and no citizen was permitted to go within the inclosures for the purpose of making a homestead entry.

The principal object of the homestead resolution was to provide for the acquisition of homesteads, and this bill, which has for its object to break up that unlawful fencing-in of the public domain, is certainly in

the direction of that acquisition of the public lands by homestead entry, and is therefore clearly within the spirit of the resolution and privileged under it.

The SPEAKER. With the questions of fact stated by gentlemen on both sides in relation to the actual occupancy of these public lands at the present time of course the Chair has nothing to do in the decision of the point of order. It must be decided the same way whether there is actual unlawful occupancy or there is not. The fact that there may be unlawful occupancy is enough to determine the character of the bill.

The resolution of the House, as the Chair has already said, relates to three subjects:

First. The forfeiture of land grants to railroad companies.

Second. Prohibitions of speculation in large bodies of public lands.

Third. The preservation of the public lands for the use of actual settlers under the "homestead laws only."

That is the language of the resolutions.

There are two ways in which title to public lands can be acquired only by actual possession and occupancy: First, under pre-emption laws; and, secondly, under the homestead laws; so that if there is now existing, or may hereafter exist, any condition of affairs in relation to public lands which would prevent citizens from obtaining title as actual *bona fide* owners and occupants under these laws, the Chair thinks a bill the object of which is to remove those obstructions and enable the people to obtain title under those laws would be privileged under the resolution adopted by the House.

The resolutions are very comprehensive, and the fourth, which relates to the privilege, provides that the Committee on the Public Lands is "hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions."

The Chair thinks, therefore, this bill, having for its object the removal of existing obstructions or the prevention of all obstructions in the future, and thus enabling the people to secure possession and occupancy of public lands by persons who desire to acquire title under the homestead and pre-emption laws, comes within the privilege, and is in order.

Mr. HENLEY. I raise the question of consideration against the bill, and I give notice that I propose to antagonize the consideration of this bill with the bill in relation to the California and Oregon Railroad Company. [Cries of "Regular order!"] It is merely a question in the estimation of the House [cries of "Regular order!"] which of these two bills is the most important.

The SPEAKER. The question of consideration is not debatable.

The question was put to the House, and the House determined to consider the bill.

Mr. PAYSON. Mr. Speaker, I have no desire to occupy the attention of the House longer than five minutes in reference to this bill. I assume the discussion in reference to the question of order has developed sufficient facts in connection with it for the House to act understandingly on the bill. The records of the Interior Department as well as the reports submitted from the Committee on Public Lands have shown, Mr. Speaker, with reference to this bill and the evils sought to be remedied by it a state of facts which is a disgrace to this nation.

It would hardly be believed in the absence of authoritative reports that upward of 15,000,000 acres of the public lands of this nation are held by these people without a shadow of claim, and as to which whenever a citizen desires to make a homestead entry he is met with resistance either with a rifle or a shotgun. Mail-routes are interfered with to such an extent that in some places in Kansas and Nebraska the mail agent is compelled to travel forty miles out of his way to get around the inclosures.

First, Mr. Speaker, as to the extent of the acreage so inclosed. I hold in my hand a letter addressed to me as a member of the Committee on the Public Lands by the Secretary of the Interior, to which I beg to call the attention of the House for a brief moment. In this letter, referring to the cases of this unlawful occupancy of the public lands which have been specially reported to the Interior Department as being fenced in by these corporations or individuals without a shadow of right or a claim or color of title, I find the following:

Among the cases specially reported, additional to the Brighton Ranch, in Nebraska, are those of the Arkansas Valley Cattle Company, in Colorado, a foreign corporation, whose inclosures embrace upward of 1,000,000 acres; the Prairie Cattle Company (Scotch), in Colorado, upward of 1,000,000 acres; H. H. Metcalf, River Bend, Colorado, 200,000 acres; John W. Prowers, Colorado, 200,000 acres; McDaniel & Davis, Colorado, 75,000 acres; Routchler & Lamb, Colorado, 40,000 acres; J. W. Frank, Colorado, 40,000 acres; Garnett & Langford, Colorado, 30,000 acres; E. C. Tane, Colorado, 50,000 acres; Leivesy Brothers, Colorado, 150,000 acres; Vrooman & McFife, Colorado, 50,000 acres; Beatty Brothers, Colorado, 40,000 acres; Chick, Brown & Co., Colorado, 30,000 acres; Reynolds Cattle Company, Colorado, 50,000 acres; several other cases in Colorado embracing from 10,000 acres to 30,000 acres; Coe & Carter, Nebraska, 50 miles of fence; J. W. Wilson, Nebraska, 40 miles of fence; J. W. Bosler, 20 miles; William Humphrey, Nevada, 30 miles; Nelson & Son, Nevada, 22 miles; Kennebec Ranch, Nebraska, from 20,000 to 50,000 acres.

In Kansas entire counties are reported as fenced. In Wyoming one hundred and twenty-five large cattle companies are reported having fencing on the public lands. Among the companies and persons reported as having "immense" or "very large" areas inclosed, but specific quantities not mentioned, are the Dubuque, Cimmaron, and Renello cattle companies, of New Mexico; the Carlisle Cattle Company (English), in Colorado; the Marquis de Morales, in Dakota; the Wyoming Cattle Company (Scotch), in Wyoming; the Rankin Live-Stock Company, in Nebraska. Several companies and persons in Montana and elsewhere are mentioned as having inclosures with no data as to areas. A large number of cases in the several States and Territories west of the one hundredth meridian are reported where the inclosures range from 1,000 to 25,000 acres and upward.

The cases above referred to are to be regarded merely as indicative of the situation.

In one case mentioned, the New Brighton Cattle Company, of Nebraska, where they have 84,000 acres of the public domain under fence, at intervals of every twenty or thirty rods, conspicuously posted upon the top wire of the fence, are boards upon which notice is given to any enterprising citizens who desire to take up a homestead entry under the law "that any person (and calling special attention to their canine origin) who dares to break down this fence had better look out for his scalp!" Posted all along around these 84,000 acres in a conspicuous manner is this notice of this corporation, which has taken possession unlawfully of this quantity of the public domain.

Again, in the Territory of Wyoming there is one tract of upward of 400,000 acres occupied by a foreigner, a nobleman, some Scottish lord, whose name I will not undertake to pronounce to the House. But all the employés that he has on the place, with the exception of eight, I am informed, are foreigners.

Mr. SPRINGER. And he does not own the land?

Mr. PAYSON. No, sir; not an acre.

As to every inclosure of that kind to which I have referred, the Secretary of the Interior says that these parties have not a shadow of claim or title to a single acre—that is, the kind of inclosure of which I now speak.

Some foreigners, however, assume to have title, but it has been fraudulently obtained. This matter has been investigated by the Senate to some extent.

The Commissioner of the General Land Office, to whom the Senate inquiry was referred, pointing out the ways by which public lands may be legally acquired by foreign corporations, says that from the reports of special agents there were thirty-eight claims in Estes Park, Colo., owned by the Estes Park Company, organized under the laws of England, and doing business in Colorado. Windham Thomas, Earl of Dunraven, appears to be one of the chief functionaries of this company. Thirty of the claims, the special agent found, were secured for people who were never in the park at all. The remaining eight were secured by people who made an occasional visit, and made a show of improvement. In no case was the law complied with.

An investigation in California into the transactions of Falkner, Bell & Co., an English house, secured complete evidence in sixteen cases, proving that the entrymen took up timber lands under agreement to transfer them to the agents of the syndicate, each entryman receiving $50 for his service. Further investigation was stopped by the agents of the syndicate, who surrounded the hotel with their henchmen, and no one who made entry with them was allowed to approach the special agent's room. These are specimens.

Letter after letter has come to the Committee on the Public Lands of this House since we have been investigating this question where people are making complaints that in going out there to settle down and take up a homestead claim they are met with these barbed-wire fences and driven off by force by the retainers of these corporations.

Again, in Senate Executive Document No. 127, which I hold in my hand, instance after instance is recited where the homesteaders have been fenced in by these men who have put up these barbed-wire fences and have not been allowed access in and out to their own homes. I hold also in my hand a letter which I will ask the Clerk to read from the desk. It was handed to me by the gentleman from Minnesota, Mr. WASHBURN, and signed by three of his constituents. He requested me to present this letter to the House in his name if this bill should be reached for consideration during his absence, for the purpose of showing that these men have been fired upon by the retainers of these corporations in their endeavors to take possession of their homes and occupy the public lands under the protection of the Government. I ask the Clerk to read the letter.

The Clerk read as follows:

YAMPA, COLO., *May* 8, 1884.

HONORABLE SIR: It pains me to inform you that I must discontinue my improvements on my pre-emption, for it is running a great risk of my life. For where I have to work is in the timber and there has been several shots fired in the direction of my work. And I have several responsible parties to whom I can refer you to who think it is not safe for me to continue my work. Consequently, I will discontinue my work until the Government furnishes some means of protection for honest settlers. Now, honorable sir, we think it absolutely necessary that the Government appoint some one to look into the way the clique here are trying to get all of the land in their power. I ain't the only settler who has been threatened that we should not live on our claims even if we did come here.

One thing, there is not a justice of the peace nor a constable in the whole county, that we know of. Even the county surveyor is afraid to give the numbers of vacant lands, on account of threats that has been made to him. And if you ask any one of them where there is any vacant land they will tell you that there is none. And pretty near all of the section corners have disappeared—whether for malicious purposes or not we do not know.

Honorable sir, as American citizens we hope you will see that some one be appointed to look into our troubles.

Hoping for a favorable reply, we remain yours, truly,

C. H. MOLTER.
F. M. HAUGHEY.
M. C. HINDMAN.

Post-office address, Yampa, Routt County, Colorado.

Hon. W. D. WASHBURN, *Washington, D. C.*

Mr. PAYSON. Not only so, Mr. Speaker, but this document to which

I have called attention here will show instances of similar charges which have occurred, and even charges of greater enormity are recorded. I call attention, sir, to a letter written in September last, which is quoted in these documents by a gentleman living in Custer County, Nebraska, where he says his house has been burnt by the employés of these men in order to drive him off of his homestead.

His place was inclosed by a line of barbed-wire fence put up by these corporations, and when he declined to leave his property the house was burned over his head. Instances without number could be given here of interference by these people with similar rights of the homesteaders, and in one instance a military reservation has been taken possession of by these gentlemen, the military arm of the Government being, it seems, too puerile to prevent the outrage against itself. And so on; I might go on reciting instances without number. It is useless, sir, to stand up here repeating them. I could mention hundreds of similar cases.

The following correspondence also gives interesting information on the subject:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 23, 1884.

SIR: I am in receipt, by your reference, of a letter dated the 16th instant, from Hon. L. E. PAYSON, a member of the Committee on Public Lands of the House of Representatives, in which he asks to be furnished, for the use of the committee, such information and facts as may be in possession of the Department in regard to the alleged evils growing out of the unauthorized fencing of the public lands by individuals and corporations for grazing purposes, and for the benefit alone of the parties making the inclosures, as well as suggestions as to a remedy for such evils.

In reply I have the honor to state that the following cases of unlawful fencing of the public domain have been submitted to you by this office with the recommendation that the Attorney-General of the United States be requested to have proper suits instituted to compel the removal of the fences, namely, the inclosure of W. J. Wilson, containing about 40,000 acres of public lands in Kansas and Nebraska, reported to the Department June 2 and October 9, 1883; the tracts fenced by Nichols, Beach & Co., Keith & Hershey, in Lincoln County, Nebraska, containing 1,083.31, 1,413.38, and 380.38 acres, respectively, reported to the Department September 1, 1883; the inclosure of about 5,000 acres of land in Mancos Cañon, Colorado, by John White, reported upon August 25, 1883; the inclosure of Weber Cañon, Colorado, containing about 6,000 acres, by one Alberson, reported upon by September 27, 1883; the inclosure of Chick, Browne & Co., containing about 30,000 acres, in Colorado, reported December 17, 1883; and the Brighton Ranch Company's inclosure, containing about 52,000 acres of land in Custer County, Nebraska, reported to the Department January 10, 1884.

This office has been advised, through the Department, that the proper United States district attorneys have been directed by the Attorney-General to institute suits, as recommended, in all the cases except that of Chick, Browne & Co. Reports have been received by this office from one of the special agents, showing the fencing of two tracts of public lands in Eastern Colorado, one of which contains about 720,000 acres, and the other about 8,000 acres. No action has yet been taken on these reports on account of the large amount of other business, which has precedence and demands immediate attention.

This office, having been advised through the Department of Justice that one Swan *et al.* had fenced a large tract of public land in Wyoming Territory, the agent was thereupon instructed to confer with the United States district attorney for said Territory, and to proceed to investigate the case with a view of obtaining such evidence as might be deemed necessary to sustain a suit which was proposed to be instituted against the parties on account of the fencing. The suit was afterward commenced in the supreme court of the Territory in the name of the United States and a judgment obtained against the parties. (See Brainard's Legal Precedents, page 268.)

In the several cases referred to fraudulent entries were made by or at the instance and in the interest of the owners of the ranches of the valuable tracts within the inclosures, and in one case the parties entered, under the pre-emption law, all of the lands, or nearly so, upon which their fence was located, in the names of their relatives and employés, many of whom resided in the county, and none of whom ever attempted to comply with the law, evidently for the purpose of preventing settlers from taking the other lands within the inclosure.

There appears to be no law under which the parties can be prosecuted criminally for the fencing; and in order to maintain a civil suit it is necessary in the first place to have the case thoroughly investigated for the purpose of obtaining the exact description of the land inclosed and all facts in regard to the fencing; and then, that these facts should be examined by this office, and if deemed sufficient, by this office submitted to the Department, and by the Department to the Attorney-General, and by him to the proper United States district attorney, who is required to examine the facts, prepare the papers, and see that proper service is had upon the parties, after which other long delays are necessarily caused in court. During all this time the intruders retain control over the Government lands and legitimate claimants are prevented from going upon and purchasing the same. When judgment is obtained, if it should be in favor of the Government, its only effect is to compel the parties to remove their fences.

Your attention is respectfully called to my annual report for 1883 (page 30), in which I state, among other things in reference to the subject, that—

"The practice of inclosing public lands by private persons and companies for exclusive use as stock ranges is extensively continued in States and Territories west of the Mississippi River. These ranges sometimes cover several hundred thousand acres. Special agents report that they have ridden many miles through single inclosures, and that the same often contain much fine farming lands.

* * * * * * *

"Foreign as well as American capital is understood to be largely invested in stock-raising enterprises involving unlawful appropriation of the public lands. Legal settlements by citizens of the country are arbitrarily prohibited, public travel is interrupted, and complaints have been made of the detention of the mails through the existence of these inclosures. Reports have been received of the use of violence to intimidate settlers or expel them from the inclosed lands.

"A frequent incident to this control of large bodies of land is the acquirement of title by stock-owners to the valleys, water courses, and other especially valuable lands within the inclosures by means of fraudulent or fictitious entries caused to be made under the pre-emption, homestead, and desert-land laws. Investigations of such entries are in progress in several districts.

* * * * * * *

"I renew the application that an act be passed imposing penalties for the unlawful inclosures of public lands and preventing by force and intimidation legal settlement and entry."

I would therefore suggest that it be recommended to Congress to pass a law making it a penal offense for any person to build or retain a fence, or to commit a trespass on any public land to which he has no claim under the laws of the United States, or to encourage or assist in any way others in building or maintaining fencing, or committing trespasses on said lands.

Very respectfully, your obedient servant,

N. C. MCFARLAND, *Commissioner.*

Hon. H. M. TELLER, *Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR, *Washington, March 3, 1884.*

DEAR SIR: Referring to our conversation on the subject of foreign companies controlling inclosures of the public lands, I send you the inclosed memorandum, which I think contains the facts you wanted. The land described, with the exception of perhaps a few thousand acres, is all Government land.

Very respectfully, yours,

H. M. TELLER, *Secretary.*

Hon. L. E. PAYSON, *House of Representatives.*

The Arkansas Cattle Company have fenced in the following-described public land in the States of Colorado and Kansas, viz:

Beginning on the north bank of the Arkansas River, on the line between sections 19 and 20 in township 23 south, range 41 west, and running a northerly direction to section 20 in township 15 south, range 41 west; thence a northwesterly direction to section 20 in township 15 south, range 44 west; thence a southwesterly direction to southeast corner of section 36 in township 15 south, range 48 west; thence a southerly direction to the northeast corner of township 19 south, range 48 west, and thence a southeasterly direction to the bank of the river in section 26, township 22 south, range 46 west of the sixth principal meridian. Also all that other tract or parcel of land being on the south side of the Arkansas River, in Bent County, Colorado, and bounded as follows, viz: Beginning on the south bank of the Arkansas River on the east line of township 23 south, range 42 west, and running south on said township line to the south line of said township; thence west along the south line of said township to the middle of section 33 in said township, and thence north to the Arkansas River on the north line of section 21 in said township.

There appears to be about forty townships, or 921,600 acres embraced in the inclosure.

On March 24, 1884, Secretary Teller sent to the House a supplemental report relative to unlawful fencing of public lands in the State of Nebraska. The report is a special one, made by United States deputy surveyor G. W. Fairchild. Mr. Fairchild says:

The whole country embraced in my contract (Northwestern Nebraska) is occupied and run by capitalists engaged in cattle-raising, who have hundreds of miles of wire fence constructed to inclose all desirable land, including watercourses, to form barriers for their cattle and to prevent settlers from occupying the land. They also represent that they have desert and timber claims upon the land they have inclosed. Upon their fences they have posted at intervals notices as follows: "The —— who opens this fence had better look out for his scalp." The fences are built often so as to inclose several sections in one stock ranch, and the ranches are joined together from the mountains clear round to the mountains again. Persons going there, intending to settle, are also informed that if they settle on the land the ranchmen will freeze them out; and they will not employ a man who settles on or claims land, and that he can not get employment from any cattle-men in the whole country.

My chief object in addressing you is to report the wholesale destruction of valuable timber on the Government land of this whole region by the cattle-men, who pretend to own and raise it. There are acres after acres of bare stumps, which but a short time ago were growing timber. There were thousands of logs cut during last summer and hauled out to accessible points to be used for fences, canals, landing chutes, and houses in Nebraska and Wyoming.

Now what does the Committee on the Public Lands propose to do by the passage of this bill? Every one of these persons who is inclosing the public lands to-day by putting up these wire fences is an intruder not entitled to the land, and their entry and possession of them is an unlawful one. And following the old rule of the common law which has been a rule of action ever since the common law has had any existence it treats these inclosures as public nuisances and allows the citizens to destroy them. Then, again, it provides for a summary remedy in the courts of the country at the instance of any citizen who will file an affidavit that the provisions of this act have been violated.

The question might be asked why it has been that the Interior Department and the Department of Justice have suffered this thing to go on until it has become a stench in the nostrils of citizens everywhere? The answer to that question is this: The Interior Department says that the courts hold all over the West that there must be an accurate description of the land given of course in the pleadings. He says:

There appears to be no law under which the parties can be prosecuted criminally for the fencing; and in order to maintain a civil suit, it is necessary in the first place to have the case thoroughly investigated for the purpose of obtaining the exact description of the land inclosed and all facts in regard to the fencing; and then, that these facts should be examined by this office, and if deemed sufficient, by this office submitted to the Department and by the Department to the Attorney-General, and by him to the proper United States district attorney, who is required to examine the facts, prepare the papers, and see that proper service is had upon the parties, after which other long delays are necessarily caused in court. During all this time the intruders retain control over the Government lands and legitimate claimants are prevented from going upon and purchasing the same. When judgment is obtained if it should be in favor of the Government its only effect is to compel the parties to remove their fences.

The letter which has been read at the Clerk's desk shows, as well as numerous documents and letters in the papers which I hold in my hand and to which I have referred, that so soon as these gentlemen fenced in these lands they proceed at once to destroy the evidences of the survey. Government monuments are leveled to the ground; Government stakes are pulled up, and after an inclosure is fenced I am satisfied at the Interior Department there is no evidence the land was ever surveyed. And, therefore, as the lawyers within the sound of my voice will appreciate, it is impossible to describe upon paper the precise tract of land which is included. The *locus* can not be described, and therefore the United States is without a remedy.

As I stated when the question of order was up, Mr. Speaker, I have in the course of my conversation with members here learned of only one gentleman in this House who is opposed to this bill, the gentleman from California [Mr. HENLEY]; and I think I am fair in stating that his opposition is not to the provisions of the bill as to the evil sought

to be remedied, but because it is provided in the bill that jurisdiction is conferred upon the Federal courts to enforce the provisions of an act of Congress. The gentleman from California insists—he insisted before the committee, and will probably insist here, that these prosecutions ought to be in the State courts. I do not care to argue, Mr. Speaker, the proposition that for the violation of a Federal law, primarily, the Federal courts ought to have original if not exclusive jurisdiction. As to that the mere statement of the proposition it seems to me is its strongest argument, and until we can hear something opposed to it in the way of argument, I shall submit that proposition to the candid consideration of the House. That, I believe, Mr. Speaker, is all I desire to say in the opening of this discussion, except one thing further that perhaps the House ought to be advised about.

In view of this legislation, it being flashed over the country by telegraph and across the water to Great Britain that this legislation was being proposed, some gentlemen in Edinburgh, Scotland, who make a specialty of investing money profitably here for their clients there, addressed a letter to the Secretary of the Interior that I will ask the Clerk to read.

Mr. GLASCOCK. Before the letter is read will the gentleman from Illinois allow me to ask him a question?

Mr. PAYSON. With pleasure.

Mr. GLASCOCK. The question I desire to ask is simply for the purpose of obtaining information. I do not know but I am heartily in accord with the purposes of this bill. At the end of section 1 why strike out the "one hundred and sixty acres" and make "six hundred and forty acres?" And I have another question. In section 5 of the bill why make the authority of the Secretary of the Interior prerequisite to the institution of suit where the alleged unlawful inclosure includes less than six hundred and forty acres of land and no agricultural lands?

Mr. PAYSON. I am glad the gentleman from California has asked the question, and I will be glad to answer it before the Clerk reads this letter.

This bill has not only the unanimous indorsement of the Committee on Public Lands, except on the question of jurisdiction to which I have referred, but it has the approval of the Secretary of the Interior, the Commissioner of the General Land Office, and the Assistant Attorney-General for the Interior Department. As I drafted this bill originally, it did not contain that section. But it was stated by the gentleman from California, the gentleman from Oregon [Mr. GEORGE], Mr. TULLY, of California, and one or two other gentlemen, that in the unsurveyed portions of the extreme Northwest it occasionally happened a man would have inclosed a little piece of public land in connection with his own, owing to the uncertainty as to boundaries, and that in such a case perhaps the man ought not to be interfered with by any special agent who might come around, or by some neighbor who might be disposed to act maliciously toward him. Moreover, the practice had obtained of making little inclosures of one hundred and sixty, three hundred and twenty, and six hundred and forty acres by these men, who had quantities of stock, for the purpose of confining their breeding animals so as not to allow them to run at large. And therefore, at the suggestion of the Secretary of the Interior, this exception was put in as to those inclosures, that they should not be regarded as lawful inclosures nor the men putting them up as entitled to the land; but to guard against malicious prosecutions it should be provided that an inclosure containing not exceeding six hundred and forty acres of land and no agricultural lands should not be interfered with without authority of the Secretary of the Interior.

Mr. HENLEY. The gentleman will remember that that amendment was suggested by the Secretary of the Interior.

Mr. PAYSON. I so said. I have stated to the gentleman's colleague [Mr. GLASCOCK] that that amendment was suggested by the Secretary of the Interior and inserted at his instance. I now ask that the letter which I have sent to the desk be read.

Mr. KELLEY. I ask the gentleman to yield to me for a few minutes.

Mr. PAYSON. I will do so with pleasure after the letter is read.

The Clerk read as follows:

5 QUEEN STREET, EDINBURGH, *March* 27, 1884.

SIR: A cablegram which appeared a few days since in the London Times has caused considerable uneasiness among the Scotch companies holding large bodies of titled land for pastoral purposes, and it has agitated in even a greater degree the companies who have purchased cattle and are now grazing them on public lands, with the view of eventually purchasing their pastures. The cablegram was as follows:

"The Senate has passed a resolution directing the Public Lands Committee to inquire in what manner large quantities of the public lands have been transferred to or become possessed by foreign corporations or syndicates; and what, if any, legislation is advisable to prevent such transfers or possession. This resolution is the outcome of criticisms expressed in certain localities at the proceedings of foreigners who are obtaining possession of vast tracts of new country in the Western and Southern States and Territories; some English, Scotch, and Dutch syndicates being particularly aimed at."

In reply to our inquiry Mr. Edward J. Moffat, United States deputy consul-general—a gentleman highly esteemed in this country—expresses the opinion that "no law would be passed retroactive in its nature, taking away the property acquired under the present state of the law." This seems only equitable, but the words "to prevent such transfers or possessions" sound very ominous to existing owners of large bodies of land, and meantime the trade in such lands is at a standstill. Now, sir, we are as a firm identified solely with this land and cattle business, and people here rely a good deal upon what we say in that connection. We have all along recommended this class of investment, and the money sunk in it in Scotland alone is not less than $25,000,000. We are, therefore, anxious, most anxious, to be favored with some expression of opinion as to the future intentions of the Legislature.

We hear of Senator EDMUNDS's bill limiting foreign holdings to thirty square miles, and we dread Mr. EDMUNDS very much. Some of our companies own twenty times that area of American land. Are their rights to be menaced? Others, again, ranging on the public domain, intend to purchase their pastures. Has the opportunity been barred by the Legislature? Texas has issued a whole sheaf of legislative enactments which impede and harass the land and cattle trade in a ruinous degree. Are we (we are more American than English) to understand that the United States Government or the introducers of those bills are inimical to the acquisition of land by foreigners in any form beyond a certain amount? We have scarcely time to formulate our ideas before the mail goes out, but we are particularly solicitous of understanding if land and cattle companies are favored or objected to. We beg to inclose copy of our Mr. Tait's pamphlet on that question of land and cattle, a standard work here.

We have the honor to be, sir, your most obedient servant,

TAIT, DENMAN & CO.

To the SECRETARY OF THE INTERIOR,
LAND OFFICE DIVISION, *Washington, D. C.*

The reply of the Department is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April —, 1884.

GENTLEMEN: I am in receipt of your letter of the 27th ultimo in reference to the recent resolution of the Senate of the United States inquiring in what manner large quantities of public land have been transferred to or become possessed by foreign corporations and syndicates. You express anxiety in regard to prospective legislation upon the subject, and request the views of this Department touching the probable course of such legislation.

You refer to the opinion expressed by the United States deputy consul-general that "no law would be passed retroactive in its nature, taking away the property acquired under the present state of the law." This opinion is undoubtedly correct. I do not apprehend that any danger exists in that direction, the property rights of all persons being fully protected in the United States. But misapprehension may exist in respect to what property rights have been or may be acquired under the present state of the law.

Public lands of the United States are not generally subject to direct purchase, especially in the States and Territories west of the Mississippi River, where the business of stock-raising upon a large scale is chiefly carried on. Title can lawfully be acquired to those lands, as a rule, only by actual settlers and persons who cultivate or improve the land, and only in limited quantities. The amount of agricultural land which any one person can acquire from the United States under the settlement laws, respectively, is one hundred and sixty acres, and he must settle and reside upon and improve and cultivate the tract for the period prescribed by law, which in ordinary homestead cases is five years, and in commuted homestead and pre-emption cases not less than six months after survey.

Desert land may be acquired in tracts not exceeding six hundred and forty acres by any one person upon proof of the reclamation of the land within three years after application by conducting water thereon sufficient to irrigate the whole tract and make it productive. In no case can legal title to public lands of the United States be obtained until after the land has been surveyed. There are certain kinds of floating rights of entry, the certificates of which are called "scrip," which may be located upon any public land without settlement or improvement, but the quantity of such scrip outstanding is limited to a few thousand acres.

It will be apparent from the foregoing that it is not possible for any person or company, American or foreign, to derive title direct from the United States to large bodies of lands. Where title is derived indirectly the validity of the transfer necessarily depends upon the validity of the title originally obtained. There are certain classes of cases in which land in large quantities may be obtained by purchasers from the grantees of the United States, namely, under grants to States and corporations where title has passed to the grantee, and under confirmed and patented private land claim based upon concession from previous sovereignties. Where a party purchases an incomplete title, or an inchoate claim of any kind, he does so, of course, at his own risk.

Claims to land under the settlement and improvement laws are not assignable, and contracts of sale made before the requirements of law have been complied with are illegal, and invalidate the claim.

It is within the knowledge of the executive department of the Government that large numbers of pre-emption, homestead, and other entries of land within the grazing and other districts of the United States have been fraudulently made upon false affidavits of settlement and improvement, and that the claimed titles to such lands have been conveyed both before and after patent to home and foreign capitalists and corporations.

It is also within the knowledge of the Government and has become a matter of great public complaint, that cattle companies have unlawfully appropriated and even inclosed by fences great areas of the public domain to the deprivation of the rights of citizens to enter such lands under the laws of the United States, to the obstruction of public travel, and to the impediment and prevention of the settlement of the country. These facts have attracted the attention of Congress, and legislation looking to the more stringent enforcement of existing laws and to any additional prohibitions or penalties that may be necessary has been recommended.

Possessory rights to public land other than as authorized by the settlement and improvement laws are not recognized, and mere possession, occupation, or inclosure gives no color of right, title, or claim to any larger quantity of lands of the United States than the quantity authorized by said laws.

It is contrary to national policy and would be antagonistic to the sentiment of the country to permit the appropriation of public land in large quantities by individuals or corporations, whether native or foreign.

It is not, in my opinion, probable that the restrictions upon the alienation of lands of the public domain will be so removed as to allow the acquisition of title beyond existing limitations.

I inclose for your information copies of circulars of this office of April 5 and July 19, 1883, relative to unlawful inclosures of public lands, and also copies of my reports of March 14, 1884, upon the same subject in answer to resolutions of the Senate and House of Representatives.

Very respectfully,

N. C. MCFARLAND, *Commissioner.*

Messrs. TAIT, DENMAN & CO.,
Queen Street, Edinburgh, Scotland.

Mr. PAYSON. Mr. Speaker, I trust the House will speedily dissipate any doubts the writer of this letter may entertain as to whether these "land and cattle companies are objected to." The vote on this bill as well as some others to be presented for consideration of the House by the Public Lands Committee will, I feel sure, demonstrate that these gentlemen should understand that the United States Government as well as "the introducers of those bills" are inimical to the acquisition of land by

foreigners in any form beyond a certain amount, or indeed to any amount, in the Territories.

I will now yield five minutes of my time to the gentleman from Pennsylvania [Mr. KELLEY]. I would inquire, however, before I do so, how much time I have remaining?

The SPEAKER. The gentleman has forty minutes of his hour remaining.

Mr. KELLEY. I hope the gentleman will be able to extend the time beyond five minutes, though I shall be grateful to him for even that time if I can get no more.

Mr. PAYSON. Before the gentleman goes on I have been requested to make a statement in regard to the matter of jurisdiction under this bill. I will say that it is not restricted to the Federal courts, but is extended to any court of record, Federal as well as State, having jurisdiction on the subject. I will now yield ten minutes to the gentleman from Pennsylvania if he desires it.

Mr. KELLEY. I have never, Mr. Speaker, watched with such anxious solicitude for a decision of yours since you assumed the chair as I did this morning when the right of immediate discussion and action on this bill was pending.

A few days ago I brought to the attention of the House as well as I could in current discussion some points in the condition, as I had seen it, of the working classes of other lands as a warning to American legislators. Gentlemen on the Democratic side of the House hastened to assure me that if I were to accompany them through the streets of our own cities they would show me poverty as abject and suffering as acute and general as any to which I had alluded. The two gentlemen from New York [Mr. DORSHEIMER and Mr. HEWITT] were emphatic in that respect, and the gentleman from Ohio [Mr. HURD] and other gentlemen were scarcely less emphatic in support of the assertion. I agree to the truth of all they said except that these deplorable conditions are less general here than elsewhere. Yes, there is truth in their statements, and if the American Congress will not awaken to a sense of its duties to our working people, all the dangers that now beset European society as the result of wrong and oppression inflicted upon the masses will appear in this country and afflict us.

Our land is already, and it is known to the thoughtful leaders of opinion among the humbler classes of Europe, being made the foundation for landed aristocracy broader and wealthier, and consequently more powerful, than that of England. And I join with the gentleman in charge of this bill, Mr. PAYSON, of Illinois, in asking Congress to interpose now and efficiently to rescue what land it may for our laborers who are yet able to escape from the growing poverty of the times to our hitherto free lands.

Talk to the English people about their landed aristocracy and they laugh in your faces and say, "The wealthiest of our landed aristocrats have but hundreds of thousands of acres, but when they go to your free republic they absorb millions of acres and close them against us and our American brethren."

If we mean to stand as the representative of republican ideas, if we mean to pretend that the love of man, as expressed philosophically in the words "democratic government," has an abiding place with us, let us promptly as we can, and as efficiently as power will justify us in doing, reclaim these lands, banish these fences, and, if need be, disperse the flocks and herds of British capitalists who are thus attempting to despoil mankind of their possessions.

Not only does danger come to the masses from the absorption of our lands, but while British and continental capital is thus absorbing the public lands our own capitalists are importing from Hungary, from Poland, from Italy, and elsewhere, the most degraded of the people of those countries, and to the exclusion of native workingmen are putting them at work at lower than European wages. Why, sir, in a midnight broil which occurred lately in the western part of my State, these newly imported laborers fought with knives and pistols because they could not understand each other or the people who had employed them; and when the police investigation was made it was found that they were Hungarians, Poles, and Italians, and that the sex of many of them could not be distinguished by the form of their wearing apparel, and interpreters had to learn which of them were men and which were women. We should exclude such laborers as these and save our public lands for the working people of the country.

I have in my pocket a letter received but yesterday from a young lady, now in Europe, who bears my name. Let me read a brief portion of it:

I could wish for a more vigorous handling of the eight-hour law, which seems to me almost as valuable a measure as the tariff itself. As I look at our American working people from this distance, it seems to me that before the war their interest harmonized more or less with that of the American capitalist in general. The whole country—working classes pre-eminently—needed the industrial development of our resources, the development of capital in general.

Then came a time when, in the struggle against slave labor, Northern capital and Northern labor stood, perforce, side by side against the South and the slave, in identity of interest against a common enemy. After the war came a third form of forced identity of interest, against the foreign capitalist and the foreign pauper, and to a rapidly diminishing extent this remains to-day. But how rapidly this identity is melting out of sight and existence under the influence of internal conflict I think I see better from this distance than I should if I were in the midst of it. It is not only pauper labor in Europe, but the labor of women and children and imported contract laborers and ever-improving man-superseding machinery in America that the American workingman must ever more and more compete with, as our industry develops home competition under a fostering tariff. And the same policy which shields him against European capital and European pauper competition to-day must do what it can to support his manhood for his growing struggle with American capital and American pauperism, if it is to be true to itself as a workingmen's policy, and not, as the free-traders claim, work more in the interest of the American capitalist than the American laborer. And the eight-hour law seems to me, from this point of view, not a possibility of the future but a need of to-day.

Sir, agreeing with the conclusions of this young but profound student of political science, I ask the House to do what may be done to reclaim these inclosed lands for the American laborer, and in due time I shall ask it at the earliest possible moment to prohibit the importation of contract labor from abroad and to establish in this District and in our Territories an eight-hour law with heavy penalties for its violation.

Mr. BELFORD. Will the gentleman permit me to ask him a question?

Mr. KELLEY. Yes; certainly.

Mr. BELFORD. Is it not a notorious fact that the manufacturing establishments at Pittsburgh, in your State, have imported cheap foreign labor to compete against American industry?

Mr. KELLEY. I do not know as to Pittsburgh. But I do know that I have described a scene in one of our anthracite coal regions, and a condition of things which has prevailed within three months, if it does not now in the Connellsville coke district of my own State, of which I am ashamed, and for which I would blush did I not feel that I turn pale before the terrible aspect of the future invoked by these facts.

Mr. BELFORD. That is right. Now I want to ask you another question. After you have spent your entire life in endeavoring to protect the interests of your State and my native State, have not these capitalists availed themselves of what you call the "pauper labor of Europe."

Mr. KELLEY. My friend is wrong in his premises, as he usually is when he arraigns me——

Mr. BELFORD. Not a bit of it.

Mr. KELLEY. As I was an arrant fool of a free-trader until 1857. [Laughter.]

Mr. PAYSON. I yield five minutes to my colleague [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I am heartily in favor of the passage of this bill, but I will not detain the House long in its discussion. I was gratified to hear the honorable gentleman from Pennsylvania [Mr. KELLEY], the friend of the laboring man in this country, speak in behalf of retaining the public lands for homestead settlement. I am sorry that he and his party during the long years that he has been a recognized leader in this House have not practiced what he now preaches. Under the leadership of that gentleman and during the time his party were in power in this House and in the country a vast area of the public domain, exceeding in extent the New England States, with New York, Pennsylvania, and Ohio all put together, has been voted away to corporations; and I believe the record will show my distinguished friend from Pennsylvania was always found voting in the affirmative.

These lands have been voted away; they are almost beyond our reach; and we are striving, through the instrumentality of the Committee on Public Lands of this House, to reclaim some of them for the people. While we are doing this English capitalists and our own corporations in this country have brazenly and impudently squatted on the public domain and thrown round vast tracts of the public land barbed-wire fences, and put up offensive and disgusting notices on them, threatening to scalp the homesteader who might go on them under the laws of the United States. This is a system of land piracy only paralleled in its enormity by that other legalized piracy which has voted away the greater portion of the public domain to corporations. [Applause.]

The time has come when the representatives of the people in this House should speak with no uncertain sound on the question of retaining the public domain for actual settlers. I would be in favor of using every means this Government, great and strong as it is, can use for the purpose of tearing down these fences, giving notice to persons who place them where they are that their further existence in defiance of law made them a penal and penitentiary offense. I would even use the Army of the United States to disperse them. It is piracy upon land and ought to be at once abated. If there is power enough in this Government to protect our public domain, and honest actual settlers on it, this House ought to invoke that power. This bill is in that direction, and for that reason I hope it will pass the House and become a law. If its provisions are not strong enough I hope it will be supplemented by such amendments as will make it effective.

Mr. PAYSON. I will reserve whatever remains of my time. [Cries of "Vote!"]

Mr. HENLEY. Mr. Speaker, there is nothing that has been said by the gentleman from Illinois [Mr. PAYSON] in his presentation of the reasons why this bill should prevail that I do not indorse. The controversy in the Committee on Public Lands arose on the question whether it was politic to amplify, to still further enlarge the already swollen jurisdiction of the Federal courts. It was on that portion of this bill I took issue with the majority of the committee. So far as I am individually concerned I am in favor of the obliteration of these fences, and indeed of all obstructions to American citizens seeking lodg-

ment on the public domain for the purpose of settlement; but I came here, sir, pledged by my State platform to the one purpose of addressing my best energies to the forfeiture of land grants, and therefore I sought this morning to antagonize the consideration of this bill by the act providing for the forfeiture of land grants to railroad corporations.

The point I make against this bill, Mr. Speaker, is embodied in the following amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

Add to section 2 the following proviso:
"*Provided*, The State or Territorial courts are hereby clothed with exclusive jurisdiction over offenses arising under the provisions of this act, anything herein to the contrary notwithstanding."

Mr. HENLEY. Now, Mr. Speaker, if there is one evil that has impressed itself upon the consciousness of the people in this country as I believe, not only in the Southern parts of the Union but in the Western and Southwestern parts particularly, it is the laws which have been passed from time to time burdening and increasing the jurisdiction of the Federal courts, and it is increasing all the time, until now it has finally come to pass, no matter what kind of action is commenced in a State court, by some construction of the Federal courts we find ourselves transferred to the Federal courts. Those courts are usually crowded, and then, as there is an appeal to the Supreme Court of the United States, there is a prospect of three, four, or five years of delay when you once get a matter of litigation into the Federal courts.

In addition to that, sir, it destroys what ought to be an indestructible right under the Federal Constitution, and that is the right to be tried in the vicinage. For instance, in the State of California, to present to the House an adequate idea of the practical operation of this bill, there is only one Federal court, situated equidistant between the northern and southern portion of it. Under this bill, if it is claimed there is a violation of its provisions in a civil case, a man is summoned to San Francisco, sometimes hundreds of miles, as the case may be, and he has to employ lawyers distant from home. If a criminal case, he is subjected to the same thing. He is harassed and subjected to great additional expense. I submit to the House this constitutes a serious objection to clothing the Federal courts with exclusive jurisdiction of these matters, or even concurrent jurisdiction.

Mr. COOK. Does the bill confer exclusive jurisdiction on the Federal courts?

Mr. HENLEY. Concurrent jurisdiction. People from the South particularly have some familiarity with the evils they have been subjected to by being arrested and dragged to remote points to be tried in the Federal courts. I have nothing further to say myself, and will yield to my colleague [Mr. TULLY].

Mr. TULLY. I do not rise, Mr. Speaker, for the purpose of opposing this bill, as I think in its main features it is correct, but there is one clause of the bill I propose, when in order, to move to amend. I will call attention to the amendment now, so that I may speak to it. I move, in the first section, to strike out the following words:

And it shall be lawful for any person to tear down, cut, or demolish any such inclosure as is above prohibited, when the inclosure includes more than six hundred and forty acres of land, or any agricultural land.

Now, Mr. Speaker, in California the policy of the Government of the United States with reference to the public lands has been such as to permit the people since she became a State to inclose and settle upon the public lands in this manner: In many instances they have inclosed some strips of agricultural lands a few acres in extent, and have then fenced perhaps from five hundred or six hundred to a thousand acres of grazing lands. Upon these homesteads people have reared their families. They have permanent and valuable improvements upon them, and if this clause is to obtain it is simply to invite any and all persons who choose to go there for that purpose to demolish, cut, and tear down these inclosures where they are more than six hundred and forty acres in extent, as I understand it.

Mr. PAYSON. Let me ask the gentleman a question. Why will not his constituents protect the title to the one hundred and sixty or three hundred and twenty acres in addition under the general land laws of the United States?

Mr. TULLY. I am not able to answer the gentleman's question further than to say perhaps it is negligence on their part and a reliance upon the settled policy of the Government in the past which has so long protected them.

They have been, in some instances to my own knowledge, settled upon lands of this character for twenty-five or thirty years. Some of these settlements have become quite extensive. They have churches and school-houses, and the people who attend the one and send their children to the other are living upon lands of this character and regard them as permanent homes, which they have improved and made valuable under a long-established principle of the Government in dealing with its public lands.

Now, the point I make with reference to this bill is this: the second section provides that these inclosures may be demolished or broken down by process of the courts. I think that it would be better to strike out these words and provide that it should be done only by legal process after proper notice. There will certainly be much trouble, as gentlemen will readily see, and a great many struggles over the possession of the lands, if men are permitted to go in what would seem to be an illegal and unwarranted manner to demolish these inclosures upon their own judgment and without legal process. In other words, if you are going to allow men to exercise their own judgment in this manner, allow them to say that in their opinion they consider that a man has more than six hundred and forty acres under inclosure, or that he has more agricultural lands than he ought to have, you give a power which it seems to me would be a dangerous one for an individual to act upon. You give him a right to act upon his own judgment, irresponsible though he may be, and regardless of what may be the facts of the case. I suggest, therefore, it would be better that this should be done only upon some process of law.

I would suggest further to the gentleman in charge of the bill, because I am not opposing it—I wish on the contrary to perfect it—that many of these people who have lived upon these lands for the length of time I have described should have some notice before proceedings are commenced. It is proper, it seems to me, that this should be done. I suggest to him, therefore, that it would be well enough before filing the affidavit and before action to abate the nuisance is taken that a period of time should elapse, reasonable in extent, in order that the party may have information.

Mr. WOLFORD. Let me ask the gentleman a question. Do you know of any way that you can prevent the exercise of a man's private judgment upon that or any other subject?

Mr. TULLY. Of course they do it at their own peril. If a man undertakes to break down an inclosure he does it at his own risk. But I would suggest that in such cases as I have cited, where agricultural and grazing lands have been taken up in this manner, a sufficient time should be given before the attempt is made to abate the nuisance; because if a man is to be permitted to go there without notice to disturb them in their possession there will undoubtedly be conflicts arise and a great deal of trouble grow out of the passage of the bill.

Mr. OATES. Let me ask the gentleman a question. That clause of the bill which declares it lawful to destroy the fence around the inclosure when it includes six hundred and forty acres or more, does that change the existing law? Would it be any violation of law to do that in the absence of any statute upon the subject?

Mr. TULLY. I think it would. I think if a man has a piece of land inclosed that he has possession, and is the owner against all the world except the owner in fee of the land.

Mr. OATES. There could not be any adverse ownership as against the Government.

Mr. TULLY. No, sir; but the individual citizen, unless he connects himself with the Government's title to the land, would have no right to attempt to abate what he may claim to be a nuisance of that character.

Mr. OATES. But suppose he should undertake to break down that fence upon his individual judgment, what would be the effect?

Mr. TULLY. In my State he would be guilty of a trespass. As I understand it, he can enter the inclosure now if he enters for the purpose of homesteading the land or if he connects himself with the title of the Government.

Mr. OATES. Has the statute of California any force as giving that authority on lands belonging to the United States?

Mr. TULLY. No, sir; they hold them by virtue of the inclosure, the possession being good against all except the owner of the lands. I think that is common-law doctrine. I understand if A fences a piece of land he can hold it against all the world except the holder. And in the case of public lands the Government of the United States is the only party that can interfere with that possession.

Mr. BLAND. May I ask the gentleman from California a question?

Mr. TULLY. Yes, sir.

Mr. BLAND. If I understand correctly the laws of California you protect the possessory title to the occupancy of the public lands where the person incloses under your local legislation?

Mr. TULLY. The law of California taxes these possessory claims. There is a statute there called the possessory statute, which authorizes men to go upon public lands and inclose them and attempts to protect them. But the opinion of the bar is—I do not know if it has been decided—that that act is unconstitutional, because it would be interfering with the primary disposal of the public lands under the admission of California, with which the gentleman from Alabama [Mr. OATES] is familiar. But the point I make is, that any man going and simply inclosing the land without reference to title can hold that land against all persons except the United States or the parties connecting themselves with that title.

Mr. HOLMAN. May I ask the gentleman from California a question?

Mr. TULLY. Yes, sir.

Mr. HOLMAN. Is not the effect of this bill, if it becomes a law, to make such inclosure a public nuisance, and is it not almost universal law that any citizen may abate a public nuisance which works harm to himself?

Mr. TULLY. Yes; but I do not understand it to be a public nuisance for a man to inclose the public lands of the United States.

Mr. LEWIS. But does not this law make it so?

Mr. PAYSON. If the gentleman from California will allow me, I will say it has been decided the other way by every court, that the inclosure of the public lands is *per se* a public nuisance.

Mr. TULLY. As against the United States it would be, but not against an individual not holding from the United States.

Mr. MCADOO. I would like to ask the gentleman from California is it not a fact that parties make these great inclosures for the purpose of closing in headwaters of streams, that they may have a monopoly of watering their cattle at those streams.

Mr. TULLY. I am not defending the inclosures. I am willing they should be broken up. But I make the point that these parties where they have occupied these lands for many years should have notice before they are prosecuted. That is the point I suggest, and I think a remedy should be provided in that respect.

Mr. LEWIS. Is the bill retroactive?

Mr. TULLY. I understand the effect of the bill would be to authorize the cutting down of the fences now made as well as those to be hereafter erected.

Mr. OATES. The presumption is that men know the law.

Mr. TULLY. I suppose every man is presumed to take notice of the law of the country; but that is sometimes a very violent presumption.

The SPEAKER. The gentleman from California [Mr. HENLEY] has forty-three minutes of his time remaining.

Mr. HENLEY. I yield five minutes to the gentleman from Nevada [Mr. CASSIDY].

Mr. CASSIDY. Mr. Speaker, I am not opposed to the object sought to be obtained by this bill. But I submit in all seriousness that it is fairly open to criticism. Under the custom prevailing in the West on the vast arid plains extending from Kansas to the Pacific Ocean men have been utilizing the public domain for the purpose of cattle-growing. I want to call the attention of the House to the fact—and it is an important fact to the people of the United States everywhere—that grass-fed beef in this country means cheap beef for the people of this country. It is an important question, because whenever you break up the cattle-growing business of the West, whenever you make it impossible on these arid plains, not one acre of which in one million is fit for agricultural purposes proper, you by that act increase the cost of living to the people everywhere in this country.

I say and reiterate that in all that vast area which this bill strikes at there is not one acre on the average in a million that will grow a single bushel of potatoes. It is utterly worthless for every purpose under the sun except for cattle-growing. And you can not under your one-hundred-and-sixty-acre policy successfully pursue that line of business in that country. It takes vast stretches of country. And while I am opposed to lodging in the hands of any individual or any corporation any undue amount of the public domain, I undertake to assert that this is not the proper policy to pursue in reference to this question. The wise course to pursue in this matter would be for the Congress of the United States in dealing with this question to provide that these lands should be leased to these people. Let them go there with some right and color of law allowing them to maintain their large herds, which are manifestly for the interest of the whole people. But place limitations upon your leases; allow them to lease them a term of years, and in the mean time withhold every acre which is fit for cultivation for the actual settler. That would be the proper policy.

But the practical effect of this bill will be to give every cattle king in the West as much land as he holds to-day. There is a section in the bill specifically confirming to every cattle-man six hundred and forty acres of the public domain. You give under this bill the authority to cut down and strike down the fences inclosing all areas not exceeding six hundred and forty acres. I ask the gentleman from Illinois why make that exception? Why give to the cattle-man six hundred and forty acres or protect him in the possession of it when you will not give more than one hundred and sixty acres to the honest actual settler upon the public domain? You provide that a man desiring to go to build up a home where he can settle and rear his family shall be limited to one hundred and sixty acres; while by the express terms of this bill you confirm six hundred and forty acres and make it legal for a man to occupy without dispute that much of the public domain, and without any compensation whatever to the United States.

While I am willing to vote for any well-devised scheme that will break down this monopoly in land, which would prevent aliens from coming here and trespassing upon the public domain, I do not feel that this bill will accomplish that result. I believe that when the owners of herds are allowed each to take six hundred and forty acres in his own name and is to be protected in the enjoyment of that number of acres, any cattle-grower can by placing an equal amount in the name of each of his employés virtually defeat this law, and thus secure millions of acres under the very bill by which you seek to strike down and remove this evil.

Looking upon this question from a practical standpoint, and with no desire or feeling whatever except to serve the best interests of the whole country, I have felt that it was right that I should say this much in criticism of the bill under consideration.

And in this connection Mr. Speaker, let me say that this land question is the burning question of the day. I am not ignorant of the fact that the great and unbearable evils which exist to-day beyond the Atlantic are directly traceable to land monopoly to the exclusion of the actual settler. I would limit everybody in this country to 160 acres. It is enough for any man or head of family. We know something of the evils of aristocratic possessions of land in the old countries. No measure can receive my support which seeks to transplant the same unholy system to this continent.

In conclusion, Mr. Speaker, I give notice now that at the proper time I shall move an amendment to this bill to limit these cattle-men to 160 acres, the same that you allow to the actual settlers of this country. I am for treating all men precisely alike, whether rich or poor. No special privileges or advantages are guaranteed to any class of citizens under the Constitution and laws of this country. I am against special privileges to any class or set of men. Equality of rights and privileges are the fundamental guarantees of the land. Let there be no departure from it in behalf of the great cattle kings of the West. I have no interest in cattle, and am simply actuated by a desire to treat all men on an equal footing and deal with them all in the same spirit of fairness. If you will not adopt a system relative to these arid lands which will place this question on a proper basis, then I demand that you shall not give them a single advantage over any other citizen of this country.

Mr. HENLEY. I now yield to my colleague [Mr. GLASCOCK] for five minutes.

Mr. GLASCOCK. I am in sympathy with the tenor of this bill. I have listened to the remarks of the gentleman from Nevada [Mr. CASSIDY] with great interest, and with all due respect to that gentleman I must say that I consider his argument a little inconsistent.

He says, in the first place, that he is opposed to this bill because if it becomes a law and is carried into effect the result will be a rise in the price of beef. Why? Because these men will have no place whereon to run their cattle securely. In the second place, he says that this bill ought not to become a law because under it you provide that each of these cattle-raisers may have six hundred and forty acres, or a square mile of land. It seems to me that there is a little inconsisteney in his argument.

I myself am willing to go even further than the gentleman who is the sponsor of this bill on this floor. I see no reason why any of these men should be given a single acre of the public domain except where they obtain it under the laws of Congress regulating and prescribing the sale of the public lands. There is no reason why we should give to these men who are the agents and promoters of as great monopolies as are the railroad corporations themselves any privileges which are denied to actual settlers on the public domain.

Unless some reason is shown to me why this privilege should be extended to these men I think the bill is defective in that respect. I submit in all seriousness to the gentleman from Illinois [Mr. PAYSON] that that provision should be stricken from the bill which allows these men a privilege not extended to actual settlers.

I am a friend of the actual settler. Ever since I have been able to think in private and to discuss matters in public I have always been a friend of the man who is entitled under the pre-emption and homestead laws of the country to the miserable pittance of one hundred and sixty acres of the public lands. I believe his rights ought to be protected by all legitimate means.

I do not believe we should extend to these agents and owners of these vast corporate interests, these men who make their living by running their cattle upon the public domain, who make their wealth out of the public domain and yet are not willing to buy a square mile of it upon which to erect corrals in which to herd their cattle and breed them—I do not believe we should extend privileges to them which are not granted to actual settlers. If, as the gentleman from Illinois [Mr. PAYSON] insists, these men should have a mile square upon which to breed cattle and corral and herd them, can they not pre-empt a certain amount of land, can they not homestead a certain amount, and can they not purchase from others who have pre-empted or homesteaded a sufficient amount to give them the necessary area for this purpose?

They are called cattle kings, and I appeal to the gentleman from Colorado [Mr. BELFORD] to substantiate the fact that they are cattle kings in that section of the country. Certainly they can take a small portion of the substance which they have derived from the use of the public lands and use it for the purchase of land on which to herd and breed their cattle.

I believe that this bill ought to pass with the provision stricken out giving these men the power to control six hundred and forty acres of the public domain, except where they obtain it through legitimate channels.

Mr. HENLEY. I now yield to the gentleman from Arkansas what time he may want. I will ask him how much time he desires.

Mr. ROGERS, of Arkansas. I would like five or ten minutes.

Mr. HENLEY. I will yield that time to the gentleman.

Mr. ROGERS, of Arkansas. Before I proceed to discuss the bill I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS, of Arkansas. I would like to inquire when will be the proper time to move amendments to this bill.

The SPEAKER. The previous question has not yet been demanded on the bill. There are pending certain amendments reported by the Committee on Public Lands, which under the practice of the House

must first be voted upon; after which other amendments will be in order.

Mr. ROGERS, of Arkansas. Will that be under the five-minute debate?

The SPEAKER. Unless by consent, there will be no five-minute discussion. The bill is now being considered in the House, and any gentleman who obtains the floor in his own right is entitled to an hour if he desires it.

Mr. ROGERS, of Arkansas. After the amendments reported by the Committee on Public Lands have been considered and disposed of, will we then have an opportunity to offer other amendments?

The SPEAKER. That is a question which the Chair can not answer, because the previous question may be demanded and ordered by the House, which would cut off further amendment.

Mr. ROGERS, of Arkansas. Then I will occupy very briefly the time of the House; and I sincerely invite the attention of the chairman of the Committee on Public Lands [Mr. COBB], my distinguished friend from Indiana [Mr. HOLMAN], who is always looking after the interests of the actual setters, and more especially of my friend on the other side [Mr. PAYSON], who has charge of this bill.

Mr. Speaker, I have no sympathy at all with the evil which this bill seeks to suppress. I am with the committee on that proposition. I have no information which would justify me in occupying time about matters in the extreme West—in Colorado or on the Pacific slope. But I represent a State large portions of which are sparsely settled; and while this bill is not directed specially at that section, many of the people there are very largely affected by it. In their interest I hope to be enabled to offer such amendments as will cure defects of the bill which bear harshly and unwisely, as I believe, upon some of the constituents whom I have the honor to represent on this floor.

Mr. Speaker, I want to criticise briefly the first section of this bill, for I never care to speak unless I address myself to the precise points involved. Section first contains these lines, 16 to 21:

And the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any of the Territories of the United States, without claim, color of title, or asserted right, as above specified, as to inclosure, is likewise declared unlawful, and hereby prohibited.

A subsequent section makes such assertion of right to any part of the public lands penal, providing punishment by imprisonment for twelve months as well as by fine not exceeding $1,000.

Now, let me illustrate the operation of these provisions. Suppose I go to the land office and enter a section of land. I have the surveys run and I follow my surveyor——

Mr. CASSIDY. How can you enter land under the homestead law unless you can get possession?

Mr. ROGERS, of Arkansas. I say, suppose I enter a section or a quarter-section of land; for the purpose of illustration it does not make any difference. I enter legally under the law, and undertake to locate my lines so as to acquire what I am justly entitled to under the law. I enter the land, but by some error of the surveyor my lines are run improperly. I put up my fences. I am acting in the utmost good faith; but it turns out that by a mistake of the surveyor I fence in land to which I am not legally entitled. Now, for this I may, under this bill, be sent to the penitentiary for a year and fined $1,000. A circuit court is rarely ever held in a sparsely settled but rapidly developing country where contests of this kind do not come up to be adjudicated, the cases turning upon the proof as to where the lines actually are. Yet you propose to turn over this question to the criminal court and to authorize the prosecution of a man who in the utmost good faith may have entered upon land and inclosed it, as he supposed, under the law.

Gentlemen may say that a man who thus acts in good faith can not incur the penalties provided in this bill. Let us see; for I know gentlemen have none but a proper purpose in view in the passage of this bill.

The first section provides:

That all inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to all of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title—

Made how?

made or acquired in good faith or an asserted right thereto by or under—

What?

under claim, made in good faith at the proper land office under the general land laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited.

Now, let us suppose that I had entered land, but had conveyed it to John Smith, who had conveyed it to some other party; that half a dozen conveyances had been made. The man who last obtains the land—the last vendee—puts up his inclosures in the utmost good faith, according to what he believes to be the correct lines of his land. Then I say he is not protected under this bill by the fact that he has acted in good faith; that protection, if it exists, applies only to the party who made the original entry. Such a measure is hostile to our whole policy in reference to the public domain, as well as the protection and rights of the citizen. Heretofore all these questions have been submitted to the civil tribunals for settlement. But under this bill parties who act in the utmost good faith, having been misled by a mistake of the surveyor, may be brought before the Federal courts and prosecuted for a criminal offense.

Now, Mr. Speaker, it is an easy matter to correct the provisions of the bill in that particular, and all that would have to be done would be to strike out the words in the first section after the word "prohibited," in the sixteenth line, down to and including the word "prohibited," in the twenty-first line. By striking out those words you get rid of the objection which I have already stated. The section then with those words omitted is not liable to the slightest objection so far as I can see. I therefore pass to another provision more important.

Mr. MCADOO. Will the gentleman yield to me for a single question?

Mr. ROGERS, of Arkansas. My time is very brief, and if the gentleman will put his question I will be glad to hear it.

Mr. MCADOO. The gentleman has referred to the first section. Now, the language of that first section is "without claim or color of title."

Mr. ROGERS, of Arkansas. I have already argued that point. The first section of the bill does use the words "without claim or color of title."

Mr. MCADOO. Those words, "without claim or color of title," do they not mean to include one who deliberately and knowingly, without claim or color of title, has entered upon the public domain and occupied it, thereby subjecting himself to the penalties provided in this bill?

Mr. ROGERS, of Arkansas. One who holds under color of title holds under an instrument purporting to convey title to the particular land in controversy, but which in fact does not do so. The instrument may be a forgery, a deed, a title bond, or a will, either forged or procured in some illegal or improper way. In a case of this kind I admit he could not be convicted under this bill if he held under it in good faith. But the point I make is this: if he fails to locate and fence up the precise tract described in such instrument and by mistake he laps over and takes a foot of the public domain under his inclosure he is liable to prosecution. In section 1, under the provisions of this bill, he is not only to be found guilty of an offense but is to be turned out of his claim without a trial in court.

Mr. MCADOO. The intent is the gist of the crime; and where there is no intent, of course there can be no crime.

The SPEAKER. The gentleman's time has expired.

Mr. HENLEY. I will yield five minutes more to the gentleman from Arkansas.

Mr. ROGERS, of Arkansas. I am very much obliged to the gentleman for his courtesy. The gentleman from New Jersey says that the intention is the gist of the crime. Unfortunately it does not say so here in the provisions of this bill. If the statute said where it is unintentionally done, it will be all right; but the mere commission of the act without regard to the intention is under the provisions of this bill made criminal. But I will proceed to another clause of the bill.

I now invite, Mr. Speaker, the attention of gentlemen of the House to another portion of the bill which needs amendment, and I hope I will have the help of those who have spoken on the subject in making the needed corrections.

It is provided in section 3—

That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands.

I shall not object to this section if I am permitted to amend it by adding a proviso. I hope the gentleman from Illinois will let me have a vote on the proviso. It is as follows: That this section shall not apply to persons who have gone upon and improved or occupied the land claiming title in good faith. If that shall be done I shall have no objection to that section. The objection I have to that provision of the bill is this: It will be observed it is simply made unlawful to resist by any sort of force or otherwise any person going upon the public domain. Let me give an illustration, because I have a constituent who recently wrote to me concerning a portion of the land entered—by whom? Why, sir, by the receiver of the land office, as he supposed, in 1857. I went to the land office with his claim, and when I came to examine it, when I came to go back to the original receipt on which he sought to retain lands described or numbered 1004 and 1006, by some mistake he entered 1006 twice and paid the money for it, and he has no color of title for 1004.

After this man and his vendees had had their lands for more than thirty years, it appearing that No. 1004 had not been entered, a man homesteaded it. This land when entered was worth $100, now worth $1,500, highly improved and in cultivation. As soon as it was homesteaded the vendee of the man who thought he had originally entered it wrote to me to look into it. That case is now pending in the Department as to which of the two shall have the land. Under this bill the man who has held this land for thirty years is to be indicted and prosecuted if he resists the entry of the homesteader, even while the Department is adjudicating the claim. Is this man to be dragged off to the Federal courts and sent to jail for a year and fined $1,000 for maintaining his right to land which he has cultivated and occupied in

perfect good faith for thirty years? I am sure gentlemen here do not intend to pass a law of that kind.

Mr. COBB. You are not obliged to send him to jail. Such a case is not included under this bill.

Mr. ROGERS, of Arkansas. I say under this bill and under the section which I have read where it provides that—

No person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands—

I say this man holding his land in good faith would be liable to be prosecuted and imprisoned under this bill for one year, to a fine of not exceeding $1,000——.

Mr. COBB. It says not exceeding one year or $1,000. You might fine him a dollar and imprison him one hour.

Mr. ROGERS, of Arkansas. Certainly you ought not to punish a man who is not intentionally guilty of any criminal act whatever.

Mr. MCADOO. I do not think in such a case the man would be liable under this bill. The bill in my judgment simply reaches those who with deliberate criminal intent go upon the public lands and occupy them unlawfully.

Mr. ROGERS, of Arkansas. I have read the section, and the House will see that the words "good faith" are not included in it at all. It is an abstract proposition, separate and apart from every other section of the bill. It was not in the original bill, but was drafted, as my friend tells me, at the suggestion of the Secretary of the Interior. It is intended obviously for a good purpose, but, as I have shown, it may operate quite differently, and be the basis of prosecution of men who occupy the public lands in perfect good faith, and who have gone upon them under the laws for settlement and improvement. It may reach men who have occupied the public lands for ten, twenty, or thirty years, and who have done so under claim or color of title.

Mr. COBB. Here is where the good faith comes in, though in the third section——

Mr. ROGERS, of Arkansas. No, sir; that has no connection with this at all. I will repeat to the gentleman, the third section has no connection with it. It says:

SEC. 3. That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands.

Now, I have cited a case where a person after occupying land in good faith for thirty years may be prosecuted and sent to the penitentiary and fined $1,000 for resisting the entry of the homesteader. I say the bill ought to be amended in several respects, and I hope that it will be perfected in that respect at least before it is passed.

Mr. HENLEY. I yield five minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, I send up an amendment which I desire to offer at the proper time, which I wish to have read for information.

The Clerk read as follows:

Amend by striking out the words "or any agricultural lands," in lines 24 and 25 of the first section.

Mr. HERBERT. I desire to give notice that when the proper time comes I shall offer that amendment to the bill. This section as it is written would authorize any person to break down or demolish the fencing around a potato-patch or garden of one acre or less of any squatter anywhere upon the public lands. I do not suppose the committee intended that.

Mr. HOLMAN. No; I think the gentleman misapprehends; the language is, "more than one hundred and sixty acres"——

Mr. HERBERT. This is an amendment the Committee on the Public Lands seem to have proposed to the bill. As amended it is in the following words:

And it shall be lawful for any person to tear down, cut, or demolish any such inclosure as is above prohibited when the inclosure includes more than six hundred and forty acres of land or any agricultural land.

Now that is, of course, if it includes only a quarter of an acre or a half an acre or any quantity whatever.

Mr. HOLMAN. That is as proposed to be amended?

Mr. HERBERT. I know; but I suppose the committee did not intend such to be the construction. That, however, is the meaning of the bill as it now reads.

Mr. PAYSON. May I ask the attention of the gentleman from Alabama for a moment?

Mr. HERBERT. Certainly.

Mr. PAYSON. The committee intended the language to be just as it is. If there is any agricultural land included in any unlawful occupancy, it is the design of the committee that the citizens should have the right to settle upon it. If, therefore, the gentleman from Alabama understands the language of the bill just as it is written, he understands it correctly.

Mr. HERBERT. That is to say, then, that any squatter occupying a small piece of land, a half or quarter of an acre of land, for a garden-patch, and incloses that little piece of land, is liable to have his inclosure broken down by any one?

Mr. PAYSON. Of course, unless he has a lawful title.

Mr. HERBERT. Is that what you mean?

Mr. PAYSON. If the squatter is occupying twenty acres or one hundred or a thousand acres or a million of acres, and if he wants to make his title good under the general land laws he can do so; but in drawing this bill the committee do not intend that anybody shall hold any of these lands which are susceptible of cultivation without first ascertaining his right to them under the law.

Mr. HERBERT. I am satisfied the House will adopt the amendment I have suggested, and that it is only necessary to call attention to the effect of the bill as explained by the gentleman himself to show the necessity for it.

Everywhere wherever there are public lands in the United States there are squatters, and it has never yet been understood in any part of the country, so far as I know, that the squatter occupying a small portion of the public lands has committed any crime whatever, or has placed himself in a situation of one against whom every one of his neighbors has the right whenever they see proper, without process of law, to tear down his inclosures and burn up his property, turn out his cattle, and destroy his patch, whatever it may be.

[Here the hammer fell.]

The SPEAKER. The gentleman from California has seventeen minutes of his time remaining.

Mr. HENLEY. I reserve the remainder of my time.

Mr. PAYSON. I yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Speaker, I do not know but that I have an hour in my own right, but only accept this privilege because I understand the gentleman in charge of the bill intends to demand the previous question; but I sincerely hope it will be voted down.

There is one proposition that every gentlemen here must perceive, since it can not be overlooked, and that is that each citizen of this country is entitled to take one hundred and sixty acres by pre-emption, one hundred and sixty acres by homestead, and no more. That is the law under which you live and under which I live; and yet gentlemen stand upon the floor of this House and declare that with reference to these vast capital and corporate interests men have fenced in the public domain, ranging all the way from 300,000 to 1,000,000 acres.

Are we the servile and supple tools of foreign capitalists, or are we going to preserve this country for our own people?

In the last Congress I introduced a bill, which was referred to the Committee on the Public Lands and reported to this House, wherein I proposed to lease six hundred and forty acres of the public lands of the country to these gentlemen who had fenced it all in, and they entered a solemn protest from the West against that measure. Now we have got the question whether we shall open that country up to occupation and settlement, and for one I propose to vote for that measure.

But I was amused, Mr. Speaker, at the speech made by the gentleman from Pennsylvania [Mr. KELLEY]. It seems that you can not have a bill before this House for consideration that does not, if we accept the suggestions of that gentleman, paint our eyes with the phantom of the tariff. I would like to ask the gentleman from Pennsylvania, when he talks about foreign pauper labor, what he thinks of the manufacturers of Pennsylvania who keep boys working in their mines at from $1 to $2.50 a week? I want him to answer to this House what he thinks of the protest of the operatives of Pittsburgh against the robberies and spoliations of the manufacturers of his own State? I want him to answer me the question what the second day of the Cincinnati riot meant, when communism set in? He is an intellectual man. He has all history in his head. Let him answer these questions.

And, Mr. Speaker, I desire to have incorporated as a part of my remarks an editorial contained in the New York Sun of June 3, which fully and accurately describes the condition of the laboring people of Pennsylvania who are under the domination of these great manufacturers and corporations. I ask the privilege of having that article incorporated in my remarks; and I ask the distinguished gentleman from Pennsylvania, whose whole policy is to keep the money of the people in the Treasury, when it should be turned out? [Laughter.] Oh, you need not laugh; I tell you, gentlemen, you will weep before you are a year older. We have had a civil war; the next one will be a social war. I tell you that a country that keeps half its currency locked up in its vaults away from the hands of honest and legitimate labor is a government that does not deserve the respect of the laboring people of this country, and I have no apology to make for that statement.

[Here the hammer fell.]

Mr. BELFORD. I ask that the article I have referred to be printed with my remarks.

There was no objection, and it was so ordered. It is as follows:

PICKING SLATE AT A DOLLAR A WEEK—THE AWFUL SLAUGHTER OF CHILDHOOD THAT IS GOING ON AT THE COAL-MINES.

"There are many melancholy features connected with the life of a coal-miner," said Morgan Jones, formerly a mine boss in the Schuylkill coal region, but now a resident of this city, "but the most painful is the employment of boys in and about collieries. A colliery boy is never a child. He has no games. He seldom speaks. He knows nothing of the world beyond the line of bleak hills that environ the grimy locality where he begins to earn his living almost as soon as he is large enough to be put into trousers.

"I have in my mind now a colliery where for years I was one of the delvers. It is one of the oldest and one of the richest mines in the region. I passed up and down its shaft every day, when it was not idle, for more than twenty-five years. I have helped carry from its depths the mangled body of many a poor fellow-workman, crushed beneath some fall of coal or mutilated by fire-damp explosions. I have witnessed the agony of wives and mothers and sisters, as victim after victim to the perils that constantly threaten the miner has been raised from the deadly depths, and my heart has ached for them in their grief. The poignancy of that feeling time never failed to temper, but the spectacle of a score or more of boys aged before their time, bent, and stunted, and worn, working their lives away in the black, dusty breaker, sweltering and suffocating in the summer and chilled to the bone in the winter, was something that brought perpetual heartache. The colliery I refer to is only the counterpart of hundreds of others. Its buildings are on a high spur of the Blue Mountains, and are visible for miles. The entrance to the mines is at the top of the hill, which is covered with the accumulated coal-dust of years, clouds of which are constantly rising from the whirling, sharp-toothed machinery within and pouring from the open doors and windows. The interior is dark and gloomy, with coal-begrimed men moving silently about, appearing and disappearing in the dust, coming from invisible corners, and suddenly swallowed up in impenetrable depths.

"In one room in one of these colliery buildings—a room not more than fifteen feet square—I have seen forty boys at work picking slate from the coal that passes swiftly down the chutes in an endless stream. They are seated on rough hemlock boards stretched across the room in rows. The windows are always open in winter and summer, in order that the dust may escape. In winter the wind whistles through the apartment and the snow beats in at the windows and doors. From 7 o'clock in the morning until darkness compels work to cease these boys sit on their benches, with backs bent almost double over the running coal, separating the slate from it. To do this requires great dexterity and skill with the hands and a quick eye. The slate-pickers range from 7 to 15 years of age. At 15 or 16 they are old enough to enter the mines, and to reach that stage in their career is their only ambition. If any visitor to the colliery will take the trouble to enter the miners' graveyard near by he will not need to be told how many of these boys never reach the goal of their ambition. The tombstones in the graveyard are numerous, but a great majority bear the names of boys under the age of 15—slate-pickers, who have succumbed to the overstrain of their toil—toil that had made them old, decrepit, and infirm before they had reached the freshness of youth.

"The wages paid to these boys are from $1 to $2.50 a week, if they have the luck to be steadily employed. Some of them, in many instances, live long distances from the collieries where they are employed, frequently as far as five or six miles. In such instances they are carried to work in the morning and home again in the evening in the coal cars of the colliery or company. For this service they are charged sometimes as much as 10 cents a trip, the money being deducted from their wages. It is no uncommon thing for the boys to find, after reaching the colliery, that the works will be idle for some reason. In such cases they get no pay, and I have known it to happen that at the end of the month it would require not only all of a boy's wages to pay for his transportation, but that he would still be in debt to his employer. While I was in the coal regions I endeavored to awaken an interest among the miners on the subject of thus employing boys at collieries, with the idea of making a change in the system, but nine out of ten of them had large families of boys, and they were willing to run the risk of their being equal to the hardship of the life of a slate-picker rather than lose the pittance each would contribute to the family income. I got up a petition among people at large asking the enacting of a law prohibiting the employment of boys under 16 at any colliery, and compelling miners to send their children to school until they were that age, but nothing ever came of it. In the mean time the graveyards of the coal regions are rapidly filling with boys whose surroundings might be made such that they would grow up to be useful members of their communities, and parents, employers, society, and legislators look idly on at the slaughter."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate requested the House of Representatives to return to the Senate the bill (S. 534) for the relief of J. S. Pickett.

J. S. PICKETT.

The SPEAKER. If there be no objection the request of the Senate for the return of the bill (S. 534) for the relief of J. S. Pickett will be granted.

There was no objection, and it was so ordered.

UNLAWFUL OCCUPANCY OF PUBLIC LANDS.

Mr. PAYSON. I yield five minutes to the gentleman from Iowa [Mr. WILSON].

Mr. WILSON, of Iowa. I believe it is high time that the House of Representatives took this subject up. The individual going West and wanting a home should have an opportunity to obtain one as against any money-making association that has fenced off the public domain. But we very much lack information upon this question. The bill lately signed by yourself, and which has become a law, establishing a bureau of animal industry, provides that we get information on this very subject, and we will have it by the next sitting of Congress, all about how cattle are raised in the Territories, the extent of the industry, and its conditions, &c.

It was demonstrated some time ago that Texas could winter large herds of cattle without putting up fodder. Experiments were made farther and farther north, until large herds of cattle are now being raised and wintered without fodder being put up as far as the northern limits of the Territories of the United States. Cattle-men have gone from all the States of the Union and engaged in that business. Associations have been formed in many of the States to breed cattle on the plains, and with very profitable results.

Stock companies have been formed; and you will find ninety-nine companies entirely American where you will find one foreign company. The Scotch company spoken of in debate was formed by an Iowa man to divide his ventures on the plains and extend them. The industry is a fair illustration of Western enterprise, and the evils complained of are perhaps quite as much due to the failure of Congress to provide for the utilization of the arid lands of the Territories as to any disposition to do wrong. Many leagues of those rainless plains are only fit for grazing. It requires many acres to sustain a steer. There are large quantities of land that are not fit for the plow, and without any provision whereby legal ownership can be acquired in amounts sufficient to sustain herds the herder has put to use the wasting wild grass and introduced the domestic cow and her calf in place of the fast disappearing buffalo.

It is difficult to tell whether a foreign corporation or an American corporation preventing settlement does the most injury to the settler. In both cases the policy is wrong and entirely un-American where the herder fences land fit for cultivation.

One of the greatest wrongs that could be perpetrated to-day on the workingmen of the United States, so pathetically alluded to by certain gentlemen, would be to destroy the cattle interests of the Territories. Beef is high to-day; and it would have been beyond the reach of workingmen had it not been for the grasses of the Territories and dry winters which have been utilized in making beef.

I believe that no man should be protected in fencing up the public domain as against another man seeking to make a home there. And our legislation should not go any further than to permit every one desiring to get a home to secure it. Any one desiring to build up a herd of cattle, to put out a herd of cattle on the plains for the purpose of raising beef, should be permitted to do so, and any legislation interfering with that would be wrong. There are millions of acres of grass yet that have never been utilized even by cattle-men; we should go just so far in our legislation as to prevent the aggression against the actual settler; but any legislation that will go beyond that, and tend to discourage investment of money in the breeding of cattle on the plains and furnishing the people with cheaper beef, would be going too far and be a crime.

The good arable land is almost entirely exhausted, and a new kind of settler in the future will have to occupy the lands remaining if they are ever cultivated. There are men all over the world who can make a home on almost any one hundred and sixty acres in the United States and make it productive. Because I can not do it or you can not do it or some other man who has been accustomed to farming rich lands can not do it, does not argue at all that those lands we denominate arid can not be made into homes by industrious people. But until these lands are wanted by people for homes the grazier is adding greatly to the national wealth and comfort by raising beef on them. The fencing up large tracts of the public domain may be wrong in some cases and not in others. Where it prevents settlement, or interferes with public convenience, or asserts a privilege by one man or company that is denied consequently to others, it is wrong. Congress should act on information of all the facts, so that legislation may go far enough to right the existing wrong and stop short of interfering with commendable industry.

[Here the hammer fell.]

Mr. PAYSON. How much time have I remaining?

The SPEAKER. The gentleman has fifteen minutes.

Mr. PAYSON. I yield to the gentleman from Arkansas [Mr. DUNN] five minutes of that time.

Mr. DUNN. I very heartily favor the policy and spirit of this bill, and I have but slight objection to the details of the bill itself. As I have before stated on this floor during this session, I am convinced that the time has come for an almost complete reversal of our policy of administration of the public lands of this country. The absorption of our agricultural lands has gone on with a rapidity which is not only marvelous but startling.

Any one who will take the pains to investigate the reports will find that within the last four years the inauguration and completion of titles to public lands, chiefly to agricultural lands, have increased from 8,000,000 acres per annum until within the last year the titles inaugurated and in process of perfection embraced the enormous amount of 27,000,000 of acres. There remains to-day unoccupied less than 50,000,000 of acres of agricultural public lands in the United States, and that includes the irrigable public lands.

Mr. MAGINNIS. Where does the gentleman get that information?

Mr. DUNN. From the advanced sheets of the History and Statistics of the Public Domain, kindly furnished to me by that able and capable member of the "Public Land Commission," Mr. Thomas Donaldson.

Mr. MAGINNIS. I can only say that the gentleman is greatly mistaken.

Mr. DUNN. Then it is an official mistake and not mine. In support of this statement I will have printed as part of my remarks the "advance sheets" that I refer to, which will be found to correspond to the History and Statistics of the Public Domain, now being bound.

SALES OF PUBLIC AND INDIAN LANDS DURING THE FISCAL YEAR 1881.

During the year ending June 30, 1881, the disposal of public lands under all acts of Congress was 10,128,175.25 acres. The sales of Indian lands to the same period was 765,221.80 acres; a grand total of 10,893,397.05 acres.

The sales of public and Indian lands during the fiscal year 1881 were in detail as follows:

Cash sales:	*Acres.*
Private entries	666,229.11
Public sales	2,279.40
Timber and stone lands	42,987.92
Pre-emption entries	721,146.26
Desert lands	108,560.02
Mineral lands	27,189.68
Coal lands	4,975.58
Excesses	12,339.06
Abandoned military reservations	1,910.21
Total	1,587,617.24

	Acres.
Cash sales:	
Homestead entries	5,028,100.69
Timber-culture entries	1,763,799.35
Locations with military bounty-land warrants issued under acts of 1847, 1850, 1852, and 1855	55,662.36
Agricultural-college scrip locations	360.00
Supreme Court scrip locations	28,253.74
Valentine scrip locations	392.15
Sioux half-breed scrip locations	2,519.27
Chippewa half-breed scrip locations	800.00
Locations with Porterfield scrip	16.86
Lands certified or patented for railroad purposes to States:	
Alabama	383.23
Iowa	73,321.58
Minnesota	483,466.63
Kansas	281,277.28
To corporations:	
Pacific railroads	211,992.04
State selections, approved for—	
School indemnity	15,880.00
Internal improvements	1,760.00
Agricultural colleges	1,370.45
Seminaries	3,964.14
Donation claims	18,237.06
Approved to States as swamp	569,001.18
Total	10,128,175.25

Indian lands, sales of, during the fiscal year of 1881:	Acres.	
Osage ceded	4,622.21	
Osage trust and diminished reserve	613,951.05	
Kansas trust	25,736.53	
Kansas trust and diminished reserve	18,971.86	
Pawnee	*15,219.55	
Sioux	50,299.64	
Sac and Fox	57.40	
Cherokee strip	20,086.12	
Otoe and Missouria	16,036.87	
Cherokee school	240.57	
		765,221.80
Which added to the sales of public lands makes a grand total of		10,893,397.05

SALES OF PUBLIC AND INDIAN LANDS DURING THE FISCAL YEAR 1882.

(See tabular statement of total dispositions of public lands for the fiscal year 1882, facing page 521.)

Under all acts of Congress during the fiscal year ending June 30, 1882, the disposal of public lands was 13,998,780.27 acres, and of Indian lands 310,386.13 acres, making a total of 14,309,166.50 acres; greater by 3,415,769.35 acres than in the year 1881, and embracing an area almost equal to the total area of the States of New Hamphire, Massachusetts, and Connecticut.

The sales of public and Indian lands during the fiscal year 1882 to June 30 were, in detail, as follows:

Cash sales:	Acres.	
Private entries	1,924,496.15	
Public sales	7,933.13	
Timber and stone lands	95,237.02	
Pre-emption entries	1,351,380.85	
Desert lands	164,955.94	
*Final desert lands	(39,323.11)	
Mineral lands	36,768.63	
Coal lands	8,634.23	
Excess payments on homestead and other entries	19,316.77	
Abandoned military reservation	2,808.12	
*Commuted homesteads	(376,656.10)	
*Act June 15, 1880	(700,727.80)	
Total cash sales		3,611,530.94
Homestead entries (original)		6,348,045.05
*Final homesteads		(2,219,427.10)
Timber-culture entries (original)		2,566,686.09
*Timber-culture, final		(23,371.12)
Locations with military bounty-land warrants		43,865.69
Agricultural-college scrip locations		1,040.00
Private land scrip locations		10,577.12
Valentine scrip locations		853.47
Sioux half-breed scrip locations		840.00
Chippewa half-breed scrip locations		240.00
Locations with Porterfield scrip		390.79
Lands selected under railroad grants		472,263.88
State, school, and internal improvement selections		276,111.74
Donation claims		18,303.14
Swamp land selections		648,032.36
Total		13,998,780.27

Sales of Indian lands:	Acres.	
Cherokee scrip	29,508.02	
Cherokee school	298.65	
Kansas trust	210.72	
Kansas trust and diminished reserve	11,760.30	
Osage trust and diminished reserve	81,817.16	
Osage ceded	3,260.63	
Otoe and Missouria	7,343.57	
Choctaw orphan	160.96	
Pawnee	112,982.80	
Sac and Fox	80.00	
Sioux	62,763.32	
Shawnee absentee	200.00	
		310,386.13
Which added to the disposals of public lands make a grand total of		14,309,166.40

Under all acts the entries and dispositions were in fact 17,182,024.33 acres. (See page 52.)

SALES OF PUBLIC AND INDIAN LANDS DURING THE FISCAL YEAR TO JUNE 30, 1883.

(See tabular statement of total dispositions of public lands for fiscal year 1883, facing page 521.)

Under all acts of Congress during the fiscal year ending June 30, 1883, the disposal of public lands was 19,030,796.89 acres, and of Indian lands 399,235.91 acres, a grand total of 19,430,032.80 acres, a total area about equal to the area of the States of New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey, and the largest annual disposition known in the history of the public-land system, exceeding 1882 by 5,120,866.30 acres, an area almost equal to the State of New Jersey, and exceeding the business of 1881 by 8,536,635.75 acres, an area about equal to the surface of the States of Delaware and Maryland.

TITLE TO MORE THAN 27,000,000 ACRES OF PUBLIC LANDS INITIATED IN 1883.

This statement only includes actual sales and dispositions. During the fiscal year 1883, in addition to the foregoing and not included in the grand total, title to about 8,000,000 of acres of public lands was initiated under the several settlement laws, so that if these filings are consummated and title passes under them the public-land dispositions for the year 1883 will be 27,430,032.80 acres, an area greater by almost 1,000,000 acres than the whole area of the State of Louisiana.

The sales and actual dispositions of public and Indian lands during the fiscal year 1883 were, in detail, as follows:

Cash sales:	Acres.	
Public sales	273,069.62	
Private entries	2,179,955.14	
Pre-emption entries	2,285,719.35	
Timber and stone land entries	297,735.50	
Desert-land entries	436,633.69	
Mineral entries	31,520.18	
Coal-land entries	15,612.82	
Excess payments on homestead and other entries	25,677.00	
Abandoned military reservations	1,695.90	
Total cash sales		5,547,610.20
Miscellaneous:		
Homestead entries		8,171,914.38
Timber-culture entries		3,110,930.23
Donation entries		4,132.46
Entries with school-warrants		289.85
Entries with military bounty-land warrants		45,414.42
Entries with agricultural-college scrip		1,440.00
Entries with private land-claim scrip (Supreme Court)		10,580.00
Entries with Valentine scrip		2,600.00
Entries with Porterfield scrip		146.87
Entries with Israel Dodge scrip		800.00
Entries with Wilson scrip		80.00
Entries with Sioux half-breed scrip		792.27
Entries with Chippewa half-breed scrip		160.00
State selections (school, swamp, and internal improvement)		214,570.50
Railroad selections		1,919,335.71
Total		19,030,796.89

Indian lands:	Acres.	
Cherokee school	748.84	
Cherokee scrip	59,800.09	
Absentee Shawnee	120.00	
Kansas trust	17,836.75	
Miami	4,976.34	
Osage ceded	1,831.73	
Osage trust	224,646.22	
Otoe and Missouria	467.99	
Sac and Fox	118.72	
Sioux	15,531.55	
Pawnee	73,157.68	
		399,235.91
Making a grand total of		19,430,032.80

Under all acts the entries and dispositions were in fact 22,923,927.89. (See page 52.)

ENTRIES NOT INCLUDED IN THE ABOVE STATEMENT.

The foregoing total does not include the following entries, the areas of which have previously been reported with original entries of the respective classes:

	Acres.
Commuted homesteads	930,876.29
Commuted (act June 15, 1880)	305,243.67
Final desert-land entries	55,312.51
Final homestead entries	2,504,414.51
Final timber-culture entries	97,836.08
Totals previously reported	3,893,683.06

Area disposed of, including final and commuted homesteads, final desert and final timber-culture entries, but not including Indian lands, amounts to 17,182,024.33 acres.

Receipts from the disposals of public lands amount to $7,759,898.82, being an average of .4470 or 44$\frac{7}{10}$ cents per acre.

Including all sums paid for surveys during the fiscal year of 1882, 17,182,024.33 acres cost to dispose of $2,927,486.04, being an average of .1686 or 16$\frac{17}{20}$ cents per acre.

The net receipts were $4,832,412.78 for 17,182,024.33 acres, being an average of .2784 or 27$\frac{21}{25}$ cents per acre.

EXPENSES OF THE LAND SYSTEM FOR THE FISCAL YEAR ENDING JUNE 30, 1883.

Expenses of local offices:		
Salaries and commissions of registers and receivers	$491,907 76	
Contingent expenses	119,028 06	
Expenses of depositing public funds	9,961 67	
Stationery	5,592 05	
Freight on stationery	447 36	
		$626,936 90
Expenses of General Land Office:		
Appraisement and sale of abandoned military reservations	1,195 09	
Depredations on the public timber	75,000 00	
Protecting public lands	10,618 56	
Reproducing plats	18,000 00	
Salaries	373,121 40	
Contingent expenses	30,735 02	
Maps	6,000 00	
Payment for swamp lands and swamp-land indemnity	14,574 72	
Expenses of printing and binding	18,878 66	
Stationery	5,821 11	
		553,944 57
Expenses of surveys		2,195,625 66
Total expenses		3,376,507 13
Total receipts from public lands	11,088,479 43	
Total expenses	3,376,507 13	
Net receipts		7,711,972 30

*The areas of homestead entries commuted with cash, and of lands originally entered under the homestead laws but subsequently purchased under the act of June 15, 1880, and the areas of final homesteads, final timber-culture entries, and final deserted-land entries are not embraced in the foregoing total, such areas having been previously reported with original entries of the respective classes.

Area disposed of, including final and commuted homesteads, final desert and final timber-culture entries, but not including Indian lands, amounts to 22,923,927.89 acres.

Receipts from the disposals of public lands amount to $11,088,479.43, being an average of 48$\frac{3}{10}$ cents per acre.

Including all sums paid for surveys during the fiscal year of 1883, 22,923,927.89 cost to dispose of $3,376,507.13, being an average of 14$\frac{12}{13}$ cents per acre.

The net receipts were $7,711,972.30, being an average of 33$\frac{11}{13}$ cents per acre.

THE PUBLIC LANDS REMAINING FOR DISPOSITION JUNE 30, 1883.

(Railroad and private land-claim grants; 189,000,000 acres yet to be segregated should be deducted. See page 531.)

June 30, 1883, the United States owned a total of 928,426,577 acres of unsurveyed lands and 271,382,299.43 acres of surveyed and unsold lands; a grand total of 1,199,808,876.43 acres yet to be disposed of, and an area equal to 7,498,805 homesteads of 160 acres each. This estimate is probably within 10 per cent. of the actual amount, official, legal, and other reasons preventing a closer estimate.

THE REMAINING PUBLIC DOMAIN—UNSURVEYED AND SURVEYED AND UNSOLD PUBLIC LANDS TO JUNE 30, 1882, AND 1883. (See pages 15 and 16.)

The United States owned to June 30, 1882, 983,068,075 acres of unsurveyed public land, as shown by the official tables of the General Land Office, and on June 30, 1883, owned 928,426,577 acres of unsurveyed public lands and (estimated) 260,424,316.40 acres of surveyed and unsold lands in the public-land States and Territories other than the five Southern States. In these (see page 530) the nation, June 30, 1883, owned (estimated) 10,957,983.03 acres of surveyed and unsold land; in all, 271,382,299.43 acres.

ESTIMATED CHARACTER, QUANTITY, AND VALUE OF THE PUBLIC DOMAIN REMAINING JUNE 30, 1883. (See pages 25 and 26.)

The remaining public domain, including Alaska, consists of (estimated) 1,199,808,876.43 acres. (See page 527.) Deducting Alaska—namely, 369,524,600 acres—there remain 830,284,276.43 acres, inclusive of Indian and military reservations. From this should be deducted the area necessary to fill private land claims, estimated at 80,000,000 acres (see page 1151), and the area requisite to complete land grants to railroads, estimated in round numbers at 109,000,000 acres (see page 753); in all, 189,000,000 acres to be deducted. Exclusive of Alaska, and deducting the area yet to be segregated for railroad and private-land-claim grants, there remain 641,284,276.43 acres of unsurveyed and surveyed lands for disposition (see page 527); with Alaska, 1,010,808,876.43 acres for actual disposition, estimated as follows:

Kinds of land.	Area, in acres.	Value per acre.		Total value.
The timber lands	75,000,000.00	At $2.50 per acre		$187,500,000
(Estimate to December 1, 1883, pages 1053 and 1082, most correct, namely, 73,000,000 acres.)		If the timber is sold and the fee remain in United States, the area of lands for disposition will be largely increased.		
The coal lands	10,000,000.00	At average of $13 per acre		130,000,000
Dakota and other recent discoveries increase the actual area, which will be constantly increased until all lands are surveyed.		Medium between $10 and $20 per acre as shown by sales.		
Precious-metal lands, containing mines	64,000,000.00	At average of $3.50 per acre		224,000,000
To be largely increased by explorations and surveys. (See map facing page 979.)		Shown by medium between $2.50 and $5 per acre.		
The purely arable lands remaining in the West (estimated)	5,000,000.00	At $1.25 per acre		6,250,000
Generally in isolated tracts.		If taken under present settlement or disposition laws, nothing; survey and disposition will eat up fees and commission.		
The lands in the five Southern States	18,000,000.00	At $1.25 per acre		22,500,000
Surveyed, and vacant on the records; some, however, occupied and the unsurveyed.		Present selling price. If confined to the homestead act, nothing above cost of survey and disposition.		
Irrigable lands	29,000,000.00	At $1.25 per acre, present law		36,200,000
Under desert-land act, which may be irrigated from present water supply. Much of this, however, may be at present held by locators.		If given for reclamation, nothing above cost of survey and disposition will be realized.		
The remainder, desert-lands (see page 1104)	440,284,276.43	At $1.25 per acre, present price, round numbers		551,000,000
And all others, including pasturage and reservations, estimated at 350,000,000 acres (see page 1104). This estimate includes the area of military reservations, 3,155,152.76 acres; also, Indian reservations, estimated to contain 135,993,101 acres, two-thirds of which will eventually be restored to the public domain for sale, if the present policy continues. This area also contains a vast amount of precious metals, coal, iron, copper, and other valuable minerals. Also, the unsurveyed portion of Indian Territory, namely, 17,150,250 acres.		If disposed of under actual settlement laws, nothing will be realized above cost of survey and disposition, except the undeveloped mineral lands to be hereafter disposed of under the mineral laws. The grazing lands are estimated, exclusive of the minerals underlying them, at not more than 10 cents per acre.		
The area required to fill private land claims and railroad land grants are estimated for at the head of this statement.		In all		1,157,500,000
		Deduct cost of surveying and disposition of the remainder of the public lands, based upon former costs (see page 19)	$40,000,000	
		Less quieting Indian title to public lands, estimated	38,000,000	
				78,000,000
Grand total, exclusive of Alaska	641,284,276.43	Estimated value, June 30, 1883		1,079,500,000

Estimated total value under present laws, exclusive of Alaska	$1,079,500,000
The area at present held under various laws and yet to be paid for, and the money for which will be covered into the Treasury of the United States, is estimated in value at	10,000,000
Which added to the above would make the total value	1,089,500,000

It has required since 1785 to sell and dispose of a less quantity of the public land than the above estimates cover; besides, the agricultural lands are now about absorbed, and the movement westward in search of free Government lands must soon cease. It will require a vastly greater period of time to dispose of the remaining public domain than the ninety-eight years that were requisite to dispose of the lands sold prior to June 30, 1880. Mineral lands require long periods to develop, and timber lands require a market for their product. If the present laws as to sale and disposition continue in force no reasonable estimate of the time required to dispose of the remaining public lands can be made. Reorganization of the land system, as to sales and disposition, and an accounting of and definition of the character of the remaining public lands, are now required to secure proper results in the future.

A thorough and exact examination of Alaska by competent persons is of moment, and is necessary for the purpose of giving the Government full details and information as to the mineral and other resources of that region.

Private enterprise will best develop the possibility of reclaiming the desert lands of the public domain. The United States, in view of the results of the swamp-land grants, would best part title direct to the desert lands. If granted free of acreage in sufficient quantity, these lands may be developed by private interests.—(From edition of 1880; see page 27.)

In the near future, with the absorption of the purely arable lands, cash receipts from sales of public lands under settlement laws will be small, and the chief reliance will be sales for mineral, desert, and timber lands, and the land system, after the year 1890, will probably never again be self-sustaining, considering the annual charges incurred on account of the Indians, unless some plan of general disposition of the pasturage lands in large areas be enacted by Congress.

Sir, the evil of the day is the tendency of the great associations of wealth to crowd out individual efforts from all the remunerative industries of the country. I know of no life to-day more inviting or more fascinating and promising to the poor man than to become a cattle-raiser on the great plains of the West, but he is absolutely about to be forced out of it by great associations of wealth now rapidly occupying that whole country. I have no prejudice against foreign associations of wealth more than I have against American associations of wealth. The mischief accomplished by each is the same, and we can not deny foreigners their treaty rights. The one does as much as the other. And that is the evil of this day.

I repeat, I have not the apprehensions about the details of this bill which some gentlemen seem to have. I have much more apprehensions from the results that will follow from leaving these great associations of wealth free to cover with a web of wire the entire public domain of the West, excluding the poor from it.

Let the strong arm of the Government be extended to brush from the vast plains of the West this entire web of obstructions which stands as a barrier against the efforts of the hardy pioneer and the enterprising man who seeks an opening for effort and success in life, and who can find it there better and in a more inviting form than elsewhere.

Mr. Speaker, I greatly deprecate the enormous development and the vast and unrestrained powers of incorporated wealth in this country, now rapidly crystallizing into monopoly of all the vast resources and industries of the country.

Sir, I once read in a work of fiction a thrilling and startling legend of a city doomed to destruction. It was said that a great spider was sent to destroy the inhabitants of this fabled city; that preparatory to his work of destruction this horrible destroyer, in a single night, while the inhabitants slept, wove and cast securely over the fated city a vast web, rendering the escape of a single soul impossible; and that, having thus secured his prey, this monster proceeded to consume and destroy the ill-fated inhabitants of this doomed city. Sir, does this horrible legend suggest and foreshadow the dread fate that awaits this now free, happy, and prosperous people? Is this huge spider of corporate power now weaving its fatal web and casting it securely over this fair land, the last hope for human freedom and the sole and last remaining asylum of the oppressed who seek refuge here from the despotisms of the old world?

Shall we wake in the near future to find that the fatal work of this monster is finished; that no portal of escape is left; that our fate is sealed; and that this fair land too is to become the prey of the monsters of corporate and monopolistic power? Already these huge associations of wealth have possessed themselves of the whole vast volume of our transportation and commerce, and arrogantly and insolently claim the power to regulate it as they please to the exclusion of the people's government. They have possessed themselves of the banking and currency of the country, and demand to be allowed to regulate the volume of the currency and its value at will without the interference of Congress. In the form of manufacturing associations they have possessed themselves of a dangerous power of insensible and stealthy taxation that

robs the people of $5 of tribute to them for every dollar that goes into the public Treasury under that system. They have possessed themselves of vast tracts of the public domain, sufficient in extent for an empire, which they hold for speculation or sell slowly on hard and oppressive terms which practically exclude the poor from it. They have possessed themselves of nearly all the precious-metal and other mineral and coal lands in the country, and hold them as in the grip of a giant. They have possessed themselves of nearly all the valuable timber lands of the country, and now comes the last act in the drama in this effort to seize without right or law the vast arid plains of the West, useful only for grazing cattle and sheep, and until recently supposed to be uninhabitable. Their all-grasping hands are laid upon the whole earth and all the "riches thereof."

Sir, they have closed and are rapidly closing all the avenues to individual effort and enterprise, and soon there will be left no hope to man except as the tenant, servant, or slave of these insatiable and merciless cormorants. They seek to seize upon the very elements of nature, and would tax the world for the privilege of using them. Sir, if that unhappy day shall arrive in this country when the approaches and avenues to diversified individual effort and enterprise are closed and blocked against the great masses of our people by reason of the monopolizing of all the great resources of the country for food, for commerce, and for industry by these vast associations of wealth, then for the first time will we witness the development of that "defective population" and its incident, pauperism, which has in all ages of the world marked the decay, decline, and fall of all the old nations and governments of the world. Already the evil influences of the vast monopolies that have grown up in this country are felt and rest upon it like a horrible nightmare, paralyzing and destroying all individuality of effort. We must rise up to the great duty of freeing our country from this baleful and blighting influence, or we shall at last become enslaved by it and perish miserably. Sir, at least let the whole power of the Government be exerted to save and keep the remainder of the public domain free from the grasp of this huge octopus and sacredly hold it for free homes for the people.

[Here the hammer fell.]

Mr. PAYSON. I yield three minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. As the author and introducer of a bill in this House to prevent alien ownership of the public domain I desire to say a few words with reference to the statements of the somewhat excited Scottish gentleman who addressed the Secretary of the Interior in a letter which has been read here this morning. I want to say to the gentleman in question that the American Congress is determined to prevent the absorption and ownership of vast tracts of our public domain by foreign monopolists.

I desire to impress upon this House that the preservation of the public land for our people is the burning question of the day. When we look to the enormous growth of our population, when we see the great stream of foreign immigration pouring upon our shores every day, it must become apparent to us all that the hope of the Republic is in the public domain and the cheap lands of the West and South. We want that the struggling masses alluded to in the article of the New York Sun and spoken of by the gentleman from Colorado [Mr. BELFORD], those men and children who are in comparative serfdom in Pennsylvania, shall have a hope of success in life upon the public domain in the far West and on the prairies of Texas and the fertile regions of the great and growing South.

There is another argument for this bill. I will give an illustration for the consideration of the House. Suppose that a one-armed soldier who lost his arm in endeavoring to perpetuate this Union of free States should find himself in some of our States or Territories seeking a home for his family on the land which his valor has preserved and in the country which his blood has cemented and made a perpetual heritage for our people; under existing laws he finds himself confronted there by the minions of some lisping lord or the satraps of some capering count, and is kept from that land which his valor and blood have secured to us, and which should be made the heritage of him and his children and those who are yet to come from beyond the sea as citizens and settlers in good faith.

There is another feature of this bill which deserves consideration. This fencing process goes on—for what? In order that the occupants of the lands may take in the streams which water those lands. This great grazing country is valueless unless there can be found water for the cattle; and this process of erecting wire fences is, I am informed by reliable gentlemen, undertaken so that the headwaters of the streams may be fenced in and that the occupants may monopolize the waters which give drink to the cattle feeding upon those prairies. Without water and ready access to the same these great grazing regions become as useless as a veritable desert. Outside of these inclosures vast herds of otherwise valuable cattle stagger along the prairie dying of thirst. Under such circumstances is it any wonder that the honest, rugged freemen of the Texan plains have been almost driven into incipient rebellion against foreign companies and this great fencing process.

I am opposed personally to the clause allowing parties to occupy six hundred and forty acres of these lands. I think the bill in this respect should have remained in its original form, allowing only one hundred and sixty acres. I agree with the gentleman from Nevada [Mr. CASSIDY] in denouncing this feature of the bill. For my own part, if I had the power I would restrict the quantity to one hundred and sixty acres. In this Republic there must be no acreocracy of corporations or individuals. This must be a land of free and happy homes.

Mr. PAYSON. In order to perfect the text of the bill, and to cure what was perhaps an error of the printer, I move to amend by adding, after the word "any," in line 18 of section 1, the words "States or any;" so as to read:

Any part of the public lands of the United States in any of the States or any of the Territories of the United States

I desire also to move an amendment to section 3. While I do not agree in the criticism made by the gentleman from Arkansas [Mr. ROGERS], I desire to submit the amendment in order to prevent any possible misconstruction.

The SPEAKER. These amendments are not in order as long as other amendments are pending.

Mr. PAYSON. Would it not be in order to offer these amendments and then move the previous question?

The SPEAKER. They can only be considered pending by unanimous consent. Other gentlemen have sent up amendments which they desire to have voted on. If consent of the House be given, all these amendments can be considered as pending.

Mr. PAYSON. Then, Mr. Speaker, I move the previous question upon the bill and the committee amendments.

The SPEAKER. That will not include the two amendments just indicated by the gentleman.

Mr. OATES. I wish the gentleman would allow the amendments proposed to be voted on separately.

Mr. HOLMAN. I trust there will be no objection to allowing these different amendments to be regarded as pending by unanimous consent.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] suggests that by unanimous consent all the amendments offered and read be considered as pending.

Mr. PAYSON. I have no objection to that. I now move the previous question upon the bill and amendments.

Mr. HERBERT. I ask the gentleman to permit me to send up another amendment which I propose to section 5, similar to the one I have already proposed to section 1.

Mr. PAYSON. As a matter of information, I would like to know what the amendment is.

The SPEAKER. The amendment sent up by the gentleman from Alabama [Mr. HERBERT] will be read for information.

The Clerk read as follows:

In the proposed section 5 strike out the words "and no agricultural lands."

Mr. PAYSON. I have no objection to that amendment being considered as pending, whatever the judgment of the House may be upon it.

Mr. ROGERS, of Arkansas. I ask permission to send up another amendment.

Mr. PAYSON. There ought to be an end of these amendments somewhere. I insist on the demand for the previous question.

The SPEAKER. The gentleman from Illinois demands the previous question upon the bill and the amendments proposed by the committee, together with the amendments which have been read at the Clerk's desk, all of which will be considered as pending if there be no objection.

There was no objection.

The previous question was ordered.

The amendments proposed by the committee to section 1 were to strike out, in lines 3 and 4, the words "of any lands in any of the Territories of the United States or;" to strike out, in lines 4 and 5, the words "of the Union" and insert "or Territory of the United States;" to strike out, in lines 23 and 24, "one hundred and sixty" and insert "six hundred and forty;" and to strike out at the end of the section the words "or any agricultural land;" so as to make the section read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to all of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful and hereby prohibited; and it shall be lawful for any person to tear down, cut, or demolish any such inclosure as is above prohibited, when the inclosure includes more than six hundred and forty acres of land, or any agricultural land.

The first and second amendments proposed by the committee to section 1 were agreed to.

The question being taken on the third amendment to the section, to strike out "one hundred and sixty" and insert "six hundred and forty," there were—ayes 62, noes 41.

Mr. CASSIDY. I make the point that no quorum has voted.

Tellers were ordered; and Mr. PAYSON and Mr. CASSIDY were appointed.

The House again divided; and the tellers reported—ayes 63, noes 82.

So (no further count being called for) the amendment was not agreed to.

The next amendment was read, as follows:

Add, "or any agricultural land."

Mr. HERBERT. I wish to call attention to the fact that the purpose of my amendment will be accomplished by voting against this amendment of the committee.

The amendment was disagreed to.

The next amendments of the committee were read, as follows:

In the fifth line, section 2, after the word "certainty," insert:

"Not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified."

Strike out the words "of America," in the eleventh line; and in the sixteenth line, after the word "inclosed," insert "or any part thereof;" so the section will read:

"SEC. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section 1 of this act is being violated, showing a description of the land inclosed with reasonable certainty, *not necessarily by metes and bounds nor by Governmental subdivisions of surveyed lands, but only so that the inclosure may be identified*, and the persons guilty of the violation as nearly as may be, and by description, if the name can not on reasonable inquiry be ascertained, to institute a civil suit in the proper court, in the name of the United States and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any court of record having jurisdiction over the locality where the land inclosed, *or any part thereof*, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employé having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case, if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, with a posse comitatus, if necessary, unless the inclosure shall be removed by the defendant within five days after the order of the court."

The amendments were severally agreed to.

The next amendment of the committee was read, as follows:

Insert as a new section:

"SEC. 3. That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct or shall combine and confederate with others to prevent or obstruct any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands."

Mr. ROGERS, of Arkansas. The amendment of the gentleman from Illinois [Mr. PAYSON] comes in here.

The SPEAKER. The amendment to the amendment will be read.

The Clerk read as follows:

Provided, This section shall not apply to persons who have gone upon, improved, or occupied said lands, not exceeding one hundred and sixty acres, claiming title thereto in good faith.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Section 4 was read, as follows:

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, agent, attorney, or employé, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding $1,000 and be imprisoned not exceeding one year for each offense; and the continuance of an unlawful inclosure after conviction or pending prosecution shall be deemed another offense.

The next amendment was read, as follows:

Add as a new section:

SEC. 5. That where the alleged unlawful inclosure includes less than six hundred and forty acres of land, and no agricultural lands, no suit shall be brought under the provisions of this act without authority from the Secretary of the Interior.

Mr. HERBERT. My amendment is to strike out the words "and no agricultural lands."

The amendment to the amendment was agreed to.

Mr. CASSIDY. I ask the gentleman from Illinois to modify the section so as to agree with the amendment just adopted.

Mr. PAYSON. I will move to strike out "six hundred and forty" and insert "one hundred and sixty."

Mr. HOLMAN. That should be done.

Mr. MAGINNIS. Mr. Speaker, does not the gentleman do the very reverse of what he proposes to accomplish in this bill, and limit the power to bring suits to the Secretary of the Interior? Ought not the whole fifth section to go out in order to make the bill consistent with the amendment adopted a little while ago? I am heartily in favor of this bill and therefore desire it to be perfect. I am glad the House is waking up to this matter. Some years ago when the land commission had up a scheme which would create a monopoly in our public lands it fell to the province of Mr. Patterson, of Colorado, and myself to oppose that scheme, and to bring the attention of the House to the danger of our public lands being monopolized. After a close struggle that scheme was struck from the appropriation bill. And now those who were behind it have been doing without law that which they endeavored to obtain laws to sanction. But the whole country is now aroused on this subject. Some modifications will have to be made in our land laws in countries where irrigation is necessary, but precaution should be taken to guard the *bona fide* settler and the poor man who wants a home.

Mr. HOLMAN. The amendment to the amendment inserting "one hundred and sixty" is all right.

Mr. PAYSON. It makes it all right.

The amendment to the amendment was agreed to; and the amendment as amended was adopted.

Section 6 was read, as follows:

SEC. 6. That nothing herein shall affect any pending suits to work their discontinuance, but as to them hereafter they shall be prosecuted and determined under the provisions of this act.

The SPEAKER. The question now recurs on the amendment of the gentleman from California [Mr. HENLEY], which will be read.

The Clerk read as follows:

Add to section 2:

"*Provided*, The State or Territorial courts are hereby clothed with exclusive jurisdiction over offenses arising under the provisions of this act, anything herein to the contrary notwithstanding."

The amendment to the amendment was disagreed to.

The question next recurred on Mr. TULLY'S amendment, as follows:

Strike out the following words in the first section: "and it shall be lawful for any person to tear down, cut, or demolish any such inclosure as is above prohibited, when the inclosure includes more than one hundred and sixty acres of land."

The House divided; and there were—ayes 28, noes 48.

So the amendment was rejected.

Mr. PAYSON. I move to insert after the word "in," in section 1, line 18, "any State or;" so it will read "any State or any of the Territories," &c.

The amendment was agreed to.

The SPEAKER. The question is now upon ordering the bill to be engrossed and read the third time.

The bill was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1323) fixing the rate of postage to be paid upon mail-matter of the second class when sent by persons other than the publisher or news agent;

A bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes;

A bill (H. R. 2344) for the relief of Melissa G. Polar;

A bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 2346) for the relief of Sarah A. Redmond; and

A bill (H. R. 4652) for the relief of Saint Luke's Protestant Episcopal church, in the District of Columbia.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 81) for the relief of Benjamin F. Pope;

A bill (S. 401) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi;

A bill (S. 444) for the relief of Edward Fenlon;

A bill (S. 530) for the relief of Henry Ayres, of Evansville, Ind.;

A bill (S. 534) for the relief of J. S. Pickett;

A bill (S. 535) for the relief of the sureties of George F. Elliott;

A bill (S. 582) for the relief of W. H. Powell;

A bill (S. 675) to extend the benefits of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865;

A bill (S. 723) for the relief of Eugene B. Rail and others;

A bill (S. 879) for the relief of P. S. Ward, widow and executrix of William Ward, deceased;

A bill (S. 956) for the relief of Pattison and Caldwell;

A bill (S. 969) for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee;

A bill (S. 1005) for the relief of the Nez Percé Indians, in the Territory of Idaho, and of the allied tribes residing upon the Grande Ronde Indian reservation, in the State of Oregon;

A bill (S. 1011) granting the right of way over the public lands in Alabama and Florida to the Alabama Diagonal Railroad Company, and for other purposes;

A bill (S. 1034) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters;

A bill (S. 1041) for the relief of the heir of Constantino Brumidi;
A bill (S. 1047) for the relief of Wesley Montgomery;
A bill (S. 1118) for the relief of Mrs. Louisa H. Hasell;
A bill (S. 1153) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War;
A bill (S. 1158) to provide for the execution of the provisions of article 2 of the supplemental commercial treaty of November 17, 1880, between the United States and China for the repression of the opium traffic;
A bill (S. 1237) for the relief of Betts, Nicholls & Co.;
A bill (S. 1242) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored emigrants;
A bill (H. R. 1304) to authorize the Secretary of War to ascertain the expenses incurred by the Territorial authorities and the people of the Territory of Idaho in the suppression of Indian hostilities in the years 1877 and 1878, known as the Bannock and Nez Percé outbreaks;
A bill (S. 1335) to authorize the settlement of the accounts of the late John F. B. Bleeker, a paymaster in the Navy;
A bill (S. 1361) giving a military record to Thomas Miller;
A bill (S. 1419) for the relief of Rupert G. Hill;
A bill (S. 1455) for the relief of D. O. Adkinson;
A bill (S. 1564) providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior residing in the State of Wisconsin, and granting patents therefor;
A bill (S. 1625) for the relief of William Bowen;
A bill (S. 1720) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes;
A bill (S. 1734) providing for the collection of statistics touching marriage and divorce;
A bill (S. 1741) making the cities of Tacoma and Seattle, in the Puget Sound customs district, Washington Territory, ports of delivery;
A bill (S. 1821) to authorize the Secretary of the Interior to examine and adjust the claim of C. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860;
A bill (S. 1909) granting the right of way over the public lands in Alabama to the Gulf and Chicago Air-Line Railway Company, and for other purposes;
A bill (S. 1983) to compensate Enoch Jacobs for services rendered to the Department of State;
A bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army;
A bill (S. 2280) for the relief of Mrs. Jane Venable; and a
Joint resolution (S. 46) relative to a certain accepted draft in the Department of State.

COUNTING THE ELECTORAL VOTE.

Mr. EATON. Mr. Speaker, I gave notice some days ago that I would endeavor to call up for consideration to-day the Presidential-count bill, so called, and to follow, if I found time, with the Presidential-succession bill. But I have consulted with my friends upon the other side of the Chamber, and it might seem discourteous if I should call up either of these bills in the absence of certain gentlemen on that side who desire to speak against the bill. I therefore ask the House to give me unanimous consent that Wednesday, the 11th of this month, shall be assigned for the consideration of the bill referred to.

I need not say, Mr. Speaker, how important is that measure. I do not speak, sir, of the bill the committee have formulated, but I speak of the measure itself. There is nothing before this Congress so important, in my judgment, as that some bill should be passed relative to the Presidential count.

The SPEAKER. Which bill does the gentleman indicate?

Mr. EATON. The Presidential-count bill.

Mr. GIBSON. May I ask my friend from Connecticut if Thursday would not suit as well as Wednesday? The river and harbor bill may be up.

Mr. EATON. I refer, if the Speaker please, to the electoral-count bill.

The SPEAKER. The Clerk will report the title of the bill.

Mr. PAYSON. It is Senate bill 25.

The SPEAKER. The Chair understands this is not the Senate bill, but the committee bill.

Mr. EATON. It is an amendment in the nature of a substitute for the Senate bill.

My friend from West Virginia suggests that the river and harbor bill may interfere on the day I have indicated. It is a certain day that I desire, and I am indifferent whether it be Wednesday or Thursday.

Mr. COX, of North Carolina. Only one day?

Mr. EATON. I hope only one will be consumed. It is proper that I should ask, perhaps, for an order that it be continued from day to day until disposed of.

Mr. HEWITT, of Alabama. You can not get an order of that kind at this stage of the session.

Mr. HOLMAN. May I be permitted to inquire of my friend from Connecticut why he does not take the bill up now for consideration?

Mr. EATON. I have just said that members of the House who are absent desire to speak against the bill, and I think it would be discourteous to take it up in their absence.

The SPEAKER. What day does the gentleman suggest?

Mr. EATON. Thursday, June 12.

The SPEAKER, The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 25) to fix a day for the meeting of the electors of President and Vice-President and to provide for and regulate the count of the votes for President and Vice-President, and for the decision of questions arising thereon.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut that Thursday, June 12, be set apart for the special consideration of the bill the title of which has been read?

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. CULBERSON, of Texas. Mr. Speaker, I ask to call up the special order fixed for the 12th of April.

Mr. PAYSON. I demand the regular order.

The SPEAKER. The regular order is the unfinished business reported from the Committee on the Public Lands. The gentleman from Texas calls up the special order, which will be read.

The Clerk read as follows:

Resolved, That House bill 1578, the same being "A bill to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, to regulate the removal of causes from the State courts, and for other purposes," approved the 3d of March, 1875, which said bill is now on the House Calendar with a favorable report from the Committee on the Judiciary, be made a special order for Saturday, the 12th of April, and from day to day until disposed of, not to interfere with prior orders, or with appropriation bills, revenue bills, or bills reported from the Committee on Public Lands.

The SPEAKER. The Chair will state that so much time has been consumed this morning in the consideration of the bill which has just been disposed of, that the Chair has momentarily forgotten that the regular order was the morning hour. The Chair will state, however, that the special order is not made subject to the morning hour.

Mr. PAYSON. I move to dispense with the morning hour for the call of committees.

The motion was agreed to (two-thirds voting in favor thereof).

The SPEAKER. The gentleman from Illinois demands the regular order, which is the unfinished business reported from the Committee on the Public Lands. The gentleman from Texas calls up for consideration the special order, which has just been read.

The question will first be taken upon the special order.

The Chair discovers upon examining the order that it is made subject to reports from the Committee on the Public Lands. Does the gentleman from Texas raise the question of consideration?

Mr. CULBERSON, of Texas. I am disposed to withdraw it, under the circumstances.

OREGON LAND-GRANT RAILROAD.

The SPEAKER. The Clerk will report the title of the unfinished business.

The Clerk read as follows:

A bill (H. R. 181) to declare the forfeiture of certain lands granted to aid in the construction of a railroad in Oregon and to enforce the same by judicial proceedings.

The SPEAKER. The gentleman from Indiana [Mr. COBB] is entitled to the floor.

Mr. COBB. The last time this question was up for consideration I had occasion to discuss it very briefly, and I alluded to a decision in 8 Oregon Reports, which I had hastily examined. That decision applied to a grant to the Oregon Central Railroad Company. And I took it for granted, of course, at the time that this was the company to which it applied. But it seems on further examination that the decision applied to another Oregon Central Railroad Company, and not to this. I now make that statement to the House, and hence the decision I read, or that portion of it, will be considered as out of this case.

But I desire to call the attention of the House to the question in hand, and especially to the decision of the court in the case of Van Wyck against Knevals, which was referred to by my colleague on the committee, the gentleman from Alabama [Mr. OATES]. That decision was made upon a particular statute, and I ask the attention of the House for a moment while I read the provisions of those statutes, showing the difference between them.

It was insisted that the decision in the case to which I have referred applies to the grant made to the Oregon Central Railroad Company. You will observe by reading that decision, together with the act to which it refers, that the proviso in the act is very different from the section in the Oregon Central act which requires patents to be issued. The Supreme Court quotes the language of the statute in the decision to which the gentleman alluded:

Provided, That if said railroad company, or its assigns, shall fail to complete at least one section of said road each year from the date of its acceptance of the grant provided for in this act, then its right to the lands for said section so failing of completion shall revert to the Government of the United States: *Provided further*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

Now, that language seems to imply clearly that the patented lands should not revert to the United States. It says in so many words that—

If said road is not completed in ten years from the date of the acceptance of the grant hereinbefore made the lands remaining unpatented shall revert to the United States.

Now, that is a very different provision from what is contained in the act governing the Oregon Central branch. The third section provides:

That whenever and as often as the said company shall complete and equip twenty or more consecutive miles of the said railroad and telegraph, the Secretary of the Interior shall cause the same to be examined, at the expense of the company, by three commissioners appointed by him; and if they shall report that such completed section is a first-class railroad and telegraph, properly equipped and ready for use, he shall cause patents to be issued to the company for so much of the said granted lands as shall be adjacent to and conterminous with the said completed sections.

Now, that is the section which controls the question of patents in the grant that we now have under consideration. The decision of the Supreme Court in the case of Van Wyck against Knevals was based upon that proviso which I have just read, which says:

That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

The language is very different, as every one will see. I think it is very clear that we have the right under this grant which we are now considering to forfeit all of these lands if we have a mind to, it having been shown clearly the road was not completed within the time fixed by law; because the sixth section says:

That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years, from the same date.

Now, these are conditions subsequent, as I said the other day. This is a grant *in præsenti*. The title vested at once in this company on the passage of this act with the condition subsequent. If any of those conditions are broken or have been broken by the company, then I submit as a clear legal proposition we have the right to forfeit the entire grant if we have a mind to; and it is only a question of equity whether we will do that or not. Congress may, of course, do as it pleases with regard to this grant. It may forfeit it all, or it may forfeit a part of it, or it may determine to forfeit none of it. But in my judgment it ought all to be forfeited.

This company now, as the facts will show, has gone on and completed that portion of the road where the lands were valuable, and has failed and refuses up to this time to complete any other portion of this road, leaving uncompleted a large portion of it running through a section where the lands would not be so valuable to the company and might have, as some have said, scarcely any value whatever. I have heard some put it at a quarter of a dollar an acre. But the lands through which they have completed their road are valuable lands. They refuse to complete the road under the contract because it would seem the lands which lie along the uncompleted portion of the road are valueless. Congress had in view at the time this act was passed the completion of the entire road as provided for in the act. Should not this company be compelled to comply with its contract? But it may be said that it is a long time since this grant was made and a long time since the period expired for the completion of this road. Suppose it is so; is Congress, is the Government of the United States bound by time?

The decisions of the court are full. I can refer you to the decisions of the Supreme Court upon that subject—one of the late decisions I believe is contained in second Otto—that time does not run against the Government; that the Government can not bar itself by standing still. All that the Government has to do is to stand still and say nothing; it can only by enactment or resolution—that is, by act of Congress—bind itself. That is the law, well defined and settled by the Supreme Court of the United States, as well as by the higher State courts. Plenty of authorities can be adduced for that, and I know of none to the contrary. Congress may bind itself or waive its right by resolution or enactment. The clear inference by such enactments, however, must be a waiver on the part of the Government, or the Government waives nothing. I assert that is a clear proposition of law. Upon that question I care to say no more than to repeat that that is the law.

It is said that time is not of the essence of a contract. I undertake to say that the authorities lay it down in every case I have been able to examine, and I have found none to the contrary, that where a condition is fixed by statute, that condition must be complied with or waived. I have shown you how Congress may waive it, by resolution or enactment. It is not pretended that Congress has waived it in this case by resolution or enactment, either inferentially or otherwise. Time, then, is of the essence of the contract. Where it is put into a deed between individuals it is the essence of the contract, and must be complied with, say the authorities.

I will now refer to the authorities upon the subject. In the case of Farnsworth against the M. & P. Railroad, reported in 2 Otto, page 49, (a recent decision), will be found a case in point; also 2 Story's Equity Jurisprudence, 103, 26. That is a case where a condition subsequent is put in the contract by enactment of Congress. Where time is of the essence of the condition, whether precedent or subsequent, the contract must be performed within the time. (See Willard's Equity Jurisprudence, page 294.) The time is also of the essence of the contract sufficient to enable the grantor to declare a forfeiture, except when just compensation can be given by the addition of interest; for instance, in the purchase of real estate, with which we are all familiar. If the grantee fails to pay the purchase money, in that case damages can be easily assessed. But how are you going to assess damages in a case where the Government has granted land to a railroad company to complete a railroad within a given time and it fails to do so? How are you going to compute damages between the Goverament and the railroad company? You can not do it. Therefore the contract must be performed within the time. It is not like the sale of real estate for money, because if the money is not paid within the time you can calculate the damages in the shape of interest to be computed.

Where the parties have fixed the time for the performance of a contract, unless sometimes in cases of the sale of land, as I have said, that time must be complied with. The authorities are abundant upon that point. The case of Broadman *vs.* Mesick (10 California Reports), is an authority in point. So is White & Tudor's Leading Cases in Equity, 1105, another high authority. Every gentleman knows that is a very high authority who has ever studied equity jurisprudence. Jones on Mortgages (page 1185) is another authority. Washburn on Real Property, with which all lawyers are familiar (page 17), is another authority in point. I might go on and cite authorities in great abundance on this subject.

There are many reasons why this condition of time is of the essence of the contract. Why does the Government grant lands to a railroad company for the construction of a railroad and telegraph line? It does it for the purpose of having the road built within the time named, for the purpose of promoting settlement, and for the purpose, if you please, of enabling the Government to sell its public lands. Would the Government give time to a railroad corporation within which to build a railroad and at the same time authorize, as it always does, the Secretary of the Interior to withdraw the land given to the railroad—I believe it usually grants the odd-numbered sections; in all recent grants it is so—to withdraw those sections, together with the even-numbered sections, for ten or twenty miles on each side of the road, if it was not for the purpose of securing the construction of the road within a given time?

In these granting acts Congress authorizes and requires the Secretary of the Interior to withdraw this vast body of land along the line of the proposed railroad. Why? Because Congress proposes to have the road built, and built within the time named. It says to the company: "Build your road within the time named, and we will give you this land. We will withdraw this vast body of land from settlement, and if you actually complete the road within the time named then the land will become more valuable to the Government and to the people, and it is for that reason we wish a road built."

Now, is there any lawyer who will pretend that in a contract of this kind between individuals such conditions are not of the essence of the contract? I think there is no one who will so contend. Then, if it is of the essence of the contract, it must be complied with. Has it been complied with in this case? No one pretends that it has been.

What right has the company to these lands? It has patents to them, it is true; but does that give the company any greater title than the act itself? Not at all. It does not change the status of the company in regard to the title. The company holds the patents just as an individual grantee would hold his deed, with a condition subsequent——

Mr. PAYSON. The gentleman will allow me to make a correction. No patents have ever issued for any of these lands.

Mr. COBB. It has been insisted, as I understood, that patents were issued.

Mr. PAYSON. I think not. As a matter of fact, no patent has ever issued.

Mr. COBB. Then, of course, so far as the question of patents is concerned, that is out of this case. It is conceded that no patents have been issued. Therefore the Government of the United States stands clearly with the right in its hand to enforce forfeiture for a condition broken as to the question of time; and time is as much of the essence of the contract as any other ingredient. The time within which the road was to be constructed is as much of the essence of the contract as the time when the company should file its articles of incorporation—as much so as any other provision of the grant. If this were an individual grant, no lawyer here, I repeat, would contend for a moment that the individual grantor had not the right to re-enter for conditions broken. But the Government has a greater right than an individual grantor would have, because this is a statutory right; and conditions subsequent have more strength in law in a statutory grant than in a grant by an individual.

There is nothing to-day standing in the way of the Government to estop it from making this forfeiture under the law. There is no act of Congress, no joint resolution, no ordinary resolution—nothing of this kind stands in the way of the Government. Then Congress has nothing to do but to pronounce a forfeiture of these lands, as it ought to do. The plea is set up here that in equity the Government ought not to take these lands along the completed portion of the road. What right has this company to these lands? What has it given for them? Nothing; not a farthing. You may say the company built the road. Suppose it did; every dollar and cent it has invested in its property; and we do not propose to take it.

But we said to this company, "Here is a bonus that we will give you upon condition that you do a certain thing within a given time. We offer this bonus in consideration of the fact that our lands may be increased in value. But if you fail to do these things within the time fixed we will not give you this bonus from the public lands. In that case you may build your road without our assistance." The company has done this. We gave them the right of way. We do not propose to take it away from them. Every dollar and cent that they invested in the construction of their road is theirs to-day, and this bill does not interfere with their rights in that respect. But we propose to say, "You never earned the lands; we want them for settlement by the people of this country, who are entitled to them, because you have not earned them. Not one dollar or cent have you paid for them. We agreed to give these lands to you on certain conditions; but you have failed to comply with the agreement under which you were to receive the lands. Therefore we say the lands are ours." And under the former decisions they would have been ours by reversion. But under the decision in the case of Schulenberg *vs.* Harriman, which has been often alluded to, it has been held that the title vested in these cases, that the title being *in præsenti* and having vested at once, an act of Congress is required to declare a forfeiture.

Mr. EATON. Suppose the railroad company has sold to a *bona fide* purchaser a portion of this land?

Mr. COBB. Suppose that is so. In equity it might be a hardship to take the lands from such a purchaser. But here is a public statute of which everybody is bound to take notice. It is more obligatory as notice than a deed upon record. A man who buys land from a company under these circumstances is bound to know the title that he gets, and he does know, if he reads the statute, that he takes his title subject to these conditions subsequent, and that if they are broken he is liable to lose his purchase.

This being so, it is a question for Congress to determine whether in a case such as the gentleman puts the party should be protected. It is presented to us as an equitable question. It does not interfere with our right of forfeiture. We can take the lands; there is no doubt, I think, about that. The purchaser under such circumstances can get no better title than his grantor; and the title of the grantor is based upon conditions subsequent, which in this case have been broken. Therefore the title is subject to be reinvested in the Government by a declaration of forfeiture, and by such proceedings under it as may be instituted in the courts, if any are necessary.

Mr. OATES. Does not the fifth section of the act making this grant authorize the company to give a mortgage upon its road, and has not the company done so?

Mr. COBB. That may be; but the company could not mortgage anything but what it owned. The mortgagee under a title resting upon conditions subsequent can never take any better title than the mortgageor can give him; and if the title of the mortgageor fails the mortgage is lost entirely. The case would be different if some provision in the law authorizing this mortgage to be made denied to Congress the right to declare a forfeiture in such a case. But in this act, as I remember it, there was nothing of that sort.

Admitting that the Government of the United States authorized this company to mortgage its road without providing further protection for the mortgagee, the mortgagee would take no better title than would a purchaser in the case put by the gentleman from Connecticut [Mr. EATON]. The mortgagee would take subject to the conditions subsequent, and if these were broken the mortgagee would lose his mortgage right. There is no question about that.

Mr. HOBLITZELL. Will the gentleman inform us what quantity of these lands is now in the hands of this corporation?

Mr. LEWIS. None of the lands have been patented to the company.

Mr. COBB. I will ask the gentleman from Oregon [Mr. GEORGE] to state how the fact is on this point?

Mr. GEORGE. Seventy-one thousand acres of land have been listed by the local land office and returned to the General Land Office as lands earned by this company in the building of the forty-seven and one-half miles.

Mr. COBB. But they are not patented and they are not purchased. These lists have been made out and transmitted to the Land Office; but I understand there have not been any entries under them. I do not know how that is.

Mr. HOBLITZELL. My object is to find out how much has been disposed of to actual settlers.

Mr. COBB. None at all, so far as I know. But perhaps the gentleman from Illinois can answer the question.

Mr. LEWIS. None has been disposed of, so far as we know.

Mr. GEORGE. What is the question?

Mr. COBB. Have any of these lands been disposed of to third parties?

Mr. GEORGE. There have been quite a number of sales by the company to third parties.

Mr. COBB. There is a question of fact involved, and I ask the attention of the gentleman from Illinois [Mr. PAYSON].

Mr. GEORGE. The bill goes on that theory, as it confirms those sales.

Mr. PAYSON. There is no evidence before the committee from anybody representing the railroad company that any of these lands have been disposed of.

Mr. HOBLITZELL. In case there may be any the bill provides for that condition of things.

Mr. PAYSON. Yes, sir.

Mr. COBB. What do I understand the gentleman to say?

Mr. PAYSON. Assuming some of them may be sold, provision is inserted in the bill protecting the right of purchasers under the statute, limiting the company in making sales to quantities not exceeding 160 acres to actual settlers. Assuming the company may have made such sales, we provide in the bill to confirm them and make them valid.

Mr. COBB. The company being the grantee?

Mr. PAYSON. Yes, sir.

Mr. COBB. Have any mortgages been executed by the road?

Mr. PAYSON. Yes, sir; one for $1,200,000, which was afterward consolidated into $4,000,000 on this and another road. Within the rule suggested a moment ago——

Mr. EATON. Why not protect the associations and individuals who loan money on the faith of the title which the company has—why not protect them as well as the purchasers of these lands?

Mr. COBB. When it comes to the question of equity perhaps there is not a large amount of difference. There is one thing to be considered. An individual who goes West to settle on the public lands, purchasing of these corporations or otherwise, is not usually a good lawyer. He does not stop to take the advice of good lawyers. I admit the rule he is bound to know what the law is, and yet he does not stand exactly in the same position as one of these corporations or individuals who loan large sums of money, because through their attorneys they examine titles thoroughly and base their action on the advice given them as to the legal questions involved. The individual settler I have mentioned does not do that. He is poor and anxious for a home and takes the chances. It is the policy of the law to give him lands in a small quantity. That has been the policy of the Government since 1841, when the first pre-emption law was passed. Under the same policy the homestead law was passed.

Mr. HUNT. Does not section 3 of the act under discussion provide that whenever and as often as the railroad company shall complete and equip twenty or more consecutive miles of railroad, and it shall be reported that the completed section is first class and ready for use, the Secretary of the Interior shall cause a patent to be issued to the company for so much of the lands granted as shall be adjacent to and conterminous with that completed section?

Mr. COBB. Yes, sir; so I read it.

Mr. HUNT. How does the gentleman dispose of that?

Mr. COBB. I dispose of it in the way I said awhile ago. It does not vest the title any more.

Mr. LEWIS. Section 3 provides for that.

Mr. COBB. I read that. It vests no greater title than the act itself does; none in the world. The legal effect is the same, for the title vests *in præsenti* with condition subsequent upon the passage of the act. Now, the issuing of the patents gives no greater title than the original act. The mere issuing of the patent gives merely a simple evidence of title. It is a convenient mode of presenting the title when the question arises. Instead of bringing the statutes of the United States as authority you simply bring the patents, which you can carry in your pocket, while the other you would have to bring in saddle-bags or a satchel or in some such manner, as an evidence of title. That is the only difference. That is all there is in it.

Now, if there is a provision in the act that the lands so patented shall not revert to the Government of the United States if the road is not completed in a certain time, that is a very different thing. That would be a different consideration of the question, and would present another subject upon which we would be called to act. But there is nothing of that kind here.

Mr. EATON. I do not suppose my friend has any idea whatever as far as the mortgagees who have advanced money upon the lands that had been patented are concerned, although they may be lawyers—I do not suppose my friend has any idea that the mere declaration of this House of Representatives, or of this Congress rather, will determine what the law is. That is to be determined hereafter by the courts, and they will take into consideration undoubtedly all of the equities in the case. Ought not we, then, to take into consideration all of the equities in the case?

Mr. COBB. But there have been no patents issued here. There is only a provision for the issuance of the patents. I was discussing it upon the theory that the patents had issued, for the sake of argument, but as a matter of fact none have been issued.

But suppose that it was again so, for the sake of argument to go a little further. The difference, as the gentleman suggests, between the individual purchaser of the land and the mortgagee amounts to this in equity (I said that there was not much difference): The mortgage covers the franchise, it covers the road-bed, it covers the right of way, it covers the rolling-stock, material, and equipment of all kinds, and every species of property connected with the road, outside of the land itself, until they are paid. The mortgage controls the property, and

they ought to see that every dollar of the mortgage is put upon the property itself for their own protection.

Mr. EATON. And it covers these lands so far as they had the right or power to cover them.

Mr. COBB. I am talking now of the equities.

Mr. EATON. So am I.

Mr. COBB. The equities, then, are in favor of the man who buys his little home. He has nothing else to rely upon. The men who own the property under the mortgage have all to rely upon that their money put upon the road. They ought to have every cent of money that they loaned or vested in the road, less the pay of the officers, &c., for the purpose of conducting the work. In other words, every dollar they loaned ought to be represented in the road; and they have a right to know that it is so represented, that is to say, in this road-bed, rolling-stock, &c., and we do not propose to take it away from them. We say to the mortgagees, "We will give you all that your money has purchased; take it along with you; take the right of way for all it is worth. You have that which your mortgage was based upon. Take that; but you have nothing to do with our land."

Mr. POLAND. Will the gentleman permit me to interrupt him a moment to ask if this bill does not forfeit the right of way through these lands?

Mr. COBB. No; there is an amendment which the committee have offered to cover that point.

Mr. PAYSON. That has been accepted by the committee.

Mr. COBB. We did not want to do that.

Mr. TUCKER. But you could according to your argument.

Mr. COBB. Undoubtedly we could. [Laughter.] Oh, gentlemen may laugh, but there is no question of the legality of the proposition. The conditions are broken; but that being a grant *in præsenti*, with conditions subsequent, the Government has the right to resume control. If this condition has been broken by the grantee, I ask whether you do not take the property back without regard to any improvements which may have been put upon it? Is not that the law? Does not the re-entry on the part of the Government take with it everything which has been put upon the land? Does not a re-entry at common law take with it everything upon the estate? This is a legal proposition, and I ask the learned lawyer from Virginia if I am not right? If that is not a sound principle of law I ask him to correct me. That is the rule at common law as I understand it. For instance, if I convey to the gentleman from Virginia an estate with conditions subsequent, and he goes and puts upon that land improvements of any kind and fails to meet the conditions, if the condition ssubsequent are broken I can re-enter and take his property, his improvements which he has put upon the land, without giving him a cent. It has always been the law.

Mr. EATON. Would not equity interpose?

Mr. COBB. I do not know of any such condition. It can not be interposed here; and I know of no such rule of equity as would interpose. When you fail to comply with the conditions under which you take the property you have broken the agreement and that estate may be divested by re-entry. That is the law.

Mr. EATON. What would you call the individual who would take such steps as that? A "skinflint?" If so, what would you call the Government?

Mr. COBB. The question of skinflint does not come in at all. The case that I have suggested is a very different case altogether from the one the learned gentleman supposes. That is a purchase where the man paid his money, but failed to comply with the conditions subsequent. Then on that failure I re-enter and turn him out and pay him not a cent for his improvements. That is the rule of law, if I understand anything about it; and if I do not, I hope my learned friend will correct me and point out what it really is.

That may be the reason that is assigned by the law-writers, that forfeitures are not favors; but they are always executed when the letter and spirit of the instrument requires it to be done, whether favored or not. But if the letter and the spirit do not, why then the courts will not. Unless there is a clear case of forfeiture or breach the courts will not enforce the forfeiture.

But is there any question here that there has been a breach? Here was a railroad company that was to complete its road within six years. Has it done it? No one pretends it has. Is there anything, then, that ought to prevent us in equity and law from taking this land from the company? Let the mortgagees rely upon the property which has been made by the money that they advanced to the company. They took the mortgage and advanced their money on the public statute which they had read and no doubt scanned carefully. They knew the effect of it, but thought that Congress had been so lenient toward corporations in the last twenty years they would let them alone in this case. I suppose that was their calculation. They took their chances at all events, and the chances are now rather against them. The country seems to be taking this matter in hand and considering it from a proper standpoint; and the demand is made that these corporations shall surrender what they are not entitled to.

When we take back the lands we leave to the corporations and the mortgagees all they have by the mortgage. We give them the right of way, as I have said. Is there anything more, then, left in this case than a forfeiture for condition subsequent broken.

There are two or three conditions which perhaps I might mention that are minor to this, but it does not matter; if one condition is broken, and it is the main one, it is of the essence of the contract. If you say it is proper to give the corporation the valuable lands along its completed road and let the lands go which are along the uncompleted road where they are not valuable, that is a matter for Congress to determine. We are not obliged to forfeit any of these grants. But the country demands they should be forfeited, and equity and justice demand it. These corporations should not be allowed to hold large bodies of land and prevent their being occupied by men who desire to actually settle upon them. They ought not to be allowed to hold these lands as against the people of this country.

I believe I have nothing further to say, unless some one desires to propound a question to me.

Mr. GEORGE. Will the gentleman allow me to ask him a question before his time expires?

Mr. COBB. Yes, sir.

Mr. GEORGE. I understood the gentleman from Indiana made some statement at the opening of his remarks in regard to the controversy the other day as to the Oregon Central Company. I was out of the House at the time.

Mr. COBB. I said this in substance: I said I had scanned the decision and had discovered it applied to the Oregon Central Railroad Company. Supposing there was but one Oregon Central Railroad Company in the State of Oregon, I took it for granted it applied to this one, and I read an extract from that decision, supposing it applied to this company. But on further examination of the decision I discovered it did not apply to this road, and therefore I said to the House that that decision was clearly out of this case, and can not be considered in it.

Mr. GEORGE. Then I suppose the gentleman will admit even the other Oregon Central Company was not a party to the decision he read from?

Mr. COBB. I do not know that it was. But I find that decision has nothing to do with this case.

Mr. GEORGE. Now, if the gentleman from Indiana will allow me, I desire to make one practical comment on this decision.

The SPEAKER *pro tempore* (Mr. TOWNSHEND). The time of the gentleman from Indiana [Mr. COBB] has expired.

Mr. VAN EATON rose.

Mr. GEORGE. I would like the consent of the House to call attention to one point in that decision.

Mr. VAN EATON. I will give the gentleman the time he wants out of the time allotted to me.

Mr. GEORGE. I desire only a moment. I desire to ask the gentleman from Indiana [Mr. COBB] if in looking over that decision he remembers that the court passed upon the value of the land taken by the other Oregon Central Company of the same character and lying alongside of these lands granted to this Oregon Central Company?

Mr. COBB. I do not think the grant to the other Oregon Central Company was mentioned in this decision.

Mr. GEORGE. I am talking of the value of the lands, in order to give the House some idea of what these lands are worth. The gentleman will find that the court, in passing upon the value of the lands given to the other Oregon Central Company, found that the lands given to that Oregon Central Company were worth 25 cents an acre at the time of the grant.

Mr. COBB. That may be. I did not read the decision carefully. I will say in answer to the gentleman from Oregon, if that be so, the railroad company or the bondholders will not be much hurt, and we need not on that account be deterred from forfeiting the lands. The effect of it will be we shall not encumber the company with these lands.

Mr. GEORGE. That is what I am contending, that the lands are not of much value; but yet the principle is the same.

Mr. COBB. I agree with the gentleman as to that.

Mr. VAN EATON. I do not yield further.

The SPEAKER *pro tempore*. The gentleman from Mississippi is recognized.

Mr. VAN EATON. Mr. Speaker, there is no question but there is a demand abroad in the public mind for a reclamation, as far as may be, of such grants of public lands at least as are sometimes termed "unearned." That we should take all proper action to assert the power of Congress over these public lands there is no question. Neither is there any question that the Committee on Public Lands only responds to that laudable desire on the part of the American people. Equally do that portion of the committee sometimes termed the minority desire so to respond. Some of us may occasionally differ. But that we wish to arrive at the same conclusion, that we wish to return again to the public domain all land that we think should be returned, every member of that committee will admit.

Sometimes, however, we do differ. Sometimes there are some of us who judge of a case upon its own merits, by the particular circumstances surrounding it, or perhaps by the law making the grant. In this particular case I join with the minority of the committee and sustain the substitute which has been offered by my honored colleague on the committee, the gentleman from Alabama [Mr. OATES].

I wish that the House may be well informed in regard to this particular case, and in order that it may be so informed I respectfully invite the attention of members in the first place to a statement of the facts. The application of the law, I think, will be easy and brief.

The facts with regard to this particular case are these: Two distinct corporations, each bearing the same name, the Oregon Central Railroad Company—and please bear this in mind—were incorporated under the general laws of incorporation of the State of Oregon. The one was incorporated in September, 1866, with its principal office at Portland, and was projected to run a railroad along the Willamette Valley on the west side of the Willamette River. The other was incorporated in April, 1867, with its principal office at Salem, Oreg., and was projected to run a road along the same valley, but on the east side of the Willamette River. Bear in mind that each was called the Oregon Central Railroad Company. For convenience I will call one the Portland road and the other the Salem road. I will here remark that it is the Portland or the west side road that is now under consideration.

Mr. GEORGE. Let me call the attention of the gentleman to the fact that these roads were commonly distinguished in Oregon as the east side and the west side roads.

Mr. VAN EATON. The one on behalf of which, to some extent, I shall speak is the west side or Portland road, and the other is the east side or Salem road. These two companies, both bearing the same name, were rival companies. Each applied to the Legislature of Oregon to be designated as the company to receive the land grant made by Congress July 25, 1866.

Mr. OATES. Being the Oregon and California grant.

Mr. VAN EATON. Yes; in October, 1868, the Legislature of Oregon designated the Salem or the east side road as the one to take this grant of July 25, 1866. That company went on and built twenty miles of the road, and then in April, 1870, it transferred its completed portion of the road, together with the whole of the land grant, to the Oregon and California Railroad Company, a company also organized under the laws of Oregon. At the same time, April, 1870, said east side or Salem Oregon Central Railroad Company dissolved its corporate existence, committed corporate suicide, so to speak, as it was authorized under the laws of Oregon to do. That is the road referred to in the decision in 8 Oregon as having been conceived in sin and brought forth in iniquity, or words to that effect.

Subsequently, and in a suit brought to dissolve the copartnership between Ben Holliday and other parties who had had a contract for building the defunct road, but which suit was not commenced until years after the company had gone out of existence, and in which suit neither the company nor any of its directors were a party, the judge, as reported in 8 Oregon, did make some reference to the alleged invalidity of the organization of this defunct Salem and Oregon Central Railroad Company. But the Oregon Central, the Salem, or east road there referred to, is not the one to-day claiming this grant.

That matter having been conceded by the chairman of the Committee on Public Lands [Mr. COBB], it is not necessary for me to read, as I had proposed to do, from the decision in 8 Oregon to show by the said decision that there were two Central Oregon Railroad Companies, and that the one whose rights the minority of the committee are advocating here to-day denounced the other road as a swindling corporation.

Mr. COBB. If my colleague on the committee from Mississippi will allow me——

Mr. VAN EATON. Certainly.

Mr. COBB. I think the gentleman must have prepared his speech before I made my remarks about this road a short time ago.

Mr. VAN EATON. I say it is not necessary to go into all that now.

Mr. COBB. I said awhile ago——

Mr. VAN EATON. I said you did.

Mr. COBB. That I had read the decision in the Oregon case casually, and supposed, as a matter of course, that it applied to the Oregon Central Railroad Company, and that there was but one company of that name. It turns out that there were two companies of that same name, and I therefore stated distinctly to the House that the decision in that case had no relation to this one.

Mr. VAN EATON. I said as much, and that it was not necessary for me to read from that decision. But I want to give the history of this case in order that I may lay the legal aspect of it fully before the House.

When the Oregon Central or Portland road failed to get the grant from the State it came to Congress and secured another grant, May 4, 1870. That is the company and that is the grant which is now before the House. I shall abridge my statement as briefly as I can, but I wish to call the attention of the House to the construction of the language of that act. The act which the company got for a grant of land May 4, 1870, was entitled "An act granting land to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon."

Now, mark, in the first section of this act the building of a road from "Portland to Astoria and to McMinnville" is set forth as the purpose of the grant. Now, the distance along the line of the proposed road from Portland to Astoria is one hundred and seventeen miles. From a "suitable point of junction" (as expressed in the act), near Forest Grove to the Yam Hill River near McMinnville is twenty-seven and a half miles, making in all about one hundred and forty-four miles. Now, prior to the time limited for the completion of the road, May 4, 1876, this company had completed and equipped a road from Portland to a "suitable point of junction near Forest Grove," a distance of twenty miles; and it had completed and equipped the road from this "suitable point of junction," near Forest Grove to Yam Hill River near McMinnville, a distance of twenty-seven and a half, making in all forty-seven and a half miles. All of this completed road was accepted by the Secretary of the Interior in pursuance of section 3 of the granting act, and patents were ordered to be issued. All this was done prior to the time limited for the completion of the road. The rest of the road from Forest Grove to Astoria, a distance, I believe, of some ninety-seven miles, was never completed; that we admit.

Now, what the minority of the committee contend for is that the grant along the line of the road which was completed in time ought not to be forfeited. That the grant from Forest Grove to Astoria, some ninety miles, ought to be forfeited we freely admit. But we contend under the law, and we are willing to stand by what we regard as the strict letter of the law, that from Portland to Forest Grove and from Forest Grove to McMinnville there ought not, either in law or in equity, to be a forfeiture.

Mr. Speaker, I think that my honored colleague on the committee, the gentleman from Illinois [Mr. PAYSON], was a little disingenuous the other day in his illustrations. I understood him to say that the status of this railroad company under this grant was as if a company should be chartered to build a road from this Capitol to Georgetown, with certain privileges to be granted to the company for building such a road; and the company, after extending its road to Seventh street, should decide not to go farther toward Georgetown, but to run up to the Patent Office; in other words, the company constructs a road from the Capitol building to Seventh street, from Seventh street to the Patent Office, and there stops. I think the gentleman gave that as an illustration.

Mr. PAYSON. Will the gentleman allow me to correct him? I know it is not his desire to misinterpret what I said.

Mr. VAN EATON. Certainly not. I have stated what I understood the gentleman to say.

Mr. PAYSON. My illustration was this: If a contract were made with a company to build a railroad from this Capitol to Georgetown with a branch up Four-and-a-half street to the City Hall, and the company, after building its road on Pennsylvania avenue to Four-and-a-half street and up Four-and-a-half street to the City Hall, should then for purposes of its own abandon the project of building the road from Four-and-a-half street to Georgetown, but instead should go on and extend its road to Baltimore and then come in and demand compensation under the contract for building the road from the Capitol to the City Hall, it would not have any claim on legal grounds to compensation. That was my illustration; and that is this case precisely, as I will demonstrate.

Mr. VAN EATON. The gentleman's present explanation, as I understand it, is not much better than his original illustration. Now, let us come to the law of the case, and I can state it very briefly. The first section of the act provided that—

> For the purpose of aiding in the construction of a railroad and telegraph line from Portland to Astoria—

Now, mark the language—

> and from a suitable point of junction near Forest Grove to Yam Hill River, near McMinnville, in the State of Oregon, there is hereby granted.

Now, I contend it was just as much the purpose of this grant to have the road built from Portland to Forest Grove and from a suitable point of junction near Forest Grove to McMinnville as it was to have the road built to Astoria.

Mr. LORE. Was not the road from Forest Grove to McMinnville a branch and the other the main stem?

Mr. VAN EATON. Undoubtedly that was true.

Mr. GEORGE. Let me correct the gentleman. The word "branch" does not occur in the original act.

Mr. VAN EATON. Very well; then I will take back the admission. I take it for granted, however, that the main line was from Portland to Astoria; and I repeat it was just as much the purpose of the granting act that this road should go to Forest Grove and from Forest Grove to McMinnville as that it should go to Astoria.

Now, Mr. Speaker, it is not necessary for us to split straws about the construction of a forfeitable grant or the effect of a non-performance of a condition-subsequent. It does not seem to me it is necessary to quote the Touchstone, or Blackstone, or anything of that sort to bring home to men's minds the simple elementary principles of the law. We all agree to these things, but the point that the minority makes is this: that this is not an entire contract, subject to the conditions spoken of in the argument of the majority of the committee. There is a section that makes it, in our minds, not an entire but a divisible contract.

What is the language of the act in this regard? Section 3 is as follows:

> SEC. 3. *And be it further enacted*, That whenever and as often as the said com-

pany shall complete and equip twenty or more consecutive miles of the said railroad and telegraph the Secretary of the Interior shall cause the same to be examined, at the expense of the company, by three commissioners appointed by him; and if they shall report that such completed section is a first-class railroad and telegraph, properly equipped and ready for use, he shall cause patents to be issued to the company for so much of the said granted lands as shall be adjacent to and conterminus with the said *completed* [completed] sections.

I contend, Mr. Speaker, that this section takes this act out of the operation of the general principles of the law governing conditions-subsequent in the case of an entire contract.

The facts in connection with this, I will say to the House, are that this forty-seven miles from Portland to Forest Grove and from Forest Grove to McMinnville are completed in sections of twenty miles, were notified to the Interior Department, were examined, were certified by that Department, and are now liable to be patented. All that has been done, and having been done, we contend there is no power, legislative, executive, or judicial, that can rob this road of that much of this granted land.

Mr. Speaker, it seems to me that is decided in the case of Van Wyck *vs.* Kneavals. I will run rapidly through that case, as some members may not be familiar with it. That was a grant of land to a railroad company. It was provided that when the map of definite location was filed in the office of the Secretary of the Interior the lands along that line should be withdrawn. On a certain day the map of definite location was filed. A few days afterward there issued from the Commissioner of the General Land Office a notification of that fact to the local land office, and there was a withdrawal of the granted lands from sale. After the filing of the map and withdrawal, but before notice thereof had been received at the local land office, Van Wyck went there and entered these lands, which were afterward in controversy, and they were patented to him in the following November. Kneavals bought the same lands from the railroad. He filed a bill in equity to have the title of Van Wyck set aside as a cloud on his title. The whole question was argued and finally decided in the Supreme Court. The lawyers in the House will remember it was finally decided as to when the right and title of the railroad commenced; that it commenced at the time of filing the map; and although Van Wyck entered the land at the local land office before they knew anything about it, yet it was held that the filing of the map of definite location in Washington conveyed the right to the company. In that case there was a provision almost identical in language with the one here in controversy.

Mr. LEWIS. Will my friend permit me to interrupt him?

Mr. VAN EATON. Certainly.

Mr. LEWIS. Does not that act limit the right of reverter to the lands that were not patented?

Mr. VAN EATON. That question is sufficient evidence to my mind that my friend from Louisiana has not read this decision of the Supreme Court.

Mr. LEWIS. I have read it.

Mr. VAN EATON. I will read it for the gentleman again. Here is what the court said. Now bear in mind the facts which existed, and then let us see what relation they have to the decision of the court.

The defendant [Van Wyck] having failed to establish the validity of his own title, attacks the right of the company to the lands covered by the grant.

Now I shall proceed with the argument, and also answer my friend from Louisiana at the same time. I wish to ask again that the House will bear in mind the facts, and I will begin again to read this decision, because it is an important one in this connection.

The defendant having failed to establish the validity of his own title, attacks the right of the company to the lands covered by the grant, alleging that the company never completed—

Now mark how pat that comes in with the argument on the other side—

alleging that the company never completed the construction of the entire road for which the grant was made; that after filing its map with the Secretary of the Interior it changed for part of the distance the route of the road, and that it never complied with the conditions of the laws of Nebraska for the extension of its road within the limits of that State.

Now I call attention further to the language of this decision:

We do not deem these objections when considered with the facts on which they are based as having any force. There is to them a ready and conclusive answer. Assuming that the Burlington and Missouri River Railroad, with which the company's road connected, was not, as averred by the complainant, a branch of the Union Pacific Railroad, and that, therefore, the company's proposed road was not entirely completed, the fact remains that the company constructed a portion of the proposed road, and that portion was accepted as completed in the manner required by the act of Congress. Patents for some of the adjoining sections were accordingly issued to the company, and a right to all of them not specially reserved by the condition of the grant vested in it. So far as that portion of the road which was completed and accepted is concerned, the contract of the company was executed; and as to the lands patented, the transaction on the part of the Government was closed and the title of the company perfected.

It is not disputed that the same facts as to the completion of a portion of this road prevail here. But mark the concluding language of this paragraph:

The right of the company to the remaining odd-numbered sections adjoining the road completed and accepted, not reserved, is equally clear.

That is exactly our case. We are contending just exactly for the lands lying along the line of the completed section of the road. Everything in this case has been done now excepting the grant of the patents.

Mr. COBB. Now, if you read over at the beginning of the decision you will find the act quoted itself, and that is a very different one from the act under which we are now operating. Just read it.

Mr. VAN EATON. Very well; with pleasure:

The third section provides that the lands granted shall inure to the benefit of said company as follows: When the government of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the Secretary of the Interior shall issue to said company patents for so many sections of said land hereinbefore granted as lie opposite to and conterminous with the said completed sections.

Mr. COBB. Now read on.

Mr. PAYSON. Read on page 362 the last proviso in the act.

Mr. COBB. That is what I want.

Mr. VAN EATON. I was coming to that in a moment. I will now read it:

Provided further, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

Mr. PAYSON. Is not that a limitation upon the power of reverter to the unpatented lands?

Mr. VAN EATON. I will refer to that in the course of my remarks. I admit that the same language is not found in this act now under consideration, but I do not see how any man, how any lawyer can find any necessity for that language in order to reach the conclusion of the minority when under section 3 it is positively provided that whenever and as often as twenty miles are completed patents shall issue.

Mr. HEWITT, of Alabama. And that decision is based upon the force and effect of the third section, which is not a limitation upon the grant.

Mr. VAN EATON. I thank the gentleman from Alabama for calling my attention to that fact. In that decision they do not say a single word about the last clause, to which gentlemen have called attention, and which I have read. They base their decision upon the fact that it is provided that whenever (in that case) ten miles of the road are completed in a satisfactory manner they shall have a certificate issued for the patents of the lands.

Mr. PETERS. As a matter of fact, as between individuals, when the twenty miles were completed, could not one party have a mandamus issued to compel the other party to issue a patent?

Mr. VAN EATON. I think there can not be a reasonable doubt of that. When the condition is fulfilled by one party the other party is bound to do his part. I think the gentleman from Kansas [Mr. PETERS] is right, that when the grantee does do that which is set forth in the grant or contract he can force the grantor to do just exactly what is nominated in the bond. We contend for that and we contend for nothing more.

Something was said in the course of the argument about the force of a patent. Now, it is true that these lands have not been patented. It is also true, and is admitted in the report of the majority, that everything else has been done except the issuance of the patents. It is also true that, in consequence I presume of this threatened forfeiture, patents have not issued. But what do the Supreme Court say on that subject? Why, sir, in Stark *vs.* Starr (6 Wallace, page 418) they say:

The right to a patent once vested is equivalent, as respects the Government dealing with public lands, to a patent issued.

The patent is nothing more than the evidence of title. It is not the title. The title in all these railroad grants vests conditionally as soon as the law is passed. The grant has definite location when the map is filed. The patent is nothing but the paper evidence; a convenient form of record evidence, to which in this case the road was entitled whenever twenty miles were completed; it is no higher title. Further, the Supreme Court say in 97 United States Reports, page 565, in Barrey *vs.* Dolph:

When the right to a patent once becomes vested in a settler under the law it was equivalent, so far as the Government was concerned, to a patent actually issued. The execution and delivery of the patent after the road is complete are mere ministerial acts of the officer charged with the duty.

When we find a law as plain in its provisions as this section 3, that whenever and as often as twenty miles of this road shall be completed and the Secretary of the Interior by the means provided shall be satisfied it is properly completed in all respects according to the law, according to the contract, according to the very letter and spirit of the bond, and when we find that the Department charged with judging of this is satisfied and orders the patent to be issued, I say I can come to no other conclusion than that this road has complied with the conditions as to the completed portions.

One word more. The chairman of the committee in his argument said that mortgagees and others might possibly lose rights and titles, but that they could not blame the Government in that case; there was the law, and it is a well-known principle of the law that the mortgagee could take no greater right than the grantee had. That is all true. It is not necessary to read authorities to prove that. The gentleman said, "Go and read the law." I say if any man out there contemplating the buying of that land should read this third section and should

then satisfy himself the road was completed, or that the twenty-mile section was completed—that it had been examined, proved up, accepted by the Interior Department, and patents ordered to issue—when he read all that and found all that out, he certainly would be misled if after all we come in and say, "It makes no difference; you should first read the law and understand it better; the courts have so decided; the law does not so read."

In conclusion, while I am as anxious as any one to forfeit all these lands that ought to be forfeited, I say notwithstanding it may have been an injustice to the people and a wrong to vote these lands in the first place, yet as great a government as this, as grand a government as this, can not afford to play fast and loose; can not afford to grant land one day and, after rights have vested, come in and take it away from the grantee another day. I contend the minority in this case are fortified in their position by all rules of law and decisions of the courts.

I yield twenty minutes of my time to the gentleman from Missouri [Mr. BROADHEAD].

Mr. BROADHEAD. In what I have to say upon this question I shall argue the case as if I were addressing a court of justice on the construction of this statute; because, whatever action may be taken by the Congress of the United States in reference to this question, it must ultimately come before the courts of the country to determine whether there was a ground of forfeiture. True it is that when there is a grant upon a condition subsequent and that condition fails the grantor must either enter or signify his intention to enter; but whether he has a right to enter is the judicial question which is to be determined by the courts of the country; and I will argue this question as if I were arguing a case before the courts when the question should come up.

This statute of May 4, 1870, is the conveyance by which the Government of the United States granted upon certain conditions lands to the Oregon Central Railroad. This act contains six sections. But the gentlemen favoring the majority report have argued this case as if it contained but two sections, the first and the last. Whatever may have been the decisions of the courts in reference to other statutes of a similar character, I find upon an examination of this and other cases that each statute must be interpreted by itself; and the question that arises above all other questions is the question of the intention of the law-making power at the time of the enactment of this law. Whether a grant *in præsenti* or a grant *in futuro*, the question which covers all other questions is what was the intention of the Congress of the United States at the time they passed this law?

That must govern, irrespective of any of these decisions, and I think I can show what the intent was, and that the position taken by the minority of the committee in this case is not inconsistent with any of the decisions of the courts upon similar questions. The first section makes the grant. The last section declares—

That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years, from the same date.

Gentlemen contend that this section creates an absolute forfeiture if the whole road is not completed within six years. I say that if the first and last sections of the granting act had been the only sections in the act, then gentlemen would undoubtedly have been right in their position. But what is the meaning of the other sections of the act?

The gentleman from Indiana [Mr. COBB] says that the last section of the act is the last expression of the legislative will. This is the first time that I ever heard that the last clause in a deed or the last section in an act could have any greater legal effect or meaning than any other section or clause. The whole is a contemporaneous act and all the parts are to be taken together and construed together. If there had been a subsequent act passed by Congress at a subsequent date, that would have been a later expression of the legislative will and would be controlling; but where it is a part of the same act, then all the sections of that act must be taken together.

The gentleman who has just taken his seat [Mr. VAN EATON] has referred to the provisions of the third section of the act. I will read that section, and although I may travel over in part the same ground that he has traveled over, there is but one road to truth.

Mr. COBB. Will the gentleman permit me a moment?

Mr. BROADHEAD. Certainly.

Mr. COBB. The gentleman has alluded to a statement or expression of mine which I made the other day.

Mr. BROADHEAD. Yes; the other day.

Mr. COBB. I said this, or meant to say it, and I think I did, that if there was a conflict between a preceding section and the last section of a law the last section might be regarded as the latest expression of the legislative will.

Mr. BROADHEAD. Perhaps I was mistaken. The true rule is——

Mr. COBB. You must take the whole act together; there is no doubt about that.

Mr. BROADHEAD. You must take the whole act together, having reference to the same subject-matter.

Mr. COBB. But if there is a conflict between the different sections of that act which you can not reconcile without giving greater force to the last section than to the first, second, or third section, as the case may be, then in that event you take the last section as the expression of the legislative will.

Mr. BROADHEAD. That may be; but I think the sections of this act can be easily reconciled. I will read the third section:

That whenever and as often as the said company shall complete twenty or more consecutive miles of the said railroad and telegraph, the Secretary of the Interior shall cause the same to be examined, at the expense of the company, by three commissioners appointed by him; and if they shall report that such completed section is a first-class railroad and telegraph, properly equipped and ready for use, he shall cause patents to be issued to the company for so much of the said granted lands as shall be adjacent to, and conterminous with, the said completed sections.

"Shall cause patents to be issued." Now, why cause patents to be issued? The gentleman from Indiana [Mr. COBB] says that there is no difference between the grant in the act and the issuance of the patents. I beg the gentleman's pardon; I differ with him in that respect.

Mr. COBB. The gentleman certainly misunderstood me.

Mr. BROADHEAD. I suppose you mean to say that the legal title passes as well by the granting act as by the patent.

Mr. COBB. Certainly; and I said that the patent only furnished a convenient evidence of title. That is the only difference I see between the grant and the patent.

Mr. BROADHEAD. The difference is a very broad one. Until the decision of the Supreme Court of the United States in the case of Gibson *vs.* Choteau (13 Wallace), that was the received opinion. But in that case the Supreme Court held, and that rule has been followed ever since, that the patent is the instrument by which under the law of Congress the title of the United States is conveyed; it is the Government conveyance. And upon that ground it was held that until the issuance of the patent the statute of limitations did not run; that the right of entry did not accrue until the issuance of the patent, although in that case there was a confirmation by the act of Congress.

Mr. COBB. That applies to the ordinary mode of issuing patents, not to a legislative enactment that vests the title, because the Supreme Court has decided in many cases that the act of itself can pass the title.

Mr. BROADHEAD. It amounts to this: that if you have a confirmation by virtue of an act of Congress which is fifty years old, and no patent has issued, although in that State the statute of limitations may be ten years, the adverse claimant can not plead the statute of limitations as against that confirmation when there has been no issuance of the patent. But when the patent issues the right of entry then commences, and if the right has existed for ten years it bars an action of ejectment, if that be the limitation prescribed by statute. That undoubtedly is the law, and in the case to which I refer there was a confirmation by act of Congress. Perhaps it is not material for this case for any other purpose except to explain the provisions of the act of Congress.

Then why cause the patent to be issued? It was because it was intended that so far as the Government was concerned the complete legal title should be passed to the grantee or the railroad company. Thereafter comes the fourth section, which provides in effect that this land so earned may be sold.

Now let us look at that fourth section:

That the said alternate sections of land granted by this act, excepting only such as are necessary for the company to reserve for depots, stations, side-tracks, wood yards, standing ground, and other needful uses in operating the road, shall be sold by the company only to actual settlers in quantities not exceeding one hundred and sixty acres, or a quarter-section, to any one settler, and at prices not exceeding $2.50 per acre.

Then the fifth section provides—

That the said company shall by mortgage or deed of trust to two or more trustees appropriate and set apart all the net proceeds of the sales of the said granted lands as a sinking fund to be kept invested in the bonds of the United States or other safe and more productive securities from time to time, and the redemption at maturity of the first-mortgage construction bonds of the company on the road, depots, stations, side-tracks, and wood yards, not exceeding $30,000 per mile of road, payable in gold coin not longer than thirty years from date, with interest payable semi-annually in coin not exceeding the rate of 7 per cent. per annum.

Now, as I take it, the construction of those two sections is this: that after twenty miles of road have been completed, and the Secretary of the Interior has received information in accordance with the provisions of the act that the law of Congress has been complied with, the Commissioner of the General Land Office is authorized to issue patents, passing to this company the absolute title to the alternate sections of land along the twenty miles of road thus completed; and after that the company could sell those lands upon two conditions: First, that they be sold only to actual settlers upon the land at a rate not exceeding $2.50 per acre; and, second, that the proceeds of the sale be reserved as a sinking fund to secure the payment of the construction bonds issued by the company upon the road and its appurtenances.

Now, whether this company has actually sold those lands or not, whether patents have been issued to it or not, matters not so far as regards the construction of the act. Patents ought to have been issued; and the company might have sold these lands thus patented to them. When twenty miles of the road had been completed according to the provisions of the act, when this company had done everything which, under the provision of the law, was required, the company was entitled to patents; and if this had been a contract between individuals, a court

of equity at the instigation of the grantee would compel the conveyance of a perfect title according to the conditions of the grant, those conditions having been complied with.

I say, then, the true meaning of this act is that upon the completion of each successive twenty miles of the road within the time specified patents must issue; and after those patents issue the lands may be sold; and the proceeds of those sales must be paid into the hands of trustees to secure the payment of the construction bonds issued upon the road.

Now, the Government of the United States having authorized the sale of these lands, if innocent purchasers have paid their money for these lands and that money has gone into the hands of trustees to secure the payment of the construction bonds of the railroad company, can the Government of the United States undertake to say that these lands have been forfeited to the Government and that these innocent purchasers must lose their money and lands also? Did the Congress of the United States intend any such thing in the passage of this act? I am not asking whether Congress would enforce so severe a construction, but we are now discussing the question, what did the Congress of the United States mean by the contract of conveyance contained in these six sections? We are to construe them as we would construe a conveyance between one individual and another. No other rules of construction are applicable in the case of the Government than those which prevail between individuals.

Mr. SCALES. I would like to ask the gentleman a question. Does he think that the patents which he says were authorized to be issued under certain circumstances were necessary in order to carry out that fifth section? Could not the lands have been sold, the funds deposited, and the trust executed just as well under this grant without the issue of patents?

Mr. BROADHEAD. No, sir; not so as to pass the perfect title. I take it that a settler upon the public lands in the Western Territories is a man of some business capacity; that he would not purchase a tract of land from a railroad company until the company could show him a title for the land he was about to purchase. The settler could see by looking at this act that patents must issue, and if patents had not issued he would naturally decline to make the purchase. I say no sensible man would purchase those lands from the company until they had been patented by the Government to the company. That is my answer to the gentleman's question. The company could sell an imperfect title, a claim, or any interest it had in the land, whether inchoate or complete; but what I mean is they could not pass a perfect title, and the law does not contemplate the sale on imperfect title.

But I insist that when we take the several provisions of this act together, the construction is that as each twenty miles of road was completed within the time specified the company was entitled under the provisions of the third section to have patents issued for the alternate sections of lands along the portion of the road thus completed. The conditions of the grant are then complied with as to that portion of the road, and the Government then passes the highest title which can be given for the land. If at the end of six years there remains any portion of the road uncompleted, so far as that portion of the road is concerned the grant is absolutely forfeited, because the conditions have not been complied with. In other words, the Government says, as each section of twenty miles of the road is completed, "We give you absolutely the title to the alternate sections, but as to so much of the road as is not completed the grant shall be forfeited and you get no more."

Why should we not look to the provisions contained in this section if not for the purpose of ascertaining the meaning of the grantor at the time this instrument was executed, this act was passed?

Mr. Speaker, wherever these railroad companies have failed to comply with the conditions of the grant I am just as much in favor of forfeiting the grants as any one. But the Government of the United States can not afford to do an act of injustice even to a railroad company. If there has been improvident legislation on this subject, if in years past those who controlled the legislation of this Government have made contracts with individuals or corporations which can not be violated without breach of good faith on the part of the Government, I say the fault does not lie at our doors. We are not responsible for such legislation, and we can not afford to do an act of injustice because some one else has committed an error.

Mr. HENLEY. I should like before the gentleman takes his seat to address him a question.

Mr. BROADHEAD. Certainly, sir.

Mr. HENLEY. I have been greatly impressed by the argument the gentleman has made. If the gentleman is right, that there are several insurmountable barriers to the forfeiture of this land grant—and he has stated them very well—if that be so, and nevertheless we go on and pass this act, I ask him who is hurt? The act then is a mere *brutem fulmen*. Then nobody is hurt. I put this further question to the gentleman. Suppose he is wrong, and it is a debatable question——

Mr. BROADHEAD. The gentleman asked me who is hurt if you pass the majority report?

Mr. HENLEY. Yes, sir; precisely.

Mr. BROADHEAD. I do not know what has been done with the land; I do not know whether it has been mortgaged or purchased by individuals or not; I do not know what the facts are in that respect.

Mr. HENLEY. But the gentleman's proposition is that an act of forfeiture passed by this Congress would amount to nothing. If that is so, how would the holders under the railroad grant or the railroad's grantee be hurt? I submit to the gentleman on the other hand, suppose he is wrong, and it is a debatable question, then by passing this forfeiture you give the Government a chance to go into court and litigate, which otherwise it would not have any opportunity to do.

Mr. BROADHEAD. Unquestionably the gentleman is right that nobody would be hurt. But why multiply litigation when we have before us a plain proposition which can be settled here? If it passes, the act will cause innumerable lawsuits between the settlers who hold the land and the Government.

Mr. HENLEY. A couple of millions of acres of land are worth a few lawsuits.

Mr. BROADHEAD. And nobody will be hurt when the court decides the act to be a nullity. But that is not the kind of legislation we should enact. We ought to pass laws which are efficient. The question is whether it would be a nullity or not, and if we are satisfied it would be nullity, then the legislation is useless and unwise. It would moreover throw a cloud on the title to the lands.

The SPEAKER. The gentleman from Mississippi has two minutes of his time left.

Mr. VAN EATON. I will reserve it for the present.

The SPEAKER. The gentleman from Illinois has thirty minutes of his time remaining.

Mr. PAYSON. Under the rule, it going over a second day, I am entitled to another hour.

The SPEAKER. Certainly.

Mr. PAYSON. I will yield now to the gentleman from Delaware.

Mr. LORE. Mr. Speaker, on May 4, 1870, the Congress of the United States granted to the Oregon Central Railroad Company public lands in the State of Oregon estimated at 1,500,000 acres, to aid in constructing a railroad and telegraph line "from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yam Hill River, near McMinnville, in the State of Oregon."

The grant included the usual right of way, necessary lands for depots, side-tracks, &c., also the alternate sections, designated by odd numbers, nearest said road, to the amount of ten sections per mile on each side of the road, with the usual provisions for indemnity if the Government should dispose of the odd sections which otherwise would have passed to the company.

The act also provided that whenever sections of twenty or more consecutive miles of the road and telegraph line should be completed, properly constructed, and equipped, the Secretary of the Interior, after examination, should cause patents to issue to the company for so much of the granted lands as should be adjacent to and conterminous with the completed sections.

Section 6 is as follows:

And be it further enacted, That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years from said date.

Portland is distant from Astoria, inland, one hundred and seventeen miles. From Forest Grove to the Yam Hill River, near McMinnville, is twenty-seven and a half miles, making the whole length of the road and its branch one hundred and forty-four and a half miles.

Before the expiration of the six years named in the act making the grant the company constructed a line of road from Portland westwardly toward Forest Grove about twenty miles, and thence southwardly to the Yam Hill River, near McMinnville, about twenty-seven and a half miles; in all, forty-seven and a half miles of constructed road practically on the line of the road proposed in the grant.

Twenty miles of the completed road from Portland to Forest Grove are on the main stem from Portland to Astoria; the remaining twenty-seven and one-half miles of completed road are on the branch leading from Forest Grove to McMinnville.

The bill now before the House proposes to revoke the grant of land, because the company has failed to perform the condition upon which it was made, having refused to build the remaining ninety-seven miles of road.

It will be observed that Astoria is in the extreme northwest corner of Oregon, at the mouth of the Columbia River, with a large body of unsettled land between it and the Williamette Valley in the south, hemmed in on the west by the Coast Range Mountains and on the east by the range separating it from the Columbia River.

To open up this land to settlement and improvement by means of a trunk line from Portland to Astoria, with a branch to McMinnville, was the intent of the grant. This purpose is somewhat apparent in the words of the original grant, but still more from the debate in the two Houses of Congress at the date of the grant, in May, 1870.

Mr. Smith, the Representative from Oregon in the Forty-first Congress, in discussing the act making the grant of land April 29, 1870, in this House, said he had introduced a bill to provide for constructing a road the whole length of the valley in a southerly direction (not in the direction of Astoria), and hoped to have passed it in that shape;

that the committee failed to report in favor of an extension of this branch southerly, and he accepted their report. That—

The Willamette Valley, which contains two-thirds of the population of the whole of Oregon, has no outlet to the sea but by the Columbia River. That river flows across the north end of the Willamette Valley. On the west, between that valley and the sea, a mountain range extends along the whole length; through this range of mountains to the mouth of the river we have no road of any kind; during the winter the river is often frozen, and we are then entirely cut off from all communication with the outside world. We have not a wagon-road, we have not a foot-path, we have not any means by which we can communicate with the sea when the Columbia River is frozen over. We want this road to give us an outlet to the sea at all seasons, and we want to open up this pass we have found through the mountains to the settlement.

Mr. Williams, the Senator from Oregon, said in the United States Senate February 2, 1870:

For twenty or thirty miles it (the proposed railroad) runs through a thickly settled country, the Willamette Valley, where nearly all the lands are taken and occupied by settlers; then it strikes the Coast Range Mountains. In these mountains there are lands that are valuable or would be valuable if persons settling upon them could have any access to market, but it is impossible for men to go upon these lands and cut down the timber and cultivate them and raise enough to pay for taking what they raise to market. It is to open up that country that this grant is asked.

And again, February 19, 1870, in reply to a question by Mr. Davis, he said:

The road is about one hundred miles in length; the branch about thirty miles.

Again the attorney of the company in his brief said on this point:

The line of road in aid of the construction of which this grant was made, though short, is one of vital interest to the people of Oregon, especially those of Northern Oregon, and it is only by the completion of the ninety-seven miles of uncompleted road that the vast interests, commercial, military, and otherwise, now rapidly developing at Astoria, near the mouth of the Columbia, can be brought into communication by rail with the great transcontinental road.

Astoria, the mouth of the Columbia; the military forts of Stevens and Canby; hedged in as they are on the Washington Territory side by almost impassable ranges of mountains, find their only hope of obtaining rail connection with the transcontinental line in the completion of this road. And it was this anomalous condition of affairs, in connection with the great cost of the construction of this road and the commercial and military necessities of the case, that led Congress, in 1870, to regard the building of this line as a national undertaking, and hence this grant in aid of its construction.

It is, therefore, clearly demonstrated that to open up the country from Portland to Astoria by a main stem of railroad connecting the two was the primary, if not the only, object Congress had in view in making the grant. Astoria, at the mouth of the Columbia, was the objective point. McMinnville was the terminus of a branch only, to connect with the main stem at Forest Grove. It is obvious, therefore, not only that the company accepted the grant on condition to complete the road in six years, but also on condition to carry out the purpose of the grant, to connect Astoria with Portland and aid in the development of the country on the main stem. Now, let us see how the company has complied with this condition.

The company completed the twenty miles of road from Portland to Forest Grove in three years, the time named in the grant. From this point, instead of extending the road along the main line toward Astoria in the northwest, the company turned southward on the branch, and in the next three years built twenty-seven and one-half miles to McMinnville, and all the means and resources of the company have been expended in that direction, in the extension of the southerly branch, exactly the opposite direction from that named in the grant. The control of the road passed first to the Oregon and California Railroad Company, then in 1881 to Henry Villard, the president of the Northern Pacific, who had previously secured control of all lines of railroad transportation in Oregon. From 1870 to 1883 repeated promises were made to the citizens of Astoria that the road would be built to that city in compliance with the grant of land. Whether these were intentionally delusive or not does not appear. That they were delusive in fact is painfully apparent.

In a letter of September 13, 1883, Mr. Henry Villard, the president of this road, to the Astoria Chamber of Commerce, distinctly repudiates the conditions of the grant, and uses this language:

I regret to say that the estimates of the cost of the line in question (ninety-seven miles of unfinished main stem to Astoria) now before me are so large that it will be impossible for the Oregon and Transcontinental Company, as lessee of the Oregon and California Railroad Company, to undertake its construction. We must, therefore, abandon the project.

For thirteen years Astoria had been sitting by the sea in the Northwest waiting the coming of the promised relief and deluded by false promises, only to be told at the end of that time that the project must be abandoned. This company not only refused to build the road itself in violation of its contract, but by possession of the granted land prevented others from building the same.

The Chamber of Commerce of the city of Astoria, in their memorial to this Congress asking the forfeiture of all the lands granted to the company, says:

That said grant was made on express condition that said railroad should be completed in six years from said date (May 4, 1870), and that said time expired more than seven years ago.

That portion of the railroad more easily constructed between Portland and McMinnville was built within the specified time, but since that time no part of the main line between Forest Grove and Astoria has been built, nor is it in process of construction.

That the president of the company now holding the grant has publicly declared his unwillingness to build the road.

We would further represent that the lands of this company are rich in timber, iron, and coal; that the cost of the proposed railroad is no excuse, and we firmly believe that the road would have been built many years ago if the grant had been held by persons whose interests were not against the building of the road, and would be built now if the land grant were only declared forfeited.

That the Oregon Central Railroad, built and to be built, is controlled by transfers and lease to the Oregon and Transcontinental Railroad Company, and the latter company is opposed to any extension of its system to Astoria.

That the continuance of the grant is acting as a barrier to the settlement and development of the country and its resources; and that it is also acting as a bar to the building of a railroad by any other company through the same section.

Joseph Gaston, first president of the Oregon Central Railroad, under date of December 4, 1883, says to Congress:

That the grant in the hands of its present owners is an obstruction to the construction of a railroad to Astoria and the development of the country. For if the grant was forfeited the country would be at once rapidly settled, and other railroad companies would build a narrow-gauge railroad, if not a more expensive one.

Memorials of over 2,000 citizens of Oregon, in the vicinity of the line, ask the forfeiture of the grant.

Oregon newspapers of recent date say:

Were the grant out of the way, the fall of 1885 would see Astoria in railroad communication with the remainder of the country. The road must run through the country covered by the present grant, and while arrangements could and possibly would be made to allow the building of the line, yet nothing but the forfeiture of the grant would insure the best results desirable from the enterprise.

The member from Oregon [Mr. GEORGE] on the floor of this House a few days since epitomized the reasons for the forfeiture of what he calls the unearned portions of the grant in the following forcible language:

Recognizing that one section of the State immediately interested was restless on account of the non-completion of the road, the fact that a large section was tied up from settlement and development; the fact that the Chamber of Commerce of Astoria, an enterprising and progressive city, directly interested, memorialized Congress for a forfeiture; the fact that petitions for forfeiture were pouring in from citizens of my State along the line of road and elsewhere; the fact that the president of the company had addressed a public letter to the Astoria Chamber of Commerce, saying that the company "must abandon the project;" the fact that the Legislature of the State at its last session memoralized Congress to forfeit the grant for reasons stated in the memorial; the fact that no one whom I have the honor to represent has ever expressed a wish to me to the contrary, I concluded to favor a forfeiture of the unearned part. It was with reluctance, however, I felt such must be the case.

A stronger arraignment of the company for failure to meet the conditions of the grant could hardly be made, and yet the member from Oregon [Mr. GEORGE] contends with his accustomed force and earnestness that what he terms the portion of land earned by the company shall be excepted out of the forfeiture and secured to the company; that is, that the company may keep all the land in the thickly settled portion of country from Portland to McMinnville, where the forty-seven and one-half miles of road have been completed by it at little cost, and forfeit only the wild and less valuable land from Forest Grove to Astoria along the ninety-seven miles of road they have not touched.

Can it be said in any proper sense that the company has earned any of the land? It could only so earn by meeting some of the conditions of the grant. What single condition has been met by this company?

It is not seriously contended, as I understand, that the company has a legal right to any of the land granted, but that it has a strong equitable claim for the land conterminous with the two completed sections of the road, because there have been built twenty miles on the main line from Portland to Forest Grove, and twenty-seven and one-half miles on the branch from Forest Grove to McMinnville, all of which is on the line of road prescribed in the grant; that therefore so much has been justly earned by the railroad company.

This would be just if the part so built had in good faith been constructed with the ultimate purpose of completing the road to Astoria, the end proposed by Congress; but if the forty-seven and one-half miles of road was so constructed to divert trade and development in another direction, and has since been used to prevent the people of Astoria from obtaining railroad communication with the McMinnville Valley and the people along the line of the proposed road from an outlet to the sea at Astoria, as is distinctly stated by them, then the grant has been used to defeat the purpose Congress had in view, and a great wrong and fraud have been perpetrated on Congress and the people of Oregon.

To state the proposition in plain terms, the company obtains the grant of land from Congress upon the express terms that it would open a highway through the wilderness from the Willamette Valley to Astoria; but after the land had been granted it not only refused to build the road itself, but so used the trust property as to deter other corporations and individual capital from undertaking the enterprise.

Such is the unequivocal declaration of the people of Astoria, of Mr. Gaston, the former president of the road, and the thousands of memorialists who are on the lands, and whose views have been expressed in their demands for the revocation of the grant. They unitedly ask that all the lands shall be forfeited.

With a modesty peculiar to corporations, the company claims to have earned the lands along the completed portions of its road, while disregarding every condition of the trust.

The people for whose immediate benefit the grant was made are a unit in demanding that the forfeiture shall be thorough and complete. The corporation stands alone in its demand for the land it claims to

have earned, and with singular assurance asks it as the reward for violating its trust.

Well may it be characterized as the frontier line of corporate assurance. The demand of the peope of Oregon for the forfeiture of this grant has been emphasized by the whole people of the United States.

In nothing is public sentiment so decided as in the demand that the public land shall be taken away from the corporations which either have not used or have abused the grants.

In the last thirty-four years Congress has given lands with princely liberality to States and corporations for railroad purposes.

The following table, gathered from the most reliable sources within my reach, shows all such grants from the first grant to the Illinois Central Railroad Company, September 20, 1850, to the present time, giving the State and corporation to which the grant was made, the date of the act of Congress, and the estimated number of acres in each grant:

Table showing grants of land to States to aid in the construction of railroads.

State.	Name of road.	Date of act.	Acres.
Illinois	Illinois Central and Mobile and Chicago.	Sept. 20, 1850	2,595,053
Mississippi	Mobile and Ohio	Sept. 20, 1850	1,004,640
	Vicksburg and Meridian	Aug. 11, 1856	404,800
Alabama	Mobile and Ohio River	Sept. 20, 1850	230,400
	Alabama and Florida	May 17, 1856	419,520
	Selma, Rome and Dalton	June 3, 1856 May 23, 1872	481,920
	Coosa and Tennessee	June 3, 1856	132,480
	Mobile and Girard	June 3, 1856	840,880
	Alabama and Chattanooga	April 10, 1869	897,920
	South and North Alabama	June 3, 1856 Mch. 3, 1871	576,000
Florida	Florida Railroad	May 17, 1856	442,542
	Florida and Alabama	May 17, 1856	165,668
	Pensacola and Georgia	May 17, 1856	1,568,729
	Florida, Atlantic and Gulf Central	May 17, 1856	183,153
Louisiana	North Louisiana and Texas	June 3, 1856	610,800
	New Orleans, Opelousas and Great Western.	June 3, 1856 July 14, 1877	967,840
Arkansas	Saint Louis, Iron Mountain and Southern.	Feb. 9, 1853 July 28, 1866 May 6, 1870	1,160,667 1,040,000
	Little Rock and Fort Smith	Feb. 9, 1853 July 28, 1866 April 10, 1869 Mch. 8, 1870	550,525 458,771
Missouri	Hannibal and Saint Joseph	June 10, 1851	781,944
	Pacific and Southwest Branch	June 10, 1851	1,161,235
	Saint Louis and Iron Mountain	Feb. 9, 1853	219,262
	Saint Louis and Iron Mountain	July 4, 1866	640,000
	Saint Louis and Southern	July 28, 1866	182,718
Iowa	Burlington and Missouri River	May 15, 1856 June 2, 1864 Feb. 10, 1866	948,643
	Chicago, Rock Island and Pacific	May 15, 1856 June 2, 1864 Jan. 31, 1873	1,261,181
	Cedar Rapids and Missouri River	May 15, 1856 June 2, 1864	1,298,739
	Iowa Falls and Sioux City	May 15, 1856	1,226,163
	Dubuque and Sioux City	June 2, 1864 Mch. 2, 1868	550,468
	Des Moines Valley	Aug. 8, July 12, 1862	569,001
	Chicago, Milwaukee and Saint Paul	May 12, 1864	183,903
	McGregor and Missouri River	May 12, 1864	1,536,000
	Sioux City and Saint Paul	May 12, 1864	524,800
Michigan	Port Huron and Lake Michigan	June 3, 1856	312,384
	Jackson, Lansing and Saginaw	June 3, 1856 June 3, 1856	1,052,469 586,828
	Grand Rapids and Indiana	June 3, 1856 June 7, 1864	629,182 531,200
	Marquette, Houghton and Ontonagon.	June 3, 1856 Mch. 3, 1865	552,515 128,000
	Chicago and Northwestern	July 5, 1862	564,480
Wisconsin	Chicago, Saint Paul and Minneapolis	June 3, 1856	999,983
	Saint Croix and Lake Superior Branch to Bayfield.	June 3, 1856	524,714
	Saint Croix and Lake Superior Branch to Bayfield.	May 5, 1864 May 5, 1864 May 5, 1864	318,737 350,000 215,000
	Chicago and Northwestern	June 3, 1856	600,000
	Wisconsin Central	May 5, 1864	750,000
	Wisconsin Railroad, Farm-Mortgage-Land Company.	June 3, 1856	40,049
Minnesota	Saint Paul and Pacific	Mch. 3, 1857	1,248,638
	Western Railroad	Mch. 3, 1857	1,475,000
	Saint Paul, Minneapolis and Manitoba.	Mch. 3, 1871 Mch. 3, 1873	2,000,000
	Minnesota Central	Mch. 3, 1857	643,403
	Winona and Saint Peter's	Mch. 3, 1857	1,410,000
	Saint Paul and Sioux City	Mch. 3, 1857	1,010,000
	Lake Superior and Mississippi	May 5, 1864	920,000
	Southern Minnesota	Mch. 3, 1857	56,336
	Southern Minnesota Extension	July 4, 1866	735,000
	Hastings and Dakota	July 4, 1866	550,000
Kansas	Leavenworth, Lawrence and Galveston.	Mch. 3, 1863	800,000
Kansas	Missouri, Kansas and Texas	Mch. 3, 1863	1,520,000
	Atchison, Topeka and Santa Fé	Mch. 3, 1863	3,000,000
	Saint Joseph and Denver City	July 23, 1866	1,700,000
	Missouri River, Fort Scott and Gulf	July 25, 1866	2,350,000
	Total		53,490,263

Table showing grants of lands to corporations to aid in the construction of railroads.

Corporations.	Date of act.	Acres.
Union Pacific Railroad Company	July 1, 1862	12,000,000
Central Branch Union Pacific	July 1, 1862	187,488
Kansas Pacific	July 1, 1862	6,000,000
Union Pacific, successor to Denver Pacific	Mch. 3, 1869	1,000,100
Central Pacific	July 1, 1862	8,000,000
Central Pacific, successor to Western Pacific	July 1, 1862 July 2, 1864 Mch. 3, 1865 May 21, 1866	1,000,100
Burlington and Missouri River	July 2, 1864	2,441,000
Sioux City and Pacific	July 2, 1864	60,000
Northern Pacific	July 2, 1864	47,000,000
Oregon Branch of Central Pacific	July 25, 1866	3,000,000
Oregon and California	July 25, 1866	3,500,000
Atlantic and Pacific	July 27, 1866	42,000,000
Southern Pacific	July 27, 1866	6,000,000
Southern Pacific Branch Line	July 25, 1868 Mch. 3, 1871	3,520,000
Oregon Central	May 4, 1870	1,500,000
To corporations		137,208,688
To States		53,490,263
Total		190,698,951

These grants aggregate 300,000 square miles, or over 190,000,000 acres of land: an area so vast that great empires dwarf in the contrast. Out of this vast domain you could carve two hundred and forty States of the extent of Rhode Island, with her 1,250 square miles; one hundred and fifty States of the size of Delaware, with her 2,000 square miles; seven States like Pennsylvania, with her 45,215 square miles; four and one-half times as large as all the New England States (Maine, 33,040 square miles; New Hampshire, 9,305 square miles; Vermont, 9,565 square miles; Massachusetts, 8,315 square miles; Rhode Island, 1,250 square miles; Connecticut, 4,990 square miles), 66,465; three times as large as the great States of New York (49,170 square miles), Pennsylvania (45,215 square miles), and New Jersey (7,815 square miles), 102,200; one and a half times as large as the great German Empire, with 208,624 square miles; nearly three times as large as Great Britain and Ireland, which have 121,571 square miles, and nearly equal in extent to the thirteen original States, which only contain 325,065 square miles. These gifts vary all the way from 40,000 to 47,000,000 acres.

It is not, therefore, a subject of wonder that public sentiment crystallized in opposition to these enormous donations, and that for more than ten years no further grants have been made.

In the last decade public attention has been especially directed to the use made of these land grants by the respective corporations and States. The people are thoroughly aroused, and demand that no halt shall be made until the Government has her own back again. The people of Yakima City, Wash., have so clearly expressed this sentiment in respect to the Northern Pacific Railroad, one of the largest beneficiaries of these land gifts, that I incorporate their declarations to-day in these remarks. They are extracted from the columns of the Seattle Daily Post-Intelligencer, published in Seattle, Wash.:

[Seattle (Wash.) Daily Post-Intelligencer, April 24, 1884.]

FORFEITURE IN YAKIMA COUNTY—STRONG RESOLUTIONS EXPRESSIVE OF POPULAR SENTIMENT.

The citizens of Yakima County held a meeting in the court-house at Yakima City last Saturday, to give expression to their views on the great question now agitating the people of this Territory—the forfeiture by Congress of the Northern Pacific land grant. Many speeches were made and but one sentiment was brought out, to wit, in favor of the immediate and unconditional forfeiture of all lands not earned in exact accordance with the terms of the granting act. Among the speakers were Judge Beck, Mayor Gervais, Hon. Edward Whitson, County Surveyor Olmstead, County Auditor Peterson, Professor J. W. Miller, A. J. McDaniel, Timothy Lynch, J. T. Simmons, W. F. Jones, William Stewart, George W. Goodwin, and J. B. Reavis.

The preamble and resolutions, adopted without a dissenting voice, read as follows:

"On July 2, 1864 (nearly twenty years ago), Congress granted to the Northern Pacific Railroad Company an immense strip of public land extending from Lake Superior westward across the continent, and also a strip of land extending along what is known as the Cascade branch road, in Washington Territory, in addition to that opposite the main line. In this way the aforesaid railroad company has been enabled to hold, as with an iron grasp, nearly one-half of the public land of this Territory. At the time this grant was made by Congress the northwestern country was a wild and comparatively uninhabited region about which there was but little general information, and the design of the grant was to encourage a company of railroad-builders to go forth as the forerunners of civilization, and enable settlers to reach this country without being exposed to the dangers and hardships incident to crossing the plains in wagons.

"It is now very generally conceded that it was an error on the part of Congress to grant the public land to corporations under any circumstances whatever; but had the railroad company complied with its part of the agreement and supplied the desired thoroughfare within the time specified, there would have been at least some compensation for the erroneous and wrongful act. It seems apparent, however, that the managers of the Northern Pacific Company (or at least a majority of them) were irresponsible speculators, who possessed neither the requisite sagacity nor honesty of purpose, nor sufficient means or credit for carrying out their undertaking. The great aim appears to have been to speculate in lands, and town-sites, and stocks, and secure extensions of time from Congress and other favors from the Government Land Department.

"In the mean time thousands of home-seeking immigrants have toiled across the broad and thirsty plains, and, braving the dangers and enduring the hardships of frontier life, have converted the wilderness into productive farms. With-

out any assistance from the Northern Pacific Railroad (which has not yet been completed) these immigrants have rescued the great Northwest from roaming beasts and savage men, not as with the magic staff of Moses or the fabled spear of Ithuriel, but with plow and scraper and with reeking toil they have tapped the reluctant waters at their source, and by constructing irrigating ditches for many miles over barren wastes they have converted deserts into fields and gardens; and in doing this they have been forced to fertilize railroad lands and enhance their value in order to reach Government lands lying beyond. They have built handsome school-houses, and children that were unborn when the Northern Pacific grant was made have been educated in these school-houses, have graduated from colleges, have married and now have children of their own; and still the Cascade branch is not constructed!

"Villages have grown into cities, and many of their sturdy founders have long since grown weary waiting for the construction of the subsidized railroad and have been gathered unto their fathers in the great continent of eternity—a continent which we have reason to hope is not traversed by unearned land grants like those of North America—a continent wherein there are no railroad sections reserved from occupancy and no false promises of early transportation facilities to kindle false hopes or vex their dreamless sleep. The lands along the proposed Cascade branch road have not been earned, and at this late day the circumstances are such that these lands never can be earned by the simple construction of a railroad. They have been greatly enhanced in value, and this enhancement represents twenty years of toil and hardship on the part of struggling frontiersmen.

"Our cultivated farms, our school-houses, our churches, our local railways, our villages and cities, and the ascending smoke from a thousand furnaces and factories and mills, proclaim to the world that the great Northwest has been transformed from a wilderness without the presence or assistance of the Northern Pacific Railroad, which, be it remembered, is not yet completed. Indeed, it might be easily shown that the railroad land grant has operated to retard rather than to advance the development of this Territory, and that the presence of this grant is now and has been for many years standing in the way and preventing the construction by other companies of much-needed thoroughfares. It is also a fact, we think, that for several years past the late president of the Northern Pacific Company (who was also president of and stockholder in a rival railroad down the Columbia River) has been under pledge to his associates in the rival road not to build the Cascade branch road until forced to do so by action of Congress or by threatened construction of a road across the Cascade Mountains by some other company. In view of these and many other facts which might be set forth, tending toward the same conclusion:

"*Be it resolved*, That we earnestly petition Congress in favor of an absolute and unconditional forfeiture of all lands not lawfully or justly earned by the Northern Pacific Company and prompt restoration of said lands to the public domain.

"*Resolved*, That the public lands of the United States belong of right to the people; that any and all legislation which tends to place these lands in the hands of speculators or landlords is injurious to the public welfare and ought to be discouraged; that the recognition or toleration of a forfeited grant where the road, after long delay, has not been constructed (as in this case), is even less justifiable or right than was the original grant; that in forcing settlers for many years to pay double minimum price for their pre-emption claims, in order that the Government might be reimbursed for lands wrongfully granted away, was an injustice on the part of Congress toward those who till the soil, and that this is especially true where Congress has failed to in turn force the railroad company to supply the transportation facilities and other advantages for which settlers have been thus compelled to pay; that the continued withholding of half the lands of this country from acquisition and taxation is imposing an additional burden upon the public which should be speedily removed by restoring all unearned railroad lands to the public domain; and that it is the sense of the people of Yakima County, in mass-meeting assembled, that the desired railroad across the Cascade Mountains, between Eastern and Western Washington Territory, will be more speedily constructed by opening the field to competition and by opening the entire country to occupancy and development."

After the above resolutions had been adopted remarks were made by several gentlemen complimentary to the Yakima Signal, and, on motion, the following resolution was unanimously adopted:

"*Resolved*, That the thanks of the public are due to the Yakima Signal for its constant, able, and fearless championship of the people's rights, and that it deserves and should receive liberal support; and that we also recognize with pleasure and approval the editorial course of the Goldendale Sentinel, the Dalles Times-Mountaineer, the Walla Walla Journal, the Seattle Post-Intelligencer, and that of all other journals now doing battle for the rights of the people."

The Committee on Public Lands of this House has simply voiced public sentiment in the several bills reported by it—forfeiting every grant which has not been used for the purposes named in the original gifts. In this way it is believed over 100,000,000 acres of land now tied up in corporate hands will be opened up to homestead, pre-emption, and development.

I am not insensible to the fact that these grants have aided in some cases in building roads and developing regions of country more speedily than otherwise would have occurred; that under such stimulus the 9,021 miles of railroad in 1850 grew to 114,000 in 1883; that transcontinental lines have crossed the continent from east to west and stretched out branches to the north and south, among the mountains and over the prairies; that along these lines have sprung up like magic towns and cities teeming with hardy pioneers and abounding in the vigorous life and wealth of a great and prosperous people.

It must, however, be borne in mind that these grants have developed some of the most disgraceful and gigantic frauds of modern times, smirching many honored names, and bringing under public obloquy men who would otherwise have been useful and honored servants of our great commonwealth. Through their instrumentality the public Treasury has been robbed of millions of dollars, and great railroad magnates have acquired fortunes so colossal as to rival the richest princes of the Old World. A chosen few control the stocks and bonds of the great railroads of the land. At their will such securities fluctuate so that the financial panics, contractions, or inflations are practically as the few decree, while the many small holders are left in helplessness, often in ruin.

These great corporations, donees of Government bounty in the gift of millions of acres of our richest lands, have developed a feverish tendency in others to acquire vast tracts in our limits for speculative purposes, to the great detriment of the masses.

Following this example, foreign capitalists have bought up within a few years more than 20,000,000 acres of our public lands in tracts varying from 5,000 to 4,500,000 acres each, and in some cases have inclosed and appropriated vast tracts without right as leviathan squatters. I annex a list of a few of America's foreign landlords, and the amount of their holding expressed in acres:

An English syndicate, No. 3, in Texas	3,000,000
The Holland Land Company, New Mexico	4,500,000
Sir Edward Reid, and a syndicate in Florida	2,000,000
English syndicate, in Mississippi	1,800,000
Marquis of Tweedale	1,750,000
Phillips, Marshall & Co., London	1,300,000
German syndicate	1,100,000
Anglo-American syndicate, Mr. Rogers, president, London	750,000
Byran H. Evans, of London, in Mississippi	700,000
Duke of Sutherland	425,000
British Land Company, in Kansas	320,000
William Whalley, M. P., Peterboro, England	310,000
Missouri Land Company, Edinburgh, Scotland	300,000
Robert Tennant, of London	230,000
Dundee Land Company, Scotland	247,000
Lord Dunmore	120,000
Benjamin Newgas, Liverpool	100,000
Lord Houghton, in Florida	60,000
Lord Dunraven, in Colorado	60,000
English Land Company, in Florida	50,000
English Land Company, in Arkansas	50,000
Albert Peel, M. P., Leicestershire, England	10,000
Sir J. L. Kay, Yorkshire, England	5,000
Alexander Grant, of London, in Kansas	35,000
English syndicate (represented by Close Brothers) Wisconsin	110,000
M. Ellerhauser, of Halifax, Nova Scotia, in West Virginia	600,000
A Scotch syndicate, in Florida	500,000
A. Boysen, Danish consul, in Milwaukee	50,000
Missouri Land Company, of Edinburgh, Scotland	165,000
Total	20,747,000

In the absorption of land in large tracts and the growth of large landed estates the unaided settler has been crowded to the frontier and finds his single efforts a desperate struggle against corporate and combined foreign capital. Every day the small farmer finds it more difficult to live and meet his necessary expenses. It is a startling fact that in the decade from 1870 to 1880 small farms in the United States under fifty acres in extent have decreased in number 140,653, while large farms have increased in number 494,566.

The following table exhibits the number of farms of different sizes held in the United States and Territories in 1870 and in 1880 respectively:

Number of farms in United States in the census years 1870 *and* 1880.

	1880.	1870.	Increase. + Decrease. —
Total number of farms	4,008,907	2,659,985	+1,348,922
Under three acres	4,352	6,875	— 2,523
Three to ten acres	134,889	172,021	— 32,132
Ten to twenty acres	254,749	294,607	— 39,858
Twenty to fifty acres	781,474	847,614	— 66,140
Total decrease in the number of small farms in ten years			140,653
Fifty to one hundred acres	1,032,910	754,221	+ 278,689
One hundred to five hundred acres	1,695,983	565,054	+ 130,929
Five hundred to 1,000 acres	75,972	15,873	+ 60,099
From 1,000 acres up	28,578	3,720	+ 24,858
Total increase in the number of large farms in ten years			494,566

It will be noticed that the most marked increase is in the number of farms containing over 1,000 acres each, which were only 3,720 in 1870, but in 1880 numbered 28,578, reversing the previous order of our national growth, which had always theretofore been the dividing up of lands into smaller farms.

It is strikingly apparent from this table that our lands, like our railroad and corporation stocks and bonds, are gradually passing from the many to the few, and that the few are each year becoming richer and the masses poorer.

That this result is in a large measure the outgrowth of these colossal grants of land to corporations, and the use they have made of them, is to my mind apparent, and it is a fact beyond dispute, I think, that the legislation of the last twenty years has been in the interest of capital to a shameful extent; hence I hail with no slight degree of pleasure the determination of the people, expressed through Congress in these bills for the forfeiture of unused grants, that henceforth the public lands shall be kept for the people only, and that the millions of our own countrymen and such of the industrious immigrants from the Old World as may cast their lot in future with us shall find homes and farms on our fertile lands at a nominal cost; that the public lands shall always be open to homestead or pre-emption at the settler's pleasure, untrammeled and unembarrassed by grasping and speculative monopolists.

It is not our policy and should not be our practice to encourage monopolies or develop princely landed estates within our borders, but

rather to encourage the division of land among the many in small farms, making as many as possible of our citizens freeholders, independent and self-respecting.

These grants are helping us each day to engrave on the pages of our national history the lines of one of England's gentlest poets:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.
> Princes and lords may flourish, or may fade,
> A breath can make them as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroyed, can never be supplied.

These giant corporations to-day overshadow the land and mar the public weal, and are the danger threatening personal independence and individual prosperity in the near future. The people have not acted too soon. This is the initial contest in the battle to reclaim from them the lands they hold without right and against every principle of justice. They have employed the ablest counsel. Their paid agents and attorneys haunt the halls of the national Legislature. They have made the most ingenious arguments and are devising every expedient to hold these grants. They are using the very gifts of the Government against her in the struggle. The result is not doubtful. The people have determined, and what they will shall be accomplished. Let injustice be done to none, but to the people and for the people preserve that which has been bought with the common blood and treasure and that which is justly their heritage, their peerless public domain.

Mr. PAYSON. I now yield two minutes to the gentleman from Iowa [Mr. WELLER].

Mr. WELLER addressed the House. [See Appendix.]

Mr. PAYSON. Mr. Speaker, before moving the previous question, which I promise the House to do in a very few minutes, I ask its close attention for a short time to some propositions I desire to submit to the members in concluding the argument upon this case.

It was very properly suggested by the gentleman from Alabama [Mr. OATES] that this is the pioneer case on the question of the land-grant forfeitures, and, in view of that fact, that the utmost possible limit to the debate should be given. That has been done. This question has been before the House for a long time in order that members who had not investigated the questions involved as thoroughly as the members of the Committee on the Public Lands, having the subject in charge, might vote intelligently and understandingly upon the precise questions presented.

Whether or not a forfeiture of a railroad land grant should be declared by the Congress always involves two questions: First, the question of power, and that is a legal question; and second, the question of policy, or equity. That is to say, if the power exists, if there is the clear right on the part of Congress to resume the grant, would it be just and equitable under all the circumstances to exercise it? Cases may arise, indeed have arisen, where, under grants similar to the one now being considered, the railroad has been built in substantial compliance with the granting act, but out of time, on the faith of the grant, and fully accepted by the executive branch of the Government before any hostile legislation had been invoked, when it would be inequitable and unjust to interfere with the grant. While earnestly favoring the right of forfeiture, I should oppose interference in such cases, and I have stood upon that ground.

But here there has been no pretense of substantial performance; there has been an admitted abandonment of the general project. After years of control of the vast area of land withdrawn from sale and settlement to prevent others from building the road desired, acting from motives of personal interest purely to build where they chose rather than where Congress directed, the friends of this company on this floor ask us to make them a donation of 320,000 acres of land, under the pretense, baseless, as I hope to demonstrate, that by a partial construction of the road they have under the law "earned" these lands.

Now, divested of a good deal of verbiage connected with the subject, there are a few facts which are absolutely incontrovertible, and which so far in this discussion have not been denied. Primarily Congress made this great grant of upwards of three and a half million of acres of land to this railroad company with the distinct understanding and upon the express conditions that a railroad should be constructed from Portland, in Oregon, to Astoria, on the seacoast, as the terminal points; and that from a suitable point of junction near Forest Grove a branch line should be built to McMinnville, in the State of Oregon. I submit, sir, that that statement carries with it this proposition: That from Portland to Astoria a road was to be constructed which was intended to be the main line of a railroad to which the Government made this grant, and from a point at or near Forest Grove to McMinnville a branch line was to be constructed, because there could not be a point of junction unless there was first a road to join to.

As has been clearly shown by the gentleman from Delaware [Mr. LORE], that part of the line to McMinnville was always regarded as a branch, and the line to Astoria, one hundred and twenty miles long, as the main line.

The act in question makes the grant of these lands to aid in the construction of such a road. The third section provides for an inspection of the road in sections of twenty miles, the issue of patents for contiguous lands, and some other details; and the last section provided that the grant is on condition that the whole road shall be completed within six years.

That portion of the road to Forest Grove and McMinnville was built before the expiration of the time, but the balance of the road—Forest Grove to Astoria—has been abandoned.

Mr. OATES. Let me interrupt the gentleman for a moment. Is it the understanding of the House that the gentleman from Illinois at the conclusion of his remarks proposes to move the previous question?

Mr. PAYSON. That is my intention.

Mr. OATES. Then I hope the House will vote it down, because there are several gentlemen who desire to be heard further upon this important subject, and debate should not be limited in that manner.

Mr. PAYSON. Of course the House can do as it wishes in that respect. I shall move the previous question at the conclusion of my remarks, believing that the House will be fully informed upon the subject and prepared to vote. This road was to have been constructed, as I have said, from Portland to Astoria, to connect the seacoast with the interior town of Portland. The construction was begun. It was built up to or near Forest Grove, and then continued to McMinnville, but not as a terminal point; and for this reason (and about this there is no dispute as to the question of fact), for purposes of their own the company having control of the franchises desired to divert the line from the original location and connect with San Francisco, off to the south, rather than to go to Astoria, farther north on the seacoast. All the interests of the railroad magnates were centered at Portland. Mr. Villard had become connected with the road, and was the controlling spirit in the Northern Pacific Railroad Company. He controlled the Oregon Railroad and Navigation Company, and also controlled the Oregon and California Company, as well as the franchise of the company now under consideration.

Mr. GEORGE. Let me interrupt the gentleman for a moment. Are you not referring now to a period long since the earning of this land grant?

Mr. PAYSON. I am talking of a period when the abandonment of the line from Forest Grove to Astoria was determined upon for some reason by these parties.

Mr. GEORGE. Has that anything to do with the opening up and the construction of the forty-seven miles of railroad completed by the company?

Mr. PAYSON. I will come to that in a moment. It has, as I was proceeding to show. This road being in the possession of the men who controlled the franchise of another road, connecting farther south to San Francisco, they abandoned the line for which Congress made this grant to connect the road with another line, adopting a different route from that for which the grant was made, and abandoned the project for which Congress made the grant. I was somewhat astonished to hear the gentleman from Oregon interrupt the gentleman from Delaware in his remarks by referring to a letter showing that this line of road had been abandoned, and saying it was written when Villard was president of the Oregon and Transcontinental Company——

Mr. GEORGE. I said it was written while Mr. Villard was president of the Oregon and Transcontinental Company.

Mr. PAYSON. I say while Villard was acting as president of the Oregon and Transcontinental Company. I state what every schoolboy knows, that the Oregon and Transcontinental Company was the great octopus which had gathered into its arms all these corporations in the extreme Northwest; and the man who controlled the Oregon and Transcontinental Company was the man who had control of all these other enterprises. They were all subsidiary to that; and no man knows that better than the gentleman from Oregon. It was in response to a letter addressed to him by the Astoria Chamber of Commerce that he wrote a letter, a copy of which I hold in my hand, and which is printed in the report which I had the honor to make from the Committee on Public Lands, in which Villard states that owing to the amount of money required to complete this road, and he not being able to raise it, he abandons this project.

And that is the key, Mr. Speaker, to the action in another phase of the case of this railroad company. The part of the line which they built was the easiest and the cheapest which could be built. I have here the figures, which I have obtained from Poor's Railroad Manual. The road which they did build, including their terminal facilities, cost them $1,105,640, the cost of the forty-seven and a half miles being at the rate of $22,930 per mile. To construct the ninety-seven miles of road that Congress desired to have constructed and which they abandoned would have cost them had they gone on with it upward of $45,000 per mile. And so it was but like human nature that they should build the cheapest road, which gives them the best land, and abandon that which cost the most money. And then they come in and their friends claim here that this land ought to be given to them.

Mr. OATES. I desire to ask the gentleman from Illinois if he does not in his report quote a statement from the report of the Chamber of Commerce of Astoria that the lands from Forest Grove to Astoria are valuable lands?

Mr. PAYSON. Certainly they are valuable lands, but not the most valuable. The valley lands are the most valuable, and to have built that portion of the road would have cost them $45,000 a mile, and it

did not suit the purposes of the gentlemen having charge of the franchise to build it. Their interests centered at Portland and were connected with Huntington and his party at San Francisco. To build up Astoria would to that extent injure Portland, and therefore the wishes of Congress were overruled.

It was stated by the gentleman from Oregon on the first day this bill was up for discussion that the people out in that section did not demand the forfeiture of this entire grant. The statement thus made by him had great effect on gentlemen sitting in the portion of the Chamber where my seat is located. Now, nothing could tempt me to intimate that the gentleman from Oregon does not believe every word he says on the floor. But while he represents, as he believes, the interests of those people, he must permit me to say that he does not reflect their sentiments.

In the committee-room of the Committee on Public Lands are petitions signed by upward of three thousand of the people living along that line. I have upon the desk before me copies of those petitions, one of them signed by the former president of this company, in which they pray and ask this Congress at once to forfeit and return to the public domain the entire land grant of the Oregon Central Railroad Company. And I assert, Mr. Speaker, that there has never come a petition to the Committee on Public Lands to which my attention has ever been called that asked for anything else than the forfeiture of this entire land grant. If there is any gentleman upon the committee within the sound of my voice who has different information I would be glad to yield to him for a moment.

Mr. GEORGE. Will the gentleman yield to me for a moment?

Mr. PAYSON. Yes, sir.

Mr. GEORGE. These same petitions were prepared by the Astoria Chamber of Commerce; and while there is some ambiguity in the language, yet at the same time if they prepared these petitions and sent them out over the country they also prepared a bill, or sent back a bill, which I introduced with amendments attached to it, not changing the body of the law, which showed they intended to limit it to the unearned part from Forest Grove to Astoria.

Mr. PAYSON. That the House may ascertain from listening to the petition from the chamber of commerce as to this ambiguity I will ask the Clerk to read it.

The Clerk read as follows:

To the honorable SECRETARY OF THE INTERIOR:

We, the citizens of Oregon and Washington Territory, demand the forfeiture and return to the public domain of the entire land grant of the Oregon Central Railroad Company (Astoria Railroad), including all lands within twenty-five miles of that railroad, whether they may be in Washington Territory or in Oregon.

And we protest against any transfer being made of any part of these lands to the Northern Pacific Railroad Company.

Mr. PAYSON. Now if there is any ambiguity in that petition, and it is a sample of all of them that came to us, it would puzzle the ordinary mind to understand where the ambiguity comes in.

This being the state of facts, about which there is no dispute, the opponents of this bill assert that, as a matter of law first, and a matter of equity afterward, we ought to give this railroad company 320,000 acres of land in that valley. It is asserted as another difficulty, as they say, in the way of declaring this forfeiture that a large portion of this land was taken up before this grant was made; and therefore it is argued that they can not get the full amount of land that they otherwise would be entitled to.

Mr. Speaker, this grant is one of the character of grants which have been decided by the Supreme Court time and time again as a grant of quantity; and it has been decided that it is absolutely immaterial whether any portion of the land has been sold or not by the General Government prior to the passage of this act. The railway company, if it can not find the land within the specified limits known technically as the granted limits, is allowed to come within what are called the indemnity limits, fifteen miles outside of them. And if they can not be got there, they are permitted to go anywhere at right angles to their line of constructed road——

Mr. GEORGE. Only opposite; not anywhere.

Mr. PAYSON. If the gentleman will not anticipate me he will find that I am stating it correctly. They are permitted to go anywhere at right angles to the constructed part of the road wherever there is any public land, if it should extend to the boundary on the north or the Gulf of California on the south.

Mr. GEORGE. Does not the gentleman know that this is the fact——

Mr. PAYSON. Therefore it is absolutely immaterial whether or not a large portion of this land had been sold prior to the granting act or not. This railroad company gets these twenty sections to the mile, if there is any public land which they can grasp, should the amendment offered by the gentleman from Oregon [Mr. GEORGE] be adopted by this House and by the Senate.

Another suggestion is made—I do not remember by whom, but by some friend of this railway company, arguing in its behalf—that the Northern Pacific Railroad Company is claiming some of the land within the limits of this grant; that this grant lies within what is known as the overlapping limits of the Northern Pacific Railroad Company, and therefore they ought not to be interfered with. Does it not strike you, Mr. Speaker, as a matter of some astonishment that when an application is made here to restore to the public domain upward of 3,000,000 acres of the public lands, from which settlers have been kept for all these years, the argument should be made here that this great octopus, the Northern Pacific Railroad Company, is liable to be interfered with in some of its claims to this acreage?

Mr. OATES. The gentleman misquotes me and misstates what I said.

Mr. PAYSON. I did not know that it was my colleague on the committee who made that statement, and I do not desire to misquote him. I would be glad to have him correct any misstatement I may have made.

Mr. OATES. I stated that the reason—and I have here the letter from the Secretary of the Interior giving that reason—why no patents had been issued to this company was because the grant to the Northern Pacific Railroad Company overlapped this grant and there was a conflict between the two companies.

Mr. PAYSON. Is that all the gentleman said?

Mr. OATES. I said furthermore that if this grant was forfeited to the Oregon Central Railroad Company it would inure to the benefit of the Northern Pacific Railroad Company, unless its grant was forfeited also.

Mr. PAYSON. Is that all the gentleman said?

Mr. OATES. Oh, I said a great deal more.

Mr. PAYSON. Is that all on that question?

Mr. OATES. That is all.

Mr. PAYSON. Did not the gentleman follow up that statement by saying that it would lead to endless litigation; that it would open the flood-gates of litigation to forfeit this grant in this way?

Mr. OATES. No; I did not say so.

Mr. PAYSON. Some friend of the company said so. For one I hope that the flood-gates of litigation will be opened, for the flood-gates can not be opened so that the rights of the people can be sustained and maintained with reference to these gigantic claims and robbery unless the Congress of the United States will pass a forfeiting act so that the matter can get into the courts.

Mr. OATES. The gentleman misquotes me again.

Mr. PAYSON. I decline to be interrupted. Why do I say that? It is because in the courts the integrity——

Mr. OATES. I trust the gentleman will not persist in misrepresenting me.

Mr. PAYSON. If the gentleman did not state it, then he is not the gentleman I am alluding to. Some one did make that statement.

Mr. OATES. What I said was that if this forfeiting act was passed I believed that litigation would grow out of it, and that would be held to be unconstitutional, and I say it again.

Mr. PAYSON. Let the litigation come.

Mr. GEORGE. Did I understand the gentleman from Illinois [Mr. PAYSON] to say that this bill proposes to forfeit 3,000,000 of acres of land?

Mr. PAYSON. That is what you understood me to say.

Mr. GEORGE. I would like to know where the gentleman gets that information.

Mr. PAYSON. From a public document issued by the Interior Department, which says that this land grant amounts to 3,200,000 and some odd acres of land.

Mr. GEORGE. And I say that is double the amount contained in the grant. The gentleman is incorrect in his statement.

Mr. HENLEY. Well, let us save 1,500,000 acres, if we can.

Mr. PAYSON. It presents precisely the question that I am now attempting to present to the House and that was suggested by the gentleman from California [Mr. HENLEY] to the gentleman from Missouri [Mr. BROADHEAD]. How can this question ever get into the courts unless Congress asserts the right it has to declare a forfeiture?

If the company has a vested right to these lands no acts of ours can divest them. Let that be kept in mind. Whatever rights it has are secured to it, and beyond our reach or control.

By the act making the grant, as the court held in Schulenberg *vs.* Harriman, the technical legal title to all the grant is in the company, and will remain there until Congress shall act affirmatively to repossess itself of what it can. So that it is clear that unless Congress does act the title all remains with and in the company, and the question can not get before the courts until Congress acts; nor can it be judicially determined what we are entitled to unless by act of ours we assert the right to it.

As stated, if we are wrong in our claim no one is injured by it; if this company is entitled to these lands the passage of this bill does not injure it; and so, if the question were doubtful, the bill should pass, that the question may be settled.

Every lawyer who has investigated this question must know that the title to this land passes by the act of Congress. The decisions of the court are uniform, and there is no break in the line of authorities that these acts of Congress making grants of land are not only laws of Congress but conveyances of title. And the courts have uniformly decided, commencing with the case of Schulenberg *vs.* Harriman and run-

ning down to the present day, that by the act of Congress a railroad company, so far as title is concerned, gets everything it ever does get; and when the gentleman from Missouri [Mr. BROADHEAD] asks what is the object of issuing patents for the land, I am glad to be able to tell him what I think about it. In Schulenberg *vs.* Harriman, the Supreme Court, speaking as to whether this grant of land by Congress conveys the title to the land—and I ask the attention of the gentleman from Missouri [Mr. BROADHEAD] to this—says (21 Wallace, page 61):

The land was granted by the act of 1820; it was a present grant, wanting only identity to make it perfect, and the Legislature was vested with full power to select and locate the land.

On page 62:

Numerous other decisions might be cited to the same purport. They establish the conclusion that unless there are other clauses in the statute restraining the operation of words of present grant, these must be taken in their natural sense to import an immediate transfer of title, although subsequent proceedings may be required to give precision to that title and attach it to specific tracts.

Therefore in that case, although the road in aid of which the grant was made had never been constructed—indeed no part of its construction has even been commenced—the time for its completion had long since expired and no act had been passed extending the time for its construction; yet because Congress had passed no act of forfeiture the court held that the title was still in the grantee, so that replevin would lie against one who cut logs from the land without its permission.

Section 3 of the act under consideration simply provides a mode by which the precise sections intended to be conveyed shall be selected and made certain. This is all that is done by the provisions which the gentleman cites in section 3.

Mr. BROADHEAD. But there is a qualification, because the act provides for the issue of patents.

Mr. PAYSON. But the issuing of patents does not give any additional validity to the title, nor strengthen the title of the railroad company under the law. The Supreme Court has expressly decided this very question in the Grinnell case in 98 United States Reports and other cases not necessary to cite. I think, Mr. Speaker, and I submit this view to the gentleman from Missouri [Mr. BROADHEAD], that the best test of the correctness of the assertion which I have made that the issuing of a patent is not necessary to strengthen the title is that the grantee may, as owner, and irrespective of the fact of possession of the land, maintain trespass, replevin, or ejectment for any invasion of his rights. All the decided cases so hold.

The SPEAKER. The gentleman's time reserved by him has expired.

Mr. PAYSON. Then I wish to make a parliamentary inquiry—whether I may now go on and occupy further time, or whether I must suspend and move the previous question?

The SPEAKER. If the gentleman sees proper, he can go on now.

Mr. PAYSON. I desire to occupy further time without prejudice to my right to move the previous question.

The SPEAKER. If the gentleman desires to continue the debate he should proceed now.

Mr. PAYSON. Under the rules what time would be allowed for the conclusion of the debate after the calling of the previous question?

The SPEAKER. The Chair has never decided that under the new rules an hour can be occupied in a case of this kind after the previous question has been ordered.

Mr. PAYSON. Then I will finish my remarks now, with the understanding that I shall not be debarred from my right to call the previous question before yielding the floor.

Mr. Speaker, resuming the discussion of the legal proposition which I was presenting, I regard it as a matter of gratulation to the Public Lands Committee that although this case has been pending here for the last three weeks, and this report has been upon the tables of members for that length of time, there has not been found a single lawyer in this House to attempt to refute any one of the propositions contained in it.

I call especial attention to the report of the committee, which I had the honor to prepare.

We asserted the doctrine that—

In cases like this, where there is no limitation in the act on the power, the declaration of forfeiture relates back to the date of the grant, and the Government is restored to its original estate.

This follows from the nature of the estate granted; the estate is one on condition-subsequent, that is, an estate liable to terminate and become no estate on the happening or non-happening of some event in the future.

Here the legal title to the grant as an entirety passed to the company by the act as fully and completely as though the patents had issued at that date, subject of course to the conditions named in the grant.

Let this be kept clearly in mind: that the act passed the legal title and conveyed all the estate which the grantee could get; the subsequent building of the road and the issuing of patents only gave precision to the grant, but did not add to or strengthen the title which the company had under the act. What it had it derived wholly from the act making the grant. This the Supreme Court has expressly and repeatedly decided. There has been an absolute breach of the condition of this grant since May 4, 1876, and an abandonment of the project. Therefore there is a right of forfeiture. How far does it extend?

In Sheppard's Touchstone, 154, it is said:

"It is generally true that he that doth enter for a condition broken doth make the estate void *ab initio*, and that he shall be in of his first estate in the same course and manner as it was when he departed with the possession and at the time of the making of the condition. And hence it is that, if there be any charge or incumbrance on the lands, as if the lessee of land upon condition grant a rent-charge out of the land or enter into a statute or recognizance, and the cousee has the land in execution and this charge is after the condition is made, in this case when the condition is broken and the party doth re-enter he shall by relation avoid the rent, statute, and recognizance, and hold the land freed from them all."

The same doctrine is found in other authorities. Thus in Coke-Littleton, 202*a*, it is said broadly:

"He who enters for breach of condition regularly shall have the land of his first estate."

At 201*a* it is said:

"In these cases if the rent be not paid at such time or before such time limited and specified within the condition comprised in the indenture, then may the feoffer or his heirs enter into such lands or tenements, and them in his former estate to have and to hold, and the feoffee quite to ouste thereof."

This is the language of Littleton. Coke says:

"Regularly it is true he that entereth for a condition broken shall be seized in his first estate or of that estate which he had at the time of the estate made upon condition, but yet this fayleth in many cases."

Coke goes on to specify the cases in which it "fayleth." They are placed under the two heads of "impossibility" and "necessity," and have no application here.

Butler and Hargreaves, in their note to this passage, say:

"It may be further observed: First. That as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, as dower, &c., and all mesne incumbrances of the feoffee."

The same doctrine is in 1 Rolle's Abridg., 474, 617; Comyn's Dig., tit. Condition, 0.6.

So in Greenleaf's Cruise on Real Property, vol. 2, p. 25, sec. 10 (in Greenleaf's edition the original six volumes are bound in three, and the passage quoted is therefore in his first volume as bound), it is said:

"Where a particular time is appointed for the performance of a condition, it must be performed at or before that time."

At page 40, section 39, it is said:

"Upon the breach of a condition the feoffer or grantor, or his heir, becomes entitled to the estate to which such condition was annexed."

At page 44, section 52, it is said:

"Where a person enters for a condition broken the estate becomes void *ab initio*; the person who enters is again seized of his original estate in the same manner as if he had never conveyed it away. And as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, together with all charges and incumbrances created by the feoffee during his possession; for upon the entry of the feoffer he becomes seized of an estate paramount to that which was subject to these charges."

In section 53 the writer says that on re-entry a rent charge or judgment is gone; and in section 54 he says that the dower of the feoffee's wife is gone on re-entry.

Washburn on Real Property, volume 2, section 13, says:

"When such entry had been made the effect was to reduce the estate to the same plight and to cause it to be held in the same terms as if the estate to which the condition was annexed had not been granted."

At page 457, same volume, section 24, it is said that an estate subject to a condition does not lose its capacity of being sold or devised in the same manner as an indefeasible estate, but that the purchaser or whoever takes the estate will take it subject to the condition annexed.

Kent declares the law to the same effect:

"Persons who have an estate or freehold subject to a condition are seized, and may convey, though the estate will continue defeasible until the condition be performed or released, or is barred by statute of limitations, or by estoppel."

Again he says:

"Laches are chargeable upon the grantee (of an estate subject to condition), even though such grantee or his assignee be an infant or *feme covert*, for non-performance of the condition annexed to the estate." (Kent's Com., volume 4, pages 125, 126.)

As held in the case of Jackson *vs.* Crisler (1 John. Cas., 125, 126), he who purchases an estate of a grantee who holds upon a condition-subsequent takes the estate subject to the conditions. He must look to the title and take it as it exists.

The Supreme Court of the United States has expressly decided this to be the law in the well-considered case of Foxcroft *vs.* Mallet (4 How., 353). The State of Massachusetts gave a large body of land in Maine to Williams College, on the condition that thirty settlers in each township might each have one hundred acres for $5. The college conveyed a township to Ingersoll, who conveyed 6,000 acres of the same to Samuel Mallet, subject to the condition that it should bear its proportion of that burden.

Mallet gave back to the college a mortgage upon all the land, without expressly referring to that condition in his title, though he did refer to the deed.

That mortgage was afterward foreclosed, and the lands were conveyed thereunder by mesne conveyances to Foxcroft, who claimed to own the whole tract by title superior to David Mallett, one of the settlers who took title after the mortgage was made. The court decided that the mortgager could not pass by mortgage a greater interest than he obtains; that—

"The condition or charge was on the land as an incumbrance by the very terms of the deed to him, and he could not, if he tried, convey a title to the land which should be free from it. Such a condition attaches to the land wherever it goes, although the same should pass through a hundred hands. In our view it operates like a covenant which runs with the land, and all assignees are bound by covenants real that run with the land." (Page 377.)

The only shadow of an attempt (and I do not say this disrespectfully to any gentleman) that has been made to combat anything in that report has been the statement made by the gentleman from Mississippi [Mr. VAN EATON] and my colleague on the committee, the gentleman from Alabama [Mr. OATES], that the doctrine laid down in Van Wyck *vs.* Knevals is in conflict with what I have asserted here. A mere statement of that case will show the difference between it and the one under consideration. Here there is no limitation on the power of Congress as to the extent of the reversion in cases of the declaration of a forfeiture. There there was an express limitation, that in case the road should not be completed only "the lands unpatented should revert to the United States;" the lands in controversy there had been patented, and therefore an absolute title had passed.

It is admitted that here is a grant of land subject to a condition that the entire road shall be built within six years, and there is no limitation whatever upon the reserved right on the part of Congress to declare a forfeiture for breach of the conditions of the grant. This being so, every lawyer will agree that the common-law right, the common-law power to declare a forfeiture attaches to this grant.

How was it in Van Wyck *vs.* Knevals? In that case it was expressly provided in the granting act that whenever the right of forfeiture should be exercised by the Government it should not attach to the patented lands.

Mr. VAN EATON. Will the gentleman refer to the terms of that decision?

Mr. PAYSON. The court put it on that precise ground, as I will demonstrate to the satisfaction of the gentleman. What was the law the court was construing? The act of Congress provided—

If said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

Clearly, then, by direct implication, the railroad company was entitled to the lands which were patented, because in making the grant Congress only reserved to itself the power to declare a forfeiture as to unpatented lands. Such being the terms of the act, the Supreme Court says that these sections of the road having been constructed and the lands having been patented to the company, the transaction as between the Government and the railroad company is closed. More concisely stated, the condition in the grant in question was as follows:

Provided further, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

And on the question we are considering the language of the court relied on by those denying the right of absolute forfeiture is as follows:

"The defendant [Van Wyck], having failed to establish the validity of his own title, attacks the right of the company to the lands covered by the grant, alleging that the company never completed the construction of the entire road for which the grant was made; that after filing its map with the Secretary of the Interior it changed for part of the distance the route of the road; and that it never complied with the conditions of the law of Nebraska for the extension of its road within the limits of that State. We do not deem these objections, when considered with the facts on which they are based, as having any force. There is to them a ready and conclusive answer. Assuming that the Burlington and Missouri River Railroad, with which the company's road connected, was not, as averred by the complainant, a branch of the Union Pacific railroad, and that therefore the company's proposed road was not entirely completed, the fact remains that the company constructed a portion of the proposed road, and that portion was accepted as completed in the manner required by the act of Congress. Patents for some of the adjoining sections were accordingly issued to the company, and a right to all of them not specially reserved by the condition of the grant vested in it. So far as that portion of the road which was completed and accepted is concerned the contract of the company was executed, and as to the lands patented the transaction on the part of the Government was closed and the title of the company perfected. The right of the company to the remaining odd-numbered sections adjoining the road completed and accepted (not reserved) is equally clear.

"If the whole road has not been completed, any forfeiture consequent thereon can be asserted only by the grantor, the United States, through judicial proceedings or through the action of Congress. (Schulenberg *vs.* Harriman, 21 Wall., 44.) A third party can not take upon himself to enforce conditions attached to the grant when the Government does not complain of their breach."

All, then, that the court decides is that as between the Government and the company the title passed by the grant; it acquired precision by filing the map, without regard to the question of notice; that under the act when the lands were patented the transaction is closed, and for the obvious reason that in the condition in the grant the act of *revertitur* in a declaration of forfeiture is restricted to "the lands remaining unpatented."

Let it be remembered that in the acts making these grants various powers are conferred and various restrictions on the power of forfeiture are provided, and we agree that Congress may impose restrictions upon the power to declare a forfeiture in case of default; that it may bind the Government by a limitation as to the extent of the reversion, as to what lands shall be affected by the assertion of the right and what shall be exempted from the operation of the forfeiture; further, that whatever limits the act itself or subsequent legislation imposes on the power to declare forfeiture, either as to the manner of its exercise or the extent to which it shall extend or as to what shall be exempted from its operation, subsequent Congresses are bound.

But unless there is some restriction in the act on the extent of the forfeiture where it is exercised, it extends to the whole estate granted.

I undertake to say, Mr. Speaker, without any assumption or any affectation of learning with reference to this question, that gentlemen who oppose this bill can not find a single case that squints in the direction of affirming that where there is no limitation upon the extent of forfeiture in the act of Congress or the Legislature making the grant the power does not extend to the entire thing granted. No matter into whose hands it may go, no matter what improvements may be put upon it, no matter how many mortgages may be given, the common-law right to declare an absolute forfeiture attaches in such a case.

Gentlemen on the other side were pleased to ask the question, as though it were an important factor in the calculation, has not a mortgage been given on this railroad? We answered, yes; and gentlemen sat back as though that ended the matter. I call the attention of these gentlemen who have these scruples to the case of Farnsworth *vs.* The Minnesota and Pacific Railroad Company (92 United States), where it was expressly decided that the holder of mortgage securities upon a land grant to which a condition-subsequent was attached, so that possibly a declaration of forfeiture might be made, took the same subject to that liability. The court say (page 66):

The beneficiaries under that instrument—

The mortgage—

took whatever security it afforded in subordination to the right of the State to enforce the forfeiture.

Mr. OATES. Was the mortgage given by the consent of an act of Congress?

Mr. PAYSON. No, sir, there was no express authority to mortgage; but does the gentleman think a railroad has not power to mortgage the lands, indeed all its property except its franchise under these grants, without an act of Congress?

Mr. OATES. It has a right in a defeasible estate, but when Congress passes an act it waives the mortgage.

Mr. PAYSON. No court has ever held, so far as I know, that a man or corporation assuming to give a mortgage could mortgage a greater interest than he or it had. Does it strengthen an invalid title fo the holder simply to give a mortgage upon it, or does it work a defeasible title into an indefeasible one by the party holding that kind of title simply by encumbering it? Was that doctrine ever argued in court or anywhere else? The gentleman from Alabama is too good a lawyer to intimate it here.

I see the point he is trying to make: that by Congress expressly allowing a mortgage to be made after the grant an estoppel might be set up between itself and the holders of bonds under the mortgage as against the working a forfeiture. But that is not the case here. The power to mortgage existed by the act making this grant, and when parties invested their money in this land-grant mortgage they had the same notice of the defeasible title of the land grant that they had of the power of the company to give a mortgage at all. In other words, when a party goes to the statute-book to see whether this railroad company had an authority to give a mortgage to raise funds to construct its line of road, the same page that conveyed to him the information it could give a mortgage also gave to him the information this road must be constructed within six years, and then he is bound to know that unless the road is constructed within six years that title is subject to the option on the part of Congress to declare it forfeited.

Mr. OATES. I should like to ask the gentleman a question.

Mr. PAYSON. Yes, sir.

Mr. OATES. What is the object of the third section?

Mr. PAYSON. It has two objects: First, to give precision to the grant—that is, to determine the precise tracts of land the company would be entitled to as contradistinguished from other tracts; and, secondly, so that when the railroad company had made its selection actual settlers might know where to make their entries.

Mr. OATES. It had twenty miles to select from?

Mr. PAYSON. Yes, precisely; and took the land with the title it had.

Mr. OATES. No more?

Mr. PAYSON. No more. I desire to call attention again to the old case of Foxcroft *vs.* Mallet (4 How., 353), where the doctrine was asserted that a grant *in præsenti* coupled with condition subsequent secured an absolute fee-simple so far as capacity for alienation or devising or conveying in any other way, except there was reserved the right on the part of the grantor to declare forfeiture for breach of condition. There is no doubt about it. If there had been, how does it happen, with the best lawyers in the country employed and the ablest members of Congress friendly to their interest, and doubtless properly so, there has not been an attempt to bring a decided case into this discussion in conflict with the principle I am contending for here now? How is it that the eminent gentlemen connected with the Northern Pacific Railroad Company who have appeared before our committee, or the prominent ex-Senator noted all over the country for his legal ability, and who is now in the gallery listening to what I have to say—why have not these gentlemen been able to find a single decided case that even squints in opposition to the proposition I am contending for here to-day?

Not one has been found. Not one has been relied upon except the case quoted here of Van Wyck against Knevals.

Mr. VAN EATON. Because nobody ever thought it worth while to try such a case.

Mr. PAYSON. The gentleman says because nobody ever thought it worth while to try such a case! Now this was fully argued before the Committee on the Public Lands by able counsel. This report, setting forth exactly the facts and arguments made here, has been upon the records of this House for two months. The debate has been running at intervals for the last six weeks, and nobody can plead ignorance of the exact ground that the Committee on the Public Lands took in reference to this question, and I repeat, Mr. Speaker, that it is a strong indorsement of the position of the committee that no authority has been produced against it.

Mr. Speaker, it is suggested that a vote ought to be taken at once. I regard it, sir, as nearly akin to a piece of iniquity to give these 350,000 acres of the best lands in the State of Oregon to this railroad company for not only having failed in what it undertook to do as the agent of Congress in the construction of this road, but for having absolutely thwarted the wishes of Congress by abandoning the line and running the road to San Francisco instead of to the point indicated, to Astoria, as was provided in the act. It is inexplainable to the people of this nation that such a thing should be done, and they will hold every member of this Congress responsible for his vote upon it to-day.

I agree with the gentleman from Alabama [Mr. OATES] that this is really a pioneer case for all of these land grants which have been unearned by the railroads to whom they have been given; and I desire that the House shall make a record upon it here and now as speedily as the roll can be called, to show whether or not the demand on the part of the people of this country that their public lands shall remain

a part of the property of this great nation shall be fairly and squarely met. I believe it is their wish that these lands should be reserved on the part of the Government for the benefit of those who are homeless, for the horny-handed men of toil who are sweltering day by day for a very existence. It is for us to say whether we shall take care of the trust confided to us, and keep if out of the hands of a railroad corporation that has neither justice, law, nor equity in support of its claim.

Representing the whole people of this land as a member for the whole country as well as for the district in which I live, I should regard myself recreant to my duty if I did not protest against a donation, a free gift of this great area to a corporation which had, instead of attempting to carry out the wishes of Congress, conspicuously succeeded in defeating it. My duty I regard as done to the House. I have attempted, and I venture the hope that I have succeeded in doing so, to demonstrate that this corporation had no legal claim to any portion of this grant; for no one has yet given any authority except his own statement as against the array of citations in the report.

With the vote to be soon taken, which shall determine the question whether the people shall suffer and this defaulting company be the gainer, the country must of necessity acquiesce; but I do not believe that the people whose representatives we are will be satisfied with less than a restoration to them of that which is their own.

I am anxious that this record should be made, and plead guilty to a consuming curiosity to know how many men on this floor will dare the condemnation of this country by condoning what this company has done. What the country wants is acts and not words; it wants results and not promises; and I do not propose to delay it any longer. I now demand the previous question. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. I believe the gentleman from Illinois has agreed that this amendment which I have suggested to him might be offered preceding the demand for the previous question.

Mr. PAYSON. Yes, sir.

The SPEAKER. It will be included in the demand for the previous question.

According to the recollection of the Chair there are several amendments which were sent up and read by unanimous consent, which were to be considered as pending.

Mr. PAYSON. Yes, sir.

Mr. HOLMAN. I ask that the amendment which I have sent up may be read for the information of the House.

The Clerk read as follows:

Strike out from line 20, after the words "eighty-four," down to the word "locate," in line 23, and insert: "In quantity not exceeding one hundred and sixty acres to any one person, the person so purchasing any of said land or person claiming under such purchaser shall have the right to the land so purchased, not to exceed one hundred and sixty acres, upon making proof of the fact of such purchase and of the actual and *bona fide* settlement on and occupation of the tract so purchased, under such purchase, prior to January 1, 1884, at the local land office of the district where said land may be located.

Mr. OATES. At the conclusion of my remarks some days ago I sent up and had read a substitute for the bill, which I ask to have considered as a pending amendment. Consent was given then that it should be considered as a pending amendment.

The SPEAKER. It was so considered. But under the rules of the House the amendments offered to the bill as reported must first be acted upon with a view to perfecting the text.

Mr. OATES. I only wanted it understood that my substitute was pending.

The SPEAKER. The question is upon the demand for the previous question upon the pending amendments and ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. The Clerk will report the first amendment proposed by the committee.

The Clerk read as follows:

Strike out of lines 13 and 14 the words "and the Attorney-General is hereby instructed to enforce the provisions hereof by proper judicial proceedings," and insert:

"In case any of the lands embraced within the terms of this act to which the said railroad company or its successor would have been entitled had the said road been constructed as provided in the act making the grant have been sold by either of said companies prior to January 1, 1884, the party or person so purchasing any of said lands shall have the right to the lands so purchased upon making proof of the fact of such purchase at the local land office of the district where said land may be located: *Provided*, That all unpaid purchase money on such sales shall be paid to the United States, through the receiver of public moneys, at the proper land office; and upon proof as above and payment of such unpaid balance, if any, within twelve months of the passage of this act, patents shall issue to the parties entitled thereto for the land."

Mr. GEORGE. There are some amendments pending to that amendment.

The SPEAKER. The Clerk will report them.

Mr. DORSHEIMER. I move that the House do now adjourn.

The motion was not agreed to.

Mr. GEORGE. I think the committee have no objection to an amendment I have suggested.

Mr. PAYSON. I have not. Let it be read.

The SPEAKER. The amendment will be reported.

The Clerk read as follows:

Amend by adding at the close of the section as follows:

"That in the case of all lands forfeited to the United States under the provisions of this act, all persons who at the date of the passage of this act, and who are otherwise qualified, are actual settlers in good faith on any such lands, on making claim to the same under the homestead, pre-emption, or other laws, within six months after the same shall have been declared forfeited, shall be entitled to a preference right to enter the same in accordance with the provisions of this act and of the homestead, pre-emption, or other laws, as the case may be, and shall be regarded as having legally settled upon and occupied said lands under said pre-emption, homestead, or other laws, as the case may be, from the date of such actual settlement or occupation; and in case any such settler may not be entitled to thus enter or acquire such land under existing laws, they shall be permitted within one year after the passage of this act to purchase not to exceed one hundred and sixty acres of the same, at the price of $1.25 per acre, and the Secretary of the Interior is hereby authorized and directed to make such rules and regulations as will secure to said actual settlers the benefit of these rights."

The SPEAKER. The question is upon the adoption of the amendment proposed by the gentleman from Oregon [Mr. GEORGE] to the amendment proposed by the Committee on Public Lands.

The amendment to the amendment was agreed to.

Mr. GEORGE. There are some other amendments. There is one which comes in after the word "grant," in line 18.

The Clerk read the next amendment (proposed by Mr. GEORGE), as follows:

Amend the amendment of the committee as follows:

Insert after the word "grant," in the eighteenth line of second page of printed bill, the following: "And which lie conterminous with that portion of the line of railroad and telegraph line which was not completed prior to May 4, 1876."

Mr. PAYSON. This ought to be voted down.

The question being taken, there were—ayes 40, noes 73.

Mr. GEORGE. No quorum. I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 15, noes 110.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered.

Mr. GEORGE. I have made the point that a quorum did not vote.

Mr. PAYSON. That point is made too late.

The SPEAKER. A vote on ordering the yeas and nays does not require a quorum; but when the numbers were announced on the vote on the amendment the gentleman from Oregon [Mr. GEORGE] raised the point of no quorum, and then called for the yeas and nays.

Mr. PAYSON. I understood the gentleman waived the point as to a quorum when he called for the yeas and nays.

The SPEAKER. He made the point as to no quorum and then demanded the yeas and nays. The point of no quorum was made in time.

Mr. POLAND. I ask that the amendment be again read.

Mr. PAYSON. I object. It will consume time. The object is to give the railroad company the lands.

Mr. POLAND. The gentleman is mistaken.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Oregon, Mr. GEORGE, and the gentleman from Illinois, Mr. PAYSON.

The House again divided; and the tellers reported—ayes 66, noes 97.

So the amendment was not agreed to.

The next amendment (proposed by Mr. GEORGE) was read, as follows:

After the words "eighty-four," in line 20, insert "to actual settlers thereon, or to individuals other than actual settlers, on tracts not exceeding one hundred and sixty acres to each."

Mr. PAYSON. That amendment was agreed to by the committee.

The amendment was agreed to.

The next amendment (proposed by Mr. HOLMAN) was read, as follows:

Strike out from line 20, after the words "eighty-four," down to the word "located," in line 23, and insert:

"In quantity not exceeding one hundred and sixty acres to any one person, the person so purchasing any of said land, or person claiming under such purchaser, shall have the right to the land so purchased, not exceeding one hundred and sixty acres, upon making proof of the fact of such purchase and of the actual and *bona fide* settlement on and occupation of the tract so purchased, under such purchase, prior to January 1, 1884, at the local land office of the district where said land may be located."

Mr. HOLMAN. I ask that the amendment last adopted may again be read, as I think it covers the same ground as my amendment.

Mr. PAYSON. There is no objection to the amendment of the gentleman from Indiana.

The Clerk again read Mr. GEORGE'S amendment, which had been adopted.

Mr. HOLMAN. I think that accomplishes the same purpose, and I withdraw my amendment.

The SPEAKER. The question is now on adopting the amendment proposed by the committee as amended.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will now report another amendment offered by the gentleman from Oregon [Mr. GEORGE].

The Clerk read as follows:

Insert after the word "act," in line 9, these words, "excepting the right of way, with necessary lands used in operating the road constructed."

Mr. PAYSON. That was agreed to by the committee.

The amendment was agreed to.

The next amendment (proposed by Mr. GEORGE) was read, as follows:

Insert after the word "States," in the thirteenth line, second page of printed bill as reported by the committee, the following:

"*Provided*, That this act shall not apply to any lands included in the grant

aforesaid conterminous with that portion of the line of railroad and telegraph which was completed prior to May 4, 1876."

The amendment was not agreed to.

The next amendment (proposed by Mr. HOLMAN) was read, as follows:

In lines 12 and 13 strike out the words "sale and settlement under existing laws of the United States" and insert the words "settlement under the provisions of the homestead laws only."

The amendment was agreed to.

The SPEAKER. The question is now upon the substitute proposed by the gentleman from Alabama [Mr. OATES].

The proposed substitute was read, as follows:

A bill to declare a forfeiture of certain lands granted to the Oregon Central Railroad Company.

Be it enacted, &c., That all of the lands granted to the Oregon Central Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, chapter 69, page 94, volume 16, Statutes at Large, lying and being situated between Forest Grove and Astoria, a distance of about ninety-seven miles, be, and the same is hereby, forfeited to the United States for breach of the condition upon which the same was granted to it, the failure to build a road from Forest Grove to Astoria, in the State of Oregon, as required by said act; and the said land is hereby declared to be a part of the public domain and subject to sale and settlement under the laws of the United States.

Mr. OATES. I demand the yeas and nays on the question of agreeing to the substitute.

The yeas and nays were ordered, 46 members voting therefor.

The question was taken; and there were—yeas 71, nays 104, not voting 146; as follows:

YEAS—71.

Arnot,	Elliott,	Ketcham,	Seymour,
Atkinson,	Ellis,	Lacey,	Shelley,
Barbour,	Evans, I. N.	Lyman,	Skinner, T. G.
Barr,	Forney,	Millard,	Slocum,
Belford,	George,	Mutchler,	Spooner,
Bisbee,	Goff,	Oates,	Stevens,
Blanchard,	Graves,	O'Ferrall,	Stone,
Brewer, F. B.	Greenleaf,	O'Neill, J. J.	Throckmorton,
Broadhead,	Hardeman,	Payne,	Tucker,
Candler,	Hemphill,	Perkins,	Turner, H. G.
Carleton,	Henderson, D. B.	Peters,	Van Alstyne,
Clardy,	Herbert,	Poland,	Van Eaton,
Converse,	Hewitt, A. S.	Price,	White, Milo
Cutcheon,	Hewitt, G. W.	Reese,	Whiting,
Dargan,	Hiscock,	Rockwell,	Wilson, James
Davis, R. T.	Howey,	Rogers, W. F.	Wilson, W. L.
Deuster,	Hunt,	Rowell,	Wolford.
Dorsheimer,	Jordan,	Ryan,	

NAYS—104.

Alexander,	Ferrell,	Lewis,	Springer,
Bagley,	Fiedler,	Lore,	Stephenson,
Ballentine,	Follett,	Lowry,	Stockslager,
Bennett,	Foran,	McAdoo,	Sumner, D. H.
Bland,	Funston,	McComas,	Taylor, J. M.
Blount,	Fyan,	McMillin,	Thompson,
Brown, W. W.	Gibson,	Matson,	Tillman,
Buchanan,	Glascock,	Maybury,	Townshend,
Burnes,	Green,	Miller, J. F.	Tully,
Cabell,	Halsell,	Mills,	Turner, Oscar
Caldwell,	Hammond,	Mitchell,	Vance,
Cassidy,	Hardy,	Morgan,	Wait,
Clements,	Hatch, H. H.	Murray,	Wakefield,
Cobb,	Hatch, W. H.	Neece,	Wallace,
Cook,	Haynes,	Nicholls,	Warner, Richard
Cosgrove,	Henley,	Nutting,	Wellborn,
Covington,	Hoblitzell,	Parker,	Weller,
Cox, W. R.	Holman,	Payson,	Wemple,
Davidson,	Hopkins,	Peel,	White, J. D.
Davis, L. H.	Houseman,	Pierce,	Williams,
Dockery,	James,	Pryor,	Willis,
Dunn,	Jones, B. W.	Ray, G. W.	Winans, E. B.
Eldredge,	Jones, J. H.	Riggs,	Wood,
English,	Kleiner,	Robertson,	Worthington,
Ermentrout,	Lamb,	Rogers, J. H.	Yaple,
Everhart,	Lanham,	Scales,	York.

NOT VOTING—146.

Adams, G. E.	Connolly,	Hitt,	Morey,
Adams, J. J.	Cox, S. S.	Holmes,	Morrill,
Aiken,	Crisp,	Holton,	Morrison,
Anderson,	Culberson, D. B.	Hooper,	Morse,
Barksdale,	Culbertson, W. W.	Horr,	Moulton,
Bayne,	Cullen,	Houk,	Muldrow,
Beach,	Curtin,	Hurd,	Muller,
Belmont,	Davis, G. R.	Hutchins,	Murphy,
Bingham,	Dibble,	Jeffords,	Nelson,
Blackburn,	Dibrell,	Johnson,	Ochiltree,
Boutelle,	Dingley,	Jones, J. K.	O'Hara,
Bowen,	Dowd,	Jones, J. T.	O'Neill, Charles
Boyle,	Duncan,	Kasson,	Paige,
Brainerd,	Dunham,	Kean,	Patton,
Breckinridge,	Eaton,	Keifer,	Pettibone,
Breitung,	Ellwood,	Kelley,	Phelps,
Brewer, J. H.	Evins, J. H.	Kellogg,	Post,
Browne, T. M.	Findlay,	King,	Potter,
Brumm,	Finerty,	Laird,	Pusey,
Buckner,	Garrison,	Lawrence,	Randall,
Budd,	Geddes,	Le Fevre,	Rankin,
Burleigh.	Guenther,	Libbey,	Ranney,
Calkins,	Hanback,	Long,	Ray, Ossian
Campbell, Felix	Hancock,	Lovering,	Reagan,
Campbell, J. M.	Harmer,	McCoid,	Reed,
Cannon,	Hart,	McCormick,	Rice,
Chace,	Henderson, T. J.	Miller, S. H.	Robinson, J. S.
Clay,	Hepburn,	Milliken,	Robinson, W. E.
Collins,	Hill,	Money,	Rosecrans,
Russell,	Spriggs,	Talbott,	Washburn,
Seney,	Steele,	Taylor, E. B.	Weaver,
Shaw,	Stewart, Charles	Taylor, J. D.	Wilkins,
Singleton,	Stewart, J. W.	Thomas,	Winans, John
Skinner, C. R.	Storm,	Valentine,	Wise, G. D.
Smalls,	Strait,	Wadsworth,	Wise, J. S.
Smith,	Struble,	Ward,	Woodward,
Snyder,	Sumner, C. A.	Warner, A. J.	Young.

So the amendment was not agreed to.

The following members were announced as paired on all political questions until further notice:

Mr. STORM with Mr. GUENTHER.
Mr. TALBOTT with Mr. WHITING.
Mr. EVINS, of South Carolina, with Mr. BOWEN.
Mr. ROSECRANS with Mr. PETTIBONE.
Mr. MULLER with Mr. HOUK.
Mr. DUNCAN with Mr. SMITH.
Mr. CLAY with Mr. RICE.
Mr. JONES, of Arkansas, with Mr. HANBACK.
Mr. WILKINS with Mr. BAYNE.
Mr. BOYLE with Mr. LAWRENCE.
Mr. BLACKBURN with Mr. RUSSELL.
Mr. GEDDES with Mr. STEELE.
Mr. PUSEY with Mr. BRAINERD.
Mr. HILL with Mr. RAY, of New Hampshire.
Mr. PAIGE with Mr. VALENTINE.
Mr. GEORGE D. WISE with Mr. LIBBEY.
Mr. POST, of Pennsylvania, with Mr. LONG.
Mr. BEACH with Mr. SKINNER, of New York.
Mr. PATTON with Mr. HOLMES.
Mr. CURTIN with Mr. KEAN.
Mr. HANCOCK with Mr. WASHBURN.
Mr. BARKSDALE with Mr. JEFFORDS.
Mr. SNYDER with Mr. HART.
Mr. FINERTY with Mr. ADAMS, of Illinois.
Mr. MONEY with Mr. JOSEPH D. TAYLOR.
Mr. REAGAN with Mr. LAIRD.
Mr. MORSE with Mr. THOMAS.
Mr. VAN EATON with Mr. STRAIT.
Mr. ADAMS, of New York, with Mr. WEAVER.
Mr. KING with Mr. HORR.
Mr. ELLIS with Mr. KEIFER.
Mr. COOK with Mr. CANNON.
Mr. MURPHY with Mr. ELLWOOD.
Mr. CULBERSON, of Texas, with Mr. MCCOID.

The following were announced as paired for to-day:

Mr. BLANCHARD with Mr. LACEY.
Mr. AIKEN with Mr. MORRILL.
Mr. WARNER, of Ohio, with Mr. BREWER, of New Jersey.
Mr. ELDREDGE with Mr. REED.
Mr. CALKINS with Mr. RANDALL.

The following were also announced as paired:

Mr. MONEY with Mr. JONES, on this bill.
Mr. HOPKINS with Mr. BRUMM, until June 5.
Mr. GARRISON with Mr. J. S. WISE, until June 8.
Mr. DIBRELL with Mr. DAVIS, of Illinois, until June 8.
Mr. DOWD with Mr. O'HARA, until June 9.
Mr. GIBSON with Mr. BURLEIGH, until June 9.
Mr. COX, of New York, with Mr. BOUTELLE, until June 8.
Mr. LE FEVRE with Mr. ROBINSON, of Ohio, until June 13.
Mr. WARD with Mr. HOOPER, until June 7.
Mr. WATSON with Mr. CULLEN, until June 7.
Mr. STEWART, of Texas, with Mr. STEWART, of Vermont, until June 9.
Mr. CAMPBELL, of New York, with Mr. WADSWORTH, until June 4.
Mr. SHAW with Mr. SMALLS, until June 8.
Mr. DIBBLE with Mr. DINGLEY, until June 7.
Mr. MORRISON with Mr. KASSON, until June 8.
Mr. SENEY with Mr. DUNHAM, until June 12.
Mr. TOWNSHEND with Mr. HENDERSON, of Illinois, until June 8.
Mr. MULDROW with Mr. BINGHAM, until June 11.
Mr. CRISP with Mr. MILLIKEN, until June 9.
Mr. BRECKINRIDGE with Mr. HEPBURN, until June 5.
Mr. BARBOUR with Mr. BARR, until June 8.

Mr. TOWNSHEND. I am paired with my colleague, Mr. HENDERSON, but having been informed that if here he would vote "no," I have exercised the privilege of voting, and have voted "no."

Mr. GIBSON. I am announced as paired with Mr. BURLEIGH. I am paired with him on all questions where we would differ. I have consulted with his friends, and having been informed that he would vote as I vote on this question, I have voted.

Mr. JOHN S. WISE (having voted). I am announced as paired with my colleague, Mr. GARRISON. I am not informed as to how he would vote on this question, and therefore I withdraw my vote.

Mr. COOK. I have voted, although announced as paired with Mr. CANNON, because I did not consider this a political question. By the consent of the gentleman who was managing the pair for Mr. CANNON I have voted.

Mr. HOPKINS. I am announced as paired with my colleague, Mr. BRUMM, but without any arrangement of mine or any consent on my part. I have therefore voted.

Mr. VAN EATON. I am announced as paired with Mr. STRAIT, but the vote on this question was specially excepted from the pair.

The result of the vote was then announced as above stated.

Mr. VAN EATON. I move that the House do now adjourn.

The motion was not agreed to.

The bill as amended was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. BARR. I call for the yeas and nays on the passage of the bill. [Cries of "Oh, no!"]

Mr. TURNER, of Kentucky. Oh, yes; let us have the yeas and nays. I want a record.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 21, not voting 166; as follows:

YEAS—136.

Alexander,	Finerty,	Lowry,	Skinner, T. G.
Arnot,	Follett,	McAdoo,	Springer,
Bagley,	Forney,	McComas,	Stephenson,
Ballentine,	Funston,	McMillin,	Stockslager,
Bland,	Fyan,	Maybury,	Sumner, D. H.
Blount,	Gibson,	Millard,	Taylor, J. M.
Brewer, F. B.	Glascock,	Miller, J. F.	Thompson,
Broadhead,	Goff,	Mills,	Throckmorton,
Brown, W. W.	Graves,	Mitchell,	Tillman,
Buchanan,	Green,	Morgan,	Townshend,
Burnes,	Halsell,	Mutchler,	Tucker,
Cabell,	Hammond,	Neece,	Tully,
Caldwell,	Hardeman,	Nelson,	Turner, Oscar
Candler,	Hardy,	Nicholls,	Van Alstyne,
Carleton,	Hatch, H. H.	Nutting,	Vance,
Cassidy,	Hatch, W. H.	O'Ferrall,	Van Eaton,
Clardy,	Hemphill,	O'Neill, J. J.	Wait,
Clements,	Henderson, D. B.	Parker,	Wakefield,
Cobb,	Henley,	Payne,	Wallace,
Connolly,	Herbert,	Payson,	Warner, Richard
Cook,	Hewitt, G. W.	Pierce,	Wellborn,
Cosgrove,	Hoblitzell,	Peel,	Weller,
Covington,	Holman,	Perkins,	Wemple,
Cox, W. R.	Hopkins,	Peters,	White, J. D.
Davidson,	Houseman,	Pryor,	Williams,
Davis, L. H.	Howey,	Ray, G. W.	Willis,
Deuster,	James,	Reese,	Wilson, James
Dockery,	Jones, B. W.	Riggs,	Wilson, W. L.
Dunn,	Jones, J. H.	Robertson,	Winans, E. B.
English,	Kleiner,	Rogers, J. H.	Wolford,
Ermentrout,	Lamb,	Rogers, W. F.	Wood,
Everhart,	Lanham,	Rowell,	Worthington,
Ferrell,	Lewis,	Ryan,	Yaple,
Fiedler,	Lore,	Scales,	York.

NAYS—21.

Barr,	Evans, I. N.	Price,	White, Milo
Belford,	Greenleaf,	Seymour,	Whiting,
Bisbee,	Hunt,	Shelley,	Woodward.
Converse,	Lyman,	Spooner,	
Dargan,	Oates,	Stone,	
Davis, R. T.	Poland,	Turner, H. G.	

NOT VOTING—166.

Adams, G. E.	Dibrell,	Kean,	Reagan,
Adams, J. J.	Dingley,	Keifer,	Reed,
Aiken,	Dorsheimer,	Kelley,	Rice,
Anderson,	Dowd,	Kellogg,	Robinson, J. S.
Atkinson,	Duncan,	Ketcham,	Robinson, W. E.
Barbour,	Dunham,	King,	Rockwell,
Barksdale,	Eaton,	Lacey,	Rosecrans,
Bayne,	Eldredge,	Laird,	Russell,
Beach,	Elliott,	Lawrence,	Seney,
Belmont,	Ellis,	Le Fevre,	Shaw,
Bennett,	Ellwood,	Libbey,	Singleton,
Bingham,	Evins, J. H.	Long,	Skinner, C. R.
Blackburn,	Findlay,	Lovering,	Slocum,
Blanchard,	Foran,	McCoid,	Smalls,
Boutelle,	Garrison,	McCormick,	Smith,
Bowen,	Geddes,	Matson,	Snyder,
Boyle,	George,	Miller, S. H.	Spriggs,
Brainerd,	Guenther,	Milliken,	Steele,
Breckinridge,	Hanback,	Money,	Stevens,
Breitung,	Hancock,	Morey,	Stewart, Charles
Brewer, J. H.	Harmer,	Morrill,	Stewart, J. W.
Browne, T. M.	Hart,	Morrison,	Storm,
Brumm,	Haynes,	Morse,	Strait,
Buckner,	Henderson, T. J.	Moulton,	Struble,
Budd,	Hepburn,	Muldrow,	Sumner, C. A.
Burleigh,	Hewitt, A. S.	Muller,	Talbott,
Calkins,	Hill,	Murphy,	Taylor, E. B.
Campbell, Felix	Hiscock,	Murray,	Taylor, J. D.
Campbell, J. M.	Hitt,	Ochiltree,	Thomas,
Cannon,	Holmes,	O'Hara,	Valentine,
Chace,	Holton,	O'Neill, Charles	Wadsworth,
Clay,	Hooper,	Paige,	Ward,
Collins,	Horr,	Patton,	Warner, A. J.
Cox, S. S.	Houk,	Pettibone,	Washburn,
Crisp,	Hurd,	Phelps,	Weaver,
Culberson, D. B.	Hutchins,	Post,	Wilkins,
Culbertson, W. W.	Jeffords,	Potter,	Winans, John
Cullen,	Johnson,	Pusey,	Wise, G. D.
Curtin,	Jones, J. K.	Randall,	Wise, J. S.
Cutcheon,	Jones, J. T.	Rankin,	Young.
Davis, G. R.	Jordan,	Ranney,	
Dibble,	Kasson,	Ray, Ossian	

The SPEAKER. On this question the yeas are 136, the nays 21. No quorum has voted.

Mr. PAYSON. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLACKBURN: Petition of citizens of Kentucky, relative to United States district and circuit courts in Kentucky—to the Committee on the Judiciary.

By Mr. BUCHANAN: Petition of citizens of Columbus, Ga., praying for the passage of the Senate educational bill—to the Committee on Education.

By Mr. DIBBLE: Papers relating to the claim of Louisa H. Hasell—to the Committee on Claims.

By Mr. DUNN: Papers relating to the claim of Robert E. Hale—to the Committee on War Claims.

By Mr. HARDY: Petition of William Deisinger, late private Company F, Seventh New York Volunteers, asking to be allowed bounty—to the Select Committee on Payment of Pensions, Bounty and Back Pay.

By Mr. JEFFORDS: Papers relating to the claim of A. Underwood—to the Committee on War Claims.

By Mr. LOVERING: Petition of W. Brewster and 180 others, of Hampton, Va., asking for the passage of an act granting a pension of $8 per month to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. PIERCE: Petition of Warren Brown and others, of Obion County, Tennessee, relative to the claim for pay as laborers on military railroad—to the Committee on War Claims.

By Mr. PRICE: Petition of Ellsworth Post, No. 118, Grand Army of the Republic, for a law granting $8 per month to soldiers and sailors of the last war—to the Committee on Invalid Pensions.

By Mr. POLAND: Petition of S. S. Thompson and others, for increase of pension of Emeline Knapp—to the same committee.

By Mr. RANDALL: Petitions of members of the Grand Army of the Republic, favoring the establishment of a national cemetery near Philadelphia—severally to the Committee on Military Affairs.

By Mr. ROWELL: Petition of Grand Army of the Republic Post, No. 201, Department of Illinois, for amendment to pension laws—to the Committee on Invalid Pensions.

Also, petition of John McDonald, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. SINGLETON: Petition of O. B. Collins and others, favoring the education bill—to the Committee on Education.

By Mr. J. M. TAYLOR: Petition and papers of John T. Stansell, for a pension—to the Committee on Invalid Pensions.

By Mr. H. G. TURNER: Petition of J. M. Hatchett, county school commissioner, and others, and of T. M. Brown and others, all of Clay County, Georgia, favoring the passage of the Blair educational bill—severally to the Committee on Education.

By Mr. OSCAR TURNER: Petition for a pension to Sarah Futrell—to the Committee on Pensions.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 4, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

GOLD AND SILVER PRODUCT DURING 1883.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Director of the Mint on the production of gold and silver in the United States during the calendar year 1883; which was laid on the table, and ordered to be printed.

PROFESSOR PETER COLLIER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, asking an appropriation to compensate Professor Peter Collier for services as expert in the case of Welsh *vs.* Merritt, involving alleged evasion of the payment of duties on sugar; which was referred to the Committee on Appropriations.

DRY-DOCK AT NEW YORK NAVY-YARD.

The SPEAKER also laid before the House a letter from the Secretary of the Navy to the chairman of the Committee on Appropriations, inclosing communications from the Chief of the Bureau of Yards and Docks and report of a board of civil engineers in relation to the dry-dock at New York navy-yard, and asking an appropriation of $140,934; which, on motion of Mr. JAMES, was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that

the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1323) fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent;

A bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes; and

A bill (H. R. 2344) for the relief of Melissa G. Polar.

UNLAWFUL OCCUPANCY OF PUBLIC LANDS.

The SPEAKER. Unanimous consent has been asked on the part of gentlemen who desire to print in the RECORD remarks on the bill (H. R. 5479) to prevent the unlawful occupancy of the public lands, which was passed yesterday.

There was no objection, and it was ordered accordingly.

PRODUCTION OF PRECIOUS METALS.

Mr. BLAND, by unanimous consent, submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 9,000 copies of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1883 be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

SALE OF HARPER'S FERRY.

Mr. WILSON, of West Virginia. Mr. Speaker, I move by unanimous consent that the House Calendar be discharged from the further consideration of the bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia, which has been reported from the Committee on Public Buildings and Grounds with amendments.

The SPEAKER. The bill and amendments will be read subject to objection.

The bill and amendments were read *in extenso*.

The SPEAKER. Is there objection to discharging the House Calendar from the further consideration of the bill and amendments and taking them up for present consideration.

Mr. COX, of New York. I should like to hear the report of the committee read.

Mr. TOWNSHEND. I will reserve the right to object until after the report has been read.

Mr. WILSON, of West Virginia. I should like to make a statement before the reading of as much of the report of the committee as it will be necessary to read for the full explanation of the object of this bill. I feel it is nothing more than a simple matter of justice to the community at Harper's Ferry, the only community in the country which is yet kept by the action of the Government under the desolation of the war, that this bill should be passed. This property at Harper's Ferry has been abandoned by the Government, and has in fact been abandoned property since the close of the war. In 1868 a bill passed both Houses of Congress directing its sale. The property was sold, but unfortunately passed into the hands of some speculators who defaulted in the payment of their bonds, and after long litigation between them and the Government the Government, after the lapse of ten years, reacquired the property, greatly diminished in value. It was unable to make anything out of the bonds of the purchasers. There were several items of property, and it was sold in parcels. This particular property was sold, according to the report, for nearly $200,000.

Mr. TOWNSHEND. Why do you put the minimum value then at $20,000?

Mr. WILSON, of West Virginia. The property has become so wrecked and so diminished in value it is a question whether indeed it has now any appreciable value in the market at all. The statute confers authority upon the Solicitor of the Treasury to make sale of this property in his discretion. He has endeavored to make that sale and has got no bids for it.

This bill, Mr. Speaker, is reported unanimously from the Committee on Public Buildings and Grounds, and the Solicitor of the Treasury has written to the committee suggesting the propriety of fixing the minimum price at $15,000. This bill, however, makes the minimum price $20,000 and provides that the sale shall be made after public advertisement under the direction of the Secretary of the Treasury. It is only justice to this community at Harper's Ferry that this sale should take place.

Mr. PERKINS. How much land is there involved?

Mr. WILSON, of West Virginia. It is only a narrow strip along the Potomac and Shenandoah Rivers, which since the first sale has been washed over by the floods, so to-day it practically has no value.

Mr. PARKER. Its value I suppose is in the water-power?

Mr. TOWNSHEND. Does not it also embrace the buildings which have been erected there by the Government?

Mr. WILSON, of West Virginia. Certainly. Sometimes the land is no wider than the width of this House, and at other times it is much wider.

Mr. PARKER. Does this embrace property on both rivers, the Potomac and Shenandoah?

Mr. WILSON, of West Virginia. Yes, sir.

Mr. PARKER. The old gun-shops and the old rifle-shops; it embraces water-power on both rivers?

Mr. WILSON, of West Virginia. Yes, sir.

Mr. PARKER. It covers the same property, then, which has been litigated so long between the Baltimore and Ohio Railroad and the former purchasers?

Mr. WILSON, of West Virginia. Yes, sir.

The SPEAKER. The Clerk will now read the report.

The Clerk read as follows:

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, submitted the following report to accompany bill H. R. 1628:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia, having had the same under consideration, report it to the House with the recommendation that it pass. The buildings formerly used as workshops, armory, and arsenal at Harper's Ferry having been destroyed during the war, the Government abandoned the property for public uses, and Congress having obtained the opinion of the Attorney-General that the United States had a fee-simple title to the same, passed an act December 15, 1868, directing the Secretary of War to make sale at public auction of the lands, tenements, and water-privileges belonging to the United States at or near Harper's Ferry. In pursuance of this authority the Secretary of War sold said property on November 30 and December 1 and 2, 1869, consisting, first, of the water-power and grounds on which the arsenal, armories, and factories formerly stood; second, an ore bank; third, a ferry privilege; fourth, a large number of lots.

The total amount bid for said property was $97,803.50, of which the water-power and the property connected therewith brought $206,000. The sale was upon credit, and it eventually appeared that the chief item, the water-power, was bid in by a company of irresponsible speculators, who took no steps toward using or improving the property, and defaulted in the payment of their bonds. After several years' delay, during which a disastrous flood reduced its value, and that value otherwise steadily depreciated, the Government was unable to collect anything on the bonds and was compelled to enforce its vendor's lien, and bought back said property at a mere fraction of the original price. Moreover, the 240 lots sold to private individuals for the aggregate of $73,303.50 had been bought on the faith of the improvement of the water-power and consequent restoration of some measure of prosperity to the town. This having failed, the purchasers, who were generally the poor people of the vicinage, were, except in a few cases, unable to comply with the terms of purchase, and Congress finally came to their relief by act passed June 14, 1878, authorizing the Solicitor of the Treasury to cancel their contracts and release the purchasers.

Thus, after ten years the Government became again seized of almost all the property it had sold, greatly diminished in value. The same act authorized the Solicitor to resell the whole or any part of said property or to lease the same for a term of years. Any effort to sell under this authority is greatly hampered by the fact that the value of the property has become so shrunken and speculative that as long as the sale remains in the discretion of any officer, it imposes an embarrassing responsibility upon him to judge whether the price is really an advantageous one. The object of the present bill is to effect an early sale of the property and relieve from any such embarrassment, by making the order for sale peremptory in case a minimum limit is reached, and at the same time providing that it shall only be made at public auction, after full and fair advertising, and at open competition. This is at once for the interest of the United States and of the locality itself, where recuperation and prosperity are totally repressed by the continued disuse and desolation of this property.

The Government is incurring expense by holding on to property which it declines to use for any purpose, while its value is steadily diminishing upon its hands. It is also a matter of sheer justice to the State of West Virginia and to the particular locality that this large area of property in the very heart of the village of Harper's Ferry, abandoned and in ruins, exempt from taxation, and by its very abandonment repressing all prosperity and almost destroying the value of contiguous private property, should be as soon as possible transferred to ownership which will improve it, develop its capabilities, and subject it to its equitable share of local burdens.

Moreover, your committee deem it equally impolitic and unjust for the Government, after ceasing to use property for the public purposes for which it was acquired, to become a lessor thereof to private individuals for the erection of works which would be tax free. The Legislature of West Virginia has passed a joint resolution asking for the sale of this property.

Your committee therefore, looking to the interest of the Government and to the rights of the State wherein the property is located, recommend the passage of this bill with the following amendments:

In section 1, line 7, of printed bill, after the word "reservation," insert the words "except as hereinafter provided."

Add to section 1 the following proviso: "*Provided*, That the property shall not be sold for a less sum than $20,000."

Add to section 2 the words: "But so that at least one-third of the purchase money shall be paid in cash and the credit portion shall bear interest at the rate of 6 per cent. per annum."

Insert in the bill, as section 3, the following:

"SEC. 3. That upon the compliance of any purchaser or purchasers of the whole, or of any parcel purchased as aforesaid, with the terms of sale, such purchaser or purchasers shall be let into possession of the premises so purchased, and upon full payment of the purchase money and interest (if any be due), the Solicitor of the Treasury, for and in behalf of the United States, shall make, seal, and deliver to the purchaser or purchasers good and sufficient deed or deeds, conveying all the right, title, interest, and estate of the United States in the said property or parcel thereof, as the case may be, in fee-simple."

Insert section 3 of the original bill as section 4.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COX, of North Carolina. I can not see any necessity for relieving these parties from the responsibility they have assumed. That seems to be the only object of this bill, and therefore I must object to it.

Mr. STOCKSLAGER. That has been already done. I will say to the gentleman from North Carolina, this bill does not relieve anybody.

Mr. WILSON, of West Virginia. This bill proposes nothing of that kind. This is simply an authorization to the proper authorities to dispose of the property; not to relieve anybody of the responsibility heretofore incurred.

Mr. TOWNSHEND. As a general rule I find that when the Government wants to sell its property——

The SPEAKER. Objection is made to the consideration of the bill.

Mr. TOWNSHEND. I reserved the right to object until after the reading of the report.

The SPEAKER. The gentleman from North Carolina objects.

Mr. WILSON, of West Virginia. I hope the gentleman from North Carolina will not insist upon his objection in view of the facts I have stated.

Mr. PARKER. I wish to ascertain whether by unanimous consent we can not arrive at some method of considering this bill, so that it will be open for amendment by the House.

The SPEAKER. The Chair will again ask if there is objection to the present consideration of the bill?

Mr. TOWNSHEND. I wish to say simply that I find as a general rule when the Government wants to sell its property it is compelled to do so at a sacrifice, but when it wants to buy anything it has to pay the full value. However, as it seems in this case that there is no object in view of relieving any one from obligations entered into, I withdraw the objection.

The SPEAKER. The gentleman from North Carolina objected.

Mr. COX, of North Carolina. I withdraw the objection.

The SPEAKER. The Chair will again inquire, is there further objection to the consideration of the bill?

Mr. CAMPBELL, of New York. I object, and demand the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

Mr. COBB. I move to dispense with the morning hour for the call of committees.

The House divided; and there were—ayes 68, noes 57.

So (two-thirds not voting in favor thereof) the motion to dispense with the morning hour was not agreed to.

REFUND OF CERTAIN DUTIES.

Mr. HEWITT, of New York, from the Committee on Ways and Means, reported back with amendments the bill (H. R. 4186) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

J. J. B. WALBACH.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 6124, a bill (H. R. 7229) to remove the disabilities of J. J. B. Walbach, of Baltimore, Md.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

JOHN RANDOLPH HAMILTON.

Mr. TUCKER, from the Committee on the Judiciary, also reported a bill (H. R. 7230) to remove the disabilities of John Randolph Hamilton, of North Carolina; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN K. COOKE.

Mr. TUCKER, from the Committee on the Judiciary, also reported a bill (H. R. 7231) to remove the disabilities of John K. Cooke, of Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISSUE OF SILVER CERTIFICATES.

Mr. LACEY, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for H. R. 6137, a bill (H. R. 7232) to prohibit the issue of Treasury notes of less denominations than $5, and to provide for the issue of one, two, and five dollar silver certificates; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INDIAN SCHOOL, YUMA, ARIZ.

Mr. OURY, from the Committee on Indian Affairs, reported back the bill (H. R. 1661) to provide for the establishment and maintenance of an Indian school at Yuma, in Yuma County, Arizona, and to make an appropriation therefor; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, BROOKLYN, N. Y.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported certain testimony taken by that committee under instructions of the House, in regard to charges of corruption and collusion in reference to the selection and purchase of the site of the Federal building in Brooklyn, N. Y., with resolutions thereon; which resolutions were referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOPKINS. This report is brief, and I ask unanimous consent to have it printed in the RECORD.

There was no objection.

SILK-CULTURE BUREAU.

Mr. HOPKINS, from the Committee on Labor, reported, as a substitute for the bill (H. R. 6667) for the creation of a silk-culture bureau, a resolution, which is as follows:

That the Committee on Agriculture be requested to include in the appropriation bill for the Department of Agriculture an item of $25,000, to be expended under the direction of the Commissioner of Agriculture in promoting silk culture in the United States.

The resolution was referred to the Committee on Agriculture, and, with the accompanying report, ordered to be printed.

The SPEAKER. The bill, if there be no objection, will be laid on the table.

There was no objection, and it was ordered accordingly.

RELIEF OF PENSIONERS.

Mr. PETERS (for Mr. HOLMES), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1981) for the relief of certain pensioners enrolled by special act of Congress; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRIET L. STEVENS.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7002) for the relief of Harriet L. Stevens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CORYDON MILLARD.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 6505) granting a pension to Corydon Millard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

GEORGE W. RUGG.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5630) granting a pension to George W. Rugg; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN C. FENSCKE.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 836) granting a pension to John C. Fenscke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

MRS. P. E. MILLIKEN AND C. MILLIKEN.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken and Charles Milliken; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

REUBEN J. CHEWNING.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 837) granting a pension to Reuben J. Chewning; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. HURLBURT.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1653) granting a pension to John R. Hurlburt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH PIGEON.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 6044) granting a pension to Joseph Pigeon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5634) for the relief of Frank M. Guernsey;
A bill (H. R. 5663) for the relief of Mary Howard Farquhar;
A bill (H. R. 4655) granting a pension to Ira J. J. Turney;
A bill (H. R. 2902) granting a pension to Edmond Gatlin;

A bill (H. R. 2898) granting a pension to Peter Burns;
A bill (H. R. 2892) granting a pension to James Preston;
A bill (H. R. 5210) granting a pension to Priscilla Wood;
A bill (H. R. 2909) granting an increase of pension to Frank Fisher;
A bill (H. R. 2893) granting a pension to John Geibel;
A bill (H. R. 1644) for the relief of Richard Goyin;
A bill (H. R. 4945) granting a pension to John H. Snyder;
A bill (H. R. 4656) for the relief of Peter Mitchell;
A bill (H. R. 5631) granting a pension to W. H. Higgins;
A bill (H. R. 6226) granting a pension to George E. Fernald;
A bill (H. R. 6049) for the relief of Charles Hoffman;
A bill (H. R. 1647) for the relief of Peter Mitchell, jr.;
A bill (H. R. 3465) granting a pension to Sophie F. Kampf;
A bill (H. R. 5211) granting a pension to Ira J. J. Turney;
A bill (H. R. 1649) granting a pension to Priscilla Wood;
A bill (H. R. 4654) for the relief of Richard Goyin;
A bill (H. R. 2323) for the relief of Johanna Raberle;
A bill (H. R. 2910) granting a pension to Charles Wilkinson;
A bill (H. R. 2901) granting a pension to Lydia Holtz;
A bill (H. R. 2895) granting a pension to Morris O. Connor;
A bill (H. R. 2900) granting a pension to John W. Carr;
A bill (H. R. 3481) for the relief of Maria B. Schug;
A bill (H. R. 3478) granting a pension to Sylvanus Brimhall;
A bill (H. R. 3479) for the relief of Frederick Wales;
A bill (H. R. 4358) granting a pension to Clayton E. Rogers; and
A bill (H. R. 1648) granting a pension to Ira J. J. Turney.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back with an adverse recommendation the bill (H. R. 729) granting a pension to Annie Lientand; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM ERVIN.

Mr. ROGERS, of New York, from the Committee on War Claims, reported, as a substitute for H. R. 3191, a bill (H. R. 7233) for the relief of William Ervin.

The original bill was laid on the table, and the substitute bill was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL SAFE-DEPOSIT COMPANY OF WASHINGTON.

Mr. BARR, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 1437) to amend an act entitled "An act to incorporate the National Safe-Deposit Company of Washington, in the District of Columbia," approved January 22, 1867; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. MULDROW. I ask consent that the minority of the Committee on the District of Columbia have leave to file their views in opposition to the bill just reported.

There was no objection; and leave was accordingly granted to the minority to file their views, to be printed with the report of the majority.

ORDER OF BUSINESS.

The call of committees was resumed and concluded.

Mr. SLOCUM. I was absent when the Committee on Military Affairs was called. I ask unanimous consent to submit two reports from that committee.

There was no objection.

RECORDS OF TROOPS FOR STATES.

Mr. SLOCUM, from the Committee on Military Affairs, reported back with an amendment a bill (H. R. 6338) directing the Secretary of War to furnish States with copies of the records of troops; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EMPLOYMENT OF DISCHARGED SOLDIERS AND SAILORS.

Mr. SLOCUM, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3335) to revise section 1764 of the Revised Statutes, relative to the employment of persons discharged from the military or naval service; which was placed on the House Calendar, and the accompanying report ordered to be printed.

WILLIAM E. WOODBRIDGE.

Mr. ATKINSON, from the Committee on Patents, by unanimous consent, reported back with an amendment the bill (H. R. 2859) for the relief of William E. Woodbridge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SITE FOR PUBLIC BUILDING AT BROOKLYN, N. Y.

Mr. HOLMAN. A report was made this morning from the Committee on Public Buildings and Grounds with regard to the purchase of the site for the Brooklyn post-office. I desire to submit a motion, which I think will not be opposed by the committee, that that report be recommitted to the committee for the purpose of further examination, inasmuch as the result of the investigation by that committee after careful examination is not satisfactory to the people of that district. I ask my friend from Pennsylvania [Mr. HOPKINS] to consent that the report be recommitted, and I send up to the Clerk's desk a resolution to be read.

Mr. HISCOCK. That resolution is read subject to objection.

The SPEAKER. Certainly.

The Clerk read as follows:

Resolved, That the report of the Committee on Public Buildings and Grounds on the Brooklyn post-office site be recommitted, and that said committee be instructed to reopen the investigation with open doors, giving the citizens of Brooklyn, N. Y., through such counsel as they may designate, the right to examine all testimony so far taken before the said committee, and to examine any and all witnesses who may be hereafter subpœnaed before said committee; and that the Committee on Public Buildings and Grounds are requested to especially inquire into the value of the site proposed to be purchased by the Secretary of the Treasury, as to its market value on the 16th day of February, 1884; also to inquire whether the improvements on said site were included in the proposed purchase or were to be removed by the parties making the sale to the Government; also to inquire whether the selection of the proposed site is satisfactory to the citizens of Brooklyn, N. Y., and what voice the Secretary of the Treasury has permitted them to have in the selection of the proposed site; and that the Committee on Public Buildings and Grounds be directed to particularly inquire regarding the value of the property owned by one William A. Husted, which is a part of this proposed site, which property is assessed on the map of the assessor's office of the city of Brooklyn, N. Y., at $29,900, for which the Secretary of the Treasury it is alleged proposes to pay $185,500; and that the Secretary of the Treasury be requested to suspend further negotiations for the purchase of the proposed site pending the investigation.

The SPEAKER. Is there objection to the present consideration of the resolution which has been read?

Mr. HISCOCK. I object.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I understand that the Committee on Public Buildings and Grounds were authorized to report upon this subject at any time; otherwise I suppose that it would not have been in order for that committee to have submitted this report during the morning-hour call of committees for reports, the subject not being reported back by them in the form of a bill; though I am not certain as to that. But my inquiry is whether when a committee is authorized to report at any time its report might not when brought before this House still retain that same privilege?

The SPEAKER. It has always been the practice of the House, in the case of a committee having the right to report at any time under an order of the House to take up that report for consideration when made, except in a case where the committee chooses to present the report during the regular call of committees. In that case, under a standing rule of the House, but one thing can be done with the report: it must be referred to its appropriate calendar. If the Committee on Public Buildings and Grounds had submitted this report at any other time than during the call of committees for reports it would have come up at once for consideration.

Mr. SPRINGER. Would it be now in order to move to reconsider the vote by which this report was referred to its appropriate calendar?

The SPEAKER. As the Chair remembers the rule of the House, bills which have been referred can not be brought back into the House by a motion to reconsider; but perhaps that rule refers only to bills referred to committees. The Chair will examine the rule and ascertain.

Mr. HOPKINS. Mr. Speaker, the Committee on Public Buildings and Grounds has no disposition to avoid any investigation that the House may direct. Under the terms of the resolution, in accordance with which this report has been made, the committee was instructed to investigate certain charges of corruption and collusion between Federal officers and real-estate owners. We found there was no evidence whatever of any corruption or collusion, and have so reported. The scope of the resolution proposed by the gentleman from Indiana is wider than that under which the committee has acted. Of course if it is desired by the House that our investigation should take a more extended range, and if the object can be accomplished in any parliamentary way, I am perfectly willing the gentleman should be accommodated.

The SPEAKER. The rule of the House, as the Chair finds upon examination, does not prohibit bills and resolutions from being brought back on a motion to reconsider, except when they are referred to a committee or have been reported back and recommitted. The rule does not prohibit a motion to reconsider in a case like this.

Mr. HOLMAN. Then I hope the gentleman from Pennsylvania will make that motion.

Mr. HOPKINS. Mr. Speaker, is the motion to reconsider in order now?

The SPEAKER. It is.

Mr. HOPKINS. I move to reconsider the vote by which this report was referred to the House Calendar.

Mr. HISCOCK. What will be the effect of that motion if adopted?

The SPEAKER. It will simply bring the report back before the House as it was when it came from the Committee on Public Buildings and Grounds during the call of committees for reports. It will not bring the report before the House for immediate consideration; but under the rules it may be recommitted.

Mr. HOLMAN. That is the object I had in view.

The SPEAKER. The gentleman from Pennsylvania [Mr. HOPKINS] moves to reconsider the vote by which this report was referred to the House Calendar.

The motion to reconsider was agreed to.

Mr. HOLMAN. I now move to recommit the report with the instructions which have been read.

The SPEAKER (having put the question on the motion of Mr. HOLMAN) said: The ayes appear to have it.

Mr. HISCOCK called for a division.

The SPEAKER was proceeding to put the question again, when

Mr. HISCOCK said: Mr. Speaker, I rise to a parliamentary inquiry. Is this question debatable?

The SPEAKER. It is.

Mr. HISCOCK. It seems to me, Mr. Speaker, there ought to be some explanation from the chairman of the committee that made this report why it should be recommitted.

Mr. HOLMAN. The House, as I understand, is dividing.

The SPEAKER. The gentleman from New York was recognized for the purpose of asking as a parliamentary inquiry whether this motion was debatable. The Chair answered that it was.

Mr. HISCOCK. As I understand, a report was made to-day from the Committee on Public Buildings and Grounds, and the gentleman from Pennsylvania [Mr. HOPKINS], representing that committee, has stated that there has been no evidence of collusion or fraud in the case. Now, it seems to me there should be some reason given, more than the mere offering of a resolution, why the subject should be recommitted. Some explanation should be given by the gentleman from Pennsylvania who has charge of this matter. I for one desire that the report which has been presented, and as to which the motion to recommit is made, be read.

The SPEAKER. The gentleman has the right to have the report read. The House is about to vote on the motion to recommit the report. The Clerk will read it.

The Clerk read as follows:

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, submitted the following report:

On the 24th day of March A. D. 1884, a resolution was introduced into the House of Representatives calling upon the Secretary of the Treasury for all the correspondence and other papers relative to the selection of a site for a Government building in Brooklyn, N. Y. This resolution was referred to the Committee on Public Buildings and Grounds. At a meeting of said committee specific charges in writing were filed alleging complicity between some of the officers of the Government and the owners of real estate in Brooklyn in reference to the selection and purchase of a site for a Government building, whereby an exorbitant price was to be paid for an undesirable piece of property. This being reported to the House, the committee was instructed to investigate said charges.

In the discharge of the duty thus imposed the committee have examined all of the papers relating to the subject on file in the office of the Secretary of the Treasury and of the Supervising Architect of the Treasury; and we also examined a number of witnesses, including the two officers referred to, and we beg leave to submit the result of our investigation.

We find that the Secretary of the Treasury, by public advertisement, invited proposals for the sale of a suitable site for a Government building in Brooklyn. Failing to receive any response, the Secretary appointed a commission to select a site. This commission made a careful examination of thirteen different properties, and selected three as eligible, which they designated as first, second, and third choice; but neither of these sites could be purchased for the amount which the Secretary had prescribed as the limit of cost.

It is proper in this connection to state that $800,000 had been fixed by Congress as the limit of cost for the ground and the erection thereon of the building.

After an interval of impatience on the part of the citizens of Brooklyn to have the selection determined and the work go on, the Secretary decided to accept the property having a frontage on Washington, Johnson, and Adams streets, provided it could be purchased for a price not to exceed $450,000; and an order to that effect was issued to Leonard Moody, a real-estate agent of Brooklyn.

Hermann Liebmann (or Liebmann Bros.) being the owner of a portion of the property selected, and also the owner of a large amount of other property in the same block which would be greatly enhanced in value by the erection of the post-office, &c., in that locality, Mr. Moody had recourse to him to assist in securing the different lots in the proposed site.

Mr. Liebmann's connection with the matter gave color to the charge that the purchasing agent of the Government was one of the largest owners of the land to be bought. But there is no evidence to indicate that any officer of the Government had any correspondence or communication with, or even knowledge of the existence of, Mr. Liebmann at that time.

It might have been possible, under the arrangement between Messrs. Moody and Liebmann, for Mr. Liebmann to have speculated upon the Government by securing the property desired at a less sum than the limit authorized. And he himself admits that when he undertook the transaction he expected that the entire purchase would not exceed $425,000. But his expectations were not realized; and he swears that the actual cost to him was $501,000 for the property which the Government is to get, if the sale is consummated, for $450,000.

In suggesting the possibility referred to it is fair to say that there is no evidence that there was any design upon the part of Messrs. Liebmann and Moody to exact from the Government any more than the actual cost to them of the property, even if it had been secured for a sum below the limit imposed by the Secretary, except in so far as relates to the piece of property within the selected plot, which was owned by Liebmann before the site was determined. That piece had cost him $40,000, and he intended putting it in to the Government for $50,000 if that piece with the other purchases should not exceed the limit of $450,000.

It is also fair to say that there is no evidence of any improper motive upon the part of Mr. Moody in securing the co-operation of Mr. Liebmann to effect the entire purchase. The Government would not buy a portion of the ground unless all could be secured. There were thirteen different owners to be negotiated with. Mr. Liebmann was a man of means, and had sufficient interest in adjacent property to induce him to take upon himself the burden of the entire purchase.

The committee consider that having presented to the House all the facts elicited in the investigation, and having found that there was no fraud or collusion in making the selection or agreeing to the price of the site selected, they are not called upon, under the terms of the resolution, to report as to whether the price was too high, under the testimony, or under the limit of cost for the ground and building.

While there is a conflict of testimony and a very wide divergence of views as to the real value of the site selected, we have examined all of the contracts of purchase and the vouchers for moneys paid, and have failed to discover any evidence that the prices named as the consideration for the several pieces of property are not in every case the amount paid in good faith. We can find no evidence of any agreement or understanding by which any portion of the purchase money is to go as commission, fees, or in any other way to any officer or employé of the Government. We can find no evidence that there has been any fraud or collusion upon the part of any public officer whereby the site was selected, or any of the pieces of property purchased, or the prices thereof fixed.

Your committee do not feel called upon to express any opinion as to the eligibility of the site chosen. Upon this question there is a great deal of feeling among the citizens of Brooklyn; and perhaps that feeling will to some extent account for the suspicions out of which grew the charges which are the basis of our action. But we were instructed to investigate charges of corruption, collusion, or other improper action upon the part of the Secretary of the Treasury or some of his surbordinates, and not to inquire into the exercise of the discretion as to the selection of a site for a public building, which is lodged in the Secretary.

Every opportunity was offered for the introduction of evidence to sustain the charges, and we unhesitatingly report that there has not been produced before us a scintilla of evidence which in the slightest degree reflects upon the integrity of the Secretary of the Treasury, upon the Supervising Architect, or upon any other officer of the Government. We therefore recommend the passage of the following:

Resolved, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury or of some of his subordinates in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn have not been sustained.

Resolved, That the Committee on Public Buildings and Grounds be discharged from further consideration of the matters referred to them in this regard.

Mr. HISCOCK. Now, Mr. Speaker, I believe I have the floor.

Mr. HOLMAN. I think not.

The SPEAKER. The Chair supposed the gentleman from New York had yielded the floor.

Mr. HISCOCK. I asked to have that report read.

The SPEAKER. Read in the gentleman's time?

Mr. HISCOCK. Yes, sir; and in my time.

The SPEAKER. The Chair will recognize the gentleman from Indiana [Mr. HOLMAN] afterward.

Mr. HOLMAN. In the midst of the taking of a vote by a division the gentleman from New York asked for the reading of the report.

The SPEAKER. The gentleman from New York was on his feet when the Chair rose to put the question. The gentleman stated his desire to make a parliamentary inquiry, which was whether this motion was debatable. The Chair stated that it was. Thereupon the gentleman made some remarks and called for the reading of the report.

Mr. HOLMAN. But of course the gentleman was not in order in occupying the floor during a division of the House.

The SPEAKER. The gentleman had the right to have a paper read on which the House was about to take a vote, and the Chair so decided.

Mr. HOLMAN. But the House was dividing at the time, and the gentleman was entitled to nothing else than to have the report read; he was not in order in occupying the floor for any other purpose.

The SPEAKER. When the Chair stated to the gentleman from New York, in response to his inquiry, that the motion was debatable, the gentleman proceeded to debate it. But the Chair supposed he had concluded his remarks. He states, however, that he had not yielded the floor, but merely called for the reading of the report in his own time. The Chair will recognize the gentleman from Indiana afterward.

Mr. HISCOCK. Mr. Speaker——

Mr. WILSON, of Iowa. I desire to inquire of the Chair what is the pending question?

The SPEAKER. The pending question is upon the motion of the gentleman from Indiana to recommit the report to the Committee on Public Buildings and Grounds with the instructions which have been read.

Mr. WILSON, of Iowa. It is competent also, is it not, for the House to adopt if it sees fit the resolutions appended to the report?

The SPEAKER. The question is on the motion to recommit.

Mr. HISCOCK. If that motion is voted down, then I suppose the question will be upon the adoption of the resolutions reported by the committee?

The SPEAKER. The Chair thinks not. The motion to reconsider, which has been adopted, simply brings this matter before the House in the same position as when it was first presented by the Committee on Public Buildings and Grounds during the call of committees for reports. It only comes before the House for appropriate reference under the rules.

Mr. HISCOCK. Very well.

The SPEAKER. It is not up. It is here only for appropriate reference under the rule.

Mr. HISCOCK. As I understand the situation, Mr. Speaker, in this case it is this: The resolution was referred to the Committee on Public Buildings and Grounds to investigate specific charges made against the Secretary of the Treasury or some official of his Department. I understand from this report those charges have been fully investigated and the Secretary and every officer under him have been fully exonerated. The chairman of that committee bows to my remark and assents to it.

Now, I further understand, Mr. Speaker, that committee has brought in here through its chairman a report unanimously recommending the adoption of resolutions exonerating the Secretary of the Treasury and the officers under him. At this stage of the proceedings the gentleman from Indiana [Mr. HOLMAN] comes in here with another resolution asking that this report of the Committee on Public Buildings and Grounds shall be recommitted with further instructions in reference to the subject-matter. If the Committee on Public Buildings and Grounds had asked for further instructions, I certainly would not stand here in opposition to their having them. If they had asked for further power, I would not stand here to prevent their having it. I am willing to act under their guidance; I am entirely willing to act on their judgment, but I do insist that a committee of this House, led by the gentleman from Pennsylvania [Mr. HOPKINS], is entitled on a question of this kind, affecting the honesty and integrity of a Government official, to indicate to this House the policy which should be pursued. It seems to me, therefore, it is nothing more than fair to the Secretary of the Treasury and to the officials under him that they should have the benefit of the vindication which that committee has reported in their behalf.

I do not really know what is the object of the proposition of the gentleman from Indiana. I do not know whether it is still further to delay the erection of this public building in the city of Brooklyn. If so, I have nothing to do with that further than to say the Representatives from that city must take care of that question. But, sir, I have an interest, as every man must have, in the honesty and integrity of the Government officials; and when a committee of this House, made up of a majority on this floor of those who are opposed in political sentiment to the Secretary of the Treasury and those under him, have submitted a report here exonerating them from all charges made against them, I think it is only right and just that they should have the benefit of that vindication.

I will yield now, Mr. Speaker, for three minutes to my colleague [Mr. SLOCUM].

Mr. SLOCUM. Mr. Speaker, I understand the ruling of the Chair to be that if the resolution presented by the gentleman is voted down the report of the committee does not come up for action.

The SPEAKER. No; it goes to the House Calendar under the rules of the House.

Mr. SLOCUM. Then it will never be acted on during this session of Congress. I therefore suggest to the gentleman from Indiana to amend his resolution so it will direct the Committee on Public Buildings and Grounds to report back within ten days for the action of this House. It is unfair and it is unjust to the Secretary of the Treasury, and it is particularly unjust and unfair to the city of Brooklyn, and it is unjust and unfair to every man connected with this matter, to still further delay it and throw it over beyond the present session of Congress. If the gentleman from Indiana understands the effect of his motion I hope he will not insist upon pressing it in its present shape, but will agree with the modification I have suggested.

Mr. HOLMAN. I think that is only proper and right, and I am willing to modify the motion, so that the committee shall be directed to report back within ten days, because I think that within that time the necessary investigation can be made.

Mr. SLOCUM. I understand, then, the gentleman from Indiana accepts my modification to direct the committee to report back within ten days for the action of the House.

Mr. HOLMAN. Yes; I think that is proper. I would suggest to the gentleman from New York that it go further, and authorize the committee by a subcommittee to sit in Brooklyn, N. Y., for the purpose of taking testimony. I hope there will be no objection to that modification.

Mr. SLOCUM. The gentleman from Indiana modifies his resolution as I understand, directing the committee to report within ten days.

Mr. HOLMAN. I have no objection to that. As I have said, I think that is only fair and proper. In order that this matter may be promptly determined, and determined with the full knowledge of all the facts, I hope, as I have said, it will be further modified by allowing a subcommittee to take testimony in the city of Brooklyn, N. Y.

Mr. HISCOCK. In whose time is all this taking place; not in my time?

The SPEAKER. The gentleman yielded to his colleague [Mr. SLOCUM]. The Clerk will send the resolution to the gentleman from Indiana, so he may draw up his amendment in proper form. The Chair understands that the gentleman from Indiana accepts the modification suggested by the gentleman from New York and incorporates it in his resolution.

Mr. HOLMAN. Yes, sir.

Mr. SLOCUM. In the interest of the city of Brooklyn I hope the resolution as modified will be adopted, because if rejected the original resolution can not be reached at all: It will go on the House Calendar, and that ends it.

Mr. HISCOCK. Do I understand if that modification be adopted and the committee shall report back within ten days it will carry with it the right to consideration?

The SPEAKER. Provided the committee does not report during the morning hour, when committees are regularly called for reports, which was the difficulty this morning.

Mr. HOPKINS. In order that there may be no implication against the committee of having intentionally done this, I wish to say that the committee was not empowered to report at any time.

The SPEAKER. Then the Chair has been mistaken. It has been assumed on the floor that the committee had that right, and the Chair has not examined the resolution.

Mr. HOPKINS. If that had been the fact the report would have been made two weeks ago.

The SPEAKER. The Chair was proceeding upon what seemed to be the understanding on the floor. The Chair had not examined the matter.

Mr. SLOCUM. Then the amendment of the gentleman from Indiana proposing to recommit this subject should also include the right on the part of the committee to report at any time.

Mr. HISCOCK. Before this question is disposed of, or before it is allowed to go back to the committee, if such shall be the wish of the House, I want to suggest to my colleague from New York, and no one has a higher regard for him than I have, that it would be advisable to ascertain whether the committee themselves regard it as necessary to make this additional investigation. I desire, therefore, to ask the chairman of the Committee on Public Buildings and Grounds if he believes that any more information can be obtained upon a re-examination of this subject, or whether in his judgment the question has not been already exhausted, and if a recommitment of the subject to them for the purpose of making another examination would not be merely a waste of time and accomplish nothing? I would like to hear a suggestion from him upon that point.

Mr. STOCKSLAGER. I will state to the gentleman from New York that Mr. HOPKINS had the subject under consideration as chairman of the subcommittee.

Mr. HISCOCK. Then I appeal to the gentleman from Pennsylvania [Mr. HOPKINS] for information. I ask if he regards it as wise or necessary that this subject should go back to the committee for the purpose of a re-examination.

Mr. HOPKINS. As I stated before, the original resolution referring this subject to the committee simply directed the Committee on Public Buildings and Grounds to investigate certain charges of alleged collusion or corruption. Incidentally with that examination we did to some extent investigate the question of the value of the property in question, but made no report upon it, because it was a subject not referred to the committee, nor was it a question which we were directed to investigate. This resolution, however, as I understand it, proposes to go into that question, to ascertain whether the Government is being asked to pay an excessive value for this property or not. It opens up, therefore, another question. And I may say in this connection that I suppose a great deal of this feeling has grown out of the fact that a year ago this property was assessed at $127,000, but the assessment of the present year places it at $280,000.

Mr. HISCOCK. Let me ask the gentleman if it is not understood that this property is assessed at its supposed marketable value?

Mr. HOPKINS. No, sir; in Brooklyn, as I understand it, the custom is to assess property at about 70 per cent. of its real value.

Mr. WILLIS. I would like to ask the gentleman from Pennsylvania if it is not the rule in Brooklyn to assess property upon its rental value?

Mr. HOPKINS. No, sir——

Mr. TULLY. What is the rule of law with reference to this subject of taxation there?

Mr. HOPKINS. There is no rule of law that I know of. The president of the board of assessors was before the committee and made a detailed statement showing the assessed value of this property a year ago. It was then fixed, as I have said, at $127,000. At that time the assessment for the present year of course had not been made. That assessment was before the opening of the Brooklyn bridge, and there was a great prospective value of property lying along Washington street, one of the boundaries of this proposed site. There has been a great deal of discrepancy or difference of opinion regarding the value of this property. Some testimony places its value at not over $200,000, while yet some have gone as high as $500,000.

As to the other point, whether the site is acceptable to Brooklyn or not, there is a greater diversity of opinion even than as to the value of the property itself. These are questions of course that can only be determined by investigation.

Mr. HISCOCK. What I wish to ask the chairman of the committee is whether it is desirable to them to have this matter recommitted to the committee to make an additional report upon it?

Mr. HOPKINS. That of course is not for me to say. The gentleman from Indiana has made the motion, and the committee will abide by the action of the House.

Mr. HISCOCK. But that was the very point I wanted to get at. If the Committee on Public Buildings and Grounds are of the opinion, after having fully investigated this question, that they have exhausted all there is of it to exhaust, while I have the greatest respect for the gentleman from Indiana, I should be compelled in this particular case to yield to the judgment of the Committee on Public Buildings and Grounds, and I think the House also would be bound in that direction. Therefore I ask the gentleman if he thinks it desirable or necessary to re-examine this question?

Mr. HOPKINS. In reply to the gentleman from New York, I will state that this is simply a matter for the judgment of the House. This is a question for the House to determine, as to what information they want. It is not for the committee to say. All I can say for the committee is that they will discharge all of the duties imposed upon them by the House to the best of their ability.

Mr. HOLMAN. Will the gentleman now allow me to have this modification of the proposed amendment read?

Mr. HISCOCK. I wish first to ask the gentleman from Pennsylvania if he will say frankly that he believes there is any propriety in having this question recommitted to the committee with a view to getting additional information?

Mr. HOPKINS. I can not say that there is. It will depend upon the extent of the investigation. We can not tell of course what the result may be.

The SPEAKER. Before the gentleman from Pennsylvania proceeds the Chair will cause the modification of the resolution proposed by the gentleman from Indiana to be read.

The Clerk read as follows:

That said committee be instructed to make its report herein within ten days; and is authorized to send a subcommittee of three of its members to Brooklyn, N. Y., to inquire into the facts, and the committee is authorized to report at any time.

Mr. HISCOCK. Now, I would suggest there be added to that: "The committee to report within ten days, in such order as to carry the right of immediate consideration."

Mr. SLOCUM. That carries the right of immediate consideration.

The SPEAKER. That would follow unless the report is made during the call of committees.

Mr. HISCOCK. I want it in the resolution that the instructions be to report in such order as that the report will carry with it immediate consideration.

Mr. WILSON, of Iowa. The order that the committee have leave to report at any time for consideration will cover that.

Mr. HISCOCK. Is the resolution modified in that way?

The SPEAKER. It is.

Mr. HISCOCK. If the gentleman from Brooklyn [Mr. SLOCUM] still thinks the resolution should be recommitted, in the face and eyes of the declaration of the gentleman in charge of the report, I certainly shall not object.

Mr. SLOCUM. I do not believe there is a single member of the Committee on Public Buildings and Grounds who believes there has been any corruption here. I do not believe when this matter is fully aired there will be a man in this House who will believe it. There has been a great contention there between different parties to have the site located at different places, and this is the outgrowth of it in my opinion. I wish, however, the resolution of the gentleman from Indiana to pass, for the simple reason that it is better in the interest of the city of Brooklyn that it should pass, because it brings the matter up for action immediately; otherwise it goes on the Calendar and never will be acted on. As the motion to recommit as now modified will bring it up for action within ten days, I hope it will be adopted.

Mr. HISCOCK. Very well; I yield to the judgment of the gentleman from New York [Mr. SLOCUM]. I now yield two minutes to the gentleman from New York [Mr. ROBINSON].

Mr. ROBINSON, of New York. In this report, as I understand it, it is said that the commission which was appointed by the Secretary of the Treasury to make a selection recommended three sites, and the report states that no one of those three sites could be got within the limit of the money that they had to purchase with. Now, I understand that of the three sites selected the third, which was easterly of the city hall, on Flatbush avenue, could have been obtained for $200,000; but the Secretary has wandered away from the recommendation of his own commissioners and made a selection which was not recommended. He could have got the third site recommended by the commissioners for about one-half of what he now offers to pay for this undesirable location. I may add that all the sites are in my district.

The SPEAKER. The Clerk will report the resolution as modified.

The Clerk read as follows:

That said committee be instructed to make its report herein within ten days for consideration.

Mr. HISCOCK. I understand the gentleman from Kentucky [Mr. WILLIS] wants a little time.

Mr. WILLIS. I desire two or three minutes.

Mr. HISCOCK. I yield to the gentleman from Kentucky, although I have no objection now to letting the resolution pass at once.

The SPEAKER. The Chair supposed the gentleman from New York [Mr. HISCOCK] had yielded the floor, and has recognized the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I yield two minutes to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. My attention has been called to this subject, and I ask to be briefly heard.

There are two distinct propositions embraced in the proposed reinvestigation of the purchase of site for the Brooklyn building. One concerns chiefly the people of that city and only indirectly the people of the United States. If the site selected by the Treasury Department is insufficient in size or inconvenient in location, and this can be shown to the satisfaction of Congress, it will, I doubt not, be changed. In considering this question I for one would be largely influenced in my vote by the views of the Representatives of that city upon this floor. That question is, however, not now before this House, nor was it, except indirectly, before the Committee on Public Buildings and Grounds. The question, the proposition, which that committee had before it was a broader and much more important one. The charge had been made, at first furtively and cautiously and then openly and boldly, that there had been improper conduct on the part of the Secretary of the Treasury and the Supervising Architect in selecting the site. It was alleged as a part of the proof sustaining this charge that undue haste had been shown in its selection, and that the price paid was greater than the assessed price of the property and greater than what had been paid in other cities of similar wealth and population.

The committee has considered these charges, and by a unanimous report fully acquit the Department of any improper conduct in the premises. The representatives of that Department belong to one political party and the majority of the committee belong to another and different political party, but upon a full and careful review of all the evidence which malice and disappointment could present the judgment of the committee is an emphatic vindication of the integrity and fair dealing of the Department from the beginning to the end of this transaction.

But, Mr. Speaker, I can not refrain from calling the attention of this House and of the country to the wrong which these slanderous reports have inflicted, and to the inability of this committee by one report, or by a hundred reports, to repair that wrong. Thousands whose attention have been called to these charges will never see or hear of the report which the committee has made. When, therefore, an unsuccessful effort has been made to smirch the reputation of officers charged with grave responsibility it should be our duty and our pleasure to give the vindication a publicity as widespread as the charges.

As this matter will come up for consideration in a few days, I call attention to the following memoranda of facts connected with the selection of this site:

July 12, 1882, act approved authorizing purchase of site and construction of building. Limit of cost, $800,000.
September 2, 1882, collector of internal revenue requested to obtain proposals for sale of land for site. Advertisement.
September 25, 1882, collector reports no bids received.
September 27, 1882, time for receiving bids extended indefinitely.
October 4, 1882, collector submits plats of five different sites, with remarks.
January 19, 1883, Hon. George H. Andrews, Hon. Jackson S. Shultz, Hon. William Lambier requested to serve on commission.
February 24, 1883, above-named gentlemen appointed on commission.
April 30, 1883, report of commission received. Recommend Myrtle avenue site.
October 10, 1883, Supervising Architect Hill's report of visit to Brooklyn. Recommends Boerum Place property.
February 4 and 9, 1884, Supervising Architect Bell's report of visit to Brooklyn. Recommends Johnson and Washington streets site.
February 16, 1884, Secretary advises Mr. Moody of the selection of property offered by him (Johnson and Washington streets site), price not to exceed $450,000.
March 29, 1884, Supervising Architect recommends omission from purchase of Titus and Hoffman lots, at a reduction of $41,500.
March 29, 1884, Secretary advises Mr. Moody that he desires to omit above-named lots.

This statement completely refutes the suggestion that undue haste has characterized the selection of this site, as the act authorizing its purchase was passed nearly two years ago. It also shows that all proper precautions were observed, such as advertisement calling for bids, requests made of the collector of the district (no bids having been received) to submit plats of different sites, appointment of a commission, personal visits of Supervising Architects Hill and Bell, and the final action of the Secretary of the Treasury.

But it is said that the price paid is exorbitant. We all know, Mr. Speaker, that whenever the Government wants property, whether real or personal, it is compelled to pay largely above what a private individual could buy for. This is true even when one single piece of property is to be purchased. But it is even more strikingly true when, as in this instance, half a dozen or more different property-holders are to be consulted. The moment negotiations are begun with one the others double or quadruple their demands. In the Brooklyn purchase an illustration of this fact was afforded. Even after agreements to sell had been secured from all the property-holders two of them, as I am informed, finding out the object for which the purchase was desired, insisted upon a large increase upon the agreed price.

Unfortunately for these selfish and unpatriotic citizens, the Government concluded that the site would be sufficient without those particular lots, and a grievous pecuniary disappointment has been the result. The site as originally agreed upon was to cost $450,000. Deducting those two lots, the present price is $408,500. The site selected by the three commissioners, known as the Myrtle avenue site, was reported by them at $500,000. No agreement as to this price, however, had been made by the property-holders, and had the Government intimated its intention to accept that site it would have cost a much larger sum. The site which was selected is upon an adjoining block, located upon what is now the principal street of Brooklyn, leading as it does directly to the new bridge, and centrally situated with reference to the business and public interests of the city and of the Government.

As throwing some further light upon the question of price I call attention to the following table, showing the prices paid for sites in cities of similar population as Brooklyn.

Cost of sites for Government buildings.

City.	Area.	Cost of site.	Price per sq. foot.
	Sq. feet.	*Dollars.*	*Dollars.*
Philadelphia	85,063	1,491,200 99	17 53
Boston	47,522	1,329,095 84	27 96
Cincinnati	71,063	708,036 60	9 96
Chicago	127,116	1,259,385 65	9 90
New York	* 65,259	508,585 25	7 79
Saint Louis	61,646	368,882 63	5 98
Pittsburgh	41,233	† 301,125 00	7 30
Baltimore	53,252	553,500 00	10 39
Brooklyn	46,295	450,000 00	9 69

* New York site partly donated by city. † Pittsburgh donated $46,176.30.

Thus it will be seen that in eight leading cities of the country five of them have sites for public buildings which cost more per square foot than Brooklyn. In two others, Pittsburgh and New York, the price paid is not a just criterion, because those cities donated a large part of the ground. Fairly stated, therefore, only one of these cities (Saint Louis) paid a less amount for the site of its public buildings.

But something has been said here in regard to the assessment heretofore made of this property. My information is that property in Brooklyn is assessed according to the rentals of the buildings. If this is the case, the assessed value is by no means a guide. Moreover, we all know how unreliable such assessments are. The last assessment made of the property was $280,000. Adding to this 30 per cent., which is the ordinary percentage of undervaluation, we would have the present assessed value, $400,000, which is only $8,500 below the price agreed upon by the Government. The difference between last year's assessment and this results from the opening of the bridge, which largely increases the value of this property.

But without elaborating these facts further, I desire to put on record my judgment that the Committee on Public Buildings and Grounds will be as unanimous in their report as to the propriety of selecting this site with reference to both price and location as they have been in declaring the full integrity and good faith of those who have represented the Government in the matter.

Mr. HOLMAN. I now ask that the proposed addition to the resolution be read.

The Clerk read as follows:

That said committee be instructed to make its report herein within ten days for consideration, and is authorized to send a subcommittee of three of its members to Brooklyn, N. Y., to inquire into the facts.

Mr. HOLMAN. I wish to say, and I hope I shall have the attention of the gentlemen from New York, that this subcommittee, as has been suggested to me, will not be able at once to perform its duties. I would therefore suggest that the time be made fifteen days instead of ten.

Mr. HISCOCK. Ten days seems to be satisfactory; let it remain at that.

Mr. HOLMAN. Of course a subcommittee going to Brooklyn must have some time to make the examination. I would suggest that it be made fifteen days.

Mr. SLOCUM. Ten days is long enough.

Mr. HOLMAN. Well, say twelve days.

Mr. SLOCUM. Ten days is long enough. The gentleman who purchased this property for the Government will be losing from one to two hundred dollars a day in the way of interest until it is accepted by the Government.

Mr. HOLMAN. Very well; I will not consume further time on that point. I will say, however, that I do not think that private interests, the opportunity of selling property, should be allowed to crowd everything to the wall.

Before I call the previous question I wish to say that as a matter of course I have no interest or concern in this matter except this: it has been stated to me, and has also been stated on the floor of the House, that an available site for this building can be obtained for $200,000, while it is proposed by the Government to pay $400,000 for a site. I would suppose that when the House is informed that a proper site can be obtained for so much less than is proposed by the Government to pay, the subject would be deemed one deserving the consideration of the House. I now call the previous question.

Mr. SLOCUM. I would inquire of the Chair if the right given to the committee under this resolution would involve the right to have their report considered at any time?

The SPEAKER. It would.

Mr. HOLMAN. My colleague [Mr. STOCKSLAGER] desires to make a suggestion, and I therefore withdraw the previous question for the present.

Mr. STOCKSLAGER. I would like to suggest that unless some provision is made for the payment of the expenses of this subcommittee out of the contingent fund of the House there will be no way of paying its expenses.

Mr. HOLMAN. How much would the gentleman suggest?

Mr. STOCKSLAGER. Say $500.

Mr. HOLMAN. Very well. I will add to the resolution: "The expenses not to exceed $500, to be paid out of the contingent fund of the House." I now yield two minutes to the gentleman from New York [Mr. CAMPBELL].

Mr. CAMPBELL, of New York. The people of the city of Brooklyn have had nothing to do with the selecting of a site for the Brooklyn post-office. That is a matter which by law is left to the Secretary of the Treasury. Through his subordinates the Secretary of the Treasury sent to Brooklyn and made this selection. In truth, the Secretary, when appointing the commission for this purpose, did not see fit to appoint upon it a single man who lived in Brooklyn. We have had nothing to do with the selection of the site; the Secretary of the Treasury himself made the location.

As to the price to be paid for the site that is another matter, especially since it is stated that property assessed at $29,900 is to be bought by the Government for $185,500. If there is any light to be thrown upon that point I am willing to act with the majority of the House. Outside of that I will say that we want the building there in Brooklyn; we do not want this matter to go over for another year. I hope the resolution will be adopted.

Mr. STOCKSLAGER. It has been suggested that the amount for the expenses of this subcommittee be put at not exceeding $200.

The SPEAKER. The Clerk will report the proposed addition to the resolution.

The Clerk read as follows:

And that the expenses of said investigation, not to exceed $200, shall be paid out of the contingent fund of the House.

The amendment was agreed to.

Mr. HOLMAN. I now demand the previous question on the resolution as modified.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. HOLMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GAS-LIGHTED BUOYS AND BEACONS.

Mr. SPOONER. I ask unanimous consent to submit for reference the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the interests of commerce and navigation and the life and treasure embarked therein are entitled to such protection as the Government may legitimately afford; and

Whereas the system of gas-lighted buoys and beacons has been long recognized, both in this country and in Europe, as among the most efficient and inexpensive safeguards of navigation; and

Whereas there is an earnest and pressing demand for the further extension of said system and the placing of such buoys and beacons with their approved appliances in various dangerous localities in the navigable waters of the United States: Therefore,

Be it resolved, That the Committee on Appropriations be, and they hereby are, directed to consider the desirability of providing by an appropriation of $100,000, at the present session of Congress, for the earliest practicable establishment and maintenance of such buoys and beacons.

Mr. SPOONER. I desire to have that resolution referred to the Committee on Appropriations.

The SPEAKER. Under the rules of the House it would go to the Committee on Commerce.

Mr. SPOONER. In order to secure the object desired it seems important that it should go to the Committee on Appropriations.

The SPEAKER. Under the rule of the House it should be referred to the Committee on Commerce, and if that committee approve of it, it can report it back to the House and have it referred to the Committee on Appropriations.

Mr. O'NEILL, of Pennsylvania. Will the gentleman yield to me to move as an amendment that only the American patents shall be used?

The SPEAKER. The resolution is not before the House for consideration; only for reference.

Mr. SPOONER. I desire to have the question submitted of having the resolution referred to the Committee on Appropriations.

There was no objection; and the resolution was accordingly referred to the Committee on Appropriations.

ENFORCEMENT OF BARRINGER AWARD.

Mr. TUCKER, by unanimous consent, reported back from the Committee on the Judiciary the bill (H. R. 6976) to provide for the enforcement of the decree of the United States circuit court, western district of North Carolina, made upon the Barringer award in favor of Dick-a-gees-ka, Oo-tal-ke-nah, Joseph Henson, and others; when the Committee on the Judiciary was discharged from the further consideration of the bill, and it was referred to the Committee on Indian Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 283) granting a pension to Patrick Horan;

A bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn.

A bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society of Kansas;

A bill (H. R. 1065) granting an increase of pension to George F. Dresser;

A bill (H. R. 1075) granting a pension to Caroline Lauffer;

A bill (H. R. 1724) for the relief of Santiago de Leon;

A bill (H. R. 1756) granting a pension to George Overmire;

A bill (H. R. 1800) for the relief of J. L. Burchard;

A bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy;

A bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers;

A bill (H. R. 2858) for the relief of John Connolly;

A bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg;

A bill (H. R. 3669) granting a pension to Robert M. Flack;

A bill (H. R. 3838) granting a pension to Theodore C. Hawkins;

A bill (H. R. 4014) for the relief of Isaac Reed;

A bill (H. R. 4359) in relation to the Legislature of Dakota Territory;

A bill (H. R. 4689) for the relief of Eliza W. Patterson;

A bill (H. R. 4704) authorizing and empowering the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States;

A bill (H. R. 4706) for the relief of Charlotte Day;

A bill (H. R. 5259) granting a pension to Julia H. Rass;

A bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska; and

Joint resolution (H. R. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants.

The message also announced that the Senate had passed bills of the following titles with amendments; in which the concurrence of the House was requested:

A bill (H. R. 1076) granting a pension to Miles B. Farlin;

A bill (H. R. 2400) for the relief of Judith Lauter;

A bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick; and

A bill (H. R. 4981) granting a pension to Isabella J. Ramsdell.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 159) for the relief of Rodman M. Price;

A bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes;

A bill (S. 286) granting the right of way through a military reservation to a railroad company;

A bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldron;

A bill (S. 315) granting a pension to William Reinhardt;

A bill (S. 344) to regulate the payment of bills of exchange drawn in foreign countries on persons, firms, companies, or corporations in the United States, where the amount to be paid is named in foreign coins;

A bill (S. 391) for the relief of Wetmore & Brother, of Saint Louis, Mo.;

A bill (S. 403) authorizing the erection of a fire-proof building in the city of Washington to contain the records, library, and museum of the Army Medical Department;

A bill (S. 492) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased;

A bill (S. 534) for the relief of J. T. Pickett;

A bill (S. 547) granting a pension to John C. F. Beyland, of New York;

A bill (S. 562) for the relief of Orville Horwitz, trustee for C. D. De Ford & Co.;

A bill (S. 588) for the relief of the estate of Lucien Goyaux;

A bill (S. 591) for the relief of the estate of Chester Ashley;

A bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. S. Green;

A bill (S. 773) granting a pension to Mrs. Kady Brownell;

A bill (S. 991) for the relief of J. Henry Rives;

A bill (S. 1184) for the relief of William P. Reid;

A bill (S. 1363) granting a pension to Frank S. Hillard;

A bill (S. 1425) to grant the Astoria and Winnemucca Railroad Company the right of way through the public lands and the right to construct bridges over navigable water courses;

A bill (S. 1555) in relation to a public building at Leavenworth, Kans.;

A bill (S. 1530) for the relief of the estate of John Cook;

A bill (S. 1570) for the relief of H. R. Belding;

A bill (S. 1631) for the relief of John W. Blake;

A bill (S. 1641) for the relief of the widow of Edward M. Wilkins;

A bill (S. 1727) to grant letter-carriers at free-delivery offices thirty days' leave of absence in each year;

A bill (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army;

A bill (S. 1774) for the relief of William Tabb;

A bill (S. 1781) to provide for the sale of the Kickapoo diminished reservation in Kansas;

A bill (S. 1824) to establish a forest reservation on the headwaters of the Missouri River and the headwaters and Clarke's Fork of the Columbia River;

A bill (S. 1845) authorizing the Secretary of War to set apart certain lands of the Fort Bidwell military reservation for cemetery purposes;

A bill (S. 1978) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States;

A bill (S. 2019) to provide for the establishing of terms of court in the district of Colorado;

A bill (S. 2045) for the relief of the Eastern Presbyterian church, in the District of Columbia;

A bill (S. 2066) providing for a resurvey of township 12 south, of range 27 east, in Putnam County, Florida;

A bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition;

A bill (S. 2168) for the relief of the executrix of Ayers P. Merrill;

A bill (S. 2270) to extend the limit of cost in the construction of the Government building at Columbus, Ohio; and

A bill (S. 2285) for the relief of Martin and P. B. Murphy.

ORDER OF BUSINESS.

Mr. PAYSON. I call for the regular order.

Mr. ELLIS. Mr. Speaker, has the morning hour expired?

The SPEAKER. It has.

Mr. ELLIS. I move that the House proceed to the consideration of business on the Speaker's table.

The SPEAKER. The regular order is the unfinished business coming over from yesterday. The gentleman can raise the question of consideration against that; and if the House should decide not to consider the unfinished business, the motion indicated by the gentleman from Louisiana [Mr. ELLIS] would be in order.

Mr. ELLIS. I do not desire to antagonize the unfinished business, but will renew my motion immediately after that is disposed of.

PROPOSED PRINTING OF A BILL.

Mr. HISCOCK. I ask unanimous consent to have printed in the RECORD the bill which on Monday last I moved to pass under a suspension of the rules. I make this request because I am asked on all sides for copies of the bill, and it is with the Clerk. [Cries of "Regular order!"] I do not think the demand for the regular order will be insisted upon as against this request. The chairman of the Committee on Ways and Means would like a copy of the bill. [Renewed cries of "Regular order!"]

OREGON LAND-GRANT RAILROAD.

The SPEAKER. The regular order is called for. The question is upon the passage of the bill the title of which will be read.

The Clerk read as follows:

A bill (H. R. 181) to declare the forfeiture of certain lands granted to aid in the construction of a railroad in Oregon and to enforce the same by judicial proceedings.

The SPEAKER. On the passage of this bill the yeas and nays were ordered and taken yesterday, but no quorum voted. The question will be again taken by yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 139, nays 26, not voting 158; as follows:

YEAS—139.

Aiken,	Cox, W. R.	Hewitt, G. W.	Moulton,
Alexander,	Culberson, D. B.	Hoblitzell,	Neece,
Atkinson,	Davis, L. H.	Holman,	Nicholls,
Bagley,	Dockery,	Hopkins,	O'Ferrall,
Ballentine,	Dowd,	Houseman,	O'Neill, J. J.
Bennett,	Dunn,	Howey,	Parker,
Bland,	Eldredge,	James,	Payne,
Blount,	English,	Jones, B. W.	Payson,
Breitung,	Everhart,	Jones, J. H.	Pierce,
Brewer, F. B.	Ferrell,	Jones, J. K.	Peel,
Brown, W. W.	Fiedler,	Jones, J. T.	Perkins,
Brumm,	Foran,	Kleiner,	Pryor,
Buchanan,	Funston,	Lamb,	Riggs,
Budd,	Fyan,	Lanham,	Robinson, W. E.
Cabell,	Gibson,	Lawrence,	Rogers, J. H.
Caldwell,	Glascock,	Lewis,	Rogers, W. F.
Campbell, Felix	Goff,	Lore,	Rowell,
Campbell, J. M.	Graves,	Lovering,	Ryan,
Candler,	Green,	Lowry,	Scales,
Carleton,	Halsell,	McAdoo,	Skinner, T. G.
Cassidy,	Hammond,	McCoid,	Spriggs,
Clardy,	Hardy,	McComas,	Springer,
Clements,	Hatch, H. H.	McMillin,	Stephenson,
Cobb,	Hatch, W. H.	Millard,	Stockslager,
Collins,	Haynes,	Miller, J. F.	Storm,
Connolly,	Hemphill,	Miller, S. H.	Struble,
Cook,	Henderson, D. B.	Mills,	Sumner, D. H.
Cosgrove,	Henley,	Mitchell,	Taylor, E. B.
Covington,	Herbert,	Morgan,	Taylor, J. M.

Thompson,	Vance,	Wemple,	Wolford,
Throckmorton,	Wakefield,	Williams,	Wood,
Tillman,	Wallace,	Willis,	Worthington,
Townshend,	Warner, Richard	Wilson, James	Yaple,
Tully,	Wellborn,	Wilson, W. L.	York.
Turner, Oscar	Weller,	Winans, E. B.	

NAYS—26.

Barr,	Eaton,	O'Neill, Charles	Tucker,
Belford,	Evans, I. N.	Price,	Turner, H. G.
Brewer, J. H.	Findlay,	Seymour,	White, Milo
Buckner,	Hunt,	Shelley,	Whiting,
Converse,	Lyman,	Smith,	Woodward.
Dargan,	Morse,	Spooner,	
Davis, R. T.	Oates,	Stevens,	

NOT VOTING—158.

Adams, G. E.	Dunham,	Ketcham,	Reese,
Adams, J. J.	Elliott,	King,	Rice,
Anderson,	Ellis,	Lacey,	Robertson,
Arnot,	Ellwood,	Laird,	Robinson, J. S.
Barbour,	Ermentrout,	Le Fevre,	Rockwell,
Barksdale,	Evins, J. H.	Libbey,	Rosecrans,
Bayne,	Finerty,	Long,	Russell,
Beach,	Follett,	McCormick,	Seney,
Belmont,	Forney,	Matson,	Shaw,
Bingham,	Garrison,	Maybury,	Singleton,
Bisbee,	Geddes,	Milliken,	Skinner, C. R.
Blackburn,	George,	Money,	Slocum,
Blanchard,	Greenleaf,	Morey,	Smalls,
Boutelle,	Guenther,	Morrill,	Snyder,
Bowen,	Hanback,	Morrison,	Steele,
Boyle,	Hancock,	Muldrow,	Stewart, Charles
Brainerd,	Hardeman,	Muller,	Stewart, J. W.
Breckinridge,	Harmer,	Murphy,	Stone,
Broadhead,	Hart,	Murray,	Strait,
Browne, T. M.	Henderson, T. J.	Mutchler,	Sumner, C. A.
Burleigh,	Hepburn,	Nelson,	Talbott,
Burnes,	Hewitt, A. S.	Nutting,	Taylor, J. D.
Calkins,	Hill,	Ochiltree,	Thomas,
Cannon,	Hiscock,	O'Hara,	Valentine,
Chace,	Hitt,	Paige,	Van Alstyne,
Clay,	Holmes,	Patton,	Van Eaton,
Cox, S. S.	Holton,	Peters,	Wadsworth,
Crisp,	Hooper,	Pettibone,	Wait,
Culbertson, W. W.	Horr,	Phelps,	Ward,
Cullen,	Houk,	Poland,	Warner, A. J.
Curtin,	Hurd,	Post,	Washburn,
Cutcheon,	Hutchins,	Potter,	Weaver,
Davidson,	Jeffords,	Pusey,	White, J. D.
Davis, G. R.	Johnson,	Randall,	Wilkins,
Deuster,	Jordan,	Rankin,	Winans, John,
Dibble,	Kasson,	Ranney,	Wise, G. D.
Dibrell,	Kean,	Ray, G. W.	Wise, J. S.
Dingley,	Keifer,	Ray, Ossian	Young.
Dorsheimer,	Kelley,	Reagan,	
Duncan,	Kellogg,	Reed,	

So the bill was passed.

The following members were announced as paired until further notice:

Mr. STORM with Mr. GUENTHER.

Mr. TALBOTT with Mr. WHITING.

Mr. EVINS, of South Carolina, with Mr. BOWEN.

Mr. ROSECRANS with Mr. PETTIBONE.

Mr. MULLER with Mr. HOUK.

Mr. DUNCAN with Mr. BREWER, of New Jersey.

Mr. CLAY with Mr. RICE.

Mr. JONES, of Arkansas, with Mr. HANBACK.

Mr. WILKINS with Mr. BAYNE.

Mr. BOYLE with Mr. LAWRENCE.

Mr. BLACKBURN with Mr. RUSSELL.

Mr. GEDDES with Mr. STEELE.

Mr. PUSEY with Mr. BRAINERD.

Mr. HILL with Mr. RAY, of New Hampshire.

Mr. PAIGE with Mr. VALENTINE.

Mr. GEORGE D. WISE with Mr. LIBBEY.

Mr. POST, of Pennsylvania, with Mr. LONG.

Mr. BEACH with Mr. SKINNER, of New York.

Mr. PATTON with Mr. HOLMES.

Mr. CURTIN with Mr. KEAN.

Mr. HANCOCK with Mr. WASHBURN.

Mr. BARKSDALE with Mr. JEFFORDS.

Mr. SNYDER with Mr. HART.

Mr. FINERTY with Mr. ADAMS, of Illinois.

Mr. MONEY with Mr. JOSEPH D. TAYLOR.

Mr. REAGAN with Mr. LAIRD.

Mr. MORSE with Mr. THOMAS.

Mr. VAN EATON with Mr. STRAIT.

Mr. ADAMS, of New York, with Mr. WEAVER.

Mr. KING with Mr. HORR.

Mr. ELLIS with Mr. KEIFER.

Mr. COOK with Mr. CANNON.

Mr. MURPHY with Mr. ELLWOOD.

Mr. BLANCHARD with Mr. LACEY.

Mr. GARRISON with Mr. JOHN S. WISE, until June 8.

Mr. DIBRELL with Mr. DAVIS, of Illinois, until June 8.

Mr. DOWD with Mr. O'HARA, until June 9.

Mr. GIBSON with Mr. BURLEIGH, until June 9.

Mr. COX, of New York, with Mr. BOUTELLE, until June 8.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio, until June 13.

Mr. WARD with Mr. HOOPER, until June 7.

Mr. MATSON with Mr. CULLEN, until June 7.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont, until June 9.

Mr. SHAW with Mr. SMALLS, until June 8.

Mr. DIBBLE with Mr. DINGLEY, until June 7.

Mr. MORRISON with Mr. KASSON, until June 8.

Mr. SENEY with Mr. DUNHAM, until June 12.

Mr. TOWNSHEND with Mr. HENDERSON, of Illinois, until June 8.

Mr. MULDROW with Mr. BINGHAM, until June 11.

Mr. CRISP with Mr. MILLIKEN, until June 9.

Mr. BRECKINRIDGE with Mr. HEPBURN, until June 5.

Mr. BARBOUR with Mr. BARR, until June 8.

Mr. RANDALL with Mr. CALKINS, for to-day.

Mr. HEWITT, of New York, with Mr. MORRILL, for to-day.

Mr. ROBERTSON with Mr. REED, for to-day.

Mr. SLOCUM with Mr. HISCOCK, on this vote.

Mr. HARMER with Mr. ERMENTROUT, on this vote.

Mr. OCHILTREE with Mr. WHITE, of Kentucky, on this vote.

Mr. HARDEMAN with Mr. KELLOGG, on this vote.

Mr. TOWNSHEND. I am paired with my colleague, Mr. HENDERSON. I understand from Mr. PAYSON he would vote in favor of this bill. Under the pair I also have a right to vote to make a quorum. I therefore vote in the affirmative.

The vote was then announced as above recorded.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. ELLIS. I move that the House do now proceed to the consideration of business on the Speaker's table. I will state to the House that my object is to reach the Mississippi overflow relief resolution, with a view to concurring in the amendment of the Senate cutting down the appropriation from $100,000 to about $40,000.

Mr. HEWITT, of Alabama. That may be reached by consent, I presume.

Mr. HENLEY. Why not ask unanimous consent to reach that resolution.

Mr. ELLIS. I ask the House to give me unanimous consent to take up this resolution now from the Speaker's table with a view to concurring in the Senate amendment.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

Joint resolution (H. Res. 255) appropriating the further sum of $100,000 for the relief of the sufferers by the overflow of the Mississippi River and tributaries.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. POST, of Pennsylvania. Is that the appropriation for relief?

The SPEAKER. It is.

Mr. POST, of Pennsylvania. I must object.

Mr. ELLIS. Then I move to proceed to the consideration of business on the Speaker's table.

Mr. HENLEY. Do I understand that motion to be limited to the consideration of this particular appropriation?

The SPEAKER. The Chair will state to the gentleman from California that the House can suspend the consideration of this business whenever it sees proper to do so.

Mr. HENLEY. I give notice that I intend at the proper time, after this matter has been considered, to ask the House to take up and consider another land-grant-forfeiture bill, the bill declaring a forfeiture of lands granted to the California and Oregon Railroad.

The SPEAKER. The question is upon agreeing to the motion of the gentleman from Louisiana.

The motion was agreed to.

REPRINT OF CERTAIN PUBLICATIONS.

The first business on the Speaker's table was the joint resolution (H. Res. 235) to print additional copies of certain publications with Senate amendments.

Mr. ELLIS. Can I ask unanimous consent to lay aside the bills preceding the joint resolution to which I have referred, with a view to reaching that without delay?

The SPEAKER. The House can do anything by unanimous consent.

Mr. ELLIS. Then I ask unanimous consent that the bills and resolutions preceding the one to which I have referred on the Speaker's table be passed over, and that the House now proceed to the consideration of the joint resolution numbered 255.

Mr. POST, of Pennsylvania. I object.

The SPEAKER. The Clerk will report the amendments to the joint resolution the title of which has been read.

The Clerk read as follows:

In line 6, after the word "Record," insert "or for the volumes already published, or to be published hereafter, of the Index Catalogue of the Library of the Surgeon-General's Office."

Mr. THOMPSON. That ought to go to a committee——

Mr. SCALES. I move that it be referred to the Committee on Printing.

The motion was agreed to.

MRS. MARY P. M'BLAIR.

The next business on the Speaker's table was the bill (H. R. 2677) granting a pension to Mrs. Mary P. McBlair.

The SPEAKER. The Clerk will report the amendments of the Senate.

The Clerk read as follows:

In line 8 strike out "30" and insert "15;" so that it will read: "granting her a pension at the rate of $15 per month," &c.

Mr. HEWITT, of Alabama. I move to non-concur in the Senate amendment.

The motion to non-concur was agreed to.

BRIDGE ACROSS MISSOURI RIVER, NEAR SIBLEY, MO.

The next business on the Speaker's table was the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The Senate amendments were read, as follows:

On page 2, line 14, strike out "160" and insert "300."

Page 3, strike out "of," where it occurs the second time in line 7, and insert "or of the persons or corporations controlling."

Page 3, line 21, after the word "bridge" add the words "or persons controlling the same."

Mr. RYAN. I move to non-concur in the amendments o the Senate.

Mr. HOLMAN. I think the first amendment should be concurred in.

Mr. RYAN. That ought not to be concurred in. I hope the House will not do so.

Mr. HOLMAN. Is not that the one increasing the span?

Mr. RYAN. There is not a bridge on that stream over one hundred and sixty feet. The Senate just passed a few days ago a general bill providing that spans should not exceed two hundred feet.

Mr. HOLMAN. I will not consume the time of the House.

The motion to non-concur in the Senate amendments was agreed to.

BUREAU OF LABOR STATISTICS.

The next business on the Speaker's table was the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

The SPEAKER. The Clerk will report the amendment of the Senate.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That there shall be established in the Department of the Interior a bureau of labor, which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed, and shall receive a salary of $3,000 a year. The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. The Secretary of the Interior shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as may be necessary for the said bureau: *Provided*, That the total expense shall not exceed $25,000 per annum. During the necessary absence of the commissioner, or when the office shall become vacant, the chief clerk shall perform the duties of commissioner. The commissioner shall annually make a report in writing to the Secretary of the Interior of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau."

Mr. HOPKINS. I move to non-concur in the Senate amendment.

The motion to non-concur was agreed to.

SUFFERERS BY MISSISSIPPI OVERFLOW.

The next business on the Speaker's table was the joint resolution (H. Res. 255) appropriating the further sum of $100,000 for the sufferers by the overflow of the Mississippi River and tributaries, with amendments of the Senate.

The amendments of the Senate were read, as follows:

Strike out all after the enacting clause and insert:

"That so much of the appropriation for the relief of the sufferers by the overflow in the Ohio River and its tributaries as remains unexpended may be used by the Secretary of War in the purchase and distribution of subsistence stores and payment for necessary transportation to aid in the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries, and he is authorized to co-operate with the authorities of the several States of which such district is a part in making distribution of supplies."

Amend the title so as to read: "A joint resolution reappropriating an unexpended balance for the relief of the sufferers by the overflow of the Mississippi River and tributaries."

Mr. ELLIS. I move to concur in the Senate amendments.

The amendments of the Senate were concurred in.

Mr. ELLIS moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXAMINATION OF DRUGS.

The next business on the Speaker's table was the bill (H. R. 1761) to amend section 2743 of the Revised Statutes, with amendments of the Senate.

The amendments of the Senate were read, as follows:

In line 3, strike out the words "and so forth" and insert "chemical preparations, dyes and dye-stuffs, paints, oils, varnishes, and other similar articles."

Strike out all after the word "Massachusetts," in line 3, down to and including the word "and," where it occurs the second time in line 7.

In line 7 strike out "3,000" and insert "2,500."

At the end of line 8 insert "and shall be paid each year quarterly."

So as to make the bill read:

"*Be it enacted, &c.*, That section 2743 of the Revised Statutes is hereby so amended that the special examiner of drugs, medicines, chemicals, chemical preparations, dyes and dye-stuffs, paints, oils, varnishes, and other similar articles, at Boston, in Massachusetts, shall receive a salary of $2,500 per annum, and shall be paid each year quarterly."

Amend the title so as to read: "An act concerning the examination of drugs."

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] who has charge of this bill the Chair thinks desires to non-concur in the Senate amendments.

Mr. THOMPSON. I suggest that the bill with the Senate amendments be referred to the appropriate committee.

Mr. COLLINS. I am advised by parties interested in the bill that it is advisable to concur. I move concurrence.

The amendments were concurred in.

ORDER OF BUSINESS.

The SPEAKER. The next business on the Speaker's table is the bill (H. R. 2346) for the relief of Sarah A. Redmond, with amendments of the Senate.

Mr. HENLEY. I raise the question of consideration on that bill for the purpose of calling up the bill (H. R. 5897) to declare forfeited certain lands granted to aid in the construction of a railroad from the Central Pacific Railroad, in California, to Portland, in Oregon, reported from the Committee on Public Lands.

The SPEAKER. The gentleman from California calls up as a matter of privilege under the order of the House the bill he has indicated. The bill will be read.

The bill was read.

Mr. HEWITT, of Alabama. I desire to inquire of the Chair whether under the order which authorizes the Committee on the Public Lands to report bills to carry into effect the views expressed in the Holman resolutions the bills have not to be taken up in the order in which they are reported? Has the committee the right under that general order to select bills?

The SPEAKER. The Chair thinks not.

Mr. HENLEY. Before the Chair rules on that question I should like to be heard on it.

Mr. HEWITT, of Alabama. I think the bills should be taken up in the order in which they are reported.

Mr. HOLMAN. Oh, no. The order does not provide for that.

The SPEAKER. The Chair will cause the resolutions to be read.

The Clerk read as follows:

Resolved, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Resolved, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills; and the same shall in like order be entitled to consideration.

Mr. HOLMAN. It may be that the idea sought to be expressed by the last clause of the last resolution is poorly expressed. That may be. But unquestionably in putting in this language, "that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills; and the same shall in like order be entitled to consideration," the purpose was to convey the idea that they should be considered in like order with revenue and appropriation bills.

The SPEAKER. The Chair thinks that is expressed. The revenue and appropriation bills are taken up in their regular order unless some special order is made with regard to them.

Mr. HOLMAN. That is true.

Mr. HEWITT, of Alabama. I do not desire to antagonize any of these bills, but I have a bill which will not take more than ten minutes. I call it up now.

Mr. HENLEY. I make the point that the bill which the gentleman from Alabama calls up is not privileged within the Holman resolutions.

PUBLIC LANDS IN ALABAMA.

The SPEAKER. The Clerk will read the bill called up by the gentleman from Alabama [Mr. HEWITT], and the Chair will examine whether it is subject to the point made by the gentleman from California [Mr. HENLEY].

The Clerk read the bill, as follows:

A bill (H. R. 27) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883.

Be it enacted, &c., That an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883, be, and the same is hereby, amended so as to read as follows, namely:

"That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands, and only under the provisions of the homestead laws: *Provided*, That any *bona fide* entry heretofore made of lands in said State under the provisions of the pre-emption or homestead laws may be patented without reference to an act approved May 10, 1872, entitled 'An act to promote the development of the mining resources of the United States,' or any other act relating to mineral or coal lands, in cases where persons making application for such patents have in all other respects complied with the provisions of the pre-emption or homestead laws relating thereto."

Mr. HEWITT, of Alabama. I will state that under the act of March 4, 1883, the public lands in Alabama, in some ten or eleven counties of that State, before being subject to private entry, are required to be offered at public sale. There is no limitation as to the amount which any one person may purchase at such sale, and two or three persons might purchase a million of acres.

This bill proposes to amend that act so as to strike out the proviso requiring the land to be offered at public sale. Under the existing law, after these lands have been offered at public sale, they become subject to entry under the homestead or pre-emption laws or at $1.25 an acre, and any man can enter at $1.25 an acre every acre of public lands in Alabama, because there is no restriction as to the amount. This pending bill puts all the public lands in the State of Alabama under the operation of the homestead laws, and provides that they can be disposed of in no other way than under the homestead laws. That is all there is of this bill.

The SPEAKER. The Chair will call the attention of the gentleman from California [Mr. HENLEY] to the fact that this bill provides that hereafter all these public lands in the State of Alabama shall be disposed of only under the provisions of the homestead laws. As the Chair remarked yesterday, the resolutions of the House in regard to reports from the Committee on Public Lands are very broad and not very specific. Still, the purpose seems to be to facilitate the acquisition of homes by the people under the homestead laws, and only under the homestead laws. The language of the second resolution is, "reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only."

The third resolution, which is the one which gives privilege to bills of this character, provides "that the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions;" that is, bills which will have a tendency to carry out the policy indicated in the previous resolutions. The Chair thinks, therefore, that the bill now before the House is one to facilitate the acquisition of homes under the homestead laws only, and therefore the point of order raised by the gentleman from California [Mr. HENLEY] is overruled.

Mr. OATES. This bill was unanimously reported from the Committee on Public Lands; but since its report, there being some objections to it on the part of some members of this House from Alabama, I have prepared an amendment, which I believe is entirely satisfactory to the author of this bill. The purport of my amendment is to close up every opportunity of perpetrating frauds under the law, of preventing persons from acquiring homesteads under this bill making the public lands in Alabama subject to homestead laws and to be acquired in no other way. It also fixes the time within which they may make final proof, &c. The provisions of the amendment I have prepared I think are ample to prevent the possibility of fraud. I submitted the amendment when it was first prepared to the Committee on Public Lands, and it met their approval. Subsequently that committee reported a general bill amending the homestead laws, which is now on the Calendar of the House. I then changed my amendment so as to make it conform to the provisions of that bill, which will probably become law. I send my amendment to the Clerk's desk and ask that it be read.

The Clerk read as follows:

Add to section 1 of the bill, after the words "in cases where persons making application for such patents have in all other respects complied with the provisions of the pre-emption and homestead laws relating thereto," the following:

"At the time of such entry: *Provided further*, That in all cases where any person legally eligible thereto has entered and located a homestead or perfected a pre-emption, and has lost or hereafter loses the same in consequence of any grant or sale previously made by the Government of the United States, or by any means whatever, without fault on his or her part, such person, upon making satisfactory proof thereof, may enter another homestead upon any of the lands within said State subject to homestead."

SEC. 2. That every homesteader, as a prerequisite to obtaining a patent to his or her homestead, shall make final proof by two credible witnesses that he or she has continuously resided upon, cultivated, and permanently improved a substantial portion of such homestead for two consecutive years next succeeding such entry. Such proof shall be in duplicate, and the register and receiver of the local land office shall make such indorsement thereon as he thinks just, and file one set of such proofs in his office and forward the other to the General Land Office; and such proofs shall be subject to the inspection of any person in any wise interested therein, and shall thus remain on file for one year; and if at the expiration thereof no contest be filed and no notice be given, supported by affidavit made before any officer, State or Federal, authorized to administer oaths, charging and specifying fraud in either the original entry or the final proof, made as aforesaid, the Secretary of the Interior shall cause a patent for the land to issue to such homesteader; and until the expiration of three years from date of entry a sale of such homestead shall be deemed an abandonment thereof, and an abandonment for sixty days shall be sufficient cause for cancellation of the entry; and after due notice and allowing thirty days for appeal such homestead shall be again subject to homestead entry. But if a contest be filed or affidavit be made as aforesaid, or if from any cause there be reasonable ground to suspect fraud in the case, the Commissioner of the General Land Office shall investigate the same and make such order as shall be just and lawful: *And provided also*, That no other notice of final proof than that herein above prescribed shall be required, and that entries of homestead or pre-emption begun in good faith before the passage of this act may be perfected under existing law, and with this exception the timber-culture and pre-emption laws and section 3001 of the Revised Statutes of the United States, allowing commutation of homestead entries, are hereby repealed as to the State of Alabama, to which alone this act shall apply.

Mr. HOLMAN. This bill proposes virtually to re-enact the act of 1866, but with reference to public lands in the State of Alabama alone. That law as originally passed applied not only to Alabama, but to Louisiana, Mississippi, Florida, and Arkansas. Now, why should not this bill apply to all those States?

Mr. DUNN. I intend to propose an amendment extending the provisions of the bill to the public lands in Arkansas.

Mr. HOLMAN. Why not apply it to all these States?

Mr. OATES. Wherever it is agreeable to the Representatives from any of these several States I have no objection to including those States in the bill; but without their assent or wish I do not feel authorized to do so.

Mr. HOLMAN. With the permission of the gentleman I will offer an amendment to include Mississippi, Florida, and Louisiana. My friend from Arkansas [Mr. DUNN] intends, as I understand, to offer an amendment extending the bill to his State.

Mr. DUNN. I desire to have Arkansas included in the provisions of the bill.

The SPEAKER. The first question is upon the amendment proposed by the gentleman from Alabama.

The amendment was agreed to.

Mr. DUNN. I now move to amend by adding as a new section the provision which I send to the desk.

The Clerk read as follows:

SEC. —. That all the provisions of this act and the act to which this is an amendment shall be, and the same are hereby, extended to the public lands in the State of Arkansas.

Mr. HOLMAN. I move to amend by adding to the amendment just read the words "Mississippi, Louisiana, and Florida."

Mr. HEWITT, of Alabama. I now demand the previous question.

The previous question was ordered; and under the operation thereof Mr. HOLMAN'S amendment to the amendment of Mr. DUNN was adopted; and the amendment of Mr. DUNN, as amended, was agreed to.

Mr. HEWITT, of Alabama. I beg the indulgence of the House for a short time that I may explain the bill under consideration. All the public lands of Alabama were open for entry under the provisions of the homestead and pre-emption laws until some time in 1879, when the Secretary of the Interior issued an order withdrawing them from entry in ten counties of the State except as coal or iron lands. This order was afterward modified so as to permit an entry where the applicant would make oath that the land he proposed to enter contained no coal or iron. Subsequently, and I think in January, 1882, the Secretary of the Interior made another order suspending the issuance of patents to all entries in the ten counties covered by the order first mentioned. This latter order covered every entry which had been made in the ten counties since the war. The Secretary sent out persons to investigate all the entries which had been made in those counties, with instructions to report all entries containing coal or iron.

These investigations were ordered with a view of canceling all entries of lands containing coal or iron, whether made in good faith or not, and also to institute proceedings in the courts to have patents canceled where they had been previously issued. Hundreds of entries which had been made for ten and fifteen years for actual settlement and cultivation were about to be canceled and the owners driven from their homes because coal or iron was found on their lands. This was the situation when Mr. MORGAN introduced his bill in the Senate and Mr. FORNEY his bill in the House in the winter of 1882. Here was a great wrong about to be inflicted upon citizens who had in good faith entered lands in Alabama for actual settlement and cultivation. The Secretary of the Interior had not only forbidden any further entries of public lands in ten counties of Alabama—for not an acre had been or would have been taken as mineral land, but he was, under the law—about to deprive hundreds of poor and innocent citizens of their homes.

Senator MORGAN and Mr. FORNEY had two objects in view when they introduced their respective bills in the Senate and House. The holding of the public lands in question at $10 and $20 an acre was a virtual refusal to dispose of them at all, and was greatly retarding the progress of the State. The two gentlemen, therefore, desired to open these lands to entry, and that was their first object. Their second object was to prevent the great wrong about to be perpetrated upon people who had made entries in good faith of lands that contained coal or iron. Hence we have the act of March 3, 1883, which this bill seeks to amend. I have the same objects in view which prompted Senator MORGAN and Mr. FORNEY to urge the passage of the act just mentioned. Their second object was accomplished by the passage of said

act, and the homes of hundreds of people were saved and they made happy; but their first object will not be accomplished.

It is true the lands may be sold and the title thereto pass out of the hands of the Government, but the people will not enjoy any of the benefits. The lands will pass into the hands of a few great corporations, to be held on speculation, and held, it may be, for fifty years, waiting for other generations to develop the State so as to make the lands valuable. If these lands are to be held on speculation, I had rather the Government should hold them than corporations. I have no hesitation in saying that the Morgan bill will not accomplish the first object he had in view and which Congress had in view when the bill became a law. My amendment, if passed, will accomplish that object. It will open all the public lands in Alabama for settlement and cultivation, and will effectually prevent corporations from buying them up for speculative purposes. The act of March 3, 1883, authorizes a public sale of these lands without limitation as to the quantity any individual may purchase. They would be bought at one dollar and a quarter an acre by corporations, citizens or foreigners. There are over 1,000,000 acres to be sold, and one corporation or a rich individual might purchase every acre, and thus secure complete control of that magnificent domain to the utter exclusion of those who might desire to enter for actual settlement.

These lands were advertised to be sold in Montgomery in January, but the President wisely, and I might say patriotically, postponed the sale in order that Congress might have time to consider this bill. If the sale had taken place I have no doubt that almost every acre of land of any value, present or prospective, would have been purchased by less than a dozen persons. An English nobleman was on hand to buy the lands, as were the representatives of several great corporations, all with a view to speculation. I can not present the subject in a stronger or more forcible manner than the Committee on Public Lands have presented it in their report accompanying the bill:

Mr. HENLEY, from the Committee on the Public Lands, submitted the following report, to accompany bill H. R. 27:

The Committee on the Public Lands, to whom was referred bill H. R. 27, to amend an act entitled "An act to exclude the public lands in Alabama from the operations of the laws relating to mineral lands," approved March 3, 1883, have had the same under consideration, and report it back to the House with a recommendation that it pass.

The act of the 3d of March, 1883, which this bill amends, excludes all the public lands in Alabama from the operation of the laws relating to coal, iron, or mineral lands, and requires them to be disposed of only as agricultural lands. There is, however, a provision in said act which requires certain public lands in Alabama to be offered at public sale before they be subject to entry under the pre-emption or homestead laws. This proviso covers all the public lands in ten or twelve counties in said State. The President, under the provisions of said act, has ordered these lands to be offered at public sale on the 31st of this month and on the 15th of February next. There is, unfortunately, no limitation of the quantity of lands which one individual, combination of individuals, or corporations may purchase at the sale. There are over 1,000,000 acres of these lands, more or less valuable. They may all be purchased by one rich individual or great corporation at $1.25 an acre and held on speculation.

It is believed by the friends of this bill that capitalists have formed a combination to purchase these lands when offered for sale, and that when purchased they will be held on speculation. These lands are agricultural lands, and have been so declared by said act. The bill under consideration repeals that clause of said act which requires a public sale of these lands, and it confines the disposal of public lands hereafter in Alabama to the provisions of the homestead law alone. It therefore repeals the pre-emption laws so far as they relate to the public lands within the State of Alabama. The said act of March 3, 1883, confirmed all *bona fide* homestead entries which had been made in Alabama prior to its passage, and required patents to be issued without reference to the laws relating to mineral lands in all cases where the person making application for patents had in all other respects complied with the provisions of the homestead laws. Through inadvertence *bona fide* pre-emption entries were omitted from the provisions of said act. This bill supplies that omission. There are, therefore, but three amendments proposed by this bill to said act.

First. It repeals that clause which requires the public lands to be offered at public sale.

Second. It confirms hereafter the disposal of public lands in Alabama alone to the homestead laws.

Third. It confirms *bona fide* pre-emption entries to the same extent and under the same restrictions as homestead entries were confirmed by said act.

The object and the purpose of this bill are to prevent land-grabbers and speculators from monopolizing all the public lands of any value in Alabama. While so many citizens are homeless and landless Congress would fail to perform its duty to the people and country should it permit a law to remain in force which would enable any one to acquire in any State of the Federal Union large bodies of public lands suitable for agricultural or horticultural purposes. There are many poor but honest citizens of Alabama who have heretofore settled upon some of these lands for the purpose of actual settlement and cultivation thereof, but who could not make entries under the homestead or pre-emption laws on account of having to take such an oath as they were too honest and conscientious to subscribe to. They have in many places erected nice and comfortable homes, but have no title, and could not acquire any heretofore without paying $10 and $20 an acre, which they could not do. The settlers are not protected by said act of March 3, 1883, and, in fact, their homes are now offered at public sale; and all they have is at the mercy of heartless land-grabbers and speculators.

This bill, if it becomes a law, will enable these persons to perfect their titles and secure their homes. This bill is in harmony with the resolutions introduced in the House on the 21st instant by Mr. HOLMAN, and which passed the House almost unanimously. Those resolutions were as follows, namely:

"*Resolved*, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands, or authorizing or permitting the entry or purchase thereof in large bodies, ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

"*Resolved*, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills; and the same shall in like order be entitled to consideration."

If this bill becomes a law it will prevent the monopolizing of the public lands of Alabama by capitalists and corporations. It repeals a law which facilities speculation in public lands in Alabama, and which permits the purchase of large bodies of public lands by speculators. It will enable the homeless and landless to acquire homes and lands. It falls within the spirit and letter of the Holman resolutions. If the House was in earnest on last Monday when it indorsed said resolutions with so much unanimity, it will pass this bill with the same spirit. This bill should be passed without delay. The exigencies of the case demand its passage at once.

This report very clearly points out the object and the effect aimed at by this bill. The amendment which has been offered by Mr. OATES, and which has received the approval of the Committee on Public Lands, is intended as far as possible to prevent frauds upon the Government. Homestead entries under the law may now be consummated in six months from the date of entry upon proof of actual settlement and cultivation and upon the payment of one dollar and a quarter an acre. This provision has been the fruitful source of fraud upon our beneficent homestead system. Capitalists have frequently employed persons to go upon the public domain and make homestead entries with the understanding that the entry should revert to the capitalist furnishing the money, and when a patent should be obtained a deed should be made conveying the land to the capitalist.

The honorable Commissioner of the General Land Office has called the attention of Congress to the provision of the law in question, and he recommends such legislation as the amendment proposed by Mr. OATES, which should not only be incorporated in the act of March 3, 1883, but should be made general. This bill, with this amendment, if adopted, it is believed will prevent future frauds upon the Government in the entry of the public lands in Alabama. The amendment requires proof by two witnesses of a *bona fide* settlement and cultivation for three years before the entry can be consummated.

My object and purpose are as far as possible to secure the public lands in Alabama to actual settlers and to prevent land speculators from gobbling them up. If any one can point out a better way to effect this object than this bill proposes I will gladly accept it. But if no better plan can be suggested, then I insist in the name of my constituents and in the interest of my State and the people of the entire country upon the passage of this bill with the amendment offered by Mr. OATES. All the lands in Alabama are agricultural lands. There are perhaps some of our Representatives from Alabama who may not be willing to have the provisions of this bill apply to all the counties in the State. They may argue that there are a few counties the public lands of which are only valuable for the timber growing upon them.

It is true that in a few counties in Southern and Southeastern Alabama there are large forests of long-leaf pine, but these lands are our best cotton lands, as the census reports will show. There is more cotton produced to the acre on the pine lands than on any other class of our lands. Baldwin County produces on an average six hundred and fifty-seven pounds of seed-cotton to the acre, while Montgomery produces but three hundred and ninety-nine pounds. Coffee County produces four hundred and fourteen pounds to the acre, while Barbour produces but three hundred and seventy-two. The comparison will hold good all the way through. The census reports of 1880 clearly demonstrate that the pine lands of Alabama produce more cotton to the acre than is produced in what is known as the famous "black belt." All the pine lands are not only valuable for the timber but for agricultural purposes.

These lands are now being entered up in large tracts by land speculators, and at the rate entries have been made the past year by the end of another year there will be very little left for actual settlers. I saw a statement a few days since to the effect that a gentleman of Birmingham, Ala., well known to me, had purchased 25,000 acres of our pine lands and would hold them for speculation. Immense tracts are being purchased by citizens of Michigan, and I will tell the gentlemen who represent the counties where these pines are found that unless this bill passes it will not be two years before all their pine lands will be in the hands of land-grabbers and speculators, and the poor people of those counties will have to go elsewhere for homes. The provisions of this bill should not be limited, but should extend to every county in Alabama. Far better for the people of Alabama that the public lands should be divided out among actual settlers than that a few rich individuals should purchase them on speculation.

The interests of Alabama demand no great tenantry system. Such a system would not promote the general welfare of our State. It is a system not in harmony with American institutions and customs. Its tendency is to build up a landed aristocracy and to "lay the foundation for separate orders in society." It would weaken our spirit of independence. The policy of our Government has been and should ever be to multiply the number of freeholders by passing cheaply into the hands of the people small quantities of public lands. I would give without price to every honest citizen one hundred and sixty acres of land for settlement and cultivation, which would give the country "a race of virtuous and independent laborers, the true supporters of their country, and the stock from which its best defenders must be drawn."

President Jackson in his annual message in 1832 said:

Independent farmers are everywhere the basis of society and the true friends of liberty. * * * In order to afford every American citizen of enterprise the

opportunity of securing an independent freehold it seems to me best to abandon the idea of raising a future revenue from the sales of public lands.

This bill, Mr. Speaker, commends itself both to my judgment and heart. It is in the interest of the people. It protects the weak against the strong, the poor against the rich. It will afford an opportunity for the landless citizen to secure a freehold. It is a deadly blow to the land-grabber and the speculator. It should commend itself to every Representative who favors our homestead system. Pass this bill, and all the people of Alabama, save the land-grabber and his friends, will rejoice. The bill falls within the letter and spirit of the Holman resolutions, for which this House almost unanimously voted, and for that part of the resolutions favoring the homestead laws I have no doubt there was not a dissenting voice.

Let us see, Mr. Speaker, whether the House was then in earnest. Let us see if the Representatives of the people intend to prove the declaration of faith then made by their works. Faith without works is dead. He that declares he is for Christianity and continues in the work of the devil is a hypocrite. The Representative who voted for the Holman resolutions and now opposes this bill goes back upon his faith and the dearest interests of the people. I do not and can not believe that this measure will meet with opposition in the House. God intended the land for the people, and this bill secures to the people the public lands of Alabama. The measure has met the approval of the people everywhere in Alabama, as indicated by the press. The Representative from that State who should oppose this measure would run counter to the best interests of his State, and would fail to meet the demands of his constituents. I give this measure my hearty support, believing that it is in the best interests of the people, and that it will best promote the material development of the State of Alabama, as well as the general interest of the country.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

The SPEAKER. If there be no objection the title of the bill will be amended so as to conform to the amendments which have been made to the body of the bill.

Mr. DUNN. I suggest that the title be amended by adding "and extending the provisions of said act to the public lands in the States of Arkansas, Mississippi, Louisiana, and Florida."

The SPEAKER. If there be no objection the title will be so amended.

There was no objection, and it was ordered accordingly.

Mr. HEWITT, of Alabama, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNVEILING OF MARSHALL STATUE.

Mr. SINGLETON. I ask unanimous consent to have taken from the Speaker's table for concurrence by the House a joint resolution (S. R. 88) providing for printing the proceedings relative to unveiling the statue of John Marshall, late Chief-Justice of the United States, and for other purposes. The Senate in this joint resolution has provided for publishing 10,500 copies of these proceedings, 7,000 of which are for the use of the House of Representatives. It is desirable to have this resolution concurred in at once, so that we may receive these documents before Congress adjourns.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound 10,500 extra copies of the report of the Joint Committee on the Library respecting the erection of a statue to John Marshall, late Chief-Justice of the United States, 3,500 of which shall be for the use of the Senate and 7,000 for the use of the House of Representatives. And the Joint Committee on Public Printing be, and is hereby, directed to procure an engraving of the statue of Chief Justice Marshall, to accompany the report aforesaid; and for the purpose of engraving and printing said engraving the sum of $1,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. SINGLETON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS ON NORTHERN PACIFIC RAILROAD GRANT.

Mr. COBB. I ask that an additional number of the reports of the Committee on Public Lands in relation to the Northern Pacific Railroad grant be published. The copies heretofore printed appear to have been all exhausted. There is a great demand for these reports, and a great many members inquiring for them have been unable to obtain them. I therefore ask that the report be reprinted.

Mr. OATES. I would like to understand whether members have inquired at the document-room for these reports. Some days since I made a motion which the House adopted for printing 1,500 additional copies.

Mr. COBB. I was not aware of that.

Mr. OATES. That motion was adopted when I filed the minority report.

Mr. HENLEY. There are no copies to be had at the document-room, as I am told.

Mr. OATES. Fifteen hundred additional copies were printed and sent there.

Mr. COBB. If 3,000 copies have already been printed, I do not know that I ought to press my motion.

The SPEAKER. Does the gentleman insist on his motion?

Mr. COBB. Yes, sir; I understand that all the copies are exhausted.

The SPEAKER. The gentleman from Indiana moves that the report of the majority of the Committee on Public Lands, with the views of the minority, on the Northern Pacific Railroad grant be printed.

Mr. SCALES. I think there ought to be some provision for retaining these reports in the document-room for the use of members. The copies get out some way, and members can not obtain them.

Mr. COBB. I am willing to include that in my motion.

Mr. SPRINGER. I do not think that is in order.

The SPEAKER. It is not except by consent.

Mr. SPRINGER. I object. If we want to regulate the document-room there is a way to do it.

The SPEAKER. If there be no objection the order to reprint will be made.

There was no objection, and it was ordered accordingly.

CENTRAL PACIFIC RAILROAD.

Mr. HENLEY. I now move we proceed to the consideration of the bill (H. R. 5897) to declare forfeited certain lands granted to aid in the construction of a railroad from the Central Pacific Railroad, in California, to Portland, in Oregon, and I ask for the reading of the bill.

The SPEAKER. The bill has been read at length.

Mr. HENLEY. Mr. Speaker, I have no desire, at the outset at all events, to detain the House with any extended observations in respect to the measure now before the House. As the matter came before the Committee on Public Lands it is a question of extreme simplicity, unembarrassed, totally unencumbered by any legal conundrum, complication, or difficulty whatever.

On July 25, 1866, an act was passed providing for the construction of a railroad from a certain point on the Central Pacific Railroad, in the State of California, to Portland, in Oregon. From the general scope and purport of the act passed, undoubtedly the proposition was to construct a through line from one of these terminal points to the other. The time within which the road was to be constructed ended in 1875. Default was made in the construction, but before that period application was made to Congress by the railroad company for the extension of the time, and it was extended to the 4th day of July, 1880. But in 1872 the Central Pacific Railroad Company, or rather the California and Oregon Railroad Company, the two companies except in the mere matter of name being the same, constructed this road up to a point called Redding, in the northern part of California. That point was reached in 1872.

As I have said, from 1872 for about nine years thereafter the railroad company never made any effort toward the further completion of the road. There remain uncompleted from Redding up to the Oregon line a gap of one hundred and twenty miles, and then from that on to Portland.

Something like eighteen months since, and, as the House will observe from these statements of dates I have made, a good while at all events after the time within which the road was to be completed had expired, this railroad company resumed the construction of the road. So that, as the House will have perceived from this statement, the road was constructed within the time only up to Redding. Patents for the land adjacent to and conterminous with that portion of the road have been issued to the company amounting to over 1,500,000 acres of land, being by far the most valuable portion of the lands granted.

This, then, is simply a proposition to forfeit and restore to the public domain that portion of the land adjacent to the uncompleted portions of the road.

Various pretexts and excuses were urged before the Committee on Public Lands by the representatives of the railroad corporations as being sufficient why the road was not constructed within the time. Among these reasons one was that there was no inducement for the California company to build onto the Oregon line until they had sufficient evidence that the Oregon company was to build from the north southward, so the two lines would encounter each other at the Oregon line. It was alleged, and I presume correctly, that the Oregon company became involved in some kind of financial difficulty, and for that reason it delayed any attempt at the construction of the road. Therefore the California company assumed before the committee the position that they had no reason to believe, even if they built on toward the Oregon line, they would meet the sister road coming south, and therefore they would have no outlet. The all-sufficient answer to that pretext is that the bill provided that if at the time the California road reached the Oregon line the northern road did not encounter them, then the California road was authorized to continue its construction along to the northern terminal point, provided it could get permission of the State of Oregon, which the representatives of the corporations before our committee said was somewhat doubtful.

To meet this proposition it is only necessary for the House to recur for one moment to the all-pervading desire of the people of the Western portion of this continent at that time to secure the construction of railroads, and it was considered by the committee that if the California road had diligently pushed on the completion of their road to the Oregon line they would not have had the smallest difficulty in securing the permission from the Oregon Legislature to continue the construction of their road on through Oregon.

Now, with these few preliminary statements, reserving the balance of my time, I will yield the floor.

Mr. BELFORD. I desire to ask consent of the House, as I have prepared a minority report in this matter, that it shall be incorporated as a portion of my remarks.

It is a singular fact that while the gentleman from California [Mr. HENLEY] should be agitating the forfeiture of this land grant I should hold in my hand the protest of the shipping merchants of the chief places in his own State against it. If he has any doubt of the fact he can ascertain all about it from the printed report which represents the views of the minority.

What is the trouble with this House now? Simply a political craze. They say we will forfeit all these land grants because it is popular to take that side.

A MEMBER. Because the roads have not earned them.

Mr. BELFORD. We will come to the question of earning the lands directly. You know very well, every member here knows well, that in the midst of the war, I think in 1862, and if I am incorrect my friend Judge PAYSON, from Illinois, will vouch or disavouch for my statement, but the policy of this Government in 1862 was to connect the Atlantic with the Pacific Ocean.

That was its public policy in the midst of our great struggle, and by making these vested land grants we were enabled to construct these long lines of railroad through sparsely settled countries to unite the teeming East with the vast regions of our Western country and open them up to settlement.

That was the policy of this Government at that time. We made these grants. What, then, did these railroad companies do? They sold the grants to actual settlers at the price of $2.50 per acre, which was simply the minimum price at which they acquired it practically from the Government of the United States. What have they done since? At that time we inaugurated the policy of connecting Oregon and California together, linking one State to the other, to guard against military violence in the far West. What was the object of our legislation at that period? Does not every member of this House know that the panic came on in 1873, and that when it came capital crept into its vaults? It hid its head, it sheltered its hands, and you could not acquire money enough in the ordinary march of capital to build a mile of railroad. What was the consequence? Some steps were necessary to accomplish the great results desired. Until we resumed specie payments and until capital felt absolutely secure in making investments you could obtain no money to build any line of road in any portion of the country. Are we, then, going to hold these corporations, which were handicapped by this great panic of 1873 all the time throughout this period and year after year, to a strict compliance? Are we going to forfeit the lands that we granted to them simply because in the unfortunate condition in which the country was placed by that panic these companies could not obtain money by which they could construct the roads?

What are we building these roads for? Simply for the purpose of opening up the vast public domain to settlement. We are building them up for the purpose of enabling the occupancy of our public lands, to aid in the promotion of the great States of the West, and why now should we pass a bill for an absolute forfeiture with reference to any portion of the land that the Government granted to the corporations designed to advance the national interests? No good reason has been assigned. Therefore, Mr. Speaker, I am opposed to the whole policy inaugurated by the legislation proposed in this bill. The more railroads we have in this country the more prosperous our people will become.

If Congress is going to legislate upon this subject it ought to legislate not on the amount of land that we have given to construct these railroads, but it should legislate with reference to the roads themselves, with regard to the rates that they shall be allowed to charge for passengers, and also the rates that they may charge for the transportation of freight. But I say the construction of a railroad in any portion of this country is a public benefit. What is it but a proposition for a new species of highway, an improvement upon the old turnpikes over which we traveled in our youth? It is a rapid mode of communication between the great sections of this country; and yet you propose to sweep it all away and forfeit these lands instead of adopting a wise and judicious system of legislation, regulating the charges for freight and travel, controlling these railroads in that respect, but still giving them the lands to which they are justly entitled, while yet at the same time you are enforcing upon them, if you please, a condition that they shall construct these roads within one year or two, or such other time as reason may dictate.

I know, Mr. Speaker, that it is unpopular to stand in this House to-day and advocate the interests of what are denominated the great railroad corporations of this country. I declare that I am as thoroughly an anti-monopolist as any man in this House or in this country. I will go as far as any man in this House to draw back from their mouths the reins of power and check them up; but I say the policy that you are seeking to adopt here is a policy not in the interest of the people, but a policy directly opposed to their interests.

What would Colorado have been unless the Union Pacific Railroad had been built? Oh, how we longed for it! Oh, how we hungered for it! Oh, how we waited for it, and at the end of it was a Commonwealth that pours into your Treasury twenty-six millions of silver every year and five millions of gold; a magnificent Commonwealth, covered over with churches and school-houses and beautiful homes, all made possible by this railroad enterprise. They may not have built the road within thirty days or sixty days, but they did build it; and you can journey now from the city of Washington to the city of Denver and from the city of Denver to the grand city of Old Mexico where once reigned the proud Montezumas, and inside of five years we will build a railroad from the capital of the Montezumas under the very shadows of the palace of the Emperor of Brazil.

We are here as a national council, men charged with the custody of the interests of over 55,000,000 people. And I say that we should go slow on questions of such great and vital importance as this.

Two years ago, Mr. Speaker, I stood in the far West on the very road over which the California pioneers passed in 1849. As I stood right in the midst of that road, I took off my hat in reverence for the men who had developed our great mines and made our country prosperous. But when I went sixty miles to the north, I found a great railroad reaching from New York to Sacramento. How was it built? It was built by a grant made by the Government of the United States, and on that grant bonds were given to the capitalists of this nation, and on the strength of those bonds they advanced their money, and on the strength of the money those roads were built.

As I said a moment ago, this entire policy is a mistaken policy. If these corporations have done wrong, let us take them by the throat and throttle them; but do not let us throttle them to the injury of men who have bonds in their hands founded and predicated upon the lands we have granted. Let us be honest in these transactions and not robbers.

They say let us vote to forfeit the unearned lands. I have stated to you, and I will avouch the truth of my statement, that they were prevented from building these roads by virtue of the great panic of 1873. Who could borrow money during six or eight years unless they could put up gilt-edged security? Look at your banks to-day breaking here in the very city of Washington; in New York; almost everywhere; and the banks that are absolutely solvent calling in their money in every direction, so that it is difficult for a man that a bank knows to be absolutely solvent to borrow the smallest possible amount of money. And yet you say that these railroad corporations, which are seeking to open up the country, to make new farm-houses, to multiply farms, to build up churches and school-houses, shall be further impeded at a time when your money market is being constantly contracted and your population being constantly increased.

I accept cheerfully the odium that may attach to opposing this entire policy. I will fight it here and I will fight it in my own State; and I challenge with cheerfulness and will accept with absolute gratitude the verdict of my people on this subject.

Look at the magnificent Commonwealths you have here. Look at your railroads running in every direction. In the early age of the Republic you felt the fostering hand of the nation. Now, let us people of the West, who came to the rescue of the nation in its darkest hour, receive the benefits and charities that the Government gave us then when we had not capital to build these roads ourselves. I declare that in my judgment this whole policy is radically wrong. It should be voted down in this House. I make my fight on this road because I am seeking to announce my opinion on a general policy against all these forfeitures. I do not care where this road is; but what I do insist upon is that the people who have capital to construct railroads shall have the privilege to-day, as they had it in the past, to take the ample and providential hand of this Government in their hand and continue the construction of these roads. For that reason I shall steadily vote against every forfeiture of these lands. I yield the remainder of my time to the House.

By permission of the House I append to my remarks the minority report which I have prepared in this case:

VIEWS OF HON. J. B. BELFORD.

The purpose of the act under consideration was to secure a rail and telegraph connection between the Central Pacific Railroad in California and Portland in Oregon—a distance of more than six hundred miles. Congress did not make the grant for the purpose of aiding the construction of local lines, covering only portions of this route; there was nothing in the character of the country or its situation or circumstances which would have suggested Government aid for such a measure. The object to be secured was a through connection from the railway system of California to the chief city of Oregon, thus securing connection between the whole central and southern systems of railway and Portland, Oreg.

This was all the more important in view of the possibility of war with a naval power, which, by its control of the seas, might cut off communication between San Francisco and Portland, and thereby prevent the dispatch of troops and munitions of war from one to the other, thus exposing the west coast to perils which might, to a great degree, be obviated by direct and rapid interior rail

communication between the two cities. It was for the purpose of securing this communication that the grant in question was made.

The act designated the California and Oregon Railroad Company, and such corporation organized under the laws of Oregon as the Legislature of that State should appoint, as the instrumentalities selected for the construction of the road. Neither company could build beyond the State line of its own State unless expressly authorized to do so by the Legislature of the other State.

Construction was seasonably commenced on both roads, and would have been prosecuted to completion but for the general financial difficulties, which so seriously affected the Ben Holladay party, which was constructing the Oregon portion of the line, that it was compelled to succumb and stop work.

It will be conceded that in this situation the Government could not have reasonably asked the California company to proceed with the further construction of their road. The California company had no power to build into the State of Oregon and complete the whole line; they could not have obtained the power from the Oregon Legislature, which had designated another company to do the work. The California company could only build to the State line at a vast expense, through a mountainous country as difficult as the Sierra Nevadas, and when they built there the country would have been no better off than before, for the desired intercommunication by rail between San Francisco and Portland would still be impossible.

The Oregon company was compelled to suspend work on account of the great financial depression which paralyzed all business interests at the time.

The California company was not in fault in suspending construction until there appeared to be a reasonable prospect that the Oregon portion of the road would be built; as soon as this appeared it recommenced work, and both companies have since prosecuted the work with a diligence and rapidity which deserve the highest commendation.

The most difficult portions of the Oregon line are near the State boundary, while the most difficult portions of the California line are just north of Redding, the point at which the work was suspended.

Since the commencement of the present session reports of commissioners have been filed showing the completion of a twenty-mile section in California of this most difficult portion of the road, and there is now employed in the construction of the California portion of the line alone a force of about 4,000 men.

If the progress of the work is not interfered with by hostile action on the part of Congress, the whole road will be completed during the present year.

In my judgment Congress can not afford to place any obstacles in the way of the construction of this road, which is of very great importance in time of peace, but which in case of war is an absolute necessity for the protection of our western coast.

I think the temporary suspension of work which prevented the completion of the line within the time prescribed in the granting act has been satisfactorily explained. But even if this were not so, if the excuse could be considered by any one to be in any wise insufficient, we find ourselves now in a situation where we can have the road during the current year if we cast no stumbling block in the way; and it seems to me that it would be the height of unwisdom, having regard only to the interests of the country and the protection of its frontier, to do anything which might imperil the completion of this important work.

The result of my reflection upon this subject has led me unqualifiedly to the conclusion that this case is an entirely exceptional one, in which the interest and the duty of the Congress of the United States is clear beyond all question, that it would fail utterly of its duty in the protection of the Northwestern frontier and the Pacific coast if it took a step which should now imperil the completion of this line.

Already a large part of the Oregon line has been constructed, but the most difficult portion of the line, near the State boundary, still remains to be completed. On the California portion work has been done at the controlling points along the whole line of the mountainous section referred to. It has been necessary to run expensive tunnels and make costly rock cuts and extensive fills, and in order that the whole line might be completed at the earliest possible moment, work upon some of these portions had to be commenced a year or a year and a half before track-laying could reach them.

It appears that during the last two years over $2,000,000 has been expended upon the California portion alone—a sum sufficient to have constructed the whole line of that portion of the road but for the vast expense of constructing a railroad through the difficult passes of the Trinity and Shasta Mountains, through which the line has to run.

The length of this road to the State line of Oregon, where it will meet the Oregon and California road, is two hundred and ninety-one miles, of which one hundred and seventy-one miles are completed and in full running order. Of the remaining one hundred and twenty miles the greater part of the work has been done. To facilitate the early completion of the road the management have had thousands of hands working along the line far in advance of the part completed. They have been working upon the heavy parts of the line, which would require much more time, labor, and money than the easier points, thus seeking not to delay the great work by halting at the heavy points. The work thus done, if continuous, would make seventy miles in addition to what already has been completed, and the company should have credit for the same. This has been done on the remaining one hundred and twenty miles—this, too, through a country the most difficult in which to make a railroad, requiring $100,000 per mile to construct the road through the mountains.

Finally, we are now in a situation in which if we stay our hands the whole of this most difficult and costly work, so essential to the Government and people of this country and to its protection and integrity in case of war with Great Britain or any other naval power, will be completed during the current year; and under these circumstances I feel no hesitation in saying, and I should feel that we were derelict in our duty if we failed to say, that this case is so exceptional in the advantages which the country is to derive from the completion of the road that no bill for a forfeiture ought to pass; or if any bill on the subject were passed it should be the amendment recommended by the minority of the committee, which gives the company a year in which to complete the line.

It appears that not only is there no public demand from any quarter for this forfeiture, but that on the contrary the Board of Trade of Sacramento has unanimously protested against it. Two hundred and fifty business firms at Sacramento have united in the protest. Every business interest in California and Oregon opposes a forfeiture, and the most representative press in California, without distinction of party, concur in the demand that the grant should be left unimpaired.

JAS. B. BELFORD.

Mr. HOLMAN. I desire to offer the amendments to the first section of the bill which I send to the desk. I only desire to have them pending.

The Clerk read as follows:

In line 14, strike out the words "existing laws of the United States" and insert the words "the provisions of the homestead laws only."

In line 14, strike out the words "sale and."

Strike out all of line 22, after the word "four," and down to and including the word "located," in line 26, and insert as follows:

"In quantity not exceeding one hundred and sixty acres to any one person, the person so purchasing any of said land, or person claiming under such purchaser, shall have the right to the land so purchased, not exceeding one hundred and sixty acres, upon making proof of the fact of such purchase and of the actual and *bona fide* settlement on and occupation of the tract so purchased, under such purchase, on and prior to January 1, 1884, at the local land office of the district where said land may be located."

Mr. HENLEY. I had prepared myself an amendment identical with that. It is acceptable.

Mr. OATES. Will the amendments now offered remain pending, or does the gentleman from Indiana insist on their being acted on now? I presume it is better to let them remain pending until the discussion closes.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Indiana desires to have the amendments considered as pending.

Mr. OATES. If the House will give me its attention I will endeavor to state as briefly as possible the position of the minority of the committee on this bill. A grant was made by Congress in 1866 to aid in the construction of a railroad from a point at or near Marysville, in California, on the Central Pacific, in a northerly direction, to the southern boundary line of the State of Oregon; and the grant was extended to Portland, but to be executed by another company from Portland, in the State of Oregon, southerly, to connect at the State line with the California and Oregon Company, thus forming one continuous line from Portland to Marysville—to connect, in fact, in California with all the southern and eastern roads. The Legislature of California was to designate the company that was to receive the benefit of this land granted for the construction of the California end. The Legislature of the State of Oregon was to designate the company to construct the other end of the road from Portland southward. The southern portion, called the California and Oregon, is that which is now before the House. The other end, called the Oregon and California, is not before the House for consideration.

From the last report of the Commissioner of Railroads it appears that the Oregon and California branch is all constructed except thirty-eight miles. The California and Oregon Company, which was designated by the Legislature of California, accepted the grant according to the terms of the act, began work, and constructed a little over one hundred and eighty-seven miles, to Redding, before the expiration of the limit of time named in the act. By the terms of the act these roads were to have been completed in 1875; but, as the gentleman from California stated, the time was extended by a subsequent act of Congress. At any rate, the time has long since expired within which this company had the right to complete the road.

Mr. TUCKER. To what date was the time extended?

Mr. OATES. Will the gentleman from California [Mr. HENLEY] state to what date the time was extended.

Mr. HENLEY. To July 4, 1880.

Mr. OATES. The road was constructed and completed to Redding only, leaving something near one hundred and twenty miles more to be constructed in order to reach the Oregon State line. The company alleges various reasons for its suspension, one of which, and the main one, was that the company constructing the northern or Oregon portion of the line had become bankrupt, had broken down, and was unable to go on and meet them.

The report of the majority of the Committee on Public Lands meets that statement by alleging that the granting act, in a proviso to its first section, gave this company the right, had it gone on to the Oregon line, to cross that line and complete the whole road. That proviso is:

Provided, That the company completing its respective part of the said railroad and telegraph from either of the termini named to the line between California and Oregon before the other company shall have likewise arrived at the same line shall have the right, and the said company is hereby authorized, to continue in constructing the same beyond the line aforesaid, with the consent of the State in which the unfinished part may lie, upon the terms mentioned in this act, until the said parts shall meet and connect and the whole line of said railroad and telegraph shall be completed.

That is a permissive statute. It is true this company might have applied to the State of Oregon, and probably would have received its assent to go on with the construction of the road within that State; but it was not obligatory upon the company to do so in order to perform its contract. At any rate, the failure of this company to construct the road northward to the Oregon State line was a violation of the terms of the grant.

I therefore concede that this a forfeitable grant. It is a grant upon condition; and although the language of the condition is different from the language of the conditions in a great many other granting acts, different from the one which was considered in the case of the Oregon Central Railroad Company, yet in legal effect they are the same. The condition in this case is that if the road is not completed within the limit of the time named the act shall be void as to all the unpatented lands of the grant. It matters not what in its legal effect is the language employed in this grant upon conditions; whether it be that no more land shall be sold, or that there shall be a reversion, or that the grant shall terminate and be void; it is all the same in law. It is simply a condition subsequent, and renders the grant terminable at the instance of the grantor if not performed by the grantee.

It was therefore within the power of the Government at any time after July 4, 1880, to have declared a forfeiture of this grant and to have repossessed itself of all of these lands not conterminous with the portion of the road which had been constructed. I believe it is admitted in the majority report that some twenty miles of road have been constructed and completed since the expiration of the time.

Mr. HENLEY. If the gentleman will excuse me.

Mr. OATES. Certainly.

Mr. HENLEY. I do not remember whether it is admitted in the majority report, but I am willing to concede now that twenty miles more of the road northward from Redding have been graded, and I do not know but what the track has been laid on the major portion of it; but that is all. As I am advised, up to the present date it is not in running order.

Mr. GLASCOCK. The road is in running order only to Redding.

Mr. OATES. I was merely stating a principle; I am not advised about the facts. The gentleman may be correct. But if twenty miles of this road were completed before any steps were taken by the Government to forfeit the grant, the permission by the Government to its grantee, having an estate upon conditions subsequent to go on in the execution of those conditions, that execution is good up to the point where the Government takes action to declare the forfeiture.

Mr. COBB. That is a different position from what you took in your report.

Mr. OATES. If the gentleman will be patient and listen to me he will see that I am not insisting upon it here. I am merely stating a principle; I am not advised of the facts.

I concede, however, that this grant is forfeitable from Redding northward to the Oregon State line. But I maintain, in view of facts which were made known to the committee in this case, that this grant ought not to be forfeited at the present time. Making no question as to the right of the Government to declare a forfeiture on the ground that one section of twenty miles has been completed and accepted, I will proceed briefly to state the facts upon which I predicate my opinion that the forfeiture declared ought to be only a conditional one.

Now, it is true, Mr. Speaker, that this bill goes much further perhaps than its author intended or any member of the committee supposed it did when it was passed in committee. As it stands it forfeits the right of way over this line where no road has been constructed. The gentleman from Louisiana [Mr. LEWIS] has informed me that he desires to offer an amendment excepting this right of way from the forfeiture, which is entirely proper.

Before passing to the main facts let me say, in criticism of the bill, that in my judgment it ought to be amended by striking out, in the first section, all after the word "located," in line 26:

Provided further, That all unpaid purchase money in such sales shall be paid to the United States through the receiver of public moneys at the proper land office—

That part is objectionable, because it is an attempt on the part of Congress to exercise the functions of a court of equity—

and upon proof as above, and payment of such unpaid balance, if any, within twelve months of the passage of this act, patents shall issue to the parties entitled thereto for the land.

Mr. HENLEY. The gentleman will allow me to state that I have an amendment prepared which proposes to strike out what the gentleman has read—all that portion of the section beginning with the words "provided further."

Mr. OATES. Then the next section, it seems to me, is objectionable. It reads:

SEC. 2. That any person who has made actual settlement or has made valuable improvements upon any odd-numbered section adjacent to the uncompleted portions of said road, or branch thereof, without contract of purchase therefor, with a *bona fide* intent to secure title thereto by purchase from said California and Oregon Railroad Company when the said company had earned the same by compliance with the conditions and requirements of said act, and being a citizen of the United States, or having declared his intention to become one, in compliance with the naturalization laws of the United States, shall be entitled to enter one quarter-section, of one hundred and sixty acres each, of the lands so settled upon or improved by such person, under the pre-emption or homestead laws of the United States; and in case such person has exhausted his or her right under said laws, then and in that case such person may enter one quarter-section, or one hundred and sixty acres, of the land so settled upon or improved, by paying therefor $1.25 per acre.

Perhaps the committee overlooked a statute which regulates this matter. In the event that these lands are declared forfeited to the Government, we have a statute, passed March 3, 1875, which declares—

That where any actual settler who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate, on any unoccupied lands, an amount equal to their original entry, without further cost, except such fees as are now provided by law in pre-emption cases: *Provided*, That when such location is upon double minimum lands one-half the amount only shall be taken.

This is an existing law regulating the disposition of these lands after forfeiture.

I have no further criticism upon the bill. The minority of the committee propose an amendment, to add to the bill the following proviso:

Provided, That this act shall not have any operation, force, or effect prior to January 1, 1885, and not then if the said California and Oregon Railroad is at that time constructed and completed to the line of the State of Oregon.

Why do we propose this amendment, which is in fact an extension of time to the company?

Mr. LEWIS. Did not Mr. Huntington state to the committee that the company was going to build that road without the grant?

Mr. OATES. I do not know whether he so stated or not. The committee, I believe, so states in the report. I will come to that in a moment.

Mr. GLASCOCK. If it will not interrupt the thread of your argument, I would like to ask a question.

Mr. OATES. All right.

Mr. GLASCOCK. I understand you to stand on the minority report?

Mr. OATES. Yes, sir.

Mr. GLASCOCK. Has not sufficient evidence transpired before your committee to show that it will take two or three years to fill up the gap between these two roads?

Mr. OATES. No, sir.

M. GLASCOCK. Do you not know as a matter of fact, being a member of the committee and having heard the evidence, that it has taken the company nearly a year to grade simply twenty miles of that road; that there are numerous tunnels, fifteen or twenty; and therefore is not the report of the minority substantially the report of the majority?

Mr. OATES. I will state in answer to the question of the gentleman from California [Mr. GLASCOCK] that my information as a member of the committee and from the report of the Commissioner of Railroads is that if this amendment be adopted and the company be allowed to proceed it will complete the construction of its road to the line of the State of Oregon during this year. This is precisely what I want to make the company do. The importance of this road will be seen at a glance when gentlemen reflect that the passage by sea around that coast, which is a rugged one, consumes much time, so that a communication by rail between California and Portland, Oreg., is not only of vast importance in a commercial point of view, but almost indispensable to the Government in time of war. The majority of the committee state in their report—

It is claimed by both of these companies, and with some show of reason, that the construction of this railroad is of very great importance, both as respects its necessity to the military defense of our west coast and its benefits to the mining and agriculture of that great Northwest region. The interchange of products, mails, and passengers between California and Oregon and the country north and east of it must continue to depend upon the ocean along a coast somewhat dangerous because of the absence of good harbors until this road is opened, and of course, in the matter of transportation, its completion will bring both celerity and safety to the inhabitants of that region, besides affording the opportunity to all the world to cross the continent by the Northern Pacific route, returning by Central route, or *vice versa*, as well as open new mining fields and agricultural resources to the energies of the people.

It was also stated to the committee that the greater portion of the lands along this grant are not very valuable, are worth very little for agricultural purposes. The committee further stated, touching the question asked by the gentleman from California:

But the company now is in such condition that to render remunerative and available the other portions of the road already constructed they must build the road to the Oregon south line.

Further the committee say:

Had it been made to appear to your committee that the further completion of the line was absolutely dependent upon the forbearance of the Government, it might present a question for our serious consideration whether as a matter of policy it would not be better to extend the time for the completion of this road and not forfeit the land grant; but the work has reached, as before stated, an advanced stage, and is understood to be in the hands of contractors, and will inevitably be completed, because to finish what remains unfinished utilizes the capital already invested, and to discontinue it involves a corresponding sacrifice.

It was further claimed that it would be grossly unfair and unjust to cut off the opportunity to receive these lands now that the whole work is on the eve of completion and the ground is covered with workmen, no faster progress in the situation being practicable. They urge that cost and difficulty are of the essence of the grant and not time.

In this connection they have stated to your committee, and it is undoubtedly true, that very few railroads in this country present anything like the topographical difficulties that lie upon this route. They allege that three successive high mountain ranges are to be crossed, some twenty tunnels in the whole gap, with as many important bridges, and much inevitable delay from snows, &c. These things were urged in support of the equitable plea for indulgence. The all-sufficient answer to this plea, aside from what has been urged hereinbefore, is that the Government can not afford at this particular time to be indulgent or waive any advantage it may possess in the letter of its contract.

Why not? Is this great Government so "hard up" at this particular time that it can not afford to grant a few months longer to this company to build this important gap on this line of railway?

Is it right for the Government to take advantage of what it says is the necessity of the company? Because it is an absolute necessity to make the capital already invested remunerative the company is compelled to go on and construct this road. But for that state of fact the committee would not favor the immediate forfeiture. It seems to me that is begging the question. It is taking an advantage of the company which, considering the importance of this through route, ought not to be taken. That advantage can be taken if this House and the other see proper to do it. I concede that there is no difficulty about the law, but I maintain it ought not to do it.

I do not plead for a long time to be granted to the company that it may delay longer the construction of this important gap, closing it up so as to give the people a continuous line of railway. I want by the amendment to limit the time for declaring the forfeiture. I will vote with you for the forfeiture, but I desire to place a limit, so that the forfeiture will not go into operation until the 1st day of January next. And not then if they have completed this line and fill this gap.

It would be an inducement to complete the road. Your committee were informed there were 4,000 men at work to-day, or at least at the

time of the hearing before the committee, who were engaged in completing the road by filling that gap.

The Commissioner of Railroads reports it can and will be completed during the present year if the company is allowed to proceed.

I think for this reason the amendment should be adopted. If the company completes the road and fills the gap by the 1st day of January next they ought to have the lands conterminous thereto.

If it was important to the people there and to the nation that this line of railroad should be constructed when the grant was made it is still important. Time has not rendered it unimportant. The report admits that.

Mr. BUCKNER. Will the gentleman from Alabama inform me what is the condition of the original grant as to the transportation of the mail and munitions of war?

Mr. OATES. I am coming to that. We find in the granting act larger reservations to the Government, larger benefits reserved than in almost any other. It is declared as follows:

SEC. 5. *And be it further enacted*, That the grants aforesaid are made upon the condition that the said companies shall keep said railroad and telegraph in repair and use, and shall at all times transport the mails upon said railroad, and transmit dispatches by said telegraph line for the Government of the United States, when required so to do by any department thereof, and that the Government shall at all times have the preference in the use of said railroad and telegraph therefor at fair and reasonable rates of compensation, not to exceed the rates paid by private parties for the same kind of service. And said railroad shall be and remain a public highway for the use of Government of the United States, free of all toll or other charges upon the transportation of the property or troops of the United States; and that the same shall be transported over said railroad at the cost, charge, and expense of the corporations or companies owning or operating the same, when so required by the Government of the United States.

The Government can require these two companies, constituting one line of railway, to carry its troops and mails over that road free of any charge whatever.

Mr. HOLMAN. Is not my friend mistaken about that?

Mr. OATES. I have just read the law.

Mr. HOLMAN. The language is not that the company shall transport. That is not the language here; it is the same condition as in the original act making the grant to the Illinois Central and the Mobile and Ohio, and the decision of the Supreme Court is——

Mr. OATES. It says said railway company shall remain a public highway.

Mr. HOLMAN. Public highway for transportation, and not shall transport.

Mr. OATES. Let me read the language of the law again.

Mr. OATES again read section 5.

Mr. HOLMAN. I concede that covers the ground. I misapprehended the gentleman when he first read the law.

Mr. OATES. I say further, if Congress passes this act and declares this forfeiture it surrenders that right of the Government as to all that part of the road where this grant is forfeited. It has been so decided by the Supreme Court of the United States in the Sinking-fund cases, that if you rescind the contract, to the extent you rescind it the other party is under no obligation. Is not this worth something to the Government? It seems to me it is, and I believe as a matter of sound policy the amendment should be adopted. You thus offer an inducement to complete this gap in the road by the 1st day of January next. I do not care to consume any further time, as I have presented the points involved in the case. I favor the forfeiture, but think that it should be limited as proposed by my amendment, and this is the only point of difference between me and the majority of the committee. I will now present the proviso of the minority of the committee, so it may be considered as pending.

The Clerk read as follows:

Provided, That this act shall not have any operation force, or effect prior to January 1, 1885, and not then, if the said California and Oregon Railroad is at that time constructed and completed to the line of the State of Oregon.

Mr. BUCKNER. Mr. Speaker, if I understand the facts in this case there is no question of law involved, or rather I should perhaps say that there is no doubt of the legal power of the Government to do that which the majority of the committee advise this Congress to do in their report. It is a simple question of public policy, but it involves the question as to our duty to the country, to ourselves, and to the advancement of the interests of this Government. That is all there is of this question. That is the only light in which we should view it. Now, viewing it in that light, what are the circumstances surrounding the case? It will not be disputed that the power rests in our hands to declare this forfeiture; but the question arises here just as if this were upon an application of this company for an extension of the time granted to them in which to build the road; and in that connection we are met with the question: Is it for the interests of this country, is it for the advancement of that particular section, and for the welfare of the whole Government that this extension should be granted? That is the question.

Coming from a State, Mr. Speaker, that on a former occasion was in a like condition, when one of our most important railroads was unable to comply with the law as to construction within a limited time, because of difficulties in the way growing out of the war and other causes as well perhaps as a want of means, when Congress generously and properly granted us the extension of time that was necessary, I for one can not find it in my heart to object to a proposition to give this company, under similar circumstances, time to do that which is in my judgment for the best interests of that section. And I say to my friends in connection with this matter that the great fundamental mistake made in this bill, it seems to me, is that they have regarded this grant all the way through as a bonus originally given for the benefit solely and alone of the railroad company—a grant made exclusively for the benefit of this railroad corporation; when, in point of fact, it was granted for the best interests of this country as I believe.

Mr. COBB. We differ on that.

Mr. PAYSON. For what purpose was it granted?

Mr. BUCKNER. To build the road, and to build it not for the sole benefit of the railroad company but of the people.

Mr. PAYSON. Will the gentleman permit a suggestion?

Mr. BUCKNER. I would rather proceed without interruption; however, I will yield to my friend.

Mr. PAYSON. Would it make any difference to the gentleman's argument if he was assured of the fact that this railroad would be built without reference to this grant one way or the other? I say to him, if he was assured that irrespective of the land grant the road would be built would it affect his present argument?

Mr. BUCKNER. I think it would be an improper matter to take advantage of them even if the conditions existed such as my friend suggests.

Mr. PAYSON. Well, they do exist, I will say to the gentleman.

Mr. BUCKNER. And the gentleman from Illinois would not agree to such a forfeiture if he was acting in his own individual capacity. He would not under such circumstances advocate, I am satisfied, what he is proposing to advise this Congress to do. I have known of similar cases. Let me cite an illustration to the gentleman. Suppose that he owned a town site out in Illinois somewhere, and proposed to divide it up into building lots and to go on in that way to develop it, giving to a man a lot to build a house or allowing a given time in which to do so, so as to build up the value of his town property, and makes a contract to that effect. Suppose the man is taken sick or from any unforeseen circumstances he is compelled, after he commences his work, to fail in complying with the contract. Now, you have the power to take the property from the man it is true, but you would not do it, not from one of them, under such circumstances.

Mr. PAYSON. But does the gentleman think that is an analogous case with that presented here?

Mr. BUCKNER. I think so far as the great question is concerned it is identical with it. Now, I desire to show that this bill proposes to do just that thing. My friends in this report, what do they say——

Mr. HENLEY. What page?

Mr. BUCKNER. I intended to refer to page 5, but I have not time to read it all. If I do not mistake what it means, it simply means that this California Central Railroad Company has by some means got into the possession of or is owned and controlled by the Central Pacific Railroad Company, which has been a plunderer, as they say, of the people of that region, and is operated in every way, as we are to understand, by its owners in such a manner as to make it odious and exacting to the people of California.

Mr. HENLEY. It does not say that, but it might with propriety embody such a statement.

Mr. BUCKNER. That is practically what the report says; that is what must be gathered from it—because the Central Pacific Railroad has made exactions upon the people of the country and has become odious to that section, then you are prepared to take this action with reference to another line, which simply happened, unfortunately, to come into its control. Now, I might show from the reading of this report that that view of the case is a correct one and that this is a little war against this railroad company, because this road is a mere incident of this matter. But gentlemen must see that the great interests of this country and justice at our hands demand that we should not go back upon ourselves and do injustice to others merely for the purpose of punishing the Central Pacific Railroad Company of California. I take it that if such a state of things exists California has power over the subject herself. She can regulate it by her own State laws. Let her go to work and protect her people in a legal manner, but let us not here act upon the idea that because this company, which is owned to-day by a set of men who have made themselves obnoxious to the people of the country, and which may to-morrow or next week or next year fall under the ownership of somebody else, is to be made the basis of this forfeiture of the grant to an entirely distinct organization.

Do not let us undertake to punish this one because of the action of the Central Pacific road. Perhaps in the course of time better men will take possession. What was the road built for in the first instance? It was proposed to be constructed as a means of military defense in case of war. It was deemed necessary and advisable that a road along that coast should be built in order to avoid the dangerous navigation of the coast; and this line north and south was established for the same reason that the Government gave its aid to the construction of the Union Pacific Railroad. It was a military measure, and was designed to build up

the country as well. To the Pacific roads the Government, because of these important considerations, lent a helping hand.

I say, sir, you have the power to do this thing, but you ought not to do it any more than you ought to have exercised that power in reference to the Atlantic and Pacific road in my State, where the time was extended for ten years, and possibly a second extension was made by Congress. But gentlemen say—and that is another very singular argument in this legislation—"the road is to be built anyhow and therefore we will take this land from you now; because you have not complied with the contract we will take this land away from you." It is not denied that is the point in this report.

Mr. DUNN. Is not that sufficient reason for taking away the land?

Mr. BUCKNER. No, sir; I think not.

Mr. DUNN. What would be a good reason in the gentleman's opinion?

Mr. BUCKNER. If you saw this company was doing nothing toward the completion of the road, if it had abandoned it, given it up——

Mr. DUNN. I understand the gentleman from Missouri [Mr. BUCKNER] deprecates the present tendency to reverse the policy of the Government heretofore in favor of land and bond subsidies. Is the gentleman in favor of continuing that policy?

Mr. BUCKNER. I never said I was.

Mr. DUNN. Are you willing to say you are not?

Mr. BUCKNER. I do not propose to be catechised by the gentleman from Arkansas. The gentleman can take what course he pleases. I say as to this particular case let it stand by itself. There is no reason why this action should be taken in reference to this road because the Government gave subsidies and bonds heretofore. That is no reason why in this case it should defeat the very object for which the Government granted this land. It was not given for the benefit of the railroad company especially. The object was to make a great thoroughfare there. And now you want to defeat that purpose by taking away and forfeiting this charter, when at the same time, in point of fact, you necessarily take away one of the most important grants in the charter, which is the right to transport the munitions of war and the mails free, absolutely free. When you have taken away the charter what becomes of that privilege? I do not know.

Mr. HENLEY. Will the gentleman permit me to interrupt him?

Mr. BUCKNER. Yes, sir.

Mr. HENLEY. The gentleman says if it becomes apparent to Congress that this enterprise had been abandoned by the railroad company this proposed legislation might be proper. I understood the gentleman to state that.

Mr. BUCKNER. Yes, sir.

Mr. HENLEY. Very well; then I call your attention to the fact that for nine long years this railroad company did sit with folded hands and never did one solitary thing toward the construction of this road.

Mr. BUCKNER. That, I admit, is a question for the consideration of this House. Was that folding of its hands on the part of the company a failure to carry out its contract? Was it willful? Was it deliberate? Was it intended for that purpose? Or was it brought about by circumstances over which the company had no control? Now, if the gentleman will say that——

Mr. HENLEY. I shall be glad to contribute to the information of the gentleman on that subject if he will permit me. The railroad company alleges one reason, to wit, the financial difficulties of the Oregon road as a reason why it did not continue the construction of its road. It became apparent to the committee from the testimony before it that the real reason why the California and Oregon Company did not continue the construction was because the remainder of the land grant was not valuable; and that the reason it commenced it about eighteen months ago was because the Villard Company had commenced the construction of a road over a different route south, which would be a competing road in California with the Central Pacific.

Mr. BUCKNER. I did not see those facts stated——

Mr. HENLEY. I said they became apparent to the committee.

Mr. BUCKNER. I did not see them stated in the report.

Mr. HENLEY. Yes; they are in the report.

Mr. BUCKNER. It is very extraordinary that so soon as the times improved this company goes on doing work at a cost of $100,000 a mile to carry on its contract. It seems to me the very fact of the failure of the Oregon company and the perfect nonsense of its attempting to join that company until that road was finished was an ample excuse why this company should not go on. It now shows a readiness to go on and complete the road and accomplish one of the most magnificent means of communication and transportation that could possibly be carried out on the Pacific coast.

The great purpose, as I understand, of forfeiting the lands was that the homestead settlers might get them instead of the railroad selling them. Now, if I am not mistaken, there is a provision that whatever land there is shall be sold to homesteaders. Am I right about that?

Mr. OATES. Yes; and there is a limit, too.

Mr. BUCKNER. Yes; and the price is limited. And that provision can be enforced just as much and the interest of homesteaders protected just as much as they could be when you take the land and put it in the hands of the Government.

Mr. LEWIS. Is there no difference between getting land under the homestead law and paying the railroad companies $2.50 an acre?

Mr. BUCKNER. But I understand this land is stated to be worthless. Is that so? I think my friend from California [Mr. HENLEY] said it was worth very little and that they had finished the road where their best lands were located, and that the remaining lands were of little or no value.

Mr. COBB. If the land is worthless, why do you want it for the company?

Mr. BUCKNER. I do not care who gets it. But I do not want the Government to act in this matter in a way in which the gentleman from Indiana [Mr. COBB] himself would not act in his own individual capacity.

Mr. COBB. I would do it as against you or any living man, woman, or child.

Mr. BUCKNER. No, you would not.

Mr. COBB. Yes, I would; and I know better what I would do than the gentleman does.

Mr. MAGINNIS. I would like to ask the gentleman from Missouri [Mr. BUCKNER] why this land is confined to entries under the homestead act. It is valuable only for timber, stone, or mineral. There might be found a mineral vein there that would be worth millions of dollars, yet it would be taken up under the homestead act. I see that this bill does not make provision that the mineral-land laws shall apply to this land, which is in the most wild, rugged, and mountainous region of country in all America.

Mr. BUCKNER. This company should be permitted to carry out the original idea, and we should not stand upon mere technicalities. We should proceed upon a principle that is broader and higher than mere technicalities, and not stand upon a mere punctilio, quibble, or legal right when the great ends of government are to be advanced by connecting these two roads, thus giving means of transportation upon that wild and dangerous coast.

Mr. OATES. I have fifteen minutes remaining, I believe, and I will yield one-half of that time to the gentleman from Wisconsin [Mr. PRICE] and the remainder to the gentleman from Nevada [Mr. CASSIDY].

Mr. PRICE. I am obliged to the gentleman for his courtesy. I trust I may have the attention of members while I endeavor to lay down what in my opinion is the rule which should guide us in the matter of these land grants.

Sometimes deliberative bodies are too much swayed by popular opinion. The strongest argument I have found to operate upon this House is that such a thing should be done because the people demand it. Now, I have no clear evidence that there is any demand from the people of this country for this Congress to do any unjust thing; and I claim it would be unjust to forfeit the grant of land made to any road which has been built regardless of the question whether it was built exactly according to the technical conditions of the grant or not. And it would be equally unjust to forfeit a grant made to a railroad company which is now in good faith in process of completing the road.

I can conceive very easily that there is a sentiment abroad in the land adverse to any additional land grants. But there was a time when no more popular idea pervaded the public mind than that the building of railroads ought to be stimulated by the grant of lands in their aid. But with our large acreage of the public domain now made accessible, with our system of railroads now so nearly completed, with an outlet now furnished for the overpopulous East, with our Union cemented, and with the desert and mountains between the East and the West successfully bridged over, I can see that while it was once considered all right to make magnificent grants of land for this purpose the changed condition of affairs makes it eminently proper that we should no longer continue such a policy.

But we must not listen to that clamor to the extent of committing our Government to a policy that will be injurious to those interests which have now been set on foot by the stimulus we have given these railroad companies because of what we have promised to them. I understand that there are some four or five thousand men now at work constructing this road. In my own State of Wisconsin there are nearly a thousand miles of railroad constructed by companies that received grants of land from the Government. All of those roads have been built in good faith, and the results flowing from their construction have been more than remunerative in their consequences, by the wealth created, by the wealth imported into the State, and by the renewed stimulus given to enterprise and productive industry. Yet not one of those roads was completed according to the technical conditions of the grant.

As to this case I care not whether this company has built all or only a portion of the road. To the extent which it has built the road the title to the grant of land should be confirmed to it and those holding under it; and to the extent that the road is being built in good faith there is no system of morals, law, or ethics which would justify us in going back upon our promise of aid until the terms of the grant have been completely fulfilled. It is true that in any court of law or equity of the United States or of any State a contract of the character existing between the Government and this company by our offer and their acceptance of the terms, opportunity and time would be given for the ful-

fillment of the contract if it was alleged that it should be rescinded because it had not been specifically complied with.

Having made a promise to the parties in this case, the road having been commenced, and it being now prosecuted in good faith, it makes no difference to me whether the performance is strictly within the time limited by the contract or not. The spirit of the contract should be carried out, and the aid which we have promised this company it has the right to expect shall be granted to it.

I would rather have made this argument on the bill which was pending before the House yesterday. I was promised a few minutes of time on that bill, which promise was not kept. I say that, following the principle established by the passage of that bill and applying it to all the land-grant railroads in the United States, we would pass acts which any court of competent jurisdiction beneath the sun would be sure to upset and overturn.

It violates every principle of equity as well as every principle of law. We ought to pause before denying to these men the full measure of what they had a right to expect if in good faith they have prosecuted their work, although technically they may not have completed it.

Mr. HAMMOND. May I ask the gentleman a question?

Mr. PRICE. Certainly.

Mr. HAMMOND. If it be true that the courts of the country will set aside the proposed action of Congress in this particular very little harm will be done to the railroad companies; but supposing it is not true, if we decline to pass a measure of this kind will not the company have obtained, without any redress for the people, something which Congress thinks it ought not to have?

Mr. PRICE. If the gentleman will give me his attention I will answer the question as clearly as he has asked it. I say the fact that a proposed wrong is only a little wrong is no excuse for doing wrong at all. I know that in the works of Dickens or some other novelist there is a prominent instance where a woman undertook to excuse herself for a wrong on the ground that it was a "very little" wrong. I do not, as a legislator, want to do even a little wrong. I say that the adoption of the wrong principle involved in this measure would show a recklessness of legislation which would commit us to greater wrong. Though the wrong may be slight in its application to this particular question, yet the principle, when established and applied to all the land-grant roads of the United States, would be an overwhelming wrong.

Mr. HAMMOND. Does the gentleman think that is an answer to my question?

Mr. PRICE. I would try to answer the gentleman's question if I could.

Mr. HAMMOND. I have no doubt you would answer it if you could.

Mr. PRICE. I answer, we have no right to commit a wrong because it is a little wrong; that the principle here proposed in its application to the particular bill under discussion might work but slight wrong, but that principle, when its application is extended to all the different land grants made by the Government, would involve a herculean wrong.

[Here the hammer fell.]

Mr. CASSIDY. Mr. Speaker, I have thus far voted for the forfeiture of every railroad land grant proposed by the Committee on Public Lands. So far as I have investigated the reports of that committee I intend to support their action in every case that is to follow. But having considerable personal knowledge with reference to the case now under consideration, I do believe that an exception should be made in this instance. In other words, I believe this to be the weakest of all the cases presented by the Committee on Public Lands. It is a fact which I believe is not denied by anybody that practically all of this line was within the period in which the road should have been built covered with men; that is to say, the railroad company, according to the evidence I have upon the subject, have had men digging the deep cuts and running the long tunnels all along this line, and within the period in which it should have been completed.

Mr. PAYSON. The gentleman is mistaken as to that.

Mr. CASSIDY. I do not think I am mistaken; and I have had as much evidence on the subject probably as the committee have had, and besides I know something of the matter from my own personal knowledge.

Mr. PAYSON. Does the gentleman desire to know what was proved and undisputed before the committee?

Mr. CASSIDY. I have read the report of the committee.

Mr. PAYSON. From 1875 to 1880 not a spadeful of earth was dug on the entire line of the road. This fact was uncontroverted before the committee.

Mr. HENLEY. From 1872.

Mr. PAYSON. From 1872 to 1880; almost nine years.

Mr. CASSIDY. Petitions have been sent here by the people of the northern portion of California, who, by the way, are all opposed to this forfeiture—strong petitions from as good men as there are in that State; men representing both political parties—all protesting in the strongest possible terms against this forfeiture; and I state it as a fact, based upon these petitions, that within the period limited by the contract, as defined in the act making this grant, men were employed on the heavier portions of that line, and there are to-day all along the line from 3,000 to 5,000 men at work. It is a fact that since this bill has been reported to this House twenty miles of the road have been completed and accepted by the Government commissioners. I do not believe any gentleman of the committee will dispute that fact.

Mr. HENLEY. I do not know where the gentleman gets his information. I never heard it before.

Mr. CASSIDY. It is set out in the petitions to which I have referred. I supposed the gentleman had received some of them.

Mr. HENLEY. By the way, may I ask my distinguished friend from Nevada to state from whom he received these petitions? I never heard of them before.

Mr. CASSIDY. The Chamber of Commerce at Sacramento City adopted such resolutions. Did the gentleman never hear of the action of that body? I supposed every member of Congress had been furnished copies of these resolutions.

Mr. HENLEY. Well, it is very remarkable that these people who were holding meetings and circulating petitions in that district have not sent them to their Representatives on this floor.

Mr. CASSIDY. Very strange indeed. I have received a number of these petitions—and I inferred that every gentleman on this floor had received them—protests from some of the most responsible men in Sacramento and Northern California.

Mr. HENLEY. Yes, I know those responsible men.

Mr. CASSIDY. The gentleman underrates the manhood of the people of California when he insinuates that these people were coerced into signing these petitions. I do not believe it. The people of California are made of sterner stuff than that.

Mr. HENLEY. I did not say that they had been.

Mr. CASSIDY. The gentleman's insinuation is wholly unwarranted.

Mr. HENLEY. Well, I will reply to the gentleman in my own time.

Mr. CASSIDY. I hope you will. You have already consumed more than half of the seven minutes allotted to me in this discussion. It would afford me pleasure to continue the colloquy with my distinguished friend if I had more time at my disposal.

And now, Mr. Speaker, a few words as to the merits of the bill under consideration. Under all circumstances I have to be possessed of the courage to do the right thing when I can see and understand the right of a given proposition. I would no sooner do a corporation an injustice than an individual. No man in a public capacity can afford to be unfair. I therefore have no hesitancy in declaring it to be my best judgment that this railroad company has earned an equitable interest in these lands. The case is in no sense or degree on a plane with any other case reported by the committee. As I stated in the outset, I shall vote to sustain the action of the committee in every case but this. In every other case there has been a total absence of work on the portions of the road sought to be forfeited during the life of the contract, while here all of the heavier grades have been covered with men and under active construction. It is upon this ground that I predicate my opposition to the bill.

This line forms a most important connection between California and Oregon and Washington Territory. I am astounded that there should be found here any Representative from California placing obstacles in the way of its speedy construction. The completion of this road is of more importance to the people of the Pacific coast, and especially to the people of California, than any other public enterprise in progress in that State to-day. It is a road on which extortionate charges can never be made, because it is parallel for the entire distance by the Pacific Ocean. It is a work which in my judgment will not be completed if this land grant is withdrawn. There are miles of that road which will cost half a million of dollars. It runs through the most rugged section of the Sierra Nevada Mountains. The land as a rule, taking it on that portion of the road not completed, is not to-day worth 10 cents an acre for any purpose under the sun. It is practically worthless. It is not available for anything, except, perhaps, for the raising of funds in Europe with which to build the road. It looks as well and shows as well on a map as any other land in the world. That is the sum total of its value, frankly stated.

[Here the hammer fell.]

Mr. COBB. I do not desire to take up more than a few minutes on the pending proposition. It is conceded by the friends of this railroad corporation that we have the legal right to forfeit this entire grant. Heretofore they have raised technical legal objections on us, and they have insisted on them that the forfeiture should not be had. We have now a case to which they can not find any legal objection, and so they fall back on the argument of their equitable rights. They tell us this would be a great blessing and benefit to the country to leave the grant where it is for the benefit of this railroad corporation.

Now, I was very much astonished at what was said by the gentleman from Missouri. I do not see him here now.

Mr. BUCKNER. Oh, yes; here I am.

Mr. COBB. I was very much astonished at the position he took on this question. I have often listened to him with pleasure. He stated this case was parallel to that of an individual who had purchased a piece of land from another and erected valuable improvements on it. He said

none of the members of the committee would take that away from the grantee. Is that the case here? Are we proposing to take from the gentleman's friends here a single bit of property put on this land? The right of way we have already given to the company. Every dollar it has expended we propose to let it keep. There is no parallel between the case the gentleman put and that of his friends here.

Mr. BUCKNER. Who do you speak of when you say "your friends?"

Mr. COBB. I am referring to the railroad corporation.

Mr. BUCKNER. I am not any particular friend of this railroad corporation.

Mr. COBB. You seem to be defending the corporation.

Mr. BUCKNER. I am in favor of equity and justice.

Mr. COBB. The gentleman is not defending the law, as there is no law on his side and he admits it. It is conceded there is no legal obstacle to the forfeiture of this entire land grant.

The gentleman from Missouri puts it on an equitable ground, and he gave the illustration which I have quoted in substance and which does not apply. It has nothing to do with the case. We do not take a single cent from this railroad corporation. We propose it shall keep its property. But because it has violated the law, because it has refused to build the road as the law required it to do, I say because it has done that we will take back the lands we donated to it.

The question has been propounded as to whether this road would be built or not in case this land grant was taken away. I know that a distinguished railroad king, who talks about this House as "wild hogs" in letters which are of record—I refer to Mr. Huntington, who, when before the Committee on Public Lands, said in a sort of heroic spirit that whether this grant was forfeited or not he would build the road. Why not, then, let the lands go back to the public domain?

But the gentleman from Missouri asks why we should not let the lands go to this corporation? When these railroad corporations wish to sell lands to individuals they are then valuable and important; but whenever the Government undertakes to forfeit a grant they then become insignificant and valueless.

Now, I know this, and I state it with all kindness—indeed, we all know as a matter of fact that these corridors have been lined with railroad lobbyists ever since the Holman resolution passed. I sat here and saw sitting in that gallery one of the kings of the lobby, and I meet him everywhere that I go. He is a specter that stands before the eyes of members of Congress and haunts them on all occasions, and he is the agent of this man Huntington, whose name we have heard mentioned here so often, for the purpose of buying these "wild hogs"—we members of Congress, who occupy seats here for the purpose of legislating in the interest of the people of this country!

But, sir, let us see about the equities of this case. Here is a grant made to a railroad corporation which was to complete the road within a given time fixed in the act. It completed a small portion of the roadway. Then for nine years, as I understand the facts, not a spade was stuck into the ground to complete the rest of the road. That company came here and got an extension of the time. Congress liberally extended the time, and it has failed to complete the road within the extension given to them. And now gentlemen rise here in their seats and say after we have given this road this great length of time, impeding, so far as the completion of this road is concerned, the settlement of this country by withholding these lands from occupancy—the lands having been withdrawn from settlement in this country all this time—that still there is justice in allowing them to continue to hold the property of the Government. They have placed the lands in such position for all this length of time that no person could go there to make a home, and it will continue just in that condition until Congress takes action in the matter.

Yet, Mr. Speaker, in the face of all this we are told by the friends here of these great corporations, the Central Pacific and the Union Pacific Railroads, that they should in all equity and justice have time to build this road. I can see no justice or equity in such a proposition. What have they been doing all this time? Why have not they built the road before? Why, do not these gentlemen know, as a matter of fact, that this very man Huntington has built more than a thousand miles of road, yes, more than two thousand miles of road, since this grant was made? Yet, notwithstanding that fact, it is said that they ought to have time; that there is equity in the case, and that this road should be permitted to occupy the lands which they have not earned. Mr. Speaker, I can see no justice in such a consideration as that. Where does the question of equity come in? Where is the illustration of my distinguished friend from Missouri as applied to this case? I must confess my inability to see the application.

It does not apply at all. It lacks every fact that is necessary to make it applicable to this case. It is based upon an entirely different condition of affairs. But it is a plea in favor of the railroad corporation that I am astonished, I may be permitted to say, with all respect to my distinguished friend, that he should have made. Mr. Huntington and his cohorts have built these miles of road at the expense and by a direct robbery of the sinking fund that was appropriated by Congress, and where these corporations were required to consolidate the fund for the purpose of reimbursing the Government upon the bonds and the interest that fund has been encroached upon for the construction of these additional miles of road; but he refuses to pay the Government, refuses to pay into the sinking fund the money intended to go there by Congress. He has taken that money to build up roads elsewhere. Now, why did not he build this road? The answer is simple: he did not want to build it. He sets up his plea that the other end of the road was not completed—the Oregon portion of it.

There are, it seems, two corporations interested in the matter in some way, one the California and Oregon road and the other the Oregon and California road, and they were to form a junction at some point between. But because the Oregon end of the line was not built he did not build the California end, and that is the reason why Congress is asked to extend this grant to save them from forfeiture when they have failed to comply with the conditions. But when he finds the Northern Pacific, with some of its associates, determines to build a competing line between these terminal points to compete with this Huntington road (that is the road you propose to take away this grant from), then it is that they can find time to make an effort to build the road, and not until then.

Mr. Speaker, these railroad corporations have been banking, so to speak, upon the idea or the desire that has been expressed by my distinguished friend from Missouri. They have been expecting this House and the other end of the Capitol to take the same position that he takes now. What is that? Why, that under the equities we should let them run as they have been running for the last eight, ten, or twenty years, and that is all. They have trifled with this nation. They have tampered with this property. They have failed in the conditions which they accepted; yet they expect us to continue to favor them. But, sir, the people of this land have spoken out, and they have spoken plainly. They have sent a different class of men here at last. They have sent men here under different instructions from those who preceded us. This House is going to strike down in a summary way these exactions upon the people of this country; and if we do not execute the will of the people in that respect, the man who stands in the way will, in my judgment, know it to his cost in the future.

I know the appliances that have been brought to bear here. Four months ago this House passed almost without objection a resolution that covers this case all over. These lands are admitted to be forfeited. The resolution we all voted for declared it was the will of this House to forfeit these lands. Here, then, is the question fairly presented to-day, and we find my distinguished friend from Missouri [Mr. BUCKNER] violating what I believe he voted for then.

Mr. BUCKNER. No, sir; I did not.

Mr. COBB. Did you not vote for those resolutions?

Mr. BUCKNER. No, sir.

Mr. COBB. I beg the gentleman's pardon then. At any rate the great majority, almost the unanimous voice of the House, was for those resolutions. But the railroad influences have been here. They have beset you at your houses; they have beset you or your pathway to this Capitol; they have been around you when you went into the corridors, and they presented very specious reasons to you which I think have affected many members of this House.

Mr. BUCKNER. If the gentleman means to say any action of mine has been affected in any way——

Mr. COBB. I did not say that.

Mr. BUCKNER. No; but you intimated it. I say if any man says that in reference to me it is absolutely false. I never had any communication with a railroad man on the subject, own no railroad stock, and have nothing to do with influences such as the gentleman talks of.

Mr. COBB. I did not mean anything of the kind. I spoke generally. I have stated what I know to be true. I intended it for all men who have been met, including those who have not been affected; men who have been beset night and day, but who have honesty and integrity enough to come here and do their duty. I am not chargiug on any member of this House that he has been tampered with in an unjust way. I shall not say that; but I will say that men have been attempted to be tampered with in an unjust way. The member has not accepted the proffers made to him in many cases.

But members are sometimes influenced by the reasons urged by these men. They employ the best lawyers in the land. It is their business from day to day and from year to year to get up arguments to convince the minds of men, and especially of members of Congress, that their policy is right and that these railroad companies ought to be protected in the grants that have been made; and the consequence is that many men have been inoculated with these arguments and affected by them. And I speak of railroad lobbyists in that view. They prepare the briefs. They prepare the reports. They are ready to prepare them and to present them to members at all times if they will come into this House and make them. We understand how it is. It is an easy matter to be the advocate of a railroad company on this floor. The arguments are placed in your mouth. Your report is prepared for you and you have nothing to do but to quote it, and you have an argument as strong as can be made by the mind of man. But the man who opposes the railroad company has got to go to work and hunt up the facts, prepare his own reports, and make his argument as best he may.

Mr. OATES. I have made some minority reports. If the gentleman intends to include me in the remarks he has just been making——

Mr. COBB. I did not intend to include anybody particularly. I know how these things are done.

Mr. OATES. I do not accept that unless the gentleman says he did not mean to refer to me but was referring to people generally.

Mr. COBB. I do not think I was referring to the gentleman from Alabama. I did not think he would become so sensitive on the subject. I certainly did not intend to mean him.

Mr. OATES. That is enough.

Mr. COBB. I did not have him in my mind at the time. But I am stating facts that I know to be true. I heard a railroad man say that if I would take the position of non-forfeiture in this case the argument would be ample and the report full and complete without my labor. I scorned it as I would turn a leper from my door. If I had required it, if I had said I wanted a million dollars for my committee, I have no doubt it would have been forthcoming in due time. But, thank God, the Committee on Public Lands——

Mr. EATON. I think under that state of circumstances the gentleman should call for a committee and have an examination made into this matter. I would like to know who these railroad men are to whom he refers.

Mr. COBB. The gentleman is getting very sensitive. What have I said to make him so?

Mr. EATON. You have volunteered to say virtually that you had been offered for your committee a million dollars.

Mr. COBB. I did not say any such thing. If the gentleman had paid attention he would have known what I said.

Mr. EATON. I did give attention.

Mr. COBB. I said no such thing.

Mr. EATON. You said you had no doubt that if you had required a million dollars for your committee you would have received it. That is what you said.

Mr. COBB. I will state here the reason I had for what I have said. I am not sure that I have it here, but I have received a circular letter that has been sent by the president of a combination of railroad men, of stockholders of railroads who reside in New York and elsewhere, levying a contribution on the stockholders of every railroad corporation in the land; asking them to furnish a certain proportion of money, rating them according to the amount of their stock. What was the circular sent for? It was for the purpose, he declares as the president of this organization, of preventing legislation in Congress and in the States detrimental to the railroad interest and for the purpose of procuring legislation that is in the interest of railroad companies. And he said it will take a large fund. This is the reason I made the remark I did to which the gentleman from Connecticut takes exception. Have I not some reason to say that I have no doubt that if my committee could have been controlled the result would have followed that I spoke of in the remark to which the gentleman takes exception?

I can point the gentleman to a railroad stockholder in this town that gave me a circular (and he stands high as a man), and he will give the gentleman one if he desires it. He was levied upon and refused to pay, because he believed it to be for a corrupt purpose; and everybody knows that it was.

Mr. EATON. The gentleman misunderstands me. I did not take any exception to what he said. What I said was this, that if my friend had been approached in the manner in which he suggested, it was high time that a committee of this House should investigate the matter and let us know in regard to it. That is what I said.

Mr. COBB. I gave my belief, and I have given the facts upon which that belief was based, that money was raised or had been tried to be raised, and I have no doubt it has been raised. And I have no doubt that if my committee could have been controlled against land-grant forfeitures we could have got a million of money. Does any man doubt that, when $600,000,000 worth of lands are in the balance? What would $1,000,000 amount to with 100,000,000 of acres of land in the scale to be forfeited?

Mr. EATON. That is a higher price than they are paying in Chicago to-day.

Mr. COBB. Oh, yes; these lands are worth nothing when you come to forfeit them. But if the gentleman was going to sell them they would be worth a great deal.

Mr. EATON. The gentleman did not understand me. I said that $1,000,000 was a great deal more than they are paying in Chicago to-day.

Mr. COBB. I know that $1,000,000 is not much against 100,000,000 acres of land, which, even at the Government price, represents $125,000,000. I have information to the effect that the Northern Pacific Railroad is to-day asking $30 an acre for much of its land. I have letters from individuals, I have letters written by the land agent of that company, in his own handwriting, to a person in Colorado, I believe, who had informed him that he was willing to pay $3.50 an acre for certain of the land which the Northern Pacific Railroad Company has for sale. And the land agent of that company wrote him that he should not have the land unless he paid $30 an acre for it. Yet when we come to the case of the Northern Pacific Railroad land grant we will hear gentlemen say here that the land is worth nothing, and that we ought to give it to that railroad corporation.

I have to say, in conclusion, that my committee intend to force this question on this House, and we trust that Congress will not adjourn until the first Monday of December next unless these bills are passed.

There are now before this House bills forfeiting 90,000,000 of acres of land or more, every acre of which ought in equity and in law to be forfeited. I trust that this House will take notice that these bills ought to be passed and that they will be passed upon before we adjourn, notwithstanding the hovering around this Capitol and the howling of men who represent railroad interests, the representatives of railroad kings and railroad corporations.

The people are here in their legislative capacity, and I believe they will continue to press these matters forward until we have in this respect accomplished the purpose for which we were sent here.

Mr. HENLEY. I would inquire, Mr. Speaker, how much time I have remaining?

The SPEAKER. The gentleman has fifty minutes remaining.

Mr. BLAND. It seems to me that the best way to forfeit these grants is to vote and not talk. [Cries of "Vote!" "Vote!"] I would like to get through the last one of them to-day.

Mr. HENLEY. Time presses, and hence I will detain the House but a few minutes, and will then demand the previous question. In what I may say I do not intend to impugn the motives or assail the honesty of purpose or integrity of any member of this House. I say this most especially with reference to what fell from the lips of my friends, the gentleman from Nevada [Mr. CASSIDY], the gentleman from Alabama [Mr. OATES], and the gentleman from Missouri [Mr. BUCKNER.]

The gentleman from Nevada said that there had been petitions forwarded to Washington which represented, as I understood him, the dominant sentiment of the Congressional district through which this road runs, protesting against this forfeiture. I say to the House that I have no knowledge of any such petitions, though I am in my imperfect way the Representative of the people of that Congressional district on this floor. I have received dispatches, and the gentleman may have referred to them, some one way and some the other, from highly respectable people, and I have seen a resolution passed by the Chamber of Commerce of the city of Sacramento protesting against the forfeiture of this land grant.

Mr. CASSIDY. I said that the people of the northern portion of the State of California were opposed to this forfeiture and had adopted resolutions to that effect.

Mr. HENLEY. I was going on to state when interrupted that my own belief is, and I predicate my action upon the floor of this House upon that conviction, that the body of men, however respectable they may have been, who adopted that resolution were dominated to a great degree by railroad influence. I mean by that that this railroad company has its workshops in the city of Sacramento, and has there hundreds and even thousands of employés, who disburse in the city a great deal of money, and therefore almost everything in a business point of view in that city is colored to some degree and swayed by the influences that necessarily result from that condition of affairs; but I deny that it is the dominant sentiment in California or in the country traversed by this road that this forfeiture should not be declared. My information is the other way.

The gentleman from Missouri [Mr. BUCKNER] undertook to invoke the sympathetic impulses of this House in favor of this railroad corporation; and he contended that it would be inequitable for the House to pass this measure, thus taking an uncharitable advantage of a naked legal right. To ease the solicitude of the gentleman from Missouri in behalf of this corporation I call his attention to the very pregnant fact that the lands already patented to it are of sufficient value to build this road from one terminal point to the other four times over. What, then, becomes of the plea for equity and indulgence advanced by the gentleman from Missouri? There remains nothing for our sensibilities to play upon.

In addition to all that, when this matter was under consideration before the Committee on Public Lands it was the object of the committee to possess itself of every item of information necessary for its just and intelligent disposition; and this same C. P. Huntington, whose name has been pretty well advertised to-day and heretofore in respect to Congressional proceedings, was obliged to admit that even though Congress should forfeit this grant still the company would go on and build the road. Allow me to state that the reasons alleged by Mr. Huntington before the committee why his company suspended their operations on the road for nine years was not, according to the lights the committee had, the true reason.

The real reason, as I have intimated before on this floor, was that after the company had built its road to what is now the northern terminal point the land beyond ceased to be of any considerable value and the construction of the road began to be more difficult and expensive. Therefore it was that the company stopped there for nine years, and it never would have lifted a spade toward the construction of that road in my judgment but for the rehabilitation of the finances of the Northern Pacific Railroad, which under this improved pecuniary condition commenced the construction of its line southward, with the

intent, as was believed in California, of building a line which would interfere with the operations and impair the business of the Central Pacific road. Therefore, as a matter of selfishness, in self-defense, the Central Pacific Railroad Company resumed the construction of its line by a composition with the Villard company, by which it was agreed that each company should build to the State line and stop.

Thus all these reasons which have been so eloquently urged by gentlemen in behalf of this company, these "equitable" reasons appealing to our sense of "justice," rest upon mere baseless assumptions and have no foundation in fact. Therefore it was that the Committee on Public Lands had no difficulty, and I thought at the time the committee was practically unanimous, in arriving at the conclusion that not only justice but sound public policy and every other consideration by which they ought to be animated required that this land grant should be restored to the public domain. I beg members on this floor to note that when this appeal is made in behalf of this company it is simply placed in the attitude of demanding an original grant. And who will here avow that that should be done? The gentleman from Colorado [Mr. BELFORD] asked, "Why do you forfeit these railroad grants in such hot haste?" And he answered, "Because it is popular." And I solemnly ask gentlemen should it not be popular?

Have not representatives of both parties come here—I know it is so with respect to our State to an overwhelming degree—have not representatives of both parties come here from almost every State of the Union pledged with all possible solemnity, pledged as solemnly as though an oath had been taken, to restore to the public domain and to open for settlement every acre of forfeitable lands comprehended in any land grant heretofore made?

It was upon these considerations and moved by these reasons, namely, that our pledges must be redeemed, that the Committee on Public Lands reported this bill.

Mr. OATES. I think the gentleman will agree with me as to the issue presented here. The committee are unanimous upon the question of forfeiture——

Mr. HENLEY. Certainly.

Mr. OATES. And the only difference is that the minority of the committee think it good policy on the part of the Government that the forfeiture should not take effect until the 1st day of January next, so that we may force the completion of the road and secure the right of the Government to compel this company to transport mails, troops, &c., without charge. That is the whole question.

Mr. HOLMAN. Congress, under the act incorporating this company, does not possess the right to fix the rates for transportation of the mails. This company, like the Union Pacific, has unlimited power in respect to charges for that service.

Mr. OATES. I have read from the statute.

Mr. HOLMAN. It is not applicable to the transportation of the mails.

Mr. GIBSON. It applies only to freights.

Mr. HOLMAN. Only to freights.

Mr. HENLEY. I concede that the gentleman from Alabama [Mr. OATES] correctly states the position of the minority of the committee, of whose views he was the main exponent, but agree in the statement of the law made by the gentleman from Indiana [Mr. HOLMAN].

Now, Mr. Speaker, with the understanding that when the bill is read by sections amendments may be offered and voted upon, I move the previous question.

The SPEAKER. The bill will not be read by sections except by unanimous consent.

Mr. HENLEY. I do not wish to prevent the amendments which have been read from being considered as pending.

Mr. LEWIS. I desire to have an amendment read and considered as pending.

The SPEAKER. Does the gentleman from California [Mr. HENLEY] yield for that purpose?

Mr. HENLEY. Yes, sir.

Mr. HOLMAN. I suppose that all amendments which have heretofore been presented will be considered as pending.

The SPEAKER. That is the understanding, as stated by the gentleman from California.

Mr. LEWIS. I submit the following amendment.

The Clerk read as follows:

Before the proviso, in line 17, section 1, insert the following words:
"Except the right of way and the land actually occupied by depot buildings and side-tracks on that part of the road constructed at the date of the passage of this act."

The SPEAKER. That amendment will be considered as pending.

The previous question was seconded.

Mr. WHITE, of Kentucky. Does the gentleman from California contend it is possible for this railroad company to complete the unfinished link from Redding, Cal., to Roseburg, Oreg.?

Mr. HENLEY. It is possible to build the railroad anywhere.

Mr. WHITE, of Kentucky. Is it possible to build it between now and January next?

Mr. HENLEY. No, it is not.

Mr. WHITE, of Kentucky. Is it not important to give ample time? I know and the gentleman knows this land is not worth much. [Cries of "Regular order!"]

The SPEAKER. The question first recurs on the following amendment moved by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

Strike out these words, in the first section, "existing laws of the United States," and insert "the provisions of the homestead laws only;" and strike out the words, in line 14, "sale and;" so it will read:
"And said lands are hereby restored to the public domain for settlement under the provisions of the homestead laws only, and all of said lands shall be held and treated as though said grant and the withdrawals under it had never been made."

The amendment was agreed to.

The question next recurred on the following amendment moved by Mr. HOLMAN:

Strike out all of line 22, after the word "four," and down to and including the word "located," in line 26, and insert as follows:
"In quantity not exceeding one hundred and sixty acres to any one person, the person so purchasing any of said land, or persons claiming under said purchaser, shall have the right to the land so purchased, not exceeding one hundred and sixty acres, upon making proof of the fact of such purchase and of the actual and *bona fide* settlement on and occupation of the tract so purchased under such purchase on and prior to January 1, 1884, at the local land office of the district where said land may be located.

The amendment was agreed to.

The question next recurred on the following amendment, moved by Mr. OATES:

Provided, That this act shall not have any operation, force, or effect prior to January 1, 1885, and not then if the said California and Oregon Railroad is at that time constructed and completed to the line of the State of Oregon.

The House divided; and there were—ayes 40, nays 78.

So the amendment was rejected.

The question recurred on the following amendment moved by Mr. LEWIS:

At the end of line 16, section 1, insert the following:
"Except the right of way and the land actually occupied by depot buildings and side-tracks on that part of the road constructed at the date of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HENLEY demanded the previous question on the passage of the bill.

The previous question was ordered.

Mr. TURNER, of Kentucky, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 13, not voting 177; as follows:

YEAS—133.

Alexander,	Forney,	Lowry,	Singleton,
Bagley,	Funston,	McAdoo,	Skinner, T. G.
Ballentine,	Fyan,	McComas,	Springer,
Bennett,	Gibson,	McMillin,	Stockslager,
Bland,	Glascock,	Matson,	Storm,
Blount,	Goff,	Miller, J. F.	Taylor, J. M.
Brewer, F. B.	Green,	Mills,	Thompson,
Brewer, J. H.	Halsell,	Mitchell,	Throckmorton,
Brown, W. W.	Hammond,	Morgan,	Tillman,
Brumm,	Hardeman,	Moulton,	Townshend,
Buchanan,	Hardy,	Murray,	Tully,
Burnes,	Hatch, H. H.	Mutchler,	Turner, H. G.
Cabell,	Hatch, W. H.	Neece,	Turner, Oscar
Caldwell,	Haynes,	Nelson,	Van Alstyne,
Candler,	Hemphill,	Nicholls,	Vance,
Carleton,	Henley,	Oates,	Wakefield,
Clements,	Herbert,	O'Ferrall,	Wallace,
Cobb,	Hewitt, G. W.	O'Neill, J. J.	Warner, Richard
Collins,	Holman,	Parker,	Wellborn,
Cook,	Hopkins,	Payson,	Weller,
Cosgrove,	Houseman	Pierce,	Wemple,
Cox, W. R.	Howey,	Peel,	White, J. D.
Culberson, D. B.	Hunt,	Perkins,	Whiting,
Davis, L. H.	James,	Peters,	Williams,
Deuster,	Johnson,	Pryor,	Willis,
Dockery,	Jones, B. W.	Reese,	Wilson, W. L.
Dowd,	Jones, J. H.	Riggs,	Winans, E. B.
Dunn,	Jones, J. K.	Robertson,	Wolford,
Eldredge,	Jones, J. T.	Rockwell,	Wood,
English,	Kleiner,	Rogers, J. H.	Yaple,
Ermentrout,	Lamb,	Rogers, W. F.	York.
Everhart,	Lanham,	Rowell,	
Ferrell,	Lawrence,	Ryan,	
Findlay,	Lewis,	Scales,	

NAYS—13.

Arnot,	Chace,	Lyman,	Woodward.
Belford,	Dargan,	Price,	
Buckner,	Davis, R. T.	Stone,	
Cassidy,	Hurd,	White, Milo	

NOT VOTING—177.

Adams, G. E.	Bisbee,	Burleigh,	Culbertson, W. W.
Adams, J. J.	Blackburn,	Calkins,	Cullen,
Aiken,	Blanchard,	Campbell, Felix	Curtin,
Anderson,	Boutelle,	Campbell, J. M.	Cutcheon,
Atkinson,	Bowen,	Cannon,	Davidson,
Barbour,	Boyle,	Clardy,	Davis, G. R.
Barksdale,	Brainerd,	Clay,	Dibble,
Barr,	Breckinridge,	Connolly,	Dibrell,
Bayne,	Breitung,	Converse,	Dingley,
Beach,	Broadhead,	Covington,	Dorsheimer,
Belmont,	Browne, T. M.	Cox, S. S.	Duncan,
Bingham,	Budd,	Crisp,	Dunham,

Eaton,	Hutchins,	O'Hara,	Spriggs,
Elliott,	Jeffords,	O'Neill, Charles	Steele,
Ellis,	Jordan,	Paige,	Stephenson,
Ellwood,	Kasson,	Patton,	Stevens,
Evans, I. N.	Kean,	Payne,	Stewart, Charles
Evins, J. H.	Keifer,	Pettibone,	Stewart, J. W.
Fiedler,	Kelley,	Phelps,	Strait,
Finerty,	Kellogg,	Poland,	Struble,
Follett,	Ketcham,	Post,	Sumner, C. A.
Foran,	King,	Potter,	Sumner, D. H.
Garrison,	Lacey,	Pusey,	Talbott,
Geddes,	Laird,	Randall,	Taylor, E. B.
George,	Le Fevre,	Rankin,	Taylor, J. D.
Graves,	Libbey,	Ranney,	Thomas,
Greenleaf,	Long,	Ray, G. W.	Tucker,
Guenther,	Lore,	Ray, Ossian	Valentine,
Hanback,	Lovering,	Reagan,	Van Eaton,
Hancock,	McCoid,	Reed,	Wadsworth,
Harmer,	McCormick,	Rice,	Wait,
Hart,	Maybury,	Robinson, J. S.	Ward,
Henderson, D. B.	Millard,	Robinson, W. E.	Warner, A. J.
Henderson, T. J.	Miller, S. H.	Rosecrans,	Washburn,
Hepburn,	Milliken,	Russell,	Weaver,
Hewitt, A. S.	Money,	Seney,	Wilkins,
Hill,	Morey,	Seymour,	Wilson, James
Hiscock,	Morrill,	Shaw,	Winans, John
Hitt,	Morrison,	Shelley,	Wise, G. D.
Hoblitzell,	Morse,	Skinner, C. R.	Wise, J. S.
Holmes,	Muldrow,	Slocum,	Worthington,
Holton,	Muller,	Smalls,	Young.
Hooper,	Murphy,	Smith,	
Horr,	Nutting,	Snyder,	
Houk,	Ochiltree,	Spooner,	

So the bill was not passed, no quorum having voted.

On motion of Mr. PAYSON, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. COVINGTON with Mr. MILLER, of Pennsylvania, until further notice. Mr. COVINGTON would vote "ay" on this bill.

Mr. FORAN with Mr. MILLARD, for this day.

Mr. BROADHEAD with Mr. HENDERSON, of Iowa, for to-day.

Mr. CONVERSE with Mr. ANDERSON, for to-day.

Mr. RANDALL with Mr. CALKINS, for to-day.

Mr. DAVIDSON with Mr. STRUBLE, for to-day.

Mr. AIKEN with Mr. WILSON, of Iowa, for to-day.

Mr. SLOCUM with Mr. HISCOCK, for to-day.

Mr. BUDD with Mr. GEORGE, for to-day.

Mr. STEVENS with Mr. PAYNE, for to-day.

Mr. TUCKER with Mr. MCCOID, for to-day.

The SPEAKER. No quorum having voted, the bill is not passed.

Mr. HENLEY. I do not think it would be advisable to move a call of the House, so many members of the House are absent from the city, some of them on a wild-goose chase at Chicago; I will, therefore, move that the House do now adjourn.

Mr. WHITE, of Kentucky. I hope the gentleman will not do that; it is only half past 4 o'clock.

The SPEAKER. The House can transact no business; the record shows that no quorum is present. [Cries of "Regular order!"]

The motion of Mr. HENLEY was then agreed to; and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Remonstrance of citizens of Catskill, N. Y., and of citizens of Coxsackie, N. Y., against the establishment of a Government telegraph—severally to the Committee on the Post-Office and Post-Roads.

By Mr. CLAY: Petition of Murray Post, No. 19, Grand Army of the Republic, Department of Kentucky, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. HURD: Petition of Elizabeth Whittaker, for relief—to the Committee on Claims.

Also, the petition of W. H. Porter and others, citizens of Gibsonburg, Ohio, for a pension for William O. Penfield—to the Committee on Invalid Pensions.

Also, petition of A. J. Smith and others, citizens of Ottawa County, Ohio, for change in pension laws—to the same committee.

By Mr. MCADOO: Petition signed by over 5,000 ex-Union soldiers, in behalf of pending bills for the benefit of Federal soldiers engaged in the late civil war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CHARLES O'NEILL: Memorial of Anna M. Ross Post, No. 49, Grand Army of the Republic, asking for an appropriation sufficient to establish a national cemetery near Philadelphia, &c.—to the Committee on Military Affairs.

By Mr. THOMPSON: Petition and papers relative to the pension claim of James J. McKinney—to the Committee on Invalid Pensions.

Also, petition and papers relating to the pension claim of Samuel King—to the same committee.

By Mr. VANCE: Papers relative to the application of Catharine Baur for extension of letters patent—to the Committee on Patents.

By Mr. VAN EATON: Petition of 300 citizens of Marion County, Mississippi, in favor of Federal aid to education—to the Committee on Education.

By Mr. WILLIS: Petition of members of the Educational Association and the teachers in the public schools of Louisville, Ky., asking for Federal aid to education—to the same committee.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 5, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXPLANATION OF A VOTE.

Mr. DAVIDSON. Mr. Speaker, on yesterday I was necessarily called out of the House for a short time just preceding the vote on the Oregon land-grant bill. Before leaving I succeeded in making a pair, as I supposed; but it appears from the RECORD that it was not announced. I wish to state that if I had been present I should have voted in the affirmative on that bill.

Mr. EZRA B. TAYLOR. Mr. Speaker, on yesterday the gentleman from Kentucky [Mr. ROBERTSON], finding it necessary to be absent temporarily from the Hall, requested me to pair with him. I consented to do so; but afterward, desiring to vote for the purpose of making a quorum upon the Oregon bill, I transferred his pair to Mr. REED, and so voted. Meeting him later in the day below, I failed to explain to him about the transfer of his pair, but left him under the impression that I had voted; and of course the inference on his part was that he was not paired at all. It is due to him that the RECORD should show the facts.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans.; and

A bill (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin.

ENTRIES OF PUBLIC LANDS BY FOREIGN CORPORATIONS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting letters from the Commissioner of the General Land Office relative to entries of the public lands by foreign corporations; also recommending an increase in the appropriation for special service of the Land Office; which was referred to the Committee on Appropriations, and ordered to be printed.

NORTH CAROLINA CHEROKEE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs, with accompanying papers, concerning a settlement with the North Carolina Cherokee Indians; which was referred to the Committee on Appropriations.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two lieutenants;

A bill (H. R. 283) granting a pension to Patrick Horan;

A bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society of Kansas;

A bill (H. R. 1800) for the relief of J. L. Burchard;

A bill (H. R. 2839) to increase the pension of George J. Stannard, late major-general of volunteers;

A bill (H. R. 2858) for the relief of John Connolly;

A bill (H. R. 4359) in relation to the Legislature of Dakota Territory;

A bill (H. R. 4704) authorizing the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States; and

A bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARR, for the remainder of this week.

To Mr. BUDD, until Monday next, on account of sickness.

SALE OF GOVERNMENT PROPERTY, HARPER'S FERRY.

Mr. WILSON, of West Virginia. Mr. Speaker, I now renew the request made on yesterday for unanimous consent to take up for present consideration the bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States

at Harper's Ferry, in the State of West Virginia, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Solicitor of the Treasury is hereby authorized and directed to make sale of all the real estate and riparian rights now owned by the Government of the United States at Harper's Ferry, in the State of West Virginia, such sale to be at public auction, without reservation, to the highest bidder, and after not less than four weeks' public advertisement of the same, in such newspapers as the Solicitor, with the consent of the Secretary of the Treasury, may select for such publication.

SEC. 2. That said real estate and riparian rights shall be sold either as an entirety or in such parcels or divisions as in the judgment of the said Solicitor shall be most promotive of the interests of the United States, and upon such terms as to cash payment and credits as the Secretary of the Treasury may prescribe.

SEC. 3. That this act shall be in force from its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The first question will be on agreeing to the amendments recommended by the committee, which the Clerk will report.

The amendments are as follows:

In section 1, line 7, of printed bill, after the word "reservation," insert the words "except as hereinafter provided."

Add to section 1 the following proviso: "*Provided*, That the property shall not be sold for a less sum than $20,000."

Add to section 2 the words: "But so that at least one-third of the purchase money shall be paid in cash and the credit portion shall bear interest at the rate of 6 per cent. per annum."

Insert in the bill, as section 3, the following:

"SEC. 3. That upon the compliance of any purchaser or purchasers of the whole, or of any parcel purchased as aforesaid, with the terms of sale, such purchaser or purchasers shall be let into possession of the premises so purchased, and upon full payment of the purchase money and interest (if any be due), the Solicitor of the Treasury, for and in behalf of the United States, shall make, seal, and deliver to the purchaser or purchasers good and sufficient deed or deeds, conveying all the right, title, interest, and estate of the United States in the said property or parcel thereof, as the case may be, in fee-simple."

Insert section 3 of the original bill as section 4.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS WILLAMETTE RIVER.

Mr. GEORGE. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 820). This bill has already been read. Objection was made to its consideration, which objection has been withdrawn.

The title of the bill was read, as follows:

A bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. YAPLE. I object.

BRIDGE OVER CUMBERLAND RIVER.

Mr. CALDWELL. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 304) to give the assent of Congress to the construction of a free bridge, by the mayor and city council of Nashville, Tenn., over the Cumberland River.

The bill was read, as follows:

Be it enacted, &c., That the city of Nashville, a corporation organized under the laws of the State of Tennessee, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Cumberland River at the most accessible point within the corporate limits of the said city of Nashville, county of Davidson, and State of Tennessee. Said bridge shall be constructed to provide for the free passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, and for such street-railways as may be authorized by the city of Nashville to be constructed over the same.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route; and it shall enjoy the rights and privileges of other post-roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge without charge therefor.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than one hundred and sixty-four feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least thirty-four feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel at an accessible point, and the spans shall not be less than one hundred and sixty feet in the clear, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also*, That the said draw shall be opened promptly by said corporation, upon reasonable signal, for the passage of boats; and said corporation shall maintain at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of said city of Nashville; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the middle district of Tennessee in which any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operations of the same.

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WELLER. I desire to ask the gentleman from Tennessee [Mr. CALDWELL] a question, reserving the right to object. Does the bill provide for sheer-booms?

Mr. CALDWELL. I think that every solitary provision that is required to secure that the Cumberland River shall not be obstructed in any state of the water is in the bill.

Mr. WELLER. If the gentleman says the bill provides for sheer-booms for the protection of navigation I have no objection.

Mr. CALDWELL. I think it does.

Mr. BLANCHARD. Is the bill reported by the Committee on Commerce?

Mr. CALDWELL. The bill comes from the Senate.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CALDWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER THE MISSOURI RIVER.

Mr. PETERS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 312), received from the Senate this morning. A similar bill has been reported favorably by the Committee on Commerce of the House.

The bill was read, as follows:

A bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Leavenworth Bridge Company, a corporation organized for that purpose under the general corporation laws of the State of Kansas, or its assigns, to construct, under and subject to the conditions and limitations hereafter provided, a bridge across the Missouri River at the city of Leavenworth, Kans., and lay on and over said bridge railway tracks for the more perfect connection of any and all railways that now are, or which may hereafter be, constructed to the Missouri River at the city of Leavenworth, or to the river on the opposite side of the same, near the city of Leavenworth, and build, erect, and lay on and over said bridge ways for wagons, vehicles of all kinds, and for the transit of animals, and to provide ways for foot passengers, and to keep up and maintain and operate said bridge for the purposes aforesaid; and that when said bridge is constructed all trains of all railroads terminating at said river, and on the opposite side thereof, at the city of Leavenworth, Kans., shall be allowed to cross said bridge for reasonable compensation to be made to the owners of the same, and if the amount of said compensation can not be agreed upon by the parties, the same shall be fixed by the Secretary of War. The owners of said bridge may also charge and receive reasonable compensation or tolls for the transit over said bridge of all wagons, carriages, vehicles, animals, and foot-passengers: *Provided*, That the Secretary of War may at any time prescribe such rules, regulations, and rates of toll for transit and transportation over said bridge as may be deemed proper and reasonable.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the corporation building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans: *Provided*, That if the same shall be made of unbroken continuous spans, it shall not be in any case of less elevation than fifty feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure, with straight girders; nor shall the spans of said bridge be less than three hundred feet in the clear at low-water mark; and the piers of said bridge shall be parallel with the current of the river, and the main span shall be over the main channel of the river: *And provided also*, That if a bridge shall be built under this act as a draw-bridge, the same shall be constructed as a pivot-draw bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw; and the next adjoining spans to the draw shall not be less than two hundred and fifty feet; and said spans shall not be less than ten feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel with the current of the river: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, without unnecessary delay; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall pre-

scribe, and such sheer-booms or other structures as may be necessary to safely guide vessels, rafts, or other water craft safely through said draw-openings, and as shall be designated and required by the Secretary of War: *And provided further*, That the corporation building said bridge may, subject to the approval of the Secretary of War, enter upon the banks of said river, either above or below the point of location of said bridge, and confine the flow of the water to a permanent channel, and to do whatever may be necessary to accomplish said object, but shall not impede or obstruct the navigation of said river, and shall be liable in damages for all injuries to private property; and all plans for such works or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval: *And provided further*, That any bridge built under the provisions of this act shall be at right angles to the current of the river.

SEC. 3. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and no bridge shall be commenced or built under this act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; and any change in the plan of such construction, or any alteration in the bridge after its construction, shall be subject to the like approval; and whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made, and all such obstructions be removed, at the expense of the owner or owners of said bridge, or persons controlling the same; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River, at or near the crossing of said bridge, caused or alleged to be caused thereby, the cause shall be commenced and tried in the circuit courts of either judicial district of Kansas or Missouri in which the said bridge or any portion of such obstruction touches.

SEC. 4. That any bridge built under this act, and according to its limitations, shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for their transportation over the railroad or public highways leading to such bridge. Such lights shall be kept upon said bridge as the Light-House Board shall direct; and said bridge shall moreover be provided with all proper safeguards for the security of person and property. The United States shall also have the right to construct, without charge therefor, telegraph or telephone lines across said bridge.

SEC. 5. That Congress may at any time alter, amend, or repeal this act.

Mr. HOLMAN. I do not rise to object to this bill; but I wish to make an inquiry of some gentleman connected with the Committee on Commerce why a general bill on this subject applicable generally to bridges across the Missouri River has not been urged on the attention of the House?

Mr. DUNN. In answer to the gentleman from Indiana, I will say a general bill has been reported from the Committee on Commerce and is now on the Calendar, the provisions of which conform to the recommendations of the Secretary of War, and which applies to all the navigable water courses of the United States. It gives a general authority. The bill is now pending and ought to be passed.

Mr. PETERS. I will say further, in reply to the question of the gentleman from Indiana [Mr. HOLMAN], that an attempt was made by a member of the Committee on Commerce, who was authorized for that purpose to have a day set apart for the consideration of these bridge questions, and especially the general bridge bill; but in that effort he failed, and our only opportunity now to have these bridge bills passed is by unanimous consent. This bill has been before the Committee on Commerce and has been reported favorably.

Mr. HOLMAN. This bill I think has all the necessary safeguards. But I think a general act would save a great deal of time.

Mr. DUNN. I hope unanimous consent will at some time be given for the consideration of that general bill.

Mr. WELLER. In reference to the bill called up by the gentleman from Kansas [Mr. PETERS], I wish to inquire whether it provides for sheer-booms for the passage of rafts and boats?

Mr. PETERS. It does.

The SPEAKER. The bill has been read.

Mr. WELLER. I know that, but the confusion was such that it was difficult to hear the whole of it.

Mr. PETERS. The bill does provide for sheer-booms.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKS OF NEW YORK CITY.

Mr. BROADHEAD. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, That for the purpose of ascertaining whether further legislation is necessary concerning national banks there be appointed from the Committee on Banking and Currency a special committee, consisting of five members, whose duty it shall be forthwith to examine into the condition of the national banks of the city of New York. That said committee be authorized to send for persons and papers, to examine witnesses on oath, and, if necessary, to visit the city of New York for the purpose of such examination; that they be required to ascertain the amount of circulation of said banks on the 31st day of May, A. D. 1884, the amount of certified checks and loan certificates issued by said banks and outstanding on said day; whether said banks or either of them have issued certified checks or loan certificates or other evidences of indebtedness upon the pledge or security of personal or real property of any kind or otherwise; what amount of certificates of indebtedness or certificates of deposit had been issued by said banks and are now outstanding; what amount of currency and of gold and silver coin said banks had on hand on said day; whether the accounts of said banks with each other were on said 31st day of May, 1884, or now are settled through the Clearing-House in the city of New York, by lawful money of the United States, or by certified checks, loan certificates, or other evidences of indebtedness; whether on said day said banks had on hand the reserve required by law; and to examine fully into all matters which may be necessary to show the financial condition of said banks; and also to ascertain the amount and character of the assets of said banks; whether they are able to meet their liabilities; whether any of the funds of said banks have been illegally used by the officers thereof; and also whether they or any of the officers thereof have violated in any respect the provisions of the national banking law.

That said committee be further authorized to employ one or more special examiners to aid in such examination; that they also be authorized to employ a stenographer; and that they be required to report as soon as practicable the results of such investigation to this House.

And for the purpose of defraying the expenses of such investigation the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available out of the contingent fund of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HEWITT, of New York. I must object to the immediate consideration of the resolution, but I do not object to its reference to a committee.

The resolution was referred to the Committee on Banking and Currency.

BILLS OF COMMITTEE ON LABOR.

Mr. HOPKINS. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Tuesday, June 17, 1884, be set apart for the consideration of bills reported by the Committee on Labor—House bills—being those relative to the importation of labor under contract, enforcement of the eight-hour law, and relative to convict labor.

Mr. MILLS. Let the gentleman add, "not to interfere with prior orders."

Mr. HOPKINS. If the gentleman insists, I suppose I shall have to agree to that.

Mr. McMILLIN. I wish to inquire whether this proposed order embraces bills which are retroactive in their nature, and which if passed will reopen contracts made by the Government with laborers for fifteen years past? Does it embrace past matters?

Mr. HOPKINS. To what contracts does the gentleman refer?

Mr. McMILLIN. To any.

Mr. HOPKINS. In regard to the eight-hour law?

Mr. McMILLIN. Yes, and other contracts.

Mr. HOPKINS. I believe one of the bills covered by this order relates to claims for violations of the eight-hour law.

Mr. McMILLIN. How much does it embrace?

Mr. HOPKINS. I can not tell.

Mr. McMILLIN. If this resolution goes over, I will look into it in the mean time.

The SPEAKER. Does the gentleman object to its present consideration?

Mr. TILLMAN. I will object, if no one else does.

The SPEAKER. Objection is made, and the resolution is not before the House.

INSPECTION OF BOILER OF STEAMSHIP KENT.

Mr. PARKER. I ask unanimous consent to take from the House Calendar for consideration at the present time the bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent; simply authorizing the owners of that steamship to use a boiler which has been bought and paid for.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Whereas the Congress of the United States did pass chapter 80 of the laws of 1878, approved May 2, 1878, nationalizing the Canadian-built propeller East, and did change her name to that of Kent; and

Whereas a doubt has arisen as to whether said act entitled the steam-boiler, steam-pipes, and appurtenances then in said Canadian-built propeller to inspection pursuant to the laws of the United States regulating the construction and use of steam-boilers for marine purposes: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-boiler, steam-pipes, and appurtenances of said boiler, and cause to be granted the proper and usual certificate issued to tugboats or marine vessels not used for carrying passengers, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to the laws of the United States; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances to be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found of sufficient strength and safety.

Mr. MILLS. Has this bill been considered by the Committee on Commerce?

Mr. PARKER. It has been, and is unanimously reported from that committee.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FIEDLER. I object.

Mr. PARKER. I think if the gentleman understood the facts of the case he would not object. This bill will benefit no one but the owners

of this boat. This boat was bought upon proceedings in admiralty for a collision between this boat and another. The only thing asked is that the owners of the boat may use the boiler, which they have bought as the result of legal proceedings, as though it was made of American iron.

The SPEAKER. Objection is made, and the bill is not before the House.

ELLEN CALL LONG AND MARY K. BREVARD.

Mr. DAVIDSON. I ask unanimous consent of the House to take up for present consideration Senate bill 1233, for the relief of Ellen Call Long and Mary K. Brevard, now on the Private Calendar.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the sum of $8,563.37 be, and the same is hereby, appropriated in satisfaction of the claim of Ellen Call Long and Mary K. Brevard, next of kin of R. K. Call, deceased, being the amount found in favor of said R. K. Call in a suit by the United States against him.

Mr. HOLMAN. I think the report in this case had better be read.

Mr. DAVIDSON. The report upon the House bill is very lengthy, but the one on the Senate bill is quite short, and is as follows:

Your committee, to whom was referred the bill (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard, respectfully return the same and recommend its passage.

That is the report coming from the Committee on Claims of this House on the Senate bill. The report made previously by the same committee on the House bill is a very lengthy report. I think I can state the facts in the case in a few words.

This bill is for the relief of Mrs. Ellen Call Long and Mrs. Mary K. Brevard, daughters of the late Governor Richard K. Call, of Florida. The claim is founded on a verdict in the United States court for the district of Florida in favor of Governor Call, defendant. One trial was had and the verdict was in favor of the defendant. By the direction of Mr. Penrose, the then Solicitor of the Treasury Department, the case was appealed, and subsequently the judgment of the court below was reversed and a *venire facias de novo* was awarded. Another trial was had and the jury again found a verdict in favor of the defendant, Governor Call, and certified that there was a balance due him by the United States of $8,563.37.

I may state to the House that the judge before whom this case was tried and the district attorney representing the Government were both able and earnest officials. After the second trial a transcript of the pleadings, together with a copy of the instructions of the court to the jury, were sent to the Solicitor of the Treasury, who made a careful examination of the papers, and wrote back to the district attorney of Florida in these words:

I have examined the papers relating to the trial of the suit brought by the United States against Richard K. Call, and find no possible question therein which can be carried to the Supreme Court, nor can I learn that there is any newly discovered material evidence which the United States can adduce, if a new trial should be sought on that ground; hence I see no possible steps which can be taken in the cause by which a new trial can be obtained. It seems to be useless to continue the suit under these circumstances on the docket, hence you are authorized to cause it to be stricken from the docket at your earliest convenience.

This was accordingly done, and thus the suit terminated. I can state further to the House that there have been three favorable reports in the Senate on this bill and two favorable reports in the House.

Mr. WILLIS. Is this a unanimous report from the committee?

Mr. DAVIDSON. I know of no objection to it. In my opinion there never was a more meritorious and righteous claim against the United States. If the verdict had been against the defendant, he would have had to pay the amount or his property would have been made liable. The claimants are the daughters of Governor Call, who was an aid to General Jackson in the war of 1812 and afterward governor of the Territory of Florida.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I hope the gentleman from Florida will explain, if he can do so readily, the cause of the delay in paying this judgment. It would seem from the papers in the case that the Government brought a suit against Governor Call, and he brought in a counter-claim as a set-off, and this judgment was rendered in his favor, if I understand it correctly.

Mr. DAVIDSON. Yes, sir.

Mr. HOLMAN. Now, can my friend from Florida explain how this delay in payment has occurred?

Mr. DAVIDSON. General Call was at that time a man of means. His honor had been vindicated by the trial, and I take it he was not particularly in need of the money. But the record shows that as far back as 1856 he had a correspondence with the Treasury Department in regard to his claim and endeavored to get the money. The war came on. He died early in the war, and died too, I may say, of a broken heart because of that war.

Mr. MCMILLIN. I will state to the gentleman from Indiana [Mr. HOLMAN] that this claim was examined by the Committee on Claims, and we ascertained the facts to be as stated by the gentleman from Florida, that General Call at the time the debt accrued to him was a man of considerable wealth, did not need the money at all, and made no application for it. No other cause for his failure to apply for the money was ever shown to the committee.

Mr. HOLMAN. Was the committee satisfied that the judgment had never been paid?

Mr. MCMILLIN. Yes sir. There is no doubt whatever that the judgment remains unpaid.

Mr. HOLMAN. And is a valid judgment?

Mr. MCMILLIN. Yes, sir, a valid judgment.

There being no objection, the Committee of the Whole House or the Private Calendar was discharged from the further consideration of the bill; which was thereupon ordered to a third reading, read the third time, and passed.

Mr. DAVIDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GEORGE. The objection which was made to the consideration of Senate bill 820 is now withdrawn. I ask that the bill be taken up and passed.

Mr. COOK. I call for the regular order.

Mr. O'NEILL, of Pennsylvania. I hope the gentleman will not insist on the call for the regular order. We are passing bills very peacefully and quietly. Why not go on?

The SPEAKER. The gentleman from Iowa demands the regular order, which is the unfinished business coming over from yesterday afternoon, upon which the previous question was ordered.

SITE FOR PUBLIC BUILDING AT BROOKLYN, N. Y.

Mr. HOLMAN. Mr. Speaker, the Committee on Public Buildings and Grounds, which by a resolution of the House adopted yesterday was directed to make further inquiry in regard to the proposed purchase of a post-office site in Brooklyn, N. Y., feels that the resolution is too restrictive in its terms and desires that it be modified. I therefore ask unanimous consent for the adoption of the resolution which I send to the desk, modifying the resolution adopted yesterday so as to conform to the wishes of the committee.

The SPEAKER. Is the call for the regular order withdrawn?

Mr. COOK. I withdraw the call for the regular order.

The SPEAKER. The Clerk will read the resolution sent to the desk by the gentleman from Indiana, after which there will be opportunity for objection.

The Clerk read as follows:

Resolved, That the report of the Committee on Public Buildings and Grounds on the Brooklyn post-office site be recommitted, and that said committee be instructed to reopen the investigation with open doors and inquire into the value of the site proposed to be purchased by the Secretary of the Treasury, as to its actual market value on the 16th day of February, 1884, and whether the improvements on said site were included in the proposed purchase or were to be removed by the parties making the sale to the Government; also to inquire whether the site selected is a suitable one and the sum proposed to be paid therefor reasonable, and if not, what site would be more suitable and the cost thereof, and whether the citizens of Brooklyn, N. Y., had any voice in the selection of the proposed site; also to particularly inquire regarding the value of the property owned by one William A. Husted, which is a part of this proposed site, which property is assessed on the map of the assessor's office of the city of Brooklyn, N. Y., at $29,900, for which the Secretary of the Treasury, it is alleged, proposes to pay $185,500; and that said committee be further instructed to send a subcommittee of three of its members to Brooklyn, N. Y., to inquire into all the facts, and be empowered to summon witnesses to testify as to matters herein stated, and to send for persons and papers, and to conduct such examination with open doors, and in such way as in their opinion will secure a fair and impartial inquiry; and to make their report within ten days for consideration; and that the expenses of such investigation, not to exceed the sum of $3,000, shall be paid out of the contingent fund of the House, and be immediately available; and the Secretary of the Treasury is hereby requested to suspend further negotiation for the purchase of the proposed site pending the investigation and until the action of the House upon the report of the committee.

The resolution adopted by the House on yesterday touching said subject is hereby rescinded.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. WILSON, of Iowa. I desire to call the attention of the gentleman from Indiana [Mr. HOLMAN] to one feature of this whole business. The Supervising Architect of the Treasury Department is an Iowa gentleman, a young man recently appointed to that important position. A committee of this House was set to work to investigate concerning his official conduct and ascertain whether he had been an honest man in the discharge of his duties. This was naturally a very severe arraignment of that officer. The committee yesterday reported fully, declaring that so far as the Secretary of the Treasury and the Supervising Architect were concerned they were completely exonerated in every regard.

Now, I fully sympathize with the gentleman from Indiana in every effort of his to probe to the bottom any attempt to defraud the Government in the purchase of sites for public buildings. But why not add to this resolution a declaration adopting the resolution reported yesterday by the Committee on Public Buildings and Grounds, exonerating these public officers from all attempts to defraud the Government? Why not add to this resolution that the resolutions reported yesterday by the Committee on Public Buildings and Grounds are

hereby adopted? Then if you want further information in regard to any double-dealing or trickery by the people of Brooklyn to impose upon the Government, why, go on and investigate to your hearts' content. I ask leave to suggest that amendment to this resolution.

The SPEAKER. The resolution is not yet before the House, and the Chair is asking for objection.

Mr. WILSON, of Iowa. I do not want to object to any information, but I suggest to gentlemen to add the words that the resolutions reported yesterday from the Committee on Public Buildings and Grounds are hereby adopted.

Mr. HOLMAN. I do not think that ought to be done. I know nothing about it myself, and only offer this resolution at the suggestion of the Committee on Public Buildings and Grounds, as that committee feel the resolution adopted yesterday was too restrictive.

The SPEAKER. Is there objection?

Mr. YOUNG. I wish to say a word in reply to what has just been stated by the gentleman from Iowa.

The SPEAKER. Debate is not in order, as the resolution has not yet been received.

Mr. YOUNG. I think the Committee on Public Buildings and Grounds ought to be heard for five minutes in answer to what has been said by other gentlemen who have been indulged in debate.

The SPEAKER. If there be no objection the gentleman from Tennessee will proceed with his statement.

Mr. YOUNG. Mr. Speaker, I am in a condition to speak fairly and impartially on this subject. I presided over the Committee on Public Buildings and Grounds when the question was first referred to them and appointed the subcommittee to make investigation, which consisted of Mr. HOPKINS, Mr. BRAINERD, and Mr. PUSEY. That investigation was fairly and honestly made, with open doors, as I am informed, and not a star-chamber proceeding, as has been intimated. When the report was prepared I differed with those gentlemen in their conclusions. I was preparing a minority report, as I did not believe the facts developed by the investigation warranted the conclusions of the majority of the committee. I take pleasure in bearing testimony to the fact that these gentlemen discharged their duties faithfully and honestly, and I believe their conclusions were honestly reached.

A resolution which passed the House yesterday, Mr. Speaker, directing this committee to turn over their legitimate functions to be placed under the control of lawyers selected by the citizens of Brooklyn, I felt was a reflection on the Committee on Public Buildings and Grounds. I went to the gentleman from Indiana and asked him as a matter of justice to the members of that committee to move a reconsideration of that resolution. This he has done. The present resolution ought to pass. I believe myself there ought to be a more thorough investigation made into this matter than has been already made. I have different views from those expressed in the majority report of the committee. This resolution ought to pass, and I hope there will be no objection to it.

The SPEAKER. Is there objection to the present consideration of the resolution.

There was no objection.

The resolution was adopted.

Mr. HOLMAN moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RANCHO DE NAPA.

Mr. HENLEY. I move, by unanimous consent, to take from the Speaker's table the bill (S. 1232) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title, for present consideration.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the claimants to the lands situated in Napa County, California, known as the Rancho de Napa, who deraign title through the original Mexican grantee of said rancho, and whose claims or those of their predecessors in title have not been hitherto passed upon by proper authority, are hereby permitted and authorized to present their claim to said lands to the district court of the United States for the district of California within one year next after the passage of this act, and not afterward, for examination; and if upon the hearing of said case it shall appear to said court that the claim of the original grantee was good and valid under Mexican laws relating to such cases, and that the claimants are entitled to have such confirmation, the said court shall by decree confirm said claim: *Provided*, That no lands shall be confirmed to said claimants to which there are any valid claims existing under the pre-emption, homestead, or other laws of the United States at the date of the passage of this act; nor shall any decree of confirmation affect any valid adverse right of any other person or persons, or give to the confirmees, or any of them, any claim upon the United States for compensation for any land such confirmees may lose by pre-emption, homestead, or other claims or rights as aforesaid: *Provided further*, That said claimants, before filing their claim, shall execute releases to any person who may have or hold any portion of said lands, under valid claims under the pre-emption, homestead, or other laws of the United States, at the date of the passage of this act, to the portions of said lands so held respectively; and before rendering a decree of confirmation the said court shall ascertain that said releases have been duly executed.

SEC. 2. That the United States and any party in interest are hereby granted the right of appeal to the Supreme Court of the United States, within six months next after any decree shall be entered, in the manner allowed in other cases of appeal; and the said court, in the examination of the claims presented by any person under this act, shall be governed, so far as applicable, by the provisions of the act passed March 3, A. D. 1851, entitled "An act to ascertain and settle private land claims in the State of California."

SEC. 3. That the United States surveyor-general for California is hereby directed, upon the filing in his office by said claimants of a certified copy of a final decree of confirmation under the provisions of this act, to cause said claim to be surveyed as other claims of like nature are now surveyed under existing laws; and upon the approval of said survey by the proper authority a patent shall be issued to said claimants in the usual form.

Mr. HOLMAN. I should suppose from a hasty reading of the bill there may be circumstances under which the United States should be permitted to take an appeal.

Mr. HENLEY. That is included in the bill.

Mr. HOLMAN. I think it is not authorized by the bill.

Mr. HENLEY. Yes, sir.

Mr. HOLMAN. Is the United States made a party?

Mr. HENLEY. Yes, sir; as will be seen by the second section.

The second section was again read.

Mr. HOLMAN. I had overlooked that.

Mr. TOWNSHEND. I reserve objection until I hear some explanation of the bill.

Mr. HENLEY. The legislative history of this measure, Mr. Speaker, is simply this: It was introduced into the Senate at the preceding session, duly referred, taking the usual course, reported back, and passed the Senate. Then it came over to the House and was favorably reported by the committee here, but failed to pass on account of not being reached on the Calendar. At this session it was introduced again in the Senate by Senator MILLER, took the usual course, was reported back to the Senate, and passed and came here. It was also introduced here at this session by myself, and was referred to the committee and reported back favorably. My proposition is now to pass the Senate bill, which would make it a law.

Mr. TOWNSHEND. How much land is involved?

Mr. HENLEY. In the neighborhood of four or five thousand acres.

Mr. TOWNSHEND. Why was not the question brought before the courts during the existence of the law?

Mr. HENLEY. I will explain to the gentleman about that. Under the treaty of Guadalupe Hidalgo, by which the Territory of California was acquired, a board of land commissioners was created, whose duty it was to pass on the validity of certain land grants made by the Mexican Government to its citizens. This grant, within the exterior limits of which these lands are situated, was presented to the land commissioners, and its validity was established by the decree of that board, and was afterward confirmed on appeal. But before the presentation of that claim to the board of land commissioners the grantee, Salvador Vallejo, had alienated the lands embraced in this bill, and therefore the grantees of Salvador Vallejo did not get the benefit of that confirmation. This bill simply revives the functions of that old board of land commissioners to the extent of allowing these claimants to go into court, establish their claims, and by decree and judgment get a title. That is all.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. HENLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. THOMPSON. I demand the regular order.

Mr. SCALES. I rise to make a privileged report from the Committee on Printing.

The SPEAKER. That can come in under the demand for the regular order.

Mr. SCALES. I am instructed by the committee to submit the report which I send to the desk.

ANNUAL REPORT COMMISSIONER OF EDUCATION.

The SPEAKER. The Clerk will read the report submitted by the gentleman from North Carolina from the Committee on Printing.

The Clerk read as follows:

The Committee on Printing to which was referred the joint resolution H. Res. 257, as follows:

"*Resolved*, That of the report of the Commissioner of Education for 1882 and 1883 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner"—

report the same back with the recommendation that it do pass.

The SPEAKER. The Clerk will read the accompanying report.

The Clerk read as follows:

The Committee on Printing, to whom was referred joint resolution (H. Res. 257) providing for printing the last annual report of the Commissioner of Education, have duly considered the same and recommend its adoption.

It has been made to appear to the committee that the number of copies of the report asked for distribution by the Commissioner is necessary to supply the correspondents of the office of the Commissioner of Education. Copies of these reports and other similar publications are the only returns made for the aid so generously and universally bestowed by the educators of the country. Until some other or better method of collecting the desired information is established the committee would encourage the present system, at least to the extent of sup-

plying the voluntary contributors with copies of the Commissioner's annual report.

The estimated cost of the whole is about $34,000.

Mr. HOLMAN. What is the occasion for the increase? Has that been requested by the Commissioner?

Mr. SCALES. This request comes from the Commissioner of Education, I will state to the gentleman from Indiana. He states to the committee and to the House that the only means he has to make up his report, as he is requested to do, is by voluntary contributions from the country. The only means that he has of paying for such contributions is by giving a copy of the book.

The Commissioner has, therefore, asked for an addition, and the committee have thought it necessary to allow this increase in consequence of the revived interest in education throughout the country.

The SPEAKER. The question is on ordering the joint resolution to be engrossed and read the third time.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON FISH AND FISHERIES.

Mr. SMITH. I am directed by the Committee on Printing to submit a privileged report. I report back the following concurrent resolution, referred to the Committee on Printing, with the recommendation that it be adopted.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1883 be printed, and that there be printed 10,000 extra copies; of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Public Printing.

The SPEAKER. The Clerk will read the accompanying report.

The Clerk read as follows:

The Committee on Printing, to whom was referred Senate concurrent resolution authorizing the printing of the annual report of the Commissioner of Fish and Fisheries for 1883, have considered the same and recommend its adoption.

Taking the report of the Commissioner of Fish and Fisheries for 1882 as a basis, the cost of printing the current report, including the 10,000 extra copies, will be about $7,225.

Mr. SMITH. I ask that the accompanying extract from the letter of the Commissioner be read.

The letter was read. It is as follows:

The report of the United States Fish Commission for 1883 contains a full account of its work in regard to the propagation of food-fishes and the American fisheries, and embraces a great many important original papers respecting the cultivation of the oyster, carp, &c., as well as upon fishery apparatus and many other subjects of interest to the community.

One volume covered by the resolution is that for 1883; and, if ordered, will be ready for distribution by the end of the year.

The edition mentioned in the Senate resolution is the same as has been printed for several years past, having been raised in the House several years ago from the earlier figure of 5,000 copies.

It is almost impossible to meet the demand for the reports of the Fish Commission, and the first five volumes were reprinted from the stereotype plates several years ago by order of Congress.

The report is fully illustrated with figures of apparatus, machinery, fish-ways, fisheries, &c., but contains no lithographic or engraved plates. The cuts are all executed by the relief process, which costs but little more than the same space in ordinary type, as they are all printed with the text on the ordinary printing-press. The cost of printing and binding the volume for 1879, according to the Public Printer, was less than 70 cents; that for 1880 less than 75 cents. The cost of the report of 1883 alone exceeded the latter figure.

The SPEAKER. The question is on the adoption of the concurrent resolution.

The resolution was agreed to.

Mr. SMITH moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINT OF CERTAIN PUBLICATIONS.

Mr. SMITH. I desire to make another privileged report. I am directed by the Committee on Printing to report back the joint resolution (H. Res. 235) to print additional copies of certain publications and to recommend concurrence in the Senate amendment.

The Senate amendment was read, as follows:

In line 6, after the word "Record," insert "or for the volumes already published, or to be published hereafter, of the Index Catalogue of the Library of the Surgeon-General's Office."

Mr. HOLMAN. I hope the gentleman from Pennsylvania will state what the publications are for the printing of which this joint resolution provides.

Mr. SMITH. The resolution itself will show that. I ask that the joint resolution be read as proposed to be amended.

The Clerk read as follows:

Resolved, &c., That whenever the Public Printer shall have received a sufficient number of orders for copies of the Reports of the Tenth Census of the United States, or for the Compendium of the Tenth Census, or for the Medical and Surgical History of the Rebellion, or for the Rebellion Record, or for the volumes already published, or to be published hereafter, of the Index Catalogue of the Library of the Surgeon General's Office, accompanied in each case by the cost-price thereof, with 10 per cent. additional, to warrant, in his opinion, the expense of putting the plates to press, he shall cause an edition or editions thereof to be printed: *Provided*, That the number of copies thus at any time printed shall not exceed the number ordered and paid for in advance of publication.

The amendment of the Senate was concurred in.

Mr. SMITH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent to submit a report, that it may be printed and recommitted.

The SPEAKER. The Chair can not entertain a request for unanimous consent while a call for the regular order is pending.

Mr. THOMPSON. I withdraw the call for the regular order, that the gentleman from Illinois may make his report.

Mr. YORK. I insist on the regular order.

CALIFORNIA AND OREGON RAILROAD.

The SPEAKER. The regular order is called for. The question is upon the passage of a bill the title of which will be read.

The Clerk read as follows:

A bill (H. R. 5897) to declare forfeited certain lands granted to aid in the construction of a railroad from the Central Pacific Railroad, in California, to Portland, in Oregon.

The SPEAKER. On the passage of this bill the yeas and nays were ordered and taken yesterday, but no quorum voted. The question will be again taken by yeas and nays.

The question was taken; and there were—yeas 145, nays 6, not voting 172; as follows:

YEAS—145.

Alexander,	Follett,	McAdoo,	Spriggs,
Atkinson,	Foran,	McCoid,	Springer,
Bennett,	Forney,	McCormick,	Stockslager,
Bland,	Funston,	McMillin,	Storm,
Blount,	Fyan,	Matson,	Struble,
Brainerd,	Glascock,	Maybury,	Sumner, C. A.
Breckinridge,	Graves,	Miller, J. F.	Sumner, D. H.
Brewer, F. B.	Green,	Miller, S. H.	Taylor, E. B.
Brown, W. W.	Halsell,	Mills,	Taylor, J. M.
Buchanan,	Hammond,	Mitchell,	Thompson,
Burnes,	Hardeman,	Morgan,	Throckmorton,
Cabell,	Hardy,	Moulton,	Tillman,
Caldwell,	Hatch, H. H.	Murray,	Townshend,
Campbell, Felix	Hatch, W. H.	Mutchler,	Tully,
Campbell, J. M.	Haynes,	Neece,	Turner, H. G.
Candler,	Hemphill,	Nelson,	Turner, Oscar
Carleton,	Henley,	Nicholls,	Van Alstyne,
Clements,	Herbert,	Oates,	Vance,
Cobb,	Hewitt, G. W.	O'Ferrall,	Wait,
Collins,	Hoblitzell,	O'Neill, J. J.	Wakefield,
Connolly,	Holman,	Parker,	Wallace,
Cook,	Houseman,	Payson,	Warner, Richard
Cosgrove,	Howey,	Peel,	Wellborn,
Cox, W. R.	Hunt,	Peters,	Weller,
Culberson, D. B.	James,	Pierce,	Wemple,
Davidson,	Jones, B. W.	Pryor,	Whiting,
Davis, L. H.	Jones, J. H.	Reese,	Williams,
Deuster,	Jones, J. K.	Robertson,	Willis,
Dockery,	Jones, J. T.	Robinson, W. E.	Wilson, W. L.
Dunn,	Kleiner,	Rockwell,	Winans, E. B.
Eldredge,	Lamb,	Rogers, J. H.	Wolford,
English,	Lanham,	Rogers, W. F.	Worthington,
Ermentrout,	Lawrence,	Rowell,	Yaple,
Everhart,	Lewis,	Ryan,	York.
Ferrell,	Lore,	Scales,	
Fiedler,	Lovering,	Skinner, T. G.	
Findlay,	Lowry,	Slocum,	

NAYS—6.

Belford,	Greenleaf,	Murphy,	Woodward.
Dargan,	Lyman,		

NOT VOTING—172.

Adams, G. E.	Brumm,	Dowd,	Hill,
Adams, J. J.	Buckner,	Duncan,	Hiscock,
Aiken,	Budd,	Dunham,	Hitt,
Anderson,	Burleigh,	Eaton,	Holmes,
Arnot,	Calkins,	Elliott,	Holton,
Bagley,	Cannon,	Ellis,	Hooper,
Ballentine,	Cassidy,	Ellwood,	Hopkins,
Barbour,	Chace,	Evans, I. N.	Horr,
Barksdale,	Clardy,	Evins, J. H.	Houk,
Barr,	Clay,	Finerty,	Hurd,
Bayne,	Converse,	Garrison,	Hutchins,
Beach,	Covington,	Geddes,	Jeffords,
Belmont,	Cox, S. S.	George,	Johnson,
Bingham,	Crisp,	Gibson,	Jordan,
Bisbee,	Culbertson, W. W.	Goff,	Kasson,
Blackburn,	Cullen,	Guenther,	Kean,
Blanchard,	Curtin,	Hanback,	Keifer,
Boutelle,	Cutcheon,	Hancock,	Kelley,
Bowen,	Davis, G. R.	Harmer,	Kellogg,
Boyle,	Davis, R. T.	Hart,	Ketcham,
Breitung,	Dibble,	Henderson, D. B.	King,
Brewer, J. H.	Dibrell,	Henderson, T. J.	Lacey,
Broadhead,	Dingley,	Hepburn,	Laird,
Browne, T. M.	Dorsheimer,	Hewitt, A. S.	Le Fevre,

Libbey,	Perkins,	Russell,	Taylor, J. D.
Long,	Pettibone,	Seney,	Thomas,
McComas,	Phelps,	Seymour,	Tucker,
Millard,	Poland,	Shaw,	Valentine,
Milliken,	Post,	Shelley,	Van Eaton,
Money,	Potter,	Singleton,	Wadsworth,
Morey,	Price,	Skinner, C. R.	Ward,
Morrill,	Pusey,	Smalls,	Warner, A. J.
Morrison,	Randall,	Smith,	Washburn,
Morse,	Rankin,	Snyder,	Weaver,
Muldrow,	Ranney,	Spooner,	White, J. D.
Muller,	Ray, G. W.	Steele,	White, Milo
Nutting,	Ray, Ossian	Stephenson,	Wilkins,
Ochiltree,	Reagan,	Stevens,	Wilson, James
O'Hara,	Reed,	Stewart, Charles	Winans, John
O'Neill, Charles	Rice,	Stewart, J. W.	Wise, G. D.
Paige,	Riggs,	Stone,	Wise, J. S.
Patton,	Robinson, J. S.	Strait,	Wood,
Payne,	Rosecrans,	Talbott,	Young.

On motion of Mr. MILLER, of Pennsylvania, the reading of the names of members voting was dispensed with.

Mr. TOWNSHEND. I am paired with my colleague, Mr. HENDERSON. I understand he would vote in favor of this bill. Under the pair I also have a right to vote to make a quorum. I therefore have voted in the affirmative.

Mr. CLAY. I am paired with the gentleman from Massachusetts [Mr. RICE]. If he were here, I should vote "ay."

The following members were announced as paired until further notice:

Mr. STORM with Mr. GUENTHER.
Mr. TALBOTT with Mr. WHITING.
Mr. EVINS, of South Carolina, with Mr. BOWEN.
Mr. ROSECRANS with Mr. PETTIBONE.
Mr. MULLER with Mr. HOUK.
Mr. DUNCAN with Mr. BREWER, of New Jersey.
Mr. CLAY with Mr. RICE.
Mr. JONES, of Arkansas, with Mr. HANBACK.
Mr. WILKINS with Mr. BAYNE.
Mr. BOYLE with Mr. LAWRENCE.
Mr. BLACKBURN with Mr. RUSSELL.
Mr. GEDDES with Mr. STEELE.
Mr. PUSEY with Mr. BRAINERD.
Mr. HILL with Mr. RAY, of New Hampshire.
Mr. PAIGE with Mr. VALENTINE.
Mr. GEORGE D. WISE with Mr. LIBBEY.
Mr. POST, of Pennsylvania, with Mr. LONG.
Mr. BEACH with Mr. SKINNER, of New York.
Mr. PATTON with Mr. HOLMES.
Mr. CURTIN with Mr. KEAN.
Mr. HANCOCK with Mr. WASHBURN.
Mr. BARKSDALE with Mr. JEFFORDS.
Mr. SNYDER with Mr. HART.
Mr. FINERTY with Mr. ADAMS, of Illinois.
Mr. MONEY with Mr. JOSEPH D. TAYLOR.
Mr. REAGAN with Mr. LAIRD.
Mr. MORSE with Mr. THOMAS.
Mr. VAN EATON with Mr. STRAIT.
Mr. ADAMS, of New York, with Mr. WEAVER.
Mr. KING with Mr. HORR.
Mr. ELLIS with Mr. KEIFER.
Mr. COOK with Mr. CANNON.
Mr. COVINGTON with Mr. MILLER, of Pennsylvania.
Mr. HARDY with Mr. CHACE.
Mr. YOUNG with Mr. REED.
Mr. AIKEN with Mr. HEPBURN.
Mr. WILSON, of West Virginia, with Mr. GOFF.
Mr. BUCKNER with Mr. WILSON, of Iowa.
Mr. GARRISON with Mr. JOHN S. WISE, until June 9.
Mr. DIBRELL with Mr. DAVIS, of Illinois, until June 8.
Mr. DOWD with Mr. O'HARA, until June 9.
Mr. GIBSON with Mr. BURLEIGH, until June 9.
Mr. COX, of New York, with Mr. BOUTELLE, until June 8.
Mr. LE FEVRE with Mr. ROBINSON, of Ohio, until June 13.
Mr. WARD with Mr. HOOPER, until June 7.
Mr. MATSON with Mr. CULLEN, until June 7.
Mr. STEWART, of Texas, with Mr. STEWART, of Vermont, until June 9.
Mr. SHAW with Mr. SMALLS, until June 8.
Mr. DIBBLE with Mr. DINGLEY, until June 7.
Mr. MORRISON with Mr. KASSON, until June 8.
Mr. SENEY with Mr. DUNHAM, until June 12.
Mr. TOWNSHEND with Mr. HENDERSON, of Illinois, until June 8.
Mr. MULDROW with Mr. BINGHAM, until June 11.
Mr. CRISP with Mr. MILLIKEN, until June 9.
Mr. BARBOUR with Mr. BARR, until June 8.
Mr. SHELLEY with Mr. BREWER, of New Jersey, for this day.
Mr. RANDALL with Mr. CALKINS, for this day.
Mr. BUDD with Mr. GEORGE, on this vote.
Mr. CONVERSE with Mr. JOHN D. WHITE, for this day.
Mr. STEVENS with Mr. ANDERSON, for this day.

Mr. BLANCHARD with Mr. LACEY, on political questions, and on land-grant questions for to-day. Mr. BLANCHARD on this vote would vote "ay."

Mr. WILSON, of West Virginia. I am paired with my colleague, Mr. GOFF. As he voted in the affirmative on this bill yesterday I have felt free to vote myself.

Mr. MILLER, of Pennsylvania. I am paired with the gentleman from Maryland, Mr. COVINGTON. As he, if present, would have voted "ay" on this proposition, I have voted.

Mr. COBB. I desire to ask the Chair this question: whether gentlemen who have paired are not entitled to vote to make a quorum.

The SPEAKER. That is a matter for arrangement between gentlemen themselves when pairs are made. The gentleman from Iowa [Mr. WILSON] who has charge of the pairs on one side of the House announced the day before yesterday that they were made with the understanding that gentlemen might vote to make a quorum.

Mr. TOWNSHEND. That is my understanding.

Mr. COBB. And mine also.

Mr. LE FEVRE. My understanding was that when paired we were not to vote even to make a quorum. I have therefore refrained from voting.

The SPEAKER. The gentleman from Iowa [Mr. WILSON] can state what the understanding is as to pairs.

Mr. WILSON. All blank notices of pairs are so printed as to give members the right to vote, even when they are paired, if necessary to make a quorum. That announcement is printed on all the pairs.

Mr. RYAN. Is it not competent to give unanimous consent for the recording of the votes of those who desire to vote and have the right under that announcement?

Mr. DUNN. I ask unanimous consent that every gentleman may vote if he desires to, and that will save the necessity for a call of the House.

The SPEAKER. The rule of the House is very explicit that after the second call of the roll the Chair shall not even entertain a request for unanimous consent to record a vote. That rule has been departed from in but a single class of cases, where gentlemen state that they were in the Hall at the time the roll was called and failed to hear their names. In such cases the House has heretofore given unanimous consent to record the votes of such gentlemen.

Mr. SPRINGER. After the announcement of the result of this vote, upon which no quorum has voted, is it not competent for any gentleman here who is paired and has not voted to have his vote recorded in order to make a quorum?

The SPEAKER. The Chair will cause the rule to be read, if the gentleman desires. The rule is very explicit that the Chair shall not entertain even a request for unanimous consent to record a vote.

Mr. SPRINGER. That is before the result is announced.

The SPEAKER. That is after the second call of the roll, which of course must precede the announcement of the result.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I think there is a quorum present. Is it not in order to move a call of the House to ascertain that fact?

The SPEAKER. Such motion would be in order after the announcement of the result of the vote just taken. Upon this question the vote is—yeas 145, nays 6. No quorum has voted.

Mr. HENLEY. I move a call of the House.

Mr. DUNN. Who makes the point that no quorum has voted?

The SPEAKER. The Chair makes it; the rule of the House makes it. This vote by yeas and nays is the only vote which goes upon the record of the House and becomes thereafter a part of the official records of the House, and will show for all time that this bill has not been passed by a constitutional vote.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. HAMMOND. I think it is evident that many members present here have not voted because of being paired. To call the yeas and nays over again would occupy perhaps an hour. I ask if the call for the yeas and nays be withdrawn can not this bill then be passed by a vote by division?

The SPEAKER. The yeas and nays have been ordered by the House.

Mr. HAMMOND. Can not that order be withdrawn by unanimous consent?

The SPEAKER. By unanimous consent the yeas and nays can be again called on this bill.

Mr. HAMMOND. That is not what I suggest. Can not unanimous consent be given to withdraw the order of the House for the yeas and nays? Can we not in that way dispense with the effect of the order of the House for the yeas and nays on the passage of this bill?

The SPEAKER. Of course unanimous consent can now be given to reconsider the vote by which the yeas and nays were ordered; but one-fifth of the House can immediately order the yeas and nays again.

Mr. HAMMOND. Then I ask unanimous consent to reconsider the order for the yeas and nays on the passage of this bill.

Mr. BLAND. Why not again call the yeas and nays on the passage of the bill?

The SPEAKER. The Chair has suggested that course.

Mr. HAMMOND. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER. Is there objection to reconsidering the vote by which the House ordered the yeas and nays to be taken on the passage of the pending bill?

Mr. TULLY. I object.

Mr. SPRINGER. I ask that the roll be again called, that the yeas and nays be again taken, no quorum having voted on the last call.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the motion of the gentleman from California [Mr. HENLEY] for a call of the House.

Mr. HAMMOND. I rise to another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Is it in order now to move to reconsider the vote by which the House ordered the yeas and nays?

The SPEAKER. It is not, because the Journal shows that no quorum is present and voting, and no business can be transacted. The question is upon ordering a call of the House.

The question was taken; and a call of the House was ordered.

Mr. HENLEY. As a way of extrication from this difficulty, I suggest that, by unanimous consent, we have another call of the roll on the passage of the bill.

Mr. BLOUNT. I object, and demand the regular order.

The SPEAKER. Objection is made, and the Clerk will proceed to call the roll.

Mr. TURNER, of Kentucky. There is evidently a quorum here.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Adams, G. E.	Davis, G. R.	Keifer,	Robinson, J. S.
Adams, J. J.	Dibrell,	Kellogg,	Rosecrans,
Aiken,	Dingley,	King,	Russell,
Anderson,	Dowd,	Lacey,	Seney,
Atkinson,	Duncan,	Laird,	Shaw,
Barbour,	Dunham,	Libbey,	Shelley,
Barr,	Ellwood,	Long,	Skinner, C. R.
Bayne,	Evins, J. H.	McComas,	Smalls,
Beach,	Finerty,	Maybury,	Snyder,
Belmont,	Geddes,	Milliken,	Steele,
Bingham,	Gibson,	Money,	Stevens,
Blackburn,	Goff,	Morey,	Stewart, J. W.
Boutelle,	Guenther,	Morrill,	Strait,
Bowen,	Hanback,	Muldrow,	Talbott,
Boyle,	Hancock,	Muller,	Taylor, J. D.
Breitung,	Hart,	Nutting,	Thomas,
Brewer, J. H.	Henderson, T. J.	Ochiltree,	Valentine,
Browne, T. M.	Hepburn,	O'Hara,	Wadsworth,
Brumm,	Hitt,	Patton,	Ward,
Buckner,	Holmes,	Perkins,	Warner, A. J.
Budd,	Holton,	Pettibone,	Washburn,
Burleigh,	Hooper,	Phelps,	Weaver,
Cabell,	Horr,	Rankin,	White, Milo
Cannon,	Houk,	Ranney,	Wilkins,
Covington,	Hurd,	Ray, G. W.	Winans, John
Cox, S. S.	Hutchins,	Reagan,	Wise, J. S.
Crisp,	Jeffords,	Reed,	
Culbertson, W. W.	Kasson,	Rice,	
Cullen,	Kean,	Riggs,	

Mr. POST, of Pennsylvania (during the roll-call). Mr. Speaker, would it be in order to ask unanimous consent to discontinue further proceedings under the call so that we may at once take the vote again on the passage of the bill?

The SPEAKER. The roll-call can not be interrupted except by unanimous consent.

Mr. BLAND. I object. I hope we shall go on with the call.

The call of the roll having been concluded,

The SPEAKER said: The Chair will state that this is the proper time to present excuses for gentlemen who are absent without leave of the House.

Mr. O'FERRALL. I desire to state that my colleague, Mr. CABELL, was called from the House a few moments ago on account of sickness. I ask that he be excused.

There being no objection, Mr. CABELL was excused.

Mr. PETERS. My colleague, Mr. PERKINS, was called to Annapolis on business, and left this morning. I do not know the nature of the business; but I ask that he be excused.

There being no objection, Mr. PERKINS was excused.

Mr. FORNEY. My colleague, Mr. SHELLEY, is absent from the House on account of sickness. I ask that he be excused.

There being no objection, Mr. SHELLEY, was excused.

Mr. WOOD. I desire to state that on account of not being well this morning I was not able to be here in time to answer to my name upon the call of the yeas and nays.

The SPEAKER. Does the gentleman desire to be excused from further attendance to-day?

Mr. WOOD. No, sir.

Mr. CLAY. My colleague [Mr. BLACKBURN] is absent on account of sickness. I ask that he be excused.

There being no objection, Mr. BLACKBURN was excused.

Mr. CHACE. Mr. Speaker, does the roll-call disclose the presence of a quorum?

The SPEAKER. The Chair has not yet made the announcement.

Mr. CHACE. If it does, I ask that this ceremony of excuses be foregone.

Mr. LAMB. My colleague, Mr. WARD, is absent on account of illness. I ask that he be excused.

There being no objection, Mr. WARD was excused.

Mr. SPRIGGS. My colleague, Mr. STEVENS, was called away unexpectedly before the assembling of the House to-day. I ask that he be excused.

There being no objection, Mr. STEVENS was excused.

Mr. MURRAY. My colleague, Mr. HURD, is absent in his committee-room. I ask that he be excused.

Several members objected.

Mr. BLOUNT. I shall hereafter object to any leave of absence except in case of sickness. It is very remarkable that we can not get a quorum here to vote on the passage of a bill repealing the land grant.

The SPEAKER. The roll-call discloses the presence of 211 members, being more than a quorum.

Mr. SPRINGER. I move to dispense with all further proceedings under the call.

The motion was agreed to.

Mr. MILLS. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. MILLS. Is it in order now to move to reconsider the vote ordering the yeas and nays upon the passage of the bill?

The SPEAKER. It is.

Mr. MILLS. I make that motion.

The SPEAKER. The gentleman from Texas moves to reconsider the vote by which the yeas and nays were ordered. [Cries of "Oh, no!"]

The SPEAKER. The gentleman has the right to make the motion to reconsider either on the day on which the order was made or on the next succeeding day.

Mr. BLOUNT. I hope we shall have a vote by yeas and nays. We have twice failed to obtain a vote on the passage of this bill.

Mr. DORSHEIMER. I call for the yeas and nays.

The SPEAKER. The gentleman from New York [Mr. DORSHEIMER] asks that the vote upon the motion to reconsider be taken by yeas and nays.

The yeas and nays were not ordered.

The motion to reconsider was not agreed to.

[Cries of "Regular order!"]

The SPEAKER. The Clerk will proceed to call the roll again on the passage of the bill.

The question was again taken on the passage of the bill; and it was decided in the affirmative—yeas 159, nays 11, not voting 153: as follows:

YEAS—159.

Alexander,	Follett,	Lowry,	Spriggs,
Bagley,	Foran,	McAdoo,	Springer,
Ballentine,	Forney,	McCoid,	Stephenson,
Barksdale,	Funston,	McComas,	Stockslager,
Bennett,	Fyan,	McCormick,	Storm,
Bland,	Garrison,	McMillin,	Struble,
Blount,	Glascock,	Matson,	Sumner, C. A.
Brainerd,	Graves,	Maybury,	Sumner, D. H.
Breckinridge,	Green,	Millard,	Taylor, E. B.
Brewer, F. B.	Halsell,	Miller, J. F.	Taylor, J. D.
Broadhead,	Hammond,	Miller, S. H.	Taylor, J. M.
Brown, W. W.	Hardeman,	Mills,	Thompson,
Buchanan,	Hardy,	Mitchell,	Throckmorton,
Burnes,	Hatch, H. H.	Morgan,	Tillman,
Campbell, Felix	Hatch, W. H.	Moulton,	Townshend,
Campbell, J. M.	Haynes,	Murray,	Tully,
Candler,	Hemphill,	Mutchler,	Turner, H. G.
Carleton,	Henley,	Neece,	Turner, Oscar
Clardy,	Herbert,	Nelson,	Van Alstyne,
Clements,	Hewitt, G. W.	Nicholls,	Vance,
Cobb,	Hoblitzell,	Oates,	Van Eaton,
Collins,	Holman,	O'Ferrall,	Wakefield,
Connolly,	Hopkins,	O'Neill, J. J.	Wallace,
Cook,	Houseman,	Parker,	Warner, Richard
Cosgrove,	Howey,	Payson,	Wellborn,
Cox, W. R.	Hunt,	Pierce,	Weller,
Culberson, D. B.	James,	Peel,	White, J. D.
Davidson,	Jones, B. W.	Peters,	Whiting,
Davis, L. H.	Jones, J. H.	Pryor,	Williams,
Deuster,	Jones, J. K.	Reese,	Willis,
Dibble,	Jones, J. T.	Robertson,	Wilson, W. L.
Dockery,	Jordan,	Robinson, W. E.	Winans, E. B.
Dunn,	Kleiner,	Rogers, J. H.	Wise, G. D.
Eldredge,	Lamb,	Rogers, W. F.	Wolford,
English,	Lanham,	Rowell,	Wood,
Ermentrout,	Lawrence,	Ryan,	Worthington,
Everhart,	Le Fevre,	Scales,	Yaple,
Ferrell,	Lewis,	Singleton,	York,
Fiedler,	Lore,	Skinner, T. G.	Young.
Findlay,	Lovering,	Slocum,	

NAYS—11.

Belford,	Cutcheon,	Hiscock,	Stone,
Cassidy,	Dargan,	Lyman,	Woodward.
Chace,	Greenleaf,	Poland,	

NOT VOTING—153.

Adams, G. E.	Atkinson,	Belmont,	Boutelle,
Adams, J. J.	Barbour,	Bingham,	Bowen,
Aiken,	Barr,	Bisbee,	Boyle,
Anderson,	Bayne,	Blackburn,	Breitung,
Arnot,	Beach,	Blanchard,	Brewer, J. H.

Browne, T. M.	Gibson,	Money,	Russell,
Brumm,	Goff,	Morey,	Seney,
Buckner,	Guenther,	Morrill,	Seymour,
Budd,	Hanback,	Morrison,	Shaw,
Burleigh,	Hancock,	Morse,	Shelley,
Cabell,	Harmer,	Muldrow,	Skinner, C. R.
Caldwell,	Hart,	Muller,	Smalls,
Calkins,	Henderson, D. B.	Murphy,	Smith,
Cannon,	Henderson, T. J.	Nutting,	Snyder,
Clay,	Hepburn,	Ochiltree,	Spooner,
Converse,	Hewitt, A. S.	O'Hara,	Steele,
Covington,	Hill,	O'Neill, Charles	Stevens,
Cox, S. S.	Hitt,	Paige,	Stewart, Charles
Crisp,	Holmes,	Patton,	Stewart, J. W.
Culbertson, W. W.	Holton,	Payne,	Strait,
Cullen,	Hooper,	Perkins,	Talbott,
Curtin,	Horr,	Pettibone,	Thomas,
Davis, G. R.	Houk,	Phelps,	Tucker,
Davis, R. T.	Hurd,	Post,	Valentine,
Dibrell,	Hutchins,	Potter,	Wadsworth,
Dingley,	Jeffords,	Price,	Wait,
Dorsheimer,	Johnson,	Pusey,	Ward,
Dowd,	Kasson,	Randall,	Warner, A. J.
Duncan,	Kean,	Rankin,	Washburn,
Dunham,	Keifer,	Ranney,	Weaver,
Eaton,	Kelley,	Ray, G. W.	Wemple,
Elliott,	Kellogg,	Ray, Ossian	White, Milo
Ellis,	Ketcham,	Reagan,	Wilkins,
Ellwood,	King,	Reed,	Wilson, James
Evans, I. N.	Lacey,	Rice,	Winans, John
Evins, J. H.	Laird,	Riggs,	Wise, J. S.
Finerty,	Libbey,	Robinson, J. S.	
Geddes,	Long,	Rockwell,	
George,	Milliken,	Rosecrans,	

So the bill was passed.

During the roll-call several members withdrew their votes.

Mr. THOMPSON. I object to the withdrawal of votes if it affects a quorum.

The SPEAKER. Members have a right to withdraw their votes.

Mr. THOMPSON. The rules require every member to vote unless excused. We have not excused these gentleman.

The SPEAKER. Gentlemen claim they are paired. The rules now recognize pairs. They did not before the new rules were adopted. The pairs are now regularly announced, and gentlemen who are paired have a right to withdraw their votes.

Mr. THOMPSON. But not to break a quorum.

The SPEAKER. It has been the universal practice for gentlemen to withdraw their votes, or to change from yea to nay, or *vice versa*.

Mr. THOMPSON. If the withdrawal of votes breaks a quorum there should be unanimous consent.

Mr. RANDALL. There is a quorum.

Mr. GEORGE D. WISE. I am paired with Mr. LIBBEY, but have voted to make a quorum, and do not think it is in violation of the pair.

Mr. FORAN. Mr. PAIGE is paired with Mr. VALENTINE. Mr. PAIGE would vote ay.

The SPEAKER. The additional pairs will now be read.

Mr. BLOUNT. Let them be read in full.

The SPEAKER. That will be done when demanded.

The following pairs were announced:

Mr. RANDALL with Mr. CALKINS, on all questions, for this day, not to break a quorum.

Mr. PUSEY with Mr. HENDERSON, of Iowa, on all questions, until further notice, not to break a quorum.

Mr. CABELL with Mr. HARMER, on all questions, for this day, not to break a quorum.

Mr. BUDD with Mr. GEORGE, for this vote, not to break a quorum.

Mr. CALDWELL with Mr. DORSHEIMER. Mr. CALDWELL would vote "ay" and Mr. DORSHEINER "no."

Mr. TUCKER with Mr. PAYNE, on all political questions, for this day, not to break a quorum.

Mr. BLANCHARD. Mr. Speaker, I am paired with Mr. LACEY, of Michigan, until further notice, not only on political questions but on these land-grant questions, and I was so paired with him on yesterday. For this reason I can not vote even to make a quorum. Were Mr. LACEY present I would vote "ay" on this proposition.

The vote was then announced as above recorded.

Mr. HENLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CUTCHEON, by unanimous consent, was granted leave to print remarks on the above bill. [See Appendix.]

Mr. SPRINGER. I ask unanimous consent to make a report.

The SPEAKER. The Chair is proceeding with the regular order. If that is insisted upon, the Chair can not recognize the gentleman to ask unanimous consent to submit a report.

Mr. THOMPSON. I do insist upon the regular order.

REPORTS ON NORTHERN PACIFIC RAILROAD GRANT.

Mr. SCALES. I desire to make a privileged motion. On yesterday the gentleman from Indiana [Mr. COBB] asked the House to order a reprint of the reports from the Committee on Public Lands in relation to the Northern Pacific land grant. I thought at the time that there was some mistake in reference to the statement that these reports were exhausted. I find, on examination, that the reprint has been ordered, and the mistake arises from the fact that the members in searching for these documents are in the habit of sending to the document-room instead of to the folding-room. Under these circumstances where a reprint is ordered the documents are sent to the folding-room of the House; and gentlemen, if they choose to take the trouble of sending there for them, will find four or five copies to the credit of each. I move, therefore, to reconsider the vote by which the House ordered this reprint.

Mr. COBB. On the statement of the gentleman from North Carolina, with the consent of the House, I will withdraw the motion that I made yesterday asking for this reprint.

The SPEAKER. Without objection that course will be taken.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. THOMPSON. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a two-thirds vote.

The House divided; and there were—ayes 72, noes 34.

Mr. O'NEILL, of Pennsylvania. Let us have tellers on that vote.

Tellers were not ordered, five members only voting in favor thereof.

So (two-thirds voting in favor thereof) the motion to dispense with the morning hour was agreed to.

Mr. MILLS. If I can get unanimous consent I should like to submit a report now.

The SPEAKER. The Chair can not recognize the gentleman unless the demand for the regular order is withdrawn.

Mr. SPRINGER. I also have a report which I would like to make, if in order.

The SPEAKER. The Chair is proceeding with the regular order.

BUSINESS FROM COMMITTEE ON PACIFIC RAILROADS.

Mr. THOMPSON. I now move to proceed with the consideration of business from the Committee on the Pacific Railroads under the special order of the House made on the 18th of February last. It will be remembered that an order was then made giving that committee the right to report certain bills, taking them up for consideration in the order they might see proper to suggest.

Mr. HISCOCK. I desire to ask the gentleman from Kentucky if some day can not be fixed during next week for the consideration of this special order, instead of to-day, on account of the absence of a large number of members on this side of the House.

Mr. THOMPSON. I have tried time and again to get the unanimous consent of the House to fix a day for the consideration of these matters. I will now suspend, with the permission of the Speaker, the motion, and ask unanimous consent for that purpose. If that is given, I shall not ask to proceed with the consideration of this business to-day, or this week, under the circumstances suggested by the gentleman from New York.

Mr. HISCOCK. If that arrangement is made now, I apprehend that the gentleman will encounter no opposition on this side of the House in proceeding with the special order at the day named. While I speak for no one but myself, yet I speak on account of the absence of many members on this side; and I have no doubt that they will fully indorse me in making this arrangement, and will feel grateful to the gentleman from Kentucky for such a concession.

Mr. THOMPSON. Then I will ask the unanimous consent of the House to set apart Friday week for the consideration of business reported from the Committee on Pacific Railroads.

Mr. POST, of Pennsylvania. I hope that will be done.

Mr. WHITE, of Kentucky. That is private-bill day.

Mr. THOMPSON. I will take my chance with the chairman of the Committee on Claims to get that day for the consideration of this business.

Mr. WHITE, of Kentucky. I hope the gentleman will not name Friday.

Mr. THOMPSON. Then I will say Saturday.

Mr. WHITE, of Kentucky. Because it is just as important that the Government should pay private and individual claims as to pay any other class of claims or to consider any other business.

Mr. THOMPSON. I understand that Thursday has been set apart for the consideration of the bill regulating the Presidential count.

Mr. HISCOCK. What objection would there be to fixing Saturday?

Mr. THOMPSON. I am afraid we could not get through on Saturday.

Mr. HISCOCK. Let it be a continuing order.

Mr. RYAN. It is a continuing order.

Mr. THOMPSON. I will say Saturday anyhow.

Mr. GLASCOCK. And to continue from day to day until disposed of?

Mr. THOMPSON. In order that there may be no mistake about it I will again make the request in this form: I ask unanimous consent that next Saturday week, the 14th instant, be set apart——

Mr. CASSIDY. Specifically——

Mr. THOMPSON. Be set apart for the consideration of business under the special order of the 18th of February coming from the Pa-

cific Railroad Committee, and if we do not get through on that day that we continue it on the Tuesday following.

Mr. HISCOCK. I do not believe that there will be any attempt to antagonize it on this side of the House.

Mr. THOMPSON. I ask that the order be made to take effect after the reading of the Journal on that day.

The SPEAKER. Does the gentleman make this request for Saturday alone?

Mr. THOMPSON. For Saturday, with the understanding that if the business is not concluded on that day it shall continue on the Tuesday following.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. MILLS. Is it in order for me to ask unanimous consent to make a report from a committee?

Mr. YORK. I call for the regular order.

Mr. LEWIS. I move to go to the House Calendar for the purpose of taking up House bill No. 5682.

Mr. MILLS. What is the regular order?

The SPEAKER. It is in order to move to proceed to the consideration of bills on the House Calendar; but it is not in order to move to proceed to the consideration of any particular bill on that Calendar.

Mr. LEWIS. Then I move that the House proceed to the consideration of bills on the House Calendar.

Mr. VANCE. I move that we go to the consideration of business on the Speaker's table.

Mr. SPRINGER. The bill called up by the gentleman from Louisiana [Mr. LEWIS] is privileged. It is a report from the Committee on the Public Lands, which is privileged under the Holman resolution.

The SPEAKER. The gentleman from Louisiana did not so state it. The gentleman from Louisiana moves to proceed to the consideration of House bill No. 5682, reported by the Committee on Public Lands. That is a privileged motion under the order of the House heretofore made.

The Clerk read the title of the bill, as follows:

A bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. ELLIS. I desire to state that I hold very diverse views from my colleague [Mr. LEWIS] on this bill. I am as anxious, however, to dispose of it as he is; but I do most seriously object to proceeding with the consideration of the bill in the present condition of the House, with nearly half its members away. This is the case of a completed and finished road.

Mr. COBB. I call for the regular order.

Mr. ELLIS. I do not want to discuss it, but I want to see if we can not arrive at some agreement by which a day shall be fixed certain for the consideration of the bill when the court will be full.

Mr. LEWIS. I will state to the gentleman I would be perfectly willing to agree to that suggestion provided a day could be fixed and we could certainly reach the matter on that day. But we know there is an accumulation of business; the appropriation bills have not yet been finished, and every gentleman on the floor is pressing for the consideration of his particular measure. I do not see we can find any better occasion than now to proceed with this bill.

Mr. ELLIS. I believe that an arrangement could be made by unanimous consent by which the bill could be taken up on Tuesday or Wednesday of next week or on Saturday week; any day when the House is full. I ask the gentleman to make that request.

Mr. BELFORD. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I understand so far as these bills in relation to railroad land grants are concerned they are privileged matters and can be brought up at any time to the exclusion of any measure except appropriation bills and bills reported from the Committee on Ways and Means. I sincerely hope with this privilege in the hands of the Committee on Public Lands that this bill will go over until we have the members of this House present.

Mr. DUNN. I hope with that privilege the bill will be pressed for consideration immediately.

The SPEAKER. The gentleman from Louisiana [Mr. LEWIS] moves to proceed to the House Calendar for the purpose of considering the bill the title of which has been read.

Mr. ELLIS. Against that I raise the question of consideration.

The SPEAKER. The question of consideration is necessarily involved in the motion of the gentleman from Louisiana [Mr. LEWIS]. If the House does not wish to agree to that motion it can vote it down.

Mr. BELFORD. Is that the first bill on the Calendar from the Committee on Public Lands?

The SPEAKER. The Chair does not know.

Mr. BELFORD. Then I will ask that the bills be proceeded with in the order in which they stand on the Calendar.

The SPEAKER. That is the gentleman's right. The Chair decided yesterday that under the order of the House which gave these bills a certain privilege they must be taken up in the order in which they stand on the Calendar. The Chair does not know whether this is the first bill of this character on the Calendar or not.

Mr. LEWIS. It is, so far as I know, the first bill.

The SPEAKER put the question on the motion of Mr. LEWIS, and stated that the "ayes" seemed to have it.

Mr. LEWIS. I call for a division.

The House divided; and there were—ayes 65, noes 25.

Mr. BELFORD and Mr. ELLIS. No quorum.

Mr. DUNN. Did any member rise in his seat and make the point as to a quorum?

Mr. ELLIS. Yes, sir; a member did. I made the point.

Mr. BELFORD. Yes, sir; and I rose to make the point.

The SPEAKER. The Chair desires to say, in justice to himself, that upon an examination of the Calendar the fact is disclosed that this is not the first bill of that character on the House Calendar. The Clerk will report the title of the first bill.

The Clerk read as follows:

An act (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Under the resolutions by which the Committee on Public Lands is privileged and instructed to report bills I make this point of order: that the Committee on Public Lands can call up any bill of this kind that they desire to have considered.

The SPEAKER. The resolution does not so state.

Mr. WHITE, of Kentucky. I think by the reading of the resolutions the Chair will see that is clearly implied. I call for the reading of the resolutions.

The SPEAKER. The Chair will cause the resolutions to be read.

The Clerk read as follows:

Resolved, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Resolved, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills; and the same shall in like order be entitled to consideration.

Mr. WHITE, of Kentucky. Now the last resolution requires of this committee that they shall report to the House bills to carry into effect the views expressed in the foregoing resolutions. The gentleman from Louisiana [Mr. LEWIS], a member of the committee, moves that the House proceed to consider a bill that expresses those views.

The SPEAKER. That is not the question. There is no question that this bill comes within the terms of the resolutions. But the point made is that the bills when reported must be taken up for consideration in their regular order as they stand on the Calendar, and that the committee can not indicate a particular bill to be first considered.

Mr. WHITE, of Kentucky. I was about to come to that. In calling up one of these bills a gentleman on the committee is not required by these resolutions to follow the order that the committee followed in discussing the bills in the committee.

The SPEAKER. But the rules of the House require that bills shall be taken up for consideration in their regular order upon the Calendar, unless there be some special order which requires otherwise.

Mr. WHITE, of Kentucky. The point which I make is that this special order overrides the general rules of the House, and the gentleman from Louisiana [Mr. LEWIS], speaking for the Committee on Public Lands, has the right under this special order to call up any bill which the committee instructs him to call up.

The SPEAKER. The Chair has decided this question of order two or three times, and ruled that the bills must be taken up in their regular order on the Calendar, the same as revenue and appropriation bills.

Mr. PAYSON. In order to save any question which may be made by the gentleman from Kentucky [Mr. WHITE] I will state that the members of the Committee on Public Lands now on the floor agree that this Senate bill be first considered, and I now call it up.

Mr. ELLIS. Is not the pending question the motion of my colleague [Mr. LEWIS], upon which the point was made of no quorum?

The SPEAKER. The Chair, upon ascertaining the actual condition of the Calendar, decided that the motion of the gentleman from Louisiana was not in order and therefore was not pending before the House. The question is upon the motion of the gentleman from Illinois [Mr. PAYSON] to proceed to the House Calendar for the purpose indicated by him.

The motion was agreed to.

IRON MOUNTAIN RAILROAD.

The first business on the House Calendar, under the order of the House relating to reports from the Committee on the Public Lands, was the bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes.

The bill was read, as follows:

Whereas by the first section of an act of Congress approved July 4, 1866, there was granted to the State of Missouri, for the purpose of aiding in the construction and extension of the Iron Mountain Railroad from its terminus at Pilot Knob to a point on the southern boundary line of the State, every alternate section of land, designated by odd numbers, for ten sections in width on each side of said road; and

Whereas said Iron Mountain Railroad Company, or its successor, did not comply with the terms of said act, either in time or by the construction of its line in accordance with the location of its line as shown on its maps filed in the Department of the Interior, or otherwise, and never became entitled to or received any of said lands: Therefore,

Be it enacted, &c., That section 1 of the act of Congress entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, be, and hereby is, repealed; and upon the acceptance by the said Iron Mountain Railroad Company, its successors or assigns, in writing, under corporate seal, within six months from the passage of this act, of the terms of this act, and upon the production to the Secretary of the Interior by said company, its successors or assigns, of satisfactory proof that said lands have not been sold or encumbered by said company, the said Iron Mountain Railroad Company, its successors or assigns, shall be forever released from any and all obligations imposed by said act of July 4, 1866; and thereupon said lands shall be restored to the public domain for disposition under the public-land laws of the United States: *Provided*, That all preemption and homestead entries heretofore allowed upon any of said lands, not in excess of the legal quantity, be, and they are hereby, confirmed: *And provided further*, That all persons residing on any of said lands at the date of the passage of this act shall have a prior right to acquire the same, not exceeding one hundred and sixty acres, by the usual methods and under the usual restrictions.

Mr. PAYSON. I now ask the Clerk to read the report of the Committee on Public Lands on this bill. It is a short one, and I ask the attention of members while it is being read:

The report (by Mr. PAYSON) was read as follows:

The Committee on Public Lands, to whom was referred bill S. 353, having had the same under consideration, would report:

The committee recommend that the bill be amended by striking out the words "thereupon said lands shall be," in line 18 of page 2 of the printed bill as referred to this committee, and insert in lieu thereof the words "all of the lands granted by said section 1 be, and they are hereby;" so that the clause will read: "and all of the lands granted by said section 1 be, and they are hereby, restored to the public domain for disposition under the public-land laws of the United States."

The reason for the proposed amendment is that the Senate bill proposing a forfeiture of the grant in question postpones the restoration of the land to the public domain until after certain acts have been done by the railroad company, as recited in the bill: "thereupon said lands shall be restored."

Your committee think the lands should be restored at once, irrespective of the questions whether the railroad company assents to the provisions of the act or not, or whether it has attempted to encumber the lands or not.

No patents have ever issued to it, nor has the company ever claimed any of the lands. We therefore submit that the forfeiture should take effect with the passage of the bill, and therefore recommend that the bill be amended as stated, and, when so amended, that it pass.

Mr. PAYSON. It may jeopardize the passage of this bill, but in fairness I feel bound to state that this railway company would be glad to have the bill passed. This grant was made years ago, and but very little work has been done with reference to it. Subsequently another road was chartered leading from Saint Louis off to the westward and then south to the Arkansas State line. After that, however, this road was constructed, but this railroad company has applied time and time again to be relieved from the obligations imposed upon it as a land-grant road.

This bill passed the Senate unanimously, and is unanimously recommended by the Committee on Public Lands of this House with the amendment which has been read. To those who paid attention to the reading of the report it is unnecessary to state what the amendment is. I will, however, repeat that the Senate bill provides for the restoration of these lands to the public domain contingent upon the filing with the Secretary of the Interior of the formal acceptance by this railroad of the provisions of this act. The Committee on Public Lands of the House think that these lands should be restored immediately to the public domain without regard one way or the other to any formal acceptance by the company. That is all there is in that.

Mr. CLARDY. I understand the gentleman to say that this bill proposes to relieve the railroad company from all liability.

Mr. PAYSON. Yes; in express terms the bill proposes in taking from the company this land grant to relieve it from all obligations imposed upon it as a land-grant road.

Mr. DUNN. If the gentleman from Illinois will allow me——

Mr. PAYSON. Certainly, with pleasure.

Mr. DUNN. I desire to state that the railroad contemplated in the original granting act, and for which the grant was intended to have been made, has never been built. There has been a railroad built along the same line, but it was under the old Cairo and Fulton charter, and is known as the Knoble branch of the old Cairo and Fulton road, now the Saint Louis, Iron Mountain and Southern road.

Mr. PAYSON. As the report states, no part of this road was built.

Mr. DUNN. A part was built, from Helena up to Forest City, but long after the time fixed by the granting act had expired.

Mr. PAYSON. But the company to which the grant was made never built the road and has claimed no right under the grant.

Mr. DUNN. None at all. The amendment proposed is a proper one and should be adopted.

Mr. WAIT. Will the gentleman allow me a single inquiry?

Mr. PAYSON. Certainly.

Mr. WAIT. Does the company that built the part of the road spoken of claim any rights under the land grant?

Mr. PAYSON. None whatever.

Mr. WAIT. They make no claim whatever?

Mr. PAYSON. None whatever. In addition to the amendment stated in the report the Committee on Public Lands recommend another amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, That there shall be excluded from the operation of the release of the obligations as a land-grant road herein provided that part of the railroad between Poplar Bluffs, Mo., and the Arkansas State line."

Mr. PAYSON. In support of that amendment, and in order that the record may show all the facts in reference to it, I want the Clerk to read a letter from the Secretary of the Interior, as bearing on the proposed amendment.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 18, 1884.

SIR: Referring to your personal inquiry of the 15th instant, relative to the construction of the Saint Louis, Iron Mountain and Southern Railroad between Poplar Bluff and the southern boundary of Missouri, I have to state that by act of Congress approved July 4, 1866 (14 Statutes, 83), a grant of lands was made to the State of Missouri to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob to the southern boundary of said State.

Under this act the road was definitely located in the year 1867. In January, 1871, the Saint Louis and Iron Mountain Railroad Company applied for authority to relocate the line of its road. Said application was denied February 27, 1871, the then Secretary of the Interior holding that the State and the company were concluded by their own acts and must be held to the original line.

On June 8, 1871, the governor of Missouri certified to the completion of twenty miles of said road, extending southward from Pilot Knob. This section of twenty miles was accepted by the Department June 19, 1871.

In July, 1873, more than two years after the time for completing the road had expired, the company filed a map showing the line of route of its road as constructed from Pilot Knob to the Arkansas boundary. This map showed that notwithstanding the decision of February 27, 1871, the road had been constructed upon the more westerly route. For this reason the road as constructed was never accepted, and no action other than to place the map on file has been had in relation thereto.

On the 16th ultimo a bill (S. 353) declaring the lands granted for said road forfeited to the United States and releasing the company from the obligations imposed by the granting act passed the Senate, and is now pending in the House of Representatives.

By act of Congress approved February 9, 1853 (10 Statutes, 155), a grant of lands was made to the States of Arkansas and Missouri, respectively, to aid in the construction of a railroad from a point on the Mississippi River opposite the mouth of the Ohio, in the State of Missouri, to the Texas boundary, near Fulton, in Arkansas.

This grant was duly conferred upon the Cairo and Fulton Railroad Company. Between Poplar Bluff, Mo., and the Arkansas boundary the limits of the grant of July 4, 1866, overlap or conflict with the limits of this grant.

By act approved July 28, 1866 (14 Statutes, 338), said grant was revived and increased to ten sections per mile, and the time for completing the road extended ten years from the passage of said act, or to July 28, 1876.

During the years 1856, 1859, and 1861 there were certified to the State of Missouri, under the act of 1853, for the benefit of said road, 63,294.17 acres of land. The Saint Louis, Iron Mountain and Southern Railway Company having, by consolidation with the Cairo and Fulton Railroad Company, succeeded to all the rights and interests of the latter, a patent for the lands certified under the act of 1853 was, on January 23, 1877, issued to the State of Missouri under the provisions of the act of July 28, 1866, for the benefit of said Saint Louis, Iron Mountain and Southern Railway Company.

On January 22, 1874, the Secretary of the Interior transmitted to this office a map showing the line of route of the Cairo and Fulton Railroad as constructed from a point on the Mississippi River, in the State of Missouri, opposite Cairo, Ill., to a point on the boundary between Missouri and Arkansas. In the letter transmitting said map Mr. Secretary Delano stated that said road had been duly examined by commissioners appointed for that purpose, and that he had that day notified the President of the company of its acceptance. An examination of said map in connection with the map filed by the Saint Louis and Iron Mountain Company in 1873 shows that between Poplar Bluff and the Arkansas boundary, a distance of about twenty miles, the lines shown thereon are one and the same. It is evident that after the failure of the Department to accept the Saint Louis and Iron Mountain road this portion of the road was presented to the Department (and accepted) as a portion of the Cairo and Fulton.

I would therefore suggest that any measure looking to the forfeiture of the grant of July 4, 1866, and releasing the railroad company from the obligations imposed by the granting act should exclude from such release the road between Poplar Bluff, Mo., and the Arkansas boundary, as such road must stand as a portion of the Cairo and Fulton Railroad, in aid of the construction of which the grant of lands was made to the State of Missouri by the acts of February 9, 1853, and July 28, 1866, and as such charged with the obligations imposed by said acts.

Very respectfully,

N. C. MCFARLAND, *Commissioner.*
(Through the honorable Secretary of the Interior.)

Hon. L. E. PAYSON,
House of Representatives.

Mr. PAYSON. I move the previous question on the adoption of the amendment and on ordering the bill to a third reading.

The previous question was ordered.

Mr. HOLMAN. Inasmuch as this amendment submitted by the gentleman from Illinois [Mr. PAYSON] seems to be necessary in order to prevent the release of the Fulton road from the obligation of the act of 1853 and the act of 1866, and inasmuch as this measure when amended must go back to the Senate, why would it not be better to

strike out those portions of the bill in which the acceptance of this act by the Iron Mountain Railroad Company is contemplated? I see one of the amendments proposes to strike out the words "thereupon said lands shall be" and insert an absolute provision restoring to the public domain the lands heretofore granted. But if the gentleman leaves in the bill the other language providing for an acceptance by the railroad company, will there not necessarily be a conflict between the two provisions, one operating *in præsenti*, while the other seems to require acceptance by the company?

Mr. PAYSON. Not at all.

The SPEAKER. The previous question has been ordered.

Mr. DUNN. I ask indulgence for one question, which I think is important and which is suggested to me by this colloquy and by my knowledge of a similar case. I desire to inquire whether this company has performed service in the transportation of mails, troops, or public property at a reduced rate on account of this land grant?

Mr. PAYSON. It has not.

Mr. DUNN. Then no claim can be made upon the Government on account of any such diminution of compensation?

Mr. PAYSON. None whatever.

Mr. DUNN. That did occur in the case of the Gulf and Fort Scott road.

Mr. PAYSON. I remember the fact.

Mr. DUNN. That company is now pressing a claim against the Government for $20,000.

Mr. PAYSON. The same inquiry which the gentleman from Arkansas has just addressed to me I addressed to the Secretary of the Interior to ascertain whether any complication of that character could arise under this bill. He assures me that the Government has never regarded this as a land-grant road.

Mr. DUNN. Then this bill is a complete clearance.

Mr. PAYSON. A complete clearance.

Mr. HOLMAN. Except as to the twenty miles constituting part of the Fulton road.

Mr. PAYSON. As to the road from Poplar Bluff to the Arkansas State line it is a complete clearance.

The question being taken on the amendments, they were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn;

A bill (H. R. 1065) granting a pension to George F. Dresser;

A bill (H. R. 1075) granting a pension to Caroline Lauffer;

A bill (H. R. 1724) for the relief of Santiago de Leon;

A bill (H. R. 1756) granting a pension to George Overmire;

A bill (H. R. 1761) to amend section 2743 of the Revised Statutes, concerning the examination of drugs;

A bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy;

A bill (H. R. 3669) granting a pension to Robert M. Flack;

A bill (H. R. 3838) granting a pension to Theodore C. Hawkins;

A bill (H. R. 4014) for the relief of Isaac Reed;

A bill (H. R. 4689) for the relief of Eliza W. Patterson;

A bill (H. R. 4706) for the relief of Charlotte Day;

A bill (H. R. 5259) granting a pension to Julia A. Ross;

A bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska;

A bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin; and

Joint resolution (H. Res. 255) reappropriating an unexpended balance for the relief of the sufferers by the overflow of the Mississippi River and tributaries.

RESERVOIRS ON INDIAN RESERVATIONS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication, with accompanying papers, from the Commissioner of Indian Affairs, asking immediate attention to the appropriation recommended in Executive Document No. 76 of the present session, to pay damages to Indians resulting from the construction of reservoirs on the Winnebagoshish and Leech Lake reservations; which was referred to the Committee on Appropriations.

APPROPRIATIONS FOR INDIAN SCHOOLS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Office of Indian Affairs, with petition of citizens of Cleveland, Ohio, praying for increased appropriations for Indian schools; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. EVANS, of Pennsylvania, until Tuesday next, June 10.

To Mr. COLLINS, until June 13, on account of sickness in his family.

To Mr. STOCKSLAGER, Mr. HOPKINS, and Mr. BREITUNG, for seven days, on the business of the House.

COMPENSATION OF COURT OFFICIALS.

Mr. SPRINGER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the report of the Committee on Expenditures in the Department of Justice in reference to the compensation of court officials be printed and recommitted; and that 100 extra copies be printed for the use of that committee.

TEXAS PACIFIC RAILROAD.

Mr. LEWIS. I call up for present consideration the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. OATES. I ask the indulgence of my friend from Louisiana and of the House to make a statement and appeal in regard to the disposition of this bill. It is well known that the Public Lands Committee are about as equally divided on this question as they well can be, six constituting the majority in favor of this report and five against it. It presents one of the most important and interesting questions, or rather many of the most important and interesting questions, which can be presented in this character of cases.

I have not at any time thrown any obstruction in the way of the early consideration of any of these reports, nor will I do it. On the contrary, I want them all disposed of with the greatest expedition possible. Other cases—for instance, the consideration of the Central Pacific, was this morning postponed on account of the absentees from this House, and a day fixed for its consideration. All I ask, all I want in this case, is a fair opportunity for the House to hear and pass on them. If when we have a full hearing my side is in the minority, no man will submit more gracefully to the will of the majority than I will.

But I do think, in order we may have it fully discussed and fairly decided by the House when it is full, it ought to be fixed for a day certain. Several gentlemen have requested me to make this appeal, and I now make it to the friends of this measure, and trust they will assent to it. I will vote for it to be fixed any day that will suit gentlemen, and will aid them in getting it up and considering it.

Mr. LEWIS. I can not consent to its postponement. I do not think the House will have any better opportunity to pass on it than now. I ask that the bill be taken up now for consideration.

Mr. ELLIS. I raise the question of consideration.

The SPEAKER. The question is, Shall the bill be considered?

Mr. BELFORD called for a division.

The House divided; and there were—ayes 56, noes 21.

Mr. BELFORD. No quorum.

The SPEAKER appointed Mr. LEWIS and Mr. ELLIS as tellers.

The House again divided; and the tellers reported—ayes 98, noes 22.

Mr. BELFORD. No quorum.

Mr. LEWIS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 30, not voting 171; as follows:

YEAS—122.

Aiken,	Ferrell,	Lawrence,	Skinner, T. G.
Alexander,	Fiedler,	Lewis,	Slocum,
Bagley,	Findlay,	Lore,	Spriggs,
Ballentine,	Follett,	Lovering,	Springer,
Barksdale,	Foran,	Lowry,	Storm,
Bennett,	Forney,	McComas,	Struble,
Bland,	Fyan,	McMillin,	Sumner, C. A.
Blount,	Glascock,	Matson,	Taylor, J. M.
Breckinridge,	Green,	Maybury,	Thompson,
Buchanan,	Halsell,	Miller, J. F.	Tillman,
Burnes,	Hammond,	Mills,	Tully,
Caldwell,	Hardeman,	Mitchell,	Turner, H. G.
Campbell, J. M.	Hardy,	Moulton,	Turner, Oscar
Candler,	Hatch, H. H.	Morgan,	Van Alstyne,
Carleton,	Hatch, W. H.	Neece,	Wallace,
Cassidy,	Henley,	Nelson,	Warner, Richard
Clay,	Herbert,	Nicholls,	Wellborn,
Clements,	Hewitt, G. W.	Nutting,	Weller,
Cobb,	Hoblitzell,	O'Neill, J. J.	Wemple,
Connolly,	Holman,	Parker,	White, J. D.
Cook,	Houseman,	Payson,	Williams,
Cosgrove,	Hunt,	Pierce,	Willis,
Davis, L. H.	James,	Peel,	Winans, E. B.
Deuster,	Jones, B. W.	Post,	Wise, G. D.
Dibble,	Jones, J. H.	Pryor,	Wolford,
Dockery,	Jones, J. K.	Reese,	Wood.
Dowd,	Jones, J. T.	Robinson, W. E.	Woodward,
Dunn,	Jordan,	Rogers, J. H.	Yaple,
Eldredge,	Kleiner,	Rogers, W. F.	York.
English,	Lamb,	Rowell,	
Ermentrout,	Lanham,	Scales,	

NAYS—30.

Atkinson,	Evans, I. N.	McCormick,	Stephenson,
Belford,	Everhart,	Oates,	Stone,
Brewer, F. B.	Garrison,	O'Ferrall,	Throckmorton,
Brown, W. W.	Greenleaf,	O'Neill, Charles	Vance,
Culberson, D. B.	Hemphill,	Price,	Wait,
Cutcheon,	Howey,	Rockwell,	Whiting.
Dargan,	Johnson,	Seymour,	
Davis, R. T.	Lyman,	Spooner,	

NOT VOTING—171.

Adams, G. E.	Dingley,	Ketcham,	Robertson,
Adams, J. J.	Dorsheimer,	King,	Robinson, J. S.
Anderson,	Duncan,	Lacey,	Rosecrans,
Arnot,	Dunham,	Laird,	Russell,
Barbour,	Eaton,	Le Fevre,	Ryan,
Barr,	Elliott,	Libbey,	Seney,
Bayne,	Ellis,	Long,	Shaw,
Beach,	Ellwood,	McAdoo,	Shelley,
Belmont,	Evins, J. H.	McCoid,	Singleton,
Bingham,	Finerty,	Millard,	Skinner, C. R.
Bisbee,	Funston,	Miller, S. H.	Smalls,
Blackburn,	Geddes,	Milliken,	Smith,
Blanchard,	George,	Money,	Snyder,
Boutelle,	Gibson,	Morey,	Steele,
Bowen,	Goff,	Morrill,	Stevens,
Boyle,	Graves,	Morrison,	Stewart, Charles
Brainerd,	Guenther,	Morse,	Stewart, J. W.
Breitung,	Hanback,	Muldrow,	Stockslager,
Brewer, J. H.	Hancock,	Muller,	Strait,
Broadhead,	Harmer,	Murphy,	Sumner, D. H.
Browne, T. M.	Hart,	Murray,	Talbott,
Brumm,	Haynes,	Mutchler,	Taylor, E. B.
Buckner,	Henderson, D. B.	Ochiltree,	Taylor, J. D.
Budd,	Henderson, T. J.	O'Hara,	Thomas,
Burleigh,	Hepburn,	Paige,	Townshend,
Cabell,	Hewitt, A. S.	Patton,	Tucker,
Calkins,	Hill,	Payne,	Valentine,
Campbell, Felix	Hiscock,	Perkins,	Van Eaton,
Cannon,	Hitt,	Peters,	Wadsworth,
Chace,	Holmes,	Pettibone,	Wakefield,
Clardy,	Holton,	Phelps,	Ward,
Collins,	Hooper,	Poland,	Warner, A. J.
Converse,	Hopkins,	Potter,	Washburn,
Covington,	Horr,	Pusey,	Weaver,
Cox, S. S.	Houk,	Randall,	White, Milo
Cox, W. R.	Hurd,	Rankin,	Wilkins,
Crisp,	Hutchins,	Ranney,	Wilson, James
Culbertson, W. W.	Jeffords,	Ray, G. W.	Wilson, W. L.
Cullen,	Kasson,	Ray, Ossian	Winans, John
Curtin,	Kean,	Reagan,	Wise, J. S.
Davidson,	Keifer,	Reed,	Worthington,
Davis, G. R.	Kelley,	Rice,	Young.
Dibrell,	Kellogg,	Riggs,	

So the bill was not passed—no quorum having voted.

Mr. YORK. I move to dispense with the reading of the names.

Mr. ELLIS. I object.

The Clerk recapitulated the names of those voting.

The following additional pair was announced:

Mr. DAVIDSON with Mr. EZRA B. TAYLOR, on all political questions, for this day, not to break a quorum.

The SPEAKER. On this question the yeas are 121, the nays are 30. No quorum having voted, the motion is not agreed to.

Mr. LEWIS. I move a call of the House.

Mr. ELLIS. I move that the House do now adjourn.

Mr. YORK. Upon that I demand the yeas and nays.

The yeas and nays were not ordered.

The SPEAKER. The question is upon the motion of the gentleman from Louisiana that the House do now adjourn.

The House divided; and there were—ayes 50, noes 66.

So the House refused to adjourn.

Mr. ELLIS. I demand the yeas and nays on the motion.

The SPEAKER. The yeas and nays have been already refused on this motion.

The question recurs upon the motion of the gentleman from Louisiana for a call of the House.

Mr. SPRINGER. I ask unanimous consent to pass this bill over and take up the next one on the Calendar, to which I suppose there will be no objection.

Mr. BLOUNT. I hope the gentleman from Illinois will permit the gentleman from Louisiana to manage this bill according to his own judgment.

Mr. LEWIS. I object, and insist upon the motion for a call of the House.

The SPEAKER. The question is on the motion of the gentleman from Louisiana for a call of the House.

The House divided; and there were—ayes 61, noes 50.

Mr. ELLIS. On this I demand the yeas and nays.

The yeas and nays were refused (18 members only voting in favor thereof).

So a call of the House was ordered.

Mr. ELLIS. I move that the House do now adjourn.

The House divided; and there were—ayes 70, noes 66.

Mr. LEWIS. I demand the yeas and nays.

The yeas and nays were ordered (30 members voting in favor thereof).

The question was taken; and there were—yeas 66, nays 101, not voting, 156; as follows:

YEAS—66.

Aiken,	Brewer, F. B.	Dargan,	Elliott,
Belford,	Brown, W. W.	Davis, R. T.	Ellis,
Bisbee,	Culberson, D. B.	Deuster,	Evans, I. N.
Brainerd,	Cutcheon,	Eldredge,	Everhart,
Findlay,	Jones, J. T.	O'Ferrall,	Spooner,
Forney,	Kelley,	O'Neill, Charles	Stephenson,
Funston,	Ketcham,	Parker,	Stone,
Garrison,	Lawrence,	Peters,	Tucker,
Green,	Lovering,	Poland,	Vance,
Greenleaf,	Lyman,	Potter,	Wait,
Hewitt, A. S.	McCormick,	Price,	Wakefield,
Hewitt, G. W.	Millard,	Ray, Ossian	Wallace,
Hiscock,	Miller, S. H.	Robinson, W. E.	Whiting,
Howey,	Morrison,	Rockwell,	Wise, G. D.
Hunt,	Murray,	Rowell,	Wolford.
James,	Nelson,	Ryan,	
Johnson,	Oates,	Slocum,	

NAYS—101.

Alexander,	Fiedler,	McComas,	Struble,
Ballentine,	Follett,	McMillin,	Sumner, C. A.
Barksdale,	Foran,	Maybury,	Taylor, J. M.
Bennett,	Fyan,	Miller, J. F.	Thompson,
Bland,	George,	Mills,	Throckmorton,
Blount,	Glascock,	Mitchell,	Tillman,
Buchanan,	Halsell,	Morgan,	Townshend,
Burnes,	Hammond,	Neece,	Tully,
Campbell, J. M.	Hardeman,	Nicholls,	Turner, H. G.
Candler,	Hatch, W. H.	Nutting,	Turner, Oscar
Carleton,	Hemphill,	O'Neill, J. J.	Van Alstyne,
Cassidy,	Henley,	Payson,	Warner, Richard
Clardy,	Herbert,	Pierce,	Wellborn,
Clay,	Hoblitzell,	Peel,	Weller,
Cobb,	Holman,	Post,	Wemple,
Connolly,	Houseman,	Pryor,	White, J. D.
Cook,	Jones, B. W.	Reese,	White, Milo
Cosgrove,	Jones, J. H.	Rogers, W. F.	Williams,
Davis, L. H.	Jones, J. K.	Scales,	Willis,
Dockery,	Jordan,	Seymour,	Winans, E. B.
Dowd,	Kleiner,	Singleton,	Wood,
Dunn,	Lamb,	Skinner, T. G.	Yaple,
Eaton,	Lanham,	Smith,	York.
English,	Lewis,	Spriggs,	
Ermentrout,	Lore,	Springer,	
Ferrell,	Lowry,	Storm,	

NOT VOTING—156.

Adams, G. E.	Culbertson, W. W.	Jeffords,	Rice,
Adams, J. J.	Cullen,	Kasson,	Riggs,
Anderson,	Curtin,	Kean,	Robertson,
Arnot,	Davidson,	Keifer,	Robinson, J. S.
Atkinson,	Davis, G. R.	Kellogg,	Rogers, J. H.
Bagley,	Dibble,	King,	Rosecrans,
Barbour,	Dibrell,	Lacey,	Russell,
Barr,	Dingley,	Laird,	Seney,
Bayne,	Dorsheimer,	Le Fevre,	Shaw,
Beach,	Duncan,	Libbey,	Shelley,
Belmont,	Dunham,	Long,	Skinner, C. R.
Bingham,	Ellwood,	McAdoo,	Smalls,
Blackburn,	Evins, J. H.	McCoid,	Snyder,
Blanchard,	Finerty,	Matson,	Steele,
Boutelle,	Geddes,	Milliken,	Stevens,
Bowen,	Gibson,	Money,	Stewart, Charles
Boyle,	Goff,	Morey,	Stewart, J. W.
Breckinridge,	Graves,	Morrill,	Stockslager,
Breitung,	Guenther,	Morse,	Strait,
Brewer, J. H.	Hanback,	Moulton,	Sumner, D. H.
Broadhead,	Hancock,	Muldrow,	Talbott,
Browne, T. M.	Hardy,	Muller,	Taylor, E. B.
Brumm,	Harmer,	Murphy,	Taylor, J. D.
Buckner,	Hart,	Mutchler,	Thomas,
Budd,	Hatch, H. H.	Ochiltree,	Valentine,
Burleigh,	Haynes,	O'Hara,	Van Eaton,
Cabell,	Henderson, D. B.	Paige,	Wadsworth,
Caldwell,	Henderson, T. J.	Patton,	Ward,
Calkins,	Hepburn,	Payne,	Warner, A. J.
Campbell, Felix	Hill,	Perkins,	Washburn,
Cannon,	Hitt,	Pettibone,	Weaver,
Chace,	Holmes,	Phelps,	Wilkins,
Clements,	Holton,	Pusey,	Wilson, James
Collins,	Hooper,	Randall,	Wilson, W. L.
Converse,	Hopkins,	Rankin,	Winans, John
Covington,	Horr,	Ranney,	Wise, J. S.
Cox, S. S.	Houk,	Ray, G. W.	Woodward,
Cox, W. R.,	Hurd,	Reagan,	Worthington,
Crisp,	Hutchins,	Reed,	Young.

So the House refused to adjourn.

Mr. BLOUNT. I ask unanimous consent to dispense with the reading of the names.

Mr. ELLIS. I object.

The result of the vote was then announced as above recorded.

Mr. ELLIS. Mr. Speaker, I move that when the House adjourns today it be to meet on Monday next.

Mr. O'NEILL, of Pennsylvania. I hope the House will favor that motion.

The SPEAKER. A call of the House has been ordered by a vote of the House, and during that there are but two characters of motions in order; one is the motion to adjourn, and the other relates to motions in connection with the call of the House.

Mr. ELLIS. I move that further proceedings under the call of the House be dispensed with, in view of the fact that the roll-call just taken has disclosed the presence of a quorum.

Mr. LEWIS. I accept that.

Mr. WHITE, of Kentucky. Do I understand the gentleman from Louisiana to consent, if that motion is adopted, that we shall go on with this bill?

Mr. ELLIS. The gentleman from Kentucky understands just exactly what the language of the gentleman from Louisiana meant.

The SPEAKER. The question is upon agreeing to the motion to dispense with further proceedings under the call.

The House divided; and there were—ayes 76, noes 10.

So the motion was agreed to.

Mr. ELLIS. I move that when the House adjourns to-day it be to meet on Monday next.

The SPEAKER. That is a privileged motion.

Mr. COSGROVE. I move to amend so that when the House adjourns to-day it be to meet to-morrow at 11 o'clock.

The SPEAKER. That would not be in order, because under the order of the House that is the time to which it would adjourn unless it should be otherwise ordered.

Mr. STRUBLE. If this motion prevails will it dispense with the meeting of the House to-morrow evening for the consideration of pension business?

The SPEAKER. Of course it would.

Mr. STRUBLE. I hope it will not prevail.

The SPEAKER. The question is not debatable.

Mr. PETERS. I move to amend so that when the House adjourns to-day it shall be to meet on Friday evening at 8 o'clock.

Mr. ELLIS. I accept that as a modification of my motion, so that pension bills may be considered.

Mr. HEWITT, of Alabama. I wish to inquire whether there are not other bills on the Calendar reported by the Committee on Public Lands——

The SPEAKER. Does the gentleman from Alabama desire to make a motion?

Mr. HEWITT, of Alabama. I do not desire to make a motion. I only desire to suggest a solution of this difficulty.

Mr. SPRINGER. I make the point of order on the motion of the gentleman from Louisiana [Mr. ELLIS] as now modified that it changes the hour of the meeting of the House, which can not be done except by unanimous consent. It is in order to move that when the House adjourns to-day it be to meet on Saturday next or on Monday next; but a motion that when the House adjourns it be to meet at a different hour is to change the rules of the House.

The SPEAKER. It does not change a rule of the House.

Mr. SPRINGER. The rule which requires that the House shall meet at 11 o'clock.

The SPEAKER. That is simply an order of the House, not a rule. It is in the power of the House to fix the hour of meeting, and the House by an order has fixed 11 o'clock as the regular hour of meeting until otherwise ordered.

Mr. SPRINGER. You can not change that order except by suspension of the rules. I have never seen a motion entertained to adjourn to an hour different from that fixed under the rules.

The SPEAKER. But the rules do not fix it.

Mr. SPRINGER. Then the order of the House fixes the hour at which it shall meet.

Mr. ELLIS. I call for the reading of the rule.

The SPEAKER. The Chair will state that the rules of the House contain nothing as to the time at which the House shall meet or shall adjourn to. But the Committee on Ways and Means during the present session, to whom a resolution had been referred, reported it back to the House providing that from that time on, during the remainder of the session, until otherwise ordered, the House should meet at 11 o'clock. And that was adopted by the House.

Mr. SPRINGER. That is the standing order of the House now?

The SPEAKER. It is.

Mr. SPRINGER. Then it is equal to a rule prescribing the order of business. The House must meet at that hour unless it fixes another hour by a general order, not a special order. This is a special order for a particular day. It is a suspension of the rules to that extent.

The SPEAKER. Upon the same reasoning the motion to adjourn until Monday would be out of order, because the resolution reported by the Committee on Ways and Means fixes the hour of 11 o'clock for the daily meetings of the House.

Mr. BLOUNT. I call for the regular order.

Mr. COSGROVE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COSGROVE. Would it be in order to move to amend the pending motion so as to order that the House shall meet to-morrow morning at 10 o'clock?

Mr. SPRINGER. That would be as much out of order as the motion itself is, as I contend.

The SPEAKER. The Chair thinks that amendment would not be in order. The House could only meet at an hour prior to that fixed in the order by taking a recess. That would be a recess in effect and not an adjournment.

Mr. SPRINGER. It is in conflict with a general standing order of the House. Both the motion and the proposed amendment are out of order.

Mr. HAMMOND. I suggest that the Chair has decided this question, and unless there is an appeal from the decision of the Chair it can not be debated further.

The SPEAKER. The question is on the motion of the gentleman from Louisiana [Mr. ELLIS] as now modified, that when the House adjourns to-day it be to meet on Friday evening at 8 o'clock.

Mr. PARKER. I move to amend by striking out "on Friday evening at 8 o'clock p. m." and inserting "on Friday at 12 o'clock m." I do this in order to save the session to-morrow.

The question being taken on the amendment of Mr. PARKER, there were—ayes 5, noes 69.

So (further count not being called for) the amendment was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Louisiana [Mr. ELLIS].

Mr. O'NEILL, of Pennsylvania. I desire to offer an amendment to the motion of the gentleman from Louisiana. I do it in good faith.

Mr. DUNN. Filibustering always professes to be in good faith.

The SPEAKER. The gentleman from Pennsylvania will state his amendment.

Mr. O'NEILL, of Pennsylvania. It is that when the House meets on Saturday at 11 o'clock—the usual hour of meeting—the session of that day be devoted and given up to the Democratic side of the House to discuss the candidates of the convention at Chicago.

Mr. COSGROVE. I think we had better discuss the Chicago platform.

The SPEAKER. The question is on the motion of the gentleman from Louisiana [Mr. ELLIS].

Mr. PAYSON. What has become of the amendment of the gentleman from Kansas [Mr. PETERS]?

The SPEAKER. That was accepted by the gentleman from Louisiana, and is now a part of his motion.

The question being taken on Mr. ELLIS's motion, there were—ayes 18, noes 61.

Mr. ELLIS. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 10—not a sufficient number.

Mr. ELLIS. I call for tellers on the yeas and nays.

Tellers were not ordered, only 2 members voting therefor.

So the motion was not agreed to.

Mr. ELLIS. I move that the House do now adjourn.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Is it in order at this stage of the proceedings to move to adjourn in the interest of railroads?

Mr. ELLIS. I call the gentleman to order.

The SPEAKER. That is not a parliamentary inquiry. The gentleman has the right under the rules of the House to make a motion to adjourn.

Many MEMBERS. "Regular order!"

Mr. ELLIS. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. ELLIS. If I caught correctly the remarks of the gentleman from Kentucky [Mr. WHITE] he insinuated that the motion which I made was in the interest of railroads. Now, if that gentleman means to insinuate that I was doing one jot or tittle beyond what I conceive to be my representative duty here in demanding a full court and a fair hearing, in demanding that the House shall be in a condition to take in both sides of the argument——

Mr. NICHOLLS. I rise to a question of order.

Mr. ELLIS. If the gentleman meant to insinuate that there was any improper motive influencing me in the interest of railroads, then he stated what was untrue.

Mr. NICHOLLS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. NICHOLLS. It is that the gentleman from Louisiana [Mr ELLIS] upon a question of personal privilege has no right to make any remarks outside of that question.

Mr. ELLIS. I was only vindicating myself from what seemed to be an insinuation of improper motives on my part.

The question was taken on the motion to adjourn; and upon a division there were—ayes 63, noes 67.

Before the result of the vote was announced,

Mr. ELLIS called for tellers.

Tellers were ordered, there being 33 in the affirmative—more than one-fifth of a quorum.

Mr. HOBLITZELL. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, there being 38 in the affirmative—more than one-fifth of the last vote.

Mr. SPRINGER. What is the pending question?

The SPEAKER. The question is on the motion to adjourn.

Mr. SPRINGER. I think we had better forfeit another land grant.

The SPEAKER. The question is not debatable.

Mr. BLOUNT. On the call of the roll to-day there were 211 members present, 40 more than a quorum.

The SPEAKER. The motion to adjourn is not debatable.

The question was taken; and there were—yeas 63, nays 111, not voting 149; as follows:

YEAS—63.

Atkinson,	Eaton,	Greenleaf,	Jones, J. T.
Belmont,	Eldredge,	Hardeman,	Kelley,
Brainerd,	Elliott,	Hatch, H. H.	Ketcham,
Brewer, F. B.	Ellis,	Hewitt, G. W.	Lawrence,
Cutcheon,	Evans, I. N.	Hiscock,	Lovering,
Dargan,	Everhart,	Howey,	Lyman,
Davis, R. T.	Garrison,	James,	McCoid,
Dorsheimer,	Green,	Johnson,	McCormick,

Nelson,	Ray, Ossian	Spooner,	Wakefield,
Oates,	Reese,	Stephenson,	Wallace,
O'Ferrall,	Robinson, W. E.	Stone,	White, Milo
O'Neill, Charles	Rockwell,	Tillman,	Whiting,
Parker,	Rogers, W. F.	Tucker,	Wise, G. D.
Poland,	Ryan,	Vance,	Wolford,
Potter,	Slocum,	Van Eaton,	Worthington.
Price,	Smith,	Wait,	

NAYS—111.

Alexander,	English,	Lowry,	Singleton,
Arnot,	Ermentrout,	McAdoo,	Skinner, T. G.
Bagley,	Ferrell,	McComas,	Spriggs,
Ballentine,	Fiedler,	McMillin,	Springer,
Barksdale,	Follett,	Maybury,	Storm,
Bennett,	Foran,	Miller, J. F.	Struble,
Bland,	Forney,	Mills,	Sumner, C. A.
Blount,	Funston,	Mitchell,	Taylor, J. M.
Breckinridge,	Fyan,	Morgan,	Thompson,
Brown, W. W.	Glascock,	Morse,	Throckmorton,
Buchanan,	Halsell,	Murray,	Townshend,
Burnes,	Hammond,	Mutchler,	Tully,
Caldwell,	Hatch, W. H.	Neece,	Turner, H. G.
Candler,	Hemphill,	Nicholls,	Turner, Oscar
Carleton,	Henley,	Nutting,	Van Alstyne,
Clardy,	Herbert,	O'Neill, J. J.	Warner, Richard
Clay,	Hoblitzell,	Paige,	Wellborn,
Clements,	Holman,	Payson,	Weller,
Cobb,	Houseman,	Pierce,	Wemple,
Connolly,	Jones, B. W.	Peel,	White, J. D.
Cook,	Jones, J. H.	Peters,	Williams,
Cosgrove,	Jones, J. K.	Post,	Willis,
Cox, W. R.	Jordan,	Pryor,	Wilson, W. L.
Davis, L. H.	Kleiner,	Randall,	Winans, E. B.
Deuster,	Lamb,	Robertson,	Wood,
Dockery,	Lanham,	Rogers, J. H.	Yaple,
Dowd,	Lewis,	Rowell,	York.
Dunn,	Lore,	Seymour,	

NOT VOTING—149.

Adams, G. E.	Cullen,	Hurd,	Rice,
Adams, J. J.	Curtin,	Hutchins,	Riggs,
Aiken,	Davidson,	Jeffords,	Robinson, J. S.
Anderson,	Davis, G. R.	Kasson,	Rosecrans,
Barbour,	Dibble,	Kean,	Russell,
Barr,	Dibrell,	Keifer,	Scales,
Bayne,	Dingley,	Kellogg,	Seney,
Beach,	Duncan,	King,	Shaw,
Belford,	Dunham,	Lacey,	Shelley,
Bingham,	Ellwood,	Laird,	Skinner, C. R.
Bisbee,	Evins, J. H.	Le Fevre,	Smalls,
Blackburn,	Findlay,	Libbey,	Snyder,
Blanchard,	Finerty,	Long,	Steele,
Boutelle,	Geddes,	Matson,	Stevens,
Bowen,	George,	Millard,	Stewart, Charles
Boyle,	Gibson,	Miller, S. H.	Stewart, J. W.
Breitung,	Goff,	Milliken,	Stockslager,
Brewer, J. H.	Graves,	Money,	Strait,
Broadhead,	Guenther,	Morey,	Sumner, D. H.
Browne, T. M.	Hanback,	Morrill,	Talbott,
Brumm,	Hancock,	Morrison,	Taylor, E. B.
Buckner,	Hardy,	Moulton,	Taylor, J. D.
Budd,	Harmer,	Muldrow,	Thomas,
Burleigh,	Hart,	Muller,	Valentine,
Cabell,	Haynes,	Murphy,	Wadsworth,
Calkins,	Henderson, D. B.	Ochiltree,	Ward,
Campbell, Felix	Henderson, T. J.	O'Hara,	Warner, A. J.
Campbell, J. M.	Hepburn,	Patton,	Washburn,
Cannon,	Hewitt, A. S.	Payne,	Weaver,
Cassidy,	Hill,	Perkins,	Wilkins,
Chace,	Hitt,	Pettibone,	Wilson, James
Collins,	Holmes,	Phelps,	Winans, John
Converse,	Holton,	Pusey,	Wise, J. S.
Covington,	Hooper,	Rankin,	Woodward,
Cox, S. S.	Hopkins,	Ranney,	Young.
Crisp,	Horr,	Ray, G. W.	
Culberson, D. B.	Houk,	Reagan,	
Culbertson, W. W.	Hunt,	Reed,	

So the motion to adjourn was not agreed to.

PERSONAL EXPLANATION.

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. A few moments ago I alluded to the fact that during this afternoon there had been a systematic course of filibustering going on here, and I made the remark, or rather, if I recollect correctly, I asked of the Chair the question whether the last motion then made was a proper one, when it was clearly in the interest of a railroad monopoly. I might have added, and not in the interest of public business.

To that remark the gentleman from Louisiana [Mr. ELLIS] took exception and read me a lecture, going on to say that if I insinuated so and so it was untrue. I am not aware that I made any insinuation of a personal nature. Some people are too hasty in jumping at the conclusion that the individual is aimed at when some great measure or movement is being combated.

I stand here with the majority on this floor upon this measure; and I am endeavoring as far as I can to defeat any attempt, whether it come from the Democratic or Republican side, to thwart the fulfillment of the pledges made to the people to forfeit railroad land grants which have not been earned.

Now, in defense of what I said, I wish to say that in 1876 the Republican party declared that—

We reaffirm our opposition to further grants of public lands——

Mr. BELFORD. I make the point of order that the gentleman is going beyond a matter of personal privilege. If it is in order to discuss the Republican platform or the Democratic platform on this question I want to get in a few words myself. [Laughter.]

The SPEAKER. The gentleman from Colorado makes the point of order that the gentleman from Kentucky is going beyond a mere personal explanation——

Mr. ELLIS. I hope the gentleman from Kentucky will be allowed to proceed.

Mr. BELFORD. I object to the gentleman making under the guise of a personal explanation a political speech advocating the special interests that he represents upon this floor.

The SPEAKER. The gentleman from Kentucky will confine himself to a personal explanation.

Mr. WHITE, of Kentucky. Mr. Speaker, I think that what I was about to read is necessary in order to state correctly my position before the House, after the severe castigation lashed on me by the gentleman from Louisiana in the rear. [Laughter.]

Mr. ELLIS. I hope my friend from Kentucky will yield long enough for me to say that inasmuch as he has disclaimed anything personal so far as I am concerned——

Mr. WHITE, of Kentucky. I do not yield at this stage of the game.

The SPEAKER. The gentleman from Colorado makes the point that the gentleman from Kentucky, in making a personal explanation, which is the only purpose for which he could obtain the floor at this time, has no right to discuss the measure before the House or to go into an explanation of his position as to the public question involved. The gentleman has a right to make a personal explanation as to any matter which may have occurred between himself and the gentleman from Louisiana.

Mr. WHITE, of Kentucky. I agree to that entirely. I desire to say to the gentleman from Colorado, if he has been in his seat during this entire debate, and is not too much prejudiced toward the gentleman from Louisiana, with whom, if I mistake not, he has been engaged during the whole afternoon in filibustering, contrary——

Mr. ELLIS. I call the gentleman to order.

Mr. WHITE, of Kentucky. Contrary to the spirit of the Republican platform of 1876, the Republican platform of 1880, and the platform of the Republican party adopted to-day—all these platforms containing pledges to forfeit public lands not earned by these railroad corporations, a measure which I have advocated on this floor yesterday and to-day. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. The gentleman from Kentucky is not proceeding with a personal explanation.

Mr. BELFORD. I submit that when the gentleman from Kentucky has been allowed to go on and assail me I am entitled to reply.

Mr. WHITE, of Kentucky. This is all I desire to say, that I am opposed to this filibustering and opposed to gentlemen on the Republican side—— [Cries of "Regular order!"]

The SPEAKER. The gentleman from Kentucky will please suspend, or confine himself to a question of personal privilege or personal explanation.

Mr. STRUBLE. I rise to a question of order. I understand that the gentleman withdrew his remarks made a few moments ago——

The SPEAKER. The Chair so understood.

Mr. STRUBLE. I now make the point that it is not in order for the gentleman to proceed to discuss the measure before the House.

The SPEAKER. The Chair has held that the gentleman from Kentucky had the right under the rules and practice of the House to make a personal explanation, but had no right at this time to discuss the measure before the House or to define his position generally upon this question.

Mr. BLAND. I think we had better go on and vote, instead of taking up valuable time with discussions of this kind. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. ELLIS. I move that when the House adjourns to-day it adjourn to meet on Saturday next.

Mr. LEWIS. Mr. Speaker——

Mr. BELFORD. I rise to a question of personal privilege.

The SPEAKER. The gentleman from Louisiana [Mr. LEWIS] has now the floor.

Mr. LEWIS. Mr. Speaker, I desire to say to this House that I am not actuated by any factious spirit in this matter to any extent whatever. I desire in common with the majority of the Committee on Public Lands to have considered the bills reported by that committee to this House. Yesterday I gave way to the members of the committee to take up for consideration the bill to declare forfeited the land grant to the California and Oregon Railroad for the reason that members of the committee having mistaken the order in which these bills had been reported had prepared themselves to discuss that matter and were not prepared to discuss the matter I called up to-day.

I desire to state to this House another reason why I declined the request of my colleague was the same as that stated by me in the beginning, that many other important matters would be pressed on the consideration of the House, and I thought this was the best time to obtain the proper consideration of this bill.

I am frank to say, Mr. Speaker, after the exhibition we have had here to-day of what is manifestly filibustering on the part of some gen-

tlemen, whose motives I do not pretend to question—I say in view of the fact we have had a series of votes on this question, and as it is manifestly the determination of these gentlemen not to secure a fair and frank expression of the House on the consideration of this question, I earnestly ask the House to give us one more vote on this question before we adjourn. These gentlemen are on record to a certain extent, and I ask the favor of the House to give me one more vote on the question of consideration, and then I will interpose no objection to those gentlemen filibustering to their hearts' content.

Mr. ELLIS. I wish to say, Mr. Speaker, I propose to my colleague this, and I believe we will have the unanimous consent of the House, that this bill be made the special order for Tuesday next after the morning hour or after the reading of the Journal.

Mr. NICHOLLS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLLS. Is this the regular order?

The SPEAKER. It is not.

Mr. NICHOLLS. I demand the regular order.

The SPEAKER. The Chair supposed this was proceeding by common consent in order that gentlemen might arrive at some conclusion. If the gentleman insists on the regular order the Chair must enforce it.

Mr. NICHOLLS. I demand the regular order of business.

Mr. WHITE, of Kentucky. I ask for the regular order.

Mr. ELLIS. I move that when the House adjourns to-day it adjourn to meet on Saturday next.

Mr. LEWIS. One word. I thought my colleague rose to make some proposition to me.

The SPEAKER. The gentleman did, but the regular order was demanded and insisted on, and the gentleman from Louisiana had to suspend his remarks.

Mr. LEWIS. He made the motion that when the House adjourns to-day it adjourn to meet on Saturday next.

The SPEAKER. He did.

Mr. LEWIS. I move the House adjourn until to-morrow morning.

The SPEAKER. The question must be first put on the motion of the gentleman from Louisiana to adjourn over till Saturday next.

Mr. LEWIS. Then I give notice I will call this up for consideration to-morrow morning.

The question recurred on Mr. ELLIS's motion that when the House adjourns to-day it adjourn to meet on Saturday next.

The House divided; and there were—ayes 3, noes 87.

So the motion was disagreed to.

Mr. ELLIS. I move the House adjourn.

Mr. LEWIS. I move the House adjourn.

Mr. WHITE, of Kentucky. Mr. Speaker, on whose motion to adjourn is the question being put to the House?

The SPEAKER. On the motion of the gentleman in front of the Chair [Mr. ELLIS]. The other gentleman from Louisiana attempted to amend the motion to adjourn over by a motion to adjourn until to-morrow, which the Chair decided was not in order under the rules of the House; that the question must be first taken on the motion to fix the day to which the House shall adjourn.

Mr. BLAND. The gentleman has given notice that he will call this up to-morrow. [Cries of "Vote!"] I hope the House will forfeit every one of these unearned land grants.

Mr. WHITE, of Kentucky. I rise to a question of order. When I asked the Chair on whose motion to adjourn the question was being put the Speaker answered that it was on the motion of the gentleman in front of the Chair. I desire to make this remark, with the permission of the Speaker, that the gentleman in charge of this bill [Mr. LEWIS] rose to make a motion to adjourn. He stated his object was to give notice that he would take up this bill to-morrow morning. Whereupon the gentleman in the aisle behind me who has been leading the opposition to the gentleman on the left [Mr. LEWIS] this afternoon made a motion to adjourn until Saturday. [Cries of "Vote!" "Vote!"] That motion was voted down. Hence I make this point of order that the gentleman—— [Cries of "Vote!" "Vote!"]

The SPEAKER. The House will be in order. The Chair can not see how the question can be of material importance. It is simply as to who made the motion to adjourn.

Mr. WHITE, of Kentucky. If the Chair will find out who the gentlemen are that are making this confusion and preventing me from being heard—— [Loud cries of "Vote!" "Vote!" and "Regular order!"]

The SPEAKER. The gentleman from Kentucky is entitled to be heard.

Mr. WHITE, of Kentucky. The question of order that I make is this: whether it is the motion of the gentleman from Louisiana [Mr. LEWIS] or that of the gentleman standing behind me in the aisle [Mr. ELLIS] which is now the pending motion?

The SPEAKER. The Chair has decided according to his best recollection. If a mistake has been made in reference to the matter, the House can correct it.

The gentleman from Louisiana in front of the Chair moved that when the House adjourns to-day it be to meet on Saturday next. Pending that motion the gentleman on the right of the Chair [Mr. LEWIS] endeavored to move an amendment to that motion, that the House adjourn until to-morrow morning. That could not be entertained as an amendment to the pending motion. The Chair decided that it was not a proper motion, and that the regular order was the motion of the gentleman from Louisiana in front. The question was submitted to the House, and the motion that when the House adjourns it be until Saturday was voted down; immediately after which the gentleman in front of the Chair rose and submitted a motion for adjournment, which the Chair recognized.

Mr. BLOUNT. I ask consent of the House to submit a question to the gentleman in charge of this bill which I think will save time. I wish to ask him whether he desires an adjournment?

Mr. LEWIS. I do not desire it on the motion of my colleague from Louisiana; I desire it upon my own motion, which I submitted distinctly.

Mr. DUNN. Then let us vote down this motion to adjourn, and the gentleman can subsequently submit his own motion.

The question was taken upon the motion to adjourn. The House divided; and there were—ayes 33, noes 61.

So the House refused to adjourn.

Mr. LEWIS. Mr. Speaker, I think the House and the Chair were both perhaps a little in error in regard to the pending motion. The Chair's recollection may be perfectly correct; but I wish to place myself right before the House according to my own recollection and to justify myself after having asked the House not to adjourn upon the motion of my colleague.

As I understand the matter he moved that when the House adjourns it be to meet at a certain time. I moved at once an amendment, which motion the Chair ruled as being out of order. Immediately afterward a vote was taken upon the motion of my colleague and his motion was rejected, whereupon I rose in my place and moved that the House do now adjourn. Immediately after making that motion my colleague made a similar motion, and the Chair happened to catch his eye and not mine.

The SPEAKER. If the gentleman made a motion to adjourn at the time he suggests the Chair certainly did not hear it.

Mr. ELLIS. If the gentleman will now submit a motion to adjourn——

Mr. LEWIS. I desire to ask a question of the Chair. Is it in order now to move an adjournment?

The SPEAKER. It would not now be in order.

Mr. HISCOCK. It can be done by unanimous consent.

Mr. SPRINGER. I move that the House take a recess until to-morrow morning at 10 o'clock.

Mr. LEWIS. Pending that I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. JORDAN, until Tuesday next, on account of important business.

To Mr. DIBBLE, for two days, on account of business of importance.

The motion of Mr. LEWIS was then agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BURLEIGH: Papers relative to the bill for the relief of Fordyce Foster—to the Committee on Pensions.

By Mr. ERMENTROUT: Memorial of James A. Mower Post, No. 1, Grand Army of the Republic, Department of the Gulf, for the establishment of a home for ex-Union soldiers—to the Committtee on Military Affairs.

By Mr. FIEDLER: Petition of Joseph K. Field, H. H. Ward, Samuel Toombs, Augustus Eichborn, and 50 others, citizens of New Jersey, opposing the establishment of a postal telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. H. H. HATCH: Petition of citizens of Michigan, asking a pension for Thomas Hutchinson—to the Committee on Invalid Pensions.

By Mr. MCCOMAS: Petition relating to the claim of Emanuel Bomberger—to the Committee on War Claims.

Also, petition relating to the claim of Isaac Long—to the same committee.

By Mr. SPOONER: Remonstrance of the Enterprise Association of Providence, R. I., against the Senate substitute for the bill establishing a bureau of labor statistics—to the Committee on Labor.

By Mr. WELLER: Petition of John Davis and 22 others, of E. F. Putney and others, and of S. Hicks and 47 others, relative to the Chinese restriction act—severally to the Committee on Foreign Affairs.

Also, petition and resolutions of Post No. 40, Grand Army of the Republic, Department of Iowa, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition relating to the claim of Dr. Abner D. Lewis—to the Committee on War Claims.

Also, petition relating to the claim of B. M. Parham—to the same committee.

Also, papers relating to the claim of Julia Elliott—to the same committee.

SENATE.

FRIDAY, *June* 6, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 255) appropriating the further sum of $100,000 for the sufferers by the overflow of the Mississippi River and tributaries.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1761) to amend section 2743 of the Revised Statutes.

The message further announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 235) to print additional copies of certain publications.

The message also announced that the House had concurred in the amendments of the Senate to the concurrent resolution providing for the printing of extra copies of the report of the Commissioner of Fish and Fisheries for the year 1883.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The message further announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 2677) granting a pension to Mrs. Mary P. McBlair.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city council of Nashville, Tenn., over the Cumberland River;

A bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans.;

A bill (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard;

A bill (S. 1232) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title; and

Joint resolution (S. R. 88) providing for printing the proceedings relative to unveiling the statue of John Marshall, late Chief-Justice of the United States, and for other purposes.

The message also announced that the House had passed the bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 5479) to prevent unlawful occupancy of public lands;

A bill (H. R. 181) to declare the forfeiture of certain lands granted to aid in the construction of a railroad in Oregon;

A bill (H. R. 27) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883, and to extend the provisions of said act and the amendments thereto to the public lands in the States of Mississippi, Arkansas, Louisiana, and Florida;

A bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia.

A bill (H. R. 5897) to declare forfeited certain lands granted to aid in the construction of a railroad from the Central Pacific Railroad, in California, to Portland, in Oregon; and

Joint resolution (H. Res. 257) providing for the printing of the last annual report of the Commissioner of Education.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1323) fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent;

A bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes;

A bill (H. R. 2344) for the relief of Melissa G. Polar;

A bill (H. R. 283) granting a pension to Patrick Horan;

A bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society of Kansas;

A bill (H. R. 1800) for the relief of J. L. Burchard;

A bill (H. R. 2839) to increase the pension of George J. Stannard, late major-general of volunteers;

A bill (H. R. 2858) for the relief John Connolly;

A bill (H. R. 4359) in relation to the Legislature of Dakota Territory;

A bill (H. R. 4704) authorizing the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States;

A bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg;

A bill (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn;

A bill (H. R. 1065) granting a pension to George F. Dresser;

A bill (H. R. 1075) granting a pension to Caroline Lauffer;

A bill (H. R. 1724) for the relief of Santiago de Leon;

A bill (H. R. 1756) granting a pension to George Overmire;

A bill (H. R. 1761) to amend section 2743 of the Revised Statutes, concerning the examination of drugs;

A bill (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy;

A bill (H. R. 3669) granting a pension to Robert M. Flack;

A bill (H. R. 3838) granting a pension to Theodore C. Hawkins;

A bill (H. R. 4014) for the relief of Isaac Reed;

A bill (H. R. 4689) for the relief of Eliza W. Patterson;

A bill (H. R. 4706) for the relief of Charlotte Day;

A bill (H. R. 5259) granting a pension to Julia A. Ross;

A bill (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska;

A bill (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin;

Joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two lieutenants; and

Joint resolution (H. Res. 255) reappropriating an unexpended balance for the relief of the sufferers by the overflow of the Mississippi River and tributaries.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, showing the increase of current work in his office and urging an increase of force therefor; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of May 2, a report from the Commissioner of the General Land Office concerning entries of public lands by the Estes Park Company and other foreign corporations; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a communication and accompanying documents from the Commissioner of Indian Affairs upon the subject of damages resulting to certain Indians upon the Lake Winnebagoshish and Leech Lake Indian reservations on account of the construction of reservoirs by the Government upon their lands; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in compliance with a resolution of the Senate of April 17, 1884, a report of the valuation of property in the District of Columbia according to the assessments of 1878 and 1883; which, with the accompanying papers, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. MORRILL. I present a petition signed by eight hundred and eleven persons, among them some of the most substantial citizens of Washington, who "respectfully ask your honorable body to consider at an early day the great and to us all-absorbing question of the removal of the Baltimore and Potomac depot from its present location on our principal public park and within the heart of the city, marring its beauty and contour, destroying one of the original plans of the city," and further that the tracks of the Baltimore and Potomac Railroad shall be removed from Sixth street and Maryland and Virginia avenues to some point south of K street.

Mr. President, while we are passing bills in one House or the other in relation to forfeiting the lands of railroad companies who have not completed their roads, I desire to call the special attention of the Committee on the District of Columbia to the importance of seeing whether the land occupied by this railroad company ought not to be forfeited.

Mr. INGALLS. Mr. President, I will give notice, in pursuance of the suggestion made by the Senator from Vermont, that on Thursday next, at 2 o'clock, I will move the consideration of the bill providing for a change in the route of steam railroads in the city of Washington.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

Mr. HARRIS. As a bill on that subject is already reported, let the petition lie on the table.

Mr. INGALLS. But the bill upon that subject does not include the measure to which the petition refers.

Mr. MORRILL. Then it should be referred to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia, if there be no objection. It is so referred.

Mr. INGALLS presented a petition of citizens of Franklin County, Kansas, praying for the passage of a bill placing General John C. Frémont on the retired-list of the Army; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, presented a memorial of citizens of Beloit, Wis., remonstrating against the passage of the Government postal telegraph bill; which was ordered to lie on the table.

Mr. CALL. I present the petition of Leo Vogel, captain of the steamship City of Palatka, engaged in the coastwise trade between Charleston, S. C., and Jacksonville, Fla. The petition of Captain Vogel, who is one of the most accomplished mariners and sailors belonging to the commercial marine, prays for the establishment of lights upon the Saint John's River for the protection of life and property, and sets forth in detail the necessity for an appropriation for that purpose. I move the reference of the petition to the Committee on Appropriations.

The motion was agreed to.

Mr. CALL. I also present a letter of Dr. J. V. Harris, a distinguished citizen of Key West, Fla., in the nature of a petition to the Senate of the United States, to accompany the petition of citizens of Key West, presented by me some days since, in vindication of Col. F. N. Wicker, late collector of the port of Key West. I move that the letter be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Foreign Relations.

Mr. JONAS presented a petition of E. O. C. Ord Post, No. 3, Department of the Gulf, Grand Army of the Republic, San Antonio, Tex., praying for the passage of an act to establish a branch of the "National Home for Disabled Soldiers," for the care of helpless ex-Union soldiers and sailors, at some point on the Gulf Coast between New Orleans and Mobile, Ala.; which was referred to the Committee on Military Affairs.

Mr. WILSON presented a memorial of citizens of Sigourney, Iowa, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; which was ordered to lie on the table.

Mr. BECK presented a memorial of citizens of Harrodsburg, Ky., and a memorial of citizens of Danville, Ky., remonstrating against the passage of the Government postal telegraph bill; which were ordered to lie on the table.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 2288) for the relief of Old Bushyhead and other Eastern Cherokees; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DAWES. I have been requested to introduce three bills, which I send to the Chair and ask to have referred as indicated on them. I desire to say in respect to these bills that I do not wish to be considered as either supporting or opposing the bills by introducing them. They are bills which have been before Congress at previous sessions, and a desire is had by those who request their introduction to have an opportunity to be heard before the respective committees. For that reason I introduce them:

The bill (S. 2289) to abolish the Court of Claims of the United States of America, and to enlarge the jurisdiction of the circuit court of said United States and for other purposes was read twice by its title and referred to the Committee on Claims.

The bill (S. 2290) to protect life and property and to prevent accidents and delaying of mails on railroads and steamboats operated by steam-power within the jurisdiction of the United States of America was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (S. 2291) extending the jurisdiction of the circuit court of the United States, and for other purposes, was read twice by its title, and referred to the Committee on Patents.

DISTRICT TAXES AND STREET IMPROVEMENTS.

Mr. HARRIS. I offer a resolution——

The PRESIDENT *pro tempore*. It is the duty of the Chair first to lay before the Senate resolutions which went over on a former day. The resolution submitted by the Senator from Alabama [Mr. MORGAN] on the 2d instant will be read.

The Chief Clerk read as follows:

Resolved, That the commissioners of the District of Columbia be directed to report to the Senate the aggregate amount collected from taxation for each of the fiscal years from 1875 to 1884 inclusive, in each of the four quarters of the city of Washington, in Georgetown, and in the county of Washington outside of said cities. Also, the aggregate amount expended in each of said six divisions for each of said ten years for street improvements of all kinds, including the replacement of wood, stone, and macadam pavements, new pavements, laying sidewalks, regulating, grading, and filling up streets, repairs to concrete pavements and macadam roadways, parking, for permit work, and for repairs to streets, avenues, alleys, county roads, suburban streets, &c.

Mr. MORGAN. I offer the following amendment, to come in at the end of the resolution:

Also a statement of the taxes that have been assessed against each of the railroad companies in the District of Colombia, whether operated by steam or other power, for each year since 1874, and the amount of taxes collected from each of said companies for each of said years, and the amount remaining uncollected, if any, for each of said years.

The amendment was agreed to.

Mr. INGALLS. It is my purpose, whenever the Senator from Alabama yields the floor to enable me to do so, to move the reference of this resolution to the Committee on the District of Columbia. Of course I have no desire to interfere with any remarks he may wish to submit.

Mr. MORGAN. I do not desire to debate the resolution. I supposed there would be no objection to it, as it simply calls for information which appeared to be necessary in order that we may understand our legislative duties here. If the Senator from Kansas desires to have any debate about it I prefer that the Senate should be full when that debate takes place. I expect to press the consideration of this and a somewhat similar resolution on the attention of the Senate as far as I think it ought to be done.

Mr. INGALLS. I shall be able to show to the Senator that all the information for which the resolutions call is accessible now in printed form so far as it can be furnished, and on that ground alone I shall ask that both resolutions be referred, so that a report may be made on the subject to the Senate.

Mr. MORGAN. Will the Senator be kind enough to give me a reference to the printed matter that I may inform myself? Perhaps I may dispense with the necessity for part of the inquiry if he will do so. Of course I will let the matter go over for that purpose.

Mr. INGALLS. I will furnish the Senator with the necessary information.

Mr. MORGAN. I do not wish to inflict on the public unnecessary expense nor on the commissioners unnecessary labor.

The PRESIDENT *pro tempore*. Does the Senator from Alabama move to postpone the consideration of the resolution?

Mr. MORGAN. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that this resolution be postponed until to-morrow.

The motion was agreed to.

DISTRICT WATER FUND.

Mr. MORGAN. The next resolution submitted by me, in relation to the District water fund, may take the same course, as it relates to the same general topic.

The PRESIDENT *pro tempore*. The consideration of the other resolution of the Senator from Alabama will be postponed until to-morrow, if there be no objection.

WITHDRAWAL OF PAPERS.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers on the files in the office of the Secretary of the Senate, in the claim of Michael Hennessy for pension, be withdrawn and forwarded to the office of the Commissioner of Pensions.

ADMISSIONS TO THE FLOOR.

Mr. HARRIS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the thirty-third rule of the Senate be so amended as to insert after the words "admiral of the Navy" the words "commissioners of the District of Columbia."

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. SLATER submitted an amendment intended to be proposed by him to the amendment submitted by Mr. MAXEY to the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 44 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 6, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

Z. M. PETTIGREW.

Mr. PEEL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 566, for the relief of Z. M. Pettigrew, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to pay to Z. M. Pettigrew, late postmaster at Eureka Springs, Ark., $1,100, in full compensation for moneys paid by said Pettigrew for clerk-hire in the post-office, and for the ordinary expenses of said office.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSGROVE. I would like to hear some explanation of this bill, reserving the right to object.

Mr. PEEL. I will state to the gentleman from Missouri that a similar bill has been presented to the House and referred to the appropriate committee——

Mr. COSGROVE. Has it been recommended by the Committee on the Post-Office and Post-Roads?

Mr. PEEL. A bill for the relief of the same party was introduced in the House and referred to the appropriate committee, whether the Committee on the Post-Office and Post-Roads or the Committee on Claims I can not say, but it was favorably reported to the House and placed upon the Private Calendar. This bill was introduced in the Senate, was favorably reported by the Senate committee, passed the Senate, and is now on the Speaker's table. I ask, therefore, that the Senate bill be passed.

The SPEAKER. The Chair will again ask for objection to the present consideration of the bill.

Mr. HOLMAN. I think the title of the bill was not distinctly heard.

The SPEAKER. The Clerk read the bill, and will read it again if there be no objection. It is short.

The bill was again read.

Mr. HOLMAN. I desire to reserve the right to object for a moment while I inquire of the gentleman having charge of the bill, or some gentleman connected with the Committee on the Post-Office and Post-Roads, whether this would not be opening up rather a questionable practice of allowing clerk-hire in the post-offices of the second and third classes—and I presume this is a post-office of the second or third class—beyond what is provided by law. We appropriate money for that purpose in a gross sum, and the Post-Office Department exercises the right and power of distribution among the various post-offices of the country. Would not the practice on the part of Congress of taking into its own hands the distribution of this money produce an injurious result? It seems to me it would not be a good policy. There may be thousands of cases over the country where the postmaster thinks it proper to demand a larger amount of clerical force than the Postmaster-General is willing to allow him; and if you allow such a claim as this do you not place the Post-Office Department itself in a false position?

Mr. DUNN. If the gentleman from Indiana will allow me, I will make a statement which I think ought to satisfy him. I was at Eureka Springs for six months during the time this gentleman was postmaster. That town was an anomalous development, growing out of an excitement produced by the wonderful results of the use of the water of those springs; and I know of my own personal knowledge and experience that that postmaster had all of his salary exhausted by the clerks that he was compelled to employ before the Department took any action to classify his office or to give him any help. He was absolutely at a loss in sustaining it before the Department realized the full measure and extent of the work. There were gathered there at that time eight or ten thousand permanent settlers and from fifteen to twenty thousand visitors. It was a sudden and hasty movement. And I am satisfied the case is a thoroughly meritorious one. It is an exceptional case.

Mr. COSGROVE. There was a bill similar in character to this introduced in regard to the postmaster at Fargo, Dak. I think it presented all the characteristics of this bill except that the amount was larger. The Post-Office Committee, according to my recollection, reported against that bill after having considered the whole question.

The SPEAKER. The question for the Chair is whether there is objection to the present consideration of this bill.

Mr. HOLMAN. I wish to say in this case upon the facts stated it would seem that such a bill as this would not be an improper one. But I wish to protest against the general policy of interfering with the distribution of a gross sum of money appropriated for a specific purpose to one of the Departments. I think it would have been a still wiser course on the part of the Post-Office Committee to have reported a bill to authorize the Postmaster-General in his discretion to provide for cases like this.

The SPEAKER. If there be no objection to the present consideration of the bill, the question is on ordering it to be read a third time.

Mr. BISBEE. Is this bill open to debate?

The SPEAKER. It is.

Mr. BISBEE. I do not think the bill ought to pass, although I have no objection to its being considered. It sets a very bad precedent. The introduction of this bill, I suppose, has been owing to one of two reasons. Either the Post-Office Department has not had sufficient money to make the requisite allowance to the postmaster or in the exercise of its discretion has given an insufficient sum.

There are in my district at least half a dozen just such cases. The postmaster has not received from the Department a sufficient allowance to employ the requisite clerk-hire; in several instances they pay the larger portion, three-fourths perhaps, of their salary for clerk-hire in order to run an efficient post-office.

Mr. DUNN. This is not a case of that kind.

Mr. BISBEE. I think it is precisely such a case. We are asked to pass a bill to relieve a postmaster either because the Post-Office Department in the exercise of its discretion has not allowed a sufficient sum to pay his clerk or because there has not been a sufficient appropriation to enable the Postmaster-General to do it. I apprehend that unless the bill making appropriations for the Post-Office Department at the present session is amended and a larger allowance made for this purpose we shall be flooded with just such bills in the future. I say if this bill becomes a law there is not one of us on this floor who will not receive petitions in the next ten days to introduce just such bills to relieve postmasters in our several districts. The bill ought not to pass.

Mr. PEEL. I think the gentleman from Florida is laboring under a mistake as to the facts of this case. This is not an ordinary matter where the Post-Office Department had not sufficient money to pay for the ordinary clerk-hire allowed by the Department. This was a fourth-class office, one in which the postmaster is not allowed any clerk-hire; or, if there be any allowance, it is a very limited amount. As I understand, under the law the Postmaster-General could not pay this demand. There is no law for paying a demand of this character.

This was a watering-place which sprang up very suddenly; there was a rush of people to it unparalleled almost in the history of the country; and it became necessary, in order to supply the demands of the public for post-office accommodation, that the postmaster should employ extraordinary assistance to wait on the public. In doing this he expended this amount of money. There was no law under which the Department could pay it. It is not an ordinary case.

Mr. COSGROVE. Will the gentleman permit me to ask him a question?

Mr. PEEL. Certainly.

Mr. COSGROVE. Has not the Department money at its disposal to meet these expenses?

Mr. PEEL. I understand that it has not.

Mr. COSGROVE. About $3,000,000 of the amount appropriated for that Department is absolutely at the discretion of the Postmaster-General to be used as he sees fit.

Mr. PEEL. I ask the previous question.

Upon ordering the previous question there were—ayes 54, noes 8.

So (no further count being called for) the previous question was ordered.

The bill was ordered to a third reading, and it was accordingly read the third time.

Upon the passage of the bill, on a division, there were—ayes 56, noes 30.

Mr. COSGROVE. No quorum has voted.

Tellers were ordered; and Mr. PEEL and Mr. COSGROVE were appointed.

The House again divided; and the tellers reported that there were—ayes 79, noes 39.

Mr. COSGROVE (one of the tellers). I will not call for any further count.

So (no further count being called for) the bill was passed.

Mr. PEEL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ON LAKE CHAMPLAIN IN VERMONT.

Mr. POLAND. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill 1950, to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont.

The bill was read, as follows:

Be it enacted, &c., That the proper authorities of the towns of North Hero and Alburg, in the county of Grand Isle, in the State of Vermont, be, and they are hereby, authorized to construct, maintain, and use a highway bridge at some convenient point across that part of the waters of Lake Champlain which divide the aforesaid towns.

SEC. 2. That the structure authorized by the preceding section shall be built and located under and subject to such regulations for the security of navigation of such waters as the Secretary of War shall prescribe, and shall be provided with such suitable and convenient draw as the said Secretary shall deem need-

ful for the proper purposes of navigation, of width not less than that of the Samville Valley Extension Railroad Company's draw in their bridge across Missisquoy Bay; and the maintenance and management of said structure shall be subject to such of the provisions of section 6 of chapter 52 of the acts of the second session of the Forty-seventh Congress as the Secretary of War may from time to time deem needful; and the authority to erect and continue said bridge shall be subject to revocation and modification by law whenever the public good shall, in the judgment of Congress, so require, without any expense or charge to the United States.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WELLER. I call for the regular order.

Mr. POLAND. I hope the gentleman will not insist upon that demand at present. This bill is all right.

Mr. WELLER. Very well; on the assurance of the gentleman from Vermont [Mr. POLAND] I withdraw the demand for the regular order.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGING NAVIGABLE RIVERS.

Mr. DUNN. In accordance with the general wish indicated by members yesterday morning, I ask unanimous consent to take from the House Calendar for consideration at this time the bill (H. R. 6100) granting the consent of Congress to the erection of bridges over navigable rivers upon conditions therein stated. The passage of this bill will do away with the necessity of passing special bills for particular bridges. It conforms exactly to the recommendations of the Secretary of War.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk began the reading of the bill, but before concluding,

Mr. HOWEY said: I object to the present consideration of this bill.

Mr. DUNN. Then I ask unanimous consent that the bill be printed in the RECORD for the information of members.

Mr. HOWEY. I have no objection to that.

There being no objection, it was ordered accordingly.

The bill is as follows:

Be it enacted, &c., That any person, company, or corporation, having lawful authority therefor, may hereafter erect bridges across any navigable river in the United States, or between the United States and any foreign country, upon compliance with the provisions and requirements of this act, provided the free navigation of such river be not materially injured thereby.

SEC. 2. That any person, company, or corporation authorized to construct any bridge across any such navigable river shall, before commencing to build the same, give notice of the purpose to commence such construction by publication for at least one month in not less than three newspapers in the State or Territory in which said bridge or any part thereof is situated, and having a wide circulation therein, one of which newspapers shall be published in the capital city of said State or Territory and one in the county in which it is proposed to build said bridge, or if none is published in such county, then the newspaper published nearest to the site of said proposed bridge; and said person, company, or corporation, before commencing to build such bridge, shall submit to the Secretary of War, for his examination, a design and drawings of the bridge and piers and a map of the location, giving the topography of the banks of the river and the shore lines at high and low water for the space of at least one mile above and one mile below the proposed location. This map shall be accompanied by others, drawn on the scale of one inch to two hundred feet, giving, for a space of one-half of a mile above the line of the proposed bridge and one-half of a mile below, an accurate description of the bottom of the river, by contour lines two feet apart, determined by accurate soundings, and also showing over the whole width of such part of the river the force and direction of the currents at low water, at high water, and at at least one intermediate stage, by triangulated observations on suitable floats. The maps shall also show the locations of other bridges in the vicinity on the same river, and shall give such other information as the Secretary of War may require for a full and satisfactory understanding of the subject. Said maps and drawings shall be referred to a board of Army engineers for examination and report, which board shall personally examine the site of the proposed bridge, and shall hold a public session, at some convenient point, to hear all objections thereto and to the erection of said bridge, of which session due public notice and invitation to be present shall be by said board given to all interested parties; and if said board of engineers reports that the site of said proposed bridge is unfavorable, the Secretary of War shall be authorized, on the recommendation of said board, to order such changes in such proposed bridge, or its piers, approaches, or other auxiliary works, as may be necessary for the security of navigation, at the expense of the proprietors or managers of such bridge, or piers, or other works; and the proposed bridge shall only be a lawful structure when built as approved by the Secretary of War.

SEC. 3. That no bridge shall be commenced under authority of this act until the Secretary of War shall have certified in writing that, in his opinion, the construction and maintenance thereof will not, at any time, substantially or materially obstruct the ordinary navigation of the river over which it is proposed to be built.

SEC. 4. That all parties owning, occupying, or operating bridges erected under the provisions of this act shall maintain at their own expense, from sunset to sunrise, throughout the year, such lights on their bridges as may be required by the Light-House Board for the security of navigation, and shall, in any event, maintain all such lights on their bridges as may be necessary for the security of navigation, and shall also place and maintain such sheer-booms and other guides necessary for the safe passage of vessels and other water craft as may be required by the Secratary of War; and whenever the Secretary of War shall so order, a proper tugboat shall be constantly kept by said parties for the purpose of giving such assistance as may be required to vessels passing such bridges; and for services thus rendered no charge whatever shall be made. The piers of such bridges shall be protected with spring-fenders, so shaped as to break the ice, whenever the Secretary of War shall so order.

SEC. 5. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge. The United States shall have the right of way for postal telegraph purposes across any such bridge; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this act, the cause or question arising may be heard before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 6. That all connecting railroads shall be allowed transportation of their passenger and freight trains and other rolling stock over any bridge erected under this act, upon such lawful rates, terms, and conditions as may be agreed upon; but such rates, terms, and conditions shall be equal and uniform, and in no way discriminate in favor of one person, company, or corporation as against another.

SEC. 7. That the right to alter, amend, or repeal this act, and to require the removal of all material obstructions to navigation by the construction of any bridge under its provisions, is hereby expressly reserved, without any liability of the Government for damages on account of such alteration, amendment, or repeal, or on account of the prevention or the requiring the removal of any such obstructions; and if any change be made in the plan of any bridge constructed under this act, during the progress of the work thereon or before the completion of such bridge, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of any such bridge, and the removal of any such obstruction, that may be directed at any time by Congress or by the Secretary of War, shall be made at the cost and expense of the owners thereof.

SEC. 8. That nothing in this act contained shall be construed to abridge the right of Congress to fix the rates of toll and freight for all interstate commerce passing over any bridge erected under this act.

PATRICK V. DOLAN.

Mr. BREWER, of New Jersey, from the Committee on Accounts, reported the following resolution:

Resolved, That Patrick V. Dolan be paid by the Clerk of the House, out of the contingent fund of the House, from this date until the end of the present session, at the rate of $3.60 per day instead of the pay of laborer; and that the Committee on Appropriations be requested to provide for the payment to said Dolan in one of the general appropriation bills the difference between the pay as laborer and that of a messenger at the rate of $3.60 per day from December 15, 1883, to June 6, 1884.

The question was on the adoption of the resolution.

Mr. BREWER, of New Jersey. I will state that this is a unanimous report from the Committee on Accounts.

The resolution was adopted.

Mr. BREWER, of New Jersey, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WELLER. I call for the regular order.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of a private nature.

RALPH KING.

Mr. STEWART, of Texas, from the Committee on Foreign Affairs, reported a bill (H. R. 7234) for the relief of the legal representatives of Ralph King, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA H. SARGENT.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6956) granting a pension to Maria H. Sargent; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN C. COLLINS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back the petition of John C. Collins, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Pensions.

The motion was agreed to.

CHARLES W. ADAMS.

Mr. TILLMAN, from the Committee on Claims, reported back the bill (H. R. 5471) to refer the claim of Charles W. Adams to the Court of Claims, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on War Claims.

The motion was agreed to.

THOMAS A. M'LAUGHLIN.

Mr. DOCKERY, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3987) for the relief of Thomas A. McLaughlin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL S. HUFFMAN.

Mr. GREENLEAF, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported adversely the bill (H. R. 4146) for the relief of Samuel S. Huffman; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM ELDER.

Mr. GREENLEAF, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, also reported adversely the bill (H. R. 1205) for the relief of William Elder; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The call of committees was resumed and concluded.

Mr. MCMILLIN. I move that the House now resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. RANDALL. There are bills which have been reported from the Committee of the Whole on the Private Calendar now undisposed of. They have been constantly left undisposed of at the end of the sessions of the House on Fridays on account of the want of a quorum. I suggest to the gentleman from Tennessee [Mr. MCMILLIN] whether it would not be better to dispose of those bills before we go into Committee of the Whole on the Private Calendar.

Mr. MCMILLIN. In response to the suggestion of the gentleman from Pennsylvania [Mr. RANDALL], I will say that I think it very proper that the bills heretofore reported from the Committee of the Whole on the Private Calendar should be considered, and I would have made a motion to that effect but for the fact that three different times when the House has proceeded to the consideration of bills reported from the Committee of the Whole, the first bill in order has been resisted and action defeated upon any of them for the want of a quorum. I fear the same course would follow to-day, and that we would be able to do nothing in regard to those bills. I have no objection to any arrangement by which we shall dispose of such bills as can be disposed of.

Mr. RANDALL. Bills which may be acted on hereafter in Committee of the Whole can not be disposed of in the House until those already reported from the Committee of the Whole and awaiting the action of the House have been disposed of.

Mr. MCMILLIN. A gentleman suggested to me that the bill which has excited opposition might be passed over by consent and a vote taken on the other bills. I am entirely willing to that.

The SPEAKER. The Chair will state that the first bill in the House reported from the Committee of the Whole on the Private Calendar is the bill in relation to the removal of the charges of desertion.

Mr. MCMILLIN. That is the bill to which I have referred.

The SPEAKER. That is the unfinished business; and if the gentleman from Pennsylvania [Mr. RANDALL] calls it up——

Mr. RANDALL. I do not do that.

The SPEAKER. It has precedence over the motion of the gentleman from Tennessee, that the House resolve itself into Committee of the Whole for the consideration of the Private Calendar.

Mr. RANDALL. I do not wish to take the attitude of calling up anything in antagonism to the chairman of the Committee on Claims [Mr. MCMILLIN]. I merely made a suggestion.

Mr. MCMILLIN. I understand that.

Mr. RANDALL. There are some other bills reported from the Committee of the Whole on the Private Calendar which ought to be acted upon.

Mr. MCMILLIN. I suggest to the gentleman from Pennsylvania that, as many members are interested in the bills which succeed the one named by the Chair, we might by unanimous consent pass that bill over informally and dispose of those to which there is no objection. I have, however, no interest or desire in the matter except to dispatch business.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to pass over for the present, not to lose its place on the Calendar, a bill the title of which will be read by the Clerk.

Mr. MCCOID. I object.

The SPEAKER. As objection is made, it is not necessary to read the title of the bill. The question is on the motion of the gentleman from Tennessee, that the House resolve itself into Committee of the Whole for the consideration of the Private Calendar.

Mr. MCMILLIN. Before that motion is put, I yield to the gentleman from Louisiana [Mr. LEWIS] in order that an arrangement may be made in regard to the bill which was under consideration yesterday.

Mr. WHITE, of Kentucky. I call for the regular order.

Mr. MCMILLIN. I hope the gentleman from Kentucky will allow the gentleman from Louisiana to make a statement.

The SPEAKER. Does the gentleman from Kentucky withdraw his demand for the regular order?

Mr. WHITE, of Kentucky. I understand that it is the purpose of the gentleman from Louisiana, as this is private-bill day, to postpone the consideration of the bill which was up yesterday and make some arrangement——

The SPEAKER. That bill is not now under consideration.

Mr. MCCOID. I withdraw the objection I made awhile ago.

Mr. WHITE, of Kentucky. I yield to the gentleman from Louisiana.

The SPEAKER. The gentleman from Iowa [Mr. MCCOID] withdraws his objection to the request made by the gentleman from Tennessee for unanimous consent——

Mr. MILLER, of Pennsylvania. I renew the objection.

Mr. LEWIS. I ask the gentleman from Pennsylvania to allow me to make a statement.

The SPEAKER. The gentleman from Pennsylvania does not object to what the gentleman from Louisiana desires, but to another request.

Mr. LEWIS. Mr. Speaker, yesterday when a proposition was made to fix a day for the consideration of House bill 5682 I objected, on the ground which I then stated, that I apprehended the matter could not secure consideration from the House at the time proposed. From what was developed yesterday, I have become convinced that during this week it will be practically impossible to secure consideration of that measure. I notified the House yesterday that I would press its consideration to-day. For the moment I forgot that this would be private-bill day. Inasmuch as it was not my intention to antagonize gentlemen who desired to secure the consideration of private bills, I now state to the House that I do not intend to press the consideration of that bill to-day. I have had some consultation with the chairman of the Committee on Appropriations [Mr. RANDALL] and other gentlemen, and by common consent it seems to be agreed that next Tuesday after the reading of the Journal shall be fixed for the consideration of House bill 5682. I therefore ask unanimous consent that such an order be made.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that next Tuesday, immediately after the reading of the Journal, be set apart for the consideration of House bill 5682, the title of which will be read.

The Clerk read as follows:

A bill to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. WELLER. I ask the gentleman from Louisiana to incorporate in his motion a provision that the bill shall continue under consideration from day to day until finished.

Mr. HOLMAN and others. That is not necessary.

The SPEAKER. There is an order of the House giving bills of this character a certain privilege. Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and it is so ordered.

Mr. MCMILLIN. I now renew the motion that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. TURNER, of Georgia. Mr. Speaker, I was engaged at the moment and did not hear the arrangement about the bill indicated by the gentleman from Louisiana [Mr. LEWIS]. I desire to say, however, that I am instructed by the Committee on Elections to call up on Tuesday next the resolution that Thomas G. Skinner retain his seat, without prejudice to the ultimate right to the seat involved in the contested-election case of Charles C. Pool *vs.* Thomas G. Skinner.

The SPEAKER. By unanimous consent the further consideration of the Texas Pacific Railroad bill will be postponed until Tuesday next after the morning hour.

Mr. TURNER, of Georgia. I feel that I am under instructions of the Committee on Elections to call up the North Carolina case at that time.

The SPEAKER. The Chair would not undertake to decide the gentleman could not antagonize that bill when it is called up.

Mr. HENLEY. I desire to give notice to the House, Mr. Speaker, that immediately after the termination of the consideration of the bill forfeiting the land grant indicated by the gentleman from Louisiana [Mr. LEWIS] I will bring up for consideration the bill for the forfeiture of the Northern Pacific land grant.

PRIVATE CALENDAR.

Mr. MCMILLIN. I move the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House and the Private Calendar will be called in order.

Mr. MCMILLIN. I move by unanimous consent that the first five cases on the Private Calendar be passed over informally, not to lose their places. It was the same course taken in reference to these same cases on a previous occasion, as the gentlemen who represent them are away from the Hall and desire that course to be taken.

Mr. CASSIDY. I hope the Clerk will read the cases that are indicated in the motion of the gentleman from Tennessee.

Mr. MCMILLIN. Certainly. I hope that will be done.

The Clerk read as follows:

A bill (H. R. 1477) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected. Adverse.

A bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico.

A bill (H. R. 4381) for the relief of Marcos Radich.

A bill (H. R. 4982) for the relief of William H. Davis.

Petition of Jane M. Goodall. Adverse.

Mr. HOLMAN. The next three succeeding bills relate to the confirmation of titles to certain private-land grants, and I hope they will also be passed over.

Mr. McMILLIN. Let us first dispose of the other motion.

Mr. HOLMAN. Very well.

Mr. McMILLIN's motion was agreed to, and the five cases indicated were informally passed over, not to lose their places on the Calendar.

Mr. HOLMAN. Not being strictly informed as to the merits of these three bills to confirm titles to certain land claims, I take it for granted they will require a good deal of consideration, and I therefore suggest to the gentleman from Tennessee that he also move they be passed over informally.

Mr. McMILLIN. I have no objection to the committee taking whatever course may be desired concerning those bills.

The CHAIRMAN. Does the gentleman submit any motion?

Mr. HOLMAN. I do not make any motion myself, but merely make the suggestion.

The CHAIRMAN. The bills will then be read in their order.

TITLES TO PRIVATE LAND GRANTS, ARIZONA.

The next business on the Private Calendar was the bill (H. R. 1680) to confirm titles to certain private land grants in Arizona.

Mr. McMILLIN. The delegate from Arizona [Mr. OURY] in charge of this bill desires the same course shall be taken in regard to that, and therefore I move it be passed over informally, not to lose its place upon the Calendar.

The motion was agreed to.

LAND CLAIM IN NEW MEXICO.

The next business on the Private Calendar was a bill (H. R. 128) to confirm a certain private land claim in the Territory of New Mexico.

Mr. PARKER. We are ready to consider that bill, but think it should not take precedence of the bill just passed over informally, and therefore I will move it also be passed over informally, not to lose its place upon the Calendar.

Mr. McMILLIN. I do not object to that, and will ask to include in the same motion that the bill (H. R. 129) to confirm a certain private land claim in the Territory of New Mexico be also informally passed over.

There was no objection, and it was ordered accordingly.

MRS. S. A. WRIGHT AND MRS. C. FAHNESTOCK.

The next business on the Private Calendar was the bill (S. 297) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock.

The bill was read, as follows:

Be it enacted &c., That out of any money in the Treasury of the United States the Secretary of the Treasury pay to Mrs. S. A. Wright, widow of the late George Wright, deceased, and Mrs. C. Fahnestock, widow of the late S. S. Fahnestock, deceased, the sum of $5,000, in full consideration for the entire past and future use by the Government of the United States of the patent linchpin of the said deceased George Wright and S. S. Fahnestock: *Provided*, That a full, sufficient, and legal transfer and license is executed and deposited with the War Department, for the Government purposes, free of all charges of royalty.

Mr. HOLMAN. I ask for the reading of the report.

The report (by Mr. MOREY) was read, as follows:

The committee find the facts to be as stated in Senate Report No. 7, present session, which said report is hereto annexed and made a part of this report, and is as follows:

"[Senate Report No. 7, Forty-eighth Congress, first session.]

"May 20, 1862, George Wright invented a linchpin for field-artillery carriages and shortly thereafter obtained a patent for said linchpin. (Previous to the issuance of the letters patent he assigned one-half interest to his attorney, S. S. Fahnestock, which is duly recorded in Liber J 11, page 191 of Transfer of Patents, in the Patent Office.)

"The invention was adopted by the Ordnance Department and approved by the Secretary of War under date of September, 1863, and since has been in use by the Government.

"In May, 1865, in a communication to the Secretary of War, Mr. Wright says:

"'That your petitioner above named, seeing the want thereof, for the use more especially of field-artillery carriages, did invent a safety linchpin, which being duly examined and tested, was adopted by the Ordnance Department and approved by the Secretary of War under date of September, 1863, and for which invention and improvement your petitioner has received letters patent of the United States. Your petitioner therefore prays that such compensation may be awarded to him for the past and future use of said invention or patent, some seventeen years yet, as, in the judgment of the Secretary of War, Chief of Ordnance, and Hon. W. Whiting, or such other persons of the Secretary's choice, they may consider him justly entitled to.'

"This petition was referred to the Ordnance Department for report, and by it to Major Benton, commanding at the Washington arsenal, who returned it with an indorsement that Mr. Wright invented this linchpin without orders, but merely from a desire to correct a serious defect in the linchpin then in use in our field artillery. This invention was made while Mr. Wright was employed as a master machinist, at a compensation of $3.73 per day. It has given entire satisfaction to the artillery, and on the strength of this was adopted by the ordnance board in the fall of 1863.

"The record shows several references, the principal contention being that Mr. Wright was in the employment of the Government as a master machinist when he made this invention, without instructions or orders from his superior officer, consequently was not entitled to compensation. Finally the whole matter was referred by the Secretary of War to the Judge-Advocate-General for his opinion on the following points:

"'1. The validity of a claim by a Government employé for the use of his patented invention.

"'2. Whether the claim in this case is valid in law and proper to be paid.'

"He returned the following reply to the Secretary on the subject:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
April 11, 1866.

Respectfully returned to the Secretary of War with the following expression of opinion upon the questions referred by him to this bureau in the case of the within-named George Wright:

This bureau is aware of no regulation precluding the Government from contracting with one of its employés not in the military service. Paragraph 1002 of the Regulations prohibits the entering into a contract with "any person in the military service" by any military officer or agent, and paragraph 1003 provides that no such person shall receive any compensation for any service, &c., performed by him beyond his fixed pay, &c., "unless the same shall be authorized by law and explicitly set out in the appropriation." This bureau has been informed by the Chief of the Ordnance Department that Wright, who is a master workman at the Washington arsenal, is in no manner connected with the military service. The provisions of the two paragraphs referred to would not therefore apply to his case; and it is accordingly concluded that the Secretary of War may lawfully compensate the party for the past use of his invention, as well as purchase the right to use it exclusively for the future.

* * * * * * *

J. HOLT, *Judge-Advocate-General.*

"Later the Secretary of War referred to the Judge-Advocate-General a communication for an opinion upon the views therein presented, and the following was his reply:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
May 30, 1866.

Respectfully returned to the Secretary of War.

The within claim of George Wright, an employé of the United States, not in the military service, having been heretofore referred to this bureau, and a report having been returned that such claim was valid in law and might properly be allowed. * * *

It may be observed, also, that under our patent laws it is only the inventor, the person in whose brain the new form or method has been conceived, who can be invested with the patent right. To one who may have furnished the labor or materials necessary to its completion a patent can not be issued, for the subject of the patent is regarded as the property of the inventor only. In this instance, therefore, the property of Wright in his linchpin is recognized by law, and the United States, for merely using the same for public purposes (in the absence of any contract), would be obliged to render him a proper compensation.

The conclusion of this bureau, therefore, is that the present claim is not invalid in law or equity. * * * As the reasonableness of his demand is not contested, it is recommended that it be approved.

J. HOLT, *Judge-Advocate-General.*

"The decision of the Judge-Advocate-General establishes beyond doubt that said Wright was not in the military service, but simply a private citizen, and consequently entitled to all the rights, immunities, and privileges as such.

"The honorable Secretary of War, E. M. Stanton, finally refused payment to George Wright for the use of his patented linchpin in the military service of the Government on the ground that the Department had no authority to make him compensation, Congress alone being authorized to act.

"Under date of November 23, 1874, George Wright submitted to the Chief of Ordnance a request (for his approval or otherwise) that the papers in his case be sent to Congress for its consideration, upon which the following indorsement was made:

ORDNANCE OFFICE, *November* 25, 1874.

Respectfully submitted to the Secretary of War, as requested by the writer.

* * * * * * * *

I think he should be paid, as there is no mistake as to the use of the device by the United States. I would recommend that these papers be submitted to Congress for such action as the merits of the case seem to demand.

S. V. BENÉT,
Brig. Gen., Chief of Ordnance.

"The action of the Secretary thereon is as follows:

The Secretary of War has the honor to transmit to the House of Representatives, for such action by Congress as the merits of the case seem to demand, an application of George Wright, by his attorney, S. S. Fahnestock, for remuneration for the use of his patent linchpin by the War Department.

WM. W. BELKNAP, *Secretary of War.*

WAR DEPARTMENT,
December 7, 1874.

"Two years later, as is shown by Ex. Doc. No. 77, Forty-fourth Congress, first session, the War Department sent to Congress a request that some compensation be made George Wright for the use by the Government of his patented linchpin, admitting the validity of his patent, and transmitted a decision by the Supreme Court of the United States *vs.* Burns (Wallace's Reports, vol. 12, page 252, December term, 1870), namely:

"'If an officer in the military service, not specially employed to make experiments with a view to suggest improvements, devises a new and valuable improvement in arms, tents, or any other kind of war material, he is entitled to the benefit of it, and to letters patent for the improvement from the United States equally with any other citizen not engaged in such service; and the Government can not, after the patent is issued, make use of the improvement any more than a private individual without license of the inventor or making compensation to him.'

"The following decision is also pertinent:

"'Public employment is no defense to the employé for having converted the private property of another to the public use without his consent and without just compensation. Private property, the Constitution provides, shall not be taken for public use without just compensation, and it is clear that that provision is as applicable to the Government as to individuals." * * * (Mitchell *vs.* Harmony, 13 How., 134; U. S. *vs.* Russell, 13 Wall., 627.)

"'Section 22 of the patent act provides that every patent shall "contain a grant to the patentee, his heirs, and assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the said invention or discovery throughout the United States."' (16 Stat. at Large, 201.)

"The letters patent issued to George Wright for said linchpin are still in force. The Government continues to fabricate the pin at her arsenals as a matter of convenience and economy. The right to compensation for the use thereof is clearly established by the decisions cited.

"The article in question has never been used, except by the Government, and it added greatly to the efficiency of the field artillery, of which proof exists, past and present. There are filed with the record reports from five colonels commanding regiments of United States artillery as to the merit and value of said linchpin to the Government. They regard it as a meritorious invention; that it has answered its purpose in preventing such accident as wheels coming off of field artillery in rapid traveling or traveling over rough ground. They are confirmed in this belief by their extended experience in the past war.

"Bvt. Maj. Gen. R. B. Ayres, commanding Second United States Artillery, states as follows:

"'First. That the use of the patent safety linchpin of George Wright did materially advance the public interests during the war of 1861, and was a great benefit to the Government.

"'Second. I would consider $5,000 as a fair compensation from the Government for the use of said linchpin.'

"Bvt. Brig. Gen. H. R. Jackson, United States Army, commanding Light Battery K, First Artillery, late commanding Artillery Brigade, Tenth Army Corps, in his report recommends:

"'That $20,000 be paid by the Government for the use of said linchpin; that it decidedly did advance the public interests materially during the war of 1861, and the public interests are being advanced by it at the present time.'

"Bvt. Brig. Gen. I. Vogdes, United States Army, commanding First Artillery, in transmitting the report of Jackson to the Secretary of War, states as follows:

"'Captain Jackson commanded the light battery of his regiment since August, 1873. He commanded a light battery during part of the war, and was also an inspector-general, so that he has had ample opportunities of judging of the merits of the linchpin referred to.'

"Brig. Gen. S. V. Benét, Chief of Ordnance, in his report (on bill S. 730, Forty-sixth Congress, second session), under date of February 18, 1880, to the Secretary of War relative to said linchpin, says:

"'The views of experienced artillery officers who have used, and are now using, this invention, and whose opinions are of great value in determining the amount to be paid, deserve careful consideration. Colonel Ayres deems $5,000 "as a fair compensation," and Captain Jackson mentions $20,000.

"'I think the amount proposed to be given by the bill a fair and liberal compensation.'

"The views expressed by the Chief of Ordnance are concurred in by Secretary of War Ramsey, under date of February 20, 1880.

"January 23, 1882, your committee referred bill S. 272 to the Secretary of War for his views, and requested certain information. The following is his reply:

WAR DEPARTMENT, *Washington City, February* 1, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, inclosing Senate bill 272, Forty-seventh Congress, first session, "for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock," which bill provides for the payment of the sum of $10,000, in full consideration for the entire past and future use of the patent linchpin of the deceased George Wright and S. S. Fahnestock.

In reply to your inquiries as to whether the amount proposed by said bill is excessive for the Government to pay for said patented linchpin, and as to what amount the Government has paid for the inventions of George Wright, and what saving their use has effected, I beg to invite the attention of the Committee on Patents of the Senate to the inclosed report, dated the 27th ultimo, from the Chief of Ordnance, which contains the information requested, so far as the same can be furnished.

I concur in the views of the Chief of Ordnance.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN.
Secretary of War.

Hon. JOHN S. WILLIAMS,
Of Subcommittee of the Committee on Patents, United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 27, 1882.

SIR: I have the honor to return letter from Hon. J. S. Williams, Senate subcommittee on patents, inclosing Senate bill 272, for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock, appropriating $10,000 in full consideration for the entire past and future use of the Wright patent linchpin, &c., and to report:

To the first question: Is the amount proposed by accompanying bill excessive for the Government to pay for said patented linchpin? I reply: Considering the high commendation given to the invention by distinguished artillery officers from practical experience in its use during the war, and that the petitioners have been waiting for compensation for very many years, I do not think the amount named in the bill excessive. To the second question: What amount has the Government paid for inventions of George Wright, and what saving has their use effected? I reply: That the act approved July 27, 1854, appropriated $5,000 for George Wright, as a full compensation for the use of machine for making and charging percussion caps, &c. Also, on the 5th March, 1864, George Wright received $1,500 from the Government in full for the use of his patented mold for casting Borman fuses, &c. These patents for making percussion caps and casting fuses were of great value, but it is impossible to say what saving their use effected.

No percussion caps or fuses have been made since 1865.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brig. Gen., Chief of Ordnance.

The honorable the SECRETARY OF WAR.

"The patent being declared a valid one, and the use of the invention for more than sixteen years being admitted by the War Department as a valuable auxiliary to the artillery arm of the service, and its present and future use recognized as a necessity, giving due acknowledgment to the reports of artillery officers, Chief of Ordnance, and recommendation of the Secretaries of War as to the value of the invention to the Government, and considering the many acts of Congress in cases corresponding in principle (cited under appendix), and the decision of the Judge-Advocate-General that 'the property of Wright in his linchpin is recognized by law, and the United States for merely using the same for public purposes (in the absence of any contract) would be obliged to render him proper compensation,' which is supported by the ruling of the Supreme Court in the case of the United States *vs.* Burns, that 'the Government can not, after the patent is issued, make use of the improvement any more than a private individual without license of the inventor or making compensation to him'—

"With this state of facts your committee are forced to the conclusion that said linchpin is a meritorious invention, and, as no compensation has been awarded, that the claim for payment for its use by the Government is a valid one.

"Five favorable reports have been made by committees of Congress, and a bill passed both Houses of the Forty-first Congress to pay for the use of said linchpin by the Government, but failed to receive the approval of the President through lack of time. A similar bill passed the House of Representatives, and the Senate Committee on Patents of the Forty-sixth Congress unanimously, but did not reach a vote in the Senate. Therefore bill S. 272 as amended is reported back with recommendation that it pass."

The committee therefore adopt said Senate report as the report of this committee, and recommend the passage of the accompanying bill.

APPENDIX.

List of persons who perfected inventions while employed in the United States service, and received compensation from the Government for the use thereof, namely:

C. P. Hartt, widow of the late Naval Constructor S. T. Hartt, for the use of a gun-elevating screw used on iron gun-carriages of the United States Navy, the sum of $3,000. (See Stat. No. 15, page 461.)

Authorizing the Postmaster-General to pay for patented instruments for postmarking mail packages and cancellation of postage-stamps, the sum of ——. (See Stat. No. 16, page 670.)

A. G. Snyder, of the Watervliet arsenal, Troy, N. Y., for the use of his patented bullet-machine in the United States arsenal, the sum of $5,000. (See Stat. No. 16, page 700.)

R. M. Green, for his patent for a machine for bending chain-cable links, connecting shackles and tackle-hooks, the sum of $10,000. (See Stat. No. 17, page 711.)

J. B. Emerson, for an infringement by the Government of the United States of his letters patent, dated March, 1834, the sum of $25,610. (See Stat. No. 17, page 737.)

E. A. Peale, only child of F. Peale, for inventions in the machinery and process for refining and coining the precious metals, perfected by him and used in the United States Mint and its several branches, the sum of $10,000. (See Stat. No. 17, page 774.)

B. Crawford, for the use by the United States Government of said Crawford's patented steam-blower, the sum of $5,000. (See Stat. No. 18, page 566.)

A. Mason, for improvements of processes heretofore and hereafter to be employed in the United States assay office at New York or elsewhere, in the refining and parting of gold and silver bullion, the sum of $10,000. (See Stat. No. 18, page 615.)

M. J. Coston, for the use by the United States Government of the Coston signal-light, the sum of $13,000. (See Stat. No. 18, page 466.)

T. J. Rodman, for improvements by him in cannon while an officer in the Army of the United States, a sum amounting to over $300,000.

Mrs. Dahlgren, for improvements by her husband in cannon, &c., while in the Government service, over $100,000.

Colonel Buchanan, United States Army, for his ponton, ——.

Colonel Sibley, United States Army, for his tent, ——.

Major Bell, United States Army, for a lock for firing ordnance, $20,000.

Mr. Wilson, for his gun-carriage, $20,000.

Mr. Buckland, for improvement in gun-stocking machinery, $10,000.

Mr. Peale, for device for counting coin, now in use at the United States Treasury, $5,000.

William H. Bell, for an elevating screw for a cannon, $20,000.

The legal representatives of Henry M. Shreve, deceased, for the patented snag-boat invented by said Henry M. Shreve, while in the employ of the United States Government, the sum of $50,000.

(Approved January 13, 1881.)

The relief granted in the last case was an act of the Forty-sixth Congress.

The foregoing are found in the current records of the day, and constitute but a few of the many similar cases. Ever since the Patent Office was originated (some ninety-eight years ago) the question of remuneration to employés of the Government has come up and been reported upon by many committees of Congress, supporting the legality and justice of such remuneration.

The Constitution provides that Congress shall have power to secure to inventors the exclusive right for limited times to their inventions. (See article 8, section 8.)

In the exercise of this right Congress has enacted that any person who has invented a new machine, or an improvement on one, shall receive a patent therefor on the performance of certain prescribed conditions (see section 6, act of July 4, 1836); that this exclusive right shall continue for seventeen years from the date of the patent (see section 16, act of March 2, 1861), and no patent is granted until the conditions precedent to the grant are complied with, so that the fact of the grant of a patent is *prima facie* evidence of the right. Congress further fixed heavy penalties for the infringement of the patents granted by the United States, and "any person" who manufactures, uses, or sells the invention patented, without deriving a right so to do from the inventor, is pronounced an infringer, and made liable to the penalty.

Not a syllable of restriction is put upon any Government employé from becoming an inventor and receiving patent protection from the United States, save only those employed in the Patent Office proper.* The obvious reasons that precluded persons employed in the Patent Office from holding any interest in patents does not apply to any other persons in Government employment, and no restrictions were, therefore, provided against them; but like all other citizens or foreigners they are clearly entitled to patent protection.

No. 46674.

THE UNITED STATES OF AMERICA.

To all to whom these letters patent shall come:

Whereas George Wright, of Washington, District of Columbia, has alleged that he has invented a new and useful improvement in linchpin, which he states has not been known or used before his application; has made oath that he is a citizen of the United States, that he does verily believe that he is the original and first inventor or discoverer of the said improvement, and that the same hath not, to the best of his knowledge and belief, been previously known or used; has paid into the Treasury of the United States the sum of $35, and presented a petition to the Commissioner of Patents signifying a desire of obtaining an exclusive property in the said improvement, and praying that a patent may be granted for that purpose:

These are, therefore, to grant, according to law, to the said George Wright, his heirs, administrators, or assigns, for the term of seventeen years from the 9th day of May, 1865, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said improvement, a description whereof is given in the words of the said George Wright in the schedule hereunto annexed, and is made a part of these presents.

In testimony whereof I have caused these letters to be made patent, and the seal of the Patent Office has been hereunto affixed.

Given under my hand, at the city of Washington, this 9th day of May, in the year of our Lord 1865, and of the Independence of the United States of America the eighty-ninth.

J. P. USHER,
Secretary of the Interior.

Countersigned and sealed with the seal of the Patent Office.

D. P. HOLLOWAY,
Commissioner of Patents.

THE SCHEDULE REFERRED TO IN THESE LETTERS AND MAKING PART OF THE SAME.

To all whom it may concern:

Be it known that I, George Wright, of the city and county of Washington and District of Columbia, have invented a new and improved linchpin; and I do hereby declare that the following is a full and exact description thereof, reference being had to the accompanying drawings and to the letters of reference marked thereon.

The nature of my invention consists in providing a safety linchpin, one beyond almost the remotest possibility of being displaced from its position in the axle accidentally—at the same time by the hand readily removed or put in place.

*Act approved July 4, 1836:

"SEC. 2. * * * And said Commissioner, clerks, and every other person appointed and employed in said office shall be disqualified and interdicted from acquiring or taking, except by inheritance, during the period for which they shall hold their appointments, respectively, any right or interest, directly or indirectly, in any patent for an invention or discovery which has been or may hereafter be granted."

To enable others skilled in the art to make and use my invention I will proceed to describe its construction and operation.

In the drawings—

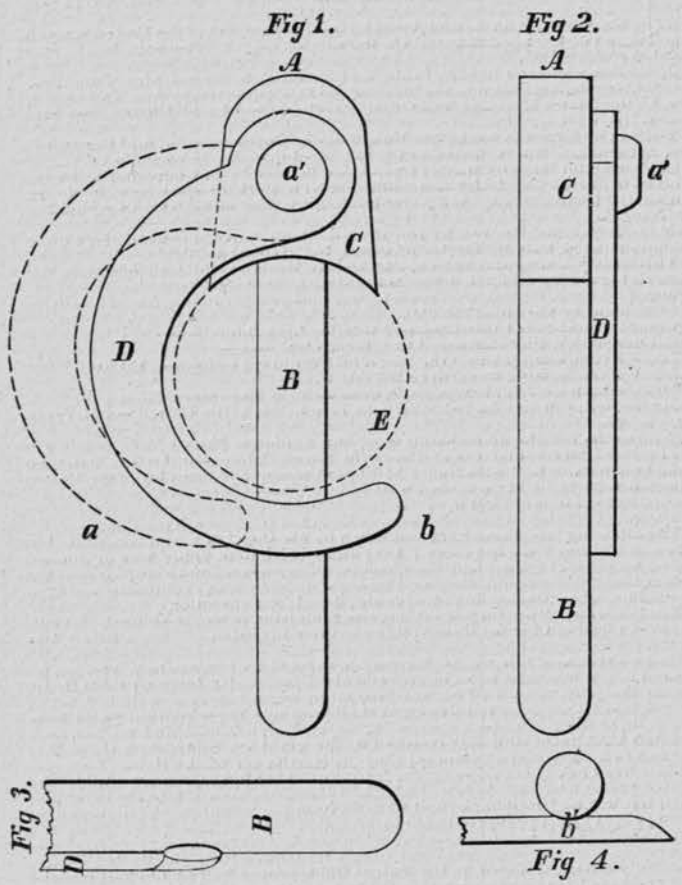


Fig. 1 is an elevation of the linchpin;
Fig. 2 is a side view of the same;
Fig. 3 is a horizontal section on line (*a b*), and
Fig. 4 is a partial side view, reverse of Fig. 2.

A represents the linchpin proper, composed of the stem B and head C. D is a curved arm pivoted to the head at *a'*, and hugging or surrounding to a certain extent the end of the axle E, protruding beyond the hub. The arm D in length is more than a semicircle, and bears upon the stem B of the linchpin below the axle by spring pressure, and it can not be displaced by any rapid jostling over rough roads. Where it bears on the stem B a small recess or seat, *b'*, is made to fit the same, this forming a lock to prevent accidental displacement. The extreme lower end of the arm extends beyond or in front of the stem or pin. This enables the same to be taken hold of easily by hand, displaced—that is, raised and pushed to the rear on one side, so as to clear the pin and axle. It then becomes a handle by which to raise the pin out of its seat or cavity in the axle.

The arm D can, if desired, work in a slot in the head *c*, and it can enter a rabbet or slot in the lower part of the pin below the axle, but I consider the arrangement above described better. The arm D may have an L slot in it, and can be attached or detached to the linchpin as desired.

The linchpin shown and described is one which has been adopted by the United States Ordnance Department for its field batteries. Without departing from the nature of my invention it can be readily modified to suit all other vehicles when a linchpin is desired, and may advantageously replace the screw and nut on the end of some axles.

It must be seen from a cursory examination that the safety arm D, which replaces split keys, leather thongs, &c., is always in place, permanently and securely attached to the pin A, no likelihood of its becoming lost from the same, and when bearing against the pin B below the axle no possibility of being displaced and permitting the pin to get out of its seat or hole by accident, at the same time affording a ready means of removal by hand.

Without departing from the nature of my invention, I can vary the working of the arm D to suit vehicles having hub-bands.

What I claim as new and desire to secure by letters patent:

First. The safety or embracing arm D.

Second. The arm D, in combination with the pin A, constructed and operated substantially as described for the purpose set forth.

GEO. WRIGHT.

Witnesses:
S. S. FAHNESTOCK.
E. J. LEESINTZER.

Mr. HOLMAN. The report sufficiently indicates the character of the claim, and on a statement made to me a moment ago by the gentleman from North Carolina [Mr. VANCE], chairman of the Committee on Patents of the House, I am not inclined to insist on the further reading of the report, and so far as I am concerned will withdraw the demand for it.

Mr. VANCE. I will just remark, Mr. Chairman, that this claim has been reported five times in this House, and has passed both Houses, and would have been signed by the President had it reached him in time.

On motion of Mr. VANCE, the bill was then laid aside to be reported to the House with the recommendation that it do pass.

MARGARET CASSIDY.

The next business on the Private Calendar was the bill (S. 298) for the relief of Margaret Cassidy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret Cassidy, widow of Peter A. Cassidy, deceased, $2,500, in full compensation for the past, present, and future use of the patent of said Peter A. Cassidy for his invention of machine for cutting vellum cloth.

Mr. VANCE. I will state to the House that a similar bill was reported favorably by the committee to the House, and passed this House at the last session. At this session a similar bill was reported from the Committee on Patents, and is in the Committee of the Whole House on the Private Calendar, and has not been acted on. It is to pay $2,500 in full compensation for the past, present, and future use of the patent of said Peter A. Cassidy for his invention of a machine for cutting vellum cloth.

I move the Senate bill be laid aside, with the recommendation that it do pass.

Mr. HOLMAN. I ask for a reading of the report, or that the gentleman from North Carolina shall make a statement in regard to the matter.

Mr. VANCE. With pleasure. This party was in the employ of the Government, and invented a machine for cutting vellum cloth, used in preparing documents, and particularly army rolls.

The payment of this sum of $2,500 has been recommended by the proper authorities, and it has passed Congress once and the House several times. It has been reported favorably by the committee over and over again.

No one but the Government uses this character of cloth, so that this party could not go to private individuals for recompense for his invention. It is regarded as a very proper bill, and has received the sanction of the Committee of the Whole.

Mr. HOLMAN. Do I understand that the patentee in this case was an employé of the Government?

Mr. VANCE. Yes, sir.

Mr. HOLMAN. In what capacity?

Mr. VANCE. He invented this machine in his own time and not by authority of the Government——

Mr. HOLMAN. But in what capacity was he employed?

Mr. VANCE. He was employed in the auditor's office. This machine saves the expense of the employment of five men. There is a decision of the Supreme Court, or of one of the courts, which declares that an employé of the Government who makes an invention is entitled to be compensated for it, or in other words that it can not be used by the Government without his consent, but may be used upon payment to him the same as to any other person. This is a protection to employés of the Government in their rights under a patent.

Mr. HOLMAN. But, if I am not mistaken in my recollection, there is a statute upon the subject already, where an employé of the Government makes an invention, or a discovery, that it shall inure to the benefit of the Government, inasmuch as his time is paid for by the Government.

Mr. VANCE. That would depend altogether upon the fact whether he was acting under orders of the Government or whether he was working in his own time. But this invention was made in the inventor's own time, and without orders of the Government. It was adopted by the Government because it was found to be useful and economical. It is a great labor-saving machine to the Government. As I have stated, he can not receive compensation from any other source for his invention.

Mr. CASSIDY. The Government has no claim upon the man's brains or genius.

Mr. HOLMAN. But have we not a statute upon the subject?

Mr. VANCE. No, sir; but there is a decision, as I have said, of the courts in favor of the claimant in this case, which places persons who are in the employ of the Government on the same footing as any other citizen of the United States who makes an invention.

Mr. HOLMAN. I had the impression that there was a statute covering this subject; and, if so, it ought to control in such cases.

Mr. VANCE. There is no statute that I am aware of. The Government charged this man the full amount of the fees ordinarily charged in the Patent Office for taking out this patent. The Government uses it, and there are plenty of cases that could be cited where the Government has paid employés for the use of their inventions as it has paid any other citizen.

Mr. HOLMAN. I am still under the impression that there has been some statute upon this subject which I have heard invoked in similar cases, as, for instance, in the case where a military officer has made an invention. In such cases where the invention had been used by the Government it was used without pay to the employé, although it was the result of his invention, for the reason that it was invented in the time that he was employed and paid by the Government, and on the theory that the Government paid for his time.

Mr. CASSIDY. That might be the case with reference to a military officer who receives his education at the Government's expense; but the present bill applies to a man who was an ordinary clerk.

Mr. HOLMAN. I would inquire of the gentleman from North Carolina whether there is such a statute with relation to military officers?

Mr. VANCE. He was not a military officer.

Mr. HOLMAN. I am trying to ascertain if there is any such law as I have suggested in any connection upon this subject.

Mr. VANCE. There is no law which takes the brains of a man without compensation simply because he is employed by the Government. There is no law to convert them to the use of the Government without compensation.

Mr. HOLMAN. That is not my question at all, and I hope the gentleman from North Carolina will answer frankly whether or not to his knowledge there is such a statute, providing that where a person is employed by the United States and invents during the period of such employment an appliance that is used by the Government he shall not receive compensation for it as against the Government, on the ground that it was invented in the time for which he was being paid by the Government? Is there any legislation upon that subject?

Mr. VANCE. None that I am aware of; but there is a decision of the courts exactly to the reverse, that an employé of the Government is as much entitled to compensation as any other citizen.

Mr. HOLMAN. In the very nature of things it would seem that no judicial decision would have any great weight unless it took into consideration the fact that while a person is employed by the Government the Government is entitled to the benefit of his time, no matter in what way his time may be employed. I regret, sir, that there is not some legislation upon this subject so that we can understand more distinctly what ought to be the relation between the United States and its employés in the matter of inventions. But if, as I understand from the gentleman, there is no law whatever upon the subject, I take it for granted that if the Government of the United States uses the invention it ought to pay for it as it would if any other person had made it; and notwithstanding the fact that the inventor at the time was an employé of the Government.

Mr. VANCE. I move that this bill be laid aside with the recommendation that it do pass.

The motion was agreed to.

THOMAS B. SHANNON.

The next business on the Private Calendar was the bill (S. 332) for the relief of Thomas B. Shannon.

The bill is as follows:

Be it enacted, &c., That the accounting officers of the Treasury charged by law with the settlement of the accounts of Thomas B. Shannon, as collector of customs at the port of San Francisco, for the fiscal year ending June 30, 1876, be, and they are hereby, authorized to credit him with the sum of $4,777.36, the amount paid out of the subtreasury at San Francisco upon a draft erroneously signed by him, in favor of Messrs. J. C. Merrill & Co., during said fiscal year: *Provided*, That it shall be shown to the satisfaction of said accounting officers, and of the Secretary of the Treasury, that the said draft was signed by the said Thomas B. Shannon, in due course of business and in good faith, without actual fault or neglect on his part, that diligent effort was made to recover the amount paid on said draft, and that the amount so paid is utterly lost to the said Thomas B. Shannon and to the United States.

The report (by Mr. MCKINLEY) is as follows:

The history and merits of the claim presented in the accompanying bill are so fully and clearly set forth in a report made by the Committee on Finance of the Senate on February 7, 1882 (see Senate Report 126), that your committee, after full examination of the case, adopt that report, and recommend that Senate bill 332 be passed.

In their report the Senate committee say:

"Thomas B. Shannon became collector of customs at San Francisco in July, 1872, and at the time of his entry in service a system of rules and regulations issued from the Treasury Department was in force, which, contrary to his suggestions in certain important particulars, was continued until he left said office.

"As collector of customs he was obliged, *ex officio*, to disburse public moneys by check; and all such checks were by these Treasury regulations made payable to bearer and not to order. The check-books, in blank, were furnished by the Department, and no others were to be used by the collector. Under the practice at the various custom-houses, where the amount of duties upon an invoice was not immediately and accurately ascertainable, a deposit was made by the importer, which deposit, upon a subsequent and definite calculation of duties, was either increased to meet the amount due to the Government, or diminished by the check of the collector, previously countersigned by the naval officer, for the amount of rebate to be paid the importer.

"The house of J. C. Merrill & Co. was largely engaged in the importation of sugars, and as the deposit was generally so arranged as to be in excess of the probable amount of duties, it was a frequent occurrence to refund to them considerable amounts to balance their overdeposit for duties. One of the blank checks was furtively abstracted by some unknown person from the book of blanks kept by the refunding clerk, which abstraction was made from a page remote from that upon which the last check had been filled up and entered, so that its abstraction was not reasonably discoverable until the check was reached in the usual order of consumption of checks.

"The check in question was made out for $4,777.84, dated September 13, 1875, and duly numbered. From the testimony before the committee of the detectives and clerks, the signature of the naval officer was forged, and the check, thus apparently approved by the naval officer, was presented, in what appears to have been the regular course of business of the custom-house, to the collector for his signature, which was by him unsuspectingly attached. Upon the discovery of the fraud, a few days subsequently, the amount was promptly made good by the collector out of his private funds on September 21, 1875.

"It is obvious to this committee that such an order of business was insecure, and lacked the reasonable features of protection to the public interests and Treasury and the officers; but it also appears that the business was conducted under the rules and regulations of the Treasury Department, which the officers, including the collector, were not permitted to amend. Indeed, Mr. Shannon objected to the practice of drawing checks to bearer for these large amounts paid in rebate of duties, and drew the attention of the assistant treasurer of the United States, Mr. William Sherman, to the obvious danger of such practice, but the objection was not sustained and the practice was continued.

"Mr. Shannon, it seems, had suggested additional checks to accompany the refund of duties, such as the autograph initials of the auditor of the custom-house and of the accountant of the naval office, and drawing the checks to the order of the person entitled to receive payment, but his suggestions were not suffered to prevail.

"In September, 1875, a period of financial consternation in California followed upon the failure of the Bank of California, and a considerable amount of money, overdeposited by importers, was in the custom-house, rendering the early liquidation of duties especially necessary. The house of J. C. Merrill & Co. had been for a long time engaged in the importation of sugars, and large amounts had been paid them by way of refund of duties, the last payment having been made in July, 1875, and for an amount closely approximating the sum demanded upon the forged check. It was under these circumstances, and controlled by the regulations of the Treasury Department, using the blank checks prescribed by the Department, drawn to bearer, by the regulations of the Department, and countersigned only by the naval officer, that Collector Shannon, by reason of the ordinary and apparently regular routine of business in his office, signed the check for $4,777.84, to which the counter-signature of the naval officer had been forged.

"It appears the collector made no demur as to his strict legal liability, and promptly paid over to the assistant treasurer the amount of the forged check, and has been without the use of the money from that time to this. He employed a detective to examine into the case, and the aid of all the officers of the United States of that district was also called into requisition.

"Reports from J. F. Evans, the special agent of the Treasury; of J. F. Miller, auditor of the custom-house; of Henry Hook, refunding clerk; of J. C. Merrill & Co., the importers; of William Sherman, assistant treasurer, and of J. W. Lees, captain of the detective force of San Francisco, which were before your committee, all combine to show the earnest and vigilant effort made to discover the guilty party in the transaction; that suspicion fell upon a person not connected with the custom-house, who is now dead. No suggestion of any personal dishonor or neglect upon the part of the collector has been made from any quarter.

"Following the proposition laid down by the Court of Claims for the relief of honest officers who have been victimized in similar cases, your committee recommend the passage of the accompanying bill for the relief of Thomas B. Shannon.

"Affirmative proof of his honesty and fidelity is attested by a letter from Hon. John Sherman, Secretary of the Treasury, dated February 19, 1881, to Mr. Shannon, which is in the hands of your committee.

"This committee have also submitted the draft of the foregoing report with the accompanying papers to the Secretary of the Treasury, and have in their hands a letter to him from H. A. Lockwood, the Acting Commissioner of Customs, dated January 23, 1882, in which he states:

"'The allegations of the claimant are not disputed by the accounting officers.'"

Mr. CASSIDY. I move that this bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. If I am not mistaken this is the same bill that passed the House at the last session of Congress.

Mr. CASSIDY. It is the same bill. It did not get through the Senate.

Mr. HOLMAN. Was it reached for consideration in the Senate?

Mr. CASSIDY. I think not. My impression is that it failed for want of time.

I know the facts in the case. It is a just claim.

Mr. HOLMAN. Although this bill passed the House, as I am informed, after mature consideration in the last Congress, I should feel perhaps that it was not a safe measure to adopt now were it not for the proviso appended to the bill, which gives a certain discretion to the Secretary of the Treasury and requires certain proofs to be furnished to his satisfaction. In that view of the case I shall not object to the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SILAS Q. HOWE.

The next business on the Private Calendar was the bill (H. R. 329) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Silas Q. Howe, surviving partner of William T. Pate & Co., of Patriot, Ind., the sum of $19,385, the same being the amount due them for taxes paid the 16th day of March, A. D. 1867, on distilled spirits which had already paid the tax required by law; and an amount sufficient to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. HOLMAN. I call for the reading of the report.

The report of the Committee on Ways and Means (by Mr. RUSSELL) was read, as follows:

The Committee on Ways and Means, to which was referred the bill (H. R. 329) for the relief of Silas Q. Howe, surviving partner of W. T. Pate & Co., has had the same under consideration, and now report it back to the House with the recommendation that it be passed. The report made from the Committee on Ways and Means, Forty-seventh Congress, second session, states the facts connected with this claim, and your committee adopts the same, as follows:

The facts in this case are substantially these: The petitioners were licensed distillers at Patriot, Ind., and had carried on that business on a large scale for many years. In the month of February, 1867, Mr. Reed, a revenue detective, made a report to the collector of the third Indiana district—

	Gallons.	
1. That said firm had sold from September 1 to December 31, 1866, of distilled spirits (see evidence, page 98)		197,894½
From their sales he deducted:		
2. Tax-paid spirits on hand September 1, 1866 (see page 98)	3,650	
3. Taxes paid on spirits from September 1 to December 31, 1866	184,552	
		188,202
Alleging a deficit of		9,692½

Making a tax, at $2 a gallon, of $19,385.

Upon this report being made the collector of said district seized the distillery, and the assessor assessed said sum against Pate & Co. without investigation of the facts. The petitioners, after the seizure of their distillery, paid the money on the 16th day of March, 1867, under protest, and in April, 1867, made application to the Commissioner of Internal Revenue for a release of their distillery and a repayment of the money, stating in their application that the tax was wrongfully assessed and collected; that the report of Mr. Reed was incorrect; that said sum ought to be refunded for the reasons—

	Gallons.
1. That their sales of distilled spirits from September 1 to December 31, 1866, were (see page 77)	211,798.00
2. That they had on hand September 1, 1866, of tax-paid distilled sprits (see page 77)	16,045.00
3. That the taxes paid by them on spirits from September 1 to December 31, 1866, were on	132,211.28
4. That they removed in bond (same period)	63,716.00
5. Paid alleged deficit March 16, 1867	9,692.50
Making total taxes paid	221,664.78
Deduct sales as above	211,798.00
Making erroneously paid (see page 77, printed evidence)	9,866.78

The Commissioner of Internal Revenue, upon the receipt of the application made by claimants, released their distillery, but refused to refund the money. He appointed another revenue agent to make an investigation of the facts, and this agent, after an examination of the matter, reported them to be as the claimants had stated, and said, among other things in his report, that—

"Mr. Pate is a man of large means and good credit." (See page 83.) "I found nothing that looked like fraud in my investigations; everthing is properly arranged about the distillery." (See page 83.)

"I am firmly convinced that great wrong has been done Mr. Pate. He has been greatly damaged in his business and injured in his reputation." (See page 81.)

"I respectfully but urgently recommend that Mr. Pate's distillery be released from seizure as soon as possible, and such other steps taken as your sense of justice shall dictate." (See page 82.)

The assistant assessor of said district says:

"I hereby certify that I have carefully investigated the facts in the within affidavit of Silas Q. Howe and William T. Pate, of date April 13, 1867, and from my own personal knowledge of said parties and investigations made I am fully satisfied that the same are in every respect true as therein set forth. I verily believe that the amount paid ($19,385), with the penalties, ought immediately to be refunded.

"JAMES H. TITUS,
"*Assistant Assessor Third District Indiana.*

"VEVAY, *April* 13, 1867."
(See page 104 of evidence.)

The late assistant assessor of said district says:

"I have carefully investigated the facts set forth in the affidavit of Silas Q. Howe and William T. Pate, of the firm of W. T. Pate & Co., and am satisfied that the facts as therein stated are in all respects just and true; that from my personal knowledge of the members of said firm and their high standing and position as men of business for truth and integrity, and the thorough investigations I have made of their books in 1862, 1863, 1864, 1865, 1866, I found no fraud upon their part, and always believed none was committed. I am satisfied from the present investigation that said distillery ought to be released, and that said sum paid by them ought in justice to be refunded, together with all penalties.

"JOHN F. DOAN,
"*Late Assistant Assessor Eighth Div., Third District, Indiana.*

"VEVAY, *April* 13, 1867."
(See page 100.)

The deputy collector of said district says:

"I hereby certify that I have carefully investigated the facts in the affidavit of William T. Pate and Silas Q. Howe, of date of April 13, 1867, and that I fully believe the statements to be in all respects just and true, and that in justice to said Pate & Co. their distillery at Patriot, Ind., ought to be released, as I am fully satisfied that there was no fraud committed by them upon the revenue, as alleged by Alexander Reed, revenue agent; and that the sum of $19,385 and all penalties should be immediately refunded.

"Witness my name and official seal this 13th day of April, 1867.

[SEAL.] "JAMES J. SERING,
"*Deputy Collector Seventh Division, Third District, Indiana.*"
(See page 101.)

Another deputy collector of said district says:

"UNITED STATES INTERNAL REVENUE,
"DEPUTY COLLECTOR'S OFFICE,
"*Third District Indiana, May* 8, 1869.

"I hereby certify that I have carefully investigated the facts set forth in the affidavit of W. T. Pate and Silas Q. Howe, and the exhibit A therein referred to, and find the same to be in all respects just and true, as therein set forth. * * * That the quantity, paid taxes, and removal in bond exceed their sales by 9,866.96 gallons, and that the sum of $19,385, the tax on 9,692½ gallons, should be refunded, as it has been twice assessed and paid the tax.

(See page 61.) "R. F. T. ABBOTT, *Deputy Collector.*"

The collector for said district says:

"I hereby certify that I have carefully investigated the facts in the within affidavit and am satisfied that the statements are in all respects just and true, and I further certify, upon personal examination, that the name of the claimants and the amounts claimed are found reported on page 1, line 1, of the lists of form 93, for September and October, 1866, and again reported on page 1, line 9, of the list of form 23, of February, 1867, now on file in my office, and the same was paid on the 17th and 24th of September, 20th of October, 1866, and again paid on the 16th day of March, 1867, and is included in the aggregate receipts for said lists, the receipts amounting to $251,800, and delivered to the assessor to be transmitted to the Commissioner of Internal Revenue, and has not been allowed in any form.

Dated May 29, 1869.

"SMITH JONES,
(See page 61.) "*Collector Third District Indiana.*"

The assessor of said district also certifies to the correctness of the facts as stated by Pate & Co. (See page 61.)

There is a great deal of other evidence in the record not necessary to be stated here, as it merely corroborates that of the assessors, collectors, and deputy collectors, and assistant assessors. Upon this testimony, and after a very careful examination of all the facts and figures contained in the voluminous record before us, the committee are of the opinion that there was an erroneous assessment and collection of the tax on 9,692½ gallons of spirits, and that it ought to be refunded. We therefore recommend the passage of the accompanying bill.

Mr. HOLMAN. I believe the bill which has been read is the House bill reported by the Ways and Means Committee. I understand there is a bill from the Senate identically the same as the House bill.

The CHAIRMAN. The Chair is so informed.

Mr. HOLMAN. I suggest that by unanimous consent the Senate bill be substituted for the House bill, being identical in terms.

The CHAIRMAN (Mr. HAMMOND). The gentleman from Indiana states that a Senate bill identical with this bill is on the Calendar, and moves that it be substituted for the House bill by unanimous consent. Is there objection?

Mr. WHITE, of Kentucky. I object. I observe that this bill, the bill H. R. 329, is reported by the gentleman from Massachusetts [Mr. RUSSELL], who is absent. For the same reason that other bills on this page have been passed over I suggest that this bill be passed over until the gentleman from Massachusetts returns.

Mr. HISCOCK. I do not think that would be right.

The CHAIRMAN. The Chair desires to state to the gentleman from Indiana that he is informed there is no such bill on the Calendar.

Mr. TUCKER. It is Senate bill No. 528, which is on the Speaker's table.

Mr. FOLLETT. I observe that on page 63 in the list of bills on the Speaker's table there is a bill (S. 528) which purports to be on the same subject.

The CHAIRMAN. The Chair is informed there is such a bill on the Speaker's table, not on the Calendar.

Mr. HOLMAN. I suggest to the gentleman from Kentucky [Mr. WHITE] that he at least allow the substitution of the Senate bill to be now made in the Committee of the Whole so as to avoid the necessity of acting twice on the same measure.

Mr. WHITE, of Kentucky. I object.

The CHAIRMAN. That would be an irregular procedure. The other bill, being on the Speaker's table, can not, under the rule, be substituted for the pending bill in Committee of the Whole.

Mr. HOLMAN addressed the Chair.

Mr. WHITE, of Kentucky. I believe I have the floor. This bill appears from the reading by the Clerk to be for the relief of a manufacturer of whisky in the third district of Indiana who has a claim before Congress for $19,385. Now we have a report, a very carefully prepared report, of all that occurred after this distiller was reported and this tax of $19,385 was collected of him. We have a careful report from the Internal Revenue Bureau, which sent out another man to review what was done by the first officers, who made the report on which this assessment was founded. But, sir, we have not heard one scintilla of the evidence that was obtained prior to that time. We are asked on the report of an officer and subsequent testimony to rectify an alleged wrong which this man claims was done against him in 1867. Now, where has this man been all this time that he has not come to Congress and got his claim settled before now? Why is it we are asked to-day to pass over numerous claims on the Private Calendar on the ground that the gentlemen who have the bills in charge are absent; but when we get to a bill that gives a whisky manufacturer $19,000, and the gentleman who has that in charge is absent, no objection to proceeding with it is made.

On general principles I am inclined to believe that no whisky manufacturer in the United States who has a good claim would have neglected it from 1867 until now. In the second place, I do not believe if this man had a good claim, while the Democratic party has been in power passing bills for the benefit of distillers and neglecting loyal claimants from the South ever since the Forty-fourth Congress, that it would have neglected this case if it was a just claim. There is something behind that report. I would like the gentleman from Indiana [Mr. HOLMAN], who is fertile in resources of objecting, to explain this matter, as it is a claim from Indiana, and he seems to champion the case.

Mr. HOLMAN. I am not personally acquainted with the facts in this case. My colleague, General BROWNE, who is absent, was the district attorney in Indiana when these events transpired, and became familiar with them, as I am informed, by reason of proceedings which occurred in the United States court in that State. If present, that gentleman would, no doubt, be able to explain it much more satisfactorily even than the report itself does.

I understand the facts, however, to be that this subject has received special attention at the hands of the Finance Committee of the Senate and of the Ways and Means Committee of the House; that for a number of years the case was pending before the Bureau of Internal Revenue, with the expectation of the matter being adjusted there, until a comparatively late day, and then that it finally came into Congress from the Bureau of Internal Revenue.

A memorandum has been furnished me, to which I wish to call the attention of the gentleman from Kentucky, in regard to the history of the bill in Congress. The statement—I have not myself verified it—is that the bill passed the Senate twice unanimously in the Forty-seventh Congress and in the present Congress, and the Senate bill is now on the Speaker's table, and is identical with the bill now before the Committee of the Whole. It is further stated that the subject was referred to the Committee on Ways and Means of the House, to which it naturally belonged, being a question growing out of the revenue, and that the bill was reported favorably in the Forty-sixth Congress by

the gentleman from Virginia [Mr. TUCKER], then of that committee, and I believe its chairman; that in the Forty-seventh Congress it was reported by the gentleman from Kentucky [Mr. CARLISLE], of that committee. In the present Congress it has been reported by Mr. RUSSELL, of Massachusetts, a member of that committee. As I infer from the memorandum furnished me, the bill passed the review of the Ways and Means Committee with great unanimity.

The statements of the report have been heard by the gentleman from Kentucky [Mr. WHITE], and the only answer that I think can be made to his inquiry why this matter was not brought into Congress earlier would be this: In the first place, prior to the Forty-sixth Congress it seems to have been pending in the Bureau of Internal Revenue. As to all else about this bill my friend from Kentucky is as well informed as I am. I take it for granted, however, that these three reports from the Ways and Means Committee of the House furnish a reasonable guarantee of this being a claim of the class where, either by inadvertence or misapprehension or some other cause, a citizen has twice paid the tax upon the same article.

If that is true, as is reported, then as a matter of course the tax ought to be refunded. As to whether the business of distilling is a proper business or not, the gentleman from Kentucky certainly would not require that a tax on that business should be twice paid, and if it has been twice paid he certainly would consent that the one tax should be refunded. I see here the gentleman from Virginia [Mr. TUCKER], a member of the Committee on Ways and Means, and also the gentleman from New York [Mr. HISCOCK], who is a member of that committee.

Mr. TUCKER. It is perhaps due to the Committee of the Whole that I should make a statement concerning this case. My friend from Indiana [Mr. HOLMAN] has stated that I made a report upon it in the Forty-sixth Congress. I have no special recollection of any examination which I then made, but I have no doubt it is true that I made a report at that time in favor of this claim.

It is also stated that Mr. CARLISLE made another report in favor of the claim at the last Congress. And at this Congress the claim has been again reported favorably, and, as I understand, by the unanimous recommendation of the Committee of Ways and Means.

Upon the reading of the report in this case it seems to me that the gentleman from Kentucky [Mr. WHITE] will be satisfied that this tax was wrongfully assessed against the party at the time. It was prior to the payment of such taxes by stamps and when the assessment was made directly at the distillery. I know that there are a great many cases in which improper assessments were made.

In this case it appears that after the assessment was made, the distillery seized, and the tax assessed upon the party paid under protest, a reconsideration of the case was granted by the Commissioner of Internal Revenue. The collector made a re-examination of the matter, and according to the statement contained in the report he reported that in reality so far from the party having defrauded the Government he had overpaid the tax on 9,800 gallons of spirits, which at $2 a gallon makes the sum reported by the committee in his favor.

Whatever may be the objection of gentlemen to the business of whisky distilling, it seems to me that when the Government was exacting a tax of $2 a gallon on whisky it ought not to tax a man for that which he never made. The whole question in this case is that the Government exacted a tax of $2 a gallon on 9,800 gallons of whisky which it is now admitted the claimant never made.

In regard to the matter of delay in this case, I do not know how soon after this tax was erroneously collected the party made application for relief. He made it at any rate to the Forty-sixth Congress, and also to the Forty-seventh Congress, and to the present Congress. And I can see no reason why, after the Government has had this money in its hands all this time, and the party has been debarred of relief except through application to Congress, he ought not now to be refunded the amount of tax illegally assessed upon him, and have the amount restored to him without interest as here proposed. It seems to me that this bill is one which the Committee of the Whole should not hesitate to act upon favorably.

Mr. WHITE, of Kentucky. The explanation made by the gentleman from Indiana [Mr. HOLMAN], who I think might have found in this case more serious grounds for objection than he finds in scores of other cases to which he objects, amounts to nothing more than a statement of hearsay testimony. He reads here a statement which has been put into his hands, but he fails to tell the Committee of the Whole who is the author of that statement, and he does not himself vouch for its correctness.

He reads that statement, and then folds his arms and retires to his chair contented with the explanation he has made on the proposition to pay these parties $19,385, which they claim was wrongfully assessed upon them in 1867; he retires to his chair apparently satisfied, and calls on the distinguished gentleman from Virginia [Mr. TUCKER], a member of the Committee on Ways and Means, to explain the case.

And I call the attention of the Committee of the Whole to the fact that the gentleman from Virginia does not undertake to go behind what is contained in the report of the committee. If he ever made a report in this case in the Forty-sixth Congress he has forgotten the facts. The material points in the case he knows nothing about, nor does he claim to know anything about the case except in so far as he has refreshed his memory by reading this report.

And I wish to call the attention of the Committee of the Whole again to the fact that this report does not go behind the report of the officer who was appointed to re-examine this case; it does not go back to the officer who in the first case discovered that the distillery was not manufacturing the amount required under the law, and who thereupon reported him to the Department and required him to pay a tax according to the capacity of his distillery. The gentleman satisfies himself with resting on the report of the other officer who, on the application of the distiller and his friends, was sent out there from the Internal Revenue Bureau to review the case and make a revised report.

Sir, I am not satisfied for one that the first officer who went out there and found that the distiller was not doing his duty under the law and made him pay all the tax which the law required him to pay—I say I am not satisfied that that officer did not perform his duty. And I am not willing on this report of the committee, without one scintilla of evidence, except the statement of the second officer who was sent out by the Internal Revenue Bureau, to vote for this bill fourteen years after the revised report made by that officer.

We are asked now to refund to a distillery in the State of Indiana, from which State comes the distinguished gentleman who is noted for his keenness of observation in regard to errors, who is noted for detecting all frauds, noted for scrutinizing very carefully any claim about which there may be any suspicion of fraud—we are asked to pass this claim for the benefit of a person in his State, while he folds his arms, drops back in his chair, and rests contented on the statement put into his hands, the authorship of which he does not certify, nor does he say for one moment that it is true.

I say, sir, in view of the fact that the gentleman from Indiana [Mr. BROWNE] who, it is said, introduced this bill, is absent; in view of the fact that the gentleman from Massachusetts [Mr. RUSSELL] who reported this bill from the Committee on Ways and Means is absent, and in view of the fact that we have glided hastily over a number of important bills on this page of the Calendar, I think we had better lay this bill aside until some of these gentlemen shall return.

One word more. The fact that any measure connected with whisky comes from the Ways and Means Committee is no proof to me that it is a correct report, when I remember that in this Congress the bonded extension bill came from that committee with a unanimous report, which was "sat down upon" by the Democratic party as well as the Republican party in this House. And it is no recommendation of a bill to my mind to tell me that Mr. CARLISLE made a favorable report of the measure in the Forty-seventh Congress, when I remember that in the Forty-seventh Congress the Committee on Ways and Means made a unanimous report to give an unlimited bonded extension, to give five gallons more leakage on each barrel of forty gallons and five years more time for it to leak out, besides giving an unlimited time in which the Government was to collect the tax; in other words, the proposition was: "Wait till the boys are made drunkards, because old drunkards can drink more, and then collect the tax, and not till then."

When I remember that that bill was passed through this House without the protest of a single man of that committee, even the distinguished gentleman from Virginia [Mr. TUCKER], or the gentleman from Massachusetts [Mr. RUSSELL], or the gentleman from Iowa [Mr. KASSON], who presided over a temperance meeting in Iowa [laughter]—I take that back, as that gentleman, too, is absent—when I remember that the distinguished gentleman of the Ways and Means Committee who reported this bill in the Forty-sixth Congress forgets that he did it, and is unmindful of the reasons which impelled him to that conclusion—I think we had better lay this bill aside till some more propitious occasion.

Mr. HISCOCK. Mr. Chairman, I believe the report with reference to this claim was prepared after thorough investigation by a distinguished gentleman belonging at that end of the Committee on Ways and Means that was opposed to the whisky extension bill; I refer to the gentleman from Massachusetts [Mr. RUSSELL]. As for myself, I can only say that I know nothing more in regard to this bill than is contained in that report. The bill was referred to a subcommittee, and the gentleman from Massachusetts submitted orally a statement of the facts before the committee. That gentleman, I must say, is an anti-bonded-extension man——

Mr. TUCKER. A temperance man.

Mr. HISCOCK. A temperance man; and he submitted an oral statement to the committee giving the facts in regard to the claim, and I believe the committee was unanimous in its conclusion. Mr. Chairman, I have some record against the extension of the bonded period, and I was "unanimous" in favor of this bill.

The question of the delay in regard to this claim was considered in the committee, and a statement made in regard to it. It seems there have been several favorable reports which were not mentioned in the memorandum given by the gentleman from Indiana. I think he has only given the facts in regard to action upon the bill by the House or the Senate. I have a general recollection that previously to such action this bill was favorably reported in several Congresses.

I do not believe that in this case there is any "cat under the meal."

I do not believe there is anything back of or behind it. I have been asked here upon the floor whether the bill might not be delayed until the gentleman from Massachusetts [Mr. RUSSELL] returns, and I have said that I see no occasion for postponement, because the gentleman from Massachusetts is not the special champion of this bill; he cares nothing more about it than any other member of the House. He knows nothing personally about the parties to the transaction or the transaction itself. He simply took up the case as a fair-minded man, as a judge, and reached conclusions which appear in his report. If he were here he would, I suppose, add nothing to the report.

Mr. SPRINGER. Mr. Speaker, I am not familiar with all the facts in this case, but I knew one of the members to this partnership, Mr. Pate. This claim was pending a number of years before he died, and during that time I became acquainted with him personally. I desire to bear witness to his character and the high esteem in which he was held by his neighbors and friends—by all who knew him.

I believe from all the statements I have heard in regard to this claim that it is a just one. The fact that it has not been heretofore paid is not the fault of the claimants. They have been urging the claim before Congress, I believe, nearly ever since I have been a member. They have for years asked that justice might be done to them, but Congress has not granted them justice. The fault is with Congress, not with the claimants.

I have often stated my objections to the system of granting relief by acts of Congress in private cases. But Congress has provided no forum in which claimants can appear and obtain justice in cases like this. Up to this time Congress has failed or refused to provide such a forum in which claimants might make good their claims against the Government. We have apparently acted upon the presumption that no claimant is entitled to relief. Thus it has happened that claimants, after importuning Congress session after session and year after year, are at last met with the objection that "the claim is old," it having grown old while they were clamoring for relief. The claimant pleads year after year for justice, but without success, and is then reproached with the statement that "the claim is old."

The argument of the gentleman from Kentucky [Mr. WHITE] is not directed to the merits of this case. His objection to the bill is twofold: first, that it grows out of a whisky transaction; and secondly, that it is reported from the Committee on Ways and Means. These are the objections he urges. Now, I submit a man who has an honest claim against this Government should not be opposed in the allowance of that claim upon such grounds. Are we to adjudicate a claim upon such statements? What would you think of a court that would decide adversely to a claim on the ground that it was a case growing out of a whisky transaction or the manufacture of distilled spirits, or that it had been decided once already by another judge whom he did not like? Why, sir, a judge on a bench who would make such a decision would be regarded as the merest Dogberry. Yet this committee, acting in its judicial capacity on the claim of a private citizen, is asked to adjudicate it upon such grounds.

Besides, Mr. Chairman, this case has been reported time and again by committees of Congress, unanimous reports. In this Congress it was reported from the Committee on Ways and Means by the distinguished gentleman from Massachusetts [Mr. RUSSELL], whose calm judgment and high character would be sufficient to me without anything else as to the justice of the claim in favor of which he would report. I therefore hope this Committee of the Whole House will lay aside this bill with the recommendation that it do pass.

Mr. WHITE, of Kentucky. I do not mean to say, sir, that there is no cat in this meal-tub, as the gentleman from New York [Mr. HISCOCK] disclaims there is, but the point I am endeavoring to make is this: When we went to the Private Calendar against the wishes of many gentlemen on this floor, sparsely occupied as it is, we passed over bill after bill on the ground that the gentleman who introduced it was not here, or upon the ground that the gentleman who reported the bill in some cases was absent. In one case which is passed over my colleague who submitted the report [Mr. HALSELL] is on the floor. He reported that bill, and yet it is passed over when he was present on the ground, as I understand, that the gentleman in whose behalf the bill was introduced and referred to the committee from which my colleague made his report was not present.

We come finally down to the bill appropriating $19,385 out of the public Treasury to a distiller in Indiana. The gentleman from Indiana [Mr. HOLMAN] at once rises in his place and astonishes the committee by not having one single word of protest to utter against this bill. It is an Indiana case. So is the New Albany public building and so was the bonded-extension whisky bill that came in here a short while ago. I rise to say to the gentleman from Indiana that we are not going to suffer any more he shall be considered as the objector to all bad bills and when he does not object we are to take it for granted the bill ought not to be objected to. [Laughter.] That is the point I make.

I wish to make the further point that gentlemen ought not to try to slip through a bill like this. I said slip through, but I withdraw that—that gentlemen ought not to allow such a bill to pass without its having the fullest and freest discussion, and when we have only one-half the facts and that one-half favorable to this distiller, while the other half containing the report of the Government inspector with other facts is lost sight of.

For one, Mr. Chairman, I am not willing to say that an official of the Government in 1867, a man whom I do not know, but a man whom I do know was in the employ of the Government and made a report in reference to this matter—I am not willing to say that official of the Government was not correct when he reported that this distiller had not paid the tax due to the Government to the amount of $19,385.

You must remember this fact, too, that the law to-day in reference to these distillers is very different from what it was in 1867. There were then stamp taxes and there are none now, and besides there was no bonded period. There was no three-year period and there was no leakage allowed. Each distiller was then required to make according to the capacity of his still, and after a liberal deduction was made in the case of each distiller he was required to make return according to the capacity of his still. I say we have all the proof this is a clear case of violation of law. We are not favored with the proof, but we are compelled to assume this Government officer made a false report, that he did more than his duty, or we are compelled to assume that he was an ignoramus in regard to his duty. The committee does not undertake, and the gentleman from Indiana does not pretend to know, who was the gentleman who put the memoranda into his hands. Whoever it was, he did not sign his name and is an irresponsible party, and I am surprised to see the gentleman from Indiana take such an irresponsible course in order to draw from the public Treasury $19,385 in behalf of an Indiana case. If it were going to North Carolina, perhaps he would have been more careful. If it were going to the State of Kentucky, I imagine he would raise at once the objection and want the party to prove he was not only loyal before the war but during the war and ever since. [Laughter.] The gentleman from Indiana, it seems to me, has failed to keep up his reputation for economy and reform.

Do you remember, Mr. Chairman, how much a dollar was worth in 1867 as compared with what it is worth now? Well, sir, the calculation is easily made. By reference to the facts you will find the difference between the worth of a dollar now and in 1867 would make this $19,385 in 1867 equivalent to something like $38,000.

The gentleman lost $19,385 in 1867, but a dollar was not a dollar then at all, and the loss did not amount to that sum. The Democratic party, with the flag of this country trailing in the dust, with the nation by the throat, had so reduced the money of this country that it was worth only 50 cents on the dollar. Now the Democratic party proposes to come back and give to one of these leaders—for it must be remembered that it was the nominee of the Democratic party who used the language that the fundamental doctrine of the Democratic party was to love rum and hate the negro—they now declare and propose that they shall give to this man a sum which would be equivalent to the loss of $38,000 for the $19,000 he lost in 1867. That is the amount of this proposition.

It strikes me, sir, in view of the fact that there is nothing like a quorum present, that we had better lay this bill aside informally. I do not want to make the point of no quorum upon it, but think we had better lay it aside until the gentleman from Massachusetts [Mr. RUSSELL] returns and the gentleman from Indiana [Mr. BROWNE] who introduced the bill is here. I hope the gentleman from Indiana [Mr. HOLMAN] will not object to that proposition.

Mr. HOLMAN. Mr. Chairman, in the absence of the remarks made by the gentleman from Kentucky, I for one could have seen no impropriety in adopting the course he has just suggested. But the gentleman from Kentucky must perceive that, after the remarks he has seen proper to address to this committee, any gentleman who entertains the conscientious belief that this is a proper bill and one that ought to be passed would feel constrained to object to his suggestion and insist upon the motion that it be reported to the House with the recommendation that it do pass.

I should be very sorry, sir, to have so poor an opinion of the gentleman from Kentucky as to indulge for an instant the belief that he would be influenced in his conduct upon this floor by the fact that a measure happened to be from his own State, or was for the benefit of one of its citizens; and yet I should have a very much poorer opinion, very different from what I had of him, if I thought he would make himself very noisy over a measure because it was from his own State.

I have served, sir, in this House upon the Committee on War Claims at a time when hundreds of claims were before that committee from citizens of my own State, and I deemed it proper that that class of claims should be examined and reported upon by some other person than myself; not from any apprehension that a member of this House would be swerved, or that I would be influenced in my judgment, by the location whence the claim came, but simply because I thought it more seemly and proper that some other person should investigate a claim in which a citizen of my own State was interested; and I hope I misunderstood the gentleman from Kentucky in the language that he saw proper to use.

I hope that he does not intend to be understood as intimating for a moment that either my distinguished friend from Virginia [Mr. TUCKER] who made the statement to the committee, or the distinguished gentleman who reports this claim from the Committee on Ways and Means

[Mr. RUSSELL], recommended the matter to this House and reported it for favorable consideration without a proper examination of the subject and a full understanding of the question involved. Referring to myself, as the gentleman has seen proper to do, I can only say that he certainly has not learned it from me. He has referred to objections on my part. My practice, sir, has been, since I have been a member of this House, uniformly to have, at least as far as possible, a fair, adequate, and proper understanding of all measures upon which we are called to act.

For this reason it has been my usual custom to call for the reading of the reports unless the matter on which we are to act is one which is already familiar to the House. I ask for the reading of the report as a rule, in order that the House shall understand the subject completely; but where the report is not satisfactory it has been my habit to ask for a statement supplementary to the report. And when this is done my friend from Kentucky may perhaps remember that I am not in the habit of occupying the time of the House or of the committee to the postponement of the public business. I trust, sir, that neither the gentleman from Kentucky nor any other gentleman upon this floor would allow his judgment to be swerved by the fact that the claim on which the House is acting arises in his own State or is for the benefit of one of its citizens any more than he would if it came from any other State. Justice is not bounded in its limits by State lines, but appeals alike to the heart of man wherever it comes from. But he must have an exceedingly poor opinion, I regret to say, of his associate members upon this floor if he imagines for an instant or does them the injustice to believe that their judgments will be affected even in the slightest degree by the location of the claim.

If the gentleman has noticed my career in this House he will remember that it is not my custom to object to every claim that is presented here. And in making statements such as he has made the gentleman should remember that accuracy in these matters is worthy of consideration. I object to measures which my judgment tells me are wrong; and for that I am responsible to my constituents. My efforts on this floor have been uniformly in the line of having matters on which we are to act presented in such a shape as to be thoroughly understood and appreciated before the House is called to vote upon them.

Now with reference to the pending subject: As I have said, this matter as to the justice of this claim rests upon the facts presented to the committee and their report made to the House. I have already mentioned the fact that this case comes from the Committee on Ways and Means, certainly one of the most competent committees of this House in the investigation of questions involving the revenue or growing out of the internal system of taxation. Three successive reports have been made by that committee, one through the colleague of the gentleman from Kentucky who has just spoken, another made by the gentleman from Virginia [Mr. TUCKER], and the present one by the gentleman from Massachusetts [Mr. RUSSELL]. I do not feel justified in calling into question the accuracy of the conclusions reached by these gentlemen after having investigated the questions involving the claim of the parties mentioned upon the public Treasury. They have taken into consideration all of the facts presented, and their judgment is embodied in the report. I have therefore no right to call in question the integrity of the committee or the accuracy of its judgment founded upon this investigation; and I feel justified in following their report and resting my belief upon the integrity of the claim upon the subject, as they presented it to the House upon a thorough knowledge of the facts.

Further, I would like to say, as bearing upon this question, that this claimant I have never seen. William T. Pate, who seems to have been the chief of the firm of which Mr. Howe is the surviving representative, was here I believe at different times urging the claim. This claim has been for some years before Congress. Mr. Pate was pressing the claim, according to my understanding, upon the Bureau of Internal Revenue, and I take it for granted that the measure remained before that bureau for a series of years and was for some reason not allowed, but was ultimately introduced in either one or the other House of Congress. After having reached Congress it was several times favorably reported. It seems to me improbable that the Senate on two different occasions should pass a bill, that in three successive reports the leading committee of the House should recommend the passage of a bill, and do this on data apparently furnished, stated to be furnished—and I presume none of us have a right to call the statement in question—by the Bureau of Internal Revenue on official facts, and after all that there has been a mistake in this action. I admit that in all instances there are possibilities of error in our legislation through misapprehension of facts. But I submit to the gentleman from Kentucky that the facts presented here by the action of the other branch of Congress and by the action of our own Committee on Ways and Means would seem to furnish as fair a guarantee that this is a just claim on the Government as any test to which we could resort. Therefore, Mr. Chairman, I feel perfectly justified in moving that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The Chair proceeded to put the question on Mr. HOLMAN'S motion.

Mr. WHITE, of Kentucky. If in order, I move to amend the motion so as to lay the bill aside informally till the gentleman who has reported it returns, without losing its place on the Calendar.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. WHITE, of Kentucky. I ask unanimous consent to lay aside the bill informally.

The CHAIRMAN. Objection is made.

Mr. WHITE, of Kentucky. Who objects?

Mr. LAMB. I object.

Mr. WHITE, of Kentucky. Then I call for a division.

The committee divided; and there were—ayes 52, noes 7.

Mr. WHITE, of Kentucky. I make the point that a quorum has not voted.

The CHAIRMAN. The point having been made that a quorum has not voted the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. WHITE, and the gentleman from Indiana, Mr. HOLMAN.

Mr. HOLMAN. I think it very manifest a quorum is not present.

The committee divided; and the tellers reported—ayes 137, noes 15.

The CHAIRMAN. A quorum has not voted.

Mr. COSGROVE. I move that the committee do now rise.

Mr. WHITE, of Kentucky. I hope the gentleman from Indiana will consent to let this bill be laid aside informally, that we may go on with the public business.

The CHAIRMAN. Does the gentleman from Missouri [Mr. COSGROVE] insist on his motion?

Mr. COSGROVE. If the gentleman from Kentucky will lay aside his objection to this bill I will withdraw the motion.

Mr. MCMILLIN. Will not the gentleman from Indiana [Mr. HOLMAN] consent that the bill shall go over? If he will not consent to that, I shall insist that the committee rise.

The CHAIRMAN. That motion has been already made.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills therefrom back to the House with the recommendation that they do pass.

Mr. MCMILLIN. I move that the House do now adjourn.

Mr. WOLFORD. I move that the House take a recess until 8 o'clock.

Mr. MCMILLIN. I have no objection to a recess being taken, and withdraw the motion to adjourn and agree to the motion of the gentleman from Kentucky in lieu.

The motion for a recess was agreed to.

And accordingly (at 2 o'clock and 5 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, June 6, 1884.

Hon. BENTON MCMILLIN will preside as Speaker *pro tempore* at the session this evening.

J. G. CARLISLE, *Speaker.*

Hon. J. B. CLARK,
Clerk House of Representatives.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The Clerk will read the order of business for this evening.

The Clerk read as follows:

Ordered, That until further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar under the order of the House just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

Mr. MATSON. I ask unanimous consent that the consideration of bills this evening shall begin with the first pension bill on page 40 of the Calendar.

There was no objection, and it was ordered accordingly.

MICHAEL SHIELDS.

The first bill taken up for consideration was the bill (H. R. 3321) granting a pension to Michael Shields.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Shields, late a private in Company G, in the Fifty-seventh Regiment of New York Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3321) granting a pension to Michael Shields, having considered the same, make the following report:

The petitioner enlisted in Company K, One hundred and seventy-fifth Regiment, New York Volunteers, on the 21st of October, 1861, to serve three years, and was discharged September 6, 1862. His application for pension was filed

September 14, 1863, and it was rejected under section 6 of the act of July 4, 1864, which provides—

"That no claim for pension not prosecuted to a successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made."

The case was rejected September 7, 1870. The certificate of disability for discharge, dated September 6, 1862, says senile debility. He is an old, broken-down man; has been in hospital over two months.

A certificate given at Saint James General Hospital, New Orleans, and dated April 7, 1863, says, discharged because of his age and of tremulousness of all his limbs. He was discharged from service from the Fifty-seventh New York Volunteers and re-enlisted in the One hundred and seventy-fifth. Has done no duty since enlistment. On the 30th of May was discharged from Stone General Hospital, Washington, D. C., because of inguinal hernia and old age. Not fit for duty. Disability existed before enlistment. The evidence of those who knew this man in the service goes to show that he was severely injured, and that it is fair to assume that his present debilitated condition is occasioned by said injuries.

G. W. Jones, first lieutenant of the company, testifies that claimant was, as he is informed and officially knows and believes, severely injured in the head, while in the discharge of his duty, by a blow from a musket in hands of a sergeant of the company, in November, 1861, when the regiment was moving from New York to Washington. He is further informed that claimant was wounded by a buck-shot in a skirmish at the White House, Va., by reason of which wound he was discharged the service. Claimant is so disabled by said injuries as to be incapable of doing mental or manual labor.

Dr. McLean, family and attending physician, certifies:

"Have known claimant for five years. (Affidavit dated June 10, 1869.) I examined him some four years ago, and found him not able to perform manual labor on account of wound in head, said to have been inflicted with the breech of a musket in the hands of a rebel while engaged in a skirmish, which blow produced deafness in right ear and pain and dizziness in head. Also, he had hernia on one side, caused by falling upon a gun after being wounded in battle at Fair Oaks. He knows that soldier was sound and free from said injuries previous to enlisting in said service."

Edward G. Lane, sergeant Company G, Fifty-seventh New York, testifies—

"That he well knew claimant, and while the company and regiment were on the way from Washington, D. C., to Virginia claimant was struck by this affiant on the head with the butt of his musket, which fractured his skull and made him deaf in the right ear; that when affiant struck him claimant was in line of duty. He was also wounded in the battle of Fair Oaks, in June, 1862, in the lower part of the abdomen, by a musket-ball. Affiant was present on both occasions."

Dr. Jewett reports, July 15, 1868:

"That Shields says he is 66 years old, and looks as though he might be that age; looks infirm; walks with a staff, and is evidently badly crippled. He is apparently very hard of hearing; says he does not hear at all with his right ear, and is at times nearly deaf in the left ear. His hearing was good until it was nearly destroyed, in 1861, by blows on the left frontal region, inflicted with the butt end of a musket. There is in that region, apparently, some depression of the cranium, but no scar. In the right inguinal region is a hernia, the bowel protruding largely. This he attributes to an injury received in the battle of Fair Oaks, and he avers there was nothing in the nature of a hernia previous to the injury received in that fight. His disability is manifest; degree total. I am disposed to give the old man credit for speaking the truth, so far as he knows."

It is a fair and reasonable conclusion, from the evidence adduced, that this man received the injuries from which he suffers in the service of the United States. His certificate of discharge, dated in 1865, gives his age as 65. If that be true (and there is no reason to doubt it) he is now 84. The committee are of opinion that he should be awarded a pension, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

LOUISA EARLE.

The next business on the Private Calendar was the bill (H. R. 4833) granting a pension to Louisa Earle.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the limitations and regulations of the pension laws, the name of Louisa Earle, widow of Harry B. Earle, late of Company K, Fourth Regiment Minnesota Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4833) granting a pension to Louisa Earle, having considered the same, ask leave to make the following report:

Henry B. Earle, husband of the petitioner, enlisted as a private in Company K, Fourth Minnesota Volunteers, on the 19th of December, 1861, and was discharged January 5, 1865. He died March 26, 1875, of softening of the brain, and it is alleged that this result was due to a sunstroke, and general debility caused by chronic diarrhea contracted while in the service of the United States in the late war. The widow filed her application for pension April 13, 1876, but it was rejected by the Pension Office, for what cause the committee were unable to discover. The evidence of officers is offered to show the contraction of the disability, and of physicians, who testify to the continuance of the diseases through several years of attendance, and final death from the alleged causes.

Lieut. George Baird testifies that the soldier contracted chronic diarrhea at or near Camp Clear Creek, Mississippi, in May or June, 1862, and at about the same time and place had a sunstroke, from the effects of which, in deponent's opinion, he never recovered fully. Deponent was personally knowing to the soldier's condition up to the time of his death. He was sent to hospital at Corinth, Miss., and from there was sent to other hospitals, and was never able to do duty with company after these attacks. Deponent's information of the soldier's having been in hospitals other than Corinth is derived from having received official reports of the same.

Lieut. Ira N. Morrill testifies that on or about July 1, 1862, Earle received a sunstroke while on a march from Camp Creek to Ripley, and in addition had an attack of diarrhea, and was sent to hospital at Corinth, Miss., and was never able after these attacks to do duty with his company.

Dr. O. W. Gibson testifies that the soldier came under his care with an obscure disease of the brain, characterized at times by a total loss of memory and sensibility. He was under deponent's observation nine years, during which time these attacks continued from time to time, increasing in severity until death, March 26, 1875. It was supposed from the first that the exciting cause of his disease was a sunstroke received while on a march with the Army in Mississippi. The soldier suffered also from chronic diarrhea, which he claimed was contracted in the service, and which was continuous until death. In June, 1869, was first called to treat the soldier, and treated him at divers times during 1869, '70, '71, '72, '73, '74, '75, and until March 26, 1875. At the time deponent commenced treating the soldier, in 1869, he was suffering with chronic diarrhea, complicated with symptons of brain disease, and that during the years mentioned continued to suffer, until death, with said diseases. Deponent attended the soldier during his last sickness, and the immediate cause of death was general debility resulting from same diseases, simulating softening of the brain.

Dr. A. Allen testifies that he was the soldier's family physician from 1856 to 1869, and prior to enlistment he was a sound man. When he returned from the Army he was suffering from a complication of diseases. Affiant was frequently called upon, from 1865 to 1869, to treat the soldier for chronic diarrhea, complicated with other diseases.

The postmaster at Oakland, Minn., states that his opinion, and the opinion of others acquainted with the soldier, is that his death was in no way connected with any disease or injuries contracted in the service, and also that the soldier was a hard drinker before entering the service and after coming out, until a short time before his death, when he was forced to quit, but not before he had made a wreck of himself, and died from its effects by softening of the brain.

This is a strange piece of evidence, and the only piece of the kind, and seems to have a taint of maliciousness. In rebuttal of this evidence F. Merchant, jr., John McCarthy, and Asebel H. Bush swear that they were neighbors of the soldier for four years prior to his enlistment, and from the time of his discharge to his death, in 1875, and his personal habits were good for each and every year during their acquaintance, and in their opinion the disease or diseases of which he died were contracted in the service, and were not produced or aggravated in any way by any personal habits of his.

Dr. Gibson, who in a previous affidavit testifies to attending the soldier for many years, says that he never knew that the personal habits of the soldier were not good or that he was addicted to intemperance. And Dr. Allen also says that his habits were good with the exception that two or three times in a year he would use liquor too freely.

Regimental Surg. E. W. Cross says he treated Earle for the diseases of which he complained at Camp Clear Creek, near Corinth, Miss., at various times during the summer of 1862 and at other times after that summer, and not being able to do company duty, he was detailed as an ambulance driver.

The committee think that the evidence is conclusive that Earle did contract the disability in the service which resulted in his death, and that the widow should be pensioned. They therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

NOAH E. SMITH.

Mr. HAYNES. I ask unanimous consent to take up at this time out of its order House bill 6171, granting a pension to Noah E. Smith.

Mr. MATSON Unless there is some very good reason for that, I think I must object.

Mr. HAYNES. There are several reasons. In the first place this applicant is perhaps the oldest beneficiary to be passed upon this session of Congress. He is 76 years of age and in very feeble condition. Furthermore, it is probable that when the bill is reached in its regular order I shall not be able to be present. I would like to have it disposed of when I am here.

There being no objection, the bill was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Noah E. Smith, now of Laconia, in the State of New Hampshire, and to pay him a pension at the rate of —— dollars per month from and after the passage of this act.

The Committee on Invalid Pensions recommend that the bill be amended so as to provide for a pension at the rate of $75 per month.

The report (by Mr. WOLFORD) was read, as follows:

The Committee on Pensions, having had under consideration a bill to grant a pension to Noah E. Smith, beg leave to make the following report:

Noah E. Smith, a citizen of the State of New Hampshire, is now 76 years old, and very infirm and poor. At the time of the war with Mexico he was a citizen of the United States, doing a large and prosperous business and possessed of a fine fortune in the city of Mexico, consisting of property. He had been in the city of Mexico twenty years, and had for years superintended a stage line from Vera Cruz to the City of Mexico, including several branch lines, and had gained a thorough knowledge of the country over which General Scott's army had to pass. He had thoroughly mastered the language, and knew all the habits and customs of the people. When American prisoners from General Taylor's line were carried to the City of Mexico, he used his influence to have them released from a filthy prison and given the privilege of the bounds of the city, and furnished them money to support them decently. After General Scott started from Vera Cruz to the City of Mexico, General Lombardine, commander of the military forces of the City of Mexico, had Smith and other American citizens expelled from the city.

Smith took refuge in the house of Sir Edward Thornton, the English minister, for ten days, and escaped by night in disguise, carrying important dispatches to General Scott, whom he reached at Puebla; and General Scott, learning of Smith's good character, good sense, and thorough knowledge of the Mexican language and of the Mexican people and country, invited him to become an honorary member of his staff, which position he accepted, and was General Scott's guide and interpreter from that time until he entered the city of Mexico and rode by his side, only when sent for supplies, and when detached with the engineers for the purpose of reconnoitering, and on that duty, with Capt. Robert E. Lee, P. G. T. Beauregard, and others, he was of great service. Reaching the city, General Scott gave him the command of fifty dragoons, and he led General Scott into the city of Mexico. He has never received any compensation for his services, and lost all his property in the city of Mexico. General Beauregard, Cassius M. Clay, Captain Smith, and Captain Headry all send letters bearing testimony to his great service to his country and to the American prisoners. Wherefore your committee report the bill favorably, and recommend that Noah E. Smith be placed on the pension-roll at the rate of $75 per month, from and after the passage of this bill, during the remainder of his life.

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. BRAINERD. I ask unanimous consent to take up out of its order and consider at this time House bill 4263, on page 44 of the Calendar, granting a pension to Elizabeth Hood.

Mr. RANDALL. I have a bill before that.

Mr. NUTTING. So have I.

Mr. RANDALL. I do not like to object, but I think——

Mr. BRAINERD. The chairman of the Committee on Invalid Pensions is willing that this bill should be taken up at this time. It is a very meritorious case, and I am desirous of being absent from the House this evening.

Mr. WINANS, of Michigan. I object.

ELIZABETH A. SPRINGSTEED.

The next business on the Private Calendar was the bill (H. R. 5989) for the relief of Elizabeth A. Springsteed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Springsteed, widow of David A. Springsteed, of Albany, N. Y., late a private in Company B, Seventh Heavy Artillery, New York Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R 5989) for the relief of Elizabeth A. Springsteed, having considered the same, make the following report:

The petitioner in this case is Elizabeth A. Springsteed, widow of David A. Springsteed. The service of the soldier is as follows: Enlisted July 30, 1862, as a private in Company B, Seventh Regiment New York Heavy Artillery; discharged March 31, 1864. His death occurred July 4, 1868; cause, dropsy. It is alleged that the disease and death were the result of fever and ague contracted while in the service of the United States and in the line of military duty. Widow filed her application for pension January 9, 1871, and it was rejected on the ground that "death was not due to service." The evidence in the case is as follows:

Dr. David Springsteed, of Albany, N. Y., testifies that said David A. Springsteed was a sound man up to the date of enlistment.

J. C. Cuyler, of Albany, N. Y., testifies that said soldier was in the employ of affiant, on the Albany Morning Express, just prior to his enlistment, and for a number of years just previous thereto, and that he was a sober, steady, and faithful man, and always appeared to affiant to be sound and healthy.

John Hastings, of Albany, N. Y., testifies that he was one of the editors and proprietors of the Albany Daily Knickerbocker, a newspaper published in the city of Albany. He further corroborates the above statement of J. C. Cuyler.

Capt. Samuel E. Jones, of Albany, N. Y., testifies:

"Was captain of Company B, Seventh New York Heavy Artillery; that said David A. Springsteed was a sober, healthy, and sound man at and prior to enlistment; that while in said company, and up to the time he was taken sick, he was a good and faithful soldier; that after discharge he was constantly suffering from the disease contracted in the Army, until his death."

He further states that said David A. Springsteed contracted his disease at Fort De Russy, while in the service, while on picket duty. He was suffering from fever and ague.

Col. John Hastings of the Seventh New York Heavy Artillery, testifies that said soldier contracted fever and ague while on duty at Fort De Russy. He gradually failed from day to day, and was finally rendered unfit for duty, and as this affiant believes and remembers, was assigned to the regimental hospital, where he remained until he was discharged from the service.

Robert E. Hart, of Albany, N. Y., testifies that he commenced working in the printing office where said David A. Springsteed was foreman shortly after his return from the Army; that he was weak and sickly; that frequently after commencing his day's work he would be attacked with dizziness and faintness, and would often be compelled to leave his work in consequence thereof; that he would complain of severe pains in his head, and sometimes these attacks would keep him away from his work for several days. At times his appetite would be fair, generally it was poor, and particularly so during the continuance of these attacks. Frequently when these attacks would come upon him he would become prostrated and fall to the floor; he would have violent attacks of fever, followed by chills; these attacks would apparently break him all up, and for a time disqualify him for work; this was his condition from the first, and constantly growing worse, until he became utterly incapacitated to perform his work, when he gave up his position and was shortly afterward taken charge of by Dr. David Springsteed.

Dr. D. Springsteed, of Albany, N. Y., testifies that he attended said David A. Springsteed for about four months previous to his death. That he found him at first suffering from dropsy, the result of fever and ague, and that he died July 4, 1868, from dropsy, resulting from fever and ague.

The committee have thus given in detail the evidence in the case as the best history of it, and are convinced that death was due to disease contracted in the service, and from which the soldier was never free after discharge. The committee recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

USEBUS SWEET.

The next business on the Private Calendar was the bill (H. R. 2440) granting a pension to Usebus Sweet.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Usebus Sweet, late of Company G, One hundred and fifty-seventh Regiment New York Volunteers.

Mr. WINANS, of Michigan. Unless the reading of the reports is called for upon these bills to-night, I ask consent that they be printed in the RECORD without reading.

There was no objection, and it was so ordered.

The report (by Mr. BAGLEY) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2440) granting a pension to Usebus Sweet, having had the same under consideration, beg leave to submit the following report:

It appears from the evidence on file in the case that the petitioner was a private in Company G, One hundred and fifty-seventh New York Volunteers; enlisted August 27, 1862; discharged December 28, 1862; and filed declaration for pension November 24, 1876, alleging an injury to spine by a soldier falling upon him and striking him with the breech of his gun, he being asleep in his tent at the time, at Arlington Heights, Va., and the occasion of the accident being the hurry incident upon a midnight alarm on the night of October 6, 1862.

The Pension Office rejected the claim on the ground, "Rejection on the record; disability existed prior to enlistment."

Milton B. Jarvis, M. D., family physician (filed February 1, 1878), swears that he has known claimant from boyhood; worked for him at time of enlistment, and was entirely sound at that time.

Abraham Tuttle, captain of claimant's company (filed February 1, 1877), swears that he was raised with claimant and associated with him constantly; he was entirely sound at his enlistment. He also remembers the night that claimant did not respond at the midnight alarm; afterward saw him in his tent in great pain; suffered so for several days, when affiant assisted in placing him in ambulance and had him sent to hospital. Six weeks after he signed certificate for claimant's discharge.

George Daily and John J. McMasters, tent-mates, swear they were present and saw the claimant receive the injury to his spine.

H. C. Hendricks, M. D., surgeon of the regiment (One hundred and fifty-seventh), filed February 1, 1878, testifies that he treated claimant for his injury; has personal knowledge of the occurrence, and of claimant's transfer to the hospital.

Dr. Milton B. Jarvis also testifies that he has treated claimant continuously from his discharge to the present for a disease of the spine, the result of an injury received while in the service: "Claimant came to affiant immediately on his return from the Army with spinal irritation, severe; affiant treated him for six weeks, and at intervals ever since."

The Adjutant-General reports (dated October 31, 1862): "Absent: Sick in Greenstreet hospital, Alexandria, Va.; November and December, 1862, absent; sent to hospital at Alexandria, October 12." Muster-out roll of company (dated July 10, 1865), reports him "discharged for disability, January 11, 1863, at Washington, D. C."

Certificate of disability reports him "discharged at hospital Third Corps, December 28, 1862," which date is accepted as correct.

The certificate of disability on which he was discharged says: "Disease of mitral valve, irritatio spinalis, produced by a fall at Hamilton, N. Y., before enlistment."

The board of examining surgeons at Syracuse, N. Y., June 6, 1877, could find no disability for which to rate him; they certify: "We can not discover physical evidence of spinal disease, yet we may be wrong."

Your committee are of the opinion, notwithstanding the last certificate of the examining surgeons, that the petitioner did receive an injury to his spine in the service; the evidence is direct upon that point. The record shows that he was treated in hospital and discharged for the disability. His family physician testifies to soundness at enlistment, and to treatment continuously almost since discharge. We therefore report favorably upon the prayer of your petitioner, and recommend the passage of the bill "granting a pension to Usebus Sweet."

There being no objection, the bill was laid aside to be reported favorably to the House.

SARAH B. JACKSON.

The next business on the Private Calendar was the bill (H. R. 5800) for the relief of Sarah B. Jackson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah B. Jackson, widow of William B. Jackson, late of Company A, Ninety-first Regiment New York Volunteers.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5800) for the relief of Sarah B. Jackson, having considered the same, make the following report:

The petitioner alleges that her husband lost his life by falling from a railroad bridge while attacked with dizziness, resulting from serious wounds received in battle in the service of the United States. It is in evidence that the soldier had his lower jaw shot away in the battle of Hatcher's Run, Va., March 31, 1865. He was discharged because of this wound. The disability was rated total, for which he was receiving at time of death a pension of $8 per month. The records show that he enlisted September 1, 1864, and was mustered in the next day as a private in Company A, Ninety-first Regiment New York Heavy Artillery Volunteers; was discharged July 27, 1865, and died September 18, 1865, up to which time he received his pension, application having been filed in August. His family, therefore, derived but little good from the pension, his death occurring soon after its allowance. The widow did not apply for pension until March 12, 1877, but it was rejected because "the injury to spine by a fall was not caused by or dependent upon wounds received in the service of the United States."

The widow's affidavit gives the reason for delaying her application for pension, as well as other facts pertinent to the case. It is as follows: That her late husband, the soldier above mentioned, was a pensioner of the United States; that he returned from the Army to their home in July, 1865, suffering from a severe wound of face, destroying the lower jaw; that, although said wound was healed over, it was very distressing, causing darting pains from the jaw to the top of the head and almost continual suffering; that owing to said wound her said husband could not eat any solid food, and in consequence she had to prepare for him and feed him with liquids from a spoon; that her said husband was before enlistment a sound, healthy man, and was not subject to fainting spells, but after his return he did at several times become unconscious and faint; said faintness was caused, as she verily believes, by the wound aforesaid and the lack of nourishment which said wound prevented him from receiving.

Deponent further says that owing to this disfigurement of face and the consequent affection of his speech her said husband was loath to be seen upon the street or spoken to, and therefore rarely went out of the house except to attend his church or prayer meeting. That about 2 o'clock on Sunday afternoon on or about 17th of September, 1865, her said husband, on his way to prayer meeting, was taken with one of his fainting spells, and fell from a bridge, which fall, as she verily believes, so affected his brain and other parts in sympathy with the wound of face that he was not able to rally from the additional injuries inflicted, and that his death in a few hours subsequently, namely, at 8 o'clock next morning, was entirely attributable to the wound for which her husband was pensioned.

She further states that neither she nor any of her friends were thus advised of her rights in the premises, and even if she had been, her mental condition of distress would not have enabled her at that time to have considered them; that it was only at the late date, when her condition of need suggested to her mind by friends her rights to a pension, that she sought for the evidence requisite.

She further states that the railroad bridge from which her husband fell crossed the Mohawk River at Cohoes; that said bridge was 25 feet wide and 800 feet long and 60 feet to the bed of the river. There was on each side of the railroad track a walk about 9 feet in width. These walks were habitually used by pedestrians (as also by her husband before as well as after enlistment, on his way to and from the church) who had occasion to cross the river.

Thomas Fitzgerald testifies that he knew William B. Jackson, the deceased soldier herein referred to, since the year 1855; that he knew said soldier intimately when he entered the Army, and saw him when he returned from the Army, and frequently thereafter until his death, which occurred about September, 1865.

Deponent states of his personal knowledge that said soldier was not subject to fits or fainting spells before enlistment, and that his bodily health was good.

Deponent further states that after return from the Army, and until his death, the soldier was subject to fainting spells, which were evidently caused by the

wounds from which the soldier suffered, the whole lower jaw being shot away and his condition being very much debilitated.

Matthew C. Cook testifies that he knew the deceased soldier, William B. Jackson, referred to. He saw him fall from the bridge across the Mohawk River at Cohoes. Said bridge was a common thoroughfare, and was used by said Jackson habitually on his way to prayer meeting, and was so being used when he fell. He helped to pick said Jackson up, and saw that he was badly hurt. He stated to him that he was taken with a dizziness which caused his fall. He has been told by said Jackson's wife and others that his wound caused him to faint at times, and he believes said wound received in the Army was the cause of the dizziness producing the fall, and of which he subsequently died.

Your committee verily believe that the wound received in the service was the true causation of the soldier's death. The evidence that he was a sound man, and not subject to dizziness prior to enlistment, and that subsequent to receiving his wound he was frequently attacked with vertigo and frequently fell, is amply proved. He was an honest, upright, sober man, and it is not difficult to conclude that his death is referable to his Army disability. Believing this, the committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

SHERMAN C. PERRY.

The next business on the Private Calendar was the bill (H. R. 3336) for the relief of Sherman C. Perry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Sherman C. Perry, late of Company B, Sixteenth New York Volunteers, a pension at the rate of $25 per month, in lieu of the pension now paid to him, from and after the passage of this act.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3336) for the relief of Sherman C. Perry, having considered the same, make the following report:

The statement of the petitioner in his declaration for an invalid pension is that he was disabled by a gunshot wound, the ball entering left groin, passing through the bladder, and lodging in right hip; that his left arm and side are partially paralyzed by said wound; that his bladder is also in a paralyzed condition, at times unable to void urine, and at other times suffering from an incontinence of urine, and also passing blood; that he suffers severe pains in the region of the left groin and in the bladder and back, with increased soreness and weakness in said region, with lameness and pain in the right hip.

The rolls reported him killed at Salem Church, Va., May 3, 1863. This, of course, was an error, but he was very severely wounded, the lieutenant commanding certifying that he received a gunshot wound in the body at the battle of Salem Church, Va., May 3, 1863, and that he was at first reported killed.

At the time he received the wound he was serving as a private in Company B, Sixteenth New York Volunteers, having been regularly mustered in on the 15th of May, 1861, at Albany, N. Y. He was discharged May 22, 1863; was granted a pension June 27, 1864, to date from time of discharge, at $5.33 per month; was reduced to $4 from March 4, 1865; increased to $8 from September 10, 1872, and again increased to $12 from December 29, 1877. The surgeon who examined him, and on whose certificate he received the first rating, says that ball entered above pubes on left side, perforating the bladder and pelvis, and passed out of right buttock. Operation for stone in the bladder was had, and nucleus found to be a portion of dress carried thither by the ball. Now has lameness of right leg and occasional incontinence of urine. Health good; will probably improve after a time. This examination was by T. B. Smith, surgeon.

Charles C. Bates, surgeon, made an examination in September, 1865, stating substantially the same, and speaks of the soldier being "cut for stone in the bladder, and that a piece of clothing and a large calculus were removed." Notwithstanding this the pension seems to have been reduced, the reason for which is inexplicable.

The same surgeon, in an examination made in November, 1869, gives a fuller statement of the case and more graphically sets forth the disagreeable features of the disability, but makes no recommendation; but at a subsequent examination, made September 10, 1872, seems to take a more enlarged view of the matter, and recommends $8 per month.

Another examination was had in 1873 by another surgeon, G. L. Parmenter, and after describing the disability in all its repulsive details, in language sufficient to bewilder the mind of a layman by its technical terms and professional and scientific nomenclature, comes to the conclusion that the pension should not be increased.

L. E. Felton, another examining surgeon, who manipulated the patient on the 30th of September, 1875, intensifies the statement of the surgeon who preceded him, but sticks at $8. Light, however, which it is said by scientists travels at the rate of 192,000 miles per second, seems finally to have reached this case, for Dr. Felton, after an examination made December 29, 1877, finds the disability to be equal to, and entitling the soldier to, total third grade, $18 per month. On the strength of this report pension was increased to $12. The final and culminating examination was made by Dr. Felton, June 22, 1881. He says, after reciting the disability as hereinbefore stated, that the stone was removed by lithotomy, and that the patient has chronic cystitis, with acute attacks from any labor which requires lifting, &c. He can not do any hard work without bringing on severe symptoms, and thinks him entitled to $24 per month; equal to loss of leg above knee.

The disability of this soldier is, and has been, continuous and progressive, no doubt, as have been the examinations and opinions of the examining surgeons; and the committee think, in consideration of his serious and delicate affliction and the numerous examinations to which he has been subjected, bearing in mind that he was a faithful soldier, that he should have the pension asked for, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

MARY TARBELL.

The next business on the Private Calendar was the bill (H. R. 3040) for the relief of Mary Tarbell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Tarbell, widow of William H. Tarbell, late a lieutenant of Company D, Seventy-sixth Regiment of New York Volunteers, and pay her a pension at the rate of $18 per month, to date from January 5, 1874, the day of the death of said William H. Tarbell.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3040) for the relief of Mary Tarbell, having considered the same, make the following report:

It appears that William H. Tarbell was first sergeant (commissioned lieutenant) of Company D, Seventy-sixth Regiment New York Volunteers, and while engaged in the battle of Gettsburg, July 1, 1863, received a gunshot wound by a rifle-ball in the upper part of the left thigh, fracturing the bone very badly, from which he never (only partially) recovered, leaving the bone weak, with four inches shortening; with continued necrosis of bone, and exhausting purulent discharges; with a sinus extending from the seat of the wound to the knee; with knee-joint stiff, leaving him with great disability. He was drawing at the date of his death a pension of $18 per month. He was killed on the 5th day of January, 1874, while at work in the forest cutting wood for his family's use, under circumstances which render it morally certain that his death resulted from wounds received in the service, when without such wounds he would have escaped unharmed.

The widow made her application for pension, but it was denied, presumably that his death did not result from said wounds. Cause of rejection not stated. Her petition is signed by a large number of citizens of McGrawville, N. Y.

The evidence in the case is strong and direct.

H. C. Henrick, late surgeon of the One hundred and fifty-seventh New York Volunteers, testifies:

"That he was well acquainted with Tarbell from the summer of 1865 to the time of his death; that he was said Tarbell's surgical adviser, and had full knowledge of the extent of his disabilities, resulting from a wound said to have been received at the battle of Gettysburg, in July, 1863, by a rifle-ball, causing an extensive fracture at the upper third of the left thigh; that in healing the bone was shortened four or more inches; that the leg was weak; that he had constant necrosis of the bone; that there were extensive discharges of pus from various points of the diseased thigh; that there was one sinus from near the seat of the wound, discharging under the knee; that so extensive were the purulent discharges that said Tarbell was ordinarily under the necessity of changing the dressing upon his limb several times a day; also, that the knee was stiff, result of contraction of tendons and changes of tissues; that he was very lame; that said Tarbell could not step backward; often spoken of by himself that to move in a rear direction he must first turn himself around and move with a forward step; that he could not leap or jump, only with one foot, alighting on the same; that these disabilities existed at the time of his death; that the extent of the disease of the bone was such, and the consequent disability, that Tarbell had meditated having the leg amputated, and had several times consulted deponent in relation thereto; further, that in the situation in which Tarbell was placed at the time of the accident, as described by Waldo V. Shearer, who was with him, and precisely similarly situated, and who, with the full use of his limbs and with the utmost effort, barely escaped uninjured, it is the opinion of deponent that Tarbell, with his disabilities, could not have possibly extricated himself, and that in this view his death was the result of his wounds received in the Army."

Waldo V. Shearer, the witness alluded to in the foregoing affidavit, swears:

"That he was with Tarbell on the day of his death in the woods cutting timber; that they were felling a large, tall tree, and in falling the body of the tree split upward a distance of about nineteen feet, forming a high spur-stump, upon which the falling tree poised itself and shot backward like an arrow with great velocity, striking said Tarbell, bearing him to the ground and crushing his head, and killing him instantly. That when said tree began to fall, deponent and said Tarbell went back to the rear of the tree to a supposed place of safety, a distance of thirty feet, and were there standing side by side at the moment the danger was discovered. That deponent, having the full use of his bodily powers, did only with great effort succeed in extricating himself from his perilous situation and escaped unharmed. Tarbell did not, and could not do so, on the account of his extreme lameness, but made due effort to escape by the same means and in the same direction as deponent. Deponent says he had been with Tarbell daily for a month previous to his death, laboring in the same woods, and that they rode to and from the forest on account of Tarbell's lameness; that Tarbell was very lame from his wound, and that the leg was made shorter than the other, and weak, and the knee stiff; that it discharged very copiously every day, and that Tarbell always carried in his pockets extra dressings for his leg; that the discharge was so copious that he had often to dress his limb while in the woods, and that he usually dressed the wound three or four times in twenty-four hours; Tarbell could not walk backwards, or leap, or jump only upon one foot, and having a full knowledge of the situation and Tarbell's lameness, does not think it possible for him to have escaped unharmed."

These affidavits point directly and conclusively to the fact that Tarbell was seriously disabled by wounds received in the service. Had he had perfect use of his limbs, as did his companion, Shearer, he would have probably escaped, but his powers of locomotion being restricted by his wounds, he became the victim of the accident. The committee have no doubt that his wound was the indirect cause of death, and that the widow should be pensioned. It is therefore recommended that the bill do pass.

Mr. MATSON. I move to amend the bill by striking out all that portion of it granting arrears of pension, being all after the words "New York Volunteers."

The amendment was agreed to, and the bill as amended was laid aside to be reported favorably to the House.

ELLEN O'BRIAN.

The next business on the Private Calendar was the bill (H. R. 5888) granting a pension to Ellen O'Brian.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Ellen O'Brian, widow of Capt. John D. O'Brian, late of Company A, Twenty-fourth New York Volunteers, on the pension-roll, at the rate now allowed by law to a widow and children of a captain of volunteers.

SEC. 2. That this act shall take effect immediately.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5888) granting a pension to Ellen O'Brian, having considered the same, make the following report:

The petitioner is the widow of John D. O'Brian, late captain of Company A, Twenty-fourth Regiment New York Volunteers, who was mustered into the service with said rank May 17, 1861. At the battle of Antietam, on the 17th September, 1862, he received a gunshot wound of right leg, from the effects of which the limb was amputated. He was discharged from the service on the 24th of December following. He applied for and received a pension of $20 per month, dating from the time of discharge. His claim was admitted July 28, 1863. The soldier died April 21, 1873, of inflammation of lungs and liver. The widow applied for a pension in June following the death, alleging that it was due to the wound received in the service. The Pension Office rejected the claim, on the ground that soldier died of disease which originated after his discharge from the service of the United States and is not shown to have been the result of loss of leg.

In this case it does not seem necessary to give either the Adjutant-General's or the Surgeon-General's report, the fact of the Pension Office granting the soldier a pension of $20 per month being sufficient evidence to show that the disa-

bility was incurred in the war. The continuous and progressive debility of the soldier and his enfeebled condition are clearly shown by the evidence adduced by the Pension Office.

Dr. Lawrence Reynolds testifies that he was assistant surgeon in Twenty-fourth New York Volunters May 24, 1861, and was personally acquainted with Capt. J. D. O'Brian, of Company A, and knew him twelve years before enlistment; was a man of excellent health till he received a gunshot wound of right leg at battle of Antietam. Attended him after the amputation at Keedysville, Md. He joined the Sixty-third New York Volunteers, and after that did not see Captain O'Brian again till he returned to Oswego in 1866, when he found his health sadly injured. He was subject to attacks of erysipelas in the face and in the stump of the amputated leg, and died, in deponent's opinion, from congestion of the liver and the irritation and helplessness produced by his wound.

Captain of Company C, John Rutizan, testifies that at the battle of Antietam he saw the soldier fall, wounded, in the fight; that he helped carry him from the field; and that he saw the right leg amputated above the knee.

Dr. J. B. Murdoch, formerly surgeon Twenty-fourth New York Volunteers, took charge of O'Brian during healing of the stump. After his discharge and return home deponent treated him at various times for abscesses in the groin and thigh, and for excoriations caused by the irritation and pressure which his artificial limb gave to the stump, which was always sensitive, so much so that very often the artificial limb could not be worn, and often caused him great pain. The sufferings from this source no doubt undermined his strong constitution and rendered him unable to resist disease.

After O'Brian returned home Dr. C. P. Clark, examining surgeon, was called upon to treat him professionally. Before his army service he was a remarkably robust and healthy man, but after his return he was very subject to sickness, and, in fact, an invalid. He was subject especially to severe attacks of erysipelas in his left leg (right amputated), double duty being cast upon that member. "It is my opinion," says Dr. Clark in his affidavit, "that the diseased condition of his blood, produced by such disease, joined with the impairment of his constitution resulting from the hardships of army life, was the cause of the inflammation of the lungs and liver, of which he died."

The committee think the evidence ample to establish the connection of the cause of death with the wounds received in the service. The surgeons display no hesitancy, under oath, in expressing an opinion to that effect, and the committee therefore believe the widow should have a pension, and recommend the passage of the bill.

Mr. MATSON. I move to strike out the second section of the bill.

The amendment was agreed to.

Mr. NUTTING. Mr. Chairman, I can not at this time allow this opportunity to pass without making it known how deeply I feel for the success of this bill. The soldier, John D. O'Brian, is not here to speak for his widow and fatherless children. He has gone to the rest prepared for brave soldiers and honest men. John D. O'Brian was an Irishman, and as brave a man as ever the sun shone upon. When the first call for troops was made in 1861 by President Lincoln this man hastened to enroll himself as one of the 75,000 brave men who were called for to stand as a guard over our national life, and if possible to stem the tide of treasonable war which at that time threatened the existence of our country. He had wife and children; he had home and friends; but he was swift to leave them all at the call of his country.

In a county of 75,000 people he was the first man to enlist. He went to the war, and because of bravery, because of honesty, because of loyalty to duty on every occasion, he was promoted to place after place of trust and responsibility and danger, until at the battle of Antietam he was in command of his regiment, the gallant old Twenty-fourth New York. At this battle he bravely led the old regiment in the thickest of the fight. It was while gallantly leading his command in this fight that he received the wound that cost him his good right leg. I remember, sir, when this man came back. It was not the same tall, perfect physical man that went out from us. He was marred and maimed for life. Thereafter he was for many years about our streets, the mere wreck of what he once was. The echo of his false leg as he struggled on in life I can even hear now as if it were but yesterday.

He wasted away day after day from the effects of the loss of his leg until he finally was laid away to sleep among his comrades. His wife and children were left without protector and without means of support. Though he was in his lifetime given a pension for the loss of his limb, the pension law was so faulty that even this source of support was denied his wife and children after his death. Pass this bill, and we shall do honor to ourselves in an act of simple justice to the wife and children of an honest man and a brave soldier.

The bill as amended was laid aside to be reported favorably to the House.

CYNTHIA SHAW.

The next business on the Private Calendar was the bill (H. R. 3727) granting a pension to Cynthia Shaw.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cynthia Shaw, widow of James S. Shaw, late of Company C, Forty-sixth Regiment New York Volunteers.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3727) granting a pension to Cynthia Shaw, having considered the same, make the following report:

James S. Shaw, husband of the petitioner, enlisted in the service of the United States, on the 27th of August, 1862, as a musician in Company C, One hundred and forty-sixth Regiment New York Volunteers. It is alleged that he died September 9, 1874, of consumption, produced by exposure and hardships while in the Army. The widow filed her application for pension October 28, 1878, but it was rejected; reason not given. The word "Rejected," simply, appears on the papers. Adjutant-General's records show that the soldier was excused on several dates by surgeon. Regimental hospital records show him admitted "with boils" October 2, 1863, and also, November 16, 1863, with "psoriasis," and again December 25, 1863, admitted "with boils." Dates of return to duty not stated.

The evidence of the captain, the sergeant, and hospital steward quite clearly indicate that the contraction of the disease did occur in the service. The testimony of these officers is herewith given to show the fact.

Captain Walker, of Company C, testifies that said James Shaw was a healthy and active soldier until some time in the fall of 1863, at which time affiant noticed that the health of said Shaw had become considerably impaired, and he continued to decline in health, from general exposure in the Army, and seemed to be in a consumptive state at that time, and also in the winter following, after which affiant was taken prisoner and away from his regiment for a time. After said soldier's discharge from the Army, affiant noticed that said Shaw continued to be in very poor health, and unable to perform manual labor.

Sergt. George Tibbets testifies that he was a member of Company B, and that Shaw was in apparent good, sound health from the time he entered the Army in August, 1862, until some time in June, 1863, when his health began to decline from long marches and army exposure, which was noticed by affiant a day or two before the battle of Gettysburg. He seemed to be broken down in health generally, and so continued until his discharge from the Army, and from then to the time of his death, September 9, 1874.

Patrick H. Thomas testifies he was hospital steward from 1862 to the fall of 1863; that Shaw, in the summer or fall of 1863, from army service and exposure, was attacked with typhoid fever, to affiant's personal knowledge, and was treated therefor in field hospital, and was very ill, and had not recovered when affiant was discharged.

Fred. Adams knew Shaw in 1866, and continuously until his death, in 1874; and that he had a cough and complained of severe pains in his left lung, and that he kept growing worse until finally, in the summer of 1873, he was obliged to discontinue business, and that he was confined to his house most of the time.

Linas P. West, Dr. Richard E. Sutton, T. Evans, and Jennie De Groot testify substantially to the same as Adams.

A. J. Elmer, druggist, says that he knew of Shaw's poor health, and sold him medicines many times.

John Griffith, a comrade of Shaw's, knew of his good health prior to enlistment, and of his subsequent ill-health, and of his gradual decline until death.

Conrad Heyshler, another comrade, knows that the soldier was well at enlistment, and that while in the Army became languid, seemingly worn-out and feeble, and suffered from a bad cough; and that it was brought on by long and severe marches and exposures.

Samuel O. Scudder, M. D., testifies that he treated James Shaw for phthisis pulmonalis from July 27, 1874, to death, September 9, 1874; that the immediate cause of death was phthisis.

Your committee are satisfied from the evidence that the soldier contracted the disease of which he died in the service, and that the widow is entitled to the pension, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

JAMES M. PIKE.

The next business on the Private Calendar was the bill (H. R. 3340) granting a pension to James M. Pike.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James M. Pike, late second corporal of Company C, Fifth Regiment Vermont Volunteers.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3340) granting a pension to James M. Pike, having considered the same, make the following report:

The petitioner's case rests wholly upon the affidavits of himself, the captain of the company in which he served, and that of neighbors and employers. He is unable to procure the affidavits of the regimental surgeons or of the physician who treated him since his discharge, as it is alleged that they are dead. Furthermore, the examining surgeons who have considered his case declare that no disability exists. Notwithstanding all this, there seems to be sufficient evidence adduced to warrant a favorable conclusion, for it is not at all impossible, your committee think, for such a combination of circumstances and events to exist as would render it difficult for the petitioner to obtain the professional evidence that would make his claim clear without a doubt.

His own affidavit shows that he enlisted on the 4th of September, 1861, as second corporal in Company C of the Fifth Regiment of Vermont Volunteers, and that he was discharged at the defenses of Washington, D. C., June 29, 1865. He claims that he contracted heart disease and chronic diarrhea before Richmond, Va., and that his disabilities were caused by improper diet and exposure in or about the month of February, 1863; also, that while going home on furlough, on the Pennsylvania Railroad, between Philadelphia and New Jersey, the train collided with another, and that he received a severe injury to his head.

Capt. F. H. Burney, of Company C, testifies that in the Chickahominy swamp, Virginia, the soldier contracted chronic diarrhea, which reduced him so as to be unfit for duty. He was treated by regimental surgeon, but got no relief. He was also troubled with heart disease and was sent to general hospital for treatment. Bad water and constant exposure are supposed to be the causes. He was at the time doing duty as a common soldier in the Chickahominy swamp, and he was afflicted with said diseases when discharged.

From all appearances the soldier was in sound health when he enlisted. Affiant was in command of the company when these disabilities were incurred; knows from personal knowledge of the fact from the appeals for help and complaints constantly made of his sufferings.

Richard Grant, of Berlin, N. Y., has known petitioner for thirteen years. In 1870 and in 1871 he worked on a wood job near his house, and saw him two or three times a week; knows he was afflicted with the diseases complained of, and an injury to the head; that he would frequently have to leave his work, and was so bad that he staid at his house frequently, not being able to go home, a distance of 2½ miles. In 1880 and 1881 he obtained a position as foreman over a section gang on the railroad; worked with him, and knows that at times he had to abandon his work, at one time being away for two months.

Henry H. Hill testifies to Pike's being free from disabilities prior to enlistment—was an able-bodied man. He worked for me, chopping wood, when he complained of the diseases mentioned. This was after he came from the Army. The attacks of the disease were frequent and severe; was not able to do more than a third of a day's work, and I employed him more out of sympathy than for the value of the labor done, because he had a large family and was poor.

John C. Whitman and John G. Stevens testify to substantially the same state of facts, which it seems unnecessary to detail.

It is quite apparent to your committee that this man did contract the diseases mentioned in the Chickahominy swamp, in the service and in the line of duty, and, as his disabilities seem to be severe and incurable, and as he is rendered thereby incapable of earning enough to maintain himself, that it is proper he should have a pension, and therefore advise that the bill for his relief be passed.

There being no objection, the bill was laid aside to be reported favorably to the House.

DAVID M. NAGLE.

The next business on the Private Calendar was the bill (H. R. 5543) granting a pension to David M. Nagle.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of David M. Nagle, and pay him a pension at the rate of $25 per month.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5543) granting a pension to David M. Nagle, having considered the same, make the following report:

Edmund B. Nagle, son of the petitioner, was mustered into the service of the United States as a private in Company B, Third Regiment of New Jersey Cavalry, on the 29th day of January, 1864, at Trenton, N. J.

The muster-rolls of said company and regiment for September and October, 1864, report: "Died in McClellan General Hospital, Philadelphia, from wounds received in action. Company muster-roll reports: "Private died October 6, 1864, from wounds received in action." Quarterly return of deceased soldiers reports the same at Philadelphia. Regimental returns report the same, of wounds received at Winchester. Regiment was in action at Winchester, Va., September 19, 1864. The record of soldier's death is complete. There is no doubt of his dying from wounds received in the service.

The mother made application for pension January 2, 1874, and another January 28, 1880. She died April 20, 1881. The father, the petitioner, applied June 2, 1882. Both applications were rejected on the ground that claimants were not dependent on or supported by the soldier at the date of his death, the testimony showing that the father's salary of $4 a day was sufficient to afford a maintenance at that time.

No better history or understanding of the case can be had or given than by transcribing the evidence as presented in the brief of the Pension Office in this claim. The testimony is voluminous, and your committee, therefore, for the sake of brevity, have divested it of much of its verbiage, without, they trust, changing the statement of facts presented, desiring only to arrive at a just and fair conclusion thereon.

The petitioner, David M. Nagle, in an affidavit filed November 16, 1881, says, substantially, that he is the father of the soldier, Edmund B. Nagle, who was mortally wounded at the battle of Fisher's Hill, near Winchester, Va., September 25, 1864, and died at McClellan Hospital, Philadelphia, October 6, 1864, aged 22 years; and that said soldier was never married; that said soldier frequently sent money home to pay rent and help support the claimant and his wife, the soldier's mother, they being dependent upon him for support, and having no personal or real estate; the claimant having no permanent occupation, but living for many years upon the generosity of others; that the mother died on the 20th of April, 1881, and her medical and funeral expenses are yet unpaid. Claimant is now in the eighty-first year of his age and entirely destitute. Had four sons in the Army. It will be remembered that this report was made three years ago. The petitioner is, therefore, at the writing of this report 84 years of age.

In a subsequent affidavit, dated June 2, 1882, the claimant says that the soldier was employed, earning $7 per week, prior to enlistment, and that while in the service he contributed all his pay as he received it to the support of his parents; that during this period claimant suffered the natural incapacity and debility arising from old age, and that after the death of the soldier claimant contracted a severe cold, which seriously affected his constitution; and that in 1868 he was afflicted with double rupture, from which he has suffered ever since, and was treated by several physicians, whose names are given. Affiant repeats statement as to condition of health; that he has no property, and states that he was employed in New York custom-house for a short time at $4 per day; that he was also employed in the mayor's office from June, 1869, to December, 1871. He further states that he had no other means of support since the soldier's death, except the voluntary contributions of friends, and reasserts his former statements in regard to the contributions of the soldier.

Jeremiah Murphy corroborates claimant's statement as to the family, the soldier's death, and his celibacy, and says that he has known claimant since 1864, and testifies that he has no means of support beyond the contributions and donations of his friends and acquaintances, except a few months' work in the New York custom-house, which ended in the latter part of 1864 or early in 1865; that he was employed in the mayor's office for a few months in 1869, and that for about a year off and on, during 1867 and 1868, he was employed as an inspector of paving; that other than this he has been wholly dependent upon his friends; that since 1869 he has been continuously in delicate health; that before the son enlisted he gave all his earnings to his parents and sent all his army pay to his parents, except for some time before his death, and in fact while he was in the cavalry, as it was in arrears; that the claimant was in fair physical condition from 1864 to 1869, except the usual weakness of advancing age, after which time he was broken down; that in 1868 the claimant was afflicted with rupture, from which he has since suffered. Affiant says that all of the sons except one were in the Army, and that the mother died in 1881.

N. Woodhull Woolsey, M. D., corroborates foregoing statements as to family and occupation of claimant, and as to his physical weakness; also as to the soldier's earnings, and aid in supporting parents.

William Dwyer, M. D., says claimant suffered from hernia, rheumatism, and from general debility, and is unable to earn a living.

The following paragraph appeared in a New York daily newspaper under date of February 22, 1884:

"THE FATHER OF FIVE SONS WHO WERE KILLED IN THE WAR DYING OF STARVATION IN BROOKLYN.

"On the first floor of a miserable tenement-house at No. 378 Baltic street, Brooklyn, lives Daniel M. Nagle, an old veteran, whose name will figure among the sons who fought the fruitless fight for Ireland's liberty. Five of Mr. Nagle's sons lie in soldiers' graves, having sacrificed their lives in the late war. The three small rooms in which the old man lives are nearly destitute of furniture, and the visitor is struck by the appearance of most abject poverty. The old man is without any means, and unless he receives immediate assistance he will become a pauper or die of starvation.

"Mr. Nagle is 84 years old, and has been a citizen of the United States for sixty years."

As before stated, Mr. Nagle made application for a pension, which was rejected for reasons satisfactory to the Commissioner, the claim not coming within the requirements of the law. The paper before quoted also contained the following:

"Mr. Nagle has not yet received his pension, and a number of his friends will bring the matter before Congress. The old man has not been able to earn any money in the past sixteen years. He has been obliged to pawn everything he possesses, including his clothing and a gold watch which was formerly the property of his son, General Nagle. For the past year or two he has been living on the generosity of his friends, among whom are General SLOCUM, who promises to advocate his claim before Congress. Mr. F. B. Thurber has written a letter to Congressman DARWIN R. JAMES, asking him to interest himself in the case.

"The following is a letter from General Meagher, written directly after the close of the civil war:

NEW YORK, *May* 26, 1865.

I feel very great pleasure in testifying to the earnest patriotism and public spirit of Mr. D. M. Nagle, in whose favor I write these few lines, and cordially commend him to the friendliest consideration of the Government.

Too far advanced in years to take the field in person in support of the national authorities and the maintenance of the Union, Mr. Nagle proved his devotion to the country of his adoption by cheerfully bidding his five sons to go and do what his impaired strength prevented himself doing, ardently as he desired to have his share as a man in striking down the rebellion.

One of those sons served in the second regiment of the brigade I had the honor to command in the Army of the Potomac, and of him it gratifies me heartily to speak in the highest terms of approval and admiration. A thoroughly reliable soldier, a conscientious and high-toned gentleman, ever eager in the discharge of his duties, animated always with a chivalrous sense of the dutifulness and sacrifice he owed the service and the great cause in which he was engaged, it is with sincere satisfaction I have this opportunity afforded me of speaking of his merits in connection with the just claims of his father upon the consideration of the Government. Should these claims, founded upon zealous and intelligent services in civil and political life to the cause and the Government of the United States throughout the terrible conflict that has now ceased, and which were all the more valuable from the circumstance that he was a citizen of Irish birth—should these claims of Mr. Nagle be recognized and rewarded as they deserve to be, not one of his many friends will more sincerely rejoice than

THOMAS FRANCIS MEAGHER,
Brigadier-General, U. S. Volunteers.

Your committee believe this old man justly entitled to the pension asked. Every sense of patriotism, of sympathy, and of justice is excited in his favor. He bid his sons go forth and battle in the service and in defense of his adopted country, and in so doing he sacrificed the very prop and stay of his declining years. Surely there should be some recompense. He does not ask much, and it can be but a few years at most that he can be a charge upon the Treasury. Your committee, with forceful earnestness, recommend and ask that the bill for his relief be passed.

Mr. MATSON. I would like to have the gentleman from New York [Mr. BAGLEY] explain the reason for the rating of pension proposed in this bill.

Mr. BAGLEY. Mr. Nagle was the father of five sons who were sacrificed in the war. He himself did not serve in the Army. He is a very old man, entirely without means of support, and an object of charity to his friends in Brooklyn. It is believed that because of the sacrifices which this old man made for the cause of his country he is entitled to some recompense. I believe he is now about 80 years of age. In consideration of his case, which the committee believe to be a proper one for a pension, a favorable report was made upon it by them.

Mr. MATSON. What is the reason for the rating of $25.

Mr. BAGLEY. The reason was that the committee concluded the old man should have that amount.

Mr. MATSON. He had three or four sons, I believe, in the Army?

Mr. BAGLEY. He had five sons. I so stated.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MAJOR D. WILLIAMS.

The title of the next pension bill on the Calendar was read, as follows:

A bill (H. R. 1738) restoring to the pension-roll the name of Major D. Williams.

Mr. MATSON. I think that bill passed the House at its last meeting. An identical Senate bill was substituted, and I understood it was ordered that this bill should be laid on the table.

Mr. PETERS. It was called up by the gentleman from Wisconsin [Mr. PRICE].

The CHAIRMAN. The bill will be laid aside to be reported to the House with the recommendation that it do lie on the table.

MARY A. KNAWBER.

The next business on the Private Calendar was the bill (H. R. 499) granting a pension to Mary A. Knawber.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Knawber.

The report (by Mr. MORRILL) is as follows:

We find that Mary A. Knawber was the mother of Adam Knawber, private of Company F, First Kansas Volunteers, who enlisted June 1, 1861, at the battle of Wilson's Creek; on the 10th of August following he was wounded by a rifle-ball in the left thigh. This wound rendered him utterly unfit for further duty, and on the 14th of July, 1862, he was discharged from service at Trenton, Tenn. He had scarcely reached his home in Westport, Mo., when a band of guerrillas raiding the town shot him, from the effects of which wound he died in a few minutes. His mother applied for a pension, which was rejected on the technical point that claimant had been discharged from the service prior to receiving his death-wound. The evidence is conclusive that he was the sole support of his mother, who was a widow in indigent circumstances. Before his enlistment he paid for his mother's board; after enlistment he regularly sent her his pay received from the Government, and this he continued to do even after he was sent to the hospital suffering from his severe wound. Technically he was not a soldier at the time of his death, but he gave his life to his country as surely as though he had fallen mortally wounded at Wilson's Creek. Having been in the service of his country, and wearing the hated blue, he fell a victim to the rebel bullet. Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL BARNARD.

The next business on the Private Calendar was the bill (H. R. 943) granting a pension to Samuel Barnard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Samuel Barnard, late a corporal of Company I, Ninety-fourth Regiment Illinois Volunteers.

The report (by Mr. MORRILL) is as follows:

We find that this soldier enlisted August 7, 1862, in Company I, Ninety-fourth Illinois Volunteers; that he was discharged May 31, 1864. The certificate of disability, signed by J. C. Ross, surgeon of the Ninety-fourth Illinois Volunteers, says:

"I find him incapable of performing the duties of a soldier because of a large inguinal hernia of right side, with partial hemiplegia affecting same side; cause obscure. The hernia originated December 18, 1862, while on a forced march in the State of Missouri, at which time the right testis first descended into the scrotum, with it hernia. Degree of disability, about one-eighth. Unfit for the Veteran Reserve Corps."

Application for pension was filed June 23, 1876, and rejected March 18, 1877, on the ground that the alleged hernia originated prior to enlistment. Two special examinations have been made in this case and a large amount of testimony has been submitted. The case has been somewhat complicated by the fact that Irwin Barnard, the brother of the claimant, enlisted in the same company and upon the same day; both have made application for pension for the same disability, and that some of the witnesses have apparently confounded one with the other. Claimant swears positively that he did not have hernia at the time he enlisted; that he was examined by Dr. W. Stipp, medical director of the Department of the Gulf, at Bloomington, Ill., at the time he enlisted, in the presence of the whole company; that he was never examined by any other surgeon, and that he was accepted as a thoroughly sound man; that he on the night of December 6, 1862, near Fayetteville, Ark., while on a forced march from Wilson's Creek, Mo., to Prairie Grove, Ark., stepped on a loose stone on the road and fell, causing a breach in the right groin, causing the bowels to fall into the scrotum, producing intense pain. Bivouacking at Fayetteville, Ark., until daylight, the march was resumed, and meeting the enemy a few miles south of Fayetteville, an engagement opened and lasted until dark, in which he participated throughout, suffering severe pain, and receiving no medical attendance.

The following statement by the State officers of Nebraska shows the high character of the claimant and gives great weight to his evidence:

LINCOLN, NEBR., *January* 19, 1881.

To the United States Commissioner of Pensions, Washington, D. C.:

We, the undersigned, citizens of the State of Nebraska, hereby certify that we have known Samuel Barnard intimately for the past ten years, during which time he has been a citizen of this State. We have found him strictly honorable and reliable in all his transactions, and we have no hesitancy in saying that we would place implicit confidence in any statement he would make, and believe him a truthful and honorable man. His standing is of the highest order, having represented in our Legislature one of the most intelligent districts in the State.

ALBINAS NANCE, *Governor.*
JOHN WALLICK, *Auditor.*
G. M. BARTLETT, *Treasurer.*
C. J. DILWORTH, *Attorney-General.*
ROBT. W. FURNAS.
L. CROUNSE.
C. HARTMAN.
DANIEL H. WHEELER.
J. H. ALFORD.

We have been personally acquainted with Mr. Barnard since 1865, and cheerfully certify to his good moral character and honesty.

C. N. BAIRD,
Receiver, United States Land Office.
J. B. McDOWELL,
Register of United States Land Office.

Dr. George W. Stipp, lieutenant-colonel and medical inspector of the United States Army, testifies:

"I have known the applicant, Samuel Barnard, from boyhood. I practiced in his father's family as his family physician for many years. I examined him at the time of his enlistment, and know that he was then sound and healthy. On the 31st of May, 1864, I found him at New Orleans, La., in the hospital, laboring under an inguinal hernia of a serious character, and discharged him for that disability, he being totally unfit for service. Since his discharge I have seen but very little of him, and know nothing of his present condition, except from report. The hernia was in the right groin, attended with partial paralysis of the right side."

Dr. Harvey Parkhurst testifies:

"FEBRUARY 27, 1877.

"I have been practicing medicine for twenty-seven years, and was acquainted with Samuel Barnard about one year before he enlisted. I was not aware of his being ruptured or having any unsoundness whatever. I was so intimate with him before he went into the service that I do not think that he could have been suffering from hernia without my knowledge."

Francis and Osborne Barnard, brothers of claimant, and J. W. Henry and W. B. Kent, comrades, testify that they never knew that claimant was ruptured before the enlistment, and quite a number of his neighbors testify in the same way.

William Derryman, a comrade and intimate friend of claimant, whose character is vouched for as being excellent, testifies:

"I knew him five years before his enlistment, living within four miles of him; saw him frequently; never heard of his being disabled in any way. He was strong and able-bodied, hard-working and energetic, and I think if he had had a hernia I would have known it. While in the service he and I messed together, tented and slept together, marching side by side frequently before December, 1862. Had been in bathing and saw him undressed, and on other occasions while sleeping with him saw him undressed, and am sure that he had no hernia or breach. I am sure that if he had been so I would have known it. That he, in December, 1862, while marching by his side, about twenty or twenty-five miles from Fayetteville, Ark., about daybreak, having been marching all night, the rebels fired on us and we were ordered to fall back to the edge of the timber; to do so we were compelled to cross a ditch or creek. I made a spring and got over, and looking back saw claimant, who, in attempting to get over, fell, and was lying on his back. I went back to him and found him very pale. I thought he was going to faint. I threw some water in his face. I asked him if he was much hurt, and he replied, 'I do not know; I feel very sick.' I only stopped a moment to help him up, and told him to get into an ambulance or wagon.

"I rejoined my company. I next saw him at Huntsville, Ark.; he came up, I think, in an ambulance. It was about —— days before Christmas, for the reason that the day before Christmas we were granted passes to go foraging, and I remember distinctly that claimant was unable to go, staying in his tent. I also distinctly remember that the morning after, at roll-call, I reported him sick and he was ordered to report to the doctor, and I remember distinctly that he complained of his injury to me after reaching camp, and I think I examined him either that evening or the next morning and one of his testicles or the sack was very much swollen and was very painful. I remember all the foregoing circumstances distinctly and speak from personal knowledge."

The foregoing testimony seems to be clear and conclusive, but, on the other hand, Dr. Ross, regimental surgeon, testifies:

"It seems that I have got into a muddle in the claim business of the Barnards. It is a mystery to me. I have no recollection of any such certificate of disability as in the latter case, and if I signed such a one it must have been under the impression that Irwin Barnard's disability occurred in the service, in the absence of any information to the contrary. I know that one of them, I think Samuel, told me that his (own) disability existed prior to enlistment. Dr. A. E. Stewart was the assistant surgeon of the same regiment, and examined most of the men at enlistment, and he told me that he rejected one of the boys, I am not sure but both of them, on their examinations for enlistment, on account of hernia."

Dr. Stewart, in seeming contradiction of the above, testifies:

"The two Barnards were examined by Dr. Harrison Noble, an eminent physician, since dead, and that he informed me that Samuel Barnard was ruptured at the time of his examination, and was rejected by him on that account, but in some way got in."

Several members of the company testified that they had heard reports that claimant was ruptured before he enlisted. A sister-in-law testifies that he was injured while a school-boy in a scuffle.

There seems to be no positive evidence of the existence of the injury prior to enlistment; while on the other hand the evidence of claimant himself, of Dr. Stipp, and William Derryman seem positive and conclusive in favor of his soundness. The statement of Dr. Stewart that Dr. Noble examined and rejected the applicant is flatly contradicted by the statement of Dr. Stipp that he examined him, and the statement of claimant that Dr. Stipp examined him, and that he was but once examined. The evidence as to his subsequent disability is unquestioned. The examining surgeon says the examination reveals the following facts:

"Inguinal hernia of the right side is kept up by a truss. When the truss is removed and a little stirring effort is made the hernia comes down and passes readily into the scrotum."

It seems incredible to suppose that this man could have performed the duties of a soldier, making long forced marches and enduring the hardships of a soldier's life, if this disability had existed prior to enlistment.

Your committee have carefully examined the testimony in this case, which is very voluminous and includes the reports of two special examiners and the evidence of a large number of witnesses, and are forced to the conclusion that the injury was received in service and while in the line of duty. The contradictory evidence has probably arisen from the fact that claimant had a brother in the same company who enlisted on the same day and who suffered from the same disability. Your committee, having carefully weighed all the evidence in the case, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HUGH DOUGHERTY.

The next business on the Private Calendar was the bill (H. R. 2140) for the relief of Hugh Dougherty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hugh Dougherty, late first lieutenant of Company K, Thirteenth Regiment Kansas Infantry.

The report (by Mr. MORRILL) is as follows:

This soldier entered the military service September 20, 1862, and was discharged May 29, 1865, as second lieutenant of Company K, Thirteenth Kansas Volunteers. On the 15th of July, 1880, he made application for pension, which was rejected January 24, 1884, for want of hospital record and inability to furnish medical evidence. Claimant avers that he contracted rheumatism in hip and back August, 1863. Cause, exposure to weather, the tents being blown over at night during a rain-storm, and he was obliged to lie all night in the rain, causing the first attack of rheumatism. Again, in the chase after the rebel General Cooper, in the Cherokee Nation, during two weeks of rainy weather, was obliged to lie out unprotected by tents.

Patrick Langan and Thomas L. Seip, two neighbors, testify that they were personally and intimately acquainted with him from 1859 till time of his enlistment; that for the two last years they worked with him almost daily, and that he was a sound, able-bodied man.

Capt. P. H. McNamara, of Company K, says:

"In August, 1863, Hugh Dougherty was disabled in the line of his duty by the tents being blown over in a storm, and the claimant lying out all night in the rain, from the effects of which said claimant contracted rheumatism in the back and afterward in the right hip, which was afterward aggravated by hard marching and exposure while marching through the Indian Territory after confederate General Cooper without tents. I know these facts from having been present in person."

J. J. Locker, probate judge of Atchison County, a gentleman whose integrity is unquestioned, testifies, on 25th of July, 1883:

"He has known Hugh Dougherty intimately for the last nineteen years, but the more particularly since discharge; that he has seen him, on the average, weekly in the years 1866, '67, '73, '74, '75, '76, '77, and '78, and almost daily in the years 1868, '69, '70, '71, and until August in 1872 and in 1879, '80, '81, '82, and to date. I know that he has frequently been laid up from work by reason of rheumatism in back and legs. I remember distinctly of meeting him in January, 1866, and of his then complaining of rheumatic pains in back and legs, and of his positive assertion at the time that although entitled to pension he should never apply. He was then better off financially than now. I have noticed that the disability is increasing on him, and has gradually ever since he left the service."

Dr. J. M. Linley, an eminent physician of Atchison, testifies that he treated him for rheumatism in 1871, and has occasionally ever since. Several of his near neighbors and friends testify that they have known him intimately since his discharge, and that he has been afflicted with rheumatism ever since. Claimant says that he was treated by Surgeon Grimes while in the service, but that physician died in 1877. The Adjutant-General's report shows that in September and December, 1863, he was borne on the rolls at different times as "present, sick."

The evidence in this case is of a high order, and seems ample, with the exception of proof of medical treatment up to 1871. He is unable to prove medical treatment in the service, because Surgeon Grimes is dead. He testifies that for six years after his discharge he endeavored to treat himself, with the help of his wife. He was examined August 9, 1882, by Medical Examiner A. P. Tenney, who reports him three-fourths disabled.

Your committee have no hesitation in saying that it is proven beyond a reasonable doubt that the disease was incurred in the line of duty and has existed ever since, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

J. H. ADAMS.

The next business on the Private Calendar was the bill (H. R. 5835) granting a pension to J. H. Adams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. H. Adams, late a private in Company K, Fifth Regiment of Tennessee Volunteers.

The report (by Mr. HOUK) is as follows:

That James H. Adams, of Roane County, Tennessee, enlisted as a private in Company K, Fifth Tennessee Volunteers, April 24, 1862, and was discharged May 19, 1865. His application for pension is based upon two grounds:

First. Measles contracted on or about the 20th day of May, 1862, and a relapse soon thereafter, resulting in permanent injury to lungs, kidneys, and eyes.

Second. An injury to legs and feet received in unloading a car at Atlanta, Ga., in September, 1864.

The fact that claimant contracted measles, as claimed, is proved by James R. Thompson, captain of Company K, who swears that—

"At or near Camp Pine Knot, in the State of Kentucky, said soldier had measles, and that on the march to Cumberland Gap, while in battle line, said soldier took suddenly sick with relapse of measles. He lingered with this disease for some length of time. I noticed said soldier during the year 1863 at various times complaining of weak breast with a severe cough. I saw said soldier during the year 1864, and in general bad health."

Captain Thompson further states that he saw said soldier on crutches from the injury at Atlanta, Ga., in September, 1864.

Captain Thompson's statement is fully corroborated by the testimony of William Butler, James Cox, Wesley Sevels, John Mullin, and A. J. Childers as to the soldier having measles as claimed.

The fact that this soldier was seriously injured, as claimed, at Atlanta, Ga., in September, 1864, is clearly shown by the proof on file.

As to soldier's condition since the discharge from the Army in May, 1865, there is on file the testimony of George M. Diggs, a witness, whose character, on investigation, is shown to be good, who proves that he has been intimately connected with the claimant since his discharge in 1865; that he lived with him for several months after his discharge; that he saw him as often as once a week, and that he complained of his lungs and back.

John H. Royles, another witness whose character is certified as good on investigation, proves in substance the same as the witness Diggs, and both of these witnesses are corroborated by Tobias Peters and John Quales, whose character, however, is not so good as Diggs and Royles, but whose testimony must be accepted in this case because they are sustained by witnesses of undoubted character.

Dr. L. N. Halloway first treated claimant in 1876, and has treated him off and on since that time, and that he suffers with something like lumbago. The standing of this witness is good.

The fact that claimant had measles with a relapse, as claimed, from which he has never recovered, is clearly shown by the proof on file in this case. It is also clearly shown that claimant received a very serious injury at Atlanta, Ga., in September, 1864, though the continuance of the disability and its present degree is not so clearly shown.

All the witnesses who speak of claimant's present disability—and there are some five or six who testify as to this—say that he is not able to do more than from one-half to one-fourth the labor of an able-bodied man, the larger number rating his disability at three-fourths. The fact that he was a sound man when he entered the service is proved. The records of the regimental hospitals on file in the War Department are shown to be incomplete, and doubtless in many cases imperfect. The claimant has fully accounted for his inability to furnish medical evidence of his treatment, and your committee, being of opinion that this is a meritorious claim, coming clearly within the spirit if not the strict letter of the rule, do therefore report back bill H. R. 5835 and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY BALLINGER.

The next business on the Private Calendar was the bill (H. R. 5838) granting a pension to Henry Ballinger.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Ballinger, late a private in Company F of the First Regiment of Tennessee Cavalry.

The report (by Mr. HOUK) is as follows:

That Henry Ballinger enlisted as a private, Company I, First Tennessee Cavalry, September 1, 1862, and was discharged June 19, 1865. In addition to the presumption arising from his muster, there is proof by Lieut. Jonathan Hayworth, of claimant's company, and T. M. and A. A. Northen, neighbors, that prior to the enlistment the soldier was a sound man, free from any disease. It further appears that while in the service Ballinger had rheumatism of the inflammatory type. Lieutenant Hayworth testifies that this soldier was taken with rheumatism and left at Bardstown, Ky., in January, 1863, for one month. The command was then on the march from Camp Dennison, Ohio, to Nashville, Tenn. This is so reported by Adjutant-General. T. M. and A. A. Northen testify that claimant was in hospital at Franklin, Tenn., in 1864, with inflammatory rheumatism. As to the condition of soldier since discharge, Dr. John B. F. Dias testifies that he treated claimant for inflammatory rheumatism in February, 1882; has been under his treatment ever since, and that he is not able to do more than one-third full labor. S. A. Puckett testifies that he has known claimant since 1867 to the present time; has worked with him; that he has been afflicted more or less all this time with rheumatism, and that he is one-third disabled.

A. A. Northen, T. M. Northen, Hudson Jornagin, and Wesley Mussingill all testify that they have known claimant since 1865; that they have lived near neighbors to him, and testify of their personal knowledge as to soldier's having inflammatory rheumatism from 1865 up to the date of their being sworn, in 1883 and 1884, and they rate his disability at two-thirds. Claimant shows his inability to procure medical testimony. August 16, 1882, Dr. H. B. Coil, medical examiner of the Pension Office, reports his examination, in which he says: "There appears to be a general rheumatic condition; the joints appear somewhat stiffened, and the right wrist is enlarged," and further that the disability is "probably permanent," and he is rated at three-eighths by Dr. Coil.

The character of every one of the witnesses who testified in this case was made the subject of special inquiry by the Commissioner of Pensions, and the special agents report that they all are men of good character.

Your committee can see no good reason why this soldier should not be allowed a pension. In the opinion of the committee it is a meritorious case. They therefore report back bill H. R. 5838 and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY M. SMITH.

The next business on the Private Calendar was the bill (H. R. 5183) granting a pension to Nancy Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Smith.

The Committee on Invalid Pensions recommend the following amendments:

In line 6, after the word "Nancy," insert "M.;" and, after the word "Smith," insert "widow of William Smith, late of Company B, Third Tennessee Infantry."

Amend the title so as to read: "A bill granting a pension to Nancy M. Smith."

The report (by Mr. HOUK) is as follows:

This is an application by Nancy M. Smith, widow of William W. Smith, sergeant Company B, Third Tennessee Infantry, who died January 26, 1876.

On the 27th day of September, 1867, the deceased soldier filed his claim for invalid pension on the ground that he was wounded in the right groin by a piece of shell on the 14th day of May, 1864, while in battle at Resaca, Ga. This claim was put in by said soldier for one-half disability. The record of the hospital shows that he was treated for "contusion of right groin by piece of shell." The lieutenant of said soldier's company proves the wounding by shell.

On the 15th day of March, 1868, Dr. B. A. Morton (medical examiner) makes an examination and reports the disability at one-half; and on the 22d day of October, 1868, the deceased soldier was placed on the pension-rolls at the rate of $4 per month. On the 8th day of December, 1873, the last medical examination reported and on file was made, in which it is said: "There is a varicose condition of the vessels in the right groin, giving a knotty sensation to the feel; lameness of the right lower extremity still, a result of the unnatural condition of the inguinal region." And this board of examining surgeons sustains the original rating of $4 per month.

Now, on the 26th of January, 1876, as above stated, the soldier died, and the only question in this case is, did his death result from the wound for which the Pension Office granted him a pension in 1868? On this question there is, in the file, the testimony of Dr. J. C. Ellis, a physician of twenty-five years' experience in the practice of medicine, and now a member of the examining board of Knoxville, Tenn. To sum up Dr. Ellis's testimony, he says he knew the deceased soldier before the war; that he came to his home after his discharge in 1865, broken in health, and that he treated him shortly after his return, and that said soldier was suffering from numbness and partial paralysis of the right inguinal region, affecting, in a more or less degree, the whole nervous system; that he continued to treat the deceased soldier up to the time of his death, and that the death resulted from the wound for which the deceased soldier was originally pensioned.

Taking all the testimony in the original case of the deceased soldier, and that filed by the widow, there can be no doubt, in the opinion of the committee, as to the cause of soldier's death. House bill 5183 is, therefore, reported back, with recommendation that it do pass, with amendments as to initial "M." and "widow of William Smith, late of Company B, Third Tennessee Infantry."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN KANE.

The next business on the Private Calendar was the bill (H. R. 6529) for the relief of John Kane.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll of the United States the name of John Kane, late a private in Company A, Eleventh Regiment Iowa Volunteer Infantry, subject to the limitations and provisions of the pension laws; such pension to commence from and after the passage of this act.

The report (by Mr. HOLMES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1976) granting a pension to John Kane, have had the same under consideration and make the following report thereon:

John Kane first enlisted as a private in Company C, First Iowa Infantry, for three months, but served five before he was discharged. He enlisted again in the spring of 1861 in Company A, Eleventh Regiment Iowa Volunteers, and was discharged July 15, 1865, at Louisville, Ky. While with his command at Vicksburg he was detailed as a teamster, and was engaged in hauling food and supplies to the pest-house, or small-pox hospital, near Vicksburg; this about January, 1864. After being engaged in this duty for some time, making about one hundred trips to the small-pox hospital, his term of service having about expired, he was induced to re-enlist again, which he did, the Government offering him a bounty, and, in addition, thirty days' furlough. This was in January, 1864.

Immediately after re-enlisting he left for home on his furlough. His last service prior to leaving was in hauling supplies to the small-pox hospital. He took a boat up the river to his residence at Muscatine, Iowa, and in thirteen days from the time he left Vicksburg he was taken down with the small-pox. His expenses during this sickness, as shown by the proof, were $411. The testimony of his captain, comrades, neighbors, and numerous physicians is on file as to his present condition. The medical evidence shows partial paralysis of the left side; also that his hearing in the right ear is affected, and that the sight of his left eye is partially impaired. The left side of his face is totally paralyzed; there is dropping of the eyelid, and constant dropping of tears over the face.

The testimony of claimant, his officers, and comrades, on file, show that there was no case of small-pox on the boat, nor at any other point where claimant was, so far as known, except at Vicksburg, and claimant's only known exposure, as testified by him, is the hospital hereinbefore alluded to.

The testimony of the physicians on file shows that a period of from eight to fifteen days, and sometimes as high as twenty days, is required to incubate the disease after exposure. The soldier seems to have been a very healthy, able-bodied man prior to his having the small-pox, and since that time he has been broken down and his health destroyed in consequence thereof. There can not be a reasonable doubt that small-pox was contracted by exposure to the hospital at Vicksburg, and while the soldier was in the line of duty. The disease did not develop until after he had arrived home on his veteran furlough; but the disease having been contracted while in the line of duty, and a dangerous duty at that, his claims can hardly be less forcible than if he had been in the camp when he was taken with the disease. Besides, the Government having agreed to give him thirty days' furlough as a partial consideration of his re-enlistment, and

being at the time in the service, it is very doubtful whether the Government ought either equitably or legally to set up a defense to this claim for pension.

Your committee can not take into consideration the application for money damages on account of sickness of the soldier, nor do we think arrearages ought to be granted in this case.

Your committee herewith present a substitute for H. R. 1976, providing that claimant shall receive a pension subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported favorably to the House.

FRANK S. MARSH.

The next business on the Private Calendar was the bill (H. R. 2453) granting a pension to Frank S. Marsh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank S. Marsh, late of Company K, Ninth Regiment Illinois Cavalry.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 2453, have had the same under consideration, and make the following report:

Frank S. Marsh enlisted as a private in Company K, Ninth Regiment Illinois Cavalry Volunteers, on the 11th day of January, 1862, and was discharged June 10,1865, by reason of expiration of term of enlistment.

Claimant filed application for pension in the Pension Office on the 23d day of June, 1870. Alleged disability, hepatitis, caused by exposure on the march between Jackson and Helena, Ark., in June, 1862. His application was rejected by the Pension Office on the ground that there has been no disability from the cause alleged since discharge; also, that his present disability is not due to any disease acquired in the United States service. The evidence and records of the Surgeon-General's Office show that the claimant was in the hospital for months at a time during his term of service, and on the hospital records he is shown to have had, in 1864, chronic hepatitis. The disability is shown to be one-half for the performance of manual labor.

The claimant is alleged to be in very indigent circumstances, and your committee can not for a moment doubt the justice of granting a pension in this case, and therefore recommend the passage of the bill, subject to the limitations and provisions of the pension laws.

The bill was laid aside to be reported favorably to the House.

HENRY ALDEN.

The next business on the Private Calendar was the bill (H. R. 4094) granting a pension to Henry Alden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Alden, late a private in Company E, Eighteenth Massachusetts Volunteers.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4094) granting a pension to Henry Alden, having considered the same, beg leave to submit the following report:

Henry Alden enlisted in Company E, Eighteenth Massachusetts Volunteers, May 1, 1861, and was discharged for disability October 30, 1862. He contracted a severe cold in December, 1861, while sitting on the ground mending tents, for which duty (having been a sailor) he had been detailed. The cold settling down into his back and kidneys induced kidney trouble. He also suffered a sunstroke in September, 1862, which disabling him from further service, he was sent to hospital at Fairfax Seminary, Virginia, from which he was discharged. The evidence in this case is as follows:

Edwin Brown, of Boston, says he remembers well that at Hall's Hill, in December, 1861, soldier complained of trouble in his back, and which he called kidney complaint. On the march from Harrison's Landing to the Chickahominy he complained of the same trouble, and that whenever he had anything to lift affiant had to help him. Distinctly remembers of his suffering from severe pain in the back, which he said felt as if a knife was entering his back. About the middle of September, 1862, he had an ill turn, which was said to have been a sunstroke. Never saw him after this time until the war was over.

S. N. Gifford, James Wilde, Thomas Chandler, Josiah Peterson, and others, residents of Duxbury, Mass., testify that previous to enlistment he was a well man, and that since his discharge he has been unable to do full day's work, by reason of disability.

Dr. James White, of Duxbury, certifies:

"Since the soldier returned from Army he has often spoken of his disease and of its interference with his ability to earn a living. The suffering has increased from year to year, and is now nearly constant. Has known soldier for about forty years."

Dr. Alexander Jackson, examining surgeon, certifies:

"Found patient complaining mostly of pain and lameness of back, which compelled him to move about in a stooping posture. Is unable to stand straight. The pain is in the lumbar region, affecting the kidneys; he is also frequently troubled with dizziness and pain in head, confusing him, particularly in hot weather."

His claim for pension was rejected at the Pension Office "by reason that disability existed prior to enlistment."

Your committee think, in view of all the facts of the case, and that the petitioner is now 67 years old, that he should have the relief asked for, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported favorably to the House.

REUBEN H. FITTS.

The next business on the Private Calendar was the bill (H. R. 766) granting a pension to Reuben H. Fitts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben H. Fitts, late of Company K, First New Hampshire Heavy Artillery.

Mr. MATSON. I move that this bill be laid aside to be reported to the House, with a recommendation that it lie on the table. The beneficiary named in the bill has received a pension since the bill was reported by the committee.

The motion of Mr. MATSON was agreed to.

RICHARD JOBES.

The next business on the Private Calendar was the bill (H. R. 6530) to increase the pension of Richard Jobes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Richard Jobes, late of Company D, Sixteenth Regiment of Connecticut Volunteers, and to pay him a pension at the rate of $30 from and after the passage of this act.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Richard Jobes for an increase of his pension, have had the same under consideration, and report as follows:

A bill was reported from the Committee on Invalid Pensions of the Forty-seventh Congress (H. R. 6181), which bill passed the House; and the report which accompanied it, and which is as follows, your committee adopt as their own:

Richard Jobes, late of Company D, Sixteenth Regiment Connecticut Volunteers, lost his left forearm in the battle of Antietam on the 17th day of September, 1862, and on account thereof has been pensioned at the rate of $24 per month. At the first amputation a nerve was tied in with the ligatures so as to cause the pensioner excruciating pain, and in a year afterward a second operation was determined upon after a consultation of the post surgeons at Knight Hospital, New Haven, Conn., and the nerve was then cut out for some distance above the point of amputation. This failed to give any relief, and this pensioner has since then suffered very great pain on account of said wound, and is for a greater part of the time unable to take any exercise or do anything that tends to create heat without great suffering.

The facts are certified to by four respectable physicians of Suffield, Conn., who are well acquainted with the petitioner and have treated him at various times. In addition to this, one hundred and two citizens of said town unite in a petition stating substantially the extent of his disability and the facts of his extreme suffering, and certifying to his good character, &c.

It appears to the committee that this is an exceptional case, that the petitioner's pension ought to be increased, and they therefore report the accompanying bill and ask that it do pass.

Mr. MATSON. This bill as reported proposes to grant a pension of $30 per month. The beneficiary already receives a pension of this amount under the law. The gentleman from Massachusetts [Mr. LOVERING] who reported the bill was probably misled by a report made in the last Congress, at which time those who had lost an arm above the elbow received only $24 per month. The application in this case was for an increase of pension, and evidently the pensioner is entitled to it. It is shown by the testimony of a number of physicians that he has suffered for many years the most excruciating pain on account of the tying of a nerve at the time of the amputation of the arm. I therefore move to amend this bill by striking out "$30" and inserting "$40 per month."

The amendment was agreed to.

The bill, as amended, was laid aside to be reported favorably to the House.

GILBERT A. PHILIPS.

The next business on the Private Calendar was the bill (H. R. 664) granting a pension to Gilbert A. Philips.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Gilbert A. Philips, of Louisville, Ky., who was appointed a quartermaster in the United States Army in 1861, by order of General William Nelson.

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 664) granting a pension to Gilbert A. Philips, have considered the same, and report:

It appears that the said Philips was a soldier in the Mexican war. It further appears that by order of General William Nelson he was, in 1861, appointed a lieutenant in Colonel Marshall's regiment of Kentucky volunteers, and afterward was, by order of General Nelson, appointed quartermaster of a brigade in General Nelson's command, and served in the United States Army during the late war, under the said appointments, about one year. Until 1872 he was able to labor for a support, but since that time he has been completely prostrated and is entirely unable to perform manual labor—his large and interesting family being dependent upon the exertions of a daughter, who teaches music, and a young son, who is a day laborer.

Col. John H. Wood, one of the most prominent of the ex-Union officers in Kentucky, strongly recommends that a pension be granted Captain Philips, and states that his is an exceptionally meritorious case.

Dr. Frazier states that Philips is partially paralyzed, and has been since he first knew him, six years ago.

Dr. D. Cummins, one of the most eminent surgeons and physicians of Kentucky, in connection with this case, says:

"*To whom it may concern:*

"This is to certify that I have known Gilbert Philips since 1850. He has been since 1872, and is now, a helpless invalid, the result of his exposure during the Mexican war, supplemented by his campaign during the late war."

The committee are of opinion that the above statement of facts warrants them in recommending that this applicant be pensioned, and they report the bill back with the recommendation that it pass.

The bill was laid aside to be reported favorably to the House.

A. SCHUYLER SUTTON.

The next business on the Private Calendar was the bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, be, and the same is hereby, amended so as to read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of A. Schuyler Sutton, late acting lieutenant-colonel of the Ninety-fifth Regiment of Ohio Volunteers, at the rate of $40 per month, from and after the 4th day of March, 1883."

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, having had the same under consideration, beg leave to make the following report:

At the breaking out of the civil war A. Schuyler Sutton, who had seen honorable service during the war with Mexico, was an attorney at law in successful practice at Norwalk, Ohio. He enlisted as a private soldier in the Ninety-fifth Ohio, and having acquired a knowledge of military tactics during his former service, greatly assisted in the organization, drill, and discipline of the new regiment. There is satisfactory evidence that Sutton had received assurances from Governor Tod, of Ohio, that he should be commissioned as lieutenant-colonel of the regiment. It is certain that he was acting in that capacity when, at the battle of Richmond, Ky., on or about August 30, 1862, he received the wound for which he was originally pensioned. Owing to the fact that he had not been commissioned the Pension Office rated him as a private soldier, and allowed him a pension at the rate of $8 per month, which was subsequently raised to $15. By an act of Congress, approved June 4, 1872, his pension was increased to $30 per month from that date.

Your committee believe that it would be an act of simple justice to this soldier to grant him a pension at this rate, dating from his discharge, deducting the amount received by him during the intervening period. His wound has had the effect of blasting his life. His jaws are so anchylosed as to prevent the mastication of solid food. The senses of sight and hearing are much impaired, and he is a constant sufferer from violent facial neuralgia. Being unable to open his mouth sufficiently, and by reason of disorganization of the soft and bony tissues occasioned by the wound, he is unable to employ the ordinary means of cleanliness, and his breath is consequently horribly offensive.

In the opinion of your committee the evidence in the case justifies the conclusion to which it has arrived, "that the disability for which he is now pensioned existed at the time of his discharge." We therefore report the bill back to the House with the recommendation that it do pass, so amended that said A. Schuyler Sutton be pensioned at the rate of $40 per month from and after the passage of this act.

This bill passed the House (Forty-seventh Congress) to date from passage of the act, and passed the Senate, with an amendment, to date from March 4, 1883. It was called up by the House for concurrence March 3, but on objection was laid over, and failed to become a law.

The bill was laid aside to be reported favorably to the House.

KATE WILHARLITZ.

The next business on the Private Calendar was the bill (H. R. 663) granting a pension to Kate Wilharlitz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Kate Wilharlitz, mother of Joseph Wilharlitz, late of the Nineteenth Regiment Regulars, United States Army, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 663) granting a pension to Kate Wilharlitz, have considered the same, and report:

It appears that the said Kate Wilharlitz is the dependent mother of Joseph Wilharlitz, who enlisted as a private in Company I, Nineteenth Regiment United States Infantry, June 28, 1871, and served five years, when he was discharged by reason of expiration of term of service. In November, 1876, he re-enlisted in said service as a private in Company C, Second Regiment United States Cavalry, and was discharged therefrom on surgeon's certificate of disability, said certificate stating that he had chronic bronchitis.

Said soldier died on the 4th day of July, 1877, less than two months after discharge, and the attending physician states that his disease was consumption.

The claimant files an affidavit that when her son returned from the Army his voice was so weak and feeble it was difficult for him to give utterance to words by which his wants could be made known, and for that reason she failed to gain information from him as to the time and the circumstances when he was first attacked and the names of the witnesses by whom the necessary facts could be proved to entitle her to pension.

The fact of claimant's dependence upon her said son is clearly made out. Her husband is very aged, and she has two deaf and dumb children to support, one of whom is paralyzed.

Her claim for pension was rejected because the certificate of disability under which the soldier was discharged contained the statement that the soldier was a victim of said disease when last enlisted.

The committee are of opinion that the claimant has exhibited a right to pension, and therefore recommend that the bill do pass.

The bill was laid aside to be reported favorably to the House.

MRS. ANN SHEFFIELD.

The next business on the Private Calendar was the bill (H. R. 662) granting a pension to Mrs. Ann Sheffield.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Sheffield, of Louisville, Ky., widow.

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 662) granting a pension to Ann Sheffield, have considered the same, and report:

That said Ann Sheffield is the mother of Edward Sheffield, who was orderly sergeant, Company H, Eighth Regiment Indiana Cavalry, from the 29th August, 1861, till his death, July 11, 1865.

The claimant filed her application for pension 17th August, 1871, and alleged therein that her said son died of wounds received while in said service.

The Adjutant-General reports that said Sheffield "died at Lexington, N. C., July 11, 1865, of concussion of the brain."

Thomas Graham testifies that the circumstances of said soldier's death were that he and another soldier of said command were absent from camp on leave, and upon returning to camp said Sheffield, being intoxicated, was challenged by the guard, when an altercation took place between the parties, which resulted in said Sheffield receiving a blow upon the head from a musket in the hand of the guard, badly injuring him and from which he died that night. He further testifies that Sheffield was an excellent soldier and served in the Army from the beginning of the war, and that he was never intoxicated while on duty. Graham further states that he has no personal knowledge of his being intoxicated at the time he received the injury, but had heard such was the case. This witness was major of said regiment.

William Johnson testifies to the circumstances of the injury which caused the soldier's death, but states that when he received the blow on the head he was sober, and that he was at the time attempting to prevent a difficulty between the guard and his comrade, who was intoxicated. He further states that after Sheffield was stricken he was placed alone in a hot brick jail, and the next morning he was found dead.

Rufus Gale states that the soldier received an injury while in an altercation with the guard upon his return from a leave of absence. There is a great deal of evidence upon the point of claimant's dependence, and it is clear that the soldier was her sole dependence for sustenance; that he supported her before his service and during his service; that she had no property whatever; that she is now a servant in a family in the city of Louisville, and entirely dependent on her labor for support.

The above testimony was developed by a special agent of the Pension Office.

The claim was rejected because the Commissioner of Pensions was not satisfied that the injury from which the soldier died was received while in line of duty.

In view of the fact that the soldier was in the service for nearly four years; that he bore a good character as such; that it is likely that he was without fault when stricken; that the claimant gave her only means of support to her country, and in view of her age and destitute condition, the committee think that the mother should be pensioned, and recommend that the bill be amended by striking out the word "widow," in line 6, and insert "dependent mother of Edward Sheffield, late of Company H, Eighth Regiment Indiana Volunteer Cavalry."

The amendment reported by the Committee on Invalid Pensions to strike out the word "widow," in line 6, and insert "dependent mother of Edward Sheffield, late of Company H, Eighth Regiment Indiana Volunteer Cavalry," was read, and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

THEO. AHRENS.

The next business on the Private Calendar was the bill (H. R. 5565) granting a pension to Theo. Ahrens.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theo. Ahrens, late a private in Company O, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry.

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5565) granting a pension to Theo. Ahrens, respectfully submit the following report:

Your committee, having in charge the bill H. R. 5565, submit that all the testimony in this case has been carefully examined.

Theo. Ahrens enlisted as a private in Company O, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, August 27, 1864, and was discharged June 23, 1865. The claim for pension is for chronic diarrhea and inflammation of the eyes, resulting in blindness, contracted at City Point, Va., in April, 1865.

The claim was rejected by the Pension Department on the ground that he was not disabled while in the service by diarrhea, and that the disease of eyes, which is proven, existed previous to enlistment.

William Thompson, M. D., surgeon in charge of the One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, on the 11th day of December, 1876, made affidavit as follows:

"Theo. Ahrens, of Company O, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, was sick with diarrhea and inflammation of his eyes during the spring campaign of 1865, and was sent to hospital for treatment. I have no record to which I can refer for precise dates, but I am quite sure that said Ahrens was sent to hospital in April, 1865."

R. P. Greenleaf, M. D., of Henry Clay post-office, Del., December 4, 1879, testifies:

"Theodore Ahrens, late of Company O, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, called on me to prescribe for his eyes, in December, 1865, and, if my memory serves me right, once or twice afterward. He was suffering at the time with a severe inflammation of the eyes, which he said he contracted in the Army. I have no interest in his claim for pension."

Charles Reddehase, a citizen of Baltimore, Md., swears as follows, July 11, 1881:

"I am personally acquainted with Theodore Ahrens; have known him for twenty-two years; he was a neighbor of mine previous to his enlistment in the Army. He was a sound and healthy man when he enlisted; his eyesight was good, and I never knew him to be subject to weak eyes, or ever heard him complain about his eyesight previous to enlistment."

Henry Layes and Christian Heilands, in a joint affidavit made October 26, 1874, testify as follows:

"Our home is in the city of Baltimore, Md. Theodore Ahrens, before he enlisted in the United States Volunteer Army, was employed in William Wilkins & Co.'s tailor establishment in Baltimore, with us, from 1858 to 1864, and he was a sound and healthy man and industrious. We positively know that he was free from disease of his eyes during the time we were with him. We have no interest whatever in the prosecution of his claim for pension."

William Wilkins, of the firm of William Wilkins & Co., on the 28th day of February, 1874, testifies:

"I am one of the firm of William Wilkins & Co. Theodore Ahrens has been in my employ from the year 1858 to 1864, and so far as I know he was always in good health and attended to all the duties assigned him in behalf of my establishment. I have no interest in his claim for pension."

Francis G. Du Pont and John Gibbons, of Wilmington, Del., on the 28th day of December, 1874, make joint affidavit, as follows:

"We knew Theodore Ahrens from 1865 to 1873, and during that period he suffered with disease of the eyes, and frequently went to Philadelphia for treatment of the same. We further declare that we have no interest, direct or indirect, in his claim for pension."

C. W. Kirchner, M. D., of Wilmington, Del., April 26, 1879, made affidavit as follows:

"I never knew Theo. Ahrens before he enlisted or since his discharge until the year 1868. Then he came to my office three or four times to prescribe for a chronic inflammation of the eyes. I do not remember exactly the condition of his eyes, but I considered the disease incurable; I gave him a certificate to that effect, but kept no journal of his case."

Jacob Hawser, January 6, 1875, a citizen of Wilmington, Del., testified:

"I have known Theodore Ahrens since he came to Wilmington, Del., after his discharge from the United States Army in June, 1865, and he suffered from sore eyes all the time of his staying here, and was under medical treatment. This disease at last compelled him to go to the National Home for Disabled Volunteer Soldiers in Montgomery County, Ohio, in 1873."

May McPherson, of Wilmington, Del., on July 10, 1879, made affidavit as follows:

"I have been keeping a boarding-house at Dupont's Banks, near Wilmington,

Del., since 1852. Theodore Ahrens came to my house to board in August, 1865, and lived at my house continuously until June, 1873. At the time he came to my house he was greatly afflicted with inflamed eyes, and his sight was so much impaired that he could not read by candle or gas light. He was a sober and industrious man and I never saw or heard anything against his good character during the whole time he lived with me."

Charles Reinecke, of Philadelphia, Pa., on the 27th day of April, 1877, made the following affidavit:

"I was acquainted with Theodore Ahrens while in camp between Petersburg and City Point, Va., in the month of April, 1865, and while he was on guard duty near South Railroad in the month of April, 1865. I remember that he was attacked with severe inflammation of his eyes, caused solely by exposure and cold, so that he was unable to perform his duties, and Dr. William Thompson sent him for treatment to City Point hospital."

Charles W. Gee and John W. Kinly, of Philadelphia, Pa., January 31, 1876, make joint affidavit, as follows:

"We have been well acquainted with Theodore Ahrens; he was a member of our company, O, One hundred and ninety-eighth Pennsylvania Volunteer Infantry, and we positively know that said Ahrens was attacked with severe inflammation of his eyes while on duty between Petersburg and City Point, Va., in the spring of 1865, and he was sent from there to the hospital."

John W. Bark and William Maher, both members of Company O, One hundred and ninety-eighth Regiment Pennsylvania Volunteers, made affidavit September 4, 1877, in effect the same as that made by Gee and Kinly.

Another comrade, by the name of Daniel Miller, testifies the same as the other members of his company.

August 5, 1875, J. W. Weaver, examining surgeon at Dayton, Ohio, certifies to total blindness.

There is some testimony obtained at a special examination to the effect that claimant had disease of eyes previous to enlistment, but this testimony is not of the same character as the testimony given by comrades, neighbors, and physicians, and in the opinion of your committee is not as worthy of credence.

The claimant has been totally blind for nearly ten years. In view of the fact that he performed all the duties devolving upon a soldier for nearly a year, and was then discharged for the very disability for which he now asks a pension, your committee recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

SAMUEL Z. COOPER.

The next business on the Private Calendar was the bill (H. R. 5124) granting a pension to Samuel Z. Cooper.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Z. Cooper, late a private in Company H, Twenty-second Regiment Pennsylvania Cavalry.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5124) granting a pension to Samuel Z. Cooper, have had the same under consideration, and beg leave to report:

It appears from the rolls on file that Samuel Z. Cooper was enrolled on the 30th day of January, 1864, at Chambersburg, Pa., in Company H, Twenty-second Regiment of Pennsylvania Cavalry Volunteers, to serve three years or during the war, and mustered into the service on the same date. He was discharged December 31, 1864, at York, Pa., on surgeon's certificate of total blindness. The claimant was pensioned for total blindness July 11, 1870. December 13, 1871, the pension was suspended on the ground that the disability for which he received pension existed prior to enlistment. The pension was never restored, and on December 21, 1883, the claim for restoration was finally rejected. Samuel Z. Cooper has been totally blind ever since his discharge from the Army, and from all the testimony, which has been carefully considered by your committee, it seems clear that a great injustice has been done the claimant. The testimony is abundant to prove the existence of total blindness ever since discharge from the service. His mother, in June, 1883, at a special examination, testified as follows:

"When he was young, a mere child, he would sometimes take cold in his eyes and they would become somewhat inflamed, but this did not happen after he was 4 years old; the only thing that was ever noticeable after that was a peculiar habit he had of squinting his eyes, particularly if he was subjected to a strong light. I did not consider his eyes affected at all at the time of entering the Army."

March 2, 1882, E. S. Troxel makes affidavit as follows:

"I am acquainted with Samuel Z. Cooper, and know him to be the identical person of that name who enlisted as a private in Company H, Twenty-second Regiment of Pennsylvania Cavalry, and who was discharged from that regiment by reason of general order of the War Department. While in the line of his duty, at or near Martinsburg, in the State of West Virginia, in June, 1864, he became disabled in the following manner: I was in command of the dismounted portion of the regiment as major, and was ordered to draw muskets and act as infantry, and to march to the relief of General Hunter. The officer in command called my attention to the condition of the eyes of Cooper. This was in the latter part of June or early in July, 1864. I was well acquainted with said Cooper, as he had been on duty at my quarters during the spring and summer of 1864. I then ordered Cooper to be left behind on account of the condition of his eyes. Previous to this time said Coope seemed to be sound and vigorous and had no disease of his eyes, and this was the first time such a condition had been noticed."

The claimant, on January 20, 1881, testifies as follows:

"I am totally blind. In the spring of 1864, near Martinsburg, W. Va., from the extreme cold and exposure incident to army life, while doing service in Company H, Twenty-second Regiment, Pennsylvania Cavalry, I took cold and it settled in my eyes; inflammation set in and I was sent to hospital in Martinsburg, and shortly afterward became totally blind. I have not been in the military or naval service since January 1, 1865."

H. C. Wells, on the 16th day of May, 1872, made affidavit as follows:

"I am acquainted with Samuel Z. Cooper, late private in Company H, Twenty-second Regiment Pennsylvania Cavalry; have known him from childhood; knew him when he lived at Chambersburg, Pa.; knew him in 1864 when he enlisted in the volunteer service, and at that time he was in good health, free from blindness and had no disease of the eyes, and worked regularly on a farm. I am a resident of Chester County, Pennsylvania."

A. Mandeville, M. D., the surgeon who examined the claimant at the time of enlistment, makes affidavit as follows:

"My post-office address is Rochester, N. Y. During the year 1863, and up to January, 1864, I was with the first battalion Twenty-Second Pennsylvania Cavalry Volunteers. My experiences in the service had so thoroughly impressed me with the importance of allowing none but sound men to enter the service that for the above reason my examinations were rigid and thorough.

"I have no record of the names of the men I examined, but am very positive that if I examined Samuel Z. Cooper he was a sound and healthy man. I examined every man specially in regard to his eyes, and in no case recommended any one with unhealthy or unsound eyes or defective vision. For the above reasons I am confident that said Cooper had no disease of his eyes when he enlisted in said Twenty-second Regiment Pennsylvania Volunteer Cavalry in January, 1864."

August Meyers, under date of February 11, 1870, testifies to the following:

"I knew Samuel Z. Cooper for about ten years before he enlisted in the military service. I lived in the same street in Chambersburg, Pa., and saw him almost daily. I never knew anything the matter with his eyes, and his eyesight was unimpaired up to the time of his enlistment, as far as I know."

A. S. Dunlap, assistant surgeon of the National Home for Disabled Volunteer Soldiers, in Montgomery County, Ohio, certifies as follows:

"I hereby certify that the records of this home show that Samuel Z. Cooper, late of Company H, Twenty-second Regiment Pennsylvania Cavalry, was admitted on the 15th day of March, 1869. His disability at the date of admission, as appears by the records of this home, was due to a cold while in a raid, which resulted in loss of both eyes, which he alleges to have contracted in the service of the United States. His present condition is total blindness; has never been treated here for disease of eyes, having been totally blind since admission."

A. A. Abott, first lieutenant Company H, Twenty-second Regiment Pennsylvania Cavalry, on the 5th of March, 1869, made affidavit as follows:

"In the spring of 1864 I was first lieutenant, commanding Company H, Twenty-second Regiment Pennsylvania Volunteer Cavalry; I am acquainted with Samuel Z. Cooper; he was a private in said company, and while in the service of the United States, and in the line of his duty, on or about the month of May, 1864, he contracted a severe cold from exposure by lying out without shelter. The cold fell in his eyes, and some time afterward he was sent away to United States hospital at Martinsburg, W. Va., and was at the time so blind that he had to be led. I have every reason to believe that when said Cooper enlisted in said service he was a sound man and his sight was good."

There are several other affidavits of the same purport as those already quoted. There are also two affidavits to the effect that the claimant had a habit of squinting before enlistment, and that his eyes were weak. The bulk of all the testimony in this case is favorable to the claimant. There can be no doubt but that he was sufficiently sound at the time of enlistment to pass a rigid inspection conducted by a physician who testifies that he was very careful always to examine the eyes and never passed any one with defective vision. His case seems to be a very meritorious one, and your committee make without hesitation a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

ANDREW J. KONKLE.

The next business on the Private Calendar was the bill (H. R. 4568) granting a pension to Andrew J. Konkle.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Konkle, late major of the First Regiment of Ohio Light Artillery.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4568) granting a pension to Andrew J. Konkle, have had the same under consideration, and beg leave to report:

That Andrew J. Konkle was major of the First Regiment of Ohio Light Artillery; he was mustered into the service October 17, 1861, and was discharged August 8, 1864. The claimant was also captain of Company D, First Regiment Ohio Light Artillery. The claim for pension is based upon the ground of rheumatism, heart disease, and debility, contracted while in the service of the United States and in the line of his duty. This disability, it is alleged, was contracted in the fall and winter of 1863.

Doctors J. S. Beck, H. S. Jewett, and A. S. Dunlap, examining surgeons at Dayton, Ohio, in a report made February 5, 1879, certify as follows:

"We have carefully examined Andrew J. Konkle, late captain of Company D, First Regiment Ohio Light Artillery. In our opinion the said Konkle is totally disabled and incapacitated for obtaining his subsistence by manual labor on account of rheumatism and heart disease. He has been in the National Soldiers' Home for over two years, and it is our opinion, from the evidence before us, that his disability originated in the service and in the line of duty. He has had several attacks during the last two years of subacute rheumatism. The action of his heart is rapid, though feeble. There is a decided murmur, and some regurgitation."

The claim was rejected by the Pension Department on the groun d that disability existed previous to enlistment.

Henry M. Skillman, a physician in good standing, whose residence at the time of making affidavit was Lexington, Ky., says, under date of March 25, 1879:

"Maj. Andrew J. Konkle, during the year 1864, when he was holding a commission as major in the First Ohio Light Artillery Regiment, came under my observation professionally, and I treated him for chronic rheumatism and heart disease and general debility. I have no interest in the matter whatever."

The character of Dr. Skillman is certified to as being above reproach.

Theodore F. Heath, a physician of Cuyahoga Falls, Ohio, on the 14th day of December, 1877, makes affidavit as follows:

"I have been personally acquainted with Andrew J. Konkle for twenty-five years, and I know from personal observation that the said Konkle was a sound and healthy man, free from chronic rheumatism and heart disease prior to the time of his entering the United States service in 1861."

H. W. Pease, late captain of Battery D, First Regiment Ohio Volunteer Artillery, on the 12th day of May, 1877, makes affidavit as follows:

"I have been personally acquainted with Andrew J. Konkle for twenty-five years, and he was a sound and healthy man, free from rheumatism and heart disease previous to and at the time he entered the service of the United States. I well remember that on or about November, 1863, the said Andrew J. Konkle was taken sick at Knoxville, Tenn., and went to Lexington, Ky., on sick leave. I subsequently visited the said Konkle while sick at Lexington, and I also remember the disease he was afflicted with was termed rheumatism and heart disease. I have no interest whatever in any claim this may be intended to support."

F. B. Mussy, M. D., late surgeon Thirty-third Regiment Ohio Volunteer Infantry, on the 17th day of December, 1878, swears as follows:

"I attended Maj. Andrew J. Konkle at the Hall House, corner of Ninth and Sycamore streets, Cincinnati, during the year 1868, and he was at that time suffering from the effects of a severe attack of heart disease and chronic rheumatism."

William Carron, M. D., of Cincinnati, A. S. Dandridge, M. D., of Cincinnati, and John Davis, M. D., of Cincinnati, all make affidavits similar to those already quoted.

In view of the fact that the claimant's term of service in the war of the rebellion extended from October 17, 1861, to August 8, 1864, during which he performed all the active and arduous duties of a soldier, and it being proven beyond a doubt that he has been almost totally disqualified for manual labor ever since his discharge, your committee cheerfully recommend the passage of the accompanying bill.

The bill was laid aside to be reported favorably to the House.

FREDERICK BRAUNWALD.

The next business on the Private Calendar was the bill (H. R. 5123) granting a pension to Frederick Braunwald.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Braunwald, late private in Company E, Thirty-seventh Regiment of Illinois Infantry.

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5123) granting a pension to Frederick Braunwald, respectfully submit the following report:

The committee having in charge the bill (H. R. 5123) report that Frederick Braunwald was a private in Company E, Thirty-seventh Regiment Illinois Volunteer Infantry. He enlisted August 20, 1861, and was discharged August 20, 1862.

The claim for pension is for shell wound of left ankle at the battle of Pea Ridge, Ark., in March, 1862. The claim was rejected by the Pension Office January 23, 1884, on the ground that no disability from alleged cause has existed since August 11, 1881. The hospital records fail to show wound as alleged; but there are no hospital records of any of the casualties received at that time.

The examining surgeons at Dayton, J. S. Beck, J. M. Weaver, and A. S. Dunlap, certify as follows at an examination held January 2, 1884:

"We have carefully examined the claimant, and find an open, discharging ulcer some three by four inches on inner side of left leg, immediately above the ankle. The surrounding parts are thickened, very red, and hard. The veins of the leg are varicosed. The capillary blood-vessels of the right leg are enlarged, but not the larger veins. Our opinion is that this condition is due to a varicose condition of veins.

In another report made by the same surgeons they certify as follows:

"The wound is red and angry, swollen and painful. In our opinion the said Frederick Braunwald is incapacitated for obtaining his subsistence by manual labor from the cause above stated."

Edward W. Benjamin, on the 4th of February, 1884, swears to the following:

"I was a private of Company E, Thirty-seventh Regiment Illinois Infantry Volunteers. I was a member of said company in the month of March, 1862, and at the battle of Pea Ridge Frederick Braunwald did receive a shell wound in left ankle. I was an eye-witness of said occurrence."

Phineas B. Rusk, late captain and commander of Company E, Thirty-seventh Regiment of Illinois Volunteer Infantry, on the 9th day of April, 1881, testified as follows:

"Frederick Braunwald was a corporal in my company. He was wounded at the battle of Pea Ridge, while in the line of duty as a soldier, in the left leg, by a fragment of a shell, and he was permanently disabled by his wound, and was discharged from the service August 20, 1862, by reason of said wound. The regimental surgeon, Elijah A. Clarke, is dead, whose testimony would be of avail. I have no interest or concern in the matter."

In a letter written August 5, 1883, Captain Rusk says:

"In the hard-fought battle of Pea Ridge, in Benton County, Arkansas, March 6, 7, and 8, 1862, I think it was on the morning of the 7th when the rebels made an attempt to capture our flag, the color-guard were all disabled and many men were killed and wounded. I think it was at this time Fred. Braunwald received his wound; it may have been on the morning of the 8th. A fragment of a shell struck his left leg near the ankle. I did not examine the wound, but understood from Dr. E. A. Clark that the wound entirely disabled him from military duty. In treating the wound his blood became poisoned and he was discharged on surgeon's certificate; he was lame and looked pale. He was a faithful soldier up to the time of being wounded."

The claim for pension was made on the ground solely of shell wound; the testimony of the surgeons showing, in addition to shell wound, varicose veins, and almost total disability of the claimant; also the fact being proven that he was wounded as alleged, it seems fair to infer that his disability is traceable to exposure while in the service of the United States and in the line of his duty, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

SARAH J. BREMMER.

The next business on the Private Calendar was the bill (H. R. 5632) granting a pension to Sarah J. Bremmer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Bremmer, widow of William B. Bremmer, late captain of Company F, Fifth Regiment of Wisconsin Volunteers.

The report (by Mr. SUMNER, of Wisconsin) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5632) granting a pension to Sarah J. Bremmer, having had the same under consideration, hereby report and submit the following:

The claimant is the widow of William Bremmer, deceased, late captain of Company E of the Eighteenth and F of the Fifth Wisconsin Volunteers, who enlisted in January, 1862; served until January, 1864, in said Company E, when he was honorably discharged because of the expiration of his term of service, and re-enlisted and served in said Company F until June, 1865, when he was again honorably discharged.

The soldier made application for pension in July, 1870, and a pension was granted in January, 1872, and paid until his death, in October, 1873, on account of a gunshot wound received at Sailor's Creek, Virginia, while in action, April 6, 1865. The records show that he was treated for that wound in regimental and general hospital. Deceased also had varicose veins. The disability was rated as follows: For wound one-fourth, and for varicose veins also one-fourth, by examining surgeon John Phillips, and at two-thirds by examining surgeon G. F. White; each disability specified to be one-third. Surgeon White describes the disabilities, respectively, as follows:

"The said William Bremmer is afflicted with a gunshot wound which appears to have been caused by a ball passing in at the inner and upper aspect of the right femur and going in an oblique direction downward, and is found deeply embedded in the ligaments of the under and lower portion of the femur, producing difficult mobility of the limb, numbness and soreness of the parts. The varicose veins appear, from the evidence before me, to be the result of army service and to be of long standing, and the cause or source of much suffering."

The widow made application for pension in March, 1875, which was rejected in January, 1877, upon the ground that the cause of death did not originate in the service of the United States. This rejection, as your committee find from a careful examination of the evidence, is not only erroneous but entirely unwarranted and unsupported. Keeping it in mind that the deceased was receiving a pension at the time of his death for a severe gunshot wound in the right thigh, the ball still remaining in his person, and for varicose veins, contracted in the Army, we find further that Dr. L. M. Gregory, the family physician of the deceased, and who attended him not only during his last sickness, but from the time of his discharge from the Army until his decease, testifies that the deceased was a well, healthy, and sound man when he enlisted, but that from the time of his return from the Army he suffered from anæmia, which caused him to gradually waste away until he finally became a mere skeleton, and died of apoplexy produced by said predisposing causes; and to the same effect is the testimony of the Hon. G. W. Cate, W. H. Buckard, Nelson Gee, and O. H. Lamoreux.

It appears incidentally in the case that the deceased was confined for some time in a confederate prison, where he suffered greatly from the hardships and diseases incurred by those so confined.

The widow who now asks for the passage of this bill has three infant children by her said late husband, has no property or income, and supports herself and family by her own manual labor, and is recommended as in every way worthy of the assistance asked for.

Considering the fact that said soldier served faithfully and honorably for three and a half years; that he re-enlisted at the expiration of his first term of service, two years, and continued in the line of duty until discharged on account of wounds received in battle, and that he was pensioned on account of the disability caused by said wounds; that the wound was of such a character that the ball making it could not be extracted with safety, and that he carried said ball until the time of his death; that he steadily declined in health and strength until he became a mere skeleton, and finally died on account of such debility and wasting away, which commenced and continued from the time he was discharged from the service; and that the testimony of his family physician, who knew him well before his enlistment and treated him continuously from the time of his discharge until his death, is clear and positive that his death was the result of the injuries he received while in the Army, and that his testimony is abundantly corroborated by his neighbors and acquaintances, your committee unanimously report in favor of said bill, recommend its passage, and ask to be discharged from its further consideration.

The bill was laid aside to be reported favorably to the House.

HARRIETT S. BRISBINE.

The next business on the Private Calendar was the bill (H. R. 6542) granting a pension to Harriett S. Brisbine.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to put on the pension-roll the name of Harriett S. Brisbine, widow of the late Napoleon B. Brisbine, assistant surgeon of the One hundred and twenty-third Regiment of Ohio Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. RAY, of New Hampshire) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5780) granting a pension to Harriett S. Brisbine, having considered the same, respectfully present the following report:

Harriett S. Brisbine is the widow of the late Dr. N. B. Brisbine, formerly assistant surgeon of the One hundred and twenty-third Regiment Ohio Volunteers. The deceased enlisted September 15, 1862, and after nearly three years' faithful service was mustered out June 12, 1865. He was taken prisoner at Winchester, Va., June 15, 1863, with others of his command, and confined in Libby prison until he was exchanged October 8, 1863. During his imprisonment at Richmond, and caused by its hardships, Dr. Brisbine suffered severely from gastric fever, from the effects of which he never recovered.

His health, originally robust and firm, became more and more injured from chronic gastritis until his death, March 26, 1878. Ever after he left the Army Dr. Brisbine suffered constantly, more or less, with chronic inflammation of the stomach. He was never able to eat the general diet of others, but was confined to simple fare of rice, beefsteak, stale bread and broths. He was never able to drink tea or coffee. He often complained of intense burning pain in his stomach, describing it as if the lining of his stomach was being torn off. He had occasional attacks of acute gastritis ever after his imprisonment, an especially severe one in 1867, and, as Mrs. Brisbine certifies, three distinct attacks of the same disease of great and increasing severity within a few months of his death. The last attack is described as follows:

"After the worst of the last attack seemed to be passing away I tried to get him to take a little milk, but his stomach rejected it instantly. He told me that day that unless he could have some nourishment he must die very soon. We tried two or three times, but he was wholly unable to keep anything on his stomach, and he did not take and retain anything before his death. He died suddenly about 4 o'clock in the morning of the next day."

The cause of his death is reported by a coroner's inquest, held at that time, to be "apoplexy, superinduced by disease of the stomach."

Dr. R. N. McConnell, United States examining surgeon of Upper Sandusky, Ohio, October 22, 1883, certifies he was "intimately associated with the soldier for over a year in the Army, and he was then subject to frequent attacks of indigestion and gastralgia."

Dr. L. N. Warren, of Lancaster, Pa., where Dr. Brisbine died, certifies May 4, 1882, that he was personally acquainted with the deceased since 1870, and that "his disease was due to exposure while in the service of the United States Army."

The rejection of the claim at the Pension Office was for the reason that the reported immediate cause of death (apoplexy) was not established medically to be due to the United States service.

While this is a question about which the doctors may disagree, your committee, from all the evidence, believe it to be altogether more probable than otherwise, had it not been for the severe hardships, exposures, lack of proper food and care during his sickness and four months' close confinement within Libby prison, that the deceased would have been alive and well to-day. His widow and child were left without any means of support save by their own labor, and are now destitute.

We report back to the House the accompanying substitute for the bill (H. R. 5780) referred to your committee and recommend its passage.

The bill was laid aside to be reported favorably to the House.

SEWELL F. TIBBETTS.

The next business on the Private Calendar was the bill (H. R. 3702) granting an increase of pension to Sewell F. Tibbetts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Sewell F. Tibbetts, late a private in Company A, First Regiment Massachusetts Volunteer Infantry, to $72 per month, from and after the passage of this act.

Mr. MATSON. I move that this bill be laid aside to be reported to the House with a recommendation that it be laid on the table. My reason for making this motion is that I am informed by the gentleman

who introduced the bill [Mr. HAYNES] that the proposed beneficiary has died since the bill was reported.

The motion of Mr. MATSON was agreed to.

MARY ANNA EGAN.

The next business on the Private Calendar was the bill (H. R. 3979) granting an increase of pension to Mary Anna Egan.

The bill was read, as follows:

Be it enacted, &c., That Mary Anna Egan, widow of the late James Egan, a captain in the United States Army, be, and she is hereby, granted and allowed, from and after the passage of this act a pension at the rate of $30 per month; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said Mary Anna Egan on the pension-roll at said rate, in lieu of the pension now paid her.

The report (by Mr. LAIRD) was read, as follows:

The Committee on Pensions, to whom was referred the bill H. R. 3979, beg leave to submit the following report:

The committee find that Capt. James Egan, deceased, the husband of the person named in the accompanying bill, enlisted as a private in Company E, First United States Cavalry, March 1, 1860; was promoted to second lieutenant in the Second United States Cavalry August 10, 1863; was promoted afterward to first lieutenant and captain, which rank he held at the date of his death, April 14, 1883. He was brevetted for gallant services at the battle of Cold Harbor, Va., May 31, 1864, at which time he was wounded.

From the date of his enlistment to the date of his retirement, May 9, 1879, eighteen years, his services were very arduous. The evidence before the committee shows that in the various campaigns conducted by Generals Crook and Mackenzie against the Indians this officer served with conspicuous gallantry, as is attested by the written statements of those officers accompanying the files in this case.

Mary Anna Egan, the widow of deceased, is without other means of support.

The committee recommend that the bill be amended by striking out the word "fifty," where the same occurs in line 6 of the bill, and inserting in lieu thereof the word "thirty," and that as so amended the bill pass.

The amendment recommended by the Committee on Pensions, to strike out "$50" and insert "$30," was read.

Mr. WOLFORD. Mr. Chairman, I disagree with the recommendation of the committee that this bill be amended by striking out "$50 per month" and inserting "$30 per month." Having investigated this matter fully as a member of the committee, it is my honest opinion that this woman ought to have a pension of $50 a month; but as a compromise I move to amend the amendment by striking out "$30" and inserting "$40." I wish to support this amendment by the statement of a few reasons which I think will be satisfactory to every gentleman of the committee.

Captain Egan was one of the most gallant officers that ever served in the Army of the United States. During the war of the rebellion he was an officer of the regular Army, having been a sergeant before that war began. In a terrific battle near Franklin, in the State of Tennessee, when there was no commanding officer for the company of regulars in which Captain Egan was a sergeant, he was ordered to make a charge upon a battery that was doing tremendous damage to our forces. One of the most gallant charges ever made was made by him at the head of that company of regulars. One of the most gallant charges ever made in the Army was made by that sergeant at the head of a company of regulars. He took the battery, and our forces were victorious. For his gallant conduct on that occasion he was made a lieutenant in the regular Army instead of a sergeant.

He was commander in fifty-six battles during the rebellion, all of them hard battles. I will only call attention of the committee to one or two, and I hope gentlemen will give me their attention so they may do justice to his widow. I will call attention to another gallant charge at Cold Harbor, in the State of Virginia, with a battalion of four companies. Captain Egan was again ordered to charge a battery. He did charge it, fighting in person over the battery, for the confederates who held it fought to the bitter end. In that fight he killed an officer. He was most severely wounded, and he was further promoted.

As I have already mentioned, he fought fifty-six battles as commander in the war of the rebellion, all of them gallant battles. While in command of a company in the regular Army under General Crook, in the war with the Sioux Indians, he made one of the most gallant charges against Crazy Horse that was ever made in this world. All of these were gallant charges, for which he was promoted. When the other cavalry said the ground was too uneven for them to charge, Captain Egan, like the charge of the Light Brigade, made his charge, carrying death and destruction into the enemy's ranks. He gained a glorious victory.

His widow, poor and needy, a lady worthy of such a man as Captain Egan, is now before this committee for relief. She is drawing a pension of $20. I think for such gallant and glorious conduct as Captain Egan exhibited during the war of the rebellion and in the Indian wars his widow is entitled to the small increase I have moved. General Cook and General Mackenzie and others have spoken in the highest terms of Captain Egan's bravery. They say he was noble, devoted, and gallant. I trust this committee will do justice to his widow and give her $40 a month. It has been given in four cases, one of them the widow of a lieutenant. This is as worthy a case as was ever presented.

Mr. WOLFORD'S amendment to the amendment was agreed to; and the committee's amendment as amended was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABRAHAM J. REBER.

The next business on the Private Calendar was the bill (H. R. 6660) rerating Abraham J. Reber and granting him arrears of pension.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to rerate the pension of Abraham J. Reber, a soldier in the Mexican war, serving as a private in Company E, Sixth United States Infantry, and pay him at the rate of $4 per month from and after March 4, 1860, to August 2, 1882, deducting therefrom the time said soldier served in the late war, and deducting from said sum the total amount of pension-money paid him between March 4, 1860, and said August 2, 1882.

The report (by Mr. STRUBLE) is as follows:

Abraham J. Reber enlisted in Company E, Sixth United States Infantry, February 10, 1847. On September 8, 1847, at the battle of Molino del Rey, he was wounded in the left leg by a gunshot.

He was mustered out of service July 31, 1848. On April 17, 1850, he was pensioned at $8 per month from March 7, 1850.

This pension was based upon an examination by Dr. Jonathan Bicker, February 1, 1850, who, among other things, said:

"By satisfactory evidence and accurate examination it appears that on the 8th day of September, 1847, being engaged as a soldier in the United States Army at or near places called Chapultepec or Molino del Rey, in the Republic of Mexico, he received a bullet in his left leg about four inches above the ankle joint, the fibula being materially fractured and the muscles being severely bruised or cut, and he is thereby not only incapacitated for military duty, but, in the opinion of the undersigned, is entirely disabled from obtaining his subsistence from manual labor."

Subsequently, the date of which is not shown by any paper on file with the Pension Office in this case, and without any medical examination so far as shown by said papers, his pension was reduced to $4 per month. Later he was reduced to $2 per month, from March 4, 1860, without any surgical examination having been made, so far as appears from the papers on file.

On September 5, 1863, he was examined by Drs. Samuel H. and Edward A. Guilbert, at Dubuque, Iowa, who reported as follows:

"We find that he is physically disabled from a wound received in the left leg at Molino del Rey, September 8, 1853 (meaning, no doubt, 1847). The ball fractured the fibula, and the party has never been able since to bear much exercise upon his feet. At present time he can not walk a mile without suffering pain of a severe character in the leg. Standing too long at his work-bench exerts the same influence, and that his present disability for obtaining subsistence by manual labor amounts to one-fourth."

On May 5, 1864, this soldier enlisted in Company D, Forty-sixth Iowa Volunteer Infantry, for one hundred days, the regiment having been organized, as your committee understands, for guard duty in Iowa. He was discharged at the end of his term of service, and on October 6, 1864, he again enlisted, this time in Company G, Eighth Iowa Cavalry, and served until August 13, 1865.

Upon enlistment he was dropped from the rolls. After the war he applied for reinstatement, and was restored to the rolls at $2 per month, December 27, 1877, to date from December 4, 1864, deducting time from May 6, 1864, to September 24, 1864, and from October 6, 1864, to August 13, 1865.

On February 10, 1877, the soldier was examined by Dr. H. Restine at Marion, Iowa, on his application for restoration, who reported as follows:

"In my opinion the said Abraham J. Reber is one-half ($4 per month) incapacitated for obtaining his subsistence by manual labor from the cause above stated, namely, gunshot wound in left leg, and, further, that the disability is probably permanent."

It will be remembered that the soldier was restored at $2 per month, and not $4, as this examination showed him entitled. Application being made for an increase, upon the ground of the gunshot wound and injury to hip, he was examined August 25, 1879, by Dr. Davis, in Sioux City, Iowa, who, among other things, reported:

"The fibula must have been broken by the ball, and there is a loss of substance of the bone; the calf of the leg looks smaller than the other; walks lame, and says it has always troubled him more or less ever since he was shot. I rate his disability one-half of total ($4 per month)."

Referring to the injury to hip the physician said:

"He no doubt is suffering from sciatica. The pain in his hip is always worse before a storm; thigh and leg often feel numb. I rate this disability at one-fourth of total ($2 per month). I find his disabilities to be equal to and entitling him to three-fourths of total, or $6 per month."

Another examination was made by the same physician August 2, 1882, who, among other things, reported:

"The fibula was broken, and there is a loss of substance of that bone. There is atrophy of the muscles of the calf. He walks lame, and says that his left hip has ever since he was wounded pained him; that it is always worse before a storm; the whole leg often feels numb. The disability is permanent; his habits are good. I find his disability as described above to be equal to and entitling him to three-fourths total, $6 per month."

The pensioner in affidavit swears that he enlisted in the late war as a volunteer, and as no man's substitute, though he might have had large money for so doing.

It will be seen that this soldier was quite severely wounded, and that at all the five different examinations had he was but once rated at less that $4 per month on account of the gunshot wound. The pensioner asks for a rating at $8 per month and arrears.

Your committee, after considering the evidence in this case, believe that an injustice was done this pensioner when his pension was before the late war reduced to $2 per month; that he never should have been reduced below $4, and when restored after the late war he should have been rated at not less than $4 per month, the sum fixed by the physician who examined him upon his application for an increase. Believing that a manifest wrong was done this soldier, your committee report a substitute for bill H. R. 2025, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES F. PARIS.

The next business on the Private Calendar was the bill (H. R. 3177) granting a pension to Charles F. Paris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Charles F. Paris, late a private in Company F, One hundred and twenty-third Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) is as follows:

Charles F. Paris was a soldier in the One hundred and twenty-third Regiment of Indiana Volunteers, and, as such, served out his time. His officers and com-

rades in their testimony speak of him as an excellent soldier, always at the front, and making for himself an excellent record as a patriotic volunteer. His regiment was in the field during the whole time of its service, and was engaged in the principal battles of the Western campaigns.

He was, soon after his discharge, stricken with some disease of the lungs, which the examining surgeon of the Pension Department states as his belief was attributable to his army service. That disease has progressed until he is now, and has been for several years, incapable of performing manual labor. He applied for a pension on the 20th day of January, 1876, and his application has been recently rejected, upon the ground that there is no specific proof of the incurrence of the disease in the military service of the United States. The proof of any affirmative fact is wanting; but upon the other hand the proof of his entire soundness at enlistment, his exposure and service in the Army, and his prostration soon after leaving the service, the absence of any hereditary or other specific cause of his debility, compel the conclusion that it must have resulted from the service. This committee is disposed to give him the benefit of any doubts in the case, in view particularly of his excellent character as a soldier and a citizen, as abundantly testified to, and they recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN MALONEY.

The next business on the Private Calendar was the bill (H. R. 5926) granting a pension to John Maloney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of John Maloney, late a private in Company K, Seventieth Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The report was read, as follows:

Mr. MATSON, from the Committee on Invalid Pensions, submitted the following report:

That John Maloney enlisted in the military service of the United States as a private in Company K, Seventieth Regiment Indiana Volunteer Infantry, July 25, 1862, and was honorably discharged March 8, 1863, on account of anchylosis of right ankle.

November 5, 1874, he filed an application for pension on account of diseased eyes, contracted at Gallatin, Tenn., January 15, 1863, which was rejected January 31, 1882, on the ground that disease of eyes originated prior to his enlistment.

The testimony in this case was taken by a special examiner of the Pension Office, and is conflicting in character.

It appears from the evidence that the claimant is now an old man, and that he is in feeble health.

Leander M. Campbell, of Danville, Ind., a lawyer by profession and a reputable citizen, testifies that he has known claimant since 1854; that he enlisted him as a soldier; that he has no recollection of his eyes being diseased or affected prior to that time; that he doubted his being accepted as a soldier on account of his age, but that his case was fully considered and no objection found to him; that if his eyes had been diseased he thinks he would have noticed it and known it.

William J. Hoadley, M. D., of Danville, Ind., testifies, July 26, 1882:

"That he has known claimant for sixteen years; that he treated him for diseased eyes for four months in 1869, and that his partner treated him for some time afterward; that his eyes were in an inflamed condition at that time; that he has noticed claimant's eyes since 1869, and they have gradually grown worse to the present time, when the sight of one eye is entirely destroyed; that when he first treated him he thought the use of intoxicating liquors aggravated the disease, but declares positively that for two or three years claimant has not drank anything; that during the sixteen years he knew him he was not intoxicated more than two or three times, and that he was not a 'steady drinker.'"

Jacob L. Adams, Danville, Ind., testifies that he was a near neighbor of claimant prior to his enlistment, and that he was a sound man at the time and especially free from the disease of the eyes, with which he has been afflicted since discharge.

Thomas Nichols, of Danville, Hendricks County, Indiana; James Lockridge, A. W. Tont, J. Cummins, G. W. Tont, and W. L. Wilson, all citizens of good repute of Danville, Ind., testify, August 30, 1875, that they have known claimant for fifteen years last past, and that prior to enlistment he was entirely free from any disease of the eyes, and that on his return to Danville and continuously to the present time he has been afflicted with a disease of the eyes known as "granular lids."

In an affidavit filed August 15, 1877, James Nicholas and Jacob Hube testify that they have known claimant since the year 1857. Prior to enlistment he was sound, able-bodied, and free from disease of the eyes. At the date of his discharge he was suffering from sore eyes and could hardly see. The eyelids were granulated and inflamed. The sight of the right eye has been entirely destroyed and the left has become nearly useless. The disease of eyes has been continuous from date of discharge to the present time.

G. H. Straughton, in an affidavit filed September 19, 1881, testifies that he worked with claimant for a few days in 1853 on the railroad, and at that time he was sound and able to make a full hand, and his eyes were sound.

J. L. Adams, in an affidavit filed September 19, 1881, testifies that he knew claimant well before the war, and "to my certain knowledge he never had any disease or soreness of the eyes."

J. T. Matlock, who was captain of claimant's company, testifies that claimant, while in the line of duty at Gallatin, Tenn., about January 15, 1863, by reason of exposure, contracted disease of the eyes, which has resulted in total loss of one eye and permanent injury to the other, rendering him unable to earn his living. He was sound when he entered the service. "The above is from personal knowledge from being present."

It was shown that Dr. Warner, of Danville, claimant's regular family physician, is dead.

W. J. Hoadley, M. D., whose testimony is referred to above, is the United States examining surgeon at Danville, Ind., and in an examination of claimant, in pursuance of an order from the Pension Office, February 28, 1881, says:

"There is an aggravated grade of chronic inflammation of the conjunctiva of both lids and balls, which has nearly destroyed the right eye; with the left applicant can see so as to get around and perform some labor. His eyes are evidently in a bad condition."

While the voluminous testimony in this case is conflicting as to the origin of the soldier's disability, the preponderance of the testimony is clearly in favor of the freedom of the claimant from disease of the eyes prior to and at the time of his enlistment in the military service of the United States. He is shown to have been a good soldier, and is now old and infirm and in indigent circumstances. Your committee therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE D. GUTHREY.

The next business on the Private Calendar was a bill (H. R. 5922) for the relief of George D. Guthrey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of George D. Guthrey, late of Company D, Fifty-ninth Regiment of Indiana Volunteer Infantry, subject to the conditions and limitations of the pension laws.

The report (by Mr. MATSON) was read, as follows:

That the claimant enlisted as a private in Company D, Fifty-ninth Indiana Volunteers, on the 2d day of January, 1862, and that he was discharged from the service April 20, 1863; that he filed his application for a pension February 8, 1864, which was rejected by the Pension Office, for the reason that the certificate of disability for discharge recites that the injury complained of was received prior to enlistment, being kicked by an ox.

The evidence in the case shows that prior to his enlistment he was so kicked, but the injury was to the left leg and of a very slight nature, not disabling him from work, and occurred about one year before enlistment; and that he was advised by his lieutenant to make the statement that he was injured before he entered the service, as by so doing he could the more readily procure a discharge.

All the evidence in the case points conclusively to the fact that the claimant received his injury while in the service and in the line of duty, and is as follows:

That at a place called Commerce, Miss., the claimant was detailed to carry baled hay from a steamer to the wharf and from the wharf to a corral some one hundred yards distant, and in doing so had to cross a culvert. When midway a plank broke, thereby letting his right leg through to about the middle, between ankle and knee. In this position the bale of hay rolled on him and fractured one of the bones of the right leg; he was treated by the regimental surgeon in camp. There is some discrepancy as to the exact date when the injury was received, but all the evidence goes to show that it occurred in the spring of 1862.

The evidence in this case conflicted with the certificate of disability and discharge, and was of such a character that the Commissioner of Pensions sent a special examiner to investigate the case. He, after examining eighteen witnesses, the regimental surgeon among the rest, concludes as follows:

"Several reliable witnesses have testified to prior soundness, and, from their means of knowledge and their standing in the community where they are known, I can see no other conclusion than that prior soundness is established. This being done, the next question is, did claimant receive his alleged injury in service and line of duty? Upon this point two comrades of good report swear they were present and saw claimant receive his injury. These two material points being established, in the face of proof of medical treatment soon after discharge and treatment by Dr. J. E. Talbott for the past nine years for the very injury alleged, it seems to me, justify the conclusion that the claim is clearly and fairly established, and I therefore recommend that it be admitted.

"S. J. COUCH, *Special Examiner*."

The Pension Office, still not satisfied as to the origin of the injury, directed another special examiner to investigate this case, and charged him particularly in regard to the story about the claimant being kicked prior to enlistment. The examiner says:

"I served notice on claimant and he desired the examination to begin at once. When informed of his right to be present in person or by attorney to hear the evidence, cross-examine witnesses, &c., he waived his rights and desired me to proceed alone.

The examiner concludes a résumé of the evidence by saying:

"All the testimony that bears directly on the point at issue is the statement of claimant, the deposition of Thomas J. Miller and T. C. Guthrey, and, I think, their testimony clearly establishes the fact that there is no connection between the ox kick he received before enlistment and the injury for which he claims a pension, and I recommend that the claim be admitted."

It is further in evidence that the claimant bears a good reputation for truth; that he is not very smart, and (as one of the special examiners put it) don't seem to have the mental outfit to get up a swindle.

Taking into consideration the fact that the Pension Department sent two special examiners to investigate the case, both of whom recommended its admission, your committee is of the opinion that the claim is a just one, and therefore respectfully recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RUTH STRATTON.

The next business on the Private Calendar was the bill (H. R. 5923) granting a pension to Ruth Stratton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to place on the pension-roll the name of Ruth Stratton, of Henry County, Indiana, and pay her a pension as the dependent mother of Albert Stratton, deceased, who was late a private in Company F, of the Eighty-fourth Regiment of Indiana Volunteers; said pension to be subject to the provisions and limitations of the pension laws of the United States.

The report (by Mr. MATSON) is as follows:

That Ruth Stratton is the dependent mother of Albert Stratton, who enlisted in the military service of the United States as a private in Company F, Eighty-fourth Regiment Indiana Volunteers, August 8, 1862, and was honorably discharged June 14, 1865.

January 27, 1876, Albert Stratton was placed on pension-roll at the rate of $2 per month, for dislocation of elbow, received by a fall during a bayonet charge at Resaca, Ga., May 14, 1864, and died June 4, 1879, of heart disease.

January 3, 1880, Ruth Stratton, mother of the deceased soldier, filed an application for pension on account of the death of her son, which was rejected January 29, 1883, on the ground that soldier's death was not shown to be due to his military service.

It appears from the evidence in the case that the husband of claimant is eighty-two years old, and is now, and was at the time of soldier's death, entirely helpless from paralysis and old age, requiring constant care and attention of some one to wait upon him, and that she and her husband were almost entirely dependent upon the deceased soldier for support. This fact is fully shown by four of the near neighbors and intimate acquaintances of claimant, all residents of Knightstown, Ind.

It is also shown that deceased soldier left no widow or children surviving him.

Amos D. Muir, M. D., of Knightstown, Ind., testifies, August 26, 1882:

"That while soldier was detailed as blacksmith at Nashville, Tenn., November or December, 1864, he was first attacked with smothering spells, and on account of same he was obliged to quit work. Soldier had said spells frequently after he was discharged, and finally died in one of them, which is supposed to have been caused by heart disease."

Joshua P. C. Wilborn, of Knightstown, Ind., testifies January 17, 1882:

"That he was first lieutenant Company F, Eighty-fourth Regiment Indiana

Volunteers, and has no record, but believes that soldier's fatal disease was the result of army exposure. Is unable to give time, place, or circumstances of said disease. His difficulties consisted of a croup, difficult breathing or smothering spells, and an injured arm. Is credibly informed he died in one of those smothering spells."

Frank Strattan (brother), of Knightstown, Ind., testifies July 28, 1882:

"Soldier was free from any disability when he enlisted; was stout and able-bodied; was suffering from smothering spells when he came home from the Army, which continued up to his death. He slept with affiant after coming home, and would have to be lifted up in bed and worked over; and affiant would think he would surely smother to death. He was treated by Dr. Canada for said disability as soon as he got home."

Rebecca J. Dewey, M. D., of Knightstown, Ind., testifies March 18, 1882:

"Treated soldier in January, 1872; found him suffering with bad croup, pain in left side, hard and difficult breathing. Had to sit up for relief. His brain also was affected, and complained of numbness in left side. Also suffered from hernia (right). His smothering was always at night, and more frequent after working too hard. Treated him November 1, 1873, November 17, 1874, December 2, 1876, August 9, 1877, and again in last sickness. Symptoms continued the same. He died of heart disease June 4, 1879."

His frequent and continued attacks of smothering spells from the time of his return from the Army is also testified to by Hannah E. Deems, Emma L. Harden, W. H. Harden, James C. Dun, all reputable citizens and intimate acquaintances of deceased soldier, and residents of Knightstown, Ind.; and also by the testimony of the claimant.

Dr. Wilson Hobbs, of Knightstown, Ind., also testifies, January 17, 1882, that he treated the deceased soldier professionally the last two or three weeks of his life for valvular disease of the heart, which caused his death.

It is also shown that Dr. Canada, who first treated the deceased soldier after his return from the Army, is dead.

Your committee are clearly of the opinion that the disease which caused the death of the soldier was contracted while he was in the military service of the United States, in the line of his duty; and that he was the sole dependence of his aged parents for support, and that the claimant is without any means of support, with her aged husband a confirmed paralytic; and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH H. LAWLER.

The next business on the Private Calendar was the bill (H. R. 229) granting a pension to Elizabeth H. Lawler.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth H. Lawler, widow of General Michael K. Lawler, deceased, at the rate of $100 per month.

The report (by Mr. MATSON) is as follows:

That Elizabeth H. Lawler is the widow of Michael K. Lawler, who at the commencement of the late civil war was a farmer in Southern Illinois. On receipt of the news of the fall of Fort Sumter and the actual commencement of hostilities he organized the Eighteenth Regiment Illinois Volunteer Infantry, and was commissioned colonel, and on the 28th day of May, 1861, the regiment was mustered into the United States service for three years, and on the 25th of June the regiment was ordered to join the Army at Bird's Point, Mo. January 9, 1862, his regiment accompanied General McClernand's command up the Tennessee River, and held the advance in the operations against Fort Henry. February 15, 1862, his regiment participated in the battle of Fort Donelson, in which Colonel Lawler was severely wounded, and in which the regiment lost in killed and wounded two hundred and thirteen men.

April 25, 1862, he was commissioned brigadier-general, and ordered to report to Major-General McClernand, commanding Thirteenth Army Corps. May 2 he reported for duty at Port Gibson, Miss., and was placed in command of the Second Brigade, Fourth Division.

The conduct of General Lawler at the battle of Champion Hills is shown by the following extract from the report of Major-General McClernand:

"All of Lawler's brigade, of the same division, except a reserve of one regiment, also advanced to support Lindsay, who had pushed a charge near the mouth of the battery. Lawler's brigade here cast the trembling balance in our favor, himself narrowly escaping the effect of a shell. His men joined Lindsay, and both dashed forward, shooting down the enemy's artillery horses, driving away the gunners, and capturing two pieces of cannon."

General Grant, in his report of the battle of Big Black River, pays the following tribute to General Lawler:

"At daylight on the 17th the pursuit was renewed, with McClernand's corps in the advance. The enemy was found strongly posted on both sides of the Black River. At this point on the river the bluffs extend to the water's edge on the west bank; on the east side is an open, cultivated bottom, of near one mile in width, surrounded by a bayou of stagnant water from two to three feet in depth and from ten to twelve feet in width. From the river above the railroad to the river below, following the inside line of the bayou, the enemy had constructed rifle pits, with the bayou to serve as a ditch, on the outside and immediately in front of them. Carr's division occupied the right in investing the place, and Lawler's brigade the right of his division. After a few hours' skirmishing Lawler discovered that by moving a portion of his brigade, under cover of the river bank, he could get a position from which that place could be successfully assaulted, and ordered a charge accordingly. Notwithstanding the level ground over which the troops had to pass without cover, and the great obstacle of the ditch in front of the enemy's works, the charge was gallantly and successfully made, and in a few minutes the entire garrison, with seventeen pieces of artillery, were the trophies of this brilliant and daring movement.

"The enemy's works were carried in four minutes from the time the movement commenced, but at the cost of 184 men in killed and wounded of the brigade commanded by General Lawler. As a result of this movement, 63 officers, and 1,880 of the enemy were captured, including 17 pieces of artillery, 4 stands of colors, and 1,400 muskets."

At the assault on the rebel works at Vicksburg, May 22, 1862, General Lawler's conduct is thus referred to by Major-General McClernand:

"Five minutes before 10 o'clock the bugle sounded the charge, and by 10 o'clock my column of attack moved forward, and in fifteen minutes Lawler's and Landrum's brigades had carried the ditch, slope, and bastions of the fort. * * * Men never fought more gallantly, nay, more desperately; for more than eight long hours they maintained their ground with death-like tenacity. Neither the blazing sun nor deadly fire of the enemy shook them. Their valor filled me with admiration. The spectacle was one never to be forgotten. "In this charge General Lawler's brigade lost, in killed and wounded, 375 men."

It appears from the records of the Adjutant-General's Office that Michael K. Lawler was appointed a brigadier-general of volunteers November 29, 1862, and commanded the Second Brigade, Second Division, reserve, Army of the Tennessee, and the post of Jackson, Tenn., to March 10, 1863; on leave to March 30, 1863; commanding district of Corinth, Tenn., to April 25, 1863; commanding Second Brigade, Fourteenth Division, Thirteenth Army Corps, from May 2 to July 18, 1863; on sick leave to August 15, 1863; commanding Fourth Division, Thirteenth Corps, to September 21, 1863; the Third Brigade, First Division, Thirteenth Corps, to October 23, 1863, and the First Division, Thirteenth Corps, to December 14, 1863; on sick leave to February 15, 1864; commanding Third Brigade, Tenth Division, Thirteenth Corps, to March 10, 1864; the Second Brigade, First Division, Thirteenth Corps, to April 30, 1864; the detachment Thirteenth Corps to July, 1864; the Third Division, Nineteenth Corps, to November 22, 1864; detachment Nineteenth Corps to January, 1865, and the First Brigade, Reserve Corps, Military Division of Mississippi, to February 3, 1865; on twenty days' leave; commanding ninth district of Baton Rouge from March 20 to August 11, 1865, and awaiting orders to January 15, 1866, when he was honorably mustered out of service.

William H. White, surgeon Twenty-second Iowa Infantry, certifies, July 4, 1863:

"I have carefully examined Brigadier-General Lawler, Second Brigade, Fourteenth Division, Thirteenth Army Corps, and find that he has hepatitis, with diarrhea, and in consequence of which he is, in my opinion, unfit for duty, and will not be in a less time than twenty days, and that an immediate change of climate is necessary to prevent permanent disability."

December 15, 1863, B. B. Brashear, surgeon in charge First Division, Thirteenth Army Corps, certifies to his disability from fever, and that it is necessary for him to return home in order to receive the care and treatment required by his advanced years to restore him to health.

Jauuary 31, 1864, P. Campbell, of Equality, Ill., certifies:

"Brig. Gen. M. K. Lawler, United States Volunteers, having applied for a certificate on which to ground an application for extension of his leave of absence, I do hereby certify that I have carefully examined this officer, and find him suffering under severe tonsilitis, in connection with bronchial inflammation, and is therefore unfit for duty."

January 16, 1866, he was placed on the pension-roll at the rate of $7.50 per month for wound of right arm and injury to head, received at the battle of Fort Donelson, which was increased to $15 per month April 9, 1877.

General Lawler died July 26, 1882, of "disease contracted in the military service of the United States."

General Lawler was also a distinguished soldier in the Mexican war in 1846–'47, as a member of the Third Regiment Illinois Volunteers; he participated in the siege of Vera Cruz and the battle of Cerro Gordo. His term of service having expired, he organized a company of cavalry, of which he was commissioned captain, but the war having been brought to a successful termination, his service was not required, and he returned to his home in Southern Illinois.

His services in the late war are thus referred to by the Vicksburg correspondent of the New York Herald during the operations of General Grant's Army in front of Vicksburg:

GENERAL LAWLER, THE GARIBALDI OF THE WEST.

[Vicksburg correspondence New York Herald.]

"Among the celebrated and prominent officers of General Grant's army is Brigadier-General Lawler, or, as he is known among his troops, the "Checkshirt General," and by others as the "Garibaldi of the West." General Lawler is from Illinois, where he owns an extensive farm, from which, by his industry as an agriculturist, he has attained a position of opulence. When the rebellion broke out he was at work in the field, and musing on the matter, while following his plow, he determined to give his personal services to the Government. He raised a regiment of troops, and subsequently was elevated for meritorious service to his present rank. General Lawler is a fair representative of the Western farmer. He is nearly six feet in height, built in proportion, weighs over two hundred pounds, and is about fifty years of age. In his military position he eschews all ostentation. In the field and camp he wears an ordinary suit of blue flannel, his trousers tucked into his boots, and a white felt hat. He wears no insignia indicative of rank except a gold cord on his hat. As a soldier he stands well, is a happy conversationalist and humorist, and as a disciplinarian is strict. He has served in all the battles on the Mississippi."

That General Lawler enjoyed the confidence of General Grant and General McClernand is fully demonstrated by the liberal quotations made from their congratulatory orders, given elsewhere.

As an Irish-American citizen he contributed his services to his adopted country on every occasion, whether that country was assailed by a foreign or domestic enemy, and as a poineer citizen of Illinois he early formed the acquaintance of Abraham Lincoln, and this friendship continued to the time of Mr. Lincoln's death.

When General Lawler returned home from his service in the late war he was in comfortable circumstances financially, but his broken health, acquired in the service of his country, was such as to be a constant demand upon his resources for medical treatment up to the time of his death, and when his estate came to be settled it was found that it was exhausted, and his widow left entirely without any means of support. She is now over 70 years of age, and your committee are of the opinion that the Government this soldier served so faithfully in two wars can not afford to see his widow in her old days living off the charity of neighbors or closing her eyes in death in an almshouse, and therefore recommend that the bill be amended by striking out the words "one hundred," in line 7, and inserting the word "fifty;" and, when so amended, that the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CATHERINE H. GLICK.

The next business on the Private Calendar was the bill (H. R. 6514) for the relief of Catherine H. Glick.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Catherine H. Glick, widow of Dr. Elias B. Glick, late a surgeon in the Fortieth Regiment of Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) is as follows:

That Catherine H. Glick is the widow of Elias B. Glick, who was surgeon of the Fortieth Regiment Indiana Volunteers.

It is disclosed by the evidence in this case that the soldier enlisted February, 1862, and was discharged December 21, 1865. He was pensioned in his lifetime at three-fourths of total, on account of scrotal hernia, and died September 29, 1879, because of said disability.

His widow filed her claim for pension April 6, 1880, which was rejected May 11, 1883, by the medical referee of the Pension Office, on the ground that the fatal disease was not the result of the hernia for which the soldier was pensioned.

The deceased soldier was ruptured in the service at the battle of Shiloh, and was pensioned for said disability, and continued to draw his pension to the time of his death. The hernia was inguinal, of the left side, which worked down and became what is called scrotal hernia.

In the latter years of the soldier's life the protrusion of the bowels became more frequent, was easily produced by a misstep or by any straining; the protrusion of the bowels was attended with great pain and exhaustion, sometimes amounting to prostration, and frequently could not be reduced without the assistance of a second person. On the night of the soldier's death it appears there was no one about his house except his daughter, Clara Glick, and another young lady, whose name is not given. The deceased was heard by his daughter to take a bath in his bed-room and to get into bed.. The attention of the daughter was called by the young lady to the fact that her father was groaning. The daughter immediately went up to the bed-room and found her father dead. No *post-mortem* examination was had.

E. D. Powers, M. D., testifies, March 25, 1882:

"I was acquainted with Dr. Elias B. Glick before his death, and I have prescribed for him several times. I saw him a few moments after his death, and learning that he had suffered from hernia, that was very troublesome at all times, and more so at different times; that it was liable to sudden descent, and at such times he was subject to great pain and faintness, I came to the conclusion that his sudden death was caused by a sudden descent of his intestines into the scrotum, accompanied by an unusual pain, followed by syncope. I believe Dr. Elias B. Glick came to his death in the condition referred to above, syncope following a descent of his intestines into the scrotum. His health was very delicate for two years prior to his death, being frequently confined to his bed for weeks continuously."

Dr. R. M. O. Terrill, testifies, February 28, 1882:

"I saw Dr. E. B. Glick a few moments after death, and, from my personal knowledge of his case, having treated him for inguinal abscess, caused from his wearing a truss, and learning at the time that the descent of the intestines was followed by excruciating pain, followed by syncope, I am of the opinion and belief that death was the result of heart-clot induced from prolonged syncope."

Dr. Elisha S. Boland, under date of March 10, 1880, testifies:

"I have known Dr. Elias B. Glick from August, 1874, to April 20, 1878; during this time he was suffering from incomplete inguinal hernia. The hernial protrusion would be induced by any unusual exertion, as getting into a vehicle, stepping off the curbstone, or by some intestinal trouble, as diarrhea, colic, or vomiting. During the time it was out he would suffer very severely from the pressure to which it was subject, and was in dread of strangulation. Occasionally he could not return it unassisted, and so was never safe when far from help. During the latter months of my acquaintance with him these attacks were more frequent and severe, and were often followed by exhaustion, sometimes amounting to prostration. I believe his death was largely due to the agony and lowered vitality caused by these often recurring attacks of partial strangulation."

The existence of the hernia, the lawful marriage of the claimant to the deceased soldier, and his death from the disability contracted in the military service of the United States in the line of his duty, is clearly shown by the evidence. That he was also free from heart disease or symptoms of apoplexy is clearly established by medical testimony from those who treated him constantly for his disability previous to his death. Your committee therefore report the bill back to the House with the recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. IVERS, ALIAS JOHN H. WILSON.

The next business on the Private Calendar was the bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Ivers, alias John H. Wilson, late of Company G, Fourteenth Michigan Volunteer Infantry.

The report (by Mr. WINANS, of Michigan) is as follows:

That this is a claim for pension for disability caused by hernia, result of a fall while in service and in line of duty. John H. Ivers, without the knowledge or consent of his parents, enlisted in the Eighth Michigan Cavalry, in March, 1863, being then 17 years of age. Before the regiment left for the front his father asserted his rights and took his son to his home in Port Huron, Saint Clair County, Michigan. He remained at home till March 2, 1864, when, without the knowledge or consent of his parents, he again enlisted, in the Fourteenth Regiment Michigan Infantry, under the assumed name of John H. Wilson, his object being to elude his father, who opposed his entering the service.

He went with his regiment to the seat of war, and was in the Fourteenth Army Corps, under General Sherman, participated in the fight at Pittsburg Landing and at Kenesaw Mountain, where, in a charge up the side of the mountain, while fighting the enemy, he stumbled and fell on a small stump, rupturing him in two places, one slight, the other causing him much pain. After the fight his comrades told him to get a truss, which he did, and found relief, and he has worn one from that time till now. He did not report to the doctor for fear of discharge. He was with Sherman from Atlanta to the sea, and at the capture or surrender of Johnston in Carolina, and with his regiment till the close of the war, and was honorably discharged July, 1865. He has not applied for a pension for the reason he was told the department would not grant it because of his having enlisted under an assumed name, and therefore he asks Congress to grant him relief. His tent-mate, who knew of his rupture and buying a truss at the time, was killed in action at Marietta, Ga., but he can prove by others that he wore a truss in the Army.

Edward and Mary Ivers, parents of said soldier, testify to the truth of the above statement, as far as their knowledge extends; and a petition to the honorable Senate and House of Representatives, signed by United States officials judges, and many honorable citizens of Port Huron, Saint Clair County, Michigan, certifies to the worth and reputable character for truth and honesty of said John H. Ivers, that he is entitled to full belief and credit in his statements, and asks that he may be granted a pension.

Dr. James K. Farnum testifies that he examined John H. Ivers, of Company G, Fourteenth Michigan Infantry, March 25, 1884; that at the present time he has a double hernia, that protrudes on both sides at the least exertion; has to hold the ruptures when he coughs or sneezes; is of long standing; no hopes of improvement; three-fourths disability; thinks there is danger of strangulation.

The military history of this soldier, furnished by the War Department, corroborates the statement of the claimant, and is as follows:

"John H. Wilson was enrolled March 2, 1864, at Detroit, Mich., and mustered in March 3, 1864, at the same place, to serve three years. He is reported present on the rolls of Company G, Fourteenth Michigan Volunteers, from April 30 to August 31, 1864, inclusive. On roll dated October 31, 1864, he is reported detached in division cattle guard. On rolls from December 31, 1864, to June 30, 1865, he is reported present. He was mustered out with company at Louisville, Ky., July 18, 1865, as private.

"R. C. DRUM, *Adjutant-General.*"

In view of the facts above stated, and in consideration of his meritorious service and present permanent disability, the result of military service, your committee think relief should be granted him, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANN LUMPHREY.

The next business on the Private Calendar was the bill (H. R. 5762) for the relief of Ann Lumphrey.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the pension laws, the name of Ann Lumphrey, widow of Oliver Lumphrey.

The report (by Mr. WINANS, of Michigan) is as follows:

That Ann Lumphrey is the widow of Oliver Lumphrey, late first lieutenant First New York Lincoln Cavalry. Said Oliver Lumphrey enlisted as private in Company C, First Regiment New York Cavalry, July 19, 1861, for three years. He re-enlisted as a veteran volunteer January 1, 1864, for three years, and was on the rolls as sergeant, and later as sergeant-major. April 3, 1865, while gallantly leading a charge in battle at Wipponie Creek, Virginia, he received a gunshot in the left leg, by reason of which it was amputated in the upper third of the thigh, leaving a 3-inch stump. June 13, 1865, he was discharged for promotion to first lieutenant, same regiment. He died January 4, 1876, and it is alleged that the loss of his left leg was the cause of his death. The widow is unable to furnish medical evidence satisfactory to the Pension Department that such is the fact. She has submitted the testimony of Dr. Johnson W. Marsh, Dr. Nathan F. Brown, and Dr. Samuel Trudell, three reputable physicians, who state as follows:

"Johnson W. Marsh, being duly sworn, deposes and says he is a physician and surgeon in regular practice; that he resided in Springwells, Wayne County, Michigan, from 1875 to 1879, a period of four years. That he was well acquainted with Oliver Lumphrey, deceased, during his lifetime, and treated him prior to his last illness for an affection of the heart (not organic) attributable to the condition of his nervous system, plainly traceable to and connected with constant irritation of the sciatic nerve, from which he was never free; and further says he is of the opinion that said irritation of the sciatic nerve was caused by the amputation of the leg; that he attended deceased in his last illness, and in his opinion the life of said Lumphrey was not only shortened but that death was proximately caused by amputation of his leg.

"Nathan F. Brown, being duly sworn, deposes and says he is a regular practicing physician and surgeon; that he was acquainted with Oliver Lumphrey, deceased, and was frequently called upon to attend him and his family; that said Lumphrey frequently complained of severe pain which he suffered in the stump of his amputated limb; that he believes that the amputation of the thigh caused such irritation of the large herves, direct and reflex, that his death was hastened by such pain and irritation.

"Samuel Trudell, being duly sworn, says he resides in Detroit; is a practicing physician and surgeon; that he was acquainted with Oliver Lumphrey, deceased; was frequently called to attend him in his lifetime and prescribed for him prior to his last illness for an affection of the heart (not organic), attributable to the condition of his nervous system, plainly traceable to and connected with constant irritation of the sciatic nerve, and that it was caused by amputation of the leg of the deceased; that he consulted with Johnson W. Marsh in the last illness of Lumphrey, and is of the opinion that his death was proximately caused by amputation of his limb and plainly traceable to that cause."

The only question in this case seems to be, was the death of said soldier attributable to his military service; and while the evidence submitted in the case may not be entirely satisfactory to the trained and discriminating mind of the medical reviewers, still learned doctors often disagree, and in this case three credible surgeons think his death was hastened by the loss of his limb; and your committee can fairly conclude that in granting the relief asked no injustice will be done to the Government; and as the widow is poor and has a family of children to support, they recommend that the bill do pass.

The committee recommend the following amendment: Insert in line 5 the words "the limitations and provisions of;" so that it will read, "subject to the limitations and provisions of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABEL J. LEWIS.

The next business on the Private Calendar was the bill (H. R. 5951) granting a pension to Abel J. Lewis.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Abel J. Lewis, late a private in Company F, Twenty-second Regiment Volunteer Infantry of the State of Wisconsin.

The report (by Mr. WINANS, of Michigan) is as follows:

This soldier claims a pension on account of disability caused by shell wound to abdomen, received in the battle of Resaca, Ga. While the claim has not been positively rejected at the Pension Office, still they are unable to find positive and satisfactory evidence that his disability arises from the cause alleged. He has had three examinations by three different examining boards; a disability of one-half is found to exist, but none are able to find that the contusion of the abdomen is the cause of his disability. The soldier alleges that near Resaca, Ga., May 15, 1864, he was wounded by a piece of shell in the right thigh, and at the same time and place was injured by contusion of abdomen; that he was sent from field of battle to Cumberland hospital, at Nashville, Tenn., where he remained two months. His statement is confirmed by records of Adjutant-General's Office and by the affidavits of his captain, Robert J. Pugh, and lieutenant, John Bowen.

William Gill, of Sioux Falls, whose credibility is marked good by the Pension Office, testifies that he has known claimant intimately from 1865 to 1871; saw him constantly, and during all that time claimant suffered from an injury in his right side so severely at times that he gave up work and remained at home several days at a time.

Dr. James E. Ferguson, of Bangor, Mich., testifies that he has known claimant since 1872, and has treated him for disability in the right side caused by wound received in service; in his opinion is fully one-half disabled; that he is wholly unable to do heavy manual labor and at times to do any labor at all.

This testimony is marked good; first class.

Hugh Lewis, Albert B. Taft, John Ray, all testify that they have known claimant since 1871, and that he is continuously suffering from disability in right side, caused by a fragment of shell at Resaca, Ga., and in their opinion he is one-half disabled.

Dr. Ferguson, in affidavit of January 14, 1884, says that he attended claimant November 8 and 9, 1874, and in June, 1877, from 12th to 17th, and has prescribed for him since; that claimant has been troubled with chronic constipation ever since he has known him in 1874, with occasional attacks of colic, always located

in right iliac region, about iliac cæcal valve, so severe at times as to require hypodermic injection of morphine.

In consideration of the high character of the foregoing testimony to the effect of disability existing from the time he was wounded to the present, and his soundness prior to receiving said wound, it is fair to conclude that his disability dates from and is attributable to his military service. We therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANNA I. FOSTER.

The next business on the Private Calendar was the bill (H. R. 6766) granting a pension to Mrs. Anna I. Foster.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Anna I. Foster, widow of Maj. Gen. John G. Foster, on the pension-roll, and pay her a pension of $50 a month from and after the passage of this act, in lieu of the pension now paid her by law.

The report (by Mr. WINANS, of Michigan) is as follows:

That Anna J. Foster is the widow of John G. Foster, who was graduated at the United States Military Academy, and appointed brevet second lieutenant, Corps of Engineers, July 1, 1846; promoted second lieutenant May 24, 1848; first lieutenant April 1, 1854; captain July 1, 1860; major March 3, 1863, and lieutenant-colonel March 7, 1867.

He was appointed brigadier-general of volunteers October 23, 1861, and major-general of volunteers July 18, 1862, and was honorably mustered out of the volunteer service September 1, 1866. He received the brevet of first lieutenant United States Army August 20, 1847, "for gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico;" of captain United States Army September 8, 1847, "for gallant and meritorious conduct in the battle of Molino del Rey, Mexico," and major United States Army December 6, 1860, "for the distinguished part taken by him in the transfer of the garrison of Fort Moultrie, South Carolina, to Fort Sumter, South Carolina;" of lieutenant-colonel United States Army February 8, 1862, "for gallant and meritorious services in the capture of Roanoke Island, North Carolina;" of colonel United States Army March 12, 1862, "for gallant and meritorious services in the capture of New Berne, N. C.;" of brigadier-general United States Army March 13, 1865, "for gallant and meritorious services in the capture of Savannah, Ga," and of major-general United States Army, "for gallant and meritorious services in the field during the rebellion."

He served in the office of the Chief of Engineers, at Washington, D. C., from July 16, 1846, to January 5, 1847; with company of sappers, miners, and pontoniers in the war with Mexico from January 31, 1847, to September 8, 1847, upon which date he was severely wounded in the battle of Molino del Rey; absent wounded and on sick leave to February 15, 1848, when he was ordered to take post at Nashua, N. H., and to remain there until sufficiently recovered from the effects of his wounds to resume active service. He continued at Nashua, N. H., until December 13, 1848; was assistant to Capt. R. E. Lee, engineers, at Baltimore, Md., to March 26, 1852; on duty in Coast Survey Office, Washington, D. C., to August 22, 1854; assistant to Capt. H. Brewerton, engineers, at Baltimore, Md., to January 11, 1855; on duty at the United States Military Academy as assistant professor of engineering to June 27, 1857; in charge of works at Willet's Point, New York, to November 28, 1857, and at Sandy Hook, New Jersey, to April 28, 1858; in charge of construction of Fort Sumter, South Carolina, and repair of other military works in Charleston Harbor, South Carolina, and of Forts Macon and Caswell, North Carolina; being engaged in strengthening the works in Charleston Harbor, South Carolina, in anticipation of an attack upon them; transporting the garrison of Fort Moultrie, South Carolina, to Fort Sumter, South Carolina, December 26, 1860, and in the defense of Fort Sumter, South Carolina, December 27, 1860, to April 14, 1861, including its bombardment April 12 to 14, 1861, when the post was surrendered and evacuated. He was on duty in the office of the Chief of Engineers, at Washington, D. C., from April 22 to May 5, 1861, and in charge of the construction of a fort at Sandy Hook, New Jersey, to November 22, 1861.

He commanded United States forces at Annapolis, Md., to December 20, 1861, and a brigade in Burnside's North Carolina expedition, and in the Department of North Carolina to July 13, 1862; the Department of North Carolina to July 18, 1863; the Department of Virginia and North Carolina to November 11, 1863, and the Department of the Ohio from December 9, 1863, to February 9, 1864, when he was relieved at his own request on account of disability, having been severely injured by the fall of his horse December 23, 1863, in going to the front at Blain's Cross-Roads, Tenn. He was awaiting orders to May 5, 1864; commanding Department of the South from May 26, 1864, to February 9, 1865; on sick leave to May 1, 1865; on court-martial duty in Washington, D. C., to June 27, 1865; commanding Department of Florida from August 1, 1865, to August 15, 1866; commanding district of Florida to December 5, 1866; on duty in the office of the Chief of Engineers, Washington, D. C., from January 2 to May 10, 1867; in charge of engineering works in Boston Harbor, Massachusetts, and Forts McClary and Constitution, Portsmouth Harbor, New Hampshire, to May 9, 1871; member of commission to examine and report upon the Sutro Tunnel, in the State of Nevada, to May 14, 1872; in the office of the Chief of Engineers, Washington, D. C., to June 11, 1874; at Boston, Mass., in charge of works for the improvement of the Merrimac River, Massachusetts; of harbors of Gloucester, Salem, Boston, Duxbury, Plymouth, Wellfleet, and Provincetown, Massachusetts; construction of sea-wall of Great Brewster, Deer, and Lovell's Islands, Boston Harbor, to August 24, 1874; and sick until he died at Nashua, N. H., September 2, 1874, of consumption.

S. W. Langmaid, M. D., of Suffolk County, Massachusetts, testifies, April 23, 1875, that "the late John G. Foster, lieutenant-colonel United States Engineers was under my professional treatment from June 4, 1874, until his death; that he died of disease of the lungs, which was contracted, in my opinion, while in the line of duty, and was most likely caused by exposure in the service."

July 20, 1876, the name of Anna J. Foster was placed on the pension-roll as the widow of Maj. Gen. John G. Foster, at the rate of $8 per month, on the ground of a wound received by him in the war with Mexico, at which time he held the rank of brevet second lieutenant in the regular Army. As brevet rank is not recognized in the rating of pensions the widow could only receive a pension of a private soldier, $8 per month.

In view of the long and distinguished services of this soldier to the Republic, and the unbroken precedents for this character of legislation, your committee recommend the passage of the accompanying substitute bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA A. SHEALEY.

The next business on the Private Calendar was the bill (H. R. 2245) granting a pension to Eliza A. Shealey.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza A. Shealey, widow of Daniel Shealey, late second lieutenant of Company E, Second Maryland Regiment of Cavalry, subject to the limitations and provisions of the pension laws, and to pay her a pension during her widowhood from and after the passage of this act.

The report (by Mr. PATTON) is as follows:

That Eliza A. Shealey is the widow of Daniel Shealey, who enlisted in the military service of the United States July 30, 1863, to serve six months, as second lieutenant Company E, Second Maryland Cavalry Volunteers, and was honorably discharged January 31, 1864.

The records in the office of the Adjutant-General show the name of Daniel Shealey second lieutenant Company E, Second Regiment Maryland Cavalry Volunteers, on the muster-roll of the company, August 31, 1863; absent on detached service September and October, 1863; in United States general hospital since September 28, by permission from Colonel Waite; November and December, 1863, absent without leave in Baltimore County, Maryland. The surgeon's certificate from the same record is as follows:

BALTIMORE, MD., *December* 5, 1863.

Second Lieut. D. Shealey, Second Maryland Volunteer Cavalry, having applied for a certificate on which to ground an application for extension of leave of absence, I hereby certify that I have carefully examined said officer, and find him unfit for duty in consequence of general debility, the result of typhoid fever; and, further, I believe said officer will not be fit for duty in less than twenty days.

ALEX. B. HASSON,
Surgeon, United States Army, in Charge of Invalid Officers.

The Surgeon-General's records report Lieut. Daniel Shealey, Company E, Second Maryland Cavalry, admitted to district No. 1 general hospital, Annapolis, Md., September 29, 1863, with febris remittens, and returned to duty November 24, 1863. The regimental hospital records are not on file.

Mary A. Shealey, mother of the officer, testifies, October 4, 1880:

"That prior to his enlistment in the military service of the United States Daniel Shealey was a physically sound and healthy man; that while serving with his command at Camp Parole, at Annapolis, Md., to the best of her knowledge, in the latter part of September or the early part of October, 1863, her son contracted, from exposure incident to the service, typhoid or malarial fever, from the effects of which he never recovered, and which resulted in general debility, which, taken in connection with his recent affection of typhoid pneumonia, was the ultimate cause of his death, which occurred April 12, 1879; that when her son was first taken sick she was sent for and frequently visited him at the hospital at the navy-yard at Annapolis, Md., where he was under treatment, and found him dangerously ill; that she visited him at the hospital thirteen times during his said illness; that when he was discharged from the Army in 1864 he was a perfect shadow of the sound and healthy man he was prior to his enlistment; that his condition gradually grew worse, and that during the whole time from his discharge to the time of his death, on the 12th of April, 1879, he was continuously in a sick, weakly, and debilitated condition; that the cause of his death was attributable solely to the disability contracted in the military service of the United States; that from the time of his discharge to the date of his death he was physically incapable of performing any manual labor; that immediately after his return from the Army he was treated by Dr. Edward Tidings, who is now dead, and Dr. J. H. Jarrett, of Towsontown, Md."

Dennis Carter, private in Company E, Second Maryland Volunteer Cavalry, testifies, September 30, 1880:

"That he has personal knowledge of the fact, through general intimacy and association, that Daniel Shealey, while in the line of his duty at Camp Parole, near Annapolis, Md., did contract typhoid fever on or about the month of October, 1863; that he was sent to and treated in hospital at the navy-yard at Annapolis, Md.; that he was physically sound and a healthy man prior to his enlistment in July, 1863, and that from the time of his discharge from the Army, in 1864, to the time of his death, in April, 1879, he has been continuously more or less affected with general debility, resulting therefrom, and affiant has every reason to believe that his death was hastened through disease contracted from exposure in the service; that from the time he left the service he has always been in a delicate and weakly condition; that his general health was completely destroyed, and that his debilitated condition prevented him from the performance of manual labor; that he knows these facts from frequently seeing said Daniel Shealey and by being a resident of the neighborhood."

John Sommer, late captain Company E, Second Maryland Cavalry Volunteers, testifies, September 15, 1880:

"That he was personally and intimately acquainted with Daniel Shealey, of Towsontown, Md., who is now dead, and who served as second lieutenant of the above-named company, and knows that said officer was a physically sound, healthy, and able-bodied man at the time of his enlistment in the military service of the United States, in July, 1863; has personal knowledge of the facts that said Shealey, while in the line of his duty at Camp Parole, near Annapolis, Md., on or about the month of October, 1863, was taken sick and did contract typhoid or malarial fever, and that he was sent to the hospital at the navy-yard at Annapolis, Md., for treatment, there being no surgeon attached to the command, and that the aforesaid disease and sickness resulted in general debility, from which he never recovered, completely destroying his general health and undermining his physical constitution; that he has personal knowledge of these facts through general intimacy and association, and that from the time of discharge from the Army in 1864 up to the time of his death in 1879 he frequently met him during the time, and knows that he was continuously in a weak, sickly, and debilitated condition, and has every reason to believe that the result of his death was brought on by exposure and disease contracted while in the aforesaid service and that his life was shortened thereby."

C. F. Benchoff, late quartermaster-sergeant Company E, Second Maryland Cavalry, testifies, September 23, 1880:

"That he personally knew Daniel Shealey, of Towsontown, Md., who served as second lieutenant of the above-named company and regiment, and knows that he was taken sick while in the line of duty at Camp Parole, near Annapolis, Md., on or about the month of October, 1863, and that on account of the aforesaid sickness he was unable to perform military duty; and he knows that said sickness entirely disqualified him from the performance of military duty."

Uriah Carter, a corporal of said company and regiment, verifies the above statement in his sworn testimony of September 23, 1880, both as to disability in service and after his discharge up to the time of his death.

Dr. Jarrett testifies, September 27, 1880:

"I had no acquaintance with Daniel Shealey or knowledge of his physical condition prior to the war of 1861 and 1865. I came to Towsontown in May, 1865, after which time I was his neighbor and family physician until his death. I frequently prescribed for him for dyspepsia and general debility, and occasionally constipation. I prescribed for him in 1866, January 15 and 17; 1869, December 16; 1871, January 13, 17, 21, 29, and 31, February 6 and 13; 1873, February 10, 11, 15, and 19; 1874, October 25; 1875, November 28; 1878, September 27; 1879, April 5, 6, 7, 8, 9, 10, 11, and 12, on which day he died from typhoid pneumonia. He always seemed to be physically weak, and often told me that his health was impaired by typhoid fever contracted in the Army."

Dr. Charles O. Donovan testifies, October 1, 1880, that he attended the said Shealey two or three days as consulting physician for typhoid pneumonia in the year 1879.

This claim was rejected May 27, 1881, by the Pension Office, on the ground that the death of the soldier was not due to his military service.

The testimony in this case shows the disability of the soldier to have been incurred while in the military service of the United States, the evidence of which is shown by the records of the Adjutant-General and the Surgeon-General, which is the very highest testimony; and his disability is shown to have continued up to his death, and his general debilitated condition, the result of his army service, was certainly the remote cause of the soldier's death, if not the immediate cause of the same. Your committee therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIET H. PALMER.

The next business on the Private Calendar was the bill (H. R. 4085) for the relief of Juliet H. Palmer.

The bill is as follows:

Be it enacted, &c., That from and after the passage of this act there be paid, out of the Navy pension fund, to Juliet H. Palmer, widow of the late Surgeon-General James C. Palmer, United States Navy, the sum of $50 per month during her widowhood, the same to be in lieu of her present pension.

The report (by Mr. PATTON) is as follows:

That Juliet H. Palmer is the widow of James C. Palmer, who was mustered into the United States service as an assistant surgeon in the Navy March 26, 1834, and served through all the intermediate grades to that of surgeon-general, and who died as a retired officer in said service April 24, 1883.

The history of this distinguished officer is a part of the history of the Republic, and is familiar to every student of the history of the achievements of our Navy for almost fifty years. He was an officer of fine attainments in his chosen profession, and during his long career of nearly fifty years' service to his country, in peace and war, he experienced many hardships and much suffering.

He accompanied Wilkes's exploring expedition to the South Seas, and for four years was exposed to the malignant diseases peculiar to that country, the vessel to which he was attached being wrecked.

During the Mexican war the vessel to which he was assigned to duty was engaged in the protection of our commerce and flag on the enemy's coast, where his duty was performed with his usual fidelity.

In the late civil war, as fleet-surgeon under Admiral Farragut, at the battle of Mobile, he greatly distinguished himself by going from ship to ship to relieve the wants of the wounded, regardless of danger to his own person, and carried in person from the admiral the orders which resulted in the capture of the rebel iron-clad and the admiral of the confederate fleet.

In the Life of Admiral Farragut, by his son (page 424), the following reference is made to Fleet-Surgeon Palmer:

"Fleet-Surgeon Palmer, having attended to the wounded of the flag-ship, was desirous of visiting the other vessels and assisting the surgeons, and for this purpose the Loyall was placed at his disposal by the admiral. He had just shoved off on his mission of mercy when the Tennessee was seen steaming for the Hartford. The admiral beckoned to Palmer just before he made his general signals, and desired him 'to go to all the monitors and tell them to attack the Tennessee.' The monitors were some distance apart, but our little boat was fast and soon conveyed orders to them all.

"Admiral Buchanan, of the confederate navy, was among the badly wounded, and was captured in the contest, and Dr. Palmer saved the admiral's leg, if not his life. It had been proposed by the confederate fleet-surgeon to resort to amputation, but upon examination Dr. Palmer declined to have the operation performed, and for his skillful management of the case received grateful acknowledgments in after life from Buchanan."

He voluntarily remained with the wounded of the fleet after that action, and by his fidelity to his duty and his devotion to the sick and wounded in his charge at Pensacola he contracted the disease which finally terminated his life. Notwithstanding his illness he would not leave his post of duty until positive orders, in order to save his valuable life, brought him North. But he never completely recovered from the disease thus contracted, and finally gave up his life as a result of the fidelity with which he served his country in time of peril.

He leaves surviving him a widow entirely dependent upon her pension for support.

In view of the long and valuable services to the Government of this distinguished officer and the precedents of Congress in the case of the widow of Surgeon-General Wood, United States Navy, and perhaps others, your committee recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. VIRGINIA ZEILIN.

The next business on the Private Calendar was the bill (H. R. 6767) granting an increase of pension to Mrs. Virginia Zeilin.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Mrs. Virginia Zeilin, widow of Brig. Gen. Jacob Zeilin, late of the United States Marine Corps, and pay her a pension of $50 per month, in lieu of the pension she is now receiving.

The report (by Mr. PATTON) is as follows:

That Virginia Zeilin is the widow of Brig. Gen. Jacob Zeilin, United States Marine Corps, who was commissioned second lieutenant United States Marine Corps October 1, 1831; reported at headquarters October 12, 1831, and ordered to Philadelphia, Pa.; joined 14th October, 1831; detached and ordered to U. S. S. Erie 28th November, 1831 (per U. S. S. Shark); joined Erie 26th March, 1832; joined at Boston, Mass., from the Erie 28th July, 1834; detached and ordered to U. S. S. Erie 28th July, 1834; joined 8th August, 1834.

Promoted first lieutenant 12th September, 1836; joined at Boston, Mass., from the Erie 17th September, 1837; detached and ordered to U. S. S. Columbia 27th January, 1842; joined 19th February, 1842; joined at headquarters 28th January, 1845, and ordered to Philadelphia, Pa.; joined 31st January, 1845; on leave of absence from 17th February, 1845, to 1st April, 1845; then to report at Washington, D. C.; joined 1st April, 1845; detached and ordered to Norfolk, Va., 3d May, 1845; joined 7th May, 1845; detached and ordered to U. S. S. Congress 16th September, 1845; joined same day.

Promoted captain 27th September, 1847; commissioned major by brevet 9th January, 1847, for gallant and meritorious conduct displayed in the battles on the banks of the "Rio San Gabriel" and on the plains of "La Mesa," in California, on the 8th and 9th of January, 1847; joined at Norfolk, Va., 31st January, 1849; detached and ordered to Washington, D. C., 8th February, 1849; joined 13th February, 1849; detached and ordered to Brooklyn, N. Y., 4th May, 1849; joined 16th May, 1849; detached and ordered to Norfolk, Va., 1st August, 1849; joined 8th August, 1849; detached and ordered to Washington, D. C., 28th January, 1852; joined 31st January, 1852; detached and ordered to U. S. S. Mississippi 6th May, 1852; joined 10th June, 1852; detached and ordered to U. S. S. Susquehanna 9th May, 1853; joined same day; detached and ordered to U. S. S. Saratoga 18th March, 1854; joined same day; joined at Norfolk, Va., 27th September, 1854; detached and ordered to navy-yard, Washington, D. C., 29th April, 1857; joined 15th May, 1857; detached and ordered to U. S. S. Wabash 14th May, 1858; joined 15th May, 1858; joined at Norfolk, Va., 25th December, 1859; detached and ordered to Philadelphia, Pa., 12th November, 1860; joined 14th November, 1860; engaged and severely wounded in first battle of Bull Run, 21st July, 1861.

Promoted major 26th July, 1861; detached and ordered to Brooklyn, N. Y., 18th November, 1862; joned 25th November, 1862; detached and ordered to command marine battalion at Port Royal, S. C., 1st August, 1863; detached and ordered to Brooklyn, N. Y., 16th September, 1863; joined 28th September, 1863; detached and ordered to Portsmouth, N. H., 18th March, 1864; joined 22d March, 1864; detached 17th June, 1864.

Promoted colonel-commandant 10th June, 1864; commissioned brigadier-general 2d March, 1867.

Retired 1st November, 1876.

Died 18th November, 1880, at Washington, D. C.

During the Mexican war he was constantly engaged with the United States forces in the conquest of California from 1845 to 1849. During this campaign he received on three separate occasions the especial commendation of his commander-in-chief, Commodore Stockton, for gallantry on the field of battle. First, at the battle of San Pasquale, when the naval battalion rescued the force of General Kearny, which was closely invested and starving at San Bernardo. Second and third, at the battles of San Gabriel and La Mesa, January 8 and 9, 1847. For these acts of personal gallantry he was afterward brevetted major. Again he was commended for gallantry at the storming and capture of Mazatlan, November 8, 1847.

Although but a first lieutenant of marines, he was appointed military commandant at San Diego, the headquarters of Southern California, in January, 1847, and served with perfect satisfaction in this capacity until regularly relieved by the civil authority after the establishment of a civil government.

In 1852 he was appointed fleet marine officer of Perry's Japan expedition, where he performed the duties so thoroughly as to receive the officially expressed commendations of his commander-in-chief, and upon his return to the United States, invalided from disease due to climatic causes, he was further complimented by being presented with a silver commemorative medal by the merchants of Boston.

In July, 1861, he voluntarily gave up his command of the marine barracks at Philadelphia to take a subordinate position in the marine battalion in the field, and on the 21st of that month, at the battle of Bull Run, he led the last charge of the battalion at 4 p. m., was wounded, and left for dead on the field of battle.

In 1863 he commanded the marine battalion in the trenches before Fort Wagner, sharing in the honors of that siege until disabled from exposure, the return of his East India malady, and the reopening of his wound received at Bull Run.

In 1864 he was chosen commandant of the Marine Corps, although not the senior officer on the list, the choice being entirely unsolicited, and resting solely on the unbiased judgment of the honorable Secretary of the Navy.

In 1867 he was commissioned brigadier-general, at the same time that Farragut was made Admiral and Grant General. He was so commissioned without his solicitation or knowledge, strictly in recognition of his services, and was the only officer of marines that ever held the grade.

In 1876 he was retired from active service an invalid, his disabilities arising entirely from exposure while in the performance of his duty.

In view of the facts that the services of Brig. Gen. Jacob Zeilin were such as to win for him, entirely unsought and unexpected, a grade and rank in the Marine Corps, before unknown, which was created for him and died with him; that his widow is now in necessitous circumstances; that the monthly pension of $20 justly awarded to her is insufficient for her support, and that the rate of pension formerly allowed the widows of officers of a corresponding grade in the Navy was $50 per month, your committee are of the opinion that the long and valuable services of this soldier clearly entitle his widow to the increase of pension asked for in her petition, and therefore report the accompanying bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH HOOD.

The next business on the Private Calendar was the bill (H. R. 4263) granting a pension to Elizabeth Hood.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Hood, mother of Rowland J. Hood, late a private in Company —, Eighty-third Regiment Pennsylvania Volunteers, and of Morebird Bradley Hood, late of the United States Navy.

The report (by Mr. PATTON) is as follows:

Elizabeth Hood is the mother of Rowland I. Hood, who enlisted in the military service of the United States as a private in Company —, Eighty-third Regiment Pennsylvania Volunteers, and died from the effects of wounds received at the battle of Preble's Farm, Va., September 30, 1864. She is also the mother of Morebird Bradley Hood, who served in the United States Navy during the late war, on board the United States frigate Wabash, and who, while in the line of his duty on board said vessel, at Fort Beaufort, N. C., the day after the bombardment of Fort Fisher, N. C., in which action his vessel participated, was accidentally killed by the upsetting of an ice-box, which accident was due to a sudden lurch of the vessel, caused by the wind and waves.

It is shown that the deceased soldiers were never married, and prior to and during their service and up to the date of their respective deaths contributed their labor while at home and of their wages during their military service to the support of their parents.

John Hood, the husband of claimant and father of the deceased soldiers, died at Waterford, Pa., May 29, 1880, leaving no estate and the claimant without any means of support. She has not applied to the Pension Office, for the reason that at the date of the death of her said sons her husband was living, and as an honest, Christian woman she could not swear that she was entirely without the means of support, as she must do to establish her claim at the Pension Office.

But now that in the death of her husband she is left, in her seventy-sixth year of age, without any support, your committee are of the opinion that hers is a case in which Congress is justified in intervening and giving relief to the dependent parent who gave her sons to the Republic in time of peril, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES A. FULLER.

The next business on the Private Calendar was the bill (H. R. 5795) increasing the pension of Charles A. Fuller.

The bill is as follows:

Whereas at the battle of Gettysburg, on the 2d day of July, 1864, Lieut. Charles A. Fuller, a volunteer soldier in the Union Army, was twice wounded, having been shot through the shoulder and also through one leg near the hip; and

Whereas by reason of such wounds his leg was amputated and his left arm rendered substantially useless: Therefore,

Be it enacted, &c., That the pension heretofore granted to said Charles A. Fuller be, and the same is hereby, increased to the sum of $50 per month, and he shall hereafter be paid at that rate, according to the rules and practice of the Pension Department.

The report (by Mr. BAGLEY) is as follows:

The petitioner, Charles A. Fuller, was enrolled on the 24th day of January, 1863, at Falmouth, Va., in Company C, Sixty-first Regiment New York Volunteers, to serve three years or during the war, and mustered into service as a second lieutenant on the 11th day of February, 1863. On the muster-roll of the company for the months of July and August, 1863, he is reported wounded at Gettysburg, July 2, 1863; nature of wounds not stated.

The captain of the company certifies that at the battle of Gettysburg, July 2 1863, Fuller was wounded in the left leg and arm, necessitating amputation of the leg.

Certificate of examining surgeon, dated July 25, 1883, says:

"Loss of left thigh; about eight inches of thigh remains; wearing an artificial limb. Disability evident. Resection of left arm. This includes about two and three-quarter inches of the upper end of the left humerus. There is a small circular scar where he states ball entered. Externally and somewhat posteriorly there is a large angular scar where the operation was performed. The result has been excellent. The arm measures two and three-quarter inches less in length than the right one. The muscles are quite firm and good, and he uses the arm and the hand very well."

The claimant says that his left arm was resected at the shoulder, losing about three inches of the arm-bone, so that he has now in place of the natural a sort of eel-skin joint. The leg was cut off on the field, and he has a stump about eight inches in length. On the left side he is used-up; is bodily out of shape; the left shoulder shoots up at least fifteen degrees above a level. Can not do much with the left arm except as he takes hold of it with the other and places it where he wants it. Lately he has suffered more from the wounded parts than all the time previous. The stump has spells when it seems as if there were a number of devils in it. It jumps and twinges so that some nights he can not sleep a wink.

His application for pension was filed February 29, 1864. Was pensioned at $15 per month, to date from December 15, 1863; was increased to $24 from June 4, 1872, and finally at $36, dating from February 28, 1877.

This man is a great sufferer, and is laboring under serious disabilities. He is entirely incapacitated from earning his living, and has sacrificed his comfort and his usefulness in the cause of his country.

The committee think his pension should be increased, and recommend the passage of the bill with the following amendment: strike out the word "fifty," in line 4, and insert "forty-five," and strike out the preamble.

The amendment recommended by the committee was agreed to.

Mr. MATSON. I move also to strike out the preamble to this bill.

The motion was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDWIN THOMAS.

The next business on the Private Calendar was the bill (H. R. 6182) granting a pension to Edwin Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edwin Thomas, late a sergeant of Company I, One hundred and forty-sixth Regiment New York Volunteers.

The report (by Mr. BAGLEY) is as follows:

The petitioner was mustered into the service of the United States October 10, 1862, as a private in Company I, One hundred and forty-sixth New York Volunteers, and was discharged July 18, 1878, to date February 12, 1863. Declaration for pension filed August 31, 1878. Rejected on the ground that the evidence fails to show the origin of the alleged causes of disability in the service and line of duty.

Claimant alleges, in declaration filed August 31, 1878, that, near Falmouth, Va., about January 21, 1863, in carrying a heavy log up a steep hill, he slipped and fell down the hill, the log striking on him, causing a rupture in front of his abdomen, above the navel, a rupture in his right side near the groin, and an injury of his spine and kidneys.

Adjutant-General reports him deserted February 12, 1868, and also says: "Discharged July 18, 1878, to date February 12, 1863, by order of the Secretary of War, to complete his record. Pain and penalties attached to him on account of desertion remitted." This clears his record. As to his disability, the following is presented:

Richard H. Wiggins is a practicing physician, and has known the claimant for twenty-five years—for twelve years before his enlistment. Affiant knew claimant to be a sound, strong, healthy, and robust man, entirely free from any difficulty with his back, and free from hernia, and believes that if he had been afflicted with any defect or ailment affiant would have known of it.

William E. Jones was a private in Company I, One hundred and forty-sixth New York Volunteers, and for six weeks or more previous to January 21, 1863, had been a tent-mate of the claimant, and had full opportunity to know that he was a sound, strong, healthy, and robust man. He also states while in the line of his duty, near Falmouth, Va., January 21, 1863, getting fuel for cooking, he received an injury to his back and in the front part of his body, particularly to his abdomen, and did no military duty after he was injured, and his tent-mates assisted in taking care of him until he left, as affiant understood, on a furlough.

William I. Lewis was a corporal in Company I, One hundred and forty-sixth New York Volunteers. About January 21, at Falmouth, Va., claimant injured his back and front part of his body while getting wood to make a fire. Affiant was his tent-mate at the time and remembers the occurrence, and that they had to bathe and care for him until he went away on furlough.

Patrick H. Thomas was hospital steward of the One hundred and forty-sixth New York Volunteers. In January, 1863, just after the "mud-march," the claimant was carrying wood to build a fire, slipped, and received two ruptures, one in the right inguinal and one umbilical; affiant had him sent to the hospital for a few days' treatment, was then returned to his tent, and a few days after was furloughed, and being unfit for duty, was discharged in the following February. In reply to a letter from this office, and under date of June 16, 1880, he says:

"I saw the ruptured parts, umbilical and right inguinal hernia, on claimant's person, and treated him for the injuries; had him sent to the regimental hospital, and went to the brigade surgeon for trusses and could not find any. I bandaged him for the umbilical hernia, and treated him as best as I could without the necessary appliances, which could not be obtained. He was sent to his tent, because all available room in the hospital was needed for typhoid-fever patients."

He also says that he has seen claimant since his discharge frequently, and knows he is unable to do a day's work, and still suffers from injuries received in the service.

Richard H. Wiggins also states that while claimant was home "on some kind of a furlough," about February 9, 1863, he was called to treat him, and found him suffering with lumbago and kidney trouble and an inguinal hernia; that these same disabilities have continuously existed to the present time. Affiant has been claimant's family physician ever since claimant's marriage, in 1874, and has treated him for the effects of said injuries ever since his discharge, in 1863. In reply to a letter from this office asking him as to the location of the hernia on account of which he gave treatment to the claimant, Dr. Wiggins says, under date of November 25, 1878, the hernia was inguinal hernia, right side; also, an umbilical hernia.

Thomas M. Flandreau was surgeon of the One hundred and forty-sixth New York Volunteers; knows the claimant, who was a sergeant in the same regiment. Claimant now suffers from inguinal hernia in the right groin, which has been down in the scrotum, and also has an abdominal hernia, just below the epigastric region, for both of which he constantly wears trusses. Affiant believes these ruptures were received in a fall near Falmouth, Va., but his recollection is not distinct enough to affirm to it positively. Dr. P. H. Thomas, of Utica, who was hospital steward, fully remembers the circumstance.

Dr. John B. Nold, examining surgeon, says:

"I find a hernia—scrotal hernia. It descends from the groin into the scrotum. As soon as I removed the truss to examine the parts involved it descended from the groin to the scrotum, the size of a large goose egg, in an instant. In my opinion it is dangerous to the life of the patient. The degree of disability is total, to which I believe he is truly entitled. I also find a large swelling in the pit of the stomach, which is a hard mass, the size of a hand. By pressure, the claimant nearly fainted. He has to have a truss, also, over this swelling. I believe this disability is total, and I truly believe the claimant is entitled to the aforesaid degrees of disability."

The committee are of the opinion that there is sufficient evidence to prove that this soldier received injuries in the service, and in the line of duty, which make him a great sufferer and incapacitate him from manual labor, and that he is fairly entitled to a pension. They therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. NANCY BISER.

The next business on the Private Calendar was the bill (H. R. 4970) for the relief of Mrs. Nancy Biser.

The bill was read, as follows:

Be it enacted, &c., That the name of Mrs. Nancy Biser be placed on the pension-roll, and that she be, and hereby is, entitled to receive $20 per month, in lieu of all other compensation from the Government, as widow or otherwise, from the passage of this act, during her natural life.

The report (by Mr. BAGLEY) is as follows:

The petitioner was a volunteer nurse in the Twentieth Indiana Regiment, having accompanied her husband, who enlisted in Company E of said regiment in the summer of 1862. She suffered all the exposures, hardships, and vicissitudes of army life, attending to the wants of the sick and wounded as necessity required, and, although attached to the regiment and acting as a regimental nurse, received no salary or compensation from the Government.

While the regiment was fording the Rappahannock River at a point which she can not remember the name of the horses became frightened and she was thrown from the wagon and her right leg injured, the left side being so seriously hurt that she was rendered unconscious for some time.

While serving as nurse in 1863 she contracted small-pox, and on the 9th day of May of that year was taken to the Carver barracks small-pox hospital. The disease developed into a most aggravated form, that of confluent small-pox, and it resulted in the loss of the sight of the left eye, and within a year after the loss of sight the organ was totally destroyed and ran out.

From the injuries received while crossing the Rappahannock she has suffered severely ever since. In May, 1870, the leg became very painful and weak, so much so that she was unable to use it, and she was confined to the house for a long time, at which time several pieces of bone came from the wound. She claims, and it is no doubt true, that her leg has been the cause of much suffering ever since the injury.

Her husband was instantly killed at the battle of the Wilderness, on the 9th day of May, 1864, and she now receives a pension as widow, at $8 per month.

A transcript from records of the Surgeon-General's Office says:

It appears from the records of Kalorama General Hospital, Washington, D. C., on file in this office, that Nancy Biser, matron, was admitted to said hospital for treatment May 12, 1863, with "variola disease" (complaint is also noted as "variola confluentia"), and returned to duty July 23, 1863.

Basil Norris, surgeon, United States Army, says:

"I certify that I have carefully examined Mrs. Nancy Biser, and find that she suffers from the loss of the eye-ball, and from varicose veins, large, numerous, and painful, of the right leg, extending from the ankle to the knee joint. She also bears the scars of a severe attack of confluent small-pox and of superficial injury of the right leg and knee, and is in consequence unable to maintain herself by manual labor."

These disabilities were received while acting as nurse in the service of the United States.

Mrs. Biser is a modest, quiet little woman, terribly disfigured by small-pox and the loss of the eye, and as she recites the chapter of her sufferings and trials in her efforts to contribute to the comfort and ameliorate the sufferings of the brave fellows who fought for the maintenance of the Union, one's sympathies are excited, and pity for her disabled condition must obtain. She had the misfortune, in addition to the terrible personal affliction which she suffers, of losing her husband on the field of battle. She was not enlisted, neither did she shoulder a musket, but her services were earnest, patriotic, and effective in the Union cause. She gets a pension for the loss of her husband, to which she is justly entitled under law, but it is a mere pittance, and it seems as though she should have some recompense for her own personal sacrifice, which has incapacitated her from earning a living. She asks Congress to give her $15 per month in lieu of her widow's pension, and the committee are of the opinion that it should be done. They therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA M. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 6184) granting a pension to Julia M. Reynolds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Julia M. Reynolds, widow of James S. Reynolds, deceased, late second lieutenant of Company H, Tenth Regiment New York Cavalry.

The report (by Mr. BAGLEY) is as follows:

James S. Reynolds, husband of the petitioner, was enlisted in the service of the United States as a private in Company H, Tenth Regiment New York Cavalry, October 25, 1861, and was promoted and mustered as second lieutenant of the company May 1, 1864. On the 28th of same month, at the battle of Hawes's Shop, Va., he was wounded by a fragment of shell in the left leg, breaking the bone badly, in consequence of which the leg was amputated at the upper third. He was treated at Seminary Hospital, Georgetown, D. C. His disability was recognized by the Pension Office, and a pension of $15 per month was granted in 1865, which was increased to $18 per month in 1872, that being the amount received at death, which occurred August 26, 1881. The widow filed application for pension December 16, 1881. After the usual formal statement that she is the widow, the history of the wound, and of the amputation, she says:

"That subsequently deceased suffered intensely from neuralgia of the stomach, which necessitated the use of morphine, and was frequently seriously attacked with erysipelas, contracted in the amputation, which caused constant and intense pain. The necessary use of morphine only temporarily alleviated his suffering, and on the 25th of August, 1881, through inadvertence, deceased took a second dose, and from the cumulative effects of the double dose and the disorders of the wound he died August 26, 1881."

The claim was rejected on the ground that the evidence on file does not show that the soldier's death from overdose of morphine was directly or indirectly attributable to his military service. And the pension official further states that—

"If it were shown that the soldier suffered at intervals more or less frequent between 1873 and the date of death from attacks similar to that of 1873, and that morphine was administered by medical advice during said attacks, it is probable that favorable action under the general law would be taken."

There is no evidence to directly prove this, but what there is tends to the conclusion that the cause of death was blood-poisoning, resulting from the accumulation of pus in the stump after amputation.

The testimony of J. E. Jones, brother of petitioner, is as follows:

"That he knew of the soldier being in the service, and of his condition and suffering from the time of the loss of his limb until his death, in August, 1881, the history of said suffering being substantially as follows: In the year 1873 or 1874 Lieutenant Reynolds and family came from Sycamore, Ill., to my house in Addison, N. Y., on a visit. In February of that year, while out sleigh-riding with me, Mr. Reynolds had a sudden attack of illness and suffered agonizing pain, so much so that I became alarmed. After the pain partially subsided and he became able to converse he then said to me that from the time his limb was amputated no day had passed that he did not suffer these acute pains, and that he expected they would some day end his life. When we returned home he seemed to be weak, and the pain continuing, Dr. John Mitchell, a physician in high standing in this community, was called in and attended Mr. Reynolds until he was able to return home. In a conversation with Dr. Mitchell while attending the patient he informed me that Mr. Reynolds had blood-poisoning, and that he could give him only temporary relief; that in the end it would be fatal. I visited Mr. Reynolds in 1880 at his home in Illinois, and could plainly observe that his physical condition had been greatly reduced, and he stated that his suffering was constant and he did not see how he could live if he did not get relief, as all kinds of medicines he said had failed. At this time his right arm had become nearly useless from the effects of the sickness. It seemed to me that his mind was somewhat affected, but to what extent I am unable to say."

Dr. John Mitchell, of Addison, N. Y., testifies—

"That he was called to attend the soldier February 17, 1873, and found him suffering from pyemia, affecting the whole system, causing great prostration and nervous disturbance, with the most intense and agonizing neuralgic pains, which were only relieved by hypodermic injections of morphine, which had to be frequently repeated during the whole course of treatment. Affiant was told by Reynolds (and the history was confirmed by Mrs. Reynolds) that the soldier had been a great sufferer from abscesses and pus-poisoning from the time of the loss of his right leg. The abscess formed at this time between the radius and the ulna, also implicating the carpus and metacarpus of the right hand and arm. Pus was discharged from many openings, and for weeks his life was despaired of, but he recovered and returned to a fair degree of health, bearing, however, the marks of the pus-poisoning still lurking in his system. Saw him again about four years afterward, and again examined him, and found him still suffering with great debility and nervous prostration, and almost constant neuralgic pains, still having the appearance of blood-poisoning. The hypodermic or internal use of morphia was necessitated to make life endurable. With the knowledge of soldier's condition, and the symptoms detailed by soldier's widow previous to and at his death, it is affiant's opinion that death was caused by blood-poisoning, as he was conscious at that time, and therefore could not have been the result of opium-poisoning."

The evidence of Dr. Mitchell, just recited, points emphatically to the conclusion that the soldier's death was caused by blood-poisoning resulting from the wound. It does away with the cause given by the widow in her application for pension—a double dose of morphine—though it is very evident that the soldier was forced to use morphine to get relief from pain. Even had this been the cause of death, it would be fairly attributable to the disability, for without the wound the necessity for an anæsthetic medicine would not have existed.

The committee are of the opinion that the soldier's death is fairly referable to his wound received in the United States service, and that the widow should have a pension. Recommended that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH NICOLL CRANE.

The next business on the Private Calendar was the bill (H. R. 1930) granting a pension to Sarah Nicoll Crane.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah Nicoll Crane, widow of Brig. Gen. Charles H. Crane, deceased, late Surgeon-General of the United States Army, and pay her a pension at the rate of $50 per month from and after the passage of this act.

The report (by Mr. STEELE) is as follows:

That Mrs. Crane is the widow of ex-Surg. Gen Charles H. Crane, whose military history is made a part of this report.

Mrs. Crane is advanced in years, and by the death of her husband is left without means of support, so that in view of the fact that there are numerous precedents for the passage of this bill, and in view of the distinguished services of her husband, covering a period of nearly forty years, your committee report the bill back and recommend that it do pass.

MILITARY RECORD.

General Crane, son of the late Col. I. B. Crane, First United States Artillery, was born at Newport, R. I., July 19, 1825, and received his early education at Maple Grove Academy, Middletown, Conn. He entered Yale College in 1840, graduating in 1844 with the degree of bachelor of arts. The degree of master of arts was conferred upon him by the same institution in 1847.

He graduated in medicine at the medical department of Harvard University in August, 1847.

Having been approved by an Army medical examining board December 11, 1847, as a candidate for the position of assistant surgeon, United States Army, he was immediately placed under contract as acting assistant surgeon, and accompanied a detachment of troops to Mexico, arriving at "Camp Washington," near Vera Cruz, February 20, 1848. He was commissioned assistant surgeon, United States Army, February 14, 1848. From February 20 to July, 1848, he served with the "Army of Invasion" in Mexico.

On returning from Mexico, early in August, 1848, he reported for duty at Fort Columbus, New York Harbor, and was assigned to duty with the Second United States Artillery. October 8, 1848, he accompanied two companies of the Second United States Artillery to Fort Monroe, Va. He was then ordered to Florida with troops, arriving at Fort Pickens, Pensacola, Fla., November 16, 1848. From this date until August 10, 1851, he served at Key West Barracks, Saint Joseph's Island, Forts Pickens, Brooke, Fraser, Casey, and Myers, and with expeditionary forces in the field. On being relieved from duty in Florida, and at the termination of a leave of absence, he reported for duty December 18, 1851, and on January 13, 1852, sailed from New York in the steamer Falcon, with recruits, for California. He arrived at Benicia, Cal., February 28, 1852, and was assigned to temporary duty at Benicia Barracks. From June 16 until September 1, 1852, he was engaged in field service against hostile Indians near Merced River, California. From September 23 until November 10, 1852, he was again in the field with an expedition in the Sacramento Valley, California. November 10, 1852, he arrived at Fort Jones, Cal., where he remained on duty until July 15, 1853.

From October 31, 1853, until March, 1856, he was on duty at Fort Lane, Oregon. During these years he was actively engaged in post duty and with military expeditions against Indians, prominent among which was that against the Rogue River Indians in 1856, where he rendered distinguished service.

On August 7, 1856, he was ordered to Fort Yam Hill, Oregon, where he served until relieved from duty on the Pacific coast in December, 1856.

Reporting for duty in New York, he served for a short time with the medical purveyor, United States Army. From May 1, 1857, until September 20, 1859, he was one of the members of an Army medical examining board convened to meet in New York city. Being relieved from this duty, he remained in New York, acting at times as medical purveyor.

September 20, 1859, General Crane, accompanied Lieutenant-General Scott to San Juan Island on his diplomatic visit, returning to New York December 12, 1859, and continuing on duty as attending surgeon at headquarters of the Army and on special duty until February 28, 1862.

He was promoted major and surgeon May 21, 1861.

On February 28, 1862, he was assigned to duty as medical director, Department of Key West, Fla. On June 30, 1862, he was transferred to Hilton Head, S. C., and assigned to duty as medical director Department of the South. July 31 to August, 1863, he is reported as awaiting orders at Washington, D. C., and on duty connected with prisoners of war.

September, 1863, he was placed on duty in the Surgeon-General's Office, Washington, D. C. July 28, 1866, he was appointed Assistant Surgeon-General, United States Army, with the rank of colonel, and upon the retirement of General Barnes was appointed Surgeon-General July 3, 1882.

March 13, 1865, General Crane received the brevets of lieutenant-colonel, colonel, and brigadier-general, for faithful and meritorious services during the war of the rebellion.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SALLY MALLORY.

The next business on the Private Calendar was the bill (S. 1056) granting an increase of pension to Sally Mallory.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally Mallory, widow of B. Mallory, late a soldier in the Revolutionary war and the war of 1812, and pay her a pension, from and after the passage of this act, at the rate of $30 per month, in lieu of the pension she is now receiving.

The report (by Mr. LAIRD) is as follows:

That Sally Mallory has been for many years, and is now, on the pension-list, receiving $8 per month, as widow of Benajah Mallory, a soldier in the Revolutionary war, in which he served three years; that he also served during the war of 1812, and was under Scott at Lundy's Lane. She is now over ninety years of age, and has been for a long time supported by an adopted son, who is over seventy years of age, and has in fact not the means to furnish her such support as her age requires.

Your committee therefore recommend the passage of Senate bill 1056.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WARREN SAMS.

The next business on the Private Calendar was the bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to restore the name of Warren Sams, late a private in Company —, First Regiment North Carolina Volunteers in the war with Mexico, to the pension-roll.

The Committee on Pensions recommended the following amendments:

In lines 5, after "Company," insert "K."

At the end of the bill insert the following:

"To take effect from the time the soldier was dropped from the rolls, on the 16th of May, 1877."

The report (by Mr. YORK) is as follows:

Warren Sams was duly enlisted in good health as a private in Company K, First North Carolina Regiment, in the war with Mexico. He served faithfully until he was discharged for disability. He was dropped from the rolls during the war and was restored after peace was made.

An agent from the Pension Department reported the soldier as disloyal during the war on his own statement, and he was again dropped from the rolls.

It is in proof to the satisfaction of the committee that this old soldier, now

87 years of age, was not in his right mind when visited by the agent, nor has he been since. The action of the office in dropping him was unjust to an old, infirm, and helpless soldier, who was one of the army who did such faithful service for the country.

We recommend the passage of the bill with an amendment: Insert in line 5 the letter "K." Also amend, at end of line 6, "to take effect from the time the soldier was dropped from the rolls, on 16th of May, 1877."

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANN HUNTER.

The next business on the Private Calendar was the bill (H. R. 3493) granting a pension to Ann Hunter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Hunter, foster mother of Mitchell Hunter, late a private in the Sixth Regiment Maine Volunteers.

The report (by Mr. RAY, of New Hampshire) is as follows:

Mitchell Hunter, late a private in Company E, Sixth Maine Volunteers, enlisted July 15, 1861, for three years, at the expiration of which he re-enlisted as a veteran volunteer, and served continuously until he was mustered out with his company June 28, 1865. While in the Army he was sober, honest, and faithful, obedient to his superiors, and always attentive to duty. He was firm and courageous in battle, cool and determined in every emergency, and won the esteem of all who knew him. He was corporal of the color-guard for a long time, and in saving the banners of his regiment at the battle of Spottsylvania he received a gunshot wound in the left shoulder. By reason thereof he was unable to perform military duty for about seven months. He never recovered from the effect of this wound.

In an application for a pension made in April, 1869, he certified that—

"'Traveling or working has ever since inflamed it, and rendered my wounded arm useles for work,' and in this situation he has been obliged to lie still or idle. For this cause he is now unable to work, and for want of other means to live he is compelled to ask for the relief which the law in such case justly affords. * * * He has done little or nothing this last winter on account of his disabled arm."

Two of his company comrades, Horatio Conner and Frank Campbell, testify that they were in the battle of Spottsylvania with Hunter "and know that he was wounded and that he remained in the regiment unfit for duty, as he was declared."

In a letter dated October 13, 1868, to the Commissioner of Pensions, inclosing Hunter's application, the Hon. William Freeman, of Cherryfield, Me., writes concerning Hunter: "His health is now very poor, and from appearances he is not likely to live long." He died November 23, 1869, and although Dr. C. J. Milliken, an examining surgeon of the Pension Office, who attended him during his last sickness, reports the immediate cause of Hunter's death to have been "disease of the heart," he also certifies, "It is my belief that the said disability originated in the service aforesaid in the line of duty."

The deceased soldier was the son of Mrs. Ann Hunter's sister, who gave him to Ann when he was an infant, and by the latter he was reared and adopted as her own child. Her late husband was supposed to be the father of the deceased soldier. It is unknown whether his natural mother is living or dead. Mitchell Hunter always resided with and treated the applicant as his mother. While in the Army he sent her his spare earnings, and the little house she now dwells in was bought with the money thus given. His application pending at the time of his death was renewed by Mrs. Hunter, but it was rejected at the Pension Office. Mrs. Hunter, now a widow advanced in years, with no means of her own save her little homestead, asks that she may be allowed a pension on account of the long and gallant service of her adopted son, who was severely wounded as aforesaid, and in consequence thereof, in all probability, lost his life.

Your committee report favorably and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SOLON L. SIMONDS.

The next business on the Private Calendar was the bill (H. R. 5781) granting a pension to Solon L. Simonds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Solon L. Simonds, of Littleton, New Hampshire, lately a private in Company A, Eighth Regiment of Vermont Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. RAY, of New Hampshire) is as follows:

Solon L. Simonds, late private in Company K, Eighth Vermont Volunteers, enlisted December 2, 1861, and served continuously until January 28, 1865, when he was honorably discharged.

His application for a pension was filed June 30, 1880, for a rupture received while hauling and handling quartermaster's stores at Brashear City, La., in March, 1863, and also for chronic diarrhea, caused by impure water, exposure, and hardship incident to his army service. His application was rejected August 13, 1883, on the ground that there is "no record at the War Department, and claimant's alleged inability to furnish testimony as to the origin of the rupture in the service and medical testimony as to treatment in the service, and at or immediately after his discharge."

Your committee do not find the claim for a pension for chronic diarrhea sufficiently sustained to warrant them in making any recommendation therefor.

It appears from the record of the board of examining surgeons at Saint Johnsbury, Vt., February 7, 1883, that they found no symptoms of chronic diarrhea affecting Mr. Simonds at that date, and in a letter filed March 7, 1883, the applicant abandoned all claim for a pension for anything except rupture.

In regard to this the claimant states that about March 10, 1863, he received a rupture in the left groin while unloading quartermaster's stores, acting as a corporal and having charge of the detail engaged in lifting and hauling heavy barrels of beef and pork, and in that way causing the hernia.

Claimant also states that he is unable to furnish affidavits of commissioned officers as to the incurrence of the hernia, because no such officer was present at the time. Nor can he furnish affidavits of two privates who saw the injury at the moment it happened, because he did not know himself that a rupture had actually been caused until the next day. He also states that after the first few days his rupture did not trouble him much.

That Dr. Heram Gillet, regimental surgeon, treated him when he first received the hernia, but the doctor lost all his records at the battle of Cedar Creek, Virginia, and is unable to recall the circumstances so as to give an affidavit in the case.

The claimant was taken prisoner of war in September, 1862, and was paroled at Vicksburg and rejoined his company February 17, 1863. He was treated for chronic diarrhea in a rebel hospital at Vicksburg, but did not go into any Union hospital during his term of service.

L. H. Parker, of the same company and regiment, testifies that he was tentmate of Simonds, and that he knows the fact that Simonds received a small rupture while unloading quartermaster's stores at Brashear City, La.; that he was not present at the time the injury was received, but he afterward knew Simonds complained of having a rupture, and that it was incurred while unloading stores for the quartermaster's department. He says he never saw the rupture himself.

George W. Hill, also a comrade of the same company and a bunk-mate of Simonds, testifies that claimant received a rupture in his groin about March, 1863, while unloading quartermaster stores. That affiant was not present, but was informed of it immediately afterward. He saw the rupture, and knows that Simonds was excused from duty therefor at Brashear City, La. He also knows that Simonds was off duty for several weeks in consequence of this injury.

It appears that the claimant never wore a truss until about a year after he was discharged from the Army. The evidence is clear that at the time he entered the service he was sound and free from any such disability; and your committee find that the reputation of Simonds and his two witnesses, Hill and Parker, for truth and veracity is excellent.

The claimant testifies that his rupture did not trouble him very much while he remained in the service; that he was not obliged to wear a truss until about a year after his discharge, but has been obliged to wear one ever since.

At an examination September 13, 1881, Examining Surgeon T. E. Sanger states:

"The hernia has never been strangulated, is easily reduced, but requires a very strong spring to retain it; can do no lifting work, &c. I find a left inguinal hernia about size of turkey's egg; not painful.

"Rate half total."

February 7, 1883, the board of examining surgeons at Saint Johnsbury, Vt., consisting of Drs. G. B. Bullard, J. D. Folsom, and H. S. Colderwood, state:

"The applicant has oblique inguinal hernia of left side. It is easily kept in place with a truss.

"Rate one-half total."

The only doubt in the case which your committee have had has been whether or not with a hernia of the description given Simonds would be able to continue in the Army until he was discharged.

Upon inquiry of a distinguished member of the medical profession, also a member of this House, your committee are satisfied that the claimant's account of the matter is not improbable. The only question has been whether Simonds might not have incurred this disability after leaving the service. There is absolutely no proof or suspicion of this fact, and under all the circumstances we are inclined to report in favor of the bill placing his name on the pension-roll from and after the passage of this act, subject to the limitations and provisions of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CATHARINE S. EDMONDSON.

The next business on the Private Calendar was the bill (H. R. 6205) granting a pension to Catharine S. Edmondson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine S. Edmondson, dependent mother of William C. Edmondson, deceased, late a private in Company I of the Eighty-second Regiment Pennsylvania Infantry Volunteers, and pay her a pension from and after the passage of this act.

The report (by Mr. PATTON) is as follows:

It is in evidence that William C. Edmondson enlisted as a private in Company I, Eighty-second Regiment Pennsylvania Volunteers, September 2, 1861. He served with his company and regiment until May 31, 1862, when, at the battle of Fair Oaks, Va., he was taken prisoner by the enemy. At the time he was captured, and for some four weeks prior thereto, he was and had been under the surgeon's care for a "severe cold, which had settled on his lungs," which cold had been contracted in the line of his duty from exposure while working in the intrenchments. After his capture by the enemy he was confined in Libby prison, Richmond, Va., and his condition at the time of his capture was such that his subsequent confinement and want of proper medical treatment while a prisoner caused consumption of the lungs, from which he died in November, 1875.

After he was exchanged he was in hospital during the remainder of his term of service, and he was discharged at Philadelphia, September 16, 1864, by reason of "expiration of term of service." He afterward enlisted and served in the Veteran Reserve Corps—a branch of the service in which none could be enlisted except those who by some casualty of the service were disqualified for service in the field—from which he was discharged, at Springfield, Ill., February 28, 1866. It is also in evidence that this case was favorably reported at the second session of the Forty-third Congress and at the second session of the Forty-fifth Congress. It is shown that the deceased soldier was never married; that he contributed, prior to and during his military service, and since, to the date of his death, to the support of claimant, who is shown to be very poor now, and at the time of the death of the soldier. She is a widow and without any means of support. Your committee, therefore, recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET WIGGINS.

The next business on the Private Calendar was the bill (H. R. 2089) granting a pension to Margaret Wiggins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Wiggins, mother of Henry Wiggins, late a private in the Ninth Regiment Kansas Volunteer Cavalry.

The report (by Mr. MORRILL) is as follows:

The committee find that Henry Wiggins enlisted in Company D, Ninth Kansas Cavalry, January 16, 1862, and died in service January 2, 1863. Application for pension by the mother was rejected on the ground that at the time of the death of the soldier she was not dependent upon him for support. The evidence upon this point is very contradictory, but we think that it clearly shows that she had but little property, and was dependent upon her own exertions for a livelihood; but, waiving the consideration of this question, your committee feel that the fact that she is now 77 years old, mentally and physically almost helpless from paralysis, and that she gave her boy to her country, entitles her to a

comfortable support at the hands of that Government for the rest of her days. Your committee, therefore, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RIVERS BANKS.

The next business on the Private Calendar was the bill (H. R. 6786) granting a pension to Rivers Banks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rivers Banks, late a private in Company C, North Cumberland Battalion Kentucky State Troops.

The report (by Mr. MORRILL) is as follows:

The committee find that Rivers Banks enlisted in Company G, Eighth Kentucky Volunteers, August 28, 1862, but when the company were mustered into service, October 26, 1862, he was sick with rheumatism and could not be mustered in, as he was not considered fit for the service. The testimony is abundant that he was sound and well when he enlisted, and that his disease was caused by hardship and exposure without sufficient clothing. Lieut. Matthew H. Owen, of the same company, testifies that between the date of enlistment and the time the company was mustered Rivers Banks was taken sick with rheumatism and was in such a condition that he could not be taken as a soldier; that the cause of his sickness was exposure while in active service as a soldier. John Nasbitt testifies to the same facts. Other witnesses testify as to his condition at the time of enlistment and of their knowledge of his suffering from the disease named. Finding that he could not be regularly mustered in, and knowing that after having offered himself to the Union cause it would be unsafe for him to return to his home, he reported to the commanding officer at Caseyville and remained there until his health was improved.

Early in January he was requested to take important dispatches from Caseyville to Henderson, about sixty miles. He started at once (about 8 p. m.) in a severe storm, accompanied by a body-guard of four mounted soldiers. The storm was so severe that when thirteen miles out the body-guard abandoned him, and he made the journey alone, reaching his destination nearly dead the next day, but faithfully delivering the dispatches intrusted to his care.

For two months he was confined to his bed, and when he left it he was deformed for life.

Those who are well acquainted with Rivers Banks speak of him in the highest terms as an honest, upright man. Never having been regularly mustered into service, the Pension Office can not grant him a pension, but Congress can.

Your committee believe the faithful and important service rendered by this soldier justly entitles him to a grateful recognition from the Government, and therefore recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HIRAM C. HENDERSON.

The next business on the Private Calendar was the bill (H. R. 503) granting a pension to Hiram C. Henderson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hiram C. Henderson, late a private in Company F, Fifty-first Regiment Indiana Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 503) granting a pension to Hiram C. Henderson, submit the following report:

We find that this soldier enlisted September 29, 1861, and was discharged May 5, 1862, for disability. He re-enlisted November 20, 1863, and was discharged January 17, 1866, to date August 25, 1865, making a total service of about two and one-half years.

April, 1871, he filed an application for a pension, claiming that in February, 1862, he—

"Contracted typhoid pneumonia, in consequence of which his lungs and right side are affected, and that he is physically disabled from weakness in heart, lungs, left shoulder, and right side; left arm and shoulder shrunk."

Dr. P. C. Leavitt testifies that he was claimant's family physician for three years before enlistment, and was well acquainted with his physical condition, and knows that he was sound and healthy and free from any disease. Two of his neighbors testify that he was "a stout, rugged, hearty man." John A. Delano, the second lieutenant of the company, says he was considered a sound, healthy man when he enlisted; that about March 1, 1862, he was taken sick with typhoid pneumonia, and was sent to hospital at Stanford, Ky.; that he was afterward in hospital at Louisville; that he performed his duties faithfully until taken sick, from which time until discharged he was unable to perform any service. The records show that he was left at Nashville March 29, 1862, sick.

There seems to be ample corroborative evidence to sustain the statements of the lieutenant. May 5, 1862, he was discharged, the surgeon stating in his certificate that he finds him incapable of performing the duties of a soldier on account of "chronic hepatitis contracted while in the service of the United States." There seems to be no evidence showing his condition during his second service, except that during May and June he was sick at Marietta, Ga. September and October, 1864, "sick at Nashville." November and December, 1864, "same report." January and February, 1865, he is reported "absent," but no remark is made, and he is so reported up to June 20. August 25, 1865, date of discharge, he is reported sick in hospital.

The presumption is very strong that he was sick during all of the last year of his service. The evidence is conclusive that he has been sick ever since. He has been twice examined by the authorized medical boards, who report him from five-eighths to totally disabled. The difficulty in this case at the Pension Office seems to be that he was discharged for chronic disease of the liver, and claims pension on account of disease of the lungs and heart. We think it is clearly shown that he was a rugged, hearty man when he enlisted, that he had an attack of typhoid pneumonia for which he was first discharged from the service; that during the last year of his record-service he was sick all the time and has been ever since disabled with both lung and liver trouble.

Your committee are forced to the conclusion that the claimant lost his health in the military service of the United States, and fail to see that it makes any material difference to the unfortunate soldier whether his disease is called "hepatitis" or "bronchial" affection, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

SARAH E. PRICE.

The next business on the Private Calendar was the bill (H. R. 3623) granting a pension to Sarah E. Price.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah E. Price, widow of Nathan Price, late captain of Company —, Thirteenth Kansas Volunteers, at the rate of $25 per month, to commence from the date of the death of said Nathan Price, in 1883, and to continue during her widowhood.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3623) granting a pension to Sarah E. Price, submit the following report:

The committee find that Sarah E. Price is the widow of Capt. Nathan Price, of Company F, Fourth Kansas Volunteers; that he entered the service on the 3d of August, 1861, and served faithfully for over three years, when he was honorably discharged. The regiment before his discharge had become so decimated that it was merged into the Tenth Kansas Volunteers.

From the effects of long and severe marches he became disabled by reason of varicose veins in his right leg, from which he suffered intense pains, continuing at intervals until his death. He received a pension from 1864 until the time of his death, which occurred in 1883.

It is claimed that he took his own life while in a fit of temporary insanity caused by the use of drugs and stimulants taken to relieve the intense pain from which he suffered. Fred. J. Close, clerk of the district court, testifies:

"I knew Nathan Price for seventeen years prior to his death; for five last years before his death I saw him as often, on an average, as once a day. I was clerk of the district court during said time and he was an attorney. Price often told me of his intense and continuous suffering from varicose veins in his legs, and the older he grew the more he suffered, and he would often show me his leg and loosen the bandage or tighten it up, as it seemed to require. It always looked bad; veins very large and limb swollen. He often told me that he used liquor, chloroform, and hydrate of chloral to relieve his suffering and give him rest. I have seen him take morphine and chloral frequently, and often smelled hydrate of chloral in his breath. From constant use of these drugs for many years his mind at times became affected, and in a temporary fit of insanity he committed suicide.

"I saw him a very short time before, on the same day, and he was then under the influence of hydrate of chloral, and his conversation was disconnected, and he had a wild look."

Capt. Robert Flickinger says he has been for twenty-four years an intimate friend and neighbor of Captain Price and his family; that there are now three children, aged respectively, 15, 13, and 8 years; that by Captain Price's death they are left destitute; that they have no property and no means of support except her own labor; that he knew Captain Price prior to his enlistment, and knows that he was not affected with varicose veins, and that he knows that he has suffered with varicose veins ever since.

Others of his neighbors testify to the same facts. Your committee find that the evidence establishes the fact that his death was directly traceable to the effects of the service. There is every reason to suppose that his early death at the age of 45 years would not have occurred had it not been for his three years of life in the United States military service. We do not believe our Government will permit the widows and helpless children of her brave defenders to suffer. Your committee recommend that the bill be amended by striking out all after the word "volunteers," in sixth line, and substituting "tenth" for "thirteenth" in sixth line, and that it be passed as amended.

The Committee on Invalid Pensions recommend that the bill be amended by striking out all after the words "Kansas Volunteers;" also to make it read, "late captain of Company F, Tenth Kansas Volunteers."

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

MRS. REBECCA HALL.

The next business on the Private Calendar was the bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Hall, widow of George R. Hall, late a private in Company C, Forty-eighth Regiment Missouri Infantry Volunteers, and pay her a pension of $8 per month from and after the 12th day of March, 1875, and $2 per month from said date for each child, while living, under 16 years of age.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2091) granting a pension to Rebecca Hall, submit the following report:

Your committee, after a careful examination of the papers of this case, find the following statement of the case, as set forth in the report of the Invalid Pensions Committee of the Forty-sixth Congress, to be correct, and therefore adopt their report, as follows:

"The said Rebecca Hall is the widow of George R. Hall, who was a private in Company C, Forty-eighth Missouri Volunteers, from the 20th of August, 1864, till discharged, June 29, 1865, and who died of disease alleged to have been contracted in said service March 12, 1875.

"The declaration for pension states that the claimant's husband, while in the military service aforesaid, contracted the disease of mumps, which resulted in partial paralysis, rendering him unfit for service and unable to maintain himself by manual labor.

"Samuel D. Smith and G. W. Smith testify that they were well acquainted with George R. Hall, and that when he returned from the service he was suffering at that time from the effects of the disease from which he afterward died, and was entirely unfit to perform any kind of labor, 'being drawn to one side and to some extent paralyzed, having but little use of his legs,' and they further say that his condition remained unchanged till December, 1864; during the whole time he continued unable to walk erect, and was compelled to use a cane, and for weeks at a time unable to walk at all.

"A. R. Forkner and Minerva Forkner testify that they saw the said soldier during the war, in November, 1864; that he was then in fine health, and that when they next saw him, in 1873, his health was entirely broken, and state his then condition to be as stated by the above two witnesses.

"Francis Hall and A. Hall state that the soldier died of disease contracted in the service; that before his enlistment in the Army he was a strong, healthy man and free from disease; that his service in the Army broke his health.

"Dr. Hiram Waller states that he first became acquainted with the soldier in 1871; that he was then unable to perform any manual labor, and the said doctor states that he at that time treated him professionally; that he had at that time a spinal affection and kidney disease, and that it was incurable.

"Dr. Campbell makes the following statement: 'I attended George R. Hall at or near the mouth of the Illinois River, in Illinois district, Cherokee Nation, who was afflicted with typhoid fever, complicated with dysentery; he died on the 12th day of March, 1875. His case was under my treatment, according to the best of my recollection, four or five days. I am of the opinion that his constitution was worn out by previous illness.'

"The War Department shows that the soldier was frequently treated in hospital during his service in the Army, but contains no particulars as to his disease.

"The claim was rejected because, in the opinion of the Commissioner of Pensions, the disease of which the soldier died was not incident to his Army service."

The committee are of opinion that the claimant is entitled to pension, and recommend that the bill do pass, with the following amendment: Strike out all after the word "volunteers" in eighth line.

The Committee on Invalid Pensions recommend that the bill be amended by striking out all after the words "Missouri Infantry Volunteers."

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

J. G. CRAWFORD.

The next business on the Private Calendar was the bill (H. R. 4457) granting a pension to J. G. Crawford.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. G. Crawford, late of Company G, Eightieth Regiment Illinois Infantry Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4457) granting a pension to J. G. Crawford, submit the following report:

This claimant enlisted August 13, 1862, and was discharged June 10, 1865. He alleges in his declaration for pension that at Mumfordsville, Ky., in November, 1862, he contracted measles, followed by chronic diarrhea, hemorrhage of the bowels, ulceration, &c.

Five witnesses testify positively that he was a sound man when he enlisted. The hospital records are not on file, so no evidence can be obtained from them, but the company rolls for November and December, 1862, report him absent, but no remark as to cause of absence is given. James G. Burnes, first sergeant of claimant's company, testifies that claimant contracted measles while in line of duty in November, 1862, and was disabled during January, February, and March with chronic diarrhea, and at various times during his service. Lieut. John W. McCormick testifies that he was taken with measles in November, 1862, which impaired his general health at various times during the remainder of his term of service.

Lieutenant Hormer testifies that measles broke out in the command about December, 1862, and that many died thereof, and claimant was one that had the measles, which impaired his general health. Charles E. Brown, W. B. Crawford, Joseph McMurray testify they have known claimant ever since his discharge, and that he has not been able to do hard work on account of diarrhea. November 18, 1882, Dr. Huntoon, examining surgeon, Girard, Kans., states claimant has periodical attacks of dysentery, recurring as often as once in the week, and lasting from two days to a week.

The board of examining surgeons at Fort Scott, Kans., examined claimant July 18, 1883, and reported no disability, and upon this examination his claim was rejected in the Pension Office. Subsequent testimony shows that he is not only unfit for manual labor, but that he is for a considerable portion of his time confined to his bed.

Your committee think the evidence of the disability from 1862 to the present time is very clearly shown, and therefore recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

MRS. ELIZA HICKS.

The next business on the Private Calendar was the bill (H. R. 5962) granting a pension to Mrs. Eliza Hicks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mrs. Eliza Hicks, mother of Rufus A. Hicks, late a private in Company G, Twelfth Illinois Cavalry, on the pension-list, subject to the provisions and limitations of the pension laws.

The report (by Mr. FYAN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 5692, having had the same under consideration, report as follows:

Rufus Hicks enlisted in Company F, Fourth Regiment Illinois Cavalry, and was furloughed to visit his parents in Sullivan County, Tennessee. On his return to his regiment, in the early part of September, 1863, he was murdered at Bowling Green, Ky., the motives of the murderer not clearly appearing from the evidence.

The other facts, namely, the enlistment of soldier and the dependence of the mother, Mrs. Eliza Hicks, upon him for support, are established beyond all question or controversy.

Mrs. Hicks is now 72 years of age, absolutely impecunious, and with no relatives or friends to assist her.

The soldier was killed while attempting to rejoin his regiment and discharge his duties in the field as a soldier, and he being the only son of this old lady, and her husband now in the poor-house, we are satisfied she should be placed on the pension-list, and therefore recommend that the bill do pass.

The bill was laid aside to be reported favorably to the House.

JOSHUA SHEPARD.

The next business on the Private Calendar was the bill (H. R. 3691) for the relief of Joshua Shepard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joshua Shepard, late a private in Company B, Ninth Ohio Cavalry Volunteers.

The report (by Mr. FYAN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 3691, having had the same under consideration, report as follows:

Joshua Shepard, who was a citizen of North Carolina, enlisted in Company B, Ninth Ohio Cavalry Volunteers, on the 20th day of February, 1864, and was discharged June 27, 1865.

The said Shepard swears that on or about the 20th day of July, 1864, while in pursuit of Forrest and Wheeler's cavalry, near Florence, in Alabama, said Shepard with ten others were ordered to charge the enemy's picket; that in said charge his horse ran against that of one of the enemy, and both horses went down; the confederate was killed, while Shepard's horse fell on him and injured his left hip and testicles; that he remained on the ground until next day, when he was picked up by some New York soldiers and sent to hospital at Pulaski, Tenn., and afterward to Louisville, Ky., where he was in Brown's hospital until discharge.

The trouble in this case is that this soldier was an entire stranger to the men and officers of the command he joined, and they either do not remember him or will not take the trouble to furnish their evidence.

He establishes beyond controversy that he was a stout, able-bodied man prior to and at the time of enlistment; that he did actually enlist in the company and regiment mentioned, and that he was in the hospitals named.

He is corroborated as to his condition by William J. Comb, of Franklin County, Illinois, who swears that in 1864 said Shepard came to his father's house on furlough; that he was disabled, walked with a staff, and wore a truss; that after his discharge, in 1865, he (Shepard) came back to his father's in Illinois and remained in that neighborhood for some three years, always in a feeble condition, with the disabilities mentioned.

Rebecca Conner, of same county and State, says she first became acquainted with Shepard in December, 1860, and knew him then but for a short time. That in 1864 her people received letters from him that he had enlisted in Ninth Ohio Volunteer Cavalry, and said letters were written from Tennessee. That in October, 1864, Shepard came to her house in Ilinois on sick furlough; that he was crippled, walked with a cane, and seemed to be in a very helpless condition. That in July, 1865, after he was discharged, he returned to her house in Illinois; remained in the vicinity for some three years, and was in very feeble condition. At the expiration of three years Shepard started for Missouri to see if his health would not be improved.

James Van Hooser, of Newton County, Missouri, swears that he first saw and became acquainted with Shepard in Franklin County, Illinois, in 1864, when he was on furlough; describes his condition the same as do William J. Combs and Rebecca Conner; that after Shepard came back to Illinois, when he was discharged, said Shepard was confined for a long time, totally unable to work; that he has known Shepard ever since in Missouri; that his (Shepard's) condition is better than it was in Illinois, but he is still feeble and not able to do ard manual labor.

Dr. Lewis Wills, a practicing physician and surgeon of forty years' experience and high standing, resident of the county seat of Newton County, Missouri, carefully examined Shepard in 1879, and finds he has varicocele on the left side of scrotum, extending from the testicle along the spermatic cord to the external abdominal ring.

Examining Surgeon Amos Caffee, of Jasper County, Missouri, examined Shepard in March, 1882, and reports:

"Injury to left testicle, with enlargement and varicose condition of cord; wears constantly a suspensory bandage, and during hot weather suffers from numbness and pain."

He rates Shepard's disability at one-half.

Your committee recommend that the bill pass.

The bill was laid aside to be reported favorably to the House.

GERIAH COLLINS.

The next business on the Private Calendar was the bill (H. R. 930) granting a pension to Geriah Collins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Geriah Collins, formerly of Company D, Thirty-third Regiment Indiana Volunteers.

The report (by Mr. FYAN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 930) for the relief of Geriah Collins, submit the following report:

Geriah Collins enlisted at Indianapolis, Ind., August 28, 1861, as a private in Company D, Thirty-third Regiment Indiana Volunteers, and while in an engagement with the enemy at Thompson's Station, Tenn., in the month of March, 1863, he was taken prisoner and carried to Libby prison, where he remained some time. While such prisoner he contracted a disease in his breast which disabled him from duty a long time after he was released from prison.

John C. Maze, of Shelbyville, Ind., and who was first lieutenant of Company D in said regiment, swears he knows Collins was taken prisoner, as mentioned, and by reason of hardship and exposure in said prison contracted disease in his breast, and that after Collins returned to his company he was suffering from the disability and unable for a long time to do duty. Collins proves by witnesses who knew him for twenty-eight years that prior to his enlistment he was a sound, able-bodied man. Collins proves by witnesses who have known him since his discharge that for three years after said discharge he was so disabled as to be unable to work at least one-half of his time, and since that period one-third of his time.

Dr. G. M. Edson, a physician in high standing for twenty-seven years, and who has been attending Collins for a great many years, swears that by exposure, he (Collins) is suffering from œdema of the lungs, and also from rheumatism, and that any exertion causes severe pains which seem to center in thoracic region.

Your committee recommend that the bill pass.

The bill was laid aside to be reported favorably to the House.

WILLIAM M'CLURE.

The next business on the Private Calendar was the bill (S. 1910) granting a pension to William McClure.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William McClure, late a private in Company A, Third Illinois Light Artillery, and to pay him a pension from the date of the passage of this act.

The report (by Mr. CULLEN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1910) granting a pension to William McClure, having had the same under consideration, respectfully report:

The Committee on Pensions in the Senate in the present Congress sets forth the facts in this case fully and correctly; which report we adopt as our own, as follows:

"William McClure enlisted August 21, 1862, in Company A of the Third Illinois Light Artillery, and was discharged July 3, 1865. He filed an application for a pension April 14, 1879, alleging that about December 15, 1862, at Bolivar, Tenn., he was taken with chronic diarrhea, which lasted him one year; that he was pronounced incurable; and that he was kept upon invalid duty until he was discharged. His claim was rejected because the records of the War Department

did not show the existence of chronic diarrhea in the service, and he was unable to furnish parol evidence satisfactory to the Pension Office to establish the origin of his disability in the service.

"This is the only defect in the case. McClure's disability has been complete, and he has been a county charge and an inmate of the poor-house most of the time since his discharge. His soundness at the time of enlistment is shown by the affidavits of his intimate associates in farm work for several years prior to the war. When he made his application the captain of his company was dead, the first lieutenant could not testify because he had been in hospital during the same period, and the second lieutenant testified that claimant was sick at Bolivar, Tenn., at the time alleged, but did not remember positively for what disease he was treated. As the second lieutenant's testimony was not until twenty years after claimant's sickness, its lack of positiveness as to the exact nature of claimant's disease is not surprising.

"Dr. W. B. Wilson, a reputable physician of Flora, Ill., testifies that McClure has been disabled by chronic diarrhea since 1868, to his personal knowledge, and that previous to that time McClure was treated for the same complaint by Dr. D. M. Hart, deceased, as Wilson was informed by said Hart. Other testimony has been submitted to show that McClure complained of and was disabled by chronic diarrhea ever since he was in the hospital at Bolivar.

"McClure states that he never saw any surgeon with his company, and this statement is sustained by the fact that the Surgeon-General reported that there were no records of McClure's regiment or of Bolivar, Tenn., on file in his office. This fact does not appear to have been considered in the Pension Office in passing upon this case. In 1880 claimant wrote letters to the Pension Office, stating that while he was in the general hospital at Little Rock, Ark., the commandant, Major-General Steele, demanded his return to his regiment, whereupon Dr. Clark, the surgeon in charge, wrote to Surgeon-General Barnes, stating the particulars of McClure's case, and the latter decided him unfit for duty. Soon afterward Major-General Reynolds succeeded General Steele, and Dr. Lackey succeeded Dr. Clark. General Reynolds made the same demand for McClure's return to his company; Dr. Lackey wrote to the Surgeon-General, and McClure was again decided to be unfit for duty. He referred to the records of the Surgeon-General's Office to verify these statements, but no effort to find this correspondence appears to have been made.

"While medical evidence of McClure's disability in the service is lacking, perhaps through the failure to look up the correspondence referred to, the fact that he became disabled in the service and that his disability has continued to increase ever since his discharge is established to the satisfaction of the committee, and the case is believed to be one that properly calls for favorable action by Congress."

We therefore recommend the passage of the accompanying bill.

Mr. MATSON. I move to amend the bill by adding to it the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

JAMES STACK.

The next business on the Private Calendar was the bill (H. R. 6665) for the relief of James Stack.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Stack, late a private in Company F, One hundred and thirtieth Regiment of Illinois Volunteers, from and after the passage of this act.

The report (by Mr. CULLEN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6665) granting a pension to James Stack, respectfully report:

James Stack enlisted in the military service of the United States as a private in Company F, One hundred and thirtieth Regiment Illinois Volunteers, August 7, 1862, and was honorably discharged August 11, 1865, on account of disability contracted in the military service of the United States.

April 29, 1882, he filed a declaration for pension, alleging that at Memphis, Tenn., February 19, 1863, while digging in a gravel bank, in line of duty, his left collar-bone was broken, and left hand and arm injured, which claim was rejected February 16, 1883, on the ground that the alleged disability was not incurred while in the line of duty.

C. Winne, surgeon Seventy-seventh Illinois Volunteers, in a certificate of disability for discharge, dated August 11, 1865, says:

"I have carefully examined the said James Stack, and find him incapable of performing the duties of a soldier because of injuries received on the 19th of February, 1869, at Memphis, Tenn., by the caving of a bank of earth, fracturing the left clavicle, which, united with considerable displacement of the fractured bone, disabled him from carrying a gun or knapsack. He also suffers from pain in both inguinal regions on making extra exertions. He is wholly unable to perform the duties of a soldier, and will not recover during the balance of his time of service. Physically unfit for Veteran Reserve Corps. Degree of disability, one-eighth."

Attached to the certificate of disability for discharge is the following:

"I certify that the within James Stack, applicant for a discharge, based on surgeon's certificate of disability, was injured by the caving in of a bank of earth at Fort Pickering, Memphis, Tenn., while in the employ of the post sutler, by permission of his company and regimental commanders.

"JOHN B. REED,
"*Lieutenant-Colonel Seventy-seventh Illinois Volunteer Infantry.*"

The records of the Adjutant-General disclose the following service of the soldier:

"Present on roll for January and February, 1863; March and April, 1863, absent sick in hospital at Saint Louis, and so borne till August 31, 1863; September and October, 1863, present. Transferred to Company F, Seventy-seventh Illinois Volunteers, and taken up on roll for January and February, 1864, present. Transferred to Company C, One hundred and thirtieth Illinois Volunteers (new organization), and is reported on muster-out roll of company dated August 15, 1865. Discharged for disability August 11, 1865."

D. Wilkins, M. D., of Greenville, Ill., surgeon of claimant's regiment, testifies, April 29, 1882:

"That claimant, in the line of duty, at Memphis, Tenn., February 19, 1863, was injured by an embankment of dirt falling upon him. Body contused; left clavicle fractured; gave him medical and surgical treatment for a few days immediately after the accident."

John B. Reed, major and lieutenant-colonel, claimant's regiment, testifies, April 29, 1882:

"That at Memphis, Tenn., February 19, 1863, claimant was injured by the caving in of a sand-bank. His left collar-bone was broken and his left hand and arm injured; saw claimant immediately after the accident. He was bleeding at the mouth. Subsequently came near dying."

June 20, 1882, William A. Allen, United States examining surgeon, of Greenville, Ill., certifies:

"This applicant states that a sand-bank fell on him and injured his left side; the clavicle on the left side has been fractured and the adjustment was very defective. The fracture was near the middle, and the outer fragments slipped behind the sternal fragment about two inches. The left shoulder drops forward and inward. For fracture of the left clavicle he should be rated one-fourth."

We have examined the evidence very carefully, and in view of the soldier having the express permission of his company and regimental commanders to perform the work in which he received the disability for which he was discharged from the service, on which he now asks a pension, and which is shown to continue from the date of his discharge to the present, your committee recommend the passage of the accompanying bill.

The bill was laid aside to be reported favorably to the House.

WARNER LENTZ.

The next business on the Private Calendar was the bill (H. R. 3158) for the relief of Warner Lentz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Warner Lentz, formerly a member of Company I, First Regiment Missouri Engineers.

The report (by Mr. CULLEN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3158) granting a pension to Werner Lentz, beg leave to report:

The applicant in this case served in the military service of the United States as a private in Company I, First Missouri Engineers, from August 17, 1861, to September 28, 1864, and in Company C, One hundred and fifty-fourth Illinois Volunteers, from February 1, 1865, to September 18, 1865, and was honorably discharged.

May 7, 1879, he filed a declaration for pension, on account of disability from rheumatism contracted in the line of duty at Atlanta, Ga., May 15, 1864, by exposure and hard work building breastworks and forts, which was rejected February 1, 1882, on the ground that—

"There is no record of the alleged rheumatism, and claimant being unable to show, by medical or other satisfactory testimony, the existence of said disease in service or at time of discharge."

The records of the Surgeon-General's Office show the treatment of the soldier in hospital at different times during his military service, but fail to disclose the nature of the disease for which he was treated.

Fritz Mintert and Valentine Grauel, of Lebanon, Ill., certified to be reputable witnesses, testify, March 2, 1881:

"That they were personally acquainted with claimant for six years immediately prior to his enlistment in the military service of the United States, in August, 1861, and that he was during that time a sound and healthy man and free from rheumatism; that they have been personally acquainted with claimant from the time of his discharge to the present time, and that he has been severely afflicted with rheumatism from his discharge in 1865 to this time; that affiants know these facts from personal knowledge."

Christian Lochfihler, of Saint Louis, Mo., who was captain of claimant's company in the Army, and whose credibility as a witness is certified to be good, May 7, 1879:

"That claimant during his enlistment was several times sick and sent to the hospital and was generally reported by physicians to suffer from acute rheumatism."

Theophalis M. Nicholson testifies, March 1, 1881:

"That claimant was a laborer for and with him for five years, and was during all of that time periodically afflicted with rheumatism; worked for affiant in 1875–'76–'77–'78–'79 and 1880, at times during the summer season."

Dr. R. F. Cunningham, of Lebanon, Ill., who is certified to be a reputable physician and witness, testifies, September 6, 1880:

"That he has been claimant's physician for twelve or thirteen years. During that time he has prescribed for him several times for a rheumatic affection of the back and hips, which would disable him, but for what time he can not definitely say. He was an able-bodied man before his military service."

Claimant testifies, September 6, 1880, that he can not furnish the testimony of the surgeon or assistant surgeon of his regiment, as there was no such officer with or belonging to said regiment at the time of his said sickness.

Dr. Ferdinand Rubach, United States examining surgeon, of Bellville, Ill., in his examination of applicant, in pursuance of an order of the Pension Office, under date of August 16, 1880, says:

"Applicant is afflicted with chronic rheumatism, which has especially localized itself in his right shoulder, right hip, and upper part of the thigh. He is periodically attacked by it to such a degree as to greatly disable him from performing manual labor."

Your committee have carefully examined the evidence in this case and are of the opinion that the disability of this soldier was contracted in the military service of the United States, in the line of his duty, and that his long and faithful service as a soldier, and his broken health as a result of the same, entitle him to a pension, and therefore recommend the passage of the accompanying bill.

The CHAIRMAN. The Chair would call the attention of the chairman of the Committee on Invalid Pensions [Mr. MATSON] to the fact that the first name of this soldier is spelled "Werner" in the first part of this bill and "Warner" in the last part of the bill.

Mr. MATSON. I believe that this bill was introduced by the gentleman from Illinois [Mr. MORRISON] who is not now present. I would suggest, therefore, that it be laid aside for the present.

The CHAIRMAN. The Chair is satisfied that the proper name is "Werner."

Mr. MATSON. I do not know which is the correct name.

The CHAIRMAN. The Chair is satisfied that "Werner" is the correct name.

Mr. MATSON. Very well; then I move that the bill be amended accordingly.

The amendment was agreed to, and the bill as amended was laid aside to be reported favorably to the House.

THOMAS JEFFRIES.

The next business on the Private Calendar was the bill (H. R. 200) granting a pension to Thomas Jeffries.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Jeffries, late a private in Company C of the One hundred and twenty-sixth Regiment of Illinois Volunteers.

The bill was laid aside to be reported favorably to the House.

JOHN JOHNSON.

The next business on the Private Calendar was the bill (H. R. 2920) for the relief of John Johnson.

The bill was read, as follows:

Be it enacted, &c., That the act of March 3, 1879, entitled "An act for the relief of certain pensioners" (who have lost a leg at the hip-joint), be so construed as to include John Johnson, who had his right arm and a part of the shoulder-blade shot away at the battle of Fredericksburg, Va., December 13, 1862.

The report (by Mr. SUMNER, of Wisconsin) is as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 2920, having had the same under consideration, respectfully submit the following report:

The act of Congress entitled "An act for the relief of certain pensioners," approved March 3, 1879, gave to all pensioners now on the pension-rolls, or who should hereafter be placed thereon, for amputation of either leg at the hip-joint, a pension of $37.50 per month.

Bill H. R. 2920 seeks to extend the provisions of that act to John Johnson, who was a private in Company D, Second Regiment Wisconsin Volunteer Infantry, and who had his right arm and part of the shoulder-blade shot away at the battle of Fredericksburg, Va., December 13, 1862.

After having considered said bill (H. R. 2920), the committee are of the opinion, taking all things into account—

1. That the total loss of an arm is a greater disability than the loss of a leg, because it deprives the sufferer of the use of any artificial appliances whatever.

2. That the mutilation of the body, in addition to the total loss of an arm at the shoulder-joint, affects the bodily health in a much greater degree than the loss of a leg at the hip-joint, the inability to exercise the half of the body tending to engender lung diseases; and

3. That John Johnson, aforementioned, is more disabled than he who has lost a leg at the hip-joint, inasmuch as he is debarred from mechanical and other pursuits to a much greater degree.

The committee therefore recommend that the bill be passed.

The bill was laid aside to be reported favorably to the House.

MERIT M. OAKLEY.

The next business on the Private Calendar was the bill (H. R. 6927) granting a pension to Merit M. Oakley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Merit M. Oakley, who was a private in Company K, Sixth Regiment of Iowa Cavalry, who shall receive a pension at the rate of $8 a month from and after the passage of this act.

The report (by Mr. HOLMES) is as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 458, have had the same under consideration, and make the following report:

Merit M. Oakley enlisted as a private in Company K, Sixth Regiment Iowa Cavalry, on the 4th day of October, 1862, and was discharged October 17, 1865. In his original application, filed in the Pension Office, he alleges disability, caused by injury to back and spine in consequence of being thrown from his horse, which was shot under him at the battle of White Stone Hill, Dak., on the 3d day of September, 1863, the edge of the back part of the saddle striking him in the small of the back upon the falling of the horse and injuring his back and spine. Claimant was granted a pension by the Pension Office, at the rate of $8 a month, in May, 1874.

Pensioner was dropped from the rolls on the ground that pensioner's disability was incurred before he entered the service. The special agent sent out, and upon whose report the claimant was dropped, presented a number of affidavits in which there was little or no positive evidence of any injury before entering the service, except hearsay. The allegation concerning claimant's prior disability was that he had been injured before entering the service by reason of a saw-head falling upon him and injuring his head and back. Yet, although the special examiner took the evidence of the person owning the saw-mill, where the accident was said to have occurred, and that of many others, none of the witnesses have personal knowledge of such an occurrence, and claimant testifies in the most unequivocal manner that he never received any such injury, and was well and able-bodied before entering the service, as also numerous other witnesses. Capt. John Logan, commander of his company, testifies substantially that in the engagement named his horse was shot under him and that he was injured as claimed.

Thomas L. Bardwell, assistant surgeon of his regiment, testifies that he prescribed for him for injuries to the spine received in this engagement of the same day, giving him liniment to apply to the injured region. These and numerous other witnesses corroborate the statement that the injury was received as claimed by applicant. Of the claimant's disability at the present time there can be no question. Examining Surgeon W. M. Skinner rates his disability as total of the third degree. Claimant is in very indigent circumstances, and is, with his wife, as your committee is advised, dependent upon a married daughter for support, who is also in reduced circumstances. Your committee, therefore, recommend that claimant be placed upon the pension-rolls at the rate of $8 per month, to take effect from and after the passage of this act. Your committee herewith present a substitute for the original bill, H. R. 458, and recommend its passage.

The bill was laid aside to be reported favorably to the House.

LEONARD KING.

The next business on the Private Calendar was the bill (H. R. 6928) granting a pension to Leonard King.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Leonard King, of Farmington, Van Buren County, Iowa, upon the pension-roll, subject to the provisions and limitations of the pension laws, as dependent father of Miles King, late of Company B, Third Iowa Cavalry Volunteers in the late war, to take effect from and after the passage of this act.

The report (by Mr. HOLMES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 484, have had the same under consideration, and submit the following report:

In the case of Leonard King, father of Miles King, formerly corporal of Company B, Third Regiment Iowa Cavalry Volunteers, it appears that the soldier enlisted August 23, 1861, and died April 19, 1865, of gunshot wound received while engaged in battle April 16, 1865.

The mother of the soldier died October 27, 1866.

The claimant is now 76 years of age, and at the time of enlistment of the soldier was 53 years old.

If the claimant was in whole or in part dependent upon the soldier at the date of his death, the father then is entitled to pension under section 4707 Revised Statutes.

R. S. Clark, treasurer of Van Buren County, Iowa, testifies as to the value of real estate of claimant in the year 1865 to be $350, and personal property $150; the income derived therefrom was insufficient to meet the wants of the family of claimant.

J. M. Beeson testifies that the claimant was dependent to a great extent upon the soldier before he entered the service, and that he received the monthly pay of his son while in said service.

Charles Westcott, Arthur Perry, S. B. Scott, and J. House all testify from personal acquaintance that the father was partially dependent upon his son before and during his service.

Capt. Samuel S. McKee swears that he was captain of the company in which the soldier served, and knew that he rendered pecuniary aid to his parents during the entire period of his service in the Army, and sent packages of money by express to his father, and that the soldier was considered by all that knew him as the main dependence of his family.

The postmaster at Farmington, Iowa, certifies that he has known claimant for twenty years, and that he was partially dependent upon his son, and since his son's death he has managed to subsist by the aid of an only daughter.

Thomas J. Nash and William Goodin testify to a knowledge of claimant for twenty years, and that for the last fifteen years, by reason of rheumatism and advanced years, the claimant has been unable to support himself by manual labor.

Dr. G. W. Good has been the family physician during fifteen years or more, and testifies that during the service of the son the claimant's ability to do manual labor, on account of disability, was reduced one-half, and his disability is increasing with age.

Dr. William Craig, pension examining surgeon, certifies, February 26, 1873, the applicant presented himself for examination when 65 years of age, and states that from what he learned from the applicant and others he was not in a condition to procure a subsistence and has not been since the death of his son.

In view of all the testimony filed to show dependence of the father upon the son, your committee consider the claimant is entitled to a pension, and report herewith a substitute for bill H. R. 484, and recommend its passage.

The bill was laid aside to be reported favorably to the House.

JOHN D. BRIDGES.

The next business on the Private Calendar was the bill (H. R. 481) for the relief of John D. Bridges.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to rerate the pension of John D. Bridges, formerly a member of Company C, Seventh Regiment Iowa Cavalry State Volunteers, at $8 per month, commencing at discharge from the military service, deducting therefrom the amount that has been paid.

The report (by Mr. HOLMES) is as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 481, have had the same under consideration, and submit the following report:

John D. Bridges, formerly a member of Company C, Seventh Regiment Iowa Cavalry Volunteers, claims a rerating of his pension, with arrearages, commencing from date of his discharge from the military service, at $8 per month, deducting therefrom the amount that has been paid.

Your committee, under the rulings heretofore adopted, and in the absence of any general law to grant arrearages, have declined to consider the application of the petitioner relative to rerating from discharge; but as the report of the board of examining surgeons last rendered to the Pension Office describes the disability, and that it naturally results in constant pain and is aggravated by exercise, and that the board believe him to be entitled to $6 per month, your committee therefore recommend the passage of the bill, with the following amendment, striking out the words "at $8 per month, commencing at discharge from the military service, deducting therefrom the amount that has been paid," and in lieu thereof inserting the words "at $6 per month from and after the passage of this act."

The amendment reported by the Committee on Invalid Pensions, to strike out at the end of the bill all after the word "volunteer" and insert "at $6 per month from and after the passage of this act," was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARTIN KELLY.

Mr. PRICE. I ask unanimous consent to take up out of its order the bill (S. 909) to increase the pension of Martin Kelly.

There being no objection, the bill was read, as follows:

Be it enacted, &c., That Martin Kelly, late a private in Company A of the Sixteenth Regiment United States Infantry (now of the District of Columbia), now on the pension-roll at the rate of $24 per month, from and after the passage of this act shall be entitled to receive the same pension as a soldier now receives or which shall be allowed hereafter by law to one who has lost one arm at or above the elbow or one leg at or above the knee.

The report (by Mr. HOUK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 909) to increase the pension of Martin Kelly, submit the following:

This bill passed the Senate April 22, 1884. The merits of the case have been re-examined by this committee, and it is of opinion that claimant's pension should be increased as provided in the proposed act.

The report of the Senate Committee on Pensions was made by Senator VAN WYCK, and we adopt it, as follows:

The Committee on Pensions, to whom was referred Senate bill 909, to increase pension to Martin Kelly, examined the same, and report that the said Martin Kelly, late a private in Company A of the Sixteenth Regiment United States Infantry, is now on the pension-roll at $24 per month for gunshot wound of left shoulder.

The facts show that said Kelly was wounded at Stone River, Tennessee, about December 31, 1862, followed by resection of the head and six and a half inches of the shaft of the humerus.

That disability is total, and pension should be allowed as for loss of arm above elbow. Your committee recommend the passage of the bill.

The bill was laid aside to be reported favorably to the House.

ALBERT JEHLE.

Mr. KLEINER. I ask unanimous consent to have taken up out of its order the bill (S. 777) granting a pension to Albert Jehle.

There being no objection, the bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert Jehle, late a sergeant in Company D, Twenty-eighth Regiment Ohio Volunteers.

The report by (Mr. MATSON) is as follows:

The Committee on Claims, to whom was referred the bill (S. 777) granting a pension to Albert Jehle, respectfully report:

The facts in this case are very fully and correctly set forth in the Senate report accompanying this bill, which report we adopt as our own:

"That the claimant, Albert Jehle, enlisted June 13, 1861, and served until mustered out, July 23, 1864, as sergeant of Company D, Twenty-eighth Ohio Volunteers. He made application for a pension, No. 334001, December 3, 1879, alleging that he contracted rheumatism on the march from Beverly to Lewisburg, at Greenbrier Mountain, West Virginia, caused by wading the Greenbrier River and other streams several times, and other exposures, on or about December 9, 1863. This disease affected both legs and sometimes the whole body. The claim was rejected by the Pension Office—

"On the ground that the records of the War Department furnish no evidence of the existence of the alleged disability in the service, and that the claimant is unable to furnish the parol testimony of a commissioned officer, surgeon, or comrade to establish origin in the service, or evidence of treatment since discharge."

This rejection, it would appear from a careful examination of all the papers in the case, was made upon technical grounds, mainly the inability of the claimant to furnish record evidence as to origin of disability. The claimant, under oath, states as an excuse that he was never treated by any of the surgeons, and that owing to lapse of time he is advised the officers can not remember the facts.

John Jochem, George Hoeppel, John Haerle, and Peter Roseman swear that they were neighbors of the claimant from 1859 to 1874; that they knew him prior to, at, and after his enlistment, and "that he was a sound, able-bodied man, and especially free from rheumatism in legs and body." The two latter testify they were comrades of the claimant in the same company and regiment.

"That since his discharge in 1864 to the present time he has been afflicted with rheumatism in legs and body; that said disease was contracted by exposure while in the service and in line of duty, and that they often saw him in bed, unable to help himself."

"Herman Steinauer, a sergeant in the same company with claimant, swears that he marched with him in December, 1863, from Beverly to Lewisburg, over the Greenbrier Mountains,

"'That in the course of said march his company was compelled to wade through Greenbrier River and through creeks; that they were exposed to much rain and snow while on said march, and he remembers giving some medicine to his comrade, Albert Jehle, he complaining of rheumatic pain.'

"He also swears to his soundness before enlistment, and that he was 'especially free from rheumatism at the time he enlisted and up to the time hereinbefore mentioned,' and that he is of opinion that his said comrade, Jehle, contracted the disease of rheumatism through exposure to the elements while on the march aforesaid.

"There is also considerable testimony showing existence of the disability at the time of discharge, its continuance and its probably permanent character. The claimant swears that the two and only physicians who treated him at intervals from his discharge to 1878 are dead; therefore he can not produce medical testimony covering that period. Dr. Christian Fry treated the claimant in 1878 and since for rheumatism in legs and body, and thinks him incurable. The examining surgeon in 1881 rated him at $4 per month.

In addition to the evidence before the Commissioner of Pensions, an affidavit has been furnished your committee, made by eight neighbors of the claimant, certifying to his soundness before enlistment and disability ever since his return home after discharge. Also, the affidavit of Dr. Bucher, that his deceased father's books show the treatment of claimant for chronic rheumatism in 1869, and that claimant is now, and has been since he knew him, in feeble health. Also, the affidavit of claimant's employer, John Hartman, that during 1865 and 1866 claimant was frequently obliged to quit work, on which account he was compelled to discharge him; and that his sincere belief is that he is suffering with rheumatism contracted in the service. The statements of the postmaster and other reliable persons at claimant's residence corroborate these facts, and nothing appears to discredit any portion of this testimony.

Your committee think that the evidence presented satisfactorily shows this claimant to be entitled to a pension, and therefore report back this bill, with the recommendation that it do pass.

The bill was laid aside to be reported favorably to the House.

MARY J. VAUGHAN.

Mr. BAGLEY. I ask unanimous consent that the bill (S. 732) for the relief of Mary J. Vaughan be taken up out of its order.

There being no objection, the bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Mary J. Vaughan, the widow of George Vaughan, late second lieutenant of Company K, of the One hundred and eighteenth Regiment of New York Volunteers, on the pension-roll, at the rate allowed a lieutenant's widow, to commence from the date of the passage of this act.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 732) for the relief of Mary J. Vaughan, having considered the same, respectfully report:

The claimant is the widow of George Vaughan, late of Company K, One hundred and eighteenth Regiment New York Volunteers, who enlisted August 7, 1862; was discharged June 13, 1865, and died of chronic diarrhea April 25, 1874. The widow was pensioned April 4, 1877, at $8 per month from the date of soldier's death, with increase at $2 per month on account of one child under age of 16 years.

The present bill seeks to increase the pension of the claimant to the rate allowed a lieutenant's widow. This claim was made before the Pension Office by application filed January 8, 1883, and was rejected because the disease was contracted prior to soldier's promotion, June 9, 1864, to the rank of second lieutenant, and while he was a sergeant.

It is shown by the record that the soldier was commissioned a second lieutenant by the governor of New York May 16, 1864, vice H. S. Graves, promoted, but he was not formally mustered as such until June 9, 1864. There is no evidence that he had contracted any disease until after May 16, 1864, the date of the battle of Drury's Bluff, where he was actively engaged. Soon after it made its appearance, and he was sent to the hospital May 31, 1864, was thereafter prostrated most of the time until discharged, and the disease continued until its fatal termination.

The only question in this case is whether the fact that the disease first showed itself a few days before technical muster into the higher rank, after which time its chronic character is developed, should prevent the widow from receiving the pension of such higher rank. In view of this fact, that the soldier had been commissioned, that only a few days afterward he was formally mustered and bravely remained in the service till mustered out, more than a year afterward, notwithstanding the ravages of the disease, your committee are disposed to waive the technical objection and recommend that the bill do pass.

The bill was laid aside to be reported favorably to the House.

THOMAS PATTON.

Mr. BAGLEY. I ask unanimous consent to take up out of its order the bill (S. 828) granting a pension to Thomas Patton.

There being no objection, the bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Patton, late a private in Company B, One hundred and forty-second Regiment New York Volunteers, said pension to commence from the date when his name was dropped from the roll, at the rate of $4 per month until the passage of this act, and to continue hereafter at such rate as may be required by the ordinary examination.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 828) granting a pension to Thomas Patton, having examined the same, respectfully report:

The claimant, Thomas Patton, was a private in Company B, One hundred and forty-second New York Volunteers. The principal facts are set out in a favorable report made during the Forty-seventh Congress (S. R. 168), which your committee adopt, as follows:

"The applicant was pensioned for disability resulting from typhoid fever contracted in the service during the war of the rebellion, and was paid pension until 1870, when his name was dropped from the roll on the ground that 'his disability, if any,' was not contracted in the service. Repeated application for restoration has been made, and on the 28th of June, 1878, the examining surgeon of the Department reported the disability as permanent, and describes it more particularly as follows:

"'General physical condition not good; tongue coated; pulse rapid and small; skin clammy and cool; respiration very much hurried; left lung, to all appearance, healthy, as ascertained by auscultation and percussion; but the lower third of the right lung, by the same test, shows complete hepatization. Applicant has cough with free expectoration at night. He is fully entitled to restoration at $8 per month, or "total grade.'"

"Other reputable physicians who have known and one who has treated applicant from time to time since his discharge declare the origin and continuance of the disability from the period of service until the time when their statements were taken, in 1880.

"There may be doubt upon the evidence, but it is the opinion of the committee that the balance of testimony is in favor of the pensioner, and that he should be restored to the roll as from the time his name was dropped.

"The proper rating is left in some doubt. The examination in 1878 reports a total disability. Other examinations have reported a lower rate. The committee recommend that the restoration be made at the rate of $4 per month, to cover the period from the last payment till restoration, and subsequently the rating depend upon the degree of disability as ascertained by the ordinary examinations; and, thus amended, recommend the passage of the bill."

The bill as thus amended passed the Senate April 5, 1882, but failed to become a law, and there has since been no change in the status of the case. Your committee recommend that the bill be passed.

The bill was laid aside to be reported favorably to the House.

GEORGE PRINCE.

Mr. BAGLEY. I ask that the bill (S. 1680) granting a pension to George Prince be taken up out of its order.

There being no objection, the bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of George Prince, late a sergeant of Company I, Third New Jersey Cavalry Volunteers, and pay him a pension of $50 per month from and after the passage of this act, in lieu of the pension he now receives.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1680) granting a pension to George Prince, having examined the same, make the following report:

The claimant, George Prince, late sergeant Company I, Third New Jersey Cavalry, was pensioned March 22, 1866, for gunshot wound of face, at $6 per month from August 30, 1865. This was increased to $20 per month from June 6, 1866, and further increased to $24 per month from June 4, 1872. Under the act of March 3, 1883, his pension was again increased to $30 per month.

The physician who has been attending him for some years past has presented the following affidavit:

MARCH 21, 1884.

I have known Mr. George Prince for many years, and am familiar with the terrible wound he received during the late rebellion. The wound is an open one, constantly discharging an offensive secretion. During the past year his health has rapidly deteriorated, and he has become totally incapacitated for manual labor of any character. Even were he physically able the offensive discharge from the wound and the hideous appearance of the same would effectually debar him from private business or employment.

L. M. TAYLOR, *M. D.*

The applicant appeared before the committee in person, exhibited his wounds, and described his condition in answer to questions by the members of the committee. The statements made by the surgeon in the above affidavit were fully corroborated by the examination of the committee. It is one of those cases of hideous and indescribable disfigurement, combined with actual and increasing disability, exiling the sufferer from society and rendering him at the same time, to a great extent, incapable of manual labor. He has hitherto been employed, to some extent, as a watchman, but his capacity to perform labor of that or any other description appears to be passing away, and in the opinion of the committee the time is not remote when he will be practically helpless. Mr. Prince also stated to the committee that he had an invalid wife and four children dependent upon him for support. The children are still young, he having married rather late in life.

The committee recommend the passage of the bill with the following amendment: Strike out the word "fifty," in line 7, and insert "forty."

The amendment reported by the Committee on Invalid Pensions to strike out "fifty" and insert "forty" was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. HATCH, of Missouri, reported that the Committee

of the Whole House on the Private Calendar, having had under consideration various pension bills, had directed him to report the same to the House with sundry recommendations.

BILLS PASSED.

House bills of the following titles, reported without amendment from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 3321) granting a pension to Michael Shields;
A bill (H. R. 4833) granting a pension to Louisa Earle;
A bill (H. R. 5989) for the relief of Elizabeth A. Springsteed;
A bill (H. R. 2440) granting a pension to Usebus Sweet;
A bill (H. R. 5800) for the relief of Sarah B. Jackson;
A bill (H. R. 3336) for the relief Sherman C. Perry;
A bill (H. R. 3727) granting a pension to Cynthia Shaw;
A bill (H. R. 3340) granting a pension to James M. Pike;
A bill (H. R. 5543) granting a pension to David M. Nagle;
A bill (H. R. 499) granting a pension to Mary A. Knawber;
A bill (H. R. 943) granting a pension to Samuel Barnard;
A bill (H. R. 2140) for the relief of Hugh Dougherty;
A bill (H. R. 5835) granting a pension to J. H. Adams;
A bill (H. R. 5838) granting a pension to Henry Ballinger;
A bill (H. R. 6529) for the relief of John Kane;
A bill (H. R. 2453) granting a pension to Frank S. Marsh;
A bill (H. R. 4094) granting a pension to Henry Alden;
A bill (H. R. 664) granting a pension to Gilbert A. Philips;
A bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872;
A bill (H. R. 663) granting a pension to Kate Wilharlitz;
A bill (H. R. 662) granting a pension to Mrs. Ann Sheffield;
A bill (H. R. 5565) granting a pension to Theodore Ahrens;
A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;
A bill (H. R. 4568) granting a pension to Andrew J. Konkle;
A bill (H. R. 5123) granting a pension to Frederick Braunwald;
A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;
A bill (H. R. 6542) granting a pension to Harriett S. Brisbine;
A bill (H. R. 6660) rerating Abraham J. Reber and granting him arrears of pension;
A bill (H. R. 3177) granting a pension to Charles F. Paris;
A bill (H. R. 5926) granting a pension to John Maloney;
A bill (H. R. 5922) for the relief of George D. Guthrey;
A bill (H. R. 5923) granting a pension to Ruth Strattan;
A bill (H. R. 6514) for the relief of Catherine H. Glick;
A bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson;
A bill (H. R. 5951) granting a pension to Abel J. Lewis;
A bill (H. R. 2245) granting a pension to Eliza A. Shealey;
A bill (H. R. 4085) for the relief of Juliet H. Palmer;
A bill (H. R. 6767) granting an increase of pension to Mrs. Virginia Zeilin;
A bill (H. R. 4263) granting a pension to Elizabeth Hood;
A bill (H. R. 6182) granting a pension to Edwin Thomas;
A bill (H. R. 4970) for the relief of Mrs. Nancy Biser;
A bill (H. R. 6184) granting a pension to Julia M. Reynolds;
A bill (H. R. 1930) granting a pension to Sarah Nicoll Crane;
A bill (H. R. 3493) granting a pension to Ann Hunter;
A bill (H. R. 5781) granting a pension to Solon L. Simonds;
A bill (H. R. 6205) granting a pension to Catherine S. Edmondson;
A bill (H. R. 2089) granting a pension to Margaret Wiggins;
A bill (H. R. 6786) granting a pension to Rivers Banks;
A bill (H. R. 503) granting a pension to Hiram C. Henderson;
A bill (H. R. 4457) granting a pension to J. G. Crawford;
A bill (H. R. 4767) granting a pension to Mary A. Henry;
A bill (H. R. 5962) granting a pension to Mrs. Eliza Hicks;
A bill (H. R. 3691) for the relief of Joshua Shepard;
A bill (H. R. 930) granting a pension to Geriah Collins;
A bill (H. R. 6665) for the relief of James Slack;
A bill (H. R. 200) granting a pension to Thomas Jeffries;
A bill (H. R. 2920) for the relief of John Johnson;
A bill (H. R. 6927) granting a pension to Merit M. Oakley; and
A bill (H. R. 6928) granting a pension to Leonard King.

A bill (H. R. 6766) granting a pension to Mrs. Anna I. Foster was read by its title as reported from the Committee of the Whole House on the Private Calendar without amendment.

Mr. KING. I move to amend the bill so as to read "Mrs. Anna J. Foster."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

House bills of the following titles, reported from the Committee of the Whole House on the Private Calendar with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 6171) granting a pension to Noah E. Smith;
A bill (H. R. 3040) for the relief of Mary Tarbell;
A bill (H. R. 5888) granting a pension to Ellen O'Brian;
A bill (H. R. 6530) to increase the pension of Richard Jobes;
A bill (H. R. 3979) granting an increase of pension to Mary Ann Egan;
A bill (H. R. 229) granting a pension to Elizabeth H. Lawler;
A bill (H. R. 5795) increasing the pension of Charles A. Fuller;
A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll;
A bill (H. R. 3623) granting a pension to Sarah E. Price;
A bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall;
A bill (H. R. 3158) for the relief of Werner Leutz;
A bill (H. R. 481) for the relief of John D. Bridges.
A bill (H. R. 5183) granting a pension to Nancy M. Smith; and
A bill (H. R. 5762) for the relief of Ann Lumphrey.

House bills of the following titles were reported back from the Committee of the Whole House on the Private Calendar with the recommendation that they be laid on the table; and they were accordingly laid on the table:

A bill (H. R. 1738) restoring to the pension-roll the name of Major D. Williams.
A bill (H. R. 766) granting a pension to Reuben H. Fitts; and
A bill (H. R. 3702) granting a pension to Sewell F. Tibbetts.

Senate bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 1056) granting an increase of pension to Sally Mallory;
A bill (S. 909) to increase the pension of Martin Kelly;
A bill (S. 777) granting a pension to Albert Jehle;
A bill (S. 732) for the relief of Mary J. Vaughan; and
A bill (S. 828) granting a pension to Thomas Patton.

Senate bills of the following titles were reported back with amendments, the amendments were severally agreed to, and the bills as amended ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 1680) granting a pension to George Prince; and
A bill (S. 1910) granting a pension to William McClure.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON, the House (at 10 o'clock and 7 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRAINERD: Petition of citizens of the city of Corry, Pa., for the relief of John Armstrong—to the Committee on Claims.

Also, petition of citizens of Pennsylvania, for change of the date of meeting of Congress—to Committee on the Judiciary.

By Mr. PARKER: Petition of Post No. 167, Norwood, N. Y., as to pensions—to the Committee on Invalid Pensions.

By Mr. WILLIS: Resolutions of the Louisville Board of Trade, praying for the passage of H. R. 986, relating to commercial travelers—to the Committee on Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 7*, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

J. D. ROUSE.

The SPEAKER laid before the House a communication from the Department of Justice, transmitting the account of J. D. Rouse for services in defending the United States in the Court of Claims, and recommending payment of the same; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GREENLEAF for one week.

FRENCH AND AMERICAN CLAIMS COMMISSION.

Mr. CURTIN. I am directed by the Committee on Foreign Affairs to report back a resolution referred to that committee and recommend its adoption with certain amendments.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas there have been appropriated by Congress various sums, amounting in all to $325,000, for the payment of the expenses of the French and American Claims Commission, organized under a convention between the United States of America and the French Republic for the settlement of certain claims of the citizens of either country against the other, concluded at Washington on the 15th day of January, in the year 1880; and

Whereas by article 10 of said treaty it is provided "each government shall pay its own commissioner, secretary, and agent, or counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one

side as on the other; all other expenses, including the compensation of the third commissioner, which latter shall be equal or equivalent to that of the other commissioners, shall be defrayed by the two governments in equal moieties: Now, therefore,

Be it resolved, That the Secretary of State be requested to inform this House, if not incompatible with the public interest, of the mode and manner, in detail, of the expenditure of the amounts appropriated by Congress for the expenses of said commission, stating when, where, to what persons, and for what purposes the moneys so appropriated have been paid, and also whether the French Republic has complied with its stipulation to pay its own commissioner, secretary, and agent, or counsel, and to defray one-half of all other expenses of the said commission, stating specifically what amounts have been appropriated and paid by the French Government for those purposes, and what expenses have been defrayed and paid by the French Government, and whether any balance still remains due by either government to the other on account of said expenses.

The Committee on Foreign Affairs recommend the adoption of the foregoing resolution with the following amendment:

Strike out all after the words "stipulation to pay" and insert "one half of all expenses which were to be divided equally between the two governments, noting specifically what amounts have been paid by the French Government for those purposes, and whether any balance still remains due by either government to the other on account of said expenses."

The SPEAKER. The question is on the adoption of the amendment recommended by the Committee on Foreign Affairs.

The amendment was agreed to.

Mr. HOLMAN. The words "if not incompatible with the public interest" manifestly ought not to go into a resolution of this character. It was my own mistake in drawing the resolution, and I move that they be stricken out.

The motion was agreed to.

The resolution as amended was agreed to.

Mr. CURTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. CULBERSON, of Texas. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. CULBERSON, of Texas. I move to take up for present consideration the special order fixed by the House for the 12th of April, which will be found on page 57 of the Calendar.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Resolved, That House bill 1578, the same being "A bill to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, to regulate the removal of causes from the State courts, and for other purposes," approved the 3d of March, 1875, which said bill is now on the House Calendar with a favorable report from the Committee on the Judiciary, be made a special order for Saturday, the 12th of April, and from day to day until disposed of, not to interfere with prior orders or with appropriation bills, revenue bills, or bills reported from the Committee on Public Lands.

The SPEAKER. The Clerk will now report the title of the bill to which the gentleman from Texas refers.

The Clerk read as follows:

A bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

Mr. SPRINGER. Will not this be properly in order after the morning hour?

The SPEAKER. Under the special order it is in order at any time during the day, either before or after the morning hour.

The Clerk will report the bill.

The bill is as follows:

Be it enacted, &c., That the first section of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, be, and the same is hereby, amended so as to read as follows:

"That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of $2,000, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which controversy the United States are plaintiffs or petitioners, or in which there shall be a controversy between citizens of different States, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, or a controversy between citizens of the same State, claiming lands under grants of different States, or a controversy between citizens of a State and foreign states, citizens, or subjects, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, and shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable by them. But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving such process or commencing such proceedings, except as hereinafter provided; and where the controversy is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant; nor shall any circuit or district court have cognizance of any suit founded on contract in favor of an assignee, unless a suit might have been prosecuted in such court to recover thereon if no assignment had been made, except in cases of foreign bills of exchange; and the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions prescribed by law."

That the second section of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the circuit courts of the United States are given original jurisdiction by the preceding section, which may now be pending, or which may hereafter be brought, in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district whenever it is made to appear from the application of such defendant or defendants that his or their defense depends in whole or in part upon a correct construction of some provision of the Constitution or law of the United States, or treaty made by their authority; and any other suit of a civil nature, at law or in equity, of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending, or which may hereafter be brought, in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein: *Provided*, That such defendant or defendants are non-residents of the State in which the suit is pending; and when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district. And where a suit is now pending, or may be hereafter brought, in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, such citizen of another State, whether he be plaintiff or defendant, may remove such suit into the circuit court of the United States for the proper district, at any time before the trial thereof, by filing an affidavit in such State court setting forth that he has reason to believe, and does believe, that from prejudice or local influence he will not be able to obtain justice in such State court."

That section 3 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That whenever any party entitled to remove any suit mentioned in the next preceding section, except in such cases as are provided for in the last clause of said section, may desire to remove such suit from a State court to the circuit court of the United States he may make and file a petition in such suit in such State court at any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff, for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for their appearing and entering special bail in such suit if special bail was originally requisite therein. It shall then be the duty of the State court to accept said petition and bond, and proceed no further in such suit, and any bail that may have been originally taken shall be discharged; and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court; and if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of $2,000, exclusive of interest and costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court and make affidavit if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not to be allowed to plead such grant or give it in evidence upon the trial; and if he or they inform that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond, as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district; and any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim; and the trial of issues of fact in the circuit courts shall, in all suits except those of equity and of admiralty and maritime jurisdiction, be by jury.

"That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same State."

That section 10 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 10. That all laws and parts of laws in conflict with the provisions of this act and section 640 of the Revised Statutes be, and the same are hereby, repealed: *Provided*, That this act shall not affect the jurisdiction over or disposition of any suit removed from the court of any State, or suit commenced in any court of the United States, before the passage hereof."

The committee recommend the following amendments:

In section 1, line 42, strike out the word "foreign." In section 2, lines 80, 81, 82, strike out the words "by filing an affidavit in such State court setting forth that he has reason to believe and does believe" and insert "when it shall be made to appear to the satisfaction of the court."

In line 94 of section 3, after the words "State court," insert "the time or;" so that it shall read "he may make and file a petition in such suit in such State court at the time or any time before the defendant," &c.

In section 10, line 158, strike out the words "that all laws and parts of laws in conflict with the provisions of this act and section 640 of the Revised Statutes be, and the same are hereby, repealed" and insert "that section 640 of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby, repealed."

Mr. CULBERSON, of Texas, Mr. BISBEE, Mr. MOULTON, and Mr. TOWNSHEND were granted leave to print remarks. [See Appendix.]

Mr. CULBERSON, of Texas. If there is no further desire to discuss this bill I shall now demand the previous question upon the amendments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered, under the operation of which the amendments were severally agreed to and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON, of Texas, moved to reconsider the vote by which

the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PRE-EMPTION AND HOMESTEAD SETTLERS IN CALIFORNIA.

Mr. PAYSON. I ask unanimous consent to take from the House Calendar for immediate consideration the bill (H. R. 100) for the relief of certain pre-emption and homestead settlers in California.

The SPEAKER. The bill will be read, after which the Chair will call for objections.

The bill was read, as follows:

Whereas by act approved July 1, 1862 (12 Statutes at Large, page 492), Congress granted to the Western Pacific Railroad Company of California every alternate section of public land, designated by odd numbers, within ten miles on each side of said road, not sold, reserved, or otherwise disposed of by the United States, &c., at the time the line of the road was definitely fixed, which grant was subsequently enlarged by act of Congress approved July 2, 1864 (13 Statutes at Large, page 358); and

Whereas in the year 1870, and subsequent to that date, the Secretary of the Interior erroneously caused patents to be issued to said railroad company for a large quantity of odd-numbered sections of land lying within the claimed limits of the Moquelamos Rancho, an alleged Mexican grant, the title whereof was undergoing judicial investigation in the courts of the United States, and which lands were absolutely reserved under the act of Congress approved March 3, 1851 (10 Statutes at Large, page 244), at the date of the definite location of said railroad, and therefore expressly excepted from the railroad grant; and

Whereas the patents issued as aforesaid to said company were decided to be null and void by the Supreme Court of the United States, at its October term, 1875 (2 Otto, page 761), and the alleged Mexican grant has been rejected by the courts of the United States, and said lands are now a part of the public domain: Therefore,

Be it enacted, &c., That all actual settlers upon lands lying within the limits of said late Moquelamos Rancho, as defined in said grant, namely, "bordering on the north upon the south shore of the Moquelamos River, on the east upon the adjacent ridge of mountains, on the south upon the lands of Mr. Guluak, and on the west upon the estuaries of the shore," which shall be surveyed by direction of the Secretary of the Interior, be, and they are hereby, authorized to enter the lands respectfully claimed by them under the pre-emption and homestead laws, and to receive patents therefor of the United States; and said settlers shall be entitled to have the time required to perfect their title computed from the date of their original settlement on the land.

The following amendments reported by the Committee on Public Lands were read:

Strike out all of the proviso.
In line 3, after the word "settlers," insert "or occupants in good faith."
In lines 4 and 5, after the word "rancho," insert "in the State of California."
In line 8, strike out the name "Guluak" and insert "Gulnak."
In line 11, strike out "respectfully" and insert "respectively."
In line 14, after the word "settlers," insert "or occupants."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSGROVE. I object.

Mr. PAYSON. I rise to a question of privilege. I move, as a privileged matter under the House resolution, to take this bill from the House Calendar for present consideration.

The SPEAKER. That is not in order till after the morning hour.

ORDER OF BUSINESS.

Mr. LE FEVRE. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. COBB. I move to dispense with the morning hour.

The question being taken on Mr. COBB'S motion, there were—ayes 43, noes 24.

So (two-thirds not voting in the affirmative) the morning hour was not dispensed with.

Mr. CONNOLLY. I ask unanimous consent to call up a bill.

Mr. HOBLITZELL. I call for the regular order.

SUITS FOR DAMAGES IN THE DISTRICT.

Mr. POLAND, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia; which was referred to the House Calendar, and, with the amendments, ordered to be printed.

Mr. POLAND. I ask permission to submit a report hereafter.

There was no objection, and the report, to be submitted hereafter, was ordered to be printed.

JULIA A. MARCUM.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5938) to pension Julia A. Marcum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN A. VANCE.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 5812) granting a pension to Ellen A. Vance; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

OFFICERS OF CUSTOMS AT NEW YORK.

Mr. MUTCHLER, from the Select Committee on Reform in the Civil Service, reported back a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House, letters from subordinate officers of customs at the port of New York in relation to the construction of section 1754 of the Revised Statutes and the civil-service laws as to preference given to honorably discharged soldiers and sailors; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Commerce.

The motion was agreed to.

CIVIL-SERVICE REFORM.

Mr. HOBLITZELL, from the Select Committee on Reform in the Civil Service, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying report ordered to be printed:

A bill (H. R. 3205) to repeal an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; and

A bill (H. R. 3509) to repeal an act to regulate and improve the civil service of the United States, approved January 16, 1883.

ALFRED PLEASONTON.

Mr. MORGAN (for Mr. BAYNE), from the Committee on Military Affairs, reported back with amendments the bill (H. R. 1101) authorizing the President to appoint and retire Alfred Pleasonton a major-general; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

WILLIAM B. MOSES.

Mr. ROCKWELL, from the Committee on the District of Columbia, reported back adversely the bill (S. 1148) for the relief of William B. Moses; which was laid on the table, and the accompanying report ordered to be printed.

ENROLLED JOINT RESOLUTIONS.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 235) to print additional copies of certain publications.

PRE-EMPTION AND HOMESTEAD SETTLERS IN CALIFORNIA.

Mr. PAYSON. I now, as a privileged motion, move to take from the House Calendar for present consideration the bill (H. R. 100) for the relief of certain pre-emption and homestead settlers in California. I move to dispense with again reading the bill.

The SPEAKER. The bill has been read at length this morning. If there be no objection it will not be again read at this time.

There was no objection.

The SPEAKER. The question is on agreeing to the amendments reported by the committee.

The amendments reported by the Committee on the Public Lands were severally read, and agreed to.

Mr. PAYSON. In behalf of the committee I offer another amendment, which I send to the desk.

The Clerk read as follows:

Add after the word "them," in line 12, "but not exceeding one hundred and sixty acres to any one person."

The amendment was agreed to.

Mr. BUDD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after line 16 the following:

"*Provided*, That no person shall be construed to be an occupant in good faith who does not personally reside on the one hundred and sixty acres claimed by him, or who had any information of the defects of the railroad claims to said lands, or who purchased said lands after the decision of Newhall *vs.* Sanger." (2 Otto, United States Supreme Court.)

Mr. PAYSON. That amendment I think ought not to be adopted. I shall be glad to hear a statement in regard to it by the gentleman from California.

Mr. BUDD. I offered that amendment for the purpose of perfecting the bill. I do not care to make any extended remarks upon it; the amendment speaks for itself in connection with the report of the committee.

Mr. PAYSON. This matter was considered in the Committee on Public Lands.

Mr. BUDD. Yes, I insisted upon it there.

Mr. PAYSON. And the committee were unanimous in the opinion that it should not be inserted in this bill. I do not care to make any remarks upon it to provoke discussion, but I hope the amendment will be voted down.

Mr. HOLMAN. I would like to inquire of the gentleman from Illinois [Mr. PAYSON] what objection he has to the first clause of the amendment.

Mr. PAYSON. I have no objection to any portion of it, except the last clause. If the gentleman from California [Mr. BUDD] will strike out the last clause of his amendment, I will have no objection to it.

Mr. HOLMAN. I hope that will be done.

Mr. BUDD. The gentleman has the right to move an amendment to that effect if he insists, though I will not consent.

Mr. PAYSON. I desire to leave the gentleman to prepare his own amendment.

Mr. HOLMAN. I think the first clause of the amendment is important, and I wish to see it adopted. In order to satisfy the gentleman from Illinois [Mr. PAYSON], I will move to strike out the last clause of the amendment, being in these words, "or who purchased said land after the decision in Newhall *vs.* Sanger, second Otto, United States Supreme Court;" but I would be glad to have the gentleman from Illinois tell why that portion should be stricken out.

Mr. PAYSON. The case of Newhall against Sanger which is referred to in that portion of the amendment was a case which went to the Supreme Court of the United States, involving the validity of this grant. The effect of the decision in that case has been a disputed question in the neighborhood of the grant. The Interior Department has made different rulings in reference to it.

As affecting the question of good faith on the part of parties purchasing lands embraced within this grant, the Committee on Public Lands thought, as I think, that the decision ought not to cut any figure one way or the other. If a party is in possession in good faith he ought to be permitted to go into court and assert his pré-emption and homestead title. That is the whole scope of this bill. It does not assume to divest anybody of title or to invest anybody with title. It proposes merely to give parties in possession as occupants in good faith the prior right to make an entry so as to have the question presented to the court.

Mr. HOLMAN. Very well.

Mr. MOULTON. Who claims the title now?

Mr. PAYSON. It is claimed both ways. If the gentleman has read the report he will find the whole case stated there at length.

Mr. MOULTON. I have not read it.

Mr. PAYSON. I can state the substance of it if the gentleman desires; the report is a lengthy one.

Mr. MOULTON. I do not ask it; I am satisfied if the committee is.

Mr. PAYSON. I now move the previous question on the bill and amendments.

The previous question was ordered.

The first question was upon the amendment of Mr. HOLMAN to the amendment of Mr. BUDD.

The amendment to the amendment was agreed to.

The amendment as amended was then agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COBB. I now move that the House proceed to the consideration of bills on the House Calendar reported from the Committee on Public Lands.

Mr. MCMILLIN. I rise to a privileged report.

The SPEAKER. Does the gentleman from Indiana [Mr. COBB] yield?

Mr. COBB. I will yield for that purpose.

MOSES C. MORDECAI.

Mr. MCMILLIN, from the Committee on Claims, reported back the following resolution, with the recommendation that it be adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested, if not incompatible with the public service, to furnish for the information of the House what, if any, sums appear to be due on the books of the Sixth Auditor's Office up to January, 1861, to Moses C. Mordecai.

The question was upon the adoption of the resolution.

Mr. HOLMAN. How does this resolution get before the House?

The SPEAKER. It is a priviliged report from the Committee on Claims.

Mr. HOLMAN. I hope the resolution will be again read. There was so much confusion in the Hall that it was not distinctly understood.

Mr. REED. Will the gentleman from Tennessee [Mr. MCMILLIN] explain to the House the object of the resolution?

Mr. MCMILLIN. I will state for the information of the House that Moses C. Mordecai, the claimant in this case, insists that there are sums of money due him—a small amount, I do not recollect the exact amount—from the Government of the United States, and that the books of the Sixth Auditor's Office show that fact, the accounts having never been finally settled. He claims that the books of the Sixth Auditor's Office not only show the fact of the indebtedness of the Government to him, but also the amount, some few hundred dollars. The Committee on Claims were of opinion that no detriment would come from having the information.

Mr. HOLMAN. It is a resolution of inquiry; I was not aware of that.

Mr. MCMILLIN. It is a mere resolution of inquiry.

The resolution was adopted.

Mr. MCMILLIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSTRUCTION OF STATE MILITIA.

Mr. CONNOLLY. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill 2633, and that it be put on its passage.

The bill (H. R. 2633) for the special and uniform instruction of State militia was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. WOLFORD. I object.

Mr. CONNOLLY. If the gentleman will withdraw his objection for a moment I would like to make a statement in regard to this bill.

Mr. WOLFORD. I think it is all unconstitutional, and I can not withdraw the objection.

Mr. CONNOLLY subsequently said: The gentleman from Kentucky [Mr. WOLFORD] withdraws his objection so as to allow me to make a statement.

Mr. SLOCUM. I renew the objection.

PRINTING OF AN ADVERSE REPORT.

Mr. HOBLITZELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized to print for the use of the House 1,000 copies of the adverse report of the Committee on Reform in the Civil Service on bills 3205 and 3509, for the repeal of the civil-service act.

Mr. HOBLITZELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSPECTION OF BOILER OF STEAMSHIP KENT.

Mr. PARKER. I ask unanimous consent to take from the House Calendar for consideration at the present time the bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent, simply authorizing the owners of that steamship to use a boiler which has been bought and paid for. I hope the gentleman from Indiana [Mr. COBB] will give way for a moment in order that this bill may be considered.

Mr. COBB. I must decline to yield.

Mr. PARKER. I call the gentleman's attention to the fact that he has permitted two gentlemen upon his own side to appeal to the Chair with requests for unanimous consent; and it would be no more than fair to allow one gentleman on this side to make such a request.

Mr. COBB. If the gentleman puts it upon that ground, I feel compelled to yield.

Mr. PARKER. I knew the gentleman's good nature. This bill was read through when I heretofore made a request to have it taken up, and the only gentleman who then objected has upon examination withdrawn his objection. The bill will take but a moment.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Whereas the Congress of the United States did pass chapter 80 of the laws of 1878, approved May 2, 1878, nationalizing the Canadian-built propeller East, and did change her name to that of Kent; and

Whereas a doubt has arisen as to whether said act entitled the steam-boiler, steam-pipes, and appurtenances then in said Canadian-built propeller to inspection pursuant to the laws of the United States regulating the construction and use of steam-boilers for marine purposes: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam-boiler, steam-pipes, and appurtenances of said boiler and cause to be granted the proper and useful certificate issued to tugboats or marine vessels not used for carrying passengers, without reference to the fact that said steam-boiler, steam-pipes, and appurtenances were not constructed pursuant to the laws of the United States, and were not constructed of iron stamped pursuant to the laws of the United States; and the tests to be applied on the inspection of said boiler, steam-pipes, and appurtenances to be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes, save that the fact that said boiler, steam-pipes, and appurtenances not being constructed pursuant to the requirements of the laws of the United States, and of unstamped iron, shall not be an obstacle to the granting of the usual certificate if said boiler, steam-pipes, and appurtenances are found of sufficient strength and safety.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

Mr. PARKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL ACADEMY OF SCIENCES.

Mr. SINGLETON. If the gentleman from Indiana will yield a moment——

Mr. COBB. I yield to the gentleman.

Mr. SINGLETON. I ask unanimous consent to have taken from the House Calendar for present consideration the bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes. This association of scientific gentlemen, organized under an act of Congress, raises its own funds, pays its own expenses—is no expense to the Government. This

bill proposes merely to allow this association to receive and use for the purposes of the society certain bequests and donations which have been made to it.

The Clerk read the bill, as follows:

Be it enacted, &c., That the National Academy of Sciences, incorporated by the act of Congress approved March 3, 1863, and its several supplements, be, and the same is hereby, authorized and empowered to receive bequests and donations, and hold the same in trust, to be applied by the said academy in aid of scientific investigations and according to the will of the donors.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time, was according read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. COBB]——

Mr. WELLER. I ask the gentleman to yield to me for a moment.

The SPEAKER. If the gentleman from Indiana withdraws his motion, the Chair will be compelled to recognize gentlemen in the order in which they are entitled to recognition by application to the Chair.

Mr. COOK. I call for the regular order.

The SPEAKER. The gentleman from Indiana moves to proceed to consider, under the order of the House, bills on the House Calendar reported from the Committee on Public Lands.

Mr. COBB. I will state that my purpose is more particularly to reach the bill in relation to the Atlantic and Pacific Railroad grant.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD GRANT.

The House accordingly proceeded to consider the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same to settlement, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the lands, excepting the right of way and lands for stations, heretofore granted to the Atlantic and Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, and subsequent acts and joint resolutions of Congress, which are adjacent to and coterminous with the uncompleted portions of the main line of said road, embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of July 27, 1866, and acts and joint resolutions subsequent thereto and relating to the construction of said road and telegraph, be, and the same are hereby, declared forfeited and restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

SEC. 2. That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

The report (by Mr. COBB) is as follows:

The Committee on the Public Lands, to whom were referred sundry bills for the forfeiture of the land grant to the Atlantic and Pacific Railroad Company, submit the following report:

The grant made to the Atlantic and Pacific Railroad Company is, according to the estimate made by the company, the largest land grant ever made to any corporation in this country, the estimated number of acres being 49,244,803—an empire in extent.

The act making this great grant was approved July 27, 1866 (14 Statutes at Large, 292). By this act the Atlantic and Pacific Railroad Company was authorized and empowered to lay out and construct a continuous railroad and telegraph line, beginning at the town of Springfield, in the State of Missouri; thence to the western boundary line of said State, and thence, by the most eligible railroad route as should be determined by said company, to a point on the Canadian River; thence to the town of Albuquerque, on the river Del Norte, and thence, by way of the Agua Frio, to the headwaters of the Colorado Chiquita; thence, along the thirty-fifth parallel, to the Colorado River, and thence to the Pacific Ocean, with a branch diverging at a point where the main line strikes the Canadian River, running eastwardly to a point on the western boundary line of the State of Arkansas, at the town of Van Buren; thus the main line passing through the Indian Territory, Texas, New Mexico, Arizona, and California, a distance of more than 2,000 miles.

The second section of said act grants to said company the right of way over the public lands to the extent of one hundred feet on each side of said road, and an additional amount of land for depots, &c.

The third section provides "that there be and hereby is granted" to said company, for the purpose of aiding in the construction of its road and telegraph line, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of said railroad line through the Territories of the United States, and ten alternate sections per mile on each side of said railroad whenever it passes through any State. And in case any lands within this limit were disposed of by the Government, the company was to have the right to select other lands in lieu thereof in alternate odd-numbered sections, not more than ten miles beyond the limits of said alternate sections, and not including the reserved numbers.

The fourth section of said act provides that whenever said company shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that the same has been completed in a good, substantial, and workmanlike manner the commissioners shall so report, under oath, to the President of the United States, and patents of lands shall be issued to said railroad company confirming to said company the right and title to said lands situate opposite to and conterminous with said completed section of said road. And the same shall be done as often as any twenty-five consecutive miles are completed.

The sixth section provides that the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; and that the odd sections of land granted shall not be liable to sale or entry or pre-emption before or after they are surveyed, except by said company, as provided by said act.

The eighth and ninth sections set forth the principal conditions on which said grant is made.

The twelfth section provides that the company shall accept the terms and conditions of the grant within two years after the passage of the act by depositing in the office of the Secretary of the Interior such acceptance in writing under the corporate seal of said company, duly executed pursuant to the direction of its board of directors first had and obtained.

These are the only sections of the act which need be referred to at this time for the purposes of this report. Congress passed an act April 20, 1870, to enable the company to mortgage its road, which will be considered further on.

The material facts are as follows:

The company accepted the grant by depositing in the Interior Department its acceptance in writing on the 27th day of November, 1866.

By the sixth section of said act, as has already been observed, it is provided that the company shall fix the general route of its road, and when this was done the President of the United States was to cause the lands to be withdrawn, &c.

A map of the general route of said road was filed in the Interior Department December 17, 1866, from Springfield, in the State of Missouri, to the west line of said State, and the public lands embraced within the limits of said grant were withdrawn to the extent or conterminous with this part of the located route.

It is a fact that should be observed that no further map of the general route was filed until December 2, 1871, more than five years after the passage of the granting act. And the first map of definite location was not filed in the Interior Department until December 10, 1870, and that extended only from Springfield to Neosho, in the State of Missouri, and was filed more than four years after the date of the granting act, and more than two years after the construction of said road was to have been commenced, and after two years of the time had elapsed during which it was required by the granting act to complete not less than fifty miles of its road each year. It is claimed by the company that the construction of the road was commenced July 4, 1868. But the affidavits of the chief engineer, on file in the Interior Department, show that the first twenty-five miles of the road was not completed until September 27, 1870, being that portion of the road running west from Springfield, in the State of Missouri. And only one hundred and twenty-five miles of the road was completed within the time fixed for the completion of the whole of the main line, leaving unfinished more than 2,000 miles; thus showing that if the construction of the road was commenced on July 4, 1868, it was only done for the purpose of a technical compliance with that condition, as no substantial part of the road, as we have already shown, was completed until about September, 1870, thereby proving that the company was guilty at the very beginning of two flagrant violations of the conditions of its contract with the Government, in not completing at least fifty miles each two years after the date when the work was to commence, and not having completed the main line within the time fixed. The one hundred and twenty-five miles was not completed until October 14, 1871.

In November, 1870, this company purchased from the Saint Louis and San Francisco Railway Company the latter's railroad, running from a point near Saint Louis to Springfield, in the State of Missouri. This was done under the pretext of securing an eastern outlet. The price agreed to be paid was $10,000,000, which was secured by mortgage on the property so purchased, and that part of the grantee's road, together with the land grant, lying in the State of Missouri. A year after this purchase the company became so much embarrassed financially that it stopped the further construction of its road, and afterward made default in the payment of interest on its said mortgage indebtedness. And the said mortgage was foreclosed and afterward, on September 14, 1876, the entire mortgaged property was sold to William F. Buckley, and by him conveyed, November 2, 1876, to the Saint Louis and San Francisco Railway Company. Thus this latter company again became the owner of the property it had sold, and also that part of the road and land grant belonging to the Atlantic and Pacific Company lying in the State of Missouri, leaving the latter company the owner of but thirty-four miles of completed road at the date of said sale. And this is the only portion of said road the company built west of the western line of the State of Missouri. And this is operated and controlled by the Saint Louis and San Francisco Railway Company. This latter company built during the last year sixty-five miles of road over the line of the Atlantic and Pacific west from Vinita, and is now operating the same.

As has been stated, the Atlantic and Pacific Company stopped the construction of its road in the year 1871, and no more of its road was completed until November, 1882, more than eleven years after it had suspended work and more than four years after the time when the main line should have been completed by the terms of the granting act. And said company was utterly powerless to complete any further portion of its road, when the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco Railroad Companies, for the purpose of being able to completely control the Atlantic and Pacific Company and its imperial land grant, and to ultimately become the owner of all its property, entered into a contract with the latter company for the completion of that part of said road from Albuquerque, N. Mex., to the Atlantic Ocean, known and designated as the western division. This tripartite agreement was entered into January 31, 1880, and provided for the immediate completion of the said western division.

To provide the money necessary for this construction, early in 1880, a first mortgage, to secure an issue of bonds not exceeding $25,000 per mile, was placed upon the entire railroad, franchise, and land grant of the western division; and an income mortgage to secure an issue of income bonds, not exceeding $18,750 per mile, upon this division was also executed. Should the net earnings of the western division prove insufficient to meet the interest upon those first-mortgage bonds, the Saint Louis and San Francisco Railway Company and the Atchison, Topeka and Santa Fé Railroad Company have guaranteed the same to the extent of 25 per cent. of their gross earnings upon all business interchanged by them, respectively, with the said western division.

In April, 1880, $10,000,000 of the first-mortgage bonds and $7,500,000 of the income bonds of this division were sold by subscription at par for the first-mortgage bonds to parties holding rights under the agreement. A second subscription of $15,000,000 firsts and $11,250,000 incomes of the western division was offered the same parties by circular dated January 20, 1882, and promptly subscribed in full; but before allotment all subscriptions were reduced by the board of directors, February 28, 1882, to 40 per cent. of the original amount, that is, to $6,000,000 firsts and $4,500,000 incomes, in accordance with the right reserved by the terms of the subscription.

Should the net proceeds of these subscriptions prove to be insufficient to complete the road and pay the interest upon the first-mortgage bonds during construction, arrangements have been made with the Atchison, Topeka and Santa Fé Railroad Company and the Saint Louis and San Francisco Railway Company, which own nearly all the capital stock of this company, to advance any deficit, share and share alike, in the form of a loan, to be repaid hereafter.

And a first mortgage was also executed on the 1st day of March, 1882, on that portion of the road between the west line of the State of Missouri, near Seneca, to the town of Albuquerque, on the Rio Grande River, in the Territory of New Mexico, called the central division, to secure the payment of bonds to the amount of $25,000 per mile for that part of the road.

These bonds were all taken, and are now owned by the parties interested in the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco Companies, and the capital stock is now owned by these two companies; and the Atlantic and Pacific road, and all the property, rights, and franchises of the company, are virtually owned and controlled by these two corporations. They hold the mortgage interests complete, all of the road which is completed, and operate it after it is so completed. We believe that the tripartite agreement above referred to was entered into with a full understanding by all the parties that the Atlantic and Pacific was to maintain a nominal existence merely, so as to enable these two corporations to secure the benefit of the land grant to the extent they desire under the act passed by Congress April 21, 1871, to enable the Atlantic and Pacific Company to mortgage its road. They caused the mortgages named to be executed and the bonds to be issued, for the individuals composing these two companies owned the capital stock of the Atlantic and Pacific Company, thus giving them complete control of the latter company. They bought the bonds so issued and now own them, and these corporations guaranteed their payment. They are therefore both debtor and creditor in this transaction. And they are now only completing such parts of said road as suits their selfish desires, in securing such parts of the land grant as may be conterminous therewith at the date of the declaration of forfeiture by the Government. Since entering into this tripartite agreement they have completed five hundred and fifty-nine miles of the western division, extending west from Isleta Junction, on the Atchison, Topeka and Santa Fé Railroad, to the Colorado River, near The Needles.

At this latter point connection is formed with the Southern Pacific Railroad, and running arrangements have been entered into with the latter road, extending to the city of San Francisco. Whether the road will ever be completed west of its present terminus we do not know. But we do know that the lands have been withdrawn for more than fourteen years from homestead pre-emption and entry the whole length of the road, and even beyond what was contemplated by the granting act. The act required the company to construct its road on the most practicable and eligible route along the thirty-fifth parallel of north latitude to the Pacific Ocean. This fixed the western terminus of the road, as we believe, at or near the point where the thirty-fifth parallel intersects the Pacific Ocean. But instead of filing its map of definite location in accord with this, when it crossed the east line of the State of California it left the thirty-fifth parallel and passed up the Pacific coast, and terminated the location near the thirty-eighth parallel of north latitude at the city of San Francisco; and, strange as it may seem to some, the Assistant Attorney-General of the United States, W. H. Smith, sustained the right of the company to do so in a written opinion delivered March 16, 1874, which was confirmed by the then Secretary of the Interior, C. Delano. Secretary Cox, a former Secretary, denied the company this right in a written opinion to the Commissioner of the General Land Office, delivered on November 11, 1869. He said:

"I can not recognize the claim of the Atlantic and Pacific Railroad Company to a reservation of lands upon the route in question. The act already cited (July 27, 1866), upon which they rely, does not, as I construe it, make them a grant of lands from the point at which the road shall strike the Colorado River to San Francisco."

We concur in the opinion of Secretary Cox. He is a gentleman of high legal attainments, and was an honest and faithful officer. But his opinion was overruled, as we have shown, and a vast area of public land was added to this already magnificent grant. The amount of land withdrawn in the State of California on account of this grant amounts to 6,855,040 acres, embracing some of the most valuable lands in the State.

And a summary of these facts shows:

First. That the Atlantic and Pacific Company never completed but thirty-four miles of the road which it now claims to own.

Second. That at the time when the main line should have been completed (July 4, 1878) there was uncompleted 2,267 miles of that line.

Third. That said company at no time since its creation has been, and is not now, able to complete the road.

Fourth. That the stockholders of the Atchison, Topeka and Santa Fé and the Saint Louis and San Francisco Railroad Companies own most of its capital stock.

Fifth. That these corporations caused the mortgages to be executed on the franchises, rights, and property, including the land grant, and caused the bonds to be issued and guaranteed their payment, and took the bonds when so issued and now hold them.

Sixth. That they virtually own and control the Atlantic and Pacific Company and all its property, together with its mortgage and bonded indebtedness; and are holding them and allowing the company to maintain a mere nominal existence.

We have now given a brief history of the facts connected with this grant from its beginning to the present time, passing over a period of nearly eighteen years and extending nearly eight years beyond the time when the main line should have been completed to enable them to control the land grant at pleasure under their construction of the law.

The rules of law governing this grant are similar to those governing other grants heretofore reported by your committee.

The granting act in its main features is almost an exact copy of the act making the grant to the Northern Pacific Company, and what we said in that case is also applicable in this.

The third section of the act contains the following language:

"That there be, and hereby is, granted to the Atlantic and Pacific Railroad Company * * * every alternate section of public lands not mineral designated by odd numbers," &c.

The eighth and ninth sections read as follows:

"SEC. 8. *And be it further enacted*, That each and every grant, right, and privilege herein are so made and given to and accepted by said Atlantic and Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the main line of the whole road by the 4th day of July, A. D. 1878.

"SEC. 9. *And be it further enacted*, That the United States makes the several conditional grants herein, and that the said Atlantic and Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road."

Whatever may have been the earlier rulings upon the subject, it is clear that under the third, eighth, and ninth sections just quoted the Atlantic and Pacific Company took at the date of the act an estate *in præsenti* upon conditions-subsequent. (Rutherford *vs.* Green's Heirs, 2 Wheat.; Louissen *vs.* Price, 12 Howard, 59; Schulenberg *vs.* Harriman, 21 Wall., 149; Van Wyck *vs.* Knevals, 16 Otto; Opinion of Attorney-General Devens, 16; Opinion Attorney-General Brewster, Ex. Doc. 31, 1st sess. 48th Congress; Leavenworth, &c., R. R. Co. *vs.* U. S., 92 U. S. Reports, 741.)

This being a grant *in præsenti*, vesting the title of the lands described in the grant in the company as we have shown, the question arises how that title can be divested. In the case of Schulenberg *vs.* Harriman, above cited, it is held that it requires an act of Congress declaring a forfeiture in order to divest the company of the title. As the law now stands Congress must take the initiative by either declaring a forfeiture by direct enactment to that effect, or it must pass a law conferring jurisdiction on the courts. In other words, it seems that under the opinion in the case of Schulenberg *vs.* Harriman that Congress has the exclusive jurisdiction to declare a forfeiture. It is held in the case of Farnsworth *vs.* Minnesota and Pacific Railroad Company (92 U. S., page 66) that—

"A forfeiture by the State of an interest in lands and connected franchises, granted for the construction of a public work, may be declared for non-compliance with the conditions annexed to their grant or their possession, when forfeiture is provided by statute, without judicial proceedings to ascertain and determine the failure of the grantee to perform the condition."

Confirming the rule laid down in the above-cited cases.

Your committee have uniformly held that Congress possesses the power to declare these grants forfeited, and have reported several bills for that purpose, two of which have already passed the House. And we may state also that of all the learned counsel who have appeared before us none of them have taken issue with the law as we have just stated it. They all agree that Congress has jurisdiction to declare a forfeiture in all such cases.

The question rests upon a construction of sections 3, 8, and 9. The attorneys for the company claim that they constitute an absolute dedication of the lands to the purpose of construction and maintenance of the road. They contend that there is no condition-subsequent whatever, and that the only power in the United States is the power through Congress to adopt such measures as may be necessary to insure a speedy completion of the road in case the company fails to build it.

The third, fifth, eighth, and ninth sections of the act we are here considering are in substance the same as the like-numbered sections in the Northern Pacific grant; and what your committee said in the report made by Judge HENLEY to the House at the present session in that case is equally applicable in this; therefore we adopt it, as follows:

"On the other hand, your committee regard this construction as utterly untenable, and are clearly of the opinion—

"1. That section 8 of the act declares a condition-subsequent, namely, that the road shall be completed within a certain time, upon breach of which the grantor may declare a forfeiture.

"2. That section 9 is in no way repugnant to section 8, but while embracing all that is included therein, and to that extent perhaps cumulative, is also, in connection with section 5, a declaration of further and additional conditions-subsequent, for breach of which Congress may interfere to protect the rights of the United States.

"3. That under either of said sections, or both together, the United States, by Congress, has the right to declare the grant forfeited for failure to build the road within the limitation.

I.

"Section 8 is perfectly plain in the language used and the purpose contemplated. It declares in so many words that the grant made is given by the United States and accepted by the company 'subject to the following conditions, namely, that the said company * * * shall construct, equip, furnish, and complete the whole road,' &c. This is too plain for any construction. Congress intended to provide, and did provide, that the road should be completed within a certain time, and that that should be a condition of the grant. If a condition, the grant is determinable upon its breach, at the option of the grantor.

"The argument of the company rests upon the absence of express words declaring a reversion in case of the breach. That, in the judgment of your committee, was entirely unnecessary in order to create an estate upon condition-subsequent. The estate, so conditioned, is created by declaring the condition, not by declaring the result of its breach. The latter, re-entry or its equivalent, follows as matters of legal effect. Every lawyer knows the result of a breach of condition-subsequent, and the statement of that result in any grant adds nothing to the previous description of the estate created. That land does 'revert' by operation of law upon the breach being enforced by re-entry or its equivalent; but the right to that re-entry depends upon no express provision that the land shall revert. It stands upon the condition declared and its breach. Upon this point we quote from the report of the Public Lands Committee, made at this session of Congress upon the bill forfeiting the Texas Pacific land grant, reported to the House by Judge PAYSON:

"In other words, generally stated, the distinguished counsel for the company declares that in law the power to declare a forfeiture of a grant made on condition-subsequent for breach of the condition must be reserved to the grantor by express terms in the act making the grant, or it does not exist.

"No authority was produced to the committee except the statement of the attorneys asserting this extraordinary doctrine in support of it; but the interests being so great, we have examined the books on the question and are not able to find a single authority in support of the proposition, and we believe none can be found.

"On the contrary, Washburn on Real Property, vol. 2, 3d ed., p. 15, asserts the rule to be, 'Where the condition of a grant is express there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it.' (See also Jackson *vs.* Allen, 3 Cowen, 220; Gray *vs.* Blanchard, 8 Pick., 284; Littleton, sec. 331.)

"Indeed, all the decided cases we can find, as well as the text-books, are in harmony and to the same effect; so we do not present argument upon it here.

"The estate is created by proper words of description declaring the condition, and the legal effect of what follows the breach is exactly the same whether it be described in the grant or not. Thus in the case under consideration the estate upon condition is created by the specific language used. The legal effect of reversion follows the breach and declaration of forfeiture. No provision that the land should revert was necessary, and if added would simply have described the legal result of what preceded it.

"The Touchstone, page 122, thus describes the operative words creating an estate on condition:

"'Conditions annexed to estates are sometimes so placed and confounded among covenants, sometimes so ambiguously drawn, and at all times have in their drawing so much affinity with limitations, that it is hard to discern and distinguish them. Know therefore, for the most part, conditions have conditional words in their frontispiece, and do begin therewith, and that among these words there are three words that are most proper, which in their own nature and efficacy, without any addition of other words of re-entry in the conclusion of the condition, do make the estate conditional, as proviso, *ita quod* and *sub conditione*.'

"Washburn in his work on Real Property, marginal page 445, says:

"'Among the forms of expression which imply a condition in a grant, the writers give the following: "On condition," "provided always," "if it shall so happen," or, "so that the grantee pay, &c., within a specified time," and grants made upon any of these terms vest a conditional estate in the grantee.'

"When the condition of a grant is express there is no necessity of reserving a right of entry for breach of the condition in order to enable the grantor to take advantage of it. (Jackson *vs.* Allen, 3 Cowen, 220; Gray *vs.* Blanchard, 8 Pick., 284.)

"That the words 'upon condition,' and even words less specifically expressing the intent, are construed as establishing an estate upon condition-subsequent, without further description, is shown by many authorities. (Littleton, 328, 329, 330, Com. Dig., Condition, A 2; 2 Wood Com., Powell's ed., 505, 512, *et seq.*; Wheeler *vs.* Walker, 2 Conn., 201; Thomas *vs.* Record, 477 Me., 500; Sharon Iron Co. *vs.* Erin, 41 Penn. St., 341; Taylor *vs.* Cedar Rapids R. R. Co., 25 Iowa, 371; Attorney-General *vs.* Merrimack Co., 14 Gray, 612; Hadley *vs.* Had-

ley, 4 Gray, 145; Rawson *vs.* School District, 7 Allen, 128; Caw *vs.* Robertson, 1 Selden, 125; Pickle *vs.* McKissick, 21 Penn. St., 232; Hooper *vs.* Cummings, 45 Me., 359; Chapin *vs.* School, 35 N. H., 450; Wiggin *vs.* Berry, 2 Foster, 114; Hayden *vs.* Stoughton, 5 Pick., 534; Wright *vs.* Tuttle, 4 Day, 326.)

"Authorities upon this point might be multiplied. It is the construction of principle and authority, and your committee have been referred to no case which in their judgment militates at all against the position here assumed. The Touchstone, at page 122, immediately following the quotation which we have made, is suggested as modifying the authority of the citation in its applicability to the case under consideration. But no such effect can possibly be given the language used. After stating the broad proposition quoted, the writer proceeds to say that although the words mentioned are 'the most proper words to make conditions,' yet that they are sometimes used for other purposes. He then points out instances where the 'proviso' in certain particular relations may be given a different meaning. But the entire discussion is limited to that particular word—does not once mention the words '*sub conditione*,' or name a single instance where they are used in a sense contrary to the general rule, and even in respect to the word 'proviso' the exception could not apply to the case under consideration, for it is expressly limited to a use of the word where it does not stand 'originally, by and of itself.'

"The other authorities to which we have been referred are not in any sense repugnant to the view of the law we adopt. They are few in numbers, and at the best simply hold that these apt words may in certain instances be restricted by immediate reference to other portions of the deed clearly expressing a different intent in the grantor. That this is true is not denied; but it does not change the general rule, and its applicability to the case under consideration will more properly be noticed hereafter.

"We are therefore clearly of the opinion that section 8 of the act, by the express language used, created an estate upon condition-subsequent, forfeitable upon breach of the condition.

II.

"Section 9 of the act, while perhaps embracing the preceding section within its provisions, and possibly to that extent cumulative, is also a provision prescribing certain other additional conditions-subsequent.

"It will be noticed at the outset that by its specific language it embraces more than one grant, the exact words being 'the several conditioned grants herein,' and that it relates to a 'further' condition. The 'further' condition was that if the company should make any breach of 'the conditions hereof' and the same should continue for a year, then the United States might, &c. Now, it is obvious upon the mere reading that this language does not primarily relate to section 8, for that section only appertains to one grant, needs no 'further' condition, and the provision that the default should continue for a year or upward would have no pertinence. This section evidently relates to some other condition or conditions than that mentioned in section 8.

"These other conditions or requirements are found in section 5, which provides that six separate and distinct things should be done by the company, namely: First, that the road should be constructed in a substantial and workmanlike manner, equal in all respects to first-class railroads; second, that it should be made of rails of the best quality, manufactured from American iron; third, that a uniform gauge should be established throughout the entire line; fourth, that the company should construct a telegraph line of the most approved and substantial description; fifth, that it should not charge the Government higher rates than individuals; and, sixth, that it should permit other railroads to make running connections on fair and reasonable terms. These are the other and further conditions mentioned by section 9, in default of any of which continuing for a year Congress should have the right to 'do any and all acts and things' to secure the 'speedy completion of said road,' as contemplated and provided.

"The intent of Congress, expressed with abundant precision in the act itself, and, as every one knows, as a matter of history, was to insure the construction, within the time prescribed, of a substantial, first-class, and thoroughly equipped railroad from Lake Superior to the Pacific, suitable and available in all emergencies for use by the United States—in peace for the transmission of its mails; in war for the carrying of troops and supplies. Congress did not donate 48,000,000 acres of the public domain to this company without expecting and requiring some equivalent. Among the things it did require was the construction of a first-class road for the purposes and in the manner indicated. It accordingly prescribed the various requirements above recited, and to insure obedience to its mandates it provided by section 9 that in default of any of the same Congress might do anything necessary to complete the road in the manner contemplated and prescribed. The enactment of these provisions would have been futile had no reservation been made of a right to enforce them. Without such a reservation the Government, upon default of the company, would have had nothing left except a claim against the company for breach of contract or of covenant. To prevent such a condition of affairs the right was reserved to further legislate to compel obedience to its mandates. These requirements then became additional conditions-subsequent, which Congress could enforce by forfeiture or by any other remedy deemed appropriate and adequate. That was the object, scope, and intent of section 9, and it is expressed in unambiguous phrase.

"It is no answer to this proposition to say that these requirements might be enforced by the general forfeiture provided by section 8.

"The road might have been built within the time limited and yet every one of these conditions been broken. The grant could not then have been forfeited at all under section 8. A road would have been completed, and though built in absolute disregard of all the requirements of section 5, the Government would have been powerless either to resume the grant or compel the company to perform the condition. That section 9 relates to other conditions than that mentioned in section 8 is also apparent from the use of the words 'and allow the same to continue for upward of one year.' These words, if applied to the conditions mentioned in section 5, mean something. If applied to section 8 they are nonsensical. If Congress had intended to extend the period mentioned in section 8 one year, it would have said July 4, 1877; not July 4, 1876, and another year thereafter.

"It is thus apparent that section 9 of the act has a scope and effect far beyond anything embraced by section 8; that it legislated upon further and additional subjects; has a separate and distinct function of its own; and that instead of limiting or controlling the preceding section it creates additional obligations and liability on the part of the company.

"The only answer to this position advanced by the company is the suggestion that if this be true then the two sections are utterly inconsistent with each other. It is difficult to understand how this can be seriously urged. We have already shown a different legal scope and operation for each under the construction we have adopted. They are not repugnant or inconsistent in the slightest degree. Each stands for its own particular purpose. On the other hand, the construction contended for by the company would violate well-established rules of construction simply to disregard the plainly expressed intent of Congress. They claim that the two sections should be taken together, and that so taken all that Congress could do upon failure of the company to build the road would be to take all necessary steps to compel its completion without power to forfeit the grant.

"This position is untenable under the rules of construction because, first, it assumes an ambiguity, and then to reconcile it rejects the usual and ordinary signification of terms and phrases; twice reads as singular a word in the plural, and construes 'further condition' as if the word 'further' was omitted; second, with reference to a simple time condition, namely, that the road should be built by July 4, 1876, it adds the senseless expression, 'provided the same shall continue unbuilt one year;' third, it excludes all of section 3 from its relations and connections with section 9, and either rejects it entirely or makes it practically inoperative; fourth, it violates the manifest general intent of the entire act and the general policy of Congress prevailing at the time in respect to these grants.

"Another consideration is to be noticed. The provision of section 9 is permissive or directory only. Congress may do all necessary things, &c. It is not mandatory, as it would have been if intended as the sole remedy for the breach of the condition of section 8. So, too, it is not exclusive of other remedies for the breach. Congress may in that way enforce the forfeiture or it may do it otherwise.

"We have been referred to some authorities which are supposed to sustain the forced construction of the act contended for, but after the most careful examination of them we are unable to recognize any doctrine contrary to that we have adopted for our guidance. The strongest cited are undoubtedly the cases of the Episcopal Mission *vs.* Appleton *et al.* (17 Mass., 326), and Stanley *vs.* Colt (5 Wall., 119). They do not establish any new doctrine or any principle repugnant to the authority of the long line of cases we have cited.

"In the former, the supreme court of Massachusetts, speaking of a voluntary deed for charitable purposes, say:

"'Although the words "upon condition" in a conveyance of real estate are apt words to create a condition, any breach of which will forfeit the estate, yet they are not to be allowed that effect when the intention of the grantor, as manifested by the whole deed, is otherwise.'

"And in the latter, the Supreme Court of the United States, speaking of a devise for certain charitable purposes, say:

"'It is true the word "proviso" is an appropriate one to constitute a common-law condition in a deed or will; but this is not the fixed and invariable meaning attached to it by the law in these instruments. On the contrary, it gives way to the intent of the parties as gathered from an examination of the whole instrument,' &c.

"The principle announced by these decisions is simply the universal rule of construction giving effect to the real intent of the parties to an instrument when the same can be fairly ascertained from the language used. In other words, that technical expressions and phrases ordinarily yield to a contrary plainly expressed intent. But the principle has no applicability to the case under consideration, for there is no intent, either expressed or to be reasonably implied, contrary to the techinal meaning of the words, 'upon condition.' On the contrary, the act from beginning to end displays in every line a most deliberate, well considered, and matured intention not to bestow this princely gift without so circumscribing and limiting the company by these conditions as to secure the object, and every object which Congress had in view. It shows the clearest intention in the mind of Congress to create a condition-subsequent forfeiting the grant for failure to build the road within the prescribed period; and also other conditions-subsequent, putting it in the power of Congress, even after the road had been built, to enforce the requirements of the act touching the manner of its construction. In the judgment of your committee, there is not a word in the act indicative of an intent to limit or curtail the technical words of condition used.

"And aside from the language of the act itself, it is incredible that Congress could have intended, in this probably the largest and most valuable grant of lands ever made to a railroad company or a State, to depart from the uniform and uninterrupted policy of legislation for years, and allow the company to appropriate this vast belt of the public domain without restriction, reservation, or control. Your committee can not subscribe to such a doctrine and can find no argument, even plausible, to support it. We are clearly of opinion that Congress intended to provide for a forfeiture upon failure to build the road within the prescribed period, and that the language used was abundantly sufficient in law to accomplish that intent.

III.

"Your committee are also well satisfied that even under section 9 of the act, in the sense in which it is construed by the company, Congress had and has the power to declare a forfeiture. It is conceded that under it Congress can do any and all acts and things needful and necessary to insure a speedy completion of the road. Congress is the sole and exclusive judge of whether the road has at any time, in point of fact, been completed; and if not, what remedy should be applied. The remedy of forfeiture is included within the general power reserved. The road is in fact uncompleted to this day. Congress can now, by virtue of that very reservation, so strenuously insisted upon by the company as protecting the grant, declare the same forfeited and restored to the public domain. Might not the forfeiture of the grant in the hands of this company and the consequent creation of an open field for equal competition best conduce to the speedy ultimate completion of the entire line? If Congress so view the matter, there can be no doubt of its power to declare the forfeiture under the very clause of the act relied upon by the company for its protection."

OTHER OBJECTIONS URGED AGAINST THE FORFEITURE CONSIDERED.

The granting act was silent upon the authority of the company to mortgage its grant. And it is insisted that doubts were entertained among capitalists as to whether the company could make a mortgage without this authority was expressed by Congress, and this greatly embarrassed and prevented the utilization of the grant to raise money for the construction of the road. Hence the company urged Congress to pass an act on April 20, 1871 (Stat., vol. 17, p. 19) granting express authority to the company to so mortgage. And after asking and getting this act passed, which was said to be so necessary to aid the company in raising money to build the road, it is now insisted that it presents an additional reason that it was intended by Congress to create a trust fund to build this road with conditions that if the company did not apply the fund to the prescribed use within a specified time, or if the mortgagees of the said company did not so apply the same within another specified time, that then the Government might take any and all steps to secure its intended application, so far as it had not previously been applied.

This is a strange construction to be placed upon the act. Not a single authority is cited by the able counsel for the company in support of it; and we venture to assert none can be found in any respectable law-book in the land. No trust is created, either express or implied, in the act; no trustee is named or provided for, for none exists, and we will not, therefore, waste time in producing argument and citing authorities against this misconstruction.

After giving the express right to mortgage, the act of April 20, 1871, above referred to, contains the following proviso:

"*Provided*, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage.

The attorneys for the trustees of the bondholders under the first mortgage made by the Atlantic and Pacific Railroad Company assume, first, that this proviso is equivalent to a declaration that on default made by the company in complying with any of the conditions of the grant, the mortgagees should have the right to all the lands embraced in the grant which were coterminous with the completed road at the time of foreclosure.

If this construction is the correct one, and, as we have shown, the mortgageors

and mortgagees are the Saint Louis and San Francisco and the Atchison, Topeka and Santa Fé Railroad Companies, and that these two companies have constructed and are operating and controlling all the road which has been completed (except the thirty-four miles), then they have complete control of the grant. They can hold it for a hundred years without completing another mile of the road, and the Government can do nothing, no matter how many breaches of the contract may be committed.

We do not agree with the learned counsel in this construction of the proviso. If they are correct, why should Congress say "that if the company suffer any breach of the conditions of the act" under which it was organized the rights of those claiming under any mortgage made by the company should extend only to the lands coterminous with completed road? Why not have said that the right of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as is coterminous with the completed road at the time of the foreclosure of said mortgage?

If this language had been used and none other, the construction contended for would be correct. But this language was substantially used and also the other language set forth in the proviso, which destroys the construction placed upon it by the attorneys of the mortgagees; and which, in the opinion of your committee, clearly shows that it was the legislative intent to limit the rights of the mortgagees to the lands coterminous with the completed road at the date of the breach of conditions set forth in the original act, and not at the date of the foreclosure of the mortgage. This we think is the clear legal expression of the act. Any other construction would destroy the effect of one-half of the language in the proviso by treating it as surplusage. This can not be done here without violating the rules of construction and thereby doing great injustice to the Government.

If the construction thus placed upon this proviso be correct, Congress has the right to forfeit all the lands granted without regard to the mortgage, for it was executed after breach of the conditions subsequent had occurred. The mortgagees acquired no rights under the mortgage which could prevent Congress from declaring a forfeiture. They knew of the breach and took their chances.

But it is further insisted that this act of Congress last referred to authorized the company to execute a mortgage on its property and franchises and issue bonds, and is therefore in the nature of a waiver or bar to the power of Congress to do any act by which the interest of the mortgagees may be affected detrimentally.

This position is not tenable. Congress, by the passage of said act, did not authorize the company to mortgage the unconditional fee; but, upon the contrary, expressly reserved all the conditions expressed in the original act. The company did not own the unconditional fee in the lands granted. It owned the fee charged with the conditions subsequent, and it could mortgage and the mortgagees could only take under the mortgage such estate as the company owned at the time the mortgage was executed.

The mortgagees must be held to have known that they were taking an estate which was defeasible upon condition broken. They stand in the place of the mortgageor. There being a breach of the conditions subsequent by the failure of the company to complete its road within the time fixed by the grant, the mortgagees must take whatever consequences a forfeiture imposes, which is the loss of the defeasible estate in so much of the lands granted by the third section of the granting act as the bill accompanying this report provides for. They will still retain, if the bill passes, their lien on the right of way, &c., granted by the second section of said act.

That we are right in these conclusions we think the authorities abundantly show. In Kent (vol. 4, p. 125) the rule is laid down as follows:

"Persons who have an estate or freehold subject to a condition are seized and may convey, though the estate will continue defeasible until the condition be performed or released, or is barred by the statute of limitations or by estoppel."

Greenleaf's Cruise on Real Property (vol. 2, pp. 44, 52) thus lays down the doctrine:

"Where a person enters for a condition broken the estate becomes void *ab initio;* the person who enters is again seized of his original estate in the same manner as if he had never conveyed it away. And as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, together with all charges and incumbrances created by the feoffee during his possession; for upon the entry of the feoffer he becomes seized of an estate paramount to that which was subject to these charges."

Washburn on Real Property is to the same effect (vol. 2, p. 11, marginal page 45):

"When such entry had been made, the effect was to reduce the estate to the same plight and to cause it to be held in the same terms as if the estate to which the condition was annexed had not been granted."

QUESTION OF TIME MORE FULLY CONSIDERED.

The time within which a condition subsequent is to be performed is in this case as much the essence of the contract as any other part or requirement of the condition. Not even equity will relieve against failure to perform within the time allowed a condition subsequent. Especially is this so when the time for the performance of the condition is fixed by statute, as in this case. (In Farnesworth *vs.* M. and P. R. R. Co., 2 Otto, 49; 2 Story's Equity Juris., 103; 26 Willard's Equity Juris., 1324; 3 Washburn on Real Property, 17, m. p. 455.) Nor where parties have fixed the time of performing the contract, unless sometimes in case of sale of land for money and damages for delay is mere matter of computation of interest. (Boardman *vs.* Imrick, 10 Cal., 96; 2 White & Tudor's Leading Cases in Eq., 1105; 2 Jones on Mortgages, 1185; 2 Washburn on Real Property, 17.) The grant being one *in præsenti* with condition subsequent, on failure to perform the condition within the time stipulated the right to declare a forfeiture became perfect. A condition not performed within the specified time when time is a part of the condition can never be performed.

A railroad to be built by the 4th day of July, 1878, can not after that date be built within that time.

Time in this case was of the essence of the condition:

1. Because it was expressly stipulated;
2. Because it was fixed by statute;
3. Because the value of the land would increase by lapse of time; and
4. Because the object of the grant was to promote the early development of an unsettled portion of the country. Any one of these is sufficient to make time the essence of the conditions subsequent. (See Pumroy on Contracts, sections 383, 384, 385, 386.)

The withdrawal of a large body of land, amounting to many millions of acres, from market and settlement without the building of the road retards instead of promotes the development of the country, and therefore defeats the very object of the grant. Congress does not make grants to aid in the construction of a road in portions of the country already well settled, nor does it authorize lands to be withdrawn from market and held in reservation or in trust to be given as a reward for the construction of a road after the country is well settled, for in thickly settled regions railroads will be built without Government aid.

We have already shown by authorities cited that when time of performance is fixed in the instrument, or by statute, or is of the essence of the condition, or compensation for breach cannot be made—and all these elements are contained in this condition—it must be strictly performed, whether it is a condition precedent or subsequent.

(1 Broom and Hadley's Com., 602 (Wait's ed.), note 277; 2. Redfield on Wills, 286, note; Taylor's Landlord and Tenant, p. 240, sec. 282; 1. Bouvier's Institutes, 759, 760; Tyler on Ejectments, 179.)

A forfeiture for breach of condition may be waived. But a waiver can not be implied by silence. (B. and M. R. R. Co. *vs.* Boestler, 15 Iowa, 125; Jackson *vs.* Brock, 1 Johnson's Cases, 125; Lawrence *vs.* Gifford, 17 Pick., 366; Pike *vs.* Butler, 4 N. Y., 360.)

Nor is a forfeiture waived by delay in enforcing it. (Gray *vs.* Blanchard, 8 Pick., 284; Perry *vs.* Davis, 3 C. B. (N. S.), 769; Doe *vs.* Allen, 3 Taunt., 78; Calderwood *vs.* Brooks, 28 Cal., 151.)

It must be remembered that the will or intent of Congress can never be implied from silence. It must always be ascertained from enactments and resolutions. No waiver of forfeiture can be presumed by Congress, unless such waiver is made by statute or resolution, either expressly or by fair implication from the provisions expressed.

In construing public grants all doubts which exist are to be resolved in favor of the Government and against the grantee.

OBLIGATION OF THE GOVERNMENT IN REGARD TO INDIAN TITLE.

It is asserted by the attorneys of the company that the Government obligated itself by the granting act to extinguish the Indian title and survey the lands in the Indian Territory; and they claim that both were indispensable to the complete utilization of the grant by its beneficiary. The realization of aid from the grants pledged by Congress to secure the construction of the road, and the possibility of reimbursement by profitable carrying-trade in the operation of a constructed road, were necessarily dependent upon the promised change in the legal conditions of the land titles along the prescribed route of the proposed road. They insist that the United States has not even attempted to fulfill its promise to extinguish the Indian titles.

All this is insisted upon with a pretended belief that it is based upon a fair construction of the granting act. The general route of the road, as prescribed by this act, runs from the west line of the State of Missouri for three hundred and fifty miles through the Indian Territory, which was prior to said grant set apart by the Government for the benefit of the Indians. The ultimate fee is vested in the United States, but which, by treaty stipulations, statutory enactments, and executive acts thereunder, have been set apart and reserved for the sole use and occupancy of certain Indian nations and tribes so long as their national or tribal organizations are preserved. The boundaries of this section of country are defined by various treaties with these nations and tribes, and by legislative acts, which prescribe the limits of the contiguous States and Territories of the Union. The public-land system has never been extended over it. Congress has never taken any action to have it surveyed as public land. Much of it is held by four nations, the Choctaw, Chickasaw, Cherokee, and Creek, who have patents in accordance with treaties and laws, and all attempts to induce Congress to organize it into a Territory of the United States have, up to this time, failed.

This is enough to show that the company has no grant of land in this Territory, neither present nor prospective, in our opinion. None was intended to be conferred by the act, except as such grant might be acquired from the Indians by said company. Let us examine the granting act for a moment.

The pretended claim of the company for the survey of the lands in this Territory is based upon the fourth and sixth sections of the act. If these sections stood alone and could be considered by themselves, or in connection with only the last clause of the second section; if there were no limitations to the grant as made by the third section, and if the seventeenth section was no part of the law, there might be some plausibility in the claim that the fourth and sixth sections required that the lands be surveyed as fast as the road was completed. But if we consider the law as a whole as enacted, the claim is without foundation.

Under the third section the land to pass under the grant must be public land, situated in a Territory or State, the title of which is in the United States, and which has not been sold or otherwise appropriated at the time the map of location of the route of its road is filed in the General Land Office.

The lands in the Indian Territory are not public lands in the usual meaning of that term, and are not situated in a State or Territory of the United States. Certainly the United States, so far as the lands within the boundaries of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations are concerned, does not possess full title to them; for they were, prior to the year 1866, the date of the granting act, set apart and reserved by the United States for the sole use and occupancy of various Indian nations and tribes. Therefore the claim that these lands were included in the grant under the third section can not be maintained.

Your committee is of the opinion, after a careful examination of the whole act, that no land was granted to the company in the Indian Territory except such as might be acquired by the company from the Indians by virtue of the seventeenth section. This section authorized the company to accept any grant from an Indian tribe or nation through whose reservation its road might pass, subject to the approval of the President of the United States. This is the privilege conferred by the act, and we believe that the last clause of the second section only becomes applicable when this is done.

"And 'the United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the Indians, and only by their voluntary cession, the Indian title to all lands falling under the operation of this act and acquired in the donation to the road named in the act.'"

The company at the beginning acted upon this construction of the law. This is fully shown by the files of the Interior Department.

It asked permission of the Interior Department, and leave was granted, to open negotiations with some of the Indian tribes to effect a grant of lands, but was not successful in its efforts with the Indians. Thus the company by its acts admitted that there were no lands granted to it other than the right of way which was provided for in the treaties between the Government and the Indians.

The company never set up any claim that it received any land by the grant in the Indian Territory until in the year 1877—eleven years after the act was passed.

The Interior Department holds that no lands were granted to this company in the Indian Territory. This has been the uniform ruling of that Department on the subject. It was the ruling of the Hon. J. A. Williamson while he was Commissioner of the General Land Office, who is now attorney for the company.

Your committee therefore finds that there is nothing in the claim of the attorneys of the company that the Government has failed in extinguishing the Indian titles and surveying the lands in the Indian Territory, as no grant of land was made to the company in said Territory.

We therefore, in view of the law and facts set forth in this report, recommend the passage of the accompanying bill as a substitute for all bills introduced in the House for the forfeiture of the land grant made to the Atlantic and Pacific Railroad Company.

"A bill to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company 'to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast,' and to restore the same to settlement, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the lands, excepting the right of way and lands for stations, heretofore granted to the Atlantic and Pacific Railroad Company by an act entitled 'An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast,' approved July 27, 1866, and subsequent acts and joint resolutions

of Congress, which are adjacent to and conterminous with the uncompleted portions of the main line of said road, embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of July 27, 1866, and acts and joint resolutions subsequent thereto and relating to the construction of said road and telegraph, be, and the same are hereby, declared forfeited and restored to the public domain, and made subject to the disposal under the general laws of the United States, as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered section within said grant.

"SEC. 2. That the act of March 3, 1875, entitled 'An act for the relief of settlers within said railroad limits,' is hereby repealed."

Mr. COBB addressed the House. [See Appendix.]

Mr. COBB. How much time have I remaining?

The SPEAKER. The gentleman from Indiana has thirty-five minutes of his time remaining.

Mr. COBB. I yield five minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. The general scope of this bill is correct. It does not propose to forfeit any land except where no road has been constructed. This company is a great defaulter, and it has no right to the land which this bill proposes to take from it, and all that I wish to say is with reference to the structure of the bill. I desire to offer a little amendment and will explain to the House the reasons why I offer it. In section 9 of the granting act these words occur:

That the United States make the several conditional grants herein, and that the said Atlantic and Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

These words occurring in other grants have provoked controversy and developed a difference of opinion, not only in the Committee on Public Lands of this Congress, but in the last Congress. It is unnecessary at this time to enter into any discussion, or to make even a statement of these differences, except to say that I and those who agree with me hold that under the condition there expressed these lands are not technically forfeitable. I therefore propose to amend the bill by inserting after the word "forfeited," in line 17, the words "and the title thereto resumed by the United States."

I believe that the Government has the right under its reserved powers to repossess itself of these lands; that while it has no technical right under the common-law remedy of forfeiture to repossess itself of these lands, under its reserved powers it may do so. And the words which I propose to insert will have no other effect on the bill than this: if this act should come under review in the courts and these lands be held not to be technically forfeitable, then by the words which I propose to insert the bill might be saved.

Mr. WELLER. Will the gentleman permit me to ask him a question?

Mr. OATES. Certainly.

Mr. WELLER. Would not your amendment carry the idea that the title to these lands had once been lodged in this corporation?

Mr. OATES. There is no doubt about that; the committee are all agreed upon that.

Mr. WELLER. It is then assumed that the title of these lands has once been lodged in the railroad company?

Mr. LEWIS. The defeasible title.

Mr. OATES. Yes, sir; but we propose to take back the lands which have not been earned.

Mr. LEWIS. Will the gentleman permit me to ask him a question?

Mr. OATES. Yes, sir.

Mr. LEWIS. Do you propose simply to insert and not to strike out?

Mr. OATES. Just simply to insert.

Mr. LEWIS. And not to strike out?

Mr. OATES. Not at all.

Mr. COBB. If the gentleman will permit me, I will say that I do not think his amendment would change very much the effect of this section. As I understand he proposes to insert after the word "forfeited" these words: "and the title thereto resumed by the United States."

Mr. OATES. Yes, sir.

Mr. COBB. In the bill as it now stands after the word "forfeited" are these words: "and restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made."

Mr. LEWIS. Will the gentleman from Indiana [Mr. COBB] read the bill as it will be if amended?

Mr. COBB. Perhaps I had better read the whole of the section as it will be if amended, and I will do so:

That all the lands, excepting the right of way and lands for stations, heretofore granted to the Atlantic and Pacific Railroad Company by an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," approved July 27, 1866, and subsequent acts and joint resolutions of Congress, which are adjacent to and conterminous with the uncompleted portions of the main line of said road, embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of July 27, 1866, and acts and joint resolutions subsequent thereto and relating to the construction of said road and telegraph, be, and the same are hereby, declared forfeited, and the title thereto resumed by the United States, and restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

Mr. OATES. My amendment simply makes the bill more certain by embodying in it both views of the condition of the grant.

Mr. LEWIS. I see no objection to it.

Mr. OATES. It does not hurt the bill, and may make it stronger.

Mr. COBB. There is but one objection to it that I can urge, and that is that this bill is now identical with the Senate bill on the same subject. An amendment of this kind if adopted to this bill may necessitate the sending of it to the Committee on Public Lands of the Senate when it gets there, and in that way delay the passage of the bill. I do not think it helps the construction that would be put upon the bill as it now stands.

Mr. OATES. I am willing to submit the amendment to the action of the House; I shall vote for the bill anyway. But I want, in the event this bill shall come under judicial examination and review, and this land be held unforfeitable, to have something in the bill which will save it.

Mr. WELLER. If the title to this land is forfeited does not that cover the entire case?

Mr. OATES. Yes; but I have already said and I will state again that in my opinion as a lawyer this land is not forfeitable; but the Government has the right under its reserved powers to resume the title thereto. Other gentlemen, members of the Committee on Public Lands, and the same may be said also of the Committee on the Judiciary of the last Congress, hold that this land is forfeitable. My amendment is to provide for both horns of the dilemma.

Mr. WELLER. I am afraid you will get a horn that will be a bad horn for the people.

Mr. PAYSON. If the gentleman will permit me, I will say that the phraseology of the amendment is open to this criticism: "And the title thereto resumed by the United States;" and then comes the words of the bill, "and restored to the public domain." A fair construction of that language is that the title is restored to the public domain. I do not like to pose in this matter as a grammarian, for I sometimes slip a cog myself in that regard.

Mr. OATES. Very well; then before the word "restored" insert the words "said land."

Mr. PAYSON. What we are trying to do is to forfeit this title. It is conceded by the gentleman from Alabama [Mr. OATES] that by the act of Congress the title passed to the railroad company, and simply resuming the title is precisely tantamount to declaring a forfeiture. The language employed in the bill declaring the title forfeited and restoring the land to the public domain is the precise phraseology which the Supreme Court of the United States in the case of Schulenberg *vs.* Harriman has indicated as the proper phraseology to be used in an act of this character.

Mr. OATES. No; not of this character.

Mr. PAYSON. Precisely of this character.

Mr. OATES. There is no such condition in the section of the act which I have read.

The SPEAKER. Does the gentleman from Alabama offer the amendment?

Mr. OATES. I do.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. Will the gentleman from Indiana [Mr. COBB] yield to me for a moment?

Mr. COBB. Yes, sir.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RANDALL. I desire to state that I would ask the immediate consideration of this bill but for the fact that many members have asked to see the bill in print before its consideration is begun, which I think a very reasonable request. I give notice that I shall make an effort to have this bill considered on Tuesday next, immediately after the disposition of the bill which has been by unanimous consent assigned for consideration on that day. I would not feel like interfering with the disposition of a bill which the unanimous consent of the House has settled shall be voted upon at that time.

ATLANTIC AND PACIFIC RAILROAD GRANT.

The SPEAKER. The amendment sent to the desk by the gentleman from Alabama [Mr. OATES] will be read.

The Clerk read as follows:

After the word "forfeited," in line 17, insert "and the title thereto resumed by the United States," and after the word "and" insert "said lands;" so as to read:

"And the same are hereby declared forfeited and the title thereto resumed by the United States, and said lands restored to the public domain, and made sub-

ject to disposal under the general laws of the United States as though said grant had never been made."

The amendment was agreed to; there being—ayes 38, noes 1.

Mr. HOLMAN. I send to the desk an amendment which I offer after consultation with such members of the Committee on Public Lands as are immediately around me, who have consented that I may submit the proposition. After the reading of the amendment I shall be very glad to say a single word in explanation of it.

The Clerk read as follows:

Strike out at the end of section 1 the following: "*Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant," and insert the following: "But nothing in this act shall be construed to recognize the right of said company to any land in the Indian Territory, or claim thereto on condition or otherwise, except the right of way and lands for stations."

Mr. HOLMAN. The proviso which my amendment proposes to strike out is a departure from the principle laid down by the House at an earlier period of this session in regard to the settlement of the public lands. It is also a departure from the provisions of other bills of this kind which have already been passed, all of which provide for the disposition of the public lands under the homestead law. This proviso contemplates the sale of these lands or the disposition of them under the pre-emption law as well as the homestead law. It contemplates that they shall be disposed of at $2.50 or $1.25 per acre, as the case may be. For the purpose of making this bill harmonize with others of similar character which have been passed, I have moved to strike out the proviso and insert a provision that nothing in this act shall be construed to recognize the right of this company to any lands in the Indian Territory, on condition or otherwise, except the right of way and lands for stations. I concede that under the old treaty and under the act of 1866, which was authorized by the treaty, this company is entitled to right of way and the necessary quantity of land for stations; but I insist it is entitled to nothing beyond that. This is the view, as I understand, expressed by my colleague, the chairman of the Committee on Public Lands, and other gentlemen who have spoken. My object in this amendment is to render it absolutely certain that nothing in this act shall be construed as recognizing any title of the company beyond what I have stated. I trust there will be no objection to the proposition.

Mr. COBB. I think there is no objection to the amendment. It expresses exactly what I believe to be the true meaning and intent of the granting act. I yield five minutes to the gentleman from California [Mr. GLASCOCK].

Mr. OATES. Before the gentleman from California proceeds I desire to ask the chairman of our committee to explain the last section of the bill, which repeals the act of March 3, 1875. I was not present in committee when this part of the bill was considered, but I favor the repeal of this law. There may be, however, other gentlemen who have not observed this provision, and perhaps it ought to be explained.

Mr. COBB. Section 2 of this bill provides—

That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

The law which this section proposes to repeal provides—

That where any actual settler who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate, on any unoccupied lands, an amount equal to their original entry without further cost, except such fees as are now provided by law in pre-emption cases: *Provided*, That when such location is upon double minimum lands one-half the amount only shall be taken.

I think the second section of the bill, when taken in connection with the act I have just read, explains itself; and I do not deem it necessary to make any further explanation.

I now yield five minutes to the gentleman from California.

Mr. GLASCOCK. Mr. Speaker, in view of the present temper of the House, and the very evident desire evinced to reach an early vote on this question, I can not but feel that it would be an unwarrantable proceeding on my part to attempt any extended remarks. The policy of this bill and the facts upon which it is based have been so clearly and succinctly stated by the distinguished chairman of the Committee on Public Lands [Mr. COBB] that there can be no doubt as to the necessity of immediate legislation looking to the restoration of these lands to the public domain.

The reasons that gave rise apparently to the necessity of the issuance of great bodies of public lands in endowment of private enterprise has long since passed away. The enterprises themselves have passed beyond the period of weakness that demanded and received aid; they have grown and prospered at the public crib until they are able to stand alone; they have waxed fat on the people's substance, and now kick because the people seek to take from them a bounty granted upon conditions that are broken. Is there any just or valid reason why the same rule that controls the relations of the individual citizen with his neighbor should not be made to apply to corporations that owe their existence to popular will and their prosperity to popular benefaction? "Upon what meat doth this our Cæsar feed that he is grown so great" as to be above the law that governs the actions of his creators?

Sir, I have consistently and conscientiously voted in favor of the forfeiture of every land grant that has been considered by this House when the grant was upon conditions and the conditions have not been complied with. I see no distinction between this case and others that have gone before it, except that here the necessity for forfeiture is more clearly apparent. The Atlantic and Pacific Company was the recipient of one of the largest land grants that this pernicious system of bolstering up private enterprise with Government aid has given rise to. Its grant runs along nearly half the length of the western coast of the great State of California, and not satisfied with taking from pre-emption and homestead settlement the land for forty miles in width, it overlaps the Pacific Ocean for a marine league from shore. I know, for I have traveled over the major portion of it, the condition of this portion of the grant. Miles and miles of as fine timber land as there is in the world, interspersed with valleys susceptible of the highest degree of cultivation, are in the hands of hardy settlers, who are seeking and praying for an opportunity to purchase but who can not. The Government can not sell, as the land is covered by the grant. The company will not comply with the terms of the grant, and can get no patents.

Are these men to hold during their lives on the precarious claim of a squatter's title, to improve and beautify on the contingency of eviction, when they are ready and willing to pay any reasonable price that they may become the owners of the value their industry has created? It is a disgrace to our civilization that this abuse of popular right has been allowed to continue and now exists. Not one acre of this grant within the State of California has been earned by this company. Not a spadeful of earth has been turned within that State in compliance with the terms of the grant. Our people have suffered long and grievously under the evils of this land-subsidy system. We have sat by and have seen one-third of the arable lands in our fair State wrested from the public domain and given over to private capital. We have seen immigration turn its back upon us in a land that grows the pine and the myrtle, that rears upon its broad breast the wheat field, the vineyard, and the orchard, and all because corporate greed has placed upon lands donated to it a price beyond the means of the husbandman.

We ask in the name of the American settler—the hewers of wood, the tillers of the soil, the bone and sinew of this land—that the unearned portion of this grant be forfeited, returned to the public domain, and thrown open to settlement under the wise and legitimate provisions of law governing the distribution of our public lands.

[Here the hammer fell.]

Mr. COBB. I will yield now to my colleague of the committee [Mr. PAYSON].

Mr. PAYSON. I only desire, Mr. Speaker, to ask leave of the House to print some remarks with reference to the pending bill.

Mr. COBB. I make the same request to print some extended remarks on the same subject.

Mr. WELLER. I also ask to print some remarks on this question.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

Mr. CUTCHEON. I desire to ask the gentleman in charge of this bill a question.

Mr. COBB. Certainly.

Mr. CUTCHEON. I observe this bill forfeits only the lands conterminous with the uncompleted portion of the road.

Mr. COBB. Yes, sir.

Mr. CUTCHEON. It does not forfeit land which is conterminous with the completed portion?

Mr. COBB. It does not.

Mr. CUTCHEON. Why this difference on the part of this bill with those heretofore passed?

Mr. COBB. The difference grows out of a subsequent act passed in 1871, when Congress gave the company a right which they already had, I think, to mortgage its road, and that subsequent act provided for the protection of the mortgages to the extent of the land conterminous with the completed portion of the road at the time of the forfeiture.

Mr. CUTCHEON. The difference, then, is in the original act.

Mr. COBB. Yes, sir; it grows out of the act giving them a right to mortgage.

Mr. HOLMAN. And it is the only instance where that phraseology occurs.

Mr. COBB. Yes; it is the only instance where such provision exists. I now demand the previous question.

Mr. CUTCHEON. I have one further question to ask the gentleman. This act restores to the public domain and to disposal under the general land laws the granted sections. Under the original act the alternate sections were to be doubled in price. Now, where does this reversal leave those lands?

Mr. COBB. It leaves them where the law leaves them.

Mr. OATES. Just as before the grant was passed.

Mr. CUTCHEON. I see by this bill that the forfeited sections are restored to the public domain and made subject to disposal under the general laws of the United States as though such grant had never been made, but it says nothing in regard to the price of the other sections.

Mr. DUNN. That is settled by operation of the restoration.

Mr. CUTCHEON. I desired simply to call attention to it, as it seemed there might be some doubt about the matter.

Mr. HOLMAN. Texas, by law, put all of these lands under the operation of the homestead acts.

Mr. CUTCHEON. Yes; I know that.

The SPEAKER. The question is upon ordering the previous question upon the amendments and upon ordering the bill to be engrossed and read the third time.

The previous question was ordered; and under the operation thereof the amendment proposed by Mr. HOLMAN was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COBB. I now desire to call up House bill 7004——

Mr. SPRINGER. I ask the gentleman to yield to me for a few moments for the purpose of introducing and obtaining action upon a matter in which every member of the House is interested.

Mr. COBB. I will yield to the gentleman from Illinois.

DISTRIBUTION OF CODIFIED LAND LAWS.

Mr. SPRINGER. I ask unanimous consent of the House to pass the resolution which I send to the desk. I will state again that this is a resolution in which each member is interested. It is in regard to the distribution of the book known as the Codified Land Laws of the United States.

The SPEAKER. The joint resolution which the gentleman from Illinois proposes will be read.

The Clerk read as follows:

Joint resolution (H. Res. 264) to amend the resolution approved August 7, 1882, providing for the publication of the report of the Public Lands Commission.

Resolved, &c., That joint resolution providing for the printing of additional copies of Codified Land Laws and History of the Public Domain of the United States, approved August 7, 1882, be amended by the substitution of the word "three" in the place of "two" in the proviso of that resolution; so that it will read:

"That all copies not ordered to be distributed within three years after the passage of this act shall be sold by the Secretary of the Interior," &c.

Mr. SPRINGER. Under the law it will be remembered that these books will be required to be sold after the 7th of August by the Secretary of the Interior, and they have just now reached the document-room so that they can be distributed. Such copies as are not distributed by the 7th of August must be sold under the existing law, and this joint resolution proposes simply to extend the time of their distribution one year longer.

Mr. RANDALL. I would like to ask whether this authorizes the printing of any other documents or involves any additional expense?

Mr. SPRINGER. No; it does not. It does not involve a cent of expense. It does not cost the Government anything, but it enables members to draw on these books for one year longer than they are permitted to do under the present law.

The SPEAKER. The question is first, Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was read a first and second time.

Mr. COX, of New York. I would like to ask the gentleman from Illinois whether it would not be wise to insert an amendment providing for the distribution of these documents in the ordinary way instead of through the Secretary of the Interior? This is a source of trouble to the members, and there is a manifest desire all around to have that change.

Mr. SPRINGER. No such provision is embodied in this resolution. This is simply a question of the extension of the time. If the time is not extended, on the 7th of August it would be the duty of the Secretary of the Interior to withdraw these books from the credits of members and sell them.

Now, this resolution, as I have already stated, will simply allow him to hold them subject to our order for a year longer. That is the object that the resolution has in view. If you undertake to change the original resolution providing for their distribution in the manner suggested by the gentleman from New York, it will disturb the whole arrangement as at present existing and lead to confusion. I hope the gentleman will not insist upon the amendment.

I demand the previous question upon the adoption of the resolution.

Mr. COX, of New York. Everybody wants a change in the system of distribution.

Mr. SPRINGER. I will state to the gentleman that it is not germane to this resolution. This is only a question of the extension of the time. The change that he suggests would have to be embodied in another form.

Mr. TURNER, of Kentucky. May I ask the gentleman from Illinois a question?

Mr. SPRINGER. Yes, sir.

Mr. TURNER, of Kentucky. Are not the reports of the census in the same condition as these land laws?

Mr. SPRINGER. No, sir; I think not.

Mr. TURNER, of Kentucky. Has not the time expired when members can order them out?

Mr. SPRINGER. No, sir; I do not understand that to be the case.

Mr. TURNER, of Kentucky. Well, I do.

Mr. SPRINGER. I insist upon the demand for the previous question.

The previous question was ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRE-EMPTION OF PUBLIC LANDS, ETC.

Mr. COBB. I now ask to take from the House Calendar for present consideration the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

The bill was read, as follows:

Be it enacted, &c., That chapter 4 of title 32 and sections 2299 and 2309 of the Revised Statutes of the United States, and all other laws allowing pre-emption of the public lands of the United States, are hereby repealed: *Provided, however*, That all persons entitled to pre-empt any of such lands under existing laws who before the passage of this act have in good faith filed such claim, or who, having the legal right to pre-empt, has located on any of the unsurveyed public lands with the intention of entering the same when surveyed, shall have the right to complete the same and receive a patent as though this act had not passed.

SEC. 2. That sections 2464, 2465, 2466, 2467, and 2468 be, and the same are hereby, repealed: *Provided*, That such repeal shall not prejudice the rights of those who have in good faith made entries under the law and complied with the requirements thereof: *And provided further*, That whenever, from any cause, any person legally eligible thereto has entered and located a homestead, and subsequently loses the same in consequence of any grant previously made, or by any means whatever without fault on his or her part, such person, upon satisfactory proof made thereof, may enter another homestead upon any of the lands of the United States subject to homestead.

SEC. 3. That every homesteader shall make final proof, by two credible witnesses, that he has continuously resided upon and cultivated and permanently improved his or her homestead for four consecutive years next succeeding such entry. Such proof shall be in duplicate, and filed, one set in the local land office and one in the General Land Office, for one year; and if no contest be filed and no notice given, supported by affidavit made before some officer, State or Federal, authorized to administer oaths, charging and specifying fraud either in the original entry or the proof made and filed as aforesaid before the expiration of that time, the Secretary of the Interior shall cause the patent to issue on the entry. But if a contest be filed or affidavit be made as aforesaid, or if there be from any cause reasonable ground to suspect fraud in the case, the Secretary of the Interior shall cause the Commissioner of the General Land Office to investigate the same, and make such order as shall be just and lawful. And an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, be, and the same is hereby, repealed.

SEC. 4. That section 2301 of the Revised Statutes be amended so as to read as follows:

"SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section 2289 from paying the minimum price for the quantity of land so entered at any time after the expiration of thirty calendar months from the date of such entry and obtaining a patent therefor, the proofs of actual settlement and cultivation thereof to be filed at least six months prior and as preliminary to the application for the patent, and in the same manner and to the same effect as is provided and required in section 3 of this act as to final proofs and the issuance of patents."

Mr. HOLMAN. Before my colleague [Mr. COBB] addresses the House I would like to submit to him a proposition to repeal also the law known as the desert-land act.

Mr. COBB. I think that should be done.

Mr. HOLMAN. I will send the amendment to the desk and have it read in order that it may be pending.

The Clerk read as follows:

That an act entitled "An act to provide for the sale of desert lands in certain States and Territories," approved March 3, 1877, is hereby repealed.

The SPEAKER *pro tempore* (Mr. SPRINGER). Where does the gentleman from Indiana propose that that amendment shall come in?

Mr. HOLMAN. I propose it as an additional section.

Mr. MAGINNIS. You ought to reserve the rights of those who have already entered those lands.

Mr. HOLMAN. The gentleman from Montana can draw an amendment to that effect, if he thinks it necessary.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is on ordering the bill to be engrossed and read a third time.

Mr. NELSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the proviso in the first section and insert in lieu thereof the following:

"*Provided, however*, That all persons having the right of pre-emption, who have heretofore in good faith made a settlement on public lands of the United States, conformable to pre-emption laws heretofore in force, shall be permitted to make final proof and entry of the lands so settled upon, not exceeding one hundred and sixty acres, conformable to existing pre-emption laws."

Mr. NELSON. I desire to say a few words in explanation of that amendment. The pre-emptors under existing laws can settle on three classes of lands. On unsurveyed lands, on what are known as offered lands, and on unoffered lands. In case of offered lands, they must file their declaratory statement in the local land office within thirty days; in the case of unoffered lands, within three months; and in case of settlements on unsurveyed lands, they have three months after the plats of survey have been returned to the local office. The bill in its present shape fails to protect settlers on unsurveyed lands. They are within the provisions of the pre-emption laws, and ought to be protected as well as other pre-emptors.

I want to call the attention of the House to the phraseology of the proviso which I propose to strike out:

Provided, however, That all persons entitled to pre-empt any of such lands under existing laws who, before the passage of this act, have in good faith filed such claim.

There can not be any filing of any pre-emption claim until the plats have been surveyed. A pre-emption claim is carried out in this way: First, a settlement is made, and in case of unsurveyed lands, within three months after the plats are returned the settler files his declaratory statement, and then has two years and a half after that within which to make proof and payment. In case of settlers on unsurveyed lands it is impossible to file the statements until the plats have been returned; and by the provision as it stands in the original bill those settlers remain wholly without any protection. The object of the amendment or substitute I have offered is simply to protect all persons who have made and filed statements under any of our pre-emption laws that they may perfect their entries. I think the amendment ought to be adopted.

Mr. PAYSON. Will the gentleman from Minnesota [Mr. NELSON] allow me to ask him a question?

Mr. NELSON. Yes, sir.

Mr. PAYSON. Does the amendment as proposed limit the holdings to one hundred and sixty acres?

Mr. NELSON. Certainly it does.

Mr. PAYSON. Then I think it ought to be adopted.

Mr. CUTCHEON. I ask that the amendment may be reported again.

The amendment was again read.

Mr. COBB. I do not see any objection to the amendment. But I desire to say a few words upon the bill generally if the House desires to hear me.

Mr. HISCOCK. Before the gentleman from Indiana [Mr. COBB] proceeds I would like to ask the gentleman from Minnesota [Mr. NELSON] if he would not be willing to add after the words "good faith" the words "in the absence of fraud?" I would like to have the proviso in such form that it would in no case confirm the pre-emption titles now being investigated by the Interior Department.

Mr. NELSON. I have no objection to that.

Mr. HISCOCK. The words I would suggest are: "and in the absence of fraud in the assigning of the certificates."

Mr. NELSON. I am disposed, however, to think that the insertion of those words would be simply tautology. I have stated in my amendment that they must be settlers in good faith.

Mr. HISCOCK. They may be settlers in good faith and yet there may be fraudulent practices in the pre-emption. I want nothing in the bill which will have the effect of confirming titles which have been or are being investigated. I will say that this bill generally aims at the same result as the provisions of the sundry civil bill of last year.

Mr. COBB. It is similar, I think.

The SPEAKER *pro tempore*. The Clerk will now read the amendment as modified.

The Clerk read as follows:

Strike out the proviso and insert the following:

"*Provided, however*, That all persons having the right of pre-emption who have heretofore in good faith and in the absence of fraud made settlement on the public lands of the United States conformable to the pre-emption laws heretofore in force shall be permitted to make final proof and entry of the land so settled upon, not exceeding one hundred and sixty acres, conformable to existing pre-emption laws."

The question was taken upon the amendment as modified, and it was agreed to.

Mr. DUNN. I desire to ask permission to offer an amendment, which I have not yet perfected. I want to call the attention of the gentleman from Indiana [Mr. COBB] to the provisions of this bill as affecting the acts of 1855 and 1857 granting indemnity to the States to which swamp-land grants had previously been made. Under those acts it is provided that the State of Arkansas and other States to which grants of swamp lands have been made, in cases where it is found that the Government after making those grants had otherwise disposed of the land included in them, shall be entitled to indemnity, and to enter a corresponding amount of public lands within those States at $1.25 an acre, or whatever might be the Government price of public lands there. If all the entries of public lands are limited by this bill to homestead entries, then the indemnity to those States is cut off. I desire to save that point.

Mr. COBB. I do not think that this bill will cut that off.

Mr. DUNN. It will, undoubtedly. A proviso that it shall not impair that indemnity right of the States I think will not be objectionable to the Committee on Public Lands.

Mr. MONEY. I want to ask the gentleman from Indiana [Mr. COBB] where this indemnity scrip will be located if all the public lands in the States entitled to this indemnity are reserved strictly and exclusively for homestead entries?

Mr. COBB. I think that the indemnity acts, being original acts, are not repealed by this bill either directly or inferentially.

Mr. MONEY. Does not this bill reserve all public lands for homestead entries?

Mr. COBB. This bill, of course, applies to public lands, but I do not think it would affect these special grants to the States.

Mr. MONEY. But suppose that the land contained in these special grants to the States has been sold.

Mr. COBB. Very well.

Mr. MONEY. And then the State comes to the General Government and says, "You have sold the land which you granted to us, and now we ask indemnity." Thereupon the General Government issues scrip, and the State is authorized to locate that scrip on any unoccupied public lands within the State. Then by this bill you withdraw all public lands from every sort of entry except homestead entry. I ask the gentleman where this scrip is to be located by the State?

Mr. COBB. I do not think the States should be holding their scrip for years and years.

Mr. DUNN. In some cases they have not got it yet.

Mr. MONEY. They have not got it yet; they are getting it every year and every month.

Mr. DUNN. A proviso saving that would not be objectionable.

Mr. COBB. I do not know that I would object to it.

Mr. OATES. If the gentleman will allow me, I think I can answer the question in regard to that matter.

Mr. COBB. Certainly, I will yield.

Mr. OATES. If gentlemen will observe this bill closely they will perceive that it does not declare that all public lands shall be disposed of for homestead purposes only. It repeals the pre-emption and timber-culture acts and provides the manner of making proof for homesteads, and also provides that where a homestead or pre-emption right has been lost in consequence of a previous grant by Congress, or from some other cause, without fault on the part of the pre-emptioner or homesteader, he shall have the right to another homestead. Those are the changes proposed, and only in those respects does this bill repeal existing law. All the provisions of existing law touching the public lands remain unaffected by this bill except wherein changes are wrought by this bill, if passed.

Mr. HOLMAN. I have here an amendment which I propose as an additional section, which I think will be found entirely in harmony with the general provisions of this bill. I ask the Clerk to read it.

The Clerk read as follows:

That after the passage of this act no public lands of the United States adapted to agriculture shall be sold, except mineral lands and town-sites, and all of the public lands of the United States adapted to agriculture shall be reserved for actual and *bona fide* settlers under the provisions of the homestead laws, subject, however, to bounty-land warrants and college scrip issued by authority of Congress and the grants which Congress has made or shall hereafter make in the new States and Territories for the purposes of education; but all laws and parts of laws touching the rights of the officers, soldiers, and seamen heretofore in the military or naval service of the United States in the public lands are continued in full force.

Mr. OATES. This amendment changes the features of this bill so that it will devote all the public lands to homesteads with the exceptions named. The question raised by the gentleman from Arkansas and the gentleman from Mississippi is therefore pertinent, because the amendment does not except lands given to those States in lieu of swamp and overflowed lands sold by the Government. If this exception be made, I see no objection to the proposition.

Mr. MONEY. Mr. Speaker, this amendment is similar to a provision passed the other day, I believe, when I was not here.

Mr. COBB. If the gentleman wishes to speak I will yield to him, but I do not wish to surrender the floor entirely.

Mr. MONEY. I would like to occupy about ten minutes.

Mr. COBB. I yield to the gentleman for that time.

Mr. MONEY. Mr. Speaker, the proposition to withdraw all these lands from occupancy except by homestead entry is a very unwise provision so far as it applies to the State of Mississippi. I wish the House to notice that no member from Mississippi has asked for any such application of the public lands in my State. The gentleman from Indiana [Mr. HOLMAN] in his zeal to take care of other people has seen fit on his own motion, without solicitation from anybody, to ask that my State be included in this restriction, when he has never been in the State and does not know anything about it.

Mr. HOLMAN. Oh, yes; I have been there.

Mr. MONEY. The gentleman has been there? Well, I am sorry he did not learn more in regard to the State, for certainly he does not know much about it.

Now, the fact is that in 1866 Mr. Rice, of Maine, procured the passage of what was called the homestead restriction act in regard to those five Southern States for the sole purpose of permitting the col-

ored people to obtain homesteads. He was just as ignorant of the condition of those lands as is the gentleman from Indiana. Those are not agricultural lands. They lie within the pine belt; they are unfit for agricultural purposes; they are utterly worthless as homesteads. By such a provision as is now proposed you simply prepare a way to lock up those lands so that they will never be sold or utilized.

Those lands are only fit for lumbering. They contain the most magnificent forests of yellow or pitch pine upon the face of the globe. Our State has entered upon progress and prosperity in the development of the lumber interests of that country. Men can now go there and buy tracts of three or four thousand acres and send lumber to Chicago, Saint Louis, Louisville, and other points. But under the restriction now proposed no man can carry on that business there. No man who is limited to one hundred and sixty acres of land can afford to put up a saw-mill. Hence, I say, by an amendment of this character you simply prepare the way to lock up those lands from the people of the United States, and so fetter one of the leading and most progressive industries of the South—the lumber business. And you do no good whatever; you do not secure homesteads for anybody.

When I came here in the Forty-fourth Congress one of the first things that I did, in conjunction with other gentlemen, was to procure the release of those public lands in the South from that homestead restriction with a view to what has since occurred, the development of the lumber business in those five States. But now you propose to put those States back in the condition in which they were before.

Mr. COBB. This bill does not do it.

Mr. MONEY. But the bill passed the other day did.

Mr. Speaker, if the Representatives of Mississippi could have any voice in this matter, any persuasive influence upon the members of this House, they would tell you what their people want and what is best for that State. But unfortunately for us the gentleman from Indiana slipped in the name of my State without its being noticed, without being solicited to do so by anybody, and I must say without any sort of knowledge upon the subject. If he had known the facts he would have known that these lands are unfit for agriculture; that from 1866 to 1876 they were open to homestead entry but no one entered them, and they would not be entered in that way if the period were extended until the crack of doom. No poor man can go upon those lands and clear away those forests, because the timber is too heavy; and when the timber is removed the land is absolutely worthless for agricultural purposes. Those lands can only be made valuable in promoting the interests of this country by devoting the timber upon them to the building of your houses and your bridges in the far-off West, where lumber is scarce.

The region of which I am speaking is a lumbering district—nothing else. Mills are scattered throughout that country. People come down there from Michigan, New York, Wisconsin, and Minnesota and buy those lands for the purpose of building mills and furnishing lumber to various portions of the country.

In this amendment we have a provision which is absolutely worthless, which would lock up these lands so that they will never be entered as homesteads. This is poor legislation, which will do no good to anybody. I hope the House will consent that the State of Mississippi at least shall be excepted from the operation of this bill. We want these lands left open for men who will put up mills and develop the lumber interests of that country.

Mr. COBB. This bill does not affect the matter of which the gentleman speaks; that is involved in the amendment of my colleague [Mr. HOLMAN].

Mr. MONEY. That is exactly what I am speaking of.

Mr. HENLEY. I ask that the amendment be reported.

The SPEAKER. The gentleman from Mississippi [Mr. MONEY] has the floor.

Mr. MONEY. I yield that the amendment may be reported.

The Clerk again read the amendment.

Mr. MONEY. Now, Mr. Speaker, the House will recognize the historical fact that it was the southern belt of Mississippi which was first occupied by white people. That country, including the whole pine belt, extending from the Gulf about one hundred and fifty miles, was originally a Spanish province. White settlers came in from Georgia and occupied that country. Any man who would go and deposit $10 with the Spanish governor could secure 1,000 acres of land. The whole white population was concentrated in that portion of the country; the upper part, which is now the best agricultural belt in the country, was then occupied by the Chickasaw and Choctaw Indians. It was not until the Dancing Rabbit Creek treaty of 1832 that that portion of the country was opened to settlement by white people.

Up to this time these vast pine forests have been left unappropriated. At any time during the Spanish possession any man who could get a few dollars might purchase them, 1,000 acres for $10. During all the time they have been in the possession of the Government the means of acquiring them were particularly simple and ample, yet they have not been taken up. For years while the homestead laws and pre-emption laws have remained upon the statute-book they have not been taken up, as I have already said. They are entirely incapable of cultivation. They are nothing but vast pine forests. No man is going in among them to clean up that timber with his own unaided strength, taking these lands up under the pre-emption and homestead laws. As they are, they are useless for every other purpose than for the timber which they afford. Every acre of the least value for cultivation, every acre of arable land in that country, has been taken up long ago.

I know all about this country, Mr. Speaker. My mother was born in it. I have been up and down it from one end of it to the other, and I tell you if you pass this provision to which I have referred you will lock up so much of the public lands, rendering them absolutely useless, not only to the people who live there, but to the people in the North and West who desire to obtain them for lumbering purposes, and you will thus choke a growing industry in that portion of the State of Mississippi.

[Here the hammer fell.]

Mr. COBB. How much time have I left?

Mr. HOLMAN. I hope the gentleman will yield to me five minutes.

Mr. COBB. I will yield to my colleague for five minutes out of whatever time I have remaining.

Mr. HOLMAN. Mr. Speaker, it will be observed the amendment I offered a few moments ago has no relation whatever to the subject which the gentleman from Mississippi [Mr. MONEY] has been discussing, if the lands he refers to are merely timber lands and not adapted to cultivation. That amendment of mine applies simply to agricultural lands, and dedicates them to homes for our people under the homestead laws. The gentleman's remarks have reference to a bill passed a few days ago on motion of the gentleman from Alabama [Mr. HEWITT], limiting the disposition of public lands remaining in that State to the homestead laws. In 1866, as will be remembered, an act was passed subjecting all the lands of the States finally named in that bill to the provisions of the homestead laws. There were five of them: Florida, Louisiana, Mississippi, Alabama, and Arkansas.

In 1875–'76, if my memory is correct as to the date, a very powerful lobby gathered in this Capitol, not from the South, not from Mississippi, Florida, or any other one of those States, but from the cities of the North, seeking to reach these lands to which the gentleman has referred, and under unexampled pressure a law was passed repealing the homestead act of 1866, and throwing open the millions of acres of public lands in Mississippi, Florida, Louisiana, Arkansas, and Alabama to speculators.

Now, sir, there are two modes of disposing of your public domain—practically only two. The one in such manner as will diffuse that great body of public wealth, these millions of acres of public lands, whether valuable for their timber or their adaptation to agriculture, among the greatest number of our people; the other, by permitting speculation in those lands, to turn them over to grasping syndicates and build up a few great estates at the expense of the people, giving to the few the wealth which belongs to the many. If the gentleman from Mississippi or anybody else will mention any other methods of disposing of the public lands I should like to hear it. You will give them to the many for homes or for the benefit of their value, or to the few at a nominal price.

The object of the act of 1875–'76 was to enable speculators to buy these valuable lands at a nominal price and amass wealth out of the public resources, not citizens of the South, but of New York, Boston, Philadelphia, and Baltimore.

Mr. HENLEY. Permit me to ask the gentleman a question?

Mr. HOLMAN. Excuse me a moment. The object of that act of 1866 was the employment of the public resources in such a manner as to give the whole people an opportunity to participate in their benefit. Suppose the lands are only valuable for their timber, shall a few speculators seize all the benefits? The question whether the wealth of this country—the public wealth—shall be centralized in the hands of a few or whether public measures shall be so framed as that it shall be the most widely diffused is a question of no locality. It is as broad as the Union and involves results as enduring as time. For, sir, if a mistake is made at this time in the disposal of this great body of landed wealth still subject to your control, and you continue the policy of the last twenty years so as to still further complete the centralization of the wealth, subject to national control, with every agency of Government tending in the same fatal course to build up the fortunes of the few, you will imperil our free institutions if you do not render the continuance of a free government of the people impossible. A nation of freeholders can alone guarantee the institutions of a free government. That citizen who hopes for a good future, who hopes for the perpetuation of our institutions, and would still permit this policy of giving the public wealth to the few to prevail, indulges in hopes fatally delusive, for free government can not survive that condition of the people where the wealth is in the hands of the few and the great body of the people impoverished. Great estates, especially great landed estates, are a menace to free government and a republic can not with safety encourage their creation.

No, sir; Mississippi is no more interested in this great question than any other State in the Union. It is a question of national life. It is a question of what shall be your policy for the future to prevent the motives for public disorder which overgrown fortunes created by the favoritism of Government tends to inspire, and that, too, at no distant

day. It is a question in which every State is alike interested, no matter where this public wealth may be, and in which every one of our citizens is vitally concerned. In my judgment the repeal of the act of 1866 was a most unwise measure, and no bill was ever introduced in this House that gratified me more than the bill of the gentleman of Alabama [Mr. HEWITT] to restore that law as to Alabama. It was a wise and far-reaching measure. I suggested then modestly, as a gentleman from another State might well feel touching a subject not affecting immediately his own constituents, the propriety of extending the provisions of that bill to the other States which were subsequently incorporated in the bill by way of amendment. Every intelligent citizen in this country knows the importance of the preservation of the remaining portion of the public domain. This House can not misapprehend the public anxiety on this subject nor the cause of that anxiety. I suggested, as I might well do in a matter of universal, not local, interest, the naming of the other States.

The House noticed with what alacrity the gentleman from Arkansas [Mr. DUNN] offered an amendment to embrace the State of Arkansas in the provisions of the bill. The gentleman from Louisiana [Mr. LEWIS] approved the measure. The Representatives of no other States on this floor made objection, and the measure passed by unanimous consent. But, sir, I do not consent that any gentleman shall claim that the public wealth in lands, no matter where situated, is a matter of locality. It is a question affecting, as I have said, the well-being and permanency of our free institutions. It is a question that affects as much my constituents as the constituents of the gentleman from Mississippi. And I trust this fatal practice which has obtained in Congress for so many years and which has centralized a great body of this wealth already in the hands of corporations and built up the fortunes of a few favored citizens at the expense of the many will receive a fatal blow at the hand of this Congress. And I am confident that every intelligent man in America must feel that every step taken in securing the public lands to the whole people is a step toward prolonging the life of this Republic.

[Here the hammer fell.]

Mr. COBB. I now resume the floor——

Mr. HENLEY. I hope the gentleman from Indiana [Mr. COBB] will yield to me to ask a question of the gentleman from Indiana [Mr. HOLMAN] who has just taken his seat.

Mr. COBB. I have promised to yield the floor to several gentlemen, but will yield for a question.

Mr. HENLEY. If I can have the attention of the gentleman from Indiana [Mr. HOLMAN] immediately in front of me for a moment, I wish to suggest to him that the point is specifically made by the gentleman from Mississippi that the amendment of the gentleman from Indiana in some way or other neutralizes, affects, or interferes with the operation of the entry of lands under the timber act. Now, the gentleman from Indiana, instead of making a reply to that specific objection to his amendment, which, if true, ought to defeat or destroy it, regales the House with a very patriotic disquisition upon general matters of public policy involving the disposition of our public lands in which we all agree. But I would like to ask the gentleman from Indiana, who insists upon not giving me his attention——

Mr. HOLMAN. I am listening to every word.

Mr. HENLEY. I would like to ask, then, the gentleman from Indiana to reply specifically to the objection which has been made to his amendment.

Mr. HOLMAN. My friend from California certainly did not attend to my remarks, or he would not have found it necessary to ask the question or to require a more specific reply than that which I have already made. As I stated distinctly at the beginning of my remarks, this amendment has nothing to do with the complaint made by the gentleman from Mississippi. The proposition pending has reference only to agricultural lands, and if there are not agricultural lands the amendment certainly does not affect them. The disposition of the timber lands proper is the only matter relating to the public lands that is not in some way affected by the proposition which is pending. It proposes to amend the existing laws—the repeal of the pre-emption law and timber-culture law. The law applicable to timber lands is undisturbed either by the bill or the amendments.

Mr. HENLEY. That being the understanding, I have no objection to the amendment. If the objection was good, the provision would be utterly destructive to a great and growing interest of my State.

Mr. COBB. I yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. I desire to offer and have attempted to offer an amendment to come in at the end of the second section, and I ask that the Clerk may read it.

The SPEAKER. It is not in order at this time, because there is an amendment pending. But it may be read.

Mr. BELFORD. There is one thing that is perfectly evident, and that is that we must change our land laws. The Commissioner of the General Land Office in three several reports has recommended a change. I agree with my friend from Indiana that the change of law is not a purely local question but is a national question.

I live in an arid region. We have to irrigate the land in order to make it bloom and blossom like the rose. My proposition is that in a country of that kind one hundred and sixty acres of land are not sufficient, and will not justify individual enterprise in reclaiming it and making it available for human habitation. Therefore I have suggested an amendment that, instead of having one hundred and sixty acres of land in the arid regions of the West, the men who take up homesteads shall be allowed to take up at least six hundred and forty acres—an amount that will justify them in constructing an irrigating ditch, building up a home, making the country rich, offering to the nation something that it can tax in the way of revenue.

I think with the gentleman from Indiana that this law does not affect the timber interest of Mississippi. I do not think that any lawyer construing the law would declare that that was agricultural land. I never can forget one incident that occurred in the first session of the First Congress of the United States. It was a bill brought forward by John Scott, of Pennsylvania, to create a land office west of the Alleghany Mountains. Every effort was made to defeat it upon the theory that if our people went to the West we would establish an independent kingdom there. He replied with the statement that the land west of the Mississippi River was owned by Spain, and if we did not establish that land office and open up that western country Spain would open up the section west of the Mississippi, and the enterprising people who had the courage to go west would fall under the dominion of Spain, and there would be trouble to be encountered from that quarter. We have developed under that wise and generous policy the grandest land system in the world. But when we come to those vast arid regions I solemnly declare that one hundred and sixty acres of homestead right or pre-emption right is an absolute failure. With the exception of that limitation this bill has my entire and cordial indorsement.

Mr. COBB. I yield five minutes to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. I ask to have the amendment of the gentleman from Indiana [Mr. HOLMAN] reported.

The amendment was again read.

Mr. GOFF. Mr. Speaker, I do not intend to oppose the amendment as offered by the gentleman from Indiana, but I desire to congratulate him and the country that he has at last come to the conclusion and asked this Congress to pass a law of the character indicated by his amendment. It has not been a great many years since the gentleman's party opposed such an amendment as that solidly. And I will tell the gentleman from Indiana that the first great homestead law that we had was passed over the solid vote of the Democratic party; and the gentleman from Indiana himself in 1860 voted against the homestead bill.

Mr. HOLMAN. I think not.

Mr. GOFF. I find the statement here in the Tribune Almanac for the year 1861.

Mr. HISCOCK. That is good authority.

Mr. HOLMAN. The gentleman will find my name recorded for the homestead law every time it came up and for the amendments to it.

Mr. GOFF. Does the gentleman say for the amendments?

Mr. HOLMAN. For everything pertaining to it; for the law when it passed, and for the provision to give bounties to soldiers which was inserted at the same time by the House and afterward stricken out.

Mr. GOFF. How many of the gentleman's friends on that side voted with him?

Mr. HOLMAN. I do not remember. I voted for that law with more pleasure than for any other law that ever passed Congress.

Mr. GOFF. If the gentleman voted for that law he was almost the lone man on that side of the House.

Mr. HOLMAN. I think not. On the contrary, my colleagues who were present all voted for the measure. I can not say how many others did so.

Mr. GOFF. I find that out of the negative of 65 votes, 64 of them were cast by the Democrats.

Mr. HOLMAN. Did the measure pass?

Mr. GOFF. Yes, sir.

Mr. HOLMAN. And you say but one Democrat favored it?

Mr. GOFF. The total of 115 votes in favor of the bill were cast by Republicans, except 1; and that was the vote of James Craig, from the State of Missouri; while out of a total of 65 who voted against it 64 were Democrats.

Mr. HOLMAN. But the gentleman started out with the proposition that I voted against it myself.

Mr. GOFF. I was under that impression, and think so yet. I have only the total of the vote here. I have not got the yea-and-nay vote. I do not want to do the gentleman an injustice, but what I mean is that the gentleman's party opposed the measure. After it was passed by Republican votes it was sent to a Democratic President, and that Democratic President, James Buchanan, vetoed it. Is not that correct?

Mr. HOLMAN. In what year?

Mr. GOFF. In 1860.

Mr. HOLMAN. Not in 1860.

Mr. GOFF. I say the measure was vetoed in 1860 by James Buchanan.

The SPEAKER *pro tempore* (Mr. DORSHEIMER). The time of the gentleman from West Virginia [Mr. GOFF] has expired.

Mr. GOFF. It was passed the following year by Republican votes

and was signed by Abraham Lincoln, the first President of the United States elected by the Republican party.

The SPEAKER *pro tempore* (Mr. DORSHEIMER). The time of the gentleman has expired.

Mr. COBB. I intended at a very much earlier period of this discussion to have explained the provisions of this bill. I will take a portion of my time remaining for that purpose.

The SPEAKER *pro tempore*. The gentleman has twenty minutes of his time remaining.

Mr. COBB addressed the House. [See Appendix.]

Mr. HERBERT. Does the gentleman propose to cut off all opportunity to offer further amendments?

Mr. NELSON. I rise to a parliamentary inquiry. The opponents of this bill have had no opportunity to discuss it, and I ask whether they are not entitled to some time for debate?

The SPEAKER. That is not a parliamentary question. If the House desires further time for discussion it can vote down the previous question.

Mr. COBB. At the request of gentlemen around me, as I have no more interest in the bill than many other gentlemen here, I am willing that the debate should run for awhile longer; but I would like to have some understanding about the time. Will an hour more be sufficient?

Mr. MONEY. I suggest that the discussion be allowed to go on till 4 o'clock.

Mr. COBB. I think one hour ought to be sufficient. Let it be agreed that the vote shall be taken at 20 minutes past 3 o'clock.

The SPEAKER. The gentleman from Indiana proposes that by unanimous consent one hour be devoted to further debate, after which the previous question shall be again demanded.

Mr. PERKINS. That will be fair.

Mr. LEWIS. I ask unanimous consent that the vote be taken at 4 o'clock.

The SPEAKER. Is there objection?

Mr. PETERS. I desire to make a parliamentary inquiry. If the vote be taken at 4 o'clock, will there be opportunity to offer amendments in addition to those which have been presented?

The SPEAKER. That must be included in the understanding. The Chair can not determine the matter in advance.

Mr. PETERS. I object, unless such opportunity be allowed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana that the vote be taken at 4 o'clock?

Mr. COBB. I think one hour more for discussion is enough.

The SPEAKER. The gentleman from Indiana objects.

Mr. COBB. I think one hour is enough, and I suggest that as a compromise.

The SPEAKER. The Chair will submit that question to the House.

Mr. DUNN. I will ask that it be included as a part of the agreement that members shall be accorded the privilege of offering amendments while they are on the floor.

Mr. COBB. Certainly.

Mr. DUNN. That members in their remarks may offer amendments.

The SPEAKER. With the understanding that they shall be considered as pending, because amendments would not be pending without some such understanding, as under the rules only one amendment and an amendment to that amendment can be pending at the same time.

Mr. DUNN. That is my proposition.

The SPEAKER. The gentleman from Indiana asks that the time for debate be limited to one hour; and the gentleman from Arkansas [Mr. DUNN] suggests that during that time members may offer amendments, which shall be considered as pending. The Chair hears no objection to that as the unanimous understanding.

Mr. NELSON. I desire to be heard in opposition to this bill.

The SPEAKER. The gentleman from Mississippi [Mr. MONEY] desires to be heard in opposition to the bill, and he will have control of the time.

Mr. BELFORD. I wish to have some understanding about the division of the time.

The SPEAKER. One hour has been occupied by the gentleman from Indiana [Mr. COBB] in support of the bill. The Chair thinks the hour now to be allowed for debate is for the opposition to the bill. The gentleman from Mississippi [Mr. MONEY] is entitled to the floor, and will be recognized as controlling the time in opposition to the bill.

Mr. MONEY. Mr. Speaker, I will detain the House but a brief period in reply to the remarks made by the gentleman from Indiana [Mr. HOLMAN]. He certainly listened with but very little attention to what I had the honor to submit to the House or his criticism of that speech would have been out of order and unnecessary.

I said, Mr. Speaker, that those pine lands in Mississippi and in other Southern States were being taken up, possessed, and utilized by Northern capitalists. I specified the States from which they came, so there could be no doubt about it. The gentleman's remarks therefore were gratuitous.

Those lands to which I referred, Mr. Speaker, are peculiar. They are covered by forests of the long-leafed yellow pine, producing the finest timber perhaps in the world. You all know the pine tree has a filiform leaf; that it is a mere thread; that it does not feed at all upon the air, but feeds upon the ground; that it draws its whole nourishment from the soil; the result of which is that every pine forest is a barren spot so far as the plow is concerned. When these lands in Mississippi have been cleared of this soil-impoverishing growth, in the providence of God there springs up a growth of broad-leafed oaks, and the land which was before comparatively worthless for agricultural purposes becomes thereupon, after a time, fertile and profitable. For, sir, as you know, the great broad-leafed oak gathers its nourishment mostly from the air, and in the autumn it deposits its load of deciduous leaves upon the ground beneath, and the soil is enriched thereby and improved, so that it amply repays the toil of the husbandman. This is a fact known to the merest tyro in botany, and to every man of solid sense, indeed, who has his eyes about him and sees fit to use them.

Now, Mr. Speaker, there are no such things in the State of Mississippi, under the usual classification, as mineral lands. There are no such things as lands other than those designated as agricultural lands. They do not fall under either of the other great divisions made in the laws of the country. Yet while they are classed as agricultural lands they are really unfit for agricultural purposes. They do not repay with crops the labor expended on their cultivation. The best proof is that while they have been inhabited by white people over two hundred years, they are still unoccupied. They remained unoccupied under Spain when 1,000 acres might have been bought for $10. Along the rivers and creeks they may have been thinly settled, but they have generally remained unoccupied and have been of no earthly use except for timber.

Now, all of these lands were reserved for homestead entry under the law of 1866, and were reserved under a misapprehension on the part of the gentleman from Maine [Mr. RICE] who prepared that bill. He drafted it with a view of making what he supposed a good arrangement for the negroes in that section of country; but he had a mistaken idea in reference to the matter. He had zeal, but was wanting in information, and his zeal was not enforced by facts upon which to base the enactment of the law. He wanted to provide homes for the colored people of Mississippi; but did not know the character of the land which he was proposing to set apart for that purpose, and not a man, so far as my information goes, has ever entered a homestead in that pine barren or belt to this day. There is a district or pine belt affected by this proposition which is greater in extent than the State of Connecticut or Massachusetts, and there are not one-half as many negroes living within that whole territory as there are in either of the States of Connecticut and Massachusetts, where we all know the negroes are few in number.

These lands are closed by insurmountable barriers to the efforts of the husbandman. They are worthless to anybody without a great expenditure of money and time. No poor man who desires to take up a homestead of a hundred and sixty acres of land can undertake to make a home in this pine region. It is absolutely impossible for him without help to clear out the pine timber, which grows to an enormous size, and as thick in that region, I might almost say, as hairs upon a dog's back. There is no way that he can do it. The trees grow to great size and require the expenditure of capital to remove them from the land. No man dares to enter the region for the purpose of making a home. It presents insuperable obstacles, and he would rather go and rent tillable lands and pay $8 or $10 an acre for them—lands which are susceptible of culture, in the swamp or anywhere else—before he would undertake to occupy these pine lands.

There is only one way that they can be utilized, and that is by the employment of capital to cut and market the vast amount of lumber which they contain. Capital is required for cutting it and shipping it to the markets. That is recognized as a valuable property for that purpose alone; and to-day that country is full of millers, men from Wisconsin, and from Minnesota, and from Michigan, who are buying up the pine lands, putting up mills, and building tramways for the delivery of the lumber from the mills, and are beginning to open up and develop that region of country. These lands had been abandoned and were worthless to anybody else until these men came and took possession of them; and all this talk on the part of gentlemen here about robbing the poor people of this country of their rights is absurd. The idea that this is robbing the poor man down there, as stated in his ignorance of the facts by the gentleman from Indiana, is simply a mistake, because the result is that it has furnished remunerative labor for these people instead of robbing them; and the man who heretofore, by the hardest kind of work through twelve months in the year, derived but a very meager and ungenerous subsistence from that sterile soil finds lucrative employment in the mills. Settlements are rapidly accumulating, towns are being built up, school-houses are established, and they are more progressive in that region than perhaps in any other part of Mississippi. Money is plentiful and wages are good.

The gentleman from Indiana looks at this under a mistake of facts. If you lock up these lands under the homestead reservation, and allow nobody to enter more than one hundred and sixty acres, there will be not one single acre of them entered up, and the whole region will again become barren. At present nobody is deprived of the liberty of entering the lands under the homestead laws. They have been open for the poor man for many years. Any man can go there and enter them if

he chooses. There is no restriction but the stern restriction that nature herself has placed upon the lands. Even as far back as the Forty-fourth Congress the restriction as to entry was removed, and the lands put upon a footing with the other public lands; and therefore the cheap catch-words which have been used in this debate about this "great empire" of the public domain, and the "life of the nation" being involved in these public lands, have no weight in this connection.

We want these lands opened up so that labor shall have a profitable field and that property and wealth will be multiplied in that region. No imperial company can get possession of those lands either by fraud or trick. There is no danger of that. But every man who buys these, whether he buys one acre or a million of acres, must walk up and pay his $1.25 an acre in cash before he can get his patent. There is no room for trickery or fraud or collusion or anything of that kind, as seems to be apprehended by the gentleman from Indiana and which he has so solemnly inveighed against. It is a simple question as to whether you will step in and put an end to the great industries which have accumulated there or allow them to go on for the benefit of the people and the growth of the State. Until this late restriction was removed these lands, as I have already said, were absolutely worthless. They could not be utilized.

Now we are presented with a simple business proposition, a plain common-sense business question; and all this declamation about the rights of the people and the robbery of the poor is all stuff and has no effect. The people have as much right in Mississippi to enter these lands if they want to as they have in any other section of this country. They have a right to take up homesteads if they see proper to do so. They can take up these lands whether they be in swamp or timber, and I presume that this cheap clap-trap talk can not have any effect upon the House after the facts are clearly understood.

I have endeavored, sir, to present this case clearly to the House. I have endeavored to show that there is nothing in the objection urged by the gentleman from Indiana. The suggestions that I have made as to these lands apply equally to the lower part of Georgia, to portions of Alabama, and probably to Arkansas and Louisiana, as well as to Mississippi; but I leave gentlemen to speak for these States themselves. I am speaking now only for my own constituents and for the State that I have the honor in part to represent. For the State of Mississippi I protest against a measure which handicaps her and retards her in the race of material prosperity, and which resigns these lands to the primeval solitude in which they were first placed by the hands of the Creator.

I invoke the hum and buzz of the industry of our mills. We have provided the timber for the construction of the Northern Pacific Railroad from Southern Mississippi. We have sent our boards and scantling all over the Northwest. There is not a class of timber more suitable for railroad-sleepers than the yellow pine of Mississippi.

Now, it is a plain proposition, if you want to go backward, if you want those lands to relapse into their original solitude, you have the chance of securing that result offered by this bill. I do say if you do this thing you inflict a wrong on the State of Mississippi, and not only that, but you have destroyed, not only in that State but in other States of the South, the rights granted them by the Federal Government in regard to their swamp and overflowed lands. You take back these lands and confine them strictly to homestead entries. You deprive them of the opportunity to place that scrip. Alabama will lose $200,000 and my State will lose $60,000 or $70,000. This may be a small consideration. These States can stand the law. But we do object to seeing that magnificent country, most valuable to Mississippi in the development of its lumber, locked up without any resource except the repeal of the statute. But I have faith in the good sense of the Senate, that that body will not permit a demagogic bill like this to pass there. I yield seven minutes to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. Mr. Speaker, I desire to offer and have considered as pending the amendment which I send up as a proviso, to come in at the end of the bill.

The Clerk read the proposed amendment, as follows:

Provided, That nothing in this act shall be construed to impair, defeat, or in any manner affect the rights of any State to indemnity for swamp and overflowed lands granted to the State of Arkansas and to other States under the provisions of an act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, as provided in sections 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, and 2490 of the Revised Statutes of the United States.

Mr. DUNN. This amendment leaves the law as to that question of indemnity where it is now and as it is now being administered by the Interior Department.

Inasmuch as allusion has been made to the provisions of an act that passed this House two days ago on the motion of the gentleman from Alabama, under the operations of which I asked that the State of Arkansas might be included, perhaps it is as well that I explain my action in that behalf. I am heartily in favor of all laws limiting the settlement of public lands of the United States to homestead settlers alone. I am satisfied that that is the correct principle. My reason for action in respect to the State of Arkansas particularly was to take the public lands of that State out from the operation of the mineral-land laws of the United States. Many persons who have bought lands, pre-emption lands and homestead lands, in Arkansas find they are now in possession of minerals of value, recently discovered; and they are having their possession disturbed by claimants locating mineral claims upon their farms and their homesteads. It is to protect that class of owners against that species ef disturbance that I sought to bring the public lands of that State under the operations of that law.

I have not the apprehension of detriment to the public interest of my State from homestead settlement that the gentleman who has just spoken [Mr. MONEY] has in Mississippi. The southern part of Arkansas is pine land, and it is very fine agricultural land. The pine there has not exhausted the fertility of the soil; and we have as fine and as productive farms and lands in the pine woods of the south of Arkansas as in any part of the State except in the alluvial bottom lands. The settlers there find their pine timber of great value to them. They sell it off to the mills. The fact that the land is owned there by homestead settlers and by small farmers does not impede the lumber interest at all; but it promotes it. Lumbermen go there and pay stumpage to the farmers. Farmers find they derive a revenue from which they can make their crops and improve their business.

There is no reason in my opinion why all the public pine lands in Arkansas and throughout the South should not be limited to homestead settlers. I said a few days ago and repeat that the great evil of to-day is the occupancy, the seizure, of the whole resources of the country for food, commerce, and industry by these great associations of wealth. This Congress can not hasten too soon to rescue what it can out of their clutch and hold it for the benefit of the citizens generally. With this view we had better limit every foot of land on this continent, on the plains and in the States, the pine woods and oak woods and all, to homestead settlers.

I desire in doing this to impair no right of any individual obtained by previous entry. I desire to impair the right of no State to which grants have been made and for infringement upon which they are entitled to indemnity. I desire to impair the rights of no railroad corporation that has honestly earned what has been given to it. I desire to save the rights of all when they may be ascertained. But, sir, I would withdraw from the reach of all associations of wealth, corporate or otherwise, the whole public domain of this country, reserving it as a sacred heritage for the homesteader, whether it is the plains, the pine lands, the everglades of Florida, or the valley of the Mississippi, with all of its richness and fertility.

Mr. MONEY. I now yield to the gentleman from Minnesota [Mr. NELSON]. How much time?

Mr. NELSON. I will be satisfied with five or ten minutes; not over ten minutes.

Mr. MONEY. I will yield to the gentleman ten minutes if he desires it.

Mr. NELSON. While I entirely agree with the gentlemen who are advocating this bill that great frauds and corruptions have crept into our land system and that we ought to provide a remedy by legislation, I entirely disagree with them as to the mode and plan by which they seek to reach the evil.

The truth is, as gentlemen will see if they will examine the laws, that there has been as much fraud committed under the homestead law as under the pre-emption law. In fact one feature of the homestead law is entirely analogous to and identical with the pre-emption law.

A man may go to the local land office and make an entry of a homestead of land, and after having settled on it for six months he may commute his homestead entry by going to the local land office and making final proof and payment, as in case of pre-emption. The Committee on Public Lands have recognized that evil in this case, and instead of repealing the homestead law they have changed the period of commutation from six months to thirty months.

Now I submit that the same process ought to be resorted to in the case of the pre-emption and timber-culture laws; that instead of repealing those laws they should be amended, as you propose to amend the homestead laws, in such a manner as to cut off all possibility of fraud.

Permit me to call the attention of gentlemen to one fact: By this very amendment of the homestead law which you propose you provide the only method in which people can acquire any of the public lands; that is, under the homestead laws. Now, all over this country there are a great many poor people who have already had the benefit of the homestead law, but through the vicissitudes of the hard times and the struggles incident to a new country, through mortgages, judgments, and otherwise, they have lost their homestead claims. By your proposed amendment to the law those people are utterly cut off from obtaining any more of the Government lands, and if they wish to secure a home they must purchase land from third parties.

I suggest whether it would not be better to leave the pre-emption law in force but change it as you have changed the commutation clause of the homestead law, and instead of requiring six months' settlement make it two years or three years, but leave the law upon your statute-book, so that people may obtain under it some of the Government lands for homes.

All over the Western States are many poor men who have exhausted

their homestead rights, and are to-day landless and without homes. By repealing the pre-emption law you cut them off altogether from any opportunity of obtaining any portion of the public lands upon which to make homes. I submit this ought not to be done. The proper way would be to do as you propose to do with the homestead law: change the period within which to prove up their claims and make final entry.

The old fashion of surgery was to cut off the leg in every instance. The modern style of surgery is to save the leg if possible. Therefore I submit that the old pre-emption law, which has been in force since 1841, and under which so many of our people in the West have acquired homes which they now occupy, ought to be left upon the statute-books, but so amended and modified as to absolutely cut off all opportunity for frauds.

I would also apply the same argument to the timber-culture law. In our great West there are large, extensive, and almost boundless prairies. The object and intent of the timber-culture law was to secure the growing of forests upon those prairies, in order to build up that country and make it habitable. I submit that the spirit of that law was just and laudable. What we ought to do instead of repealing the law is to amend and modify it, so as to cut off all opportunities for fraud.

What I claim is this: To my knowledge there has been just as much fraud committed under the commutation clause of the homestead act as under the similar clause of the pre-emption law or the timber-culture law. What I insist upon is that this House ought to do with regard to the pre-emption law or the timber-culture law just what is proposed to be done with the homestead law—make them more perfect and amend them so as to prevent frauds under them.

If gentlemen will reflect a moment I think they will see the great injustice which they are about doing to the poor people of the West. While I entirely agree with the motives of the promoters of this bill, I feel that they are mistaken in their zeal. Instead of repealing those laws they should modify them and correct them. I therefore trust that this bill will be recommitted to the Committee on Public Lands, with instructions to so modify the pre-emption, homestead, and timber-culture laws as to prevent all fraudulent practices under them.

Mr. MONEY. I yield five minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Speaker, the argument made against the pre-emption and timber-culture laws that frauds have been committed under them is fallacious. I could with equal reason stand up here and make an argument against property in horse-flesh for the reason that horses may be stolen.

The fault is not in the principle of these laws, but in the details, in the manner of their execution. Every one who has had any experience in connection with the operation of the timber-culture law knows that where it has been properly carried out it has been and is to-day a success. It has been a success upon the treeless prairies of Kansas; and this fact only demonstrates that it can be made a success everywhere.

I say the principle of the pre-emption law and the timber-culture law is correct. The very fact that our public domain is a safety-valve that protects our Government from the communism that is bred and fostered in the overcrowded cities of the East is in itself an argument in favor of these laws.

But take a man from the overcrowded cities of the East and restrict him to settlement under the homestead law, and in many places upon the prairies of Kansas you but curse him with a burden that must sink him into a poverty-stricken grave or banish him from those prairies forever. Hence I say the principle upon which the homestead and timber-culture laws are based is correct and should be maintained. Compel a man to settle under the homestead law upon one hundred and sixty acres in the southwestern part of the State of Kansas and he can not make a living there. Every man who has been there knows it. To confine a man to the provisions of the homestead law, to restrict him to a quarter-section of one hundred and sixty acres of such land as is now open to homestead entry, is simply to say that the settler must go there and starve or else that he shall never have any right to any part of the public domain. One hundred and sixty acres of land that might be selected in some valley of Kansas or elsewhere where the land is suited for agricultural purposes are equal to three hundred and twenty acres or an entire section in places where the land is not fit for agriculture.

The trouble is that we need a law classifying the public lands of this country into agricultural, timber, grazing, and mineral lands, so that the Land Department may ascertain what part of our remaining public domain is adapted to agricultural purposes. In many instances men from the overcrowded cities, taking Horace Greeley's advice, have gone out and settled upon quarter-sections of land in Kansas and built up for themselves comfortable homes. But the man who is forced from the cities to-day to seek a home upon the public domain in the West must, if he takes any land at all, take that upon which he can not hope to make a living even for himself.

[Here the hammer fell.]

Mr. PETERS. I ask that the amendment which I send to the desk may be read and considered as pending.

The Clerk read as follows:

Add to section 1 the following:

"*Provided*, That when it is ascertained after investigation that a quarter-section of land entered under the provisions of the homestead, pre-emption, or timber-culture laws, charged to have been fradulently entered, has been transferred to an innocent holder without any collusion between such holder and the person charged with the fraudulent entry, then in such case or cases patents for such lands may, in the discretion of the Secretary of the Interior, be issued."

Mr. HERBERT. Mr. Speaker, I believe in the homestead law. It is a Democratic idea. I have shown, by the authority of Mr. Stephens, of Georgia, who knew whereof he spoke, that its mover and originator was Felix G. McConnell, a distinguished Democrat from Alabama. Our Republican friends on the other side have attempted to appropriate that thunder and call it theirs. They have always been in the habit of doing that thing. They were at it so recently as the day before yesterday, when they adopted a platform in Chicago. We are here declaring forfeited land grants which have not been earned; restoring to the public domain and opening up to settlers lands which were granted by millions of acres to enrich great corporations. It was this same Republican party that improvidently squandered these lands that ought to have been reserved as homes for the people. That party was in power in both Houses during the last Congress. Knowledge was brought home to it that millions of acres were subject to forfeiture because the terms of the grants had not been complied with. Not one acre was declared forfeited by that Congress. This Democratic House has entered boldly upon the policy of declaring forfeited all the lands which according to equity and justice and law ought to be forfeited, and now the Republicans in convention assembled at Chicago resolve that they too are in favor of forfeiting these lands. I suppose that here too they will seek to claim credit before the people for what Democrats are doing.

I believe that the homestead law ought to be extended to all the lands in the United States fitted for homesteads; but, as the gentleman last on the floor has remarked, the public lands ought to be classified. We ought not to declare, as the gentleman from Indiana proposes, that all the public domain is reserved for entry solely under the homestead law when we know that much of that domain is not fit to be occupied for homes.

Mr. HOLMAN. Does not my friend misapprehend my amendment? "Adapted to agriculture" is the language.

Mr. HERBERT. Right there comes the difficulty. I have prepared an amendment the purpose of which is to meet the very difficulty arising out of the expression in the gentleman's amendment, "adapted to agriculture." In our laws we have but two classifications—agricultural and mineral. All non-mineral lands are classed as agricultural, and much of what is called agricultural land is not really "adapted to agriculture." Besides, that phrase is very wide and indefinite.

The lands of which the gentleman from Mississippi [Mr. MONEY] has spoken—the pine lands in Southern Mississippi—are exactly similar to much of the land in the district I have the honor to represent. Those lands in one sense are fitted for agricultural purposes, but they are, many of them, very poor. They are of different degrees of value. Some of them are valuable for homestead purposes; others are valuable principally on account of the timber upon them. They will probably, the poorest of them, not be in demand as homesteads for a hundred years to come, but the timber on them is in demand now. I send to the Clerk's desk an amendment which I propose to the amendment of the gentlemen from Indiana.

The Clerk read as follows:

Strike out the words "adapted to agriculture" and insert in lieu thereof "which shall be decided by the Commissioner of the General Land Office to be more valuable in the market for agricultural purposes than for the timber thereon."

Mr. HERBERT. Now, the classification which the gentleman who preceded me says ought to be made can not be made in a law. You can not frame any set of words which will enable the Commissioner to say what lands are fitted for homesteads and what are not. The only mode is by personal inspection by agents sent out from the Land Office. This mode is defective and liable to abuse, it is true, but it is the only one I can think of just now.

The amendment contemplates that the Commissioner shall send agents, and that these agents shall make this classification of lands which are now desirable as homesteads, and these I would have subject to entry solely under the homestead law, and the other lands, desirable for timber and turpentine, I would leave subject to be entered for that purpose.

Now, sir, if all these lands are withdrawn from market and can only be entered for homesteads, when some are not wanted for and are not fitted for that purpose, while they are desirable for the timber that is upon them, we hold out to the people a standing invitation to fraud. So long as the public lands are there and timber stands upon them men will be tempted, if forbidden to enter them at $1.25 per acre for the timber on them, to make false and fraudulent homestead entries. Even when entries have been made in good faith officers of the United States courts, commissioners and marshals, are tempted frequently—and I speak here from my own personal knowledge—to bring false accusations. I know of at least fifty different informations filed against men in the southern district of Alabama at Montgomery.

Mr. OATES. Is it not a fact those pine lands are much more valuable for agricultural purposes after the pine timber is cut off?

Mr. HERBERT. When sufficient timber is left to fence them; but some of these lands would not be desirable for homesteads, and would not be indeed for years, whereas the people want the timber that is on them. The business of getting out this timber is a great, growing, and prosperous industry in Alabama and Mississippi and other States of the South.

If the amendment of the gentleman from Indiana [Mr. HOLMAN] is carried without some such limitation the House can see at once the difficulties of the situation. However much the lumber and timber and turpentine industries of the country may need these lands and the trees growing on them, there will be no mode of procuring them except by hiring men to homestead them, and there will stand the hungry marshals and commissioners and spies and informers ready to drag the settlers and the mill-men before the United States courts. Either this is to be the result or else the timber lands not wanted for homesteads, not wanted now for homesteads, are to stand there a perpetual wilderness, useless, because the people are to be forbidden by your law to develop the wealth that is on them—yes, sir, worse than useless, because an army of spies and informers are to be maintained by the Government to watch over these lands and worry and harass the people with prosecutions.

It seems to me, Mr. Speaker, there is but one practicable mode of carrying out the idea of the gentleman from Indiana, and that is by adopting the amendment I have proposed. If any gentleman will suggest a better I will readily vote for it.

Mr. HENLEY. I suggest to the gentleman to modify his amendment so that instead of clothing the Commissioner of the General Land Office with the power he would say the Interior Department, and then there could be appeal from the register and receiver.

Mr. HERBERT. I accept that as a modification of my amendment.

Mr. PETERS. Does the gentleman's amendment provide for more than two classifications—agricultural and timber?

Mr. HERBERT. Only two. The object I had in my mind was to provide for that classification of agricultural and timber lands. That was the only purpose I had in view.

Mr. MONEY. I now yield five minutes to the gentleman from Wisconsin [Mr. PRICE].

Mr. PRICE. Mr. Speaker, as I understand this bill, it is a proposition to annul two provisions of existing law, or two processes by which an individual under the law may become the owner of a part of the public domain. At present there are four methods by which this may be done: one by the timber-culture act; another, the pre-emption law; another, the homestead entry; and another by purchase; and it is proposed by the provisions of this bill to say that there shall be no more opportunity for a poor man to obtain title by the timber-culture act or by pre-emption. That, as I understand, is the substance of the bill pending. The only reason that has been urged in favor of the adoption of the proposition which I have stated is that frauds have been committed by virtue of the pre-emption act or under the timber-culture act. That is all we have heard.

Now, Mr. Speaker, if that argument is good as applied to the two methods of acquiring the public lands, it may with equal truth be said to apply, and with equal force, to every other law on our statute-books; because there is, perhaps, no law now existing that has not in some manner been violated. As suggested by the gentleman from Minnesota, the wiser statesmanship would seem to be to guard as far as we possibly can guard against frauds in the operation of these laws, instead of repealing the whole body of the law because of alleged fraud perpetrated under it. But, sir, for myself I have no evidence, nor has the House any evidence, that any great frauds have been committed under either act. There has been a great cry of fraud—we are accustomed to that here—but so far as my personal experience goes as a citizen of the Northwest they are chiefly the results of the action of dishonest officials, pimps, and spies, rather than the acts of the settlers themselves. If it be your purpose to reach cases of fraud which have been committed, in my judgment you can do that much better by amending the law in the form indicated by the gentleman upon my right [Mr. NELSON] than by abrogating the law itself.

Why, look at all the circumstances connected with the subject: One man may be so circumstanced as to make his pre-emption entry in time, prove it up, and within the time fixed by the law is able to pay his $1.25 per acre; he gets his title, and becomes the possessor of the property. Another man is placed under different circumstances; he can not pay the $1.25, but he can live for five years, as required by the law, upon the land, while the first can not, and prove his title in that manner. Each one gets according to his means, and takes advantage of the opportunity the Government gives him to acquire a home. He becomes the owner of a small portion of this country. Is it not, then, the wiser policy of this Government to attach him thereby to the laws of the country? Is it not wiser to give him the chance of making a home? It makes him alive to the best interests of the country. It creates a bond upon which his patriotism as a citizen may be grounded. That would seem to be a wise policy to pursue, and better than to cut down the whole system of the law.

But there is a craze in this House. It is popular here to say, "Down with everything." In other words, it is a bid for which side can crawl lowest in the communistic tendency, which says that no man shall own four dollars and a half more than another man. It is not a wise policy; it is not true statesmanship. Each party vieing with the other to see which can buy lowest or the most cheaply is a sentiment which should not be recognized as the basis of any political action. Ever since laws were enacted laws have been abused; and the question with which we ought to deal is simply whether or not in common sense we can not find a better remedy for the evils complained of than to repeal the law which gives homes to the homeless. Will we deprive the thousands of our homeless citizens of the opportunity of acquiring a homestead for themselves and their families because there has been a violation of the laws? If it was not for this clamor here, if it was not for this sentiment, this thing that makes a man forget the true principles of right and justice, this proposition would not be tolerated for a moment.

I enter my earnest protest against the whole system as being unstatesmanlike, injurious, and detrimental to the interests of the poor man of this country, and by the fact of his being poor I wish to be understood as saying that I think no more of him because of his poverty, nor would I think any less of him because he happened to acquire riches. But it is injurious to all alike. I have little faith, Mr. Speaker, in this clamor which has been so often set up here, especially during these tariff discussions, in behalf of the poor man by men who never put a man in employment in their lives, who never turned a wheel, who never stimulated a productive industry, and never produced a result. It is all idle talk. It is a stringing together of meaningless phrases and nothing more.

[Here the hammer fell.]

Mr. MONEY. I now yield three minutes to the gentleman from Washington Territory [Mr. BRENTS].

Mr. BRENTS. Mr. Speaker, in the States of Oregon, California, and Nevada, and the Territory of Washington there were vast tracts of timber land. This timber is more valuable by far than the land when it is cleared off. To require these lands to be entered under the homestead law is to practically destroy this timber in order to open them up to cultivation. That would be a very poor policy indeed. The lands are generally valuable only for the timber. It is on steep mountainsides, and as I have said is more valuable for the timber than for cultivation. There has been a law which was passed some years ago, a law passed in 1878, allowing the lands chiefly valuable for timber in the States I have named and in this Territory to be sold as provided in that act. I do not presume that my friend from Indiana proposes to repeal that act by his amendment, but in order to make sure that it shall not have that effect I offer the amendment which I send to the desk.

The Clerk read as follows:

Provided, That nothing herein contained shall be construed to amend or repeal an act for the sale of timber-lands in the States of California and Nevada and in Washington Territory, passed June 3, 1878.

Mr. MONEY. How much time have I remaining?

The SPEAKER *pro tempore* (Mr. MILLS). The gentleman has fifteen minutes.

Mr. MONEY. I yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN addressed the House. [See Appendix.]

Mr. GOFF. I hope the gentleman from Mississippi will allow me a single moment.

Mr. MONEY. I yield to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. For the purposes of this proposed legislation it does not occur to me as being of so much importance how political organizations may have ranged themselves heretofore on legislation pending in this body. The question that presents itself to this House to-day is this: Is this proposed legislation right? Not what may have been in the past; not what some political organizations may have favored or opposed; but as practical legislators, desiring the good of our citizens and desiring the good of our country, we ask ourselves, is this proposed legislation right? That is the question presented to us for consideration and for dispassionate discussion.

Now, I have an objection to this bill. It seems to me it is not right. So far as I know there is no demand for this legislation. I know as a Representative from one of the Western States that there is no demand at home for it.

Mr. OATES. Will the gentleman permit me a question?

Mr. PERKINS. Certainly.

Mr. OATES. I would ask the gentleman if he does not know that the Secretary of the Interior and the Commissioner of the General Land Office, the latter especially, have recommended the repeal of both the timber-culture law and the pre-emption law?

Mr. PERKINS. I understand that there have been recommendations of that character from those officials, and that may be their judgment, their opinion. But we, as representatives of the people and members of this House, are entitled to our own convictions and judgment upon this subject.

I am simply expressing my judgment and the views which I enter-

tain as the Representative of a Western constituency that has territory which will be affected by this legislation. I know that in the western half of my State there is much land that can not be taken up under the homestead law. If we enact this legislation the result will be simply to preserve that land for the occupation of men who are forming strong companies and associations for cattle-grazing, such as we were denouncing on the floor of this House a few days ago.

There are hundreds and thousands of acres of land there that can not be taken up under the homestead act; there are hundreds and thousands of acres of public land in Colorado that can not be taken up under the homestead act; there are hundreds and thousands of acres in the Territories of the West, there are hundreds and thousands of acres in the States on the Pacific coast, that can not be taken up under the homestead act.

Now if the public lands can not be taken up under the homestead act, and you provide by the passage of this bill that the only way of securing public lands shall be under the provisions of the homestead law, then what is to become of that land? It will be taken possession of by these cattle-grazing companies and organizations, who will be permitted exclusively to enjoy it and receive the benefits of it.

Mr. OATES. Are not the remarks of the gentleman pertinent in opposition to the amendment offered by the gentleman from Indiana [Mr. HOLMAN], rather than to the bill?

Mr. PERKINS. As I understood the gentleman who reported this bill, the chairman of the Committee on Public Lands [Mr. COBB], it proposes to repeal the pre-emption law, the timber-culture law, and the desert-land act, and to preserve the public domain exclusively for entries under the homestead law. If that is so, then the bill is objectionable to the criticism which I have suggested.

Quite recently in my own State there was a gathering of representatives of the horticultural interests, coming from every county in the State. They passed a resolution almost unanimously protesting against the repeal of the timber-culture act. I mention this simply for the purpose of showing the sentiment of my own section on that subject. The people there want the timber-culture act preserved. If there have been frauds committed under it, then amend the law, improve it, but do not strike down a system which is intended to promote and encourage the growth of timber on the prairies of the West. That is the feeling of my constituency and of all the people inhabiting that section of our country.

Mr. MONEY. I now yield the remainder of my time to my colleague [Mr. VAN EATON].

Mr. COBB. I would inquire how much time there is remaining for debate upon this bill?

The SPEAKER. There are three minutes remaining.

Mr. MONEY. Some time ago the then occupant of the chair stated that I had fifteen minutes remaining. I have yielded since then ten minutes of that time, so that there are five minutes left.

The SPEAKER. But the gentleman yielded time to the gentleman from Indiana.

Mr. MONEY. I yielded five minutes to that gentleman. When he rose to speak the then occupant of the chair said that there were fifteen minutes remaining. I yielded five minutes to the gentleman from Indiana [Mr. HOLMAN] and five minutes to the gentleman from Kansas [Mr. PERKINS].

The SPEAKER. But the gentleman yielded two minutes additional time to the gentleman from Indiana.

Mr. MONEY. That is true; I believe I did.

The SPEAKER. So that there are three minutes remaining.

Mr. VAN EATON. It has occurred to me, Mr. Speaker, in the course of this debate, as it has occurred to me in other debates, that if we would take it for granted all over the House, on each side, that we are all devoted to the people, and not tell it every time that we get up to make a remark, we would save much valuable time. Now I yield to no man in my devotion to the people. [Great laughter.]

Mr. MILLER, of Pennsylvania. You have said it now. [Renewed laughter.]

Mr. VAN EATON. But I do not propose to take up all my time in showing how much I am devoted to the people. It would not do for me to be entirely out of the fashion, and not to tell at all how much I love the people. So I had to put that in.

Mr. WELLER. And you have got it in.

Mr. VAN EATON. Yes, I have got it in. I am greatly interested in the arguments which have been made in connection with the proper disposition of the public lands. With regard to the bill now under consideration I have this to say. The Committee on Public Lands gave this matter a great deal of attention. They communicated with the Secretary of the Interior and the Commissioner of the General Land Office upon the subject. They worked in subcommittees; and this bill is the careful outcome of their laborious investigation. We believe it is the best bill on the subject of which it treats that we at least are capable of preparing.

Now, a word in regard to the amendment offered by the gentleman from Indiana [Mr. HOLMAN]. So far as it affects the people of my own State I have this to say: During the summer of 1882 I traveled over the most of that part of the State of Mississippi which will be particularly affected by his amendment. Under existing laws men can homestead lands there or purchase them at cash entry. I found the people thoroughly contented with the existing system.

It is true that men are going down there, buying large bodies of land, and starting mills, turpentine factories, and other improvements, giving employment to the people. I have found the community there very well contented with the operation of the existing law. My State has scarcely any public lands, except such as are timber lands—the kind of lands referred to by my colleague [Mr. MONEY]. Very little of such land is valuable for homestead purposes, and as the people there are content to let a man buy what he wants or homestead what he wants, and as that portion of the State is developing under the existing system, I am constrained to support the views of my colleague, and I hope they will prevail.

The SPEAKER. By order of the House debate is now closed.

Mr. OATES. I ask unanimous consent that the gentleman from Pennsylvania [Mr. RANDALL] may be permitted to occupy two minutes.

Mr. RANDALL. I think half a minute will be enough.

Mr. HISCOCK. I hope that the gentleman from West Virginia [Mr. GOFF] may also have two minutes.

The SPEAKER. If there be no objection, the gentleman from Pennsylvania and the gentleman from West Virginia will each be allowed to occupy two minutes. The Chair hears no objection.

Mr. RANDALL. Mr. Speaker, my name having been mentioned by the gentleman from Indiana [Mr. HOLMAN] in connection with the vote cast on this subject, I think it not inappropriate for me to say that it does not matter how individuals or their respective parties stood in the early period of legislation upon this subject, although I claim that the party to which I belong has been uniformly consistent in that one direction of favoring homestead legislation; but, sir, the important fact which now presents itself is this—and it can not be enforced too strongly or sharply—that we believe what is left of the public lands belongs to the actual settlers and should be sacredly reserved for their use and benefit, and that as far as we can do so we propose to recover unearned land grants and wherever else it has been improperly legislated away, and restore those lands to the public domain for the special use and benefit of actual settlers. That is the whole story from beginning to end.

Mr. GOFF. Mr. Speaker, the position which the gentleman from Pennsylvania [Mr. RANDALL] has just taken is one that neither I nor any of my friends have antagonized. His explanation, while simply stating what we know to be correct so far as his personal record is concerned, gives but additional evidence of the fact that he was not in accord with his party in years gone by in regard to this mattter, as on other questions we have found him not in accord with it in the last few weeks of his life.

One other matter. The gentleman from Indiana finds it necessary to make an explanation of his connection with the homestead bill of 1860. No attack had been made upon him personally——

Mr. DUNN. Oh, yes; the first thing you said was to attack his record.

Mr. GOFF. Oh, no; I beg the gentleman's pardon.

Mr. DUNN. You said he voted against the bill.

Mr. GOFF. And I corrected myself.

Mr. DUNN. I am glad to hear that you did.

Mr. GOFF. If the gentleman from Indiana finds it necessary to make an explanation of that kind when he himself had voted in favor of the bill, pray tell me in what position does that explanation leave the Democratic party of 1860, when, as he concedes, they almost unanimously voted against it and a Democratic President vetoed the bill?

Mr. DUNN. Is your party able to explain how it has administered the land laws since then?

Mr. GOFF. I say that a Democratic President in 1860 vetoed the bill to which I first called the attention of the gentleman from Indiana, and in the next Congress the Republicans, the Whigs, and a few Democrats voted for the bill which had been thus vetoed, and it was signed by the then Republican President, Abraham Lincoln.

Mr. BROWN, of Pennsylvania. And now the Democrats are trying to steal the glory of passing that law.

Mr. DUNN. Your party ought to have some "glory," for you have now no glory except that of robbing the public domain.

[Here the hammer fell.]

Mr. PETERS. I rise to a parliamentary inquiry. I desire to know whether I can now submit an amendment to be considered as pending.

The SPEAKER. The hour during which the House gave unanimous consent that amendments might be offered has expired.

Mr. VAN EATON. I hope the gentleman will be permitted to offer his amendment.

The SPEAKER. If there be no objection the amendment will be entertained.

There was no objection.

Mr. PETERS. I move to amend the amendment of the gentleman from Alabama [Mr. HERBERT] by adding the words "or for grazing purposes."

Mr. WILSON, of Iowa. I ask that the Clerk read the amendment

of the gentleman from Alabama as proposed to be amended by the gentleman from Kansas.

The Clerk read as follows:

Strike out the words "adapted to agriculture," and insert in lieu thereof "which shall be decided by the Interior Department to be more valuable in the market for agricultural purposes than for the timber thereon, or for grazing purposes."

Mr. COBB. I now call the previous question.

The SPEAKER. The gentleman from Indiana [Mr. COBB] now demands the previous question upon the pending amendments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. The question first recurs on the following amendment moved by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

That from and after the passage of this act no public lands of the United States adapted to agriculture shall be sold except mineral lands and town sites, and all public lands of the United States adapted to agriculture shall be reserved for actual and *bona fide* settlers only, under the provisions of the homestead laws, subject, however, to bounty-land warrants and college scrip issued by authority of Congress and grants which Congress has heretofore made or shall hereafter make in new States and Territories for the purpose of education; and that all laws and parts of laws touching the rights of the officers, soldiers, and seamen heretofore in the military or naval service of the United States in the public lands are continued in full force.

The SPEAKER. To that amendment the gentleman from Alabama [Mr. HERBERT] has moved an amendment, which the Clerk will read.

The Clerk read as follows:

Strike out the words "adapted to agriculture," where they first occur in Mr. HOLMAN'S amendment, and in lieu thereof insert "which shall be decided by the Interior Department to be more valuable in the market for agricultural purposes than for the timber thereon."

Mr. PETERS. Is not my amendment in order to that?

The SPEAKER. The vote must be first taken on the amendment to the amendment.

The House divided; and there were—ayes 52, noes 58.

Mr. PETERS. No quorum has voted.

The SPEAKER appointed as tellers Mr. PETERS and Mr. HOLMAN.

The House again divided; and the tellers reported—ayes 44, noes 76.

Mr. BLANCHARD. No quorum has voted.

Mr. DUNN. I call for the yeas and nays, as this is a clear issue on the homestead law and we may as well make the record here.

The yeas and nays were ordered.

The question was taken; and there were—yeas 34, nays 119, not voting 170; as follows:

YEAS—34.

Aiken,	Forney,	Jones, J. T.	Stone,
Atkinson,	Funston,	Kelley,	Throckmorton,
Blanchard,	George,	Money,	Tillman,
Brainerd,	Haynes,	Nelson,	Van Eaton,
Brewer, F. B.	Hemphill,	Oates,	Wakefield,
Culberson, D. B.	Henley,	Perkins,	White, J. D.
Cutcheon,	Herbert,	Peters,	Woodward.
Dargan,	James,	Singleton,	
Dibrell,	Johnson,	Spooner,	

NAYS—119.

Alexander,	Ermentrout,	Miller, J. F.	Stephenson,
Arnot,	Everhart,	Mills,	Stevens,
Bagley,	Fiedler,	Mitchell,	Storm,
Ballentine,	Follett,	Neece,	Sumner, D. H.
Barbour,	Fyan,	Nicholls,	Taylor, J. M.
Bennett,	Glascock,	Nutting,	Thompson,
Blount,	Graves,	O'Ferrall,	Tully,
Boyle,	Green,	O'Neill, J. J.	Turner, H. G.
Breckinridge,	Halsell,	Payne,	Van Alstyne,
Brown, W. W.	Hammond,	Payson,	Vance,
Buchanan,	Hardeman,	Peel,	Wadsworth,
Burnes,	Hatch, H. H.	Pierce,	Wait,
Caldwell,	Hatch, W. H.	Price,	Wallace,
Campbell, Felix	Hewitt, G. W.	Pryor,	Warner, Richard
Candler,	Hiscock,	Reed,	Wellborn,
Carleton,	Holman,	Reese,	Weller,
Clardy,	Houseman,	Riggs,	Wemple,
Clay,	Hurd,	Robertson,	White, Milo
Clements,	Jones, B. W.	Rockwell,	Whiting,
Cobb,	Jones, J. H.	Rogers, J. H.	Williams,
Cook,	Kleiner,	Rogers, W. F.	Willis,
Davis, R. T.	Lacey,	Rowell,	Wilson, James
Deuster,	Lanham,	Ryan,	Wilson, W. L.
Dockery,	Lawrence,	Scales,	Winans, E. B.
Dorsheimer,	Lewis,	Seymour,	Wolford,
Dowd,	Lovering,	Skinner, T. G.	Wood,
Dunn,	McMillin,	Slocum,	Worthington,
Eaton,	Matson,	Smith,	Yaple,
Eldredge,	Maybury,	Spriggs,	York.
English,	Millard,	Springer,	

NOT VOTING—170.

Adams, G. E.	Bowen,	Chace,	Davis, L. H.
Adams, J. J.	Breitung,	Collins,	Dibble,
Anderson,	Brewer, J. H.	Connolly,	Dingley,
Barksdale,	Broadhead,	Converse,	Duncan,
Barr,	Browne, T. M.	Cosgrove,	Dunham,
Bayne,	Brumm,	Covington,	Elliott,
Beach,	Buckner,	Cox, S. S.	Ellis,
Belford,	Budd,	Cox, W. R.	Ellwood,
Belmont,	Burleigh,	Crisp,	Evans, I. N.
Bingham,	Cabell,	Culbertson, W. W.	Evins, J. H.
Bisbee,	Calkins,	Cullen,	Ferrell,
Blackburn,	Campbell, J. M.	Curtin,	Findlay,
Bland,	Cannon,	Davidson,	Finerty,
Boutelle,	Cassidy,	Davis, G. R.	Foran,
Garrison,	Jordan,	Murphy,	Skinner, C. R.
Geddes,	Kasson,	Murray,	Smalls,
Gibson,	Kean,	Mutchler,	Snyder,
Goff,	Keifer,	Ochiltree,	Steele,
Greenleaf,	Kellogg,	O'Hara,	Stewart, Charles
Guenther,	Ketcham,	O'Neill, Charles	Stewart, J. W.
Hanback,	King,	Paige,	Stockslager,
Hancock,	Laird,	Parker,	Strait,
Hardy,	Lamb,	Patton,	Struble,
Harmer,	Le Fevre,	Pettibone,	Sumner, C. A.
Hart,	Libbey,	Phelps,	Talbott,
Henderson, D. B.	Long,	Poland,	Taylor, E. B.
Henderson, T. J.	Lore,	Post,	Taylor, J. D.
Hepburn,	Lowry,	Potter,	Thomas,
Hewitt, A. S.	Lyman,	Pusey,	Townshend,
Hill,	McAdoo,	Randall,	Tucker,
Hitt,	McCoid,	Rankin,	Turner, Oscar
Hoblitzell,	McComas,	Ranney,	Valentine,
Holmes,	McCormick,	Ray, G. W.	Ward,
Holton,	Miller, S. H.	Ray, Ossian	Warner, A. J.
Hooper,	Milliken,	Reagan,	Washburn,
Hopkins,	Morey,	Rice,	Weaver,
Horr,	Morgan,	Robinson, J. S.	Wilkins,
Houk,	Morrill,	Robinson, W. E.	Winans, John
Howey,	Morrison,	Rosecrans,	Wise, G. D.
Hunt,	Morse,	Russell,	Wise, J. S.
Hutchins,	Moulton,	Seney,	Young.
Jeffords,	Muldrow,	Shaw,	
Jones, J. K.	Muller,	Shelley,	

So (no quorum voting) the amendment was not agreed to.

On motion of Mr. PAYSON, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced:

Mr. TALBOTT with Mr. ELWOOD, until further notice.

Mr. EVINS, of South Carolina, with Mr. BOWEN, until further notice.

Mr. ROSECRANS with Mr. PETTIBONE, until further notice.

Mr. MULLER with Mr. HOUK, until further notice.

Mr. DUNCAN with Mr. SMITH, until further notice.

Mr. CLAY with Mr. RICE, until further notice.

Mr. JONES, of Arkansas, with Mr. HANBACK, until further notice.

Mr. WILKINS with Mr. BAYNE, until further notice.

Mr. BOYLE with Mr. LAWRENCE, until further notice.

Mr. BLACKBURN with Mr. RUSSELL, until further notice.

Mr. GEDDES with Mr. STEELE.

Mr. HILL with Mr. RAY, of New Hampshire.

Mr. PAIGE with Mr. VALENTINE.

Mr. GEORGE D. WISE with Mr. LIBBEY.

Mr. POST, of Pennsylvania, with Mr. LONG, until further notice.

Mr. BEACH with Mr. SKINNER, of New York, until further notice.

Mr. PATTON with Mr. HOLMES, until further notice.

Mr. CURTIN with Mr. KEAN, until further notice.

Mr. HANCOCK with Mr. WASHBURN, until further notice.

Mr. BARKSDALE with Mr. JEFFORDS, until further notice.

Mr. SNYDER with Mr. HART, until further notice.

Mr. JORDAN with Mr. MORRILL, until further notice.

Mr. HOPKINS with Mr. MCCORMICK, until further notice.

Mr. FINERTY with Mr. ADAMS, of Illinois, until further notice.

Mr. MONEY with Mr. JOSEPH D. TAYLOR, until further notice.

Mr. REAGAN with Mr. LAIRD, until further notice.

Mr. MORSE with Mr. THOMAS, until further notice.

Mr. VAN EATON with Mr. STRAIT, until further notice.

Mr. ADAMS, of New York, with Mr. WEAVER, until further notice.

Mr. KING with Mr. HORR, until further notice.

Mr. ELLIS with Mr. KEIFER, until further notice.

Mr. CONVERSE with Mr. CANNON, until further notice.

Mr. BUDD with Mr. MCCOID, until further notice.

Mr. COVINGTON with Mr. MILLER, of Pennsylvania, until further notice.

Mr. HARDY with Mr. CHACE, until further notice.

Mr. YOUNG with Mr. REED, until further notice.

Mr. AIKEN with Mr. HEPBURN, until further notice.

Mr. ERMENTROUT with Mr. STRUBLE, until further notice.

Mr. WILSON, of West Virginia, with Mr. GOFF, until further notice.

Mr. BUCKNER with Mr. WILSON, of Iowa, until further notice.

Mr. PUSEY with Mr. HENDERSON, of Iowa, until further notice.

Mr. CABELL with Mr. HARMER, until further notice.

Mr. WARNER, of Ohio, with Mr. ANDERSON, until further notice.

Mr. RANDALL with Mr. CALKINS, until further notice.

Mr. GARRISON with Mr. JOHN S. WISE, until June 9.

Mr. DIBRELL with Mr. DAVIS, of Illinois, until June 9.

Mr. DOWD with Mr. O'HARA, until June 9.

Mr. GIBSON with Mr. BURLEIGH, until June 9.

Mr. COX, of New York, with Mr. BOUTELLE, until June 9.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio, until June 13.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont, until June 9.

Mr. SHAW with Mr. SMALLS, until June 9.

Mr. MORRISON with Mr. KASSON, until June 9.

Mr. SENEY with Mr. DUNHAM, until June 12.

Mr. TOWNSHEND with Mr. HENDERSON, of Illinois, until June 9.

Mr. MULDROW with Mr. BINGHAM, until June 11.

Mr. CRISP with Mr. MILLIKEN, until June 9.

Mr. BARBOUR with Mr. BARR, until June 9.
Mr. COLLINS with Mr. EVANS, of Pennsylvania, until June 10.
Mr. STOCKSLAGER with Mr. BREITUNG, until June 11.
Mr. POTTER with Mr. KELLOGG, until June 9.
Mr. BELMONT with Mr. OCHILTREE, until June 10.
Mr. LORE with Mr. O'NEILL, of Pennsylvania, until June 9.
Mr. WALLACE with Mr. STEPHENSON, until June 19.
Mr. TURNER, of Kentucky, with Mr. BELFORD, until June 10.
Mr. CONNOLLY with Mr. STRUBLE, for this day.
Mr. CABELL with Mr. HOLMES, for this day.
Mr. DAVIDSON with Mr. MCCOMAS, for this day.
Mr. MURRAY with Mr. PHELPS, for this day.
Mr. GREENLEAF with Mr. HOWEY, for this day.
Mr. LOWRY with Mr. EZRA B. TAYLOR, for this day.
Mr. LAMB with Mr. KELLOGG, for this day.
Mr. BLAND with Mr. BREWER, of New Jersey, for this day.
Mr. HOBLITZELL with Mr. MCCOMAS, for the remainder of this day after 2.20 o'clock.
Mr. O'NEILL, of Pennsylvania, with Mr. LORE.
Mr. POLAND with Mr. HUNT, for the remainder of this day.
Mr. CABELL with Mr. RAY, of New Hampshire, for this day.
Mr. CASSIDY with Mr. BREWER, of New Jersey, for this day.

Mr. WILSON, of Iowa. I wish to make a statement in connection with the pairs. It will be seen that several gentlemen are announced as being paired twice. These have paired themselves, and their friends without being aware of that fact have made other pairs for them in their absence. Of course those in charge of the pairs can not be aware of this fact.

The gentleman from Ohio [Mr. WARNER] had leave of absence and left the House a few days ago. I agreed to have him paired during his absence. During the time that the House was left without a quorum I overlooked this fact and failed to announce it. I want to make this statement for his benefit, so that it may appear in the RECORD. The fault was mine.

Mr. DIBRELL. I am announced as being paired, but I reserved the right to make a quorum.

Mr. MILLER, of Pennsylvania. I am paired with Mr. COVINGTON, and will withdraw my vote.

Mr. MONEY. I am announced as being paired, as I understand it, with two gentlemen. I was not aware that I was paired with either. I want to vote to make a quorum, and withdraw one of the pairs.

The SPEAKER. Which one?

Mr. MONEY. I do not know with whom I have been paired, but make this statement, and reserve the right to vote to make a quorum.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum having voted, the amendment is not agreed to.

Mr. COBB. I know it would be difficult to obtain a quorum this evening. I therefore move that the House do now adjourn.

Mr. TILLMAN. Mr. Speaker——

The SPEAKER. No business can be transacted. The record shows a quorum is not present.

The motion of Mr. COBB was agreed to; and accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CULLEN: Papers relating to the claim of Elizabeth Leebrick—to the Committee on War Claims.

By Mr. JAMES: Petition of C. Densmore Wyman, vice-president Belt Railroad Company, and others; of Thomas Reed and 45 others; of the officers of the Whalebone Rubber Company; of Rev. David B. Jutten and the deacons of the Memorial Baptist church; of Thomas Franklin Smith and the membership of Mount Morris Baptist church; of Rev. Charles R. North, pastor, and membership of Chelsea Methodist Episcopal church; of Rev. Henry M. Sanders, pastor, and the membership of the Central Baptist church; of Rev. H. O. Hiscox, pastor, and the membership of Stanton-street Baptist church, and of Rev. Halsey Moore, pastor, and the membership of the Lexington-avenue Baptist church, for the allotment of lands in severalty, education, &c., to the Indians—severally to the Committee on Indian Affairs.

By Mr. LACEY: Petition of 122 persons and firms of Jackson, Mich., for the passage of the bill granting all letter-carriers fourteen days' absence with pay—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYBURY: Petition of veteran soldiers of Michigan, for an increase in the pension allowed Jane W. Brent, widow of Captain Brent, late of the regular Army—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Memorial of Joseph A. Mower Post, No. 1, Department of the Gulf, asking for the establishment of a national soldiers' home for disabled volunteer soldiers at some easily accessible point in the Gulf States—to the Committee on Military Affairs.

By Mr. PRYOR: Papers relating to the claim of Daniel Thompson—to the Committee on War Claims.

SENATE.

MONDAY, *June* 9, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

IRON MOUNTAIN RAILROAD GRANT.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad, from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes, which was returned from the House of Representatives with an amendment.

Mr. GARLAND. That had better be referred, I suppose, to the Committee on Public Lands.

The PRESIDENT *pro tempore*. If there be no objection the bill with the amendment of the House of Representatives will be referred to the Committee on Public Lands.

BUREAU OF LABOR STATISTICS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

Mr. BLAIR. I move that the Senate insist upon its amendment and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Messrs. ALDRICH, BLAIR, and BAYARD were appointed.

MISSOURI RIVER BRIDGE.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

Mr. INGALLS. I move that the Senate insist upon its amendment and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. FRYE, and Mr. DOLPH were appointed.

MRS. MARY P. MACBLAIR.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendment of the Senate to the bill (H. R. 2677) granting a pension to Mrs. Mary P. MacBlair.

Mr. MITCHELL. I move that the Senate insist upon its amendment and ask for a committee of conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. CAMDEN, Mr. BLAIR, and Mr. WILSON were appointed.

HOUSE BILLS REFERRED.

The following bills, received on Friday last from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 5479) to prevent unlawful occupancy of public lands; and

A bill (H. R. 27) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883, and to extend the provisions of said act and the amendments thereto to the public lands in the States of Mississippi, Arkansas, Louisiana, and Florida.

The following bills, received from the House of Representatives on Friday last, were severally read twice by their titles, and, on motion of Mr. SLATER, referred to the Committee on Public Lands:

A bill (H. R. 181) to declare the forfeiture of certain lands granted to aid in the construction of a railroad in Oregon; and

A bill (H. R. 5897) to declare forfeited certain lands granted to aid in the construction of a railroad from the Central Pacific Railroad, in California, to Portland, in Oregon.

The bill (H. R. 1628) authorizing and directing the sale of the real estate and riparian rights now owned by the United States at Harper's Ferry, in the State of West Virginia, was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 257) providing for the printing of the last annual report of the Commissioner of Education, received from the House of Representatives on Friday last, was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communica-

tion from the Secretary of State, the Secretary of War, and the Secretary of the Navy, recommending, for the better security of the contents of the State, War, and Navy Department buildings against fire and other causes of damage, that provision be made for twelve additional watchmen therefor; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 29th ultimo, a letter of the Light-House Board and report made thereto by its committee on experiments relative to the Foster system of gas-lighted buoys; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

HEATING AND VENTILATION OF SENATE CHAMBER.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Sergeant-at-Arms; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

SERGEANT-AT-ARMS, UNITED STATES SENATE,
Washington, June 9, 1884.

DEAR SIR: The inclosed report of Mr. T. A. Jones, chief engineer heating department, and letter from E. Clark, esq., Architect United States Capitol, in relation to said report, are herewith submitted to you.

Very respectfully,

W. P. CANADAY, *Sergeant-at-Arms.*

Hon. GEORGE F. EDMUNDS,
President pro tempore United States Senate.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented a petition of citizens of Rose Hill, Ill., praying that a pension be granted to Benjamin Mindinhall, of that place; which was referred to the Committee on Pensions.

He also presented resolutions adopted by Hedges Post, No. 347, Grand Army of the Republic, Department of Illinois, and resolutions adopted by Estill Post, No. 71, Grand Army of the Republic, Department of Illinois, indorsing the recommendations of the pension committee of the Grand Army of the Republic in regard to pension legislation; which were referred to the Committee on Pensions.

He also presented memorials from citizens of Henry County, Illinois, Dixon, Ill., Sterling, Ill., and Evanston, Ill., remonstrating against the passage of the Government telegraph bill; which were ordered to lie on the table.

Mr. WILSON presented the memorial of John A. Kalbach and other citizens of Oskaloosa, Iowa, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials, or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; which was ordered to lie on the table.

Mr. FRYE presented the memorial of John C. Bradbury and other citizens of Saco, Me., the memorial of Houghton Brothers and others, of Bath, Me., and the memorial of J. S. Winslow & Co. and others, of Portland, Me., remonstrating against the enactment of any measure which shall increase the number of public officials or establish a Government monopoly of the telegraph business; which were ordered to lie on the table.

Mr. DAWES presented a resolution of the Legislature of Massachusetts; which was read, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS, *in the year* 1884.

Resolution concerning the Cape Cod Ship Canal.

Resolved, That the Legislature of Massachusetts earnestly commends to the Congress of the United States, and especially to the Senators and Representatives of Massachusetts therein, the Cape Cod ship-canal, now under process of construction, as a work of great public importance, commercially and otherwise, and as worthy co-operation and substantial assistance from the Government of the United States.

SENATE, *June 4, 1884.*

Adopted. Sent down for concurrence.

S. N. GIFFORD, *Clerk.*

HOUSE OF REPRESENTATIVES. *June 4. p. m.*, 1884.

Adopted in concurrence.

EDWARD A. MCLAUGHLIN, *Clerk.*

Attest.

S. N. GIFFORD,
Clerk of the Senate.

Mr. DAWES. I present a petition of the Women's National Indian Association, signed by J. Walker, of New York city, Mrs. Mary Elizabeth Walker, and numerous other influential citizens, praying that Congress enact into a law the policy toward the Indians foreshadowed in the report of the Secretary of the Interior. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GEORGE presented a memorial of citizens of Canton, Miss., remonstrating against the passage of the Government postal-telegraph bill; which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1056) granting an increase of pension to Sally Mallory;
A bill (S. 909) to increase the pension of Martin Kelly;
A bill (S. 777) granting a pension to Albert Jehle;
A bill (S. 732) for the relief of Mary J. Vaughan;
A bill (S. 828) granting a pension to Thomas Patton;
A bill (S. 566) for the relief of Z. M. Pettigrew; and
A bill (S. 1950) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Albaug, in the State of Vermont.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

A bill (S. 1680) granting a pension to George Prince; and
A bill (S. 1910) granting a pension to William McClure.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3231) granting a pension to Michael Shields;
A bill (H. R. 4833) granting a pension to Louisa Earle;
A bill (H. R. 5989) for the relief of Elizabeth A. Springsteed;
A bill (H. R. 2440) granting a pension to Usebus Sweet;
A bill (H. R. 5800) for the relief of Sarah B. Jackson;
A bill (H. R. 3336) for the relief of Sherman C. Perry;
A bill (H. R. 3727) granting a pension to Cynthia Shaw;
A bill (H. R. 3340) granting a pension to James M. Pike;
A bill (H. R. 5543) granting a pension to David M. Nagle;
A bill (H. R. 499) granting a pension to Mary A. Knawber;
A bill (H. R. 943) granting a pension to Samuel Barnard;
A bill (H. R. 2140) for the relief of Hugh Dougherty;
A bill (H. R. 5835) granting a pension to J. H. Adams;
A bill (H. R. 5838) granting a pension to Henry Ballinger;
A bill (H. R. 6529) for the relief of John Kane;
A bill (H. R. 2453) granting a pension to Frank S. Marsh;
A bill (H. R. 4094) granting a pension to Henry Alden;
A bill (H. R. 664) granting a pension to Gilbert A. Philips;
A bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872;
A bill (H. R. 663) granting a pension to Kate Wilharlitz;
A bill (H. R. 662) granting a pension to Mrs. Ann Sheffield;
A bill (H. R. 5565) granting a pension to Theodore Ahrens;
A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;
A bill (H. R. 4568) granting a pension to Andrew J. Konkle;
A bill (H. R. 5123) granting a pension to Frederick Braunwald;
A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;
A bill (H. R. 6542) granting a pension to Harriett S. Brisbine;
A bill (H. R. 6660) rerating Abraham J. Reber and granting him arrears of pension;
A bill (H. R. 3177) granting a pension to Charles F. Paris;
A bill (H. R. 5926) granting a pension to John Maloney;
A bill (H. R. 5922) for the relief of George D. Guthrey;
A bill (H. R. 6514) for the relief of Catherine H. Glick;
A bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson;
A bill (H. R. 5951) granting a pension to Abel J. Lewis;
A bill (H. R. 2245) granting a pension to Eliza A. Shealey;
A bill (H. R. 4085) for the relief of Juliet H. Palmer;
A bill (H. R. 6967) granting an increase of pension to Mrs. Virginia Zeilin;
A bill (H. R. 4263) granting a pension to Elizabeth Hood;
A bill (H. R. 6182) granting a pension to Edwin Thomas;
A bill (H. R. 4970) for the relief of Mrs. Nancy Biser;
A bill (H. R. 6184) granting a pension to Julia M. Reynolds;
A bill (H. R. 1930) granting a pension to Sarah Nicoll Crane;
A bill (H. R. 3493) granting a pension to Ann Hunter;
A bill (H. R. 5781) granting a pension to Solon L. Simonds;
A bill (H. R. 6205) granting a pension to Catherine S. Edmondson;
A bill (H. R. 2089) granting a pension to Margaret Wiggins;
A bill (H. R. 6786) granting a pension to Rivers Banks;
A bill (H. R. 503) granting a pension to Hiram C. Henderson;
A bill (H. R. 4457) granting a pension to J. G. Crawford;
A bill (H. R. 4767) granting a pension to Mary A. Henry;
A bill (H. R. 5962) granting a pension to Mrs. Eliza Hicks;
A bill (H. R. 3691) for the relief of Joshua Shepard;
A bill (H. R. 930) granting a pension to Geriah Collins;
A bill (H. R. 6665) for the relief of James Stack;
A bill (H. R. 200) granting a pension to Thomas Jeffries;
A bill (H. R. 2920) for the relief of John Johnson;
A bill (H. R. 6927) granting a pension to Merit M. Oakley;
A bill (H. R. 6928) granting a pension to Leonard King;
A bill (H. R. 6766) granting a pension to Mrs. Anna J. Foster;
A bill (H. R. 6171) granting a pension to Noah E. Smith;
A bill (H. R. 3040) for the relief of Mary Tarbell;
A bill (H. R. 5888) granting a pension to Ellen O'Brian;
A bill (H. R. 6530) to increase the pension of Richard Jobes;
A bill (H. R. 3979) granting an increase of pension to Mary Anna Egan;
A bill (H. R. 229) granting a pension to Elizabeth H. Lawler;

A bill (H. R. 5795) increasing the pension of Charles A. Fuller;
A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll;
A bill (H. R. 3623) granting a pension to Sarah E. Price;
A bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall;
A bill (H. R. 3158) for the relief of Werner Leutz;
A bill (H. R. 481) for the relief of John D. Bridges;
A bill (H. R. 5183) granting a pension to Nancy M. Smith;
A bill (H. R. 5762) for the relief of Ann Lumphrey;
A bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science and for other purposes;
A bill (H. R. 100) for the relief of certain pre-emption and homestead settlers in California;
A bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same to settlement, and for other purposes;
A bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of "an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875; and
Joint resolution (H. Res. 264) to amend a resolution approved August 7, 1882, providing for the publication of report of Public Land Commissioner.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 235) to print additional copies of certain publications; and it was thereupon signed by the President *pro tempore.*

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of John Fletcher, of Shirley, Mass., praying for a special act for his relief as a dependent father, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 3656) granting a pension to Salome Ann Walker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3188) granting a pension to Amanda Cutter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1986) granting a pension to Frank F. Fitkin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2118) granting a pension to James C. O'Shea, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 796) granting to the State of California 5 per cent. of the net proceeds of the sale of public lands in that State, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 2203) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2240) for the relief of William H. Simmons, reported it with an amendment.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 988) further to define and limit the appellate jurisdiction of the Supreme Court of the United States, reported it with amendments.

Mr. ALLISON. The Committee on Appropriations instruct me to report back with sundry amendments the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes. I wish to say in connection with this report that the committee will ask the Senate to take the bill up to-morrow, if it will suit the convenience of the Senate, and as the committee have proposed a number of amendments, I desire to call the attention of Senators to two printed documents, one being Executive Document 121, and the other being a document addressed to the committee, which will be sent to each Senator by mail this evening. Both of these documents have an important bearing upon the details of the bill. I also ask that the papers which I send to the desk be printed in the nature of a report on the bill.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar and the papers printed.

Mr. MORGAN. I ask the Senator from Iowa, unless there is some pressing necessity for it, that he will postpone the consideration of the bill until day after to-morrow, my reason being that I understand the bill contains quite a number of important amendments relating to the diplomatic and consular service of the United States, and the Committee on Foreign Relations I think would like to have some examination of it after it is printed. I, as a member of that committee, am prepared to stand by the Committee on Appropriations on their recommendations so far as I understand them, but I should like to know about them, and I do not think we can consider the bill properly before the day after to-morrow.

Mr. ALLISON. I ought to say that this is a unanimous report from the Committee on Appropriations. I gave notice that I should ask to have the bill taken up to-morrow from the fact that I supposed it would suit the convenience of Senators better to-morrow that on Wednesday. If, however, there be any desire to postpone its consideration until Wednesday, I shall not press it to-morrow.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 514) for the relief of S. B. Cranston, of Oregon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2247) for the relief of James E. Walter, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 631) for the relief of Duncan S. Cage and the minor heirs of Albert G. Cage, deceased, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:
A bill (H. R. 2979) granting a pension to Nancy Ellis;
A bill (H. R. 4818) for the relief of Rose Ann Galbraith;
A bill (S. 461) granting a pension to Warren Croan;
A bill (H. R. 394) granting a pension to Mrs. Mary C. Jones;
A bill (S. 1696) to increase the pension of Richard Jobes; and
A bill (H. R. 5258) granting a pension to Thomas Cheshire.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:
A bill (S. 1526) for the relief of Mary A. Freeman;
A bill (S. 1507) to increase the pension of John F. Stukey;
A bill (S. 1897) granting a pension to James Mullen; and
A bill (S. 513) granting a pension to James Coffey, of Oregon.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims, to whom was referred the bill (S. 1297) for the relief of W. H. Huson, to report it without recommendation, and in connection with the bill I ask for the following order:

Ordered, That W. H. Huson have leave to withdraw the papers relating to his claim from the files of the Senate.

The PRESIDENT *pro tempore.* Does the Senator wish the bill to be placed on the Calendar?

Mr. CAMERON, of Wisconsin. Let the bill be indefinitely postponed.

The PRESIDENT *pro tempore.* If there be no objection the bill will be indefinitely postponed, and in connection therewith the order will be made.

Mr. SHERMAN, from the Committee on the Library, reported certain amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

ADMISSIONS TO THE FLOOR.

Mr. HARRIS. I am directed by the Committee on Rules, to which was referred a resolution submitted by me on the 6th of June, admitting the commissioners of the District of Columbia to the privileges of the floor, to report the same back favorably. I give notice that when the call for concurrent and other resolutions is reached I shall ask the Senate to consider it.

The PRESIDENT *pro tempore.* The resolution will be placed on the Calendar.

ALLEGED ELECTION OUTRAGES IN VIRGINIA.

Mr. VANCE. I desire this morning to submit the views of the minority of the Committee on Privileges and Elections upon the alleged riot at Danville, of which I gave notice some ten days ago.

The PRESIDENT *pro tempore.* The Senator from North Carolina, according to leave previously granted, submits the views of the minority of the Committee on Privileges and Elections on the so-called Danville investigation. They will be placed on file and printed.

Mr. VANCE. I desire to ask that the views of the minority which I have just submitted be printed in connection with the report of the majority. That is usual, I believe, sir.

The PRESIDENT *pro tempore.* The Chair is informed at the desk that the report of the majority of the committee has already been printed.

Mr. VANCE. Yes, sir; but the extraordinary number asked for has not been printed, and the views of the minority, I suppose, would properly go with the report in the extra numbers.

Mr. SHERMAN. I think the minority report should be printed with the majority report in the extra copies, but it is the Senator's own fault that the views of the minority were not printed with the majority report, because that was ordered to be printed a week or more ago. The printing which was ordered is only of the ordinary number, some 1,500 or 1,600 copies; and if an extra supply is ordered the report of the majority and the views of the minority ought to be printed together.

Mr. VANCE. Of course I understand that the report of the committee proper has been printed, but only the usual number. The extraordinary number which was asked to be printed has not yet been printed upon the order of the Senate; and, if so, the views of the minority should go in with the same document.

The PRESIDENT *pro tempore*. The Chair is informed at the desk that the resolution for printing an extra number of copies of the majority report is still before the Committee on Printing.

Mr. VANCE. That is what I understand.

The PRESIDENT *pro tempore*. The order will be entered, if there be no objection, and any further print ordered by the Senate will contain also a print of the views of the minority in the same pamphlet.

Mr. VANCE. That is all I want, sir.

REMOVAL OF DISABILITIES.

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (H. R. 4988) to remove the disabilities of William H. Parker, of Virginia, incurred under the fourteenth amendment of the Constitution, and instruct me to report it without amendment. I ask for a suspension of the rules in order to proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CONGER. Let the petition be read.

The PRESIDENT *pro tempore*. The petition will be read.

The Chief Clerk read as follows:

WASHINGTON, *February* 6, 1884.

To the Senate and House of Representatives:

Your petitioner, formerly an officer of the United States Navy and of the confederate navy, humbly begs that the disabilities imposed upon him by the fourteenth amendment to the Constiution may be removed.

WILLIAM H. PARKER.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. I am instructed by the Committee on the Judiciary to report favorably with amendments the bill (H. R. 4678) to remove the political disabilities of Henry Newman, and I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CONGER. I have no objection if it is accompanied by a petition.

The PRESIDENT *pro tempore*. It is accompanied by a petition.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on the Judiciary were, in line 4, to strike out the word "political" before the word "disabilities," and after the word "by" to strike out the words "the fourteenth amendment of the Constitution of the United States" and insert "section 1218 of the Revised Statutes;" and in line 7, after the words "United States," to strike out the words "and those imposed by section 1218 of the Revised Statutes;" so as to make the bill read:

Be it enacted, &c. (two-thirds of each House concurring therein), That the disabilities imposed by section 1218 of the Revised Statutes upon Henry Newman, now a private in Battery B, Second United States Artillery, in the Army of the United States, be, and the same are hereby, removed.

The amendments were agreed to.

Mr. GARLAND. In line 3 I move to strike out the words "two-thirds of each House concurring therein."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to remove certain disabilities of Henry Newman."

Mr. GARLAND. I am also directed by the Committee on the Judiciary, to whom was referred the bill (S. 2095) to remove the political disabilities of John L. Cowardin, to report it favorably, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GARLAND. I move to strike out the words "two-thirds of each House concurring therein." That language is not necessary, as the bill provides for the relief of disabilities under the statute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. BECK. Mr. President, I shall vote with great pleasure for the passage of this bill, but I desire to ask the Senator from Arkansas before the bill passes why a general bill for the removal of all disabilities can not be reported, or whether such a bill is likely to be reported. There has not been a Congress for fourteen years, save one, that I have not introduced a bill for the removal of all disabilities; the House of Representatives almost unanimously passed such a measure many years ago, and the Senate I believe at one time passed it. Here we are now removing individual disabilities from boys who, when under 21 years of age, went into the confederate army and have since served in our Army, twenty years after the war closed, when, as is well known, the vice-president of the confederacy sat at the other end of the Capitol and Southern gentlemen of distinction occupy all sorts of high positions here and elsewhere, notwithstanding the part they took in the strife; yet the Senate is peddling out disabilities now to men who were boys then. I should like to know, if the Senator from Arkansas is at liberty to state, or can state, whether a general bill for the removal of all disabilities is likely to be reported by the Judiciary Committee, and if not, why not?

Mr. GARLAND. There is no probability of one being reported, because the majority of the committee are opposed to it. That is all the reason.

Mr. BECK. That is a very good reason why it can not be reported favorably. That is all I care to say.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The bill was passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

The title was amended so as to read: "A bill to remove certain disabilities of John L. Cowardin."

Mr. GARLAND. I am directed by the Committee on the Judiciary to report with an amendment the bill (H. R. 5458) to remove the disabilities of Robert D. Thurborn, of Virginia. I ask unanimous consent for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 6, to strike out "Thurborn" and insert "Thorburn."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

The title was amended so as to read: "A bill to remove the disabilities of Robert D. Thorburn, of Virginia."

Mr. GARLAND. From the same committee I report back adversely the bill (S. 1973) to remove the disabilities of Robert D. Thorburn, of Virginia, and I move that it be postponed indefinitely.

The motion was agreed to.

Mr. GARLAND. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. I am also instructed by the Committee on the Judiciary, to whom was referred the bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia, to report it favorably, and I ask for its present consideration. This is a bill for the removal of political disabilities.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 737) to remove the political disabilities of J. R. Waddy, of Virginia, to report it favorably, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (S. 2020) to remove the political disabilities of Edward F. Richter. The committee find that under the act of May 22, 1882 (17 Statutes, page 142), relieving certain classes of disabilities, this applicant is not under disabilities, and they report the bill adversely, and recommend its indefinite postponement.

Mr. BROWN. I ask that the bill may go on the Calendar.

Mr. GARLAND. I have no objection.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. GARLAND. The Committee on the Judiciary have also had under consideration the bill (S. 2251) to remove the political disabilities of Francis T. Cullens, of the State of Georgia. The committee on investigation find that he is under no disabilities, having been relieved by the act of May 22, 1872, and they report the bill back adversely.

Mr. BROWN. Let that take the same direction.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. VAN WYCK introduced a joint resolution (S. R. 91) prohibiting the Secretary of the Interior from certifying or patenting any lands to railroad corporations until Congress shall have acted upon any bill or report from a committee declaring forfeiture of the same; which was referred to the Committee on Public Lands.

COURTS IN NORTHERN GEORGIA.

Mr. BROWN. I wish to make a short statement and then a motion. At present the courts for the northern district of Georgia, which are held at Atlanta, are held in September—on the second Monday, I believe. The judge and the district attorney and the officers of the court generally, and I believe the bar almost without exception, desire the time for holding the courts changed to October; and a bill has passed the House of Representatives and come to the Senate and has been reported back this morning, with a slight amendment that I have no objection to, by the Judiciary Committee, and is now ordered to the Calendar. As I presume there can be no objection to the change of that single court for the convenience of our people, I ask that the bill be now taken up and put on its passage.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent that the bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia, reported this morning, be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with amendments, in line 3, before the word "terms," to strike out "fall;" after the word "Georgia," at the end of line 4, to strike out "shall not begin in September, but in October annually. The said term of the district court shall begin" and insert "now held on the first and second Mondays of September, respectively, shall each be held;" after "October," in line 7, to strike out "and of the circuit court shall begin on the second Monday of October;" and at the end of the bill to add the words "in each year;" so as to read:

That hereafter the regular terms of the district and circuit courts of the United States in the northern district of Georgia, now held on the first and second Mondays of September respectively, shall each be held on the first Monday in October in each year.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

A. L. H. CRENSHAW.

Mr. COCKRELL. I desire unanimous consent to have the order of the Senate indefinitely postponing the bill (S. 389) for the relief of A. L. H. Crenshaw reconsidered and the bill and the report recommitted to the Committee on Claims.

I hold in my hand a petition, giving, I think, sufficient reasons why the bill should be reconsidered and recommitted. It shows that the evidence was not before the committee when the attorney supposed it was before the committee. I have consulted the chairman.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill named by him be reconsidered, and that the bill be recommitted to the Committee on Claims. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. COCKRELL. I ask that the petition which I present have the same reference.

The PRESIDENT *pro tempore*. The petition will be referred, with the bill, to the Committee on Claims.

REMOVAL OF POLITICAL DISABILITIES.

Mr. BECK submitted the following resolution; which was read:

Resolved, That the Committee on the Judiciary be instructed to report back to the Senate Senate bill No. 3, being a bill for the removal of all political disabilities imposed by the fourteenth amendment to the Constitution of the United States, referred to said committee December 4, 1883, with such recommendations as the committee may see fit to make.

Mr. INGALLS. Let that lie on the table.

The PRESIDENT *pro tempore*. Objection is made, and the resolution goes over.

Mr. MORGAN. I ask that it be printed.

The PRESIDENT *pro tempore*. The resolution will be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 3d instant, approved and signed the following acts:

An act (S. 394) restoring to the pension-roll the name of Major D. Williams;

An act (S. 626) to increase the pension of Francis Scott;

An act (S. 1299) to increase the pension of Alonzo B. Chatfield;

An act (S. 494) for the relief of Nancy Miller; and

An act (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes.

MEXICAN WAR PENSIONS.

Mr. HARRIS. I move that the Senate at this time proceed to the consideration of Order of Business 579, being the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDENT *pro tempore*. Are there further concurrent or other resolutions? If there be none, that order is closed. The Senator from Tennessee moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Virginia [Mr. RIDDLEBERGER] to the amendment proposed by the Senator from Massachusetts [Mr. HOAR]. The two amendments will be read.

Mr. PLATT. I did desire, before the motion was made to take up this bill, to ask unanimous consent to consider a bill relating to a matter in Idaho Territory. I think it will lead to no discussion, and I ask consent of the Senator from Tennessee who has this bill in charge that it may be laid aside informally for that purpose. If the bill I seek to call up shall create any discusssion of course I shall not press it now.

Mr. HARRIS. On condition that it leads to no debate, as far as I am concerned I will consent, reserving to myself, however, the right to call for the regular order and object whenever I see it going to lead to discussion.

Mr. PLATT. That will be satisfactory, and I desire to say that, as the session is approaching its close I hope, it is rather necessary that this bill should be acted upon at once if it is to receive action at the present session. My request is that Order of Business 438, being the bill (S. 1021) to authorize the reapportionment of the Territory of Idaho into council and representative districts, may be taken up, the other matter being laid aside informally.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Senator from Connecticut asks unanimous consent for the consideration of Senate bill 1021, informally laying aside the bill previously taken up.

REAPPORTIONMENT OF IDAHO TERRITORY.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1021) to authorize the reapportionment of the Territory of Idaho into council and representative districts.

The bill was read.

The PRESIDING OFFICER. The amendment reported by the Committee on Territories will be read.

Mr. PLATT. With the amendments reported by the committee the bill is satisfactory to all persons in the Territory and all parties.

The first amendment reported by the Committee on Territories was, in section 1, line 9, after the words "basis of the," to strike out "vote cast for Delegate in Congress at the general election held in 1882, and shall make such apportionment strictly in accordance with the vote so cast," and insert "population as it exists at the time of their assembling, as may truly appear to them from all the best sources of information; and for this purpose the board of commissioners of the several counties of the Territory may, at the expense of such counties, cause an enumeration of the inhabitants thereof to be made, and certify the same to the said board of apportionment, the said enumeration to be made under the same rules and restrictions as were adopted in the taking of the Tenth Census of the United States where the same may be applicable, the said census to be taken and completed during the month of August, 1884: *Provided*, That in the event of a failure on the part of any county to make and certify such enumeration, then the said board shall make the apportionment upon the basis of population as hereinbefore provided;" so as to read:

That the governor, and the speaker of the house of representatives and the president of the council during the last session of the Legislature, in the Territory of Idaho, be, and they are hereby, authorized and empowered to act as a board of apportionment in said Territory of Idaho, and shall reapportion the members of the council and house of representatives in said Territory upon the basis of the population as it exists at the time of their assembling, as may truly

appear to them from all the best sources of information; and for this purpose the board of commissioners of the several counties of the Territory may, at the expense of such counties, cause an enumeration of the inhabitants thereof to be made, and certify the same to the said board of apportionment, the said enumeration to be made under the same rules and restrictions as were adopted in the taking of the Tenth Census of the United States where the same may be applicable, the said census to be taken and completed during the month of August, 1884: *Provided*, That in the event of a failure on the part of any county to make and certify such enumeration, then the said board shall make the apportionment upon the basis of population as hereinbefore provided, allotting members of each house of the Legislative Assembly to the different sections of the Territory pro rata, as nearly as practicable.

The amendment was agreed to.

The next amendment was, after the word "practicable," in line 29, to strike out "according to the vote cast."

The amendment was agreed to.

Mr. SLATER. Is the bill subject to objection?

The PRESIDING OFFICER. The Chair understands it is not, having been taken up by unanimous consent.

Mr. SLATER. I am very much inclined to think that this is a very unsafe bill to pass in its present form. I am very confident that it will not meet the wishes of the people of that Territory, and that it is intended to accomplish political ends subversive of the best interests of the Territory.

Mr, HARRIS. Will the Senator from Oregon allow me a word?

Mr. SLATER. Certainly.

Mr. HARRIS. I simply wish to inquire of the Senator from Oregon if he desires to debate this bill before it is finally acted on.

Mr. SLATER. I certainly want to ascertain fully its position and to state some matters pertaining to it.

Mr. HARRIS. Then if the Senator from Oregon will yield to me for that purpose, he being on the floor, I will exercise the right which I reserved to myself and ask that the bill go over, and that we proceed to the regular order, the Mexican pension bill.

The PRESIDING OFFICER. The Senator from Tennessee under the agreement has the right to call for the regular order.

Mr. HARRIS. If the Senator from Oregon yields the floor to me for that purpose——

Mr. SLATER. Certainly.

Mr. HARRIS. Then I ask for the regular order.

MEXICAN WAR PENSIONS.

The PRESIDING OFFICER. The bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, is before the Senate as in Committee of the Whole. The pending question is on the amendment proposed by the Senator from Virginia [Mr. RIDDLEBERGER] to the amendment proposed by the Senator from Massachusetts [Mr. HOAR]. The amendments will be read.

The CHIEF CLERK. In line 9, after the word "Mexico," it is proposed to insert:

Or in the late war for the suppression of the rebellion.

The amendment to the amendment is to strike out the words "for the suppression of the rebellion."

Mr. HARRIS. I move to lay the amendment to the amendment on the table.

The PRESIDING OFFICER. The Senator from Tennessee moves to lay the amendment offered by the Senator from Virginia to the amendment offered by the Senator from Massachusetts on the table.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will now report the pending amendment.

The CHIEF CLERK. In line 9, after the word "Mexico," it is proposed to insert:

Or in the late war for the suppression of the rebellion.

Mr. WILLIAMS. I move to lay that amendment on the table.

The PRESIDING OFFICER. The Senator from Kentucky moves to lay the amendment on the table.

Mr. MITCHELL. I suppose it is not in order to discuss this amendment——

The PRESIDING OFFICER. The motion is not debatable.

Mr. MITCHELL. I understand that the motion is not debatable, but the amendment sought to be laid on the table is that proposed by the Senator from Massachusetts [Mr. HOAR], and the understanding last week was, at least as I had it, that we were not to dispose of this matter until the Senators who were absent during last week should return. They are not now in their seats; a large number of them are still absent; and I expected that the Senator from Tennessee would be willing this matter should go over until to-morrow. I think he stated in reply to a remark of the Senator from Connecticut last week that if it should be found to-day that a large number of the Senators were still absent he would not insist on the consideration of this measure to-day.

Mr. HARRIS. I take it for granted there is not a single absent Senator on the other side of the Chamber who is not paired with some Senator on the questions involved in this bill. The mover of the pending amendment is paired with myself. If there be any real reason, if the Senator knows any absent Senator whose presence is absolutely important in respect to this measure, I should certainly not feel inclined to insist on its present consideration; but it seems to me we can proceed to-day with the consideration of the bill just about as safely and satisfactorily with the number of Senators present, the absentees being paired, as we could to-morrow or on any other day.

Mr. MITCHELL. I know that when the Senators were about to leave and this matter was last under consideration a number of them spoke to me and said, "Of course this bill will not be disposed of during our absence." Three of them were members of the Committee on Pensions. Two of those Senators have returned; one member of the Committee on Pensions is still absent, and I remember distictly talking with him, and he said he desired to be here when the bill should be considered. So far as I am concerned, I have no objection to its consideration at the present time.

Mr. WILLIAMS. It was I——

The PRESIDING OFFICER. Debate is out of order, and can proceed only by unanimous consent.

Mr. WILLIAMS. It was I who made the motion to lay on the table, and I do not like to withdraw it, because I am compelled to go away to-morrow myself, and I desire to be here when this question is settled. The session is so near an end now that if we do not get a vote at once, the Lord only knows when we shall. I insist upon my motion to lay on the table.

Mr. VAN WYCK. I would suggest to the Senator from Kentucky that there is no difficulty in letting the matter lie over until his return, as other Senators who are absent expected to be present and take part in the consideration of the bill.

Mr. WILLIAMS. We have as many here now as we probably shall have at any time during the remainder of the session.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment of the Senator from Massachusets [Mr. HOAR].

Mr. VAN WYCK called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I was paired with the Senator from Massachusetts [Mr. HOAR], but the Senator from Wisconsin [Mr. CAMERON] and the Senator from Kentucky [Mr. WILLIAMS] have suggested to me that I transfer my pair to the Senator from Virginia [Mr. RIDDLEBERGER], who agrees with me in opinion in respect to this bill. I therefore vote "yea."

Mr. KENNA (when his name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin [Mr. SAWYER]. I am paired with the Senator from Minnesota [Mr. SABIN]. I should vote "yea" if the Senator from Minnesota were here.

Mr. VEST (when his name was called). I am paired on this bill with the Senator from Kansas [Mr. PLUMB]. I should vote "yea" if he were here.

Mr. WALKER (when his name was called). I am paired on all political questions and generally with the Senator from Illinois [Mr. CULLOM], who has not yet returned. I do not know how he would vote on this question, and therefore I decline to vote. I should vote "yea" if at liberty to do so.

The roll-call was concluded.

Mr. JACKSON (after having voted in the affirmative). I have a general pair with the Senator from Nebraska [Mr. MANDERSON]. I understand from his colleague that if he were present he would vote "nay." I therefore withdraw my vote.

Mr. HILL. I am paired on this question with the Senator from Louisiana [Mr. GIBSON]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. PLATT. I inquire whether the Senator from Florida [Mr. CALL] has voted?

The PRESIDING OFFICER. He has voted in the affirmative.

Mr. PLATT. Then I record my vote.

Mr. HAMPTON (after having voted in the affirmative). I was paired with the senior Senator from Rhode Island [Mr. ANTHONY]. I do not see him present or his colleague. I shall therefore withdraw my vote, unless it is necessary to make a quorum.

Mr. MCPHERSON. I had a pair with my colleague [Mr. SEWELL]. I do not know how he would vote on this question, and therefore withhold my vote. I should vote "yea" if at liberty to do so.

Mr. JONES, of Florida (after having voted in the affirmative). I am paired with the Senator from Colorado [Mr. BOWEN]. I thought he was here but I see he is not, and I withdraw my vote.

Mr. VEST. I do not know whether it would be putting the Senator from Kansas [Mr. PLUMB] in a right position to let my remark stand as I made it. I withhold my vote merely. I do not know how he would vote.

Mr. LOGAN. On leaving the Senate Chamber some few days ago I agreed with the Senator from North Carolina [Mr. RANSOM] that I would consider myself paired with him on any question if either of us was absent; and he not being present, I shall not vote.

Mr. WILLIAMS. The Senator from North Carolina, if here, would vote "yea." The Senator from Illinois can vote to make a quorum.

Mr. LOGAN. I do not know how he would vote.

The result was announced—yeas 23, nays 15; as follows:

YEAS—23.

Bayard,	Coke,	Hawley,	Platt,
Beck,	Colquitt,	Jonas,	Pugh,
Brown,	Farley,	Maxey,	Slater,
Butler,	Garland,	Miller of Cal.,	Vance,
Call,	George,	Morgan,	Williams.
Cockrell,	Harris,	Pendleton,	

NAYS—15.

Allison,	Dolph,	Mitchell,	Van Wyck,
Cameron of Wis.,	Edmunds,	Morrill,	Voorhees,
Conger,	Frye,	Pike,	Wilson.
Dawes,	Ingalls,	Sherman,	

ABSENT—38.

Aldrich,	Groome,	Lamar,	Ransom,
Anthony,	Hale,	Lapham,	Riddleberger,
Blair,	Hampton,	Logan,	Sabin,
Bowen,	Harrison,	McMillan,	Saulsbury,
Camden,	Hill,	McPherson,	Sawyer,
Cameron of Pa.,	Hoar,	Mahone,	Sewell,
Cullom,	Jackson,	Manderson,	Vest,
Fair,	Jones of Florida,	Miller of N. Y.,	Walker.
Gibson,	Jones of Nevada,	Palmer,	
Gorman,	Kenna,	Plumb,	

The PRESIDING OFFICER. A quorum has not voted.

Mr. HARRIS. Call the roll.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and forty-eight Senators responded to their names.

The PRESIDING OFFICER. The call of the roll discloses the presence of forty-eight Senators. The roll will be again called on the motion of the Senator from Kentucky [Mr. WILLIAMS], to lay on the table the amendment of the Senator from Massachusetts [Mr. HOAR].

The Secretary proceeded to call the roll.

Mr. JACKSON (when his name was called.) I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. JONES, of Florida. I am paired with the Senator from Colorado [Mr. BOWEN]. Not knowing how he would vote, I withhold my vote.

Mr. CONGER. I desire to announce that the Senator from Rhode Island [Mr. ALDRICH] is home on account of a death in his family.

Mr. MCPHERSON. I shall not vote on account of my pair with my colleague [Mr. SEWELL].

The result was announced—yeas 25, nays 15; as follows:

YEAS—25.

Bayard,	Colquitt,	Hawley,	Slater,
Beck,	Fair,	Jonas,	Vance,
Brown,	Farley,	Miller of Cal.,	Vest,
Butler,	Garland,	Morgan,	Williams.
Call,	George,	Pendleton,	
Cockrell,	Hampton,	Platt,	
Coke,	Harris,	Pugh,	

NAYS—15.

Allison,	Dawes,	Mitchell,	Van Wyck,
Blair,	Dolph,	Morrill,	Voorhees,
Cameron of Wis.,	Frye,	Pike,	Wilson.
Conger,	Ingalls,	Sherman.	

ABSENT—36.

Aldrich,	Groome,	Lamar,	Palmer,
Anthony,	Hale,	Lapham,	Plumb,
Bowen,	Harrison,	Logan,	Ransom,
Camden,	Hill,	McMillan,	Riddleberger,
Cameron of Pa.,	Hoar,	McPherson,	Sabin,
Cullom,	Jackson,	Mahone,	Saulsbury,
Edmunds,	Jones of Florida,	Manderson,	Sawyer,
Gibson,	Jones of Nevada,	Maxey,	Sewell,
Gorman,	Kenna,	Miller of N. Y.,	Walker.

So the motion was agreed to.

Mr. PLATT. What is the pending question now?

The PRESIDING OFFICER. The Chair is informed that there is no amendment pending.

Mr. PLATT. I desire then to explain the vote which I gave just now to lay the amendment on the table. If I had been in favor of the bill I would have voted not to lay that amendment on the table; but believing that neither the Mexican-war soldiers nor the soldiers of the late war ought to be pensioned unless they can show some disability, I did not propose by my vote to appear to sanction the idea that in any event was a soldier to be pensioned without disability.

Mr. VAN WYCK. I propose the following amendment, at the end of line 4, in section 2:

Except that an additional pension of $8 per month shall be paid to any officer, enlisted man, or widow who is dependent in whole or in part upon his or her own labor or assistance from others for support.

So that the section will read:

SEC. 2. That pensions under this act shall be at the rate of $8 per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto, except that an additional pension of $8 per month shall be paid to any officer, enlisted man, or widow who is dependent in whole or in part upon his or her own labor or assistance from others for support.

The bill as it stands now, and as its promoters I think do not desire, recognizes a pension to all Mexican-war soldiers upon what is claimed to be the broad ground of gratitude for service rendered. A large class, a very large class of Mexican war soldiers, as soldiers in all wars, prefer something that will render them substantial relief.

A great injustice appears manifest upon the face of this bill and it is important that this feature should be taken from it, because we have been admonished from time to time that we are now to place the granting of pensions upon a broad basis. Our attention has been called to the reason why pensions have been granted in the past, and objection has been made to the basis of pensions heretofore from the particular standpoint from which it was viewed by each Senator; and now that we are at this stage to place them upon some substantial basis, as is claimed by the friends of this bill and by all (because I claim to be a friend of the bill), I desire that a glaring injustice shall not appear at the outset to be quoted as a precedent and to be referred to hereafter as the ground upon which subsequent pension bills can be based; and therefore I desire that something more than mere gratitude shall be the basis of a pension which comes in dollars and cents. Gratitude can be acknowledged by a general act of Congress without drawing upon the Treasury. Gratitude may be acknowledged by a finely worded resolution of Congress conveying thanks to those who served their country.

I trust that we shall be able to place this bill upon such a basis as will be satisfactory when the time comes, if it is not now, for granting not only acts of gratitude but substantial recognition to the soldiers who served in the war for the Union.

Will gentlemen who favor the special provision of this bill tell me what sort of justice it is to the soldier who fought in the Mexican war, to him who is struggling for bread, who is receiving it from the almshouse or receiving it at the hands of charity—what gratitude is it to him when you present him with this bill which gives to the wealthy Mexican-war soldier who needs no assistance from relatives or poor-houses, who needs not to grind a hand-organ on the street corner—I ask you what sense of gratitude or acknowledgment of his services it is to give him the beggarly pittance of $8 per month when you give the same to wealthy soldiers who came out of the war? There are gentlemen who served with honor in that war occupying seats in the American Senate. Soldiers equally as brave and valiant are spending their declining days in the almshouses or grinding organs on the street corners. You give them the same pension that you give the wealthy Senator who served in the Mexican war, $8 a month, and you give the poor soldier in the poor-house only $8 a month. Is it possible that gentlemen will insist that a pension on that foundation is equitable or just or right? If our Treasury is abundantly able to recognize gratitude by giving to the wealthy soldier $8 a month as a mere expression of gratitude, then I desire to go further in the cause of justice and humanity; I desire to go further and declare our sense of gratitude to him who has come out of the war and struggled with adverse circumstances and forced to the necessity of begging for his daily bread, and that we shall at least give sufficient to him to make his declining days comfortable, that we shall give to him enough to take him out of the poor-house, take him from where he is branded as a pauper, or take him from the home for disabled soldiers where he is branded as a pauper also.

We have heard very much said about this matter. Gentlemen are very anxious that your soldiers shall not be branded as paupers. Certainly; but unfortunately your laws have done that already, and I desire to relieve them from any further stain or stigma in that direction. You have created soldiers' homes for disabled soldiers during the last war, and yet no disabled soldier to-day can go into a national home unless you put the stamp of a pauper upon him before he can avail himself of the benefits, slight and unsatisfactory as they may be, before you suffer him to enter a soldiers' home.

Let us not be deceived or mistaken. It is not branding with poverty because the Government is asked to give bounties to its soldiers according to their needs. Who is it that is complaining of any injustice in giving to those who are unfortunate? Not the soldier in the almshouse; not the soldiers upon the Western prairies, who send their petitions here day after day that unless they can get relief from the Pension Office their homes and claims will be sacrificed; but they come here not only with open arms but with begging voices, pleading in trembling tones, "Help us because of our poverty." That is what they ask, "Help us because of our poverty." That you deny them. You deny the poor Mexican-war soldier $8 a month unless you can give the wealthy Mexican-war soldier $8 a month also.

Why should you do this in the light of the exposition made only a few days ago by the distinguished Senator from Kansas [Mr. INGALLS] that the legislation of the American Congress for the last twenty years had been in the interest of labor and in the interest of the poor? And yet you deny him who is actually poor the mere pittance of $8 a month unless you connect with it also the demand to pay the wealthy Mexican-war soldier $8 per month. Do you benefit the unfortunate and the poor and the needy? No, Mr. President. The class of men who need the bounty of your Government, who need the gratitude of a nation when it comes as a great almoner to bestow gifts and to give benefits and blessings, are not sufficiently considered here. Look at the records of both branches of Congress. It is not true that persons will suffer in exile or suffer in poverty before they make their wants known

to a paternal government. Go to your committee-rooms and listen to applications there from wives of commodores and admirals and major-generals, seeking to have pensions increased from $30 to $50 a month. Will you listen as they come knocking at your doors? Will you listen to distinguished Senators asking that pensions shall be given to distinguished widows because of the poverty of the claimants?

Let this matter now be distinctly understood. If we are to establish a basis now on which pensions shall be put and which will be for future guidance, I desire that they shall be placed not only on the ground of gratitude but of duty. Therefore it is that if Congress desires to give to the wealthy Mexican-war soldier who needs nothing for his support in life, I ask that we at least shall recognize a still greater duty and not present this segment of gratitude as a mockery to the unfortunate to whom $8 probably will not be sufficient to take him out of the poor-house. If it does take him from the poor-house, it may put him in a soldiers' home, where you place equally as much the brand of pauperism and poverty; in a soldiers' home, where there are no comforts of life; in a soldiers' home, where he is subject to all the rigor and discipline of a military camp; in a soldiers' home, where the clothes on his back, according to the regulations, belong to the Government and are so inventoried. Therefore it is that we should go a step further and give more to the unfortunate poor soldier than we do to the more fortunate and wealthy one who served in the Mexican war.

Mr. PLATT. Mr. President, we seem to be in the midst of what may be called a pension craze, and when I say that I desire not to be understood as opposing a pension to any soldier who is entitled to it upon the ground of disability. But I think that this amendment which has been proposed by the Senator from Nebraska deserves a few moments' consideration, as showing the extent to which persons who are carried away by sentiment are willing to go. Here we have a bill which proposes to give double pensions to a certain class of Mexican-war soldiers; and the Senator from Nebraska, not being content with giving double pensions to them, insists that a third class shall be recognized, and that some Mexican-war soldiers shall have three pensions.

I find no fault upon the theory of the supporters of this bill that they shall give double pensions to the 3,830 Mexican-war soldiers who are already drawing pensions for disability, because the bill proceeds upon the doctrine that pensions are to be granted for service, and there is no other logical conclusion except that that service pension is to be granted to the Mexican-war soldiers whether they already enjoy a disability pension or not. So I say I find no fault with that portion of it. Here are 3,830 Mexican-war soldiers who to-day are drawing pensions, some of them $30, some $50 a month, others graded down to smaller sums, who by this bill are to take an additional pension of $8 per month because indeed they served in the war. It seems to me it is going a little too far to apply that to widows, but I do not know that I shall make any particular objection to that. Here are 3,150 widows enjoying pensions now because their husbands who served in the Mexican war were killed in the war or contracted disease there which resulted in their death. It is carrying the doctrine of service pension a little too far to say that these widows shall now receive another $8 a month; but I insist upon it that when the Senator from Nebraska comes in and says that those who are poor and dependent shall have a third pension, it is carrying this doctrine a little too far.

Mr. CONGER. I had hoped, Mr. President, that the Mexican-war pension bill would have assumed some form that I could cheerfully vote for it, as I desired to do. I had hoped, considering that we had not yet passed so many years since the Mexican war, that it would be fair to presume almost all of the living soldiers of that war were from age in some condition or approaching some condition of disability that we might so frame this bill that we should recognize the propriety of giving pensions to soldiers who were from any cause, whether in the line of duty or otherwise, now unable to procure for themselves the means of subsistence and the comforts of life.

The PRESIDING OFFICER. The Senator from Michigan will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of the last day's session, which is the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. HARRIS. In view of the fact that the Senator who reported that bill——

Mr. CONGER. Having the floor, I wish to make one remark.

Mr. HARRIS. I will yield to the Senator in one moment. In view of the fact that the Senator who reported that bill and has charge of it here is absent, I ask the unanimous consent of the Senate that it may be informally laid aside without losing its place as the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none. The Senator from Michigan [Mr. CONGER] is entitled to the floor.

Mr. HARRIS. I ask the Senator from Michigan to yield to me for one moment. I ask unanimous consent to proceed with the consideration of the Mexican pension bill.

The PRESIDING OFFICER. The Chair hears no objection, and the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. HARRIS. The Senator from Michigan is entitled to the floor on that bill.

Mr. CONGER. I said, Mr. President, that I was in favor of pensioning Mexican-war soldiers, and in any pension bill I am perfectly willing to extend pensions to all Mexican-war soldiers who from any cause, from disease, from poverty, from sickness, are unable to procure for themselves the necessary comforts of life.

There are other provisions in the bill which have not been entirely satisfactory to me as they have been presented from time to time. The question of restoring pensions to the soldiers who while receiving the pensions of this Government engaged in warfare against it has been with me a very serious question, but I am prepared to let even that pass in the Mexican-war pension bill and to extend pensions to them and to all who are in need of the support, on the ground of their necessity, and vote for the bill. The amendment of the Senate Committee on Pensions making disability the basis of pensions was satisfactory to me, but the Senate I believe has rejected that amendment, leaving us now with the simple question of direct pension to every person who for a day was engaged as a soldier, whether in Mexico or in recruiting stations, who was called a Mexican-war soldier, giving a pension to all.

When the Senator from Massachusetts moved to extend the same privilege to the soldiers of the late war I was prepared to vote for that, not because I thought either was proper or judicious at this time, but because I never will have on the records of the Senate my name recorded as voting to extend greater privileges and blessings to those who were engaged in rebellion against my country than to those who were engaged in redeeming and saving my land. I voted against laying the amendment of the Senator from Massachusetts on the table. I should vote, if it had not been laid on the table, in favor of that amendment; and I desire to stand here now and henceforth and forever, while my voice can be heard, doing no less in any particular for the gallant defenders of the Union in the last war than is done by Congress for any soldiers of any war at any former period, and especially for any soldiers who forgot their allegiance to their country and compelled the necessity of the soldiers of the Union Army entering that Army for the defense of the country. Even if it eats up millions upon millions of money to be drawn from the Treasury for pensions to soldiers, if that privilege is granted to Mexican-war soldiers who are rich, who are hale, who are hearty, who were rebels, my voice shall extend the same privilege to the extent of my power to every Union soldier who gave his service and risked his life to save the common country of us all.

I do not like the way in which this bill stands to-day. I can not justify myself in voting for a pension to every man because for a day, for an hour, his name stood recorded upon the list of soldiers of the Mexican war, although he never left the sacred precincts of his own fireside; although he never went beyond the sound of his own village bells; although the cool, pleasant breezes of the North fanned his brow during that day of military service; although he lay under the magnolia tree of the South dreaming of the honors which would come if he went or of the disgrace which would be fastened upon him if he remained—a pension to lackadaisical soldiers who entered into that army but remained behind and never saw service; who went to recruiting stations as officers and sergeants to recruit in their own sweet homes, carrying on warfare surrounded with all the luxuries and comforts of their own dear families and the endearments of their domestic firesides—and refuse pensions to the men of such vigorous constitutions, of such inherent strength that they went early into the war for the Union, went through all campaigns, endured all hardships, were exposed to all dangers, served for three years or the war, and then, with a patriotism unrivaled in the history of the world, while still in the field, without the poor privilege of seeing their families, in their country's extremity re-enlisted in the field and served on and on until the war closed and they were honorably discharged without scar, without wound, without sickness, with nothing to mark the service in their own person except that wasting away of their vitality which did not then show itself in disease, but which since has been gradually hastening their footsteps to the grave, imperceptibly, unappreciated. They are the men who linger in every town and hamlet of our land; they are the men whom I saw returning from the war after double enlistment and continual service without wounds, with giant strength, buoyed up to an unnatural excitement with the fact that peace had come, that the country was saved, that they were restored to their families. Then they did not feel that depression, that loss of vitality which had gathered around them during the years of their service, until the excitement had passed away, and from day to day I have seen these gallant men sinking away step by step to an early grave. You give no pension for such men, no bounty, nothing to save them as they go silently and wearily to their graves knowing that their life with all its bright hopes was lost in the service, but lacking the hospital proof, the surgeon's record.

Sir, I have seen in my own town and county and State soldiers who returned apparently with full life within them from the prisons of the South, so glad to be redeemed, so joyful at their rescue, booming with hope and expectation as they returned to their families; but the seeds of disease were planted within them irrevocably, wearing away and

wasting away, the still small tinkling of the bell calling them in the daytime and in the night-time to an early grave.

Sir, I propose to give all Mexican-war soldiers who need the support of this Government a pension. I would forgive the past for the service they rendered, even though they had turned against their Government; but I would also give to every soldier of the late war who is to-day disabled, from any cause, even if he can not trace it to disability incurred in the direct line of service, the means of living with at least comparative decency the remaining days of his life. Any other rule is false, is fraudulent, is an insult to the knowledge and judgment of the soldiers themselves.

That is what they ask, that is what their friends ask for them, that present disability, present inability to labor or to provide for themselves shall be presumed in their favor to have originated in some manner connected with the awful service of the campaign, and the battle-field, and the prison. I am in favor in this bill or any other of a provision which shall make the fact of a Union soldier having had confinement in a rebel prison during the war presumptive proof that any disability now existing had its origin in part in that service, sufficient to warrant the Government leaning to his side to presume that the disability was incurred from exposure in the prison, in the field, in the battle, although no immediate results may have exhibited themselves from such exposure at the time.

Now, sir, I can not vote to pension rich, strong, prosperous, healthy gentlemen who years ago either went to Mexico, or did not go to Mexico as this bill provides, who were foremost in the battles that honored and glorified our country there, or who were hindmost in all that large army of laggards who rested upon their excuses and hid themselves behind their necessities and did not leave their native land to fight at all. A greater burlesque could not be exhibited to a startled world than to see a great array of hale, sound, wealthy men gathering around the Pension Office, riding in their carriages, flaunting with their horses in the midst of prosperity and enjoyment and triumph, riding up to the Pension Office to draw a pension because they were for a brief season enlisted in the Mexican-war army, and who had never left their homes or their States or their country to fight a battle, and see the poor maimed Union soldier standing off across the way, worn out, haggard, hungry, diseased, utterly disabled, with armless sleeves, lacking a leg, looking to see this grand army of triumphant pensioners riding up to receive their bounty, and these men so desolate, so poor, so hopeless, with no means of support for this day, or any other day—see men so broken-down standing there, and because the record of their injury did not show that it was in the immediate, the direct line of duty, it was to be presumed that in some side way they had lost their limb, in some side way not mentioned in the hospital records they had lost their health. Oh! what a spectacle it will be to see that array of the brave, gallant soldiers who fought all through the war, but can not prove that their present utterly disabled state arose from disability incurred, as our laws politely express it, "in the line of duty," to see them looking on to watch the effects of the laws of this Union and the laws passed by this Senate and House and approved by our President, it were a spectacle to make devils laugh and the very angels weep. And yet that is what is proposed to be done here to-day. That is what we are called upon by our solemn votes to sanction.

I say, sir, with a full knowledge of my own convictions upon the subject, that I will be no party in extending to the rich, the healthy, the prosperous Mexican-war soldier bounties and privileges that I will not extend to the gallant soldiers of our Union Army who fought four long years through the war to save the country so that it could be able even to grant a pension to anybody.

There is hardly a quorum of Senators present here. Many of those who have been absent have not returned. The most important bill in its consequences upon the future legislation of this country regarding pensions is pressed here to-day in the absence of almost half the Senators; a bare quorum can be found here; but not a quorum entitled to vote, on account of pairs; and it is pressed to-day to empty seats for a final decision. It does not speak well for the dignity of the Senate to permit this bill to come up to-day. It does not speak well for the friends of this measure, loaded down as it is with favors which ought not to be granted and refusing privileges to the Union soldiers which ought to be granted, to pass this through in a thin house and with empty benches. I protest against pressing this bill at this time. There are men who are called away from this Chamber who if here, as every one knows, would not favor this bill in this form, who would favor it if the amendment which the Senate committee recommended were adopted instead of having been rejected.

But, sir, it is not for this side of the House, it seems, to determine pension questions. I here publicly ask the American people when they hear about this bill to look at the record of votes here and see who refused to confine the benefits of this bill to disabled soldiers for the present, to see who of the whole array of our friends on the other side of the House without a solitary exception refuse to grant to the Union soldier of the last war the very same privileges which this bill grants to the Mexican-war soldier. It will be an interesting study.

I thank God that through this whole country the soldiers who are awaiting the action of the Government in regard to this Mexican-war pension bill will be able to see that one class of soldiers without any disability at all, needing no assistance from this Government, are given pensions bounteously for a day's or a month's service in a war in which they never engaged, and that they, the poor, disabled Union soldiers, unable to make the proof of the manner in which their disability arose, are by a vote ignominiously laid upon the table. They will know what that vote to lay on the table, offered by one of my friends on the other side, supported unanimously by our Democratic friends, means to them, the Union soldiers; and I guess they will find out what that vote means when they come to look over the roll of Mexican-war soldiers and see that the wealthy and those in high place, those who need no pension and those who would scorn to receive a pension, receive this allowance, to the detriment of the unpensioned disabled Union soldier. They will know what it means in time. It will be understood in time.

Time at last sets all things even.

And those who treasure up this infamous wrong on principle and are voting for it will in the whirligig of time have their revenge; and when the indignation which shall rise up among the soldiery, the whole Union soldiery of this land, shall inquire and search out those who have wronged them, I thank God that I shall be able to show that I was not one of those who gave to the rich and to those who rendered no service to their country pensions and rejected them to the disabled, to the poor, to the hungry, to the worn out, to those who stand with their faces turned continually to the grave and cast back a last piteous, lingering look to the lawmakers of their country to at least give them a temporary relief before they go to the bourn of that undiscovered country whence no traveler returns.

Mr. HARRIS. Mr. President, believing as I do that the only chance for this bill to become a law during the present session is to take it just as it is, and being anxious that it shall become a law, I shall vote against all amendments, because I believe that the Senate must pass the bill as it comes from the House if it intends that it shall become a law at all.

Mr. VAN WYCK. Will the Senator please explain why this bill stands in any jeopardy by reason of a proper amendment being placed on it by the Senate? Having been passed by a large majority in the other House, the amendment can be adopted by the same majority.

Mr. HARRIS. If it goes to the House at all it goes to the Speaker's table behind hundreds of Senate bills that are already lying there undisposed of. It is a chance that for one I am not willing to take. All of these amendments that may be meritorious in their character may come up on their own merits and be considered and acted on in their order. I shall therefore favor the passage of this bill as it came from the House, opposing all amendments, however meritorious they may be in themselves; and as that is my intention I will move to lay the amendment of my friend from Nebraska on the table.

Mr. VAN WYCK. Let me ask the Senator from Tennessee was not this bill passed in the House by a vote of more than two-thirds?

Mr. HARRIS. I do not remember how that is, nor is it material.

Mr. VAN WYCK. Is it not material in view of the suggestion of the Senator?

Mr. HARRIS. In view of the opinions I entertain it is not material.

Mr. VAN WYCK. It passed by two-thirds. If this bill passed the House by two-thirds, then will there be any sort of difficulty with proper amendments on this bill going back to a friendly House for that same two-thirds to take it from the Speaker's table and pass it at any time?

Mr. HARRIS. However firmly the Senator from Nebraska may believe in the idea that he has just expressed, I do not concur with him. I believe there is danger. I not only believe that there is danger, but I believe that if we amend the bill and send it back to the House it will not become a law during the present Congress, at this session or the next. For that reason I shall oppose his and all other amendments, and, as before stated, I move to lay the amendment on the table.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Tennessee moves to lay the amendment on the table.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. BLAIR. Does the Senator insist on it at this time?

Mr. HARRIS. I withdraw the motion for a moment in order that the Senator from New Hampshire may make a statement.

Mr. BLAIR. I design to move a substitute for the entire bill. I am not particular whether I proceed informally now or whether this motion be acted on. As the debate was proceeding I was about to state my views——

Mr. HARRIS. I will state to the Senator from New Hampshire that even if he had offered his substitute already, the amendment of the Senator from Nebraska would take precedence.

Mr. BLAIR. I understand that.

Mr. HARRIS. I therefore propose to dispose of the question in the briefest manner that I can after the extent of debate that has already been indulged, and not a word has been said on this side of the Chamber in opposition to the amendment. I move to lay it upon the table.

The PRESIDING OFFICER. The Senator from Tennessee moves to lay the amendment proposed by the Senator from Nebraska on the table.

Mr. CONGER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read the amendment proposed by Mr. VAN WYCK.

The Secretary proceeded to call the roll.

Mr. JACKSON (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea."

Mr. JONES, of Florida, (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were here, I should vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL]. I do not know how he would vote, but I should vote "yea" if he were here.

Mr. WALKER (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM] who is absent. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HILL. I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. WALKER. I understand that the Senator from Illinois [Mr. CULLOM], who is paired with me, if present, would vote as I do. Therefore I vote "yea."

Mr. LOGAN. I am paired with the Senator from North Carolina [Mr. RANSOM] as I understand, but understanding that he would vote the same way as I do, I vote "yea," to make a quorum.

The result was announced—yeas 28, nays 11; as follows:

YEAS—28.

Allison,	Dawes,	Harris,	Platt,
Bayard,	Dolph,	Hawley,	Pugh,
Beck,	Farley,	Ingalls,	Slater,
Brown,	Frye,	Jonas,	Vance,
Butler,	Garland,	Logan,	Vest,
Call,	Hale,	Maxey,	Walker,
Coke,	Hampton,	Morgan,	Williams.

NAYS—11.

Blair,	Edmunds,	Pike,	Voorhees,
Cameron of Wis.,	Mitchell,	Plumb,	Wilson.
Conger,	Morrill,	Van Wyck,	

ABSENT—37.

Aldrich,	Gibson,	Lamar,	Ransom,
Anthony,	Gorman,	Lapham,	Riddleberger,
Bowen,	Groome,	McMillan,	Sabin,
Camden,	Harrison,	McPherson,	Saulsbury,
Cameron of Pa.,	Hill,	Mahone,	Sawyer,
Cockrell,	Hoar,	Manderson,	Sewell,
Colquitt,	Jackson,	Miller of Cal.,	Sherman.
Cullom,	Jones of Florida,	Miller of N. Y.,	
Fair,	Jones of Nevada,	Palmer,	
George,	Kenna,	Pendleton,	

So the motion was agreed to.

Mr. WILSON. Mr. President, if we pass this bill without amendment we inaugurate a pension system based solely on the consideration of service. If we do so I can not see how we can consistently refrain from extending the system to all of the Union soldiers who rendered service in the war against the rebellion, for if ever this Republic had soldiers rendering it most valuable service it was those who put down that rebellion and maintained the unity of the Republic.

But, sir, if we apply the principle involved in this bill to all the soldiers of the Union Army, the revenues of this Government can not meet the demand. Therefore, it seems to me that we should preserve some conservative principle of consistency in our pension legislation which will not advance beyond the resources of our revenue to respond to; hence, in order to preserve a principle which shall require some ground other than mere service to base the pension upon, I offer the following amendment in the form of a proviso to the first section:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act who is not 64 years of age, or who is not subject to some physical, mental, or pecuniary disability equal to some cause known to the pension laws of the United States for the allowance of a pension.

Now, by our laws relative to the retirement of our Army and Navy officers we have established a rule that the age of 64 shall be regarded as disability, and in our general pension system we have adopted the rule that some kind of disability shall be present in order to support the grant of pension. It is true that those disabilities are required by the present law to have occurred in the line of duty in the service, whereas this amendment of mine will extend it to those who, having rendered service, are now in some way and to some extent disabled. And, sir, while I am willing to vote liberally concerning the pension system, it does seem to me that we ought to hold it within the possible bounds of the revenues of the country to meet. I therefore offer this amendment as a proviso to the first section of the bill.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment, which will be read from the desk.

The CHIEF CLERK. It is proposed to add to the first section:

Provided, That no such officer, enlisted man, or widow shall be entitled to the benefits of this act who is not 64 years of age, or who is not subject to some physical, mental, or pecuniary disability equal to some cause known to the pension laws of the United States for the allowance of a pension.

Mr. VEST. I move to lay that amendment on the table.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the amendment on the table.

Mr. CONGER. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. CONGER. I know it is not debatable, but if there be no discussion I think we might as well adjourn. If the gag-law is to be applied here we might as well adjourn for a more sober occasion.

Mr. VEST. I have not the least objection to hearing the Senator from Michigan. If he wants to speak I will withdraw the motion.

The PRESIDING OFFICER. The Senator from Missouri withdraws his motion.

Mr. CONGER. I do wish to speak, Mr. President, and I wish to speak merely for the purpose of having it appear that these continuous motions to lay every amendment on the table by those who have the power temporarily in the absence of nearly half the Senate will receive even from me some feeble protest.

Sir, the amendment last read, offered by the Senator from Iowa, meets with the views which I had occasion to express a few moments ago, and which if adopted by the Senate will place this Mexican pension bill in a condition where as a precedent, properly and justly and in compliance with the almost universal demand of the soldiers throughout the country, able and disabled, we may prepare for the passage of another bill to meet the cases to which I referred in my former remarks; and I think this is worthy not only of presentation here but of discussion here. It is worthy of having objections, if there are or can be any objections made to it, stated in open Senate.

Sir, one of the Senators on the other side has said camly and quietly and as peaceably as may be that there is no hope of passing this bill (which was passed by a two-thirds majority of the other House) if it has an amendment put on it, whether it is curtailed or enlarged. Has it come to this, that the accidental majority of to-day determines and proclaims to the world that no amendment to the bill passed by the House can even be entertained here, but as often as it may be proposed a motion from that side of the House, which to-day has the power unfortunately to control the Senate, consigns it to the table? Senators on that side say they do not want to discuss this. Of course. I challenge them to show to the Senate or to the world any good reason, any reason at all, why this proviso should not be adopted. I invite the Senator who said he had no discussion to make, or the other eloquent Senator who can make the wrong appear the better cause whenever he desires, to give some reason why this should not be considered here. In their wisdom, or if not in their wisdom in their magnanimity, will not some of the Senators who think to-day they have the temporary control of this legislation give us some reason, however feeble or however inadequate, why this amendment is not entitled to consideration, why it is not entitled to receive in this body the votes of Senators for or against it?

There is an exercise of arbitrary power that does not carry conviction with it. There is an exercise of arbitary power that can prevent discussion, prevent votes being recorded in favor of measures in the Senate, which can be exercised as it is being exercised here to-day; but in my judgment that invention will return to plague its inventors even here.

Mr. VEST. I renew the motion.

The PRESIDING OFFICER. It is moved that the amendment proposed by the Senator from Iowa be laid on the table.

Mr. SLATER. I wish to make a remark on this.

Mr. VEST. I withdraw the motion.

Mr. SLATER. I trust that the Senate will stop and consider a moment on this proposition. It is certainly a reasonable one, it is a just one, and those two considerations in my mind ought to induce the Senate to adopt it. That is all I have to say.

Mr. BLAIR. Mr. President, in regard to this amendment, which I feel under the necessity of opposing by my vote, I wish to say that I would much rather see the bill pass with the amendment than pass without any, but it does seem to me that the country is ready to adopt, and if not quite ready it ought to be ready to adopt, the principle that its soldiers when in need shall receive help from the National Government, and that for us to undertake to establish any arbitrary period in the lifetime of the soldier when he shall be entitled to receive that assistance will work as much injustice as good.

There are in our country at the present time hundreds of thousands of soldiers who did duty in the late war, and who by their sacrifices and their blood kept the country in a condition so that it is able to be taxed to pay pensions to anybody, so that it is able to respond to the provisions of this bill, if it is so at all, and yet many of those men have not attained the age of forty years, and for those men to be called upon by the precedent which we fasten in this bill to wait a quarter of a century I think to be exceedingly unjust, and it is not in the direction of that legislation which has been devised in either House of Congress during the present session.

Mr. WILSON. I think the Senator misapprehends the purpose of that feature of my amendment. It was simply to apply to this bill one of the disabilities recognized by the present laws of the United States. I put that with the group of other disabilities in order that the pensions under this bill, if it should become a law, may rest upon some kind of disability and not merely upon the fact of service.

Mr. BLAIR. I think if the Senator designs that his amendment

should be understood, and if the amendment does mean that every one in need of help shall receive it, its expressions are far too ambiguous to become a part of the law. If that is what he means, I certainly did misunderstand the amendment; and if that be its meaning, I hardly see any occasion for that particular feature—the limitation as to age—in the amendment at all. I think it adds nothing to its force, and it would be better on that ground that he should modify the amendment if he intends that in its signification it embrace all the causes, including that of dependence, which are now known to the law.

Mr. WILSON. The objection to that is that it would be eliminating from this proviso one of the present recognized disabilities, a disability fixed by law by the limitation of age.

Mr. BLAIR. That limitation of age is known only in the regular Army, known only to the retired-list of the regular Army. It properly can apply only to those who have worn out their lives in the service, and that is the reason on which it is based. They are supposed to have reached that period in life when they are no longer useful in military efforts to the country, and it is too late for them to acquire other means of support, and therefore it is that they are retired at that age in analogy to the laws in many of our States which retire the judges from active service upon the bench by a constitutional limitation, a limitation based upon what is supposed to be the average length of useful human life.

I do not see how that feature is other than by a false analogy applicable here with reference to the legislation for pensions to those who have rendered temporary service to their country. If, however, the amendment is designed to include and does include all those who are dependent in any way upon the assistance of others for support, I shall be glad to support the amendment itself. I should think, however, the Senator ought to make it more explicit.

Mr. VEST. I renew the motion to lay the amendment on the table.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from Missouri moves to lay on the table the amendment offered by the Senator from Iowa [Mr. WILSON]. The question is on that motion.

Mr. JACKSON. Will the Senator from Missouri withdraw the motion for one moment? I should like to understand the amendment.

Mr. VEST. I withdraw the motion.

Mr. JACKSON. I should like to inquire of the Senator from Iowa as to the latter clause of the amendment, which refers to a pecuniary disability equal to some cause for which pensions are now granted. How can you measure pecuniary disability with a physical disability for which pensions are now granted?

Mr. WILSON. I can give the Senator an example illustrative of the force of that feature of the amendment. Under the present pension laws a father or mother who was in whole or in part dependent for support upon the contributions of a son who was in the Army is entitled to receive a pension. A pecuniary disability to that extent, although the contribution might come from other sources than the son who had been in the Army, would entitle the person to receive a pension under the operation of this proviso.

Mr. JACKSON. I suggest to the Senator, would it not be better, instead of saying "pecuniary disability," to say "those dependent?"

Mr. WILSON. That is a disability recognized by the law, and I have endeavored to cover all the cases of disability that have been suggested during the progress of this debate. It was said in the debate some days ago that the proviso reported from the Committee on Pensions put the stigma of pauperism in plain terms upon the Mexican-war soldiers who might be pensioned under this bill if it should become a law. Now, I have so modified the phraseology as to take all of that sting out of the original proviso and still allow the pension where it is needed, although the disability, whether it be physical, mental, or pecuniary, was not incurred in the service.

Mr. BLAIR. May I ask the Senator a question, for I wish to understand the amendment. Then the effect of the amendment is as already explained; and, further, it gives the privilege of drawing the pension to those who do not need it only after they have reached the age of 64 years?

Mr. WILSON. Certainly; that is the force of it. I adopted the limitation of age because, as I have already said, we have carried that into the laws of the land now as a disability upon which we retire officers of the Army and Navy. Therefore I included that as one of the disabilities within the terms of this proviso. The remainder of the proviso covers all the other character of disability, whether physical, mental, or pecuniary, whether incurred in the service or not. If the disability exists it is sufficient to carry the pension.

Mr. VEST. I renew the motion to lay the amendment on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JACKSON (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. JONES of Florida (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN].

Mr. MAXEY (when Mr. KENNA's name was called). The Senator from West Virginia [Mr. KENNA] is paired with the Senator from Minnesota [Mr. SABIN]. If the Senator from West Virginia were present, he would vote "yea" on this motion.

The roll-call having been concluded, the result was announced—yeas 23, nays 16; as follows:

YEAS—23.

Bayard,	Coke,	Hampton,	Pendleton,
Beck,	Fair,	Harris,	Pugh,
Brown,	Farley,	Jonas,	Vest.
Butler,	Garland,	Logan,	Voorhees,
Call,	George,	Maxey,	Walker.
Cockrell,	Gorman,	Morgan	

NAYS—16.

Allison,	Dawes,	Ingalls,	Platt,
Blair,	Frye,	Mitchell,	Slater,
Cameron of Wis.,	Hale,	Morrill,	Van Wyck,
Conger,	Hawley,	Pike,	Wilson.

ABSENT—37.

Aldrich,	Groome,	McMillan,	Sabin,
Anthony,	Harrison,	McPherson,	Saulsbury,
Bowen,	Hill,	Mahone,	Sawyer,
Camden,	Hoar,	Manderson,	Sewell,
Cameron of Pa.,	Jackson,	Miller of Cal.,	Sherman,
Colquitt,	Jones of Florida,	Miller of N. Y.,	Vance,
Cullom,	Jones of Nevada,	Palmer,	Williams.
Dolph,	Kenna,	Plumb,	
Edmunds,	Lamar,	Ransom,	
Gibson,	Lapham,	Riddleberger,	

The motion was agreed to.

Mr. CONGER. I now move to postpone the further consideration of this bill until to-morrow, and I send in support of that motion and ask to have read at the Clerk's desk from the RECORD what I have marked.

The Chief Clerk read as follows:

The PRESIDENT *pro tempore*. Objection is made.

Mr. HARRIS. Then I give notice that I shall, on Monday morning, at the conclusion of the morning business proper, move to proceed to the consideration of the bill referred to.

Mr. HAWLEY. Will the Senator allow me to suggest to him that he make the notice for Tuesday morning? Many Senators, twenty or twenty-five, are away. Some of them will undoubtedly stay away over Sunday, and may not be here in time for business on Monday. I think that Tuesday would be better.

Mr. HARRIS. I will let the notice stand as it is, but if on Monday next the condition of the Senate shall be as indicated by the Senator from Connecticut, I shall then very cheerfully adopt his suggestion.

Mr. MAXEY. I trust Senators on the other side will understand the object of the motion of the Senator from Tennessee. It is to accommodate those Senators who are absent. That is the purpose of it. The time indicated by the Senator from Tennessee was fixed by an understanding with the expectation that those who are absent at Chicago will be present by Monday. If, however, they are not present by Monday, I for one shall be perfectly willing, and think it is right, to let the matter stand until they have a fair opportunity of being here. That was the purpose in fixing the time.

Mr. CONGER. Let the Chief Clerk state what day that statement was made.

The CHIEF CLERK. "In Senate, Monday, June 2, 1884."

Mr. CONGER. Now, Mr. President, to every one of the absent Senators who have not returned that record was made a week ago to-day. Every Senator interested in this subject had reason to believe and did believe during the last week, who was absent and who knew what this arrangement was, that those who have amendments which they are very anxious to have proposed need not for any purpose connected with this bill be in their seats before Tuesday. It is because of that that I commented on the course taken to lay motions to amend on the table, and in spite of an agreement which was made here in open session that if Senators were absent, as they expected to be on this Monday, the consideration of the bill would not be pressed on that day. I was absent myself a part of last week, but chance to be here to-day. Many Senators will see with indignation that a proposition made in open Senate before some of them left is not acceded to, but the contrary and the opposite is pressed here to-day.

I submit whether it is not becoming that the Senate should postpone until to-morrow the further consideration of the bill in view of what Senators had a right to expect when they absented themselves from the Senate and are absent to-day.

Mr. HARRIS. In accordance with the notice that I gave on Monday last, at the conclusion of the morning business this morning I moved to proceed to the consideration of this bill. A majority of the Senators present voted to take the bill up and proceed to its consideration. At the hour of 2 o'clock, when the unfinished business was laid before the Senate, I asked the unanimous consent of the Senate that that be informally laid aside without losing its place as unfinished business. That having been done by unanimous consent, I asked the unanimous consent of the Senate to proceed with the consideration of this bill, every Senator in the Chamber consenting to proceed with it. Hence I do not think the criticism of the Senator from Michigan is altogether fair when he himself stands on the record as consenting. But I am sure, so far as I am concerned, I am not willing to press the consideration of this bill for one moment taking advantage of the absence of any Senator or Senators; and so far as I am personally concerned I do not intend to allow myself to be put in that position. I have nothing to say with regard to the Senator's motion to postpone the further consideration of the bill until to-morrow.

Mr. ALLISON obtained the floor.

Mr. CONGER. I wish to make a personal remark.

Mr. ALLISON. I yield to the Senator a moment for that purpose.

Mr. CONGER. Having the floor at the time the hour of 2 o'clock was remarked, and having a few further sentences that I wished to utter when the Senator who has just taken his seat asked for the postponement of the Utah bill in consideration of the absence of a Senator and asked unanimous consent to proceed with this bill, I very foolishly thought the same courtesy would be extended to me as to the absent Senator from Massachusetts that I might finish my remarks, and dreamed of nothing else. It is one of those unfortunate cases where a man attaches far too much importance to himself; I admit it. I was about to ask unanimous consent to proceed with the bill till I had finished my remarks, and I naively considered that my old and continued antagonist was extending a little courtesy to me in asking that I might say what I had to say, and that then the agreement made last Monday might be carried out.

Mr. HARRIS. If the Senator from Iowa will yield a single moment I will say that I can quite well understand how the Senator from Michigan misunderstood my object, as he explains that he did. I certainly should have been glad to have extended to him the courtesy, even though the bill was going over, of finishing his remarks, but I preferred to ask the unanimous consent of the Senate to continue the consideration of the bill with a view to finally disposing of it, and that was the question put by the Chair; that was the question in respect to which the Senate gave its unanimous consent.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate sundry bills from the House of Representatives.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3231) granting a pension to Michael Shields;
A bill (H. R. 4833) granting a pension to Louisa Earle;
A bill (H. R. 5989) for the relief of Elizabeth A. Springsteed;
A bill (H. R. 2440) granting a pension to Usebus Sweet;
A bill (H. R. 5800) for the relief of Sarah B. Jackson;
A bill (H. R. 3336) for the relief of Sherman C. Perry;
A bill (H. R. 3727) granting a pension to Cynthia Shaw;
A bill (H. R. 3340) granting a pension to James M. Pike;
A bill (H. R. 5543) granting a pension to David M. Nagle;
A bill (H. R. 499) granting a pension to Mary A. Knawber;
A bill (H. R. 943) granting a pension to Samuel Barnard;
A bill (H. R. 2140) for the relief of Hugh Dougherty;
A bill (H. R. 5835) granting a pension to J. H. Adams;
A bill (H. R. 5838) granting a pension to Henry Ballinger;
A bill (H. R. 6529) for the relief of John Kane;
A bill (H. R. 2453) granting a pension to Frank S. Marsh;
A bill (H. R. 4094) granting a pension to Henry Alden;
A bill (H. R. 664) granting a pension to Gilbert A. Philips;
A bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872;
A bill (H. R. 663) granting a pension to Kate Wilharlitz;
A bill (H. R. 662) granting a pension to Mrs. Ann Sheffield;
A bill (H. R. 5565) granting a pension to Theodore Ahrens;
A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;
A bill (H. R. 4568) granting a pension to Andrew J. Konkle;
A bill (H. R. 5123) granting a pension to Frederick Braunwald;
A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;
A bill (H. R. 6542) granting a pension to Harriett S. Brisbine;
A bill (H. R. 6660) rerating Abraham J. Reber and granting him arrears of pension;
A bill (H. R. 3177) granting a pension to Charles F. Paris;
A bill (H. R. 5926) granting a pension to John Maloney;
A bill (H. R. 5922) for the relief of George D. Guthrey;
A bill (H. R. 6514) for the relief of Catherine H. Glick;
A bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson;
A bill (H. R. 5951) granting a pension to Abel J. Lewis;
A bill (H. R. 2245) granting a pension to Eliza A. Shealey;
A bill (H. R. 4085) for the relief of Juliet H. Palmer;
A bill (H. R. 6767) granting an increase of pension to Mrs. Virginia Zeilin;
A bill (H. R. 4263) granting a pension to Elizabeth Hood;
A bill (H. R. 6182) granting a pension to Edwin Thomas;
A bill (H. R. 4970) for the relief of Mrs. Nancy Biser;
A bill (H. R. 6184) granting a pension to Julia M. Reynolds;
A bill (H. R. 1930) granting a pension to Sarah Nicoll Crane;
A bill (H. R. 3493) granting a pension to Ann Hunter;
A bill (H. R. 5781) granting a pension to Solon L. Simonds;
A bill (H. R. 6205) granting a pension to Catherine S. Edmondson;
A bill (H. R. 2089) granting a pension to Margaret Wiggins;
A bill (H. R. 6786) granting a pension to Rivers Banks;
A bill (H. R. 503) granting a pension to Hiram C. Henderson;
A bill (H. R. 4457) granting a pension to J. G. Crawford;
A bill (H. R. 4767) granting a pension to Mary A. Henry;
A bill (H. R. 5962) granting a pension to Mrs. Eliza Hicks;
A bill (H. R. 3691) for the relief of Joshua Shepard;
A bill (H. R. 930) granting a pension to Geriah Collins;
A bill (H. R. 6665) for the relief of James Stack;
A bill (H. R. 200) granting a pension to Thomas Jeffries;
A bill (H. R. 2920) for the relief of John Johnson;
A bill (H. R. 6927) granting a pension to Merit M. Oakley;
A bill (H. R. 6928) granting a pension to Leonard King;
A bill (H. R. 6766) granting a pension to Mrs. Anna J. Foster;
A bill (H. R. 6171) granting a pension to Noah E. Smith;
A bill (H. R. 3040) for the relief of Mary Tarbell;
A bill (H. R. 5888) granting a pension to Ellen O'Brian;
A bill (H. R. 6530) to increase the pension of Richard Jobes;
A bill (H. R. 3979) granting an increase of pension to Mary Anna Egan;
A bill (H. R. 229) granting a pension to Elizabeth H. Lawler;
A bill (H. R. 5795) increasing the pension of Charles A. Fuller;
A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll;
A bill (H. R. 3623) granting a pension to Sarah E. Price;
A bill (H. R. 2091) granting a pension to Mrs. Rebecca Hall;
A bill (H. R. 3158) for the relief of Werner Leutz;
A bill (H. R. 481) for the relief of John D. Bridges;
A bill (H. R. 5183) granting a pension to Nancy M. Smith; and
A bill (H. R. 5762) for the relief of Ann Lumphrey.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same to settlement, and for other purposes; and

A bill (H. R. 100) for the relief of certain pre-emption and homestead settlers in California.

The bill (H. R. 1578) to amend sections 1, 2, 3, and 10 of "An act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, was read twice by its title, and referred to the Committee on the Library.

The joint resolution (H. Res. 264) to amend a resolution approved August 7, 1882, providing for the publication of report of Public Land Commissioner, was read twice by its title, and referred to the Committee on Printing.

WILLIAM M'CLURE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1910) granting a pension to William McClure.

The amendment of the House of Representatives was, in line 2, after the word "pension-roll," to insert "subject to the provisions and limitations of the pension laws."

Mr. MITCHELL. I move that the Senate concur in the amendment of the House of Representatives. It is a mere formal amendment.

The amendment was concurred in.

GEORGE PRINCE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1680) granting a pension to George Prince.

The amendment of the House of Representatives was, in line 7, to strike out "fifty" and insert "forty;" so as to read:

And pay him a pension of $40 per month.

Mr. BLAIR. I move that the Senate concur in the amendment.

The motion was agreed to.

WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter and its accompanying estimate, submitted by the board charged with preparing a departmental exhibit for the World's Industrial and Cotton Centennial Exhibition, to be held at New Orleans, beginning December 1, 1884. This board was appointed by executive order of May 13, 1884, and is composed of representatives of the several Executive Departments, the Department of Agriculture, and the Smithsonian Institution. It is charged with the important and responsible duty of making arrangements for a complete and harmonious collection of the articles and materials deemed desirable to place on exhibition in illustration of the resources of the country, its methods of governmental administration, and its means of offense and defense.

The board submits an estimate calling for an appropriation of $588,000 to accomplish the desired end. That amount is distributed among the Departments as shown in the table. The War, Navy, and Interior Departments call for the largest share, representing, as they do, the national defenses by land and sea, the prog-

ress of naval architecture and ordnance, the geological survey and mineral wealth of the Territories, the treatment of the Indians, and the education of the masses, all of which admit of varied and instructive exhibits. The Smithsonian Institution, having under its general care the National Museum and the Fish Commission, is prepared to make a display second in interest to none of modern days. The remaining Departments can present instructive and interesting exhibits which will attract popular attention and convey an idea of their extensively ramified duties, and of the many points where they beneficially affect the life of the people as a nation and as individuals.

The exhibit of the Government at the Centennial Exhibition held at Philadelphia in 1876 was admitted to be one of the most attractive features of that great national undertaking, and a valuable addition to it. From men of intelligence and scientific attainments, at home and abroad, it received the highest encomiums, showing the interest it awakened among those whose lives are given to the improvement of the social and material condition of the people.

The reproduction of such a display now on a more instructive plan is rendered possible by the advancement of science and invention during the eight years that have passed since the Philadelphia exhibit was collected.

The importance, purposes, and benefits of the New Orleans Exhibition are continental in their scope. Standing at the threshold of the almost unopened markets of Spanish and Portuguese America, New Orleans is a natural gateway to their trade, and the exhibition offers to the people of Mexico and Central and South America an adequate knowledge of our farming implements, metal manufactures, cotton and woolen goods, and the like necessities of existence, in respect to which those countries are either deficient or supplied to a limited extent. The breaking down of the barriers which still separate us from the Republics of America whose productions so entirely complement our own will aid greatly in removing the disparity of commercial intercourse under which less than 10 per cent. of our exports goes to American countries.

I trust that Congress will realize the urgency of this recommendation, and make its appropriation immediately available, so that the board may lose no time in undertaking the extensive preparations necessary to spread a more intimate knowledge of our governmental institutions and national resources among the people of our country and of neighboring states in a way to command the respect due it in the family of nations.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 9, 1884.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent; and

A bill (H. R. 5923) granting a pension to Ruth Stratton.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city council of Nashville, Tenn., over the Cumberland River, and for other purposes;

A bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans.;

A bill (S. 1232) authorizing the claimants to the Rancho de Napa, in Napa County, California, to prove up their title;

A bill (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard; and

Joint resolution (S. R. 88) providing for printing the proceedings relative to unveiling the statue of John Marshall, late Chief-Justice of the United States, and for other purposes.

MEXICAN WAR PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore.* The Senator from Iowa.

Mr. ALLISON. I yield to the Senator from Kentucky [Mr. WILLIAMS].

Mr. WILLIAMS. As one of the Senators who made motions to lay amendments on the table, I desire to say that my friend from Michigan does the friends of this bill great injustice by imputing to them any disposition to take advantage of an accidental majority in the Senate. He is entirely mistaken in that. There has not been a time since the beginning of this session when if we could have had a vote on the Mexican-war pension bill it would not have passed by a two-thirds majority. It has been defeated by parliamentary tactics whenever it has been defeated at all.

As to Senators being absent who feel an interest in the bill and vote against it, I know that there are more than two of its friends absent where there is one absent who is opposed to it, and I am satisfied that we have as many Senators here to-day as we shall have at any time from now to the end of the session. There is the Democratic convention coming on directly. We shall want to go to that, as the Republicans wanted to go to theirs; and that will take us well-nigh into August. It is not because we feel that we have an accidental majority. I know that if all the Senators were here our majority would be larger than it is to-day on a vote. The only Senator I know who is absent who feels an anxiety to defeat the bill is the Senator from Massachusetts [Mr. HOAR]. When he offered his amendment he avowed that the object of it was to kill the bill. That amendment we laid on the table to-day. Such an amendment did not deserve the tender consideration of the Senate when offered in such a spirit as that. I understand that the Senator left Chicago and went to Massachusetts, and when he may be here the Lord only knows.

I know four or five friends of this measure who are extremely anxious to reach final action on it, and some of them are compelled to leave to-morrow. I am myself compelled to leave to-morrow night, and I am very anxious to have a vote on this bill before I go away.

It is not that we are disposed to take advantage of the absence of members of the Senate who are opposed to the bill; all of them are paired. There are three or four friends of the measure absent for whom I have been trying all the morning to get a pair, and I could not find enough Senators opposed to the bill to pair with them.

That is the truth of the whole case, and I hope the bill will be proceeded with and disposed of.

Mr. CONGER. If the Senator from Iowa will yield to me just one moment I will state that I have not said nor thought that those who are absent are opposed to the passage of the bill. I have said and still say that many of those who are absent to my knowledge desire to offer and to be on record in offering and voting for some amendments to the bill, as I do myself. I had already said to Senators privately, and I have said here publicly, that I very much desire to have this bill in the shape I have indicated so that I might vote for it, as I intend to do. So it is not with any regard to the final passage of the bill that I have spoken, but in regard to the opportunity of Senators to move such amendments and make such a record on those amendments as each one might desire.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore.* The motion is not debatable.

The question being taken by yeas and nays, resulted—yeas 25, nays nays 16; as follows:

YEAS—25.

Allison,	Garland,	Mitchell,	Pugh,
Blair,	Hale,	Morgan,	Saulsbury,
Cameron of Wis.,	Hawley,	Morrill,	Van Wyck,
Conger,	Ingalls,	Pendleton,	Wilson.
Dawes,	Jackson,	Pike,	
Edmunds,	Maxey,	Platt,	
Frye,	Miller of Cal.,	Plumb,	

NAYS—16.

Bayard,	Fair,	Harris,	Slater,
Brown,	Farley,	Jonas,	Vest,
Butler,	George,	Jones of Florida,	Walker,
Coke,	Hampton,	McPherson,	Williams.

ABSENT—35.

Aldrich,	Cullom,	Kenna,	Ransom,
Anthony,	Dolph,	Lamar,	Riddleberger,
Beck,	Gibson,	Lapham,	Sabin,
Bowen,	Gorman,	Logan,	Sawyer,
Call,	Groome,	McMillan,	Sewell,
Camden,	Harrison,	Mahone,	Sherman,
Cameron of Pa.,	Hill,	Manderson,	Vance,
Cockrell,	Hoar,	Miller of N. Y.,	Voorhees.
Colquitt,	Jones of Nevada,	Palmer,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and forty minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The bill (H. R. 5923) granting a pension to Ruth Stratton was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 3337) authorizing the inspection of the boiler of the steamship Kent was read twice by its title, and referred to the Committee on Commerce.

POLYGAMY IN UTAH.

The PRESIDENT *pro tempore.* The Chair lays before the Senate the unfinished business, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 9, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

MINT AT DENVER, COLO.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Acting Director of the Mint, with inclosures, and asking an appropriation of $20,000 for repair of the mint at Denver, Colo.; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. TUCKER, until Tuesday next.
To Mr. STEPHENSON, until the 19th instant.
To Mr. DAVIDSON, for this day.
To Mr. FINERTY, for five days, on account of illness.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. BLANCHARD and to Mr. HOLMAN to print additional remarks on the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture. [See Appendix.]

CHARLES L. JONES.

Mr. SHELLEY. I ask unanimous consent to take from the Speaker's table for present consideration the joint resolution (S. R. 73) authorizing the Secretary of the Treasury to pay to Charles L. Jones the sum of $465.65 for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, to the 1st day of November, 1879, inclusive.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Charles L. Jones the sum of $465.65 for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, until the 1st day of November, 1879, inclusive.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. SHELLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS MISSISSIPPI RIVER AT SAINT PAUL.

Mr. WASHBURN. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WELLER. I would like to have the gentleman from Minnesota [Mr. WASHBURN] explain the provisions of the bill as touching the question of providing sheer-booms for guarding rafts and boats.

Mr. WASHBURN. I will state to the gentleman from Iowa that this bill, or one substantially like it in all material respects, has been unanimously reported by the Committee on Commerce. It contains all the usual provisions of such bills passed in this and prior Congresses.

Mr. WELLER. I would like to suggest that the bills already passed, or some of them, have not made, in my judgment, ample provision for the passage of boats and rafts in the matter of sheer-booms, and unless the gentleman from Minnesota assures me that this bill contains the most ample provisions in that respect, I shall object.

Mr. WASHBURN. I hope the gentleman will not object. There is a bill before the House, which will undoubtedly pass, covering this whole question of sheer-booms; and I am most heartily in favor of it. I hope the gentleman from Iowa will not object, as this bill is precisely the same as all the bills which have passed. We will all join in passing the general bill. My section of country is as much interested as any other in having those provisions.

Mr. WELLER. I desire that the general bill making provisions in all respects in regard to bridge building across navigable streams, making provisions for the protection of vessels, boats, rafts, and other water crafts by sheer-booms and other suitable protections, which is before the House, as I understand, and may be called up at any time, may be passed. I object to the consideration of this bill until that bill is passed.

IMPORTATION OF LABOR UNDER CONTRACT.

Mr. FORAN. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Tuesday, June 17, or so much thereof as may be necessary, be set apart for the consideration of House bill No. 2550, relative to the importation of labor under contract; said bill being reported by the Committee on Labor.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MILLS. I ask the gentleman to make the exception that this shall not interfere with prior orders.

Mr. FORAN. I agree to that.

The resolution as modified was adopted.

Mr. FORAN moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CURTIN. I desire to introduce a resolution of similar character.

Mr. YORK. I demand the regular order.

The SPEAKER. The regular order is the call of States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees. Under this call resolutions and memorials of State and Territorial Legislatures are in order for reference; also, resolutions calling for executive information are in order for reference only.

ALABAMA DIAGONAL RAILROAD COMPANY.

Mr. HERBERT introduced a bill (H. R. 7236) granting a right of way over the public lands of Alabama and Florida to the Alabama Diagonal Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WEIL & MOORE.

Mr. HERBERT also introduced a bill (H. R. 7237) for the relief of Weil & Moore; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RESTORATION OF RAILROAD GRANT LANDS, ETC.

Mr. PAYSON introduced a bill (H. R. 7238) to restore to the public domain all lands held as withdrawn in indemnity limits of railroad and wagon-road land grants, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BOUNTY LANDS TO SOLDIERS.

Mr. PAYSON also introduced a bill (H. R. 7239) granting lands to the honorably discharged soldiers of the United States Army in the war of the rebellion; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TAXATION OF UNITED STATES TREASURY NOTES, ETC.

Mr. COOK introduced a bill (H. R. 7240) authorizing the taxation of United States Treasury notes, silver and gold certificates, and national-bank notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EDWARD HOGAN.

Mr. WELLER introduced a bill (H. R. 7241) granting a pension to Edward Hogan, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HENRY.

Mr. PETERS introduced a bill (H. R. 7242) to increase the pension of Samuel Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENT FOR MEDICAL COMPOUND.

Mr. HALSELL introduced a bill (H. R. 7243) to provide for the extension of letters patent for improved medical compound to J. W. Ewing, an assignee of M. R. Sassam, administrator of the estate of C. A. Mitchell; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LAFAYETTE ELDER.

Mr. CLAY introduced a bill (H. R. 7244) for the relief of Lafayette Elder; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REVISED STATUTES.

Mr. HUNT introduced a bill (H. R. 7245) to repeal and re-enact article 8 of section 563 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

Mr. DINGLEY introduced a bill (H. R. 7246) to amend an act authorizing the formation of national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. REED (by request) introduced a bill (H. R. 7247) to amend the act providing for the formation of national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CAPE COD SHIP-CANAL.

Mr. LONG presented resolutions of the Legislature of Massachusetts concerning the Cape Cod Ship-Canal; which were referred to the Committee on Railways and Canals.

JANE BRENT.

Mr. MAYBURY introduced a bill (H. R. 7248) to increase the pension of Jane Brent, widow of James Brent, late captain, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILL-NET TWINE OR THREAD.

Mr. CARLETON introduced a bill (H. R. 7249) to exempt from import duty gill-net twine or thread; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE F. BROTT AND OTHERS.

Mr. LACEY (by request) introduced a bill (H. R. 7250) resubmitting the claims of George F. Brott and others to the Court of Commissioners of Alabama Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY W. SMALLEY.

Mr. LACEY also introduced a bill (H. R. 7251) granting a pension to Mary W. Smalley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATING CONDEMNED CANNON.

Mr. STRAIT introduced a bill (H. R. 7252) donating condemned cannon to A. Edward Welch Post, No. 75, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROTESTANT ORPHAN ASYLUM OF NATCHEZ.

Mr. VAN EATON introduced a bill (H. R. 7253) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER M'INTYRE.

Mr. GRAVES introduced a bill (H. R. 7254) for the relief of Peter McIntyre; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BENSON CARD.

Mr. FYAN introduced a bill (H. R. 7255) granting a pension to Benson Card, Company C, Third Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. VANDERHOFF.

Mr. FIEDLER introduced a bill (H. R. 7256) granting a pension to John A. Vanderhoff; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM F. RANDOLPH.

Mr. HOWEY introduced a bill (H. R. 7257) granting a pension to William F. Randolph; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNDARY BETWEEN NEW YORK AND NEW JERSEY.

Mr. HEWITT, of New York, introduced a bill (H. R. 7258) to approve and confirm an agreement entered into by the States of New York and New Jersey concerning the boundary line between said States, extending from the Hudson River to the Delaware River; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HONORS FOR GALLANT NAVAL SERVICE.

Mr. ROBINSON, of New York, introduced a bill (H. R. 7259) to amend section 1407 of the Revised Statutes, relating to honors and rewards for gallantry in the naval service, and to prevent American officers from seeking for decorations from foreign powers; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

THANKS FOR LIFE-SAVING EXPLOITS.

Mr. ROBINSON, of New York, also introduced a joint resolution (H. Res. 265) granting permission to Samuel Sullivan Cox, "Rat the Newsboy," C. J. Fitzgerald, Michael Quigley, Charles Shannon, John Brunskill, Robert Walsh, Timothy O'Brien, John Clancy, "Nan the Newsboy," John Hussey, Thomas McBride, Philip Bowers, Freeman Bowers, Daniel J. Meagher, Patrick J. Lynch, Patrick Coyne, Oswald Morrisey, John Rooney, Robert Wright, Thomas Larkin, and Michael Commerford to accept the decoration of the thanks of Congress for heroic conduct in saving lives; which was read the first time by its title.

Mr. ROBINSON, of New York. I ask for the reading of this joint resolution in full.

The SPEAKER. The joint resolution will be read.

The Clerk proceeded to read the joint resolution.

Mr. MILLER, of Pennsylvania (interrupting the reading). Mr. Speaker, under what provision of the rules is this joint resolution being read?

The SPEAKER. The gentleman from New York [Mr. ROBINSON], who introduced the joint resolution, called for its reading.

Mr. MILLER, of Pennsylvania. Why can it not be printed in the RECORD?

The SPEAKER. It can be by consent; but the gentleman from New York has the right to have it read before its reference to a committee, in order that the House may determine what is the proper reference.

Mr. TOWNSHEND. The reading at this time does not carry it into the RECORD

Mr. MILLER, of Pennsylvania. I think there will be unanimous consent to have the resolution printed in the RECORD.

The SPEAKER. The gentleman from New York has not asked that.

The Clerk continued the reading; but before it was concluded,

Mr. ROBINSON, of New York, said: There are some twenty cases of extraordinary bravery mentioned in this resolution; but I am willing that this portion of the resolution be printed in the RECORD without detaining the House with the reading, and will simply ask the reading of the brief resolution which follows the preamble.

The SPEAKER. The gentleman from New York asks unanimous consent to have the joint resolution printed in the RECORD.

Mr. HAMMOND. I object.

Mr. ROBINSON, of New York. Then I ask for the continued reading.

Mr. MILLER, of Pennsylvania. I object to the further reading.

The SPEAKER. Will the gentleman state upon what ground he objects?

Mr. MILLER, of Pennsylvania. I understand that the resolution can only be read by unanimous consent.

The SPEAKER. Any member who introduces a proposition has a right to have it read.

Mr. MILLER, of Pennsylvania. I hope the gentleman from Georgia [Mr. HAMMOND] will withdraw his objection to having the resolution printed in the RECORD. Then it will not be necessary to continue the reading. [Cries of "Read!" "Read!"]

The Clerk resumed the reading; but was interrupted by

Mr. ELDREDGE, who said: Mr. Speaker, I rise to a parliamentary inquiry. Would it be in order to submit a motion with reference to the matter now before the House?

The SPEAKER. The motion may be made as soon as the resolution has been read.

Mr. ELDREDGE. I move that it be made a special order for the 15th day of August next.

The SPEAKER The motion is not in order.

Mr. DUNHAM. I rise to a parliamentary inquiry. Is the House obliged to submit to the reading of this paper?

The SPEAKER. The Chair knows no way to prevent it if the gentleman from New York demands it. When a proposition is brought before the House any member has the right to have it read.

Mr. DUNHAM. I understand this is practically a slur thrown upon the action of this House.

The SPEAKER. This proposition has been introduced by the gentleman from New York, and must be referred to an appropriate committee. The gentleman has a right to have it read before the reference is made.

Mr. ROBINSON, of New York. The Clerk is nearly through; and what is left is very good.

Mr. KELLEY. There is nothing to prevent any gentleman going to the cloak-room or elsewhere to escape the reading.

The SPEAKER. The reading will proceed.

The Clerk resumed and concluded the reading of the joint resolution.

Mr. ROBINSON, of New York. I hardly know to what committee to refer this.

The SPEAKER. To what committee does the gentleman desire to have it referred?

Mr. ROBINSON, of New York. I think it had better go to the Committee on Naval Affairs, as most of the exploits recited relate to the water.

Mr. DUNHAM. I move to refer the resolution to the Committee on Public Health. [Laughter.]

Mr. ROBINSON, of New York. It is immaterial to me where it goes.

The motion of Mr. DUNHAM was agreed to.

So the resolution was referred to the Committee on Public Health, and ordered to be printed.

Mr. ROBINSON, of New York. I shall ask unanimous consent by and by to take up this resolution.

DAMAGES FOR LOSSES OF LIFE.

Mr. SPRIGGS introduced a bill (H. R. 7260) authorizing a husband or wife and next of kin to maintain an action to recover damages for the unlawful or negligent act of a person or corporation within the District of Columbia resulting in death; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGING OF RARITAN BAY, ETC.

Mr. ADAMS, of New York, introduced a bill (H. R. 7261) to facilitate the bridging of Raritan Bay, Arthur Kull, and Kill Von Kull; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELMINA P. SPENCER.

Mr. NUTTING introduced a bill (H. R. 7262) increasing the pension of Elmina P. Spencer from $8 to $20 per month; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWELL F. OSTERHOUT.

Mr. NUTTING also introduced a bill (H. R. 7263) granting a pen-

sion to Newell F. Osterhout; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. ANDREW W. JOHNSON.

Mr. SCALES (by request) introduced a bill (H. R. 7264) for the relief of Capt. Andrew W. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. K. HAMMOND.

Mr. SKINNER, of North Carolina, introduced a bill (H. R. 7265) for the relief of W. K. Hammond; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL COLLATY.

Mr. FOLLETT introduced a bill (H. R. 7266) granting a pension to Michael Collaty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF TAXES ON TOBACCO, ETC.

Mr. HART introduced a bill (H. R. 7267) to repeal the internal-revenue taxes on tobacco, cigars, snuff, cheroots, and cigarettes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

R. W. CLARK.

Mr. STORM introduced a bill (H. R. 7268) for the relief of R. W. Clark; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES BROGAN.

Mr. STORM also introduced a joint resolution (H. Res. 266) directing the Secretary of War to issue a medal of honor to James Brogan in lieu of one lost; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EMILY AVERY.

Mr. BRAINERD introduced a bill (H. R. 7269) granting a pension to Emily Avery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL DOWLING.

Mr. BOYLE introduced a bill (H. R. 7270) granting a pension to Michael Dowling, late Company I, Second Regiment West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TREATMENT OF INDIANS.

Mr. SMITH introduced a joint resolution (H. Res. 267) relative to the future treatment of the Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARY ANN WRIGHT.

Mr. EVANS, of Pennsylvania (by Mr. EVERHART), introduced a bill (H. R. 7271) for the relief of Mary Ann Wright, widow of John Wright, Company I, Third Pennsylvania Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DAVIDSON.

Mr. EVANS, of Pennsylvania (by Mr. EVERHART), also introduced a bill (H. R. 7272) for the relief of John Davidson, formerly of Company F, One hundred and fourth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIANA B. SCHIVELY.

Mr. EVANS, of Pennsylvania (by Mr. EVERHART), also introduced a bill (H. R. 7273) for the relief of Christiana B. Schively, widow of William B. Schively, Company I, Seventh Pennsylvania Reserves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. G. P. WHITE AND OTHERS.

Mr. BALLENTINE introduced a bill (H. R. 7274) for the relief of R. G. P. White, Peter Harger, and L. T. Green; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES WINDSOR HICKMAN.

Mr. LIBBEY introduced a bill (H. R. 7275) for the relief of Charles Windsor Hickman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH LEMON.

Mr. LIBBEY also introduced a bill (H. R. 7276) for the relief of Sarah Lemon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INSPECTORS OF TOBACCO.

Mr. GEORGE D. WISE introduced a bill (H. R. 7277) to amend and re-enact section 3151 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF TAXES ON TOBACCO, ETC.

Mr. GOFF introduced a bill (H. R. 7278) to repeal all internal-revenue taxes upon domestic tobacco in all forms; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JACOB M. SNYDER.

Mr. WOODWARD introduced a bill (H. R. 7279) granting a pension to Jacob M. Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WALL.

Mr. PRICE introduced a bill (H. R. 7280) for the relief of William Wall; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES BROGAN.

Mr. OURY introduced a joint resolution (H. Res. 268) for the relief of Sergt. James Brogan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection the Chair will now recognize gentlemen for the introduction of bills who were not in their seats when their States were called.

There was no objection.

WILLIAM WOLF.

Mr. DEUSTER introduced a bill (H. R. 7281) for the relief of William Wolf; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS FOR STREET IMPROVEMENTS, ETC., DISTRICT OF COLUMBIA.

Mr. SHELLEY (by request) introduced a bill (H. R. 7282) to equitably adjust and finally settle all claims of citizens of the District of Columbia arising out of the improvement or repair of streets, avenues, and roads, and the construction of public sewers in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NATIONAL ACADEMY OF DENTAL SCIENCES.

Mr. BLACKBURN introduced a bill (H. R. 7283) to incorporate the National Academy of Dental Sciences; which was read a first and second time, referred to the Select Committee on the Public Health, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS, KENTUCKY.

Mr. BLACKBURN also introduced a bill (H. R. 7284) to regulate the civil, criminal, and penal jurisdiction of the circuit and district courts of the United States in the State of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM F. SMITH.

Mr. NEECE introduced a bill (H. R. 7285) granting a pension to William F. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY PARKER.

Mr. NEECE also introduced a bill (H. R. 7286) granting a pension to Mary Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. SHANKS.

Mr. NEECE also introduced a bill (H. R. 7287) granting a pension to George W. Shanks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOWARD FEMALE COLLEGE, GALLATIN, TENN.

Mr. McMILLIN introduced a bill (H. R. 7288) for the relief of the Howard Female College, of Gallatin, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. TOLLIVER & CO.

Mr. McMILLIN also introduced a bill (H. R. 7289) for the relief of H. Tolliver & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. R. WYNNE.

Mr. McMILLIN also introduced a bill (H. R. 7290) for the relief of A. R. Wynne; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH G. BENNETT.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 7291) granting a pension to Mrs. Sarah G. Bennett, of Carroll County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB WEINER.

Mr. COX, of New York, introduced a bill (H. R. 7292) to grant a pension to Jacob Weiner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. P. E. BROADDUS.

Mr. RYAN introduced a bill (H. R. 7293) granting a pension to Mrs. P. E. Broaddus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET S. CAMPBELL.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7294) granting a pension to Margaret S. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT D. SIMMONS.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 7295) granting a pension to Albert D. Simmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACKSON MARTIN.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 7296) granting a pension to Jackson Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. P. BREEZE.

Mr. FUNSTON introduced a bill (H. R. 7297) for the relief of William A. P. Breeze, late of Company F, Forty-eighth Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH RUTHERFORD.

Mr. PERKINS introduced a bill (H. R. 7298) granting a pension to Elizabeth Rutherford; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union, my intention being to call up the river and harbor appropriation bill. I have had a conversation with the gentleman from Virginia [Mr. BARBOUR], chairman of the Committee on the District of Columbia, which committee is entitled to the floor to-day; and if the House ratifies our agreement that committee at half past three will be awarded the floor to have passed a bill in which I believe they are very much interested.

Mr. CALKINS. Why not go on with that now?

Mr. WILLIS. That is the understanding between the gentleman from Virginia and myself. And pending the motion that the House resolve itself into Committee of the Whole I ask unanimous consent on two points: First, that all general debate on the river and harbor bill be limited to two hours; and, secondly, that at 5 o'clock the House take a recess till 8 o'clock, for the consideration of the river and harbor bill alone. I make those two requests.

The SPEAKER. The gentleman from Kentucky moves that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose which he states, of considering the river and harbor bill. Pending that he asks unanimous consent that general debate be limited to two hours.

Mr. BELFORD. I object to that. Let the gentleman say three hours.

Mr. WILLIS. Very well; I will accept that modification of my request.

There being no objection, it was ordered that general debate be limited to three hours.

The SPEAKER. The gentleman from Kentucky also asks unanimous consent that at 5 o'clock to-day the House shall take a recess until 8 o'clock, the evening session to be devoted to the consideration of the river and harbor appropriation bill.

Mr. CALKINS. Under the five-minute rule, I suppose.

The SPEAKER. Of course, if general debate shall then be closed.

Mr. CALKINS. And in that event a full house will be required.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky as to the recess?

Mr. CONNOLLY. I object.

Mr. WILLIS. I will change the request and will put it in this form: That the House take a recess until 8 o'clock for the consideration of the bill, with the understanding that no matter upon which there is the slightest objection shall be voted upon to-night; that only those parts of the bill to which there is no objection shall be taken up.

The SPEAKER. The gentleman from Kentucky modifies his request so that all parts of the bill which shall give rise to controversy shall be passed over at the evening session.

Mr. WAIT. Does that cut off motions to amend the bill?

Mr. WILLIS. Not at all. There are portions of the bill to which there will be no objection. It is only proposed to read and pass those portions.

Mr. WAIT. Do I understand the gentleman to say that motions may be made at the evening session to amend the bill?

Mr. WILLIS. Certainly.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky as modified?

Mr. COX, of North Carolina. I object.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. By order of the House all general debate has been limited to three hours.

Mr. WILLIS. I ask unanimous consent that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. WILLIS. Mr. Chairman, when this bill was brought into the House I submitted in behalf of the committee a report summarizing and explaining the items of appropriation and legislation which it contains. It was not my purpose, therefore, to occupy any of the time set apart for general debate. Several of my colleagues on the committee, however, have suggested the propriety of giving an outline of the bill as a whole, and I accept their suggestion the more readily because I have no reason to hope that gentlemen have examined the printed report.

Waiving the constitutional question, the principal objections to a river and harbor bill are, first, the amount of money appropriated, and, secondly, that the objects of its bounty are not national. To these two objections as applicable to this bill I shall briefly call attention.

We are reminded of the rapid increase of amount in these appropriations as an argument against them. The first appropriation of this kind was in 1802, for the Delaware River, which received the modest sum of $30,000. Since then Congress has, with one or two exceptions, voted similar appropriations every year. These river and harbor bills have annually increased in amount, keeping pace with the increase of the wealth, commerce, and population of the country.

Thus we find for the year ending June 30, 1871, the sum of $3,445,900 was appropriated; for 1882, $4,407,500; for 1873, $5,588,000; for 1874, $6,102,900. Passing to the year 1881, we find that $8,976,500 was appropriated; in 1882, $11,547,800; for the year ending June 30, 1883, the amount was $18,743,875. It will be seen that the river and harbor bill has gone from $5,588,000 in 1873 to $18,743,875 in 1883, being an average increase during the past ten years of one and one-fourth millions per annum.

This increase may seem very great, but we must bear in mind that during an equal period of time—ten years—our population increased from 38,000,000 to 50,000,000. We must consider the enormous increase of production and its corresponding demand for transportation; but chiefly must we remember the wonderful progress of the railroad system, upon whose exactions this is intended to be a check.

The first twenty miles of railroad in this country were built in 1830. Between 1830 and 1850, 9,000 miles of road were constructed. During the next ten years 21,690 miles were added. To-day we have a grand total of 143,503 miles, whose capitalization is $7,320,409,461. If we deduct one-half of this amount for depreciation, &c., there will remain in round numbers $4,000,000,000 as representing the present market value of the railroad system. The aggregate amount appropriated for the improvement of rivers and harbors from the beginning of the Government—March 4, 1789, to June 30, 1882—as appears from the report made to this Congress by the Secretary of War (Forty-eighth Congress, 1st session, Executive Document, No. 64), was $110,608,833. Adding to this the amount of the last bill—$18,743,875—and we have $129,352,708, or in round numbers one hundred and thirty millions, as the grand total of appropriations for rivers and harbors up to the present day, as against four billions, the present market value of the railroads. In other words, the railroads which have been constructed in the last thirty or forty years have cost over thirty times the total amount expended for rivers and harbors from the foundation of the Government. The expenditures therefore for these two rival systems bear no comparison with each other either in aggregate amount or annual increase.

In determining the amount which the General Government should annually appropriate it may not be improper to consider what individual States and other nations have expended for the improvement of their water ways.

The State of New York expended for the Erie Canal alone $49,591,852. Other canals have cost that State over seventy-nine millions. Our neighbor Canada has expended $45,115,000 on the Welland Canal and its branches. France expends from fifteen to fifty millions of dollars every year. Upon one of her harbors, that of Cherbourg, France has expended $100,000,000, or four times as much as our Government has expended upon all the great harbors on the Atlantic and Pacific seaboards and on the great lakes of the country. England expends over $20,000,000 annually. In the single province of India within the last

two or three years England, for the purpose of securing cheap transportation, has expended more than the United States has expended for all the States of the Union. If, therefore, we should give fifteen or eighteen millions of dollars per annum for these great national works of the Federal Union—a Union several of whose thirty-eight States are as large as France and England combined, the expenditures might be defended.

The present bill, however, only appropriates $12,619,100, which is about two-thirds as much as the last one. The last bill appropriated 56½ per cent. of the estimates. The estimates upon which the present bill is founded call for $35,301,885. In addition to the regular engineer estimates there were before the committee special reports for new improvements and new projects upon old improvement calling for over $15,000,000 additional. The total demand upon the committee was therefore in round numbers $50,000,000. The amount allowed of this total is, as just stated, $12,619,100, which is 33⅓ per cent. of the regular estimates submitted to Congress through the Secretary of the Treasury.

I have now, Mr. Chairman, called brief attention to the larger demands of our increased population and commerce, to the rapid and immense extension of the railway system, and to the liberal appropriations of rival nations, as bearing upon the question whether the aggregate amount of this bill is reasonable and proper.

Another and equally important fact to be borne in mind in this connection is that Congress failed to pass a river and harbor bill last year. Such a bill passed the House appropriating $7,987,000, but failed in the Senate for want of time. The present Committee on Rivers and Harbors was hardly organized before urgent appeals were made from all directions for immediate appropriations, and all based upon the failure of the last bill and the alleged loss to the Government from the disbanding of regular working forces, injury to plant, and to the works in progress. One of these appeals—that of the Mississippi River—was granted, but there were numerous others equally urgent and undoubtedly meritorious. The committee for its guidance called upon the Secretary of War for information. I have here his response, in which he gives a list of rivers and harbors needing immediate appropriations for their "protection and advancement." The amount recommended by him was $4,329,000. This was last January. The judgment of the last House as to the necessity of a river and harbor bill for the present fiscal year is confirmed by this report.

The committee which presents this bill has therefore been compelled to appropriate for two fiscal years, and only one-half of the aggregate amount, or in round numbers $6,000,000, should be charged to the present Congress.

Coming then briefly to the second objection, which is that bills of this character frequently appropriate for objects that are not national in their character, I desire to call the attention of the Committee of the Whole for a few minutes to an analysis of this bill in answer to that objection. The main divisions of the bill are of course between rivers and harbors. The recommendations of appropriations in the bill for harbors are about one-third of the whole amount, or, to give the exact figures, $4,038,100. More than one-half of that sum, or $2,262,100, is appropriated for twelve harbors, the amounts therefor ranging from $100,000 to $300,000 each. The mention of those harbors will answer the objections stated. They are Chicago, New York, Baltimore, Cleveland, Charleston, Savannah, Mobile, Oakland, in California, and other harbors of equal importance and of like dignity in the country.

There are eleven other harbors in the bill, the appropriations for which range from $50,000 to $100,000 each, aggregating $677,500. The appropriations for these twenty-three of the more important harbors aggregate $2,939,600. In other words, out of a total appropriation for harbors of $4,038,100, $3,000,000, or three-fourths of the whole amount, are for harbors of the character which I have named, and which are set forth in detail in the printed report accompanying this bill, which, at the suggestion of several gentleman, I print at the end of these remarks.

There are twenty-two other harbors, the appropriations for which range in amount from $20,000 to $50,000 each, and which receive by this bill $590,500. Then the sixty-nine harbors remaining receive by this bill the sum of $658,000.

Of river and channel items there are one hundred and thirty-five rivers and twelve channels appropriated for, amounting in the aggregate to $8,074,000, which is two-thirds of the whole bill. Of this amount the Mississippi River from its headwaters to the Passes receives $2,400,000, or 33⅓ per cent. of the whole. Sixteen other large rivers receive $3,530,500. Two channels, Hay Lake, in Michigan, and Saint John's, in Florida, receive $275,000. Adding these sixteen rivers and two channels to the Mississippi River, we will have for seventeen great rivers and two channels $6,205,500, being over three-fourths of the amount recommended for such improvements. The national character of these rivers will be seen from their names, Mississippi, Missouri, Ohio, &c. (page 3 of report). I may state in passing there is only one creek provided for in the bill, and that happens to be in the Empire State It carries a commerce of twenty miles. There are sixty-five other rivers, receiving from $5,000 to $50,000 each, which aggregate $1,338,000.

Without occupying further time upon this point, I hope gentlemen will be convinced from this general review of the items that both as to harbors and rivers the appropriations have been moderate and have been confined to the works of acknowledged importance in the country. When the bill is read item by item I am satisfied that this statement will be more fully confirmed. Indeed, as one member of the committee, I am free to say that if our committee has made any mistake it has been in excluding some of these smaller works. The more I have studied this system of internal improvements the more I have been impressed by the statement made before our committee by that distinguished officer, the late Chief of Engineers, General Wright, that these smaller works in proportion to the amounts expended upon them yielded much greater benefits to the people than the larger ones. Without the little rills and rivulets of neighborhood traffic the great stream of commerce would soon become shallow and useless. This, however, is not now a practical question. Until obstructions are removed and their navigation made easy and free these appropriations will and should be largely limited to the great and important water ways of our country. In due time and in a not far-off time the smaller rivers will compel recognition.

In addition to appropriations for harbors, rivers, and surveys, the bill contains certain legislative provisions, but as these are nearly all self-explanatory, and as they will be fully considered in detail under the five-minute rule, I will, unless gentlemen desire otherwise, dismiss them with the statement that they are all in the interest of the general public, protecting our great public works from injury and maladministration, and securing them to the free use and full benefit of the people whose money has been so generously expended for their construction and maintenance.

The examinations or surveys called for in the bill are for 51 rivers, 24 harbors, 2 channels, and 1 breakwater. In the last river and harbor act—August 2, 1882—examinations or surveys were directed for 100 rivers, 34 harbors, 5 channels, and 4 breakwaters. In that bill and in this the Secretary of War has a discretion based upon certain preascertained facts touching the worthiness and public necessity of the proposed improvement, which will prevent any improper waste of the public money.

A word or two, Mr. Chairman, as to the time and circumstances under which this bill has been framed and reported, and I will detain the committee no longer.

The River and Harbor Committee was created by the present Congress in January last. As it was a new committee, it was without a clerk or local habitation. On the 15th day of January it was given a clerk, and on the 1st February it came into possession of a committee-room. The committee promptly undertook the work before it. They met nearly every day of the week, and by order of the House were in session during its sittings. The voluminous estimates and reports of the Engineer Department, both general and special, covering many thousands of pages, were carefully scrutinized, and all the facts bearing upon the hundreds of public works, pending and proposed, were faithfully examined and discussed. This occupied the committee until the early part of April.

Had the committee been content with the official data before it, it could have reported this bill to the House on the 5th of last April; but desiring to have the fullest information from all sources, and believing that it was due as a matter of courtesy, the committee directed that written invitations should be sent to all the Members and Delegates of the House, that they might, if they desired, be heard upon any matter before the committee in which they were interested. Probably nine-tenths of these invitations were accepted. And in this connection I desire, in behalf of the committee, to express our thanks to all of our colleagues upon this floor, not only for the additional information which they brought to our possession, but for the courteous manner in which it was given. I am glad to say that without exception gentlemen presented the claims of their districts and States without undue importunity, and with a full appreciation of the delicate, responsible, and difficult duties which devolved upon the committee. The House has dealt fairly and courteously with the committee, and I hope that it will be found that the committee has dealt fairly and justly with the House.

Not only was a hearing given to all the members of the House and Senate who desired it, but delegations from all parts of the country, commencing with Oregon and including New York, Chicago, Philadelphia, Baltimore, the Mississippi River convention, the Tennessee River convention, Charleston, Galveston, and all the other leading cities of the Union, were heard by the committee.

As the result of their labors the committee rejected seventy-one of two hundred and seven river appropriations mentioned in the estimates. The estimates also called for appropriations for one hundred and forty harbors. Of these the committee rejected thirty-four. Thus out of a total of three hundred and forty-seven items for which appropriations were asked by the engineers one hundred and five, or a little less than one-third, have been refused by the committee. There are one hundred and twenty-nine items in the last river and harbor act which are not appropriated for in this bill. Such then, in conclusion, are the results which we now present to this committee as the outcome of many months of laborious and painstaking work.

No item has been put into this bill, no item has been kept out, without some reason satisfactory to the committee. They have not dared hope, however, their work would escape criticism. Whether their judgment has been correct, whether as to some of these appropriations we may not have been misinformed or misled, whether local influences and personal partialities may not in some instances have controlled our action; these are questions which we submit now to our colleagues on this floor, and which I doubt not will be answered with justice tempered with reasonable charity.

The bill is now in the hands of this committee. We place it there. By the unanimous vote of the committee I was instructed not even to attempt to suspend the rules and cut off debate, criticism, or amendment. We bring this bill into the Committee of the Whole House where each and every item can have the fullest investigation.

I speak for all the committee when I declare if anything has been improperly left out we want it put in, and if any appropriation or legislation has been wrongfully put in we want it taken out.

The only pride of opinion the committee has is to pass a river and harbor bill which will commend itself to the country as fair, just, reasonable in amount, and national in the character of its appropriations. We think—we hope this bill comes within such a description. If it does not, it is for this Committee of the Whole House to attempt, and the members of our committee will aid as far as we can, to amend and make it such a bill. [Applause.]

I reserve the remaining portion of my time.

Mr. HEWITT, of Alabama. Before the gentleman takes his seat I wish to know from him whether any new works have been recommended in the bill.

Mr. WILLIS. I call the attention of the gentleman from Alabama, as well as the attention of the House, to the report accompanying the bill. In that bill there are fourteen items for new works never before estimated for—six harbors, one breakwater, and seven rivers.

Mr. HEWITT, of Alabama. What rivers?

Mr. WILLIS. The two largest of these fourteen new works are the breakwater at Rouse's Point, New York, for which the sum of $35,000 is recommended, and a national harbor of refuge at Sandy Bay, Cape Ann, Massachusetts, for which the sum of $100,000 is recommended.

Mr. HEWITT, of Alabama. What will be the ultimate cost of that work?

Mr. WILLIS. The Sandy Bay work?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. WILLIS. The gentleman from Alabama asks me what will be the cost of the Sandy Bay improvement. At the present time it is not actually appropriated for. The committee has given a commission to the Chief of Engineers to appoint a board who shall determine whether Sandy Point is the best point between Boston and Portsmouth for the location of a national harbor of refuge. If the determination of that commission thus appointed is in favor of Sandy Bay, the estimate of the engineer, if I recollect aright, is it will cost between three and four or perhaps five million dollars.

REPORT ON RIVER AND HARBOR BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, submitted the following report, to accompany bill H. R. 7012.

The Committee on Rivers and Harbors beg leave to report to the House the accompanying bill "making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," and to recommend the passage of the same.

The last river and harbor act, which was passed August 2, 1882, over the President's veto, appropriated $18,738,875, upon estimates by the engineers that $33,224,300 could be "profitably expended in the fiscal year," or 56.5 per cent. of the estimates. The bill reported herewith appropriates $12,619,100 upon the engineers' estimates of $35,301,885.

PRINCIPAL ITEMS OF THE BILL.

The following is an itemized statement of the appropriations recommended in this bill:

135 rivers	$7,684,000
104 harbors	3,812,100
12 channels and inlets	390,000
5 ice-harbors	61,000
4 breakwaters	165,000
1 canal	300,000
4 special surveys	57,000
Examinations, surveys, and contingencies	125,000
Total amount recommended	12,619,100

Of this total amount the sum of $628,100 covers items not carried upon the Book of Estimates. Deducting this last sum from the total, as given above, leaves $11,991,000 as the amount appropriated upon the regular estimates, which is 33⅓ per cent. thereof.

NUMBER OF ITEMS REJECTED—NEW ITEMS.

The estimates called for appropriations for 207 rivers (including 12 channels and inlets). Of these the committee rejected 71. They also call for appropriations for 140 harbors (including 3 breakwaters and 5 ice-harbors). Of these the committee rejected 34. Thus, out of a total of 347 items for which appropriations were asked for by the engineers, 105 have been refused by the committee.

In the river and harbor act of August 2, 1882, there are one hundred and twenty-nine items which are not appropriated for in this bill. There are ten items in this bill which are on the Book of Estimates of the present year, but not mentioned in the last act. The amount of these ten items aggregate $40,500. There are fourteen items of appropriation for new works, by which we mean works never before estimated for. For these fourteen new works (of which six are harbors, one a breakwater, and seven are rivers) the committee have recommended the sum of $247,500. The two largest items of these fourteen new works are the breakwater at Rouse's Point, N. Y., for which the sum of $35,000 is recommended, and a national harbor of refuge at Sandy Bay, Cape Ann, Massachusetts, for which the sum of $100,000 is recommended. This work is the only important one which the committee has inaugurated. It was urged as a work of public necessity by numerous commercial bodies at Boston and other cities on the Atlantic coast. Before any money for this purpose, however, can be expended it is provided in the bill that a board of three engineers, to be appointed by the Secretary of War, shall decide that this point is the best location on the coast between Boston and Portland for such a harbor. Another new work inaugurated herein is the "construction of a canal from the Illinois River, near the town of Hennepin, to the Mississippi River, at or below Rock Island." For the beginning of this work the sum of $300,000 is recommended by a majority of the committee. The minority, who claimed that said work was not within the jurisdiction of this committee, have reserved to themselves the right to state their reasons when the bill is under discussion.

THE MISSISSIPPI RIVER AND ESTIMATES.

The largest appropriation in the bill is for the Mississippi River. The committee have appropriated to that river, from its mouth to its source, $2,400,000. This amount includes $60,000 for the reservoirs at its headwaters. An itemization of this aggregate sum is as follows:

Reservoirs at headwaters	$60,000
From Saint Paul to Des Moines Rapids, including harbors	250,000
Des Moines Rapids	50,000
From Des Moines Rapids to mouth of Illinois River, including harbors	200,000
From mouth of Illinois River to mouth of Ohio River, including harbors	500,000
From mouth of Ohio River to Head of the Passes, including harbors	1,250,000
Removing snags, wrecks, and other obstructions	75,000
Total	2,400,000

The estimates for above items were as follows:

Reservoirs at headwaters	200,000
From Saint Paul to Des Moines Rapids, including harbors	1,000,000
Des Moines Rapids	97,000
From Des Moines Rapids to mouth of Illinois River	500,000
From mouth Illinois River to mouth of Ohio	1,000,000
From mouth Ohio River to Head of the Passes	3,000,000
Removing snags, wrecks, and other obstructions	200,000
At Andalusia	12,000
At or near Cape Girardeau and Minton's Point, Missouri	42,000
At Hannibal	15,000
	6,066,000
Add supplemental estimate of Mississippi River Commission from mouth of Ohio to Head of Passes	1,675,000
Total estimates for Mississippi River	7,741,000

Adding the $1,000,000 appropriated heretofore in this Congress to the $2,400,000 recommended in the present bill, it will be seen that the Mississippi River, upon a total estimate of $7,741,000, will, if this bill becomes a law, receive for the current fiscal year $3,400,000, or within a fraction of 50 per cent. of the estimates.

APPROPRIATIONS RECOMMENDED FOR OTHER LARGE RIVERS.

In addition to the Mississippi, other great rivers in the country receive the following amounts:

Missouri River		$690,000
Ohio River		600,000
Tennessee River, including Muscle Shoals		350,000
Columbia River		265,000
Potomac River		250,000
Kentucky River		250,000
Great Kanawha River		200,000
Delaware River		200,000
Fox and Wisconsin Rivers		125,000
Arkansas River		110,500
Illinois River		100,000
Detroit River		100,000
Cape Fear River		80,000
James River		75,000
Providence River		60,000
Red River		75,000
Total for above sixteen rivers		3,530,500
Adding this total to Mississippi River, will give a grand total of		5,930,500
Hay Lake Channel Michigan	$125,000	
Channel through bar in Saint John's River, Florida	150,000	
		275,000
Seventeen rivers and two channels		6,205,500

The total amount recommended by this bill for one hundred and thirty-five rivers and twelve channels is $8,074,000. It will thus be seen that the above rivers and channels embrace over three-fourths of the amount recommended for such improvements.

RECOMMENDATIONS FOR SMALLER RIVERS.

There are in the present bill recommendations for other rivers, as follows:

21 at $5,000 each	$105,000
9 at $10,000 each	90,000
5 at $15,000 each	75,000
25 between $20,000 and $50,000	818,000
5 at $50,000	250,000
65 rivers, for which total amount recommended is	1,338,000

APPROPRIATIONS FOR HARBORS, AS RECOMMENDED IN THE BILL.

For harbors, &c., the recommendations of the bill are as follows:

5 ice-harbors, at	$61,000
4 breakwaters, at	165,000
104 harbors, at	3,812,100
Total	4,038,100

The following are the leading appropriations for harbors:

New York Harbor (Hell Gate)	$300,000
Galveston Harbor	250,000
Charleston Harbor	250,000
Mobile Harbor	200,000
Baltimore Harbor	200,000
Sabine Pass, Texas	150,000
Oakland Harbor, California	139,600
Cleveland	100,000
Chicago	100,000
Aransas Pass, Texas	100,000
Sandy Bay, Massachusetts	100,000
Savannah	150,000
Total for twelve harbors	2,262,100

The following harbors are recommended for appropriations ranging from $50,000 to $100,000:

Milwaukee, Wis	$85,000
Sand Beach Lake, Michigan	75,000
Buffalo	75,000
Cumberland Sound, Georgia and Florida	75,000
Humboldt, Cal	62,500
Oswego	55,000
Erie	50,000
Pensacola	50,000
Michigan City	50,000
Grand Haven	50,000
Wilmington, Cal	50,000
Eleven harbors, total amount	677,500

In addition to the above there are twenty-two harbors for which recommendations have been made, ranging between $20,000 and $50,000, amounting in the aggregate to $590,500.

SUMMARY OF HARBOR APPROPRIATIONS.

Twelve harbors, at $100,000 and upward	$2,262,100 00
Eleven harbors, from $50,000 to $100,000	677,500 00
Twenty-two harbors, at and above $20,000	590,500 00

TWO RIVER AND HARBOR BILLS IN ONE.

Your committee think proper to call your attention to the fact that the present bill carries appropriations for two years, and only one-half of the amount called for herein should be charged to the present Congress.

The last appropriation for rivers and harbors was by the act of August 2, 1882, which was for the fiscal year ending June 30, 1883.

In the last session of the Forty-seventh Congress the House of Representatives passed a river and harbor bill, which failed from want of time in the Senate to consider it. This bill was passed March 1, 1883, and called for $7,987,000, thus placing upon record the deliberate judgment of the representatives of the people that this amount was actually needed for the "construction, repair, and preservation of certain works on rivers and harbors" for the fiscal year ending June 30, 1884. The failure to secure this or any amount for such purposes excited great complaint, and when this committee commenced its work, four months since, it was confronted with numerous demands for immediate appropriations. One of these demands, that of the Mississippi River Commission, came with such authority that it was recognized by the committee and by Congress. Pressed by other equally urgent appeals, your committee reported to the House, on the 24th January, 1884, a resolution of inquiry, calling upon the Secretary of War—

"To report as early as practicable on the necessity of making immediate appropriations for continuing work on important river and harbor impovements until the appropriations for the next fiscal year become available, and to make such recommendations as may be deemed necessary to protect the interests of the Government."

On the 13th of February, 1884, the Secretary of War, in response to that resolution, submitted a report of the Chief of Engineers, embodying the result of telegraphic inquiries made by him of each of the officers of the Engineer Corps having charge of river and harbor districts. The Chief of Engineers submitted with his report a detailed statement of the specific works needing these immediate appropriations and the amount thereof. The total which he says—

"It is necessary, in my judgment, to be early appropriated for the protection and advancement of the works therein named amounts in all to $4,329,000."

It is evident, therefore, that the judgment of the last House of Representatives was correct, and that five or six millions of dollars should have been appropriated during the past year. The failure to make this appropriation has thrown upon your committee the duty of combining two river and harbor bills in one. The amount which this committee has recommended for rivers, harbors, and other works within its usual jurisdiction is $12,319,100. If this amount is debited by the estimate of Chief of Engineers for current fiscal year—$4,329,000—there will remain $7,990,100, or, in round numbers, $8,000,000, as the river and harbor bill for next fiscal year. If the amount voted by last House be debited—$7,987,000—there will remain $4,332,100 as the amount of present bill properly chargeable to this Congress.

GENERAL LEGISLATION.

Your committee have felt it to be their duty to recommend several provisions touching the control, administration, survey, use, and navigation of rivers and harbors.

MISSOURI RIVER COMMISSION.

Experience having shown that the Missouri River, like the Mississippi, should be improved according to some fixed plan, based upon the peculiar conditions to which it is subject, your committee have recommended that the appropriation for that river from its mouth to Sioux City shall be expended—

"Under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of a board of engineers, consisting of three members, who shall be assigned by the Secretary of War for that purpose, one of whom may be a member of the Mississippi River Commission."

JURISDICTION OF MISSISSIPPI RIVER COMMISSION EXTENDED.

Your committee have also inserted a provision extending the jurisdiction of the Mississippi River Commission so as to include that part of the river between the mouth of the Ohio and the Des Moines Rapids. It is believed that this change will redound to the interest of all who navigate that great river.

ANNUAL REPORT OF CHIEF OF ENGINEERS.

Another legislative provision of the present bill makes it incumbent upon the Chief of Engineers, in his next annual report, to report—

"All the instances in which piers, breakwaters, or other structures or works, built or made by the United States in aid of commerce or navigation, are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury, and the facts touching the same. He shall also report whether any bridges, causeways, or structures, now erected or in process of erection do or will interfere with the free and safe navigation of the rivers and other public works herein appropriated for, and if they do or will so interfere, to report the best mode of altering or constructing such bridges or causeways as to prevent any such obstructions."

CONTRACT SYSTEM PERMISSIBLE.

Another provision makes it the—

"Duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisements for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material."

OBSTRUCTIONS TO NAVIGATION PROHIBITED AND PUNISHMENTS PRESCRIBED FOR CAUSING THEM.

Another provision prohibits obstructions to navigation in the following words:

"In case any person or corporation shall knowingly damage, injure, impair, or obstruct the navigation of any of the harbors or rivers herein appropriated for, by the deposit of refuse matter or otherwise, such person or corporation shall immediately remove the same, or, failing to do so, shall be liable in an action by the United States for damages in double the amount expended by the United States for the removal of such obstruction."

NAVIGATION TO BE FREE.

Another provision prohibits tolls or operating charges from being levied or collected upon vessels passing through any canal, or other work, for the improvement of navigation belonging to the United States. Operating charges under proper restrictions are to be paid by requisition upon the Secretary of the Treasury. This is the existing law as to Des Moines, Portland, and Saint Mary's Canals, and there seems to be no good reason for not putting all similar Government works upon the same footing. Without such a law the failure of one river and harbor bill may seriously embarrass navigation.

NECESSARY SITES AND MATERIAL FOR PUBLIC WORKS MAY BE SECURED.

Another section of the bill authorizes the Secretary of War to secure necessary sites for public works, when appropriated for, under proper guarantees. The appropriation for the construction of a pier or lock and dam, it seems, implies the procurement of sites, but under present construction of the law by the Engineer Department a public work ordered by Congress must await its further action before necessary sites can be obtained, thus causing needless and costly delays.

So, also, material, within or adjacent to river banks, by a further provision, may be taken by the engineer in charge, and paid for at a price ascertained in the mode provided by the laws of the State wherein such material lies. The report of the Mississippi River Commission calls attention to the necessity of this legislation as a check upon the extortionate demands of riparian owners. Such a law has been in successful operation heretofore upon the Fox and Wisconsin Rivers, the Eads jetties, and elsewhere; and, as guarded in the bill, it is not believed that any just complaint will arise under its operation.

SALE OF PLANT AND MATERIAL.

Another legislative provision is recommended in regard to the sale of plant and material. Under existing law, section 3618 Revised Statutes 1878, the proceeds of all sales of plant or material pertaining to any improvement is covered into the Treasury as miscellaneous receipts, and the work to which it belongs gets no credit.

On many improvements it is necessary to have a considerable working plant, and it may happen that materials after being purchased can not be used, owing to some circumstance which could not be foreseen. When the proceeds of sales of such articles are covered into the Treasury the work is by a technicality deprived of a part of the funds appropriated by Congress for its benefit.

The amount reported as expended upon the work is not reduced by such a reversion to the Treasury, and it is therefore unjustly charged with moneys which it does not receive.

There is another phase of this subject which, though less apparent, is of more real consequence than the first. The officer charged with constructing works is naturally interested in their progress, and also for his own credit in making a good showing for the money he expends. So long as the sale of unserviceable plant or material can bring no benefit or credit to the work, it is not natural that any effort should be made to dispose of it, so that the tendency is to keep it on hand in the hope that some of it may be utilized, so that it brings the Treasury no return; the good it does is scarcely worth its storage, and it is constantly getting nearer a condition of utter worthlessness.

Section 3692 Revised Statutes 1878 provides that in the case of revenue-cutters, commissary stores, Navy clothing, and certain other articles, the proceeds of sales shall go to the credit of the appropriation out of which the original cost was paid. Your committee have recommended this clause: "The provisions of section 3692 Revised Statutes, regarding the proceeds of sale of public property, shall apply to the sale of any public property pertaining to river and harbor improvements."

Such a law will remedy the evil complained of by debiting all works with the amounts of sales of their old plant and material, thus securing justice to them and promoting economy in the public expenditures.

RULES AND REGULATIONS FOR PUBLIC WORKS.

Another difficulty in the administration of the public works has been the inability of officers in charge to enforce obedience to proper rules as to the passage of vessels. Your committee have suggested a remedy for this by authorizing the Secretary of War to prescribe suitable rules for such purposes and imposing fines and penalties for disobedience thereto. The necessity for such legislation is fully recognized both by the Department and by the public.

A more direct provision is recommended in the bill as to malicious injury of public works, making cut-offs in rivers or interference with their construction. The progress of the works on the Mississippi River has demonstrated the necessity for such legislation.

OBSTRUCTING BRIDGES AND CAUSEWAYS.

Your committee have also recommended legislation touching the removal of bridges, causeways, and other structures which interfere with the free and convenient navigation of rivers and harbors, and providing that hereafter the drawings and description of such proposed works shall first be submitted to the Secretary of War for his approval.

SURVEYS AND EXAMINATIONS.

Your committee has directed the Secretary of War, at his discretion, to cause examinations or surveys, or both, and estimates of costs of improvement proper, to be made of fifty-one rivers, twenty-four harbors, two channels, and one breakwater. In the last river and harbor act, of August 2, 1882, examinations, &c., were directed for one hundred rivers, thirty-four harbors, five channels, and four breakwaters. The wise provision of that act, placing these examinations and surveys under the supervision of the Secretary of War, and prescribing the conditions precedent therefor, have been adopted and made fuller and more specific in the present bill.

Before any money is ordered the local engineer is required to make a preliminary examination, and to report to the Chief of Engineers—

"Whether in his opinion said river or harbor is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey if in his opinion the river or harbor proposed to be surveyed be worthy of improvement by the General Government, and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer."

Such reports will place Congress in possession of all the facts and prevent either partiality or prejudice.

Your committee finally recommend that such preliminary examinations and surveys shall be made to this House and shall be printed. At present these reports are sent to the Senate, and the committee primarily charged with their

consideration is thus frequently deprived of important and necessary information.

Your committee confidently believe that Congress will adopt these several legislative recommendations, as they are all approved by the Engineer Department, and have for their sole object the honest, faithful, and economical administration of the public moneys, and the proper regulation, maintenance, and construction of those great public works whose importance to commerce and navigation have been recognized from the foundation of our Government.

CONCLUSION.

Your committee, in bringing this report to a conclusion, can not refrain from briefly referring to the unusual and embarrassing circumstances under which the bill now reported was framed, and the efforts which they have made to discharge acceptably the arduous and reponsible duties devolved upon them. The fact, already alluded to, that two river and harbor bills are embraced in the present bill will suggest the increased responsibility, difficulty, and embarrassment in apportioning this small amount among a large number of works of improvement equally meritorious and important.

In discharging this duty your committee have availed themselves of all the information within their reach. Not only have the committee twice carefully considered all the facts contained in the special and general reports of the War Department, but every Member and Delegate was invited to appear, and over nine-tenths of them did appear and present additional facts touching the improvements within their respective districts. Numerous delegations, representing different works, were also heard.

Conscious that in the investigation of so many hundred public works, new and old, they may have in some instances done injustice, but trusting that in the main the conclusions arrived at will be found to be correct, the committee submit this bill as the result of their labors, with the hope that it will meet with the approval of Congress and of the country.

Mr. JONES, of Wisconsin. Mr. Speaker, as I do not propose to occupy the whole time which I am allowed under the rules, if any member wishes to occupy any portion of my time I will be glad to yield.

I do not rise so much to oppose this bill—because I am satisfied that opposition will do no good—as to state the reasons which will influence my vote against it. They are in the main that the appropriations are larger than I believe will be sustained by the judgment of our people by some two or three million dollars. The amount appropriated by the bill is about twelve and a quarter million of dollars. Add to that $1,000,000 which have been given to the Mississippi River improvement during the earlier days of the session, and it will make thirteen and a quarter millions.

I know, sir, it is claimed that there was no appropriation a year ago. I know it is claimed that this is for that reason an appropriation for two years; but gentlemen will not forget the river and harbor bill, well-known to fame, which passed two years ago. They will not forget that that bill was nearly twice as large as the average of our river and harbor bills for the last ten years. I do not believe we needed any appropriation a year ago. A year ago at this time there was unexpended a large sum of money, which was available for different improvements of rivers and harbors, and there was no such crying necessity for such an appropriation as gentlemen then insisted.

These facts have to be taken into consideration, Mr. Chairman, and I think this House, this side of the House especially, would do well to consider that heretofore when the Democratic party has been in power in this House it has been somewhat careful in regard to these appropriations. If I remember correctly, in the Forty-fourth Congress, when a good record was made in the way of economy, the appropriations for the two years were only about $5,000,000. We may be very sure there will be no step backward in these expenditures. We may be sure that if the appropriations are $13,250,000 this year a good deal more than $13,250,000 will be demanded next year. I venture the assertion that if it had not been for the widespread condemnation of the river and harbor bill two years ago, which some gentlemen not now in this House can easily remember, the bill this time would not be for $13,250,000, but many millions more. Now, sir, these are, speaking generally, my objections to this bill. I think that we could apply to it with propriety the principle of the horizontal cut. [Laughter.]

I am satisfied that we could do so with the entire concurrence of our constituents and without any injury to the interests of our rivers and harbors.

Now, I wish to call attention more in detail to some of the objectionable features of this bill. It will be noticed by those who have given it their attention that the Hennepin Canal project comes in for an appropriation of about $300,000. If any people anywhere in this country are interested in the Hennepin Canal it is undoubtedly the people of the Northwest. I do not stand here with the light I have before me to condemn that enterprise. But I have one or two practical suggestions to make in reference to it which I think are entitled to some weight. If we are to make an appropriation for the Hennepin Canal, that proposition ought to be able to stand upon its individual merits. If we are to make an appropriation for that canal, it means not the appropriation of $300,000 simply, as provided in this bill, but it means the inauguration of a work which is going to cost before its completion at least $6,000,000, and in all human probability before we are done with it fifteen millions.

If we are going to inaugurate such a work we ought to inaugurate it with our eyes open and with a full understanding of the subject. We ought to do it with a bill which can be discussed and passed upon a full showing of its merits and its demerits. This appropriation of $300,000 for this purpose is the initial step of an enterprise which will require many million dollars, and should be treated precisely as we would treat a bill appropriating $8,000,000 or $10,000,000 for the Hennepin Canal.

This is only the first installment. How many members, I ask, have given the proposed scheme and route the necessary study and thought to vote for such an expenditure of money after a few moments' debate?

This $300,000 is in comparison with the sums which will be hereafter asked a mere bagatelle. It will draw support from members from all sections of the country, not because they favor the Hennepin Canal, but because they have their own plans and local ends to be furthered, and they know, or think it probable, that the bill and all its provisions will stand or fall together. We all know that has been the usual history of these bills. It may be that we need this canal. But if it is such a work as the people of this country want undertaken, if they want to spend ten or twelve or fifteen million dollars for it, then it should only be after the fullest investigation and discussion; not until the best practicable route has been ascertained and the best method of construction devised.

Mr. DUNHAM. May I ask the gentleman a question? Do I understand you to say or intimate that this is a local issue, this Hennepin Canal, which affects seven or eight of the great States of the Northwest?

Mr. JONES, of Wisconsin. I did not call the Hennepin Canal a local question. What I said was that it appealed for support to members here not upon its own merits alone but because it is in company with a hundred or more other matters in which most of the members have a local and personal interest.

Mr. DUNHAM. I understood you to say that it was practically a local question.

Mr. JONES, of Wisconsin. The gentleman is entirely mistaken. I said nothing of the kind. What I do say is that legislation which inaugurates the work on this canal and which is to cost, as I have already said, anywhere from five to fifteen millions of dollars, and puts it into a bill which contains more than a hundred other appropriations in which all members, or a large majority of them, are more or less personally interested, is vicious. This means, if it means anything at all, that this appropriation of $300,000 for this Hennepin Canal will have to be multiplied by thirty and perhaps by fifty before we are through with the work. It means that in the next Congress the gentlemen from the Rock Island district and Davenport, or those from other cities interested in the work, will come here and ask for other and much larger appropriations. They will say, "You have fixed upon this route, you have inaugurated this work, you have put $300,000 into it, and now unless you put into it six, ten, or fifteen millions of dollars more all that money is to be wasted." We should meet that question now. If the Hennepin Canal is such an enterprise as the people of this country want to enter upon, all right; then let it be done; but let it not be bound up with the local interests of those gentlemen who want money for their harbors and rivers and creeks in every State in the Union. To-day this scheme can not stand alone, but is leaning for help upon every section of this long bill of nearly fifty pages.

I have this to say further in respect to this matter, and if I am wrong I hope gentlemen will correct me; that is, that this measure has not received any considerable discussion in the committee as to the most available route for the canal. I understand the route adopted is not by any means the most available one, but on the contrary it is the most expensive route, and it is the least available of all. I understand that the chief merit of the route lies in the fact that it terminates at the city of Rock Island. The cities of Rock Island and Davenport are well and faithfully represented on the Committee on Rivers and Harbors. Now, I should not criticise the route which has been adopted upon my own knowledge of the subject. I do not profess to have made it a study. I make these statements, however, upon a better authority than my own, and I will read from the report of the engineers which I have before me. There are at least three routes for this Hennepin Canal—one is known as the Rock Island route, one as the Watertown route, and the other as the Marais d'Osier route. The one adopted is, I understand, the Rock Island route. If there is any other official authority which will give us light upon the subject I should be glad to have gentlemen state it. I know of no other official report than that from which I now read, the report of the Chief of Engineers:

In an engineering point of view the Marais d'Osier presents decided advantages, arising from the nature of the country through which the line is carried and the character of the soil. These render the work of excavation and construction easier, with a corresponding reduction in the estimated cost over the other routes. No rock is met with, as is the case at points on the Watertown and Rock Island routes. An objection has been urged to this route that it is impracticable to carry a canal through the Marais d'Osier. It may be observed, on the contrary, that probably no other portion of this or the other lines presents such favorable features for canal construction. On this point I quote from the report of General J. H. Wilson on the improvement of Rock River by slack-water navigation:

"In connection with the Rock River survey, I caused the Marais d'Osier, a swampy stretch of country extending from the Rock River to the Mississippi, to be surveyed by my assistants, Messrs. Abbott and Morgan, civil engineers. It is reported that during high water in either river this marsh is flooded so that boats may pass from one to the other.

"The map and profile of this survey will be prepared without delay, and forwarded to the Engineer Department. They show the practicability of making a branch canal along the line whenever the interests of the country may demand it."

On the question of water supply, the Marais d'Osier route is fed from the Dixon Dam only as far as the crossing of Rock River, while the Watertown route must be supplied its entire length, sixteen miles greater, and the Rock Island Canal ten miles greater; an advantage to the Marais d'Osier route.

The Watertown route ends at the Mississippi on the rapids, through which

the Government has excavated a channel of four feet depth. In order to reach this channel, which is on the Iowa side of the river, it will be necessary to excavate a channel over a mile long, through rock, in order to obtain four feet depth as an entrance into the canal. Sufficient depth of water is found at the terminus of the other routes. The number of accessory works, as culverts, bridges, &c., on the Watertown and Rock Island routes, is double of what is found necessary on the Marais d'Osier, adding not only to first cost of construction but increasing the annual cost of maintenance and the liability for extraordinary repairs and renewals hereafter. The route also affords a protected basin at its western extremity, which can not be found on the other lines, except at great expense.

In a commercial point of view the selection of either one of the lines depends upon the section of the country it is intended to benefit. The distance from the upper line to Saint Paul is three hundred and fifty miles, and if the canal be considered as an extension westward of the navigation of that part of the Upper Mississippi, the distance to Chicago is, by the Marais d'Osier route, twenty-one miles shorter than by Watertown, and forty miles shorter than via Rock Island, and at the same time the navigation over the Rock Island rapids is avoided.

The Marais d'Osier presents these advantages over the others: It is the shortest and most practicable line between the two rivers. The nature of the country through which it passes renders the construction of all work upon it easier, and hence its cost of construction is less.

The annual cost of maintenance is less, and it is more than likely the expense of extraordinary repairs and renewals will be less. The supply of water is the least, and better regulated.

This is the report on which these appropriations for rivers and harbors purport to be based. And yet it will be seen that the committee have utterly rejected the judgment of the engineers. I have yet to hear that there is any survey or report which gives preference to the route adopted in this bill.

Now, Mr. Chairman, if this canal is to be of benefit to any section of the United States, it will be to the great States of Minnesota and Wisconsin, to Northern Iowa, and to the Territory of Dakota. If we are to have any canal of that character, it should be one which will not be for the benefit of one or two particular cities, but one which would be a national route, as the gentleman from Illinois [Mr. DUNHAM] suggests. And I oppose this measure in this bill not because I am prepared to say that no Hennepin Canal ought to be constructed, but because I believe that this method of constructing it is wrong and vicious in every way.

I believe the committee have adopted the least practicable route. I believe they have linked this measure with many other appropriations which members will feel called upon to support when they would not otherwise give to this measure any support whatever.

If the citizens of Wisconsin and Minnesota are to help pay many millions dollars for this enterprise they do not want their interests sacrificed to the interest of any one or two cities.

The Marais d'Osier route is more than forty miles shorter than the Rock Island route. By the former route the navigation over the Rock Island Rapids is avoided. The cost is about a million dollars less; and if we can judge anything from official surveys, it is in every way the more practicable route.

There are other features of this bill which are open to just criticism, but I will not longer occupy the time, as other gentlemen desire to be heard.

Mr. DUNHAM. Do I understand the gentleman from Wisconsin to say he is opposed to this appropriation for the Hennepin Canal because of the canal itself, or because the committee have selected the wrong way for it to go?

Mr. JONES, of Wisconsin. I am opposed to it for the reason that the committee have selected, as I believe, the wrong route; and also for the reason that I think this measure, like any other measure which is likely to cost anywhere from six to fifteen million dollars, should be presented to this House free from disguise and alliance, and not in the river and harbor bill as an appropriation of $200,000, which will be an entering-wedge to nobody knows how much.

Mr. DUNHAM. Then you are not opposed to the principle?

Mr. JONES, of Wisconsin. I am not prepared to say I am opposed to the principle. I have not sufficiently studied the subject, but am satisfied that this mode of legislating in behalf of that canal is objectionable. It is objectionable because the measure would not pass standing alone. In its present company I suppose it will.

Mr. BURLEIGH. I would ask the gentleman whether the proposition can not be debated on this bill on its merits.

Mr. JONES, of Wisconsin. It may be debated to a very limited extent on its merits, but it will not be passed on its merits when it is linked with hundreds of other measures in which so many gentlemen are interested.

Mr. BURLEIGH. I think this is as likely to be passed on its merits as other measures.

Mr. JONES, of Wisconsin. I think not. I at the proper time intend to move to amend by striking out that portion of the bill. I now yield ten minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. BLANCHARD. Before the gentleman from Missouri [Mr. O'NEILL] proceeds, I desire to state that the friends of the measure propose to occupy the last hour of the three hours permitted by the House for general debate; and the opposition will only have this one hour in the beginning of which the gentleman from Wisconsin [Mr. JONES] was recognized.

Mr. JONES, of Wisconsin. How much time have I remaining?

The CHAIRMAN. The gentleman has forty-two and one-half minutes of his time remaining.

Mr. JONES, of Wisconsin. I yield ten minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. At the commencement of the present Congress I endeavored to have the question of the improvement of the Mississippi River referred to a separate committee, believing that the magnitude of that work and the amount of money involved in it were sufficient to merit the attention of the House in a separate bill. This House in its wisdom thought proper to reject that proposition and referred it to the Committee on Rivers and Harbors, and all of the improvements affecting that valley are now embodied in this bill.

I desire to speak to but one phase of this question of river improvement, and that is this: I do not think that any Congress that has ever met went before the people with less accomplished work than the present body is likely to do. In their extreme zeal to make a careful and honest record they have avoided every conceivable kind of blunder, and to a great extent the lack of accomplished work is due to overzeal and a spirit of overcautiousness in approaching this question. I desire to tell those conservative gentlemen that in my humble judgment, in the internal improvement of this country, in the extending of the scope of improvement of the natural highways of the country, the only means that you have as competitors for its railroads, if that spirit should animate this body and result in the defeat of this bill this Congress can have committed no greater blunder than in doing that one act. I refer to that because I find throughout this House members who, without studying the merits or demerits of this bill upon the justice of the features contained in it, or being willing to single out any item of injustice, would steel their faces against it and announce they will vote against it.

I listened, Mr. Chairman, with a great deal of interest to the gentleman who has just taken his seat [Mr. JONES, of Wisconsin] in his remarks concerning one feature of this bill, affecting, I believe, his own State; and coming from the Mississippi Valley, I can say on behalf of the people of my section that they never yet have asked for invidious legislation, nor do they now. While they have earnestly appealed to Congress for appropriations which would increase the business facilities of the people of that section, they have always lent a willing ear and given with a generous hand to the people of every other section of this country, and you will find them ready to exercise the same spirit in regard to this bill.

There is one other feature to which I desire to refer in the brief time which has been allowed me. When the question about river improvement came up here before I heard members on this floor state that the question of the improvement of the Mississippi River was only an experiment, that it had not yet been demonstrated to be a success, that the money which had been thrown into that stream was entirely wasted so far as any permanent and important results were concerned.

Fortunately I am in a position to state that so far as the improvements on that river between Saint Louis and Cairo are concerned they are an accomplished success. I have visited the works at each point involved, and at every place where the work has been inaugurated it has resulted in a permanent deepening of the channel. The expenditure of only $40,000, connecting Arsenal Island with the mainland on the Illinois shore, has resulted in the deepening of the channel from four to seven feet for a distance of five miles. So at Twin Hollows and other points along that river; at each and every place where money was applied it has resulted in a permanent deepening of the water way.

While the policy of constructing levees upon the Lower Mississippi River may be questioned, so far as the permanent deepening of the water way to the Gulf is concerned and the improvements made by the river commission they are a complete success. I have referred to that matter in this spirit, and I hope the House will in its wisdom stamp out all those little feelings and prejudices against a certain part of the country which, as I regret to say, has caused our people at different times to regard a portion of the people of the East as inimical to Western interests.

With an enormous surplus in the Treasury, with a general demand on the part of the people of the United States for some additional means of competition with those great railway monopolies that bestride the continent to-day and exact such exorbitant charges from them, let me appeal to you to let no small, niggardly, or selfish spirit permeate the House in dealing with this great question, but let us take up this bill, consider it fairly and calmly, and pass into law all that is in it which possesses merit.

Mr. JONES, of Wisconsin. I now yield five minutes to the gentleman from North Carolina [Mr. YORK].

Mr. YORK. I desire to offer a couple of amendments to this bill.

The CHAIRMAN (Mr. CRISP). Amendments are not now in order, pending general debate upon the bill.

Mr. WELLER. They can be read for information.

Mr. YORK. I do not care about that.

Mr. JONES, of Wisconsin. Then I yield ten minutes of my time to the gentleman from Kentucky [Mr. WHITE].

A MEMBER. He is not here.

Mr. JONES, of Wisconsin. He not being present, then I will yield ten minutes to the gentleman from New York [Mr. POTTER].

The CHAIRMAN. The gentleman from New York [Mr. POTTER] does not seem to be present.

Mr. JONES, of Wisconsin. Then I will reserve the remainder of my time.

The CHAIRMAN. The gentleman has thirty-two and one-half minutes remaining.

Mr. BLANCHARD addressed the committee. [See Appendix.]

Mr. HENDERSON, of Illinois, addressed the committee. [See Appendix.]

Mr. BLANCHARD. I now yield to the gentleman from Arkansas.

Mr. BRECKINRIDGE. Mr. Chairman, I do not propose to discuss the bill or the principles upon which it is based. It is my purpose to call attention to proposed legislation relating to the harbor of New York. On the 26th of May the gentleman from New York, Hon. S. S. COX, introduced a joint resolution covering needed legislation respecting that harbor, and at the proper time it will be offered as an amendment to this bill. I wish the matter to be before the House at this time, and hence I read the material part of the resolution. It is as follows:

That the depositing, by any process or in any manner, of refuse, dirt, materials, ashes, or cinders, or any other matter of any kind other than that flowing from street sewers and carried therefrom in a liquid state into tidal waters, within the navigable waters of the harbor of New York or its adjacent and tributary waters, whereby a deposit shall or may be created and the draught of water lessened, is hereby strictly forbidden, and every such act is hereby made a misdemeanor; and all persons engaged in or who authorize or instigate such an offense shall, upon conviction, be punishable with fine or imprisonment, or both, such fine to be not less than $250 nor more than $2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide; and that the licenses of any and every captain and engineer of any tugboat which shall engage in towing any scow or boat loaded with any such forbidden matter to any point of deposit or discharge within any forbidden limit shall be deemed a party participant in the infringement of this act, and shall, upon conviction, be punishable as hereinbefore provided, and shall also have each his license revoked or suspended for a term commensurate with the offense, to be fixed by the judge before whom tried and convicted; and that in all cases of receiving on board of any scow or boat such forbidden matter or substances as herein described, it shall be the duty of the owner or master of such scow or boat to apply for and obtain, from the local superintendent of the harbor appointed hereunder, a permit defining the precise limits within which the proposed discharge of such scow or boat may be made; and any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor within the meaning of this act; and the master and engineer of any towboat towing such scow or boat shall be equally guilty of such offense with the master of the scow, and liable to equal punishment; that the President of the United States shall designate and appoint from the Corps of Engineers of the United States a suitable and efficient officer, who shall be known as superintendent of the harbor of New York, whose duty it shall be to grant permits designating the different localities most convenient within which alone it shall be permissible to discharge and deposit the forbidden matter herein designated. It shall also be his duty to establish a patrol to prevent and detect transgressions of this act.

In support of the proposed legislation I submit this letter from the standing committee on harbor and shipping of the New York Chamber of Commerce of New York. It is as follows:

NEW YORK, *May* 23, 1884.

GENTLEMEN: The Chamber of Commerce of this city, having through its standing committee on harbor and shipping procured the introduction by its valued Representative, Hon. S. S. COX, of a bill relating to deposits and obstructions of the harbor of New York, and anticipating its reference to your committee, beg leave respectfully to present to your honorable body urgent reasons for immediate action in favor of said bill, namely:

First. It is assumed that no argument is needed to convince gentlemen selected because of their familiarity with the needs of commerce of the United States that the maintenance of all the desirable features of the port of New York is a matter of national welfare and value; and that the first and by far the most important one to be guarded is that of a draught of water sufficient at all times to admit the largest class of sea-going vessels.

Second. That the report the United States engineers lately employed at the request of Mayor Edson to survey the harbor establishes the alarming fact that less than twenty-four feet of water is now available at low tide on the bar at Sandy Hook, and that the draught of water has lessened over twelve inches in one year.

Third. It is an unquestioned fact, and admitted by all experts, that the principal if not the only cause for this result is the dumping of scow loads of street sweepings and other refuse, and of steamers' cinders and ashes and other matters, within the tidal waters constituting and tributary to the harbor.

Fourth. It has been the duty of the authorities of this city, and of this committee, to devise measures to prevent and punish such acts, which by the laws of this State are made illegal, and for years we have unitedly labored to this end, but all in vain, for the reasons that it has been found impossible to detect the transgressors by anything less than an established patrol, or force so equipped that it can systematically follow the vessels suspected of intentions to transgress and detect them in the act; and next, and principally, because within the limits of the harbor there exist three distinct jurisdictions, which can not be made to harmonize so long as exercised by each and all; namely, the States of New York and New Jersey and the United States Government; and this fact prevents the adoption of any practical plan by either of the States individually. This committee can testify that the most vigorous measures possible to the State of New York have been at times instituted, but it has been found impossible to bring the offense or offenders within State authority, and we have been defied openly and the offenses continued.

Fifth. The comparatively small sum which will be required to carry out the measures suggested by the bill bears so trifling a relation to any sum of money required to cure the evil when existing will commend to your committee our bill, which will we believe at least operate in the future to largely prevent the extension of this vandalism, which is seriously bringing about the destruction of this harbor. We have only endeavored to suggest such measures and remedies as seem to us unobjectionable from every aspect and calculated to stop the evil by our form of bill, but respectfully leave it to your better wisdom to amend or add to its provisions in any way deemed by you best calculated to attain the object. Every hour adds to this evil; for this remarkable diminution, shown by actual survey, illustrates the numberless transgressions being committed all the time. And no procrastination of an immediate action can be made of the bill before you without thereby materially adding to the deplorable result referred to.

We beg that you will not infer that even the granting of a very large appropriation for removing the obstructions on the bar will at all serve the end we have in view. We desire to prevent the constant and inevitable recurrence of the evil, if the offenses referred to in our bill are continued. And we therefore respectfully urge your prompt report in favor of the bill, and beg that each of you will individually take an interest in its welfare and urge its immediate passage, and thereby gain the gratitude and thanks not only of this community, but of all your constituents.

Respectfully,

THE STANDING COMMITTEE ON HARBOR AND SHIPPING OF THE CHAMBER OF COMMERCE,
Per A. FOSTER HIGGINS, *Chairman.*

To the honorable the COMMITTEE ON RIVERS AND HARBORS,
Of the House of Representatives of the United States, Washington.

Mr. BLANCHARD. I move by unanimous consent members generally have leave to print remarks on this bill.

There was no objection, and it was so ordered.

Mr. BLANCHARD. I now yield ten minutes to the gentleman from West Virginia [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, I shall only add a word or two to the admirable presentation of this bill already made by the chairman of the Committee on Rivers and Harbors, and I desire in doing so to assure the House that the committee examined with the greatest care, minuteness, and patience every single project brought before it. In arriving at the amount recommended to be appropriated for each specific item of this bill the committee took the estimates which had been made for a number of years past, and in that connection the appropriations that have been made upon the former estimates, and followed the amount of expenditures under the appropriation, and compared the estimates, the appropriations, and the expenditures with the present estimates. In that way we have sought to arrive at what, in our judgment, could be reasonably and properly and practicably expended in the present fiscal year. So that gentlemen who may not feel satisfied with the amounts which the committee have seen proper to appropriate for work in their respective localities, or in which they are severally interested, if they will take the pains to examine the estimates, the appropriations, and expenditures for past years they will see that the appropriations made by the present committee, while they have been prudently prepared and carefully recommended, have still been liberally made.

Now, I say they have been liberally made for the reason that I am satisfied every member on the committee recognizes and has recognized the fact that the proposition before the American people to-day, and one that will increase in importance as time goes on, is as to the cheap transportation of its products from the center to our seaboard. It is a known fact that from 70 to 80 per cent. of all the exports of this country consist of agricultural products. They are bulky in their nature. They are difficult of transportation and expensive to transport. They illy bear the expenses of carriage by railroad by reason of the expense of that system of transportation.

Mr. BELFORD. May I interrupt the gentleman for a question? How does the amount you appropriate in this bill for the improvement of the Mississippi River and its tributaries compare with the appropriations made in the last Congress for the same purpose?

Mr. GIBSON. I will say to the gentleman from Colorado that I do not remember exactly the appropriations in the last Congress for this purpose. The bill in the last Congress, as he will remember, did not pass; but I will say to him this bill is much below the former bill, and I will say further that the estimates for the Mississippi River are based upon the same ratio or percentage as to expenditures for these improvements that the committee have seen proper to adopt for all or nearly all of the other streams of the United States. No special favoritism has been shown to that stream, but it has been treated with the same exact hand of justice that has been applied by the committee in its dealings with all of the other streams.

Mr. WHITE, of Kentucky. May I ask the gentleman a question?

Mr. GIBSON. I have but ten minutes, but I will yield to the gentleman only for a question.

Mr. WHITE, of Kentucky. The gentleman is a member of the committee?

Mr. GIBSON. I am, sir.

Mr. WHITE, of Kentucky. I desire to ask the gentleman from West Virginia whether the committee has been guided in its estimates and recommendations by the report of the Secretary of War, known as the Engineer Report, in making up this bill; whether the appropriations recommended in this bill are in accordance with the recommendations of the Chief of Engineers, Mr. Wright?

Mr. GIBSON. In answer to that I will say to the gentleman from Kentucky that the committee carefully availed itself of all the information and recommendations of the heads of the Departments. It has carefully availed itself of all the information it could get from any of the engineers. It carefully availed itself of all the information it could get from parties locally interested in the various works. From the mass of information thus acquired from all of these various sources the committee has made its recommendation.

Mr. WHITE, of Kentucky. I will ask the gentleman further, with his permission, if it has not been the rule of the committee to read the report and then scale the amount two-thirds?

Mr. GIBSON. No, sir; that has not been the rule of the committee. In some cases we have granted almost the entire estimates, and in others we have refused to give anything. We have been guided solely by our judgment of the importance of the work upon the testimony before the committee.

Now, I was going on to say when I was interrupted by these questions that the agricultural products of this country amount to from 70 to 80 per cent. of our exports, and to that extent bring in all the wealth or that percentage of the wealth of the country. This, as I have said, will illy bear railroad transportation. For that reason we find ourselves now in such a condition that the agricultural products of the country are seriously threatened in the markets of the world, and to-day wheat is lower than it has ever been known in this country. The marts of these agricultural products are found in the center of the country. There is but little of these products upon the seaboard. Our Western States produce but little and have still less for exportation. The Pacific States, where they produce a great deal of it, have to depend to some extent upon the Eastern markets for their sale, and therefore the Government can not expend this money, can not perform its duty to the people in any better way than to cheapen the transportation on these agricultural products from the center of the country to the seaboard. It is true that there may be some diversity of interest, and there may be some diversity of opinion as to how this expenditure should be made. My friend from Wisconsin [Mr. JONES] opposes a part of the bill because the Hennepin Canal does not start where he wants it to start, and perhaps does not end where he would like to have it end.

Mr. JONES, of Wisconsin. Let me ask the gentleman, with his permission, if he has examined personally the reports of the engineers with respect to these various routes proposed for the canal in question?

Mr. GIBSON. I will say to the gentleman that I believe I have personally examined the reports with reference to every solitary item that is recommended in this bill; and not only that, but that every member of the committee has carefully examined every item we have reported upon.

Mr. JONES, of Wisconsin. Why do you not adopt the report of the engineer?

Mr. GIBSON. The gentleman asks me why I do not adopt the report of the engineer. He might as well ask me why we did not adopt the estimates in any other items.

Mr. JONES, of Wisconsin. I beg the gentleman's pardon. This is as to the route, not as to the cost.

Mr. GIBSON. I have only ten minutes and can not yield for further interruption.

I was going on to say that we can not afford to allow a great project like the Hennepin Canal or any other water way that allows the great agricultural products of the West to go to the seaboard to be defeated because there may be a difference of opinion among gentlemen as to where it ought to commence and where it ought to stop. That is entirely a question as to policy. That it ought to be built nobody denies. That the gentleman's opinion may be better than mine is not a matter that we can pass upon here; that is only a small part of the consideration.

[Here the hammer fell.]

Mr. BLANCHARD. I yield nine minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. I have no pork whatever in this pot. I represent a State which has no navigable stream, and I desire to discuss this bill on the basis of principle.

I remember three years ago to have stood at the eastern portico of this Capitol and witnessed the inauguration of James A. Garfield. He traced the history of this country for a hundred years, and one of the most magnificent recommendations he made in that most glorious speech was in regard to the necessity that lay upon the country to improve the Mississippi River. That was in his inaugural address and that was the policy he sought to inaugurate. The result of it was that we established a commission to examine into the necessities of the Mississippi River improvement. That commission did examine; they reported; and I hold in my hand a special message from President Arthur, wherein he commends to the attention of this House and of the Senate the absolute necessity of making a most liberal appropriation for the improvement of those Western streams, to the end that the commerce of the country may be accommodated, and to the end that there may be water competition with the railroad competition of the country. I have got but a few minutes, but I will ask the Clerk to read the last section of President Arthur's message in 1882 to the Congress of the United States.

The Clerk read as follows:

It may not be inopportune to mention that this Government has imposed and collected some seventy millions of dollars by a tax on cotton, in the production of which the population of the lower Mississippi is largely engaged, and it does not seem inequitable to return a portion of this tax to those who contributed it, particularly as such action will also result in an important gain to the country at large, and especially so to the great and rich States of the Northwest and the Mississippi Valley.

Mr. BELFORD. That was a special message addressed to Congress by President Arthur, pressing upon our attention the absolute necessity of making liberal appropriations for these rivers. I have heard my distinguished and lovable friend from New York [Mr. COX] during the last eight years fighting as he stood in his place, with all his renowned eloquence, those river and harbor bills. And yet since the beginning of the Government we have out of all the appropriations made appropriated 95 per cent. for the benefit of that gentleman's section of the country—not before the gentleman came from Ohio, but before and after—and yet when we desire to improve the great water courses of the West these Eastern gentlemen stand up and say, "You shall not do it."

What is this Mississippi Valley? It is populated by thirty millions of people, three-fifths of the population of the United States. And when that people come forward and ask this Congress to be liberal in its appropriations we are told by these gentlemen whose States have already received 95 per cent. of the appropriations made by this Government from its establishment that these appropriations ought all to be cut down.

How are we going to compete, gentlemen, with the great railroad monopolies of this country? Take Pennsylvania, with her 13,000 square miles of coal land. Take Illinois, with her 36,000 square miles of coal land. Then construct a railroad from Washington all around this earth and put a train of cars on it, each car representing thirty feet in length, and it could not carry the product of those two States.

Look at the great cotton interests of the South; look at the great zinc interest of Missouri; look at the great copper interest of Michigan; look at the magnificently growing silk interest of New Jersey; look at the utter incapacity of our railroad system to carry our commerce, and then what reason can you possibly assign against making liberal appropriations, to the end that our commerce may not only be transported on the railroads, but may be carried on our vessels?

But I regret, Mr. Chairman, to observe one thing; and that is that while in the last Congress we brought forward a bill appropriating seventeen millions—I state it in round numbers; it was over $17,000,000—for the improvement of our rivers and harbors, and while we appropriated $8,000,000 for the improvement of the streams in the Mississippi Valley, yet with a Democratic chairman of the committee now, instead of having $17,000,000 to advance the interests of these rivers and harbors, according to his magnificent idea of economy he has cut this bill down, as far as I can ascertain, to the sum of twelve millions, five millions less than the Republicans voted at the last session. I say that our highest duty in the West is to improve the Mississippi and its tributaries, and to make a magnificent harbor at Galveston in the State of Texas, because we are already in the West building railroads down to that harbor.

I do not care whether in my State we have a navigable stream or not. I shall vote for this bill, because it turns the crest of the wave against the arrogance of railroad domination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES, of Wisconsin. I yield ten minutes of my time to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky, addressed the committee. [See Appendix.]

Mr. JONES, of Wisconsin. I yield ten minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Chairman, I rise to say a few words upon the Hennepin Canal, a project embraced in this bill. My time will not suffice to deal with more than this item.

In my judgment a proposition to build canals of this class is a new departure in the experience of this country. Hitherto we have been able to justify ourselves clearly and strictly within the theory of the Constitution and the practice of our fathers under it by improving the natural avenues of commerce—the water ways, the rivers and harbors of the country. It is now proposed that we enter upon the work of building within the States canals connecting one State with another or connecting different parts of the same State. And this is attempted to be justified upon the theory that it will benefit commerce and cheapen transportation. In my judgment the construction of such works belongs to the States and the people of the States themselves.

Allusion has been made here, and properly made, to the Erie Canal. It is said that the projectors of that great enterprise came here a great many years ago and asked the assistance of Congress. Congress refused that assistance, and in my judgment did properly. The great State of New York built that canal from Lake Erie to the river, and has sustained it ever since, knowing full well and experiencing every year of its existence that its benefit to the country beyond her was equal to, if not greater than, to herself.

Why, sir, the gentleman from Illinois [Mr. HENDERSON], in arguing this question to-day, confessed that the Erie Canal is of more benefit to Illinois than to New York.

Mr. HENDERSON, of Illinois. Oh, no, sir.

Mr. POTTER. It is so, undoubtedly.

Mr. HENDERSON, of Illinois. Mr. Chairman, the gentleman misunderstood me. I said that the Erie Canal——

Mr. POTTER. I have stated the gentleman's position as I understood it; but at any rate there can be no doubt that the people of the great Northwest, in the benefits which they derive from the Erie Canal, receive much larger advantage than do we in the State of New York.

Why, sir, in consequence of this cheapening of transportation our lands at the East are worth no more than they were half a century ago, and in many cases much less. The farm in Massachusetts on which I was reared, close by the tunnel through the mountain over which I used to climb—a farm from which we wrung a support for a family—was worth

at that time about $100 per acre. It would not sell to-day for one-third of that sum. That is a fair sample of the effect which this cheap transportation has had upon a very large portion of the lands in the Eastern States.

We do not complain of this. Notwithstanding this, Massachusetts during the last twenty years has expended $20,000,000 (not a dollar of which so far has been returned to the capitalists concerned) in tunneling through the mountain, in order that the freights and travel from the West may find the seaboard sooner. She has not come here and asked Congress or the General Government to assist her in the work.

Why, sir, I can point you to one place in that brave old State, close by where I used to teach school, down on Cape Cod, where by building a canal nine miles long Massachusetts Bay can be connected with Buzzard's Bay, so that the vast ocean commerce which now encounters the shoals of Nantucket and the dangers of navigation around the cape could float in security from our eastern shore to the South. There are a thousand arguments in favor of that canal to every one that can be adduced in favor of the Hennepin Canal. That canal in Massachusetts will not cost half the money that the other will. It will produce ten times the benefit, not to our commerce or the commerce of Illinois, but to the commerce of this great continent, the entire coastwise commerce of the country, and largely to the foreign commerce of the country.

I trust Massachusetts, as long as we adhere to our traditional policy, will never be found here asking the General Government to build that canal. I believe that not far in the future she will build it herself. And she will glory in the benefits and blessings which she will thereby contribute not only to her own people but to the people of the entire nation.

How is it as to this Hennepin Canal? It runs through the great State of Illinois, of which I happen to know something—an empire of wealth in itself—a State that has been dealt with more generously by the God of nature than any other equal area upon the continent; a State every acre of which at no remote day is to sustain three times the population that the same area will sustain in our Eastern States. Should she ask us to dig deeper this water way, the Illinois River, and build this Hennepin Canal? Why, sir, before we grant any such request there is tenfold the reason for a thousand times the expenditure in other portions of the country where equally great benefits are to be conferred.

I have no doubt Illinois will build this canal. I know something of the energy of Illinois. I believe she will build it; and if she should build it, whether she charges toll upon it, or whether she should be wise enough to do as we have done and give it freely in order that the commerce of the nation from the Northwest shall float through it, in either event she will be richly and gloriously rewarded.

If the General Government is to build this canal, what reason is there, I ask you, why the Government should not take the Erie Canal off our hands? Why should you not buy this magnificent water way? Why, at least, should you not pay the million dollars a year which we now pay in order to allow your products from the West to come freely and without toll to the East?

[Here the hammer fell.]

Mr. JONES, of Wisconsin. I now yield to the gentleman from Tennessee.

Mr. CALDWELL addressed the committee. [See Appendix.]

Mr. JONES, of Wisconsin. I yield to the gentleman from Maryland.

Mr. FINDLAY. Mr. Chairman, the great work which it is my purpose to bring to the attention of the committee has been the subject of discussion in military and naval circles and commercial bodies for so long that it would be impossible to add anything new, either in the way of argument or illustration. I shall assume in what I have to say that the committee are more or less familiar with the general features of the project by which the waters of the Chesapeake and Delaware are to be connected by a ship-canal navigable for steam and sailing vessels of large ocean capacity.

The design is to cut the peninsula which divides these bays at some convenient point and to construct a canal by which there may be a short and easy passage to the sea for both foreign and coastwise commerce, and at the same time provide a safe interior line of communication by which the naval armament of the country may be made available for the protection of those immense interests which are centered at Washington, Baltimore, and Philadelphia, and the surrounding territory. The ruling considerations, therefore, which govern the case are both military and commercial, and concern the prosperity of the people in time of peace and the protection of three of the most important cities on the Atlantic seaboard, one of them the capital of the nation itself, with their contiguous and dependent population.

This last consideration is not felt to be so pressing just now, for the reason that the average man is only affected by the present, and is either too indifferent or too indolent to enlarge the scope of his vision and take in the future. At this time we are at peace with ourselves and with foreign nations, and it is to be hoped that these peaceful relations will continue, but it is the impulse of hope and not the judgment of experience which inclines us to accept such a situation as at all permanent. We all know that wars come upon a people suddenly, and that it is impossible to prepare for them after they are upon us. In these modern times they are not only precipitated with but little note of warning, but they march on to their accomplishment with startling rapidity. There have been campaigns of six weeks, and it was only seven or eight months after the first German crossed the Rhine that the French capital fell into the hands of the enemy. Self-reliance is one of the marked traits of our national character, and it is a good trait, and in its place and with proper limitations ought to be encouraged.

A great many of our people when approached upon this subject of preparing for war in time of peace will shake their heads and say that the bravery, ingenuity, and ready adaptation of the American citizen to any emergency will be quite sufficient when the attack is made. They seem to forget that just for the want of this preparation the public buildings here in Washington were burned by the enemy, and that Baltimore would have suffered a similar fate had she not put her defenses in better order before the British army arrived. She had a little more time, and making good use of it, was saved from capture and destruction. What has happened before may happen again; indeed, when we contrast the naval force of Great Britain in 1814 with the immense armament she now controls upon the seas and compare with it our own defective naval defenses, I think we might say that her power to injure and destroy our seaboard cities, Washington included, is much greater now than it was when President Madison was forced to fly the city almost by the light of its burning public buildings. I doubt very much whether our naval power now compared with what it was then would be as effective in resisting the armed fleets of England as it was in the war of 1812–'14. It is highly necessary, therefore, that we should put our defenses in the best condition while we are at liberty to do so, instead of waiting for the arrival of the enemy, when it will be too late.

As our Navy is small, we should endeavor by judiciously selected interior lines to make it available both for offensive and defensive purposes at as many points as possible. As we have not much of a navy, we ought to try and make it go as far as possible. Now by constructing this canal across the Delaware and Maryland peninsula you would afford the means by which the naval force operating in either of the bays could be immediately concentrated for the protection of the other. This would result in a double advantage. It would compel the attacking force, assuming that the resisting force was at all equal, to concentrate either in the one bay or the other, either for attack or defense. Suppose, for example, that both the Delaware and Chesapeake were blockaded and that we had a sufficient force to break either blockade but not strong enough to break both. By concentrating this force either in the Chesapeake or the Delaware we could drive off the enemy from one point or the other.

Take a very familiar instance which occurred during our civil war. The Merrimac was one of the first vessels which demonstrated how far superior an iron-clad ship was to a wooden one. That was a dark day in the history of the war when this panoplied monster left its moorings at Norfolk and steamed into Hampton Roads, into the midst of the unarmored vessels of the United States lying there, very much like a hawk pouncing upon a covey of partridges. A gallant fight was made, and the Cumberland and all on board went gallantly down with the flag flying at the mast, but it was an unequal and hopeless contest from the beginning. Just in the nick of time, when the destruction of the whole fleet seemed imminent, a strange-looking craft hove in sight from the sea, and bringing her powerful guns to bear upon the Merrimac, soon compelled her to haul off in a disabled condition.

This was the Monitor, commanded by Admiral Worden, as gallant an officer as ever strode a deck, and I have been informed by this gentleman that so doubtful was he of the sailing capacity of his vessel, so satisfied in fact was he that she would go down at sea, that he felt it his duty in calling for volunteers to make known his apprehensions to the men who offered before he would accept their services. It is due to the honor of the American sailor to say that notwithstanding the risk eight men for every one the admiral needed offered to go with him on this dangerous expedition. The point I am making, however, is this—that if the Monitor had not arrived at the time she did not only would all our ships then in Hampton Roads have been destroyed by the Merrimac, but that this city of Washington would have been put in the greatest peril, and possibly a second time the public buildings would have been destroyed, while the damage to Baltimore and her shipping would have been simply incalculable.

If this ship-canal for which we are now asking had been constructed, the Monitor could have come through by an inside route with much greater safety, and would have lain snugly in the Chesapeake right across the enemy's path either to Baltimore or Washington. It is for such and similar considerations as these that the Secretary of the Navy in his annual report, indorsed by the President, has recommended the construction of this canal, and for similar reasons the last Congress appropriated the sum of $10,000 to continue the surveys which had been previously begun under prior appropriations. This work comes before you, therefore, as a great national defensive measure with the indorsement of the executive department of the Government, and with the approval of Congress, so far as the voting of money for the continuation of the work can be construed into an approval. It is no new thing, no speculative enterprise, no ill-considered project; but it is a measure which has re-

ceived not merely the approval of the Government, but the support of some of the best and most thoughtful minds in the country as a most efficient and valuable link in the chain of interior defenses.

It may not be out of place in this connection to suggest that we are in very near proximity to some of the most important naval stations of Great Britain. It is not more than seventy hours' steaming between Washington and Bermuda, where her majesty has a dry-dock and naval arsenal thoroughly equipped with all the necessaries of war, and from which point a force could be easily sent to menace either Baltimore or Washington. She in fact commands the Chesapeake and its tributaries from that point. Now, it has been well observed that if we would build this canal in time of war if we could, then we ought to build it in time of peace when we can. I am quite sure that if a war should break out with Great Britain, either as the result of a strict enforcement of the Monroe doctrine, in connection with the control of the Panama Canal, or by reason of difficulties that may arise out of the effort we are making or are about to make for a share of the commerce with South America, or from any other cause, and a British fleet should be announced off the capes of Virginia, we would all breathe freer and easier if we knew that there was a short, safe, and easy line of communication between the Delaware and Chesapeake by which our limited naval force could be made available by immediate concentration for the protection of either water. I know that from actual experience in the case of the Monitor; and I hope, therefore, that we will not by our shortsightedness or indifference give rise to an opportunity when that experiment may be repeated. I shall not dwell longer upon the military features of this work, as they have commended themselves to every military man who has considered the subject, and indeed are obvious to the unpracticed eye of the most ordinary observer.

There are very grave and weighty reasons of a commercial kind why this canal should be constructed, reasons which are equally obvious and turn upon as simple a point as those of a defensive character, which have already been presented. They all hinge upon the peculiar trend of the Atlantic coast northeasterly, the effect of which is to throw the cities north and east of Baltimore farther from the producing centers of the West, and thereby give to the city of Baltimore a much shorter line to the West than those cities have or ever can have in the nature of things. I will append a table of distances, which will illustrate this point and show what an immense advantage Baltimore has over New York, for instance, as a terminal point for the Western shipper in the mere matter of naked distance alone, to say nothing of other advantages which may be made the subject of comment further on in this argument, and which will be illustrated by other tables herewith appended. The result of this difference is that Baltimore has always enjoyed a reduced rate on merchandise shipped from the West. This differential has varied at different times, and its history is by no means uninteresting. The trade of the West, as far as that section was opened up in the first quarter of this century, centered in Baltimore as the nearest and most natural outlet therefore for the produce of the Western shipper. This advantage would have remained to this day had nature, unassisted by art, been left to govern the subject. But New York, through the sagacious foresight of Clinton, built the canal connecting the Hudson with the lakes, and the immediate result was the turn of the tide of trade in her favor.

Baltimore, not to be outdone, however, built the Baltimore and Ohio Railroad. The great poet of the language says:

> The friends thou hast, and their adoption tried,
> Grapple them to thy soul with hooks of steel.

We could not give up our Western friends or permit them to lose the advantage of their nearest market; so we strengthened the connection by the construction of that magnificent railway which connects the waters of the Ohio with the Chesapeake. New York also built railways, the objective point of which was the producing centers of the West; but against the combined aid of railways and canal the trade of the West still flowed in its natural channel to Baltimore with an easily maintained rate in its favor down to the year 1878. There are two modes of estimating this differential, one calculated upon the ratio of distance, the other upon the cost of transportation. Taking the first, we find it was the opinion of a first-class railroad expert that Baltimore, on freights from Saint Louis, was entitled to a differential as against New York of 26 cents on the hundred pounds. Calculating it, however, by the other method, which would seem to be the fairer, the differential actually allowed Baltimore in the year 1869 was about 10 cents on the hundred, although Mr. Fink in 1878 was of opinion that 17½ cents would have been nearer to the proper figure. Ten cents remained the rate until it was changed in 1876, and by another change in 1877 was reduced to 3 cents, at which figure it now stands.

Now, it has been well established, as I shall show you by a comparative table of percentages, that the cost of transportation from the West to Baltimore is less than to any of the competing Atlantic seaboard cities. For this reason I think it is fair to claim 26 cents as the proper measure of the differential to which Baltimore is entitled. The question—another very serious question which I have to propound—is, who has lost this difference? The loss to Baltimore in the profits of handling these Western products or getting the benefit of the terminal charges has been but a drop in the bucket compared with the loss of the Western farmer and shipper who has been compelled to pay this enormous difference for the carriage of his produce. The question may be asked, and very properly asked, if the way to Baltimore is the nearest and the cheapest, why do not freights take that way instead of some other? If the current turns from its legitimate channel to some other, there must be an obstruction in the stream or some artificial means used to divert it from its natural bed. The answer is an easy one. The advantage which the West has by the Baltimore route to the sea is overcome by the advantage which New York has in the shorter passage across the Atlantic to Liverpool, the market of which furnishes the ruling prices of grain and provisions. Although it costs more to get grain to New York than it does to Baltimore, it costs more to get it from Baltimore to Liverpool than it does from New York. So that the land differential, so to speak, which operates in favor of Baltimore is counterbalanced by the ocean differential which prevails in favor of New York. This is caused by two circumstances: First, because New York is nearer to Liverpool than Baltimore; and secondly, because ocean freights are cheaper at that port than they are at Baltimore.

Now, the apparent consequence of this situation at first sight would seem to be that this was a natural advantage which New York enjoyed, and that if any competitor sought to deprive her of it it would be the duty of this competitor to provide the means and prosecute the work without invoking national aid. But this is a very superficial and misleading view to take of the case. It ignores in the first place the controlling fact that this canal is intended to be one of the naval defenses of the country, and as such has been recommended by the highest authorities in the Government. But, as more germane to the branch of the case now under consideration, it also ignores the fact that the object of this work is also to promote the commerce of the whole country, both foreign and coastwise. That is the main object, and the advantage to be obtained by Baltimore is purely incidental. The vast bulk of the commerce, both outgoing and incoming, which would pass through this canal would be properly chargeable to other parts of this or of other countries with which we have trade relations, rather than to Baltimore or Maryland. Not one-fortieth of the articles of commerce which would seek this passage to the sea would be raised or manufactured in the State of Maryland. All the remainder would come from the West or the East or the South, or would go thither or to or from foreign countries. Baltimore would be but a way station to pass them on to the sea. The true way of stating the case is this. That the West would be brought two hundred miles in distance and twenty-four hours in time nearer to the grain markets of Europe, and whatever would be the cost of transportation by this route would necessarily regulate the freight rates over other routes, provided this was the cheapest. Is not this an object worthy of the attention of the West and of her representatives here in Congress?

A vast trade already seeks tide water at the head of the Chesapeake. What would be the sensation in Cincinnati, Saint Louis, Indianapolis, Louisville, Chicago, if their boards of trade and business men could be made to immediately realize that the markets of Europe were a day nearer to them than they had ever been before? Do you think they would stop to consider for a moment that Baltimore happened to be an incidental beneficiary of this advantage, or that they would deny themselves the enormous benefits of such a connection simply because a few crumbs happened to fall in some other lap than their own? If such is either the business outlook or the temper of that people I have greatly mistaken it. Recollect this is to be a free ship-canal for the transportation of articles of commerce among the States and with foreign nations. It is to be a canal which will begin in one State, on an arm of the sea so great that it may not be inappropriately called a sea itself, much larger in area and in the value of the commerce that it floats than many other waters that pass by that name, and then after crossing this State and another its point of outflow is the Atlantic Ocean. Salt water within the throbbing of the tides, every inch of it, constitutes the two great bodies you connect, and in doing it you traverse the territory of two States. No man has ever presented or can present a constitutional argument against the work. The Senate committee, composed of some of the best lawyers in that body, heard argument on the constitutional right, and all were satisfied that the right existed. It was pointed out then that Maryland and Delaware could not be expected either jointly or singly to undertake a work of this magnitude, the benefits of which would be coextensive with the country, and that even if such an expectation was not unreasonable then under the very compact under which they united to create the General Government their people had surrendered to the United States the only fund out of which such a work could be constructed.

Neither Maryland nor Delaware can collect a cent of tax either upon exports or upon imports, and while the United States are not permitted to levy a tax upon exports, the exclusive right to lay and collect the impost duties has been vested by the Constitution in the General Government. The States have parted with it forever. Hence the United States constructs breakwaters, erects light-houses, places buoys, improves harbors, and navigation generally. It has the funds which are usually applied for such purposes, and it denies to the States the right

to collect or apply these funds. It would be out of the question, therefore, for Maryland or Delaware, or both of them, to build this canal. But suppose they should undertake it; it is quite clear that for interest and cost of maintenance a toll would have to be levied, and this in the judgment of the best-posted men upon the subject would defeat the main purpose of the canal. To cheapen freights and reduce the cost of transportation to the Western shipper it is absolutely essential that the canal should be free to all vessels—as free as the wide ocean or the fresh breeze that fills the sails of all comers.

This is to be the character of the canal—a great, free, national, and interstate commercial highway, connecting an arm of the Atlantic with the ocean itself by a short cut through a narrow tongue of intervening land. It so happens that the summit of the most elevated portion of this land is so slight that the canal can be constructed on a uniform level from bay to bay without the assistance of locks, except such as may be needed at its termini. Its latitude is so far south that no danger is to be apprehended from ice for more than one out of three winters, and then only for a few days, and this obstruction can be easily made to yield by the use of a strong ice-boat. The length of the canal with its water connections by the route commonly known as the Choptank, which seems to have met with more favor from the Government engineers than any other (although the question of route is still open), would be about one hundred and fifty miles. Now, bearing in mind these facts, let us see what the Committee on Rivers and Harbors, actuated by a desire to promote the interests of the Western producer, has already done in recommending canal construction. The length of the Hennepin Canal, together with its river feeder, is about sixty-five miles. It has an ascent of two hundred and seven feet, to overcome which nineteen locks are required, and a descent of ninety-two feet, for which nine locks are required. It begins at Hennepin, in the State of Illinois, and it terminates in the same State at a point on the Mississippi River some distance above the town of Rock Island. It is expected to have a water capacity for canal-boats of about two hundred and eighty tons, and it connects with the Illinois and Michigan Canal, the lockage capacity of which, as well as its water, would have to be increased before its connection with the Hennepin could be made available. It would be open about two hundred and forty days in the year. Now, I am not to be understood as saying a word against this work, or as intimating that it will not be a valuable link in the water communications of the country. I only say this, without attempting to enlarge further upon the points of contrast between the two works, either in a national commercial or a national defensive aspect, that if one argument can be made in favor of the Hennepin a dozen can be made for the Delaware and Chesapeake.

The construction of the Hennepin Canal, which is to afford a new and competing water route for the products of the Northwest to Chicago, would fail of its main object if the advantage of cheaper routes thus gained would be lost in getting these products to their ultimate market. What would be the benefit to the shipper via the Hennepin to Chicago unless this advantage could be followed up by a cheaper route from Chicago to Liverpool? The truth is that the two projects are connected in interest, and that the completion of the one logically involves the consummation of the other. All economies in transportation are to be adjusted with reference to the final objective point, and that in this case is not Lake Michigan, but the Mersey.

But, gentlemen, it is time to give you, as practical men, asked to indorse a work of this magnitude, some practical reasons, evolved from the logic of figures, commensurate with the character of the project you are called upon to recommend. The differential in favor of Baltimore, even when reduced to its present ridiculous minimum, has afforded a saving to the Western producer on east-bound grain and provisions alone of no less a sum in the last three years than $1,524,502.

The amount of grain and provisions shipped to Baltimore during that period, estimated in tons, reached the enormous aggregate of 2,540,837 tons, and the differential at 60 cents per ton gives you the above result. Now, it is obvious that if the benefit of this differential was not in great part destroyed by the longer ocean voyage which this freight is compelled to take to Liverpool for the want of this ship-canal the volume of tonnage Baltimoreward would be immensely increased. This is not taking into the account the vast volume of west-bound freights which would naturally flow back over this route in return cargoes from European markets.

The total foreign tonnage received in Baltimore for the last three years, 1881, 1882, and 1883, amounted to 4,102,938 tons. What portion of this went West I have no present data upon which to make a reasonable estimate, but whatever it amounted to would get the benefit of this canal, and would in time be greatly augmented—trade breeds trade. Since the opening of the Suez Canal the traffic has quadrupled; and it would not be unreasonable to expect a similar result as the effect of the construction of this work. When completed it would with its rail connections afford a continuously competing route for all freights to and from Europe. The existing differential which is the fruit of a pooling compact between the trunk lines for the sake of peace, and which is based, as has been shown, neither upon distance nor cost of transportation, would in all probability be supplanted by a rate founded upon both of these considerations. There would be a new short line from the West to Liverpool, and the effect of this would be to cheapen freights on all other competing lines.

It is said that there is danger of this competition yielding the bitter fruit of combination, and that after all the producer would not reap the benefit of this short line, but it would pass into the pockets of the transporter. This argument, I submit, proves too much. Carried to its logical consequences it would prevent the chartering of any new enterprise for fear that it would combine with rivals already established. The remedy for this evil, a growing and a stupendous one, is not to put a stop to works of internal improvement, but to take the corporations that manage them in hand and force an equitable tariff of rates just to themselves and fair and reasonable to the public.

I believe the day is coming when the States as to all domestic and the United States as to all interstate commerce will be compelled to take this matter of rates in hand and settle it by legislation, which will put it out of the power of the transporting agencies of the country to make or to mar the fortune of the producer and the shipper. This is the answer I would make to the suggestion that competition is but the parent of combination, and therefore it is idle to expect anything from a competing route but the old story of compacts or consolidation. It is an argument against combination and not against competition. It is an argument that instructs us as to the immediate necessity of so legislating that the property of one class of our citizens shall not be at the capricious mercy of another. But further than this it does not legitimately reach.

It must be remembered, too, that the water part of both routes is free, and that the combination therefore will stop with the land. The cost of the ocean part of the service will depend upon the results of competition open to the merchant marine of the world. If the land service to Baltimore, in consequence of certain natural conditions, which like nature are permanent and immutable, can always be performed at a much less cost than the same service to New York, I can see no reason why the line which enjoys this advantage should abandon it or share its benefits with any competitor. The reason it does so now is that this advantage does not bear its full fruition, owing to imperfect communications with the sea. As an evidence that this argument is a sound one I will point you to the fact that in 1874, the year the Baltimore and Ohio Railroad reached Chicago, the rate on grain fell from 60 cents to 40 cents on the one hundred pounds and that reduction has continued until the rate in 1883 fell to 22 cents. Here is a case, therefore, where the beneficial results of competition were immediately felt and have continued to be felt to this day. I have said that one of the results of the opening of this canal would be to restore Baltimore to the normal vantage ground she enjoys by her shorter route to the Western country, and that the existing differential of 3 cents on the one hundred pounds or 1⅘ cents per bushel—a purely conventional and artificial one—would give way for a rate much lower than this difference expresses, and would be the legitimate outcome of both the economy of distance and cost of transportation, which are hers by the laws of nature. But assume that the differential remains as it is, I am satisfied that a saving on a bushel of grain shipped from the grain centers of the West to Liverpool via this canal would be equal to 2⅔ cents per bushel.

But upon the other theory, which I think is a perfectly safe one, the saving ought to be not less than 10 cents a bushel. In 1879 there were shipped from Baltimore 53,471,768 bushels of wheat and corn. At a saving of 10 cents per bushel (that is, allowing the West the natural differential she is entitled to by the shortest line to the Eastern seaboard) there would have been a saving in that year of over $5,347,000. Estimating the cost of the canal at $18,000,000 via Choptank, the figures for which I have from that most careful and competent engineer Colonel Craighill, of the United States Army, under whose intelligent charge the surveys for this work have been conducted, the canal would pay for itself (less interest and cost of maintenance) in less than four years. But the effect of this cheapening of the cost of transportation would be indirectly felt in the whole volume of commerce that passes over the trunk lines. Inclusive of the year 1868 and of 1883, the grand total of exports of grain, wheat and corn, from the port of Baltimore is shown by table hereinafter given. To accommodate this immense trade the first elevators in the East were built at Baltimore, with an absolute storage capacity to-day of 5,308,000 bushels—a capacity, in the natural flow of grain, unobstructed by speculative movements, practically inexhaustible.

I have been unable, as I have said, to estimate the probable amount of tonnage which would pass through this canal westward bound, but whatever it would be upon the basis of the existing differential, there would be a saving of say $1.02 on the ton; that is to say, 35 cents on the canal and 67 cents by the railroad. Now, these are considerations which affect our foreign commerce entirely. But our coastwise commerce has a very large interest also in this canal. The Eastern States would receive through it at reduced rates the superior coals of Maryland and West Virginia both for fuel and for gas, and in turn these States would send back their manufactured goods for local and Western consumption. The fact is, this canal would be a link in a long chain of interior communications running along the Atlantic coast from Bos-

ton to Florida, and there cutting across the peninsula to the Gulf of Mexico.

Cape Cod will be cut through one of these days, and the terrible disaster which has occurred so recently off that stormy point furnishes a stronger argument in favor of such a work than all the statisticians can supply. The Panama Canal is now under way, and those who are even now well advanced in years will in my opinion live to see it completed. It will be impossible for us to get the full benefit of this route to the Pacific unless we also shorten the distance by a similar artificial water way across the Florida Peninsula, and so I believe that the day is not so hopelessly distant that we can not look forward to it with an expectant eye when that work will be begun, if not completed. With the expenditure of no great sum of money a safe inside passage could be easily constructed along the whole line of the stormy Atlantic to the Gulf of Mexico. Great Britain has successfully done a similar thing for Scotland by the construction of the Caledonian Canal, and France connected the waters of the Bay of Biscay with the Mediterranean two hundred years ago.

Holland, too, within the last four or five years, has built a new ship-canal to give the chief port readier access to the sea. While the work of building ordinary canals of moderate depth for boats of light draught has been suspended in modern times by the competition of their swifter rivals, the railroads, the work of building ship-canals has been going on in our day with a zeal and energy it never knew before. It is surely not for this young country of ours, so full of energy and hope, so abounding in means, to be a laggard in this race for commercial supremacy, and to lose the full harvest of her coastwise commerce at the same time her flag has been banished from the high seas. If we can not compete with the merchant marine of foreign powers for the carrying trade of the world, let us at least so perfect our own internal communications that we can transport with safety and economy our own people and products from one part of the country to another without the risks of an ocean voyage. What better use can we make of the immense surplus which now burdens the Treasury, and which we all know will accumulate in a still greater mass for a year or two at least?

The proposition to divide it among the States is one which has received serious consideration in a very limited quarter, and is not now pressed even there with any hope of its ever becoming a law. The rapid payment of the public debt, which is the only legitimate existing mode of absorbing this surplus, already threatens the extinction of the national banking system, an evil greatly to be deplored, and at the same time lays the whole weight of liquidation upon the shoulders of this generation, when equity and a proper regard for political economy require that those who are to follow us should bear a part of the burden. Such an opportunity as we have now for entering upon an extensive system of internal improvements entirely within the scope of the Constitution, construed by the strictest school, is not likely to occur again in the history of this people. The sagacious foresight to seize an opportunity and develop it to its full use is not less the characteristic of a statesman than of an individual in pursuing his private ends, and I for one should feel that we were greatly lacking in this characteristic if we did not now, when the wind is fair and the sea smooth, press on with crowded canvas to the full realization of national strength and a perfected Union.

A table of distances to show the different grain centers of the West to which Baltimore is nearer, and by how much, than any other port on the Atlantic seaboard.

	Miles.
From Chicago, Ill., to Baltimore, via Baltimore and Ohio Railroad	795
From Chicago, Ill., to New York, via New York Central Railroad	980
From Chicago, Ill., to New York, via Erie Railroad	961
From Chicago, Ill., to New York, via Pennsylvania Railroad	899
Less to Baltimore than the average distance to New York	152
From Saint Louis, Mo., to Baltimore, via Baltimore and Ohio Railroad	929
From Saint Louis, Mo., to New York, via New York Central Railroad	1,167
From Saint Louis, Mo., to New York, via Erie Railroad	1,201
From Saint Louis, Mo., to New York, via Pennsylvania Railroad	1,050
Less to Baltimore than the average distance to New York	210
From Louisville, Ky., to Baltimore, via Baltimore and Ohio Railroad	696
From Louisville, Ky., to New York, via New York Central Railroad	989
From Louisville, Ky., to New York, via Erie Railroad	987
From Louisville, Ky., to New York, via Pennsylvania Railroad	851
Less to Baltimore than the average distance to New York	246
From Cincinnati, Ohio, to Baltimore, via Baltimore and Ohio Railroad	589
From Cincinnati, Ohio, to New York, via New York Central Railroad	882
From Cincinnati, Ohio, to New York, via Erie Railroad	861
From Cincinnati, Ohio, to New York, via Pennsylvania Railroad	744
Less to Baltimore than the average distance to New York	240
From Pittsburgh, Pa., to Baltimore, via Baltimore and Ohio Railroad	327
From Pittsburgh, Pa., to New York, via Pennsylvania Railroad	431
Difference in favor of Baltimore	104

Comparative percentage of working expenses of the four trunk lines to and from the West for the last, say, three years.

WORKING EXPENSES.

Routes.	1880-'81.	1881-'82.	1882-'83.
	Per cent.	Per cent.	Per cent.
Pennsylvania Railroad	59.60	61.50	63.50
New York Central and Hudson River Railroad	59.04	66.33	71.03
New York, Lake Erie and Western Railroad	62.25	64.00	65.50
Baltimore and Ohio Railroad	56.42	56.68	53.08

The saving to the producer by the allowance of this differential on the grain and provisions moved to Baltimore since the establishment of the differential is shown by the following:

Statement of grain and provisions moved to Baltimore for past three years.

Year.	Grain.	Provisions.	Total.
	Tons.	Tons.	Tons.
1881	1,037,437	53,412	1,090,849
1882	585,957	31,837	617,794
1883	784,171	48,023	832,194
Total	2,407,565	133,272	2,540,837

Differential (60 cents per ton), $1,540,502.20.

RATES CHARGED ON EASTWARD-BOUND FREIGHTS BEFORE AND SINCE THE OPENING OF THE BALTIMORE AND OHIO TO CHICAGO.

The Baltimore and Ohio was opened to Chicago in 1874. The rates on grain per hundred pounds ranged as follows: In 1874, from 60 cents to 40 cents; in 1875, from 39 cents to 26 cents; in 1876, from 39 cents to 18 cents; in 1877, from 37 cents to 27 cents; in 1878, from 37 cents to 17 cents; in 1879, from 37 cents to 15 cents; in 1880, from 37 cents to 27 cents; in 1881, from 32 cents to 12½ cents; in 1882, from 27 cents to 17 cents; in 1883, from 27 cents to 22 cents.

The rate on provisions was usually 5 cents per hundred pounds higher than that on grain.

The differential of 3 cents per hundred pounds in favor of Baltimore commenced in 1877.

The saving by canal plus differential on bushel of wheat from Chicago to Liverpool via Baltimore and the canal is: Differential in favor of Baltimore, 1⅛ cents per bushel; saving by canal, 1 cent per bushel; total, 2⅛ cents per bushel.

The present capacity of the grain elevators at Baltimore is as follows: Capacity of Baltimore and Ohio elevators, 4,058,000 bushels; Northern Central, 1,250,000 bushels; total capacity, 5,308,000.

Of course it will be understood that if there is a natural flow of grain to and from the seaboard the capacity is practically without limit.

Table showing average rates of freight by sail and steam from New York, Philadelphia, and Baltimore, and the differences between the cities.

SAIL RATES.

Year.	New York.	Philadelphia.	Baltimore.
	s. d.	s. d.	s. d.
1878	5 10½	5 9½	5 10
1879	5 5	5 3½	5 5½
1880	5 0½	4 10½	5 1½
1881	4 5½	4 7	4 6½
Four years	20 9½	20 5 7/12	20 11 11/12
Average	5 2 5/12	5 1 5/12	5 2⅞
Average per quarter in currency	$1 24.8	$1 23	$1 23
Average per 100 pounds (cents)	26	25.625	26.042

STEAM RATES.

	New York.	Philadelphia.	Baltimore.
	d.	d.	d.
1878	7¼	8⅛	8⅛
1879	6⅛	7	6⅞
1880	5⅞	6½	6⅜
1881	4⅛	4½	5
Four years	23⅜	26½	27½
Average	5 11/12	6 5/12	6 7/8
Average in currency per 60 lbs.	11⅝	13⅛	13⅜
Average per 100 pounds (cents)	19.375	21.875	22.708

General average computed by percentages of sail and steam shipments, in cents.

NEW YORK.

Sail (percentage, 26)	26×.26= 6.76
Steam (percentage, 74)	19.375×.74=14.3375
General average per 100 pounds	21.0975

General average computed by percentages, &c.—Continued.

PHILADELPHIA.

Sail (percentage, 71.67)	25.625×.7167=	18.3654
Steam (percentage, 21.33)	21.875×.2133=	4.6659
General average per 100 pounds		23.0313

BALTIMORE.

Sail (percentage, 81)	26.042× .81=	21.104
Steam (percentage, 19)	22.708× .19=	4.314
General average per 100 pounds		25.418

Difference—New York and Baltimore, 4.32 cents per 100 pounds.
Difference—New York and Philadelphia, 1.93 cents per 100 pounds.
Difference—Philadelphia and Baltimore, 2.38 cents per 100 pounds.

REASONS WHY GRAIN IS HIGHER IN NEW YORK THAN BALTIMORE—THE CANAL THE ONLY REMEDY.

Grain is generally higher in New York than Baltimore. Ocean freights are almost invariably lower in New York than Baltimore. The price of grain in New York averages just as much above the price in Baltimore as the price of ocean freights there averages below those at Baltimore. This must naturally and inevitably be the case, since the grain stored in the seaboard cities simply represents that much of the surplus of the country, and its value being regulated exactly by what it will command in Europe, the price at any given point at the seaboard must be what it is worth in Europe, less the freight and other charges necessary to deliver it there. Give Baltimore anything like an equal position in regard to ocean freights with New York, and the vast territory naturally looking to her as the outlet of its exportable products will realize immense advantages. This question is a most serious one to the entire country. The expenses here are much less for a ship then they are in New York. Here a vessel discharges her inward cargoes at 15 cents per ton less than in New York. She buys her coal at from $1 to $1.25 per ton less. There is no charge for wharfage here; a heavy one in New York. Pilot charges, stevedore charges, and all the smaller items are less here, so that it is not at all exaggerating the facts to state that an average size steamer will save at least $2,000 in expenses of her round trip from and to a port in Europe if she comes to Baltimore instead of New York. If we could get rid of this one disadvantage in the matter of freights we should become by far the cheapest route to Europe for the products of the West. There is no reason why grain should be higher in New York than in Baltimore except the one that ocean freights are lower there.

Baltimore receipts and exports of wheat and corn from 1868 *to* 1883, *both included.*

Years.	Receipts.			Exports.		
	Wheat.	Corn.	Total.	Wheat.	Corn.	Total.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
1868	2,293,799	4,177,264	6,471,063	.....	.....	.....
1869	3,249,995	3,923,563	7,173,558	.....	.....	.....
1870	3,039,357	3,831,676	6,871,033	.....	.....	.....
1871	4,076,017	5,735,921	9,811,938	996,140	2,800,861	3,797,001
1872	2,456,100	9,045,465	11,501,565	88,025	5,157,235	5,245,260
1873	2,810,917	8,330,449	11,141,366	1,158,097	6,003,618	7,161,715
1874	6,389,834	9,355,467	15,745,301	3,556,848	5,959,757	9,516,605
1875	4,409,670	9,567,141	13,976,811	2,046,430	6,989,607	9,036,037
1876	3,945,247	24,684,230	28,629,477	1,659,861	20,953,724	22,613,585
1877	7,331,540	21,212,399	28,543,939	5,479,567	19,268,725	24,748,292
1878	22,017,120	17,907,108	39,924,228	19,610,791	16,953,458	36,564,249
1879	34,634,426	23,162,986	57,797,412	32,144,349	21,327,419	53,471,768
1880	36,414,393	16,590,291	53,004,684	33,768,985	14,686,908	48,455,893
1881	20,933,255	15,486,884	36,420,139	19,676,640	12,735,083	32,411,723
1882	17,998,569	4,401,208	22,399,777	17,476,172	1,345,418	18,821,590
1883	17,132,610	11,749,570	28,882,180	15,261,656	9,935,375	25,197,031

The probable amount of foreign tonnage exclusive of domestic which would pass through the canal, estimated on the basis of present shipments: For 1880, 1,326,996 tons; 1881, 1,222,928 tons; 1882, 790,703 tons; 1883, 762,311 tons.

Exports for twelve years, estimated on the basis of vessel tonnage, 50 per cent. of which in addition will give the cargo tonnage:

Tonnage of vessels cleared for foreign ports during the past twelve years.

Years.	Foreign.	American.	Total.
	Tons.	*Tons.*	*Tons.*
1872	274,990	99,388	374,378
1873	334,154	118,935	453,089
1874	412,742	125,893	538,635
1875	436,372	127,795	564,167
1876	752,234	97,917	850,151
1877	879,481	91,515	970,996
1878	1,098,895	126,277	1,225,172
1879	1,389,072	92,899	1,481,971
1880	1,348,240	81,145	1,429,385
1881	1,040,321	63,099	1,103,420
1882	746,522	59,926	806,446
1883	722,976	64,399	787,375

Mr. JONES, of Wisconsin. I reserve the remainder of my time.

The CHAIRMAN. The gentleman has five and one-half minutes of his time remaining.

Mr. NEECE. Mr. Chairman, I did not expect to say a word in reference to this bill, and should not now detain the committee but for the remarks of the gentleman from New York [Mr. POTTER] with reference to the Hennepin Canal project embraced in this bill. Now, sir, this is no new project. It is one that has been discussed for many years in the Northwest; and the mistake of the gentleman from New York is that he seems to regard this as a matter solely interesting to the people of Illinois.

Now, gentlemen of the committee, permit me to say that this is a grand mistake. If you will only examine the map and see the territory interested in this canal you will see that Wisconsin, Michigan, Minnesota, Iowa, and in fact the entire Northwest—every Northwestern State and Territory—have the same interest in the canal that Illinois has. It is true Illinois has a great interest in this enterprise; but, Mr. Chairman, it seems to me quite strange that opposition should come from New York. It does seem to me that the Eastern States have, or ought to have, the same interest in the Hennepin Canal that Illinois has.

The gentleman from New York [Mr. POTTER], says it is an improvement wholly within the State of Illinois, and therefore it ought to be built by that State. The gentleman certainly will not claim that a project that connects the waters of the Mississippi with the great lakes of the Northwest is a matter that only affects the State where it happens that the work has to be done. Certainly every State in the Union has an interest in the improvement of the Mississippi. Millions of money have been spent by this Government to improve the Mississippi. This has been done to extend and to facilitate the commerce of the entire United States. It is no longer a question as to the right of Congress to improve the Mississippi.

Now, here is a proposition not only to improve the Mississippi, to extend her commercial benefit into the great lakes of the North and East, and to give us an outlet for our commerce by water transportation to the sea, but the benefits and advantages arising from this project will be realized as much or more in the State of New York, with her canals and great commercial cities, as in any other State in this Union. We are all inclined to take too narrow a view of improvements of this kind. Some men can not see the advantage of any improvement except it be a line of railroad leading to his city, without even providing an outlet for its usefulness, while others view it as an enterprise in opposition to railroad transportation.

In my judgment its effect will not be to destroy or injure railroad transportation; it will have the effect to prevent extortion, which is proper and right. But the great effect of the Hennepin Canal will be to develop the resources of the West and Northwest, and to greatly increase our commerce, which will result in a benefit to railroad interests the same as it will to any other legitimate business. It is time railroad interests in the United States began to see the great importance of cheapening transportation and extending the commerce of this country for their own advantage and to maintain their own existence. Look at the grand opportunities the railroads leading from the East to the West have lost by the suicidal policy of this Government in excluding trade and commerce of foreign nations with this country in her so-called protective policy. In twenty years we have succeeded in destroying our commerce with foreign nations and in driving our own merchant marine from the high seas.

Our unfriendly laws and hungering for bread have induced foreign nations to look to other countries for their bread. India instead of the United States is furnishing England with bread, to the great injury of railroads, farmers, laborers, and to the prosperity of the United States. Look, if you will, to the price of wheat in Chicago; in the last three months it has reached a lower point than at any time within the last twenty years. Foreigners have withdrawn from our markets and gone where trade is not hampered. As to the terminus of the Hennepin Canal at Rock Island, there are the three cities of Rock Island, Moline, and Davenport, aggregating 75,000 inhabitants, with their varied manufactories and industries. Without boasting, I will say for prosperity, enterprise, and usefulness those cities are not excelled in the United States. And the great Rock Island arsenal, that ought to be the pride of every citizen in this country, will be given a direct water connection with the lakes of the North and East. This arsenal, in case this Government should have occasion to create an army, will be able to manufacture the arms, equipage, and entire outfit for 2,500 soldiers per day, which is no small item to be considered in determining the terminus for this canal. I wish every member in this Congress could visit Rock Island and see the Government works upon that island and the three cities that are there grouped together; it would make an impression upon your minds never to be forgotten. You would not entertain for a moment the thought of having the terminus of the canal at any other point.

Mr. MURPHY. Mr. Chairman, I would like to ask how much time remains?

The CHAIRMAN. The gentleman from Iowa has thirty-five minutes remaining. There yet remains on the other side, in opposition to the bill, five and one-half minutes.

Mr. MURPHY. I desire to yield ten minutes of my time to the gentleman from Massachusetts [Mr. STONE.]

Mr. STONE addressed the committee. [See Appendix.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, a message from the President of the United States, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries, announcing the approval of bills of the following titles:

An act (H. R. 5443) for the relief of N. C. Ridenour;

An act (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the times and places for holding courts in said districts," and to provide for holding terms of court of the western judicial district of Texas at the city of El Paso, and for other purposes;

An act (H. R. 4994) to vacate an alley in square 234 in the city of Washington;

An act (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer force;

An act (H. R. 5261) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes; and

Joint resolution (H. Res. 255) reappropriating an unexpended balance for the relief of sufferers by the overflow of the Mississippi River and its tributaries.

The message further stated, in reference to the act (H. R. 7076) to declare the cantalever bridge constructed by the Niagara Bridge Company across the Niagara River a post route that—

This bill having been received by the President on the 27th day of May, 1884, and not having been returned by him before the ten days prescribed by the Constitution, it has become a law without his approval.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. MURPHY. Mr. Chairman, it is needless for me as a member of the Committee on Rivers and Harbors, who reported this bill, to say that I am in favor of its passage, all and every part; but as one of the greatest improvements contained in said bill has been attacked I propose to answer as well as I am able said attacks. And, first, it is claimed that in the selection of a route a mistake was made. It is enough for me to say in reply to the distinguished gentleman from Wisconsin [Mr. JONES] that the Rock Island route was selected for many good reasons, and its selection was concurred in by all the members of Congress from Illinois and Iowa, thirty-one in number, after careful thought and close investigation, and I am confident their judgment will be respected by this House. And hence, Mr. Chairman, I will confine my remarks to the appropriation of $300,000, that amount having been allowed by the committee to commence the work on said water way, popularly known as the "Hennepin Canal," but correctly designated as the Lake Michigan and Mississippi River Canal, for when constructed it will unite these two great water ways and furnish 10,000,000 people an all-water route and the only rival route with railroads. It will be found on page 28 of the bill, and is as follows:

For the construction of a canal from the Illinois River, near the town of Hennepin, to the Mississippi River, at or below Rock Island, and designated in a survey made by Major Benyaurd, together with the route surveyed for a branch canal or feeder from Rock River to the summit line of said canal, $300,000: *Provided*, That said canal and feeder shall be 80 feet wide at the water line and 7 feet deep, and the locks 170 feet in length and 30 feet in width, with a capacity for vessels of at least 280 tons burden, with guard-gates, wash-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey: *And provided further*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for the right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use.

Mr. Chairman, the subject under consideration is one of importance and to my mind of great magnitude; and while I have given it some thought, I fear my inability will not do it that justice its importance requires and its merit demands. However, I will promise you to do the very best I can, for, believe me, my heart and soul are fixed upon this improvement and my body and mind will not rest until it is settled, and settled, I trust, in accordance with the wishes and demands of 10,000,000 of people who to-day are watching with anxious eye but hopeful look the action of this House in the premises, for cheap transportation or not cheap transportation is the question—whether we will do our duty fearlessly, and thereby obey and respect the wishes of the people by the construction of this improvement, which will not only connect the waters of the Mississippi River with the lakes, the Erie Canal, and the ocean, but furnish to the producer and consumer a rival transport line that will reduce the present railroad freight rates west of Chicago and north of Saint Louis 50 per cent.; for it will be seen, Mr. Chairman, that this canal is national in its character and of great value to commerce, its location and relation to national water ways being the connecting link that will unite seven hundred miles of Mississippi navigable water with hundreds of miles of navigable water from Hennepin to New York city, creating a union and rival transport water way from Saint Paul to New York, which will be a true, certain, and just regulator of railroad rates, and thereby save millions of dollars which to-day are unjustly paid in transportation of our surplus products. For, remember, while the star of empire westward takes its way the course of commerce eastward makes its track, and why? I answer it is because the only market we have in the Northwest for our surplus products is New York, New England, and Old England.

And in this connection I wish to call the close attention of members of Congress to a vital fact and upon which rests our present and future prosperity, and to my mind that fact is a self-evident truth, namely: if we have a market to which we can take and sell our surplus products we will prosper; if we have not we will not. The place, the market for our surplus is the question, for in my judgment our want in the near future for our product is a market. To-day our want is supplied by a foreign demand; but who is bold enough to assume that it will continue with the sharp competition of rival nations that are to the fore to-day? And in that competition with other nations we can only hope to be successful by cheaper transportation to the seaboard; hence it is the united producing interests of this country demand with one voice that this Congress shall furnish a foreign market for our surplus products, to the end that our prosperity in the past may be enjoyed in the future, for without a market your surplus would be a burden; and remember "you never miss the water until the well runs dry." How to provide, keep, and hold a market for what we have to sell is one of the most important subjects that can command the attention and respect of American statesmanship, for good statesmanship will not only provide for the present, but if wise will look into the future.

Yes, Mr. Chairman, I am pleased to say and delighted to know that while there are different opinions, and that difference an honest one, between the agriculturist and manufacturer on the tariff question, there is but one opinion upon this question of transportation; for all are equally interested, because all will be equally benefited. Hence I may say without fear of contradiction that the construction of this water way by the General Government is needed and demanded, and that demand is voiced by the merchants and manufacturers of the East, the coal, oil, salt, iron, and all other kinds of producers and manufacturers, which is seconded by all Eastern consumers of Western products, and echoed backward by 10,000,000 producers of the Northwest, who have sweated and toiled early and late in the useless effort to contend by labor and patient toil against the unjust charges and willful extortions of railroad monopolies, fixed by the selfish greed of railroad magnates.

Yes, Mr. Chairman, the Mississippi Valley, the cornucopia of this continent, the granary of the world, is forced to pay annually over $20,000,000 that might be saved over present transportation rates if this canal was in operation. Why our cattle and hogs instinctively know when they are eating the corn to fatten them that the railroad companies and stock-yard bosses have a transportation lien on their carcasses for at least five-eighths their value; and these railroad companies, influenced by a refined sense of unqualified greed, make their strength most potential, "Dennis Kearney" like, by pooling their issues and earnings. This pooling system is the ligature that binds them together like the Siamese twins, and being corporations, have no souls to damn or consciences to quicken. These statements may be questioned; if so, go with me, and let us briefly examine the pages of history, which will show that these statements are the truth, and lamentably so.

Did not Jay Gould, the tycoon of railroad magnates, shamelessly and with bold effrontery volunteer the statement, under oath, to the committee appointed by the Legislature of New York to investigate the conduct of railroad management, that as manager of the Erie road he had used money to buy up the Legislatures of four States; that in a Democratic district he was a Democrat, in a Republican district a Republican, in a feather-head district a feather-head, in a half-breed district a half-breed, in a sore-head district a sore-head, but in all an Erie man; that large sums of money were paid to influence elections and guide legislation, and when pressed for detail—his memory was as elastic as the account—he finally confessed that instances were so numerous where money was used that it would be as impossible to enumerate them as it would be to recall to mind the number of freight cars that passed over the Erie road from day to day? Why, these railroad kings estimate their wealth in bulk and only count by millions, and so rapidly have they acquired wealth, that the tale of Aladdin and his wonderful lamp in comparison, has lost its gloss of fiction. It is well known that within the last twenty years Huntington, Hopkins & Co. were only known to the people of San Francisco as small shopkeepers. By a recent legal investigation Mr. Leland Stanford's wealth is estimated at $34,000,000; Mr. Charles Crocker's about the same amount; Mr. Hopkins's at $25,000,000; while Mr. Huntington's wealth is estimated at more than either of the others, making an aggregate of over $100,000,000 piled up by these gentlemen in twenty years out of the profits of the Central Pacific Railroad Company, and in the name of the company wrung from

the laborer, who by honest industry and patient toil obtained it either from the surface or out of the earth.

The late Commodore Vanderbilt commenced railroading some twenty-five years ago, and his wealth at that time was estimated not to exceed $10,000,000. When he died his estate was estimated at $80,000,000, and his son William will invoice to-day at $200,000,000, to say nothing of the lamentations of his prophet-son, Jeremiah.

When Jay Gould obtained the management of the Erie road in 1873 his wealth was estimated not to exceed $5,000,000; to-day the good Lord only knows how much he is worth, for it would puzzle the arithmetic of memory to compute it. Will it be claimed that such Crœsus-like wealth as this can be acquired in so short a time fairly and honestly? These men, like the lilies of the field, "toil not, neither do they spin; and yet I say unto you that Solomon in all his glory was not arrayed like one of these."

And yet, gentlemen, the high rates charged, with the pooling system as a tender to make it more binding and certain, are not so ruinous to commerce and agriculture as the discrimination in rates. The former is a slow consumption, that quietly but surely surrounds the lungs of commerce and the products of the farm and steadily feeds while there is life; but the latter is an epidemic, that baffles the skill of experience, and no known remedy can arrest its deadly progress. In support of this statement, allow me to say that an investigation armed with authority brought to the surface the astonishing and appalling fact that certain oil-men, whose refinery is on Long Island, got rebate from railroad companies in eighteen months to the amount of over $5,000,000; per consequence, seventy-nine houses engaged in the same business were broken up. Why, a single flour-mill in that city or town can stop the wheels of all the rest if it can obtain a rebate of tariff and thereby get lower rates of transportation than its competitors. A dozen coal mines are located in a certain neighborhood, all finding sale for their coal in the same market; if one is favored by a rebate it grows sleek, gets fat, declares dividends regularly, while the others, with all their coal, capital, machinery, and fixtures, are remitted to the blue mold of time, only to be cursed by the rust of age.

Yes, Mr. Chairman, the American people have witnessed this state of things for years, and have grown dazed, looking with alarm upon the effect of the power wielded by railroad companies in all departments of life, social, political, and financial. This alarm thus created by the many wrongs perpetrated has invoked the power of the people and caused their Representatives to come to the rescue by legislative action and legal control. Some little good has been done in that direction, but still the pall of oppression, like the miasma that rises from the marshes and sour swamps of the lowlands, fills the atmosphere of commerce with sickness and death, until to-day sober men are asking, with enthusiastic earnestness, "Will this state of things always continue?" I answer, "No; not always."

The American people (right by instinct) have tried kind words by assisting in the construction of railroads with liberal donations and more liberal subsidies, upon the theory that competition would furnish the remedy. Alas, how have they been disappointed! By natural law the sturgeon swallows the minnow and the whale swallows both; so it has been seen in the construction of railroads as competing lines, to the end that freight would be carried for a fair, just, and remunerative price—the competing lines have been swallowed up, and to-day form the arc that makes the railroad circles most complete. Turf was thrown by legislative action, and a partial attempt was made to regulate railroad rates by law, but the demagogue was found in the place of the statesman and the bribe-taker was most unanimous in loud declamations, specious arguments, and dislocated excuses. So you see kind words and turf are of no avail, and hence it is the American people North and South, East and West, producer and consumer, have risen up like one man, determined to furnish a remedy for the evil, and if necessary throw stones, by the improvement of our natural water ways and the construction of artificial ones. For it is cheap transportation or not cheap transportation that is the question.

Is there any question presented to this Congress and now seriously agitated by the public of so mueh importance as guarding the great agricultural interests with jealous care? For it has been a great factor in the commercial prosperity of this nation, and if we act wisely it will continue; but if we act unwisely and fail to do our duty by increasing our facilities and cheapening the cost of carriage, we will find that our producing rivals, Russia, Australia, and India, will supply the Liverpool market. That market receiving its supply from that quarter, our surplus will be a burden; and, believe me, this is no dream of fancy, for a casual investigation will show the situation and danger. You will all admit that it is a maxim in commercial law that man will buy where he can buy the cheapest and sell where he can sell the dearest. In 1880 our export of wheat was, say, 100,000,000 bushels; of corn, say, 100,000,000 bushels. The former was worth, say, $100,000,000, and the latter $50,000,000, making a total of $150,000,000. Our wheat and corn producers received that sum for that portion of their surplus product sold in a foreign market in that year, and hence we can conclude logically and mathematically that by reason of that foreign demand our people enjoyed $150,000,000 more than they would have enjoyed if no foreign demand or market existed. And the question is general to-day, will it always exist?

I answer it will not, unless we see to it that our carrying charges are lessened; for investigation tells us that India alone as a competitor in the Liverpool market sent her first trial cargo less than twelve years ago, and in 1875 she exported 1,500,000 bushels of wheat, and kept on increasing year by year until in 1881–'82 she shipped over 37,000,000 bushels of wheat. I have not the data for the year 1882–'83, but we can readily infer it must be largely in excess of 1882, when we call to mind the fact that for that year there was shipped from Bombay and Culcutta an excess over former years of 9,800,000 bushels, being an excess of 50 per cent. over 1881. If this local increase is fair for the balance of India, her exports of wheat for 1883 would be 74,000,000 bushels, three-fourths as much as the United States exported in 1880.

Hence is not this conclusive, that this rival competition is real, substantial, and permanant? And I am so impressed with its importance I feel confident you will respect my judgment when your attention is called to a communication upon this question addressed to the Legislature of New York by that distinguished statesman ex-Governor Seymour, who, with that natural sagacity, acquired wisdom, and refined intelligence that have marked and characterized his judgment through life, deemed it important to make the following statement. He said:

A false and mischievous idea has grown up in our country that Europe depends upon us for food. This is not true. They can get all they want from many parts of the world—from India, Australia, and South America. In South America vast herds of cattle are killed merely for their hides. Great Britain, which buys more of our provisions than any other country, is building railroads and water communication to cheapen transportation, and is sending farming tools into that region to improve its agriculture.

This policy has been followed by a great increase in its production of grain. Within a few years the export of wheat from India has grown up to many millions of bushels. The governments of Europe are trying to lessen our exports, as they give us such heavy balances against them. For this reason Germany and France shut out our pork, and other governments show great uneasiness, as we disturb their relationship to their people. Our only course is to undersell other countries. As labor is higher here than elewhere, we must depend upon smaller charges for carrying. That region is fast becoming one of our strong competitors. We only sell to Europe because we have cheaper modes of sending our products to their market. We have been able to do this because we have cut down the cost of carrying. Our exports go up as carrying rates are cut down. Railroads have always followed lower rates upon water routes; but the last are the cheapest, as is shown by the table of rates in the Report on Commerce and Navigation of the General Government.

Our agricultural interests are the most important of all. When water routes are closed by winter, railroad rates go up; when opened in the spring, rail rates go down. I have no interest in this subject besides my interest in all things that concern the honor and welfare of the State. We are to have a hard struggle to keep our lead as a food-supplying country, and we must give up the delusion that Europe depends upon us for food. It will only buy of us if we can deliver it to them at the lowest cost. The delusion that the Old World depends upon us for food stimulates extravagance in Congress and corruption in Legislatures. If we fail to uphold our water routes as protection against unjust and unwise charges for transportation we shall suffer in the future.

Yes, Mr. Chairman, the statement of that distinguished statesman has proved prophetic, for many of us in the West know to our sorrow that a large portion of our wheat crop of 1883 is to-day stored in warehouses, elevators, and granaries; that March wheat for May delivery sold in Chicago for a lower price than it has for twenty years—and why? Because it was not wanted in Liverpool, and not wanted because wheat raised in India could be purchased cheaper.

It is estimated that the United States can produce to-day enough to supply 100,000,000 of people, while our consumption is but 50,000,000; hence we have a surplus of 50 per cent. What is to be done with this surplus if it cannot compete with foreign markets? Must it not rot in the store-house? Ten years ago the farmer of the West only inquired for quotations in his own State or neighboring State, Chicago, or New York at farthest; but to-day he must keep posted upon quotations in Liverpool and Bombay, for a decline in either of these places means a corresponding decline on wheat at home.

Although canals have not engaged that attention and respect that they merit, I am pleased to say the present indications are in the line of a large extension of inland water carriage by means of canals, and the reason is that investigation shows that canal carriage is one-half cheaper and one-half quicker than railroad transit. This statement may seem absurd on its face, but a recital of facts will prove its correctness. John Smith, a wheat merchant residing in the city of Rock Island, Ill., the point where it is contemplated this canal will enter the Mississippi River, has in store for shipment 60,000 bushels of wheat, weighing three hundred tons. The market is Chicago, one hundred and eighty-four miles eastward. He can ship by rail or by water if this canal is built. If by rail, the present way, it will require one hundred and fifty freight-cars, holding 24,000 pounds, or 400 bushels, to the car, and require five trains of thirty cars to the train to transport it; it will take two days to make the trip and ten days to make five trips; the necessary number.

If this canal were built he could load all this grain into one boat at half the expense required to load the cars, and could make the trip in five days—two and one-half going over and two and one-half returning—and the rate of charges would be one-half less than is now charged. But you may say, "While you have demonstrated it can be shipped in one-half the time you have not shown it could be carried for one-half the price." True, I have not, but I will. By referring to page

233 of the report of the Senate Committee on Transportation to the Seaboard you will find the following statement made by Senator Windom as chairman of said committee. A more marked exhibition of the effect of water competition in reducing freight charges is also given by Mr. Utley. I quote:

The freight charged by the Chicago, Rock Island and Pacific Railroad Company is 8 cents per hundred pounds from Henry to Chicago, between which points there is water competition, while the rate from Tiskilwa, only twelve miles farther west than Henry and beyond the effect of canal competition, is 15 cents per hundred pounds, or nearly as much for twelve miles as for one hundred miles.

And it is proper to state that both these points are on the proposed canal—Tiskilwa west of Hennepin and Henry east of Hennepin. But one further illustration, and what I now utter is from personal knowledge, having learned it out of selfish and personal interest. I am interested in the manufacture of oatmeal in Davenport, Iowa, and our mill has the grinding power of fifteen hundred bushels of oats daily. I will agree to contract to the extent of 45,000 barrels of meal annually and deliver the same at our mill in Davenport to any responsible party upon the payment of 25 cents net profit per barrel, which sum is to be added to actual cost of producing. I mean only cost of labor and material. And 25 cents net profit will pay us a handsome dividend on our capital. Now what are the facts in our trade? We ship largely to New York, Chicago, Saint Louis, and Saint Paul. When the lakes and the Mississippi River are open we enjoy water transportation. We can obtain railroad rates 25 cents per barrel less to these points than when the lakes and river are closed. So you see that if we were deprived of water transportation or its competing benefits we would have to close up our mill, to the injury of the producer, consumer, and capital. What is true of oatmeal is true of every other kind of freight. The effect of the construction of this canal in reducing the cost of transportation from the Mississippi River and the territory west of that river may be seen by the actual results of transport on that part of this canal already constructed from Chicago to La Salle, for it is a competitor in transportation with the Chicago, Rock Island and Pacific Railroad from La Salle to Chicago, a distance of one hundred miles.

The following comparative statement shows the cost of transporting one bushel of wheat one hundred miles:

	Cents.
By Chicago, Rock Island and Pacific, from La Salle to Chicago	8
By Chicago, Burlington and Quincy	14
By Chicago and Northwestern	18
By Chicago and Alton	12
By Illinois Central	16

Hence it will be seen that the Chicago, Rock Island and Pacific, when it competes with our canal, only charges 53 per cent. of the average charges for the same distance by the other roads. Is any more argument necessary to support the proposition that if this canal is constructed the people of the Northwest can save 50 per cent. over present rates of transportation, and 50 per cent. saved would amount to over $10,000,000 upon the surplus agricultural products of the Northwest annually, to say nothing of the 50 per cent. that would be saved to the Eastern people by return freight of their products which find a market in the West?

Yes, Mr. Chairman, I can demostrate and show with mathematical certainty that what is true of Eastern shipments is equally true of Western. I will illustrate by taking the anthracite coal of Pennsylvania, which is used in large quantities in the Northwest since the introduction of base-burner stoves. This coal is brought by water from Pennsylvania and laid down in Chicago for 60 cents per ton, a distance of over one thousand miles; it costs $2 per ton to transport this coal one hundred and eighty miles to the Mississippi River. I am confident that if this water way was extended to the Mississippi River that coal would be carried from Chicago to the river or any point north or south on said river for 50 cents per ton, and the saving over present cost would be $1.50 per ton; and I am firm in the opinion that the present consumption in that region is over 1,000,000 tons annually, which would be increased double, thereby saving to the people $3,000,000 annually upon coal alone. What is true of coal is equally true to a certain extent of all other kinds of freight—salt, oil, iron, stone, marble, lumber, and all the various things they enter into. Hence, in the light of the foregoing, will any member on this floor contend for a moment that this improvement is not worthy, meritorious, and necessary?

Mr. Chairman, having thus far tried in my feeble way to show that this improvement is worthy and meritorious, I will now briefly show the nature and character of its indorsers, which are as follows:

In the year 1845, at a convention held in the city of Memphis, presided over by that honorable and distinguished strict constructionist of South Carolina, Hon. John C. Calhoun, there were present five hundred and eighty-three representatives from the following States: Pennsylvania, Louisiana, North and South Carolina, Virginia, Florida, Alabama, Mississippi, Texas, Arkansas, Kentucky, Missouri, Illinois, Indiana, Ohio, and Iowa, and the following resolution passed said convention and received the universal indorsement of that body of representatives:

Resolved, That the project of connecting the Mississippi River with the lakes of the North by a ship-canal, and thus with the Atlantic Ocean, is a measure worthy of the enlightened consideration of Congress.

It may be said your improvement is not a ship-canal. I answer, you must creep before you walk, and manhood springs from childhood. In 1866, at the instance of several public meetings held in Illinois, Colonel Hudnutt made a preliminary survey of this water way. He estimated the cost at a little over $4,500,000, and in his report he stated this canal would be the cheapest ever constructed in the United States. In 1870 a very careful survey was made of this canal by Gorham P. Low, civil engineer, under the direction of the War Department. His estimate was for a ship-canal, one hundred and sixty feet at the surface and one hundred and thirty-two feet at bottom, seven feet deep, with a tonnage capacity of 2,000 tons, or 666,666 bushels of wheat. He states in said report that the supply of water on the summit level would be sufficient for sixty-seven passages eastward daily, carrying 134,000 tons of freight, or 4,466,666 bushels of wheat, and this would allow an annual capacity for the transport of grain eastward of 1,071,999,840 bushels in two hundred and forty days, or eleven times the largest amount ever received in Chicago in one year up to that time. His estimate of cost at that time was $12,479,690.

In 1872 the President of the United States, realizing the importance of cheaper rates in transportation, in the discharge of his public duty called the attention of the Forty-second Congress to the fact of its importance, and suggested the selection of a committee, with power to act and report. In compliance with the President's wish the Senate selected a committee out of its number, composed of seven Senators, who in their report, which will be found on page 229 of said report, gave this enterprise an indorsement, and clearly showed that it ought to be constructed by the General Government. Indeed, I must say in frank candor, for it is due that I should, that the largest part of my present information, which I am trying to impart to you in the confident hope it will aid our enterprise, I obtained from said report. The State Legislatures of Illinois and Iowa for ten years past have sent memorials to Congress praying for assistance and urging immediate action.

In May, 1881, a convention was called in its interest, which was held in Davenport, Iowa. Said convention was composed of four hundred and twenty-six delegates, representing nine States, twenty-two boards of trade, eight farmer alliances, and sixty-six cities or towns, being composed of governors of States, members of both Houses of Congress, and gentlemen of national repute. The distinguished and humorous Representative from the State of Michigan [Mr. HORR] presided over said convention, and General HENDERSON, the Representative from Illinois, who has taken more interest and accomplished more good for this enterprise, both in and out of Congress, than any single individual, was the chairman of the committee on resolutions, which resolutions not only indorsed this improvement, but earnestly asked Congress to provide for its construction.

As soon as the Forty-seventh Congress had met and organized General HENDERSON, with a desire which has always marked his public acts to faithfully represent his people, introduced a bill which provided for the construction of this water communication by the Government, which bill was referred to the Committee on Railways and Canals. That committee, in the discharge of their duties, and feeling confident that this water connection was worthy and should be built by the General Government, made a favorable report, which report, per force of rule, was placed upon the Calendar, and there it slept, "not the sleep of death, that knows no waking," but a quiet, innocent rule sleep that all old members of Congress are familiar with. The friends of the measure, feeling confident that inaction and no practical result would not please the people, had an appropriation put on the river and harbor bill while it was being considered by the Committee on Commerce in the Senate, which committee in its report recommended that the sum of $300,000 be appropriated to commence the work upon this canal, and while being discussed in the Senate it was thought that inasmuch as the estimates and surveys made up to that time did not furnish complete data it would be the part of wisdom to only make an appropriation for a complete survey and correct estimate, to the end that Congress might act with all the light before it. As this proposition was reasonable the friends of the bill consented, and the Senate made an appropriation of $30,000 for a survey, which action was concurred in by the House, and by this act the Forty-seventh Congress did itself honor in making the first and necessary appropriation to commence this work.

This act passed August 2, 1882. On the 11th of the same month Maj. W. H. H. Benyaurd, of the engineers, was instructed by General Wright to make said survey, with estimates, and report the same as by law required. I have before me a copy of the report made, and I am firm in the belief if every member of Congress upon this floor had the time and would take the trouble to read said report they would be convinced of the importance of this improvement and be only too glad to aid in its construction by voting for an appropriation to commence the work.

Yes, Mr. Chairman, this official report tells us that the distance from Hennepin, the present terminus of the water communication with the lakes at Chicago, to Rock Island, on the Mississippi, is a distance of seventy-four and five-tenths miles, with a feeder of thirty-seven miles from the city of Dixon, Ill., to the summit point on the main line. The

canal and feeder is to be eighty feet wide on the water surface and seven feet deep, which will give both a capacity of three hundred tons burden.

It is estimated that the cost of construction, including feeders and right of way, will be $6,672,800, the construction of which canal will connect the waters of the Mississippi River with the lakes and ocean and thereby furnish a true and correct rival water way for the benefit of the East as well as the West. Is it strange, then, that Iowa and Illinois, with 5,000,000 of people, through their representatives in their Legislatures, have repeatedly memorialized Congress to construct this water way, when they know that the saving on freight rates upon the shipment of one crop will build two such canals? Can it be wondered that their Representatives in Congress are persistent and earnest in their efforts to secure its construction by Government action, when their attention is called to the fact that Iowa and Illinois alone furnish nearly one-third of the internal-revenue collected? It may be said in this connection that while it is true Iowa and Illinois pay annually over $30,000,000 into the public Treasury, they do not drink all the whisky and beer they make. We will admit that, but we do produce the corn and barley from which it is made, and without it it could not be made.

And, Mr. Chairman, I make the statement without fear of successful contradiction that this water way has received a greater indorsement than any other improvement provided for in the river and harbor bill, the Mississippi River alone being the single exception. While they all have merit and should receive favorable action, this one comes to us with a general indorsement because it is, like the Mississippi River improvement, national in its character and universal in its benefits. The construction of this canal by the Government has been asked for by all the people of Iowa and Illinois through their Legislatures, which action is indorsed by all their Representatives upon this floor; by the Saint Paul, La Crosse, Duluth, Dubuque, Davenport, Rock Island, and Chicago Boards of Trade in the Northwest; of Buffalo, Syracuse, and New York city, in the East; in the city of New York particularly, not only the Board of Trade and Transportation, but the Produce Exchange, the largest and most conservative body of intelligent business men on this continent. They number about 3,000, and never take action without wise deliberation, by reference to proper committees and then act upon their reports; and be it said to their manly credit and wisdom they gave it an indorsement and frankly confessed it was the first time in their existence they have ever recommended the General Government to aid or construct internal improvements or advised their Senators and Representatives to vote for appropriations for the same; and as I value their judgment in the light of the premises as the very essence of refined wisdom, I will be pardoned if I trespass upon time and patience in reading the report of the committee, which was unanimously adopted:

Committee's report and the resolutions of the New York Produce Exchange, adopted by full meeting of the exchange December 20, 1881.

THE UNITED STATES GOVERNMENT SHOULD UNDERTAKE TO BUILD THE HENNEPIN CANAL.

At a meeting of the board of managers of the New York Produce Exchange, held December 20, 1881, the following report of the committee on trade was submitted, and the recommendations contained therein were unanimously adopted.

F. H. PARKER, *President.*
PAUL BABCOCK, JR., *Secretary.*

Your committee on trade, to whom has been referred the question of application to Congress for the building of the Hennepin Canal by the United States, have given to this subject the attention demanded by its important bearing on the internal commerce of the country, and respectfully report as follows:

In the opinion of your committee there can be little if any question that the proposed opening of a water way from the Mississippi River to the Illinois and Michigan Canal and the great lakes promises highly advantageous results not only to the Northwestern States, but to the whole Northern country east of the Mississippi River. Besides furnishing new means of transport to the Atlantic seaboard of the produce of Iowa, Minnesota, Nebraska, and other grain-producing States, such a canal would also act as a welcome regulator of railroad freights in the Northwest.

There can be little question, also, that neither private enterprise nor the State of Illinois, within whose territory the canal will be situate, nor any other State directly benefited, nor all these combined, will or can undertake an enterprise which is sure to meet the determined opposition of the railroad interest.

The question before us, therefore, simply is: Shall the United States build and maintain this canal, and can this exchange, in view of the well-grounded opposition to the policy of internal improvements in general, consistently recommend such action on the part of the General Government?

After mature consideration your committee have come to the conclusion that this question should receive an affirmative answer from your board, and for the following reasons:

The ground on which the Hennepin Canal is to be built has been repeatedly surveyed with a view to that improvement by the United States Government and by other competent parties; the practicability of the project has been established and the cost has been reliably ascertained; the scheme therefore can not be classed with a large number of internal improvements annually brought before Congress, which are indefinite in their scope and in the results expected and of uncertain cost.

The Hennepin Canal further differs from many of those proposed improvements in so far as it is sure to benefit a very large section of country, our own State included. The General Government further seems to be committed to an extensive improvement of the Mississippi River, of which the Hennepin Canal may justly be considered part and parcel, and the fact that its construction would be to the benefit of the Northern States east of the Rocky Mountains only strengthens its claims on the whole country, which for a long time to come is, according to the policy already adopted, to be taxed for the improvement of the Mississippi River in its southerly course.

Your committee therefore feel justified in recommending to your board the adoption of the following preamble and resolutions:

Whereas the completion of a water way from the Mississippi River to Lake Michigan by the construction of the Hennepin Canal promises to realize advantages of national importance; and

Whereas there are insuperable obstacles in the way of having such improvement carried out by private enterprise or by the State immediately benefited; and

Whereas the building of the Hennepin Canal may justly be regarded as part of the improvement of the Mississippi River: Therefore,

Resolved, That in the opinion of the New York Produce Exchange the United States Government should undertake to build the Hennepin Canal and to maintain the same free for all time to come.

And further resolved, That our Senators and Representatives be requested to join the Representatives of other States in providing the necessary legislation for carrying out this plan.

L. F. HOLMAN, *Chairman.*
WALTER CARR,
JOHN SINCLAIR,
SAML. S. CARLL,
GUSTAV SCHWAB.

NEW YORK, *December* 19, 1881.

Yes, Mr. Chairman, it is a part of the history of this improvement that the largest and most creditable convention ever held on this continent in the interest of water transportation, to the end that cheaper rates in freight might be enjoyed, convened at Saint Louis in October, 1881. That assembly was composed of over six hundred delegates, representing twenty-one States of this Union. They were three days in session, and it must be said in their honor that this water communication connecting the Father of Waters, the Mississippi River, by the lakes, with mother ocean was an improvement needed and devoutly to be wished, because they were shown and convinced of the fact that this union and marriage would multiply and replenish the commerce of this country tenfold.

This water route, by reason of its worth, received another indorsement, and to my mind a very potential one. The National Board of Trade, the kings of commerce, held their annual meeting in this city on January 24, of the present year. The friends of this improvement having given sixty days' notice, as by rule required, before they assembled, that it would be brought to their attention, and after deliberate consideration they would be asked to recommend Congressional action by an appropriation; and after debate a resolution was adopted urging the construction of this water way, and this Congress was memorialized to provide the necessary appropriation for the same. And right here I will add that the echo produced by the reading of said resolution had not died out before it was taken up and increased by the sounds coming from the action of the Mississippi River improvement convention, held in this city a few days thereafter, who not only commended but recommended this water route, and in their memorial urged this Congress to vital action. The nature, character, and importance of that assembly are so well known to members on this floor I will not occupy time in going into details.

Mr. Chairman, before concluding my remarks in my feeble effort to convince this House and every member, no matter how skeptical, that when I made the statement that no improvement contained in that river and harbor bill had received such indorsement as this one has, the Mississippi River excepted, I spoke advisedly and from the record; and now, to cap the climax, his excellency our worthy President saw proper in the discharge of his numerous public duties to call the attention of this Congress by special message to the public importance of this water communication, and therein recommended its consideration. Could anything more be done? Is anything more necessary? We have the means and all we need is the will. Will that will be substantial, practical, and real, or will we shut our eyes to the painful truth that notwithstanding this improvement is needed, and all the people North and South, East and West, rich and poor, have asked for its construction and insisted upon action, will we postpone action and build this water way in the manner a jail was once built in the State of Arkansas, which was as follows: It seems that the board of county commissioners met and first resolved that public necessity required the building of a new jail. They then passed the following resolution: "*Resolved*, That we will build the new jail out of the old one;" and then wound up by resolving "that we will use the old jail until the new one is built."

Mr. Chairman, I fear I have committed waste upon your patience, and my only apology is my zeal and earnestness. I have long since been impressed with the importance of this canal project; that impression has grown into a conviction; and in conclusion I thank you most sincerely for your indulgence, and beg of members on this floor to vote for this as well as all other appropriations reported in the river and harbor bill, for our Government in the past has shown a genius for improvement aided by many practical ideas, an indomitable industry that has electrified the world. Will she now sit idly by and allow natural commerce, that by right of legitimacy belongs to her, to be lost by inaction? If she does, that monument of honor and glory which proudly stands in this city, and was erected by the hand of progress, will crumble into dust and return to mother earth that bore it.

[Great applause].

During the delivery of Mr. MURPHY'S remarks the following occurred:

The CHAIRMAN. The time controlled by the gentleman from Iowa [Mr. MURPHY] has expired.

Mr. WILLIS. I ask unanimous consent that the time of the gentleman from Iowa be extended for fifteen minutes.

The CHAIRMAN. The time for general debate having been limited by the House, unanimous consent can not be asked in committee for its extension.

Mr. SPRINGER. Who is entitled to the floor after the gentleman from Iowa [Mr. MURPHY]?

The CHAIRMAN. Of the time allowed for general debate five minutes remain controlled by the gentleman from Wisconsin [Mr. JONES].

Mr. MURPHY. I have still some remarks I desire to submit on the practical part of my subject. I should like to have ten or fifteen minutes more.

Mr. SPRINGER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WILLIS. I ask unanimous consent that when the House shall again resolve itself into Committee of the Whole House on the state of the Union for the consideration of the river and harbor bill the time fixed by the House for general debate be extended fifteen minutes.

There was no objection, and it was so ordered.

Mr. WILLIS. I now move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House in Committee of the Whole resumes the consideration of the river and harbor bill. The time allowed for general debate has been extended by order of the House fifteen minutes.

Mr. MURPHY then resumed and concluded his remarks. At the conclusion of his remarks he yielded the remander of his time to Mr. HOBLITZELL.

Mr. HOBLITZELL addressed the committee. [See Appendix.]

The CHAIRMAN. The gentleman from Wisconsin [Mr. JONES] has five minutes of his time remaining.

Mr. JONES, of Wisconsin. I yield that time to the gentleman from Kentucky [Mr. TURNER].

Mr. TURNER, of Kentucky. I do not rise for the purpose of opposing the meritorious provisions in this bill. I am as much in favor of improving the national water ways and navigable rivers of the country as any gentleman on this floor. I have during the discussion of every river and harbor bill since I have been a member of this House said that it was economy to cheapen and improve water navigation of a national character for the benefit of commerce, and especially to enable the farmers to get their produce to market cheaply. Cheap water navigation on our navigable rivers will do more to prevent the railroad extortions than anything else, and I have always advocated those views.

But, sir, I rise with the view of inviting the attention of the committee and the House to the section of the bill with regard to the Hennepin Canal. I do not believe that that section or project ought to encumber this bill, and at the proper time I think it ought to be stricken out by the committee. I shall make that motion if no one else does. I shall do so for this reason and others: Under the rules of this House the jurisdiction of all of the committees are regulated and clearly defined. By reference to the Rules, page 190, the Chair will observe that the jurisdiction of the Committee on Rivers and Harbors is simply applicable to the improvement of rivers and to the improvement of harbors—the natural water ways—nothing else. They have nothing in the world to do with the construction of canals, with keeping them up, or with the improving of canals.

This House in its wisdom has created a different committee—the Committee on Railways and Canals; and to that committee, in subdivision 17, on the same page, is given jurisdiction over all railways and canals. The bill for constructing this canal when it was introduced into this House was properly referred under the rules to the Committee on Railways and Canals. It went before that committee for investigation. It was their function and right to mature the bill, and when the bill was matured it ought to have come into this House accompanied by a report, and gone upon the Calendar and taken its proper position there; and then, sir, when it came up for discussion and consideration, if possessed of the great merits which my friend from Iowa [Mr. MURPHY] has just so ably described to this House, if it was a proper bill, if it was meritorious, if it was national in its character so far as the benefits to be conferred were concerned, the bill undoubtedly would pass this House in its proper order and on its own merits.

But, sir, the friends of this measure show by the course they have pursued that they fear the result of allowing it to stand upon its own merits. How it has gotten into this river and harbor bill I do not know. It is here for consideration in this bill in violation of the rules of the House, as I have just shown, and the only way we can get rid of it is to strike it out when we reach that part of the bill, and let it take its place and proper course when reported from the Committee on Railway and Canals.

Why, sir, if this measure was meritorious its friends would not try to put it in this bill. There can be but one object in putting it into this bill, and that is to pass it on the strength of the many proper items in this river and harbor bill.

It is wrong to encumber the proper appropriations for the improvements demanded by the country and commerce by this project involving an expenditure of perhaps thirty or forty millions. I have heard it variously estimated from twelve to forty millions of dollars. What the amount will be, God only knows. What I contend for, however, is that this measure should be taken up and stand or fall on its own merits, and not be made to depend on the merits of over one hundred and fifty appropriations embraced in this bill. It is to that point I invite the attention of the committee, not desiring now to enter upon a discussion of the merits or demerits of the proposition, as I have not the time in five minutes; but I say it does not belong to this bill it ought not to encumber it, and should be stricken out.

[Here the hammer fell.]

The CHAIRMAN. The time allowed for general debate on this bill by order of the House has expired.

Mr. WILLIS. I move that the committee rise. The understanding was that the Committee on the District of Columbia should have sufficient time this afternoon for their business.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted on its amendments disagreed to by the House of Representatives to the bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAMDEN, Mr. BLAIR, and Mr. WILSON as conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments disagreed to by the House of Representatives to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. VEST, Mr. FRYE, and Mr. DOLPH as conferees on the part of the Senate.

The message further announced that the Senate insisted on its amendments disagreed to by the House of Representatives to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALDRICH, Mr. BLAIR, and Mr. BAYARD as conferees on the part of the Senate.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia; and

A bill (H. R. 4678) to remove the political disabilities of Henry Newman.

The message further announced that the Senate had passed without amendment the bill (H. R. 4988) to remove the disabilities of William H. Parker, of Virginia, incurred under the fourteenth amendment of the Constitution.

The message further announced that the Senate had passed a bill (S. 2095) to remove certain disabilities of John R. Cowardin, in which the concurrence of the House was requested.

ORDER FOR EVENING SESSION.

Mr. WILLIS. I move that at 5 o'clock to-day the House take a recess until 8 o'clock this evening, my object being at the evening session to proceed with the further consideration of the river and harbor appropriation bill.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] moves that the House take a recess to-day from 5 o'clock until 8 o'clock p. m.

Mr. WHITE, of Kentucky. For what purpose?

The SPEAKER. The gentleman gives notice that his object is to call up the river and harbor appropriation bill; but that is no part of the motion.

The question was taken upon the motion of Mr. WILLIS, and it was agreed to.

DEPARTMENT EXHIBIT AT NEW ORLEANS WORLD'S EXPOSITION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accom-

panying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter and its accompanying estimate submitted by the board charged with preparing a departmental exhibit for the World's Industrial and Cotton Centennial Exposition, to be held at New Orleans, beginning December 1, 1884. This board was appointed by Executive order of May 13, 1884, and is composed of representatives of the several Executive Departments, the Department of Agriculture, and the Smithsonian Institution. It is charged with the important and responsible duty of making arrangements for a complete and harmonious collection of the articles and materials deemed desirable to place on exhibition in illustration of the resources of the country, its methods of governmental administration, and its means of offense and defense.

The board submits an estimate calling for an appropriation of $588,000 to accomplish the desired end. That amount is distributed among the Departments as shown in the table. The War, Navy, and Interior Departments call for the largest share, representing as they do the national defenses by land and sea, the progress of naval architecture and ordnance, the geological survey and mineral wealth of the Territories, the treatment of the Indians and the education of the masses, all of which admit of varied and instructive exhibits. The Smithsonian Institution, having under its general care the National Museum and the Fish Commission, is prepared to make a display second in interest to none of modern days. The remaining Departments can present instructive and interesting exhibits which will attract popular attention and convey an idea of their extensively ramified duties and of the many points where they beneficially affect the life of the people as a nation and as individuals.

The exhibit of the Government at the Centennial Exhibition, held at Philadelphia in 1876, was admitted to be one of the most attractive features of that great national undertaking, and a valuable addition to it. From men of intelligence and scientific attainments, at home and abroad, it received the highest encomiums, showing the interest it awakened among those whose lives are given to the improvement of the social and material condition of the people.

The reproduction of such a display now on a more extensive plan is rendered possible by the advancement of science and invention during the eight years that have passed since the Philadelphia exhibit was collected.

The importance, purposes, and benefits of the New Orleans Exhibition are continental in their scope. Standing at the threshold of the almost unopened markets of Spanish and Portuguese America, New Orleans is a natural gateway to their trade, and the exhibition offers to the people of Mexico and Central and South America an adequate knowledge of our farming implements, metal manufactures, cotton and woolen goods, and the like necessities of existence, in respect to which those countries are either deficient or supplied to a limited extent. The breaking down of the barriers which still separate us from the republics of America whose productions so entirely complement our own will aid greatly in removing the disparity of commercial intercourse under which less than 10 per cent. of our exports go to American countries.

I trust that Congress will realize the urgency of this recommendation, and make its appropriation immediately available, so that the board may lose no time in undertaking the extensive preparations necessary to spread a more intimate knowledge of our government institutions and national resources among the people of our country and of neighboring states in a way to command the respect due it in the family of nations.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 9, 1884.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city council of Nashville, Tenn., over the Cumberland River, and for other purposes;

A bill (S. 312) to authorize the construction of a bridge across the Missouri River at the city of Leavenworth, Kans.;

A bill (S. 1232) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title;

A bill (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard; and

Joint resolution (S. R. 88) providing for printing the proceedings relative to unveiling the statue of John Marshall, late Chief-Justice of the United States, and for other purposes.

MECHANICS' LIENS IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. In accordance with the understanding arrived at this morning, and in conformity to the resolution of the House assigning to-day for the consideration of business reported from the Committee on the District of Columbia, I move that the House proceed to the consideration of the bill, now on the House Calendar (H. R. 7164), to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens.

The bill was read, as follows:

Be it enacted, &c., That every building hereafter erected or repaired by the owner or his agent in the District of Columbia, and the lot or lots of ground of the owner upon which the same is being erected or repaired, shall be subject to a lien in favor of the contractor, subcontractor, material-man, journeyman, and laborer, respectively, for the payment for work or materials contracted for or furnished for or about the erection, construction, or repairing of such building; and also for any engine, machinery, or other thing placed in said building or connected therewith so as to be a fixture: *Provided*, That the person claiming the lien shall file the notice prescribed in the second section of this act: *Provided further*, That the said lien shall not exceed or be enforced for a greater sum than the amount of the original contract for the erection or repair of said building or buildings.

SEC. 2. That any person wishing to avail himself of the provisions of this act, whether his claim be due or not, shall file in the office of the clerk of the supreme court of the District of Columbia, during the construction or within three months after the completion of such building or repairs, or the placing therein or adjacent thereto of any engine, machinery, or other thing as aforesaid, a notice of his intention to hold a lien upon the property declared by this act liable to such lien for the amount due or to become due to him, specifically setting forth the amount claimed. The clerk aforesaid shall file and record such notice in a book provided for that purpose.

SEC. 3. That the lien hereby given shall be preferred to all judgments, mortgages, deeds of trust, liens, and incumbrances which attach upon the said building or the ground aforesaid subsequent to the commencement of work on said building; and all incumbrances and liens (other than those which attached thereto prior to the commencement of said building or repairs) which by the laws of this District are required to be recorded shall be postponed to said liens unless recorded prior to the commencement of said building or repairs.

SEC. 4. That when an owner of lands contracts with a builder for the sale of lots and the erection of buildings thereon, and agrees to advance moneys toward the erection of such buildings, the lien hereinbefore authorized shall have priority to all advances made after the filing of said notices of lien, and the lien shall attach to the right, title, and interest of the owner in said building and land to the extent of all advances which shall have become due after the filing of such notice of such lien, and shall also attach to and be a lien on the right, title, and interest of the person so agreeing to purchase said land at the time of the filing of said notices of lien. When a building shall be erected or repaired by a lessee or tenant for life or years, or a person having an equitable estate or interest in such building or the land on which it stands, the lien created by this act shall only extend to and cover the interest or estate of such lessee, tenant, or equitable owner.

SEC. 5. That the proceedings to enforce the lien created by this act shall be by bill in equity, which shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk as aforesaid, in case such notice is required by this act, the time when the building was completed, with a description of the premises, and any other material facts; and all persons who are interested in the premises, so far as they are known, shall be made parties complainants or defendants; and said bill shall pray that the premises may be sold and the proceeds of the sale applied to the discharge of the lien. The summons shall be served as in other cases in equity. If judgment be rendered for the complainant, the court shall decree the sale of said land and premises, and shall declare the proper distribution of the fund arising from such sale; and if upon sale the proceeds be insufficient to pay all liens under this act, they shall stand as a judgment against the party who incurred the debt, if he be made or become a party to the suit, but not otherwise; and such judgment shall bear interest, and have the same force and effect, and be enforced in the same manner as in cases of judgment at law.

SEC. 6. That in the case of labor done or materials furnished for the erection or repair of two or more buildings joined together and owned by the same person or persons, it shall not be necessary to determine the amount of work done or materials furnished for each particular building, but only the aggregate amount upon all the buildings so joined; and the decree of the court shall pass against all the buildings, and the land on which they are erected, as one building; but they may be sold separately if the court so decree. If a joint claim be filed, and the proof shows a separate right of action, it shall not defeat the claim, but the court may require the pleadings to be amended, if necessary, upon such terms as it shall prescribe, and proceed to adjudicate the rights of the parties as to law and justice shall ascertain.

SEC. 7. That any person entitled to a lien under this act may commence his suit to enforce the same at any time within one year from and after filing the notice aforesaid or the completion of said building or repairs, but no final adjudication shall be had until all persons who shall become interested in the building subject to such lien under the provisions of this act shall have an opportunity to be heard in said suit, providing such interest was vested at the time said suit was brought or be acquired within four months thereafter, and such persons shall intervene in said suit within said term of three months.

SEC. 8. That all or any number of persons having liens on the same building pursuant to the provisions of this act may join in one suit, but their respective claims may be stated distinctly in separate paragraphs, and the judgment shall show the amount to which they are respectively entitled. If several suits shall be brought by different claimants and be pending at the same time the court may order them to be consolidated.

SEC. 9. That if said building be on any land lying outside the cities of Washington and Georgetown, and there is any contest as to the dimensions of the ground claimed to be subjected to the lien declared by this act, it shall be the duty of the court to issue an order to the surveyor of said District, or some other surveyor, to examine the said building, or the place at which said building is being or has been erected or repaired, and to make a report, in which he shall sufficiently designate and describe by metes and bounds, and by a draft if necessary, the limits and extent of ground; and if approved by the court such report shall be conclusive upon all parties concerned; and the land so designated in such report shall, together with said buildings, be subjected to and charged with said lien.

SEC. 10. That whenever any person having a lien by virtue of the provisions of this act shall have received satisfaction for his claim and the cost of his proceedings therein he shall, upon the request of any person interested, and upon the payment or tender of the costs of entering satisfaction, within two days after such payment or tender enter satisfaction of his demand in the office of the clerk aforesaid; and upon failure to do so he shall forfeit $50 to the party aggrieved and all damages which he may have sustained by reason of such failure or neglect.

SEC. 11. That in all proceedings under this act the defendant may file a written undertaking, with two or more sureties, to be approved by the court, to the effect that he and they will pay the judgment that may be recovered, and costs, which judgment shall be rendered against all persons so undertaking, and thereby release his property from the lien hereby created. No such undertaking shall be approved by the court until the complainants shall have had at least two days' notice of the defendant's intention to apply to the court therefor, which notice shall give the names and residences of the persons to be offered as sureties, and the time when the motion for such approval will be made; and such sureties shall make oath, if required, that they are worth, over and above all debts and liabilities, double the amount of said lien. The complainants, or any of them, may appear in open court and make their objection to such approval, or file in the office of the clerk of the court their or his objections in writing to such approval. If such undertaking be approved before the filing of the aforesaid bill in equity to enforce said lien, the said sureties shall be made parties thereto; and if after the filing of said bill said sureties, upon the approval of said undertaking, shall *ipso facto* become parties thereto; and in either case the decree of the court shall run against them as well as the principal on such undertaking.

SEC. 12. That any person or persons who shall furnish, at the request of the owner or his agent, materials to do any work on or labor in filling up any lot, or in erecting or constructing any wharf or other permanent fixtures thereon, or in dredging out the channel in front of any wharf, under contract with the owner or his agent, shall be entitled to enforce a lien therefor upon the lots or wharves.

SEC. 13. That any mechanic or artisan who shall make, alter, or repair any article of personal property, at the request of the owner, shall have a lien thereon for his just and reasonable charges for his work done and materials furnished, and he may retain the same in his possession until such charges shall be paid; and if not paid at the end of six months after the work is done, he may proceed to sell the property at public auction, by giving notice once a week for three consecutive weeks in some daily newspaper published in the District of Columbia; and the proceeds of such sale shall be applied first in the discharge of such lien and the expense of selling such property, and the remainder, if any, shall be paid over to the owner thereof.

SEC. 14. That so much and such parts of chapter 20 of the Revised Statutes relating to the District of Columbia, and all other acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed; and this act shall take effect from the date of its passage.

Mr. BARBOUR. This bill was reported from the Committee on the District of Columbia by the gentleman from Mississippi [Mr. MULDROW], to whom I yield for the purpose of explaining the bill.

Mr. MULDROW. The views of the Committee on the District of Columbia are very fully embodied in a short report accompanying the bill, which I ask the Clerk to read.

The report (by Mr. MULDROW) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4272) to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens, beg leave to report that they have carefully considered the same, and submit in lieu thereof a substitute with the recommendation that it pass.

The present law of the District of Columbia in respect to mechanics' liens is defective in many particulars. A lien is given on the building and lot of ground upon which the same is situated, to the contractor or party dealing directly with the owner or his agent; but no lien upon the same is granted to the subcontractor, journeyman, or material-man. The courts of this country have uniformly decided that to allow subcontractors, journeymen, laborers, or materialmen a lien upon the building and lot of ground upon which the same is situated they must be expressly designated in the statute; no such lien in their favor existed at common law or in equity; but their rights "are the creation of statute." (See 13 Pa., 167; 23 Cal., 144; 16 Mo., 340; 1 N. J., 474; 35 N. Y., 94; 6 Wall., 531; 30 Wis., 521.) Section 692 of the Revised Statutes relating to the District of Columbia, page 83, and which was passed 2d July, 1859, provides:

"Any person who, by virtue of any contract with the owner of any building, or with the agent of such owner, performs any labor upon or furnishes any materials, engine, or machinery for the construction or repair of such building, shall, upon filing the notice prescribed in the following section, have a lien upon such building and the lot of ground upon which the same is situated, for such labor done or materials, engine, or machinery furnished when the amount exceeds $20."

Under the authority of the decisions heretofore referred to it is plain that no lien is here created to the subcontractor, journeyman, laborer, or material-man. They are not in terms named in the section, nor can they be included by implication. It is not intended that they should be comprehended by it. (See 23 Ark., 337; same, 389; 26 Miss., 125; 10 Barb., 219.) The lien is confined to the contractor, who is the person who deals directly with the owner, or his agent, as to the construction or repair of the building.

That this is the purport of the section is evident when section 709 of the same act is considered. This section, which was passed May 6, 1870, provides:

"Any subcontractor, journeyman, or laborer employed in the construction or repair of any building, or in furnishing any material or machinery for the same, may give at any time the owner thereof notice in writing, particularly setting forth the amount of his claim, and the services rendered for which his employer is indebted to him, and that he holds the owner responsible, and the owner of the building shall be liable for the claim, but not to exceed the amount due from him to the employer at the time of notice, or subsequently, which may be recovered in an action."

No lien on the building and lot of ground is here made in favor of the subcontractor, journeyman, laborer, or material-man, but they are merely allowed the right of holding the owner responsible for the amount which may be in his possession to the credit of the contractor at the time notice is served upon him and subsequently. (See 65 N. Y., 282.)

In this city, where building operations are in proportion to population carried on in a larger scale than in any city in the country, it has been found that the lien law as at present existing is destitute in affording the protection that the subcontractor, journeyman, laborer, and material-man have a right to reasonably expect and require.

As the law now stands, if nothing can be recovered from the owner, the subcontractor, journeyman, laborer, and material-man has nothing left to him but to sue the contractor, who in many instances is found to be without financial standing, and from whom nothing can be recovered.

The substitute reported, in the opinion of the committee, corrects these radical defects in the present law and places, as they should be, the subcontractor, journeyman, laborer, and material-man upon the same footing as the contractor or persons having their transactions with the owner of the building, providing, however, "that the said lien shall not exceed or be enforced for a greater sum than the amount of the original contract for the erection or repair of said building or buildings."

If a lien upon the building and lot of ground upon which the same is situated is granted to the contractor, who in consequence of his immediate operations with the owner has ample opportunity of protecting himself, certainly the safeguards of such a lien should be extended to the subcontractor, journeyman, laborer, and material-man, who are in many instances never brought into contact with the owner and have to rely for the money justly due them upon the honesty and good faith of the contractor.

The reasons why the lien should be enlarged especially apply to materialmen. Their property enters into the edifice and contributes, with the labor of the mechanic, to its increased value. Without the materials for construction there would be no opportunity for the expenditure of labor. Every building consists of these materials wrought upon and placed in definite structural positions, and without them there could be no building.

The lien laws of almost all the States embody the ideas presented by the substitute, and it does not seem to the committee that there can be any objection to its prompt passage by the House.

Mr. MULDROW. I ask consent for two amendments to this bill, to perfect it in two unimportant particulars.

The SPEAKER. It does not require unanimous consent; the bill is now open to amendment.

Mr. MULDROW. Then I move to amend section 6, line 14, by striking out the word "ascertain" and inserting in lieu thereof the word "appertain;" so that it will read, "proceed to adjudicate the rights of the parties as to law and justice shall appertain."

The amendment was agreed to.

Mr. MULDROW. I also move, in section 7, line 9, to strike out the word "four" and insert the word "three;" so that it will read, "providing such interest was vested at the time said suit was brought or be acquired within three months thereafter."

The amendment was agreed to.

Mr. MULDROW. I will add only this to what is stated in the report accompanying this bill: The bill has been very fully considered by the Committee on the District of Columbia, and it is the unanimous opinion of that committee that it is needed in this District for the purpose of protecting the rights of laborers, journeymen, and persons supplying material. Unless some opposition is offered, I move the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. MULDROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BARBOUR. There is a bill which the Committee on the District of Columbia desires to have considered at this time. It will not take up much time. It is on the Private Calendar, and I therefore move that the House now resolve itself into Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. DORSHEIMER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills on the Private Calendar which have been reported from the Committee on the District of Columbia.

OUTERBRIDGE HORSEY.

Mr. BARBOUR. I call up for consideration the bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of and providing for the payment of Outerbridge Horsey, assignee.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized to examine the claims of Outerbridge Horsey, assignee of T. B. Winter, for medicines furnished the poor of the sixth council district in said District, and ascertain forthwith what, if any, sum be due and unpaid thereon; and that thereupon the Secretary of the Treasury be, and he is hereby, empowered and directed to pay the sum found to be due to Outerbridge Horsey, out of any moneys in the Treasury otherwise unappropriated; and the sum of $161.25, or so much thereof as may be required, is hereby appropriated for the payment of said claim out of money in the Treasury otherwise unappropriated.

Mr. BARBOUR. My colleague on the committee, the gentleman from Maryland [Mr. MCCOMAS], will explain the provisions of this bill.

Mr. MCCOMAS. Mr. Chairman, this is an exceedingly simple case. A man named Winter, a druggist, furnished medicines to this District for the use of the poor. His claim for the value of such medicines was allowed and approved. He assigned the claim for value to Bryan Brothers, who conveyed all their interest in the claim to Mr. Outerbridge Horsey, a very excellent citizen of my State. He applied for payment of the claim. It was audited, but because of a deficiency in the appropriation applicable to claims of this kind, the whole amount admitted to be due was not audited, but only so much as could be paid from the balance of the funds in hand.

Thus it happens that of a small sum of $311.90 admitted to be due only $150.65, the amount then on hand, was audited and paid. From that day to this the balance has not been paid. Mr. Horsey has several times applied for payment. He has always been told by the District authorities, "The amount is due to you, but you must go to Congress and obtain an appropriation before this sum for medicines furnished to the District can be paid to you." No human being has ever denied that this money is due. Every one concerned in the matter has admitted again and again that the claim should be paid. Finally, after all these years, Mr. Horsey has come to Congress and asked the payment of this balance long due.

I will send to the Clerk the favorable report made on this bill by the gentleman from Wisconsin [Mr. GUENTHER]. I will ask the Clerk to read from this report the letter of the present auditor of the District of Columbia. I will only state that this is about the third letter of the same kind which has come from the several auditors, who have agreed in their statements of the facts as to this balance now due.

The Clerk read as follows:

OFFICE OF THE AUDITOR DISTRICT OF COLUMBIA,
Washington, March 4, 1884.

The records of this office show that on the 2d day of July, 1872, F. B. Winter rendered a bill for medicines furnished the poor of the sixth council district of the city for the quarter ending June 30, 1872, amounting to $311.90, which bill was transferred to Bryan Brothers, of this city, July 5, 1872, who conveyed all their right, title, and interest in the same to Outerbridge Horsey, under date of August 20, 1872.

It further appears that this bill was audited and approved by Z. Richards, auditor District of Columbia, July 2, 1872, for the sum of $150.65, which was paid, leaving a balance unsettled of $161.25. An examination of the records of the office show that the amount of $150.65 paid to Mr. Horsey was the entire amount of appropriation available out of which a claim for this service could have been paid, and the clerk who made the examination of the account in this office at that date and upon which the audit was based (Mr. Alexander McKenzie) is still in its employ, and states from personal recollection that the audit for $150.65 was made for that particular sum, because it would exhaust the appropriation, and for no other reason.

I have no doubt the claim would have been audited for the full amount ($311.90) if there had been sufficient funds to meet it, as there is no evidence of the disallowance of a single item.

It appears that Mr. Horsey subsequently filed a claim with the board of audit for $64 on account of this claim, which was not acted upon, it being one of the last claims presented before that board was abolished.

I. S. TICHENOR,
Auditor District of Columbia.

Mr. MCCOMAS. Unless some gentleman wishes to make an inquiry in respect to this bill, for which I am willing to yield, I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

Mr. BARBOUR. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DORSHEIMER reported that the Committee of the Whole House on the Private Calendar had directed him to report back with a favorable recommendation the bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of and providing for the payment of Outerbridge Horsey, assignee.

The House proceeded to the consideration of the bill just reported from the Committee of the Whole House on the Private Calendar, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN MARYLAND RAILROAD COMPANY.

Mr. BARBOUR. I move to take up from the House Calendar the bill (H. R. 6122) to extend an act approved June 27, 1882, to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia. This bill is merely an extension of time upon a grant heretofore made by Congress. I do not suppose there will be any objection to the bill.

The bill was read, as follows:

Be it enacted, &c., That the act approved June 27, 1882, to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia, be, and the same is hereby, extended until the 27th day of June, A. D. 1886.

The amendments reported from the Committee on the District of Columbia, were read, as follows:

In line 4, after "1882," insert "entitled an act."

After the word "hereby," in line 6, insert "amended, and the time specified in the fourth section hereof for the completion of said railroad within the District of Columbia be, and the same is hereby."

Amend the title so as to read: "A bill to extend the time specified in an act approved June 27, 1882, entitled 'An act to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia.'"

The SPEAKER. If there be no objection, the two amendments reported by the Committee on the District of Columbia to the body of this bill will be agreed to.

There was no objection; and it was ordered accordingly.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment reported by the Committee on the District of Columbia to the title of the bill was agreed to.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISSOURI RIVER COMMISSION.

Mr. GRAVES. I ask unanimous consent to have taken from the Calendar of the Committee of the Whole on the state of the Union and considered in the House the bill (H. R. 6330) authorizing the appointment of a Missouri River commission to superintendand carry into execution the plans for the improvement of the navigation of said river from its mouth to its headwaters.

The bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. POTTER. I object.

BUREAU OF LABOR STATISTICS.

Mr. FORAN. I call up from the Speaker's table the request of the Senate for a conference with the House on the disagreeing votes of the two Houses upon the bill (H. R. 1340) to establish and maintain a bureau of labor statistics.

The SPEAKER. The Clerk will read the message from the Senate which accompanies this bill.

The Clerk read as follqws:

IN THE SENATE OF THE UNITED STATES, *June* 9, 1884.

Resolved, That the Senate insists upon its amendments to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics disagreed to by the House of Representatives, and asks a conference with the House on the disagreeing votes of the two Houses.

Ordered, That Mr. ALDRICH, Mr. BLAIR, and Mr. BAYARD be the conferees on the part of the Senate.

Mr. FORAN. I move that the House insist on its disagreement to the amendments of the Senate and agree to the request for a conference.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. FORAN, Mr. O'NEILL of Missouri, and Mr. JAMES.

BRIDGE ACROSS WILLAMETTE RIVER.

Mr. GEORGE. Mr. Speaker, I think all objections are adjusted now to Senate bill 820, to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads, and I move that it be taken from the Speaker's table for present consideration.

Mr. WELLER. After consultation with the gentleman from Oregon in regard to this bill, so far as we are concerned, the gentleman has consented to the following amendments and that they shallbe incorporated in the bill as part of it. These amendments obtaining, I shall have no further objection. Otherwise I shall object.

The bill was read, as follows:

An act (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Oregon Pacific Railroad Company, a corporation created and existing under and by virtue of the laws of the State of Oregon, to build one or more bridges across the Willamette River, in said State, at such points, not exceeding two, between Salem and the head of the navigation of said Willamette River, as may be selected by the said railroad company, and to lay on or over said bridge or bridges railway tracks for the more perfect connection of the railway tracks that may hereafter build to the points to be selected for crossing the said river.

SEC. 2. That any bridge built under the provisions of this act may, at the option of said railway company, be built as a draw-bridge, or with unbroken or continuous spans: *Provided*, That if any such bridge shall be made with unbroken and continuous spans, the spans thereof over and above the channel or channels of said river shall not be less than two hundred feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be of such height above extreme high-water mark, as understood at the point of location, as the Secretary of War may prescribe, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed with an opening over the center of the channel of such width as the Secretary of War shall determine, and which shall be at least one hundred feet in the clear, and the piers of said bridge shall be parallel with the current, and the draw of said bridge shall be over the main or deep channel of the river, as may he fixed and determined by the Secretary of War: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats, and in no case shall unnecessary delay occur; and said company or corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *And provided also*, That said bridge, at the option of the corporation or company by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 3. That any bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route, and it shall enjoy the rights and privileges of other post-roads in the United States, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile for their transportation over the railroads leading to the said bridge; and the United States shall have the right of way for a postal telegraph across said bridge. Said bridge shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, or the corporations or persons controlling the same, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The SPEAKER. The Chair hears no objection, and the bill will be taken from the Speaker's table for present consideration.

The bill was read a first and second time.

Mr. WELLER. I move the following amendment.

The Clerk read as follows:

Amend section 2 by inserting after the word "boats," in line 23, the following: "vessels or other water craft."

The amendment was agreed to.

Mr. WELLER. I move the following amendment:

Amend section 3 by inserting in line 11, after the word "telegraph," the following: "and telephone lines without charge therefor."

The amendment was agreed to.

Mr. WELLER. I move the following amendment:

Amend section 2 by inserting, after the word "prescribed," the following: "And such sheer-booms or other structures as may be necessary to safely guide vessels, boats, rafts, or other water-craft through such draw-openings as shall be designated and required by the Secretary of War."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERMS UNITED STATES COURTS, TEXAS.

Mr. WELLBORN. I move by unanimous consent to take from the Speaker's table the bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas for present consideration.

There was no objection, and the bill was taken up and read a first and second time.

It was then read *in extenso*, as follows:

Be it enacted, &c., That the terms of the United States circuit and district courts in the eastern and northern districts of Texas shall be held in each year at the times and places as follows: At Galveston, in the eastern district, on the first Mondays of March and November; at Tyler, in the eastern district, on the second Mondays of January and May; at Jefferson, in the eastern district, on the second Mondays of February and September; at Dallas, in the northern district, on the second Monday of January and the third Monday of May; at Graham, in the northern district, on the second Monday of March and the third Monday of October; at Waco, in the northern district, on the second Monday of April and the third Monday of November.

SEC. 2. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

SEC. 3. That this act shall take effect from and after the 1st day of July next.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WELLBORN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIRST NATIONAL BANK, LARNED, KANS.

Mr. KEAN. I move that the House Calendar be discharged from the further consideration of the bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000.

Mr. WELLER. I object.

MARY, THE MOTHER OF WASHINGTON.

Mr. GARRISON. I ask by unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 5747) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va., reported from the Committee on the Library with amendments.

The bill and amendments were read.

Mr. POST, of Pennsylvania. I object.

PUBLIC BUILDING, SACRAMENTO.

Mr. GLASCOCK. I move by unanimous consent to take from the Speaker's table for present consideration a bill (S. 1810) for the erection of a public building at Sacramento Cal.

The bill was read.

Mr. DUNHAM. Has the Government any building there now?

Mr. GLASCOCK. It has not.

Mr. COOK. I object.

DANIEL MARCY.

Mr. RAY, of New Hampshire. I ask by unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 982) directing the Secretary of the Treasury to refund money wrongfully paid for duties on imports by Daniel Marcy, and that it be taken up for present consideration.

The bill was read.

Mr. FIEDLER. I object.

STATE MILITIA.

Mr. CONNOLLY. I ask by unanimous consent that the bill (H. R. 2633) for the special and uniform instruction of the State militia be taken up for present consideration. It is in the Committee of the Whole House on the state of the Union, and has been reported from the Committee on the Militia with amendments.

Mr. RAY, of New Hampshire. I object.

SALAMANCA A PORT OF DELIVERY.

Mr. BREWER, of New York. I move by unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 6769) to establish a port of delivery at Salamanca, N. Y., and that it be taken up for present consideration.

Mr. COX, of North Carolina. I object.

NEWPORT NEWS, VA.

Mr. GEORGE D. WISE. I ask unanimous consent to take from the Speaker's table the bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the first and seventh sections of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be, and the same is hereby, amended by inserting the words "Newport News" after the word "Norfolk" in each of said sections.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GEORGE D. WISE. I will state, Mr. Speaker, that this is unanimously reported by a committee of this House—the Committee on Ways and Means. It passed the Senate and has received the favorable indorsement of this committee of the House. It only places Newport News upon an equal footing with other ports in relation to the transportation of dutiable goods.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. GEORGE D. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I demand the regular order.

Mr. CONNOLLY. I move that the House do now adjourn.

Mr. WILLIS. Upon that I demand tellers. The session of the House this evening has been fixed for the further consideration of the river and harbor bill, and I hope the motion will not prevail.

Mr. CONNOLLY. I withdraw the motion.

Mr. GLASCOCK. The objections that were made to the bill which I called up to-day have been withdrawn, and I hope I may now have action upon it.

Mr. WELLER. If the demand for the regular order is withdrawn I will renew it.

The SPEAKER. The regular order is the further consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

That is the unfinished business on which the House was voting on Saturday when it found itself without a quorum.

The question is on the amendment proposed by the gentleman from Alabama to the pending amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Early in the day it was ordered by the House, as I understood it, by unanimous consent, that at 5 o'clock the House would take a recess until 8 o'clock to proceed with the consideration of the river and harbor bill. What I desire to know is if we were now to proceed with the regular order and the call of the roll having begun, whether we would not be compelled to suspend the call and take a recess at 5 o'clock?

The SPEAKER. The practice of the House has been in such cases not to interrupt the call of the roll, but to announce the recess as soon as the roll-call is completed, if the hour has arrived.

Mr. WHITE, of Kentucky. In view of that I ask unanimous consent that the House take a recess now until 8 o'clock.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the speaker signed the same, namely:

A bill (H. R. 4988) to remove the disabilities of William H. Parker, of Virginia, incurred under the fourteenth amendment of the Constitution.

VACATION OF LEAVE OF ABSENCE.

At the request of Mr. FINERTY the leave of absence heretofore granted to him during the day was vacated.

WITHDRAWAL OF PAPERS.

On motion of Mr. GEORGE D. WISE, by unanimous consent, leave was granted to withdraw papers from the files of the House in the case of H. N. Carpenter, there being no adverse report.

Mr. WILLIS. I now ask unanimous consent, since it wants only a few minutes of the hour fixed for the recess—5 o'clock—that the House now take a recess until 8 o'clock.

There was no objection; and accordingly (at 4 o'clock and 59 minutes p. m.) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House at 8 o'clock p. m. resumed its session.

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HATCH, of Missouri, in the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the unfinished business, which is the river and harbor appropriation bill. On this bill the time fixed for general debate has expired. The Clerk

will now read the bill by paragraphs for amendment and debate under the five-minutes rule.

The Clerk read as follows:

Improving harbor at Burlington, Vt.: For repairs $5,000.

Mr. POLAND. I move an amendment to that paragraph. I move, before "five," to insert "thirty;" so that it will read "thirty-five thousand dollars."

Mr. HOLMAN. Is that proposition in order?

Mr. POLAND. Why not?

Mr. HOLMAN. Is it an increase in the appropriation?

Mr. POLAND. Certainly.

The CHAIRMAN. Does the gentleman from Indiana make the point of order?

Mr. HOLMAN. No, sir; if it is an increase only, it would not be subject to the point of order.

Mr. WILLIS. I would like to have it again read.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Vermont.

The amendment was again read.

Mr. POLAND. Mr. Chairman, I will state in reference to this that Burlington is quite the largest port on Lake Champlain, and I believe it is the third largest lumber market in the United States. This appropriation of $5,000 was made for some repairs upon the breakwater; but after this action on the part of the committee a very great and unprecedented storm or gale occurred upon the lake and the breakwater was much damaged. A resolution was passed in the Senate asking to have an engineer sent to make a survey and report in relation to the condition of it and what would be needed in order to put it in suitable repair after this damage by the gale. I will ask to have the report of the engineer upon this subject read from the desk.

Mr. WILLIS. It is understood the point of order is reserved while the gentleman from Vermont makes his statement.

Mr. REED. What point of order?

Mr. POLAND. I do not apprehend that there is any point of order about it.

Mr. WILLIS. It is reserved.

The CHAIRMAN. The Clerk will read the report sent to the desk by the gentleman from Vermont.

The Clerk proceeded to read the report. Before the reading was concluded,

The CHAIRMAN said: The time of the gentleman from Vermont has expired.

Mr. POLAND. I trust there will be no objection to the reading of the report being concluded.

Mr. WILLIS. I have no objection.

There being no objection, the Clerk resumed and completed the reading of the report, which is as follows:

REPORT OF LIEUT. COL. HENRY M. ROBERT, CORPS OF ENGINEERS.

BURLINGTON, VT., *May* 15, 1884.

SIR: In compliance with the United States Senate resolution and the order of the honorable the Secretary of War, forwarded in your letter of the 10th instant, I have the honor to submit the following report upon the damage to the breakwater at Burlington, Vt., caused by the gale of the 2d instant, and the cost of its reparation.

The Burlington breakwater is about 3,200 feet long, 30 feet wide for half its length, and 35 feet for the remainder, and from 7 to 8 feet high above low water (there being a difference of 5 feet between high and low water this year), the water averaging along the line of the breakwater about 30 feet deep at low water.

The entire amount appropriated for this work to date is $458,172.20. The first appropriations, aggregating $70,000, were made 1836, 1837, and 1838. After an interval of six years there was made another appropriation of $10,000, and eight years later still another of $10,000, making an aggregate, between 1836 and 1852 of $90,000. There was then an interval of twelve years before another appropriation was made, since which funds have been very regularly appropriated to carry on the work.

The middle portion of the breakwater, nearly 1,100 feet long, or about one-third of the entire breakwater now built, was constructed with the funds appropriated from 1836 to 1852, and consequently must be from thirty to forty years old. (The exact age I am unable to ascertain.)

The damage caused by the recent gale was confined entirely to this old portion of the breakwater, three-fifths of which (about 650 linear feet) it has badly damaged, cutting away the lake-face wall to a general depth of 8 feet below present stage of water, as nearly as can be now ascertained, or about 3 feet below extreme low water. Portions are cut a little lower than this. The breakwater is so wide that the inside wall has not been cut down anywhere more than 1 foot below the present stage of water.

The actual damage to the breakwater caused by the recent gale was not much, because this old portion is so decayed that it ought all to be immediately cut down to sound timber and rebuilt. It is cheaper for us to cut down the old work while repairing it than to leave the tearing down to be done by the elements. I presume that the cost of the repairs to this portion of the breakwater would have been $5,000 less if the repairs had been made before it was injured by the gale.

To repair the damage done by this recent gale it is necessary to repair this entire old part of the breakwater, about 1,100 feet long, as the 450 feet left standing is divided into three detached portions of badly decayed work. As the breakwater is very wide, and the inner part not much damaged, though badly decayed, the repair can be carried on without depriving the harbor of its present protection by cutting down the outer portion first and building it up again to a width of only 10 feet, and to a height of about 10 feet above extreme low water, or about 9 feet higher than it was originally. Afterward the rear wall can be cut down and rebuilt to a height of about 6 feet above low water, or 4 feet lower than the renewed front portion or parapet.

In estimating the cost of this work it is necessary to provide for cutting down the lake face on the damaged 650 feet of breakwater to a depth of 3 feet below low water, and all the rest of the lake face and the entire harbor face to a depth of 2 feet above low water. The rebuilt portion will be about equal to 8 vertical feet of breakwater 35 feet wide, which at present prices would cost about $28 per linear foot. The value of the stone that can be saved from the present breakwater will go far toward paying the cost of tearing down the decayed work, which is fastened together with wooden tree-nails; so that I think $32 per foot should cover the cost of thoroughly repairing this 1,100 feet of breakwater.

My estimate, then, of the cost of repairing the old portion of the Burlington breakwater (about 1,100 feet long) is $35,000, provided at least $25,000 is appropriated immediately, so that the outer portion can be rebuilt this season and the work be thus protected from further damage.

The interests at stake seem to demand the immediate appropriation of $25,000 for these repairs. The remaining $10,000 could, without special injury, be deferred to another year, though of course it would be better to have it all at once.

Very respectfully, your obedient servant,

HENRY M. ROBERT,
Lieutenant-Colonel Engineers.

The CHIEF OF ENGINEERS, *U. S. A.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont.

Mr. WILLIS. The point of order was reserved. While I dislike very much to insist upon a point of order in a case like this, where the necessity of asking for this improvement seems to have been brought about by a recent storm, yet I think it proper at once to have the decision of the Chair on the state of facts presented by this application. The regular estimates of the engineers have been presented to Congress. They do not include this proposed appropriation. A resolution was presented in the Senate of the United States within the last few weeks, and in response to that resolution, and not in response to any order of a survey by Congress, this report and this estimate is made. Now, I take it that if estimates such as these can be presented to this House we might be delayed here for weeks, because to-morrow some additional estimate upon some resolution of the other branch of Congress might be presented and the next day others and a hundred others.

The point I make is this: that the law requires that surveys and estimates should be ordered by Congress, and that this is not ordered by Congress; that the report is simply made in response to a resolution offered in one branch of Congress asking for information, and that there is no law, therefore, authorizing an appropriation in this case. I regret, I say, to have to make this point in a case of this character; but I believe it is tenable; and as there are many others of a similar nature, it is proper, if there is such a law, that it should be applied to all alike.

I will say further, as an additional reason and explanation for making the point of order, that that port will not suffer even if this appropriation is not made, because under this bill as it passes, if it does pass, a large sum of money is set apart for the express purpose of meeting such emergencies, and there is now in the Treasury of the United States a balance remaining even from the act of the 2d of August, 1882, for the purpose of being applied to emergencies such as this; so that there will be no damage done if this appropriation is not allowed.

Mr. POLAND. I would like to be heard a moment on this point of order that the gentleman from Kentucky makes. He says he makes it; I do not see it. I suppose that the practice is for estimates to be made by the engineers of the Department in relation to what amounts are needed for particular public works throughout the country. But I do not see that the Committee on Rivers and Harbors or that Congress is in any way bound by these estimates. They may go beyond those estimates if they choose. The Committee on Rivers and Harbors are not bound by them. They may accept estimates on their own judgment if they choose. They may report a bill to give more than these estimates if they desire to do so. There is nothing in the rules of this House contrary to that so far as I know. It seems to me that the point of order that the gentleman makes is entirely without foundation.

The CHAIRMAN. The Chair will state that the gentleman from Vermont [Mr. POLAND] sent up his amendment. It was read by the Clerk, and the gentleman from Vermont was on the floor to discuss his amendment. Before he proceeded to do so the gentleman from Indiana [Mr. HOLMAN] rose, and the Chair asked him distinctly if he made a point of order, and he said he did not. The gentleman from Kentucky [Mr. WILLIS], after the gentleman from Vermont had been on the floor for about three minutes, without asking the gentleman to yield, rose in his place and said he reserved the point of order. The Chair decides, without ruling on the point of order, that the gentleman made it too late.

Mr. HOLMAN. Permit me to suggest to the Chair that the gentleman from Kentucky might have inferred from my rising that I reserved the point of order. When it was stated to me this was simply an increase of the amount, it seemed to me at the moment that it was not subject to the point of order. I submit that the gentleman from Kentucky was misled by my rising on the point of order, which ought not to be regarded as waived.

The CHAIRMAN. If the gentleman from Kentucky states he was under the impression the point of order was reserved by the gentleman from Indiana, the Chair is ready to rule on it.

Mr. WILLIS. I was under the impression the point of order was made by the gentleman from Indiana and was only withheld to allow the gentleman from Vermont to make his statement.

The CHAIRMAN. The Chair is clearly of the opinion that the point of order is not well taken, and overrules it. The question is on the amendment.

Mr. WILLIS. I desire to say a word or two on the amendment. The amendment offered by the gentleman from Vermont asks for the full amount suggested by the engineer in charge, as I understand it. This is a matter of recent occurrence that has never been before the Committee on Rivers and Harbors. As I understand the report made by the engineer, there is not so much needed for the purpose of making these repairs as is asked for by the amendment offered by the gentleman from Vermont. I will suggest to him, therefore, in view of the fact that all these estimates are cut down, that he reduce his amendment to the amount that would cover the repairs. The amendment is offered in consequence of the exigency that has occurred recently, and that has never been before the committee. I suppose $20,000 would be ample to meet the emergency that has been created.

Mr. POLAND. The engineer reports that it will take $35,000 to put this work in thorough repair, and he says that it would be better that the entire amount should be expended this year. It is true that he says that they could get along with $25,000 this year; but he thinks it best that the entire $35,000 necessary to put the work in thorough repair should be appropriated for expenditure this year.

It seems to me that upon that state of facts, if we are to take the statement of the engineer as true, as we have the money it is altogether better that the $35,000 should be appropriated this year and the work completed. To be sure, the engineer says that they can get along this year with $25,000.

I do not feel like modifying my amendment, but if the gentleman from Kentucky [Mr. WILLIS] desires to move to amend my amendment so as to make the amount $25,000 instead of $35,000, he can take the sense of the Committee of the Whole upon it. But it strikes me, on the engineer's statement, that it would be far better that the whole $35,000 be given now.

Mr. WILLIS. I move to amend the amendment so as to make the appropriation $25,000 instead of $35,000.

The amendment to the amendment was agreed to.

The question was taken upon agreeing to the amendment as amended, and upon a *viva voce* vote the chairman announced that the ayes appeared to have it.

Mr. HOLMAN. I call for a division.

The committee divided; and there were—ayes 52, noes 54.

Mr. POLAND. I shall have to make the point that no quorum has voted. After I have submitted to the amendment of my amendment, if gentlemen vote it down they must do so by legal methods.

Tellers were ordered; and Mr. POLAND and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported that there were—ayes 56, noes 62.

Mr. POLAND (one of the tellers). No quorum has voted.

The CHAIRMAN. The point is made that no quorum has voted. The tellers will continue their count, and the Chair requests all gentlemen present who have not voted to come forward and vote, so that the committee shall not find itself without a quorum.

The tellers resumed their count; but, without reporting,

Mr. WILLIS (one of the tellers) said: With the consent of the gentleman from Vermont [Mr. POLAND], I ask that this matter be passed over for the present.

Mr. POLAND. I will agree to that.

There being no objection, the paragraph, with the amendment pending, was passed over informally.

The Clerk resumed the reading of the bill, and read the following:

Improving harbor at Provincetown, Mass.: Continuing improvement, $2,000.

Mr. LONG. I move to insert as an independent paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

After line 29, of the printed bill, insert:
"Improving harbor at Scituate, Mass.: Continuing improvement, $5,000."

Mr. LONG. The purpose of this amendment is not to increase any sum which has been recommended by the Committee on Rivers and Harbors. It is simply to continue a work which has already been begun by the United States Government, and is contained in the estimate of the Secretary of War. For this work three several appropriations have already been made; one of $7,500 in 1880, one of $10,000 in 1881, and one of $10,000 in 1882.

I should not, of course, ask to increase any amount which the Committee on Rivers and Harbors recommends. I appreciate the circumstances under which this bill has been drawn, and the great care, intelligence, and thoroughness with which it has been matured. And although in two or three cases the amounts recommended to be appropriated are less than the estimate of the engineers, and in my judgment less than the necessities of the works require, yet in neither of those cases should I set up my judgment against that of the committee.

But I know of no reason why this work should be abandoned. It is not a local one; it comes entirely within the constitutional scope of an appropriation for the improvement of rivers and harbors. It has nothing to do with the local interests of the town of Scituate. It is connected with the commercial interests of the city of Boston.

Some years ago, on the recommendation of the engineers, a movement was started for constructing a harbor of refuge at Scituate. There are some 14,000 vessels which pass these rocks every year, or an average of forty or fifty a day. The statistics contained in the engineer's report show that within the last thirty years the number of vessels lost or stranded on this south shore is one hundred and one, with cargoes valued at $8,000,000, and the loss of life aggregates two hundred and forty-three persons.

I do not care to go into the necessities or value of this harbor of refuge. That is fully established by the fact that the engineers have recommended it and the Government has undertaken the work.

Mr. GIBSON. I desire to ask the gentleman what is his opinion as to the harbor of refuge at Sandy Bay, and whether he thinks that and the one at Scituate should both be carried on?

Mr. LONG. I will answer the gentleman frankly. I think the two are entirely independent the one of the other. I would not say a word in favor of this if I thought it would in the least interfere with the harbor of refuge on the other side of Boston. The harbor at Rockport is in reference to vessels going eastward from Boston to Maine and the Provinces. This one at Scituate is in reference to vessels going southward from Boston.

Inasmuch as the Government has already appropriated $27,500 in the last three years for this work, I fail to see why the question before us is not this: whether this work shall be entirely abandoned rather than to make a small appropriation to continue it. I should like to ask for $10,000, the same as was appropriated two or three years ago. But I do not think I ought to do so, recognizing the position of the Committee on Rivers and Harbors. I therefore ask for an appropriation of only $5,000.

Mr. WILLIS. Mr. Chairman, I dislike very much to object to an appropriation which is supported by so plausible a statement, but there are two or three facts connected with this improvement at Scituate that ought to be in the possession of the committee.

In the first place, it is proper I should say that this harbor has had a representative and a defender in our committee such as very few harbors of the country have had. In other words, as is known to this Committee of the Whole, one member of our committee is from the State in which this improvement is located, and the leaving out of this harbor is with the consent and approbation of the Representative from Massachusetts upon that committee.

In the second place, I wish to state that Major Raymond, the engineer in charge of this improvement, was before our committee, and in answer to the direct question as to the necessity of an appropriation for that harbor during this year he stated that it could wait, that there was no pressing necessity for an appropriation.

In the third place, I call the attention of the committee to the fact that this harbor is within fifteen miles of Boston Harbor. It is therefore only a short distance from a large, commodious harbor.

In the fourth place, the only new improvement of any extensive character that has been allowed by the committee is upon the coast of Massachusetts. Sandy Bay has been allowed by the committee as a harbor of refuge; and coupled with that provision authority is given to the Secretary of War to appoint three engineers to select upon the coast of Massachusetts the best place as a harbor of refuge. If this expenditure at Sandy Bay is made it will involve an appropriation of from three to five or six million dollars.

The committee, therefore, have not been unfriendly or ungenerous to that coast. In the interest of this bill and of keeping these appropriations within reasonable limits (because there are at least one hundred appropriations that can come with equally plausible arguments in their behalf, and with more facts to sustain them than can be presented in this case) I ask the Committee of the Whole that this appropriation, although it may seem small, be not allowed. Upon the evidence before the committee, the evidence of the engineer in charge, in view of the fact that this harbor is within only fifteen miles of Boston, and by reason of the further fact that the member from that State upon the committee has, in view of the general distribution of appropriations for harbors, consented that this should not be in the bill, I ask that the amendment be rejected.

Mr. LONG. In order to occupy a moment more upon this question, I move to strike out the last word. The engineer stated before the committee, as the gentleman from Kentucky has said, that though this work was one which the Government had undertaken and which it is desirable to finish, it could wait. But that remark meant no more than can be said of many other projects. The engineer simply stated what we all know to be true—that any of these great works can wait.

This is a harbor of refuge with two great channels running out to the sea. The work upon one of them is finished; on the other it is not yet begun. The simple question I put to the committee is whether it is worth while to abandon the whole work which has been undertaken, or to go on at a moderate expenditure, which shall recognize the necessity of the work and carry it to final completion.

This is entirely independent of the other harbor of refuge, the one on the western shore; and although the gentleman says it is within fifteen miles of Boston (it is more than that—it is twenty miles or more from Boston), it is just at the entrance into port, where a harbor of refuge is the more necessary. If it were a hundred miles away it might not be necessary at all, for vessels would not concentrate there.

The question being taken on the amendment of Mr. LONG, it was not agreed to; there being—ayes 37, noes 62.

The Clerk read as follows:

Improving harbor at Stonington, Conn.: Continuing improvement, $10,000.

Mr. WAIT. I move to amend by striking out "ten," in the paragraph just read, and inserting "twenty," so as to make the appropriation $20,000. This case stands upon different grounds from any case probably in which there will be a request for an increase of the appropriation. Stonington Harbor is the last harbor of refuge at the east end of Long Island Sound for all commerce between New York city and Providence, Boston, and all the seacoast ports through to Maine. This is the only harbor of this great coast where vessels can seek shelter when the wind is in the east and storms prevail. Frequently from fifty to seventy-five coasting-vessels are sheltered there at one time waiting for favorable winds or the subsiding of storms so that they can pass around Point Judith, and so on eastward. The object of the appropriation is to complete the breakwater, which has been some years in process of construction. There are eight hundred and fifty feet yet to be built before this important work will be completed. The original estimate was $100,000, but the breakwater having been extended $30,000 is required to finish the work.

Then, again, this appropriation is important in behalf of the shipping and the boats and steam-propellers running regularly between the port of Stonington and the port of New York. In 1880, $35,000 was given by Congress for this work; in 1881, $30,000; in 1882, $25,000; and the engineer now recommends an appropriation of $50,000, and says that it all ought to be appropriated at this time, and the work by such appropriation be rapidly carried to completion.

There are reasons which in my opinion make this case different from any other that in the consideration of this bill will come before the committee, and I ask the attention of members, and especially of the chairman of the Committee on Rivers and Harbors, while I present these reasons and make a brief statement in support of the amendment which I offer.

When this harbor is filled with small coasting vessels seeking shelter from the storms, or waiting for favorable winds, and the steamboats running from Stonington to New York, which belong to the New York, Stonington and Provincetown line, and these large steamboats and propellers run in there in the night-time, they are liable to run down the small vessels which are anchored there, thus destroying property and endangering life. That is because the harbor can not be lighted completely until this breakwater has been finished. When it is completed you can then put up the lights along the entire line of the breakwater, and you will thus be able to guide the steam-vessels going in and out of the harbor without colliding with the sail-vessels which are lying there.

There has been already built a portion of that breakwater, but it is not yet finished. There are some 800 feet to be built or completed at the east end so it can be lighted in the manner I have stated, and so these steam-vessels can go in or out without periling the vessels seeking shelter there.

In one year, ending December, 1882, over 2,500 vessels sought shelter in that harbor. As to the number of sail-vessels that pass through that part of Long Island Sound and depends on this as a harbor of refuge in case of storm, an accurate list was kept in the year ending June 30, 1883, and there were 21,134 of these vessels. There is no harbor of safety or shelter, as I have stated, for vessels prior to passing Point Judith but this one, and as I have already said you can not light that harbor now with the breakwater in its unfinished state, and thus save from peril human life occasioned by these steam-vessels running in there in the darkness of the night. When the breakwater is completed then the harbor can be sufficiently lighted and peril to property and life guarded against. The engineer says $50,000 should be expended this season for the purpose of finishing this work and so protecting property and human life.

[Here the hammer fell.]

Several MEMBERS. Let us have a vote.

Mr. WAIT's amendment was rejected.

The Clerk read as follows:

Improving harbor at Buffalo, N. Y.: Continuing improvement, $75,000.

Mr. ROGERS, of New York. I move the following amendment:

The Clerk read as follows:

Strike out all after the word "improvement," in line 62 on fourth page, and insert "$135,000, of which the sum of $10,000, or so much thereof as may be necessary, shall be expended in necessary repairs to the present structure."

Mr. ROGERS, of New York. Mr. Chairman, the committee in making up the many items which compose this bill, it seems to me, have overlooked the actual necessities of the "improvement" at Buffalo, a work which has continued as an "improvement" since the year 1876. I crave the indulgence of the committee while I explain briefly the reasons why I ask a larger appropriation for the improvement of the harbor of the city which I have the honor to represent than the bill proposes to give for that purpose.

This improvement at Buffalo consists of an outer breakwater, as projected by a board of United States engineers, the length of which when completed will be 7,600 feet, about one and a half miles. Of this main breakwater there has been completed 4,891 feet, leaving still to be built 2,709 feet. Extending outward from the shore of Lake Erie, south of the proposed end of the breakwater, there has also been constructed what is called the catch-sand pier, 870 feet long, which is to be run out to a total length of 4,100 feet, leaving an opening between the ends of the breakwater and the catch-sand when both are completed of 250 feet, making the total length of the whole work 11,750 feet, 5,761 feet of which is completed; so that there still remains to be built 5,939 feet.

Buffalo, situated at the foot of Lake Erie, is the third city in population and wealth in the State of New York, and is now one of the most important railroad centers in the country. The scarcity of dock-room in the present harbor makes the early completion of its outer harbor of the utmost importance.

The engineer in charge of the work, recognizing this fact, has recommended an appropriation sufficient to complete the entire work. He states that there is no limit to the amount of work which can be done at one time, and the whole could be done under one letting of contract and in one season, or at the farthest two seasons, for it must be borne in mind that this work can only be prosecuted during the season of navigation—about seven months in each year. It will require appropriations to the amount of about $1,000,000 to complete this work so important to the commercial interests of the city, and this bill only gives for the coming year the comparatively insignificant sum of $75,000.

Mr. Chairman, the work on this harbor improvement has been progressing for six years, and during that time there has been appropriated by Congress each year, in sums varying from $80,000 to $125,000, the aggregate sum of $540,000. A work of this magnitude has thus been allowed to drag its slow length along, so that more than one-half of it remains to be completed. I venture the assertion that at this rate it has cost the Government 25 per cent. more than it would if the appropriations had been more liberal and the work progressed more rapidly. Now, sir, all I have dared to ask in the amendment which I propose is $135,000 for the continuance of the work and for making necessary repairs to the old structure. The Forty-seventh Congress appropriated $125,000 for continuing this work during the last season. The engineer in charge, however, rejected the bids made for the work as being excessive; hence no work was done last year. There now remains of this appropriation about $114,000. A contract has been entered into for constructing 800 feet, to be put down this year, which will consume the balance of money on hand.

To show the importance of this work and the necessity for its speedy completion I need only state that when completed it will give us about four hundred acres of water from sixteen to thirty feet in depth without any dredging being done. Besides this area there will be about as much more between the sixteen-foot line and the shore. Under the completed breakwater it is estimated that at least three hundred vessels could find shelter from storms. It will give an extra available water front of about 8,000 feet, from which wharves may be built out a thousand feet at convenient intervals, thus giving almost unlimited dock-room, which is so much needed even at the present time.

Now, a brief summary as to the commerce of Buffalo. The arrival and departure of vessels at the port of Buffalo during the season of 1883 were 7,099, aggregating over 4,000,000 tonnage. The receipts of grain of all kinds by lake were over 76,000,000 bushels. The receipts of coal by rail in 1883 were about 900,000 tons. The receipts at the custom-house at Buffalo during the year 1883 were $854,462.62.

Mr. Chairman, Buffalo is a port of national importance, deserving much more than it has received from the National Government. The building erected by the General Government for the occupancy and use of its officers is not a costly one. The harbor improvement is a work of vital necessity. I trust the House will see the propriety of agreeing to the amendment.

Mr. BLANCHARD. Mr. Chairman, the committee in making this appropriation for Buffalo Harbor recognize fully the national character of that work. We recommend an appropriation of $75,000. In the river and harbor bill of 1882 $125,000, it is true, was given for this improvement, but when the committee came to examine as to how much of that $125,000 was still on hand we found that from August, 1882, till July 1, 1883, they had expended less than $5,000, and they had actually on hand on the 1st of July, 1883, $121,395, and on the 1st of June of the present year about $114,000 still of the appropriation of 1883. Therefore the committee thought there was no necessity for giving to this harbor more than $75,000; judging by the past, it was all that could be expended in the coming year.

The amendment of Mr. ROGERS, of New York, was rejected.

The Clerk read as follows:

Improving harbor at Canarsie Bay, New York: Continuing improvement, $5,000.

Mr. CAMPBELL, of New York. I move to strike out "five" and insert "ten," so it will read "for the improvement of the harbor at Canarsie Bay, $10,000."

Mr. Chairman, I regret to feel called upon to offer the amendment at this time; but since the meeting of the Committee on Rivers and Harbors I have been informed that the large dike built two years ago at this place, nearly one thousand feet in length, has been very much injured by storms and the ice of last winter, which carried away nearly

one-half of it. It is now bulged up almost like a sunken vessel, and it will be necessary, in order to protect or save from total loss the amount of money already expended, to appropriate now at least $5,000 to save what we have done. I hope the committee will agree to allow this amendment to be incorporated in the bill in order that we may not lose what has been already expended.

I have a map here that can be seen by any gentleman who desires to inform himself as to the location, and I repeat that unless something is done speedily the $18,000 already expended is gone. I see no reason in the world why this amount should be jeopardized or lost, and I hope the amount proposed by this amendment will be given in order to progress with the work and strengthen the structure already in existence.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New York.

The question was taken.

The committee divided; and there were—ayes 34, noes 72.

So the amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Little Sodus Bay, N. Y.: Continuing improvement, $10,000.

Mr. PAYNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 81 insert the following:
"Improving harbor at Pultneyville, N. Y.: Repairs and dredging, $2,000."

Mr. PAYNE. Mr. Chairman, this appropriation was recommended by the Secretary of War in July, 1883, as necessary for the harbor at Pultneyville. In the report made in January, 1884, the engineer in charge reported the improvement had been finished, and made no further recommendation in favor of this necessary appropriation for dredging and repairs of the channel at Pultneyville. After I had a conference with the Committee on Rivers and Harbors upon the subject I corresponded with the collector of the port at Pultneyville, and obtained from him the following letter of recommendation from the engineer in charge, and also some facts stated by the collector of the port, which I ask to have read from the Clerk's desk in support of the propriety of this amendment.

The Clerk read as follows:

UNITED STATES ENGINEER OFFICE,
Oswego, N. Y., April 12, 1884.

SIR: I have the honor to acknowledge the receipt of yours of the 10th instant. The entire estimate of $71,000 has been appropriated for Pultneyville, and I asked for $2,000 for the next fiscal year to be applied to such repairs and contingent dredging as may be necessary or held in reserve for such purposes. (See annual report of the Chief of Engineers for 1883, page 6.) The $2,000 is, in my judgment, required for repairs and dredging, and I have so stated. If Congress declines to appropriate the amount I can not help it.

As for the general survey, it is designed to show whether any changes in the curves of soundings have taken place in the vicinity of the entrance to the harbor, and also in the basin, with a view to seeing if any additional project should be submitted. It has nothing to do with the subject of repairs and contingent dredging for which the $2,000 is asked. A portion of the superstructure is very old, and is liable at any time to require immediate repair.

The general survey referred to was prevented last fall by the necessity of extensive repairs at Fort Montgomery, which required the services of the assistant engineer who has charge of the surveys. I expect to have the survey made this spring, but do not expect to make a report in time for the next river and harbor bill.

Ask your member of Congress to try to get that $2,000 for dredging and repairs.

Very respectfully,

HENRY M. ROBERT,
Lieutenant-Colonel of Engineers.

Mr. GEORGE F. WATERS,
Pultneyville, N. Y.

CUSTOM-HOUSE, PULTNEYVILLE, N. Y.,
Collector's Office, April 26, 1884.

DEAR SIR: I have taken this day a few soundings in the channel of our harbor, and herewith you will find a little diagram of the harbor and channel that will give you something of an idea of what we want done in order to make the channel navigable for vessels with loads. As it is, you will see that the water shoals up to five feet in places in the center of the channel.

The intention of the engineer was to make ten feet of water with the lake at the lowest point. Now the lake is three feet higher than ordinary low water, and in August or September you will see plainly we would have very low water at some points in the channel, not allowing anything in the shape of schooners of very light draught to navigate the channel without load.

I hope you will be able to understand this. I have had to hurry to get the letter off in to-day's mail.

Very respectfully,

GEO. F. WATERS.

Hon. S. E. PAYNE, *Washington, D. C.*

P. S.—The engineer asks for $2,000, which I think is a small amount to do the work of removing sand and rocks from the channel. Presume now he would ask for double the amount.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New York, which has been read.

The committee divided; and there were—ayes 34, noes 74.

So the amendment was not agreed to.

The Clerk read as follows:

For improving harbor at Oak Orchard: Continuing improvement, $5,000.

Mr. STEVENS. I offer an amendment, to come in at the end of line 80, as follows:

For improving the harbor at Olcott, N. Y.: Continuing improvement, $5,000.

Mr. HAMMOND. It seems to me, Mr. Chairman, that the gentleman offers his amendment too late to come in at the end of line 80. The Clerk had already concluded the reading of the next paragraph, ending with line 83.

Mr. STEVENS. I beg the gentleman's pardon; my colleague was referring in his amendment to the eighty-first line, when the eightieth had not been reached.

Mr. HAMMOND. The Clerk had read "for improving harbor at Oak Orchard," which is in the eighty-second line, and continued the reading down to the end of the eighty-third line.

Mr. PARKER. Perhaps an explanation of this will be found in the fact that there are two printed bills here, one a few lines behind the other as to the numbers.

Mr. HAMMOND. I am referring now to the bill before me, which I understand to be the bill the Clerk is reading.

Mr. BLANCHARD. The gentleman has the proper bill.

Mr. STEVENS. Then I will make the amendment to come in after line 83.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 83, insert the following words, namely: "Improving harbor at Olcott, N. Y.: Continuing improvement, $5,000."

[Cries of "Vote!" "Vote!"]

Mr. STEVENS. I appreciate the desire of the committee to come to a vote upon this bill, and I shall certainly not detain them but for a moment. This harbor is situated in New York, on the northern shore of Lake Ontario. It can not be strictly termed national in its character, but it is one of that character of harbors which the honorable chairman of the Committee on Rivers and Harbors has justly termed an artery in the great aggregate of our commerce. It is to the people of that section what the rivers of Tennessee, of Kentucky, of Georgia, and of other States are to the people living upon their borders, and to the people of the States generally. It enables the inhabitants to market their surplus produce and bring in return lumber and other commodities from Canada.

Up to this time there has been expended by the Government upon this harbor $118,000, and the Chief of the Engineer Department says that the superstructure over both piers is very much decayed and needs other and extensive repairs. In his estimate he asked for $30,000 to put it in proper order. I am not one of those, Mr. Chairman, who desires excessive appropriations, but I believe the people of every locality are entitled to such care from the Government as will enable them to dispose of their products and avail themselves of the markets contiguous thereto.

I ask, therefore, for no expensive or extensive works, but only a sum of money absolutely necessary to enable the people to avail themselves of the facilities to which they are entitled, and to continue this work and save it from loss; a work on which the Government has already expended, as I have said, $118,000.

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from New York.

The committee divided; and there were—ayes 27, noes 59.

So the amendment was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Ogdensburg, N. Y.: Continuing improvement, $12,000.

Mr. PARKER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out lines 84 and 85 and insert: "Improving harbor at Ogdensburg, N. Y.: Continuing improvement, $20,000, one-half thereof, as near as may be, to be expended in the upper harbor and the remainder in the lower harbor."

[Cries of "Vote!" "Vote!"]

Mr. PARKER. I notice the patience and candor with which this committee regards amendments. I notice also a remark of a friend who has been here twenty years, Judge KELLEY, and I trust he will be here for twenty years to come, and I know he is a friend by the remark he made, that such a thing as a material amendment to a river and harbor bill in Committee of the Whole is unknown. Still, I will take the liberty to offer this amendment, for I know more about the matter than the River and Harbor Committee, wise as it is.

The situation of Ogdensburg is this: There is a harbor at the lower end where the labor has been performed for the past year; and some two miles above there is a harbor at the mouth of the Oswegatchie; but together they are used and treated as one harbor. This bill provides for the improvement at the lower harbor where the work hitherto has been done. The engineer's report shows that in the upper harbor there are left by the dredges rocks that are now within ten feet of the surface of the water. By the enlarged Welland Canal vessels drawing fourteen feet of water can come through. Therefore vessels drawing that amount of water and carrying 60,000 bushels of grain are excluded from this upper harbor. We ask that the appropriation shall be made here to make this upper harbor at the mouth of the Oswegatchie River like the others on Lake Ontario and the Saint Lawrence, and like the lower harbor at Ogdensburg as provided for in this bill.

Ogdensburg is at the foot of slack-water navigation, about one day's run by steamer from the outlet of the Welland Canal, and situated just above the first rapid water of the Saint Lawrence.

The old Welland Canal was first used about 1830, first ending at Port Robinson and communicating, via Chippewa Creek and the upper

Niagara, with Lake Erie. It was extended to Lake Erie at Maitland in 1845, but afterward terminated at Port Colborne and formed a part of the Canadian system of water transportation from the upper lakes to tide water.

SAINT LAWRENCE RIVER CANALS.

These are built to pass commerce around the several famous rapids of the river. They have only nine feet of water, and vessels drawing more than about nine feet can not safely pass down the channels of the Saint Lawrence at the Sault and the Cedars. Hence vessels carrying more than about 18,000 bushels of grain can not run below Ogdensburg, and hence the importance of improved facilities of the ports of the upper Saint Lawrence. It is probably the intention of Canada to enlarge the Lachine, Cornwall, and other canals, but that will be a work of long time and great expense.

THE NEW WELLAND CANAL

has about fourteen feet of water and allows the passage of vessels of tonnage of 1,200 to 1,400 tons, carrying 60,000 bushels or more of grain. Probably with the canal and the supply aqueduct completed vessels will pass carrying 70,000 bushels of grain or 1,000,000 feet of lumber. It is the duty of the time to change American vessels and harbors so as to avail ourselves fully of the enlarged Welland Canal. To meet this new demand and opportunity three new steam-vessels have recently been placed upon the route between Chicago and Ogdensburg, which before the enlargement of the Welland Canal could not have passed from Erie to Ontario, and which being in Ontario could not have entered Ogdensburg Harbor without the improvements made under the river and harbor bill of 1882.

The Frost, brought out in 1883, tonnage 1,200 tons, draws about thirteen feet of water, and carries from 50,000 to 60,000 bushels of grain; the Averell is of the same capacity and just out, and the Haskell, making her first trip this season, is capable of carrying over 60,000 bushels of grain and draws thirteen and a half feet of water. And these three steamers will carry as much freight as fifteen of the boats passing the Welland Canal before its last improvement. The reports of the War Department show the following facts:

In Appendix J J 11, report of 1880, the following statements are found:

At page 2222 the assistant engineer says: "I took soundings in the Oswegatchie channel for about 1,000 feet below the bridge and found that no material change had taken place since the soundings taken in 1875, when the last dredging was done; but just opposite the Rome, Watertown and Ogdensburg Railroad depot there are some large bowlders, with 10 to 11 feet of water over them at low water."

At page 2223 he says: "The business of Ogdensburg centers around the mouth of the Oswegatchie on the west and at the Lake Champlain Railroad on the east, the latter point doing very much the larger business.

"The class of business at each point is different; each has its channel and ferry leading to and from it."

Pages 1113, 1114, report of assistant engineer, says: "And I would respectfully suggest that if any money is appropriated for Ogdensburg it be applied first to the dredging of the outer bar, and the balance to improving the channel from the south end of the Rome, Watertown and Ogdensburg Railroad wharf northward, by excavating the bowlders to thirteen feet in depth, which would require the excavation of 1,500 cubic yards of hard material at $3 per yard, $4,500; contingences, 25 per cent., $1,125. Total, $5,625."

I will not further take the time of this committee. But I hope the Committee on Rivers and Harbors, recognizing the fact that they have accidentally omitted this upper harbor, will permit me to get the appropriation which I assert to be necessary.

The amendment was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Oswego, N. Y.: Continuing improvement, $55,000.

Mr. NUTTING. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "improvement," in line 87, strike out "$55,000," and insert in lieu thereof "of river and harbor, $100,000;" so that it will read:

"Improving harbor at Oswego, N. Y.: Continuing improvement of river and harbor, $100,000."

Mr. NUTTING. The harbor at the city of Oswego, in the State of New York, is the tenth harbor in size and magnitude in the United States. I ask that order may be preserved. I think if the committee will listen to the facts in regard to this harbor the vote on this amendment will be different from what it has been on some amendments heretofore offered. I state again that the harbor at the city of Oswego is the tenth in size in the United States, as far as the collection of revenue is concerned. During the last twenty years there have been collected at this harbor net for the Government of the United States more than $20,000,000. During the month of April last there were only nine harbors in the United States that collected more money for the Government of the United States than did the harbor at the city of Oswego.

The following are the only customs districts in the United States that collected more customs in April, 1884, than Oswego:

Baltimore	$1,250,922
Boston	12,851,625
Chicago	449,720
New Orleans	1,748,396
New York	57,120,857
Philadelphia	5,056,642
Portland	396,960
San Francisco	5,297,145
Vermont	439,770
Oswego	392,027

This shows the harbor and port of Oswego to be of national importance.

I have here a letter of the engineer in charge of that port, and a resident there, in which he says that it is absolutely necessary for the protection of the Government works at this place, which have already cost the Government more than a million dollars, that $120,000 should be appropriated at this session of Congress.

LETTER FROM ENGINEER IN CHARGE OF THE PUBLIC WORKS IN OSWEGO.

UNITED STATES ENGINEER OFFICE,
Oswego, N. Y., April 14, 1884.

MY DEAR SIR: In order to reply to your letter of the 8th instant, it has been necessary to make a detailed examination of the outer breakwater, and the weather has not permitted this until the 13th instant.

To rebuild the actual breaches which were made from January 2 to 15 will require the expenditure of $10,000. But indirectly these breaches call imperatively for a much larger outlay, since their occurrence shows that the entire western 2,000 linear feet is too old to withstand the forces to which it will be and now is exposed. This breakwater must be kept at its maximum strength to avoid disastrous results, and to maintain this the superstructure must be renewed when it has reached ten years age, and a parapet must be built on its top like on the east breakwater.

To thus renew 2,000 linear feet will cost $80,000, and at least half of this must be done at once, and all of it should be done if possible.

The damage sustained during the past winter would have been vastly greater had not the winter been an unusually favorable one, unusually heavy ice banks having covered and protected the breakwater since January 15.

Aside from the gain to the breakwater itself from keeping it at its maximum strength, the property sheltered by it would suffer seriously were a large breach to occur; especially the Delaware, Lackawanna and Western Railway coal trestle, which is only designed to stand in sheltered water, and which would be destroyed by a single gale.

Thirty thousand dollars will be required for the construction of the spur to shelter the entrance to the harbor, for which plans are now ready, and which would have been advertised for but for the necessity of first looking out for repairing the breaches in the breakwater. Besides these items, and the completion of the channel excavation now in progress, is the rebuilding of the old, burned west pier, which is rapidly falling to pieces, and which will become as dangerous to vessels as a reef of rocks would be if not repaired. This has been estimated to require $40,000, and something should be done to it this season.

To recapitulate, the items requiring immediate attention are as follows:

1. Repair of breaches in outer breakwater	$10,000
2. Rebuilding of 2,000 linear feet of the superstructure of the outer breakwater	80,000
3. Construction of spur crib at the entrance to the harbor	30,000
4. Dredging of channel	5,000
5. Rebuilding of burned old breakwater	40,000
Total	165,000

All these are urgent, and none of them can be omitted without incurring the probability of heavy damage. Deducting the $45,000 on hand at the end of this month, and we have left $120,000, which ought, in my judgment, to be appropriated this year.

This provides nothing for extending the east breakwater.

Very respectfully, your obedient servant,

HENRY M. ROBERT,
Lieutenant-Colonel of Engineers.

Hon. N. W. NUTTING, M. C.,
Washington, D. C.

The reason for the need of a portion of this money now is that during the storms of the last winter breaches were made in the piers that protect the harbor to the extent of more than $50,000. There are two sets of piers there that protect the mouth of the river from the waters of the lake. The breaches are of such a nature in the outer pier that unless it is repaired the inner harbor in some storm will be swept away, and the property of the Government in the inner harbor and of private individuals will be damaged to the amount of hundreds of thousands of dollars. This harbor is the most important harbor on Lake Ontario.

Why should we not listen to the facts in regard to these matters? I say here the committee were not informed of all these facts at the time this river and harbor bill was prepared, because damage has taken place since that time. They had not the facts before them; although subsequently, I think, the chairman had the letter which I now have in my possession, and which shows the facts I have stated. They recommended the appropriation for Oswego Harbor on the basis of the estimates of the engineer made last fall and not at all since the breach of these piers during the winter and spring months of this year.

I say to this House, and my assertion will come true, that great loss will occur if this harbor, of so much importance to the Government, is not protected. What business man is there who if he were collecting the amount of money in this harbor which the Government of the United States has been collecting would wait a moment before proceeding to repair the breaches in these piers? No business man would wait an hour until he was at the work of expending all the money necessary for that purpose.

Here we have the statement of a sworn engineer as to the absolute necessity of the appropriation of $120,000. I have asked for an appropriation of $100,000 by this amendment; and I say we will be derelict to our duty and will be unworthy of the name of business men, much less legislators, if we do not make the appropriation which is absolutely necessary for the protection of this harbor.

I say that this appropriation bill should receive the attention of this Committee of the Whole, and members should vote upon it intelligently and consider each item as it is reached. We are doing less than our duty by sitting here voting "ay" or "no" without understanding

what the facts are in relation to each individual proposition in the bill. Time is nothing.

Statement of customs collected, duties on merchandise withdrawn from warehouse for transportation and exportation, and the expenses of collecting the revenue from customs, in the district of Oswego, from January 1, 1864, to December 31, 1883.

Year.	Customs collected.	Duties.	Expenses.
January 1 to June 30, 1864	$8,753 90	(*)	$5,667 67
Year ending June 30, 1865	25,788 00	(*)	31,910 26
Year ending June 30, 1866	151,797 83	(*)	22,993 60
Year ending June 30, 1867	967,125 22	(*)	31,260 15
Year ending June 30, 1868	950,069 70	$301,209 08	36,311 24
Year ending June 30, 1869	934,368 59	190,114 51	34,951 04
Year ending June 30, 1870	1,087,642 51	323,816 41	35,212 60
Year ending June 30, 1871	805,296 90	462,893 60	42,263 20
Year ending June 30, 1872	1,012,184 18	385,144 20	39,176 55
Year ending June 30, 1873	904,460 48	362,032 53	39,700 96
Year ending June 30, 1874	775,146 03	332,059 00	39,062 22
Year ending June 30, 1875	577,783 35	338,047 41	36,580 53
Year ending June 30, 1876	663,511 94	388,204 60	32,503 01
Year ending June 30, 1877	439,309 68	326,593 44	36,158 04
Year ending June 30, 1878	428,237 48	596,933 94	32,915 01
Year ending June 30, 1879	492,405 38	384,053 54	23,835 07
Year ending June 30, 1880	734,472 43	412,066 58	24,879 47
Year ending June 30, 1881	880,277 76	368,115 43	24,685 27
Year ending June 30, 1882	918,727 64	519,690 49	24,086 77
Year ending June 30, 1883	848,542 70	538,746 59	29,906 48
July 1 to December 31, 1883	437,528 42	145,203 39	17,937 94
Totals	14,043,430 12	6,374,924 74	641,997 08

* No report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLEIGH. So far as the harbor of Oswego is concerned it is true that it is one of the most important harbors in New York. But the truth is that in this bill of only $12,500,000 it is utterly impossible to give every gentleman on the floor of this House the full appropriation which he asks for the work in his district. There is available now for Oswego Harbor $64,000, which with the $55,000 recommended by this bill makes about $110,000 for the improvement of that harbor. In 1880 the sum of $80,000 was appropriated for the harbor. There is no harbor in the State of New York for which the Committee on Rivers and Harbors has done better than the harbor of Oswego. The policy of the committee has been to make appropriations for harbors like Buffalo and Oswego and others that are national in their character.

The question was taken upon the amendment of Mr. NUTTING; and upon a division there were—ayes 37, noes 77.

Mr. NUTTING. No quorum has voted.

Many MEMBERS. Oh, withdraw that point.

Mr. NUTTING. I say it is not right, and I will not do it. [Laughter and applause.]

Tellers were ordered; and Mr. WILLIS and Mr. NUTTING were appointed.

The committee again divided; and the tellers reported that there were—ayes 42, noes 98.

Mr. YORK. There is evidently a quorum in the Hall. This is an important measure, a bill that carries on its face $12,500,000. I think members should be required to be here and vote, and therefore I move a call of the House.

The CHAIRMAN. The tellers are engaged in the count. Gentlemen are requested to vote on the one side or the other.

The tellers continued the count, and reported that there were—ayes 52, noes 104.

Mr. NUTTING (one of the tellers). I will not insist on any further count.

So (no further count being called for) the amendment was not agreed to.

Mr. WHITE, of Kentucky. Mr. Chairman——

Mr. YORK. I moved that there be a call of the House.

The CHAIRMAN. At the time the gentleman submitted that motion the tellers were proceeding with their count.

The Clerk read the following:

Improving harbor at Rondout, N. Y.: Continuing improvement, $1,000.

Mr. WHITE, of Kentucky. I move to amend the paragraph in relation to the harbor at Oswego by striking out "$55,000" and inserting "$167,000."

Mr. BLANCHARD. I make the point that that amendment is too late. The Clerk has read the next paragraph.

The CHAIRMAN. The Chair will state that there was at the time some confusion resulting from the fact that two or three gentlemen were on the floor, and the Chair does not think that the point of order in this case should be sustained.

Mr. WHITE, of Kentucky. I will state to the Chair that I rose in time and endeavored to secure the attention of the Chair.

The CHAIRMAN. The gentleman will proceed.

Mr. WHITE, of Kentucky. This harbor at Oswego is one of the important harbors of the country. It is a very peculiar harbor in some respects. The work that has been going on by piecemeal for the last eight or nine years will soon require repairing; it does now.

This harbor is utterly unsafe unless the breakwater is kept intact. Last year, if I understand the report of the engineer correctly, a great injury was done the breakwater by a disastrous storm. It was supposed two years ago that $157,000 would be necessary to complete this work. But since the damage done by the storm, notwithstanding an appropriation of $80,000 was made by a former Congress, it is estimated by the engineer that about the same amount will be still required to complete the work at that harbor.

What does the Committee on Rivers and Harbors propose in this case? They come in here with a recommendation to this Congress to make an appropriation of $55,000, when the report of the engineer says that $150,000 will be required to complete the work and that $150,000 can be profitably expended during the next fiscal year.

It does seem to me that if the committee is preparing to run in advance of another veto message from the President, is preparing to run in advance of a castigation by public sentiment—so-called public sentiment—for I have never heard of but one member of the Forty-seventh Congress who was defeated because he voted for that river and harbor bill, though I do know of some members who were afraid of the newspaper clique in the city of New York that is controlled by the railroad monopolies whose kings center in that city—now, if we are going to do the right thing, if we are going to do what the commerce of the country demands, we should trust the Chief of Engineers when he reports to this Congress that it is necessary to expend $150,000 to complete the work at Oswego, which is not one of local importance; but if there is a national work in this bill, that is one. We should not attempt to trim our action to suit public clamor; we should not prepare to run in advance of the representatives of the railroad monopolists in New York, but should make the appropriation for this purpose which has been recommended by the Chief of Engineers.

[Here the hammer fell.]

The amendment of Mr. WHITE, of Kentucky, was not agreed to.

The Clerk read as follows:

Improving harbor at Rondout, N. Y.: Continuing improvement, $1,000.

Mr. STEVENS. I move to amend by inserting after the paragraph last read the following:

Improving harbor at Wilson, N. Y.: Continuing improvement, $5,000.

The remarks I made in reference to Olcutt will apply to this; the harbor is of the same character. The engineer recommends an appropriation of $30,000 for continuing and perfecting the improvement. Forty-two thousand dollars or more has been expended on this harbor, and the amount asked in this amendment is only sufficient and absolutely necessary to keep the present work from going to decay.

The amendment was not agreed to.

Mr. BELFORD. I desire to move the amendment which I send to the desk.

The Clerk read as follows:

After line 94 insert the following:

"For retaining the waters of the Platte River in Platte Cañon in Arrapahoe County, in the State of Colorado, by means of a suitable reservoir—to the end that the waters so retained may be utilized for irrigating and reclaiming the lands owned by the United States in that region, and bringing the same under cultivation—the sum of $200,000, to be expended under the direction of the Secretary of War."

Mr. WILLIS. I make a point of order on this amendment.

Mr. BELFORD. I hope my friend from Kentucky will reserve the point of order until I can be heard.

Mr. WILLIS. I would be very glad to do so if we had more time.

Mr. BELFORD. I say the amendment is not subject to a point of order, and I submit the question to the Chair.

The CHAIRMAN (Mr. WELLBORN). The gentleman from Kentucky will please state his point of order.

Mr. WILLIS. There are two grounds upon which I base the point of order. First, this is not the proper place for the amendment, if it is in order anywhere in the bill. Secondly, the Committee on Rivers and Harbors under the rules has special jurisdiction of improvements of rivers and harbors. The proposition now presented by the gentleman from Colorado does not contemplate the improvement of a harbor or the improvement of a river, as I understand. Besides there is no estimate for the work.

Mr. BELFORD. I want to be heard just a moment on the point of order. It is perfectly clear to my mind that the amendment is not subject to a point of order. Look at the title of this bill: "A bill making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes." [Laughter.] I say that under this general designation "for other purposes" my amendment is not subject to a point of order. Why, sir, we have spent an hour or two hours in making appropriations for Maine, New Hampshire, Vermont, and New York, and by and by we are coming to Kentucky and Florida. But nowhere in this bill is mentioned the State of Colorado. [Laughter.] Yet we are taxed to carry out these improvements which you gentlemen are seeking to make.

Mr. COOK. You have not any water out there.

Mr. BELFORD. We have more water in Colorado than they have whisky in Kentucky. [Laughter.]

Now, I submit to the decision of the Chair whether this amendment is out of order. If the Chair should so rule, I wish to move to strike out the last five words of the paragraph, so that I may get in a five-minute speech.

The CHAIRMAN. The Chair thinks that the point of order made by the gentleman from Kentucky is good on the latter ground stated by him—that the amendment is not germane to the bill. The amendment proposes to provide for irrigating certain lands, which the Chair thinks is not germane to the purpose of this bill. The point of order is therefore sustained.

Mr. BELFORD. I move to strike out the last five words of the paragraph.

Mr. Chairman, the system of improving our rivers and harbors commenced in 1802, when we voted $30,000 to improve the Delaware River. When I say "we" I mean we Whigs—reputable politicians—so voted. My friend Judge KELLEY evidently recalls that fact. [Laughter.]

Mr. KELLEY. Oh, yes; I advocated the measure.

Mr. BELFORD. I say that was the first appropriation ever made for the improvement of rivers and harbors, and it was made to improve the Delaware River for the benefit of the State of Pennsylvania. From that time onward 95 per cent. of all the appropriations made by the Congress of the United States for these purposes have been given to Pennsylvania, New York, and New England. If any gentleman disputes my statement I will try to furnish him with the statistics to-morrow.

What is this bill for? The first five pages which have been read contain appropriations for Maine, Vermont, and New York, and now we are coming to Pennsylvania. Yet when a great Western State with great interests asks you to appropriate a few thousand dollars to the end not that the lands of her citizens but the land of the public may be reclaimed, you rule it out on a question of order. That is the position upon which you place yourselves.

We used to say in the old Revolutionary times [laughter] that taxation without representation was an outrage. Now, Colorado is taxed day after day; yet when I come here to ask you to improve a river in my State you rule the proposition out on a point of order.

Let me call your attention to another fact. Keep that gavel down just a minute, Mr. Chairman. [Laughter.] We have fifteen members of this Committee on Commerce, and beyond the Missouri River, with a population of millions of people, we have but one member on that committee; but one, sir. You limit and restrict our resources. We pour our resources in the way of gold and silver into your very laps and make the nation rich and strong. We pay hundreds of thousands of dollars into the national Treasury, and when we come and ask you to make an ordinary appropriation to save the surplus water flowing away in the spring, to the end that we may reclaim the arid lands and bring the unemployed hands and the empty lands together to build up a million of sweet, delightful, happy homes, you rule it out on a point of order. [Laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. VAN EATON. I wish to ask the gentleman from Colorado one question.

Mr. BELFORD. All right, sir.

Mr. VAN EATON. It is in regard to that first appropriation which was voted in the year 1802. Do I understand you to say that your friend, Judge KELLEY, voted for that?

Mr. KELLEY. Mr. COX, of New York, offered it, and I sustained it. [Laughter.]

Mr. BELFORD. At that time the gentleman from Pennsylvania was, I think, in the bloom of youth. [Laughter.]

The Clerk read as follows:

Improving channel between Staten Island and New Jersey: Continuing improvement, $10,000.

Mr. KEAN. I move, in line 96, to strike out "$10,000" and insert "$25,000."

This amount, Mr. Chairman, is asked for by the Chief of Engineers to carry on this work, and I think, in view of the importance of the work, seeing that it is the channel between New York and New Jersey, through which the commerce of more than thirteen States passes, some adequate appropriation should be made for it.

Mr. CAMPBELL. I rise, Mr. Chairman, to move an amendment to the preceding paragraph.

A MEMBER. It is too late to amend that paragraph, which has been passed over.

The CHAIRMAN. The Chair will state in reference to the point of order that the paragraph has been passed, but the Clerk has been reading rapidly in order to get along with the bill.

Mr. WILLIS. I hope no point of order will be raised against the gentleman from New York, but that he will be permitted to offer his amendment at this time.

Mr. CAMPBELL. I move, after the word "dollars," in line 94, to insert the following.

The Clerk read as follows:

Improving Sheephead Bay, New York, $5,000.

Mr. CAMPBELL. I hope, Mr. Chairman, this House will give favorable consideration to the few words I have to say on this subject. The city of Brooklyn, which requests this appropriation, contains a population of over 700,000 inhabitants. Its four Representatives called on the Committee on Rivers and Harbors and asked an appropriation for Sheephead Bay. For the last four or five years it has been appropriated for, but that committee in its wisdom has thought proper not to include it in the bill this year.

By the map which I hold in my hand it will be seen that no greater injustice could be done to the poor people living behind Coney Island than to refuse this appropriation. The continuance of this work is necessary to enable them to get their supplies. A greater injustice has not been perpetrated since I have had the honor of a seat on this floor. These poor people have no means of getting their coal, wood, or produce of any kind except by going through a railroad country of twelve or thirteen miles.

We ask $10,000 as a temporary appropriation, although the Chief of Engineers recommends $35,000. I wish to ask in all fairness how this committee could have left this matter out when the four Representatives of the city, regardless of politics, requested this small appropriation to keep this work going? If it is not made now the money heretofore spent might as well have been thrown away.

I do not wish to detain the House, as I know it is in no humor for talking, but I do ask that my amendment may be agreed to.

Mr. WILLIS. As several of these appropriations have been passed by without remark, I hope the committee will not understand we have not had reasons for our action. In one minute in reply I will read the official statement of the engineer. It is to be found on page 567, part 1 of the Annual Report of the Chief of Engineers:

This bay has no great commercial importance, and is principally used by very small fishing craft and the sailing yachts of the property-owners on the banks. It is a narrow bay, whose proximity to New York city and Brooklyn makes it a pleasure resort for those persons whose means enable them to build cottages upon its banks or to occupy summer quarters at the many hotels in the vicinity.

Mr. CAMPBELL, of New York. In regard to the cottages on the bay, there are not half a dozen; and in regard to the banks, there is not a bank at all. [Laughter.] I desire the House to understand when that matter was called to my attention I went to the Secretary of War and he referred me to the Chief of Engineers, who had a letter written to Mr. Gillespie, the engineer in charge, and that engineer wrote a letter to the Committee on Rivers and Harbors. Why does not the gentleman have that letter read? It was written at the instance of the chairman of the Committee on Rivers and Harbors, and in justice, I think, to the committee he ought to have that letter read.

Mr. WILLIS. That letter is not in conflict with the report of the engineers at all, and I will insert it in the RECORD. It is in the committee-room, or I would have it read now.

The amendment of Mr. CAMPBELL was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment proposed by the gentleman from New Jersey, which has been already read.

The amendment was not agreed to.

Mr. KEAN. Mr. Chairman, I move a further amendment. In line 98, I move to strike out "twenty" and insert "sixty;" so that it will read: "For continuing improvement, $60,000."

My object in offering the amendment is this: The report of the engineer in charge of the work says that an immediate appropriation of $60,000 is asked for here, so that this improvement may be completed during the summer. That is the total amount required to complete it; and I think it is far better, wiser, and more desirable in every way to complete such works than to let them drag along year after year. For that reason I have moved this amendment increasing the appropriation to cover the amount estimated for.

The amendment was not agreed to.

The CHAIRMAN. The Clerk will read.

Mr. KEAN. I have a further amendment to offer, which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 98, insert: "For improving Shoal Harbor and Compton's Creek, New Jersey, $5,000."

Mr. KEAN. I will ask the Clerk to read what is said upon this subject in the report of the Chief of Engineers.

Mr. WILLIS. I make the point of order that that work is not estimated for. There has been, as I understand it, no estimate or survey.

Mr. KEAN. I beg the gentleman's pardon; there is an estimate and report upon the subject, which I have just sent to the desk to be read.

Mr. WILLIS. If I caught the name aright, "Shoal Harbor," my impression is that there is no estimate for it.

Mr. KEAN. There is an estimate.

Mr. WILLIS. There may be some special report upon the subject, but it is not in the general report of the Chief of Engineers.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. WILLIS. No, sir; I will not insist upon it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL: I have the honor to submit herewith report on the survey of Shoal Harbor and Compton's Creek, New Jersey, in compliance with the river and harbor act, August 2, 1882.

Shoal Harbor is an indentation of the shore on the south side of Sandy Hook Bay, five miles west of the entrance to Shrewsbury River. It is bare at low water, and the water deepens so gradually outward that the five-foot curve, mean low water, is only reached at a distance of 3,000 feet from the high-water line.

The range of tides is four feet six inches. The only appreciably littoral current due to tides is from the west toward Sandy Hook. This is noticeable during a great part of the flood as well as during the ebb, but is so gentle that it has but little influence upon the sand shoals unless supplemented by winds. The harbor is protected in part against southerly and easterly gales by Sandy Hook, but is entirely open to northerly and westerly winds.

Compton's Creek, which flows northerly from the west side of the Navasink Highlands and empties into Shoal Harbor, is five to six miles long, with three to five feet depth of water in the lower reach. At one-quarter of a mile from its mouth it is crossed by a fixed bridge, without a draw, beyond which no boats ever go. Between this bridge and the harbor there is a harbor of refuge of limited capacity, with as much as nine feet depth of water in places, to which fishing vessels, numbering one hundred or more, resort when the tides allow them to cross the shoals at the entrance.

* * * * * * *

The area which is tributary to the harbor is fifteen miles, approximately, and has a population of 2,500 to 3,000 souls.

* * * * * * *

It is estimated that the proposed improvement will cost $64,130.

Very respectfully, &c.,

G. L. GILLESPIE, *Major of Engineers, &c.*

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, United States Army.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New Jersey.

The amendment was not agreed to.

The Clerk read as follows:

For improving harbor at Erie, Pa.: Continuing improvement, $50,000.

Mr. WHITE, of Kentucky. Mr. Chairman, at the end of line 100 I move to strike out "fifty thousand" and insert "one hundred and thirty-three thousand two hundred and fifty;" so that it will read: "For improving the harbor at this point, $133,250."

It is the duty of the Chief of Engineers, as I understand the law, to make certain reports to the Secretary of War. Section 231 of the Revised Statutes provides:

The Secretary of War shall cause to be prepared and submitted to Congress, in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress, full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvements contemplated by such examinations and surveys, to the end that public moneys shall not be applied excepting where such improvements shall tend to subserve the general commercial and navigation interests of the United States.

Now, sir, in volume 2, Executive Document No. 1, first session of the Forty-eighth Congress, I find on page 1925 this statement about this particular harbor:

The entire commerce of the lower lakes is more or less interested in the improvement of this harbor.

Again, I find that there were nine hundred and twenty-two vessels entered at that port, with an aggregate tonnage of 733,000; and nine hundred and nineteen vessels cleared, with an aggregate tonnage of 732,393. The Chief of Engineers reports that the amount required for the completion of this project is $133,250.

I know, sir, that the chairman of the committee said awhile ago in speaking of the Scituate Harbor to the gentleman from Massachusetts, Governor LONG, that it can wait. But, sir, is it right, after we have instructed an officer of this Government to find out what is needed, to find out the cost, and after we have found it, to refuse to give the money for it?

He tells us that the amount needed to complete the project and the amount that can be profitably expended for the fiscal year ending June 30, 1885, is $133,250. It seems to me, sir, that we are running in advance to reduce the estimate as this committee proposes. It seems to me that it is either cowardice or lack of statesmanship to put in a bill to cover that clause of the Constitution which we are sworn to support with reference to the regulation of commerce between the States the little sum of $50,000 instead of the amount declared to be necessary by the proper authority.

Sir, this nation is advancing rapidly. We have gone up from a population of 4,000,000 to 56,000,000, and what would have sufficed seventy-five years ago will apply to this nation no longer. The railroads since 1830 have been constructed to an amount representing a capital of $7,000,000,000. The rivers still remain unimproved. We make our appropriations to support an army of office-holders. We need more to improve the rivers of the country.

The amendment was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Wilmington, Del.: Continuing improvement, $25,000.

Mr. LORE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$25,000" and insert "$50,000."

Mr. LORE. I do not, sir, by offering this amendment, in any way design to reflect upon the committee. I think they have had an exceedingly delicate work to perform, and they have done it perhaps with great discretion. But, sir, in this matter I must disagree with them.

The city of Wilmington, for whose harbor $25,000 is appropriated in this paragraph, is a city of about 50,000 people. Already the Government has projected there and has in course of completion a jetty and has done some dredging. Many of the fleetest and most beautiful sail-vessels and steamers afloat on our rivers and on the seas are built and launched in this harbor by the Harlan & Hollingsworth Company, by the Pusey & Jones Company, and by the Jackson & Sharpe Company, establishments whose skill and thoroughness are a matter of just pride to every Wilmingtonian. We have a large commerce with Philadelphia, sending over 100,000 tons of manufactured goods by two lines of steamers, the Bush and the Warner lines; we send about 100,000 tons to New York; we send some fifteen or sixteen million dollars' worth of manufactured products to different cities.

This work is incomplete. The engineer says it will require $91,000 to complete it, and that it ought to have $75,000 this year. The committee have given us $25,000. I only in this amendment ask for $50,000, which is two-thirds of the amount of the estimate of the engineer. I think I may say from my immediate proximity to the work and from my knowledge of the necessities of that work I have better facilities for judging than the committee in this respect. I will not weary the Committee of the Whole. But I do say the amount I now ask for, $50,000, is only what is necessary, not for the completion but for the proper protection and carrying on of this work.

I am in favor of a liberal system of harbor improvement; not a digging of ditches through dry land, but wherever there is a harbor, wherever there is a stream that is of national consequence, then I would say take some of the money of all the people and make that highway practicable for our commerce, in which all the people are interested. A wise policy of this kind would do no harm to the Democratic party, and I think would reflect credit on us all. I hope the committee will give Wilmington $50,000.

The committee divided; and there were—ayes 29, noes 65.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Brunswick, Ga.: Continuing improvement, $10,000.

Mr. HARDEMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 121, strike out "$10,000" and insert "$20,000."

Mr. HARDEMAN. I offer this amendment in good faith, because it is due to the people there.

In making up the river and harbor bill upon the estimates of the engineers I think the Committee on Rivers and Harbors have looked too close in some respects and not close enough in others. The estimates for Kentucky rivers would take about $380,000; in this bill $250,000 are appropriated, being a little over one-half. At Mobile the engineers reported that $420,000 can be used; $250,000 are appropriated.

Mr. JONES, of Alabama. That is a mistake. The sum appropriated is not $250,000, but $200,000.

Mr. HARDEMAN. About one-half. I am speaking of how the committee have scaled. Now we come to Brunswick, Ga. The estimates of the engineer are $75,000. While the committee have scaled their own rivers and harbors about one-half, they have in this case given only about one-seventh. I only want the Morrison horizontal cut carried out by the committee. [Laughter.] I want them to deal fairly with us.

Brunswick is a growing city. She has already since the last appropriation was made opened a pathway to the Pacific Ocean. She has a syndicate, as it is called, for that purpose. And yet one of the most important harbors of our Southern coast is given only the small sum of $10,000, when the estimates of the engineers are $75,000. According to the scaling process of the committee she ought to have had some $35,000 or $40,000. The sum I have inserted in my amendment is lower in proportion than what they have asked for themselves.

The committee divided; and there were—ayes 48, noes 69.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

Improving Apalachicola Bay, Florida: Continuing improvement, $10,000.

Mr. DAVIDSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 128, strike out "$10,000" and insert "$20,000."

Mr. DAVIDSON. I dislike to retard in any way the consideration of this bill. But the amount recommended by the committee for the improvement of the harbor at Apalachicola is so much less than the amount recommended by the engineer that I have felt it to be my duty to offer the amendment which the Clerk has read. The committee recommend an appropriation of $10,000 to continue this work. The engineers report that $55,000 can be profitably expended in the fiscal year ending June 30, 1885. My amendment proposes to increase the recommendation of the committee from $10,000 to $20,000. The engineers say:

A decided improvement has already taken place in this port since the improvement has commenced, and it is believed a successful completion of it will produce such an increase in the commerce and prosperity of Apalachicola as will show the appropriation to be wisely made.

I have offered this amendment, which proposes to increase the amount to 40 per cent. of what is proposed by the engineers.

The amendment was not agreed to.

The Clerk read the following:

Improving harbor at Pensacola, Fla.: Continuing improvement, $50,000.

Mr. DAVIDSON. I move to amend the amendment by increasing the amount to $55,000. This harbor of Pensacola is one of the most important on the Gulf coast. In order that the Committee of the Whole may be informed of its importance, I will ask the Clerk to read some portions of a memorial of the Pensacola Board of Trade, presented to Congress some time since.

The Clerk read as follows:

To the honorable the Senate and House of Representatives of the Congress of the United States:

The memorial of the Pensacola Board of Trade respectfully shows and represents to your honorable bodies:

That the bay and harbor of Pensacola is the only deep-water harbor that is safe and landlocked and lying directly on the Gulf of Mexico, within the limits of the United States. That it is in fact the only really safe, and for all purposes the only available Gulf port on the whole coast line between Key West and Vera Cruz.

* * * * * * *

EXHIBIT C.

Custom-house statistics for 1883.

Duties on imports	$4,958 64
Tonnage dues	47,045 10
Hospital dues	2,267 80
Miscellaneous fees, &c.	3,851 47
Value imports, foreign	58,504 53
Value exports, foreign	2,242,417 00
Value exports, coastwise, estimated	500,000 00

Receipts of guano, phosphate, and other fertilizers this season, say from November 1, 1883, to January 31, 1884 (3 months), are 25 vessels from foreign and domestic ports, and amount to 13,022 tons; value here, $450,000.

Several other vessels are now due, with same cargo, all of which is to be forwarded into the interior through Pensacola.

EXHIBIT D.

Clearances in 1883.

Class.	Number.	Tons.
Steamships	11	14,152
Ships	23	24,989
Barks	331	211,628
Brigs	41	14,963
Schooners	153	55,834
Total	559	321,566

EXHIBIT E.

Vessels engaged in local trade on Pensacola Bay and waters adjacent, and vessels licensed or registered from this port.

Class.	Number.	Tonnage.	Value.
Fishing-smacks, sail	12	370	.....
Fishing-smack, steam	1	40	.....
Steam-tugs	11	1,344	$200,000
Schooners and sloops	79	2,494	.....
Pilot-boats	9	400	3,600
Total	112	4,648	.....

Mr. STEVENS: I would like to call the attention of the Committee of the Whole for a moment, before voting on this amendment, to the inexpediency of adopting it. I find upon reference to the report of the engineer that the amount available for this work on the 1st of July, 1883, is something over $66,000. The amount estimated as required to complete the work, and that can be profitably expended during the fiscal year ending June 30, 1885, is $55,000. The Committee on Rivers and Harbors recommend an appropriation of $50,000.

Now, it seems to me that that committee has acted with a great deal of liberality toward this harbor. Its tonnage is insignificant compared with that of Buffalo, and the value of the commerce, export and import, is trifling as compared with the commerce of Buffalo. Yet that great harbor in New York has obtained only about one-quarter of what the engineer estimates for it. It seems to me that the harbor of Pensacola, as well as the entire State of Florida, has been very liberally dealt with.

The amendment of Mr. DAVIDSON was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

Improving harbor at Galveston, Tex.: Continuing improvement, $250,000.

Mr. OCHILTREE. I move to strike out the paragraph just read.

Mr. WILLIS. As we have now reached a portion of the bill which may excite debate, and it is growing quite late and the Committee on Rivers and Harbors feel that they can not trespass further upon the patience of members, I will move that the committee now rise.

Mr. OCHILTREE. I desire to state that I have moved this amendment not to increase any appropriation, but to strike out the entire paragraph, with the full concurrence of the Committee on Rivers and Harbors, and also by agreement with the rest of the Texas delegation.

Mr. WHITE, of Kentucky. I hope that the question will be now taken on the amendment of the gentleman from Texas.

The CHAIRMAN. The question is on the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WILLIS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AIKEN: Petition of sundry citizens of Newberry County, South Carolina, for national aid to education, &c.—to the Committee on Education.

By Mr. BARR: Petition of citizens of Pennsylvania, for the establishment of a national cemetery in the vicinity of Philadelphia—to the Committee on Military Affairs.

By Mr. BOYLE: Resolutions of Post No. 178, Grand Army of the Republic, Department of Pennsylvania, and petition and papers relating to the pension claim of Michael Dowling—to the Committee on Invalid Pensions.

By Mr. FOLLETT: Papers in relation to deficiencies in the appropriations for the District of Columbia for 1884 and prior years—to the Committee on Appropriations.

By Mr. FUNSTON: Petition of ex-soldiers and citizens of Linn County, Kansas, for a pension to William A. P. Breeze—to the Committee on Invalid Pensions.

Also, petition of O. R. Powers Post, Grand Army of the Republic, Kansas, asking for the enactment of a law granting a pension of $8 per month to each Union soldier and sailor of the late war—to the same committee.

By Mr. HALSELL: Papers to accompany bill to provide for extension of letters patent, &c., to J. W. Ewing, assignee—to the Committee on Patents.

By Mr. HILL: Protest of Joy Post, No. 153, Grand Army of the Republic, Department of Ohio, against the passage of the bill placing General Grant on the retired-list—to the Committee on Military Affairs.

By Mr. NELSON: Petition of Gustave H. Beaulieu, an Indian—to the Committee on Indian Affairs.

By Mr. O'FERRALL: Papers relating to the claim of John Dillard—to the Committee on War Claims.

By Mr. OSSIAN RAY: Petition of the chief clerks of the railway mail service, first division, praying for the passage of H. R. 1325 as amended—to the Committee on the Post-Office and Post-Roads.

Also, petition of Hon. Charles Holman and others, of Nashua, N. H., and of J. E. Saunders and others, of Peterborough, N. H., favoring the passage of the bills for the benefit of the militia of the different States—severally to the Committee on the Militia.

By Mr. J. M. TAYLOR: Petition relating to the bill for the relief of William J. Manley—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WELLER: Petition of H. C. Bulis and 189 others, residents of Decorah, Iowa, asking that the name of Edward Hogan be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. E. B. WINANS: Petition of Colonel Fenton Post, No. 24, Department of Michigan, asking Congress to grant a pension of $8 per month to all Union soldiers and sailors who served sixty days or more in the late war—to the same committee.

By Mr. G. D. WISE: Petition of citizens of Virginia, relative to inspectors of tobacco—to the Committee on Ways and Means.

Also, petition of P. Doran, asking an appropriation to pay him one month's pay under joint resolution offered March 3, 1879—to the Committee on Claims.

SENATE.

TUESDAY, *June* 10, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Maritime Association of the port of New York, praying for the continuance and extension of the Hydrographic Office; which was referred to the Committee on Appropriations.

Mr. HARRISON. I have been requested to present to the Senate sundry memorials remonstrating against governmental interference with the telegraph business: one with 45 names, from Indianapolis, Ind.; one with 136 names, from Muncie, Ind.; one with 68 names, from New Albany, Ind.; one with 54 names, from Anderson, Ind.; one with 52 names, from Lebanon, Ind.; one with 52 names, from Cambridge, Ind.; one

with 51 names, from Evansville, Ind.; one with 39 names, from Princeton, Ind.; one with 24 names, from New Castle, Ind.; one with 20 names, from Crawfordsville, Ind.; one with 20 names, from Bloomington, Ind.; one with 16 names, from Frankfort, Ind.; one with 12 names, from Jeffersonville, Ind.; one with 11 names, from Marion, Ind.; one with 57 names, from Paris, Ill.; one with 60 names, from Greenville, Ohio; one with 20 names, from Tiffin, Ohio; one with 32 names, from Sidney, Ohio; one with 63 names, from Piqua, Ohio; one with 67 names, from Bellefontaine, Ohio; and one with 108 names, from Urbana, Ohio. These memorials were transmitted to me by an officer of the telegraph company, but he advises me that he has done so in his individual capacity. I move that the memorials lie on the table.

The motion was agreed to.

Mr. HARRISON. I also present upon the same subject a petition transmitted to me from Vincennes, Ind., signed by 70 citizens of that place, and also a letter from the president of one of the national banks there, which I move be laid on the table.

The motion was agreed to.

Mr. COLQUITT presented a memorial of citizens of Milledgeville, Ga., remonstrating against the enactment of any measure which shall establish a governmental monopoly of the telegraph business; which was ordered to lie on the table.

Mr. DAWES presented the petition of John C. Wiltbank and other citizens of Boston, Mass.; the petition of John S. Emery & Co. and other citizens of Boston, Mass.; and the petition of George W. Dow and other citizens of Boston, Mass., praying that liberal appropriations be made for the Hydrographic Bureau; which were referred to the Committee on Appropriations.

He also presented the petition of Rev. Charles F. Deems, pastor of the Church of the Strangers, and other citizens of New York, praying for legislation in aid of the policy of the Secretary of the Interior toward the Indians; which was referred to the Committee on Indian Affairs.

Mr. LAMAR presented memorials of citizens of Meridian, Oxford, West Point, Grenada, Macon, Aberdeen, Brookhaven and vicinity, Columbus, Corinth, and Natchez, in the State of Mississippi, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials, or establish a governmental monopoly of the telegraph business; which were ordered to lie on the table.

Mr. COKE presented a memorial of citizens of Houston, Tex., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation; which was ordered to lie on the table.

Mr. McPHERSON presented the petition of the heirs of Daniel Stevens and other citizens of Cape May, N. J., praying to be reimbursed for the loss of the pilot-boat Pennsylvania; which was referred to the Committee on Claims.

Mr. LOGAN. I have just had handed to me a series of resolutions in the nature of a memorial of soldiers and sailors, citizens of Cincinnati, Ohio. I will ask leave to read it to the Senate.

CINCINNATI, *January* 5, 1884.

SIR: At a called mass meeting held this evening, at Turner Hall, by the soldiers, sailors, and marines of this city, the following preamble and resolutions were adopted:

Whereas the soldiers, sailors, and marines of the Union Army and Navy who defended this Republic in the war of the rebellion were then led to believe that their patriotic services would meet with the same recognition accorded by Congress to those who served in the war for our Independence, the war of 1812, and the war with Mexico; and

Whereas those who served their country as above stated are now either dead, in middle age, or nearly at the close of life, most of them poor and suffering from wounds and diseases contracted in said service: Therefore,

Be it resolved, That every honorably discharged Union soldier, sailor, and marine who served in the war of the rebellion is entitled to a patent for one hundred and sixty acres of the public domain, to be the property of himself or his heirs absolutely without conditions.

Resolved, That our Representatives in Congress are hereby respectfully requested to enact such laws as may be necessary for this purpose.

Resolved, That a copy of these resolutions be presented by comrades Frank Bruner and W. H. Minton in person to the Hons. JOHN SHERMAN and GEORGE H. PENDLETON, Senators of Ohio, to the Hons. JOHN F. FOLLETT and J. M. JORDAN, Representatives of the first and second Ohio districts, to the chairmen of the Military Committees of the House of Representatives and of the United States Senate.

JOHN KENNETT, *Chairman.*
COL. R. CROMER, *Secretary.*

Hon. JOHN A. LOGAN,
Chairman Senate Military Committee.

I move that the resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CONGER presented a petition of Milo Warner Post, No. 232, Grand Army of the Republic, Department of Michigan, praying for the passage of House bill 6463, granting pensions to soldiers and sailors who served sixty days or more in the Army or Navy; which was referred to the Committee on Pensions.

Mr. LAPHAM presented a joint resolution of the Legislature of the State of New York; which was read, and referred to the Committee on Pensions, as follows:

STATE OF NEW YORK, IN SENATE, *Albany, March* 31, 1884.

Whereas many Union soldiers, prisoners of war, were confined in Libby, Andersonville, and other Southern prisons during the late war of the rebellion, and by reason of said imprisonment, and the consequent sufferings entailed thereby, the general health and constitutional vitality of those who survived said imprisonment were so impaired as to bring on a premature breaking down of general health and of the vital powers; and

Whereas it is but simple justice to those deserving and patriotic men that their strong claims to the sympathy of the country should receive such recognition as their merit, suffering, and patriotic services demand: Therefore,

Resolved (*if the assembly concur*), That our Senators and Representatives in Congress from the State of New York are hereby requested to use their influence in the Congress of the United States to procure the passage of an act granting pensions to such surviving soldiers, prisoners of war, who were confined in prisons as above recited, and have been honorably discharged from the Army of the United States.

Resolved, That the governor be, and he is hereby, requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

By order.

JOHN W. VROOMAN, *Clerk.*

IN ASSEMBLY, *May* 15, 1884.

Concurred in without amendment.
By order.

C. A. CHICKERING, *Clerk.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens;

A bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee; and

A bill (H. R. 6122) to extend the time specified in an act approved June 27, 1882, entitled "An act to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia."

The message also announced that the House had passed the bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas; and the bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The message further announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. 1340) to establish and maintain a bureau of labor statistics, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. M. A. FORAN of Ohio, Mr. J. J. O'NEILL of Missouri, and Mr. D. R. JAMES of New York managers at the conference on its part.

The message also announced that the House had passed the following resolution; in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (*the Senate concurring*), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 p. m., Monday, June 30, 1884.

The message further announced that the House had passed the following resolution; in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (*the Senate concurring*), That the President be requested to return to the House of Representatives, in which it originated, the bill (H. R. 2344) for the relief of Melissa G. Polar.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4988) to remove the disabilities of William H. Parker, of Virginia, incurred under the fourteenth amendment of the Constitution; which was thereupon signed by the President *pro tempore.*

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1250) for the relief of the Mission Indians in the State of California, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1249) to confirm certain lands in the Indian Territory to the Cheyennes and Arapahoes and the Wichitas and affiliated bands, to provide for the issuance of patents therefor, and for other purposes, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 2292) for the relief of Old Bushyhead and other Eastern Cherokees; which was read twice by its title.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (H. R. 825) granting a pension to William J. Barker, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1844) to require the Secretary of the Interior to place the name of Rolen T. May on the pension-list, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H.

R. 4718) for the relief of Caroline Sheward, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4717) for the relief of John Swearer, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 4164) for the relief of Ellen Hogan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1396) granting a pension to Frederick Wilhelm, late a sergeant of Company L, Fifth Regiment Pennsylvania Volunteer Cavalry, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1985) granting a pension to Malvin Pierce, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5999) granting additional pension to George H. Fluke, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1806) granting a pension to George H. Fluke, of Zanesville, Ohio, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 2193) granting a pension to Ferdinand Hercher, to submit an adverse report thereon. This case is pending in the Pension Office. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin, reported it without amendment, and submitted a report thereon.

Mr. COLQUITT. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 433) to increase the pension of Simpson Harris, to report it without recommendation, and submit a report thereon. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. COLQUITT. I am instructed by the same committee, to whom was referred the bill (H. R. 2984) granting additional pension to Apolline A. Blair, widow of the late General Francis P. Blair, and for other purposes, to report it without recommendation, and submit a report thereon. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 38) granting a pension to Mrs. Mary Griffith, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 2473) for the relief of Margaret A. Caswell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 591) granting a pension to W. H. Blake, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1394) granting a pension to Mary P. Thompson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet, reported it without amendment, and submitted a report thereon.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa, reported it with an amendment, and submitted a report thereon.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 2127) for the relief of Mrs. S. B. Duvall, widow of the late Rev. W. P. Duvall, deceased, reported it with amendments.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 209) granting the use of cannon and muskets to ex-Union soldiers for reunion purposes, submitted an adverse report thereon, which was agreed to; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (S. R. 83) authorizing the Secretary of War, in his discretion, to make exchange of tents for Gatling guns with the National Guard of Alabama, and for other purposes, submitted an adverse report thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 244) authorizing the Secretary of War, in his discretion, to make exchange of tents for Gatling guns with the National Guard of Alabama, and for other purposes, submitted an adverse report thereon.

Mr. MORGAN. I ask that the joint resolution be placed on the Calendar.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar with the adverse report of the committee.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. HAWLEY. Two matters I report from the Committee on Printing for which I ask immediate consideration. The first is a concurrent resolution providing "that of the report of the Commissioner of Education for 1882 and 1883 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner." Since that was referred to the committee the House has passed a similar resolution, wherefore the committee asks to be discharged from the further consideration of the one I have just read and moves the passage of the House resolution.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the concurrent resolution be indefinitely postponed. That order will be entered if there be no objection.

Mr. HAWLEY. From the same committee I report favorably the joint resolution (H. Res. 257) providing for the printing of the last annual report of the Commissioner of Education.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read.

The Chief Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives, &c., That of the report of the Commissioner of Education for 1882-'83 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SMITHSONIAN REPORT FOR 1883.

Mr. HAWLEY. I also report from the Committee on Printing the usual annual resolution for printing the report of the Smithsonian Institution.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks that the concurrent resolution be now considered.

Mr. COCKRELL. Let it be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the annual report of the Smithsonian Institution for the year 1883 be printed; and that there be printed 15,560 extra copies, of which 2,500 shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

Mr. HAWLEY. That is in the usual form, in the same language as the preceding annual resolutions upon the same subject.

Mr. COCKRELL. Would not this be a very good time to conform to the general rule and give the Senate 3,000 copies and the House 6,000, in accordance with the rule that I understand the Senate has adopted whenever it has been brought before it? I offer that amendment.

The PRESIDENT *pro tempore*. The Chair will call attention to Rule XXIX, the second paragraph of which provides that—

Motions to print additional numbers shall also be referred to the Committee on Printing—

Which has been done—

and when the committee shall report favorably the report shall be accompanied by an estimate of the probable cost thereof.

Mr. HAWLEY. The estimate is always ready, but its reading is not always called for. The figures are on the back of the resolution. I think the cost will be $10,000.

The PRESIDENT *pro tempore*. Will the Senator from Missouri repeat his amendment?

Mr. COCKRELL. I move to amend by striking out "2,500," as the number provided for the Senate, and inserting "3,000," and then let the House have 6,000, so as to give the Senate just half the number given to the House.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend the resolution by striking out "2,500" and inserting "3,000;" so as to read: "of which 3,000 shall be for the use of the Senate, and 6,060 for the use of the House of Representatives."

Mr. COCKRELL. Let it be 6,000 for the use of the House.

Mr. HAWLEY. Let the 6,060 go; make as few amendments as possible.

Mr. COCKRELL. Very well; let it go. Just change the aggregate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. The aggregate that goes to the Smithsonian Institution will be decreased just 500 copies.

Mr. HAWLEY. I would not decrease the number for the Smithson-

ian. They make their estimates with accuracy, and usually know what they want.

Mr. COCKRELL. Then increase the whole number 500.

Mr. HAWLEY. Increase the aggregate. The amendment made adds 500 to the aggregate.

The PRESIDENT *pro tempore*. The resolution, if there be no objection, will be amended so as to make the aggregate 16,060, the number having been increased 500. The amendment will be agreed to if there be no objection. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. VAN WYCK introduced a bill (S. 2293) for the relief of Michael Coleman; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS introduced a bill (S. 2294) granting a pension to J. H. Spicer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN (by request) introduced a bill (S. 2295) to grant a right of way to the New Orleans and Mississippi Valley Railroad Company for the construction of a railroad and telegraph line through the United States public grounds at Baton Rouge, La.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BROWN introduced a bill (S. 2296) for the relief of Thomas A. McLaughlin; which was read twice by its title.

Mr. BROWN. This person is a citizen of the District of Columbia, as I understand, and I introduced the bill by request, without committing myself to its support. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. McMILLAN introduced a bill (S. 2297) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VAN WYCK introduced a joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

REMOVAL OF POLITICAL DISABILITIES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered yesterday by the Senator from Kentucky [Mr. BECK]. It will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on the Judiciary be instructed to report back to the Senate Senate bill No. 3, being a bill for the removal of all political disabilities imposed by the fourteenth amendment to the Constitution of the United States, referred to said committee December 4, 1883, with such recommendations as the committee may see fit to make.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. BECK. Mr. President, I have conversed with members of the Judiciary Committee since yesterday and am assured that the arrangement of its business is such that it would not be proper to press the consideration of the resolution I offered yesterday at this time. I therefore propose to withdraw it.

With the permission of the Senate I desire to state that the reason why I offered the resolution was that the amnesty bill which was referred to the Committee on the Judiciary on the 4th day of December last was one that I offered. Similar bills had been offered very many times before by me, hoping that it would pass and thus wipe out the last relic of our past troubles and invidious discriminations. I have felt the more confident of the passage of a general bill because after the passage of the present general law, which bears date May 22, 1872, the House of Representatives, of which I was then a member, and I may remark that a large number of Senators on both sides of this Chamber were then members of that body, determined at the next session that we ought to remove all disabilities without exception. I introduced the bill then. It was, I believe, referred to the Committee on Rules at that time; that committee was composed of the then Speaker of the House, Hon. James G. Blaine, of Maine; Hon. Horace Maynard, of Tennessee; Hon. James A. Garfield, of Ohio; Hon. SAMUEL S. COX, of New York; and Hon. SAMUEL J. RANDALL, of Pennsylvania, all of whom agreed to it. On the 8th day of December, 1873, through Mr. Maynard, that committee reported back a bill, which I hold in my hand, removing all disabilities imposed and remaining upon any person by virtue of section 3 of article 14 of the amendments to the Constitution of the United States. When that bill was reported, as will be seen by reference to page 91 of the RECORD of December 8, 1873, the question was asked by Mr. Lawrence, of Ohio, whether it did not remove the disabilities of Jefferson Davis. Judge HOAR made some inquiry; Mr. Butler, of Massachusetts, made inquiries; but perhaps I had better read from the RECORD, as it is brief. The entire proceeding is as follows:

GENERAL AMNESTY.

Mr. MAYNARD. I am instructed by the Committee on the Rules, acting upon a resolution submitted to them the other day, to report the bill which I send to the desk. It has met the unanimous approval of the committee, and when it has been read, I will, unless some gentleman wishes to ask questions or to make opposition to it, move the previous question.

The bill granting general amnesty and prescribing an oath of office was then read. The first section removes all disabilities imposed and remaining upon any person by virtue of section 3 of article 14 of the amendments to the Constitution of the United States. The second section repeals the act of July 2, 1862, entitled "An act to prescribe an oath of office, and for other purposes," and provides that hereafter any person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval departments of the public service, shall, before entering upon the duties of such office and being entitled to any of the salary or other emoluments thereof, take and subscribe the oath prescribed by the act of July 11, 1868, entitled "An act prescribing an oath of office to be taken by persons from whom legal disabilities shall have been removed."

Mr. MAYNARD. I move the previous question.

Mr. LAWRENCE. Would not that admit Jeff. Davis to a seat on this floor?

Several MEMBERS. Certainly.

Mr. LAWRENCE. Then I object to it.

Mr. G. F. HOAR. I will inquire of the Speaker whether, under the rule applied by him in the last Congress to the Committee on Printing, the Committee on Rules are authorized to report general legislation at any time?

The SPEAKER. The Chair thinks they are authorized to report merely on the rules at any time; and the Chair doubts very much whether this report would be in order except under a call of the committee. This is legislation, and does not pertain to the rules. If the gentleman from Massachusetts [Mr. G. F. HOAR] desires to make the point of order, now is the time to make it.

Mr. G. F. HOAR. I desire simply to have the point of order decided, and then I will waive objection to the consideration of the bill; but I make the point of order.

Mr. BUTLER, of Massachusetts. I must insist on the point of order.

The SPEAKER. The Chair sustains the point of order.

Mr. MAYNARD. Then I move to suspend the rules, so as to allow the committee to report this bill and to pass it. And in answer to the question propounded by the gentleman from Ohio [Mr. LAWRENCE], I tell him frankly that this bill will, if enacted, admit the president of the Southern confederacy, just as the vice-president has been already admitted, to a seat in either House of Congress, provided the people where he lives shall think proper to send him here. It is general amnesty as recommended by the President; and it also repeals what is called the test-oath, substituting for it the modified oath that we have all heard so often.

Mr. BUTLER, of Massachusetts. I do not object to the bill if it has been considered and reported by a committee.

Mr. MAYNARD. It is reported by the Committee on Rules unanimously.

Mr. BUTLER, of Massachusetts. All right.

The SPEAKER. The bill would require a two-third vote to pass it.

Mr. MAYNARD. I move that the rules be suspended and the bill passed.

Mr. COX. Is there any objection to passing it unanimously? The President recommends amnesty; and let us unanimously wind up this foolish business of taking the test-oath.

The SPEAKER. The gentleman from Ohio [Mr. LAWRENCE] objects, and that is sufficient.

The question was taken on Mr. MAYNARD'S motion; and on a division there were—ayes 141, noes 29.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.—*Congressional Record*, volume 2, part 1, Forty-third Congress, first session, page 91.

Ever since these proceedings were had I have hoped that we would dispose of the subject as was then proposed by the House, and be done with; but, as I said, such is the condition of the business of the committee, as I am advised, that they can not very properly consider it, and that I ought not to press the resolution now; therefore I withdraw it.

Mr. GARLAND. In view of the fact that there is upon the record at least an apparent cause of complaint in the delay of the Committee on the Judiciary in disposing of this matter, I will make a few observations which will be in explanation of the course of the committee.

There has been no delay on the part of the committee in disposing of this proposition, properly speaking. A very short time after the bill referred to by the Senator from Kentucky was sent to the committee they took the matter up and discussed it. In view of other measures looking somewhat in the same direction, which were pending before the committee, it was unanimously agreed that the bill should lie over for the time, and the committee agreed to the Senator from Illinois [Mr. LOGAN] reporting a bill, which is now a law and which I hold in my hand, in reference to official oaths, the same bill in substance having been reported by myself just two years ago tomorrow, but it was not reached on the Calendar in time for action at that session. The law referred to is in these words:

[PUBLIC—No. 33.]

An act amending the Revised Statutes of the United States in respect of official oaths, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1218 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 1218. No person who held a commission in the Army or Navy of the United States at the beginning of the late rebellion, and afterward served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army or Navy of the United States."

SEC. 2. That section 1756 of the Revised Statutes be, and the same is hereby, repealed; and hereafter the oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States, shall be as prescribed in section 1757 of the Revised Statutes. But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular subordinate offices and employments.

SEC. 3. That the provisions of this act shall in no manner affect any right, duty,

claim, obligation, or penalty now existing or already incurred; and all and every such right, duty, claim, obligation, and penalty shall be heard, tried, and determined, and effect shall be given thereto, in the same manner as if this act had not been passed.

SEC. 4. That section 820 of the Revised Statutes, imposing certain disqualifications on grand and petit jurors in the courts of the United States, and section 821 of the Revised Statutes, prescribing an oath for grand and petit jurors in the courts of the United States, be, and the same are hereby, repealed.

Approved May 13, 1884.

Meanwhile a number of applications came to the committee for the removal of the disabilities of various individuals. When I went into that committee as a member I found a rule existing there that I was told existed by the unanimous approbation of the committee, members of both parties, that after the passage of the act of May 22, 1872, referred to by the Senator from Kentucky, no person should be relieved of his disabilities unless he asked for it, and then was found not to be indebted to the Government of the United States. After Judge Thurman became chairman of the committee that rule was kept up unanimously, and it has continued on from that time to this. No individual case has received the sanction or the approval of the committee unless an application or petition was sent and unless upon investigation the applicant was found not to be indebted to the Government.

The act of May, 1872, really relieved nearly every person. I find in looking back at the debates in January, 1876, in the House of Representatives, Mr. Blaine then stated that from the information he had there were only seven hundred and fifty who were not relieved by that act. That was eight years ago last January. Ransacking all the sources I can for information, there are not exceeding from fifty to one hundred now who are not relieved. The act of 1872, as I said, relieved a great many. I reported from the committee yesterday two cases from Georgia that were supposed to be laboring under disabilities, but when we came to examine the act of 1872 we found they were not.

The matter has progressed in this way in the Committee on the Judiciary by the consent and approbation of all the members of it, and we have the legislation in reference to oaths that the Senator from Illinois has reported, which was passed unanimously by the Senate and received the approbation of the House and is now a law.

The committee have thought that under the circumstances, taking the history of this matter and with the fifty, sixty, seventy, or one hundred it may be who are left, nothing better could be done than to act upon the individual cases, not one of which has been refused or received a negative vote, even when they have brought in their petitions, and it has been shown that they were not indebted to the Government. That is the whole case, and I am very glad the Senator from Kentucky has withdrawn the resolution.

The PRESIDENT *pro tempore*. The resolution is withdrawn.

CONTRACTS FOR INDIAN BEEF-CATTLE.

Mr. VOORHEES. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be, and is hereby, instructed to furnish to the Senate at the earliest possible moment copies of all contracts made by the United States with citizens for furnishing beef-cattle to the Indians of the Southern and Northern superintendencies during the year 1883 and 1884, with names and residences of all those to whom said contracts were let, together with all correspondence and instructions from the Commissioner of Indian Affairs in any way appertaining or relating to said contracts.

Mr. SHERMAN. I have no objection to that except that it calls for a multitude of details which are not at all necessary, and which it will be expensive to print and expensive to copy, and will take a long time.

Mr. VOORHEES. Let the resolution be printed and go over until to-morrow when I can look into the matter.

Mr. SHERMAN. I would prefer that it should go to the Committee on Indian Affairs.

Mr. VOORHEES. I prefer that it go over, as I think I can put it in such a shape that it will not be objected to.

Mr. SHERMAN. All right.

The PRESIDENT *pro tempore*. The resolution will be printed and go over.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BLAIR, it was

Ordered, That Nathaniel McKay, George M. Clapp, and the executors of Donald McKay have leave to withdraw their petition and papers from the files of the Senate, there having been no adverse report thereon.

AMENDMENT TO A BILL.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. HARRIS. I move that the Senate do now proceed to the consideration of House bill 5667.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Michigan [Mr. CONGER] that the bill be postponed until to-morrow.

Mr. CONGER. The object of that motion having been accomplished by the intervening time, I ask leave to withdraw the motion.

The PRESIDENT *pro tempore*. The motion to postpone is withdrawn by the Senator from Michigan.

Mr. HARRISON. I desire to offer an amendment to the bill.

Mr. CONGER. I ask whether the amendment of the Senator from Iowa [Mr. WILSON] was not the pending amendment?

The PRESIDENT *pro tempore*. The Chair understands that the amendment of the Senator from Iowa was laid on the table. The amendment of the Senator from Indiana [Mr. HARRISON] will be read.

Mr. HARRISON. I will state the amendment. It is, in line 7, section 1, after the word "days," to insert the words "in Mexico;" and to strike out, beginning in line 9 with the word "or," after the word "Mexico," down to and including the word "war," in line 11.

The PRESIDENT *pro tempore*. The first amendment moved by the Senator from Indiana will be read.

The CHIEF CLERK. In line 7, after the word "days," it is proposed to insert "in Mexico;" so as to read:

The military and naval services of the United States, who served sixty days in Mexico in the war of 1846 and 1847, &c.

Mr. HARRISON. I ask to have the other amendment read in the same connection.

The PRESIDENT *pro tempore*. The other amendment will be read.

The CHIEF CLERK. In line 9, after the word "Mexico," it is proposed to strike out:

Or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Senator from Indiana [Mr. HARRISON].

Mr. BECK. I should like to hear it read in connection, first the bill as it was before the amendment and then as proposed to be amended.

The PRESIDENT *pro tempore*. The Secretary will read that part of the bill proposed to be amended as it now stands, and then the amendment, and then the bill as it would read if amended.

The CHIEF CLERK. Without the amendment, the bill reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847-'48 with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war, or were actually engaged in a battle in said war, and were honorably discharged, &c.

The amendment proposed is, in line 7, after the word "days," to insert "in Mexico;" and in lines 9, 10, and 11 to strike out "or who being enlisted as aforesaid actually served with the Army or Navy of the United States in Mexico in said war;" so that when amended the paragraph will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in Mexico in the war of 1846 and 1847-'48 with Mexico, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars.

Mr. BECK. The amendment strikes me as limiting pensions to men who actually served on Mexican soil. They might have been on the border or on disputed ground, performing exactly the same kind of service as if they were inside the territory of Mexico. It proposes a limitation that might operate harshly and unjustly on some of the soldiers and sailors who were performing very meritorious and very dangerous service.

But the suggestion I rose to make is that with three or four hundred Senate bills on the House Calendar, if this bill is amended at all the chances against its passage at this session will be very slight with a resolution from the House now on our table proposing to adjourn on the 30th day of this month, with the sundry civil bill not yet laid before the House so far as I know, with the deficiency bill untouched, and the river and harbor bill unfinished, and with a thousand things pressing for consideration, among which, as I said, are nearly four hundred bills sent from this body over there—the chances are that any amendment is the end of the Mexican pension bill, however good the amendment may be. If it is desired to pass this bill and have it become a law at this session, there is but one reasonable chance, and that is to pass it as it came from the House without dotting an *i* or crossing a *t*

I have no doubt amendments could be made which would make the bill a little plainer, perhaps in some regards better, but if the main purpose of Senators is to pass this bill, my judgment under all the circumstances is that with the amount of work necessary to be done and the condition of business in the House as we know it from the RECORD, the chances are that this bill will never be heard of again at this session if it is amended and sent back to the House.

For that reason I shall vote against every amendment proposed, however good, and I think those who desire to have the bill had better take that course.

Mr. MORGAN. I think the Senator from Indiana, on looking at his amendment more closely, will find that it is not necessary. There were two battles which were fought on the territory of Texas and not of

Mexico, the great battles of Resaca de la Palma and Palo Alto. Doubtless there were soldiers who were discharged after those battles, some for wounds and some for disease, who had participated in the fight. They would be excluded by the amendment.

Mr. HARRISON. The Senator is mistaken. There is another clause in the bill that expressly includes all who took part in any battle whether it was in Mexico or anywhere else.

Mr. MORGAN. Then this amendment is unnecessary so far as service in Mexico is concerned. The object of the Senator is not to get at those who served in Mexico but those who served in the Mexican war army. The real purpose, however, I suppose, is to require a service of sixty days in Mexico or somewhere else in the Army. What would the Senator do with the marines and sailors who served in the Mexican war? Very many of them did not happen to get ashore. They were not very much accustomed to fighting on shore. They were not really in Mexico at all. They were on board our men-of-war cruising about in the Gulf of Mexico. They had engagements notwithstanding, and the Senator's amendment would exclude those.

I take it for granted that the amendment is simply in hostility to the bill. The object of the Senator is to defeat the bill. I very much prefer, if that is his object, that he would come out and say so and let us know who it is that wants to deprive the Mexican war soldiers of all right to pensions.

Mr. HARRISON. Mr. President, I do not care about measuring motives with the Senator from Alabama. I shall impute none to him, and I shall take care of my own, and be responsible to my own judgment for them.

There are four classes of persons intended to be included by this bill as it comes from the committee: first, all of those who served sixty days in the Army, without reference to the question whether that service was in the camp of rendezvous in the State where they were enlisted, or whether it was with the Army in Mexico in front of the hostile enemy. Now, we are introducing here the subject of service-pensions. I am not prepared to say that under all circumstances I am opposed to a service-pension. I believe, however, we should come wisely to the proposition which was broached in a bill I introduced early in the session, placing our pensions upon the ground of disability and giving them to the disabled. It may be that we should extend this, and I think we should certainly as to the soldiers of the late war, beyond those who could directly trace the disability from which they are suffering to the incidents of camp or battle.

But it is proposed here by this bill to pension men who never set foot in the country with which we were at war, to give pensions to men who may have spent sixty days in a camp in their own State, never having endured any of the hardships of a soldier's life, never having faced any of the dangers of a soldier's life. I submit, Mr. President, that that is carrying this question of pensions beyond the line of safe precedent. We ought at least to require that the soldier should have joined the Army and been transported to the country where the war was being waged, or if the war was waged in Texas, as the gentleman has stated and truly stated, that subsequent provision of this bill expressly covers such cases. The case of any soldier who was engaged in any battle, large or small, would be covered by the bill. I am told by those who have carfully examined the recommendation of the Commissioner of Pensions with reference to this matter that he has recommended substantially the amendment which I have proposed, though I was not aware of that fact at the time I made the proposition.

I submit to the Senator from Alabama that if we are making here a precedent for a service-pension we ought to limit it to those cases where service was actually rendered, and not extend it to the cases of men who substantially rendered no service whatever.

Mr. WILLIAMS. Will the Senator allow me one word?

Mr. HARRISON. Yes, sir.

Mr. WILLIAMS. My information is that there was not a company or a regiment raised for the Mexican war that was in the service sixty days that was not sent to Mexico, but there were 5,200 men who were enrolled and were yet in the United States who would be cut off by a provision limiting it to those who served sixty days. All who were in service sixty days were sent to Mexico.

Mr. HARRISON. If the Senator from Kentucky is right this limitation of mine will not exclude anybody.

Mr. WILLIAMS. I do not think it will.

Mr. HARRISON. But as his information may not be very accurate, we had better have the bill in proper shape.

Mr. WILLIAMS. All who served sixty days went to Mexico unless it was some soldier who was sick in hospital and who had to be left. There are a few such cases. The amendment is wholly unnecessary. It endangers the bill. That is the only difficulty about it. There are a great many amendments that might be made which would better the bill in my judgment, but I think all of us who are friendly to it at all had better take it exactly as it came from the House without the crossing of a *t* or the dotting of an *i*, and we can amend it hereafter at the next session if there is anything imperfect about it. Let us not load it down with amendments now, and let us vote pensions to this remnant of old veterans of that war, let us put them in this boat and take them safe to shore, and do not swamp it by putting upon it too many passengers. There will be time for a return trip to take all ashore after a while.

Mr. HARRISON. I think there never was a more dangerous argument used than the argument which has been now used by both the Senators from Kentucky. This bill is important in itself; it involves a great deal of money, but its chiefest importance is in the precedent which we are making on this subject of pensions. I say to the distinguished gentlemen on the other side of the Chamber that this precedent is one that they will have to meet, and meet as applied to a class of soldiers much larger than the surviving soldiers of the Mexican war; and if we are to come to a proposition that soldiers who never rendered any substantial service, soldiers that never left the camp of rendezvous, are to be pensioned under this bill, we shall meet that precedent further on.

That is not all, Mr. President, but in the words I have moved to strike out later on in the bill this class of cases is covered: a man who took a commission as a captain and went with his company to Vera Cruz and resigned next day after landing there and came home would be pensioned, for if he once landed in Mexico, if he was upon the soil of Mexico, it is not necessary that he should have served sixty days. Let me call attention to the language of the bill:

> Or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war.

"In Mexico," if it was one day, if not more than thirty days had elapsed from the period of his enlistment.

Mr. WILLIAMS. Allow me. How would it be possible for a man to have gone from this country to Mexico and to have gotten there at all and been one day in service, without being sixty days in it? The time going and coming would amount to sixty days.

Mr. HARRISON. The Senator's objection and suggestion should have been addressed to the framers of this bill. If that clause which I have quoted does not cover anybody's case, why is it in the bill?

Mr. WILLIAMS. There was no necessity for putting it in.

Mr. HARRISON. There was no necessity of putting it in if it did not cover some one's case who was not sixty days in service, because all who were sixty days in service are covered by the earlier provision of the bill.

Then I take it that those who have studied this question, are interested in this subject, and have drafted in this bill, did have in their mind a class of persons who had not been sixty days in the service but who actually landed with the Army in Mexico. If not, then why should the Senator object to striking out those words? He says they do not cover anybody's case.

Mr. WILLIAMS. I answer the Senator simply because it defeats the bill by obliging it to go back to the House. It is perfectly obvious to every Senator that no man could be in Mexico at all in the Army without having been in the service sixty days, because it would take sixty days to go and come.

Mr. HARRISON. Certainly it would not from Texas, certainly it would not from Louisiana, certainly it would not from some of the adjacent States; and I take it it is very clear that those who framed this bill put in that clause to cover a certain class of persons who had not been sixty days in the service.

Then we come to this question whether we shall pension a man who simply landed on Mexican soil and was mustered out the next day, or an officer who simply landed there and resigned his commission the next day and came home. I say it is pushing this whole question to an absurd length when it is asked to pension that class of persons. We had better not do it even if this bill has to go to the next session for consideration in the other House. We had better not under the stress of the argument that it may delay the passage of the bill until next winter adopt such a precedent as that, a precedent that would give in our late war pensions to thousands of men, if it were applied in that case, who never saw any service at all.

Now, Mr. President, one word in response to the suggestion of the Senator from Alabama which I had not at first intended to notice. I had hoped that this bill might be put in a shape where I could vote for it. If it were limited to those who actually did faithful service in facing the dangers of that climate and a treacherous and brave enemy in defense of the flag, I could look at it with favor; but it is so enlarged as to give a service-pension, as I have suggested, without exacting any service, without providing either for proof of disability or any substantial and serious service to the country. I think, therefore, this amendment ought to prevail.

Mr. MORGAN. Mr. President, it was not my purpose to question the motives of the Senator from Indiana in moving his amendment or in supporting this bill in any form he desired to support it. He is as free to support or oppose the bill as I am, or as any other Senator on this floor is. I was merely trying to ascertain whether the Senator from Indiana was really the friend of the bill or not, for if these amendments come in for the purpose merely of defeating it by suggesting phases in which the bill might be bettered, I think that is hardly a fair way of meeting the question. The Senator from Indiana has announced, as I understand him, that he is opposed to service-pensions; he is opposed to that system; he is opposed to establishing all precedents on that subject.

Mr. HARRISON. I have not said so.

Mr. MORGAN. I thought so. That was the tenor of the argument of the Senator from Indiana, as I understood it, that it would not do now to establish the doctrine of service-pensions; and he went on to argue that it would be but a short time until we should be confronted with that doctrine in behalf of persons who were engaged in the late war. It would take a great amount of money to apply the principle of service-pensions to those who were engaged in the late war on the side of the Union, and we may have to face that question; and when we do have to face it, if I am in the Senate of the United States, whenever the people of the North satisfy me that we are under an obligation of gratitude that they feel that it is our duty to requite by voting service-pensions to their soldiers, I intend to vote them, because the people whom I represent had too large a share in the production of the occasion for granting those pensions to withhold their hands when it becomes a duty on our part to supply the funds necessary to pay the pensions. The Senator from Indiana, however, does not seem to want to establish a precedent which shall compel him to do it. He is afraid that at that time, when that era comes in our political history, he will be confronted with a precedent here which will compel him to vote service-pensions to those soldiers. I think I am a little further along than the Senator from Indiana on that question.

There is one qualification that I think of that, for the sake of justice in such an emergency or event as that I have referred to, I think ought to be put into a service-pension bill in favor of those men who served in the late war, and that is that the money to pay the pensions ought to be collected by a tax on spirits. Then those men who want to drink the health of the Union Army or the health of anybody else can pay the taxes for doing it and to supply the pensions, and those men who do not want to do it can relieve themselves of that duty and that obligation and can decline to pay the pension tax. I would be delighted to see the whisky tax in this country made the sole resource for the pensioning of the soldiers of the late war. Then the people of the South who desire to contribute, as many of them would doubtless patriotically desire to do, to the support of the pensioners in the Army of the late civil war would have the consolation of knowing that they had the means of deriving some satisfaction from it at least. It would be a voluntary tax, one grateful to a great many stomachs, one that a great many men would not at all revolt at, and we could afford with such a provision as that to do the justice proposed to the soldiers of the late war of giving them a compensation and an honorable testimonial of gratitude in the direction I have indicated.

We can also in a service-pension put every man upon an equality. The man who carried the sword and wore the epaulets would get his $8 or $12 a month precisely like the honest, faithful man who fought in the ranks. The truth is, Mr. President, that there never was a pension law that was properly and equitably adjusted between the different classes of soldiers which did not have that feature in it. That is one of the reasons I like this Mexican pension bill. It makes no discrimination between officers and privates. A private soldier who fought in the ranks manfully and honestly is better entitled to the gratitude of his country than the man who was earning honors at the same time that he was receiving a large salary and the chance for a large pension.

So the Senator from Indiana must guard himself in respect of the effect of this precedent upon the people that he represents. I object, and I deny that there is any such thing as a precedent in a pension law. If you can find two wars that are precisely alike, fought for the same reasons and under the same circumstances, when you pension the soldiers in one of those wars you may possibly establish a precedent for the other. But every war stands upon its own foundation and its own facts in history as justifying or denying to the man who served in it the right to pension. If we had conducted a war of invasion against Canada, for instance, at some time or other, and we had failed in it because of the cowardice or the inefficiency of our soldiers, if when they came back we refused to pension those men it would be no reason why we should refuse to pension men who had gone to Mexico and acquired a vast domain by their courage and their prompt service.

Precedent has no effect upon a case of this kind. Every pension and every war stands upon its own foundations, and I maintain the right of the people of the United States, if they choose to do it, without consulting any precedent at all, to pension all soldiers of the late war because of the fact that they served in the Army. I maintain the right. Whenever the people of the United States get their minds made up that a duty of gratitude requires that they shall make that recognition of the soldiers of the Union Army, and that the time has arrived for doing so, then I maintain they have a perfect right to do it, and they have a right to do it without respect to any precedent heretofore established, because there was no other war like that, there was no other service like that, there was none which required a brother to go into the ranks and confront his brother and shoot him down upon the battlefield. If the Government of the United States ever required of its citizen soldiery hard and trying service, it was during the period of the civil war. I need not allude to the incidents of that war to prove it. They are fresh in the memory of every man who served in either army. There is perhaps not a man on this floor who had any experience in the battles of that war who did not find brother confronted with brother in actual conflict. Who has not seen the victorious brother bowing over the remains of his dead brother upon the field of battle, his enemy?

That was as different from the Mexican war as it was from the Revolutionary war, and much more so. Now, we need not go to the Revolutionary war to get a precedent for or against the pensioning of the soldiers of 1860 to 1865. The Senator from Kansas [Mr. INGALLS] was right when he announced the other day that he wanted the precedent established in this bill, if there was to be any precedent about it, in favor of the duty of the people of America to pension the soldiers of the late war whenever they come to the conclusion that that duty had actually become incumbent upon them. Whenever the representatives of the people of the United States can rise in these Houses and declare in the presence of the country that the moment has arrived when it is the duty of gratitude on the part of the people of the United States to pension the soldiers of the late war, that declaration being made as to the arrival of that time, I can not deny; I never will deny their right to do it and the justice of the act. I shall only ask, if I can do it, as I intimated awhile ago, that in the collection of the pensions we shall make the system as far voluntary as possible on the part of the taxpayers.

Mr. HARRISON. I do not want to protract this debate. The Senator from Alabama is too good a debater to make it necessary for him ordinarily to make a man of straw. He is sufficiently able usually to deal with a man in the flesh; but he has scarcely done so in the speech which he has just closed.

I did not say that I was opposed to service-pensions. I did not say that I would draw back from the proposition to pension with a service-pension the survivors of the late war when the proper time arrived. I did say that then and now I insist that there shall be some service as the basis of a service-pension, and this bill makes no basis of service. Sixty days, I may be told—sixty days in the camp of rendezvous, sixty days in our own country, without ever having set foot on the soil of Mexico or ever having come within hearing of the largest gun; or one day in Mexico, and the briefest period of service that was consistent with spending one day in Mexico as a soldier, a resignation or a muster-out the next day, and a return to one's own home, and that is to be the basis of a service-pension!

Mr. MORGAN. Let me ask the Senator from Indiana if he is not making a man of straw. Did he ever hear of any person who was less than sixty days in service in Mexico?

Mr. HARRISON. I have no doubt there were many such, or else the framers of this bill would not have had a provision in it to admit another class who had not been there sixty days.

Mr. MORGAN. He was informed by the Senator from Kentucky [Mr. WILLIAMS], who was one of the officers in that war, that there were no such people.

Mr. HARRISON. The Senator from Kentucky expressed the opinion that no one could have enlisted and been in Mexico unless he served sixty days in the Mexican war; but I think the Senator from Kentucky will hardly argue that it would take a Texan sixty days to get to a point in Mexico or a soldier from Louisiana sixty days to do the same thing. It is perfectly clear that there were soldiers who landed in Mexico and who had not been sixty days in the service, and the framers of this bill knew it, and they framed the bill to cover those cases; and yet we are to talk about a basis of gratitude and about service when you insist upon including in the bill men who rendered no service, who never confronted one of the dangers incident to war, who never endured the hardship of march or camp in a hostile country.

Now I say to the Senator from Alabama that that class of service-pensions, even as applied to my comrades of the late war, I shall not vote for. I insist that when you come to a service-pension there shall be a basis of real service, soldierly service, involving some hazard, calling upon the higher qualities of the heart, putting a man in some peril, not the mere parade soldier of a camp of rendezvous, or a man who did not like the climate of Mexico and resigned when he landed at Vera Cruz, or was mustered out the next day. If that man was mustered out for disability and is now disabled he can get a pension, but you ask to pension him well, sound, strong, without any basis of disability and without any basis of service.

Mr. BROWN. Mr. President, I move to lay the amendment of the Senator from Indiana on the table.

Mr. BLAIR. I hope the Senator will withdraw that motion. I have some data that I think pertinent to the amendment, which I wish to submit, from the Adjutant-General's Office.

Mr. BROWN. I withdraw the motion if the Senator from New Hampshire really desires to make remarks. My object is to shorten the debate, if possible.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The motion to lay on the table is withdrawn.

Mr. BLAIR. Mr. President, it does not seem to me that any just distinction can be drawn between those who volunteered, who dared to the extent of consecrating themselves to the service by an actual enlistment, and those who perfected that enlistment by an actual service of sixty days or more. The motive—for that is what we should re-

ward—must exist prior to the act of dedication by volunteering in the service of the country.

This amendment sets up a distinction between those who volunteered and enlisted and did service sixty days during the Mexican war within the limits of the United States and those who performed the same service of sixty days outside the limits of the United States. The Senator from Indiana seems to think that there was no personal risk, there was no danger incurred by those who failed to find the theater of war in Mexico. On the contrary, the Northern constitution was quite as much endangered in a great many instances by exposure on the frontier in Texas, or at the rendezvous of enlistment, or while waiting shipping to the theater of war at New Orleans and other points in the South, as was the soldier injured by actual transfer to the field of active operations. In other words, to the Northern constitution the climate of Louisiana is to-day, and was found to be during the recent war, as dangerous as was that of Mexico; and the soldier who went from points north of Mason and Dixon's line, and who failed to find the territory of Mexico wherein to devote himself to active operations, oftentimes came home with the seeds of disease, with as much actual exposure, without any of the glory that the soldier was in pursuit of, and is, as I think, as much entitled to pension for having participated actually in the war as the man who went to Mexico.

I have in my hand a letter addressed to Hon. W. W. BROWN, a member of the House of Representatives, from the Adjutant-General, drawn out in reply to inquiries addressed by that gentleman to the Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 18, 1884.

DEAR SIR: In reply to your verbal inquiry I have to inform you that the report of the Adjutant-General of November 30, 1847, shows the strength of the Army (volunteers and regulars) enlistments, &c., up to September 30, 1847.

Here let me say that the City of Mexico, as undoubtedly most of us know, was captured on the 14th of September, 1847, and the process of active enlistment was going on during the month of September, and some time following, to quite the degree that it was at any other period of the war.

See in this connection Executive Document 8, published in Senate Documents of the first session Thirtieth Congress, volume 1, 1847–'48.

There appears to have been no report made by the Adjutant-General of the number of enlistments from September, 1847, to the termination of the war in July, 1848; but taking the statement contained in the Adjutant-General's report, in which he gives the aggregate strength in the regular Army and volunteer forces during the war with Mexico as about 100,000, and deducting therefrom the number of men in service September 30, 1847, about 63,000, would make the number of enlistments from September 30, 1847, to the end of the war, July 4, 1848, about 37,000.

Of course you will understand this is only approximately correct, as no tabulated statement respecting the number of enlistments from September, 1847, to July, 1848, have been made.

Very truly, yours,

R. C. DRUM, *Adjutant-General.*

Hon. W. W. BROWN, 610 *Thirteenth Street, Northwest.*

It will be seen that there were actually, after September 30, 1847 (sixteen days subsequent to the capture of the City of Mexico, and after our Army had become merely an army of occupation), about 37,000 actual enlistments. If you should add to that 37,000 the enlistments which must have taken place between the capture of the city and the 30th day of September, as that was a period of very active enlistment, they must have covered a number equivalent to the actual loss during the campaign, for I am informed—I am not quite satisfied as to it—that at no time was the fighting force in Mexico over 25,000 men. I think that must be true—including the army under Scott and those who were under Taylor in the northern part of the country, not over 25,000 fighting men. Of the 105,000 actually in the service, undoubtedly from 37,000 to 40,000 men enlisted after the war was over. The most of them went to Mexico. They became the army of occupation, and when we evacuated that country in July, 1848, they returned home, having rendered more than sixty days' service without exposure to the dangers of battle, simply having enjoyed themselves in the way of an army of occupation in a foreign country. They came home, and under the terms of this bill and any bill that we ought to pass they are entitled to their service-pension, having been in the service more than sixty days, and yet not having had any risk comparable to those who had spent their time in camps of rendezvous and on the frontier for that length of time, or longer, in the vicinity of the Gulf and on the frontier of Texas and Mexico.

So, Mr. President, it does not seem to me that upon the facts in this case there can be any such distinction drawn as is advocated by the Senator from Indiana.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana.

Mr. HARRISON. I ask to modify the amendment by adding a word or two. I had not noticed at the time I proposed the amendment that the marines and sailors were included. Therefore after the words which I proposed, "in Mexico," I add the words "or on the coast thereof," so as to include any marines or sailors on board naval vessels who served on the coast.

The PRESIDING OFFICER. The amendment is modified by the Senator from Indiana.

Mr. BROWN. I renew my motion to lay the amendment on the table.

Mr. HARRISON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin [Mr. SAWYER]. My colleague, if here, would vote "yea;" I do not know how the Senator from Wisconsin would vote. I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. HILL (when his name was called). I am paired on this question with the Senator from Louisiana [Mr. GIBSON].

Mr. JACKSON (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "yea."

Mr. KENNA (when his name was called). Since the announcement of my pair it has been transferred to another Senator, and I vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. If he were here, I should vote "nay."

Mr. WALKER (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM]. If he were here, I should vote "yea."

Mr. WILLIAMS. He would vote "yea."

Mr. WALKER. Being informed that the Senator from Illinois would vote "yea," I vote "yea."

The roll-call was concluded.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Chair announces that his colleague [Mr. PLATT] is absent and paired with the Senator from Florida [Mr. CALL].

Mr. CALL (after having voted in the affirmative). I withdraw my vote.

Mr. SAULSBURY. I am informed by the colleague of the Senator from New York that if he were here he would vote "nay" on this proposition; therefore I vote "nay."

Mr. HARRIS. I have a general pair with the Senator from Massachusetts [Mr. HOAR], but it was arranged yesterday by the Senator from Wisconsin [Mr. CAMERON] and the Senator from Kentucky [Mr. WILLIAMS] to transfer my pair with the Senator from Massachusetts upon the questions in this bill to the Senator from Virginia [Mr. RIDDLEBERGER], who entertains the same opinions that I do, as I understand, on this bill. Hence the Senator from Massachusetts on this bill is paired with the Senator from Virginia.

Mr. GORMAN (after having voted in the affirmative). I have a general pair with the Senator from Rhode Island [Mr. ALDRICH]. I therefore withdraw my vote.

The result was announced—yeas 25, nays 20; as follows:

YEAS—25.

Bayard,	Coke,	Jones of Florida,	Vance,
Beck,	Colquitt,	Kenna,	Vest,
Blair,	Farley,	Maxey,	Walker,
Bowen,	Garland,	Morgan,	Williams.
Brown,	Groome,	Pugh,	
Butler,	Harris,	Ransom,	
Cockrell,	Jonas,	Slater,	

NAYS—20.

Allison,	Dolph,	Hawley,	Morrill,
Cameron of Pa.,	Edmunds,	Lapham,	Pike,
Cameron of Wis.,	Frye,	McMillan,	Saulsbury,
Conger,	Hale,	McPherson,	Van Wyck,
Dawes,	Harrison,	Mitchell,	Wilson.

ABSENT—31.

Aldrich,	Gorman,	Logan,	Plumb,
Anthony,	Hampton,	Mahone,	Riddleberger,
Call,	Hill,	Manderson,	Sabin,
Camden,	Hoar,	Miller of Cal.,	Sawyer,
Cullom,	Ingalls,	Miller of N. Y.,	Sewell,
Fair,	Jackson,	Palmer,	Sherman,
George,	Jones of Nevada,	Pendleton,	Voorhees.
Gibson,	Lamar,	Platt,	

So the motion was agreed to.

Mr. VAN WYCK. The Senator from Illinois [Mr. CULLOM] who is not now in his seat, not having returned, proposed some time since——

The PRESIDING OFFICER. The Chair begs pardon. There is an amendment still pending offered by the Senator from Indiana [Mr. HARRISON]. Only his first amendment was laid on the table.

Mr. VOORHEES. I wish to record my vote if I have the opportunity to do so on the motion to lay on the table.

The PRESIDING OFFICER. The Chair sees no way in which the Senator's vote can be recorded.

Mr. HARRIS. No; it is not in order.

Mr. HARRISON. The recording of the vote of my colleague would not change the result.

The PRESIDING OFFICER. The rule is absolute, the Chair understands. The second amendment of the Senator from Indiana [Mr. HARRISON] will be read.

Mr. BROWN. I move to lay that amendment on the table.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. After the word "Mexico," in line 9, it is proposed to strike out:

Or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BROWN] moves to lay the amendment on the table.

The motion was agreed to.

Mr. VAN WYCK. I was proceeding to state that the Senator from Illinois [Mr. CULLOM] some time since introduced a bill proposing some amendments in the pension laws, which bill was referred to the Committee on Pensions, and sundry amendments were annexed to that bill by the committee, and as amended the committee authorized the Senator from Illinois to report it to the Senate for their action. The Senator from Illinois before leaving intended, I am satisfied, to suggest this bill which comes recommended by the Committee on Pensions, as an amendment to the Mexican war pension bill now under consideration; and in his absence I desire on his behalf to offer this as an amendment and also on my own behalf. I am satisfied that if he were here he would present it as an amendment, and I do it that it may receive at this time the consideration of the Senate.

If the Senate will give this amendment their hearing they will find that probably all the propositions recommended by the Committee on Pensions will receive their cordial and earnest and hearty acquiescence. Before it is read I may be allowed to say that I do not understand the suggestion of the Senator from Kentucky, that this bill must be passed without the dotting of an "i" or the crossing of a "t."

Mr. WILLIAMS. That is the better way.

Mr. VAN WYCK. Is it better because it is nearer right that way, or is there danger that it will not be passed if corrected as the Senate thinks it proper to correct it?

Mr. MORGAN. Its passage will be more speedy.

Mr. BROWN. We have a right to pass it that way rather than not pass it at all.

Mr. VAN WYCK. My friend from Kentucky [Mr. WILLIAMS] thinks the bill is well enough as it is, and our friend from Georgia [Mr. BROWN] thinks we had better do that than lose the whole. I do not understand that there is any danger of the passage of this bill if we so amend it as to put it in proper shape.

There are many gentlemen who desire to pass a pension bill for the Mexican war soldiers; and I want to prepare the mind of my friend from Kentucky and my friend from Georgia for the hearty reception of these propositions, and I do not want them to listen to them steeled against them with a determination that, no matter how good they may be or how much they may improve the bill, they will not put them on this bill because they say there is danger if we make this bill better that the House will not adopt it.

I trust I have indicated enough in advance so that our friends will listen and indorse heartily the measure I offer. If necessary I can make a few more remarks explanatory of the propositions it contains as they were approved by the committee.

Mr. INGALLS. I ask for the regular order.

POLYGAMY IN UTAH.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. ALLISON. I ask that the regular order may be informally laid aside in order that I may move to proceed to the consideration of the consular and diplomatic appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the regular order be laid aside informally, and that the Senate proceed to the consideration of the consular and diplomatic appropriation bill.

Mr. HARRIS. Of course I do not intend to object, but I understood the Senator from Iowa to say yesterday that he thought it probable he would not ask for the consideration of that bill before to-morrow.

Mr. ALLISON. The Senator from Tennessee will observe that the House of Representatives has sent to us a resolution for an adjournment. I do not like to hold the appropriation bills in the Senate beyond the proper time for their consideration. If I was satisfied that the Mexican war pension bill would be out of the way in a short time, I should be willing to give way for it; but I am satisfied it will take to-day and also to-morrow, and I think the best way is to get the appropriation bills disposed of and then go on with whatever else there is to do.

Mr. HARRIS. I am very sorry that I can not give assurance to the Senator from Iowa that this bill can be disposed of to-day. I should hope and I incline to the opinion that it can, but of course no one can be certain of that. I should be very glad at least to make the experiment; but if the Senator from Iowa thinks it is best to proceed with the appropriation bill, I shall not contest the point.

Mr. ALLISON. The Senator from Nebraska [Mr. VAN WYCK] has just introduced an important amendment which must be considered. I ask unanimous consent to proceed with the appropriation bill.

The PRESIDENT *pro tempore*. Is there objection to the pending order being laid aside informally and that the Senate now proceed to the consideration of the consular and diplomatic appropriation bill? The Chair hears none. The Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens, was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 6122) to extend an act approved June 27, 1882, "to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia," was read twice by its title, and referred to the Committee on the District of Columbia.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was ordered to be printed, and referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 p. m., Monday, June 30, 1884.

MELISSA G. POLAR.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives, in which it originated, the bill (H. R. 2344) for the relief of Melissa G. Polar.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of this resolution, the question is on agreeing to it.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The Chair wishes to state that he hopes this concurrent resolution will not be taken as a precedent, it being open to some considerable doubt whether a concurrent resolution is necessary in such cases.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

Mr. ALLISON. I ask that the first reading of the bill be dispensed with, and that the amendments be considered as reached in the reading.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the reading *in extenso* of the bill be dispensed with, and that it be read by paragraphs, and that the amendments of the Committee on Appropriations be considered as they are reached in the reading. Is there objection? The Chair hears none, and it will be so ordered.

Mr. ALLISON. I desire to state before the reading begins, that if Senators will turn to Senate Report No. 633 they will see the changes made by the Senate Committee on Appropriations in the House bill. We have increased the House bill $801,806.75, the House bill of this year being about $600,000 less than the appropriations made last year for the service of the current year. Detailed information is found in the report to which I have referred.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk proceeded to read the bill.

The first amendment reported from the Committee on Appropriations was, in line 13, after the word "Spain," to insert "Austria, Italy;" and in line 14, after the word "all," to strike out "sixty" and insert "eighty-four;" so as to make the clause read:

For salaries of envoys extraordinary and ministers plenipotentiary to Japan, China, Spain, Austria, Italy, Brazil, and Mexico, at $12,000 each, in all $84,000.

The amendment was agreed to.

The next amendment was to strike out lines 16 to 23, in the following words:

For salaries of envoys extraordinary and ministers plenipotentiary to Austria; Italy; Chili, who shall also be accredited to and perform the duties of chargé d'affaires to Bolivia, without additional compensation for services; Peru, who shall also be accredited to and perform the duties of chargé d'affaires to Ecuador, without additional compensation for services; and the United States of Colombia, at $10,000 each, $50,000.

And in lieu thereof to insert:

For salaries of envoy extraordinary and ministers plenipotentiary to Chili and Peru, at $10,000 each, $20,000.

For salaries of envoy extraordinary and ministers plenipotentiary to the United States of Colombia and Turkey, at $7,500 each, $50,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was to strike out lines 36 to 38, in the following words:

For salaries of ministers resident in Venezuela, Argentine Republic, and Turkey, at $7,500 each, $22,500.

The amendment was agreed to.

The next amendment was, in line 39, after the word "resident," to strike out "and consuls-general;" in line 40, after "Norway," to insert "Venezuela, Argentine Republic;" and in line 42, after the word

"each," to strike out "thirty" and insert "forty-five;" so as to make the clause read:

For salaries of ministers resident in Belgium, Netherlands, Sweden and Norway, Venezuela, Argentine Republic, and Hawaiian Islands, at $7,500 each, $45,000.

The amendment was agreed to.

The next amendment was, in line 44, after "Liberia," to insert "Bolivia;" in line 45, after "Corea," to insert "Roumania, Servia, and Greece;" in line 46, after the word "each," to strike out "forty" and insert "fifty;" so as to read:

For salaries of ministers resident and consuls-general in Switzerland, Denmark, Portugal, Liberia, Bolivia, Hayti, Persia, Corea, Roumania, Servia, and Greece, and Siam, at $5,000 each, $50,000.

Mr. ALLISON. The comma after "Roumania" and after "Servia" should be omitted. It should be "Roumania Servia and Greece," that being one mission.

The PRESIDENT *pro tempore*. The comma after "Roumania" and after "Servia" will be taken out if there be no objection. The question is on the amendment as corrected.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 46, after the word "dollars," to insert "and the minister resident and consul-general at Hayti shall also be accredited as chargé d'affaires to San Domingo."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 405, to insert:

For chargé d'affaires *ad interim* and diplomatic officers abroad, $20,000.

The amendment was agreed to.

Mr. McPHERSON. May I make an inquiry of the chairman of the committee? I suppose all the words in italics are additions to the bill reported by the Senate Committee. Do I understand that in line 44 they have added Bolivia, Roumania, Servia, and Greece, with a salary to the minister at each of $5,000, to the House bill?

Mr. ALLISON. I will explain to the Senator. The mission to Bolivia is provided for in this bill just as the present law now provides. We now have a minister resident and consul-general to Roumania, Servia, and Greece, at a salary of $6,500. The House omitted that entirely and inserted in lieu of it a consul at Athens and a consul-general at Bucharest, saving by that operation as they supposed $1,500. We have restored the old provision, limiting the salary, however, of the minister resident to $5,000, and have also provided for a consul at Bucharest. So far as Bolivia is concerned we simply restore the existing state of affairs there.

Mr. BECK. The chairman might as well state further, for the information of the Senator from New Jersey and the Senate, that the action taken by the House in regard to Peru and Chili was very unsatisfactory to the Department of State. The Department and the Senate Committee on Appropriations thought it would not be well to send one man as minister to two countries hostile to each other, and so we propose to send a minister to Peru and one to Chili. I mention that at this time.

Mr. ALLISON. I am obliged to the Senator from Kentucky for mentioning that, and I will also say in this connection that the House bill provides that the minister at Peru shall be accredited also to Ecuador. The capital of Ecuador being some 1,500 miles from the capital of Peru, we thought that inadvisable, and restored the minister to Peru to his present functions, confining him to Peru, and we have provided for a consul-general to Ecuador.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 56, to insert:

For salary of the secretary of legation in China, $3,000.

The amendment was agreed to.

The next amendment was, after line 58, to insert:

For salary of the secretary of legation in Japan, $2,500.

The amendment was agreed to.

The next amendment was, in line 61, after the words "legations in," to strike out "Japan, China, Spain" and insert "Austria, Italy;" and, in line 63, after the word "all," to strike out "nine thousand" and insert "seven thousand two hundred;" so as to make the clause read:

For salaries of the secretaries of the legations in Austria, Italy, Brazil, and Mexico, at $1,800 each, in all $7,200. For salary of a clerk to the legation in Spain $1,200.

The amendment was agreed to.

The next amendment was, after the word "in," in line 66, to strike out "Austria, Italy;" in line 67, after the word "Chili," to insert "and;" in the same line, after "Peru," to strike out "Central American States and United States of Colombia;" and, in line 69, after the word "each," to strike out "nine" and insert "three;" so as to make the clause read:

For salaries of the secretaries of the legations in Chili and Peru, at $1,500 each, $3,000.

The amendment was agreed to.

The next amendment was, in line 71, after the word "at" where it occurs the second time, to strike out "$1,800 each, five thousand four hundred," and insert "$2,000 each, six thousand;" so as to make the clause read:

For salaries of the second secretaries to the legations at London, Paris, and Berlin, $2,000 each, $6,000.

The amendment was agreed to.

The next amendment was to strike out lines 74 to 82, in the following words:

And no secretary or second secretary of any legation shall be entitled to or receive any compensation over and above his salary as such secretary for acting as charge d'affaires during the temporary or other absence of the minister to whose duties he may succeed: *Provided*, That such minister, from his own salary, may compensate him for any such service. And all acts and parts of acts inconsistent or in conflict with this provision shall be, and are hereby, repealed.

The amendment was agreed to.

The next amendment was, in line 91, after the word "in," to strike out "Japan, China, and Turkey, at $2,500 each, $7,500," and insert "China and Turkey, at $3,000 each, and in Japan, at $2,500; in all, $8,500;" so as to make the clause read:

For the salaries of interpreters to the legations in China and Turkey, at $3,000 each, and in Japan, at $2,500; in all, $8,500. But no person drawing the salary of interpreter as above provided shal be allowed any part of the salary appropriated for any secretary of legation or other officer.

The amendment was agreed to.

The next amendment was, after line 99, to insert:

For secretary of legation and consul-general at Constantinople, $3,500.

The amendment was agreed to.

The next amendment was, after line 101, to insert:

For secretary of legation and consul-general at Madrid, $3,000.

The amendment was agreed to.

The next amendment was, after line 103, to insert:

For secretary of legation and consul-general at Bogota, $2,000.

The amendment was agreed to.

The next amendment was, after line 105, to insert:

For secretary of legation in Central American states and consul-general at Guatemala, $2,000.

The amendment was agreed to.

The next amendment was, after line 107, to insert:

For contingent expenses of foreign intercourse proper and of all the missions abroad, $80,000.

The amendment was agreed to.

The next amendment was to strike out lines 110 to 117, in the following words:

And the foregoing appropriations for envoys extraordinary and ministers plenipotentiary, ministers resident, chargés d'affaires, ministers resident and consuls-general, secretaries of legation, and interpreters shall be the salaries of each officer, respectively; and all acts or parts of acts inconsistent or in conflict therewith, or which allow a larger salary to any officer or employé hereinbefore named, shall be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was to strike out lines 118 to 127, in the following words:

That after June 30, 1884, consuls-general and consuls appointed to the ports and places hereinafter named shall be entitled to annual salaries, respectively, of such amount to each as Congress may annually appropriate; and the President may substitute a commercial agent or a consul-general for any consul at any port or place named in Schedule B or C, and pay the appropriated salary of any such consul to such substitute; and hereafter said schedules and the appropriations for the payment of consuls-general and consuls shall read as follows.

The amendment was agreed to.

The next amendment was, after line 128, to insert:

For salary of the agent and consul-general at Cairo, $5,000.

The amendment was agreed to.

The next amendment was, after line 135, to insert:

For salary of the consul-general at Melbourne, $4,500.

The amendment was agreed to.

The next amendment was, in line 138, before "Berlin," to strike out "Melbourne;" and, in line 139, after "Panama," to insert "Montreal;" so as to make the clause read:

For salaries of the consuls-general at Berlin, Panama, Montreal, and Kanagawa, $4,000 each, $16,000.

The amendment was agreed to.

The next amendment was, in line 141, after "Frankfort," to strike out "Montreal;" in line 142, after "Vienna," to strike out "and Bucharest" and insert "St. Petersburg, Halifax, and Rome;" and, in line 143, after the word "each," to strike out "twelve" and insert "fifteen;" so as to make the clause read:

For salaries of the consuls-general at Frankfort, Vienna, St. Petersburg, Halifax, and Rome, at $3,000 each, $15,000.

The amendment was agreed to.

The next amendment was, after line 144, to insert:

For salary of consul-general at Ecuador, to reside at such place as the President may direct, $3,000.

The amendment was agreed to.

The next amendment was to strike out lines 148 to 150, in the following words:

For salaries of the consuls-general at St. Petersburg, Constantinople, Halifax, Mexico, and Rome, at $2,000 each, $10,000.

The amendment was agreed to.

The next amendment was, after line 150, to insert:

For salaries of the consuls-general at Mexico and Matamoras, at $2,500 each, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 156 and 157, as follows:

For salary of the consul at Hong-Kong (Great Britain), $5,000.

The amendment was agreed to.

The next amendment was, after line 157, to insert:

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, $344,600, namely:

CLASS I.—At $4,000 per annum:

GREAT BRITAIN.

Hong-Kong.

HAWAIIAN ISLANDS.

Honolulu.

The amendment was agreed to.

The next amendment was, in the appropriations for consulates of "Class II," to strike out lines 168, 169, and 170, as follows:

For salaries of consuls at Canton, in China, and Amoy, in China, at $3,500 each, $7,000.

And in lieu thereof to insert:

CHINA.

Foochow; Hankow; Canton; Amoy; Tien-Tsin; Chin-Kiang; Ningpo.

PERU.

Callao.

The amendment was agreed to.

The next amendment was, in the appropriations for consulates of "Class III," to strike out lines 177 to 186, in the following words:

For salaries of consuls at Foochow, in China; Hankow, in China; Tien-Tsin, in China; Chin Kiang, in China; Ningpo, in China; Ottawa, Great Britain; Manchester, Great Britain; Glasgow, Great Britain; Bradford, Great Britain; Demerara, Great Britain; Belfast, Great Britain; Havre, French dominions; Matanzas, Spanish dominions; Vera Cruz, Mexico; Colon, United States of Colombia; Osaka and Hiogo, Japan; Valparaiso, Chili; Buenos Ayres, Argentine Republic; and Nagasaki, Japan, at $3,000 each, $57,000.

And in lieu thereof to insert:

GREAT BRITAIN.

Ottawa; Manchester; Glasgow; Bradford; Demerara; Belfast.

FRENCH DOMINIONS.

Havre.

SPANISH DOMINIONS.

Matanzas.

FRIENDLY AND NAVIGATOR'S ISLANDS.

Apia.

MEXICO.

Vera Cruz.

UNITED STATES OF COLOMBIA.

Panama; Colon (Aspinwall).

ARGENTINE REPUBLIC.

Buenos Ayres.

JAPAN.

Nagasaki; Osaka and Hiogo.

CHILI.

Valparaiso.

Mr. ALLISON. The committee agreed to make the officer at Panama a consul-general. The House provided for a consul-general at Panama. The committee agreed to that, but I see it is placed in the third-class consulates. I ask that that mistake in the print (for it must be that) be corrected. Let "Panama" be stricken out at that point and I will have it inserted afterwards at another place.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the correction proposed by the Senator from Iowa will be made, and the question is on the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for consulates of "Class IV," to strike out lines 207 to 217, in the following words:

For salaries of consuls at Callao, Peru; Antwerp, Belgium; Singapore, Great Britain; Tunstall, Great Britain; Birmingham, Great Britain; Sheffield, Great Britain; Dundee, Great Britain; Leith, Great Britain; Nottingham, Great Britain; Victoria, British Columbia; Athens, Greece; Marseilles, France; Bordeaux, France; Lyons, France; Cienfuegos, Spanish dominions; Smyrna, Turkish dominions; Hamburg, Germany; Bremen, Germany; and Dresden, Germany, at $2,500 each, $47,500.

And in lieu thereof to insert:

GREAT BRITAIN.

Singapore; Tunstall; Birmingham; Sheffield; Dundee; Leith; Nottingham; Victoria (British Columbia).

FRENCH DOMINIONS.

Marseilles; Bordeaux; Lyons.

SPANISH DOMINIONS.

Cienfuegos; Santiago de Cuba.

BELGIUM.

Antwerp; Brussels.

DANISH DOMINIONS.

St. Thomas.

TURKISH DOMINIONS.

Smyrna.

GERMANY.

Hamburg; Bremen; Dresden.

The amendment was agreed to.

Mr. MORGAN. I inquire of the chairman of the committee whether the consulate at Athens, Greece, is entirely dropped from the list?

Mr. ALLISON. It is dropped. We make the minister-resident to Greece, Roumania, and Servia also a consul-general, and his place of residence is at Athens. We supposed that would obviate the necessity for a consul there.

Mr MORGAN. Does the law require him to reside there?

Mr ALLISON. It does not, but the actual situation does.

Mr. MORGAN. That is the place of residence?

Mr. ALLISON. That is the place of residence at present, and undoubtedly it is the most agreeable place in the three states.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for consulates of "Class V," to strike out lines 234 to 250, in the following words:

The salaries of consuls at Dublin, Great Britain; Leeds, Great Britain; Toronto, Great Britain; Saint John's, Great Britain (New Brunswick); Kingston, Great Britain (Jamaica); Nassau, Great Britain (New Providence); Cardiff, Great Britain (South Wales); Sidney, Great Britain (New South Wales); Santiago de Cuba, Spanish dominions; Sagua la Grande, Spanish dominions (Cuba); San Juan, Spanish dominions (Porto Rico); Rotterdam, Netherlands; Sonneberg, Germany; Nuremberg, Germany; Barmen, Germany; Cologne, Germany; Chemnitz, Germany; Leipsic, Germany; Crefeld, Germany; Trieste, Austria-Hungary; Prague, Austria-Hungary; Palermo, Italy; Basle, Switzerland; Zurich, Switzerland; Acapulco, Mexico; Matamoras, Mexico; Pernambuco, Brazil; Maracaibo, Venezuela; Montevideo, Uruguay; La Paz, Bolivia; St. Thomas, Danish dominions (West India Islands), and Cairo, Turkish dominions, at $2,000 each, $64,000.

And in lieu thereof to insert:

GREAT BRITAIN.

Cork; Dublin; Leeds; Toronto; Hamilton; Saint John's (New Brunswick); Kingston (Jamaica); Nassau (New Providence); Cardiff; Port Louis (Mauritius); Sidney (New South Wales).

SPANISH DOMINIONS.

San Juan (Porto Rico); Sagua la Grande (Cuba).

BARBARY STATES.

Tangier.

DOMINIONS OF THE NETHERLANDS.

Rotterdam.

RUSSIA.

Odessa.

ROUMANIA.

Bucharest.

GERMANY.

Sonneberg; Nuremberg; Barmen; Cologne; Chemnitz; Liepsic; Crefeld.

AUSTRIA-HUNGARY.

Trieste; Prague.

ITALY.

Palermo.

SWITZERLAND.

Basle; Zurich.

MEXICO.

Acapulco.

BRAZIL.

Pernambuco.

MADAGASCAR.

Tamatave.

VENEZUELA.

Maracaibo.

URUGUAY.

Montevideo.

TURKISH DOMINIONS.

Beirut.

HONDURAS.

Tegucigalpa.

COSTA RICA.

San José.

NICARAGUA.

Managua; San Juan del Norte.

SAN SALVADOR.

San Salvador.

The amendment was agreed to.

The next amendment was, in the appropriations for consulates of "Class VI," to strike out lines 297 to 322, in the following words:

Cork, Great Britain; Newcastle, Great Britain; Auckland, Great Britain; Cape Town, Great Britain (Africa); Charlottetown, Great Britain (Prince Edward Island); Kingston, Great Britain; Prescott, Great Britain; Port Sarnia, Great Britain; St. John's, Great Britain (Canada); Hamilton, Great Britain (Canada); Barbadoes, Great Britain; Bermuda, Great Britain; Fort Erie, Great Britain; Clifton, Great Britain; Amherstburg, Great Britain (Canada West); Windsor, Great Britain (Canada West); Winnipeg, Great Britain; Odessa, Russia; Tamatave, Madagascar; Beirut, Turkish dominions; Tampico, Mexico; El Paso del Norte, Mexico; Martinique, French dominions; Guadeloupe, French dominions; Cadiz, Spanish dominions; Malaga, Spanish dominions; Verviers and Liege, Belgium; Geneva, Switzerland; Munich, Germany; Stuttgart, Germany; Mannheim, Germany; Aix la Chapelle, Germany; Amsterdam, Netherlands; Genoa, Italy; Naples, Italy; Milan, Italy; Leghorn, Italy; Florence, Italy; Messina, Italy; La Guayra, Venezuela; Puerto Cabello, Venezuela; Bahia, Brazil; Para, Brazil; Manila, Philippine Islands; San Domingo, San Domingo; Guayaquil, Ecuador; Tegucigalpa, Honduras; Santiago de Guatemala, Guatemala; San José, Costa Rica; Managua, Nicaragua; San Salvador, Salvador; Asuncion, Paraguay; and Quebec, Great Britain, at $1,500 each, $79,500.

And in lieu thereof to insert:

GREAT BRITAIN.

Bristol; Newcastle; Auckland; Gibraltar; Cape Town; Saint Helena; Charlottetown (Prince Edward Island); Port Stanley; Clifton; Pictou; Winnipeg; Mahe; Kingston; Prescott; Port Sarnia; Quebec; Saint John's (Canada); Barbadoes; Bermuda; Fort Erie; Goderich (Canada West); Amherstburg (Canada West); Windsor (Canada West); Southampton; Ceylon; Antigua; St. Stephen's; Malta.

FRENCH DOMINIONS.

Nice; Martinique; Guadeloupe.

SPANISH DOMINIONS.

Cadiz; Malaga; Barcelona.

PORTUGUESE DOMINIONS.

Fayal (Azores); Funchal.

BELGIUM.

Verviers and Liege.

GERMANY.

Munich; Stuttgart; Mannheim; Aix la Chapelle.

DOMINIONS OF THE NETHERLANDS.

Amsterdam.

DANISH DOMINIONS.

Copehagen.

SWITZERLAND.

Geneva.

ITALY.

Genoa; Naples; Milan; Leghorn; Florence; Messina.

TURKISH DOMINIONS.

Jerusalem.

MEXICO.

Tampico; El Paso del Norte.

VENEZUELA.

La Guayra; Puerto Cabello.

PARAGUAY.

Asuncion.

BRAZIL.

Bahia; Pará.

PHILIPPINE ISLANDS.

Manila.

SAN DOMINGO.

San Domingo.

The amendment was agreed to.

The next amendment was, in "Schedule C," in the appropriations for consulates of "Class VII," to strike out lines 366 to 385, in the following words:

For salaries of consuls at Bristol, Great Britain; Gibraltar, Great Britain; St. Helena, Great Britain; Port Stanley, Great Britain (Fiji Islands); Pictou, Great Britain (Nova Scotia); Goderich, Great Britain (Canada West); Southampton, Great Britain; Ceylon, Great Britain; Antigua, Great Britain; St. Stephen's, Great Britain; Nice, French dominions; Barcelona, Spanish dominions; Fayal, Portuguese dominions (Azores); Funchal, Portuguese dominions; Jerusalem, Turkish dominions; Windsor, Great Britain (Nova Scotia); Bombay, Great Britain (India); Sierra Leone, Great Britain (Africa); Turk's Island, Great Britain; Nantes, French dominions; Algiers, French dominions; Venice, Italy; Cape Haytien, Hayti; Batavia, Netherlands; Rio Grande del Sul, Brazil; Ruatan and Truxillo, Honduras, to reside at Utilla; Guaymas, Mexico; Nuevo Laredo, Mexico; Piedras Negras, Mexico; Zanzibar, Muscat; Santiago, Portuguese dominions (Cape Verde Islands); Tahiti, French dominions (Society Islands, Pacific Ocean); Talcahuano, Chili; Ghent, Belgium; and Che Foo, China, at $1,000 each, $35,000.

And in lieu thereof to insert:

GREAT BRITAIN.

Gaspé Basin; Windsor (Nova Scotia); Bombay; Sierra Leone; Turk's Island.

GERMANY.

Stettin.

BELGIUM.

Ghent.

FRENCH DOMINIONS.

Nantes; Algiers.

ITALY.

Venice.

HAYTI.

Cape Haytien.

UNITED STATES OF COLOMBIA.

Sabanilla.

NETHERLANDS.

Batavia.

BRAZIL.

Rio Grande del Sul.

HONDURAS.

Ruatan and Truxillo (to reside at Utilla).

EASTERN AFRICA.

Mozambique.

MEXICO.

Guaymas; Nuevo Laredo; Piedras Negras.

MUSCAT.

Zanzibar.

PORTUGUESE DOMINIONS.

Santiago (Cape Verde Islands).

SOCIETY ISLANDS.

Tahiti.

CHILI.

Talcahuano.

The amendment was agreed to.

Mr. McPHERSON. Having stricken out from line 297 down to line 322 inclusive, let me ask the chairman of the Committee on Appropriations under what provision of the bill the consuls are to be paid at the places stricken out?

Mr. ALLISON. Does the Senator allude to "Class VII," on page 16, for example?

Mr. McPHERSON. We are on page 13.

The PRESIDING OFFICER. We are now on page 18.

Mr. McPHERSON. Then I was looking at the wrong place; but my question is a proper one in this connection.

Mr. ALLISON. If the Senator will turn to page 16 he will see that in the bill as it passed the House a new adjustment of the consulates was made in this, that they repeated in every instance the country to which the consul is accredited; as, for instance, "For salaries of consuls at Bristol, Great Britain; Gibraltar, Great Britain; St. Helena, Great Britain; Port Stanley," and so on. In order to save repetition we have used the old phraseology, which has prevailed in these bills for more than thirty years.

Mr. McPHERSON. You continue the existing law except as to new stations?

Mr. ALLISON. Yes; that is, naming the country, and then the several consulships of the class accredited to that country.

Mr. McPHERSON. My question is simply this, if the Senator pleases: At all the places, from line 366 down to line 385, inclusive, the consuls are now paid under the existing law $1,000 per annum.

Mr. ALLISON. That we do not change.

Mr. McPHERSON. That is the point.

Mr. SAULSBURY. I should like to ask the Senator from Iowa whether in a number of instances under this bill there has not been an increase over what has heretofore been paid to consuls? Take for instance the consul at Victoria, British Columbia. I understand that in the bill there is a provision to pay him $2,500. Some years ago I understood that the compensation to the consul at that point was about $800, because we have no great commerce with British Columbia. There are only about 25,000 inhabitants in all British Columbia, and about one-half of them are Indians. I understand that the bill provides for a consul at Victoria at $2,500.

Mr. ALLISON. I believe that is in the bill as it passed the House.

Mr. SAULSBURY. I do not know where it is in the bill.

Mr. ALLISON. That is a new salaried consulate that is provided for. Before the consul at Victoria was paid by fees, and the fees amounted to a considerable sum beyond $2,500.

Mr. SAULSBURY. I do not see how the fees amount to anything, because I do not think we can possibly have much commercial relations with British Columbia when the governor of that state told me a few years ago that there are only about 25,000 inhabitants in British Columbia, one-half of whom are Indians; and I do not know what we import from British Columbia. It is true they get some good from this country.

Mr. CAMERON, of Wisconsin. I have no doubt goods are imported into this country through British Columbia.

Mr. ALLISON. I, of course, can not give the Senator from Delaware the detailed information as to the particular articles of import or export, but if the Senator will take up the report of the Fifth Auditor he will find on page 38 that the consul at Victoria last year collected of fees $3,270, which is a considerable sum beyond the salary provided for in the bill. As a matter of fact the bill is intended as a sort of restriction or restraint upon the consul at Victoria. We found it in the bill as it came from the House. We did not change it.

Mr. MORGAN. I wish to make an inquiry of the Senator from Iowa before we go further. Are all of these salaried consuls deprived of the privilege of trading at their consulates?

Mr. ALLISON. All the consuls who receive a salary of $1,000 and over are prohibited from trading. Those receiving a salary under $1,000 or who are paid by fees are permitted to trade.

Mr. MORGAN. Then I will ask the Senator whether the committee have considered the propriety of having a salaried consul at San Blas, Mexico? I do not find any provision for that consulate in the bill. We have a consul there, however.

Mr. ALLISON. Have we a consul at San Blas or a consular agent?

Mr. MORGAN. A consul, confirmed by the Senate.

Mr. ALLISON. There is no provision in the bill for a consul at San Blas.

Mr. MORGAN. There ought to be. We have a consul there who was confirmed by the Senate, Mr. Richard Lambert, who used to be a clerk of one of the committees of this body. I suppose by some accident or other that consulate has escaped the attention of the committees of both Houses. I suggest that the committee amend the bill in that particular so as to provide a salary of a thousand dollars. It is quite as important a place as Guaymas and some others, and a more important place than Piedras Negras. The ships going from the Isthmus of Panama to the Gulf of California uniformly touch at that point, and it has quite a large commerce. I remember to have read some reports of that consulate in one of the recent consular reports, showing that there is quite a commerce there and a growing commerce.

The PRESIDING OFFICER. Does the Senator from Alabama propose an amendment?

Mr. MORGAN. I will propose an amendment. I suppose I have the right to do it.

Mr. ALLISON. If the Senator will turn to Executive Document 121 he will find that on page 89 the Secretary of State recommends a vice-consulate at San Blas. I will read the paragraph:

This is now a consulate, compensated by fees amounting to some $500, like Manzanillo and Mazatlan, is a seaport town on the west coast, a port of call for coasting steamers, and the objective terminus of a railroad. It will, in the immediate future, become an important point. For the present, however, a vice-consulate, with a salary of $500 only, is suggested.

I call the attention of the Senator from Alabama to the fact that we do not mention in the bill a large number of consuls and consular agents who are paid wholly by fees. It is only the salaried consuls who are mentioned in the bill.

Mr. MORGAN. Are the vice-consuls to be paid under the bill a salary of $500 a year?

Mr. ALLISON. The bill does not touch vice-consuls, except only

those who are not citizens of the United States. There is an appropriation here for those in lump.

Mr. MORGAN. Then the recommendation of the Secretary of State has not been carried out in that particular, as I understand.

Mr. ALLISON. I will say to the Senator that it is a recommendation pertaining to the entire consular system of our country, and recommends a revision of the consular system, which was referred to the Committee on Foreign Relations. It contemplates in the near future placing all our consuls on salaries instead of a portion of them receiving fees. But of course the Committee on Appropriations could not change the law respecting consuls, and therefore we only appropriated for the consuls now provided for by law, here and there providing a salary for a consul who now receives fees only, as in the case of Victoria.

Mr. MORGAN. I think that we ought to have a consul at San Blas.

Mr. ALLISON. We do have one there. He is paid by fees now, about $500 per annum, according to the report of the Secretary of State.

Mr. MORGAN. But you change it here to a vice-consulate.

Mr. ALLISON. No; we do not touch it here. The bill makes no reference to it, because he is paid by fees.

Mr. MORGAN. If we have a consul at San Blas why not put him on a footing with the consul at Guaymas, Nuevo Laredo, and Piedras Negras? It seems to me to be fully as important a point as any of the others, and the remarks of the Secretary of State show that he anticipates that that is going to be an important place. It is that now. They have large manufacturing establishments at San Blas and in that vicinity. There is an interior town there lying just at the foothills, I am informed, at which they have two large cotton factories, and they purchase cotton from people of the United States. There is quite a commerce between San Francisco and San Blas. Really, I think it would be advantageous to the country to put San Blas on a footing with the other consulates and give the consul there a salary of a thousand dollars a year. I shall not insist on it if the committee object to it, but at the same time I think it would be wise legislation to do it.

Mr. ALLISON. I hope the Senator will not press that amendment now. I think the Committee on Foreign Relations ought to revise our entire system of consulates, and when that is done and other consuls, now paid with fees, are put upon a salary, this consul of course would share their fate, whatever that may be. I would not like to pick out this one.

Mr. MORGAN. I will say to the Senator that I think that would come more properly within the jurisdiction of the Committee on Commerce, inasmuch as they have to deal with our consuls in the matter of confirmation.

Mr. ALLISON. Very well; let it be the Committee on Commerce.

Mr. MORGAN. I concur with the Senator that these subjects ought to be submitted, so far as they relate to the diplomatic service, in some form or other to the Committee on Foreign Relations.

Mr. ALLISON. This whole subject was referred to the Committee on Foreign Relations at this session.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 418, to insert:

COMMERCIAL AGENCIES.

Schedule C.

St. Paul de Loando; Levuka; Gaboon.

The amendment was agreed to.

The next amendment was to strike out lines 422 to 466, in the following words:

And the foregoing several appropriations for salaries of consuls-general and consuls named above in Schedule B and C shall be hereafter the annual salaries of said consuls-general and consuls, respectively; and after June 30, 1884, no consul or consul-general shall be entitled to or allowed any part of any salary appropriated for payment of a secretary or second secretary of legation or an interpreter; and all acts or parts of acts inconsistent or in conflict therewith, or that authorize any greater amount of salary to any consul-general or consul, or any compensation for acting as secretary of legation or interpreter, shall be, and are hereby, repealed.

For payment of salaries to clerks at consulates-general, when actually employed, the following sums are severally appropriated:

For clerks to consulates-general at London, Paris, and Havana, at $2,000 each; at Honolulu, Shanghai, and Calcutta, at $1,000 each; at Rio de Janeiro and Berlin, at $1,200 each; at Panama, Kanagawa, and Montreal, at $800 each; at Vienna and Frankfort, at $600 each; in all, $15,000.

For payment of salaries to clerks at consulates, when actually employed, the following sums are severally appropriated:

For clerks to consulates at Liverpool, $1,500; Hong-Kong, $1,000; Chemnitz and Manchester, at $800 each; Prague, Bradford, and Glasgow, at $700 each; Belfast, Lyons, Palermo, Tunstall, and Nottingham, at $600 each; Bordeaux, Crefeld, Sonneberg, Barmen, Birmingham, Dundee, Hamburg, and Leipsic, at $500 each; Antwerp, Bremen, Colon, Havre, Nuremberg, Sheffield, Genoa, and Zurich, at $400 each; in all, $16,400.

For salaries to clerks in the discretion of the Secretary of State, at consulates or consulates-general not hereinbefore named or provided for in respect to clerical assistants, $6,000: *Provided*, That no greater portion of said sum than $400 shall be allowed or paid to a clerk or clerks at any one consulate or consulate-general: *Provided further*, That the total sum expended for the fiscal year shall not exceed the amount herein appropriated.

And in lieu thereof to insert:

For allowance for clerks at consulates, $60,500, as follows:

For the consul at Liverpool, a sum not exceeding the rate of $2,500 for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each, a sum not exceeding the rate of $2,000 for any one year; for the consuls-general at Berlin, Frankfort, Vienna, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, each a sum not exceeding the rate of $1,500 for any one year; for the consul-general at Montreal, and for the consuls at Bradford and Birmingham, each a sum not exceeding the rate of $1,200 for any one year; for the consuls-general at Calcutta, Port au Prince, Hayti, and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon (Aspinwall), Glasgow, and Singapore, each, a sum not exceeding the rate of $1,000 for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, and Matamoras, and for the consul-general at Halifax, each a sum not exceeding the rate of $800 for any one year; for the consul-general at Mexico, and for the consuls at Beirut, Naples, Genoa, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demerara, each, a sum not exceeding the rate of $600 for any one year.

For an additional allowance for clerks at consulates, to be expended under the direction of the Secretary of State, at consulates not herein provided for in respect to clerk-hire, no greater portion of this sum than $400 to be allowed to any one consulate in any one fiscal year, $6,000: *Provided*, That the total sum expended in any one year shall not exceed the amount herein appropriated.

Mr. MORGAN. I should like to ask the Senator from Iowa in charge of the bill why it is that the committee has stricken out that portion of the bill from line 422 to line 434. It seems to me that that is rather an important provision, and so far as I can now determine it appears to be a valuable one. We remember the controversy gotten up recently between our consul-general in Cuba and one of his subordinates. A difficulty arose between them about the division, I believe, of certain perquisites that came to the consul-general, as he supposed, in his absence. The subordinate officer came to the conclusion that he was entitled to them. I suppose that the House have attempted to provide against an occurrence of any such matter as that. It seems to me that that is a valuable provision in the bill, and I should like to know some reason for striking it out.

Mr. ALLISON. The bill from line 422 to line 425 is just what the law requires now. A consul is not entitled to additional fees or other fees unless he performs some other duty required by law. If the Senator will turn to page 23 of the document printed by the Committee on Appropriations he will find this whole question of extra salaries discussed. The law of 1856, which revised our entire consular system, provided that in certain cases where a consul-general performed the duties of chargé or of a minister he should receive additional compensation for that additional duty. This provision is intended to entirely cut that off, and the committee did not feel that it was a wise thing to do, especially on an appropriation bill; that if this compensation was to be changed it ought to be changed after careful consideration in the proper committee having charge of that class of subjects. Pages 23 and 24 of the letter of the Secretary of State dated May 29, 1884, contain the provisions of the law upon this question.

Mr. MORGAN. I understand, then, the position taken by the committee is that the law as it is is sufficient for all the purposes of protecting the country in that particular?

Mr. ALLISON. I will read what the Secretary of State says about it:

It is often necessary to appoint chargés d'affaires *ad interim* at legations where there is no secretary or where the office of secretary is also vacant. In the legations in Belgium, the Netherlands, Sweden and Norway, Portugal, and other countries there is no salaried diplomatic officer who can be appointed chargé *ad interim*. It then becomes the right and duty of the Executive to designate some one to fill the mission as chargé. But it appears that such necessary service and all expenses connected therewith must, under this bill, be borne gratuitously by the person so designated.

This provision excludes the idea that when this extraordinary duty is performed by a consul or a consul-general he shall receive any compensation.

It is usual to call upon a consul in the country to take such temporary charge. His salary is insufficient to bear the expenses of the combined offices even for a short time, and the act of 1856 made express provision, as is hereinabove shown, for this very contingency.

That is, it allowed him a percentage, not exceeding 50 per cent. I believe, of the pay of the diplomatic officer, whatever that may be.

As an illustration of the working of these provisions we may instance Turkey, with which at the present time the United States have several very important questions There is in that country now an "envoy extraordinary and minister plenipotentiary" and an officer who combines the two positions of consul-general and secretary of legation.

The bill strikes out the words "secretary of legation," and leaves in Constantinople only a consul-general, who is not a diplomatic officer.

Of course in the case of the absence of the minister at Constantinople the consul-general would be obliged to perform those duties without additional compensation, if the provision should remain.

Mr. MORGAN. I wish to ask the Senator from Iowa whether there is any provision in the bill to supply that part of it between lines 459 and 466, the discretionary salaries to be allowed by the Secretary of State to consuls and consuls-general?

Mr. ALLISON. Yes; that provision is reinserted later on.

Mr. MORGAN. The same provision is reinserted?

Mr. ALLISON. If the Senator will turn to page 21, lines 494 to 501, he will see the same provision in a different form.

Mr. McPHERSON. I should like to inquire of the honorable chairman of the committee what change is made by the amendment in the salary of the consul-general at Montreal?

Mr. ALLISON. It makes no change. We provide for the same sum he is receiving now.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 502 to 506, in the following words:

For the payment of consular clerks appointed by the President in pursuance of sections 1704 and 1705 of the Revised Statutes of the United States, or so much thereof as may be necessary, $14,000.

Mr. CAMERON, of Wisconsin. I will ask the Senator from Iowa if there is any provision in the bill to supply that portion which is proposed to be stricken out by this amendment.

Mr. ALLISON. There is. It will be found on page 7, lines 158, 159, and 160:

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, $344,600.

The PRESIDING OFFICER. The question is on agreeing to the amendment recommended by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 506, to insert:

For consular officers not citizens of the United States, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 509 to 513, in the following words.

For salaries of three interpreters of the Chinese language, to be assigned to such consulates as the President may direct from time to time, each one to receive $1,500, and no more, $4,500.

And in lieu thereof to insert:

For salaries of the interpreters to the following consulates: At Shanghai, Tien-Tsin, Foochow, and Kanagawa, at $2,000 each, $8,000.

For salaries of the interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, at $750 each, $3,000.

For salaries of the interpreters to other consulates in China, Japan, and Siam, $5,000.

Mr. CAMERON, of Wisconsin. I desire to ask the Senator from Iowa what salary the interpreter at the consulate at Canton now receives? This provides that he shall receive a salary of $750. The consul at Canton is a citizen of Wisconsin, whose services were conspicuously important during the recent troubles in that city, and what I wish to know is whether the salary of the interpreter is increased or decreased by this provision?

Mr. ALLISON. It is not decreased nor is it increased. The appropriation act for the current fiscal year provides $750.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 524, to insert:

For interpreters, guards, and other expenses at the consulates of Constantinople, Smyrna, Cairo, Jerusalem, and Beirut, in the Turkish dominions, $3,000.

The amendment was agreed to.

The next amendment was to strike out lines 530 to 534, in the following words:

For salaries of six marshals of consular courts, at $1,000 each, as follows: One for all such courts in Japan, one for all such courts in the Turkish dominions, and four for all such courts in China, including Hong-Kong, $6,000.

And in lieu thereof to insert:

For salaries of the marshals for the consular courts in Japan, China, Siam, and Turkey, $9,000.

The amendment was agreed to.

The next amendment was, after line 536, to insert:

For pay of boat's crew for boat for official use of United States consul at Osaka and Hiogo, $500.

The amendment was agreed to.

The next amendment was, after line 539, to insert:

For hiring of steam-launch for use of the legation and consulate-general at Constantinople, $1,000.

The amendment was agreed to.

The next amendment was to strike out lines 542, 543, and 544, in the following words:

For the actual cost and expense of making exchange of money to and from the several consulates and consulates-general, $3,000.

And in lieu thereof to insert:

For loss by exchange on consular and other foreign service of the State Department, $8,000.

The amendment was agreed to.

The next amendment was to strike out lines 547 to 559, in the foling words:

For the expense of providing all such stationery, blanks, record and other books, seals, presses, flags, and signs as the President may think necessary for the several consulates and commercial agencies in the transaction of their business, $34,000.

For the payment of the actual expenses of office rent for such consulates-general, consulates, and commercial agencies as the President shall deem entitled thereto, under section 1706 of the Revised Statutes of the United States, $50,000: *Provided*, That such office rent shall in no case exceed 20 per cent. of the salary of the consulate-general, consulate, or commercial agency for which it is rented.

And in lieu thereof to insert:

For contingent expenses of United States consulates, such as stationery, bookcases, arms of the United States, seals, presses, and flags, rent, freight, postage, and other necessary miscellaneous matters, $125,000.

The amendment was agreed to.

The next amendment was to strike out lines 565 to 581, in the following words:

For the expense of a prison and prison-keeper at the consulate-general in Bangkok, Siam, $1,000.

For the actual expense of renting a prison at Shanghai for American convicts in China, $750; and for the wages of a keeper of such prison, $800.

For the actual expense of renting a prison in Kanagawa for American convicts in Japan, $600; and for the wages of a keeper of such prison, $800.

For the purpose of paying the keepers of prisoners in China, Japan, Siam, and Turkey, the sum of $5,000: *Provided*, That no more than 75 cents per day for the keeping and feeding of each prisoner, while actually confined, shall be allowed or paid to any such keeper; and such payment shall cover all expenses attending the keeping, feeding, and care of any such prisoner.

And in lieu thereof to insert:

For rent of prisons for American convicts in Siam and Turkey, and for wages of keepers of the same, $2,000.

For rent of prison for American convicts in China, $1,500.

For wages of keepers, care of offenders, and expenses in China, $9,500.

For rent of prison for American convicts in Japan, $750.

For wages of keepers, care of offenders, and expenses in Japan, $5,000.

For rent of court-house and jail, with grounds appurtenant, at Yeddo, or such other place in Japan as shall be designated, $3,850.

For rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, $3,100.

The amendment was agreed to.

The next amendment was, after line 612, to insert:

For expenses of shipping and discharging seamen at Liverpool, London, Cardiff, Belfast, and Hamburg, $6,000.

The amendment was agreed to.

The next amendment was, after line 615, to insert:

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $250,000, or so much thereof as may be necessary.

Mr. ALLISON. I ask that that may be passed over for the present.

The PRESIDING OFFICER. If there be no objection the amendment just read will be passed over. The Chair hears none. The Secretary will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 628 to 632, as follows:

For the purpose of enabling the President to provide at the public expense all such stationary, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, $15,500.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 650, to strike out:

Provided, That no part of such reports discussing partisan, political, religious, or moral questions shall be published.

So as to make the clause read:

For printing and distributing the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, $20,000.

The amendment was agreed to.

The next amendment was, after the word "consuls," in line 666, to insert "have died or;" so as to make the clause read:

For defraying the expenses of transporting the remains of ministers and consuls of the United States to their former homes in this country for interment, where such ministers or consuls have died or may die abroad while in discharge of their official duties, $10,000.

The amendment was agreed to.

The next amendment was to strike out lines 668 and 669, in the following words:

For loss by exchange in remittances of money to and from legations, $2,000.

The amendment was agreed to.

The next amendment was, after line 674, to insert:

For a commercial agent to the states of the Congo Association, $5,000; and for expenses of the agency, $10,000, or so much thereof as may be necessary, said agent to be charged with introducing and extending the commerce of the United States in the Congo Valley.

The amendment was agreed to.

The next amendment was, after line 679, to insert:

To enable the Secretary of State to comply with the requirements of the fourth section of "an act regulating fees and the practice in extradition cases," approved August 3, 1882, to be disbursed by the Secretary of State, $10,000.

The amendment was agreed to.

The next amendment was, after line 684, to insert:

International boundary survey, United States and Mexico: To enable the President to execute the engagements of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, $224,556.75, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 694, to insert:

For three commissioners, to be appointed by the President, by and with the advice and consent of the Senate, at a compensation of $7,500 each. Said commissioners shall ascertain the best modes of securing more intimate international and commercial relations between the United States and the several countries of Central and South America; and for that purpose they shall visit such countries in Central and South America as the President may direct.

For one secretary to said commission, to be appointed by the President, by and with the advice and consent of the Senate, $3,000; and in addition to the foregoing amounts such further sum as may be required for the reasonable expenses of said commission, such expenses to be paid upon the certificate of the chairman thereof and approved by the Secretary of State; and said commission shall report their action to the President for transmission to Congress, with such recommendation as he may deem fitting.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill is concluded. It is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. MCPHERSON. I should like to make another inquiry of the chairman of the committee. I see on page 29, lines 685 to 694 inclusive, the enormous sum of $224,556.75 appropriated for running a boundary line, as I understand it, between the United States and Mexico. I should like to know if such a sum of money is necessary to run a boundary line between two countries, or does that involve the purchase of land upon one side or the other or from one country or the other for the purpose of straightening the boundaries?

Mr. ALLISON. We made a treaty with Mexico, which was ratified I believe on the 3d of March, 1883, by which we agreed to resurvey and remark the boundary line from the Rio Grande to the Pacific Ocean, and under that Lieutenant Symons made a preliminary survey. If the Senator will look at Miscellaneous Document No. 96 he will find Lieutenant Symons's report to the Secretary of War.

Mr. MCPHERSON. Giving a detailed statement?

Mr. ALLISON. Giving a detailed statement of what he has done and what is necessary to be done to carry out fully the provisions of the treaty, and the estimate of Lieutenant Symons sustained by the Secretary of War and the Secretary of State is $224,000, the amount named in the bill.

Mr. HALE. It is not simply to run the boundary but to establish it with all the monuments and marks that are necessary to make it a permanent boundary line between the two nations, and this appropriation covers all expenses incidental to that.

Mr. BECK. The character of the monuments required is very expensive, the Senator from Iowa will remember.

Mr. ALLISON. They are to be of iron and stone and to be placed at frequent intervals, a mile distant from each other at many points and at no place farther distant than five miles.

Mr. HALE. Where there is arable land the monuments are to be within a mile; where it is waste land they are to be within five miles.

Mr. MCPHERSON. I shall make no objection to the provision. I only wanted information. It seemed to me to be an extravagant sum of money for that purpose.

Mr. ALLISON. It does seem like a large sum, but when the Senator remembers that it covers about 1,700 miles of boundary, with iron or stone monuments to be placed at distances from one to three miles, it requires a very large expenditure of money. I think this estimate has been very carefully made. If the Senator will read Miscellaneous Document No. 96 he will find the full report of Lieutenant Symons.

Mr. MCPHERSON. There is one other question I wish to ask the Senator, because my attention has been called to it by parties outside of the Senate, on page 12 of the bill, relating to the consul at Tangier and the Barbary States. I understand that there is one consul to represent the Barbary States, which I think are five or six in number.

Mr. ALLISON. That is correct.

Mr. MCPHERSON. I further understand that the compensation of the consul has been reduced from $3,000 per year to $2,000. Am I correct?

Mr. ALLISON. The House of Representatives omitted the consulship entirely in the bill; they abolished it; but we restored it with the salary in the last appropriation act, $2,000. Prior to that time the consul at Tangier received $3,000, and in Executive Document No. 121 the Secretary of State recommends that he be made a consul-general and paid $3,000, I think.

Mr. MILLER, of California. He recommends, as he has heretofore done upon two or three occasions, that this officer be made a consul-general and a diplomatic agent, the duties of the consul being chiefly of a diplomatic character. It is a very important consulate. The compensation never should have been reduced. It ought to be put back now to $3,000, and this officer should be a diplomatic agent and a consul-general. That is what should be done beyond all question. The reasons are given in the document to which the Senator from Iowa refers. They have been given frequently before on three or four occasions to my knowledge by the State Department; and just now very important complications have arisen in respect to the Barbary States and France. France is seeking to acquire control there, the same that she has acquired in some other parts of Africa, and we ought to have an agent there to represent this Government. The gentleman who now occupies the place is a very intelligent and able man, Colonel Mathews, of California. Our country could not be better represented than by him. He has been there a long time, and is a man of great experience.

Mr. MCPHERSON. The gentleman named by the Senator from California had already called upon me and talked to me about many matters connected with the Barbary States. I quite agree with him; he is a very intelligent man, and one who I think is well qualified to transact the duties of the office at that place. I am not in favor of such parsimonious treatment as we have been in the habit of doling out to our diplomatic officers. I think it is very unwise economy on the part of the General Government, and the unwisdom of such a course is apparent at this particular time to cut down the amount of money really needed of which a man must expend every dollar to live and even more at a place like the Barbary States, as I said before, with five or six great states, when all of the diplomatic and consular business between the United States and all of those states must be transacted by this consular agent.

I propose to move on page 12 of the bill to strike out "Barbary States" in line 258, and "Tangier," in line 259, for the purpose of placing those words in another part of the bill, so as to increase the salary.

Mr. MILLER, of California. To class 3.

Mr. MCPHERSON. I am in favor of putting it at $2,500 a year.

The PRESIDING OFFICER. Will the Senator from New Jersey restate the amendment that he proposes?

Mr. MCPHERSON. In line 258, I move to strike out the words "Barbary States," and in line 259 to strike out the word "Tangier."

The PRESIDING OFFICER. The Chair would State to the Senator from New Jersey that strictly his motion is not now in order, that having been an amendment already agreed to as in Committee of the Whole.

Mr. MCPHERSON. Then I will wait until the committee get through with their amendments, and move a reconsideration of the vote by which that amendment was agreed to.

The PRESIDING OFFICER. The Senator can do that, or wait until the bill is reported to the Senate and then ask the Senate to nonconcur in the amendment.

Mr. MCPHERSON. Very well; I will withhold the amendment.

Mr. ALLISON. I do not seriously object to the amendment suggested by the Senator from New Jersey, and I do not think the committee will object to it. We did not like to increase the salaries of any of these consuls beyond the act of the present year and the acts for the last two or three years. The Senator will observe in looking over the bill how careful the Committee on Appropriations has been to confine the bill within careful limits as to salaries. With one or two exceptions we have made no increase in the compensation of the consuls; but in view of the report made by the Secretary of State and found on page 19 of Executive Document No. 121, unless some other member of the Committee on Appropriations or of the Committee on Foreign Relations objects to it, I shall consent to the amendment suggested by the Senator from New Jersey.

Mr. MILLER, of California. There will be no objection to it on the part of the Committee on Foreign Relations.

The PRESIDING OFFICER. If there be no objection, the Chair will entertain the motion of the Senator from New Jersey to amend the bill as indicated by him.

Mr. MCPHERSON. Then I move a reconsideration of the vote by which the agreement was made on page 12 of the bill to incorporate in the amendment "Barbary States" and "Tangier."

The PRESIDING OFFICER. The shorter way is by unanimous consent to entertain the motion of the Senator from New Jersey.

Mr. MILLER, of California. And put those words at the bottom of page 10.

Mr. MCPHERSON. That would make the salary $2,500.

Mr. ALLISON. Yes.

The PRESIDING OFFICER. If there be no objection the lines referred to by the Senator from New Jersey will be stricken out.

Mr. BECK. I have no objection to the motion being entertained, but the entertaining of the motion does not necessarily adopt the amendment.

The PRESIDING OFFICER. By no means. The question then is upon the amendment proposed by the Senator from New Jersey to strike out lines 258 and 259 and insert them at the bottom of page 10.

Mr. BECK. The House struck out this consulate altogether. While I did not think that was the proper thing to do, and while I am not prepared to say it might not be well to increase the salary beyond what was done for the current year, because some very respectable gentleman who received it seems to be going around trying to get his salary raised, I think we are going to have trouble enough with the bill with the amendments already in it, without making any special exception for any gentleman, no matter how worthy he may be, beyond the salaries now in.

I shall vote to retain the clause where it is disagreeing with the House in striking out this place, but keeping the consulate at Tangier in the same class where it now is, believing that we should not make invidious distinctions between this consul and a good many others who could make exactly the same claim this man is now making, and who have recommendations perhaps not quite as strong as in the case of Tangier, which may be now resorted to by visitors for health, but there is very little business there. It would be safest to leave the clause where it is, I think.

Mr. HALE. Mr. President——

Mr. MCPHERSON. If the Senator from Maine will allow me to set

myself right with the Senator from Kentucky, I do not know that he was quite right in assuming from my statement that this gentleman had called on me to urge an increase of his salary. There was not a word said about salary. It was quite another matter; it was the importance of the station at Tangier and the immense amount of duty that devolved upon the incumbent of that office, controlling as he does the business of five or six Barbary states. I wish the Senator to understand distinctly that Mr. Mathews did not call upon me with any expectation of talking about his salary, for not a word was mentioned about it.

Mr. HALE. There is a good deal to be said in favor of increasing the importance and pay of this consular post. Gradually year by year Congress has been striking down the consuls and the officers representing our Government in the states of the Barbary coast. It is only a few years since that we had a consul not only at Tangier, but at Algiers, at Tripoli, and at Tunis, receiving pay ranging from $2,000 to $2,500 and $3,000 per year. They have been gradually torn from the consular and diplomatic bill and dropped, and nobody is left but the consul at Tangier. The Secretary of State recommends most earnestly that in consideration of the duties devolved upon this one consul who is left he shall be elevated in rank and in pay. The case that he makes out is a good one, and intrinsically I think it ought to be done.

The Committee on Appropriations has been very conservative in dealing with this bill. It found that the old service had been dismembered in a hundred different ways as the bill came from the House, and it has been careful, as the chairman has said, not to increase salaries or to raise that issue with the House, and only in exceptional cases where additional duties have been devolved or something of that kind is true, has the committee recommended any increase. In view of the conflicts impending and the difficulties that will arise between the two Houses on this bill, I think it would be better to let this consulate go with the consul restored at his old pay for the present rather than to raise it.

Mr. MILLER, of California. There is much force in what the Senator from Maine says, but the motion of the Senator from New Jersey is clearly right. I desire to read from the statement of the Secretary of State a short paragraph to show the importance of this consulate:

> Tangier, in Morocco, at the entrance of the Strait of Gibraltar, is the first and nearest seaport of Africa to the United States, and considered the most strategical and only diplomatic post, except Cairo, in Africa, being within a few miles of Spain, the British colony of Gibraltar, and the French in Algiers. Most of the European nations, including Portugal and Belgium, are represented by ministers, who reside in houses granted to them by the Moorish Government. The United States alone are represented by a consul. We have there buildings granted by the Moorish Government for the use of the United States representative.
>
> In Morocco the United States have extraterritorial jurisdiction, and the consul adjudges cases against Americans, tries them on criminal charges, and must defend and protect them and their interests while in the country for business or pleasure. He also must guard the lives and rights of American seamen wrecked on the coast, who, if there be no representative at Tangier, would be left to the mercy of the native Kabyles.
>
> In Morocco there are no means of telegraphic communication or interchange of newspapers to make known American industries or products.
>
> The consul keeps the authorities and natives informed as to American products useful to them. But for his exertions England and France would absorb all the commerce.

He goes on to state how this consul has increased commerce and how he has been of service to Americans by giving them letters to the various governors of the interior, travelers and others who would run the risk of being ill-treated or seriously injured without the intervention of this officer. To abolish such a consulate entirely would be an absurdity. That every one can see. It ought to be restored to its former position in the list of consulates. If the Senator from Kentucky, who will undoubtedly be one of the conferees upon this bill, opposes the amendment and would not uphold it in conference, it would not be much use for the motion to amend to carry, and rather than run the risk of losing it altogether, as the House struck it out, I should be content that it should go as the committee has left it. Hereafter we shall endeavor to have this consul made a consul-general and a diplomatic agent, as he should be. We may find it necessary to have a minister resident there before many years, and I do not want to run any risk of having the provision stricken out in conference.

Mr. MCPHERSON. I am not strenuous about the matter, and, it having awakened opposition, I ask the privilege of withdrawing the amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw it.

Mr. MCPHERSON. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ALLISON. One amendment was passed over.

The PRESIDING OFFICER. At the suggestion of the Senator from Iowa an amendment was passed over and not acted upon. The Secretary will report the amendment that was passed over without action.

The SECRETARY. After line 615 the Committee on Appropriations proposed to insert:

> To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $250,000, or so much thereof as may be necessary.

Mr. ALLISON. Before proceeding to that I ask uanimous consent to turn to page 7, lines 159 and 160. Having stricken out Panama, the amount should be reduced $3,000. In line 169, I move to strike out "forty-four" and to insert "forty-one;" so as to read $341,600.

The amendment was agreed to.

Mr. ALLISON. I move to close the doors under Rule XXXV.

Mr. MILLER, of California. I second the motion.

The PRESIDING OFFICER. At the instance of any Senator it is the duty of the Chair to order the galleries to be cleared and the doors to be closed.

Mr. CONGER. Is that to be done by a simple request?

The PRESIDING OFFICER. Under the rule.

Mr. INGALLS. Read Rule XXXV.

Mr. CONGER. I should like to have it read.

The PRESIDING OFFICER. The Secretary will read the rule.

Mr. VEST. I suggest to the chairman of the committee that he will not facilitate business any by that course. This matter must be discussed at last in open session, and it will be so discussed, I can assure him of that, unless I am paralyzed, or something of that sort.

The PRESIDING OFFICER. The Secretary will report the rule of the Senate.

The Secretary read as follows:

RULE XXXV.

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the presiding officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

Mr. CONGER. Upon what proposition was this request made?

The PRESIDING OFFICER. The Senator from Iowa moved that the doors be closed.

Mr. CONGER. Upon any question which may require secrecy? I ask that the amendment may be read upon which this request is made. I ask that the amendment under consideration may be read.

Mr. SHERMAN. Perhaps no amendment may be pending.

Mr. ALLISON. The consular and diplomatic bill is the bill that I asked the doors to be closed upon.

Mr. CONGER. But we had come to a certain proposition here.

The PRESIDING OFFICER. The Chair decides that debate on the proposition is out of order. When the Senator from Iowa has moved, and another Senator has seconded, that the doors be closed, the Chair orders the galleries cleared and the doors closed.

Mr. CONGER. But, Mr. President——

Mr. INGALLS. Order!

The PRESIDING OFFICER. The Senator is out of order.

Mr. CONGER. The Senator will get——

Mr. INGALLS. Order!

The PRESIDING OFFICER. The Senator is out of order.

Mr. CONGER. The Senator will get in order——

The PRESIDING OFFICER. The Chair hopes so.

Mr. CONGER. And without any particular excitement on the occasion either.

The doors were thereupon closed; and after the expiration of two hours and twenty-four minutes were reopened.

POLYGAMY IN UTAH.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Chair lays before the Senate the unfinished business, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. RANSOM. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 7 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 10, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

Mr. CONNOLLY. I ask unanimous consent that the Clerk omit the reading of that part of the Journal of yesterday's proceedings relating to the introduction and reference of bills and joint resolutions.

There being no objection, it was ordered accordingly.

The Journal of yesterday's proceedings, with the above exception, was then read and approved.

CAPT. ANDREW W. JOHNSON.

Mr. SCALES. Mr. Speaker, I introduced yesterday a bill (H. R. 7264) for the relief of Capt. Andrew W. Johnson, which I desired to have referred to the Committee on Naval Affairs. It appears to have been referred to the Committee on Invalid Pensions. I ask that the correction be made.

The SPEAKER. The correction will be made.

MELISSA G. POLAR.

Mr. MCMILLIN. I offer the privileged resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives, in which it originated, House bill 2344, for the relief of Melissa G. Polar.

Mr. MCMILLIN. It is proper I should state my reason for offering this resolution. Since the bill was sent to the President it has been ascertained that a word was changed in the engrossment.

The resolution was adopted.

FORFEITURE OF LAND GRANTS IN IOWA.

Mr. PAYSON, from the Committee on the Public Lands, reported a bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SLOCUM, for one week, on account of important business.

To Mr. WEMPLE, for ten days, on account of sickness in his family.

To Mr. HILL, for ten days.

REPRINTING OF A REPORT.

On motion of Mr. JOSEPH D. TAYLOR, by unanimous consent, it was ordered that there be reprinted, in double the usual number, part 2 of report 1351, from the Committee on the Territories, in relation to the reorganization of the Legislature of Utah Territory.

THE PACIFIC RAILROAD COMPANY.

Several MEMBERS. "Regular order."

The SPEAKER. The regular order is a bill the title of which will be read by the Clerk, together with the order of the House relating thereto.

The Clerk read as follows:

A bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Tuesday, the 10th instant, immediately after the reading of the Journal, set apart for consideration.

Mr. WILLIS. I rise to make a parliamentary inquiry. Would it be in order to raise the question of consideration upon that bill.

The SPEAKER. This is not an ordinary special order. To-day, immediately after the reading of the Journal, has been set apart for the consideration of this bill. The Chair thinks that while this order stands the question of consideration can not be raised. But the House is not obliged to dispose of the bill at this time. It may postpone it——

Mr. WILLIS. Would it be in order to make that motion now?

The SPEAKER. The motion to postpone is in order.

Mr. WILLIS. I move, then, that the further consideration of this bill be postponed for two days, my purpose being, if that motion prevails, to ask the House to go on with the consideration of the river and harbor bill.

Mr. LEWIS. I wish to ask a parliamentary question. The other day, when this matter was before the House, my friend from Kentucky did not object to the arrangement made by unanimous consent that this bill should be specially considered to-day. I am therefore somewhat surprised that he antagonizes it now. But I wish to inquire of the Chair what would be the effect of an order postponing this bill for two days. In what condition would it leave the bill?

The SPEAKER. The bill would come up on that day. But the Chair will state that Thursday, the day to which the gentleman proposes to postpone this bill, has already been set apart by the House for the consideration of the report from the Select Committee on the state of the Law respecting the Election of President and Vice-President.

Mr. LEWIS. Then practically this would amount to an indefinite postponement. I hope the House will vote down the motion to postpone.

Mr. HOLMAN. Does not the RECORD show unanimous consent to have been given that the bill in charge of the gentleman from Louisiana [Mr. LEWIS] should be considered to-day?

The SPEAKER. This day has been set apart for its consideration——

Mr. HOLMAN. By unanimous consent.

The SPEAKER. And the bill is now up for consideration. But when a bill is under consideration a motion to lay it on the table or to postpone it is in order.

Mr. HOLMAN. But this order was made by unanimous consent.

The SPEAKER. That adds nothing to the force of the order. Whether made by unanimous consent or otherwise, the effect of the order is the same.

Mr. WILLIS. I will modify my motion so as to provide that this bill be postponed until to-morrow, immediately after the reading of the Journal.

The motion of Mr. WILLIS was agreed to; there being—ayes 86, noes 26.

ADJOURNMENT OF CONGRESS SINE DIE.

Mr. MORRISON. I desire to make a privileged report from the Committee on Ways and Means. I ask the Clerk to read the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 3 o'clock p. m. Monday, June 30, 1884.

[Applause.]

Mr. MORRISON. I move the previous question on the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I move to dispense with the morning hour for the call of committees.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. WILLIS. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7012) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Clerk will report the pending amendment.

The Clerk read as follows:

Strike out lines 140 and 141, namely: "Improving harbor at Galveston, Tex.: Continuing improvement, $250,000."

Mr. WILLIS. Mr. Chairman, I do not think that the pending amendment is thoroughly understood by the committee. The gentleman from Texas [Mr. OCHILTREE], when the committee rose at its last night's session, had offered an amendment striking out of this bill the amount fixed by the committee—$250,000—for continuing the work of the harbor at Galveston, and accompanied the amendment with the statement that it met the approval of the Committee on Rivers and Harbors. I think it but proper, therefore, in a word or two to state the facts in regard to the action of the committee upon this subject.

When the committee had heard a delegation from Galveston upon the subject, and also the members from the State of Texas, it was found that all agreed that the pending method of improvements at that harbor should be continued, which was under the supervision of Colonel Mansfield, of the Engineer Corps. It was well known, however, at that time, not officially, but well understood, that a proposition was pending on the part of Captain Eads to give deep water at Galveston for seven or seven and one-half millions of dollars, and a bill to that effect had been introduced, I believe, in both branches of Congress, certainly in the Senate.

Captain Eads being in Europe at the time, the Representatives from the State of Texas and the delegation from Galveston concluded not to press the proposition of Captain Eads, as he could not be here in person to explain the method contemplated. Under these circumstances and with the full consent of all parties this appropriation of $250,000 for continuing the work was placed in the river and harbor bill. After the bill was reported to the House and out of the control of the committee Captain Eads returned from Europe and was heard before the House and Senate committees, and at that time this request was made on the part of the Texas delegation that this amount should be stricken out of the bill, with the explanation that the bill known as the "Eads bill" would be pressed for consideration.

I repeat that the Committee on Rivers and Harbors at the time this request was made were not in control of the bill, which was in Committee of the Whole House on the state of the Union. It was not in their power, therefore, to assent to the proposition. They do not assent to it now. They think it would be better for Galveston that this appropriation should remain as it is, even if it should be afterward determined to adopt the plan of Captain Eads. But it is proper, in view of the statements made by the gentleman from Texas, that I should give these facts in explanation of the action of the committee.

Mr. DUNN. Will the gentleman allow me to ask him a question?

Mr. WILLIS. Certainly.

Mr. DUNN. Is the Eads plan to be pressed as an amendment to this bill, or is it to come up as a separate measure on its own merits?

Mr. WILLIS. That I do not know. Certainly not with the consent of the committee; for the committee never have acted upon or accepted Eads's plan.

Mr. DUNN. Will the gentleman in charge of the bill get an answer from the Representative from Texas who is pressing this amendment, so that the House may be advised exactly as to what it is proposed to do in connection with this work?

Mr. WILLIS. The gentleman from Texas who offered the amendment can answer that question, as to whether it is proposed to offer an amendment on the bill adopting the Eads plan or whether it is contemplated to press a separate bill for that purpose. My impression is that the intention is to endeavor to pass a separate bill, but of course the gentleman can answer that question better than I.

I repeat, Mr. Chairman, I make this statement because I thought it proper, in view of the fact, that this committee should be informed as to the position taken by the Committee on Rivers and Harbors in reporting this appropriation.

Mr. OCHILTREE. Mr. Chairman, I apprehend that there will be no very serious objection interposed by this committee to the proposition I have made as the immediate representative of the city of Galveston, which is proposed to be benefited by this item of the bill. Upon mature deliberation the delegation from the State of Texas, after having been requested by the Legislature of that State, and also on my own part as the Representative of the interested district, and having been requested by nine-tenths, I might say ninety-nine one-hundredths, of the people of Galveston, I have offered the amendment to strike out this item as proposed in the river and harbor bill. The statement of the chairman of the Committee on Rivers and Harbors in regard to the action of the committee is correct. The Eads proposition, I concede, has no standing in the motion that is made now to strike out this item of $250,000.

I believe, sir, that the plan adopted by the Government engineers is radically a defective plan. One and one-half million of dollars has been already expended in an attempt to increase the depth of water upon the outer bar of Galveston.

Mr. DUNN. May I ask the gentleman from Texas to answer this question: Is it proposed to press the Eads plan as an amendment to this bill, or is it desired on the part of the Texas delegation or the gentleman himself to present that as a separate and independent proposition?

Mr. OCHILTREE. My proposition now is absolute and positive, and that is to strike out the item appropriating $250,000 for Galveston Harbor. We leave the Eads proposition to take care of itself hereafter. We ask for no appropriation whatever from this House in the river and harbor bill for Galveston.

Mr. DUNN. I am willing the item should go out if the delegation from the State of Texas shall desire it.

Mr. OCHILTREE. We desire no appropriation whatever at present in the river and harbor bill for Galveston.

Mr. DUNN. It is then simply a proposition to strike out.

Mr. BROWN, of Pennsylvania. And insert.

Mr. DUNN. No; to strike out and insert nothing.

Mr. OCHILTREE. If it be the pleasure of the House or of the Senate Committee on Commerce to incorporate the Eads proposition, that of course is with the Senate. To-day the proposition I make, representing my district, representing the people of Galveston, in conjunction with my colleagues on this floor who have unanimously agreed to this proposition, representing the whole State of Texas, and I might say the whole vast country tributary to Galveston west of the Mississippi River, is our request that this item be stricken from the bill.

Mr. KELLEY. Mr. Chairman, I feel I am meddling in affairs that are not my own when I say I should like to hear from the people west of Galveston as to whether they are ready to have the improvement of that harbor stricken from the river and harbor bill. Whoever will look at the map of our country will see that Galveston is the port of entry for the vast region that is almost inaccessible to foreign commerce by the Atlantic ports. The people of Denver, Colo. (I hope my blooming friend from Colorado is here, that now her interests are touched), have a chance for the advantages of ocean trade from the nearness of the harbor of Galveston.

We assume that the interests of Colorado can have no foreign commerce. We look at the long lines of road which are to carry their productions or their importations up to the northern lines of railroad and thence to Baltimore, or Philadelphia, or New York, or one of the New England ports, and we see that thousands of miles of land carriage intervene. But when we contemplate the enlarged map of our country and look at the Gulf seaports and our eye rests on Galveston, we see that a thousand miles brings Denver and Pueblo to deep-sea soundings, and to a port in which already a large foreign commerce has concentrated.

Except as a citizen of the whole country, trying to look at the interests of all the country, I should not meddle in the question of the improvement or failure to improve the harbor of Galveston; but having traveled and rested and spent summer after summer in the Territories that are to be accessible to foreign commerce only through the Gulf ports, I am prepared to protest against any action which shall delay the deepening and the improvement of Galveston Harbor for all that Rocky Mountain region to which I have referred.

Mr. BELFORD. Mr. Chairman, I regret I was not present when my distinguished friend from Pennsylvania commenced his remarks. Colorado may have no foreign commerce, but she has got a vast internal commerce and is building a railroad from the city of Denver to the city of the Montezumas. That is what we have accomplished, and we further propose to construct that railroad to the City of Mexico, across the Isthmus of Panama to the South and Central American States, to the Argentine Republic, and to the city of Rio Janeiro. That is what we propose to do.

Mr. KELLEY. Are there any American seaports in the South and Central American States? What I am talking about is securing a seaport for the State of Colorado.

Mr. BELFORD. I am coming to that. I agree with you on that point.

Mr. KELLEY. Is not your old friend John Evans now building a railroad connecting Denver and Pueblo with the Atlantic Ocean at Galveston?

Mr. BELFORD. He is building a railroad, as you know, from Denver to New Orleans.

Mr. KELLEY. With a branch to Galveston.

Mr. BELFORD. With a branch to the harbor at Galveston. Therefore I stand with you in opposition to any legislation that will impair in the slightest degree either the water advantages at Galveston or New Orleans.

But while we are willing in the State of Colorado to give every advantage we can in the way of private capital, we can not get a dollar out of this House to aid us in reclaiming the public lands in my State. I have stood here persistently and consistently and voted for the interests of Pennsylvania under the head of the tariff; I have voted for the interests of New York to protect her salt; I have voted to protect the whole interest of the nation; but when I come here and ask for the poor sum of $200,000 to save the surplus water of my State, to make it in the future bloom like a rose, some distinguished gentleman raises the point of order, and Colorado, that furnishes to this nation $26,000,000 of silver a year and $5,000,000 gold a year, can not acquire from this Congress even that small sum. I will follow the example of Christ: smite me on the one cheek and I will turn the other that you may smite me on that also. [Laughter.]

Mr. OCHILTREE. It is the broader view of this question advocated by the distinguished gentleman from Pennsylvania [Mr. KELLEY] that has actuated me in the proposition I have made to-day. If I was impelled solely by interested or local motives I should be in favor of the distribution of this $250,000 in the city of Galveston which would naturally come there under the appropriation. But there is no question whatever in the minds of the people of that section that any further outlay in accordance with the plans at present operated by the Government would be a useless expenditure of money and an extravagance utterly uncalled for.

For the last ten years the Government engineers have been continually promising that they would increase the depth of water upon that bar. It is true, as my honorable friend from Pennsylvania has said, that Galveston is the most important of all the ports on the Mexican Gulf, the only harbor of refuge, indeed, from the mouth of the Mississippi River down into Mexico or as far as Campeachy. It is true that outside of our bar ships are arriving from every port in the world, from the Baltic, from the Black Sea, from Christiansand, from Bremen, even from Calcutta, from Liverpool, and Glasgow. Galveston is the second cotton port in the world. She is the outlet of all that vast country west of the Mississippi River as far as California, up almost to the British possessions, and does almost the entire trade of the states of Northern Mexico.

It is for this very reason that we stand here to-day and move that this small sum of $250,000, that is recommended by the Committee on Rivers and Harbors, be stricken out. It is the belief of those interested that a proposition has been made, which is now before the House in another shape, by which we can obtain water adequate to the vast commercial necessities of that port in accordance with the plans of an engineer, one of the most eminent in the history of the world, one who ranks even with the great De Lesseps in his accomplishments. For ten long weary years we have been lured on by the glittering generalities and fervid gleams of hope contained in the reports of engineers of the United States Army; the same who laughed to scorn the proposition made by the great Eads, when he claimed that he could secure deep water at the mouth of the Mississippi River. We have been fed upon a tropical fertility of promises and a saharic aridity of performance. [Laughter.] In those whole ten years, year after year, according to the official reports of these engineers, they have been claiming that they would give us enough water for the needs of commerce at that port, but the bar still rises in protest against their ability to fulfill that promise.

In 1872 there were eleven feet of water on the bar at Galveston. In 1880, when the present distinguished officer in charge, Colonel Mansfield, took control, there were twelve and three-fourths feet. Since that time, notwithstanding the promised performance in every report he has made to the board of engineers that he would increase that depth two feet, and indeed that he had done so, there is only an appreciable depth of three inches obtained.

I do hope the House will allow us—those of us who are personally interested, those of us who have practical information, and see day after day the results attained and attainable—will allow us to decide for ourselves whether or not we will take this money. I declare in my place here that I believe conscientiously this appropriation of $250,000 will be a wasteful and extravagant expenditure of the public money.

I assert, and I can produce the data from the official reports of the Engineer Department, that in 1872, when Major Howell commenced work on the harbor under the gabionade plan, the extreme depth of water on the outer bar was twelve feet. (See Appendix I.)

Under the plan proposed only eighteen feet of water was obtainable. (Appendix I.)

The great storm of 1875 increased this depth (by scouring) about nine-tenths of a foot, which depth was maintained and brought to twelve and three-fourths feet in 1880; at which time Major Mansfield was given charge of the work under his "improved plan." (See Appendix VII.)

There was no actual increase in the depth up to and including the winter of 1881–'82. (See Appendix VIII.)

In the summer of 1882 the bar shoaled one and one-fourth feet, leaving a depth of only eleven and one-half feet in June, 1882. (Appendix VIII.)

The report to the Chief of Engineers claimed an increase of one to two feet. The survey of July, 1883, claimed a deepening of one and one-half feet; at which time there was a thirteen-foot channel, or an increase of only three inches since the accession of the present officer of engineers in 1880. (Appendix IX.)

This officer repeatedly claimed that eighteen feet of water would result from the completion of the south jetty alone. (Appendixes VI, VIII, IX, XI.)

The south jetty being completed, and failing to give the increase, he was forced to the conclusion that "one jetty without the other was like a fiddle without a bow." This south jetty is even now in a precarious position, since it is admitteed that it is threatened by a wash or excavation along its south face of from four to eight feet.

All of these facts go to prove my original proposition, that the plan of the Government engineers if adhered to (and there is no reason to doubt that it will be under your proposed appropriation) will result in no adequate relief to the growing commerce of this great port. It will simply resolve itself into an annual frittering away of the public moneys without the most remote expectation of benefiting the public good. I beg the House to understand that my remarks are addressed entirely to the plans of the Government engineers as applied to Galveston Harbor. I mean no reflection upon the honor, the zeal, or the ability of those officials who are improving navigation in other places; on the contrary, I sincerely believe that the works at Aransas Pass, at Pass Cavallo, and at Brazos Santiago have resulted in marked success and should be continued, but the conditions surrounding these places are entirely dissimilar and distinct from those at Galveston. In a word, the latter demands the application of methods that reach the highest art of the science of engineering, which, unfortunately for us, seem unobtainable under the present system of river and harbor improvements.

APPENDIX I.

[Extracts from the Annual Report of the Chief of Engineers for 1874.]

In his report to Major Howell, dated June 19, 1873, Lieutenant Adams says: "In compliance with your order of September 9, 1872, I have to report on the survey of Galveston Harbor as follows: The object of the survey, as stated in your letter of instruction, was to determine and estimate the cost of some plan calculated to give an 18-foot entrance to Galveston Harbor. * * * The depth of water on the outer bar is 12 feet. * * * On the inner bar we found an intricate channel giving 12 feet of water."

APPENDIX II.

[Extracts from the Annual Report of the Chief of Engineers for 1875.]

Lieutenant Quinn, in immediate charge of the works, in his report to Major Howell of December 9, 1874, says:

"In this most undesirable condition they (the gabions) were by necessity left to withstand the fierce storms of the 4th, 5th, and 6th of December. * * * After the storm he found that the gabions were substantially in the same position they had been put; that they had not been undermined or settled any. * * * They have proved their ability to withstand the effects of a severe storm when filled with water only."

The same officer, in his report of February 5, 1875, says:

"In every case where the gabions were filled with sand, or partially so, and properly protected by mats, no derangement and but little settling has occurred. * * * I am thoroughly convinced that when the gabions are filled with sand and properly protected no storms, except such as are capable of obliterating entirely the island upon whose shores they are placed, will ever displace them."

Major Howell, submitting these reports, says:

"The work was necessarily conducted under very unfavorable conditions and now that it has passed from the experimental stage, will not again be met."

APPENDIX III.

[Extracts from the Annual Report of the Chief of Engineers for 1876.]

The severest storm perhaps ever known to Galveston swept over her on the 14th and 15th of September, 1875. On the 13th of October following Major Howell, reporting to the Chief of Engineers, referred to the great storm, and added:

"The cheapness of the gabion jetty has been demonstrated in previous reports. The stability of the structure I think may be considered as beyond question. The applicability of jetties as planned for this harbor entrance I believe has not been doubted. The demand for improvement is now, if anything, greater than it has been heretofore. These four assumptions justify resumption of the works."

His superintendent reported that "the gabion jetty has been thoroughly examined by the diver and found to be in thorough order; no serious settling has occurred."

Assistant Engineer Ripley, having made resurveys, reports July 3, 1876: "A new channel across the outer bar was made [by the September storm]; a mean depth of nine-tenths of a foot was attained. A channel of sufficient width for navigation, having a depth of twelve and a half feet at mean low tide, was thus formed, which has been maintained up to this time and shows every indication of permanence."

A new channel by the same storm was cut through the inner bar, giving twelve feet at a point where there were only seven feet, which increased to fourteen and three-fourths feet in February to fifteen feet in March, and to sixteen and a half to seventeen feet in June following.

The Chief of Engineers, in his report of October 21, 1876, says: "The cylinder channel across the outer bar was deepened nine-tenths of a foot by the storm of September, considerably widened, and has since retained its increased dimensions."

APPENDIX IV.

[Extracts from the Annual Report of the Chief of Engineers for 1877 and 1878.]

The reports for 1877 and 1878 show no new features of importance except the inner bar had increased its depth to twenty feet. Major Howell, in his report for 1878, says:

"The results appear sufficiently satisfactory, and may lead one less sanguine than myself to confidently look for results on the outer bar equally as gratifying as those obtained and maintained over the inner."

APPENDIX V.

[Extracts from the Annual Report of the Chief of Engineers for 1879.]

In 1879 Major Howell says:

"The results of the year's work have not been such as those obtained by the inner bar led me to anticipate. It is now evident that the method of construction so successfully employed on the inner bar requires modification in its application to the outer bar. * * * The outer-bar surveys did not show any change that could be attributable to the influence of the gabionade, nor was it anticipated that the latter could have any appreciable influence, it not having been extended far enough outward to warrant such anticipation."

The Chief of Engineers says:

"It is thought that the method of construction in its application to the outer bar required modification, which subject is now before the board of engineers."

APPENDIX VI.

[Extract from the Annual Report of the Chief of Engineers for 1880.]

The Chief of Engineers, in his report of October 16, 1880, refers to the appointment of Major Mansfield, and says:

"The appropriation of $500,000 asked is to be applied to building jetties of brush and stone, directed toward obtaining an improved depth of water over the outer bar, where there is now but twelve and three-fourths feet."

Major Mansfield relieved Major Howell in February, 1880, and took charge of the works in person. In his first annual report, dated July 17, 1880, referring to the gabionade system, he says (page 1205):

"It is now intended to build the jetties of brush and stone on a system that will undoubtedly succeed, for it has been applied to open sea exposure at the mouth of the Maas, where it has realized all anticipations. * * * I am confident that the application of the system here will be attended with perfect success."

APPENDIX VII.

[Extract from the Annual Report of the Chief of Engineers for 1881.]

The reports for 1881 show that the work on the south jetty was begun in July, 1880, the point of commencement located 3,300 feet from the outer end of Fort Point gabionade, in six feet of water; but little progress made in construction.

APPENDIX VIII.

[Extracts from the Annual Report of the Chief of Engineers for 1882.]

In his report of August 3, 1882, Major Mansfield says:

"The most important part of our work and that from which we expect good results has been all placed since last winter, and we must therefore for a realization of benefits await the action of the strong ebb currents that will accompany the northers of next winter. As the result of our work of last season, which did not extend above the foundation layer of mattresses and to a point far short of the crest of the bar, vessels were enabled to cross the bar drawing one to two feet more water than formerly. * * * Indications all point to a successful result. It is not unreasonable to expect a very great improvement of the bar upon the advent of this fall's storms."

In his report dated July 26, 1882, Assistant Engineer Ripley, referring to his surveys made June 12–16, 1882, and contrasting the same with his surveys made during the previous winter (in the months of December, January, and February), says that his late survey (page 1449) "shows less favorable change than might have been expected from the amount of jetty constructed. Along the south side of the jetty, for a distance of two miles from the outer end, a trench has been scoured from three to six feet deep near the edge of the jetty and sloping up to the normal depth at a distance from two hundred to five hundred feet."

Page 1450 says: * * * "With regard to the shoaling on the crest of the bar, it should be remembered that during the winter months, when the northers prevail, is the time of greatest scour on the bar; and during the summer months, or during the absence of northers and the prevalence of easterly and southeasterly winds, the crest of the bar is always shoaled. Now, this survey was made in midsummer, and only a short time subsequent to a very severe easterly storm, which was not accompanied nor followed by any extraordinary outgoing tides, while the survey with which it is being compared was made in midwinter, and it is believed that to this cause may be attributed the apparent shoaling where there was every reason to expect a deepening. This belief is further strengthened from the fact that on the 6th of December last some soundings taken through the jetty channel gave two lines across the bar with a least depth of twelve and three-fourths feet at mean low tide, which is one and one-fourth feet greater than the deepest line of soundings across the bar of the present survey."

APPENDIX IX.

[Extracts from the Annual Report of the Chief of Engineers for 1883.]

In his report of July 31, 1883, Major Mansfield refers to the progress of his works. He submits a letter from Hon. R. L. Fulton, mayor of Galveston, dated March 9, 1883. The river and harbor bill having failed at the previous session of Congress, the city of Galveston deemed it necessary to have the works continued, and the mayor in his letter to Major Mansfield, among other questions, asks: "What is the least amount of money, aside from what you have on hand, that you will require to continue your works during the summer, and with that additional amount furnished what will be the probable difference in depth of water on the bar for the next season's business compared with what we now have or will have at the time you will have to stop work, when the Government funds are expended?"

To this Major Mansfield replies March 10, 1883, and among other things says: "It will be sufficient for me to say, in answer to a further inquiry, that $100,000 will keep the work on through the summer, and will effect the entire completion of the south jetty, giving us a wall four miles in length over and beyond the crest of the bar, built up throughout to the level of mean low water. The result of this concentration and training of the ebb currents upon a limited extent of the bar can not be predicted exactly. I should be very much disappointed, however, if it did not result in a channel of eighteen feet by next fall."

In his report to the Chief of Engineers he further says (page 1063): "As an evidence of the value of the works already accomplished, with corresponding increase of two feet in depth of water on the bar, I take pleasure in furnishing you with a copy of letters recently addressed to me by Messrs. Irvine & Beissner and Messrs. Adone & Lobit and Capt. J. N. Sawyer." [Note.—The two

firms here named control all the lighterage interest owned in the city of Galveston. Captain Sawyer is agent for C. H. Mallory & Co.'s steamships.]

The $100,000 was appropriated by the city of Galveston and expended by Major Mansfield.

Relating to the survey made and concluded July 21, 1883, Assistant Engineer Ripley, in his report of August 21, 1883, says (page 1073): "In the jetty channel at the shoalest point there has been a deepening of one and one-half feet, so that there is now a least channel depth of thirteen feet and a width of one thousand feet from the jetty to the twelve-foot contour north of it. Aside from the deepening in the jetty channel, the depth on the crest of the bar remains practically unchanged."

APPENDIX X.

[Extracts from the official report of Major Mansfield of March 19, 1884, on Senate bill No. 1652.]

Work for the improvement of the outer bar was commenced in April, 1877, by the commencement of the construction of the Bolivar gabionade. This work was continued until November, 1879, when it was abandoned before reaching the bar and without appreciable results, having expended upon it for all purposes $245,000.

"Work under the present plan was commenced in July, 1880, in the construction of the south jetty. Upon this work there will have been expended for all purposes the sum of $975,000, including $100,000 donated by the city of Galveston." He further adds: "A careful survey of the changes continually going on and the causes which produce them will explain why there has been no greater increase, and also furnish proof of ultimate success of the work." He further says: "This drifting sand is banked against the north side of the south jetty, and thus tends continually to obliterate the jetty channel. The overflow water, on the other hand, has excavated a deep trench along the south face of the jetty. The amount of deepening due to this overflow varies from four to eight feet and remains permanent."

APPENDIX XI.

[Extracts from a public speech made by Major Mansfield at a banquet in Galveston, December 5, 1880.]

"How will eighteen feet of water do in that time—one year—with the prospect of twenty-five feet in another year?"

APPENDIX XII.

[Extracts from an interview published in the Galveston News of March 18, 1884.]

Major Mansfield was asked: "Have you still faith in your present plan?" To which he replied: "Yes, sir; most unbounded faith; sense, reason, science, precept teach me that I am right. Talk as people may, there is two feet of water more on the bar now than there was two years ago. This has been demonstrated by careful surveys, and investigations will prove its correctness. What is known as the south jetty is now completed. It is four and one-fourth miles long and as solid as adamant. The north jetty will be only two miles long. You see the work so far performed will be practically useless unless it is completed. One jetty without the other would be worse than a fiddle without a bow."

Mr. KELLEY. I differ with becoming modesty from my distinguished friend from Texas. Yet I must say that I have more faith in the judgment of the engineers who have had this matter in charge for twelve years and have made a very appreciable improvement upon the harbor and the approaches to Galveston than I have in the instincts, marvelous as they are, of my friend from that vicinity. He says leave them to themselves. Well, I tried to illustrate the fact that Galveston Harbor was for the convenience of a much larger territory than Galveston city and county. It is really destined to become one of the great commercial ports of the United States. It will have cotton and sugar and tobacco and all the tropical and semi-tropical products of our country to carry. And I believe those tons of silver and gold of which we hear twice a day from the eloquent gentleman from Colorado, and all the other mineral resources not only of the Indian Territory, of Texas, of Colorado, of Utah, but of all these extreme southern and southwestern sections of our country.

I am content to see progress, though it be at the slow rate that Congressional appropriation confines it to. The gentleman's scheme might be accomplished for $8,000,000. It might, if it were undertaken, take $15,000,000. And I am not sure if we were to abandon the work that has been already done and accept his scheme that Congress would do better in the way of appropriations for it than it has done for the scheme of the engineers. It might give $300,000 one year, $200,000 another, $400,000 another, as it did in the river and harbor bill which it was supposed would revolutionize the country. And therefore the fifteen or the eight millions might require a longer period to improve the harbor than it is likely to take under the present system of appropriating a few hundred thousand dollars a year.

Therefore I say as a citizen of the country, looking forward as I have done since I first made the acquaintance of the topography of this portion of the country in 1869, to the marvelous development that is to take place there, and beholding Galveston as a great seaport of all that marvelously endowed country, I beg this Committee of the Whole not to strike from the list of those places for which appropriations are made by this bill the name of this great harbor, and leave it to neglect for the future until some patent scheme can be applied to it.

I beg pardon for meddling with a matter in which I may seem to have no interest, but I remind gentlemen that every American should be interested in every acre of this country and in all its people.

Mr. WOLFORD. I want to say just a word or two upon this proposition. Like the distinguished gentleman from Pennsylvania [Mr. KELLEY] I feel a deep interest in all these matters. This money which the gentleman from Texas [Mr. OCHILTREE] wants to give back, which all the Texas delegation and all the people really interested in it want to give back, in order that they may try what they conceive to be a better plan, I am willing shall be taken back. I would take the money and appropriate it for the improvement of a river which has been neglected in this appropriation bill, a river which needs the appropriation; I refer to the Cumberland River, the improvement of which will result so greatly to the advantage of the people of Tennessee and of Kentucky.

Gentlemen talk about the vast advantages of the harbor of Galveston. Many dollars have been spent there; I am not going to enumerate how many—indeed, I do not know. But the Cumberland River has been comparatively neglected. Almost a world of itself is right upon the borders of the Cumberland River.

Mr. WILLIS. We will get to the Cumberland River later on in the day.

Mr. WOLFORD. But I want to talk a minute or two on this proposition; and when we come to the Cumberland River I want to move an amendment. I say there is almost a world on the Cumberland River, with its ores of every kind—coal, iron, and everything of that sort—together with a vast quantity of timber, which with proper means could be sent out and be of great advantage to the people of our country.

It is a strange thing when gentlemen come here and say, "We want to give back to you what you propose to appropriate for us," and yet other gentlemen get up here and say they will force them to take it, contrary to their desire, contrary to the wishes of the delegation from Texas, contrary to the will of those who know all about it. Gentlemen say here that they will take this money from that portion of the country which wants it, which needs it, which earnestly desires it, and give it to another portion of the country that does not want it.

I tell you that more improvement can be made upon the Cumberland River than any other place in the United States of America for the good of the people of Tennessee and of Kentucky, and in fact of the whole country. Now, I ask gentlemen to just take back this money which Texas does not want, and when we come to the Cumberland River give us some of it there; just a little will do for us.

Mr. WILLIS. In view of the fact that there is such a limited time for the consideration of this bill, I hope that we will have a vote as soon as possible.

Mr. WHITE, of Kentucky. This proposition of the gentleman from Texas [Mr. OCHILTREE] raises the question whether Congress can rely on the report of the Chief of Engineers, or whether the Committee on Rivers and Harbors is justified in availing itself of all sources of information to bring in a bill here with the assurance that it can be carried through because its friends stand by it.

We have the testimony of the War Department that the enormous sum of $1,369,759.23 has been expended by the Government on the harbor of Galveston. When the bill of the second session of the Forty-seventh Congress failed to pass because the President vetoed the river and harbor bill of the first session of the Forty-seventh Congress, it was discovered that the work at Galveston would be seriously injured by a delay in making appropriations for it. The engineers had prepared their plans and had got everything ready to make rapid progress with the work. When that veto came it struck the State of Texas, and the city of Galveston especially, like a clap of thunder from a clear sky.

It then became necessary for something to be done. I call attention to page 1062 of volume 2 of the report of the Chief of Engineers made to this Congress, where will be found the letter of the mayor of Galveston, Tex., calling upon Colonel Mansfield, the chief engineer at that place, to give all the facts bearing upon this important work. In reply to that letter of the mayor Colonel Mansfield writes a long letter. I will not take the time of the committee to read it all, but will read an extract from it:

If we rely upon the General Government it will probably be two years before work can be resumed. In this time our plant, which is expensive and is now in really good order and exactly adapted to the service, will so far deteriorate as to become almost, if not quite, unserviceable. The expense of this renewal will then have to be borne by the first appropriation, and will so far diminish the amount of good to be derived from it.

He says, furthermore:

In the interest of simple economy the work should not be allowed to stop.

And in another place he says:

It will be sufficient for me to say, in answer to a further inquiry, that $100,000 will keep the work on through the summer, and will effect the entire completion of the south jetty.

That interesting letter had its effect upon the Legislature of Texas. On page 1067 of this report will be found a copy of an act by the Legislature of the State of Texas, authorizing the city of Galveston to issue bonds to the amount of $100,000, bearing interest at the rate of 5 per cent., to keep up the work which had been stopped by the veto of the President, on the idea that the river and harbor bill was a network of jobbery; that the representatives of the American people had no higher interest, no higher object, no loftier patriotism than to secure their re-election by means of making appropriations for local interests.

I should have said in further explanation that the whole work was stopped by the failure of this second bill of the Forty-seventh Congress to become a law, because the President in a message to Congress had stated that on account of the large amount appropriated in the bill of the year before there were still considerable sums at the disposal of the War Department.

Thus we see by this letter that the work at Galveston, Tex., had to stop, and not only that, but when the people of Galveston were to be taxed to preserve the works, it was discovered that the large outlay previously made by Congress was wasted. And now the gentleman from Texas comes here and tells us that we have expended on this work $1,300,000, and yet that the water on the bar is getting less every

year. Now, the question arises, who is correct—the gentleman from Galveston or the committee of this House, which relies on the Chief of Engineers?

[Here the hammer fell.]

The question being taken on the amendment of Mr. OCHILTREE, it was agreed to.

The Clerk read as follows:

Improving ship-channel in Galveston Bay, from Morgan's Cut to Bolivar Channel: Continuing improvement, for which purpose the balance now remaining of the money heretofore appropriated for this work is hereby directed to be expended by the Secretary of War in the completion of said channel in accordance with the plans heretofore adopted and in marking out said channel by piles or stakes, so as to enable navigators to find the same without difficulty: *Provided*, That no part of said money shall be so expended until the Buffalo Bayou Ship-Channel Company shall have filed with the Secretary of War, in such form and manner as he may direct, a formal relinquishment forever of their franchises and any and all right to collect or impose tolls or charges for any part of said ship-channel or Buffalo Bayou: *And provided further*, That no part of this money shall be expended until a thorough examination shall be made of said ship-channel by a board of three engineers, to be appointed by the Secretary of War, to determine the feasibility and expediency of the project.

Mr. WHITE, of Kentucky. I move to strike out the paragraph just read. We have just heard from the gentleman from Texas that the engineers around Galveston are not to be relied upon. If there is anything in connection with this bill that is established beyond cavil by the report of the Secretary of War through the Chief of Engineers it is that $250,000 was needed to improve Galveston Harbor. To substantiate this statement I incorporate in my remarks the letters from which I read a few paragraphs a moment ago:

LETTER OF HON. R. L. FULTON, MAYOR-ELECT OF GALVESTON, TEX.

GALVESTON, TEX., *March* 9, 1883.

DEAR SIR: Having been elected by the good people of Galveston to fill the important position of mayor, I address you now, even before I go into office, upon a subject very dear to me as well as to all citizens of Galveston.

I learn with much regret that what was known as the river and harbor bill failed to pass at the last session of Congress, and the common apprehension is that therefore you will be without sufficient means to carry on the work now under your charge, and in the progress and success of which the people of Galveston and of the whole State of Texas are so vitally concerned. In order to obtain such information as seems to me most important to be understood by the public authorities and by the people of this city, I respectfully request that you furnish me information upon the following points:

How long will you be able to continue your work with what money you have on hand, and in what condition will it be in case you have to suspend for want of funds? A clear statement on this point is especially invoked.

If you rely entirely upon an appropriation from the General Government, how long will it probably be before you can again commence work?

What is the least amount of money, aside from what you have on hand, that you will require to continue the work during the summer, and with that additional amount furnished what will be the probable difference in depth of water on the bar for the next season's business compared with what we now have, or will have, at the time you will have to stop work when the Government funds are expended?

I shall be glad to have you express yourself freely and fully, as your opinions will have great influence with our citizens, and form a basis on which intelligent and useful action on the part of the city of Galveston might be secured.

I need not say how largely this city is interested in deep water on the entrance to Galveston Harbor, and not more so than are the States west of the great Mississippi River.

In the position to which I am elected I can have no greater duty than to endeavor to promote it by all proper means within the scope of my official authority.

I am, sir, most respectfully, your obedient servant,

R. L. FULTON, *Mayor-elect.*

Col. S. M. MANSFIELD,
Major, United States Engineer Department.

LETTER OF MAJ. S. M. MANSFIELD, CORPS OF ENGINEERS, TO HON. R. L. FULTON, MAYOR-ELECT OF GALVESTON, TEX.

UNITED STATES ENGINEER OFFICE,
Galveston, Tex., March 10, 1882.

DEAR SIR: I take pleasure in acknowledging the receipt of your favor of the 9th instant, expressing regret at the failure of the river and harbor bill at the last session of Congress, and noting the common apprehension that I shall be without sufficient means to carry on the work in my charge, in the progress and success of which the people of Galveston and State of Texas are so vitally concerned, and asking for such information as seems to you most important to be understood by the public authorities.

In answer to inquiries as to how long I will be able to continue work with money in hand, and as to the condition the work will be in, provided I have to suspend for want of funds, I would say I shall be enabled to continue work for about two months, at our usual rate of progress. I have, however, just reduced my force about one-half, deeming it prudent to do so, and may drag along till some time in June before laying up.

I think no injury can possibly happen to my work by reason of its being left in an unfinished state; on the contrary, it should improve with age, by reason of accretion of sand and shell. The barnacle and oyster grow rapidly on it, and serve to cement the particles of rock into a compact whole.

If we rely upon the General Government, it will probably be two years before work can be resumed. In this time our plant, which is expensive, and is now in really good order and exactly adapted to the service, will so far deteriorate as to become almost if not quite unserviceable. The expense of its renewal will then have to be borne by the first appropriation, and will so far diminish the amount of good to be derived from it.

In the interest of simple economy the work should not be allowed to stop. So far as its effect in delaying the improvement and the desired result, its effect on commerce and real values in Galveston, and its broader bearing upon the destiny of State of Texas and the States west of the great Mississippi River, I will not undertake to discourse.

It will be sufficient for me to say in answer to a further inquiry, that $100,000 will keep the work on through the summer, and will effect the entire completion of the south jetty, giving us a wall four miles in length, extending from Fort Point in an easterly direction out, over, and beyond the crest of the bar, built up throughout to the level of mean low water.

The result of this concentration and training of the ebb currents upon a limited extent of the bar can not be predicted exactly. I should be very much disappointed, however, if it did not result in a channel eighteen feet deep by next fall.

When funds in hand are exhausted in June next, the condition of the work may be briefly stated thus: For the first two miles out from the shore the jetty will be finished to the height of mean low water. The 6,000 feet beyond this will be incomplete, the depth of water over it ranging from four to eight feet. Beyond this and out to the end (4,200 feet) the jetty is complete, being raised here to its full height. It will be seen, therefore, that a gap in the wall of 6,000 feet is left, over which the ebb currents will discharge a large volume of water which it is most desirable to have pass over the bar and out beyond the end of the jetty, to increase by so much more the scouring capacity of the current. The $100,000 is necessary to close this gap.

As an evidence of the value of the work already accomplished with corresponding increase of two feet in depth of water on the bar, I take pleasure in furnishing you with a copy of letters recently addressed to me by Messrs. Irvine & Beissner and Messrs. Adone & Lobit, and Capt. J. N. Sawyer.

Taking the tonnage of the past year as a basis of estimate, and considering only the large foreign steam and sailing vessels and New York steamship line, over $400,000 annually is actually saved in consequence of the two feet increase of water already secured, and this is a lasting benefit. It is safe to say that with but two feet more water on the bar the saving will not be less than $1,000,000 annually.

There can be no question but the benefits already secured have more than equaled the expenditures upon the improvement.

I have no doubt but a further judicious outlay will secure all the water on the bar that will be desired. As I have always said, there is no engineering difficulty in the way: it is a mere question of dollars and cents.

I am pleased to see the great interest you take in the matter, and shall assist you in whatever way I can to promote the interests of your people in successfully carrying on to completion the work in which I am earnestly engaged and which promises so well.

The keystone of Galveston's prosperity is deep water.

With regards, yours, truly,

S. M. MANSFIELD,
Major of Engineers, Bvt. Lieut. Col., U. S. A.

Hon. R. L. FULTON,
Mayor-elect, City of Galveston.

An act authorizing cities on the coast of Texas to appropriate money and to issue bonds for improvement of their harbors and of the bars at the entrance thereof, and to levy a tax to pay the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the board of aldermen or other constituted municipal authorities of cities bordering on the coast of the Gulf of Mexico are hereby authorized and empowered to appropriate money to improve and to aid in the improvement of their harbors and of the bars at the entrance thereof: *Provided*, That they shall not thereby increase their aggregate debt beyond the amount of indebtedness limited by their charters, respectively; such appropriations to be made out of any surplus funds which may at any time be on hand, and by the use or sale of any bonds heretofore authorized to be issued: *Provided*, Such bonds are not needed for the purpose for which they were specially authorized; and also, if necessary therefor, to issue and dispose of bonds, with interest coupons attached, in such amounts as may be necessary, not to exceed the limit of indebtedness fixed by their charters.

SEC. 2. The city council or other constituted municipal authorities, as the case may be, shall levy an annual ad valorem tax on the property in said city, sufficient to pay the interest and create a sinking fund for the redemption of said bonds, as required by the constitution.

SEC. 3. The interest on said bonds shall be paid semi-annually, and it shall not exceed 5 per cent.

SEC. 4. Said bonds shall not be sold at less than par.

SEC. 5. Whereas the great demand for harbor improvements on the coast of Texas, and the near approach of the close of this session creates an imperative public necessity and emergency for the suspension of the rule requiring this bill to be read on three several days, and it is so suspended, and that the same take effect and be in force from and after its passage, and it is so enacted.

STATE OF TEXAS, *Department of State:*

I, Jos. W. Baines, secretary of state of the State of Texas, do hereby certify that the foregoing is a true copy of the original enrolled house document No. 543, passed by the Eighteenth Legislature of Texas, approved April 7, 1383, entitled "An act authorizing cities on the coast of Texas to appropriate money and to issue bonds for improvement of their harbors and the bars at the entrance thereof, and to levy a tax to pay for the same," and now on file in this department.

Witness my official signature and the seal of State affixed, at the city of Austin, this 7th day of April, A. D. 1883.

[SEAL.] P. WALTON, *Acting Secretary of State.*

I certify that the foregoing act and certificate of Acting Secretary of State P. Walton is a true copy of the originals on file in this the office of the city clerk of this city of Galveston.

C. T. McMAHON,
City Clerk of the City of Galveston.

An ordinance to authorize the issue of bonds to the amount of $100,000 to aid in deepening water on the Galveston bar, and to provide for the interest and create a sinking fund for the principal of said bonds.

Be it ordained by the city council of the city of Galveston—

SECTION 1. That the mayor and finance committee be, and they are hereby, authorized to have engraved or lithographed bonds of the city of Galveston, with semi-annual interest coupons attached, at the rate of 5 per cent. per annum, payable on the 1st of January and July in each year at the office of the treasurer in the city of Galveston.

SEC. 2. Said bonds shall be known as the harbor improvement bonds, and shall be of the denominations of $100 each or any multiple thereof, and shall be made payable at the office of said treasurer, maturing ten years from date, and shall be signed by the mayor and countersigned by the treasurer of the city, with the corporate seal attached.

SEC. 3. Said bonds to the amount of $100,000 are authorized to be issued under and by virtue of this ordinance and in pursuance of the authority vested in the city council by an act of the Legislature of the State of Texas, entitled "An act authorizing cities on the coast of Texas to appropriate money and to issue bonds for improvement of their harbors and of the bars at the entrance thereof, and to levy a tax to pay the same," approved April 7, 1883.

SEC. 4. The bonds authorized by this ordinance shall be sold for not less than par, and the proceeds thereof shall be deposited with the treasurer, as provided for in the next section of this ordinance: *Provided*, That none of said bonds shall be issued until the full amount of the issue, namely, $100,000, has been subscribed for or purchasers found therefor.

SEC. 5. Said amount when obtained shall be deposited with the treasurer of the city, and shall be used by the engineer of the United States Government in the immediate charge of the harbor improvements for deepening the outer bar of the port of Galveston, and shall be applied solely to that purpose. The said engineer shall draw drafts upon the treasurer of the city from time to time as he

may need funds for prosecuting the work, and the city treasurer shall pay said drafts out of said funds until it is exhausted.

SEC. 6. To provide for the interest as it falls due and create a sinking fund for the redemption of said bonds when due there is hereby set apart and appropriated as a special fund, to be used for no other purpose, 6 per cent. of the entire revenue of the city until the principal and interest of the bonds hereby authorized are fully paid up and discharged.

SEC. 7. That an ordinance approved April 2, 1883, entitled "An ordinance to authorize the borrowing of $100,000 to aid in deepening water on the Galveston Bar and to provide for the issue of bonds therefor," be, and the same is hereby, repealed.

SEC. 8. That this ordinance take effect and be in force from and after its passage.

I hereby certify that the above is a true copy of an ordinance passed by the city council of the city of Galveston, April 16, A. D. 1883.

C. T. MCMAHON, *City Clerk.*

Now we come to this canal between Galveston and Houston, both cities lying within one State. The Chief of Engineers says:

Judging by the filling which has occurred in the present channel in the past two and one-third years, we estimate roughly that the annual approximate cost of such dredging will be $90,000.

The cost of dredging this little canal between Houston and Galveston will be annually $90,000. But that is not the point I want to make. The Chief of Engineers says further, on page 1080:

The only interest to be subserved, therefore, is the local commerce between Houston and Galveston, and there is water enough, in our judgment, at present (8.9 feet), to accommodate this commerce as at present served by the Houston Direct Navigation Company's tugs and barges, which was, for the years—

	Tons.
1879	122,505
1880	178,872
1881	187,877
1882	109,662

Now, Mr. Chairman, if you are going to appropriate money for the benefit of the company that owns this little canal between Houston and Galveston leave that paragraph in this bill, because you may rely on it that the engineers down there, having been deprived of this $250,000 upon the request of the gentleman representing Galveston, will be more hungry than ever for the appropriation to work this canal, and if three engineers are appointed by the Secretary of War, as provided in this paragraph, to determine the feasibility and expediency of the project, does any man on this floor doubt that they will report favorably, even though the money goes directly to a private corporation owning this canal?

The Committee on Rivers and Harbors evidently have not looked at this matter carefully. They spent too much time upon the outer bar, and have given too little time to the consideration of this local commerce between Houston and Galveston.

The amendment of Mr. WHITE, of Kentucky, was not agreed to.

The Clerk read as follows:

Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $20,000.

Mr. WARNER, of Ohio. I suggest to the gentleman in charge of this bill that the paragraph just read be passed over informally.

Mr. WILLIS. I ask unanimous consent that such action may be had.

The CHAIRMAN. If there be no objection the paragraph just read will be passed over informally for the present.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Improving harbor at Toledo, Ohio: Continuing improvement, $20,000. And the Secretary of War is hereby directed to commence the work of making a straight channel for the Maumee River from a point on the east side of the mouth of said river through North Cape Point to Lake Erie, in accordance with the second plan recommended by John M. Wilson, major of engineers, on the 19th of November, 1881; and for that purpose the sum of $25,000 is hereby appriated.

Mr. BELFORD. I move to amend by inserting after the paragraph last read the amendment which I send to the desk.

The Clerk read as follows:

To construct a canal from Poudre River, at a point commencing at Fort Collins, in Laramie County, in the State of Colorado, and terminating on the Platte River, at the city of Denver, the sum of $200,000; which work shall be constructed under the direction of the Secretary of the Interior.

Mr. BLANCHARD. I make a point of order that this amendment is not germane to the bill.

Mr. BELFORD. I desire to be heard upon that point of order. This is a great and curious bill, that might be worshiped without idolatry, because it resembles nothing "in heaven above, or in the earth beneath, or in the waters under the earth." [Laughter.]

In this bill we find appropriations for every State except the State of Colorado. Kentucky has her slice of "pork," Vermont her slice, New York her appropriation, Louisiana hers for the Mississippi River. The people of my State are taxed for the purpose of carrying on your improvements; yet when I attempt to secure a small expenditure, not to advance individual interests but to promote the public interests by reclaiming public lands, my Democratic friends raise a point of order. I say the amendment is not amenable to the point of order. The Hennepin Canal was ruled in order the other day, and why is not this in order?

The CHAIRMAN. The Chair will state that he thinks the point of order, under the seventh clause of Rule XVI, is well taken.

The Chair would state in reference to the Hennepin Canal, that was not brought in by an amendment in the House, but as a part of the original bill. It has not been reached as yet, and the Chair makes no ruling on that question.

Mr. DUNN. I desire to call the attention of the Chair to the further fact that Congress heretofore has made an appropriation authorizing a survey.

The CHAIRMAN. That question is not before the committee. The Chair sustains the point of order.

The Clerk read as follows:

Improving harbor at South Haven, Mich.: Continuing improvement, $7,500.

Mr. YAPLE. I move to insert the following at the end of the paragraph just read.

The Clerk read as follows:

At the end of line 239 insert the following:

"Improving the harbor at New Buffalo, Mich.: Continuing improvement, $5,000."

Mr. YAPLE. Mr. Chairman, I have asked for an appropriation of $150,000 for building a harbor of refuge at New Buffalo, Mich. The Chief of Engineers, in his report 1882, estimates the expense of making a harbor at this place of sufficient capacity to accommodate the commerce of the lakes at about that amount. The construction of such a harbor at this place has been frequently recommended. The committee, however, refused to recommend an appropriation of any amount for the improvement of this harbor. The river and harbor act of August 2, 1882, appropriated $5,000 for its improvement. This amount being insufficient to produce any material benefit to the harbor, its expenditure has been deferred. This money ought to be expended on this harbor, but its expenditure can be secured only by an additional appropriation. For this purpose I now ask the very moderate sum of $5,000. New Buffalo possesses great natural advantages for a harbor of refuge. Superintending Engineer J. D. Graham, in his report of September 30, 1857, says that this position—

Is much sheltered by the east shore of the lake from the direct force of easterly and northeasterly winds. At the same time a good harbor here would be accessible to vessels navigating the lake in northeast, north, or northwest winds. This would give it great value as a place of refuge in the worst winds which prevail on this lake. It would serve as a safe roadstead for the commercial marine of the lakes and for our armed ships in time of war.

This estimate of the natural advantages of this position is confirmed by the reports of others.

This place is abundantly provided for by nature with a good supply of water at all seasons of the year, ranging from twelve to eighteen feet in depth inside of the bay and river channel. It has facilities for transporting freight to and from a harbor if it had one. The Michigan Central Railroad runs through the place east and west, and the Chicago and West Michigan runs through it north and south. The citizens of New Buffalo have expended about $5,000 of their own money in building piers out into the lake to protect the mouth of the harbor and prevent the action of the waters from causing a bar to form in such a manner as to obstruct navigation and make the entrance dangerous in a storm. This is certainly a generous and unselfish work on their part. Shall their work go for nothing? Shall the works now existing go to decay? To permit that would be waste and not economy. It is not on account of any local importance of New Buffalo that I ask for this appropriation. I ask it in the interest of the commerce of the lakes, compared with which the commerce of the Mississippi is a mere bagatelle.

The whole commerce of Lake Michigan is interested in a harbor of refuge at this point. The theory on which the committee proceeds, that the amount appropriated should depend on the commercial importance of the place where the harbor is located, is in my opinion wrong. It should depend not on the population of the place, but upon the advantage of the particular harbor to the commerce of the lake. This is not a little local affair. It is an interstate and national matter. There is great need of harbors of refuge on the eastern shore of Lake Michigan. Every interest of property and life demand them. Every year the waters of this lake are strewn with wrecks and peopled with the dead. The value of property destroyed in the storms which prevailed on the eastern shore of this lake in the fall of 1883 was sufficient to build good harbors of refuge at every point on this shore for which an appropriation is asked. Several vessels have been wrecked and destroyed which might have been saved if they could have entered a harbor at New Buffalo. I do not understand why this place has received such poor treatment through so many years, unless because it is in the Chicago district and had to be sacrificed in the interests of Michigan City.

[Here the hammer fell.]

Mr. WILLIS. Without detaining the committee, I desire in a single sentence to say that the Committee on Rivers and Harbors has recognized Michigan by granting appropriations to harbors within twenty or thirty miles of this place, all along the shore of Michigan, and the commercial importance of New Buffalo, unfortunately for it, did not in the judgment of the committee justify the appropriation. In evidence of that I will read the official statement of the engineers:

There are no commercial statistics of sufficient value to report.

I ask for a vote.

Mr. YAPLE demanded a division.

The committee divided; and there were—ayes 32, noes 48.

So the amendment was rejected.

The Clerk read as follows:

Improving harbor at White River, Michigan: Continuing improvement, $10,000.

Mr. CUTCHEON. I move after the paragraph just read to insert the following:

Improving the harbor at Pent Water, Michigan: Continuing the improvement, $10,000.

Mr. CUTCHEON. Mr. Chairman, judging from the history of the amendments already offered and considered by this committee, it would seem to be a useless consumption of time to offer any further amendments to this bill with a reasonable expectation of their adoption, and were this an ordinary amendment, or related to an immaterial object, I certainly should not offer it.

Mr. Chairman, Michigan is unfortunate in having a very extended coast-line—about sixteen hundred miles of lake and navigable water-front abutting upon our State. Of these sixteen hundred miles upward of two hundred miles, including seven large commercial arteries, lie within the district I have the honor to represent. It seems to me, sir, that the Committee on Rivers and Harbors in framing this bill must have omitted the appropriation at Pent Water by an oversight. I judge this to be true from several considerations, which I shall briefly submit. Pent Water Harbor was commenced to be improved in the year 1866, and from that time until the present not one single appropriation bill of this character has passed Congress that has not included an appropriation for continuing the improvement at that point. The Engineer of the United States in his last annual report recommended an appropriation of $40,000 for the harbor at Pent Water, and I regret to say that this harbor has been made, as far as I am able to perceive, the sole exception by the Committee on Rivers and Harbors, either upon Lake Michigan or in the entire State, so far at least, I repeat, as I have been able to discover.

Pent Water is the principal town of one of the largest counties of my district. It is by no means an unimportant port. According to the last statistics which I have been able to find in the engineer's report for 1880, the number of entries at this harbor for that year reached 269, with a tonnage of upward of 30,000.

I have carefully scrutinized every other recommendation that has been made by the Government engineers for Lake Michigan, and the harbor at Pent Water is the only one I have yet found that has been passed over without some appropriation. Not only is this the case, but appropriations have been made where no recommendations have been forwarded.

I find, for instance, in looking at this bill, and upon the same pages we are now considering, that for the harbor of Black Lake, in the district which comes next south of mine, and represented by my colleague upon the Committee on Rivers and Harbors [Mr. HOUSEMAN], the engineer recommended an appropriation of $20,000. The committee have given that harbor $15,000, or 75 per cent. of the recommendation. I find that the harbor at Grand Haven, for which a recommendation of $150,000 was made by the engineers, has received at the hands of the committee an appropriation of $50,000, or 33⅓ per cent. of the estimates.

I find that in all of the harbors lying south of my district upon this shore no harbor at all that had any recommendation whatever has received less than 25 per cent. of the amount estimated by the engineers. But Pent Water alone, with a commerce that is equal to or perhaps greater than some of the others, and has four times the tonnage of Black Lake, which gets $15,000 on an estimate of $20,000, and equal to South Haven, which has $7,500 granted by the committee, and Saugatuck, which has been already passed over with an appropriation of $4,000—this harbor of Pent Water is the only one that has been selected to receive no appropriation whatever.

Mr. Chairman, I am unable to understand why this should be. I do not know yet the plan upon which the Committee on Rivers and Harbors have made up the bill. I do not know the explanation that the Committee on Rivers and Harbors or my colleague upon the committee has to make why the harbor which has been constantly improved since 1866 should be omitted from the list when others of far less importance are provided for in a liberal manner, and in some instances, as I have said, where no estimate has been made. I hope the House will reverse this action of the committee and grant the appropriation sought by this amendment.

Mr. WILLIS. Mr. Chairman, I do not desire to detain the committee by any lengthy explanation of the plan on which this bill was framed. That I have already undertaken to do at length in opening this discussion. I can state, however, what I think will be apparent to any one who has examined the bill, that Michigan has not been neglected.

But I am not willing to remain silent when the gentleman from Michigan undertakes to state that the claims of his State have not been recognized by the committee. Particularly do I feel called upon to say this when one of the most faithful, active, and efficient members of that committee is the able gentleman from that State [Mr. HOUSEMAN], and I think the committee will bear evidence to the fact that he represented his State as faithfully, fully, and thoroughly as any State could be represented.

The harbor for which the gentleman from Michigan now proposes this amendment is one of the minor harbors; and the committee, with the limited amount at its disposal, could not give to every harbor all that was asked, nor could it give something to all of the harbors. This is by no means the only harbor in Michigan that has been omitted; but the State has been recognized more fully than any one of the thirty-eight States of the Union.

Mr. CUTCHEON. I desire one moment further, Mr. Chairman. I recognize the fact, as stated by the gentleman from Kentucky, the chairman of the Committee on Rivers and Harbors, that they have dealt with considerable liberality to the State of Michigan. But I recognize also the fact, which I have already stated to the committee, that we have 1,600 miles of lake front. I do not understand and I can not understand why Black Lake, with a commerce not equal to one-fourth of Pent Water, should have $15,000 when $20,000 is recommended, and Pent Water, where $40,000 is recommended, should receive no appropriation at all; nor can I understand why Grand Haven should receive 33⅓ per cent. of the amount estimated for, and this harbor be neglected.

Mr. WILLIS. I can explain in a word to the gentleman from Michigan in reference to Black River. There was a supplemental report from the Engineer Corps showing recent damage from washings of the works there, which required immediate attention, and upon that supplementary report the Committee on Rivers and Harbors adopted this appropriation. I hope the gentleman as a Representative from the State of Michigan will not object to the liberality of the committee in that regard.

Mr. CUTCHEON. I have no complaint to make of the committee in reference to its liberality to the State of Michigan. I am glad that it has been liberal; but what I can not understand is the plan on which the committee have extended this liberality. I recognize also the embarrassment which the committee labors under in reference to making these appropriations. But at the same time I must confess my inability to understand why the recommendation of the engineers should not control to some extent at least in making these appropriations; why one harbor in a State should receive an appropriation of one-fourth of the amount recommended, another 33⅓ per cent. of the amount recommended, another a large appropriation where no estimate has been made for it at all, while an important harbor like Pent Water, for which an estimate of $40,000 is made, should receive nothing.

I understand these amendments are considered somewhat in the light of a joke, but I want it understood that this is not a joke at all. It is a matter of vital interest to a large part of my constituents. Last November, on a Sunday morning, there were two wrecks produced because of the want of repairs at Pent Water Harbor, and twenty-five thousand dollars' worth of property lost. This occurred at the head of those piers because this dredging which was needed there was not done. I simply appeal to this House for justice.

The amendment was not agreed to.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to go back to line 185 to offer an amendment. The papers relating to the amendment for which I desire an appropriation were mislaid in the committee, and I have just been able to find them.

Mr. WILLIS. I hope there will be no objection to the request of the gentleman from Ohio.

The CHAIRMAN. The Chair is informed that the paragraph to which the gentleman desires to go back was passed over.

Mr. JOSEPH D. TAYLOR. Then I will ask to have my amendment come in after line 178. It is an appropriation for a harbor not named in the bill.

The CHAIRMAN. Is there objection to going back to allow the gentleman from Ohio to offer an amendment after line 178?

There was no objection.

The Clerk read the proposed amendment, as follows:

At the end of line 178 insert:

"Constructing ice-breakers and an ice harbor at the mouth of McMahon's Creek, near the city of Bellaire, Belmont County, Ohio, $10,000."

Mr. JOSEPH D. TAYLOR. Mr. Chairman, the amendment which I now propose asks for an appropriation of $10,000 to be applied to the construction of ice-breakers and an ice-harbor near the city of Bellaire, Belmont County, Ohio. This will not be sufficient to complete the work, but will complete certain parts of the work, which in the opinion of the engineers who have made the survey is greatly needed, and will inaugurate an improvement which will never be very expensive and yet one of great advantage to the traffic and business of the Ohio River. The ice-breakers and ice-harbor, when completed, will cost less by one-half than has been elsewhere appropriated for the same purposes. The situation and surroundings are peculiarly adapted to the proposed work.

The river and harbor act approved June 14, 1880, ordered that a survey be made of a proposed ice-harbor at Bellaire, Belmont County, Ohio. This survey was made under the direction of Col. William E. Merrill, major of engineers of the United States Army. On the 3d of January, 1881, J. H. Harlow, of the Engineer Corps, made a report, which will be found on page 1952, part 3, of the Annual Report of the Chief of Engineers, 1881. He made the survey, and recommends in his report an appropriation of $15,000 to construct the improvement, which he considers important, and furnishes a plan and a detailed state-

ment of the expense of the same, showing that this expenditure will not only prevent the great damage done to boats by ice-flows, but will furnish a harbor 1,100 feet long and 250 feet wide, containing about 275,000 square feet.

On the preceding page of the same report will be found the report of Colonel Merrill of a subsequent date, in which he recommends an immediate appropriation of $7,500, to be expended in the erection of two piers intermediate between the stone piers of the Baltimore and Ohio railroad bridge at that place, 20 feet by 20 feet at the top. He said in his report that he believed this to be a useful and necessary work; and that in case these ice-piers were successful, of which he expressed no doubt, they would create an ice-harbor below them, between the railroad bridge and McMahon's Creek, which he recognized as an important thing at that point. In this report he raised the question of riparian rights, and urged the importance of avoiding this objection by purchasing the same from the upper ice-pier to McMahon's Creek, or so far along the bank of the Ohio as might be necessary. The ownership he considered necessary, in order to obtain jurisdiction over the harbor and to prevent the land-owners from charging wharfage for the use of a harbor created by the funds of the General Government.

I wish to say to this committee that this difficulty is now obviated, as the land owners along the line of the proposed harbor have all signed papers, which I now hold in my hand, agreeing to release, without any consideration, all ownership and control necessary to the Government in the construction of this work and in its management afterward. This has been, so far as I know and so far as the reports disclose, the only impediment in the way of the construction of this work. This difficulty is now obviated, and the releases will be made to the United States in a satisfactory manner. No damages will be claimed by any owner of the land which the Government will need to construct the proposed harbor.

In the judgment of the United States engineers who made the survey and investigated the situation, to whose reports I have called attention, this is a necessary improvement and ought to be made. The fact that there is an ice-harbor at the mouth of the Muskingum River, at Marietta, does not dispense with the necessity of one at Bellaire. It is unfair that river-men should be compelled to go into winter quarters at Marietta when they could go eighty or ninety miles farther up the river and reach a harbor at Bellaire before the storm would drive them from the river. Besides this, it is worthy of consideration in the selection of this place for an ice-harbor that it is adjacent to the city of Bellaire, where railroad, telegraph, telephone, mail, and banking facilities are available. No boat passes up or down the river that does not find it necessary to stop here, and it is a place where all boats take on coal. Boats coming up the river often run out of coal before getting this far and telegraph to this point, from which supplies are sent in any quantity at any time. No more desirable place can be found on the river for an ice-harbor, so far as safety and convenience are concerned, and no place better suited for closing out business and discharging the crews who lay off for the winter.

It is asserted by men who ought to know, and it is for this reason that this matter has been so strongly urged, that no place on the Ohio River will accommodate as a harbor a greater number of craft, a greater number of persons, or a greater amount of capital. Boats are often driven, and, indeed, in most cases are driven into harbors without notice and without preparation for the winter, and need banks, telegraphs, railroads, &c., to settle their accounts and to obtain supplies for the long winter months. At Bellaire all these are available, and supplies of all kinds can be had at the lowest rates. There is a necessity for this improvement, and there should be no hesitation on the part of this committee to make the appropriation. It is almost midway between Pittsburgh and the Muskingum River Harbor, and by virtue of its location deserves favorable consideration.

The establishment of an ice-harbor at Bellaire is a matter of interest to all who are engaged in any way in the commerce of the Ohio River, especially between Pittsburgh and Cincinnati. The Pittsburgh Coal Exchange and Steamboat Officers' Association and other similar organizations have recommended it and are interested in its success. The Ohio River is a great thoroughfare, and its traffic is almost incalculable, and if money is to be appropriated by the General Government for any such purpose, I know of no place where it can be more judiciously expended. Ice-harbors should not be too far apart, and should be sufficient in capacity and number to furnish shelter and safety to all the craft employed on the river. We owe this protection to the men who furnish cheap transportation to the people more perhaps than to any other class.

This matter was laid before the Committee on Rivers and Harbors, and I am informed that this appropriation was not recommended because of the unwillingness of the committee to enter upon new works or upon improvements not heretofore begun. And yet other new works are embraced in this bill. This ought not to be considered a new improvement. The survey was authorized in 1880 and was made in 1881. Colonel Merrill's report is dated January 10, 1881, and it has been on hand all this time. It has been favorably recommended by the highest authority known to this Government on the question of its necessity. It is asked by the men whose property is liable to be destroyed by floating ice or by sudden freezes, from which there is no other escape at times. It is asked by the people who live on the waters of the Ohio, and who know better than we do what they need in this regard. It is asked by the people of Bellaire, a growing city of 10,000 or 12,000 inhabitants, where immense quantities of coal are mined, where large quantities of glass and iron are manufactured, and where a large amount of their products are shipped on the river.

It might not be amiss to say that Bellaire is only four miles from the city of Wheeling, is still nearer to Benwood and Bridgeport, and is the center of a large manufacturing district. An ice-harbor at this place would not only accommodate the people on the Ohio side but would be equally desirable to those who live on the Virginia side. A large number of the boats on the Ohio River are owned in the cities of Bellaire, Wheeling, Steubenville, and other places in this vicinity. The facts which I have stated are known to other members of this House, who fully concur in the view I take as to this appropriation, and I hope this amendment will be allowed, although I confess to some doubt about it, as all amendments thus far have been voted down.

Mr. WARNER, of Ohio. I desire to say a word. As my colleague has explained, Bellaire and neighboring points on the Ohio River ask for this improvement, which is in the nature of an ice-breaker for the protection of boats in that part of the river. One appropriation of ten or fifteen thousand dollars would construct such a work. There is a large amount of shipping that gathers at the close of the season of navigation at this point, which it is agreed is the most favorable in this part of the river. Indeed, there are few points where an ice-breaker would be of more service than at the place designated at Bellaire. I hope the amendment making an appropriation of $10,000 will be allowed.

Mr. WILLIS. There are four members of the committee who are from the Ohio River, I myself being one of the number. We are all interested in the Ohio River. If we had thought this amendment possessed merit I think our influence on the committee would have been sufficient to have passed it. We did not think so, and hence it is not in the bill. There are several ice-harbors on the Ohio River, and as much money probably is appropriated for this purpose as the expenditure in the present river and harbor bill would justify. I hope the amendment of the gentleman from Ohio will not prevail.

Mr. GOFF. I have not heard the chairman of the Committee on Rivers and Harbors give any reason why the amendment of the gentleman from Ohio should not prevail, except that an aggregate amount of expenditure having been determined upon, therefore, however important the matter proposed may be, it is to be excluded from the consideration of this House because by adding to it we will exceed the amount determined or agreed upon. I say that is no reason for refusing a work of national importance, a work by means of which property amounting to millions of dollars in value will be protected; that is no reason for refusing to adopt the amendment offered by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

This matter has been agitated for years; it is no new matter. Years ago the people interested in the navigation of the Ohio River and those having property invested in steamboats and other craft on that river determined that ice-harbors were absolutely essential to the preservation of their property. The chambers of commerce along that river have petitioned Congress not only that ice-harbors shall be established but that this identical one at Bellaire shall be established. All the people interested in the navigation of the Ohio River are interested in the preservation of their property floating on that river.

It seems to me that if the members of this House would consider for a moment the immense destruction of property annually taking place on that river in consequence of the spring floods and the sudden breaking up of the ice, they would not hesitate to encourage a movement so essential to the preservation of lives and property.

The engineers especially delegated under the act of 1880 to examine this river and locate these harbors have located this harbor at Bellaire, and have given an estimate of the sum required for its construction. They report that for $10,000 this valuable work can be constructed, and the people who are so much interested in the navigation of the Ohio River will rest content, for they will be assured that their property will not be swept away every spring.

The people of Pittsburgh are deeply interested in this work, and the Chamber of Commerce of that city has petitioned Congress to consider its importance and to provide for its construction. The people of Cincinnati, of Marietta, of Parkersburg, and all the large towns on the Ohio River have petitioned Congress to make some provision in the legislation of this session for this harbor at Bellaire.

I hope that the universal desire which seems to prevail here to vote down all amendments to this bill, utterly independent of their merits, will not longer prevail.

The question was taken on the amendment of Mr. JOSEPH D. TAYLOR; and upon a division there were—ayes 35, noes 52.

Mr. JOSEPH D. TAYLOR. No quorum has voted, and I call for tellers.

Tellers were ordered; and Mr. WILLIS and Mr. JOSEPH D. TAYLOR were appointed.

The committee again divided; and the tellers reported that there were—ayes 47, noes 95.

Mr. JOSEPH D. TAYLOR (one of the tellers). I do not call for any further count.

So (no further count being called for) the amendment was not agreed to.

Mr. WHITE, of Minnesota. I move to amend by inserting, after line 262 of the printed bill, the following:

Improving harbor at Lake City, Minn.: Continuing improvement, $15,000.

When this bill was under consideration in the Committee of Rivers and Harbors I was out of the city on the day which had been set for giving the State of Minnesota a hearing, and consequently the point named in my amendment gets no appropriation in this bill.

Two years ago an appropriation for this point was made, the same as for Stockholm. The harbor has been surveyed and estimates submitted, the same as for Stockholm. But because of my absence, I suppose, the appropriation was not put in, and in that way we get nothing whatever for this point.

If the reduction by this bill of the amounts named in the estimates is horizontal, or whatever it may be (about one-third of the estimates), then the sum I have named in my amendment is too small. Stockholm is a little hamlet on the east side of the lake, but it gets an appropriation, while Lake City gets nothing. There ought to be harbors at both places, but if only one is to be selected, I think that Lake City should receive the appropriation

The question was taken upon the amendment of Mr. WHITE, of Minnesota, and it was not agreed to.

Mr. WHITE, of Minnesota. I have another amendment which I desire to offer; it is to insert after the word "Wisconsin," in the pending paragraph, the words "or Lake City, Minnesota, the engineer in charge of the work to decide which place." The paragraph if so amended will then read:

Improving the harbor at Stockholm, Lake Pepin, Wisconsin, or Lake City, Minn., the engineer in charge of the work to decide which place: Continuing improvement, $15,000.

The question was taken upon the amendment, and it was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

Improving harbor at Oakland, Cal.: Continuing improvement, $139,600; of which sum $39,600 is to pay for land.

Mr. GLASCOCK. I desire to offer an amendment, which I think will be acceptable to the Committee on Rivers and Harbors; it does not increase the appropriation. It is to add to the paragraph just read the following: "Condemned for the purpose of constructing a tidal channel between the bay of San Leandro and the head of Oakland Harbor." That is only for the purpose of rendering a little more definite the location where this portion of the appropriation is to be expended.

Mr. WILLIS. I do not think there is any objection to that amendment; it merely defines the object of the appropriation.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read the following:

Improving harbor at Yaquina Bay, Oregon: Continuing improvement, $40,000.

Mr. GEORGE. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

Improving the mouth of the Columbia River, $75,000.

Mr. GEORGE. I regret very much, Mr. Chairman, to have to call the attention of the House to the fact that the Committee on Rivers and Harbors has evidently overlooked two very important works now in progress in my State and one very important improvement which we desire to have commenced. I know that the committee have been liberal to my State in the other matters which they have passed upon, and therefore I shall confine myself during the brief time allotted me by the kind consideration of this House to some of the works which they have omitted.

In the first place, there is on the Committee on Rivers and Harbors but one representative from the Pacific coast, while the Eastern section of the country has fourteen representatives on that committee. It is therefore apparent that we can not receive for our section that adequate consideration which is accorded to the Eastern portion of the country. We have very few harbors upon the Pacific coast, while you upon the Eastern coast have a great many. It is therefore of greater relative importance to us that the few harbors which we have shall be improved to their utmost capacity.

Since the committee has passed upon the matters contained in this bill I have received the following telegraphic communication from the Board of Trade of Portland, Oreg.:

PORTLAND, OREG., *May* 15, 1884.

Hon. M. C. GEORGE,
House of Representatives, Washington, D. C.:

Will you kindly present the following to Congress:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioner, the Board of Trade of Portland, Oreg., would most respectfully state that it has learned with deep regret that no appropriation for the improvement of the mouth of the Columbia River has been recommended to your honorable body, and that the amount suggested to be appropriated for the improvement of the lower Willamette and Columbia Rivers is greatly inadequate to the proper continuance of the existing project for such work formulated by the United States engineers and approved by the honorable the Secretary of War, described on page 331 Report of the Chief of Engineers of the United States Army for the year 1883. Your petitioner believes that the importance of these great works from a national point of view has been greatly underestimated. The existing project for the improvement of the rivers from Portland to the sea has already demonstrated its usefulness, each step in its progress being marked by increased depths of water and better channels. For these reasons your petitioner deems that your honorable body would be fostering an important trade and would be doing justice to one of the nation's greatest natural highways by appropriating the full amount called for by the estimate of the United States engineers as set forth on page 331 Report of the Chief of Engineers United States Army for the year 1883. Your petitioner also believes that the improvement of the mouth of the Columbia River is a work that should be begun without delay; the rapid increase in population of the Pacific northwest; the enlarged acreage of its grain-fields; the present favorable outlook for splendid crops for export; the present and prospective value of our commerce with European, Asiatic, and home ports justify the prediction that the increase of custom dues upon an increased commerce would in the near future more than pay the interest and charges upon any sums required for such improvements; and as in duty, &c.

DONALD MACLERY, *President.*
F. K. ARNOLD, *Secretary.*

Mr. Chairman, I know the almost utter hopelessness of trying to amend the regular river and harbor bill upon the floor of this House. I well know how all former attempts have failed both upon this bill and other bills in former sessions. It matters not what the merit of the amendments may have been, failure has been the result of all, good or bad; and notwithstanding a well-grounded hope that the Senate committee will remedy the omissions of our House committee I feel it my duty to offer a few amendments and to state if time permits a few reasons therefor.

The mouth of the Columbia River is a harbor entrance of importance to the whole of our large section of country. Its present condition results in unjust discrimination against American wooden vessels and in favor of English iron vessels engaged especially in the wheat trade from the Pacific coast to European ports. The English vessels, being of iron and carrying a less draught, have an advantage over our vessels in the transportation of the products of that country.

Again, we are so far from the markets of other countries that it is essential for us to have the very largest vessels possible in order to make it profitable for us to produce for the markets of the world. We are at present dependent upon the mouth of the Columbia River for our principal port for ocean trade.

Our present commerce is very great. We load for European ports every year over a hundred vessels with wheat, and send them around South America to a foreign market. Many of our vessels have to suffer through delay in crossing the bar. The dangers on account of a crooked channel that could easily be made straight is well exemplified by the disaster to the Great Republic, on one side, and the Queen of the Pacific, on the other. I had the honor, two years ago, to fully outline the situation in a speech on the permanent development of the Pacific Northwest. In our river and harbor bill of that session a provision was inserted providing for a board of engineers to examine the mouth of the Columbia River and report, if advisable, a plan for its permanent improvement.

That examination was made and the report sent in to the last Congress, and it is gratifying to me to be able to say that the result has been most favorable.

Their report says that it is worthy of special remark that while there are some differences among the members of the board as to the height and length of the jetty, differences which will adjust themselves as the work proceeds, yet that there is entire unanimity as to the present formidable obstacles to the already great and rapidly growing channel of commerce along which floats millions of dollars' worth of products annually; also as to the necessity of the particular structure proposed and the beneficial results contemplated. They believe that the straight channel over the bar of 1841, with its thirty-five feet at high tide, can be replaced. The utmost cost, even if the work is of stone, including all contingencies, and with jetty extended to the farthest point conjectured and raised to the highest level claimed, can not be over $5,000,000; while it appears from their report that the probable amount, including stone structure, will not exceed one million and a quarter.

Mr. Chairman, I think I could fully show from official sources, had I the time, that this work could be largely, if not entirely, constructed of wood. I fully believe that the vast amount of fresh water passing over the bar, equaling almost in volume the water of the Mississippi, fed as it is by the heavy rains of winter and the melting mountain snows of summer—that this vast volume of fresh water would protect all wood work from the deadly ravages of the *teredo navalis*, and thus save the cost of expensive stone work. It is with this view that I ask for a small appropriation to commence this work. Time will demonstrate whether wood will answer; if so, a great saving will result.

Now, Mr. Chairman, this whole matter was canvassed by our House committee in the last Congress, and $75,000 was inserted to commence the jetty. The bill dying in the Senate prevented the carrying out of the plans of the engineers. It was the only item in the last river and harbor bill making an appropriation for a new work; but it was deemed so important that the committee made it an exception. I can only regret that through insufficient representation upon that committee in the present House our interests suffer and our development in the Pacific Northwest is retarded.

This mighty river flows westwardly through the only break from

British America to Mexico in a high mountain barrier separating the great interior from the Pacific Ocean. Here is the terminus of two great transcontinental lines of railway—the Northern Pacific and the Union Pacific. It is national in every sense of the term, and no Representative should have any hesitation in aiding it by influence and vote.

Now, a few words as to Coos Bay. The present work has been in progress for several years, and $100,000 has already been expended on about 1,600 feet of jetty.

The direction of the channel has been much improved, and as a result the increase of crossings of vessels has been fully 35 per cent. Last year there were four foreign and one hundred and sixty-one coastwise arrivals. Ship-building there has prospered, and seven vessels have been constructed in the last year. Ninety-nine cargoes of lumber were exported and forty-one cargoes of coal. Fifty-six vessels are now engaged in the Coos Bay trade. The engineer in charge says "the incomplete jetty as far as constructed has afforded during the last two years a straighter and more stable channel and generally of increased depth." He recommends for the year $150,000, and believes that this amount will deepen the channel permanently. The engineer also shows in his official report that to preserve the jetty already constructed much riprapping is necessary.

The region of country tributary to this harbor is one of the finest in our State. It is growing rapidly. I hold in my hand a letter from a prominent capitalist of New England, saying that his company has just invested $1,000,000 in the valuable timber and coal lands of that section. This improvement is everything to the people there. It stands on a firm foundation, and in all justice my amendment which I shall offer, to appropriate the small sum of $20,000 to continue this work, should prevail. I regret also exceedingly to see that our committee has left out the much-needed improvement of the mouth of the Coquille. From the official reports we see that $20,000 have been expended by the Government on a jetty nearly a quarter of a mile long crossing the old crooked channel and opening up partly a new straight channel, but which is not yet sufficient for practical purposes. The funds are now all exhausted, and the situation is simply this: that just at the time when the Government has destroyed all usefulness of the original channel, and is about to provide another and a good channel in lieu thereof, the committee propose to stop all work.

To thus stop this good work is rank injustice to that section of our State when our Treasury of the people's money is full to overflowing. The United States engineer in charge shows that, on account of prevailing winds, speedy construction is very desirable.

The citizens of that section of the State have put their own shoulders to the wheel and have aided this work with their labor and means, and are deserving of especial consideration. Their exports consist of lumber, salmon, cereals, wool, hides, skins, potatoes, butter, eggs, and other like products. Twenty-eight cargoes of lumber were sent out during the last year. Four vessels for the coasting trade were built. The river is navigable for forty miles through a very rich, productive valley, bounded by fine forests of fir, cedar, myrtle, and other timber. This is their only outlet; they are hemmed in by mountains. I know that last year the Secretary of War doubted the necessity of continuing this work in a letter to this House, but his action was based upon misinformation. He thought the people of that section had a good outlet into the Coos Bay section for their products, which was not true, and on a full explanation of the difficulties encountered in seeking an outlet through into Coos Bay the last House, without objection, passed a bill (defeated in the Senate) containing an appropriation of $7,000 for Coquille and $20,000 for Coos Bay. The engineer now recommends $60,000, and certainly the House ought to pass the small amendment I shall offer.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

[Here the hammer fell.]

The amendment of Mr. GEORGE was not agreed to.

Mr. GEORGE. I move to amend by inserting the following after line 292:

Improving entrance to Coos Bay and Harbor, Oregon: Continuing improvement, $20,000.

The amendment was not agreed to.

Mr. GEORGE. I move to amend by inserting the following:

Improving mouth of Coquille River, Oregon: Continuing improvement, $7,000.

The amendment was not agreed to.

The Clerk read as follows:

Improving Cocheco River, New Hampshire: Continuing improvement, $14,000.

Mr. CONNOLLY. I move to amend the paragraph just read by striking out "14," and inserting "4," so as to make this appropriation $4,000.

It appears by the report of the Chief of Engineers (page 427) that the estimated cost of the improvements on this river was $28,000, which amount was appropriated by the act of August 2, 1882. The Chief of Engineers says in his report:

Had the bidder just referred to used the figures which he says he intended, and had his bid been otherwise regular, which it was not, the appropriation—

That is the appropriation of $28,000—

would have been ample. I am therefore obliged to ask for an additional appropriation of $4,000.

He says further that the amount which can be profitably expended for the fiscal year ending June 30, 1885, is $4,000. I can not understand why, in the face of this report asking for only $4,000, the committee has reported in favor of an appropriation of $14,000. I hope the amendment will be adopted.

Mr. STONE. I wish to say in behalf of this appropriation of $14,000 that a supplementary report made by the engineer was submitted to the committee, but not in season to be printed with the volume of reports from which the gentleman on the other side has just read. In that supplementary report there is a recommendation of an appropriation of over $100,000 for new work. It was in consideration of this supplementary report of the engineer that this appropriation was recommended. As the gentleman on the other side has not the supplementary report before him, his information is incomplete. By reference to this report he would have found that the appropriation here proposed is a a very small part of the amount recommended by the engineer.

Mr. CONNOLLY. How large an appropriation does the supplementary report call for?

Mr. STONE. I do not remember the precise amount—over $100,000. It recommends a new enterprise, in fact.

The amendment of Mr. CONNOLLY was not agreed to.

The Clerk read as follows:

Improving Taunton River, Massachusetts: Continuing improvement, $16,000.

Mr. LOVERING. I move to amend, at the end of line 303, by inserting the following:

Improving Malden River, Massachusetts: Continuing improvement, $10,000.

Mr. Chairman, Malden River is tributary to the Mystic River, into which it empties three miles above its mouth, at the navy-yard, Boston. It has at present a navigable depth of over seven feet at mean high water, the mean rise and fall of the tide being nine and eight-tenths feet. The city of Malden is located on this stream, a manufacturing city of some 15,000 people, which is largely at the mercy of the railroad which runs through the city for its facilities for transportation. It has large factories for the manufacture of rubber goods within its limits, employing hundreds of workmen. At this place is located one of the large permanent Government storehouses for the safe-keeping of gunpowder and niter, and where there are at present, as I am informed, some $2,000,000 in amount of that description of property stored.

The Forty-seventh Congress, recognizing the importance of the improvement, appropriated $10,000 on an estimate of $35,000 to complete the work, of which sum, I am informed by the engineer in charge, all has been expended except $35. The work of dredging was begun on the Government property which I have mentioned and continued down toward the mouth of the river until the appropriation was exhausted. The improvement comprehends making a channel, following the natural bed of the river, so as to have a depth of twelve feet at mean high water, with a varying width of from seventy-five to one hundred feet. The work already done affords no relief at all, and unless the appropriation I ask in the amendment offered is made the money already expended is practically thrown away. The committee have thus far voted down every amendment offered, but I hope in this case an exception will be made, if for no other reason, for consideration of the importance of this improvement to the Government itself in affording improved facilities for the safe transportation by vessel of the immense stock of its war material here stored in case of sudden emergency.

It is true Major Raymond, the supervising engineer, did say before the committee, in response to a question of the chairman, that the relief sought was not commensurate with the amount of money required to complete the work, and his opposition was largely on account of expense of removing the dredgings to a distant dumping-ground, to which I attach no significance, and also because the river has no national significance. I think I have clearly shown that the river has great national significance by reason of the Government having established on its banks at Malden an immense depot for the storing of war material, clearly making this improvement a necessity.

The amendment of Mr. LOVERING was not agreeed to.

MESSAGE FROM THE SENATE.

The committee rose informally; when a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 5458) to remove the political disabilities of Robert D. Thorburn, of Virginia.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 737) to remove the political disabilities of J. R. Waddy, of Virginia;

A bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia; and

A bill (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 1680) granting a pension to George Prince; and

A bill (S. 1910) granting a pension to William McClure.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole on the state of the Union resumed its session.

The Clerk read as follows:

For blowing up the reef at Hell Gate, N. Y., the sum of $300,000, or so much thereof as may be necessary for that purpose.

Mr. HEWITT, of New York. I desire to move to amend the paragraph just read. First, I propose a verbal amendment to strike out the words "blowing up" and insert "removing." I make this motion for reasons which were explained to the chairman of the committee by the Chief of Engineers.

Mr. WILLIS. I have no objection to that amendment.

The amendment was agreed to.

Mr. HEWITT, of New York. Mr. Chairman, in line 317 I propose to strike out the words "three hundred" and insert "four hundred and twenty;" so the appropriation will be $420,000. In offering this amendment I have no controversy, and there will be none, with the committee. If after what I have to say the committee shall object to either this amendment or fail to suggest an amendment in lieu thereof, I shall not press the matter. But the provision of $300,000 is undoubtedly an oversight.

This work at Hell Gate is in a most remarkable condition. It is one of the great engineering works of the world. It has attracted the attention of engineers from all quarters. For the first time in the history of submarine engineering a great excavation has been made in rock beneath the surface of the water, and to-day there is a large area, more than an acre of solid rock, which is reticulated like a honeycomb, ready for explosion. The peculiarity of this work is that it can only be exploded in one month of the year, the month of October, because prior to that time the weather is too warm to permit nitro-glycerine to be used with safety, and when it is colder the nitro-glycerine can not be exploded. Therefore the operations of this work, upon which now about $2,000,000 have been expended, are dependent on the appropriation made in time to have the explosion occur. Hence the appropriation must be made in this bill, lest the bill of next year, like that of last year, shall fail.

Moreover it is not only a question of time, but it is a question of dollars. The amount of money required to explode this rock is one of accurate mathematical calculation. It has been made by the engineers, and reported in the volume which has been referred to so often at $360,000; and by turning to the report on page 94 it will be found that the present Chief of Engineers, General Newton, who has been in charge of this work from the beginning, states that a less sum than $360,000 will be of no use; that is, that the whole sum of $360,000 is necessary in order that the explosion may occur at all.

You want that amount of money or you want nothing, and I suggest to the committee they either put in $360,000 for the explosion or omit the appropriation altogether, for it is idle as it stands except for the purpose of pumping dead water out of this great excavation which has been made and keeping it ready for the explosion. Owing to the failure of the bill last year the balance of the appropriation, about $35,000, has been used for the sole purpose of pumping water out of this hole, and whatever money is appropriated can only be used for pumping water out of the hole, without any earthly use to anybody unless the whole sum of $360,000 is appropriated.

The CHAIRMAN. The gentleman's time has expired.

Mr. HEWITT, of New York. I hope the chairman of the committee will take the floor and yield his time to me.

Mr. WILLIS. With pleasure.

Mr. HEWITT, of New York. This is a matter of such practical importance I think the House should understand it. As I have already said, the amendment is made in no opposition to the bill; on the contrary, I will accept the judgment of the committee when I am through.

In addition to this great excavation there is a rock which juts out into the channel and which it has heretofore been supposed could not be excavated by the submarine process. But it has been discovered in the last three months that a certain seam of rock, a certain fault in the rock which was thought to be an insuperable obstacle to the further excavation of this one spot, can be excavated before the final explosion is made. But the sum of $60,000 additional will be required for the excavation under this end of rock, so that this great work can be brought to completion by one general explosion. If it be not done before the general explosion takes place it will have to be done afterward. It will then have to be done from the surface instead of below.

Now, when you excavate a rock from the surface it is by what is known as electric discharge; that is, dynamite exploded on the surface of the rock against the pressure of the superincumbent water. That is a process of chipping off the rock from the top by slow degrees. In order to get down to twenty-six feet of water, which is the standard of this great gateway of the commerce of the world, it would be necessary to expend a very large amount of money, possibly from $500,000 to $600,000, whereas by the expenditure now of $60,000 we will save that great expenditure hereafter. For that reason I propose to increase the appropriation to the extent of $60,000 and for that purpose.

The committee before whom General Newton came and made the statement which I thus imperfectly repeat did not think they could properly appropriate more than the $360,000 required for the explosion; but it was suggested that $60,000 might be put on at the other end of the Capitol and come back and be assented to in that way. If the committee prefer that mode I shall not have any controversy with them in regard to it; but it is not, in my judgment, the straightforward way of dealing with a question of this character, in regard to the facts of which there is neither doubt nor question.

The importance of this work is such that the President of the United States in a special message to Congress, which will be found in Senate Executive Document No. 79, transmitted to Congress on the 28th of January last, calls the attention of Congress to the great magnitude and value of this work, and the large expenditures that have been made for its completion, and the necessary preparations in order that this explosion may take place next fall.

I regret to say that it is now too late for the explosion to be made this year, and if the appropriation is granted now it will of necessity have to go over for another year. But in that message of the President he gives the letter from General Newton, in which he states:

The amount actually needed is by estimate $360,000 for the explosion and $60,000 for finishing the galleries; in all, $420,000; and less than that would not answer. If the money be granted at once the endeavor will be made to get off the explosion in October next, or at latest in November; but owing to the delay in making the appropriation, which has resulted in the dispersion of the force, and has produced other inconveniences, I can not guarantee that this can now be done. But it is necessary to have the money required in hand in order to make engagements for the supply of material, &c.

Again, he says in another place:

The sum asked is $360,000, and there will be no use in granting a reduced amount, for we must have enough before commencing even the preparations for the final explosions.

I therefore appeal to the good sense of this House and to the fairness of the committee to meet this thing squarely and insert the $420,000 required for the work. But if they decline, then at least let them put in the $360,000 and trust to the Senate to do the very sensible thing by supplying the $60,000 needed, in order to save the expenditure of half a million dollars hereafter. With that I leave this matter to the consideration of the committee.

[Here the hammer fell.]

Mr. BAYNE. I would like to be heard for a moment in regard to this matter. I hope the amendment proposed by the gentleman from New York will not be adopted.

The committee while deliberating upon this matter had no information from the Representatives from New York——

Mr. HEWITT, of New York. I beg the gentleman's pardon; I went before the committee myself and made a statement.

Mr. BAYNE. That may be. I withdraw the remark as to the gentleman from New York who has just taken his seat. But if he appeared he was the only one who did to give information upon the subject.

Mr. HEWITT, of New York. My colleague, General SLOCUM, went with me and confirmed my statement.

Mr. BAYNE. He might have done so. I had no knowledge of it; but I know this fact arose in the committee when that matter was being discussed, that the Representatives from New York did not appear before the committee, and it seemed to be generally conceded in the committee that little if anything had been said by them. If, then, the gentleman and his colleague, General SLOCUM, appeared before the committee, in my opinion they did not make a very lasting impression.

Mr. HEWITT, of New York. That is our misfortune.

Mr. BAYNE. It may have been. The fact is, Mr. Chairman, that the engineer has recommended an appropriation of $360,000 for exploding certain torpedoes the Government now owns, by which to blow up the reef at Hell Gate. The committee deemed it wise to use these torpedoes because the Government had purchased them, not because any very great results seemed to have been achieved by the operations at that point, but because the Government had in its possession, and had the expense of keeping, a considerable number of torpedoes, which were expensive to keep and might as well be used. The recommendation was $360,000 for that purpose. The committee report an appropriation of $300,000 for that work. The committee acted upon this recommendation of the Engineer Department as it acts upon all recommendations. It believed that the Engineer Department often made recommendations for a much larger appropriation than was necessary to do the work. It believed that $300,000 was an abundant amount to explode the torpedoes and carry on the work.

Mr. HEWITT, of New York. If the gentleman will take the trouble to read what the engineers say upon that subject he may be inclined to change his mind.

Mr. BAYNE. I have the book before me.

Mr. HEWITT, of New York. Read what is said in the last paragraph of page 95, where it is shown that $360,000 is needed, and that no less sum than that will answer.

Mr. BAYNE. I see it stated that $360,000 is recommended for that purpose.

Mr. HEWITT, of New York. I will quote the language of the engineer:

It is useless, of course, to appropriate any less sum than the cost of the explosion.

Mr. BAYNE. I have that statement before me; but there are many recommendations from the Engineer Department in this book which in the judgment of the committee were excessive.

Mr. HEWITT, of New York. General Newton came before the committee and made the same statement, which was supplemented by my colleague from New York and myself, and the chairman of the committee will confirm what I have said.

Mr. BAYNE. I know General Newton was before the committee; I am aware of that fact. But I am aware of this fact also, that the Engineer Department has recommended appropriations which in the aggregate would reach perhaps $40,000,000. It was therefore very necessary that a large number of recommendations should be wholly rejected, and that appropriations should be made of only a certain percentage of the recommendations by the Engineer Department. The ordinary run in this bill is perhaps 25 per cent. of the recommendations of the Engineer Department. But with regard to this particular appropriation, it is within $60,000 of the entire amount recommended, which was $360,000; and therefore Hell Gate fares better than perhaps any other place of all those included in this bill. There are, I believe, but three or four or five places where the appropriation is equal to the estimate recommended by the Engineer Department, and these are small appropriations; not one of them is a large appropriation.

For the great Ohio River only 60 per cent. of the recommendation is placed in the bill, for the great Missouri River only 50 per cent., and for other great streams and lakes all over the country but 25 or 50 per cent. of the amount is put in, while for this work there is appropriated all within $60,000 of what is recommended by the Engineer Department. I believe the House should sustain the bill as it comes from the committee; and if it be so important that this amount should be increased, let it be done at the other end of the Capitol.

Mr. DUNN. I have listened with unusual interest, as I always do, to the remarks of the distinguished gentleman from New York [Mr. HEWITT]. He has fully impressed me with the importance of this proposed increase of appropriation and I shall vote for it. He has given to the House a lesson of wisdom. He has taught us the evil results heretofore from the selfish and provincial policy of the State and city of New York. He has shown to us that 10 per cent. of the appropriation made in a former bill, the veto of which was rejoiced in by New York, has been wasted by reason of the failure of the bill of the last session of the last Congress, brought about more at the instance of New York State and city than by any and all other influences put together. The whole press of that city rang with denunciations of the river and harbor bill; and they have brought upon themselves this calamity. Listen to a paragraph in the New York Herald of to-day:

The clamor about Chicago nominations should not divert attention from what is going on in Congress. The mammoth combination job of the session, the river and harbor bill, is up for debate in the House of Representatives and needs to be watched closely. In its present form the bill appropriates about $13,000,000. Just about one half of the items are for commendable works of improvement, like, for instance, those in the harbors of New York. The other half are for sheer swindles on the Treasury.

The Mississippi River improvement is a swindle on the Treasury! All the other great harbor improvements on the South Atlantic, the Gulf, and the Pacific coasts, and the lakes of the North are swindles on the Treasury! All the improvements of the great rivers of the country, upon which the commerce of the country floats, are swindles on the Treasury! Everything that does not flow to New York is a swindle on the country! In a word, New York is the country. Nothing outside of New York is in this country or entitled to consideration.

We all remember the able and remarkable argument made last session by the efficient and able member from New York, Mr. Richardson, from which the whole country drew lessons of wisdom as to the value and importance of a broad-gauge, extensive system of harbor and water way improvements. But after delivering that able and remarkable argument he informed the House he could not himself obey its precepts. He himself could not vote for the river and harbor bill because the State and city of New York had spoken out against it, and he dared not do what his judgment and his honest convictions as an American citizen dictated to him to do for the good of the country.

These New York papers that brought upon the country the failure of the last river and harbor bill howled over this defeat of the progress of the work at Hell Gate in less than sixty days after it was brought upon them. I have no respect for the course pursued by those journals and those Representatives. But I do value the commerce of my country and its great harbor. I shall vote for this appropriation, while I despise their provincial selfishness. [Applause.]

The CHAIRMAN (Mr. CRISP). The question is on the amendment of the gentleman from New York [Mr. HEWITT].

The committee divided; and there were—ayes 44, noes 86.

So (further count not being called for) the amendment was not agreed to.

Mr. HEWITT, of New York. I now offer the amendment which I send to the desk.

The Clerk read as follows:

In line 317 strike out "$300,000" and insert "$50,000;" so that it will read: "For blowing up the reef at Hell Gate, New York, the sum of $50,000, or so much thereof as may be necessary for that purpose."

Mr. HEWITT, of New York. All that we can do now is to pump water, and there is no good in having more than $50,000 for that purpose.

Mr. WILLIS. I only desire to say one word. It is true that General Newton came before the committee; but he came before it after the committee had acted upon this appropriation, and he said it was impossible to give the exact amount that would be necessary to make this explosion. It was only an approximation. But as the estimates of the engineers for all of these amounts were always beyond the actual need, the committee thought that $300,000, in view of General Newton's statement and of the facts presented, would be sufficient to make the explosion, and governed themselves accordingly.

Mr. HEWITT, of New York. Does the committee think so now?

Mr. WILLIS. As one member of the committee, I do think so. The committee itself has had no further action on this matter. And from the statement made to me by General Newton that of course he could not estimate exactly, but it was necessary to have enough, I supposed with the $35,000 he had on hand from last year and the $300,000 in this bill, making $335,000, he would have enough to make the explosion.

Mr. HEWITT, of New York. But the $35,000 has already gone in pumping out the water. It is all expended.

Mr. BURLEIGH. I certainly trust the gentleman from New York [Mr. HEWITT] will withdraw his amendment.

Mr. HEWITT, of New York. No; let us be logical. Either General Newton is a man honest, truthful, and knowing what he is about, or he is not. If he is truthful, then we know that he requires $360,000 for this purpose. I heard him tell the chairman of the committee myself, and he will not deny it, that less than $360,000 will not do to make this explosion. All that can be done with less than $360,000 is to pump water, and $50,000 is enough for that. Either let us have $360,000, the amount required for the explosion, or give us but $50,000 to pump the water and do nothing more.

Mr. WILLIS. I desire to state further that upon the statement made by the gentleman a few minutes ago, that it would be impossible to make this explosion during the coming season, it would seem to be unnecessary to charge this bill with an appropriation not needed. If, as he states himself, it would be impossible to make this explosion next fall, then this appropriation ought really to go over to the next river and harbor bill, and then we can put in the full amount that may be necessary.

Mr. BAYNE. Will the gentleman permit me to ask a question?

Mr. WILLIS. Certainly.

Mr. BAYNE. We had information in the committee, if I am not mistaken, that about $20,000 is required to keep the torpedoes owned by the Government which are there.

Mr. WILLIS. Yes, to keep them dry.

Mr. BAYNE. To keep them dry. Now, if $50,000 is required to pump out this place and $20,000 more is required to take care of these torpedoes until they can be used next year——

Mr. HEWITT, of New York. Fifty thousand dollars is ample for both purposes.

Mr. BAYNE. I would ask whether or not this money can be used this year?

Mr. HEWITT, of New York. It can not be, and I want to express my—well, the pain which I feel that the chairman of the Committee on Rivers and Harbors [Mr. WILLIS] should apparently take advantage of a statement made by me with that frankness which should always characterize statements made to this House.

General Newton is one of the greatest living engineers as well as one of the most honest men who has ever served the public. In a communication which he addressed to the Chief of Engineers, and which the President has forwarded to this House, he stated that unless the money was appropriated last February it could not be used during the present year. Here is the message of the President, together with the letters of the Chief of Engineers, upon the subject:

To the Senate and House of Representatives:

I transmit to Congress a communication from the Secretary of War in relation to the necessity of an immediate appropriation of not less than $420,000 to enable the engineer in charge to make next autumn the explosion required for the removal of Flood Rock, in the East River, New York. The importance of the work is well known, and as it appears that without a speedy appropriation a delay of a year must follow, accompanied by large expenses to protect from injury the work already done, I commend the subject to the early and favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 28, 1884.

LETTER OF COL. JOHN NEWTON, CORPS OF ENGINEERS, OF JANUARY 16, 1884.

UNITED STATES ENGINEER OFFICE,
New York, January 16, 1884.

GENERAL: I think it very important for the interests of the works under my charge for the improvement of the navigation of the East River and Hell Gate that the appropriations for those works should be made at the earliest practicable date, to prepare, if possible, for the final explosion at Flood Rock during the next autumn.

By reference to my letter of February 2, 1883, you will find the reasons why, in the present facilities for exploding in large masses, there is but one season at once safe and convenient for such purpose, namely, from the middle of September to the middle of November.

The amount actually needed is, by estimate, $360,000 for the explosion, and

$60,000 for finishing the galleries; in all, $420,000, and less than that would not answer. If the money be granted at once the endeavor will be made to get off the explosion in October next, or at latest in November; but owing to the delay in making the appropriation, which has resulted in the dispersion of the force, and has produced other inconveniences, I can not guarantee that this can now be done. But it is necessary to have the money required in hand in order to make engagements for the supply of material, &c.

I think it important that this matter should be attended to, as we are expending $20,000 per annum in pumping the water from the galleries.

Very respectfully, general, your obedient servant,

JOHN NEWTON,
Colonel of Engineers, Brevet Major-General.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

LETTER OF COL. JOHN NEWTON, CORPS OF ENGINEERS, OF FEBRUARY 2, 1883.

UNITED STATES ENGINEER OFFICE,
New York, February 2, 1883.

GENERAL: I have respectfully to urge the granting of an appropriation by Congress during the present session for the works at Flood Rock, Hell Gate.

If an appropriation sufficient for the purpose be granted, it is reasonably certain that the final explosion will take place during the ensuing autumn.

There is but one proper season for this operation—the one mentioned. The winter is too cold for the dynamite, which it is difficult to explode when the temperature approaches 40° Fahrenheit, because we can not use it in the granular state on account of the weight necessary to have in each drill-hole. In the spring and summer there is danger of electric storms, which, after the wires have been introduced (and these will probably be in place for a week or ten days), will render an accidental explosion possible. In fine, if we do not obtain a sufficient appropriation now this work will be delayed in all probability until the autumn of 1885.

The sum asked is $360,000, and there will be no use in granting a reduced amount, for we must have enough before commencing even the preparations for the final explosion.

If I have permission, I may have it in my power to interest the members of the House from New York in the matter.

Very respectfully, your obedient servant,

JOHN NEWTON,
Colonel of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

LETTER OF COL. JOHN NEWTON, CORPS OF ENGINEERS, OF FEBRUARY 5, 1883.

UNITED STATES ENGINEER OFFICE,
New York, February 5, 1883.

GENERAL: In my letter of the 2d instant I estimated the cost of the final explosion at Flood Rock at $360,000. To this I find it necessary now to add $60,000, the estimated cost of removing the north end of the rock, which has been believed to be impracticable by tunneling, owing to a long and deep seam which was found to extend across the whole width of the rock.

By investigation to-day it is believed practicable to extend the tunnels, and thus embrace the whole reef above 26 feet of depth at mean low water. To accomplish this and to blow up the galleries, the estimate thus amended would be $420,000.

Very respectfully, your obedient servant,

JOHN NEWTON,
Colonel of Engineers, &c.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers, U. S. A.

The money was not appropriated at that time, and therefore if it be appropriated now it can not be used during the present year. But unless the appropriation is made in this bill, should the next river and harbor bill fail, it would be impossible to make this explosion within two years. By making the appropriation in this bill we will be certain that the explosion can be made in 1885; it can not be made now in 1884.

This is a plain matter of business and of common sense. I regret very much that any gentleman here — especially the gentleman from Kentucky [Mr. WILLIS], whom I respect very much, as he knows, for I think his career here has been most fruitful of good to the public—I am surprised that he should take advantage of a statement made to him by General Newton in my presence for the purpose of securing early action in order now to prevent the appropriation of the sum necessary to make this explosion. It is idle, as he says, to encumber this bill with a less amount, but it will not be idle to put in the amount necessary, $360,000, if we want to make this explosion in 1885.

Mr. BRECKINRIDGE. I hope this House will not reduce this appropriation. The committee have carefully considered this matter, and with the evidence before it, it seemed to us that $300,000 would suffice for this work.

Mr. HEWITT, of New York. Will the gentleman kindly say what evidence?

Mr. BRECKINRIDGE. I do not care to discuss details now, for I have not the time.

Mr. HEWITT, of New York. Allow me to say that there was not a particle of evidence except that the sum of $360,000 was necessary.

Mr. BRECKINRIDGE. I am simply stating as a matter of fact that the committee concluded that $300,000 would be enough.

Mr. HEWITT, of New York. Ah! but that is not the evidence submitted to the committee.

Mr. BRECKINRIDGE. If there is any additional evidence which it is necessary to take into consideration, it can be laid before the committee of the Senate, which will have time to consider it; the House can not do it now. I trust that the Committee of the Whole will stand by the bill.

Mr. WILLIS. I owe it to myself to say that I have no desire to take advantage of anything which General Newton has said. The object I had in view was this: If this bill shall not be amended in the Senate, and if it shall be found that the House has not given a sufficient amount for the purpose indicated, we will have another bill in the next session of Congress, and with the aid of the gentleman from New York [Mr. HEWITT] and others interested in the matter we undoubtedly may make up any deficit which may be found to exist. I hope therefore that the gentleman will withdraw his motion to reduce this appropriation, and let it stand as it is. We have acted upon the best information before us, and with the sincere desire to carry out the wishes of the engineer, whose judgment we all respect, and the wishes of the Representatives from that great city. I hope the gentleman will withdraw his amendment.

Mr. HEWITT, of New York. I do not propose to withdraw it, because it is the only sensible course to be taken. There is no earthly use in appropriating a sum less than enough to make the explosion, except to cover the cost of dead water, and for that purpose $50,000 is ample.

The question was taken upon the amendment of Mr. HEWITT, of New York; and upon a division there were—ayes 52, noes 72.

So (no further count being called for) the amendment was not agreed to.

The Clerk read as follows:

Improving Newtown Bay, at mouth of Newtown Creek, New York: Continuing improvement, $20,000.

Mr. BURLEIGH. At the request of my colleague, General SLOCUM, who is absent attending a reunion of the veterans of the Army of the Potomac at Brooklyn, I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 321 strike out "at the mouth of" and insert "and;" so as to read: "Improving Newtown Bay and Newtown Creek, New York: Continuing improvement, $20,000.

Mr. BURLEIGH. This amendment does not increase the amount of the appropriation, but simply changes the language.

The amendment was agreed to.

The Clerk read as follows:

Improving Maurice River, New Jersey: Continuing improvement, $7,000.

Mr. HOLMAN. I move to amend by striking out the paragraph just read.

In connection with this amendment I wish to make a remark touching the principle on which this bill appears to be in a very large degree based. The estimate for the work contemplated by this paragraph is in this language:

The original project consisted in improving the navigation of the four miles above referred to by a six-foot low-water channel, one hundred feet wide, as far up as Millville, and a short distance along the city front a four-foot low-water navigation. The estimated cost of the improvement was $112,000.

Nothing had been expended up to June 30, 1882, and nothing since.

If the work is to be done, not less than $40,000 can be profitably expended during the fiscal year ending June 30, 1885. With this sum, if appropriated, it is proposed to commence the artificial channel below Millville.

The appropriation for this work in the act of August 2, 1882, was $3,000. The committee is now informed by the engineer that no less than $40,000 can be profitably expended during the coming fiscal year. It appears that nothing has been done upon this work up to the present time with the appropriation heretofore made. This bill proposes to appropriate $7,000, making altogether $10,000. Now if any dependence at all is to be placed upon the report of the engineers this sum—I admit that $10,000 is comparatively a small sum—will be absolutely wasted; if employed at all, it must be without benefit or useful result.

I submit to my friend from Kentucky that there are in this bill too many items of the same kind, appropriations for works for which a small appropriation was made two years ago—works which have not yet been begun, and works in regard to which you are told by the engineers that such appropriations as this bill proposes to make will be simply a waste of the public funds.

For these reasons I have moved to strike out this item in conformity with the spirit of the recommendation of the engineer. If we make any appropriation at all, it should be enough to be expended with benefit to the public interest.

Mr. FERRELL. I am sorry that the distinguished gentleman from Indiana has submitted and advocated an amendment striking out the pending provision of this bill. Having some knowledge of the river for the improvement of which this appropriation is proposed, I regard this river as one of the most important in the district which I represent. A survey for its improvement has been made, and, as the gentleman from Indiana has stated, the engineer of the Department has recommended an expenditure of $40,000. This would include the removal of a bar two and one-half miles in length at the mouth of the river. Maurice River is an estuary of the Delaware River. Along the line of the Maurice River, from its mouth to the city of Millville, there are on either bank thriving manufacturing towns; and if it had been deemed necessary to invoke the sentiment of the people along that river there is not a business man or a farmer upon its banks who would not have joined in urging this Congress to improve that river to the full extent of the $40,000 recommended by the Engineer Department.

The Committee on Rivers and Harbors in the consideration of this question have seen fit to waive the improvement at the mouth of the river (that is, the removal of the bar) and to recommend that the river be improved from the upper edge of the bar to the city of Millville, thus benefiting the towns I have mentioned along the line of the river.

Mr. HOLMAN. That does not appear, I believe, in the report.

Mr. FERRELL. I refer to the towns of Port Elizabeth, Bricksborough, Mauricetown, Dorchester, and Port Norris.

Millville, which is the objective point of this improvement and the one for which the expenditure is especially recommended at the present time, is devoted largely to the manufacture of glass, iron, and cotton; and it would do a great injury to these vast industrial interests to withhold this appropriation. I speak from a business point of view, and with reference to everything that should guide us in the distribution of money for the improvement of rivers and harbors. This improvement looks to the development of the internal commerce of that section of the country, together with the general commerce flowing in and out of this river and the Delaware River. I sincerely hope the amendment proposed by the gentleman from Indiana will not be adopted.

The amendment of Mr. HOLMAN was not agreed to.

Mr. FERRELL. I move to amend by inserting after line 325 the following:

Improving Cohansey River, New Jersey: Continuing improvement, $5,500.

Mr. Chairman, it seems to me that the Committee on Rivers and Harbors, in their arduous duties, have overlooked the importance of this particular item, otherwise they would not have failed to propose the appropriation recommended by the civil engineer. As members of the committee will remember, in a discussion of this question in committee this improvement was barred on account of certain water-mains and gas-pipes which prevented free navigation. It was conceded that upon the removal of these gas-pipes and water-mains by the city authorities this improvement would be justifiable. The city council of the city of Bridgeton have passed an ordinance for the removal of these water-mains, and consequently, in accord with the recommendation of the engineer, I ask that item of $5,500 be adopted.

Mr. BLANCHARD. I should like to ask the gentleman from New Jersey whether these pipes have been removed.

Mr. FERRELL. They have not at the present time.

Mr. BLANCHARD. I will read from the Annual Report of the Chief of Engineers, page 630:

The city authorities have had the question of lowering these pipes under consideration for several years, but up to the present no action has been taken. Until these pipes have been placed at the required depth any further deepening of the channel above Broad street would be useless. The work of the last year, therefore, has been confined to that part of the creek lying below Broad street, and consisted in widening the seven-foot channel, straightening and correcting its limits, which were very irregular on both sides, and deepening such portions of it as, from filling in or other causes, were above the desired level.

Mr. FERRELL. I desire to state that an ordinance has been passed by the city council of Bridgeton directing the removal of those pipes, but I am not informed at the present time that they have been removed.

Mr. FERRELL'S amendment was rejected.

The Clerk read as follows:

Improving Passaic River below Newark and removing shoals in Newark Bay, New Jersey: Continuing improvement, $25,000.

Mr. FIEDLER. I move to amend in line 328 by striking out the words "twenty-five" and inserting in lieu thereof "eighty-five;" so it will read:

Improving Passaic River below Newark and removing shoals in Newark Bay, New Jersey: Continuing improvement, $85,000.

Mr. FIEDLER. Mr. Chairman, while I have no doubt that the members of the Committee on Rivers and Harbors have intended to do justice in naming $25,000 as the amount to be appropriated for the improvement of the Passaic River, still I am satisfied if they were better acquainted with the locality and the importance of completing the improvements that the full amount recommended by the Chief Engineer would have been granted.

The city of Newark, which is on the border of the river, is noted for its great manufacturing interests. Our manufacturers are largely dependent upon the Passaic River as a proper channel to ship their freight. If the improvements are completed, which the adoption of my amendment will accomplish, then they will be in condition to compete with the world, for it will give them a channel two hundred feet wide and ten feet in depth at mean low-water mark. This will enable the largest freight-vessels to navigate the river and unload at the doors of our manufacturers. In order that the members of this House may understand what an interest is taken in this matter by the leading citizens of my district, I ask that the Clerk read the following communications:

The Clerk read as follows:

NEWARK, N. J., *March* 14, 1884.

DEAR SIR: The undersigned, representing the Passaic River Protective Association, respectfully call your attention to the importance, not only to the members of this association but to all of your constituents, of the improvements now being made to the Passaic River by the General Government, and solicit your aid in obtaining the necessary appropriations to carry forward the work to completion.

There are about 1,000,000 tons of freight, consisting largely of building materials, coal, ice, and general merchandise, carried to and from our city by the vessels navigating our river, and you are too familiar with the benefits of river transportation as a means of competing with the railroads, and thus reducing the cost of transportation on all the articles carried by the railroads as well as by river, to make it necessary for us to enlarge on this point.

The project adopted by the Government in 1880 provides for the formation and maintenance of a channel two hundred feet wide and ten feet deep at mean low water from the mouth of the river to the Centre street railroad bridge at Newark, with an entrance to the channel at the mouth of the river four hundred feet wide.

At the close of the season of navigation of 1883 there had been constructed a dike 2,000 feet long at the mouth of the river, and a channel two hundred feet wide from that point through the N. & N. Y. R. R. bridge, and one hundred and thirty feet wide for 1,000 feet from the bridge, and one hundred feet wide thence to Market street bridge, and seventy feet wide between Market street and Centre street bridges.

The funds now in hand will suffice to make the channel one hundred and twenty-five feet wide between the last mentioned points. An appropriation of $85,000 is required, according to the report of the engineer in charge, to complete the project according to the plan adopted, and $35,000 of that amount is asked for this spring to enable the contracts for work to be done during the summer to be made in time to avoid delay.

For further information in regard to expenditures already made, &c., we refer you to the report of the United States engineer in charge of the work, a copy of which accompanies this letter.

We trust that you will kindly accede to our request to give this important matter your early attention, and oblige,

Respectfully, yours,

JAMES R. SAYRE, JR., *President.*
L. L. CARLISLE, *Secretary.*

Hon. W. H. F. FIEDLER, *M. C.*

BOARD OF TRADE, *Newark, March* 15, 1884.

DEAR SIR: At the regular meeting of the Board of Trade, held on Wednesday evening, the 12th instant, the following preamble and resolution was presented by George B. Swain and unanimously adopted by the board:

"Whereas the United States Government has recognized the commercial importance of the city of Newark and shown its appreciation of the value of proper water communication in having had prepared by Chief Engineer John Newton a plan for permanently improving the channel of the Passaic River and Newark Bay, and for the prosecution of such plan there has been appropriated by Congress and expended since 1880 some $80,000; and

"According to the report of Col. George L. Gillespie, United States engineer, now in charge of the work, a further sum of $85,000 is needed to complete the same, $35,000 of which is needed at an early day in order that the work now in progress should not be interrupted, and is considered by the engineer in charge a proper sum to be made as an advanced appropriation: Therefore,

Be it resolved, That the Board of Trade of the city of Newark, appreciating the importance of the work above referred to, hereby request our Representative in Congress, Hon. WILLIAM H. F. FIEDLER, to use his earnest efforts to secure the appropriation as named."

JAMES W. MILLER, *President.*
P. T. QUINN, *Secretary.*

Hon. WILLIAM H. F. FIEDLER.

Mr. FIEDLER. I also desire to incorporate in my remarks for the information of this House that part of the report of the Chief of Engineers, United States Army, relating to the improvement of the Passaic River. It is as follows (see page 572 and 573):

IMPROVEMENT OF PASSAIC RIVER FROM THE PENNSYLVANIA RAILROAD BRIDGE TO ITS MOUTH, NEW JERSEY.

The project for this improvement was adopted in 1880, and provides for the formation and maintenance, by means of dredging and a system of training-dikes, of a channel two hundred feet in width and ten feet in depth at mean low water, from Pennsylvania Railroad bridge (Centre street, Newark) to Newark Bay.

At the close of the fiscal year ending June 30, 1882, a contract was in progress with Elijah Brainard, jr., for continuing the improvement by dredging at the entrance; the amount available being $9,929.82. This contract was closed November 6, 1882. The total amount of material dredged was 173,986 cubic yards.

The improved channel for the full width of two hundred feet, was carried through the draws of the Newark and New York Railroad bridge, and the outlet to Newark Bay was widened for the convenience of vessels to four hundred feet. The river and harbor act of August 2, 1882, appropriated $43,000 for continuing the improvement. Sealed proposals invited by public advertisement were opened September 21, and the contract for dredging was awarded to Messrs. Morris & Cumings, the lowest bidders, at 22½ cents. Work began under the contract October 23.1882, and up to the close of the season, December 8, when work was suspended, 14,175 cubic yards had been removed. Work was resumed April 3, 1883, and is still in progress. The total amount removed under the contract during the fiscal year is 55,007 cubic yards. No appropriation was made for continuing the improvement for the fiscal year ending June 30, 1884, and as the river from the Newark and New York Railroad bridge to the lower wharves of Newark, a distance of three and a half miles, has many shoals obstructive to navigation, the width of the improved channel has been reduced to one hundred feet, so that shipping may get immediate relief from the existing appropriation; leaving the channel to be widened to two hundred feet by future appropriations. Under this project the improved channel with a width of one hundred feet has been carried to a point about 3,300 feet above the toll-bridge, and it is expected that it will be extended under the contract to the Pennsylvania Railroad bridge at Centre street, Newark.

The original estimate for this improvement provided for the removal of 291,000 cubic yards of material, measured in place, from the entrance to Pennsylvania Railroad lower bridge in the city of Newark; the approved project contemplated extending the improvement to the upper bridge, requiring the removal of 26,000 cubic yards additional dredging, and making the total removal 317,000 cubic yards, measured in place.

It is to be observed that this estimate is for dredging to a plane of 10 feet at mean low water, and to make a channel which will be available for vessels drawing 10 feet at mean low water; the cutting must be carried 1 foot approximately below the adopted plane to avoid the irregularities always appearing in dredged channels.

This increased depth, taken in connection with the increase in bulk of material when deposited upon scows, and a small percentage for shoaling in the river, swells the estimate of the amount to be removed to 589,000 cubic yards measured upon scows. The amount actually removed from the beginning of the improvement to the close of the fiscal year ending June 30, 1883, is 284,992 cubic yards. The channel at the entrance is made 400 feet wide, for a distance of a few hundred feet, for convenience of vessels in entering; thence is carried 200 feet to the New York and Newark Railroad bridge; thence it is 130 feet wide for a distance of 1,000 feet, and thence is only 100 feet wide for a farther distance of 6,000 feet.

To complete the 200-foot channel from the entrace to Centre street bridge, Newark, will require the removal of 150,000 cubic yards of material. To maintain the improved channel it will be important also to build 5,000 feet of diking from below the toll-bridge to the zinc works. For these improvements an appropriation of $85,000 is asked.

The manufacturing interests centered at Newark and along the Passaic River to the mouth are of the most important and substantial character, and are growing in value and extent every day. The river is a grand highway for vessels of every class, and should be maintained in a state of efficiency compatible with the interests involved.

The appended commercial statistics show the commercial value of the river, and especial attention is invited to them. Over 20,000 vessels passed the draw of the New York and Newark Railroad during the year.

Passaic River is in the collection district of Newark, which is the nearest port of entry. Nearest light-house, Passaic light. Fort Tompkins is the nearest fort.

Amount of revenue collected during year, $12,082.15.

Amount appropriated from June 14, 1880, to August 2, 1882, both inclusive		$123,000 00
Original estimate for diking and dredging		232,875 00
Total amount expended, exclusive of outstanding liabilities		94,174 70
Money statement.		
July 1, 1882, amount available		$9,929 82
Amount appropriated by act passed August 2, 1882		43,000 00
		52,929 82
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	$21,068 87	
July 1, 1883, outstanding liabilities	3,035 65	
		24,104 52
July 1, 1883, amount available		28,825 30
Amount (estimated) required for completion of existing project		85,000 00
Amount that can be profitably expended in fiscal year ending June 30, 1885		85,000 00

In view of the necessity of an early completion of a work of so much importance to the development of the industrial interests of the city of Newark, I ask my colleagues to make an exception in this case, and instead of indorsing the recommendation of the committee, support the amendment calling for an increased appropriation, so as to enable one of the largest manufacturing districts in this country to secure such a reduction in the expense of freightage as will place it on an equal footing with any other, and enable it to compete with the manufacturing industries of the world.

[Here the hammer fell.]

The question recurred on Mr. FIEDLER'S amendment.

Mr. FIEDLER demanded a division.

The committee divided; and there were—ayes 14, noes 35.

So the amendment was rejected.

The Clerk read as follows:

Improving the Passaic River above Newark, N. J., $3,000.

Mr. KEAN. I move the following amendment.

The Clerk read as follows:

Improving Raritan River, New Jersey: Continuing improvement, $20,000.

Mr. KEAN. The recommendation for the Raritan River, according to the Chief of Engineers, is $60,000 for this year, and yet not one single cent is put in this bill for that important national highway.

The amount recommended for immediate use is $20,000, and I have therefore asked that amount be inserted in this bill. It has undoubtedly been left out of this bill for some reason, and I think some good reason should be given why it should be excluded entirely.

The question recurred on Mr. KEAN'S amendment.

Mr. KEAN demanded a division.

The committee divided; and there were—ayes 9, noes 29.

So the amendment was rejected.

Mr. KEAN. I move the following amendment.

The Clerk read as follows:

Improving South River, New Jersey: Continuing improvement, $5,000.

Mr. KEAN. It is necessary for the benefit of the work already done that this improvement should be continued. Unless this is done the beneficial results intended to be derived from this improvement will be lost.

The Clerk read as follows:

Improving James River, Virginia: Continuing improvement on the plan for deepening the channel to twenty-two feet at mean low tide, $75,000.

Mr. GEORGE D. WISE. I offer an amendment to this paragraph.

The Clerk read as follows:

Strike out in line 354 "seventy-five" and insert "one hundred;" so that it will read "one hundred thousand dollars."

Mr. GEORGE D. WISE. Mr. Chairman, knowing that the disposition is prevalent here to pass this bill just as it came from the Committee on Rivers and Harbors, I would not offer this amendment if I did not believe this to be an exceptional case. The original project for the improvement of the James River was for eighteen feet at high tide, with a channel width of one hundred and eighty feet from the Richmond dock to below Harrison's Bar. Several years ago Congress directed a survey to be made to ascertain whether it was practicable to deepen the channel of this river to twenty-five feet at high tide, and a report was made favorable to that project. The recommendation of the engineer in charge is that $150,000 can be well expended during the fiscal year ending the 30th of June, 1885, to carry out the original project of deepening the river to eighteen feet.

The present bill proposes to deepen this channel to twenty-two feet at mean low tide, and the engineer says in the report before me that if that plan shall be adopted by Congress $300,000 can be profitably expended during that fiscal year.

My amendment only proposes to give one-third of that sum, or $100,000. I call the attention of the chairman of the Committee on Rivers and Harbors to the resolutions which I send to the desk from his own State of Kentucky, and which I will append with the consent of the House to my remarks, by which it will appear that the distance between that State and the seaboard by this route is lessened about one hundred and twenty-seven miles.

In other words, the proposed appropriation is to be expended in the improvement of a river which forms part of a connecting line between the Pacific Slope and the Atlantic coast. This improvement is in the interest of cheap transportation for a rich, fertile, and growing section of our country. It is not for the benefit of the people of my State alone, but as well for the farmers and industrial classes of Kentucky, Ohio, Tennessee, Indiana, and other States of the Union. And in this connection I deem it proper to add that the city of Richmond has since the termination of the late civil war paid out of its own treasury in aid of this important work an amount nearly equal to that appropriated by the Federal Government. In the state of uncertainty whether Congress would authorize a change of project from a depth of fifteen to twenty-two feet at low water, it was not deemed judicious to do much work during the fiscal year ending June 30, 1883. But I am happy to be able to say that this bill commits the Government to the project of continuing this work until a depth of twenty-two feet at low tide from Richmond to the mouth of the river shall have been attained. Believing this to be an exceptional case, that sound policy and the interests involved demand it, I have asked for the proposed increase of appropriation in good faith, and hope that it will be the pleasure of the committee to allow it.

The resolutions referred to by Mr. WISE are as follows:

Whereas efforts are being made to procure the Federal Government to improve the James River by deepening its channel from its mouth to the city of Richmond, so as to render said river navigable for the largest ocean steamers from Chesapeake Bay to said city of Richmond; and

Whereas if said efforts are successful the distance from the State of Kentucky to the seaboard will be lessened about one hundred and twenty-seven miles, thus materially reducing the cost of inland transportation on the produce of Kentucky seeking a foreign market; and

Whereas such improvement, when completed, will make the city of Richmond one of the ship-building centers of the world and largely expand its other manufacturing enterprises, thus furnishing a convenient, extensive, and remunerative market for the iron, coal, timber, tobacco, hemp, and other mineral, forest, and agricultural products of Kentucky: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, 1. That this General Assembly views with interest the movement for the improvement of said river, and favors such appropriations and other proper action by the Federal Congress as will secure to the country the incalculable benefits which must result from a successful completion of the projected enterprise.

2. That a copy of these resolutions be transmitted by the secretary of state to each of our Senators and Representatives in Congress, with the request that they favor all proper and just legislation looking to the object aforesaid.

Mr. BLANCHARD. Mr. Chairman, I desire to say in reply to the remarks submitted by my friend from Virginia that this bill of twelve and a half millions of dollars gives to the James River the same amount that the river and harbor appropriation bill of 1882, which carried an appropriation of nearly $19,000,000, gave to it.

Mr. GEORGE D. WISE. Let me interrupt my friend to say that that was predicated upon a depth of fifteen feet, whereas your present appropriation bill contemplates twenty-two feet depth.

Mr. BLANCHARD. I would like to state further that the Committee on Rivers and Harbors when considering an appropriation for the James River found that there was still on hand to the credit of the James River improvement fund an amount of unexpended appropriation coming over from 1882 of $58,728.

Mr. GEORGE D. WISE. Will the gentleman allow me to state in that connection that the report before the committee shows that that is in consequence of the uncertainty as to whether Congress would follow the original plan of deepening the channel to twenty-five feet, or adopt the plan of fifteen feet depth?

Mr. BLANCHARD. So that we appropriate now for the James River, in addition to the $58,000 already remaining to its credit, a sum of $75,000 in a bill carrying only twelve and a half millions of dollars, when a preceding bill carrying nineteen millions, in 1882, did not give any more.

For this reason I do not think that this appropriation should be increased as asked by my friend from Virginia.

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the gentleman from Virginia.

The committee divided; and there were—ayes 18, noes 39.

So the amendment was not agreed to.

The Clerk read as follows:

Improving Big Sandy River, West Virginia and Kentucky, $50,000, of which sum continuing improvement below the fork and completing the lock on the West Virginia side, $40,000; on Tug Fork, in West Virginia, $5,000; and on Lavisa Fork, in Kentucky, $5,000.

Mr. THROCKMORTON. I wish to ask the chairman of the committee what the estimate for the Big Sandy River amounts to.

Mr. BRECKINRIDGE. Eighty thousand dollars.

Mr. THROCKMORTON. What amount is appropriated here?

Mr. WILLIS. The amount appropriated is $50,000.

Mr. THROCKMORTON. The amount appropriated here seems to be $100,000, if the figures in this bill are correct.

Mr. WILLIS. The estimates for the Big Sandy are $80,000, while the appropriation made by the committee is $50,000.

Mr. THROCKMORTON. I move to strike out "$50,000," in line 364, and insert "$25,000."

I have asked the chairman of the committee as to the estimates for the improvement of this river, and in this paragraph, beginning with line 363, it is provided for improving the Big Sandy River, West Virginia and Kentucky, $50,000; completing lock on West Virginia side, $40,000; on Tug Fork, West Virginia, $5,000, and on Lavisa Fork, in Kentucky, $5,000.

Now, my inquiry is if that is not $100,000?

Mr. DUNN. Oh, no; it is an appropriation of $50,000 which is to be distributed in the way directed.

Mr. THROCKMORTON. And the estimates were $80,000. Now I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 364, strike out "$50,000" and insert "$25,000."

Mr. THROCKMORTON. I offer the amendment for this reason: I do not think that the improvement of the Big Sandy River or the commerce of that river or of the adjacent country is any more important to the people of that section than the improvement of the mouth of the river Brazos, in Texas, is to the people of that State. The estimates for the improvement of the mouth of the Brazos River, I understand, were $100,000; and the committee have been gracious enough to give us in this bill $10,000. Now, I venture the assertion that there would be ten times the benefit to the country and the people concerned by giving at least one-half of the estimates for the mouth of the Brazos River than there will be by giving this to the people on the Big Sandy River. I do not see nor can I understand why there should be that discrimination made.

Mr. GIBSON. I want to call the attention of the gentleman from Texas to the fact that this appropriation is for a work of such a nature that there must be a sufficient appropriation to complete it or the whole will be thrown away. This is for the completion of the lock started there by the Government, and $40,000 of it is applied to that purpose. I am not going into the general discussion of the importance of the commerce of that river, because the Government has for a number of years pursued the policy of continuing the improvements on that stream.

Mr. THROCKMORTON. I would like to ask the gentleman from West Virginia of what the commerce of Big Sandy River consists.

Mr. GIBSON. I will state to the gentleman that it is a stream that is navigated by four or five steamboats. Those steamboats carry almost every species of product that is raised in the country. In addition to that the object of the Government in improving that stream is to reach the heart of one of the most magnificent coal-fields in America, so that the people in the Ohio, Missouri, and Mississippi Valleys can have cheap fuel from the mountains of West Virginia.

Mr. THROCKMORTON. I desire to ask the gentleman another question. How much has been expended on the Big Sandy River by the Government?

Mr. GIBSON. I could not tell that without looking at the estimates.

Mr. THROCKMORTON. While the gentlemen are looking up the estimates——

Mr. GIBSON. I understand $154,000 is the amount that has been heretofore appropriated.

Mr. WHITE, of Kentucky. Of that sum all but $101,000 has been expended on Tug Fork, in West Virginia, and on Louisa Fork, in Kentucky. There remains $101,000 for the building of the lock and dam. The gentleman from Texas, if he will turn to page 1564 of the report down to page 1570, will discover that the commerce on that stream, which he thinks insignificant, amounts in its present condition, without this lock and dam, with nothing but the removal of snags, &c., to over $2,000,000.

Mr. THROCKMORTON. What does it consist of?

Mr. WHITE, of Kentucky. The gentleman will find that on page 1570. The value of the produce exported was $372,000; of live-stock, $170,000; of timber, $717,000; of lumber, $398,000; the imports, as per estimate, were $762,000; making a total of $2,418,000. Now, it must be remembered that steamboats go to Piketon six months in the year. The small amount that has been appropriated on that river for the little wing-dams confining the water in the shoals to the one side or the other of the river, as the engineers might see best, has so improved navigation as to have worked wonderful results. I am surprised the gentleman from Texas [Mr. THROCKMORTON], when he knows one and a half millions of dollars have been squandered at the city of Galveston, should rise and object to an appropriation like this for the benefit of the commerce between the States of West Virginia and Kentucky.

Mr. THROCKMORTON. I am not surprised that the gentleman from Kentucky should be surprised at me because I have made an inquiry about this improvement on the Big Sandy. I asked why the committee should give $50,000 of the estimates for Big Sandy and only $10,000 of the estimates for the mouth of the Brazos River.

Mr. WILLIS. I shall be glad to answer the gentleman from Texas as to that.

Mr. THROCKMORTON. Meanwhile I shall answer the other gentleman from Kentucky [Mr. WHITE], who has expressed his astonishment at the position I have taken, for the gentleman can be no more astonished at what I have done than I was astonished at his course on yesterday. He read the Democratic party a lecture, and that seems to be his daily avocation. He can not attend to his own district and State, but has taken under his wing the larger States of this Union, and the Democratic party also; and he made an announcement yesterday that was more surprising to me than anything I can say can be matter of surprise to him. That was that the Republican party was the rightful heir of the principles of the Whig party and of the principles advocated by Mr. Clay.

Now, sir, I think this is a slander on that grand old party. It is a declaration that can not be sustained by fact, and the truth of history, I take it, will show that the party to which the gentleman belongs is not the rightful heir of anything, but is the illegitimate offspring of broken laws and a violated Constitution. It can inherit nothing except the infamy of its own begetting, and to use the name of Mr. Clay in connection with the Republican party of to-day is in my humble judgment a desecration that ought not to be tolerated without some reply.

I am quite sure that that gentleman in making the assertion has gone far beyond what any other man in this country has ever thought to be the fact, and now I will listen to the other gentleman from Kentucky [Mr. WILLIS] in regard to the estimate for the mouth of the Brazos River.

Mr. WILLIS. As a mere business matter and without reference to politics, I desire to say that the reason operating upon the committee as to the Brazos River was the statement made by the engineer that any money spent there would probably be utterly useless. That engineer says, "this work may not be susceptible of permanent completion; estimates will vary accordingly."

After consultation with the members from the State of Texas who appeared before us, by their own consent and with their approval the amount named in the bill was given to that river. That is all there is of it. We consulted with the members of that delegation in reference to it. The engineer stated that there were quicksands there, and he thought it could not be improved. For the purpose merely of keeping up the work, the sum specified was given upon the suggestion of gentlemen from the State of Texas.

Mr. THROCKMORTON. I beg leave to say, in regard to the importance of the improvement at the mouth of the Brazos River, that there is no more important place on the Gulf coast.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE, of Kentucky. The gentleman from Texas who has just taken his seat [Mr. THROCKMORTON] says that we of the Republican party have inherited nothing but the infamy of our own acts. Now, I want to show him that we have made some converts, that we have had some accessions. When this bill shall pass (and the votes given on the amendments offered yesterday and to-day show that we are not going behind the returning board of the Committee on Rivers and Harbors)—when this bill shall pass I desire that members shall take notice of the fact that the gentleman now in charge of this bill did not vote for the river and harbor bill which was vetoed by the President, neither did any of his colleagues except the gentleman from the seventh district of Kentucky and myself.

Now, this bill is as bad a bill in all particulars as the bill which was vetoed, with this addition: it is too cowardly to come in with what is really needed, with what is demanded by the representatives of the people on this floor. I want to read to you a little history, which you will find in volume 29 of the CONGRESSIONAL RECORD, in the proceedings of the House of April 23, 1879. It is the protest presented by members of the House against the river and harbor appropriation bill of that year:

The eighth section of the first article of the Constitution, to "regulate commerce among the several States," is virtually abrogated and the very authority under which our legislation is conducted defied by a bill of this nature, which appropriates money for the improvement of rivers located wholly within one particular State and of no national importance.

Such as this little ship-canal at Galveston.

In a time of general depression and with the Treasury threatened with a deficit it is unwise and unjust to the tax-payers to place such a burden as this bill proposes upon them.

Now note the names of those who signed that protest:

S. S. Cox, J. Proctor Knott, J. A. McKenzie, J. C. S. Blackburn, William M. Springer, J. K. Luttrell, Hiester Clymer, Albert S. Willis—

You notice that my colleague who is now the chairman of the Committee on Rivers and Harbors was not ready to join the church at that time. We have gained him this year—

E. B. Finley, G. M. Beebe, Frank Jones, J. G. Carlisle—

When we get down to the Licking River I will read a letter from Mr. Carlisle that will show that we have gained him to the Republican ranks on this matter—

William P. Caldwell, J. A. McMahon, Abram S. Hewitt—

He spoke a few minutes ago, showing where he stands on the river and harbor improvement—

G. L. Fort, W. A. J. Sparks, Jacob Turney, Henry S. Neal, Mills Gardner.

Thomas M. Browne, Milton S. Robinson, Milton A. Candler, William S. Stenger, A. V. Rice, Henry L. Dickey, Andrew H. Hamilton, E. John Ellis—

Just think of the voluminousness of his remarks when we come to the Mississippi River improvement—

John H. Baker, Levi Maish, E. G. Lapham, S. A. Bridges.

Now, all these we have inherited besides our own misconduct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from West Virginia [Mr. GIBSON] a question.

Mr. GIBSON. Very well.

Mr. HEWITT, of Alabama. I believe I understood the gentleman to say that the object of the improvement of the Big Sandy River is to develop the coal-fields of West Virginia in order to give cheap coal to the Ohio Valley.

Mr. GIBSON. I stated that the object of the Government, I suppose, was, among other things, to reach by water communication the magnificent coal-fields of Kentucky and West Virginia.

Mr. HEWITT, of Alabama. Then the object of this improvement is "to reach the magnificent coal-fields of Kentucky and West Virginia;" and the committee recommends the improvement on that ground. I am glad to hear that, because after a while I propose to offer an amendment of the same character and for the same purpose.

Mr. GIBSON. I am happy to think that I have pleased the gentleman.

Mr. WILLIS. As we have reached a point where one gentleman is happy I hope we will now have a vote.

The amendment of Mr. THROCKMORTON was not agreed to.

The Clerk read as follows:

Improving Great Kanawha River, West Virginia: Continuing improvement, $200,000, of which sum $7,500 are to be used on a harbor of refuge at the mouth of the river.

Mr. THROCKMORTON. I move to amend by striking out $200,000 and inserting $100,000. I would like to inquire what was the estimate for this improvement of the Great Kanawha.

Mr. GIBSON. Between $300,000 and $400,000; and the Chief Engineer in a special communication called the attention of the committee and Congress to this great Kanawha River as one of the places where the Government had an immense interest at stake, and asked for the passage of a special act.

Mr. THROCKMORTON. When the gentleman says the estimate was $200,000 or $300,000 that seems to me a very loose statement. What is the exact amount?

Mr. GIBSON. I said between $300,000 and $400,000.

Mr. WILLIS. The exact amount is $355,000.

Mr. THROCKMORTON. So the committee give $200,000 in this case. I think they have been exceedingly liberal toward West Virginia, having given her more than half the estimate. In regard to other States and other sections they have not been so liberal.

Mr. WILLIS. I regret very much that the gentleman from Texas [Mr. THROCKMORTON] should treat these questions of appropriation as State matters. The committee was not governed by questions of States or of politics in recommending any of the appropriations in this bill. As to this particular appropriation, it appeared from the statement of the engineer that this amendment was needed to complete a particular lock——

Mr. GIBSON. Two locks.

Mr. WILLIS. Two locks now in progress, and that the Government would lose a great deal of money if this work should not be done. In this case the committee followed the same rule as in regard to Galveston Harbor, where we gave one-half or a little more than one-half of the entire amount estimated for.

In regard to the distribution of these appropriations among the various States (since the gentleman from Texas has brought up that question) he will be glad to know that of the thirty-eight States of this Union there is not one that has received more in proportion to the estimates than his own State of Texas, although it had no representative on the committee. But the committee ignored State questions, and endeavored—I have no doubt that many mistakes were committed—endeavored to the best of their ability to make these appropriations with reference to the important facts connected with each particular improvement.

The amendment of Mr. THROCKMORTON was not agreed to.

The Clerk read as follows:

Improving Guyandotte River, West Virginia: Continuing improvement, $2,000.

Mr. CONNOLLY. I move to strike out the paragraph just read.

Mr. Chairman, the report of the Chief of Engineers states, in reference to the improvement of this river, on page 267:

3. *Guyandotte River, West Virginia.*—The project for the improvement of this river was adopted in 1878, and operations have been conducted in conformity with it. This consisted in removing obstructions, both natural and artificial, and opening a clear channel thirty feet wide and eighteen inches deep at the lowest stages of water.

During the past fiscal year the improvement was extended up the river twelve miles, making the whole distance improved one hundred and ten miles, greatly aiding navigation. It is proposed during the present year to make additional improvements now needed between Logan Court-House and the mouth.

Total amount appropriated to date	$10,500 00
Total expenditures up to June 30, 1883	9,271 02
July 1, 1881, amount available	846 36
Amount appropriated by act passed August 2, 1882	2,000 00
	2,846 36
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	1,427 48
July 1, 1883, amount available	1,418 88
Amount that can be profitably expended in fiscal year ending June 30, 1885	5,000 00

It will be seen that the river or creek for which this appropriation is reported has had expended upon it by the General Government the sum of $9,271.02, and the result is a channel thirty feet wide and eighteen inches deep. We are now asked to appropriate $2,000 more.

Mr. Chairman, one of my predecessors, a member of the Forty-sixth Congress, succeeded in obtaining during the first session of that Congress an appropriation of $15,000 for the improvement of the North Branch of the Susquehanna River. The bill making the appropriation was passed June 14, 1880. On the 3d of March, 1881, the last day of said Congress, he obtained an additional appropriation of $15,000 for the same river. At the time this last appropriation was made it was commented upon by the Morning Republican, of Scranton, Pa., as follows:

A TIMELY SUGGESTION.

This would be a splendid time to put Colonel Wright's idea of making the Susquehanna navigable into practical operation. Nothing could be easier than to lay a railroad on the bed of the river, and the steamboats could be drawn on cars from Nanticoke to Tunkhannock and back. To avoid the expense of laying a double track, a switch could be constructed at Campbell's Ledge, somewhere in the vicinity of Forest Castle. This would heighten the attraction of the place as a summer resort, and make the *Schloss am Walde* as famous as the Black Forest. If the gallant colonel were to import a few wild boars and plant them in the woods it would have a tendency to invite royal hunters. In case the fierce wild boar could not be obtained very handily, the ground-hog might be substituted, although the excitement of the chase would suffer some diminution from the change. The possibilities of this great enterprise might be dilated upon to the extent of several columns, but we have no doubt Congress will do its duty in the premises. While considering the question of making the river navigable, it would be proper to make an appropriation sufficient to purchase the necessary quantity of water to float the steamboats in case they are not run upon rails.

The editor and proprietor of the Republican subsequently became a member of the Forty-seventh Congress, and notwithstanding the opinion previously held by him as to the propriety of the appropriations made by the Forty-sixth Congress, he asked for and succeeded in obtaining on the 2d of August, 1882, a further appropriation of $15,000 for the stream named. This last appropriation made a sum total of $45,000 appropriated by Congress for the improvement of the North Branch of the Susquehanna River.

The report of the Chief Engineer says in reference to this stream and the appropriations made for its improvement:

IMPROVEMENT OF THE NORTH BRANCH OF SUSQUEHANNA RIVER, PENNSYLVANIA.

The river and harbor act which passed August 2, 1882, made an appropriation of $15,000 for continuing this improvement.

The same act ordered a survey of the river from Pittston to Athens. I was authorized to pay for this survey from the above-mentioned appropriation and to expend the balance in continuing the improvement.

The annual report of the assistant in local charge, Mr. John H. Dager, gives full details of the operations during the past fiscal year.

Total appropriation to June 30, 1883		$45,000 00
Total expenditures to June 30, 1883		37,961 32
Money statement.		
July 1, 1882, amount available		$5,255 38
Amount appropriated by act passed August 2, 1882		15,000 00
		20,255 38
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	$11,772 80	
July 1, 1883, outstanding liabilities	1,414 20	
		13,187 00
July 1, 1883, amount available		7,068 38
Amount (estimated) required for completion of existing project		205,000 00

Abstract of proposals received and opened by Lieut. Col. G. Weitzel, Corps of Engineers, on April 18, 1883, *for improving the North Branch of the Susquehanna River, Pennsylvania.*

No.	Name of bidder.	Dredging.	Dikes complete.	Rock backing in place.	Date of completion.
		Per cu. yard.	*Per run. foot.*	*Per cu. yard.*	
1	Robert C. Mitchell, Plainsville, Pa.	$0 75	$8 00	$2 00	Sept. 1, 1883.

Contract dated April 30, 1883, awarded to Robert C. Mitchell; to be completed September 1, 1883.

Again he says, on page 128 of the report:

25. *North Branch of Susquehanna River, Pennsylvania.*—During the past fiscal year 5,433 cubic yards of gravel were dredged from the Forty Fort Shoal, completing a channel 60 feet wide and 4 feet deep, and the work at Hillman's Riffle was completed by the removal of 927 cubic yards of rock.

That part of the appropriation made by the river and harbor act which passed August 2, 1882, which remained available after the survey of the river between Pittston and Athens had been made, was placed under contract on April 30, 1883, and work was commenced about the middle of last May.

The work is to consist of deepening shoal places between Plymouth and Wilkes-Barre, and of the modification of the water-slope at the Gas-House Riff by constructing parallel training-walls at the foot of the slope.

Up to June 30, 1883, 3,071 cubic yards had been removed from the several points at the head and foot of the former dredged channels at Richard's and Wilkes-Barre Islands.

The North Branch of the Susquehanna River is a stream which is only navigable at high stages of the water. At low stages there are over 12 miles of bars and shoals which are nearly dry. It is crossed by numerous bridges.

A preliminary examination of the stream was made in the latter part of 1879, and a report submitted under date of January 22, 1880, in which the cost of obtaining a two to three foot low-water navigation from Athens to Nanticoke Dam was placed at $200,000.

No general project for the improvement has, however, been made, and the various appropriations have been expended under projects submitted for each.

The total amount expended here up to June 30, 1882, was $19,094.60. At that date the projected work of improvement had been completed as far up as Wilkes-Barre.

During the fiscal year ending June 30, 1883, the sum of $13,187 was expended with the results stated above.

In the opinion of the officer in charge, no money can be profitably expended in carrying out the present project.

Thus we see, Mr. Chairman, that after an expenditure of $45,000 made in the attempt to improve the navigation of this river, we are told by the Engineer in Chief of the United States Army that "no money can be profitably expended in carrying out the present project." The "present project" required for its carrying out the sum of $205,000 in addition to the $45,000 previously appropriated, and yet we are informed that the money can not be "profitably expended." In other words, the project for improving the river and making it navigable is a failure.

Mr. Chairman, I am in favor of making liberal appropriations for the improvement of the harbors and navigable rivers of our country; but I am opposed to the system of appropriating public moneys for the alleged improvement of mountain streams and little creeks, such as the Guyandotte River, of West Virginia. They never have been and never can be made navigable. Such outlays of money are wasteful, extravagant, and inexcusable, and their only purpose seems to be to "boom" the members securing them when they ask for a second term.

The North Branch of the Susquehanna River is a large and noble stream, and drains one of the wealthiest, most beautiful, and finest agricultural and mining sections of the country, but it is not a navigable river and can not be made so by the expenditure of $250,000, if we believe the Chief Engineer of the Army. Therefore it is that I denounce the appropriations that have been made and wasted. If any project can be conceived by which this river can be made navigable, and thereby useful to trade and commerce, I will support it, but until that be done I will not ask Congress to throw away the money of the people by foolish and idle appropriations.

I have spoken of the Susquehanna River at this time in order to show the manner in which wasteful and extravagant appropriations are made. Why, sir, look over this river and harbor bill and you will see the names of dozens of streams, dignified by the name of "river," that no one in this House ever heard of before. Appropriations are asked for these creeks, and we are told that we ought to vote for them because they have been recommended by the committee. I am opposed to such outlays of the people's money; and while I do not intend to reflect on the committee, who I doubt not have acted honestly and conscientiously in framing and reporting this bill, yet I believe they have made some mistakes which ought to be corrected.

Mr. BURLEIGH. Let me ask the gentleman a question.

Mr. CONNOLLY. Certainly.

Mr. BURLEIGH. Do I understand the gentleman from Pennsylvania to say that he did not ask for an appropriation for the Susquehanna River because it was impossible to make it navigable?

Mr. CONNOLLY. I said the North Branch of the Susquehanna from Nanticoke in my district to Athens in Bradford County—I said it was impossible to make it navigable by the expenditure of any reasonable amount of money, and in this I am supported by the Chief Engineer. I said it was for that reason that I did not ask for an appropriation.

Mr. BURLEIGH. The gentleman gives a good reason for it.

Mr. CONNOLLY. The estimate was for $205,000, and the Chief Engineer says it can not be made navigable for that amount. I hope, Mr. Chairman, that the amendment will be adopted.

Mr. SNYDER. Mr. Chairman, I protest against the criticism made by the gentleman from Pennsylvania in reference to the Guyandotte River. So far from presenting the same aspect as the case he referred to, the reports of the engineers on this river show that its navigation has been improved and that its commerce has been increased fourfold. That commerce six years ago was some $200,000, and last year it amounted in round numbers to $1,000,000. Its navigation has been improved until the engineers' reports show it has a depth of eighteen inches at low water caused by the improvements already made there under the expenditures of the General Government. When they have this depth of water in the Guyandotte during the low-water season the statistics show that on the Ohio River at Twelve Pole Bar they only have from fourteen to sixteen inches. It is not pretended by the representative of this particular appropriation that this stream can be made navigable for large-size steamers. We say its navigation can be so improved as to facilitate the transportation of the products of that country as will be satisfactory to the people there. This was mainly intended to remove obstructions which the engineer in charge has recommended. The committee investigated the matter thoroughly, but the appropriation is only one-half of what is recommended. I hope it will not be stricken out.

Mr. HOLMAN. Mr. Chairman, I regret to find so many items in this bill where appropriations are made for improving streams of no possible national importance or of any general public concern or in any possible way connected with the general commerce of the country. I will call attention to a few of them.

Here is the Hiwassee River, in Tennessee. Let us see what is said about it in the report of the Chief of Engineers:

3. *Hiwassee River, Tennessee.*—This river is the first important tributary of the Tennessee River above Chattanooga. It rises in the Blue Ridge Mountains, flows northwest and west with a rapid fall to Savannah Ford, and thence for the thirty-three miles to its mouth is a navigable river. The improvement of this section is based upon the examination made in 1874, the project being to secure a depth of two feet for a width of forty feet from Savannah Ford to its mouth, for which the estimates were $34,000.

Now a further appropriation is asked there of $5,000. And this for a stream which is proposed to be improved only to secure a depth of two feet. The report further states:

The total amount expended to June 30, 1883, is $28,808.47. This section has now been worked over, but all of the shoals have not been completed according to the project. To do this would require a further appropriation of $5,000, and it is recommended that the same be made in one appropriation, as the work can not be economically done with smaller appropriations, and the river is in a condition to wait until a suitable appropriation can be made.

It seems to me that this is a work of a purely local character, in no possible sense a work of national importance, and, as suggested by the engineer, "can well afford to wait." Certainly the whole country should not be taxed to promote such a purely local enterprise.

Take other instances of the same kind, and I regret there are so many of them. Take Clinch River. The engineer says:

From 1830 to 1845 the State of Tennessee made appropriations for the improvement of this stream, but without any marked success.

Since the present improvements have been in progress commerce has increased so rapidly as to require nearly double the width of channel thought necessary when the project was adopted.

The plan is based upon the examinations made in 1875 and 1881. It consists of excavating a wide channel through the rock and gravel bars, blasting the bowlders, removing snags and overhanging trees, and building riprap dams where necessary, so as to provide a channel at ordinary low water two feet deep from Kingston to Clinton and one and one-half feet deep from Clinton to Hayne's, or Walker's Ford.

Is this such a public highway affecting the commerce of the Union as Congress has the right to appropriate money for? Can Congress appropriate money to promote mere local not national commerce? Take Red River, Tennessee; there, we are told by the engineer—

Light-draught steamboats of fifteen inches draught can go to Port Royal during four months of the year. Commerce limited. Several bridges are serious obstructions.

Yet money is taken from the Treasury to improve creeks affording fifteen inches in depth of water for navigation.

You are asked to appropriate money to improve the navigation of a stream where it is only proposed to get a depth of fifteen inches during four months in the year. Are such appropriations within the powers of Congress? I am willing to vote the appropriation of money to improve the harbors and navigable rivers of the country. I admit the ample power of Congress to improve the navigation of the rivers which unite together the States of the Union and carry the products of the general industry. Congress unquestionably can and should promote, aid, and encourage, by improving our navigable streams, our internal commerce as well as our foreign commerce. Congress ought to aid in every proper way the general commerce of the country, external and internal, but it is general and national interests that Congress can promote, not special and local interests.

Mr. GIBSON. The gentleman is looking at the report of the engineers, not at the bill.

Mr. WILLIS. Take the bill and read it, and you will find that you are mistaken in two-thirds of your statements about these appropriations.

Mr. HOLMAN. I think the gentleman will find that I am not reading incorrectly.

Mr. GIBSON. But there are many things in that book that the committee have not recommended.

Mr. HOLMAN. I am aware of that; the last item I have mentioned, "Red River," is not in the bill, but I am referring as to that item to the recommendations of the engineers; but Red River is the only item that I have named that is not in the bill, and all are recommended by the engineers. Take, for instance, the Little Tennessee River. The statement of the Government engineers is that—

The plan of improvement covers only this last section, and consists in removing snags, reefs, bowlders, &c., from the channel, cutting overhanging trees, and building wing-dams, so as to provide a channel forty feet wide and two feet deep during low water to the mouth of the Tellico River.

This work, though not in the bill, is urged for appropriation by the engineers as earnestly as any of the items of the bill.

Take a further instance, the Tradewater River, of Kentucky, which gentlemen will see is in the bill. The engineers say:

5. *Tradewater River, Kentucky.*—The present project for improving this river was submitted January 21, 1881. This has been commenced and extended seven miles, and navigation greatly improved.

No work was done during the last fiscal year, owing to the season being so far advanced before the appropriation was available, and the additional delay which would have been necessary before a working party could commence operations.

It is proposed during this fiscal year to increase the dimensions of the channel through the rock bar near the mouth of the river and extend the improvement up-stream as far as possible. The additional amount asked for will be applied in the same manner.

Can any one say that this little stream has any relation to the general commerce of the country? There is a long list of such items. White River, of my own State, seems to me a purely local improvement, in common with many others of the same character. I think that it is only works of general interest and importance that should be a charge upon the whole country.

[Here the hammer fell.]

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the gentleman from Pennsylvania.

The amendment was not agreed to.

The Clerk read as follows:

Improving Little Kanawha River, West Virginia: Continuing improvement, for which purpose the restriction put upon the use of the $31,000 appropriated by the act of August 2, 1882, is hereby removed and said fund is made immediately available.

Mr. DINGLEY. I move to strike out the last word. I do this for the purpose of making an inquiry of the chairman of the committee as to the object in striking out the restriction provided for in the act of 1882. I know that it was discussed at considerable length in the House and adopted after mature consideration, and I desire to know the reason of the repeal of that restriction.

Mr. GIBSON. With the permission of the chairman I will answer the question, being somewhat intimately acquainted with the facts.

The Government had by several appropriations commenced building a lock upon the Little Kanawha River to extend the navigation some miles beyond the navigation created there by the improvements of a private corporation. After the expenditure of quite a sum of money by the Government the last river and harbor bill, making the annual appropriation for the improvement of rivers and harbors, coupled with it a restriction that the $31,000 appropriated should not be used until the persons who were the owners of the private franchise should surrender certain rights controlled by them. So that the matter stands thus: The Government has expended a considerable sum of money in works not completed. It has its plant there, the material and a part of the work in the river; and the object of this appropriation is to complete the work that has been commenced.

Mr. HORR. Let me ask the gentleman if this is the fact, and I think I recollect the whole difficulty in regard to the case: With reference to that river, its navigation is controlled entirely by a private corporation, that collects toll on every single pound of freight and everybody who passes over it. Am I not right in that?

Mr. GIBSON. To some extent.

Mr. HORR. To a large extent.

Mr. GIBSON. No, sir.

Mr. HORR. To the extent that there is no exception as I recollect it.

Mr. GIBSON. The gentleman is not correct.

Mr. HORR. My recollection is that that corporation entirely controls the navigation of the Little Kanawha River. Now, two committees of the last Congress put in a restriction that we would spend no more money upon that river unless the corporation controlling it should release their rights and allow freights to come through the locks free. They refused to do it, and this bill is simply, as I understand it, to attempt to get the United States Government to go on and improve the Little Kanawha River for the purpose of benefiting a private corporation that owns the right of way through that stream. Our committee refused in the last Congress to give a dollar to any stream in the United States where tolls should be collected by private corporations.

Mr. GIBSON. The gentleman I think is mistaken in that.

Mr. HORR. I beg the gentleman's pardon; we did not.

Mr. GIBSON. You improved the Monongahela River.

Mr. HORR. Oh, no. We gave to no single stream in the last bill that had a toll-gate upon it a dollar whereby they could levy tolls for the benefit of those private corporations on works which had been improved or built by the National Government. I have not changed my mind upon that point; and if this Little Kanawha River is still in the hands of private corporations, we ought to go slowly, in my judgment, before we spend the money of the United States Government to improve any stream that puts the money into the hands of private corporations in the shape of tolls upon commerce.

I gave this subject careful consideration in the last Congress, and unless they have changed the status in some way I do not believe this appropriation ought to be made without putting the original restriction upon it. I am clear on that point.

Mr. GIBSON. Quite a number of years ago, in pursuance of the laws of Virginia, certain corporations were organized for the purpose of locking and damming certain navigable streams. Among those streams are the Little Kanawha River, and under that corporate franchise a private company took possession of about twenty or thirty miles of the mouth of that river and built three locks. For the use of those locks they were allowed to collect certain tolls; and they collect tolls simply for the use of those locks, and for no other purposes.

Now, it so happens that under the laws and under the system that then existed these persons have been induced not only to put their money into the work at the mouth of this river but that they have got possession of it with vested rights there. And because of this it is proposed that hundreds of thousands of people living along the banks of that river for a hundred miles above are to be told that they shall be allowed no improvements there. Those living up that river are not responsible for the state of affairs. Persons who have put their money in there can not be expected to give up what to them is a moderate fortune; nor should the people above, who are not responsible for this thing, be made to suffer. We did not ask and do not ask now for any new appropriation. We ask that an appropriation already made, some $31,000, a part of an unexpended appropriation of the Government, shall be used. It would be a gross hardship to say that because of the existence of a state of affairs that belongs to the past these people living up there on this river shall not have the benefit of the kind hand of the Government in developing their commerce.

If under any old system of improvement private parties have been allowed to get possession of navigable streams, it is as much the duty of the Government to open the stream as it is to improve any other stream. But if the Government makes this improvement you do not add to the wealth of the parties who have these locks. They obtain no toll for the use of the stream above them. They only obtain the toll for the use of the locks they have built there; and instead of being charged and treated as malefactors they ought to be considered to that extent public servants.

Mr. DUNN. Do not all the boats that run the river pass through those locks?

Mr. GIBSON. Yes, sir.

Mr. DUNN. Then they pay toll.

Mr. GIBSON. They pay toll to these parties for the locks they use, but not for any other work.

Mr. DUNN. They can not run on the river without paying tolls.

Mr. GIBSON. They pay no toll unless they go through these locks.

Mr. DUNN. The business, then, of these parties is increased by the expenditure of the public money.

Mr. GIBSON. Yes; and when you put your millions of dollars in the Mississippi River improvement you increase the value of the lands along its course.

Mr. DUNN. But they do not charge anybody toll for running by those lands.

Mr. GIBSON. But you take taxes to increase their value. This fortunately is a country where you can not benefit one person without benefiting another. It is a country whose social intercourse and whose commercial intercourse is such that you can not build up one man without helping somebody else; and it is not worth while to say that because a private corporation there may to some extent be benefited, the balance of the people shall receive no benefit.

Mr. DUNN. The State of New York, as the owner of the Erie Canal, might as well come here and ask the Government to double the size of that canal and let the State still take toll, if under the law it did take toll. That is just as reasonable.

Mr. DINGLEY. I withdraw the amendment.

Mr. HOLMAN. I move to amend by striking out the section.

The question being taken on Mr. HOLMAN'S amendment, the committee divided, and there were—ayes 72, noes 20.

So (further count not being called for) the amendment was agreed to.

Mr. YORK. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 386 insert:

"Improving the Yadkin River, North Carolina, $10,000."

The committee divided; and there were—ayes 7, noes 36.

So (further count not being called for) the amendment was not agreed to.

Mr. YORK. I offer also the amendment which I send to the desk.

The Clerk read as follows:

After line 386 insert:

"For the improvement of the Great Pee Dee River between Cheraw and the junction of the Yadkin and Uwharrie Rivers, $3,000."

Mr. YORK. I think this amendment ought to be inserted in the bill. It would seem by the action of the committee as if everything has been cut and dried to please a few individuals, while the great bulk of the country has to suffer. I hope the amendment will be adopted.

The amendment was not agreed to.

Mr. GOFF. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, after line 384:

"Improving Elk River, West Virginia: Continuing improvement, $5,000, of which sum $3,000 shall be expended above the point in said river called the 'Gulf.'"

Mr. GOFF. I do not know why the committee have excluded the appropriations for this river. It is the greatest artery to the Great Kanawha River, the largest stream flowing into that great river, the national importance of which is now universally conceded. This river Elk flows into the Kanawha at Charleston, the capital of the State of West Virginia. It traverses one of the richest portions of that State, rich in iron ores and gold, and the timber-fields it opens up are one of the wonders of the continent. Now, the Government heretofore has appropriated for the improvement of this river. A portion even of the previous appropriation for the same purpose has not yet been utilized.

Large rocks at one or two points in this river prevent the navigation of it—prevent the timber, iron ore, and coal above a certain point from coming down. Gentlemen make sport or allude in a jesting manner to the fact that money heretofore appropriated has been expended in surveying and in blasting rocks. Why, sir, that may be all the improvement necessary or essential in some sections of the country. Blasting rocks out from a narrow channel may open up all the country above it.

The expenditure of this small sum of money upon the river Elk will, I say, accomplish what is desired. The report of the surveyor shows that to be so. If I should appeal to the Committee on Rivers and Harbors for a reason why this improvement should not be made, I would only obtain the information that the committee in its wisdom and discretion have deemed it not necessary or proper to make the appropriation. That may be all satisfactory to the committee, but it is exceedingly indigestible pabulum to feed to the people who are interested in this matter.

I acknowledge that it is almost preposterous for any one to attempt to attack the position which this seemingly impregnable committee have assumed before this House. One might as well butt up against Stonewall Jackson's brigade as to attempt to attack any of the positions which the committee have assumed here. Yet I have at least the temerity to suggest the propriety in one or two instances of permitting real true merit to prevail, even though the Committee on Rivers and Harbors may insist that their bill as it comes full-fledged from their brains shall be pushed through this House without any amendment, without the dotting of an i or the crossing of a t.

Mr. WILLIS. In order to show that the criticism of the gentleman from West Virginia [Mr. GOFF] is not well founded, as indeed those of many other gentlemen have not been, I desire in one minute to state that the river and harbor bill of 1882 appropriated $2,000 for this Elk River, which the officers of the Government refused to expend. And why? This is their statement:

> Expenditures on this work have been withheld by the Department during the last year on account of the condition of the old lock and dam and complications connected with the charter of the company owning it.

That lock and dam was built by the State of West Virginia. If that is not a sufficient answer to the gentleman, I will state to him further that the engineer does not ask any additional appropriation.

Mr. GOFF. No, and for that reason.

Mr. WILLIS. The money which was appropriated two years ago is now in the Treasury to the credit of that river, and never will be expended upon it until these legal obstructions have been removed. I hope the gentleman is answered.

Mr. GOFF. I thank the gentleman. I stated that myself in my remarks to this committee. I said that the amount previously appropriated was still unexpended. It is yet available, if the gentleman pleases.

But that is no reason why now, when proper representations are made to the War Department, that money hitherto appropriated should not be properly expended, nor is that any reason why an additional appropriation should not now be made.

Mr. WILLIS. I hope the gentleman will pardon me. Here is the statement of the Chief of Engineers in his order.

> That all operations be suspended until the obstruction to navigation caused by the remains of the old lock and dam near its mouth be remedied.

That lock and dam were put there by the State of West Virginia.

Mr. GOFF. That is a mistake; but that does not make any difference. If it is proper to improve this river, and the appropriation should now be made, the obstructions to which the gentleman alludes will be removed; that is a matter of negotiation now pending.

Mr. GIBSON. Has that been done?

Mr. GOFF. No, it has not been done; if this improvement is not to be continued there is no incentive for it to be done. If you are to stop the improvement, if you say to the people that they shall first give up the improvement which they have mapped out for themselves, and do not at the same time tell them that you will take it up where they lay it down, pray tell me where is the incentive for them to do anything. You ask these people to relinquish their improvement, and yet you do not tell them that after they have done so you will lend them a helping hand for a laudable purpose.

Mr. BRECKINRIDGE. Could you spend the money if you had it?

Mr. GOFF. The report of the engineer so shows.

Mr. BRECKINRIDGE. Shows plainly that you can?

Mr. GOFF. The difficulty is based exclusively upon what he calls the impediment in the river; and that is what we want to remove.

Mr. HORR. Would it be satisfactory to place a sum to the credit of this enterprise, not to be used until the imposition of tolls should be done away with and the work placed in the hands of the United States?

Mr. GOFF. I think so.

Mr. HORR. It seems to me there should be no objection to that.

The question being taken on the amendment of Mr. GOFF, it was not agreed to.

Mr. VANCE. I move to amend by inserting after line 386 the following:

> Improving French Broad River, North Carolina: Continuing improvement from the Iron Bridge to Big Buck Shoals, $5,000.

The first appropriation for the improvement of the French Broad River was made in 1876. There have been six different appropriations, aggregating $43,000. The engineer estimates that $24,000 will finish the work from the Iron Bridge, at the city of Asheville, to Brevard, a distance of forty-six and one-half miles.

I simply ask a small appropriation of $5,000 to allow this work to go on. There is, it is true, a balance of $3,000 on hand; but that will not be sufficient to accomplish much. The last appropriation came into the hands of the engineer at so late a day that he was not able to spend all the money appropriated. As I have said, the estimate is that $24,000, or, deducting the balance of $3,000, something like $20,000, will be sufficient to finish the work from Asheville to Brevard.

I submit it is not wise economy to stop the work at the present time. The trade on this river above the city of Asheville has been about $1,000,000 annually. In recent years the tobacco interest has greatly increased in the valley of the French Broad, which is now recognized as being one of the finest tobacco regions in the world, the tobacco produced in that section having brought at Asheville as high a price as $2.50 a pound in the leaf. A million of dollars' worth of tobacco will be sold in that city this year. Asheville is in a growing condition. In the interest of the people there it is but right that this work should go on. I hope the Committee of the Whole will not refuse this small appropriation of $5,000 for continuing this improvement.

Mr. BRECKINRIDGE. Mr. Chairman, a sufficient reason why the committee did not report an appropriation for the French Broad, as proposed by this amendment, is that they did not consider it constitutional. The report of the Chief Engineer—and what I now say will cover a number of other cases—states:

> It is further required by this resolution to inform the House whether any moneys have been appropriated or expended upon the improvement of rivers and harbors not navigable within the legal definition of the word "navigable" as defined by the Supreme Court of the United States. The Supreme Court declares (11 Wallace, 411) that "a river is a navigable water of the United States when it forms by itself or by its connection with other waters a continuous highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water."
>
> And again:
>
> "If a river is not of itself a highway for commerce with other States or foreign countries, or does not form such highway by its connection with other waters, and is only navigable between different places within the State, it is not a navigable water of the United States, but only a navigable water of the State."

In thus answering this Congressional inquiry the Chief of Engineers distinctly cites the French Broad River, North Carolina, as one of those rivers which have had improvements made upon them, but the improvement of which, under this definition, is unconstitutional. This improvement being thus separated from those embraced in this bill by an impassable barrier, that is the reason the committee did not further consider it.

Mr. VANCE. Mr. Chairman, it is true that there is a section between Asheville, N. C., and Dandridge, Tenn., which is not at present open for navigation; but by improving this river there can be made a continuous connection from the town of Brevard down the French Broad, connecting with navigation at Dandridge, Tenn., then following the Tennessee River and the Mississippi to the Gulf of Mexico, thus opening communication with the whole world. It seems to me this is a sufficient answer to the constitutional point which has been raised.

Mr. WHITE, of Kentucky. Mr. Chairman, the gentleman from Indiana [Mr. CALKINS] in his remarks on this bill evidently implied a belief on his part that there is "pork enough in the pot" to enable this bill to go through. Now I repudiate any such insinuation as that toward this committee. I know something of the difficulties which have surrounded the Committee on Rivers and Harbors in preparing this bill. But the point I wish to make all along during this discussion is that these appropriations must either be founded upon the reports of the Engineer Department or upon other information.

When the committee come in here and tell us they have considered all the sources of information, and they have agreed how much each river shall have and how much each creek shall have and how much each harbor shall have, and that because a majority of that committee has carried every point in the bill and prepared a measure to its satisfaction, therefore this Congress of the United States must stand by their work or we will begin to amend the bill and amend it so much that the sum will then exceed the amount agreed upon in the committee.

Now, sir, I fail to see the force of that logic. I especially protest against it when I call to mind that on motion of the gentleman from Texas [Mr. OCHILTREE] the proposition to give $250,000, which was only part of the sum recommended by the engineers, was stricken out,

on the statement that this would only be adding to the million and a half dollars already sunk in a worthless improvement or squandered there without any improvement whatever.

The CHAIRMAN. The gentleman's time has expired. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Kentucky. I move to strike out the last word.

Now, Mr. Chairman, in regard to this amendment of the gentleman from North Carolina [Mr. VANCE], it is an admitted fact by the report of the engineers that where this railroad crosses the river it is cut in two; that below that point the improvement of the river is not worth the money to be expended on it at this time, in view of the fact that the railroad will answer the purposes of the people there better than the river below that point; but from the crossing of the railroad, forty-six miles above, the people have only that small stretch of river, and the commerce with the rest of the world goes down that river. It is a section of the river which can be improved, and that is an important point in the discussion of the matter which should not be forgotten.

Now, the distinguished gentleman from Arkansas [Mr. BRECKINRIDGE], representing his committee on a technical point that this is not a river, in view of the fact that a navigable river means a river connecting with other rivers which connects with the ocean and must have commerce with different States, insists that the amendment which has been moved by the gentleman from North Carolina should not be adopted. I imagine the committee will have upon its hands a multiplicity of just such cases where the railroads will take the place of the commerce heretofore afforded by the rivers. We have seen the land grant in Oregon and California forfeited where there is no longer any need of it. We have seen that this Pacific land-grant subsidy is to be forfeited by the will of the Democratic party and forfeited by the action of the Republican convention in Chicago held last week and forfeited by the will of four-fifths of the people in the United States of America. But when we are asked to improve small stretches of rivers because a railroad has made the lower part no longer of the same value that it was, we take a very great deal of responsibility upon ourselves by refusing to grant the improvement which is asked for.

If you will look at the map and see the many stretches of river courses which will no longer be valuable by reason of the building of railroads; if you will see the very many breaks in the river navigation which should not be neglected, in the way of navigation, you will very easily see that we can not stand on the decision of the Committee on Rivers and Harbors, as stated by the distinguished gentleman from Arkansas. I am, for one, in favor of the amendment moved by the gentleman from North Carolina [Mr. VANCE], and I shall vote to give the appropriation asked for because I think it is right and proper, and not as suggested by the gentleman from Indiana [Mr. CALKINS]. I shall do it on the principle it is as important an improvement for the benefit of the commerce of the people on that little river as the improvement of Hell Gate is to the city of New York, or the Ohio River is to the people who live in the Ohio Valley, or indeed as the improvement of the Mississippi River is to those who live in the Mississippi Valley. When their Representative rises on this floor and says the people there want it, why should we not consider it, and if it be right on its own merits, why should we not agree to it? Why should we be kept from doing that which is right merely because of the opposition of the committee? When we have no report from the committee and no report from the engineers, what else have we to go upon on this floor but the representations of the Representatives? Therefore, I shall take the representations made to us by the gentleman from North Carolina and shall very cheerfully vote for this amendment.

[Here the hammer fell.]

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from North Carolina.

The committee divided; and there were—ayes 28, noes 59.

So the amendment was not agreed to.

The Clerk read as follows:

Improving Cape Fear River below Wilmington, N. C.: Continuing improvement, $75,000.

Mr. GREEN. I move to strike out "seventy-five," in line 388, and insert "one hundred and fifty;" so that it will read: "one hundred and fifty thousand dollars."

The estimate calls for an appropriation of $300,000, which can be expended during the year ending June 30, 1885. We are cut down in this appropriation bill to one-fourth of the amount called for, which sum is totally inadequate for the work in hand.

This, Mr. Chairman, is not a work of State importance alone. It is one that partakes of the nature of a great national work. It is national in its importance. In 1851, according to the measurements of the Coast Survey, the depth of water on the bar at New Inlet was only from seven to eight feet. Under the judicious management of the engineers the work that has been done at that point has increased the depth to sixteen feet at ordinary tide and eighteen feet at high tide, and vessels drawing sixteen feet are now able to run up to Wilmington and load. We think it most important that Wilmington, which is one of the most prominent towns on the lower Atlantic coast, should be protected in her rapidly increasing commerce by securing the necessary permanent depth of water for the free navigation of this stream.

The engineers estimate that with a small additional outlay this depth can be increased to twenty-two feet, and Wilmington will then afford the best harbor of refuge of any port of our Atlantic seaboard between Norfolk and New Orleans. It is most important that the work should be carried on in order to prevent damage resulting from delay to the work already in progress.

I have moved, therefore, to insert $150,000 instead of the $75,000 proposed by the committee.

I would say further in this connection that if this work is suspended it is calculated that considerable loss will arise from the delay on account of increased expenditures that must be made hereafter by reason of injury that will result to the present plan of work.

The engineers recommended that it shall be kept going all the time until completion in order to avoid wastage. Every argument tends to sustain my position in favor of this increase, and that liberal appropriations should be made. I hope, therefore, the committee will not reject the amendment I have proposed.

Mr. Chairman, the importance of this work can not well be overstated. Commercially, and as a harbor of refuge for vessels engaged in the dangerous coastwise trade of North Carolina, Wilmington is the most important seaport between Norfolk and New Orleans; and if the forecast of engineers be not a dream, the day is not far distant when under liberal and judicious appropriations and wise expenditure a depth of water will be attained sufficient to float any vessel in the world, save one, from her wharves to ocean, and laden, too, to its utmost capacity with her rich and redundant staples of naval stores, cotton, and lumber. Within the recollection of almost the youngest man on this floor, a good-sized fishing-smack or a coasting steamer would have made the trip in fear and trembling. From seven or eight feet of water on the bars in 1851, to seventeen or eighteen in 1883, is a consummation incredible, or at least it would have been so in any other than this engineering, miracle-working age in which we live. It is impossible to grasp results without stopping to catch your breath. A magnificent dam a mile in length has been constructed to shut out old ocean, which was gradually destroying one of the finest tide-water streams in the world, and with results such as I have indicated.

But, Mr. Chairman, the result has only been half told. What would now otherwise have degenerated into a superannuated, effete fishing village, has under this well-advised expenditure of the Government grown into a vitalized, life-throbbing commercial mart of over 20,000 in population; the largest depot of naval stores in the world, and also developing into one of the most important lumber and cotton exporting ports on the globe. Her export shipments, foreign and coastwise, exceeded last year twelve and a half millions of dollars, and her return trade by water carriage more than half as much. And this is but the beginning of the end. The day is not far distant, sir, when these figures as compared with subsequent developments will be as what her trade thirty years ago was to what it is to-day. This grand achievement has been brought about by a governmental expenditure of less than $2,000,000, spreading over a lapse of years so great as to make the outlay unfelt.

If, Mr. Chairman, we are ever justified in expending one dollar in the manner called for by this bill, surely never was appropriation better voted or more honestly and judiciously expended.

Look at material results. Two millions as against two hundred millions would not express it. And yet when the magnificent work approaches completion the committee cuts us down to a paltry $75,000, which, under the circumstances, is less than one-half of what is imperatively demanded. I therefore trust, Mr. Chairman, that the oversight or omission of the committee will be promptly rectified by the adoption of the amendment proposed.

Mr. WILLIS. I desire to say in a moment that there is no disposition to neglect the Cape Fear River. The committee recognize its importance. But upon examining the reports of the engineers it appeared that on the 1st day of July, 1883, there was $168,392.52 on hand, and it was thought, therefore, that this additional amount of $75,000 with the amount the Department had on hand would cover the probable expense for the coming fiscal year. This was especially apparent to the committee in view of the fact that of the appropriation of $225,000 two years ago they had succeeded in expending only $119,000.

Mr. GREEN. What is the amount that the gentleman now understands to be on hand?

Mr. WILLIS. On the 1st of July something over $168,000.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from North Carolina.

The amendment was not agreed to.

The Clerk read as follows:

Improving Contentnea or Moccasin River, North Carolina: Continuing improvement, $5,000.

Mr. O'HARA. Mr. Chairman, in line 390 I move to strike out the word "five" and insert "ten;" so that it will read: "for continuing improvement, $10,000." The estimates of the engineers for the improvement at this point are $20,000.

The report of the engineers shows this to be quite an important work. This river carried between six and seven thousand bales of cotton during the last year. It empties into the Neuse River and connects thereby with the ocean. There is quite a considerable commerce upon

it, and it is a very important mode of communication for the people of that section. In connection with this subject, I desire to have printed in the RECORD a petition sent to me asking for this improvement. We think the committee might give at least one-half of the estimate, which is $20,000. I have therefore offered this amendment. I ask consent to print in the RECORD the petition which I hold in my hand.

The CHAIRMAN. General leave has been already granted to print upon this subject.

The petition referred to by Mr. O'HARA is as follows:

STATE OF NORTH CAROLINA,
Counties of Pitt, Lenoir, Greene, and Wilson, May 1, 1883.

To the honorable the members of the House of Representatives and Senate of the United States of America of the Forty-eighth Congress:

We, the undersigned, citizens of the State of North Carolina, living along and adjacent to Contentnea Creek, or Moccasin River, in North Carolina, would respectfully ask that you make an appropriation of $25,000, to be expended in opening up and improving the navigation of the said Contentnea Creek, or Moccasin River.

We ask this because we think that we are entitled to it. There are along this creek or river 20,000 citizens of North Carolina, who by this appropriation will get the benefits of cheap transportation, who now are from ten to fifteen miles from any other navigable stream or any railroad. These 20,000 citizens have always and willingly borne their share of the burdens of the General Government, whether to be expended in the opening up of streams in other sections or otherwise, and have never since the foundation of the Government received any aid except the sum of $10,000 appropriated by former Congresses for the purpose of cleaning out said Contentnea Creek, which $10,000 has been judiciously expended, and has repaid the people tenfold in actual benefits. It has cheapened freight 100 per cent., and increased the trade in all heavy products (such as artificial fertilizers, &c.) 200 per cent.

These citizens, relying upon the liberality of their representatives in Congress and feeling confident that they would sustain a work so well begun, have invested money and made arrangements to invest more for the purpose of navigating the waters of this stream; and they can not believe that their representatives will be so unreasonable as to allow them to lose money by their investment in internal improvements, when you can prevent it by making an appropriation out of their own funds, in a proportion we venture to assert not in excess of their pro rata share, whether we consider it in relation to numbers, intelligence, wealth, influence, merit, or the actual benefits the appropriation will confer.

The appropriations already made, and which have not yet been entirely expended, have cleaned out partially about thirty miles of said creek or river, (from its mouth to Snow Hill, in Greene County), and since then this part of the same has been navigated regularly by two steamboats, each of which carries from one hundred to one hundred and twenty-five bales of cotton, or about thirty or thirty-five tons, and we believe that the expenditure of $25,000 on this creek would greatly improve this portion of the creek, and open up navigation to Stantonsburg, in Wilson County, and would thus, in one year, we truly believe, put into the pockets of the people living along the said creek the full amount of the appropriation asked for in the way of cheapening freights.

There are raised along this length of Contentnea Creek, and within eight miles of it, 25,000 bales of cotton for sale annually, which, if the navigation of this creek is not improved, will probably have to be hauled from ten to twenty miles to some railroad, or to Tar River, at an expense of not less than $25,000, to say nothing of the vast amount of goods and merchandise that will have to be hauled to these citizens over the same distances at an equally great expense. There has been shipped to Snow Hill, a point upon this creek, during the last three or four months, two hundred tons of fertilizers in excess of the amount shipped to the same point during the same period of any year previous to the opening up of navigation to the said place, and this item alone would have cost the citizens who purchased it at least $1,000 in excess of what it did if they had been compelled to haul it from the nearest railroad depot; and so with other articles and other points along said creek, but we have not the statistics to give.

The Contentnea Creek flows through as fine a region as there is in North Carolina, and we confidently appeal to the statistics of the Census Bureau to sustain the assertion. The merchants of its section are as energetic and reliable as of any in North Carolina or the Union, and we confidently appeal to the reports of all commercial agencies to support our assertion; in fact, every record where an evidence of the products of its soil, the energy of its men, or the merits of its section can be found will bear testimony to the worthiness of the claim now made upon you.

We do not make this appeal to you because we believe the nation is being robbed and that we had as well have our share of the plunder, nor because we wish to get lucrative positions for ourselves or our friends, nor from a total disregard of the expenditure of the public money; for none of us are, or have any present intention of being, employed in the service of the Government, and many of us (including the writer of this petition) have heretofore refused to sign petitions for appropriations for cleaning out this creek because they doubted the feasibleness of the plan; but the logic of facts has converted us, and with a desire to benefit our section and at the same time a desire not to misappropriate the funds of the General Government, we would respectfully ask that you make the appropriation asked for, for the purposes set out in this petition. And in addition thereto we would ask that you make an additional appropriation of $5,000 to open up Little Contentnea Creek (a tributary to Contentnea Creek), as far as Adams's Bridge, which we think practicable, which is a distance of about twelve miles. A steamer now runs up said stream about five or six miles to Scuffleton. This stream also flows through one of the most fertile sections of this State.

We are 20,000 citizens, representing 5,000 votes and many million dollars' worth of property, and we pledge ourselves not to use the appropriation, if made, against the persons who vote for it for political effect.

Confident in the justice of our claim, believing in the integrity and intelligence of our representatives in Congress assembled, in the discharge of our constitutional rights, we by petition present to you our grievances and ask you to redress them.

W. E. BEST, *Chairman*,
R. C. D. BEAMAN,
WM. COWARD,
Board of Commissioners of Greene County,
(and 585 others.)

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from North Carolina.

The amendment was not agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GIBSON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 251) providing for the printing of the last annual report of the Commissioner of Education.

The message further announced that the Senate had adopted a resolution, in which the concurrence of the House of Representatives was requested, for the printing of the annual report of the Smithsonian Institution for the year 1883.

Also, that the Senate had agreed to the resolution of the House of Representatives requesting the President to return to the House the bill (H. R. 2344) for the relief of Melissa G. Polar.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

Improving New River, North Carolina: Continuing improvement, $5,000.

Mr. COX, of North Carolina. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 397, strike out "$5,000" and insert "$10,000."

Mr. COX, of North Carolina. Mr. Chairman, it will be noted the estimate of the engineer for the improvement of this river for the current year is $30,000. Appreciating the desire of the committee to curtail expenditures, I am modest in my request, which I trust will be duly appreciated by the House and secure the adoption of the amendment. The navigation of this river has been cleared to Smithfield, the county seat of Johnston County, which is one of the finest agricultural sections of my State. Her people are enterprising and progressive, they cheerfully meet their obligations to the Government, and this reasonable request should be granted. They now have three and a half feet of water for six months of the year, and when the jetties are completed this will be materially increased. When the improvements upon this river began there was but one boat plying in its waters; now there are nine; and by clearing the river of obstructions you not only increase the commerce of the country but bring additional land into cultivation which secures the most generous yield to the labors of the husbandman. My State is always modest in her demands, and when you see the small amount appropriated for the improvement of her commerce I trust this House will agree to grant a request which will tend to develop one of the finest sections of this State. If the work is carried on let it be done with such liberality as will secure at the earliest season the benefits sought by the appropriation. I regret that my time will not permit me to fully explain the advantages of this improvement.

The committee divided; and there were—ayes 22, noes 50.

So (further count not being called for) the amendment was not agreed to.

Mr. McCOID. I move to strike out the last word. In looking at the estimates which have been made by the engineers of this country for works that have been commenced and are not yet completed, I find that the amount is $35,000,000, which they say can be profitably expended on the national water ways of the country. Upon that estimate of the engineers of $35,000,000 which can be profitably expended, the Committee on Rivers and Harbors have seen fit to recommend but twelve and a half million dollars, one-third of the amount which the public necessities require.

Why is it that the Committee on Rivers and Harbors with these estimates of $35,000,000 necessary for the improvement of the water ways of this country brings in a bill for one-third the amount? And yet in this Congress with this bill of $12,000,000 pending you find members in that committee opposed to it. You find members all over the House opposed to the amount of the bill. And you will find the most unjust criticisms of the bill, I have no doubt, both in the House and in the papers of the country. I want to know what causes this attitude of members of this House and of the press of this country upon this question? One thing has contributed to it. We stand to-day frightened by what took place two years ago. An appropriation of $18,000,000 was passed for the rivers and harbors of the country. Certain papers in certain localities attacked it without mercy and without courtesy to those whose consciences dictated their duty in voting for it and passing it; and the Executive vetoed it; and we went before the country in a whirlwind, as it were, upon this subject, every man standing upon his defense.

I thank God there was a Congress then that was broad enough in mind and patriotic enough in spirit to pass that bill by a two-thirds vote over the veto. And the people to-day who understand it sustain us in what was done at that time in the passage of that bill. This House ought not to be frightened by the criticisms which were made at that time. But I have no doubt that it is a fear of a supposed adverse public sentiment which prevents this Congress from taking a broader and more patriotic view of this subject.

Now, Mr. Chairman, I trust that when we rightly understand the great importance of the improvements of our rivers and harbors and of perfecting our system of water ways, a party will arise in this country that will in breadth of spirit and patriotism take hold of this subject and not stop at $35,000,000 when it is necessary to put the commerce

of the country on a proper footing and to give cheap transportation to the people for the easy exchange of their products among themselves.

Yesterday the gentleman from Iowa [Mr. MURPHY] demonstrated that it will not be a long time in the future until we will not ship our products to Europe, until that market will be occupied by other people and by other countries, and that the time must soon come when from the base of the East, the Atlantic coast, we shall look South and West for a market for the products of this country.

In my judgment there are two systems in the country antagonistic to each other. One is the New York port of export, with the railroad system behind it all over the country, and the Boston port of export, with that railroad system behind it—that is, the interest of the transportation and export system going east—and the system of water ways pointing to the South and the West. And the competition that will come from the improvement of rivers and harbors is antagonistic to the railroads, and antagonistic in some respects to the existing great transportation and export system coming east. And you will find the antagonism to the great improvements of the country centers at those points. Now, what we want is to take hold of this and make such great water improvements as will be national and will accommodate the great commerce that is ahead of us in the early future with South America and the Pacific. To-day if we had the right spirit we would put a canal through Florida and make the terminus of the Mississippi practically on the east coast of Florida. We would construct the Hennepin Canal from the lake system of waters to the Mississippi, the keystone of the water system of the country. By the Chesapeake and Ohio Canal we would give communication from the rivers to the Atlantic in another way. And then we would put a canal through the Isthmus under the American flag, and send our exports by water to the Pacific and to the islands of the sea.

This is the great theater of American trade and commerce to which we must soon look for the sale of the surplus over our home market.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois, obtained the floor and yielded his time to Mr. MCCOID.

Mr. MCCOID. We have already too long looked to the markets of Europe and depended upon the grace of Liverpool speculators for our price and paid tribute for our transportation to it. We have too long suffered European commercial dependence to subject us to the entanglements of monarchical diplomacy. The base line of our commercial and associate foreign policies should be drawn at the Atlantic coast, and we should from there, with our systems of railways and improved water ways, push out for the markets of the American continent, Australia, the islands of the Pacific, and the Orient west.

To this great end the inspired hope of those whose patriotism enables them to take hold of the subject turns with longing eyes. It was foreshadowed in the foreign policy of Mr. Blaine as Secretary of State in reference to Peru and Chili, and the proposed league of peace and commerce with the American governments of North and South America and the Congress of these States, which was to have met here in Washington in January, 1883, had it not been for the untimely death of President Garfield. England, ever watchful and long-sighted on the subject of commerce, saw this clearly, while it was never comprehended by our own people. This is shown by the article in the Pall Mall Gazette of recent date, which I send to the Clerk's desk to be read.

The Clerk read as follows:

AN "AMERICAN BEACONSFIELD."

Under the heading "A Beaconsfield beyond the sea," the Pall Mall Gazette says: "Blaine's nomination is the most notable event for England since Lincoln's assassination. Wherever Blaine can oust the British from the position they hold on the American continent he will endeavor to replace English influence and trade by American. His menacing intimation that he disregarded the Clayton-Bulwer treaty is an evil augury for the future relations of England and America. His intervention in Peru was most ominous when he declared that he disliked England to win commercial triumphs in fields legitimately belonging to America."

Mr. MCCOID. Mr. Chairman, I hope and believe that this is true, and that before long we may see our Government under the leadership of that great statesman, burning with commercial zeal, stimulated by a live, aggressive national policy, reaching out to the markets that so nearly surround us, and by close and cordial neighborhood of kindred government belong to us in exchanges of trade. I can not refrain from incorporating in my remarks, as I shall do, some extracts from Blaine's Twenty Years of Congress:

It was well that the Government and the people of the United States were so early taught that their value in the world of foreign principles, foreign policy, and foreign interests was only what they could themselves establish; that in this contest they must depend upon themselves, and that the dissolution of their national unity and the destruction of their free, popular Government from the lack of courage and wisdom in those whose duty it was to maintain them, would not be unwelcome to the principalities and powers that "were willing to wound, but yet afraid to strike." (Page 587.)

* * * * * * *

The declaration of independence by the British Colonies in America was something more than the creation of a new sovereignty. It was the foundation of a new system both of internal government and foreign relations; a system not entirely isolated from the affairs of the Old World, but independent of the dynastic complications and the territorial interests which controlled the political conflicts of Europe. At first, with its material interests undeveloped, its territorial extension limited, and surrounded by the colonies of the great powers, this principle, though maintained as a conviction, could not manifest itself in action. But it showed itself in that abstinence from entangling alliances which would avoid the dangers of a too friendly connection. In time our territory expanded.

The colonies of foreign nations, following our example, became independent republics whose people had the same aspirations, whose governments were framed upon the same basis of popular rights. The rapidity of communication supplied by the railroad and the telegraph facilitated and cemented this political cohesion, and there had been formed from the borders of Canada to the Straits of Magellan a complete system of republics (to which Brazil can scarcely be considered an exception), possessing the same political creed, having great commercial interests in common, and which, with the extinction of some few jealousies, were justified in the anticipation of a prosperous and peaceful future. There was not an interest or an ambition of a single one of these republics which threatened an interest or an ambition of a single European power.—*Idem*, pages 596, 597.

This brief history of the spirit rather than the events which characterized the foreign relations of the United States during the civil war has been undertaken with no desire to revive the feelings of burning indignation which they provoked or to prolong the discussion of the angry questions to which they gave rise. The relations of nations are not and should not be governed by sentiment. The interest and ambition of states, like those of men, will disturb the moral sense and incline to one side or the other the strict balance of impartial justice. New days bring new issues, and old passions are unsafe counselors. Twenty years have gone by; England has paid the cost of her mistakes. The Republic of Mexico has seen the fame and the fortunes of the Europeans who sought her conquest sink suddenly as into the pits which they themselves had digged for their victims, and the Republic of the United States has come out of her long and bitter struggle so strong that never again will she afford the temptation or the opportunity for unfriendly governments to strike at her national life. Let the past be the past with all the instruction and the warning of its experience.

The future safety of these continents rests upon the strength and maintenance of the Union; for had dissolution been possible events have shown with what small regard the interests or the honor of either of the belligerents would have been treated. It has been taught to the smaller republics that if this strength be shattered they will be the spoil of foreign armies and the dependent provinces again of foreign monarchs. When this contest was over the day of immaturity had passed, and the United States stood before the world a great and permanent power. That power can afford to bury all resentments. Tranquil at home, developing its inexhaustible resources with a rapidity and success unknown in history, bound in sincere friendship and beyond the possibility of hostile rivalry with the other republics of the continents, standing midway between Asia and Europe, a power on the Pacific as well as on the Atlantic, with no temptation to intermeddle in the questions which disturb the Old World, the Republic of the United States desires only to live in amicable relations with all peoples, demanding only the abstinence of foreign intervention in the development of that policy which her political creed, her territorial extent, and the close and cordial neighborhood of kindred governments have made the essential rule of her national life.—*Idem*, page 600.

These plainly show that the author is imbued and inspired with that patriotic spirit which the exigencies of this country demand. And no pen could more cogently array the arguments in favor of the American policy. Sir, we are by institutions, forms of religion, methods of thought, and interests of trade and commerce wholly divorced from the monarchies of Europe. It is our duty to rely upon ourselves and to associate around us our neighboring American governments, seek their trade, and supplant in their markets all other competitors. Can we do it? Ay, we can. But, sir, we must begin by preparing means of commerce. Our rivers, our canals, our Southern and Pacific harbors, and our outgoing ships flying our flag must be cheerfully improved and encouraged.

Who should feel a deeper interest in this than the South and the far West? Turn from old and but half-believed political creeds and enter upon a new commercial aggressive campaign which will line your coasts and fill your harbors with American ships, and stir the waters of your bays, your gulfs, and your seas with ships laden with American commerce.

Who should feel a deeper interest in this than the agriculturists and the producers? Then the fruits of your labor would float on your navigable streams from your doors to the commerce of the world. Out to South America, Australia, and islands in the Pacific you would push your trade. By these water courses, properly improved, our future in that respect is made; and we need fear no trouble in the struggle which we will have to make with the great railroad corporations in order to cheapen the commerce of our interior.

[Here the hammer fell.]

The *pro forma* amendment was withdrawn.

The Clerk resumed the reading of the bill and read the following:

Improving Roanoke River, North Carolina: Continuing improvement, $3,000.

Mr. O'HARA. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

Improving Trent River, North Carolina: Continuing improvement, $25,000.

The amendment was not agreed to.

The Clerk resumed the reading of the bill and read the following:

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $15,000.

Mr. OATES. I move to amend the paragraph just read by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Five thousand dollars thereof to be expended between the railroad bridge and Geneva, and $10,000 thereof between Geneva and Newton, Ala., to make that part of said river navigable at low-water stages.

Mr. OATES. I am satisfied with the amount proposed in the bill, and do not ask to have it increased. My amendment simply is for the purpose of directing in what manner it shall be expended.

The amendment was agreed to.

The Clerk read the following:

Improving Withlacoochee River, Florida: Continuing improvement, $3,000.

Mr. DAVIDSON. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

Improving Peace Creek, Florida: Continuing improvement, $4,000.
Improving Crystal River, Florida: Commencing improvement, $5,000.
Improving Manatee River, Florida: Continuing improvement, $10,000.
Improving La Grange Bayou up to the town of Freeport, Fla.: $4,000.

Mr. DAVIDSON. For three of the works named in my amendment there have been appropriations heretofore made by Congress. They are important works, and their improvement can not be continued unless appropriations be made by this Congress. The works upon them will have to be abandoned and the money heretofore expended will to a great extent be wasted unless additional appropriations are now made. It is for that reason I have offered the amendment.

Mr. BLANCHARD. I merely desire to state on behalf of the Committee on Rivers and Harbors that each one of these proposed improvements was carefully considered by that committee, and we came to the conclusion that in justice to the Government we could not recommend an appropriation in this bill to improve those streams.

The amendment was not agreed to.

The Clerk read the following:

Improving Warrior River, Alabama: Continuing improvement, $12,000.

Mr. HEWITT, of Alabama. I move to amend by inserting after the paragraph just read that which I send to the desk.

The Clerk read as follows:

Improving Black Warrior River, Alabama, from Tuscaloosa to the forks of Sipsey and Mulberry, $50,000.

Mr. HEWITT, of Alabama. In the act of March 4, 1879, a survey of the Warrior River from Tuscaloosa to the forks of the Sipsey and the Mulberry was ordered. The survey was made by direction of the Secretary of War and the report submitted in 1880. By reference to the estimates there submitted it will be seen that to improve the Warrior River from Tuscaloosa to the forks of the Sipsey and Mulberry, ninety miles, will require $1,200,000 if first-class work is put upon it.

Why should this improvement be made? From Tuscaloosa to Mobile, two hundred miles, the Warrior River is now navigable for steamboats all the year round. But at Tuscaloosa, on account of shoals thrown up by the coal measures of the Warrior Basin, the river ceases to be navigable.

Two miles above Tuscaloosa the coal-fields begin and extend for ninety miles to the Sipsey and the Mulberry forks; the Warrior River passing right through the very center of what is known as the Warrior coal-fields of Alabama. These coal-fields embrace 5,000 square miles, and consist of seams of one hundred and fifty feet of coal. Five or six of these coal veins are now being worked. It has been demonstrated that this coal is the best steam-coal in America, and equal to any coal in this country for gas or for coking purposes. For steam purposes it has no equal, and for domestic uses it is as good as any other. By the improvement of the Warrior River for ninety miles through this magnificent coal-field we will be able to put coal upon the Gulf at $2 a ton.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERBERT. I will take the floor and yield my time to my colleague.

Mr. HEWITT, of Alabama. As I was saying, by the improvement of the Warrior River as contemplated by the report of the engineer in charge of the work we will be able to put coal on the Gulf at $2 a ton. England can not put coal upon tide water for less money. The average price of coal in Australia has been for nearly forty years $2.50 a ton. When you have put coal on the Gulf you will have it upon tide water at a lower price than it can be put upon tide water anywhere else in all this country.

England to-day supplies South America, Central America, the West Indies, Cuba, and the Pacific coast with coal. If you will improve this Warrior River, if you will grant what I ask you to do here to begin this work, this country will be enabled to drive England from South America and Central America, so far as her coal interest is concerned.

English vessels can not reach Central America except by a trip of 5,000 miles. We can make three trips to Central America while an English vessel makes one. We can put coal at tide water at $2 a ton, and neither England nor any other country can compete with us. Louisiana, Texas, Arkansas, and Mississippi are vitally interested in the cleaning out of the Warrior River.

Mr. DUNN. Arkansas has her own coal-fields.

Mr. HEWITT, of Alabama. Well, she is a long time developing them.

If you want cheap goods, you must have cheap fuel; and if you want cheap fuel, give us cheap transportation upon the Warrior River.

[Here the hammer fell.]

Mr. JONES, of Alabama. I move to amend the amendment by striking out the last word. As a member of the Committee on Rivers and Harbors, I support this amendment. I reside on the banks of this river. As my colleague has stated, the Black Warrior River flows through coal-fields 5,000 miles in extent. The coal there is rich in quality and is inexhaustible. This coal of late has been mined to a great extent. Vast sums of money are being expended upon the development of those coal-fields. Four years ago the output of coal on the headwaters of this stream was 10,000 tons. Last year, only three years later, the output had increased to 1,000,000 tons. This coal at present is loaded upon cars and transported to Mobile, on the Gulf, at a cost of $2 a ton as freight. A few years ago coal sold in Mobile at $12 a ton, and in 1878 it was selling there at $8 a ton.

Now, on account of the increased production at the headwaters of this stream, and in spite of the expense of railroad transportation, coal is selling in Mobile at $4 a ton. This reduction in the cost of coal has greatly benefited the Government. The collector at Mobile, who is now in the city, and whose attention has been called to this matter, has informed me that a few years ago the Government was obliged to pay $8 a ton for coal to supply the revenue-cutters in the Gulf. Now the cost is only $4 a ton, and in this way there has been in three years a saving of $40,000 to the Government.

Men of good judgment and experience in this matter inform me that if this river were opened as proposed by my colleague's amendment, coal, instead of costing for railroad transportation $2 a ton, could be transported down this river for 28 cents a ton. If this coal could thus be transported by water it could be sold in Mobile at $2 a ton.

At present, cities on the coast of Texas, and Aspinwall in Central America, are supplied with coal which is brought 5,000 miles from England and sold at $6 a ton, or brought from Pittsburgh, being in the latter case frequently obstructed in its transit by shoals in the Ohio during the summer or by ice in winter. But if this improvement was inaugurated and completed the effect would be an inexhaustible supply of coal within 250 miles of the seaboard. Thus the Gulf squadron would be supplied, the revenue-cutters would be supplied, all the cities of the Gulf would be supplied. And, sir, when the great exposition shall be held this year at New Orleans no more wonderful revelation will be made there than when the capabilities and marvels of these Warrior coal measures shall be exhibited.

[Here the hammer fell.]

Mr. BLANCHARD. Mr. Chairman, Louisiana appreciates the great advantage which would result from obtaining cheap coal in the manner stated by the gentleman from Alabama. But, sir, the committee in considering this project and in declining to incorporate this improvement in the bill, were guided by reasons which I will now state. This is an entirely new project, and is to cost $1,200,000 before it can be completed, according to the calculations of the engineers. We found that in the State of Alabama was another very important national improvement, the Muscle Shoals improvement upon the Tennessee River. A very great pressure was brought to bear on the committee for a larger appropriation in order to complete the improvement now going on at Muscle Shoals. And so great was that pressure, and so great was the demand for larger appropriation, and so great was the benefit to ensue from the completion of that work, that this committee thought fit to place in this bill an appropriation of $350,000 for Muscle Shoals improvement, which is in the State of Alabama.

Another very important improvement in the State of Alabama which was insisted on before the committee was the appropriation for the Mobile Harbor, and this committee felt called on to appropriate for that harbor $200,000, making for these two improvements in the State of Alabama $550,000.

Besides that, Mr. Chairman, we made other appropriations for the State of Alabama; and taking them in the aggregate the committee considered it reached so large a sum we could not in justice to the other States of the Union, and in justice to the House, in keeping down the aggregate amount of this bill, commence this work proposed by the gentleman from Alabama on the river and harbor bill.

It was not, Mr. Chairman, that we were not in favor of that project. I for one am in favor of it. I am in favor of anything that will cheapen transportation to tide water. We thought, sir, we had better complete this improvement at Muscle Shoals before inaugurating another project in the State of Alabama which will cost $1,200,000.

Mr. HEWITT, of Alabama. Does the gentleman consider the improvement of the Mississippi River belongs and is to be charged to Louisiana?

Mr. BLANCHARD. I do not, and never so asserted. All I have said is this work is all in the State of Alabama, and that is all I have said. Neither would this appropriation for Warrior River be accorded to Alabama alone, for I admit it would be a national work.

[Here the hammer fell.]

Mr. ELLIS. I move to strike out the last word.

Mr. Chairman, I sincerely hope this amendment will prevail. The answer to it by the River and Harbor Committee does not seem to me adequate, and in the first place they say it is a new project, and it is likely to cost $1,200,000. Now, sir, in distributing money for rivers and harbors in making these appropriations, not only should we look at the present commerce, but we ought to look at the possibilities of the future.

A new project, sir! Why, the discovery of these coal and iron fields is comparatively new. The immense development of that country is

in its babyhood; and as the gentleman from Alabama has truly said, no imagination can successfully predict the capabilities and splendid possibilities of that coal and iron country. Sir, there will be erected mills and houses, there will accumulate founderies, there will come improvements, there will come laborers, there will come enterprises, there will come commerce that will compel the Government to commence this work and complete it, cost what it may.

Now, sir, as to the remark that it is local to Alabama. Why, Florida must depend on that field for her coal. Southern Alabama must depend on it for her fuel. So must Mississippi and Louisiana, as well as the West India Islands. And it is no answer to say that it is local to Alabama.

The Government of the United States expended $8,000,000 at the mouth of the Mississippi River within the State of Louisiana, but was it not for the entire West as for the entire great, grand commerce of the Mississippi River? It can not by any possibility be said to be local to the State of Louisiana.

Mr. BLANCHARD. I have never said that.

Mr. ELLIS. This is not local to Alabama. It is for all the States south of it. Again, sir, it is for all the poor who have to be warmed in winter. Again, sir, it is for the growing manufactures of that country. It is for the sugar-planters along the river. By unfettering this stream, which has plenty of water, it will give access to the sea, and will put coal at the wharves of the Crescent City at $2.25, where it is now $4 and $5, and I have known it to be as high as $8, and even $12 a ton. I appeal to the committee to cease its antagonism to this work, and let this wise and just measure prevail.

[Here the hammer fell.]

Mr. BAYNE. I move to strike out the last word for the purpose of saying that I hope the amendment of the gentleman from Alabama will not be adopted.

Mr. Chairman, there are in this bill already too many streams similar to this one for which appropriations have been made. This bill has been constructed on two principles; one is wholly erroneous in its operation, while the other is absolutely correct.

One of the principles that has induced the Committee on Rivers and Harbors to make appropriations has been the actual demands of commerce for their improvement. Another proposition that has been submitted to the committee by many gentlemen, by the gentleman from Alabama who submits this amendment and by other gentlemen, is make your improvements first and thus you will beget and create commerce.

Now, sir, if you proceed upon that policy, instead of having a river and harbor bill appropriating twelve and a half million dollars you will have a river and harbor bill covering an appropriation of $75,000,000. There will be no limit to it. If gentlemen will look over this great country of ours and observe the vast mineral resources that lie here and there, and observe the great agricultural fertility of the soil, and then proceed to make appropriations from the public Treasury with a view to developing these resources, you will find that you will soon succeed in framing a bill without limit as to the amount appropriated. It is not pretended that there is in this locality in Alabama at present any of the industries to which allusion has been made that demand the improvement of this stream. It is simply said that if you make these improvements or that if you make this river a great water way, enterprising men, men of capital, and miners will go there and develop these hidden resources; and you ask to do this when even Samuel J. Tilden said in his letter of acceptance, "Pay as you go;" and, Mr. Chairman, I think this is one of the wisest political apothegms that was ever adopted in this or any other country. It is a good policy to adopt in dealing with this subject.

But there is another proposition that should be made and adhered to which is also a wise principle to inculcate in legislative economy, and that is, "Spend no money until it is necessary to do it." My colleague from Pennsylvania, the chairman of the Committee on Appropriations, is in hearty accord with that principle. Whenever commerce demands the improvement of any stream, make that improvement, vote liberally for that purpose; but until such a demand shall come from men engaged in business enterprises do not undertake, at the expense of the public Treasury, to boost up localities and particular districts and rivers in the hope that commerce will ultimately come there.

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I move to strike out the last word.

The CHAIRMAN. That amendment is already pending.

Mr. BAYNE. I withdraw the *pro forma* amendment.

Mr. HEWITT, of Alabama. I renew it for the purpose of saying a single word. I wish to call the attention of the committee to a fact that perhaps they have lost sight of with reference to this subject. In 1828 Congress passed this provision of law, which is embodied in section 5244 of the Revised Statutes:

The Black Warrior River—

Among others—

within the State of Alabama, shall be forever free from tax for all property belonging to the United States, and for all persons in their service, and for all citizens of the United States, except as to such taxes as may be allowed by act of Congress.

That was passed, sir, I say, in 1828, and it has never been repealed; and having called the attention of gentlemen to this point, which was all I desired to say upon the subject, I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Alabama.

The question was taken; the committee divided, and there were—ayes 60, noes 69.

Mr. HEWITT, of Alabama. Mr. Chairman, I ask for tellers on this vote. I make the point that no quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HEWITT, of Alabama, and Mr. WILLIS were appointed tellers.

The committee again divided; and the tellers reported—ayes 60, noes 85.

So (no further count being demanded) the amendment was not agreed to.

The Clerk read as follows:

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement from Fulton to Vienna, $10,000, and below Vienna, $15,000.

Mr. WELLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add, at the end of line 467, as follows:

"And for the purpose of protecting the west bank of the Mississippi River at and above Guttenberg, Clayton County, Iowa, by a riprap of limestone, $8,000.

Mr. WELLER. Mr. Chairman, I have some little hope in presenting this amendment, and feel some encouragement in the belief that it will be accepted by the committee or concurred in by them. I think no point will be made by the committee against it. I hold in my hand a rough diagram of the river at that point, which I present to the House as a part of my remarks.

Mr. BLANCHARD. I rise to a point of order. We have not ascertained what amendment the gentleman offered.

The CHAIRMAN. It was reported from the desk.

Mr. WILLIS. I would suggest to the gentleman from Iowa that he had better withhold his amendment until we reach the paragraphs relating to the Mississippi River. This relates to the State of Mississippi, but not to the Mississippi River.

Mr. WELLER. I will withdraw it for the present and introduce it then at another point.

The Clerk read the following paragraph:

Improving channel of Biloxi Bay, Mississippi: Continuing improvements, for which purpose the balance of the money heretofore appropriated for the roadstead now on hand is hereby directed to be applied to the deepening of the channel from Mississippi Sound to the wharves at Biloxi.

Mr. VAN EATON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 483, after the word "Biloxi," insert "also the sum of $10,000."

Mr. VAN EATON. I have offered this amendment because I want the appropriation. [Laughter.] I suggest to the committee that it would be a very good idea to take a portion of the $250,000 that the Galveston Harbor did not want and give me that $10,000.

I find on examining the bill, Mr. Chairman, that it recommends appropriations for the State of West Virginia to the amount of $329,500, for the State of Kentucky $556,000, and for the State of Mississippi $61,500. And neither West Virginia nor Kentucky is anything like as important a State as Mississippi.

Mr. WILLIS. Does the gentleman include the appropriation of $2,500,000 for the Mississippi River in his estimate for the State of Mississippi?

Mr. VAN EATON. Oh, the Mississippi River belongs to the whole country. It does not belong to the State of Mississippi.

Mr. WILLIS. The Ohio River in the same sense belongs to the whole country.

Mr. VAN EATON. The Ohio River receives a large appropriation, of which Kentucky gets the benefit; and that is not included in my estimate.

The engineer's estimate for this particular work for which I wish this addition is $35,000. He states in his report the work can not be accomplished for less.

Now, Mr. Chairman, I went before the committee and talked as long as they would hear me talk, trying to explain the necessity of a larger appropriation. I am thankful for what little I did get; but I want more. This is a very important point. There is a great deal of commerce there and it is a growing commerce. It is on our Gulf coast, a section of the country that needs encouragement, and needs appropriations, and loves the old flag. I hope the amendment will be agreed to.

The amendment was not agreed to.

The Clerk read the following paragraph.

Improving Horn Island Pass, Mississippi, $5,000.

Mr. VAN EATON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 492, after the word "Mississippi," strike out "$5,000" and insert "$25,000."

Mr. VAN EATON. Mr. Chairman, the estimates of the engineer for that particular work are $55,000. He also states the great importance of it. I wish simply to call the attention of the committee to

that fact. And inasmuch as I met with such signal success in my former amendment, I hope the committee will follow it up and give me this additional appropriation also. [Laughter.]

The amendment was not agreed to.

The Clerk read the following paragraph:

Improving mouth of the Brazos River, Texas: Continuing improvement, $10,000.

Mr. THROCKMORTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 541, strike out "$10,000" and insert "$20,000."

Mr. THROCKMORTON. I desire to say that the estimate of the engineer was $100,000. I hope the committee will make the amount $20,000 instead of $10,000.

The amendment was not agreed to.

The Clerk read the following paragraph:

Improving Ouachita River, Louisiana and Arkansas, and Black River, Louisiana: Continuing improvement, $15,000.

Mr. KING. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Louisiana," in line 553, insert the words "including the removal of wrecks in the harbor of Monroe."

Mr. KING. I understand the committee make no objection to this amendment. The object is simply to include the removal of the wrecks in the harbor of Monroe. It does not increase the appropriation.

Mr. WILLIS. I do not suppose the committee have any objection to that amendment.

The amendment was agreed to.

The Clerk read the following paragraph:

For removing obstructions in the Arkansas River from its mouth to Wichita, Kans., $36,000.

Mr. WILLIS. I desire to insert at this point an amendment which passed the committee but was omitted by the printer in printing the bill.

The Clerk read the proposed amendment, as follows:

In line 65, after the word "dollars," insert "and for preventing erosion of the harbor at Fort Smith, Ark., $5,000."

Mr. PETERS. I would like to make an inquiry of the chairman of the committee as to the reason for selecting the point fixed to limit the removal of the obstructions.

Mr. BRECKINRIDGE. On behalf of the committee I will say that that is the uppermost point given by the engineer. There has been no survey beyond Wichita, and there is no navigation beyond Wichita.

Mr. PETERS. I would like to inquire whether there ever has been any amount of money expended in Kansas on the Arkansas River.

Mr. BRECKINRIDGE. There has been no survey that the committee knows of beyond Wichita. If the gentleman wishes a survey beyond that point the committee would be glad to have it.

Mr. PETERS. I will say for the information of the gentleman that at certain seasons of the year the river there is not navigable for a good-sized catfish.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. WILLIS].

The committee divided; and there were—ayes 33, noes 5.

So (further count not being called for) the amendment was agreed to.

The Clerk read the following paragraph:

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement, below Nashville, including bar at the mouth of the river, $7,500; and between Nashville and the foot of Smith's Shoals, $20,000; of which sum $8,000 are to be expended between the Kentucky State line and Smith's Shoals: *Provided*, That such improvements shall, as far as possible, be made with reference to the last report of the engineer in charge.

Mr. CALDWELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 575 strike out "$20,000" and insert "$100,000."

Mr. CALDWELL. In support of this amendment I beg leave to state again as I stated in the general debate on this bill, that the report of the United States engineer reached the Committee on Rivers and Harbors only upon the day when I had the honor to speak before that committee, it having been delayed in the office of the chief engineer at Chattanooga from November until February, and not having been published until March 15.

It will be seen by referring to the reports of the Engineer Department that this river has heretofore been improved by means of wing-dams and channel excavations with the view of securing an increased depth of water in the channel at medium stages of the river. After many years of experiment it has been proved that that system was not effectual to bring the Cumberland River to any high stage of navigability. And the Congress of the United States directed a survey to be made in order to change the plan of improving the river by the introduction at needed points of certain locks and dams. That system, which is to a certain extent a continuation of the old plan, is recommended not only as practicable but as the only means by which this river can be carried to the highest point of navigability. And the report says "that a more radical improvement of the Cumberland is evidently demanded by the interests of commerce."

In order to conduct this work on business principles, the engineer recommends that the first appropriations be made large enough to complete at least three locks and dams next above Nashville, say $400,000, and it is left to the Secretary of War to adopt the plan best suited to each section of the river. The Committee on Rivers and Harbors recommend an appropriation of $20,000. I state to the House that that will amount to an abandonment of the proposed improvement on that river. That is trifling with a subject so important as this. I do not mean to reflect upon the committee. I believe if they had had further time to investigate the matter they would have given an adequate appropriation. I am not here to cavil about it.

I want to appeal to the judgment of members of this House. This is none of your common creeks away up in the mountains of West Virginia or elsewhere. This is not a stream upon which private corporations are proposing to collect tolls. This is not a stream like one of those which the House put its foot upon a short time ago, where the Committee on Rivers and Harbors recommended an appropriation of $31,000.

This is a stream of at least the third class, which goes to the coal-beds and iron ores of that region. It penetrates a region which is covered all over with walnut timber and all kinds of hard woods. It affords access to absolutely virgin forests and to the most splendid alluvial bottoms and uplands of the Cumberland River. Yet the Committee on Rivers and Harbors proposes to turn us away with a little pitiful cold-potato appropriation of $20,000.

I appeal to the good judgment and fair sense of members of this committee. I do not want to antagonize any legitimate enterprise. I do not want to raise a selfish cry against other people. This river which I advocate the improvement of is included within the rule given in 11 Wallace. It affects the commerce of two States directly, and its improvement is of national benefit. It is a river on which hundreds of steamboats go annually from its mouth via Nashville to Smith Shoals. It transports yearly 125,000 passengers from its mouth to Nashville and to the head of navigation, and does a business in transportation amounting to millions. It is a river which comes within no line of legitimate legal criticism. It is none of your sawlog and catfish streams, like some in this bill.

Now, I say to you that to strike down the work on this river, to turn us away with the pitiful sum of $20,000, is not to come even within the limit of any adequate appropriation required even under the old system of improvement, which has proven to be ineffectual. Even under the old system, that of riprap dams and wing-dams, if that is adhered to, the engineers recommend an appropriation from Nashville to the shoals of $51,000, and there is on hand now available of unexpended appropriations formerly made only the sum of $2,388.33. Then under either system of improvement this appropriation of $20,000 would be but a mere bagatelle, and would amount to absolute delay or suspension of work on this river, and be equivalent to treating this great improvement with contempt.

Now, I appeal to the fair judgment of this House upon this matter. I will vie with the gentleman from Alabama [Mr. HEWITT] in unlocking the coal-fields of his State. The same geological formation as the celebrated Connellsville coal of Pennsylvania, which is the easiest coking coal in the world, reaches to this river, which if properly improved will carry that coal down through the riparian counties of Stewart and Montgomery, rich in iron ores, from which the celebrated boiler-iron was made that before the war was considered a condition precedent in any contract for the building of steam-machinery, and to-day, hobbled as we are, our pig-iron is carried down the Cumberland and up the Ohio River to Pittsburgh, and sold to the tubular iron-works and to all those manufacturers who are engaged in the construction of steam-machinery to be applied to human uses.

[Here the hammer fell.]

Mr. BURNES. I will take the floor and yield my time to the gentleman.

Mr. CALDWELL. I am very much obliged to the gentleman. I do not intend to weary the committee. But I appeal to the common sense of any man upon this floor to say, where engineers by one plan, and that a plan which experience has shown to be ineffectual, ask for an appropriation of $51,000, of which there is an unexpended balance of but a few hundred dollars, whether the committee proposes to stop work on that river by offering so inadequate a sum as $20,000? And that, too, when under the new survey and recommendation of the United States engineers the work already done will be utilized in inaugurating a system, practical, permanent, and economical, which will open up this water way to the commerce of the Union and reduce the price of coal, iron, and lumber to the citizens of the whole country.

If you look to the last report of the engineer in charge, the plan of the Government in reference to this improvement which has been arrived at and dictated by experience and the inadequacy of the former plan, it will be seen that between $20,000 and $400,000 there is such a gap as to insult the common sense of any man as a business proposition. The committee provide in the line 578 that the improvement shall as far as possible be made under the new plan of locks and dams. This is then to adopt that plan.

In offering this amendment, I am thoroughly in earnest. I am not

unconscious of the storm of opposition which appears to meet and overwhelm all amendments here to this bill. I know that this Committee of the Whole has voted down nearly everything offered in the way of an amendment.

But, sir, I am thoroughly in earnest when I say that this river is of no secondary importance. This river is now obstructed at its mouth by a bar by reason of certain improvements in the Ohio River. But I do not want to discuss that. There are between Nashville and the foot of Smith's Shoals three hundred and fifty-eight miles of navigable water, navigable eight months in the year. Under the present system fleet after fleet of coal-barges are wrecked at high water upon the angles of the wing-dams built under the old system in the attempt to improve the navigation, and experienced boatmen are divided in opinion as to whether the old plan of improvement is an advantage or a disadvantage to the trade and transit on the river; at any rate the new system will utilize and render effectual the work already done. Nothing will be lost; but the jetties and training-dam will assist in building the new plan.

Gentlemen have said to me: "We have been very liberal with Tennessee; we have given you $350,000 for the Muscle Shoals." I am glad that the committee has now admitted that this appropriation of $350,000 is not to be charged geographically to Tennessee, but to Alabama. I am not here to deny that Tennessee is largely participant in the benefits of that appropriation; but I say that if you intend to appropriate anything for the Cumberland River, you must look to some practicable and attainable results in your appropriation and make them bear some proportion to the necessary construction of the system proposed to be introduced. It is absurd when $400,000 is recommended to commence a system to try to commence it with $20,000.

I have suggested the substitution of $100,000 for the sum named in the bill; and I will state my reasons. The report which I hold in my hand recommends the building of three locks and dams at a cost of $400,000. The first lock can be built for $104,000. The construction of this one dam will produce a head of water which will extend for miles up the stream so as to cover the shallow channels and shoals which have hitherto defied the engineering experiments for making the river navigable. This will give us the commencement of a system that will add not only to the commerce of our own section, but pour its wealth into Louisville, Cincinnati, Saint Louis, Memphis, Cairo, and the entire Mississippi Valley.

I do not wish by any means to be understood as reflecting upon this committee. I know they have had an arduous work; I know they have circumscribed and trammeled themselves within certain limits as to the aggregate of this bill. But I appeal to the common sense of members, if this improvement is worth making at all, if competent and impartial engineers say that it can be made for $400,000, whether it is treating this enterprise with decent respect to turn such a proposition away with a pittance of $20,000? I ask my friends on this floor to stand by this appropriation, not selfishly, but as a matter of statesmanship and wise economy.

[Here the hammer fell.]

Mr. MCMILLIN addressed the committee. [See Appendix.]

Mr. WOLFORD. Mr. Chairman, I wish to take five minutes in relation to the amendment proposed by the gentleman from Tennessee [Mr. CALDWELL], and then I propose to amend that amendment by dividing the appropriation between Kentucky and Tennessee, commencing at the Kentucky line.

There is, sir, no greater improvement demanded in any portion of this bill than the appropriation to the Cumberland River. I say it is the only occasion I have had to object to the appropriation suggested by the committee in the bill, and that is that there is not enough. Now, one of the great objects ought to be to improve our commerce by improving our rivers and harbors more than they are improved, and continuing to improve them from year to year until they are complete and we can compete with all the world in our rivers and harbors and in our roads and all our other means of transportation, making that transportation cheap, making it so it will command the wealth and the attention of the world. We will thus do more for our country than in any other way.

I wish now to talk a little about the Cumberland River. That river runs through miles and miles of the most fertile region known. There is not a place except where a railroad crosses it at an angle where the products of this fertile region can find transportation to market. Those products consequently do not have that return to those who produce them that they ought to have. This arises from the fact that there is so small a country to consume them.

In addition to that you have the finest coal lands to be found anywhere. The gentleman from Alabama [Mr. HEWITT] told you there was an enormous deposit of the finest coal in his State; but, sir, the coal lands of Alabama do not equal the coal lands of the Cumberland River. You have there the finest coal, in quantities almost inexhaustible. You also have iron ore and ore of every kind and everything else to make a people wealthy and great.

This appropriation of $100,000 will add to the wealth of the nation more than one-half of all the other appropriations put together. It will open up almost a world to the commerce of the nation. It will open up a country which can furnish almost everything you need. It will be the means of adding to your wealth and happiness.

They can get no transportation there now. There is no way to get out the products of that country. The committee therefore have done right in making these appropriations. They have not recommended too much in this instance. I have voted for every amendment offered, because I do think not half enough has been appropriated by this bill for the good of the nation.

You say you have voted in committee for necessary improvements and have provided for every one of these rivers; but we want something now that will do our country some good. In Kentucky you have been told by one gentleman, a member of the committee, that large appropriations have been made. Well, Kentucky deserves a large appropriation. She has important streams. You say you have made large appropriations for the Ohio and Mississippi Rivers. That is all right, but none of them are half what they ought to be, and here is the Cumberland that is skipped altogether.

[Here the hammer fell.]

Several MEMBERS. Vote! Vote!

Mr. BRECKINRIDGE. Mr. Chairman, if it is the desire of the committee to come to a vote at once upon this amendment I shall not occupy any of their time. But the facts have been entirely misstated by the presentation of the case as made by gentlemen here, and if the committee will bear with me for a moment I will endeavor to state exactly the facts in the case as they exist.

The appropriation made in this case has been compared with the cost of another plan of work which has been suggested, but which we have not entered upon. This would be, I concede, a very insignificant and inadequate appropriation if it were made with reference to the actual undertaking at this time of the new project which has been suggested.

But the committee has not gone into that, and therefore the proper comparison to be made as to the appropriation recommended by the committee is for the existing work for which the appropriation is recommended and the estimates upon which that appropriation have been predicated. The committee, in other words, have made the appropriation for the work which is already in operation and upon which we are now engaged. Gentlemen in making their comparison, therefore, should make it upon the basis of the estimates actually submitted for the work actually in progress.

Now, with reference to the estimates and the appropriations, let me call the attention of the committee for a few moments to the action of the Committee on Rivers and Harbors, and I ask you to note the comparison. For the improvement of this river below Nashville we have given $7,500. The total amount of the estimate made by the engineers is $13,821.

Mr. CALDWELL. Not for the permanent improvement of the river. That is the old recommendation.

Mr. BRECKINRIDGE. I am instituting a proper comparison. I am not comparing our estimates with the scheme which has not been adopted, but with the work in progress. We have given over 50 per cent. of the estimates, and the committee have seen no reason as to the special urgency for increasing it.

On the next section of this river, from Nashville to the foot of Smith's Shoals, the committee have recommended an appropriation of $20,000. The estimate, as will be found upon examination of the report of the Chief of Engineers, is $51,764.

Mr. CALDWELL. You say the committee do not adopt the new plan?

Mr. BRECKINRIDGE. I have said so.

Mr. CALDWELL. Well, this very section of the bill now under consideration contains this proviso:

That such improvements shall as far as possible be made with reference to the last report of the engineer in charge.

That is under the new plan, is it not?

Mr. BRECKINRIDGE. The gentleman from Tennessee, if he would examine the report, would find not only that the committee have acted with the utmost liberality in reference to this appropriation, but the engineer in charge of the work has said that he could do the work with reference to the adoption of the new plan while carrying out the present one; and he asked us to indicate our wishes in this matter. We have accordingly foreshadowed our intentions. But the committee did not base their estimates upon the theory of inaugurating the new work now. Still, as in the judgment of the committee it seemed altogether likely that at some future time this new plan might be entered upon, although we do not adopt it now, yet where the work could be done with reference to the last report the committee saw no objection to it, provided it accomplished the purposes of the improvement of the river within a reasonable limit as to expenditures based upon the estimates. We did not expect that our liberality in this matter would be abused by such a construction as has been put upon it.

It is no doubt a good work and ought to be undertaken; but I for one do not want to see Congress loaded down with so many new works when we are not able to-day, under the public sentiment that is prevailing in the country, to do full justice to important works already under headway.

[Here the hammer fell.]

Mr. WHITE, of Kentucky, was recognized.

Mr. CALDWELL. Will the gentleman yield to me for a moment?

Mr. WHITE, of Kentucky. I yield a moment to the gentleman from Tennessee.

Mr. CALDWELL. I desire to call the attention of the committee to the fact that in the last report the engineer says they can utilize both the old and the new plans, as was clearly stated by my colleague from Tennessee [Mr. MCMILLIN]. But he says that in order to continue the work on business principles he would be required to build at least three locks, say at a cost of $400,000.

Mr. BRECKINRIDGE. He did not so indicate it to the committee.

Mr. CALDWELL. Yes, sir; and it has been indicated here in this debate. You have indicated yourselves the adoption of this new plan, for you put in here a proviso that the improvements shall, as far as possible, be made with reference to the last report of the engineer in charge. And there is no reason why you should not adopt the new plan. You have already adopted some seventeen new plans with reference to these improvements, and I can establish the fact that this is as meritorious as any of the new plans that have been adopted. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Kentucky. I desire a single moment in reference to this matter. I agree heartily with the gentleman from Tennessee, and I desire to read from page 9 of this report to which he has alluded, which is not the old report on which the gentleman from Arkansas says that he acted, but is the new report which the committee evidently had in mind when it put that proviso into the bill to which the gentleman from Tennessee referred. I will not take up the time of the committee to read it *in extenso*, but I will refer to it and put it into my remarks. But I desire to call the attention of the committee that the old plan consisted of blasting out a channel through the rocks, removing gravel, bars, bowlders, building rip rap dams, removal of snags, &c., so that boats might run up and down as the rainfall might make sufficient depth of water in the river, without reference to locking and damming the river for that purpose.

The commerce upon that river is shown by the report, and I will read only a few of the items: Corn, $800,000; wheat, $300,000; tobacco, $850,000; potatoes, $50,000; eggs, $1,000; hogs, $60,000; cattle, $60,000; and lumber, $2,000,000.

This report of C. A. Turrill, the assistant engineer, says:

With reliable navigation—

Mark the language of the report of this engineer—

secured by locks and dams the business would, in ten years, probably be four times as much per year.

When we consider that the banks of the Mississippi River are shifting sand; that by one flood twenty acres or one hundred acres or ten miles may be left high and dry by the river going in another direction, and that we are embarked on a scheme of giving $100,000,000 to the Mississippi River Valley when we know the Tennessee River has a hard bed; that its banks are solid banks, and that every dollar invested in the Tennessee River is a safe investment there for all time; that blasting out a bowlder there, and building a wing-dam here, and a sufficient lock there, all these improvements are there forever when once built, because they are built of enduring stone on beds of stone, with solid banks; and when we refuse to embark on this measure and have embarked on your wild-goose plan of improving the Hennepin Canal with $200,000, I say we are cowards if we do not undertake this measure as the people demand it of us. I incorporate with my remarks a portion of the report of Engineer Turrill.

RESOURCES OF THE UPPER CUMBERLAND.

The population of that portion of Kentucky and Tennessee drained by the Cumberland above Nashville is about 500,000. The resources of that portion of the valley above Burnside, Ky., have been described by Lieutenant Marshall, Corps of Engineers, Capt. W. C. Crozer, and others, in their reports of surveys of that vicinity. The development of that particular region would be greatly assisted by the improvement here recommended. After passing Smith's Shoals coal could be towed cheaply at all stages of the river to Nashville and neighboring cities, where manufactures are on the increase.

Coal was formerly mined on the South Fork and taken down in barges, but of late years they have been unable to compete with other coal on account of uncertainty of transportation. This coal is said to possess fine coking qualities.

The coal mines at Poplar Mountain, Wayne County, Kentucky, were once profitably worked, the coal being brought six miles on a railroad to the river and carried down in barges by a tow-boat. The mines have not been worked for several years, though the supply is said to be abundant. Extensive deposits of coal also exist near the head of navigation of Obey's River.

Coal-oil is frequently found on the banks of the Cumberland in Wayne, Clinton, and Cumberland Counties, Kentucky, and near the river in Putnam, Jackson, Overton, and Clay Counties, Tennessee. Experts give it as their opinion that this oil-field has a bright future, and only awaits cheap transportation. Timber of valuable quality is found in large quantities, principally oak, poplar, hickory, and walnut. Last year about 1,700 rafts were brought down to Nashville and some carried to the mouth of the Cumberland. These rafts sold for at least $500,000.

The river valley is generally well cultivated, and soil adapted to raising corn, wheat, rye, barley, tobacco, and other farm and garden products. There are grist-mills of large capacity at Mill Springs, Monticello, Burksville, Celina, and Hartsville, and large saw-mills at Burksville and Celina. In the thirteen counties through which the Cumberland passes from Burnside to Nashville there are about one hundred small grist and saw mills.

Twenty-five thousand bushels of coal were brought over Smith's Shoals last winter and sold at small towns lower down the river, none being brought lower than Carthage, Tenn.

An estimate of the business done by steamers during the season of 1882-'83, given in my report of operations during the last fiscal year, is as follows:

Approximate value of articles carried (above Nashville):

Corn, 1,600,000 bushels	$800,000
Wheat, 300,000 bushels	300,000
Tobacco, 6,000 hogsheads	850,000
Potatoes, 35,000 barrels	50,000
Eggs, 80,000 dozen	1,000
Hogs, 5,000 head	60,000
Cattle, 2,400 head	60,000
Lumber, 1,000,000 feet, B. M. (sawed)	2,000,000

Miscellaneous freight, 2,500 tons.

Passengers carried, 20,000.

With reliable navigation, secured by locks and dams, the business would in ten years probably be four times as much per year.

This improvement is very much desired by those living along the river, if it is shown to be practicable. Sufficient money ought to be available in one season to push the work and not delay navigation. About six months of each year's work could be prosecuted above Nashville in the river channels, as no boats could run during that time.

In view of the possibility of some railroad company desiring to cross the upper Cumberland in a few years, or sooner, those interested in navigation here very much desire that the control of the War Department over bridges on the Ohio and Mississippi be extended to this river.

Profile and maps will be forwarded to you as soon as finished.

Very respectfully, your obedient servant,

C. A. TURRILL, *Assistant Engineer.*

Maj. W. R. KING,
Corps of Engineers, U. S. A.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. CALDWELL].

The committee divided; and there were—ayes 25, noes 57.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

Improving the French Broad River, in Tennessee: Continuing improvement, $3,500.

Mr. WILLIS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WILLIS. I would like to say to the House, as to-night is set apart for the consideration of business reported from the Committee on Indian Affairs, I will ask the House to-morrow to proceed with the consideration of the river and harbor bill.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 566) for the relief of Z. M. Pettigrew;

A bill (S. 732) for the relief of Mary J. Vaughan;

A bill (S. 777) granting a pension to Albert Jehle;

A bill (S. 828) granting a pension to Thomas Patton;

A bill (S. 909) to increase the pension of Martin Kelly;

A bill (S. 1056) granting an increase of pension to Sally Mallory;

A bill (S. 1680) granting a pension to George Prince;

A bill (S. 1910) granting a pension to William McClure;

A bill (S. 1950) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont; and

Joint resolution (S. R. 73) authorizing the Secretary of the Treasury to pay to Charles L. Jones the sum of $465.65, for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, to the 1st day of November, 1879, inclusive.

DISTRICT APPROPRIATION BILL.

Mr. FOLLETT, from the Committee on Appropriations, reported back the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, with amendments by the Senate; and moved that the amendments of the Senate be non-concurred in.

The amendments of the Senate were non-concurred in.

GEORGIA NORTHERN JUDICIAL DISTRICT.

Mr. HAMMOND. I ask unanimous consent to take from the Speaker's table, for the purpose of asking concurrence in the Senate amendments thereto, the bill (H. R. 4701) to change the time of holding the district and circuit courts of the United States in the northern district of Georgia. This does nothing but change the time of holding the fall term of the district and circuit courts in Atlanta.

The amendments of the Senate were read, as follows:

In line 1 strike out the word "fall."

In lines 2, 3, and 4 strike out "shall not begin in September, but in October, annually. The said term of the district court shall begin" and insert "now held on the first and second Mondays of September, respectively, shall each be held."

In lines 4 and 5 strike out "and of the circuit court shall begin on the second Monday in October" and insert "in each year."

Mr. HAMMOND. I move to concur in the Senate amendments.

The Senate amendments were concurred in.

Mr. HAMMOND moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The hour of 5 o'clock having arrived, pursuant to order the House is in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired the House reassembled at 8 o'clock p. m.

The SPEAKER. The session this evening is for the consideration of bills reported from the Committee on Indian Affairs and of bills on the Speaker's table over which that committee has jurisdiction.

RED LAKE INDIAN RESERVATION.

The SPEAKER. The pending bill is one coming over from the session of the 31st of May, being House bill 4384 in relation to the Red Lake Indian reservation in the State of Minnesota. The question is upon the motion made by the gentleman from Georgia [Mr. BLOUNT] to strike out the first section as amended. On that motion the gentleman from Georgia is entitled to forty minutes remaining of his hour.

Mr. BLOUNT. I will yield ten minutes of my time to my colleague [Mr. BUCHANAN].

Mr. NELSON. I ask the gentleman from Georgia [Mr. BLOUNT] to allow certain amendments which have been sent up to the Clerk's desk to be read for the information of the House.

Mr. BLOUNT. I have already stated to the gentleman from Minnesota [Mr. NELSON] privately, and I now state publicly, that I am willing to have those amendments read if it will not come out of my time.

The SPEAKER. If there be no objection, the amendments will be read for the information of the House. Does the Chair understand the gentleman from Minnesota [Mr. NELSON] to offer those amendments at this time?

Mr. NELSON. I offer them on behalf of the Committee on Indian Affairs.

The SPEAKER. They will be read.

The Clerk read as follows:

In section 3, line 10, strike out the word "five," and insert in lieu thereof the word "ten;" so that it will read: "Offer for sale and sell, at public auction, to the highest bidder for cash in hand, in forty-acre or lesser tracts, the stumpage on said pine lands with ten years' right of removal."

Also, in line 13 of the same section, strike out "one-fifteenth," and insert in lieu thereof "one-twentieth;" so that it will read: "Nor shall more than one-twentieth in acreage or quantity of timber of the stumpage of said pine lands be disposed of in any one year," &c.

In section 4 strike out the words:

"Shall be open to settlement, and may be disposed of by the Government under the homestead and pre-emption laws of the United States, but in no other manner whatsoever; and no right of any kind shall be acquired by reason of any settlement on these lands made prior to the expiration of the sixty days of notice aforesaid: *Provided*, That the United States shall compensate the Indians for all of said lands that may be disposed of under the homestead laws, at the rate of $1.25 per acre."

And insert in lieu thereof the following:

"Shall be disposed of by the United States to actual settlers only, under the provisions of existing homestead acts: *Provided*, That each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States for the land so taken by him the sum of 50 cents for each and every acre, in four equal annual payments, and shall be entitled to a patent therefor only at the expiration of four years from the date of entry, according to said homestead laws, and after the full payment of said 50 cents per acre therefor; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void: *Provided, further*, That settlers who have not had the benefit of the pre-emption laws shall be entitled to enter homesteads under the provisions of this act, notwithstanding they may previously have had the benefit of the homestead laws."

In section 5, lines 2 and 3, strike out the words "pre-emption sales;" also, in line 3, strike out the words "or commuted homestead;" so that it will read:

"That the funds arising from the sale of the stumpage of said pine lands, and the funds arising from homestead entries under this act shall be disposed of as follows," &c.:

Add to section 8 the following:

"*Provided*, That except as to the cession and relinquishment and the survey of the lands as provided in this act, none of its provisions shall apply to the sixteenth and thirty-sixth sections in each township so surveyed, or to the swamp lands on said reservation, but the same shall be reserved to the State of Minnesota in accordance with the acts of Congress heretofore passed in relation to such lands in said State: *Provided further*, That in case the Secretary of the Interior in making the allotments provided for in this act shall deem it necessary or proper to allot any parts or portions of said sixteenth and thirty-sixth sections or of said swamp lands to said Indians, he is hereby empowered so to do, and thereupon said State shall be entitled to select equivalents therefor: *Provided further*, That the sum of $3,000, or so much thereof as may be necessary, is hereby appropriated for the expenses of negotiating for and obtaining the cession and relinquishment provided for in section 1 of this act."

The SPEAKER. The Chair desires to understand whether it is proposed that the amendments just read shall be considered as pending.

Mr. BLOUNT. I yielded to have them read for information. As a matter of course the gentleman in charge of the bill or the gentleman from Minnesota [Mr. NELSON] can regulate that matter.

Mr. NELSON. I should like to have them considered as pending amendments.

Mr. BLOUNT. I have no objection to that myself.

The SPEAKER. Then the amendments will be considered as pending.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. I would inquire of the Chair if this is the time to offer amendments to be considered as pending?

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] is entitled to the floor for forty minutes, of which time he yields ten minutes to his colleague [Mr. BUCHANAN]. The gentleman gave way to the gentleman from Minnesota [Mr. NELSON], who asked consent to offer and have read certain amendments to be considered as pending. The amendments were read, and there being no objection they were regarded as pending. No further amendments can be offered at this time, and no further amendments can be considered as pending except by unanimous consent.

Mr. WELLER. I desire to have unanimous consent to offer an amendment and have it considered as pending.

Mr. WELLBORN. Is this bill being considered by sections?

The SPEAKER. The bill is being considered in the House, not in Committee of the Whole. There are more amendments now pending by unanimous consent than under the rules of the House are strictly in order. And the Chair has stated that no further amendments can be offered except by unanimous consent.

Mr. NELSON. I have no objection to the amendment being offered and considered as pending.

The SPEAKER. If there be no objection the amendment will be read and considered as pending.

Mr. WELLER. I move to amend section 7 of the bill by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, however, That no entry upon sale, or any other disposition of any of said lands or any of the wood or timber thereon, shall be made, except by and under the homestead laws of the United States.

Mr. BUCHANAN. Mr. Speaker, the preamble of this bill indicates its object and purpose. It is to procure from the Red Lake Chippewa Indians the title to their entire reservation, consisting of more than 3,000,000 acres. The preamble declares that the public lands of the State of Minnesota have been almost entirely exhausted, and that the people of the State demand that the title of the Indians be extinguished. The bill goes further and declares the mode in which this shall be done.

Mr. Speaker, I am no great admirer of the Indian character generally, especially as it is found among the uncultivated tribes. But we are a strong people, consisting of 55,000,000. This band of Indians is small and weak. Every impulse of humanity, justice, and generosity requires that we as a strong people should act toward this weak band of Indians in such a manner that they shall not be seriously injured.

How is the object indicated in the preamble to be attained? It is not disputed that this land belongs to this tribe of Indians as much as any individual property belongs to any citizen of the United States. It belongs to each and every member of that tribe, and the manner in which this bill seeks to divest that title is contrary to every rule of law, every principle of justice, every dictate of equity, for it is proposed in this bill that a majority of this band of Indians shall have the power to dispose of the interests of the whole band. It matters not how large the minority may be, this majority is empowered under the bill to dispose of the right and interest of every Indian belonging to that band.

These Indians, in a legal sense, are joint tenants or tenants in common. Where in any civilized country, where in any country where law and justice and right prevail, is it permitted that one joint tenant or more than one, or one tenant in common or more than one, should have the right to dispose of the interests of the other joint tenants or the other tenants in common? Here is a clear violation of what in all civilized countries is considered the clearest principle of equity and justice: that while one person may dispose of his own interests he may not and can not convey the interests of others without their consent, those others having as complete and indisputable a title to the property as himself.

Mr. Speaker, why should this property be taken away from these Indians? The answer is that the white people want it. If they want it, they must procure it according to the rules of right, of law, of equity.

It may be said that these people are incapable of making contracts with white men, that any contract involving their rights must be made under the auspices of the General Government.

It may be true that if a contract is to be made it should be made under the auspices of the General Government; but what is the contract proposed? Supposing the proposed mode of conveying this land is proper, supposing it is right for a majority of this band of Indians to convey the title, what is the trade sought to be made? Is it fair; is it right; is it reasonable? Is it such a trade as a business man would make if he were in the condition of these Indians?

These Indians surrender in the first instance all their title to these 3,000,000 acres. It all passes away from them, and not a solitary cent is obtained by the Indians as payment until this land is disposed of by the General Government. Then how much is obtained for this agricultural land? Only $1.25 per acre, after taking out the expenses of the survey and all other expenses, and after giving the pitiful amount of one hundred and sixty acres to each head of a family. One hundred and sixty acres of land that belongs to them to-day are to be given to each head of a family. Why, sir, under the homestead law the white

man, without any title to the soil, may come in and is treated as well as the head of one of these families of Indians, of whom there are but 1,200 altogether. Then the bill proposes to give eighty acres of land to certain others of these Indians out of their own land.

More than that, so far as the timber lands are concerned these Indians are to be deprived of even the poor, pitiful privilege of cutting the green trees on what is now their own lands; they are to be restricted to the dead timber. I ask, how are the Indians to be benefited by this trade? No wise man will make a trade unless he is to receive some benefit from it. But this bargain is like that which is said to have been made between two hunters, one an Indian and one a white man. When they had killed a turkey and a buzzard the white man said to the Indian, "You take the buzzard and I will take the turkey, or I will take the turkey and you take the buzzard." [Laughter.]

Mr. BLOUNT. Mr. Chairman, it has been alleged, or is alleged in the bill, that the people of Minnesota are demanding the legislation here proposed in order that these lands may be occupied by white people, thus aiding in the progress of civilization in this country. Now, I have before me, sir, the State report of the statistician of Minnesota, executive document, 1879, from which I gather that the surveyed area of the State is 40,000,000 of acres; the unsurveyed area, 10,000,000. I am simply using round numbers. The total acres entered is 17,000,000. United States Government lands entered and not taxed, 3,000,000. There are being taxed now 20,000,000 out of 50,000,000 of acres. There are 30,000,000 of acres unoccupied entirely at this time. In addition to this the Government has given contributions of public lands, which have been used for school funds.

I find also in this same report that vast grants of lands have been made to aid in the construction of railroads, which is already known to members of this House. The Saint Paul, Minneapolis and Manitoba Railroad has 2,407,000 acres. The Saint Paul and Duluth has 1,188,000 acres. The Winona and Saint Peter Railroad has also a large number of acres, the total of which, however, is not made up in this report. The Northern Pacific Railway has likewise a very large sum, the total of which is not made up, running, however, over a million of acres. The Southern Minnesota Railroad lands are also found here. The Saint Paul and Sioux City Railroad lands under Congressional grants amount to 1,158,212 acres.

Mr. COOK. What is the date of that report?

Mr. BLOUNT. Eighteen hundred and seventy-nine. The very latest to be found in the Congressional Library.

Mr. COOK rose.

Mr. BLOUNT. The gentleman must excuse me, as my time is limited, and I can not yield any of it. I should be glad to yield to the gentleman under ordinary circumstances.

Now, Mr. Speaker, the census report of 1880 is similar in its statement of the amount of land occupied, giving it at 20,000,000 of acres. There are 50,000,000 of acres of land in the State, 40,000,000 of acres unsurveyed and 10,000,000 of acres surveyed. There is therefore an abundance of land for the population of that State for agricultural purposes.

How is it in reference to the timber land? I hold in my hand a map which is a part of the census report, in which the various areas are represented by colors. This small area represents the timber land in this Indian reservation. The balance represents the timber land in the State of Minnesota. The blue color indicates where the timber lands have not been touched at all. The statement as to standing pine runs thus along the lake and embraces 300,000,000 of feet. Along the shore of Lake Superior are 800,000,000 of feet; Lake Superior and river tributaries, 500,000,000; Mississippi, 2,500,000,000; Sioux Lake and its tributaries, 600,000,000; and so on.

Mr. Chairman, it will be thus seen that a very large part of the timber land in the State of Minnesota is unoccupied. I presume I am quite safe in saying that the timber lands on this reservation are not one-sixth of the other timber lands.

Looking to the right of this map we see Lake Superior, and lying all along the shore of that lake is this quantity of timber land which I have already mentioned.

Then why is it the people of Minnesota are asking for these Indian reservation lands? There already are five or six fold which they may reach under the operation of the law at this very time. There are vast quantities of arable land, more desirable perhaps than these Indian lands, which are already opened for occupancy under the homestead law. Why this pressure, therefore, that we shall go into this Indian reservation in order to make a treaty with these Indians to have them dispose of their lands under the terms indicated? I think, sir, that there is no necessity for the white people in Minnesota engaged in agriculture to do that, as they are amply supplied already. There is no occasion, no demand for timber, that these lands shall be occupied, because there is already an abundance of timber lands which remain unoccupied.

Mr. Speaker, it has been said that these lands do not belong to the Indians; that they have no title to the lands in this country. Well, sir, in one sense that is true. The Supreme Court of the United States in 1831, in the case of The Cherokee Nation against The State of Georgia, reported in 5 Peters, and I will simply read the syllabus of this decision, used this language with reference to the right of the Indians:

The Indians are acknowledged to have an unquestionable and heretofore an unquestioned right to the lands they occupy until that right shall be extinguished by a voluntary cession to our Government.

It may well be doubted whether those tribes which resided within the acknowledged boundaries of the United States can with strict accuracy be denominated foreign nations.

The question in this case was as between the Indians and the State of Georgia on a motion on behalf of the Cherokee Nation for an injunction to restrain the State of Georgia from executing and enforcing the laws of that State within the Cherokee territory, on the ground that it was a foreign State. But the question to which I desire to call the special attention of the House is this part of the language of the decision:

That they have an unquestionable and heretofore an unquestioned right to the lands they occupy until that right shall be extinguished by a voluntary cession to our Government.

Other decisions of the Supreme Court follow the same tenor of this one, but I will not quote them now. The language in this decision which I have quoted is material as to a just consideration of this bill. It is not that the Indians have the title, not that they can alienate the lands, but have an exclusive right to occupy them permanently under the terms of the treaties and in accordance with the public sentiment of this country. This is guaranteed to them through the Supreme Court of the United States in this decision.

Mr. HERBERT. Will the gentleman permit me to ask him a question?

Mr. BLOUNT. Certainly.

Mr. HERBERT. I see in the report on this bill that these Indians occupy the lands "to the utter exclusion of their thrifty and energetic white neighbors." I want to ask the gentleman the question as to what right these Indians have to occupy these lands or to have any other property that their thrifty and energetic white neighbors want?

Mr. BLOUNT. I will say to my friend in reply that the Indians have occupied these lands from the beginning; they have been recognized as their lands from the foundation of the Government. The Government has negotiated treaties with them, and they have ceded a part of their reservation, and the treaties have recognized their rights to the remainder. They have had pledges from the Government that it was theirs and that the Government would protect them in the right of occupancy.

Mr. OURY. Let me ask the gentleman if there is any pledge from the Government in regard to these Indians?

Mr. BLOUNT. I have already stated——

Mr. HERBERT. I think they have a right, but their "thrifty white neighbors" do not think so.

Mr. BLOUNT. From the beginning of the Government this right of occupancy has been recognized. In the beginning they were great and powerful and compelled from this Government the recognition of these rights; and not alone has a sense of fair play permitted it, but the exigencies of peace or war required us in the early history of this Government to yield to the demands of these people in the various sections of the country.

Mr. Speaker, this bill is an innovation of all precedents that are known in reference to the Indian lands in this: that the Government shall open negotiations with them to get possession of the lands, and in regard to the tillable land to apply them for use as homestead settlements, and allow to the Indians only $1.25 an acre for them. I say, sir, there is not a precedent for it in the whole history of the Government with reference to the Indian tribes.

Mr. DUNN. That is better than forty acres and a mule.

Mr. BLOUNT. I hope my friend will not interrupt me. While I appreciate his humor I prefer to occupy the short time that I have.

The invariable custom followed in disposing of Indian lands in which the Indians have original rights, as in the case of the Red Lake and Pembina Indian reservation, or where the lands have been acquired by virtue of treaty stipulations, is illustrated in the case of the Otoe and Missouria lands recently sold under act of March 3, 1881 (21 Statutes, page 380), and also in the case of the Omaha reservation, authority for the sale of a portion of which is found in the act of August 7, 1882 (22 Statutes, page 341).

The practice is—the consent of the Indians having first been obtained—to have the lands surveyed in forty or one hundred and sixty acre tracts, and appraised by not less than three competent persons appointed by the Secretary of the Interior for that purpose, one of whom is usually selected for appointment by the Indians themselves.

The lands are then offered for sale to the highest bidder for cash, but in no case at less than the appraised value. Sometimes it is deemed more advantageous to sell upon deferred payments, in which case the sales are made in that way.

There seems to have been no instance where Indian lands of the class referred to have been bought outright by the Government and opened to homestead settlement, although the pending Sioux bill contemplates that mode of disposing of portions of the great Sioux reservation (section 1755). There appears to be no precedent for it, however, and I think we have the highest example in the conduct of these railroad corporations as to what is policy in that regard. In the railroad lands, when they have sold them they are sold partly for cash and partly on credit. I say further, sir, there has been no instance in the history of the Government where such a proposition has ever been adopted heretofore as the one now pending. Why should it be?

I know, sir, that the policy of the country is to occupy the lands of this country for homesteaders. I think myself it is a proper and wise policy. I shall always take pleasure in supporting that policy; but, sir, while that is true in reference to the public lands it is not true in reference to the lands occupied by the Indians, and to which they have a title by the decision of the highest court of this land, that is to say, the right to occupy the same indefinitely, perpetually, so long as they see fit to occupy them.

In reference to the tillable lands to be disposed of under the homestead laws it is provided that the Indians shall be compensated at a rate of $1.25 per acre. It is difficult to compare values of lands in different localities under different circumstances. But a great many of these lands have been sold by the railroad companies at from two to six and eight dollars an acre. The lands upon this reservation lie broadside to other timbered lands that we have ceded heretofore. The timber has been all taken off the lands lying alongside the reservation and between the reservation and the lands of the railroad company, so that I take it the timber upon these lands must be valuable. The price is fixed at a minimum rate. They shall not be sold for less than so much. I do not think that the minimum is at all calculated to protect them. My apprehension is that the stumpage on these lands at those figures, situated as they are and sold for cash to the highest bidder, is bound to fall into the hands of big corporations dealing in lumber. We know there are vast amounts of capital employed in that way in that State. The opportunities, therefore, it seems to me, would be most favorable for those corporations to get possession of them.

Not only are these lands to be taken at this rate of $1.25 per acre, but the Indians are, as stated by my colleague [Mr. BUCHANAN], to have small portions of them given to them in severalty. The object in putting the Indian upon lands is to encourage him in the art of agriculture. One hundred and sixty acres is the usual amount allowed to the homesteader, which he is expected to enter and cultivate. You propose under the operation of this bill that this savage—while the whole of them together have not cultivated exceeding an average of a quarter of an acre—that he shall at once under the operation of this bill enter upon his one hundred and sixty acres and there make a living; lands not improved, lands not prepared for tillage, and if they were the Indian himself totally unfit for it.

Mr. Speaker, can it be possible, with this vast area of tillable land unoccupied, with this vast area of timbered land accessible, that this Government is prepared now, under an allegation claimed to be from the people of Minnesota, to go in upon this reservation and to do this thing so outrageous in point of justice to these people and so outrageous in point of humanity to them?

Mr. Speaker, through the various decisions upon this question of title the Supreme Court have in language strong and apt portrayed the policy of the Government in recognizing this qualified title. They have commended the humanity of the Government of this country. They have commended its wisdom. They have commended it in terms which are exceedingly admirable. And to-night for the first time a departure from that course is proposed. Let this be once done with reference to these Indians, and then we shall have opened the gateway, and the policy will be applied everywhere else. The overpowering influence of precedent will be utilized in every other direction, and soon there will be a disgraceful record on the part of the United States toward these tribes of Indians, whom they respected in the day when they had numbers, in the day when with more relative strength they made their courage as illustrious as that of any people on the face of the earth. When the nation has grown populous and wealthy and secure, and when these tribes under the influence of civilization have wasted away in numbers and in power, and have yielded up their rights to the importunities of white neighbors who wanted their lands, shall this Government, as my friend from Alabama [Mr. HERBERT] has suggested, resort to methods that result in the taking of these lands under the pretense they have no title and the selling of them at the arbitrary rate of $1.25 per acre?

Sir, I am perfectly willing that these lands shall be opened up as soon as the surrounding circumstances require it. Whenever the increase of our population demands the tillable lands, when the interests of civilization require the use of the timber upon them, when matters are in this attitude, then I am willing to meet the situation. I am willing under such circumstances to arrange by treaty to compensate these people for their property at its real value. My information is that at a moderate calculation the proposition of this bill is a denial to them of two-thirds of the value of their property. If public policy requires the occupation of those lands, let us go among those people and get at the true valuation of their property, and out of the public Treasury pay to them whatever is just and right. If we want to give them up to others, to homestead settlers in conformity with a great public policy, then, sir, for one I shall most cheerfully vote to pay whatever sums of money may be needed. But, rich and powerful as this Government is, I will not resort to this method, to take their lands at $1.25 an acre that are worth perhaps from four to six dollars, and turn them over to homesteaders, because I am willing now to meet the proposition to vote such a sum as justice and right require. I apprehend that there are gentlemen who are favoring this proposition of $1.25 per acre because they are apprehensive that this House will not vote such a sum as may be needed. The price must be low to show its insignificance. And I apprehend, sir, that there are others who are advocating this proposition who do so because they are not willing to vote what is equitable and right.

It is, sir, as I have said, the beginning of a new policy in contradiction to all our previous action, and I trust that this House will not pass this bill with any such provision in it. If it sees fit for the interests of the people of this country to require the occupation of those lands, let this bill be amended. Let these lands be appraised; let them be sold on partial payments with a view of realizing to these people what they are entitled to. In that shape I could justify this conduct.

I yield the remainder of my time to the gentleman from Texas [Mr. THROCKMORTON].

The SPEAKER. The gentleman has only three minutes of his time remaining.

Mr. THROCKMORTON. I think, sir, that the principle of this bill is erroneous; and there is no precedent for it, so far as I know, in the history of the country in meting out such treatment as this to the Indians. It is conceded, it can not be denied, that these Indians have a possessory right to claim about 3,000,000 acres of land since Minnesota has been a Territory, and since it has been a State. It is proposed by legislation, without any solicitation on the part of the Indians, that they shall cede to the Government all these lands, except one hundred and sixty acres to heads of families, and eighty acres to others not heads of families and minors.

Now, make a calculation and see what it amounts to. First, you propose to take from these people 3,000,000 acres of land by legislation without consulting with them. But some gentleman says, "Oh, yes; they are to be consulted; through their headmen and chiefs the consent of a majority of these people is to be obtained to this transaction before it becomes operative." Now, we know very well from the history of the Indian character how easily this thing may be accomplished by designing persons going there, and by cajolery and other means obtaining the consent of their headmen and through them of a majority of their people.

Now, is it right, is it just to do so? Should not these people be consulted and have something to say in regard to the disposition of the proceeds of this land if this law is to be carried out? As it now reads the bill is imperative. If the consent is obtained by any means, then they are to have no voice in the disposition of the proceeds of this land, but it is to be doled out to them from time to time as the Secretary of the Interior may see fit.

It strikes me that these people have a right to say what shall be done with the proceeds of this land. They have a right, when the Government negotiates with them for its sale, to say how they shall be compensated for the portion of their reservation which this bill proposes to take from them.

I admit that 3,000,000 of acres for 1,200 people is perhaps too much. While they are surrounded by white people who have an eye upon and a desire to possess their lands, 3,000,000 of acres is perhaps too much for them to control. But why not have a treaty made with them and let them select how much of this land they desire to retain and where their allotments shall be made? Why not permit them to stipulate by treaty that they should not be so surrounded by white people and imposed upon by the usages of the white people about them as to make them practically vagabonds and people of no consideration whatever?

The SPEAKER. The time of the gentleman has expired.

Mr. BELFORD. Mr. Speaker, we have been appropriating every year on an average about $7,000,000 to support the Indians of the West. That statement is vouched for by my accurate and well-informed friend from the State of Indiana [Mr. HOLMAN]. We have been constantly keeping up a national asylum for hordes of paupers who are able to work but who will not do so. Every Western man knows that to be the fact, and not one of them will stand up here and question the correctness of that statement.

Now, is it not about time that we should change our policy? Take the Indian Territory, with, I think, not over 500,000 Indians in it. I may be mistaken as to the number; I may overestimate or underestimate it. But there is a territory equal in area to the great State of Indiana occupied by only 500,000 Indians.

Mr. ROGERS, of Arkansas. There are only about 70,000 Indians in the Indian Territory.

Mr. BELFORD. I may have been mistaken as to the number.

Mr. ROGERS, of Arkansas. About 70,000 Indians in all, of the five tribes.

Mr. BELFORD. That may be correct. But you know that that Territory is equal in area to the great State of Indiana.

Mr. ROGERS, of Arkansas. Yes; I think it is.

Mr. BELFORD. Equal to the great State of Indiana, which has millions of people in it. Yet we can not get the right for a railroad to traverse that Territory. There is here such a sentimental New England notion of the Indian that we can not even secure the right of way through that Indian Territory in order that the commerce of this country may be developed.

Mr. BLOUNT. We passed three such bills the other day.

Mr. BELFORD. Well, it is only within the last few days that we have got them; and I am thankful to God that you Democrats have now some sense on the subject.

Mr. DUNN. Some of us.

Mr. BELFORD. Is not the Indian as able-bodied as I am? Is he not as able-bodied as you are? Should he under any circumstances be allowed to have more land than you or I can acquire under the pre-emption or homestead laws?

Mr. DUNN. Or under both of them.

Mr. BELFORD. Does the Government vote $7,000,000 each year to support us in idleness and in ignorance?

Mr. JOSEPH D. TAYLOR. Will the gentleman permit me to ask him a question?

Mr. BELFORD. In a moment. Is it not time that we change this policy and make these idle vagrants work for their living just as we have to work for ours?

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman this question: If he has a thousand acres of land to which he has a good title, does the Government make him divide it up with others because he has more than some one else has?

Mr. BELFORD. The gentleman asks me whether if I have a thousand acres of land the Government will make me divide it up with others. I say that if I have a thousand acres and will not utilize it for the benefit of common humanity, and besides receive a bounty from the Government for doing nothing, then I think the Government should have the power to compel me to divide.

Mr. DUNN. The Government at least gives you the privilege of dividing it with others, if you can find a purchaser for it.

Mr. BELFORD. Of course. But what I complain of is this: you appropriate every year from seven to eight millions of dollars to support these able-bodied Indian paupers in idleness, and then you give them all this land besides and withhold it from occupation by the whites. That is what I complain of. Do you do that with white men?

Mr. JOSEPH D. TAYLOR. If the Government agreed to do it with the Indians, how does that affect the title to their real estate?

Mr. BELFORD. This bill, as I understand, provides that the transfer shall be made with the consent of the Indians. If we are going to give them lands, let us put them in one place; but let us understand at the same time that the territory of this nation, whether owned by Indians or otherwise, is subject to the dominating influence of the Congress of the United States, and that no Indian territory shall be a barrier against the swelling tide of American commerce.

But if some of you philanthropic gentlemen had traveled in a stage-coach over the plains with a rifle across your legs, you would not have such profound sympathy for the Indian, with his indolent habits, refusing to work while the American Congress, as I said a moment ago, appropriates from seven to eight million dollars a year to support him, giving him at the same time hundreds of thousands of acres of land, when the white man can get but one hundred and sixty acres by pre-emption and one hundred and sixty by homestead.

I love the cause of religion. I believe I have as much humanity in my heart as anybody in this House or out of it; but I publicly declare that I have no sympathy for the Indian. I believe in the principle of "the survival of the fittest." A man who is too lazy to work, whether he is Indian or white man, should starve; and this Government should not establish an asylum to support Indian paupers any more than it should establish and perpetuate an asylum in all these Territories for the benefit of white men. We labor and toil, and earn our bread by the sweat of our brows. I insist that these Indians should do just as we do. We should not take out of the coffers of our Government every year seven or eight million dollars to support these strong, sinewy men, capable of taking our scalps at any time, while their special friends stand up here and preach God and morality.

Mr. BLOUNT. The Indians are prohibited by law from selling their lands; they can sell to nobody but the Government. If they were permitted by the Government to sell their lands just as other people may do, would not the proceeds of those lands raise a fund far more than equal to the sums the Government now pays them?

Mr. BELFORD. That may be; but I want to call the gentleman's attention to a fact that occurred in the State of Michigan.

Mr. DUNN. The argument is that if you give the Indians the right to sell their lands, they will be swindled out of them. That is the argument which the gentleman from Georgia and those on his side constantly make.

Mr. BLOUNT. No, sir; you never heard me make that argument.

Mr. BELFORD. What I say is that it would be cheaper for the United States to purchase an island in the Pacific Ocean——

A MEMBER. How about the case that occurred in Michigan?

Mr. BELFORD. I will come to that in a moment; I can not do everything at once. [Laughter.] I say it would be cheaper for the people of the United States to buy an island in the Pacific Ocean, or to make an allotment of land in Alaska, and send all the Indians there, instead of maintaining a Territory like the Indian Territory, from which the great commerce of this country is practically and I think absolutely excluded.

Mr. WELLER. If the Government were to buy an island in the Pacific Ocean or make an allotment of land in Alaska for the Indians, how long would it be before gentlemen of your opinion would be pushing the Indians off from that to some other place?

Mr. BELFORD. It would be a good thing if we could push them off into the ocean. [Laughter.] What good are they? What do they do to promote our civilization? How many ears of corn do they raise? How many heads of wheat do they cause to bloom? How many acres of land do they till to feed the families of this nation or their own?

We should regard this as a great practical question. Put them out of the roadway—the pathway of American commerce. They are no good, and this sentimentalism is of no account in the solution of this great problem. Let us put them where they will not impede our progress. They contribute nothing to it. They will never contribute anything to it. You have schools at Carlisle, Pa., and other places where under your sentimental notions you are undertaking to teach the ideas of these young Indians "how to shoot." What do your Indian pupils do when they get home? They take off the clothes that the Government has given them and put on the attire of their ancestors; they lie down in their tents and resume the ancient habits of the savage.

I am making these remarks because for fourteen years in the West I have been surrounded with Indians. I know them better than the soft-hearted and emotional preachers of the Eastern country. I believe God made this country for us, the dominant civilizing race of the world. What was the result? When New England was settled that country was occupied by the Indians, was it not? Did not those pious Puritans from that godly and peculiar region drive them out? [Laughter and applause.]

Mr. DUNN. And sold some of them into slavery.

Mr. BELFORD. Did not they drive them out of the whole of New England? Is not that the fact?

Let us go to New York.

Mr. JOSEPH D. TAYLOR. There is a tribe in Maine which sends a representative to its Legislature every year.

Mr. BELFORD. There may be a tribe there; but if there is I think they are robbed by your people. [Great laughter.]

Let us go to New York. They had tribes of Indians in New York, and they bought up all the land they had—I forget what they called it, but it was bought at a nominal price—and then they drove them to the West.

What did they do in Pennsylvania? William Penn came over there with a Testament in one hand, a catechism in the other, and a treaty in his mouth [laughter], and he drove them out of the great State of Pennsylvania. Have you got any Indians in Pennsylvania now?

Then we shipped the Pottawatomies to Indiana, and by and by the Indianians, the citizens of that great State, drove them out and sent them over to Kansas. Then Kansas drove them out and sent them down to the Indian Territory. Is not that the history of this country during the last twelve or sixteen years?

Yet these gentlemen who have acquired the domain of New England, New York, Pennsylvania, and Indiana stand up here and shrug their shoulders as if they were saying mass in a Catholic church and worshiping their Almighty Father.

Mr. WELLER. They have repented of their sins.

A MEMBER. You were not born then.

Mr. BELFORD. I was born in Pennsylvania, and I was born too soon—before the outrage was committed. [Laughter.]

Mr. DUNN. Do not forget Georgia.

Mr. BELFORD. Yes, my dear friend from Arkansas, do you recollect how they dragged those poor Indians out of the State of Georgia? Why, sir, they absolutely tied them to the tails of their horses. [Laughter.] That is an historic fact. Judge DUNN knows it. They tied those Indians to the tails of their horses and dragged them into the Indian Territory.

Mr. HERBERT. Georgia repents now, and wishes to do justice to the Indians.

Mr. KING. What about Arkansas?

Mr. BELFORD. I do not know whether they drove them out of Arkansas, but I do know they drove them out of Georgia, and those poor Indians went weeping and wailing from their homes in order that the godly people of that age might secure their lands and enter upon them. I state it as an historical fact that those righteous people tied those poor Indians to their horses' tails and dragged them along until they located them in the Indian Territory.

Mr. BLOUNT. Who is your author for that history?

Mr. BELFORD. I have no doubt about the accuracy of it, and if you doubt it I will to-morrow produce the document from the Library of Congress. That is a pretty good fountain of universal knowledge.

Mr. BLOUNT. But is it so?

Mr. BELFORD. I have read those facts, I have devoted myself to diligent study when I was a young man, which I think you have not done. [Laughter and applause]. I think my friend from Arkansas will confirm the statement I have made.

Mr. DUNN. I will give my friend the benefit of a story my father's servant, Dick, told him. He said that the first impression he had of the Indians was what he saw of them on their move from Georgia to the Territory, and that every Indian was part man and part horse for they were tied all together. [Laughter.]

Mr. BELFORD. I have no doubt of it.

Mr. DUNN. And I have given my authority for the statement. [Laughter.]

Mr. BELFORD. Now, I say in view of the conduct of New England, in view of the conduct of New York, in view of the conduct of Pennsylvania and of Indiana and of Kansas, I think that the Western States have a right at least to follow in the footsteps that have been set for them, and to recognize the precedents that these Christian gentlemen have established.

Mr. Speaker, I have no unkind feelings in my heart for any man, for any human being on the face of the earth who will labor and struggle for his own support. But I have no sympathetic feelings for a tribe of paupers for whose benefit we are compelled every year to appropriate from seven to eight million dollars. I have no sympathy in the world for them, nor do I think they are deserving of any.

I now yield the remainder of my time to the gentleman from Wisconsin [Mr. NELSON].

The SPEAKER. The gentleman has forty minutes of his time remaining.

Mr. NELSON. I have also the time yielded to me by the gentleman from Texas, the chairman of the committee, whatever time he may have remaining.

The SPEAKER. The Chair does not remember, but thinks the gentleman from Texas did not reserve any portion of his time.

The gentleman will be recognized for forty minutes.

Mr. NELSON. Mr. Speaker, I think there is a great misapprehension in the minds of gentlemen in reference to this bill. There is a class of men who when you come to speak of an Indian or of an Indian reservation or of pine lands seem to have an impression that there must be some fraud in connection with the subject. Now, I want to say that in reference to this reservation and the opening of it to settlement the same sentiment exists among the people of Minnesota to open this tract to settlement that has existed in every one of the older States which have at times had Indians located among them.

In 1832 the people of Georgia wanted lands which were occupied by this Cherokee tribe of Indians, and they were moved away from that State in accordance with that public demand.

Mr. BUCHANAN. And Georgia gave the States of Alabama and Mississippi to extinguish the title, and the Indians got a much better country than they yielded up.

Mr. NELSON. Now, sir, I shall not occupy the time of the House to make any extended argument in support of this bill. I shall confine myself to brief explanation of the essential features which are embodied in it. But first I want to say that this reservation is located in the northwestern part of Minnesota. The northern end of it extends to the northern boundary line of the State. It appears to be a very large reservation. It appears to be an exceedingly large domain. It figures as a territory embracing 3,200,000 acres. But if you bear in mind the reports of the Commissioners of Indian Affairs, that only about 1,000,000 acres are tillable or fit for agricultural purposes, you will find that this is not so large a reservation after all.

Now, the gentleman from Georgia said that there was a great deal of land still in Minnesota unoccupied. There are, it is true, large bodies of lands there, but they are of that character which are unfit for actual settlement. They are now only in the northeastern portion of the State, around Duluth and Brainard and that section of the country, most of it being tamarac swamps and cranberry marshes, with here and there a few patches of arable land and large bodies of pine lands wholly unfit for settlement. In fact, few agricultural lands of Minnesota today, except those which are covered by railroad grants and those which are set apart under the school-land grants, are open for actual settlement.

On this reservation there are just 1,057 Indians. They occupy the entire reservation. They have no funds; they have no schools. They are carrying on farming operations on a very small scale, and are in a semi-civilized condition. This reservation is of no practical benefit to them, nor is it of any use except as a ground on which they can in the winter time hunt around as nomadic tribes always do, and it is of no benefit to the white people.

Now, the gentleman from Georgia said that there were large bodies of pine land in Minnesota. True, in the eastern and northeastern portion of the State there are, but in the northwestern part there is a large body of prairie land known as the Red River Valley, being on both sides of that stream both in Minnesota and Dakota—a large body of valuable and fertile land, but entirely denuded of timber. It never was timbered except a small quantity of cottonwood and here and there a few willows scattered along the banks of the streams. The body of timber on this reservation is the closest to our people and the most accessible in that whole region; and the people of that part of the country feel that it would be just and proper to throw this reservation open to settlement and open to sale for the benefit of the white people. At the present time the people of that country have to obtain their lumber from a distance of two hundred to three hundred miles by railroad, and you all know what railroad transportation costs.

Here is a body of timber lying on the borders of this Red River Valley, of no practical use to the Indians, that we feel ought to be made accessible, and the benefit of which the white settlers ought to have.

Now, I will explain the provisions of this bill. The first section provides that the Secretary of the Interior, in person or by three commissioners, shall obtain a cession and relinquishment from these Indians of their title to this reservation. The bill as amended—an amendment has been incorporated—provides that this consent, this cession, shall be made by a majority of the Indians and by the chiefs and headmen. On this question I have this to say: If gentlemen do not think that is a sufficient number, I have no objection to placing it at two-thirds or three-fourths or any other reasonable proportion. Further than this, the bill is of no effect unless these Indians assent to it. If they assent and make this relinquishment, the bill goes on to provide how the lands shall be disposed of.

The second section provides the lands shall be surveyed—that is, all lands that are agricultural, that are fit for cultivation, including the timber lands—and the surveyors are required to note on the plats and in the field-books the character of the land, whether it is prairie or pine land. If it is pine land, the bill provides for a certain method of disposal.

In reference to the method of disposing of these pine lands I want to say this is a method which has never been adopted in this country before. I got the idea of it partly from the system of disposing of such lands in Canada, and there is a similar system in some countries of Europe. Instead of selling the pine lands they sell the stumpage and reserve the lands for the government. In Minnesota the custom has been that the pine lands have been secured for the use of lumbermen by means of scrip—Sioux scrip, half-breed scrip, soldier scrip, &c. And I venture to say the pine lands disposed of in Minnesota until now have not netted the Government the average of a dollar an acre.

Mr. HERBERT. Will the gentleman permit me to ask him a question?

Mr. NELSON. Yes, sir.

Mr. HERBERT. What are the treaty stipulations under which this reservation was set apart? Or has the gentleman thought it worth while to consider them at all?

Mr. NELSON. I will explain that to the gentleman from Alabama. This reservation is the remnant of the larger Indian territory. It is what is termed in the Commissioner's report and in the land laws unceded Indian territory. There never has been any treaty. This is a piece of land, so far as the Federal Government and the Indians are concerned, in regard to which there has been no treaty at all, except that there was a treaty made away back I think some twenty years ago cutting off a lot of this reservation and opening it for settlement. And this is the remnant of it.

Mr. HERBERT. This reservation is recognized as Indian territory?

Mr. NELSON. The Indians hold it under the title of Indian occupancy as unceded Indian territory.

Mr. HERBERT. Were there no stipulations at all that affect this reservation?

Mr. NELSON. Not to my recollection. In the last treaty made with these Indians certain lands were carved out from this reservation, from what is now left of it; and this is left as unceded Indian Territory. This is held by the Indians under the original Indian title—not title by treaty, but original Indian title, the same as all the Indian title was in this country.

Mr. BLOUNT. I have here a statement upon this point which I am sure is correct.

The treaty of February 22, 1855 (10 Stat., page 1165), with the Mississippi bands of Chippewas determined the boundaries of the country claimed by the Red Lake and Pembina bands east of the Red River of the North, and thereafter all of the territory lying north and west of the cession made by the Mississippi bands by said treaty was recognized as belonging to the Red Lake and Pembina bands. By the treaty of October 2, 1863, the Red Lake and Pembina bands ceded a large portion of their country east of Red River, reserving, however, all the lands embraced within their present reservation (13 Stat., page 667). They ceded up to the line of their present reservation, and the cession determined the line on the west as now existing.

Mr. NELSON. Certainly; those are the treaties I referred to. That is the last treaty, in virtue of which the Government carved off so much, the Indians reserving the balance.

Mr. BLOUNT. It thus appears that the reservation has been recognized by the Government.

Mr. NELSON. They recognized it in that way that in carving off a portion these lands are left to the Indians to be occupied. It was not such a reservation as another south of it, some hundred miles, called the White Earth reservation. That was given to the Indians by express treaty.

Mr. BLOUNT. In this case the right of occupancy was recognized.

Mr. NELSON. Exactly.

Mr. WELLER. Will the gentleman permit me to ask him a question?

Mr. NELSON. Yes, sir.

Mr. WELLER. Why not put the timber lands in the same condition as regards settlement as you propose to put the arable lands?

Mr. NELSON. I will explain that as I go on and explain the other provisions of the bill. I want to say in reference to these pine lands, as a rule they are not fit for agriculture unless there is a good deal of hard wood mixed among the pine. The bill provides in reference to these lands not that they shall be taken by homestead settlers or by

pre-emption settlers, but that the Secretary of the Interior shall appoint three commissioners, competent and expert, to examine and estimate and appraise the stumpage on each of these forty-acre tracts. And the bill contains this provision, that these appraisers in making their estimates shall in no case appraise the stumpage at less than $1 per thousand feet, board measure.

I desire to say in reference to that minimum price for pine stumpage that in the State of Minnesota, so far as I am advised, and I only speak of this at second hand, because I am not a lumberman, and never was engaged in lumbering, and know nothing about it, but I understand that as a rule pine stumpage in Minnesota is worth not over from one to three dollars a thousand feet, according to the situation of the pine—its proximity to streams or railroads.

Now, the commissioners in making this appraisal are confined to this minimum price; they can not estimate below that sum. After the appraisement has been made, then it is provided that this stumpage shall be advertised for ninety days and then sold at public sale to the highest bidder; but in no event at this public sale is it to be sold at less than the appraised value. Then, in order that the pine may not be exhausted and destroyed immediately, it is provided, for the good of the country, that not more than one-twentieth of the stumpage shall be disposed of in any one year. In other words, it will take twenty years before the whole of this pine stumpage can be sold.

Mr. PERKINS. In that connection let the gentleman state that the land remains to the Indians even after the pine stumpage upon it is sold.

Mr. NELSON. Yes; these pine lands, after the stumpage is sold, the Indians are permitted to occupy and use in addition to their reservation.

Mr. BLOUNT. How long have they the right to occupy that land? Is it not a matter entirely with the Government?

Mr. NELSON. Until the Government, through Congress, sees fit to make some different disposition of it.

Mr. BLOUNT. But the Indian has no right to it except to hunt upon it.

Mr. NELSON. He is to use it and occupy it, only not to interfere in any way with the cutting of the pine stumpage that is sold.

Mr. BLOUNT. Is it not perfectly competent under the provisions of this bill for the Government to sell that land when it sees fit?

Mr. NELSON. No.

Mr. BLOUNT. I so understand it.

Mr. NELSON. Not the pine land.

Mr. WELLER. Permit me to ask the gentleman another question.

Mr. NELSON. While I would be glad to answer all questions, my time is limited and I desire to complete my explanation of this bill.

Mr. WELLER. One question only for information.

Mr. NELSON. Very well.

Mr. WELLER. Have you not by your remarks so far developed the fact that the real purpose of this bill is simply to secure the pine on this land, instead of taking the land from the Indians and opening it up for settlement?

Mr. NELSON. I will explain as I go on, and the gentleman will then see that I will answer his question. I want now to speak of the provisions which this bill makes for the Indians. In the first place, it provides that the Secretary of the Interior shall select of any lands on this reservation the very best that he can find and allot it to these Indians in severalty as follows: To each head of a family, one hundred and sixty acres.

Mr. WELLER. Not of the pine lands.

Mr. NELSON. The pine or agricultural land, as the Indians or the Secretary may see fit.

Mr. WELLER. Is that the wording of the bill?

Mr. NELSON. Any of the lands on the reservation the Secretary may allot to the Indians; to the heads of families, one hundred and sixty acres each, and to all other members of the tribe eighty acres each.

Mr. CUTCHEON. Allow me to correct the gentleman. The seventh section of the bill provides "that the Secretary of the Interior shall, under such rules as he may determine, make allotments of said lands, other than pine lands, to the said Indians in severalty, as follows," &c.

Mr. NELSON. I stand corrected; I was mistaken in that.

Mr. WELLER. That is the point I was aiming at.

Mr. BLOUNT. Will the gentleman allow me?

Mr. NELSON. Certainly.

Mr. BLOUNT. In reference to the fee-simple of the land, section 6 of the bill provides "that the said Indians may continue to occupy said lands as a reservation, and use the dead and down timber thereon for fuel until otherwise provided by law." That evidently contemplates that, so far as the right of the Indians is concerned, the land may be sold hereafter by the Government.

Mr. NELSON. Not without the authority of Congress.

Mr. BLOUNT. I know; but the Indian does not come into play at all in determining that question.

Mr. NELSON. I intended to make that statement a moment ago in answer to the question of the gentleman. Perhaps I failed to make myself understood. I said that the lands remained as they were until Congress should see fit to make some different disposition of them.

Mr. BLOUNT. But the Indian has no right to speak in the matter.

Mr. NELSON. He has the right of occupancy until the Government through an act of Congress shall see fit to make a different disposition of the land.

Mr. BLOUNT. I hope my friend will allow me as a matter of information to ask him——

Mr. NELSON. I would like to answer all these questions, but I fear my time may be exhausted. I prefer to go on and explain the bill, and then, if I have any time left, I shall very gladly answer any questions.

Mr. BLOUNT. I merely want to call the gentleman's attention to the eighth section of the bill:

> That the provisions made for said Indians in this act shall be deemed and taken to be compensation in full for their cessation and relinquishment of all their right and interest in said reservation to the United States of America, as herein contemplated.

Mr. NELSON. As I go on I will explain that.

Mr. WELLER. I hope the gentleman will also explain the latter part of the sixth section.

Mr. NELSON. Mr. Speaker, I must decline to be interrupted any more at present.

This bill, as I was about to say, provides that agricultural lands shall be allotted in severalty anywhere on the reservation, but in such a manner that the Indians will as nearly as practicable be in a body by themselves. One hundred and sixty acres will be given to the heads of families, and eighty acres to all other members of the tribe. In order that the Indians may have time to become civilized, that white men may not procure from them the lands by fraud, that the lands may not be liable to taxation or judgment, this bill, like all Indian allotment bills which have been before this House or the Committee on Indian Affairs, provides that the Government shall hold these lands in trust for the Indians for twenty-five years, or for such longer time as the President may deem advisable; and after the expiration of such time that the lands shall be conveyed to these Indians in fee.

Mr. HERBERT. But is not the provision that the lands selected for the Indians shall be other than pine lands inserted because their thrifty white neighbors want the pine lands for themselves, and do not want to let the Indians have them?

Mr. NELSON. I am willing to answer all reasonable questions asked for information; but I trust that gentlemen, at least gentlemen much older than myself, will not interrupt me with questions of this kind.

The SPEAKER. The gentleman will proceed.

Mr. NELSON. These lands, after a period of twenty-five years——

Mr. PERKINS. Thirty years.

Mr. NELSON. After the period of thirty years, or such time as the President may determine, these lands are to be conveyed in fee-simple to these Indians, and held and occupied by them as farms.

In reference to this policy or plan, I wish to say that it is the same which you will find embodied in all the Indian bills. We have now on the House Calendar a bill passed by the Senate and reported by the Committee on Indian Affairs of this House, a bill proposing to open to settlement the great Sioux reservation in Dakota, embracing ten or eleven million acres. That bill, like all other Indian bills, so far as I know, which have been before the House, provides that allotments similar to these shall be made for the benefit of the Indians. This has become the policy of the country, founded upon the belief that the proper way to treat the Indian problem is to give these people farms and endeavor to civilize them, to train them to agricultural pursuits. This is the new plan. It was not the plan years ago.

Now, the proceeds of all these pine lands, when they are sold, are to go to the Indians. Every dollar that may be realized from the sale of the pine stumpage is to go to these Indians. As to the agricultural lands, this bill as amended follows the provisions of the bill to which I referred a moment ago, the bill opening to settlement the great Indian reservation in Dakota. It provides that the agricultural lands shall be disposed of only to actual settlers under the homestead law, but that these settlers shall pay the Government at the rate of 50 cents an acre in four equal annual installments.

Now, I will state as nearly as I can the amount of the fund which I think these lands will ultimately produce for these Indians. There are about 1,000,000 acres of pine and prairie lands. Assuming that it will take 100,000 acres to fill these allotments of agricultural lands—it will probably not take that much—there will be left 400,000 acres of prairie land to be disposed of to homestead settlers at 50 cents an acre, producing a fund of $200,000. I estimate that 500,000 acres of pine land will, under the provisions of this bill, bring from $6 to $8 an acre. Taking the lowest figure, $6 an acre, you have a fund of $3,000,000 in addition to the $200,000 derived from agricultural lands disposed of to homestead settlers, making a fund of $3,200,000 to be held in trust for these Indians, and to be paid out to them as their needs may require to assist them in agriculture and in becoming civilized, as we hope to civilize all the Indians.

There are in addition on this reservation, as I have said, 2,000,000

acres which are unfit for immediate use. These are what may be designated as marsh or swamp lands. In time these lands will be ditched and drained, and will become valuable. When that time is reached these lands will be sold and the proceeds will go to the Indians. Now, the Indians at present get no income, get no benefit from this reservation. By this bill it is proposed to give every one of them the right to a farm of his own; and in addition it is proposed to give them the proceeds of all these lands, the proceeds of the pine stumpage, and the proceeds of the agricultural lands.

I submit, when gentlemen say we are trying to swindle these Indians and defraud them, that there is no foundation for it. No Indians have been better or more fairly treated than this bill proposes to treat them. Just think, there are less than 1,100 Indians, and in addition to getting farms and homes of their own they get the proceeds of their lands.

If you ask me what I thought about it, I would say this is altogether too big a provision for these Indians. But then there seems to be a sentiment and spirit now abroad, and in obedience to that sentiment and spirit I have ingrafted in this bill the provisions I have indicated.

I wish to call attention to another fact. While these agricultural lands that are left to homestead settlers bring but 50 cents an acre, under the provisions of this bill the pine lands will bring so much more that the average price of the lands on this reservation will be at the lowest estimate $3 an acre all round. I venture to say you can not find a single bill or a single Indian treaty or a single law where the Indians have ever realized from any reservation they have granted to white men such an amount as they will realize from this bill.

I want to compare this with another bill I understand has more friends than this bill. That bill opens 10,000,000 of acres in Dakota. Its provisions are that 10,000,000 acres of land are to be opened at 50 cents an acre. The Indians get the proceeds of those lands, $5,000,000 in all out of 10,000,000 acres. That bill has passed the Senate and is before this House, and those Indians get but $5,000,000, while in this bill, and this is a much smaller reservation, they will get a permanent fund of no less than $3,000,000, and I believe ultimately of $5,000,000.

I wish to call the attention of gentlemen to another fact. I wish to say that while they claim to be the friends of the Indians, and while they are anxious to hold these lands back from settlement, and being utilized both for the benefit of the white men and Indians, they are committing a gross injustice, aiding unintentionally in having a great fraud perpetrated. For years back, and now under a license obtained from the Commissioner of Indian Affairs, the agent in charge of these Indians has been in the habit of allowing them to sell what is known as dead and down timber, and year after year they have been allowing men to take all the dead and down timber they pleased in the interest of the white lumbering men. When there is not enough of dead and down timber what do they do? They set fire to the standing pine and then go to the Commissioner and Indian agent and say: "These pines are burned."

I hold in my hand a letter addressed to me last February, from Crookston, in Red River Valley, in the land district where these Indians are settled, showing a notice by the Indian agent there, and calling my attention to it. I ask leave of the House to read it. It says, "Sealed proposals for the sale of dead and fallen logs," &c. See the cunning of it! The proposals are sealed, and not at public sale. The paper is as follows:

WHITE EARTH AGENCY, MINN., *February* 14, 1884.

Sealed proposals for the sale of dead and fallen logs cut by the Indians on Red Lake and White Earth Indian reservations will be received at this agency until Monday, the 24th day of March, 1884, at 12 o'clock noon, at which time the bids will be opened. The logs located at the following points on—

RED LAKE RESERVATION.

About 400,000 feet in two camps located on Clearwater Lake. About 600,000 feet in three camps located on Clearwater River below Clearwater Lake. About 150,000 feet in one camp located on "Four Legged Lake" River, about five miles from junction of the Clearwater River. About 600,000 feet logs in three camps located on Sandy River, about three miles from the outlet of Red Lake. About 200,000 feet logs in one camp located on Red Lake, about ten miles from outlet. About 200,000 feet logs in one camp located on Red Lake, about ten miles from outlet.

WHITE EARTH RESERVATION.

About 1,000,000 feet logs located on Clearwater River, about six miles from its source. About 1,000,000 feet logs located on "Walker's Brook," a tributary of Clearwater River.

The terms of this sale are that all bids must be accompanied with a certified check upon some reliable bank for at least $1 per thousand feet as an assurance of good faith, the same to be returned to the unsuccessful bidders depositing the same when the bids are opened.

These logs to be scaled by the State surveyor, whose measurement shall be considered final. Twenty-five per cent. of the worth of the logs purchased will be required to be paid in to me within ten days from the acceptance of the bid or bids, and the remainder within thirty days.

The agent claims the right to reject any or all bids as may seem best for the parties for whom the logs are sold. Mark on outside envelope "Bid for logs."

C. P. LUSE, *U. S. Indian Agent.*

UNITED STATES LAND OFFICE, *Crookston, Minn., February* 29, 1884.

DEAR SIR: Please examine the attached notice by the United States Indian agent at White Earth. At this rate it will not take very long to cut down every tree on the reservation. It is absurd to suppose that there is any such quantity of dead or fallen logs. The plain truth is that they are cutting down sound timber, and we are told that they even start fires to scorch the trees so as to get an excuse for cutting. We have an idea that white men and half-breeds are running these camps where this pine is cut. We think that the Interior Department fatally erred when it issued authority for Indians to cut down dead or burned timber, and it ought to be revoked without delay if the Government expects to save any part of these reservations from spoliation.

I also inclose a letter received from Captain Mullan, which we presume is all right and will meet with your support when it comes up.

Would it not be a good idea for the Interior Department to send one of their timber agents up to look over the pine cut over by these camps. An honest examination of the logs and stumps would tell the story as to the class of pine cut. There are several of these agents in this State, and it would not be much of a job to go there now. If you think something should be done in this matter, please use your best judgment in getting at it. The advertised list shows 2,150,000 feet on Red Lake and 2,000,000 feet on White Earth reservations.

We think that the attention of the Secretary of the Interior had better be called to this matter at once, so that it can be looked into, as it is reported here that certain lumbermen are interested in all the pine cut at these so-called camps.

Yours, truly,

JOHN CROMLEY.
P. C. STETTIN.

Hon. K. NELSON, *Washington, D. C.*

Now, I will tell this House that if you allow this reservation to remain as it is, through intriguing white men this pine timber will be frittered away in the manner the Land Office indicates. The Indians will be induced by these people, who use them for means of speculating upon the timber, to set fire to it and cut it down, and it will be sold, not under estimates or appraisal, not by advertisement, not under the method proposed by this bill, not open and above-board, but will be sold to a little pine-land ring, who will send in their sealed proposals and get it in that manner.

Mr. WHITE, of Kentucky. Can the gentleman give the name of that agent whose letter he has read?

Mr. NELSON. The Indian agent is C. P. Luse.

Mr. WHITE, of Kentucky. What are the names of the other parties?

Mr. NELSON. Their names are signed to the letter; Mr. John Cromely is the register, and P. C. Stettin the receiver.

Mr. WHITE, of Kentucky. Has that been presented to the office?

Mr. NELSON. Yes, sir; I presented it there myself.

Mr. BLOUNT. Have they reported this to the Interior Department?

Mr. NELSON. They sent the letter to me, and I sent it to the Interior Department, and all I could accomplish in the matter—I tried to prevent the sale—but all I could accomplish was to sell it by public sale instead of by sealed proposals.

Mr. WHITE, of Kentucky. Does not the fault lie more with the Interior Department, that has the appointing of these officers, than with the treaty itself?

Mr. NELSON. I am not here to criticise any official of this Government; but I want to say that this is not the first instance that has occurred. It has been the custom all along to sell the pine lands in this way. It has been a vicious and bad custom.

Now, I submit to gentlemen here, to every one who is acquainted with the subject, and to any unprejudiced mind on this floor, whether it is not better for the white men, better for the Indians themselves, that this reservation be opened legitimately, and that these pine lands shall be sold—appraised and sold—at public sale, after advertisement, honestly and fairly, in order that it may produce the income and revenue which should be derived from it for the benefit of the Indians themselves.

Another thing—and I want to address this particularly to my friend from Georgia. I think while the gentleman is perfectly honest in his opposition to the bill, I think he has become prejudiced under a mistaken opinion that it is in the interest of the pinemen alone. I can tell the gentleman that all the heavy pine-land operators in Minnesota are opposed to this bill, and three or four of the heaviest operators were here this winter lobbying against it. One gentleman, by the name of Walker, stopped at the National Hotel six weeks this winter, one of the heaviest lumbermen to be found in Minnesota, who was here in opposition to the bill.

They are opposed to the bill because they can not acquire the pine in the manner that they have been acquiring it. They have long been in the habit of getting it under different forms of scrip, under the soldiers' additional scrip, under the Sioux half-breed scrip, under the Cherokee scrip, and every other damnable kind of scrip that could be had to capture any of these lands has been eagerly taken up for that purpose.

Mr. BLOUNT. I am under the impression from information that I have that the gentleman is mistaken in saying that the lumber people are opposed to it. I have letters myself to the contrary.

Mr. NELSON. I can tell the gentleman from my own information that the lumber men are opposed to it; and all of the delegation from my State will bear witness to what I say. In this connection I call attention to a little incident that some gentlemen around me are perfectly familiar with. There was a little reservation known as the Mille Lac reservation, occupied by a small band of Indians. A few years ago a pine-land syndicate in my State, led by this same man, Mr. Walker, to whom I have before referred, went down into Missouri and other Southern States and secured this soldiers' additional scrip in large quantities, and went to the land office and entered 23,000 acres of the best pine lands in Minnesota, much better than any of the lands on this reservation. They entered it under this scrip, and the Government did not secure a penny nor an Indian get a single cent. The entries

were suspended under Mr. Schurz's administration of the office, but they have been revived recently by the present Secretary.

[Here the hammer fell.]

Mr. CUTCHEON addressed the House. [See Appendix.]

Mr. WELLBORN. How much time has the gentleman from Michigan remaining?

Mr. CUTCHEON. I took the floor in my own right, and I suppose I am entitled to control an hour.

Mr. WHITE, of Kentucky. I ask the gentleman from Michigan to yield for a motion to adjourn, reserving his right to resume the floor when this subject shall come up again.

Mr. CUTCHEON. I think I shall not occupy more than ten minutes additional.

Mr. WHITE, of Kentucky. With the consent of the gentleman I will make that motion.

Mr. WELLBORN. I ask the gentleman from Kentucky to allow me to make a statement before he submits that motion. If the gentleman from Michigan is willing to retain the right to the floor and finish his remarks when this bill comes up again——

Mr. CUTCHEON. When will it probably come up again?

Mr. WELLBORN. I do not know; but I know the restless disposition of the House at this time.

Mr. CUTCHEON. I will readily yield for a motion to adjourn, with the understanding that I retain my right to the floor.

Mr. WELLBORN. I would like to make a statement. I ask the indulgence of gentleman who have been so patient in their attendance to-night. There is one other bill I desire to call up for the purpose of having an amendment printed, and the gentleman in charge of the bill desires to submit some remarks in reference to it.

Then I desire to ask the unanimous consent of the House to grant to this Committee on Indian Affairs an evening session for the purpose of considering some bills I will now indicate, and to which I think there will be no objection. I recognize the fact it is impossible to pass any bill at an evening session where there is objection to it; but there are two or three bills reported granting rights of way across the Indian Territory to certain railroads. The committee, after careful investigation, have perfected a bill on that subject. Now, I want unanimous consent of the House to grant an evening session to consider these bills, with a statement to the House that every bill shall conform in every particular to the perfected bill. There are two or three of them—I do not remember the number. I hope there will be no objection.

Mr. CUTCHEON. It is suggested I should yield to a motion to adjourn, and that I shall be entitled to the floor when the consideration of this bill shall be resumed.

Mr. BLOUNT. Does the gentleman object to the unanimous consent asked for?

Mr. CUTCHEON. I do not.

Mr. WELLBORN. The gentleman from Michigan is quite willing to grant consent, I understand.

Mr. WHITE, of Kentucky. This Hall is not filled with anything but foul air. I have never seen the ventilation of the Hall worse during the session than to-night. The reporters have been working very hard to-day on the river and harbor bill, and we owe something to these officers as well as to ourselves, and I hope we will adjourn very soon. That is the reason I ask for an adjournment. I do not wish to antagonize the gentleman from Texas in his motion. I only wish to get out of the Hall.

Mr. WELLBORN. I move that the bill now pending shall be laid aside, not to lose its place on the Calendar.

Mr. WELLER. I object. So far as the bill under consideration is concerned I shall object.

Mr. WELLBORN. I hope not.

Mr. BLOUNT. It will not give this bill any advantage at all. It is only to allow a gentleman to print some remarks on another bill.

Mr. WELLER. My purpose is this: I want this bill when it comes up to take its place on the Calendar as it would being passed over without unanimous consent.

Mr. SPEAKER. Unless the House by some order gives the Committee on Indian Affairs another day or evening, this bill, being laid aside, will resume its place on the Calendar and can only be reached——

Mr. BLOUNT. Stands as if adjourned?

The SPEAKER. Yes; as if the House had adjourned.

Mr. WELLER. I have no objection to any other bill, so far as I know, having such precedence as the chairman of the committee or the House see fit to give.

Mr. WELLBORN. The object is to let this bill remain where it is, with the gentleman from Michigan [Mr. CUTCHEON] on the floor when its consideration shall be resumed.

Mr. WELLER. My purpose is that this bill shall not have any standing before the House, as if it had been passed over and had to go to the foot of the docket, as we say.

Mr. BLOUNT. It has the same standing only as if the House had adjourned.

The SPEAKER. As the Chair has already stated, it secures no advantage whatever by being passed over. If unanimous consent is given to the request of the gentleman from Texas, and another bill is taken up, the bill now under consideration when again reached will hold its place on the Calendar. It can not be reached in its regular order unless another day or evening is fixed by the House for these reports. In other words, the bill will take its place as if the House should now adjourn.

Mr. WELLER. With that understanding I withdraw the objection.

UMATILLA RESERVATION, OREGON.

Mr. WELLBORN. I now call up for the action indicated Senate bill No. 66.

Mr. ROGERS, of Arkansas. I desire to understand with reference to this request for unanimous consent, in order that there may be no mistake about it, that no other business is to be transacted except the charters through the Indian country.

Mr. WELLBORN. That is explicitly stated; only the right of way to railroads through the Indian Territory.

Mr. ROGERS, of Arkansas. And to be confined to that?

Mr. WELLBORN. To be confined exclusively to that, and with the further statement that every bill shall be conformed, as far as they are susceptible, to the amendments which have been already adopted by the House a few evenings ago.

The SPEAKER. The Chair desires to understand if the gentleman is now asking unanimous consent——

Mr. WELLBORN. No, sir; only to call up this bill.

Mr. SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Mr. GEORGE. Before that bill is read I propose to ask unanimous consent of the House that this bill be served the same as the other and be printed in the RECORD, accompanied with an amendment which I desire to offer to the second section of the bill. It is impossible, of course, to consider the bill this evening, and for that reason I ask that it be printed in the RECORD so that all members may have an opportunity of examining its provisions in connection with the proposed amendment.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection, and it was ordered accordingly.

The bill is as follows:

Whereas the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians, residing upon the Umatilla reservation, in the State of Oregon, have expressed a willingness to settle upon lands in severalty on their said reservation, and to have the residue of their lands not needed for such allotment sold for their benefit: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause lands to be allotted to the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians, residing upon the Umatilla reservation, in the State of Oregon, as follows, of agricultural lands:

To each head of a family, one hundred and sixty acres; to each single person over the age of 18 years, eighty acres; to each orphan child being under 18 years of age, eighty acres; and to each child under 18 years of age not otherwise provided for, forty acres.

Allotments to heads of families and to children under 18 years of age belonging to families shall be made upon the selections made by the head of the family; allotments to persons over 18 years of age not classed as heads of families shall be made upon the selection of such persons; and allotments to orphans shall be made upon selections made by the agent in charge, or other person duly authorized by the Department. In addition to the allotments of agricultural lands to said Indians in severalty as herein provided, there shall be reserved a reasonable amount of pasture and timber lands for their use, to be used by said Indians in common, and there shall also be selected and set apart for an industrial farm and school six hundred and forty acres of agricultural lands. Before any allotments are made, a commission of three disinterested persons, to be appointed by the President, shall go upon said reservation and ascertain as near as may be the number of Indians who will remain on said reservation, and who shall be entitled to take lands in severalty thereon, and the amount of land required to make the allotments; and thereupon said commission shall determine and set apart so much of said reservation as shall be necessary to supply agricultural lands for allotments in severalty, together with sufficient pasture and timber-lands for their use, and six hundred and forty acres for an industrial farm and school, not exceeding 120,000 acres in the aggregate for all purposes; and the same shall be in as compact a form as possible. Said commission shall report to the Secretary of the Interior the number and classes of persons entitled to allotments as near as they may be able to, the metes and bounds of the tract by them selected for said Indians, and designate the particular tract selected for an industrial farm and school; and if the same shall be approved the said tract shall thereafter constitute the reservation for said Indians, and within which the allotments herein provided for shall be made. The said tract shall be surveyed, or so much thereof as shall be required for allotments, and as soon as such surveys are approved the selections and allotments shall be made. The President shall cause patents to issue to all persons to whom allotments of lands shall be made under the provisions of this act, which shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs according to the laws of the State of Oregon, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the law of alienation and descent in force in the State of Oregon shall apply thereto after patents have been executed, except as herein otherwise provided: *Provided further*, That any Indian or Indians residing upon said reservation who may desire to remove or settle upon any other reservation shall be permitted to do so, and shall retain their right to share their equal proportion of benefits to be derived from any fund that may arise from the sale of any of the lands of said Umatilla reservation, and in addition the equitable value of the right to take lands in severalty on said reservation, to be determined by the Secretary of the Interior and taken out of said fund; and the same shall be expended from time to time for their benefit in establishing them in their new homes in such manner as the Department shall direct.

SEC. 2. That as soon as the report of said commission in respect to the new boundaries of said reservation shall be approved, the residue of said reservation lands not included in said new lines shall be surveyed, if not already surveyed, or if the stakes and monuments, if surveyed, have become so obliterated that the lines can not be ascertained, and the same shall be appraised and classified into timbered and untimbered lands; and in case where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised, and if the same belong to an Indian, such Indian shall be reimbursed the value of such improvements, in money or in other improvements upon his allotment, as shall be determined by the Department; but no lands shall be appraised at less than $1.25 per acre. The said lands, when surveyed and appraised, shall be sold at the proper land office of the United States, by the register thereof, at public sale, to the highest bidder, at a price not less than the appraised value thereof, such sale to be advertised in such manner as the Secretary of the Interior shall direct. Each purchaser of any of said lands at such sale shall be entitled to purchase one hundred and sixty acres of untimbered lands and an additional tract of forty acres of timbered lands, and no more. He shall pay one-third of the purchase-price of untimbered lands at the time of purchase, one-third in one year, and one-third in two years, with interest on the deferred payments at the rate of 5 per cent. per annum, and shall pay the full purchase-price of timbered lands at the time of purchase. And where there are improvements upon the lands purchased which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid.

Each purchaser shall, at the time of making his purchase, make and subscribe an oath or affirmation that he is purchasing said lands for his own use and occupation, and not for or on account of or at the solicitation of any other, and that he has made no contract whereby the title thereto shall, directly or indirectly, inure to the benefit of another. And if any conveyance is made of the lands set apart and allotted as herein provided, or any contract made touching the same, or any lien thereon created before the issuing of the patent herein provided, such conveyance, contract, or lien shall be absolutely null and void. And before a patent shall issue for untimbered lands the purchaser shall make satisfactory proof that he has resided upon the lands purchased at least one year, and has reduced at least twenty-five acres to cultivation. No patent shall issue until all payment shall have been made; and on the failure of any purchaser to make any payment when the same becomes due, the Secretary of the Interior shall cause said land to be again offered at public or private sale, after notice to the delinquent; and if said land shall sell for more than the balance due thereon, the surplus, after deducting expenses, shall be paid over to the first purchaser: *Provided*, That persons who settled upon or acquired title under the pre-emption or homestead laws of the United States to fractional subdivisions of lands adjacent to the lines of said reservation, as now and heretofore existing, and at the time of the sale herein provided for are residing on such fractions, and have been unable to secure the full benefit of such laws by reason that the lands settled upon were made fractional by the boundary line of said reservation crossing such subdivision, shall have a right, at any time after advertisement and before sale at public auction, to purchase, at their appraised value, so much of said lands as shall, with the fractional lands already settled upon, make in the aggregate one hundred and fifty acres; and no additional residence shall be required of such settler, but he shall take and subscribe the oath required of other purchasers at the time of purchase: *Provided further*, That after three years from the date when such lands shall be declared open for settlement and subject to sale, the lands which shall remain unsold may be purchased, without settlement, at the appraised value thereof. All controversies between settlers and purchasers in respect to settlement and the right of purchase shall be heard and determined, upon their priorities and equities, by the like officers and in the same manner as like contests are heard and determined under existing pre-emption laws: *Provided also*, That the State of Oregon shall be entitled to select from the public lands of the United States in said State lands in lieu of the sixteenth and thirty-sixth sections contained in said Umatilla reservation as now set apart and established.

SEC. 3. That the funds arising from the sale of said reservation lands, after paying the expenses of survey, appraisement, and sale, and reimbursing any Indian or Indians for the value of any improvements belonging to such Indian or Indians, and the equitable share of any Indian to the funds arising from the sale of said reservation lands as herein provided, and reimbursing the United States for improvements made by the Government and under the provisions herein, shall be placed in the Treasury of the United States to the credit of said Indians, and the same shall draw such rate of interest as is now or may be hereafter provided by law. Twenty per cent. of the principal of said funds may be used, under the direction of the President, in assisting said Indians to establish themselves upon their several allotments, in such manner as he shall direct, and $20,000 of the residue thereof shall be devoted to the establishment and support of an industrial farm and school for the training and education of the children of said Indians in the arts and methods of civilized life, and the increase from the funds thereafter to be devoted to the support of said industrial farm and school, and to such other beneficial purposes as in the judgment of the Secretary of the Interior may be for the best interest of said Indians: *Provided*, That the said Indians shall pledge themselves to compel their children, male and female, between the ages of 7 and 15 years, to attend said school.

SEC. 4. That for the purpose of carrying into effect the provisions of this act the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which said sum shall be reimbursed to the Treasury out of the sales of said lands; and $10,000 of said sum so appropriated shall be expended toward establishing said industrial farm and school herein provided for.

SEC. 5. That before this act shall be executed in any part, the consent of said Indians shall be obtained to the disposition of their lands as provided herein, which consent shall be expressed in writing and signed by a majority of the male adults upon said reservation, and shall be filed with the Secretary of the Interior.

SEC. 6. That the Secretary of the Interior shall have power to make needful rules and regulations to carry into effect the provisions of this act, and shall have power to determine all disputes and questions arising between Indians respecting their allotments, and shall fix the compensation to be allowed to the commissioners provided for in section 2.

The amendment proposed by Mr. GEORGE is as follows:

Amend the bill by adding at the close of section 2 the following:

"*Provided further*, That the water-right across a portion of said reservation from the Umatilla River to the town of Pendleton, granted by the Interior Department, July 7, 1870, on the application of George A. La Dow, Lot Livermore, and other citizens of Pendleton, for manufacturing, irrigating, and other purposes, be confirmed and continued to W. S. Byers & Co., their successors."

ORDER OF BUSINESS.

Mr. WELLBORN. Now I ask for an evening session on Tuesday next for the purpose of considering the bills just indicated, granting rights of way through the Indian Territory, and for the transaction of no other business.

Mr. WELLER. I desire to inquire if it does not take into consideration the bill which we have been just considering this evening?

Mr. WELLBORN. No, sir.

The SPEAKER. What time does the gentleman indicate?

Mr. WELLBORN. On next Tuesday evening, that the House shall take a recess at 5 o'clock until 8 o'clock for the purpose indicated.

The SPEAKER. The gentleman from Texas asks unanimous concent that on next Tuesday the House will take a recess at 5 o'clock until 8 o'clock, the evening session to be devoted to the consideration of bills reported from the Committee on Indian Affairs granting rights of way to railroad companies through the Indian Territory.

Mr. HOLMAN. The gentleman representing the Territory of Dakota and quite a number of other gentlemen have requested me to ask the attention of the House to the fact that a bill of some importance to that Territory is on the Speaker's table from the Senate, known as the "Sioux treaty bill," with which I presume most members are quite familiar. I wish to inquire of the gentleman from Texas who makes this request if anything has been done with that bill; and, if so, what attitude he proposes to place it in?

Mr. WELLBORN. It has been reported by the committee and is on the Calendar.

Mr. HOLMAN. Unless some provision is made for reaching it by a special order it will not probably be reached at all, and it is a bill that certainly ought to be considered at this session of Congress.

Mr. WELLBORN. I should be very glad to get an order for the consideration of it; but I do not see any chance to consider it. I am most willing to do whatever I can to facilitate it.

Mr. PERKINS. Perhaps this order might by consent be modified, so that we should consider on the evening designated those bills to which the gentleman from Texas has referred, relating to the right of way through the Indian Territory and all other bills from that committee not objected to, mentioning this Sioux bill as one of the special orders.

Mr. WHITE, of Kentucky. I think, if I understood the proposition of the gentleman from Texas, when the gentleman from Michigan yielded it was for the purpose of taking up the bills only that related to the granting of the right of way to railroads passing through the Indian Territory. Now, the proposition of the gentleman from Indiana [Mr. HOLMAN] relates to a bill which not only gives the right of way through the Sioux reservation beyond the Missouri in Dakota, but which robs the Indians of one-third of their possessions there, drives them back like two herds of cattle, one on the north and the other on the south, and proposes to take one-third of their lands. That bill ought to be carefully considered. We want no unanimous consent to come here at an evening session for the consideration of such a bill.

The SPEAKER. Does the gentleman from Kentucky object to the modification of the order?

Mr. WELLBORN. I conceive that the statement of the gentleman from Kentucky is correct, that the floor was yielded to me simply to prefer the request I have made; and I say I have not broadened the scope of the request at all.

Mr. WHITE, of Kentucky. If the proposition of the gentleman from Texas has been agreed to, I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas has submitted the request which the Chair has stated to the House. Is there objection?

Mr. HOLMAN. When I made the statement I did I expected a very different view of the subject to be taken from that which has been expressed; and I trust I will be indulged in a single remark. The bill referred to is a bill from the Senate, which has been favorably reported to the House by the Committee on Indian Affairs, I believe by the gentleman from New York [Mr. STEVENS]. The bill was framed by a Senator from Massachusetts [Mr. DAWES], who was a member, I believe, of the committee of the Senate who visited that region of country with a view to this Sioux treaty during the last summer. Mr. DAWES, as I understand, prepared that bill, and I could not do myself justice and not object to the term made use of by the gentleman from Kentucky when he spoke of that bill as robbing these Indians. Certainly gentlemen who are concerned in that measure, the Committee on Indian Affairs, and the gentlemen of the Senate who have especially been devoted to the preparation of that bill, which is one of great public interest, indeed, ought not to lie under the imputation of being connected with a measure tending to rob the Indians of any of their property. On the contrary, if the gentleman from Kentucky had been informed at all he would have known that the Congress last session authorized the treaty to be made; that a treaty was made; and that we passed through the House in the last session a bill to carry that treaty into effect.

Mr. WHITE, of Kentucky. I rise to a question of order. The gentleman from Michigan did not yield for this purpose. There is nothing before the House, and this debate on the Sioux Indian reservation bill, or whatever its proper title may be, can only proceed by unanimous consent. I must object.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] made a statement in regard to it. The gentleman from Indiana asked leave to make a brief statement in regard to it. The bill is not before the House and debate is not in order except by unanimous consent.

Mr. WHITE, of Kentucky. I think we should give the reporters a rest, and adjourn.

Mr. HOLMAN. It is not very honorable on the part of the gentleman from Kentucky to charge Senator DAWES and others with dishonorable practices and then refuse to allow a word of explanation.

The SPEAKER. The gentleman from Texas [Mr. WELLBORN] asks unanimous consent that on next Tuesday——

Mr. HOLMAN. If the Chair will permit me. I do not understand why there shall be such discrimination made. And if gentlemen think proper to come here and charge honorable men with having dishonorable purposes in connection with public business——

Mr. WHITE, of Kentucky. I did not say there are any dishonorable purposes. This is what I say: that the proposition of the gentleman from Texas was to consider simply bills relating to the right of way to railroads. This bill to which the gentleman from Indiana alludes is a bill to divide the Sioux reservation into three parts; to put the Indians in the northern part into one reservation, and in the southern part into another reservation, and the Government to get the middle part for the benefit of settlers and what not. That is beyond the purpose for which the gentleman from Texas asked unanimous consent. I insist on my motion.

Mr. HOLMAN. Perhaps I misunderstood the gentleman. I understood him to say the object of the bill was to rob the Indians.

Mr. WHITE, of Kentucky. I do say it is to rob these Indians; and if we are to have an evening session by unanimous consent, I do not want it to be for the consideration of that bill.

The SPEAKER. The gentleman from Texas [Mr. WELLBORN] asks unanimous consent that on next Tuesday the House at 5 o'clock shall take a recess until 8 o'clock, and that the evening session be for the purpose of considering bills reported by the Committee on Indian Affairs granting the right of way to railroad companies through the Indian Territory, no other bills to be considered. Is there objection?

Mr. WOODWARD. I object.

Mr. WHITE, of Kentucky. I insist on my motion that the House do now adjourn.

The motion was agreed to.

And accordingly (at 10 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLAND: Petition asking for a pension for Margaret Seba—to the Committee on Invalid Pensions.

By Mr. FOLLETT: Memorial and resolutions of the soldiers, sailors, and marines of Cincinnati, Ohio, asking that one hundred and sixty acres of land be given to each soldier, sailor, or marine who served in the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LONG: Petition of citizens of Philadelphia, Pa., and of Massachusetts, asking an appropriation of $400,000 for Indian schools—to the Committee on Indian Affairs.

By Mr. CHARLES O'NEILL: Memorial of the Grocers and Importers' Exchange, of Philadelphia, urging the passage of H. R. 986, pertaining to commercial travelers—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *June* 11, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. PENDLETON. I present the petition of John Kennett, chairman, and Col. E. Cromer, secretary, of a mass meeting of the soldiers, sailors, and marines, of the city of Cincinnati, Ohio, who were engaged in the war of the rebellion, reciting that every honorably discharged Union soldier, sailor, and marine who served in the war of the rebellion is entitled to a patent for one hundred and sixty acres of the public domain, and praying that Congress will pass such laws as may be necessary to the execution of this purpose. I move the reference of the petition to the Committee on Public Lands.

The motion was agreed to.

Mr. McPHERSON presented a petition of merchant ship-owners and other citizens of New York, praying for an appropriation for the improvement of Sandy Hook Bar; which was referred to the Committee on Commerce.

Mr. SEWELL presented a resolution of the Legislature of New Jersey; which was read, and referred to the Committee on Commerce, as follows:

Concurrent resolution.

STATE OF NEW JERSEY.

Whereas it appears from the report of Commander Taylor, of the United States Navy, naval aid to the mayor of the city of New York, that the approaches to the port of New York at Sandy Hook have become inadequate to meet the commercial necessities of the times by reason of shoaling and the increased draught of modern ships, which fact affects most seriously the commercial, manufacturing, and other interests of New Jersey, which are identical with those of New York, and have in great part their communication with the world at large through the same channel; and

Whereas the authorities of the city and State of New York have taken or are about to take action requesting the General Government to improve the said entrance to the port of New York, and it is the interest of New Jersey to aid in every way: Therefore,

Be it resolved by the house of assembly of New Jersey (the senate concurring), That the Senators and Representatives of this State in Congress be urgently requested to use their endeavors toward securing such prompt and efficient action of the General Government for the improvement of the entrance to the port of New York at Sandy Hook as the case demands, and as is warranted by the demands of a foreign commerce exceeding that of all the remainder of the country.

And further resolved, That copies of these resolutions be forwarded to the Senators and Representatives of this State, to be presented by them to their respective Houses.

A. B. STONEY,
Speaker House of Assembly.

Mr. SEWELL also presented a resolution of the Legislature of New Jersey; which was read, and ordered to lie on the table, as follows:

Concurrent resolution.

STATE OF NEW JERSEY.

Be it resolved by the house of assembly (the senate concurring), That the Senators and Representatives representing this State in the Congress of the United States are earnestly requested to use all honorable means to prevent the passage of any bill having for its object the building of a bridge between any portion of the State of New Jersey and Staten Island, in the State of New York.

ALFRED B. STONEY,
Speaker House of Assembly.

Mr. PLATT presented a petition of the Birdsell Manufacturing Company and other citizens of South Bend, Ind., praying for the passage of Senate bill 1924, providing for the organization of the Patent Office into a separate and independent department; which was referred to the Committee on Patents.

Mr. CAMERON, of Pennsylvania, presented a memorial of the Grocers and Importers' Exchange of Philadelphia, Pa., urging the passage of House bill 986, pertaining to commercial travelers; which was referred to the Committee on Commerce.

Mr. PLUMB presented memorials of citizens of Emporia, Parsons, Wichita, Burlington, Wellington, and Osage City, in the State of Kansas, remonstrating against the passage of the Government postal-telegraph bill; which were ordered to lie on the table.

Mr. CULLOM presented memorials of citizens of Beardstown and Chicago, Ill., remonstrating against governmental control of the telegraph business; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 744) for the relief of George W. Saulpaw, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, reported it without amendment, and submitted a report thereon.

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1418) for the relief of Evalina P. Low, to submit an adverse report thereon, and move that the bill be postponed indefinitely.

Mr. PLATT. I should like to have the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of Martha A. F. Terrett, widow of Colville Terrett, late a lieutenant in the United States Navy, praying for an increase of pension, submitted an adverse report thereon, and moved that the committee be discharged from the further consideration of the petition, which was agreed to.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 1946) for the relief of Richard C. Ridgway and others, reported it with amendments, and submitted a report thereon.

Mr. HALE, from the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof, to whom was referred the bill (H. R. 7071) supplementary to "an act to provide for the publication of the Tenth Census," approved August 7, 1882, reported it with an amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 617) for the relief of Maj. James Belger, reported it with an amendment in the nature of a substitute, and submitted a report thereon, recommending the passage of the bill as proposed to be amended.

NATIONAL ACADEMY OF SCIENCES.

Mr. SHERMAN. I am directed by the Committee on the Library, to whom was referred the bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes, to report it without amendment; and, as it is advisable to have the bill passed now, I ask for its present consideration. It is a matter of small moment.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. Let it be read for information.

The Chief Clerk read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN TERRITORY INVESTIGATION.

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report the following resolution, and I ask for present action upon it:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the several tribes and bands of Indians in the Indian Territory, the tenure by which the lands in the several reservations in said Territory are now held, and the character of their actual occupation and use, the condition and rights of the freedmen among said Indians, and the relation of said tribes to the United States and to each other, and the need, if any, of legislation in respect to the same; and for that purpose shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer, and sit during the recess of the Senate at such times and places as the committee may determine; and shall report their proceedings and any recommendations they may see fit to make to the Senate at its next session; and that the actual and necessary expenses of said investigation be paid, on the approval of the chairman of the said committee, out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the resolution be now considered.

Mr. COCKRELL. Let it be read again.

The resolution was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MILLER, of California. I ask the Senator from Massachusetts why the proposed investigation is confined to the Indian Territory; why it is not made general?

Mr. DAWES. I will state that the committee have several measures before them affecting the Indian Territory which they have so little information about that they have been unable to make a report at this session of Congress, and that fact led to this recommendation from the committee, that the committee during the recess should get some reliable information in reference to them. There is a good deal of difficulty in the Indian Territory arising from a complication of interests there. The freedmen are in a very deplorable condition, and claim on the one side that their rights are disregarded, while on the other side it is claimed that freedmen improperly go into the Territory and assert the rights of freedmen under the treaties, and wrong the Indians in that way; and it is utterly impossible to get reliable information here upon the subject.

Mr. MILLER, of California. There have been interferences in other parts of the country, in some of the States and Territories, and I think the investigation ought to be amplified so as to include all; but if the committee are of opinion that the resolution embraces about all they will be able to investigate and report upon by the next session, of course it would not be of any use to include any other part of the country. I shall therefore not offer any amendment to the resolution.

Mr. DAWES. I would rather not make the resolution any broader than it is, because it has specific purposes in view. I have no doubt that what the Senator says in reference to some reservations that have come under my own knowledge on the Pacific coast is quite true, but to authorize an inquiry there would be so broad a matter as to be impossible to be looked after during the short vacation.

Mr. MILLER, of California. Hereafter we shall probably desire to have some investigation on the Pacific coast.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The resolution is before the Senate and the question is on agreeing to it.

Mr. MAXEY. My purpose in rising was to call the attention of the mover of the resolution to the fact that the treaties of 1866 with the tribes occupying the Indian Territory, the five civilized tribes, provide for a Territorial form of government. There are some steps now pending in the Senate which, in my judgment, look toward that organization. I ask the Senator if the resolution which he has offered is sufficiently broad to draw out all the information on that point, not only as to the propriety of it, but as to the wishes of the Indians themselves in respect thereto.

Mr. DAWES. I think it is.

Mr. MAXEY. If it is not so, I desire it to be so framed, because I want that fully brought before the Senate.

Mr. DAWES. I think that is covered by the resolution. I do not know of anything that interests the Indians and their relations to the United States in that Territory which is not embraced in the resolution.

Mr. MAXEY. My object is that the committee may understand that their investigation will reach out to the propriety or impropriety of a Territorial organization, and also (which I consider very important) to the views and wishes of the leading and most intelligent and enlightened Indians on that question.

Mr. DAWES. I quite agree with the Senator on that point.

Mr. MORGAN. I ask that the resolution be again reported.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The resolution will be again read.

Mr. MAXEY. It did not strike me that it was quite broad enough to cover all I have mentioned.

The Chief Clerk read the resolution.

Mr. MAXEY. I suggest to the Senator—for I thought I was not mistaken in the reading—that I doubt very much whether the resolution as drawn is sufficiently broad.

Mr. DAWES. I call the Senator's attention to the last clause of the resolution and ask him what can be broader than that. I desire to have it just as the Senator does.

Mr. MAXEY. I want no doubt on that question.

Mr. MORGAN. I desire to ask the Senator from Massachusetts whether it is a part of the intention of this investigation to ascertain the grazing claims upon the territory of the Indians?

Mr. DAWES. Certainly; that is embraced in words in the resolution.

The PRESIDING OFFICER. Will the Senate agree to the resolution?

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2145) to extend an act approved August 8, 1882, "to encourage and promote telegraphic communication between America and Europe."

The message also announced that the House had passed the bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GOLDSMITH W. HEWITT of Alabama, Mr. HENRY W. SLOCUM of New York, and Mr. ISAAC S. STRUBLE of Iowa managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 566) for the relief of Z. M. Pettigrew;

A bill (S. 732) for the relief of Mary J. Vaughan;

A bill (S. 777) granting a pension to Albert Jehle;

A bill (S. 828) granting a pension to Thomas Patton;

A bill (S. 909) to increase the pension of Martin Kelly;

A bill (S. 1056) granting an increase of pension to Sally Mallory;

A bill (S. 1680) granting a pension to George Prince;

A bill (S. 1910) granting a pension to William McClure;

A bill (S. 1950) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont; and

Joint resolution (S. R. 73) authorizing the Secretary of the Treasury to pay to Charles L. Jones the sum of $465.65, for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, to the 1st day of November, 1879, inclusive.

BILLS INTRODUCED.

Mr. HILL introduced a bill (S. 2298) to change the boundaries of the military reservation of the Uncompahgre Cantonment, in the State of Colorado; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, introduced a bill (S. 2299) for the relief of Francis J. Conlan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 2300) to authorize the Secretary of the Interior to ascertain the amounts due to Nathan Myrick, Joseph and Charles M. Dailey, William H. Forbes, and Louis Roberts & Co., or their legal representatives, citizens of the United States, for supplies furnished to the Sioux and Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DAWES introduced a bill (S. 2301) to provide for the payment of Kaw (or Kansas) Indian scrip; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRISON introduced a bill (S. 2302) granting a pension to John Lowe; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2303) granting a pension to Joseph Brittenham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2304) granting a pension to George Ham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM introduced a joint resolution (S. R. 93) referring the claim of Clinton G. Colgate to the Court of Claims; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO BILLS.

Mr. CAMERON, of Wisconsin, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ALLEGED ELECTION OUTRAGES IN VIRGINIA.

Mr. LAPHAM. I offer the following resolution:

Resolved, That the report of the Senate Committee on Privileges and Elections in regard to the alleged outrages at Danville, in the State of Virginia, together with the views of the minority and the testimony taken therein, be reprinted for the use of the Senate.

There has been such a lapse of time between the presentation of the majority report and the views of the minority that the Public Printer deems it necessary for us to have a resolution of this kind passed.

The resolution was considered by unanimous consent, and agreed to.

Mr. VANCE. I wish to inquire how many copies that resolution will provide for.

The PRESIDING OFFICER. The usual number.

Mr. VANCE. Very well, sir.

CONTRACTS FOR INDIAN BEEF-CATTLE.

The PRESIDING OFFICER. The Chair lays before the Senate the resolution offered yesterday by the Senator from Indiana [Mr. VOORHEES]. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, instructed to furnish to the Senate, at the earliest possible moment, copies of all contracts made by the United States with citizens for furnishing beef-cattle to the Indians of the southern and northern superintendencies during the years 1883 and 1884, with names and residences of all those to whom said contracts were let, together with all correspondence and instructions from the Commissioner of Indian Affairs in any way appertaining or relating to said contracts.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. VOORHEES. I do not profess to be full of information on the subject, but I have received information from sources which I conceive to be entitled to credit that an inquiry of this kind would be of use to the public service.

The objection made by the Senator from Ohio [Mr. SHERMAN] yesterday that it would involve a very considerable expense, I can not see, in looking at the resolution, is well-founded. The resolution calls for copies of contracts extending through two years. It calls for the names of the persons making the contracts and their places of residence; also such correspondence as has taken place between those parties and the Indian Bureau. How that can be a very extensive matter, I am at a loss to understand. It applies to but one article of supply, the matter of beef, and it can not embrace a very wide range of duty on the part of the Interior Department to furnish the documents.

I do not care now to enter into a discussion in detail of the reasons why this investigation is proper. I am informed by very high sources that instead of my resolution being too broad, it is really too narrow; but I am willing for it to be adopted and let the results testify to the merit of the resolution.

I hope the resolution may be adopted.

Mr. SHERMAN. The resolution illustrates the habit which has grown up in the Senate of calling for information without any accusation at all. Here is a correspondence which from its nature must be voluminous. The resolution calls for all the beef contracts made for the supply of Indians during two years and all the correspondence relating thereto. I do not know much about this matter; I do not know as to the number of beef contracts; but I know that as to whatever contracts have been made, all the proper and necessary information has already been communicated to us, and has either been printed or is in the process of being printed; but to call for the correspondence in regard to these beef contracts, all the letters that may have been written and all the circulars issued, it seems to me would be to make a very voluminous document and quite an expensive one.

Upon what basis is this investigation demanded? It must be because there is some fraud or wrong or suspicion of fraud or wrong on the part of some executive officer in respect to the purchase of beef. It seems to me that before this kind of inquiry or drag-net should be ordered a distinct statement should be made either by the Senator himself or by some citizen who is willing to have it published, setting forth that he believes there is fraud or wrong in the making of these beef contracts. Then the Committee on Indian Affairs ought to take the resolution and see whether the accusation is of such a nature as to justify us in calling upon the Interior Department for information, which can only be demanded upon the ground that we suspect something is wrong.

The whole habit of the Government is changed in this respect. I remember that more than twenty years ago, when a member of the other House, I introduced a resolution to examine into naval contracts and expenditures for the purchase of coal, &c., and before the House of Representatives would then agree to have that investigation made by one of the standing committees they required that the accusation should be made in writing and should be sworn to by some one who at least would certify to his belief in the truth of the accusation. The same basis should be made for this inquiry that we make as the basis of an inquiry before a justice of the peace for the least or the greatest offense that may be committed against the criminal law. Yet we are now in the habit of introducing resolutions like this which are founded upon an accusation of fraud or wrong, express or implied, against one of the great Departments of the Government, without any accusation at all, without even a statement by any citizen that he believes it to be true, and the Senator himself not indorsing it in the least.

This inquiry will require a good deal of time and involve a good deal of expense in sending in these documents. I can speak of it without any knowledge whatever. I have not the slightest idea who has beef contracts; I do not know anything about it; but I only speak of the habit which has grown up in both Houses of Congress of encumbering the public documents and the public printing with a vast mass of useless information which does not tend to do any good, which only creates expense and piles numbers of documents that are utterly worthless upon the files. That is what I desire to avoid.

If the Senator will allow the resolution to be referred to the Committee on Indian Affairs, and if he chooses then to make statements to that committee, or if any citizen will make a statement to the Committee on Indian Affairs that he believes certain facts, which he ought to be able to communicate, or suspicions, which he ought to be able to state, to the effect that there is something wrong in regard to these beef contracts, then I shall not only agree to call for the information, but I will vote to authorize the Committee on Indian Affairs to inquire into the matter; but I would not commence it by a drag-net of all the letters that have been written in regard to beef contracts without any accusation whatever.

The adoption of such a resolution puts the legislative department of the Government, both the Senate and the House, in a wrong position. We ought to examine into the conduct of executive officers, but we ought to treat the executive officers as honest men. We ought to give them the same justice that would be demanded by any citizen. No finger of scorn should be pointed to an executive officer, either a Commissioner of Indian Affairs or a Secretary of the Interior or any officer of the Government, until the same challenge and accusation should be made against him that would be required to be made before any court of justice against the meanest citizen of our country. Who can doubt that? Yet day after day I have seen these drag-net resolutions passed without objection. Upon what ground must we gather into our legislative folds every letter that is sent to an executive officer about any matter of executive business? Must we assume as a matter of course that all of those officers are rascals and that a mere imputation that something is wrong in one of the Departments of the Government justifies us in calling for all the information they have before them, stopping the ordinary business of the Government in order to make the clerks copy out all the letters, circulars, advertisements, &c.? It seems to me it is wrong.

Without any knowledge on the subject, I have no doubt that the Senator from Indiana, as he always does, is acting in good faith and believes that there is occasion for this investigation; yet I think that before he asks for this expenditure of money he ought to make the accusation more definite, or if he does not that the resolution ought to be referred to a committee to examine into the nature of the accusation and to see if there is any ground for the investigation. Then I certainly should vote with him; but until then I am not disposed to see this resolution passed without at least a challenge.

I therefore move, unless the Senator will make the accusation more specific, that the matter be referred to the Committee on Indian Affairs.

Mr. VOORHEES. The Senator from Ohio has, without any necessity at all, constituted himself a defender of a Department of the Government against which no accusation is made, either express or implied. To order an investigation upon a subject relating to the supply of the Indians in this country I do not think involves necessarily an accusation of fraud. So far as I am concerned the Senator knows, and I think the Senate knows, that I am among the very last of this body or of any body to make accusations. I am not naturally an accuser of my fellowmen. I have not the slightest suspicion of official impropriety on the part of the Secretary of the Interior or the Commissioner of Indian Affairs.

However, so far as the subject of the resolution is concerned, it is well known that there has been a prevalent opinion on all hands during the last winter and spring that wrongs have been committed in the Indian Territory by grazing cattle down there; and whether, still further trespassing upon the rights of this Government, supplies have been procured from the people who are trespassers is a matter that I should like

to have inquired into, not that the Government through its officials has been conniving at it, but whether it has been done or not. Some months ago I introduced a resolution upon the subject of grazing cattle in the Indian Territory, where, unless I have been very badly informed, vast scopes of valuable grazing country have been occupied unlawfully by parties, set aside by barbed-wire fences and the like. The resolution which I then introduced was referred to the Committee on Indian Affairs as much certainly as three months ago, and there has never been a whisper back from the committee on the subject. I do not know whether they have investigated it and found that there was nothing worthy of inquiry. If so, certainly they could have so informed the Senate. I am not going to make myself responsible, however, for an accusation unless I know the facts, and I stated a while ago when first on the floor that I was not full of information on this subject.

I will say to the Senator from Ohio that if he will agree with me that this resolution shall hold its place until one week from to-day, I will either make accusation on the authority of others or my own, or I will withdraw the resolution.

Mr. SHERMAN. That is perfectly satisfactory. If the Senator makes a statement on the belief of a citizen, I will agree to an investigation.

Mr. VOORHEES. Unless it can be sustained even according to the standard of the Senator from Ohio, I do not want to press the resolution, and if it goes over for a week I will do one or the other.

Mr. DAWES. I should like to hear the resolution.

The PRESIDING OFFICER. The resolution will be again read.

The Chief Clerk read the resolution.

The PRESIDING OFFICER. The Senator from Ohio moves the reference of the resolution to the Committee on Indian Affairs.

Mr. SHERMAN. I withdraw that motion on the suggestion of the Senator from Indiana.

Mr. DAWES. Before the matter passes from the Senate I desire to say, in response to a suggestion of the Senator from Indiana, that the subject to which he alluded as having been referred to the Committee on Indian Affairs had not escaped their attention. It is involved in a good deal of difficulty, and requires a good deal of investigation. The committee have it in charge, and have it under consideration. The resolution which has been adopted this morning, instructing the committee to make broad inquiries, also embraces that, and yielding to the Senator the necessity of such an inquiry, I wish to assure him that the Committee on Indian Affairs will endeavor not to neglect the instruction it received by the reference of that resolution.

The PRESIDING OFFICER. The Senator from Indiana moves the postponement of the consideration of this resolution for one week. Is there objection? The Chair hears none.

DISTRICT APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, non-concurring in the amendments of the Senate to the bill.

Mr. PLUMB. I move that the Senate insist on its amendments disagreed to by the House, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

BRIDGES ACROSS WILLAMETTE RIVER.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River in the State of Oregon, and to establish them as post-roads.

Mr. SLATER. I ask that that bill lie on the table temporarily until I examine the amendments.

The PRESIDING OFFICER. The bill will lie on the table for the present.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. I move to proceed to the consideration of the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. ALLISON. I move that the doors be closed, under Rule XXXV.

The PRESIDING OFFICER. The Senator from Iowa moves that the doors be closed under Rule XXXV. Is there a second to the motion?

Several Senators seconded the motion.

The PRESIDING OFFICER. The motion having been made and seconded, the Sergeant-at-Arms will clear the galleries and close the doors of the Senate.

The doors were thereupon closed; and after the expiration of three hours and thirty-three minutes were reopened, the amendment appropriating $250,000, or so much thereof as may be necessary, to meet the necessary expenses attendant upon the execution of the neutrality act having been agreed to while the doors were closed, with an amendment changing the words "the execution of the neutrality act" to "foreign intercourse."

NEW YORK BANKS.

Mr. BUTLER. I ask unanimous consent to be allowed to offer a resolution, which I send to the desk.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from South Carolina asks the unanimous consent of the Senate to present at this time a resolution. Is there objection? The Chair hears none. The resolution will be read.

The resolution was read, as follows:

Resolved, That for the purpose of ascertaining whether further legislation is necessary concerning national banks, there be appointed from the Committee on Finance a special committee, consisting of five members, whose duty it shall be forthwith to examine into the condition of the national banks of the city of New York. That said committee be authorized to send for persons and papers, to examine witnesses on oath, and, if necessary, to visit the city of New York for the purpose of such examination; that they be required to ascertain the amount of circulation of said banks on the 31st day of May, A. D. 1884, the amount of certified checks and loan certificates issued by said banks and outstanding on said day; whether said banks or either of them have issued certified checks or loan certificates or other evidences of indebtedness upon the pledge or security of personal or real property of any kind or otherwise; what amount of certificates of indebtedness or certificates of deposit had been issued by said banks and are now outstanding; what amount of currency and of gold and silver coin said banks had on hand on said day; whether the accounts of said banks with each other were on said 31st day of May, 1884, or now are settled through the clearing-house in the city of New York, by lawful money of the United States, or by certified checks, loan certificates, or other evidences of indebtedness; whether on said day said banks had on hand the reserve required by law; and to examine fully into all matters which may be necessary to show the financial condition of said banks; and also to ascertain the amount and character of the assets of said banks; whether they are able to meet their liabilities; whether any of the funds of said banks have been illegally used by the officers thereof; and also whether they or any of the officers thereof have violated in any respect the provisions of the national banking law.

That said committee be further authorized to employ one or more special examiners to aid in such examination; that they also be authorized to employ a stenographer; and that they be required to report as soon as practicable the results of such investigation to the Senate.

And for the purpose of defraying the expenses of such investigation the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available out of the contingent fund of the Senate.

Mr. BUTLER. I ask for the immediate consideration of the resolution.

Mr. ALLISON. Let it lie over.

The PRESIDING OFFICER. Being objected to, the resolution lies over.

Mr. ALLISON. We can take it up to morrow.

Mr. MORGAN. The resolution will be printed?

Mr. BUTLER. Do I understand that the resolution will be printed?

The PRESIDING OFFICER. Of course it will be printed.

AMENDMENT TO A BILL.

Mr. MCPHERSON submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had this day approved and signed the following bill and joint resolution:

An act (S. 783) to increase the pension of John Algoe; and

Joint resolution (S. R. 88) providing for printing the proceedings relative to unveiling the statue of John Marshall, late Chief-Justice of the United States, and for other purposes.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is upon concurring in the amendments made as in Committee of the Whole. How shall the question be taken, separately or in gross?

Mr. VEST. Separately.

Mr. FRYE. On all the amendments separately?

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri as demanding a separate vote upon each and every amendment made as in Committee of the Whole?

Mr. JONAS. I ask that a separate vote be reserved on the amendment inserting lines 616 to 621, inclusive.

Mr. VEST. That will do.

The PRESIDING OFFICER. That amendment will be reserved. Are there other reservations? There being no other reservations, the Chair will put the question on concurring in all the other amendments in gross.

The amendments were concurred in.

The PRESIDING OFFICER. The question now is on concurring in the reserved amendment.

Mr. VEST. On page 26 of the bill is found the amendment reserved, which I ask the Secretary now to read.

The PRESIDING OFFICER. The Secretary will report the amendment referred to by the Senator from Missouri, which has been reserved for a separate vote.

The CHIEF CLERK. After line 615 the Senate, as in Committee of the Whole, inserted the following clause:

To meet the necessary expenses attendant upon foreign intercourse, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $250,000, or so much thereof as may be necessary.

Mr. VEST. An examination of the consular and diplomatic appropriation bills in the previous history of the Government will develop the fact that antecedent to this time the largest appropriation ever made to meet the expenses to be incurred under the direction of the President in the execution of the neutrality act has been $20,000. This appropriation reaches the amount of $250,000. It is an extraordinary appropriation. It is due to the country and to the Senate that the Committee on Appropriations should state before the American public why this enormous amount, in proportion, or relatively, is now asked at the hands of the representatives of the people.

I undertake to say in my place in the Senate that for the execution of the neutrality act this amount is not to be appropriated as it has been in former appropriation acts. I undertake to say that upon the contrary it is for an extraordinary purpose, and it is due to the Senate that the chairman of the committee should state what that purpose really and honestly is. I call upon the chairman of the committee to make that statement. What is the real purpose of this appropriation?

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. VAN WYCK. I desire to propose the following amendment, to come in at the end of the committee amendment:

But no portion of said $250,000 shall be paid directly or through the Nicaraguan Government to the owners of a concession granted to the Maritime Canal Company of Nicaragua.

Mr. ALLISON. Mr. President, I move to lay that amendment on the table.

Mr. VAN WYCK. Mr. President——

Several SENATORS. It is not debatable.

The PRESIDING OFFICER. What was the motion?

Mr. ALLISON. I moved to lay that amendment on the table.

Mr. VAN WYCK. Mr. President, I had the floor.

The PRESIDING OFFICER. The Senator from Iowa moves that the amendment be laid on the table.

Mr. ALLISON. The Senator from Nebraska had taken his seat.

Mr. INGALLS. I saw him take his seat.

Mr. VAN WYCK. I desire to know——

Mr. INGALLS and others. Order!

The PRESIDING OFFICER. The Chair will take care of the question. The Senator from Iowa was recognized, and the Senator from Iowa moved to lay the amendment on the table. With what object does the Senator from Nebraska rise?

Mr. VAN WYCK. I had the floor and offered the amendment. I offered the amendment——

The PRESIDING OFFICER. The Chair had recognized the Senator from Iowa [Mr. ALLISON].

Mr. VAN WYCK. Very well, sir.

The PRESIDING OFFICER. The Senator from Nebraska had yielded the floor.

Mr. VAN WYCK. Then I ask the gentleman to withdraw the motion for a few moments.

The PRESIDING OFFICER. Does the Senator from Iowa withdraw his motion?

Mr. ALLISON. I do not, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa declines to withdraw the motion to lay on the table. The question is, Will the Senate agree to the motion?

The motion was agreed to.

Mr. VAN WYCK. Mr. President, I voted "ay" on this motion, and I desire now to make a motion for a reconsideration of the vote just taken.

Mr. ALLISON rose.

Mr. VAN WYCK. I do not yield the floor just at this moment, I say to my friend from Iowa.

The PRESIDING OFFICER. The Chair entertains the Senator's motion.

Mr. VAN WYCK. My motion is to reconsider the vote just taken.

The PRESIDING OFFICER. So the Chair understands.

Mr. MORRILL. It is subject to the same rule, however.

Mr. VAN WYCK. I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. ALLISON. I rise to a privileged question, a question of order.

The PRESIDING OFFICER. The Senator from Iowa will state his question of order.

Mr. ALLISON. I move that the Senate proceed to the consideration of this question under Rule XXXV.

Mr. MILLER, of California. I second the motion.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of this question under Rule XXXV, which is that the galleries be cleared and the doors be closed. The motion being made and seconded, the Chair orders the Sergeant-at-Arms to clear the galleries and close the doors.

The doors were thereupon closed; and after the expiration of forty minutes were reopened, the pending amendment having been concurred in, the amendments ordered to be engrossed, and the bill to be read a third time; and the bill having been read the third time,

Mr. VAN WYCK. Mr. President, I ask for information at what stage of progress was this bill when the Senate resolved itself into secret session?

The PRESIDING OFFICER. There was an amendment reserved that had been agreed to as in Committee of the Whole. The Senator from Nebraska [Mr. VAN WYCK] had offered an amendment to that amendment. The Senator from Iowa [Mr. ALLISON] had moved to lay the amendment to the amendment on the table. The Senate by a vote had ordered it to be laid on the table. The Senator from Nebraska then moved to reconsider the vote by which his amendment had been laid on the table. That was the exact stage of the proceeding when the Senator from Iowa moved that the doors of the Senate be closed.

Mr. VAN WYCK. Then when we went into secret session the amendment of the committee appropriating $250,000 was under consideration in open session.

The PRESIDING OFFICER. The amendment of the committee had not been disposed of in the Senate, but the pending question was on the Senator's motion to reconsider the vote by which his amendment to it had been laid upon the table.

Mr. VAN WYCK. Then the proper matter for consideration in the open Senate now is the further consideration of or voting upon that amendment.

The PRESIDING OFFICER. The question now pending before the Senate is, the bill having been read three times, Shall it pass?

Mr. VAN WYCK. I desire to say that nothing appears on the record of this body or hereafter will appear as to when there was a vote adopting the amendment, and the first thing that appears now on our coming out of secret session is that this bill is substantially passed without any appearance upon the record of any vote or any opportunity further to amend it. Nothing of that kind appears, and the next appearance on the record is the passage of the bill without anything intervening. To fill up that gap and hiatus I presume I have a right now as a member of this Senate to demand, or ask rather, that there shall be a vote taken upon the amendment and a vote taken upon the bill; and if not, I desire—which I say I have a right to do—to enter my protest as a Senator of this body against that mode of legislation. ["Question!" "Question!" "Question."]

The PRESIDING OFFICER. The question is on the passage of the bill, it having been read three several times.

Mr. VANCE. Let us have the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Delaware [Mr. BAYARD], who has been called away from the city; but I understood from him that he would vote for this bill, and therefore I vote "yea."

Mr. SHERMAN (when Mr. GARLAND's name was called). The Senator from Arkansas [Mr. GARLAND] requested me to pair with him. I know he would vote "yea" on this bill, and as I would vote the same way I shall take the privilege of voting when my name is called.

Mr. MAXEY. I will say to the Senator from Ohio that the Senator from Arkansas communicated to me the fact that his vote was "yea" and that he was paired with the Senator from Ohio.

Mr. SHERMAN. That is true; and as I shall vote "yea" on the passage of the bill I shall not regard the pair.

Mr. HILL (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON], but I am informed he would vote "yea" on the passage of this bill; I therefore vote "yea."

Mr. JONAS (when his name was called). I am paired on this bill with the Senator from Wisconsin [Mr. CAMERON]. If he were here, I should vote "nay," not because I am opposed to the appropriation bill, but because I am opposed to the manner in which it has been passed.

Mr. MORGAN. I object to debate, Mr. President.

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER]. I do not know how he would vote.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from New York [Mr. MILLER].

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. I understand he is in favor of this bill.

Mr. HAWLEY. The Senator is quite at liberty to vote in either direction in order to make a quorum.

Mr. VAN WYCK. If I find that it is necessary, I shall do so. The

Senator from Connecticut is in favor of this bill, and for the reason assigned by the Senator from Louisiana [Mr. JONAS] I am opposed to it.

Mr. HAWLEY. I object to debate.

Mr. VEST (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here, I suppose he would vote "yea," and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 34, nay 1; as follows;

YEAS—34.

Allison,	Dawes,	Jackson,	Morrill,
Blair,	Dolph,	Jones of Florida,	Pike,
Brown,	Farley,	Lamar,	Plumb,
Butler,	Frye,	McMillan,	Pugh,
Call,	Harris,	Mahone,	Sewell,
Cockrell,	Harrison,	Maxey,	Sherman,
Coke,	Hawley,	Miller of Cal.,	Wilson.
Colquitt,	Hill,	Mitchell,	
Cullom,	Ingalls,	Morgan,	

NAY—1.

Vance.

ABSENT—41.

Aldrich,	Garland,	Lapham,	Saulsbury,
Anthony,	George,	Logan,	Sawyer,
Bayard,	Gibson,	McPherson,	Slater,
Beck,	Gorman,	Manderson,	Van Wyck,
Bowen,	Groome,	Miller of N. Y.,	Vest,
Camden.	Hale,	Palmer,	Voorhees,
Cameron of Pa.,	Hampton,	Pendleton,	Walker,
Cameron of Wis.,	Hoar,	Platt,	Williams.
Conger,	Jonas,	Ransom,	
Edmunds,	Jones of Nevada,	Riddleberger,	
Fair,	Kenna,	Sabin,	

The PRESIDING OFFICER. There is not a quorum voting.

Several SENATORS. Call the roll.

The PRESIDING OFFICER. The Secretary will call the roll of the Senate.

Mr. ALLISON. There is a quorum present, I think.

The PRESIDING OFFICER. The fact is developed by the roll-call that there is not a quorum voting. The Secretary will call the roll.

The Secretary called the roll, and 34 Senators responded to their names.

The PRESIDING OFFICER. The roll-call discloses the presence of 34 Senators; there is not a quorum present.

Mr. ALLISON. I move that the Senate do now adjourn.

POLYGAMY IN UTAH.

The PRESIDING OFFICER. Before entertaining that motion the Chair will lay before the Senate the unfinished business, which is the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882. The Senator from Iowa moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 11, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

TELEGRAPHIC COMMUNICATION BETWEEN AMERICA AND EUROPE.

Mr. DORSHEIMER. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill 2145 to extend an act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the time to commence laying the cable as provided in the act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe, be, and the same is hereby, extended until the 8th day of August, 1886.

The SPEAKER. Is there objection to the present consideration of the bill which has just been read?

There was no objection; and the bill was accordingly taken from the Speaker's table, read three several times, and passed.

Mr. DORSHEIMER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEXAS PACIFIC RAILROAD COMPANY.

Mr. WELLER. I call for the regular order.

The SPEAKER. The regular order is the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. WILLIS. I have had a consultation with the gentleman in charge of this bill, the gentleman from Louisiana [Mr. LEWIS], and with his knowledge and consent I move that the further consideration of this bill be postponed until next Tuesday, my object being to proceed to-day with the consideration of the river and harbor appropriation bill.

Mr. ADAMS, of Illinois. I have a privileged report to make, but I do not wish to interfere with any business before the House.

The SPEAKER. The gentleman will please withhold it for a moment until this other matter shall have been disposed of.

Mr. LEWIS. As stated by the gentleman from Kentucky [Mr. WILLIS], we have had an understanding on the subject this morning, and I have agreed that this Texas Pacific Railroad bill shall be postponed until next Tuesday, to be then the regular order of business for that day.

The SPEAKER. The present recollection of the Chair is that another matter has been made the special order for that day.

Mr. WILLIS. We know that, and it is with the expectation that if the Thurman act shall be then under consideration this Texas Pacific land-grant bill shall be postponed until the following day.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] to postpone the further consideration of the Texas Pacific Railroad bill until Tuesday next.

The motion was agreed to.

CLIFFORD ARRICK.

Mr. ADAMS, of Illinois, from the Committee on Accounts, reported back, with a recommendation that the same be adopted, the following resolution:

Resolved, That the Clerk of the House be, and hereby is, authorized and directed to pay to Clifford Arrick, out of the contingent fund of the House, the sum of $52.64 for services rendered as a messenger in the post-office of the House of Representatives from the 17th day of November, 1883, to the 3d day of December, 1883, inclusive, at the rate of $1,200 per annum.

The resolution was adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. MARY P. M'BLAIR.

Mr. HEWITT, of Alabama. I desire to submit a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I move to take from the Speaker's table House bill 2677, granting a pension to Mrs. Mary P. McBlair, returned from the Senate with an amendment which had been disagreed to by the House. My purpose is to move that the House insist upon its disagreement to the Senate amendment and accede to the request of the Senate for a conference on the disagreeing votes of the two Houses thereon.

The message from the Senate informed the House that the Senate insisted upon its amendment disagreed to by the House to the bill (H. R. 2677) granting a pension to Mrs. Mary P. McBlair, and asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAMDEN, Mr. BLAIR, and Mr. WILSON the conferees on the part of the Senate.

Mr. HOLMAN. Let the amendment of the Senate be reported.

The Clerk read the amendment, as follows:

In line 8 strike out "$30" and insert "$15;" so that it will read: "and pay her a pension at the rate of $15 per month from and after the passage of this act."

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. HEWITT] that the House insist upon its disagreement to the amendment of the Senate, and accede to the request of the Senate for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The SPEAKER announced the appointment as conferees on the part of the House of Mr. HEWITT of Alabama, Mr. SLOCUM, and Mr. STRUBLE.

ORDER OF BUSINESS.

Mr. WELLER. I now insist upon my demand for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. WILLIS. I move to dispense with the morning hour for the call of committees.

The SPEAKER. That requires a two-third vote.

The motion was agreed to (two-thirds voting in favor thereof).

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLACKBURN for ten days, on account of sickness.

MOSES LACY.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. 7300) for the relief of Moses Lacy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JONAS LANMAN.

Mr. JOHN S. WISE, by unanimous consent, introduced a bill (H.

R. 7301) for the relief of Jonas Lanman, of Augusta County, Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union, the object being to proceed with the consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WELLBORN in the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Clerk read as follows:

Improving Falls of the Ohio River at Louisville, Ky.: Continuing improvement in pursuance of the last plan of the engineer in charge, $300,000; of which sum such amount as may be necessary, not exceeding $5,000, shall be expended in the erection of a stone pillar or pier on the southern side of the Indiana Chute, provided the engineer in charge shall decide that such a structure will aid in the navigation thereof.

Mr. MATSON. I move the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 607, add as follows: "and of which sum $5,000 shall be expended in rebuilding the bridge across the canal at said falls."

Mr. MATSON. Mr. Chairman, this amendment is offered at the request of my colleague [Mr. STOCKSLAGER], who is necessarily absent on business of the House in New York city. I am informed by him and by other gentlemen who are familiar with the facts—among the number the gentleman in charge of this bill—that this bridge across the canal at the Falls of the Ohio has been built once by the Government, but is now in a state of complete decay and needs to be repaired; it is in such a condition that accidents have happened. Why this provision has not been reported in the bill I am unable to say. This amendment does not increase the appropriation at all. It provides simply that of the amount appropriated for the improvement of the Ohio River the sum of $5,000 shall be expended in rebuilding this bridge. I think there can be no objection to the adoption of the amendment.

Mr. COSGROVE. It seems to me we should not in this bill which relates to the improvement of rivers and harbors undertake to build bridges. I think this committee has no jurisdiction over that question. The amendment is certainly new legislation and not germane. I make a point of order against the amendment.

Mr. MATSON. I suggest that the point of order, if there is anything in it, comes too late.

The CHAIRMAN. Whatever merit there may have been in the point of order, the opinion of the Chair is that it was not made in time, the amendment having been discussed on its merits.

The question being taken on the amendment of Mr. MATSON, it was not agreed to; there being—ayes 25, noes 43.

Mr. WOLFORD. I move to amend in line 595 by striking out "$4,000" and inserting "$10,000;" so as to make the paragraph read:

Improving South Fork of Cumberland River, Kentucky: Continuing improvement, $10,000.

Mr. Chairman, this amendment is so reasonable and modest that I hope no member will object to it. The appropriation proposed in this bill for this work, as to which the appropriation according to the report of the surveying officers ought to be $250,000, is the large sum of $4,000! Even this amount will do some good; and I feel thankful to the committee for reporting even that amount. But I hope that, in view of the needs of the section of the country through which this stream runs, no gentleman will oppose changing this little sum of $4,000 to $10,000. Ten thousand dollars will do a great deal more good. I am not asking all that we ought to have. The South Fork of the Cumberland River runs hundreds of miles through a country that has no other means of transportation, though it produces everything that the commerce of the world ought to transport. That portion of the country comes here and humbly asks the committee that reported this bill not to interpose any objection to raising this appropriation from $4,000 to $10,000. This is all we ask now. This will be sufficient to make a start. In view of the necessities of that great country, which must continue to improve and develop, we rely upon the magnanimity of this House to commence in this humble way this work which will be worth millions to this section of the country and the country at large. I do hope nobody will oppose the amendment.

The question being taken, the amendment was not agreed to; there being—ayes 27, noes 81.

Mr. WHITE, of Kentucky. I move to amend by inserting before the word "provided," in line 578, the words "and above the mouth of Jellico, $5,000;" so as to provide for expending on the Cumberland River, above the mouth of Jellico, $5,000.

Mr. WILLIS. We have passed the paragraph to which this amendment is offered; but if the Committee of the Whole chooses to entertain the amendment, I will not object on that ground.

Mr. HEWITT, of Alabama. I must insist upon the point of order against this amendment.

The CHAIRMAN. What is the point of order?

Mr. HEWITT, of Alabama. That the paragraph to which this amendment relates has been passed.

The CHAIRMAN. The point of order is made that the paragraph which the gentleman from Kentucky moves to amend has been already passed. The Chair must sustain the point of order.

The Clerk read as follows:

Improving Detroit River, Michigan: Continuing improvement, $100,000.

Mr. MAYBURY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$100,000" and insert "$227,000;" so as to make the paragraph read: "Improving Detroit River, Michigan: Continuing improvement, $227,000."

Mr. MAYBURY. Mr. Chairman, considering the fairness with which the committee has treated my district and State, I have great hesitation in moving any amendment to the bill reported. But the improvement now under consideration is one not more of local or State importance than it is important to every State and Territory tributary to the commerce of the great lakes. How widespread is the interest felt in the improvement of this river is shown in the fact that every board of trade and commercial association from the river Saint Lawrence to the headwaters of Lake Superior have petitioned not alone for the preservation of this work but for its present completion.

The improvement of the Detroit River is being prosecuted at the point where it enters Lake Erie. The nature of the obstruction at that point is a limestone formation extending from one side of the river to the other and running for a distance of three-quarters of a mile with the stream. The work so far done has been in blasting a channel about two hundred feet wide and extending the greater portion of the way through the obstruction. Very little remains to be done.

The water on this limestone formation averages a depth of about fourteen feet. The depth of water by artificial and natural channels through the lakes and rivers in that vicinity averages something like seventeen feet.

For the last few years the commerce of the lakes has changed materially. Vessels are made larger; they have a greater draught of water and heavier tonnage. It will be seen that in loading a vessel in Lake Superior for transit of freight to Buffalo it is necessary to gauge the draught of water in the loading of the vessel by the shallowest water she is to encounter in her journey. The result is, in loading vessels with iron ore in Lake Superior or with freight at Chicago they are obliged to take notice of the depth of water on this shoal, and the consequence is vessels are not ladened to their full capacity.

I assert here that the damage to the commerce of the lakes in the delay caused at this point, and in the damage to vessel property by being ashore on this point, and especially by the inability to load vessels to their full capacity, amounts every year to a greater sum than I ask in this appropriation. And this will be readily conceived when I state that the aggregate tonnage of the lakes passing this point under the depressions of last season was upward of 17,000,000 tons. It will be readily seen from these delays and a failure to load to the full capacity would soon damage the commerce of the lakes in a sum far greater than this amount which is now asked.

From the nature of this obstruction it can not be doubted, Mr. Chairman, that until the last rock is blasted the work is practically useless to commerce. The amount asked is the full amount which has been stated by the engineers to be necessary for the completion of the work, and they say it can be completed this year.

When you come to the aggregate of appropriations made and include this now asked for the amount is far less than the lowest estimate made for the work before it was begun. In view of these facts we ask not only that the work be prosecuted but we ask that it be completed. We ask that the appropriation be made sufficiently large so that the engineers may add to their appliances and complete the work at the earliest possible day.

[Here the hammer fell.]

The question recurred on Mr. MAYBURY'S amendment.

Mr. MAYBURY. I ask for a division.

The committee divided; and there were—ayes 43, noes 70.

So the amendment was rejected.

Mr. WOLFORD. I move, between lines 597 and 598, to insert $500,000 for the improvement of the Green River.

Mr. BLANCHARD. I raise the point of order against that amendment.

The CHAIRMAN. What is the point of order?

Mr. BLANCHARD. That we have already passed that paragraph.

The CHAIRMAN. The Chair is advised by the Clerk that paragraph has been passed, and the point of order is therefore sustained.

The Clerk read as follows:

Improving Wabash River by lock and dam at Grand Rapids, Indiana and Illinois: Continuing improvement, $30,000; also between Vincennes and Terre Haute, $10 000.

Mr. LAMB. In line 640 I move to strike out "10" and insert "30," so if amended it will read: "also between Vincennes and Terre Haute, $30,000."

Mr. Chairman, the States of Indiana and Illinois are alike interested in the improvement of the Wabash River. I have a letter here in my hand, which I wish to have sent to the Clerk's desk to be read, from Major Smith, in charge of the improvement of Wabash River at the present time, and I ask attention to it by members of the House.

The Clerk read as follows:

UNITED STATES ENGINEER OFFICE,
JOURNAL BUILDING, CORNER CIRCLE AND MARKET STREETS,
Indianapolis, Ind., May 21, 1884.

MY DEAR SIR: I observe from newspaper reports that the river and harbor bill contains but $40,000 for the Wabash River.

Navigation on this river has increased more than 200 per cent. within a year, and is still increasing.

The bill gives no money to be expended below Mount Carmel, a part about ninety miles in length, which contains one incomplete and important work, requiring, say, $15,000 to finish, and two bars which are impassable at low water for any boats on the river. It is more than necessary that the incomplete work should be finished, and that the bars should be removed, in order to protect and encourage the navigation which is now so promising.

It is due, both to the relative and actual interests involved, as well as to this State relatively and actually, that the amount be largely increased. Will it not be practical to obtain an increase by an amendment in the House or Senate giving to the Wabash an additional sum of $40,000 below Mount Carmel, Ill., and $10,000 more above that point?

Very truly, yours, &c.,

JARED A. SMITH,
Major of Engineers, U. S. Army.

Hon. JOHN E. LAMB, M. C.,
Washington, D. C.

Mr. LAMB. As will be seen from the reading of the letter of the engineer, he states the amount of $50,000 ought to be appropriated for this work in addition to the amount already allowed by the committee. Of that amount I only ask the sum of $20,000. I believe perhaps that would do until the next session of Congress, and I hope the House will at least grant half of the increase asked by the engineer in charge of the work, because if it is not done the money already expended by Congress for the improvement of the Wabash River will have almost been wasted.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Indiana.

Mr. WHITE, of Kentucky. I would like to ask the gentleman from Indiana and also the gentleman from Illinois, who live along the Wabash River, whether they think there is sufficient water there to run a steamboat, or whether they propose to have a reservoir there, as the gentleman from Colorado suggested for that State, or whether they propose to run the Wabash by artesian wells? [Laughter.]

Mr. LAMB. I have no doubt what the gentleman said is very funny, but I could not hear a word of it.

Mr. WHITE, of Kentucky. The gentleman would not have appreciated it if he could have heard it.

Mr. LAMB. I do not understand, then, why the gentleman should ask me the question. The gentleman from Kentucky usually asks questions that nobody can appreciate.

Mr. WHITE, of Kentucky. I call the attention of the gentleman to the report of the engineer, which will be found on page 1584. Referring to this subject, he says:

The work already done has so far improved the channel between Vincennes and Terre Haute that two steamers have recently been making regular trips.

Now, I want to ask the gentleman what is the commerce on that river, and where I will find any statement showing that the river is navigable for six months in the year or for four months in the year. We have heard a great deal of talk here about "trout streams" and the improvement of insignificant trout streams, and I am very much inclined to the opinion that this river, the Wabash, would come properly under that head.

These States already have an approved system of communication by railroads. They have a regular network of railroads crossing the States in all directions, and the people there do not need the water navigation that is needed in many other parts of the country. But they have been quite successful in getting appropriations for that river, and I should like some member of the Committee on Rivers and Harbors to explain to this House on what principle or on what theory the appropriation already in the bill was made for that stream. I would like to have the gentleman from Indiana who offers this amendment, or the gentleman from Illinois on my right [Mr. CANNON], these gentlemen who live along the Wabash, explain to the committee the importance of the commerce that is to be protected there and to be encouraged by the improvement of that stream.

I see my friend from Illinois before me, and I have no doubt he can give some elucidation of the subject; I therefore yield to him the balance of my time for that purpose.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Indiana.

The committee divided; and there were—ayes 26, noes 75.

So the amendment was not agreed to.

Mr. WHITE, of Kentucky. Now I move to strike out this paragraph.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kentucky.

The Clerk read as follows:

Strike out from line 631 to 640, inclusive, as follows:
"Improving Wabash River by lock and dam at Grand Rapids, Indiana and Illinois: Continuing improvement, $30,000; also between Vincennes and Terre Haute, $10,000."

Mr. WHITE, of Kentucky. I read from the report of the engineers, page 1585, but I can not read the whole letter. I will read simply a short extract from it, and gentlemen who take interest enough in the subject to examine it will find it in this remarkable document from the Secretary of War, addressed to this Congress, in the second volume, and on the page I have given.

The engineer says:

I have no statistics of the navigation on this part of the river, but I understand it to be very small in amount.

Now I turn to page 1587 of the report and I find that the amount of wheat carried on the Wabash and White rivers was 316,000 bushels; corn, 294,000 bushels; flour, 5,000 barrels, and so on. Mr. Chairman, when we come to the consideration of the amount of money that can be profitably expended under this recommendation of the engineers we find that it is fixed at $50,000. When you look at the bill it is only $40,000 to be expended between these two points.

I do not wish, sir, to occupy the time of the committee, but a very brief examination of the statistics in regard to this river will show that there is exceedingly small commerce upon it and that the money being spent there is being spent, as the President of the United States said in his last veto message, to benefit the local commerce alone. It can be of no service for any other purpose. Now, for a Republican to vote for improvements upon little trout streams, while objectionable, may possibly have some excuse on the general theory of the Republican party that it believes in a broad range of internal improvements. But when you see the whole Democratic Indiana delegation rise up here in favor of the improvement of a trout stream, and the distinguished gentleman from Indiana on the Republican side who joined with the Democrats in the Forty-sixth Congress to protest against the river and harbor bill uniting with them, I think it must cut some figure in the election.

But I do not see the commerce on this river explained here, and I want to know if this River and Harbor Committee expect to pass this bill over the President's veto. It is suggested to me on my right here that the whole commerce of that river would not equal the annual appropriation. That may be so; but I would like to have some of these distinguished Democrats from Indiana, or Republicans that are opposed to internal improvements from Indiana, explain on what theory they can assent to a single dollar of appropriation for the improvement of the Wabash River.

Mr. BRECKINRIDGE. I want to call the attention of the House, as a measure of these obstructions that are being offered to the recommendations of the committee, to the fact that the criticism just read by the gentleman from Kentucky embraces a part of the river that the bill discarded. We do not give any money to the unworthy improvements that he criticised us as advocating. As regards that part upheld by the engineer, the navigable part of the river, they had the amount of $40,000 in the big bill of 1882, and one year after the passage of that bill they had $18,000 left; and there is no evidence before the committee that they require any more now than they received in the bill of 1882.

Mr. PETERS. I have been amazed at the interest taken by the delegation from Kentucky in the river and harbor bill, and being so amazed I have been led to make a little investigation to ascertain if possible the reason why; and I think I have discovered it.

My friend on my left from Kentucky [Mr. WHITE] has been diligent in season and out of season, but not a word has been said by him on the appropriations for the State of Kentucky; nothing has been said by him until after that State has been passed. Now I find upon an examination that Maine has $105,000; New Hampshire, $26,500; Vermont, $5,000; Massachusetts, $211,000; Rhode Island, $140,000; Connecticut, $139,500; New York, without the blowing up of Hell Gate, $328,000, with the blowing up of Hell Gate, $628,000; New Jersey, $110,000; Delaware, $102,000; Maryland, $233,000; Virginia, $162,500; West Virginia, $329,500; North Carolina, $105,000; South Carolina, $287,000; Georgia, $376,000; Florida, $286,000; Alabama, $367,000; Mississippi, only $57,000; Louisiana, $135,600; Texas, $235,000. Through the magnanimity of the Representatives from Texas they gave away $250,000, I believe; so that only leaves them $235,000.

Mr. WHITE, of Kentucky. Will the gentleman allow me right there——

Mr. PETERS. I have not time to yield. Arkansas receives $187,000; Ohio $249,500; Indiana only $60,000; and yet when the Representative from Indiana asked for a little more the Representative from Kentucky opposed the proposition, although Indiana has only $60,000. Illinois without the Hennepin Canal has $290,000, with the Hennepin Canal, $590,000; Michigan, $566,000; Wisconsin, $445,000; Iowa, $20,000, and that is for an ice-harbor. Minnesota has $55,000; California, $323,600; Tennessee, $27,000; and the member from Tennessee yesterday made a forcible appeal for an increase of appropriation to that State and it was refused. And then comes the State of Kentucky with $568,000 of an appropriation. And may not that account for the interest that my

friend takes in this appropriation bill, and for the conversion of some of the members of the Kentucky delegation? The amount of $568,000 given to the State of Kentucky does not include the appropriation of $350,000 made for the benefit of Tennessee, Alabama, and Kentucky; neither does it include the appropriation of $600,000 that is made for the improvement of the Ohio River. So that we see that the State of Kentucky in this grand column of figures has the largest appropriation of any State in the Union. I draw no conclusions from this. I leave the country to draw them for itself.

Mr. WILLIS. The gentleman from Kansas doubtless intended his remarks for my colleague [Mr. WHITE], but as they seem to have a wider range I ask for a few minutes' attention for reply. The charge made by the gentleman is that the State of Kentucky is unduly favored in this bill. If there is one State in the Union to which such a charge could not be justly applied, Kentucky is that State. In support of this statement I call brief attention to one or two facts.

In 1836 the Secretary of the Treasury made a report to Congress, which is one of our public documents, in which he stated that Kentucky was the only State in the Union at that time that had never received one dollar for fortifications, light-houses, rivers, harbors, or any other work of internal improvement. For the period from 1836 up to the present day I have before me an official statement of the Secretary of War made in response to a resolution offered in this House on the 11th day of January, 1883. In this official statement of the Secretary of War (Ex. Doc. 64 of this Congress) he clusters together the different States of this Union. I print the whole table, giving the total amounts appropriated to the different States for rivers and harbors from the begining of the Government to the 30th of June, 1882:

	Annual appropriation.
Alabama	$1,091,751 82
Arkansas	316,500 00
California	1,717,000 00
Connecticut	1,585,926 83
Delaware	3,327,164 69
Florida	760,350 09
Georgia	1,412,596 64
Idaho Territory	10,000 00
Illinois	2,672,305 00
Indiana	786,203 92
Iowa	2,500 00
Kentucky	457,000 00
Louisiana	245,400 00
Maine	1,475,884 48
Maryland	1,731,817 50
Massachusetts	3,119,499 08
Michigan	7,984,877 25
Minnesota	447,500 00
Missouri	22,000 00
Mississippi	377,900 00
New Hampshire	202,500 00
New Jersey	1,099,063 00
New York	10,237,611 28
North Carolina	2,399,058 92
Ohio	3,116,147 29
Oregon	654,000 00
Pennsylvania	1,158,042 23
Rhode Island	733,700 00
South Carolina	963,000 00
Tennessee	85,500 00
Texas	2,566,200 00
Vermont	551,980 20
Virginia	1,734,880 00
Washington Territory	5,500 00
West Virginia	1,531,300 00
Wisconsin	4,659,541 74
District of Columbia	291,500 00
Miscellaneous	39,667,664 77
Repairs, &c	3,977,127 12
Surveys	4,985,713 40
Dredging machines, &c	1,135,257 54
Grand total	111,299,464,79

I find that out of a total of appropriations of one hundred and eleven millions which have been made for rivers and harbors from the foundation of the Government up to the present time this State of Kentucky that is charged with so much greed has received the magnificent sum of $457,000, while the State of Massachusetts, a State not greater in size, has received $3,000,000, and the State of New York, which the gentleman from Kansas now compares with Kentucky, has received one-seventh of all the appropriations made for rivers and harbors in individual States. Other States, as will be seen, have received equally large proportionate sums. There are only six States—Arkansas, Louisiana, Missouri, New Hampshire, Mississippi, and Tennessee—which have received less than Kentucky, and four of these are the beneficiaries of the millions appropriated for the Mississippi River, and which amount is stated in the table under the head of "Miscellaneous."

The gentleman from Kansas should bear in mind that our people, like his, are a modest people, and they have been probably laboring under a wrong view of their right and duty as to appropriations for internal improvements. Other States of the Union, with more wisdom than we, New York and Massachusetts, Connecticut and New Hampshire, and the older States, fifty years ago asked for and received the aid of the Federal Government, and their harbors are now lighted up by light-houses as though, to use Mr. Webster's expression, they were ball-rooms; their harbors have years ago been completed and now float the navies of the world; while their rivers, widened and deepened by the same beneficent power, bear to the marts of the world a nation's products. Kentucky and Kansas, during this marvelous era of development, have been modestly sitting in the background, brooding over the doctrine of State rights or fighting off the grasshoppers and sick cows that had invaded their domain. I ask my friend from Kansas, instead of arraigning us and complaining of us for an attempt to wake up from our Rip Van Winkle sleep, to join us in our determination to "right about face" in our policy and march on to a greater development of our resources and capabilities.

We have great rivers in our State which ought to have been improved fifty years ago; we have magnificent supplies of coal and iron sufficient to supply the world. The Kentucky River alone opens up a coal area greater than that of England and Wales combined. It is navigable for hundreds of miles, and flowing into the Ohio River becomes a part of the great system of water ways whose objective point is the Mississippi River. No one will claim that this river is not in the strictest sense a national work.

Besides the Kentucky River the only appropriation of any size which could be charged to our State is for the Falls of the Ohio. That improvement belongs no more to Kentucky than the Ohio River, of which it is a part. It is for eight States; not for Kentucky alone, but for Pennsylvania, for the great State of Ohio, for Indiana, and for all the States below the State of Kentucky.

Need I call attention to the extent, resources, productions, commerce, wealth, and population of the Ohio River Valley represented by these eight States as showing the importance of having a thorough improvement of the navigation of the falls?

From 1870 to 1880 the increase in population of this valley has been from 13,624,148 to 16,663,201, or about 22 per cent. But not only is one-third of our population located in the Ohio Basin, but a very large part of the money in the Treasury which is used for these appropriations comes from that people. The total internal-revenue collections for the fiscal year ended June 30, 1881, were over $135,000,000. Of this amount over $87,000,000 were collected in the eight States which, wholly or in part, lie in this basin. Some idea of the commerce accommodated by this improvement may be formed from the fact that during the past year—as the engineer's report before me shows—6,427 boats passed by this point, representing an undertonnage of 1,687,165 tons. Among the cargoes were 1,335,400 bushels of coal; 10,988 tons of iron ore, and 4,000 barrels of salt. The registered undertonnage gives only about one-half of the real tonnage or load carried. The national character and great importance to commerce of this channel will hardly, in view of these facts, be called in question.

Now, what are the further facts in regard to this improvement at the Falls of the Ohio River? On the 10th of February, 1882, under the order of Congress, a report was made upon this work by General Godfrey Weitzel, the engineer for twenty years in charge of it. I have before me that report. General Weitzel was one of the ablest and most conscientious officers in the Engineer Corps. His report begins on page 1880, and occupies twenty-two pages of the report of the Chief of Engineers, second session Forty-seventh Congress. I can only quote very briefly from that able and exhaustive document. He says that—

> No toll has ever been paid on the Des Moines and Rock Island Rapids in the upper Mississippi, and Congress has appropriated $5,955,350 to improve them against $2,600,000 expended here. In order to improve the navigation to Lake Superior, the Government in 1852 gave the State of Michigan 750,000 acres of land and the right of way to build a canal around the falls of Saint Mary's River, and has appropriated $2,616,000 since for its enlargement and the improvement of the river. As the work now stands, it is inadequate to serve the interests of the commerce of the Ohio River, and it will become more and more so each year until the additional works suggested in this report are completed.

On the other hand, the improvement heretofore made at the Falls of the Ohio was paid for by tolls charged upon and collected from the commerce of the West. It was only four years ago that the Federal Government ceased to collect these tolls, after $2,600,000 had been taken from those tolls to pay the cost of the improvement already made at the Falls of the Ohio. There was and is to-day in the Treasury of the United States to the credit of the commerce of the eight Western States interested in the commerce upon the Ohio River the sum of $3,400,000, which has been collected from tolls upon that commerce.

General Weitzel states it thus:

> In concluding this history I will recapitulate the epochs of the work and financial items.
>
> The original canal was opened to commerce December 20, 1830. The enlarged canal was opened on February 26, 1872. The Government assumed control June 11, 1874. The canal was made free of all tolls at midnight July 1, 1880.
>
> The original cost of the old canal was $1,019,277.09. The company afterward expended about $120,000 on it for improvements and construction. Total cost of the old canal, about $1,140,000.
>
> The company expended on the enlargement $1,825,403; the Government, on the enlargement and appurtenances about $1,450,000, and on improvements with canal tolls about $150,000. Total cost of the enlargement about $3,700,000. Total cost of the work, as it now stands, a little over $4,800,000.
>
> The cost of the work to the Government was as follows: Original stock purchased, $233,500; appropriated for the enlargement and appurtenances, $1,463,300; canal enlargement bonds assumed, $1,172,000. Deducting cash dividends received, which amounted to $257,778, there remains as the net cost of the work to the Government the sum of a little over $2,600,000.
>
> The amount of tolls collected by the canal company from the opening of the original canal in 1830 to the day it was turned over to the Government in 1874 was about $5,600,000. The amount collected under Government management

was $417,069.38; total, a little over $6,000,000; toll collected, in cash, on this work during the period of forty-nine and a half years, or over, $1,200,000 more than its entire cost, and about $3,400,000 more than it cost the Government. In view of these figures, no argument nor comment seems necessary.

Why should all other improvements of a similar character have been constructed without taxing the commerce to be benefited and this alone be made an exception? If placed upon the same footing as others the Falls of the Ohio, including the canal, has now in the Treasury a fund of $3,400,000.

If time permitted I could give the reasons for immediate attention to this work. Within the last two years twelve of the largest and stanchest steamboats on the Western waters have either been totally destroyed or seriously damaged by the obstructions to navigation at this point. I have before me the names and amount of damages of these boats.

Col. W. E. Merrill, who is now in charge of these works as the successor of General Weitzel, in speaking of one of these, says:

The present entrance into the canal is contracted and dangerous. The head of the guiding dike is now ornamented with the wreck of a fine passenger steamboat, the Buckeye State, that got caught while trying to land at the Louisville wharf. (See page 1539 of the last report of the Chief Engineer.)

The river interests of the whole Ohio Valley request this improvement. The Chamber of Commerce of Pittsburgh has sent an official request for prompt action in the premises. This part of the bill was passed without one word of objection, but as the gentleman from Kansas has called attention to Kentucky I have thought proper to state these facts.

I have, Mr. Chairman, referred to the amounts received by different States since our Government was founded, but I hope I was understood to be using those facts for the single purpose of showing that Kentucky neither in the past nor the present had been the recipient of large appropriations. I desire to say that this bill was not made up with reference to State lines or sections. My Republican friends and colleagues on our committee will bear me witness that no partisan or geographical considerations influenced our action. We took the estimates laid before us by the Engineer Department, and in the light of all the facts presented recommended such appropriations for these various works as seemed right and proper, and without regard to the States in which they were located.

[Here the hammer fell.]

Mr. LORE. I can hardly believe that the gentleman from Kansas [Mr. PETERS] meant what he said.

Mr. MILLER, of Pennsylvania. Yes, he did.

Mr. LORE. If so, he must have overlooked the most material facts connected with this bill. He charges of the appropriations made by this bill $102,000 to the State of Delaware. If he had studied the map for but one moment he would have seen that the State of Delaware gets $25,000, and that only. There is appropriated by this bill $75,000 for the breakwaters at the mouth of the Delaware River, a river on whose waters floats the commerce of three States. If the gentleman from Kansas did not live so far inland perhaps he would know that that appropriation was chiefly for the benefit of the commerce of Pennsylvania and of the city of Philadelphia; Delaware has comparatively little interest. For the ice-pier at New Castle there is appropriated $2,000, and that is almost exclusively for the protection of vessels passing to and from the city of Philadelphia.

You may look throughout this entire bill and you will find that in many cases where a State is named it is simply for the purpose of localizing the improvement for which an appropriation is made, while in fact the river or the harbor designated is to be improved for the benefit of the entire section of country.

I submit this thought only as showing the utter fallacy if not the recklessness of the reasoning which has induced the statement made by the gentleman from Kansas. I know if he will examine the map of the country for a moment he will see that he has improperly and unjustly assigned to the several States the amounts which he has named. He has confounded the localization of the appropriations with limiting the scope of the improvement.

Mr. PETERS. I am sorry that I have stirred up the gentleman from Delaware [Mr. LORE], for that was not the State at which I was driving. In regard to the appropriation for the Delaware breakwater, perhaps the $75,000 for that purpose might have been unjustly charged to the State of Delaware.

But I do know that every item of the appropriations for the State of Kentucky, aggregating $568,000, is almost directly for the benefit of that State. My friend from Kentucky, the chairman of the Committee on Rivers and Harbors [Mr. WILLIS], alludes to the improvement of the Falls of the Ohio River. I beg leave to remind that gentleman that there is in this bill an appropriation of $600,000 for the improvement of the Ohio River which I did not take into consideration or account. If I had taken this and like appropriations affecting Kentucky into account it would have swelled the appropriations for Kentucky to over $1,500,000. But I left that out of the account.

I meant no attack upon any one; but I do say that there is something peculiar in relation to the opinions of the gentleman from Kentucky on my left [Mr. WHITE], to whom I specially directed my remarks, which remarks seem to have so seriously unsettled the chairman of the Committee on Rivers and Harbors.

At the last Congress there was an appropriation in the river and harbor bill for the State of Kentucky of $50,000; and I have the authority of the gentleman from Kentucky [Mr. WHITE], in a statement which he made on this floor yesterday, that only two of the Kentucky delegation, himself and one other, supported that bill, while all the rest of that delegation opposed it. I know it has been said that that was an iniquitous appropriation bill, but was it iniquitous because it only gave to Kentucky $50,000? Can it be that the iniquity of this class of bills is determined by the amount of the appropriation for the benefit of Kentucky?

I presented the figures in my remarks a few moments ago simply to show that there must be some interest felt by the Kentucky delegation in this river and harbor bill, and that may have changed their views in regard to the iniquity of a river and harbor appropriation bill.

Now, I myself believe in internal improvements, in a judicious internal-improvement bill. I believe in voting sums of money which will aid the commerce of the United States. I would not be stingy in reference to anything of that kind. But I do not believe in appropriating money for any little stream that may not have water enough in it to enable a catfish to swim or that will not furnish water enough to make steam in the boiler of a steamboat. It is that feature of the bill to which I am opposed.

While the gentleman from Kentucky calls attention to the appropriations for his State, I desire to call his attention to the fact that there is in this bill an appropriation for the State of Kentucky to improve a little stream called Tradewater River, which, as I understand, is controlled by a private corporation. I made vigilant search on the map yesterday, but I could not find any such stream. I find in the appropriations for the improvement of rivers and harbors passed at the first session of the Forty-seventh Congress that there was an appropriation for improving Treadwater stream. Why the name should be changed from "Treadwater" two years ago to "Tradewater" now the peculiar appropriations contained in this bill may furnish an explanation.

Mr. HENDERSON, of Iowa. I do not wish to occupy the time of the committee, but will merely say to my friend from Kansas [Mr. PETERS] that so far as regards the appropriation for the Ohio River and the large appropriation to which he referred for the canal at Louisville, Ky., it is not Kentucky alone that is interested in those appropriations. I think the State of Pennsylvania is far more interested in the improvement of the Ohio River and the falls at Portland than is the State of Kentucky. Most certainly Pennsylvania, West Virginia, Ohio, Indiana, and Illinois, together with all the States on the Mississippi River below the mouth of the Ohio, are largely interested in those improvements. It seems to me entirely unfair to charge the appropriations for the Ohio River and the canal at Portland to the State of Kentucky. This is all I wish to say.

Mr. HISCOCK. The gentleman from Pennsylvania [Mr. BAYNE] told us yesterday some of the principles on which this bill was made up. The gentleman from Kentucky, the chairman of the Committee on Rivers and Harbors, now states still another principle involved in the building of this bill. All the States are charged with the amounts which have been appropriated for internal improvements within their borders since the formation of the Government.

Mr. WILLIS. The gentleman from New York certainly could not have understood me as stating anything of that kind.

Mr. HISCOCK. I certainly must take the logic of the gentleman's speech. The State of New York is to be charged with all the money appropriated for these improvements in that State since the formation of the Government; Massachusetts is to be charged with all she has received since the formation of the Government; and when an aggregate of this kind has been made up Kentucky and some other States are to be equalized and are to receive just as much from the Federal Treasury. I presume, Mr. Chairman, that the State of New York is to be neglected until the books are balanced, and the new States are to receive just as much as New York has received in the aggregate during all the past years.

Mr. Chairman, I had supposed that a gentleman of the breadth of the statesman from Kentucky would have distributed the appropriations in his bill somewhat with regard to the necessities of commerce. I suppose the State of New York has—I was going to say—more commerce than all the other States put together.

Mr. DUNN. With whom is its commerce?

Mr. HISCOCK. No matter whom the commerce is with. If it is for your benefit, it is at her ports. She is the great thoroughfare through which the commerce of the country passes to other cities; and it is as much for your interest as it is for hers that her ports should be improved and that commerce with those ports should be facilitated. Her commerce is the commerce of the whole United States.

I believe, Mr. Chairman, that since I have been here the river and harbor bill has been in the main made up upon this theory of a distribution of the money in the Treasury to the States in a certain proportion. Against that theory and against that principle I protest.

[Here the hammer fell.]

Mr. KELLEY. I believe we are, so far as this bill is concerned, still on the Wabash River. [Laughter.]

The CHAIRMAN. The gentleman is correct.

Mr. KELLEY. Then I think that what my distinguished friend from

New York [Mr. HISCOCK] has just been saying and what most of my distinguished friends have been saying for the last half-hour is irrelevant.

I do not care how much Pennsylvania received in that early bill in 1802 which I am supposed to have championed. [Laughter.] Nor am I concerned with how much she may have received in any intervening period. We are now on the Wabash River. I have heard gentlemen inquiring what commerce there is on this river, and I have not heard the reply. I suppose this river is to be improved for other than its commercial resources. It strikes me from what I have heard said that it is a piscatorial field, for one gentleman denounces it as a "trout stream" and another as a "catfish stream." If it breeds both these classes of fish——

Mr. BRECKINRIDGE. Will the gentleman allow me to give him some information?

Mr. KELLEY. That is what I am seeking—information—as to whether this is both a trout stream and a catfish stream. If it is both it is an anomaly.

Mr. BRECKINRIDGE. By referring to page 1587 of the report of the engineers the gentleman will find it estimated that the saving in freight by the small improvement so far made is more than $52,000 to the people living on that stream. It is further stated that the counties along the navigable part of the Wabash and White Rivers produce at least 25,000,000 bushels of wheat annually, and the other products are proportionally great.

Mr. KELLEY. The gentleman does not give me the piscatorial information which I asked for.

The question being taken, the amendment was not agreed to.

Mr. WARD. I move to amend by inserting, after the words "ten thousand dollars," in line 640, the words "and also between Terre Haute and La Fayette, twenty-five thousand dollars."

Mr. Chairman, the Committee on Rivers and Harbors in reporting the appropriations for the Wabash River have, inadvertently I doubt not, done manifestly great injustice in omitting to make any appropriation for that portion of the river between the cities of Terre Haute and La Fayette. This portion of the river is very important. Between these two points there are large cities, and the section of country traversed by this part of the river is in its agricultural aspects as important as any in the State of Indiana.

I call the attention of the committee to the fact that for the portion of the river between these two points, La Fayette and Terre Haute, there is not one dollar of appropriation proposed in this bill. The gentleman from Pennsylvania [Mr. KELLEY] asked a moment ago what is the commerce on the Wabash River. If he had listened to the letter of the engineer in charge of this work he would have learned that during the last year the commerce on this river has increased 200 per cent. We want to make that river a commercial thoroughfare, and if its navigation be properly improved I have no doubt it will be a great thoroughfare for commerce. I can recollect when it was such. I can recollect when at my own town I have seen as many as fifteen steamboats lying at the wharf at one time. I submit, with great respect, that injustice has been done to this portion of the Wabash River by the action of the committee, and I hope this amendment will be adopted.

Mr. BRECKINRIDGE. I desire to read a brief extract from the report of the engineer to show that our committee has tried to deal with perfect fairness—not by States, for that is not the determinative principle of this bill, but by commerce and the necessities of commerce. On page 1584 the engineer says, speaking of this section of the Wabash:

> No examination has been made of the river from Terre Haute to La Fayette, as it is impracticable to attempt the improvement of that part of the river so long as Congress and the State of Indiana permit the numerous bridges to remain entirely without draws, or with draws so badly arranged as to be of no use to passing boats.

Then he adds:

> I have no statistics of the navigation of this part of the river, but I understand it to be very small in amount.

Now, how could we bring in an appropriation in the face of this official statement? We have a bill before this House a portion of which provides for removing these obstructions when it is impossible to improve these rivers. I trust Congress will be willing to do justice in view of the commercial wants of the country.

Mr. WARD. I wish to say, in answer to the gentleman from Wisconsin, there is already pending in this House a general bill providing for the modification of these bridges which obstruct the navigation. I had the honor myself to introduce a bill with that express object in view. I have no doubt these bills will pass, so that the objection made by the engineer will not obtain.

Mr. WARD'S amendment was rejected.

The Clerk read as follows:

> For the construction of a canal from the Illinois River, near the town of Hennepin, to the Mississippi River, at or below Rock Island, and designated in a survey made by Major Benyaurd, together with the route surveyed for a branch canal or feeder from Rock River to the summit line of said canal, $300,000: *Provided*, That said canal and feeder shall be eighty feet wide at the water-line and seven feet deep, and the locks one hundred and seventy feet in length and thirty feet in width, with a capacity for vessels of at least two hundred and eighty tons burden, with guard-gates, wash-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey: *And provided further*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use.

Mr. JONES, of Wisconsin. Mr. Chairman, I rise to make a point of order on this paragraph:

First. That the Committee on Rivers and Harbors has no jurisdiction over the subject, it not being the improvement of any river or harbor, but the building of a canal, a subject over which the Committee on Railways and Canals has exclusive jurisdiction.

Second. That there is another bill pending (H. R. 1975) before the House for the same purpose, which was referred to the Committee on Railways and Canals, which committee has made a favorable report thereon, and which bill is now on the Calendar of the Committee of the Whole House on the state of the Union.

Mr. Chairman, I am not familiar with these Eleusinian mysteries, the rules of the House, and do not intend to discuss them.

Mr. HOLMAN. I wish, in addition to the point of order raised by the gentleman from Wisconsin, to make the additional point of order against this paragraph that this is a new work not authorized by law.

Mr. JONES, of Wisconsin. I was about to remark, Mr. Chairman, I should be glad to hear from gentlemen of greater experience in reference to parliamentary law than I am. If the gentleman from Indiana or others desire to give their views I will gladly yield the floor for that purpose. I will yield now to the gentleman from Indiana if he desires to be heard.

Mr. HOLMAN rose.

Mr. BAYNE. I desire to submit to the gentleman from Indiana this proposition: I myself intended to raise the point of order if the gentleman from Wisconsin had not done so, and I would suggest now that the point of order be reserved until those who desire to advocate this measure may have had an opportunity to be heard briefly on the subject. [Cries of "No!"]

I hope there will be no objection to allowing the facts relating to the subject to be presented to the House.

Mr. HOLMAN. I have no objection, of course, to gentlemen presenting their views on the subject, if that be the wish of the House.

Mr. BLOUNT. I shall object to it.

Mr. HOLMAN. The point of order made by the gentleman from Wisconsin is, first, that the Committee on Rivers and Harbors had no jurisdiction of the subject-matter involved in this provision. The rule of the House organizing that committee and fixing its jurisdiction is not included in the Digest of the Rules, and if the Chair has that rule I hope it will be read for the information of the House.

The Clerk read as follows:

> 8. To the improvement of rivers and harbors: to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Mr. HOLMAN. Mr. Chairman, the Committee on Rivers and Harbors are invested with jurisdiction of subjects in relation to rivers and harbors. That is the limit of their jurisdiction. It can not extend beyond that unless by some action of the House.

I said if the subject-matter had been referred to that committee by the House it would have enlarged the jurisdiction of that committee to that extent, but I think I am perfectly safe in saying to the Chair who takes notice of the records of the House will observe the subject-matter has not been referred to that committee; that unless the committee possesses jurisdiction of the subject-matter under the rule of the House it has no jurisdiction over it, and had not when this report was made. And I submit, Mr. Chairman, that where a committee takes jurisdiction of a subject-matter without authority either under the general rule or by a special act of the House, the point of order can be made against such proposition whenever the subject is brought to the attention of the House, or any committee shall have occasion to consider the matter.

Mr. TURNER, of Kentucky. Let me interrupt the gentleman to state, in addition to the point he makes, that express jurisdiction is given by subdivision 17 of this rule over canals to the Committee on Railways and Canals.

Mr. HOLMAN. That confirms what I was seeking to express, Mr. Chairman, that the subject-matter belongs entirely to another and distinct committee, or at least under no construction can belong to this committee which seeks to report it unless it be referred to it by the action of the House. I need not discuss the proposition that if a committee has not jurisdiction of a given subject-matter they can not report it unless under some order of the House either expressed or implied, and I presume this subject has not under any form been referred to that committee. If it was otherwise it would follow that the regular order of procedure in the House could not be maintained, and

that wise distribution of the powers of the various committees of the House would be entirely defeated.

I think this proposition is impregnable, and that it is impossible the point of order shall not lie well as to that particular feature of objection.

In the next place, the point of order is made that this subject is already pending before the House in a separate bill. I shall not ask the reading of that rule under which this point of order is made, for the Chair is familiar with it. The subject in this case is reported, I concede, by a committee of the House. But, if I construe the rule correctly, that rule prohibits the offering by way of amendment to a bill the subject or the substance of another bill already pending, and I submit that the spirit of that rule goes to the extent that a committee to which a subject-matter has not been referred at all can not themselves by their own volition without the order of the House incorporate into a bill a provision which is already pending, not only in substance, but in terms, as in this case, before another committee of the House. Why, sir, it would be fatal to the regular order of procedure in transacting the business of this House were the House now to recognize the jurisdiction in the River and Harbor Committee of a subject-matter which not only legitimately and properly belongs to another committee, but which is already pending before the proper committee having jurisdiction of the subject.

The last proposition to which I call the attention of the Chair in support of the point of order is that this is a new work. Now, I will not be met by the thought on the part of the Chair, or with the proposition, that this bill is not subject to the severe rule that is applicable to other bills, as, for instance, in the appropriation of money by an appropriation bill except in pursuance of existing law.

I wish to submit, sir, that this work having no connection whatever with the subject of rivers and harbors, that unless there was existing law to authorize the appropriation of money the appropriation could not be made without a complete overturning of all of the rules of the House applicable to appropriation bills. The suggestion has been made, and perhaps will be urged again in connection with this point of order, that this is not a new work; that if the Committee on Rivers and Harbors had jurisdiction of the subject-matter they would not be met with the embarrassment that this work is not authorized by law, and is not in continuation of a public work already begun, but not covered by an estimate from one of the Departments of the Government. But here, sir, there is no law authorizing this enterprise, being neither a river nor a harbor, but an independent channel of communication, a canal, having no connection with the general subject of the improvements in which the United States Government has been heretofore engaged. The attention of the Chair may be called to the fact that $100,000 was appropriated during the last Congress for certain surveys and a preliminary examination of this work. But I wish to direct the attention of the Chair to the fact, which I think is perhaps worthy of consideration, that the bill in question contains this proviso:

Provided, That nothing herein shall be construed to commit the Government to proceed with the construction of said improvement.

So that in express terms the assumption that this work has been already entered upon by the Government is repelled by the direct action of Congress.

I believe, sir, upon these three propositions, principally upon the first, but still relying upon the second and believing that the third is entitled to consideration, I submit the question to the consideration of the Chair.

Mr. STONE was recognized.

Mr. BAYNE. I wish to ask if the gentleman from Massachusetts desires to be heard in opposition to the point of order.

Mr. STONE. I rise for that purpose.

Mr. BAYNE. I desire to submit an additional point of order, with the consent of the gentleman from Massachusetts, and then he can answer all of them together.

Mr. STONE. I will yield for that purpose.

Mr. BAYNE. I desire to interpose the further point of order against this paragraph of the bill, that no bill, petition, or memorial was presented to the Committee on Rivers and Harbors asking for this appropriation for this purpose, and that therefore the committee had not jurisdiction over the subject.

Mr. STONE. This point of order which is made in respect to this Hennepin Canal measure is an interesting one. It is objected to the consideration of this measure that it is out of order; first, because it is an attempt on the part of the Committee on Rivers and Harbors to deal with a subject which was not referred to it.

I concede, Mr. Chairman, that it is not within the power of a committee to deal with a proposition that has not been referred to it by the House. It is not competent for a committee to initiate legislation. That I concede. I was pleased to hear the gentleman from Indiana [Mr. HOLMAN] admit in the speech which he has just made in support of the point of order that it was competent for this committee to deal with the Hennepin Canal measure if the subject had been referred to it. He denied it had been so referred.

My answer to that, Mr. Chairman, is this: That this subject, to wit, the subject of this Hennepin Canal, has been referred to this committee precisely as the whole subject of rivers and harbors has been referred. There has been no action on the part of this House by which the Committee on Rivers and Harbors has been made competent to deal with the general subject except so far as this House has referred the general subject of rivers and harbors to that committee by virtue of the reference of the report of the Engineer Department which was a part of the executive document submitted to the House which was referred by order of this House in January to the Committee on Rivers and Harbors. So I submit that, taking the gentleman at his word, there is authority for this committee to deal with this question if this subject was embraced in the report of the engineers.

If you will turn to the report of the engineers you will find in that report which was generally referred to the committee this subject of the Hennepin Canal as a part of it; so that if this subject was not referred to that committee, then all other matters belonging to the general subject of rivers and harbors were not so referred. I submit in respect to that point we are perfectly justified in claiming that we were properly authorized by the House to consider the subject of the Hennepin Canal.

Mr. CANNON. Do I understand the gentleman from Massachusetts correctly? Does he claim that these matters transmitted by the President's message, which treat of the Hennepin Canal, were referred by the House to the Committee on Rivers and Harbors?

Mr. STONE. Yes, sir; that is my precise point.

Mr. CANNON. The same as all other matters embraced in the engineer's reports?

Mr. STONE. Precisely so. So that we were authorized, and it was not a usurpation on the part of this committee when they attempted to deal with this matter of the Hennepin Canal.

In respect to the second point made by the gentleman on the other side of the House, which was that this subject was a matter which had been considered by some other committee, that it had been reported, that a bill was pending before the House relating to this very subject reported by another committee, and therefore this committee had not jurisdiction, I will not take the time of the House in answering that proposition. There is no rule of the House which makes it impossible for a committee to deal with the subject because the same subject may have been referred to another committee.

It has been said that the rule provides that no bill shall be amended by incorporating therewith the substance of any other bill pending before the House. It is enough to answer that this is not that case. It is not an amendment. It is a report by a committee in respect to a subject-matter of which the committee had jurisdiction by virtue of the reference of the engineer's report, which embraces this subject with many others.

Then there is another point which was made by the gentleman from Indiana. That is, that this was new legislation; that it was a new work. Well, now, Mr. Chairman, that implies if the gentleman urged the point seriously, and I do not understand whether he urged it seriously or not—but if he urged it seriously that objection implied a misconception of the functions of this committee. This committee by the rule is authorized to report a bill in relation to rivers and harbors; and the rule provides further that the bill so reported shall have the same standing in the House as a general appropriation bill reported by the Committee on Appropriations. But, Mr. Chairman, I submit for your consideration and for the consideration of the House that this is not a general appropriation bill; and not being a general appropriation bill it is not open to that objection. This point has been considered by the House in times past, and it was distinctly decided by the present Speaker of the House, Mr. CARLISLE, three or four years ago that this was not a general appropriation bill; and therefore, not being a general appropriation bill, it is not open to that objection. The rule which provides new legislation shall not take place in a general appropriation bill is in derogation of the general parliamentary law, and must be strictly construed, and therefore must be limited so as to apply only to general appropriation bills. A bill reported by the Committee on Rivers and Harbors is in precisely the same predicament as to power to amend as any other bill; so that the river and harbor bill, though partaking somewhat of the character of a general appropriation bill, inasmuch as it is entitled to a certain standing on this floor which a general appropriation bill has, still it is not a general appropriation bill in the sense of the rule, and therefore is not open to the objection which might be urged in the case of a general appropriation bill in regard to the proposition being new legislation.

We have here the case of a bill reported by a committee relating to rivers and harbors. I have dealt with the objection which rests upon the ground that it is within the rule which governs the general appropriation bills. I think I have shown that it is not within that rule. I come now briefly to another point which is taken; and that is that this subject can not be considered by the committee because it is not a proposition relating to a river or a harbor. I think I have answered that in effect by stating, as I have done, that this subject was referred to the committee by virtue of the general reference of the engineer's report; and it is perfectly well settled parliamentary law that a standing committee of the House, while it can not initiate legislation, can deal with a subject which is referred to it in a general way by a public document.

Take the President's messages which come in here every year, and which embrace a large variety of topics. All the topics embraced in those messages are in a general way referred to the committees having charge of those subjects; and each committee to which any of those topics are referred is perfectly competent beyond all question to deal with any subject embraced in the executive document referred to it, although the only authority for that jurisdiction is found in the general reference of the President's message.

It may be objected—I understood that to be an objection upon the other side—that this is not a river nor a harbor. I maintain that under our rule it is not necessary that it should be a river or a harbor. What does the rule say in respect to the functions of this Committee of Rivers and Harbors? I refer to this matter in reply to what was said on the other side, not that it is relevant at all. The rule says that this committee shall have power to deal with subjects relating to the improvement of rivers and harbors.

Will any man stand up on this floor and contend that the construction of the Hennepin Canal, which shall connect the Mississippi River with the Illinois River, is not a subject relating to the improvement of rivers and harbors? It may be said that is a canal, and we do not deny it. But it is a subject clearly relating, beyond all question, to the improvement of rivers and harbors. It has a very close relation with the improvement of the Mississippi River and a very close relation with the improvement of the Illinois River. No man can gravely say that it does not relate to the improvement of rivers and harbors.

It may be said that this is more properly a canal. I grant it, but that is not decisive. If it relates to the improvement of rivers and harbors, then by virtue of the rule it is within the jurisdiction of the Committee on Rivers and Harbors. It is a question of such a character that it may very properly be within the jurisdiction of two committees. It is just that kind of a subject that might properly go to the Committee on Railways and Canals or to the Committee on Rivers and Harbors; as a question relating to shipping might go to the Committee on Commerce or to the Committee on American Shipping and Shipping Interests, or as a question relating to pay might go to the Committee on Claims or to some other committee.

I submit, therefore, in brief, that by virtue of the reference of this subject to the Committee on Rivers and Harbors that committee has a right to deal with it. It is a subject which relates to the improvement of rivers and harbors, and it does not fall within the rule which provides that on a general appropriation bill new legislation shall not be proposed.

The CHAIRMAN. The Chair would ask the gentleman from Massachusetts [Mr. STONE] what particular document was it the reference of which he claims gave jurisdiction of this question to the Committee on Rivers and Harbors?

Mr. STONE. The report of the engineers upon which that committee has acted in reference to all the subjects of this kind. That was referred to the committee under an order of the House adopted January 11. It was a part of the executive documents which were referred, under the rules, to the various committees.

Mr. HENDERSON, of Illinois. On the point of order, I will say that the Committee on Rivers and Harbors is a new committee, one entirely unknown to our proceedings until this session of Congress. Heretofore the Committee on Commerce originated all bills for the improvement of rivers and harbors and other water ways. Upon examination I do not find anywhere in any rule a provision which expressly conferred upon the Committee on Commerce that power. I find that under the rule relating to the Committee on Commerce all bills and matters relating to commerce were referred to that committee. Undoubtedly it was under the commercial power of that committee that all river and harbor appropriation bills were framed by it. The only reference in any rule that I find upon the subject is that the Committee on Commerce shall have the power to report bills for the improvement of rivers and harbors, the same as the Committee on Appropriations has power to report general appropriation bills.

This House constituted a new committee, or in other words it divided the Committee on Commerce and from it made a new committee, to which was given jurisdiction of the improvement of rivers and harbors. Now, it occurs to me that the intention of the House must have been to confer the same power upon the Committee on Rivers and Harbors to originate bills of this character which had long been exercised by the Committee on Commerce.

Mr. HOLMAN. Will the gentleman permit me a moment?

Mr. HENDERSON, of Illinois. Certainly.

Mr. HOLMAN. Would not that presumption be destroyed by the terms of the rule which expressly restricts the Committee on Rivers and Harbors to the consideration of subjects relating to the improvement of rivers and harbors?

Mr. HENDERSON, of Illinois. I think not. It seems to me that the whole power conferred upon Congress under that provision of the Constitution relating to the regulation of commerce, the improvement of rivers and harbors and water ways, having heretofore rested in the Committee on Commerce, since the constitution of this new committee must now rest in the Committee on Rivers and Harbors.

As to the reference, I wish to say that the objection made by my friend from Indiana, that there is another bill pending on the Calendar of this House providing for this object, is certainly not good, for the reason stated by the gentleman from Massachusetts [Mr. STONE] that the rule referred to relates only to amendments. It is not in order under the rules to move to amend any bill by inserting the substance of another bill pending in the House.

Mr. HOLMAN. If the point is not good as a point of order, is it not admirable by way of illustration, inasmuch as another committee properly had jurisdiction of the subject?

Mr. HENDERSON, of Illinois. Now, as to the point that this is new legislation. That does not apply in this case as it would upon a general appropriation bill. This is not a general appropriation bill. This is an original bill reported by the Committee on Rivers and Harbors, and is in no sense a general appropriation bill. The object of the rule was to prevent new legislation from being incorporated into a general appropriation bill, except where it would retrench expenditures. The point that an amendment embraced new legislation and did not retrench expenditures would be good upon a general appropriation bill; but it can have no relation to a river and harbor bill, because almost every page in a bill of this character may contain new work that has never been provided for, unless you should say it had been provided for by a survey. When you come to that question, a survey for this canal has been authorized in a previous river and harbor bill. At different times provisions have been included in river and harbor bills for the construction of this canal. At one time in the Senate a provision was offered by way of amendment, and was adopted, providing not for a survey, but for the construction of the canal.

Mr. BLOUNT. Was that done under any rule of the House?

Mr. HENDERSON, of Illinois. Oh, no; but I am only speaking now by way of illustration, to show that we have provided and do provide for canals in bills of this kind, and that it is in order to incorporate in this bill such a provision. We have in this bill provisions for canals which ought to go out if the point of order is well taken, for I fail to see how a canal which simply connects two parts of a navigable river, or connects a lake with a navigable river, like the Sault Ste. Marie Canal, which connects a lake with a navigable river, and was cut through sand or dry land, is properly in a bill of this kind if this canal is not properly included in it. But we have several provisions in this bill—we always have had provisions in our river and harbor bills for the construction of canals. In one case the canal was around the Muscle Shoals; in another case around the Cascades; in another case around the falls at Louisville; but these are canals to all intents and purposes. They are cut through dry land, it is true, but they run from one part of a river to another, while this canal runs from one river to another, and is, in my judgment, an improvement of the navigation of these rivers and makes them more valuable.

I took the pains to refer to Webster's Dictionary to find his definition of "improvement." I find it is: "That which improves anything, or is added to it by way of improving it; that by which the value of anything is increased; its value enhanced, or the like."

Now, if we are correct in our notions about this canal it will connect two navigable rivers. It will connect the lake system of navigation with the Mississippi River navigation, giving a continuous water route clear from the headwaters of the Mississippi River to the Atlantic seaboard at the city of New York. It will thus add to the value of these rivers and improve their navigation and commerce. It is no more a canal than the Des Moines Rapids Canal, or the Muscle Shoals Canal, or the Sault Ste. Marie Canal, or any other of these canals.

Now, sir, I do not know that it is strictly proper to allude to this matter, but two points of order were raised in another body on a question exactly similar to this. One point was, that the proposition was not germane or relevant; the other point was, that it was new legislation, as is claimed in this case by the gentleman from Indiana. But, Mr. Chairman, by a yea-and-nay vote it was decided that it was not new legislation so as to exclude it from the river and harbor bill reported by the Committee on Commerce of the Senate. It was also decided that it was relevant and germane to a river and harbor bill.

This proposition comes here from the Committee on Rivers and Harbors exactly as any other new work—exactly as the straightening of the channel of the Maumee River at Toledo, Ohio, comes, a survey having been made by the Engineer Department and a recommendation that at an expense of about $2,000,000 the straightening of the channel of the Maumee River should be undertaken; a new work, which, if my friend from Indiana is correct, would be subject to his point of order, because this is an original bill.

But I come to another question. I say that the point as to the jurisdiction of this Committee of the Whole House is not well taken. Why? Because this is an original bill. It was reported to the House of Representatives by the Committee on Rivers and Harbors, and by the House itself referred as an original bill to the Committee of the Whole for its consideration. I think that the Committee of the Whole House is a little higher in dignity than the Committee on Rivers and Harbors, or perhaps any of the ordinary committees of the House. But when the House of Representatives received this bill, an original bill with this provision in it, and referred it to the Committee of the Whole for its consideration, I think it is now too late to talk about the question of jurisdiction here.

Mr. CANNON. Do I understand my colleague to say that points of order were not reserved on this bill?

Mr. HENDERSON, of Illinois. They were not reserved, as I understand. I was coming to that in a moment. The fact is, as I understand, that when the river and harbor bill was originally reported it was ordered to be printed and recommitted. At that time the gentleman from Georgia [Mr. HAMMOND] reserved all points of order. But the committee had the bill again in its charge and went to work and amended it, and afterward reported back a substitute, and I think there was no point of order reserved against it, and it is now too late to reserve any point of order on this bill. It was precisely the same as if the bill had never been reported before, as it seems to me. I think that is all I desire to say.

Mr. BAYNE. I had hoped, Mr. Chairman, this matter would be discussed, reserving proper points of order against it. As far as I am individually concerned, if it can be shown that this is a worthy work I should not interpose any point of order against it, because I do not believe in taking technical advantage of anything which is worthy. My personal opinion is this is a worthy work, but I am entirely unacquainted with the facts, and therefore I had hoped the committee would consent to the facts in reference to it being presented before any discussion took place on the point of order.

At the present time I believe, Mr. Chairman, there lies against this proposition a fatal point of order. The proposition suggested by the gentleman on my left is that this scheme does not fall within the jurisdiction of the Committee on Rivers and Harbors. Whatever distinction Webster may give or any other authority, it is particularly well-known to the chairman of the committee and to every member of it that we have two committees here, one on Rivers and Harbors and the other on Railways and Canals. This bill was originally referred to the Committee on Railways and Canals. That committee reported it back to the House, and it is on the Calendar of the Committee of the Whole House on the state of the Union.

How did the Committee on Rivers and Harbors get jurisdiction of this subject-matter. It has been settled there must be something to confer jurisdiction and to give the committee, so to speak, a grasp of the subject-matter. What reference is there of a petition, or bill, or memorial, or resolution, or anything to that committee which would give it control? Nothing in the world.

I sent to the clerk of the Committee on Rivers and Harbors, and he sent me, as the only thing which has been presented to the House that might in any way whatever show the Committee on Rivers and Harbors had any jurisdiction of the subject-matter, the following:

On motion of Mr. MORRISON,
Resolved, That as much of the annual message of the President and documents that accompany it as relates to the improvement of rivers and harbors be referred to the Committee on Rivers and Harbors.

Now, sir, there was no petition in that committee, there was no memorial, there was no bill, there was nothing in the world coming from the House of Representatives and referred to that Committee on Rivers and Harbors which gives it jurisdiction over this subject-matter.

I ask the Clerk to read from page 309 of the Rules, the last paragraph on the page.

The Clerk read as follows:

It has also been held (Journal, 1, 45, p. 159) that a committee has no authority to report a bill or resolution unless it has been given jurisdiction of the subject-matter of such bill or resolution by reference to it of a bill, resolution, message, petition, or other paper relating to or connected with such subject-matter. It was also decided by a yea-and-nay vote of 135 to 98, that the question of the proper reference of a bill was one of privilege under Rule IX. (See Journals of March 23, 24, and 25, 1880, 2, 46, pp. 842 to 877, inclusive, relating to the reference of H. R. 5265, to revise and amend sections 2503, 2504, and 2505 of the Revised Statutes of the United States.)

Mr. BAYNE. If the Chair pleases, that conclusively rules this point. There having been no memorial, no bill, no resolution, nothing whatever referred to the Committee on Rivers and Harbors relating to the Hennepin Canal, the jurisdiction of that committee is excluded. But, say the gentlemen who here advocate this, there has been an act of Congress authorizing a survey for this canal. The jurisdiction conferred on the Committee on Rivers and Harbors in reference to appropriations for rivers and harbors grows out of an authorized survey by the Government, and wherever the Government has first authorized the survey, and the survey has been made and the Engineer Department has reported to the Government on that authority and recommended an appropriation should be made for the improvement of a lake, river, or harbor, sufficient authority is conferred on the Committee on Rivers and Harbors to report an original proposition for an appropriation for that lake, river, or harbor. But what is the situation with reference to this? Although there was an act of Congress authorizing a survey of this canal, yet there was a provision in that stating the Government should be in no wise committed to that enterprise by reason of that authority.

Mr. HENDERSON, of Illinois. Will the gentleman yield to me to ask him a question?

Mr. BAYNE. Yes, sir.

Mr. HENDERSON, of Illinois. Will you state to the House that any survey authorized in the river and harbor bill binds Congress to carry on the work after the survey has been made?

Mr. BAYNE. Not at all; but I state that the converse of that is true. The Congress never authorized and the Committee on Rivers and Harbors never took jurisdiction of such a subject until after the preliminary survey had been authorized by the Government and the report made.

Now, this stands exactly in this attitude, as if no survey had been made at all. In contemplation of parliamentary law it stands in the attitude of a project for which no survey had been made, because in the proviso embodied in the act authorizing the survey it was distinctly laid down that that proceeding should not in any manner commit the Government to the prosecution of the enterprise.

Mr. CANNON. Let me ask the gentleman from Pennsylvania a question in this connection.

Mr. BAYNE. Certainly.

Mr. CANNON. The survey in this case has been already made, as a matter of fact?

Mr. BAYNE. Yes, sir.

Mr. CANNON. If that proviso in the act authorizing the survey had been left out the Government would not have been committed to the work?

Mr. BAYNE. Yes, sir, to this extent: that its jurisdiction would have been conferred upon the Committee on Railways and Canals, and would have empowered that committee to report to the House upon the subject. In other words, the gentleman will see that you must have the affirmative authority to do this thing; and you have not the authority in this case.

Mr. VALENTINE. Was not the appropriation for this survey made in the river and harbor bill?

Mr. BAYNE. I do not know as to that point, but it is not material.

Mr. VALENTINE. If they had jurisdiction to make an appropriation for the survey, why do not they now have jurisdiction to make an appropriation for the prosecution of the work?

Mr. BAYNE. That is an entirely different subject. It has no connection with this question. The question here is one of jurisdiction. In this case in contemplation of parliamentary law it is just the same, however, as if no survey had been made, because of the provision embodied in the law that it should in no way commit the Government to the prosecution of the work.

I think, Mr. Chairman, on all points this is clearly subject to the objections urged.

Mr. HARDEMAN. Mr. Chairman, in support of the point of order which has been raised against this proposition I desire briefly to call the attention of the committee to some of the points of order raised by this Committee on Rivers and Harbors itself to similar propositions which have been offered by way of amendment to their bill. For instance, the gentleman from Colorado [Mr. BELFORD] introduced yesterday an amendment in the following words:

To construct a canal from Poudre River, at a point commencing at Fort Collins, in Laramie County, in the State of Colorado, and terminating on the Platte River, at the city of Denver, the sum of $200,000; which work shall be constructed under the direction of the Secretary of the Interior.

This was objected to by the gentleman from Louisiana on the committee, who made the point of order against it on the ground that it was not germane to the bill, it being for the construction of a canal.

Then, again, on the preceding day, the gentleman from Colorado had offered an additional amendment in the following words:

After line 94 insert the following:
"For retaining the waters of the Platte River in Platte Cañon, in Arapahoe County, in the State of Colorado, by means of a suitable reservoir—to the end that the waters so retained may be utilized for irrigating and reclaiming the lands owned by the United States in that region, and bringing the same under cultivation—the sum of $200,000, to be expended under the direction of the Secretary of War."

The distinguished chairman of the Committee on Rivers and Harbors raised the point of order against this amendment and used the following language in connection with it:

There are two grounds upon which I base the point of order. First, this is not the proper place for the amendment, if it is in order anywhere in the bill. Secondly, the Committee on Rivers and Harbors under the rules has special jurisdiction of improvements of rivers and harbors. The proposition now presented by the gentleman from Colorado does not contemplate the improvement of a harbor or the improvement of a river, as I understand. Besides there is no estimate for the work.

Now let us take the points of order raised by these gentlemen on the committee themselves and consider them in connection with the pending subject. One of the points raised is that the amendment proposes a canal, and because it is a canal it is alleged as a sufficient ground on which to rule the amendment out of order; and the other, by the distinguished gentleman from Kentucky, which I have just read, on the ground that the committee had no jurisdiction; and the Chair sustained the point of order in both cases. In view of these facts I ask how these gentlemen can now go back upon their own points of order and say this proposition is legitimately in this bill.

Mr. HAMMOND. Mr. Chairman, the grounds of opposition to this point of order are very narrow and very technical, if I have caught them correctly.

The gentleman from Illinois [Mr. HENDERSON] says anything that adds to the value of a harbor or of a river is, according to Webster's Dictionary, an "improvement" of the harbor or river. It would add to the value of a harbor very much indeed to build an immense factory on its side. It would add to the value of a river greatly to open farms along its banks to cultivation; that would furnish freight, would furnish custom. The river in a commercial sense would be much more valuable. Therefore by his argument the River and Harbor Committee could report a bill to build a factory upon a harbor or to improve the farms lying along the banks of a river with perfect propriety. That logic of course will not pass muster anywhere. He was driven to that position in seeking a reason by the mere stress of weather. That also drove him to that other extremely technical point that there was no reservation of the points of order on this bill. He said: "The gentleman from Georgia" (I) "did reserve all points of order upon the bill when it was reported." And then said that because the bill was recommitted to the committee for their convenience of calling it up when they saw proper, and because no point of order was afterward reserved, therefore all points of order were waived.

In the first place, I say that the reservation of points of order on a bill when it is reported to the House lasts as long as that bill is before the House. Secondly, I say that points of order not being reserved does not waive the privilege of members nor prevent the raising of points of order upon a bill or any portion of a bill when it comes for consideration before the committee.

The gentleman from Massachusetts [Mr. STONE] has said that he claims the jurisdiction for the committee in this case, and so answers the point of order, because by special reference the House has bound this Committee of the Whole in this matter. Certainly it is incumbent upon him when he makes such a proposition to prove it. And being on the committee and familiar with the whole subject, it was a matter of wonder to me that he did not cite the reference instead of simply speaking of it in a general way. I say it was a wonder. It is no longer, because I have examined it since, and I have ascertained that had he cited it he would have learned that exactly the contrary of what he supposed was true.

I grant with the gentleman from Massachusetts that there is no necessity for referring all the particular items of an executive communication to particular committees; but in point of fact this particular item was referred in a different way. Now, let us see. The language of the rule is that all "proposed legislation relating to the improvement of rivers and harbors" shall go to the Committee on Rivers and Harbors, and all relating to railways and canals other than Pacific railroads shall go to the Committee on Railways and Canals. The gentleman from Massachusetts says that while that is true and while under the rules of this House this Hennepin Canal properly belonged to the latter committee, the Committee on Railways and Canals, yet by virtue of something done by this House that rule does not control. Well, let us see.

On page 348 of the RECORD of January 10, containing the proceedings of January 9, in the resolution adopted by the House providing for the reference of the President's message to the appropriate committees, I find this:

That so much of the annual message of the President and the documents which accompany it as relates to the improvement of rivers and harbors be referred to the Committee on Rivers and Harbors.

The language of the resolution is that "so much" of the message and accompanying documents as relates to the "improvement of rivers and harbors" is referred to the Committee on Rivers and Harbors; not so much of any paper that mentions rivers and harbors, but so much as relates to their improvement. All else must go to the appropriate committees.

When we turn over to page 327 we find that on the same day, but later, the Speaker laid before the House a message from the President of the United States about the Illinois and Michigan Canal, this very canal, and upon motion of Mr. MURPHY the message and accompanying papers were referred to the Committee on Railways and Canals and ordered to be printed.

You will observe that in the resolution from which I have read the general reference to the River and Harbor Committee was only of such matters as related to the improvement of rivers and harbors. There was no action upon so much of the message and accompanying documents as related to canals at that time. But later in the day the executive message that did call attention to this canal was referred to another committee. To make the most of it, so much of the report of the Secretary of War on the subject of rivers and harbors as relates to the construction of canals was referred to no committee; or, if we must assume that it must have gone to the appropriate committee, then it must have gone to the Committee on Railways and Canals.

I believe I am right in saying there was no reference in the resolution of matters relating to railways and canals. In other words, when that report of the Chief of Engineers came in, so much of it as related to the subject of railways and canals was not known to the House. But the House, understanding that to be a report on rivers and harbors, referred so much of it as related to them to the Committee on Rivers and Harbors and so much only.

Mr. Chairman, this proposition is not to improve a river or a harbor. We may build that canal without lifting a spadeful of dirt out of a river or adding a single iota to any component part of a harbor or taking away from or modifying it in any way. It is simply connecting two great water courses by a canal. Suppose the proposition had been to connect them by a railway. And, by the by, it would be cheaper to build four railways and make them free to the world than it is to make this canal and thereby connect these two great water courses.

Mr. MURPHY. Does the gentleman make that statement after investigation?

Mr. HAMMOND. I do not make it after an investigation in the sense of a specific investigation. But I have ascertained this: the canal is sixty-five miles long.

Mr. MURPHY. Seventy-four and one-fourth miles.

Mr. HAMMOND. I take my figures from the speeches of Senators in last Congress.

Mr. MURPHY. I take mine from the report of the Chief of Engineers.

Mr. HAMMOND. I hope the gentleman will not occupy more of my time. I am recognizing the fact as stated by Senators that this canal is sixty-five miles long. Those speeches said that its cost is estimated at from $3,900,000 up to $19,000,000. I take it to be sixty-five miles in length, and will make the cost six and a half million dollars. That is certainly a fair estimate, averaging the other estimates. If you want to make it seventy-four miles, I will increase the cost to make it run according to my figures. Anyhow, there is plenty of margin between six and a half and nineteen millions to make it fit the seventy-four miles just as easily as it will fit the sixty-five miles. Now, at $100,000 a mile we can build a four-track railway and keep it in repair for the same expense as we can keep this canal in repair. We can make four railways at the same expense as we can make this canal, unless my figures are grossly wrong.

Mr. BURLEIGH. What corporation would own the railroad so built by the United States?

Mr. HAMMOND. If one should be built by the United States I suppose it would be owned by the United States.

Mr. BURLEIGH. The United States never has owned a railroad yet.

Mr. HAMMOND. And I hope it never will. And I do not think that the United States ought to have anything more to do with digging this canal across mountains than with building railroads across mountains.

Mr. BURLEIGH. Is it not the only system of transportation in the United States that does not discriminate against citizens of the United States?

Mr. HAMMOND. The United States Government could not discriminate against its citizens. If that were the only point I say that we should build a free railroad instead of a free canal, because the railroad would be the cheapest.

Mr. BURLEIGH. Will the gentleman answer the question which I ask? Is not the canal system the only system of transportation that does not discriminate against our own people?

Mr. HAMMOND. I suspect it is. I am opposed to all discriminations. I do not wish to encourage any kind of discrimination whatever. We are now discussing the simple question whether the fact that this canal will connect water ways brings it within the rule relating to the improvement of rivers and harbors.

I stated that building a railroad would connect these water ways just as well as the building of a canal; and that if that railroad were free there could be no discrimination against anybody. If the logic of gentlemen who advocate this proposition on that ground is worth anything, then we can build a free railroad between two rivers just as well as you build a free canal between two rivers. That is all I propose to say on that point.

Mr. WHITE, of Kentucky. Will the gentleman yield for a question?

Mr. HAMMOND. I can not yield.

Mr. WHITE, of Kentucky. I only want to ask the gentleman from Georgia if he will vote for a railroad to connect rivers?

Mr. HAMMOND. "The gentleman from Georgia" usually manages to say what he wants to say; no more, no less. I have said nothing at all about that subject.

The whole point is this: does the digging of this canal come legitimately and honestly within the rule that submits to the Committee on Rivers and Harbors all questions relating to the "improvement of rivers and harbors," or does it more honestly fall within that rule which submits all questions "pertaining to railways and canals" to the Committee on Railways and Canals?

If the Committee on Rivers and Harbors can take jurisdiction of this canal, why should it not take jurisdiction of all canals? By what right does that committee take jurisdiction over this canal unless by some special authority of the House such jurisdiction is conferred upon it? I am speaking now of canals, without any regard to the merits of this particular question or how I would vote on the question of constructing this canal if it were free from all other considerations. We are now discussing the point of order, and I think it is well taken and should be sustained.

Mr. WILLIS. I hope we will have a decision of this question very soon. We have now occupied an hour in its discussion, and gentlemen understand that we are pressed by several other special orders which have kindly been set aside to enable us to consider this. I hope, therefore, the discussion will be made as brief as possible.

Mr. BLOUNT. I appreciate the anxiety of the gentleman from Kentucky [Mr. WILLIS] to get forward with this bill. I likewise appreciate the seriousness with which members regard this proposition, as shown by their disposition to discuss the point of order. And I apprehend that the Chair feels very much concerned that there shall be a right ruling upon this question.

The question is whether or not it is in order at any time to attach to the river and harbor appropriation bill, at the instance of any member, a scheme to build canals in this country. That is the proposition. It seems to me that the way to reach a proper conclusion is clear and simple. On page 259 of the Digest I find this:

It is not competent for a committee to report a bill where the subject-matter has not been referred to them by the House, by the rules or otherwise.

What do the rules of this House provide on this question? Rule XI defines the powers and duties of committees, and declares that "all proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating to the election of members: to the Committee on Elections." Passing on to the Committee on Commerce we find this: "Subjects relating to commerce, Life-Saving Service, and light-houses other than appropriations for Life-Saving Service and light-houses: to the Committee on Commerce." Then follows this: "Subjects relating to the improvement of rivers and harbors: to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills."

Clause 17 of that rule provides that "subjects relating to railways and canals other than Pacific railways: to the Committee on Railways and Canals."

Now, it is clear and indisputable that the rules of the House make a distinction between railways and canals and rivers and harbors. If under the rules of the House the Committee on Rivers and Harbors has not jurisdiction of this question of the Hennepin Canal, how else can it obtain it? Has that portion of the President's message relating to the subject been referred to it? By no means. Has any bill relating to the subject been referred to it? That is not claimed; but on the contrary a bill on this subject has been properly referred to the Committee on Railways and Canals.

Mr. BLAND. I desire to suggest to the gentleman whether the rule giving the Committee on Rivers and Harbors the right to report this bill and to have it considered under the same rules applicable to bills from the Committee on Appropriations gives simply a right to report matters pertaining to rivers and harbors, not to canals. This committee, under a right to report at any time matters relating solely to rivers and harbors, has undertaken to report a matter pertaining to canals; and even if they could get jurisdiction of this canal by having the subject referred to them, they would have no right to embrace it in a bill which the rule gives them the privilege of reporting at any time.

Mr. BLOUNT. I agree with my friend, but I prefer to go on with my argument.

I wish to call attention to the fact that the rule under which we are now acting began with the present Congress; while the practice of the House with reference to river and harbor bills to which the gentleman from Illinois referred was under a different rule. The language of the old rule under which that action took place is this:

It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report from time to time their opinion thereon.

I have read the rule of the present House, and any conclusion deduced from the rule of the last House can not be claimed to follow legitimately under the present rule.

The gentleman from Illinois [Mr. HENDERSON] says further that the Senate of the United States has ruled that provisions for canals are in order on appropriation bills. But in a discussion as to the construction of the rules of this House it is not safe to go to the Senate for an interpretation. The Senate probably interpreted its own rule correctly, but the rule of the Senate differs entirely from our rule. Rule XXVII of the Senate provides—

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Therefore, under the rules of the Senate, it would be perfectly competent for any standing committee of the Senate to propose an amendment to an appropriation bill on any of these subjects. It thus appears that the action of the Senate under its rules will not throw any light upon what should be the action of this House under an entirely different rule.

I do not care to take up much further time in discussing the various other points which have been raised, because I think those I have presented are conclusive. This is a plain, simple proposition. We are commencing action under a new rule, clear and distinct in its terms, and I trust it will appear clear to the Chair, for it has always been the purpose of the House in reference to appropriations to restrain its powers. A conclusion contrary to that on which this point is based would put it in the power of any member of the House to do what I have never known to be done before, to involve the House at any time in a controversy in reference to canals in any portion of this country under circumstances in which perhaps we would have no information, and would be most likely led into error—a contingency against which the House has always sought to guard itself by its rules.

Mr. CANNON obtained the floor.

Mr. WILLIS. I rise to a parliamentary inquiry. Is there any way of limiting debate on this question of order?

The CHAIRMAN. The Chair knows no way to limit absolutely the debate on this subject, but must leave that matter to the good judgment of members.

Mr. WILLIS. My understanding is that the Chair has the right to limit the debate to two minutes if necessary.

The CHAIRMAN. The Chair does not understand that he has the power arbitrarily to limit debate on a question of this kind; and if he had he would be disposed to exercise it very charily.

Mr. WILLIS. The Chair has absolute control of this matter, as I understand.

The CHAIRMAN. The Chair will state that he is not disposed on a question of this magnitude to exercise arbitrarily the power to cut off remarks by any gentleman who may wish to be heard. But he will do what he can to bring the discussion to an early conclusion, and trusts that gentlemen who desire to speak on the point of order will do so as briefly as possible. This the Chair thinks is about all that ought to be stated as to the limitation of time.

Mr. CANNON. This bill carries an appropriation for the Hennepin Canal. Certain gentlemen propose by virtue of certain rules of this House to prevent, if it be in their power, a majority of this Committee of the Whole from passing upon the merits of that proposition.

The gentleman from Georgia [Mr. BLOUNT] talks about my colleague [Mr. HENDERSON, of Illinois] being technical in his argument against this point of order. It occurs to me that if anybody is technical those members are technical who seek to maintain this point of order. "He who taketh the sword shall perish by the sword." Gentlemen have invoked the rules, and they must stand by the rules. If they perish by the technical rule it is their fault, not ours.

I will not discuss the question as to what subjects are committed to one committee or another by the rules; nor will I discuss whether this subject-matter has been referred to the Committee on Rivers and Harbors, but I will content myself with calling the attention of the House to a single fact. I went to the Journal Clerk not ten minutes ago and asked him whether the Journal showed anywhere that any point of order had been reserved at any time upon this bill before it was referred to the Committee of the Whole. The Journal Clerk informed me that the Journal of the House is silent touching this matter.

Mr. HAMMOND. Will the gentleman allow me a single remark?

Mr. CANNON. Certainly.

Mr. HAMMOND. The gentleman from Illinois [Mr. HENDERSON] stated that I had reserved the point of order. I did not recall the circumstance, but I did not deny his statement.

Mr. CANNON. I deny for the sake of argument, and appeal to the Journal, the only official record the chairman can go by, and the Journal is silent. I will read a paragraph from the Manual, page 265:

In the case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3, and committed with the bill, it is not competent for the Committee of the Whole or its chairman to rule it out of order, because the House, having committed the bills (of course it is otherwise where the point was reserved before commitment), are presumed to have received, as in order, the report in its entirety.

Of course it is true that the point was reserved before commitment. Now, the rule has been uniform, I know, for twelve years, during my service in this House, and so far as I can ascertain by examination always, unless the points of order are reserved in the House prior to the commitment of the bill they can not be made or sustained in the Committee of the Whole House on the state of the Union.

I recollect an instance in the Forty-fourth Congress, when Mr. BLACKBURN, of Kentucky, was in the chair and the gentleman from Pennsylvania [Mr. RANDALL] was then in charge of an appropriation, and he congratulated himself and the House that no points of order had been reserved on that bill, and the chairman [Mr. BLACKBURN] said points of order could not be entertained on that bill because they had not been reserved in the House.

Whatever the ruling of the Chair may have been in these other instances, I think the point of order is not well taken, even if points of order were reserved in the House before the commitment of the bill.

The Chair, as well as each member of the Committee of the Whole

House on the state of the Union, stands here to execute the order of the House. Now what is that order? It is that the Committee of the Whole House on the state of the Union shall consider this bill and every proposition embraced in it. No point of order lies against the order of the House. It is your master, Mr. Chairman, as well as mine, and it chooses in this instance to refer this bill to the Committee of the Whole House on the state of the Union in this particular way.

Mr. SPRINGER. I ask the pardon of the committee and of the Chair for making a few remarks on this point. The gentleman from Georgia [Mr. HAMMOND] has rested his argument on the question of jurisdiction. That question related to the jurisdiction of the Committee on Rivers and Harbors. It would have been a very proper argument to have made before the House when the bill was being committed, but the House is now in the Committee of the Whole House on the state of the Union, and to this committee this bill has been referred. When that bill was referred it was referred under these circumstances. I will read the order of the House:

IN THE HOUSE OF REPRESENTATIVES, *May* 16, 1884.

Read twice, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

When it was referred it contained this provision in reference to the Hennepin Canal, the very provision against which the point of order is made, and the question of jurisdiction is now in this Committee of the Whole House on the state of the Union by order of the House itself.

But the gentleman says it was in some other committee wrongfully. What has this committee to do with that? It may have been referred to the committee of which I have the honor to be chairman, and that committee may have taken jurisdiction of it. It may have been referred to the Committee on the Judiciary, and that committee may have taken jurisdiction of it. It may have been referred to the Committee on Railways and Canals, and that committee may have taken jurisdiction of it. All that is past; it is gone; it has nothing to do with this bill.

I will refer to a case in point, which will be found in the Journal of the House of Representatives, November 6, 1877. Mr. Whitthorne, from the Committee on Naval Affairs, reported a resolution that the Committee on Naval Affairs be, and they are hereby, instructed to make a thorough investigation into the matters of deficiency and the diversion of appropriations from the special objects to which they were applied by law, and the expenditure of them for other and different objects, as mentioned by the Secretary of the Navy in his report to the President of the United States of date October 9, 1877, with power upon the part of said committee to send for persons and papers, examine witnesses if necessary, and with leave to report by bill or otherwise.

Mr. FRYE immediately made the point of order on that resolution that the House not having referred this measure to the committee it had no jurisdiction, and the Chair sustained the point of order, and properly so in my judgment. When this bill came from the Committee on Rivers and Harbors no point of order was then made on it that that committee had no right to report the provision in reference to the Hennepin Canal, and it was referred to the Committee of the Whole House on the state of the Union with the provision in it.

Mr. HOLMAN. Will the gentleman allow me for a moment?

Mr. SPRINGER. Certainly.

Mr. HOLMAN. It is admitted, I believe, that the point of order was reserved upon the original bill which was recommitted to the committee.

Mr. SPRINGER. That does not affect the question of jurisdiction. Now, Mr. Chairman——

Mr. HOLMAN. But allow me a moment further. They reported back the bill after its recommitment containing this provision.

Mr. SPRINGER. They reported a substitute for the bill.

Mr. HOLMAN. But this provision was in the original bill, and they reported an amendment to the bill in the nature of a substitute, which amended bill or substitute contained the same provision. It was not necessary, then, to make the point of order upon the bill when it was again presented.

Mr. SPRINGER. The original bill did not contain this provision, I think; did it?

Mr. HOLMAN. Yes, sir; it was contained in the original bill.

Mr. SPRINGER. It was then again referred to this committee and no point of order was reserved upon it; though that does not affect the question here; this is now in this Committee of the Whole by order of the House.

Mr. HOLMAN. The point of order was made upon the original bill, and this is but an amendment to the original bill, and, therefore, the point of order is applicable to it on the same ground, and follows it to this committee.

Mr. SPRINGER. I am not speaking of the point of order, whether reserved or not. That has nothing to do with the question that is now presented. The only question is the jurisdiction of this committee to consider the proposition pending. Now, it has been referred, as I have said, to this committee. Suppose, for instance, the committee of which the gentleman from Indiana is a member, the Committee on Appropriations, had a proposition referred to it——

Mr. HOLMAN. Just a moment now.

Mr. SPRINGER. I can not yield.

Mr. HOLMAN. Does the gentleman take the ground that when a bill is reported and is recommitted to a committee that that is a reference to the committee of the subject-matter contained in the bill?

Mr. SPRINGER. If the gentleman from Indiana desires the floor I will yield to him, for there is no person I so much enjoy hearing as himself.

But I was about to say, sir, when interrupted, that if a proposition was referred to the Committee on Appropriations, and that is simply a committee of this House, just as this Committee of the Whole is, would it, in his judgment, be proper for him to make the point of order to the chairman of that committee that the proposition did not belong to it, and that the chairman of that committee should suppress it as out of order—suppress a reference made to the committee by the House on the ground that the committee had no jurisdiction of the subject-matter? That is exactly a parallel case.

But, sir, the essential feature of this controversy is that all questions of jurisdiction are adjudicated when the reference is made. I repeat that all questions belonging to the consideration of a subject are adjudicated when the House makes the reference. The question of jurisdiction in a committee under such a reference is not one to be addressed to the chairman of the committee, nor has he authority to suppress it as out of order by a decision of the Chair at any time. It is a question to be addressed, in the first place, to the House. But the House may refer any proposition to any committee, and when the reference is made jurisdiction at once attaches. There is no escape from that proposition. This committee happens to be composed of all the members of the House of Representatives, and only differs from the other committees in that respect, and to this committee this proposition has been committed by order of the House without reference to the question of jurisdiction of the subject-matters embodied in it at all. This committee, then, had full jurisdiction of the subject-matter under that reference of the bill to the committee until it is reported back to the House of Representatives. The House may commit to a committee a subject over which the committee has no jurisdiction under the rules, but the moment the reference is made, no matter what the subject-matter may be, whether it relates to building a railroad across the continent, from the Atlantic to the Pacific Ocean, or whether it refers to the construction of a ship-canal across the Isthmus of Panama, jurisdiction attaches the moment the reference is made.

Mr. BLAND. But the question of jurisdiction is a question that relates to the committee which reported the subject to the House in the first instance—that is, the Committee on Rivers and Harbors. The gentleman is now referring to the jurisdiction of the Committee of the Whole. There is no question of the right of the committee to consider a subject which is referred to it by the House.

Mr. SPRINGER. The gentleman is going back to a part of the subject that has no hearing upon this question. This is not a question of the jurisdiction of that committee. It is a question in regard to the present condition of this bill. It has been committed to this committee——

Mr. BLAND. But that committee had no power to report this proposition.

Mr. SPRINGER. That I care nothing whatever about. It has been done once; but you may as well raise the same question on any other matter which has been before the House and disposed of. This committee has full jurisdiction by the direct reference of that subject-matter to it, and there is no escape from that position.

And in this connection I wish to call the attention of the gentleman from Georgia to the fact that there is an appropriation in this bill for Romerly Marsh in Georgia of $10,000, and other appropriations of a similar character which refer to the improvements not of rivers or of harbors, and which are just as much subject to the point of order as this.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that unless he desires to be heard further the Chair is ready to rule upon the point of order.

Mr. SPRINGER. I have no wish to detain the committee.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MORSE having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes.

The message also announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, and asked a conference with the House of Representatives on the disagreeing votes of the two Houses thereon; and further that the Senate had appointed Messrs. PLUMB, DAWES, and COCKRELL as managers at said conference on the part of the Senate.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Kentucky on the right of the Chair [Mr. TURNER] intimated his desire to call the attention of

the Chair to a ruling bearing upon this question. The Chair will now give the gentleman the opportunity to do so.

Mr. TURNER, of Kentucky. I do not wish to trespass on the time of the committee, the question of order having already been elaborately discussed. During the general debate on this bill on Monday last I invited the attention of the committee to the clause authorizing the construction of this Hennepin Canal, and attempted to show that it was improperly in this bill and that at the proper time I would move to strike it out, and would offer additional reasons to those that I then gave to this committee why this should be done. Now, I simply desire to read to the Chair a decision embracing a similar proposition which was made by the Speaker of the House in 1850, upon which an appeal was taken and the decision sustained by the House. In the first place I assert that the doctrine is laid down in the Digest of the Rules of this House that it is not competent for any committee of the House to report a bill or resolution where the subject-matter embraced has not been referred to the committee by the order of the House or by the rules of the House.

I will now read the decision to which I have referred. It is to be found in the Journal of 1850, page 590, and is as follows:

Mr. Andrew Johnson, from the Committee on Public Expenditures, reported a bill; which was read for information by its title, as follows: "A bill to provide a homestead of one hundred and sixty acres of the public domain for every man who is the head of a family and a citizen of the United States, or any widow who is the mother of a minor child or children, who may become permanent occupants and cultivators of the soil."

Mr. Vinton objected to the reception of the bill on the ground that the subject-matter of the bill had not been referred to the committee which had reported it by the House, either by resolution or by the rules or otherwise.

The Speaker sustained the objections raised by Mr. Vinton, and decided that the said bill was not in order from the Committee on Public Expenditures.

From this decision of the Chair Mr. Andrew Johnson appealed.

The question was stated: Shall the decision of the Chair stand as the judgment of the House?

It was decided in the affirmative.

So the bill was not received.

This is a decision of a similar question to the one now under consideration, and is, I think, conclusive.

It has been shown to the Chair that the rules give no jurisdiction to the Committee on Rivers and Harbors over this subject. Its jurisdiction is over the natural water ways and harbors. The jurisdiction over canals is expressly given to a different committee, the Committee on Railways and Canals. There is no concurrent jurisdiction. It is separate and distinct, and is exclusively given to that committee. This Committee on Rivers and Harbors has reported this bill, embracing this canal proposition, which has never been referred to them by the order of the House, nor have they jurisdiction under the rules; and if there ever was a palpable violation of the rules of the House it is embraced in this proposition. For the Committee on Railways and Canals have already acted on this matter in pursuance of their jurisdiction and under the express order of the House referring the bill to them. They have examined the Hennepin Canal bill and reported it favorably, although I believe their decision was wrong and that the bill ought not to pass, and I voted against it on that committee.

That bill is on the Calendar of the House, and stands there awaiting the consideration of the House. But though it stands there for consideration the gentlemen favoring the measure are not willing to have it considered on its own merits, but have gotten it into this bill in violation of the rules. And we are forced to resort to a question of order to strike it out, so that this bill shall not be encumbered by a bill now pending on the Calendar. If this measure shall be permitted to remain in the river and harbor bill I think it will be one of the most dangerous precedents I have ever known. I hope the Chair will rule it out.

Mr. THOMAS. I desire to add one word upon the point of order. It has been urged that all points of order were reserved.

The CHAIRMAN. Does the gentleman from Illinois [Mr. THOMAS] desire to speak for or against the point of order?

Mr. THOMAS. Against the point of order.

The CHAIRMAN. The Chair will state that he does not desire to hear further arguments against the point of order.

Mr. WHITE, of Kentucky. I wish to be heard for a moment in reply to what my colleague has said. He said the bill which passed the first session of the Forty-seventh Congress appropriated money for the survey of this canal. Under that appropriation we have twenty pages of a report.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that, following the obvious desire of the committee, he has intimated his readiness to make a decision; and the Chair having made that announcement, other gentlemen have refrained from consuming further the time of the committee on the point of order. The Chair would ask the gentleman from Kentucky not to consume further time in the discussion of the point of order when the Chair is ready to rule on it.

Mr. WHITE, of Kentucky. With all respect to the Chair, I yield.

The CHAIRMAN. The Chair is obliged to the gentleman.

Three grounds have been urged in support of this point of order. Two of them are based on the twenty-first rule. The first is, that the work is a new work, and one not previously authorized by law. In the second place, it is urged that the particular clause in the bill objected to is the substance of another bill pending before the House. The third ground is the asserted want of original jurisdiction in the River and Harbor Committee to report the clause in question. The Chair has not perhaps stated these grounds in the order in which they were presented by the gentleman from Indiana; but he thinks he has substantially covered the grounds relied on in support of the point of order.

In reference to the first point, that the work is a new one, that it is one not previously authorized by law, the Chair thinks that the third clause of Rule XXI, on which that ground is based, does not apply to this river and harbor bill. That clause of Rule XXI is applicable in express terms only to general appropriation bills; and it has been decided—so that it is no longer an open question—that the river and harbor bill is not a general appropriation bill. For that reason the Chair thinks the first ground of the point of order is not well taken.

The second ground is that the paragraph in question is the substance of another bill pending before the House. The Chair will cause to be read the fourth clause of Rule XXI, on which the second ground of this point of order rests.

The Clerk read as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

The CHAIRMAN. The Chair will remark simply in reference to this that the paragraph objected to is not an amendment, but is a part of the original bill, and therefore obviously not obnoxious to the clause of the rule which has just been read.

With reference to the third ground, the want of original jurisdiction in the Committee on Rivers and Harbors, the Chair will say this: the chairman of the Committee of the Whole on the state of the Union is asked to withhold from the consideration of the committee a particular clause in an original bill on the ground that the Committee on Rivers and Harbors reporting the bill to the House did not have jurisdiction over the subject-matter of the particular clause. In the view which the chairman of this Committee of the Whole takes of the question it is not necessary to decide whether the Committee on Rivers and Harbors has jurisdiction over the subject-matter of this particular clause or not. Whether it originally possessed that jurisdiction it is not necessary for the Chair to decide in the view which he takes of this question. Hence the Chair will not take the time to express any opinion in reference to it.

The view of the Chair is this: The action of the House in submitting this bill to the Committee of the Whole on the state of the Union for consideration does not leave it within the province of the Chair to pass upon the question of original jurisdiction in the Committee on Rivers and Harbors. The bill has been committed to the Committee of the Whole for the purpose of consideration, and the chairman of this committee believes that he is but executing the order of the House when he decides that the bill shall be considered. The committal of the bill to the Committee of the Whole House on the state of the Union the Chair thinks was not a submission to the committee of the question whether or not the bill should be considered, but an express direction to the committee to consider the bill. To hold that the chairman of the Committee of the Whole on a point of order could go back and inquire into asserted irregularities and errors in the stages of the bill which preceded its reference to the Committee of the Whole would be either to clothe the chairman of the Committee of the Whole with power to review and reverse the order of the House in the matter of the reference or place the House in the anomalous position of having expressly directed the Committee of the Whole to do a particular thing and at the same time left the committee to determine whether the thing directed should be done or not.

The point of order raised by the gentleman from Indiana [Mr. HOLMAN] is overruled.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The CHAIRMAN. Before the gentleman does that the Chair will cause to be read what is said by the compiler of the Digest in regard to the practice in Committee of the Whole House on the state of the Union.

The Clerk read as follows:

In the case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3, and committed with the bill, it is not competent for the Committee of the Whole or its chairman to rule it out of order, because the House, having committed the bills (of course it is otherwise where the point was reserved before commitment), are presumed to have received, as in order, the report in its entirety. So far as proposed amendments are concerned, the current of decisions in Committees of the Whole has been to exclude not only all appropriations not previously authorized by law (with the exceptions contained in the rule), but also independent legislation; admitting, however, limitations and provisos as to appropriations which are themselves in order.

The CHAIRMAN. The Chair would state further, in connection with that practice in Committee of the Whole, that if all points of order had been reserved upon this bill at the time it was committed to the Committee of the Whole on the state of the Union, the chairman of this committee, with the view he entertains of the question, would hesitate before undertaking to pass upon the original jurisdiction of the Committee on Rivers and Harbors; but the very most that could be done

(and on this the Chair is not free from doubt) would be to report the point of order back to the House for its decision.

Mr. HOLMAN. With all due respect to the opinion of the Chair, while proposing to take an appeal from his decision, I desire to understand from the Chair distinctly the ground of that decision. Is the Committee of the Whole to understand that the Chairman decides that notwithstanding all points of order were reserved on the original bill, still the Chair would not feel justified in sustaining a point of order against a provision of the bill obnoxious to the rules, the point being based upon the ground that such provision was reported by a committee not having jurisdiction of the subject-matter?

The CHAIRMAN. The decision of the Chair is based upon the assumption that points of order were not reserved upon the bill when it was committed to the Committee of the Whole on the state of the Union.

Mr. HOLMAN. As to the matter of fact—I hope the Chair will pardon me—I ask the Chair whether, when the original bill was reported to the House containing the clause now in question, all points of order were not reserved upon the bill by the gentleman from Georgia [Mr. HAMMOND], and if the bill was not then recommitted to the Committee on Rivers and Harbors, which committee reported it back to the House with an amendment in the form of a substitute containing that same clause?

The CHAIRMAN. The Chair is advised that the Journal does not show that any points of order were reserved on this bill.

Mr. HOLMAN. On the original bill?

The CHAIRMAN. On this bill.

Mr. HOLMAN. Yes; but the bill now pending, if I understand it correctly, is but an amendment of the original bill, a substitute for that bill. On the original bill the gentleman from Georgia [Mr. HAMMOND] reserved all points of order.

The CHAIRMAN. At what time?

Mr. HOLMAN. When the bill was first reported to the House.

The CHAIRMAN. For the purpose of being printed and recommitted?

Mr. HOLMAN. Yes. And when the bill was reported back to the House it was reported with the substitute now pending, and which substitute is now being considered. Is that correct?

The CHAIRMAN. The Chair desires to state, in order that his opinion may be understood, that the statement of the Chair was made in reference to the general reservation of points of order. The Chair stated that had there been such a general reservation of points of order, he still believes it would not be competent for him to pass upon the question of the jurisdiction of another committee, and even in that event the most that could be done, and this was not free from difficulty, would be to report the point of order back to the House for the decision of the House. But the information of the Chair is that points of order were not reserved upon this bill. The Chair will direct the Clerk to read from the RECORD.

The Clerk read from the RECORD, of the proceedings of May 7, the following:

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I rise to make a privileged report. By instruction of the Committee on Rivers and Harbors I report a bill making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. This is the bill commonly known as the river and harbor bill. I ask that it may be printed with the accompanying report and recommitted.

It is proper to state that upon one item in this bill—that in relation to the Hennepin Canal—the committee were divided. The gentleman from Pennsylvania [Mr. BAYNE] and other members of the committee, including myself, were of the opinion that this item was not properly before the committee. Instead, however, of filing a minority report, we have reserved to ourselves the right to oppose this item in the House and to give our reasons for that opposition when the matter comes up for discussion.

Mr. HAMMOND. I reserve points of order on the bill.

The bill (H. R. 6931) was read a first and second time, and, with the accompanying report, recommitted and ordered to be printed.

Mr. HOLMAN. And that same bill was reported back to the House with an amendment in the form of a substitute, which amendment is now being considered.

The CHAIRMAN. The Clerk will finish reading from the RECORD on that subject.

The Clerk read from the RECORD of the proceedings of May 16 the following:

RIVER AND HARBOR BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, reported back, as a substitute for H. R. 6931, a bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The CHAIRMAN. It thus appears that when this bill was reported from the Committee on Rivers and Harbors it was committed to this Committee of the Whole House without the reservation of any point of order.

Mr. HOLMAN. But it is the same bill. This clause is the same in both bills.

Mr. HAMMOND. I rise to a parliamentary inquiry. The gentleman from Indiana, as I understand, has appealed from the decision of the Chair. From a remark which fell from the Chair, I did not understand exactly whether the Chair felt it to be his duty to submit this question to the House. If the Chair feels any doubt upon the point, I should be glad to have the opinion of the Speaker upon the subject; and if the Chair will permit, I will move that the committee rise for that purpose. I do not understand exactly what the Chair meant.

The CHAIRMAN. The Chair meant simply this: That if points of order had been reserved upon this bill at the time it was committed to this Committee of the Whole—in other words if it had been put in the custody of the Committee of the Whole House on the state of the Union with points of order reserved—then the most that could be done, and whether this could be properly done or not the Chair doubts, would be to report this particular point of order back for decision by the House. But the Chair is advised that no such reservation of points of order was made; and the Chair, while he would be quite willing to have the opinion of the Speaker of the House on the question, is confronted with the discharge of a plain duty—the duty of deciding the question—and can not rightfully shift this responsibility which the rules place upon him.

Mr. HAMMOND. The point of my question has not been exactly answered. I will see whether I can get at the question in this way: I move that the committee rise and report this question of order to the House, and ask the decision of the House on this question of order.

Mr. SPRINGER. Allow me to state——

Mr. HAMMOND. I make that motion. It is not debatable, I believe.

The CHAIRMAN. The Chair does not think that motion in order. This matter can not be reported back to the House for a decision by the Speaker, unless by the unanimous consent of the Committee of the Whole.

Mr. SPRINGER. Allow me to say one word.

The CHAIRMAN. The Chair thinks it unnecessary to discuss the question further. [Cries of "Regular order!"]

Mr. SPRINGER. I understand that the gentlemen from Indiana has appealed from the decision of the Chair?

The CHAIRMAN. He has. That is the question now pending.

Mr. SPRINGER. Does that embrace this point?

The CHAIRMAN. It embraces the ruling of the Chair.

Mr. SPRINGER. Does the point of order embrace the question whether the Committee on Rivers and Harbors had jurisdiction of this subject? [Cries of "Regular order!"]

The CHAIRMAN. The Chair will state the question to the committee.

Mr. CALKINS. I wish to make a parliamentary inquiry. I do not understand exactly from what decision the appeal is taken.

The CHAIRMAN. The Chair was proceeding to state the exact question before the committee.

Mr. BLAND. Is it too late to make a further point of order? If it is in order to make a further point——

The CHAIRMAN. It is not in order at this time.

Mr. SPRINGER. I rise to a parliamentary inquiry. I wish to know whether this bill, with the clause upon which this point of order has been raised, was not referred to the Committee on Rivers and Harbors on the 7th of May last, as read by the Clerk?

The CHAIRMAN. That is a question of fact.

Mr. SPRINGER. Does not the Journal so show? I raise the question whether this bill as it now stands was not referred with this very clause in it to the Committee on Rivers and Harbors.

Mr. HAMMOND. That is not a parliamentary inquiry.

Mr. SPRINGER. Gentlemen have stated that this provision was not in the bill when it was referred. I believe it was. [Cries of "Regular order!"]

The CHAIRMAN. When the clause relating to the Hennepin Canal was reached in the reading of this bill the gentleman from Wisconsin and the gentleman from Indiana raised the point of order against the clause for various grounds which have been already gone over. That point of order, had the Chair sustained it, would of course have stricken this clause from the bill. The Chair, however, overruled the point of order, and from that decision of the Chair the gentleman from Indiana now appeals. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being put,

The CHAIRMAN said: The Chair is unable to determine, and will appoint as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Iowa [Mr. MURPHY].

The committee divided; and the tellers reported—ayes 103, noes 63.

So the decision of the Chair was sustained.

Mr. HOLMAN. I move to amend by striking out the pending clause.

Mr. HAMMOND. For the purpose of putting the Chair as well as myself right, I again move that the committee rise for the purpose I have indicated. Some members around me understood the Chair to rule my motion out of order because the appeal was pending. I understood the Chair to rule that it was out of order at any rate.

The CHAIRMAN. The gentleman is correct. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN.]

Mr. WILLIS. I hope we shall have a vote at once. [Cries of "Vote!" "Vote!"]

Mr. POTTER rose.

Mr. CALKINS. Pardon me a moment. I wish to make a sugges-

tion before the gentleman proceeds. If this subject is to be discussed some arrangement should be made in reference to it. [Cries of "Vote!"]

Mr. WILLIS. The committee is ready to vote.

Mr. POTTER. I desire, Mr. Chairman, to submit a few words on this pending motion. I was saying the other day on the same proposition, at the time when the hammer of the Chair fell, that this proposition is to reverse the well-recognized constitutional policy of this country on this great question.

I submit to this House that if the building of the Hennepin Canal as proposed in this bill is to be sustained, it will inevitably carry with it the purchase of such works as the Erie Canal and its maintenance by the General Government.

This work is attempted to be justified on the ground that it connects the commerce of the Mississippi River and its tributaries with the ocean. How does it connect them? It will connect them only so long as the State of New York shall see fit by her own grace to furnish the General Government that highway of the Erie Canal for its use.

There is not one argument, as I stated the other day, that can possibly be adduced in favor of this canal that does not apply with tenfold force to the purchase and control of the Erie Canal and its maintenance by the General Government.

But that, sir, is but one item in what is opened up before us by the proposition in this bill. It will be measured by hundreds, by thousands of millions, ay, it will convert this Government into one vast instrumentality for carrying on improvements which belong to the administration of the States themselves.

I protest again, sir, in the name of the State I in part represent on this floor, I protest against the putting upon this bill without consideration by this House, without any opportunity for due consideration and discussion, the inauguration of a policy which is to reverse the traditional and, I submit, the constitutional policy of this country.

Mr. WILLIS. As this matter has been discussed for two hours, and as I believe every gentleman of the committee is prepared to vote, I respectfully ask we have a vote on this proposition. [Cries of "Vote!"]

Mr. WHITE, of Kentucky. This is too important a matter to be passed over in this hasty manner. In the Forty-seventh Congress, on the 2d day of August, a clause was put in the river and harbor bill to survey the Hennepin Canal. It was done after careful consideration by the Committee on Commerce, which is the same as the Committee on Rivers and Harbors now practically. An engineer by the name of W. H. H. Benyaurd had the matter referred to him August 11, 1882. He has made a report, covering in volume 2 of the report of the Secretary of War to this Congress from page 1755 down to and including page 1789. He states that the construction of this canal will cost about $8,000,000 in round numbers. This committee with this report before it has shown how much faith it had in that report. It has faith to the amount of $300,000 only.

I believe in internal improvements, and I am not raising this objection with a view of injuring this proposition; but if we are going to make appropriations for internal improvements on the best authority, that of the engineers—and my friend from Massachusetts a few moments ago said this is one of the best engineers in the entire corps—if we are going to act on the report of the engineers, who under the general statute, section 231, are required to give us this information, and it has been before this committee; if we are going to do the right thing to gratify the people in Iowa, in Minnesota, in Dakota, in Nebraska, and in the Mississippi Valley, and in the Missouri Valley; if we are going to benefit the people there who are ground down by the high rates of freight charged by the railroad kings, most of whom live in the city of New York; if we are going to please the people; if we are going to hear this clamor for cheaper transportation, which is well-founded; if we believe in internal improvements which require millions to make them successful, why in the name of reason are we going to put the pitiful sum of $300,000 to support this work?

The cheap transportation is not for the next year, not for the next century, but on the authority of the best men in this country it is something that is needed now. In 1872 Congress sent out a special commission to report upon this subject of cheap transportation by water routes. They reported upon three; one in the South, one further north, and this Hennepin Canal.

[Here the hammer fell.]

Mr. WILLIS. I move that the committee do now rise.

Mr. HENDERSON, of Iowa. I move to strike out the last word.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. HENDERSON, of Iowa. I desire to make but a brief statement in reference to this portion of the bill.

Mr. WILLIS. I will give the gentleman an opportunity to be heard after the committee has limited debate upon this proposition.

Mr. CANNON. I hope the gentleman from Kentucky will not seek to cut off debate. This is a very important matter.

Mr. WILLIS. I am not seeking to cut off debate, but to carry out the wishes of fully nine-tenths of this committee.

I insist upon the motion.

The motion was agreed to.

The committee accordingly rose; and Mr. COX, of New York, having taken the chair as Speaker *pro tempore*, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor appropriation bill, had come to no resolution thereon.

Mr. WILLIS. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union; and pending that motion I move that all debate upon the pending paragraph be limited to five minutes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of Union, Mr. WELLBORN in the chair.

The CHAIRMAN. By order of the House all debate upon the pending paragraph has been limited to five minutes.

The gentleman from Iowa [Mr. HENDERSON] is recognized.

Mr. HENDERSON, of Iowa. I move to strike out the last word.

I think, Mr. Chairman, that I know and appreciate the temper of this House too well to attempt to occupy unnecessarily its time in debate. I do not rise for that purpose and shall detain the committee but a very few moments. But my colleague from Iowa [Mr. MURPHY] in his remarks the other day stated that there was perfect unanimity in the Iowa delegation touching the route to be adopted for this canal, namely, the Rock Island route as it is denominated.

Now, personally I do believe that that is the best route for this canal, but I had contemplated moving an amendment to leave that question to be determined in another way by the Secretary of War himself. I am satisfied, however, sir, upon consultation with the friends of this measure, that it would not be good policy or in the interest of the great masses that are anxious for the development of this canal enterprise to offer such an amendment, and I do not intend now to offer it. But in justice to some of the people of my own district, and notably the board of trade of my own city, which strongly favors this canal, as does the whole State of Iowa, which by a joint resolution of its Legislature, I believe unanimously adopted, urged its representatives upon this floor and upon the floor of the other Chamber of Congress to work for this canal, for they have expressed themselves strongly and favorably for the canal; still I say the board of trade think another route perhaps would be better. And that board of trade and the State of Iowa north and south would not ask any representative on this floor to make any motion that could possibly endanger the substantial interest of this canal movement. Therefore I simply wish to say that I will not offer the amendment that I had stated to the gentleman from Iowa, my colleague, Judge MURPHY, I would offer, but will lay that aside and join heart and hand with my colleagues from Iowa and friends from Illinois, and I hope with gentlemen on both sides of this Chamber, in putting through this feature of the bill before us in the interest of cheap transportation for the entire country, and especially for the great Northwest. That is all I desired to say; and if the gentleman from Illinois [Mr. HENDERSON], who I understood rose to ask a question, desires to occupy the remainder of the time allotted to me, I will yield the floor to him.

Mr. HENDERSON, of Illinois. I do not desire to make, and of course could not in the time allotted to me, any extended remarks upon this bill. I want to say, however, in reply to what has been said by the gentleman from New York [Mr. POTTER], that I believe this bill has been considered by the members of this House. I myself have taken pains to put information in the hands of members; and the report itself of the engineer who has made the surveys has given all the information which any member of the House could desire.

As a representative of the State of Illinois, asking for this canal for many years, I stand here to-day to say that there is no measure which has been presented to this Congress in which my constituents and the people of the State of Illinois feel a deeper interest than this measure. I believe that the people of Illinois and of Iowa and of the Northwest will have reason to bless the members of this House if they pass this bill, which I believe to be greatly in the interest of the commerce of our country.

You talk about Illinois building this canal. That has been the burden of the song of some of those who are opposed to this work. The Constitution of the United States has taken from the State the power to levy duties on imports. The Constitution of the United States has reserved to the people of the United States the right to levy duties on imports. To-day we have revenues in our Treasury largely in excess of the present wants of the Government. Some are seeking to reduce them, and perhaps they ought to be reduced. But they are the taxes upon the commerce of the country, and whatever you do to promote that commerce, whether by the improvement of rivers or harbors or otherwise, is in the interest of the people.

[Here the hammer fell.]

The CHAIRMAN (Mr. CRISP). By order of the House debate on the pending motion is exhausted. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN].

Mr. DORSHEIMER. What is the motion?

The CHAIRMAN. The motion of the gentleman from Indiana is to strike out the pending paragraph in relation to the Hennepin Canal.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and the Chairman appointed Mr. MURPHY and Mr. HOLMAN.

The committee divided; and the tellers reported—ayes 92, noes 94.

So the motion to strike out the paragraph was not agreed to.

Mr. HARDEMAN. I desire to make a parliamentary inquiry. Can there be a vote by yeas and nays in the House upon this question?

The CHAIRMAN. The vote on this question can not be taken by yeas and nays in the House, because this paragraph is not an amendment, but a portion of the bill, and the motion to strike out has been rejected.

Mr. HOBLITZELL. I offer the amendment which I send to the desk.

Mr. WHITE, of Kentucky. I rise to a question of order. Before we proceed to the next paragraph I have an amendment to submit.

The CHAIRMAN. The amendment of the gentleman from Maryland [Mr. HOBLITZELL] is an amendment to the pending paragraph.

Mr. WHITE, of Kentucky. I understand the amendment of the gentleman from Maryland is in reference to another subject.

The CHAIRMAN. The amendment proposed by the gentleman from Maryland [Mr. HOBLITZELL] will be reported.

The Clerk read as follows:

Add, after the words "public use," in line 680, the following:

"For the construction of a free ship-canal across the peninsula of Maryland and Delaware, to connect the waters of the Chesapeake and Delaware Bays, by the route known as the Choptank route, designated in a survey made by order of Congress and reported through the Engineer Department of the United States to the Secretary of War, the sum of $300,000: *Provided*, That said canal shall not be less than one hundred feet wide at the bottom, twenty-seven feet below mean low water, and one hundred and seventy-eight feet wide at low-water level, with locks sixty feet by six hundred feet in the chambers, and sufficient to allow the passage of vessels of the largest size in use in ocean traffic. And for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands in said States of Delaware and Maryland to make the necessary examinations and additional surveys, and to enter upon and appropriate to the use of the United States any lands for the construction of such canal, locks, lock-houses, bridges, and other erections and fixtures as may be necessary for the safe and convenient use and navigation of said canal.

"And it shall be the duty of the Secretary of War to secure the right of way for such canal, and to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms, or by condemnation if that shall be found impracticable: *Provided*, That if the owners of such lands shall refuse to sell them at reasonable prices, then the prices to be paid shall be determined and the title and jurisdiction procured in the manner prescribed by the laws, general or special, of Maryland and Delaware for condemnation of lands for public uses, as such lands may lie in the said States respectively.

"And the Secretary of War shall cause said canal to be made and constructed upon the land to be taken and appropriated as hereinbefore provided, and shall cause said work to be entered upon and commenced as soon as practicable after this act goes into effect, and shall cause the same, with all necessary locks, lock-houses, bridges, and other erections and fixtures, to be constructed and completed ready for navigation at the earliest possible day consistent with the public interests; and for that purpose he shall detail a sufficient number of the most skillful and experienced officers from the Corps of Engineers as he may deem best and necessary, who shall superintend and direct said work, under such orders and rules as he may prescribe.

"And the Secretary of War, if in his judgment it will be to the interest of the United States, may cause said work, or any part of the same, to be put under contract to the lowest bidder; and in such case he shall invite proposals for any work, or any material or labor for any part of said work; and there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work; and he shall report to Congress, on the first Monday of December of each year, or as soon thereafter as may be, all the bids, with the names of the bidders and to whom the contracts for the construction of the work have been awarded: *Provided*, That no contract shall be made except after public advertisement for proposals, in such form and manner as the Secretary of War may direct, and to secure general notice thereof; and the same shall only be made with the lowest responsible bidder therefor, upon security deemed sufficient in the judgment of said Secretary.

"And the Secretary of War shall cause said work to be constructed in accordance with the provisions of section 1 of this act, and of the depths and dimensions in every respect specified therein, which shall be of permanent and substantial material, and in good workmanlike manner. The same, and every part thereof, and the locks, lock-houses, bridges, and other erections and fixtures connected therewith and to be constructed thereon shall at all times, and after the same shall be made, be kept and maintained in good order and repair and condition for the free use and navigation thereof; and when thus completed the said canal shall be a military, naval, postal, and public highway connecting the waters of the Chesapeake and Delaware Bays, and shall be established as such to the United States and the people thereof forever; and no obstruction shall be placed therein which shall impede or interfere with the uninterrupted navigation thereof."

Mr. WILLIS. There are two points of order against that amendment. In the first place, this is plainly a matter not within the jurisdiction of this committee. In the second place, the amendment is the substance of a pending bill. I reserve, however, the point of order, if the gentleman from Maryland wishes to make a statement.

Mr. HOBLITZELL. As will have been seen by the reading of the amendment, the proposition involved is for the construction of a free ship-canal that will float the largest vessels now upon the ocean. The importance of this canal has been made manifest to Congress and the country by a report of the Secretary of the Navy, commended by the President of the United States in his message in connection with the coast defenses of the United States.

It is notorious that the leading cities on the Atlantic coast to-day would be the prey of any great maritime power in the event of a war with such power. The naval power of the Government in the League Island navy-yard, the Norfolk navy-yard, and the Washington navy-yard is divided and separated, and could not be concentrated at one point in the event of a war with a maritime power to protect any of the great cities of the Atlantic coast, with all their treasure and with all their wealth and all their commerce.

I insist further that not only for the purpose of naval and military defense is the construction of this canal important, but it will be a powerful adjunct in connection with the other natural and artificial water ways of the country in determining the rates of transportation and, if properly used, in enabling this country to control the freight market of the world. The report of the Senate committee embraces an elaborate investigation into questions of freight rates, the course of trade, the question of the interference of the Government with railroads in establishing their schedules of rates; and that committee in reporting to the Congress of the United States what they deemed best to be done in order to accomplish this great result said to the country and to Congress that you could only look to the improvement of the natural and the construction of the artificial highways to accomplish these great results.

Mr. Chairman, this country has got to prepare for that condition of things in the producing power of the great West when at the seaboard there will be a glut of your grain products and the great port of New York will not be able to receive and discharge the immense product.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. I now renew the points of order: first, that this is not within the jurisdiction of the committee; and, secondly, that the amendment is the substance of a pending bill.

The CHAIRMAN (Mr. CRISP). The point of order is well taken. The Chair sustains it.

Mr. BREWER, of New York. I move to amend by inserting, after "$300,000," in line 657, the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the State of Illinois shall assure the right of way for said canal without any expense to the General Government, either for the original purchase or for damages to adjacent property.

Mr. BREWER, of New York. I offer this amendment, Mr. Chairman, in good faith, and wish to say that I think it is time we should have assurance from the State of Illinois that they will take hold of this great work and show a disposition to assume some of the responsibilities as well as to accept the accompanying benefits. I believe, Mr. Chairman, that I appreciate as fully as any member of the committee the great benefits which will accrue to our mechanics and manufactories of the East, as well as to the husbandmen of the West, and indeed to our country at large, by a judicious expenditure in improving the harbors on our seaboards and upon the borders of our lakes, in deepening and widening the channels of our great water ways, in order that the ever-increasing traffic which is continually moving from one part of our country to the other may be handled and transported at a price which shall by an honorable and persistent competition compel the railroads to lay down in New York and Boston and our other Eastern ports the wheat and corn, the cattle and hogs, butter and cheese, of our Western farms at a minimum price, so that the small profit of producing these commodities shall not be entirely consumed in transportation charges.

These considerations, and many others that might be mentioned, make it proper to carefully and prudently appropriate moneys from the national Treasury for this purpose, and if we do this wisely and see to it that the money is not squandered, but honestly expended and the end for which it was intended is accomplished, we need not fear the verdict of our constituents. The people are not deceived; they read, and they think, and, as a usual thing, they judge wisely, and not infrequently are better practical business men than their Representatives in Congress. So we must look to it that we make no mistakes. This bill will be carefully examined and severely criticised.

Most of the recommendations of the committee would meet with my hearty approval, but there are other items which should be considerably modified, amended, or stricken from the bill altogether. I refer more particularly to the appropriation for the Hennepin Canal and the very large appropriation for the Mississippi River. Nearly two and a half millions of dollars, and another million appropriated in January, it seems to me, can not be judiciously expended before a new Congress will assemble, and we had better relegate to them a part of the responsibility. We have in the State of New York nearly, if not quite, five hundred miles of canal, which has induced an expenditure of over $40,000,000, with no help from the General Government, and it now bears upon its bosom, free of tolls, the produce of the farmer from the granaries of the West to vessels and storehouses in the East; and shall the Empire State be called upon to build another canal in Illinois, or shall the great State itself, the most productive and one of the wealthiest States of the Union, take hold of the matter herself? If she puts her own shoulder to the wheel, and then calls upon the General Government, she will likely get aid in the future for the completion of an enterprise in which the whole country is interested. But first an honest effort on the part of the State should be made as an earnest of her good faith in completing the work. But until the Government has seen its way clear to establish a postal telegraph, and done full justice to the soldiers and sailors who were engaged in the late war of the rebellion, I think it will be unwise to make even a small appropriation

to an enterprise which will absorb at least $10,000,000. I think, sir, this Hennepin Canal should be served upon a plate by itself, and not be tacked onto this annual appropriation bill for the improvement of rivers and harbors. As the bill now stands I can not give it my vote.

The question was taken upon the amendment of Mr. BREWER, of New York, and it was not agreed to.

The Clerk read the following:

Improving Gasconade River, Missouri: Continuing improvement, $5,000.

Mr. BELFORD. I move to insert after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For the construction of a reservoir at the point where the Poudre River flows out of the Rocky Mountains the sum of $100,000; to be expended under the direction of the Secretary of the Interior.

Mr. WILLIS. I make a point of order on that amendment.

Mr. BELFORD. I hope the gentleman will reserve his point of order for the present.

Mr. WILLIS. I would be glad to do so, but we desire to get through with this bill, and I hope my friend will bottle up his speech until to-night. I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BELFORD. Then I move to strike out the last word. I think I can get in my five-minute speech on that motion.

I want to call the attention of gentlemen to one fact. Since the beginning of this Government we have appropriated $111,000,000 in round numbers to improve our rivers and harbors, and that money has been cheerfully voted. Yet in this bill there is not one dollar appropriated, so far as I can find, either to the State of Kansas or to the State of Colorado. I ask the attention of members to these figures. For the New England States and New York and Pennsylvania there have been appropriated as follows:

Connecticut	$1,527,448 57
Massachusetts	2,928,779 88
New Hampshire	175,500 00
Rhode Island	733,613 06
Vermont	545,311 07
Maine	1,404,889 36
New York	9,539,973 95
Pennsylvania	1,067,101 30
Total	18,922,617 19

For the Western States and Washington Territory there have been appropriated the following amounts:

California	$1,493,428 54
Illinois	2,352,304 90
Indiana	786,198 77
Iowa	2,499 14
Michigan	7,828,356 10
Minnesota	447,500 00
Missouri	22,000 00
Ohio	2,857,031 39
Oregon	649,305 64
Texas	2,166,133 83
Wisconsin	4,616,495 56
Washington Territory	5,500 00
Total	23,226,753 87

Mr. KELLEY. Will the gentleman permit me to ask him a question?

Mr. BELFORD. Yes; I have given the figures from the official record.

Mr. KELLEY. One moment, if you please.

Mr. BELFORD. All right.

Mr. KELLEY. You stated the other evening that the New England States, New York, and Pennsylvania had received 95 per cent. of the total of $111,000,000 appropriated for the improvement of rivers and harbors. Now, how do you make 95 per cent. of $111,000,000 out of the amounts you have given for those States? Were you wrong then or are you wrong now?

Mr. BELFORD. I want to say to the gentleman from Pennsylvania [Mr. KELLEY] that I founded that statement upon a statement made by one of the most prominent members of this Congress. I have spent the day in trying to ascertain the exact truth and I am free to say that I was absolutely mistaken.

Mr. KELLEY. That is right.

Mr. BELFORD. Yes.

Mr. KELLEY. You can be mistaken, then?

Mr. BELFORD. I was mistaken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELFORD. Oh, no; I have not occupied five minutes in this discussion.

Mr. WILLIS. I hope we will now have a vote; we are pressed for time.

Mr. BELFORD. I think the Chair is counting time against me with lightning speed.

The CHAIRMAN. The Chair will state that the Clerk is keeping the time, and announced to the Chair when the five minutes were out, and thereupon the Chair announced that the time of the gentleman had expired. Does the gentleman withdraw his *pro forma* amendment?

Mr. BELFORD. It is no formal amendment; it is a deep and substantive amendment.

Mr. PAYSON. Let the amendment be reported.

The Clerk read as follows:

In line 682, strike out the word "dollars."

Mr. BELFORD. Oh, I withdraw that amendment.

The Clerk read the following:

Improving Yellowstone River, Montana and Dakota: Continuing improvement between Glendive and the mouth of the river, $20,000.

Mr. NUTTING. I move to strike out the last word for the purpose of answering some statements which have been made here and which were somewhat amended a moment ago. An evening or two ago the gentleman from Colorado [Mr. BELFORD] stated that of the appropriations which had been made from the commencement of this Government for the improvement of rivers and harbors of this country 95 per cent. had been used in the New England States, New York, and Pennsylvania.

I find upon examination of the records that since 1798 there has been appropriated for the improvement of rivers and harbors in this country the sum of $111,299,464.79. Of that amount about $19,000,000 and no more has been used in the New England States, New York, and Pennsylvania; or 17 per cent., instead of 95 per cent. as the gentleman stated. During the fiscal year ending June 30, 1883, the whole amount of customs duties collected in the United States was $216,962,000. Of that amount the State of New York alone collected $149,884,675.67, leaving for the rest of the Union only $67,077,000.

And during all the time from 1789 when this sum of $111,000,000 had been used by the United States there has been expended in the State of New York only about $10,000,000. So I say that in proportion to the benefits which the United States have received from the amounts of money expended there New York has poured into the Treasury of the United States enough money to show that the sums which have been expended there have been expended judiciously and properly; and no invidious distinctions or remarks should be made in that regard.

Mr. HORR. Has the State of New York anything to do with the collection of these customs duties any more than Wisconsin has? Is it a State matter in any way, shape, or form?

Mr. NUTTING. I say it is——

Mr. HORR. I differ with the gentleman.

Mr. NUTTING. Because the money collected was collected in the State of New York, and the money expended was expended there.

[Here the hammer fell.]

Mr. BELFORD. I want to ask the gentleman from New York a question. [Cries of "Vote!" "Vote!"]

Mr. BELFORD. I want to know what is meant by these figures under under the head of "miscellaneous"—$39,607,604.17. Where did that go?

The CHAIRMAN. There is no question pending.

The Clerk read as follows:

Improving Sacramento and Feather Rivers, California: Continuing improvement, $40,000; one-half of which sum shall be expended on the Sacramento River and one-half on Feather River: *Provided*, That no part of said sum, or of the money now on hand to the credit of this fund, except what may be necessary for snagging operations, shall be used until the Secretary of War shall have been satisfied of the cessation of hydraulic mining on said rivers and their tributaries; and of the amount now on hand to the credit of the fund for the improvement of said rivers, the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated for the immediate construction of a first-class dredge-boat, to be used, in the discretion of the officer in charge on the rivers emptying into Suisun and San Pablo Bays.

Mr. WILLIS. In order to correct the text and prevent misconstruction, I offer the amendment which I send to the desk. It does not change the amount of the appropriation.

The Clerk read as follows:

After the word "snagging," in line 693, insert "and dredging;" and after the word "used," in line 694, insert "except as herein provided."

The amendment was agreed to.

The Clerk read as follows:

Improving Columbia River, at Cascades, Oregon: Continuing improvement, $150,000.

Mr. WHITE, of Kentucky. I move to amend by increasing the appropriation in this paragraph to $400,000. Here is a work of national importance.

Mr. WILLIS. If the gentleman will allow me to interrupt him I will state that the appropriation contained in the bill is entirely satisfactory to the gentleman representing Oregon, and I hope the gentleman from Kentucky will not object to it.

Mr. WHITE, of Kentucky. I know something about what I am talking of.

Mr. GEORGE. The gentleman from Kentucky [Mr. WHITE] has personal knowledge in regard to this matter, and I hope my friend in charge of this bill [Mr. WILLIS] will listen to him.

Mr. WHITE, of Kentucky. I have probably seen as much of the Cascades as the gentleman representing the State of Oregon. These Cascades are a barrier to commerce between Eastern Washington Territory and Eastern Oregon. The Oregon Navigation Company had possession of the river for years by possessing the railroad portages at the Cascades and the Dalles. Fearing that the Northern Pacific Railroad would build

a road along the river and interfere with their transportation by boats, together with these portages, the navigation company extended their line from Portland to Walla Walla.

Now, the company which formerly controlled the river by its steamboats and the portages, did so by combining its boat system with the railroad, which is an extension of these portages. The Columbia River, with the exception of the Cascades and the Dalles, is as fine a river as the Mississippi. If the money were appropriated for the prompt removal of the small barriers now existing the navigation of that river would remain unimpeded until Gabriel blows his horn. [Laughter.] All that is necessary is the blasting out of the channel and the construction of a lock. By these little driblets of appropriations we simply play into the hands of the Oregon Navigation Company, which will always control that river until the navigation at the Cascades and the Dalles is opened.

This obstruction at the Cascades is not an insuperable barrier, though its removal would take a large amount of money. But the money ought to be at the disposal of the War Department to complete the work in one season, so that when the floods of winter come they may not sweep away what has been done. To make a pitiful appropriation of this kind is to allow this navigation company controlling the railroad to lock up that river. I remember that in 1873 when wheat was worth at Walla Walla 40 cents a bushel it was worth $1 a bushel at Astoria, the difference being simply the charge of transporting that wheat down the river and through those little portages at the Dalles and at the Cascades.

This cowardly course of merely putting in some little appropriation to please the member or hush the mouths of the people on election-day does not meet the demands of the commerce of this nation. We should deal with this question on a broader basis and with more practical common sense. If an individual owned that river and at the same time had command of the funds now in our Treasury, he would not think of squandering the money by these insufficient appropriations

[Here the hammer fell.]

The question being taken on the amendment, it was not agreed to.

The Clerk read as follows:

Improving Missouri River from its mouth to Sioux City, Iowa, including such harbors on said river now in course of improvement as in the judgment of the board of engineers herein created will benefit commerce and navigation, $500,000, which sum shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of a board of engineers consisting of three members, who shall be assigned by the Secretary of War for that purpose, one of whom may be a member of the Mississippi River Commission.

Mr. WILLIS. I move to strike out the words "now in course of improvement."

Mr. ANDERSON. I should like to know the reason for that.

Mr. WILLIS. By striking out these words the representatives of all harbors will have the right to go before the commission and present their claim. It did not seem fair to limit the right to go before the commission to those works only in the course of improvement.

Mr. ANDERSON. I do not understand it does limit it.

Mr. BRECKINRIDGE. It does.

Mr. WILLIS. It does, and those interested ask that these words be stricken out.

Mr. BRECKINRIDGE. Those living on the Missouri River think it excludes their harbors not in process of improvement. We do this by their request.

Mr. WILLIS. It is by their request these words are stricken out.

The amendment was agreed to.

Mr. GRAVES. I move the following amendment.

The Clerk read as follows:

Amend by striking out all after the word "dollars," in line 732, down to and including "commission," in line 738, and insert the following:

"That a commission is hereby created to be called the Missouri River commission, to consist of three members.

"That the Secretary of War shall, by and with the advice and consent of the Senate, appoint three commissioners, all of whom shall be selected from the Engineer Corps of the Army; and any vacancy which may occur in the commission shall in like manner be filled by the Secretary of War; and he shall designate the commissioner who shall be president of the commission. The commissioners appointed shall receive no other pay or compensation than is now allowed them by law; and the commissioners appointed under this act shall remain in office subject to removal by the Secretary of War.

"That it shall be the duty of said commission to direct and complete such surveys of said river, between its mouth and its headwaters, as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act. And to enable said commission to complete such surveys, examinations, and investigations the Secretary of War shall, when requested by said commissioners, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary, to be paid for out of appropriations for said river.

"That it shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Missouri River; improve and give safety to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and, when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him submitted to Congress.

"That the said commission may, prior to the completion of all the surveys and examinations contemplated by this act, prepare and submit to the Secretary of War plans and specifications and estimates of cost for such immediate works as in the judgment of said commission may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

"SEC. 6. That the Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission.

"And all appropriations made or to be made for said river shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, estimates, and recommendations of said commission."

Mr. BAYNE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. That is a bill now pending before the House, and is therefore liable to objection under Rule XXI.

Mr. BURNES. My friend from Pennsylvania I think is slightly in error. This is neither the substance of a bill pending before the Committee on Commerce, nor is it a bill pending before the Committee on Rivers and Harbors. This is an independent amendment and is different from the bills alluded to.

Mr. BAYNE. I have not stated my point of order.

Mr. BURNES. I beg the gentleman's pardon.

The CHAIRMAN. The gentleman from Pennsylvania will proceed.

Mr. BAYNE. I will read the fourth clause of Rule XXI:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

The Clerk read the amendment from a printed bill, and it is consequently obnoxious to that clause of the rule.

I also raise the point of order that it is new legislation and does not in any sense retrench expenditure, but, on the contrary, increases it.

I deem it unnecessary to argue this matter any further. It is so very plain that it is obnoxious to the rule that I shall not ask the attention of the committee to a further presentation of the point of order.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on this point of order?

Mr. GRAVES. Mr. Chairman, in regard to the last objection urged by the gentleman from Pennsylvania in support of the point of order, it seems to me that the clearly defined purpose of this subdivision 3 of Rule XXI which he quoted is very different from the interpretation he places upon it, and was not intended to embrace cases of this kind. His objection is that this is new legislation. The rule concerning new legislation applies to bills reported by the Appropriations Committee and not to bills reported by the Committee on Rivers and Harbors or any other committee; and this House has decided that the river and harbor appropriation bill is not one of the general appropriation bills within the meaning and purpose of that rule. If I am not very much mistaken that ruling has been again made to-day by the chairman of this committee on this bill.

As to the objection based upon subdivision 4 of this rule, an investigation of the amendment which is now offered in connection with the language of the rule will show that it does not come within its provisions.

The language of the rule is:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

This amendment does not propose to incorporate the substance of any other bill pending before the House. It is clearly in the line of the recommendation which the River and Harbor Committee have made in the report which we are now considering and which is sought to be amended. The portion which is asked to be amended specifies that the appropriation herein provided for shall be expended "under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of a board of engineers consisting of three members, who shall be assigned by the Secretary of War for that purpose."

Now, this is simply a proposition to amend this portion of the river and harbor bill by having these same three Army officers, officers of the Corps of Engineers, appointed by the Secretary of War, as recommended by this bill, and then provides what shall be their duty after appointment. That is all.

Mr. BLAND. Mr. Chairman, as to the point of order that this is new legislation and does not retrench expenditures, I simply suggest that this paragraph itself is new legislation; but no point of order was made against it, and hence any amendment that is germane is in order upon it.

The paragraph in question creates a commission, although it does not call it a commission, and is now before the House for consideration, although it was originally subject to the point of order on the ground that it is new legislation. But no point was made against it, and it is now too late. The subject-matter is before the committee, and this amendment is germane to the subject-matter.

So far as the question of retrenching expenditures is concerned, it may be said that it does not increase them. While there is no reduction of expenditures, it does not increase them. It is simply amending a provision which might have been subject to the point of order if made in time, without changing the amount appropriated.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

It appears to the Chair that there is pending in this House a bill to provide for the appointment of the Missouri River commission. That is the substance of House bill No. 4506. It appears to the Chair also that the amendment now proposed by the gentleman from Missouri is to appoint a Missouri River commission; that that is the substance of the pending bill, and that is the substance of the proposed amendment.

The Chair therefore sustains the point of order.

Mr. COSGROVE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in line 732 the words "five hundred," and insert in lieu thereof the words "eight hundred and fifty;" so that it will read if amended: "as in the judgment of the board of engineers herein created will benefit commerce and navigation, $850,000, which sum shall be expended," &c.

Mr. COSGROVE. I am, of course, very much encouraged in offering this amendment by reason of what the committee have done with all the other amendments offered to this bill. But notwithstanding that, the sum of $200,000 proposed by this bill to be appropriated for the improvement of the Missouri River, a river that affords 3,000 miles of navigation, a river it must be remembered which passes through the States of Missouri, Kansas, Iowa, Nebraska, and Dakota, is entirely inadequate. It is one of the most important streams that is legislated for in this bill; and I submit that the sum of $500,000 is altogether insufficient to accomplish anything that will be of permanent benefit to the river or to the country in the way of the improvements recommended by the engineers.

The engineer in his recommendation on the subject of providing a mode of doing this work, after a careful survey between the points enumerated in this bill, has reported in favor of an appropriation of at least $1,000,000. The committee which reported this bill have only recommended one-half of that amount. The amendment that I offer is only the same amount that has been heretofore appropriated; and I think therefore if this river submits to a reduction of 25 per cent., it is enough to demand of it in view of its importance.

Other rivers in this bill that are of less importance, in my judgment, as far as length and extent of country tributary to them are concerned have received larger amounts. I do not say this in a complaining mood against the committee. But I have offered this amendment that the portion of the country which sends its products down this river should have enough at least of an appropriation to make the river navigable in some sort of shape. An appropriation of $850,000 is not sufficient, but it will do something more than has been done heretofore and will preserve the navigation of that river.

I hope the gentlemen who live in other States, in Kansas, in Iowa, in Nebraska, will help us to put this amendment in here for $850,000. It is not enough. But we will be satisfied with that if we can not get what we ought to have. The same amount was appropriated in the last bill, and the engineer after having made a thorough investigation of this subject says that at least a million dollars is necessary to do the work.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BAGLEY took the chair as Speaker *pro tempore*.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved bills and a joint resolution of the following titles:

An act (H. R. 1323) fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent;

An act (H. R. 4704) authorizing and empowering the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States;

An act (H. R. 2858) for the relief of John Connolly;

An act (H. R. 1761) to amend section 2743 of the Revised Statutes, concerning the examination of drugs;

An act (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society of Kansas; and

Joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two second lieutenants.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. ANDERSON. I wish to inquire of the chairman of the committee how much is given by this bill for the improvement of the Mississippi River?

Mr. WILLIS. The total amount is $2,400,000 for the improvement of the river from its mouth to its source, and that is only one-half the estimates, as the amount in this paragraph is one-half the estimate.

Mr. ANDERSON. There are two reasons why I favor the amendment increasing the appropriation in this bill. The first is that the Missouri River drains a section of country which has a large population dependent for its commercial facilities ultimately upon those afforded by that river. The second is because in twenty years there will be a larger population and a larger commerce dependent upon the Missouri River than is to-day dependent upon the Mississippi River.

This seems to me to be one of those matters of internal improvement which come fairly within the purview of a national expenditure. And when there are given to the Mississippi River, as there have been given continually by this and preceding Congresses, large appropriations, and when there has been appointed a commission for the systematic and thorough development of its navigation, it seems to me to be nothing but fair, first for the present and next for the future, that there should be liberal, prudent, broad, sagacious appropriations and plans for the development of the navigation of the Missouri River. And for that reason I certainly am heartily in favor of the proposed increase of this appropriation.

I understand you have given to the Mississippi River only one-half what the engineers asked for. I would like to ask whether the committee have given for the Missouri River one-half what the engineers have asked for? I did not catch the statement of the chairman.

Mr. WILLIS. Precisely one-half.

Mr. ANDERSON. Now, Mr. Chairman, that raises the question as to the basis on which the engineers make their estimate. In other words, the aggregate amount appropriated to the Mississippi River is $2,400,000. Here the aggregate amount proposed to be appropriated for the Missouri River is half a million dollars. For years the engineers have been making elaborate surveys of the former, and have paid but little attention relatively to the latter, which fact would fully account for the difference in their estimates.

Now, as an actual fact I believe that the Missouri River at present and especially in the future is of more importance than the Mississippi River. There is enough water in the channel of the Mississippi River now and there is not enough in the channel of the Missouri River. In other words, I propose to go back of the engineer estimates and look at this thing as a continental proposition. I propose to say to the Mississippi River gentlemen and to the Eastern gentlemen that the Missouri River both now and in the near future is entitled to a larger appropriation than is here proposed; and I do not care a solitary hair on the head of a baboon what the engineers say about it. [Laughter.] Your immigration in the next decade and in subsequent decades will be along the foot-hills of the Rocky Mountain range. It will be right through the territory drained by the Missouri and its tributaries; and it is only wise, it is only looking a little bit ahead to prepare now for the accommodation of the population and the commerce which must speedily be upon that slope. And I wish to see such facilities for commerce furnished as will forestall and control by competition the inexorable, iron, selfish, monopolistic power of the railroads.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. COSGROVE].

The committee divided; and there were—ayes 56, noes 70.

So (further count not being called for) the amendment was not agreed to.

Mr. BELFORD. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of the pending paragraph insert:

"For the improvement of Salt River, in the State of Kentucky, the sum of $100,000: *Provided*, That the improvement herein contemplated and provided for shall be completed before the 11th of November, A. D. 1884, so that the Democratic party may thereby have free and easy access to one of the States of the United States they have the capacity to govern."

Mr. WILLIS. As that is in the interest of the gentleman's own party I hope we will have a vote on it.

Mr. BELFORD. I desire to discuss the point of order.

The CHAIRMAN (Mr. WELLBORN). No point of order has been made against the amendment.

Mr. WHITE, of Kentucky. Then I rise to debate the proposition.

Mr. BELFORD. Mr. Chairman, I want to discuss the propriety of improving this great stream in which the two great national parties are so deeply interested.

The CHAIRMAN. No point of order has been made on the amendment, and the question is upon agreeing to it.

Mr. WHITE, of Kentucky. I ask that order be preserved in the committee, as I wish to make some remarks in good faith.

Mr. WILLIS. I sincerely hope that gentlemen will not consume any more of the time of the committee than is necessary.

Mr. WHITE, of Kentucky. Have I the floor?

Mr. BELFORD. I withdraw the amendment.

Mr. WHITE, of Kentucky. Then I renew it. The gentleman from Colorado [Mr. BELFORD] was striking nearer the truth than he imagined when he offered his amendment. There is a stream in Kentucky known as Salt River, and many a Democrat will have to travel it——

Mr. BRECKINRIDGE. I make the point of order that there is nothing before the committee.

The CHAIRMAN. The gentleman from Colorado [Mr. BELFORD] withdrew his amendment and thereupon the gentleman from Kentucky [Mr. WHITE] renewed it.

Mr. BRECKINRIDGE. Then I make the point of order that it is

not germane, and this discussion is an unnecessary waste of the public time.

The CHAIRMAN. The Chair would state that the point of order comes too late. The gentleman from Kentucky will proceed.

Mr. WHITE, of Kentucky. How much time have I?

The CHAIRMAN. The gentleman has four minutes.

Mr. WHITE, of Kentucky. I was about to remark that the gentleman from Colorado [Mr. BELFORD] was striking nearer the truth than he imagined when he said that the Democratic party would have to go up Salt River, and it ought to be improved. It should be improved, however, not in the manner suggested by him but in the manner in which my colleague [Mr. CARLISLE] suggested to the senior member from New York [Mr. COX] that Licking River in the State of Kentucky should be improved. On the 23d of April, 1872, that gentleman made some spicy remarks in this House, which I will read, because the Committee on Rivers and Harbors have overlooked Licking River in the State of Kentucky.

I read it also because I have on my desk petitions signed by hundreds of citizens living along that magnificent stream, which drains the region of country between the Big Sandy and the Kentucky Rivers, and at its head there is more fine cannel coal than is to be found in any other equal scope of country of which I have any knowledge. The gentleman from New York [Mr. COX] said:

There is a provision here for the survey of a river in Kentucky, which a friend of mine near me says ought to be macadamized. [Laughter.] That is the only way to make it a thoroughfare. [Laughter.]

Mr. REAGAN. Is that the member who asked that it be inserted in the bill?

Mr. COX, of New York. No; it is a gentleman who opposes this questionable legislation on principle.

And he is the gentleman who appointed the chairman of the Committee on Rivers and Harbors who is now advocating this modified river and harbor bill. The gentleman from New York [Mr. COX] went on to say—

He does not ask, he scorns to ask, for an appropriation at the expense of good legislation and fair precedents. He is with me here in protesting. I can not get my eye on him just at this time—

Neither can I—

but he has filled the second office in the State of Kentucky, and is a parliamentarian of approved skill and ability. His approbation of this protest is consolation enough for being with the minority.

It is sufficient to say that since the 23d day of April, 1878, that gentleman has risen greatly in the estimation of the Democratic party, and when this House is not in Committee of the Whole he wields the gavel and presides over the deliberations of this body.

Now, to show how the country is moving I ask the Clerk to read a letter which I send to his desk, signed by that distinguished gentleman who in 1878 signed the protest against the river and harbor bill with the senior member from New York. It is a letter written to the editor of a Democratic paper published in Kentucky.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX, of New York. I do not intend to respond to the gentleman from Kentucky [Mr. WHITE], but I would like the privilege of printing something on this subject at my leisure.

The CHAIRMAN. General leave has been granted.

Mr. COX, of New York. I should like special leave. I want to discuss the conservative elements of salt as well as Salt River.

Mr. WHITE, of Kentucky. That is not necessary; the gentleman can do that under the general leave which has been granted. Under that leave I will print the following from the Democrat, published at Falmouth, Ky., May 16, 1884:

THE LICKING RIVER IMPROVEMENT.

In reply to an article appearing in the Democrat some weeks since regarding the action of our Representative in not going before the River and Harbor Committee to urge the appropriation for the improvement of our river, we have received the following letter from Hon. JOHN G. CARLISLE, our Representative, and Speaker of the House of Representatives, which places him right before our people and corrects our error in stating that he should have gone before the committee and urged the appropriation.

As will be seen, however, the committee has reported in favor of an appropriation for estimating the costs of the removal of the bar at the mouth of Licking River, and the indications are that this mole-hill which has been magnified into a mountain by the engineers for the purpose of getting an additional appropriation will be removed, or at least presented to the River and Harbor Committee of Congress at its next session in its true light, and the work of improving Licking River, which should have been completed long since, will certainly be begun by an appropriation from Congress for the commencement of the work.

In the interim, if we are in earnest as we should be, we should not stand idly by and wait until Congress meets next December before we do anything; but we should go to work with a will and try to have the united and unceasing efforts of the people all along the line of the river, and especially should some action be taken to have some sort of united effort upon the part of the citizens, business men, merchants, manufacturers, &c., of the cities of Covington and Newport, at the mouth of Licking. We have taken hold of this matter, declared to the world our earnestness, and now in the interim between the two sessions of Congress let us show that earnestness, and when Congress again meets let us have not only Hon. JOHN D. WHITE (to whom we are thankful for his efforts in behalf of this great and much-needed improvement, no matter how futile or ineffective they were), but also Hon. W. W. CULBERTSON, his Republican neighbor in the ninth district, Hon. J. C. S. BLACKBURN, in the seventh, who will be ready to step into the United States Senate, and our own Representative, Hon. JOHN G. CARLISLE, who we hope will be ready to step into the Presidential chamber as President, to work in the interest of the improvement of Licking, which improvement would be of such immense advantage to the people by reducing the immense cost of transportation to reach the market. Let us go to work with a will and show what a determined, united effort can do.

We gladly give to the public this letter of Mr. CARLISLE to us, and hope it will place him right before our people:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, *May* 13, 1884.

DEAR SIR: In a late number of your paper I notice a paragraph stating that Mr. WHITE had appeared before the Committee on Rivers and Harbors of the House to advocate the improvement of Licking River, and expressing the opinion that it was my duty to appear there, and that such a course on my part was expected by my constituents.

In order that you may understand the exact situation, I will state the difficulty in the way of securing an immediate appropriation for the improvement of the river. In the Ohio River, opposite the mouth of the Licking, and extending for a considerable distance up and down the Ohio, there is a bar composed of "rock in place"—that is, rock in its natural position or strata. This bar extends almost to the Ohio shore, so that at a low stage of the river there is no water in the Ohio at that point except a very narrow channel near the Cincinnati side.

Colonel Merrill, in his report on the Licking, mentions this bar and describes its condition, but he makes no estimate of the cost or practicability of its removal. It is not possible to secure an appropriation for the improvement of the Licking unless it can be shown that this bar can be removed or that a navigable channel can be cut through it, and what the probable cost of such work will be.

I went before the committee of the last Congress and made a statement on this subject, but did not succeed in getting an appropriation to have the survey and estimate made. You will remember that the last was a Republican Congress, and although it made numerous appropriations for many little streams and water ways of no considerable importance, it made none even to ascertain whether or not the navigation of the Licking could be so improved as to connect it with the waters of the Ohio.

At the present session I have consulted with the chairman and other members of the committee and secured the adoption of a clause in the bill to be reported making an appropriation for an examination and survey and an estimate of the cost of removing or making a channel through the bar. I inclose you a copy of the clause:

"For examination and survey of the bar in the Ohio River opposite the mouth of the Licking River, to determine the cost and practicability of removing or making a navigable channel through the same; and the engineer in charge shall report whether it is practicable to connect the navigation of the Licking River with the Ohio River without the removal of the said bar or making a channel through the same."

I did not go before the committee in person, not only because it was unnecessary to do so, but for the additional reason that such a proceeding upon the part of the Speaker of the House would have been unprecedented. So far as I know or believe, no Speaker ever appeared before a committee of the House either to advocate or oppose a pending measure.

Mr. WHITE went before the committee, but when he was informed of what I had already done, and that the clause would be inserted in the bill, he expressed his satisfaction and made no further effort.

It is a rule of the committee, never departed from I believe, not to make appropriations for the improvement of streams until the surveys and estimates of the cost are all laid before it. You will see that the clause I send you directs a report to be made showing whether or not the navigation of the Licking can be connected with the Ohio without the removal of the bar or the making of a channel through it. If the report shows that this can be done, then the committee already has before it all the necessary information upon which to act.

The improvement of the Licking from its mouth to Falmouth will cost, even if nothing is to be expended on this bar in the Ohio, $800,000 or $1,000,000, and I do not believe that any committee can be induced to authorize such an expenditure unless it is convinced that it will result in making the river navigable so as to connect it with the Ohio, and thus make it a part of the system of water ways under the control of the Government.

I hope that Colonel Merrill's report on this subject will be favorable, so that Congress can at the next session authorize the beginning of the work.

All the petitions and other communications sent to me asking for the improvement of the Licking were immediately laid before the committee.

Yours, respectfully,

J. G. CARLISLE.

ADIE O. ROBERTSON, *Falmouth, Ky.*

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. I withdraw the amendment.

Mr. VALENTINE. I move to amend by inserting, after line 738, the following:

Provided, That one-half of the amount appropriated in this paragraph shall be expended above the city of Saint Joseph, Mo.

If this amendment be adopted it will make a new division as to the manner in which the money appropriated for the Missouri River shall be expended. Nebraska and Iowa south of Sioux City have been so unfortunate as to be classed with that division commencing at Saint Louis, the mouth of the river. Now, it is desirable that some of the money should be expended along the borders of our State. The worst part of the Missouri River for navigation by steamers is between Saint Joseph and Sioux City. This is acknowledged by all men who are acquainted with that river. Upon that portion of the river not 5 per cent. of the amount appropriated is expended. The truth is, the appropriations are expended almost entirely within the limits of the State of Missouri. We therefore ask this Committee of the Whole to give us a chance to have some of this appropriation expended beyond the limits of the State of Missouri.

Mr. FUNSTON. The Committee on Rivers and Harbors has undertaken to secure a proper distribution of these appropriations by leaving the decision of the question to the board of engineers charged with making the survey. Without undertaking to decide exactly how much shall be appropriated to certain places, it is proposed to leave such questions to the discretion of this board. It is composed of honorable men who it is believed will decide these questions properly. If we begin in this case by providing that a certain amount shall be appropriated at certain places along the river, will not other members living along the river ask the adoption of similar amendments? In that case how can we arrive at a conclusion as to what is to be done? The committee does not undertake to decide, as between different places on the river, which shall receive the greater amount, but leaves the settlement of all such questions to the board, who it is believed will honorably

and fairly provide for the distribution of this money along the Missouri River.

Mr. VALENTINE. Allow me to state to my friend from Kansas, whose district is within that section I spoke of which always receives these expenditures, that the same kind of a speech and the same kind of a promise was made to us by the gentleman who presented this bill to the House——

Mr. FUNSTON. We asked for no promise. Why do you?

Mr. VALENTINE. Because we know as an actual fact that the money appropriated for that river is used along the borders of your district and the State of Missouri. Not 5 per cent. of the appropriations are expended within the stretch indicated in my amendment.

Mr. WILLIS. I desire to say only that the money appropriated in this bill will be distributed differently from the distribution made heretofore. This bill creates a board of engineers, consisting of three members of the Engineer Corps, to determine the distribution of the money. It seems to me that we ought to be able to trust these officers of the Government. I ask the gentleman from Nebraska, therefore, to withdraw his amendment.

Mr. VALENTINE. I can not withdraw the amendment. I ask for a vote.

The amendment was not agreed to.

Mr. WHITE, of Kentucky. I move to amend by inserting the following:

For improving the Licking River, Kentucky, from Covington, Ky., to Salyersville, $40,000.

I offer this amendment for the purpose of incorporating in my remarks extracts from petitions I have received on the subject of removing obstructions in and improving the navigation of the Licking River in Kentucky, which I discussed under a formal amendment a few moments ago. But I think I need not discuss the amendment seriously since the committee has left Licking River in Kentucky out of the bill, and since my colleague (the Speaker) who resides at the mouth of Licking River has said that the way to improve the navigation of that river is to macadamize it (*i. e.*, build a turnpike road in the bed of that river).

In addition to the editorial for an appropriation by the editor of the Democratic paper which I have had read and is published at Falmouth, Ky., and by the way has the name of our Speaker, J. G. CARLISLE, for President, at the head of its columns, I submit a letter from the leading Republicans at that place, and the headings of numerous petitions which have been signed by hundreds of the best citizens residing in the Licking River Valley and sent me to present to Congress:

FALMOUTH, KY., *April* 23, 1884.

DEAR SIR: We noticed yesterday in the daily papers that you were before the Committee on Rivers and Harbors in the interest of the rivers in your district, among which is the Licking. This river runs through this county and Mr. CARLISLE's district as well as your own, and is one of the most important rivers which needs improving in Kentucky, emptying into the Ohio River at Covington, Newport, and Cincinnati. We have a large petition of over 1,200 names now in the hands of the committee, and also inclose another petition which we desire you to place before the committee, and we earnestly request you to use your best endeavors to secure the necessary appropriation therefor.

Very respectfully,

JOSHUA WOODHEAD.
J. H. BARBOUR.
JOHN WOODHEAD.
W. A. McGINETY.

Hon. JOHN D. WHITE, *Washington, D. C.*

To the Congress of the United States:

Your petitioners, citizens of Kentucky, residing in the upper valley of the Licking River, most respectfully showeth that this valley contains one of the largest deposits of cannel and bituminous coals on this continent, immense beds of iron ore, while the hills are clad from base to summit with a primitive forest embracing all the varieties of timber indigenous to this latitude.

Our only means for the transportation of this undeveloped wealth to market is by floating it down the Licking River on tides, and its navigation is rendered perilous and unreliable by the presence of large stones in the channel at many places, projecting points that could be removed, and shallow riffles that could be deepened by dredging and the erection of wing-dams. To the end that these obstructions be removed and the navigation improved, that the boundless wealth of this region may be transported to market, swelling the commerce of the country and wealth of the people, we most respectfully ask an appropriation of $100,000, to be expended for the improvement of the Licking above the crossing of the Chesapeake and Ohio Railroad; and will ever pray, &c.

Again:

To the members of Congress:

The undersigned, your memorialists, would respectfully represent to your honorable body that they are residents of the State of Kentucky and of the counties bordering on Licking River, a tributary of the Ohio River, and near to the center of population of the United States; that the district of country drained by the Licking abounds in timber of all kinds, in coal, iron, lead, stone of many varieties and of great value, its iron, especially, being unequaled on this continent so far as yet known for special purposes, especially car-wheels; that coal oil is being discovered almost daily near its headwaters; that its agricultural products, especially in tobacco, corn, wheat, hogs, and cattle, are very large and increasing every year; that there is no outlet for these products except by very circuitous routes and at great expense, the cost of transportation alone being sufficient to bar many of these commodities from the markets of the world, although within a distance of one hundred to one hundred and fifty miles of the great markets on the Ohio River. We would therefore ask you to make such appropriations as shall be deemed necessary to make the stream navigable by slackwater. The survey for part of the route has already been made, and estimates of the probable cost furnished to the Government, and are now on file in the proper office at Washington. Hoping you will take favorable consideration of this important improvement, your petitioners will ever pray, &c.

The amendment was not agreed to.

Mr. HENDERSON, of Illinois. On behalf of the committee I move to amend by striking out lines 739 to 745 inclusive, and inserting the following:

Improving Missouri River from Sioux City, Iowa, to Fort Benton, Mont.: Continuing improvement, $125,000; of which sum $15,000 shall be used in the purchase of a snag-boat to be operated on the Missouri River above Sioux City and on the Yellowstone River.

The amendment was agreed to.

The Clerk read as follows:

For a survey of the Missouri River above Fort Benton, $15,000.

Mr. WHITE, of Kentucky. I move to amend this paragraph so as to read:

For a survey of the Missouri River above the Missouri River Falls, at Fort Benton, $15,000.

Mr. Chairman, the head of navigation on the Missouri River is at Fort Benton. Above the Falls of the Missouri River, a few miles from Fort Benton, the river may be improved, as the Gallatin, the Madison, and the Jefferson empty into the Missouri above the falls. But on account of the lack of arable soil in the neighborhood of the falls and for some miles above there is, so far as I know, no effort or desire for the building of locks around the Missouri Falls. In order to avoid the expense of a survey with reference to the building of such locks and the overcoming of the obstructions between the falls and Fort Benton I have offered this amendment, which proposes that the survey be made above the falls.

I do not understand that the people of Montana are asking for anything more than the improvement of the navigation of the stretch of river above the falls, where there is now a steamboat plying, to the Gallatin Valley, which is the "blue-grass region" of Montana.

Mr. WILLIS. I have no objection to this amendment of my colleague.

The amendment was agreed to.

The Clerk read as follows:

For continuing operations on the reservoirs at the headwaters of the Mississippi River, $60,000: *Provided*, That the money hereby appropriated shall be used solely for the improvement of the navigation of the Mississippi River and its tributaries, and no part thereof shall be expended with the view to the improvement of private property.

Mr. HAMMOND. I move to strike out that paragraph.

The committee divided; and there were—ayes 10, noes 52.

So the amendment was rejected.

The Clerk read as follows:

Improving Mississippi River from Saint Paul to Des Moines Rapids, including the harbors of Andalusia, Muscatine, and Fort Madison: Continuing improvements, $250,000.

Mr. WHITE, of Minnesota. I move to insert after the words "Fort Madison," in line 759, the following:

Including the work for the protection of the bank of the Mississippi River at Winona, Minn., and prevention of its erosion caused by dams erected above the city to improve the navigation of the river.

This amendment, Mr. Chairman, carries no appropriation. It simply requires the protection of the bank of the Mississippi River and the prevention of its erosion caused by the dams erected there for the improvement of the navigation of that river. It is liable to wash out the largest city in southern Minnesota. All that is requisite to be done is the extension of one of the wing-dams. No appropriation is required, and I understand there is no objection on the part of the Committee on Rivers and Harbors.

The amendment was agreed to.

Mr. McCOID. I move the following amendment.

The Clerk read as follows:

Insert after line 760:

"Constructing dry-dock at the Des Moines Rapids Canal: Completing construction, $30,000."

Mr. WILLIS I make the point of order it is not within the jurisdiction of this committee. It is not germane to the bill. I am very sorry it is not, as there is one of a similar character at Louisville.

Mr. McCOID. I wish to say on the point of order just a word. The only trouble about this item is this: there seems to be a difference of opinion between the Committee on Rivers and Harbors and the Committee on Appropriations as to where the jurisdiction belongs. I have consulted with the Committee on Appropriations, and they think it belongs to the Committee on Rivers and Harbors, while the Committee on Rivers and Harbors have decided it does not. Both committees agree as to the merits of the item. It is a work which has been begun and is now in progress. The only question is as to which committee has jurisdiction of the matter.

The CHAIRMAN. The Chair overrules the point of order and rules the amendment in.

Mr. McCOID. There is no dispute about the merits of the proposition. This is what is said in the report of the Chief of Engineers:

15. *Dry-dock at Des Moines Rapids Canal.*—The project for this work provides for the building of a dry-dock near the middle lock of the canal, 400 feet long by 100 feet in width, with gates of 80 feet opening. The estimate of cost is $125,000. High water delayed work during the year, but a large amount of material has been collected, and everything is in readiness for carrying on operations vigorously during the coming low-water season.

Amount appropriated by act passed August 2, 1882	$30,000 00
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	5,392 95
July 1, 1883, amount available	24,607 05
Amount (estimated) required for completion of existing project	95,000 00
Amount that can be profitably expended in fiscal year ending June 30, 1885	95,000 00

(See Appendix W 15.)

16. *Mississippi River near Alexandria, Mo.*—The project for this work proposes to give five feet at low water on the bar known as the Warsaw Crossing by the construction of several wing-dams. The estimate for the work was $30,945.75. Of this amount the sum of $16,000 has been expended to date in the construction of two wing-dams extending from the Missouri shore, and the object sought has been obtained by this partial execution of the project.

It is not believed that further funds will be needed other than those that may be applied from time to time from the general appropriation from "Des Moines Rapids to Illinois River."

No work in the field was done during past year.

July 1, 1882, amount available	$210 06
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	210 06
Amount (estimated) required for completion of existing project	14,945 75

I also ask attention to the letter of the Secretary of War. It is as follows:

WAR DEPARTMENT, *Washington City, April* 19, 1882.

The Secretary of War, in response to the resolution of the House of Representatives of March 30, 1882, calling for information concerning the need of a Government dry-dock at the Des Moines Rapids Canal, on the Mississippi River, has the honor to transmit herewith a communication from the Chief of Engineers, dated the 18th instant, and accompanying copy of a report from Capt. A. Mackenzie, Corps of Engineers, the officer in charge of the Des Moines Rapids Canal, on the subject.

The views of these officers are concurred in by this Department.

ROBERT T. LINCOLN,
Secretary of War.

The SPEAKER *of the House of Representatives.*

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., April 18, 1882.

SIR: I have the honor to return herewith the resolution of the House of Representatives of the United States, dated March 30, 1882, requesting the Secretary of War "to furnish the House with any information in his possession concerning the need of a Government dry-dock at the Des Moines Rapids Canal, on the Mississippi River, together with the views of the Department upon the subject," and to invite attention to the inclosed copy of the report thereon of Capt. A. Mackenzie, Corps of Engineers, the officer in charge of the Des Moines Rapids Canal, to whom it was referred, which, it is believed, will afford the information contemplated by the resolution.

I concur in Captain Mackenzie's views.

I beg leave, in connection with this subject, also to invite attention to the following extract from the report of the board of engineers, constituted by order of the Secretary of War, March 13, 1879, for consideration of the feasibility of utilizing the water-power of the Des Moines Rapids Canal:

"In reference to the dry-dock, the board is of the opinion that such a work in connection with the canal would be of great value to commerce. The amount of water required for this purpose would have no appreciable effect on the canal. The location mentioned by Mr. Jenne is the most favorable for such a work. A dry-dock is needed by the Government for the repairs of the boats, dredges, barges, scows, &c., in use on the canal, and numerous Government vessels employed on the western rivers in that vicinity. The dock should be built by the Government, and be open for general use at rates to be prescribed by the honorable Secretary of War, and under such regulations as he may prescribe. As the proper care and maintenance of the river bank of the canal is essential to its existence, under no circumstances should the absolute control of it, and all openings through it, pass out of the hands of the Government."

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN, *Secretary of War.*

PROPOSED DRY-DOCK AT THE DES MOINES RAPIDS CANAL, ON THE MISSISSIPPI RIVER.

UNITED STATES ENGINEER OFFICE,
Rock Island, Ill., April 11, 1882.

GENERAL: As instructed by your letter of April 3, transmitting a resolution of the House of Representatives relating to the need of a Government dry-dock at the Des Moines Rapids Canal, on the Mississippi River, I have the honor to report as follows:

The Upper Mississippi River is navigable during a large portion of the year, for the largest class of steamers, from Saint Paul to the mouth of the Missouri, a distance of over seven hundred miles. There is no dry-dock in this stretch of river, and to make repairs upon hulls, steamers and barges must be hauled out upon ways. These ways are few in number and none of them are suitable for the repairs of the largest steamers.

A dry-dock is much needed in the interests of commerce, and its construction is of importance.

The most favorable point for establishing a dry-dock is at Keokuk, Iowa, where, by building an adjunct to the canal, the cost of construction and operating can be reduced to the lowest figure consistent with good work.

Such a dry-dock connected with the canal can not, without endangering the interests of navigation, be constructed or operated by private interests, but if the management of the dock is in the hands of the Government, as is the management of the canal, no interference is possible.

The United States now owns and uses in connection with the improvement of the Upper Mississippi large fleets of tow-boats, barges, dredges, &c. It is desirable to make Keokuk a depot for repairs and construction, and in connection with such work a dry-dock would be most convenient and would materially reduce the cost of repairs which must now be made on private ways. In addition to the amount saved to the United States by facilitating the repair of its own fleets a dry-dock would be quite a source of revenue, as private parties should be expected and would be most willing to pay a reasonable amount for its use when not required for Government purposes.

A dry-dock was at an early day established in connection with the Louisville and Portland Canal at Louisville, Ky., and it has proved of so much service as now to be considered an indispensable part of the canal. The plans for the completion of the Saint Mary's Falls Canal contemplate the construction of a dry-dock. In connection with these two works I would quote as follows from recent reports of Major Weitzel, Corps of Engineers, in charge:

From House Executive Document No. 54, Forty-seventh Congress, first session.

"It happens often in each year that vessels are injured to such an extent that common prudence demands that they should go into a dock for examination and repair at the earliest practicable moment.

* * * * * * *

"Furthermore, the Government owns a number of vessels, which navigate these locks, and which frequently need dockage. There is no place on the lakes better suited for a dry-dock, nor one at which it can be more economically operated; for it is self-evident that by utilizing either the whole or a part of the falls of the river the amount of pumping to empty the dock can be reduced to a minimum. My practical experience during a number of years with the dry-dock at the Louisville and Portland Canal has clearly demonstrated this fact to me. There the fall is twenty-four feet, and the dry-dock empties itself through a culvert, and no pumping whatever is required."

* * * * * * *

From Senate Executive Document No. 129, Forty-seventh Congress, first session.

"The present dry-dock will only accommodate boats of the size which could use the old locks before I altered them. Very few of such boats now run on this river. A new dry-dock of sufficient capacity to accommodate the largest boats which now use the canal should therefore be built."

* * * * * * *

From House Executive Document No. 21, Forty-sixth Congress, third session, being a letter from Capt. Amos Stickney, Corps of Engineers, relative to the maintenance of the Des Moines Rapids Canal, I quote as follows:

"I also brought to the attention of the commission the facts relating to the establishment of dry-docks in connection with the canal. As you will remember, a board of engineer officers assembled at this place May 13, 1879, to consider the subject of dry-docks and other matters connected with the canal. I have not seen a copy of the report of the board, but I understand that they reported adversely to the establishment of dry-docks as a private enterprise, though considering it favorably as a public work.

* * * * * * *

"I see no objection to this, and think it would be of great benefit to the commerce of the upper river. It will not interfere at all with the operating of the canal, provided that the work always remains in charge of the officer who has charge of the canal, and this, I think, should be insisted upon to the extent of making such works appurtenances of the canal."

The report referred to by Major Stickney is the report of a board of engineers detailed by Special Orders No. 26, headquarters Corps of Engineers, March 13, 1879, to report upon the feasibility of utilizing the water-power of the Des Moines Rapids Canal.

I am, very respectfully, your obedient servant.

A. MACKENZIE,
Captain of Engineers.

The CHIEF OF ENGINEERS *U. S. A.*

The committee divided; and there were—ayes 8, noes 38.

So the amendment was disagreed to.

Mr. WELLER. Mr. Chairman, I move to add the following to the paragraph.

The Clerk read as follows:

At the end of line 760 add as follows:

"Eight thousand dollars of said sum to be expended in protecting the west bank of said river at and just above Guttenberg, Clayton County, Iowa, by a riprap of limestone."

Mr. BAYNE. I raise the point of order that this is not germane to the bill, which is to improve the navigation of rivers.

Mr. HAMMOND. Is the gentleman in favor of banks?

Mr. WELLER. I am proposing to protect this bank in the interest of commerce and navigation on this river and in the interest of the people and cheap transportation, but am not proposing by any manner of means to protect any bank or banks that are in the interest of a syndicate of robbers.

Now, in regard to the point of order raised by the gentleman from Pennsylvania [Mr. BAYNE], I desire to state that the amendment which I have just proposed is in the interest of commerce and navigation and that it is germane to the bill under consideration; and to his point of order, and to prove my statements true, I desire briefly the attention of the committee and the House.

Mr. BAYNE. Mr. Chairman, I withdraw my point of order.

Mr. WELLER. The gentleman having withdrawn his point of order, and having conceded my position to be correct, I will immediately proceed to a discussion of the merits of my proposed amendment and the absolute necessity for its adoption. On yesterday I submitted an amendment covering this same question or matter, but at the instance and suggestion of the gentleman from Kentucky [Mr. WILLIS], chairman of the Committee on Rivers and Harbors, I then withdrew that amendment for the purpose of submitting it again at this part of the bill, feeling assured that no point would be raised against it. I am aware of the fate of all amendments that have been heretofore offered to this bill. They have universally been voted down by an overwhelming majority; and I should have no hope of the adoption of my amendment if by it I had proposed the appropriation of a single dollar additional above what is now already in this paragraph. I am at a loss for reasons to account for the universal course pursued in voting down all amendments, whether meritorious or not, and at the same time standing by some propositions for the expenditure of hundreds of thousands of dollars on rivers and creeks that in my humble opinion ought never to have been made.

This my amendment, as I have already suggested, does not ask for a single dollar additional, but only directs that the sum of $8,000 of the $250,000 now in this paragraph shall be expended by the engineer in charge of this part of the "Father of Waters" at this particular place, to protect the west bank from being abraded by the rapid current and washed into the channel below Guttenberg, and thus finally obstructing navigation in the channel between Guttenberg and the opposite island to the united channel below. It has been suggested to me by members of this committee that this amendment is unnecessary, for the reason that the sum of $250,000 is made in bulk, to be distributed as needed from Saint Paul to a point far south of this place; and

that the engineer in charge will be at liberty, under the direction of the proper official, to apply $8,000 more or less, as needed, to protect the interests of navigation and commerce at this point and for the purposes sought in my amendment. Perhaps if this matter were wholly left to the discretion of the engineer in charge of this part of the river it would be true that no amendment specifically directing when and how a certain part of this sum should be expended would be needed. But, Mr. Chairman, I can readily see how the officials who have or will have charge of this matter may be beset with a multitude of demands, that will more than absorb every dollar, and nothing left for the improvement so much needed at this point.

I notice in Executive Document No. 1, part 2, of the report of the Chief of Engineers, page 1405, the following statements:

That part of the work performed prior to July 1, 1862, consisting of a closing dam in Swift Slough, is described in report of Chief of Engineers, 1882, page 1767.

Soon after the construction of the closing dam in Swift Slough a strong current developed in Guttenberg Channel, and the shore of the island opposite Guttenberg, beginning at its head and extending down about 1,600 feet, began to be rapidly abraded.

Fearing that deposits from this source would destroy the good effect already caused by the closing dam, it was decided to expend the balance of the appropriation in protecting this piece of caving bank.

Mr. J. G. Parke, with fleet of seven barges, together with the Barnard as a quarter-boat and coal-tender, commenced operations October 8, and completed same October 24, 1882. Work was much interfered with by rains and wind storms. Shore protection was built for a length of 1,520 feet; rock put in, 1,930.33 cubic yards; brush put in, 1,573 cubic yards. The rock was taken from store at Glen Haven; the brush was cut by hired labor.

A great improvement in the crossing opposite Guttenberg, which was formerly the worst in the chute, was noticed.

As present plans do not contemplate any further work in this channel no additional appropriation is asked for.

If an emergency arises for protecting work already put in, the same can be provided for from the general appropriation.

ABSTRACT OF APPROPRIATIONS.

By allotment of act approved June 14, 1880	$3,000 00
By act approved March 3, 1881	5,000 00
Total	8,000 00

Money statement.

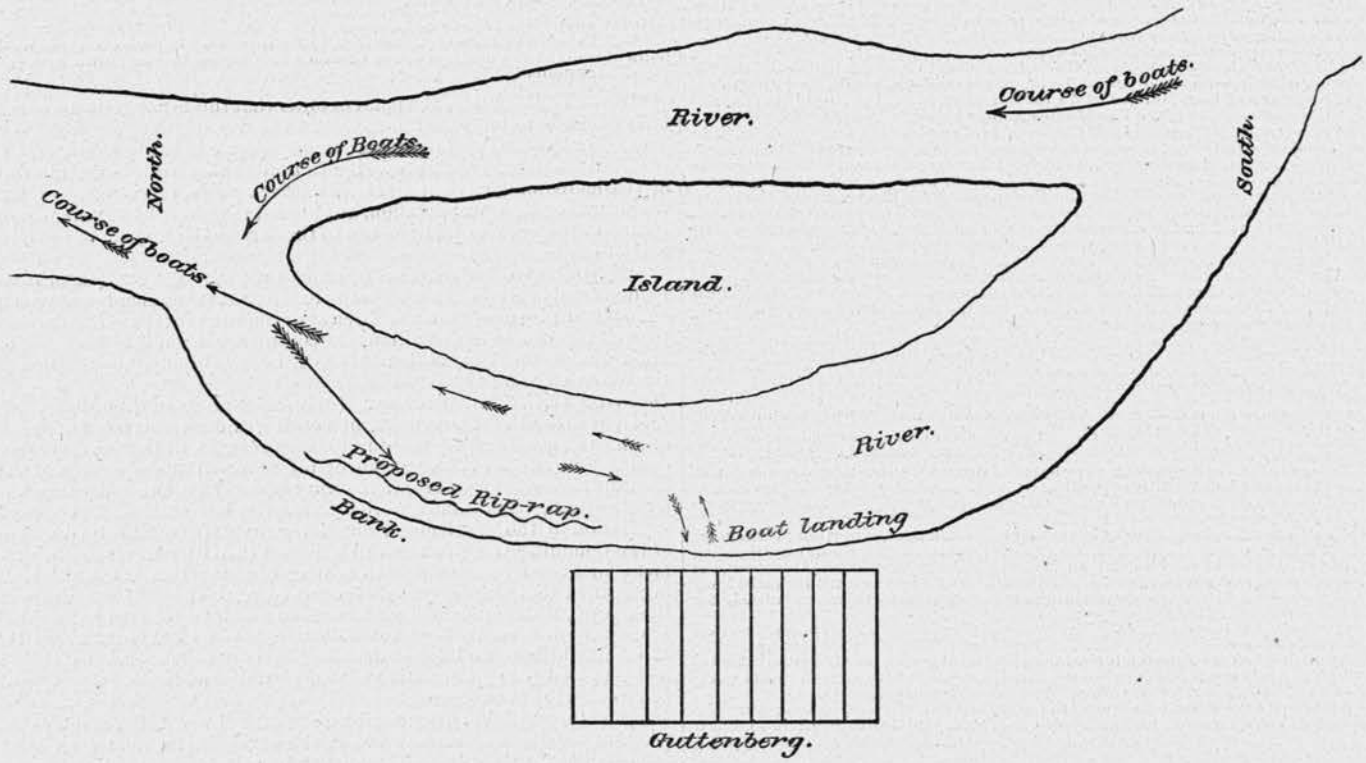
July 1, 1882, amount available	$2,527 28
July 1, 1883, amount expended during the fiscal year, exclusive of outstanding liabilities July 1, 1882	2,527 28

Now, Mr. Chairman, there seems to me to be a misconception of the needs of this case on the part of the engineer in charge of this department. There is a detour of the current of the river, and so running as to set hard and strong, especially in seasons of high water, against a high bank of sand and gravel just above Guttenberg on the west side, which bank yielded to the pressure of the current, and has been washed into the channel below Guttenberg and between it and the island to such an extent already, as I have been informed by reliable persons, that at low stages of water in the river it is impossible except for boats of light draught to pass through this channel, and this because of the filling of the river by wash from this bank of gravel and sand. I am further informed, that only a few years that this channel was by far the best at all stages of water and the most desirable. The town of Guttenberg is beautifully situated on the west bank of the river on a high and broad plateau of land, and the bank in question I should judge running some twenty to thirty feet above the water's edge at low water-mark. This town has lumber-mills and a manufacturing interest of much importance, and is the general market for a very large extent of country surrounding.

I have heretofore presented to the Committee on Rivers and Harbors a petition signed by the mayor, the councilmen, and very many of the citizens of that town, and the same is indorsed by boatmen and raftmen and others interested in the unobstructed and unimpeded navigation of this part of the river.

The work already done that I have referred to will prove a damage instead of a benefit, as I have observed the matter, by reason that it forces the current more strongly against the west bank that I have mentioned, the abrasion of which by wash sweeps it into the channel below and forms bars that have seriously hindered navigation, and may entirely stop it at no distant day unless this improvement is made.

Mr. Chairman, in order to give to the Committee of the Whole House an idea of the situation more clearly than I can paint it in words alone I here present a rough diagram of the two channels of the river, of the island referred to, the course that boats of deeper draft or heavily laded have to go at some seasons of the year, and also of the bank that is being abraded and the situation of the boat landing and the town of Guttenberg, as a part of my argument in this case.



As will be noticed, the course of the river at this point is southerly, and about a mile and a half above Guttenberg is the north point of the island I have spoken about. Boats coming up the river have to go up the east channel on the east side of the island around the north point, then down to Guttenberg, then retrace their track to the north point of the island, as indicated by the designations.

This is an unneeded expenditure of time, energy, and money, and thus becomes a matter of great interest to the commerce by navigation of all that pass this part of the river, as well as of all of the large extent of country tributary to Guttenberg as a necessary market.

The sum of $8,000 properly expended would be made up to the country in a short time, it seems to me, as I consider the vast quantity of commerce that is compelled to travel this route around the north side of the island and then down to the boat landing indicated and then back up around to the north point of the island.

Could I feel fully assured that this much-needed improvement would be made by the engineer in charge, as some members of the committee assure me and seem satisfied of, I most certainly would not care to consume time to consider my amendment. But be that as it may, I can discover no harm in making the matter certain. Should sand-bars be permitted to form at the south end of the Guttenburg channel, below the town, it is not impossible that the same may make such a breakwater as to naturally induce the settling of large deposits in the mouth of the channel above the town to such an extent as to entirely cut off

this harbor and landing from the commerce that now is floating on this river.

Mr. HARDEMAN. May I ask the gentleman a question? Is this appropriation to irrigate the river?

Mr. WELLER. No, sir. It is intended to irrigate the commercial interests that are borne upon this great highway of cheap transportation.

As I have before remarked, Mr. Chairman, this amendment does not ask for a single dollar more of appropriation than is now already in this bill. It only seeks to direct when and where and how $8,000 of the $250,000 shall be expended.

I have been upon the grounds and made a personal observation of the necessity for such improvement, and can assure the committee that I deem the same to be absolutely indispensable. I trust that an exception will be made in favor of my amendment and that it will be adopted, instead of meeting the fate that has befallen, almost universally befallen, every amendment that has been offered to this bill since first under consideration by all that have attempted so to do.

The CHAIRMAN. The question is upon agreeing to the amendment of the gentleman from Iowa.

The committee divided; and there were—ayes 35, noes 82.

Mr. WELLER. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint tellers.

Mr. WELLER and Mr. WILLIS were appointed tellers.

Mr. WILLIS. I hope the gentleman will not insist upon making the point of order that no quorum has voted.

Mr. WELLER. At the solicitation of the chairman of the committee I withdraw the point of order.

So (no further count being demanded) the amendment was not agreed to.

The Clerk read as follows:

Improving Mississippi River from the mouth of Illinois River to the mouth of the Ohio River, including the improvement of Alton Harbor, and also, in the discretion of the Secretary of War, the improvement of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, $520,000; $50,000 of which sum shall be used in extending the work for the protection of the southerly bank of the Mississippi River at Cairo, Ill., and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing downstream.

Mr. BLANCHARD. There are one or two verbal amendments that the committee desire to make in this paragraph. In lines 775 and 776, strike out the word "improvement," which is there by a clerical error, and insert in place thereof the word "completion," so that it will read "including the completion of Alton Harbor."

The amendment was agreed to.

Mr. BLANCHARD. Also, in line 781, I move to strike out the word "southerly" and insert "easterly;" so that it will read: "for the protection of the easterly bank of the Mississippi River.

The amendment was agreed to.

Mr. O'NEILL, of Missouri. Mr. Chairman, I desire to submit the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out in line 779 "$520,000" and insert "$1,000,000."

Mr. O'NEILL, of Missouri, addressed the committee. [See Appendix.]

The amendment was not agreed to.

Mr. CLARDY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding after line 785 the following:
"Improving the Mississippi River at or near Cape Girardeau, Mo., and Minton Point, Illinois: Continuing improvement: $25,000."

Mr. WILLIS. I will say to the gentleman from Missouri [Mr. CLARDY] that all of the improvements of that river are under the control of the commission; and the gentleman has only to go to the commission, and under the bill as it stands if it is a worthy improvement it can be allowed. Under the amendment we offered this is one of the points included.

Mr. CLARDY. I am not aware there has been any amendment submitted by the committee changing the text of the bill in this respect. The position I take is that this is not embraced in the bill. There is a recommendation that $41,000 be appropriated for the completion of the work at Cape Girardeau, Mo., and at Minton Point, Illinois. Upon this work a considerable sum of money has been already expended. There is certainly no disposition to abandon the work. And, I take it, the passage of the bill unamended in the particular I suggest will operate as an abandonment of the work and as a loss of all the money that has been heretofore expended.

The bill undertakes to appropriate $520,000 for the improvement of the river between the mouths of the Illinois and Ohio. This is $100,000 less than the amount appropriated in the last river and harbor bill and the one which preceded it; and in addition to that appropriation, in the other bill there was an appropriation, I believe, of $50,000, perhaps only $25,000, for carrying on work at the points I have indicated.

I think, Mr. Chairman, it must be that the gentlemen on the Committee on Rivers and Harbors overlooked this work, because I think they could not have meant to leave it out, and thus, as I have stated, lose the amount of money which has been heretofore expended. I trust that for once, at least, during the consideration of this bill they will agree that so meritorious an amendment as this shall come in.

Mr. THOMAS. Without objecting seriously to the increase of the appropriation at the point designated I desire to say to the House that that point was not overlooked by the committee in considering this bill. All that part of the Mississippi lying between the mouths of the Missouri and the Illinois Rivers is under the direction of the Mississippi River Commission. The appropriation made by this bill is to be expended under their direction. The improvements at Point Minton and Cape Girardeau are as much in the hands of the Mississippi River Commission as any other improvements that have been made on that stretch of the Mississippi River; and it is not fair to say that the work will be abandoned because no specific appropriation is made for it. I would gladly have supported, and did support, the motion for a larger amount than is set apart in the bill for that stretch of the river; but that motion was defeated. I say the bill comes up here with $520,000 for that portion of the river. The commission have the right to designate so much as may be necessary out of that amount for continuing the work at the point mentioned by the gentleman from Missouri [Mr. CLARDY].

Mr. CLARDY. I want, with the permission of my friend from Illinois [Mr. THOMAS], to state this to him. The points at which the sum appropriated is to be expended are enumerated not in the bill, but in the report of the engineers; and this point is not one of them. I understand that the committee have made this appropriation of $520,000 upon the recommendation of the engineer for the appropriation of a million dollars. But there is this additional recommendation of $41,000; and in my opinion not a dollar of that money can be expended for carrying on the improvements at Cape Girardeau and Minton Point. I predicate that statement upon the fact that in this same bill the points at which the money is to be expended are designated, except where the appropriation is intended for the general improvement of the navigation of the river.

The amendment was not agreed to.

The Clerk read the following paragraph:

Improving Mississippi River from the head passes to Cairo, including the improvement and preservation of the harbors of New Orleans, Natchez, Vicksburg, Greenville, Memphis, and Hickman, the deflection of the waters of Red River from the Atchafalaya and keeping open a navigable channel through the mouth of the Red River into the Mississippi River: Continuing improvement, $1,250,000, which sum, together with the sums herein appropriated for the Mississippi River from the Des Moines Rapids to the mouth of the Ohio, shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission.

Mr. YOUNG. I move to strike out the last word for the purpose of saying, in regard to the harbor of the city of Memphis, in my district, that there is a local question which I think should be decided in this bill. A delegation from the Merchants' and Cotton Exchange in that city is now on its way here and will arrive this evening. I therefore ask permission to offer an amendment to this paragraph after the reading of the bill shall have been concluded, provided, of course, that it shall not delay action upon the bill. I think I have the consent of the Committee on Rivers and Harbors for that purpose.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WARNER, of Ohio. I should not object to the appropriation of one and one-quarter millions of dollars for the improvement of the Mississippi River; indeed I would vote for even a larger sum if I believed in the plan of improvement that has been adopted and it were necessary. But notwithstanding that it has the support of eminent engineers, other engineers and scientific men quite as eminent oppose it, and some of the most eminent predict its failure; and I believe in the end the plan of the commission will prove a failure, and we will find that we have made a worse than useless expenditure. I do not believe such a river as the Mississippi can be held within artificial embankments and its flood-tides controlled in that way so as to prevent overflows.

But I do not propose to go into a discussion of this question myself here, but ask leave to print in the RECORD two letters from two distinguished men; one written in 1870 by the elder Thomas Ewing of Ohio, one of the ablest men this country has produced, and the other written lately by Admiral Porter.

The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] asks consent to print some letters in connection with his remarks.

Mr. KING. I object.

Mr. WILLIS. General leave has been given, and it does not require unanimous consent.

Mr. WARNER, of Ohio. Then in that case I will print the letters under the general leave which has been given.

The letters are as follows:

[From the Cincinnati Commercial, July 4, 1870.]

PROTECTION OF MISSISSIPPI LANDS—LETTER FROM HON. THOMAS EWING.

The levee system pronounced a failure—Historical proof—How safety for the lower river country can be secured—Mr. Ewing's plan for waste weirs.

LANCASTER, *June* 29, 1870.

To the Editor of the Commercial:

A proposition was presented some weeks since in Congress, and is, I believe, still pending, to give national aid to protect the cultivable lands of the Lower

Mississippi from destructive floods. It is a subject on which I have carefully considered opinions. I wish to present them to the public through your widely circulated paper. The work proposed is one of great national importance; rightly estimated the greatest and most important ever projected by man—the greatest in point of utility, and requiring the highest perfection of engineering talent. It is a great national work, and our nation is competent to its execution. But it can not be properly done partly by the nation, partly by a State, and partly by individual enterprise. It requires a general plan, compassing the whole object, and unity in both plan and execution.

It is but a few brief years since it was first contemplated to prevent these overflows by levees on the margin of the river. This has not only proved a failure, but it has constantly increased the evil. Higher and more continuous levees are required from year to year, as the alluvion is pushed out farther and farther into the Gulf, and the abrasion of the river on its banks increases as the water rises higher in the channel, making crevasses more frequent and more destructive.

Our brief experience of this river is fully borne out by those of which we have the history for many centuries. Take for example the Po. Though called "The Great," it is an inconsiderable stream compared with our great Mississippi. But its course and its wanderings have been known for 4,000 years—about 2,000 years before our era. When the first colony of Phœnicians and Pelasgi entered Italy its principal mouth was at Adria, now fifteen miles in the interior, on a dry plain many miles north of its present most northern mouth.

The river, in a long process of years, pressed out into the Adriatic Sea, depositing its alluvion and gradually raising its channel in the interior until at last it broke over its banks and formed a new channel and a new mouth far to the south. This is now an old and almost dry channel, called on the maps the Po de Primaro. This channel having fulfilled its destiny and raised its level above that of the adjacent country, the river again broke away and formed its present channel, now the great Po, with a smaller intervening channel by Ferrara. This last has been protected by embankments, which have been raised higher as the deposits of alluvion in the channel accumulated, until the levees are as high as the tops of the houses in the city and the bed of the river higher than the streets. A crevasse would be terribly destructive of property and life. So great is the danger that the police of Ferrara will not allow a skiff to land and shake the bank in time of high flood. What the Po has done in 4,000 years the Mississippi, a mightier power, would do in 200. The Po could not during all this time have been embanked and held in its one old channel by all the art and all the industry of man. Can it be at all supposed that our mighty river can be so confined? It were drawing out the leviathan with a hook. The only mode possible and permanent is to carry off its surplus water by waste weirs.

We have known the Nile for about 3,000 years. Homer in his Odyssey describes its principal mouth. It was opposite the island of Pharos, but far inland, at the head of a deep gulf or arm of the sea. Pope translates the passage which refers to it thus:

> "High o'er a gulfy sea the Pharian Isle
> Fronts the deep roar of disemboguing Nile;
> The distance from the shore, its course begun
> At dawn and ending with the setting sun,
> A galley measures when the stiffer gales
> Rise on the poop and fully stretch the sails."

This translation compared with another said to be literal is substantially correct; strictly so as to the distance of Pharos from the mouth of the Nile, which it fronts—this refers to a date 1,180 years before our era, at which time what has been since called the Alexandria branch of the Nile was its principal mouth, about fifty miles or a day's sail of a rude ship, with a fair wind landward, from the island of Pharos.

This gulf which received the Nile was famous for its fisheries, from which the Kings of Egypt drew a considerable revenue, as mentioned by several ancient authors, but the date, buried in the depths of time, can not readily be arrived at. Four hundred years after Homer (B. C. 760), the Prophet Isaiah (chapter 19) sees or foresees a change present or prospective, which he thus portrays:

"The waters shall fail from the sea, and the river shall be wasted and dried up, and they shall turn the rivers far away; and the brooks of defense shall be emptied and dried up. * * * The fishers also shall mourn, and all they that cast angle into the brooks shall lament, and they that spread nets upon the waters shall languish. * * * And they shall be broken in the purposes thereof, all that make sluices and ponds for fish."

Four hundred years later (B. C. 332), where Alexander founded his city, Mareotis was a lake, not a gulf. Its communication with the sea had been cut off, the channel filled with alluvion from the river and sands blown from the desert, but it was and long remained a lake, receiving the overflow of the river. And the Alexandria canal or channel long continued navigable and was navigated by those that sent "vessels of bullrushes on the waters;" and in times of flood it received and retained much of the excessive overflow, which was used for irrigation. But many hundred years since the rivers were turned far away, and the channel and the lake are now literally and veritably "wasted and dried up," and the place where the lake once was is not certainly known.

Even the little Tiber, in about seven hundred years, by the deposit of alluvion, pushed its mouth about six miles into the sea and so raised its bed that it sometimes broke its embankments within the city of Rome, doing much mischief and causing great alarm. Horace says of it (Book I, Carmen 2):

> "Vidimus flavum Tiberim retortis
> Littore Etrusco violenter undis
> Ire dejectum monumenta Regis
> Templaque Vestæ."

And he predicts another flood, a return of the age of Pyrrha, when Proteus drove his flock to visit the high mountains. A hundred years later a Roman engineer proposed to mitigate the evil by turning a large branch of the Tiber into the Arno; but the city of Florence sent a deputation to Rome to protest against it, and the project seems to have been abandoned. But the attempt to confine the little Tiber by levees thrown up on its margin was then an admitted failure.

On the whole, I am quite certain that human skill and human labor can not long confine the Mississippi within its present channel merely by levees on its banks; and that to save the whole region below the mouth of the Red River from destructive inundation, the surplus water must be carried off by waste-weirs of a magnitude proportionate to the object. For the reclaiming of this large periodically submerged district I would venture to suggest this:

Make the Atchafalaya and the low land for eight or more miles on the west side of it a waste-weir, and make it sufficient to carry off all the surplus water of the Mississippi briskly to the Gulf in times of highest floods.

The water should be led into it from a point near the mouth of Red River, whence the Atchafalaya issues, and by sluices from all convenient points for four or five miles up the Red River and for ten or twelve miles on the Mississippi, down to the great bends inclusive, where the current of the river presses strongly on the south bank. The waste-weir in its narrowest place should be eight or ten miles wide, its whole course cleared as far as possible of obstructions, so that the water may flow rapidly to the Gulf. It is less than half the distance, consequently more than twice the descent per mile of the main channel of the river. Embankments should be made of moderate height on the most convenient ground on both sides of the waste-weir, to prevent the water spreading. In some places its course may include elevated ground. Where that occurs it should be widened, and the higher land suffered to remain an island.

The first raft in the Atchafalaya should be carefully cleaned out, and all the sluices deepened, until they are brought down to the level of the river surface in times of low water. The second raft may, perhaps, be avoided by turning the channel of the weir south at a bend of the Atchafalaya into and through Grand Lake. After passing the length of this lake the weir should cross the channel of the Teche, and, passing directly south, discharge itself into the Atchafalaya Bay. There is a channel from the point where the Teche joins the Atchafalaya, running east, which, after a long course, skirting the Terre Bonne, turns south and discharges into the Bayou La Fourche. The weir should not be suffered to discharge any considerable part of its waters into this channel, but flow directly over it, the shortest way to the Gulf.

Such are the obvious means which nature has provided for recovering and making rich and productive the drowned lands of the lower Mississippi. The work, when well done, will, unless disturbed by some convulsion of nature, endure for ages without repair, except to keep it clear of drift. The growth of brush will be prevented by herds of cattle which will be fed in the channel when dry, and the current in the weir being more rapid than that of the Mississippi, the alluvium borne by the river will not settle in the weir except in Grand Lake and other places below the general level. As to the durability of the improvement, it must make land a hundred miles into the Gulf before it is brought to the condition of the present channel of the river.

The general plan, if favorably received, requires a careful survey by our most skillful engineers and a like supervision for its execution.

It were a work of greater importance than any nation has ever achieved, and our engineer corps of the Coast Survey, trained and disciplined by the scientific Bache, is perhaps the best body of men to call to its execution that the world affords.

This single weir, if it do not produce the full effect of totally preventing future overflows, may probably be aided by one on the other side along the valley of the Amite to Lakes Maurepas and Pontchartrain, and perhaps minor channels at some other points. But weirs, wherever constructed, should be embanked to save the adjacent lands.

The immediate margin of the Mississippi throughout its course, and, indeed all our great rivers having wide alluvial valleys, is higher than the valley near the foot of the high lands, and the annual overflows, in all such cases, may be best relieved, not by embankments along the river margin, but by leading off the surplus water at the head of the bottom into a weir along the high lands, and embanking the side of the weir next the river, leaving the bottom in time of floods a dry island.

If I mistake not, the American bottom opposite Saint Louis might be protected for about forty miles by a single weir. But each case like this presents a question for a civil engineer and the local proprietors. It is only where the object is national, as here, where the control and direction of the channel and the discharge of one of its great navigable rivers is involved, that the United States ought to interfere; and in this case, if the power be doubtful, and if, on full examination, the work is found to be practicable and the remedy perfect, a sixteenth amendment may well be applied to remove the doubt. After the administration of so many stimulants this would be a wholesome national sedative. If this weir be constructed to carry off a current, broad and deep, directly from north to south, the engineer will not be surprised to find that the flow will tend westward, and constantly press on and abrade the western rather than the eastern bank. This deflection is common to all bodies moving north or south on or near the surface in our middle or higher latitudes. A cannon-ball projected north will strike the target east of its exact aim, and *vice versa*, though the projectile makes its transit so quickly that the deflection is too small to be noticed in practical gunnery. It affects railroad trains, though I think the fact is not generally noticed in railroad engineering; but a remarkable instance occurred some fifteen years ago in Indiana:

A railroad running north from Indianapolis was used without ballast; a part of the track passed over soft clay, which when wet was slippery as soap. On a very rainy day, the earth completely saturated with water, a train running swiftly north over a long, straight, and level piece of road slid off, road and all, to the east, quite gently, but the rapid forward motion caused a lamentable smash-up when thus suddenly arrested. The fact was stated to me by Mr. Brough, the superintendent. He could find no reason for it; nor I any, except the tendency of the cars eastward, which the more rapid rotation of surface at each southern point gave them, and which as they moved north was expended by continued pressure of the moving train eastward on the track. It was like the pressure of a strong hand continually applied and constantly increasing in intensity.

A ship steaming south is strongly acted upon by this pressure, and if not constantly resisted or compensated at the helm, the track of the ship would be a curve like that of the Gulf Stream instead of a right line. It must be felt and corrected, like the leeway of a ship sailing diagonally to the wind.

The deflection of the Gulf Stream is too distinct to escape observation, but the winding of river channels prevents the effect on them being generally marked. There is, however, one strong exception. The Indus, a deep, bold river, always full, being fed by the melting snows of the Himalaya, and the abundant rains of Cashmere and the Punjab, flows nearly straight south from Attock to the sea. It once had its outlet in the Gulf of Cutch, but, acted upon by this impulse and none other that can be perceived, it has made its way westward over a hundred miles of intervening space to its present mouths, traversing all the way lands at least as high as those which it left, and it is observed now to be constantly though slowly abrading its western shore, along the foot of the mountains of Beloochistan. This tendency of south-flowing water to curve to the westward and overflow or abrade the western banks will operate favorably in the construction of this suggested weir.

From the mouth of the Red River to the point where the wide inlet to the waste-weir is proposed to end and the last sluices to be opened to receive and carry off the floods the Mississippi flows south, and there winds east and north, giving the descending force of the current and the rotary power acting together to throw the water against and over the southern and western bank. A strong embankment on the eastern side of the weir at this point, and for a few miles below, till the water has assumed regular flow, will be requisite, but beyond this the embankments of the weir need not be considered.

It is probable that a weir may be opened at the mouth of the Arkansas, and for some distance up that river, throwing the surplus water back near the highlands, and crossing Red River so as to discharge itself into the weir below and form part of it, but I am so little familiar with the topography of that part of the valley that I venture no opinion upon it.

T. EWING.

OFFICE OF THE ADMIRAL, *Washington, June* 6, 1884.

MY DEAR SIR: I received your letter of June 1 in relation to the improvements required on the Mississippi River to enable it to discharge its waters without overflowing the plantations on its banks. An immense amount of money has already been spent in futile attempts to avoid these overflows. They still continue to occur, creating crevasses in the levees and destroying property all along the river.

Year after year these overflows increase in spite of the increased height of the levees, and they will continue to do so as long as there is not a sufficient outlet for the water.

I have had a great deal of experience on the Mississippi River, nearly three

years during the war and three years while running a mail steamship between New York and New Orleans, during which time I had every opportunity of witnessing the great river in all its phases.

I have often wondered at the want of wisdom displayed by those who have given their attention to this matter.

The levee plan has proved itself to be a failure, and some other means of preventing the overflow must be adopted.

I will give you an example which is a very common one, but which I think will explain the matter.

Take an empty cask lying on its bulge with the bung out. Bore three one-inch holes in one end and one one-inch hole in the other.

Now, if water is allowed to run in through the three holes it will soon fill the barrel up and overflow at the bung-hole. The one-inch hole will not clear it.

Bore two more one-inch holes in the other end and the water will run out as fast as it comes in.

Great volumes of water run into the Mississippi through the mouths of its tributaries, the Ohio, Missouri, Cumberland, Tennessee, White, Red, Arkansas, and many others, filling it up all the way to its mouth, where it has not sufficient outlet to get rid of its surplus.

The report of Colonel Humphreys concerning the high water of 1858 shows that the inflow of water at Cairo was 1,475,000 cubic feet per second, while at the same time the outflow at the mouth of the Mississippi was only 1,100,000 cubic feet per second; or, in other words, that there was 375,000 cubic feet more of inflow than there was of outflow—very much the same condition as the barrel above alluded to.

There is only one remedy for all this, namely, to have some place near New Orleans where the water could be let out as fast as it flows in above.

The plan of cutting an opening into Lake Borgne seems to me to be the most feasible.

This would be the least expensive course to adopt, as the property to be condemned is not very valuable, consisting of about twenty plantations, the remainder being mostly worthless sand islands nearly destitute of vegetation.

An immense body of water would flow out through Lake Borgne and Mississippi Sound, and it would perhaps make another good ship-channel to New Orleans.

I am convinced that the most beneficial results would result from digging an outlet at this place. The Chinese have many rivers very much like the Mississippi in character, with numberless tributaries subject to great freshets. The Yang-tse-kiang, which crosses the country centrally from west to east, has a course of 2,900 miles. The Hoang-ho, next in size, has a course of 2,000 miles, during the larger and lower part of which it gradually approaches the former, and the two being connected by the Imperial Canal, seven hundred miles long, form what is said to be the most magnificent water communication in existence.

Other rivers of importance are the Hong-Kiang and the Enho, the latter flowing north to the Gulf of Pecheelee.

The same laws which affect these water courses affect the Mississippi, and it would be well for us to profit by the experience of these people, who seem to have successfully solved the problem on which we are working.

It will be found on reading the history of China some 1,500 or 2,000 years ago that the territory in the neighborhood of their large rivers was subject to inundation and that a system of levees was adopted in the first instance.

This plan was not successful, and the matter was then placed in the hands of a celebrated Chinese engineer, who went to work and cut outlets for the superabundant water and thus remedied the evil. Since that time the Chinese have regulated their rivers better than any other nation, and are less subjected to overflows than we are. It is a well-ascertained fact that as the levees of the Mississippi have been raised the bottom of the river comes up in proportion, the opening for discharge of water remaining the same. The Chinese made calculations and found out how much water came in from the tributaries, and then made outlets at the river mouth of sufficient size to get rid of it.

This seems to me to be plain common-sense, and your argument was not at all necessary to convince me that our best plan would be to provide a sufficient outlet for the water, that having been my opinion since 1851. When I advocated Mr. Eads's plan of building jetties it turned out as I said it would. At the same time I proposed making an outlet for the Mississippi near New Orleans which should relieve the great river of its surplus water.

Yours, very respectfully,

DAVID D. PORTER, *Admiral.*

Capt. JOHN COWDON.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE, of Kentucky. Do I understand the request of the gentleman from Tennessee [Mr. YOUNG] to be to pass over this entire paragraph or simply to have leave to offer an amendment to it hereafter?

The CHAIRMAN. Simply to offer an amendment to it hereafter.

Mr. WHITE, of Kentucky. Then the paragraph is now open to amendment?

The CHAIRMAN. It is.

Mr. VALENTINE. Before we pass from that question I desire to be heard on the request of the gentleman from Tennessee [Mr. YOUNG].

The CHAIRMAN. That has already been passed upon.

Mr. VALENTINE. I objected to it.

The CHAIRMAN. Does the gentleman state that when the Chair called for objection he rose and made objection?

Mr. VALENTINE. I did.

Mr. JEFFORDS. I tried to obtain the attention of the Chair for the same purpose.

The CHAIRMAN. Then, objection being made, the request is not granted.

Mr. WHITE, of Kentucky. I move to strike out of the paragraph the words "the deflection of the waters of Red River from the Atchafalaya and keeping open a navigable channel through the mouth of the Red River into the Mississippi River."

I make this motion for the purpose of eliciting from the gentlemen who are much interested in this Mississippi River improvement—and in which I may again say I have a great lack of faith—why it is that they propose to deflect the waters of the Red River from the Atchafalaya and keep open a navigable channel through the mouth of the Red River into the Mississippi River. That is working against nature. When the Mississippi River gets to be seventy miles wide, when Lake Pontchartrain is full to overflowing, when five or six miles square of the city of New Orleans is under water, then the Mississippi River finds its natural way through the marshes and swamps, sweeping the Red River along into its old channel by way of the Teche down to Berwick Bay.

This is a proposition to bring the waters of the Red River into the Mississippi River, and at the same time to maintain an opening for steamboats to go down the Atchafalaya into Grand Lake and into Berwick Bay. Gentlemen who are familiar with the geography of that country must know that that means not only the leveeing of the entire Mississippi River, but it means also the leveeing of the Atchafalaya, and more than that, it means the leveeing of both the south and the north banks of the Red River and the building of a lock so as to allow steamboats to pass into the Atchafalaya.

Gentlemen on this floor may remember that at one time there was a channel at Plaquemine for steamboats to go from New Orleans into the Grand Lake, and thence to the Teche and to Berwick Bay; that Plaquemine channel was locked up by a permanent lock, not by a lock that might be opened, but by a complete stopping of the channel, and what was once a river from Plaquemine to Grand Lake is now a blind duct.

If we are going to improve this Mississippi River so as not to have overflows, then in my humble opinion, notwithstanding the plans of the commission and notwithstanding the report of this committee, we will eventually have to go back to Lake Saint Francis and make a river parallel to the Mississippi from there to the Gulf of Mexico, so as to carry off the surplus waters. We had as well begin on that scheme as on this. And where is the authority for it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER, of Pennsylvania. I take the floor and yield my time to the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I thank the gentleman; but I would much prefer to hear some member of the committee. I will say that I am in earnest about this matter. [Cries of "Vote!" "Vote!"] I know that the Mississippi River has a large slice of the pork in this pot, and some gentlemen whose reason was satisfied months ago may yell "Vote!" "Vote!" But there are 56,000,000 of people in this country who in five years from now will, in my opinion, look upon this money as having been as completely wasted as has been the million and a half spent upon Galveston Harbor. We remember that on the motion of the gentleman who represents that district [Mr. OCHILTREE] the appropriation of $250,000 for that harbor was stricken from this bill because the people in Texas did not want it, notwithstanding the Committee on Rivers and Harbors in its ignorance voted to give it. We gave $6,000,000 to the improvement of the Mississippi River two years ago. Where is the showing that it was honestly spent? Where is the showing that sufficient improvement of the navigation of that river has been made to justify further outlay? Some men's farms have been benefited, but navigation has not been improved to any considerable extent.

Now it is proposed to introduce in this bill a new feature, and a feature more objectionable than the Hennepin Canal. The most objectionable feature in this bill, if you will examine it critically, is the proposition for the deflection of the waters of the Red River from the Atchafalaya and keeping open a navigable channel through the mouth of the Red River into the Mississippi River. This is an absolute impossibility without leveeing both banks of the Red River. It is a historic fact that the Mississippi River was once seventy-three miles wide. It was denominated by an early discoverer as an inland sea in its normal condition. Think of it sweeping down the valley and spreading out over county after county until it becomes seventy-three miles wide!

[Here the hammer fell.]

The question being taken on the amendment of Mr. WHITE, of Kentucky, it was not agreed to.

The Clerk read as follows:

For gauging the waters of the lower Mississippi and its tributaries: Annual expense of gauging the waters of the Mississippi River and its tributaries, continuing observations of the rise and fall of the river and its chief tributaries, as required by joint resolution of February 21, 1871, $5,000.

Mr. WILLIS. The chairman of the Committee on Appropriations has called the attention of our committee to the fact that the expenses of the Mississippi River Commission, which heretofore have been provided for in the sundry civil appropriation bill, ought to be in part at least included in this bill. In accordance therefore with an understanding which has been reached, I move to amend by inserting, after the paragraph last read, the provision which I send to the desk.

The Clerk read as follows:

For continuation of surveys of the Mississippi River between the Head of the Passes, near its mouth, and its headwaters, now in progress; to make additional surveys and examinations of said river and its tributaries; to make such additional examinations and investigations, topographical, hydrographical, and hydrometrical, as are necessary for maturing a plan for the permanent improvement of the entire river, $75,000.

Mr. HOLMAN. I move to amend the amendment by adding the proviso which I send to the desk.

The Clerk read as follows:

Provided, however, That the money appropriated by the four foregoing provisions, except such part thereof as shall be necessary to improve and preserve the harbors above named, and to provide for the other specific objects above named, or to protect works on said river from waste or injury, shall be expended

in the completion of the two reaches on said river now in progress of improvement, on the plan of said commission, namely, Plum Point and Lake Providence reaches, to the end that the efficiency of said system for the improvement of the navigation of said river may be fully tested at an early period.

Mr. BLANCHARD. I make a point of order on this amendment. The last paragraph the Clerk read was that commencing with line 807 and ending with line 812. The paragraph to which the amendment of the gentleman from Indiana refers is the one ending with line 800.

The CHAIRMAN (Mr. CRISP). The Chair understood the gentleman from Indiana to offer his proposition as an amendment to the amendment of the gentleman from Kentucky [Mr. WILLIS].

Mr. BLANCHARD. Then I make the point of order that the proposition is not germane to the amendment of the gentleman from Kentucky.

Mr. HOLMAN. I concede that my proposition might come in with more propriety at the end of the paragraph indicated by the gentleman; but my amendment is simply a limitation upon the expenditure of the money appropriated by four preceding paragraphs. At the end of this bill, as the Chair is aware, an amendment might be offered providing a limitation upon the entire expenditure. This provision is simply to limit the expenditures of money named in four preceding paragraphs. I think when it is read again the Chair will perceive that it simply directs how the money shall be applied; and it comes in here properly.

The CHAIRMAN. The proposition of the gentleman from Indiana, as the Chair understands, is offered as an amendment to the amendment of the gentleman from Kentucky.

Mr. HOLMAN. Yes, sir; and it applies to that amendment as well as to the expenditures embraced in four preceding paragraphs. It is simply a limitation upon the expenditure; it does not appropriate any money. I presume the Chair would hold, as a matter of course, that at the end of this bill a provision might be offered limiting all the expenditures of money named in the bill. This proposition simply limits the expenditures covered by four paragraphs. I think there is no question that the amendment is in order.

The CHAIRMAN. As the Chair understands, this proposition simply directs how the money appropriated by the paragraphs referred to shall be expended. The Chair therefore overrules the point of order.

Mr. HOLMAN. Mr. Chairman, this proposition I think should commend itself especially to gentlemen who are more immediately interested in the improvement of the Mississippi River. There are two reaches on that river upon which the work of improvement is now in progress. These are known as the Plum Point reach and the Lake Providence reach. It is assumed by gentlemen with great confidence that the plan now being pursued for the improvement of the Mississippi River will prove a success. This amendment simply proposes, until the success of the plan is demonstrated, to confine the appropriation to these two reaches, which embrace together about one hundred and ten miles of the river. The appropriations are to be expended upon these works until completed.

When it is completed, if it is found the plan for the improvement of the navigation of the Mississippi River is effective, then there will be no hesitation in appropriating money to that end. Large sums have been appropriated year after year on this improvement at different points, and in my judgment every friend of the improvement of the Mississippi River and its navigation, every one interested in its commerce down to the Gulf, ought to insist that these two great reaches should be completed for the purpose of fully testing the plan. If the plan is found to be satisfactory, and it does improve the navigation of the river, then appropriation will be made without objection, and with the approval of the country. I trust, in view of the uncertainties now existing, there will be no hesitation to confine the appropriation of this money to these two reaches and to allow it nowhere else.

The amendment was again reported.

Mr. HOLMAN. I ask for a division.

The committee divided; and there were—ayes 55, noes 73.

Mr. HOLMAN. No quorum.

Mr. WILLIS. Do not do that.

Mr. HOLMAN. I regard this as one of the most important propositions submitted.

Mr. KING. The work, so far as it has advanced, is entirely successful. Your amendment cuts out the heart of the measure and is intended to kill it. You would handcuff the commission in charge of this great work and make its efforts disastrously abortive. This amendment, that you now offer, has been presented by you and by others and has been voted down in this House for the past five years regularly, and I hope will be treated in the same manner now.

Mr. DUNN. Let us vote it down.

The CHAIRMAN appointed as tellers Mr. HOLMAN and Mr. WILLIS.

The committee divided; and the tellers reported—ayes 72, noes 98.

So the amendment to the amendment was rejected.

Mr. WILLIS'S amendment was agreed to.

Mr. GOFF. I move to add as follows:

Improving Little Kanawha River, West Virginia: Continuing improvement, $31,000.

Mr. WILLIS. I am compelled to make the point of order on that amendment.

Mr. GOFF. I should like to hear the point of order.

Mr. WILLIS. It has been already acted on by the committee.

Mr. GOFF. That is no reason. We are in the Committee of the Whole House on the state of the Union.

Mr. WILLIS. We can not go over and over the same items. But I withdraw the point of order.

Mr. VAN EATON. I renew it.

Mr. GOFF. I will submit it.

The CHAIRMAN. The gentleman will state it.

Mr. DUNN. It is withdrawn.

Mr. VAN EATON. Yes, I will withdraw it.

Mr. GOFF. I hope that it will be the pleasure of the committee to adopt it.

Mr. HOLMAN. I renew the point of order.

Mr. GOFF. I hope it will be the pleasure of the committee to vote on it.

The CHAIRMAN. The point of order was made and withdrawn, and afterward renewed and again withdrawn, when the gentleman from West Virginia proceeded to speak on his amendment. The Chair holds it is in order.

Mr. HOLMAN. I rose at the same time with the gentleman to renew the point of order.

Mr. SCALES. The gentleman from Indiana did renew the point of order.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the gentleman from West Virginia had spoken on the amendment for a few seconds after the point of order was withdrawn by the gentleman from Mississippi.

Mr. HOLMAN. At the same time the gentleman from Mississippi rose I also rose to renew the point of order.

The CHAIRMAN. Did the gentleman address the Chair?

Mr. BAGLEY and others. He did.

The CHAIRMAN. What is the point of order?

Mr. HOLMAN. It is the same proposition which has been voted on already.

The CHAIRMAN. Has this identical proposition been voted on before?

Mr. GOFF. No.

Mr. HOLMAN. Let it be read.

The amendment was again read.

Mr. HOLMAN. It is the same amendment. It is the same appropriation covered up in different language.

Mr. VAN EATON. It is on page 16 of the bill.

Mr. HOLMAN. It is there provided as follows:

Improving Little Kanawha River, West Virginia: Continuing improvement, for which purpose the restriction put upon the use of the $31,000 appropriated by the act of August 2, 1882, and is hereby removed, and said fund is made immediately available.

This covers the same item in different language.

Mr. GOFF. I should like to hear what is going on.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HOLMAN. Let the Clerk read the portion of the bill I have referred to.

Mr. GOFF. I believe I am entitled to the floor, the point of order having been overruled.

Mr. HOLMAN. I have asked the committee to allow so much of this bill to be read as relates to this subject. I now repeat the request for unanimous consent as bearing upon the point of order that so much of this bill as extends from line 375 to 380 may be again read. It is upon that portion of the bill that I predicate my point of order.

Mr. GOFF. I rise to a point of order. The Chair had recognized me, and I do not understand how the gentleman from Indiana can be heard upon his proposition when I have the floor.

The CHAIRMAN. The Chair will state to the gentleman from West Virginia that the gentleman from Indiana has informed the Chair that he attempted to get the attention of the Chair before the gentleman was recognized to proceed on his amendment.

Mr. GOFF. I have no doubt that he attempted, but he did not succeed.

The CHAIRMAN. And the gentleman states that he attempted to get the attention of the Chair before the ruling was announced. The Chair is disposed to think that it will expedite business where there is a misapprehension or a mistake on the part of the Chair to correct it promptly, and will recognize the gentleman from West Virginia as soon as the request of the gentleman from Indiana for unanimous consent is submitted to the House.

Mr. GOFF. But I submit to the Chair I had been recognized and was speaking to my amendment.

The CHAIRMAN. The Chair had accorded recognition to the gentleman under what seems to have been a misapprehension. As there was much confusion prevailing in the Hall at the time, and the attention of the Chair was not directed to the request of the gentleman from Indiana, who states that he rose in time, the Chair will now submit his request for unanimous consent that the Clerk be permitted to read that portion of the bill to which he has referred.

There was no objection.

The Clerk read as follows:

Improving Little Kanawha River, West Virginia: Continuing improvement, for which purpose the restriction put upon the use of the $31,000 appropriated by the act of August 2, 1882, is hereby removed, and said fund is made immediately available.

Mr. HOLMAN. Now, my proposition is that under this phraseology the amendment is exactly the amount on which the committee has heretofore acted and which they struck out of the bill. There is no difference, then, as to the amount. This amendment removes the restriction on the appropriation heretofore made which was embodied in the portion of the bill just read by the Clerk. On that I have predicated the point of order.

The CHAIRMAN. The Chair will say that while the amount embraced in the amendment is the same as that in the clause heretofore stricken out, there are other differences, and the amendment and the clause are not in a parliamentary sense similar; and the Chair will overrule the point of order.

Mr. GOFF. Now, Mr. Chairman, I hope it may be the pleasure of this committee to adopt this amendment, and I go further and say that I believe the committee will do so if they will give me a few moment's careful attention while I lay before them the reason for the faith I have in my mind upon that proposition.

I insist that the committee yesterday did not fully understand the merits of this controversy or they would not have eliminated this amount from the bill. Now, sir, the idea is not to proceed with the improvement of the Little Kanawha River upon the plan heretofore promulgated by the engineers in charge of the improvement. This is simply, if the committee pleases, to build a lock and dam which has been already commenced by the Government of the United States. A large sum of money, some eighty-odd thousand dollars——

Mr. GIBSON. Eighty-nine thousand.

Mr. GOFF. Eighty-nine thousand dollars have already been expended upon a lock and dam in the Little Kanawha River. The engineers in charge of this matter say that this amount of money if appropriated will be sufficient to complete it. Without it all this money that has been already expended will be lost, for the work will be swept away by the floods. The work done will not only deteriorate by reason of the delay, but it will be absolutely destroyed unless the appropriation is made. In addition to that the Government has procured material to complete the lock and dam. It has upon the banks of the river the necessary machinery, the plant is there, everything is ready except this little amount of money to complete the work. It would be a great mistake to refuse it because of the fact that some forty miles down the river a private corporation has expended a hundred thousand dollars in the improvement of the river, and where they charge an insignificant toll, simply enough to pay for the keeper of the lock and to keep it in repair—a small toll that affords no profit to them. I say it would be a mistake because they charge this insignificant toll that we should refuse this appropriation altogether and lose all of the money we have invested in this improvement or permit it to go to ruin. Now, if the effort is made to continue the improvement of this river this very corporation and the Government of the United States will undoubtedly come to some understanding. Negotiations are already pending with the Secretary of War, and I have assurances both from the Department and those representing the corporation that at least by the next session of Congress a proposition of some sort will be submitted upon that question, and as a matter of course as to questions arising between corporations and the Government the corporation will finally have to yield.

[Here the hammer fell.]

Several MEMBERS. "Vote!" "Vote!"

Mr. HOLMAN. A single word. I presume the committee is fully aware that this money, if appropriated, inures to the benefit of a private corporation.

Mr. GOFF. It does not. That is a mere declaration without any evidence whatever.

The committee divided; and there were—ayes 25, noes 95.

So (further count not being called for) the amendment was not agreed to.

Mr. GEORGE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting, at the end of the pending paragraph, the following:
"For gauging the waters of the Columbia River below Astoria, Oreg., and elsewhere on said river and its principal tributaries, at the discretion of the Secretary of War, $1,000."

Mr. GEORGE. This is to remedy an omission in the bill. The matter was passed over inadvertently by the committee, and I offer the amendment with the unanimous consent of the committee.

The committee divided; and there were—ayes 84, noes 7.

So (further count not being called for) the amendment was agreed to.

The Clerk read the following paragraph:

Improving the Ohio River: Continuing improvement, $600,000; of which sum $70,000, or so much thereof as may be necessary for the completion of the Davis Island Dam, shall be expended on that work; $50,000 shall be used in continuing work on the upper and lower dikes and other improvements at Grand Chain; and $7,500 for the ice-harbor at the mouth of the Great Kanawha.

Mr. COSGROVE. The policy hitherto has been not to confine the expenditure of any portion of this money to any particular point, but to leave it to the discretion of the engineer. I therefore move to amend by striking out that portion of the clause which has been read which requires the expenditure of any portion of this money at the Davis Island Dam.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COSGROVE].

The amendment was not agreed to.

Mr. BURLEIGH. I offer the amendment which I send to the desk. It does not increase the amount, but allows $30,000 to be used at the mouth of the Muskingum River.

The Clerk read the proposed amendment, as follows:

At the end of the paragraph insert the following:
"Not exceeding $30,000, in addition to the $20,000 of special appropriation therefor, may, if necessary, be applied to the ice-harbor at the mouth of the Muskingum River."

The committee divided; and the Chair stated that in the opinion of the Chair the "noes" had it.

Mr. WARNER, of Ohio. I ask for a division. I think the committee did not understand the question. The amendment adds nothing to the appropriation, but allows the application of a portion of it for this purpose.

The committee divided; and there were—ayes 41, noes 69.

Mr. WARNER, of Ohio. No quorum. I must insist on tellers on this.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from New York, Mr. BURLEIGH, and the gentleman from Kentucky, Mr. WILLIS.

Mr. HAMMOND. I move that the committee rise.

The CHAIRMAN. Pending the division by tellers the gentleman from Georgia moves that the committee do now rise.

Mr. WARNER, of Ohio. I withdraw the point as to a quorum.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that the committee do now rise.

Mr. WILLIS. I wish to say to the committee that we are on the last item of appropriation in the bill. There is no probability, as far as I know, that there will be a single amendment to any remaining part of the bill. The balance of the bill is simply legislation, and I suppose will not consume more than twenty minutes in reading from the desk.

Mr. HAMMOND. There are thirteen pages still.

Several members called for the regular order.

Mr. WILLIS. If the committee prefer that the House shall take a recess, I will agree to that.

Many MEMBERS. "Oh, no!"

The CHAIRMAN. The question is on the motion of the gentleman from Georgia.

Mr. HAMMOND. I made the motion that the committee rise because I saw the committee was in great confusion and it was late and I thought we would not get through this bill in perhaps an hour. There are thirteen pages of it yet to be read. I assume the chairman of the committee knows better than I do when we are likely to get through. And now as the gentleman from Ohio [Mr. WARNER] has withdrawn his demand for a quorum, I withdraw my motion that the committee rise.

Mr. BROWN, of Pennsylvania. I renew the motion that the committee rise.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The motion is not debatable.

Mr. WHITE, of Kentucky. I think the proposition of the gentleman from Kentucky, which, as I understand, is that we shall take a recess until 8 o'clock, had better be accepted.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania that the committee do now rise.

The committee divided; and there were—ayes 106, noes 73.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WILLIS. I move that the House take a recess until 8 o'clock this evening.

Mr. WELLER. I move that the House do now adjourn.

Mr. WILLIS. I desire to say, if the House will hear me, that if we have an evening session I do not propose to ask a yea-and-nay vote on the bill to-night, but to conclude the bill up to that point.

The SPEAKER. The question is on the motion to adjourn, which takes precedence of the motion for a recess.

The House divided; and there were—ayes 93, noes 95.

Several members called for tellers.

Mr. MILLER, of Pennsylvania. I call for the yeas and nays.

The yeas and nays were not ordered.

Tellers were not ordered—only 18 members voting therefor.

So the motion to adjourn was not agreed to.

Mr. WILLIS. I now ask for a vote on my motion for a recess.

Mr. MILLER, of Pennsylvania. The gentleman will require to have a quorum here.

Mr. WILLIS. And I hope the gentleman from Pennsylvania will be here to help us to make a quorum. I ask unanimous consent to say this: if gentlemen prefer to come to-morrow at 10 o'clock instead of having an evening session to-night, I will change the motion in that way.

Mr. BAYNE. I move as an amendment to the motion of the gentleman from Kentucky that the House take a recess until to-morrow at 10 o'clock,

The question being taken on the amendment, it was agreed to—ayes 102, noes 70.

The motion as amended was agreed to.

And accordingly (at 5 o'clock and 30 minutes p. m.) the House took a recess until to-morrow (Thursday) morning at 10 o'clock.

AFTER THE RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Thursday, June 12).

MELISSA G. POLAR.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Enrolled Bills, and ordered to be printed:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 10th instant I return House bill No. 2344, entitled "An act for the relief of Melissa G. Polar."

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 11, 1884.

W. J. HALE.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith to the House of Representatives, in response to a resolution of that body of the 21st of April last, a copy of the material correspondence on file in the Department of State relative to the claim of W. J. Hale against the Argentine Republic, and a list of the papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, June* 11, 1884.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes;

A bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia; and

Joint resolution (H. Res. 257) providing for the printing of the last annual report of the Commissioner of Education.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas; and

A bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENS, for ten days, on account of important business.

To Mr. CABELL, from evening sessions, on account of sickness.

RELATING TO LAND GRANTS.

Mr. SUMNER, of California, by unanimous consent, introduced a joint resolution (H. Res. 269) prohibiting the confirmation, certification, and patenting of certain lands to any corporation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. COX, of New York, in the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 2. That the Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of said sums, and shall cause to be made and submitted to Congress annual reports, on or before January 1, giving detailed statements of the work done, contracts made, the expenditures thereunder or otherwise, and the effect of such work, together with such recommendations as he may deem it proper to lay before Congress. He shall also report to Congress at its next session all the instances in the United States in which piers, breakwaters, or other structures or works built or made by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury, and the facts touching the same. He shall also report whether any bridges, causeways, or structures, now erected or in process of erection, do or will interfere with free and safe navigation, and, if they do or will so interfere, to report the best mode of altering or constructing such bridges or causeways so as to prevent any such obstructions.

Mr. GRAVES. I move to amend the section just read by adding thereto that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That nothing hereinbefore contained shall be construed as a limitation upon the powers of the board of engineers hereinbefore designated to prepare and submit plans, specifications, estimates, and recommendations for the expenditure of the appropriations for the Missouri River, and that said board of engineers shall constitute a commission, to be called the Missouri River Commission, to be selected from the Engineer Corps of the Army, whose duty it shall be to complete the survey of said Missouri River between its mouth and headwaters, and make such additional surveys and investigations of said river as may be deemed needful for the maturing of such plans and estimates as will permanently locate and deepen the channel and protect the banks of said river, and give safety to its navigation and promote commerce and the postal service. Said plans, with their estimated cost, shall be by said commission reported to the Secretary of War, who shall submit the same to Congress, and all appropriations hereafter made for said river shall be expended in accordance with the same, or such other plans as said commission shall from time to time report and submit through the Secretary of War to Congress as hereinbefore provided. The Secretary of War shall designate which of said engineers shall be president of said commission, and each shall continue to be a member of said commission upon no other salary than now allowed by law, subject only to removal by the Secretary of War, who shall fill any vacancy that may occur in said commission by other like appointments.

Mr. GRAVES. The object of this amendment——

Mr. WILLIS. I do not think this amendment is germane to this part of the bill.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] makes a point of order on the amendment.

Mr. GRAVES. The gentleman did not make any point of order before I began to explain the object of this amendment, and I insist that it is too late.

The CHAIRMAN. The Chair will not rule out the point of order. The gentleman from Kentucky was rising in his place when the gentleman from Missouri [Mr. GRAVES] began to speak.

Mr. GRAVES. I was recognized and was addressing the Chair.

The CHAIRMAN. A point of order is always in order at the end of the reading of a proposition.

Mr. WILLIS. If the gentleman will allow a vote to be taken on the amendment at once, I will withdraw the point of order.

Mr. HOLMAN. There is no quorum present.

Mr. WILLIS. If it is the same amendment as was offered before.

Mr. GRAVES. It is not the same amendment as was offered before. The object of offering this amendment is to more definitely explain what the board of engineers whose appointment is provided for by a previous portion of this river and harbor bill shall do. The portion of the bill providing for their appointment provides that there shall be a board of engineers for the purpose of preparing plans and specifications, estimates and recommendations, and reporting the same to the Secretary of War, who shall submit them to Congress for the purpose of expending the appropriations made for the Missouri River.

Section 2 of this bill provides that the Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of the sums appropriated, &c. This proviso preserves from destruction by any construction that might be placed on section 2 of this bill the powers given to this board of engineers previously authorized. It also points out specifically what shall be the duty of this board of engineers. It explains more particularly their duties and also provides that the Secretary of War may fill any vacancy which may occur in this board.

The question was taken upon the amendment offered by Mr. GRAVES; and, upon a division there were—ayes 21, noes 19.

So (no further count being called for) the amendment was agreed to.

Mr. WORTHINGTON. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Insert, after the word "sums," in the third line of section 2, the following:

"And that no sum herein appropriated shall be expended in the improvement of any river unless the report of a survey by the engineers shall show that such river is capable of being so improved as to be useful for purposes of general navigation."

Mr. WILLIS. A provision of this kind is already in the bill, under the head of "Surveys," on page 47.

Mr. DUNN. I suppose there never was an appropriation made for the improvement of any river which had not been surveyed.

Mr. WORTHINGTON. There are appropriations made in this bill for streams which I think are not capable of being made navigable for anything but dugouts and catfish.

Mr. WILLIS. No appropriation is reported in this bill for any stream which has not been reported by engineers as worthy of improvement.

Mr. WORTHINGTON. For purposes of general navigation?

Mr. WILLIS. Yes, sir. There is not one. It is useless for members of the committee to take up time in answering all these general objections. If the gentleman will indicate any single stream to which his objection applies the committee is ready to answer him. But we do not propose to undertake in this debate to answer every objection and every remark that may be made. This amendment is not applicable to this part of the bill and I hope it will be voted down. A corresponding provision is already contained in the bill.

Mr. WORTHINGTON. I fail to find, upon examination of the portion of the bill to which the gentleman has referred, any such restriction as he indicates. I am aware of the fact that with reference to all these streams surveys and reports have been made. But it does not follow from that fact alone that these streams are capable of navigation in the ordinary sense.

If gentlemen of the committee are correct in their statements this amendment can do no harm; it can not in any way antagonize any of the purposes which gentlemen state the bill seeks to accomplish, because the amendment proposes simply to limit these appropriations to such streams as can be made navigable for general purposes. If all the streams mentioned in this bill are of that character, the amendment, as I have said, can do no harm. On the other hand, if the bill contains appropriations for streams not coming within this description we preserve to ourselves by adopting this amendment a little self-respect in having inserted a limitation which it appears to me the bill as it now stands fails to disclose.

During the early period of the history of appropriations for internal improvements there was no question about matters of this kind, because the improvements were confined entirely——

Mr. WILLIS. If the gentleman will allow me, I will, in order to save time, accept this amendment, as the limitation which the gentleman proposes to adopt by way of amendment is already a part of the Constitution of the United States.

Mr. WORTHINGTON. If the gentleman accepts the amendment, I have nothing further to say.

Mr. STONE. I object.

Mr. WORTHINGTON. If the amendment is objected to, I wish to retain the floor.

I was proceeding to say that during the earlier history of appropriations for this purpose there was no question as to the character of the streams for which aid was asked. They were either great navigable streams bordering upon the shores of different States or they were great harbors and entrepôts of the commerce of the world. But as our river and harbor bills have been prepared during the last twenty years they have contained provisions for a great many streams in regard to which it would be no disgrace for an educated gentleman to say that he knows very little of them. I venture the assertion that there are embraced in this bill "rivers" as to which not a dozen gentlemen here, except members of the committee, can describe their location, their length, or the purposes for which they may be improved.

Mr. DUNN. Will the gentleman name one such?

Mr. WORTHINGTON. I might as an illustration refer to the Buckhannon River, West Virginia. I ask the gentleman whether that stream is capable of being made navigable for ordinary vessels?

Mr. DUNN. Has the gentleman read the report of the engineers in reference to that stream?

Mr. WORTHINGTON. I know of my own knowledge something in regard to it, and I tell the gentleman that it can be made navigable for catfish and saw-logs; that is all.

Mr. HOLMAN. I ask that this amendment be read again.

The Clerk again read the amendment.

Mr. HOLMAN. The terms employed in this amendment are very broad. It in substance refers to streams capable of being made of general importance. Now it is very clear that with a sufficient outlay of money almost any stream might be made of general importance—might be made a channel for navigation.

It seems to me the rule which has always prevailed heretofore—at least until recent years—has been that the work proposed to be done should be of general not local interest. The question should be not whether by an unlimited expenditure from the public Treasury certain results can be produced, but whether the stream or harbor proposed to be improved is of such a character that in the nature of things and upon the judgment of competent engineers the work will be one of general interest, not simply local.

I submit to this side of the House that under the Constitution of the United States the true doctrine is that Congress has ample power and should exercise it to appropriate money to promote the general commerce of the country by the improvement of commercial channels of a general character and which are not in their nature purely local.

Mr. DUNN. What is the general commerce of the country made up of?

Mr. HOLMAN. Principally of those streams which unite States together.

Mr. DUNN. Of units that make the aggregate of all brought over the lines of transportation, railway, water way and dirt way in every locality; they make up the commerce of the country.

Mr. HOLMAN. That is a latitudinarian interpretation, under which almost anything can be included.

Mr. HEWITT, of Alabama. The question which I wish to ask the gentleman from Indiana is this: Is it not the duty of Congress in the river and harbor bill to determine what rivers and harbors shall be improved, and in making appropriations to determine where and when they shall be expended? Ought that question to be left by the representatives of the people to be determined by the executive department of the Government?

Mr. HOLMAN. The Engineer Department should be called upon to furnish information ample and sufficient of the necessity of a work before the appropriation is expended upon it.

Mr. HEWITT, of Alabama. Information has been furnished to Congress, and Congress has that information before it when the appropriation is made. For one I am not willing the President, or any other executive officer, shall determine where and when an appropriation shall be disbursed after Congress has already determined it. It is the duty of Congress to direct the President where the money shall be expended, and it is his duty to execute that direction.

Mr. HOLMAN. The wisest, most judicious, and most effective appropriations made by Congress are those made in former years where a sum in gross was appropriated, with the power on the part of the President, under the advice of the Chief of Engineers, to expend the money on such works of general interest as may be deemed proper.

Mr. HEWITT, of Alabama. The whole thing, then, is to be left to the President. I am against it.

Mr. DUNN. Then all we need do here is to vote a lump sum for internal improvements, and leave the whole thing to the President.

Mr. HOLMAN. We are getting away from the practice of former years. The policy of appropriating for works of mere local interest ought not longer to prevail.

Mr. HEWITT, of Alabama. We do not want any favoritism.

Mr. HOLMAN. That is just exactly what I wish to avoid.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I move the following substitute.

The Clerk read as follows:

The money appropriated for any specific work named in this act shall not be expended if on a sufficient examination of the river or harbor proposed to be improved such work shall not be found to be of general importance to the commerce of the United States, but of local interest only.

Mr. O'NEILL, of Missouri. Where does that amendment come in?

The CHAIRMAN. In the third section.

Mr. STONE. I should like to call the attention of the House for one moment to this amendment, because it involves a radical change in the legislation of this Government. This bill as now constructed provides that no appropriation shall be made until the engineers shall have reported the particular case which in their judgment is worthy of improvement. The bill provides that no appropriation shall be made until the engineers have made preliminary examination—the Chief of Engineers, not the engineer detailed to that particular work, but the board of engineers shall have first reported the appropriation asked for is a proper one and ought to prevail.

Mr. ADAMS, of Illinois. Where is that in the bill?

Mr. STONE. It is at the end of the bill. I wish the attention of the House for a moment. I do not think the members present perceive the full effect of the amendment. Observe, no appropriation is to be made until the executive department of the Government has dealt with the question and decided in the given case the appropriation asked for is a proper one. That is the first step in the proceeding. Now, after the legislative authority of the Government has considered the case and acted favorably on it, this amendment proposes the board of engineers shall interpose for the second time and put a veto on the legislative authority of this Government.

Now, I submit that any such amendment is inconsistent with the theory of legislation proposed for such purposes and is altogether irreconcilable with the general doctrine that this subject is a matter for legislation, to wit, whether or not any appropriation shall be made, and we have all proper security that we can ask for in the provision of law embodied in the bill that no appropriation shall be made until a report is made by the Chief of Engineers that such work is worthy of improvement by the General Government.

Mr. WORTHINGTON. Is there any limit in the bill which confines the appropriation to streams which are suitable for general navigation?

Mr. STONE. I will read it. The last clause of the bill declares—

That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district or an engineer detailed for the purpose; and such local or detailed engineer shall report to said Chief of Engineers whether, in his opinion, said harbor or river is worthy of improvement.

Mr. WORTHINGTON. "Worthy of improvement," for what purpose? Is it for the purpose of floating a man's grain or a man's saw-logs down the stream, or is it for the general purposes of navigation? A stream may be worthy of improvement for many purposes. Now, I want to confine that to a certain specified limitation, namely, to the improvement of streams suitable for purposes of general navigation.

Mr. DUNN. What particular article do you want floated down the stream before you are willing to improve it?

Mr. WORTHINGTON. I want a stream that is navigable by steamboats, a stream adapted to the general commerce of the country.

Mr. DUNN. A man might haul his grain on a steamboat, could not he?

Mr. STONE. Let me read the remainder of this provision of the bill, which I think covers the objection made by the gentleman. The engineer—

Shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce. And it shall be the duty of the Chief of Engineers to direct the making of such survey if in his opinion the harbor or river proposed to be surveyed be worthy of improvement by the General Government; and he shall report to the Secretary of War the facts and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer. Said reports of preliminary examinations and surveys shall be made to the House of Representatives, and are hereby ordered to be printed when so made.

So it is the duty of the Chief of Engineers to direct the making of such a survey when in his judgment the stream is worthy of improvement by the General Government.

Mr. WORTHINGTON. Then my amendment, if adopted, will not limit the scope of the bill at all or do any harm, will it?

Mr. STONE. Yes, sir; and I will state to you why.

[Here the hammer fell.]

Mr. DUNN rose.

Mr. WHITE, of Kentucky. If I can be recognized I will yield the time to the gentleman from Massachusetts.

Mr. STONE. I should like to add a word to complete what I was about to say.

The CHAIRMAN. The gentleman from Arkansas has been recognized.

Mr. DUNN. Mr. Chairman, this bill undoubtedly proceeds upon the correct theory. The appropriations are based upon information previously gained from surveys, plans, specifications, and estimates rendered by the engineers. I am willing to legislate upon that information, but I will give no power to any executive officer of this Government to defeat the will of the legislative authority. It is for Congress to judge, after these investigations are made, what improvements are worthy of being undertaken.

I am amazed that my friend from Indiana, after he has seen the extent to which the executive power of this Government has been used to interfere in elections, should deliberately offer an amendment here to clothe the executive branch of the Government with a power to defeat every appropriation here for river improvements which will affect the election of members of Congress from these respective districts.

Mr. HOLMAN. That is just what the Executive can do and will do under this bill.

Mr. DUNN. If you give that power the Secretary of War can withhold the appropriation from every Democratic district in a State——

Mr. HOLMAN. He would anyhow.

Mr. DUNN. And can expend every appropriation within a Republican district, thereby controlling the elections. It places in his hands the power of selecting the districts in which it shall be expended so as to elect anybody he pleases and defeat whom he pleases, if we are to believe that he is capable of exercising that interference with elections in this country that has characterized Republican administrations for the last twenty years. I am astonished then that the gentleman from Indiana or any one upon the floor of this House should offer to give the executive department of the Government a veto power upon the legislative will other than that which is given to the President of the United States under the Constitution. I am unwilling, sir, to allow any such interference with the freedom of elections in this country. I am unwilling to adopt any measure here which will lead to such results.

Mr. HOLMAN. Do you want to expend the appropriations upon little local objects?

Mr. DUNN. I want it expended according to the will of the Legislature, not the Executive.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the substitute proposed by the gentleman from Indiana.

The substitute of Mr. HOLMAN was rejected.

Mr. ADAMS, of Illinois. Can we have a vote now upon the original proposition? The vote, as I understand it, was taken upon the substitute proposed by the gentleman from Indiana.

The CHAIRMAN. That has been voted down. The question remains upon the section to which the amendment proposed by the gentleman from Illinois is pending.

Mr. WARNER, of Ohio. I desire to offer a substitute for the pending amendment.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

That the Secretary of War is hereby directed to appoint a board, consisting of three engineers of the Army and two civil engineers, distinguished in their profession, to examine the various works herein appropriated for, and report to the next Congress, through the Secretary of War, recommending what work shall be continued or begun and what shall not.

Mr. WARNER, of Ohio. I agree with gentlemen who argue that the control of the appropriations should be left with Congress. But we are now acting upon advice of single engineers here and there scattered all over the country. There is wisdom in counsel. This substitute provides that the Secretary of War shall appoint a board of engineers, consisting in part of the engineers of the Army and in part of engineers distinguished in civil life, to examine these various works and as a board report upon them to the next Congress, the sole object being to give to Congress better and more reliable information than we now get from the single separate reports of engineers scattered all over the country who may have special or local interest in the works with which they are connected. I think this proposition is an entirely reasonable one, and I hope it will be accepted.

Mr. ADAMS, of Illinois. I desire to suggest to the gentleman from Ohio that his proposition, which in my judgment is a good one, has been offered by him as a substitute for or amendment of a proposition in regard to the expenditure of sums appropriated by this bill. I think he ought to withdraw it and offer it as an amendment to that part of this bill on page 47 which provides for surveys.

Mr. WARNER, of Ohio. I have no objection to that, and withdraw my substitute for the present.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. WORTHINGTON].

Mr. WHITE, of Kentucky. I move to strike out the last word.

This amendment provides—

That no sum herein appropriated shall be expended in the improvement of any river unless the report of a survey by the engineers shall show that such river is capable of being so improved as to be useful for purposes of general navigation.

Now, sir, for lack of definiteness and for glittering generalities that surpasses any amendment I have yet heard in this committee. If the gentleman means to say that a catfish stream like the Wabash shall not be improved, why does he not say that? If the gentleman means that a trout stream like the Kiskiminetas shall not be improved, why does he not say so? Why does he not go through this bill, item by item, and point out the streams which in his opinion can be improved for general navigation, and let the Congress of the American people act on that question? If you put this in the bill, then you are but agreeing to that bad and vicious doctrine promulgated by the President in his veto message of the first session of the Forty-seventh Congress, when he said:

And the sums so appropriated to be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine.

You are to leave it to the President to say, under the advice of the Secretary of War, what objects shall be selected for expenditure; and you are to have, not an appointing power for little clerkships, but you are to have log-rolling with the Secretary of War and with the engineers of the Secretary of War, and with the President, to determine which of these streams are useful for purposes of general navigation.

It is the most infamous doctrine that has ever been advocated on this floor. The Democratic party for years took the position that to build a light-house was appropriating money contrary to the Constitution; that to build a turnpike road was to appropriate money contrary to the Constitution; that all internal improvements were contrary to the Constitution.

But, sir, I have shown during this debate that the leading lights of the Democratic party, from the present Speaker of the House, my colleague, down to the chairman of the committee and the members of the committee, shining lights of the Democratic party, have abandoned their old Democratic proclivities and have come to the Whig and Republican standpoint of internal improvements. You must leave it to the people, and the people will determine it.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. WORTHINGTON].

The amendment was not agreed to.

The Clerk read the third section, as follows:

SEC. 3. That it shall be the duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material.

Mr. O'NEILL, of Missouri. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 3, at the end of line 14, by adding the following:
"*Provided*, That hereafter all purchases of supplies and material shall be made by contract after legal advertisement, under such rules as may be prescribed by the Secretary of War."

Mr. O'NEILL, of Missouri. Mr. Chairman, this amendment has been explained to the chairman and other members of the Commit-

tee on Rivers and Harbors, and meets with their approval. It is intended to take from the officers who now purchase the supplies and materials needed for river improvements, including the vast quantities of articles of food required for the laborers employed on Government works, the privilege they now exercise of limiting the right to make bids for the furnishing of supplies to those whom they prefer.

The right of full, fair, and free competition to every citizen of the United States who may desire to be purveyors to the Government should be limited only to the prohibition of dishonest bidders; every other person should be accorded every facility as a bidder, and also permitted to be present when such bids are opened.

I am aware that great partiality is exercised in this matter in certain localities, and with the view of preventing it in the future this amendment is offered, and I hope it will be passed.

Mr. WILLIS. I see no objection to the amendment.

The amendment was adopted.

Mr. BROADHEAD. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 3 by striking out after the word "contract," in the fourth line, down to and including the word "Government," in the fifth line of said section, namely, these words: "or otherwise, as may be most economical and advantageous to the Government."

Mr. BROADHEAD. The object of that amendment is simply to direct the Secretary of War to let out the work by contract. He is already authorized to do this. This amendment simply requires it.

Mr. WILLIS. I hope that will be voted down.

Mr. BURLEIGH. I hope this amendment will not be adopted. It is one of the most important amendments which has been offered. It simply takes the Government by the throat. If the amendment is adopted they will have no way to protect themselves in the case of a conspiracy being formed against the Department. I certainly hope the amendment will be voted down.

Mr. BAYNE. We have evidence furnished by the reports of the Engineer Department that there are works going on at many points where it is impossible to let them out by contract. I am in favor of giving contracts to the lowest bidder where it can be done, but I would not make the rule absolute.

Mr. ADAMS, of Illinois. I simply want to say with regard to the public works with which I am most familiar, namely, the outer harbor at Chicago, that it would be almost utterly impossible to carry on that work by contract, for this reason among others: it requires a special size and kind of timber and a special kind of work in order to make a crib that will withstand the storms there, and they have to select exactly the right kind of weather in which to construct. I know it would be perfectly impracticable to carry on that work this year and next if it has to be done by contract.

The question was taken upon the amendment offered by Mr. BROADHEAD, and it was not agreed to.

The Clerk read section 4, as follows:

SEC. 4. That in case any person or corporation shall knowingly damage, injure, impair, or obstruct the navigation of any of the harbors or rivers herein appropriated for by the deposit of refuse matter or otherwise, such person or corporation shall immediately remove the same, or, failing to do so, shall be liable in an action by the United States for damages in double the amount expended by the United States for the removal of such obstruction.

Mr. BRECKINRIDGE. I move to amend the section by adding that which I send to the Clerk's desk.

The Clerk read as follows:

That the depositing, by any process or in any manner, of refuse, dirt, materials, ashes, or cinders, or any other matter of any kind other than that flowing from street sewers and carried therefrom in a liquid state into tidal waters, within the navigable waters of the harbor of New York or its adjacent and tributary waters, whereby a deposit shall or may be created and the draught of water lessened, or of any other deleterious substance whereby fishes useful for food are injured or driven away or destroyed, is hereby strictly forbidden, and every such act is hereby made a misdemeanor; and all persons engaged in or who authorize or instigate such an offense shall, upon conviction, be punishable with fine or imprisonment, or both, such fine to be not less than $250 nor more than $2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide. That the licenses of any and every captain and engineer of any tug-boat which shall engage in towing any scow or boat loaded with any such forbidden matter to any point of deposit or discharge within any forbidden limit shall be deemed a party participant in the infringement of this act, and shall, upon conviction, be punishable as hereinbefore provided, and shall also have each his license revoked or suspended for a term commensurate with the offense, to be fixed by the judge before whom tried and convicted. That in all cases of receiving on board of any scow or boat such forbidden matter or substances as herein described, it shall be the duty of the owner or master of such scow or boat to apply for and obtain, from the local superintendent of the harbor appointed hereunder, a permit defining the precise limits within which the proposed discharge of such scow or boat may be made; and any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor within the meaning of this act; and the master and engineer of any towboat towing such scow or boat shall be equally guilty of such offense with the master of the scow, and liable to equal punishment. That the President of the United States shall designate and appoint from the Corps of Engineers of the United States a suitable and efficient officer, who shall be known as superintendent of the harbor of New York, whose duty it shall be to grant permits designating the different localities most convenient within which alone it shall be permissible to discharge and deposit the forbidden matter herein designated. It shall also be his duty to establish a patrol to prevent and detect transgressions of this act.

Mr. BLANCHARD. I desire to reserve all points of order upon that amendment until I can hear some explanation of it.

Mr. BRECKINRIDGE. This amendment is the substance of a bill recently introduced by the distinguished gentleman from New York [Mr. COX]. It is for the more perfect protection of New York Harbor against the depositing of cinders and ashes from steamers and of dredge material that is handled in scows about the harbor and bay.

It has not been submitted to all the members of the Committee on Rivers and Harbors, and I will say that I offer it by request of the gentleman from New York, but not in my capacity as a member of the committee. I have read it over carefully, and I think it a good amendment. It is exactly in accord with the letter and spirit of the section we have just passed, only it carries out more in detail the provisions with reference to the particular harbor of New York.

Mr. WILLIS. And the amendment is limited to that harbor.

Mr. BRECKINRIDGE. It is limited to that harbor. The urgency for such a provision is shown by the fact that from recent soundings in that harbor it is ascertained that there is a fill of more than four feet resulting from this cause, and some of the large sea-going steamers have been surprised to find themselves in the mud where they supposed there was ample water. It is to arrest the decay and injury of that harbor by means of a more perfect policing of it.

This proposition is indorsed by the Chamber of Commerce of New York, and is urged by the commercial bodies on every side of that harbor, of Brooklyn and Jersey City and of all interested in the shipping at that point. I think it is an admirable provision and just in the line of the legislation we have just adopted, only giving it more particular application.

Mr. COX, of New York. Mr. Chairman, the proposition offered by the gentleman from Arkansas [Mr. BRECKINRIDGE] is a bill offered by myself on the 26th of May last. As I was in the chair when this section was reached my friend courteously tendered my bill as an amendment. For this I thank him. It receives emphasis by his statement.

This amendment was sent to me by the Chamber of Commerce of New York. It is affirmed with great emphasis by the Maritime Association of the Port of New York. These representations and the bill were sent to the Committee on Rivers and Harbors on the suggestion of its chairman. It was not upon the bill, because the bill was already made up.

New York, sir, as a port and as a revenue district needs no eulogy. It is conspicuously eminent. It is the depot of our splendid trade, foreign and inland. It is beyond any other port in our country. For years this district paid over two-thirds of the revenues. Of the foreign exports three-fifths left its port. Of the imports three-fifths of all the merchandise imported into the United States for the past twenty years came into New York. Of the domestic imports nearly one-half of all for the past twenty-two years have left the port of New York. Other tables before me—which I ask to append—indicate the commercial supremacy of this great mart. It is due to its harbor. One thousand millions of exports and imports represent the commerce of this city. Want of data prevents an equally accurate estimate of the domestic commerce; that is, that which passes merchandise through the city and which calls for the service of local agencies. I only speak now and here about and for the harbor on which this great commerce depends. That harbor is being ruined causelessly, though not irreparably ruined.

The reason of this destruction of the harbor is the lack of its protection. That lack is referable to the conflicting authorities, local, State, and Federal. The administrative functions being thus divided, neglect and incapacity result. Hence the dumping of rubbish by individual vandals and selfish and lazy greed. This is ruining this magnificent harbor. The amendment provides the best remedy possible for this mischief. It prohibits this refuse being dumped, in order that the draught of our large vessels should not be lessened. It prohibits it by penalty of fine and imprisonment. It will stop the captains and the engineers of the vessels. It provides for a superintendent of the harbor from the Corps of Engineers, who is a Federal officer. He is to be selected for that purpose.

But why rehearse the old story? This harbor's greatest need is skilled engineering. The object of this legislation is to prevent, and prevention is better than cure. It will take millions to cure what vigilance, skill, and energy will prevent.

The triple jurisdiction has been the cause of this destruction, as I have said. The New York State line runs below Governor's Island. New Jersey embraces the Raritan River and Princess Bay and the water south of Staten Island. The jurisdiction of the United States comprehends all that in the lower bay and Sandy Hook. So that there is a conflict of jurisdiction which should in some way be reconciled in order that commerce shall have its golden and olden opportunities. It is not a matter that concerns New York alone. It concerns the West and South, all points and classes. It concerns farmers. It especially concerns the transportation of grainstuffs and breadstuffs. The average cost of transportation from New York to Liverpool for five years ending July 1, 1883, has been 9.8 cents per bushel for wheat. The annual exports from New York have averaged—reducing flour and provisions to an equivalent in wheat—about a hundred and twenty-five million bushels. The Sandy Hook Bar, which we seek to reduce by this bill, costs the producing interests of the country more than $4,000,000 per year, without counting indirect and contingent damages.

This injury may be deemed trivial, but it even goes into life-saving.

It thus touches my favorite theme. In crossing our bar these large vessels have been more or less weakened. Vulnerable portions of the vessel have been weakened, endangering life and property by reason of the first damage while crossing the bar deeply loaded. The loss due to the bar in the carrying capacity of the larger steamships amounts to fully one-third of their proper cargo. It is not materially diminished by any saving in the expense of the voyage, and that is practically a tax of the export of heavy articles, particularly agricultural products, and it amounts to one-third of the cost of ocean transportation.

It is important that commercial men should know how deeply they can load their vessels. If they touch on the bottom of the bar at twenty-five feet it is high time to know what to do. Many of the large vessels could load down to a thirty-foot draught. The compulsory draught of twenty-five feet is therefore a heavy loss. This loss of the carrying capacity amounts to one-third of a fair cargo. It is not diminished by any saving of expense. It is, as is urged, an exaction or tax on the export of wheat and corn, pork, &c. This falls on the farmer. It averages one-third of the cost of the ocean freight on his produce which seeks a market abroad.

I show by the figures appended hereto that the competition of Montreal with New York is painfully sharp. Montreal is steadily gaining on New York. This is shown by the percentage of the total exports of grain from the two ports.

It must be remembered that large vessels now cross this bar. The evidence before us from Commander Taylor, of the United States Navy, as a naval aid, is that there is not enough water on that bar. This was the report made to Mayor Edson on the 2d of April, 1884. The present shoaling is from twenty-five to twenty-three feet. Twenty-five feet is the most that can be even hoped for at low water, and though the rise of the tide be added to this, such swells as roll on the bar for days at a time will often make the harbor entrance dangerous or impassable to the larger class of vessels.

The position of New York in the world of commerce demands a bar of a minimum depth of twenty-seven feet at low water. That depth should be preserved at all times. When, therefore, the entrance to New York at Sandy Hook becomes inadequate for commercial reasons or necessities by reason of this shoaling and the increased draught of modern ships, the commercial interests of New Jersey and New York must seek reconciliation under the Federal ægis. Is it surprising that New Jersey by her Legislature, New York by her Chamber of Commerce and mercantile boards, should ask that Sandy Hook should have this protection?

In proof of my statements I ask to be read an extract from Commander Taylor's report to Mayor Edson on the condition of New York Harbor, April 2, 1884.

The soundings lately made show that the natural action by which the channel has been deepened to a maximum of twenty-five feet at low water has been reversed:

Finally, the immediate fact is unquestioned that there is not enough water on the bar. Whether the present shoaling from twenty-five to twenty-three feet be temporary or permanent, twenty-five feet is the most that can be even hoped for at low water; and though the rise of the tide be added to this, yet such swells as roll on the bar for days at a time will often make the harbor entrance dangerous or impassable for the larger class of transatlantic steamships and other vessels of equal draughts. In order, therefore, that the city of New York may continue to hold its high importance in the world's commerce, immediate steps should be taken to deepen the principal channel across the bar to a minimum depth of twenty-seven feet at low water and to preserve it at that depth at all times. I believe that the prosperity of the port in the immediate future is closely dependent upon prompt action in this regard.

Shoaling has now set in by which the depth has been seriously decreased. If it be true that commercial needs have compelled the building of vessels of larger draught to meet the demand for cheaper and quicker transportation, is it not the interest of New York city and State, New Jersey, and the whole country, which has its transportation facilities at this grand entrepôt of commerce, should be subserved by proper legislation?

I do not now ask for any appropriation, although the Government has never expended more than $15,000 at Sandy Hook. I expect Congress to supply the money to execute my amendment on this bill when it returns from the Senate. It is enough now to have the legislation secured by the amendment proposed.

APPENDIX.

Statement of the values of imports and exports of merchandise and coin and bullion into and from the customs district of New York, N. Y., during the years ended June 30, 1882, *and* 1883, *and for the ten months ended April* 30, 1884.

	Imports.		Domestic exports.		Foreign exports.	
	Merchandise.	Coin and bullion.	Merchandise.	Coin and bullion.	Merchandise.	Coin and bullion.
Year ended June 30, 1882	$493,060,891	$28,215,006	$332,102,136	$38,395,605	$12,401,639	$3,761,188
Year ended June 30, 1883	496,005,276	12,695,200	347,308,334	15,263,319	14,117,027	7,049,832
Ten months ended April 30, 1884	392,319,266	18,440,222	268,366,895	40,818,241	8,017,403	9,582,958
Month ended April 30, 1884	35,557,938	2,997,719	22,825,531	20,429,965	1,008,547	1,407,594

Table showing the imports and exports at the port of New York from 1851 *to* 1881, *inclusive.*

Year.	Imports.				Exports.			
	Merchandise.		Specie and bullion.	Total imports.	Merchandise.		Specie and bullion.	Total exports.
	Dutiable.	Free.			Domestic.	Foreign.		
1851	$119,592,254	$9,719,771	$2,049,543	$131,361,578	$39,164,775	$4,745,865	$43,743,209	$87,653,849
1852	115,336,052	12,105,342	2,408,225	129,849,619	40,716,781	5,710,573	25,096,255	71,523,609
1853	179,512,182	12,156,387	2,429,083	194,097,652	60,540,888	6,595,754	26,753,356	93,889,998
1854	163,494,984	15,768,916	2,107,572	181,371,472	57,462,422	6,745,259	27,169,406	101,377,087
1855	142,900,661	14,103,946	855,631	157,860,238	63,586,775	8,759,787	27,625,740	99,972,302
1856	193,839,646	17,902,578	1,814,425	213,556,649	79,254,195	4,413,335	37,218,766	120,886,296
1857	196,279,362	21,440,734	12,898,033	230,618,129	61,803,235	11,560,920	44,360,174	117,724,329
1858	128,578,256	22,024,691	2,264,120	152,867,067	53,949,703	5,688,509	26,001,431	85,639,643
1859	213,640,363	28,708,732	2,816,421	245,165,516	59,929,531	8,050,790	69,715,866	137,696,187
1860	201,401,683	28,006,447	8,852,330	238,260,460	95,468,296	8,023,984	42,191,171	145,683,451
1861	95,326,459	30,353,918	37,088,413	162,768,790	131,235,995	7,358,906	4,236,250	142,831,151
1862	149,970,415	23,291,625	1,390,277	174,652,317	149,179,591	7,755,231	59,437,021	216,371,843
1863	174,521,766	11,567,000	1,525,811	187,614,577	164,249,177	6,461,791	49,754,066	220,465,034
1864	204,128,236	11,731,902	2,265,622	218,125,760	201,855,989	19,966,553	50,825,621	272,648,163
1865	212,208,301	10,410,837	2,123,281	224,742,419	174,247,454	4,379,145	30,003,683	208,630,282
1866	284,033,567	13,001,588	9,578,029	306,613,184	186,655,969	5,673,585	62,553,700	254,883,254
1867	238,297,955	11,044,181	3,306,339	252,648,475	178,210,409	8,579,616	51,801,948	238,591,973
1868	232,344,418	11,764,027	7,085,389	251,193,834	156,075,578	7,990,524	70,841,599	234,907,701
1869	275,779,976	14,789,235	15,788,462	306,357,673	187,812,776	7,413,930	32,108,448	227,335,154
1870	289,618,878	13,716,500	11,864,644	315,200,022	185,740,061	10,205,672	58,191,475	254,137,208
1871	349,635,398	28,878,294	6,348,608	384,862,300	225,553,247	9,112,990	63,865,546	298,531,783
1872	369,083,458	57,429,020	5,594,208	432,106,686	225,475,687	11,383,610	71,959,042	308,818,339
1873	293,035,348	86,924,877	18,605,611	398,565,836	288,707,357	11,538,048	48,659,661	348,905,066
1874	278,677,532	108,598,631	6,407,571	393,683,734	274,201,898	9,738,235	61,222,228	345,162,361
1875	235,398,509	91,791,853	13,438,557	340,628,919	247,681,724	8,780,444	67,556,650	324,018,818
1876	202,486,773	76,659,977	26,217,888	305,364,638	265,774,302	9,776,662	43,097,102	318,648,066
1877	221,401,649	92,686,992	15,000,227	339,088,868	290,960,048	9,973,923	27,497,169	326,431,140
1878	201,540,213	82,495,681	19,150,973	303,186,867	340,206,868	9,207,432	13,107,788	362,522,082
1879	234,775,206	105,217,808	84,196,109	424,189,123	349,471,680	6,746,885	14,828,044	371,046,609
1880	337,250,149	126,926,531	75,210,096	539,386,776	406,955,884	8,866,943	9,370,272	425,193,099
1881	310,103,977	129,297,696	56,023,233	495,424,906	358,479,834	14,656,536	12,623,831	385,760,201

Comparative statement of the commercial importance of New York.

	Revenues.		Foreign exports.		Imports.		Domestic exports.	
	United States.	New York.	United States.	New York.	United States.	New York.	United States.	New York.
1856			$16,378,578	$6,098,602	$314,639,942	$195,645,515	$310,586,330	$98,763,197
1857			23,975,617	13,360,384	360,890,141	222,550,307	338,985,065	111,029,083
1858			30,886,142	17,299,097	282,613,150	170,280,887	293,758,279	83,403,564
1859			20,895,077	9,016,853	338,768,130	218,231,093	335,894,385	97,461,576
1860			26,933,022	17,514,689	362,166,254	233,692,941	373,189,274	120,630,955
1861			20,645,427	13,311,495	286,598,135	189,064,817	228,699,486	137,379,956
1862			8,147,771	5,069,953	205,771,729	142,215,636	213,069,519	152,377,961
1863			26,123,584	17,369,353	252,919,920	177,254,415	305,884,998	221,917,978
1864			20,256,940	12,735,640	329,562,895	229,506,499	320,035,199	211,237,222
1865			30,390,365	22,627,018	234,434,167	154,139,409	306,306,758	219,379,873
1866					445,512,158	302,505,719	550,684,277	264,510,247
1867					417,831,571	277,469,510	438,577,312	207,382,457
1868			22,601,126	15,016,273	371,624,808	242,580,659	454,301,713	236,031,239
1869			25,173,414	17,741,836	437,314,255	295,117,682	413,961,115	185,384,264
1870			30,427,159	20,339,410	462,377,587	293,990,006	499,092,143	209,972,491
1871			28,459,899	20,087,211	541,493,708	357,909,770	562,518,651	285,530,775
1872			22,769,749	15,161,218	640,338,766	418,515,829	549,219,718	270,413,674
1873	$188,089,522	$126,824,899	28,149,511	18,172,099	663,617,147	426,321,427	649,132,563	313,129,963
1874	163,103,833	110,972,061	23,780,338	14,633,463	595,861,248	395,133,622	704,463,120	340,360,269
1875	157,167,722	108,590,256	22,433,624	15,502,056	553,906,153	368,637,580	658,691,291	329,201,913
1876	148,071,984	101,745,084	21,270,035	13,868,321	476,677,871	311,712,910	655,463,969	294,705,902
1877	130,956,493	91,056,961	25,832,495	17,270,761	492,097,540	330,031,959	676,115,592	300,968,561

Revenues.—It will be observed that for the five years, 1873 to 1877, the district of New York has paid over two-thirds of the revenue.
Foreign exports.—It will also be seen that three-fifths of the foreign exports leave the port of New York.
Imports.—New York received three-fifths of all the merchandise imported into the United States for the past twenty-two years.
Domestic exports.—Nearly one-half of all domestic exports for the past twenty-two years have left the port of New York.

COMPETITION OF NEW YORK AND MONTREAL FOR GRAIN TRADE OF THE WEST.

The Bureau of Statistics furnishes the following memoranda:

Average freight rates per bushel during the season of navigation of 1883.

	Cents.
Chicago to Montreal (all water):	
Wheat, per bushel	8.45
Corn, per bushel	7.91
Chicago to New York (all water):	
Wheat, per bushel	9.00
Corn, per bushel	8.27

	Miles.
Distance from Montreal to Liverpool	2,766
New York to Liverpool	3,075

[By telegraph.]

MONTREAL, *May* 8, 1884.

Present depth shallowest part of channel from Montreal to sea, over thirty-two feet. Minimum depth for last year at same point, over twenty-five feet.

WM. J. PATTERSON,
Secretary Board of Trade.

To JOSEPH NIMMO,
Chief Bureau of Statistics, Washington, D. C.

With cheaper freight from the West, deeper water to the sea, and less distance to Liverpool, it is not surprising that Montreal is steadily gaining over New York in its relative proportion of the export grain trade, as shown by the percentage of the total exports of grain from the two ports:

	New York.	Montreal.
1872 to 1877	88.5	11.5
1878 to 1882	86.4	13.6
1883	84.4	15.6

And when the liberal scheme of improvement detailed below is complete the change may be much more rapid.

THE DEEPENED SHIP-CHANNEL.

"The ship-channel of the river St. Lawrence between Montreal and Quebec has been improved and deepened to twenty-five feet at lowest stage of water at a cost of $4,108,470, and steamships of the largest class now come up to the wharves. A further deepening of two and one-half feet is being proceeded with at a probable cost of $900,000, which will make a total expenditure of $5,008,470, to procure a depth of twenty-seven and one-half feet at low water. This will likely be attained in 1885. Add to that sum the cost of harbor improvement (say $3,000,000), and the amount of over $8,000,000 will have been expended in facilitating the coming of sea-going craft to the head of inland ocean navigation here."

Mr. BLANCHARD. I will withdraw the point of order.

The amendment offered by Mr. BRECKINRIDGE was agreed to.

The Clerk read the following:

SEC. 5. That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water craft through any canal or other work for the improvement of navigation belonging to the United States; and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers.

SEC. 6. That such parts of the money appropriated by this or any previous or subsequent act for any particular improvement, whether requiring locks, dams, abutments, or other structures as may be necessary in the prosecution of such improvement, may be expended in the purchase, voluntary or by condemnation, as the case may be, of necessary sites: *Provided*, That such expenditure shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands shall refuse to sell them at reasonable prices, then the prices to be paid shall be determined and the title and jurisdiction procured in the manner prescribed by the laws of the State in which such lands or sites are situated.

SEC. 7. That whenever, in the prosecution and maintenance of the improvement of the Mississippi River and other rivers, harbors, and public works for which appropriations are herein made, it becomes necessary or proper, in the judgment of the Secretary of War, to take possession of material found on bars and islands within the river banks or other material lying adjacent or near to the line of any of said works and needful for their prosecution or maintenance, the officers in charge of said works may, when they cannot agree as to the price with the owners thereof, in the name of the United States take possession of and use the same, after first having paid or secured to be paid the value thereof, which may have been ascertained in the mode provided by the laws of the State wherein such property or material lies: *Provided, however*, That when the owner of such property or material shall fix a price for the same which, in the opinion of said officer in charge, shall be reasonable, he may take the same at such price without further delay. The Department of Justice shall represent the interests of the United States in the legal proceedings under this act.

SEC. 8. That the provisions of section 3692 of the United States Revised Statutes, regarding the proceeds of the sale of public property, shall apply to the sale of any public property pertaining to river and harbor improvements.

SEC. 9. That it shall be the duty of the Secretary of War to prescribe such rules and regulations in respect to the use and administration of the public works of the United States under his control relating to the navigation of the rivers, harbors, and canals as in his judgment the public interest may require; which rules and regulations shall be posted in some conspicuous place for the information of the public. Any person violating such rules and regulations shall be liable to a fine not exceeding $500 or imprisonment not exceeding six months, to be enforced in any district court of the United States within whose territorial jurisdiction such offense may have been committed.

SEC. 10. That any person, unless duly authorized by the Secretary of War, who shall make or assist in making a cut-off at any neck or bend in any river or harbor of the United States, or who shall maliciously injure any of the public works appropriated for in this bill, or interefere with the construction thereof, shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed; and, if found guilty, he shall be liable to a fine not exceeding $1,000, or to imprisonment for not more than two years, or to both fine and imprisonment as aforesaid, for each offense.

Mr. SPOONER. I move to amend section 10 by inserting after the words "or interfere with the construction thereof" these words: "or who shall dump or deposit ashes or cinders or other refuse matter, tending to obstruct navigation, from any vessel into any of the rivers or harbors herein appropriated for."

I have called the attention of the chairman of the Committee on Rivers and Harbors and also of some other members of that committee to this proposed amendment, and it seems satisfactory to them so far as I am advised. The difficulty it is intended to remedy is similar to that already referred to as occurring in the harbor of New York. The same difficulty occurs in other harbors which are under improvement under the provisions of the river and harbor bill.

It has been particularly called to my attention by the engineer, Colonel Elliott, in charge of the works in the neighborhood of my State. The difficulty there can not be remedied by the provisions already included in this bill in section 4, because those provisions simply provide that parties who shall obstruct navigation by the deposit of any matter in a channel of navigable waters shall be compelled to remove it and to pay damages to a certain amount.

Mr. BRECKINRIDGE. If the gentleman will take out of his amendment so much as relates to rivers, it will be acceptable to those of the committee who are here. It will not do to adopt any provision which would prevent, for instance, the steamboats on the Mississippi from dumping their ashes into the river. I suggest to the gentleman that he confine his amendment to harbors.

Mr. SPOONER. Unfortunately the difficulty which exists in my locality is in the Providence River, where this practice of dumping ashes from the steamers has been continued for a considerable period;

and although the quantity deposited at any one time may be very small, yet in the aggregate the accumulations constitute a material obstruction in the channel of the river.

This is an important matter, and should be regulated in some way by legislation; and it seems to me this is an appropriate point in the bill to insert a provision of this kind. If it be thought desirable by members of the committee that the provision should be so limited as not to affect the Mississippi River I have no objection to such a limitation, although it does seem to me that where the Government is making these large appropriations year by year for river and harbor improvements certainly no one should be permitted to contribute in any degree to the obstruction of that very navigation which these bills are intended to facilitate. But as the Mississippi River is far distant from the locality which I have particularly in view, if the committee think it desirable to except the Mississippi River from the provisions of the amendment I will not object.

Mr. BRECKINRIDGE. I speak of the Mississippi River as an illustration of a whole class of rivers. I can recognize the propriety of a provision of this kind in reference to all rivers which are simply estuaries of the sea, like the river the gentleman has particularly in view, like a large part of the James River, like many of these rivers on the eastern seaboard, which are really arms of the sea—tide-water rivers, the channels of which are dredged out. But as to streams above tide water the restriction would be very injurious to navigation, and it is wholly unnecessary for the preservation of the channel where the channel is preserved by scouring and not by dredging.

The gentleman's proposition looks in the right direction; but in its present form it would do more harm than good. I suggest that he limit it to harbors; and this matter with reference to rivers can be regulated in the Senate, because we have not time now to discuss these matters of detail.

Mr. SPOONER. Would it be satisfactory to the gentleman from Arkansas or the committee if the Mississippi River were excepted?

Mr. BRECKINRIDGE. Not at all; because there are fifty other rivers upon which a provision of this kind would hurt business just as much as on the Mississippi River.

Mr. SPOONER. Would it be satisfactory if the amendment were modified so as to apply only to rivers and harbors in which the tide ebbs and flows?

Mr. BRECKINRIDGE. That would also operate injuriously on a portion of the Mississippi River above New Orleans.

Mr. SPOONER. The amendment will not accomplish the object I particularly desire to reach in my own neighborhood if rivers be excluded.

Mr. WILLIS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WILLIS. I move that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 55 minutes a. m., Thursday, June 12) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of W. J. Embry, executor, &c., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition of the Grand Army of the Republic, for the establishment of a national cemetery near Philadelphia, Pa.—to the Committee on Military Affairs.

By Mr. BURLEIGH: Papers relating to the pension claim of Francis Daniels, H. R. 7103—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: Petition of J. B. Newhart and 13 others, citizens of Ashley, Luzerne County, and of Lewis C. Paine and 45 others, citizens of Wilkes Barre, Luzerne County, Pennsylvania, remonstrating against the governmental monopoly of the telegraph business—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of enlisted men of the Fourteenth United States Infantry, for the passage of House bill No. 2613—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of the post of the Grand Army of the Republic Unionville, Iowa, asking that additional pensions be granted to soldiers of the rebellion—to the Committee on Invalid Pensions.

By Mr. LAMB: Resolutions of Veedersburg Post, No. 337, Grand Army of the Republic—to the same committee.

By Mr. LIBBEY: Petition of James B. Mitchell, asking compensation as surveyor of customs at Yorktown, Va.—to the Committee on Claims.

By Mr. MAYBURY: Petition of William Bills, late of the Eightieth Ohio Volunteer Infantry, for back pay and bounty due him—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. REED: Petition of J. W. Sargent and others, for the relief of Joseph T. Brown—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petitions relating to the claims of Newton C. Perkins, administrator; of James C. Jenkins, administrator; and of W. H. Seddons—severally to the Committee on War Claims.

SENATE.

THURSDAY, *June* 12, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. INGALLS called the Senate to order, and the Secretary read the following letter:

SENATE CHAMBER, *Washington, D. C., June* 12, 1884.

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. JOHN J. INGALLS, a Senator from the State of Kansas, to perform the duties of the Chair during my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

Thereupon Mr. INGALLS took the chair as Presiding Officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of L. B. Leighton and other citizens of Webster County, Iowa, praying that the further issue of money to bankers be promptly stopped, and that Congress shall supply the needs of the country by the issue of full legal-tender paper money, and put it in circulation by paying off war bonds, building railroads, telegraph lines, &c.; which was referred to the Committee on Finance.

He also presented the memorial of P. C. Storey and other citizens of Iowa, urging Congress to build a double-track steel railway from New York to San Francisco, and remonstrating against one dollar of the people's money being loaned to national banks or squandered upon canals; which was referred to the Committee on Railroads.

He also presented memorials of citizens of Le Mars, Lyons, and Washington, in the State of Iowa, remonstrating against the governmental control of the telegraph business; which were ordered to lie on the table.

Mr. HARRISON presented a petition of J. T. R. Gordon Post, No. 201, Grand Army of the Republic, Department of Indiana, praying for prompt action by Congress on the pension legislation recommended by the national committee of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a memorial of citizens of Columbus, Ohio, remonstrating against the passage of the Government postal-telegraph bill; which was ordered to lie on the table.

Mr. LAPHAM presented resolutions adopted by the Fully Disabled Veterans' Association, of Brooklyn, N. Y., favoring an increase of pension to soldiers who incurred total disability in the service; which were referred to the Committee on Pensions.

He also presented resolutions adopted by the J. H. Martindale Post, No. 270, Grand Army of the Republic, of Spencerport, N. Y., favoring the passage of a bill embracing the recommendations of the pension committee of the Grand Army of the Republic in regard to pensions; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MORRILL. I report back the bill (S. 775) authorizing a reappraisement of the steam transport-boat Planter, captured by Robert Smalls, and for a distribution of the proceeds thereof, which was referred to the Committee on Finance but should have been referred to the Committee on Naval Affairs. I move that the Committee on Finance be discharged from the further consideration of the bill, and that it be referred, with the accompanying papers, to the Committee on Naval Affairs.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 2714) to increase the pension of Thomas E. Wilson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5686) granting a pension to Sarah J. Chipman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1444) granting a pension to William J. Hess, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of Anna Burrington, mother of David N. Hoyt, late private of Company F, First Vermont Heavy Artillery Volunteers, praying to be allowed a pension, submitted an adverse report thereon; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the peti-

tion of Cornelia A. Stanly, widow of the late Rear-Admiral Stanly, of the United States Navy, praying to be allowed an increase of pension, submitted an adverse report thereon; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 1719) to rerate the pension of Lawrence P. N. Landrum, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1491) granting a pension to Sarah L. Harvey, mother of G. B. Harvey, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the bill (H. R. 2251) to increase the pension of Dileno Robinson, and the bill (S. 1431) to increase the pension of Dileno Robinson, submitted an adverse report thereon, which was agreed to; and the bills were postponed indefinitely.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1227) granting a pension to Capt. Israel Stough, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4417) granting an increase of pension to Jacob Miller, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1674) granting an increase of pension to Jacob Miller, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CULLOM. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1287) for the relief of Juliet H. Palmer, to submit an adverse report thereon. I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 4431) granting a pension to Leroy C. Rankin, to submit an adverse report thereon. This case has been disposed of in the Pension Office. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 5457) granting a pension to Allicia Durrant, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6530) to increase the pension of Richard Jobes, reported it with an amendment, and submitted a report thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 6656) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN F. FOLLETT of Ohio, Mr. WALDO HUTCHINS of New York, and Mr. JOSEPH G. CANNON of Illinois managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas;

A bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia;

A bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; and

Joint resolution (H. Res. 257) providing for the printing of the last annual report of the Commissioner of Education.

AMENDMENTS TO BILLS.

Mr. MORRILL submitted an amendment intended to be proposed by him as a substitute for the bill (S. 581) to define the routes of steam-railroads in the city of Washington, and for other purposes; which was ordered to lie on the table, and be printed.

Mr. VEST submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

POSTAL-TELEGRAPH SYSTEM.

Mr. HILL. I give notice that on next Monday at the close of the morning hour I shall ask the consent of the Senate to take up the bill (S. 2022) to establish a postal-telegraph system.

Mr. ALLISON. I hope the Senator from Colorado will not insist upon that. I do not know that I shall interpose any objection, but I think at this moment we should not make a special order of that kind.

Mr. HILL. I do not ask to have the bill made a special order. I merely give notice that I shall ask the Senate at that time to take up the bill.

Mr. ALLISON. I misunderstood the Senator. I do not object to the notice.

NEW YORK BANKS.

The PRESIDING OFFICER. Under the call for "concurrent or other resolutions," the Chair lays before the Senate a resolution submitted yesterday by the Senator from South Carolina [Mr. BUTLER] upon the subject of the New York banks.

Mr. BUTLER. I shall be compelled to be out after a little while, and I ask that the resolution lie over for the present; or if it be in order I ask that it lie on the table subject to be called up by myself. Would that be in order?

The PRESIDING OFFICER. That order can be made, if the Senator desires.

Mr. BUTLER. I prefer that the resolution should take that course.

The PRESIDING OFFICER. The Senator from South Carolina asks that the resolution may lie on the table subject to be called up at his request. Is there objection?

Mr. ALLISON. I do not object, but I suggest to the Senator from South Carolina that he allow the resolution to be referred to the Committee on Finance. They have a resolution, which they are now considering, pertaining to the same subject.

Mr. BUTLER. I am afraid if the Committee on Finance get hold of the resolution it will have just about the same fate as the one they have already. I intend to ask that the resolution be put upon its passage when I shall have an opportunity to do so. I prefer that it shall not be referred to the Committee on Finance. There is no occasion for its reference.

Mr. MORRILL. I am quite sure if the Senator from South Carolina was as well informed of what the Committee on Finance have been doing and are doing on this subject as is the Senator from Kentucky [Mr. BECK], the Senator from Delaware [Mr. BAYARD], and other members of the Finance Committee representing the side of the Senator from South Carolina, he would not feel it necessary to present the resolution. It is the same resolution that has been presented in the House, so far as I have noticed, and which was there referred to a committee. We are certainly considering this subject, and with very great diligence, and we expect to have at our very next meeting a further consideration of the topics embraced in the resolution. I am sure the Senator from South Carolina, under these circumstances, would not even offer the resolution which he has presented.

Mr. BUTLER. One of the troubles is——

Mr. HARRIS. If the Senator from South Carolina will indulge me a single moment, I desire to say that I fully concur with the statement just submitted by the Senator from Vermont [Mr. MORRILL]. The Committee on Finance has been for a couple of weeks or more prosecuting, and is prosecuting, the inquiry that the Senator's resolution looks to with all the expedition and diligence that it can; and I am sure the Senator's resolution, if he deems it necessary to press it at all, should be referred to the Committee on Finance. I hope the Senator will not object to its taking that course.

Mr. BUTLER. I am very sorry to disagree with my friends from Tennessee and Vermont. It is the absence of the information which the Senator from Vermont and the Senator from Tennessee say is in existence within the Committee on Finance that has induced me to offer the resolution. I do not know that I have any right to complain of the delay on the part of the Committee on Finance; but it does seem to me that it is certainly time that Congress should be taking some definite, determined action upon the question of the condition of national banks of the city of New York. I shall, therefore, renew my request that the resolution lie on the table for the present, to be called up by me hereafter.

The PRESIDING OFFICER. The resolution will go to the Calendar and lie on the table unless there be objection. The Chair hears none.

Mr. MCPHERSON. I do not wish to object to the wishes of the Senator from South Carolina in this matter, but I suppose previous to my coming into the Chamber the matter has been already discussed, and the Senate has been fully advised as to what action is being taken by the Finance Committee touching this question. If I understand correctly the terms of the resolution they are almost identical with one offered on a previous occasion by the Senator from Alabama [Mr. MORGAN].

Mr. BUTLER. The resolution offered by me is rather more enlarged in its scope.

Mr. MCPHERSON. That resolution was referred to the Committee on Finance. The Committee on Finance immediately proceeded to consider it to the exclusion of many other matters before the committee having priority of right. I think I am telling none of the secrets of the committee when I say we called to our aid the Comptroller of the Currency, and an investigation has been going on from that time to this by the officers of the Government, intelligently, diligently, and has been pursued unremittingly. Further than that, certain measures

have been taken already by the Government to call to account officers who have been delinquent and who have been guilty of supposed irregularities. I do not know any good that can come from the passage of this resolution or the appointment of a select committee to investigate these matters, for certainly it is as safe in the hands of the Finance Committee as perhaps with any other committee of the Senate. I repeat that everything is being done in the matter that seems at the present time to be judicious and wise.

I beseech the Senator from South Carolina not to press the resolution to a vote, but to let it go to the Committee on Finance with the assurance that I think the chairman of the committee can give him, that the resolution will receive immediate consideration, and that a report will be made from the committee which will entirely satisfy the Senator from South Carolina.

Mr. BUTLER. I am not asking for a vote on the resolution. I ask that it may lie on the table subject to be called up by myself at the proper time.

Mr. McPHERSON. But if the resolution contains matters, as the Senator avers, not contained in the original resolution offered by the Senator from Alabama, there are matters embraced in it of which the Committee on Finance are taking no cognizance whatever. Would it not be wise to submit those questions to the committee, whatever they may be? I have not read the resolution of the honorable Senator with a great deal of care, and therefore I can not judge as to the difference between the two resolutions; but I ask the Senator to let all the matters contained in his resolution be a subject of consideration by the Committee on Finance, and the committee I think will be able to report it back almost immediately.

Mr. BUTLER. Then, Mr. President——

The PRESIDING OFFICER. The Chair will state to the Senator from South Carolina that the resolution is not before the Senate. It has gone to the Calendar upon the unanimous consent of the Senate, and can only be called up by a vote.

Mr. BUTLER. Then I ask that it lie on the table.

The PRESIDING OFFICER. It has gone to the Calendar and lies on the table.

BRIDGES ACROSS WILLAMETTE RIVER.

Mr. ALLISON. I move that the Senate proceed to the consideration of the consular and diplomatic appropriation bill.

Mr. SLATER. I ask the Senator from Iowa to allow me to call up the bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads, which passed the House of Representatives with amendments, in order that the amendments may be concurred in.

Mr. ALLISON. The appropriation bill will take but a moment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. ALLISON. I do not object.

The PRESIDING OFFICER. There being no objection, the Chair lays before the Senate the bill, and the first amendment of the House of Representatives will be reported.

The SECRETARY. In section 2, line 4, after the word "prescribed," the House of Representatives propose to insert:

And such sheer-booms or other structures as may be necessary to safely guide vessels, boats, rafts, or other water-craft through such draw-openings as shall be designated and required by the Secretary of War.

Mr. SLATER. I move that the Senate concur in the amendment made by the House of Representatives.

The amendment was concurred in.

The PRESIDING OFFICER. The next amendment made by the House of Representatives will be reported.

The SECRETARY. In section 2, line 23, after the word "boats," the House of Representatives propose to insert "vessels, or other water-craft;" so as to read:

That said draw shall be opened promptly upon reasonable signal for the passage of boats, vessels, or other water-craft, and in no case shall unnecessary delay occur.

Mr. SLATER. I move concurrence in that amendment.

The amendment was concurred in.

Mr. DOLPH. Is there not another amendment made by the House not yet announced?

The PRESIDING OFFICER. There is a third amendment, which will be read.

The SECRETARY. In section 3, line 11, after the word "telegraph," insert "and telephone lines, without charge therefor;" so as to read:

And the United States shall have the right of way for a postal telegraph and telephone lines, without charge therefor, across said bridge.

Mr. SLATER. I move that the Senate concur in that amendment.

The amendment was concurred in.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. I now move to proceed to the consideration of the consular and diplomatic appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDING OFFICER. Having been read three times, the question is, Shall the bill pass? The yeas and nays having been ordered on the passage of the bill, the Secretary will proceed with the roll-call.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Delaware [Mr. BAYARD], but as I understand he would vote "yea" if present, I will vote. I vote "yea."

Mr. JONAS (when his name was called). I am paired with the Senator from Wisconsin [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER].

Mr. VEST (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 38, nays 2; as follows:

YEAS—38.

Allison,	Dawes,	Hill,	Morrill,
Blair,	Dolph,	Ingalls,	Pike,
Bowen,	Farley,	Jackson,	Platt,
Brown,	Frye,	Lapham,	Sewell,
Butler,	Garland,	McMillan,	Sherman,
Call,	Gorman,	McPherson,	Slater,
Cockrell,	Groome,	Maxey,	Voorhees,
Coke,	Harris,	Miller of Cal.,	Wilson.
Colquitt,	Harrison,	Mitchell,	
Cullom,	Hawley,	Morgan,	

NAYS—2.

Vance,	Van Wyck.

ABSENT—36.

Aldrich,	Fair,	Kenna,	Pugh,
Anthony,	George,	Lamar,	Ransom,
Bayard,	Gibson,	Logan,	Riddleberger,
Beck,	Hale,	Mahone,	Sabin,
Camden,	Hampton,	Manderson,	Saulsbury,
Cameron of Pa.,	Hoar,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Jonas,	Palmer,	Vest,
Conger,	Jones of Florida,	Pendleton,	Walker,
Edmunds,	Jones of Nevada,	Plumb,	Williams.

So the bill was passed.

MEXICAN WAR PENSIONS.

Mr. HARRIS. I move that the Senate do now proceed to the consideration of the bill known as the Mexican war veteran pension bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, the pending question being on the amendment of Mr. VAN WYCK to add to the bill the following additional sections, which were read:

That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent, wholly or in part, upon his own labor or upon pecuniary assistance from others for the means of comfortable support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted by virtue hereof, which shall be for total incapacity to perform any manual labor, shall be $30, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States and in line of duty, greater than that provided for herein, shall receive the benefits of this act. But any such applicant for invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws; and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election, except as above provided.

SEC. 9. That all widows of soldiers and sailors who, as such widows, are now receiving, under existing laws or a special act of Congress, the sum of $8 per month, by reason of the death of such soldiers and sailors from a disability contracted in the military or naval service of the United States, and in line of duty, since the 4th day of March, 1861, shall, from and after this date, be entitled to receive the rate of $12 per month in lieu of such rate of $8; and all such widows who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

SEC. 10. That if any invalid pensioner pensioned under pre-existing laws has died or shall hereafter die, or if any pensioner under section 1 of this act shall die, leaving a widow or minor child under 16 years of age, or both, at the date of the death of such pensioner, such widow and minor children shall be held to be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death cause of such pensioner was due to his military or naval service of the United States, and shall receive the rates now allowed by law, except that such as may be found to be entitled to $8 per month shall receive in lieu thereof $12 per month.

SEC. 11. That pension granted such widows on account of such minors shall be continued without limit as to age, provided it shall appear that such minors are of unsound mind or physically helpless, so as to render them incapable of earning a subsistence: *Provided*, That such widow retains the care, custody, and

control of such minors; and in the event of the death or remarriage of such widow, or abandonment by her of such minors, then the pension shall be continued to them in their own right, without limit as to age, payable to a duly constituted guardian.

SEC. 12. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of support than his or her own manual labor, or the contributions of others not legally bound for his or her suppport; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu theref $12 a month from the date of this act.

SEC. 13. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be sufficient *prima facie* evidence that he was then in good health and free from the disease or cause of disability for which he claims a pension; but such evidence shall be subject to rebuttal by record or other satisfactory evidence of the prior existence of such disease or cause of disability.

Mr. CULLOM. I desire to ask the Senate to postpone the consideration of this whole subject until to-morrow morning. I find that while I was absent from the Senate the bill just read was offered as an amendment to the Mexican war pension bill, and it is now pending. The estimates from the Commissioner of Pensions have not yet been furnished to the committee showing just exactly what the probable cost would be if this measure should become a law, but will be ready some time this evening. I was at the Pension Office a little while ago, and they will be able to furnish the estimates as called for during to-day. In view of that fact, as it is a pending amendment to the bill that has heretofore been discussed by the Senate, I appeal to the Senator from Tennessee to allow the bill to go over until to-morrow morning. I say to him frankly that I do not ask this postponement as an enemy of the Mexican-war pension bill. I have been for that bill and expect to be for it in the future, but as this is a pending amendment to it, I should prefer that it should not be discussed or considered until we get all the information that can be furnished us by the Commissioner of Pensions. I therefore ask that the further consideration of the bill be postponed until to-morrow.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the bill may lie over until to-morrow.

Mr. HARRIS. I desire to ask the Senator from Illinois if the information he expects to obtain from the Pension Office is simply the estimates of that office as to the amount of money that would probably be paid out of the Treasury to these pensioners in the event of the passage of the bill? Is that the information the Senator is expecting?

Mr. CULLOM. That is the substantial part of the information that we are seeking to procure.

Mr. HARRIS. May I also ask the Senator, if a few dollars more or less shall result from that information, does he think it probable that the fact of its involving a few dollars more or less would change the vote or the opinions of any Senator upon this floor as to the merit of the bill?

Mr. CULLOM. I think the Senator from Tennessee did not understand the statement that I made. I am not asking for information from the Commissioner of Pensions as to the cost of granting pensions to the soldiers of the Mexican war; I am for that bill, whatever may be the cost; but I am asking for information as to what the cost would be if we should adopt the amendment which has just been read at the desk and which is a bill reported from the Committee on Pensions of the Senate in reference to pension claims under the late war, not as to the Mexican war at all, but as to the cost of the bill, if you please, under the amendment which has just been read and which is now pending as an amendment to the Mexican war pension bill.

Mr. HARRIS. Then, if I understand the Senator from Illinois, he thinks the information that he seeks from the Pension Office is important as determining the merits of an amendment that he has proposed to the Mexican war pension bill.

Mr. CULLOM. I did not propose the amendment myself, but it is pending.

Mr. HARRIS. So I understand.

Mr. CULLOM. It was offered as an amendment by the Senator from Nebraska [Mr. VAN WYCK], and before disposing of that amendment I should like very much to submit to the Senate the information that I am seeking from the Commissioner of Pensions in reference to the cost of pensions under it.

Mr. HARRIS. The suggestion I desire to make to the Senator from Illinois is this: While I certainly do not desire to press this or any other bill in the absence of any pertinent and necessary information in respect to the merit of the pending bill, the bill that he refers to is a bill pending before the Senate and on the Calendar, I understand reported by himself from the Committee on Pensions.

Mr. CULLOM. That is true; but it has been offered as an amendment to the pending bill by the Senator from Nebraska.

Mr. HARRIS. However meritorious that bill may be, I beg the Senator from Illinois and every other Senator to allow that bill to stand upon its own merit and allow the Senate and the House to act upon it on its own merit and wholly independent of other bills that may be pending. I know it is an ungracious thing to object to a request such as the Senator from Illinois has made, and if I do object at all I shall do it with the greatest reluctance. I am opposed to any amendment, however meritorious, however desirable the legislation that is indicated by the amendment may be; I am opposed to encumbering this bill by any amendment that can be proposed, and for that reason I do not feel that I ought to consent to allow this bill to go over for the sake of obtaining information that may be important in respect to a pending or any amendment which may be hereafter proposed; and I hope the Senator from Illinois will pardon me for saying that I can not consent, that being his object.

Mr. BLAIR. Mr. President, I am myself a friend of the Mexican war pension bill. I have, however, noticed, and it has impressed itself upon me as undoubtedly true, that it is the opinion of the Senator from Tennessee that if this Mexican bill is amended it may possibly endanger its passage in the other House at this session. I do not myself, however, think that if everybody interested in its passage and also interested in the pension legislation that might be favorable to the much larger mass of soldiers who have done greater service to their country in a war later than the Mexican war would act according to his convictions this amendment would endanger the bill. If a bill should go to the other House which embraced the interests of both classes of soldiers I do not think it would fail of passage at this session.

But the Senator has stated very distinctly that he believed that if this bill was amended at all it would fail at this session. If that be the case, if a bill which has passed the House and come to the Senate is to fail of its passage in case it is in any way amended and returned to the House, it is equivalent to an emphatic declaration, which all must acquiesce in, that we can not hope for the passage of any legislation whatever in the House at this session, if at any session of this Congress, which embraces and provides for the interests of the soldiers of the late war, that bill as yet having been considered by neither branch of Congress. Therefore it is that we stand here confronted with the emphatic declaration of the Senator and his friends that no legislation whatever in the interest of the soldiers of the late war can be enacted at this session, if at this Congress.

In that view, having a desire to provide for the soldiers of both wars, and of all wars who are in need of help from the Government, I say that any man who desires legislation in the interest of the soldiers of the war of the rebellion must insist upon this amendment at this time; otherwise our enemies, if they are enemies, being the judges, have already given us notice that there can be no legislation whatever touching the soldiers of the late war. It is for that reason I hope the request of the Senator from Illinois will be entertained, and if there is adverse action upon his request by the Senate every one can understand the consequences of it. It is equivalent to saying by that action that there shall be no legislation whatever, at this session at least, of an important character in the interests of the soldiers of the late war.

Mr. HAWLEY. Mr. President, I suppose it is impossible to be uninfluenced sometimes by the consideration that the House may or may not do this or that if we do or do not do this or that, but I see no logic in it. I do not know how as a Senator I can excuse myself for voting against my deliberate judgment because of what the House may or may not do. If their action enters into my purview here, I am obliged to think that the House is as patriotic and as sensible as the Senate. That is the constitutional theory. If Senators do not think so I am sorry for them. I am bound by law to think so, and I do think so.

Mr. HARRISON. Will the Senator from Connecticut in that very connection allow me to call his attention to the fact that when the bureau-of-labor bill was under discussion here in the Senate this argument to which he is now referring was used by some of its friends?

Mr. HAWLEY. Frequently used.

Mr. HARRISON. And to the fact that the Senator from Alabama [Mr. MORGAN], who used that argument a day or two ago against any amendment to this bill, discussing that question, then said:

> Every Senator who has spoken upon the question as yet from that committee has expressed some degree of dissatisfaction with this bill, but they ask us to pass it because they say if you put an amendment on it it is not likely to get through the House again, and we must pass it just as it is because of the pressure of the necessity of having this separate bureau.
>
> Is that a consultation of the public good, or do we in acting in that way and in taking such positions as that in reference to this bill consult a mere clamor or a mere demand of a certain class of the people of the country?

Mr. HAWLEY. Mr. President, I object to that argument.

Mr. MORGAN. If the Senator will indulge me, I desire to say that I frequently undertake to speak for myself in the Senate and not for anybody else. I do not consider that I represent anybody here but myself and the State that I have the honor in part to represent. I am in favor all the time of maintaining the right of every Senator to advocate or oppose any amendment that he thinks will improve or injure a bill. The honorable Senator from Indiana [Mr. HARRISON] and myself the other day were controverting somewhat about whether an amendment that he offered was intended to improve the bill or intended to defeat it. I suppose because of that controversy between the Senator and myself he brings me in upon some other measure in the debate on which I participated.

The PRESIDING OFFICER. Did the Chair understand the Senator from Tennessee to object to the request of the Senator from Illinois?

Mr. HARRIS. I expressed my inability to give my consent.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Nebraska.

Mr. HAWLEY. The pending amendment is the bill which has just now been read?

The PRESIDING OFFICER. It is.

Mr. HAWLEY. I did not rise to enter into a general argument on the question of pensions.

Mr. CULLOM. Will the Senator yield to me a moment?

Mr. HAWLEY. I have yielded already four times and I may as well go on yielding.

Mr. CULLOM. I intended to have made a motion to postpone the consideration of the bill until to-morrow morning after the morning business, and if I have not done it I do so now.

The PRESIDING OFFICER. The Chair can only entertain the motion by consent of the Senator from Connecticut [Mr. HAWLEY] who has the floor.

Mr. HAWLEY. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Illinois moves that the consideration of the bill be postponed until to-morrow morning after the morning business.

Mr. FRYE. I desire to make an inquiry. I did not notice that this amendment was offered. Is it in the nature of a substitute for the Mexican pension bill?

The PRESIDING OFFICER. Additional sections, being a bill previously reported from the Committee on Pensions.

Mr. FRYE. And not a substitute for the Mexican pension bill?

Mr. CULLOM. Not at all.

Mr. HAWLEY. I will not detain the Senate long, because if the whole subject is to be postponed, of course I can say what I wish to-morrow; but I ask the Senator from Illinois to consider in the mean time the wisdom of offering this very important and extensive amendment to the pending Mexican pension bill. I do so for my own sake. Possibly there may be others who feel as I do. I shall be unable to vote for the Mexican pension bill myself, because I am in general opposed to the doctrine of service pensions. I heard a very great soldier say not long ago what I will substantially repeat and which indicates my doctrine. Nothing can be proposed to help a disabled, wounded, suffering soldier, or his widow or his orphan, that I will not sustain, and nothing can be proposed to pension an able-bodied man that I will sustain. Every man in this broad land owes his labor, his property, and his life to his country upon demand at any hour of day or night through his whole life, and 2,000,000 of men very cheerfully offered all this. They are not beggars, nor do they desire to bankrupt the country they offered their services for, and were ready at least to die for. They do not ask us, it is not the real voice of the soldiers of this country that we shall add $150,000,000 or $180,000,000 to the annual taxation. Those dollars come ultimately more out of the poor men than they do from the rich men. Disguise it as you please, the burden filters down until it rests upon the labor of the country. The soldiers do not ask us to make a pension-list which, added to the existing pension-list, will be between $160,000,000 and $200,000,000. I venture to say that you may assemble 10,000 soldiers anywhere and argue this question fairly before them and they will tell you that they do not ask that able-bodied, well men shall be pensioned simply because they entered into the service of the country. They say they went cheerfully, patriotically, thanking God for the ability to go, and that they are ready to go again, and they are not beggars. Wherefore I am not ready for the doctrine of service-pensions.

I will do, as I indicated, whatever is right, whatever is liberal, whatever is generous or overgenerous for those who are suffering. To the able-bodied I will give nothing. Therefore I am unable to support this Mexican pension bill. The time may come in ten years, perhaps less—I do not know—when we may safely and properly adopt the rule in regard to them which we did in regard to the Revolutionary pensions; that is to say, that the age of all survivors must be such as to raise the presumption of disability and inability. That time may come in regard to the Mexican war soldiers. I do not think it has come yet. That time will come and speedily. In God's own providence in the due lapse of time it will come with regard to the soldiers of the rebellion, but not for many years to come. The mass of the survivors of that army now are better risks to life-assuring companies than an equal number of other citizens. The disabled generally died either of wounds or disease or soon wasted away after the war. As a rule the men who survive are now strong men for their years.

But I did not mean to go into the general question. I shall be obliged to vote against the Mexican pension bill. Therefore I ask the Senator from Illinois not to put this bill upon it or attempt to do so, because I am not sure but that I can vote for this measure. It is in the direction of liberality and generosity. It is not based merely upon service. If this be put upon the bill, then I shall vote against the two together, though I have no doubt that the Congress of the United States in both Houses will do whatever is liberal and generous in the premises. I know what is the majority of the other House, but I will not discuss a political question. If there is one thing in this world that does not need an advocate now, it is a liberal policy toward the soldiers. The whole country advocates it. Individually I hope the Senator will not press this bill as an amendment to the Mexican pension bill.

Mr. CULLOM. Mr. President, I think it proper that I should put myself right in reference to this question. I did not offer this bill as an amendment to the Mexican war pension bill. It is a bill that I reported from the Committe on Pensions, and during my absence it was offered by the Senator from Nebraska [Mr. VAN WYCK], and I find it pending here as an amendment to the Mexican bill. I am not disposed at this late day in the session to ask that it shall be taken away from that bill. In other words I am of the opinion now that it is offered as an amendment, that it is best for the Senate that we should consider the whole subject at once. We all know that we are approaching the end of the session, and up to this time we have passed no pension legislation whatever, except a few personal private bills, and every man knows that the people at home are expecting that we shall do something not only for the Mexican war soldiers but for the volunteer soldiers of the late war.

The bill that is offered as an amendment is not based upon service alone, but is based upon the general proposition of disability. While it is true that the Mexican pension bill is more nearly based on the proposition of service, yet I maintain that after thirty-eight years of time have elapsed since that war a very strong presumption is raised of disability on the part of the soldiers of that war to perform manual labor and support themselves, and it is only in harmony with the legislation of the country in reference to wars previous to that that this Mexican bill is offered, apparently upon the proposition of service in that war.

But whatever may be the fact, we have that bill before us, and we have this bill which was reported from the Senate Committee on Pensions in reference to the volunteers of the late war offered as an amendment to it, and it seems to me that we might just as well settle the whole question as to general legislation in reference to both wars while the subject is before us now, or as soon as we have the information, as to separate it from that bill and have another discussion in reference to the volunteers of the late war.

I have not the control of the amendment, I will say to the Senator from Connecticut, because I did not offer it, but now that it has been offered, in my judgment the Senate ought to consider the whole subject together, and not with a disposition to interfere in the least with the Mexican pension bill. My judgment is that we shall pass the Mexican pension-bill, and that we ought to pass it; but while we are doing it let us make a complete job of it and pass the other as an amendment to it, and let them go to the House for concurrence. In that way we shall save time, and in that way we shall serve both the soldiers of the Mexican war as well as the soldiers of the late war in passing the bill as amended.

Now, sir, I have made this motion for postponement not with the purpose of delaying or hindering or interfering in any way finally with the Mexican pension bill, but simply because I have supposed that when this amendment came before the Senate the Senators would naturally and of course expect more definite information in reference to the cost that might be incurred under the amendment than we have now before the Senate; and, as I said at the outset, I called at the Commissioner's office and he promised to furnish me all the information that he could furnish during the day, and I shall be in favor of taking up the whole subject and passing the bill to-morrow, if we can have the opportunity of getting the time for its consideration.

Mr. JACKSON. Mr. President, I wish simply to state as to the amendment proposed by the Senator from Nebraska that the Committee on Pensions were very much divided upon it. It was reported by a bare majority. It presents serious and important changes in the general pension law. If we undertake to take it up and discuss it and dispose of it now, it will lead to such debate that we shall hardly get it through at this session. It had better be considered as an independent proposition when reached on the Calendar.

Mr. SHERMAN. Mr. President, I feel very desirous that we shall pass at this session some pension legislation that will be satisfactory not only to the soldiers of the Mexican war but to the soldiers of the late war; not of a radical character, but such as will enable them to get what Congress designed them to have—pensions upon establishing reasonable proof of certain facts.

I vote in favor of pensioning the soldiers of the Mexican war with some doubt. I would prefer that the lapse of forty years should have occurred before the bill was presented, so as to bring it somewhat in harmony with the precedents of the past, and then I would have voted for it with great pleasure. As it is now within three or four years of that time, I have no objection to granting the pension now. I have therefore made up my mind to vote for the Mexican war pension bill, and in doing so I represent, I have no doubt, the general feeling of the people of Ohio.

The General Assembly of Ohio has expressed that opinion strongly, and therefore I shall have no hesitation in voting for the Mexican war pension bill; but at the same time it does seem to me that some provision ought to be made to remove the hardships which have grown out of the execution of the present pension laws in regard to the Union soldiers; and I do not think the position of my friend from Connecticut [Mr. HAWLEY] is exactly logical. He says he would be inclined to vote for this amendment because it is in the line of the principle upon which he has been acting of giving pensions to disabled soldiers. If

he is in favor of the measure offered as an amendment, why not vote for it as an amendment to this bill, although he may be opposed to the bill itself? He may vote against the whole if he chooses, but at the same time he ought to do that much toward enabling us to pass some bill for the relief of the Union soldiers, because his vote may enable us to pass this measure, and yet it may not defeat and may not affect the action of the Senate on the Mexican war pension bill.

I believe that this amendment does remove certain difficulties that have stood in the way of honest claims of Union soldiers for pensions under existing law. It relieves them from the necessity of proof in certain cases where to demand the proof is entirely unreasonable. When a soldier was accepted at the beginning of the war into the Union Army, after a vigorous examination, as a sound, able-bodied man, to require him at the end of twenty years to prove that when he was a young fellow, lusty and active, and was accepted by the United States as a soldier, he was at that time, when eighteen or nineteen years old, an able-bodied man is an unreasonable requirement. The United States accepted him as an able-bodied man; they received his services; he was disabled during the war, and it is unreasonable to require of that soldier proof after the lapse of twenty or twenty-five years that he was a sound man when he entered the service.

Mr. CULLOM. The Senator will find the provision he refers to in the bill offered as an amendment.

Mr. SHERMAN. That is what I say. I say this measure does remove some of the difficulties to which I have alluded in regard to the proof in establishing claims for pensions.

I think the time has come when any person under a disability which by a fair and reasonable inference grew out of his service in the Army should have the benefit of the pension law; and therefore, as the principal section of this amendment provides for that very thing, I am in favor of ingrafting it on any bill to which it is germane. Is not that fair? We know from the condition of the public business that if this measure was passed as an independent bill and sent to the House it could not be acted upon because it involves an appropriation; but as an amendment to a bill of an important character that the House has sent to us on a kindred subject, entirely germane in character, it is perfectly proper for us to say to the House, "It is true you propose to pension the Mexican war soldiers, and we will agree with you in doing that; but we desire also to do an act of justice to the Union soldiers, to remove certain restrictions imposed by law upon them, and therefore we propose to add an amendment to your bill which is in the line of granting pensions to soldiers." It seems to me they ought to be considered together.

Then there is another provision that I hope the military committee will put on this bill. It is an outrage and a shame that thousands and tens of thousands of private Union soldiers should be charged as deserters though they served valiantly during the war, during the whole term of the war, and after the war ended, after the review here in Washington occurred, went to their homes believing they had fully performed their contract with the United States. The charge of desertion against them is a lie. They were not deserters. They fulfilled their contract. I never saw a lawyer yet who took up that question dispassionately and read the enlistment but what would say that the soldiers who served to the end of the war until they were actually in a form mustered out here by a grand parade celebrating the close of the war had fulfilled their contract; but yet they are charged with being deserters because they did not choose to be sent down to Texas to fight another Mexican war, for that was the object for which the enlistments were, as it seems to me without authority of law, extended. In Ohio many of our regiments that had served three or four years gallantly were required to go down to Texas, and all knew what that meant. It was on account of the condition of affairs in Mexico and the French occupation of that country. Many of those men, some of whom I knew personally, who felt that they had performed their duty, went home, not standing upon the order of their going, believing that they were deserving of gratitude from the Government of the United States. They are alleged to have deserted. In other words, they had finished their contract, and they went to their wives and their children at home, and they did right.

Mr. HAWLEY. I think that is a matter of so much consequence that I may be pardoned for interrupting the Senator. Who is to be the judge of the time when the contract is fulfilled? Shall the soldier, when a decisive battle has been fought, lay down his musket and go home? Can any army live upon that principle?

Mr. SHERMAN. The courts of the United States are the only judge. When a Secretary of War or any officer of the Government, I do not care who he is, undertakes to decide that question arbitrarily, without any chance of review——

Mr. HAWLEY. Ah! Pardon me again. The decision has been made. In due time it was made by the general judgment of all the Executive Departments, and it has been made, I believe, by the Supreme Court. The time has been fixed when the war constitutionally and properly ended.

Mr. COCKRELL. The Supreme Court decided when the war closed.

The PRESIDING OFFICER. The Senator from Ohio is entitled to the floor.

Mr. SHERMAN. I know that the Supreme Court decided that technically the war did not close until some time in July——

Mr. COCKRELL. August, 1866.

Mr. SHERMAN. August, 1866. Now, sir, to say to us and to say to those soldiers who enlisted for the war of the Union that the war did not end until August, 1866, is an outrage and a shame, I do not care who said it. In the case of those soldiers who for the highest motive in the world took up their muskets and left their farms and their homes to fight for the cause of their country, to say that by construction the war for which they enlisted was to be extended until August, 1866, is a crying shame. It is an outrage to stamp the charge of desertion upon brave men who fought your war for three or four years, who gallantly carried your muskets in battles greater than any in modern history, who crowned their country with laurels and saved our nation I trust for many generations yet unborn. To say that those brave men were deserters because after they had marched in parade here, believing that the war was ended, they did not feel that they were bound by their enlistment to go to Texas and fight the Emperor Maximilian in Mexico is a crying shame, although it may be technically, legally correct that until the war was proclaimed to be ended by the authorities of the United States it was not technically ended.

Now, sir, I say those men are entitled to relief; and I trust that this bill which gives some three or four million dollars a year to the Mexican war soldiers will also furnish relief, if this amendment is adopted, to those who have tried to get pensions to which they think they are entitled, and will also cure this crying evil by removing the charge of desertion from all those who honestly left the ranks at the close of the war, as they thought, and went to their homes to see their wives and children and to engage in their ordinary business, believing themselves to have discharged their full duty to their country.

Mr. HAWLEY. Mr. President, just when it was safe for a soldier, or wise or proper for him, as an obedient and loyal man, to run away from his regiment, I do not know. Technically, legally, the war ended in August, 1866. There was no question about what the result was soon to be when Lee abandoned Richmond and Petersburg. The very hour that the troops of the confederacy went out from their intrenchments in those two cities, every man in the country saw that the end was near upon us, the sun was over the eastern hills, so near that there need be no further anxiety about what would be the result of the war. Yet the main army of the confederacy was to be followed to Appomattox, and the entire world thought that even after that this country was to be liable to at least a series of guerrilla conflicts, local insurrections, disturbances from wandering bands of confederates here and there throughout the whole region over which the confederacy had claimed jurisdiction. That was the judgment of the world; that was the belief of a majority of our people. It is a great consolation to the American people, North and South, that the world was disappointed in this respect. But the private soldiers of the Army did not know it, the officers did not know how much of this there was to be. After Appomattox, a very gallant and brave army of the confederacy had not surrendered and was yet dangerous to the peace of the Republic, and after that army had surrendered at Raleigh there was still a very considerable confederate force in the field, and after that confederate force down near the Mississippi had surrendered there was still no certainty as to when disturbance might or might not be renewed again. There was a great police duty that was at least to require one hundred or one hundred and fifty or two hundred or three hundred thousand soldiers for some considerable time. Was it then for any good, obedient soldier to say: "I will leave that to some of my other friends; I think I had better go home; I will take my chances and leave the other troops to perform this disagreeable after-the-war duty, this police and finishing-up duty; I will shirk it on some other man; I agreed to stay until I was honorably discharged, until in the judgment of my country the war was at an end; I think the war was at an end when the confederates left Richmond; and I am going home?"

The precise degree of guilt that attached to a man who ran away after the review of the Army of the Potomac here I do not assume to fix. I do not regard that man at all as I regard the scoundrel who ran away in the face of the enemy just before Gettysburg or before Antietam. That is an immensely different question. But the Senator from Ohio can not convince me that the man did right who ran home without consent after the review at Washington. He did not do right; he disobeyed orders; he was unjust to his country; he was unjust to his comrades.

I am obliged to the Senator for his eulogy of the soldiers of the Union Army. I was a very humble and poor one myself. I am very much obliged to him, but I beg leave to say to him that those eulogies are now delivered by the whole country, by the North and the South, and will be delivered for centuries to come. I am not so much in need of eulogy therefore, but I think it proper to acknowledge it; and having learned a little of soldiering under four years' hard discipline, I am not going to say here for any purpose, political or personal, that any man did right who went home before he was mustered out.

Mr. PLUMB. This discussion, Mr. President, seems to have taken a wide range, but it has finally drifted upon a subject in which I have considerable interest and about which I have had something to say here-

tofore, and as long as it is up I desire to say that I think there is a very great distinction between the action of a man who deserted and the action spoken of by the Senator from Ohio, and whether what he says comes in late or early is not very material.

Desertion, according to the best writers on military law, is characterized as the leaving of the flag, practically the leaving of the country, the desertion of the country's cause in a way which absence without leave does not do. While technically I have no doubt that a man was obliged to serve and must necessarily have been obliged to serve until in the judgment of his superior officers the war was over, or until his particular case was brought before a court and determined against him, until such time as he was properly discharged, yet I can see how a person or a number of persons entirely loyal to the flag could leave the military service of the Government after an event like that of the great parade in May, 1865, in Washington, without in any sense deserting or without in any sense qualifying, in a material way at any rate, their duty as soldiers, and that is just exactly what happened.

I do not know of a single case of a Kansas soldier who would be affected by the legislation I have proposed at various times on this subject, but I know of a number of other cases which have appealed to me most strongly and come within my own knowledge. For instance, there were a number of Michigan regiments who had re-enlisted as veterans; that is to say, they had served one full term of enlistment and had re-enlisted for a further term of service under what was known as the veteran re-enlistment act. They were the men who were with Sheridan and with Custer in the valley of Virginia. They were the picked corps, so to speak, the vitalizing force of all that great cavalry division of the Army of the Potomac, which won such great renown, especially in the last year of the war. After the war was over practically, that is to say, after the grand parade—and I presume that the war for all practical purposes was over when the Government invited the two great armies of Grant and of Sherman to meet under the shadow of this Capitol in that great parade as a preliminary to final muster out—the Government, having some need for the services of troops on the plains, ordered these regiments out on the plains to fight the Indians, a service entirely foreign to that for which they were enlisted, something that was not in contemplation either in their own minds or in that of the Government at the time they signed the enlistment papers. They were sent out there to the plains by thousands. I saw them out there myself.

Mr. SHERMAN. I will ask my friend if he does not know that Northern regiments were sent down into Texas for some time with a view to an anticipated war with Mexico?

Mr. PLUMB. I was just about coming to that as another evidence of that kind of performance which came between these men and the honest interpretation of their enlistment as the Government itself ought to have interpreted it. They were sent out, as I said, to the plains. The most cruel thing that ever came under my observation in all my military service occurred to the members of those regiments, substantially under my observation. They went out there unused entirely to the service, men who were privileged to hold up their heads as soldiers by reason of soldierly duties in the presence of anybody anywhere. But they went to Fort Leavenworth as the starting point, and some one there, ill-advised, said to them, "You do not want carbines out there." They did not care about carrying them there. Knowing nothing about Indian warfare, they left their carbines at Fort Leavenworth and went out armed only with revolvers and sabers.

Anybody who knows anything about that service knows that men might as well go out armed with bludgeons. The weapons they carried were of no more use to them in any way, defensive or offensive, than sticks would have been. They went there to be murdered. They were murdered by the score, and the Government is not guiltless of that murder. Some of those men, realizing that this was a service which they had not enlisted for, realizing that their time had practically elapsed—because you could not close the eye of the whole people to great facts such as were then apparent to anybody—did not go there; they went home; scores of them went home, and I have never been able to see that they had failed in one single jot or tittle of my respect by going home. They forfeited their pay; they have never had their pay since that time, and many of them have hundreds of dollars due them. More than all that, against those men, the pride of the Army of the Potomac, a great part of its vitalizing force, there stands to-day the charge of deserting the flag they were only too willing to die for. I say it is an outrage that these men are put in the category of those other men who did desert during the war and while the battle was on, and there was no question about the necessity of their being where they had agreed to be. Thus are all branded alike, and these men's names are to be carried down to posterity as having deserted the flag that they were willing to fight for and did fight for up to the last moment when fighting was required.

In addition to that, as the Senator from Ohio says, at that time, with a million of men in the ranks and with the whole world aware of the success of our arms, in view of the affront that had been put upon us in our time of trial by the French in their invasion of Mexico, there were dreams of revenge and dreams of conquest which I know some of our Southern brethren were willing to join us in at that time. In pursuance of that notion men were sent out in the direction of Mexico in the heat of summer, to a climate to which they were unused, to a service for which they had not enlisted, and exposed to perils just as great as those to which they had been subjected. Men were sent out from Ohio and Indiana and Illinois.

On their way down there, within a stone's throw of their friends, going right by the places where their wives and children and fathers and mothers lived, the places they had been hungering for months and years to get back to, hoping the time would come when they might go back with honor when the war was over, they got off the trains and went home, and got off the boats and went home. They did not want to go out in a new war of conquest, or whatever else it might be, against Mexico or any other power, because that was not what they had enlisted to do. Those men, too, are grouped as deserters to-day upon the records of the War Department along with the men who did actually desert the flag, and some of whom went over to the enemy and others of whom went in the hour of peril. They are all put together and all marked with the same indelible mark of disgrace, the mark of desertion.

Mr. FARLEY. Will the Senator from Kansas allow me to ask a question?

Mr. PLUMB. With pleasure.

Mr. FARLEY. How has it happened that the soldiers who he claims are improperly under the stigma of desertion have been so for the space of time that has elapsed since that aspersion was cast upon them, twenty years ago? Why has not the question been raised until this Mexican war pension bill has been brought before the Senate?

Mr. HARRISON. The Senator is mistaken.

Mr. PLUMB. I will give the Senator from California something to do besides sneering at these men.

Mr. FARLEY. I am not sneering at the men. I am only asking for information.

Mr. PLUMB. I did not bring the question here.

Mr. HARRISON. The Senator from California is entirely mistaken. Bills for the relief of this class of men have been introduced session after session of Congress.

Mr. SHERMAN. Every year.

Mr. HARRISON. And favorably considered, I think, by the Committee on Military Affairs of the Senate, of which committee I was a member at the last session, and reported, and not reached upon the Calendar. There have been continuous efforts in that direction.

Mr. FARLEY. Then I will go further and ask the Senator from Indiana why his party, which has had control of the Government for the twenty years, or nearly so, that has elapsed, did not remove this stigma which has been cast on the soldiers?

Mr. PLUMB. I will yield, after I get through, to the Senator from Indiana and the Senator from California to carry on their colloquy in their own time.

I want simply to say now in reference to the suggestion of the Senator from California that this can not be a very urgent matter, or it can not have any great merit, or else it would have been talked about before, that, as the Senator from Indiana has remarked, something has been said about it, and we passed in the Senate after a debate a bill which came up from the House a year ago intended to cover this very class of cases; but in a discussion about whether the benefits of the act should apply to one class of people or another it was so amended by inadvertence as to practically effect nothing, the War Department holding that it amounted in reference to this great class of people to just what the law was before the bill was passed.

When the men went home they did not think about this thing, or care about it particularly. There was not one of all their neighbors who ever cast such a stigma on them as deserting the flag for thus leaving the ranks under these circumstances. Everything was fresh; everybody knew everything about them. A man went back to his town in Michigan or Ohio or Indiana. Everybody knew what his service had been; it could not be hidden, it could not be questioned, and men did not care anything about it. They said, "We want to go home," and they went home. The Government did not prosecute them, and the matter simply remained as something that was of no consequence to anybody, and excited no consideration or attention. But the time has come when men think about these things, not in reference to themselves and the consideration in which they are held by their neighbors, but in reference to the effect upon those who are to come after them. There is the indelible record, and now the men begin to say, "Here is the record against me," just at the time when all the country is full of renewed sentiments of patriotism which took men into the army twenty years or more ago. Now men begin to say, "Here against this man is a charge of desertion." The man begins to feel it himself. It is not so easy now as it was twenty years ago to show by the testimony of the neighbors by whom he was then surrounded that he was not a deserter. It affects now his standing in the community as it never did before. The man who served as a teamster got an honorable discharge, and the soldier did not.

Besides, these men are tottering on the verge of the grave, and here are children and children's children to come after them and to find upon the annals of the country not the record of service done, not the record

of battles fought and battles won, but the cold, disagreeable, dishonorable fact of the flag deserted; and that is to go down to all time. These men stand, as I said, in that awful category of men who not only were not willing to fight for the country, but who, having an opportunity to do it and having promised to do it, deliberately and foully deserted the flag.

I do not care when the subject comes up or where; it is a matter of just as much moment to this country, to its honor, as the Mexican pension bill or anything else. I did not bring it here myself. I shall vote for any amendment put on this bill calculated to do justice to the memory of those men and to their services, and I will vote to put on any other recognition of a class of men who seem to have been lost sight of to some extent in this debate in the disposition of the Senate to do justice to the Mexican war soldiery—that is the great body of the Union soldiers, who fought through just as patriotic motives, fought just as well, and made just as many sacrifices as did the men who went to war with Mexico, and who have not yet come here asking for service-pensions.

Mr. HARRISON. Mr. President, there seems to have been some digression in the discussion, not only from the pending motion, but from the provisions of the Mexican pension bill and the amendments which have been proposed to it.

We were met when this subject was last under consideration with the most determined resistance from the friends of this Mexican pension bill to every amendment that was proposed. The Senator from Kentucky [Mr. WILLIAMS] who manifested great interest in this Mexican pension bill admitted that some of the criticisms which I made upon its provisions were well taken; he admitted that some of the classes described in the bill to be the beneficiaries of the bill itself ought not to be pensioned; but he insisted that there were no such men in fact, and that it was a description that did not and could not apply to any class of soldiers who were enlisted or served in the Mexican war; and yet notwithstanding this admission that there were classes of persons described there who would be entitled to service-pensions under the bill who had never laid any true basis of service to entitle them to a service-pension, we were met with the proposition that this bill must be forced through without any amendment whatever, because if any amendment, however just, however reasonable, however pertinent to the question of Mexican pensions was put upon this bill it would be lost in the other House.

Now, Mr. President, we have had proposed this morning a bill which considers and disposes of the whole question of pensions to the soldiers of the late war. It is germane to this bill. It can not be alleged that it introduces a subject foreign to the bill now under consideration. The general subject is what is the duty of the Government toward its soldiers, toward those who have served it in time of war; and whether that service was rendered in Mexico, in a foreign country, or on our own soil when the standard of rebellion was lifted against the Government, it can not be said that there is any difference in principle or that the provisions of the amendment which has been proposed by the Senator from Nebraska are not entirely germane to the bill under consideration. And yet, again, we are met with the proposition that if this amendment is placed upon this Mexican pension bill it kills the bill. The Senator from New Hampshire [Mr. BLAIR] at once caught that which was involved in that proposition, and has stated it very plainly to the Senate. If you can not pass your Mexican pension bill in the House with the slightest amendment upon it by the Senate, what do you say as to the possibility of our ever getting through the House these bills relating to the pensions of the soldiers of the late war, in which we feel special interest? If your Mexican pension bill is to be lost because an amendment is attached to it, are we then to be told that there is no possible hope for this legislation in which we feel a special interest?

Mr. FARLEY. Will the Senator allow me to interrupt him a moment?

Mr. HARRISON. Certainly, sir.

Mr. FARLEY. I apprehend that when the time arrives when the period which has elapsed since the Mexican war shall have elapsed after the close of the service of the Union Army in support of the Government there will be no opposition to granting pensions to the soldiers of the Union Army as we now propose to grant them to the Mexican war soldiers. That war ended thirty-eight years ago.

While I am on my feet I will suggest to the Senator from Kansas that he said I attempted to cast a stigma on the soldiers——

Mr. HARRISON. I would rather the Senator would not reply in my time to the Senator from Kansas. Will not that do just as well after I am through?

Mr. FARLEY. I will not avail myself of the courtesy extended by the Senator longer than a moment.

Mr. HARRISON. If the Senator desires to speak now I have no objection.

Mr. FARLEY. I did not cast any stigma on the soldiers. The stigma, if any, was cast by the honorable Senator from Kansas and the honorable Senator from Ohio by saying that certain soldiers are claimed to have been deserters, that they are resting under that stigma to-day. I asked why relief had not heretofore been extended to those men. I did not stigmatize the soldiers. On the contrary, I think they are entitled to the greatest credit and the confidence of the people of the country. But it is not my purpose to have this bill, as far as I am individually concerned, crippled and maimed, as was proposed by the Senator from Massachusetts [Mr. HOAR], by a similar amendment, and it was admitted by him that his object was to kill and destroy the Mexican pension bill at this session of Congress.

Mr. HARRISON. I am obliged to the Senator from California for the assurance that he and his friends will not stand in the way thirty-eight years after the close of the war of the rebellion, if the proposition shall then be made of granting a service-pension to the survivors of that war. But that has nothing to do with the pending question upon the amendment proposed here to the Mexican pension bill. It does not propose a service-pension to the soldiers of the late war. It proposes to give pensions to those who are disabled; it proposes to relax the strict proof by which the soldiers of the late war are now required to connect their present disabilities with their service in the field.

Mr. BUTLER. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. BUTLER. Why not bring in a separate bill on that subject?

Mr. HARRISON. I will tell the Senator that there is a separate bill brought in.

Mr. BUTLER. Very well; why not let us vote on that?

Mr. HARRISON. Why not let the Senate vote on that?

Mr. BUTLER. I will say to the Senator that I will vote for it.

Mr. HARRISON. I am much obliged to the Senator.

Mr. BUTLER. Then why jeopardize the passage of this bill in the House by putting that amendment on it? The Senator should state it fairly. The ground of the opposition to the amendment has been the want of time in the other House. The Senator is perfectly familiar with the rules of that body.

Mr. HARRISON. I understand the Senator——

Mr. BUTLER. I do not think the Senator is stating the case exactly fairly when he charges those of us on this side of the Chamber with objecting to the amendment because it has this feature attached to it. That is not stating it fairly.

Mr. HARRISON. I did not charge anybody with being opposed to any amendment because it had any feature attached to it. I take the Senator at his own word. He says the House bill now under consideration will have no possible chance of becoming a law if we attach the smallest, even the most formal, amendment to it.

Mr. BUTLER. That is exactly what I say.

Mr. HARRISON. That is exactly what the Senator says.

Mr. BUTLER. For the want of time.

Mr. HARRISON. I understand the Senator—for the want of time. What will he say, then, as to the prospect of our passing the bill in reference to the pensions of the soldiers of the late war, on the subject of time?

Mr. BUTLER. It is simply because the friends of that bill have not been as industrious and active as those of the Mexican pension bill to have for it the same position. Why throttle this bill simply because the Senator has not been able to get the same advantage of position for the measure he is advocating? That is the appeal I make to the Senator in common fairness.

Mr. HARRISON. We do not propose to throttle either bill. We propose to put upon this bill a provision which has received the sanction of a committee of the Senate; and if it has come late here, and there is that interest in the House in the whole subject, that equal, undiscriminating interest in pensions for the Mexican war soldiers and for the soldiers of the late war, we all know that it is entirely practicable for the House to pass the bill. If it be true, as the Senator from South Carolina supposes, that the effect of attaching such a measure as is now proposed to the Mexican pension bill will not be to lose it friends in the House of Representatives; if it will receive as friendly treatment as the Mexican pension bill has received, then there is no question of throttling either one of these measures; both of them can be passed, and both of them can become law; and I suggest to the friends of the Mexican pension bill, which has distinctive, peculiar aspects, whether it would not be wiser, even if the legislation upon this subject is deferred till December, that we should deal with the whole subject, and that they should demonstrate now their willingness to meet us in liberalizing the pension laws as to the soldiers of the war of the rebellion, and let these two things go together.

Mr. BUTLER. The Senator will certainly do me the justice to say that in my votes in this body I have never questioned any matter of pensioning the Union soldiers of the late war.

Mr. HARRISON. I do the Senator that justice, and not only him but others of his associates on that side of the Chamber.

Mr. BUTLER. Therefore I do not think that the little flings that every now and then the Senators on that side make about the friends of this measure doing this and that are altogether fair and just, in view of the unquestioned manner in which we have always sustained every bill coming in here to pension Union soldiers of the late war.

Mr. HARRISON. I say to the Senator from South Carolina that I have intended no fling toward him or any associate who sits with him on that side of the Chamber. He knows that I do not deal in that sort of argument or reference. If I have anything to say, I will say it

plainly; and I say now, since the Senator has mentioned the question, that it has been to me a source of great gratification that I have seen not only on the part of the Senator from South Carolina but others of his associates whom I could name a disposition to meet all these questions relating to Union soldiers in as impartial a spirit as any person on this side of the Chamber could meet them.

But, Mr. President, we ought to put this amendment and any other pension legislation that we expect to get through in one bill and pass it. For one, with reference to the Mexican pension bill, as I expressed myself before, if it can be so framed as that it will really embrace the soldiers who fought in that war; if you will so frame it that it will describe to me the men who marched with Scott and Taylor, who climbed at Chepultepec, and who fought before the walls of Mexico, men whose soldierly courage and constancy were proved and did not fail, I am willing to vote for it. I believe the right thing would be to put the Mexican pension bill upon the same basis that is proposed in this other bill as to soldiers of the late war, namely, upon the basis of a present physical disability; and if that is done we shall then have an equal rule applied to both of these classes; and if we are assured there is a disposition to deal with equal kindness (and I believe there seems to be) with both these classes of soldiers, why not have this bill reported from our committee considered together with any amendment which the Senator from Ohio and the Senator from Kansas may propose with reference to the removal of the charge of desertion, and grouping all of these provisions together let us agree upon such as meet our approval, and uniting them in one bill send them to the House of Representatives; and we may be sure that the bill in that case will have consideration in the House.

Mr. VAN WYCK. Mr. President, I think the Senator from California, and possibly the Senator from South Carolina, are laboring under a misapprehension as to the effect of this amendment upon the soldiers of the late war. I understood the Senator from California to make the point that when the Union soldiers shall have been as far removed from the war of the rebellion as the Mexican war soldiers are to-day, then it will be competent and proper to extend to them the same advantages which are proposed by this bill to those who served in the Mexican war. I understand that to be the position of the Senator from California.

Mr. FARLEY. That will be time enough.

Mr. VAN WYCK. Very well; but the difficulty is here: the amendment does not extend to those who served in the Union Army the same benefits which the bill proposes to extend to the Mexican war soldiers, because the pension of the Mexican war soldier is purely a service-pension given to the wealthy and the poor alike. That is the feature of the Mexican pension bill as it stands to-day. It depends neither upon disability nor dependence; but this amendment which has been proposed extends not the features of the pension law to that extent to the soldier who served in the Union Army; it only provides for giving a pension to the Union soldier who has been honorably discharged and who has become disabled from any cause not the result of his own gross carelessness or disreputable conduct or vicious habits, and who shall also be dependent wholly or in part upon his own labor or upon pecuniary assistance from others for the means of comfortable support. Do gentlemen antagonize that proposition to-day basing the pension upon the ground of dependence and upon the ground of disability? It is true it matters not whether the disability occurred in the war or since, the fact that a man is disabled and that he is dependent upon his manual labor or upon his relatives for support are both required under the amendment to put the Union soldier on the pension-roll.

Mr. BUTLER. Why not put that in as a separate measure? Why put it upon this bill?

Mr. VAN WYCK. Because it is germane and legitimate to a pension bill.

Mr. BUTLER. There are a good many other things which are germane that might be put on which it would be unwise to put on.

Mr. VAN WYCK. It has been publicly announced here by one Senator and another that any amendment placed on this bill will defeat it for want of time in passing the other House. If that be true, then it is perfectly evident that the amendments here proposed, if placed in a separate bill, would have no possible chance to pass the House.

Mr. BUTLER. That does not follow at all.

Mr. VAN WYCK. Oh, yes, it does; because a separate bill starting from the Senate will have far more difficulty in passage through the House of Representatives than a House bill which comes here with more than a two-thirds majority which is amended by propositions to which no exception can, I think, be taken here or in the other House. To so amend the bill will hasten its final passage. Place the amendment on the bill and you have a large majority in this body; send it back to the House, and instead of having two-thirds it will have nearly a unanimous vote in the House in favor of the bill. So the adoption of the amendment accomplishes and strengthens the object gentlemen seek to attain.

Mr. BUTLER. They can not reach it according to the rules of the House. I do not know anything about the rules of the House or of the Senate, but I am told if the bill is sent back with an amendment it goes to the foot of the Calendar of the House with hundreds of other bills ahead of it.

Mr. VAN WYCK. Two-thirds can control it.

Mr. BUTLER. But it may be very difficult to get two-thirds to do it.

Mr. VAN WYCK. Then we must pass this pension bill with this club raised over our heads in the Senate that we must take it just as it comes from the House; no matter how imperfect it may be in our judgment or however much we may wish to add to it, we are told that we can not do this; if we do we imperil the passage of the bill in the House.

Mr. BUTLER. That is what I said; but nobody holds the club over the Senate; nobody makes any threats. The Senator may vote against the bill, and I would have more respect for him if he would vote against it squarely than seek to kill it in this indirect way. That is my view of it. I simply want to vote on the bill as it is. I will vote for the amendment separately. If you want to kill the bill, kill it.

Mr. VAN WYCK. No; we are trying to perfect it, to make it better.

Mr. BUTLER. That you may tell the marines, but you can not make me believe it.

Mr. VAN WYCK. That is what I am trying to do.

Mr. DAWES. The Senator from South Carolina says he understands if this bill is amended and goes back to the other branch it goes where it is impossible to get it up. If that is true of this bill it is true of every bill that comes over from the House; it is true of every appropriation bill; it is true of every bill; and therefore it is idle for us to attach any amendments to a House bill. The same rule that requires us to ignore this amendment requires us to ignore all amendments to every other House bill, including all the appropriation bills.

Mr. BUTLER. I made that statement upon information. The Senator from Massachusetts has been a member of the House, and of course is more familiar with the rules of that body than I am. I may be mistaken. I only say that is my information. I do not know.

Mr. DAWES. It is true that it is difficult to get through measures that go from this body to the other body, to get them up for consideration there; but all the House bills that go back from the Senate with Senate amendments are more easily brought before the House than any other bills, and if a strong majority exists in the House in favor of a House bill that has come here and gone back amended, practically there is no great difficulty in the way of considering it, as I understand it.

Mr. SHERMAN. I wish to say in reply to the Senator from South Carolina that I have looked over this amendment and there is nothing in the amendment that would tend necessarily to send the bill to the Committee of the Whole. It goes to the Speaker's table with this amendment put upon it.

Mr. BUTLER. How do they get it off the Speaker's table?

Mr. SHERMAN. It goes there, as a matter of course, with amendments to a House bill. If this amendment contained an appropriation of money, then the rules of the House would require it to be referred; but it contains no appropriation of money, only a change of existing law. I do not think myself that this amendment would weaken the bill in the House. I believe the House would itself pass it, especially if we put on that provision in regard for the relief of those suffering under the charge of technical desertion after the close of the war. I believe those two amendments would secure the passage of this bill very easily in the House. I have no doubt they would receive the favor of the House by a two-thirds vote; but at all events it is sufficient for me to say that the adoption of the amendments does not make it necessary to refer the bill again either to a committee or to the Committee of the Whole House. It goes to the Speaker's table, where a determined majority can reach it at any time.

Mr. BUTLER. Can a majority take it off the Speaker's table?

Mr. SHERMAN. Certainly; a majority can go to the Speaker's table.

Mr. BUTLER. I agree with the Senator from Ohio that the amendment would probably strengthen the bill. It certainly would not weaken it with me. I do not object to it on that ground, but simply upon the ground of time.

Mr. DAWES. If any one should undertake to prevent its consideration all other business before it could be laid aside by a majority. If any member of that branch should undertake to stand up and prevent its consideration, I understand that a majority could lay aside the intervening business until this bill was reached.

Mr. MORGAN. I inquire of the Senator from Massachusetts if that would not take about 200 votes.

Mr. DAWES. Very likely it would take 200 votes.

Mr. MORGAN. Two hundred different votes?

Mr. DAWES. I am supposing an improbable case; I am supposing that any member of the House would stand up there determined to use all parliamentary resorts. Then a two-thirds vote could take it up.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. CULLOM. In the absence of the Senator from Massachusetts [Mr. HOAR], who has charge of that bill, I move that it be laid aside, so as not to lose its place.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the bill may be informally laid aside. Is there objection? The Chair hears none. What is the pleasure of the Senate?

Several SENATORS. Go on with the pension bill.

Mr. VAN WYCK. I ask for the further consideration of the pension bill.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the Mexican pension bill, so-called, be now considered. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Mr. SLATER. I wish to inquire of the Senator from Nebraska the scope of his amendment. I see that it is a bill reported by the Committee on Pensions, and being so reported, many amendments were put in and some crossed out. I wish to understand if in offering it he offers the bill as it originally stood or as amended by the committee, whether he has considered the amendments proposed by the committee?

Mr. VAN WYCK. I propose the amended bill as reported from the committee with the committee amendments.

Mr. SLATER. Then I understand the question of arrearages of pensions is not a question to be considered in this amendment.

Mr. VAN WYCK. No, sir; it is not included. I desire that there shall be no impression in the minds of those who desire to have purely a Mexican war bill passed as to the effect of this amendment. It was only intended to reach the soldiers of the Union Army who are suffering by reason of disability, no matter whether incurred before or since the war, and those who are dependent. Those features are not connected with the Mexican soldier, whose pension is to be on the ground of service, whether there is any disability incurred before or since and whether there is any dependence or not.

There is one feature of the amendment that I take it there can be no objection to; I am satisfied that the Committee on Pensions will consent to it unanimously, and I think this body will, and I am satisfied the House will, and I suppose the entire nation will; and that is:

That all widows of soldiers and sailors who, as such widows, are now receiving, under existing laws or a special act of Congress, the sum of $8 per month, by reason of the death of such soldiers and sailors from a disability contracted in the military or naval service of the United States, and in line of duty, since the 4th day of March, 1861, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

The Committee on Pensions are unanimously in favor of pressing this provision in this amendment. If the money is to be taken out of the Treasury, it is far better that it should be given to the poor widows who lost their husbands in the war than spent in many other ways. This is a laudable way of disbursing the money to which nobody will object, and with that provision in the bill it is stronger in this body and stronger in the other. There can be but one sentiment on that: that the eight-dollar pension of the widows should be raised to $12. That is not only generous and in the direction of gratitude, but it is humane.

There is another feature of the amendment which proposes an increase of the pensions of dependent fathers and mothers from $8 to $12 a month, and I take it there will be no objection to that proposition. Then there is one more which is important, and that is—

That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service that fact shall be sufficient *prima facie* evidence that he was then in good health and free from the disease or cause of disability for which he claims a pension; but such evidence shall be subject to rebuttal by record or other satisfactory evidence of the prior existence of such disease or cause of disability.

These amendments gentlemen say they would not antagonize; they would be willing to adopt them in a separate bill. Then we save time by putting it here. We have a certainty of passing this bill, which we all desire, because there is no hostile opinion on this matter. These measures, it is said, would have a hearty acquiescence in a separate bill. By making this amendment to the House bill under consideration we not only make more certain the passage of the Mexican pension bill, but we also make certain the passage of these measures in the amendment which are desired by this body and desired by the other. Then why not include them all in one bill?

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the motion of the Senator from Illinois [Mr. CULLOM] to postpone the further consideration of the bill until to-morrow.

Mr. MILLER, of California. The last motion made by the Senator from Nebraska [Mr. VAN WYCK] was to proceed to the consideration of the bill.

The PRESIDING OFFICER. That motion was made at the hour of 2 o'clock and brought the bill up again in the same shape in which it was left by the laying before the Senate of the unfinished business.

Mr. MILLER, of California. I do not desire to speak to a motion of that sort, but I have a word or two to say in regard to the amendment.

I think the friends of the Mexican pension bill make a mistake in opposing this amendment. I am certainly as warm a friend and advocate of the Mexican service-pension bill as any one, and would do no act to jeopardize its passage; but this amendment is so eminently just and manifestly proper, and so necessary to the proper execution of the pension laws, so necessary as an amendment to the pension system, that I think it ought to be adopted, and I believe that the House will concur in it without objection.

For my part I certainly can not vote against this amendment. I can not feel justified in voting against it in any form whatever, because it supplies defects in the general pension laws which ought to have been supplied long ago. Many cases of deserving disabled soldiers who apply for pensions, who are not able to get them by reason of their inability to make the proofs that the disability has resulted from service in the war, have come under my observation, some of them of the most sad character, where relief ought to be granted by the officers of the Pension Bureau, where it is morally certain that it ought to be granted, but the technical proofs can not be made owing to the death of surgeons and owing to the death of comrades and the moving away and disappearance of officers under whom these men served. This amendment supplies the omissions in the old law, or at least it removes restrictions under the existing laws whereby relief can be granted in these deserving cases.

There ought to be a further amendment to relieve soldiers who fought through the war and rendered good service, and who are entered upon the rolls as deserters, charged with mere technical desertion. There ought to be an amendment relieving them from that charge, and I trust somebody will offer such an amendment. I understand that such an amendment has been prepared. The pending amendment, supplemented by an amendment of that sort, ought in my judgment to be ingrafted upon the Mexican pension bill. You may rest assured that the House will not take the responsibility of defeating the measure thus amended. They can find no justification in refusing to pass it. In my opinion there will be no substantial opposition to it, and it would render the Mexican pension bill more popular than it now is.

There are many who are not in favor of giving a mere service-pension without regard to disability. I am not one of that number. I believe after the lapse of thirty-six years or thirty-seven years, as in this case, the presumption of disability is sufficiently great to warrant the Government in granting the pension, and when the time shall come, in 1901 or 1902, when thirty-six or thirty-seven years will have elapsed since the close of the war of the rebellion, I expect the Government of the United States to grant a service-pension to every survivor of the war of the rebellion who did honorable service in that war.

For my part I shall vote for the amendment.

Mr. SAULSBURY. Mr. President, if the revenues of this country fell down like the manna did of old and we could go out and gather a day's supply every morning and two days' supply of revenue every Saturday I would vote not only for this bill but for every amendment that is proposed to it. But I have some regard for the tax-payers of this country as well as for the soldiers of the country. I know how useless it is to oppose anything that proposes to take money out of the public Treasury. I should have been a very dull scholar if I had not learned that any effort to prevent money from being taken out of the public Treasury that is placed there by the taxes imposed upon the people would prove abortive. That is especially true when it is proposed to take it out of the Treasury for the purpose of giving it to the soldiers, whether the soldiers of the Mexican war or the soldiers of any other war. There are very obvious reasons why this is so.

In the first place, the soldiers have votes and we are all human beings and controlled somewhat by motives of self-interest. I venture the assertion here that if the soldiers had no votes we would have no such bills pending before the National Legislature as the Mexican pension bill or the amendment offered by the Senator from Nebraska.

In the second place, we flatter ourselves that we are great men. We are the Senators of the United States who make laws for the people; but behind us there is another power greater than ourselves controlling our action if not our judgment. The pension agents who sit around this Capitol issue their circulars and decrees and petitions come up for pensions, and the Senators of the United States, great and mighty as they may be, bow to the behests of the pension agents and vote the money that they require, and they are afraid not to do it for fear that they would lose political status at home. We all know it, and the country knows it.

I have as much respect for the soldiers as any other man has, but I have respect for the tax-payers of this country who pay the taxes into the public Treasury. There are hundreds and thousands of people contributing their taxes into the public Treasury who have scarcely the necessaries of life at home to eat and to wear, and yet we go on recklessly appropriating moneys which the people pay out of their hard earnings into the public Treasury, squandering it as though it were water that flowed freely or as the air that we breathe around us.

I say I would vote for the bill, and I would vote for every amendment that is offered to it if we could gather up the revenues necessary

for it without imposing burdens upon the people; but I am not willing to take money which the people pay out of their hard earnings to give to soldiers or anybody else as a mere gratuity when there is no necessity for it.

These amendments propose to increase pensions. The people who passed the pension laws years ago thought they had provided ample compensation to pay to the soldiers, and yet the Senator from Nebraska proposes to increase all the pensions simply because we have a surplus in the Treasury; because if we were down to hard-pan with no surplus in the Treasury, no man would think of increasing pensions, or recklessly granting new pensions. But there will come a time as certain as the sun shines, when the financial affairs of this country will become deranged, and when the revenues will not pour in so abundantly as they do at present, and we ought to look at it in that light. When that time comes there will be complaints from the tax-payers of the extravagance—I use the term advisedly when I say the extravagance—of the American Congress in the appropriations of money from the public Treasury for pensions and for every other purpose.

I have heard this bill advocated upon the ground of gratitude. I have as much gratitude I think in my nature as almost anybody else, but I owe some gratitude also to the people who have borne the expenses of the Mexican war, and who have borne the extravagant expenses of this Government for the last twenty-five years. I should like to see their burdens relieved; I should like to see their taxes reduced; but with this reckless squandering of public money you may bid farewell to all idea of ever reducing the burdens of the people of this country. Taxation becomes an inheritance of the American people while this extravagance continues.

For one I intend to have my record consistent. I shall vote for the reduction of taxation whenever I can do so, and I shall not vote to increase the expenses of the Government so as to prevent the reduction of taxation.

Mr. President, I have spoken my sentiments about this matter frankly and freely. I say that we are recklessly squandering the people's money. I believe to-day that we are doing that which we ought not to do. I respect the soldiers of the Mexican war as much as anybody, for I have no doubt they were as worthy a class of men as ever went into a war. I remember the days of the Mexican war. I believe no better class of men, as a common rule, ever went into any war on American soil. They were many of them young men of education, young men of standing, who volunteered because it was a foreign war.

Many of the soldiers in all our wars were worthy men. A great many of the soldiers who went into the wars were moved by patriotism of the highest character and freely left their land and home to brave the dangers of war and the camp, but we all know that there were a great many men who went into the war who were not so worthy at home, who were not ranked as good citizens. I remember seeing a man enlisted in my town whom I had defended in the courts for stealing a goose. Some men of that kind went into the war. While there were thousands of men who went there from the highest motives of patriotism as they go into all wars, there were other men who went into the war not from honest motives, but from motives of a very different character. Still, if they rendered the service and were disabled I am perfectly willing to pension them.

Mr. MILLER, of California. Even the man who stole the goose?

Mr. SAULSBURY. Even the man who stole the goose; if he risked his life and became wounded I should put him on the pension-roll, because that has been the policy of the Government. But you are about to change the policy of the Government. You are about to adopt a service-pension. The policy of the Government has been to pension those who were disabled in the war, or if they died to give pensions to their widows and their children, but now you propose to advance beyond that and to pension every man who enlisted in the service, whether he was wounded or not. Whether he was injured in body or mind or in any other way, you propose to give him a pension.

This bill proposes to pension a number of men who are holding seats in the two Houses of Congress. Gentlemen who are holding seats in the Senate and House of Representatives are beneficiaries under this bill. Do you think the people of this country are going to be satisfied with such a measure? When the poor man toiling at his plow, toiling to earn enough for himself and his family, is told that he is to pay the taxes which are to pension the able-bodied men who were in the Mexican war, is he going to be satisfied? He ought not to be satisfied.

I say there ought to be a revulsion in the public mind which will check this matter, because if it is left to the discretion of members of Congress who owe their seats in this body and the other House to the votes of soldiers as well as others there will never be a check put to it, but they will bind burdens upon the tax-payers at home; and until they resist it, until they organize to stop it, it will not be done.

I trust that while I hold a seat in this body I shall never be afraid to express my sentiments without reference to its effect upon myself. It is my honest judgment that to-day we are doing injustice to the American people and to the tax-payers of this country by squandering the public money in gratuities and bounties when they are not deserved. I want to be understood. I do not oppose pensioning the disabled soldier or even voting him a pension when advanced years have come upon him, as was done in the case of the soldiers of the war of the Revolution and of the war of 1812. If he was wounded in the war or when advancing years have made him infirm and unable to support himself, I am willing to act upon the presumption that he is disqualified from making a living and will vote to place him on the pension-roll as has been done heretofore.

But, thirty-six years after the war with Mexico, when almost every man who went into that war was a young man, many of whom to-day are in the flush-tide of health and prosperous in their conditions, without any reference to the circumstances of the soldier, without any reference to his age, to his infirmities, to his ability to make a competent support for himself, we propose gravely, in the face of the American people, to take their money, not ours, to take the money which they have paid into the Treasury, not our own money, but the money of the American people, and pay it out in gratuities, stimulated to that, as I before said, by the efforts of pension agents, who, hoping to make a fee for themselves, send out their circulars and get up a clamor in favor of pensions, and if that will not answer they send out their instructions to have State Legislatures instruct their Senators and Representatives to vote for every character of pension bills.

I respect the opinion of State Legislatures. I believe where they fully understand the subject that they deal with, and know all about the details of the question upon which they pass, that their voice is potential, and it ought to be potential, with their representatives, unless there are constitutional questions involved; but when a Legislature passes a resolution of instructions upon a subject on which they are not informed, and in favor of a bill of which they are ignorant of the details, it is a different matter. I do not hesitate to say that though the last Legislature that met in my State elected me to my seat at the present time, yet if the Legislature had instructed me to vote in favor of this pension bill without knowing its details and its provisions I should have disregarded the instructions and gone home and sought to justify my act before my fellow-citizens. I do not believe in that kind of instructions. I do believe in instructions when the Legislature fully understand what they are doing; but in this case they could not have understood it, because the bill was not formed, and they knew nothing of its details. Besides that, the instructions that have been sent from several States to representatives upon this floor were inspired, I have no doubt, from this city, in order to influence the action of gentlemen who would not otherwise have voted for the bill. I shall censure no man for obeying the instructions, but I have expressed freely my own view in reference to that matter. If such instructions had come before the bill was formed, the details of which they could know nothing about, I should have regarded the instructions as not binding, because the Legislature could not have known what they were instructing me about.

Mr. President, I shall vote against this Mexican pension bill, and I shall vote against all amendments which are proposed to it. I do not intend by my vote to take money out of the public Treasury and give it where I do not believe it ought to be given. If when the time comes, in forty-eight or fifty or fifty-three years, as was the case with the survivors of the war of 1812, and there are any survivors then, and if I had a seat on this floor, I would vote to pension them, because that has been the policy of the Government; but when you ask me thirty-six years after the war to do that, when I know that many of the men who will be the recipients of the benefits derived from the bill are as able as I am to make their living, and many of them have much more than I have to live upon, I shall not do it.

I know that the man who ventures to express any opinion in opposition to any bill which proposes a pension to anybody takes the risk of being censured and denounced for it; but I shall be willing "to take each man's censure," but shall "reserve my judgment," and I shall record my vote against the measure.

Mr. VAN WYCK. Mr. President, I most heartily indorse many of the suggestions made by the Senator from Delaware [Mr. SAULSBURY]. The great difficulty, as he suggests, is that we have so much money paid into the Treasury by a tax upon the people, and yet when we vote upon a question of this kind we must take the situation as we find it. We find an overflowing Treasury. The Senator from Delaware and myself have found it utterly impossible to discover any way whereby this could be checked. I hoped as one of the grand results of the success of the Democratic party in the other House that there would be a drying up of some of the channels, and that the taxes and the custom duties would in a measure be reduced; but those hopes, like Dead Sea fruit, turned to ashes on the lips. So the Senator from Delaware and myself, agreeing entirely upon the matter of the collection and distribution of money, find there is no way to check the inflow, and there is no way to check its flowing out. Then it becomes important to discriminate as to the manner in which the money shall be expended.

One thing I desire above all others, and that is not subject to the criticism of the Senator from Delaware as to the influence of the voting population. I desire to increase the pensions to the unfortunate widows. The Senator fears that the passage of the Mexican pension bill would cause a revulsion in the public mind by pensioning every one who served in that war without regard to disability or dependence. Let us put something in the bill to make it more palatable, so as not to produce the revulsion of feeling which he predicts in the public mind.

It was said that there was rivalry between the two political parties as to which should go the furthest and do the most in this direction. I do not know whether it was in that view that our political brethren at Chicago passed a resolution on the subject of pensions, one of great liberality; but I find in that resolution, whether they so intended, that it proposes to retrench the rights of the widows. They said very boldly that they were in favor of the arrears of pensions, which probably would take at once $250,000,000 out of the Treasury. Our Republican brethren wanted arrears of pensions, but at the same time their resolution shuts down on the widows; that is, the resolution said they wanted widows to receive pensions whose husbands had been killed in the war, whereas the law is that if the husband dies long after the war but from disease contracted in the service the widow is entitled equally as if he had been killed in battle.

Mr. FARLEY. You will vote the ticket.

Mr. VAN WYCK. I will vote the ticket because we propose to make that part of the platform right. Who would suppose that so much stupidity could be found in a Republican convention? It is horrible to contemplate what may follow when the Democratic convention assembles at Chicago.

Mr. BUTLER. They were in favor of a vigorous foreign policy, too, I believe.

Mr. VAN WYCK. I agree with the Senator from Delaware, but here is the position. The House of Representatives and the Senate have voted to do just the thing he denounces, that is, to give the wealthy soldier who served in the Mexican war the same pension as is given to the man who is spending his days in the almshouse.

Mr. SLATER. I should like to ask the Senator from Nebraska, if he will permit me——

Mr. VAN WYCK. Certainly.

Mr. SLATER. If he has made any estimate or has ascertained any facts by which he may enlighten the Senate as to how much, if the amendment obtains and the bill passes, it is going to increase the annual pension-roll. That is a very important matter, and we want to know something about it.

Mr. VAN WYCK. I will say to the Senator from Oregon that fact will be in figures here before this discussion closes. The Senator from Illinois [Mr. CULLOM], who had special charge of this matter, and whose bill this really is, is obtaining the exact information from the Pension Office, and he asked early in the debate to-day that this matter might go over until to-morrow, when the information would be here full and complete. The pensions must be increased. The Republican party has said so; the Democratic party will say so; the Democratic House has said so; the Republican Senate has said so. Pensions must be increased, and my friend from Delaware and myself must submit. That is the judgment of the nation.

Mr. HARRIS. Will the Senator from Nebraska allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. HARRIS. The Senator from Nebraska has offered as an amendment to this House bill, which proposes to pension a certain class of veterans, an amendment which is a bill that has been regularly reported from the Pension Committee and is now upon the Calendar. I call the attention of the Senator from Nebraska to the fact that there are perhaps twenty other, possibly fifty, I know not how many, but quite a number of pension bills that have passed the ordeal of the committee and hold their places upon the Calendar with the recommendation of the proper committee. Presumably they are meritorious. The probability is that most or all of them will in their order and in their time be passed by the Senate.

Now, why should the Senator take a bill from the Calendar and undertake to tack it onto this bill? Why not allow this bill to stand upon its own merit or want of merit, as the case may be, and let the bill that he has offered as an amendment to this stand upon its merit, and every other pension bill that is pending and holding its place upon the Calendar stand upon its merit or fall for the want of it? Or if the Senator persists in pressing this particular bill that he has taken from the Calendar and offered as an amendment to this bill, why not in justice to the other applicants who have already the recommendation of the Committee on Pensions and whose bills are on the Calendar with that recommendation, take them all up and offer them as an amendment or amendments to the pending bill?

Mr. VAN WYCK. The suggestion of the Senator from Tennessee would be proper if made in the early stage of the session and there was an abundance of time to secure the passage of all meritorious bills; but I was alarmed a few days since by the suggestion of the Senator himself, because he notified us that if any amendment was placed upon this bill there would be danger of its not passing through the House.

Mr. HARRIS. I did say so.

Mr. VAN WYCK. That danger was because of the shortness of time. The very moment that fact became evident it was necessary if we accomplished anything to secure the most meritorious of all these pension bills and place it as an amendment here so that it might go *pari passu*, which was very proper with the Mexican pension bill, being on the same subject.

Mr. HARRIS. Will the Senator allow me one single suggestion in that connection?

Mr. VAN WYCK. Certainly.

Mr. HARRIS. These veterans of the Mexican war have waited thirty-eight or thirty-nine years. The classes that the Senator's amendment proposes to provide for have not waited quite so long, and even if they were postponed a few months longer I do not see any very great amount of inequity or injustice in allowing them to wait a few months longer. At all events, I have always been ready since I have been upon this floor to consider every pension bill that has been presented. I have always been ready to act according to my sense of duty and propriety in respect to those pension laws, and have given preference invariably to their consideration. Now, all I ask is that we take them up in their order and consider each and every one of them upon its individual merit, and not undertake now an omnibus bill by which the various classes may be provided for in the same measure.

Mr. VAN WYCK. I agree with the Senator that we should not make this an ominbus bill. That is not proposed, but a bill which shall add a few separate provisions which are necessary as we believe.

The Senator says that thirty-eight years have elapsed since the Mexican war, yet I understand the Senator feels that we have not done common justice to the soldiers of that war. That the bill we are considering should have been passed before, I think he will agree.

Mr. HARRIS. If it has not been passed before, I am quite sure it should be passed now.

Mr. VAN WYCK. It is claimed that this bill does tardy justice. In a previous discussion on this matter I tried to establish the point that we shall not in our day and generation wait so long that we shall either upbraid ourselves or be subject to the criticism that we have neglected the duty which was properly belonging to us. Gentlemen bewail the fact that we have been tardy and slow in this expression of gratitude to the soldiers of the Mexican war, and it is a strange spectacle to present to them and to the soldiers of other wars. We do this, as the Senator from Georgia [Mr. MORGAN] has said, out of pure gratitude, and therefore we can not discriminate between the wealthy and the poor. It is pure gratitude, and yet at the same time we tell the soldiers of the Mexican war we shall postpone this measure year after year, hoping that your numbers may be fewer, that you will keep dropping into the grave; that many of you will have to go without this expression and acknowledgement of gratitude from the American nation; that we will wait until there is but a handful left, and then we will express our gratitude. Those soldiers of the Mexican war who, during the last ten or fifteen years, have gone down to the grave were as much entitled to this recognition of gratitude and this little pittance of $8 a month as those who survive. That will not be disputed.

Now, what is being asked by gentlemen on both sides of the Chamber is that this measure of gratitude, if you call it such, that this measure of duty to your disabled and dependent soldiers, shall be done, because that is all that is asked on behalf of the Union soldier. We will say by reason of the greater lapse of time, thirty-eight years, in the Mexican war we will give them a pension as a mark of gratitude, and it shall be given to every man by reason of his service, but for the Union soldiers we are not asking that, we are only asking that those who are disabled and dependent shall be pensioned. Will you consent that those of the Union Army who are disabled and dependent shall now be begging their bread upon the street or go down to their graves carried from an almshouse? That is all we are asking for them.

Another class is the dependent parents, and the other is that a soldier shall not be embarrassed who seeks to get his pension by an attempt to prove that he had some ailment before he was mustered into the service.

I recognize what my friend from Tennessee has stated, that he has been ready and willing to consider pension measures. I have found in the committee-room that which has excited my admiration in regard to pensions on the part of gentlemen coming from another section of the country whose dead were buried, and their widows and their children, unfortunate as they may be, can receive no pittance from the Government. I have admired gentlemen on this floor coming from that section who advocated general and individual pensions laws with the same degree of alacrity and cordiality as men from the section of the country whose people are benefited.

Let us take care of the widows; let us take care of the dependent father and mother; let us take care of the disabled and dependent Union soldier. Then if there is any money left in the Treasury let us go back and give arrears or whatever else may be deemed necessary, or, as my friend from Delaware says, exhaust all the money in the Treasury for pensions rather than in a vigorous foreign policy or to subsidize steamships. That would be far better. The money must go out, it seems; we can not stop it; and let us give it direction at least so that we may feel when it is gone that it has gone where it will do the most good; that it has gone where humanity, generosity, duty, or if gentlemen choose to call it gratitude, dictate it should go.

Mr. SLATER. Mr. President, I desire to say a few words on the proposition before the debate closes to-day. I have sought to get some information in relation to what the expense to the Government would

be in case the pending amendment should be adopted and the bill as then amended should become a law, but I failed in the inquiries I have made to get any information whatever. I am told that we shall have the information on to-morrow. There are a few facts, however, which are within the reach of nearly every Senator, which it will be remembered a few weeks ago were reported to us from the Department.

By the last annual report, if I recollect correctly, the annual expense of our present pension-roll is somewhere about $33,000,000. The number of undisposed claims on the files of the Pension Office is, I think, about 275,000. Within the last year a report from that office has shown that there are more than 1,000,000 soldiers of the Union Army still living who have never filed a claim in the Pension Office asking a pension for any disability or under any circumstances.

As to the first clause of the bill which is offered as an amendment to the pending bill, it is a drag-net. I do not believe that any one, however well-informed he may be in regard to the statistics relating to subjects of this character, can by any possibility measure the expense that this country will be involved in if that shall become a law. First, there are 275,000 undisposed of claims now upon the files of the Department, with an annual rating of $33,000,000, which we are paying now, and which is monthly increasing. It is fair to assume that each one of those 275,000 claims must necessarily at once become a vital force. It is fair to assume that they must all have disabilities that will at once entitle them to consideration, and to go upon the pension-roll. It is a very low estimate if we calculate that 25 per cent. shall be entitled to pensions of the 1,000,000 who have not presented any claims who are known to be living, and these estimates allow for 500,000 of the Union Army who have gone to their graves since the close of the war.

I say it will be a low estimate if we can calculate that 25 per cent. of the one million shall be entitled to some rating of pension under the bill. Then there will be at least 525,000 claims to go upon the pension-roll under this bill. Allowing the number to be 500,000, and supposing the average rate to be $4 a month, we will have added under this bill at once $24,000,000 to the annual rating under that clause alone, to say nothing of the Mexican war pensions or of the widows' pensions or of the dependent relatives. If you will figure this out you will see that under any arrangement that can be made the bill will provide for more than doubling the present annual pension rate, which is now $33,000,000, and in all reasonable probability it will reach more nearly $50,000,000 per annum.

But that is not all. That is neither the width, the height, nor the depth of the gulf that is before us. Since this bill was reported from the Committee on Pensions and has been on the Calendar of the Senate a voice has come from Chicago which reverses the action of the committee which struck from that bill the arrears-of-pension clause. The vote that will put this amendment upon the bill will restore the arrears-of-pension clause which was stricken out in the Pension Committee. They upon the other side of the Chamber are pledged to do it; the voice from Chicago has commanded them to do it; and we are told within the past few months by the Pension Commissioner that that clause will add at once to the expenses of the Government $250,000,000 and more.

The audacity of this thing is the only argument that I can see in favor of it. It is a political flank movement by which it is expected to defeat the universal cry for a reduction of taxation. Pass this bill and you may talk in vain about tariff reform. Before the first year of the next administration will have passed you will be seeking new objects of taxation and new means of revenue to fill your depleted Treasury. You will be unable to meet the expenses of the Government thus increased with the present revenue raised by the present taxes; you will find no place where you can put your finger to take off or lighten the taxes of the people. As I say, it is a political flank movement which is intended to defeat all propositions for the reduction of taxation or bring relief to the tax-burdened people of this country.

The PRESIDING OFFICER. The question is, Shall the further consideration of the bill be postponed until to-morrow? Is the Senate ready for the question?

Mr. BLAIR. Before the question is taken I wish to make one or two statements that may have a little bearing upon the pecuniary importance of the pending amendment. It is quite as large as it might appear to be from the statements of the Senator from Oregon [Mr. SLATER]. I did not hear all that he said, but I have no doubt that if the amendment is adopted it will involve an annual addition to the pension expenditures of the country of $50,000,000. I think the Senator's estimate was $24,000,000, or $25,000,000 at the lowest. I have no doubt that we must contemplate an addition of at least the amount that I have mentioned under the provisions of this proposed amendment.

But, Mr. President, the amendment is based upon a principle of eternal justice that we ought to recognize, and which being recognized is the proper basis of legislation, even though very much more expensive to the country than this. The amendment does not propose that any man who is able to drive with his coach and six to the pension agency and to collect his $24 quarterly and place it in his bank account shall receive anything from the poor people of this country or from any taxpayers of this country; but it does propose that those defenders of the country, those who preserved its unity, who have perpetuated its nationality, who have conferred upon it and secured to it for the present and the future the power to bear taxation at all, who are in actual need of assistance of a pecuniary character, shall receive it, and receive it, too, from their beneficiaries.

That is the idea that is in this amendment. It does not propose to give pensions to men who do not receive aid from some source, either from private charity or from public charity or assistance from those who surround them, and it does not propose to increase the general public burden at all. It is the proposition of the amendment to locate that burden upon those who ought to bear it and who have the pecuniary ability to bear it. That is all there is of it. It does not call for a single dollar of expenditure from the American people in the aggregate which must not be made by somebody, but it places where it belongs the burden upon this overflowing Treasury that we hear so much about, a Treasury which exists and which does overflow by reason of the sacrifices which these men made long years ago.

That is a principle which we strongly endeavored to ingraft in the Mexican pension bill itself. We failed to do that. There has been no time during the last ten years to my certain knowledge when the friends of the soldiers of the Mexican war *per se*, as they claim themselves to be, could not have secured abundant relief so far as the necessities of those soldiers went. The proposition was made to amend the bill in the last Congress, and the proposition has been made in every Congress since I have had the honor to possess a seat in either branch to give relief to the soldiers of the Mexican war so far as they need it. I recollect that in the Forty-fourth Congress, which was the first I had the honor of belonging to, I received letters from soldiers of the Mexican war in my own State who were in great need, and they asked for a pension. I was ready and anxious to do all I could to secure for them a pension based upon their necessity and their honorable service, but the friends of the soldiers of that war said, "No; you shall give to all alike; you shall give to the millionaire as well as to the pauper;" for there are soldiers of the Mexican war who are, honorably to themselves and dishonorably to their country, paupers to-day. Those men said, "We will have for all; we will have an honorary recognition of $8 a month for the service they have done the country." But the principle involved is one which when applied, as it must be with justice if applied at all to the soldiers of the Union, would have burdened the Treasury even more than to-day, for since then vast numbers of the soldiers of the Mexican war and of the soldiers of the Union have gone down to death. For that reason, and for no better reason than that, a false assumption that poverty is dishonorable in this country, that to be poor is to be disgraced, that to receive assistance from those who owe it is a dishonor—by that false assumption very many of these same soldiers of the Mexican war have been starved to their deaths.

Four years ago I had a letter from a citizen of San Diego, Cal., himself a graduate of West Point, an officer high in rank in the Union Army as well as in the Mexican war. For many years he had been so poor that he had endured actual suffering, and he wanted assistance from the country. He told me in that letter, if I recollect aright, that there were seventeen old veterans of the Mexican war in his own immediate vicinity, every one of them as poor as himself, and what they wanted was that a bill should be passed giving them relief. They did not ask it for the Senator from Kentucky [Mr. WILLIAMS] or the Senator from Texas [Mr. MAXEY] or for any other man honorable and distinguished in the service and who was not needing it at all. The bill was defeated, defeated by its best friends, at least defeated by those who claim that this is their special pet measure here on the floor of the Senate and of the other House, because there were men who in their consciences believed that the money of the Government raised from the poor as well as from the rich should not be given to those who do not need it, that it is an actual robbery, and that we ought not to set that foul precedent in this bill so soon to be applied, if we apply it at all, to the million soldiers of the war for the Union.

The other principle is the principle that we can stand by: that it does not add to the aggregate burdens of the country at all, because somebody must contribute to the help of these men or the dictates of humanity will be unheard. Failing in fastening that idea in the Mexican pension bill itself proper, we who have contended for that principle and know that very soon something must be done for the soldiers of the Union, and that we shall be held inexcusable if we permit this bill to pass—for we have been notified in express terms that no other important pension bill is to pass Congress at this session, if during the Congress itself—we have endeavored to add this bill as an amendment. We do not ask in the amendment that the soldiers of the war for the Union shall be placed on the same basis of equality with the soldiers of the Mexican war. We will let you have your bill as you have it, with this wrong principle of pensioning for service those who do not need it ingrafted in it, but we ask that you take along with the bill a recognition of the great truth that the country should support its defenders when they are in need and apply it at once.

Are we asking too much? Doing this, can you refuse it? Do not Senators rise in their places on that side (I think I am not mistaken in saying that several have already done it) and say that they will

vote for this bill, taking it as a separate bill, which we here offer as an amendment? If you are ready to sanction the principle, if you are ready to call upon the Treasury for this contribution, why not let it be done now, in connection with the Mexican pension bill, which you have just exactly as you want it, with the honorary distinction which attaches to $8 a month to the millionaire and to the pauper? In granting you all that you desire we simply ask that you take along with that bill this amendment, so that there may be some possibility of legislation at the present session for the soldiers of the Union also.

One word more, Mr. President, in regard to the actual expenditure that would be involved in the adoption of the pending amendment. I have no doubt that the amount would be $50,000,000. It includes all who are in actual need, not alone the soldier but the widow, at the rate of $12 a month, and a dependent mother and dependent father at the rate of $8 a month. There is no doubt that under the general provisions of the Mexican pension bill, which gives to all, the millionaires and the poor alike, there are now from 800,000 to 1,000,000 Union soldiers who would draw pensions under the provisions of that bill if applied to the soldiers of the last war. I have no doubt that there are 600,000 who would be embraced in the terms of this amendment, and I have no doubt that including widows and mothers and fathers there may be 800,000 or 900,000 who will be beneficiaries of the justice of the country if the amendment is adopted; but it adds nothing, as I said before, to the aggregate burdens which the people must bear. These men are growing old. These mothers, these widows, are passing from the scene. Long before the thirty-eight years will have elapsed, as has been the case since the close of the Mexican war, most of them will have gone to—

> The undiscover'd country, from whose bourn no traveler returns.

If we are ever to do this thing, which is simple justice, we ought to do it now. We should have met the demand of the soldier of the Mexican war who was in need years and years ago. I believe that it should be done the very moment after the soldier's discharge, when he is under the necessity of receiving assistance from some cause not attributable to his own fault or vice, but to his misfortune and his calamity.

With the bill pending just as it is, precisely as its friends want it to be, heedless of any amendment such as is necessary as a matter of principle to protect the Treasury, is it wrong and can you forbear to entertain the amendment at this time, and thus do that equal and exact justice to all without which no legislation on the subject will be satisfactory to the country?

Mr. INGALLS. I ask the Senator from Illinois to withdraw his motion to postpone until to-morrow—sufficiently long to enable me to offer an amendment to the pending amendment.

Mr. CULLOM. I will do so. I will withdraw the motion entirely.

Mr. HARRISON. I hope the Senator will not do that.

Mr. INGALLS. It can be renewed.

Mr. HARRISON. I suggest to the Senator from Illinois that he withdraw the motion only temporarily.

Mr. CULLOM. The probability is that the discussion will take up all the day anyhow. I will withdraw the motion for the time being at any rate.

The PRESIDING OFFICER. The Chair understands the motion to be temporarily withdrawn.

Mr. INGALLS. I offer an amendment to the amendment, which I send to the desk.

The PRESIDING OFFICER. The proposed amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to add to the amendment the following additional section:

> SEC. —. That section 2 of the act of March 3, 1879, chapter 187, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," be, and the same hereby is, amended so as to read as follows:
>
> "SEC. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to discharge, and if such disability occurred after the discharge then from the date of actual disability, or from the termination of the right of the party having prior title to such pension; and in the consideration of any and all claims for pensions in consequence of death from or for disability resulting from disease contracted in the service during the late civil war the person on whose account the said pension is claimed shall be conclusively presumed to have been sound and free from disease at the date of entering the service."

Mr. INGALLS. That is Senate bill No. 1, introduced by me on the 4th day of December, 1883, in pursuance of public declarations made by me that upon the earliest opportunity which might be afforded I should move to remove the limitation which was contained in the arrears act of 1879. I will read from the platform that was adopted at the convention of the Republican party held in Chicago last week:

> The grateful thanks of the American people are due to the Union soldiers and sailors of the late war, and the Republican party stands pledged to suitable pensions for all who were disabled, and for the widows and orphans of those who died in the war. The Republican party also pledges itself to the repeal of the limitation contained in the arrears act of 1879, so that all invalid soldiers shall share alike, and their pensions shall begin with the date of disability or discharge, and not with the date of the application.

I do not know that it is necessary for me to justify in any manner whatever the devotion that I have always felt and endeavored as far as possible to exhibit in behalf of the soldiers of the war for the Union. I was a member of the Committee on Pensions for seven years; I was its chairman for four, and it was during the period of my presiding over that committee that what is known as the arrears act of 1879 was adopted by Congress. That act has been severely censured in many quarters, and I have received various and not always entirely complimentary criticism for the part which I took in the enactment of what I believed to be a great monumental act of justice toward those who were entitled to receive pensions from the Treasury. I am very glad that at last the party to which I have the honor to belong has reached the platform upon which I was one of the first to stand, and has at last declared itself in unmistakable terms in favor of the extension of the principle recognized in the act of 1879, without reference to the period of time when the application was made. The Republican party is distinctly pledged at this time, whenever the opportunity offers, to remove the unjust and invidious limitation in that act, which was when proposed a compromise, and I now call upon my party associates to vindicate that act and to carry out the express declaration and intention of the party in its late convention.

I believe that a very large majority of the members of this body are in favor of service-pensions for the soldiers of the Mexican war; that if a vote could be taken upon the bill as it came from the House of Representatives it would be adopted with substantial unanimity. In some remarks that I submitted the other day I endeavored to show that the bill was not an innovation, that it was merely a logical succession of the precedents that had been established upon three separate occasions with regard to the soldiers of both of the previous great wars in which this country has been engaged, the war of independence and the war with Great Britain in 1812. A sufficient period has elapsed to allow of the application of that precedent pure and simple, without any modification, to the soldiers of the war with Mexico, and I regret exceedingly, being in favor of that proposition, that the professed friends of the measure as well as those who are opposed to it have seen fit to make it the pack-horse upon which to carry every proposition affecting existing pension laws with regard to the soldiers of other wars. I do not believe myself in that kind of legislation. If I am in favor of a measure I am willing to record myself in the affirmative; if I am opposed to it I am willing to be recorded against it, and allow the majority who think otherwise to carry out their views without embarrassment or limitation. Such I think is the wise and just and appropriate method which a minority ought to act upon in carrying out their views with regard to any proposed measure of legislation.

But, sir, this measure has now assumed a relation which compels us to abandon the position that I have occupied. If there could be any measure by which this bill could be stripped of all the amendments and we could obtain a vote upon it exactly as it came from the House of Representatives, I should be very much gratified. I want to vote for it. I believe the veterans of the Mexican war are entitled to that recognition; and there is no more logic, there is no more justice, in tacking on to this Mexican pension bill every amendment and every provision, general and particular, about existing pension laws and the soldiers of the war for the Union than there would have been in 1871 in putting the soldiers of the Mexican war as a rider on the soldiers of the war of 1812. I do not myself believe that it is wise or just, I will not say appropriate or proper legislation, because it rests with a majority to do what they please; but in my judgment of the method in which the subject ought to be treated, it is not fair to attempt to kick a measure to death with amendments that are intended to be detrimental to it and fatal to it.

The Senator from Massachusetts [Mr. HOAR] who is not now in his seat, who offered an amendment which was laid upon the table last week, when catechized as to his purpose, admitted that he offered it with the intention of killing the bill. When he was interrogated by the Senator from Illinois [Mr. LOGAN] he said that was his design in offering the amendment. I say that is not good faith; that is not legitimate legislation; it is not fair tactics, when a measure is approved by a majority of this body, to load it up with amendments that are practically hostile to it so as to embarrass the action of those who desire to support it and to prevent them from carrying out their express desire.

But, as I said, this matter has gone beyond those limits. I am no longer able to carry out the views that I entertain. Legislation has been reported from the Committee on Pensions. It has been offered as an amendment to this bill, contrary, as I have every reason to believe, to the wish of the Senator who reported it. It was offered from quarters not friendly to the bill; but here it is, and we are to be compelled to vote upon it. While I do not share the conviction of those who say that it will necessarily be hostile to it or fatal to it, while I believe that if a majority of the House of Representatives desire to pass this measure with or without the amendments it can be reached, still we are to be called upon to discuss these amendments; we are to be called upon to decide whether or not they are legitimate as primal objects of legislation. It can not be avoided. We have laid amendment after amendment on the table that I wanted to support as independent

propositions. I have voted to lay them on the table; but no Senator on this side of the Chamber can afford, at this period of the political history of this country, after one Presidential convention has been held and while another is shortly to be held, to be placed in a position of opposing legislation that is legitimately in favor of the soldiers of the late war for the Union.

In order to show the condition of public opinion on these questions I will read a brief extract from a letter that I received yesterday. A gentleman in one of the principal cities of the North with whom I am not acquainted addressed me asking my support to a measure to place upon the pension-rolls for service, irrespective of disability, all the surviving soldiers of the war for the Union. I wrote him in reply that in my judgment the period had not yet arrived at which the precedents could be applied to the soldiers of the war for the Union; I rehearsed to him the lapse of time that had occurred after each of the preceding wars before the survivors had been pensioned for service; and this is his reply:

What you say about the length of time that intervened between the close of the Revolutionary and other wars before service-pensions were granted only shows the absolute necessity of our action now. There are 1,400,000 of us now. We have a powerful organization, and we can carry this country on this issue now. If we wait, as did the veterans of the Revolution, until we are few and weak, we will be treated as they were. This House of Representatives will vote for this bill or the soldiers will elect a new House that will. This Senate will vote for it or we will make a Senate that will. The same with the President. We are not Democrats or Republicans, but we are soldiers, and we mean business now.

Inasmuch as this is to be a test, and as the leaders upon both sides of the Chamber have seen fit to make this the occasion for deciding which of the great political organizations of this country is most favorable to the rights of the surviving veterans of the war for the Union, I propose at this time, as the next question that shall come up on this bill, to ascertain whether the declaration of the Republican party in convention assembled on the 3d day of the current month is to be carried out in good faith or not. I intend to ask a vote in this body upon the declaration in that platform whether or not the Republican party believes and will so act as to remove the limitation contained in the act of 1879 granting arrears and so legislate that all pensions shall commence from the discharge or date of disability, and not from the time when the application is made.

Mr. SHERMAN. Mr. President, ordinarily the rule laid down by the Senator from Kansas [Mr. INGALLS] is a correct one. Each bill and each proposition ought to stand upon its own merits, and if I believed that these important subjects, which are connected with each other, would receive the same attention by passing three separate bills, I should have no objection to that course being adopted. Nor am I embarrassed by any question raised by this bill. With my present convictions, in view of the enormous demands made upon the Treasury, I would not vote and will not vote, if pressed, for the amendment moved by the Senator from Kansas, and the quotation of a political platform will not change my views.

I do not think the principle is right. I think a pension ought to commence when the application is filed. That is the true principle, and I shall vote for that. If anybody is dissatisfied with it, I will try and reason with him and convince him that I am right, but if not, no difference.

So also the proposition to put all the survivors of the Union Army on the pension-rolls at this time would so weigh down the burdens of the people of the United States that it would be almost impossible to bear them. I do not believe that that proposition could receive at this time the sanction of Congress, although I am willing to go as far as any. But there are certain things in connection with the pension laws that we can do and feel that we are doing exactly right, feel that we are not going beyond the reasonable limits of our power nor beyond the reasonable demands on the Treasury of the United States.

This Mexican pension bill has a strong claim upon the Congress of the United States, because in two or three successive instances the Congress of the United States has given service-pensions after a lapse of forty to fifty years. This Mexican pension bill would be much stronger if forty years had elapsed since the close of the Mexican war. As I said a while ago, the want of a few years of that time will not prevent me from voting for the bill at this time. As I understand, it will take from three to four million dollars a year to pay these pensions; but it is just as important that we should pass upon these other bills as upon the Mexican pension bill, and especially the bill that I referred to a while ago relieving certain persons from the charge of desertion. At that time I did not know, I had not been informed, that the House of Representatives had already acted upon the subject. We have now a bill, sent to us in February last, that carries out what I believe is the desire of every Senator who understands the question. It removes this false charge of desertion against all the soldiers who are alleged to have deserted after the 1st of May, 1865, and in that respect it is right. That bill was passed by the House of Representatives in February last, before the passage of the Mexican pension bill. It is now before one of our committees. It seems to me that that bill has a stronger claim for the consideration of this body than any Mexican pension bill.

Then the bill that has been referred to and that is now offered as an amendment contains some provisions which are manifestly just. I believe there are certain provisions in it that would pass either House at any time when they could be brought before it. It is true, when I come to read the bill carefully, that I find there are other provisions in it that I do not like—that I will vote to strike out. I think they go too far. They increase the pensions of a large class of pensioners. That is not my desire. What I wish to do is simply to relieve the present pension laws of certain restrictions which have been imposed either by the laws or by the rulings of the Department, so that the soldier may, upon filing reasonable proofs, as required by law, receive his pension without being met constantly by technicalities, especially that he should be required to prove that he entered the service a sound man, when all the presumptions of law and fact are in favor of his being sound at the time he entered the service. I am willing to vote for the first section of the amendment.

It is equally manifest that if we pass the Mexican pension bill and make no provision in regard to these other bills they are practically defeated and nullified. Although they no doubt will receive to a certain extent the favor of Senators on both sides of the Chamber, yet they will be defeated by lapse of time and by the failure to act in the Senate and in the House. One of these bills has already passed the House.

There is another difficulty in dealing with this subject. Some of these bills have been sent to the Committee on Military Affairs and some to the Committee on Pensions, and they are now being considered by these different committees. It seems to me these cognate subjects ought to be brought together and one committee should pass upon them all. In my judgment, if the Senate to-day would refer this bill, together with the various amendments that have now been proposed, together with the bill in regard to relieving men from the charge of desertion, to a special committee of the Senate, according to the old-time usage when an important case arose, in two days such a committee, composed of persons from both sides of the Chamber, composed of members both of the Military and Pensions Committees, would be able to report a bill to the Senate which would not only pass here without much debate but would at once receive the sanction of the House of Representatives.

The reason why I think a special committee would be better—I have entire confidence in the Pensions Committee and in the Military Committee—is that I believe there are other Senators who might probably be put on a select committee, which might unite the functions of the two committees having charge of these bills, who could report amendments that would facilitate the passage of this bill. I can see very well that if all these amendments are to be offered here in the Senate without being examined by a committee they will be debated at length, and the result may be to defeat the passage of every one of them. Take, for instance, the proposition of the Senator from Kansas to extend the rule allowing pensions to date back to the time of the discharge, covering a period now of twenty-four or twenty-five years. That necessarily will lead to a long debate; there is great difference of opinion about it on both sides. But if these propositions are all referred to a select committee of men who may be chosen with a view to consider this subject-matter I have no doubt their report will be readily acquiesced in without much controversy, and it would command the respect and confidence and attention of the House of Representatives.

The danger is that in dealing with pensions at this time we may go too far. We may by not passing any bill at all disappoint the just expectation of a great many honest men who believe that they have just claims against the Government of the United States. On the other hand, if we pass the bill offered in open Senate, without consideration by a committee where the amendments can be discussed and formulated, we are likely to prolong the discussion of the bill and finally to defeat the whole by contradictory amendments or pass a bill that will be unsatisfactory to the Senate.

Mr. President, I therefore, with a distinct understanding that I am not to serve on the committee, because I am not familiar enough with the laws on this subject, move that a select committee of nine Senators be appointed by the Chair, to whom shall be referred this bill and the various amendments now pending, together with the House bill No. 4383, to relieve certain soldiers from the charge of desertion; or, to avoid the reference of a bill not now before us, I propose to offer as an amendment to the pending bill that measure, and then I will move that a select committee of nine Senators be appointed by the Chair, to whom shall be referred the pending bill and all amendments which have been proposed to it, with instructions to report as soon as practicable.

The PRESIDING OFFICER. There is already pending to the bill an amendment in the second degree.

Mr. SHERMAN. I will ask that by unanimous consent this be received as an amendment to be offered hereafter. It is a bill now before the Military Committee, and it ought to be considered by this select committee if my motion is adopted.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent of the Senate that the amendment proposed by him may be received.

Mr. HARRIS. The amendment can be received, printed, and laid on the table, to be offered when in order.

Mr. SHERMAN. That is all I desire. What I desire is, if my motion shall be adopted, that this proposition may go before the committee for what it is worth.

Mr. HARRIS. I hope the motion of the Senator may not be adopted, for I think it is absolutely fatal to the passage of this bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Ohio will be read.

Mr. SHERMAN. It is not necessary to read it; its title has been stated.

Mr. HARRIS. Let the amendment be printed in the form of an amendment intended to be proposed.

Mr. INGALLS. There is an amendment to an amendment pending, which is the last stage of parliamentary progress. The Senator from Ohio can not move to further amend.

Mr. HARRIS. The Senator from Ohio asks unanimous consent, I will say to the Senator from Kansas, to submit his amendment now, for information, to be offered when in order.

Mr. INGALLS. I was temporarily out of the Chamber and did not hear the request.

Mr. SHERMAN. My motion is that a committee of nine Senators be appointed by the Chair, to whom the pending bill and the various amendments proposed shall be referred, with instructions to report as soon as possible.

The PRESIDING OFFICER. The Senator from Ohio moves that a special committee of nine be appointed by the Chair to whom this bill and the pending amendments and the amendments proposed to it shall be referred.

Mr. INGALLS. Every one of the measures that have been offered as amendments to the Mexican pension bill have been under consideration for months. The amendment offered by the Senator from Nebraska [Mr. VAN WYCK] was the perfected result of the protracted deliberations of the Committee on Pensions, was reported from that committee by a majority of its members, and placed upon the Calendar, where it stood ready for action by the Senate at any time. What is the use of referring that measure to a select committee for the purpose of further consideration?

The bill to pension the Mexican-war veterans——

Mr. SHERMAN. If the Senator will allow me I wish to ask him a question.

Mr. INGALLS. I was about to say that every one of these measures, including the original bill, had been matured. They are the final expression of the wishes of the Senate on these various propositions.

Mr. SHERMAN. That I respectfully contest with the Senator. I say that one proposition equally important with any other, extending relief to a very deserving class of persons charged with desertion, is now pending as a House bill before the Committee on Military Affairs, and it ought to be considered in this connection. I believe a select committee made up of the members of these two committees if you choose, as it naturally would be, might take all these propositions, consider them together, reduce the extent of the demands made upon the Treasury as far as possible, and report provisions that will be acquiesced in by the Senate, and in that way facilitate the passage of this bill.

Mr. INGALLS. I did not understand that the bill to remove the charge of desertion had been offered as an amendment to this bill.

Mr. SHERMAN. That is the proposition I propose to have printed, to be considered in connection with the bill. I intend to offer it as an amendment.

Mr. INGALLS. I respectfully submit that that does not belong on this bill any more than it belongs on the bill making appropriations for the District of Columbia. It relates to an entirely different subject, and it still further illustrates the temper, the design with which this Mexican pension bill is being treated. I can see no reason why incompatible amendments, incongruous with the subject of the original bill, should be referred to a select committee for the purpose of ascertaining whether some hocus-pocus can not be devised by which they can be juggled onto a bill where they do not belong. But of course, if the Senate desire to still further deal with this matter and have expressions from other committees than those that have already dealt with these subjects, I can not complain; it rests with the majority. But I say that nothing can be expected to be derived from it, because these matters have all been considered, deliberately considered, and upon our Calendar now is the final result of the matured expression of the purpose and wish of the committees of this body.

Mr. SHERMAN. Mr. President, I wish very briefly to reply to the statement made by the Senator from Kansas that the bill relieving certain soldiers from the charge of desertion is not connected with the pending matter. I wish him to distinctly understand that under the operation of this false charge of desertion several thousand persons are actually now, although disabled, diseased, impoverished, deprived of the benefits of the bill that he now claims to have originated and to the credit of which he is entitled. I say that by the operation of this false charge of desertion on the records of the War Department crippled soldiers, diseased soldiers, who should be entitled to pensions, have been denied the right to pensions, and this charge of desertion standing in their way has prevented many honest and brave and good soldiers who served during the whole term of the war from receiving pensions.

Mr. HARRIS. Will the Senator from Ohio allow me?

Mr. SHERMAN. I shall be through in a moment.

Mr. HARRIS. I wish simply to ask the Senator if he does not know that a bill to relieve a soldier from the charge of desertion must necessarily under the rules and practice of the Senate go to the Committee on Military Affairs, which committee has no earthly jurisdiction over the subject of pensions? Its action may be important to applicants for pensions, but that committee has no more jurisdiction over the subject than has the Committee on Finance.

Mr. SHERMAN. That is precisely what I have said, Mr. President, and there is the difficulty. The House of Representatives have sent us a bill to remove the charge of desertion, which would enable thousands of good soldiers who are now suffering and the widows of those who are dead who are suffering to receive pensions. Until this charge is removed they are not entitled to pensions under these various bills, and I say the first duty of the Senate is to give them the necessary relief by acting upon the House bill which was sent to us before the Mexican pension bill came here, to relieve them of this charge of desertion. I want to see that bill first put in a shape that it may be acted upon, so that the persons who have been for long years resting under this false charge of desertion may be relieved and get the benefit of the pension laws; and therefore it is for the very reason stated by the Senator from Tennessee that I have moved to refer these various propositions to a select committee to be composed of members of both the Military Committee and the Pension Committee, so that they may take the whole subject in view and look over it and see what measures are necessary to be passed, and then report them in one bill. I believe it will facilitate the passage of the Mexican pension bill.

Mr. HARRIS. I ask if we might not facilitate the legislation of the session, and just as legitimately, by offering as an amendment to this bill the legislative, executive, and judicial appropriation bill that came from the House a few days ago? To be sure under the practice and rules of the Senate it goes to a different committee, and the committee that has charge of this bill has no earthly jurisdiction over that subject, but it has quite as much jurisdiction over the subject as it has over the bill that the Senator from Ohio proposes to attach to this bill as an amendment.

Mr. CULLOM. Mr. President, I do not know why the Senator from Ohio should make a motion to refer this bill to a select committee. Unless the Committee on Pensions that has been designated by the Senate are incapable of performing their duty, I see no reason why such a motion should prevail.

This bill which has been offered as an amendment to what is called the Mexican pension bill is a plain, simple bill, the provisions of which every man in the Senate I think can understand, and the committee which considered it was as careful as it could be not to extend the bill beyond the limits of reason in its effort to satisfy the country in reference to pensions. I see no reason on earth why this measure should be referred to any committee, whether select or one of the standing committees of the Senate. Every Senator has the bill before him. He can read its provisions. If they are too broad he can move to amend them, and if the bill is not broad enough he can move to enlarge its scope. I submit whether the Senator has a right to suppose that because he desires that this bill should be referred to a select committee, made up, if you please, of a part of the Committee on Pensions and of a part of the Committee on Military Affairs, when that committee brings a new bill into the Senate it will be a bill to which everybody will submit without the privilege of offering an amendment at all. I take it for granted whatever bill any nine men or fifteen men in the Senate may deem the best bill that can be offered, that after all their labor upon it, and they bring it into the Senate, some Senator will presume that the bill ought to be amended in some particular.

So I see no reason why this bill should be referred to any other committee. If the Senator from Ohio desires to tack onto this bill an amendment relieving men of the charge of desertion, if that is in order, let him bring in his amendment and see whether the Senate will adopt it. If the Senator from Kansas desires to enlarge the scope of the bill by adding to it an amendment that will provide for arrears of pension, let him offer his amendment and we shall see whether the Senate is in favor of its adoption or not. The bill that was submitted to the committee had a provision in it in reference to arrears of pensions, and I was inclined to favor that provision. Whether it is best to adopt it as an amendment to this bill, as it is suggested, I am not very clear; but as a general proposition I have never been able to see, if a portion of the pensioners of this country were entitled to arrears under an old act, why it was that all the pensioners of the country should not be entitled to the same privilege. When that question comes before us in the consideration of this bill and its amendments I am inclined to think I shall vote for it; but here is the condition in which we now stand: In the first place the Mexican pension bill is pending, which has been before the Senate for almost a month and been discussed for days, and everybody knows what its provisions are. The bill offered as an amendment to it, as the Senator from Kansas has said, has been on the Calendar for some days, having been reported from the Committee on Pensions after due deliberation. It is true, as the Senator from Tennessee [Mr. JACKSON] said, there was a divided committee. I am not disposed to contradict that, because that is the truth about it, but the majority of the committee reported in favor of this bill which has been

offered as an amendment to the Mexican pension bill. So far as I am concerned I see no reason why it should be referred either to a select committee or to the Committee on Pensions or any other committee, but I am in favor of going forward with the work of the Senate and the discussion of this bill until we come to a conclusion upon it, and then pass it with such amendments as the Senate deems proper to put upon it.

Before I take my seat I wish to say that I have received a communication from the Commissioner of Pensions, although I notice in looking at the last page of it that he forgot to sign his name to it, but it comes from that office, and I desire to have the document printed in the RECORD, so that we may have it before us to-morrow. I have also a document heretofore furnished to the Committee on Pensions by the Commissioner in relation to the provision relative to arrearages; and also another document from the Commissioner, being an estimate of the annual increase to the pension appropriations by increasing the pensions of widows and dependent relatives to $12 a month. I ask that all these documents be either printed in the RECORD without reading or after reading, and that aside from that they be printed in document form by themselves, so that the Senate may have them.

Mr. MAXEY. Mr. President——

The PRESIDING OFFICER. Will the Senator from Texas please wait a moment? Does the Senator from Illinois call for the reading of the communications?

Mr. CULLOM. The reading is called for, and I ask that they all be read in the hearing of the Senate.

The PRESIDING OFFICER. The communications will be read.

Mr. MAXEY. I did not call for the reading of the communications.

The PRESIDING OFFICER. The Chair did not hear a call for the reading.

Mr. CULLOM. Several Senators in my hearing asked for the reading.

The PRESIDING OFFICER. Is there a demand that they be read?

Mr. SHERMAN. I think they had better be read. I wish to hear them. However, I do not desire to interrupt the Senator from Texas. They can be read at any time.

Mr. MAXEY. I wanted to speak five minutes.

Mr. CULLOM. There are three different documents. The reading will not take long.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 2, 1884.

DEAR SIR: In reply to your inquiry of the 25th instant as to the probable cost to increase the pensions of widows from $8 to $12 per month and that of minor children from $2 to $5 per month, also to extend the limitation of age of minor children from that of 16 to 18 years, I have the honor to submit the following for your consideration:

It is not known by the term you use of "widows" whether you intend to confine the estimate to that class or those whose names are on what is termed the "widows' roll," in contradistinction to the "invalid" roll. The several classes so included are: first, widows; second, minor children who are pensioned in their own right; third, dependent mothers, and fourth dependent fathers.

I will give the estimates for each of the classes named on the basis of the "total" (as technically used) pension.

The $2 per month now allowed on account of each minor child is an "additional sum to the pension," so that in the case of a widow who has a child or children under 16 years of age, and of minor children who are receiving jointly a "total" pension in their own right, this pension of $2 per month for each child is additional to the total pension.

The dependent mothers and fathers receive no pension in excess of total.

In the estimates all that relates to the additional $2 or proposed $5 for each minor child will be stated separately.

The approximate number of those who are receiving a higher rate for the "total" pension than $8 per month will be excluded.

Classes.	Number of pensioners.	Present annual value of the roll at the rate of $8 per month.	Net increase per annum if pension is increased from $8 to $12 per month.
Widows	42,872	$4,115,712	$2,057,856
Minors	2,098	201,408	100,704
Dependent mothers	23,988	2,302,848	1,151,424
Dependent fathers	3,104	297,984	148,992
Survivors war of 1812	4,931	473,376	236,688
Widows war of 1812	21,336	2,048,256	1,024,128
Total	98,329	9,439,584	4,719,792

This shows 98,329 pensioners who will be affected, the present annual value of which is $9,439,584, and the proposed net increase for one year will be $4,719,792. To this should be added the proposed increase of the "additional" sum from $2 to $5 per month on account of each minor child, *e. g.*, there are 14,146 children under 16 years of age. The present annual value of same, at the rate of $2 per month for each child, is $339,504. Increasing the rate from $2 to $5 per month would give a net increase for one year of $599,256, or a total net increase for one year for all the pensioners named of $5,229,048.

I am, sir, very respectfully,

W. W. DUDLEY,
Commissioner of Pensions.

Hon. JOHN I. MITCHELL,
Chairman Committee on Pensions, United States Senate.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 10, 1884.

DEAR SIR: In reply to your inquiry of 25th of March, 1884, that I would furnish you with an estimate of the cost to pay arrears of pensions, providing the limitation of the act of January 25, 1879, should be extended to January 1, 1885, I have the honor to submit the following statements on that subject for your information:

The limitation of the act of January 25, 1879, expired June 30, 1880, so that claims which have since been filed, and those hereafter filed, up to January 1, 1885, would be affected by the extension of the limitation.

It has always been difficult to give estimates of the proportion of claims which would be likely to receive favorable action out of the whole number filed and with the material at hand. I will first treat of this branch of the subject.

Up to July 1, 1880, there had been filed in this office 679,945 claims on account of Army service, as follows:

For Army invalids	405,858
For Army widows, &c	274,087
A total of	679,945

Now, out of the 405,858 Army invalid claims filed, a little over 58 per cent. have been allowed (237,441) up to July 1, 1883. On this latter date there were of this class 111,730 claims actually pending; so if these shall be deducted from the whole number filed it will show that 294,128 of the same have been adjudicated, and 82 per cent. of such adjudications has been by allowance of pensions.

I should therefore estimate that of the whole number of invalid claims filed 75 per cent. will eventually be allowed. This would be an equivalent estimate that 56 per cent. of the claims reported as pending July 1, 1883, which were filed prior to July 1, 1880, would ultimately receive favorable action. The larger portion of these pending claims were filed between January, 1879, and July 1, 1880.

Of the 274,087 Army widows' claims filed prior to July 1, 1880, a little over 73 per cent. have been allowed (201,446 est.) up to June 30, 1883. On this latter date there were of this class actually pending 34,485 claims; so if these shall be deducted from the whole number filed it will show that 239,602 of the same have been adjudicated, and 84 per cent. of these adjudications has been by the allowance of the pensions.

I should therefore estimate that of the whole number filed of the widows' class fully 80 per cent. will eventually be allowed. This would be an equivalent estimate that 54 per cent. of the claims reported as pending July 1, 1883, which were filed prior to July 1, 1880, would ultimately receive favorable action.

The details herein stated are, I think, sufficiently conclusive in showing that the estimates of the probable number of claims which will be allowed, out of the whole number filed, is at the minimum.

The next subject for consideration is the probable number of claims which will be filed from the passage of an act extending the arrears limitation until January 1, 1885.

Going back to the former arrears act, which was operative during a period of seventeen months, I will compare the number of claims which were filed during that time with those filed during the seventeen months immediately preceding:

(1.) *Number of claims filed from September 1, 1877, to February 1, 1879.*

Army and Navy invalids	24,151
Army and Navy widows, &c	8,385
Total	32,536

(2.) *Number of claims filed from February 1, 1879, to July 1, 1880.*

Army and Navy invalids	148,272
Army and Navy widows, &c	34,230
Total	182,502

This shows an increase in the number filed of 513 per cent. of the invalids and 308 per cent. of the widows' claim.

Another interesting fact is worthy of mention. That is, immediately preceding the arrears period the average number of claims filed annually for three years was:

Army and Navy invalids	16,306
Army and Navy widows, &c	5,908
A total average of	22,214

And for the three years since the arrears limitation (July 1, 1880) to July 1, 1883, the average number filed annually was:

Army and Navy invalids	28,027
Army and Navy widows, &c	11,147
A total average of	39,174

To estimate the number of claims which would be filed during the operation of another arrears act is mere conjecture, but herewith I state with some uncertainty the probable number which will be filed, namely:

Army and Navy invalids	125,000
Army and Navy widows, &c	25,000
A total of	150,000

Up to January 1, 1884, there have been filed 98,987 invalid and 39,082 widows' claims since June 30, 1880; adding these to the estimates of the numbers which will hereafter be filed, and allowing $1,100 in the invalids and $1,200 in the widows as first payments, the cost would be substantially as follows:

223,987 invalid claims filed; deduct 25 per cent. for rejections, and 167,990 would be allowed, and the arrears, at the rate of $1,100 per case, would be	$184,789,000
64,082 widows' claims filed; deduct 20 per cent. for rejections, and 51,266 would be allowed, and the arrears, at the rate of $1,200 per case, would be	61,519,200
A total of 275,253 claims, at	246,308,200

It will be seen that I have estimated a net increase in number filed of only 62 per cent.

I am, sir, very respectfully,

W. W. DUDLEY,
Commissioner of Pensions.

Hon. JOHN I. MITCHELL,
Chairman Committee on Pensions, United States Senate.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., June 12, 1884.

SIR: I have the honor to acknowledge the receipt of your reference of Senate bill No. 2208, and in reply thereto submit the following statement, with certain approximate estimates made, as requested by you:

Section 1 of the bill provides a pension for all soldiers and sailors who performed a period of service not less than three months and received an honorable discharge during the late war who is or shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, and vicious habits, provided he shall be dependent wholly or in part upon his own

labor or upon pecuniary assistance from others for the means of a comfortable support.

The present number of surviving soldiers of the late war who have not received a pension, or applied therefor, may be stated in round numbers at 925,000. It is impracticable to state with any degree of intelligence how many of these 925,000 soldiers were disabled during the war, or have become disabled since the war period, either wholly or in part, and even though an attempt should be made to fix upon a number, it would be as difficult again to approximate out of the same how many were dependent wholly or in part upon their own labor.

It may be assumed, however, that a large majority of cases where a disability exists (and it is believed by the soldier, and often by his friends, to be the result of his service) that application therefor has been already filed. Therefore, as any estimate upon the number of new applications to be filed by reason of the provisions of this section is pure guess-work, and without any accurate data to base it upon, none will be attempted. And such estimates as are herein given are based upon the effect that this law will probably have in cases now before the office. In the class of cases referred to the soldier often applies for pension, so that, excluding from the 925,000 survivors those who will hereafter apply under existing laws, the proportion, considering the large number of survivors who will come within the description of the bill, would not be anticipated as a large one. Whatever this number may be, it will be diminished when confined to those only who are dependent upon their own labor for support or the pecuniary assistance derived from others.

It will readily be conceded that the soldiery of our late army represented among the young men more than the average intelligence and business capacity of those who follow that profession in times of peace, and this can not be better illustrated than to refer to any community where among its prosperous citizens, removed from the necessities of dependence on manual labor for support, the private soldier is not a small element by any means. As I said before, it is impracticable to state intelligently the number of the class mentioned in this section who will be benefited who have as yet never applied for pension.

The proviso commencing in line 21 and ending in line 24, which has been stricken out, relates to arrears of pension in such cases as are now susceptible of proof.

Under date of April 10, 1884, I addressed a letter to the honorable chairman of the Senate Committee on Pensions, giving the best available data on the subject of arrears. I will inclose a copy herewith for your information.

In the proviso of the same section, commencing on line 29, the *general* class to be provided for are included. It is in brief this: In all cases where an invalid has an application for pension pending, and is unable to prove that his disability was contracted in the service, and is, in fact, disabled, he has the right to elect, to waive his claim under the provisions of the general law, as it now is, to prosecute his claim under the provisions contained in this section of the bill, or, should he thereafter secure the necessary evidence, he may abandon his proceedings under this act and take under the general laws in force prior to this act and such amendments as may be enacted from time to time.

To give an estimate of this particular class who will be benefited, you will understand, will be in part approximate; that is, all claims which are now on the rejected files and the percentage of pending claims that would otherwise be rejected are taken as the basis for the calculation. Of these, such cases as have already been and would probably be hereafter rejected because there was no pensionable disability, those who have died or abandoned their claim, and those who would have no title either under existing laws or the provisions of this bill, are excluded. The number is estimated at about 50 per cent., leaving in round numbers 75,000 claims that would come within the provisions of the latter proviso of this section. The annual value of these pensions would not exceed $7,500,000.

Section 2 provides that the widows of soldiers and sailors who are now receiving, under existing laws, the sum of $8 per month, by reason of the death of such soldiers or sailors, from disability contracted in service since March 4, 1881, shall be hereafter entitled to receive the rate of $12 per month in lieu of the said $8; also, all such widows who shall hereafter be found to be entitled to $8 per month under existing laws shall be entitled to receive $12 per month.

The number of widows who are now pensioners is 42,872, approximately, and the increased cost over the present value of the roll would be $2,057,856. Of the pending claims it is estimated that half as many more would in the future, probably, be allowed, making an additional cost of $1,000,000.

Section 3 provides that in the case of the death of an invalid pensioner pensioned under pre-existing laws, or of any pensioner pensioned under section 1 of this bill, his widow or minor child shall be entitled in their own right, without being required to prove that the death cause of said pensioner was due to his military or naval service, the rate to be $12 per month in lieu of $8 per month. Taking, first, the minor children who are now pensioners, and would be entitled under the same conditions that their widows would in the preceding section, 2,096 pensioners, it is estimated, would be entitled to the increase from eight to twelve dollars per month, making the increased annual cost $100,704. The increase by reason of claims which may be hereafter filed out of those now pending it is difficult to estimate, but it may be stated that such annual increase would be from fifty to seventy-five thousand dollars.

The provision of this section liberalizes to the extent that upon the death of a pensioner his death shall be assumed to be due to the service. The percentage of deaths among the invalid pensioners is by no means large, and the maximum number can be stated at less than 3,000 annually. A large majority of these die from the disability on account of which they are pensioned, and the same is easily proved. This leaves but a small number to be benefited by this section, assuming that all shall leave a widow or minor children. It is believed that the number would be low in the hundreds. It will be observed that in section 3 the construction given to it is to entitle all minor children who are pensioned in their own right to the increase of from eight to twelve dollars per month, but the language might be held as somewhat ambiguous, as its provisions relate both to widows and minor children, while section 2 provides specifically for all widows who are now pensioners.

I think that it would be wise, in order to save any misapprehension in the future, to insert in line 1 of section 2, after the words "widows," the words "or minor child or children;" so that it shall read that "all widows or minor child or children of soldiers and sailors," &c.

Section 4 provides the continuance of pension to all widows on account of physically or mentally disabled minor children, without regard to the limitation as to age. The number thus benefited would be very small indeed, as I doubt if it would equal one hundred in the course of a few years. You will observe that this section provides that the pension granted such widows on account of such minors, &c., shall be continued. The pension which is so granted is what is known as the additional pension of $2 per month.

The proviso sets forth that in the case of death or remarriage of such widow, or abandonment, &c., of such minor, the pension shall be continued to such minor or minors. The pension proper, taking the case of an enlisted man, is $8 per month, and it would seem that the proviso related to the total pension, while the first part of the section would relate only to the additional pension of $2 per month. I do not know whether this is the intention, but merely invite your attention to it. As the number will be so small, and the conditions involve a grave disability, it would seem that the total pension should be allowed. If this is the correct view, as intended, section 4 would be amended as follows, commencing at line 1:

"That pension granted such widows shall be continued without limit as to age whenever it shall appear that such minor or minors are of unsound mind or physically helpless, so as to render them incapable of earning a subsistence."

Then the proviso, when it relates to the pension, would be in harmony with the balance of section 4.

Section 5 gives a statutory construction of what constitutes dependence in the case of dependent parents. The difference, when compared with former statutes, is more apparent than real; that is, this section provides that when a dependent parent is dependent upon his or her own manual labor, or the contribution of others not legally bound for his or her support, it shall be construed as a condition of dependence. Fifteen years ago this might have been regarded as a considerable departure, while at the present time it makes but very little difference as to actual title, but waives what are now essential requirements in proof required. The parents of soldiers are now very generally well advanced in years, precluding, in a large majority of cases, their ability to earn their own living by manual labor. For many years the condition of dependence in the case of the mother has been assumed when she had no income except that which she may have been able to derive from the proceeds of her own manual labor.

The proposed measure unquestionably relieves this class of applicants from furnishing a considerable amount of proof relating to the date of the soldier's death, which in many cases they are (though often after much trouble) able to secure, but in many of the most meritorious they are unable to find. The number who would receive pension which would otherwise be denied would amount to several hundred and reach for a few years about —— per year, but it is a very rapidly diminishing class.

This section also provides, as in the case of widows, that the pension shall be increased from $8 to $12 per month. The number now on the rolls, which is rapidly decreasing, who would be benefited is, in round numbers, 27,000, and the annual increase in cost if the pension was increased to $12 per month would be about $1,300,000. Of the pending claims which will probably be allowed the maximum number may be stated at 10,400, and the annual increase in their pension would be about $500,000.

Section 6 waives the present requirement in pension claims, where it appears by record evidence that the applicant was regularly enlisted and mustered, that he shall furnish evidence that he was free from the alleged disability before his entering the service, and presumes that under these conditions he shall have been in good health at such enlistment. It raises the *prima facie* case in favor of the claimant and puts the *onus probandi* upon the Governmeat to show unsoundness at enlistment.

This provision will save the claimant from furnishing a considerable amount of testimony which sometimes it may be difficult for them to obtain. It is rare that a claim is defeated by failure to meet this requirement of the office whenever it shall be otherwise completed, and has heretofore been as often proffered by claimants as demanded by the office.

Very respectfully,

W. W. DUDLEY,
Commissioner of Pensions.

Hon. S. M. CULLOM,
United States Senate.

Mr. CULLOM. As the reading of these several letters or reports has been concluded, I ask that all three reports of the Commissioner be printed in pamphlet form, and that they may be made special, so that they may be put upon our tables in the morning.

The PRESIDING OFFICER (Mr. INGALLS in the chair). Does the Senator desire that they shall be printed separately?

Mr. CULLOM. No; together, as one document.

The PRESIDING OFFICER. That order will be made.

Mr. MAXEY. Before the reading of the documents which has just been concluded was commenced I intended to make a very few remarks, and I will do so now.

The fate of this bill seems now to be at stake. The bill came to us from the House of Representatives a plain, simple bill, pensioning the soldiers of the Mexican war, and nobody else. It did not include the soldiers who had served in the Indian wars preceding that war. It did not include anybody who had served in the wars subsequent thereto. It stood alone upon its own merits.

Now, I assume that the House of Representatives who sent this bill to us were just about as good friends to the parties entitled to pensions for service in the late war as the gentlemen of the Senate. The bill came here; it was sent to the Committee on Pensions of this body. It came back to this body from that committee unencumbered by any reference of any kind, character, or description to any soldier in any other war. That was fair and just dealing. That committee saw proper to present some amendments. The Senate in its wisdom saw proper to vote those amendments down and to maintain the bill precisely as it had come from the House of Representatives.

Then the amendment now pending came to the Senate in the form of a bill reported by the Committee on Pensions through the honorable Senator from Illinois [Mr. CULLOM]. The same committee which reported the Mexican pension bill reported that bill. That committee did not see proper to tack one bill to the other, but left each of these bills to stand on its own merits. No member of the Committee on Pensions makes that proposition. The Senator from Illinois who reported the bill on behalf of the Committee on Pensions made no proposition to put that on as an amendment to the pending bill, but the bill as it came from the Committee on Pensions was proposed as an amendment to this bill by entirely a different party, the Senator from Nebraska [Mr. VAN WYCK]. The amendment was not offered, as I stated before, by the Senator who had charge of the bill from the Committee on Pensions, but it was offered by a Senator who I am now informed is a member of the Committee on Pensions, but not by direction of the committee.

Gentlemen say they are in favor of pensioning the soldiers of the Mexican war. Twenty-eight States of this Union have instructed their Senators and requested their Representatives to pass a bill for pensioning the soldiers of the Mexican war, and that is the whole of the resolution of instruction. It does not couple it with any other provisions

to pension anybody else. If the bill reported by the Committee on Pensions through the honorable Senator from Illinois be a good bill, that bill can stand upon its merits. If this bill which came from the House and is now pending is a good bill, let that bill stand on its merits.

It is idle to say that gentlemen on this side of the Chamber have at any time thrown their vote, weight, or influence against the passage of just pension bills for pensioning the soldiers of the Union Army in the late war, for it is a recorded fact of history that the gentlemen on this side have voted for those bills as freely as Senators on the other side, and whenever a fair and just bill is presented, that bill will receive as just consideration on this side as on the other. I ask if the bill reported from the Committee on Pensions through the Senator from Illinois be a bill entitled to pass on its merits why is it necessary to put it as an amendment to the bill for pensioning the soldiers of the Mexican war? Why should it be put there if it is a good bill of itself? It changes essentially the pension laws of the country; it is for pensioning people who served in a different war; it is for pensioning them at a different rate. It is wholly and essentially a distinct bill from the bill pending; it in no wise is germane to the bill pending, and I should like to know why that bill is put here.

Mr. President, the effect of putting the amendment here is to defeat the entire bill, and it will not do for gentlemen who so act to go out of the Senate Chamber and say that they are in favor of pensioning the soldiers of the Mexican war. If you are in favor of it, vote for the bill which stands before the Senate and came from the House on its own merits, came back to the Senate from the Committee on Pensions on its own merits unencumbered by the other proposition. If you are in favor of it why not vote for it. Like the Senator from Kansas who presides now I am opposed on principle to attempting to make one bill by its strength carry through another bill. Let the bill which is reported by the Senator from Illinois stand, as he placed it, on the Calendar, and if it be a good bill, the Senators need not fear that it will not stand as fair an opportunity of passing the House as of passing the Senate. Let it go upon its merits, and let the bill pending go upon its own merits.

There is no danger if the bill reported by the Committee on Pensions through the Senator from Illinois be a good bill that it will not pass. But the reading of the very papers which have been read from the desk develops the fact that it is a new departure in pensions. It changes existing pension laws; it changes existing pension rates; it changes the nature and the character of the evidence. It is from beginning to end a measure within and of itself, a substantial measure, essentially and totally different from the bill pending, and in no wise germane to it. If Senators are really in favor of pensioning the soldiers of the Mexican war, I think in all fairness and in all candor and sincerity we had better vote for the pending bill, and when that bill is disposed of the Senate will be fully prepared to take up the other bill and dispose of that.

Mr. VAN WYCK. Before the Senator sits down I would ask him if he remembers the fact that in 1883 when the general pension bill was before this body the bill for the Mexican soldiers was proposed as an amendment to that?

Mr. MAXEY. I do not hear the Senator.

Mr. VAN WYCK. I say in 1883, when the general pension bill was under consideration in this body, an amendment was proposed which was a bill for pensioning the Mexican-war soldiers.

Mr. MAXEY. I have a pretty good recollection of what occurred. A bill had passed the House pensioning the soldiers of the Mexican war two or three times, and I recollect on one occasion an amendment was put upon a pension bill for the soldiers of the Mexican war on the motion of the late Senator Shields; that was carried at one time, but a motion to reconsider was filed, and that went by the board like all other measures had done for pensioning the soldiers of the Mexican war. I remember that the Senator from South Carolina moved to put on an amendment pensioning those who were wounded, and that went by the board. The measure now comes so that it is wholly disconnected with any other, and therefore at this time I am anxious to let this bill stand on its own merits. If it is good let it go through, and if it is to pass let us end it and be done with it.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. VEST. Will the Senator allow me to offer a resolution?

Mr. MILLER, of California. Yes, sir.

The PRESIDING OFFICER. The Chair desires to know if the pending amendments to the Mexican pension bill are to be printed?

Several SENATORS. "Yes."

The PRESIDING OFFICER. It will be so ordered.

ADDITIONAL MESSENGER.

Mr. VEST submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms of the Senate be authorized to appoint an additional messenger and doorkeeper, to be assigned to duty, until further orders of the Senate, at the west door of the Senate Chamber and at the door of the Committee on Foreign Relations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had this day approved and signed the following bill and joint resolution:

An act (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard; and

Joint resolution (S. R. 73) authorizing the Secretary of the Treasury to pay to Charles L. Jones the sum of $465.65 for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, to the 1st day of November, 1879, inclusive.

EXECUTIVE SESSION.

Mr. MILLER, of California. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-four minutes spent in executive session the doors were reopened.

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 2305) for the relief of Frederick Schwatka; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAHONE introduced a bill (S. 2306) to amend section 572 of the Revised Statutes so as to provide for the holding of the regular terms of the district courts for the western district of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

POLYGAMY IN UTAH.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. HARRISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 12, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, transmitting a letter from the Second Auditor recommending amendments to House bill 7235, known as the deficiency appropriation bill; which was referred to the Committee on Appropriations.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER, by unanimous consent, also laid before the House a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs recommending an amendment to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

PAVING STREETS AND ALLEYS IN THE DISTRICT OF COLUMBIA.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting copies of communications heretofore addressed to the chairman of the Committee on Appropriations relative to paving streets and alleys adjacent to public buildings; which was referred to the Committee on Appropriations.

HALLETT KILBOURN VS. JOHN G. THOMPSON.

The SPEAKER, by unanimous consent, also laid before the House a communication from the Attorney-General, transmitting a letter from the United States attorney for the District of Columbia concerning the trial of the case of Hallett Kilbourn *vs.* John G. Thompson, late Sergeant-at-Arms of the House of Representatives; which was referred to the Committee on the Judiciary.

REFERENCE OF PENSION BILLS.

The SPEAKER. A number of bills passed by the Senate granting pensions are on the Speaker's table, and if there be no objection the order which the Clerk is about to read will be made.

The Clerk read as follows:

Ordered, That all Senate pension bills now on the Speaker's table be referred to proper committees, and all such bills hereafter received from the Senate shall be appropriately referred by the Speaker without further order of the House.

The SPEAKER. The Chair will state that it is customary to make an order of this sort, to prevent the accumulation of these bills upon the Speaker's table. If there be no objection this order will be made.

There was no objection, and it was ordered accordingly.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. FOLLETT. I rise to a privileged motion, to take from the Speaker's table the bill (H. R. 6656) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1885, and for other purposes, which has been returned from the Senate, for the purpose of insisting on its disagreement to the amendments of the Senate and agreeing to the conference asked thereon.

The Clerk read as follows:

IN SENATE, *June* 11, 1884.

The Senate insist on its amendments disagreed to by the House and ask a committee of conference. Committee on the part of the Senate: Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

Mr. FOLLETT. I move the House insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of said conference on the part of the House Mr. FOLLETT, Mr. HUTCHINS, and Mr. CANNON.

ORDER OF BUSINESS.

Mr. KELLEY. I am instructed by the Committee on Ways and Means to ask unanimous consent——

Mr. ROGERS, of Arkansas. I call for the regular order of business.

The SPEAKER. The regular order of business is the bill reported by the Committee on the state of the Law respecting the Election of President and Vice-President.

Mr. WILLIS. I move to dispense with the morning hour.

The SPEAKER. There is no morning hour, as this day has been set apart after the reading of the Journal for the consideration of the bill which the Chair has indicated.

Mr. WILLIS. Then I will move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the river and harbor appropriation bill.

The SPEAKER. That motion can not be entertained unless the gentleman having charge of the special order consents to it by not calling up the special order.

Mr. WILLIS. My motion is submitted after consultation and understanding with the gentleman who has charge of that proposition. It is proposed to get through the river and harbor appropriation bill as soon as possible this morning.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union, the object being to proceed with the consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. The pending question is on the amendment moved by the gentleman from Rhode Island [Mr. SPOONER].

Mr. SPOONER. After consultation with the members of the Committee on Rivers and Harbors I move to modify my amendment, and I ask the Clerk to read it as it has been modified.

The Clerk read as follows:

Amend section 10 by inserting in line 6, after the word "thereof," as follows: "Or who shall dump or deposit ashes or cinders, or other refuse matter tending to obstruct navigation, from any vessel into any portion of Providence River above Nayatt Point."

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That any bridge or other structure that may hereafter be erected over or in any river or harbor of the United States, for which appropriation has herein been made, shall be subject, for the security and convenience of navigation, to such regulations as the Secretary of War shall prescribe; and to secure this object the party desiring to construct such bridge or structure shall submit to the Secretary of War drawings and descriptions of the proposed work, which must be approved by the Secretary of War before any such bridge or structure can be constructed; should any bridge or other structure erected under this authority be found to obstruct the free and convenient navigation of said river or harbor, it shall be subject to modification or removal by direction of the Secretary of War at the expense of the owners thereof, and to the revocation of such authority by act of Congress, if the public good shall so require.

Mr. O'NEILL, of Pennsylvania. I should like to ask the chairman of the Committee on Rivers and Harbors why this section relative to the construction of bridges over rivers was inserted in the river and harbor appropriation bill, and to ask him further whether he knows the Committee on Commerce has had the subject of bridges over rivers before them for many weeks—I may say for many months—and had perfected two weeks ago a bill, which has been reported to the House and is now ready to be taken up when it can be reached? I do not see why this subject of the building of bridges has been introduced now for the first time, I believe, into the river and harbor appropriation bill.

Mr. WILLIS. This, I will state to the gentleman, has reference to bridges constructed at the points where improvements are appropriated for in this bill, while the bill before the Committee on Commerce is a general bill as to the method of constructing bridges.

Mr. O'NEILL, of Pennsylvania. The bill reported by the gentleman from Connecticut [Mr. SEYMOUR] covers the whole ground of the construction of bridges, and gives power to the Secretary of War in the premises, before bridges are attempted to be built, or piers are removed, or any works of that character are commenced, to take into consideration the propriety of such work.

Mr. DUNN. There is no sort of possibility of being able to pass that bill, and whatever there is in this bill that will remove the difficulties now in the way of the construction of bridges had better be adopted, because I can state to the gentleman that there is a standing objection to that bill, and we are notified that objection will be made when it comes up or to its being taken up. There is no chance to reach it on the Calendar, and I am very much gratified to know that the Committee on Rivers and Harbors have taken measures in this direction as far as they could.

Mr. O'NEILL, of Pennsylvania. I do not think it fair to state that the bridge bill may not be reached. It is a bill of very great importance, and it certainly ought to be taken up and considered.

Mr. DUNN. It is of so much importance that New Jersey and one or two other interests have standing objections here, and keep sentinels on the watch to prevent its being taken up by consent.

Mr. O'NEILL, of Pennsylvania. I am exceedingly sorry to hear it, for I had hoped there would have been no objection to having that bill up for consideration.

But what I do object to is, as in this case, where the subject is properly considered by a committee having jurisdiction and authority to formulate some proposition upon the subject, and after they have gone over the whole ground and framed a bill, that there should now be legislation incorporated into another bill of this kind by another committee, thus taking the subject out of their hands.

I had hoped that there would have been unanimous consent under the circumstances to take up that bill and consider it. I do not know whether the gentleman from Connecticut has had his attention called to this provision of the pending bill or not.

Mr. WILLIS. I do not understand that the gentleman from Pennsylvania objects to this provision or makes any motion in reference to it.

Mr. O'NEILL, of Pennsylvania. I simply object because we have a bill reported from the Committee on Commerce and now pending here in the House upon the Calendar which should be taken up.

Mr. DUNN. And the gentleman, because we can not pass that bill, would deprive the country of the advantages which may be reached under this provision?

Mr. CALKINS. I do not understand that any motion is pending.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Alabama:

Mobile River and harbor, from lower anchorage up to the wharfs above the city of Mobile, with a view to securing twenty-three feet depth of water.

Mr. JONES, of Alabama. Mr. Chairman, I desire to offer an amendment to this paragraph, so that it may conform to the bill as originally reported by the committee. There is a variance between the bill as printed and as reported by the committee. I move to strike out the words in line 7, "wharfs above," and insert "northern limits of;" so that it will read: "from lower anchorage up to the northern limits of the city of Mobile."

That makes it conform to the language of the bill as reported by the committee.

Mr. WILLIS. That is correct; it is a misprint in the bill.

The amendment was agreed to.

The Clerk read as follows:

Arkansas:

Little Red River.

Red River, above Fulton, between Texas and Indian Territory.

Petit Jean River.

Bayou Bartholomew, from present head of navigation to the Lincoln County line.

Mr. BLANCHARD. I move in line 11 of this paragraph to strike out the words "between Texas and Indian Territory;" so that it will read:

Red River, above Fulton.

The amendment was agreed to.

The Clerk read as follows:

Connecticut:

Breakwater at Falkner's Island.

Mr. WAIT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 21 the words. "Niantic River and harbor."

Mr. WAIT. Mr. Chairman, I have stated to the chairman of the Committee on Rivers and Harbors the reasons why a survey of the Niantic River and harbor should be made, with a view to an appropriation at the next session of Congress for the improvement of the same. Within the last few years the population of Niantic has been threefolded, and it is a popular place of summer resort. Large hotels have been erected, the State of Connecticut has purchased some fifty acres on which the entire military force of the State holds its annual en-

campment, the Baptists of the State have purchased territory for yearly camp-meetings and the erection of cottages for summer residences, and the Spiritualists of the State hold annual gatherings there; and on the river is a large woolen-mill and a stone-quarry that it is important for business purposes should be approached by steam and sail vessels to carry to other places and States their products.

Mr. BLANCHARD. There is no objection to that.

The amendment was agreed to.

Mr. LORE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 12 by adding after the word "island," in line 21, the following:
"Delaware, Maryland, and Virginia:
"Lewes Creek and Rehoboth Bay, Delaware, Assateague and Chincoteague Bays, Maryland, with a view to forming continuous inland navigation from Chincoteague Bay, in Virginia, to Delaware Bay at or near Lewes, Delaware."

Mr. LORE. This is for a survey, and I understand the chairman of the committee will make no objection.

Mr. WILLIS. If I understand this is not for a canal?

Mr. LORE. It is not for a canal.

Mr. WILLIS. There is no objection to it.

The amendment was agreed to.

The Clerk read the following paragraph:

Florida:
Outer harbor at Pensacola.

Mr. DAVIDSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the words "outer harbor at Pensacola" and insert: "Outer bar at the entrance of Pensacola Harbor; Anclote Harbor; Clearwater Harbor."

Mr. DAVIDSON. This amendment merely makes it more definite. The committee have recommended a survey of the outer harbor at Pensacola. I want it to read "outer bar at entrance of Pensacola Harbor."

Mr. BLANCHARD. Is that all?

Mr. DAVIDSON. I have included also two other harbors. It is left discretionary with the Secretary of War.

The question being taken on Mr. DAVIDSON'S amendment, there were—ayes 78, noes none.

So (further count not being called for) the amendment was agreed to.

Mr. BISBEE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the amendment just adopted insert "Wekeiva River."

The amendment was agreed to.

The Clerk read the following paragraph:

Georgia:
Darien Harbor, with a view to cutting a new channel.

Mr. NICHOLLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend lines 25 and 26 by striking out all after the word "harbor" and inserting "Altamaha River from Darien to its mouth."

The amendment was agreed to.

The Clerk read the following paragraphs:

Illinois:
Calumet River, from a point half a mile east of Hammond to the forks of the river.
Sny Island Levee, on the Mississippi River; and the Secretary of War shall report what benefit, if any, this levee has been to the improvement of the channel and navigation of the river, and he shall submit an estimate of the probable cost of strengthening and preserving said levee so as to assure and maintain that benefit.

Mr. WILLIS. After line 37 the printer has omitted one survey provided by the committee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after line 37 the following:
"Shawneetown Harbor and Levee."

The amendment was agreed to.

Mr. RIGGS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 37 add the following:
"Removal of the bar and obstructions at or near the mouth of Whipple Creek, in Quincy Bay."

The amendment was agreed to.

Mr. WELLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of the pending paragraph add the following:
"From Guttenberg north, for the ascertainment of needed improvements and in securing a direct channel to Guttenberg, and by way of that channel south, and the protection of improvements already made at that locality."

Mr. WELLER. I understand this amendment will be accepted by the committee, and I do not care to make any remarks in support of it.

Mr. WILLIS. There is no objection to the amendment.

The amendment was agreed to.

The Clerk read the following paragraph.

Indiana:
Lawrenceburg Harbor.

Mr. CALKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "Lawrenceburg Harbor" insert "Kankakee River."

The amendment was agreed to.

Mr. STOCKSLAGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "Lawrenceburg Harbor" insert the words "New Albany, and the river and shores adjacent to said harbors."

The amendment was agreed to.

The Clerk read the following paragraph:

Kentucky:
For examination and survey of the bar in the Ohio River, opposite the mouth of the Licking River, to determine the cost and practicability of removing or making a navigable channel through the same; and the engineer in charge shall report whether it is practicable to connect the navigation of the Licking River with the Ohio River without the removal of the said bar or making a channel through the same.

Mr. WHITE, of Kentucky. The Licking River improvement is a very different improvement from the harbor of refuge or ice-harbor, at the mouth of the Licking River. In 1878 my predecessor, who was my successor also, as I served in the Forty-fourth Congress, the honorable Thomas Turner, had inserted in the bill "the Licking River" in Kentucky, to be surveyed for the purpose, as he wrote me under date 26th May, 1884, of ascertaining if it was susceptible of slackwater navigation. I find in Executive Document No. 252 of the Forty-second Congress that there has been a survey of this river. That survey was not very satisfactory. It seems to have been a reconnaissance more than a survey from Cincinnati or Covington up the river.

Mr. BRECKINRIDGE. May I ask the gentleman what point he is talking about?

Mr. WHITE, of Kentucky. The harbor of refuge at the mouth of the Licking River. I ask for a little better order.

The CHAIRMAN. The committee will be in order.

Mr. WHITE, of Kentucky. From that report I quote the following:

6. MOUTH OF LICKING RIVER, KENTUCKY.

CINCINNATI, OHIO, *March* 21, 1872.

GENERAL: I have the honor to submit the following report on the survey of the mouth of the Licking River:

The act of Congress approved March 3, 1871, making appropriations for various river and harbor works, contains a clause in its third section ordering a survey "at the mouth of Licking River, Kentucky, for harbor of refuge." For detailed information as to the special object of this survey, and the kind of harbor proposed by those at whose instance it was ordered, I was referred by the chairman of the Senate Committee on Commerce to the Hon. T. L. Jones, the late Representative in Congress from the sixth district of Kentucky.

On consulting with Mr. Jones I found that no definite plan had been proposed, and therefore I have been compelled to discuss the question independently of any suggestion from others.

The phraseology "harbor of refuge" is peculiar as applied to a river. On the lakes, a harbor of refuge is a natural or artificial harbor, generally without commerce, to which vessels run for safety in storms. But storms need not be feared on a narrow river, and river harbors of refuge must therefore provide a shelter from some other destructive force. A mere flood, however high, is not dangerous to river craft, and the only danger that I know of against which boats on the Ohio ever seek protection is ice. When the Ohio breaks up after an ice blockade there is almost always a serious loss of property afloat, and security for this would undoubtedly be a great boon.

The winter just past has been a particularly disastrous one in this vicinity, four steamboats and a large number of barges having been sunk or carried away. It remains, therefore, to examine the facilities afforded by the mouth of the Licking River for furnishing protection from ice.

The present survey of the Licking River, being by act of Congress confined to an examination of its mouth, was only extended as far up as the first ripple, near the head of which is placed the railroad bridge of the extension of the Louisville and Cincinnati Short Line, to connect with the Newport and Cincinnati bridge over the Ohio.

The distance from the mouth to the foot of the ripple is twenty-eight miles, and is the extent to which the Licking is navigable in low water. I succeeded, however, through the kindness of the Hon. T. Wrightson, of the Kentucky Legislature, in obtaining copies (unfortunately not entirely complete) of the surveys made of this river in 1829 by Lieutenants Turnbull and Grayson, together with the reports of Sylvester Welch, chief engineer of Kentucky, dated September 13, 1836, and of N. B. Buford, president engineer Licking Navigation Company, dated November 1, 1837.

These maps and reports furnish all that is necessary to a full understanding of the characteristics of this river. The Licking River lies wholly in the State of Kentucky, and rises in the southeast corner of the State, its head-waters being within twenty miles of the Cumberland Mountains, the boundary between Kentucky and West Virginia. Its length is about three hundred and fifty miles, as far as the town of West Liberty. The Lower Blue Licks, ninety-eight miles from its mouth, is the highest point to which average-size steamboats can ascend even with lock and dam navigation, as the river above this point is narrow and tortuous. The tributaries of the Licking are all small, excepting the south branch, which rises in the blue-grass country near Winchester and Mount Sterling, and joins the main river at Falmouth, fifty-one miles from the Ohio.

In the autumn of 1862 I crossed this stream at its mouth without wetting my feet, but that season was remarkable for its dryness. The slope of the river surface from its mouth to Falmouth, fifty-one miles, averages nineteen inches to the mile; thence to the Lower Blue Licks, forty-seven miles, sixteen and one-third inches to the mile; thence to the mouth of Slate Creek, forty-seven miles, fourteen and one-third inches to the mile; thence to West Liberty, eighty-six miles, fifteen inches to the mile; in all, two hundred and thirty-one miles.

From these figures we see that if this river were ever slackwatered, assuming ten feet lift of dams, which is as great as ought to be allowed, it would take eight dams to reach Falmouth, fourteen to reach Lower Blue Licks, twenty to reach the mouth of Slate Creek, and thirty-one to reach West Liberty. The State of Kentucky once undertook to improve the navigation of this river by locks and dams, and built several locks; but work was stopped before any of the dams were finished, and the materials of the locks that were built were afterward sold, and the locks destroyed.

If the Licking were a river whose own store of ice could be neglected, the only question that could come up in connection with the use of its mouth as a harbor of refuge would be that of capacity; but while its ice seldom gives trouble, as during the winter just past, it yet can not be neglected, as in 1856 it was the cause of the most serious loss ever sustained from ice at this port.

The following description of this disaster is taken from the Cincinnati Commercial of February 25, 1856:

"All was quiet until about 9 a. m. yesterday, when the ice in Licking com-

menced moving, gorging some four or five feet high at the mouth." It crossed the Ohio "in huge fragments, and quartering toward Main street, cut down several boats in a few minutes."

The result was the destruction of eight steamboats and a large number of barges, the total loss being estimated at $100,000. Nothing as bad as this has occurred since, but it serves to show that the mouth of the Licking could not be relied upon as a certainly safe harbor while in its present condition. The most natural method of providing shelter against ice and drift is manifestly to excavate a capacious basin in one of the river banks out of the line of the current. This is the method which will first be examined.

In that report it was estimated that this harbor would cost $1,500,000—the harbor alone. The engineer furthermore said:

Besides all this, it is essential to the utility of the proposed basin, or to any project for utilizing the lower portion of this river, that the bar at its mouth should be removed. Estimates for this work are given further on.

I had thought that the river itself might be made available for the purpose suggested, and with that view I intended making estimates on two different plans, each based on the supposition that if the Licking ice were broken up before it reached the lower section there would be no danger from it. One plan proposed additional piers in the river above the railroad bridge, so situated as not to interfere with the flow of water, but so that they would break up all large masses of ice. The other plan was to estimate for two dams, with an aggregate rise of twenty feet. These dams were to be provided with locks, so that they might help and not obstruct navigation. I have not made the proposed estimates, however, as I have since learned that the ice from the Licking is always sufficiently broken up by the banks before it reaches the Ohio, and that the ice that did the great damage in 1856 was in small cakes. (The Commercial speaks of it as crossing the Ohio "in huge fragments;" this, however, is doubtless a reporter's exaggeration, as my information comes from a very intelligent steamboat captain who was an eye-witness of the break-up.)

The difficulty with this river arises from its heavy slope and the sudden floods, both of which causes are apparently beyond human control. There is, however, an excellent work that can be done for the improvement of the Licking, which is also essential to its use for a harbor of refuge, in the removal of the rock bar that now obstructs its mouth.

This would greatly add to the available wharfage of this port by opening up a place for the unemployed steamboats which now encumber the present landings, and which, as things are now, do not dare to enter the Licking on account of the uncertainty of being able to get out when they are wanted.

As the removal of this bar is an essential part of my plan for making a harbor of refuge, it being almost a *sine qua non* that there should be free access to the harbor at all stages of water, it is proper that the cost of removing this bar should be added to the previous estimate for a basin. We therefore have the following estimates for the entire work necessary to make a harbor of refuge in the Licking near its mouth:

	Estimated cost.	Straight channel over bar.		Curved channel over bar.		Gross cost of entire work.
		4 feet.	6 feet.	4 feet.	6 feet.	
Small basin, with walls..	$752,640	$166,974	.....	.....	.....	$919,614
Do.....	752,640	.....	$333,060	.....	.....	1,085,700
Do.....	752,640	.....	.....	$222,822	.....	975,462
Do.....	752,640	.....	.....	.....	$446,754	1,199,394
Small basin, with slopes.	351,539	166,974	.....	.....	.....	518,513
Do.....	351,539	.....	333,060	.....	.....	684,599
Do.....	351,539	.....	.....	222,822	.....	574,361
Do.....	351,539	.....	.....	.....	446,754	798,293
Large basin, with walls..	1,178,040	166,974	.....	.....	.....	1,345,014
Do.....	1,178,040	.....	333,060	.....	.....	1,511,100
Do.....	1,178,040	.....	.....	222,822	.....	1,400,862
Do.....	1,178,040	.....	.....	.....	446,754	1,624,794
Large basin, with slopes..	574,119	166,974	.....	.....	.....	741,093
Do.....	574,119	.....	333,060	.....	.....	907,179
Do.....	574,119	.....	.....	222,822	.....	796,941
Do.....	574,119	.....	.....	.....	446,754	1,020,873

A careful examination of this table will show that on any plan the cost of the combined works indicated is very great; and when we consider the fact that the loss from the most disastrous break-up was only estimated at $100,000, which was, probably, in excess of the fact, and that the average annual loss will not, probably, exceed $10,000, it is a question whether it would not be better to pay the sum annually rather than expend so much upon a work of doubtful utility. Even should the basin be constructed, there will always be boats at the wharves, some of which will be caught there while loading or unloading and others will stay there by choice, taking the chances of a safe break-up in order to save time and get their cargoes aboard, so as to start out the moment the river is clear.

If Congress decides to make an appropriation for the improvement of the mouth of the Licking, I would recommend that it be limited to the removal to a depth of four or six feet of the rock-bar, selecting the curved channel as the one to be constructed.

For a 4-foot channel $222,822 would be needed, and for a 6-foot $446,754. The removal of this bar would be of great local advantage, as it would furnish a good low-water harbor for unemployed boats, thus freeing the city wharves, and it would make available for repairing docks and for other manufacturing establishments five and a half miles of water front now but little used on account of the bar at the mouth of the river. It would be of such advantage to the two cities of Covington and Newport that they would probably be willing to assist in the work. Three sheets of maps, on a scale of 1 inch to 200 feet, accompany this report, as also one sheet showing the longitudinal profile of the three miles under examination.

Respectfully submitted.

WILLIAM E. MERRILL,
Major Engineers.

General A. A. HUMPHREYS,
Chief of Engineers, Washington, D. C.

I desire to call the attention of the committee to this fact, that while that harbor of refuge at the mouth of the Licking River will cost a million and a half of dollars, it is a local affair. The report shows it as such. But the improvement of the Licking River so that it may be navigated to Salyersville, or at least to West Liberty, Ky., is a matter of importance to the entire Ohio and Mississippi Valleys, for it will open up a market for the vast resources all along that river.

In accordance with the act of Congress providing for a survey of Licking River, a survey looking to the improvement of that river was made in 1879, and the report will be found on page 1422 of the report of the Chief of Engineers of that year. In that report is stated the amount of commerce, the character of the soil, the quantity of the timber, the slope in the river, the act of the Kentucky Legislature which affects that river, and the estimated cost of the necessary improvements.

It is as follows:

SURVEY OF LICKING RIVER, KENTUCKY.

UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, February 14, 1879.

GENERAL: I have the honor herewith to submit the report on the Licking River, Kentucky, called for in the river and harbor act approved June 18, 1878.

The survey was assigned to Mr. C. Schenk, assistant engineer, who was very familiar with the region in question by reason of long service with the Kentucky geological survey.

* * * * * * *

Field work was begun at McClure's mill, about 5 miles below West Liberty, being the point at which was found the last bench-mark of Buford's survey of 1837. It was continued upstream 70 miles to Trace Fork, in Magoffin County.

It was supposed when this programme was adopted that Buford's map of the river from Slate Creek to West Liberty was in existence. A careful search failed to discover it, and it is inferred that it perished in the fire that destroyed the State archives in 1869.

From the mouth of the Licking River to Slate Creek, a distance of 149 miles, the survey was made in 1829 under the direction of the War Department, and the maps are on file in Washington. We therefore have a complete map of the Licking River from the mouth of Trace Fork, in Magoffin County, a distance of 300 miles, except for the 81 miles between Slate Creek and McClure's mill, in which, however, we have a few distances and elevations.

The total length of the Licking River is 320 miles.

Owing to the natural scarcity of navigable water, the only practical method of improvements is by the construction of locks and dams. In the lower part of the river there would probably be a sufficiency of water for lockage and to meet losses by evaporation and leakage, but in the upper portion the supply would be inadequate during the dry months of the year. This is chiefly due to the very restricted drainage area at the headwaters of the Licking, it being merely a narrow valley, wedged in between the watersheds of the Kentucky and the Big Sandy. The rapid removal of the forests at headwaters, which is now in progress, will still further reduce the supply of water.

As the present survey was made near the headwaters, the mouth of Trace Creek being reported to be only about 20 miles below the head springs of the Licking, no estimates for works of improvements were made for this part of the river, as a system of slackwater navigation ought naturally to be carried upward from the mouth.

The existing navigation is very small, and the chief complaint of navigators is that the State of Kentucky has practically turned over the river to the Licking River Lumber and Mining Company. A copy of the charter of this company is appended. It is probable that the grounds of complaint would disappear if the river were improved by locks and dams. There would then be no need for an indiscriminate rush of boats, rafts, and loose logs, all eager to get to market before the flood abated.

The chief products to be transported on the Licking, in case it were improved, would be iron, coal, agricultural products, and timber. The lowest deposits of iron ore are found at the Preston ore-banks, on the waters of Slate Creek, in Bath County about 8 miles from the Licking. The nearest point on the latter river is about 158 miles from the Ohio, and in this distance the fall is about 215 feet.

On the basis of the estimates of the Kentucky board of internal improvement the cost of slackwater up to this point would be $1,424,184. This is for locks, 175 feet long and 38 feet wide up to the Lower Blue Licks, and locks 120 feet long and 38 feet wide above that point. Their estimate was a total of $1,018,509 to the Lower Blue Licks, and $5,409 per foot of lockage above that point.

The lowest workable deposits of coal, as far as now known, are found in Elk Fork Valley, in Morgan County. The Elk Fork joins the Licking one mile above McClure's mill, and 231 miles above the Ohio. In this distance the fall is about 322 feet, and, on the basis given above, the cost of locks and dams up to this point would be about $2,002,947.

It should be stated that there are some discrepancies in the distances and elevations just used from those given in Appendixes A and B, which are Welch's and Buford's reports on the Licking. The reason is that I have taken from Slate Creek the distance and elevation given on the profile of 1829, which are 149½ miles and 200.8 feet, respectively. I consequently obtain for West Liberty a distance of 235 miles and an elevation of 333½. There are evident errors and inconsistences in the reports of Welch and Buford that can only be righted by a new survey or additional information.

It has been suggested that a lock and dam at the mouth of the Licking would create a valuable manufacturing interest on both banks for a distance of 3 miles. This is probably correct, but as this is a work that only indirectly concerns navigation, no estimate is made for it. If built, the dam ought to be a movable one.

In 1837 the State of Kentucky began the improvement of the Licking River by locks and dams, and contracts were let for 5 locks. In 1839 contracts were let for 2 more locks. In 1840 work was suspended for lack of funds, and in 1842 a final settlement was made with the contractors. The total cost to the State was $372,520, all of which was a total loss.

Should the Government be unwilling to enter upon so large an expenditure as the radical improvement of the Licking would entail, it is suggested that a small appropriation for the removal of the rocks and bowlders that make the passage of "The Narrows" so dangerous would afford great relief to existing navigation. It is believed that $5,000 could be profitably expended on this work.

Respectfully submitted

WM. E. MERRILL, *Major Engineers.*

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

CINCINNATI, OHIO, *December* 28, 1878.

SIR: I have the honor to submit the following report on the reconnaissance of the upper part of the Licking River, assigned to me by your letter of August 28, 1878.

The Licking River was surveyed in 1829 from its mouth to Slate Creek, a distance of 149 miles, by Lieutenants Turnbull and Grayson, and the maps of this survey are on file in the Engineer Department at Washington. In 1836-'37 the survey was continued by N. B. Buford to West Liberty, but his maps can not now be found; his last-known bench-mark was at the old site of McClure's mill, 4.7 miles below West Liberty. In the hope (which was not realized) that Buford's map might be found, the work of the present survey was begun at McClure's mill and was continued to Trace Fork, in Magoffin County, a distance of 69.7 miles.

The Licking River rises in the acute angle formed at the junction of the watersheds of the Big Sandy and the Kentucky Rivers, and flows in a northwesterly direction through Magoffin, Morgan, Menifee, Rowan, Bath, Fleming, Robertson, Nicholas, Pendleton, Kenton, and Campbell Counties for a total distance of about 320 miles, emptying at last into the Ohio River opposite the city of Cincinnati.

In Magoffin and Morgan Counties the folds in the stratified rocks which form the watersheds of the Kentucky and Big Sandy Rivers are so near each other that the intervening basin drained by the Licking has little width; a fact that has a marked influence on the regimen of the river.

The basin of the upper Licking is eroded into a complicated system of main and minor ridges and spurs, among which the tributaries take their rise. The latter are fed by numerous springs, which, however, have scarcely any flow in dry seasons. The lateral valleys, with bottoms from 50 to 1,500 feet wide, are bordered by richly timbered hills, rising from 50 to 400 feet above the valleys.

The bottom lands, composed of sand, clay, rocks, and vegetable mold, are mostly sufficiently elevated to be free from overflow during summer.

Although the average width of the Licking Basin in Magoffin and Morgan Counties is only from 18 to 20 miles, the length of some of the tributaries exceeds these figures, owing to the fact that they frequently follow courses more or less parallel to the main stream.

The area drained by the Licking from its source down to the mouth of Elk Fork, in Morgan County, is estimated at 600 square miles. The immediate valley is from 300 feet to 1 mile wide, and it is bordered by hills from 100 to 400 feet high, chiefly composed of alternating beds of sandstones, shales, clay, coal, and iron ore. The river descends in an extremely crooked course, alternately approaching the hills on each side, washing and excavating their bases, and forming deposits on the opposite side. This is specially the case in the sharp bends, where one side of the river is often lined by vertical banks of standstone and shale, which present insuperable obstacles to roads, while the other side is flat bottom land, which can be traversed in any direction with the utmost ease.

The bottom lands, as a rule, are formed by the washings from the neighboring hills, and terraces at various elevations are of common occurrence. Between McClure's mill and West Liberty these bottoms vary in height from 8 to 20 feet above low water, but those that have the smaller height are usually backed by a terrace or else a hill is found within a distance of from 300 to 600 feet.

The width of the river varies from 80 to 100 feet; its course is very tortuous, many of the bends covering three-quarters of a circle, and having a mean radius of from 150 to 200 feet.

It is very common to find drifting sands on the rocky bottom of the river. Wherever a lateral depression brings in the drainage of the steep hills we find a ripple formed by the *débris* brought down by the rains, which makes a short pool above it.

The same character pertains to the country and river above West Liberty, except that the sandy banks, which vary in height from fourteen to twenty feet above low water, are more ragged on account of the effect produced by log jams.

Above the Gordon Ford, which is six miles above West Liberty, ripples are less numerous. It is here that the sinuous character of the Licking is most marked; places 3 miles apart in an air line are 12 miles distant as measured by the course of the river.

The general elevation of the bottom lands between West Liberty and Salyersville is from 14 to 20 feet, diminishing toward the latter place, being only 12 to 16 feet near Licking Station. Salyersville is flooded by a rise in the river of 8 to 11 feet, and 3 miles above that town a 7-foot rise overflows the sandy and irregular river banks. The river here is from 80 to 160 feet wide.

The quantity of water flowing in the Licking is extremely variable. The tributaries, sparingly fed by weak springs, become almost dry in summer, while in wet seasons their volume is enormous. As there are no table-lands and the hills are steep and covered by a soil that has little capacity to retain water, the greater portion of the rain runs at once into the river, charged with sediment to its utmost capacity.

A gauging of the river at West Liberty, made on the 23d of September, when the water was near its lowest stage, showed a discharge of 13 cubic feet per second. Another gauging, made about half a mile above Salyersville, on the 8th of November, when the river was at the average low stage of winter, gave a discharge of 15 cubic feet per second. If to this be added 2 cubic feet per second for State Road Fork, and the same for Burning Fork, both of which join the Licking at Salyersville, we would obtain for the discharge of the Licking below the junction 19 cubic feet per second.

The rise in the river between McClure's mill and Prater's Branch, a distance of 49.954 miles, averages 2.286 feet per mile. This rise, however, is not uniform, as can be seen by the following table:

Elk Fork enters the Licking 3.3 miles below West Liberty. The course of this stream is very crooked, but its general direction is somewhat parallel to that of the Licking itself. Its banks are from 8 to 10 feet high, and while mostly of sand, there are occasional portions of rock and shale; the bottoms vary in width from 300 to 1,000 feet. The bed of this stream is generally between 36 and 80 feet wide, and it is full of sand that in many places is quicksand. This sand is constantly in motion, forming bars behind everything that happens to lodge. Elk Fork is over 20 miles long, and its average rise in the 6 miles measured up from its mouth is 4.6 feet per mile. There is considerable descending navigation on this stream, consisting of coal-barges, rafts (some of which are loaded with coal), and loose logs. The coal-barges, 47 feet long, 10 feet beam, 2½ feet deep, holding between 700 and 800 bushels of coal, are built near the coal-mines and then loaded, to await a rise.

Rafts 50 feet long and 12 feet wide are also often loaded with coal, trusting to the chance of getting it to market. Logs are driven on the tributaries of Elk Fork, as well as on the main creek, as its principal tributaries are large enough for this purpose.

There is a large quantity of untouched timber land at the headwaters of this creek and its tributaries.

Middle Fork, Johnson Fork, State Road, and Burning Forks are never used for navigation with boats, but only for rafting and driving logs. Their valleys resemble those of the main river.

In ascending these streams their average rises are found to be as follows:

Middle Fork, 7.449 feet per mile; Johnson Fork, 7.371 feet per mile; Burning Fork, 8.849 feet per mile; State Road Fork, 9.501 feet per mile.

The quantity of water flowing in each during the summer is often less than 2 cubic feet per second.

Throughout this region the bottom lands, as a rule, are under cultivation, and the hillsides also, unless their steepness forbids it. The main products are Indian corn, sorghum, wheat, rye, oats, potatoes, and fruits, principally apples, with a few peaches. The raising of live-stock also receives a great deal of attention. The greater portion of these products is, however, consumed in the support of the population and of the live-stock, the latter being at present the staple article of export, dried apples coming next on the list. Lumbering has also engaged the population for a number of years, and most of the valuable timber close to the river has been cut and marketed; but there yet remain great areas remote from the river which are still untouched by the ax.

The mining of coal for home consumption and for exportation gives employment to some of the population. There is a considerable shipment of cannel coal by wagons that go to the railroad near Mount Sterling for merchandise.

Iron ore of Bath and Menifee Counties.

[From Kentucky Geological Survey, Vol. IV, new series.]

	From Pergam Bank, Bath Furnace, Clear Creek, Bath County, collected by P. N. Moore.	Bank near head of Clear Creek, Bath Furnace.	From Richardson's Bank, Bath Furnace, Bath County.	From head of Ratcliffe Branch, Beaver Creek, Menifee County.
Iron, peroxide	65.310	59.621	66.329	54.750
Iron, carbonate				
Alumina	11.947	12.370	12.532	14.517
Lime, carbonate	0.730	0.520	A trace.	A trace.
Magnesia	0.140	0.144	0.173	0.047
Phosphoric acid	0.825	0.709	0.709	0.697
Sulphuric acid	A trace.	A trace.	A trace.	A trace.
Combined water	11.000	10.400	9.580	8.600
Silica and insoluble silicates	9.580	15.830	9.720	20.830
Total	99.532	99.574	99.043	99.441
Continued:				
Metallic iron	44.570	41.735	46.440	38.750
Phosphorus	0.360	0.309	0.309	0.304
Sulphur				
Silica	9.580	13.960	9.060	19.307

Preston Ore Banks.—Iron ores.

[From Kentucky Geological Survey, Vol. IV, new series.]

	From Block-House Hill. Sample from all ore exposed. Collected by P. N. Moore.	From Block-House Hill. Sample from the upper part of the bed.	From the Howard Hill.
Iron peroxide	76.077	69.728	70.060
Alumina	2.592	8.642	4.540
Manganese	0.430		
Lime, carbonate	0.130	0.170	0.040
Magnesia	0.281	0.045	0.021
Phosphoric acid	0.731	1.154	1.620
Sulphuric acid	0.030	0.134	0.031
Silica and insoluble silicates	8.180	7.930	11.530
Combined water	12.300	12.650	12.300
Total	100.751	100.453	100.142
Continued:			
Metallic iron	53.254	48.809	49.042
Phosphorus	0.319	0.504	0.707
Sulphur	0.011	0.053	0.012

"It will be seen by the above analysis that these ores are much richer in iron than is generally supposed. The percentage of phosphorus is also large, as was indicated by the character of the iron made from the ore."

The following tabular statement shows some interesting statistics of Magoffin and Morgan Counties:

	Area in square miles.	Population over 6 years of age.	Inhabitants per square mile.	Taxable capital.	Annual product.			
					Tobacco.	Hay.	Corn.	Wheat.
					Pounds.	*Tons.*	*Bushels.*	*Bushels.*
Magoffin County	360	3,700	11	$76,000	6,417	485	258,357	4,380
Morgan County	450	5,600	12	96,000	12,764	762	376,311	7,169

West Liberty, in Morgan, and Salyersville, in Magoffin County, both places of about three hundred inhabitants, are the centers of trade in the Upper Licking Valley. All the merchandise for West Liberty is transported by wagons from the terminus in Menifee County of the narrow-gauge railroad that runs east from Mount Sterling; most of the trade of Salyersville goes to Piketon, on the Big Sandy. No correct statistics of this trade could be obtained, but it is estimated that the annual exports of Morgan County, consisting of feathers, furs, skins, medical herbs, beeswax, &c., amount to about $100,000. Those of Magoffin County are very nearly the same.

The valley of the upper Licking, comprising all of Magoffin and the greater part of Morgan County, belongs geologically to the productive coal-measures

of the Appalachian coal-fields. For lack of means of transportation to a market, its mineral wealth, only sufficiently uncovered to show its enormous proportions, lies waste, save to supply a limited home consumption.

The beds of cannel coal which have been opened at Rush Branch, on Elk Fork, show a thickness of nearly 5 feet. Bituminous coal is also found in great quantities, but it is only used for blacksmithing. At West Liberty the mines are only worked for local consumption.

The Calvin coal-bank, a three-foot vein on a branch of the same name, four miles below Salyersville, in Magoffin County, produces the best cannel coal thus far found in the Licking Valley. It burns with a bright flame like wood, even in a fire-place without a grate, and it leaves a very small quantity of ashes.

The following tables, taken from the report of Professor Peters, chemist to the Kentucky geological survey, gives the analysis of some of the coals of Morgan and Magoffin Counties.

MORGAN COUNTY COALS.

No. 1890. *Pierat's cannel coal.*—Collected by A. R. Crandall. A tough, somewhat dull-looking coal, breaking with difficulty into thin laminæ; contains no apparent pyrites or fibrous coal.

No. 1891. *Cannel coal from Maynhier's bank, Elk Fork of Licking River.*—Layer of cannel coal 2 feet 2 inches thick. No fibrous coal or apparent pyrites.

No. 1892. *Six-foot coal near West Liberty.*—Collected by A. R. Crandall. A soft splint coal, breaking into thin laminæ, with fibrous coal between, but no apparent pyrites.

Composition of these Morgan County Coals, air-dried.

	No. 1890.	No. 1891.	No. 1892.
Specific gravity	1.230	1.331	1.353
Hygroscopic moisture	2.06	2.30	4.26
Volatile combustible matter	49.64	41.60	35.24
Coke	48.30	56.10	60.50
Total	100.00	100.00	100.00
Total volatile matters	51.70	43.90	39.50
Fixed carbon in the coke	43.20	44.70	50.10
Ash	5.10	11.40	10.40
Total	100.00	100.00	100.00
Percentage of sulphur	0.955	1.271	1.011

Character of the coke—No. 1890, spongy; No. 1891, very dense, spongy; No. 1892, dense, spongy.

Color of ash—No. 1890, light buff gray; No. 1891, gray buff; No. 1892, nearly white.

Cannel coal No. 1890 is remarkably pure and good; the others contain more than the average quantity of earthy matter, yet are profitable coals.

MAGOFFIN COUNTY COALS.

No. 1878 (*a*). *Salyersville coal; lower part 14 inches thick; half cannel.*—Collected by A. R. Crandall. A sample partly cannel and partly bright bituminous or splint coal. No apparent fibrous coal or pyrites.

No. 1879. *Salyersville coal; upper part 18 inches thick.*—Collected by A. R. Crandall. A pure looking, pitch-black coal, with very little fibrous coal and no apparent pyrites.

No. 1880. *Coal from Amos Davis's bank, on Licking River; bed partly 4 inches thick, with ½-inch parting.*—A firm, pitch-black splint coal, with some fibrous coal and fine granular pyrites between its thin laminæ.

No. 1881. *Coal from Stacey's coal bank, near the mouth of Johnson's Creek; bed 4 feet thick without parting.*—Average sample from near the outcrop. A somewhat mixed sample. Mostly bright pitch-black coal, with some little dull and seemingly cannel coal.

No. 1882. *Calvin's cannel coal; bed 3 feet thick.*—Average sample from the main outcrop. Rather a dull looking cannel coal. Portions showing a somewhat fibrous structure; other portions splitting into thin laminæ. Has very little fibrous coal and no apparent pyrites.

Composition of the Magoffin County coal, air-dried.

	No. 1878, A.	No. 1879.	No. 1880.	No. 1881.	No. 1882.
Specific gravity	1.275	1.292	1.309	1.207	1.235
Hygroscopic moisture	1.80	2.70	4.34	3.70	2.30
Volatile combustible matters	45.50	38.04	37.36	36,64	51,90
Coke	52,60	59.26	58.30	59.66	45.80
Total	100.00	100.00	100.00	100.00	100.00
Total volatile matters	47.40	40.74	41.70	40.34	54.20
Fixed carbon in the coke	43.40	51.62	53.14	54.68	37.56
Ash	9.20	7.64	5.16	4.98	8.24
Total	100.00	100.00	100.00	100.00	100.00
Percentage of sulphur	0.688	1.470	1.357	0.944	1.415

Character of the coke—No. 1878, A, dense, spongy; No. 1879, light, spongy; No. 1880, spongy; No. 1881, light, spongy; No. 1882, very dense.

Color of the ash—No. 1878 A, buff gray; No. 1879, very light, brownish gray; No. 1880 light, purplish gray; No. 1881, light buff gray; No. 1882, brownish gray.

All of these coals are good and most of them very good, containing but a moderate or small portion of ash, and less than the usual quantity of sulphur. The cannel coals, although leaving more ash than the others, would doubtless produce fully as much heat in equal weight of the coals, because of their larger proportions of hydro-carbons; it being a well-established fact that hydrogen will give out three times as much heat as carbon when they are burned in equal weights.

Below McClure's mill the Licking River enters the conglomerate rocks near the base of the coal-measures, and it is these rocks, in connection with the underlying subcarboniferous limestone, that form the gorge of the Licking River, which is known as "The Narrows." Here the river is embedded between vertical cliffs hundreds of feet high, shaded by evergreens, spruce-pines, laurel, and ivy, which combine to make this region wild and picturesque."

On the subcarboniferous rock as a base rests the excellent iron ore (limonite) on which the famous Red River iron industry is based.

After descending through "The Narrows" the river enters the beds of shale and sandstone of the "Waverly" section, which are easily abraded. As a consequence the river basin is considerably expanded. The average width of basin, which was less than twenty miles, is considerably increased, and when in its course the river reaches the lower black shale beds of the Devonian age, a width of 40 miles is attained. The Licking now receives tributaries of considerable magnitude, such as the North Fork, Beaver Creek, Salt Lick, and Triplet Creek. A little above Slate Creek, in Bath County, the river enters the limestone of the Silurian system, in which it remains to its mouth. Slate Creek gives a perceptible addition to the volume of water in the Licking.

On the tops of the hills, 4 miles from Owingsville, in Bath County, about 200 feet above the waters of Slate Creek, are found the so-called "Preston iron-ore banks," covered with a few feet of soil, and associated with the Clinton limestone of the Silurian system. These beds extend over a surface of nearly 150 acres, and have a maximum thickness of 14 feet. It is said that this oolitic, highly fossiliferous ore was worked in the Slate furnace from 1791 to 1838.

On the headwaters of Slate Creek there are deposits of limonite associated with the subcarboniferous limestone. It is also exposed on the waters of Cane Creek, where it was worked by the Cane Creek furnace; in Beaver Creek, where it was worked by the Beaver Creek furnace; and in Clear Creek, where it was worked by the Bath County furnace. All of these streams are tributaries of the Licking.

The navigation of the Licking was never important. Coal-barges, 60 feet long and 15 feet wide, intended to draw 4 feet of water when loaded, are built near the coal mines. They are filled with from 2,500 to 3,000 bushels of coal, and then held in readiness to float down on the first rise. Some coal is transported on rafts about 60 feet long and 13 feet wide. If these boats and rafts succeed in struggling past the sharp bends and through "The Narrows," they find a ready sale in the lower counties for both coal and lumber. Most of the shipping of lumber is done by "driving;" that is, by letting the logs float loosely with the current, and following them down so as to set afloat any that may get stranded. At the town of Boston, about 25 miles from the mouth of the river, there are heavy booms for the purpose of catching and holding the floating logs. Navigation of any kind, however, is only possible when a freshet occurs, and then the river for miles is covered with drifting logs.

The chief hinderance to easy navigation on the Upper Licking, besides the general prevalence of low water, is the difficulty of passing the sharp bends with their swift currents. This is especially so in the fifteen miles known as "The Narrows." As a rule both boatmen and raftsmen tie up until morning, if night should overtake them before they get through. During a freshet the river is filled from bank to bank with floating logs, that hinder the movements of boats and sometimes break up rafts and sink boats that are tied to the shore during the night.

Rises in the river are seldom of long duration, and it often happens that the water outruns boats and rafts while they are tied up waiting for daylight.

There are many large isolated rocks in "The Narrows" that much obstruct navigation.

The chief complaint of navigators is against the privileges exercised by the Licking River Lumber and Mining Company, whose charter from the State of Kentucky gives it the privilege of free and unobstructed passage for floating logs, the practical effect of which is to prevent anybody else from successfully navigating the river. To understand the full authority granted by this charter, a copy of its essential paragraphs is annexed and marked Appendix C.

There is no practical improvement of any kind that can advantageously be made on the upper part of the Licking River as long as the lower portion of it remains in its unnavigable condition.

The difficulties of securing a good practical navigation on the Licking are due to the following causes:

1. The small quantity of water in the river during the summer and fall.
2. The steepness of its slopes.
3. The lowness of the banks.
4. The rights of the Licking River Lumber and Mining Company.

It is doubtless true that were a slackwater navigation established coal from the upper and iron ore from the middle portion of that river could find an outlet, and it is believed that the coal would find a limited market in the interior of the State along the river itself, but it is doubtful if it could compete successfully in the Cincinnati coal market. The iron ore, however, would always be in demand.

The total rise to be overcome between Cincinnati and Salyersville is 409 feet; the distance measured by river between these points is 275 miles, while the air-line distance is only about 125 miles.

It may not be considered improper to refer here to a kind of improvement in use in some parts of Europe on streams where the water supply is deficient and navigation is principally downstream. The improvement consists of a dam with a slide, but without a lock. The slide is a wooden structure of such an inclination that descending boats will not acquire too great a velocity. The slope is usually about 1 foot in 50. Boats using the slide are not water-borne, but a small quantity of water flows down, which acts as a lubricator. To help the loaded craft over the crown of the dam, and to drag the empty returning ones up some convenient power is employed.

Comparing this arrangement with the lock and dam, it recommends itself on account of the small quantity of water necessary and the simplicity and cheapness of construction and maintenance. These slides are adapted to dams of any height.

An improvement of this kind seems to deserve some investigation and experimenting as to the practicability of using it on such a stream as the Licking.

On the "Salz Kammergut," the salt domain of the Crown of Austria, such a navigation is employed to carry salt to market.

During the years 1836 and 1837 the State of Kentucky, contemplating the improvement of the Licking River by locks and dams, ordered surveys to be made from its mouth to West Liberty. This was done, and in a copy of the accompanying report to the Hon. William Owsley, president of the board of internal improvements, by Sylvester Welch, chief engineer of Kentucky, which is annexed to this report as Appendix A, are given the estimates of the cost, lifts, &c., of the proposed locks and dams from the mouth of the river to the Lower Blue Licks, and also a further estimate from there to West Liberty. In the year 1837 the survey was continued to the latter place and reported upon. A copy of this report is also annexed as Appendix B.*

It was arranged to overcome the rise by twenty-one locks and dams. The total lift is 310 feet, and the distance is 231 miles. The locations and lifts of each

*It was supposed that the maps to which this report alluded could be found. A diligent search for them in the archives of the State proved of no avail. It is generally believed that these maps were consumed by the fire which destroyed the archives of the State at Frankfort in the year 1869.

lock are shown by the following table, which is copied from Collins's History of the State of Kentucky:

No. of lock and dam.	Miles from mouth.	Locality.	Lift of lock.	Height of dam.	Length of pool.	Estimated cost.
			Feet.	*Feet.*	*Miles.*	
1	3	Three-Mile Ripple	17½	22	3	$94,347
2	6	Six-Mile Ripple	18	26	16¾	94,670
3	22¾	Dutchman's Ripple	16	24	11½	74,166
4	34½	Willow Ripple	17	27	9½	81,225
5	44	Hendrick's Ripple	16	25	7½	80,962
6	51½	Falmouth	16	24	16	82,251
7	67½	Buoy's Fish Dam	15¼	25	10½	78,320
8	77¾	Claysville	15	25	13½	77,310
9	91½	Panther Creek Ripple	16	25	15½	80,730
10	106½	Isle below Fleming Creek	16½	23	20½	84,655
11	127½	Andrew's Mill	15	22	13½	79,815
12	140½	Ringo's Mill	15½	22	11	76,035
13	151½	Atchison's Ripple	12	19	11¾	69,360
14	163½	Ile's Mill	9	17	6½	64,235
15	169½	Adams's Ripple	13	20	6½	64,350
16	176	Coug's Shoal	9	16	6	56,675
17	182	Gill's Mill	9	17	9½	61,465
18	191½	Wilson's Ripple	15½	22	12½	65,813
19	.....	Ellington's Ripple	16	23	.....	.....
20	212	Blackwater	17	24	.....	.....
21	.....	Flatwood's Ripple	18	25	.....	.....

The total estimated cost of continuing the improvement to West Liberty was $1,826,481. In October, 1837, the first five locks and dams, which would bring slackwater up to Falmouth, were put under contract.

It was expected, when the locks were begun, that stone for the two lower ones would be obtained from quarries along the Ohio River, and that stone for the others could be quarried near each lock. The contractors for the two lower locks opened quarries near Portsmouth, on the Ohio River. The contractors for locks Nos. 3 and 4 opened several quarries in the vicinity of the lock-sites, but failed to obtain stones of a size and quality suitable for building lock-walls. The contractor for lock No. 4 failed to execute his contract. It was relet with the modification of admitting the use of smaller stones in part of the walls, the face-stone, however, to be brought from the Ohio River.

The contractor of lock No. 5 died after having opened quarries and done some work on the lock-pit. The only work of great value done, however, was that a channel 100 feet wide and about 1,250 feet long was cut through the rock bar in the Ohio River at the mouth of Licking. This channel, excavated out of the limestone, was deep enough to permit steamboats to enter the Licking as long as they could navigate the Ohio. Its cost was $5,383.47.

The plan of building the locks 130 feet long and 25 feet wide was abandoned in favor of locks 150 feet long between the gates and 31 feet wide in the chamber. This alteration raised the estimated cost to $2,036,000. Stone 20 inches thick was obtained from a quarry near lock No. 4 and used for the face of the walls.

Locks Nos. 7 and 8 were put under contract in May, 1839. The contractors, after many disappointments inopening quarries, succeeded in finding good building stone on the bank of the river, five miles above lock No. 8.

The hydraulic lime used in the locks was obtained partly from Louisville, and was partly manufactured at the locks with the aid of horse-mills, locks Nos. 3, 4, and 5 each having one.

Stone of excellent quality and desirable size is reported as having been found on the banks of the river in Fleming County, and described as follows: "They are immediately along the bluffs of the river, of easy access, great abundance, never to be exhausted, and equal in quality to any in the country."

During the year 1840 the work on this river had to be suspended for want of funds to pay the contractors.

In the month of October, 1842, the president of the board, accompanied by Messrs. S. Welch and T. S. Bush, visited the works upon the Licking River, to make examinations and estimates for final settlements with the contractors. The contractors afterward met at Frankfort, where a settlement was effected and the work was stopped.

This ended the improvement of the Licking River. Since that time nothing has been added to the work; on the contrary, except lock No. 3, which is pretty well preserved, all the lock-walls have been torn down to their foundations for the sake of the stone of which they were built.

The outlay of $372,520 was therefore lost, as none of the work done was of any benefit to the Licking River,

March 9, 1868, commissioners were appointed by the State of Kentucky to ascertain the cost of removing the mill-dams and other obstructions from the mouth of the river to Mason's Branch, in Magoffin County. The removal of the mill-dams soon followed.

Your obedient servant,

C. SCHENK, *Assistant Engineer.*

Col. W. E. MERRILL,
Major, Corps of Engineers, U. S. A.

APPENDIX A.

REPORT OF MR. SYLVESTER WELCH, CHIEF STATE ENGINEER, TO HON. WILLIAM OWSLEY, PRESIDENT OF THE BOARD OF INTERNAL IMPROVEMENT OF KENTUCKY.

ENGINEER OFFICE, *Frankfort, September* 15, 1836.

SIR: In obedience to an order of the board of internal improvement, dated June 11,1836, directing surveys and examinations to be made of the Licking River, and a report to be made as soon as the survey should be completed from the mouth of the river to Falmouth, I have the honor to submit the following statement, together with an estimate in detail, by N. B. Buford, esq., resident engineer, of the locks and dams necessary to make a slackwater navigation to Falmouth.

The Licking River, from the mouth up to the Lower Blue Licks, a distance of 98 miles, has a deep bed of nearly uniform width. There is generally on one side a bluff of limestone rock, which rises abruptly from the water; and on the opposite side an alluvial bottom, the surface of which is from 30 to 60 feet above the low-water plane. The bottom of the river is generally rock. The banks are regular, and the pools will average, when the dams shall be completed, about 400 feet in width below Falmouth and about 350 above. Between the Lower Blue Licks and the mouth of Slate Creek the banks, so far as the river has been examined, appear to be more broken, and the bottoms or flats are not so high. Between the mouths of Slate and Beaver Creeks the bottoms are lower and wider than on the other parts of the river. From the mouth of Beaver Creek to the town of West Liberty the valley is narrow, and there is but little bottom-land that would be injured by the erection of dams of any desirable height.

From the mouth of the river to Falmouth, 51 miles, the ascent is 80 feet, or about 19 inches in a mile; from Falmouth to the Lower Blue Licks, 47 miles, the ascent, as determined by the survey of Lieutenant Trumbull, in 1829, is 64 feet, or 16½ inches in a mile; from the last-named point to the mouth of Slate Creek, 47 miles, the ascent is 56 feet, or 14¼ inches in a mile; from Slate Creek to West Liberty the river has not been surveyed. The distance is estimated at about 60 miles, and the ascent at 80 feet, or 16 inches in a mile.

The lower part of the river is susceptible of improvement for a navigation as large as that adopted for the Kentucky River. The pools will be wide enough to be navigated by common steamboats as far up as the Lower Blue Licks, and probably to the Sherborn Mills, if it should be deemed advisable to carry a large navigation to that point. Above this the river becomes too narrow and crooked for large boats.

There has been no time during the present season when the river has been down to what is called low water, and no measures could be made to determine the minimum quantity it would furnish during a dry season. The smallest quantity which has been observed at Falmouth, above the entrance of the South Fork, was about 27,000 cubic feet per minute, or about five times the quantity which would be necessary for the purposes of navigation. It appears from the information obtained with regard to the water that the supply will be abundant for the purposes of navigation during the driest seasons as far up as the mouth of Slate Creek, and that there will at all times be a surplus on the lower part of the river. From Slate Creek to the North Fork, in Morgan County, the supply will probably be sufficient for a small navigation. Above the North Fork it may fail in the driest seasons, but there will be enough for navigation during the greater part of the year.

In forming a slackwater navigation where the channel is as free from obstructions as the lower part of the Licking the locks and dams constitute the principal items of expense. The cost of the dams will be nearly the same, whether a large or a small navigation is adopted. The expense of the locks will be greater for the large than for the small navigation. The whole cost of the improvement on any portion of the river will be nearly in proportion to the lockage.

* * * * * * *

REPORT OF THE CHIEF OF ENGINEERS.

Estimated cost of a slackwater navigation from the mouth of Licking River to West Liberty, with locks 130 feet long and 25 feet in the chamber, including all expenses, as stated above.

Lock No. 1, 17½ feet lift; dam, 450 feet long	$95,385 00
Lock No. 2, 18 feet lift; dam, 450 feet long	94,046 00
Lock No. 3, 16 feet lift; dam, 350 feet long	78,474 00
Lock No. 4, 17 feet lift; dam, 425 feet long	81,150 00
Lock No. 5, 16 feet lift; dam, 400 feet long	83,167 00
Lock No. 6, 16 feet lift; dam, 350 feet long	77,771 00
74,800 bushels of hydraulic lime, for locks, dams, and abutments, at 40 cents	29,920 00
Lock-houses and fixtures about them	7,200 00
Removing timber from the banks of the river along a distance of 65 miles	6,500 00
Damage to private property, including purchase of land for lock-houses	6,000 00
Improvements in the channel below lock No. 1, including the rock bar at the mouth of the river	15,000 00
Add for contingencies	21,510 00
Estimated cost of 65 miles of navigation with locks 130 by 25 feet, $9,171.12 per mile, or $5,931.58 per foot lockage	595,123 00
Estimated cost of 140 miles of navigation (locks as above, 130 by 25 feet) extending from the head of the pool of dam No. 6 to West Liberty, including all expenses; lockage 175½ feet, at $5,444.25 per foot lift	944,468 00
Estimated cost of slackwater navigation from the mouth of the river to West Liberty (with locks 130 by 25 feet in chamber) 205 miles, with 286 feet lockage	1,539,591 00

NOTE.—The cost of the five locks and dams necessary for the navigation, with locks 130 by 25 feet in the chamber, from the mouth of the river to Falmouth will be $513,580.

From the information obtained relative to the quantity of water it appears that there will be at each dam, on the lower part of the river, a surplus of at least 10,000 cubic feet per minute during the driest part of the season, and at all other periods of the year a much larger quantity. As we proceed up the river the quantity of surplus water will diminish; and above the mouth of Slate Creek there will be none in summer which can be depended upon for constant work.

APPENDIX B.

REPORT OF MR. N. B. BUFORD TO MR. SYLVESTER WELCH, CHIEF ENGINEER OF THE STATE OF KENTUCKY.

OFFICE OF RESIDENT ENGINEER
OF THE LICKING RIVER NAVIGATION,
November 1, 1837.

SIR: I have the honor to submit the following report upon the survey of the Licking River, from the Blue Licks to West Liberty, together with a table exhibiting an estimate of the probable cost of twelve locks and dams which have been located above the Blue Licks, and a table exhibiting the locality, lift, and guard of each lock; length and height of each dam; the length of the pools; distances from the mouth of the river, and probable cost of the 21 locks and dams, which are to extend the navigation to West Liberty. To this table have been added all the other items which should be embraced, so as to exhibit the estimate of the entire cost.

As soon as the test-level had been run from the mouth of the river to the Blue Licks, which was completed on the 6th of June, I progressed with the survey to West Liberty.

At the Blue Licks the river is 250 feet wide, which is its least width, and from that point to Atchison's Ripple, which was selected for the site of lock No. 13, the width varies from 250 to 400. The banks of the river between these points are high, being seldom less than 40 feet above low water. The valley of the river is contained between hills that are gradually sloped from their summits to the river, and a very small portion of the bottoms is composed of alluvium. The lands adjoining the river in Bath and Fleming Counties are very fertile. The only rocks which compose the hills are stratified secondary limestone as high as the mouth of Slate Creek, which is 145½ miles above the mouth of the river, and 6 miles below Atchison's Ripple. In all this distance the river has a solid rock bottom at depths varying from 1 to 10 feet, is free from accumulation of sand, and affords numerous excellent sites for locks and dams. From lock No. 9 to Atchison's Ripple the distance is 60½ miles, and the ascent is 63 feet. The locks between these points are proposed to have lifts of from 15 to 16 feet. Building materials are abundant on this section of the river. Strata of good limestone are found a short distance above lock No. 9, of about 2 feet in thickness, but are not so thick near the other sites. It is not doubted but that suitable stone exists in the hills. No quarries have been opened. White-oak timber of the best quality is very abundant.

From Atchison's Ripple to Wilson's Ripple the river and its banks exhibit very different characteristics from those above described. Above the mouth of Slate Creek, which is the largest tributary above the North Fork, the river is reduced to widths varying from 180 to 250 feet. Sandstone begins to appear in the tops of the hills near Slate Creek, and about 2 miles above Atchison's Ripple forms the bed of the river. Above this latter point sandstone and slate are the principal rocks that occur. Near the top of the hills, at a considerable distance higher up the river, one stratum of compact secondary limestone of about 15 feet in thickness makes its appearance, dipping to the south. The river in the vicinity of Ile's and Gill's mills flows in an alluvial valley of from ¼ to 3 miles in width, bounded by high hills. The bottoms are sandy, and in some places less than 20 feet above low water. The river in this valley is very crooked. Sand bars are formed below every point where the river changes direction, and the alluvial banks are seen in some places yielding to the action of the current. Strata of slate frequently occur crossing the bed of the river, and afford good foundations for locks and dams. Bluffs of slate 50 feet high, sometimes form the banks of the river. From Atchison's Ripple to Wilson's Ripple, which is 1 mile below Beaver Creek, the distance is 39¼ miles and the ascent is 63 feet. The locks in this portion of the river are proposed to have lifts of from 9 to 12 feet. Building materials of superior quality are found near the lock-sites. Good sandstone in strata of from 1 to 6 feet thick occurs in the hills.

From Wilson's Ripple to McClure's mill, which is about 6 miles below West Liberty, the river and its banks again change their characters. The valley of the river becomes gradually reduced from about 1 mile to 500 feet in width, and becomes inclosed between perpendicular cliffs of rock. The bottom-lands again become to be from 30 to 40 feet above low water. The hills are composed of strata of slate, sandstone, and limestone. The stratum of limestone is single, and is about 15 feet thick. It occurs near the summits of the hills, which are about 500 feet high near Gill's mill and Beaver Creek, and dips so much to the south as to pass under the bed of the river about the mouth of Blackwater, which is 212 miles above the mouth of the river. The river in this section is called "The Narrows." For about 18 miles it is without habitations, and is very difficult of access by roads. It affords good sites for locks and dams, and the lifts are proposed to be from 15 to 18 feet.

From McClure's mill to West Liberty the river presents the same character, istics as between Ile's and Gill's mills. The alluvial bottoms again become wide and the banks become very low.

From Wilson's Ripple to West Liberty the distance is 39¼ miles, and the ascent is 60½ feet. This section of the river is very crooked. In "The Narrows" the bed of the river is frequently obstructed with large masses of standstone, sometimes measuring five hundred cubic yards above low water. This section receives six considerable tributaries.

The whole distance from the mouth of the river to West Liberty is 231 miles, and the whole ascent is 310 feet. The number of locks and dams required for the navigation is twenty-one, with lifts varying from 9 to 18 feet.

The quantity of water which the river furnishes was carefully measured above the site of lock No. 21, on the 1st of August, when the water was believed to be at its lowest stage, and the quantity was found to be 2,520 cubic feet per minute. Three considerable tributaries enter the river within 10 miles below the point where the measurement was made, which are estimated to furnish about 1,200 cubic feet of water per minute.

* * * * * * *

All of which is respectfully submitted.

N. B. BUFORD,
Resident Engineer Licking River Navigation.

To SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

It will be seen from page 1434, Appendix V, report 1879, it is estimated that the cost of locking and damming Licking River from Cincinnati, Ohio, or Covington, Ky., to West Liberty, Ky., a distance of 250 miles, will be $1,539,591.

The Committee on Rivers and Harbors now come in here and recommend us to embark on the project of building a harbor of refuge, which is purely a matter of local interest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE, of Kentucky. I wish some one would give me more time.

Mr. BROWN, of Pennsylvania. I will take the floor and yield my time to the gentleman.

Mr. WHITE, of Kentucky. I thank the gentleman.

Mr. WILLIS. I object to further debate.

The CHAIRMAN. The gentleman will state the ground of his objection.

Mr. WILLIS. The gentleman has had his five minutes in favor of the amendment.

The CHAIRMAN. And the gentleman from Pennsylvania [Mr. BROWN] took the floor and yielded his time to the gentleman from Kentucky [Mr. WHITE], which under the practice of the committee has always been allowed.

Mr. WILLIS. We are trespassing upon the courtesy of other gentlemen who have charge of other measures.

The CHAIRMAN. The Chair appreciates the desire to expedite action on this bill.

Mr. WHITE, of Kentucky. I am not surprised that my colleague [Mr. WILLIS] wishes to cut off debate on this question, because the committee of which he is chairman has failed to do its duty in this particular.

This Licking River is but very little less important than the Tug Fork or the Louisa Fork of the Big Sandy River, for which the committee gave very meager appropriation, and of very little less importance than the Kentucky River, for which the committee has made an insignificant appropriation. Look at the item for the Kentucky River, which has solid banks of enduring stone and marble, and the navigation of which river is capable of permanent improvement. The committee recommends only $250,000, when the Government engineers, sworn to perform their duties faithfully, inform us that $380,000 can be profitably expended before the 30th of June, 1885, and that it will take $4,223,412, of which amount $550,000 only have yet been appropriated, to lock and dam that magnificent river as contemplated.

It seems to me that it does not become gentlemen who were but a few weeks ago in the front ranks of those who advocated the granting of additional privileges, amounting to $45,000,000, to the gigantic whisky monopoly, to stand here now and waste the time of the House in making points of order and urging objections against the necessary appropriations for improving the navigation of water courses which are the natural highways of commerce.

For one I believe that the whole country would approve a river and harbor bill which appropriated the entire $36,000,000 recommended by the Chief of Engineers sooner than grant even one dollar to the whisky ring.

Now, if we are to continue making these little bits of appropriations, and the coal and timber in the mountains of Kentucky are to be locked up there for the next fifty years, then the locks we are now building at the mouth of the Kentucky River will rot before the others are completed, for if I am correctly informed they are largely constructed of timber. The engineer reports in regard to this Licking River that it will only cost $1,500,000 to lock and dam it for two hundred and fifty miles.

I imagine that the information which interested the Committee on Rivers and Harbors more than anything else was the fact that my colleague, the Speaker of this House, in 1878 said on the floor of this House that the way to improve the Licking River was to macadamize it—to build a wagon-road in its bed; and as he lives at the mouth of it he was supposed to know all about it. I suppose furthermore that the committee had not then learned that my colleague had written out there to a constituent of his, the editor of a Democratic paper at Falmouth, Ky., who objected to the neglect of this river. In his letter to that editor, dated May 16, 1884, he says:

I hope that Colonel Merrill's report will be favorable, so that Congress can at the next session authorize the beginning of the work.

Now if we are to begin this work we already have a report of the engineers. This river was surveyed by the engineers of Kentucky away back in 1836, and five locks were partially built in carrying out an improvement inaugurated by the old Whigs of the State of Kentucky. But under the growth of Democratic doctrine, of that old State-rights doctrine of which Kentucky and Virginia Democrats especially were proud, and which they spread abroad in the land at that time, but which they are now with eyes on the Treasury rebelling against and repudiating, Kentucky allowed those locks and dams to go to decay. In 1840 the work was suspended. Under the decision of the Supreme Court all these rivers belong to the General Government, and Kentucky can not do anything. Consequently both Republicans and Democrats in the State of Kentucky now demand the improvement of this river.

[Here the hammer fell.]

The amendment offered by Mr. WHITE, of Kentucky, was not agreed to.

Mr. WOLFORD. I move to amend by inserting the following, after line 57 of this section:

And $300,000 is appropriated to improve Green River, and $100,000 to improve Barren River.

I want to say a few words in regard to those improvements. This bill provides for a survey of those rivers. Now, everybody who has investigated the subject knows that a survey will result in a report favorable to making these improvements. I want the money appropriated now to make the improvements. Green River and Barren River both need improvements.

And now I wish to reply to some remarks that have been made by gentlemen on this [Republican] side of the House. They say that Kentucky is asking for too much; that the Committee on Rivers and Harbors has reported too much for Kentucky. Considering the vast number of important rivers in the State of Kentucky, and the large amount of valuable productions of various kinds which Kentucky is ready to furnish to the whole world if you will give her a chance, Kentucky is not asking too much, and she does not get too much in this bill. But, sir, while I agree that there was no intention on the part of the committee to slight any portion of Kentucky, yet that part of the State in which I live, and where improvements of this character are more needed than anywhere in the State, has been wholly neglected. While a liberal amount has been given to Kentucky (but not a dollar more than ought to be given, and in the case of the Kentucky River not as much as ought to be given), yet here are two rivers about the same size, one of which (the Kentucky River) has been greatly improved, has been the pet of the State, and receives in this bill an appropriation of $250,000, not half what it ought to have, while the other of these rivers, a river of equal magnitude, and furnishing upon its banks more of the commodities which the commerce of the world demands than even the Kentucky River—I allude to the South Fork of the Cumberland River—receives the meager sum of $4,000; and when the other day I asked that this appropriation be increased $6,000 my friends on the Republican side voted almost unanimously against the proposition.

It seems that they are "death on" little appropriations; so I have concluded to try them with a large one. I hope they will come up now and vote a large appropriation for the Green River and the Barren River, both of which need appropriations; not so much as does the Cumberland River, but more than the Kentucky River, and more than a great many other rivers which receive large appropriations in this bill. The

appropriation I now propose is called for by the demands of commerce and the interests of the State of Kentucky——

[Here the hammer fell.]

Mr. WHITE, of Kentucky. I rise to oppose the amendment of my colleague.

Mr. DUNN. It is not necessary.

Mr. WHITE, of Kentucky. Mr. Chairman, the Committee on Rivers and Harbors has in this case acted with a great deal of discretion. While I have said some harsh things, I want to say one good thing, because it is just in this case——

Mr. WILLIS. The committee does not need it.

Mr. WHITE, of Kentucky. You will think differently when the President's veto comes in.

The committee in this bill has provided that—

The Secretary of War is hereby directed to report to Congress at its next session, or sooner, if practicable, the condition of Green and Barren Rivers, in Kentucky, and the provisions and estimate of cost necessary to relieve the same from incumbrance, with a view to such legislation as will render the same free to commerce at the earliest practicable period.

There are some locks and dams on the Green and Barren Rivers which the Kentucky Legislature and Kentucky courts have never been able to get out of the hands of private corporations. Before we undertake to give money for completing the work upon those streams we should put an end to the control now exercised over them by corporations that practice extortion upon the people by charging unreasonable tolls and which have absolute control of the river, owning all boats on it. Before Congress gives any money for the further improvement of this river the State of Kentucky should relieve the navigation of the present incumbrance and turn the river over to the Government. Hence I say the committee has done wisely and well in reporting this provision.

While on my feet I wish to call attention to another river in the State of Kentucky for which the Government has made appropriations and which is in precisely the same condition—not in law, but in fact. I refer to the Cumberland River above the mouth of Jellico. An examination of this river was made several years ago, and Congress has made several appropriations to remove the obstructions in that portion of Cumberland River. But the Democratic Legislature of the State of Kentucky two winters ago turned that river over to a private corporation for fifty years with authority to lock and dam it. Although this company has the privilege of locking and damming the river, not one stroke of work has been done. In this way, what the Government began for the benefit of the people by the improvement of that river has been lost; and nothing which may now be appropriated can be expended with any public advantage until that incumbrance is removed. I therefore ask that in this list of surveys the same provision which has been applied to the Green and Barren Rivers be applied to the upper Cumberland. The provision is as important in one case as in the other, and more justly demanded for the Cumberland. I hope the committee will assent to this proposition.

Mr. WOLFORD. I move to amend the amendment by striking out the last word.

Mr. WILLIS. In order to limit debate, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole to resume the consideration of the river and harbor bill; and pending that motion I move that all debate in Committee of the Whole on the pending paragraph and all amendments thereto be limited to one-quarter of a minute.

Mr. WOLFORD. I move to amend so as to allow five minutes for debate. There is an important amendment pending, the merits of which fully entitle it, I think, to a little discussion.

The question being taken on the amendment of Mr. WOLFORD, it was not agreed to.

Mr. BROWNE, of Indiana. The reason why there is a diverse vote is that we want less than five minutes. I move the debate be limited to one minute.

The motion was agreed to.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union, the object being to proceed with the consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WELLBORN in the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The pending question is on the amendment of the gentleman from Kentucky [Mr. WOLFORD], on which debate has been limited to one minute.

Mr. WOLFORD. I wish to reply to one suggestion made by my colleague [Mr. WHITE]. My amendment is made in good faith and should be adopted. The Kentucky Legislature, Democratic as it is, is ready to surrender Green River to the General Government any time they may want it for improvement.

Mr. WHITE, of Kentucky, rose.

Mr. WOLFORD. I can not be interrupted when I only have one minute. I know what I affirm when I say what I have said in reference to the Democratic Legislature of Kentucky. I will say another thing if time will permit: that there are no people in the United States more in favor of these improvements by the National Government than the Democrats of Kentucky.

The CHAIRMAN. The gentleman's time has expired.

Mr. WOLFORD'S amendment was rejected.

Mr. WHITE, of Kentucky. I move, in line 53, after the word "Barren," to insert "and the Cumberland River above the mouth of Jellico;" so that it will read as follows:

The Secretary of War is hereby directed to report to Congress at its next session, or sooner, if practicable, the condition of Green and Barren and the Cumberland River above the mouth of Jellico River, in Kentucky, and the provisions and estimate of cost necessary to relieve the same from incumbrance, with a view to such legislation as will render the same free to commerce at the earliest practicable period.

The CHAIRMAN. Debate is exhausted.

Mr. WHITE, of Kentucky. I demand a division.

The committee divided; and there were—yeas 18, nays 84.

Mr. WHITE, of Kentucky, demanded tellers.

Tellers were ordered; and Mr. WHITE, of Kentucky, and Mr. BRECKINRIDGE were appointed.

The committee divided; and there were—yeas 25, nays 140.

So the amendment was rejected.

The Clerk read as follows:

Harbor at Paducah.
Harbor at Owensborough.

Mr. WHITE, of Kentucky. I move to strike out the last word. I desire that this committee shall understand the enormity of this vote before we go further. I have a letter from the office of the Chief of Engineers, which I will read:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., May 31, 1884.

SIR: I have to acknowledge the receipt of your letter of the 20th instant, requesting certain information relative to expenditures, &c., in connection with the improvement of the upper Cumberland River, above the mouth of Jellico, Kentucky, and to reply that it was referred to Maj. W. R. King, Corps of Engineers, the officer in charge of the work, who has returned it with a report, of which the following copy is furnished for your information:

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., May 26, 1884.

Respectfully returned to the Chief of Engineers.

No survey of the Cumberland River above the Jellico has been made, and the examinations have been merely with a view to the improvement of that portion of the river by wing-dams and channel excavation. No estimate of the cost of locks and dams has therefore been made.

The entire amount appropriated for this section of the river has been...	$15,000 00
Entire amount expended	9,494 44
Balance.....	5,505 56

The balance on hand can not be profitably expended, for the reason that the principal obstructions consist of mill-dams, which might require special authority for removal, and because the State of Kentucky has chartered a private company to improve that portion of the river, as explained in my report to the Chief of Engineers, 1882-'83.

W. R. KING, *Major of Engineers.*

In connection with the subject I beg to inclose a copy of Appendix Y, of the Report of the Chief of Engineers for 1883, which will afford information on the subject.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. JOHN WHITE,
House of Representatives.

Now, sir, for Barren River not one dollar has been appropriated since I was born, or ever, by the Federal Government. It is and has been owned by a corporation. This committee proposes the Government shall buy a corporation's rights to that river, and yet it is not willing to do as much for the Cumberland River above the mouth of Jellico, for the improvement of which $15,000 has already been appropriated, and $35,000 it is supposed will complete the work of removing obstructions to downward navigation.

I shall quote from the Geological Survey of Kentucky in order to show that the most valuable timber and coal of the Appalachian Mountains, or indeed of any in the United States, of hard wood and soft coal, as cannel and coking coal, are to be found in that Cumberland River region. Furthermore, Mr. Chairman, the gentleman from Colorado [Mr. BELFORD] the other day made a remark to this committee which was laughed at, and that was to lock up the waters at the heads of rivers in Colorado in order to prevent overflow farther down the valley. You will find, sir, that engineers in this and other countries have recommended such works for our favorable consideration. It has been favored

and practiced in foreign countries. That is one way to stop the overflow in the Mississippi Valley. If that system shall ever be adopted I know of no more favored spot to make a beginning than at Pineville, Ky., where the Cumberland River breaks through Pine Mountain. The waters coming from a hundred miles above Pineville can be there checked, which will do more to prevent the rushing of those waters upon the lower Cumberland, the lower Ohio, and the lower Mississippi than anything else. Apply the same principle to the heads of all rivers as large as the Cumberland above Pineville, Ky., and you will not need to spend $50,000,000 to tickle the flanks of the Mississippi River and gratify the greed of State-rights Democrats, under the plea of improving the navigation of the Mississippi River.

[Here the hammer fell.]

Mr. WILLIS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the river and harbor appropriation bill, had come to no resolution thereon.

Mr. WILLIS. Mr. Speaker, at the request of a number of gentlemen, I move that the House now resolve itself into Committee of the Whole House on the state of the Union, and pending that motion, as all of this section relates to the surveys, that all debate upon the section and all amendments thereto be limited to one minute.

Mr. WHITE, of Kentucky. I make the point of order that that can not be done. This section has not been read, and must be read by paragraphs for amendment and debate under the five-minute rule. The gentleman can not take the whole series of paragraphs and embody them into his motion as he proposes.

The SPEAKER. The Chair does not know whether this portion of the bill has been read or not. But if the section has not been read in committee the motion to limit debate would not be in order.

Mr. WILLIS. Then I move that debate upon this paragraph, and all amendments thereto, be limited to one-quarter of a minute.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill. The question is on agreeing to the amendment proposed by the gentleman from Kentucky.

The amendment was not agreed to.

The Clerk read as follows:

Louisiana:
Bayou Plaquemine.
Atchafalaya River above Berwick Bay.
Outlets of Boeuf River, with view to closing same.
Bayou Carlin.

Mr. LEWIS. I offer an amendment, to come in after line 66.

The Clerk read as follows:

Add to this paragraph:
"Natalbany River."

The amendment was agreed to.

The Clerk read as follows:

Massachusetts:
Outer harbor at Gloucester, with a view to the removal of rock obstructions.
Fort Point Channel.
Powow River.
Harbor at Salem, with a view to building a jetty running out from the mainland to deep water.
Harbor at Marblehead, for repair of sea-wall.
A channel from Goose Point, in Plymouth Harbor, to the wharf of the Cordage Company.

Mr. LONG. I offer an amendment, to come in at the end of line 82. I will state that I have conferred with the chairman of the Committee on Rivers and Harbors, and I understand that there is no objection to it.

The Clerk read as follows:

Add at the end of line 82 the words "harbor at Hingham."

The amendment was agreed to.

Mr. STONE. I ask to have a correction made in line 76. I move to strike out the word "outer" from this line; so that it will read: "Harbor at Gloucester."

The motion was agreed to.

The Clerk read as follows:

Michigan:
Lac La Belle Harbor.
Mackinac Harbor; and report whether Mackinac Harbor or Mackinac Island Harbor should be improved.

Mr. HATCH, of Michigan. Mr. Chairman, I move to insert after line 88 the amendment which I send to the desk.

Mr. WILLIS. Let the whole paragraph relating to Michigan be read first.

Mr. HATCH, of Michigan. This amendment properly comes in at this point.

The Clerk read as follows:

In line 88 insert:
"Little Travers Bay, near the village of Petoskey, with a view to constructing a harbor of refuge."

The amendment was agreed to.

The Clerk read as follows:

Pine River.
Clinton River.

Mr. HATCH, of Michigan. Permit me to call the attention of the committee to line 89, providing for the survey of "Pine River." I know of two rivers at least in Michigan of that name. You had better identify in some manner which stream you refer to in this bill.

Mr. WILLIS. This refers to Pine River in Saint Clair County, and I move that that amendment be incorporated, in accordance with the suggestion of the gentleman.

The amendment was agreed to.

The Clerk read as follows:

Mississippi:
Bayou Pierre.
Deer Creek.
Pascagoula River below Moss Point.

Mr. VAN EATON. I offer an amendment to give definiteness to the survey contemplated by this portion of the bill.

The Clerk read as follows:

Strike out line 96, on page 44, and insert:
Pascagoula River from the mills at Moss Point down to the anchorage in the bay, with a view of securing a uniform depth of twelve feet of water.

The amendment was agreed to.

Mr. VAN EATON. I also offer an additional amendment to this paragraph.

The Clerk read as follows:

After line 96 add Black Bay at Handsborough.
Homochitto and Buffalo Rivers.

The amendment was agreed to.

Mr. WHITE, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

Cumberland River above the mouth of Jellico, in Kentucky.

Mr. WHITE, of Kentucky. Mr. Chairman, I do not desire to take up the time of the committee, for under the general leave to print I shall incorporate in my remarks what I have not time to say to the committee under the five-minute rule. But this river has never been thoroughly surveyed and only recommendations have been made with reference to it. There is a stretch of river between Jellico and Harlan Court House which can be improved for navigation; and there is a virgin forest there of incalculable value and coal-fields of vast extent which have never been touched because the deposits can not be gotten to market, there being no available outlet.

It will in the future be a great manufacturing region. There can be no doubt about it. Capital will flow in there, as railroads are now being built; and I ask that this survey be made, so as to have the Cumberland River from the mouth of Jellico locked and dammed to Harlan Court House, Ky., by the General Government.

IV.—CUMBERLAND RIVER ABOVE THE MOUTH OF JELLICO, KENTUCKY.

No work has been done on this section during the year for the reasons given in my last annual report, namely:

"It is proper here to report that the State of Kentucky has during the last session of the Legislature charterd a company to build locks and dams on this part of the Cumberland, with power to condemn mills, dams, and other real estate, and to collect tolls for the navigation of said river, for fifty years. The act also provides that the company may begin operations at any time within three years, and before doing so they must pay to the county courts of Whitley, Knox, and Bell Counties the sum of $2,666 each, 'which amount had been expended in clearing out the obstructions and improving the navigation in said counties.'"

In accordance with my recommendation, approved by the Chief of Engineers, an examination of the mill-dams, which form the chief obstructions to navigation in this part of the river, was made in June last by Assistant Engineer W. C. Crozer, from whose report the following information was obtained, namely:

Dam No. 1. Located at Pineville, Ky. Owned by James J. Gibson. Built more than fifty years ago. Authority unknown. Estimated value, $1,000. Length, 100 feet, and built of loose rocks thrown in above natural bowlders in river-bed. Height, 20 inches. Width of log-chute, 100 feet when there is a "log-tide." Mill small and inexpensive. Has ground 60 bushels of corn in twelve hours. This dam is no obstruction to rafts and logs.

Dam No. 2. Located 6½ miles below Pineville. Owned by Oliver P. Ely. Original dam built about fifty years ago; present one over twenty years ago. Authority, stream had not been declared navigable at time of building. Estimated value, $3,700. Length, 319 feet. Height, 3 to 7 feet. Built of log cribs filled with stone. No log-chute when dam is in repair. Capacity of mill, 70 to 80 bushels in twelve hours.

Dam No. 3. Located 6 miles above Barboursville. Owned by B. F. Main. First built in 1869 and rebuilt in 1877. Authority, none. Estimated value, $500. Length, 258 feet. Height, 3½ feet. Built of log cribs filled with stone. When in repair no log-chute. Furnishes power for a small grist-mill.

Dam No 4. Located at Barboursville. Owned by Peter Hinkle and John Dishman. Originally built about seventy years ago; present dam built in 1877. Authority, none but age. Estimated value, $3,600. Length, 197 feet. Height, 4 to 8 feet. No log-chute. Built of log cribs filled with stone, and in part consists of a solid ledge of rock. Runs a small grist-mill.

Dam No. 5. Located 16 miles by river below Barboursville. Owned by James McNeal. Built in 1846. Authority, mill-site condemned by county court. Estimated value, $1,000. Length, 174 feet. Height, about 6 feet. Built of log cribs filled with stone. No log-chute. Runs a small grist-mill.

Dam No. 6. Location, 4 miles below dam No. 5. Owned by John F. Evans. Built in 1879. Authority, none. Estimated value, $150. Length, 136 feet.

Height, 4 feet. Built of log cribs filled with stone. No log-chute. Used to run a small grist-mill.

Dam No. 7. Located at Loudon, Ky. Owned by John P. Finley. Built about 1848. Authority, mill-site condemned by county court. Estimated value, $1,500. Length, 158 feet. Height could not be measured owing to the depth of water on it at the time. Built of log cribs filled with stone. No log-chute. Runs a small grist-mill.

Dam No. 8. Located 10 miles below Loudon. Owned by Mrs. L. D. Sutton. Original dam built 300 feet above this seventy years ago; present dam built in 1852. Authority, Whitley County court. Estimated value, $1,500. Length, 226 feet. Height, 6 feet. Built of log cribs filled with stone. No log-chute when dam is in repair. Used to run a small grist-mill.

Dam No. 9. Located at Williamsburg, Ky. Owned by A. C. King. First dam built in 1857; present dam in 1882. Authority, Whitley County court. Estimated value, $1,200. Length, 300 feet. Height, 9 feet. Built of log cribs filled with stone and planked over. No log-chute. Runs a small portable grist-mill.

Dam No. 10. Located 12 miles by water below Williamsburg. Owned by Joseph L. Jones. First built about one hundred years ago; present dam about forty years ago. Authority, county court. Estimated value, about $300. Height, 2½ feet. Built of log cribs filled with stone. No log-chute when in repair. Runs a small grist-mill.

Dam No. 11. Located 1 mile above the mouth of the Jellico River. Owned by G. M. Parks. First built about twenty years ago; present dam built in 1881. Authority, county court. Estimated value, $800. Length, 434 feet. Height, 6 feet. Built of log cribs filled with stone and planked over. No log-chute. Runs a small grist-mill.

It should be noted that several of these dams have gaps in them caused by the floods, and that if they were entirely removed the river would not be as much improved as would at first appear, since the rapids and reefs upon which the dams are generally built and others now flooded by the mill-ponds would doubtless become almost as formidable obstructions as the dams themselves.

The estimate for improving the Cumberland River above the mouth of Jellico, Ky., was		$50,000 00
Amount appropriated		15,000 00
Amount expended		9,272 44
Money statement.		
July 1, 1882, amount available		$1,063 89
Amount appropriated by act passed August 2, 1881		5,000 00
		6,063 89
July 1, 1882, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	$216 67	
July 1, 1883, outstanding liabilities	119 66	
		336 33
July 1, 1883, amount available		5,727 56
Amount (estimated) required for completion of existing project		35,000 00

The question being put, on a division by sound the chairman stated the "noes" seemed to have it.

Mr. WHITE, of Kentucky. I call for a division.

The committee divided; and there were—ayes 9, noes 49.

Mr. WHITE, of Kentucky. No quorum. I insist if this is to be rejected that it shall be by a quorum.

Mr. WILLIS. I ask my colleague not to make that point; because this amendment was subject to a point of order and we gave him a vote.

Mr. WHITE, of Kentucky. I do not know any point of order it was subject to.

Mr. WILLIS. It had already been voted upon.

Mr. WHITE, of Kentucky. The gentleman is mistaken. It had not been voted on.

Mr. WILLIS. I was under that impression.

Mr. WHITE, of Kentucky. This is an entirely different amendment. I will state on the point of order——

Mr. BLAND. I call for the regular order.

The CHAIRMAN. The committee is dividing, and debate is not in order.

Mr. WHITE, of Kentucky. Before the vote is taken I think there is a misapprehension on the part of the committee which I should like to set right.

The CHAIRMAN. The regular order is called for. The point having been made as to a quorum the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. WHITE, and the gentleman from Arkansas, Mr. BRECKINRIDGE.

The committee again divided; and the tellers reported—ayes 36, noes 144.

So the amendment was not agreed to.

The Clerk read the following paragraph:

New Jersey:
Carson's Sound and Townsend Inlet.
Mouth of Salem River.
Harbor of Atlantic City at Absecon Inlet.

Mr. MCADOO. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "New Jersey," in line 103, insert the following:
"Hudson River, on the New Jersey side, from Weehawken to Bergen Point, Hudson County, New Jersey, with a view to deepening the water at the wharf at that point."

Mr. MCADOO. I simply want to say, sir, that while thousands of dollars have unfortunately been wasted on unimportant rivers and creeks, the great harbor of New York city—the entrepôt and depot of this continent—has not properly been provided for. The whole commercial world are interested that this great bay and harbor shall be kept navigable for the large fleet of modern steamers whose size and depth increase with each new one built.

With the amount of water in New York harbor and bay the largest vessel should be able to cross the bar at Sandy Hook regardless of tides, and on reaching the river opposite New York and Jersey City should be able to find sufficient water on the New Jersey side as well as on the New York to be docked with safety and be floated with ease.

Then again, as has been ably suggested by the gentleman from New York [Mr. COX], the criminal filling in of the bay and river with refuse should be sternly repressed, and a Federal police given control to watch and prevent this outrageous action. With regard to this amendment I have only to say that the Jersey City, Hoboken, and Bayonne side of the Hudson River have a commerce rivaling that of New York city. Great numbers of European steamers and vessels, likewise ships engaged in the coastwise trade, make their landing on the New Jersey side. The refuse matter from the New York side unfortunately drifts to the Jersey side, injuring very much the wharf and docking facilities on that side of the river. It is thought that engineers can readily suggest a not costly remedy by which this drift can be prevented. I wish to here present to the House a petition sent me by the leading citizens of my district and make it part of remarks. I hope the amendment, which has been accepted by the committee, will be adopted.

[Extracts from Mayor Edson's letter.]

MAYOR'S OFFICE, *New York, April* 3, 1884.

SIR: I have received your letter of March 25, 1884, asking to be furnished with the result of Commander Taylor's examination at the entrance to the port of New York, and have carefully noted your reference to the numerous cases of steamers having touched the ground in going over the bar during the past year.

* * * * * * *

Fully concurring in the views in the report and realizing clearly the importance of a deep and permanent channel to the commerce of the port, and especially to the steamship interest, I venture to suggest that your conference and others who may join you write a memorial to Congress, asking for early and material aid in procuring and preserving a proper depth of water at the entrance of our harbor.

* * * * * * *

Yours, very truly,

FRANKLIN EDSON, *Mayor.*

THOMAS S. SANFORD, Esq.,
Secretary of North Atlantic Steam-Traffic Conference.

[Extract from report to Mayor Edson by Commander Taylor, United States naval aid.]

The immediate fact is unquestioned that there is not enough water on the bar.

Whether the present shoaling, from twenty-five to twenty-three feet, be temporary or permanent, twenty-five feet is the most that can be even hoped for at low water, and though the rise of the tide be added to this, yet such swells as roll on the bar for days at a time will often make the harbor entrance dangerous or impassable for the larger class of transatlantic steamships and other vessels of equal draught.

In order, therefore, that the city of New York may continue to hold its high importance in the world's commerce immediate steps should be taken to deepen the principal channel across the bar to a minimum depth of twenty-seven feet at low water and to preserve it at that depth at all times.

I believe that the prosperity of the port in the immediate future is closely dependent upon prompt action in this regard.

I am, sir, very respectfully, your obedient servant,

H. C. TAYLOR,
Commander, United States Navy, Naval Aid.

To the honorable the Senate
and House of Representatives of the United States:

The undersigned, merchant ship-owners and others interested in the commercial prosperity of the port of New York, respectfully represent:

That the condition of the principal entrance to this port, as indicated by the frequent striking of vessels of large draught on Sandy Hook Bar for many months past, and lately demonstrated by careful soundings made on said bar, has become a matter of anxious concern, involving the welfare of our city and the existence of the vast interests centering here.

The soundings lately made show that the natural action by which the channel had been deepened to a maximum of twenty-five feet at low water has been reversed and a shoaling has now set in by which the depth has been seriously decreased.

While this process of filling the channel has been going on the commercial necessity of the time has compelled the building of ships large and of greater draught in order to meet the demand for cheaper and quicker transportation, and if the port of New York can not receive them its commercial supremacy is seriously impaired.

We therefore respectfully request that your honorable bodies will make such suitable and ample provision for the deepening and improvement of the approaches to this port as the case requires.

JERSEY CITY, N. J., *June* 10, 1884.

The question being taken on the amendment, there were—ayes 58, noes 6.

So (further count not being called for) the amendment was agreed to.

Mr. WHITE, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 106 insert the following:
"For examination and survey of a water route and ascertaining the practicability of obtaining cheap transportation between the valley of the Ohio and Atlantic seaboard by connecting by slackwater navigation the waters of the South Fork of the Kentucky River, Richland Creek, Cumberland River, Yellow Creek, Cumberland Gap Springs, and Powell's, Clinch, Tennessee, Hiwassee, and Savannah Rivers, from Beattyville, Ky., to Savannah, Ga."

Mr. WILLIS. I make the point of order on that amendment that it relates to a matter which is not within the jurisdiction of the committee. I understand it will be necessary to dig through dry land to build this canal.

Mr. WHITE, of Kentucky. I will not take up the time of the committee to read the data I have on the subject further than to read a

letter from Professor Shaler, of Harvard College, who was superintendent of the geological survey of Kentucky for a number of years.

Mr. WILLIS. I insist on the point of order. This is the substance of another bill now pending and it involves the construction of a canal.

The CHAIRMAN. The Chair unhesitatingly sustains the point of order on the first proposition.

Mr. WHITE, of Kentucky. Before the Chair decides the point of order I wish to say that this only proposes to connect one river with another river, from the Ohio via the Kentucky, Cumberland, Powell's, and Savannah to the sea, the same as is done by the Hennepin Canal, which the chairman of the committee so heartily favors.

The CHAIRMAN. The decision of the Chair is based on the fact that this is the substance of another bill, which makes the amendment clearly out of order.

Mr. WHITE, of Kentucky. I move to strike out the last word. I wish to read the letter of Professor Shaler.

I introduced in the Forty-fourth Congress, also in the Forty-seventh and Forty-eighth Congresses, a bill on this subject. In the Forty-seventh Congress a petition was sent to the Committee on Railways and Canals, signed by the distinguished gentleman from Georgia, Hon. Alexander H. Stephens, and many others, which favored the having of this survey made. The committee, however, never acted upon it. This session it has been before the Committee on Railways and Canals. And I wish the country to understand that gentlemen have succeeded in getting the Hennepin Canal transferred from a committee that has no power to make an appropriation over to a committee that has this power. Why did it not treat this canal project the same way. I will read the letter:

FLORENCE, ITALY, *March* 27, 1882.

DEAR SIR: Your favor concerning the proposed survey of a route for a canal from the waters of the Kentucky through Cumberland Gap has been forwarded to me here. I have no chance to get access to my notes made on several reconnaissances of this line, so I will only give you the general results which I still bear in mind. I became entirely satisfied as to the possibility of constructing such a canal as soon as I had made the first journey over the course it would have to follow. The engineer obstacles are considerable but not of very grave difficulty. I am satisfied that the project is worthy of a study such as the Government engineers could give to it.

The commercial advantages of such a line would be very great. Southeastern Kentucky possesses a very large store of coal, suited for the smelting of iron and other ores. Those ores are not abundant in the coal-field, but are found in very great quantities on the headwaters of the Tennessee. A glance at a map will show that the headwaters of the Tennessee, including the Pond, the Holston, and the French Broad, to say nothing of the lesser streams, are very extensive. There are at least six hundred miles of streams in that system of waters large enough to warrant improvement by slackwater canals. On these streams there are admirable iron ores and large deposits of zinc and other metals. I am sure that such a system of navigation would afford the basis for an extensive development of these resources. It would bring the fuel and the ores together and afford an outlet for their product to the great markets of the Ohio Valley. The advantages to agriculture and to the timber industry are self-evident.

While it was my duty to consider the commercial possibilities of Kentucky, I carefully studied the advantages of such a route, and I became convinced that it would tend more to its economic advancement than any other improvement that could be made.

Respectfully, yours,

N. S. SHALER.

To Hon. JOHN D. WHITE,
M. C. from Kentucky.

In the Bulletin of the Geological Survey made by Professor Shaler when in charge of the geological survey of Kentucky reference is made to this subject. It is referred to also in a recent bulletin of the geological survey of Kentucky by the present superintendent. I quote from page 23, volume 6, part 4, of the second series of the Geological Survey of Kentucky in the year 1880:

A possible water way connecting with the waters of the Kentucky River, and giving a direct outlet to the Ohio River, is worthy of consideration.

The Cumberland River at Barboursville is 121 feet higher than the waters of the Kentucky River at Goose Creek Salt-works, near Manchester. The summit divide between Richland Creek (emptying at Barboursville) and Collins's Fork of Goose Creek (see map) is 78 feet higher than low water at Barboursville, and less than a mile through. A dam at Barboursville and an open cut through this divide of less than a mile in length will allow the waters of the Cumberland to flow through. The amount of water taken from the Cumberland would be inconsiderable, as it would only flow when boats were passing the locks, and the supply taken for the canal would be from the reserve held back by the dam at Barboursville, and would hardly affect the flow of the river below that point. This dam would afford slackwater at Pineville, and from there a canal could be carried along Yellow Creek to Cumberland Gap. It is possible to connect this system with the river system of Tennessee by a canal through Cumberland Gap and down Gap Creek to Powell's River, a distance of 6 miles from the Gap.

I now quote from page 35 of the Bulletin of the Geological Survey, No. 1, from an article by Prof. N. S. Shaler, of Harvard College, Massachusetts, the State geologist for the State of Kentucky:

The improvement of the Kentucky River will cost less, the lockage is less, and the width is greatest. Some of these canals are troubled for supply of water at the summit in summer. The Kentucky River at lowest water in summer runs 20,000 cubic feet of water per minute below the Forks, and 8,000 cubic feet per minute above the Forks, affording not only ample supply for navigation, but a large water-power surplus for manufacturing purposes.

From the mouth of South Fork to the salt-works above Manchester it is 68½ miles, with a raise of 206½ feet. The estimated cost of slackwater improvement to the salt-works—giving a channel from 150 to 200 feet wide—is $411,000. At the lowest stage there is only 393 cubic feet per minute of water in South Fork, hardly enough for slackwater navigation; but a cheap system of reservoirs could be constructed so that an ample supply could be assured at all seasons. This brings us to another important subject—the feasibility and utility of a canal connecting the Cumberland and Kentucky Rivers.

We have not space to go into the details of the survey, but it was demonstrated that it could be easily and cheaply accomplished.

The Cumberland River at Barbourville is 121.8 feet higher than the waters of the Kentucky River at the Goose Creek Salt-works. The summit divide between the head of Richland Creek (emptying at Barboursville) and Collins's Fork of Goose Creek is 78 feet higher than low water at Barboursville and less than a mile through. A dam 25 feet at Barboursville and a cut at the summit less than a mile long, 53 feet deep in the center and lessening at the ends, will let the waters of the Cumberland flow through, giving a channel six feet deep. This cut would be through shale, with no fixed rock.

The amount of water taken from the Cumberland would be inconsiderable, as it would only flow through when boats were passing the locks, and the supply taken for the canal would be from the reserve held back by the dam at Barboursville, and would not affect the river below that point. This dam at Barboursville would afford slackwater to Pineville, and from there, by way of Yellow Creek, slackwater could be carried to the foot of the Cumberland Mountains at Cumberland Gap. Mr. W. B. Page, of the United States Coast Survey, estimates the valley of Yellow Creek to be 1,100 feet above the sea, and as the mouth of the Kentucky River at the Ohio is 416 feet above the sea, the entire lockage from the mouth to Cumberland Gap would be 684 feet, or 5 feet less than the lockage on the Erie Canal.

The length of canal from Barboursville to the Goose Creek Salt-works would be 21½ miles.

At Cumberland Gap a tunnel about 1,400 yards long and a canal 6 miles down the Gap Creek Valley to Powell's River will connect the entire river system of Tennessee, and give thence a direct outlet through Kentucky for their products.

This would also connect with the river and canal improvement proposed by the United States Government, connecting the Tennessee River with the streams flowing into the Atlantic Ocean.

This measure we believe well worthy the attention of the State, as it is capable of producing more important results to the States of the Ohio Valley, as well as to the cotton States west of the Mississippi, than any other plan of internal improvement within our knowledge.

We have, as briefly as possible, spoken of the capabilities of this river for cheap and reliable navigation at all seasons. A hasty review of some of the resources of the country that would be developed by this system of improvement will, I hope, awaken the people of this State to its importance.

In the region drained by the upper Cumberland and Kentucky there is more black-walnut timber than any other region of like area with which we are acquainted. White-oak and poplar of large size and superior quality is very abundant. The difficulty of running rafts over the Falls of the Cumberland and Smith's Shoals has prevented in a great measure the running of timber from the upper Cumberland, so that the forests of that country have been scarcely touched.

Again, on pages 30 and 31 of the same work, Professor Shaler says:

The following synopsis gives the results of the surveys of the river and the work that has already been done in the way of exploring the mineral resources of the region adjacent to the upper waters of the Kentucky:

Many years ago the Commonwealth made provision for a survey of an extension of the proposed slackwater navigation of the Kentucky River to Cumberland Gap by way of the South Fork of that river and Goose Creek to the headwaters of Richland Creek, a tributary of the Cumberland, and thence by canal to the main stream of the Cumberland at the point where Pineville now stands. Then it was proposed to resume the slackwater navigation and continue it by way of Yellow Creek to Cumberland Gap. Then, by a tunnel of less than 1 mile through rocks that are easily penetrated, it was proposed to pass into the valley of Eastern Tennessee. A great spring at the Gap and the headwaters of Yellow Creek promised water enough for lockage to lead the navigation into the valley of Powell's River, whence, by easy gradients, it would be possible to carry it through the whole of the great river system of the upper Tennessee. By way of the Hiawassee River, by a short canal, it would be possible to extend this form of navigation through to the Savannah River and thence to the sea.

After a careful study of the route from the Kentucky River to Cumberland Gap, it seems to us evident that the project is entirely feasible, and likely to have a very great importance in the development of the mineral resources of this State as well as of East Tennessee; and, furthermore, that the cost of this water way is likely to be exceedingly small when compared with the practical results likely to be obtained from its workings.

Considering area, accessibility, neighborhood to suitable coal, and other advantages, the "dye-stone" ore of the Cumberland Mountain district is probably the lowest field of ore in the Mississippi Valley, and I believe will, when transportation is furnished, produce cheaper iron than any other ore in America. The coals to work this ore must to a great extent come from Kentucky. The ores from the coal series of rocks within our State would furnish a valuable basis for admixture with the "dye-stone" ore. If we could have a system of transportation as cheap as water ways furnish from the Cumberland Mountains toward the Ohio River, it would give us a close hold on this great mineral district. Owing to the relation of the materials the ores will always seek the coal, the limestone, and the facilities furnished by water-powers. The district of the upper Cumberland and the Kentucky Rivers would, we believe, become the seats of production of the iron from the "dye-stone" ore, rather than the region of East Tennessee.

As soon as this water navigation is carried to Cumberland Ford it will be found possible, at small expense, to extend the slackwater up the upper Cumberland to Poor and Clear Forks, and to some 30 miles or more beyond Harlan Court House. This would render a great valley, rich in coal and timber, quite accessible. But for some such system it is likely to remain for a great time without any transportation facilities.

With this canal system carried to Cumberland Gap, its extension via Powell's, Tennessee, Hiawassee, and Savannah to the sea would be assured in time. We believe this to be one of the few practicable water ways from the central region of the Mississippi to the sea. It would have the advantage over present Northern water routes of at least four months more navigation in the year. There can be no doubt that the next century may see at its very beginning the Ohio Valley, with its unequaled cheap fuel, its stores of iron ores and of manufacturing timber, its wealth of food, the center of activity of those industries that have given Great Britain its manufacturing greatness. It depends on our immediate action whether this production shall find its center in Kentucky, or whether she shall get the least share of it. The way to determine this matter to our satisfaction is to set about the improvement of all those natural channels which can secure the cheapest transportation. When that is done the rest will follow without effort.

And, Mr. Chairman, I call attention of the committee to page 1400 of the Annual Report of the Chief of Engineers for the year 1879:

In the execution of my purpose to lay before you all reliable and valuable information pertaining to the question under discussion that has ever at any time been obtained, I present herewith a tabulated statement of the characteristics and estimated cost of the time-honored project of connecting by canal the waters of the Cumberland with the proposed slackwater improvement of the Kentucky River. The details of this project were worked up about forty-three years ago

by R. P. Baker, and the following statements are condensed from his reports on this water line:

The commercial significance of such a link consists chiefly in the very considerable enlargement of the coal and timber area thus brought near to market, and in its being another step toward the accomplishment of that grand old purpose of connecting the Ohio Valley with the South Atlantic coast by means of this improvement, piercing the mountains at Cumberland Gap with a tunnel less than three-quarters of a mile in length, continued along the waters of the Tennessee, and thence, by canal, connecting with the waters of the Savannah River at the head of steamboat navigation.

In his report of 1835 Mr. Baker, then State engineer of Kentucky, says:

"I feel gratified that I am enabled to state my conviction that an abundant supply of water can be commanded at Cumberland Gap from a level considerably elevated above the plane of the requisite works, and of the most easy and convenient access. The means of passing Cumberland Gap are offered by the construction of a tunnel of probably not exceeding seven to eight hundred yards in length. Having perforated the Cumberland Mountains, an open plane, 5 miles down the valley of a creek, would lead the improvement into Powell's River, a bold and copious tributary of the Tennessee, whence it could be continued by locks and dams down that river, and thence by canal to Georgia."

The value of this authority is somewhat enhanced by a knowledge of the fact that for many years prior to the date of this report he had been professionally engaged on the Muscle Shoals Canal in Alabama, and subsequently in charge of the improvements then being constructed by the State of Tennessee in the Holston and Tennessee Rivers between Knoxville and the Alabama State line. In adverting to some of the advantages of such a line of improvement, the same writer says:

"The canal would outflank the whole chain of Appalachian mountains on the southwest; and in the course of its extent it would cross the various noble rivers, Coosa, Chattahoochee, Oconee, &c., which, taking their rise in the chain of the Appalachians, flow into the Gulf of Mexico and into the Atlantic Ocean between the cities of New Orleans and Charleston; thus throwing open to the commerce of the countries bordering on the Ohio a choice among the numerous and greedy markets presented by the vast extent of cotton country along the southwestern coast of the United States, independently of the facilities it would offer for reaching the northeastern cities or European ports through the ports of Savannah and Charleston."

Certainly, in this view of the case, the improvement of the Kentucky River is invested with a national importance, which entitles it to some measure of the consideration usually accorded the great commercial lines of the country.

By reference to the accompanying tables you will find that the aggregate cost of the work actually recommended to be done is estimated at $4,223,412, apportioned as follows:

For the Kentucky River proper, from its mouth to the mouth of the Middle Fork, a distance of 257.5 miles, $1,074,402.

For the North Fork, from the mouth of the Middle Fork to the mouth of Leatherwood Creek, a distance of 121.3 miles, $1,386,000; thence continuing up the North Fork from the mouth of Leatherwood Creek to the mouth of Boone Fork, a distance of 38.2 miles, $9,010.

For the South Fork, from its mouth to Goose Creek Salt-works, a distance of 68.5 miles, $968,000.

For the Middle Fork, from its mouth to the crossing of the Hazard and Manchester road, a distance of 68 miles, $786,000.

The aggregate length of slackwater navigation thus obtained amounts to 553.5 miles, without considering that which consequently ensues upon the various smaller tributaries and creeks; in relation to which, however, I have not the data necessary to the formation of an estimate of any approximate correctness.

I desire to call the attention of the committee furthermore to the wonderful resources of this undeveloped region of country as described by Professor J. R. Proctor, State geologist for Kentucky, in a communication to Gov. Luke P. Blackburn, bearing date October 26, 1880, from which I quote as follows:

TIMBERS.

As Mr. L. H. De Friese has made the study of timbers a specialty, the following extracts from his report on the timbers of the North Cumberland * well attest the peculiar richness of that section in valuable timbers.

Of a section made by him across the mountains, near the line between Bell and Harlan Counties, he says: "About 500 feet below the crest of the mountain I found a remarkable belt of the finest old forest walnut timber I have ever seen. * * * The walnut is growing on a very rich, loamy soil, partly detritus and partly decayed vegetable matter, about 2 feet deep, almost entirely devoid of undergrowth. * * * This walnut-bearing belt winds along the mountain as far as I had time to trace it. * * * On the northern exposure opposite, on the contrary, about 35 per cent. of the timber was massive yellow poplar, many trees of which were 6 and 7 feet in diameter, with trunks 60 to 80 feet high. * * * The white hickory and blue and black ash rank next in value, and they all abound in the Black Mountains especially. * * * The red maple, which is growing into favor in cabinet work, also abounds in Bell and Harlan Counties. The linden (*Tilia Americana*) is also found in large quantities through these mountains, and is very valuable in cabinet work," &c.

"After crossing (see page 15) into Harlan County I made a section to the top of Black Mountain up Gray's Branch, and came down a different way, so as to get two sections. The results are given in detail." I copy only a few references from Mr. De Friese's report. Ascending the hill at an elevation of 100 feet, he says: "The yellow poplars are 5 to 7 feet in diameter, with trunks 60 to 80 feet long. The white ash is also extremely heavy, and the blue ash as fine as I ever saw." At an elevation of 200 feet: "No perceptible change in the splendor of the forest." The timber remains of the same character, with such changes as are noticed up to an elevation of 1,050 feet, where he says: "The splendor of the forest can hardly be imagined. The belt of walnut before mentioned begins to show itself here, while the yellow poplar, the chestnut, and the white hickory are of the finest. * * * At this height (1,250 feet) crosses the curious belt, 25 per cent. of whose timber is old forest walnut. In size and quality these trees have no superior in this country, so far as I know." Elsewhere, speaking of this walnut belt, Mr. De Friese says: "One of the many magnificent walnut trees I found in this peculiar belt was 14 feet 6 inches in circumference, with a curling but straight and beautiful trunk 60 feet in length. In an area of 1,250 square yards in this belt the principal timbers were:

"Black walnut, 6; average diameter, 40 inches.
"Buckeye, 5; average diameter, 29 inches.
"White ash, 3; one with diameter of 34 inches.
"Linden, 6; average diameter, 23 inches."

In addition to the valuable timbers enumerated above, the region described abounds in valuable white walnut, cherry, elm, magnolia, sweet gum, beech, and other timbers. On the slopes of Pine Mountain to the west, and Cumberland Mountain on the east, are the timbers usually found on the conglomerate sandstone—hemlock along the base of the mountains, pitch-pine (*Pinus rigida*), and the yellow pine (*Pinus mitis*), and chestnut-oak, are very abundant and of the best quality.

Excepting the clearings in the valleys, the timbers of this section remain almost untouched. The difficulty of running logs over the Falls of the Cumberland and the Smith's Shoals has been the cause of the preservation of this magnificent timber region. According to the best estimates I can make, at least 90 per cent. of this area is yet covered with primitive forest growth. Taking the population of Bell and Harlan Counties as returned by the census of 1870, and the area as returned to the State auditor, the population of these counties is 5.2 per square mile. The population of Massachusetts was, in 1875, 211.78 per square mile, and as this region is capable of supporting a larger population per square mile by agriculture than Massachusetts, and the manufacturing capabilities are as great, as will presently be shown, it is reasonable to expect a great development in the near future.

COAL.

The coal-measures have here a thickness of over 2,000 feet above drainage—thicker than elsewhere in America. Thus far only preliminary reconnaissance work has been done by the geological survey, and the densely wooded condition, with the depth of soil, is unfavorable for discovery of coal beds; but enough has been done to establish the existence of many beds of workable thickness and of very superior quality. In a report on a reconnaissance in the upper Cumberland section Professor A. R. Crandall says: * "The thickness of the coal-measures is greater by many hundred feet than in any other part of Kentucky. The number of the coals is also greater. * * * The quality of the coals of this valley is most excellent. The proportion of ash and sulphur is very low in all that have been analyzed, with the exception of one cannel coal, and the fixed carbon is high."

The following are analyses of some of these coals from samples carefully averaged by members of the geological survey, representing the entire thickness of bed. It must be borne in mind that these samples were taken from imperfect openings and can not represent the coal at its best.

No. 1. Clover Fork coal, Harlan County, 34 inches thick.
No. 2. Skidmore Bank, Martin's Fork.
No. 3. Hignite Branch, Bell County.
No. 4. Clear Fork of Yellow Creek.
No. 5. Cannel coal, Fork Ridge.
No. 6. Straight Creek coal.
No. 7. Fork Ridge; a four-foot coal above the cannel.
No. 8. Clear Fork, 4 feet thick.

	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Moisture	1.70	5.20	2.96	1.50	1.00	1.90	1.26	1.36
Volatile combustible matter	35.70	31.26	35.28	37.94	43.60	37.50	33.96	35.80
Fixed carbon	59.60	60.08	59.40	58.40	47.80	57.90	55.52	59.54
Ash	3.00	3.46	2.36	2.16	7.60	2.70	9.36	3.30
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Coke	62.60	65.54	61.76	60.56	55.60	60.60	64.98	62.84
Sulphur	0.750	0.618	0.736	1.038	0.590	1.519	2.672	0.975
Specific gravity	1.289	1.356	1.277	1.262	1.202	1.276	1.344	1.282

As indicated on page 5, the line between Kentucky and Virginia leaves the Cumberland Mountain about 40 miles east from Cumberland Gap, and traverses the crest of one of the ridges of the Black Mountain, the divide between the waters of the upper Cumberland and Powell's River, so that there is an area of coal-measures in Southwestern Virginia. A portion of this region was explored by Professor J. P. Lesley in 1871, and his report† attests the value of the coals of that section. He says, speaking of the 6-foot bed: "At one place, where the bed had been dug a little into, it yields the best kind of bituminous coal, fat and caking, but friable, with no appearance of sulphur, and making no clinker. It is a good blacksmith coal, and no doubt will make a good coke. A piece of fill-made coke shows that the best coke can be got from it."

Professor John J. Stevenson has recently made explorations on the head-waters of Roaring and Pigeon Fork of Powell's river, near the Kentucky line, and reports coal of great thickness and superior quality. The coals were analyzed by Mr. A. S. McCreath, chemist of the Geological Survey of Pennsylvania. Referring to these analyses, Mr. McCreath says: ‡ "The above analyses speak for themselves, and indicate coals of remarkable purity."

Professor Stevenson adds: "This eight-foot seam will yield a coke with considerably less than 3 per cent. of ash, and with but little more than five-tenths of a per cent. of sulphur. Such would be a marvelously rich coke, the percentage of fixed carbon being somewhat more than 96. The Connellsville coke has somewhat less than 90 per cent. of fixed carbon, the ash is between 9 and 10 per cent., while the average sulphur is about eight-tenths of a per cent." I have a sample of coke carelessly made from this coal, which is excellent and of great strength.

An examination of the iron ores contiguous to the above-mentioned coals will convey an appreciation of their value. For purposes of comparison I give below analyses of the best coals from neighboring States. These coals were sampled by members of the Kentucky survey in the same manner as were the Kentucky coals, and were analyzed by the chemists of the Kentucky survey. Dr. Robert Peter says: ‖ "Seven of the best coals from the State of Ohio, two of the best of those of Illinois, and three of the celebrated 'black coals' of Indiana, used there for iron smelting, &c., were submitted to similar processes of analysis with our Kentucky coals. We give results, as follows:"

States.	No. analyzed.	Volatile comb. matter.	Fixed carbon in coke.	Per cent. of ash.	Per cent. of sulphur.
Ohio	7	34.59	55.17	6.43	1.494
Illinois	2	31.95	59.06	5.96	1.924
Indiana	3	35.93	54.24	7.23	1.946
Gen'l average	12	34.13	56.12	6.54	1.768

Iron ores, not so rich as can be had near the upper Cumberland coals, are carried hundreds of miles to be smelted by the above coals in the three neighboring States.

Taking for comparison analyses of five celebrated coals from the Reports of the Second Geological Survey of Pennsylvania (Report "H. H."), as follows: "Cambria Iron Company's Mines," "Coal A, Woodcock Mine," "Kittanning, Coal E," "Cambria Coal and Coke Company," and the celebrated "coking coal near Johnstown," as analyzed by the chemist of the Pennsylvania survey, gave respectively of ash, 6.930, 5.750, 4.750, 6.163, and 8.83, and of sulphur, 2.843, 0.567,

*Part IX, Volume IV, new series, Kentucky Geological Reports.

*Part XII, Vol. IV, second series, Kentucky Geological Reports.
†Read before the American Philosophical Society April 21, 1871.
‡Page 18, report to the Tinsalia Iron and Coal Company.
‖Page 146, Vol. I, new series, Kentucky Geological Reports.

2.728, 2.352, and 2.78. The coals of the upper Cumberland Valley are not only very thick, but are above drainage, and can be opened at small cost and mined very cheaply.

IRON ORES.

The position of the rocks and the relation of the Clinton group, in which this ore, known as "Clinton," "Dye-stone," and "Fossil" ore, is situated, to this region is shown in the section on page 5. This Clinton ore extends irregularly along the eastern escarpment of the Alleghanies from Canada to Alabama. It is the principal source of local supply for the furnaces of Pennsylvania, and is the source of supply for the furnaces of the Roane Iron Company, Tennessee; the furnaces in the Sequatchie Valley, and most of the furnaces in Eastern Alabama. This ore is very persistent, and of good workable thickness, along the entire eastern edge of the region under consideration, from Elk Gap in Tennessee to and beyond Big Stone Gap in Southwestern Virginia. The ore at Elk Gap can find easy access to the coals of this region by way of the proposed extension of the Knoxville and Ohio Railway down the Elk Fork of the Cumberland.

There has been a development of this ore near Speedwell, in Tennessee, where it has been smelted in a charcoal furnace. The ore can be brought to the coal by tunneling the Cumberland Mountain at one of the gaps near that place. At Cumberland Gap and eastward there is a large deposit of this ore, well shown in the accompanying plate, taken from Mr. P. N. Moore's report on "The Iron Ores in the Vicinity of Cumberland Gap."* The several beds of ore in this section, near the gap, range in thickness from 22 inches to 27 inches. Eighteen miles east from the gap it is found 52 inches thick; at Pennington Gap, yet farther east, 35 inches thick, and at or near Big Stone Gap the several beds range in thickness from 25 inches to 7 feet 2 inches.†

The quantity of this ore along the eastern outcrop of this coal is unlimited. In quality an examination of the following analysis will show that it is superior to the Clinton ores of other localities.

Samples averaged by Mr. P. N. Moore and analyzed by Dr. Robert Peter and Mr. John H. Talbutt, chemists of the survey.

Specific gravity	3.942	3.914
Iron peroxide	77.380	73.935
Alumina, Manganese oxide	3.941	5.776
Lime carbonate	.420	4.510
Magnesia	Trace.	.266
Combined water	2.500	3.850
Silica and silicates	15.960	11.730
Percentage of iron	54.166	51.750
Percentage of phosphorus	.140	.140
Percentage of sulphur	Trace.	Trace.

The following are analyses of ores from the Big Stone Gap district—No. 1 the Clinton ore, and No. 2 a brown hematite—by Mr. McCreath:

	No. 1.	No. 2.
Metallic iron	52.600	52.556
Sulphur	0.018	0.037
Phosphorus	0.116	0.051
Insoluble residue	18.140	7.840

For purposes of comparison, the reader is referred to the analyses of the Clinton ores in Pennsylvania, in Volume F, Second Survey of Pennsylvania.

During the high price of iron in 1872 the Clinton ores were carried from Alabama to Louisville by rail, carted from the railway through that city, and loaded on boats, and carried to furnaces in Ohio and Western Pennsylvania.

The excellent ores described above can be delivered to furnaces along the eastern border of the Kentucky coal-field at prices ranging from 50 cents to $1.50 a ton. Professor Stevenson estimates that pig-iron can be made at Big Stone Gap at $8.25 per ton. The above is but a small part of the ore supply to be relied on by this region. The writer, in a report made to the Kentucky Legislature in the winter of 1875, says:

"The great Pine Mountain fault, extending across the State from Pound Gap to the eastern portion of Whitley County, brings the level of this ore (Clinton) above the drainage, but it is so covered by the talus from the mountain that the ore has not yet been seen. If this ore extends so far west, we can reasonably expect to find it by drifting for it near the base of Pine Mountain. The dislocation of the rocks in Elk Fork, Tenn., and the Sequatchie Valley anticlinal bring up this ore and prove its westward extension, and as these disturbances are but an extension of the Pine Mountain dislocation, the evidence is strong that the ore is in place along the base of Pine Mountain." Fragments of this ore have been found in the valley of Straight Creek, along the base of Pine Mountain.

My colleague [Mr. WILLIS] made the point of order that this would require the digging of a canal. The Hennepin Canal, which he favors, does the same. I want to make this statement to gentlemen of the South, because their constituents are as much interested as the people of Kentucky. There is no doubt about the feasibility of this project. Remember that the Cumberland River at Barboursville, Ky., is 121 feet higher than the bed of the South Fork of Kentucky River, 25 miles distant. It is stated that a cut 50 feet deep and 1 mile long could draw off the waters from the former to the latter by the aid of a 25-foot dam at Barboursville, Ky. Cumberland Gap can be tunneled, and there is abundant water supply all along the line proposed for the canal from Beattyville to the sea.

[Here the hammer fell.]

The amendment was not agreed to.

Mr. O'NEILL, of Pennsylvania. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 106 insert the following:

"That the Secretary of War be requested to have a survey made for a ship-canal to connect the Delaware River with the Atlantic Ocean, to commence near the city of Camden, N. J., and to terminate at or near Atlantic City, and to report to the House an estimate of the cost thereof."

* Part V, Volume IV, second series, Kentucky Geological Reports.
† Report of Professor J. J. Stevenson, page 13.

Mr. WILLIS. I make a point of order on that amendment.

Mr. O'NEILL, of Pennsylvania. What is the point of order?

Mr. WILLIS. It is for the survey of a canal.

Mr. O'NEILL, of Pennsylvania. A ship-canal; yes.

Mr. WILLIS. I make the point of order that it is not within the jurisdiction of the Committee on Rivers and Harbors.

The CHAIRMAN. The Chair would inquire if this is the substance of another bill pending before the House?

Mr. WILLIS. I make the point of order upon the ground that it is not within the jurisdiction of the committee.

Mr. O'NEILL, of Pennsylvania. I desire to be heard upon the point of order, which I do not think the chairman of the Committee on Rivers and Harbors really believes he can successfully maintain against this amendment.

It seems to me there can be no reason why such a proposition as I have offered can not be appended to this bill as well as a proposition to appropriate $300,000 to commence the construction of the Hennepin Canal, which I will say I voted against because I did not think it was proper in this bill. The Committee of the Whole, however, sustained the proposition as appropriate to this bill.

After Congress has heretofore authorized surveys to be made looking to the construction of the Hennepin Canal, and has also authorized surveys to be made for the construction of a canal to connect the Delaware and Chesapeake Bays, I feel that I am right in standing up for this proposition, and that it is in order to be incorporated into this bill. Why not?

It is for the purpose of connecting navigable waters, the waters of the Delaware River with the Atlantic Ocean, and it is intended to accomplish the great purpose of saving some two hundred miles of dangerous navigation along the coast of New Jersey on the route between the great cities of Philadelphia, New York, and Roston—along the route over which passes the great coal trade and an immense miscellaneous tonnage between those ports and other ports on or near the seaboard.

Now, I can not see why the gentleman from Kentucky endeavors to have it ruled out on a point of order. I can see why it is extremely appropriate, if it is proper to put into this bill an appropriation for the Hennepin Canal. A good reason can be shown for this proposition. If gentlemen will recollect, the State of New York years ago expended many millions of dollars to build the New York and Erie Canal, which to-day, to the honor and glory of that State, is a free canal. Years ago, also, the State of Pennsylvania expended forty or fifty millions of dollars upon her canal system to connect the Delaware with the Ohio River, and also extending to Lake Erie and in other directions. Maryland Virginia, and Ohio expended large amounts of money to build the Chesapeake and Ohio Canal. The Committee of the Whole has incorporated into this bill a proposition, requiring ultimately the expenditure of ten and more millions of dollars to construct the Hennepin Canal through Illinois, a State which is rich and powerful enough to build it at its own expense.

The proposition I have submitted is merely for a survey, and does not in any way commit any gentleman voting for it to support the construction of this great improvement. It merely provides that the engineers shall make a survey and report to this House their estimate of what will be the cost of a ship-canal connecting the Delaware River with the Atlantic Ocean.

Mr. HENDERSON, of Illinois. Mr. Chairman——

Many MEMBERS. "Vote!" "Vote!"

Mr. WHITE, of Kentucky. I desire to say a word.

The CHAIRMAN. Does the gentleman from Illinois [Mr. HENDERSON] claim the floor upon the point of order?

Mr. HENDERSON, of Illinois. I was not going to speak upon the point of order. I thought, if my friend from Pennsylvania [Mr. O'NEILL] had taken this opportunity of making an assault on the action of the committee in reference to the Hennepin Canal proposition, I would say something.

The CHAIRMAN. The Chair would state that he is ready to rule upon the point of order.

Mr. O'NEILL, of Pennsylvania. One moment. I wish to say to the gentleman from Illinois [Mr. HENDERSON] that I am not in the habit of attacking propositions in such a way as he indicates. I assert that if we can deliberately vote for a proposition to begin a work that will cost $10,000,000—the construction of a canal through a great and rich and powerful State like Illinois—we might as well enter upon the construction of a canal connecting the Delaware River with the Atlantic Ocean, and expend money for other canal projects, if Congress is going to inaugurate a national canal system.

Mr. WHITE, of Kentucky. Before the Chair decides the point of order I would like to be heard upon it a moment. The Chair will remember that on page 42 of this bill the Committee on Rivers and Harbors have inserted for a survey of Bayou Plaquemine, in Louisiana. Now, Bayou Plaquemine is a blind duct; it has been closed up by a lock and dam, and is filling up rapidly between there and Grand River.

I would inquire why the Committee on Rivers and Harbors have put that little canal into this bill, and then when the gentleman from Pennsylvania [Mr. O'NEILL] rises here and proposes a survey for a ship-canal between the Delaware River and the Atlantic Ocean, to the great

benefit of commerce, a point of order is made against it; and when I rise here and submit a proposition for a survey for a canal from the Mississippi River to the Atlantic seaboard a point of order is made upon it.

The CHAIRMAN. The Chair is ready to decide this point of order, and trusts that gentlemen will not insist upon discussing it further.

The ground of the point of order against the proposed amendment is that it is not germane to the bill. In deciding this point of order the Chair thinks it is necessary to a correct understanding of his present ruling to advert to his ruling of yesterday on the clause of the bill relating to the Hennepin Canal.

If the bill were before the Committee of the Whole with the Hennepin Canal clause out of it, the Chair would have little difficulty in ruling the proposed amendment not germane to the bill. But the Chair is compelled to look at the bill in the shape in which he now finds it, with that clause in, and, so looking at the bill, he thinks the amendment germane.

The Chair will further state that on yesterday he refrained from giving expression to his opinion touching the original jurisdiction of the Committee on Rivers and Harbors over the proposition for the Hennepin Canal, for the reason that the bill in its entirety having been referred by the House to the Committee of the Whole, it was not competent for the Committee of the Whole to go behind the reference and pass upon the question of original jurisdiction in the Committee on Rivers and Harbors.

The Chair thinks it needful to a proper understanding of his present ruling to say that in his opinion the Committee on Rivers and Harbors did not have jurisdiction over that subject, and had the point been presented before the House at the proper time and in the proper way the Chair thinks the clause should have been stricken from the bill. But as that clause is in the bill, and provides for a work substantially similar to the one contemplated in the amendment, and as the Chair must look at the bill in the shape in which he finds it, the Chair thinks the proposed amendment is germane to the bill, and therefore overrules the point of order.

Mr. O'NEILL, of Pennsylvania. I rise to a parliamentary question. Is there any parliamentary way by which we can still have a ruling upon the Hennepin Canal question?

The CHAIRMAN. That is not a parliamentary question.

Mr. O'NEILL, of Pennsylvania. The Chair admitted that if the question had been properly presented he would have ruled that provision out.

The CHAIRMAN. That is not a parliamentary inquiry. The question is on the amendment proposed by the gentleman from Pennsylvania.

The amendment was not agreed to.

Mr. WHITE, of Kentucky. I move to amend the pending paragraph by striking out the last two words.

I agree with the Chair that as an original proposition the point of order against the Hennepin Canal provision would have been well made, and I do not wish to appeal from the decision of the Chair. But I wish to refresh the minds of the committee in reference to some matters we have gone over, not to allude derisively to the Hennepin Canal except to refer to the appropriation for that purpose as an entering-wedge for a project that is to cost between $8,000,000 and $20,000,000——

A MEMBER. Fifty million dollars.

Mr. WHITE, of Kentucky. But one which is demanded by the Northwest, and has been ever since Congress appointed a commission in 1872 to survey cheap transportation ways and since that committee reported favorably on three principal water-transportation routes.

But on page 33 we have a provision for the deflection of the waters of Red River from the Atchafalaya and keeping open a navigable channel through the mouth of the Red River into the Mississippi River. Now think of that! You are going to stop up the head of the Atchafalaya; you are not going to let the waters run out of Red River into the Atchafalaya; but when you get to page 42 you have a provision for a survey of Bayou Plaquemine. Now that is all stopped up; the waters of the Mississippi can not go into the Grand River through the Bayou Plaquemine, but this committee proposes to gratify the Louisiana delegation by providing for the survey of this slough with the view of letting a little water in there—enough to allow boats to come up the Grand River to the little village of Plaquemine.

Now see the inconsistency! When I propose to have a canal route surveyed from the Ohio River Valley, beginning at Beattyville, Ky., up to which point on the Kentucky River a survey has already been made, then up the South Fork of the Kentucky River across a low gap to the Cumberland River, then by the Cumberland River to Cumberland Gap, thence by Powell's River and the Savannah River to the seaboard at Savannah—a project which was indorsed by no less a man than the late Alexander H. Stephens and many Representatives from Southern States on this floor in a previous Congress—a point of order is made against it. And when the gentleman from Pennsylvania [Mr. O'NEILL] rises and asks for a survey of a ship-canal——

[Here the hammer fell.]

The question being taken on the amendment of Mr. WHITE, of Kentucky, it was not agreed to.

The Clerk read as follows:

Salmon River below Covington.

Mr. PARKER. I desire to offer a purely verbal amendment, which is assented to, I believe, by the chairman of the committee. It simply corrects the phraseology of the bill. I move to amend the pending paragraph so as to read:

Salmon River, at and below Fort Covington.

Mr. Chairman, in connection with the amendment of the paragraph authorizing a survey and report as to the obstructions in the Salmon River at and below Fort Covington, New York, I beg to put on record for the use of the War Department and all others concerned a statement in relation to the improvement desired. The facts are derived from the highest local authority and from authentic history.

Under the well-established precedents of the river and harbor appropriations of the United States the Salmon River at and below Fort Covington is entitled to liberal consideration.

Not only is the commerce to be accommodated, in part to and from foreign ports, but the obstructions to be removed were occasioned by the acts of the United States Government.

The village of Fort Covington is situated on the Salmon River, about five miles above the river Saint Lawrence, and one mile from Dundee, which is located just across the Canadian line. The existing obstructions are in the village of Fort Covington, and, at intervals, down to the Dominion line. The obstructions that the Government is asked to remove are sand-bars formed about the hulks of old sunken boats. These boats were a kind of bateau, and were from 30 to 60 feet in length, and were placed where they are in this manner.

In November, 1813, General Wilkinson, with an army of about 7,000 men, passed down the Saint Lawrence from Lake Ontario with the view of taking part in an attack on Montreal. On the way the battle of "Chrysler's field" was fought and General Covington was killed, and being buried at the village in question, gave it his name.

The expedition, soon after the battle, went into winter quarters at this village. To reach the village with men and supplies the flotilla of bateaux passed up the Salmon River to this village, where the boats were frozen in. The troops remained until February, 1814, when, under the orders of the Government, the place was evacuated, one portion of the army going to Sackett's Harbor and another to Plattsburg. The winter expense of this army to the Government upon this then wilderness frontier is stated at $800,000.

Upon the evacuation the troops burned the boats with which they came, numbering three hundred and twenty-eight, down to the level of the ice, where they remained until spring, except some which the heat of the burning sent immediately to the bottom. That the boats were burned to keep them and the supplies they contained from the enemy is sufficiently proved by the fact that at the same time about sixty tons of hard biscuit were sunk through the ice of Salmon River. The existing obstructions which the Government is asked now to remove are the sand-bars and heaps of *débris* gathered in the river channel by those hulks which went to the bottom in American territory at and below Fort Covington.

The natural depth of the Salmon River to the Saint Lawrence is from seven to eight feet; boats drawing four feet of water can now run from the Saint Lawrence to (or near to) Fort Covington. The depth from Dundee to the Saint Lawrence is from five to eight feet for five navigation months and eight feet in high water (allowing for existing obstructions similarly caused). These similar obstructions below Dundee the Dominion Government is taking steps to remove. Dundee has now regular steamboat communication with Cornwall, Massena, Lancaster, and Montreal.

The completion of the improvements sought will give Fort Covington connection with the Grand Trunk at Cornwall (fifteen miles), and with Montreal and Quebec, and also with ports on the Upper Saint Lawrence and the lakes.

The United States and Canada Railroad has just been completed from the boundary line to Fort Covington, connecting with the Montreal and Champlain Junction Railway, and crossing the Saint Lawrence at the Victoria Bridge, and it will soon be built to the Ogdensburg and Lake Champlain Railroad. The United States and Canada Railroad crosses the Salmon River at the head of navigation, and the obstructions described extend to this point of crossing. This railroad will naturally occasion a large commerce coming and going.

The products of Franklin County, in which Fort Covington is situated, are largely hops, fruit, and dairy products, and similar products will naturally reach this point by boat from other localities.

Fort Covington is now a port of entry, and with unobstructed navigation promises a large business. This point is a natural coal depot, and the coal for the use of the railroad and for local use and for distribution will come at reduced cost by water. Hence I may assert that the removal of the obstructions placed in this natural water way by our own Government will secure the navigation and connections and benefits described.

It is but just to remember that this locality (Franklin County, New York) has borne its proportionate burden to aid other localities without ever having received benefits in kind.

The amendment was agreed to.

The Clerk read as follows:

Scajaquada Creek near Buffalo.

Mr. ROGERS, of New York. I move to amend the clause just read by striking out "near" and inserting "at."

Mr. WHITE, of Kentucky. I would like the gentleman to explain the difference between "near" and "at."

The CHAIRMAN. Does the gentleman from Kentucky object to the amendment?

Mr. WHITE, of Kentucky. I do.

The amendment was agreed to.

The Clerk read as follows:

Mouth of the Saranac River at Plattsburg.

Mr. HENDERSON, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Plattsburg," in line 117, insert:
"Mouth of Salmon River and the inner natural harbor thereat on Lake Ontario, New York, with a view of making a harbor of refuge for vessels in distress and for purposes of commerce and navigation."

Mr. HENDERSON, of Illinois. Mr. Chairman, I understand there is no objection to this amendment on the part of the committee, but I wish to take this opportunity to make a very few remarks, and no one regrets more than I do that I should feel compelled to consume a single moment of the time of this committee in regard to any question presented in this bill. But, sir, when my friend from Pennsylvania [Mr. O'NEILL] takes leave to offer an amendment here in order that he may assail the action of the committee on a provision contained in this bill in which my constituents feel a deep interest, I feel compelled to make some reply. I wish to say that it has been repeatedly said here that New York, to her honor and glory (and I yield to none in my admiration of that State for what she has done), built her own canals. That is true; but I say not only to my friend from Pennsylvania but to all others who claim that on the floor of this House, that the State of Illinois has for more than fifty years been contributing to the building and the maintenance and the repairs of that canal in the State of New York.

A MEMBER. How?

Mr. HENDERSON, of Illinois. Because she has shipped her produce and commerce over it to New York, and New York has shipped her commerce over it to Illinois, and the tolls which have been charged on the people of the country—and Illinois has paid her full share—have not only built that canal but have maintained it, and it has paid into the treasury of the State of New York $41,000,000 over and above its cost of construction, superintendence, and repairs.

That is no argument against Illinois to-day or the Northwest asking for this measure.

But he says again to the glory of New York she has made that canal free. Again I say amen, and the people of the Northwest say amen; and the people of the Northwest are not willing that canal shall be dried up or shall be sold into the hands of the railway companies of this country, as the Pennsylvania canals were sold by her to the railroads of that State. I can not say that to the honor and glory of Pennsylvania, when she allowed her cheaper lines of transportation to go into the hands of railroad companies.

Mr. O'NEILL, of Pennsylvania. If the gentleman will permit me for one minute I will give him the history of the legislation on that subject.

Mr. HENDERSON, of Illinois. I have only five minutes, and can not yield.

Mr. O'NEILL, of Pennsylvania. It was provided in Pennsylvania that the tolls should be no larger than they were when the State owned them.

Mr. HENDERSON, of Illinois. This does not come out of my time. So far as the State of Illinois is concerned she contributes her full share toward all the taxes of this country. She pays her full share of all the duties on imports that are levied on the commerce which is sent into that State. She pays her full share of internal-revenue taxes. So does Iowa, and so do all the States of the Northwest interested in this great national work which would give to the people of this country a cheaper line of transportation and be of immense benefit to the farmers and agriculturists and those engaged in honest toil and honest industry. If it were not for railroad influence, which seeks to control the carrying trade of this country, this canal would be built, and it would be a great benefit and blessing to the country.

[Here the hammer fell.]

The committee divided; and there were—ayes 45, noes none.

So the amendment of Mr. HENDERSON, of Illinois, was agreed to.

The Clerk read as follows:

North Carolina:
Black River.
Pasquotank River above mouth of canal.
Perquimans River above Hartford.
Green River.
Cashie River.

Mr. O'HARA. I move after the word "river," in line 123, to insert the following: "From its mouth to the town of Windsor, Bertie County." I understand there is no objection to that on the part of the committee.

The amendment was agreed to.

The Clerk read as follows:

Ohio:
Scioto River.

Mr. FORAN. I move to insert "at Cleveland, Ohio, or the opening and improvement of the channel known as the old river bed of the Cuyahoga River." If the committee will interpose no objection to the amendment, I have no remarks to make.

Mr. WILLIS. I have no objection.

The amendment was agreed to.

Mr. FOLLETT. I do not exactly know how the amendment of my colleague comes in, and I will move, therefore, to insert before Scioto River the words "Muskingum River." I wish to say also this amendment is acceptable to the Committee on Rivers and Harbors.

The amendment was agreed to.

The Clerk read as follows:

Rhode Island:
Pawcatuck River.

Mr. SPOONER. I move to insert, after line 129, the following: "Warren River, with a view to the removal of obstructions from the channel." An old Government pier near the channel of the river has crumbled and deposited a large amount of stone and *débris* in the channel much to the prejudice of navigation. This survey is to provide for the removal of the obstructions in the channel.

The amendment was agreed to.

The Clerk read as follows:

Tennesse:
Elk River, Tennessee and Alabama.
Holston River.

Mr. MCMILLIN. I move an amendment which meets the concurrence, as I believe, of the Committee on Rivers and Harbors, to extend a survey heretofore made eighteen miles.

The Clerk read as follows:

After line 137, insert "extension of survey of Caney Fork River to Frank's Ferry."

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

The Clerk read as follows:

Texas:
Cypress Bayou: The Secretary of War is hereby directed to cause a resurvey of the work of improvement of the navigation of Cypress Bayou and the lakes between Jefferson, in Texas, and Shreveport, in Louisiana, in order to ascertain if the necessary improvement can not be made upon some other plan than building a dam across the Albany flats, as recommended by the engineer; and for this purpose he is hereby authorized and directed to expend so much of the unexpended balance of appropriations to the credit of said work as may be necessary.

Mr. POLAND. Mr. Chairman, I desire to offer an amendment to come in after line 148.

The Clerk read as follows:

Vermont:
Maquam, Bay, Swanton.

Mr. POLAND. I have conferred with the chairman of the committee, and I believe there is no opposition to this amendment.

Mr. WILLIS. There is no objection.

The amendment was agreed to.

The Clerk read the last section of the bill, as follows.

SEC. 13. That all moneys hereby appropriated shall be immediately available.

Mr. BELFORD. I wish to offer an amendment at the end of this section.

Mr. WILLIS. There were two matters passed over by the committee, Burlington Harbor and——

The CHAIRMAN. The gentleman from Colorado desires, as the Chair is informed, to offer an amendment to this section.

Mr. BELFORD. Yes, sir.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In section 13, after the word "available," add "and shall be paid in the standard silver coin of the United States."

Mr. BELFORD. Mr. Chairman, this is a very important proposition, and one to which I desire to attract the attention of the committee for a few moments. While I am unwilling to occupy the time of the House unnecessarily, I feel compelled to do so in this case in view of the importance of the amendment.

One of the leading causes which led the people of this country to adopt the Constitution which makes us one nation was the effort to secure uniformity in our coinage, and at that time the silver dollar was the unit of value. We have 27,000,000, I believe, of silver dollars at present locked up in the Treasury and kept there by a New York President and a New York Secretary of the Treasury, both of whom, I thank God, will depart from office on the 4th of next March. We have nominated on our side a Republican candidate who has been at least willing to recognize the great silver products of the State of Colorado, and if the Democratic party has sense enough to nominate as its candidate JOHN G. CARLISLE we will get along very well, whether one is elected or the other. [Applause.]

Mr. SPRINGER. Will you vote for him if we nominate him?

Mr. BELFORD. But I am tired, Mr. Chairman, of this persistent hostility to the great silver interests of the country as exhibited by the

present administration. I am opposed most heartily to hoarding up this vast amount of silver coin, a coin that was honored by our fathers and which constituted one of the prime causes of the adoption of our form of government. I want to unlock the vaults of the Treasury and put it in circulation; and I can tell you gentlemen that this is becoming a very popular cry throughout this country. I desire to see the Congress compel the Secretary of the Treasury to pay all of these appropriations in the silver coin of the nation.

Mr. Chairman, I have got no favors to ask. I am standing here defending the rights of the people; and I know that after next March, whoever gets in, this great interest of my State will be as absolutely recognized as are the interests or Pennsylvania or the interests of Ohio.

Mr. WELLER. Why not pay the untaxed bondholders in that kind of money?

Mr. BELFORD. They ought to be paid in it.

Mr. WELLER. Amen. [Laughter.]

Mr. BELFORD. The Republican party by Congressional enactment in 1869 has declared that the bonds of this nation shall be paid in coin; and coin means silver as well as coin means gold.

I would like to add a word there as a modification to the amendment, to insert also the words "silver certificates" before the word "silver."

Mr. SPRINGER. Let it be read as modified.

The Clerk read as follows:

At the end of section 13 add, "and shall be paid in silver certificates or the standard silver coin of the United States."

The CHAIRMAN. The time of the gentleman from Colorado has expired.

The question is on agreeing to the amendment which has been just read.

The committee divided; and there were—ayes 45, noes 69.

Mr. BELFORD. I want to ask now a reservation of the right to have a yea-and-nay vote on this point in the House; and if I can not get the consent of the Committee of the Whole, then I shall feel compelled to raise the question of no quorum.

The CHAIRMAN. Does the gentleman raise that point?

Mr. BELFORD. Unless consent of the committee is given that we may have a yea-and-nay vote in the House I shall raise this point.

The CHAIRMAN. The Chair must announce the result of the vote.

Mr. BELFORD. I shall object to the decision of this question without a quorum in the committee, unless we can have an assurance of a yea-and-nay vote in the House.

The CHAIRMAN. The amendment is rejected. The Chair desires to know if the gentleman raises the point of no quorum?

Mr. BELFORD. I do raise the point of no quorum; but I will yield it if the yeas and nays can be taken in the House.

Mr. BLANCHARD. I object to that.

The CHAIRMAN. The Chair will appoint tellers.

Mr. WILLIS and Mr. BELFORD were appointed tellers.

The committee again divided; and the tellers reported—ayes 71, noes 95.

So the amendment was not agreed to.

Mr. BELFORD. Now, is it possible for me to procure a yea-and-nay vote in the House?

The CHAIRMAN. That is impossible, the amendment having been rejected.

Mr. WARNER, of Ohio. I desire to reoffer as an additional section the amendment which I withdrew.

The Clerk read as follows:

Insert the following as a new section:

"SEC. 14. That in addition to the local surveys and reports herein provided for, the Secretary of War is hereby directed to appoint a board, to consist of two engineers of the Army and one from civil life, distinguished in his profession, to examine the various works herein appropriated for or such of them as the Secretary of War may direct, and report upon the same through the Secretary of War to Congress, with their recommendation as to what works should be continued or begun and what should not."

Mr. WARNER, of Ohio. The object of that is simply to give to Congress more reliable information to act upon.

Mr. WILLIS. That has been voted down before and it is utterly impracticable. It would do no good to have these three men go roaming over the country.

Mr. WARNER, of Ohio. It is not impracticable.

Mr. WHITE, of Kentucky. I desire to call the attention of the committee to the fact that in the Forty-seventh Congress the Committee on Commerce, after carefully considering the reports of the engineers, brought in a bill which appropriated seventeen and a half million dollars. The engineers' reports recommended to Congress that year the appropriation of thirty-six and a half millions. But although we passed a bill appropriating seventeen and a half millions the President sent a veto message, which I will incorporate in my remarks. In that veto message he recommended that the money which we had appropriated in a bill passed, as he said, by log-rolling or a system of mutual benefits, should be reduced one-half, and then that half should be left to be expended by the Secretary of War "under the direction of the President."

I incorporate the entire veto message as a piece of unparalleled assumption of virtue and power, as follows:

To the House of Representatives:

Having watched with much interest the progress of House bill No. 6242, entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," and having since it was received carefully examined it, after mature consideration I am constrained to return it herewith to the House of Representatives, in which it originated, without my signature and with my objection to its passage.

Many of the appropriations in the bill are clearly for the general welfare and most beneficent in their character. Two of the objects for which provision is made were by me considered so important that I felt it my duty to direct to them the attention of Congress. In my annual message in December last I urged the vital importance of legislation for the reclamation of the marshes and for the establishment of the harbor lines along the Potomac front. In April last by special message I recommended an appropriation for the improvement of the Mississippi River. It is not necessary that I say that when my signature would make the bill appropriating for these and other valuable national objects a law, it is with great reluctance and only under a sense of duty that I withhold it.

My principal objection to the bill is that it contains appropriations for purposes not for the common defense or general welfare, and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus as the bill becomes more objectionable it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the law-making power.

The appropriations for river and harbor improvements have, under the influences to which I have alluded, increased year by year out of proportion to the progress of the country, great as that has been. In 1870 the aggregate appropriation was $3,975,900; in 1875, $6,648,517.50; in 1880, $8,976,500; and in 1881, $11,451,000, while by the present act there is appropriated $18,743,875.

While feeling every disposition to leave to the Legislature the responsibility of determining what amount should be appropriated for the purposes of the bill, so long as the appropriations are confined to objects indicated by the grant of power, I can not escape the conclusion that, as a part of the law-making power of the Government, the duty devolves upon me to withhold my signature from a bill containing appropriations which in my opinion greatly exceed in amount the needs of the country for the present fiscal year. It being the usage to provide money for these purposes by annual appropriation bills, the President is in effect directed to expend so large an amount of money within so brief a period that the expenditure can not be made economically and advantageously.

The extravagant expenditure of public money is an evil not to be measured by the value of that money to the people who are taxed for it. They sustain a greater injury in the demoralizing effect produced upon those who are intrusted with official duty through all the ramifications of government.

These objections could be removed and every constitutional purpose readily attained should Congress enact that one-half only of the aggregate amount provided for in the bill be appropriated for expenditure during the fiscal year, and that the sum so appropriated be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine; provided that in no case shall the expenditure for any one purpose exceed the sum now designated by the bill for that purpose.

I feel authorized to make this suggestion because of the duty imposed upon the President by the Constitution "to recommend to the consideration of Congress such measures as he shall judge necessary and expedient;" and because it is my earnest desire that the public works which are in progress shall suffer no injury. Congress will also convene again in four months, when this whole subject will be open for their consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *August* 1, 1882.

Now, the gentleman from Ohio [Mr. WARNER] proposes to have a commission of two of the most eminent engineers in the Engineer Corps of the Army and one of the most eminent civil engineers outside of the Government service to examine the public works on rivers and harbors and find out which are worthless and which are of value, to find out whether the engineers who make these reports are frauds or whether they are honorable men. If they are honorable men, we are cowards to run whipped before the second veto message comes in. We owe it to the engineers, to the country, and to ourselves to make adequate appropriations.

I claim, sir, that the President in his veto message, which I have incorporated in my remarks, was acting more with a view to getting political strength from the railroad kings in New York city than he was acting with a view to getting the good will of the people, who want cheap transportation and demand the improvement of all navigable rivers and useful harbors, so as to bring cheap water transportation into competition with the tyrannical railroad lines, which are able to combine to oppress the people throughout the country any day the half-dozen railroad kings meet at one table.

We have brought in a bill here now for a little over $12,000,000, when the engineers' reports recommend more than thirty-five millions. Whom shall we believe? Shall we believe this small number of gentlemen on the Committee on Rivers and Harbors, instructed by the Committee on Railways and Canals, and backed by the Democrats on this floor; shall we believe the Democratic party, which has abandoned all its principles and jumps at the Treasury whenever the door is thrown open in its face; or will we go by the reports of the engineers of the War Department? Will we rely on the veto of the President or on the word of the gentlemen on this floor who have been elected by the free votes of American citizens all over the country? I believe in internal improvement, but I shall vote against this bill, because it is

a niggardly, cowardly arrangement, and will not meet the demands of the people, of whose Treasury we have the honor to simply hold the purse-strings in order that we may make necessary appropriations for the best interests of the whole country.

[Here the hammer fell.]

Mr. WARNER, of Ohio. At the suggestion of members of the committee I will withdraw the amendment with the view of accomplishing the same object and in a better way by a bill which I shall introduce for that purpose.

Mr. WILLIS. On page 2 of the bill an amendment was offered by the gentleman from Vermont [Mr. POLAND]. A quorum not having voted, the gentleman from Vermont consented that it should be passed over. I will say since the committee made its report, as stated by the gentleman from Vermont, a storm has blown down a portion of the jetties and other works connected with the improvement of Burlington Harbor, Vermont; an emergency has arisen which requires an additional appropriation. I hope, therefore, the amendment of the gentleman from Vermont as amended, appropriating $25,000 instead of $5,000 for the harbor at Burlington, Vt., will be allowed by the committee.

Mr. POLAND. I desire to add to what has been said by the chairman of the Committee on Rivers and Harbors that it was in no way the fault of the committee that this appropriation was not reported. An engineer was sent to ascertain the amount that would be necessary to repair the damage done by this great storm, but the engineer's report did not come in until after the committee had reported their bill.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Vermont [Mr. POLAND] as amended.

The amendment as amended was agreed to.

Mr. WILLIS. There was another item passed over, at line 179, for the improvement of the ice-harbor at the mouth of the Muskingum River. I understand from the report made by Colonel Merriam, in charge of that improvement, that the amount of $20,000 would be totally inadequate for the purpose. I suggest, after reading his report and consultation with all the members of the committee I could see, that the amount be increased to $30,000. I move that the paragraph be amended by substituting "$30,000" for "$20,000;" so that it will read:

Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $30,000.

The amendment was agreed to.

Mr. WILLIS. I move that the committee rise and report the bill back to the House with amendments.

Mr. ROGERS, of New York. Before that motion is made I ask to have an amendment to include in the surveys Niagara River from Youngstown to Lake Ontario.

Mr. WILLIS. The gentleman from Iowa [Mr. WELLER] has made a similar request. If both go together I have no objection.

Mr. WELLER. My request is to make an appropriation of $8,000.

Mr. WILLIS. I do not agree to that.

Mr. WELLER. It is to take of the $250,000 already appropriated the amount I have named, to be expended at Guttenberg.

Mr. WILLIS. I thought the gentleman's request was to have Guttenberg included with the other surveys.

Mr. WELLER. That has been already passed.

The CHAIRMAN. Is there objection to the requests of the gentleman from New York [Mr. ROGERS] and the gentleman from Iowa [Mr. WELLER]?

Mr. HATCH, of Missouri. I call for the regular order.

The CHAIRMAN. The request is objected to.

Mr. HATCH, of Missouri. I withdraw the demand for the regular order.

Several members renewed the call for the regular order.

Mr. COX, of New York. The gentleman from New York has a right to offer his amendment.

The CHAIRMAN. To incorporate his amendment it would be necessary to go back. It can only be done by unanimous consent.

Mr. ROGERS, of New York. I move to insert at the end of the bill what I send to the desk.

The Clerk read as follows:

SEC. 14. That a survey is hereby authorized on the Niagara River from Youngstown to Lake Ontario.

The amendment was agreed to.

Mr. WILLIS. I ask unanimous consent that the amendment just adopted be put in its proper place in the bill, after line 117, section 12.

There was no objection; and it was so ordered.

Mr. WILLIS. I now insist upon my motion that the committee rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and to recommend that the amendments be agreed to, and the bill as amended passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendments of the House to the bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

LEAVE OF ABSENCE.

Mr. MILLS, by unanimous consent, obtained leave of absence for to-day, on account of sickness in his family.

RIVER AND HARBOR APPROPRIATION BILL.

The House resumed the consideration of the bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. WILLIS] in charge of the bill.

Mr. OATES. I desire to move to strike out on pages 28 and 29 of the bill that portion embraced in the lines from 652 to 680, both inclusive, being the paragraph relating to the Hennepin Canal.

The SPEAKER. The Clerk will read the paragraph which the gentleman from Alabama [Mr. OATES] proposes to strike out.

The Clerk read as follows:

For the construction of a canal from the Illinois River, near the town of Hennepin, to the Mississippi River, at or below Rock Island, and designated in a survey made by Major Benyaurd, together with the route surveyed for a branch canal or feeder from Rock River to the summit line of said canal, $300,000: *Provided*, That said canal and feeder shall be eighty feet wide at the water line and seven feet deep, and the locks one hundred and seventy feet in length and thirty feet in width, with a capacity for vessels of at least two hundred and eighty tons burden, with guard-gates, wash-wiers, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey: *And provided further*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private property for public use.

Mr. OATES. Mr. Speaker, I move to strike from the bill the appropriation of $300,000 with which to begin work on the proposed Hennepin Canal, so that every member of this House may have the opportunity of going on the record for or against this gigantic scheme. The amount appropriated by this bill is in itself insignificant. But if it pass, if the Government is once committed to this work, not less than $15,000,000 will be expended thereon before it reaches completion. Is it a work of such vast national importance as to warrant such an expenditure? I deny that it is national; it is more local than national.

But concede, for the sake of the argument, that it is national and would benefit the whole United States, what power has Congress to engage in digging and constructing a canal? Under that clause in the Constitution giving Congress the power to regulate commerce with foreign nations, between the States, and with the Indian tribes Congress has the implied power to appropriate money to improve the navigation of rivers flowing into or through two or more States and the harbors of the coast upon the ground that improvement and security of navigation give facility and security to commerce and is therefore said to be a regulation of it. This far I am willing to go. I am willing to appropriate money to remove obstructions in a river within the jurisdiction of the United States which is naturally navigable both below and above such obstruction, but, sir, I am not willing to vote money out of the Treasury—the common property of the people—to dig a river, for a canal is nothing else, for the advantage of any portion of the country. Such an expenditure is partial. It is located by man for his own advantage. The river is dug by nature, and in a state of nature its banks are free to all. Nowhere in the Constitution can any authority be found for Congress to exercise this power. It was wisely withheld by the framers. But, sir, that great instrument, framed with such caution and jealousy of the rights of the people and the States, is now consulted only as to the mere forms of the government. A gentleman who quotes it as a restraint upon the power of Congress to do whatsoever a majority of its members incline to do has his labor for his pains and is at once classed as an impractical stickler and a fogy, and I am sorry to say that this remark is applicable to both sides of this Chamber.

Mr. Speaker, I am truly sorry that this Hennepin Canal appropriation has any place in this bill. The Committee on Rivers and Harbors have done themselves great credit in the preparation of this bill. In the main it is the best-considered and most equitable bill of the kind I have ever seen, and, with the exception of this canal appropriation, I would support it most cheerfully. I am in favor of fairly liberal appropriations for the improvement of rivers and harbors, for the reason that

facilities for water transportation cheapen transportation and tend to relieve the people from the heavy exactions for freights by railroad combinations. But, sir, I am not willing to go outside of our constitutional powers and appropriate money to dig a canal for the benefit of the people of Illinois; for the proposed canal is, I believe, wholly within that State.

Why, sir, a portion of the people of the district I have the honor to represent have no convenient commercial facilities, and have to haul their produce many miles in wagons. Now, if the Congress of the United States is going to engage in the business of digging canals for the benefit of commerce, I want one dug through the middle of my district. It would add much to the commerce of the country. If Congress, for the regulation of commerce, can dig a canal, why can not they build railroads also? There is as much power given Congress to do the one as the other. This is but an entering-wedge, a precedent, to pave the way to the expenditure of hundreds of millions of dollars. Let us cease the cry for a reduction of the burdens of an already overtaxed people if we are thus going to mold the key which will, in the language of my friend from Colorado, "unlock the vaults of the Treasury."

Mr. WHITE, of Kentucky. I desire to make a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I move to recommit this bill, with the pending amendments, to the Committee on Rivers and Harbors.

Mr. SPRINGER. That motion is not in order.

Mr. WHITE, of Kentucky. I ask the Speaker to rule upon that motion, whether it is in order or not.

The SPEAKER. It is not a privileged motion, but it would be in order if the gentleman was recognized to make the motion.

Mr. WILLIS. I only yielded to the gentleman from Alabama [Mr. OATES].

Mr. WHITE, of Kentucky. I was recognized by the Chair.

The SPEAKER. The gentleman stated that he rose to make a privileged motion, and the Chair recognized him for that purpose, although another member was entitled to the floor. But the motion which the gentleman proposes to submit is not a privileged motion.

Mr. WHITE, of Kentucky. Then I will withhold it until it shall be in order.

Mr. OATES. Upon my motion to strike out of the bill the portion which has been read by the Clerk I call the previous question, and also demand the yeas and nays.

Mr. WILLIS. I desire to say, Mr. Speaker, that at the instance of a number of gentlemen and after consultation with all of the fifteen members of the Committee on Rivers and Harbors except two, and two who were absent from the city, the two being the gentleman from Illinois [Mr. THOMAS] and the gentleman from Ohio [Mr. ROBINSON], the desire having been expressed to me by a number of gentlemen to have a record upon the question of the Hennepin Canal, I have thought it my duty to the House and to the Committee on Rivers and Harbors to consent that a vote be taken upon the proposition. I now demand the previous question upon the bill and pending amendments.

Mr. HENDERSON, of Illinois. Will the chairman of the Committee on Rivers and Harbors [Mr. WILLIS] yield to me for a single remark?

The SPEAKER. The gentleman can proceed by unanimous consent.

Mr. HENDERSON, of Illinois. I wish to say that so far as any meeting of the Committee on Rivers and Harbors is concerned at which this matter was considered, I have had no notice of any such meeting and no knowledge of it. I am very greatly surprised at the course pursued by the chairman of that committee—very greatly surprised. He did ask me whether I would consent to a vote in the House rather than to submit to a motion to recommit the bill with instructions. I told him I could not do so in justice either to myself, the friends of the bill, or to my constituents. I think it right to make this statement in justice to myself.

Mr. WILLIS. If any member of the House understood me to say that there was a formal meeting of the committee on this question, then I was misunderstood. I stated, or I certainly intended to state, that I had consulted with the members of the Committee on Rivers and Harbors, had personally called upon each member of the committee present, and that I had their consent, not at any formal meeting of the committee, but their personal consent, that this motion should be submitted and voted upon—the consent of all the members of the committee present except two. I said also that with the understanding that many members of the committee, myself included, expected to vote for this Hennepin Canal proposition, I felt it to be my duty to other members of the House, there having been no record vote in the Committee of the Whole, to give them an opportunity to go upon record in regard to this proposition.

Mr. THOMAS. I desire to say, as a member of the Committee on River and Harbors, that this matter has never been submitted to me and I never consented to it.

Mr. WILLIS. I so stated.

Mr. THOMAS. And I understand that the same may be said of the gentleman from Massachusetts [Mr. STONE], my colleague on that committee.

Mr. MURPHY. I desire to state that I have not been consulted, and no opportunity has been given me to express my opinion on this matter at all. If there has been any action of the committee then the statement made by the gentleman from Illinois [Mr. HENDERSON] applies to me as well.

And I desire to make an inquiry of the Chair. When the Speaker recognized the chairman of the Committee on Rivers and Harbors, the gentleman from Kentucky [Mr. WILLIS], how did the gentleman from Alabama [Mr. OATES] obtain the floor to submit his motion to strike out? I do not understand that; that is what I want to understand.

The SPEAKER. The Chair will state that the gentleman from Kentucky [Mr. WILLIS] did not address the Chair, but the Chair addressed the gentleman from Kentucky, who was on his feet, as the Chair supposed, for the purpose of submitting some motion. The gentleman from Kentucky did not submit any motion or address the Chair, and thereupon the gentleman from Alabama [Mr. OATES] arose, addressed the Chair, and submitted his motion.

Mr. STONE. I desire to say that if the chairman of the Committee on Rivers and Harbors included me in the statement he has made——

Mr. WILLIS. I certainly included the gentleman from Massachusetts.

Mr. STONE. Then I am surprised at his statement, for I did not consent to this proposition. The gentleman submitted the matter to me and I told him that I did not see any particular objection to it, but I declined to give him any definite answer until I had consulted with other parties.

Mr. WILLIS. I have never heard from the gentleman up to this moment anything different from his statement that he had no objection to the proposition.

Mr. STONE. When I say to a member on the floor that I decline to give a definite answer, he is not justified in saying here that I am with him.

Mr. JONES, of Alabama. I rise to a personal explanation. The chairman of the committee [Mr. WILLIS] did approach me in reference to the proposition stated by him; but if he understood me as assenting to that proposition he misapprehended my statement. I never gave my consent to such a proposition.

The SPEAKER. The question is upon ordering the previous question.

The previous question was ordered.

Mr. WILLIS moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAMMOND. Does the previous question operate only so far as the engrossment and third reading of the bill, or does it extend to the passage?

The SPEAKER. The previous question has been ordered upon the amendments and on ordering the bill to be engrossed and read a third time.

Mr. WHITE, of Kentucky. I rise to make a motion to commit the bill with instructions.

The SPEAKER. That is not in order at this time.

Mr. WHITE, of Kentucky. I wish to make a parliamentary inquiry. When will it be in order?

The SPEAKER. Under the rules of the House, after the previous question has been demanded or ordered on the passage of a bill, it is in order to move to recommit either with or without instructions. The question is now on agreeing to the amendments reported from the Committee of the Whole House on the state of the Union. If no separate vote is demanded on these amendments, the Chair will put the question upon them in gross.

The question being put, the amendments reported from the Committoe of the Whole House on the state of the Union were agreed to.

The SPEAKER. The question is now upon the amendment proposed by the gentleman from Alabama [Mr. OATES] to strike out the paragraph of the bill relating to the Hennepin Canal.

Mr. HOLMAN, Mr. BUDD, and others called for the yeas and nays.

The question was taken; and there were—yeas 147, nays 102, not voting 74; as follows:

YEAS—147.

Adams, J. J.	Cobb,	Garrison,	Lawrence,
Aiken,	Connolly,	Geddes,	Le Fevre,
Alexander,	Converse,	Graves,	Lewis,
Arnot,	Cosgrove,	Halsell,	Long,
Atkinson,	Cox, S. S.	Hammond,	Lowry,
Bagley,	Cox, W. R.	Hardeman,	Lyman,
Barbour,	Crisp,	Harmer,	McAdoo,
Barksdale,	Culberson, D. B.	Hatch, W. H.	McComas,
Bayne,	Curtin,	Hemphill,	McMillin,
Bennett,	Dargan,	Herbert,	Matson,
Bland,	Davidson,	Hewitt, A. S.	Millard,
Blount,	Davis, L. H.	Hiscock,	Mitchell,
Boyle,	Deuster,	Holman,	Money,
Brainerd,	Dockery,	Holton,	Morgan,
Brewer, F. B.	Dowd,	Howey,	Morse,
Broadhead,	Eaton,	Jones, B. W.	Moulton,
Browne, T. M.	Eldredge,	Jones, J. H.	Muldrow,
Buchanan,	Elliott,	Jones, J. K.	Murray,
Cabell,	Ermentrout,	Kean,	Mutchler,
Caldwell,	Everhart,	Kelley,	Nicholls,
Candler,	Ferrell,	Ketcham,	Oates,
Clardy,	Fiedler,	Lacey,	O'Neill, Charles
Clay,	Forney,	Lamb,	O'Neill, J. J.
Clements,	Fyan,	Lanham,	Patton,

Payne,	Scales,	Thompson,	Wellborn,
Pierce,	Seney,	Throckmorton,	Whiting,
Peel, S. W.	Seymour,	Tillman,	Wilkins,
Poland,	Shaw,	Tucker,	Williams,
Post,	Singleton,	Tully,	Wilson, W. L.
Potter,	Smalls,	Turner, H. G.	Winans, E. B.
Ranney,	Smith,	Turner, Oscar	Wise, G. D.
Ray, G. W.	Spriggs,	Van Alstyne,	Wolford,
Reese,	Steele,	Vance,	Woodward,
Riggs,	Stockslager,	Wait,	Yaple,
Robertson,	Storm,	Ward,	York,
Rockwell,	Sumner, D. H.	Warner, A. J.	Young.
Rogers, J. H.	Taylor, J. M.	Warner, Richard	

NAYS—102.

Adams, G. E.	Findlay,	King,	Rowell,
Anderson,	Finerty,	Libbey,	Ryan,
Barr,	Foran,	Lovering,	Skinner, T. G.
Bisbee,	Funston,	McCoid,	Spooner,
Blanchard,	George,	McCormick,	Springer,
Bowen,	Gibson,	Maybury,	Stewart, Charles
Breckinridge,	Glascock,	Miller, J. F.	Stone,
Breitung,	Goff,	Miller, S. H.	Strait,
Brewer, J. H.	Hanback,	Morrill,	Sumner, C. A.
Brown, W. W.	Hart,	Morrison,	Talbott,
Brumm,	Hatch, H. H.	Murphy,	Taylor, E. B.
Budd,	Haynes,	Neece,	Taylor, J. D.
Burleigh,	Henderson, D. B.	Nelson,	Thomas,
Campbell, J. M.	Henderson, T. J.	Ochiltree,	Townshend,
Cannon,	Hepburn,	O'Ferrall,	Valentine,
Carleton,	Hewitt, G. W.	O'Hara,	Wakefield,
Cook,	Hitt,	Payson,	Washburn,
Covington,	Hoblitzell,	Perkins,	Weaver,
Culbertson, W. W	Holmes,	Peters,	Weller,
Cullen,	Horr,	Phelps,	White, J. D.
Cutcheon,	Houseman,	Price,	White, Milo
Davis, R. T.	Hunt,	Pryor,	Willis,
Dibble,	James,	Pusey,	Wise, J. S.
Dibrell,	Jeffords,	Rankin,	Worthington.
Dunham,	Jones, J. T.	Robinson, W. E.	
Dunn,	Kasson,	Rogers, W. F.	

NOT VOTING—74.

Ballentine,	Ellwood,	Keifer,	Rosecrans,
Beach,	English,	Kellogg,	Russell,
Belford,	Evans, I. N.	Kleiner,	Shelley,
Belmont,	Evins, J. H.	Laird,	Skinner, C. R.
Bingham,	Follett,	Lore,	Slocum,
Blackburn,	Green,	Milliken,	Snyder,
Boutelle,	Greenleaf,	Mills,	Stephenson,
Buckner,	Guenther,	Morey,	Stevens,
Burnes,	Hancock,	Muller,	Stewart, J. W.
Calkins,	Hardy,	Nutting,	Struble,
Campbell, Felix	Henley,	Paige,	Van Eaton,
Cassidy,	Hill,	Parker,	Wadsworth,
Chace,	Hooper,	Pettibone,	Wallace,
Collins,	Hopkins,	Randall,	Wemple,
Davis, G. R.	Houk,	Ray, Ossian	Wilson, James
Dingley,	Hurd,	Reagan,	Winans, John
Dorsheimer,	Hutchins,	Reed,	Wood.
Duncan,	Johnson,	Rice,	
Ellis,	Jordan,	Robinson, J. S.	

So Mr. OATES's motion was agreed to.

The following pairs were announced from the Clerk's desk:

Until further notice on all political questions as follows:

Mr. BALLENTINE with Mr. HITT.

Mr. EVINS, of South Carolina, with Mr. ELLWOOD.

Mr. ROSECRANS with Mr. PETTIBONE.

Mr. MULLER with Mr. HOUK.

Mr. RUSSELL with Mr. BLACKBURN.

Mr. YOUNG with Mr. RICE.

Mr. PAIGE with Mr. VALENTINE.

Mr. HANCOCK with Mr. WASHBURN.

Mr. JORDAN with Mr. GUENTHER.

Mr. REAGAN with Mr. LAIRD.

Mr. ELLIS with Mr. KEIFER.

Mr. HARDY with Mr. CHACE.

Mr. BUCKNER with Mr. WILSON, of Iowa.

Mr. STEVENS with Mr. KELLOGG.

Mr. BOUTELLE with Mr. COX, of New York.

Mr. MILLIKEN with Mr. HILL, for ten days from and including 31st day of May.

Mr. BEACH with Mr. SKINNER, of New York, from Saturday, May 31.

Mr. STEPHENSON with Mr. WALLACE, until June 19.

Mr. VAN EATON with Mr. ROBINSON, of Ohio, from May 29, for fifteen days.

Mr. WOOD with Mr. RAY, of New Hampshire, until June 13.

Mr. BEACH with Mr. GREEN, on river and harbor bill. If present, Mr. BEACH would vote "no" on the bill and Mr. GREEN "ay."

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. BURNES with Mr. ELLIS, on the Hennepin Canal.

Mr. STRUBLE with Mr. REED, on this vote.

Mr. CALKINS with Mr. DINGLEY, on this vote.

Mr. PARKER with Mr. DAVIS, of Illinois, on Hennepin Canal. Mr. PARKER would vote to strike out and Mr. DAVIS would vote against it.

Mr. DUNCAN with Mr. STEPHENSON, on the river and harbor bill, the latter being for and the former against the bill.

Mr. RANDALL with Mr. BINGHAM, on all questions for to-day.

Mr. VALENTINE. I am paired only on political questions, and not regarding this of that character, I have voted.

Mr. CONNOLLY. If Mr. RANDALL were here, and not paired, he would vote for the motion to strike out.

Mr. BAGLEY. Mr. SKINNER, of New York, is absent by leave of the House. If present, he would vote "ay."

The vote was then announced as above recorded.

Mr. OATES. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. MURPHY. I move the river and harbor bill be laid upon the table.

Mr. WHITE, of Kentucky. I want to move to recommit.

The SPEAKER. That is not in order at this stage.

Mr. MURPHY. I demand the yeas and nays on my motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 156, not voting 75; as follows:

YEAS—92.

Adams, G. E.	English,	Le Fevre,	Robinson, W. E.
Anderson,	Evans, I. N.	Lowry,	Rockwell,
Arnot,	Everhart,	McAdoo,	Ryan,
Atkinson,	Fiedler,	McCoid,	Shaw,
Barr,	Finerty,	McComas,	Skinner, T. G.
Belford,	Funston,	Matson,	Smith,
Blount,	Geddes,	Millard,	Spriggs,
Bowen,	Hammond,	Miller, S. H.	Springer,
Boyle,	Hanback,	Morgan,	Steele,
Brewer, F. B.	Hardeman,	Morse,	Stockslager,
Brewer, J. H.	Harmer,	Moulton,	Storm,
Browne, T. M.	Hepburn,	Murphy,	Sumner, D. H.
Brown, W. W.	Hiscock,	Mutchler,	Throckmorton,
Brumm,	Holman,	Neece,	Townshend,
Campbell, Felix	Holmes,	Patton,	Valentine,
Campbell, J. M.	Holton,	Payson,	Van Alstyne,
Candler,	Howey,	Perkins,	Ward,
Cobb,	Jones, B. W.	Peters,	Warner, Richard
Connolly,	Kasson,	Post,	Weaver,
Cook,	Kean,	Potter,	Weller,
Cullen,	Ketcham,	Pusey,	Whiting,
Eaton,	Lamb,	Ranney,	Wilkins,
Elliott,	Lawrence,	Ray, G. W.	Worthington.

NAYS—156.

Aiken,	Dunn,	Lacey,	Shelley,
Alexander,	Eldredge,	Lanham,	Singleton,
Barksdale,	Ellis,	Lewis,	Smalls,
Bayne,	Ferrell,	Libbey,	Snyder,
Bennett,	Findlay,	Long,	Spooner,
Bisbee,	Foran,	Lovering,	Stewart, Charles
Blanchard,	Forney,	Lyman,	Stone,
Bland,	Fyan,	McCormick,	Strait,
Brainerd,	Garrison,	McMillin,	Struble,
Breckinridge,	George,	Maybury,	Sumner, C. A.
Breitung,	Gibson,	Miller, J. F.	Talbott,
Broadhead,	Glascock,	Mitchell,	Taylor, E. B.
Buchanan,	Goff,	Money,	Taylor, J. D.
Budd,	Graves,	Morrill,	Taylor, J. M.
Burleigh,	Green,	Morrison,	Thomas,
Burnes,	Hart,	Muldrow,	Thompson,
Cabell,	Hatch, H. H.	Nelson,	Tillman,
Caldwell,	Hatch, W. H.	Nicholls,	Tucker,
Calkins,	Haynes,	Nutting,	Tully,
Cannon,	Hemphill,	Oates,	Turner, H. G.
Carleton,	Henderson, D. B.	Ochiltree,	Vance,
Cassidy,	Henderson, T. J.	O'Ferrall,	Wait,
Clardy,	Henley,	O'Hara,	Wakefield,
Clements,	Herbert,	O'Neill, Charles	Warner, A. J.
Cosgrove,	Hewitt, G. W.	O'Neill, J. J.	Washburn,
Covington,	Hitt,	Pierce,	Wellborn,
Cox, W. R.	Hoblitzell,	Peel,	White, J. D.
Crisp,	Horr,	Poland,	White, Milo
Culberson, D. B.	Houseman,	Price,	Williams,
Cutcheon,	Hunt,	Pryor,	Willis,
Dargan,	Hurd,	Rankin,	Wilson, W. L.
Davidson,	Jeffords,	Reese,	Winans, E. B.
Davis, L. H.	Johnson,	Riggs,	Wise, G. D.
Davis, R. T.	Jones, J. H.	Rogers, J. H.	Wise, J. S.
Dibble,	Jones, J. K.	Rogers, W. F.	Wolford,
Dibrell,	Jones, J. T.	Rowell,	Woodward,
Dockery,	Kelley,	Scales,	Yaple,
Dowd,	King,	Seney,	York,
Dunham,	Kleiner,	Seymour,	Young.

NOT VOTING—75.

Adams, J. J.	Dingley,	Jordan,	Rice,
Bagley,	Dorsheimer,	Keifer,	Robertson,
Ballentine,	Duncan,	Kellogg,	Robinson, J. S.
Barbour,	Ellwood,	Laird,	Rosecrans,
Beach,	Ermentrout,	Lore,	Russell,
Belmont,	Evins, J. H.	Milliken,	Skinner, C. R.
Bingham,	Follett,	Mills,	Slocum,
Blackburn,	Greenleaf,	Morey,	Stephenson,
Boutelle,	Guenther,	Muller,	Stevens,
Buckner,	Halsell,	Murray,	Stewart, J. W.
Chace,	Hancock,	Paige,	Turner, Oscar
Clay,	Hardy,	Parker,	Van Eaton,
Collins,	Hewitt, A. S.	Payne,	Wadsworth,
Converse,	Hill,	Pettibone,	Wallace,
Cox, S. S.	Hooper,	Phelps,	Wemple,
Culbertson, W. W.	Hopkins,	Randall,	Wilson, James
Curtin,	Houk,	Ray, Ossian	Winans, John
Davis, G. R.	Hutchins,	Reagan,	Wood.
Deuster,	James.	Reed,	

So the motion to lay on the table was not agreed to.

Mr. VALENTINE. I move to dispense with the reading of the names.

Several members objected.

The Clerk read the names of those voting for and against the motion.

The following additional pairs were announced:

Mr. HEWITT, of New York, with Mr. DEUSTER, on this vote.

Mr. BAGLEY with Mr. SKINNER, of New York, on the river and harbor bill. Mr. BAGLEY would vote for and Mr. SKINNER would vote against the bill.

Mr. BAGLEY. Mr. Speaker, I desire to have it understood that this pair is applicable only to the final vote on the river and harbor appropriation bill, not to votes preceding the passage of the bill.

I make this statement so that there may be no misconception in regard to the pair.

Mr. VAN EATON. I understand that my pair continues also on this vote, so I withdraw my vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. WILLIS. I demand the previous question upon the passage of the bill.

Mr. WHITE, of Kentucky. Pending that I offer the following amendment to recommit with instructions.

The SPEAKER. The motion of the gentleman from Kentucky will be read.

The Clerk read as follows:

That House bill 7012 be recommitted to a select committee to be composed of the members on Railways and Canals and the Committee on Rivers and Harbors, with instructions to report back to the House at the earliest practicable day a bill appropriating a sufficient amount of money for the construction, repair, and preservation of public works on rivers and harbors and canals, and for examination and necessary repairs of rivers and harbors and water routes: *Provided*, That such improvements shall as far as possible be made with reference to the last report of the engineer in charge.

Mr. BELFORD. I desire to offer an amendment to the resolution offered by the gentleman from Kentucky.

The SPEAKER. It will be read.

The Clerk read as follows:

That the river and harbor appropriation bill be recommitted to the Committee on Commerce with instructions to bring in an amendment to section 13, by adding to said section the following words:

"And shall be paid in the standard silver coin of the United States or in silver certificates."

Mr. BROWNE, of Indiana, rose.

Mr. BELFORD. I will ask the Clerk to strike out the words "Committee on Commerce" and insert the committee above named.

Mr. BROWNE, of Indiana. Is this motion divisible?

The SPEAKER. The Chair thinks so.

Mr. BROWNE, of Indiana. May we vote directly upon the motion to recommit and have a separate vote upon the motion as to instructions?

The SPEAKER. The Chair thinks that would be the right of the gentleman.

Mr. BROWNE, of Indiana. I desire to have a separate vote upon the motion to recommit. I am in favor of recommitting the bill, but I am opposed to the instructions proposed.

Mr. BELFORD. I move what I have sent to the desk as additional instructions.

The SPEAKER. The Chair will state to the gentleman from Colorado that his amendment proposes to commit to the Committee on Commerce, while the other amendment proposes a different committee. It can not be referred to two different committees——

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. The gentleman from Colorado made this remark while the Speaker was giving attention to the gentleman from Indiana that he proposed to strike out the word "commerce" in the instructions and ask the substitution of the words "the committees above named."

The SPEAKER. With that understanding the Chair will hold the amendment not to be a substitute.

Mr. WHITE, of Kentucky. Now, I ask for a division of this question so that the vote will be taken on the motion of the gentleman from Colorado separately from the motion I have made.

The SPEAKER. That follows as a matter of necessity. The vote must first be taken upon the amendment of the gentleman from Colorado.

Mr. HISCOCK. Is this motion to recommit divisible?

The SPEAKER. The Chair knows of no reason why it is not.

The Chair will state that before the adoption of the new rules, the present system of rules of the House, the motion to commit either with or without instructions would not have been permissible at all at this stage of the bill. But the rule as now in force allows one motion, and one motion only, to commit the bill with or without instructions after the previous question has been demanded or ordered. The Chair is not able to see why the motion when made under the rules does not stand exactly upon the same footing as a motion made at any other time, with the single exception that only one motion to commit can be made.

Mr. CALKINS. But, Mr. Speaker, if the motion to recommit is amendable at all, and under the rule, as we know, there may be an amendment to the amendment, and a substitute and amendment to the substitute, then when any amendment is voted down another amendment may be offered, and so on interminably. I submit that the very purpose of the rule of the House was to give to the House the right to come directly to a square vote upon a single proposition and without delay.

The SPEAKER. That the House can do on the motion pending.

Mr. CALKINS. And if the motion is amendable, and the amendment being lost, another amendment, as I have suggested, may be proposed, and so on indefinitely. Under that ruling the question could never be settled. It simply defeats the right of the previous question and the exercise under that by the House of the privilege of coming to a direct vote upon the proposition.

The SPEAKER. On the other hand, if the motion can not be amended any gentleman on the floor can formulate his proposition in his own terms and compel the House to vote on that and on nothing else.

Mr. CALKINS. That was precisely the intention of the rule: to allow one exception to the effect of the previous question, and only one.

The SPEAKER. The Chair thinks, unless there is something to the contrary on the face of the rule, every rule of the House ought to be so construed as to afford an opportunity to ascertain as nearly as possible the actual sense of the House on the entire subject before it.

Mr. CALKINS. But the point is this: the previous question cuts off all amendment and debate. If amendment is allowed under the rule to this motion to commit you have destroyed practically the previous question.

The SPEAKER. The previous question has not been ordered on this motion.

Mr. CALKINS. But this motion if amendable now is amendable after the previous question has been ordered on the bill, because the rule says it may be made either before or after the previous question has been ordered on the passage of a bill; and only one such motion is allowable. The motion stands now precisely as if the previous question had been ordered. The only question here is as to the right practice.

The SPEAKER. That is all the Chair is concerned about.

Mr. CALKINS. I do not care anything about the construction of the rule except that we may have the right practice. What I insist is, if the holding of the Chair is the proper construction of the rule the previous question is forever annulled; for we could go on and amend, in the way I have stated, the motion to commit for two or three weeks.

The SPEAKER. The gentleman from Indiana forgets the previous question has been demanded on the bill only; not on this motion. It is in order to demand the previous question on this motion.

Mr. WILLIS. I demand the previous question on the pending motion.

Mr. HISCOCK. I submit that that motion is not in order while a point of order is pending.

Mr. CALKINS. I submit this proposition: The previous question having been ordered on the main subject, which in this instance is the bill and amendments, then a motion is interposed to recommit with instructions, I submit that the previous question can not be demanded upon that under the rule, because the rule confines it to one motion and is designed simply to give the House the right to stop in its work and recommit the bill to the committee. It brings the House to a direct vote on that simple proposition, and I think the previous question can not be allowed upon it.

Mr. WILSON, of Iowa. I wish to ask the gentleman from Indiana [Mr. CALKINS] a question. The rule allows a motion to come in at this stage to recommit the bill. Does the gentleman from Indiana understand that whoever happens to get the floor first to offer his motion, with his peculiar idea of instructions, shall secure a vote on his proposition and that that is all that can be entertained?

Mr. CALKINS. That is precisely my idea. My idea is that this is an innovation upon the rule applicable to all cases where the previous question operates, and that the exception must be construed strictly.

Mr. OATES. The Chair, I believe, has ruled that the motion to commit is amendable, and that a separate vote can be had on the question of committing and on the instructions. Now, is it not in order first to vote on the motion to commit? And if that is voted down would not that be the end of it, because then there would be no instructions?

The SPEAKER. The vote on the motion to commit would be taken first.

Mr. OATES. Then it seems to me there would be no difficulty about it.

The SPEAKER. The Chair will cause to be read the last paragraph of section 1 of Rule XVII.

The Clerk read as follows:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

The SPEAKER. As the Chair has already stated previous to the adoption of this new code of rules the motion to commit with or with-

out instructions after the previous question had been demanded or ordered by the House would not have been permitted. The only effect of this rule, as the Chair understands it, is to enlarge the privileges of members on the floor in this respect by allowing them to make this motion after the previous question has been ordered or has been demanded. But when made there is nothing in the rule which subjects it to a different method of procedure from other motions to commit. It simply, in other words, opens the bill at that stage to the ordinary motion to commit with or without instructions; and that motion must be amendable unless there is something in the rule which declares it is not.

Mr. WARNER, of Ohio. And the previous question may be ordered on the motion and the amendments to it.

The SPEAKER. It may be. Again, a rule of the House expressly authorizes a member on the floor to demand the division of a question where it contains two distinct propositions. That rule applies to this motion to commit with instructions as well as to others. The gentleman from Indiana [Mr. BROWNE] has demanded a division of the question. Now, if the House in taking a vote on the two branches of the resolution should adopt the one and reject the other, the effect is that it has been amended; it would not be the motion which the gentleman from Kentucky submitted. The Chair thinks that would amount to an amendment in an indirect way; and yet it is expressly authorized by a rule of the House.

Mr. WILLIS. In view of the ruling of the Chair, I demand the previous question on the motion to commit and upon the amendment.

The previous question was ordered.

The SPEAKER. The question is first on the amendment proposed by the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Upon that I demand the yeas and nays.

The yeas and nays were not ordered, only 17 members voting therefor.

The question being taken on the amendment proposed by Mr. BELFORD, it was not agreed to.

The SPEAKER. The question recurs on the proposition of the gentleman from Kentucky [Mr. WHITE]. A division of the question having been demanded, it will first be on the motion to commit.

Mr. WHITE, of Kentucky. On that question I call for the yeas and nays.

The yeas and nays were not ordered, there being but 8 in the affirmative—not one-fifth of the last vote.

The motion of Mr. WHITE, of Kentucky, was not agreed to.

Mr. BROWNE, of Indiana. That disposes of the motion to recommit?

The SPEAKER. It does.

Mr. WHITE, of Kentucky. Is it in order now to move to amend the proposition so as to commit this bill to the Committee on Rivers and Harbors?

The SPEAKER. The gentleman is aware of the fact that the previous question has been ordered by the House, which cuts off all amendments. The question is now on the passage of the bill.

Mr. BROWNE, of Indiana. Upon that question I call for the yeas and nays. This bill appropriates over $12,000,000, and I want to have gentlemen go upon the record.

The SPEAKER. The rule of the House requires that the yeas and nays shall be taken on the passage of this bill.

The question was taken; and there were—yeas 156, nays 104, not voting 63; as follows:

YEAS—156.

Adams, G. E.	Dibrell,	Jones, J. T.	Seymour,
Aiken,	Dockery,	Kelley,	Shelley,
Alexander,	Dowd,	King,	Singleton,
Barbour,	Dunham,	Lanham,	Smalls,
Barksdale,	Dunn,	Lewis,	Snyder,
Bayne,	Eldredge,	Long,	Spooner,
Belford,	Ellis,	Lovering,	Stewart, Charles
Bennett,	Findlay,	Lyman,	Stone,
Bisbee,	Finerty,	McCormick,	Strait,
Blanchard,	Follett,	McMillin,	Sumner, C. A.
Bland,	Foran,	Maybury,	Talbott,
Brainerd,	Forney,	Miller, J. F.	Taylor, E. B.
Breckinridge,	Fyan,	Money,	Taylor, J. M.
Breitung,	Garrison,	Muldrow,	Thomas,
Broadhead,	George,	Murphy,	Thompson,
Buchanan,	Gibson,	Neece,	Tillman,
Budd,	Glascock,	Nelson,	Tucker,
Burleigh,	Goff,	Nicholls,	Tully,
Burnes,	Graves,	Nutting,	Turner, H. G.
Cabell,	Hart,	Oates,	Valentine,
Caldwell,	Hatch, H. H.	Ochiltree,	Vance,
Calkins,	Hatch, W. H.	O'Ferrall,	Van Eaton,
Cannon,	Haynes,	O'Hara,	Wait,
Carleton,	Hemphill,	O'Neill, Charles	Wakefield,
Cassidy,	Henderson, D. B.	O'Neill, J. J.	Wallace,
Clardy,	Henderson, T. J.	Payson,	Warner, A. J.
Clements,	Herbert,	Pierce,	Washburn,
Collins,	Hewitt, G. W.	Peel,	Wellborn,
Cosgrove,	Hitt,	Price,	White, Milo
Crisp,	Hoblitzell,	Pryor,	Williams,
Culberson, D. B.	Horr,	Rankin,	Willis,
Culbertson, W. W.	Houk,	Reese,	Wilson, W. L.
Cutcheon,	Houseman,	Riggs,	Winans, E. B.
Dargan,	Hunt,	Robertson,	Wise, G. D.
Davidson,	Hurd,	Rogers, J. H.	Wise, J. S.
Davis, L. H.	Jeffords,	Rogers, W. F.	Wolford,
Davis, R. T.	Johnson,	Rowell,	Yaple,
Deuster,	Jones, J. H.	Scales,	York,
Dibble,	Jones, J. K.	Seney,	Young.

NAYS—104.

Adams, J. J.	Eaton,	Ketcham,	Ray, G. W.
Anderson,	Elliott,	Lamb,	Robinson, W. E.
Arnot,	English,	Lawrence,	Rockwell,
Atkinson,	Ermentrout,	Lowry,	Ryan,
Barr,	Evans, I. N.	McAdoo,	Shaw,
Blount,	Everhart,	McCoid,	Skinner, T. G.
Bowen,	Ferrell,	McComas,	Smith,
Boyle,	Fiedler,	Matson,	Spriggs,
Brewer, F. B.	Funston,	Millard,	Springer,
Brewer, J. H.	Geddes,	Miller, S. H.	Steele,
Browne, T. M.	Halsell,	Mitchell,	Stockslager,
Brown, W. W.	Hammond,	Morgan,	Storm,
Brumm,	Hanback,	Morrison,	Struble,
Campbell, Felix	Hardeman,	Morse,	Sumner, D. H.
Campbell, J. M.	Harmer,	Moulton,	Taylor, J. D.
Candler,	Hepburn,	Murray,	Throckmorton,
Clay,	Hewitt, A. S.	Mutchler,	Townshend,
Cobb,	Hiscock,	Parker,	Turner, Oscar
Connolly,	Holman,	Patton,	Ward,
Converse,	Holmes,	Payne,	Warner, Richard
Cook,	Holton,	Perkins,	Weaver,
Cox, S. S.	Howey,	Peters,	Weller,
Cox, W. R.	James,	Post,	White, J. D.
Cullen,	Jones, B. W.	Potter,	Whiting,
Curtin,	Kasson,	Pusey,	Wilkins,
Dorsheimer,	Kean,	Ranney,	Worthington.

NOT VOTING—63.

Bagley,	Greenleaf,	Libbey,	Robinson, J. S.
Ballentine,	Guenther,	Lore,	Rosecrans,
Beach,	Hancock,	Milliken,	Russell,
Belmont,	Hardy,	Mills,	Skinner, C. R.
Bingham,	Henley,	Morey,	Slocum,
Blackburn,	Hill,	Morrill,	Stephenson,
Boutelle,	Hooper,	Muller,	Stevens,
Buckner,	Hopkins,	Paige,	Stewart, J. W.
Chace,	Hutchins,	Pettibone,	Van Alstyne,
Covington,	Jordan,	Phelps,	Wadsworth,
Davis, G. R.	Keifer,	Poland,	Wemple,
Dingley,	Kellogg,	Randall,	Wilson, James
Duncan,	Kleiner,	Ray, Ossian	Winans, John
Ellwood,	Lacey,	Reagan,	Wood,
Evins, J. H.	Laird,	Reed,	Woodward.
Green,	Le Fevre,	Rice,	

So the bill was passed.

The following additional pairs were announced:

Mr. GREENLEAF with Mr. MCCORMICK, on all political questions, for this day.

Mr. VAN ALSTYNE with Mr. LACEY, on this bill. If present, Mr. LACEY would vote "ay," and Mr. VAN ALSTYNE, "no."

Mr. GREEN. I am paired on this question with Mr. BEACH, of New York. If present, he would vote "no" and I would vote "ay."

Mr. HOUK. I am paired on all political questions; but not considering this a political question, I have voted for the bill.

Mr. MCMILLIN. I desire to state that my colleague, Mr. BALLENTINE, is sick and unable to attend the session of the House to-day.

The result of the vote was then announced as above stated.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I desire to call up from the Speaker's table the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes. That bill has been returned from the Senate with amendments. I move that it be printed with the Senate amendments numbered, and referred to the Committee on Appropriations.

The motion was agreed to.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. RYAN. The Senate has sent a message to the House that it insists upon its amendment disagreed to by the House to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley in the State of Missouri, and requests a concurrence on the disagreeing votes of the two Houses thereon. I move that the House insist upon its disagreement to the amendments, and grant the request of the Senate for a conference.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. EATON. I now call up the regular order.

Mr. TURNER, of Georgia. I am instructed by the Committee on Elections to call up at this time for consideration the case growing out of the election of Mr. THOMAS J. SKINNER, of North Carolina.

The SPEAKER. The gentleman from Connecticut calls up the regular order, which is the bill of the Senate in relation to the electoral count; and pending that the gentleman from Georgia [Mr. TURNER], chairman of the Committee on Elections, calls up a contested-election case, which is a matter of the highest privilege, subject of course to the question of consideration.

Mr. TURNER, of Georgia. I ought to state that this case grows out of a resolution passed by the House on the 19th of December last, directing the Committee on Elections to inquire whether the election of Mr. SKINNER was held in the proper district; it is not an election contest proper.

Mr. EATON. Of course I can not argue the question here, but the importance of action upon the Senate bill in relation to the electoral count can not be overstated or overestimated. Therefore I feel it my duty to raise the question of consideration against the election case.

Mr. SPRINGER. I would inquire of the gentleman from Georgia [Mr. TURNER] how much time he thinks will be required for the election case?

Mr. TURNER, of Georgia. I had hoped to conclude the case this evening; I had supposed that two hours for debate would be sufficient. I dislike very much to antagonize the measure which the gentleman from Connecticut [Mr. EATON] desires to call up, but being under instructions from the Committee on Elections I have no option.

Mr. SPRINGER. I understand the election case does not involve the right of a member to his seat, but is only a question as to whether he was elected from the proper district.

The SPEAKER. It may involve his right to the seat; for if the House shall decide that the gentleman was not elected from the proper district, that would decide the case, though not upon its merits.

Mr. SPRINGER. I think we had better go on with the bill which the gentleman from Connecticut has called up.

The SPEAKER. The question is, Will the House proceed to the consideration of the election case as proposed by the gentleman from Georgia [Mr. TURNER].

The question being put, it was decided in the negative.

COUNT OF ELECTORAL VOTE.

The SPEAKER. The Clerk will now report the bill which has been made a special order for to-day and is now called up by the gentleman from Connecticut.

Mr. STOCKSLAGER. I rise to a parliamentary inquiry. I wish to ask whether this day has been specially set apart by an order of the House for the consideration of the measure called up by the gentleman from Connecticut.

The SPEAKER. By an order of the House this day was set apart for the consideration of this bill. The gentleman from Connecticut did not call it up this morning because he did not desire to interfere with the completion of the consideration of the river and harbor bill.

Mr. STOCKSLAGER. Can the gentleman from Connecticut state how long this bill will take?

Mr. EATON. I can not.

The SPEAKER. The Clerk will read the bill which now comes before the House as the special order.

The Clerk read as follows:

A bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the Legislature of such State shall direct.

SEC. 2. That each State may, pursuant to its laws existing on the day fixed for the appointment of the electors, try and determine, at least six days before the time fixed for the meeting of the electors, any controversy concerning their appointment or the appointment of any of them. Every such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of the meeting of electors, shall be conclusive evidence of the lawful title to office of the electors who shall have been so determined to have been appointed, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated.

SEC. 3. That it shall be the duty of the executive of each State to cause three lists of the names of the electors of such State, duly ascertained according to the law of the State to have been chosen, to be made and certified, and to be delivered, as soon as may be after such final determination shall be had, to the electors, and before the day on which they are required by law to meet.

SEC. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative votes of both Houses. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the evidence mentioned in section 2 of this act to have been appointed, if the determination in said section provided for shall have been made; but in case there shall arise the question which of two or more of such State tribunals determining what electors have been appointed, as mentioned in section 2 of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of the tribunal of such State so authorized by its laws. And in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of ten o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

Mr. EATON. The bill which the Clerk has just read is the bill as it came from the Senate. I now ask that the substitute, as reported by the House Committee on this subject, be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the electors of each State shall meet and give their votes on the second Monday in December next following their appointment, at such place in each State as the Legislature of such State shall direct.

"SEC. 2. That it shall be the duty of the executive of each State to cause three lists of the names of the electors of such State duly ascertained according to the law of the State to have been chosen to be made and certified, and to be delivered as soon as may be after such determination shall be had, to the electors, and before the day on which they are required by law to meet.

"SEC. 3. That Congress shall be in session on the second Tuesday in January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day in joint convention; and the President of the Senate shall be the presiding officer of said joint convention. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of States, beginning with the State of Alabama; and said tellers, having then read the same in the presence and hearing of the joint convention, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted by the tellers, the result shall be delivered to the presiding officer of the joint convention, who shall thereupon announce the state of the vote, and the names of the persons, if any, elected President and Vice-President of the United States; and said announcement, together with a list of the votes, shall be entered on the Journals of the Senate and the House of Representatives; and the presiding officer of the joint convention shall, as soon as may be, notify said persons of their election to said offices of President and Vice-President; and if upon the call of a State no objection is made to the return, then the vote thereof shall be counted and added to the list of States whose votes are determined; but in case objection has been made, as hereinafter provided, then said return shall be laid aside, to be proceeded with in the same manner as is hereinafter provided for the case of a double return of votes from a State. All objections to the counting of the vote of any State shall be made in writing and signed by at least three members of the joint convention, before the call of said State, said objections to be placed in the hands of the presiding officer of said joint convention, who shall present the same upon the call of the State. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, then and in that case the presiding officer of the joint convention shall submit to the members thereof the determination as to which is the proper return; and three hours shall be allowed for debate, and the joint convention shall then proceed to vote per capita, commencing with the State of Alabama; and those votes shall be counted and added to the list of votes already ascertained which a majority of the joint convention shall determine to have been contained in the proper and legal return.

"SEC. 4. That at such joint convention of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint convention shall not be dissolved until the count of the electoral votes shall be completed and the result declared; and no recess shall be taken for a longer time than one calendar day; and upon the reassembling of the joint convention on the Saturday after its first meeting, should the count and declaration of votes not have previously been made and announced, no further or other recess shall be had until the count of the electoral votes shall be completed and the result declared."

Mr. KASSON. Before the gentleman from Connecticut proceeds with his remarks, I desire to ask him whether there is a written report on this subject from the committee?

Mr. EATON. There is no written report which goes at all into the argument of the question. As the only essential difference between the

Senate bill and the House substitute is in reference to the provision for per capita voting in the joint convention of the two Houses, it was not thought necessary to argue the case in a written report.

I understand, Mr. Speaker, from friends on the other side who are members of the committee that it is their desire we shall go on this afternoon and to-morrow (if the House should give us leave) and discuss this question upon the substitute submitted by the committee. No time for bringing the discussion to a close has been mentioned or thought of. The importance of the question is such that there could not be any agreement made in advance with regard to that point. After we have proceeded somewhat in the discussion we can then better tell how much time will be required. The proposition, therefore, is that this afternoon I shall make a brief statement; not going into the argument of the case, but stating every point which I propose hereafter to speak upon, if I should conclude it to be necessary after the general discussion has been had.

My distinguished friend from Alabama [Mr. PRYOR], my colleagne on the committee, will follow me upon this side of the question, and my distinguished friend from Ohio [Mr. HART], also a member of the committee, will, if his health should permit, follow the gentleman from Alabama. If not, some other member of the committee on the other side of the House may follow the gentleman from Alabama. I make this statement because this is as far as there has been any arrangement agreed upon among the members of the committee.

Mr. HISCOCK. Then I understand the amendments reported from the committee are not reported unanimously?

Mr. EATON. They were not reported unanimously, I am sorry to say. I had hoped that they would be. Perhaps I ought not to find fault that some members of the committee did not agree with me and the majority of my associates, because it was very difficult for me to bring my mind to the conclusion I have reached, as I shall have cause to explain before concluding this short statement.

Mr. HISCOCK. Do I understand that any arrangement has been reached on the other side of the House that is to permit the discussion of this bill to be continued to-morrow?

Mr. EATON. I hope so. I shall leave the bill to-night in the hands of the House. If there is anything of equal importance in the opinion of members of the House—anything in which the country has a greater stake than in this bill—then I hope that it will be set aside and that we may take up some bill in regard to some court-house somewhere. [Laughter.] But unless we can agree upon some mode of counting the electoral votes, if there should be another strain like the strain of 1877, there may not be any necessity for court-houses anywhere.

It is important for us all that this matter should be settled in some way; perhaps not so important how it should be settled as it is important that it be settled. In the interest of peace and good order it is demanded that this House should take action upon this question, immediate, deliberate, careful action; action based upon the Constitution of the United States; action that will stand in the light of the civilization of the world to-day, so that it may be pronounced all over the civilized world that this Congress of the United States was equal to the great emergency, for it may be an emergency.

Now, Mr. Speaker, I do not propose to discuss this question, but to state certain points which will be the subject of discussion, if I shall feel it my duty hereafter to go into the discussion.

First, then, as a matter of history, let us look at the modes of counting the electoral votes. From 1789 till 1801 we counted the electoral votes under the original provision of the Constitution. I need not read that provision. In 1801 came the great difficulty between Jefferson and Burr as to who had been elected President. The country knew that Mr. Jefferson had been the candidate for the Presidency and Mr. Burr the candidate of the same party for the Vice-Presidency. The same number of electoral votes had been cast for each gentleman, and under the original terms of the Constitution, neither of them having received a majority, neither of them was elected President of the United States.

And so went on the balloting on that occasion from day to day and week to week and month to month, almost threatening even in their infancy the existence of our institutions. But happily patriotism triumphed. Men of the opposite party, men opposing Mr. Jefferson, sustained the well-known views of the people, and he was elected.

So it became evident there was a *casus omissus* in the Constitution. Then in 1803, I think, the amendment known as No. 12 was passed, and under that amendment all the electoral votes have been counted up to 1876. I need not read that amendment at this time. In the course of the argument it may become necessary.

There was no question of a count from 1801 to 1865. There were difficulties in the electoral college, but no question of a count; difficulty with regard to Missouri, difficulty with regard to Indiana, difficulty with regard to Wisconsin, but not relating to a count. The Wisconsin difficulty, if I remember aright, was this: that the electoral vote was cast on the day after the day when it should have been cast, and therefore it became a question whether that vote should be counted. Like most things, it was dodged. Like Missouri, it was dodged. But no matter about that. It does not come into this question at all, because it made no difference which way Wisconsin voted, or which way Indiana voted, or which way Missouri voted; it made no difference, as the same gentlemen would have been elected President and Vice-President. We come down to 1865, and all the counts have been made under the Constitution and by Congress.

A word ought to be said about the manner of counts. The first count was made by John Langdon, and he not only opened the certificates, but he counted the votes, and he said he did in his return. General Washington was the candidate for President; there was no opposition; it was a mere matter of form, not to be made a precedent, and never has been considered as one by anybody. No intelligent man I have ever met regards the action on the first count as a precedent. From that time down, not to go into this thing too particularly—from that time down to 1865 the count was made under the amendment No. 12 of the Constitution of the United States.

Then a new order of things arose. There had been a terrible civil war in the country. Brother was fighting against brother for years. The very destinies of the western world hung in the balance. The war was over, or ought to have been. The war on the battlefield was over, but gentlemen thought it necessary, patriots I doubt not—I find no fault with their action; I state facts, that is all—men after the war was over established a joint rule known as the twenty-second joint rule.

I have never yet, Mr. Speaker, been able to get a gentleman who was connected with the project of that twenty-second joint rule to give me the reason for its adoption. Eight years ago in another branch of the Federal Legislature I tried to learn. I could not; therefore I was left to my own imaginings.

They abrogated it. The same men, some of the same individuals of the same party that for certain purposes formed that twenty-second joint rule, abrogated it. And why? Look at the discussion eight years ago and you will learn. I could not then learn why. I know why. It was because there was power in one House for one political party and in the other for another political party. Therefore that twenty-second joint rule was abrogated. Sir, it had answered its purpose. No further use could be made of the twenty-second joint rule.

What next? Next came the Electoral Commission. I will not speak of it at any length. Outside of the Constitution, the men who framed it in love of country forgot the instrument upon which this country only can exist, the Constitution.

Sir, I do not say that those gentlemen who adopted the Electoral Commission were guilty of any act that demands the animadversion of the people. They doubtless believed that the existence of the country and its institutions depended upon that instrument. I pass that.

The election of 1880 was under the old count; and we now come, Mr. Speaker, down to the present time, to-day; I have thus hastily run through a brief history of these various counts. Now, there are three modes—and I desire the attention of those gentlemen who do me the honor to listen to me—there are three modes by which it is proposed, or may be proposed, to count the electoral vote. First is the mode known as the bill of Mr. HOAR, Senate bill No. 25; second, the bill of your committee now before this House; and one other mode that I must speak of because I believe it to be the right one. It is not here. Mr. Speaker, in subscribing my name to this bill which is before you as the act of your committee I cast to one side my own convictions of constitutional law. Perhaps I ought not to do so. I do it for peace; I do it for harmony; to preserve our institutions. Sir, as I believe in the Almighty, I believe under this Constitution of ours that the House of Representatives to-day has the sole power to count the electoral votes for President and Vice-President. I have never had any other opinion, never. And let me read now. I ought to say here, however, that there were other members of the committee who felt as I did, but we agreed upon this bill, it may be wrongfully, but we agreed upon it hoping that this House, as one man, would accept the bill.

Mr. PARKER. Let me interrupt the gentleman for a moment.

Mr. EATON. Certainly.

Mr. PARKER. I do not understand the gentleman intends to state that the committee unanimously agreed upon this bill?

Mr. EATON. I have not so stated. On the contrary, I said that the committee did not agree to it unanimously, and that I regretted the fact very much. Article 12 of the Constitution provides:

> The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of Government of the United States directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President, shall be President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number not exceeding three on the list of those voted for as President—

Then what?

> the House of Representatives shall choose immediately, by ballot, the President.

Now, what does that mean? It means this—and it ought to sink into utter oblivion any claim that the President of the Senate has the right

to count the votes, and any claim that I make in favor of my own bill is made solely on that ground—it means that under certain contingencies therein stated the House of Representatives must proceed immediately, not to-morrow or the next day, but at once, to do what? To elect the President, voting by States for that purpose, one vote for each State. What does that imply? It implies that no other body on God's earth except the House of Representatives can identify and count the votes. How could the House of Representatives ever arrive at a conclusion that it had certain powers and certain duties under this instrument unless it counted and determined the votes? My good friend from Iowa [Mr. KASSON] shakes his head, and I shall be rejoiced to hear from him on that point now or at any other time.

Now, then, nobody can count for me as a member of this House. I myself must do the counting; no Senator can count for me. No Senator can count for this House. We count and determine for ourselves whether a certain contingency has arisen or has not arisen. If it has arisen, then the House of Representatives proceeds at once to vote by ballot to elect a President. How do they ascertain the existence of the fact that imposes that duty upon them? By what John Smith says, or what the accredited agents of the House say? That is the argument that is made against my bill. That is the argument that is made against the bill that the majority of the committee put before the House, and it ought to be here.

Again, and I will not go further; I have said enough for every gentleman to know what the claim is on the part of those who think that the House of Representatives have the power. But I have a word to say about the Senate bill, and I desire the attention of my friends for a few moments, for if I do not establish in five minutes to the satisfaction of this House that the Senate bill is unconstitutional I will agree to vote for it; and I shall establish this, not by implication but by the absolute language of the Constitution itself. Let us look at it for a moment.

SEC. 2. That each State may, pursuant to its laws existing on the day fixed for the appointment of the electors, try and determine, at least six days before the time fixed for the meeting of the electors, any controversy concerning their appointment or the appointment of any of them. Every such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive evidence of the lawful title to office of the electors who shall have been so determined to have been appointed, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated.

Now, by what authority does this Congress undertake to tell your State, my friend, how it shall choose its electors and determine whether they are electors or not? By what authority does this Congress undertake to legislate for New York and Alabama and Louisiana and Connecticut and Maryland in a matter that belongs alone to New York and to Maryland and to Connecticut and to Alabama and to each and every of the other States? The Constitution says so? Now, let us look at it. See how easy it is for distinguished gentlemen to fall into mistakes. I read from article 2, section 2:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator, &c.

Now, that is the constitutional law. But that is not all of it. Turn over to paragraph 3 of the same section and what do you find there? The only power that Congress has is here:

The Congress—

May do what? After the State has done its duty—

The Congress may determine—

What?

the time of choosing the electors and the day on which they shall give their votes; which day shall be the same throughout the United States.

That is all the power. The very keeping of that power excludes every other idea of power. Every other idea of power belongs to the States, is in the States. And yet the Senate have given us a bill here in which they undertake to determine, with regard to the electors of States, who are properly elected, which is the duty of the State under the Constitution. I ask gentlemen to examine it carefully. I do not follow that line of argument any further.

Mr. BROWNE, of Indiana. If the gentleman from Connecticut is through with that idea I would be glad to ask him a question.

Mr. EATON. And I will be very glad to answer it if I can.

Mr. BROWNE, of Indiana. The Constitution confers upon the States the power to choose electors in such manner as the Legislature of the State may provide. When the electoral vote is transmitted to the Congress it must in some way count it, or, in other words, determine what electors have been in fact chosen by the State. Now, does the Senate bill do any more than this—to declare what evidence the Congress shall receive as conclusive of the fact of the selection of particular electors by the State? In other words, does the Senate bill do any more than say that where the supreme judicial tribunal of a State have declared what particular persons have been appointed by the State as electors, that that as a matter of evidence shall be conclusive upon the Congress? If I understand it, Congress does not assume the power to dictate to the States the manner in which they shall make the appointments; but it says, "we shall receive a particular state of facts as conclusive evidence that the State has appointed these particular persons."

Mr. EATON. Suppose the State does not choose to do it; what then?

Mr. BROWNE, of Indiana. Then, as a matter of course, we would have to resort to some other rule of evidence.

Mr. EATON. Ah! The very fact that I exercise the privilege that belongs to the Yankee nation, that is, of answering a question by asking another, ends this discussion. If Congress has no power—and it has no power any more than one of its pages—to pass a bill of that character, then we belittle ourselves, dishonor ourselves, insult the majesty of a State by telling them what shall be good evidence with regard to the electors whom they have the sole constitutional right to choose.

Mr. BROWNE, of Indiana. I do not think the gentleman from Connecticut and myself differ very much upon the principle. I believe that the State not only has a right to select its electors but it has a right to determine all questions in connection with that. It has a right to say to the Congress of the United States what electors it has chosen; and if there be no controversy in the State and the electors are certified by the executive authority under the seal of the State, and if it is the act of the State in that way and there has been no controversy in the State, the Congress ought to count that vote as certified. It ought to be conclusive with Congress. But as the State is only concerned directly in the count of its electoral vote, if it has gone beyond that and submitted the controversy to its judicial tribunals, and they have determined it, that is the act of the State, and it ought to bind the Congress of the United States and take this controversy out of the political mass-meeting known as the House of Representatives or the joint convention of the Senate and the House of Representatives both.

Mr. MOULTON. But as a matter of constitutional law what do you say would so bind the House?

Mr. BROWNE, of Indiana. As a matter of constitutional law I have no doubt Congress might say to the States what it would receive as evidence that they have appointed particular persons as electors. There is no doubt about it. If the gentleman from Connecticut will allow me——

Mr. EATON. Certainly.

Mr. BROWNE, of Indiana. If the gentleman from Connecticut, who understands the Constitution so much better than myself——

Mr. EATON. Oh! no; I am just in leading strings as regards understanding the Constitution.

Mr. BROWNE, of Indiana. I say, if the gentleman will allow me—I simply assert I have no doubt about the constitutional power to do this thing.

Mr. EATON. The trouble about it is this: My friend assumes this is the action of States. I assume it is the action of Congress endeavoring to govern a State. There is the trouble; there is the difference. Without any power on the face of God's earth we undertake to tell Massachusetts and Illinois and New York what shall be evidence to determine who their electors are. Now, let me suppose a little. Let me suppose for a moment that we pass this bill, the Senate and the House of Representatives, and it becomes law. New York elects her electoral ticket for John Smith or James G. Blaine or anybody. I will say John Smith.

Mr. BROWNE, of Indiana. Yes; he is the dark horse. [Laughter.]

Mr. EATON. I will say John Smith. John Smith has, I will say, 20,000 majority of the votes of the State of New York. This bill has been passed into law. Some persons raise a question of fraud and they go to a judge. This law does not mark out who the judge shall be nor what tribunal it shall be. Therefore I have to assume something. They go to a judge; I will not say that they bribe him with a hundred thousand dollars or a million of dollars; but they go to him and he hears the question and determines it. He says that there was fraud in the city of New York, that there were 25,000 fraudulent votes cast in the city of New York; and that others are elected than the men whom the governor, the treasurer, and the comptroller of the State of New York have declared to be elected. And this bill says that is to be conclusive testimony, the only testimony to be received by Congress.

Mr. BROWNE, of Indiana. Will the gentleman indulge me in another question?

Mr. EATON. Certainly.

Mr. BROWNE, of Indiana. Suppose that the State of New York should cast its electoral vote for some one of the Presidential candidates, and the State certifies that to the Congress of the United States as its act. Does not the bill to which the gentleman has assented allow the Congress of the United States in joint convention to overrule that determination of the State? In other words, does not that bill transfer the controversy to the two Houses of Congress in joint convention, and authorize them, upon the objection of three members, to overrule the action of the State?

Mr. EATON. Undoubtedly.

Mr. MOULTON. The Senate bill does the same.

Mr. BROWNE, of Indiana. Instead of allowing the State to count the electoral vote in its own way, do you not assume the right of allowing the Congress of the United States to count it in its own way?

Mr. EATON. This bill does.

Mr. BROWNE, of Indiana. I mean the substitute.

Mr. EATON. No.

Mr. BROWNE, of Indiana. I assume that the substitute permits that very thing to be done.

Mr. EATON. I do not think it does, and therefore I will not answer that question now. The other, the Senate bill, does; and it goes further. It is a bid for crime, it is a bid for revolution, and I will tell you why. It says that where there is a double return, should such be the case from any State, neither vote shall be counted unless both of the Houses by concurrent votes say that it shall be counted. What is that a bid for?

Mr. Speaker, the very reason why the twenty-second joint rule of the two Houses was repealed was that there should not be any quarrel between the two Houses on that particular occasion.

Let me suppose a case. Suppose that two returns come from my State, the State of Connecticut, if you please. One return is by the secretary of state, the treasurer, and the comptroller, who are by its laws made the returning board of Connecticut. That State determines by its laws that A, B, C, D, E, and F are elected electors of President and Vice-President. Then, under the Senate bill, there is a charge of fraud raised, which is made before a judge, and upon the determination of that charge certain other men are declared to be elected. Do you suppose that when that vote is thrown out there will not be charges made against other States? It is as certain as that God's sun shines that men will not submit to wrongs of that character again—never again.

There must be some mode of counting the electoral vote that we can agree upon; if not this mode which our committee have agreed upon, then some other mode. I am not wedded to that; some mode by which the Congress of the United States or the House of Representatives can speak upon all these great questions that involve the very life of our country. I am not wedded to this bill. I see a way out of the difficulty; the per capita vote is a way out of the difficulty.

I go further and say that Mr. Jefferson himself upon a certain occasion advanced the opinion that this perhaps would be the way out of certain difficulties that might occur. And a distinguished gentleman from the State of Georgia, late a member of this House, Alexander H. Stephens, wrote an article that did him great honor with regard to this per capita vote. Both of those opinions will be alluded to hereafter by gentlemen.

But men say that is not right, because one party or the other will have the majority. It must be so, it will be so in this country forever, that there will be a party majority somewhere. It can not be otherwise. But there are honest men in the Republican party in this House, on this floor. There are honest men in the Democratic party in this House, on this floor. Do you doubt your own integrity? I do not doubt your integrity, and God knows I do not doubt my own. I believe I can determine with regard to a vote given in the State of Alabama or in the State of Connecticut as well as the Electoral Commission, to say the least, and with quite as much integrity as was exercised by the judges of the Supreme Court on that wonderful tribunal.

Something must be allowed for the honesty of men. I believe in the integrity of men. I know there must be a Republican majority in the Senate this year. I know that there is a Democratic majority in the House this year. I do not know that there will be such a majority three years hence, or four years hence, and so far as the bill goes I do not care. Let us have a law that will bind in honor every member on this floor, and then I shall be satisfied.

Mr. BROWNE, of Indiana. As I shall not be permitted to take part in this debate——

Mr. EATON. Why not? I hope you may.

Mr. BROWNE, of Indiana. There is another constitutional point which concerns me, and I shall be glad to submit it to my distinguished friend from Connecticut. The theory of the Constitution, as I understand it, is that the election of President is by the States—by electors appointed by the States. This gives a certain power to New York, for instance, which is greater than that conferred upon the smaller States. The election, if made directly by the electors, is an election by the States. Then, in the contingency that there is no election by the electors, the election is sent to the House of Representatives, who must then pass upon it immediately, voting not per capita, but by States; so that it is still an election by the States. The whole theory of the Constitution is that the President must be elected by the States. Yet the gentleman's substitute proposes to commit the election not to the States but to a per capita vote of the Senators and Representatives in Congress. This strikes me as a violation of the whole spirits and theory of the Constitution.

Mr. EATON. I am sorry to see that my friend from Indiana [Mr. BROWNE] did not give attention to the earlier portion of my remarks. I have been very much troubled myself upon that point. I so said at the outset. I subscribed to this bill as a compromise for the sake of peace and good order. I believe the whole power in the determination of questions of this sort rests this moment in the House of Representatives. I go further and say that if in the near future a bill should not be agreed upon between the two Houses and there should be any such action as there was in 1876 I will call upon this House to exercise its constitutional right and determine all the questions relating to the Presidential election. My friend from Indiana can not go further than myself in his views upon this subject. When he has gone ten steps he will find me ten steps ahead of him.

Mr. BROWNE, of Indiana. The gentleman will allow me to say I go this far: I believe not only that the States have the right to appoint electors, but that upon each State should be conferred absolute power to determine every question concerning the appointment of its electors; and when the action of the electors of any State comes here indorsed by that State such indorsement should be sufficient—not only sufficient, but it ought to be conclusive—against the Congress of the United States; and neither the Senate nor the House, acting separately or concurrently or in joint convention, should have the power to make any further inquiry than this: "What has the State done?" And when it has been found what the State has done, there the controversy should end, and the vote should be counted in accordance with the determination of the State. And you will never get this question out of the political cauldron until you adopt some such line of policy.

I have as much confidence in the intelligence and integrity of the House of Representatives or the Congress of the United States as my friend from Connecticut has; but I do not believe that in settling a Presidential controversy Congress can rise above its political prejudices or its political bias. I have seen too much of the controversies in Congress over the mere election of Representatives, and of the spirit that has animated both political parties in such cases, not to have come to the conclusion that the most dangerous tribunal in all the world to settle the great controversy of a Presidential election is the Congress of the United States. So help me God, I would rather try it before a justice of the peace and a country jury.

Mr. SPRINGER. Will my friend from Connecticut remind the gentleman from Indiana that in the Forty-fourth Congress, with more than fifty Democratic majority in this House, a Republican President was counted in? Yet the gentleman says he would rather have a justice of the peace settle this question than the House of Representatives.

Mr. BROWNE, of Indiana. I remember that in the controversy referred to by the gentleman from Illinois he thought he had the jury packed; but because a distinguished member of the Supreme Court happened to go into the Senate and a Republican went upon the Supreme Bench, so that the decision of the Electoral Commission was contrary to the gentleman's anticipations, he has been damning that third judge ever since. Had there been a third Democratic judge the result would have been exactly the reverse, and then we would have been damning the third judge. That is all. [Laughter.]

Mr. EATON. This little episode of my friend who desires to try this question before a justice of the peace somewhere is very well put, and is taken by myself in perfect good nature. But I do not propose to try this question before a justice of the peace who could be bought for $50 or a judge who could be bought for $500,000—neither the one nor the other. I propose that this question shall be determined by the men who have the constitutional power to determine it, and by nobody else.

Now, a word with regard to this much-abused proposition for a per capita vote. Mr. Stephens and Mr. Jefferson agree in the remark that there seems to be a manifest propriety in having a joint convention to determine this question, because, as they say, a joint convention presents precisely the same number of Representatives and Senators that there are of electors.

Then there is another authority, though it has not the support of those two distinguished names. We went on for years and years electing Senators of the United States by a concurrent vote of the two branches of the State Legislature. At last Connecticut failed to elect for two years; Indiana failed, I think, for two years to make an election, and perhaps other States failed to elect. What did Congress do? It adopted as a rule for the election of Senators this same per capita principle. It provided that the Legislature of the State should come together in joint convention on a certain day, if they had failed to elect, and should thereupon proceed to elect a Senator by a per capita vote of the two branches of the Legislature. This is a striking illustration of the view of Congress so far as regards the election of United States Senators. This arrangement has worked perfectly well in all the States; no fault has been found with it.

Now, Mr. Speaker, right here let me stop. But for interruptions I would not have talked half so long. I am very much obliged to gentlemen who have listened to me. Perhaps I shall hereafter say a word or two upon one particular point which I have not noticed. My friend from Alabama [Mr. PRYOR] will follow me, and I have no doubt will submit views on this question well worthy the attention of the House.

Mr. PRYOR addressed the House, but before concluding his remarks yielded to

Mr. OATES, who moved to take a recess till 10 o'clock to-morrow morning. [Cries of "No!" "No!"]

Mr. PRYOR. I only wish to say the argument I am attempting to weave, whatever of worth there is in it is in the conclusion, and I hope it will be so arranged that opportunity will be afforded to me to get through substantially with the idea I am endeavoring to enunciate before other business of the House is resumed.

Mr. OATES. I have moved to take a recess so as to afford my colleague opportunity to complete his argument in this legislative day.

Mr. TURNER, of Kentucky. There are several important committees that desire to meet at 10 o'clock to-morrow, and as they have not met for six weeks, I hope we will adjourn and not take a recess.

Mr. PRYOR. I have no objection to that if I can be allowed to continue my remarks in the morning.

Mr. TURNER, of Kentucky. I have no doubt the House will make that agreement. This is an important subject, and the House will allow the gentleman to go on in the morning.

Mr. OATES. Then I withdraw the motion for a recess.

Mr. SPRINGER. I move the House adjourn.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2145) to extend an act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe; when the Speaker signed the same.

STATIONERY DEFICIENCY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Clerk of the House, calling attention to the deficiency in the appropriation for the stationery account on account of the action of the House in contested-election cases; which was referred to the Committee on Appropriations.

Mr. SPRINGER's motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. BLANCHARD: Memorial of citizens of De Soto Parish, Louisiana, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. F. B. BREWER: Memorial of citizens of Fredonia, N. Y., asking for an appropriation for educational purposes in Alaska—to the same committee.

By Mr. FUNSTON: Petition asking for an appropriation of $1,000 to finish road to national cemetery at Fort Scott, Kans.—to the Committee on Appropriations.

By Mr. HOLMAN: Papers and memorial of William H. Murray, R. A. Thomson, John L. Sneed, and many others, citizens of Frankfort, Ky., asking for an inquiry into the management of the Hot Springs in the State of Arkansas, and for correction of abuses in the management of said springs—to the Committee on Public Buildings and Grounds.

By Mr. KEAN: Petition of citizens of Plainfield, N. J., also of citizens of Elizabeth, N. J., against the Government monopoly of the telegraph business—to the Committee on the Post-Office and Post-Roads.

By Mr. KLEINER: Petition of ex-prisoners of the Federal Army now residing at Evansville, Ind., for pensions, bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. McCOMAS: Paper relating to the claim of the legal representatives of Rinaldo Johnson and Ann E. Johnson—to the Committee on Claims.

By Mr. MONEY: Papers relating to the claim of James C. Newman, agent, &c.—to the Committee on War Claims.

By Mr. MORGAN: Memorial of Capt. J. H. Paynter Post, No. 90, Grand Army of the Republic, Department of Missouri, asking pensions for all soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. PATTON: Petition of citizens of Clarion and Armstrong Counties, Pennsylvania, asking for the relief of Emma E. Lawson—to the Committee on the Post-Office and Post-Roads.

By Mr. W. F. ROGERS: Petition of steam and other navigation companies of Buffalo, N. Y., to have the channel entrances to harbors, rivers, and bays marked by lighting buoys—to the Committee on Appropriations.

SENATE.

FRIDAY, *June* 13, 1884.

Prayer by Rev. W. I. McKENNEY, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature to the following enrolled bills and joint resolution, which had been signed yesterday by the Speaker of the House of Representatives:

A bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas;

A bill (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia;

A bill (H. R. 6933) to authorize the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; and

Joint resolution (H. Res. 257) providing for the printing of the last annual report of the Commissioner of Education.

THE ZONA LIBRE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, on motion of Mr. MORRILL, referred to the Committee on Finance, and ordered to be printed:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate dated May 2, 1884, the following report of the Secretary of State, with an accompanying paper, relative to the latest law of the Mexican Republic creating or modifying the Zona Libre in relation to importations of merchandise.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, June* 12, 1884.

PETITIONS AND MEMORIALS.

Mr. JACKSON presented a petition of W. J. Embry, executor of the late John P. Brown, of Maury County, Tennessee, praying for the reference of his claim to the Court of Claims under the so-called Bowman act; which was referred to the Committee on Claims.

Mr. PLUMB presented memorials of citizens of Winfield, Independence, and Ottawa, in the State of Kansas, remonstrating against the passage of the Government postal-telegraph bill; which were ordered to lie on the table.

BILLS INTRODUCED.

Mr. LAPHAM introduced a bill (S. 2307) granting a pension to Elizabeth L. W. Bailey, widow of Davis W. Bailey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 2308) for the relief of Davidson Dickson and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 2309) for the removal of the Eastern Cherokee Indians to the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs

Mr. BROWN introduced a bill (S. 2310) to remove all the political disabilities of Henry Myers, of the State of Georgia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

AMENDMENT TO APPROPRIATION BILL.

Mr. VOORHEES. I ask leave to offer an amendment intended to be proposed to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. I am somewhat at a loss as to what committee the amendment should first be referred. It is concerning the difference in pay to which a Senate employé is entitled between that of messenger in the post-office and laborer. Whether it should go to the Committee on Contingent Expenses first is a matter on which I should like to be advised by the Chair.

The PRESIDENT *pro tempore*. The Chair thinks that usually all amendments intended to be proposed to appropriation bills are referred in the first instance to the Committee on Appropriations.

Mr. VOORHEES. Let the amendment take that course, then.

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from Indiana to the general deficiency bill will be printed and referred to the Committee on Appropriations.

ADMISSIONS TO THE FLOOR.

Mr. HARRIS. I ask the Senate to consider this morning a resolution which I submitted on the 6th of June, giving notice, however, that if it leads to any debate or takes any time I shall not insist upon its consideration.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now proceed to consider Order of Business 681, being a resolution, which will be read for information.

The Chief Clerk read as follows:

Resolved, That the thirty-third rule of the Senate be so amended as to insert after the words "Admiral of the Navy" the words "commissioners of the District of Columbia."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee that the resolution be now considered.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

FOURTH OF JULY CLAIMS.

Mr. CAMERON, of Wisconsin. On the 11th instant I reported by direction of the Committee on Claims the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the

United States Treasury Department. The bill is in the nature of an appropriation bill. It makes appropriation for the quartermaster and commissary claims that were passed upon and allowed by the Treasury Department during the last year. The bill is a House bill. It was very carefully prepared, examined, and considered in the House. The House committee had the assistance of two expert clerks from the Treasury Department who aided in the preparation of the bill. The Senate Committee on Claims have carefully examined it, and we are satisfied that there are no errors in the bill. I should like to have the bill taken up this morning and considered and passed.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate do now proceed to the consideration of the bill named by him. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read at length.

Mr. CAMERON, of Wisconsin. The Senate Committee on Claims adopted the House report. The report is very full and perhaps it would be well to have it read.

The PRESIDENT *pro tempore*. The report of the committee will be read before the reading of the bill, if there be no objection. It will be read.

The Chief Clerk read the following report submitted by Mr. GEDDES, in the House of Representatives, March 7, 1884:

The Committee on War Claims, to whom was referred the letter of the Secretary of the Treasury, dated January 21, 1884, transmitting a list of claims reported by the accounting officer of the United States as allowed under the provisions of the act of July 4, 1864, and acts amendatory thereof, respectfully report—

That this committee prepared a bill from the list so transmitted, and reported the same to the House (H. R. 5377), and the same was printed and recommitted to this committee.

On the 4th day of July, 1864, Congress passed an act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States. (13 Stat. at Large, p. 381.)

The following joint resolutions and acts of Congress, with rules and regulations established thereon to govern in the submission and examination of claims to be presented to the Quartermaster-General and to the Commissary-General of Subsistence, respectively, are given for the information of Congress:

"(Chapter 240, first session Thirty-eighth Congress.)

"An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of or damage to property by the Army or Navy, or any part of the Army or Navy, engaged in the suppression of the rebellion, from the commencement to the close thereof.

"SEC. 1. *And be it further enacted*, That all claims of loyal citizens, in States not in rebellion, for quartermaster's stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

"SEC. 3. *And be it further enacted*, That all claims of loyal citizens, in States not in rebellion, for subsistence actually furnished to said Army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary-General of Subsistence, accompanied with such proof as each claimant may have to offer; and it shall be the duty of the Commissary-General of Subsistence to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been received or taken actually for the use of and used by said Army, then to report each case for payment to the Third Auditor of the Treasury, with a recommendation for settlement.

"Approved July 4, 1864."

"Joint resolution No. 50, first session Thirty-ninth Congress, to extend to the counties of Berkeley and Jefferson, of West Virginia, the provisions of the preceding act, as follows:

"*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the act of Congress of July 4, 1864, entitled 'An act to restrict the jurisdiction of the Court of Claims, and for other purposes,' be, and the same are hereby, construed to extend to the counties of Berkeley and Jefferson, of the State of West Virginia.

"Approved June 18, 1866."

"Joint resolution No. 99, first session Thirty-ninth Congress, to extend the provisions of the act of July 4, 1864, limiting the jurisdiction of the Court of Claims, to the loyal citizens of Tennessee, as follows:

"*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the act of July 4, 1864, entitled 'An act to limit the jurisdiction of the Court of Claims,' is hereby extended to the loyal citizens of the State of Tennessee.

"Approved July 28, 1866."

"(Chapter 57, second session Thirty-ninth Congress.)

"An act to declare the sense of an act entitled 'An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States,' as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of chapter 240 of the acts of the Thirty-eighth Congress, first session, approved July 4, 1864, shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States when such claim originated during the war for the suppression of the Southern rebellion in a State, or part of a State, declared in insurrection by the proclamation of the President of the United States, dated July 1, 1862, or in a State which, by an ordinance of secession, attempted to withdraw from the United States Government: *Provided*, That nothing herein contained shall repeal or modify the effects of any act or joint resolution extending the provisions of the said act of July 4, 1864, to the loyal citizens of the State of Tennessee, or to the State of West Virginia, or any county thereof.

"Indorsed by the President: 'Received February 9, 1867.'

"[NOTE BY THE STATE DEPARTMENT.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

"Joint resolution No. 50, second session Thirty-ninth Congress, to extend the provision of section 2 of the act of July 4, 1864, limiting the jurisdiction of the Court of Claims to cases of quartermaster's stores furnished to the forces of Maj. Gen. Lewis Wallace during the Morgan raid through the States of Indiana and Ohio in the summer of 1863, as follows:

"*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of section 2 of the above-entitled act be, and they are hereby, extended to cover all cases where quartermaster's stores were actually furnished to the forces under the command of Maj. Gen. Lewis Wallace, and duly receipted for by persons acting under his authority, and whose authority shall be proven to the satisfaction of the accounting officers, during the Morgan raid through the States of Indiana and Ohio in the summer of 1863, and for the purpose of giving such receipts for property so applied the said persons shall be held to be proper officers of the Government.

"Approved March 2, 1867.

"The following rules and regulations to govern in the submission and examination of claims to be presented to the Quartermaster-General and to the Commissary-General of Subsistence, respectively, under the act of July 4, 1864, and the several acts and joint resolutions amendatory and explanatory thereof (as herein published), entitled 'An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States,' and the evidence of proofs which must accompany them, are hereby established:

"I. CLAIMS TO BE SUBMITTED TO AND EXAMINED BY THE QUARTERMASTER-GENERAL.

"All claims of loyal citizens, in States not in rebellion, for 'quartermaster's stores' actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipts.

"II. CLAIMS TO BE SUBMITTED TO AND EXAMINED BY THE COMMISSARY-GENERAL OF SUBSISTENCE.

"All claims of loyal citizens, in States not in rebellion, for "subsistence" actually furnished to said Army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipts.

"III. PROOFS REQUIRED IN SUPPORT OF THE ABOVE CLASSES OF CLAIMS.

"(1.) That the claimant is a loyal citizen of a State not in rebellion. (Claims of citizens of the following States, declared by the President of the United States, by his proclamation of the 1st day of July, 1862, to be in insurrection, will not be considered, namely: Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia.)

"(2.) *Citizenship.*—The claimant will be required to show by his own affidavit, supported by the certificate of the clerk or recorder of the town or county of which he claims to be a citizen, that said claimant is a citizen of said town or county.

"(3.) *Loyalty.*—The claimant will be required to file with his claim the oath of allegiance to the Government of the United States, as prescribed by the President's proclamation of the 8th of December, 1863, supported by the certificate of a United States officer, civil or military, that the said claimant was, at the date his claim originated, and has been ever since, loyal to the United States; or the sworn statement of the same facts of at least two witnesses, whose loyalty and credibility shall be vouched for by the certificate of the officers before mentioned.

"(4.) Claims arising under this act must be presented by the claimant or his authorized attorney, and, in the latter case, it must be shown by the certificate of the assessor or collector of his district that he has been duly licensed and authorized to act as a claim agent.

"IV. VALIDITY OF CLAIMS.

"(1.) When quartermaster's stores or subsistence supplies have been taken by officers and receipted for, all of such receipts or vouchers must be filed; or their absence, in any case, must be fully and satisfactorily explained by proper evidence.*

"(2.) When such stores or supplies have been taken by officers without giving such receipts, the claim must set forth the kinds and quantity of stores or supplies, when, where, and by what officer taken, the price or value thereof, and must be supported by the affidavit of the claimant as to the correctness of the claim; that the articles named in the claim were actually delivered to or taken by said officer for the use of the Army; that no receipt or voucher has been received therefor; that no payment has been made or compensation received in any way or from any source whatever for the whole or any part of said claim; that it has not been transferred to any person or persons whomsoever; and that the rates or prices charged are reasonable and just and do not exceed the market rate or price of the article at the time and place stated.

"(3.) In all cases, whether or not receipts have been given for the stores or supplies, the affidavit required by the next preceding paragraph must be supported by such additional affidavits, or other proofs, in relation to the facts stated as may be attainable. The credibility of the claimant and of the witnesses must be vouched for by the certificate of an officer of the United States, civil or military. If receipts have been given, the affidavit above referred to will be modi-

"*By 'receipts or vouchers' is meant each and every copy of any and all documents—in whatever form, whether in ink or in pencil—given by or bearing the signature of any officer in the service of the United States (or by any enlisted man in such service, acting under proper authority) for or relating to the whole or any portion of the stores for which payment is claimed. The attention of agents and attorneys is particularly called to a strict compliance with this requirement in presenting claims.

fied, so far as it relates to receipts or vouchers, substantially as follows: That all of the receipts or vouchers given for such stores or supplies are hereto annexed.

"(4.) Proof must be furnished, as far as attainable, that the quartermaster's stores or subsistence supplies mentioned have been actually used by the Army of the United States. This proof should, whenever practicable, consist of the certificate or affidavit of the officer who took the stores, or who ordered them to be taken, or who, after such taking, took them in charge, setting forth the fact of such taking, to what use the stores were applied, and whether or not they have been accounted for as required by the Regulations of the Army; and if accounted for, upon what returns, or, if not, the reason for failing to account for the same; or, in case the above proof is not attainable, the certificates of other officers, or the affidavit of a soldier, or some other credible witnesses, knowing the facts, setting forth by whom and for what purpose the property was taken, and to what use it was applied.

"(5.) Claims for damages or for losses sustained by thefts or depredations committed by troops, or so much of a charge for stores or supplies as is an element of damages, will not be considered under these acts and joint resolutions.

"(6.) Powers of attorney, legally executed by claimants to agents (bearing properly affixed and canceled internal-revenue stamps) must accompany claims presented by agents.

"(7.) The general allegation that stores, for which payment is claimed, were taken by the officer in command of a large body of troops, for whose subsistence or use the property was applied, or by his order, is not sufficient to establish a claim under this act. Such officers seldom, if ever, personally receive stores (that duty devolving upon subordinate officers), and though issuing orders authorizing the taking of the property as a military necessity, seldom have any knowledge whatever of the particular cases affected by the execution of such orders on the part of their subordinates, except, perhaps, in some few cases arising under peculiar circumstances. Therefore, to facilitate the examination of claims, and to enable the officers deciding them to comply with that clause of the law requiring them, before recommending claims for payment, to be "convinced" that the property was taken in the manner and for the purpose therein set forth (as distinguished from thefts and depredations, by whomsoever committed), claimants are required to furnish the following information (or so much of it as they reasonably may) as a part of their sworn declaration in such, namely:

"1. The name, rank, regiment, and, when known, the post-office address of each officer who took any portion of the stores.

"2. Immediately after each officer's name and designation state the articles and quantities (with their prices) taken by him, together with the exact date when and locality where taken.

"3. Name the brigade, division, and corps with which, or the station or post at which, each officer was serving; the name and official designation of the commissary or acting commissary of subsistence of that brigade, station, or post, and that of the officer in immediate command thereof at the time; and add thereto such attendant facts and circumstances as transpired at the time, in any way bearing upon the case.

"4. State the exact locality of claimant's present residence; if in a city, give street and number; if in the country, the nearest post-office.

"5. The claims must be legibly written; and particular care should be taken in the 'declarations' of claimants, and in the affidavits of witnesses, to correctly state the month and year in which the transaction occurred.

"(8). Claimants will be required to prove the genuineness of the signatures to the receipts filed in support of claims submitted under joint resolution No. 50 of March 2, 1867, and to furnish evidence that the persons executing such receipts were acting under the authority of Major-General Wallace.

"D. H. RUCKER,
"*Brevet Major-General and Acting Quartermaster-General.*
"A. B. EATON,
"*Brevet Major-General and Commissary-General of Subsistence.*

"Approved October 10, 1867.

"U. S. GRANT,
"*Secretary of War ad interim.*"

The following is the legislation of Congress affecting the payment of claims since the acts and resolutions before quoted:

"An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

* * * * * * *

"SEC. 2. That all balances of appropriations, for whatever account, made for the service of the Departments of the Quartermaster-General and of the Commissary-General of Subsistence prior to July 1, 1872, which on the 30th day of June, 1874, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations, shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster's and the Commissary Departments pending in his office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

"Approved June 16, 1874."

[Extract from an act for the allowance of certain claims reported by the accounting officers of the Treasury Department.]

* * * * * * *

"SEC. 2. No claim shall hereafter be allowed by the accounting officers under the provisions of the act of Congress approved June 16, 1874, or by the Court of Claims, or by Congress, to any person where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect of such claim, or presented any false evidence to Congress or to any Department or court in support thereof.

"Approved April 30, 1878."

[Extract from an act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes.]

* * * * * * *

"SEC. 2. That the agents appointed under the provisions of section 2 or 3 of the act approved July 4, 1864, entitled 'An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States,' and acts amendatory thereof, to investigate and report upon all claims filed under said act, are hereby authorized to administer oaths and affirmations and to take depositions of witnesses.

"SEC. 3. That all claims not presented and filed under said act, and the acts amendatory thereof, prior to the 1st day of January, A. D. 1880, shall be forever barred.

"Approved March 3, 1879."

The following statement shows the number and amount of the claims filed under the act of July 4, 1864:

Fiscal year filed.	Total received.		Rejected.	
	Number.	Amount.	Number.	Amount.
1864–'65	2,890	$1,687,858 25	1,404	$1,023,420 87
1865–'66	13,219	7,731,253 83	7,419	4,792,306 79
1866–'67	7,068	3,707,903 24	3,102	1,634,068 81
1867–'68	2,778	1,602,870 74	603	387,704 80
1868–'69	847	670,542 82	222	142,206 45
1869–'70	637	610,707 22	113	196,598 18
1870–'71	590	1,800,004 58	60	132,148 17
1871–'72	1,124	1,483,314 18	274	396,100 75
1872–'73	1,963	2,024,725 16	325	443,689 75
1873–'74	2,606	3,144,572 34	528	694,152 19
1874–'75	2,044	2,345,315 22	871	1,314,460 29
1875–'76	1,098	1,204,834 38	1,254	1,995,767 89
1876–'77	836	679,202 04	642	1,352,159 88
1877–'78	1,408	902,490 99	1,345	1,741,197 86
1878–'79	1,640	961,420 00	1,032	1,077,212 92
1879–'80	12,757	7,527,051 56	921	738,420 46
Total	53,505	38,084,066 55	20,115	18,061,416 06

AMOUNT OF CLAIMS FROM DIFFERENT STATES.

It is estimated that the amounts of the claims from the several States covered by the law of section 300 A, Revised Statutes (act of July 4, 1864), and its amendments, are nearly in accordance with the following proportions: Tennessee, $\frac{18}{38}$; Kentucky, $\frac{3}{38}$; Missouri, $\frac{3}{38}$; West Virginia, $\frac{3}{38}$; Maryland, $\frac{3}{38}$; District of Columbia, $\frac{1}{38}$; Pennsylvania, $\frac{3}{38}$; Indiana, Ohio, Illinois, and Kansas, $\frac{3}{38}$. These proportions show the following amounts for the several States: Tennessee, $19,042,033.27$\frac{1}{2}$; Kentucky, $3,808,406.65$\frac{1}{2}$; Missouri, $3,808,406.65$\frac{1}{2}$; West Virginia, $3,808,406.65$\frac{1}{2}$; Maryland, $3,808,406.65$\frac{1}{2}$; District of Columbia, $1,269,468.88$\frac{1}{2}$; Pennsylvania, $1,269,468.88$\frac{1}{2}$; Indiana, Ohio, Illinois, and Kansas, $1,269,468.88$\frac{1}{2}$.

Of the total amount paid on these claims, the same proportions show the following amounts as having been paid to citizens of the several States: Tennessee, $2,150,791.80+; Kentucky, $430,158.36+; Missouri, $430,158.36+; West Virginia, $430,158.36+; Maryland, $430,158.36+; District of Columbia, $143,386.12+; Pennsylvania, $143,386.12+; Indiana, Ohio, Illinois, and Kansas, $143,386.12+.

The Quartermaster-General, under date of February 14, 1884, states that there are now on hand in his office 9,770 claims undisposed of. Of this number 2,255 are in the hands of agents of the Department for investigation in the locality in which they originated.

The committee has carefully compared the said bill with the record of the cases allowed, and find a few errors therein, and report the bill back with sundry amendments. The amendments to the bill are simply to correct errors in spelling, errors in names, and in the description of the person when the allowance is to a person in a representative capacity.

The committee recommend the passage of the bill as amended. The amount appropriated by the bill is $229,170.84.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will read the bill.

The bill was read at length.

Before the reading was concluded,

The PRESIDING OFFICER (Mr. PLATT in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. CAMERON, of Wisconsin. I ask unanimous consent that that bill may be informally laid aside for the purpose of completing the consideration of the bill before the Senate.

The PRESIDING OFFICER. The Senator from Wisconsin asks that there may be unanimous consent that the unfinished business be laid aside for the purpose of proceeding with the bill under consideration. Is there objection? The Chair hears none.

The reading of House bill 5377 was concluded.

Mr. GEORGE. I move to add, at the end of the bill, the following:

Mississippi:

To Julia A. Nutt, widow and executrix of Haller Nutt, deceased, $85,556.17.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. GEORGE. Mr. President, it is probably my duty to make some explanation of the amendment which I offer. It is the amount found due and recommended by the Committee on Claims of the Senate at this session, as set forth in Senate bill 1851, which reads as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Julia A. Nutt, widow and executrix of Haller Nutt, deceased, the sum of $85,556.17, in full for all claims she may have against the United States arising out of her husband's loss of property during the war of the rebellion.

That bill, as I have stated, was examined and reported by the Committee on Claims at the present session. It has relation to the subject-matter of the pending bill, being of the class of claims which are embraced by the bill.

At the last Congress an act was passed which referred this claim for examination to the Quartermaster-General of the United States, and required him to look into the whole matter and to report to this Congress the facts, and it required further that the report when made should be considered in connection with the other claims allowed and passed upon by that officer and embraced in this bill. So it seems that by express act of Congress the consideration of this matter was directed to be in

connection with the subject-matter of the pending bill. Why it was not made a part of the bill in the other House I am not advised. I know, though, that it has received the sanction of the Committee on Claims.

The best presentation of the merits of the case which can be made will be found in the report made by the Senator from Massachusetts [Mr. HOAR] on behalf of the Committee on Claims, which I ask to have read at the desk, and I ask the attention of Senators on both sides of the Chamber to the reading of that report. However, before that is read I should like to have the Senator from Wisconsin, the chairman of the committee, make some little further explanation within his personal knowledge.

Mr. CAMERON, of Wisconsin. The Nutt claim has a history. Haller Nutt, before the war and during the war, owned two very extensive and valuable plantations in Tensas Parish, Louisiana. There is no question whatever in regard to his loyalty, although he did reside in Louisiana. After the army under General Grant had passed Vicksburg the home of Mr. Nutt seems to have been a home for General Grant and many of the other Federal officers in the Army. General Grant gave what has been called a "safeguard" to Mr. Nutt. It is set forth in the report made on this claim during the present session from the Committee on Claims by the junior Senator from Massachusetts [Mr. HOAR]. That safeguard reads as follows:

A safeguard is hereby granted to the plantation, houses, stock, and other personal property of Mr. Haller Nutt, on Lake Saint Joseph, Tensas Parish, Louisiana, known as "Evergreen." All officers and soldiers belonging to the Army of the United States are therefore commanded to respect this safeguard, and to afford, if necessary, protection to said Nutt and his property above referred to.

Safeguards similar to the one that I have just read were issued to Mr. Nutt by General McPherson, General A. J. Smith, and other Federal commanders in that neighborhood. But the Army was in want of supplies, and there were immense supplies on the plantations of Mr. Nutt, and they were taken for the use of the Army.

General Grant in 1866 appointed a commission for the purpose of examining the claim made by Mrs. Nutt, her husband having died in the mean time, and that commission reported the value of the supplies taken at $112,472.16.

The matter was referred to the Quartermaster-General and to the Commissary-General of Subsistence, but those officers held that they could not consider the claim; that it did not come within their jurisdiction or authority.

After the Southern Claims Commission, so called, was established, Mrs. Nutt presented a claim, not the claim for the full amount of value of the supplies taken, but a claim to the Southern Claims Commission amounting to $117,459.92. This claim was examined by the Southern Claims Commission, and something over $56,000 of the amount presented was allowed. That amount has been paid to the claimant. The claimant afterward came to Congress, and on the 7th of August, 1882, Congress passed the act referred to by the Senator from Mississippi. That act referred the claim to the Quartermaster-General of the United States, and it provided that the amount reported by him should be considered by Congress in connection with other claims reported from the Quartermaster-General's Office. The matter was referred by the Quartermaster-General to Colonel Ekin, who has had great experience in the matter of the investigation of similar claims. Agents under the direction of Colonel Ekin went to the place where these supplies are alleged to have been taken, took testimony, and reported in favor of the payment of $256,884.05. A bill was introduced in the Senate during the present session for the payment of this sum. The items making up this amount appear in the report made by the Senator from Massachusetts.

The Committee on Claims examined the whole matter and reported a bill for the payment of $85,556.17. The Quartermaster-General reported in favor of the payment for property destroyed which might have been used, and which was proper to be used by the military forces, but which was in fact destroyed. The Committee on Claims has never recognized the principle that the Government should pay for property destroyed, no matter what the nature or character of that property was, but only for property which was actually taken and used for the purposes of the Army. The committee found that of the amount reported by the Quartermaster-General $85,556.17 was actually used by the Army.

Mr. BROWN. What was the character of the supplies?

Mr. CAMERON, of Wisconsin. Horses, fodder, corn, bricks, cypress lumber, 4,000 cords of wood, kegs of nails, 100 barrels of pork, 900 acres of corn. There was a large quantity of corn growing, and which had matured on the plantations—about 1,800 acres of the plantations. Half of that corn was burned, either accidentally or designedly, but the other half was gathered and used by the military forces. We report in favor of payment for the corn which was taken and used, but not in favor of payment for the corn which was destroyed; and 900 acres were taken and used by the Government.

Mr. BROWN. Was the corn required in this case?

Mr. CAMERON, of Wisconsin. It was; and there was entire proof of the loyalty of Mr. Nutt. General Grant and other Union generals who knew him intimately and well testify very strongly in regard to his loyalty.

The committee were satisfied that this was a proper claim to go on this bill, and it probably would have been put upon the bill at the last meeting of the committee but unfortunately there was not a quorum of the committee present, and those who were present concluded that they would favor the offering of this amendment. It probably would have been offered by the Senator from Massachusetts, if he were present; but as it is the Senator from Mississippi [Mr. GEORGE] offers the amendment, and the committee is in favor of agreeing to it.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Does the Senator from Mississippi desire that the report be read?

Mr. GEORGE. I do not know that it is necessary after the very full explanation of the Senator from Wisconsin. It need not be read unless some Senator desires that it be read.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Wisconsin that probably the title had better be amended as the claim added by the Senate has not been allowed by the Department.

Mr. CAMERON, of Wisconsin. I move to amend the title so as to read:

A bill for the allowance of certain claims reported by the accounting officers of the Treasury Department, and for other purposes.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House insisted upon its disagreement to the amendment of the Senate to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, agreed to the request of the Senate for a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN L. CLARDY, of Missouri; Mr. EDWARD W. SEYMOUR, of Connecticut; and Mr. SAMUEL R. PETERS, of Kansas, managers at the conference on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes.

The message also announced that the House had passed a concurrent resolution in relation to the pedestal of the Bartholdi statue, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2145) to extend an act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe; and it was thereupon signed by the President *pro tempore*.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. PLATT in the chair) laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes.

On motion of Mr. ALLISON, it was

Ordered, That the Senate insist on its amendments disagreed to by the House of Representatives and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

PENSION APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States, for the fiscal year ending June 30, 1885, and for other purposes.

On motion of Mr. LOGAN, it was

Ordered, That the Senate insist on its amendments disagreed to by the House of Representatives and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. LOGAN, Mr. DAWES, and Mr. CALL were appointed

ADDITIONAL MESSENGER.

Mr. JONES, of Nevada. The Committee to Audit and Control the

Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Missouri [Mr. VEST] yesterday to authorize the Sergeant-at-Arms to appoint an additional messenger and doorkeeper, have instructed me to report it back with a substitute, and recommend the passage of the substitute.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reports the resolution named by him with an amendment which will be read.

The CHIEF CLERK. It is proposed to substitute for the original resolution the following:

Resolved, That the Sergeant-at-Arms of the Senate be authorized to appoint an additional messenger, to be assigned to duty until further orders of the Senate.

Mr. JONES, of Nevada. I ask for the present consideration of the resolution.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. HARRIS. Let the resolution for which this is a substitute be read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read the original resolution submitted yesterday by Mr. VEST, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be authorized to appoint an additional messenger and doorkeeper, to be assigned to duty until further orders of the Senate at the west door of the Senate Chamber, and at the door of the Committee on Foreign Relations.

Mr. JONES, of Nevada. I will state that it is understood that that is where the assignment will be made without stating it in the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4701) to change the time of holding the district and circuit courts of the United States in the northern district of Georgia.

HOUSE BILL REFERRED.

The bill (H. R. 7012) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title, and, on the motion of Mr. MCMILLAN, referred to the Committee on Commerce.

CLAIM OF GEORGIA.

Mr. BROWN. I ask unanimous consent to call up Order of Business 651, being the bill (S. 1948) to require the payment in cash to the State of Georgia of $35,555.42, appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 3, 1883. I presume there will be no objection to the passage of the bill. It has twice passed the Committee on Claims, and the Senator from Massachusetts [Mr. HOAR] moved the other morning to take it up with a view to its passage, but it was passed over then on the objection of my friend from Indiana [Mr. VOORHEES]. He said then he would very cheerfully aid in getting it up at any other time. If I thought it would lead to any discussion I would not ask that it be taken up at this time, but I feel satisfied that it can not, and the justice of the claim has been fully admitted and an act passed to pay it at the last session of Congress, but payment is withheld by a decision of the Comptroller of the Treasury on the ground that he undertook to set it off against the direct tax that was laid at the commencement of the late unfortunate struggle.

I need not go into the facts again, for all the Senators are familiar with them, I believe. No objection was urged when a bill was passed about a month ago for another small claim of the State for money which was paid out in the Indian wars, and the provision was put in distinctly that it should not meet with any opposition in the Treasury, but should be paid in cash.

The PRESIDING OFFICER. The Senator from Georgia asks for the consideration of the bill indicated by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1948) to require the payment in cash to the State of Georgia of $35,555.42 appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 3, 1883.

Mr. DOLPH. I now offer the amendment which I submitted some time since to this bill and which has been printed. I ask that it be read.

The PRESIDING OFFICER. The amendment of the Senator from Oregon will be read.

The CHIEF CLERK. At the end of section 1 it is proposed to insert:

And the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the State of Oregon the sum of $35,140.67, and to the State of California the sum of $495.72 for moneys paid by said States in suppressing Modoc Indian hostilities during the Modoc war, and in defending said States from invasion by said Indians during the years 1872 and 1873; and the said sums are hereby appropriated for such purpose out of any moneys in the Treasury not otherwise appropriated, and which sums were appropriated for the States of Oregon and California by an act to reimburse said States, and the citizens thereof, in the suppression of Indian hostilities during the Modoc war in 1872 and 1873, in the act of Congress approved January 6, 1883.

Mr. DOLPH. It seems to me that what is just in the case of Georgia would be just in the case of the States of Oregon and California. The only difference in the cases is that the State of Georgia never assumed the payment of the tax. The Legislatures of the States of California and Oregon did pass acts providing for the collection and payment of the tax, and in the case of the State of Oregon authorizing the Secretary of the Treasury to draw upon the treasurer of the State for the amount. This was not done. No attempt was made on the part of the United States to collect the tax. After the act of Congress referred to in the amendment had been passed providing for the payment to the States of Oregon and California of money expended by those States in the Modoc Indian war the Secretary of the Treasury arbitrarily withheld from those States the amount of money, or in the case of Oregon so much as was necessary, appropriated by that act, and applied it toward the payment of the direct tax.

In offering this amendment I simply desire to ascertain whether a difference is to be made between the State of Georgia and the States of Oregon and California. I do not understand that there is any more authority of law, any greater right on the part of the Secretary of the Treasury, to withhold the money in the one case than in the other.

Mr. FRYE. I desire to ask the Senator from Oregon whether or not these two claims have been investigated by a committee of the Senate and reported favorably.

Mr. DOLPH. The claims of the States of California and Oregon as a whole I think have been reported upon. There has been, I believe, a bill reported from the Committee on Finance in regard to the entire matter of the direct tax; and there is a report upon the desk of the Senator from the Secretary of the Treasury showing the entire history of this tax, showing that the amount of the tax by the act of August 5, 1861, allotted to the State of Oregon has been retained by the Secretary of the Treasury out of money due the State from the United States.

Mr. CAMERON, of Wisconsin. I will ask the Senator from Oregon whether the war tax levied, not upon Oregon, but upon the citizens of Oregon, was assumed by the State of Oregon, and whether the war tax levied upon the citizens of California was assumed by the State of California? How is that?

Mr. DOLPH. At the first sessions of the respective Legislatures of Oregon and California the war tax was assumed, and in the case of Oregon an appropriation was immediately made of $10,000, and the Secretary of the Treasury was authorized to draw on the treasurer of Oregon for that amount, and he was authorized to draw for the balance of the tax on and after the 1st of March of the succeeding year, 1863, but so far as I am informed no draft was drawn and no step was taken by the Treasury Department to collect it until after the appropriation for the relief of the State of Oregon had been made by the act of Congress referred to in the amendment. Then the Secretary of the Treasury arbitrarily applied the amount which was thus appropriated to the State of Oregon to refund the expenses incurred by that State in the Modoc war, or so much thereof as was necessary for the purpose to the payment of the quota of the direct tax allotted to the State, and the same thing was done to the extent of the amount due the State of California under said act in the case of that State.

At the first session of the Legislature of the State of California after the passage of the act of August 5, 1861, the levy of a tax upon the taxable property of that State sufficient to pay the quota of that State of the direct tax was authorized, and as I recollect the provisions of the act the amount as collected was to be paid into the subtreasury at San Francisco, but that appears not to have been done, and no steps were taken to collect it on the part of the United States, and as far as I can see there ought to be no difference as to the liability to pay this tax between the States of California and Oregon and the State of Georgia. If the tax is not paid voluntarily the United States should be required to collect it on the alleged assumption of the States or else to go into the States and collect it off their citizens. The retention of the money by the Secretary of the Treasury I think can be no more justified in the one case than in the other.

Mr. CAMERON, of Wisconsin. The State of Wisconsin is in the same position substantially as the States of Oregon and California. A war tax was levied by Congress upon the citizens of Wisconsin. At the first meeting of the Legislature of that State after the tax was so levied it was assumed by the Legislature of that State, and a large amount of the tax was collected by the State and paid into the Treasury of the United States. A considerable amount remained unpaid at the close of the war, and from that time to this whatever amounts have been found due to the State of Wisconsin on account of the 5 per cent. fund or on account of anything else have been credited to the State on this war-tax debt. Until the whole matter between the States and

the General Government is adjusted, I do not see how I can vote for the amendment offered by the Senator from Oregon.

Mr. HARRISON. Will the Senator from Wisconsin explain to us how the case of Georgia differs from the case of the other States?

Mr. CAMERON, of Wisconsin. The State of Georgia did not assume the tax; the United States can proceed now to collect the tax from the tax-payers of Georgia; the State government never assumed it. That is the difference.

Mr. INGALLS. That is, this bill puts a premium on rebellion.

Mr. CAMERON, of Wisconsin. That is the construction the Senator gives it.

Mr. DOLPH. I should like also to inquire what is to prevent the United States Government from proceeding against the Senator's own State to collect the balance of the war tax due from that State.

Mr. CAMERON, of Wisconsin. Nothing, and my State is able to pay every dollar of it, as it has paid all except a very small amount, and it has made provision for paying that.

Mr. HARRISON. Will the Senator from Wisconsin tell me if he deems that a right and honorable course in the case of his State, why it is not right in the case of Georgia to do the same.

Mr. CAMERON, of Wisconsin. I am not saying anything about Georgia. I am speaking of the amendment offered by the Senator from Oregon.

Mr. INGALLS. Was not this bill referred to the Committee on Claims, of which the Senator is chairman?

Mr. CAMERON, of Wisconsin. It was.

Mr. INGALLS. Then I think he ought to say something about the State of Georgia. He answers rather curtly that he is not saying anything about the State of Georgia. It seems to me that he is called upon, if interrogated, to make some observations about the State of Georgia.

Mr. CAMERON, of Wisconsin. I am entirely willing to make observations in regard to it, if interrogated.

Mr. HARRISON. I hope the Senator will consider himself as interrogated by me.

Mr. CAMERON, of Wisconsin. The distinction I have already stated, that inasmuch as the State of Wisconsin and the State of Oregon and the State of California assumed the tax, it thereby became an indebtedness of the States and not a claim against the tax-payers of the States. Now, whether that is sound or not, that is the position occupied by the Committee on Claims. If the Senate does not choose to agree with the Committee on Claims, the committee will not complain.

Mr. INGALLS. If there is a report, I should like to hear it read.

Mr. CAMERON, of Wisconsin. There is a report.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The reading of the report is demanded; it will be read.

Mr. DOLPH. I should like to ask the Senator from Wisconsin a question. Admitting that the tax assumed by a State is a claim of the United States against the State, is he aware of any law that authorizes the Secretary of the Treasury to offset a claim of the State of Oregon against the United States growing out of an entirely different transaction against the claim of the United States for this direct tax?

Mr. CAMERON, of Wisconsin. I am not; but the Secretary of the Treasury has found a law which authorized him to offset it, and he has acted under that law, whatever it may be, for the last ten or fifteen years.

Mr. DOLPH. I desire to say, that while I am a member of the Committee on Claims, this report was considered by the committee and authorized to be made during my absence, and the first time I heard of it was when it was made in the Senate. That is the reason I did not offer the amendment I have offered in the Senate in the committee.

The PRESIDING OFFICER. The report will be read.

Mr. BROWN. Before the report is read I should like to make a short statement. This case stands somewhat upon a different footing from the case presented for Oregon or California. The distinction has been well stated by the chairman of the committee, the Senator from Wisconsin.

The Government of the United States, I presume, does not claim the power to assess a tax against a State and say to the State, "You must pay out of your treasury a certain amount to help support the Government of the United States." The Government of the United States does possess the fullest power to go into a State and assess a tax against the people of the State and collect it, a property tax, direct tax, or internal-revenue tax of a personal character. In all those cases the right is claimed by the Government and conceded by everybody; but for the Government to say, "We assess $1,000,000 against New York, and a like proportion against every other State in the Union, according to population or according to wealth," is a power that I believe is not claimed by anybody.

The Government may collect its revenues at the ports by a tariff, or it may collect revenues by an internal tax, but still it is a tax on property or on the people, and not a tax against the governments of the States. When this tax was assessed it was assumed by several of the States, the State of Oregon I understand being one of them, the State of California another, the State of Wisconsin another. The State of Georgia was not in a condition to assume it at that time, and did not.

Mr. INGALLS. Has it ever assumed it since?

Mr. BROWN. No; she has not assumed it at all. I was coming to the relation that I think she occupies to this question, if the Senate will bear with me. Since that time the State of Georgia has not assumed it. Therefore I do not question the power of the Government to go into the State of Georgia by its collectors and collect the tax wherever it can find the property; not out of the treasury of Georgia and not as a debt due by Georgia, but as a tax assessed against the citizens of Georgia which the Government has a right to collect whenever it can find the property against which it was assessed. Then I have no hesitation in saying—for I propose to deal with perfect frankness in this whole matter—that I have no doubt the State of Georgia through her Legislature would assume the debt, as the other States have done, and would not permit the tax-collector to go into her borders and collect the tax from her people.

Mr. HARRISON. Will the Senator allow me to ask him whether the best way would not be for Georgia to assume it first, and then to allow this to made a set-off?

Mr. BROWN. No; I think the best way would be for Congress to release all the States that have assumed it and refund them what they have paid. And I will further reply to the Senator from Indiana that I accept the results of the war, with all their sequences, and I admit that the people of Georgia are liable for the tax; but I do not admit that the people of Georgia are more liable for it than the people of any other one of the Southern States, and I think if it is the pleasure of the Government to collect it at all, the people of Georgia being liable and the people of all the other Southern States being liable, they ought all to be treated alike.

Mr. INGALLS. Have any of the other Southern States been credited?

Mr. BROWN. None of the other Southern States, as I understand, have been credited by set-off with anything on account of it; at least if they have I am not aware of it. If you are going to collect it, say so by a resolution or act of Congress, and Georgia will respond as promptly as any other State in the Union to her part of it. My own opinion is that it should not be collected from any of the States. The matter is very much tangled as it now is. To go into the States and undertake to collect it in a legal way would be quite an embarrassment. Some of the States have assumed it and some have not. I think the proper disposition of this question would be to refund to all the States which have paid anything the amount they have paid, with interest if you please, and then wipe the whole thing out, as the Treasury is in a condition that it can very well afford to do without it, and get rid of an embarrassing question. I think it would be a very honorable and very fair mode of disposing of it. That would be my mode of getting rid of the whole thing: refund to Oregon, refund to California, to Wisconsin, and to any other State that has paid anything what they have paid, with interest on it, and then repeal the whole law. But if that does not meet the views of the majority of the Senators or a majority of Congress, then pass a resolution that you will require the collection of it, and then treat all the States lately in rebellion alike. Do not by piecemeal collect part of it from Georgia and not from the other States, but tell all of them that they must pay it and we will do it. I think that is the fair and better way.

Mr. HARRISON. Will the Senator from Georgia allow me to interrupt him again?

Mr. BROWN. Certainly.

Mr. HARRISON. As he has stated this matter so clearly, has not his own statement demonstrated that the right way to deal with this question is by a general law, rather than by this special legislation in relation to Georgia and two or three other States? Is it not right that a committee should consider this whole question and bring it to the attention of Congress whether we will collect the tax or not? Let us settle that question. If we conclude not to collect it, let us decide whether we will refund to the States that have paid what has been paid, and deal with the whole question in a general law.

Mr. BROWN. I think it would be proper to deal with the whole question in a general law, and as this amount was acknowledged to be a just claim due to Georgia at the last session of Congress and the appropriation was made, and the only hitch has been with the Comptroller of the Treasury, and the Committee on Claims have reported in this case in favor of the payment unanimously, I think objection should be withdrawn from this claim. Georgia will pay it whenever the other States do, and then, after this is disposed of, let there be a general bill introduced covering the whole question, and I shall very cheerfully vote for it on any just basis. I claim for Georgia nothing that I do not concede to every other State; I ask nothing for her that I would not vote for in behalf of any other State; but this is the only claim that stands in the condition that it does, where the State has not assumed the tax, and where the Government of the United States has admitted the justice of the debt due the State, has made an appropriation to pay it, and it is simply withheld by a subordinate officer of the Treasury.

I want to state in this connection that my colleague and I addressed a letter to the President on the subject, supposing he had the power to control the Treasury Department. That was referred to the Attorney-General, and the Attorney-General gave an opinion that there was no right to set off this claim against the State of Georgia; that the State

of Georgia owed the Government nothing; that the tax was to be collected from the tax-payers and not from the State; and that it ought not to be withdrawn and the amount ought to be paid. But still the Comptroller of the Treasury insisted that he was under no obligation to respect the opinion of the Attorney-General, and he adhered to his decision. That is the condition of the case exactly.

Then I introduced this bill and it was referred to the Committee on Claims, and the Committee on Claims have unanimously reported it, as already stated by its honored chairman [Mr. CAMERON, of Wisconsin]. That is the situation.

I therefore respectfully ask the Senate to permit this case to be disposed of in this way and let the money be paid over that has been appropriated, and I will vote for any fair adjustment, as I believe all the Southern Senators will, either for a resolution that all pay the tax or for a bill that what has been paid be refunded and nobody pay it, and the latter would be my preference. I think it is better under all the circumstances.

This is about all the explanation I desire to make.

Mr. INGALLS. Mr. President, a gentleman who had been sentenced to death for the murder of his father and mother, when asked by the court if he had any reason to offer why sentence should not be pronounced, expressed the hope that clemency would be exercised toward him upon the ground that he was an orphan. I do not know of any plea which surpasses that in sublime audacity ever having been presented, unless it may be that in behalf of the passage of this bill by the Senator from Georgia. Here is an admitted obligation on the part of the State of Georgia to the United States.

Mr. BROWN. No; that I deny.

Mr. INGALLS. The Senator denies it.

Mr. BROWN. I stated when up, and the chairman of the committee stated, and the Attorney-General has given the express opinion, that there is no debt due from the State of Georgia.

Mr. INGALLS. The United States of America in its sovereign capacity assessed a certain amount of tax.

Mr. BROWN. Against the people of Georgia?

Mr. INGALLS. Against the people of Georgia.

Mr. BROWN. Not the State of Georgia.

Mr. INGALLS. Against the people of the State of Georgia, and the only reason why the Senator from Georgia insists that this claim of set-off should not be allowed is because it never was assumed by the State of Georgia.

Mr. BROWN. And is not therefore a debt of Georgia.

Mr. INGALLS. The State of Georgia at that time was in a condition of open and flagrant rebellion against the United States of America. It was at war with the Government; its Legislature was in session as a hostile political organization. The Senator claims that because under those circumstances the people of the State of Georgia as a political entity have not assumed this debt, therefore they should be excused from the payment of it.

Mr. BROWN. Not at all; I have not said that.

Mr. INGALLS. And that those States which remained loyal and which did assume the debt and which have paid either the whole or a part of this obligation should be held to the nomination of the bond.

Now, Mr. President, I do not know how much further the Government is to be called upon to go in the direction indicated by this bill. The State of Kansas was assessed a certain portion of this tax by the Government of the United States; whether the people of the State assumed it by legislative action or not, I do not know; but I do know that a certain portion of it remains unpaid to-day on the books of the Treasury Department, and that the per cent. upon the sales of the public lands, upon the sales of extinguished Indian reservations, the 5 per cent. to which the State is entitled under previous laws, is withheld and payment refused because the State of Kansas owes a certain portion of this war tax; and yet we are called upon here to vote that, because the State of Georgia was in rebellion and because, being in rebellion, its Legislature refused to recognize the authority of the United States, because it refused to assume this debt, because it has never since that time attempted to assume it since it has resumed its relations with the Government of the United States, and because the Senator says that they never intend to assume it——

Mr. BROWN. No; I did not say that.

Mr. INGALLS. That we are called upon to ignore——

Mr. BROWN. I distinctly stated that if an effort was made to collect it from the States generally they would pay it, I have no doubt.

Mr. INGALLS. The Government is going on day by day every year of its existence in collecting this tax from the loyal States. It collects it by withholding dues from the Government to those States. As I said a moment ago, this is putting a premium upon disloyalty; it is saying to those States that went into the rebellion and who tried to overthrow the Government, and that refused to assume this tax because they were in rebellion, and that never since that time have pretended to resume their relations to the extent of paying this debt, and that have not any intention of paying it, that they shall be placed in a position which shall be different from and superior to that of those States who remained loyal to the Union.

I suppose it will not be of any use to attempt to stay the passage of this bill; but I do not propose that it shall pass without a distinct statement of the grounds upon which its passage is asked. If it does pass, so far as the pecuniary relation of the governments of the States is concerned, it was better for a State to have been in rebellion and revolt against this Government than to have been loyal and paid its honest obligations.

Mr. BROWN. Mr. President, I desire to say a few words in reply to the Senator from Kansas. The Senator from Kansas is a very able lawyer, he is a member of the Judiciary Committee, and I venture to say that if this question were submitted to him as a lawyer he would have no hesitation in deciding, just as the Attorney-General of the United States has decided, that the State of Georgia owes the Government of the United States no debt on account of this tax (I am not speaking now of her people, but I speak of the State of Georgia); that there is no legal ground of set-off between them; and that there is no court in the United States or in the world that would allow a set-off in such a case if it were brought before the court. The court would say to the United States, if plaintiff or complainant in such a case, "Go and collect the tax from the people of Georgia; you have a perfect right to do that, but you have no right to set it off against a claim that you admit to be due from you to the State of Georgia."

I must again state, because it seems the Senator from Kansas did not understand me when I was on the floor before, that the State of Georgia does not at present deny that this tax is one levied against her citizens that may be collected whenever the Government of the United States determines to do so.

The Senator from Kansas says to pass this bill would be to put a premium upon rebellion. On cool reflection I do not think he will adhere to that position. Neither are the people of Georgia nor is the State of Georgia trying to get rid of any just claim. We are asking no premium and we are asking no privilege that would not be accorded to any other State of the Union. The decision of the Attorney-General would apply as well to Massachusetts or Maine or Iowa or any other State as it would to Georgia. If either of those States had not assumed the payment of the tax the decision would be that the Government could go into the State and collect the tax from the people, but that it could not set it off against a claim that either of those States might have against the General Government.

I have stated distinctly that we are ready to bear our part of the burden; that we have accepted the results of the war with all the legitimate sequences; that we ask for nothing of clemency; we ask for no credits that other States do not get; but I submit it to the sense of justice and fairness of Senators whether it is proper to single out Georgia and collect from her in this indirect way, or by using a set-off which the law would not permit without collecting from the other Southern States in the same way, to say nothing at all about the Northern States. Is it a fair mode of dealing? Would it not be proper by resolution to say to all the Southern States "we require this tax to be paid in?" I presume you would be met by a ready response from every Southern State, or by its Legislature, as soon as it came in session, assuming the debt and paying it; but if they did not you would have the same right you now have to go into the State and collect it.

Therefore the Government is in no danger of losing a single dime by reversing its rule of set-off, and especially where it is attempted to set off a claim where there is no mutuality of indebtedness between the parties. Let the question be dealt with in that statesmanlike manner, and we are ready to meet our part of the burden any time.

I think, as I have stated, the better way to do it would be to repeal the act and refund the money to each State which has paid anything on account of it. If that is not the proper mode, and if the Government desires to collect the amount, then let it send its tax-gatherers into the South and collect it, if the Southern States do not assume it and pay it. That they would assume it in that case, as I have already stated, I have no doubt. So there is no possible chance to lose anything.

Now, am I asking for Georgia anything that is not given to any other State? If there were any other States that had not assumed the war tax and stood in the condition that Georgia stands and there was an attempt to set off the amount in the Treasury that was due to the State against the war tax, that would be just the case of Georgia.

The other States that have assumed it do not present that case, for there is a just and a legal set-off—not only just, but legal—as between the State and the Government, because there are mutual debts. Here there is no mutuality between the State of Georgia and the United States, because there are no mutual debts. There is a right, as I have stated, to go into the State and collect it, and when you want it you can get it; but I simply ask you to collect it from the other Southern States when you collect it from Georgia. Instead of doing that, it would be much better to repeal the act as to all the States, and refund the amount that what are termed the loyal States have paid in. We are ready to meet it on any fair and just basis, but we insist the Government has no right to apply the rule of set-off to us where there is no mutuality of contract and no mutual indebtedness as between the State and the Government, and where the Attorney-General of the United States has given the express and decided opinion that there is no such mutuality and no right of set-off. That is the situation.

Mr. MILLER, of California. Mr. President——

Mr. CAMERON, of Wisconsin. Will the Senator allow the report of the Committee on Claims to be read? It is very brief.

Mr. MILLER, of California. I have only a few words to say. It can be read afterward.

The distinction which the Senator from Georgia draws between the people of a State and the State seems to me to be exceedingly technical and refined, especially in dealing with a question like this.

Mr. BROWN. If the Senator will allow me a moment, I ask the Senator himself if he can point to any provision of the Constitution of the United States that would authorize the Government of the United States to assess a tax against a State and collect it from her treasury or from the State as a State? The United States have unlimited power to go into the State and assess it on the people; I admit that.

Mr. MILLER, of California. The taxes are apportioned among the States.

Mr. BROWN. But collected from the people.

Mr. MILLER, of California. Of course it is a tax upon the people. But what constitutes a State? The State is an aggregation of people in a political capacity—an organization. In dealing with such a question here in the Senate it does not seem to me that we are to be guided by the technical rules of law which would govern courts of justice. What is right and honorable and fair and equitable among the States or the people of the States is what ought to be enacted here.

Mr. BROWN. If the Senator will allow me to interrupt him, I will ask him if he contends that the Government of the United States has any right to assess a tax against a State as a State and collect it from the State?

Mr. MILLER, of California. I presume not against the State as a State; that is, the Government can not assess a tax——

Mr. BROWN. Then it can have no right to set-off that tax against the claim of the State as a State.

Mr. MILLER, of California. But I fail to see the difference in the two cases: the case of Oregon, for example, and the case of Georgia. The people of the State of Georgia owe this uncollected tax to the Government of the United States. The people of Oregon, through their representatives and by their Legislature, assumed the debt which Oregon owed to the United States, and paid a part of it. As to the remainder, a debt being due the United States from Oregon, the United States sets off that much of the debt against Oregon and attempts to collect it from Oregon in that manner. In the case of Georgia the people owe the uncollected tax, and the Government has undertaken to make a like set-off. The Senator says you can not do it because technically the State of Georgia does not owe it, but admits that the people of Georgia do owe it.

I say that the Senate of the United States in dealing with a question like this is not to be governed by the strict technical rules of law which would govern a court of law, but it ought to sit rather as a high court of equity to deal with the States upon equitable and just principles. In that view of it there is no substantial difference between the case of Georgia and the case of Oregon. If it is right that this money due from the United States should be paid to Georgia without reference to the tax, it is right that the other amounts due should be paid to the State of Oregon and the State of California. That is the justice of the case, and to do any other way is a manifest and palpable injustice which I apprehend the Senate is not willing to perpetrate.

Mr. BROWN. I do not like to interrupt the Senator from California, but I will ask him one more question. Has the justice of the claims of Oregon and California been admitted by an act of Congress directing their payment?

Mr. MILLER, of California. I think not by an act of Congress, but they have been adjudicated and settled by the executive department of the Government, and it is just as well understood that that much money is due to the State of Oregon as it is that $35,000 is due to the State of Georgia.

Mr. BROWN. I understood the Senator from Oregon to state that there has not been even the report of a committee in favor of the payment.

Mr. MILLER, of California. There has been a report from the Secretary of the Treasury, and I am informed by the Senator from Indiana [Mr. HARRISON] that there is a report from the Committee on Military Affairs.

Mr. HARRISON. Both of the claims referred to by the Senator from Oregon were reported favorably from the Committee on Military Affairs at the last Congress, and an act was passed which I placed in the hands of the Senator from Oregon a few moments ago.

Mr. BROWN. That is still not the case of Georgia, because very often a claim is reported favorably by a committee and rejected by Congress.

Mr. HARRISON. But Congress passed the law.

Mr. DOLPH. The law was passed and the appropriation made, and our money has been kept back from us.

Mr. BROWN. When was the law passed?

Mr. MILLER, of California. The Senator from Oregon has a copy of it. He can read it.

Mr. INGALLS. Now may we hear the report in this case read?

Mr. CAMERON, of Wisconsin. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. HOAR, May 28, 1884:

The Committee on Claims, to whom was referred the bill (S. 1948) to require the payment in cash to the State of Georgia of $35,555.42 appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 3, 1883, have considered the same, and respectfully report:

The last Congress passed an act approved March 3, 1883, to refund to the State of Georgia certain moneys expended by her for the common defense in 1777, the evidence of which expenditure, having been lost for many years, had recently been discovered. The accounting officers of the Treasury declined to pay over to Georgia the money so appropriated, but claimed that it should be set off against moneys due from that State as her share of the direct tax assessed during the late rebellion.

We do not think that it was the expectation of Congress that such a set-off would be required, or that it is intended to enforce against any delinquent State the payment in money of its share of such tax. All the States which took part in the rebellion we suppose to be so delinquent. If matters should be left as they now are it would be unjust to Georgia to withhold from her the sum due to her and thereby indirectly to compel the payment of a part of said tax from which the other Southern States are relieved. If, on the other hand, Congress shall reimburse to the States the amounts which have been paid by them, equal justice will have been rendered to all and there will be no propriety in withholding from Georgia the sum now in question, which is her due.

We therefore recommend the passage of the bill.

Mr. INGALLS. In view of the facts with regard to the condition of the account of the United States against the several States for their portion of the war tax the report of the Committee on Claims may be justly regarded as entertaining. The report says:

We do not think that it was the expectation of Congress that such a set-off would be required, or that it is intended to enforce against any delinquent State the payment in money of its share of such tax. All the States which took part in the rebellion we suppose to be so delinquent. If matters should be left as they now are it would be unjust to Georgia to withhold from her the sum due to her and thereby indirectly to compel the payment of a part of said tax from which the other Southern States are relieved.

I have before me Senate Executive Document No. 142, Forty-eighth Congress, first session, being a letter from the Secretary of the Treasury in answer to Senate resolution of March 28, current year, transmitting a statement of the war tax of 1861 unpaid, and the measures to collect the same, which was referred on the 1st of April of this year to the Committee on Finance and ordered to be printed. The communication from the Secretary of the Treasury, dated the 29th day of March, 1884, incloses "a statement showing what amount of the war tax of 1861 is due and unpaid, from what States due, and the portion thereof which has been paid by withholding moneys due to States from the General Government and by collections through the direct-tax commissioners." The Secretary concludes:

The rule adopted in withholding moneys due from the General Government has been applied alike to all the States.

Now let us refer for a moment to the state of the account. If the report of the Committee on Claims is to be relied upon we should be led to believe that all the Southern States were delinquent; that by common consent they had been practically released from the payment of this tax; and the Senator from Georgia comes in and says it would be a great act of injustice to withhold from the State of Georgia this $35,000 that was earned in 1777, one hundred and seven years ago, that has waited all this time, more than a century, for recognition, and was at last finally allowed by an act of Congress in 1883, to be set-off against a direct war tax levied by the Government against that State, or the people of that State, to be more technically accurate, in 1861.

The facts are that every single one of the Southern States has paid on this tax. There is not one solitary exception. It happens, however, that with one single exception the State of Georgia owes more than any other State. It has been more delinquent; it has been more regardless of the obligation it owed to the Government of the United States; it has been more defiant than any other one of the Southern States; and one of them, supposed in popular estimation to be more widely liable to execration than any other, the State of South Carolina, has not only paid but it has overpaid, and the Government now owes the State of South Carolina upon the war tax for overpayment $14,390.63. The State of Georgia—I beg pardon; the people of the State of Georgia—owed—perhaps I should not even say that they owed, because the tax never has been assumed by the Legislature of the State—but under the act of 1861 the amount of this tax that was imposed upon the people of Georgia (and which upon the assumption on which the people of Kansas acted and the people of Wisconsin acted and the people of all the loyal States of the North acted they were bound to pay) was $584,367.33.

The Committee on Claims say that the State of Georgia is delinquent; that it evidently was not the intention of the Government to ask the State of Georgia to pay any portion of this claim; and yet the facts are that the State of Georgia has paid, either through the people of that State in their individual capacity or by the assumption of the Legislature of that State in their political capacity, the sum of $71,407.75, leaving due from them to the Government of the United States the sum of $512,959.58. The Senator from Wisconsin informs me that this credit of $71,407.75 is made up of this one item of $35,555.42 appropriated in 1883, and sundry other items of which he is not advised at this time.

Now, Mr. President, the facts—it is a travesty to call them facts—the averments, the allegations upon which this bill was reported from the Committee on Claims, upon which the Senator from Georgia demands that the bill shall pass, are absolutely negatived by every single fact that appears in the report which has been read to the Senate. Not only are the Southern States not delinquent in the sense of not having been called upon to pay, but every one of them has paid greater or less sums, and one of them has paid an amount in excess of the sum that it was called upon to pay under the distribution made in the assignment of 1861.

I think, therefore, that this claim stands upon a somewhat insecure and fragile foundation. I do not think the Senate will be disposed to listen to the voice of the charmer, charm he never so wisely, when he asks us not to credit on the tax claim against the State of Georgia this amount that was allowed by the act of March 3, 1883, because there has been a general act of amnesty and acquiescence, as a consequence of which all these States have been released from the payment of any portion of this claim. I understand it was the foundation of the Senator's argument that it would be unjust to the State of Georgia to apply moneys due from the Government of the United States upon the claim of the Government against that State, because the other Southern States had been excused from the payment of the sums assigned to them under the act of 1861.

Sir, the whole fabric falls to the ground upon examination. It would be idle to call the report of the Committee on Claims upon this bill an argument. "We do not think," says the learned Senator from Massachusetts, "that it was the expectation of Congress that such a set-off would be required," and yet if the Senator from Massachusetts had taken the pains to inspect the accounts under the act of 1861 he would have found that the set-off had been demanded in the case of every single State in the Union, loyal and disloyal alike.

Mr. HARRISON. Mr. President, I do not wish to protract this discussion, but the Senator from Georgia seems to think (and he fortifies himself by reference to a decision of the Attorney-General, which I have not had the pleasure of seeing) that the legal relation of the General Government to this question in any State is changed by the passage of an act of the State Legislature assuming the payment of this tax. I deny that that is so. The act of the State Legislature, wherever the Legislature has acted, was simply settling the question as between the State and its citizens. It was simply saying to its citizens, "Instead of having the General Government come in and put in force the machinery of the law of 1861 to collect this tax by a separate assessment and by separate tax collectors, we will undertake to do it by an assessment made under State law and by our own State officers." But the relation of the Government to that fact was not in one whit changed by the action of the State Legislature. There was no novation, I submit to the Senator from Georgia. The General Government did not accept the State as a State as its debtor and release the citizens from their liability to pay this tax. If there should have been a delinquency under the State law to pay this tax the case would not have proceeded against the State, but would have put in force in the particular State the machinery provided by law for the collection of the tax of the individual. So then the debtor was not changed. To-day in the Senator's State, as in the States of Oregon and California, if the Government proceeds to collect this tax, it proceeds by an assessment upon the individual citizen and his property, and not against the State.

This is not simply an argument of a legal proposition, but the very statute itself so provides. I call attention to section 46 of the act of August 5, 1861, which reads:

SEC. 46. *And be it further enacted*, That in case any State, Territory, or the District of Columbia, after notice given of its intention to assume and pay, or to levy, collect, and pay said direct tax herein provided for and apportioned to said State, Territory, or District, shall, in any year after the taking effect of this act, fail to pay the amount of said direct tax, or any part thereof, as provided in this act, in such cases it shall be lawful for the Secretary of the Treasury of the United States to appoint United States assessors, assistant assessors, and collectors, as in this act provided, whose duty it shall be to proceed forthwith, under such regulations as the said Secretary of the Treasury shall prescribe, to collect all or any part of said direct tax the same as though said State, Territory, or District had not given notice, nor assumed to levy, collect, and pay said taxes, or any part thereof.

There was an express provision in the law that the assumption by any State of this tax did not create the State the debtor. It was simply an arrangement between the State and her citizens; and if the tax was not paid, the law itself provided that it should be collected of the individuals by the machinery provided by this law. So that as a legal question I submit to the Senator from Georgia that the relation of those States which assumed this tax to the General Government, upon this question of set-off, is not one whit different from the case of those States that never assumed it.

Mr. INGALLS. I move to recommit the bill.

The PRESIDING OFFICER. The Senator from Kansas moves that the bill be recommitted to the Committee on Claims.

Mr. BROWN. I wish to say a few words.

Mr. INGALLS. My motion is debatable.

The PRESIDING OFFICER. The motion is debatable.

Mr. BROWN. I stated when I was last upon the floor, Mr. President, that the Senator from Kansas is an able lawyer and that he would not say that the right of set-off existed between the State of Georgia and the United States in this case; he would not say that the State of Georgia, as a State, owed the Government of the United States anything. He rose and in one of his characteristic speeches, his monopoly of which I have no right to infringe, went all around and talked about everything else but that; but he did not come to that point and he did not state that any debt existed between the State of Georgia and the United States, or that the State of Georgia owed the United States anything as a State, or that the right of set-off existed. And he will not state it.

Mr. INGALLS. The State of Georgia has paid something on the debt, whether she owes it or not.

Mr. BROWN. The State of Georgia has paid something on it by the Government of the United States illegally making a set-off when no right of set-off existed. That is the way the State of Georgia has paid it. The Government of the United States having the funds of the State of Georgia in the Treasury, applied those funds to the payment of that tax; an officer of the Government claimed that the State of Georgia was owing what the Senator from Kansas will not state on this floor is a debt, or that any such debt is due from the State of Georgia. Therefore the Senator from Kansas has not met the legal question to my mind satisfactorily. And he will not try to meet it, because he knows he can not.

Then the honorable Senator from Indiana [Mr. HARRISON] comes to the relief of the Senator from Kansas by reading the original statute which imposed this tax, and denies that when a State assumed the payment of it it created a debt on the part of the State. There I take issue with him. It was a debt whenever the State in its corporate capacity, if I may use that term in reference to a State, assumed the tax. Then it became a debt of the State, whether the State ever paid it or not; that was another question. The relation of debtor and creditor then existed between the United States Government and the State of Oregon in the instance supposed. It is true the United States reserved the right if the State did not pay it to go back to the citizens and collect it, but it could not be denied when the State assumed it that the relation of debtor and creditor existed between the State and the Government of the United States.

Mr. HARRISON. Will the Senator from Georgia allow me to ask him a question? Suppose this transaction had been between individuals, would he claim as a lawyer, if I owed a debt to him and the Senator from Kansas assumed it, and it did not take the form of a novation, by which it was released, that the Senator from Kansas would be bound by his promise?

Mr. BROWN. If the Senator from Kansas assumed the debt and you reserved the right, if he did not pay it, to go back on the original debtor, it would be a subsisting debt.

Mr. HARRISON. There would not be, in that case, any legal obligation unless the new debtor was substituted, or what we call in law a novation, and that fixes the relation of the other debtor.

Mr. BROWN. It is a debt in the nature of a suretyship. After the State assumed it the debt existed between the State and the United States, but the Government still held the original debtor bound if the other did not pay it. It took the promise for the debt of another party without releasing the original party. Does the Senator insist that if A owes a debt to B, and C comes in and agrees to assume the payment of the debt, and A says, "I will accept your liability, but if you do not pay I will collect from the other party," and it is so agreed, does the Senator hold that no relation of debtor and creditor exists between the parties?

Mr. HARRISON. I do most distinctly in the case of a private contract such as I spoke of, unless there was a new consideration.

Mr. BROWN. I take issue most distinctly with the Senator. I do not think as a legal proposition there can be any question about it. Where the relation of debtor and creditor exists, if one of the parties chooses to give and the other party chooses to take still another party and hold him bound as surety for it, without releasing the original party, and all three agree to it, the proposition that there is no relation of debtor and creditor existing there will not do; it will not bear legal investigation; it is not sound law; and the Senator from Indiana is wrong when he says that in the case of a State that assumed the tax the relation of debtor and creditor did not exist. It certainly did exist according to all well-known rules of law. It is true the Government reserved the right if the State did not pay the tax, or repudiated it, to go back and collect it from the people. It has the power to assess a tax on the citizens of any State if it chooses to exercise that power. There is no question about that.

As to the power of the Government of the United States to assess and collect taxes from the people of the United States, there is no limit, I apprehend, short of the amount of revenue needed; but if the Government chose to accept the promise or agreement of a State for the debt, still retaining the original right to go forward and collect it if not paid by the State, the State is debtor to the Government, and the relation of debtor and creditor does exist. That, to my mind, is the condition of things in this case.

The Senator from Kansas referred to the fact that the people of the State of South Carolina paid this tax, and more than paid it. Yes; it

was done in this way: the Government of the United States, by its military power, drove back the people from the coast and sold out for the tax nearly all the valuable rice and long-staple cotton plantations along the coast and collected all the revenue due, from a small part of the people of South Carolina, by sale of their property, the entire amount of the tax from a few counties. If we were in rebellion, that was not justly collected. There was no justice and no right in requiring the few counties along the coast to pay the whole tax of the State. It ought to have been collected from all the citizens, each paying his part. True, the Government had the power to collect it in that way. That is the way it was paid by the State of South Carolina.

Now, I want to repeat before I take my seat that there is no disposition on the part of any of the States to evade the payment of this tax. If the Government of the United States desires to collect it, it only has to say so. It has been nearly twenty years since the end of the war, and there has never been an intimation on the part of the Government of the United States, either by the executive department sending the tax-gatherers there or by the passage of any resolution by Congress, that it was the wish or purpose of the Government to collect it. But we do insist that it should not be collected in this illegal manner, that there should not be a set-off enforced by the Government where the relation of debtor and creditor does not exist. And neither the Senator from Kansas nor the Senator from Indiana, and they are both able lawyers, will say that it does exist.

Mr. CAMERON, of Wisconsin. This bill was referred, upon being introduced by the Senator from Georgia, to the Committee on Claims, and as is the rule of that committee, it was assigned to one member of the committee as a subcommittee for examination. It happened to be assigned to the junior Senator from Massachusetts [Mr. HOAR], who is a member of that committee, and has been for many years. He has been a member of the committee ever since he entered the Senate. On the 28th of May he made the report to the committee which has been read from the desk by the Secretary. No other member of the committee ever particularly or critically examined the claim. I confess at the time the bill was considered in the committee I supposed that no part of this tax had been collected from any of the States which had attempted to secede, and consequently I thought that it would be doing an injustice to the State of Georgia to insist on crediting this amount of $35,000 on the war tax of that State.

I ought to have known better, because the letter referred to by the Senator from Kansas was received by the Senate about the 1st of April and referred to the Committee on Finance and printed, but I did not. It seems from the statement of the Secretary of the Treasury that the rule adopted in withholding moneys due from the General Government has been applied alike to all the States. Now, would it not be doing injustice in favor of Georgia to pay over to Georgia this amount, while all amounts due to the other States, loyal and disloyal alike, are withheld from them?

Mr. BROWN. Does the report show that there has been a set-off in any case against any of the Southern States that have not assumed the tax?

Mr. CAMERON, of Wisconsin. The report does not state that, and I do not know how that is. I think, however, that in the case of Arkansas the amount due to that State as a portion of the 5 per cent. claim arising from the sales of public lands was set off against that State upon its war tax.

Now, I am satisfied upon examination that the Committee on Claims was mistaken in reporting favorably upon this bill, and I will vote for the motion made by the Senator from Kansas to recommit the bill to the committee.

I agree with the Senator from Georgia that there ought to be general action in regard to these claims. If Georgia be compelled to pay the war tax, all the other States ought to be compelled to pay it. If Wisconsin be compelled to pay its war tax, all the other States ought to be compelled to pay the tax levied against the citizens of those States respectively. Though I was of the opinion, as I have already stated, that it would be doing Georgia an injustice to insist on setting off this amount against the amount of the war tax assessed upon the people of that State, I see it differently now, because all the other Southern States have paid large amounts upon the war tax levied against the citizens of those States, and in insisting on setting off this claim due to the State of Georgia upon its war tax we are only doing what the General Government has done in the case of every other State.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. INGALLS] to recommit the bill.

Mr. SAULSBURY. I should like to inquire of the Senator from Wisconsin for information if all the loyal States have paid that tax.

Mr. CAMERON, of Wisconsin. They have not paid it in full. My own State owes $51,000 yet. The Sate of Wisconsin was assessed $519,688.87. She has paid $429,196.68, leaving a deficit of $51,145.56 after deducting the 15 per cent. allowance.

Mr. COCKRELL. All the other States, including Kentucky, Missouri, Delaware, and Maryland, have paid the tax.

Mr. CAMERON, of Wisconsin. In full?

Mr. COCKRELL. In full.

Mr. CAMERON, of Wisconsin. Delaware has paid its tax in full.

Mr. DOLPH. I do not oppose the recommitment of this bill, but I desire to say a word before the motion is put on the question of the right of set-off in favor of the United States against States which it is alleged have assumed the payment of this tax.

By the fifty-third section of the act of August 5, 1861, it was provided, in substance, that any State, Territory, or district which should—

Give notice by the governor, or other proper officer thereof, to the Secretary of the Treasury of the United States, on or before the second Tuesday of February next, and in each succeeding year thereafter, of its intention to assume and pay, or to assess, collect, and pay, into the Treasury of the United States the direct tax imposed by this act, shall be entitled, in lieu of the compensation, pay, per diem, and percentage, herein prescribed and allowed to assessors, assistant assessors, and collectors of the United States, to a deduction of 15 per cent. on the quota of direct tax apportioned to such State, Territory, or the District of Columbia, levied and collected by said State or Territory and District of Columbia through its said officers: *Provided, however*, That the deduction shall only be made to apply to such part or parts of the same as shall have been actually paid into the Treasury of the United States on or before the last day of June in the year to which such payment relates, &c.

And it was further provided—

That whenever notice of the intention to make such payment by the State or Territory and the District of Columbia shall have been given to the Secretary of the Treasury, in accordance with the foregoing provisions, no assessors, assistant assessors, or collectors, in any State, Territory, or District so giving notice, shall be appointed, unless said State, Territory, or District shall be in default.

And it is further provided in the same section—

That the amount of direct tax apportioned to any State, Territory, or the District of Columbia, shall be liable to be paid and satisfied, in whole or in part, by the release of such State, Territory, or District, duly executed, to the United States, of any liquidated and determined claim of such State, Territory, or District, of equal amount against the United States: *Provided*, That in case of such release, such State, Territory, or District shall be allowed the same abatement of the amount of such tax as would be allowed in case of payment of the same in money.

It will appear from this section that this percentage was not to be allowed a State or Territory assuming the collection and payment of this tax, unless notice was given to the Secretary of the Treasury on or before the 1st of June of the year to which the tax related. It does not appear that either the States of Oregon or California gave that notice. The Legislature of the State of Oregon did not meet until September of the following year, and neither of these States, as I contend, assumed the payment of this tax in such a manner as to make it the debtor of the United States and authorize a set-off against the debt without its consent.

The State of California, by the first section of the act of the Legislative Assembly of that State, approved April 12, 1862, provided for an annual tax of 15 cents on each $100 in value of all the property in the State liable to taxation for the purpose of paying the quota of the direct tax apportioned to that State, and by the tenth section of that act directed the treasurer of the State to pay over to the assistant treasurer of the United States at the city of San Francisco, on the first Monday of each month, all moneys in the State treasury belonging to the Federal tax fund, not exceeding in each fiscal year the quota of the direct tax allotted to the State by act of Congress, after retaining therefrom the deduction allowed by the act of Congress to the State in lieu of compensation, pay, per diem, and percentage. And by the first section of the act passed by the Legislative Assembly of the State of Oregon, approved October 20, 1862, the sum of $35,140.62½ was appropriated for the payment to the United States of the amount of the direct tax apportioned to that State, and by section 2 of that act the State treasurer was authorized, whenever the proper officer of the Treasury Department of the United States should draw on the State therefor, to pay the sum of $10,000, and to pay the further sum of $25,140.66½ on like draft at any time after the 1st of March, 1863.

As I have already said, it does not appear that any notice was ever given by the State of Oregon, or by the State of California, through their respective governors, to the Secretary of the Treasury or to the General Government that those States assumed the collection and payment of the tax.

Mr. CAMERON, of Wisconsin. I did not know whether the States of California and Oregon had assumed the debt or not, but the Senator himself stated that the Legislature of Oregon at the first session after the levying of the tax assumed it, and that the Legislature of the State of California at its first session after the levying of the tax assumed it.

Mr. DOLPH. Perhaps I did. The only assumption, however, was the assumption authorized by section 53 of the act of August 5, 1861.

Mr. CAMERON, of Wisconsin. The Senator made it in response to a direct inquiry which I addressed to him.

Mr. DOLPH. I say the only assumption by the States of Oregon and California was the assumption provided for in section 53 of the act of August 5, 1861. That act provided that if a State should make default in the payment of the tax, the assessors and collectors provided for in the act should be appointed and the tax collected by the United States, and an offset was authorized of a claim of a State against the United States only when the State executed a release of the claim.

As I said before, the Secretary of the Treasury, so far as I am informed, never drew upon the State of Oregon for this $10,000 which was in the Treasury and appropriated for the payment of the tax by its act of October 20, 1862, or for the balance of the tax, and the appropriation lapsed. Twenty years afterward Congress passed an act to pay

the State of Oregon for moneys expended in suppressing an Indian outbreak, and then the First Comptroller of the Treasury set off a sufficient amount of the appropriation against this direct tax to cancel the unpaid balance.

I undertake to say that the relation of debtor and creditor did not exist between the State of Oregon and the United States so as to authorize such a set-off, and that there was no more authority for setting off this claim of the State of Oregon against this direct tax in the case of the State of Oregon than there was in the case of the State of Georgia. I offered the amendment in order to bring the matter up and have it considered, and to learn whether the State of Oregon is to be treated differently in this matter from the State of Georgia. It appears that all the States in rebellion have paid more or less of this tax; and if this relief is granted to the State of Georgia it will be a precedent for refunding the amount retained from all the other States in rebellion on account of the direct tax.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. INGALLS] to recommit the bill.

Mr. GEORGE. Mr. President, the State of Mississippi has some interest in the question involved in the bill now under consideration, and I deem it my duty to present some arguments, solely of a legal character, in reference to the general questions involved in it; and to inquire whether or not a practice which has grown up in the Treasury Department of crediting to the States of the South, in their corporate capacity as States, money due them by the United States on account of an alleged indebtedness by them for the direct tax levied in 1861 should be allowed to continue.

The question is a very simple one if we look at it solely in its legal and constitutional aspect. The right of set-off can only exist as between a real creditor and a real debtor; or, in other words, there is no right of this kind unless the claim set off be of such a nature that it can be enforced as a legal debt against the person or debtor against whom the set-off is made.

That is a clear proposition. There is no exception to it. It is elemental and fundamental. What is done when a set-off is made? It is nothing more than saying to a creditor "I owe you so much, and instead of paying you that much money I hand to you in lieu of the money so much of a valid debt due by you to me;" and it is of the very essence of the set-off that this valid debt should exist.

Now, sir, there is not the slightest ground in law, I might say there is not the slightest pretense, for the assumption that any State of this Union, whether it be a Northern State or a Southern State, is indebted to the United States on account of the direct tax of 1861, unless that State by its own voluntary action assumed the debt, and by that act became a debtor to the United States under the provision of the act. There is a provision in that act which authorizes every State or any State to become a debtor to the United States Treasury for the amount levied against its citizens or persons owning property within it. That was to be done and could only be done by the State assuming the tax; but until that is done there is no relation of debtor created by the act as against the State in its corporate capacity and can be none. Read the act all the way through from the beginning to the end, and you will discover this to be its fundamental idea, as it was bound to be its fundamental idea in law and under the Constitution.

This Government had no right to tax the States. It has and had power to tax persons. It had no right to say that the State of New York or the State of Massachusetts should pay into the United States Treasury so much money. It only had the authority under the Constitution of the United States to collect from the several landholders within the States an amount to be assessed against each of them as a personal debt due on account of his ownership of property in land. That also is the theory of the act; it proceeded upon that and no other; it does not assume a different or greater power. It did not undertake to levy an assessment against the States; it did not undertake even to impose a tax *in rem* against the lands in the State; it proceeded upon the idea—plainly stated all the way through—of creating a personal demand against each of the landholders in each State on account of his ownership of land, and that was all. It is a mistake, it is a confusion of terms, to suppose that the amount apportioned to each State was either a debt against the State in its corporate capacity or a debt against the individual residents of the State in their aggregate capacity.

There is no provision in the law that the inhabitants or citizens of Georgia or of New York all together owe or could owe the United States this tax. The law carefully provides for the assessment of the tax against each individual owner of land, and when the amount was fixed a debt was created between the individual owner and the United States, and when he discharged that debt—a very important consideration—he was not subject to be called on by the United States for contribution to make up a deficit created by the default of anybody else. When this tax was assessed according to this law it created so many individual debtors in each State to the United States, each one for the amount due by him as his share of the tax. That is the plain provision of the law itself.

And now, Mr. President, I should like to know upon what principle of law, when the United States have a personal demand against, say, 10,000 citizens or landholders in the State of Georgia—for we are considering a bill in relation of that State—against each one of them for separate and distinct amounts, for separate and unconnected liabilities, the United States are to enforce the demand simply by calling upon the State in its corporate capacity to pay it. There is no law, as I understand it, for any such position. It is a personal debt, demandable of each tax-payer, *i. e.*, each landowner, of the State in the year 1861. That is the claim and the sole claim of the United States. If we permit the set-off provided in the Treasury Department we make the present citizens of Georgia, all of them, whether landholders or not, pay the debt due by landholders in the State in 1861. These landholders were not then and are not now the people of Georgia. It may be and probably is true that they did not then constitute one-tenth of the people, and those owing the tax now would be very much less.

And it may be as well to remark here, in answer to some suggestions which have been made that the tax might be collected now, that that would be found to be impossible. For instance, I have shown by the act—and I defy just criticism on that—that the tax contemplated an assessment against the landholders then existing in the State of Georgia, and affixing to each one the amount to be collected from him. It was a personal debt by each, and the law so far regarded it and recognized it as a personal debt that it authorized the seizure of the personal property of the tax-payer for the debt, and even directed its seizure in preference to the sale of his land.

There are, say, 5,000 of those 10,000 debtors in the State of Georgia dead and insolvent. How are you going to collect it from them? Where will you find the means of collecting it? Will you say, "We will go upon the land on account of their ownership of which the tax was assessed against these several individual owners?" I answer that the taxing act itself says the lien for the tax shall not last longer than two years. So if the land has passed from the ownership of these persons, as it has in most instances in this long lapse of time, you can not seize it in the hands of the present owners merely because that on account of that land somebody else twenty years ago owed the Government of the United States ten or fifteen or fifty dollars. You can not do that. You can not take one man's property to pay the debt of another.

It is not a tax *in rem*. It possibly might have been in the competency of Congress to have made it a tax *in rem* instead of a tax *in personam*, that is, a tax upon the thing itself, making that the debtor instead of the owner of the thing the debtor. But that was not done; such an assumption is contradicted by every provision in the act. So now the attempt, so far as Georgia is concerned, is to make that State in its corporate capacity, that is, make each and all of the present citizens of the State, pay a debt which she never owed, and which they never owed, and which the Government of the United States had no power under the Constitution to impose upon her, which she never assumed to pay, and which is the mere private and individual debt of persons who happened to own property within her limits twenty-three years ago.

Sir, there is no legal authority for such a position. If you go upon the idea that it is a political or partisan question and that the citizens of Georgia as well as the citizens of New York and Vermont and other States of the Union ought to have paid the debt at the time it was assessed, that might be a good reason for an attempt to collect from those persons in Georgia then indebted the amount of their indebtedness; but it is no good or even plausible reason why the Government from its mere omnipotence should refuse to pay a debt acknowledged to be due to the State because there are certain citizens of the State, some now living, some dead, some solvent, some insolvent, who are delinquent to the Government in the payment of debts due by them.

Mr. President, one of these tax-payers, if he was proceeded against now, if you could find him now in the State of Georgia with property sufficient to pay the tax as it was assessed or ought to have been assessed against him in 1861—suppose you were to send your marshal to collect a debt of $25 upon his land, he might respond to you, "I was at that time subject against my will to an alien and foreign authority." He might say—and there were plenty of Union men in Georgia—"You ought not to enforce this debt against me, because at the very time when I ought to have paid it by the law another power was collecting taxes from me on that very property, and I had no will in the matter; I was obliged to comply; there was exercising power over me a *de facto* government which the Supreme Court of the United States has said citizens of Georgia were authorized and required to obey in the way of paying taxes and all things of that kind."

The matter is very simple, Mr. President. The proposition of the Treasury Department—which, however, I am authorized to say that the present Comptroller believes to be illegal and wrong—the charging against States in their corporate capacity an indebtedness due by separate and distinct individuals who were residents of the State is illegal, and that is what we are doing, or authorizing to be done, if we reject this bill. Are we justly acting if because we do not like the people of Georgia, because we do not like what they were doing in 1861, we assume to make a law after the fact which did not exist when the fact transpired—refuse to pay a just debt because we do not like the creditor? If we were to undertake to do that, what power have we to transfer an indebtedness due separately and distinctly by each one of 10,000 people or any indefinite number to the State in which they happen to reside? That is the proposition.

I say the Government can not afford to do that, and I submit as an undoubted legal proposition the correctness of the position assumed by the Senator from Georgia in the bill which he now presses before the Senate. And there is no doubt about the propriety of the report of the Committee on Claims. The suggestion made by the Senator from Wisconsin [Mr. CAMERON] I respectfully submit is of no force in this discussion. It makes no difference whether Georgia is the sole victim of this wrong on the part of the Government of the United States or whether she has co-sufferers in the remainder of the Southern States. It does not help the case for the United States when they are convicted of doing a wrong to Georgia that they can also say, "We have done a similar wrong to a dozen other States in the Union." There is no proposition of law I know of that would justify a defense of that sort.

So the question comes down to this: whether the United States will allow their own officers to do what they themselves say is wrong for them to do, to plead that they are bound by what they call *res adjudicata*, which they can not reverse. I say the question is whether the United States will allow its accounting officers in the Treasury to persist in a course without warrant of law, without warrant of authority, they themselves acknowledging it to be so, or whether the United States will even in the case of a Southern State like Georgia direct their accounting officers to do right and justice according to the law and the Constitution. Disguise it as you may there is no other question involved in the bill.

Mr. MORGAN. Mr. President, some two years ago I had occasion to look into the question of the indebtedness between the State of Alabama and the Government of the United States, and I found that there were being credited upon an account stated against the State of Alabama various sums of money that were due to the State, some for arms and some for the 5 per cent. of the proceeds of the sales of public lands; and that an account was charged upon the books of the Treasury against the State for the sum that is there stated on account of the direct tax under the act of August 5, 1861, of $529,313.33. In conversation with the Comptroller I ascertained that in his opinion there was really no warrant of law for carrying these balances that came due to the State of Alabama to the credit of that account. I have not been able to find any statute which requires the Treasurer of the United States or any officer of the Treasury Department to state or keep an account against the State of Alabama for this assessment. The whole matter stands upon a construction of the act of 1861 made by the Comptroller of the Treasury, the Comptroller who was in office I suppose at the time when the act first came under examination, and the present Comptroller of the Treasury feels that it is his duty under a rule of the Department to follow the precedent that had been established by his predecessor. That is the whole case.

That, then, leaves the question of law to be settled by Congress or by some Department of the Government, as to whether this tax ever was a debt against the State of Georgia in the particular instance we are now discussing. I think it can scarcely be necessary to elaborate before the Senate any argument to show that the corporation known as the State of Georgia never was a debtor to the Government of the United States under this law. There may be some equitable obligation resting upon the State of Georgia to come in and contribute a quota corresponding to the assessment made upon her, which has been paid by her sister States in the Union. Upon that branch of the proposition, whenever it is properly presented, there will be room for argumentation, I think, as to the equity of insisting upon that as against the State of Georgia; but really that question is not in this case and I do not care to call it up.

The question here is simply whether there is a lawful charge upon the books of the Treasury against the State of Georgia on account of the act of 1861. If there is no such lawful charge upon the books of the Treasury, then the State of Georgia ought not to be impeded in consequence of any improper construction of the law made by the Comptroller of the Treasury. That appears to be a very simple matter, and I think Senators can scarcely hesitate in coming to the conclusion that the State of Georgia, in the absence of some assumption on her part of this debt which was taxed upon her people in 1861, has never become the debtor of the United States. She had the option to become the debtor of the United States if she had been situated so that she could have legislated in that direction, and could have obtained a deduction of 15 per cent. by assuming the debt and paying it within the time prescribed by the statute. She did not, however, exercise that option; in fact, she could not do it; the people of the State of Georgia as a body would not permit her to do it; she had no opportunity to do it, and never has done it.

There is that one thing wanting then to make this a debt against that corporation. Whatever may be the obligation resting upon the citizens of the State or the property of the citizens of the State, still it is beyond all dispute that the corporation known as the State of Georgia never has become responsible for this debt, and you might as well have charged it upon the books against the District of Columbia as against the State of Georgia.

When we find a charge upon the books of the Treasury of this character can there be anything plainer or more simple than that the Congress of the United States ought to remove the difficulty, that it ought to get out of the way of this embarrassment to the proper relations of the State and the General Government? Surely the Government of the United States does not wish to violate its own laws through the action or decision of its own officers in order to reach a State of the American Union. There can be no wise policy in such a course as that. There can be nothing to come of it except that we can hold on to the money of the State of Georgia as it comes into the Treasury, and refuse her any remedy at all, either by act of Congress or by opening the courts for an adjudication of this question.

The Committee on Claims, the entire body of that committee, have properly considered that the obstruction existing in this case to the claim of the State of Georgia, which has been voted by an act of Congress, ought to be removed, and that the money which belongs to the State of Georgia under the act of March 3, 1883, ought to be paid to that State, notwithstanding the charge upon the books of the Treasury.

We ought to consider this question aside from all reminiscences and bitterness of feeling that arose between us during the period of the rebellion, and our action, at least at this time, ought to be characterized by a spirit of justice and of judicial impartiality. We ought to be able to say as lawyers, as construers and expounders of the Constitution and laws of the United States, that there does in fact exist no legal debt against the State of Georgia or that such a debt does exist. That is the real question in the case.

It seems to me that it can not be necessary to recommit the bill in order to have this question better understood by the Senate, for the facts are all ascertained; there is no dispute about them at all. The law of the case is the only question that we have to settle, and I must think that the law of the case is entirely plain. The exposition made by the Senator from Mississippi [Mr. GEORGE] is entirely unanswerable upon this proposition. There is not one feature of this bill which shows that it was the intent of Congress to impose any obligation or duty upon any State of the American Union except through the voluntary assumption of that obligation or duty. Georgia had merely the option or privilege of assuming the duty of collecting this debt in her own way, as the statute says, either by the adoption of the procedure that was arranged in the act of Congress or by laws that she might enact herself, so as to relieve her citizens of the direct burden of this tax by interposing her authority, and she might thereafter reimburse herself in such manner as she saw proper to do. The act of Congress was passed, and the agencies provided by that act were placed under her control for the purpose of collecting the debt out of her citizens as she chose to do it.

Can the Senate of the United States, after the war has been twenty years over, permit itself to be influenced by any acrimonious feeling of this kind so as to bias or blind its judgment upon a pure, dry question of law?

Mr. HARRISON. The Senator from Alabama will recollect that there are two States involved here against which certainly no such feeling could be felt by any one. The States of California and Oregon are upon precisely the same plane with Georgia.

Mr. MORGAN. Those States had assumed the debt. That was the difference between the two.

Mr. CAMERON, of Wisconsin. It seems not. It seems from the last statement made by the Senator from Oregon that neither of those States did assume the debt.

Mr. MORGAN. In order to test that I will ask this question—I am not familiar with the history of this section of the Union at that time—did the tax collectors of the United States go into the State of Oregon or the State of California and collect this tax?

Mr. CAMERON, of Wisconsin. I think the State of Oregon paid no portion of the tax.

Mr. MORGAN. But did the tax collectors go there and collect it?

Mr. CAMERON, of Wisconsin. It never has been collected.

Mr. MORGAN. It never has been paid at all?

Mr. CAMERON, of Wisconsin. So I understand.

Mr. MILLER, of California. The portion which was paid by California was paid by authority of the Legislature. I do not know how it was in Oregon.

Mr. MORGAN. There may not have been a direct assumption of the debt, but there was at least a practical assumption of it in the case of California. As to the case of Oregon I repeat the question, did the tax collectors of the United States go into the State of Oregon and collect this money out of the people?

Mr. MILLER, of California. I do not know. The Senator from Oregon [Mr. DOLPH] can answer that.

Mr. MORGAN. If the Senator from Oregon will give me his attention for a moment; I was inquiring whether the tax under the act of 1861 was collected by the officers of the United States Government from the people of Oregon directly, or whether the State itself paid whatever was paid upon it?

Mr. HARRISON. There never was anything paid.

Mr. DOLPH. There never was anything paid.

Mr. MORGAN. Has the State ever assumed the debt in any way?

Mr. DOLPH. That is the question I was talking about a few moments ago. I think not. The Legislative Assembly of the State of

Oregon at the first session after the passage of the act of August 5, 1861, appropriated the amount of her quota of the tax and authorized the Secretary of the Treasury to draw at once upon the State treasury for $10,000, and to draw for the balance, some twenty-five thousand and odd dollars, after the 1st of March, 1863, that is, after the State taxes would have been collected; but it does not appear whether any formal notice was given through the governor of the State or otherwise to the United States that it assumed the collection and payment of the tax, and I claim that under the fifty-third section of the act of August 5, 1861, if the State did not pay within the time prescribed in that section, the United States reserved to itself the right, and that was the proper proceeding, to collect the tax; in other words, the action of the State of Oregon did not amount to an assumption of the tax so as to constitute the State the debtor to the United States, but the Government was bound after the default of the State to collect from her the tax and never did it.

Mr. MORGAN. Under that character of legislation the State of Oregon——

Mr. DOLPH. If the Senator will excuse me a moment, I should add that the State was credited by the Treasury Department with the amount of her quota of the direct tax by the application of 5 per cent. of the net proceeds of the sales of public land in the State and of money due the State from an appropriation made in an act passed by Congress some two years ago to repay to the State the expenses incurred by her in suppressing the Modoc outbreak, the act which has been already referred to. So I do not understand that the case of the State of Oregon stands in any different position than the case of the State of Georgia. In both cases the First Comptroller of the Treasury arbitrarily retained money due to the State and applied it to the payment of the tax.

Mr. MORGAN. There may be no difference, and I am entirely willing to assume that there is no difference, between the case of the State of Oregon and the State of Georgia; but whatever may be the case in reference to the State of Georgia, that does not alter or affect the case of the State of Oregon; and so on the other hand, whatever may be the state of accounts between the State government of Oregon and the Government of the United States can not have any effect at all upon the state of accounts as to the State of Georgia. They are matters that stand separate and apart from each other.

But I can not be mistaken in the fact and in the law that the State of Georgia, as a corporation, as a State, has never become indebted to the United States Government for this money, and that therefore the interception of moneys coming to her through the ordinary process of law or by appropriations is an unauthorized act on the part of a Government officer.

Can it be that a Government officer, who is shielded under our system of laws perhaps against the power of the courts to control his action, can arbitrarily state an account upon the books as against a soverign State and take her money as it comes to her through the operation of the laws of the United States, and apply it to the satisfaction of such an alleged debt? Who is the governing power in this country in a case of that sort? I am not sure that a writ of mandamus would lie to the Treasurer of the United States, or to the Secretary of the Treasury, or to any officer of the Government of the United States to compel him to pay the money to the State of Georgia or to the State of Oregon, notwithstanding the state of the accounts as kept by the Comptroller on his books. I think the better opinion would be that no Federal court has jurisdiction of such a procedure, and we have not given a remedy to any of the States to compel the officer to restate his account, to remove the impediment to the action of this statute, or to give to the States the justice that they are entitled to under the statute. Here we are, then, permitting a subordinate officer of the Government to violate the sense of this body, which I think will be voted whenever this subject comes to a vote, and also to violate the sense of the other House, as to the rights of the different States, and to obstruct them in the receipt of money which Congress has voted to them, merely because he chooses to state the account in a particular way. That is not right.

These States ought to be allowed to have some method of redress. They ought to be allowed to go to the courts and proceed and have this question settled judicially, or else Congress, conceding that the account has been improperly stated against them, ought to pass such measures as the one before the Senate. Congress ought indeed to pass a general law, declaring that under the act of 1861 the Comptroller of the Treasury had no right to state the accounts against any State of this Union in an assessment or a levy of tax under that law until the State had signified through its Legislature that it had assumed the debt, either by some direct act or by some act which would lead necessarily to that conclusion.

I hope that the Senate will proceed with the consideration of the bill and pass it.

ADJOURNMENT TO MONDAY.

Mr. HAWLEY. I move that when the Senate adjourns to-day it be until Monday next at 12 o'clock.

The PRESIDING OFFICER. Is there objection to entertaining the motion of the Senator from Connecticut at this time? The Chair hears none. The question is on agreeing to the motion of the Senator from Connecticut, that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

CLAIM OF GEORGIA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1948) to require the payment in cash to the State of Georgia of $35,555.42 appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 3, 1883.

The PRESIDING OFFICER. The question is, Will the Senate agree to the motion of the Senator from Kansas [Mr. INGALLS] to recommit the bill to the Committee on Claims? [Having put the question.] The ayes appear to have it.

Mr. BROWN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER]. But for that I should vote "nay."

Mr. CAMERON, of Pennsylvania, (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. I do not know how he would vote if present, so I decline to vote.

Mr. GORMAN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. I do not know how he would vote if he were present, and therefore withhold my vote.

The roll-call was concluded.

Mr. BLAIR. I am paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. PLUMB (after having voted in the affirmative). I voted forgetting that I was paired with the Senator from Mississippi [Mr. LAMAR]. I withdraw my vote.

Mr. HILL. I am paired with the Senator from Louisiana [Mr. GIBSON].

The PRESIDING OFFICER (Mr. HARRIS in the chair, after having voted in the negative). The present occupant of the chair, being paired with the Senator from Massachusetts [Mr. HOAR], feels bound to withdraw his vote.

Mr. RANSOM (after having voted in the negative). I have a pair with the Senator from Michigan [Mr. CONGER], but I did not think it applied to this case and I voted. The question is whether these pairs apply in this case. I do not regard it as a party question at all, but I withdraw my vote.

The PRESIDING OFFICER. The Chair was controlled by the vote of the Senator from Massachusetts [Mr. DAWES] in withdrawing his vote.

Mr. INGALLS. The Republicans are voting on one side and the Democrats on the other.

Mr. RANSOM. I withdraw my vote.

The result was announced—yeas 21, nays 17; as follows:

YEAS—21.

Allison,	Frye,	McMillan,	Sherman,
Cameron of Wis.,	Hale,	Miller of Cal.,	Van Wyck,
Cullom,	Harrison,	Mitchell,	Wilson.
Dawes,	Hawley,	Morrill,	
Dolph,	Ingalls,	Pike,	
Edmunds,	Jones of Nevada,	Platt,	

NAYS—17.

Bayard,	Colquitt,	Jones of Florida,	Riddleberger,
Beck,	Garland,	Maxey,	Vest.
Brown,	George,	Morgan,	
Call,	Hampton,	Pendleton,	
Coke,	Jonas,	Pugh,	

ABSENT—38.

Aldrich,	Farley,	Lapham,	Saulsbury,
Anthony,	Gibson.	Logan,	Sawyer,
Blair,	Gorman,	McPherson,	Sewell,
Bowen,	Groome,	Mahone,	Slater,
Butler,	Harris,	Manderson,	Vance,
Camden,	Hill,	Miller of N. Y.,	Voorhees,
Cameron of Pa.,	Hoar,	Palmer,	Walker,
Cockrell,	Jackson,	Plumb,	Williams.
Conger,	Kenna,	Ransom,	
Fair,	Lamar,	Sabin,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. INGALLS. I move that the Senate do now adjourn.

Mr. PLUMB. I ask my colleague to withhold that motion a moment until I offer an amendment to the legislative appropriation bill to be printed.

The PRESIDING OFFICER. No quorum being present, no business is in order except a call of the Senate or a motion to adjourn.

Mr. INGALLS. I have moved an adjournment.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 13, 1884.

The House met at 11 o'clock a. m. Prayer by Rev. A. F. STEELE, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

LUNG PLAGUE IN CATTLE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from Professor James Law in reference to legislation for the protection of cattle from lung-plague; which was referred to the Committee on Agriculture.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence for twenty days, on account of important business, was granted to Mr. BUCKNER.

BRIDGE OVER MISSOURI RIVER, SIBLEY, MO.

The SPEAKER appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, Mr. CLARDY, Mr. SEYMOUR, and Mr. PETERS.

NORTH CAROLINA BONDS HELD BY THE GOVERNMENT.

Mr. SMITH asked and obtained leave on behalf of the minority of the Committee on Indian Affairs to file the views of the minority of the committee upon the bill (H. R. 1154) to authorize an exchange of North Carolina bonds now held by the United States Government; which were ordered to be printed, and referred, with the report of the committee, to the House Calendar.

STATE MILITIA.

Mr. CONNOLLY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 2633) for the special and uniform instruction of State militia, and put the same upon its passage. I wish to state that when I presented this bill last week the gentleman from New York [General SLOCUM] objected. Since then, however, after a reading of the bill, he informs me that he has no objection to the request I made.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be authorized and directed to detail, from line officers in the regular Army above the rank of first lieutenant, at least one officer, a citizen of the State applying, whose duty it shall be to report to the governor of such State, and under his instructions to act as instructor of tactics, customs of service, and all things appertaining to the military service; the governor of each State having the right to select such officer by name.

SEC. 2. That regular Army officers so detailed will, in addition to their current yearly pay, be entitled to commutation of quarters and forage for two horses.

The committee recommend the following amendments: After the words "Secretary of War," in line 3, add "upon the application of a governor of a State shall;" in line 6 strike out the words "a citizen of the State applying;" and, in lines 10 and 11, strike out "the governor of each State having the right to select such officer by name" and insert "such detail shall continue during such period as the governor of the State may require."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WELLER. Let the bill be again reported as it will read if amended.

The bill was read as proposed to be amended.

Mr. REED. I understand the bill does not give the governor any right to select the individual who shall be detailed.

Mr. CONNOLLY. No, sir. I will state further that this bill is unanimously reported from the Committee on the Militia, and that the legislation herein provided for has been recommended and indorsed by the Secretary of War. As I have said, when I submitted the bill before the gentleman from New York made objection to it, but since then he has withdrawn his objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCMILLIN. I do not think this bill ought to go through without further information. It provides for an increase of the compensation of certain officers, and there should be more consideration given to it.

Mr. CONNOLLY. Only to certain commutation——

The SPEAKER. Objection being made, the bill is not before the House for consideration.

HEYL'S UNITED STATES IMPORT DUTIES.

Mr. KELLEY. Mr. Speaker I am instructed by the Committee on Ways and Means to ask the House to adopt the resolution I send to the desk. It is a resolution providing for the purchase of the second edition of Heyl's digest of tariff laws for the use of the officers of the Customs Department of the Government and of the committees of the two Houses. It provides for its reference to the Committee on Appropriations.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be authorized to include in the sundry civil appropriation bill the following, to wit:

For six hundred copies of volume 1 of Lewis Heyl's work entitled United States Duties on Imports, edition for 1884, $1,500; one copy for each Senator, Representative, and Delegate, and the residue for the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. What work does this refer to?

Mr. KELLEY. Heyl's digest of the tariff and revenue laws.

Mr. RANDALL. That comes from the Committee on Ways and Means?

Mr. KELLEY. Yes, sir; this is the standard work with the Government on this subject.

The resolution was agreed to.

Mr. KELLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARTHOLDI STATUE.

Mr. HEWITT, of New York. I ask unanimous consent to take from the House Calendar for present consideration the joint resolution (H. R. 167) authorizing the temporary exhibition in the Capitol of a model of the pedestal of the Bartholdi statue of "Liberty enlightening the world." The joint resolution has been unanimously reported by the Committee on Public Buildings and Grounds.

The joint resolution was read, as follows:

Resolved, &c., That permission be, and is hereby, granted to the committee, of which William M. Evarts is chairman, having in charge the erection of the Bartholdi statue of "Liberty enlightening the world," on Bedloe's Island, in the harbor of New York, to exhibit in the Capitol, under the direction and subject to the control of the Architect, a model of the pedestal now in process of construction: *Provided*, That the said model shall not occupy a floor-space of more than ten feet square, and shall be removed without expense to the Government whenever required by the Architect of the Capitol.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. KASSON. I desire to make a suggestion to the gentleman from New York. This is a joint resolution. I think it should be a concurrent one. It needs no approval by the President. The Capitol is under the control of the two Houses of Congress. I suggest that it should be made a concurrent resolution.

Mr. HEWITT, of New York. It has been reported in the form of a joint resolution and I think it might only delay matters to change that form. However, I assent to the suggestion.

The SPEAKER. By unanimous consent the joint resolution will be changed to a concurrent resolution. The question is on its adoption.

The resolution, having been made a concurrent resolution, was adopted.

Mr. HEWITT, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRIBUTION OF DOCUMENTS.

Mr. DOCKERY. I desire to make a privileged report from the Committee on Accounts. I report back from that committee the resolution which I send to the desk.

The Clerk read as follows.

Resolved by the House of Representatives, That the Clerk of the House be empowered, and is hereby authorized, to employ two laborers in the Clerk's document-room to arrange, sack, and ship the reserved calf-bound documents belonging to members, and arrange the files; the said laborers to be paid out of the contingent fund of the House, under the supervision of the Commiteee on Accounts.

The resolution was accompanied by a report from the Committee on Accounts, stating that they had carefully considered the same and asked its adoption.

Mr. HOLMAN. I believe this is a proposed increase in the force of the Clerk of the House in connection with the distribution of the public documents under his control. I hope my friend from Missouri making this report will explain how it can possibly become necessary that there should be an increase of that force. We have increased the force of the Clerk's office and of the Doorkeeper's office from time to time during the entire session, and I had hoped we had reached the end of such increases.

Mr. DOCKERY. The committee are informed by the Clerk of the House, when asking this increase for the document-room, that there are now 20,000 volumes belonging to this and the last Congress that have not been shipped, that these documents and books are being injured by rats and mice, and that it is important and imperative that if these books are to be shipped to members to whom they properly belong this temporary force be given him. The rooms under the control of the clerk of the document-room are now full. No other documents can be received until these are shipped. The resolution contemplates the ad-

dition to the force of two laborers, involving an expenditure of $60 a month each. They will not be required longer perhaps than two or three months.

Mr. HOLMAN. Is there a limit as to time in the resolution?

Mr. DOCKERY. There is not; but the committee will limit the time if it be desired.

Mr. HOLMAN. I hope you will limit the time to two months.

Mr. DOCKERY. This is exactly the force employed in the last Congress. I think two months will be sufficient to ship these documents. But the whole matter is left to the Committee on Accounts, and in so small a matter, involving the convenience and accommodation of the members and their desire to get the books to which they are entitled, I think it is scarcely worth while to fix a limit. Still, I do not object to that.

Mr. HOLMAN. I suggest the addition of the words "for a period not exceeding three months."

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] moves to amend the resolution by inserting, after the word "employ," the words "for a period not exceeding three months."

Mr. DOCKERY. I accept the amendment.

The amendment proposed by Mr. HOLMAN was adopted.

The resolution as amended was adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I rise to make a privileged report from the Committee on Appropriations. I am instructed by that committee to report back the bill (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, with amendments of the Senate, and to move that the Senate amendments be non-concurred in.

The question being taken, the amendments of the Senate were non-concurred in—ayes 98, noes 25.

Mr. BURNES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. FOLLETT. I desire to make a privileged report from the Committee on Appropriations. The Committee on Appropriations have instructed me to report back the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, with amendments of the Senate, and to move that the House non-concur in the Senate amendments.

The Senate amendments were non-concurred in.

Mr. FOLLETT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. I call for the regular order and move to dispense with the morning hour.

Mr. TOWNSHEND. I rise to a privileged motion, but I do not wish to press it until the gentleman from Alabama [Mr. PRYOR] has finished his remarks on the bill relating to the Presidential count. I desire to notify the House that I propose to call up the conference report on the Post-Office appropriation bill, but shall not press that until the gentleman from Alabama has finished his remarks, as there seems to be an understanding he was to go on and finish them this morning.

Mr. MCMILLIN. I understand there are two or three gentlemen who wish to submit reports of a private nature. I will state that if the morning hour is dispensed with, thereby saving the time which it would take to call the list of committes for reports, I will make no objection to gentlemen submitting such reports.

The question was taken on dispensing with the morning hour, and it was agreed to (two-thirds voting in favor thereof).

The SPEAKER. Is there objection to recognition of gentlemen by the Chair for the purpose of making reports of bills of a private nature? [After a pause.] The Chair hears no objection.

Mr. RANDALL. It depends upon how long it is going to take.

Mr. LE FEVRE. I will take but a moment so far as I am concerned.

Mr. RANDALL. I have no objection to one or two or three, but not to go all round the House.

Mr. WELLER. I did not understand clearly the statement of the Chair to the House.

The SPEAKER. The gentleman from Tennessee stated if he moved to dispense with the morning hour there would probably be no objection to giving permission to gentlemen to make reports of a private nature. The Chair stated if there were no objection he would recognize the gentlemen for the purpose of allowing them to make such reports.

Mr. WELLER. Simply for the purpose of making reports of a private nature.

The SPEAKER. That is all.

ELIZABETH SMITH.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 1188, the bill (H. R. 7302) granting a pension to Elizabeth Smith; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY O. ZEIGLER.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4878) granting a pension to Mary O. Zeigler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY MILKEY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5378) granting a pension to Henry Milkey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES HENDRIX.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1219) granting a pension to Charles Hendrix; which was referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

CHRISTIAN BAUMAN.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 6357) granting a pension to Christian Bauman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID URBANSKY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4569) granting a pension to David Urbansky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER FALKNER.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 6197) granting a pension to Peter Falkner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also submitted the following adverse reports; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6358) granting a pension to John S. Gerstung;

A bill (H. R. 5122) granting an increase of pension to Michael Parcell;

A bill (H. R. 5818) granting a pension to Charles Brutschie;

A bill (H. R. 6981) granting a pension to Henry W. Edens;

A bill (H. R. 5379) granting a pension to Edward Manion;

A bill (H. R. 2546) granting a pension to Jacob Kaserman;

A bill (H. R. 4573) granting a pension to Michael Murphy;

A bill (H. R. 4570) granting a pension to James Woodard;

A bill (H. R. 2542) granting a pension to Isaac H. Lynn; and

A bill (H. R. 3750) granting a pension to Leron Records.

Mr. BLOUNT. I call for the regular order of business.

The SPEAKER. The regular order of business was demanded, but unanimous consent was given for recognition of gentlemen to make reports of a private nature.

Mr. MORRISON. Is there to be no end of it?

CAROLINE LEWIS.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, reported back the bill (H. R. 6663) restoring to the pension-roll the name Caroline Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. F. JUSTICE.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5103) granting a pension to J. F. Justice; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH WILLIAMS.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4556) granting a pension to Joseph Williams: which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARION D. EGBERT.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2975) granting a pension to Marion D. Egbert; which was referred to the Committee of the Whole House on

the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 4870) granting a pension to David T. Garrett; which was laid on the table, and the accompanying report ordered to be printed.

MRS. JANE VENABLE.

Mr. CLEMENTS, from the Committee on Foreign Affairs, reported back with an amendment the bill (H. R. 1548) for the relief of Mrs. Jane Venable; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS FERGUSON.

Mr. MATSON, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 1947, a bill (H. R. 7303) granting a pension to Thomas Ferguson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MR. THEODORE LEVERON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 301) granting a pension to Theodore Leveron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CUTLER S. DOBBINS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4024) granting a pension to Cutler S. Dobbins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL W. ADAMS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7141) granting a pension to Daniel W. Adams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also submitted the following adverse reports; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1937) for the relief of Jonas Smith;
A bill (H. R. 6755) granting a pension to Henry Sandhovel;
A bill (H. R. 3172) granting a pension to Peyton Davisson;
A bill (H. R. 3596) granting a pension to Nelson Capron;
A bill (H. R. 6875) granting a pension to Thomas Regan, soldier Union Army in late war;
A bill (H. R. 390) granting a pension to Samuel Davidson;
A bill (H. R. 1959) for the relief of Lawrence A. Durbin;
A bill (H. R. 4438) for the relief of Alexander Spencer;
A bill (H. R. 6515) for the relief of Thomas R. Bruner;
A bill (H. R. 5488) for the relief of Jonas Smith; and
A bill (H. R. 3597) to increase the pension of John Dunavin.

A. M. WILSON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 282) granting a pension to A. M. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSIAH ELKINS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 537) for the relief of Josiah Elkins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALLIE JARRATT.

Mr. ROWELL, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6212) for the relief of Sallie Jarratt, executrix; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN M. ROBINSON.

Mr. ROWELL, from the Committee on War Claims, also reported, as a substitute for H. R. 913, a bill (H. R. 7304) for the relief of the legal representatives of John M. Robinson, deceased.

The substitute bill was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 913) was laid on the table.

NATHAN H. DUNPHE.

Mr. ROWELL, from the Committee on War Claims, also reported back with amendments the bill (H. R. 754) for the relief of Nathan H. Dunphe, of Breakwater, in the State of Massachusetts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHRISTOPHER SCHAEFNOCKER.

Mr. ROWELL, from the Committee on War Claims, also reported, as a substitute for H. R. 2610, a bill (H. R. 7305) for the relief of Christopher Schaefnocker, late second lieutenant of Company D, One hundred and ninth Pennsylvania Volunteers.

The substitute bill was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 2610) was laid on the table.

CLAIMS REFERRED TO COURT OF CLAIMS.

Mr. ROWELL, from the Committee on War Claims, also submitted the following report:

The Committee on War Claims, to whom was referred the following bills and petitions, having considered the same, report that they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883:

Petition of William E. Barnett;
Petition of John Hefflebower;
Bill (H. R. 2856) for the relief of certain citizens of Loudoun County, Virginia;
Bill (H. R. 3449) for the relief of the heirs of Anna M. Fitzhugh;
Bill (H. R. 4090) for the relief of the Roman Catholic clergy of Maryland;
Petition of Thomas Ayre;
Petition of Washington G. Campbell;
Bill (H. R. 3942) for the relief of Mrs. Sarah E. B. Smith;
Bill (H. R. 3490) for the relief of T. Alonzo Walker and Augusta C. Todd;
Petition of Alexander Moffitt;
Bill (H. R. 1764) for the relief of Richard L. Kirby, jr.;
Petition of Francis D. Donoho;
Bill (H. R. 4071) for the relief of Chauncey and Horace Tyler;
Petition of Yopp & Vance;
Petition of William A. Williamson;
Petition of Fendall Carpenter;
Bill (H. R. 3227) for the relief of Richard Y. Marsell;
Petition of William Lavery;
Bill (H. R. 3338) for the relief of Nicholas Bush;
Bill (H. R. 4913) for the relief of George W. Matlock;
Bill (H. R. 3709) for the relief of Mary H. Noonan;
Bill (H. R. 3460) for the relief of John Cook;
Bill (H. R. 3523) for the relief of the heirs of George W. Welsh;
Bill (H. R. 3459) for the relief of Henry Y. Woody;
Petition of William H. Hill:
Petition of Thomas J. Neal;
Petition of Harmon Mickle;
Petition of William Henry Fitzhugh;
Petition of the heirs of A. F. Hurley;
Petition of the heirs of John Schwartzenburg;
Petition of Samuel C. Ludington;
Petition of Arthur Ashton;
Petition of Anthony R. Fraser;
Petition of John R. Bigelow;
Petition of the Norfolk Ferry Company;
Petition of Mrs. Margaret Y. Higgins;
Petition of William H. Brown;
Bill (H. R. 3515) for the relief of William H. Suthard;
Petition of Joseph L. Markham;
Petition of Salmons, Wooten & Co.;
Petition of R. D. Salmons;
Bill (H. R. 5899) for the relief of Mount Savage Iron Company;
Petition of A. W. Weems;
Petition of W. E. Tomlinson;
Petition of John Osborne;
Petition of William H. Whiteside;
Bill (H. R. 2375) for the relief of the heirs of J. J. Gaultney;
Petition of Mrs. E. Mulvihill;
Petition of Mrs. Fanny Randolph and Mrs. Dora Starks;
Bill (H. R. 5220) for the relief of John H. Weeks;
Petition of Mrs. Daniel Fairex;
Bill (H. R. 6888) for the relief of certain drafted men in Pendleton County, Kentucky;
Petition of Samuel M. McKenna;
Petition of Ellen P. Molloy;
Petition of Nicolla Malatesta;
Bill (H. R. 13) for the relief of Mahala H. Portlock;
Petition of Anna M. Cogswell;
Petition of Stephen G. Dorsey;
Bill (H. R. 3779) for the relief of Mrs. Priscilla W. Burwell;
Bill (H. R. 6492) for the relief of Peter March and others;
Bill (H. R. 6873) for the relief of William S. Turner and Annie Turner;
Bill (H. R. 6874) for the relief of William Porter, or his assignee;
Petition of Samuel Sherrill;
Petition of William Arthur;
Petition of Frederick A. Holden;
Bill (H. R. 4132) for the relief of John Finn;
Bill (H. R. 5514) for the relief of the owners of the schooner Chesapeake Trader; and
Petition of Ann Dunn Halsey.

The list of claims was ordered to be printed in the RECORD and entered upon the Journal.

MARGARET MAGUIRE.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6726) granting a pension to Margaret A. Maguire; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET A. RINGWALT.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4266) grant-

ing a pension to Margaret A. Ringwalt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ESTHER HUDSON.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILLIP LOTZ.

Mr. PATTON, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 2647) granting a pension to Phillip Lotz, late corporal Company I, Fifth Regiment Pennsylvania Cavalry Volunteers; which was laid on the table, and the accompanying report ordered to be printed.

MINOR CHILDREN OF ALFRED M. OWEN.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4908) granting an increase of pension to Alfred M. Owen, Christine Q. Owen, Kathleen D. Owen, and Albert T. Owen, minor children of Alfred M. Owen, deceased; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Pensions.

The motion was agreed to.

LEWIS W. WASHINGTON.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 4327) for the relief of the legal representatives of Lewis W. Washington, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALBERT M'MURTRIE.

Mr. STORM, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 5583) for the relief of Albert McMurtrie; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS.

Mr. STORM, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 6881) for the relief of the Christian Brothers' School, of Saint Louis, Mo.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHESTER ASHLEY.

Mr. FERRELL, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1779) for the relief of the estate of Chester Ashley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM J. SMITH.

Mr. TILLMAN, from the Committee on Claims, reported adversely the bill (H. R. 2800) for the relief of William J. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the regular order is the consideration of the Private Calendar. If no motion be made to consider private business the Chair will proceed with other business.

Mr. MCMILLIN. When the House adjourned yesterday the gentleman from Alabama [Mr. PRYOR] was in the midst of his speech on the bill in regard to the counting of the electoral vote. If there is no objection I am willing that he shall resume and conclude his remarks this morning, and I have heard a very general desire expressed in that direction. The question is important, and I understand the gentleman will not require more than three-quarters of an hour to finish his remarks.

The SPEAKER. If no motion is made to proceed to the consideration of private business other business will go on.

Mr. MCMILLIN. It is understood that I do not waive the right to proceed with the Private Calendar after the gentleman from Alabama has concluded.

Mr. RANDALL. I do not want to have it now determined that after the gentleman from Alabama gets through the House shall consider the Private Calendar. I wish it understood that there is no agreement of that kind.

The SPEAKER. There is not.

Mr. RANDALL. After the gentleman is through I want to submit a proposition to consider the public business.

The SPEAKER. The Chair simply treated this as a case in which no gentleman calls for the consideration of the Private Calendar. The gentleman from Alabama [Mr. PRYOR] calls up the special order, the bill which was under consideration yesterday afternoon when the House adjourned.

Mr. TOWNSHEND. I want it understood that at the end of the gentleman's speech I shall call up the conference report.

The SPEAKER. That is a privileged matter, as the Chair understands, and the gentleman can call it up whenever he chooses.

Mr. TOWNSHEND. I wish to make a parliamentary inquiry. I desire to know whether at the end of the remarks of the gentleman from Alabama I can call up the conference report?

The SPEAKER. If the Chair understands the matter to which the gentleman from Illinois refers, it is a matter of high privilege—a report from a conference committee—which can be called up at any time.

COUNT OF ELECTORAL VOTE.

The House resumed the consideration of the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

The SPEAKER. The gentleman from Alabama [Mr. PRYOR], who yielded yesterday for the motion to adjourn, is now entitled to the floor to conclude his remarks.

Mr. PRYOR resumed his remarks begun yesterday. Before he had concluded,

The SPEAKER said: The time of the gentleman from Alabama has expired.

Mr. COBB. I ask unanimous consent that the gentleman's time be extended.

Several MEMBERS. "How long?"

The SPEAKER. Unless otherwise ordered, the extension of time would be for one hour.

Mr. COBB. The gentleman from Alabama very seldom detains the House with any remarks. He is delivering a very able argument, in which we are all interested. I hope there will be no objection to this extension of time.

Mr. CANNON. For what length of time is this proposed extension? One hour?

The SPEAKER. The Chair has stated that if not ordered to the contrary the extension of time will be one hour.

Mr. HART. The gentleman from Alabama is entitled to one hour in his own right, and he also had some of the time of the gentleman from Connecticut [Mr. EATON]. I hope there will be no objection to allowing him to conclude his remarks.

The SPEAKER. The Chair hears no objection, and the gentleman's time is extended.

Mr. PRYOR. Mr. Speaker, it is always painful to me to be seen and heard, for in my estimation, sir, there is a marked difference between notoriety and renown, and presenting myself now results from a sense of duty as a member of the Select Committee on the Law Respecting the Election of President and Vice-President, in the discharge of which I beg leave to say that I regard the question presented by the bill with the amendments reported by that committee, and now under consideration, as one not for declamation, but one for sound argument, addressed to patient, undisturbed, consecutive thought, being a subject more for deliberation resulting in conviction than speechification, and also one that involves matters as to which no citizen of this country, I care not of what section, party, sect, faction, interest, occupation, or calling, can afford to be either indifferent or deceive himself, for the reason that all that is dear in the past history of this country, or profitable in the present, or hopeful in the future, not only depends upon a correct and permanent settlement of the same, but that we may avert that whirlpool into which the ships of state of all republics, freighted with the disputed capability of mankind for self-government, have been ingulfed save ours, which is now on trial; consequently a subject that absolutely demands time for its investigation, and I will add worth all the time required to do so, and which this House no doubt fully recognizes, warned as we have been of the necessity of its adjustment; for we know not when or how soon infuriated blasts and maddened currents of civil and political strife may drive and draw this Republic into that vortex that has swallowed up others. The vital parts of our governmental system being rightly agreed upon, we may differ widely as to mere matters of policy, and by that difference rather improve than impair our well-being. Logic is more needed in arriving at a correct conclusion in this grave constitutional deduction I am about to attempt to make than rhetoric as an adornment of sophistry and false premises. Not only should the conclusion reached be correct, but to attain a proper recognition and permanent success the reasons therefor should be intelligible and satisfactory, remembering that to obtain a concert of action we must have a concurrence of mind.

To a proper understanding of the argument I propose to submit, I ask to be indulged in a synoptical rehearsal of a part of this Government's history, namely: That the people of the several colonies of Great Britain in America declared and published to the world that they were severally free and sovereign States and people, as in and by their Declaration of Independence set forth. And having maintained the same, became and were sovereign States and people respectively. That the sovereignty which they severally asserted and maintained embraced that

fundamental principle, that the right of civil and religious liberty and self-government was inherent and resided in the people of the several States who had maintained the same, not only as against Great Britain, but the world, and by Great Britain and the world acknowledged. The sovereignty thus achieved, not only as between and among themselves, but as to all others whom it did or might concern, recognized the principle in self-government known as a democracy, which teaches that a majority of those in whom the sovereignty resides shall govern, except as in such case in which the majority shall otherwise determine. With these elements of sovereignty asserted by the several States and people thereof, they, the States and people respectively, entered into a confederate agreement, one with the other, to maintain the same; and it was so fought and won. Some ten or more years after they entered into this their first confederate agreement, realizing defects in the same, and with the view to cure these defects, as well also to promote further their general welfare, and again resorting to and drawing upon their sovereignty as States and people, met in convention, canceled the first and made a new and another agreement, binding and only to be bound to the extent and for the purposes in their said agreement of State association specified and set forth. The purposes for which said association were made, the extent of the powers conferred, are specifically set forth in these their articles of agreement. And the States so associated for the purposes therein expressed they christened and gave the baptismal name of the "United States of America." And this their solemn agreement, by way of classification, they called their "Federal Constitution," containing the agreed principles, or fundamental laws, by which this thus organized body of States and people were to be governed.

Upon an examination of this constitutional agreement between these sovereign States and people thereof we find that, to attain the ends and accomplish the purposes set forth in the declaratory part thereof, they provided as a means the formation and establishment of a Federal Government, to act as a unit, but in the interest of the several States and people who created it, and for whose benefit it was so created, not a merger of many into one or in the place of, but in aid of and for the accomplishment of all which the several States and people granted and transferred certain of their sovereign and inherent rights and powers, as in and by this federal agreement shown, and by virtue of which the States thus and to the extent specified and for the purposes mentioned became by the ratification of the people of the several States an existing and subsisting United States Government, containing and having the powers granted to them as such, no more and no less. But by means of thus parting with a part of their sovereignty they, the States and people thereof respectively, secured and made more effective those retained, and, all things considered, increased in essence rather than diminished their State or people's sovereignty.

The structure of this Federal Government, as provided by these associated States in their confederate agreement, has for its substantial, material, and essential organism three co-ordinate departments, namely, legislative, judicial, and executive, in which is embraced its capabilities for the performance of its governmental functions. These departments are so arranged that each is essential to the maintenance of the others, yet so constructed as in their workings to be separate and independent of each other, so that when constitutionally operated they in no wise infringe one upon the other; and likewise and more especially so constructed that neither the Federal nor State governments can invade, infringe, or in any manner interfere with each other—both the State and Federal Governments under this special organism having respectively well-defined governmental orbits to revolve in, with forces centripetal and centrifugal, equal, so, when rightly and constitutionally worked, as to prevent clash or collision as to either, and likewise commanding respectively respect and consideration—the States being sovereign by inheritance, if the expression is allowable, sanctified by the best of blood, and that of the Federal Government by force of compact for the good of the States who give it its existence.

It is apparent that the relationship which exists between the States and the Federal Government rests upon this federal agreement between the States, and which at once establishes their importance and essentiality to the well-being of each.

It may be supposed that what I have said, as also much of what I may hereafter say, is foreign to the question, but if followed to its legitimate terminus will be found necessary to the conclusion reached. The consequences of dismemberment, though it may not be seen in the question under investigation, would, if realized, disclose events from which we would uncontrollably turn sickened, yet in spite of us are embraced in a failure to agree upon a conclusive and satisfactory settlement of the question staring us daily in the face. The inquiry naturally arises, "What is there to cause these dangers to the people and Government to which I have alluded, and, if real or anticipated, the remedy therefor?" The cause, it may be replied, is the failure of the people in their varied capacities to agree upon the means of ascertaining and determining who are elected by them as President and Vice-President of these thus united States, and which non-agreement is generally based upon the idea that it grows out of a want or the defectiveness of constitutional provisions, which subjects us to the liability of the ills of no rule, misrule, political chaos, and anarchy. To this alleged or supposed defect in the Constitution, to so vital a question, I do not agree, but, to the contrary, affirm that if the true meaning of the Constitution and the thoughts of its framers at the time it was made are ascertained and applied it will reach any question that can arise in the election of a President and Vice-President, as well also as who shall do and perform all necessary acts and things to ascertain the same, as a proper analysis of the Constitution will show. We are now by the line of my argument brought to the threshold of the proposition as to how these difficulties and questions are to be settled and as to who under the Constitution have been elected President and Vice-President.

Simplicity of presentation is most effective and fruitful of good as well as sound results. It may be asked, why repeat what is known and admitted? To which I reply, that it is necessary to develop that which is not known and denied; for instance the four rules in arithemetic, of addition, subtraction, division, and multiplication, are simple and known to all, and yet necessarily used to demonstrate the most difficult and abstruse propositions.

I have thought it best to give scope and diffusiveness to my argument, although subjected to the charge of repetition, as it is intended to reach that portion of our fellow-citizens who are not educated and trained constitutional lawyers, but from whom true relief has to come.

The Constitution, like all other written agreements, is subject to the laws of interpretation and construction, and this law of interpretation is necessary to its existence and enforcement, and is found in settled rules admitted by all as the law by which all agreements have to be tested, also rules recognized as wise and beneficial, the safest depositories of civil and religious liberty, the greatest security of life and property, and the surest guarantee of happiness.

The Constitution, like other agreements, is to be regarded as made under these rules of interpretation, and as such they are to be taken and held as a part of that agreement as much so as if inserted therein for all needful purposes. Therefore, in interpreting the Constitution we are not only anthorized but required to take these rules as a part of the same. To this end we will refer to some of the most leading for our guidance in our search for a true solution of the question in hand.

First. The real intent and meaning when ascertained shall prevail. And to ascertain the intent and meaning—and I may say the intent is the meaning—you look to the words of this interstate agreement (Constitution), and if expressed in clear and precise terms, and consonant with the text, it is then "its own best expositor;" the words being taken in the sense in which they were used and according to their usual popular signification, unless technical in their place and use. But if the words are not in accord with the text, or are subversive of the purposes and objects to be accomplished by the agreement, then the words are to be omitted, transposed, extended, or substituted so as to effect the meaning.

If the purpose is beneficial or remedial, then the rule not only authorizes but requires a liberal, enlarged, and extended interpretation, so as to secure the benefit, advance the remedy, and prevent the mischief. In other words, if the writing entered into is to favor, secure, protect, and advance the interest and rights of the people, then an extended interpretation and scope must be given. On the other hand, if to invade, abridge, or impair the rights of the people, then in all such cases a narrow and strict construction. But it is but just to the fathers to say that while and as long as we keep within the Constitution it is no invasion or abridgment of the people's rights. But as soon as we go outside of it it is an invasion and infringement of their rights. All doubts must be in behalf of the people, "for to be in doubt is to be resolved."

More axiomatically and maximatically expressed, the Federal Government is one of enumerated powers, possessing none others than those granted to it by the States, and I use the word States as a synonym for people; and being thus a creature of the States or people, it has only a limited and qualified inherency of power and sovereignty, having only such inherency and sovereignty as exist and is to be found in the powers conferred. *Ex vi termini*, all other powers and sovereignty not granted remained in and were retained by the States or people in whom they existed inherently and as sovereigns, and which is so declared in the interstate agreement *in ipsissimis verbis*. Equally true is it that the grant is alike binding on the States and people and Federal Government according and to the extent of the grant. If one or the other goes beyond or outside of the grant, such an act is *ipso facto et ipso jure* an infringement of the other, and as such *ultra vires*. (Section 1 of article 1, and ninth and tenth articles of Constitution.)

Another controlling rule in such agreements as are contained in the Federal Constitution is as follows, namely: "A thing within the intention of the framers is within the Constitution, though not within the letter; and a thing within the letter is not within the Constitution unless within the intention of the framers. A thing within the object, spirit, and meaning of the Constitution is as much within the Constitution as if it were in the letter." In this connection it may be remarked that Mr. Cooley lays it down not only plainly, but forcibly, "that a constitution can not from its very nature enter into a minute specification of all its minor powers naturally and obviously included in it and flowing from the great and important ones expressly granted. It is established," says he, "that when the Constitution gives a general power or enjoins a duty it also gives by implication every particu-

lar power necessary for the exercise of the one or the performance of the other; and whenever any one is called upon to perform any constitutional duty or to do any act in respect to which it can be supposed the Constitution has spoken, it is obvious that a question of construction may at once arise, upon which some one must decide before the duty is performed or the act is done."

From the very nature of the case this decision must commonly be made by the person, body, or department upon whom the duty is imposed or from whom the act is required. Where the power is in general terms, the power is to be construed as coextensive with the terms. Now, this rule, so admirably defined and expressed by Mr. Cooley, was in substance in full force at the time of the framing and ratification of the Constitution, and as heretofore shown, entered into and became a part thereof, based upon a well-settled principle of law which was well known to the framers, most of whom were learned lawyers and all well informed in constitutions, that the parties thereto are presumed to have contracted in reference thereto, and made it a part thereof, and must be so taken and held, there being nothing to contravene this presumption, and thereby become by implication as much a part of the Constitution as if expressed in it. For it is equally well settled that an implied power when found to exist is as authoritative as if expressed and entitled to the same force, which was likewise so understood by the framers. Another admitted rule of interpretation and construction is that we should rather preserve by construction than impair or destroy *ut res magis valeat quam pereat*. Again, to find the minds of the framers we are required to look to the objects they had in view, and, as a means of ascertaining their intents and thoughts, to place ourselves in their situation; then, in the light of the circumstances surrounding them, find out the purposes for which they contracted and the ends they sought to accomplish by the means of their written agreement, which it was not only intended to contain but perpetuate. Also, the causes and reason of the agreement and the reasonableness of their providing for the same must be looked at. The fact that an important, essential, and vital power has been conferred upon none others strengthens the conclusion that it is intended to be conferred on those to whom it may be imperfectly conferred for want of clear and express terms, for the one preserves and the other destroys.

It will be found upon examination of the opinion of Chief-Justice Marshall, in the case of McCulloch *vs.* Maryland (4 Wheaton), that Mr. Cooley is in accord with Judge Marshall in that case as to the doctrine of implied or incidental powers of the Constitution. In the case referred to, Judge Marshall lays it down that the Articles of Confederation excluded implied or incidental powers, and required everything to be expressly and minutely described, which was regarded a serious defect, and to meet which, among other things, the Constitution was made and so made as to embrace and contain implied and incidental powers, and that the men who drew it and adopted the doctrine of implications did it expressly and ingrafted it on and planted it in the Constitution purposely to prevent embarrassments. Therefore we must not confound the interpretation of the Articles of Confederation as the rule for the Constitution. I will quote his language as to this. Said he:

> A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and its minor ingredients which compose those objects be deduced from the nature of the objects themselves.

And Judge Marshall also said "that in considering such questions we should never forget that it is a constitution we are expounding." Said he: "A government intrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally depend, must also be intrusted with ample means for their execution." That no construction should be given that would defeat, paralyze, or hazard powers for the public good; or, as he said, "that would impute such an intention to the framers."

To determine whether Congress, as such, can act, that is to say, legislate on this subject, depends entirely on the Constitution as to whether the power is conferred or not. If it is, then Congress can legislate, and the question is one of mere expediency.

It is not necessary that the exact or particular thing or matter which has occurred afterward should be or have been in the mind of the framers at the time of its draft and at that time specially known to them and by them specially provided against in such writings as a constitution. If it is within the scope, thought, sphere, purview of a grant or power which is general in its nature, character, and purpose, then it is sufficient. Such grants or powers not only include things then known and realized, but also extend to matters and things liable to, or that may occur to defeat the objects and purposes of and for which the grant or power was intended to accomplish. To deny which is but to deny the wise difference and distinction between a limited or special grant or power and that of a general one, as well as the reason for the difference and distinction, and thereby destroy the efficiency of both; for to confine the power to only what was presently in the mind of the draughtsman would render the organic law puerile and of short duration, and such as would fail of intrinsic weakness. The other would require foreknowledge, which is superhuman, and would fail of non-sense.

On the other hand, if not given, its acts and legislation would be a nullity. (See section 1 of article 1; also, articles 9 and 10.) Further, if the Constitution gives the right or possesses the power, but the same is not self-executing, then, by express provisions of the Constitution, to say nothing of the right by implication, Congress, by remedial and enabling acts, may execute the power granted. If the Constitution does not possess the power by expression, and the same can not be deduced as an implied power by correct rules of interpretation and construction, then we are thrown back upon the source of all power—the people or amendments; which demonstrates and establishes the fact of their superior and supreme sovereignty over both State and Federal Constitutions. But I confidently believe that if these rules of interpretation are adhered to, maintained, and enforced, as a part of the constitutional agreement, the union of these States, with the benefits which have and are to accrue to the people, will be secured and perpetuated as contemplated by the framers.

Having erected these standards to test the matter of Presidential elections, I will proceed to determine what are votes, the counting of the same, who are to determine a vote or no vote, returns, one or more from same State, and all questions that can arise upon an electoral or Presidential count of who is rightfully elected President and Vice-President of these thus United States. In doing this, I shall assume that those who hear or read after me are either familiar with or will inform themselves of the provisions of the Constitution on this subject, in order to test the correctness of my views.

Subdivisions 2 and 4 of section 1 of article 2 of the Constitution will embrace my first analysis. The word "each," I take it, explains itself. But the word "State," that immediately follows it, may not, as that word in a governmental sense has more meanings than one. The meaning I insist that attaches to it in the use made of it in article 2 is that of body-politic, or, more plainly expressed, the organized body under the States' laws known as the body of voting people in each State, in contradistinction to their governmental or legislative State organism, and as also in contradistinction of their territorial or geographical State. The body-politic being one state, the legislative another, and their territorial still another state, therefore I conclude that the State in subdivision 1 of section 1, article 2, means the suffragans or voting organism of each State; and such being true, then it is they, the people, who shall appoint as stated in the sentence. In this matter of State classification it is proper that I should here say that I have been greatly aided by the views of the learned J. RANDOLPH TUCKER, of Virginia, expressed by him before the commission that sat in judgment upon the troubles of 1876, germane to the subject we are now discussing.

The word "shall" means as here used "may." It is not used in a mandatory or imperative sense; for I take it for granted that the Constitution does not mean that you can force by State or other law a man to vote for a President or Vice-President. It is optional with the suffragan, a high privilege. It may be, and I may agree that it is, his duty as a good citizen to do so; but I know of no law or constitution to compel him to vote. The freedom of the ballot-box does not simply mean that the voter be left free to choose or elect as between men, but free not to vote if he so elects. So much on "shall." The word "appoint" as here used is the equivalent of "choose" or "elect." The manner of choosing, electing, or appointing is left to the legislative State, the means by and through which the voting organism make known their choice, their selection. These words are clear and precise, and their meaning expressed in their use. Then comes the word "electors." Who are they? They are by the machinery of the Constitution provided as the middlemen, instrumentalities by and through whom in this Presidential-election process the voting organism of each State express their will, desire, preference, their choice of a President and Vice-President to act for them in common with other States and people, for a common purpose, through a common government, by a common executive.

The question of the number of electors presents no difficulty, and will be passed, and so of the disqualifications of electors for the present. It will be observed that in essence practically the people or voting organism choose or elect the President and Vice, although they in compliance with the Constitution use the middlemen or electors in manifesting or making known their choice, to give the grounds or reason for which would throw no light on the matter in hand. Suffice it to say we are considering now the Constitution as it is, and not as it should or should not have been made. Such questions and departures in argument tend rather to confuse than enlighten when out of the issue. The power to choose or the right to vote and the right and power to determine who shall be suffragans or voters not only was not parted with, but is by the Constitution guaranteed to be in the States where it resided, and any legislation by Congress trenching on that right of the States or people would be unconstitutional and nugatory. (Constitution, article 1, section 2; articles 9 and 10.)

But by express grant in subdivision 3 of section 1 of article 2, Congress has the right to determine the time of choosing the electors and the day on which they shall give their votes, as to which there can be neither doubt nor difference. That is a matter for Congress, if it sees proper to exercise it; and if it does, then it excludes, overrides, and prevents State legislation. If not, the States would, I suppose, have the right to prescribe the time of choosing and the day of electors voting.

After the people, in their organized voting capacity, in the manner and mode prescribed by their State Legislatures, have had their action as directed in the Constitution, to officer or man the executive department of their Federal Government, then the further proceedings in the line of the mode and manner of the election of their chief federal head, as prescribed in their said articles of State association, passes to those designated in the Constitution as electors or middlemen, and they thereafter act under the provisions of the Constitution and the laws of Congress passed in pursuance thereof. These proceedings are found in that part of the Constitution known as the twelfth amendment.

Thus it satisfactorily appears to my mind that after the States as heretofore defined have appointed, as before stated, their electors pursuant to law, and by that law found to exist, identified, and known, then it seems the States have no further control over them, the electors being chargeable with and responsible for the discharge of the trust confided to them, and, like all other representatives, amenable to their principals for any misuse or abuse of the trust bestowed and reposed. And in the event of an abuse or betrayal of confidence on the part of the electors, they can only be reached by the execrations of a deceived, misrepresented, and disappointed people. But be it distinctly understood that this misrepresentation and abuse of confidence is not without limits—and does not embrace fraud, combinations, illegal and unconstitutional acts—for such can bind neither individual, people, nor government, especially and certainly when not party thereto; and the claimant, either as *particeps criminis* or with a knowledge thereof, can not bind others without their knowledge and consent.

This being an election for the benefit of a federal family of States, each State or member of this federal family has an equal interest in the selection and election of the head for this family government, and the vote of each other, from the suffragans of each to the final action of the board or college of last resort. And being so interested, their rights are inchoate during the State choosing or State elections by the people of each State, and upon the manifestations of this choice by each in the person of electors then it attaches and is thereby made manifest, and being so ascertained and manifested, the Constitution, through its federal directions, proceeds, as stated in the twelfth amendment, to its further and final ascertainment, by taking charge of the electors and subject-matter and proceeds with it as in said amendment stated. All that part of the twelfth amendment down to and including the sentence "addressed to the President of the Senate" presents no doubt or difficulty, and under the rule that where the language is clear and precise there is no room for construction I will forbear any comment up to that point. This brings us in the line of our constitutional dissection to a front-face proximate view of what is alleged and supposed to be the deep, dark, and rugged waters of the remaining portion of the twelfth amendment, which seems to have baffled if not wrecked all of our constitutional mariners since 1800, as shown by bills, resolutions, and proposed amendments previous to and which finally culminated in the twelfth amendment in 1804, and since which time still remains unsettled and is now treated as an open and unagreed question. Now, this old ship of state has been subjected to the surgings of disturbed seas, and while her hull has been somewhat warped and sprung by abuse or neglect, she still floats in the safe and calm harbor-waters of the Constitution. This old ship has been navigated for a hundred years, and by calling to our aid the rules laid down as our compass, rudder, and anchor she will continue to ride the waves ever likely to be produced by the winds and storms of dismemberment.

Now, is there cause for this doubt and disagreement? I think not. Is the Constitution, including the twelfth amendment, so defective or wanting in provisions as not to enable us to solve this supposed or alleged difficulty? I think not, when the Constitution is properly construed and interpreted. Commencing where we left off, with the twelfth amendment, it says: "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." Now, let us take this to pieces and see what it means. To do this the sentence must be construed in connection with other clauses of the Constitution of which it is a part, as well also in connection with the other parts of the clause and paragraphs of which it is likewise a part. Lord Coke regarded that the most natural and genuine method of obtaining the meaning was by comparing the several parts or sections and finding out the sense of one clause by the words and obvious intent of another. The framers of the Constitution, including those that drafted the twelfth amendment, were eminently wise, sagacious, patriotic men, with large common-sense and sound in political morals, with a heart and purpose fixed upon the well-being and the perpetuity of the Government. Also the draughtsmen of the twelfth amendment were men with their minds and solicitudes directed to the very question which had been more than intensified by the events of that day, involving the same or like question. Now, that they should have omitted or were ignorant of so important a matter as that they had even witnessed, and that would sap the very foundations of the Government their energies and souls were fastened upon, is too severe a condemnation to be passed upon them, and one that is as unjust as it is untrue, and he who is prepared to so conclude thereby acknowledges, as I think, that he has not informed himself either as to the subject, the principles and wisdom of the great and pure architects who made the political house in which we should happily dwell.

Read the resolution of Mr. Ross, of Pennsylvania; the bill reported by the committee of Ross, Lawrence, Dexter, Pinckney, and Livermore, 19th February, 1800; also the bill of the 21st March, 1800; also the report and action on it down to 10th May, 1800; Mr. Nichols's proposed amendment to the Constitution of January 22, 1801; the contest in the election of Mr. Jefferson and Mr. Burr in 1801, followed by the twelfth amendment in the light of all the circumstances of its necessity, and then tell me that the men who drew it, the country who knew all about it, those who voted for it, the promulgations by Congress and States and people who adopted it, did not provide in general terms for not only what had occurred or was threatened, but equally so as to all that could transpire, especially of the same or like character, I can not accept; but, to the contrary, I insist to meet which they used the phrase in the twelfth amendment in connection with other parts of the paragraph, namely, "that the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted," &c. Here is a sentence or paragraph embracing a general power to prevent evils and secure rights to guard the high office of President against the fraud and usurpation of one in whom much of despotic, or liable to be made despotic, power in more respects than one resides, holding as he does the Army, Navy, and the influence of patronage, with opportunity to deprive the people of their inestimable rights; and then that they should have failed to have provided a tribunal, immaterial as to name or *personnel*, to ascertain who that man of power is to be and how elected, is simply to charge the framers with imbecility or design. I press this view as strongly persuasive, if not amounting to a strong presumption, in favor of the correctness of the position taken, as well as to weaken the assertion or supposition that the Constitution is defective in this particular. Great, good, and wise men are entitled to favorable presumptions to uphold their acts and doings.

Recurring to that part of the twelfth amendment where it says "the electors shall transmit the votes to the seat of the Government of the United States, addressed to the President of the Senate," as well also as to that part of sentence under immediate consideration, where it says "the President of the Senate shall in the presence," &c.; now that part of the sentence, "in the presence of," must be taken as one expression, and as there used means that state or condition, within sight, hearing, call, at hand, the opposite of absence; and the character and kind of presence here referred to means necessarily joint presence, united, combined in composition, sharing one with the other, associated presence. The more difficult phrase that follows, "presence of," is that of "Senate and House of Representatives;" made difficult, as I insist, by a wrong conception of their meaning as here used. The question is, in what sense were those terms used by the draughtsmen of the twelfth amendment? For it is important, and I may say essential, to the maintenance of the theory I am endeavoring to establish in the matter of electing a President.

I insist that the use of the words "President of the Senate" is a mere *descriptio personæ*, and not as the President of the Senate by virtue of his office as Vice-President, and as such the presiding officer of the legislative Senate, although in point of fact and law he is the legal presiding officer of that legislative department of the Government. But, on the contrary, in the matter of electing a President and Vice, and while so acting, he as a matter of law is a different person, acts in a different character, charged with duties special and particular, and in no wise legislative, but for a wholly different purpose, disconnected from his position as either a *de facto* or *de jure* President of the Senate in a legislative capacity. More as to this hereafter.

The word "shall" in the sentence preceding that part of the sentence "in the presence of," &c., is imperative and mandatory in its meaning. The duties enjoined, and its connection with other parts of the sentence, require that it should have its natural and proper signification, although sometimes to be construed as "may."

I insist that the Senate and House of Representatives as here used do not mean that they act in their legislative capacity, but that the terms thus used are and were intended to be used as terms of mere designations of the *personnel* of a special body created by the Constitution for a special purpose, and charged with the performance of special duties, and such as bear no connection with their legislative duties, and wholly different and distinct therefrom. To say they act as legislative bodies is but to advocate conflict in the working of the two bodies, destructive as well as preventive of intended results. While on the other hand, or under my theory, harmony is preserved, conflict is prevented, and results obtained. More as to this hereafter.

I find upon examination that all the opinions, ideas, and arguments in opposition to Congress as a legislature appointing the President, and especially that which connected the Senate with it, and which triumphantly prevailed in the convention that drafted the Constitution, are strongly in support of my theory of not only conferring it upon and keeping as near the people as possible, but equally so to keep it from Congress as a legislative body, especially the Senatorial branch. It is plain that Washington, Madison, Wilson, and others were for the people electing the President directly. Madison said he preferred the election directly by the people, but accepted promptly the mode by the use of electors as the best he could get under the circumstances. Even Mr. Hamilton stated, in speaking of the election of Senators, that while

he preferred to have them placed upon a plane with the house of lords of England, yet he was free to say that the Government would be republican as long as its officers were appointed by the people or by process originating with the people.

The next word in the sentence (for every word is pregnant with meaning and force) that it is necessary to consider is the word "open," which is a word of a variety of definitions, yet of but one or the like meaning evidently as here used, and means to unclose, to remove the fastenings from, to bring to view, to remove the covering from, to break the seal, to exhibit what is within, to make apparent, reveal, to disclose; all of which and any one of which is self-defining, and expresses the mind of the framers, and as such presents no grounds for a difference of opinion.

Before proceeding further it may be best, to prevent the prejudice which might arise in the minds of some from disbelief in some position which I have and may hereafter announce, and visit that disapprobation upon some they might otherwise be inclined to accept, I will state—and in doing so I do not wish to be understood as abandoning thereby the views expressed—that it is not surprising that we should differ as to the practicability in most cases and the plausibility in all cases of not going behind (as it is called) the returns of the electors. But it seems to me that we should not differ as to the power, jurisdiction, and duty of this board of last resort to do so if occasion requires. And now, allowing I am mistaken in this particular for the sake of this argument—that is to say, on the point of going behind the returns—that should in no wise weaken the point of the unity of the board body, and as made up of parts inseparably connected, and to act as a unit, for the reason that the character, essence, and composition of that body may be one thing, and its jurisdiction and the extent of its jurisdiction another. And we should agree as to the unity of this board even if we disagree as to the point of going behind the returns.

The next word in the sentence is "certificates," the thing to be opened. Now, what are they? There the question enlarges in proportion to the importance of the thing called certificates. The best definition, and that which will best discover and disclose the meaning and sense which the authors of the clause intended it should have and receive, is best ascertained by seeing of what it is composed and required to contain. By reading the twelfth amendment we find that these certificates are composed of and contain distinct lists of the persons voted for by the electors for President and Vice President, which several lists are required to contain the number of votes for each, and which lists so made they, the electors, shall sign, certify, and transmit to the seat of Government addressed to the President of the Senate, and these lists so signed, certified, transmitted, and addressed constitute and define the word "certificate" mentioned in the clause of the Constitution we are considering. The word "all" that precedes the word "certificates" clearly refers to and embraces all the certificates of all the States as well as of each State, and is free from ambiguity.

Passing over for the present the word "votes" in the sentence, for the regular connection and order of these words are not essential to a proper ascertainment of their meaning, we will dispose of the word "shall," used the second time, and which is clearly used in the imperative; but, while a mandatory word, is not to be understood as used to demand or require an unconstitutional or illegal act, for that would be the prostitution of a legal meaning to an illegal use, and therefore violative of all rules and law, and, as such, an unauthorized construction.

The next word in the sentence upon which importance hinges is the word "then," which is an adverb of time, and represents such time as its connection in reference to situation or occasion may require, be it present or future, and is used to mark the time according to the thing to be done—present in its meaning as to such matters and things as can be in the nature of the thing presently done and will not admit of delay; as to others, it does and may mean after, or subsequent, according to the thing to be done or performed. It may mean at that time, at the present time, or afterward, or after that or the present time, according to the nature of the thing required to be done. It is sometimes the equivalent of "thenceforward" or "thenceforth."

Recurring again to that part of the sentence where it says, "in the presence of the Senate and House of Representatives," we are led to inquire what office, duty, object, or purpose are the Senate and House of Representatives present for and how present? And reversing the inquiry—are they jointly, severally, or conventionally present simply to witness the opening by the President of the Senate, or under his direction (which is but a mere physical act), a file of alleged certificates, of alleged votes for President and Vice-President, made out and transmitted by alleged electors, by whomsoever claimed and by whatsoever made up?

Are the Senate and House of Representatives in the matter of filling the executive department of the Government merely to sit by while a count of the alleged or so-called votes is had or made, without power, authority, right, duty, or privilege to ascertain or determine what are or are not such votes, lists, certificates, returns, or electors as should be recognized, and to witness and allow those inhibited by the Constitution to be electors or President; to be mere lookers on, idle spectators, let it be conducted as it may, include what it may, by whomsoever it may, and elect whomsoever it may, without any power or authority to prevent or correct the same? This can not be so. It is too absurd, unreasonable, and destructive of every rule of interpretation, equal justice, and common sense.

These are not mere assertions, for it renders impotent the Federal Government and defeats the whole Constitution, which proves the assertion by force of the proper rules of interpretation. There should not be doubts upon so plain and important a matter, and will not be if political skepticism will yield to constitutional rationality.

Reflection demonstrates that such a conclusion defeats the objects and purposes of the Federal compact; such a construction would enable one not elected by the people to occupy the place of one chosen by them, and place it in the power of usurpation and fraud to defeat the will of the people and seize the country, when the purpose of the Constitution was not only to enable the people to select and install the man of their choice, but to prevent the installation of one not of their choice, from any cause.

I am therefore forced by every consideration to the conviction and belief that so monstrous is the proposition of *casus omissus*—that convenient scuttle-hole for the Constitution—that the monstrosity thereof demonstrates its fallacy. If right, then, in the position taken, that the two Houses are not to be considered as mere spectators or witnesses, we are driven to the conclusion, if not rationally drawn to it, that the Constitution convokes them for a purpose, and evidently to do or cause to be done something; which being true, I ask do what? The answer is expressed—count the votes for President and Vice-President, which means and expresses action. Then, being agreed that action is required, whether in the character of the two Houses in a Congressional sense, or that the President of the Senate as such presides over the body and counts the votes (to which, remember, I do not agree), as is and has been contended by some—perhaps, many—is a grand step forward in the line of my argument.

Now, I ask where do you, supposing this be granted, get the authority for one or the other to count the votes? Neither the power to do one or the other is expressed. Unquestionably you would answer me that you seek and get the power to so act from the doctrine of implied power and the invocation and application of these rules of interpretation and construction referred to. If you admit this, and there is no escape, then you are in spite of you fully aboard of my theory, for the greater includes the less in this case. A recognition in part compels an embrace of the whole principle, for it is a rule that is indivisible where the same applies or can be made to apply.

Therefore, being present to act and acting, charged with the performance of duties, let us inquire into the character and extent of the duty. The point now reached is "the votes shall then be counted," all of which has been disposed of except the words "votes and count." And we will for convenience first inquire as to what is the meaning of the word "count," as here used, which involves and requires action, and means to enumerate, cast up, ascertain numerically the "votes." The question next in order is vote or no vote, and in which is the kernel, the thing in essence, the thing required and needful, and defined by every principle of law, right, and justice, as follows, namely: A vote is the true, certain, and unmistakable evidence of the people's choice, will, and selection of the particular man of essential importance, power, and authority to preside over them and see that the laws are rightly executed.

These evidences of the people's choice are made up and composed, as declared by the constitutions and laws of the States and Federal Government, of the ballots of suffragans and electors; poll-list, returns, and certificates of both suffragans and electors being by the Constitution declared instrumentalities and means of making known the people's choice of their President and Vice-President.

The further definition of votes will be discussed, in connection with the composition and character of the body, to determine what is such a vote as should be counted in Presidential elections. The people, through their Constitution, having provided for the election, and the mode and manner of electing a President and Vice-President, and having availed themselves of it in the manner prescribed, the remaining thing to be done is to ascertain whom the people have chosen.

To do this, among other things, the twelfth amendment provides, as I contend, a high and select board of inspectors, revisers, and determinants, and charges them with the duty of ascertaining and counting the votes cast by the people of the several States, through the instrumentalities of the Constitution, for President and Vice-President, being the common officer under their interstate agreement of a common government, and which common interest not only justified but necessitated the creation of this Federal board, not only to secure the benefits of a common government, to be administered by one possessing the qualifications which they deemed essential to their welfare, and especially of their choice, but also to prevent frauds, corruptions, and irregularities of one or more States from being inflicted upon others not guilty of such practices, and likewise to prevent the ousting of one elected through honest, just, and lawful means by one the offspring of fraud or usurpation. To ascertain and determine these rights and wrongs, to secure the one and prevent the other, this special board was created and clothed with general powers, pregnant with manifold implications, to accomplish the ends, objects, and purposes of the general grant.

That I may be more fully understood as we proceed I repeat that in the discharge of the duty of counting the votes the President of the Senate and the Senate and House of Representatives do not act in their legislative or proper Congressional capacity; that while their respective membership is the same, yet the capacity in which they are required by the twelfth amendment in the matter of the Presidency of the United States to act is different. I contend they (the Senators and House of Representatives) are fit and convenient personages of and from certain well-defined and selected bodies out and from which the membership of a particular and special board for special and particular purposes are composed. Having reached the conclusion that this board have been assembled under the provisions of the Constitution for a purpose that involves and implies action, based upon grants of power, with duties enjoined, expressed, and implied, the question recurs—count the votes. I repeat and now insist that in this word vote is included the ascertainment and determination of all defects, irregularities, illegalities, non-qualifications of electors or persons voted for, frauds, corruptions, or coercions, from the suffragan through its transit to this Federal board of inspectors, revisers, and determinants of last resort at the seat of the Government of the United States. This Federal board assembled and organized for the purpose, and charged with the duties thus imposed by my interpretation of the Constitution, proceeds to discharge the same.

When the alleged certificates are opened and submitted by the President of the Senate to the Senate and House of Representatives—for "in the presence of" here means to them and for their consideration—the President of the Senate discharges the duty, and only duty, enjoined by the Constitution by expression or implication on him, and when so discharged his duty, power, and authority in the premises cease and are at an end. His action thus ceasing, then action on the part of the board commences, as before shown, by virtue of the implied powers from the general grant, without which implications they are reduced to naught, or mere spectators, which we have likewise shown to be a *reductio ad absurdum*. And in the exercise of these powers so conferred they in the order of their discretion examine the certificates, lists, and returns, and if in every respect genuine and regular on their face and no objections raised as to intrinsic or non-appearing defects in the returns, then the mere act of numerical count or calculation is made and the result thereof declared. And also, if the lists and certificates are imperfect, defective, illegal upon their face, or rotten within as to matters that go to the substance of the returns, whether known to this board or not, and no objection is made, and are by this board enumerated and announced, that is likewise the end of it, even if, by mistake, neglect, or omission, wrong be done from ignorance, design, or corruption by this federal board. For in that event the people and States are remediless, as they are the determinants of last resort; and as there must be an end to all proceedings, and an event also, to which the people would have either to yield submission or assert their inherent rights of self-protection, their political organism having failed to secure and protect them against fraud or ursurpation, unless it could be reached by resort to the judicial tribunals of the country, which is more than doubtful that an outraged and inflamed people would do.

The Federal Government being a creature of the States and people, and the executive department thereof having to be officered by and through the choice of the people, thereby derives his executive existence and right to the office from them, and to whom the Executive is accountable and responsible, although indirectly and theoretically elected by electors or middlemen.

This being true, how shall this board darraign his right and title to the office? Evidently the source of his title and whence it emanates, its fountain-head, is in the body-politic or voting organism of each State. Take that away in whole or in part, and his title to the office fails in whole or in part, for his title rests upon the vote of the suffragan primarily. He may claim through the middleman, the elector, as a conduit of title; but the title of the elector must be genuine and sound, and of one who is in fact and law the elector, and one capable of being an elector, for he passes and can only pass such title as he (the elector) has. Not only this, but the middleman is required by sound political morals and law to convey or pass by his electoral vote a genuine and sound title of the trust premises confided to him for that purpose; and each, all, and every one of the links in this chain of Presidential title from suffragan to the Federal board, to be had, done, transferred, and conveyed, must be according to the substantial forms and requirements of the law, State and Federal, otherwise the title and just claim of the Presidential office fails, for the ascertainment and determination of all of which this board of last resort is clothed with full and complete jurisdiction, as well as charged with the duty to find and determine.

Commencing with the ballot of the suffragan, which as a means made and provided by law in such cases is the announcement by the suffragan of his will, choice, and the declaration of the same by him for a particular man of fitness and power, and presented by him in common with all others over whom he is likewise to preside.

The ballot to be a vote must be the free and voluntary act of the suffragan uncontrolled in its make-up and casting. Not only this, but as it necessarily is to affect the rights of others inseparably connected with himself, it must be pure and unadulterated. If so, then it is a vote in fact, and if cast according to law, and so estimated and returned, then a vote in law. And this is equally so of the votes of the electors as with those of the suffragan. That is to say, if the vote of the suffragan or the elector is not free, unbought, undeceived, and cast by one entitled to vote, and for one entitled to receive a vote, it is not a vote in the sense of the law or the Constitution. And equally so if the will of another or the result of fraud and corruption. And the *factum* of vote or no vote, and an examination thereof and therein, forces itself wheresoever, whensoever, by whomsoever, and for whomsoever, when a claim thereto arises; and all that it takes to constitute a genuine and legal vote is presented for examination and determination, and for the trial and investigation of all which is this Federal board of last resort, which by force of implications have complete jurisdiction, with power to explore, examine, and determine any and all evidences that constitute the title of the one claiming or to whom the title has been sought to be conveyed, and whether the same has been done according to the forms and rules of law.

Whatever goes to make up the title is a part of the title, and therefore subject to investigation. The vote of the suffragan is the support of the elector. If there are no votes cast for electors there can not be an elector, and a vote vicious in the law is equal to no vote; and who would pretend that an elector assuming to be such, but not in fact such, would be allowed to vote and that vote counted? The claim of the elector must be not only based upon but the legitimate product of a legitimate vote, to determine which is the business of this Federal board. The law will not only step in and prevent a fraud, but will not aid one to profit by the same, and will take from him that which is the result of fraud or usurpation, and restore it to him who is entitled thereto. And this board is charged with that duty, and there is no escape from it except by ignorance or willful and culpable neglect.

It was important to the States thus contributing certain of their inherent rights for mutual benefits, which could not be accomplished without this Federal agreement, that this special board of determinants should be created, and clothed with power to prevent wrongs one to the other, through this their common governmental machinery. This construction sustains and is in full accord with the Federal system, while the reverse is destructive of it. The Constitution inhibits by declaring certain persons disqualified from being electors, and so of persons from being President and Vice-President, and as such inhibits both from receiving the votes of the suffragans. And if the fact of disqualification appear, or can be made to appear, then the pretended vote of the inhibited elector or person voted for as President must be discarded; because the Federal Constitution has declared such a one to be ineligible, and shall not be in law a voter as an elector or the recipient of a legal vote from the suffragan. And any vote by one thus inhibited would be a nullity, and, not being such vote as the law recognizes, would and should be excluded from the count. The only ground necessary to be assigned for this is the doctrine of *lex scripta*, and equally so of the men voted for as President and Vice-President. The Constitution excludes certain persons as ineligible to the office of President. It can not be held a vote unless the man for whom it is cast is capable of receiving it. The law not only requires one qualified to vote, but also one capable of receiving it; and if there be no such man, or he be *civiliter mortuus*, the vote is not a vote in law and is not to be counted, and the suffragan can not be heard to complain. Being chargeable with a knowledge of the Constitution, he should not expect his attempt would succeed, for he would by the act violate the Constitution, and to allow it would be a premium awarded for a violation thereof. We have to take one horn or the other of this question.

This Federal board of determinants of last resort have a right to explore the whole voting area from center to circumference and from top to bottom, or are mere spectators and powerless, except to receive all, count all, true or false, pure or corrupt, by anybody, for anybody, right or wrong, irrespective of effect or consequences; and if the votes returned say so, declare Emperor William, Czar of Russia, Sitting Bull, Sinbad, or Robinson Crusoe President and Vice-President of the United States; and that he or they must be installed as such by suitable and appropriate resolutions passing between the two Houses of Congress. Such a position as the latter, if true, is awful to contemplate and disastrous in its enforcement or submission to, and can, to my mind, only be tolerated upon the idea of its extreme ridiculousness.

The opposite view which is here advanced is thereby made to strike us with more force. That the electoral college (a misnomer, however), or call it board, or by whatsoever name you please, is by any fair interpretation clothed with rightful jurisdiction of the fact of who is elected President, and there is no plainer principle than that when the jurisdiction rightfully attaches both as to parties and subject-matter, the court or body having jurisdiction can and should proceed to settle all questions material to a rightful determination of the matters involved, certainly within the main or trunk issue; and in this matter the question is, who has been rightfully and lawfully chosen President and Vice-President to operate and conduct a common government for and as between a common suit of States, different and separate as States, yet in this particular "one and inseparable?" *E pluribus unum.*

Forcible illustrations and striking examples could be given to make these views impressive and convincing, but too much time would be required for this occasion. I leave that for others to supply. To meet the expressions of some that we can do nothing in this matter except what is expressly declared in the Constitution, let me put a case that could without any stretch happen. The Constitution provides that the electors shall make lists, sign, certify, and transmit, &c. I ask, suppose from oversight, neglect, or design, the electors failed or refused to comply, and it could be made to appear to the satisfaction of this board that there was fraud, coercion, or design, would not the so-called electoral college have the right to look into and see that a faithful people had been defeated, and take such steps as to purge the fraud and establish the right? If not, you place it in the power of fraud and design not only to imperil, but by non-action or wrong action stop and destroy the Government and defeat the will of the people, the purpose for which prominently this college was established to prevent.

Now, there is no express grant in such a case if the electors should fail or refuse; and so as to the certificates provided to be held and sent by the acts of Congress, and so as to seal of the certificates, or to address them to the President of the Senate. Would this defeat the election of a President? If so, then you interpret the Constitution to the end of self-destruction, and instead of the rule to preserve, make it provide the means of its own defeat, and reverse the rule of *in fraudem legis*. This, you agree with me, can not be done. Then, I ask, who is to ascertain the facts of the case and who to determine upon the facts in such a case? It would be short of the remedy if you find the facts and yet no one to determine the same. We all agree it could be done by this board or so-called electoral college, and this, too, when there is no express grant; then it can only arise by implication. So we see we are constantly invoking and acting under implied powers, and yet ready to conclude, in exact connection in other questions inseparably connected, that the power of implication has been exhausted or does not arise.

Further, suppose there is no President of the Senate to whom the certificates could be addressed, or, if addressed, to receive and take charge of, and upon the meeting of the electoral college present to and open the certificates; would it be contended, if from any cause this could not be done, that the college would be powerless and the Government thereby dissolved? Surely not. Then who, I repeat, would, could, or should act in such case? We can not doubt as to the power and duty of this board or college to act, and, if so, where do they get the power, except by implication? And, if so, why not in the cases that have arisen or that may occur? The answer to or explanation of all of which is, the Constitution, by the general grants of power to this board expressly given, laid the foundation for the implied, anticipated, and incidental powers necessary to carry into full effect the powers expressly granted, and without which the express power is powerless. We should not doubt on so plain a proposition in the light of the established rules of interpretation in all needful cases and for all necessary purposes, especially when and where the power granted is without a limitation express or implied, in which case it should have full scope and a liberal construction for the accomplishment of the objects in which the very life of the thing granted is imperiled or involved, and absolutely essential to its preservation or well-being.

The clause in the Constitution expressly designates, when examined, not so much this board, or college body, but the elements of the body, to take charge of and determine the question of who is elected President and Vice-President. And let me here state, although called in the Constitution "the Senate and House of Representatives," they have universally, I believe, not only been called (by mistake as I conceive) but recognized as the electoral college, when it is a board or council of last resort, to revise or determine the action of the several colleges of the States. Be this as it may, and call it by whatsoever name you may, this body is by implication alone required to meet at the seat of Government of the United States, and being chargeable with a knowledge of the Constitution, including its interpretation, and likewise with a knowledge of their creation and duties connected therewith, and possessing inherently the power of self-organization, do at the time and place assemble and organize. Whereupon the work of duty commences by the President of the Senate, being the particular person designated to discharge a specified duty, who in the discharge thereof and in accordance to the rules and proprieties of that particular and special body, and such only as are of their own making or adoption for the occasion, opens in the presence of this body so created and assembled for the purpose what purports to be the certified votes for President and Vice-President.

This is all that is enjoined upon the President of the Senate, as I think I have shown. To do less would not be a fulfillment of his duty. To do more would be an excess of authority and violation of the rights and duties of others. Then this specially assembled body, for a particular and special purpose, proceed according to their own rules of procedure to discharge the duty incumbent upon them of ascertaining what are and what are not votes, and the counting of such only as they shall find and determine to be votes, with full power to call to their aid all lawful rules and regulations that will enable them to arrive at a proper conclusion of a matter submitted by the Constitution to them for final determination. Not only because the means justifies the end, but because in this matter the remedies and means are a part of the thing to be accomplished, and as such granted by implication, as shown in the opinion of Mr. Marshall referred to, but not as a judicial tribunal except by analogy.

All proceedings to ascertain facts, form conclusions, and make determinations are and may be one order of procedure and judgment, based upon process more or less, but not a court or judgment in the judicial sense of the law. This being true, the labor of this body becomes authorative, investigatory, conclusive, and binding upon all parties thereto, being a political forum of the last resort.

And as a further example, that it is the capacity in which the body acts that characterizes it, take the case of the Senate when sitting as a court of impeachment. Examine the cases, from that of Judge Peck, in 1830, to that of Belknap, in 1876, both inclusive, where it will be seen that the Senate sat as a court of special and limited jurisdiction, performing judicial functions, with process and officers of a judicial character, journals kept and entries made, not as a Senatorial, legislative, Congressional body, but substantially as minutes and records of a judicial court, in which the Sergeant-at-Arms performed functions and duties substantially as a marshal or sheriff opened and closed the court by the usual court proclamations of "O yes!" and "Hear ye!"—members polled, when each rendered in open court his verdict and judgment of conviction or acquittal, the same entered on the minutes, record, or journals, as you may please to have it—and yet called, identified, and designated in the Constitution and otherwise as the Senate and Senators, while we all are bound to admit, in substance and effect, a "high court of impeachment," as the journals or records of the Senate body will show.

Whenever it shall be made to satisfactorily appear that this body is a special body, made so by the Constitution for a specific purpose, wholly disconnected from and non-legislative as to the duties enjoined, and composed of individuals of and from designated convenient and fit bodies, acting and to act in a different sphere altogether, and in its very nature unlike the bodies from which they are taken, being an assemblage of its own special and peculiar character, and alone the one provided by the Constitution that can discharge the special and peculiar functions assigned to it—I say, this being established, it does seem to me that the troubles and doubts that have perplexed the minds of the ablest men of the country for nearly one hundred years are out of the way. This board, having the inherent right of self-organization, secures to itself the right to select and appoint its own officers and establish its own rules of procedure; and such being true, we are relieved of one of the disputed questions in the past, namely, that the President of the Senate, by right and force of his legislative office, and as such officer, has the right to be the presiding officer of this board or select body of men as inspectors and determinants of the Presidential count.

We also, if my views are correct, avoid a much more troublesome and by many believed to be an insurmountable difficulty, which is whether "the Senate and House of Representatives," when assembled in what is commonly called the electoral college, act in their legislative capacity, and also whether they act jointly or severally whenever action is to be taken. Now, all this is disposed of by way of avoidance, if my theory is accepted, whether the one or the other, for the reason that this board of inspectors and determinants, as I have shown, is a body of itself, acts as a unit, made up of individuals selected from other bodies, and when acting in what is termed an electoral college do so as an assemblage peculiar to itself, and in contradistinction of all other bodies; and the Constitution having in this respect failed to take from or deny them the inherent right of self-organization and regulation, it remains with the body and subject to their determination, and as such it acts as a unit conventionally.

To say that the Senate and House of Representatives must act, when action is to be had or taken, separately, is not only without anything in the Constitution to support or justify such an assertion, but a flat denial and nullification of the letter as well as the spirit of the twelfth amendment, which is all of the Constitution on this subject. It never has been pretended that separate action of the two Houses arose from anything expressed in the Constitution, but was deduced, based upon, and arose as alleged on and from this structure and organism and the legislative mode and manner of acting of the two Houses, and is also being designated and called in the twelfth amendment the President of the Senate and the Senate and House of Representatives, those designations carrying, as claimed, with them the necessity of acting as such. Now, if this be true, why does the twelfth amendment call them together at all? Confessedly there is no necessity; it is an act of supererogation. What does it mean when it says, "The President of the Senate shall, in the presence of the Senate and House of Representatives," &c.? Does it mean that he shall do so in their joint or separate presence? Does it mean that he shall "open and count" in one House and then pick up certificates and count, and go to the other House and open and count likewise, or announce the result of first count? This would be in the first place nonsense; in the second, he could open but once even if he should count twice. And such a performance would be in the teeth of the express

words of the Constitution where it says he shall "open" "in the presence of," &c., both Houses being tied and bound together by the copulative conjunction "and," the office of which is to unite, associate, and join the two Houses into one body, and as such a joint presence of a joint body. To give any other meaning to the words and spirit of the twelfth amendment is to make it self-contradictory by an utter prostitution of the words and purpose. If, then, the body is joint, it is a unit, and its presence likewise joint and a unit. This being true, and in the absence of any provision express or implied to separate, how can they, how dare they separate, dissolve, divorce, or put asunder this joint presence, to do or perform any act the hearing and result as to which is required, bound, and admitted to be joint. My interpretation in this respect is fully sustained by the early and late bills and acts of Congress—in spite of the views of those who recognize the power of separation—in which they by open and direct action contradict their theory of separation to even accomplish the ends of separation. For example, take the noted act of Congress of the United States of the 29th January, 1877—and here I will remark that act was not an original conception by any means, being but a reproduction and rehash in substance of the bills of the 19th February and the 21st of March, 1800, introduced into Congress, creating a "grand committee" to remedy the difficulties likely to arise in regard to deciding disputed elections for President and Vice-President. Now, under the bills of 1800, six members from each House, aggregating twelve, together (by a provision in said bills) with the Chief-Justice of the Supreme Court of the United States, constituted that "grand committee." In the act of 29th January, 1877, the electoral commission was created, and composed of five Senators, five Representatives, and five judges of the Supreme Court of the United States. By reference to the act of 1877 it will be seen that the members of the electoral commission were chosen or selected from the Senate, House of Representatives, and Supreme Court judges as such; and under the bills of 1800 were required to act, and under the act of 1877 did act, from first to last, as a unit, one body and conventionally, and were governed by rules and regulation of their own making, and never pretended to act otherwise than in banc and as one body, nor under either the rules of the Senate, House, or of the Supreme Court, although of the Senate, House, and bench, and called and designated in the act and otherwise as Senators, Representatives, and judges; and yet their action was neither legislative nor judicial except by analogy. And while I deny the constitutionality of all these acts, Congress did assume and perform acts by unauthorized legislation which in my judgment under the twelfth amendment they should have done by themselves as a special body. The action, therefore, of those who entertain the opinion that they are separate bodies and must act separately is in open conflict with just such legislation as they favor, for if the act is a separate one, how can they delegate or confer by legislation the duty on others, and act jointly as a unit when they say the two Houses must act separately. By what kind of hocus-pocus reasoning do they propose to do by and through a grand committee or electoral commission that which either as to the subject-matter, mode, and manner they could not do themselves, and by rules and regulations of their own making, in contradistinction of the Senate, House, and court rules and regulations, and all done by unauthorized legislation, when the same has been already and better done by the Constitution? The only answer required is that such is an absurdity, for it is but legislating themselves out as a special body and others in, and conferring powers which they do not themselves possess.

But the Constitution in its forecast, seeing that contingencies might arise in which this board as a conventional body could not come to an agreement, provided for such an event, and which, in point of fact, has occurred I believe in more cases than one. That is to say, the so-called electoral college, failing to elect as provided in the twelfth amendment, it is there provided that in that contingency the Government shall not collapse; and to prevent which it is expressly provided that after this board of inspectors and determinants have ascertained what are the votes that should be estimated, and the same are counted, and the result shows that neither person voted for has a majority of all the true electoral votes, or in case of a tie vote between two having a majority of all the electoral votes cast, then, in terms explicit and free from doubt, this board of inspectors and determinants, having exhausted their powers without finding a result that elects by the people through electors a President and Vice-President, they, as such board, are disbanded and discharged from further consideration of the matter, and new bodies entirely are created by the Constitution to choose a President and Vice-President, and alone upon and from the facts found by the special board, and thereby preserve the Government. The people having failed to elect as found by this special board, these new bodies are created by the Constitution, and in the science or art of government are known as councils of state and discretion, and as such I shall designate them for all purposes of this argument.

To intensify this view, I repeat that this primary body, this board or inspectors and determinants, having ascertained that the people had failed to elect, and this being the extent under the Constitution of their jurisdiction, use, and purpose, their duties are at an end when the result of the vote of the people either elects or fails to elect, and to meet the contingency of the failure of the people to elect, and to avoid the evils consequent upon such a failure, created this council of state and discretion, by enabling them to choose the two officers of government whom the people had failed to choose; and as the duties of the one ended that of the others commenced.

In the first instance, the election of both President and Vice-President was to be ascertained by the board (body), but that failing, the President is chosen by one separate and distinct body and the Vice-President by still another and different one. The council of state appointed by the Constitution to choose a President, as a matter of description and designation, is called for fitness and convenience the "House of Representatives," but not to be considered in their Congressional character further than to identify the body; not in their legislative capacity to enact a law to meet the failure of the people to elect, but to exercise and make a choice of and between certain men in a particular manner, and to a certain extent to meet the contingency which has happened. And so of the Senate as a special body, likewise a council of state, to choose a Vice-President, the people having failed, as shown by this board of inspectors and determinants, to elect one.

To further show that the House of Representatives is a special and different body from that of a legislative house, and so of the Senate, I invite your attention to the duties enjoined on each and the manner of discharging the same as provided by the Constitution. It will be remembered that when the selection of a President is devolved upon this House—council of state—the Constitution defines the number and character of representation necessary to constitute a quorum, which is entirely different from that of a legislative or Congressional house or body. The quorum of the House as a legislative body is of the membership of the body, whether from all or a few States and of any number from any State, whereas in this special capacity of this special body a quorum is required, to consist of two-thirds of the States entitled to representation, regardless of the number of Representatives. And this particular body or council of state of the House so created and quorumed is charged with the choosing of a President, but confined to the facts found by the board, and the only limitation on this power of choice is as follows: First, they are confined to the persons voted for by the people's electors. Second, limited in this choice to a number of not exceeding three of the highest or those receiving the highest number of electoral votes, to the exclusion of all others, if there be such, and the choice to be made by ballot—not *viva voce*.

As a further difference, the votes thus given shall be by States, not per capita. How striking this difference! As a legislative body, a quorum in the present House is one hundred and sixty-three, whereas in this House council a quorum could be obtained by having one member from two-thirds of the States, or twenty-six members, and a majority of all the States, or twenty votes, could choose a President; and if each of the thirty-eight States were present, then no more than thirty-eight votes can be cast, for the reason that the choice is to be made by States, and but one vote for each State represented, large or small. Whereas the House in its legislative capacity could vote three hundred and twenty-five, if it choose to agree upon the man. Not only this, but the choice of this council House must be a majority of all the States, large or small, and the small count as much as the large, and the large no more than the small, when if in the legislative character New York would cast votes in the proportion as her representation is greater than that of Alabama.

So it is apparent that all that has been said as to the difference of the bodies in case of the board of inspectors and determinants equally applies to this House council of state, to all of which I refer. And if it so happen that this council of state fail to make a choice by the 4th of March following, then the Vice-President becomes the President, as in case of death, &c., showing that the framers foresaw that this House council of state might not make a choice, and provided for it, and that suggests some notice of the word "immediately," used in connection with this House council. While it is an adverb to make time, and sometimes means present, instantly, and without delay, and without the intervention of other matters or bodies, it here means "without delay," and certainly not used in a coercive sense so imperative and mandatory as to require action at all hazards. It may and most likely was supposed that this House council could at once choose, and no doubt was suggestive that they should, but without doubt the framers of the twelfth amendment anticipated a failure to do so and provided against it. That is as certain as language can make it, namely, "And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the 4th day of March next following, then the Vice-President shall act," &c.

As further evidence of the specialty of these bodies we proceed with the analysis of the Constitution in the case of a Vice-President. If it appear in this board of inspectors and determinants that none of the persons voted for have received a majority of all the electoral votes, which includes a tie vote, then and in that event the Constitution provides a like council of state, which, for convenience' sake I will call "Senate council," which is composed of membership of the Senate like the House, of special powers and duties, and who when organized act as a special body for a specific purpose and in a particular manner, totally non-legislative,

and in that capacity organize and proceed, as by the Constitution prescribed, to meet the failure on the part of the people, as ascertained and made known by the board of inspectors and determinants, to elect through their electors a Vice-President. And to do this the Constitution created this Senatorial council, and devolved upon them as such council the selection of this Vice, and to be done in the mode and manner therein declared.

A quorum of this Senatorial council, it will be observed, is two-thirds of its members, immaterial from what States, few or many; when in the House it was members, irrespective of numbers, from two-thirds of the States, and in the choice of a Vice-President by the Senate, a majority of whose individual votes elect, but confined to two of the highest on the list voted for by the electors, whether it is a majority of all the Senators or not; all of which strongly tend if not conclusive of my theory and the specialty of the bodies. Much if not the whole of the trouble in the country and the difficulties we encounter with this question grow out of a misconception or mistake as to the true character of the several bodies selected by the Constitution to take charge of the questions involved in a Presidential count, and the mistake consists in the prevalent idea that the Senate and House of Representatives had sole jurisdiction, to whatever extent it went, without any definite, settled, or agreed idea of the extent of their authority as and in their respective Congressional legislative capacities.

The work of both Houses in the matter of ascertaining who is elected or chosen President or Vice-President is admitted to be non-legislative. Then where does the authority come from to support the assertion that each of the two Houses should assume to or act as legislative bodies respectively? None that I have heard insisted upon, except the fact that they are mentioned and called or designated in the twelfth amendment as the President of the Senate and the Senate and House of Representatives. Now, I ask, is it the name merely or the substance that defines the thing? In all legal, equitable, and other forums with which I am familiar or have any knowledge of, whether of pleadings or other proceedings, it is the substance that gives and furnishes the true character of the suit and defines the thing sued for, or in controversy *quo cumque nomine*. If President Arthur were to have occasion to command the Army or Navy or militia of the States, he would not conduct that army or demean himself as President in Cabinet council of state or in the capacity of an executive officer of the Government.

But, laying aside for the time being his civil or executive robes, he would put on the habiliments of the warrior, and with the insignia of a United States soldier would be charged with and perform duties and functions altogether different, distinct, and separate, from those of a Presidential and executive character, and discharged and conducted in an entirely different manner and governed by a different system of rules and regulations, to wit, the military, which is the opposite of his executive functions and character and the rules and regulations therefor, and while acting as Commander-in-Chief of the armies should be strictly called and known as General Arthur, although at the very time in fact and law the President and Executive of the Government. Yet in and out of the Constitution he is and would be designated and identified as President Arthur. As a means of escape from this view, it may be said the second section of the second article of the Constitution made him the Commander-in-Chief of the Army, Navy, and militia of the States. To which I reply, the twelfth amendment, also a part of the Constitution, made the Senate and House of Representatives likewise instrumentalities and means in a changed character to perform different functions, in which they too are required to lay aside for the time being their Senatorial robes and House paraphernalia and draw on the garb of a board of inspectors and determinants and councils of state and discretion.

Give up such specious reasoning and arguments, and you should unless you can rationally answer my theory, and all difficulty is removed; if not removed, certainly open to satisfactory agreement as to the correct views and remedies; for be assured that as long as persisted in, resting as it does in mistake, it never has and never can be rightly or successfully adjusted, any more than to deduce correct results from false premises in any case. The sum will not prove, because wrongly stated; and so in logic, as in mathematics, the fact that these bodies have so acted, either arbitrarily or indulged in as a matter of necessity or as the least of evils, yet it never has been recognized as a settled question, but on the contrary regarded as an open one, and not being an accepted construction of the Constitution, does not fall within the class of cases to be held as constitutional or non-combatable. One of the greatest difficulties I expect to encounter in the recognition of my views is the long indulgence in these mistakes heretofore and now existing; for it is a metaphysical fact that it is much more difficult to erase a wrong impression, especially so if of long standing, than to make a correct one; and even if erased, it leaves a bad surface for the imprint of another, although correct.

Another seemingly insurmountable impediment heretofore, and no doubt now, has been and is to get the membership of the Senate and House of Representatives as now organized and impressed to yield their idea of supremacy and separate existence one to the other or to the country, each claiming and insisting upon their respective, supreme, and superior rights and importance, intensified by jealousies and ambitions, to all of which in no small degree may be traced the alleged right of the President of the Senate as such to preside over and if need be determine and count the Presidential vote, and also when the two bodies act, if act they should, then they must separate and act separately, and if in convention they are separate bodies and must keep up the idea of distinct bodies, all of which is removed and avoided by my interpretation of the Constitution, and by which no humiliation is inflicted or rights impaired of either the Senate or the House of Representatives, but on the contrary I robe them in new and different garments of rank, power, and position, equally important, and of far greater responsibility, by charging them in their changed characters—first, to ascertain whether the people have elected, and if so, whom; and secondly, if not, then to perform the grave duty of choosing for a free people a President and Vice-President?

What place or power could be more solemn, more responsible, higher, or more honorable among men or governments than such a position, holding in their hands the life of the Republic, welfare and happiness of the whole people? I insist that a strict adherence to and enforcement of the Constitution, being the ark of our Federal covenant, interpreted by correct rules, with the doctrine of the proper and necessary powers of implication, we are not only safe but free from danger as long as the people prefer and are capable of self-government. Let me assure you that these rules of interpretation and the doctrine of implied powers to carry into effect those expressed or granted, based as they are upon human nature and human experience of long standing, are far more enduring than either amendments or legislative enactments. And while it may be said that whatever it is human to invent it is likewise human to circumvent, but as regards these tested rules for the ascertainment of hidden facts, though existing, no ingenuity has ever been able to defeat or destroy them, but they in turn detect, expose, and defeat ingenuity. And why should we not let them apply to the matter in hand, when it is the work of every day to apply them to all other questions belonging to or arising out of the Constitution, there being nothing novel, difficult, or cranky in their invocation or application here? I ask, why make the Presidential count an exception? To the assertion that as the law is now there is not sufficient time to make the investigation that my theory claims, I reply that even if it be true, it does not meet my position; and if in the way at all, it is easily corrected, as can be shown.

The Constitution does not place us in that condition of short time, but, on the contrary, leaves the question an open one from the day of the installation of one President to the election of another, and places it in the power of the people to have their election as to them seems meet and proper. If the objection be good it does not reach the Constitution, but goes to the legislation of Congress under the clause of the Constitution, which, is as stated, open to any and ample time, namely, the third subdivision of the 1st section of article 2, where it says:

> The Congress may determine the time of choosing the electors and the day on which they shall give their votes. * * *

So it is plainly to be seen all that is required is for Congress to repeal the laws of short time and pass such as would be necessary from time to time for investigations of all proper questions that may or are likely to arise from any cause or source, and to any extent, as need be or occasion requires. So when rightly viewed the objection tends to strengthen rather than weaken my position.

There are some who doubt and some who deny the power, safety, or propriety of going behind, as it is termed, the returns of the electors. It is insisted by some that while you may inquire as to the qualifications of the electors—and this is disputed—and while you may inquire when there are two or more returns and as to the regularity of the returns, yet you can not go beyond this, and certainly not as to any real or supposed defect or irregularity which may exist in the State proceedings. Various grounds are assigned, among them that it interferes with the States and State rights and sovereignty. The Constitution provides that each House shall be the judge of the election returns, and qualifications of its own members, and it is admitted, and is the practice if need be, that each House has plenary power to investigate, from the vote of the suffragan in the matter of the representation in the House and from the vote of the Legislative representative in the election of a Senator, through all of its mutations in its transit from the hands of the suffragan and State Legislature to the returning board of the State and the certificates of the governor of the State thence to either House.

Now the Government could be perpetuated and administered, though unjustly and oppressively as to some, without one or even many of its Senators or Representatives, but would be at a deadlock and could not be administered without some one authorized under the Constitution to be or entitled to act as President.

Now, I ask, is it reasonable or is it a fair interpretation or construction of the Constitution, either as to its words, sentences, paragraphs, or as a whole, to suppose that the framers provided for the one, to wit, Senators and Representatives, and did not for the other, to wit, the President and Vice-President; that they provided for the lesser and did not for the greater? I say they did not, but provided for both. In

the one case it was proper to express it, in the other it was sufficient and more appropriate in the structure of the general sentence to imply it, and being a necessary implication from a necessarily broad and general grant, we have the right and it is our duty, if need be, to go into and behind the returns of electors, &c., to find the true will of the sovereign of sovereigns—the people. This construction upholds and preserves, the other destroys; one harmonizes all other parts, the other conflicts and is productive of conflicts; one secures, the other prevents, the results intended to be produced by the framers.

Now, with regard to the rights of the States, it seems to me I have sufficiently defined myself, and also as to the rights, powers, and I will say even sovereignty, of the Federal Government. But to refute the objection it is sufficient to say that while the President and Vice-President are officers of the Federal Government and not of the States, yet under the federal agreement of the States they are chosen by the suffragans of the several States, as heretofore shown, and although the President and Vice are Federal officers and for Federal uses and purposes, we are, notwithstanding, forced to deduce their title to the office by going to its source, then tracing it to its end. The source we have urged is the voting organism of the several States, and its end the board of inspectors and determinants, as far as an election by the people goes. And we have seen that this title passes from the people prominently through the State laws and State officers, and which are actual links in his chain of title, and as much a part and evidence of his title as from the elector; for the electors and proceedings after their selection are but extended and subsequent links that make and complete the chain.

And now I ask why lop off one end rather than the other, or how dare we lop off either or leave out a link? It can not be done in any other case, or as to anything else, or between any other parties, and now tell me why should it be done in the matter of Presidential count? The truth is, instead of seeking light, we are thickening the darkness.

Enlightened State sovereignty secures the right of the States and people, and my theory maintains that whereas this short-sighted idea that you can not go behind the returns of the electors leaves not only behind but entirely out the true and genuine votes of the sovereign people of the States, and substitutes perchance fraudulent votes or usurpation in lieu of the sovereign will of the people.

In my view the people are preserved, continued, and felt, when the other view ditches or scuttles them at the point of electoral returns. It is no denial or invasion of State sovereignty to investigate and seek the truth touching the election of this Federal officer. It is a part of the machinery established by State sovereignty in their Federal agreement to protect and secure the same. And this Federal compact, when rightly understood and enforced, secures, guarantees, and fortifies, and in no wise diminishes or endangers, the sovereignty of the States or people, and as such it is the highest act of State sovereignty to see that the Presidential count is based upon the genuine votes of the people, as heretofore shown.

The question as to the mode, manner, and means of filling the executive branch of the Government was a source of trouble and difference of opinion in the convention that drafted the Constitution, as an examination of the proceedings of that body will show, for the convention vibrated for a time as to what power should appoint, choose, or elect this Federal head or driving-wheel. Some were for placing it with Congress, some with the State Legislature, some with the people by direct vote, and others indirectly by the people; finally culminating largely in favor of the people according to the present system of the use of electors or middlemen, being the settled purpose to make the people the source of the right and title to the office; and my theory of going back and to the bottom of this title is inevitable if the Constitution is applied and administered; and while this power claimed for the board of inspectors and determinants is extensive in search of the truth of an election, as it should be in so vital a matter, yet they are clothed with uncontrolled discretion as a body of last resort, and it is fair to suppose that in so grave and important a matter they would not necessitate any unnecessary investigation nor one fraught with injury, revolution, or delay, but could, would, and should, upon reasonable or proper grounds or of at least probable cause therefor, and if exercised, or even when it is known the power exists to do the thing, and that when and if necessary it will be done, it would act as a preventive of wrong-doing and of itself act as a purification by deterring evil-doers.

The body selected by the Constitution to ascertain when the people have elected a President involves the highest order of trust, and especially personal to the body so selected and charged with the execution of the same, and this is true not only as regards the House and Senate in choosing in the event of the failure of the electoral vote to elect, but is equally true as to the board of inspectors and determinants or electoral college, as it is ordinarily called, and being a personal or particular body, trust can neither be delegated, transferred, mixed, nor shirked, and all efforts or legislation by Congress, as a legislative body or otherwise, to have this trust discharged or performed by others is *ultra vires* and void. The Constitution, when officered, is a living agreement made by living men for live uses, full of spirit and rationality, not an artistic, frigid, soulless chart. The office of the rules of interpretation and the doctrine of implied powers are the disclosers of the future events and anticipations that for the time are dormant, and furnishes the remedy stored away by the draughtsmen in implications, the depositories of things existing, present but latent, not expressed, but awaiting the occasion of their office, which when it transpires at once presents itself and becomes patent.

To interpret the Constitution aright "we must seek the thought it expresses, and then we can enforce all that that thought embraces" when occasion requires. We are too prone to confound what we wish or would have done or desire that the Constitution should have contained, and, thus prejudiced, suppose the Constitution does not contain it because not expressed, when the true question is, what is the Constitution, and not suffer ourselves to be diverted or misled by our respective notions of what would have been better or best. It is said that Mr. Morris, a member of the convention that framed the Constitution, when asked what was the Constitution, replied that that depended upon a rightful interpretation of it.

Another trouble with our constitutional expounders in modern times is their reliance on cases and precedents which create doubts and differences in the ratio of the multiplicity of conflicting and diverse cases, when they should deduce their conclusions from the standard rule of logical argumentation by arguing *a fortiori*, that is to say, from the general to the particular, which is tantamount to saying, if so in the general grant expressed, by parity of reason it must be so by virtue of the implied power to do the particular thing needed to carry out and uphold the general grant.

If the Constitution is too far-reaching in its search of the truth of the election of a President, in consequence of the decay of principles and free institutions in the great progress it is so flippantly asserted on all occasions this country is making, as to forbid the discovery of truth, and something is required to keep up with increased desires for peculation and centralization, with a corresponding loss of the *amor patriæ*, take your chop ax at once and place it at the root of the tree of American liberty, and cry aloud, "Why cumber the ground of our political iniquity?" Or if our condition is such as to demand a change for any purpose or in any respect, use the powers given by the Constitution, amend it, or if not self-executing as supposed or need be, then let Congress furnish the remedial auxiliary and ancillary legislation, such as the substitute reported by the majority of the committee, which I commend to the favorable consideration of the House, and keep inside of the Constitution.

Mr. HART obtained the floor.

Mr. McMILLIN. I demand the regular order.

Mr. TOWNSHEND. I rise to present a conference report.

The SPEAKER. That is a matter of privilege.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. On behalf of the committee of conference on the Post-Office appropriation bill I submit the report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 8, 9, 12, 15, 16, 18, 19, 20, 21, and 22, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In lieu of the sum proposed insert "$11,000,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$625,000;" and the Senate agree to the same.

As to the amendments numbered 4, 10, 11, 13, and 17, the committee of conference is unable to agree.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HORR,
Managers on the part of the House.
P. B. PLUMB,
W. B. ALLISON,
JAMES B. BECK,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement accompanying the report of the committee of conference.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Post-Office appropriation bill for 1885 submit the following written statement in explanation of the effect of the action recommended on each amendment in the accompanying conference report:

On amendment No. 1: Provides that the compensation of the chief post-office inspector shall be $3,000 per annum.

On amendment No. 2: Appropriates $11,000,000 for compensation to postmasters.

On amendment No. 3: Appropriates $4,900,000 for clerks in post-offices.

On amendment No. 5: Strikes out the following:

"That periodical publications, other than daily newspapers, when delivered within the city wherein they are published, shall be charged with the same postage as is now or may be imposed by law upon such publications when delivered elsewhere than in the city of publication."

On amendments 6 and 7: Appropriates $480,000 for rent, light, and fuel, and au-

thorizes the Postmaster-General to rent a suitable building on Capitol Hill for use as a branch of the Washington city post-office.

On amendments 8 and 9: Appropriates $40,000 for safes and other office furniture.

On amendment No. 12: Appropriates $1,625,000 for railway post-office-car service.

On amendment No. 14: Appropriates $625,000 for transportation by steamboat routes.

On amendments 15 and 16: Appropriates $5,600,000 for transportation by star-routes, and inserts the following: "That the Postmaster-General may contract, under a miscellaneous advertisement, for the performance of necessary postal service in Alaska for the fiscal year ending June 30, 1885, without inviting proposals therefor by publication in a newspaper, as required by the act of May 17, 1878, no newspaper being published in that Territory."

On amendment No. 18: Appropriates $975,000 for mail-messengers.

On amendment No. 19: Appropriates $250,000 for mail-bags and mail-bag catchers.

On amendments 20 and 21: Inserts the following:

"To pay the expenses of delegates to the Universal Postal Union Congress to be held at Lisbon, Portugal, on the 1st of October, 1884, $4,500, or so much thereof as may be necessary, to be expended under the direction of the Post-master-General.

"SEC. 2. That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply the said deficiencies in the revenue of the Post-Office Department for the year ending June 30, 1885."

On amendment No. 22: Corrects the number of a section of the bill.

On amendments 4, 10, 11, 13, and 17, the committee of conference was unable to agree, and the managers on the part of the House recommend that the House further insist upon its disagreement to the same.

R. W. TOWNSHEND,
WM. S. HOLMAN,
Managers on the part of the House.

Mr. TOWNSHEND. Mr. Speaker, before I take my seat I shall move that the House non-concur in those amendments on which the committee of conference have failed to agree. Out of twenty-two amendments which were placed on this bill——

The SPEAKER. What is the gentleman's motion?

Mr. TOWNSHEND. My motion is the House non-concur in the amendments on which there has been a failure to agree.

The SPEAKER. The House has already non-concurred.

Mr. HORR. The motion should be, I submit, to concur.

The SPEAKER. The Chair will state the first and only thing now is to dispose of the report.

Mr. TOWNSHEND. My motion then will be to adopt the report. I will proceed now with my statement. I desire to state, Mr. Speaker, that the Senate placed on this bill twenty-two amendments. After several meetings of the conferees we have been able to narrow down the points of disagreement to five, having made concessions to some extent on both sides on some of the items. On the largest number of them the House conferees have yielded *in toto*. I will state briefly what were the grounds of controversy and what were the items on which we agreed as well as those on which we failed entirely to come to an agreement.

On the question of compensation to postmasters there were mutual concessions on the part of the Senate and the House conferees. The House appropriated for compensation of postmasters $10,500,500, which was increased by the Senate to $11,750,000, or an increase of $1,250,000 over that of the House.

The Senate receded from its amendment and was willing to accept $11,000,000, which was agreed to by the House conferees.

The next point on which there was agreement with amendment was in the appropriation for transportation by steamboats. The House had appropriated $600,000 for that service. The Senate added $50,000. The Senate afterward remitted $25,000, and the House conferees agreed to raise the appropriation $25,000 for that service. Those were the two amendments on which the House and Senate agreed with amendment.

The House yielded on the following Senate amendments:

For compensation to clerks in post-offices the House yielded an increase of $125,000, which was the amount the Senate had appropriated. While it was the belief of a majority of the conferees on the part of the House we ought not to make any concession at all upon the amount appropriated for clerks in post-offices, yet in order that we might reach agreement without extended delay we made this concession and accepted the entire amount asked by the Senate. The House had appropriated for that item $4,775,000, which was the amount appropriated last year, but the Senate raised the appropriation to $4,900,000, which was the full amount of the estimate of the Department, and the House acceded to that amendment.

The next item was for rent, light, and fuel. The House reduced the estimate for the ensuing year from $480,000 down to $450,000, which was $10,000 in excess of what was appropriated last year. The Senate insisted there should be a further increase in that amount, and we acceded to it, agreeing the appropriation should be $480,000, $40,000 in excess of the appropriation of last year and $30,000 in excess of the amount appropriated by the House.

The next item on which we made agreement related to safes and other office furniture, from $30,000 provided by the House to $40,000 as asked by the Senate, being an increase of $10,000 over the bill as it left the House. The House had appropriated $5,000 more than was appropriated last year, but after consultation with the conferees of the Senate we have agreed to yield the point, and gave them $25,000 more than was appropriated last year, doubling the appropriation of last year.

The next item was for railway post-office car service. The appropriation made by the House was $1,600,000.

The Senate increased that amount $25,000. We had appropriated $25,000 more than was appropriated last year, but the Senate insisted the amount should be increased $50,000. In order to reach agreement as far as possible, we yielded the full amount asked by the Senate, which was the full amount of the estimate by the Department.

The next item was for mail-messengers. The amount appropriated by the House for this purpose was $900,000. The estimates submitted by the Department reached $1,100,000. The House had appropriated for this service $50,000 more than was appropriated last year. But the Senate insisted on an increase of $75,000 above the amount appropriated by the House, and upon that demand, for the purpose of doing what we could to reach an agreement upon the bill and to avoid the danger of an insufficient appropriation, the House conferees finally yielded.

The next item was for mail bags and catchers. There was a recession by the House on that item. The amount appropriated by the House was $230,000, which was $10,000 in excess of the amount appropriated last year. The Department had estimated for $250,000, and the Senate insisted that the full amount of the estimate submitted by the Department should be given. We likewise finally yielded that point.

The next item on which there was a difference was an appropriation placed upon the bill embracing an entirely new item of $4,500 to cover the expenses of the Universal Postal Union Congress to be held at Lisbon, Portugal, in October next. It seems that under an existing treaty it was necessary that our Government should bear its due proportion of the expenses of that congress, and of course we yielded to that, since the amount was required by treaty stipulations.

The aggregate amount of the concessions made by the Senate from their demands or amendments is in round numbers $775,000, and the aggregate amount of the concessions on the part of the House conferees is $814,500, or nearly $40,000 increase above the amount conceded by the Senate; in other words, the House conferees yielded an increase of about $40,000 more than the reductions consented to by the conferees on the part of the Senate.

The bill is increased over and above what it was when it left the House to the amount of the concessions made by the House conferees, that is to say, $814,500. That amount, then, is added to the total amount of the bill as it passed the House.

Now, I call the attention of the House to the points of disagreement between the two Houses, and upon which we were wholly unable to agree.

The first point is the increase in the appropriation for the pay of letter-carriers, and the incidental expenses of the free-delivery system. The House appropriated for this service $3,600,000. The Senate increased that amount to $4,000,000.

Mr. ADAMS, of Illinois. Will the gentleman from Illinois allow me to ask whether in reciting these points of agreement or disagreement he has followed the order in which they appear in the bill?

Mr. TOWNSHEND. Yes, sir; except in one or two instances, as in the matter of the free-delivery service.

Mr. ADAMS, of Illinois. As to the item relating to the compensation of clerks in the Post-Office Department——

Mr. TOWNSHEND. There is an agreement upon clerks in post-offices.

I have called attention to the concessions made by the House for the purpose of showing that the House conferees were desirous of reaching an agreement with the Senate, and also for the purpose of showing that we were not governed by a parsimonious spirit in our labors. The very fact that this bill carried an appropriation when it left the House of more than two millions more than the bill of last year bears upon its face the evidence that the House for this purpose desired to be liberal. We recognized the growth of this service, its great importance to the business conveniences and necessities of the people, and were willing to be liberal in appropriations in order to secure the utmost facility in the postal service, without being guilty of extravagant use or waste of the people's money.

Mr. COX, of New York. Will my friend permit me to ask him why it was that the conferees were so clever about yielding to the increased compensation for the clerks in the Post-Office Department and denied the increase of the letter-carriers' compensation?

Mr. TOWNSHEND. If my friend will wait until we reach that item I think I will satisfy him. This bill, however, makes no appropriation for clerks in the Post-Office Department; that belongs to the legislative, executive, and judicial bill. It does provide for clerks in post-offices, but not in the Department.

Mr. COX, of New York. You have just stepped out of one branch, and I was in hopes the gentleman would step into the other by way of giving the House this information.

Mr. TOWNSHEND. I will step into that in a few moments, if the gentleman will be patient, and give him a complete explanation.

The appropriations of the last Congress were some $300,000 less than the appropriations for the previous year, although the service had largely increased; but this Congress, recognizing the fact that this is necessarily a growing service, appropriated some $2,000,000 more than was appropriated last year.

Mr. HISCOCK. May I interrupt the gentleman for a moment?

Mr. TOWNSHEND. As soon as I complete this statement.

Mr. HISCOCK. I only wanted to say before the gentleman leaves this point that if that statement is true, that the appropriation for the current year is less than it was for the preceding fiscal year for that service, that for the last fiscal year we appropriated $2,000,000 more than was expended.

Mr. TOWNSHEND. For what year?

Mr. HISCOCK. For the fiscal year of 1883.

Mr. TOWNSHEND. Two millions of dollars more than was expended?

Mr. HISCOCK. Yes, sir.

Mr. TOWNSHEND. Then that is further evidence of the fact that this House was actuated by an exceedingly liberal spirit in making the appropriations for the postal service of the coming year. According to the gentleman's own statement the House has not only appropriated two millions more than was appropriated last year, but that two millions of that year's appropriations were not used, and therefore we have given, according to his statement, four millions more than was needed to defray the expenses of the postal service for the next year. But in addition to that, since the bill came back from the conference committee, the House has added over $800,000 to it by accepting certain of the Senate amendments.

Mr. HISCOOK. Two and a half millions unexpended in one branch is what I desire to say.

Mr. HORR. But more than taken up in other branches.

Mr. TOWNSHEND. I am satisfied of that myself. The gentleman from New York is mistaken. The fact is, the House at its last session did not appropriate enough to carry on the postal service; and an enormous deficiency has occurred, amounting, as I understand, to some two millions of deficiency. There was a very large deficiency at any rate. Now, in order to avoid deficiencies this House was very liberal in passing a bill which appropriated about two millions more than last year. And now the conferees, actuated by the same desire to make ample provision for the postal service, have yielded $800,000 beyond the amount of the bill as it passed the House.

I call attention to these facts to show that neither the House nor the conferees were governed by any parsimonious spirit; that on the contrary they were actuated by a desire to make an ample provision for the growing needs of the postal service.

I come now to the point my friend from New York [Mr. COX] was anxious to hear about—the letter-carrier service. In regard to that I will give some statistics of the past year or two. In 1883 the appropriations were $3,000,000. In 1884 Congress increased that appropriation $500,000, making an appropriation of $3,500,000. The Postmaster-General when he sent the estimates to Congress this year estimated that the letter-carrier or free-delivery service would cost $3,800,000. Subsequent to that report or estimate of the Postmaster-General he sent in a letter asking for an additional appropriation of $200,000 for the letter-carrier service; making the total amount estimated, $400,000,000. The bill as it left the House appropriated for this service $3,600,000, which was an increase of $100,000 over and above the amount that was appropriated last year. The Senate has increased the appropriation to $4,000,000, adding $400,000 to the amount that was appropriated by the House.

It is insisted by some, Mr. Speaker, that this large increase is needed in order to furnish letter-carriers in cities and towns where that service has not heretofore been extended. Those who make this assertion are entirely mistaken; for even if we were to limit the appropriation to what was provided in the House bill, ample provision will be made for those cities and towns which have not heretofore been supplied with the letter-carrier service. I wish to call attention to the report of the Postmaster-General, on page 66, to show that the First Assistant Postmaster-General has estimated that only $50,000 is needed to supply the free-delivery service in cities and towns which have not heretofore enjoyed that privilege.

Mr. HEWITT, of Alabama. Does the bill increase the amount above what was appropriated for the current year?

Mr. TOWNSHEND. We increased the appropriation over and above that of last year $100,000; and that, as I have already stated, will be ample to provide the $50,000 which the First Assistant Postmaster-General says is needed for the service in additional cities and towns. I will read the estimate of the First Assistant Postmaster-General. He asked for $4,000,000, which the Postmaster-General at first refused to recommend. He only recommended at first $3,800,000. The First Assistant Postmaster-General makes up his estimates of $4,000,000 in this way: In the first place, he takes the appropriation and probable expenditure for the current fiscal year, $3,500,000. Then he asks for an additional appropriation of $50,000 for establishing the service in additional cities. That would make $3,550,000. Then he asks an additional amount of $20,000 to cover the contingent expenses of the free-delivery service, which would make an appropriation of $3,570,000. The House added an appropriation of $30,000 more, making the amount $3,600,000. But—and here comes in the motive that actuates those who live in cities where the service is already provided—he further asked for $180,000 for increase in the number of letter-carriers and $250,000 for the increased pay of letter-carriers under the act of August 2, 1882. So that this increased appropriation by the Senate is not for the purpose of furnishing letter-carriers to cities and towns which have not heretofore been provided with them, but it is for the purpose of increasing the number of carriers and increasing the pay of letter-carriers in cities where the service already exists.

It is frequently boasted that this letter-carrier service is self-sustaining; that it causes no expense to the national Treasury. Now, the Postmaster-General has asserted that out of the one hundred and fifty-four letter-carrier offices in the United States there are but fourteen that are self-sustaining. It is true that the aggregate amount of the receipts upon the local or drop-letter postage in those cities will in the aggregate amount to more than enough to cover the expenses of all letter-carrier offices. But this would not be true if it were not for the large receipts coming from the large cities like New York, Chicago, Boston, Philadelphia, and others. It is the fourteen self-supporting cities that are supporting and carrying along the large number of letter-carrier offices throughout the country which do not yield enough to maintain the service.

Mr. COX, of New York. Will the gentleman from Illinois, as he has the Postmaster-General's report open before him, state the surplus New York raises to give to the people in his neighborhood?

Mr. TOWNSHEND. I will say no person living in my district has ever yet had an opportunity of enjoying the bounty of New York in that respect. We have no letter-carrier service in my district. My people help to sustain the letter-carrier system in other parts of the country.

Mr. COX, of New York. When I speak of your neighborhood I mean the boundless West.

Mr. TOWNSHEND. I will admit that the city of New York does not only provide for the full expense of the letter-carrier system of that city, but it also provides a very large additional sum—I do not recollect the amount—which goes toward the support of the letter-carrier system in other cities. But it is insisted that this service is self-sustaining. The fact is that the cost of the letter-carrier service is growing immensely in extent every year, and on an average at a more rapid pace than the receipts from the local postage. The Postmaster-General says that the increase in the cost of the free-delivery service was for the past year at the rate of 29.69 per cent., whereas the increase in the entire receipts from the local postage in those cities where the service exists was only 9.92, showing that the percentage of increase in the cost of the letter-carrier service was more than three times as much as the percentage of increase from the receipts of the service.

Mr. COX, of New York. Will my friend be disturbed if I should just state some figures right here which are apropos?

Mr. TOWNSHEND. If it will not take too long.

Mr. COX, of New York. The net revenue from the postal service in New York city, which I in part represent, really amounts to a sum almost astounding; it amounts to $3,450,000. By this letter-carrier delivery system the service in that city clears a surplus of $900,000, which goes to assist other portions of the country, and I think those portions ought to return something in the way of generosity to New York and other large cities. I see my friend from Iowa [Mr. PUSEY] bows discreetly; he is from the West.

Mr. TOWNSHEND. Before I leave that item——

Mr. ADAMS, of Illinois. Permit me to ask a question for information.

Mr. TOWNSHEND. Very well.

Mr. ADAMS, of Illinois. I wish to ask the gentleman whether the statement which he has just made in regard to the relative increase in the cost of the letter-carrier service as compared with the increase of income from that service does not cover all the cities in which the free-delivery service has been established? And is not that increase of cost as compared with the increase of income due to the extension of the free-delivery system from the very large cities to cities which are not so large?

Mr. TOWNSHEND. I think that the inference which the gentleman draws is a correct one. The average is based on the receipts of the entire free-delivery service. But I am one of those who believe that that service has been extended too far; that there are cities and towns in which it is established where it was unnecessary to establish it. In fact, I have heard of places where the postmaster and prominent citizens of the town have said that the service was unnecessary and ought not to be maintained.

I know of places in which this service has been established where the business is all concentrated on one main street. It is established in cities falling far below 20,000 in population, and in some instances costs the Government seven times as much as the receipts from all the local postage. I believe that instead of extending the free-delivery service we should curtail it, and limit it to localities where there are some grounds for the belief that the receipts will eventually make it self-sustaining.

We have been liberal in providing for the letter-carrier service. We

not only gave the same amount that was appropriated last year, but increased it $100,000, an increase sufficient to cover the amount which the Second Assistant Postmaster-General desired to defray the expenses of extending the free-delivery service to additional cities and towns.

Mr. HORR. Does not the gentleman know that that is not enough to pay the increased salary of the men now in the service under the law passed by the last Congress?

Mr. TOWNSHEND. My friend did not hear, I think, the statement which I made a moment ago. The First Assistant Postmaster-General, in making up his estimate of the $400,000 additional which he asks for, states that the bulk of it is needed to pay the increased salaries of the letter-carriers, and also to furnish three hundred additional letter-carriers in cities where the free-delivery service already exists.

Mr. HORR. The gentleman does not answer my question. Is it not true that the letter-carriers now in the employ of the Government under a law which the gentleman from New York [Mr. COX] was the originator of, and which passed the last Congress, can not be paid the increased salaries provided by that law under your bill? Is not that true?

Mr. TOWNSHEND. I will say to the gentleman that according to the report of the First Assistant Postmaster-General his statement is correct.

Mr. HORR. It is correct?

Mr. TOWNSHEND. Yes. But in my judgment the distribution of the letter-carriers throughout the country is not properly made. There are too many in some cities, some cities are too highly favored, while perhaps other cities have not as large a number of letter-carriers as is needed. I think, therefore, if the Department would readjust the distribution of the letter-carriers throughout the country the amount provided in the House bill would be sufficient to pay the increased salaries of all the letter-carriers that are actually needed for the proper performance of the service.

I am not without authority in making this statement. Indeed, I am warranted by some of the officials of the Post-Office Department in saying that the letter-carriers are not as equally distributed as they ought to be in proportion to the requirements of the service. Some offices have too many and others not enough. I believe that if the First Assistant Postmaster-General would redistribute the letter-carriers throughout the country he would find the sum which the House has proposed to appropriate ample to pay all the needed employés in the free-delivery system and at the same time furnish the $50,000 for extending the service to cities that have not heretofore enjoyed its advantages.

But, Mr. Speaker, I was about to say, and with this remark I will leave the subject, that I, for one, and I have no doubt also my colleague here on the committee [Mr. HOLMAN], would be willing to make a further concession of $200,000 for the letter-carrier service, making the appropriation $3,800,000, which is all that was estimated and asked for by the Department when the estimates were sent to us in December last, and which will be sufficient to pay the increased salaries as well as provide a sufficient number of carriers.

But I admit that pressure has been brought to bear at the Post-Office Department, and the Postmaster-General has now asked for an additional sum of $200,000, making the full amount that the Senate has proposed to appropriate. As I have said, I would be willing to make the appropriation equal to the amount estimated last December, $3,800,000, which would be an increase of $300,000 upon the amount appropriated last year. I feel solemnly convinced that if this amount be properly used and the distribution of the letter-carriers properly made, it will be found ample to defray the entire expenses of the service.

Mr. HORR. The gentleman certainly does not mean to say that the real estimate of the Department is not for $4,000,000?

Mr. TOWNSHEND. I have just stated that the Postmaster-General in the first instance estimated that $3,800,000 would be sufficient; but since that time he has sent us a communication stating that in his judgment an appropriation of $200,000 additional ought to be made.

Mr. HORR. Does he not state that his first estimate left out $200,000 by mistake; that the original estimate should have been $4,000,000?

Mr. TOWNSHEND. I think his statement is something like that—that he ought to have made the estimate originally $4,000,000—$400,000 more than the House has proposed to appropriate. But my friend will bear in mind that this covers the expense of employing three hundred additional letter-carriers. I do not believe that the service needs such an increase in order to make it efficient.

Mr. BLOUNT. May I ask the gentleman a question for information?

Mr. TOWNSHEND. Certainly.

Mr. BLOUNT. I understand that the first estimate of the Department for this item of letter-carriers was an increase of $300,000 upon the amount appropriated last year?

Mr. TOWNSHEND. Yes, sir.

Mr. BLOUNT. Is not that much more than the usual percentage of increase in that service?

Mr. BINGHAM. Oh, no.

Mr. HORR. If the gentleman from Georgia will permit me, I will say that the rule he suggests would not be fair, because——

Mr. BLOUNT. I am not talking about the rule at present. I simply wish to ascertain what is the fact.

Mr. HORR. While the gentleman from Illinois [Mr. TOWNSHEND] is looking for the figures, let me say to the gentleman from Georgia that you must first take into consideration the increased pay of these carriers under the regular law before you begin to figure upon the natural growth of business.

Mr. BLOUNT. That is true.

Mr. TOWNSHEND. I find that I have not here the statement which I thought was among my papers. My recollection, however, is that the increase of the original estimate over the appropriation for last year was a much larger percentage of increase than the average during the past five or six years.

Mr. BLOUNT. I know it is much larger than for several years.

Mr. TOWNSHEND. One reason given for this large increase was the increase in the salaries of letter-carriers under the late act of Congress, as well as to provide three hundred additional letter-carriers.

Now, Mr. Speaker, I come to the two principal grounds of disagreement between the two Houses. These arise upon the "railroad provisions," as they are called. The bill as it left the House contained a provision for a reduction of 5 per cent. in the compensation allowed railroads generally for carrying the mails; and another provision requiring that the compensation to roads which have heretofore received from the Government subsidies of bonds or land grants should be reduced 50 per cent. below the compensation allowed to railroads generally throughout the country. Upon these two provisions we have failed to come to any agreement or understanding whatever with the Senate. The Senate conferees insisted that those provisions should be stricken out; the House conferees insisted that they should be retained in the bill, or something approximating these reductions should be made.

I wish to say that I feel convinced these provisions if retained are the only legislation affecting the railroads of this country that will be secured from this Congress. The interstate-commerce bill, as we all know, is dead. It might possibly get through this House; but it will never see light in the Senate. The land-grant bills, which we are now passing, will find a grave in a committee-room of the Senate. I have no doubt every well-informed member of this House is satisfied there will be no legislation in the Senate, at least during this session, upon bills forfeiting grants to railroads, no matter how many bills of that character we may pass.

It is true that a bill came here the other day from the Senate forfeiting a grant which had been made to the Iron Mountain Railroad Company. But why did that bill come here? Because the railroad company itself asked for the passage of the bill in order that it might be relieved from restrictions which had accompanied the grant. The bill was railroaded through the Senate and in this House was passed after a very brief debate. Why? Because those who believed all the unearned grants ought to be forfeited were willing to support it, and those who were willing to aid the railroad company in securing the removal of the restrictions were willing likewise that the bill should pass.

That is the only bill of the kind which has become a law. It is, in my judgment, the only one that will become a law during this session. Therefore I am convinced, unless these provisions are placed in this bill and enacted into law, there will be no legislation in this Congress affecting the railroads of this country.

Mr. HISCOCK. Will the gentleman allow me to ask him a question?

Mr. TOWNSHEND. I would much rather wait until I get through with what I wish to say on this point.

Mr. HISCOCK. Does the gentleman wish to be understood as saying that he considers it to be sound policy to refuse to appropriate and sustain the postal service of the United States unless the Senate will consent to have legislation on the bill to which the Senate is opposed?

Mr. TOWNSHEND. So far as I know that is not the desire of this side of the House. I was about to demonstrate the fact, which I believe can be easily done, that when we have obtained the reductions contained in these provisions, the railroads on an average will then receive fair and ample compensation for the service they render the Government. The question is what is fair, what is just, not only to the railroads but to the Government itself, and that is the proposition I wish now to discuss.

What are the facts in regard to the cost of the service rendered by the railroads? If you will take this report made by the commissioners who were appointed under an act of the last Congress to inquire into the method and ascertain what will be a fair and just compensation to the railroads, protecting the rights of the Government, you will find that these gentlemen, Messrs. Elmer, Thompson, and Slater, of the Post-Office Department, have reported that a saving could be made by the adoption of the plan they suggested of over $1,000,000 on the amount that is paid to the railways for carrying the mails. How does that fact commend itself to this House in the light of what is estimated by the Post-Office Department and demanded by the railroads.

The railroad companies demanded of this Government that we should pay them in the aggregate simply for the transportation of the mails and postal clerks $12,750,000, which is an increase over and above the appropriation of last year of $1,050,000; and the Senate of the United States, acting on the demand of the railroads, have granted every dollar of the demand of the railroad companies and the estimate of the Post-

Office Department. I say that is done in the face of the fact that the commission appointed by the Post-Office Department insist the amount paid railroads may be justly reduced $1,000,000 below the sum paid under the present system of fixing this compensation.

What is the cost of the service? I said, when the bill was under debate before, "The Government is paying more for carrying its mails than the public is paying on passenger trains, and more than is paid by express companies, and far more than is paid by those who forward freight." Now for the proof. I hold in my hand the report of the railway commission I have mentioned, which certified to the Post-Office Department that the average amount received per passenger-car per mile is 26.6 cents. A passenger-car of the ordinary size will seat comfortably fifty-six persons. I know they do not always carry that number of persons, but some do carry more than fifty-six; but the average number that is carried will not fall very far below those figures. At any rate it is said by the commission that the railroad companies only receive 26.6 cents per car per mile from their passenger traffic.

Now, if you will average the weight of passengers at about one hundred pounds to the person it will nearly reach three tons in weight of human beings carried on a passenger-car at that rate. That would show they are receiving from 8 to 9 cents per ton for carrying passengers. My friend from Michigan [Mr. HORR] I believe admitted in the previous debate that the most profitable compensation to railroad companies came from passenger traffic.

Mr. HORR. What is it?

Mr. TOWNSHEND. That the passenger yields more profitable compensation than any other.

Mr. HORR. Certainly; and a good deal from express.

Mr. TOWNSHEND. But the passenger yields more than the express.

Mr. HORR. No, sir; some of them yield less.

Mr. TOWNSHEND. Well, on the average?

Mr. HORR. I mean for the amount of work they do.

Mr. TOWNSHEND. The question that I want to ask the gentleman is this—I think he admitted it before, and I ask him now—whether it is not true that upon the average the passenger traffic yields a higher profit to the railroad companies for the amount invested in it and the service rendered than any other service performed by the railroad company?

Mr. HORR. As a rule I believe that is true. But on some roads they get more for express matter.

Mr. TOWNSHEND. I admit that may be true on some of the roads; but I speak now of the general average for this service.

Now, Mr. Speaker, if my figures are correct these railroad companies are receiving, as will be seen, from 8 to 9 cents per ton per mile for carrying human beings, and this is the most profitable part of their business; but to be safe let us say they receive 12 cents per ton. Now what do they get for carrying the mails? I have the figures here as given to me yesterday by Colonel Thompson himself, the superintendent of the railway mail service. He says that we pay from 7½ cents to $1.34 per ton per mile for carrying the mail. I ask the House to compare these figures with what we have ascertained to be the rates paid for passenger service, which yields the largest revenue to the railroad companies, and you will discover that we are paying far more for carrying the mails than the railroad companies derive from the best class of their business performed for the public, and more than they receive from any other branch of their business. I have these figures from Colonel Thompson. On freight traffic the railroads receive only from less than a cent to 1½ cents per ton per mile. Now, Mr. Speaker——

Mr. HAMMOND. Will the gentleman permit me to ask him a question?

Mr. TOWNSHEND. Yes, sir.

Mr. HAMMOND. Does this calculation embrace the cost of putting on the mails or taking them off the cars? It must be remembered that in making a calculation with reference to the passenger traffic every passenger is supposed to get on and off the cars himself, so that is not a matter of expense to the companies. Does it also embrace indemnity to the company for broken legs or broken necks?

Mr. TOWNSHEND. I will answer my friend on that point to his satisfaction since he seems anxious to secure the information. The railroad company pays nothing for putting the mails on or taking them off the cars except where the post-office is located within a certain distance of the railroad, which distance is fixed by the law, and then——

Mr. HAMMOND. A quarter of a mile.

Mr. TOWNSHEND. Yes, sir; and in that case the only expense is that a brakesman leaves the train for a few moments, carries the mail to the office a few rods, and deposits it at the office and takes the return mail back. That is all the service the railroad company renders in that connection.

Mr. HORR. Now, let me ask the gentleman a question just here.

Mr. TOWNSHEND. Wait a while.

Mr. HAMMOND. I am not differing with my friend; I expect to vote with him upon every point. I have no doubt that I shall vote with him on all of these propositions recommended by the conference committee. But I was asking him the question so that he might show whether the calculation which he has submitted was perfect in all respects, and one that would carry with it the conclusion he seeks to enforce.

Mr. TOWNSHEND. That is just what I wanted to show to the House, and I think there will be no difference of opinion upon it when the facts are clearly understood. It has nothing to do with what the railroad company pays for broken necks or broken limbs of passengers. That is an argument in support of my position in fact; because the companies are liable to passengers for damages resulting from the negligence of their employés, and they are also liable for damages arising from loss or injury through the negligence of their employés to freight or express matter. But there is no liability whatever on the part of the railroad company for damage or loss of the mails. If a postal car is burnt up they are not held liable for the loss of the mail, no matter how valuable it may be. There is no responsibility on the part of the company performing the service for the loss of the mail under such circumstances, while there is a responsibility resting upon them to the public for safely carrying passengers.

Mr. BINGHAM. Why should there be a responsibility for carrying the mails when you fix the rates and compel them to accept them at that rate?

Mr. TOWNSHEND. But further to my friend from Georgia I would say——

Mr. CALKINS. I do not think that is any exception at all to which the gentleman refers. I think the railroad company is properly exempted from any damages to the Government, since the Government fixes the rate in the first place; and besides that, you can not fix the value of a letter in case of its loss in the manner suggested.

Mr. TOWNSHEND. I am simply calling attention to the fact that the railroad companies ought to be willing and are able to transport the mails cheaper than anything else. And why? Because the Government does with them a wholesale business. The pay is prompt and certain, and no responsibility rests upon them for damages arising from accident to or loss of the mail.

Mr. HORR. Now, my question, if the gentleman pleases——

Mr. TOWNSHEND. Let me complete this statement first. I want to read from a letter written by Gardiner C. Hubbard, one, I am informed, of the most eminent postal experts in this country if not in the world. His opinion has been held in such high estimation that the post-office commission I have mentioned invited his views upon this subject. Mr. Hubbard, in answer to that inquiry, says:

> As the carrying of the mails is for the benefit of the public and a wholesale business, giving very little care, trouble, or responsibility to the railroads, the compensation should be much less than that paid by the general public.

Mr. HORR. And so it is.

Mr. TOWNSHEND. That is the opinion of an acknowledged authority upon the question of compensation for railway mail transportation, and it comes before us from the officers of the Post-Office Department. It bears out the assertion that I have made that the railroad companies ought to carry the mails at much less compensation than they perform any other kind of service.

Mr. HORR. And I repeat so they do. Now, the question I want to ask the gentleman, if he will yield to me, is this: Does the gentleman know how many railroad routes there are at present in the United States?

Mr. TOWNSHEND. I could not say.

Mr. HORR. Well, I can tell you: 1,513. Do you know how many of these carry less than two hundred pounds of mail?

Mr. TOWNSHEND. I do not.

Mr. HORR. I can tell you: 803. Do you know how many carry less than five hundred pounds? I can tell you: 1,300. Now, every one of those cars is compelled to furnish thirteen feet of space for the box for the fuel to heat it, and is compelled to carry one mail agent, one route clerk backward and forward. Now, do you think they should do that, devoting one-third of every car on those 1,300 roads at so much per pound for two hundred pounds?

Mr. TOWNSHEND. My friend from Michigan is to follow me, and I hope he will not take up my time in making his argument. Let him argue all that when he has the floor himself. I have not got through answering my friend from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Oh, yes; I think the gentleman has entirely answered me.

Mr. TOWNSHEND. Now, that I may remove any doubt in the mind of any gentleman on this floor about the fact that we are giving more for carrying the mail than the railway companies are receiving for carrying passengers or for any other service, I will again recur to official figures. I go back to the facts. My friend from Michigan admits that the most remunerative service to the railroads is the passenger service. Now, I again recur to the figures given me by the superintendent of the railway mail service, Colonel Thompson, in which he says the railroads do not receive more than 26.6 cents per car per mile, each car perhaps carrying three tons of human flesh. They get, then, an average of 8 or 9 cents, not more than 12 cents anyhow, per ton per mile for carrying passengers. I further call attention to the fact that the same superintendent of railway mail service says that the railway companies are receiving from 7½ cents to $1.34 per ton per mile for carrying the mail. With these figures before us do we need further argument in support of my position?

Mr. BINGHAM. And does he not recommend at the same time that in the legislation submitted the compensation for mail transportation shall be the same per ton per mile as for passengers?

Mr. TOWNSHEND. No, sir; a little less.

Mr. BINGHAM. Yes, he does.

Mr. TOWNSHEND. If you put it on the same basis it would reduce the compensation annually for railway mail service nearly one-third of what it is to-day; for his figures show there is much more paid for carrying the mail than for carrying passengers; and Colonel Thompson and the other commissioners in putting down the compensation in the neighborhood of what was yielded by the passenger service were warranted in saying we could reduce the annual compensation to railroads a million dollars. And yet gentlemen insist we should agree to the proposition of the Senate when they ask for an increase of a million dollars.

Mr. BINGHAM. Mr. Thompson has stated that the cost of railway mail transportation can be reduced a million dollars. But the Department has formulated a bill whereby that can be reduced justly and fairly, so that some roads shall not receive 8 cents per ton per mile and some $1.35. That bill has been recommended by the Committee on the Post-Office and Post-Roads. It was before your Committee on Appropriations and you declined to report it.

Mr. COSGROVE. Does he not also say we are now paying a million more than we ought to pay?

Mr. BINGHAM. He says we can so equalize the transportation rates that a million can be saved. But the gentleman from Illinois does not propose to save it at all.

Mr. TOWNSHEND. How much time have I remaining?

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman has ten minutes of his time remaining.

Mr. TOWNSHEND. As my time is so limited I can not yield for any more questions.

Now, Mr. Speaker, I will occupy but a moment or two more, and then I will yield the floor. In 1876 Congress reduced the compensation to railroads 10 per cent. In 1878 it reduced it 5 per cent. more, making the reduction in the neighborhood of 15 per cent. Since the last reduction the cost of material and of the service has been reduced largely. The price of steel rails at that time was sixty or seventy dollars per ton. It is now down to less than $40 a ton. And the cost of other materials and labor has been largely reduced. Now, after waiting six years, we come and ask for this small reduction of 5 per cent. on the service, and show by statistics which can not be disputed that the railroad companies can bear the reduction and be well remunerated for the service they render. Will this House perform this duty which it clearly owes to those represented and insist upon the reduction which it has heretofore ordered?

I wanted to discuss the question in relation to the land-grant roads; but I have not time in the few moments left me.

Mr. BARKSDALE. Will the gentleman indulge me in a practical question?

Mr. TOWNSHEND. Yes, if it be a brief one.

Mr. BARKSDALE. Did I understand the gentleman correctly to say that the conferees on the part of the House had concurred in the Senate amendment to the appropriation for the compensation of employés in the railway-mail service?

Mr. TOWNSHEND. No, sir; I was coming to that point. Does the gentleman mean the railway-mail clerks?

Mr. BARKSDALE. Yes, sir.

Mr. HOLMAN. Oh, yes; we do.

Mr. TOWNSHEND. Not on the railway-mail clerks.

Mr. BARKSDALE. I understood the gentleman to say——

Mr. TOWNSHEND. I said that the conference had agreed in regard to the compensation of clerks in the post-offices, not in regard to railway-mail clerks. Upon that point I want to say that the House appropriated $4,000,000, which was an increase of some $26,000 above the appropriation of last year. The Senate demands that the amount shall be further increased $300,000, and upon that point we differ. That is a larger sum in reality than was estimated for by the Department. The Senate not only insists that we shall go up to the amount of the estimates of the Department, but insists that we shall transcend the amount and give an increase of $300,000 over the sum appropriated by the House. As an individual I might, in order to reach a compromise, be willing to meet the Senate half way, to give an additional increase of $150,000, which would raise the amount, with the increase already given by the House, to $175,000 beyond what was appropriated last year, but I have some doubts whether the Senate conferees would ever agree to that.

In regard to the land-grant railroads, I have not time to go over that question now. I do not know that I could urge anything in addition to what I said on a former occasion. I believe that the Government has extended such liberality and bounty to the Pacific Railroads and other land-grant railroads that we are justly entitled to exercise the power and right reserved in the charters of those roads to fix the rate of compensation for carrying the mails, as we have done in the bill which passed the House.

Let me call attention particularly to the great grant made by Congress to the Northern Pacific Railroad. Congress granted to that road some 52,000,000 of acres of land, a portion of which is claimed by the company itself to be the best land the sun ever shone upon. A year or more ago it was said that the average value of the land was $3 or more per acre, which would make a bounty to that one road of about $150,000,000. Much of it has grown far more in value since then.

And what did the Government demand in return for that liberal bounty? It simply reserved the privilege of fixing the amount to be paid as the rate for transporting the mails on that line. In other words, the Government said to the railroad company, "Here is a bonus of one hundred and fifty million dollars' worth of land which we give you; and in return for that we ask the privilege of having you haul with your ordinary passenger trains one or more cars carrying mails and postal clerks."

I have not time to go further into details on that question. If I had time I would be glad to show that the Government would be only doing justice to itself by requiring this reduction in the cost of transporting the mails on the subsidized and land-grant roads, especially in view of the fact that this Congress will in all probability fail, because of the non-action of the Senate, to forfeit any of the land grants made to railroads.

Mr. HORR. The gentleman I suppose will now move to agree to the report of the committee of conference.

Mr. TOWNSHEND. I move to non-concur in the five amendments about which there was a disagreement.

Mr. HORR. The motion I think should be to agree to the report of the conference committee, and when that is done the items upon which there was no agreement will be left to be decided hereafter.

The SPEAKER *pro tempore* (Mr. SPRINGER). The question is upon agreeing to the report of the committee of conference, whatever that may be.

Mr. TOWNSHEND. I understand that the proper motion is to agree to the report of the conference committee, which is a concurrence in certain amendments of the Senate and a non-concurrence in others.

The SPEAKER *pro tempore*. The question is, Will the House agree to the report of the committee of conference?

Mr. KASSON. Can that question be divided?

The SPEAKER *pro tempore*. There can be no division upon agreeing to a conference report.

Mr. HORR. I desire to ask a question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HORR. The only question I desire to ask is this, and it is a parliamentary question: I supposed that I was correctly informed about it, that the agreement to the report of the committee of conference will not prevent me from bringing up afterward each item about which there is a non-agreement and asking the House to recede from its disagreement. If it is necessary to do that before the motion to agree to the report is put, then I have been misinformed.

Mr. RANDALL. The conference report is to be voted upon as a whole.

The SPEAKER *pro tempore*. The question upon agreeing to the report of the committee of conference must be submitted to the House as one question. If all the amendments of the Senate have not been determined by that report, then the question will be before the House as to what should be done with them.

Mr. COX, of New York. The Chair should have stated that before, and not left us all to be distracted about it.

The SPEAKER *pro tempore*. The question about the amendments not disposed of will come up afterward.

Mr. TOWNSHEND. If I understand the matter properly, after the report of the committee of conference has been adopted the gentleman from Michigan [Mr. HORR] will have the opportunity he desires when a motion is made for a new conference.

The SPEAKER *pro tempore*. The Chair does not know whether all the disagreeing votes of the two Houses are covered by this conference or not. If they are, then the action upon the conference report will settle it. If not, then those amendments upon which there has not been an agreement will still be before the House.

Mr. HORR. I do not want to be obstinate; it is a mere matter of practice. The report of the committee of conference sets forth the items upon which an agreement has been reached. It also states that five items have not been agreed upon. Now, if the report is adopted, I suppose that will simply amount to agreeing to the fact that certain amendments of the Senate have been disposed of and certain other amendments have not been disposed of, and that will leave me with the right to ask that those amendments upon which no agreement has been reached may then be taken up and disposed of. If that is not correct, then I will do so now, that is all.

Mr. TOWNSHEND. The gentleman can do that when the motion is made for the appointment of another conference committee.

Mr. HORR. Oh, no; I beg the gentleman's pardon——

Mr. RANDALL. This report is drawn in a peculiar way. It would seem that the conference committee recommend concurrence in certain items and non-concurrence in others. A vote of the House adopting the report would seem to imply a non-concurrence in those propositions. It has been usual in making reports from conference committees, where some amendments were agreed to and some were not, to embrace the matters of agreement in a confernce report and leave the

points of disagreement open to the action of the House. But that is not the way, it seems to me, in which the matter is presented in this case.

Mr. DIBBLE. I rise to a parliamentary inquiry. Is it not in order to have a division of the question, so as to bring before the House in the first instance the question of concurrence as to the items upon which the committee has agreed, reserving the other points for a separate vote?

The SPEAKER *pro tempore*. The Chair, in answer to the inquiry——

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman from South Carolina has just made a parliamentary inquiry.

Mr. TOWNSHEND. There seems to be a misunderstanding——

The SPEAKER *pro tempore*. The Chair can answer only one parliamentary inquiry at a time. The gentleman from South Carolina has asked whether the House can not settle this question by two separate votes. The Chair will state again that the question now before the House is, Will the House adopt this report? Referring to the closing paragraph of the report the Chair finds this language:

As to amendments numbered 4, 10, 11, 13, and 17 the committee of conference is unable to agree.

Mr. COX, of New York. What are those amendments? We can not tell from the numbers to what subjects they refer.

Mr. TOWNSHEND. Those amendments include the question of compensation for letter-carriers and several other questions.

The SPEAKER *pro tempore*. The Chair desires to state that the vote upon agreeing to this report will pass no judgment at all with reference to these amendments.

Mr. HORR. So I supposed.

The SPEAKER *pro tempore*. They will remain pending between the two Houses as if no conference had been had.

Mr. TOWNSHEND. That was the purpose in drawing the report. We had no intention whatever to restrict the action of the House on those items.

The SPEAKER *pro tempore*. After the disposition of the report the Chair would entertain a motion either to insist on the disagreement to those amendments and ask a further conference, or to recede, or to adhere.

Mr. HORR. That matter can come up after the question on agreeing to the report has been disposed of.

The SPEAKER *pro tempore*. That can come up afterward. The present question is on agreeing to this report. As the Chair understands, the gentleman from Michigan does not desire further debate on this question?

Mr. HORR. Not on this.

The question being taken, the report of the committee of conference was agreed to.

The SPEAKER *pro tempore*. The Clerk will now read the amendments upon which the conferees have been unable to reach an agreement.

Mr. TOWNSHEND. I move that the House insist on its disagreement to these amendments.

Mr. HORR. I move that the House recede.

The SPEAKER *pro tempore*. The Clerk will again read the statement of the conferees in regard to these amendments.

The Clerk read as follows:

As to the amendments numbered 4, 10, 11, 13, and 17 the committee of conference is unable to agree.

The SPEAKER *pro tempore*. The gentleman from Illinois now moves that the House insist on its disagreement.

Mr. HISCOCK. We want a division of the question in regard to these different amendments.

Mr. HORR. I move that the House recede from its disagreement to the amendment of the Senate numbered 4.

The SPEAKER *pro tempore*. That motion is in order.

Mr. HORR. That amendment relates to the pay of letter-carriers. I ask that the Clerk read the amendment.

The Clerk read as follows:

In line 32 of the bill strike out "$3,600,000" and insert "$4,000,000;" so as to make the bill read:

"For payment to letter-carriers and the incidental expenses of the free-delivery system, $4,000,000."

The SPEAKER *pro tempore*. The motion to recede takes precedence of the motion of the gentleman from Illinois that the House insist on its disagreement. The gentleman from Michigan is recognized.

Mr. HORR. Mr. Speaker, I move that the House recede from its disagreement and agree to this amendment of the Senate. In 1883 we appropriated for the letter-carrier service $3,200,000. The estimate this year is $4,000,000; that is to say, the first estimate was $3,800,000 and afterward, as my friend from Illinois has admitted, the Postmaster-General sent in a letter stating that by mistake he had left out of his estimate $180,000 for new service and $20,000 for incidental expenses, and that the estimate should have been $4,000,000 instead of $3,800,000.

Now, I am not going to take up time upon this question, for it is a simple matter of mathematics. I say that the Senate is right, and that we ought to appropriate every dollar of this money asked for by the Department in order to maintain the service as it should be maintained.

There are to-day 1,985 carriers in the United States. The law passed by the Forty-seventh Congress graded the pay of these letter-carriers so that this year 891 receive $1,000 each; 367, $850 each, and the rest of them are so graded that it takes this year $3,422,950 to pay them their salaries.

The law also increases the pay of a large number of them the coming year so that it will take an addition of $200,000 for the force now to pay the salaries of next year. That is to say, it will take $3,622,950 for the salaries alone as fixed by law, and that $22,950 more than the bill as passed by the House carries.

The service needs at least two hundred and fifty additional carriers in cities where they now have it. They need it in order to efficiently do the work. There are thirty-six cities now entitled to this service which have not received it. It costs about $3,500 to start it the first year in any city.

Mr. BLOUNT. He says there are thirty-six cities which are entitled to it. Is there any law under which they have a right to claim it? [Cries of "Yes!" "Yes!" on the Republican side.] If so, when was it passed? I know there is a provision that where the revenues are $20,000 and the population 20,000 the Postmaster-General may put the service in. Is there any other provision than that?

Mr. HORR. That is all.

Mr. BLOUNT. Then it is not a question of right, but a matter of discretion.

Mr. HORR. It is of course a matter of discretion with the Postmaster-General.

Mr. BLOUNT. The gentleman said they had a right.

Mr. HORR. I say still under the law they are entitled to it if they claim it.

Mr. BLOUNT. The Postmaster-General then would have no discretion.

Mr. HORR. It is a question of discretion entirely.

Mr. BLOUNT. If they have a right to it, then it is not a question of discretion.

Mr. HORR. That is a mere—I will not say quibble of terms.

Mr. BLOUNT. No, sir; there is no quibble about it. You declare these thirty-six cities had a right to the service. Now you admit they have not the right; that the Postmaster-General may put on the service as a matter of discretion. There is no right about it.

Mr. HORR. I do not think I shall differ with the gentleman. Our legislators heretofore, wisely as I think, provided that when a city had 20,000 people or an income of $20,000, or both, that then this service might be granted them by the Postmaster-General. It having been granted to one hundred and forty-nine cities in the United States, I submit to the gentleman from Georgia that the people living in towns which have now grown to the law may with a good deal of propriety claim that they have at least as much right to it as those that have got it heretofore. But I am not going to debate that question now.

This service needs $130,000 for incidental expenses. We spent last year $116,834.88 for those expenses, that is, for horses where there are mounted carriers; for horses and wagons to move mail matter where they can not move it on foot; for boxes, painting them, and setting them up on posts, and for various work in these one hundred and forty-nine cities, so that this appropriation recommended by the Postmaster-General is not one dollar in excess of the actual needs of the service if you do not put it in another single town.

Every large city in the United States is calling for more carriers. Why? Why, you grow, do you not, in New York? You have more people this year than you had last, and you cover more territory. These carriers have to go to the utmost confines of all these cities to carry and deliver letters. Is it possible this House proposes to cut down a service which is the hardest-worked service to-day in the United States, as my friend from New York well knows? These men earn their money. I submit, it is false economy which attempts to cripple a service so essential and important.

My friend from Illinois claims the service does not pay. Does he know that in the one hundred and forty-nine cities that have this service we collect from drop-letters alone $1,021,000 more than the entire service costs. Yes, we did; and those cities pay to-day within just a few dollars of one-half of the money collected in the post-office service—nearly one-half of every dollar paid in the entire United States for mail matter is paid by people living in the one hundred and forty-nine cities which have this free-delivery service.

The gentleman from Illinois says his district is compelled to make up a surplus for these cities. Why, his district is supported by these cities, and never paid its own mail service. Neither does any country that is sparsely populated pay for the mail which goes out into every nook and corner of it; were it not for these large cities our mail service would be nowhere near self-sustaining. I am not going to take up the time of the House any further on this question. I submit, sir, that this question should not detain the House any longer. This service needs every dollar given by the Senate. They unanimously—for this is not a party question—Republicans and Democrats, every man of them, voted that this amount was not too high. It is exactly the sum asked for by the Postmaster-General, the amount that he claimed was actually necessary, every dollar of it. He came before

our conference committee, as the gentleman from Illinois and the gentleman from Indiana well know, and stated plainly that every dollar was needed, and that with the most careful and economical management of this Department of the service he could not do with less.

I now yield to the gentleman from New York [Mr. POTTER] for ten minutes.

Mr. BLOUNT. Before the gentleman yields the floor I should be glad if he would allow me to ask him a question.

Mr. HORR. Certainly.

Mr. BLOUNT. I wish the gentleman would state again, as I did not clearly catch his statement, the amount that will be required for the letter-carrier service where the service is now in operation.

Mr. HORR. There is an estimate on file for two hundred and sixty-three additional carriers.

Mr. BLOUNT. That is where the service is already existing?

Mr. HORR. Yes, sir.

Mr. BLOUNT. What is the amount estimated for the increase of the service?

Mr. HORR. They need that number in the one hundred and forty-nine cities now having this service, that number of new carriers, and then there are thirty-six other cities to provide for, and $3,500 is the estimate for each one for the first year.

Mr. BLOUNT. That is where the service is now?

Mr. HORR. I am speaking now of cities where the service has not yet been inaugurated.

Mr. BLOUNT. But what is the amount estimated for the additional service where it is already established?

Mr. HORR. It needs about $180,000 where the service is already established to provide for the growth of the service.

Mr. BINGHAM. The point upon which there is no disagreement limits the allowance of $45,000 toward an extension of the service. While there are applications from thirty-five cities, your legislation agreed upon limits the expenditure to $45,000, the same as last year.

Mr. HORR. That is the estimate that will be required for the service as it is now, without any increase.

Mr. POTTER. Mr. Speaker, I desire to detain the House but a very few moments, and I take the floor now only because of the pressing necessity that exists among my constituents and in the city which I represent not only for maintaining this service at its present volume but for its very considerable increase.

The upper part of our city, the city of New York, which has been rebuilt or built up anew within the last five years, and largely within the last two years, demands this service. I have received petitions with many thousands of signatures, and which have been presented to the House from time to time, for an increase of this service in that part of the city. The residents of this portion of our city, which I say has been largely built up within the last two or three years, are principally business men, who have their homes there but must leave them in the early morning to go to their places of business in the lower part of the city. Their children are at school, and they can not go themselves to the post-office, but are required to go down to attend to their daily business. They desire to have, and they have a right to expect that their letters shall be brought to their homes, and unless this service can be increased they are denied and must be denied the service which has been so abundantly given to the other parts, the older parts of the city.

I say that this whole section of the city has applied for the increase. I waited upon the Postmaster-General in respect to the matter. He informed me that he had not the means within his disposal by which he could possibly increase it. I waited upon the postmaster in our own city, and he told me the same thing.

Let me say, Mr. Speaker, that this letter-carrier system and the increase of the service is bringing home to the people in the very best possible way that you can bring it to them the benefits of this Government; and I ask in behalf of this portion, this large portion of our city, that a provision shall be placed in this bill which will allow the increase so urgently required.

Now a word about its not paying. It is true perhaps that parts of our city far separated from the thickly populated portion of the city would not pay for a while; but, sir, they are a part of our life as a city; they are a part of the citizens who belong to the city. They are a part of the progress and wealth and the enterprise of that great city, and are as much entitled to it as if they lived in the older and more populous portions of the city.

A word about the service in smaller towns. It is said that in smaller cities of 20,000 or more the service does not pay expenses. But it is admitted that it does pay in the great cities of the land. It pays in the cities of New York and Philadelphia, and in New York it yields an annual revenue to the postal service over and above expenses of about $1,000,000.

Now, sir, where can that surplus be so beneficially and so justly expended for these great centers as in the cities with which they correspond and with which they do business, whether they are cities with a population of 20,000 or 25,000 or more and whether they pay or not for the service? The letters we mail to them from our places of business in the great city of New York are prepaid before they go, and of course the postage is received in New York. But, sir, the most important service you can render to the city of New York and to the business of New York is to deliver those letters speedily in the towns to which they are sent. We can not send there to deliver them, and you had far better deny us the delivery in our own city than deny us the delivery in those cities and towns with which we correspond throughout the State of New York, New England, and the whole country. The question of delivering or not delivering these letters is frequently the question of the saving of days in the transmission of money, in the keeping of appointments, in everything that relates to the business interests and progress of the country.

Why, sir, in those large towns and cities, such as it has been said do not pay for the service if the letters are delivered by carriers, half a dozen boys will save the time in those towns and cities of more than ten times that number of persons if they have got to go separately from every house in the range of the delivery to the post-office. The expenditure of every dollar, judiciously expended as it has been and will be under the control of the Postmaster-General—the expenditure of every dollar made in that service in these large towns will save to the people of those towns more than ten times the amount.

Now I ask you where within the range of the administration of this Government, where in any Department, can we apply the surplus revenues of this country where they will come so directly, so beneficially home to the people as in this letter-carrier-service? I will not detain the House longer.

Mr. HORR. I yield the gentleman from New York [Mr. COX] five minutes.

Mr. COX, of New York. I only desire to say a word. One minute will be sufficient.

I believe that our experience in these large cities where the population is compact shows us that the letter-carrier system is not only a paying system but it makes a surplus to assist other communities. I know that New York has never been stingy and never would stint any community that came up to the law which fixes the 20,000 inhabitants as the minimum.

All I desire to say now is that I hope this House will agree to the Senate amendment and disagree to the amendment proposed by my friend from Illinois, and if for no other reason for this reason: That inasmuch as these large cities, with a large population, have a surplus growing out of this business, and as that service tends to help the system of delivery of remote places, gratitude, kindness, and equity demand that we should have this system tried and tested, and fairness observed toward the cities, like New York, which give this surplus.

The Senate of the United States through their committee proposes to carry out the law as it now exists. That is all. My friend from Michigan has shown that our committee say, "We will not stand with the Senate and we will not stand by the House;" they will stand by themselves. I would like to help them on other matters connected with this report, but I can not help them on this matter for the simple reason that there is no possibility of making this system progressive, useful, and paying except by observing not what the Postmaster-General says but what our experience shows to be proper in this business. The report of the Postmaster-General undertakes to argue that it is impolitic to reduce the 2-cent postage to 1 cent on the free-delivery system. I do not believe in his reasoning. I believe we could derive a larger revenue from our postal service if you would reduce the postage on letters from 2 cents to 1 cent for delivery. I believe that would pay better in New York and other places. We are now growing toward a better paying system by having the reduction from 3 to 2 cents; and inasmuch as the delivery system pays so largely and so handsomely, I am, for one, ready to extend it beyond the large cities that pay the surplus.

We have here no lobbyists to help these letter-carrier people. The clerks in the Departments and in the Post-Office get their *douceur* from this committee, or the majority of it; but the letter-carriers have no vacation for lobbying. We have a bill pending now to give them two weeks' or fifteen days' vacation. I hope that bill will pass, and I hope further that when this House passes a law to give these men a *quantum meruit* we will stand by it, whether the bill of the committee stands or falls.

Mr. HORR. I yield ten minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. In order that the House may fully understand what the carrier service is I will open my few remarks with an effort at an explanation. The carrier service of the country is wholly distinct from what is called your domestic mail service. Its accounts, its revenues, its expenditures, and its profits are kept wholly separate and distinct. Now, the rate of postage is the same on local letters as it is on domestic letters since the reduction from 3 cents to 2 cents.

In other words, it costs as much to send a letter through the carrier system from one street to another in Washington as it costs to send a letter from Maine to Oregon. The statement which has been submitted in connection with the local-carrier service has reference only to the revenues that come from the letters mailed and delivered within the boundaries of the cities where the letter-carrier service is established.

In the one hundred and fifty-eight cities where the letter-carrier service is established the local correspondence paid last year a million

and some odd thousand dollars clear profit. And the estimate of the Department is that this year the net revenue from that service will be $1,500,000, and that, taking the general average of increase, the net revenue next year from that service will be $2,000,000.

The local service not only makes this profit for the Post-Office Department, but it also handles without the charge of a single cent the millions and billions of pieces of mail matter that are collected from the street-lamp post-boxes by the carriers, and all that is brought into the cities and delivered by the carriers. In other words, the letter-carrier service gives you a clear profit this year of a million and a half of dollars, and without charging the Post-Office Department a cent it delivers free every letter within the boundary of the delivery office that comes from every other section and community of the country.

Therefore I say to the gentleman from Illinois [Mr. TOWNSHEND] that when he says the profits from his section contribute to the payment of the deficiency of the service in another section, that is true so far as the general mail service is concerned, but it is not true so far as the letter-carrier service is concerned.

Your appropriation for the service for this year was $3,500,000. The committee of conference in this report has yielded $100,000, or a total appropriation of $3,600,000. The Senate has accepted the estimates of the Post-Office Department for $4,000,000. The gentleman from Illinois [Mr. TOWNSHEND] has stated that he is willing to agree to appropriate $3,800,000 as a compromise.

This year the appropriation for this service is $3,500,000. Under a law which we passed two years ago the compensation which letter-carriers shall receive was positively regulated. A letter-carrier when he first enters the service is entitled to receive $600 a year. After one year's service he is entitled to receive $800, and after two years' service he is entitled to receive $1,000, and that is the maximum compensation which a letter-carrier can receive. The present carrier force, as it is to-day, without taking into account the increased service which will be required for the next year, without including the $45,000 which the bill allows for the extension of the service, taking the estimates as submitted by the Department, will require to pay the carrier force for the next year an additional sum of $225,000, conceding that you do not increase the force a single man. Understand, for just the men who are to-day in the service, and who receive just what your own law entitles them to receive—and the law was not a party measure, but was passed with a due regard to justice and fairness in reference to a hard-working and subordinate force of the Government—the men now in the service will require for the next year $225,000 additional. Therefore the bill as it now stands provides $125,000 less than the law requires.

Mr. BLOUNT. Will the gentleman allow me a moment?

Mr. BINGHAM. Certainly.

Mr. BLOUNT. What is the date of the law to which the gentleman refers?

Mr. BINGHAM. It was passed in 1882, two years ago.

Mr. HORR. It was passed at the first session of the Forty-seventh Congress.

Mr. BLOUNT. And the letter-carriers are now being paid under that new law?

Mr. BINGHAM. Yes, every one of them.

Mr. BLOUNT. Then why does the gentleman say that the new law will require an increased appropriation for the next year?

Mr. BINGHAM. Because under that law the man who gets this year $600 will next year get $800, and the man who this year gets $800 will next year be entitled to receive $1,000.

Now in regard to the men who will be appointed. Hoping and trusting that the fairness and generosity of the other side of the House will give that recognition which I believe they concede to the uprightness of the Civil-Service Commission, now supervising the general civil-service establishment of the country——

Mr. TOWNSHEND. These carriers have nothing to do with the Civil-Service Commission.

Mr. BINGHAM. Permit me to tell the gentleman that these carriers undergo a civil-service examination.

Mr. TOWNSHEND. Not before the Civil Service Commission.

Mr. BINGHAM. Before the civil-service board. Not a man can receive a carrier's appointment unless he complies with every requirement of the civil-service regulations as provided in the civil-service law.

Mr. TOWNSHEND. Does the gentleman say that these carriers of the lowest grade, of $600 a year, go before this civil-service commission?

Mr. BINGHAM. I say to him that every carrier does.

Mr. TOWNSHEND. Not before the Civil-Service Commission.

Mr. BINGHAM. Wherever the civil-service law applies—in my city, in New York city, in every city where it applies.

Mr. TOWNSHEND. Let me say to my friend that I am informed by a member from Pennsylvania that in one town in his State there were some twelve carriers appointed who were not examined at all.

Mr. BINGHAM. If the gentleman understands the legislation to which he refers, then he must know what the civil-service law is. Wherever in any city there are fifty subordinate employés of the Government, the civil-service rules apply. It does not apply to the small cities.

Mr. TOWNSHEND. That is what I was referring to.

Mr. BINGHAM. I said that wherever the civil-service law applies these carriers must go before that commission.

Mr. HORR. Wherever there are the number of subordinate employés of the Government fixed by the civil-service law.

Mr. BINGHAM. Mr. Speaker, when this question was fully debated during the consideration of this bill in the Committee of the Whole the intelligence and good judgment of this House approved the appropriation of $4,000,000. It was embraced in the bill as reported from the Committee of the Whole, but the House refused to ratify what that committee had done.

I simply wish to say to the gentleman on the other side that he fails and this House fails to appreciate the growth and magnitude of the postal service under the 2-cent rate of postage. If we require increased force for this year, how much more shall we require it for next year when the people are taking advantage of the reduced rate of postage to such an extent that the increase of business during the current year is almost 31 per cent?

Mr. HORR. I yield five minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. In opposing the report of the committee I desire to state that so far as appropriation bills are concerned I do not concede the propriety of injecting a partisan bias into them. On the contrary, I contend that in acting upon such measures we should be governed by the requirements of the country—by what we realize of its marvelous growth and progress and the influx of hundreds of thousands of emigrants into it each year. With those lights before us we should endeavor to legislate intelligently for the future; to let all our acts bear the stamp of a broad, liberal, and progressive spirit.

While I concede the advisability of going before the country upon a proper line of economy, I have thus far failed to detect the first symptom of any desire on the part of the people for any curtailment in the matter of postal facilities. On the contrary, if there is any branch of our Government that is peculiarly popular with its citizens, and from which they derive great and direct benefit, and for which they desire its scope of usefulness increased, it is the postal system.

Mr. TOWNSHEND. The gentleman will allow me to say that we propose to allow an increase of more than $3,000,000 upon the appropriations of last year.

Mr. O'NEILL, of Missouri. I know that, and insist that this additional amount for letter-carriers is absolutely necessary. I have made application to the Postal Department for additional carriers at Saint Louis, and I am informed that the cut of four hundred thousand made by your committee in the estimates submitted by the Depaatment will prevent the employment of additional carriers.

Mr. TOWNSHEND. The gentleman must have been misinformed, because this bill will not go into effect before next July.

Mr. O'NEILL, of Missouri. I am aware of that, and I did not suppose these carriers would be appointed before next July. But I expect the demand from that city for additional carriers to continue after July and its population to increase and the requirements of its people to constantly grow. Its business interests demand an additional delivery now.

Mr. TOWNSHEND. And when the gentleman goes to the Department again, even if the whole amount asked by it should be granted, he will no doubt find that owing to his politics he can not procure any appointments.

Mr. O'NEILL, of Missouri. I do not expect to obtain appointments. Under the civil-service law my friends can have a fair chance for appointment on their merits.

Now, Mr. Speaker, I appeal to my Democratic friends, especially to the young and new blood that has been infused into this House, not to be governed by this "old fogy" idea of rabid and rigid retrenchment. Rather let us go before the people as representatives of liberality, enlightenment, and progression, with our minds fully conscious of what the country requires, and in the matter of postal facilities, the mode of communication among the people, to grant all that they demand. I for one will vote against the committee on this question, and will do so with a great deal of pleasure.

Mr. TOWNSHEND. We propose to grant an increase of $3,000,000 over last year. How much more would the gentleman desire?

Mr. O'NEILL, of Missouri. I would give the people in this bill all that they require in the way of postal facilities, and not retrench in the carrier service, so deservedly popular and beneficial

Mr. HORR. I yield five minutes to the gentleman from California [Mr. SUMNER].

Mr. SUMNER, of California. Mr. Speaker, if the saying that that which is worth doing at all is worth being well done is a truth in private business life, at least equally strong is its application to public concerns and to governmental affairs. On that basis this amendment is to be favored. It has been determined, and the resolution is not to be recalled, that we are to have, under certain conditions of population and business activity, a letter-carrier system. Then, wheresoever it is established, the appropriation should be ample for a staff of messengers competent to do the work assigned—these carriers being well paid and not unreasonably burdened with duties.

Prompt, active, accurate men are needed for the service; and the aggregate as to the extent and demands of their districts can be closely approximated by the Department officers who have this postal accommodation in charge and under constant review. The amendment is called for by the Postmaster-General. He ought to know from his subordinates here what is fairly required in the premises; and where the estimate is specific—as in this case—he may surely be relied upon as the best guide for our action. So long as we are to have a letter-carrier corps in our larger cities, let us have it efficient and satisfactory. And of all places where this service should be had and enjoyed in its fullest excellence the metropolis of New York, from which comes the most earnest and emphatic appeal—it might be said demand—of this day, should be well supplied with men and with money enough to pay them just wages. Of course this must be done by a general appropriation that will meet all proper requisitions; but if there was to be a preference, there is the point for discrimination. It may well be believed that on a little reflection all will agree to that. And now rise some of the most conservative and some of the most economical of our fellow Representatives, from our great commercial city, and complainingly insist on our agreeing to the Senate amendment.

This system has been adopted, and it is not necessary to put forth or discuss primary principles in regard to it. But the obligation to furnish according to careful calculations, proceeds right up from the first fact of establishment.

I remember being told when I was a boy, of the days and communities in good old Puritanic New England, when the novel had scarcely passed from under the ban of the average moralist, to say nothing of the interdiction of the pulpit, that little companies of youths were accustomed to seek solitary places, groves and grottoes in sunshiny weather, and garrets and barn-mows on rainy afternoons, where the stories of Miss Austin and other half-forbidden authors were read aloud by the most competent scholar. And looking into such volumes—identical copies of which were shown to me—I had fastened on my memory those most frequent chapter openings, those still most effective paragraph introductions, which portentously informed us that "The postman's knock was heard at the door!" Thereupon was expectation and a revelation. Sometimes the beginning, ofttimes the turning point, of the absorbing tale of rural life was there. The postman's knock, indeed, maintained its introductory or its hinging and always pleasing pre-eminence, with no rival for dramatic hushing, until so late a date as that on which the solitary horseman of G. P. R. James put in his formidable and superseding appearance.

The postman's knock was heard in almost every large town in Old England nearly a century ago. And how is it to-day? How often has it been claimed, and how stoutly will it again be announced on the coming anniversary, that we have chosen and adopted from the best of the systems and plans and habits of the Old World; instituting a far better form of government, but at the same time selecting the really valuable features of European administrative arrangement, and especially Anglo-Saxon rules and regulations, for general convenience? Yet here we are, lamentably deficient in this one particular. Is this denied or questioned? I heard the later Mr. James, who held the postmastership in New York city for many years, whose management there was so admirable as to draw forth eulogies from many of his political opponents, who was summoned to a seat in President Garfield's Cabinet, who certainly is not surpassed as an observer and judge in such matters—I heard him state at a public meeting in London last September, that that city had the best post-office service in the world. We are not only behind some of the European governments in our present facilities for mail delivery in most of our towns and villages, but we are actually in the respect to which we are now looking behind the Great Britain of many years ago.

Now, I will confess another motive than that expressed or indicated here so far, for my favor to this amendment. I am looking for much greater facilities than are possessed or can be had under the present arrangements for the transmission of the letters of the people. The distinguished and eloquent gentleman from New York [Mr. POTTER], to whom I always listen with profound interest and respect, because, as I think, he always displays a large amount of what our Western folks are in the habit of calling "good, hard horse-sense"—if I can use that phrase without detracting here from the seriousness and gravity of my intended compliment—says that this additional force of carriers called for in his city is needed in behalf of the cause of advancing civilization. The claim is not stilted nor overstated. No less imposing is the nature of the actual demand. In correspondence there is a measure for civilization. Over and over again, and often in eloquent language, has this been proclaimed by writers upon historical subjects, and by our own statesmen of the eighteenth century. The verity of the announcement grows with the years.

Now, it might be that, for reasons I need not recite, with this motive in my mind to which I have alluded, if there was not a letter-carrier establishment I should be inclined to oppose a bill authorizing it. Not that my wish and anxiety would prevent my voting for it, but it would probably make me at least indifferent toward it. I might hope that in the greatness of the contrast between our mail system—without any delivery except at a central building—and the conveniences of other lands under their post-office departments, a more provoking and active incentive would be found for the inauguration of a Postal Telegraph.

Truly, celerity is an element in the civilizing power of a postal establishment—relative, increased celerity; as, indeed, I understand my distinguished friend to intimate or imply. Now, I wish to have this particular service carried to the highest degree of perfection possible; that under or with it our people may become more and more accustomed to rapid communications—as rapid as rail and messenger transmission will effect. Taking the situation as it is: Speed the day that speeds the epistle!

And let me interject right here, nobody proposes to let out this portion of the postal service on contract with private parties. To your thresholds your uniformed postman comes, commissioned and paid direct for his office and labor by the Government that was established by our fathers, who knew no more important or essential function of the Federal rule than a postal service.

Why, Mr. Speaker, you and I can remember in our boyhood hours—you can if you lived in a little country town as I did—when letters for inhabitants residing not far distant from "the Squire's," where the post-office was usually kept, remained in the post-office for several days—at least until meetin'-house time came around—and nobody seemed to be in any hurry to get his or her mail; unless, indeed, it was some love-sick swain, from whose "girl," residing in the neighboring village, a message was expected. [Laughter.]

And with respect to mail matter generally, it was so in Salem, Boston, and other "ancient localities"—where there was only one daily mail delivered. Nobody was anxious about it then; but now it has become "a part of our civilization;" not a luxury, but an essential part of our civilization, to have quick communication—a carrier often each day at our city door.

I would have the sender and receiver of a letter brought together as quickly as electricity will do it by the act of the Government. I want to perfect this system, so that the people will become more and more disposed and determined to insist on a genuine postal telegraph; not yielding to the contract job propositions of Norvin Green or Johnny Mackay or any other monopolist, whose hordes of lobbyists now surge around this Capitol. Let not that great enterprise be farmed out to private parties, but be established and carried on by direct action of the Government. Let this system teach us the way it should be done in part; so that soon from every hearthstone, by immediate act of the General Government, the lightning shall be the carrier for you and me and for all of us; when, for a nominal sum, we shall by telegraph daily salute and correspond with each other across the continent. [Great applause.]

Mr. TOWNSHEND. Mr. Speaker, as I was temporarily absent in the committee-room during a portion of the time when the gentleman from Michigan addressed the House, and have been informed that he stated that it was the sparsely settled districts like my own that were supported by the letter-carrier system——

Mr. HORR. I will tell you what I said.

Mr. TOWNSHEND. I will be very much obliged, as I was not present at that time.

Mr. HORR. What I said is this: That as a rule the sparsely populated districts did not pay their own carrier service, and that it had to be made up by the one hundred and forty-nine cities; and that the receipts from the service in those cities went to the benefit of all parts of the country, including your district.

Mr. TOWNSHEND. Then I think I was correctly informed; and I want to state to the gentleman from Michigan that he is under a misapprehension. My district is not sparsely settled at all. I am satisfied the census returns will show it is more thickly settled than the district the gentleman himself represents.

Mr. HORR. I have not been claiming anything for my district in that respect. I do not claim that my own district is not to have some support from the Government.

Mr. TOWNSHEND. And further than that, I will say to the gentleman that my district has five railroads in it, and two great rivers wash its shores, and that that district is more than self-sustaining in its postal service, and is contributory to the support of letter-carrier offices in sparsely settled districts like his own. Let me say further to my friend that when I said that those cities which are self-sustaining are supporting the service in the small towns or cities where it is not self-sustaining, I alluded for one to East Saginaw, his own home. East Saginaw is not self-sustaining, but is a pensioner upon the city of New York and other cities.

Mr. HORR. If the gentleman will look at the report of the Postmaster-General he will find that it has paid to the General Government this year a surplus of $30,000.

Mr. TOWNSHEND. Here is the Postmaster-General's report before me, and he states that East Saginaw cost the Government $3,000, whereas the receipts from local postage were only $1,669. Now, is not that quite a deficiency?

Mr. HORR. But the gentleman is talking of local postage. Let him state how much was derived from the whole city. What were the total revenues?

Mr. TOWNSHEND. In the whole city of East Saginaw——

Mr. HORR. Yes, how much from the whole city?

Mr. TOWNSHEND. I have just stated.

Mr. HORR. That is the local postage; I want to know what the total receipts were.

Mr. TOWNSHEND. Just what I have said.

Mr. HORR. Oh, no; that is the local postage. The total receipts were $30,000, as the reports will show.

Mr. TOWNSHEND. I am talking now of the free-delivery system and the receipts for local postage. I do not dispute what the gentleman says in respect to the total revenues there. What I have been asserting is what the Postmaster-General says in reference to the amount derived from this service and the amount that it costs.

Mr. HORR. I have not claimed that the free-delivery system paid a revenue to the Government from that city.

Mr. TOWNSHEND. But I make the assertion that out of the one hundred and fifty-four free-delivery offices in the United States only fourteen are self-sustaining.

Mr. HORR. Out of the local postage?

Mr. TOWNSHEND. That is what I mean.

Mr. BINGHAM. But every one of them returns a revenue to the Government.

Mr. COX, of New York. We do not complain of giving some of our surplus revenue away to the non-paying cities.

Mr. TOWNSHEND. And that was what I wanted to make plain to the gentleman from Michigan; that none except fourteen of these one hundred and fifty-four free-delivery offices, as a rule, pay expenses.

But the position assumed by the gentleman from California and the gentleman from Saint Louis is based upon the idea that has been enforced by the gentleman from Michigan in his argument that the committee and the House have been niggardly in the appropriations and have failed to provide for the necessary increase of the postal service in this country. That, Mr. Speaker, is not true in any sense of the word. This House has been more liberal than the last House, when the friends of the gentleman from Michigan controlled matters here. The last House cut down the appropriations for the postal service beow that of the previous year. This House has raised them two millions of dollars, and yet gentlemen get up here who are totally ignorant of what the bill contains and insist that we are cutting down the appropriations to an extent which cripples the efficiency of the postal service. They do this without knowing to save their souls what were the appropriations of last year and the provisions of the bill that we propose now to adopt. [Cries of "Vote!" "Vote!"]

I have no desire, sir, to occupy the attention of the House upon this question. I do not intend to say more than this. But I want every man here to understand when he votes to raise this appropriation $400,000 that he is appropriating money to employ three hundred more letter-carriers than are now employed by the Department. If gentlemen want to go upon the record for this purpose I want them to understand the facts. I have done my duty when I have made this statement to the House and sought to keep the appropriation down within what I regard as a just and economical figure. They may take the responsibility of voting as they please; I shall be satisfied. If you adopt the amendment and increase it to $3,800,000, you will in my judgment provide all that will be needed to carry on the present service efficiently and also furnish the sum asked by the Department to give additional service where it does not exist; but you must remember the fact that $400,000 more is asked not only for paying increased salaries of letter-carriers, but it is also provided to increase the force three hundred more than it is now. Now I have nothing further to say.

Mr. HOLMAN. Mr. Speaker, I hope I may have the ear of the House for a moment.

I wish to submit, sir, a motion which is in harmony with the views expressed by my colleague on the committee of conference from Illinois, and I hope it will be found in harmony with the views of the House; that is, to amend the proposition now pending before the House by concurring in the Senate amendment, with an amendment making an appropriation of $3,800,000; and, Mr. Speaker, I accordingly make that motion as an amendment to the pending proposition.

Mr. COX, of New York. What is the gentleman's amendment?

Mr. HOLMAN. To increase the amount to $3,800,000.

Mr. COX, of New York. Is that amendment in order?

Mr. HOLMAN. That amendment is in order. I hope the House will understand exactly the state of this question. The appropriation for the present year is $3,500,000. The House increased the amount for the next fiscal year $100,000; making the sum $3,600,000. The Senate increased it to $4,000,000. My proposition is to divide the difference between the two Houses and fix the sum at $3,800,000.

Now, Mr. Speaker, a word as to the soundness of the ground on which I base this amendment. For what purpose is the increase sought? What is the object of it? Let us look at the detail of the estimate. The Post-Office Department asks for $250,000 more for the present year for the old service, for increased number of employés, and to meet the increased pay provided for by the last session of Congress. Then the Post-Office Department asks for $50,000 more to enlarge the system in conformity with existing law. Those two sums make $300,000, which come up to the last dollar for which there is a specific ground of expenditure named by the Post-Office Department. That amount of $300,000, being added to the appropriation for this year, $3,500,000, makes the $3,800,000 which is proposed by my amendment.

I trust the House will adopt that proposition. I ask this side of the House to support it, for whatever view this side of the House may take, it is responsible for our legislation; and if the proposition I have submitted, based upon the estimates of the Department, not upon any generalities or any general sum, but taking the detail of the estimate of the Department—if it is not sound I shall yield very freely to any gentleman who will point out the defect.

Mr. BINGHAM. Will the gentleman allow me to interrupt him?

Mr. HOLMAN. Yes, sir.

Mr. BINGHAM. Everything the gentleman from Indiana has stated is correct as far as he has gone. But he leaves out the one single necessary proposition to be considered. When he concedes $3,800,000 he has allowed not one cent for the increase of the force in any city where the service is now established. Is not that so?

Mr. HOLMAN. If my friend will excuse me I can not yield further. My friend from Pennsylvania [Mr. BINGHAM] exactly misapprehends it. The $250,000 is for the increased force and the increased pay.

Mr. BINGHAM. Oh, no!

Mr. HOLMAN. And the $50,000 for the enlargement of the service in the other cities where it does not now exist.

Now, Mr. Speaker, I desire to call the attention of the House to a very extraordinary fact. On the basis of my amendment you will have doubled the cost of this service in the short period of five years. Look at it. In 1879 the appropriation for this service was $1,875,000. In 1880, only four years ago, it was $2,000,000. In 1881 it was $2,500,000. In 1882 it was $2,600,000, just a growth of $100,000. In 1883, the last session of the last Congress, there was appropriated for the present year $3,500,000. And now there is a proposed increase on that, according to my amendment, of $300,000 more. I ask you in the whole round of your public service to name an instance in the Post-Office Department, or any other, in a time of peace, where such an extraordinary increase has occurred in the public service as this.

Mr. BINGHAM. Nor can you name such an increase in the extent of your service.

Mr. WARNER, of Ohio. If the gentleman from Indiana will permit me, I would suggest that while population increases at a rate of only about 3 per cent., less than 3½ per cent. per annum, here is a proposition to increase the cost of the mail service 20 per cent. in a year.

Mr. BINGHAM. And your revenues have increased more than that.

Mr. HOLMAN. I desire to close this debate at the earliest moment. Other business still more pressing is pending.

I desire to say this, that it is in vain you may indulge the hope of an efficient service in the Post-Office Department or anywhere else as long as you make appropriations beyond the public necessities. Has there ever occurred in your history one of those barefaced frauds upon the Government which make every citizen blush except as an outgrowth of the very extravagance away beyond the public necessities, away beyond public wants, the very extravagance here suggested? When the star-route frauds were beginning, when the first incipient steps were taken, there was not a man who had watched the current of events in this country for a period of twenty-five years who did not know that they meant humiliation to the American people. It was just as palpable a year and a half before the exposures were made as it was when the cheek of the American people began to mantle with shame.

While the appropriations should be ample, I protest in the interest of the purity of your Government that they should not be beyond the absolute necessities of the public service, and that a great and important branch of your service, one so near the people as the postal service, shall not be made use of by extravagant appropriations either to hatch frauds within its organization or as the means to defeat your civil-service law by obtaining means beyond the assessments of 5 per cent. or any other per cent. on the employés of your Government.

Now, Mr. Speaker, I insist the House will accept this proposition as ample and liberal, being an increase beyond the average of your experience either under Republican or under Democratic administration. I call the previous question on the pending question.

Mr. HORR. Before the gentleman does that, I ask him to yield to me for a moment.

Mr. TURNER, of Kentucky. I demand the regular order.

Mr. CALKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. I will first inquire, what is the question now before the House?

The SPEAKER. The gentleman from Michigan [Mr. HORR] moves that the House recede from its disagreement to the amendment of the Senate and agree to the same. The gentleman from Indiana [Mr. HOLMAN] moves to amend that motion so that the House will agree to the amendment of the Senate with an amendment reducing the appropriation proposed by the Senate from $4,000,000 to $3,800,000.

Mr. CALKINS. I wish to make a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. CALKINS. Is a motion to recede amendable?

The SPEAKER. It is not. But the motion of the gentleman from Michigan is more than that, it is a motion to recede and agree.

Mr. CALKINS. I understand that a motion to recede, if adopted, of itself brings about a concurrence.

The SPEAKER. It does.

Mr. CALKINS. A motion to agree to the amendment of the Senate with an amendment may be made at one stage of the proceedings for this simple reason: there was a motion to non-concur and a motion to reconsider and lay on the table. Now, you can not non-concur with an amendment. The only parliamentary way to reach a conclusion is to recede from the action taken by the House, which is, in effect, a concurrence with the Senate amendment.

The SPEAKER. Nothing is more common than to concur with an amendment.

Mr. CALKINS. I say that you can do that before the motion to recede is made.

The SPEAKER. That is this motion.

Mr. CALKINS. But you can not amend a motion to recede.

The SPEAKER. If the gentleman from Michigan had made the simple motion to recede, the Chair does not think the motion would be amendable. But his motion is to recede and agree to the Senate amendment.

Mr. CALKINS. I asked the Chair if the motion to recede should be agreed to would it not be equivalent to a concurrence in the Senate amendment, and the Chair said it would.

The SPEAKER. Then the Chair did not understand the question of the gentleman. It is well settled that the adoption of a simple motion to recede does not have the effect of a concurrence; it simply brings the amendment of the Senate before the House for its action.

Mr. HORR. I wish merely to say to the House that my friend from Indiana very well knows that the conference committee had this proposition before it and they could not come to an agreement upon it.

Mr. HOLMAN. Is it parliamentary to discuss what transpired in the conference?

Mr. HORR. I beg pardon; I did not know it was a privileged matter; I do not wish to violate any rule. What I wish to say is that I hope the House will vote down the amendment of the gentleman from Indiana, because the Postmaster-General informs us that the Department needs every single dollar of the amount proposed by the Senate.

Mr. COX, of New York. Will the Chair again state the pending proposition?

The SPEAKER. The Chair has just stated it. The gentleman from Michigan [Mr. HORR] moves that the House recede from its disagreement to the fourth amendment proposed by the Senate and agree to the same. The gentleman from Indiana [Mr. HOLMAN] proposes to amend that motion, so that the House shall agree to the amendment of the Senate with an amendment reducing the appropriation proposed by the Senate from $4,000,000 to $3,800,000. The question is upon the amendment proposed by the gentleman from Indiana.

The question was taken; and upon a division there were—ayes 67, noes 108.

Before the result of the vote was announced,

Mr. HOLMAN said: On this question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 87, nays 137, not voting 99; as follows:

YEAS—87.

Alexander,	Dockery,	Lewis,	Skinner, T. G.
Barksdale,	Dowd,	McMillin,	Springer,
Bennett,	English,	Matson,	Stockslager,
Blanchard,	Ferrell,	Miller, J. F.	Storm,
Bland,	Follett,	Mitchell,	Talbott,
Blount,	Forney,	Morgan,	Taylor, J. M.
Boyle,	Fyan,	Moulton,	Throckmorton,
Breckinridge,	Geddes,	Murray,	Townshend,
Burnes,	Gibson,	Neece,	Turner, H. G.
Cabell,	Green,	Oates,	Turner, Oscar
Candler,	Halsell,	O'Ferrall,	Vance,
Clay,	Hammond,	Patton,	Warner, A. J.
Clements,	Hatch, W. H.	Pierce,	Warner, Richard
Cobb,	Hemphill,	Peel,	Weller,
Connolly,	Hewitt, G. W.	Pryor,	Williams,
Cook,	Holman,	Randall,	Wilson, W. L.
Cosgrove,	Houseman,	Riggs,	Winans, E. B.
Crisp,	Jones, B. W.	Scales,	Wise, G. D.
Culberson, D. B.	Jones, J. H.	Seymour,	Wolford,
Davidson,	Jones, J. K.	Shaw,	Wood,
Davis, L. H.	Kleiner,	Shelley,	Yaple.
Dibrell,	Lanham,	Singleton,	

NAYS—137.

Adams, G. E.	Brewer, F. B.	Clardy,	Dunham,
Aiken,	Brewer, J. H.	Collins,	Dunn,
Anderson,	Broadhead,	Cox, S. S.	Eldredge,
Arnot,	Browne, T. M.	Cox, W. R.	Ellis,
Atkinson,	Brown, W. W.	Culbertson, W. W.	Evans, I. N.
Bagley,	Brumm,	Cullen,	Everhart,
Barr,	Buchanan,	Cutcheon,	Findlay,
Bayne,	Budd,	Dargan,	Finerty,
Bingham,	Caldwell,	Davis, G. R.	George,
Bisbee,	Campbell, J. M.	Davis, R. T.	Glascock,
Bowen,	Cannon,	Deuster,	Goff,
Brainerd,	Carleton,	Dibble,	Greenleaf,
Breitung,	Chace,	Dingley,	Hanback,
Hardeman,	King,	Payne,	Stewart, J. W.
Harmer,	Lawrence,	Payson,	Stone,
Hart,	Long,	Perkins,	Strait,
Hatch, H. H.	Lovering,	Peters,	Struble,
Haynes,	Lyman,	Pettibone,	Sumner, C. A.
Henley,	McAdoo,	Poland,	Taylor, J. D.
Hepburn,	McCoid,	Price,	Thomas,
Hewitt, A. S.	McComas,	Pusey,	Tillman,
Hiscock,	McCormick,	Ranney,	Van Eaton,
Hitt,	Maybury,	Ray, G. W.	Wait,
Holmes,	Millard,	Reed,	Wakefield,
Hopkins,	Money,	Reese,	Weaver,
Horr,	Morrill,	Rockwell,	Wellborn,
Howey,	Morse,	Rogers, J. H.	White, Milo
Hunt,	Muldrow,	Rogers, W. F.	Wise, J. S.
James,	Nelson,	Rowell,	Woodward,
Jeffords,	Nicholls,	Ryan,	Worthington,
Johnson,	Nutting,	Smalls,	York,
Jones, J. T.	Ochiltree,	Smith,	Young.
Kasson,	O'Hara,	Spooner,	
Kean,	O'Neill, J. J.	Steele,	
Ketcham,	Parker,	Stewart, Charles	

NOT VOTING—99.

Adams, J. J.	Funston,	Lore,	Skinner, C. R.
Ballentine,	Garrison,	Lowry,	Slocum,
Barbour,	Graves,	Miller, S. H.	Snyder,
Beach,	Guenther,	Milliken,	Spriggs,
Belford,	Hancock,	Mills,	Stephenson,
Belmont,	Hardy,	Morey,	Stevens,
Blackburn,	Henderson, D. B.	Morrison,	Sumner, D. H.
Boutelle,	Henderson, T. J.	Muller,	Taylor, E. B.
Buckner,	Herbert,	Murphy,	Thompson,
Burleigh,	Hill,	Mutchler,	Tucker,
Calkins,	Hoblitzell,	O'Neill, Charles	Tully,
Campbell, Felix	Holton,	Paige,	Valentine,
Cassidy,	Hooper,	Phelps,	Van Alstyne,
Converse,	Houk,	Post,	Wadsworth,
Covington,	Hurd,	Potter,	Wallace,
Curtin,	Hutchins,	Rankin,	Ward,
Dorsheimer,	Jordan,	Ray, Ossian	Washburn,
Duncan,	Keifer,	Reagan,	Wemple,
Eaton,	Kelley,	Rice,	White, J. D.
Elliott,	Kellogg,	Robertson,	Whiting,
Ellwood,	Lacey,	Robinson, J. S.	Wilkins,
Ermentrout,	Laird,	Robinson, W. E.	Willis,
Evins, J. H.	Lamb,	Rosecrans,	Wilson, James
Fiedler,	Le Fevre,	Russell,	Winans, John.
Foran,	Libbey,	Seney,	

So the amendment of Mr. HOLMAN to the motion of Mr. HORR was not agreed to.

The following pairs were announced:

Mr. STEPHENSON with Mr. WALLACE, until June 19.

Mr. BURLEIGH with Mr. JONES, of Alabama, on all political questions, until June 25.

Mr. FIEDLER with Mr. LIBBEY, on all political questions, until Monday next.

Mr. CASSIDY with Mr. LAMB, on this bill.

Mr. WILLIS with Mr. MOREY, on all political questions, until Monday next.

Mr. HERBERT with Mr. CALKINS, on this vote.

Mr. CAMPBELL, of New York, with Mr. JOHN S. WISE, on all political questions, until June 18.

Mr. POTTER with Mr. MORRISON, on the letter-carrier amendment.

The following were announced as paired on all political questions for this day:

Mr. ROBERTSON with Mr. HENDERSON, of Illinois.

Mr. TULLY with Mr. WHITING.

Mr. WILKINS with Mr. HENDERSON, of Iowa.

Mr. THOMPSON with Mr. MILLER, of Pennsylvania.

The following were announced as paired on all political questions until further notice:

Mr. EVINS, of South Carolina, with Mr. ELLWOOD.

Mr. ROSECRANS with Mr. PETTIBONE.

Mr. MULLER with Mr. HOUK.

Mr. RUSSELL with Mr. BLACKBURN.

Mr. YOUNG with Mr. RICE.

Mr. PAIGE with Mr. VALENTINE.

Mr. BEACH with Mr. SKINNER, of New York.

Mr. HANCOCK with Mr. WASHBURN.

Mr. JORDAN with Mr. GUENTHER.

Mr. REAGAN with Mr. LAIRD.

Mr. ELLIS with Mr. KEIFER.

Mr. HARDY with Mr. CHACE.

Mr. BUCKNER with Mr. WILSON, of Iowa.

Mr. STEVENS with Mr. KELLOGG.

Mr. DORSHEIMER with Mr. HISCOCK.

Mr. COVINGTON with Mr. BOUTELLE.

Mr. GREENLEAF with Mr. BELFORD.

Mr. HILL with Mr. MILLIKEN.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio.

Mr. ERMENTROUT with Mr. O'NEILL, of Pennsylvania.

Mr. BALLENTINE with Mr. PHELPS.

Mr. JONES, of Alabama. I desire to state that though I am paired with the gentleman from New York [Mr. BURLEIGH], I have felt at liberty to vote on this question because I understand he would vote in the same way.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 6790) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

The message further announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 6094) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. DAWES, and Mr. CALL.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

An act (H. R. 1724) for the relief of Santiago de Leon;

An act (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes;

An act (H. R. 4359) in relation to the Legislature of Dakota Territory;

An act (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers;

An act (H. R. 1800) for the relief of I. L. Burchard;

An act (H. R. 4706) for the relief of Charlotte Day;

An act (H. R. 4014) for the relief of Isaac Reed;

An act (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg;

An act (H. R. 5259) granting a pension to Julia A. Ross;

An act (H. R. 3669) granting a pension to Robert M. Flack;

An act (H. R. 3838) granting a pension to Theodore C. Hawkins;

An act (H. R. 283) granting a pension to Patrick Horan;

An act (H. R. 1756) granting a pension to George Overmire;

An act (H. R. 1075) granting a pension to Caroline Lauffer;

An act (H. R. 1065) granting a pension to George F. Dresser;

An act (H. R. 351) authorizing the muster-in and discharge of Henry Z. Blinn; and

An act (H. R. 6539) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin.

The message also announced that a bill of the following title, having been received by the President May 31, 1884, and not having been returned to the House within the ten days prescribed by the Constitution, had become a law without his approval:

An act (H. R. 6762) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route.

POST-OFFICE APPROPRIATION BILL.

The House resumed the consideration of the Post-Office appropriation bill.

The question recurred on the motion of Mr. HORR that the House recede from its disagreement to Senate amendment numbered 4 and agree to the same.

The House divided; and there were—ayes 115, noes 52.

So the amendment was concurred in.

Mr. HORR moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. The next amendment upon which the committee of conference were not able to agree is the tenth amendment. I move that the House further insist on its disagreement to that amendment; and on that motion I call for the previous question.

Mr. CALKINS. Let us have the amendment read.

Mr. HORR. Do I understand the gentleman from Indiana to move the previous question?

Mr. HOLMAN. Yes, sir.

Mr. TOWNSHEND. That does not cut off debate, let me say to the gentleman from Michigan.

Mr. HOLMAN. There will be fifteen minutes' debate on each side.

The SPEAKER. After the previous question is ordered, thirty minutes, under the rule, are allowed for debate.

Mr. ANDERSON. And that is enough.

Mr. HORR. It is not enough.

The SPEAKER. What is the motion of the gentleman from Michigan?

Mr. HORR. I move that the House recede from its disagreement to the tenth amendment.

Mr. HOLMAN. Can the gentleman make that motion?

The SPEAKER. It is not an amendment to the motion of the gentleman from Indiana, but it is a motion to recede, which, under the rules, takes precedence of the motion made by the gentleman from Indiana.

Mr. HOLMAN. Does it take precedence over the previous question?

The SPEAKER. It adds nothing to the privilege.

Mr. HORR. I move to recede.

Mr. HOLMAN. I demand the previous question.

The SPEAKER. The previous question cuts off the right to amend, but the motion to recede from the disagreement of the House has precedence over the motion to insist.

Mr. CALKINS. Let the amendment be read.

The amendment was read, as follows:

Strike out in lines 65 and 66 the words "eleven million seven hundred thousand dollars," and insert "twelve million seven hundred and fifty thousand dollars."

Mr. HOLMAN. The Clerk has not read all the amendment.

The SPEAKER. He has read all of the tenth amendment.

Mr. HOLMAN. That and the next amendment ought to be considered together, and I ask the gentleman from Michigan to include the next amendment in his motion.

The SPEAKER. That can be done if there be no objection.

Mr. HOLMAN. I suggest to the gentleman from Michigan, in order to treat the subject fairly, that the three amendments—this and the next two—should be considered together, the amendment which reduces the amount of appropriation for railroad transportation, and reduces also the rate to be paid to railroad companies—one class 5 per cent. and the other 50 per cent.

Mr. CALKINS. I object to that.

Mr. HORR. I am willing to take the two amendments together—the tenth and the eleventh.

The SPEAKER. The motion of the gentleman from Michigan then is that the House recede from its disagreement to the tenth and eleventh amendments of the Senate, and the motion of the gentleman from Indiana is that the House further insist on its disagreement to the two amendments indicated.

Mr. TOWNSHEND. Now let the amendments be read.

The amendments were read, as follows:

Tenth amendment: Strike out, in lines 65 and 66, "$11,700,000" and insert "$12,750,000."

Eleventh amendment: Strike out the following paragraph:

"(11.) The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1884, for transportation of mails on railroad routes, by reducing the compensation to all railroad companies for the transportation of mails 5 per cent. from the rates for the transportation of mails on the basis of the average weight fixed and allowed by the first section of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes,' approved June 17, 1878: *Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, or whose railroads were constructed, in whole or in part, by subsidies in bonds and lands granted and issued by the United States under the provisions of the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River and the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, and act amendatory thereof, shall receive only 50 per cent. of the compensation authorized by this act to be paid to the other railroad companies for corresponding postal service; and the above-entitled act approved July 1, 1862, and the sixth section thereof, and the act amendatory of said act, approved July 2, 1864, are hereby amended to conform to the foregoing provision fixing the rate of compensation to be paid to railroad companies whose railroads were so constructed, in whole or in part, by subsidies in bonds and lands, under the provisions of said acts, for the transportation of the mails; and said acts, and each of them, shall be held to be altered and amended accordingly; and the foregoing provisions, and each of them, shall be subject to amendment as in the opinion of Congress shall be just and required by the public welfare; but no right now existing in favor of the United States in relation to said railroads, or either of them, or in relation to said grants, or either of them, shall be deemed impaired or waived by this act or any provision thereof."

Mr. HOLMAN. I suppose the gentleman from Michigan desires to discuss the subjects all together, and if he wishes to be heard I will yield out of the time allotted to me such time as he may want.

The SPEAKER. The Chair thinks the gentleman from Michigan is entitled to the floor on his own motion.

Mr. HOLMAN. Very well, then; I will yield the floor at this time.

Mr. HORR. Mr. Speaker, I wish to say that when this subject was up on a former occasion—at the time we passed this bill through the House—I said very little upon this question, as the RECORD will bear me out, and it was for the very simple reason that I knew but very little about the subject at that time. I hope that I come before you now under different circumstances; at least better prepared to give facts bearing upon this matter. I trust that I may be able to give you some facts and figures in reference to this railway-mail service that will be considered valuable. I wish to say in the outset that it is a complicated question. It is not a proposition that you can exhaust in a half-hour's study. But I hope to be able in less than that time to give

some information which I have collected in the last few days that seems to me to bear directly upon the question before us.

I know that there are people in this world who the more abstruse a question is the easier they seem to handle it. [Laughter.] But I have endeavored to take every bearing of this question that I possibly could in order to arrive at a correct conclusion, and let me state my conclusion in advance. I say to this House that we ought to recede from the amendment in reference to the compensation of railroad companies because almost all of these companies are to-day getting less for the work they are doing than it is actually worth. They are getting less for the performance of this work for the postal service than they actually ought to receive, and if I can not prove that to you to your satisfaction, then I will willingly submit to the decision of the House, and I expect to submit to it anyway, for that matter. [Laughter.] I start out with the full knowledge, Mr. Speaker, that a man hazards a good deal in this House when he says a word in favor of a railroad company.

Let me say further in the outset that I have not a dollar's interest in any railroad company in the world. It is a matter I regret exceedingly, for really I wish I had a large amount. I wish to state also that I never was employed by a railroad company in my life, except when I was a young man for a few months I was employed as a brakesman on a freight train. [Laughter.] Further than that I never had any service from any railroad corporation in my life which can in any way bias my judgment. I say this much in order that the House may see I approach this question entirely free from all personal interest. True, I do not partake of this railroadphobia that is so prevalent and so popular nowadays. I feel that I can do justice to a man, even if he is a railroad man, or has at some time been employed by a railroad company, and also hope that I can deal fairly with the companies themselves. I know that some pretty decent men have even been railroad attorneys before now, one of them notably a man whose letter has so recently cast despair and gloom over the hearts of our friends on the other side of this Chamber. Then let us agree, to begin with, that it is not altogether disreputable to be a railroad man, and that railroad companies may have some rights that the lawmakers of the land are in common honesty bound to respect.

The railroads are being paid to-day for carrying our mails under the law which was passed on the 3d of March, 1873. In that law there was no distinction whatever made as to the land-grant railroads. All roads received the same pay for like service. That law proceeded upon the basis of an average weight of mail matter carried per day with the accompaniments of due frequency and space. The railroad companies were required under that law to furnish space, fixtures, and furniture, so as to enable the railroad clerks to receive, handle, and distribute the mails. And they were required, in addition to this, to carry all the clerks necessary for the proper distribution of such mails free of charge.

Now, the basis on which the railroads received their pay was this: Every road that carried two hundred pounds of mail or less per day got $50 per mile per year. You understand they took the length of the road. If the road was one hundred miles long and the mail did not amount to over two hundred pounds a day, that road got $5,000 for the entire year, no matter how many trips they made, but all had to go over the road once each way each day, and many made two round trips and some more each day; but the compensation was fixed at so much per linear mile, estimated by the length of one track between the starting and ending points of the route; that is, each road had to carry it both ways at $50 per mile of track. For 500 pounds they get $75 per mile; for 1,000 pounds $100 per mile; for 1,500 pounds they get $125; for 2,000 pounds they get $150 per mile; for 3,500 pounds $175 per mile, and for 5,000 pounds $200 per mile. After the 5,000 pounds then they get $25 per mile for each additional 2,000 pounds over and above the first 5,000, so that you see the amount a railroad company receives would be computed simply by knowing the weight of the mails carried each day and the length of the main line.

Now, in 1876 they cut down these amounts 10 per cent. on all railroads of the country, and there was a provision in that law that the land-grant railroads should receive only 80 per cent. of the amount received by other roads. The ordinary roads get only 90 per cent. of what they had been receiving theretofore, while only 80 per cent. of the 90 per cent. was paid to the land-grant roads. In 1878 a further reduction was made of 5 per cent. from what the roads were then receiving, and the land-grant roads had to take still 80 per cent. of what was received by other roads. And that is the law to-day. So that now instead of $50 per mile the general roads get $42.75 per mile for the first two hundred pounds. And then, of course, the same ratio applies right through as the mail increases in weight, and the land-grant roads get only $34.20 per mile per year.

The bill now before us as passed by this House reduces the amount 5 per cent. further on the regular roads. That is, if that provision of the bill becomes law they will get only $40.50 per mile. And then it cuts the land-grant roads down to 50 per cent. of that amount; so that the land-grant roads would get only $20.25 per mile under this bill. The Senate struck both of those provisions out and left the law just as it now stands, not reducing the rates on any railroad-mail service.

Before the law was passed in 1873 there was no fixed rule. The Postmaster-General fixed the amounts with all the roads. However, there was a provision that no road could get over $375 per mile per annum. However much mail matter they carried they could not get to exceed $375 per mile per annum. It was found that that worked great injustice on some roads. For instance, the road between Philadelphia and New York last year carried the enormous amount of forty-nine tons of mail matter each day, and the pay under the old rule would not have met their expenses or anything like it.

Mr. BROWNE, of Indiana. Does the gentleman mean forty-nine tons a day?

Mr. HORR. Yes, sir; forty-nine tons of mail a day were carried between New York and Philadelphia. It takes sixteen cars sixty feet long each day to carry the mails between those two cites.

I am going to make a comparison between the rates for carrying the mails and the rates of express companies and the passenger rates, although it is not a fair comparison, because express companies carry large bulks of freight, massing it together, and low grades of freight; and the railway companies furnish no fixtures for them, and if the agent of the express companies goes with the car they pay the railroad company his fare, just as the fare of any other passenger is paid; whereas our mail-agents are carried as a part of the work which the railroad company performs.

During the last debate on this question my friend from Illinois [Mr. TOWNSHEND], whom I do not now see in his seat, stated to the House, and I think he reiterated it to-day, that the railroad companies get several times as much for carrying mail matter as they do for carrying passengers or express matter. The only difficulty with that statement is that the facts do not bear him out in that assertion, unless you figure entirely from weight, and not from space. I have here the reports from forty-odd railroad companies. I will not take the time of the House to read the statements, but I will tell you what is the result. The railroad companies—at least these forty-odd companies—receive for the space given to our mail service in the United States only 56 per cent. as much as they get for the same space in their passenger traffic and only 47 per cent. of what they get for their express work.

Now, the roads must all run the cars for the mail service once each way each day. There are 313 days in the year that they have to run; many of them also run on Sundays. Thus they go 626 times each year over each mile of road; a large number of them 1,252 times, and several of them 2,500 times over each mile of road. In each car, as I stated to the gentleman from Illinois, the lowest space required is thirteen feet, and the railroad companies are compelled to furnish that, to heat it, light it, and they are required to carry one mail agent both ways all the time, and as many more as the service demands—two, three, four, five, and six railway clerks are sometimes required. Let us now examine as to the cheapness with which they are doing this work. These railroads get only $6 for one-third of a car for one hundred miles, or $18 for a full passenger-car for one hundred miles. Anybody can see that is a good deal less than you can hire a freight-car for on any railroad in the United States. And they require to have the speed of the passenger train and the car fitted up like a passenger-car. In addition, they are compelled to deliver mail to each post-office that is less than a quarter of a mile from the railroad.

Mr. TOWNSHEND. Would it be unpleasant for the gentleman to allow me to ask him a question now?

Mr. HORR. Certainly not.

Mr. TOWNSHEND. My question is in regard to the express charges. Do I understand the gentleman as giving the average rate of receipts from express matter on the railroads?

Mr. HORR. I have made a comparison in the case of these railroad companies. I have their statement of the amount that they get for the space that they furnish the express company and the same space that they furnish for the mails.

Mr. TOWNSHEND. On certain lines.

Mr. HORR. Yes, sir; I showed the gentleman the list.

Mr. TOWNSHEND. I want to say further, I consulted with Colonel Thompson, the superintendent of the railway-mail service, and he said when they endeavored to ascertain what was fair compensation to railroads they found it was utterly impossible to ascertain what was the average of receipts from express matter carried on the railroads of the United States; that some companies had contracts for so much per year and others for so much per ton; it was on a basis fixed by his figures I made my statement that we are paying the railroads more for carrying the mails than they are receiving for passenger or express traffic.

Mr. HORR. You can not figure it on some roads, and before I get through I will show you that the reason this law is unjust is because you can not possibly do justice to the roads by a law which cuts right through them horizontally, for they vary in their expenses and surroundings.

But let me go on. I was saying that these roads are compelled to deliver the mails to all the post-offices along the routes that are within a quarter of a mile of the road. And at the termini of their routes they are also compelled to deliver these mails to the other roads or offices so as to have it carried farther on, except in a few large cities, where the Government does it in order to accelerate matters. I come

now to what I have just stated. The railroad between Philadelphia and New York carries more than forty-nine tons of mail matter per day.

In the United States there are 1,513 railroad mail-routes, which are run by about four hundred railroad companies. I wish the House now to give me its attention, because here is the gist of the whole subject, and the real trouble with the provision which the House put in this bill and which the Senate has stricken out.

Of those 1,513 routes there are only thirteen that receive over $500 per mile per annum. There is one in Massachusetts, one in Connecticut, two in New York, one in New Jersey, one in Pennsylvania, two in Maryland, three in Ohio, and two in Indiana. Aside from those thirteen roads every railroad route in the United States gets less than $500 per mile per annum for carrying the mails; and only thirty-seven roads in the United States get over $250 per mile per annum, and of those thirty-seven thirteen are in the South and twenty-four are in the North.

Alabama, Georgia, Florida, Mississippi, Tennessee, Arkansas, Louisiana, and Texas have not within their borders a single road that receives a compensation of $250 per mile per annum for this work. There are only two hundred and twenty roads of the United States that get over $100 per mile per annum. And there are 1,293 roads that get less than $100 per mile per annum, and of that number four hundred and ninety get from $50 per mile per annum up to less than $100, and eight hundred and three roads get less than $50 per mile per annum. In fact those eight hundred and three roads average less than $40 per mile per annum for this work.

Thus it will be seen that 1,300 roads get less than $100 per mile per annum for this work, and in fact they average only $55 per mile per annum. That is only 8 cents per mile for hauling one-third of a car over that distance. That is, they get only a little over the amount they receive for carrying two passengers.

Now, recollect that they all have to carry one passenger, the railway clerk, and eight hundred and three of the routes receive for this entire work only a little more than they get for carrying one passenger, and the land-grant roads under this bill would not get enough to pay them for hauling the railway clerk, leaving out the mail fixtures, &c.

And yet men come in here and tell us that these roads are robbing the people. Why, sir, these railroad companies would not do this work to-day were it not that they are accommodating their own customers along the lines of the road, and they are compelled to carry the mails in order to satisfy those customers.

Mr. BLOUNT. Will the gentleman allow me to ask how he gets at the amount received for passengers?

Mr. HORR. I know what it is per mile. In the South it is about 3½ cents per mile, from 3 to 4, and in the North from 2 to 3 cents per mile, and the railroads in performing this mail service carry the third of a whole car for that much per mile. The mathematics are very simple, you see.

In the entire Southern States there are 392 railroad-mail routes; in the North there are 1,121. Of these routes in the South 175 get less than $50 per mile per annum, and 119 more get between $50 and $100 per mile per annum; that is, 294 of them get less than $100 per mile per annum, and average less than $55 per mile per annum. There are only 98 roads in the entire South that get over $100 per mile per annum for this work.

The trouble with this problem is this: It is utterly impossible to tell just what a railroad company should receive for this work in order to put it on a par with the other work which the company performs. My friend from Illinois [Mr. TOWNSHEND] says that they have to run their cars anyway, and that they can take this mail matter for little or nothing. Now, that argument would apply a great deal better to me than it would to the United States Government. The United States Government is able to pay for the work done, while I am not. Therefore, according to that argument, as these roads are going to run their trains everywhere that I want to go in the United States, I ought to be carried for nothing, because they are going to run them anyway.

You can not make your argument on that basis hold water. The United States Government should pay a fair price for the work done for it by these companies. I submit to this House that these railroad companies to-day are not getting as much for doing this work as it actually costs them to do it. And yet our friends come in and say that if a company has had a land grant it must carry this mail for 50 per cent. of the amount paid to other roads. In that event they would get only 4 cents a mile for hauling thirteen feet of a railroad car, when in the South they get 4 cents a mile for carrying one passenger, and in the North they get 3 cents a mile, and in the case of carrying the mails they have to carry at least one passenger all the while.

I had reports from nine or ten railroad companies, stating that they do not receive money enough for carrying the mails, messengers and all, to pay the regular fare of one passenger, saying nothing about the delivery of the mails to the offices, &c.

Mr. KASSON. Right here I wish to ask my friend from Michigan whether I understand this provision aright—whether this 50 per cent. reduction applies to every railroad which has had a land grant?

Mr. HORR. In this bill it applies to all such railroads except the Union Pacific and the Central Pacific

Mr. KASSON. Then when we repeal the land grant and recover the land, as I believe we have done in a case in Oregon, the provision reducing compensation on account of the land grant still applies to the railroad?

Mr. HORR. It would. As before stated on this floor, we have one Democratic member from Indiana cutting down the compensation for mail service because of railroad companies receiving land grants; and on the other hand we have another Democratic member from Indiana taking away the land from these very companies. And this is done simply because of the prejudice and spite against railroad companies, which, with all their sins, have done as much to build up this country as perhaps any other system of improvements ever instituted. Where would the great West be to-day were it not for our railroads—land-grant railroads if you please? I confess that I find it impossible to join in the insane tirades against these roads that some people seem so much to enjoy.

The only perfectly fair manner of arranging this matter would be to have each railroad company examined by itself—ascertaining what it receives from its passenger business and from its freight, and then fixing the compensation to be paid by the Government upon some reasonable basis. I find upon examination the English Government—and gentlemen will understand that there is not much affection on my part for the British nation—the English Government has exactly such a system of adjusting compensation for this character of service. The postmaster-general of that country and the railroad officials in the first place get together under the law; and if they can agree upon a rate that rate is adopted, if they can not agree the government appoints arbitrators, to whom all the facts pertaining to the freight and passenger business of the company are submitted, and the rate of compensation fixed upon as just and fair by those arbitrators is the rate which the government pays.

Now, there is another difficulty in this matter. The Government only weighs the mail matter once every four years. Understand me; this very bill which we are now discussing prevents any weighing oftener than once in four years. Consequently after the rate is fixed the quantity of mail matter may go on increasing and does go on increasing for four years without the payment of any additional compensation. If the mail matter carried to-day weighs two hundred pounds, the amount carried before four years have expired may in a country that is growing reach five hundred pounds. Yet the company is compelled for four years to accept compensation as if it carried only two hundred pounds.

Mr. BLOUNT. May I ask the gentleman where he finds such a provision of law?

Mr. HORR. That is the law passed in 1873.

Mr. BLOUNT. I would like to see the law. I do not think the gentleman is correct.

Mr. HORR. How am I wrong?

Mr. BLOUNT. I understood the gentleman to say that under the law there can not be a weighing of the mails more than once in four years.

Mr. HORR. That is fixed in this very bill which we are discussing—that the weighings shall not be oftener than once in four years.

Mr. BLOUNT. The pending bill?

Mr. HORR. Yes, sir; and as a matter of fact the Government during some years past has not, except in a few instances, had a weighing of the mails more than once in four years for each route.

Mr. TOWNSHEND. In that connection there was great abuse charged against the Department.

Mr. HORR. I understand that there was in one case some abuse which cost the Government a great deal of money; but I know of no other than that one instance.

Mr. SPRINGER. I understood the gentleman to say a moment ago that the mail matter carried by a railroad might increase in the course of four years from two hundred pounds to five hundred pounds. Is there in the history of our country any example in which the increase has been so great?

Several MEMBERS. "Oh, yes."

Mr. HORR. Yes, sir. On the Atchison and Santa Fé Railroad the two weighings showed that the mail matter had more than trebled in four years.

Mr. SPRINGER. Could such a case occur except where the first weighing was upon a new railroad in a new country?

Mr. HORR. Well, sir, the great bulk of this country is new. Why, sir, in Illinois, your mail business increases enormously in the course of four years. As population increases of course there is more correspondence by mail. In every part of the country this increase during the course of four years is a large item. Consequently the United States, in paying for four years according to the weighing made at the beginning of those four years, pays out, according to the best estimate I can make, at least 20 per cent. less for carrying the mails of the country than the actual weight would require if mails were weighed every day. At least that is the case on routes where large amounts of mail are carried.

Now, I submit these railroad companies, on at least eight hundred

and three routes, are receiving a mere pittance for this service. Think of it! Your roads, which are in a struggling condition all over the new portions of the country in the South and West, are compelled to charge much more per mile for freight and passengers than is charged in the East. Cut down the pay for this service and they must add this amount to something else, which will simply take it out of the struggling people along the line.

Mr. TOWNSHEND. Is not that due to the fact that these railroad companies have watered their stock to such an extent that they are compelled to charge high rates in order to pay dividends?

Mr. HORR. I am glad the gentleman has asked me that question, as he will see the difference between knowing about a thing and not knowing. [Laughter.] How many companies in the United States do you suppose have watered their stock to the extent you mention?

Mr. TOWNSHEND. I have no doubt about nine-tenths of them.

Mr. HORR. The fact is, not one in ten has done it, as I am told the records of the railroad offices show. Talk about watered stock! What do you think it costs to build every mile of railroad in this country, watered or not watered, compared with the cost of building railroads in the Old World? I mean to build them, equip them, build their side tracks, and everything of that kind. In the Old World the cost has been $102,000 a mile; while in the United States (whether or not there were any of these "watered," as the gentlemen says) the cost has been less than $65,000 per mile.

Mr. TOWNSHEND. Does the gentleman say that only one in ten of the railroads of the United States has capitalized the road beyond its actual cost?

Mr. HORR. I mean to say there is not one in ten the stock of which they are trying to pay dividends on that is not represented by what it actually cost to build it.

Mr. RANDALL. I hope the gentleman from Michigan will allow me to make a suggestion at this point. It is now near 5 o'clock, when by order of the House a recess is to be taken until 8 o'clock this evening. If the gentleman will yield, I would like to ask unanimous consent that the time for taking the recess be extended till 6 o'clock, so that we may dispose of the pending matter. We must get along faster with this and get it out of the way, because there is urgent necessity that we take up and pass the deficiency bill, which is now awaiting the action of the House.

Mr. HORR. I am nearly through the remarks which I wish to submit, and will not occupy more than a minute or two longer.

Mr. RANDALL. I do not wish to restrict the gentleman's time, but merely, as it is near 5 o'clock, to extend, by unanimous consent, the time for taking the recess from 5 to 6 o'clock.

Mr. BROWN, of Pennsylvania. There is to be session to-night for pension business.

Mr. RANDALL. I do not propose to interfere with the session for pension bills. I only wish that the time for taking the recess be extended from 5 o'clock till 6.

Mr. TOWNSHEND. Let the House take its recess at the hour already fixed, and let this matter go over until to-morrow. [Cries of "Oh, no!"]

Mr. RANDALL. I ask unanimous consent that the time for taking the recess be extended from 5 to 6 o'clock.

Mr. BROWN, of Pennsylvania. I object.

Mr. RANDALL. I am not interfering with the session to-night for pension cases.

The SPEAKER *pro tempore* (Mr. THOMPSON in the chair). Is there objection? The Chair hears none, and it is ordered.

Mr. WELLER. There was objection.

The SPEAKER *pro tempore*. By whom?

Mr. WELLER. By the gentleman from Pennsylvania.

Mr. BROWN, of Pennsylvania. Yes; and I did not withdraw it.

Mr. ANDERSON. I rise to ask, Mr. Speaker, what conclusion was arrived at in reference to extending the time for taking a recess?

Mr. HORR. I have but a moment or two more.

Mr. ANDERSON. I understood the objection to extending the time for the recess was insisted on.

Mr. HORR. What I desire to say in conclusion is this. I assert again, without fear of contradiction, that the great bulk of these railroads are not to-day receiving anything like adequate compensation for the actual work they are doing for the Government in carrying these mails. The land-grant roads you have in your power, because there is a provision which permits Congress to fix the amount they shall receive. The other roads you have in your power just as much as you have the land-grant roads, because they can not stand up against public opinion and refuse to carry the mails. I care not what rate you allow them, they are compelled by their surroundings to do the work. I submit as a business matter we should deal with these roads honestly, fairly, and justly. I do not wonder that in the Senate, on an examination of this question, Democrats as well as Republicans unanimously voted to strike out the restrictive clauses of this bill.

I desire then to say in conclusion that I beg of this House to rise above all petty prejudices and treat this question as it would be treated between two honorable business men. All that I want is for this Government to do by each railroad company as all honest, decent business men would do toward each other. In doing this the Senate has stricken out these provisions, and I believe they were right in doing so; and I believe that I have shown to the House that the vast majority of these companies to-day are carrying the mails and are doing this work for less than the actual cost of them; and we do a great wrong when we strike down their compensation again in this manner. I admit the power but not the right to do this thing. I do assert that we ought to have respect for the dignity of this nation and the good morals of its people, and in that way take at least no advantage of any clause in the law, no advantages by which to wrong these railroad companies. Out of the 1,513 railroads in this country 1,300 of them to-day are doing this work for less, and a great deal less, than it is really worth.

That is all I have to say upon the subject; and I now yield the floor, reserving the remainder of my time.

Mr. HOLMAN. I hope if the gentleman from Michigan has not occupied the time to which he is entitled that he will finish now. We are anxious to get through with this bill this evening. If he is not done, I hope he will continue until his time is exhausted.

Mr. BROWN, of Pennsylvania. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWN, of Pennsylvania. When the proposition was submitted to the House for the prolongation of this session until 6 o'clock, the question was submitted whether or not there was objection. I rose in my place and stated that I objected. Some discussion transpired after that, and the question was resubmitted by the Chair. I again objected, rising in my seat for that purpose. I learn since that objection was made and had not been withdrawn that the Chair, by some means unknown to me, has declared the session was prolonged until 6 o'clock. I wish to state that I never withdrew the objection.

The SPEAKER *pro tempore*. Still the gentleman did not object after the Speaker had submitted the question to the House.

Mr. BROWN, of Pennsylvania. I objected twice when the question was submitted. I objected on each occasion when it was submitted.

Mr. RANDALL. It is too late now, at all events, to raise that point.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that unanimous consent was asked by his colleague from Pennsylvania [Mr. RANDALL] that the hour fixed for the recess this evening should be extended until 6 o'clock, at which time the House would take the usual Friday evening's recess until 8 o'clock. Before the gentleman from Pennsylvania had concluded his request, or before it was submitted by the Chair to the House, the gentleman from Pennsylvania now upon the floor rose in his seat and objected. The Chair then submitted the question to the House whether or not they would agree unanimously to the request of the gentleman from Pennsylvania, and no objection was made to it when called for by the Chair.

Mr. RANDALL. No objection was made thereafter.

The SPEAKER *pro tempore*. And the Chair so stated at the time and no one objected. Therefore the order was made.

Mr. BROWN, of Pennsylvania. The objection that I made was never withdrawn and it was made twice distinctly.

The SPEAKER *pro tempore*. The objection, the Chair will state to the gentleman, should have been made when the Speaker submitted the request to the House, not when the request was submitted by the gentleman from Pennsylvania. The Speaker speaks for the House, and not the gentleman from Pennsylvania.

Mr. BROWN, of Pennsylvania. Of course if the Speaker ignores the objection, I have no remedy; but I say the objection was made twice and was not withdrawn.

The SPEAKER *pro tempore*. The objection was not made when the Chair submitted the request to the House.

Mr. BROWN, of Pennsylvania. The objection was made and the Chair stated there was objection.

The SPEAKER *pro tempore*. There was no objection when the request was submitted by the Chair. Therefore the order was made by unanimous consent. The gentleman from Indiana [Mr. HOLMAN] is entitled to the floor.

Mr. TOWNSHEND. Before the gentleman from Indiana proceeds I rise to make a parliamentary inquiry. Has the gentleman from Michigan [Mr. HORR] yielded the floor?

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Michigan reserves the ten minutes remaining of his hour?

Mr. HORR. Yes, sir.

Mr. TOWNSHEND. We will wait till those ten minutes have been occupied.

Mr. REED. It is customary for those who have the affirmative to reserve some of their time till the close of the debate. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is upon the motion made by the gentleman from Michigan [Mr. HORR] that the House recede from its disagreement to the Senate amendments numbered 10 and 11.

The question being taken, there were—ayes 91, noes 80.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered; 58 members voting therefor—more than one-fifth of the last vote.

The question was taken; and there were—yeas 86, nays 101, not voting 136; as follows:

YEAS—86.

Adams, G. E.	Davidson,	Kasson,	Pusey,
Aiken,	Davis, G. R.	Kean,	Rankin,
Arnot,	Davis, R. T.	Ketcham,	Ranney,
Atkinson,	Dibble,	King,	Ray, G. W.
Barr,	Dunham,	Long,	Reed,
Bayne,	Ellis,	Lyman,	Rockwell,
Bingham,	Evans, I. N.	McCoid,	Rogers, W. F.
Bisbee,	Everhart,	McComas,	Ryan,
Brainerd,	Hanback,	Millard,	Smalls,
Breitung,	Hart,	Money,	Spooner,
Brewer, J. H.	Hatch, H. H.	Morrill,	Steele,
Browne, T. M.	Haynes,	Morse,	Stone,
Brumm,	Hemphill,	Nelson,	Struble,
Calkins,	Hepburn,	Nutting,	Talbott,
Campbell, J. M.	Hewitt, A. S.	O'Hara,	Taylor, J. D.
Candler,	Hiscock,	Parker,	Thomas,
Cannon,	Hitt,	Payne,	Tillman,
Chace,	Holmes,	Peters,	Van Eaton,
Culbertson, W. W.	Horr,	Pettibone,	White, Milo
Cullen,	Howey,	Phelps,	York.
Cutcheon,	Jeffords,	Poland,	
Dargan,	Johnson,	Price,	

NAYS—101.

Alexander,	Forney,	Miller, J. F.	Stockslager,
Anderson,	Fyan,	Morgan,	Storm,
Barksdale,	Garrison,	Morrison,	Sumner, C. A.
Bennett,	Glascock,	Muldrow,	Taylor, J. M.
Bland,	Greenleaf,	Murray,	Throckmorton,
Blount,	Halsell,	Neece,	Townshend,
Boyle,	Hammond,	Nicholls,	Tucker,
Breckinridge,	Hardeman,	O'Ferrall,	Turner, H. G.
Buchanan,	Hatch, W. H.	Patton,	Turner, Oscar
Burnes,	Henley,	Pierce,	Vance,
Caldwell,	Herbert,	Peel,	Ward,
Carleton,	Hewitt, G. W.	Pryor,	Warner, A. J.
Clay,	Hoblitzell,	Randall,	Warner, Richard
Clements,	Holman,	Reese,	Weaver,
Cobb,	Houseman,	Riggs,	Wellborn,
Connolly,	Hunt,	Rogers, J. H.	Weller,
Cosgrove,	Jones, J. H.	Scales,	Williams,
Crisp,	Jones, J. K.	Seney,	Winans, E. B.
Culberson, D. B.	Kleiner,	Seymour,	Wise, G. D.
Curtin,	Lanham,	Shaw,	Wolford,
Dibrell,	Lovering,	Shelley,	Wood,
Dockery,	Lowry,	Singleton,	Woodward,
Dowd,	McAdoo,	Skinner, T. G.	Yaple.
Dunn,	McMillin,	Spriggs,	
Ferrell,	Matson,	Springer,	
Follett,	Maybury,	Stewart, Charles	

NOT VOTING—136.

Adams, J. J.	Elliott,	Kelley,	Robinson, W. E.
Bagley,	Ellwood,	Kellogg,	Rosecrans,
Ballentine,	English,	Lacey,	Rowell,
Barbour,	Ermentrout,	Laird,	Russell,
Beach,	Evins, J. H.	Lamb,	Skinner, C. R.
Belford,	Fiedler,	Lawrence,	Slocum,
Belmont,	Findlay,	Le Fevre,	Smith,
Blackburn,	Finerty,	Lewis,	Snyder,
Blanchard,	Foran,	Libbey,	Stephenson,
Boutelle,	Funston,	Lore,	Stevens,
Bowen,	Geddes,	McCormick,	Stewart, J. W.
Brewer, F. B.	George,	Miller, S. H.	Strait,
Broadhead,	Gibson,	Milliken,	Sumner, D. H.
Brown, W. W.	Goff,	Mills,	Taylor, E. B.
Buckner,	Graves,	Mitchell,	Thompson,
Budd,	Green,	Morey,	Tully,
Burleigh,	Guenther,	Moulton,	Valentine,
Cabell,	Hancock,	Muller,	Van Alstyne,
Campbell, Felix	Hardy,	Murphy,	Wadsworth,
Cassidy,	Harmer,	Mutchler,	Wait,
Clardy,	Henderson, D. B.	Oates,	Wakefield,
Collins,	Henderson, T. J.	Ochiltree,	Wallace,
Converse,	Hill,	O'Neill, Charles	Washburn,
Cook,	Holton,	O'Neill, J. J.	Wemple,
Covington,	Hooper,	Paige,	White, J. D.
Cox, S. S.	Hopkins,	Payson,	Whiting,
Cox, W. R.	Houk,	Perkins,	Wilkins,
Davis, L. H.	Hurd,	Post,	Willis,
Deuster,	Hutchins,	Potter,	Wilson, James
Dingley,	James,	Ray, Ossian	Wilson, W. L.
Dorsheimer,	Jones, B. W.	Reagan,	Winans, John
Duncan,	Jones, J. T.	Rice,	Wise, J. S.
Eaton,	Jordan,	Robertson,	Worthington,
Eldredge,	Keifer,	Robinson, J. S.	Young.

So the motion of Mr. HORR was not agreed to.

During the first roll-call,

Mr. HORR said: Would it be in order for me to state in answer to an inquiry that has been made—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded and the calling of the roll can not be interrupted.

The Clerk resumed and concluded the calling of the roll.

After the second roll-call,

Mr. NICHOLLS said: I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. O'NEILL, of Missouri, with Mr. BREWER, of New York, on all political questions, for this day.

Mr. BRUMM with Mr. WARNER, of Ohio, on all political questions, for this day.

Mr. LAWRENCE with Mr. OATES, for the remainder of the day.

Mr. COBB with Mr. BROWNE, of Indiana, on all political questions, for this day.

Mr. LAMB with Mr. LACEY, on all political questions, for this day.

Mr. JONES, of Wisconsin, with Mr. ROWELL, on this vote.

Mr. CLARDY with Mr. PERKINS, on this vote.

Mr. BUDD with Mr. GEORGE, on all political questions, for the remainder of this day.

Mr. GREEN with Mr. OCHILTREE, on all political questions, for this day.

Mr. CABELL with Mr. PAYSON, on all questions, for this day.

Mr. DAVIS, of Missouri, with Mr. WAIT, for the remainder of this afternoon.

Mr. GIBSON with Mr. GOFF, on all political questions, until further notice.

Mr. LEWIS with Mr. STRAIT, on all political questions, for this day.

Mr. FINDLAY with Mr. HARMER, on all political questions, for this day.

The result of the vote was then announced as above stated.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I now move that the House further insist on its disagreement to the Senate amendments numbered 10 and 11.

Mr. HISCOCK. Should there not be a separate vote on each amendment?

The SPEAKER. They relate to the same subject and have already been voted on together.

The motion of Mr. HOLMAN was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. NICHOLLS. I move that the House now take a recess until 8 o'clock this evening.

Mr. TOWNSHEND. It was agreed we should sit until 6 o'clock.

Mr. TURNER, of Kentucky. I call for the regular order.

Mr. HORR. I think we have time to dispose of the bill before 6 o'clock.

Mr. HATCH, of Missouri. I move that the House do now adjourn.

The motion to adjourn was not agreed to.

The SPEAKER. Does the gentleman from Georgia [Mr. NICHOLLS] insist on his motion?

Mr. NICHOLLS. I do.

The question being taken, the motion was agreed to—ayes 89, noes 50.

And accordingly (at 5 o'clock and 30 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

The SPEAKER. The session of this evening, by order of the House heretofore made, is for the consideration of pension bills.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole on the Private Calendar for the consideration of business under the special order of the House heretofore made.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

Mr. MATSON. I ask unanimous consent that the business of the evening may begin with the first pension bill on page 42 of the Calendar.

There was no objection, and it was ordered accordingly.

Mr. MORRILL. I ask consent that the reading of the reports in these several cases be dispensed with unless specially called for.

Mr. MCMILLIN. I think it is proper that the reports in these cases be read.

JOHN BOSTATER.

The first business on the Private Calendar was the bill (H. R. 4440) for the relief of JohnBostater.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John Bostater, late a sergeant of Company F, Thirty-seventh Regiment Iowa Infantry.

SEC. 2. That this pension is granted for disability due to hernia of the left side, and is subject to the provisions and limitations of the pension laws in force at the time the said Bostater first filed in the Pension Bureau a claim on account of that disability.

The Committee on Invalid Pensions recommend that the bill be amended by striking out of section 2 all after the words "provisions and limitations of the pension laws."

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4440) granting a pension to John Bostater, have had the same under consideration, and submit the following report:

John Bostater was a sergeant of Company F, Thirty-seventh Iowa Volunteers. He enlisted September 19, 1862, and was discharged May 24, 1865.

The application for pension was filed May 19, 1880, and rejected October 9, 1883, the rejection being on the ground of—

"No record of the alleged hernia and claimant's inability to furnish any satisfactory evidence showing origin in line of duty."

The petitioner, in his original application for pension, alleged that near Memphis, Tenn., about July or August, 1864, he received a rupture on left side by slipping and falling down a bank while making the guard rounds at night.

The claimant, in an affidavit filed January 2, 1883, states that the only commissioned officer who had any knowledge of his rupture is dead, and the surgeon who treated him is also dead, and the only persons who can testify to the facts are the comrades whose testimony is on file.

Claimant, in an affidavit filed April 19, 1883, states his inability to procure the testimony of John W. Findley, late surgeon of the Thirty-seventh Iowa Volunteers, who fitted the truss to him after his discharge, as he is now deceased.

Dr. C. W. Belden testifies that he was the family physician of the claimant at and prior to his enlistment, and at the time he entered the service was a sound man. Dr. G. M. Staples testifies as to the soundness of the claimant at enlistment.

James Miller and J. E. Butts, comrades, of Company F, Thirty-seventh Iowa Volunteers, testify that near Memphis, Tenn., in July or August, 1864, while making the guard rounds in the night, the claimant slipped down a bank and ruptured his left side.

James Miller, in an affidavit filed February 13, 1883, further states:

"That he can not say that he ever saw the rupture, but it was the common report through the company that the claimant was ruptured by a fall he received one night near Memphis, Tenn., while on guard duty. I know he was furnished a truss by the surgeon of the regement."

Louisa Bostater, wife of the claimant, testifies that when the soldier returned home, in May, 1876, he was ruptured, and that she saw said rupture, which was on the left side, and further states Dr. Finley fitted a truss on claimant in 1868.

The Surgeon-General's report fails to show any record of rupture in the service.

The report of the examining surgeon of the Pension Office, made in September, 1881, shows the claimant to be one-half disabled, and rates him for rupture of left side.

The positive evidence of physicians impress your committee with the fact that at the time of the soldier's enlistment he was free from rupture; that he was injured in the service is shown by the testimony of comrades; that he has suffered from the injury from his discharge to the present time; and that his claim was only rejected by the Pension Office because he was unable to present positive evidence to comply with the technicalities of the law as interpreted by the Pension Office.

It is believed that the equities of this case are to be respected, and that sufficient evidence is presented to warrant your committee in reporting favorably upon the case, and they accordingly recommend the passage of the bill (H. R. 3692) granting a pension to John Bostater, with the following amendment, namely: Strike out all after the word "laws." in the third line of the second section of said bill.

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

WILLIAM R. MILLER.

The next business on the Private Calendar was the bill (H. R. 3000) for the relief of William R. Miller for pension.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William R. Miller, late a guide to scouts under Maj. James M. Moore, of the Fifteenth Missouri Cavalry, and pay him a pension from and after the passage of this act.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3000) for the relief of William R. Miller, late a guide to scouts under Maj. James M. Moore, of the Missouri Cavalry, have had the same under consideration, and submit the following report:

Your committee have examined this case, and, after a careful consideration of the record and proof, are of the opinion that the claimant is entitled to the relief asked in the bill.

The Committee on Invalid Pensions of the Forty-seventh Congress had this claim before them, and returned a favorable report thereon.

Your committee incorporate in this report the report thereon made to the Forty-seventh Congress, which is as follows:

"It appears from the papers filed in the Pension Office that petitioner was a scout during the late war for the troops under the command of Capt. James Moore, of the Missouri Militia, operating in Southwest Missouri; that while thus employed he became sick and was left at a citizen's house in Stone County, Missouri, and while there was wounded in the right hand and arm by guerrillas, on or about August 7, 1863, for which he received treatment at the Springfield general hospital. The petitioner's service and the circumstances under which he was wounded are shown by the affidavit of credible witnesses. The claim has been rejected by the Pension Office because the applicant was not in the military service of the United States at the time of the injury. The committee recommend the passage of the bill."

Your committee report the bill back with recommendation that it do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. BISBEE. I desire to inquire whether these bills are being called up to-night in their regular order on the Calendar?

The CHAIRMAN. They are, commencing with pension bills, on page 42 of the Calendar.

Mr. BISBEE. There is a bill on page 35 of the Calendar for the relief of William B. Smith—a bill of which I have personal knowledge.

Mr. MATSON. I will state that that case was passed over some weeks since on account of the absence of the gentleman from Florida [Mr. BISBEE], who introduced it, and the absence of the gentleman from Virginia [Mr. JOHN S. WISE], who made the report. The report is a very meager one and not sufficient to satisfy the House.

Mr. BISBEE. I introduced this bill and have personal knowledge of the case and can state all about it.

The CHAIRMAN. The bill referred to by the gentleman from Florida [Mr. BISBEE] will be now considered.

WILLIAM B. SMITH.

The bill (H. R. 5004) for the relief of William B. Smith was then taken up and read, as follows:

Be it enacted, &c., That the pension of William B. Smith, late a private in Company K, Fourteenth Illinois Infantry, who is now drawing a pension at the rate of $50 per month, under pension certificate No. 181321, be, and the same is hereby, increased to $72 per month; and the difference between said sum be paid said pensioner from August 1, 1881, to the date of the approval of this act.

The report (by Mr. JOHN S. WISE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 5004, beg leave to make the following report:

The papers in this case show that the petitioner's condition is most helpless and pitiable. It is impossible to conceive a case in which the full amount of $72 could be more worthily bestowed. We recommend the passage of the bill. The applicant, as is amply proved, is, and since October, 1881, has been, in a helpless condition "requiring the constant attendance of another person to move, eat, undress, go to bed, get up, in fact can not help himself and can not sit up in an arm-chair without being strapped in to keep him from falling over." His present condition is but the aggravation of the disease for which he was originally pensioned.

Mr. BISBEE. The beneficiary of this bill has been spending the winter in Florida at the house of a friend and acquaintance of mine, Colonel or Lieutenant-Colonel Shipman, formerly of an Iowa regiment. The evidence sent to me by affiants, neighbors of Colonel Shipman, satisfies me that there can not be a shadow of doubt that the facts stated in this report are true.

As stated in the report, this is a pitiful case. The applicant is totally helpless; he can not feed himself and can not sit in a chair unless he is tied in. As the report states, if there ever was a case that called for speedy relief this is one.

I will state further that the reason why the applicant can not receive under existing law the proposed pension of $72 per month is that the law providing for an increase of pension under certain cases from $50 to $72 per month applies only to cases then on the pension-list. This applicant became a pensioner and received a certificate shortly after the passage of that act.

As I understand, that is the only reason why he can not have his pension increased by the action of the Commissioner of Pensions. If he had been placed on the pension-roll a few months earlier he would have received the increased pension under the act granting pensions of $72 a month to persons suffering from total disability.

Mr. MATSON. Unless this pensioner has lost both hands, both feet, or both eyes, he can not, under existing laws, receive a pension of $72 a month, no matter when his name was placed on the pension-roll. I labored for a while under the same mistake that my friend from Florida [Mr. BISBEE] is now laboring under. I was under the impression that those who were on the roll at a certain time at $50 a month were entitled to the increase to $72 a month. But some weeks since, in a discussion upon this floor, I was corrected in that matter by the gentleman from Illinois [Mr. DAVIS], and learned then that the seventy-two-dollar rate applied only to those who had lost both hands, both feet, or both eyes.

I will say, however, that the Committee on Invalid Pensions, after considering this case, were satisfied that it was one of extraordinary merit. The man is in a very helpless condition. By some oversight, I do not know how it occurred, there is a provision in this bill giving this man arrears of pension at the rate of $72 a month from the date that he was placed on the pension-roll to the date of the approval of this act. That is contrary to the universal practice not only of this House and of the Committee on Invalid Pensions of this House, but of prior Congresses.

Mr. BISBEE. I would inquire of the gentleman from Indiana [Mr. MATSON] if he would have any objection to this bill with that provision stricken out?

Mr. MATSON. Not at all. I therefore move to strike out of the bill these words: "and the difference between said sum be paid said pensioner from August 1, 1881, to the date of the approval of this act." That will leave the pensioner entitled to the increased pension of $72 per month from the passage of this act, and will grant no arrears of pension.

Mr. BISBEE. I do not object to that amendment.

The amendment was agreed to.

The bill as amended was then laid aside to be reported favorably to the House.

NELSON GAMMONS.

The next business on the Private Calendar was the bill (H. R. 6461) granting a pension to Nelson Gammons.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nelson Gammons, late a private in Company K, Thirty-third Regiment Massachusetts Volunteers.

Mr. MATSON. This is a very long report; I recollect the case very well; it is a meritorious one, and if there be no objection I hope the reading of the report will not be called for.

The CHAIRMAN. The Chair will state the rule that the reports

will be read whenever the bill is read if any member rises in his seat and demands its reading. The Chair is informed this is a very lengthy report.

Mr. MCMILLIN. I will not call for the reading of this report in view of what has been stated by the chairman of the committee, but ask that the report be published with the bill in the RECORD.

The report (by Mr. LOVERING) is as follows:

That Nelson Gammons enlisted in the military service of the United States as a private in Company K, Thirty-third Regiment Massachusetts Volunteers, June 9, 1862, to serve three years, but was honorably discharged November 27, 1862, for disability.

May 12, 1879, he filed a declaration for pension, and on the 27th of March, 1880, he filed a supplemental petition, alleging that in October, 1862, at Alexandria, Va., he was attacked by severe pains and weakness in loins, side, and kidneys, from exposure in lying on the ground; that he was treated in Wolfe-street hospital, Alexandria, Va., until discharged. The records of the Surgeon-General's Office show the admission of the soldier to the hospital, as alleged in his declaration, but do not disclose the nature of his disability. John E. Summers, surgeon in charge of the Wolfe-street hospital, says in a medical certificate for the discharge of the soldier, dated November 27, 1862:

"I have carefully examined the said Nelson Gammons, and find him incapable of performing the duties of a soldier, because of general debility, with great emaciation; age 53 years."

A. J. Blanchard, of Wakefield, Mass., testifies October 2, 1880—

"That prior to his enlistment claimant was in the employ of the Boston and Maine Foundery Company, of which witness was agent, and at that time claimant was in sound, robust health, and performed his duties with the same punctuality and regularity that was observed in others of full physical development. At the time of enlistment claimant was not sick, to affiant's knowledge, nor in any way disqualified from doing his full allotment of labor. After his return from the Army he began to cough and waste away, so that affiant was obliged to discharge him, as not being able to do the work assigned him."

William L. Coon, a neighbor of claimant, testifies, in an affidavit filed October 16, 1880—

"That he personally knew claimant in 1858-'59, and lived in the same family with him at that time, and claimant's health was then good. Since his return from the Army his health has been very poor; unfitted for the performance of manual labor."

James M. Sherman testifies, in an affidavit filed April 20, 1881—

"That he has known claimant since 1864, and worked in the mounting shop of the Boston and Maine Foundery, at Wakefield, with him; that his health has grown worse all the time until he was compelled to quit work altogether, and has not been able to work for the past six or seven years."

Cyrus Kimball knew claimant from 1863, and worked with him in stove foundery from 1863 to 1866; had frequent severe sick spells; affiant could not call him a well man during the time he has known him, and he has long lived a near neighbor to him, and has noticed him failing in health from time to time, until compelled to give up work altogether, and is now confined to the house in the pleasantest weather. He has not been able to work for seven years. This affidavit was filed April 29, 1881.

Charles Jordon, M. D., of Wakefield, Mass., testifies in affidavit filed July 10, 1880, and July 5, 1881—

"That he has known the claimant for eighteen years, and by being his family physician has had very good opportunities for knowing his physical condition. Commenced treating him in 1863 and has prescribed for him from year to year, but he did not require constant treatment until 1878, when he had a severe hemorrhage of the lungs, which has debilitated him to such an extent that he has not been able to do any work since. First treatment was for chronic dieurysmus and next for bronchitis, since which time he has been very feeble."

Julius C. Clark, M. D., United States examining surgeon, Melrose, Mass., in an examination of claimant, in pursuance of an order of the Pension Office, September 30, 1880, says:

"Suffers from irritable kidney, debility, and emaciation; probably acute inflammation of kidney; is now in a pitiable condition; habits are undoubtedly good; entitled to $8 per month, if anything."

February 21, 1883, claimant was examined by the United States board of pension examining surgeons of Suffolk County, Massachusetts, who say in their report:

"We find a weak and feeble old man, who would answer very well to the ordinary description of a dependent father. An examination of his urine shows it to be of sp. gr. 1.014, and contains albumen. He is emaciated to the last degree. He has a cough, and expectorated in our presence. Auscultation shows fine and coarse *rales*, indicative of chronic bronchitis. Percussion and auscultation show his heart to be wholly transposed to right side, its after beat being hard and full in third intercostal space of right side, just above nipple. We are inclined to believe this to be a congenital condition, since the inspiration is heard equally throughout both lungs. We rate in general debility, if of any origin, at second grade."

December 2, 1882, and previous to the examination above given, the case was placed in the hands of a special examiner of the Pension Office, who took the depositions of a number of witnesses at the home of claimant, whose testimony agrees in all respects with the facts set out in this report, and who are shown to be reputable citizens of the place in which they reside. In his report the special examiner says claimant is 73 years old, is very poor, and slowly dying of some pulmonary disease, but recommends the rejection of the claim on the ground that his present ailments are not due to disease contracted while in the military service of the United States.

January 9, 1883, the evidence in the case was referred to the board of review, who reported February 2, 1883:

"The general disability for which claimant was discharged was contracted in the service. I find no evidence to show soldier unsound at enlistment. The record shows him disabled at discharge. I think him entitled to only a very slight rating, if any.

"W. W. KINSLEY, *Reviewer.*"

March 10, 1883, the claim was rejected by the medical referee of the Pension Office on the ground of no pensionable disability from cause alleged since discharge.

We have given very careful consideration to the evidence on file in this case, and find this soldier was an able-bodied man, though past the age at which men ordinarily enter the military service, and find, as is shown by the reviewer of the Pension Office, that he was discharged for the disability for which he now asks a pension.

In addition to the testimony of neighbors in support of this claim there is a very strongly worded and numerously signed petition of the members of Post 12 of the Grand Army of the Republic, of the Department of Massachusetts, addressed to the Commissioner of Pensions, filed June 16, 1883, as follows:

To the honorable Commissioner of Pensions, Washington, D. C.:

The undersigned, officers and members of Post 12, Department of Massachusetts, Grand Army of the Republic, respectfully represent that they are personally acquainted with Mr. Nelson Gammons, late of Company K, Thirty-third Regiment Massachusetts Volunteers, whose claim for pension, No. 285634, has been rejected, and that they are fully persuaded that his said claim is a just claim, and respectfully ask that his said claim may be reopened and such action taken therein as will insure a prompt recognition of meritorious service.

Ever since the return of Mr. Gammons from the Army he has been gradually failing; from doing a partial day's work, until within the past few years, he has been entirely disabled and is now very feeble, and we believe that his disability is the result of exposure while in the service of the United States and in the line of his duty. This disability is not of recent date, but has existed and continued for years, and as citizens who have long known him, and have for a long time believed him fully entitled to Government aid, we respectfully but earnestly ask that special effort on our part may be met by prompt action on the part of Government; that he may receive some benefit before his death for health entirely lost by reason of services for his country.

WILLIAM N. TYLER.
S. B. DEARBORN,
Commander Post 12, G. A. R.
OLIVER WALTON,
S. D. C., Post 12, G. A. R.
JUSTIN HOWARD,
J. V. C., Post 12, G. A. R.
JASON H. KNIGHT,
O. D., Post 12, G. A. R.
EDWD. P. COLBY,
M. D., Surgeon Post 12, G. A. R.
RUEL P. BUZZELL,
Quartermaster Post 12, G. A. R.
JEROME S. NILES,
Quartermaster-Sergeant.
A. S. ATHERTON,
Adjutant, Representative to General Court.
W. T. HARRIS,
Sergeant-Major, Representative to General Court.
(And thirty-nine others, members of the Post.)

Your committee are clearly of the opinion that this poor old man, now an object of charity, should be provided for by the Government in whose service his disability was contracted, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES H. PHILLIPS.

The next business on the Private Calendar was the bill (H. R. 4837) granting a pension to Charles H. Phillips.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Phillips, late a teamster in the First Division, Fifteenth Army Corps.

The report (by Mr. BAGLEY) is as follows:

It is shown by the papers in the case that the petitioner enlisted in the service of the United States in May, 1861, in Company B, Twenty-fifth New York Volunteers, as a private, and that he was discharged on the 10th of July, 1863, on account of a gunshot wound in the right thigh, received at the battle of Gaines's Mill. He served as sergeant, and was duly commissioned as second lieutenant on the 9th of May, 1863. After his discharge and partial recovery from his wound, finding that he could not re-enlist, he hired, on the 23d day of December, 1863, as a teamster, and while on duty at Woodville, Ala., herding mules, was captured by guerrillas, taken to Atlanta, Ga., and from thence to Andersonville prison, where he remained confined for ten months. While at Andersonville the varioloid prevailed; claimant was vaccinated, gangrene set in, and he came near losing his arm.

The statement of Michael Gaffney, under oath, is substantially as follows:

"That he was captured at Guntown, Miss., June 12, 1864, and arrived at Andersonville prison about the 16th of June, and was a prisoner about five months and twelve days, and was paroled on or about November 24, 1864; was one of the prisoners comprising the ninety-second detachment, stationed in the new stockade at Andersonville prison; knew from acquaintance formed in said prison Charles H. Phillips, who represented himself as a teamster belonging to the First Division, Fifteenth Army Corps, and a prisoner with him; remember the 11th July, 1864, when there were hung six men (Union prisoners) at the south gate, of seeing Phillips personally; remembers seeing a great many of our men with their arms in slings after being vaccinated, and knows of a great many comrades dying from said vaccination, and further that said vaccination was ordered and enforced by the rebel authorities, and from all the information he could learn said vaccine matter was of an impure character. Phillips was one of the Union prisoners who suffered from said impure vaccination."

The following affidavits of physicians will show the present condition of claimant, resulting from the vicious vaccination at Andersonville:

"Samuel E. Stiles, M. D., testifies that he is now, and has been for fourteen years, a practicing physician and surgeon, and is a graduate of the Long Island College Hospital, and that he has personally examined Charles H. Phillips, and finds him sustaining the following injuries: First, a cicatrix about two and one-half inches in diameter on the upper third of the anterior and inner surface of the right arm, which has caused a partial contraction of the biceps muscle, with resulting partial loss of extension and supination of the arm. This cicatrix also involves and is adherent to portions of the media and ulna nerves, producing pain from the pressure and traction after a short use of the arm, and thereby preventing its use in his trade, that of a painter. Second, a destruction of tissue and atrophy of the left eyeball, with entire loss of vision of the eye from old inflammation. Third, a cicatrix on inner side of the right thigh, about four inches above the knee, and one on the posterior part of the middle third of thigh, interfering but slightly with the use of the limb.

"Deponent further states that in his opinion the injury to the arm was primarily the result of vaccination while a prisoner at Andersonville, and that the inflammation of the eye resulting in its destruction was a secondary result from the same cause."

Edward H. Muncie, M. D., a graduate of the New York Eclectic Medical College, testifies substantially as does Dr. Stiles, and concludes his affidavit by saying that the last two injuries (arm and eye) are the results of impure vaccination, as stated by Phillips, while he was a prisoner at Andersonville. It is shown by other statements that the bad condition of the vaccinated arm caused the left eye to be affected, till it finally ran out and became totally blind. The right eye was also affected, and he was blind in both eyes for three months, but finally recovered the sight of the right eye.

The claimant is a painter by trade, and his condition greatly interferes with his labor and prevents him to a great extent from supporting his family, consisting of his wife and three children. This man is paid a pension of $6 per month for the wound in the thigh, which was received while he was enlisted, but the Pension Office can not allow him for the disability to the arm and eye, because he was not enlisted while acting as a teamster. The committee think he should have some pay for the disability accruing from his confinement at

the Andersonville prison. Although technically not a soldier, still he was performing arduous and effective service in the heart of the enemy's country, and running all the risks and dangers of death or capture. The committee recommend the passage of the bill, with the following amendments: Strike out, after the word "to," in line 4, the words "place on the pension-roll, subject to the provisions and limitations of the pension laws, the name," and add, at the end of the bill the words "and pay him a pension of $15 per month in lieu of his present pension;" and insert, after the word "to," in line 4, the words "increase the pension."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROSE DOUGHERTY.

The next business on the Private Calendar was the bill (H. R. 6173) for the relief of Rose Dougherty.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rose Dougherty, widow of John Dougherty, late of Company B, Thirty-seventh Regiment New York Volunteers.

The report (by Mr. BAGLEY) is as follows:

John Dougherty, husband of the petitioner, enlisted in the service of the United States in Company B, Thirty-seventh New York Volunteers, on the 9th of May, 1861, and was honorably discharged on the 22d of June, 1863. He was pensioned at $6 per month for wounds received at the battle of Fredericksburg, Va., December 13, 1862, and died May 26, 1882, of pneumonia, superinduced, as is alleged, by his wound. The widow filed application for pension July 28, 1882, which was rejected on the ground that the soldier's fatal disease was not the result of the injury for which he was pensioned nor due to his military service.

The opinions of the physicians who attended him after his discharge and in his last illness indicate that his death was directly traceable to his wounds, and that but for his enfeebled and constantly weakening condition he could have successfully combated the disease which terminated his life.

Dr. William O'Meagher, of New York city, testifies that he was formerly surgeon of the Thirty-seventh New York Volunteers, and knew the soldier to be a sound, healthy, temperate young man before he was wounded at the battle of Fredericksburg, Va., by a shot or shell striking his knapsack, which was torn to shreds, and severely contusing his back from the superior scapular region to the lumbar region, producing extensive insensibility and subsequently symptoms of paralysis, congestion of the lungs, purulent expectoration, shortness of breath, general and total atrophy, &c.; that his knowledge of the foregoing is from a vivid recollection of this remarkable case, written memoranda, and a re-examination on two or three occasions subsequent to his discharge from service.

Charles G. Vosburgh, lieutenant of Company B, Thirty-seventh New York Volunteers, testifies that the soldier had the knapsack torn from his back by a cannon-ball and was rendered helpless, and that affiant saw him carried from the field.

Dr. W. J. Welch testifies that he knew the soldier for fourteen years prior to his death; frequently heard him complain of trouble in the back and extremities; prescribed for him about 1869, and, to the best of his recollection, three or four times each year to his death. The first examination, made in 1869, discovered in the left lumbar region, where soldier was struck by a partially spent cannon-ball, loss of muscular rotundity, with atrophy. The same physical changes extended, with accompanying weakness and loss of muscular force, to the lower extremities, so that he found great difficulty to support the body for any length of time, frequently having to abandon his business for days in consequence of his disability. Examinations made each year found the physical changes progressing, and finally discovered degeneration of the liver and kidneys of a fatty character. The immediate cause of death was fatty degeneration of liver and kidneys, superinduced in the wasting and feeble muscular and nervous changes, as above described. Attended the soldier at different times for twelve years for complaints of the kidneys, and more especially the liver; that the soldier at different times called his attention to an injury of the back, received when he was in the Army; that he, affiant, discovered evidences of the injury, and was convinced that it had and was injuring his health, such as loss of muscular power in the lower extremities (atrophy) and also of the muscles of the back; that soldier had an enlarged liver, which presumably had and was undergoing fatty degeneration; that while in this delicate state of health, and about six days before his death, he had a chill, and developed pneumonia, which was the cause of his death. In the opinion of affiant, his last illness would not have proved fatal were it not for his pre-existing maladies.

John Boyle testifies that he knew the soldier for twenty-six years, and he was, after his discharge from the Army, debilitated from the effects of the injury he received in the service, and not able to do any bodily work.

There is no doubt from the evidence of the physicians, who were skillful and reliable practitioners, that this man's disability was serious and progressive. The injury was of that character that his system was constantly weakening, as is shown by the purulent expectoration and shortness of breath, indicating plainly that the lungs and respiratory organs were involved, and that in that condition he was susceptible to chills, and consequently to pneumonia.

That his death is referable to his original disability your committee have no doubt, and in their opinion the widow should receive a pension. They therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET G. HALPINE.

The next business on the Private Calendar was the bill (H. R. 6480) granting a pension to Margaret G. Halpine.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret G. Halpine, widow of Charles G. Halpine, late a lieutenant-colonel and brevet brigadier-general of volunteers in the Union Army, subject to the provisions and limitations of the pension laws.

Mr. MATSON. The report in this case is quite lengthy. The bill is for the pension of the widow of Major Halpine, who is perhaps better known by his *nom de plume* of "Miles O'Reilly." His services are well known to this House and to the country. The pension, however, is not granted for services, although I will say, and the report shows, that the widow is entitled to the pension had the soldier himself applied for it.

The facts in the case are fully set forth in the report. I ask, in view of its length, that the reading be dispensed with, and that it be printed in the RECORD.

There was no objection.

The report (by Mr. BAGLEY) is as follows:

This case is the application of Margaret G. Halpine, widow of the late Charles G. Halpine, assistant adjutant-general, with rank of major, in the service of the United States.

The deceased was well known throughout the country, not only for his gallantry in the service, but as the author of the brilliant war songs which appeared over the *nom de plume* "Private Miles O'Reilly."

He enlisted April 20, 1861, as a lieutenant, and resigned as assistant adjutant-general April 20, 1864, thus serving three years.

He was originally a member of the Sixty-ninth New York; was subsequently appointed upon the staff of General Hunter; was with him at Hilton Head, and accompanied him in the campaign of Missouri, after the close of which he was transferred to the staff of General Halleck, and afterward, in failing health, to the staff of General Dix. He also served with General Hunter in the expedition against Lynchburg, in 1864.

The service of General Halpine in the Department of the South and along the coast was very arduous. He was engaged in the siege of Fort Pulaski, and had the honor of receiving the swords of the officers of the capitulating force in April, 1862. During this siege General Halpine, from exposure, contracted the erysipelas and inflammation of the eyes from which he suffered greatly, and from this disease and the effect of the sun and sand became entirely blind in his right eye, and much impaired in the sight of his left eye. After struggling with this disease, while trying to serve his country, until he came near being totally blind, he finally, April 5, 1864, submitted his resignation, to take effect April 20 of that year.

Leave of absence for sixty days was given, but his resignation was not then accepted.

Of this leave of absence he was not allowed to avail himself, as complex and important public affairs relating to the service were in his hands, and he was compelled to continue them.

July 29, increasing disability compelled him to again tender his resignation, and it was reluctantly accepted.

General Halpine left surviving him his said widow and several minor children, the youngest of whom was 4 years of age. The deceased, a short time before his death, made preparations to apply for a pension on account of the loss of his eye and accompanying disability.

Some property was left by the deceased and by the liberal action of his friends, but the guardian of his children absconded with nearly all of it about five years ago, leaving the family in straitened circumstances, the daughters (and the widow until her health failed) supporting themselves by teaching.

General Halpine died in August, 1868, from congestion of the brain.

The following sworn certificate shows the connection between the disease contracted in the service and his death, namely:

"Having been General Charles G. Halpine's family physician for many years, both before he entered the service of the United States Army and while home on sick leave, and also up to the time of his death, I am of opinion that the exposure, combined with severe mental and physical strain consequent on the duties imposed by his army service, caused the loss of the sight and led primarily to other accumulative ills and subsequent congestive condition, as shown by the autopsy.

"Very respectfully,

"E. WHITNEY, *M. D.*

"Sworn to before me this 23d day of May, 1882; and I also certify that I have no interest in the above.

"[SEAL.] "OTTO BAUMANN,

"*Notary Public New York County*, 217."

This committee is of the opinion that justice to the widow and children of General Halpine requires that a pension should be granted in their behalf, and the passage of the accompanying bill is recommended.

Exhibits A, B, C, D, E, F, and G are hereto annexed as portions of this report.

EXHIBIT A.

102 WEST TWENTY-FIFTH STREET,
New York, May 21, 1862.

This certifies that I have been in daily attendance on Maj. C. G. Halpine since the 27th ultimo, and that during the period named he has been confined to the house and wholly unfitted for duty. The primary disease contracted prior to his arrival here—diarrhea—has been succeeded by a severe and obstinate attack of erysipelas, which, settling in his eyes, has left a peculiar stage of inflammation that renders them extremely sensitive to the feeblest light. From this cause he has suffered severely, and for some time was almost deprived of sight. Though now convalescing rapidly, his eyes are still very weak and sensitive, and in my opinion he will not be able to resume duty in less than a week.

Very respectfully, yours, &c.,

E. WHITNEY, *M. D.*

EXHIBIT B.

NEW YORK, *December* 22, 1862.

To whom it may concern:

This will certify that Lieut. Col. C. G. Halpine is incapacitated for military duty by reason of disease of the eyes.

The probability is that his eyes will require active treatment for at least one month.

C. R. AGNEW, *M. D.*,
362 *Fifth avenue.*

EXHIBIT C.

NEW YORK, *June* 18, 1863.

MY DEAR SIR: My friend Colonel Halpine, who has lost the sight of one eye by long exposure to the sun and sand at Hilton Head, goes to Washington to ask that he may be transferred to the West. I desire to add my earnest appeal in favor of his request. Colonel Halpine has been a most efficient and valuable officer. He is in all respects a most devoted, capable, and true man. He has earned the change which his health requires, or I would not press it so earnestly upon your consideration.

Truly, yours,

THURLOW WEED.

Hon. E. M. STANTON.

EXHIBIT D.

EAST SEVENTY-THIRD STREET, NEW YORK, *July* 31, 1863.

GENERAL: On the medical certificate of Surg. J. F. Hammond, United States Army, inclosed, I have the honor most respectfully to request to be relieved from duty with the Tenth Army Corps, Department of the South, such relief to date from the 1st day of July, 1863.

This application is made for the reason that I have all but completely lost the sight of my right eye, while that of the left is seriously threatened by the same disease which has injured the right; and from an experience which shows that the white sands, glaring sunlight, and warm climate of the Department of the South give me no hope of recovery while exposed to such influences.

I ask that my relief may be dated from the first day of this month, from a sentiment of justice to Maj. Ed. W. Smith, assistant adjutant-general, Department of the South, and from an unwillingness to bear the title of assistant adjutant-general, Tenth Army Corps, while another officer has been discharging my duties at a time so critical and momentous.

I have the honor to be, general, very respectfully, your most obedient servant,

CHAS. G. HALPINE,
Assistant Adjutant-General Volunteers.

To the ADJUTANT-GENERAL UNITED STATES ARMY, *Washington.*

EXHIBIT E.

466 BROOME STREET, NEW YORK, *July* 31, 1863.

Lieut. Col. C. G. Halpine, assistant adjutant-general, having applied to me for a certificate on which to base an application to be permanently relieved from duty at his present station, I hereby certify that I have carefully examined this officer, and find that he is suffering from leucoma or albugo, which has for the present nearly completely destroyed the sight of his right eye and has impaired that of his left. From the history of the case, it is the result of inflammation of the cornea at least, and I have doubt that the inflammation was caused by the amount of light in the atmosphere, to which his eyes were unaccustomed, to the reflection of it onto his eyes from the white sand and the water where he has of late been on duty, and by the deblitating influences of the heat of the climate. His repeated experience demonstrates this very clearly.

I would therefore recommend, as necessary to the permanent restoration of the sight in the one eye and the preservation of the loss of it in the other, that he be relieved from duty at his present station, and be permitted to remain elsewhere under judicious medical treatment for at least thirty days.

J. F. HAMMOND, *Surgeon, U. S. A.*

NEW YORK, *April* 4, 1864.

To whom it may concern:

Maj. Charles G. Halpine, assistant adjutant-general, having applied to me for a certificate on which to base his resignation, with a claim for pension, I hereby certify that I have attended Major Halpine since last September for inflammation and opacities of the cornea, contracted during service in the Department of the South.

When Major Halpine came under my care on his arrival in September from said department, the sight of his right eye was so impaired as to be useless for purposes of reading or inspection of distant objects. This impairment of vision still remains, and is of a character to form, in my opinion, a cause of permanent disability for military service. Moreover, his left eye is also somewhat impaired by the same disease, and thus both organs remain in an irritable condition from the occasional attacks of acute inflammation on exposure to wind, dust, or extreme sunlight, or prolonged vigils.

In my judgment, Major Halpine can not resume active service without the gravest danger to his remaining vision; and I therefore recommend that his resignation be accepted.

C. R. AGNEW, *M. D.*

EXHIBIT G.

MEDICAL DIRECTOR'S OFFICE, DEPARTMENT OF THE EAST,
New York, April 7, 1864.

I hereby certify that I have carefully examined Maj. Charles G. Halpine, assistant adjutant-general, United States Volunteers, and find that he has amaurosis of the right eye, with ulcerations of the cornea. The sight of the right eye is nearly totally lost, and without great care the sight of the left eye may be impaired. From the evidence adduced there is no doubt that the loss of vision in the right eye was caused by disease contracted in the service during the siege of Fort Pulaski, Ga., and service on the Southern coast. Major Halpine is not in condition to perform duty, and I would respectfully recommend that his resignation be accepted.

J. SIMONS,
Surgeon, U. S. A., Examining Surgeon for Sick and Wounded Officers.

LUCY LE G. JEFFERS.

The next business on the Private Calendar was the bill (H. R. 3661) granting an increase of pension to Lucy Le G. Jeffers.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is herby, authorized to increase the pension of Lucy Le G. Jeffers, widow of the late Commodore William N. Jeffers, United States Navy, from $25 to $50 per month, from and after the passage of this act.

Mr. MCMILLIN. Let the report in that case be read.

The report (by Mr. STRUBLE) was read, as follows:

That Commodore Jeffers was born in New Jersey, and entered the Navy as an acting midshipman September 25, 1840. After serving in various vessels on the Atlantic coast, he was, in 1841, ordered to the frigate United States, and participated in the capture of Upper California by the forces commanded by Commodore Ap Catesby Jones. After serving on the Pacific and the Brazil squadrons for four years he was ordered to the Naval Academy, which had just been organized at Annapolis, Md. He graduated No. 4 in his class, and was, at the outbreak of the Mexican war, ordered to the steamer Vixen. On her he served throughout the war, participating in the attacks on the forts of Alvarado, under Commodore Conner; in the two attacks on and the capture of Tabasco, under Commodore Perry; in the capture of Tuspan, of Coatzacoalcos, and Laguna de Terminos, and in the siege and capture of Vera Cruz and the castle of San Juan d'Ulloa. After the Mexican war he was stationed a year at the Naval Academy as instructor of mathematics, and then actively employed at sea on one of the vessels of the Coast Survey, and afterward was granted leave of absence to serve on and to command mail steamers in the American line plying between New York and the ports of the Gulf of Mexico. In 1852 he was selected by Commodore Perry to be one of the officers of the Japan expedition, and was assigned to the Princeton, but as that vessel proved unfitted for that service he obtained permission to join the expedition fitted out by E. G. Squier to explore the state of Honduras.

In 1853 he was ordered to the Brazilian squadron, where, owing to his self-acquired efficiency, he was placed in command of the surveying steamer Water Witch, and engaged in the exploration of the Rio de la Plata. While thus employed he was fired upon by a Paraguayan battery, and though lightly armed, he gallantly engaged and finally silenced the battery. This hostile act led to the famous Paraguayan expedition, under Commodore Shubrick, which extorted an apology for the insult to the flag.

While in command of the Water Witch he rescued from wreck, with great risk and exertion, the Spanish war steamer Carthagena, for which service he was permitted by Congress to receive the thanks of the Queen of Spain, accompanied by a sword of honor.

In 1857 he obtained a second leave, and made the preliminary survey of the Isthmus of Honduras for an interoceanic railway. In 1858 he was ordered to the gunnery ship Portsmouth, stationed in the Gulf to protect the American flag during the "right-of-search" dispute with Great Britain, and for the succeeding two years served on several vessels of the Gulf squadron, and while attached to the Brooklyn made a survey of Chiriqui, and was selected by the United States Government as a commissioner to report on the Chiriqui grants and pass on their value.

At the outbreak of the civil war he was at his home on sick leave, but immediately applied for active service, and was ordered to take charge of the ordnance department at the Norfolk navy-yard. He left his bed for this important duty, but before he reached his post the navy-yard was destroyed. He was then placed in command of the steamer Philadelphia, and detailed to keep the Potomac open. He then served for seven months on the frigate Roanoke in the engagements with the batteries on Sewell's Bluff and on the blockade off Charleston. In December, 1861, he was ordered to command the steamer Underwriter, and participated in the battles of Roanoke Island, Elizabeth City, and numerous smaller affairs under Commodore Goldsborough and Commander Rowan. In March, 1862, after Lieutenant Worden was disabled, he was notably distinguished above the other lieutenants on the list by being assigned to the command of the Monitor, and in her joined in the several bombardments and engagements at Drury's Bluff under Commander John Rodgers.

His health then forbidding further active service at sea, he was in September, 1862, placed in charge of the ordnance department at the Philadelphia navy-yard, and in 1863 was transferred to the Washington navy-yard, where, in connection with Dahlgren, and as his successor, he rendered most valuable service to the country in the manufacture and the improvement of the naval ordnance.

In 1865 he was ordered to command the Swatara, and for three years served in the Mediterranean, African, and West Indian stations. In 1870 he was commissioned captain and assigned duty as assistant to the Chief of Bureau of Ordnance; a year later he was given the command of the gunnery practice-ship Constellation, and in April, 1873, was confirmed by the Senate as Chief of Bureau of Ordnance. This important post he held for two terms, eight years, and his eminent qualifications enabled him to render still further extremely useful service to the Navy. Though it was not then the policy of the Government to spend large sums for the improvement of ordnance material, he constantly endeavored with the means under his control to improve the *personnel* and the *materiel* of his department, and to make ready for the day when advance would be demanded. During his eight years in this office he disbursed over $4,000,000 without even a charge of misappropriation. On leaving the bureau he was sent to Europe to observe and report upon the progress of foreign powers in naval armament.

In the early part of 1883 he was offered the command of the Asiatic squadron, at a time when the impending difficulties between France and China made this the most important of the naval stations of the United States. To his great regret he was forced to decline this command by reason of his physical infirmities, which, contracted by exposure in younger days, and fought through many years with an energy of will rarely possessed, finally overcame him, forced him to return to the United States, where, after a few months, his career of great usefulness terminated with his death.

Commodore Jeffers died poor, leaving a wife, daughter, and granddaughter, the last two of whom having for some considerable time before his death been dependent upon him because of certain domestic misfortunes, not necessary, in the judgment of your committee, to recite.

Mrs. Jeffers is now drawing a pension of $25 per month, with which to support herself and contribute to the support of her daughter and granddaughter. She is poor and has no property. The pension received is that of a lieutenant's widow, although her husband had been four times promoted to higher grades. When he died he was at the head of the list of commodores, the grade corresponding to that of brigadier-general in the Army.

Congress has in the past frequently granted such increase of pension in similar cases, but aside and apart from this fact, in view of the great length and value of the services of Commodore Jeffers to his country, your committee believe it a matter of simple honor and justice that the widow of this distinguished naval officer should receive the small increase which is asked by this bill; therefore its passage is earnestly recommended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 6287) for the relief of John H. Johnson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Johnson, late a private in Company E, Fourteenth Kentucky Volunteers.

The report (by Mr. LE FEVRE) is as follows:

That John H. Johnson enlisted in the military service of the United States as a private in Company E, Fourteenth Regiment Kentucky Volunteers, October 15, 1861, and was honorably discharged January 31, 1865.

January 2, 1880, he filed in the Pension Office an application for pension, on the ground that at or near Atlanta, Ga., August 8, 1864, he received gunshot wounds in right leg between knee and ankle, and in left foot; also on account of piles contracted in lifting logs used in fortifications at the mouth of Beaver Creek, Kentucky, and of being rehurt by mules about the same time, in the fall of 1863. This application was rejected by the Pension Office August 11, 1883, on the ground of no disability for gunshot wound since discharge, and no record proof for piles, and claimant's alleged inability to furnish medical evidence of treatment therefor in service or since discharge. The lay testimony on file is not competent to establish origin of piles in the service or show continuance thereof since discharge.

It is shown that the soldier was a sound, healthy man prior to and at the time of enlistment, and a resident of Boyd and Greenup Counties, Kentucky, and that since discharge he resided in Boyd County, Kentucky, until 1880, when he removed to Lawrence County, Ohio, his present residence.

Charles H. Thuner, a comrade, now residing at Ironton, Ohio, testifies, March 13, 1882—

"That claimant was severely bruised by mules at Beaver Creek, Kentucky, in July, 1863, which resulted in protrusion or prolapsus of the bowels, from which he suffered to date of discharge; that he was slightly wounded in right leg and left foot near Atlanta, Ga., about July, 1864; that he was personally present on both occasions and knows the facts."

John J. Hamilton, of same address as above, a comrade, testifies, March 13, 1882—

"That he was with claimant when he received the wounds, and was mashed by mules as alleged; that he saw claimant in a nude condition just after he was hurt, and saw the bowels protrude."

George M. Rouse, of Centre Station, Ohio, a comrade, of Company A of said regiment, testifies, April 10, 1883—

"That he saw claimant a few minutes after he was hurt by mules, about August, 1863, at the place alleged; that he seemed to be helpless, and was sent to convalescent camp at Louisa, Ky., for treatment; that he did not see claimant wounded, but saw the alleged wounds at the hospital at Marietta, Ga.; that in October, 1864, he was suffering from said wounds and piles, which protruded, and which claimant showed to him at the time."

John H. Lee, of Ironton, Ohio, a comrade, testifies April 10, 1883, to the same facts as above from his personal knowledge.

D. A. Leffingwell, who was captain of claimant's company, states (not verified) that he can not remember the circumstances of claimant's injuries, but believes what he alleges is true. In a letter to the Pension Office, dated August 25, 1883, he reiterates the statement above, but says that he was seemingly a sound man when mustered out of the service.

Dr. A. C. Miller, who was the regimental surgeon, in a letter filed April 10, 1883, says he has no record of claimant and no recollection of him.

Dr. S. J. Yates, of Louisville, Ky., regimental surgeon, writes, in a letter filed April 10, 1883, "That it has been so long it is impossible for him to recollect claimant."

Henry Harrison testifies, April 13, 1883—

"That he saw claimant soon after his discharge, in the spring of 1865, and that he was complaining of rupture and gunshot wounds of right leg and left foot; that he has lived a near neighbor to claimant since his discharge, and during that time he has been disabled for manual labor and suffered continuously from said disabilities."

James Owens testifies, July 2, 1883—

"That he has known claimant over twenty-seven years; that since he came home from the Army, in February, 1865, he was suffering from wounds and piles, and that he has suffered therefrom continuously to the present time."

William Jeffers, of Ironton, Ohio, testifies, July 2, 1883—

"That when claimant came home from the Army, in 1865, he was lame and suffered from gunshot wounds and piles, as claimant informed him at the time; that during the spring and summer of 1865 affiant saw him frequently; was at his house when he was in bed, and at other times, and knows that he suffered from said disabilities; has seen him frequently each year to the present time."

Jordon Washington, of Ironton, Ohio, testifies substantially to the same facts as Jeffers.

This statement is also substantially corroborated by G. E. W. Butler, May E. Hartman, George M. Rouse, Oliver D. Chatfield, George McKnight, Andrew J. Savage, George Phenix, all of Ironton, Ohio.

Dr. C. V. Ferior, United States pension examining surgeon at Catlettsburg, Ky., in an examination of claimant, made August 13, 1881, says:

"He is three-eighths disabled; that a ball struck claimant at the edge of the right tibia, about the middle, leaving a scar—cutting the skin. He was also hit with a ball at the end of the big toe of the left foot, and that he finds two small hemorrhoidal tumors at the posterior edge of the anus; has a number of tumors above the sphincter ani, which frequently bleed (at times profusely). Disability, three-eighths."

July 11, 1883, claimant was again examined, and this time by a board of United States pension examining surgeons at Ironton, Ohio, who say that he is disabled three-eighths by piles.

It is shown that the soldier has been treated for his disabilities since his discharge by Drs. Ferguson, Spaulding, and Adams, all of whom are dead.

The disability of this claimant is conclusively shown by the voluminous testimony of his neighbors, who have known him since his discharge, and by numerous Army comrades, who testify of their personal knowledge of the injuries received, and but for the death of the physicians who treated him after his return home from the Army the claim would certainly have been allowed in the Pension Office. Your committee therefore report the bill back to the House with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB HOERTH.

The next business on the Private Calendar was the bill (H. R. 3210) for the relief of Jacob Hoerth.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Hoerth, late of Company C, Twenty-eighth Regiment of Kentucky Volunteers.

The report (by Mr. LE FEVRE) is as follows:

Jacob Hoerth served in Company C, Twenty-eighth Kentucky Volunteers, from October 31, 1861, to December 14, 1865, when honorably discharged. He applied for pension March 19, 1879, on account of rheumatism affecting the right arm, leg, and side. In a supplementary statement he states that while driving hospital ambulance near Louisville, Ky., the ambulance striking against a stump, he was thrown from his seat, striking his right side and receiving an injury which left a large knot on said side, which has ever since caused great pain, and spreading over the entire side.

There is no record of treatment while in service, simply because the claimant was employed as an attache of the regimental hospital, where he received more or less treatment without being reported on the sick-list. The colonel of the regiment testifies to the injury and the claimant's subsequent suffering from what was considered rheumatism. He also states that the injury would have necessitated the claimant's discharge, but because of his devotion to the cause of the Union and his valuable services about the hospital he was retained in the service until the final muster-out of the command. The surgeon of the regiment at time of claimant's injury returned to his native country shortly after his discharge in 1863, and has not since been heard of. His successor, Surgeon Post, testifies that he found claimant at the hospital in May, 1874, and knows that during his employment there was unfit for military duty because of rheumatism and an injury to side and shoulder, and that he re-enlisted with the understanding that he should remain on duty in the hospital department.

That claimant was sound at enlistment is clearly shown by the evidence produced during a special examination in March, 1883, which likewise shows that he has been a constant sufferer from rheumatism, and that the injury received in service has resulted in disease of right lung. The special examiner, after reviewing the evidence in his possession, recommended that pension be allowed for varicose veins, which in his opinion was the result of rheumatism contracted in the service. The claim was subsequently rejected on the ground that the evidence fails to show that claimant has been disabled from rheumatism since discharge and that the injury to side was received prior to enlistment. It is true that the claimant was slightly injured in the back some years prior to his enlistment by a fall from a steamboat, but it is equally true that he had entirely recovered, and that he entered the service without any disability, served for more than one year, and then received an injury to side and was subsequently attacked with rheumatism.

In the opinion of this committee the claimant is entitled to a pension if upon medical examination he is found to be disabled from the injury to side, or rheumatism and its results, including the varicosed condition of his leg, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. AMOS.

The next business on the Private Calendar was the bill (H. R. 5500) for the relief of Benjamin F. Amos.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Amos, late of the Seventh Kentucky Cavalry Volunteers.

The report (by Mr. LE FEVRE) is as follows:

It appears from the proof in the case that said Amos volunteered and was sworn into the service of the United States as a soldier in June, 1862, and was a member of the Seventh Kentucky Cavalry Volunteers, drew clothing, and acted the part of a soldier until he was wounded by gunshot in the left arm at Cynthiana, Harrison County, Kentucky, July 17, 1862. That he was never mustered into the service, because while in the service and in the line of his duty, July 17, 1862, the town of Cynthiana was attacked by the rebel general Morgan. The Seventh Kentucky Cavalry, none of whom were at that time mustered, said Amos among the number, were forced into battle, during which said Amos received a gunshot wound in said battle in the left arm, and was left at Cynthiana for medical treatment, and when sufficiently recovered he came to the regiment, then near Scottville, Ky., about the last of November, 1862, and acted a short time in the capacity of quartermaster-sergeant.

He was given a furlough by order of General Dumont, then commanding the Union forces, on account of the unfitness of said Amos for military duty on account of said wound. Said regiment was mustered in while Amos was in bed from the effects of said gunshot. None of the officers of said regiment were commissioned at the time he was wounded. His left arm was by said gunshot shattered and broken about half-way from the shoulder to elbow, and his arm is rendered almost useless, and he is not able to perform hard manual labor on account of the contraction of the leaders and muscles, which makes the arm about two inches shorter than the other, and he is a cripple for life. The committee believe the claimant is entitled to some consideration on account of his crippled condition, and therefore submit the accompanying bill and ask that it do pass.

MARTHA LAWSON.

The next business on the Private Calendar was the bill (H. R. 5941) for the relief of Martha Lawson.

The bill is as follows:

Whereas the son of Martha Lawson, Albert Lawson, was enlisted into the service of the United States of America, at Maysville, Ky., by F. B. Trussel, deputy provost-marshal of the ninth district of Kentucky, was sworn into the service by William C. Grier, provost-marshal of said district, and sent to the front at Nashville, and while there and before he was assigned to a company or regiment he was killed by the bursting of a shell; and

Whereas at the time of his death he was with the men who afterward became the One hundredth Regiment of United States Colored Troops, and as the said mother was dependent on the said son for support, and as the Pension Department refuses to pension the mother because the name of Albert Lawson does not appear on the rolls of a company or regiment: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Martha Lawson, as dependent mother of Albert Lawson, and pay her at the rate of —— dollars per month, subject to all the provisions of the pension laws.

The report by (Mr. LE FEVRE) is as follows:

The applicant in this case and her son were slaves prior to the issuing of the emancipation proclamation, and residents of Mason County, Kentucky. In May, 1864, Albert Lawson was sworn into the military service of the United States, and sent to camp near Nashville, Tenn., along with other colored recruits. In eight or nine days after his going into camp he was killed by the accidental explosion of a shell. Up to the time of his death he had not been assigned to any regiment or company, and hence his name does not appear on any record in the office of the Adjutant-General. The fact of his death by the accidental explosion of a shell is shown by the testimony of two comrades present at the time, who, on the completion of the organization, became members of Company K, One hundredth Regiment United States Colored Troops.

The claim for pension is made by Martha Lawson, the mother, and it is shown that the deceased soldier was not married, and prior to his enlistment contributed to the support of his mother, who was a widow and has never remarried; that she was then, and is now, very poor. The marriage of claimant with the father of the deceased is shown by a number of reputable witnesses, including the nephew of the former owner of claimant.

The application for pension was rejected by the Pension Office on the ground that the soldier's name is not borne on the rolls of Company K, One hundredth United States Colored Troops, on file in the War Department.

Your committee are of the opinion that this man lost his life in defense of his country, and that his mother should not be deprived of the pension justly due her from a grateful country by reason of the fact that the soldier had not at the time of his death been regularly mustered into the military service of the United States and properly assigned to a company and regiment, and therefore recommend that the bill be amended by striking out the preamble of said bill, and by striking out all after the word "Lawson," in line 6, and inserting in lieu thereof "subject to the provisions and limitations of the pension laws," and when so amended that the bill pass.

The amendments of the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC R. H. CALDWELL.

The next business on the Private Calendar was the bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed and authorized to put the name of Isaac R. H. Caldwell, late captain of Company G, Thirteenth Kentucky Volunteers, on the pension-roll, subject to the limitations and provisions of the pension laws.

The report (by Mr. LE FEVRE) is as follows:

The evidence in this case shows conclusively that the claimant was taken sick with measles while in camp at Campbellsville, Taylor County, Kentucky, and before he had been mustered into the service of the United States; that while convalescing he was so mustered, and ordered with his regiment to Green River Bridge, and, in consequence of cold, wet weather, took a relapse, resulting in pneumonia; that said disease of measles (resulting, as aforesaid, in pneumonia) terminated in a debilitated condition of the system generally, with diseased

condition of the lungs; also, a catarrhal affection of the head, and that claimant was never in good health afterward. The hospital records show that claimant was treated in regimental hospital at Campbellsville, Ky., in November, 1861; Green River Bridge, Ky., December, 1861; Battle Creek, Tenn., in the summer of 1862, and at various other times and places, by the regimental surgeon, when not confined in hospital; and that in consequence of the disability incurred, as above stated, he was discharged and mustered out of service March 15, 1864.

The evidence is conclusive that Captain Caldwell was a sound and well man when he went into camp, and that his disease was contracted while in the service and in the line of duty, although he was not mustered at the time of his first illness; but this was through no fault or negligence on his part, as he was in camp with his company, ready and willing to be mustered, and had actually been engaged with the enemy. The Government accepted his services for more than two years, and should be estopped now from setting up the fact that the claimant was not a well man at the date of his muster.

The Commissioner of Pensions, in a letter under date of January 12, 1883, informing claimant of the rejection of his case by the Pension Office, says:

"Your case is properly one for special action by Congress, and will be recommended to that body by this office for that purpose.

"W. W. DUDLEY."

The evidence is conclusive that the disability has been continuous since discharge.

Your committee are clearly of the opinion that this is a worthy case, and recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ISABELLA PALMER.

The next business on the Private Calendar was the bill (H. R. 5553) granting a pension to Isabella Palmer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isabella Palmer, blind daughter of John A. Palmer, deceased, late a private in Company L, First West Virginia Cavalry Volunteers.

The report (by Mr. LE FEVRE) is as follows:

Isabella Palmer is the daughter of John Palmer, late sergeant Company L, First Virginia Cavalry, who died at Andersonville prison, October 21, 1864, of scurvy. She was pensioned as the child of said soldier, and continued to draw pension until January 28, 1873, when she arrived at the age of 16 years, and therefore no longer entitled under the law.

From the evidence before your committee it appears that the claimant is nearly totally blind, and has been so from childhood. She has no means of support, and by reason of her disability is unable to make a living by manual labor, and being left without relatives able to assist her, is much dependent upon charity.

Congress in similar cases has granted the relief asked for to keep the heirs of those who lost their lives in defense of their country and by reason of bodily infirmities are unable to provide for themselves out of the poor-houses, and it being satisfactorily shown by the petition of the officers of the county in which the claimant resides, and other good and prominent citizens, that she is a proper subject for favorable consideration by Congress, this committee report favorably on the bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES FRAZIER.

The next business on the Private Calendar was the bill (H. R. 5555) granting a pension to James Frazier.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Frazier, late a private in Company B, Fifteenth Ohio Volunteers.

The report (by Mr. LE FEVRE) is as follows:

James Frazier enlisted in Company B, Fifteenth Ohio Volunteers, September 6, 1861, and was discharged from the service May 13, 1862, upon surgeon's certificate of disability, setting forth that he was incapacitated for the performance of military duty because of a strained condition of both knees from the exertion in double-quick movements in drill since entering the service. Age, 53 years.

On the 21st of February, 1876, Frazier was allowed pension, on account of disease of knees, at the rate of $4 per month.

Subsequently the case was specially investigated to determine certain charges made against the pensioner's rights in the premises, and upon said investigation his name was dropped from the rolls on the ground that the evidence procured by the special examiner tended to show that the injury was received while on furlough.

It is true that the special examination reveals the fact that the original witnesses in the case had little knowledge of the circumstances under which the injury was received, and that the pensioner, by reason of old age, was not a fit subject for a soldier. But that he received the injury as alleged and shown by the record is equally true, which injury was aggravated by walking very fast while attempting to make a train upon expiration of a short furlough granted him to come home on account of sickness in his family.

In the opinion of the committee, the adverse evidence in the case is not sufficient to controvert the record, and as the claimant, by reason of his age at time of his service, was more liable to be injured by the rapid movements incident to "double-quick," the doubt, if any, should be solved in his favor, and therefore report favorably upon the bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NATHAN J. SHARP.

The next business on the Private Calendar was the bill (H. R. 6816) for the relief of Nathan J. Sharp.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Nathan J. Sharp, formerly a member of Company E, One hundred and twentieth Regiment New York State Volunteers, to $50 per month.

The bill was reported by the Committee on Invalid Pensions with the following amendment:

In line 7, strike out "fifty" and insert "forty."

The report (by Mr. BAGLEY) is as follows:

The petitioner enlisted in the service of the United States on the 14th of August, 1862, as a private in Company E, One hundred and twentieth Regiment New York State Volunteers, and was discharged on the 8th of June, 1865. On the 27th of October, 1864, he received a gunshot wound in the left eye, which passed back of the nose, entirely destroying the eye, and damaging the sight of the right eye so that it is very painful and almost useless. The disability was received at the battle of Hatcher's Run, south of Petersburg, Va.

Claimant was pensioned at $8 per month, January 20, 1866, which was increased to $15 June 6, 1866; to $18 per month June 4, 1872; and to $24, commencing March 3, 1883. The disability and the hideous disfigurement consequent upon the wound, and the incapacity of the claimant to perform manual labor is best set forth in the several reports of the examining surgeons herewith appended.

A. Otis, examining surgeon, under date of July 5, 1865, says:

"The ball entered the left eye, passed under the nose, and lodged under the right eye, destroying the sight of the left and much impairing that of the other. It has also disfigured him much."

The same surgeon, February 5, 1867, says:

"Mr. Sharp has lost the left eye, the ball passing through it and lodging under the right, weakening and impairing its sight. He is in great danger of losing his sight entirely. The right is getting weaker, and exertion injures it much. He is entitled to $15 per month. The ball remains lodged in the head. The disability is total, as he can not labor."

The same surgeon, September 4, 1873, says:

"A ball entered the outer angle of the left eye, passing under the nose and lodging under the right eye. Vision is lost in the left and very much impaired in the right. His general health suffers as a consequence. Is thin and weak."

Same surgeon, September 21, 1875, says:

"A ball entered the left eye, passing through the turbinated bones of the nostrils, and lodging under the right eye in the bone. The parts under the right eye are pouted out, giving his features a distorted appearance. The right eye is weak and watery. It frequently becomes inflamed, laying him up for weeks."

Again, September 5, 1879, Dr. Otis says:

"A ball entered the left eye, passing obliquely through and lodging under the other one. The right eye is much injured by sympathy with the left. Has much pain through the wound. Looks feeble."

J. L. Hasbrouck, examining surgeon, under date of July 28, 1879, says:

"Mr. Sharp is suffering from gunshot wound, affecting both eyes. The ball entered the outer canthus of the left eye and passed nearly horizontally through the eye and nose, lodging under the right eye in the socket, or malar bone. It remains there to this day. The left is completely destroyed. The nasal bones are crushed and much distorted. The right eye is almost useless from chronic inflammation; so much so that he can no longer distinguish objects. The capsule of its lens presents a milky appearance. A cataract is evidently forming, which, in my opinion, will culminate in total loss of vision. The deformity is hideous and loathsome to behold. His employment was that of foreman in a tannery. Is unable to hold the position for loss of vision. Habits are good throughout. I recommend a liberal increase under the law."

The committee are of the opinion that this is a case entitled to an increased pension. The examining surgeons are clearly satisfied that the soldier must soon be totally blind. In fact, it is shown by the last surgeon whose statement is given that he was at that time unable to distinguish objects.

The committee recommend the passage of the bill with this amendment: Strike out the word "fifty," in line 6, and insert "forty."

The amendment reported by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LOUIS MAGNUS.

The next business on the Private Calendar was the bill (H. R. 6711) granting a pension to Louis Magnus.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louis Magnus, late a private in Company G, Second New York Artillery.

The report (by Mr. BAGLEY) is as follows:

The petitioner was mustered into the service of the United States October 15, 1861, as corporal in Company G, Second Regiment New York Heavy Artillery, and was discharged October 14, 1864. The Adjutant-General reports, May and June, 1864, "Absent, sick in hospital, City Point, Va." Surgeon-General reports: "Was admitted to First Division Hospital, V. A. C., date not given, and was transferred June, 1864. Diagnosis not given. Entered V. A. C. general field hospital, City Point, Va., June 25, 1864, sick; no other diagnosis, and no disposition given. Entered general hospital, Alexandria, Va., July 2, 1864, with debility (no other diagnosis given), and was transferred to New York October 16, 1864, to be mustered out."

Claimant filed declaration for pension October 28, 1875, and alleges that while in the service and line of duty he contracted bleeding of the rectum, caused by chronic dysentery, and that about the last of June, 1864, while on the march through the Wilderness, Va., he received an injury of his left side by a fall in the night-time, producing severe and constant pain in the side. Claim was rejected because no record of the alleged disability and inability to furnish the necessary evidence to connect it with the service. While this may be true as to a positive declaration and naming of the disease, still it will be remembered that both the Adjutant-General's and the Surgeon-General's records show him to be sick in hospital, and that he was transferred from hospital to be mustered out.

One examining surgeon in 1876 states that he discovers no injury of the side, and no disease of rectum; and another states in 1877 that he finds that internal piles exist, which no doubt accounts for hemorrhage; that the man is weak, anæmic, &c. The examining surgeons certainly do not make a very strong case for the claimant, and resort must be had to the evidence of acquaintances, the regimental surgeon, and of family physician, to show that he did receive injuries in the service, and that he still suffers therefrom.

Nicholas T. Eberhard, an intimate acquaintance, testifies that the claimant was, before and at his enlistment, a sound, well man, and that he was on his discharge from the Army a feeble man, greatly debilitated, complaining of bleeding of the rectum, and of a constant pain in his left side, and that said diseases have never left him.

Hiram Howard, who was adjutant of claimant's regiment, testifies that the soldier was a sound, able-bodied man at enlistment.

Dr. O. S. Paine, who was assistant surgeon, and subsequently surgeon of claimant's regiment, testifies to soldier's soundness and good health at enlistment, and that he continued so until about June, 1864, when, while in the line of duty, he contracted chronic dysentery, and also sustained an injury to the left side by a fall while on march, and that on account of these disabilities he sent him from City Point to hospital at Alexandria. He further testifies that claimant reported to him about July, 1864, that he had sustained an injury to his left side by a fall on the march in the Wilderness; that he examined him,

and found evidence of such injury, and that from such examination, and from knowledge of the man, he has no doubt whatever but that said fall was sustained in line of duty in the manner stated.

Drs. William H. Wilson and C. Kroy testify that they have treated claimant, and that he suffers with a hemorrhage of the rectum.

Dr. William H. Kranes says that the claimant has been under his professional care since October 20, 1876 (affidavit dated March 26, 1877); that he has been and still is suffering from the effects of a fall on left chest and abdomen, prolapsus of the rectum, and hemorrhage of the rectum, the result of chronic dysentery; and that the claimant is wholly incapacitated from performing any manual labor, and in his (affiant's) opinion permanently disabled by the diseases above named.

It is in many cases difficult for the committee to come to a conclusion where there seems to be a difference of opinion between the examining surgeons and the family physicians—when the examining surgeon claims no disability, and the physician solemnly testifies to its existence and to his professional treatment. In the one case we have a mere verbal statement, upon a single and perhaps hasty examination; in the other a declaration under oath of a practitioner who may have treated the patient days, weeks, or months, and during that time, perhaps, making numerous and careful examinations. Without throwing any doubt upon the sincerity or honesty of the examining surgeon, we think the weight and credit should be given to the testimony of the attending physician, and the doubt resolved in favor of the claimant. In this case the incurrence of the disability can not be questioned, for it is plainly proven by the regimental surgeon, although the technical hospital record is wanting.

The committee are of the opinion that the connection between the claimant's present state of health and the incurrence of the disease in the Army is apparent, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ASA DYE.

The next business on the Private Calendar was the bill (H. R. 6589) for the relief of Asa Dye.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Asa Dye, formerly of Company I, Tenth Regiment New York Volunteers, and pay him a pension from and after the passage of this act.

The report (by Mr. BAGLEY) is as follows:

It appears that the petitioner enlisted in the United States Army August 29, 1862, as corporal in Company I, Tenth Regiment New York Cavalry, and was discharged October 19, 1863. On the 15th July, 1864, he filed a declaration for pension, alleging that about June 18, 1863, while on picket duty along the Rappahannock River, he contracted cough and chronic diarrhea, and suffered with the same until discharged. The claim was rejected on the ground of there being no record of alleged disability and claimant's inability to furnish medical testimony as to origin of said disability and continuance. The Adjutant-General says that the rolls report, September and October, 1863: "Absent sick;" November and December, 1863, "Discharged." Surgeon-General says, "was admitted to paroled prisoner's camp hospital, near Annapolis, Md., August 21, 1863, with debility" (diagnosis also given as intermittent fever), disposition not stated. Certificate of disability states that he was found incapable of performing the duties of a soldier, because of "mitral regurgitation, contracted since enlistment; degree of disability one-half; unfit for invalid corps." The record therefore shows plainly that the claimant was sick while in the army from disease contracted in the service. That he was sound at enlistment; that he was discharged for disability, and that since that time claimant has been continuously sick and unable to perform manual labor, will be shown by the following testimony:

E. A. Rosa, William M. Fox, Zadock Satterlee, Josiah Wetherbee, Nelson Lacher, Henry G. Shaffer, and William J. Griffith testify that claimant was a sound, healthy man prior to enlistment.

Claimant says that he contracted chronic rheumatism in May and June, 1863, while participating in Stoneman's raid; that he was taken prisoner in June, 1863, and had no care or treatment for said disease; alleges that since discharge, up to about two years ago, was treated for said disease each year by Dr. J. P. Rosa, of Broadalbin, N. Y., who died about two years ago, since which he has not employed any physician, but has taken medicines from prescriptions ordered by said doctor; is unable to furnish surgeon's affidavit in relation to treatment while in the Army for following reasons: "I was taken prisoner the 29th of June at or near Blue Ridge, Va., and confined in Libby prison; was there about four weeks and was then suffering with chronic diarrhea; was then paroled and sent to Annapolis, Md.; from there was sent to Washington, and from thence to the convalescent camp, Virginia. At that place was treated by surgeon in attendance until discharged, on the 19th October, 1863. Am unable to give the name of surgeon who treated me last."

Asa Capron, first lieutenant of claimant's company, testifies that about June, 1863, claimant contracted chronic diarrhea while on the march near Richmond, and that about that time he was taken prisoner and had no care or treatment; also testifies that he was a prisoner with claimant; and was also with him at parol camp until he was sent to the hospital, and knew that he was in a very bad condition.

Zadock Satterlee and Josiah Wetherbee testify that claimant's health has been poor since his discharge, and that he was attended by Doctor Rosa, who informed them that his disease was chronic diarrhea; that he is unable at times to do any manual labor. They know above facts from seeing him nearly every day, and sometimes working in his company.

In answer to a letter filed May 24, 1883, Satterlee says at the time of claimant's discharge he was totally disabled; and that he has known him ever since, and that he has been partially disabled all of said time.

The same state of facts is testified to by others, but the committee think it not necessary to embody the affidavits in this report. That the claimant is much disabled there can be no doubt, unless it is assumed that a number of witnesses have misstated the facts. The examining surgeons differ in opinion as to the disability. Six examinations have been made. Two declare the disease to exist; two claim it does not exist; two others discover some heart or chest trouble. In the disagreement of the doctors reference must be had to the evidence of those who have daily knowledge of the claimant. They seem to agree that he is weak and debilitated, and the committee think his condition is traceable to his Army service. In the opinion of the committee the bill should pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BERNARD DONOHUE.

The next business on the Private Calendar was the bill (H. R. 6835) granting a pension to Bernard Donohue.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bernard Donohue, late artificer of Company K, First New York Volunteer Engineers.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner alleges in his declaration for a pension that he enlisted in Company K, First Regiment New York Engineers, at New York city, in October, 1861, as a carpenter or artificer, and that he was honorably discharged at Hilton Head, S. C., on the 14th day of August, 1862. That while in the service and line of duty he received a serious disability, as follows: While making corduroy road and building sand batteries on Jones Island in the Savannah River, for the purpose of stopping communication between Fort Pulaski and Savannah city, and while engaged in said work, and by reason of heavy lifting and exposure, he contracted piles so severely that they seem to defy medical skill, and that the disability has been growing worse, so that there is extensive protrusion and protracted bleeding of the parts, the effect of which is very weakening, so much so that he has been unable to do work for the past five years. This affidavit was made in 1875. A prior application was made in 1864, substantially as above, and that since discharge he has been unable to prosecute his work as a carpenter.

The certificate of disability for discharge, signed by S. B. Snow, surgeon volunteer engineers, says:

"I find him incapable of performing the duties of a soldier because of hemorrhoids. He has obstinate prolapsus ani. He has done no duty for the last four months. Am sure he will never be of any use to the service. Has been suffering from this difficulty more or less for two or three years."

This certificate is dated August 14, 1862.

Application was rejected for the reason that the disability for which pension was claimed existed prior to enlistment.

Thomas M. Riley, John Barnes, John Long, Ferdinand Slote, and Daniel Ferris, in affidavits made separately in 1877, say substantially as follows: "That they knew the claimant from 1851 to 1861; that they frequently saw and worked with him as a journeyman carpenter; never knew him to be subject to the piles or to have any other seated complaint or disease, and that he was apparently able all of that time to follow his trade."

James Donahue, brother of claimant; Annie E. Fellows, sister-in-law; Mary Ray, sister; Annie Duff, sister; Ellen Donahue, wife, all testify with positiveness to soldier's good health prior to enlistment, and to his debilitated condition after discharge from the service.

Rushford B. Hancock, George F. Wright, Charles Bickford, Moses Lucoste, Edward Corbett, and W. H. Lomsberry, comrades of claimant, all certify to soldier complaining of the disability after the severe labor on Jones Island, some of the affiants certifying to his prior soundness and others to his being sent to hospital.

There is but one certificate of an examining surgeon on file, which says that the applicant is affected with severe hemorrhoids, a tumor that might be easily removed, and that it is alleged that the disability originated at Jones Island, South Carolina, by exposure and hard work.

Henry L. Dalrymple, first lieutenant Company K, says that the soldier, while in line of duty, was taken with piles and so disabled that he was unfit to perform duty.

John A. Brodie and John W. Hamilton, both practicing physicians, say, under date of February 1, 1875, that they have known claimant for twenty years; that before enlistment he was not, to their knowledge, afflicted with the disease mentioned, but that since his discharge from the service he has suffered from hemorrhoids.

The committee can discover nothing in the case to warrant Surgeon Snow (who signed the certificate of discharge for disability) in making the statement that the soldier had been suffering from the disease two or three years prior to discharge. It is upon this single and bare statement that the case is rejected by the Pension Office. The evidence showing prior soundness of claimant is quite voluminous, and the witnesses are many. Comrades and the first lieutenant of the company, who knew of the severe labor of claimant on Jones Island, unhesitatingly ascribe the origin of the disability to that service, and the family physician, who knew the claimant well, concurs in the fact of prior soundness and present disability.

The committee think there is nothing to disprove the allegation of the petitioner, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. KATE L. CUSHING.

The next business on the Private Calendar was the bill (H. R. 2429) to place the name of Mrs. Kate L. Cushing, widow of the late Commander William B. Cushing, on the pension-roll; reported by Mr. BAGLEY from the Committee on Invalid Pensions with an adverse recommendation.

Mr. MATSON. I ask unanimous consent to pass over that bill. It is an adverse report.

Mr. BAGLEY. I suppose it will not lose its place on the Calendar?

Mr. MATSON. Of course not.

There being no objection, the bill was passed over informally.

ADALBERT STICKNEY.

The next business on the Private Calendar was the bill (H. R. 5207) granting a pension to Adalbert Stickney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Adalbert Stickney, late a private in Company G, Eighth Regiment of Wisconsin Volunteers in the United States Army.

The following amendment was recommended by the Committee on Invalid Pensions:

After the word "Army," in line 8, insert "from and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Soldier enlisted August 31, 1861, and was mustered September 4, 1861, and served as a private in Company G, Eighth Wisconsin Volunteers, until honorably discharged, September 16, 1864.

Declaration for pension was filed August 9, 1869, claimant alleging that at Memphis, Tenn., July 27, 1864, while in line of duty, he received a gunshot wound in right knee, causing stiffness.

Col. U. B. Britton, in an affidavit filed, says that claimant, while in camp at Memphis, Tenn., July 27, 1864, and in line of duty, received a gunshot wound of right knee, from the accidental discharge of a comrade's gun, and that he has never fully recovered from the same.

Comrades Henry Martin and Michael Flynn testify that July 27, 1864, claimant received a gunshot wound in right knee while passing through the camp of one of the regiments of the brigade; that they came on the ground immediately after the wounding, and saw him placed in the ambulance. They testify from personal knowledge.

Lieut. W. H. Dalty, in answer to a Pension Office letter, states that he does not think claimant entitled to a pension, as he (claimant) was not on duty at the time, and was out of camp without permission. He understood at the time that claimant received the wound in a street fight, and therefore refused to sign claimant's petition for a pension on that account.

Capt. C. P. King, in answer to a Pension Office letter, states that he has no personal knowledge of the affair, as claimant received the wound during his (King's) absence, but was informed upon his return that he was wounded in a street broil, and not while in line of duty.

Claim was rejected April 9, 1878, upon the ground that alleged disability was not contracted in the line of duty.

Your committee have taken into consideration the fact that claimant served three years in the Army, and received a gunshot wound about three weeks before his term of service expired (which he has proven by Colonel Britton and comrades Martin and Flynn); also his record evidence of hospital treatment and the report of the examining surgeons at Milwaukee, Wis., stating claimant's leg stiff at the knee and rating his disability such as to entitle him to $10 per month.

Your committee recommend that said bill be amended by adding thereto the words, "from and after the passage of this act," and that it do pass as amended.

The amendment reported by the Committee on Invalid Pensions was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN BECK.

The next business on the Private Calendar was the bill (H. R. 3829) granting a pension to John Beck.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Beck, late a private in Company G, of the Fifth Regiment Missouri Cavalry, his pension to date from October 19, A. D. 1864, the date of his discharge from the service of the United States.

The Committee on Invalid Pensions recommended the following amendment:

In line 7 strike out the words, "October 19, A. D. 1864, the date of his discharge from the service of the United States," and insert in lieu thereof "and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Soldier enlisted August 25, 1861, and served as a private in Company G, Fifth Missouri Cavalry, until honorably discharged, October 19, 1864.

Original declaration for pension filed May 17, 1880, claimant alleging that November 15, 1861, he was kicked by a horse on his right leg at Carondelet, near Saint Louis, Mo., so that some of the privates of said company had to carry him to the regimental hospital at Carondelet, where he received medical advice and treatment for a term of six weeks; after he became able he reported for duty, and afterward, from exposure and lying outside on the cold and wet land, he contracted rheumatism in his right leg, which has gradually become worse since his discharge.

Claim was rejected by the Pension Office July 30, 1883, based upon the ground of no disability in a pensionable degree from alleged causes since discharge.

IN SERVICE.

Claimant has furnished the testimony of comrade Frederick Peterson, who is now a resident of New Holstein, Calumet County, Wisconsin, corroborating claimant's statements as to origin of disability alleged.

The postmaster at New Holstein says affiant is a poor man, but honest. Gustave Newber, a comrade, a resident of Milwaukee, Wis., corroborates the above. (Special examiner finds affiant's reputation for truth and veracity fair.)

Dr. P. J. Lingenfelder, a resident of Saint Louis, Mo., late assistant surgeon in charge of regimental hospital at Carondelet, Mo., corroborates claimant as to his treatment of claimant at said hospital during several weeks. (Special examiner reports reputation for truth and veracity fair.)

SINCE DISCHARGE.

M. Mueller and B. Knapp, residents of Milwaukee, Wis., state claimant as disabled from obtaining his subsistence by manual labor, by reason of his suffering from rheumatism. They say that claimant is not able to keep a pair of boots or heavy shoes on his feet for any length of time without suffering severely from the disease aforesaid. Affiants know the above facts from their own observation.

John Schaup and William Krueger, residents of Milwaukee, Wis., corroborate above statement, and say that for about five years after discharge claimant was confined to his bed about once a month on account of rheumatism; he is still suffering with the same, and can not follow steady employment on account of said rheumatism.

George Eckhart, a resident of Milwaukee, Wis., testifies to rheumatism to 1880. Confined to bed at least one-fourth of the time by reason of said rheumatism, and was only able to perform manual labor about one-fourth of the time.

Dr. J. C. Dundas, Cambridge, Dane County, Wisconsin (deceased), testifies to treatment in 1871, 1872, and 1873 for some kind of chronic disease of feet, which claimant said was caused from exposure in the service. (Special examiner finds affiant's reputation was excellent.)

August Von Tratt, druggist, Milwaukee, Wis., says from some time in March, 1881, to some time in February, 1882, claimant bought medicine for rheumatic effects. (Special examiner reports affiant's reputation for truth and veracity as good.)

Frank Niederken, a resident of Milwaukee, Wis., says claimant has bought medicine for rheumatic effects from March, 1875, to September, 1876; also states that he compounded prescriptions for claimant for the cure of rhematism, which were ordered by Dr. E. Kramer, who has been claimant's physician; this was between 1864 and 1871, when affiant was prescription clerk with Charles Baumbach, druggist, Milwaukee, Wis. (Special examiner's report shows this affiant's reputation for truth and veracity good.)

Dr. E. Kramer, Milwaukee, Wis., in his letter to the Pension Office, October 30, 1882, says that he has prescribed for claimant on the following dates when he was suffering from rheumatism: March 31 to April 7, 1876, inclusive; March 14, 25, November 1 to 5, inclusive, 1881; June 3, October 7, 1882; and during the times mentioned he was either confined to house or bed. (Affiant is a United States examining surgeon.)

Believing this claimant has proven beyond a doubt that rheumatism has existed ever since discharge, and is at the present time troubling him so as to incapacitate him for the performance of manual labor, your committee recommend that said bill be amended by striking out all after the word "from," in line 7, and substituting therefor the words "the passage of this act."

The amendment reported by the Committee on Invalid Pensions was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES FLYNN.

The next business on the Private Calendar was the bill (H. R. 5209) granting a pension to James Flynn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Flynn, late a private in Company D, Seventeenth Regiment of Wisconsin Volunteers in the United States Army.

The Committee on Invalid Pensions recommend the following amendment:

At the end of the bill insert "from and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Soldier enlisted January 18, 1862, and served as a private in Company D, Seventeenth Wisconsin Volunteers, till honorably discharged, July 14, 1865—three and a half years.

Declaration for pension was filed February 12, 1877, claimant alleging that in the service and line of duty, soon after enlistment, he began to be troubled with sore eyes, which gradually grew worse, and during the last year of his service his eyesight became impaired. He was not treated in hospital, but by regimental surgeon.

The claim was rejected December 9, 1879, on the ground that the alleged disease of eyes is not chargeable to the service, as shown by a special examiner's report.

George St. Sure, regimental surgeon, states under oath that he treated claimant for acute ophthalmia (inflammation) of both eyes, at Corinth, Miss., during the month of August, 1862, and subsequently for granulation of eyelids, at Vicksburg, Miss., and Goldsborough, N. C., during the years 1863 and 1865. His eyes were in a healthy condition when he entered the service. Affiant has recently examined his eyes and finds that the lids are partially granulated, with partial opacity of both corneas. (Affidavit filed February 1, 1878.)

John C. Maase, captain of company, says claimant was troubled with sore eyes at Corinth, Miss., in August, 1862, and at Vicksburg in July 1863; also at Goldsborough, N. C., in April, 1865; was under treatment of regimental surgeon. Affiant says the disease must have been contracted by being overheated in marching and in engagements. Claimant was in good and sound condition at enlistment. (Affidavit filed February 1, 1878.)

In an affidavit dated June 26, 1876, Captain Maase says claimant re-enlisted as a veteran in February, 1864; was a good soldier, and always during his term of service was with the company.

During the last year he complained at different times with sore eyes. The disease usually lasted from three to eight days and then became better. Was at such times excused from duty and was treated by regimental surgeon. On the march through Georgia and Carolina he was several times so affected with sore eyes that he could not march with the company.

Florian Reese, lieutenant of company, says claimant became afflicted with sore eyes during the Corinth (Miss.) campaign, in 1862, and at Vicksburg, Miss., in 1863, and at Goldsborough, N. C., in April, 1865. While so afflicted said Flynn was under treatment of regimental surgeon. Claimant was in perfect health at time of enlistment. (Affidavit filed February 1, 1878.)

Dr. James Howard, a resident of Wannakee, Dane County, Wisconsin, says that in summer of 1876 he treated claimant for granulated lids of both eyes and partial opacity of cornea. His eyes were so bad that he could not distinguish objects three feet. Knows nothing of his previous history. (Affidavit filed June 18, 1878.)

Dr. J. H. Stearns says he treated claimant from September, 1875, to September, 1876, for granulated lids and opacity of cornea. On examination he still has the same disability. Have no knowledge of its origin. (Filed June 18, 1878.)

The examining surgeon at Madison, Wis., April 16, 1877, reports:

"I find that the claimant has severe chronic ophthalmia in both eyes. The lids look like a piece of beefsteak, and are granulated badly. The sclerotic and conjunctiva coats are injected and the vitreous humor opaque, and the pupils are contracted. He can not distinguish a person across the room, and can just see enough to walk without assistance, and that is all. He has been supported in the Soldiers' Home near Milwaukee, Wis., and in the Dane County (Wisconsin) poor-house for the last year, and by his friends before that since the war. A full pension should be allowed him of $8 per month."

We find also that the affidavit of Patrick Roach, of Wannakee, Wis., who says claimant was sound for three years before and at enlistment. Claimant worked for him before enlistment and was a man of good and regular habits and sound in body. When he came home from the Army he again worked for him, and his eyes were then in a very bad state, they being so sore and blind that he had to quit working for him on his farm; all of which is corroborated by the affidavit of John Brady. (Affidavits filed February 1, 1880.)

E. E. Fitzgibbon, Wannakee, Dane County, Wisconsin, says for two years prior to enlistment the claimant was sound, he knows from personal knowledge, having been a near neighbor during said time, and claimant used to work for affiant's father up to enlistment. (Filed February 1, 1880.)

James Ryan, John Collins, and Patrick O'Laughlin, ages respectively 52, 71, and 54 years, residents near Madison, Wis., swear to prior soundness.

James Carrovan, a resident of Wannakee, Wis., swears he has known claimant since about three years before enlistment; affiant worked with claimant at farm labor and knew him well; and that he was a sound, able-bodied man, and of good, temperate habits. After claimant was discharged he worked on affiant's farm through harvesting and haying, and his eyes were in a very bad condition and almost totally unfit for farm labor, and affiant employed him more out of charity than for any real value of his service. His habits were good, and in no way seemed to cause or aggravate the soreness of his eyes. (Filed February 2, 1880.)

John Turney, member of assembly, first district of Dane County, Wisconsin, and William O'Keefe, chairman supervisors, residents of Westport, Wis., knew claimant from 1855 to time of enlistment. His eyes were sound. They knew claimant well. (Filed January 1, 1880.)

This case was rejected upon testimony obtained by a special agent of the Pension Office, tending to show that the disease of the eyes existed prior to enlistment, but your committee believed claimant was free from said disease; also,

as claimant has proven existence of same ever since discharge, and origin been proven beyond a doubt, said committee report in favor of said bill, and recommend its passage; provided, however, that said bill be amended by adding thereto the words "from and after the passage of this act."

The amendment reported by the Committee on Invalid Pensions was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GOTTLIEB HERMANN.

The next business on the Private Calendar was the bill (H. R. 5208) granting an increase of pension to Gottlieb Hermann.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Gottlieb Hermann, late a private in Company A, Fifth Regiment of Wisconsin Volunteers, in the United States Army, from $1 per month to $12 per month.

The Committee on Invalid Pensions recommended the following amendments:

In line 7, strike out the word "twelve" and insert "eight;" after the word "month," insert "from and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Soldier enlisted April 1, 1861, and served as a private in Company A, Fifth Wisconsin Volunteers, until honorably discharged July 27, 1864, more than three years.

Declaration for pension was filed February 12, 1874, claimant alleging disability from gunshot wound in left arm, received at Williamsburg, May 5, 1862; gunshot wound in chin and right leg, received at Fredericksburg, December 13, 1863, and gunshot wound in left hand, received at Wilderness, May 5, 1864.

Claimant was pensioned January 24, 1881, from July 28, 1864, at $1 per month, for gunshot wound of forearm and chin.

Increase application filed September 2, 1882, claiming same disabilities. Rejected October 18, 1882, as the examining board of surgeons at Milwaukee, Wis., found his disability to be equal to and entitling him to one-eighth total.

Aaron B. Gibson, late captain of claimant's company, a resident of Ahnapee, Kewaunee County, Wisconsin, testifies that in the battle of Williamsburg, Va., on or about May 5, 1862, claimant was wounded by a buckshot, which entered on the inside of the right leg about four inches above the knee and now remains in the leg, and said wound now causes a weakness and lameness in said leg. Also, at the battle of the Wilderness, near Spottsylvania Court-House, Va., on or about May 5, 1864, claimant was wounded by a musket-ball, which entered on the inside of the left hand, between the third and fourth fingers of the left hand, severing in its passage the bones and tendons of the fourth finger, completely passing out at the back of the hand, causing a loss of the strength and usefulness of the left hand in a large degree. Said wounds were received while in the line of duty.

Chas. E. Weidner, comrade, corroborates above.

Charles E. Cram, assistant surgeon and afterward surgeon in claimant's regiment, certifies to claimant's wounds and treatment in the service.

Sergt. James H. Leonard, late of claimant's company and regiment, corroborates Captain Gibson's statement.

This man was wounded four different times, and there is record evidence for same—time, place, and circumstances—also record evidence of treatment for same. He only draws $1 per month for disabilities resulting from these wounds, and the bill calls for an increase to $12 per month. Although your committee does not feel justified in reporting in favor of $12 per month, it does believe the case meritorious and entitled to more than $1 per month. Claimant served faithfully for over three years, and is now over fifty years of age, and broken down in health by reason of wounds received while in the line of his duty. Your committee recommends that said bill be amended by striking out the word "twelve," in line 7, and inserting the word "eight," and also by adding thereto the words "from and after the passage of this act," and that said bill pass as amended.

The amendments reported by the Committee on Invalid Pensions were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

H. D. PRIOR.

The next business on the Private Calendar was the bill (H. R. 3467) granting a pension to H. D. Prior.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. D. Prior, late a private in Company B, Fourteenth Regiment Wisconsin Infantry Volunteers, and pay him a pension from December 10, A. D. 1863, the date he was discharged from the service of the United States.

The Committee on Invalid Pensions recommend that the bill be amended by striking out the words "December 10, A. D. 1863, the date he was discharged from the service of the United States," and inserting in lieu thereof the words "and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3467) granting a pension to H. D. Prior, having had said bill under consideration, submit the following:

Soldier enlisted October 1, 1861, and served as a private in Company B, Fourteenth Wisconsin Volunteers, until December 10, 1863, when he re-enlisted as a veteran volunteer in the same company and regiment, and served until honorably discharged October 9, 1865, having served four years.

He filed an application for pension August 10, 1882, for chronic diarrhea, accompanied by violent vomiting, contracted near Saint Charles, Ark., September 1, 1864, by long marches and exposure.

His claim was rejected November 13, 1883, upon the ground that there has been no disability from the cause alleged since the filing of the claim.

Claimant was first examined by the examining surgeons at Fond du Lac, Wis., February 21, 1883, who found no physical signs of chronic diarrhea, but rated him upon his own statement and other proofs at one-half disability. He was again examined by the examining surgeons at Madison, Wis., June 13, 1883, who found that he suffered from chronic diarrhea, and rated his disability as one-eighth.

Dr. George H. Calkins, late surgeon of the Thirty-seventh Wisconsin Volunteers, in an affidavit filed December 8, 1882, states that his residence is Waupaca, Wis., and that he treated claimant from 1866 to 1869 for chronic diarrhea and vomiting.

Dr. P. H. Patton, of Omro, Wis., claimant's family physician, in an affidavit filed March 10, 1883, states that he treated claimant from 1880 to date for colic and chronic diarrhea. The doctor says during his treatment claimant has been disabled for manual labor fully one-half.

Dr. J. S. Daniels, of Omro, Wis., in an affidavit filed March 10, 1883, says that he has known claimant since May, 1880, and that in June, 1881, he treated claimant for severe attack of diarrhea.

Dr. M. D. Lane, of Waushara County (Poy Sippi), Wis., in an affidavit filed February 21, 1884, states that he has treated claimant for lumbago and urinary disability.

Michael Haley, in an affidavit, filed February 21, 1884, states that he has known claimant ever since his discharge, and that he has been ailing all the time with lame back and general debility.

Taking into consideration all evidence since discharge, medical, &c., the committee believe the case meritorious, and recommend the passage of said bill, after striking out all after the word "from," in line 8, and adding thereto the words "and after the passage of this act."

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARY L. READER.

The next business on the Private Calendar was the bill (H. R. 6851) for the relief of Mary L. Reader.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Reader, widow of Azzur W. Reader, deceased, late a carpenter's mate in the United States Navy, and to pay her a pension as such widow from and after the passage of this act.

The committee recommend that the bill be amended so as to read "Mary G. Reader" instead of "Mary L. Reader."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

The claimant, Mrs. Mary G. Reader, is the widow of Azzur W. Reader, deceased, late a carpenter's mate in the United States Navy, who died March 27, 1884.

In the early part of the present session of Congress a bill (H. R. 3466) was introduced granting a pension to said Azzur W. Reader. The House Committee on Invalid Pensions reported favorably on said bill March 11, 1884, and said bill passed the House of Representatives April 25, 1884, before knowledge of the death of said Azzur W. Reader had been communicated to the said House of Representatives.

The said Azzur W. Reader died of the injuries received and the disease contracted in the service of the United States, as appears from the affidavits of three physicians of the city of Fond du Lac, Wis., whose names are T. F. Mayham, F. A. Bishop, and S. S. Bowers, all of them having attended him during his last sickness, and also having treated him more or less from the time of his discharge from the Navy to the time of his death.

The following is the report of the House Committee on Invalid Pensions upon said bill (H. R. 3466) granting a pension to said Azzur W. Reader:

"Claimant enlisted March 22, 1865, as carpenter's mate on the United States steamer Kate, and was honorably discharged September 1, 1865, and filed his application June 10, 1879, for pension on account of injury near the spine, received on or about June 15, 1865, on the Mississippi River, between Memphis and Vicksburg, caused by arising from scrubbing his hammock, in answer to call to 'swing hammocks,' and striking the under side of the muzzle of the bow-gun with force sufficient to prostrate him, and to prevent his rising without assistance; which injury produced hernia and resulted in total disability, the bruise having been so great as to produce slight hemorrhage of his right kidney and blood in his urine.

"It further appears that claimant returned to his home in Fond du Lac, Wis., immediately after his discharge September 1, 1865; was in very poor physical condition, and confined to his house for six months or more; was treated by Dr. Smead (since deceased), who informed him that he was about to have a breach or rupture, which fully developed as soon as he tried to get around; and that claimant did not know what his injury would result in until he was examined by Dr. Smead a few days after his arrival home.

"Frederick A. Meyer, who was in the service with the claimant, corroborates claimant's declaration as to how the injury was received and as to the time and the manner as alleged.

"S. A. Reader, also in the service with the claimant, corroborates the above, and says he was detailed by the officer in command to wait upon claimant.

"Thomas W. Pate, a pilot on said steamer, also fully substantiates the foregoing statements.

"George W. Rodgers, late acting lieutenant, commanding said steamer, states that when he took command of the vessel named claimant was off duty, and confined to his hammock in consequence of injuries received on board, and that claimant appeared to affiant to be badly hurt, and that he detailed one of the crew to wait upon claimant.

"N. H. McGuire, late acting assistant surgeon on said steamer, does not remember treatment of claimant, but does remember, on receiving an order to discharge about one-half of crew (addressed to all surgeons in Mississippi squadron), that he placed claimant's name among the number because Lieut. George W. Rodgers, the commander, requested it on account of claimant's disability.

"Mrs. A. S. Lilleston says that she boarded with wife of claimant in summer of 1865; that in the early spring of that year claimant and two youngest sons went into the Navy; that some time in June or July, 1865, claimant's son wrote home that his father had received an injury; that affiant continued to board with claimant's wife, and that on his return from the Navy, in the fall of that year, claimant was poor in flesh and very feeble, and that his condition was attributed to the injury referred to, which, as affiant was informed and believed, resulted in an aggravated case of hernia.

"Charles W. Brown, a neighbor of claimant, says that claimant came home in late summer or early fall of 1865, and complained of back or lower part of spine; likewise of very severe cutting pains in front at bottom of bowels; that a short time after and during the same season claimant showed him a hernia, and that claimant has been entirely incapacitated for labor since that time.

"C. B. Bartlett, Henry Shattuck, and Azro B. Taylor, all neighbors of claimant, say that when he returned home from the service he was very poor in flesh, pale, and emaciated, and that they learned he was suffering from a rupture or hernia brought on by an injury received in the service.

"Col. C. K. Pier, late of the Union Army, states that claimant's disability for labor is total, and believes claimant's statements entitled to full credence.

"Dr. T. F. Mayhan, present mayor of the city of Fond du Lac, Wis., treated claimant soon after his discharge and return to his home, for inguinal hernia of the right side, and has treated and examined him from time to time since June,

1866, to the present time, and has always found him suffering from the same malady.

"Drs. F. A. Bishop, S. S. Bowers, and A. H. Dorris, all of said city of Fond du Lac, have all treated and examined the claimant at different times between the time of his discharge from the service and at the present time, and have found him afflicted as before stated, and all agree that his disability for performing manual labor is total.

"The evidence is clear that claimant was sound when he enlisted, so far as appeared or could be known, and that when he returned from the service he had the disability as alleged in his claim for a pension.

"The claim for pension was rejected because there is no hospital record of treatment, and upon the opinion of the pension medical examiner that the injury received was not sufficient to cause the result complained of and established, and from that he infers that the trouble existed before enlistment.

"In the opinion of your committee the proofs are ample to establish the right of the claimant to a pension, and it is held that the conclusion of the Pension Office is based upon a technical rule, from the effect of which the claimant ought to be relieved.

"Wherefore we report favorably, recommend the passage of the bill, and ask that said committee be discharged from its further consideration; provided, however, that said bill be amended by striking out the words 'from the 1st day of September, A. D. 1865, being the date he was discharged from the service of the United States,' and adding to said bill the words 'from and after the passage of this act.'"

Wherefore it is recommended that said bill pass; provided, however, that it be amended by striking out the letter "L" in the title and in line 6, and that the letter "G" be inserted in lieu thereof; so that it shall read "Mary G. Reader."

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill, as amended, was laid aside to be reported favorably to the House.

ALMIRA B. KALER.

The next business on the Private Calendar was the bill (H. R. 2312) granting a pension to Almira B. Kaler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Almira B. Kaler, mother of John Dexter Kaler, deceased, late a private in Company B, Eighth Regiment Maine Volunteers; said pension to commence from May 31, 1878, the date her name was dropped from the roll.

The Committee recommend that the bill be amended by striking out all after the words "Maine Volunteers."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Almira B. Kaler is the mother of John D. Kaler, who enlisted in Company B, Eighth Maine Volunteers, September 7, 1861, and died while in service, June 5, 1865, of disease chargeable thereto. She was granted a pension November 19, 1869, at $8 per month, from date of her son's death, and continued to draw the same until May 31, 1878, when her name was dropped from the rolls on the ground that a special examination had in March of that year showed, in the opinion of the Pension Office, that the pensioner was not dependent upon the soldier at the time of his death.

This opinion was undoubtedly based upon the fact that it was shown by the testimony procured by the special agent in Maine, where the claimant resided prior to and at the time of the son's death, that claimant's husband was possessed of a farm in that State, from 1864 to 1868, of one hundred and twelve acres, which yielded an income of not exceeding $200. It was further shown that this farm was sold in 1868 for $1,500, and that after residing a few years at Augusta, Me., claimant and her husband removed to Minnesota, where they now reside, and are in possession of a farm of two hundred and five acres, which is held to yield a comfortable support for the claimant.

The claimant's husband's physical condition was shown to have been somewhat impaired by gravel, rheumatism, and an affection of the eyes, but the witnesses appearing before the special agent knew but little of the extent of his disability from these causes, while on the other hand there is positive proof that although he is shown to have personally managed the affairs of the farm and took small contracts for building houses, both in Maine and Minnesota, much of the time he was unfit for labor and is now nearly totally blind, and utterly unable to aid in claimant's support.

A careful examination of all the papers presented to your committee convinces the same that injustice has been done in the refusal of the Pension Office to restore Mrs. Kaler's name to the rolls.

Among the papers before this committee are a number of letters written by the soldier during the last year of his service to his parents, which clearly show that they were dependent upon him, and that he recognized his obligations to aid in their support by actual contributions. Four hundred and fifty dollars are shown by said letters to have been forwarded by him to his parents during the year 1864, as he expressed himself, that they "may have something to go and come on." These letters show, beyond a doubt, that his parents were not only in need of his contributions, but that the real estate acquired by them in 1864 was purchased from the money received from the son. Being advised of the purchase of a place, he writes to his mother, under date of November 27, 1864, to make the first payment, "and if I live I will try to get him (referring to his father) a farm, and if I die, he will get my back-pay, allowances, and bounty; so let me go any way he may rely on my aid."

The land purchased with the son's money was encumbered at the time of its sale in 1868, but the extent of the incumbrance is not fully shown.

Much additional evidence has recently been filed, all tending to show the dependence of the claimant upon the son; but, in the opinion of this committee, the soldier's letters above referred to are the best evidence as to dependence and support at the time required by law.

The only other question to be determined is that of claimant's present necessities.

It is true that claimant's husband is in possession of two hundred and five acres of land in the State of Minnesota, which, under ordinary circumstances, would yield a comfortable support. This land, however, is not the property of the husband. It was purchased from the State of Minnesota upon the payment of a small sum, and upon thirty years' time for the remainder of the purchase-money. The purchaser receives, under the law governing the sale of lands belonging to the State, a title bond, and is bound to pay interest annually. Upon the land thus contracted for by the claimant's husband, 15 per cent. of the amount only has been paid. Old age and nearly total blindness will make it almost impossible for him to keep up the payment of the interest, while the payment of the principal is out of the question. The claimant, now 72 years of age, can aid but little by her own exertions; in fact, she is now more or less dependent upon a maimed daughter.

The aid given by the soldier to his parents has, in a measure, enabled them to better their condition while yet in reasonable health and strength, but, it failing, they again need assistance, and the law providing that such assistance shall be given by means of a pension to those mothers who were, in whole or in part, dependent upon a soldier son, for any period during which such pension shall be necessary as a means of adequate subsistence, your committee is clearly of opinion that the relief asked for in this case should be granted, and therefore report favorably on the bill, and ask that it do pass, amended, however, by striking out all after the word "volunteers," in lines 7 and 8.

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

OTTO LEISSRING.

The next business on the Private Calendar was the bill (H. R. 5636) for the relief of Otto Leissring.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Otto Leissring, late of the Eighteenth Regiment United States Colored Troops, at the rate of $50 per month instead of $17 per month, which he has heretofore been receiving, said increase to date from the passage of this act.

The Committee on Invalid Pensions recommended that the bill be amended by striking out all after the words "Otto Leissring late," and inserting in lieu thereof the words "first lieutenant Company G, Eighteenth Regiment United States Colored Troops, and pay him a pension of $30 per month in lieu of all pensions now paid him."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5636) granting an increase of pension to Otto Leissring, having considered the evidence in the case, respectfully report:

That the claimant entered the Army in 1861, in the Ninth Wisconsin Infantry; that he served in said regiment until 1864, when he was mustered out; that on the same day he was mustered out he was mustered into the Eighteenth Regiment United States Colored Troops; that during his term of service in the Ninth Wisconsin he was detailed on staff duty as aid-de-camp successively on the staffs of General Fred. Salomon, General Thomas Ewing, jr., and Major-General Curtis, and that he was finally mustered out of service February 21, 1866.

After the close of the war, on the recommendation of Hon. Amasa Cobb, of Wisconsin, Hon. R. T. Van Horn, of Missouri, and Hon. Thomas Ewing, jr., of Ohio, he was appointed by the President a first lieutenant in the Twenty-fifth United States Infantry, but failed on physical examination on account of injuries received in the war.

February 27, 1869, he was placed on the pension-roll at the rate of $17 per month for right inguinal hernia.

May 10, 1882, he filed a declaration for increase of pension, which was rejected December 23, on the ground that it does not appear that the rate should be increased.

Dr. D. P. Walhaupter, of Washington, D. C., certifies, March 1, 1884.

"This is to certify that I have this day carefully examined Mr. Otto Leissring, and find him suffering from a right inguinal hernia of unusual large size. Said hernia is irreducible; consequently it totally unfits him for manual labor. I consider that in his present condition he is much more incapacitated to labor than a man with the loss of an arm or leg. He is also suffering from heart disease that has been produced or aggravated by his nervous condition, which I consider is the direct result of said hernia."

Dr. E. A. Selmausen, 636 G street northwest, Washington, D. C., certifies, March 1, 1884:

"This is to certify that I have examined Otto Leissring, and find him suffering with a right inguinal hernia; the same is of a large size and has become lately an irreducible one. He is also suffering from mitral insufficiency of the heart, which also aggravates his case on account of circulatory disturbances. Is totally unfit for any labor which requires physical force or mental excitement."

Dr. D. W. Bliss, Washington, D. C., certifies, March 2, 1884:

"I certify that I have carefully examined Otto Leissring, and find him the subject of right inguinal hernia, with chronic adhesions of hernial sack, which prevents the successful use of proper restorative apparatus and totally incapacitates him for manual labor. He also has cardiac dilatation with valvular insufficiency."

The following extract from a letter from General Thomas Ewing attests the high character of the claimant as a soldier. The letter is dated Washington, D. C., April 13, 1866:

"Capt. Otto Leissring, formerly of the Ninth Wisconsin Infantry, and recently in the Eighteenth United States Colored Infantry Volunteers, served with me for two years in the latter part of the war in Missouri."

The high character of claimant is also shown by letters from ex-United States Senator J. R. Doolittle, of Wisconsin, but now a resident of Chicago, Ill.; R. T. Van Horn, a member of the Thirty-ninth Congress from Missouri; Hon. Amasa Cobb, of Wisconsin, member of the Thirty-ninth Congress; and N. P. Chipman, late colonel and chief of staff to Major-General Curtis.

The committee have examined the evidence in this case with great care, and find this soldier is entirely broken down in health, as a result of his long military service, the medical testimony being uniform as to the severity and character of the disability; and believing it to be the true policy of a grateful and patriotic people to provide for the necessities of those who lost their health in the service of the country in the hour of peril, your committee recommend the passage of said bill with the following amendment: Strike out all after the word "late," in the sixth line, and insert in lieu thereof the following: "First lieutenant Company G, Eighteenth Regiment United States Colored Troops, and pay him a pension of $30 per month in lieu of all pensions now paid him."

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

CORNELIUS WESSELS.

The next business on the Private Calendar was the bill (H. R. 3828) granting a pension to Cornelius Wessels.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cornelius Wessels, late a sergeant of Company B, Fourth Regiment of Quartermaster's Volunteers, his pension to date from February 4, A. D. 1866, the date of his discharge from the service of the United States.

The Committee on Invalid Pensions recommend that the bill be

amended by striking out all after the words "his pension to date from" and inserting in lieu thereof the words "and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Claimant was employed in the Quartermaster's Department October 1, 1864, and discharged February 1, 1866. During said time he was in Company B, Fourth Quartermaster's Volunteers.

Declaration filed February 13, 1868, alleging disability from having his right hand crushed (causing amputation of two fingers) while coupling cars at Vienna Station, Va., January 27, 1865, while doing that which was equivalent to military duty.

Quartermaster-General reports that claimant was employed in the Quartermaster's Department as foreman of laborers from October 1, 1864, to February 4, 1866. The rank and file of the organization claimant was a member of was composed of civil employés of the Quartermaster's Department of Washington, a number of whom were almost continuously on duty at and in the vicinity of Vienna Station, Va., in the early part of 1865, guarding and removing quartermaster property, and it might be considered the claimant was employed and injured as stated in his application.

Adjutant-General reports no such organization as the Fourth Quartermaster Volunteers known in that office.

Surgeon-General reports no hospital evidence in the case.

Captain King, of said company, testifies that claimant while in line of duty between Vienna Station and Falls Church, Va., along the line of the Loudoun and Hampshire Railroad, January 27, 1865, had his right hand injured while coupling cars. Surgeon Koehling, who amputated the fingers and treated him, died in 1868.

Charles King, special agent, Quartermaster's Department, and B. Tubman, wood-measurer, testified that claimant was in the United States service, and employed as foreman of laborers on said railroad January 27, 1865. He was engaged coupling the cars of a train loaded with Government wood, and by accident, and no fault or neglect on his part, caught his right hand between the bumpers of the cars, thereby taking off the second and third fingers, and loss of use of little finger, and otherwise disabling said hand.

They testify to these facts from personal knowledge.

Quartermaster-General reports that King and Tubman were in the employ of Colonel Ludington, acting quartermaster, in January, 1865.

Dr. French testifies that he saw claimant in hospital for quartermaster employés, and he had had the two middle fingers of right hand amputated a short time previous, and was informed that claimant had his hand crushed between the cars at Vienna, Va.; he saw claimant quite often up to his discharge in 1866.

Examining Surgeon W. W. Potter reports, March 17, 1869, injury of right hand causing amputation of second and third fingers; fourth finger mutilated and deformed; disability equivalent to the loss of a hand total and permanent.

Rejected August 11, 1871, because not pensionable by law.

Members of this organization were armed and equipped, and, in addition to the labor, performed many of the duties of soldiers, such as drill, guard, and fatigue duty. That day they had arms with them, and claimant, as sergeant, had charge of the party. They were prepared to do duty as soldiers, to protect Government property, and while hastily making up their wood-train, the cars being distributed along a stretch of track about half a mile, to clear the track for another train, bearing the paymaster to the Army, claimant, in doing his best to aid in making up the train, by no fault of his, had his right hand so terribly crushed as to cause the loss of its use entirely.

Claimant served as a member of Company H, Second United States Dragoons, five years prior to enlistment in the last organization.

Your committee believe this man entitled to a pension, recommend that said bill be amended by striking out all after the word "from," in line 8, and inserting in lieu thereof the words "and after the passage of this act," and that said bill so amended do pass.

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

HENRY RODENBACK.

The next business on the Private Calendar was the bill (H. R. 2894) granting a pension to Henry Rodenback.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Rodenback, late a private in Company K, of the Twenty-fourth Regiment Wisconsin Volunteer Infantry, to date from the date of his discharge from the service of the United States.

The Committee on Invalid Pensions recommend that the bill be amended by striking out all after the words "to date from," and inserting in lieu thereof the words "and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Soldier enlisted August 20, 1862, and served as a private in Company K, Twenty-fourth Wisconsin Infantry, until discharged, June 22, 1865, nearly three years.

Declaration for pension was filed February 8, 1882, claimant alleging that he contracted scurvy and rheumatism while a prisoner of war in Andersonville prison, Georgia, middle of December, 1863.

His claim was rejected April 3, 1883, because of no disability from causes alleged since February 8, 1882, time of filing application.

William Schmidt and Philip Knack, residents of Oakwood, Milwaukee County, Wisconsin, in an affidavit filed March 31, 1882, testify to prior soundness. Louis Koch and F. Kehe, residents of same place, testify to the same. Frederick Seebach testifies to same; residence, Red Wing, Minn. All these witnesses knew claimant several years before enlistment.

Peter Strack, first lieutenant, in an affidavit filed August 21, 1882, testifies that claimant was sound and free from scurvy and rheumatism up to time of his capture at Chickamauga, Ga.

John Warnkea, a fellow-prisoner, states that claimant contracted scurvy and rheumatism in rebel prisons.

Frederick Seebach, corporal, states that claimant contracted scurvy and rheumatism in rebel prisons.

Dr. Albert H. Hay testifies that he treated claimant in 1870 for rheumatism; he was sick one month. Dr. W. Mink, of Racine, Wis., testifies that he treated claimant in 1881 and 1882 for chronic rhematism (muscular). Wilhelm Polpin and Charles Rothe, residents of Oak Creek, Wis., state that claimant has been disabled one-half for manual labor by reason of rheumatism and scurvy since return home from service. They see claimant two or three times a week, and testify from personal knowledge.

The records show that claimant was held as a prisoner of war from September 20, 1863, to April 18, 1865, and as the testimony is in favor of the claimant, and the fact that he has been a prisoner of war in the prisons at Libby and Andersonville, and that he was sound when captured, and diseased ever since his discharge, your committee recommend that the bill be amended by striking out all after the word "from," in line 8, and by adding thereto the words "and after the passage of this act;" and that said bill pass as amended.

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MICHAEL DALY.

The next business on the Private Calendar was the bill (H. R. 2924) granting a pension to Michael Daly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Daly, late of Company B, Eleventh Regiment Wisconsin Volunteers.

The Committee on Invalid Pensions recommend that the bill be amended by adding these words, "from and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Soldier enlisted October 4, 1864, and served in Company B, Eleventh Wisconsin Infantry, until discharged, September 4, 1865.

Declaration for pension was filed July 1, 1881, claimant alleging that he was taken with chills and fever at Montgomery, Ala., about June, 1865, for which he was given large quantities of quinine and other drugs, which so affected him that he was taken with chorea.

Claim was rejected April 21, 1882, upon the ground that alleged disability was incurred since discharge from the service.

James M. Kelly (affidavit filed March 11, 1882), William Charlton (affidavit filed March 11, 1882), and Thomas Kelly (affidavit filed March 11, 1882) testify to soundness at and prior to enlistment.

Lieut. William Charlton, in affidavit filed March 11, 1882, testifies that claimant was a faithful soldier, and contracted his alleged disease (chorea) within one year after his discharge.

Comrade Thomas Mannion, in affidavit filed March 11, 1882, testifies that claimant was taken with fever and ague in June, 1865, while near Montgomery, Ala., and was treated by Surgeon Wilson, deceased. Claimant was sick with ague when he came home, and since has been taken with chorea.

Comrade Thomas Kelly corroborates the above.

William Charlton, a resident of Madison, Dane County, Wisconsin, in an affidavit filed March 11, 1882, states that ever since their return from the service he has lived in the same town with claimant, and that claimant has steadily grown worse, and is at present unfitted for manual labor.

James M. Kelly, a resident of Madison, Wis., in an affidavit filed March 11, 1882, states that claimant has suffered from the disease of which he now complains ever since his return from the Army, and that he is now totally disabled.

Dr. William Fox, a resident of Wilwaukee, Wis., in an affidavit filed March 11, 1882, states that he prescribed for claimant in 1872 for shaking palsy.

Dr. T. W. Evans, a resident of Madison, Wis., in an affidavit filed March 11, 1882, states that he has repeatedly prescribed for claimant during the past three years for pain in the back, cramps, and spasmodic pain in the muscles. He has suffered from chorea during the period of affiant's acquaintance and has been totally disabled.

Although this claimant has no hospital record, still his lieutenant and two comrades testify to contraction of alleged disease in the service, and he has good evidence as to continuance of same ever since, up to the present time.

The board of examining surgeons who examined claimant February 15, 1882, state that claimant, in their opinion, is totally incapacitated for obtaining his subsistence by manual labor from the cause above stated—chorea, resulting from chills and fever. They also state that the disability is permanent, and in their opinion that said disability originated in the service and in line of duty. They state his disability as total.

Burr W. Jones, M. C., third Congressional district, Wisconsin, states that claimant is a resident of his city, Madison, Wis., and is in a helpless condition from progressive paralysis. The family are very poor and suffering, and they have no income except from the earnings of one daughter as a servant.

Taking into consideration all the evidence filed and the surgeon's certificate, the committee feel it their duty to report in favor of this bill, and recommend its passage, provided, however, that it be amended by adding thereto the words "from and after the passage of this act."

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill, as amended, was laid aside to be reported favorably to the House.

MRS. SUSANNAH BARR.

The next business on the Private Calendar was the bill (H. R. 5821) granting a pension to Mrs. Susannah Barr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Susannah Barr, mother of Jacob Barr, late a private in Company A, One hundred and third Regiment Pennsylvania Volunteers.

The report (by Mr. PATTON) is as follows:

That Susannah Barr is the mother of Samuel Barr, who enlisted in the military service of the United States as a private in Company G, One hundred and third Regiment Pennsylvania Volunteers, December 1, 1861, and died in the military prison at Andersonville, Ga., July 8, 1864; also of Jacob Barr, who died from wounds received in the service of the United States in hospital in Philadelphia, Pa.

This claim was rejected by the Pension Office May 3, 1882, on the ground that claimant was not dependent at the date of the soldiers' deaths.

It appears from the testimony of Dr. Ross, United States examining surgeon of Clarion County, Pennsylvania, that the husband of claimant is a feeble old man, over 74 years of age, and is suffering from a stroke of palsy of the left side, and has no use of the left arm and but little use of the left leg; walks with difficulty and is disqualified from the performance of any kind of manual labor.

Dr. Samuel D. Meals testifies, February 2, 1881:

"That he has been claimant's family physician since 1863, and especially since 1864; that the husband was not able to follow usual occupation as a farmer at that time; that in the years 1866, 1867, 1868, 1869, 1870, and every year since to the present time, he has noticed him failing, and on July 11, 1876, he had a stroke of paralysis, since which he has not been able to perform any labor."

It appears from the evidence in this case that claimant's husband was the

owner of a farm in Perry Township, Clarion County, Pennsylvania, which he sold in 1864, though the deed was not recorded until 1866, for $6,234, and that September 29, 1865, he purchased three acres of land in Callensburg, in same county and State, paying therefor $900. He owned no farm after the purchase of the property in Callensburg. The house and lot was assessed at $325 up to 1880. The property owned in Callensburg is shown by a copy of the notice of sale to have been sold on execution to satisfy judgments against husband of claimant and other parties. The personal property of claimant's husband is shown to have never exceeded $300, and the proceeds of the sale of the farm, in 1864, was exhausted in the payment of debts; the deceased soldier contributed of his earnings prior to and during his military service to the support of this claimant, who is now entirely without means of support, and has been since the death of the soldier.

Your committee therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported favorably to the House.

JOHN DWYER.

The next business on the Private Calendar was the bill (H. R. 3023) granting an increase of pension to John Dwyer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John Dwyer, formerly a private in Company C, Fourth Regiment United States Cavalry, to the sum of $50 per month for the loss of eyesight.

The committee recommended an amendment to the bill by striking out "$50" and inserting "$40."

The report (by Mr. PATTON) is as follows:

John Dwyer served in various organizations of the regular Army from 1847 to September 17, 1868, when discharged upon surgeon's certificate of disability, setting forth that the soldier is suffering from "amaurosis of both eyes, which has existed for the last eight months, contracted in the line of duty. His sight is so impaired that it is impossible for him to distinguish near objects."

He was allowed a pension at $20 per month from date of discharge, and $24 per month from June 4, 1872, the rate now received by him, because the disability disqualifies him for the performance of any manual labor. His application for increase has been rejected because he is not so totally blind as to require the regular aid and attendance of another person.

The medical evidence in the case shows that the left eye is totally blind, while the vision in the right eye is limited to simple perception. He can distinguish a man from a woman, but not features, and does require the attention of another person in preparing and placing his food before him, as well as guiding and assisting him to the ordinary wants and comforts of life.

The committee is of opinion that sufficient is shown that the pensioner, although not totally blind according to the strict letter of the law, is totally blind for all practical purposes, and having served his country faithfully for more than twenty years, is inclined to grant the relief asked for, and therefore recommends that the bill be amended by striking out "fifty," in line 6, and inserting "forty," and when so amended that the bill pass.

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

REBECCA KUPP.

The next business on the Private Calendar was the bill (H. R. 6826) granting a pension to Rebecca Kupp.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Kupp, of Pennsylvania, surviving mother of George Kupp, deceased, late a private in Company B, Fifty-third Regiment Pennsylvania Volunteers.

The report (by Mr. PATTON) is as follows:

As shown by the papers from the Pension Office, Rebecca Kupp is the mother of George Kupp, who was killed in action October 29, 1864, while serving as a private in Company B, Fifty-third Pennsylvania Volunteers. Her claim for pension has been rejected on the ground that she was not dependent upon the soldier at the time of his death, the husband at that time receiving a salary of $125 per month.

Your committee have given the evidence filed in the support of the claim a very careful examination, and find the following facts:

Claimant's husband and the father of the soldier was prior to the war possessed of considerable property, and engaged in railroad contracts in the State of Virginia. To carry on these contracts he encumbered his property. At the breaking out of the war it became necessary for him to suspend operations in Virginia, and all of his real estate became so heavily encumbered that an estate assessed at $22,273 at date of his death, in 1866, realized 26 per cent. only to his creditors, leaving the claimant without means of support. Shortly after the return of the claimant's husband from Virginia he was appointed provost-marshal of Berks County, Pennsylvania, which position he held until in March, 1864, at a salary of $125 per month. The salary thus received was absorbed, however, in the payment of pressing demands made by numerous creditors, leaving the claimant dependent upon the income from the heavily encumbered farm, which she managed during the absence of her husband in Virginia and at his post of duty in Berks County, Pennsylvania, faithfully assisted by her son George until he enlisted.

As heretofore stated, upon the death of her husband, claimant was left without any means of support, and not until the death of her father, a few years later, was she possessed of any property. With a small inheritance from him she purchased a small lot in Birdsborough, Pa., and erected thereon a dwelling, which was destroyed by fire in 1881, but immediately rebuilt by benevolent contributions of her neighbors. This property and all she possesses is, by the present law of that State, assessed at its full value—at $1,350.

The son's devotion to his mother, and his great assistance to her in the management of the farm during her husband's continuous absence, is clearly shown. It is also shown that every cent of the $300 local bounty received by the soldier at time of his enlistment, in January, 1864, was given to the claimant, and that the soldier's wages were regularly forwarded to her during his service. On the evening before he received the fatal shot, the soldier, as though he had a premonition of his death, delivered to a comrade money and other valuables, with instructions, in case of his death, to have the same delivered to his mother, and his dying words were expressive of his devotion to her.

Claimant's husband, as shown by the evidence, was subject to attacks of bilious colic, and upon the unfortunate termination of the enterprise in which his all was invested his health became much impaired, until, at the age of 46 years, he passed away, leaving her dependent upon the charity of the world.

While the action of the Pension Office in rejecting the claim may have been correct under the rules established for the administration of the pension laws, yet your committee are of opinion that relief should be afforded to her who, by the misfortunes of war, has been prematurely deprived of the association of a loving husband and a devoted son, and in her old age is left without the necessary means of support. The committee therefore report favorably on the bill, and ask that it do pass.

The bill was laid aside to be reported favorably to the House.

ROSELLA PEGG.

The next business on the Private Calendar was the bill (H. R. 2574) granting a pension to Rosella Pegg.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosella Pegg, idiot daughter of James Pegg, deceased, late a private in Company G, Fifty-second Regiment Ohio Volunteers, and it is directed that she be paid the sum of $12 per month during her life.

The report (by Mr. LE FEVRE) is as follows:

Rosella Pegg, as appears from the papers on file in the Pension Office, is the daughter of James Pegg, who died while serving as a private in Company G, Fifty-second Ohio Volunteers, February 26, 1863. The soldier left surviving him a widow and two children, Rosella and Elizabeth. The former was a pensioner until the date of her death, July 25, 1871, from which date the children's pension commenced. They received pension until they became 16 years of age, November 27, 1875, and October 7, 1877, respectively, and consequently no longer entitled under the law.

It appears from a petition presented to Congress by over one hundred of the most prominent citizens of Jefferson County, Ohio, where claimant resides, that she is idiotic, has no means of support, and has been and is now dependent upon a sister, who has no income except as procured by the daily labor of her husband, a cripple.

The gentleman introducing the bill has personal knowledge of the case and the necessities for relief; and inasmuch as Congress has power to grant it, and in similar cases has extended its aid to the unfortunate survivors of those whose lives have been sacrificed in defense of the country, your committee is clearly of opinion that the prayers of the claimant should be granted, and therefore report favorably on the bill, and ask that it do pass.

Mr. JOSEPH D. TAYLOR. I introduced this bill, and since its introduction I have received a great many letters and petitions in regard to it; and I have come to the conclusion that the sum named is too low and should be least $3 a month more. The beneficiary of this bill is a helpless idiot. Her father died in the service, and she received a pension until she was 16 years of age. She has no means of support, and I think it will take about $15 a month to keep her out of the poor-house. I ask consent to change the sum from twelve to fifteen dollars a month. I have said nothing to the Committee on Invalid Pensions about it; that perhaps is my fault.

Mr. MATSON. I apprehend there will be no objection to that amendment. There have been cases similar to this in which a pension of $18 a month was given. I will therefore move an amendment to the amendment, so as to make it $18 a month.

Mr. JOSEPH D. TAYLOR. I have no objection to that, and would be very glad to have it done.

Mr. MATSON. I move to strike out the words "and it is directed that she be paid the sum of $12 a month during her life" and to insert in lieu thereof the words "and that there be paid to her legally constituted guardian the sum of $18 per month during her life."

The CHAIRMAN. The Chair would suggest that the amendment as given by the gentleman is hardly broad enough. It should direct the payment of this sum to the legally constituted guardian "for her use," &c.

Mr. MATSON. That is a very good suggestion, and I modify my amendment accordingly.

The amendment as modified was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

JOHN Q. BELLVILLE.

The next business on the Private Calendar was the bill (H. R. 2522) granting a pension to John Q. Bellville.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Q. Bellville, for the loss of his arm in the discharge of military duty.

The report (by Mr. LE FEVRE) is as follows:

John Q. Bellville served as private in Company D, First West Virginia Light Artillery, until discharged on the 31st day of December, 1862, by reason of right inguinal hernia, contracted in service and line of duty, for which disability he is receiving a pension of $4 per month. It appears further from the evidence before your committee that on the 21st day of February, 1864, while assisting in firing a salute in honor of the return home to Wheeling, W. Va., on veteran furlough, of the First Regiment West Virginia Volunteers, he lost his right forearm by the premature discharge of a cannon. The salute was fired by direction of the commanding officer of the post. J. Melvine Richards, a lieutenant of the company in which the claimant had served, and at the time of the accident on recruiting service at Wheeling, testifies that he was ordered to fire the salute, and knowing claimant to possess experience in loading a cannon, placed him on duty loading the cannon used in firing said salute, and that after several rounds had been fired claimant's right arm was shot off by the premature discharge of the piece.

Isaac Goudy, late major of the Fifth West Virginia Militia, testifies that he was present at the firing of the salute aforesaid; that after firing a number of rounds the claimant informed Lieutenant Richards that the cannon was too hot to be safe, whereupon Lieutenant Richards ordered him to load again, which order claimant proceeded to obey, when the premature explosion occurred with the result heretofore stated.

The claim for loss of arm has been rejected by the Pension Office because at

the time of the injury claimant was not in the military service of the United States.

Claimant, previous to the receipt of this injury, became disabled for field service while serving in the Army. But anxious to do what was in his power to assist the armies in the field by honoring the returning veterans and encouraging others to fill up the vacant ranks, he responded promptly to the call of his former commander to aid in firing a salute ordered for the occasion by the military commander of the city, and remained at his post obeying the orders of this superior with the full knowledge of danger from an overheated gun.

Other cases less meritorious have received favorable consideration at the hands of Congress, and therefore your committee are of opinion that this much-disabled claimant should receive some recognition for the loss of the arm sustained while so nobly aiding in the cause of the Union.

Your committee return the bill with the recommendation that it do pass, amended, however, by striking out all after the word "Bellville," in line 6, and inserting thereafter instead the words "at the rate of $24 in lieu of the pension now received by him."

The amendment reported by the Committee on Invalid Pensions, to strike out, at the end of the bill, the words "for the loss of his arm in the discharge of military duty" and insert "at the rate of $24, in lieu of the pension now received by him," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

SALLY ANN BRADLEY.

The next business on the Private Calendar was the bill (H. R. 2520) granting a pension to Sally Ann Bradley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally Ann Bradley, widow of Thomas J. Bradley, a soldier of the war of the rebellion.

The report (by Mr. LE FEVRE) is as follows:

Sally Ann Bradley is the widow of Thomas J. Bradley, who served as a private in Company D, Twenty-fourth Ohio Volunteers, from June 13, 1861, to October 9, 1865. He was pensioned on account of shell-wound of back received at Murfreesborough, Tenn., January 2, 1863, and died October 21, 1882. His death is not entirely chargeable to his military service, and consequently his widow has no title before the Pension Office.

A petition signed by nearly three hundred of the best citizens of the county in which she resides, some of whom have known her and her deceased husband for many years before the late war, sets forth that she is 70 years of age, is as helpless as an infant, and left without means of support or friends able to assist her.

Having been left destitute by the death of her husband, who served faithfully for more than four years in defense of his country, and who while in such service contracted a disability which necessarily impaired his ability to provide for himself and wife a comfortable support in their declining years, your committee are clearly of opinion that she should not now be abandoned to the charity of the world, but be, in a measure at least, provided for in her old days, and therefore report favorably on the bill and ask that it do pass.

Mr. MATSON. I move to amend by striking out at the end of the bill "a soldier of the war of the rebellion," and inserting in lieu thereof "late a private in Company D, Twenty-fourth Ohio Volunteers."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

M. V. B. WINKLER.

The next business on the Private Calendar was the bill (H. R. 5934) granting a pension to M. V. B. Winkler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. V. B. Winkler, late of Company K, Forty-third Regiment Indiana Infantry Volunteers.

The report (by Mr. MORRILL) is as follows:

The committee find that this soldier enlisted in Company K, Forty-third Regiment of Indiana Volunteers, October 28, 1861, and was discharged November 2, 1862, for disability. The certificate of disability under which he was discharged recites:

"I have carefully examined the said Martin V. B. Winkler, of Capt. J. R. Callender's company, and find him incapable of performing the duties of a soldier because of tuberculosis; disease existing before enlistment, but aggravated by exposure while on duty at Calhoun, Ky., during the month of January, 1862."

Lieut. J. F. Moore, George W. Lancaster, David Underwood, Franklin Moore, Mahlon L. Wasson, George W. Hansel, and twenty-five others, citizens of Indiana, testify that they knew claimant before and at time of enlistment—some of them say very intimately—and that they considered him a sound, rugged, able-bodied man at time of entering the service. The treasurer, county clerk, auditor, and sheriff of Parke County, Indiana, certify that they are well acquainted with nearly all of the persons who testify as to the soundness of this soldier, and know them to be responsible men, of good character and repute in the communities in which they live.

Lieut. J. F. Moore, of the same company, testifies that he was orderly sergeant of the company during the spring of 1862, and that at Riddle's Point, in the State of Missouri, while in the line of his duty as guard in the rifle-pits at said place, some time in March, 1862 (as near as he can recollect), claimant contracted a severe cold, which settled on his lungs and which caused a weakness and pain in his breast and disabled him for active duty to a great extent until he was discharged, in November, 1862. The rifle-pits were damp and had some water in them, and the nights were cool. Affiant and applicant were on duty together. Corporal George W. Lancaster testifies that claimant contracted disease of the lungs in the rifle-pit, as described by Lieutenant Moore, and that he was discharged on that account. Franklin Moore testifies that he served in the same company with Winkler, was orderly sergeant of the company, and knows that he contracted disease of the lungs by exposure in the rifle-pits, as described above. The evidence as to his condition at time of discharge and ever since shows that his lungs have been so diseased as to unfit him for manual labor.

Claimant testifies that Surgeon Darnell, who signed the certificate of disability, did not know him until after enlistment, and could not have made the statement found in the certificate from personal knowledge, and that he (claimant) never knew that there was such a declaration in his certificate of disability until informed that his pension was rejected for that cause.

This soldier was accepted and mustered into service. He was sound enough to stand up to be shot at; sound enough to stand between the rebel bullet and that Government he loved so well that he offered his life in its defense; sound enough to do guard duty on a cold night in early spring in a damp rifle-pit; sound enough to endure long and weary marches, and to sleep on the ground when the duties of the day were over; but when he returned to his home broken down in health and spirits, a physical wreck, never again to enjoy a day of health on earth, he was not sound enough to draw a pension.

The simple declaration of the regimental surgeon, "disease existing before enlistment," is infallible; it can not be controverted. The thirty old neighbors who had known this man intimately before enlisting, and who cheerfully bore testimony that he was sound and well when he went into the service, are all perjurers, for the infallibility of the surgeon must not be questioned.

Against this ruling your committee enter their most solemn protest, and most earnestly recommend the passage of this bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

R. W DUNCAN.

The next business on the Private Calendar was the bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of R. W. Duncan (colored), known as Pack Duncan, who was employed as a guide for an expedition under the command of Col. W. F. Cloud, of the Second Kansas Cavalry, and who was wounded and permanently disabled on said expedition, and to pay him the same pension as would be allowed a private soldier for like disability.

The report (by Mr. MORRILL) is as follows:

In the month of August, 1862, R. W. Duncan, then a slave owned by Andrew Duncan, of Barry County, Missouri, left his home and became a scout and guide for General Blunt, who was in command of the Union forces at Hazel Bottom. In October, 1862, he was detailed to go with Col. W. F. Cloud in pursuit of a small rebel force who had captured a picket post and made the guard prisoners. Colonel Cloud, whose reputation as an honorable gentleman and a brave and gallant officer has never been questioned, says:

"While engaged in said pursuit we came upon a body of the enemy more numerous than my force, and in position. We charged them, and in the action, which was near what is called Shell Mills, Mo., said Duncan, while in the line of his duty as such guide, and while aiding my body in the pursuit and charge, was shot and captured; that he was wounded in the head by being beat by the rebels, and was wounded by a bayonet thrust. My means of knowledge was, first, seeing said Duncan when he was captured, and secondly, seeing him a few weeks afterward, he having escaped from the rebels. Said Duncan was rendering valuable service to the Army when thus wounded and captured, which was about the 12th of October, 1862."

The claimant gives a full account of his connection with the command, his being wounded and made prisoner. Several of his neighbors testify to their acquaintance with him since 1863, and speak of his wounds and his condition ever since. They speak of him as an honest, industrious farmer, who has a large circle of friends, and is respected and trusted by all of his neighbors, both white and black.

Dr. L. W. Jacobs gives a very careful description of his wounds and of his condition for the past twelve years, saying: "I find a gunshot wound of right leg above knee, a bayonet wound near brim of pelvis on right side, also gunshot wound over left eye, which, in my opinion, fractured the outer table of frontal bone." All of the affidavits are explicit and full. The witnesses are men of excellent repute. Your committee believe that the testimony clearly establishes this man's right to a pension. The Pension Office can not grant it because he never enlisted in the service. Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM IRVING.

The next business on the Private Calendar was the bill (H. R. 6677) to increase the pension of William Irving.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of William Irving, late lieutenant-colonel of the Thirty-eighth Ohio Veteran Volunteer Infantry, and who now holds pension certificate No. 49801, to the sum of $45 per month, from and after the passage of this act.

The report (by Mr. MORRILL) is as follows:

The committee find that claimant enlisted September 1, 1861, as captain of Company G, Thirty-eighth Regiment Ohio Volunteers. August 5, 1864, he was mustered as major, to date from June 1 of that year. July, 1865, he was mustered out, with rank of lieutenant-colonel. On the 10th of September, 1863, while in command of a wagon-train crossing the Cumberland Mountains, he was severely kicked in his right leg by a mule. Dr. James Haller, surgeon of the regiment, testifies:

"That he treated claimant for the kick of a mule; same occurred in line of duty; location of injury, right tibia, lower third, anteriorly and slightly to outer side; injured September 10, 1863. Ulceration with necrosis of pericardium still continues (February 14, 1880). Claimant was almost constantly on his feet for next four months; was continuously on duty; was wounded at Eutaw Creek, August 5, 1864, through lower part of upper third of left leg, fracturing both bones; affiant amputated his leg same day. Because of the debility and improper nourishment necrosis of the tibia, resulting from the kick, commenced, small sequestra being occasionally discharged ever since. Present condition such that it is impossible for him to be on his feet for any length of time without suffering intolerable pain, requiring him to sit down and elevate his leg."

The examining boards before whom he appeared April 7, 1880, and March 28, 1882, describe the wound of the right leg as an open ulcer, inflamed and discharging, and say the left leg has been amputated about four inches below the knee. Both boards decide that he is entitled to a pension of $37.50 per month. The Pension Office declines to allow for more than one disability, which has heretofore been $25 per month, and which he is now receiving.

Your committee believe that he is entitled to a greater pension than the soldier simply suffering from an amputation of a leg below the knee, and, as he is now entitled for that disability to $30 per month, your committee recommend that the bill be amended by striking out "forty-five," in the eighth line, and inserting "forty," and that it be passed as amended.

The amendment reported by the Committee on Invalid Pensions, to strike out "$45" and insert "$40," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

HARRIET P. DAME.

The next business on the Private Calendar was the bill (H. R. 3307) granting a pension to Harriet P. Dame.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to put the name of Harriet P. Dame, of New Hampshire, on the pension-roll, and pay her a pension of $75 per month from and after the passage of this act.

The report (by Mr. RAY, of New Hampshire) is as follows:

From the papers before your committee it appears that Miss Harriet P. Dame joined the Second New Hampshire Volunteers as matron in June, 1861, and constantly remained with that command until the first Bull Run fight, when the regiment went into camp at Bladensburg, Md., where she attended to the sick and wounded until they were sent to different hospitals. The regiment having, in the mean time, moved to Budd's Ferry, Md., she there joined the same, and remained with it until it took up its march to the Peninsula, to which point she accompanied the command. After the evacuation of Yorktown she remained with the sick until June, 1862, after which she was ordered to Harrison's Landing.

On the 15th day of August, 1862, she left that place on a hospital boat, and upon arrival at Fortress Monroe was ordered to accompany a lot of sick and wounded to New York. She rejoined her regiment at Alexandria, Va., August 23, 1862, participated in the second Bull Run fight, and at the retreat of the army was placed on duty as nurse at a hospital near the old stone church at Centreville, Va.

While *en route* from that point to Washington, with sick and wounded, she was taken prisoner and returned to the former place, but soon released. At the battle of Fredericksburg, in December, 1862, she suffered much from exposure, but remained with the sick and wounded until they were sent to Washington, to which place she accompanied them. There she was placed in charge of the supplies received by the New Hampshire troops from their homes, and distributed the same among the different hospitals. Again she was in the field at Gettysburg and administered to the sick and wounded of that battle until October, 1863, when she was commissioned to go South to inquire into the sanitary condition of the New Hampshire troops stationed near Charleston, S. C.

She proceeded from New York city on the steamer Argo, visited Morris and Folly Islands, *en route* to Fort Gregg, and being fired on from Fort Moultrie, returned to Hilton Head. From there she went to Saint Augustine, Fla., and, ascertaining the impracticability of establishing a general hospital at that point, returned North, and, at the request of General Sprague, of New York, reported the condition of the sick on the boats while *in transitu*, as observed by her on the trip referred to, to Surgeon-General Barnes, which resulted in much good for the unfortunate who were compelled to make long journeys to reach suitable hospitals. Afterward she again joined the Second New Hampshire Volunteers, and remained with them until their final muster out, December 25, 1865, having served constantly for four years and eight months.

Col. Gilman Marston, of the Second New Hampshire Volunteers, and afterward brigadier-general of volunteers, states:

"Miss Harriet P. Dame went out with the Second New Hampshire Volunteers in June, 1861, and remained with that regiment and in the Army hospitals till after the close of the war. She sought no soft place, but wherever her regiment went she went, often marching on foot and camping without tent on field. She was always present where most needed, and to the suffering, whether "Yank" or "Grayback," it made no difference. She was truly an angel of mercy. Miss Dame was the bravest woman I ever knew. I have seen her face a battery without flinching, while a man took refuge behind her to avoid the flying fragments of bursting shells. Of all the men and women who volunteered to serve their country during the late war, not one is more deserving of reward than Harriet P. Dame."

There is also before your committee the petition of General J. N. Patterson and over six hundred officers and soldiers from New Hampshire and other States, who have personal knowledge of the valuable services rendered by Miss Dame in behalf of the sick and wounded of both armies, asking that she be placed upon the pension-rolls.

Miss Dame is nearly 70 years of age, very feeble, and much of the time afflicted with rheumatism, sometimes necessitating the use of crutches. She has no means of comfortable support, and, having so long and faithfully served the Government without receiving any compensation, your committee are clearly of the opinion that her services should be recognized by allowing her a pension to aid in her support during the remainder of her life, and therefore report favorably on the bill, amended, however, by striking out the words "seventy-five," in line 5, and inserting therein instead the words "twenty-five," and, thus amended, ask that the same do pass.

The amendment reported by the Committee on Invalid Pensions, to strike out "seventy-five," in line 3, and insert the words "twenty-five," was agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

CAPT. H. D. F. YOUNG.

The next business on the Private Calendar was the bill (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to increase the pension heretofore granted to Harrison D. F. Young, late captain of Company F, Second Regiment of New Hampshire Volunteers, from $10 per month to $24 per month, from and after the passage of this act.

The report (by Mr. RAY, of New Hampshire) is as follows:

Harrison D. F. Young was mustered into the service as second lieutenant, Company F, Second Regiment New Hampshire Volunteers, June 14, 1861, promoted to first lieutenant July 1, 1862, and to captain September 1, 1862, in which rank he served until mustered out June 21, 1864.

On March 5, 1880, he was allowed pension at one-half of total in the rank of second lieutenant from date of discharge, and at two-thirds of total from December 30, 1879, for malarial poisoning contracted in the Chickahominy campaign in June, 1862.

Since the date of the allowance of the original pension Young has made two applications for increase, claiming, as result of the malarial poisoning, recognized by the Pension Office as chargeable to the service, disease of heart and hernia of left side, of a recent development, in consequence of the general lax and weakened condition by reason of said malarial poisoning.

The examination by the Washington city board of claimant, had in December last, shows conclusively that he has valvular disease of the heart, with hypertrophy and cardiac lesion, which, in the opinion of the said board, can be accepted as a sequence of malarial poisoning. The board state that the rating is too low, and recommend a total pension. The Pension Office, however, declines to accept the opinion of the board, and rejects the claim for increase.

All the several examinations show emaciation, general weakness, nervous prostration, and neuralgia of head. The examination in December, 1879, discloses a week and flabby condition of the abdominal walls, spleen enlarged and very sensitive to pressure. Also hernia on left side and great sensitiveness to pressure over both kidneys.

Dr. Alfred K. Hills, the claimant's family physician since 1876, testified to the development of the hernia and corroborates claimant's statement as to the cause thereof. Although the exposure to malaria in the Chickahominy swamps has been recognized by the Pension Office as the cause of the pensioner's present disability, so far as admitted by that office to be chargeable to the service, and pension granted in accordance with the rank then held, it is shown by the testimony of Captain Patterson and Surgeon Oscar Worthly, as well as Sergeant Hilliard, that the disease did not develop itself into a disability until after August 29, 1862; in fact the claimant kept on duty until after that time, and received no medical treatment until he had been commissioned and mustered as captain. He participated in the second Bull Run fight, and was mustered into the latter rank September 1, 1862.

Your committee are of the opinion that the finding of the Washington city board, heretofore referred to, should entitle the claimant to the rate of total allowed by their certificate, and that in view of the fact above stated, that Young did not become disabled from the exposure to malarial influences in June, 1862, until he had reached the rank of captain, he should receive the pension allowed by law to a captain for total disability, and therefore report favorably on the bill, amended, however, by striking out the words "twenty-four," in line 7, inserting therein instead the word "twenty," and thus amended ask that it do pass.

The amendment reported by the Committee on Invalid Pensions to strike out "$24" and insert "$20" was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

WATSON S. BENTLEY.

The next business on the Private Calendar was the bill (H. R. 760) granting an additional pension to Watson S. Bentley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Watson S. Bentley, of New Marlborough, Mass., late a private in Company B, Thirty-seventh Regiment Massachusetts Infantry Volunteers, at the rate of $50 per month, and that said Bentley be entitled to receive pension at said rate in lieu of that now received by him.

The report (by Mr. LOVERING) is as follows:

That Watson S. Bentley enlisted in the military service of the United States as a private in Company B, Thirty-seventh Regiment Massachusetts Volunteers, July 15, 1862, and was honorably discharged January 17, 1865.

September 3, 1878, he was placed on the pension-roll at the rate of $18 per month, which was subsequently increased to $24, on the ground of loss of entire lower jaw from gunshot wound, received in battle at Spottsylvania, Va., May 12, 1864.

This soldier is now receiving the full amount of pension to which he is entitled under the law, but it is shown from the evidence of the examining surgeon that the soldier's disability entities him to an increased rate over that now allowed by the general law.

The examining surgeon says:

"He was wounded as stated, a minie-ball passing through the lower jaw from left to right, shattering the jaw; some pieces were removed at the hospital, and during the process of healing the remaining half was discharged. He has now nothing but the corrugated cicatrices as the result of the healing of the muscles that were left, which leaves him an aperture where his mouth was of about three-fourths of an inch in diameter; has very little contraction or dilation of that; no mastication, from the loss of all osseous substance of lower jaw; lives upon liquid food; indigestion and diarrhea continuous. His natural tendency has been good, and his determination to exist upon his diet for the past year has held him up. But since last examination I find him failing in digestion, muscularity, and general health, and must continue so; one of the most peculiar cases resulting from gunshot wound. Excellent habits. Disability total."

Your committee are of the opinion that the disability of this soldier is such as entitles him to an increased rate of pension over that provided for in the general law, and recommend that the bill be amended by strking out the word "fifty" in line 8, and inserting "forty-five," and when so amendod that the bill pass.

The amendment reported by the Committee on Invalid Pensions to strike out "$50" and insert "$45" was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

WILLIAM EURELE.

The next business on the Private Calendar was the bill (H. R. 3565) granting a pension to William Eurele.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of William Eurele, late a private in Company A, Tenth Regiment Connecticut Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. LOVERING) is as follows:

William Eurele was a private in Company A, Tenth Connecticut Volunteers; he enlisted September 21, 1861, and was discharged August 25, 1865. He claims that he contracted rheumatism at Roanoke Island, North Carolina, February 6, 1862, while in an engagement, marching through and lying in a swamp; he was put in an open shed, forgotten, and left there for two days and nights, when he was discovered and taken to a hospital at Roanoke Island, and later carried to New Berne, where he remained in hospital two months or more; from about August, 1862, to September, 1865, was not troubled with rheumatism; was treated by Dr. Stockman, who is dead, from 1865 to 1874, and from 1875 to present time by Dr. Ballou.

Claimant can not remember who treated him in service.

The evidence in this case is strongly in favor of soldier, and is as follows:

Capt. Benjamin S. Pardee, New Haven, Conn., testifies that claimant was sound and free from rheumatism at enlistment, and corroborates soldier's statement as to incurrence of rheumatism.

John Widman, of New Haven, testifies: Knew claimant for twenty-six years prior to enlistment; he was a blacksmith; was strong and free from rheumatism.

Dr. Frederick Ballou, of New Haven, Conn., testifies: Attended and prescribed for claimant for inflammatory rheumatism from six to eight weeks every summer since 1875. After the claimant's discharge, in 1865, and while under

my treatment, his condition was such that he was unable to do any kind of hard work.

David Kittler and John Widman, of New Haven, testify that, immediately after claimant's discharge, in 1865, he was under treatment of Dr. Stockman, for rheumatism, and continued under his treatment until the doctor died, in 1875. The claimant on his return from the Army, and ever since, has suffered with rheumatism, being most of the time unable to do any manual labor. That they know these facts from an intimate acquaintance with him.

George Mayer, of New Haven, testifies: Has known claimant for twenty-five years. That from 1865 to present time he has been afflicted with rheumatism. Was a daily acquaintance, and he knows he was obliged to abandon blacksmithing on that account.

Joseph Wagner, of New Haven, testifies: Known claimant since 1865; from 1865 to 1875 was an intimate acquaintance, and did business with him. On account of rheumatism, he was obliged to abandon business (blacksmithing), and was laid up more or less during that time, and he thinks that claimant is not able to work more than one-quarter of the time.

Eurele's claim was rejected by the Department by reason of his admission in his declaration that he was not troubled from about August, 1862, to September, 1865, thereby breaking the record of continuance of disability; but the evidence all tends to show that upon his return, or within a month thereafter, he was attacked with the old disease, and it has been continuous ever since, compelling him to abandon his trade; and it is nothing but a fair construction to attribute the same to an honorable service in the Army of four years' duration, and your committee therefore report favorably, and recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM GIBBONS.

The next business on the Private Calendar was the bill (H. R. 4098) granting a pension to William Gibbons.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Gibbons, late of Company F, Nineteenth Regiment Massachusetts Volunteers.

The report (by Mr. LOVERING) is as follows:

That William Gibbons enlisted in the military service of the United States, as a private in Company F, Nineteenth Regiment Massachusetts Volunteers, July 25, 1861, and was honorably discharged June 30, 1865.

September 6, 1872, he filed a declaration for pension, which was amended by a supplemental petition filed March 9, 1883, alleging injury of the head, received July 5, 1862, near the James River, as follows: While procuring water at a spring he was attacked by three men, who knocked him down and struck him in the head with the butt of a pistol; and that while in the line of duty at the battle of Gettysburg, Pa., on or about July 3, 1863, he received a saber wound of right leg and sprain of thumb of right hand in the retaking of cannon from the enemy, and the sprain was caused by a fall backward with his gun under him in his hand; which was rejected May 3, 1882, on the ground of no disability since discharge.

William A. Hill, lieutenant Company F, Nineteenth Massachusetts Volunteers, testifies, September 6, 1872: That claimant in the discharge of his duty, about July 5, 1862, procuring water from a spring near regimental camp, on the James River, near Harrison's Landing, was attacked by three or four persons, not soldiers, and received a wound in the head from a pistol in the hands of one of the men. He was disabled in consequence and was treated in regimental and general hospital. Said disability has affected him ever since. He was in sound health at the time of his enlistment.

J. Franklin Dyer, regimental surgeon Nineteenth Massachusetts Volunteers, testifies, September 6, 1872: That about July 5, 1862, while in the discharge of his duty, claimant, while procuring water from a spring near regimental camp, was attacked by three or four men, not soldiers, and received a wound in the head from a pistol in the hands of one of the men, and was under treatment for such in regimental and general hospitals. Said injury has been the cause of disability since and has affected him seriously, rendering him unable to labor a part of the time.

G. P. Pratt, assistant surgeon, Nineteenth Massachusetts Volunteers, testifies, March 10, 1879: That claimant was wounded at Harrison's Landing, Virginia, and at Gettysburg, Pa., and from these wounds he has been partially disabled ever since. He was favored by being put on the color guard on account of the wounds, and was after in the hospital for the same.

Patrick Kelly, private Company F, Nineteenth Massachusetts Volunteers, testifies, September 6, 1872: That he was detailed with claimant to bring water from a spring or brook at Harrison's Landing, after the seven days' retreat in 1862. That three men attacked them, who came in the direction of the river (not soldiers), but had revolvers, and the three men attacked him at once, and when he saw he could not help him, ran toward camp and reported the attack, and fears that claimant had been killed. He was a tent-mate with him, and he was not brought into camp until next morning, when he was covered with blood and severely cut about the head and weak from the loss of blood. After this attack, he complained always of pain and dizziness in his head.

George McKinney and G. E. Franklin, both of Company I, Nineteenth Massachusetts Volunteers, testify that claimant was at the time of his enlistment in sound health; that they saw him after the battle of Gettysburg, Pa., and he was then disabled from a severe flesh wound in the right knee, and his right hand was bandaged; that they have seen claimant often since his discharge and know that he is disabled to that extent that he can not perform full manual labor.

Joseph R. Webster, M. D., testifies that claimant bears the scars of wounds upon his head and upon the inside of his right knee and has varicose veins of the right leg. That the wound of his head is still tender upon pressure; that since receiving the wound he suffers from pain in the head and dizziness, and from defective sight, in consequence of which he is so incapacitated for labor as to be unable to perform more than one-third of manual labor; that the wound of the right knee was inflicted by the sword of a rebel officer at Gettysburg, and that his leg has given him trouble since 1864.

J. E. Keating, M. D., corroborates the above evidence.

A number of the close and intimate neighbors of the claimant testify as to his disability at the time of his return home and to the present time.

It is shown conclusively that the soldier was in sound bodily health prior to and at time of his enlistment in the military service of the United States.

James H. Straight, United States examining surgeon for Middlesex County, Massachusetts, certifies, November 15, 1872:

"This applicant is suffering from results of a blow upon the head. There is a cicatrix about two inches long and a slight depression at junction of parietal bones with frontal bone, with some tenderness over cicatrix. He suffers from headache, loss of memory, and defective vision, and is unable to earn a full subsistence. I examined him November 15, and have retained his certificate in order to find something of his previous history, as defective vision might have resulted from some other cause, but find that he was perfectly healthy and really suffers from the injury received. Disability, one-half and permanent."

September 10, 1879, claimant was examined by a board of United States surgeons of Boston, Mass., who report his disability one-half, and that his disability was due to his Army service.

September 7, 1881, he was again examined by a board of United States surgeons at Boston, who find his disability due to his military service, and that his disability is one-half.

After the first examination by the examining surgeon a memorandum, attached to the brief in the case, says:

"The Surgeon-General's reports show a record of syphilis, and directs a careful examination to be made, in order to see to what extent his present disability is attributable to that disease."

October 17, 1883, claimant was again examined by a board of United States surgeons, but this time he was sent to Worcester, Mass. This board report:

"We find a scar 'inside' of head, of right tibia, three inches in length, with very large varicose veins of calf running up thigh; calf much enlarged, and leg somewhat lame. Disability one-half for saber cut and varicose veins. There is no evidence showing this soldier's present disability to be due to or in any way attributable to syphilis."

Your committee find the disability of this soldier is clearly due to his military service, and that it is shown to continue from his discharge to the present, and the disability is so clearly defined that four medical examinations agree upon the precise degree of the disability, and make substantially the same rating in his case, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

JAMES W. BROWN.

The next business on the Private Calendar was the bill (H. R. 3703) granting a pension to James W. Brown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James W. Brown, late a private in Company L, First Regiment New Hampshire Volunteer Cavalry.

The report (by Mr. RAY, of New Hampshire) is as follows:

James W. Brown was a member of Troop L, First New Hampshire Cavalry, enlisting in 1862, and serving bravely and faithfully until the discharge of his regiment in June, 1865. About the 1st of March, 1865, while crossing Cedar Creek, Virginia, his horse floundered and fell, throwing him across the pommel of his saddle and injuring him so severely that he had to be put into an ambulance, where he remained four or five days, the troops being upon the march. Lieut. William H. Palmer, in command of the company, testifies that he was an eye-witness of the accident, and that Brown was injured internally, but he made no personal examination of the injuries. The only person making such examination was a surgeon unknown to Brown, who reported a rupture and gave him a swathe, which he wore until his return home in June. Brown's claim for pension has been rejected on account of his inability to furnish required evidence of the existence of disability in the service. He was unquestionably sound at enlistment. Immediately after his return home, as is shown by several witnesses, he was suffering from a rupture, which he invariably ascribed to a fall, as before stated. The evidence is, the committee think, conclusive that his injury was so received, and recommend that his name be placed upon the pension-rolls, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported favorably to the House.

HARDIE HOGAN HELPER.

The next business on the Private Calendar was the bill (H. R. 3954) for the relief of Hardie Hogan Helper.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hardie Hogan Helper, who was disabled while on special duty under the command of General A. E. Burnside in the war of the late rebellion, and pay him a pension at the same rate per month that other totally disabled soldiers are paid under the general pension laws; and that said pension shall take effect from January 1, 1870. The amount shall hereafter be fixed by the rating to be fixed by the board of surgeons appointed under the directions of the Pension Office.

SEC. 2. That this act shall be in force from and after its passage.

The report (by Mr. JOHN S. WISE) is as follows:

March 3, 1881, an act of Congress was passed putting Hardie Hogan Helper on the pension-roll at the rate of $10 per month. At that time he was able to attend to his ordinary business, and $10 a month was deemed reasonable. Since then he avers his condition has grown worse, until he is now utterly helpless. The present bill asks for Helper the privilege of appearing before a board of surgeons appointed under the direction of the Pension Office and having himself rated by them as an ordinary pensioner. This seems reasonable. If he is really totally disabled from disease contracted in the service, a fact which such board will decide, he ought to be paid at a proper rate and not the pittance he now receives.

Your committee recommend the passage of the bill, with the following amendment: Strike out all after the word "Helper," on line 6, down to line 14.

The amendment reported by the Committee on Invalid Pensions to strike out in section 1 all after the word "Helper" was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

MARY A. LAND.

The next business on the Private Calendar was the bill (H. R. 256) granting a pension to Mary A. Land.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Land, widow of Reason M. Land, deceased, late a private in the First Illinois Heavy Artillery.

The report (by Mr. CULLEN) is as follows.

That they have examined the proofs in this case and find the facts fully set forth in the report of the Committee on Invalid Pensions to the Forty-sixth Congress, which they adopt, and which is as follows:

"That it is in evidence that the petitioner is the widow of Reason M. Land, late a private of the First Illinois Heavy Artillery; that the deceased soldier

enlisted February 25, 1862; was discharged the service August 4, 1862, and died February 17, 1870.

"The deceased filed an application for invalid pension February 9, 1866, which was rejected by the Pension Office October 31, 1871, on the ground that 'his disability was not incident to the service.' The widow's application for pension was filed June 3, 1875, and the cause of death was alleged to be pleuro-pneumonia. The widow's application was rejected January 6, 1879, on the ground that 'the disease, pleuro-pneumonia, of which the soldier died was not the result of his military career.'

"The evidence shows that the deceased soldier was in the service about five months. The Surgeon-General reports that from the hospital report at Corinth, Miss., August 16, 1862, the 'deceased soldier was discharged at that hospital. Cause, lumbago.' Two comrades swear that the deceased soldier left his company about March, 1862; that he was injured in lifting one of the guns at Hamburg, Tenn.; that after they returned to their homes they frequently met the deceased soldier, and he was unable to walk straight by reason of his back being injured.

"The family physician, who is also an examining surgeon of the Pension Office, swears that he was the family physician of the deceased soldier prior to his enlistment, and knew that he was a very healthy man up to the time he volunteered; that he was called to see him soon after his discharge; his condition at that time was disease of the spine, and at that time affiant thought it was lumbago, but it resulted in curvature, and he had to walk half-stoop.

"February 5, 1866, the examining surgeon who had examined the soldier for the Pension Office, states: 'The soldier has lumbago, pains in the region of the os sacrum, so that he can not stand upright.'

"Dr. L. D. Burgess, in an affidavit filed in the widow's claim, states that 'he was not acquainted with the soldier until about 1866; that at that time he was badly diseased in the lumbar region of the spine; that he was not able to stand erect, but was bent over to almost a right angle, with constant pain and tenderness the whole length of spine. He was entirely unfit for labor of any kind, but was able to walk around with a cane. He had frequent attacks of lumbago. He at such times was confined to bed, but would go out again in a short time. These attacks gradually grew worse. January, 1870, he was taken down with so-called lumbago. He died, after an illness of eighteen days, of pleuro-pneumonia, which was induced from extension of inflammation from the spinal vertebra, which was more or less in a chronic state of inflammation for a number of years; learned from the soldier and comrades that while he was lifting a gun-carriage out of the mud he felt something give way in his back with a perceptible click or snap to him, and that he dropped helpless to the ground and was carried to the hospital; came home in the condition described.

"This physician gave his death as pleuro-pneumonia from the symptoms described as above.

"Your committee find that the deceased soldier went into the service a sound, healthy man; that he received an injury in the service which resulted in a permanent disability; that he died, as stated by the physician, from a disease attributable to the injury which he received in the service.

"Your committee are of the opinion that he was properly entitled to a pension. They therefore report favorably upon the prayer of the petitioner, and recommend the passage of the bill granting a pension to Mary A. Land."

There being no objection, the bill was laid aside to be reported favorably to the House.

SAMUEL HAZEL.

The next business on the Private Calendar was the bill (H. R. 253) granting a pension to Samuel Hazel.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to place on the pension-roll, from the date of June 10, 1865, subject to the provisions and limitations of the pension law, the name of Samuel Hazel, late a private in Company I in the Third Regiment Kentucky Cavalry, on account of disease contracted in the military service of the United States.

The report (by Mr. CULLEN) is as follows:

That they find the facts fully set forth in the report of the Committee on Invalid Pensions of the Forty-sixth Congress, which they adopt, and which is as follows:

"We find from the papers originally on file at the Pension Office that the petitioner, Samuel Hazel, was a private in Company I, Third Kentucky Cavalry; that he enlisted March 29, 1864, and was discharged June 10, 1865; that he had served one year prior to his last enlistment in Company A, Forty-eighth Kentucky Volunteers. He filed an application for pension October 7, 1869, alleging neuralgia and disease of the lungs, which application was rejected on the ground that he was 'not disabled as alleged.' The allegation of the petitioner is that while on the march from Atlanta to Savannah, Ga., November 1, 1864, he contracted neuralgia and scrofula, caused by severe marching and excessive heat."

"The Adjutant-General's records show him present at the time he alleges he contracted his disability. It is shown that he was taken prisoner April 3, 1865, at Mount Olive, N. C.; was returned as exchanged prisoner of war to Camp Chase, Ohio, in April, 1865. None of the records give any evidence of disability, and the Surgeon-General reports that 'he was not treated in hospital.' The petitioner himself, in an affidavit filed in his pension claim, states that he was not treated at hospital. Two comrades state that 'he was in good health at his enlistment; that in December, 1864, while on the march from Atlanta to Savannah, Ga., he contracted what was thought to be scrofula and neuralgia in the face and lower jaw and glands of the throat.'

"Two other comrades corroborated the statement above given.

"The petitioner makes affidavit, under date of July 16, 1873, that he has 'made diligent search for the officers of his company and regiment, but is unable to find them.'

"Dr. W. J. Robertson testifies that he 'has known the petitioner ever since he was a boy, and that at the time he went into the service he was a healthy, whole, and sound man; that immediately after his return home, in June, 1865, he (the physician) visited him professionally, and found him suffering from neuralgia and scrofula in face and lower jaw and glands of the throat, and that he is still suffering from the same diseases.'

"In another affidavit this physician *in extenso* gives testimony to the same effect.

"The examining surgeon of the Pension Office at Golconda, Ill., under date of November 5, 1873, finds the petitioner 'totally incapacitated,' and deseribes him as follows: 'No swelling of any of the glands at any part of the body. He complains of neuralgia of the neck and face of the right side. The man looks emaciated and anxious, as though he suffered from constant pain. Heart's action hurried and feeble. Slight cough. Throat somewhat irritated. No swelling. Percussion and auscultation over right lung; clear and normal over left; dull at apex. Inspiration prolonged; expiration spasmodic and jerking. Expectorates blood occasionally. Bowels constipated. Food disagrees with him. Can not stoop to pick up anything from the ground on account of dizziness. Not able to do work of any kind just now, and not likely to be soon.'

"From the evidence presented to your committee we believe that this man contracted disease in the service, and that he is still suffering therefrom. We therefore report favorably upon his prayer, and recommend the passage of the bill, as amended by your committee, 'granting a pension to Samuel Hazel.'"

Amended as follows: Strike out of the fourth and fifth lines the words "from the date of June 10, 1865."

The amendment recommended by the Committee on Invalid Pensions to strike out, after the words "pension-roll," the words "from the date of June 10, 1865," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

SUSAN Y. ATTWATER.

The next business on the Private Calendar was the bill (H. R. 204) granting a pension to Susan Y. Attwater.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan Y. Attwater, widow of Thomas Attwater, deceased, who was a private in Company C of the One hundred and twelfth Regiment Illinois Volunteer Infantry in the late war for the suppression of the Southern rebellion.

The report (by Mr. CULLEN) is as follows:

That Susan Y. Attwater is the widow of Thomas J. Attwater, who enlisted in the military service of the United States as a private in Company C, One hundred and twelfth Regiment Illinois Volunteers, August 9, 1862, and was discharged February 17, 1864, on account of gunshot wound of left thigh, received in battle, rendering amputation at the upper third necessary.

May 23, 1864, the soldier was placed on the pension-roll for loss of left leg by gunshot wound received in battle near Knoxville, Tenn., November, 1863, and died January 23, 1872, from the effect of said disability.

The application of the claimant for a pension as the widow of said Thomas J. Attwater was rejected February 20, 1880, on the ground that the amputation of leg, for which soldier was pensioned, was not the cause of his death.

R. C. Raymond, M. D., testifies, January 12, 1875:

"The thigh was amputated so near the body that an artificial limb could not be used, and, being a heavy man, the great weight he was obliged to bear upon his arms in using crutches injured the circulation in the arms, and brought about a determination of blood to the lungs, ending in hemorrhage."

Ira R. Wells, M. D., testifies:

"The loss of the leg caused him to be very plethoric, giving rise to an increased blood pressure on the normal lung tissue, which resulted in hemorrhage of lungs and death. Secondary cause of death, embolism of the large arterial branches of the lungs and thrumbosis of the pulmonary veins, but all depending on the primary loss of the leg."

Your committee find that the husband of claimant died from the effects of injuries received in the military service of the United States, for which he was pensioned in his lifetime, and believe his widow clearly entitled to a pension, and recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

HAYDEN REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 3612) granting a pension to Hayden Reynolds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hayden Reynolds, late a private in Company B, Sixth Regiment Iowa Volunteers.

The report (by Mr. HOLMES) was as follows:

Hayden Reynolds was a member of Company B, Fifth Iowa Infantry Volunteers. He received a pension under certificate No. 112364, from September 8, 1863, at the rate of $4 per month, by reason of gunshot wound of the right thigh, received, as alleged in his declaration, while passing along the streets of Memphis, Tenn., in March, 1863; there was a reissue granted on March 23, 1872, from September 8, 1863, at $6 per month.

July 25, 1876, he was dropped from the rolls by reason of adverse testimony that the pensioner was not in the line of duty when he received the wound.

Affidavit of William F. Bodley, filed January 16, 1877; affidavit of James C. Hawk, filed February 16, 1880; and affidavit of Alexander Ritter, filed December 22, 1867, in which they all testify to being in the same company and regiment, and that they were with the claimant at the time he was shot, and that he was passing along the street at the time, and that he was not intoxicated. The last two witnesses mentioned testify that the guard who fired the gun stated that the shot was accidental, and that he had no intention of firing his gun. William F. Bodley states that the guards behind did not halt his crowd and that he was the hindmost one of the number. The testimony of the parties named and others is to the effect that the commanding officer of the company gave Reynolds a pass to go to the city with others to procure provisions; he was, therefore, at the time in the line of duty.

Special Agent E. R. Hutchins, in the investigation of the case, represents the unreliability of the claimant, and of Lieutenant McKee, whose testimony has been filed in favor of Reynolds; he also presents the statement of William F. Bodley that they had gone into a coffee-house, and after getting a lunch passed out quietly, and after passing thirty steps from the door he heard the report of a gun, and immediately after he walked up the street and saw Reynolds lying on the pavement, after which he was taken to the hospital.

Several affidavits have been filed to controvert the declaration and the original testimony referred to, but the testimony is only inferential in its character. The special agent dwells particularly upon the unreliable character of the claimant, and that of Lieutenant McKee; but in view of the fact that William F. Bodley was sergeant of the company, and the several other witnesses referred to, who were with the claimant at the time he was shot, all corroborating the fact that he was unquestionably in the line of duty, and as no evidence is on file to the contrary, your committee consider it obligatory upon the Pension Office to restore the name of the applicant to the pension-roll. We therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

SIMON E. LEWIS.

The next business on the Private Calendar was the bill (H. R. 4700) granting a pension to Simon E. Lewis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Simon E. Lewis, late a private in Company H, Sixteenth United States Infantry.

The report (by Mr. HOLMES) is as follows:

Simon E. Lewis was a private in Company E, One hundred and fifth Regiment New York Infantry; he enlisted December 13, 1861, and was discharged August 15, 1862; re-enlisted in Company K, first battalion Sixteenth United States Infantry, March 23, 1864, and was discharged February 22, 1865.

The application for pension was filed January 3, 1876, and rejected November 18, 1876, the rejection being on the ground "that his disability existed prior to enlistment in the last service."

In his original application he alleges that on the 4th day of June, 1864, he received a contusion of the head, causing inflammation of the eyes, resulting in the loss of the sight of the left eye and partial loss of sight of the right eye, the contusion being caused by the falling of a log on the breastworks at Resaca, Ga., and striking claimant on the head.

George W. Spring and Charles Prentis, of Orangeville, N. Y.; Samuel W. Nichols, of Attica, N. Y.; and Charles D. Thomas, of Middlebury, N. Y., testify that the eyesight of the claimant was perfect prior to his first enlistment, in 1861.

James H. Webster, of Pavilion, N. Y., testifies that he was supervisor of the town of Orangeville, N. Y., in 1864, and that he enlisted claimant in March of that year, and he was then, to the best of his knowledge, an able-bodied man; that Lewis went to Buffalo and was examined and accepted, and went into the Sixteenth United States Regulars.

Samuel Nichols, of Attica, N. Y., testifies that at the time of enlistment in the Sixteenth United States Regulars claimant was in sound bodily health and free from disease to the best of his knowledge.

E. Webster and James Webster, of Wyoming, N. Y., testify that the eyesight of claimant was good when he enlisted, in December, 1861, and also when he re-enlisted, in 1864; also, that when he returned from the Army, in March, 1865, his sight was seriously impaired, and when he left Wyoming in 1866 his sight was poor.

A communication was filed February 12, 1883, signed by thirty members of Haskins Post, Grand Army of the Republic, Mapleton, Iowa, addressed to Hon. I. S. Struble, setting forth the time, place, and circumstances under which the claimant received his disability; also, a recapitulation of the treatment received by claimant.

The pension examining surgeon reports the disability from disease of eyes of two-thirds total of the third grade, and states that claimant is unable to read and that he can not distinguish objects beyond a few feet.

The Pension Office claims that the records of the War Department show that when he was discharged from his first service the disease of eyes then existed.

In view of the considerable amount of testimony relative to the soundness of the claimant at his first enlistment, which is of the most credible character, and including the testimony of the persons for whom he labored showing that he was a sound man and free from the disease of eyes when he enlisted, your committee therefore recommend the passage of the bill granting a pension to Simon E. Lewis.

Mr. HOLMES. I move to amend this bill by striking out "Simon" and inserting "Simeon."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

FREDERICK CORFE.

The next business on the Private Calendar was the bill (H. R. 452) granting a pension to Frederick Corfe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Corfe, late an acting staff surgeon in the United States Army.

The report (by Mr. HOLMES) was as follows:

The committee find from an examination of the papers that Frederick Corfe was acting staff surgeon of the Second Cavalry Division, Department of the Cumberland.

The petitioner claims a pension on account of an alleged injury received at Selma, Ala., about April 2, 1865, while establishing a hospital for the division. He alleges that he was struck by a spent cannon-shot, causing a contusion and producing caries and disease of the left femur.

The claim was rejected at the Pension Office August 3, 1881, on the ground "no record," and that the claimant declared his inability to show that the injury was received in the service.

In consideration of the service that he was performing at the time, it would naturally be difficult for him to secure testimony in accordance with the strict rulings of the Pension Office. The claimant states, in an affidavit filed November 20, 1879, that the injury was received while tying his horse, and that there was no one near at the time, so far as he knew, who saw the occurrence.

In an affidavit filed October 17, 1879, he alleged that he had sent his orderly to the rear to bring up the train at the time his injury was received.

Col. J. B. Bingham, First Wisconsin Volunteers, testifies that claimant was sound at the time that he was discharged from said regiment in October, 1864, the termination of his first service.

O. A. Caswell and L. D. Layton, citizens of Mount Sterling, Wis., testify substantially to the same.

W. A. Stearns and Edward Lawler, privates of Company K, First Wisconsin Cavalry, testify that claimant was struck by a cannon-ball at Selma, Ala., April 2, 1865, and that their knowledge is derived from seeing him limp, and hearing him telling the circumstances of its occurrence.

Dr. D. W. Curley testifies that about July 2, 1865, he examined claimant and found him suffering from a contused wound of the left thigh, the same having an erysipelas form, causing lameness, and in the fall of 1866 sloughing and caries of the femur, and its condition since has been very bad.

Stephen H. Ellis and Hiram Ellis, dentists, of Ontario, Wis., testify that claimant on his return from the war was lame from the effects of a wound, and was confined to his bed by sloughing of the left thigh and disease of the left femur, producing caries, several bones becoming detached, and has suffered continuously until the present.

Dr. R. M. Willer, in an affidavit filed November 8, 1878, testifies that in July, 1865, claimant complained of a wound in the left thigh and walked lame. Subsequently came to his office, at which time the wound appeared to be somewhat contused; and complained, during the succeeding three years of his acquaintance, of the wound in his leg.

Dr. Isaiah Roberts, in an affidavit of December, 1872, testifies to having treated claimant for wound of left thigh, from December 21, 1866, until May 25, 1867.

The pension examining surgeon certifies to the disability of the claimant, and states that in consequence of the inflammation the muscles and tendons on the anterior part of the thigh are adhered in such manner as to considerably interfere in the extension of the leg.

Your committee consider that the evidence is sufficient to show that the injury was received in the military service, and that by reason of the peculiar duties which he was performing at the time he received his injuries. The evidence already filed sufficiently corroborates the declaration of the claimant and the professional character of the testimony showing the existence of the injury at discharge and continuously from that time until the present. Your committee therefore recommend the passage of the bill (H. R. 452) granting a pension to Frederick Corfe.

There being no objection, the bill was laid aside to be reported favorably to the House.

GRIGSBY FOSTER.

The next business on the Private Calendar was the bill (H. R. 5740) for the relief of Grigsby Foster.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place the name of Grigsby Foster, late a private in Company E, Seventh Regiment, West Virginia Volunteer Cavalry, now a resident of Lucas, Lucas County, Iowa, on the pension-roll, subject to the requirements and limitations of the pension laws.

The report (by Mr. HOLMES) was as follows:

Grigsby Foster was a private in Company E, Seventh Regiment West Virginia Volunteer Cavalry. He enlisted February 1, 1864, and was discharged August 1, 1865.

The application was filed September 1, 1879, and rejected December 3, 1883, the rejection being on the ground "no record," and claimant has declared his inability to furnish medical evidence showing treatment for his alleged injury to back and sore eyes in the service or prior to 1877.

The petitioner in his original application alleges that while in line of duty in Boone County, West Virginia, in 1864, while on a scout after the rebels, he was thrown from his horse while passing under the limb of a tree, injuring his backbone, and causing him to have weak eyes.

Claimant in an affidavit filed June 11, 1881, states his inability to furnish the testimony of a commissioned officer of his company or regiment.

Claimant in affidavit filed July 7, 1881, further states his inability to procure the evidence of physicians who treated him for said injury and sore eyes from date of his discharge until Dr. W. S. Church began treating him in 1877.

James H. Foster, Thomas Loach, Robert Gray, and James Robinson all testify to claimant's soundness at enlistment. Affidavits filed June 26, 1880, Richard Hemmings, Company B, Seventh West Virginia Volunteer Cavalry, and James H. Foster, corporal Company E, Seventh West Virginia Volunteer Cavalry, testify that they were on a scout with the claimant and in passing under a tree lodged across the road the claimant, by some quick movement of his horse, was caught under said tree and was severely jammed between it and his horse's back, forcing him from his saddle, and seriously injuring his back and spine. The affiants further state that the claimant had good eyes before said accident occurred.

Dr. R. M. Hewitt, affidavit filed June 26, 1880, shows that he has known claimant for about three years and during that time has treated him for the injury to spine and disease of eyes, and that the claimant has been unable to perform manual labor by reason of said disabilities.

Dr. W. S. Church in an affidavit filed January 4, 1881, testifies that he has known claimant for about three years, and certifies substantially to the same as Dr. Hewitt.

James H. Foster, Thomas Loach, Robert Gray, and James Robinson all testify that they know, from seing claimant soon after his discharge, that he was suffering from an injury to his back, and that they have seen him frequently since his discharge, and he has been disabled to a large extent by reason of said injury.

James W. Loach testifies that during the period the claimant resided in Nebraska, from 1871 to 1877, he was unable to perform any manual labor, by reason of spinal trouble and affection of the eyes.

S. R. Foster and William Scragg testify that during the period the claimant resided in Jackson County, Ohio, from 1867 to 1871, he was unable to perform manual labor by reason of spinal disease and affection of the eyes. Robert Gray further states that claimant was unable to perform manual labor during the period he resided in Putnam County, West Virginia, from 1865 to 1867.

The Adjutant-General's report shows the company stationed at New Creek, West Virginia, October 31, 1864, and no record of the alleged injury.

The report of the Pension Office examining surgeon shows the claimant to be five-ninths total, third grade disabled, and rates him for the injury to back and disease of eyes, $10 per month.

The positive evidence of comrades and other persons and the statement of reputable physicians impress your committee with the fact that at the time of his enlistment the petitioner was free from injury to back and disease of eyes; that he was injured in the service and line of duty; that he has suffered from the injuries, he alleges, from his discharge to the present time; and that his claim was only rejected by the Pension Office because he was unable to present positive evidence to comply with the technicalities of the law as interpreted by the Pension Office. We believe that the equities of this case are to be respected, and that sufficient evidence is presented to warrant your committee in reporting favorably upon his claim, which we do, and recommend the passage of the bill (H. R. 5740) granting a pension to Grigsby Foster.

There being no objection, the bill was laid aside to be reported favorably to the House.

ROBERT M. M'KINLAY.

The next business on the Private Calendar was the bill (H. R. 1984) granting a pension to Robert M. McKinlay.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert M. McKinlay, of Dubuque, Iowa.

The report (by Mr. HOLMES) is as follows:

Robert McKinlay was a private in Company M, Sixth Iowa Cavalry; that he enlisted September 20, 1862, and was discharged October 17, 1865.

The application for pension was filed April 3, 1866, and rejected.

The petitioner in his original application claims pension on account of injury received about July, 1865, at Fort Rice, Dakota, while acting provost-guard, and endeavoring to secure a horse that had broken loose from the picket fire. He claims that the horse gave a sudden leap, pulling the line through his hand up to the pin, which gave his arm a sudden and powerful jerk, partially dislocating his arm at the elbow.

There is no record on the company reports or the regimental hospital register from June, 1864, to October, 1865.

Capt. B. J. Williams, of Company M, Sixth Iowa Cavalry, testifies that claimant was a member of his company, and corroborates the statement of the soldier relative to the circumstances of incurrence of his disability.

Martin R. Duestow, late orderly sergeant of same company, testifies his recollection of claimant receiving an injury of his right arm in July, 1864, at Fort Rice, but can not remember the circumstances; also, that he knows that claimant received some treatment either from the surgeon or hospital steward for said injury, and that claimant was a sound and able-bodied man when he enlisted.

Dr. G. M. Staples testifies that he personally and professionally knew Robert McKinlay, and knew his condition shortly after his discharge from the Army, in October, 1865, and claimant was then suffering from an injury to right arm at the elbow. Dr. Staples also certifies, in September, 1870, he examined the claimant and found him suffering from slight atrophy of the right arm, with impaired motion of the elbow-joint of said arm, as shown by inability to fully extend it.

E. R. Shanklin testifies that he has known claimant since 1856, and that he employed claimant in the year 1862, until about the period of his enlistment, and that since his return from the Army he has worked very little at his business, the carpenter's trade, in consequence of an injury alleged to have been recieved while in the military service.

C. W. Belden, secretary of the board of examining surgeons, certifies that by reason of the injury mentioned the claimant is one-fourth incapacitated for manual labor.

Your committee consider that the evidence before them justifies a favorable report in the case, and we therefore recommend the passage of the bill (H. R. 1984), granting a pension to Robert McKinlay.

Mr. HOLMES. I ask unanimous consent that this bill be passed over temporarily, without losing its place on the Calendar. By an inadvertence the bill fails to specify the company and regiment in which the man served, and I desire hereafter to offer an amendment to supply this omission.

Mr. MATSON. I can supply it. I move to amend the bill by striking out, at the end, the words "of Dubuque, Iowa," and inserting "Company M, Sixth Iowa Cavalry."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

SAMUEL W. BOWLING.

The next business on the Private Calendar was the bill (H. R. 6328) granting a pension to Samuel W. Bowling.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel W. Bowling, late a private in Company D, Eleventh Kansas Cavalry, of Kansas City, Mo.

The report (by Mr. FYAN) is as follows:

Samuel W. Bowling was a private in Company D, Eleventh Kansas Cavalry, and served with credit during the war up to August 31, 1864, when he was discharged on account of disability growing out of a lame and ulcerated leg. The claimant before enlistment received a gunshot wound above knee. The claimant shows that he had an ulcerated leg below the knee, and has now, and that same came from injury received in the service in line of duty. The ulceration and enlargement of veins is at least ten inches below the wound. It may be that the gunshot wound predisposed to some tenderness, but it is clearly shown that it is not the cause of the disability. The claimant, on the contrary, shows that he was sound at date of enlistment.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., May 19, 1884.

DEAR SIR: Touching the claim of S. W. Bowling, Company D, Eleventh Kansas Volunteers, of which you requested me to officially certify, I have the honor to state that the evidence is that he incurred a gunshot wound of the left leg prior to enlistment, in consequence of which the calf of that leg is now considerably enlarged, and the leg the subject of ulceration, due to venous congestion. These conditions disable the claimant quite seriously, certainly entitling him now to a "total" rating.

Very truly, &c.,

T. B. HOOD, M. D., *Medical Referee.*

Hon. C. H. MORGAN,
House of Representatives.

The above letter is made part of this report.

Wherefore your committee report the bill back, with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

DAVID C. PAULLUS.

The next business on the Private Calendar was the bill (H. R. 1912) for the relief of David C. Paullus.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David C. Paullus, late a private in Company D, Second Regiment of Ohio Volunteers in the war with Mexico.

The report (by Mr. STEELE) is as follows:

In the Pension Office the claim of said David C. Paullus stands rejected "because the records of the War Department do not show the existence of alleged disability in the service," the soldier having claimed his pension because of rupture incurred while on the march from Vera Cruz to San Juan, Mexico, in 1848. But after examining the evidence submitted, the committee are of the opinion that said Paullus is clearly entitled to a pension, and report back the bill with the recommendation that it pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

A. M. WILSON.

Mr. PETERS. I understand the intention is to move that the committee rise when this page of the Calendar is concluded; if so, I wish to ask unanimous consent to take up Senate bill No. 282, granting a pension to A. M. Wilson, for present consideration.

Mr. MATSON. I desire to know whether this bill is on the Calendar?

Mr. MORRILL. It is not on the Private Calendar. It was reported to the House to-day, but has not yet been printed on the Calendar.

The CHAIRMAN. Without objection the bill will be read for present consideration.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of A. M. Wilson, father of James Wilson, deceased, late a private in the Fourteenth Regiment of Kansas Volunteer Cavalry.

Mr. PETERS. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

JULIA A. MARCUM.

Mr. WOLFORD. I ask unanimous consent to take up out of its order on the Calendar the bill (H. R. 5938) to pension Julia A. Marcum. It will be found on page 50 of the Calendar.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Julia A. Marcum, subject to the rules and regulations of the Department.

Mr. WOLFORD. I move that this bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. MCMILLIN. Let the report be printed in the RECORD.

The report (by Mr. LE FEVRE) is as follows:

That claimant is the daughter of Hiram C. Marcum, who in 1861 was a well-to-do farmer, residing in Scott County, Tennessee. He was a Union man, and became a marked man by reason of his activity in guiding Union men to Kentucky who desired to join the Union Army. The confederate forces determined to capture him, and for the purpose a company of confederate soldiers, known as the "Bull Pups," was ordered into camp in September, 1861, within one mile of the residence of Marcum. On learning that he was at home, one night about September 7, 1861, a squad of these soldiers were sent to his house to capture him. Marcum's daughter, Julia A., resisted them until her father effected his escape from the house.

Later on the same night one of the confederate soldiers effected an entrance into the house and attempted violence to the person of one of Marcum's younger daughters. Her cry for help brought Julia to her assistance, and she fought for her as she had fought for her father. In the contest the soldier, who was drinking, run his bayonet into Julia's eye, putting it out. The father, obtaining assistance, removed his family to Kentucky, where he enlisted in the Union Army and died in the service. His personal property was all destroyed during the war, and his land was sold for taxes after the war, and the title passed from his family by their failure or inability to redeem it from sale in the time prescribed by statute.

General WOLFORD, a gallant officer in the late war, and a member of the present House of Representatives, says, in support of the claim of Julia A. Marcum for pension;

"I saw Julia A. Marcum shortly after she was wounded, and have known her well ever since her wound. For a few years after the war she supported herself by teaching school; but the disability from her wound has continually increased until her mind is seriously impaired and her health so completely destroyed that she can not support herself. She has no means, and is as helpless as a child."

A number of witness and neighbors of claimant corroborate the above testimony.

Your committee are of the opinion that this daughter of a brave soldier, who gave his life to his country, who, when just entering womanhood, received an injury in defense of her person and that of members of her family from outrage at the hands of a confederate soldier which renders her an invalid for life, should receive a pension, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SOLOMON K. RUGGLES.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I ask unanimous consent to take up the bill on the next page of the Calendar, page 48, for present consideration. My colleague, General LE FEVRE, who reported it, expected to be here to-night and would ask unanimous consent to take it up and pass it. I will state, in two or three words, the reason for making this request.

The CHAIRMAN. The gentleman will indicate the title of the bill.

Mr. JOSEPH D. TAYLOR. The bill is House bill No. 1237, granting a pension to Solomon K. Ruggles.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Solomon K. Ruggles, subject to the provisions and limitations of the pension laws.

The report (by Mr. LE FEVRE) is as follows:

The committee find that Solomon K. Ruggles was a private in Company D, Capt. John Patterson's company, Third Regiment Ohio Volunteers, in the Mexican war in 1846; that he was regularly discharged from service at New Orleans; that he contracted diarrhea and rheumatism while in the service as a soldier, from which he still suffers; that he is now 70 years of age. The proof of his disability is based on his own testimony, all the field officers, company officers of Company D, and the surgeons of the regiment being dead.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I wish to present in a few words the facts in reference to this case, and also to offer an amendment to the bill. The beneficiary of the bill is now quite an old man. His father, Judge Ruggles, was United States Senator from Ohio for eighteen years, from 1815 to 1833. His grandfather was an officer in the war of the Revolution seven years; was twice wounded at Bunker Hill June 17, 1775. His grandmother, I am informed, was one of the

heroic women of that day, often spending the night in preparing food for the Revolutionary soldiers and washing their clothing.

Solomon K. Ruggles is 73 years of age, was a soldier in the Mexican war, a member of Company D, Capt. John Patterson's company, Third Regiment Ohio Volunteer Infantry, where he contracted disease from which he has never since been free, and is also almost entirely deaf from the same exposure. His physician, Dr. Hewetson, writes that it is his professional opinion that the chronic disease of kidneys from which he suffers intensely, and the rheumatic and neuralgic pains which distress him, as well as his deafness and his enfeebled condition generally, are the result of exposure during the Mexican war. He also adds that if Congress would do anything to relieve him it must be done promptly, or mental and physical distress will accomplish its work.

Mr. Ruggles lost his health in the Mexican war and is reduced to almost actual want. For nine years, he informs me, his only clothing has been that donated by his friends and neighbors. His home, a small house and lot, is mortgaged, as I understood, for its full value to supply his daily necessities. He is obliged to have constant medical treatment, and his needs are pressing. The great wish of his heart is to erect suitable monuments above the unmarked graves of his distinguished father and grandmother before he dies. He enlisted in the Army in June, 1846, in Belmont County, Ohio, where he now resides. A bill was introduced by Dr. Updegraff in the Forty-seventh Congress, but was not acted upon until so near the close of the session that it was never reached on the Calendar.

I ask the committee to consent that the bill be so amended that he shall receive his pension from July 1, 1876, which will only be equivalent to giving him a pension from and after the time he became 65 years of age. I know there is a great objection to granting arrears of pensions in passing special acts, but this is a peculiar case, and as the old man may not live long enough to get the benefit of this act unless we go back in this way, I hope the committee will make this case an exception, and grant him a pension from this date, July 1, 1876. It is only a small matter to the Government, but it will be a great matter to him.

Mr. MATSON. Mr. Chairman, I do not think it is necessary to argue that proposition. The gentleman from Ohio must know that it would not do to grant arrears of pension in one case and refuse it in all the rest. I think that is a sufficient answer to show that the amendment should not be adopted.

Mr. JOSEPH D. TAYLOR. This, as I have said, is an exceptional case, Mr. Chairman, and unless arrears are granted the pension would be practically of no service to this old man. I will state that he is about 73 or 74 years of age, and unless the bill is passed with the amendment it can not do him much good.

Mr. MATSON. That is what they all think, but it is not a sufficient reason why it should be granted here and refused in other cases. If I had supposed the gentleman was going to move an amendment of that character I should have objected to the request to take up the bill out of its order; but it seems to me that the matter is sufficiently answered by the suggestion I have made.

All of these people who come to Congress for special acts think they ought to have arrears of pension; and yet Congress has uniformly refused to grant arrears in special-act cases. Whenever a law is passed that grants arrears to all, perhaps there can be a justification for granting it in a special case such as the gentleman refers to. I have no doubt whatever of the merits of the case. The gentleman makes out a strong case; but the only question for us to consider is whether we shall now make a special exception and grant arrears in a particular case where we have refused it in other cases. That, I think, is a departure which the gentleman from Ohio will not insist upon, and which the committee can not assent to.

Mr. MCMILLIN. I would suggest to the gentleman from Indiana [Mr. MATSON], and also to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR], that the very motion the gentleman from Ohio makes will in all probability defeat the end in view. If that amendment is made to the bill it will be refused by the Senate, which as well as the House, in this and previous Congresses, has refused arrears, and before the gentleman gets his bill passed his pensioner may die.

Mr. JOSEPH D. TAYLOR. In answer to what the gentleman says I will add that I think the bill would pass the Senate with this amendment. Solomon K. Ruggles, the claimant, was a classmate at college of ex-Senator Davis, of Illinois, and has had from him and other Senators whom he knows and with whom he has corresponded, and with whom he is still corresponding, letters assuring him that he ought not only to be pensioned but that he ought to have arrears of pension.

This is a peculiar case. The claimant is poor, has no one to lean upon or depend upon, and can not live long, and it seems to me that this amendment ought to be allowed. I have letters and petitions, which have been before the committee, signed by Hon. L. Danford, Judge C. W. Carroll, and other prominent men from Saint Clairsville, Ohio, who urge that some such provision as this be made.

Several MEMBERS (to Mr. JOSEPH D. TAYLOR). You had better withdraw your amendment.

Mr. JOSEPH D. TAYLOR. Would there be any objection to making this pension larger, fixing it, say, at $40 a month?

Mr. MATSON. Yes, sir; there would be great objection to that. We can not undertake to make fish of one and flesh of another. This applicant comes here to ask a special favor, and we certainly ought not to make his pension at a higher rate than he is entitled to under the law. We must deal even-handed justice to all of these men.

Mr. JOSEPH D. TAYLOR. In view of the demand of the committee and in the face of this unanimous request I shall withdraw the amendment and ask the passage of the bill in its present form. I only do this because I see that the bill will not pass if amended.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REUBEN J. CHEWNING.

Mr. STRAIT. I ask unanimous consent to take up the bill (H. R. 837) granting a pension to Reuben J. Chewning. It is on the forty-ninth page of the Calendar.

Mr. BAGLEY. I must object to taking up bills out of their order. We could pass two or three bills in the time that one is being looked for out of its place. If gentlemen will have patience, I think we will have time to go through with all the pension bills on the Calendar to-night.

The CHAIRMAN. The gentleman from New York [Mr. BAGLEY] objects. The Clerk will report the next bill on the Calendar.

Mr. MATSON. I will say to my colleague from New York [Mr. BAGLEY] that I was disposed to give the gentlemen who showed enough interest in their bills to come here to-night an opportunity of calling them up for action. I suggest to my colleague that those gentlemen who are here to-night for the purpose of calling up bills be allowed to do so.

Mr. BAGLEY. I withdraw the objection.

The bill called up by Mr. STRAIT was read, as follows:

A bill (H. R. 837) granting a pension to Reuben J. Chewning.

Be it enacted, &c., That a pension be, and is hereby, granted to Reuben J. Chewning, late a private in the Fourth Regiment Minnesota Infantry Volunteers, and that the Commissioner of Pensions be, and he is hereby, instructed to place the name of said Reuben J. Chewning on the pension-roll.

The report (by Mr. SUMNER, of Wisconsin) is as follows:

A similar bill was reported favorably in the Forty-seventh Congress, but was not reached on the Calendar.

The said Reuben J. Chewning enlisted as a private in Company C, Fourth Regiment Minnesota Infantry Volunteers, in September, 1861, at Castle Rock, Minn., being at the time, as a number of witnessses affirm, in sound mental and bodily health. During the fall of 1862, he was detailed to assist a wagon-train at the evacuation of Corinth, Miss., and while lifting on a wagon he received a severe rupture, inducing hernia, which rendered him wholly unfit for duty, and because of which the said Chewning was discharged from the service, on surgeon's certificate, in September, 1862, near San Jacinto, Miss. He subsequently re-enlisted, in September, 1864, in Company H, of the same regiment, at Cartersville, Ga., and was mustered out with the company in July, 1865.

The Commissioner of Pensions takes exception to Chewning's re-enlistment, as stated, deeming such action to have nullified, in some degree, the ground on which this claim is based, namely, physical disability incurred while in the line of duty. It is idle, however, to attempt to controvert the official testimony in such regard; and Chewning only again entered the Army from sheer compulsion, induced by poverty.

Dr. Murphy, regimental surgeon, says: " * * * the case is in every way entitled to and well worthy of the pension."

Finally, a careful reviewal of the evidence in the case satisfies us of its entire justice, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD DILLON.

Mr. SPRIGGS. I ask unanimous consent to call up the bill (H. R. 2457) granting a pension to Richard Dillon.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard Dillon, late a private in Company B of the One hundred and first Regiment of New York Volunteers.

The report (by Mr. BAGLEY) is as follows:

It appears from evidence on file in the Pension Office that claimant was a private in Company B, One hundred and first Regiment New York Volunteers; enlisted November 26, 1861; discharged May 18, 1863, and filed declaration for pension September 19, 1876, "alleging chronic bronchitis, near Hancock, Delaware County, New York, January 15, 1862."

The Pension Office rejected the claim on the ground "claimant unable to furnish medical proof showing any present disability is due to the service." There is also attached to the Pension Office "brief," showing rejection of the case, a letter headed "Read, read!" "Post-office, Utica, N. Y., March 9, 1878," and signed C. H. Hopkins, P. M. From this it appears that Mr. Hopkins charged, or alleged he understood, that Mr. Dillon, the claimant, had bronchitis before he went into the Army, and alleging, too, that one of the witnesses of claimant was a family relation of claimant, and that he would be pleased if claimant got a pension.

The case shows that Postmaster Hopkins had no personal knowledge of Dillon's condition before enlistment, but only stated what he had heard one Jameson, a letter-carrier, say. It also appears, upon Jameson being examined on the subject, that he had no personal knowledge, and had only repeated something he had heard, and couldn't remember who told him.

Michael Connor and Thomas Runter both testify that they knew claimant before his enlistment; that he was a strong, healthy, and able-bodied man; that he was free from bronchitis or any disease at enlistment.

O. F. Plumb, lieutenant of claimant's company, testifies that in the winter of 1862, at Hancock, N. Y., claimant took a severe cold on guard duty, resulting in bronchitis.

David B. Slyck, M. D., assistant surgeon One hundred and twenty-first New York Regiment Volunteers, testifies:

"He examined claimant when he enlisted; that he was sound and healthy;

that in January, 1862, at Hancock, he saw him; he was ill from bronchitis, caused by exposure in line of duty; that affiant treated him for bronchitis until March, 1862; that claimant was afterward discharged on account of disability, as deponent was informed."

Surgeon-General's report shows that claimant was discharged by reason of general debility, and was aged 54 years.

The examining surgeon of the Pension Office at Oneida, N. Y., August 23, 1877, who examined the claimant, says:

"In my opinion disease did originate in service; disability permanent."

The claimant swears he was well and never had bronchitis before entering service; that he contracted it as above stated, and has always suffered since. Your committee are of opinion that the evidence shows that claimant was sound at enlistment; that he contracted bronchitis in the service, and that it continues, and that disability is permanent.

Your committee therefore report favorably, and recommend the passage of the bill granting a pension to Richard Dillon.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ZENAS HAMILTON.

Mr. LACEY. I ask unanimous consent to call up the bill (H. R. 5953) granting a pension to Zenas Hamilton.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Zenas Hamilton, late a private in Company D, Twelfth Regiment Michigan Infantry Volunteers.

The report (by Mr. WINANS, of Michigan) is as follows:

That Zenas Hamilton enlisted as a private in Company D, Twelfth Michigan Volunteers, September 14, 1864, and served until June 17, 1865, at which time he was discharged.

He made application for a pension December 4, 1876, on account of the fracture of both bones of the left leg, which occurred at Duvall's Bluff, March 4, 1865, in the following manner:

While doing duty with his regiment as provost, he was detailed to protect a show, and while so engaged, the seats gave way, his left leg being crushed and broken by the fall, which resulted in permanent disability. This soldier has been refused relief by the Pension Office on purely technical grounds, namely, that at the particular moment that the accident occurred he was not on duty, having been relieved a short time previously. It is a fact well known to all who served in the Army that all details for guard duty were divided into reliefs, the soldier standing guard for a certain length of time, and then being relieved until such time when his turn would come again to go on duty.

This soldier was not at the time he received his injury standing guard. He was, however, one of the squad doing duty, and under the command of an officer, regularly detailed, and ordered to report at that particular place for duty. If he had been ordered on picket duty he would have gone, and who is there that would have denied his right to a pension had he received his injuries while doing duty as guard posted in front of an army, with others forming a chain of outposts in order to give notice of the approach of the enemy and to prevent surprise by a hostile force? We apprehend, no one. A soldier is not responsible for the particular kind of duty he is commanded to do. It is not of his choosing; he simply obeys orders, and that which a superior orders or permits he is not to be held accountable for.

This soldier was ordered to do duty at a show, and while there with his accouterments on and his gun in his hands he had his leg broken and has been permanently disabled. Your committee believe he was in the direct line of duty, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET L. STEVENS.

Mr. SUMNER, of Wisconsin. I ask unanimous consent to call up the bill (H. R. 7002) for the relief of Harriet L. Stevens.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to restore to the pension-roll, at the same rate of pension received by her prior to having been dropped from said roll, the name of Harriet L. Stevens, widow of George H. Stevens, a lieutenant-colonel of the Second Wisconsin Volunteer Infantry, in the military service of the United States in the war of the rebellion.

The Committee on Invalid Pensions recommended the following amendments:

In line 4, after the word "authorized," insert "and directed."

In line 9, after the word "rebellion," insert "from and after the passage of this act."

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

That the said Harriet L. Stevens was the widow of George H. Stevens, late lieutenant-colonel of the Second Wisconsin Volunteer Infantry, who enlisted in the month of May, 1861, and was mustered into the United States service in June, 1861, and served until July 1, 1863, when he was mortally wounded in battle, and died on the 5th of that month.

That the said Harriet L. Stevens applied for and received a pension as his widow until the month of August, 1868, when she was married to one James A. McMahon, on account of which her pension was stopped.

That the said James A. McMahon appeared to be, and had the reputation of being, a respectable and industrious man, but proved to be a hard-drinking man, which habit grew upon him, and finally he became a confirmed drunkard, on account of which he entirely failed to support or contribute to the support of his said wife and their infant child, born to them December 25, 1880, and abused and neglected them from the month of October, 1880; since which time the claimant has been entirely supported, together with her said child, by her own exertions and the assistance of her friends.

That said claimant is now about 50 years old, with no property or means of support except her own exertions and assistance of friends.

And that on account of his said habitual drunkenness and failure to support said claimant and her said infant child she was duly divorced from her said husband, James A. McMahon, and the custody of her said infant child awarded to her, and her name duly changed and restored to that of her former husband.

Wherefore your committee recommend the passage of said bill; provided, however, that the same be amended by inserting the words "and directed," after the word "authorized," in the fourth line, and by adding thereto the words "from and after the passage of this act."

The amendments recommended by the Committee on Invalid Pensions were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. FENSCKE.

Mr. STRUBLE. I ask unanimous consent to call up the bill (H. R. 836) granting a pension to John C. Fenscke.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That a pension be, and is hereby, granted to John C. Fenscke, late an employé of the United States Government, on account of wounds received while in the discharge of his duties as such employé; and that the Commissioner of Pensions be, and he is hereby, instructed to place the name of said John C. Fenscke on the pension-roll.

The Committee on Invalid Pensions recommended the following amendments:

Add at the end of the bill the following:

"With a pension at the rate of a private soldier, according to the provisions and limitations of the pension laws."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

The Committee on Invalid Pensions in the Forty-seventh Congress made a favorable report in favor of this same claimant, of which the following is a true copy:

"It appears from the evidence in this case that the petitioner, John C. Fenscke, of New Ulm, Minn., was a wagon-maker at Lower Sioux agency, in the employ of the United States, on the 18th day of August, 1862, at which time said agency was surprised and attacked by the Sioux Indians. It further appears that in assisting to defend the agency he received a severe wound from an Indian arrow, which passed through the muscles of his back, near the spinal column and between the third and fourth ribs, penetrating his left lung. He was treated for this wound by Dr. Alfred Miller, acting assistant surgeon, at the military hospital at Fort Ridgeley, Minn., from the 20th of August to the 30th of September, 1862.

"Dr. Miller, in his sworn statement, testifies that he treated petitioner in hospital aforesaid for arrow wound above described, and that it was received as above stated; that arrow-head remained in the wound until removed by him, dangerously injuring the lung; that frequently since the receipt of said injury affiant has seen petitioner frequently, and that he has never fully recovered and never can from the injury received, the lung remaining in a diseased condition.

"It also appears from the statement of Governor L. F. Hubbard, present governor of Minnesota, and other reputable citizens, neighbors of petitioner, that he was a robust and healthy man prior to the receipt of the injury, and is now greatly disabled for the performance of manual labor.

"After a careful consideration of this case your committee are of opinion that it is a meritorious one, and recommend that the bill do pass."

Finally, a careful reviewal of the evidence in the case satisfies us of its entire justice, and your committee therefore recommend the passage of the bill, amended, however, by adding thereto the following words: "With a pension at the rate of a private soldier, according to the provisions and limitations of the pension laws."

By section 9, chapter 247, laws of 1864—

"Those persons who volunteered for the time being and rendered any service in any engagement with rebels or Indians, if they were disabled in consequence of wounds received in battle, in such temporary service, shall be entitled to the same benefits under the pension laws as those who were regularly mustered into the United States service: *Provided*, That no claim under this section shall be valid unless presented and prosecuted to a successful issue within three years from and after the passage of this act."

By section 11, chapter 264, laws of 1868, this was extended for five years, and by section 1, chapter 234, laws of 1873, it was further extended to July 4, 1874.

The claimant's application was rejected by the Pension Office upon the ground that the statute of limitations had run against it, and therefore he asks for relief by special act of Congress.

The amendment reported by the Committee on Invalid Pensions was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA J. NORRIS.

Mr. CONNOLLY. I ask unanimous consent to call up the bill (H. R. 6235) granting a pension to Eliza J. Norris.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza J. Norris, widow of Dudley F. Norris, late a private in Company I, Twelfth Regiment New Hampshire Volunteers, in the late war.

The report (by Mr. PATTON) is as follows:

The claimant is the widow of Dudley F. Norris, late private in Company I, Twelfth Regiment New Hampshire Volunteers, in the late war.

Dudley F. Norris enlisted and was mustered into the service September 9, 1862, was discharged for disability November 2, 1863, and died at Concord, N. H., September 27, 1873. On the muster-rolls of Company I, Twelfth New Hampshire Volunteers, for the months of September and October, 1863, he is reported "wounded in action at Chancellorsville, Va., May 3, 1863." The claim of Mrs. Norris for pension was rejected on the ground that—

"Immediate cause of death (said to be) embolism. Remote cause not known. Not a result of his military service."

The record evidence on file in the Pension Office shows—

"November 3, 1863, examining surgeon finds total disability from compound fracture left thigh. September 4, 1873, examining surgeon finds him incapable of any hard manual labor because of wounds through scrotum and partial atrophy of the whole leg."

June 21 and December 9, 1863, Capt. J. W. Lang, testified:

"Wounded the morning of the 3d May, 1863. Laid on the field till afternoon of the 5th, heavy rain falling; he was wet and his limb badly swollen when brought into rebel hospital (I was there wounded myself). It was thought Norris would die. He was very low, but his vigorous constitution carried him through. Previous to his being wounded he was as sound and healthy a man as there was in the company, and could do as much hard service or double-quick marching as any man we had. He had no disease of the heart or any other kind, and I never knew him absent or ask to be excused from any duty."

November 23, 1877, Examining Surgeon D. B. Nelson further certifies:

"That said soldier died September 27, 1873, suddenly, and from the grave character and serious shock to the nervous centers and extensive irritation and inflammation, the 'effect of his wound.' Affiant firmly believes that said wounds were the direct cause of his death through organic disease of the heart."

June, 1878, J. H. Sanborn, late assistant surgeon of said regiment, testifies that—

"Some thirteen days after the battle of Chancellorsville said soldier was brought severely wounded to the Potomac Creek Hospital, where affiant was stationed. He had lain three or four days upon the battle-field, and had then been carried to a rebel hospital, from which he was brought within our lines. At the time he was very feeble and reduced by exposure and want of care and the extensive suppuration of his wound, which was then taking place. I think he had at that time a marked irregularity and depression of the heart's action, owing undoubtedly to his low condition at that time. I saw no more of him until a year or two afterward. Subsequently I saw him quite frequently, and it is my opinion that he never recovered from the shock his system received from said wounds and the exposure and hardships then endured, and I believe that he died of embolism. His wound was a —— fracture of (I think) the left femur above the upper third, caused by a minie-ball passing through the limbs, laying open the scrotum, and lodging in the posterior and upper portion of the opposite thigh."

June 21, 1878, Dr. J. C. Page testifies that in August, 1863, he was called to extract a ball from the thigh of said soldier.

"The ball had passed entirely through one thigh, breaking the bone, and gone into the other, from which I extracted the ball. He remained at home a few weeks after the ball was extracted. He was low and feeble from said wounds. After his discharge I had him under my care for about two years. His condition was low. Said broken bone was never properly set, the ends of the broken bones passed by each other, making said leg two or three inches shorter than the other, and keeping it in an unhealthy and weak condition, subject to constant irritation, and it was liable to abscess by any twist or unnatural motion of the leg. Two or three days before his death he attended the county fair, and in getting into a wagon the horses started suddenly and he was thrown partly down, and in two or three days he went to Concord, and as he stepped out of the car fell and expired immediately. When I heard of his death I publicly remarked that it was caused by a blood-clot caused by said wound."

December 31, 1877, Simon A. Beard testifies that soldier was boarding at his house at the time of his death.

"Had worked with him two years in the car-shops. Heard him frequently say he had a trouble with his heart, which he attributed to his wound. He had to give up farming on account of his condition. If he took a misstep or jarred himself in any way it greatly affected him, and I have often seen him sit down until the pain passed off from his heart. He left my house in the morning apparently as usual the day of his death."

June 21, 1878, Dr. George Sanborn testifies to soundness prior to enlistment, and "free from heart or any other disease."

Dr. B. H. Throop, one of the most eminent surgeons in Pennsylvania, writes in reference to this case:

SCRANTON, *January* 9, 1884.

MY DEAR SIR: I feel interested very much in the case of Dudley F. Norris's widow, who is the daughter of Benjamin Jay, one of our oldest citizens, with whom she now resides with her family.

I also knew Mr. Norris, who was a man of manly proportions—weighed nearly 200—a man of more than average culture, who enlisted from New Hampshire early in the war.

At the battle of Chancellorsville he was torn to pieces almost; a broken thigh, a bullet in the opposite hip; his scrotum badly lacerated; riddled with buckshot, and lay on the field three days; was then exchanged and went nine days more before he came under the hands of a surgeon for treatment.

No one but a man of iron constitution and great nerve determination could have weathered the storm that was his to bear, but did, and went to his friends. I saw him after the close of the war on crutches, one leg three inches short and a fracture that presented an angle between knee and hip, a wreck of what he was, and unable to earn a living.

He was one of the Government's honest beneficiaries, and died such, and no doubt from causes produced by his Army experience.

Now, it occurs to me a great wrong has been done his wife and children by having her claims for continuance of pension to his widow stricken off. The medical men, or one of them, said he died of embolism of the heart (that means heart-clot was the cause), and that it could not have been caused by any injury or service in the Army. Therefore, on that assertion, her name was stricken off the pension-rolls, while thousands are continued less worthy than Mrs. Norris.

The query to me is: How do they know this, when there was no post mortem to establish it? It was a mere presumption—a guess. As well might they have said paralysis, apoplexy, aneurism, or any other of the many causes of sudden deaths.

It would be my deliberate opinion that the severe trials he endured would have wrecked any man's constitution, and after any cause almost would have produced death that exposed him to any sudden shock of body or mind.

It is seldom I allow myself to become interested in a matter of this kind, but I do think she has been wronged, and I would be very glad if you would take an interest in her case, and once more show your willingness to protect the widow and the orphan.

Very respectfully, your friend,

B. H. THROOP, *M. D.*

Hon. D. W. CONNOLLY.

From the evidence filed in this case we think that the question whether the death of Dudley F. Norris was caused through or by disease contracted in the service, or was the effect of wounds received by him in battle, is not free from doubt, and as his widow is in needy circumstances and now dependent, we think the doubt ought to be resolved in her favor, and we therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANN J. WILLIAMS.

Mr. CONNOLLY. I also ask unanimous consent to call up the bill (H. R. 6934) granting a pension to Ann J. Williams.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann J. Williams, mother of Ebenezer Williams, late a private in Company A, First Regiment of Nevada Volunteer Infantry.

The report (by Mr. PATTON) is as follows:

The claimant asks a pension as the mother of Ebenezer Williams, late a private in Company A, First Battery Nevada Infantry, in the war of the rebellion, who died in the service.

The Adjutant-General United States Army reports "that Ebenezer Williams, private Company A, First Battery, Nevada Infantry, died at Camp Susan, California, September 12, 1864, of chronic diarrhea." Claimant states in her affidavit that she was dependent on her said son for support at the time of his death.

The affidavits of Orrin Frink, merchant, residing in Scranton, Pa., and John C. Wells, merchant, of Wilkes Barre, Pa., state that said Ebenezer Williams sent money to his mother from time to time and that she purchased goods from them with it.

The claimant, Mrs. Williams, gave two sons to the Government—Ebenezer, who died in the service, as above stated, and Reuben, who was killed in battle at Atlanta, Ga. She is now 74 years of age, in an enfeebled and almost helpless condition, and dependent on the charity of friends. She has one son living with her at her home in Pittston, Pa. This son is a poor, helpless cripple. Her claim was rejected by the Pension Department on the ground that she was not, at the time of her son's death, wholly dependent on him for support.

Your committee are satisfied that she is now dependent and needy, without any means of support, and that her name should be placed on the pension list. They therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES D. KUNKLE.

Mr. CONNOLLY. I also ask unanimous consent to take up the bill (H. R. 6834) granting an increase of pension to Charles D. Kunkle.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That Charles D. Kunkle, late of Company G, One hundred and forty-third Pennsylvania Volunteers, be, and he is hereby, granted and allowed, from and after the passage of this act, a pension at the rate of $20 per month; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said Charles D. Kunkle on the pension-roll at said rate, in lieu of the pension now paid him.

The report (by Mr. PATTON) is as follows:

Charles D. Kunkle was a private in Company G, One hundred and forty-third Regiment Pennsylvania Volunteers, in the late war. His name is now on the pension-roll. His disability is rated at three-fourths, and the pension paid him is $6 per month.

The board of surgeons of the Pension Office report:

"This man has two gunshot wounds. The first ball entered the palm of the right hand, cutting at the same time the little finger, passing upward and backward, making exit at the head of the third metacarpal bone. The wounds of entrance and exit are well healed. The little finger is deformed, and the second joint anchylosed. This wound does not seriously interfere with labor.

"The other ball entered on the outside of the right arm below the intersection of the deltoid muscle, and he says passed upward toward the shoulder-joint, from which point it was removed through the wound of entrance. The wound is well healed, but he has a tumor at the seat of the wound, due to a hernia of the triceps. The shaft of the —— is perfect. The ball never touched it. Both arms measure alike, and the muscles are strong and hard. He says that he can grasp firmly for a while, when the muscles relax and he loses his hold. He has, he says, a good deal of tingling in the forearm."

The following is an affidavit made by Dr. John B. Crawford, one of the most reputable surgeons of Northeastern Pennsylvania, and who resides at Wilkes Barre, Pa.:

STATE of PENNSYLVANIA,
County of Luzerne, ss:

John B. Crawford, being duly sworn according to law, before me, a prothonotary in and for said county, deposes and says: That he has been a practitioner of medicine and surgery during thirty-four years; that he was surgeon of the Fifty-second Regiment Pennsylvania Volunteers during the war of the rebellion, and that he has carefully and thoroughly examined Charles D. Kunkle, late a member of Company G, One hundred and forty-third Regiment Pennsylvania Volunteers, with reference to his disabilities arising from gunshot wounds received while in the military service; that he finds said Kunkle is suffering from the effects of two gunshot wounds—one of which was caused by a ball passing through the right hand and partially disabling it; the other being caused by a ball entering the upper and outer part of the shoulder, severing the external head of the triceps muscle, seriously wounding the musculo-spinal nerve, and wounding and partially fracturing the upper portion of the humerus or shoulder bone.

The ball then passed into the region of the shoulder joint, but deponent is not able to determine the exact nature of the injury done by the ball in its passage through the ——. Deponent believes that the injuries above described necessarily produce much suffering by said Kunkle, and that his disability for ordinary manual labor resulting therefrom is permanent and total. It is quite possible for him to make some muscular effort with his right arm—and his necessities seem to have compelled him to make such exertion—but this can only be done by incurring severe pain and protracted suffering. Deponent further says that he has no interest, direct or indirect, in the matter to which this affidavit relates.

JOHN B. CRAWFORD.

Sworn and subscribed before me this 14th day of May, A. D. 1884.

[SEAL.] JAMES M. NORRIS, *Prothonotary.*

WILKES BARRE, *May* 16, 1884.

To whom it may concern:

This is to certify that we are well acquainted with Dr. John B. Crawford, and have been for more than twenty years; that he stands at the head of his profession in this section of Pennsylvania, and is a gentleman of most excellent character, whose word is entitled to full faith and credit.

Signed by Charles E. Rice (presiding judge), Stanley Woodward (judge), D. L. Rhone (orphans' court judge), H. W. Palmer (ex-attorney general Pennsylvania), Abram Nesbitt, Andrew T. McClintock, George N. Reichard, E. S. Osborne (late general volunteers), E. L. Dana, (ex-judge and colonel One hundred and forty-third Pennsylvania Volunteers), E. P. Darling, W. P. Ryman, C. M. Conyngham, Wm. J. Harvey.

Dr. Edward R. Mayer makes the following affidavit:

STATE OF PENNSYLVANIA,
Luzerne County, ss:

The undersigned, Edward R. Mayer, M. D., being duly sworn according to law, before me, a notary public in and for said county, says that he is a graduate of the medical department of the University of Pennsylvania, of the year 1844, and he has been a practitioner of medicine during forty years; that he has carefully examined Charles D. Kunkle, late a member of Company G, One hundred and Forty-third Regiment of Pennsylvania Volunteers, in regard to the question of his disability arising from gunshot wounds received in service during the war of the rebellion; that he finds said Kunkle suffering from the effects of two gunshot wounds, one of which was caused by a ball passing through the right

hand partially disabling that hand, the other wound was caused by a ball entering the upper and outer part of the right arm below the shoulder, severing the external head of the triceps muscle, severely wounding the musculo-spinal nerve, and partly fracturing the upper end of the humerus or arm bone, as well as injuring the shoulder joint. He suffers from extreme pain in and around the shoulder joint, and is evidently entirely unable to use his right arm in labor of the farm or any kind of work. His whole right shoulder and arm are practically and permanently disabled to such an extent as to prevent his usefulness in any kind of work, and he is evidently a sufferer from constant and wearing pain in the region affected. And said deponent further says that he has no personal or pecuniary interest in the claim of said Charles D. Kunkle.

EDWARD R. MAYER, *M. D.*

Sworn and subscribed before me this 16th day of May, A. D. 1884.

[SEAL.] GEO. H. FISHER, *Notary Public.*

The standing of Dr. Mayer as a skillful, learned, able, and experienced surgeon is vouched for by a number of the leading citizens of Pennsylvania. Hon. E. L. Dana, late judge of the courts of Luzerne County, Pennsylvania, and colonel of the One hundred and Forty-third Regiment Pennsylvania Volunteers, writes as follows:

WILKES BARRE, *May* 16, 1884.

To the honorable chairman and members of the Committee on Invalid Pensions, House of Representatives:

GENTLEMEN: Charles D. Kunkle, who is applying for an increase of pension on account of serious disability from wounds received in action during the war with the South, was a member of G Company, in the One hundred and forty-third Regiment Pennsylvania Volunteers, under my command. I regarded him as a brave, faithful, and efficient soldier, and I sincerely trust that his application may receive your favorable consideration and approval.

Very respectfully, yours, &c.,

E. L. DANA,

Late Colonel One hundred and forty-third Pennsylvania Volunteers.

From the evidence laid before us we are of the opinion that said Charles D. Kunkle is now rated too low and that his pension ought to be increased. As he is unable to perform manual labor, your committee recommend that the bill be amended by striking out the word "twenty," in line 6, and inserting the word "ten," and as amended recommend the passage of the bill.

Mr. MATSON. This bill was amended by the committee so as to make the pension $10 instead of $20. That amendment is not in the printed bill. I move to amend by striking out "$20" and inserting "$10."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PAULINE E. MILLIKEN.

Mr. WHITE, of Minnesota. I ask unanimous consent to call up the bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken and Charles Milliken.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Pauline E, Milliken, widow of George A. Milliken, and Charles Milliken, son of said George A. Milliken, and that the said Pauline E. Milliken and Charles Milliken shall be paid the same pension which the said George A. Milliken received during his lifetime under pension certificate No. 26806.

The Committee on Invalid Pensions recommended the following amendments:

Strike out the words "and Charles Milliken, son of said George A. Milliken, and that the said Pauline E. Milliken and Charles Milliken shall be paid the same pension which the said George A. Milliken received during his lifetime under pension certificate numbered 26806," and insert in lieu thereof the following: "late a corporal in Company I of the First Minnesota Volunteers, from and after the passage of this act."

Amend the title so as to read: "A bill for the relief of Mrs. Pauline E. Milliken."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

Said Pauline E. Milliken is the widow and said Charles Milliken is the infant son of George A. Milliken, a deceased soldier, who enlisted April 29, 1861, in Company I, First Minnesota Volunteers, and served until December 15, 1863, when he was honorably discharged.

He was wounded at the battle of Gettysburg, July 2, 1863, by gunshot wound in right leg, for which it was amputated and he discharged from the service. He received a pension therefor, which was granted April 9, 1864, of $8 per month, and which was continued until the time of his death, October 12, 1873.

Widow applied for a widow's pension on the 31st of August, 1880, which application was rejected September 18, 1883, "upon the ground that the soldier's death was not due to his military service." This rejection does not seem to have been founded upon the evidence in the case, as appears from the following:

J. S. Miller, John P. Rions, and several others who were neighbors and well acquainted with the deceased soldier, say that they were acquainted with him before his enlistment, and knew him to be a well and healthy man; that—

".He returned from the Army with his right leg amputated and very much broken down in health, diseased, troubled with a cough, and somewhat emaciated, from which he never recovered, and was in poor health continuously until the time of his death."

Dr. J. Bedient says that he was acquainted with deceased soldier from the time of his return from the Army until April, 1873. He says:

"I knew him very well. I attended him at different times for a cough which he had and was subject to. I have heard him complain frequently about pain in his lungs and side. Did not consider him a well man at any time after I became acquainted with him. There was a serious tendency to lung disease during all that time."

Dr. H. Galloway says:

"George E. Milliken first consulted me at Rochester, Olmstead County, Minnesota, on May 3, 1873, and he was under my care and treatment after that date for three months. His disease was phthisis pulmonalis, preceded by a chronic bronchitis, induced by an irritable and painful stump. He suffered from neuralgic pains in the stump, causing excessive nervous irritability and prostration, consequent upon the amputation of his leg. My opinion is based upon the treatment of him for three months, several careful examinations, a carefully gleaned history of symptoms, physical signs, and the naturally strong make-up of the patient."

From the foregoing and other testimony examined by the committee we come to the conclusion that the death of the soldier was induced, and in fact was caused, by the amputation of his leg and other troubles incurred while in the Army, and therefore recommend the passage of the bill; provided, however, that the said bill be amended by striking out all after the words "George A. Milliken," in the sixth line, and adding thereto the words "late a corporal in Company I of the First Minnesota Volunteers, from and after the passage of this act," and that the title be amended in conformity thereto.

The amendment reported by the Committee on Invalid Pensions was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN. T. PENNINGTON.

Mr. FYAN. I ask consent to take up out of its order House bill 884, granting a pension to John T. Pennington.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John T. Pennington, late a private in Company B, Fiftieth Regiment East Missouri Militia Volunteers.

The report (by Mr. FYAN) is as follows:

It appears from the original declaration for pension filed by said Pennington in the Interior Department that he was a private in Company B, Fiftieth Regiment Missouri State Militia; that he was enrolled in said service in July, 1862, and was honorably discharged therefrom by surgeon's certificate, at Kirksville, Mo., date not stated. It further appears from said declaration that while said regiment was on a march to re-enforce United States troops near Callis, Mo., on the 9th day of August, 1862, while riding down a hill, he was badly ruptured, and that he was treated by Surgeon S. P. Knight, of the board of enrollment.

An additional affidavit of Pennington shows that he served in no other military organization during the war; that he never received any formal discharge from his command, because when he was injured he was relieved from duty by his captain and sent home. He was again called out for military service in 1864, but upon examination of the surgeon he received a certificate of discharge, signed by the surgeon of board of enrollment, which stated his disability to be rupture (the certificate is on file in the papers forwarded to the committee by Pension Bureau). He says that when he received the injury he was under the immediate command of Maj. John B. Dodson, of the Eleventh Missouri State Militia Cavalry, United States Volunteers. He further affirms that the Missouri State Militia never received any discharges; that when their services were no longer needed they were disbanded and sent home.

In evidence is the affidavit of Dr. Charles Atterberry, who affirms the soundness of Pennington at the date of his enrollment in the militia.

Maj. John B. Dodson swears that the petitioner, while in the line of his duty, and without fault on his part, and while on detached service from his regiment with a portion of the affiant's cavalry, when marching from Macon City to Callis, Mo., in riding very rapidly down a hill was badly ruptured on both sides. Dodson was major of Eleventh Missouri State Militia.

The affidavit of Dr. Basil C. McDarret states that he is a practicing physician, and has been for nine years; that he made a personal examination of Pennington, whose family physician he is, and he finds that he is badly ruptured on both sides.

John Burton, examining surgeon by appointment of the Commissioner of Pensions, certifies, under date of 1877, that claimant is $12 disabled for obtaining his subsistence by manual labor, and that the disability is permanent. He further certifies that claimant "has scrotal hernia on both sides, neither of which is reducible; the tumors when down are each fully three inches in diameter, and extend to the lower part of the scrotum." Said surgeon states that claimant asserts that he cannot wear a truss, and that the tumors are painful. The tumors are always present except when pressed back.

There is no record of Fiftieth Enrolled Missouri Militia in the War Department.

The Interior Department rejected the application for pension because it was not shown to the satisfaction of the Commissioner of Pensions that the applicant was in the service of the United States when he received the injury. That Pennington was in said service is shown by the report of the adjutant-general of the State of Missouri.

The committee are of opinion that the claimant has exhibited a right to pension, and we recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOSEPH PIGEON.

Mr. WOODWARD. I ask consent to take up out of its order House bill 6044, granting a pension to Joseph Pigeon.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Pigeon, late a private in Company B, Third Regiment New York Artillery Volunteers, in the war of the rebellion.

The Committee on Invalid Pensions recommend that the bill be amended by inserting the words "of Eliza Pigeon, widow," before the words "of Joseph Pigeon."

The report (by Mr. SUMNER, of Wisconsin) is as follows:

That said Joseph Pigeon enlisted in January, 1864, and served until July, 1865, when he was honorably discharged.

He applied for a pension in January, 1878, on account of rheumatism and heart disease, contracted in said service, which application was rejected in July, 1879, upon the ground that there was "no record of rheumatism and heart disease."

This rejection must have been wholly upon technical grounds, for the proof is clear that he was sound and healthy when he enlisted; that he was greatly exposed in the month of April, 1864, which resulted in severe sickness, on account of which he was treated in hospital more or less until the following October, 1864, the record showing that he was treated in hospital for bilious fever, bronchitis, and for shortening of the left leg three inches.

He recovered somewhat after that month of October, 1864, and performed duty until the following January, 1865, when he was again prostrated, and, as appears from the proofs, continued to suffer from rheumatism and heart disease until the time of his discharge, July, 1865, "when he was carried home on a stretcher."

He appears to have recovered in part after his return home, so as to be able to work at intervals, but never to have been free from the diseases alleged.

The report of the surgeon who examined him upon his application for a pension found him "disabled from the diseases he alleged, rheumatism and heart disease."

In October, 1881, said Joseph Pigeon died of the diseases contracted in said service, which is clearly shown by the affidavit of the attending physician, Eugene H. Townsend.

Said Joseph Pigeon left him surviving his widow, Eliza Pigeon, about 50 years of age, and three infant children, to wit, David Pigeon, 14 years of age March 18, 1884; Anthony Pigeon, 10 years of age December 5, 1883; and Peter Pigeon, 5 years of age November 17, 1883.

Said Joseph Pigeon left no property whatever, but was for several years previous to his death supported in part at public expense; and that said widow and said infant children are now in need of assistance, and do actually receive their support in part at the public expense.

Wherefore your committee recommend that said bill be amended by inserting after the word "name," at the end of the fifth line, the following words: "of Eliza Pigeon, as the widow," and that the title of said bill be amended so as to conform to the aforesaid amendment, and that said bill so amended be passed, and the committee be discharged from its further consideration.

The amendment reported from the Committee on Invalid Pensions was agreed to.

The bill as amended was then laid aside to be reported favorably to the House.

MARIA H. SARGENT.

Mr. LOVERING. I ask consent to take up out of its order House bill 6956, granting a pension to Maria H. Sargent.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Maria H. Sargent, and to pay her a pension of $20 per month.

The report (by Mr. LOVERING) is as follows:

Maria H. Sargent was one of ten women, all of whom excepting herself have since died, who was appointed by Surgeon E. P. Kimball, of Lowell, Mass., early in 1861, under instructions from General Butler, as nurse in the late civil war. Entering immediately upon her duties, she continued to serve in that capacity for two years, at which time she was prostrated by severe illness, which she contracted by her untiring and devoted attention to the sick and wounded soldiers, and which compelled her to resign her position as nurse. Returning to her home broken in health and with shattered constitution she has since battled with disease, which has assumed a chronic form, getting along as best she could by the help of charitable friends, and has never called upon the Government for assistance until now. She is a widow and alone, 70 years old, and feels that the Government should render her some assistance in the few years of life now remaining to her.

Dr. Kimball, who appointed her, says:

"She rendered good and faithful service until her health failed. She was very sick while under my charge at Fortress Monroe (the exact time, however, I do not remember) from malarial disease, which threatened for some time to prove fatal; taking, however, a favorable turn, she was removed to Massachusetts. Since that time she has been an invalid and constant sufferer from exposure and hardships while in service. She is now at an advanced age without means of support."

Col. James May, Tenth Massachusetts Volunteers, says:

"Since her return from the Army, where she had the care of our sick and wounded, I know her to be a decided invalid, resulting from hardships and exposure to disease while in faithful discharge of her duty as nurse."

Henry O. Marcy, M. D., says:

"She has been an invalid since her service as nurse during our late war, induced by exposure consequent thereon. She has been under my care at different periods for several years. She is now quite destitute."

Dr. G. Ryder, says, under date of January 7, 1884:

"Mrs. Sargent, of Linden, Mass., is under my care, confined to house and bed on account of hepatic and general sickness. Her former physicians certify her condition to have been consequent to her service during the rebellion, and she has since been a victim of a chronic malady, and now, in her old age, is rendered nearly helpless by disease."

Dr. W. C. Flowers says:

"Have treated Mrs. Sargent for chronic disease of the liver and other diseases, resulting from malarial fever contracted while on duty as nurse during the late war."

John A. Goodwin, postmaster at Lowell, Mass., says:

"Mrs. Sargent was very favorably known to me as one of the volunteer nurses at Old Point Comfort. Our then major, the late Hon. Benjamin C. Sargent, held her services in high estimation, and considered her example and her patriotic zeal as of great value at that crisis. It is a matter of common knowledge that her health was ruined in the hospital service, and that she is a constant sufferer therefrom. I have met several of the soldiers who came under her care and know that they have for her very grateful feelings. I am sure that any relief afforded Mrs. S. will be most worthily bestowed, and will be a deserved return for her patriotic effort in the darkest days of the war."

In view of all the facts in the case, the arduous, faithful, and untiring devotion to her duties as nurse to our sick and wounded soldiers, the incurrence of diseases in the line of her duty, which have since become chronic, rendering her at her advanced age almost helpless, your committee are of opinion, in view of precedents already established, that she should receive a pension for the few remaining days of her life, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOHN C. SHACKLETT.

Mr. COBB. I ask consent to take up out of its order House bill 1934, granting a pension to John C. Shacklett.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, required to place on the pension-roll the name of John C. Shacklett, dependent father of John L. Shacklett, late of Company A, Tenth Indiana Cavalry, at the rate of $8 per month.

Mr. TURNER, of Kentucky. I would like to hear the report in this case read.

The report (by Mr. MATSON) was read, as follows:

That claimant had two sons, who died from disabilities contracted in the military service of the United States, and that he was dependent upon both of said sons for his support. In his application for pension claimant elected John L. as the son on account of whose service and death he would prosecute his claim for pension.

John L. Shacklett enlisted in the military service of the United States as a private in Company A, Tenth Indiana Cavalry, November 4, 1863, and was honorably discharged August 17, 1865.

July 2, 1866, John L. Schacklett filed a declaration for pension, alleging that he contracted epilepsy in the military service and in line of duty. The soldier died April 23, 1872, before the final adjudication of his claim.

January 14, 1876, John C. Shacklett filed his application as dependent father, alleging the death of his son from epilepsy contracted in the military service. This claim was rejected May 12, 1882, on the ground that the disease of which the soldier died, epilepsy, was not the result of an injury received in the military service and in the line of duty.

The death of the mother of soldier, May 16, 1858, and the continued celibacy of claimant is shown.

The claimant father is now more than 75 years old, entirely without any means of support, and unable to perform any manual labor. From 1864 to date his property never exceeded $100 in valuation for taxes, as is shown by the assessment list for those years. It is shown that the father drew soldier's wages before enlistment, and that the son, while in the Army, sent his wages to claimant.

The postmaster at McCameron, Martin County, Indiana, says in a letter to the Pension Office:

"Claimant is unable to maintain himself and family by manual labor; is dependent on charity; is worthy, and spent all his means for soldier during some four years."

Twenty-two citizens of Scotland, Greene County, Indiana, in a petition filed May 31, 1881, state they believe the claimant is entitled to pension; that he is feeble and poor, and lost two sons.

The records of the Surgeon-General's Office show that John L. Shacklett was admitted to Kennedy General Hospital, Mobile, Ala., May 18, 1865, with epilepsy, and his continued treatment is shown to June 29, 1865, at which time he was transferred to Indianapolis, Ind.

It is shown by the records of the Government Hospital for the Insane, Washington, D. C., that John L. Shacklett, private, Company A, Tenth Indiana Cavalry Volunteers, was admitted to it from the National Home for Disabled Volunteer Soldiers, Dayton, Ohio, June 8, 1870, to be healed for dementia—epileptic; duration of disease at time of admission five years, and that he died April 23, 1872, of epilepsy, with phthisis.

The origin of the disability is shown by the testimony of Maj. Sylvanus Milmer, of soldier's regiment, who says, November 8, 1879:

"That the soldier was on duty at the bridge across the river at Nashville, Tenn., about December, 1864, and there received a saber stroke at the hands of General Hammond, caused by an altercation between him and the soldier; that he knows of his own personal knowledge that soldier received a saber stroke, which caused epilepsy and subsequently insanity; and that the cause of the altercation was some joking remarks made by soldier, at which the general took offense."

James K. Vint, a comrade of soldier, verifies the above testimony.

Dr. Cyrenus Elliott, of Wadesville, Ind., testifies, May 16, 1878:

"That he was the soldier's physician from the time of his discharge until he was sent to soldier's home at Knightstown, Ind., and that the disease for which affiant treated him was epilepsy, which finally resulted in insanity."

Claimant states, April 6, 1882, that after soldier's discharge he remained at home until December 1, 1868, when he became unmanageable, and was sent to soldier's home at Knightstown, in Indiana, and thence to lunatic asylum at Washington.

Dr. Noah W. Williams, of Owensburg, Ind., testifies, May 16, 1878:

"That he was the soldier's family physician up to the date of his enlistment, and that said soldier was free from fits to that time."

J. K. Vint, of Cynthiana, Ind., testifies to the same effect. It is shown that the soldier was never married.

Your committee have examined the evidence in this case very carefully, and find that the father is entitled to a pension for the loss of his son, as a result of disability contracted in the military service of the United States, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration sundry pension bills, and had directed him to report them to the House, some with and some without amendments.

A. T. STILL.

Mr HATCH, of Missouri. There is a bill granting a pension to A. T. Still which has been reported adversely from the Committee on Invalid Pensions by the gentleman from Kansas [Mr. MORRILL]. I will ask him to move that it be recommitted to the Committee on Invalid Pensions.

Mr. MORRILL. I will make that motion.

The SPEAKER *pro tempore*. Is the bill on the Calendar?

Mr. MORRILL. It is not; it was laid upon the table.

Mr. MATSON. If the bill is not on the Calendar it can not be considered to-night under the special order.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MATSON] makes the point of order that the bill referred to, not being upon the Calendar, can not be considered by the House to-night. The Chair sustains the point of order.

Mr. MORRILL. Very well; if that is the case I withdraw the motion.

BILLS PASSED.

The following bills, reported with amendments from the Committee of the Whole on the Private Calendar, were then taken up, the amendments agreed to, the bills as amended ordered to be engrossed for a third reading; and they were accordingly read the third time, and passed:

A bill (H. R. 4440) for the relief of John Bostater;

A bill (H. R. 4837) granting a pension to Charles H. Phillips;
A bill (H. R. 5004) for the relief of William B. Smith;
A bill (H. R. 5941) for the relief of Martha Lawson;
A bill (H. R. 5816) for the relief of Nathan J. Sharp;
A bill (H. R. 5207) granting a pension to Adalbert Stickney;
A bill (H. R. 3829) granting a pension to John Beck;
A bill (H. R. 5209) granting a pension to James Flynn;
A bill (H. R. 5208) granting an increase of pension to Gottlieb Hermann;
A bill (H. R. 3467) granting a pension to H. D. Prior;
A bill (H. R. 6851) for the relief of Mary L. Reader. [Title amended so as to read "A bill for the relief of Mary G. Reader"];
A bill (H. R. 2312) granting a pension to Almira B. Kaler;
A bill (H. R. 5636) for the relief of Otto Leissring;
A bill (H. R. 3828) granting a pension to Cornelius Wessels;
A bill (H. R. 2894) granting a pension to Henry Rodenback;
A bill (H. R. 2924) granting a pension to Michael Daly;
A bill (H. R. 3023) granting an increase of pension to John Dwyer;
A bill (H. R. 2574) granting a pension to Rosella Pegg;
A bill (H. R. 2522) granting a pension to John Q. Bellville;
A bill (H. R. 2520) granting a pension to Sally Ann Bradley;
A bill (H. R. 6677) to increase the pension of William Irving;
A bill (H. R. 3307) granting a pension to Harriet P. Dame;
A bill (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young;
A bill (H. R. 760) granting an additional pension to Walton S. Bentley;
A bill (H. R. 3954) for the relief of Hardie-Hogan Helper;
A bill (H. R. 253) granting a pension to Samuel Hazel;
A bill (H. R. 1984) granting a pension to Robert M. McKinlay;
A bill (H. R. 7002) for the relief of Harriet L. Stevens;
A bill (H. R. 836) granting a pension to John C. Fenscke;
A bill (H. R. 6834) granting a pension to Charles D. Kunkle;
A bill (H. R. 4700) granting a pension to Simon E. Lewis (title amended so as to read "A bill granting a pension to Simeon E. Lewis");
A bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken and Charles Milliken (title amended by striking out "and Charles Milliken"); and
A bill (H. R. 6044) granting a pension to Joseph Pigeon (title amended so as to read "A bill granting a pension to Eliza Pigeon").

House bills of the following titles, reported favorably from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed and read a third time; and were accordingly read the third time, and passed:

A bill (H. R. 3000) for the relief of William R. Miller, for pension;
A bill (H. R. 6461) granting a pension to Nelson Gammons;
A bill (H. R. 6173) for the relief of Rose Dougherty;
A bill (H. R. 6480) granting a pension to Margaret G. Halpine;
A bill (H. R. 3661) granting an increase of pension to Lucy Le G. Jeffers;
A bill (H. R. 6287) for the relief of John H. Johnson;
A bill (H. R. 3210) for the relief of Jacob Hoerth;
A bill (H. R. 5500) for the relief of Benjamin F. Amos;
A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;
A bill (H. R. 5553) granting a pension to Isabella Palmer;
A bill (H. R. 5555) granting a pension to James Frazier;
A bill (H. R. 6711) granting a pension to Louis Magnus;
A bill (H. R. 6589) for the relief of Asa Dye;
A bill (H. R. 6835) granting a pension to Bernard Donohue;
A bill (H. R. 5821) granting a pension to Mrs. Susannah Barr;
A bill (H. R. 6826) granting pension to Rebecca Kupp;
A bill (H. R. 5934) granting a pension to M. V. B. Winkler;
A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;
A bill (H. R. 3565) granting a pension to William Eurele;
A bill (H. R. 4098) granting a pension to William Gibbons;
A bill (H. R. 3703) granting a pension to James W. Brown;
A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 204) granting a pension to Susan Y. Attwater;
A bill (H. R. 3612) granting a pension to Hayden Reynolds;
A bill (H. R. 452) granting a pension to Frederick Corfe;
A bill (H. R. 5740) for the relief of Grigsby Foster;
A bill (H. R. 6328) granting a pension to Samuel W. Bowling;
A bill (H. R. 1912) for the relief of David C. Paullus;
A bill (H. R. 5938) to pension Julia A. Marcum;
A bill (H. R. 1237) granting a pension to Solomon K. Ruggles;
A bill (H. R. 837) for the relief of Reuben J. Chewning;
A bill (H. R. 2457) granting a pension to Richard Dillon;
A bill (H. R. 5953) granting a pension to Zenas Hamilton;
A bill (H. R. 6235) granting a pension to Eliza J. Norris;
A bill (H. R. 6934) granting a pension to Ann J. Williams;
A bill (H. R. 884) granting a pension to John T. Pennington;
A bill (H. R. 6956) granting a pension to Maria H. Sargent; and
A bill (H. R. 1934) granting a pension to John C. Shacklett.

Senate bill of the following title, reported favorably from the Committee of the Whole House on the Private Calendar, was ordered to a third reading, read the third time, and passed:

A bill (S. 282) granting a pension to A. M. Wilson.

Mr. MATSON moved to reconsider the various votes by which pension bills reported from the Committee of the Whole House on the Private Calendar had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRENTS: Memorial of John R. Thompson, moderator of the Presbytery of Puget Sound, relative to the Puyallup Indian reservation, Washington Territory—to the Committee on Indian Affairs.

By Mr. DEUSTER: Petition and papers relating to the bill for the relief of William Wolff—to the Committee on Military Affairs.

By Mr. HOWEY: Petition of citizens of Somerville, N. J.; also, of citizens of Flemington, N. J., against the Government monopoly of the telegraph business—severally to the Committee on the Post-Office and Post-Roads.

By Mr. LOVERING: Petition of the governors of New York and Virginia, the adjutant-general of New York, mayors of Richmond, Va., Harrisburg, Pa., and others, for the passage of a bill granting a pension of $8 per month to all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. MURRAY: Petition for the relief of John B. Egan—to the Committee on Invalid Pensions.

By Mr. T. G. SKINNER: Memorial and papers of W. K. Hammond—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 14, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DORSHEIMER, until Friday next.

To Mr. WARD, for twelve days, on account of important business.

To Mr. ELLIOTT, for one week, on account of important business.

POST-OFFICE APPROPRIATION BILL.

Mr. RANDALL. I call for the regular order.

Mr. TOWNSHEND. I call up the unfinished business, which I understand to be the consideration of the amendments of the Senate to the Post-Office appropriation bill.

The SPEAKER. That the Chair thinks is the regular order. It is true the conference report itself has been disposed of, but these amendments were brought before the House by that report and arise out of its consideration. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, after line 27, insert "for necessary and special facilities on trunk lines, $135."

Mr. TOWNSHEND. I move that the House further insist upon its disagreement to the Senate amendment.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON. I wish to know whether the motion of the gentleman from Illinois to proceed with the further consideration of this bill has priority over the special order for to-day? It will be remembered that after the reading of the Journal to-day it was ordered that the business from the Committee on the Pacific Railroads should be taken up as a special order, and if in order now I shall raise the question of consideration so as to reach that business.

The SPEAKER. The Chair will state in response to the gentleman from Kentucky that the pending matter was under consideration on yesterday when the House took a recess. It came before the House as a matter of privilege. The committee of conference made a report upon the disagreeing votes of the two Houses upon this appropriation bill; and while it is true that the report itself was disposed of, the report

brought back these amendments for the consideration of the House, and the Chair thinks that it partakes of the privileged nature of the report, and is also the unfinished business, and now properly up for consideration.

Mr. RANDALL. Then I move to dispense with the morning hour——

The SPEAKER. The Chair thinks that is not necessary.

Mr. RANDALL. I was under the impression that the ruling of the Chair was that this would not come up until after the morning hour.

The SPEAKER. No; the Chair thinks that it is now in order. The business the gentleman from Kentucky refers to will come up necessarily under the order of the House immediately after the disposition of this business.

Mr. THOMPSON. It will not, then, lose its special privilege or priority?

The SPEAKER. It will not; it is only temporarily suspended.

Mr. LEWIS. Let me ask, if the business of the Pacific Railroad Committee should not be taken up to-day, would it have any priority on any other day?

The SPEAKER. It would not have absolute priority, but may be called up on some other day under the special order made on the 18th day of February by the House, and which order is still in force; but it would come up subject to the right to raise the question of consideration against it.

The gentleman from Illinois now moves that the House further insist upon its disagreement to the amendment of the Senate which has just been read.

Mr. HORR. I move that the House recede from its disagreement to the amendment of the Senate and concur in the same with an amendment which I send to the desk.

The Clerk read as follows:

Strike out "one hundred and eighty-five," in line 131, and insert "two hundred and fifty;" so that the paragraph will read: "For special facilities on trunk lines, $250,000."

Mr. HORR. Mr. Speaker, I desire to call the attention of the House to this matter for only a moment.

Mr. HOLMAN. Mr. Speaker, I rise to submit a point of order with reference to the pending proposition. While the original proposition as it comes from the Senate would not be perhaps under the practice of the House subject to the point of order that could have been raised against it if it had originated in the House, yet as to the increase you here propose I believe it is subject to the third clause of the twenty-first rule, which prohibits the appropriation of money for any purposes not specified by law or for works not already in progress.

Mr. HORR. Why, this is in the present law.

Mr. HOLMAN. I admit that there is an appropriation of $185,000 under this general, indefinite head of "special mail facilities." It will not be argued, however, if there is no law upon the subject, that the fact that a mere provision of this kind is inserted in an appropriation bill for a specific purpose, as, for instance, to be expended upon a particular line of railroad, would be a sufficient warrant for the extension of such a provision to cover all the railroads of the country. I hold that it is here for an indefinite purpose. The item upon the bill is not in conformity with the law, but got into the bill when it was not subject to the point of order; for instance, it came from the Senate.

It seems to me that this measure as it now stands proposing to increase the appropriation from $185,000 to $250,000 for a purpose that is indefinite and not fixed by existing law, and not for the continuation of any specific object or public work already in progress, ought to be subject to the point of order, I am not certain that the point is tenable, but will submit it to the judgment of the Chair.

The SPEAKER. While the Chair supposes there is no permanent provision of law authorizing this expenditure, still the proposition to expend a certain amount of money for that purpose is now properly before the House; and the Chair thinks that the proposition, being properly before the House, is amendable, without regard to the rule applying to an original amendment proposed in the House. In other words, as an illustration, if the Committee on Appropriations should report a bill containing within it a provision not directly authorized by law, amendments proposed to such a provision should not be ruled out upon the point of order, because the subject upon which they are predicated, being virtually before the House, is a legitimate subject of amendment either by increasing or diminishing the amount of the appropriation.

The Chair will therefore overrule the point of order.

Mr. HORR. I propose to take but a few moments on this question of special mail facilities. I wish to say to the House that the $185,000, as put into the bill by the Senate, is exactly the amount that was expended for this purpose last year. But there was an agreement between a portion of the committee. I do not think my friend from Indiana was there, but the gentleman from Illinois [Mr. TOWNSHEND] and myself of the conference committee agreed that if this item should be retained at all it was probable the amount ought to be two hundred and fifty thousand in place of one hundred and eighty-five thousand.

Mr. TOWNSHEND. The gentleman makes it a little stronger than it ought to be. There was nothing like an agreement. But I said, as I say now, while I oppose the entire item, yet if the House makes any appropriation I am in favor of $250,000; for I think there is as much reason for one portion of it as another. But there was no regular agreement.

Mr. HORR. That is what I supposed the gentleman's position was. Now, this is money given for procuring a fast mail on simply two routes in the United States. I do not mean the bill itself fixes the two routes. But the Postmaster-General informs us that he will put the money on two routes, and two routes only. The $185,000 is now expended entirely on the route between New York and Jacksonville, Fla. He proposes to extend that facility from Jacksonville on to Pensacola, and also to put on one new route from Baltimore to Hagerstown, in Maryland.

This money is used on routes where the business of the railroad company is not sufficient to warrant them in running a fast train and skipping the little way stations; and the only way in which it is possible for these people to get this fast mail is by giving them extra pay; you may call it a subsidy or what you will. It is given solely for the benefit of the people on this route, to secure to them speedy mails, which they can not possibly get unless the Government steps in and gives this aid.

On this side of the House there are not six men whose constituencies have a particle of interest in this question. And yet I beg of you gentlemen on this side of the House to lend your aid in giving to the people on these routes these extra mail facilities. We through the Northern and more populous States have these fast mails because the business of the country is such that the railroad companies can afford to put their mails on trains that run at this great speed, and thereby we get a benefit which these people of the South can not get unless they have Government aid.

Mr. DUNN. Will the gentleman state what parts of the South the fast mail goes to?

Mr. HORR. The entire Atlantic coast from here to Pensacola, Fla.

Mr. DUNN. What do you do with another part of the South, the Mississippi Valley?

Mr. HORR. The Mississippi Valley does not need it as this does.

Mr. DUNN. Why?

Mr. HORR. Because you have to-day a mail more nearly corresponding with what we have in the more populous portions of the country than they have or can get on the Atlantic coast.

Mr. DUNN. Over what route?

Mr. HORR. Over your entire Mississippi route to Galveston, Tex.

Mr. DUNN. I beg the gentleman's pardon. I sent to the Postmaster-General resolutions and memorials from the Chamber of Commerce of the city of Memphis and of other cities in the Mississippi Valley making complaint against the discrimination against the business interests of the Mississippi Valley by the Department and by the appropriations made in Congress, and insisting and showing conclusively that the commercial interests of the cities of the South in the Mississippi Valley are discriminated against to the prejudice of the interests of that people.

Mr. HORR. I have no doubt the gentleman has made precisely that complaint. I have no doubt there is considerable force in the claim that other portions of the South do actually need some assistance of this kind. But I doubt whether you will get this House to swell this amount, as it would then be, to at least $1,000,000 to furnish for the entire country what the gentleman claims for the Mississippi Valley.

Mr. DUNN. If the Government is going upon that policy of furnishing the necessary means to give all important localities special facilities, then it should be made uniform throughout the country, or not one dollar should be voted for it; and let all the mails rest upon that speed which the business of the locality gives them. Take one horn or the other of the dilemma.

Mr. HORR. I am not going to take either horn of it. I simply say to this House that it is not a question I am going to worry my soul over anyway. It is a question which affects the gentlemen of that section of the country. I am going to leave it with you to determine. If you mean to take this privilege away from your own people, take it away. The conference committee will have no difficulty in agreeing to whatever you agree to here to-day. We shall accede to any proposition which you gentlemen make. I am simply asking that my friends on this side of the House, out of a pure spirit of generosity and fairness, although the money comes out of the general Treasury, shall join hands and vote for this extra help to that section of the country and not show any sectional spirit in the vote.

Mr. DUNN. Will the gentleman allow me to ask him another question? Is not this extra help to these particular sections of the country all absorbed by the fast trains that go out of the city of New York to deliver the morning papers in towns and cities and localities that the ordinary trains can not reach? Is not that what it is for?

Mr. HORR. Mr. Speaker, I do not think that that is what it is for at all.

Mr. BISBEE. Will the gentleman from Michigan allow me a question?

Mr. HORR. You shall have your own time if you want it. I do not intend to take but a moment.

Mr. BISBEE. I want to ask the gentleman a question. It is this: Do the people in the section of country which these fast mails will benefit derive any benefit from the six or seven millions we appropriate every year for the Mississippi Valley?

Mr. HORR. You mean for the river?

Mr. BISBEE. Yes.

Mr. HORR. I am not going into a discussion of the river and harbor bill, no matter how competent I may feel to do that work. Let us get at this one question. I state to you that it is a matter for you to determine among yourselves. I do believe that our side of the House will treat you fairly and generously. I hope that in my legislative action here I never shall get so as to confine my ideas of justice and right to any particular county or State in this Union.

I admit that there is some force in what my friend from Arkansas [Mr. DUNN] says about this appropriation. I admit that every dollar of it will be absorbed by two routes and two only.

Mr. DUNN. What are they?

Mr. HORR. The route from New York and Philadelphia south to Jacksonville, Fla., and thence to Pensacola; and $16,000 of it will go to the railroad from Baltimore to Hagerstown; all the rest of it will go to the other route. Now I submit to you that this is a matter for you to determine largely among yourselves. I will now yield to a friend of this amendment, the gentleman from Baltimore [Mr. FINDLAY]. Will ten minutes be enough?

Mr. FINDLAY. That will be ample time, I think. There is a road running out of Baltimore to Hagerstown, in the western part of Maryland, to which allusion has been made by my friend from Michigan [Mr. HORR]. The distance by that route from Baltimore is about eighty-four miles over the Western Maryland Railroad to Hagerstown, which is a ganglion or a kind of nerve center of railroads, and which has grown immensely in the last ten or twelve years. The Western Maryland road connects with the Shenandoah Valley Railroad, and the Shenandoah Valley road has a connection at Roanoke, Va., with the Norfolk and Western Railroad, which of course has a further connection with all the ramifications of its own system.

Therefore, according to the statement made by my friend from Michigan [Mr. HORR], one of the objects of this increased expenditure for fast-mail facilities is to extend it to Hagerstown. But it has a much larger significance than that, because in extending the facilities to Hagerstown in point of fact you extend them and spread them over the whole Southern and Southwestern country, and in reply to the suggestion which was made by my friend from Arkansas [Mr. DUNN] with reference to the needs of Memphis, that that part of the country did not reap the benefits of these proposed facilities, I would say to him that there is a train now that goes out of Baltimore every day, known as the Atlanta and Memphis express, and if this appropriation should be made, increasing the sum proposed by the Senate $185,000 to $250,000, Memphis would get the benefit of these fast-mail facilities. Therefore the objection which he has made, that there has been a petition sent here from the Board of Trade of Memphis that that city does not get any benefit of these facilities, is answered by that statement.

Mr. DUNN. But this appropriation as it comes from the Senate terminates the fast-mail facilities at Hagerstown, and does not extend through to the Southern Mississippi Valley. It does extend it through to Florida, but that which points to the South Mississippi Valley terminates at Hagerstown.

Mr. FINDLAY. My friend will remember that we propose to increase what the Senate has put in from $185,000 to $250,000.

Mr. DUNN. I do not know any better use to be made of money in expediting mails than to make it uniform; and if it can not be made uniform, then let it alone.

Mr. LONG. There is no uniformity in the whole system.

Mr. FINDLAY. There is no uniformity in the whole system. I agree that it would be much better if we could now and here devise a uniform system, the result of which would be that the whole country and every part of it would get the benefit of these special mail facilities. But at this late day of the session, and at this stage of the bill, it is impossible to accomplish that. It is possible, however, to accomplish something in the right direction. If we can not accomplish everything, it is not fair to say that we should not undertake to accomplish what is within our power.

Mr. DUNN. It is just as possible to run an expedited mail clear through to the South Mississippi Valley as it is to run it through Georgia into Florida. The Government is not a pauper.

Mr. FINDLAY. That is true.

Mr. DUNN. Its means are not limited to $185,000.

Mr. FINDLAY. I agree with the gentleman fully. But I say that this particular recommendation is made by the Postmaster-General after a careful examination of this route, after a personal inspection of it by himself and by Mr. Thompson, the superintendent of mails, and they agree that this is the route which has special features recommending it to the consideration of Congress.

Mr. DUNN. And the memorial that came from Memphis showed that it was easy to expedite the mails to that city by twelve hours.

Mr. FINDLAY. You are going to get it to Memphis.

Mr. TALBOTT. And we will help you get it.

Mr. FINDLAY. We will help you to get it to Memphis if you give this $250,000.

Mr. DUNN. I will vote for it.

Mr. FINDLAY. Then we do not differ at all. As usual in most disputes, when we find what the question is we agree.

Now, the Western Maryland Railroad, by way of showing its good faith in this matter, and how earnest we are in Baltimore to do something to help ourselves when we come to ask help from other people, comes in and says, "We will shoulder half of this expense." The railroad company estimates that it will cost $100 a day to run a train out at an early hour in the morning from Baltimore to Hagerstown, and it proposes to bear one-half of the expense, $50. The train will leave somewhere about half past 3 o'clock or 4 o'clock in the morning, and, being a fast train, it not only skips by many stations, as my friend from Michigan [Mr. HORR] remarked, and therefore can not get the benefit of local travel, but the through travel does not go out so early in the morning. It is an unseasonable hour, when most people are in their beds and do not like to get up unless obliged to do so. Consequently, the revenue derived from the running of such a train would be dependent to a very great extent upon what the road would receive for carrying the mails. This railroad company comes in and says, "We will pay one-half of the expenses provided the other half is borne by the Government."

When this train gets to Hagerstown at an early hour in the morning it connects there with the Shenandoah Valley Railroad, and with a train that comes down from New York by way of Philadelphia, Harrisburg, and the Cumberland Valley. Thus there is a continuous connection through the Shenandoah Valley down through Tennessee as far as Memphis, down to Atlanta, and then to New Orleans. There is to-day a through connection between New Orleans and Hagerstown and between Hagerstown and Baltimore, and therefore, Mr. Speaker, this is not a mere Baltimore project. Although the wealth, the business, and the population of Baltimore have increased immensely within the last ten years, the mail facilities of that city are not as great as they were ten years ago.

[Here the hammer fell.]

Mr. HORR. I now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have very considerable sympathy with gentlemen who desire to have this appropriation made. Yet it is largely the fault of this Congress, and largely the fault of this House, that there is any necessity for making an appropriation of this kind. For years the method of compensating railroad companies for carrying the mails has been substantially by weight. Speed is not a factor in their compensation under the law as it stands upon the statute-book; nor is space an element except to a very limited extent. The last Congress, recognizing this fact, authorized the creation of a commission to investigate and report a more equitable and efficient method of compensating the railroad companies for carrying the mails. The commission which was appointed—an intelligent commission—exhausted this subject, in my opinion, and made its report to this Congress. But this Congress has sat silent in reference to this matter. No proposition has been made or brought forward before this bill to change the law as to the method of compensating these railroads. So that the compensation for at least twelve months to come is to remain upon the basis of the old law—that is, substantially by weight, speed and space not being factors, except to a very limited extent.

Yesterday the gentleman from Michigan [Mr. HORR] presented the hardships attending the operation of this law in regard to a certain class of railroads. With that gentleman's presentation of the facts as to the small roads I have great sympathy; for it is the fact, as he states, that upon the smaller railroads—upon nearly three-quarters of all the railroads in the United States—the present compensation for mail transportation is a mere bagatelle. This is especially the case in the South and the West, where the trip, and not the space occupied by the mails, is the important matter—where the train might just as well embrace one, two, or three more cars as not.

But the proposition yesterday was voted down. The proposition then was for a horizontal cut—to take from the railroads, three-fourths of which are already receiving insufficient pay, 5 per cent. in some instances and in other cases 50 per cent. This morning we have the logical sequence. Gentlemen from those portions of the country where these small railroads have to perform this service at an inadequate price come in and seek to have a special discretionary fund placed at the disposal of the Postmaster-General, so that some of these railroads may receive additional compensation and some portions of the people obtain proper mail facilities. It would have been much better to have legislated covering the whole ground, taking into consideration speed, space, and weight, and doing justice to the small railroads and the more sparsely settled portions of the country, as well as to the great railways and the more thickly settled sections. I am not going to antagonize this proposition. It is a discretionary fund, and if it were to run permanently in the law would breed great abuses in the course of time.

Mr. DUNN. I am satisfied of that.

Mr. CANNON. And I wanted to call the attention of this House

simply to their shortcomings of yesterday, and to the fact that the House had the estimates and the whole scheme placed before them months ago, and has failed totally in availing themselves of that scheme, and on the basis of it to legislate intelligently to cover the ground.

Mr. HORR. I now yield five minutes to the gentleman from Florida [Mr. BISBEE].

Mr. BISBEE. Mr. Speaker, I do not know that I have much to say upon this proposition. I believe the House very fully understands its importance. I am one of the few members of this side of the House referred to by the gentleman from Michigan [Mr. HORR] whose constituents are interested in this service. We have had it already for a time. We have enjoyed its benefits for several years and have become accustomed to it and appreciate its value, and, while we shall not rebel if it is taken away from us, I think we shall feel justified in believing that we ought to be a little angry about it. I hope that no member will vote against it simply because his section of the country derives no benefit from it. That is too narrow a view to take of this subject. The question for us to consider is simply this: Is this right? Is not this section of the country entitled to it, and would it not be better to continue to practice the example of furnishing these facilities to this section of the country in the hope that thereby other parts of the country may get it in the future?

When this bill was under consideration, Mr. Speaker, in the Committee of the Whole some weeks ago I offered an amendment proposing $600,000 for this purpose, to be disposed of by the Postmaster-General to secure fast-mail facilities on trunk lines throughout the country. I was surprised, and I regret that it was ruled out of order by the chairman of the Committee of the Whole; and I may say now when this proposition is before us that I am very glad and rejoice in behalf of my constituents and in behalf of the people throughout the entire Atlantic coast that both the Senate and the House are disposed to continue these fast-mail facilities.

It is not a small section of the country, Mr. Speaker, that is to be benefited. The truth is, the whole coast from Maine to Texas will be benefited by it. Sixteen States will enjoy these facilities. It is not merely the people resident or located on the entire line of the coast who are benefited, but the people throughout all of these States. If we get our mails quickly at Richmond, at Weldon, at Wilmington, at Charleston, at Savannah, and Jacksonville, Fla., all the people throughout the western parts of these States will necessarily get their mails more rapidly. It is not, then, a mere matter of sentiment. It benefits the business interests of the country; it benefits all the commercial facilities of the country. It puts us one whole business day—the people of all of this section of the country from here to New Orleans—one entire business day nearer to the great commercial centers of Baltimore, Philadelphia, and New York.

[Here the hammer fell.]

Mr. HORR. I now yield five minutes to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, I am surprised to find gentlemen coming from the different parts of the country which are specially and almost exclusively interested and to be benefited by the appropriation here suggested hesitating to support or objecting to it; and it certainly in my judgment is far more creditable to see the gentleman from Michigan [Mr. HORR], who is not benefited, and the gentleman from Illinois, who frankly says that if any appropriation be granted for this purpose all the amount here specified should be, taking a plain, broader, and more national view of the question. When I see gentlemen who come from the South, who represent seventy-five constituencies on this floor, who are directly benefited and some of whom have not been quite wide enough awake to know when they were directly and exclusively interested, I must confess my surprise at the attitude which they have adopted on this question.

I hold, sir, in my hand a paper advertising the Southern Express over the Shenandoah Valley Railroad from Baltimore over the Norfolk and Western and East Tennessee, Virginia and Georgia, and the Memphis and Charleston Railroads, and I can assure gentlemen from positive information which was given to the Postmaster-General, and which he followed up by going over the road in a distrustful or rather a dissenting spirit, that he then discovered that where there is now $185,000 in the bill, $142,000 would go from Philadelphia South, not for the New York papers, because it begins at Philadelphia and goes South; and out of 1,072 miles the greater part helped has been in the South, and now he proposes to add a further extension to Pensacola, which can be obtained by increasing facilities on the short span of eighty-seven miles between Baltimore and Hagerstown. He found that by expediting that eighty-seven miles an hour they would get twelve hours sooner all of the mails that go from Hagerstown to Memphis and intermediate points. They go first to Roanoke and scatter through the West and Southwest a distance of two hundred and forty miles through all the valley of Virginia. They go then to Bristol, in Tennessee, and again scatter through all that vast section of country.

I say it is a large and national view which allows Baltimore, a Southern city, in its connection with the whole South and Southwest to have $15,000. Gentlemen, how many millions have you asked for the Mississippi, and how many times have you been told by the people of the Atlantic slope that that was sectional? How many millions for wavy rivers and attenuated streams, claiming that the appropriation was national in its scope? How many local matters have you called large and national? How can you say, then, that this proposition, which adds but $15,000 for facilities for Tennessee, for Georgia, for West Virginia, for Maryland, which concerns six great States, which serves two millions of people in the best wheat country and the great cattle-growing country of the East—the growing new Virginia, down to Roanoke and into Tennessee, the new country developing after it was ravaged by the war and its railroad building checked—how can you say that such an appropriation should not be made, when a Republican administration, where you have Democrats in Congress, offers you, for the good of our people, the people of my own State, the people of the States South and Southwest, what is just and right? They do it because it is a part of a liberal and broad policy.

Mr. BLAND. Will the gentleman allow me—

Mr. MCCOMAS. My time is limited. I will answer any question out of the time of the gentleman who asks it. I think if I had time I could convince any gentleman here that there is nowhere in the appropriation bills of this Congress a dollar to be expended more liberally and wisely for the benefit of the great mass of the people of the country, including the whole Atlantic coast and including the Southwest. I think gentlemen would not fail to agree with me if they would examine the schedules and see the gain that would be secured of twelve hours to the Southwest for the expenditure of only $14,000. I think no gentleman should refuse to agree to what is so just.

[Here the hammer fell.]

Mr. HORR. I yield one minute to the gentleman from Maryland [Mr. TALBOTT].

Mr. TALBOTT. I merely want to state what my colleague from Maryland [Mr. MCCOMAS] had not time to state, that this train starts out from Baltimore at half past 3 or 4 o'clock in the morning, about an hour after the arrival of the mail-train from New York which goes on to Washington, and it is by the continuation of this mail-train from New York through the Shenandoah Valley with all its connections, through Tennessee with all its connections, through Georgia with all its connections, that every Southern State that connects by rail with that system of railroads is benefited by this addition of $15,000 for a fast mail from Baltimore to Hagerstown. The whole amount ought to be appropriated.

I desire further to state to the House that if there is anything the people of this country will commend Congress for doing it is for increasing the facilities for fast mails in this country.

Mr. HUNT. Does it make a quicker mail to New Orleans?

Mr. TALBOTT. It does.

Mr. DUNN. But it should be a general system.

Mr. TALBOTT. I am in favor of a general system. But because you do not have a general system in this bill that is no reason why you should not vote for this amendment.

Mr. DUNN. I think it is.

[Here the hammer fell.]

Mr. HORR. I yield five minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. I suppose this House fully understands what the fast-mail service is. It is wholly distinct from the general mail service. It is the right conceded by the railroad company, for additional compensation for conveying the mails, that the Post-Office Department shall fix the hour of departure and the hour of arrival at destination. Under the present law $185,000 is expended for special mail facilities. We are to-day in the transportation of the mails operating under the law of 1873, which provides payment for weight carried. In 1876 Congress reduced 10 per cent. the rate for transportation of mails—made a horizontal reduction, the same as you did yesterday in a horizontal cut of 5 per cent. on all railroads carrying the mails under the law of 1873. So great was the indignation of the people, so pronounced the condemnation from the business centers of the country, that the next session of Congress, for the first time in the history of railway-mail transportation, the conception and the origin of these fast mails was first incorporated in legislation. You appropriated then about $150,000 for fast-mail transportation. That went on gradually from year to year until it reached the sum of $600,000. That amount, however, left to the wise discretion of an able and capable Postmaster-General, was not expended, for the reason that it was his purpose to carry out the intent and spirit of the act of Congress that increased the appropriation to $600,000 in order that fast-mail facilities should be extended from the Atlantic to the Pacific coast. In his negotiation with the roads west of Chicago the expedited schedule could not be conceded by the Pacific roads, for the reason that the compensation under the allowance of $600,000 was not a sufficient consideration for these roads to yield up the control of their schedule of departure and arrival. Therefore your fast-mail facilities have been extended only through the States to the South and through the States of the North to Chicago.

By your legislation of yesterday you have directly affected the railroad companies, and especially the great trunk lines, for they will be largely the sufferers. The lines that carry your mails for 7 cents per

ton per mile—not the lines that carry them for 35 cents per ton, but the great trunk lines, that carry them for between 7 and 8 cents per ton per mile—are the roads which will be directly affected by the 5 per cent. horizontal reduction passed by this House yesterday. That will strike the New York Central Railroad $25,000 and the great Pennsylvania a little over $25,000.

When this bill was originally under consideration I read to the House a letter from Mr. Frank Thomson, second vice-president of the Pennsylvania Railroad, wherein he officially protests to the Department against this reduction. The gentleman from Illinois [Mr. TOWNSHEND] has stated that because railroad-building is cheaper therefore transportation is cheaper. But every gentleman in this House knows that by the recent legislation which you have enacted the Department can put the mails on the fastest trains that carry passengers, not trains which average, as in 1873, thirty-two miles an hour, but trains of to-day of from forty-two to forty-five miles. And instead of increasing the allowance to the railroads you have decreased it. Allow me to read what Mr. Thompson says on this subject:

PENNSYLVANIA RAILROAD COMPANY,
OFFICE OF SECOND VICE-PRESIDENT,
Philadelphia, March 5, 1884.

MY DEAR SIR: Our attention has been called to House bill No. 5459, and on page 4, lines 65 to 70, inclusive, you will find that the Postmaster-General is authorized and directed to readjust the compensation paid to railways and reduce the same 5 per cent. per annum.

Your Department of the Government, more than any other, is aware of the inadequacy of the present pay, and of the extensive and valuable service that the railway companies (especially the two important trunk lines, the New York Central and Pennsylvania Railroads) supply to the Government for this inadequate pay. You are also aware of the fact that within six months we have at your request placed on our lines very fast service between the Eastern and Western cities, much against our inclinations, but at your earnest solicitation. We now desire to say to you, frankly and positively, that while we have every desire to meet the wants of the Government and of your Department to the fullest extent, and while we have continued the present service in the expectation that under the bill recommended by your Department there would be a proper increase in the compensation made to us for railway service, we will be compelled, in case any reduction is made in the present pay, to make a proportionate or even greater reduction in the facilities now afforded.

Very respectfully,

FRANK THOMSON, *Second Vice-President.*

General W. B. THOMPSON,
General Superintendent Railway-Mail Service, Washington, D. C.

And to show you that that is not uttered as a threat, permit me to say that in 1876, when you reduced your compensation for railroad transportation of the mails, the New York Central and the Pennsylvania Central refused to carry them at the cut rates, and you were compelled, in obedience to the protests and demands of the people, to originate the fast-mail service, which admitted of additional allowances to the great trunk lines and offset the reductions your 10 per cent. horizontal cut had effected.

[Here the hammer fell.]

Mr. HORR. As I am the mover of this amendment, I wish to retain five minutes of my time until after the other side has been heard, and I now yield the floor to the gentlemen on the other side.

Mr. TOWNSHEND. I wish to be understood at the outset as opposed to this entire appropriation for special mail-facility service. But I am willing to say from my investigation of the matter that if any appropriation is made at all for this service the entire amount of $250,000, as recommended by the Postmaster-General, ought to be given instead of $185,000.

Mr. DUNN. If $250,000 is given, to what points is it to be extended?

Mr. TOWNSHEND. I will answer that in due time. I have come to this conclusion, because from my investigation of the facts and from interviews with the Postmaster-General I am impressed with the belief that one portion of the projected line is about as important as another; that the extension to Hagerstown, Md., and the one to Jacksonville, Fla., are just as important as any portion of the main stem of the expedited route. Therefore I am willing to say that if we make any appropriation for the special mail-facility service the entire amount asked for by the Postmaster-General should be granted.

Now, in answer to my friend from Arkansas [Mr. DUNN], I understand from the Postmaster-General that the subsidized lines will extend from a point in Massachusetts, Springfield I believe, down to Jacksonville, Fla., and from Baltimore to Hagerstown, that is if the whole amount he asks is given. Under the appropriation for the current year an expedited route is provided from Springfield, Mass., along the coast to Charleston Junction in South Carolina, and there the subsidized line ends. It does not take in Hagerstown, Md., or any point below Charleston Junction.

Mr. DUNN. Nothing goes to Saint Louis, Memphis, or other points.

Mr. TOWNSHEND. No other point is taken in. Now, in order that the House may fully understand what lines will be benefited by this appropriation, I will name the roads to which the money will be given. They will be found on page 342 of the report of the Postmaster-General. I omitted to mention that there is a subsidized fast or expedited mail service from New York city to Albany under the present law Now I will read from the report of the superintendent of the railway-mail service for the year ended June 30, 1883:

The appropriation for special facilities for the fiscal year ending June 30, 1884, is $185,000.

The arrangement for the expenditure of the same is as follows:

Route.	Railroad company.	Distance.	Amount paid.
		Miles.	
New York and Springfield	New York, New Haven and Hartford	136	$17,647 06
The 4.35 a. m. train	New York Central and Hudson River	142	25,000 00
Philadelphia to Baltimore	Philadelphia, Wilmington and Baltimore	96	20,000 00
Bay View to Quantico	Baltimore and Potomac	80	21,900 00
Quantico to Richmond	Richmond, Fredericksburg and Potomac	82	17,419 26
Richmond to Petersburg	Richmond and Petersburg	23	4,197 50
Petersburg to Weldon	Petersburg	64	11,680 00
Weldon to Wilmington	Wilmington and Weldon	162	29,565 00
Wilmington to Florence	Wilmington, Columbia and Augusta	110	20,075 00
Florence to Charleston Junction	Northeastern Railroad of South Carolina	95	17,337 50
Total expended			184,821 32
Amount unexpended			178 68

It will be seen that the arrangement for the expenditure for the present fiscal year is identically the same as that for last year, except the $300 to the Wilmington, Columbia and Augusta Railroad for service from Florence to Columbia.

The Postmaster-General says that if he is enabled by this appropriation to expedite the service to Jacksonville, Fla., he has arranged for its connection there with roads and steamers that run to Pensacola, and thence to Cedar Keys, without costing the Government anything beyond Jacksonville. In other words, he says that if the Government will subsidize these lines to Jacksonville he will obtain fast-mail facilities from that point to Pensacola, and of course bring us into quicker communication with Cedar Keys and Havana. The Postmaster-General also recommends that the route from Baltimore to Hagerstown be provided for, which has been explained by the gentleman from Maryland [Mr. FINDLAY] and others.

I repeat that if we make any appropriation for this special mail-facility service I think we should give the entire sum asked for by the Postmaster-General, $250,000, in order that he may make the connections which have been mentioned. But I am opposed to the whole service, and I will briefly give my reasons for that opposition.

This, Mr. Speaker, is something like the letter-carrier system in its origin, and will prove to be so in its extent. If you adhere to the start already made in this direction you will find that every section of the country will come here clamoring for these special mail facilities. And one section will have as good right to demand them as another. It will be insisted that if you favor this line along the Atlantic coast it must be at the expense of the balance of the country, and there will be injustice unless all sections are provided for. I know of a number of localities which would be greatly convenienced by subsidized expedition on routes, as this would bring them into closer and quicker communication with the commercial centers. Because of the favoritism or discrimination which this system involves I am opposed to the whole proposition.

But, sir, there is another very potent reason why this appropriation ought not to be granted. The fast-mail service, extending from New York to San Francisco, costs the Government no extra outlay whatever. Under the management of our present admirable Postmaster-General, an arrangement has been made by which we have an expedited or fast-mail line from New York to San Francisco via Chicago, saving twenty-four hours on the route to San Francisco and eight hours at Chicago. I am not informed as to the details, but understand a fast line is run over the Pennsylvania Central Railroad and its connections to Cincinnati, and then over the Ohio and Mississippi road to Saint Louis, so that Saint Louis by this means gets fast-mail facilities. These fast mails are carried over this entire route free of all extra expense to the Government.

As has been already stated in this debate, the Government two years ago appropriated $600,000 for this special mail-facilities service. The then Postmaster-General, after reserving from that appropriation $185,000 for this coast line, went to the Western trunk line and other railroads, offering to make an arrangement with them for fast-mail service to California, to be paid for out of the balance remaining in his hands. But the arrogant managers of those roads, feeling that they had the

Government in their power, refused to make any terms with him for the sum he offered. The Postmaster-General, regarding their demands exorbitant, declined to make any arrangement with them, but covered the balance of the $600,000 into the Treasury.

The present Postmaster-General, however, has succeeded, by offering to concentrate the through mail on certain lines, in securing fast mail or special facilities on certain lines West which previously had refused to make such arrangements when reasonable extra compensation had been offered them.

Mr. DUNN. Without any extra compensation for expediting?

Mr. TOWNSHEND. Without costing the Government a single dollar in addition to the ordinary or regular pay for the postal service.

The only lines intended to be benefited by this special mail-facilities fund provided in the Senate amendment are, as I have already explained, the coast line and the other roads I have named. I am opposed to the entire proposition for the reasons I have stated. I base my opposition also largely on the ground that under this arrangement special localities are favored at the expense of all others. If we continue this policy, sections of the country which have not enjoyed these special mail facilities, and which have as good claims upon the Government as other favored sections, will come and insist that these facilities shall be extended to them, and if their demands (which can not be refused with justice) should be acceded to, the time will come when the appropriation for the railway-mail service of this country will be much larger than any other appropriations out of the Treasury. The expenditure for this service has already reached the enormous sum of nearly $19,000,000. It is almost doubling itself in every decade. If you continue this policy of extending special mail facilities, subsidizing these railroads for doing what they ought to do without any subsidy, you will find your appropriations for the Post-Office Department will in a few years reach the vast sum of $40,000,000.

Now a word in reply to what has been said by my friend from Pennsylvania [Mr. BINGHAM] and my colleague [Mr. CANNON] in regard to the action of the House yesterday. It seems that they are greatly troubled about that action. Mr. Speaker, I am perfectly amazed at the deep sympathy manifested by these gentlemen for the railroad companies. I do not wish to do injustice to the railroads. I know how absolutely essential they are to the business and prosperity of the country. I do not wish to strike them down; I want to do them full justice. But while doing justice to the railroad companies I insist that you should likewise do justice to the Treasury of the United States and the people.

In order that we might adopt a plan which would do justice to both parties concerned, which would give just compensation to the railroads and at the same time guard the interests of the Treasury, Congress at its last session authorized, as has been stated, the appointment of a commission to inquire into the railway-mail service and report a plan which would secure justice to both interests. That commission consisted of three prominent officers of the Post-Office Department—Mr. Elmer, the Second Assistant Postmaster-General; Colonel Thompson, the chief of the railway postal system; and another gentleman, whose name I do not remember.

Now, what did that commission report? After inquiring into the compensation paid the different railroads and all the circumstances and facts they made a report, which was transmitted by the Postmaster-General to this House, a copy of which I hold in my hand. What does this commission state? That we are annually paying to the railroads $1,000,000 more for this service than justice to the roads or the necessities of the service require.

They insist that we are paying out of the Treasury for this railway-mail service $1,000,000 more than we ought to pay.

Mr. BINGHAM. To what roads?

Mr. AIKEN. With the permission of the gentleman from Illinois I wish to ask him a question. I desire to know if this commission to which he refers make any report objecting to the appropriation for this railway-mail service?

Mr. TOWNSHEND. I will answer by saying that the commission reports if their system is adopted the Treasury will save $1,000,000, and that there will not be needed one single dollar for special facilities.

Mr. HORR. The gentleman does not claim that the commission do anything with this question that is now before the House?

Mr. TOWNSHEND. No; it had nothing to do with the question of appropriation now before the House, but their recommendation has a bearing upon the question——

Mr. AIKEN. If I may be pardoned for again interrupting the gentleman I wish to propound to him another question. Does the bill presented by the committee contain in it the system of working of this service as promulgated or presented by this committee in their report?

Mr. TOWNSHEND. No, I will say to the gentleman from South Carolina, and if it had been proposed to be incorporated in the bill it would have been subject to a point of order.

Mr. HISCOCK. Why was not it presented? Possibly it might not have been subject to the point of order or the point of order might not have been made against it.

Mr. BINGHAM. Does not the gentleman from Illinois know that the report of this committee radically changes the whole system of railway-mail transportation from the cost based upon weight, to speed, space, and weight, thereby covering the answer to the gentleman from South Carolina?

Mr. TOWNSHEND. That is your opinion. There may be a difference upon the point whether he answers the gentleman from South Carolina.

Mr. BINGHAM. There can be no question of difference; that is their specific recommendation.

Mr. DUNN. You mean that it embraces or requires discretionary power over the appropriation?

Mr. BINGHAM. It fixes the rate of compensation——

Mr. HISCOCK. I desire to say to the gentleman from Illinois, if I can have his attention for a moment——

Mr. TOWNSHEND. There is so much confusion I can not hear what the inquiries are.

The SPEAKER *pro tempore* (Mr. COX, of New York, in the chair). The House must be in order or the public business will be suspended. Gentlemen in front of the chair must be seated. [After a pause.] The gentleman from Illinois will proceed.

Mr. HISCOCK. I wish to ask the gentleman a question.

Mr. TOWNSHEND. My time is so limited I can not yield further for questions.

Mr. HISCOCK. Let me suggest this to the gentleman, that if you should move now as an amendment to this provision of the bill the report formulated by the commission, from what I can gather around me I believe no point of order will be made, on this side at least.

Mr. TOWNSHEND. Then let me answer the gentleman from New York by saying that this plan of the commission has not been recommended by the Postmaster-General for the adoption of the House, and in my judgment some radical changes should first be made in it, and at any rate the recommendation for its adoption should come from the head of the Post-Office Department—the Postmaster-General. What did he do with it? Did he recommend its adoption to this Congress? Not at all.

Sir, we look to the head of the Department for recommendations, not to his subordinates.

Mr. BINGHAM. You may look for them there, but you certainly do not follow them.

Mr. TOWNSHEND. The Postmaster-General refused to recommend the plan of the commission.

Mr. BINGHAM. The gentleman has no record of evidence to show that fact.

Mr. HORR. Will you be kind enough to state why the Postmaster-General said he did not recommend it?

Mr. BINGHAM. He did not refuse to recommend it.

Mr. TOWNSHEND. I would like to state to the gentleman and to the House the reason that the Postmaster-General gave me privately for not doing so, if I felt at liberty to state it.

Mr. HORR. State what he said before the committee of conference.

Mr. TOWNSHEND. I think I am warranted in giving his private opinion as expressed to me, and I believe he would be willing for me to repeat his statement if he were here. He told me that he was not satisfied with this report adjusting the rate of compensation upon the passenger-service basis, a basis which was not altogether just to the Government. That it was too liberal to the railroads. I do not mean that he reflected on the commission, but he feared that was the effect of their system, and I inferred that was one reason why he did not recommend it.

Mr. HISCOCK. You say it would save the Government a million of dollars a year?

Mr. TOWNSHEND. Yes, sir.

Mr. HISCOCK. Then why do not you recommend it?

Mr. BINGHAM. That saving is a matter of opinion.

Mr. TOWNSHEND. I believe a more just plan can be devised which would save the Government more than a million annually.

Mr. BINGHAM. But your argument has been resting all the time upon that report. Now you endeavor to cast mud upon the plan by quoting the Postmaster-General.

Mr. TOWNSHEND. Since you have called for it, I have given his opinion.

Now, why does the Postmaster-General and why do I think that the rate of compensation fixed by the commission is too high? Because, as I have stated, the commission took as a basis for fixing the compensation for the mail the most remunerative service rendered to the public, their passenger traffic. They have based the railway-mail compensation upon the basis of that traffic, and I have no doubt that the Postmaster-General is of the same opinion I entertain, that they should not fix the basis of mail compensation upon this, the highest-paid service that the railroad companies perform, but should rather approximate to that of the cost of the express service.

Why, Mr. Speaker, the accommodations that are furnished and the responsibilities that are assumed by the railroad companies in their passenger traffic form no fair basis for the mail service. The accommodations that are furnished for passengers bear no sort of comparison to those furnished for the mail. Go on any railroad line through Missouri, Illinois, even in Pennsylvania off of the Pennsylvania Central

Railroad or trunk lines, and what do you find? In some instances about one-fourth or one-third of a baggage car is usually set aside for the railway-mail clerks and the mail accommodations. You will find on some lines that they have fenced off one corner of the car for them. I know a road in Illinois, and in a thickly populated portion of the State, where the postal clerks are fenced in one corner of a baggage car, which is also used for express purposes. I do not think the space occupied is more than six feet by eight in extent. This is the kind of accommodations that is rendered by railroads for our mail service, while on the same train you find passenger coaches furnished with all the modern conveniences and luxuries of travel.

Mr. CANNON. Will my colleague allow me to interrupt him right there?

Mr. TOWNSHEND. Yes, sir.

Mr. CANNON. I am inclined to agree with him that the rate reported by the commission is too high. Yet I think the scheme reported by them is a very good one, and how easy it would be to decrease the rate by legislation. It is we who pass on it, after all.

Mr. DUNN. I should like to ask the gentleman from Illinois [Mr. CANNON] one question. Did the railroads of this country ever in the history of railroad-mail service voluntarily decrease the rates they charge for transporting the mails?

Mr. CANNON. I never heard of any railroad company or individual that did not charge in the way of business all they could.

Mr. DUNN. Every decrease in the service has been by the arbitrary action of the Government; while at the same time the railroads have cut down the passenger and freight rates to less than one-half what they were.

Mr. TOWNSHEND. I do not yield further. Now, as a conclusion upon that point, I want to call your attention again to the report of this railway commission. The second letter that you will find in the appendix to the report is the letter of Gardiner C. Hubbard, a postal expert, whose views were invoked by the commission as one of the most eminent postal experts in this country. And what did Mr. Hubbard say? I will repeat what I read yesterday. He says:

> As the carrying of the mails is for the benefit of the public and a wholesale business, giving very little care, trouble, or responsibility to the railroads, the compensation should be much less than that paid by the general public.

The gentleman from Michigan [Mr. HORR] yesterday, out of 1,500 railroad routes in this country, selected some forty-odd to show that they received more profit from the express traffic than they did from the railway-mail traffic. That may be true upon some lines. But that gentleman did not go into the subject as the commission did. He did not make his inquiry at every railroad office in this Union. This commission have gathered statistics from all the railroads in the Union, from the whole 1,500. And it is the opinion of the gentlemen who prepared this report that the express service of this country is less remunerative than the passenger service; and yet it was shown by figures which Colonel Thompson, one of the commissioners, furnished me that we are paying more for carrying the mail than the passenger service of the country pays the railroads.

Mr. AIKEN. Will the gentleman allow me to ask him a question?

Mr. TOWNSHEND. I can not yield further.

Now, Mr. Speaker, my colleague from Illinois [Mr. CANNON] berated the committee and berated the House for not adopting this report of the railroad commission. My colleague is a member of the Committee on Appropriations. I ask him, did he offer that as an amendment to this bill when it was under consideration in the committee or the House?

Mr. CANNON. I will say to my friend, if he desires an answer to his question, I had not the honor of being a member of the subcommittee that prepared the Post-Office appropriation bill.

Mr. TOWNSHEND. But the gentleman is a member of the general committee.

Mr. CANNON. In the committee and in the House, everywhere, I have claimed, whenever the subject has been up, that the scheme proposed by this commission is a wise scheme. I have also everywhere claimed that the rate is too high. But it is very easy to cut down the rate, the scheme being a good one. And I am perfectly content now, and so is this side of the House, that you should move that scheme with such a cutting of the rates as you think proper.

Mr. HORR. I hope the gentleman will speak for himself.

Mr. TOWNSHEND. I do not wish to pursue that controversy any further. The gentleman well knows the point of order could have stricken this out of the bill if we had brought it in, and he knows well it does not come within the purview of the duty of the Committee on Appropriations to establish a new law, an entirely new system for fixing the compensation to railroad companies.

Mr. HISCOCK. I wish to ask the gentleman from Illinois a question.

Mr. TOWNSHEND. I do not yield further. One word and I am done. The gentleman from Pennsylvania [Mr. BINGHAM] read us a letter from a railroad president which conveyed a threat both to this House and to the country that the railroads would throw off the mails if this reduction was made. Similar threats were made in 1876 when the cut of 10 per cent. was made. I understand similar threats were also made in 1878. But they were not carried into execution. These railroad companies ought to know that these idle threats can frighten no sensible member from his duty on this floor. They know well by throwing off the mails they will be the greater losers, much greater losers, and will be far more inconvenienced than the Government. Therefore they will not part with what is a profitable traffic to them in itself, and so essential to the convenience of themselves and the business men and the people who live along the lines of the roads. These threats that are thrown out by the railroad president fall without any influence whatever on my ear, and doubtless will fail to influence the action of any other member.

How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has twenty-five minutes of his time remaining.

Mr. TOWNSHEND. I yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. RANDALL. I want to suggest to the gentlemen addressing the House that we confine the discussion now to the merits or demerits of the amendment immediately involved. We shall never get through unless we do.

Mr. VALENTINE. That is a good idea.

Mr. HORR. You mean the fast-mail business?

Mr. RANDALL. Yes.

Mr. HORR. I should like to hear from the South on that point myself.

Mr. BLOUNT. The pending motion has brought up the question of how the railroads should be compensated for carrying the mails. The gentleman from Illinois [Mr. CANNON] challenges this side of the House to adopt the report of the railway commission, and declares that we provided for that commission, and that it is the duty of this side of the House to accept their conclusions. And the gentleman from New York [Mr. HISCOCK] invites this side of the House to accept the proposition, and claims to be authorized to represent the other side of the House, and says that it will be acceptable to them.

Mr. BLAND. But Mr. HORR says that he does not agree with that.

Mr. BLOUNT. That was *sotto voce*. I wish to say that there is nothing novel in this proposition; it is old in its day. In the Forty-fourth Congress several railroad presidents who were at the head of great trunk lines came before the Committee on Appropriations and denounced the then existing method of compensating railroads, and declared that the true plan was to have space and speed as well as weight determine the method of compensation. This glorious thought, so acceptable to the other side, and which they challenge us to-day to accept, came from these railroad presidents to the Committee on Appropriations of this House.

The Committee on Appropriations, the gentleman from Indiana [Mr. HOLMAN], and myself, being then a part of the subcommittee on this bill, were misled by the sophisms of these railroad presidents. We were told then, as this House and the country are told now, that we would have a reduction in expenditures of a million of dollars, and we brought the proposition into this House. The then Postmaster-General, Mr. Jewell, after an examination of the matter by experts in his Department, came to the conclusion that there was about to be imposed upon this House and upon the country a scheme in the interest of the great trunk lines and to the detriment of the multitude of small roads in this country.

Mr. CANNON. Allow me——

Mr. BLOUNT. I do not yield. The gentleman is on the committee and has thrust this matter forward.

Mr. CANNON. Then state the facts.

Mr. BLOUNT. I have stated the facts.

Mr. CANNON. I beg your pardon.

Mr. BLOUNT. I have stated the facts.

Mr. CANNON. Well, I say you have not.

Mr. BLOUNT. I say that I have, and the gentleman's statement to the contrary does not alter the fact. I say that is where this proposition first came from, and the superintendent of mail transportation was then trying to drive it through. The Postmaster-General made the struggle with him. It was admitted then that the little roads all over the country would suffer by reason of it. It was admitted then that the proposition was to take from the little roads and give increased compensation to the larger roads by the change of system proposed. That is what there is in this proposition.

I say to gentlemen on the other side, when they challenge us to adopt a system which originated with the railroad presidents and which will reduce the compensation of the smaller roads and increase that of the larger roads, I do not propose to do their bidding.

The proposition to pay according to space and speed as well as weight again came to Congress from the railway commission, at the head of which was Governor Hubbard, and which commission was authorized by a Democratic Congress. When that proposition came in from that commission it was simply the echo of the proposition of the railroad presidents of these great trunk lines and was satisfactory to them.

The gentleman from Illinois [Mr. CANNON] and every other gentleman in Congress has the views of that railway commission. We have had the same proposition since. We had it when General Brady was Second

Assistant Postmaster-General. And in the proposition now before the House we have the elements of that same proposition. We are told in one breath that the railroad companies are not being paid enough for this mail transportation service, and then in the next breath we are told that by adopting this proposition there will be a saving to the Government of a million of dollars. Now, how can these two statements be reconciled?

The gentleman from Michigan [Mr. HORR] yesterday took up the question of compensating railroads, and undertook to contrast the payment made to railroads for this mail service by weight and miles of transportation with the compensation received by railroads for passenger and express business. Now, there is no analogy between the two. This mail-transportation business is a business which is constant from the beginning to the end of the year. The conditions of the service are totally different.

The gentleman told you that the compensation they received for this mail service did not pay them, but that they performed the service in order to accommodate their customers. And then the gentleman from Illinois [Mr. CANNON] told you that by reason of giving certain trunk lines concentrated mails on their lines they are induced to give special facilities. Now, these two statements are contradictory.

The gentleman from Pennsylvania [Mr. BINGHAM] says that public opinion has demanded these special facilities and demands them now. So we were told before. The railroad companies were clamorous here for this, and declared that they reflected public opinion. Increased facilities were put on certain lines West, which it was said were demanded by public opinion. At that very time we were told that the business of the country was carried on trains fast enough. Subsequent events have disclosed the fact that there has been no clamor for it, and it has been abandoned; and all through that portion of the country now there are no special mail facilities.

Now, we are kindly told that these other sections having got what they want, this service is to be extended into the South. And how is it proposed to be done? Why is it proposed to take the coast route and go to Jacksonville? Are you hunting the business points in that direction? Do you tell me that you are helping Georgia by taking such a route? Sir, the service which we would really desire, if we were consulted, the service that Louisiana would desire, the service that the public interests require, would be upon a line through Virginia and Tennessee and Georgia down into Louisiana.

But we have been impressed with the idea that there is something singular in the proposition to throw this service off upon the coast. It has been suggested that this is a great line of travel for visitors going to Florida in pursuit of health; and it is also suggested that certain business interests in New York find it convenient to have fast mails to Florida. I will not undertake to say how much truth there is in this suggestion; but I am satisfied that the great body of the people of my State and the great body of the people between here and New Orleans would not be in favor of such a route.

[Here the hammer fell.]

Mr. TOWNSHEND. I yield five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, it is strange that while this House and the country are considering the grave question of the discriminations made by railroads in favor of some points as against others, in favor of particular cities and sections at the expense of others, we are here deliberately proposing to appropriate money to be placed in the hands of an autocrat, to be invested with discretionary power to build up Boston, New York, and Philadelphia at the expense of Baltimore, to build up Chicago at the expense of Saint Louis—to discriminate in this way throughout the country in favor of some places as against others. We are proposing to appropriate what ought to be called a special corruption fund because of the facilities it will open in this direction in regard to railroad officials and officers of the Post-Office Department. If there is anything in the idea that railroad companies ought to be prohibited by law from discriminating in the transportation of freight between competing points on competing roads, the same argument should forbid the appropriation of this fund by Congress—a fund which seems to be designed for the express purpose of discriminating in favor of certain cities and sections as against others.

Mr. Speaker, this may be a good way to get rid of the surplus, but if appropriations of this kind are to be made, let Congress regulate the matter and determine where the money is to go, and let all sections of the country be dealt with alike. And when you come to do that a hundred millions will soon melt away under the clamor of members of Congress in favor of their particular railroads and their particular localities.

The whole system of special mail facilities tends to create a corruption fund; and this House should "sit down" on the measure now and here. Unless we do so this fund will grow year by year. I will not say that this money is now used in a corrupt manner, but we must take into consideration the possibilities, and indeed the probabilities, in this case. If we take into view the conduct of the Post-Office Department in the past in relation to star-route matters we have a right to infer that at some future day the corruptions in connection with this railway mail service will eclipse all the star-route frauds. The possibilities are much greater. It is only necessary to deal with the Postmaster-General and his subordinates and with a few railway presidents. Thus the revenues of the country are to be swallowed up in corrupt subsidies. We are to have a vast fund to be poured out, not equally and to all alike throughout the country, but simply to a few preferred railroads.

Here come our friends from Baltimore clamoring for their share and ready to vote for any amount if they can be accommodated. Memphis, New Orleans, and other places throughout the country will be claiming their share. The proper method of disposing of this question is to defeat the whole proposition. This side of the House, representing the Democratic party, can not afford to vote a corruption fund of this kind.

Mr. TOWNSHEND. I yield the remainder of my time to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. How much time is there remaining?

The SPEAKER. Twenty minutes.

Mr. HOLMAN. Mr. Speaker, in order that we may come to an early vote on this proposition I desire to occupy but a moment or two. If this House proposes to adjourn at anything like an early day, it will be necessary to abbreviate very greatly the discussion on propositions like this. Yet, sir, I feel called upon to say something in regard to the action of the House yesterday, and the action of the Committee on Appropriations upon the plan proposed by the commission already referred to in regard to the rates of compensation for transportation of the mails on railroads. The existing law regulates this compensation by weight; that is the important and controlling element. The plan to which reference has been so frequently made proposes to take other elements into account—space occupied, speed, as well as weight.

It has been very accurately stated by the gentleman from Georgia [Mr. BLOUNT] that when this subject was brought into the House in the Forty-fourth Congress the measure was supported by the gentlemen representing the great trunk lines.

Mr. CANNON. Will the gentleman allow me to correct a wrong impression? When this subject came under consideration at the time referred to weight was not considered as a factor in regulating the compensation; the essential points were space and speed.

Mr. HOLMAN. In the main I concede that, although the subject of weight necessarily entered into the cost of transportation even then.

The measure was brought before the House and it was then believed by the Committee on Appropriations that the cost of the railway transportation of the mails would be reduced a million dollars. But the subject hardly began to be discussed in the House before the plea began to be developed that there were elements to be taken into the account that had been theretofore entirely overlooked, and that the chances really were, instead of a reduction—while there would be a decrease in the compensation of the great trunk lines, yet there would be an increase instead of a reduction on many of the minor lines, and the result would be on the whole an increase in the total cost rather than a diminution. The same apprehension is indulged in in regard to the report of the recent commission to which reference has been so frequently made, that while it will decrease the expense by reductions on the great trunk lines of the country, it will increase the compensation of the smaller lines, and on the whole will result in an increase in the cost of the service. The recommendation of the House itself reduces the cost of railway-mail transportation to the extent claimed, that is to say, about $1,000,000, and it is predicated upon a basis which does no injustice to the railroads, certainly not to the smaller railroads of the country.

Now, sir, a word in regard to the pending proposition. The Senate have placed in this bill an appropriation of $185,000 for necessary and special facilities on trunk lines. It is proposed by the pending amendment that that sum shall be increased to $250,000, and the question is whether or no that $250,000 shall be appropriated for this special service.

Gentlemen will notice that as to the manner in which this money is to be applied there is no provision whatever; and it is not stated whether it is to be applied upon the great trunk lines running east and west or those running north and south, or whether upon roads running parallel with the seaboard or in the Mississippi Valley. The whole matter is left entirely to the discretion—and necessarily left by that provision of the bill—to the discretion of the Second Assistant Postmaster-General.

Mr. DUNN. That is just what I perceive, and I wish to state that if I have created the impression that I could vote for it with that discretion I desire to correct the impression. I will not vote for that kind of an appropriation at all until the Committee on Appropriations can come in and say that a general system is to be adopted which will fix the policy of the Government in that regard; and even that, I think, would be vicious, and I should not be in favor of it.

Mr. HOLMAN. I think the gentleman from Arkansas utters an exceedingly strong sentiment, that if these facilities over the whole country are to be increased, and if the public service requires it, it would present a question which would merit the careful consideration of this House, and I doubt if there are any gentlemen on this side of the House who would object to such a provision, provided, as I have said, the exigencies of the service demand it.

But the question with which we are confronted is this: Whether special localities are to be favored over and above other localities of the

country by special appropriations from the public Treasury. I need not say to this House that if you can bring forward a proposition more in conflict with the sentiment usually prevailing on this side of the House than the one now pending, I am not able at this moment to single it out or express it. If there is anything that has been condemned here on this side of the House throughout all of these years, it has been this very subject of class legislation—legislation that inures to the benefit of parts of our people at the expense of the whole country, instead of operating uniformly and equally as a benefit to all.

Now, the first objection to the proposed appropriation is that it leaves the expenditure of this money in charge and under the control of one officer of your Post-Office Department. It places at his disposal a quarter of a million of dollars, that he may apply just as he may think proper without any restriction. You do not even exercise the protection of determining in advance how it shall be applied.

In the second place, even if you provided by this bill the manner of its application, it would be necessarily local, as promoting local interests at the expense of the other interests of the country. When you appropriated $600,000, and later on a less sum, to facilitate the transportation of the mails east and west, at an early moment thereafter the inland country began to complain and the inland cities to denounce the system as one of pure local favoritism, building up the great commercial interests of the seaboard and the powerful newspapers of the great seaboard cities at the expense of the newspapers published in the interior towns, which were brought into more direct competition with the dailies issued in the commercial cities. And that feeling was so strong that when the present session of Congress opened cities like Harrisburg and other inland cities began at once to petition the House; communications coming to the Committee on Appropriations protesting against this system of favoritism as building up local newspaper interests at the expense of the general interests of the country. I admit, sir, that it is proposed to expend this money—that is the proposition, although you do not say so in the bill—$60,000 of it in facilitating the mail transportation from Baltimore to Hagerstown, $185,000 from this city southward.

Have gentlemen considered what a comparatively small section of country, what a small region is affected by that? Your thinly settled States and Territories of the West and Northwest are not reached. But a small portion of your people are reached. And can you afford, according to the fundamental maxims that underlie the political faith of gentlemen on this side of the House, to crystallize into the form of law a policy so in antagonism to the very foundation upon which at least the faith of one of the great political parties of this country rests?

I concede that gentlemen who have spoken may not feel themselves embarrassed by this. But I certainly may appeal with confidence to gentlemen here that by any legislation like this the very foundation upon which the Government of the people rests is impaired and weakened. Now, Mr. Speaker, inasmuch as I have only sought the floor to say these few words, being anxious to close this debate if I have the right to do so, I wish to call the previous question on this proposition.

The SPEAKER. The gentleman from Michigan [Mr. HORR] reserved five minutes of his time.

Mr. HORR. I yield one minute to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. I wish to say, sir, that I was pleased when I saw the gentleman from Pennsylvania [Mr. RANDALL] rise in his seat and heard him say he wished the Chair would require those who addressed the House on this subject to confine themselves to the amendment before them. I am only sorry that gentleman has not exercised his usual energy and push in controlling his own committee in the discussion of this question. If they had set us the example and confined themselves to the subject before the House we would have voted on it long ago.

Mr. Speaker, I rose a few moments ago to ask a question of the gentleman from Illinois [Mr. TOWNSHEND], which he declined to hear. I simply desire now to call the attention of the House to a remark and a calculation made by that gentleman yesterday, which I think is in perfect keeping with his whole argument on this question. He said yesterday, to prove we were paying more for mail transportation than for passenger transportation, that the superintendent of railway-mail service had told him that the average paid by the railroads for transportation of passengers was 26 cents per car per mile. And the gentleman went into a careful calculation to show that if a railroad car contained fifty-six men and they averaged so much weight they would weigh about three tons; and therefore a full car would pay 8 to 9 cents per ton per mile for carrying passengers.

Mr. Speaker, I think that beats Smith's arithmetic. From here to my home I pay three cents a mile myself. My two colleagues in front of me, each pays three cents a mile. And we do not weigh all three together more than one-fifth of a ton; and we pay nine cents per mile. The gentleman's calculation as to that is exactly in keeping with his entire argument on this subject.

Mr. TOWNSHEND. Will the gentleman allow me——

Mr. AIKEN. No, sir. The gentleman would not yield to me, and I can not allow him now to say one word. I have not misrepresented him. I took what he said directly from the RECORD.

Mr. TOWNSHEND. I have time enough in which to reply to the gentleman.

Mr. AIKEN. Give me the time and I am quite willing to discuss the question with the gentleman. I only wanted to call the attention of the House to the fact that his whole argument was entirely in keeping with that assertion.

The gentleman says, moreover, we must not have this appropriation made, because forsooth this fast mail is on one trunk line and it does not go over all the United States. I ask the gentleman as a statesman—he pretends to be one or tries to make us believe he is one—is he unwilling to inaugurate any national policy simply because he can not satisfy the whole United States? If this be his argument, I venture the assertion he will not have a majority on either side of the Hall to agree with him.

Mr. HORR. In concluding the talk on this amendment——

Mr. TOWNSHEND. I believe I have still five minutes left.

Mr. HORR. The gentleman can take his time now if he desires to do so.

Mr. TOWNSHEND. I prefer the gentleman from Michigan should go on. I do not desire to interrupt him.

Mr. HORR. I am sorry the bulk of this debate has been taken up by gentlemen in trying to excuse themselves for the very bad vote they gave yesterday. I expected them to repent, but I did not expect to find them repenting so early this morning.

I want to address a word or two to the two or three gentlemen who have talked on the other side of this question; and first to my friend from Missouri [Mr. BLAND]. That gentleman asserted that this was simply a corruption fund. I do not know what he meant by that assertion. I do not know who he thinks is being corrupted by it. Two years ago we appropriated $600,000 for this fund and the Department only expended $185,000. Last year we appropriated $185,000, and the Postmaster-General reported just where he spent every cent of it. I am very glad I have neither the head nor the heart to follow the mode of politics of my friend from Missouri [Mr. BLAND].

Mr. BLAND. You do not follow the star-route practices now because you have an honest man in control; but it does not follow that you will always have one.

Mr. HORR. I do not agree to the theory that all the public men in the United States are scoundrels. Since I have sat in this House I have never heard that gentleman in a debate on any single bill but he claimed there was something rotten somewhere about it. It seems to be the philosophy and theory of his mind that everything in this world is run by scoundrels, and that he alone of all the men in the universe approaches an angel. Now, it may be there are a good many men that are just as honest as he is, but he has not found it out.

Another thing: my friend from Indiana, Brother HOLMAN, seems to worry himself over this appropriation because, as he says, it is not national. Now, this fast-mail service affects 5,000,000 of people, commencing at Philadelphia and winding its way the entire length of the Atlantic coast to Jacksonville, crossing there to Pensacola, in Florida, and thereby reaching New Orleans twelve hours earlier than would be the case without this appropriation.

Mr. HUNT. Does the gentleman say that that will be the result?

Mr. HORR. The Postmaster-General so informed me. Now, what I protest about Brother HOLMAN is this: he holds that an appropriation of $150,000 for public building in New Albany, Ind., is national; but an appropriation of $250,000 for a service which reaches five millions of people is sectional and not national. [Laughter.] I say to this House that this appropriation affects people enough so that it rises to the dignity of a great national question.

Now, as I said before, it is for you gentlemen to determine whether you will have this or not, and I hope that this side of the House will vote for my amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. TOWNSHEND. I now yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I wish to call the attention of the House to this fact: According to the statement which has been made this proposed seaboard line is to commence at Philadelphia and run thence southward. It is a naked gratuity to the line between this city and Philadelphia without increasing the mail facilities by one minute. Between this city and Philadelphia there is to be no increase of mail facilities whatever, and yet this proposed line is to commence at that city. Whatever railroad transports the mail from Philadelphia southward will receive pay to this point, Washington, without rendering one particle of additional service, with no increase in the rate of speed. That is the first proposition.

In the next place, the two voices which are heard in this Congress for this appropriation of $250,000 are these: First, the voice of the railroad officials; and second, the voice of the great newspapers of the country. Those are the two voices that are heard here in favor of this proposition. The railroad corporations that are to be benefited are to reach into your Treasury to the extent of a quarter of a million of dollars, and the great metropolitan newspapers are to be enabled to crush out their contemporaries in less favored localities.

Mr. DIBBLE. I ask the gentleman from Illinois [Mr. TOWNSHEND] to yield to me for one moment to make a statement in reply to the gentleman from Indiana [Mr. HOLMAN].

Mr. TOWNSHEND. Very well.

Mr. DIBBLE. I wish to say that I am not interested in any railroad corporation, nor to my knowledge are any of my colleagues. Yet I speak with the full concurrence of the representation from South Carolina when I say that we ask this appropriation for this purpose; not for the benefit of any railroad corporation, but the people of South Carolina ask it, and they do not belong to any railroad corporation. And the benefit is not local merely, but persons from all parts of the North visit South Carolina, Georgia, and Florida for health, and are greatly accommodated by this fast-mail service.

Mr. TOWNSHEND. It is a matter of no immediate interest to me personally whether this appropriation is made or not. The West is now well supplied with railroad fast-mail facilities, and, I thank God for it, the West is not a pensioner upon the Treasury for the enjoyment of those privileges. The West, therefore, will not be benefited in the slightest degree by the adoption of the amendment put on this bill by the Senate. South Carolina will be benefited by it, North Carolina will be benefited by it, as well as all the States immediately along the line of the route; but the West will not be benefited by it.

Mr. TALBOTT. Has not the Post-Office Department secured to you fast mails from New York to Chicago?

Mr. TOWNSHEND. The Post-Office Department has been able to make arrangements with the railroads for a fast-mail line from New York to San Francisco without costing the Treasury one dollar.

I want to repeat, it is a matter of no immediate personal concern to me whether this appropriation is made or not. I have simply warned the House that this kind of legislation is dangerous to the Treasury. Why? Because it is of that class which produces lobbying, which produces log-rolling. I have seen log-rolling enough here to know that the bane of legislation, the greatest danger that threatens the Treasury, is from that class of legislation which benefits localities and which induces men in order to obtain a little immediate benefit for their localities to enter into combinations, yea, into conspiracies, against the Treasury. I know men who are regarded, as men go, as honest, upright, and conscientious; yet they will not hesitate to blindly vote millions of dollars out of the Treasury for any purpose whatever, almost, if they can only get a small "piece of the pork" for their own locality.

Now, I say to you that I am one of that class that if I could get special mail-facility service extended to my own home to-day, which does not immediately enjoy it, I still would vote against this appropriation for special mail facilities, because I regard it as vicious, as the entering-wedge which will eventually cost the Treasury of this country millions upon millions of dollars not now thought or conceived of. [Here the hammer fell.] One word more: I want to say to gentlemen that my figures were based on the report of the railroad commission; that is my authority.

Mr. HORR. I now call for a vote and ask the previous question.

The previous question was ordered.

The SPEAKER. The question is upon the motion of the gentleman from Michigan [Mr. HORR] that the House recede from its disagreement to the thirteenth amendment of the Senate and agree to the same with an amendment, to strike out "$185,000" and to insert in lieu thereof "$250,000."

Mr. HOLMAN. On that question I call for the yeas and nays.

The yeas and nays were ordered; there being 44 in the affirmative—more than one-fifth.

The question was taken; and there were—yeas 126, nays 97, not voting 100; as follows:

YEAS—126.

Adams, G. E.	Dibble,	Johnson,	Rockwell,
Adams, J. J.	Dingley,	Kasson,	Rogers, W. F.
Aiken,	Dowd,	Kean,	Rowell,
Anderson,	Dunham,	Kelley,	Ryan,
Arnot,	Ellis,	King,	Scales,
Atkinson,	Everhart,	Lawrence,	Skinner, T. G.
Bayne,	Findlay,	Long,	Smalls,
Bennett,	Funston,	Lovering,	Smith,
Bingham,	Garrison,	Lyman,	Spooner,
Bisbee,	George,	McCoid,	Steele,
Bowen,	Green,	McComas,	Struble,
Brainerd,	Greenleaf,	McCormick,	Talbott,
Breitung,	Hanback,	Millard,	Taylor, E. B.
Brewer, F. B.	Hardeman,	Miller, S. H.	Taylor, J. D.
Brewer, J. H.	Harmer,	Morrill,	Thomas,
Browne, T. M.	Hart,	Nicholls,	Tillman,
Brown, W. W.	Hatch, H. H.	Nutting,	Tucker,
Brumm,	Haynes,	Ochiltree,	Turner, H. G.
Budd,	Hemphill,	O'Ferrall,	Vance,
Campbell, J. M.	Henderson, D. B.	O'Hara,	Van Eaton,
Cannon,	Hepburn,	Parker,	Wait,
Cassidy,	Hitt,	Payson,	Weaver,
Chace,	Hoblitzell,	Peters,	White, Milo
Collins,	Holmes,	Pettibone,	Whiting,
Cox, W. R.	Holton,	Phelps,	Wilson, W. L.
Culbertson, W. W.	Horr,	Poland,	Wise, G. D.
Cullen,	Houk,	Price,	Wolford,
Cutcheon,	Houseman,	Ranney,	Wood,
Dargan,	Howey,	Ray, G. W.	Worthington,
Davidson,	Hunt,	Reed,	York.
Davis, G. R.	James,	Reese,	
Davis, L. H.	Jeffords,	Robinson, W. E.	

NAYS—97.

Alexander,	Dunn,	Lanham,	Seney,
Bagley,	Eaton,	Lewis,	Seymour,
Barksdale,	Eldredge,	Lowry,	Shaw,
Bland,	English,	McMillin,	Shelley,
Blount,	Ferrell,	Matson,	Singleton,
Boyle,	Follett,	Maybury,	Stewart, Charles
Breckinridge,	Foran,	Miller, J. F.	Stockslager,
Broadhead,	Forney,	Mills,	Sumner, C. A.
Buchanan,	Geddes,	Mitchell,	Taylor, J. M.
Burnes,	Glascock,	Morrison,	Thompson,
Caldwell,	Graves,	Moulton,	Throckmorton,
Candler,	Halsell,	Muldrow,	Townshend,
Clardy,	Hammond,	Murray,	Tully,
Clay,	Hatch, W. H.	Neece,	Turner, Oscar
Clements,	Henley,	Oates,	Van Alstyne,
Cobb,	Herbert,	Patton,	Warner, A. J.
Connolly,	Hewitt, A. S.	Pierce,	Warner, Richard
Cook,	Hewitt, G. W.	Peel,	Wellborn,
Cosgrove,	Holman,	Post,	Weller,
Crisp,	Hopkins,	Pryor,	Williams,
Culberson, D. B.	Jones, B. W.	Pusey,	Winans, E. B.
Curtin,	Jones, J. H.	Randall,	Yaple.
Deuster,	Jones, J. K.	Riggs,	
Dibrell,	Jordan,	Robertson,	
Dockery,	Kleiner,	Rogers, J. H.	

NOT VOTING—100.

Ballentine,	Evins, J. H.	McAdoo,	Snyder,
Barbour,	Fiedler,	Milliken,	Spriggs,
Barr,	Finerty,	Money,	Springer,
Beach,	Fyan,	Morey,	Stephenson,
Belford,	Gibson,	Morgan,	Stevens,
Belmont,	Goff,	Morse,	Stewart, J. W.
Blackburn,	Guenther,	Muller,	Stone,
Blanchard,	Hancock,	Murphy,	Storm,
Boutelle,	Hardy,	Mutchler,	Strait,
Buckner,	Henderson, T. J.	Nelson,	Sumner, D. H.
Burleigh,	Hill,	O'Neill, Charles	Valentine,
Cabell,	Hiscock,	O'Neill, J. J.	Wadsworth,
Calkins,	Hooper,	Paige,	Wakefield,
Campbell, Felix	Hurd,	Payne,	Wallace,
Carleton,	Hutchins,	Perkins,	Ward,
Converse,	Jones, J. T.	Potter,	Washburn,
Covington,	Keifer,	Rankin,	Wemple,
Cox, S. S.	Kellogg,	Ray, Ossian	White, J. D.
Davis, R. T.	Ketcham,	Reagan,	Wilkins,
Dorsheimer,	Lacey,	Rice,	Willis,
Duncan,	Laird,	Robinson, J. S.	Wilson, James
Elliott,	Lamb,	Rosecrans,	Winans, John
Ellwood,	Le Fevre,	Russell,	Wise, J. S.
Ermentrout,	Libbey,	Skinner, C. R.	Woodward,
Evans, I. N.	Lore,	Slocum,	Young.

So the motion of Mr. HORR was agreed to.

The following-named members were announced as paired for this day:

Mr. STEPHENSON with Mr. CABELL.

Mr. ELLIOTT with Mr. STRAIT.

Mr. MONEY with Mr. BELFORD.

Mr. WOODWARD with Mr. NELSON.

The following were announced as paired on all political questions until further notice:

Mr. EVINS, of South Carolina, with Mr. ELLWOOD.

Mr. ROSECRANS with Mr. LACEY.

Mr. MULLER with Mr. GUENTHER.

Mr. BLACKBURN with Mr. RUSSELL.

Mr. YOUNG with Mr. RICE.

Mr. PAIGE with Mr. VALENTINE.

Mr. BEACH with Mr. SKINNER, of New York.

Mr. HANCOCK with Mr. WASHBURN.

Mr. REAGAN with Mr. LAIRD.

Mr. ELLIS with Mr. KEIFER.

Mr. HARDY with Mr. CHASE.

Mr. BUCKNER with Mr. WILSON, of Iowa.

Mr. STEVENS with Mr. KELLOGG.

Mr. DORSHEIMER with Mr. HISCOCK.

Mr. COVINGTON with Mr. BOUTELLE.

Mr. HILL with Mr. MILLIKEN.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio.

Mr. ERMENTROUT with Mr. O'NEILL, of Pennsylvania.

Mr. BALLENTINE with Mr. PHELPS.

Mr. GIBSON with Mr. GOFF.

Mr. WARD with Mr. PAYNE.

Mr. SNYDER with Mr. BARR.

The following pairs were also announced:

Mr. WALLACE with Mr. STEPHENSON, until June 19.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. FIEDLER with Mr. LIBBEY, until June 16.

Mr. WILLIS with Mr. MOREY, until June 16.

Mr. SUMNER, of Wisconsin, with Mr. WAKEFIELD, until June 17.

Mr. CAMPBELL, of New York, with Mr. JOHN S. WISE, until June 18.

Mr. STORM with Mr. EVANS, of Pennsylvania, until June 17.

Mr. TOWNSHEND. My colleague [Mr. SPRINGER] is absent in his committee-room, engaged in taking the testimony of a witness. If present he would vote "no."

The result of the vote was announced as above stated.

Mr. HORR. The last amendment of the Senate upon which the committee of conference could not agree relates to railway postal clerks. I

move that the House recede from its disagreement to that amendment, and agree to the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 5 of the bill, insert after the word "million," in line 8, "300,000;" so as to read:

For railway post-office clerks, $4,300,000.

Mr. TOWNSHEND. I suppose it is understood that a motion to insist on non-concurrence is pending?

The SPEAKER. The Chair will state that the motion of the gentleman from Illinois that the House insist upon its disagreement to the amendment just acted on fell, of course, by the action of the House on the motion of the gentleman from Michigan.

Mr. TOWNSHEND. My motion to insist applied to all the amendments upon which the committee of conference had failed to agree.

The SPEAKER. That motion can be made afterward. The motion of the gentleman from Michigan has precedence, at any rate.

Mr. HORR. I am perfectly willing that the motion indicated by the gentleman from Illinois shall be considered as pending.

The SPEAKER. It will be considered as pending, but the motion of the gentleman from Michigan has precedence.

Mr. TOWNSHEND. I supposed that motion had precedence, of course.

Mr. HORR. I wish to say, Mr. Speaker, that this is the last item of disagreement left in this bill, and it is a very important item. It refers to the number of postal clerks employed for the distribution of the mails upon the railway-mail cars. In 1883 we expended for this service $3,888,032. The last Congress appropriated $3,977,120. The estimates this year are for $4,295,289.60, or in round numbers $4,300,000, which is the amount fixed by the Senate in the bill.

It is a mere matter of arithmetical calculation as to the amount which should be appropriated, and this calculation ought to convince every member of this House that the Senate have not put the amount needed for this purpose any too high. On March 4 the pay of the postal clerks then in the employ of the Government at the salary fixed by law, and there were 4,025 of them, necessitated for the coming year the expenditure of $4,026,141. Consequently you will all see that the amount fixed by the House in this bill is not sufficient to pay for the clerks in the employ of that service for the coming year.

There are now one hundred and forty-three clerks needed for the new railroads that have come into existence and which demand this service in the coming year. The superintendent of this branch of the service—I know my friend from Illinois will agree with me—is one of the most careful men in the expenditures of the public money that there is to be found to-day in the United States Government. He asserts that he can not get along and do this work with the amount of money specified in this amendment.

Mr. Speaker, very severe labor is required of these men. This service is really the key to the entire post-office business in this nation. These men distribute the mails and do the real work which carries the letters and other mail matter to their final destination.

Now, I am not going to take up the time of this House in debating a proposition so plain as this. I know that it is $300,000 more than it was last year, but can gentlemen forget that this ought to be more than last year, and that last year ought to have been more than the preceding year? Can they forget that if the bill did not require more this year than it did last it would show that our country was on the road to decay? It is the natural increase of the business in this prosperous country. I do hope then that this House will not hesitate to give the amount required and named in the Senate bill. The Postmaster-General asserts that after careful re-examination of the subject he can not see how he can do this work for one dollar less.

Mr. TOWNSHEND. Will the gentleman from Michigan show where the Postmaster-General has said anything whatever about that item?

Mr. HORR. What do you refer to?

Mr. TOWNSHEND. The railway postal clerks. Where has the Postmaster-General said anything about it?

Mr. HORR. Now, the gentleman knows very well what was said, and I am not going to disclose what took place in the conference.

Mr. TOWNSHEND. I do not propose to have the gentleman go into that question, but I did not hear the Postmaster-General utter a word upon this point.

Mr. HORR. I have had repeated conversations with him upon the subject. He has been over the ground carefully, and he and the superintendent of the railway-mail service both declared, after a careful revision, that they needed this entire amount.

Mr. TOWNSHEND. I think my friend is mistaken, and that if he will refresh his memory he will find that the clerks in the post-office were referred to, and the letter-carriers, but that he made no reference to the railway postal clerks.

Mr. HORR. I beg the gentleman's pardon. I have repeatedly heard him refer to this subject. All the officers of the Department who know anything about this matter agree that the money is needed to carry on the work; and I do hope that we shall have money enough to do this work well. Why should we cripple the very work that lies at the foundation of our entire post-office system? Now I yield ten minutes to the gentleman from Ohio [Mr. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I would like to interrupt the reading of newspapers and the writing of letters long enough to state a few facts and give a few reasons why this amendment of $300,000, made by the Senate, should be agreed to by this House. I do not see how any fair man who understands this proposition can refuse to give it his support. The bill as it passed this House only appropriated to pay the post-office clerks, or postal clerks for the coming year $4,000,000. This amendment proposes to increase it $300,000. In order to show the necessity of making this appropriation what the Republican side of this House wanted to make it in the first place, and what the Postmaster-General says is actually necessary for this purpose, I desire to state some facts which I think no member of this House will dispute, and which, if true, will necessarily lead to a conclusion which I think is irresistible.

In the first place I do not think it will be disputed that the annual increase in the expense of carrying the mails varies from 8 to 10 per cent. Experience has demonstrated this fact. We get this information from the heads of the Department, from men who are thoroughly familiar with all the details of the service and with the current expenses from year to year. If this be true, and I do not think any gentleman will deny it, the expense of carrying the mail this year indicates what it will be next year with reasonable certainty. The growth of the country, the increase of population, the construction of new railroads, and the establishment of new mail-routes will enhance and increase this expense from year to year as a matter of necessity, and it has been definitely ascertained that this increase in expenses varies from 8 to 10 per cent.

The amount of mail carried increases each year about 15 per cent. There are now about 120,000 miles of railroads in the United States, and they increase about 10 per cent. each year, and as fast as a railroad is completed the public insist on placing mail cars and mail agents upon it. If I am correct in regard to the increased expense of carrying the mails, and I think no one will dispute it, I will take a step further.

On the 29th day of February last the Post-Office Department made a careful estimate, ascertaining from facts and figures which can not be denied that the expense on that day for the postal clerks of the United States was $4,026,141. This will be disputed by nobody. There are the books, and they show for themselves. The number of postal clerks employed at that time was 4,025, and if the salaries of this number averaged $1,000 each, saying nothing about certain additional expenses, it would take $4,025,000 to meet this expense, or $25,000 more than the proposed appropriation. But the actual expense of the postal clerks employed on that day was $4,026,141, saying nothing about any additional clerks.

The appropriation for the present year was $4,927,120, and it was found necessary to discharge about forty postal clerks, and to reduce the salaries of others by requiring probationary clerks to work for the same after they received their permanent appointment as they did before; and yet it is proposed to make the appropriation only a few thousand dollars more for the next year instead of the amount which the Postmaster-General says is absolutely necessary. He only asks an increase of 8 per cent.

The distinguished gentleman from Illinois who speaks mainly for the other side on this bill said this morning that we are to look to the head of the Department for facts and figures and follow his instructions and his recommendations. These facts are obtainable from him at any time, and can be obtained by any gentleman, showing the expenses of the postal clerks now, at this very hour, are more than $26,000 greater than this appropriation.

This being also admitted, for I am sure no one will dispute it, I will take still another step forward.

There are now needed, as I learn from the Department, three hundred and eighty additional post-office clerks. This number, at an average salary of $1,000 per year, would involve an additional expense of $380,000. What gentleman will deny that they are needed? This is the judgment of the Postmaster-General, whose ability and integrity can not be questioned. It is the judgment of W. B. Thompson, the very efficient and intelligent superintendent of the railway-mail service; and I presume no gentleman upon this floor will for a single moment call it in question. One hundred and forty-three of these are required, as the gentleman from Michigan has just remarked, for new railroads which have just been completed and for new mail-routes which ought to be established if the demands and necessities of the people are respected in any wise at all; two hundred and thirty-seven of them are needed for old routes to fill vacancies and provide for the increase of the service, for the extension of routes, &c. This of itself will make a very large expense, for which no provision whatever is made in this bill unless it is amended.

Beyond that, Mr. Speaker, I was informed by Mr. Thompson a few weeks since that there were at that time on his probationary roll four hundred and fifty-eight probationary appointments; and as soon as these appointments are made permanent, as they will be from time to time,

as the six months of probation expire, the salary will be increased, and ought to be increased, from $800 per annum to $900 and more. This is another additional expense.

Mr. Speaker, I want to say another thing. I want to call the attention of the House to the fact that there are no men in the service of this Government, no men employed anywhere in any branch or in any department of the Government, who are to-day rendering so much service, enduring so much hardship, incurring so much peril and making so great a sacrifice as the postal clerks are doing for the compensation which they receive. We have over 4,000 of these men; and you will find if you look into the reports that they are receiving an average compensation of less than $1,000 a year.

These men are engaged in a kind of service that is extremely hard. They have no furlough, no leaves of absence. They have no advantages whatever. If injured, they receive no compensation; if killed, their families receive no pension.

The postal-railway clerks are overworked and underpaid. The number employed is so small, and the service so great, that the work required of them is greater than they can do without great injury and loss of health. The Department is forced to make these exactions because of niggardly appropriations. The people whose mails are carried pay this, and pay a profit to the Government besides, and yet it is withheld from the service to which it belongs for some reason which I can not comprehend.

This is the last service that should be stinted. This is the last place in this Government where we should go to save money or to exercise economy. I appeal to the other side of this House, all of whom know very well the character of this service, to do justice to these men. Only last week I entered a postal car between the city of Cincinnati and the city of Indianapolis in company with Mr. French, the superintendent of that division, and there I had, as I have had before, a sample of the kind of service rendered by these men; handling heavy sacks of mail, working intently every moment, swayed from side to side by the rolling of the cars, working with the greatest rapidity and anxiety. They have no control of their time, go early and late, and receiving a salary of only $900 or $1,000 a year, while the clerks here at Washington, who are all the time at their homes, only work a given number of hours per day, and board all the time in the same place, receive 50 per cent. more on the average than postal clerks do. Postal clerks, who imperil their lives and health, take the risks of railroad travel; take a breakfast here, a dinner there, and a supper yonder; sleep one night in one place and another night in another place—these men receive eight, nine, and ten hundred dollars a year out of this appropriation, and it is proposed that the service shall be crippled by being deprived of a sufficient number of these clerks to discharge the duties imposed upon them.

You do not state all the facts when you say that these men get $800 or $900 or $1,000 a year. They receive this amount, it is true, but they pay their own expenses, pay for their meals wherever they chance to be, and for their lodgings whenever they get a chance to sleep. They are subject to orders, and must go when and where they are needed. Clerks in Washington no better qualified are receiving $1,200, $1,400, and $1,600 a year for less service and much less work, and I make no complaint that they are overpaid, but there is an inequality and an injustice that ought to be remedied.

I know how it is with some postal clerks in Ohio; I do not know how it is elsewhere. I recently met a postal clerk from the State of Maryland, who told me he was being driven out of the service; that his having been compelled to stand so much had caused rheumatism, and that he was told by his physician that he must quit the service.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. JOSEPH D. TAYLOR. I desire just a moment longer.

Mr. CANNON. The time is being parceled out by the gentleman from Michigan [Mr. HORR], who is not in his seat. I ask the House to extend the time of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] two minutes.

Mr. DUNN. I object.

Mr. CANNON. Then I yield the gentleman two minutes.

Mr. JOSEPH D. TAYLOR. I only want to state this fact, that in the district which I have the honor to represent during the past year there have been two men injured by railroad accidents and five resignations. Five men who had rendered this kind of service, some of them had been in the service three or four years, some for longer and some for shorter periods, were compelled from the hardships, exposures, and perils of the service, from the impossibility of enduring what was required of them by the Government at their hands to quit the service. And by driving these men out who have had experience you are crippling the service, rendering it less efficient, and disappointing the reasonable expectations of the people, who are tenacious in regard to this subject, and who expect in regard to the carrying of the mail that the Government shall command a class of talent that will do the work in the best possible manner.

Mr. CANNON. I now yield to the gentleman from Mississippi [Mr. BARKSDALE] for five minutes.

Mr. BARKSDALE. During the discussion yesterday the honorable gentleman from Illinois [Mr. TOWNSHEND] who has charge of this report, and whose laborious and conscientious discharge of his duties commands my respect, though I may not in all particulars agree with him, in reply to an inquiry whether the conferees on the part of the House had concurred in the Senate amendment to the item relating to the compensation of railway clerks, said:

> I said that the conference had agreed in regard to the compensation of clerks in the post-offices, not in regard to railway-mail clerks. Upon that point I want to say that the House apppropriated $4,000,000, which was an increase of some $26,000 above the appropriation of last year. The Senate demands that the amount shall be further increased $300,000, and upon that point we differ. This is a larger sum in reality than was estimated for by the Department. The Senate not only insists that we shall go up to the amount of the estimates of the Departments, but insists that we shall transcend the amount and give an increase of $300,000 over the sum appropriated by the House.

Upon calling the attention of Hon. W. B. Thompson, general superintendent of railway-mail service, to this statement of the gentleman from Illinois—that is, that the Senate exceeded the estimate submitted by the Department—he made this reply in writing:

> The amount appropriated for railway postal clerks for this Department is $5,000 greater than the estimate made by this office, but there were some matters that came up after the estimate was made that I explained in my letter of April 1, published in the RECORD of April 19, which would more than cover the $5,000 additional put in by the Senate.

Therefore, while it is apparently true that the amendment made by the Senate to the House bill does exceed the estimate made by the Department, this statement submitted by the very efficient superintendent of the general railway-mail service proves that it is not really so. By reference to the report of the superintendent submitted to Congress I find that the estimate for this service is $4,295,289. The amendment of the Senate proposes to increase the sum to $4,300,000, making really an excess of less than $5,000 of what is recommended in the report of the railway superintendent, but not an excess of what is recommended in what I may call the supplemental statement of the superintendent of the railway-mail service. Thus it will be seen that the Senate has not gone beyond the recommendation of the Department and of the head of the bureau which has this matter especially in charge.

Mr. TOWNSHEND. Does my friend know whether the Postmaster-General concurred in the recommendation of the superintendent of the railway-mail service?

Mr. BARKSDALE. I assume that he does concur in it. It is not to be supposed that a subordinate of the head of a Department would make a recommendation which is not concurred in by the head himself.

Mr. TOWNSHEND. They often do that.

Mr. BARKSDALE. At all events, if there should be a disagreement, of which there is no evidence in this case, I would appeal from the judgment of the head of the Department to the judgment of the officer who has the branch of the service especially in charge.

I shall vote to concur in the proposition of the gentleman from Michigan [Mr. HORR] that the House recede from its disagreement to the Senate amendment because of the very satisfactory and explicit statements which I find in the last report of the superintendent of the railway-mail service. It is very brief.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. CRISP). The time yielded to the gentleman has expired.

Mr. BARKSDALE. I would like a little more time.

Mr. CANNON. How much?

Mr. BARKSDALE. About five minutes; probably less.

Mr. CANNON. I will yield to the gentleman.

Mr. BARKSDALE. In the report of the superintendent of the railway-mail service I find this statement:

> Last year the estimate was based on an increase of 7.20 per cent., which experience has demonstrated was hardly sufficient to meet the rapid extensions and growth of the service. This year I have estimated the increase at 8 per cent., which increases the appropriation $318,169.60. The increase in the mails handled is 15.96 per cent., and the increased number of miles of railroad service is 9,264. While this may seem large, I am clearly of the opinion that it is none too much so, and that that amount will be absolutely necessary to properly maintain, extend, and continue the wants of a rapidly growing service.

For the reasons thus explicitly stated, and in consideration of the facts set forth in the report and in the letter of the general superintendent of the railway-mail service, which will be found in the RECORD of the 19th of April, I shall vote in favor of the proposition submitted by the gentleman from Michigan [Mr. HORR] to recede from the position first assumed by the House. It was upon this statement submitted by the head of the bureau which has this matter in charge that the co-ordinate branch of Congress predicated its unanimous vote in favor of the amendment to make this appropriation $4,300,000.

There is nothing sectional but everything national to recommend this provision. The benefits of the mail service are diffused throughout the country. My own attention has been particularly called to it, because there are several new lines of railroad in my State which are now insufficiently supplied with railway postal clerks on account of the inadequacy of the appropriation for that purpose.

There is no service performed by the Government which is more important and which is more acceptable to the people than the post-office service. While I maintain that due economy should be observed in its administration, I hold it would be an unwise and narrow policy to exercise undue parsimony in dispensing its benefits.

Mr. CANNON. I will ask the Chair how much time has been occupied by the gentleman from Mississippi [Mr. BARKSDALE]?

The SPEAKER *pro tempore*. The gentleman occupied eight minutes.

Mr. CANNON. I now yield to the gentleman from Illinois [Mr. ADAMS] for five minutes.

Mr. ADAMS, of Illinois. Mr. Speaker, I have noticed several times during this discussion that my colleague [Mr. TOWNSHEND] has been very anxious to know whether certain information in regard to railway-mail service came from the Postmaster-General or from the superintendent of the railway-mail service. Now, I wish to say that in the position I take upon this question I do not need to rely upon the statements of either of those officers. I reside at the headwaters of the largest division of this service in the entire country; I know something of the growth of the towns and cities in the Northwest, and I know that this service there has been short-handed for years on account of insufficient appropriations.

I knew that before this bill was reported in this House, and when it was first ascertained that this House proposed to appropriate only $4,000,000 for this service I took pains to ascertain whether this amount would be sufficient to allow proper provision not only for the present needs of the Northwest but for the extension of the service to which we look forward.

I beg to assure gentlemen that in this great division, the sixth division of the railway service, there is a pressing need not only for more clerks in railway-mail cars, but for a further extension of railway-mail routes. That division includes Illinois, Wisconsin, Northern Michigan, Colorado, Dakota, Iowa, and some other States and Territories. I believe it is in mileage the largest division in the entire country. I want to assure gentlemen here upon the authority of conversations I have had with men who had not the slightest interest in deceiving me that there are in that portion of the country 1,000 miles of railway now receiving insufficient appropriations.

Of course we ought to be guided in these matters by the opinion of the Postmaster-General unless some good reason is shown to the contrary. But I want to assure gentlemen from my personal knowledge that an insufficient appropriation—and the amount now proposed to be appropriated by this House would be an insufficient appropriation—would be greatly to the injury of a large number of growing towns in Wisconsin and other States of the Northwest which depend upon Chicago as their distributing point.

I do not wish to take up the time of the House in arguing this general proposition; I hardly think it necessary. We want facts, and we must obtain them from such information as is within our reach. It seems to me that if gentlemen here were only aware of the facts within my knowledge there would not be the slightest difficulty in acceding to the Senate amendment.

One other point. It is well known to every one at all familiar with this service that there is some difficulty in getting proper clerks——

[Here the hammer fell.]

Mr. CANNON. I yield five minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, if I can have the attention of this House for the five minutes allowed me I think I can clearly demonstrate that the position taken by gentlemen on the other side of this House on this appropriation bill is wholly inconsistent with their position during the Forty-fifth and Forty-sixth Congresses in the appropriations then made for this same service.

First, in response to the gentleman from Illinois [Mr. TOWNSHEND], who has made several inquiries as to whether the Postmaster-General approved the recommendations of his subordinate, Mr. Thompson, superintendent of the railway-mail service, I will refer him to page 16 of the report of the Postmaster-General, where he says:

> The superintendent asks for an appropriation for the next fiscal year of $4,295,289.60, an increase of $318,169.60 over the current year, which seems to be reasonable.

Again, on page 59 the Postmaster-General makes that same recommendation in amount as the estimate for the coming year and specifically requests that it may be appropriated.

Mr. TOWNSHEND. What does he say on page 59?

Mr. BINGHAM. He asks Congress for the full amount, $4,295,289.60 for railway postal clerks.

The bill now under consideration appropriates just $22,880 more than the appropriation for the present fiscal year. The generosity is amazing. I assert that this limited additional allowance will not meet the requirements of the natural promotions of the service, which the regulations of the Department contemplate and good discipline and wise administration require. How are you to meet the necessary and inevitable demand for increased service and certain growth when you fail to appropriate a larger sum than $22,880. The Department's estimates are based upon an increase of 8 per cent., and that percentage in dollars and cents is equal to $318,169.60. I predict that even that amount will be insufficient.

I want the gentleman from Illinois [Mr. TOWNSHEND] in charge of this bill and the Democratic side of the House to observe their record upon this very item in the four appropriation bills passed during the Forty-fifth and Forty-sixth Congresses, when their party was in the majority, and then ask them how they can assume for one moment that $22,880 will cover the natural increase of this service for the next fiscal year.

In 1879 the number of postal clerks was 2,609. The increase appropriated over preceding year was $169,651.83. The percentage of increase over preceding year was 6.79. You did not think $22,880 was sufficient then. In 1880 the number of postal clerks was 2,946. The increase appropriated over preceding year was $112,329.82. The percentage of increase over preceding year was 4.21. But a limited number of miles of railroad was built that year; nevertheless you largely appropriated over your generous allowance for this year, $22,880. In 1881 the number of postal clerks was 3,177. The increase appropriated over preceding year was $260,468.56. The percentage of increase over preceding year was 9.37.

The Department only asks for 8 per cent. increase this year; you want to allow then $22,880, about one-half of 1 per cent. In 1882 the number of postal clerks was 3,570. The increase appropriated over preceding year was $196,739.15. The percentage of increase over preceding year was 6.47.

That is your Democratic record in the Forty-fifth and Forty-sixth Congresses concerning this question. How comes it that you disregard the estimate of the Department asking for 8 per cent. increase and allow $22,880, equal to about one-half of 1 per cent., and then stand up here and claim you are generous in your appropriations? I fear the shadow of a Presidential contest has so influenced your judgment that you are willing to impair the usefulness of the people's service in order that political capital may be secured.

Mr. TOWNSHEND. What was the appropriation in the first year that the gentleman named?

Mr. BINGHAM. I refer the gentleman to page 341 of the report of the Postmaster-General; he will there find the matter stated fully.

I simply wish to say that in every Congress in recent years a generous increase has been conceded to this service—an increase ranging from 6 to 13 per cent. You propose to give for it next year only $22,880 more than the appropriation made for the present year. I repeat, this will not be sufficient to meet the ordinary promotions in the service. The Department asks an increase of only 8 per cent., while, as I have said, the average increase heretofore allowed has been from 6 to 13 per cent., and this year and the coming year, because of the reduction of postage from 3 cents to 2 cents on letter matter, will exhibit the largest percentage of increase in the whole history of our postal service.

It is not necessary that I should go into the details of the increased service during the present year and the probable increase during the next year. I refer you, however, to the increased mileage of railroads, which has reached 10,000 miles this year, and the additional fact that your railway postal clerks travel more miles in the service of the United States daily than any railroad corporation in the country works its trainmen, its conductors, or its engineers. The average travel of these railway postal clerks is one hundred and twenty-one miles every day of the three hundred and sixty-five.

Mr. WARNER, of Ohio. What statistics has the gentleman to base that statement upon?

Mr. BINGHAM. I give the statistics of the Department.

Mr. WARNER, of Ohio. Does the gentleman say that the daily travel of these clerks is greater than that of the railway employés themselves?

Mr. BINGHAM. The superintendent of the railway-mail service has so certified.

Mr. WARNER, of Ohio. I doubt the correctness of such data.

[Here the hammer fell.]

Mr. CANNON. I now yield five minutes to the gentleman from Nebraska [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I have not made it a special study to ascertain as to the exact amount of money required under the provisions of this bill for the proper handling of the mails by postal clerks, but I wish to state from my own knowledge that unless a greater sum is appropriated by this Congress than was appropriated by the last Congress the work of the Department done through the postal clerks can not be properly performed during the coming year. The large increase in the mileage by reason of the building of new railroads throughout the Western country demands that more mail clerks shall be had in the next year than are now required. The large increase in the bulk of the mail matter, the increase in the number of pieces to be handled by reason of the reduction we have made in the rate of postage, has to my personal knowledge in my own State increased so rapidly and unexpectedly to the Department, that they have been absolutely compelled to take postal clerks off the interior lines of railroads in that State and put them upon what is known as the main or trunk lines, and during the last sixty days postal clerks have been taken off entirely in my own State on some of the routes to handle the vast accumulation of the mails on these mail-routes to which I have referred. Unless Congress therefore increases the amount over the appropriation of last year sufficiently to permit the Post-Office Department to employ additional force for the handling of this increased mail this condition of things will continue, to the detriment of the service and to the inconvenience of the people of this country, for the next fiscal year. We

have roads in our State that have had postal clerks upon them for the last ten years that to-day, by reason of these changes necessitated by the growth of the service on the main lines, have none.

Are we to have this condition of things to exist for the next year? I hope, sir, that this House will do justice to this branch of the service. I hope that the House will agree to the amount recommended by the Senate, so that this essential service may continue to be performed and kept up with the requirements of the service arising from the rapid growth and development of that Western country.

Mr. CANNON. I will reserve the remainder of my time until I hear from the other side on this question.

The SPEAKER *pro tempore*. The gentleman has eighteen minutes of his time remaining.

Mr. TOWNSHEND. I do not know whether the gentleman can reserve his time or not.

Mr. CANNON. Why not? We have the affirmative upon this amendment.

Mr. TOWNSHEND. But I have a pending motion myself. I wish to hear what my colleague has to say before I take the floor.

Mr. CANNON. Mr. Speaker, I reserve the balance of my time. If the gentleman desires to be heard now, I hope he will proceed; if not, let us have a vote. [Cries of "Vote!" "Vote!"]

Mr. TOWNSHEND. I wish to hear what my colleague has to say before I proceed, and then if necessary I should like to be heard for a few moments on the part of the committee.

The SPEAKER *pro tempore*. The gentleman from Illinois is recognized.

Mr. TOWNSHEND. I have not asked the floor at this time.

Mr. CANNON. Then if there is no debate on that side of the House I will conclude the debate on this side and ask for a vote.

Mr. TOWNSHEND. I prefer to wait until my colleague has stated his premises and conclusions, and then I may ask the floor to explain briefly the action of the committee.

Mr. CANNON. We have consumed now about forty-three minutes in giving to the gentleman the premises on which we base our action on this side of the House upon this proposition.

Mr. TOWNSHEND. May I ask how much time has been occupied?

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. CANNON] has eighteen minutes remaining.

Mr. TOWNSHEND. I would be glad to know what the gentleman has to say upon this question before undertaking to answer him.

Mr. CANNON. We are ready to vote upon this side now. [Cries of "Regular order!" and "Vote!" "Vote!"]

Mr. TOWNSHEND. Mr. Speaker, the committee has so far not said anything upon this subject. There has been, as I understand it, forty-three minutes occupied on the other side. Perhaps it may be regarded as proper that the committee should add something in opposition to the remarks which have been made on the other side in defense of this action of the Senate.

I will say in the outset that there is, in the light of the extravagance of the times, but a very small sum in controversy. As we have been engaged from day to day in depleting the Treasury by many millions, this sum in comparison is insignificant and infinitesimal in amount. It is but a bagatelle; it only involves $300,000. Upon these questions of appropriations gentlemen have insisted we should be governed entirely by the estimates of the Departments and the opinions of clerks. The fathers who framed the Government did not so think. They declared that Congress should have power over this question of appropriations. They left the question of appropriations entirely to the discretion of Congress. But gentlemen have spoken here who seem to think that it is an act of presumption for the American Congress to question the accuracy of the judgment of the officers of any of the Departments upon questions of appropriations of the public money.

Well, now, if they are right in that would it not be better for Congress to abdicate the power conferred by the Constitution and say to the Executive Departments of the Government, "Take the Treasury and use it as your own discretion or judgment may dictate; use it, and as much of it as you please, for the various purposes that your judgment shall determine." If you are going to pay any attention to the action of Congress why not pay some regard to the diligent inquiry and the careful investigation that is made by the Appropriation Committee, which is charged with the duty of investigation and report? Why appoint such a committee if you intend to disregard its action and views and trust alone to the immaculateness of those who expend the public money?

They come in here with their report and certify to you that they have taken into consideration the recommendations of the Department and all the circumstances and facts regarding the question. They come and tell you that if you appropriate $4,000,000 you appropriate a sum amply sufficient for the performance of this service without any detriment whatever to the public interest.

But the Committee on Appropriations is warranted in insisting that the appropriations shall not exceed $4,000,000 by the action of the past Congresses when under the control of our friends on the other side of the House. The amount of four millions has never heretofore been appropriated by any House. It is the largest sum ever appropriated for this service. Look at the figures. In 1883 the Department only asked for $3,480,000; that was a year ago. We have given nearly $600,000 more than the Department said was sufficient to conduct this service at that time. But we gave for the service of 1883 a larger sum than was estimated. Congress appropriated $3,710,000, which was about $300,000 less than we appropriate in this bill. What did they do with the money? Why the Postmaster-General shows us that absolutely they were unable to expend the money. They found no use for the entire sum.

Mr. HOLMAN. There was no general election then.

Mr. TOWNSHEND. And they covered into the Treasury about $22,000 that they absolutely could find no use for whatever. That was only a year ago.

Now I say there ought not to be a more rapid increase in this service since then which will justify a larger increase than $300,000. We have given $321,000 more than they were absolutely able to expend a year ago. And yet gentlemen come here without knowing anything about the details and assert that the Committee on Appropriations is wrong, and that the superintendent of the railway-mail service knows more about it and knows what he ought to have better than anybody else in the world, and that his word must be law.

Mr. HORR. Do you not think he does?

Mr. TOWNSHEND. I know this, that many of the heads of bureaus in this Government have gone upon the theory of a certain class of merchants, who ask more for their goods than they expect to receive. Some of the heads of bureaus often ask for more than they know they are going to get. I do not say it is the case with this officer or in this instance, but it is true of many of them, that they ask for more than they expect to receive. Therefore it is the duty of Congress to scrutinize these estimates, because we are performing a trust duty here. We should be more careful in the handling of the public money than we would be in the handling of our own personal means. It is the people's money that you are voting away; it is not your money. And, therefore, I insist that in handling a public fund you should handle it with care, and you should see to it that it is honestly and economically expended.

Mr. HORR. Do these clerks get too much?

Mr. TOWNSHEND. I think the superintendent of the railway-mail service is asking $300,000 more than is needed. And the statistics of the expenditures in the past two or three years bear me out in that assertion.

Mr. HORR. Is the amount in the bill enough to pay the men now employed?

Mr. KASSON. Will the gentleman from Illinois allow me a single question? I have no desire to debate this question.

Mr. TOWNSHEND. I yield to the gentleman for a question, but not for an argument.

Mr. KASSON. I understand the actual expenditure of the year about concluding on the 30th of June is $4,000,000.

Mr. TOWNSHEND. The gentleman is mistaken if I understand him correctly. What is his question? I ask him to repeat it.

Mr. KASSON. I understand on the basis of the expenditures thus far the expenditure up to the 30th of June of this fiscal year will lack but a few thousand dollars of $4,000,000, and that the appropriation in this bill is limited to $4,000,000. I want to say to the gentleman——

Mr. TOWNSHEND. The gentlemen is mistaken in his figures.

Mr. KASSON. I got them from the gentleman from Pennsylvania [Mr. BINGHAM], on whose accuracy I rely.

Mr. TOWNSHEND. The gentleman has asked a question, and I will answer him. The Committee on Appropriations have not been furnished with any evidence whatever——

Mr. KASSON. Will the gentleman let me conclude what I wanted to say, and then he can answer the whole at once. In my own State several hundred miles of railway have been completed within the past year. I applied months ago for the service to be put on that new route. The answer was, there was not a dollar that could be spared. Now, all I want is that this bill should appropriate enough to enable the service that is necessary to be put on the new routes. If the gentleman will simply say what is enough for that, then men like myself will get all that is needed.

Mr. TOWNSHEND. I can only say to the gentleman from Iowa that it is the judgment of the Committee on Appropriations that we have furnished every dollar that is needed for the efficient performance of the service. I will further say to the gentleman that the Committee on Appropriations have appropriated over $300,000 more than the Department was able to expend last year.

Mr. KASSON. By "last year" you mean a year ago?

Mr. TOWNSHEND. The year 1883.

Mr. HORR. The last fiscal year?

Mr. TOWNSHEND. I repeat that we have appropriated over $300,000 more than the Department was able to expend last year.

Mr. HORR. That is, the year 1883.

Mr. TOWNSHEND. That was last year, was it not?

Mr. HORR. But you do admit that the appropriation passed by this House is not sufficient to pay men now employed?

Mr. TOWNSHEND. I have never heard that before.

Mr. HORR. You had before your committee a letter stating the number employed and the amount required to pay them. You had that letter yourself and gave it to me, stating just the number of men now employed.

Mr. TOWNSHEND. Of railway postal clerks?

Mr. HORR. Certainly.

Mr. TOWNSHEND. I have no recollection that I ever saw such a letter. The gentleman is mistaken.

Mr. HORR. And stating the amount of wages they receive. That letter shows that $4,000,000 will not pay the clerks now employed.

Mr. TOWNSHEND. I wish the gentleman would produce that letter.

Mr. HORR. I have got it.

Mr. TOWNSHEND. I have no recollection of it.

Mr. HISCOCK. I would like to ask the gentleman a single question for information.

Mr. TOWNSHEND. Very well.

Mr. HISCOCK. Can the gentleman state to the House the percentage of increase in the volume of mail matter likely to be carried during the next fiscal year over the amount carried the present fiscal year, and also the number of miles of railroad operated during the next fiscal year more than the number operated during the current fiscal year?

Mr. TOWNSHEND. That is purely conjectural.

Mr. HISCOCK. It should not be conjectural.

Mr. TOWNSHEND. No one can ascertain that with mathematical certainty.

Mr. HISCOCK. Then I understand the gentleman can not give us that information.

Mr. TOWNSHEND. I can give the conjecture made by the railway commissioner as soon as I find it in this book. He has expressed his opinion about the matter.

Mr. BINGHAM. The gentleman will find it on page 341.

Mr. HISCOCK. I asked my question in good faith.

Mr. HOLMAN. The increase of expenditure is not so much in the number as in the salaries of the employés.

Mr. HISCOCK. So far as any increase of salaries is concerned I think that depends upon permanent legislation. The gentleman will correct me if I am in error.

Mr. HOLMAN. That is as to the maximum compensation; it does not depend on legislation as to the minimum.

Mr. HISCOCK. But as I understand this bill it does not propose to affect salaries at all.

Mr. HOLMAN. It does not propose to change existing salaries; but the gentleman from New York [Mr. HISCOCK] knows that present salaries are largely in the discretion of the Postmaster-General.

Mr. HORR. By permission of the gentleman from Illinois [Mr. TOWNSHEND] I will now read the letter to which I referred.

Mr. TOWNSHEND. To whom is it addressed?

Mr. HORR. It is addressed to me.

Mr. TOWNSHEND. That is what I wanted to know.

Mr. HORR. But I had it before the committee.

Mr. TOWNSHEND. I do not recollect it at all.

Mr. HORR. I showed it to you.

Mr. TOWNSHEND. Go ahead and read it.

Mr. HORR. This is the letter:

POST-OFFICE DEPARTMENT, *Washington, D. C., March 7, 1884.*

SIR: Referring to our conversation, permit me to say that at the close of business February 29, 1884, there were 4,025 railway postal clerks, the cost of the same being $5,026,141.

The mails are much lighter in summer than in winter; consequently when the appropriation becomes available (July 1) it is the practice to withhold as much of the appropriation as possible to increase the force during the winter months when the mails are very heavy, which will account for the present aggregate expenditure being greater than the appropriation ($3,977,120) for the present fiscal year. The good of the service, at the present time, requires three hundred and sixty-eight additional clerks, of which number one hundred and forty-three should be appointed to new lines on which there are no postal clerks. I could have given the lines in detail, but did not think you would care to be burdened with it. There is a very urgent demand for service on the new lines, but the Department is powerless to grant any relief.

Very respectfully,

W. B. THOMPSON,
General Superintendent.

Hon. ROSWELL G. HORR,
House of Representatives, Washington, D. C.

Mr. TOWNSHEND. The gentleman produces a letter from Mr. Thompson, the superintendent of the railway-mail service, which contains substantially what was said by him in his report. He throws no new light whatever upon the subject. The document the gentleman has read is one I have no recollection of ever having seen before. I appeal to my colleagues on the Committee on Appropriations to state if they ever saw it. It seems that my friend was in possession of information which the committee did not have.

Mr. HOLMAN. I do not myself remember to have seen the letter.

Mr. TOWNSHEND. I never saw it. I only want to say that that letter throws no additional light upon the subject. I will repeat now, and not occupy the attention of the House further, that the Committee on Appropriations, after a careful consideration of this question, concluded that $4,000,000 would cover the entire expense of an efficient performance of this service. That is over $300,000 more than was expended for the year which ended on the 30th of June last and is some $22,000 more than was appropriated for this service for the current year.

As to what the expenditures of this year will amount to I am unadvised, and I apprehend it is not in the power of any one to ascertain the aggregate until the close of the fiscal year. I know this: that we propose to appropriate in this bill the largest sum ever appropriated for this service, as we ought to do unquestionably, for the service is growing. But we go more than $300,000 beyond the amount expended last year and $22,000 beyond the appropriations for this year. I am of opinion that when the books are made up for the current year it will be discovered that there is no deficiency, and probably an unexpended balance will remain, as there was in 1883.

Mr. BINGHAM. Why, the letter just read states the contrary.

Mr. TOWNSHEND. I reserve the residue of my time.

Mr. CANNON. Mr. Speaker, the mail service of the United States may be likened to the human body, and the circulation of the mails to the circulation of the blood. The arteries running to every part of the body, carrying the blood, give nourishment to the different parts of the body. Now, if there were not a power of assimilation in the blood so as to unite at the proper points of waste with the tissue and build it up, death would ensue. The blood circulates in vain through the arteries unless this power of assimilation and distribution at every point exists.

Now the 120,000 miles of railroad in the country are the great arteries of business upon which the mails are carried. The mails to a great extent go in vain upon these lines of railway to the 48,000 post offices of the country unless somebody is present as the mails go to assort and distrtribute, giving to each office its proper supply. The postal clerks on these different railway trains distribute the mails.

Now, the truth is, and most of the members of the House who are taking care of the interests of their districts in reference to the mail service will bear me out in the statement, that upon thousands of miles of railroads in this country, upon which we pay in the aggregate for the circulation of these mails some twelve or thirteen million dollars, there is not a single route-agent or postal clerk. The result is that the mails are delayed, sometimes for a day, sometimes for two days, in reaching their destination. Thus you have all the expensive machinery of the service, costing over $40,000,000 to put it into shape; you have the blood, so to speak, circulating through these great arteries throughout the length and breadth of the country; but for want of $300,000 for the employment of postal clerks, in addition to the forty-five or forty-six million dollars, a very large part of the people do not get their mails promptly, because there is nobody to distribute them as they ought to be distributed. Now, to my mind it is folly and extravagance for gentlemen to stand here and say that they will not appropriate this additional $300,000 that this service may be utilized, that these distributers of the mails may be present and perform their duty.

It is an open secret—a fact within the knowledge of every Republican and every Democratic member of this House who has been to the superintendent of the railway-mail service asking additional postal clerks or route-agents to assort the mails—that these applications have uniformly been met with a refusal, for the reason that the present service, saying nothing about any extension of the service, exhausts every dollar of the $3,977,000 for postal clerks. I myself have been in that office, and have met there several of the gentlemen on the other side of the House seeking the same accommodations for their different sections that I have been seeking for mine, and I have noticed their failure at the same time I noticed my own.

Mr. BARKSDALE. The gentleman will allow me to say that my experience has been precisely similar to his own; and I have no doubt it is the experience of a great majority of members on this floor.

Mr. CANNON. One other matter, and only one. My colleague [Mr. TOWNSHEND] says that last year there was a balance of $21,000 not expended by the Post-Office Department for postal clerks. That is true; and I know exactly how it happened. It was near the end of the year before the deficiency appropriation which enabled the Department to expend anything was made, and after the making of that deficiency appropriation there was not sufficient time to expend the whole of it.

Mr. TOWNSHEND. Has any deficiency appropriation for this service been asked for the current year?

Mr. CANNON. Certainly, and you have not given a cent of it; and in consequence of the appropriation not having been made it has been necessary to discharge forty men.

Mr. TOWNSHEND. I am informed by the chairman of the Committee on Appropriations that he has no knowledge of any application for a deficiency appropriation.

Mr. RANDALL. I am not aware of any estimate for any deficiency.

Mr. CANNON. There is no deficiency in the strict sense of the term. If the gentleman will allow me, I will make myself understood. A deficiency, technically so called, is an expenditure where there has been no appropriation.

Mr. RANDALL. But the point I make is that there is no estimate, to my knowledge, of such a deficiency.

Mr. HORR. But the fact is they have discharged forty-odd clerks to avoid it.

Mr. RANDALL. Then they did not believe that the service required their retention, because if they had been needed they would have asked for a deficiency to enable them to keep them. The service can not be suffering for that reason.

Mr. HORR. It is suffering.

Mr. PETERS. It is suffering to-day, and the country knows it.

Mr. RYAN. They have been compelled to discharge many of the employés in various parts of the country, and there are many railroads in the country to-day upon which there is no service whatever because of the insufficiency of the appropriations to employ the clerks.

Mr. RANDALL. I am confining the statement to a simple fact that there was no estimate submitted to supply such a deficiency if it exists. The truth is always the truth and able to take care of itself. Now, I repeat, there has been no deficiency asked for.

Mr. RYAN. Nobody has said that there was or that the Department has sent a communication asking for a deficiency.

Mr. RANDALL. Very well; that is just what I have said.

Mr. RYAN. But it is also known that there is not sufficient money appropriated to keep up the service, and for that reason it has been discontinued.

Mr. CANNON. I will say to the gentleman from Pennsylvania what is a well-known fact, that this officer always cuts his garment according to the cloth. If you give him $4,000,000 for this service he will not expend any more than that; if you give him $3,000,000 he will not expend more than that; and if you give him the $4,300,000 which he says is required for the service as it ought to be, he will expend that amount and no more, and the people will get the benefit of it. He complies with the law in this respect so far as it is possible to comply with it. He will not go a dollar beyond the appropriations.

Now, it does not answer in response to the necessities of the service for gentlemen to say that the Committee on Appropriations deem this a sufficient amount, for the reason that they have not sufficient ground to stand upon. There is 8 per cent. increase of the mail business, and largely over 8 per cent. in the increase by railroad building or extensions, and you do not even give the increase of 8 per cent. The Senate amendment does give the 8 per cent. increase, and I believe if the $46,000,000 that is proposed to be appropriated by this bill is utilized the Senate amendment ought to be concurred in.

I reserve the remainder of my time, which will be under the control of the gentleman from Michigan [Mr. HORR].

The SPEAKER. The gentleman has six minutes of his time remaining.

Mr. TOWNSHEND. How much time remains on this side of the House?

The SPEAKER. The gentleman has occupied forty minutes of his time.

Mr. TOWNSHEND. I will yield as much time as he may require to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I wish to call the attention of my friend from Mississippi [Mr. BARKSDALE] to a fact which I have already mentioned to him, and I desire also to call the attention of the gentleman from Kansas to it, and that is that this assumption that the Post-Office Department has been hampered in the employment of the necessary number of postal clerks for the transaction of the business can not possibly have any just foundation for this reason: that the question here is one of salaries and not of numbers.

As gentlemen will see by reference to the act of 1873 perhaps it simply fixed the maximum at $1,400 and $1,200 for the salaries of these employés of the Post-Office Department, and the Department may employ as many clerks as it may think proper at such rates as it chooses inside of this compensation. But the act of two years ago made a different classification and still fixes what they shall be paid, and any gentleman must see who knows anything of the service or the classification that in some localities where the employés render trifling services as compared with other localities where their duties are exacting and are very important that the compensation may be fixed at the lower rate and a larger number employed. But by the act of July, 1882, this clerical force was divided into additional classes, with the following compensation: The first class at a rate not exceeding $800, the second class not exceeding $900, the third class not exceeding $1,000, the fourth class not exceeding $1,200, and the fifth class not exceeding $1,400.

Now, gentlemen will see that the maximum is fixed at $1,400, the rates being between $800 and $1,400, and inside of these salaries the Post-Office Department may employ just as many railroad clerks as it may desire at the lower rate, thereby increasing the number.

I do not know how it may be in the neighborhood of my friend from Mississippi; but without hesitation I say that in my section of the country young men can be found eminently qualified for such duty, and who will with great alacrity and eagerness accept employment at lower salaries than the minimum here fixed. It is a salary that in many instances will command the services of worthy and excellent young men, because as a rule on these short roads they are at home a great part of the time, and the salary fixed, the minimum, $800, would be deemed ample compensation. Even at $50 a month I do not know but that a sufficient force could be employed in many parts of the country. How it may be in other regions of the country I am not aware, but I know in my section of the country young gentlemen possessing the requisite qualifications would in many instances be very glad to obtain the salary of $50 a month, which is better compensation than they are able to receive in many other employments in that section.

Therefore gentlemen will see that in fixing the amount at $4,000,000 you leave it entirely discretionary with the Post-Office Department to employ as many as that sum of $4,000,000 will employ. So there is no chance of embarrassment. My friend from Mississippi [Mr. BARKSDALE] must know that the number of clerks that can be employed with $4,000,000 greatly exceeds the number that would be employed if you had only the class of clerks receiving the maximum compensation that is provided. The only question is whether the Post-Office Department shall be required to exercise a little economy in the employment of clerks. The Postmaster-General can employ all he needs, and more too, for $4,000,000 a year.

Mr. BARKSDALE. Will the gentleman from Indiana allow me——

Mr. HOLMAN. I yield to the gentleman for a question.

Mr. BARKSDALE. In propounding the question I wish to state that I do not think any employés of the Government are so poorly paid as the postal clerks. But I say it is not a question of salary at all. It is alleged by the Post-Office Department that there is not sufficient money appropriated for the employment of the necessary force of postal clerks at any salary according to the rates fixed by law.

Mr. HOLMAN. Certainly there is not if you wish to pay them all he larger salary. Does not my friend see that with the rates fixed of $1,400, $1,200, $900, and $800 the Post-Office Department can employ exactly as many clerks as it thinks proper if it desires to economize as to salary?

Mr. BINGHAM. Does the gentleman know how many are employed at the higher salary? There are only fifty-two at $1,400; there is one who gets $1,200; the major part of them receive $800.

Mr. HOLMAN. I have been pointing out what the Postmaster-General can do under the law. And I wish to say that clerks employed in responsible positions in corresponding civil employments are content to receive salaries largely inside the range of salaries that are paid to postal clerks.

I yield now to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. The increase in the cost of the mail service can arise only from two causes: increase of service, or increase of cost of the same service. I am in favor of a reasonable extension of the service; an increase equal and more than equal to the increase of wealth and population in the country. As population spreads out in the West an increase of service is required beyond the actual increase of population and wealth in the country, but not greatly in excess of that.

But as to an increase in the cost of the service arising from an increase of salaries of officers or employés, I do not believe there is any demand for that. In the first place, Mr. Speaker, the tendency at this time in salaries and wages in this country is downward and not upward. Again, I assert that employés in the mail service, post-office clerks included, are better paid than the same class of labor outside of the Government employment. I assert that the railways of the country would undertake to perform this very service as it is now performed for 25 per cent. less than what it costs the Government to perform it. Instead of postal clerks performing greater service than railway employés of a like character for the same pay, I assert that the railway employés perform much more service for the same pay than the postal clerks on the average. If you take only the passenger trains, railway employés make greater mileage than postal clerks make and perform more service for the same pay. Let me give a single instance taken from a road of which I know something, one hundred miles in length. The conductor on the mail train made a round trip every day in the year except Sundays. Two postal clerks made either one trip over the road or they changed off, working one week on and one week off, and making the round trip as the conductor did. While he made his trips every week they made their round trips every other week. And the postal-route agents received on that route higher pay than the conductor of the mail train received.

Again, in evidence of the fact that the pay is higher in this service than in employments outside of the Government service, are there not ten applicants everywhere for one place to be filled? What is the reason of this pressure to get into the service of the United States anywhere and everywhere, and when once in to have the salary increased? The pressure to get in is because the pay on the average for the same service is greater.

Therefore I am opposed to increasing the cost of the mail service by increasing the pay of the employés in that service. And I am opposed to it for one other reason which I will state and then I am through. It is this: We produce so much in this country; we know what are the annual earnings on the average of those who create our wealth; we know they are less than $300 per laborer throughout the country; we know on the average railway laborers get less than $400, and that includes the presidents of the companies and all salaried officers. And yet the lowest rate paid to a postal clerk is $800. Now, here is the other proposition: We produce only so much; and if they who are inside of the Government get more, then they who are outside must take less. There is no other result possible. We only produce so much.

If it averages $200 per capita—and that is more than the average production of the United States—then, if the employés of the Government get more, those who produce the wealth and are outside of Government employment must each take less.

Mr. JOSEPH D. TAYLOR. I would like to ask the gentleman a question.

Mr. WARNER, of Ohio. Very well.

[Here the hammer fell.]

Mr. TOWNSHEND. I now call the previous question.

The SPEAKER. The gentleman from Michigan [Mr. HORR] has control of the amendment.

Mr. TOWNSHEND. How much time has the gentleman from Michigan?

The SPEAKER. Six minutes.

Mr. TOWNSHEND. I will withdraw the call for the previous question.

Mr. HORR. In conclusion of this debate I wish to say that while my friend from Indiana [Mr. HOLMAN] is abstractly correct, yet he knows very well that his position is not tenable. The railway clerks receive compensation all the way from $670 up to $1,400 a year. The Department has fixed their pay in accordance, first, with the length of time they have served; second, with the number of miles they run, and third, with the proficiency they show for performing the work to be done. The Department often takes a man who has been but two years in the service and puts him on one of the large lines, simply because he has demonstrated that he is capable of performing a class of service that only one man in fifty is able to perform at all.

The Department has fixed upon this basis for promotion, and upon that basis, which is a just and fair one, we have not appropriated in the House bill enough to pay the men now in the service. I say to the gentleman from Pennsylvania [Mr. RANDALL] that his remark about deficiencies does not apply here. There will not be a deficiency in this branch of the service, because the superintendent of it never expended and never will expend a dollar beyond the amount which you appropriate for it.

Mr. RANDALL. He is a rare bird in the Post-Office Department.

Mr. HORR. Very well; then we have a great many such rare birds in the service. The only trouble is that you do not see them through your goggles; you do not find them. I run across them by the score. He has this year discharged a large number of clerks in order to bring the expenditures of this branch of the service within the amount you have appropriated.

Mr. HOLMAN. And to enable him to increase the salaries of others.

Mr. HORR. Not a bit of it. He has not increased anybody's salary a dollar. He has done it simply to bring the expenditures down to the amount of the appropriation, and he is now compelling a large number of employés to work for less salary than the regulations of the Department would give them, simply in order to keep the expenditures within the amount of the appropriation.

Mr. BARKSDALE. Will the gentleman permit me to ask a question?

Mr. HORR. Certainly.

Mr. BARKSDALE. I wish to inquire if the gentleman believes that the Senate amendment is intended to increase the salaries of the postal clerks, or is it intended to increase the efficiency of the service by the employment of an additional number of railway clerks?

Mr. HORR. It is not intended, and my friend from Indiana knows it, to increase the salary of a single man.

Mr. HOLMAN. To increase the salary of all of them.

Mr. HORR. Not one.

Mr. HOLMAN. Inside of the limits.

Mr. HORR. It is intended to put on clerks and start the mails on one hundred and forty-three new routes where railroads have been completed, and many of them to-day are without this service. That is all it is intended for.

Mr. HOLMAN. The mails are being carried now.

Mr. HORR. They are not being carried on all of the roads.

Mr. HOLMAN. On all of them.

Mr. HORR. There are a large number of them on which the mails are not running to-day.

Mr. PETERS. I have two routes in my district where the mails are not being carried.

Mr. HORR. And that is so all over the country. I doubt if there are twenty men in this House who do not have routes where the mails are not carried.

Mr. HOLMAN. I wish the gentleman would name one.

Mr. BROWN, of Pennsylvania. There are two in my district, where the service has been refused because the appropriation is too small.

Mr. BRUMM. And in my district the service was taken off one route, from the county seat to the capital of the State, and is off now, because of the failure to appropriate enough for the service.

Mr. PETERS. In my district there is one from Wichita to Kingman.

Mr. HOLMAN. I venture to say the mail is carried there.

Mr. PETERS. It is not carried there.

Mr. HOLMAN. Is not carried on that route?

Mr. PETERS. It is carried in sealed pouches, but there is no mail-route agent on the road. I have been trying to get one appointed, and have been refused because the appropriation was exhausted.

Mr. HORR. I do hope this House will exercise that sound judgment which business men exercise in carrying on their own business affairs. The gentleman from Ohio [Mr. WARNER] is mistaken when he says that these postal clerks get more than the railroad and express employés on these trains. His statement is not borne out by the facts. Many of them perform a class of work on the large through routes far superior and more intricate than the conductors of any train have to perform.

I say that this money is needed simply in the interest of good service. It is not to increase salaries, but simply to run the mails of this country as they ought to be run. I say to you now that I think any party that attempts to cut down the mail service of this country will make a fearful mistake. I call the previous question on my amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. HORR] that the House recede from its disagreement to the Senate amendment and agree to the same.

Mr. TOWNSHEND. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 117, not voting 112; as follows:

YEAS—94.

Adams, G. E.	Dargan,	Hunt,	Price,
Aiken,	Davis, G. R.	James,	Ranney,
Anderson,	Davis, R. T.	Johnson,	Ray, G. W.
Atkinson,	Deuster,	Kasson,	Reed,
Barksdale,	Dingley,	Kean,	Reese,
Bayne,	Dunham,	Kelley,	Robinson, W. E.
Bingham,	Eldredge,	Ketcham,	Rockwell,
Bisbee,	Ellis,	Lawrence,	Ryan,
Brainerd,	Everhart,	Long,	Smalls,
Breitung,	Findlay,	Lyman,	Smith,
Brewer, F. B.	Funston,	McCoid,	Spooner,
Brewer, J. H.	George,	McCormick,	Steele,
Browne, T. M.	Hanback,	Millard,	Struble,
Brown, W. W.	Hart,	Morrill,	Taylor, E. B.
Brumm,	Hatch, H. H.	Nutting,	Taylor, J. D.
Calkins,	Haynes,	Ochiltree,	Thomas,
Campbell, J. M.	Henderson, D. B.	O'Hara,	Van Eaton,
Candler,	Henderson, T. J.	O'Neill, J. J.	Wait,
Cannon,	Hepburn,	Parker,	Weaver,
Carleton,	Hitt,	Payson,	White, Milo
Chace,	Holmes,	Perkins,	Whiting,
Culbertson, W. W.	Holton,	Peters,	York.
Cullen,	Horr,	Pettibone,	
Cutcheon,	Howey,	Poland,	

NAYS—117.

Adams, J. J.	Dunn,	Lowry,	Spriggs,
Alexander,	English,	McAdoo,	Springer,
Arnot,	Follett,	McMillin,	Stewart, Charles
Bagley,	Foran,	Maybury,	Stockslager,
Bennett,	Forney,	Miller, J. F.	Talbott,
Bland,	Fyan,	Mills,	Taylor, J. M.
Blount,	Garrison,	Mitchell,	Thompson,
Blanchard,	Geddes,	Morgan,	Throckmorton,
Boyle,	Glascock,	Morrison,	Tillman,
Breckinridge,	Graves,	Morse,	Townshend,
Buchanan,	Green,	Moulton,	Tully,
Burnes,	Halsell,	Muldrow,	Turner, H. G.
Caldwell,	Hammond,	Murray,	Turner, Oscar
Cassidy,	Hardeman,	Neece,	Van Alstyne,
Clardy,	Hatch, W. H.	Nicholls,	Vance,
Clay,	Hemphill,	Oates,	Warner, A. J.
Clements,	Henley,	O'Ferrall,	Warner, Richard
Cobb,	Herbert,	Patton,	Wellborn,
Connolly,	Hewitt, A. S.	Pierce,	Weller,
Cook,	Hewitt, G. W.	Peel,	Wilkins,
Cosgrove,	Holman,	Pryor,	Williams,
Cox, S. S.	Hopkins,	Pusey,	Wilson, W. L.
Cox, W. R.	Houseman,	Randall,	Winans, E. B.
Culberson, D. B.	Jones, B. W.	Robertson,	Wise, G. D.
Curtin,	Jones, J. H.	Rogers, J. H.	Wolford,
Davis, L. H.	Jones, J. K.	Seney,	Wood,
Dibble,	Jordan,	Seymour,	Yaple.
Dibrell,	Kleiner,	Shaw,	
Dockery,	Lanham,	Singleton,	
Dowd,	Lewis,	Skinner, T. G.	

NOT VOTING—112.

Ballentine,	Elliott,	Jones, J. T.	Payne,
Barbour,	Ellwood,	Keifer,	Phelps,
Barr,	Ermentrout,	Kellogg,	Post,
Beach,	Evans, I. N.	King,	Potter,
Belford,	Evins, J. H.	Lacey,	Rankin,
Belmont,	Ferrell,	Laird,	Ray, Ossian
Blackburn,	Fiedler,	Lamb,	Reagan,
Boutelle,	Finerty,	Le Fevre,	Rice,
Bowen,	Gibson,	Libbey,	Riggs,
Broadhead,	Goff,	Lore,	Robinson, J. S.
Buckner,	Greenleaf,	Lovering,	Rowell,
Budd,	Guenther,	McComas,	Rogers, W. F.
Burleigh,	Hancock,	Matson,	Rosecrans,
Cabell,	Hardy,	Miller, S. H.	Russell,
Campbell, Felix	Harmer,	Milliken,	Scales,
Collins,	Hill,	Money,	Shelley,
Converse,	Hiscock,	Morey,	Skinner, C. R.
Covington,	Hoblitzell,	Muller,	Slocum,
Crisp,	Hooper,	Murphy,	Snyder,
Davidson,	Houk,	Mutchler,	Stephenson,
Dorsheimer,	Hurd,	Nelson,	Stevens,
Duncan,	Hutchins,	O'Neill, Charles	Stewart, J. W.
Eaton,	Jeffords,	Paige,	Stone,

Storm,	Valentine,	Washburn,	Winans, John
Strait,	Wadsworth,	Wemple,	Wise, J. S.
Sumner, C. A.	Wakefield,	White, J. D.	Woodward,
Sumner, D. H.	Wallace,	Willis,	Worthington,
Tucker,	Ward,	Wilson, James	Young.

So the motion of Mr. HORR was not agreed to.

The following-named members were announced as paired for this day:

Mr. WEMPLE with Mr. STONE.

Mr. SCALES with Mr. MILLER, of Pennsylvania.

Mr. CONVERSE with Mr. JEFFORDS.

Mr. LAMB with Mr. BREWER, of New York.

Mr. MATSON with Mr. HOUK.

Mr. RIGGS with Mr. ROWELL.

Mr. CRISP with Mr. STEWART, of Vermont.

Mr. SHELLEY with Mr. MCCOMAS.

Mr. DAVIDSON with Mr. HARMER.

The result of the vote was announced as above stated.

Mr. TOWNSHEND moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. I now demand the previous question on my motion that the House further insist upon its disagreement to the amendment of the Senate.

The previous question was ordered; and under the operation thereof the motion of Mr. TOWNSHEND was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEELE, for an indefinite time, on account of important business.

To Mr. DUNCAN, for ten days.

To Mr. FOLLETT, for ten days, on account of important business.

To Mr. GIBSON, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BROWN, of Pennsylvania, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Maria L. Lee, in support of House bill 1752, for a pension.

AQUEDUCT BRIDGE, GEORGETOWN, D. C.

The SPEAKER, by unanimous consent, laid before the House a letter from the acting Secretary of War, transmitting a report of an examination of the Aqueduct Bridge, at Georgetown, D. C., by S. T. Abert, United States civil engineer; which was referred to the Committee on the District of Columbia, and ordered to be printed.

E. B. BEER.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs in relation to legal services of E. B. Beer in defending an Indian of the Mescalero Apache agency, and recommending compensation therefor by an item in the sundry civil or deficiency appropriation bill; which was referred to the Committee on Appropriations.

DISPOSITION OF UNSEAWORTHY VESSELS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Navy, reporting, in reply to House resolution of May 29, the names of vessels of the United States which have been taken to pieces or removed by virtue of the provisions of the act approved March 3, 1883, and the places where such vessels were broken up; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

SITE FOR PUBLIC BUILDING, BROOKLYN, N. Y.

Mr. THOMPSON obtained the floor, and said, I yield a moment to the gentleman from Pennsylvania [Mr. HOPKINS], who wishes to submit a report.

Mr. HOPKINS. I am directed by the Committee on Public Buildings and Grounds to submit the report of their investigation in regard to the selection and purchase of a site for a public building in Brooklyn, N. Y. I ask consent that one or two gentlemen of the committee may be permitted to file their views upon one point not embraced in the report of the majority. I will state that the entire committee agree to the resolutions appended to the report.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury, or of some of his subordinates, in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn, have not been sustained.

Resolved, That the Committee on Public Buildings and Grounds be discharged from the further consideration of the matters referred to them in this regard.

Mr. THOMPSON. I rise to a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON. Does the mere fact that I consented to allow the gentleman to file the report in this case bring it up for present consideration?

The SPEAKER. Not necessarily; it can be printed and laid over to be called up at some future time.

Mr. HOLMAN. Permit me to make an inquiry of the gentleman from Pennsylvania. Does the committee report upon matters referred to them by the last resolution of the House?

Mr. HOPKINS. The committee report in detail upon all of the subjects referred to them by the House. But there is no resolution on the part of the committee upon the subjects presented when the question was recommitted to them. The resolutions refer to the subject as formerly presented, but they report in detail upon each of the subjects last referred to them.

Mr. HOLMAN. Do they report any resolution touching the question as to the site and the cost of the building?

Mr. HOPKINS. No, sir; they do not. They report upon the subject, but submit no resolution.

The SPEAKER. The report can be printed and laid over. Upon the application of the gentleman from Pennsylvania who submits the report, if there be no objection, leave will be given to such members of the minority of the committee as see proper to present their views to submit them to be printed and laid over with the report of the committee.

Mr. HISCOCK. Mr. Speaker, I understand that there is some necessity at least that this report should be acted upon immediately on account of a contract the Government has made in reference to this property. I understand that the day on which the contract was to be performed is near at hand. I have been told that there is involved in this controversy the financial ruin of a man if speedy action is not had. The very reason why the committee were directed to report within ten days was, as I understand it, that action might be taken upon this matter to relieve this party of his embarrassment.

My colleague, General SLOCUM, was particularly anxious that this matter should be disposed of within the ten days. I insist, then, that a vote be taken upon the resolution.

I move that the resolution be adopted, and pending that I call for the previous question.

The SPEAKER. The Chair does not think the gentleman has the floor for that purpose, but that the gentleman who makes the report should have the control of it in that respect.

Mr. HISCOCK. Very well; I will withdraw the motion.

Mr. COX, of New York. I would like to hear the report read, at least before the previous question is ordered.

Mr. HISCOCK. I do not ask the previous question, but hope that speedy action will be taken upon the report.

Mr. HOPKINS. For the information of members I wish to state that the testimony taken by the committee has not yet been written out by the shorthand writer, and of course can not be presented with the report, but I ask that it be printed, as soon as it is furnished, with the report.

So far as I am concerned, and so far as the committee is concerned, we have no preferences in regard to the matter as to when it shall be taken up; but we were directed to report within ten days. This is the tenth day, and we have complied with the order of the House, and now submit to such direction as the House may see proper to make with reference to the report.

Mr. HISCOCK. I would like to inquire of the gentleman from Pennsylvania if it is true that a contract has been made, and if the transaction should not be consummated under its terms within a day or two?

Mr. HOPKINS. I understood that it was to have been complied with by the 1st of May, but it is held in abeyance because of this inquiry and until action is taken by the House.

Mr. HISCOCK. Is there not something about the foreclosure of a mortgage connected with it, or something materially affecting the present holder of the property? And is it not important that something should be done to relieve him?

Mr. HOPKINS. I have no understanding as to anything of that kind, but I am informed that it is a serious burden upon the gentleman who is carrying the property.

Mr. HISCOCK. It is a subject that ought to have speedy consideration in some way.

Mr. THOMPSON. I wish to state that I only yielded that the report might be submitted. I now insist upon the regular order.

Mr. HISCOCK. I wish to make a parliamentary inquiry in reference to the matter pending. If I understand aright it is not proposed now to take this subject up; but is it the desire of the committee to fix some time when it may be called up?

The SPEAKER. Under the resolution recommitting the report previously made by the committee, the Chair thinks it can be called up at any time as a privileged matter.

Mr. HISCOCK. Very well.

The SPEAKER. That is the construction the Chair would place upon the resolution.

Mr. HISCOCK. Then I make no further suggestion.

The SPEAKER. The resolution will be printed and laid over; and without objection the views of the minority of the committee may also be submitted to accompany the report of the committee.

There was no objection.

ORDER OF BUSINESS.

Mr. THOMPSON. I move that the House now proceed to the consideration of the special order, being the consideration of business coming from the Committee on the Pacific Railroads. I move that the House proceed to the consideration of that order.

The SPEAKER. What bill does the gentleman desire to call up?

Mr. THOMPSON. Under the order of the House I desire to call up the first bill reported from that committee.

Mr. RANDALL. With a view to executing the order of the Committee on Appropriations, I must now raise the question of consideration. I do so with some reluctance, but in view of the instructions of the committee and the demands of public duty, I must perform that duty even though I regret it. But I will say for myself individually that I would co-operate with the gentleman from Kentucky in securing any other days that he may indicate in lieu of to-day and Tuesday for the consideration of this bill. But my wish is now to go on with the appropriation bill.

Mr. THOMPSON. If I understood there was any public necessity which required that this day should be taken away from the consideration of this matter which the House took the pains to give to it and to which on account of the money involved it is entitled, I would cheerfully yield to-day and give it up to the Appropriations Committee. But I do not understand that there is any public necessity for this. I understand the demand made by the Committee on Appropriations to go on at this late hour on Saturday evening with an appropriation bill is for the accommodation of two or three members who desire to leave on private business.

Mr. RANDALL. Oh, no; not entirely that.

Mr. THOMPSON. If that be so I do not think the House ought to set aside this order made unanimously on the 6th of June, the consideration of the bill being then postponed for the accommodation of gentlemen on the other side of the House who were not here. When the Committee on Appropriations have taken nearly five hours of this day I do not think they should push us aside at this late hour of the evening; and especially when we have not an order continuing from day to day, but one which terminates next Tuesday.

The SPEAKER. The matter is not debatable.

Mr. RANDALL. I was allowed to speak, and I think the gentleman from Kentucky should be permitted to express his view.

Mr. THOMPSON. I hope the House will permit us to execute the order.

Mr. RANDALL. I have no wish in the matter separate from the wish of the House. It is for the House to take the responsibility.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5442) to amend an act entlitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Mr. HISCOCK. Would it be in order in this connection to have the RECORD read setting forth what occurred when the question of assigning a day was before the House?

The SPEAKER. That is not in order except by unanimous consent.

Mr. HISCOCK. I ask that it be read.

Mr. CASSIDY. I submit that the order sets forth all the facts.

Several members called for the regular order.

The SPEAKER. The regular order is demanded, which amounts to an objection to reading what is called for by the gentleman from New York. The gentleman from Pennsylvania raises the question of consideration. The question is: Will the House now proceed to the consideration of the bill the title of which has been read?

Mr. BAYNE. Or of an appropriation bill.

The question being taken, there were—ayes 76, noes 83.

Mr. THOMPSON. I call for tellers.

Tellers were ordered, 39 members voting therefor—more than one-fifth of a quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from Kentucky, Mr. THOMPSON.

The House again divided; and the tellers reported—ayes 81, noes 86.

Mr. THOMPSON. I demand the yeas and days.

Mr. CASSIDY. If the House was to assign us a day specifically we might avoid the necessity of taking the yeas and nays and allow the appropriation bill to be proceeded with. I ask unanimous consent that next Wednesday be set apart for the consideration of these matters.

Mr. THOMPSON. I demand the regular order.

The SPEAKER. The gentleman from Nevada asks unanimous consent that next Wednesday, after the reading of the Journal, be assigned for the consideration of these bills.

Mr. RANDALL. I have no objection to that.

Mr. THOMPSON. I do not care to have another day set when it appears the assignment of a day amounts to nothing, even when it was made unanimously.

Mr. CASSIDY. I think the gentleman from Kentucky had better consent to this.

Mr. RANDALL. I am not in the attitude of an opponent to the bill advocated by the gentleman from Kentucky. But I wish to get the appropriation bills to the Senate as speedily as we can.

Mr. WHITE, of Kentucky. Would it be in order to have the RECORD read showing the conversation that was had between my colleague [Mr. THOMPSON] and the gentleman from New York when the arrangement was made with our side of the House?

The SPEAKER. That is not in order except by unanimous consent.

Objection was made.

The question being taken on ordering the yeas and nays, there were ayes 34—more than one-fifth of the last vote.

Mr. HAMMOND. Count the other side.

The negative side was counted; and there were noes 119.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. CASSIDY. Before the call of the roll is proceeded with, I think there can be an arrangement made.

Many MEMBERS. "Regular order."

Mr. CASSIDY. If we do not take that perhaps we will not get anything.

Mr. AIKEN. What is the question on which we are to vote?

The SPEAKER. The question is on the motion made by the gentleman from Kentucky to proceed with the consideration of the bill the title of which has been read.

Mr. AIKEN. Was the question of consideration raised?

The SPEAKER. It was raised by the gentleman from Pennsylvania [Mr. RANDALL].

The question was taken; and there were—yeas 89, nays 107, not voting 127; as follows:

YEAS—89.

Adams, J. J.	Dunham,	McAdoo,	Singleton,
Alexander,	Dunn,	McMillin,	Steele,
Anderson,	English,	Millard,	Stewart, Charles
Blanchard,	Ferrell,	Miller, J. F.	Sumner, C. A.
Breckinridge,	Foran,	Mills,	Thompson,
Brewer, J. H.	Glascock,	Morgan,	Throckmorton,
Browne, T. M.	Halsell,	Morrill,	Tillman,
Brumm,	Hanback,	Morrison,	Tucker,
Buchanan,	Hatch, W. H.	Neece,	Turner, Oscar
Budd,	Haynes,	Nicholls,	Vance,
Cassidy,	Hemphill,	Oates,	Van Eaton,
Clay,	Herbert,	O'Hara,	Weaver,
Cobb,	Hiscock,	O'Neill, J. J.	Wellborn,
Connolly,	Holmes,	Patton,	Weller,
Cook,	Hunt,	Poland,	White, J. D.
Cosgrove,	Johnson,	Rankin,	White, Milo
Cox, S. S.	Jones, B. W.	Ray, G. W.	Wise, G. D.
Cox, W. R.	Jones, J. H.	Ray, Ossian	Wolford,
Culberson, D. B.	Jones, J. T.	Robertson,	Wood,
Culbertson, W. W.	Jordan,	Rockwell,	Yaple.
Cutcheon,	Kleiner,	Rogers, J. H.	
Davis, L. H.	Lanham,	Rogers, W. F.	
Dockery,	Lewis,	Shaw,	

NAYS—107.

Adams, G. E.	Davis, G. R.	Howey,	Seney,
Aiken,	Davis, R. T.	James,	Seymour,
Arnot,	Deuster,	Kean,	Skinner, T. G.
Atkinson,	Dibrell,	Kelley,	Smalls,
Bagley,	Dingley,	Ketcham,	Smith,
Barksdale,	Dowd,	Lawrence,	Spooner,
Bayne,	Ellis,	Lovering,	Spriggs,
Bennett,	Everhart,	Lyman,	Springer,
Bisbee,	Follett,	McCoid,	Stockslager,
Blount,	Forney,	McCormick,	Struble,
Boyle,	Fyan,	Maybury,	Taylor, E. B.
Brainerd,	Garrison,	Mitchell,	Taylor, J. D.
Breitung,	Geddes,	Morse,	Taylor, J. M.
Broadhead,	Graves,	Moulton,	Thomas,
Brown, W. W.	Green,	Muldrow,	Townshend,
Caldwell,	Hammond,	Murray,	Tully,
Calkins,	Hardeman,	O'Ferrall,	Turner, H. G.
Campbell, J. M.	Hatch, H. H.	Payson,	Van Alstyne,
Candler,	Henderson, D. B.	Peel,	Wait,
Cannon,	Henderson, T. J.	Perkins,	Wallace,
Carleton,	Hepburn,	Peters,	Warner, Richard
Chace,	Hewitt, A. S.	Pettibone,	Whiting,
Clardy,	Hewitt, G. W.	Price,	Wilkins,
Clements,	Hitt,	Randall,	Williams,
Collins,	Holman,	Reese,	Winans, E. B.
Cullen,	Horr,	Robinson, W. E.	York.
Dargan,	Houseman,	Ryan,	

NOT VOTING—127.

Ballentine,	Burnes,	Ellwood,	Hardy,
Barbour,	Cabell,	Ermentrout,	Harmer,
Barr,	Campbell, Felix	Evans, I. N.	Hart,
Beach,	Converse,	Evins, J. H.	Henley,
Belford,	Covington,	Fiedler,	Hill,
Belmont,	Crisp,	Findlay,	Hoblitzell,
Bingham,	Curtin,	Finerty,	Holton,
Blackburn,	Davidson,	Funston,	Hooper,
Bland,	Dibble,	George,	Hopkins,
Boutelle,	Dorsheimer,	Gibson,	Houk,
Bowen,	Duncan,	Goff,	Hurd,
Brewer, F. B.	Eaton,	Greenleaf,	Hutchins,
Buckner,	Eldredge,	Guenther,	Jeffords,
Burleigh,	Elliott,	Hancock,	Jones, J. K.

Kasson,	Muller,	Reed,	Sumner, D. H.
Keifer,	Murphy,	Rice,	Talbott,
Kellogg,	Mutchler,	Riggs,	Valentine,
King,	Nelson,	Robinson, J. S.	Wadsworth,
Lacey,	Nutting,	Rosecrans,	Wakefield,
Laird,	Ochiltree,	Rowell,	Ward,
Lamb,	O'Neill, Charles	Russell,	Warner, A. J.
Le Fevre,	Paige,	Scales,	Washburn,
Libbey,	Parker,	Shelley,	Wemple,
Long,	Payne,	Skinner, C. R.	Willis,
Lore,	Pierce,	Slocum,	Wilson, James
Lowry,	Phelps,	Snyder,	Wilson, W. L.
McComas,	Post,	Stephenson,	Winans, John
Matson,	Potter,	Stevens,	Wise, J. S.
Miller, S. H.	Pryor,	Stewart, J. W.	Woodward,
Milliken,	Pusey,	Stone,	Worthington,
Money,	Ranney,	Storm,	Young.
Morey,	Reagan,	Strait,	

So the House refused to consider the bill.

The following additional pair was announced:

Mr. TALBOTT with Mr. REED, for the remainder of the day.

Mr. BLAND. I desire to say that I entered the Hall just as my name was called. If I had the right to vote I would vote "ay."

The result of the vote was then announced as above stated.

Mr. CASSIDY. I now renew my request that next Wednesday be set apart for the consideration of the business from the Committee on Pacific Railroads.

Mr. RANDALL. I desire to say that I am not here in an attitude of hostility to the bill which the gentleman from Kentucky [Mr. THOMPSON] represents. I raised the question of consideration because I was instructed to do so by the Committee on Appropriations. I do not object to the assigning of any future day for the consideration of that bill.

Mr. CASSIDY. And have it a continuing order from day to day until disposed of.

Mr. DINGLEY. I object to making it a continuing order.

Mr. THOMPSON. There seems to have been some confusion in the minds of members of the House on both sides as to whether the order setting apart to-day for the consideration of this bill was an exclusive order, or whether it was subject to the consideration of revenue and appropriation bills. If the House will now make an order for a future day—next Tuesday has been set apart for two other committees, and I do not think I have any right to take that day from them—if the House will by unanimous consent give us next Wednesday for the consideration of this bill, and if we can not conclude it on that day let us have Thursday also, I will cease any further controversy, so far as I am concerned.

Mr. CASSIDY. It is a measure of very great importance.

Mr. THOMPSON. We will get through with it in a single day, if possible.

Mr. RYAN. Is it to be subject to revenue and appropriation bills?

Mr. THOMPSON. I do not make that exception; we have already had an order of that kind and it amounted to nothing.

Mr. MORSE. Does that require unanimous consent?

The SPEAKER. It does.

Mr. MORSE. Then I object.

Mr. TOWNSHEND. I voted with the majority on the question of consideration, and I now move to reconsider the vote, as objection is made to assigning a future day.

Mr. HOLMAN. I hope that Wednesday will be agreed upon; otherwise the vote for reconsideration will be very large.

Mr. CASSIDY. I do not think we can possibly finish the bill in one day; it is a question of great importance.

The SPEAKER. The Chair understands the gentleman from Massachusetts [Mr. MORSE] to object.

Mr. MORSE. I do.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] moves to reconsider the vote just taken, by which the House refused to proceed to the consideration of the bill indicated by the gentleman from Kentucky [Mr. THOMPSON].

Mr. RYAN. Do I understand that anybody objects to fixing next Wednesday for the consideration of the bill?

The SPEAKER. It has been objected to distinctly by the gentleman from Massachusetts [Mr. MORSE]. The question is on the motion to reconsider.

The motion to reconsider was agreed to.

The SPEAKER. The question now recurs, Will the House proceed to the consideration of the bill indicated by the gentleman from Kentucky [Mr. THOMPSON]?

The question was decided in the affirmative.

AMENDMENT OF PACIFIC RAILROAD ACTS.

The House accordingly proceeded to the consideration of the bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

The bill was read, as follows:

Be it enacted, &c., That section 21 of an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, be, and the same is hereby, amended so as to read as follows:

"That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, or the act of which this is amendatory, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed as provided under the provisions of this act; and the several railway companies to which grants of land are made by this act, or the act approved July 1, 1862, of which this act is amendatory, their successors and assigns, shall, within ninety days from the passage of this act, or within sixty days from the date of the receipt at the respective district land offices of the approved plat or plats of townships embracing lands within the established limits of the grant or grants, make and file in the said district land office, under existing regulations, their lists of selections of the land claimed by them under their respective grants, and to deposit therewith in such district land office, or the Treasury of the United States, as the Secretary of the Interior may designate, the cost of surveying, selecting, and conveying the same; that in the event of the failure of said companies, or either of them, to pay the cost of surveying, selecting, and conveying such land within the time prescribed by this act, then the Secretary of the Interior shall immediately notify the president or treasurer of said company or companies of the amount of land which it or they are entitled to patent, and the amount of the cost of surveying, selecting, and conveying the same, and that he is ready to deliver to the company or companies, it or their successors or assigns, patents for all said tracts or parcels of land, upon the payment of such costs; and if such company or companies shall not, within sixty days after the receipt of said notice, pay such costs, then and thereupon the Secretary of the Interior shall notify the Attorney-General of the United States of such failure or default, and of the amount of such costs as nearly as may be, whereupon said Attorney-General is authorized and directed to institute forthwith, in the name of the United States of America, in a circuit court of the United States having jurisdiction of suits against the company or companies in default, any and all legal proceedings against said company or companies necessary and proper to secure the payment of all said costs, and of the further costs of all such legal proceedings. And upon the voluntary payment or collection of said costs of surveying, selecting, and conveying, the Secretary of the Interior shall issue patents conveying to said company or companies, its or their successors or assigns, title to the lands to which it or they may be entitled, and shall place said patents upon record in his Department, and shall notify the president of such company that said patents have been so issued and recorded, and are ready for delivery to said company. And all laws and parts of laws inconsistent herewith are hereby repealed."

Mr. CASSIDY. I do not care to discuss this bill at the present time. I yield to the gentleman from Georgia [Mr. CRISP], who has charge of the measure.

Mr. HANBACK. The minority of the Committee on Pacific Railroads presented with the minority report a substitute for this bill. I ask that this substitute be considered as pending in conjunction with the bill.

Mr. CRISP. There is no objection.

Mr. CASSIDY. That was the agreement.

The SPEAKER. The substitute proposed by the minority of the committee will be considered as pending.

The substitute is as follows:

Strike out all after the enacting clause and insert:

"That section 21 of an act entitled 'An act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 2, 1864,' be amended so as to read as follows: That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act the said company or party shall first be required to pay into the Treasury of the United States the cost of surveying, selecting, and conveying the same, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, under the provisions of law governing the same; and said road shall within ninety days from the passage of this act, or within ninety days from the date of the receipt at the respective district land offices of the approved plat or plats of townships embracing lands within the established limits of the grant or grants, make and file in said district land office under existing regulations its list of selections of the lands claimed by it under existing grants.

"SEC. 2. *And be it further enacted*, That in the event of the failure of said company or party entitled to said lands under said grants to fully comply with the provisions of section 1 of this act the Secretary of the Interior shall immediately cause patents to be issued, conveying to said company or party in interest the title to all the lands to which it may be legally entitled, and shall place said patents upon record in his Department, and thereupon shall notify the president, manager, or other officer who may be at the head of affairs in the management of said company that said patents have been issued and recorded, and are ready for delivery upon payment of the costs of surveying, selecting, and conveying said lands; and from the date of the receipt of said notice and account rendered of the amount claimed, proof of service of which shall be returned to the office of the Secretary of the Interior, said sum so as aforesaid rendered shall become due and payable; and if said company shall not within ninety days from the date of the receipt of said notice pay such costs, then the Secretary of the Interior shall notify the Attorney-General of the United States of such failure and of the amount of the costs due; whereupon the Attorney-General is authorized and directed to institute forthwith in the name of the United States in any circuit court of the United States through the district of which any part of said road may run any and all proceedings against said road necessary and proper to secure the payment of said costs and of the further cost of such legal proceedings: *Provided*, That all costs for surveying, selecting, and conveying said lands shall remain a first lien upon such lands.

"SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

"SEC. 4. Congress may at any time change, alter, amend, or repeal this act."

Mr. CRISP. Mr. Speaker, if the House will give me its attention for a short time I will endeavor to make plain the purpose of and necessity for the passage of this bill.

By the terms of the act of July, 1862, authorizing the construction of a railroad to the Pacific coast, provision was made for large bounties of money and lands to the companies that might construct railroads

under the act. In order that the House may understand the precise point involved here and the evil which necessitates the passage of this bill, I will call attention to that section of the act of 1862 under which the rights of these companies have grown up. Section 4 of the act of 1862 provides that upon the completion of every forty miles of railroad in accordance with the requirements of the act the company constructing shall be entitled to a subsidy of money and lands. By the act of 1864 the forty-mile sections were reduced to twenty miles; in other words, it was provided that upon the completion of each twenty miles the company should be entitled to demand their bounty in lands and money. I read section 4 of the act of 1862:

And be it further enacted, That whenever said company shall have completed forty consecutive miles of any portion of said railroad and telegraph line, ready for the service contemplated by this act, and supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turnouts, watering places, depots, equipments, furniture, and all other appurtenances of a first-class railroad, the rails and all the other iron used in the construction and equipment of said road to be American manufacture of the best quality, the President of the United State shall appoint three commissioners to examine the same and report to him in relation thereto; and if it shall appear to him that forty consecutive miles of said railroad and telegraph line have been completed and equipped in all respects as required by this act, then, upon certificate of said commissioners to that fact, patents shall be issued conveying the right and title of said lands to said company, on each side of the road as far as the same is completed, to the amount aforesaid, and patents shall in like manner issue as each forty miles of said railroad and telegraph line are completed upon certificate of said commissioners.

It will be observed, Mr. Speaker, that in this act there is no provision as to who shall defray the cost of the survey and the location of the lands to which these Pacific railroad companies might become entitled. The provision is plain that upon the completion of each twenty miles the companies shall be entitled to the lands; and that patents shall issue to them, but there is no provision as to who shall defray the cost of the survey.

Of course, Mr. Speaker, if the provision I have just read was the only enactment upon the subject, this cost would necessarily be a burden upon the Treasury of the United States. By the twenty-first section of the act of 1864 the Congress of the United States in amending the act of 1862 provided expressly that the cost of the survey, selection, and patenting the lands earned by the railroads should be paid by the railroads, but in that section there is a clause which these railroad companies construe into a grant of the right to them to say when they shall apply for patents and pay the cost of survey. Just here, Mr. Speaker, arises the difficulty that necessitates the legislation now proposed. I will read the twenty-first section of the amendatory act of 1864, and I ask especial attention to it, because upon this clause depend the rights of the Government and of these railroad companies respectively.

SEC. 21. That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall first be paid into the Treasury of the United States the costs of surveying, selecting, and conveying the same by the said company or party in interest as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account to be used by the commission of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

Now, Mr. Speaker, it is not denied by the railroad companies that the Congress of the United States in the original act of 1862 reserved the right to alter, amend, or repeal that act. The exercise of that right has been questioned by the companies; but the Supreme Court of the United States has settled that question adversely to their view, so that now the companies do not contend that the right does not exist. But the companies insist that under the terms of the twenty-first section of the act of 1864, which I have just read, they have the right to elect when they will receive these lands from the Government of the United States. This would not appear at first blush to be a very important matter, but to the States through which these railroads pass, to the States in which is situated the land these railroad companies have earned and are now entitled to patent, it is a question of the greatest moment. I will explain the evils attending the practice which now obtains of leaving the title to the lands in the Government when the companies have earned the land and are entitled to patents thereto upon the payment of the costs of surveying, selecting, and conveying.

There is no question, sir, as to the right of these railroad companies to the lands granted them by the acts of Congress of 1862 and 1864. There is no question that they completed their railroads in accordance with the terms of the contract. But they contend that under the last act they may take out patents to these lands whenever they please.

I want, in the first place, to call the attention of the House to the evil which exists under the practice which now obtains in this regard. The railroad companies do not in fact patent the lands; but a very inconsiderable amount of them have been patented up to this time.

Mr. BUDD. Will the gentleman permit me to ask him a question?

Mr. CRISP. With pleasure.

Mr. BUDD. I understand you to state that they have earned all of these lands within these grants. Will you be kind enough to state what companies you refer to?

Mr. CRISP. I can answer that question by a recital, as I had proposed to give, of the number of acres patented to each.

Mr. BUDD. But I want to know to what companies the gentleman refers as having complied with the acts. Does the gentleman refer to the Atlantic and Pacific Company as one of them?

Mr. CRISP. No, sir; that is not embraced in what I have said.

Mr. BUDD. And the gentleman only refers, then, to those companies which have actually earned the lands by the completion of the roads?

Mr. CRISP. Yes, sir; to the Pacific railroad system where the roads are completed.

But I read now from the report on this subject which is furnished by Mr. Heinrich to the committee, he being the principal clerk of the Land Office. He says:

Upon this basis the grant to the Union Pacific Railway Company is estimated at—

Name of road.	Estimated area of grant.	Estimated area surveyed.	Estimated area unsurveyed.
	Acres.	*Acres.*	*Acres.*
Union Pacific—Omaha to Ogden	13,222,400	12,104,960	1,117,440
Burlington and Missouri River	2,310,912	2,310,912	.....
Central Branch Union Pacific	1,160,000	1,160,000	.....
Kansas Pacific	6,000,000	6,000,000	.....
Denver Pacific	1,024,000	1,024,000	.....
Central Pacific—Ogden to Sacramento	9,248,200	4,467,500	4,780,700
Central Pacific, successor to Western Pacific	1,576,448	1,288,448	*288,000
Sioux City and Pacific	651,328	651,328	.....
Totals	35,193,288	29,007,148	6,186,140

*Nearly all swamp and overflowed, according to maps.

The effect of a failure on the part of the railroads to patent the lands as they earn them is this: While the title still remains in the Government of the United States, the States in which these lands lie have not the right to tax the lands as they do other property within the borders of the State. That question has been already before the Supreme Court of the United States on two or three occasions, and this rule has been established by that court: that so long as the title remains in the Government the lands are not taxable unless the person entitled to the grant is in a position where the grant may be demanded by him without further payment or further obligation on his part. In other words, if he has the complete equity, if there remained for him nothing to do but demand title, then the lands would be taxable. Mr. Speaker, to every natural person there inevitably comes by the laws of God death, and by the laws of man taxation. These corporations, which are but soulless, artificial persons, have under the laws of man (and they are amenable to no other) immunity from death, and under their practice as to their lands exemption from taxation. Is not this rather more than they should ask? and is it not greatly more than we should permit?

Now, these companies have a complete equity to the lands except the payment by them of the expenses of the surveys. They decline to pay the cost of the surveys, because immediately they do pay it the title vests in them, and the States in which the lands lie may then tax them as they do all property within their limits belonging to individuals or corporations.

The railroads are not content with this advantage; they want more, and they get more. They absolutely sell these lands that they have not patented, and put the purchasers in possession under their title, and the purchasers so remain from year to year without any grant of title from and out of the Government. In that way, Mr. Speaker, the revenues of those States in which these lands lie are diminished, or rather I should say large sums are kept out of their treasuries which should properly go there.

Mr. BRUMM. Let me ask the gentleman a question. Do these purchasers locate on the lands and improve them and remain there without paying taxes?

Mr. CRISP. They do. They hold under the title of the railroad, and the railroad leaves the title in the Government so that the lands may not be taxable by the State.

Mr. BRUMM. I understand that; but what I want is that the House shall understand the facts. In that way they cheat the State out of the tax?

Mr. CRISP. The gentleman has correctly stated the fact.

Mr. STRUBLE. Can the gentleman state or estimate about how many of these purchasers—I mean within approximate limits—there are?

Mr. CRISP. I regret that I am not able to inform the gentleman upon that point. That inquiry was made of the gentlemen, the representatives of the various railroad companies, when they were before the committee, and I think they proposed to forward a list of such persons, but, so far as I know, they have not yet done so.

Mr. STRUBLE. I wished simply to get some idea with reference to the number, as to whether there was a considerable number or a very few.

Mr. CRISP. I am not able to state exactly, but my friend from Kansas [Mr. ANDERSON] can probably give the information.

Mr. ANDERSON. I can state with reference to one syndicate. I

noticed in the returns of the Kansas Pacific road yesterday that their road had received some $800,000 from this source, from lands which they had sold last year.

Mr. STRUBLE. And probably sold some on contract to be paid hereafter.

Mr. ANDERSON. The great bulk of them were sold in that manner, I believe.

Mr. CRISP. I trust you see and the House will see the necessity for some legislation to protect these States, because I take it that it is not just, that it is not right, that the Government of the United States should permit the titles to these lands to remain in itself when thereby they are permitting others to defraud the State governments in which the lands lie of the taxes that they ought to receive. We all recognize and know the principle upon which lands are exempt from taxation when the title is vested in the State or United States. This principle is invoked for the protection of these companies and protects them; when practically these lands belong to the railroads, they have only to pay the cost of survey and they have an absolute title. Why, Mr. Speaker, the land is used by the companies as their own; they have mortgaged them. Every one of them has mortgaged the lands, although they have not received the actual grant of the title; they are using it as their own; they are selling it to settlers and giving them a long series of years in which to pay for it. In this way the land pays no tax to the State; the settler or purchaser from the railroad may live upon it for years, and if he or the company is called upon for taxes, if they or either is asked to contribute something to the support of the Government which protects them in life and liberty and property, the reply is, the title is in the United States, and therefore the land is not taxable by the State.

Mr. Speaker, I have called attention to one of the evils of the present practice. There is another to which I will advert. If the House paid attention to the section of the act of 1864 which I read, you will have observed that this was the scheme of the legislation of that day. Inasmuch as these companies are taking this land as a bounty from the Government they shall pay for the cost of the survey of it; but the Government must first pay out the amount necessary to survey each twenty miles, and the theory of this act was that the Government should never pay out more money than was necessary to survey twenty miles, because the act contemplated that when the twenty miles were built the railroad company would apply for the bonds and apply for the land. They could not obtain the land without the payment of the cost of survey. And this act provides that the money so paid in shall be without further appropriation applied to the continuation of the survey. I read from the act:

Which said sum—

That is, the sum paid for the cost of the survey by the companies—

shall without any further appropriation stand to the credit of the proper account to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed.

Now, they contemplated that when twenty miles were built and the railroad company should come and demand patents and demand their bonds they should reimburse the Government the amount paid out for that twenty-mile survey. With that sum the Government would survey the next twenty miles, and when that was done the like proceeding would be had; so that the Government funds would only be used to the extent of the survey of twenty miles at a time.

Mr. BLOUNT. May I ask my colleague a question? What is the ostensible reason on the part of the railroads for this refusal?

Mr. CRISP. I will answer the gentleman's question in one moment. I want to call attention to what has been done in this matter of outlay by the Government. I have called attention to the theory of the law. I have shown what ought to have been done by the Government. I have shown that no more money should have been used out of the public Treasury than enough to survey the lands on the first twenty-mile section of each road. Now let me call your attention to the actual outlay that has been made in this behalf.

The Government of the United States has paid out for the survey of lands to which these railroads are entitled, and which the Government is now entitled to recover of these railroads, as nearly as it can be computed in the General Land Office, the sum of $875,293.50. That much money has been paid out.

Now I will answer the question suggested by my colleague. The reason assigned by the company for not paying the cost and taking patent is that they claim under the twenty-first section of the act of 1864 they have the right to demand and receive these patents when they get ready, and not till then. They say that they are not bound to receive them as each twenty miles are completed, but that they may demand them whenever they please after the completion, and until they do demand them they are not due the Government anything for the cost of survey.

Mr. STRUBLE. Regardless of whether the road is completed or not.

Mr. BAYNE. I desire to ask the gentleman a question. Have the railroad companies refused to pay the cost of survey?

Mr. CRISP. Yes, sir; they have. The only purpose of this bill is to require them to pay that.

Mr. BAYNE. I understand the gentleman to say that the only purpose of the bill is to require the railroad companies to pay the necessary costs of surveying these lands which have been granted by the Government to them?

Mr. CRISP. The gentleman has a correct understanding of what I have said.

Mr. BAYNE. Then I think it is a righteous bill and ought to pass.

Mr. CRISP. I am glad the action of the committee meets the approbation of the judgment of the gentleman from Pennsylvania. It seemed to us a righteous bill. But it is only just that the claim of the railroad companies should be stated. Their claim is predicated on the twenty-first section of the act of 1864, which provides, among other things, for the United States conveying the lands to the "said company or the party in interest as the titles shall be required by said company." That is the language on which they predicate their right to elect when they shall take it.

Now, a reference to the fourth section of the act of 1862 and the twenty-first section of the act of 1864 will show that the purpose of the provision—"as the titles shall be required by said company"—was to enable them to obtain the land as each twenty miles were built, because if that language were not there they could obtain no patents to any land until the entire road was built. Therefore the committee was of the opinion that it was the duty of the company to have paid this money long ago. But inasmuch as they have not done so we propose by this bill to compel payment.

The committee are unanimous, Mr. Speaker, up to the point I have now arrived at; that is, that the companies should be compelled to pay this cost and take out patents to the land. But from that point the committee are not unanimous. The committee did not agree entirely as to the remedy.

We agree, I say, that the company should pay at once the cost of this survey. We differ as to the remedy, and I will call attention to the two plans proposed. The bill prepared by myself, which I have the honor to report to the House, provides that the companies shall be required to pay the cost of survey within ninety days from the passage of this act, or in default thereof that the Secretary of the Interior shall notify the president of the railroad company of the amount due by the company, notify him that patents are ready to be issued to the company; and if he does not within sixty days thereafter pay said sum and accept said patents, then the Attorney-General of the United States shall institute proceedings against the railroad company in the proper court and collect the amount due, whereupon title to the granted lands shall vest in the company. That is the bill I have presented and now advocate. It will be observed that under the terms of that bill the right does not and will not exist in the States where these lands lie to tax them until the Government has been paid, because until then the title to the lands remains in the United States.

The minority of the committee, seeking to obtain the same end that the majority does, except perhaps that they are more largely influenced by the peculiar relations of the States they represent to these companies than we are, propose that if the railroad companies do not pay this amount on demand, then the title to the land shall vest at once in the companies.

Mr. BUDD. Permit me to ask the gentleman when the title passes to the company? Is it upon the delivery of the patent?

Mr. CRISP. Do you mean under this bill?

Mr. BUDD. At any time. When does the title to land under the patent vest; on the delivery of the patent or on its issuance?

Mr. CRISP. If the gentleman means the legal title, that vests whenever the patent is delivered.

Mr. BUDD. Very good. Then under this bill you simply require the issuance of the patent and not its delivery; you simply notify the company that it is issued and in the office ready for delivery, and consequently if the legal title does not pass until the delivery of the patent, then this bill does not give us any benefit over the railroad.

Mr. RYAN. If the gentleman from Georgia [Mr. CRISP] will allow me to answer——

Mr. CRISP. Certainly.

Mr. RYAN. It has been held by the Supreme Court, and the decisions are uniform on that subject, that when a grantee is entitled to his patent to land, whether the patent is taken or not, the land is subject to State taxation.

Mr. BUDD. Are not these companies entitled to their patents today?

Mr. RYAN. No.

Mr. BUDD. Why not?

Mr. RYAN. Simply because they have not paid the cost of survey.

Mr. CRISP. If the company had accepted the patents, or if, as the gentleman from California [Mr. BUDD] seems to suppose, the complete legal title to the land is now vested in them, then perhaps this House would not be troubled with this bill.

Mr. BUDD. I do not think the title is vested in these companies. I simply asked the question because I thought the gentleman would be posted on the matter. I want the title forced on them, so that we can tax these lands.

Mr. CRISP. In the case of the Union Pacific Railroad Company against McShane—perhaps the gentleman is familiar with it—the Su-

preme Court held that whenever a company is in a condition to demand a patent for these lands without being under obligations to do any other act then the title is in the company and the land is subject to taxation by the State. When no further duty rests on the company and it is entitled to demand a patent then the Supreme Court holds that the title is in it and the lands are taxable by the State authority.

The difference between the majority and the minority of the committee is this: the majority of the committee propose to collect the money due from the company before we pass the title; the minority propose to convey the title to the companies, and afterwards collect the amount due from them to the United States. However responsible these companies may be, the majority are unwilling to surrender a security that was retained in the original act until the money for the survey has been paid.

Mr. CASSIDY. We have formulated an amendment which will obviate the objection of the minority of the committee, and if the gentleman will allow it to be read I think it will be acceptable to all parties.

Mr. CRISP. I have no objection to its being read.

The proposed amendment was read, as follows:

SEC. 2. That all lands embraced in the notice given by the Secretary of the Interior to the president or treasurer of said company, as provided in the preceding section, shall be subject to State, Territorial, and municipal taxation, as other lands are or may be subject, from and after the expiration of sixty days from the time when said notice shall be given; and all laws and parts of laws inconsistent herewith are hereby repealed.

Mr. CRISP. I now yield to the gentleman from Kansas [Mr. HANBACK] for five minutes.

Mr. HANBACK. There has been no controversy in the committee upon the justice or the propriety of legislation upon this matter. These lands, lying in Kansas, Nebraska, Nevada, and California, through a long series of years in the past have been withheld from patent upon what I consider, and what is considered by a large number of people, a technicality. The question before the committee, and upon which there is a difference of opinion, is the question of method only. The majority of the committee propose that suit shall be brought for the money due for the cost of survey, &c., nine hundred and odd thousand dollars, and collected from the railroad companies, and that upon that collection patents shall issue as provided by section 21 of the original act. The minority of the committee anticipated that under the provisions of the bill legal proceedings might be prolonged for years.

Under the bill suit is to be brought in the circuit court of the United States, and from that tribunal would lie appeals to the Supreme Court; proceedings would go back and forth upon one point and another. It was clear to the minority of the committee, and to other gentlemen who discussed the matter, that there would be trouble for years to come if proceedings were to be had in the courts before the money could be collected upon which the issue of patents was to be based. The minority of the committee, therefore, presented with their report a substitute providing that the Secretary of the Interior shall give ninety days' notice that the Government of the United States is ready to deliver the patents, and if the railroad companies fail after such notice to pay the fees due, patents shall be issued, which, under the decisions of all the courts, including the Supreme Court of the United States, would pass the title of the United States and immediately subject the lands to the same taxation as applies to other property in the States. That being the main, I may say the only object in view, and the difference between the majority and the minority of the committee being what I have stated, I have agreed to the amendment which has just been read, and which I presume will receive the assent of the majority of the committee.

Mr. CRISP. I will state the objection which occurs to me to the amendment suggested by the gentleman from Kansas [Mr. HANBACK]. My object is to retain the lien that the Government now has upon these lands. If Congress should say that these lands shall be taxable, for instance, by the State of Kansas, you by such action make them necessarily subject at once to the lien of the executive process of the taxing power in the State. As soon as the lands are subject to that lien, the lien of the Government of the United States is gone.

Mr. PAYSON. To meet that very objection, I have prepared an amendment which I ask may be read and considered as pending.

Mr. CRISP. I would like to hear it; for I desire to agree with the gentleman if I can.

Mr. PAYSON. The very difficulty which the gentleman has just stated suggested itself to me.

Mr. CRISP. I am perfectly willing to agree to anything which will protect the Government and enable it to collect the money to which it is entitled.

Mr. PAYSON. Then I hope the gentleman will hear this amendment.

The Clerk read as follows:

But in case of the sale of any of the lands affected hereby for default in the payment of any such State or local taxes, the lien of the United States for the costs and expenses of surveying the said lands shall not be affected in any way thereby.

Mr. CRISP. The trouble which I see in regard to amendments of this character I will state. These lands so long as the title remains in the Government of the United States are exempt from taxation by the States by reason of the sovereignty of the United States, the owner of the lands. Now, I do not know how the Congress of the United States can say that a certain piece of property shall be taxable by a State in the same way as other property in the State without surrendering, at least by implication, the sovereignty of the United States which now exempts the land from taxation. So soon as you give force and effect to the act making such land taxable you thereby surrender the sovereignty which would prevent its being taxed. The concession of the power to tax is inconsistent with the retention of sovereignty. I am afraid, therefore, that any act of this kind would be treated by the courts as a surrender of the rights of the Government in the premises.

Mr. TURNER, of Georgia. My colleague will permit me to inquire how he relishes the idea of the General Government licensing a State to tax particular property?

Mr. CRISP. All those questions have suggested themselves to me in thinking of the remedy which might be provided to meet the demands of gentlemen from Nevada, Kansas, and other States where these lands are situated. I have been anxious for such action on the part of the General Government as would enable those States to exercise justly their power of taxation with reference to these lands.

Mark me, I do not mean to *grant* them the right. I hope that I will not live to see the day when I shall say or intimate or insinuate that the sovereign right of taxation in a State is derived from an act of Congress or the Federal Constitution; and further——

Mr. HERBERT. If my friend will pardon an interruption, I think this addition to the amendment which has been sent up will solve the difficulty:

The United States reserves a first lien on said lands for whatever may be due it for surveying, certifying, and patenting said lands.

And let me say in explanation of this suggestion that this act would simply be a cession to the railroad company of all its rights, and therefore a cession to the States of all the rights of the United States except the lien expressly reserved.

Mr. BUDD. But is it not a fact that under this act we do not issue the patents until the railway companies pay the expenses and the costs specified?

Mr. HERBERT. The issuing of the patent has nothing to do with it. The title may vest without any patent whatever. A patent is simply a *prima facie* evidence of title, but is not in itself a title to the lands.

Mr. CRISP. Now, the suggestion of the gentleman from Alabama has been also thought of. As I have already stated in the remarks I made early in this case, this land has been already mortgaged by these railroad companies. They have mortgaged their equities. They have a complete equity, except that they have not paid the cost of the survey, and I put it to this House, those of them at least who are at all skilled in the law, whether it is in the power of this Congress by an act to vest a title in these companies and reserve a lien at the same time? It is not a question between the United States and the railroad companies. But they have mortgaged their title, whatever it may be; they have received money upon it, and I say this House should hesitate before we try to affect the title or the lien or the interest of these people that are the holders of the mortgage. Unquestionably we have now got the title, and unquestionably we have security for the costs of the survey; but can you say that you will vest the title and retain a mortgage? If you do, and if the mortgage were good at all, it is subordinate to the mortgage which has been already made of the land by the company.

I confess that which ever way I turn, except looking at this case as the original act looks at it, I am met with troubles—troubles that to other gentlemen may not appear important, but to me, having in view the sole purpose of collecting this money and doing no injustice to the company or to the holders of the mortgage, troubles that are serious; and I see no way out except by enforcing the terms of the contract. Pay for the lands; if you do not we will sue you, get a judgment, collect the money, and vest the title in you. They will stand then as though they had a bond for title contingent upon making the payment of the costs. If they fail you can sue them, vest the title, get judgment, and if necessary sell the land to collect the judgment. That way is plain and safe.

My friend from Kansas [Mr. HANBACK] is troubled in reference to this matter, and his only trouble is, as I understand it, as to the time necessary to collect this debt, during which the State can not tax the land. I know that I would like to have it so arranged that this could be collected within six or twelve months. I sympathize with him in his efforts in that behalf, but I can not permit my sympathy in that direction to sway my judgment as to what is the proper course to be pursued. Do gentlemen know that the question as to the constitutionality of the Thurman act was decided by the Supreme Court within six months after its passage? Why, then, should we apprehend any great delay here? I do not know what may be the opinion of others in this respect, but as far as I am concerned——

Mr. HANBACK. If my friend from Georgia will permit me now to interrupt him, I will say that the difference is this: the Thurman act was a pure construction of a statute on the constitutional power of Congress to pass the law known as the "Thurman act." But the suit

which the gentleman proposes to have in the courts is a suit for money upon each of four or five or six railroad companies. Each will have to be sued, and each will have a right to demand a jury as for money had and received or money due; and the question will be one of fact before the jury, and many technical questions can arise upon which the court will be compelled to pass. The first question will probably be upon a demurrer, which will involve the consideration of questions that may consume four, five, or six years to settle. And if the gentleman will permit me to say further, why may not this be so? Because if this patent should issue, the companies would be at once compelled to commence paying, after the first year, that tax, which would reach at least a half million of dollars; and of course the longer they can put it off on any plea or pretext or pleading the better for them, for each year they can delay the payment will be that much money saved to them.

Mr. CRISP. Mr. Speaker, I know not what opinion other people may entertain as to the ultimate solvency or insolvency of this system of Pacific railroads. But I know, sir, for myself, that when they are indebted to the Government already over $100,000,000, when they have issued and put upon the market $50,000,000 worth of bonds which are prior in lien to the lien of the Government; when there is a possibility that parallel lines may be built that will greatly decrease if not destroy the value of these roads, I say for one I am not willing to release any security that we have to insure the payment of the amount they are indebted to the Government.

Mr. RYAN. If the gentleman will allow me a moment I would ask him would it not meet the objections now urged by him if you ingraft upon this bill a provision that no tax sales shall divest the lien of the Federal Government for cost of survey?

Mr. CRISP. I ask you what would be the value of a taxing power of that sort—a power to tax without the power to collect. If they decline to pay the tax could you levy upon the land? Could the purchaser at such a sale acquire any title?

Mr. CASSIDY. Could you not levy on the other property of the company?

Mr. RYAN. You could do this if the Congress of the United States authorized it to be done.

Mr. CRISP. Well, Mr. Speaker, that is a very serious question. I do not understand that that property could be sold to-day, if it were taxable, under a tax execution, as the property of the Pacific Railroad, so as to defeat the lien of the prior mortgage. I do not know what special tax laws they have got there. But I understand that when you tax property as the property of an individual, whatever the view of the taxing power may be as to who owns the property, if the taxes are sought to be collected by an enforced sale, the sale conveys the title that the person actually had; no more.

Mr. BAYNE. I would like to submit a proposition to be read and offered as an amendment, and with the view of ascertaining how it commends itself to the judgment of the gentleman from Georgia.

Mr. CRISP. I have no objection. Several amendments have been submitted. I am willing to agree to anything that will protect the Government.

Mr. BAYNE. I will read my proposed amendment:

That the sale of any of said lands for taxes or on any other account shall not have the effect to divest the title of the United States to said lands until after the patents for said lands shall have been delivered.

Mr. CRISP. I would ask, Mr. Speaker, what would be the effect of that? What would be accomplished by it? Allow me to make a suggestion to the gentleman. His purpose, and it is a very laudable one, is to put this land in a condition where it can be taxed by the State.

Mr. BAYNE. Exactly.

Mr. CRISP. The only present impediment to the taxation of this land by a State is that a State has not got the power to enforce the tax against the specific property. Why? Because the title to it is vested in the United States. So long as you keep that title in the United States no words that you can say, no act that you can do will give any more right than the right they have now, unless the words amount to a surrender of our title. Kansas, for instance, does not apply to us for the right to tax. Not at all. Kansas has that right as a sovereign, independent State. But the United States Government owns certain land in Kansas and Kansas can not tax that, because that belongs to a sovereignty. Well, now do you propose to say by an act of Congress that Kansas may tax that land, and yet not surrender your title? What do you give that she has not got already? You do not give her the right to sell it so as to give a good title.

Mr. BRUMM. May I ask the gentleman a question?

Mr. CRISP. Yes, sir.

Mr. BRUMM. Does not this amendment only go so far; not so far as to give the State the right to tax the title of the Government in that land, but only the right to tax any title or easement enjoyed by anybody else in that land?

Mr. CRISP. I respectfully suggest that the government of Kansas has got that right to-day.

Mr. BRUMM. I apprehend not.

Mr. CASSIDY. Would the gentleman from Georgia yield for a motion to adjourn?

Mr. ANDERSON. Can we not pass the bill now?

Mr. CRISP. I am quite willing to yield for a motion to adjourn.

Mr. CASSIDY. I make that motion.

Mr. PAYSON. Pending the motion to adjourn I ask that the amendments which have been proposed be printed in the RECORD for information.

There was no objection.

[The amendments offered to the bill, which are those proposed by Mr. HANBACK, Mr. PAYSON, and Mr. BAYNE, appear as read in the course of the proceedings.]

Mr. ANDERSON. I ask also unanimous consent that the reports accompanying the bill be printed in the RECORD.

There was no objection.

The report of the committee and the views of the minority are as follows:

Mr. CRISP, from the Committee on Pacific Railroads, submitted the following report, to accompany bill H. R. 5442:

The Committee on Pacific Railroads, to whom was referred the bill (H. R. 65) to compel the payment by the Kansas Pacific Railway Company of the costs of surveying, selecting, and conveying certain lands granted to it, and the bill (H. R. 934) to compel the payment by the Union Pacific Railway Company of the costs of surveying, selecting, and conveying certain lands granted to it, and the bill (H. R. 507) to provide for the payment of the costs of surveying and selecting certain lands granted by Congress to aid in the construction of certain railway and telegraph lines, and the bill (H. R. 3562) to compel the payment by certain railway companies of the cost of surveying, selecting, and conveying lands granted to them by the United States, &c., have had the same under consideration, and, after an investigation of the questions involved, respectfully report as follows:

By an act of Congress, approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," certain railways hereinafter named became entitled upon the completion of each forty (afterward reduced to twenty) miles of their roads to the subsidy mentioned in that act, which subsidy consisted of lands and United States bonds. That act contained no provision as to who should pay the costs of the survey, location, and conveyance of the lands to which the companies might become entitled thereunder. By an act of Congress, approved July 2, 1864, this omission was supplied, the twenty-first section of which act is as follows:

"That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall first be paid into the Treasury of the United States the costs of surveying, selecting, and conveying the same by the said company or party in interest as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act."

The power of Congress thus to amend the act of 1862 has been determined by the Supreme Court of the United States, and is not now questioned by the railroad companies. The corporations or companies taking grants of land under the act of 1862 and acts amendatory thereof and supplemental thereto are as follows:

Union Pacific Railway Company.

Union Pacific Railway Company, successor to the Kansas Pacific Railway Company.

Union Pacific Railway Company, successor to the Denver Pacific Railway Company.

Central Branch Union Pacific Railway Company.

Central Pacific Railway Company.

Central Pacific Railway Company, successor to the Western Pacific Railway Company.

Burlington and Missouri River Railroad Company in Nebraska; and Sioux City and Pacific Railroad Company.

Your committee have sought to ascertain exactly how much land each of these companies are entitled to patent under the acts incorporating them, and the precise amount they will be required to pay into the United States Treasury for surveying, selecting, and conveying the same, but have been unable to do so. In response to an application by your committee, the Commissioner of the Land Office furnishes us the following statement on this subject:

"In my opinion an estimate sufficient for the committee's purpose can be obtained by computing the full amount which the companies could acquire in case none of the granted lands had been disposed of prior to the time their rights attached. The rate per acre for surveying may be fixed at the average rate paid by each company upon lands already selected. Such an estimate, while merely approximating the costs which the companies will ultimately be required to pay will, it is believed, exceed that amount in each instance. Upon this basis the grant to the Union Pacific Railroad Company is estimated at 13,222,400 acres. Said company has selected 2,006,827 acres, and paid $45,086.23 as the costs of surveying the same. There remains of the grant 11,215,573 acres unselected, the cost of surveying which is estimated at $377,661.95. Said company has received patents for 1,954,603.08 acres. The grant to the central branch of the Union Pacific, making allowance for overlapping limits of the Kansas Pacific, is estimated at 1,160,000 acres; 265,244 acres have been selected, and $5,188.13 paid as costs of survey thereon. The balance of the grant is estimated at 894,756 acres, the cost of survey of which amounts to $17,501.42. Patents have issued for 187,447.99 acres.

"The grant to the Kansas Pacific is estimated at 6,000,000 acres; 1,483,067 acres have been selected, and $29,841.71 paid as costs of surveying the same. The remainder of the grant is estimated at 4,516,933 acres, and the costs of surveying the same at $128,826. Said company has received patents for 963,714.03 acres.

"The grant to the Central Pacific Company is estimated at 9,248,200 acres (allowance being made for area of Great Salt Lake, in Utah, falling in the limits of the grant). The company has selected 884,976 acres and paid $48,235.69 for survey thereof. This leaves a balance of 8,363,224 acres, the costs of surveying which is estimated at $417,233.91; 780,879.40 acres have been patented to said company.

"The area of the grant to the Western Pacific is estimated at 1,576,448 acres; 444,466 acres have been selected, and $17,220.72 paid for surveying the same. The remainder of the grant amounts to 1,131,982 acres, and the cost of surveying the same is estimated at $43,807.70. Under this grant patents have issued for 446,230.65 acres.

"The area of the grant to the Denver Pacific Company is estimated at 1,024,000 acres, allowance being made for overlapping limits of the Union Pacific grant; 183,424 acres have been selected and the cost of surveying, amounting to $7,661.78, paid. The remainder of said grant is 840,576 acres, and the cost of surveying the same is estimated at $36,144.79; 164,721.51 acres have been patented under this grant.

"The Burlington and Missouri River Railroad Company in Nebraska has selected 2,378,556 acres, and paid $50,515.79 for survey thereof. Patents have is-

sued for 2,373,290.77 acres. Without undertaking to decide now that this grant is fully satisfied, it is believed by this office that said company will receive but little, if any, more land.

"The Sioux City and Pacific Company has received patents for 41,398.23 acres, upon which the costs of survey, amounting to $680.13, has been paid on account of overlapping limits of other and older grants. It is believed that with the exception of a few isolated tracts the amount patented to this company, as above stated, is all the land inuring to this grant."

From this statement it appears that the total sum the various roads would be required to pay into the Treasury to patent all the lands they have earned under the law would be $1,021,175.77. In order to determine what part of this sum has been already paid out by the United States it is necessary to ascertain what part of the subsidy lands have been surveyed, and we present an estimate furnished us from the Land Office on this subject:

Name of road.	Estimated area of grant.	Estimated area surveyed.	Estimated area unsurveyed.
	Acres.	*Acres.*	*Acres.*
Union Pacific—Omaha to Ogden	13,222,400	12,104,960	1,117,400
Burlington and Missouri River	2,310,912	2,310,912	.....
Central Branch Union Pacific	1,160,000	1,160,000	.....
Kansas Pacific	6,000,000	6,000,000	.....
Denver Pacific	1,024,000	1,024,000	.....
Central Pacific—Ogden to Sacramento	9,248,200	4,467,500	4,780,700
Central Pacific, successor to Western Pacific	1,576,448	1,288,448	*288,000
Sioux City and Pacific	651,328	651,328	.....
Totals	35,193,288	29,007,148	6,186,140

*Nearly all swamp and overflowed, according to maps.

"By the above figures it will be seen that about six-sevenths of the whole has been surveyed.

"OSCAR HINRICHS, *Principal Clerk Surveys.*"

It will thus be seen that six-sevenths of the land now due these railroads has been surveyed, and that the United States has actually paid out for their benefit about the sum of $875,293.50.

The object of the bills referred to this committee by the House is to compel these various railroad companies to reimburse the United States the amount which has been by it paid out for their benefit, and take title or patents to the lands they have earned and are now entitled to patent. The railroads, while admitting that under the law they are required to pay to the United States the cost of surveying, selecting, and conveying said lands, contend that the language "as title shall be required by said company," which is contained in section 21 of the amendatory act of 1864, hereinbefore copied, gives them the option of determining when they shall pay said costs and accept patents to the land earned by them.

A similar bill to House bills Nos. 934 and 35, now referred to your committee, was introduced in the Forty-seventh Congress, referred to the Committee on Pacific Railroads, and was by that committee reported favorably to the House. In that report, submitted by Mr. Butterworth, the committee discuss the claim of the railroad as then and now set up, and their reasoning on that subject is so satisfactory that we adopt the same and incorporate it in this report.

"The condition of the grant was that the company should build and equip a first-class railroad and telegraph line, subject to the approval of the President of the United States.

"In order that the company might receive its subsidies during the progress of the work, section 4 of the act of 1862, amended by section 6, act of 1864, provided that the road might be built in links or sections of twenty consecutive miles each; that upon the completion of such a section the work should be inspected by three commissioners appointed by and acting for the President, and that his approval of their certificate should fix the time or date when the lands adjacent to such section, and also the bonds for twenty miles of road, should be delivered to the company. The language of section 4, condensed, is:

"'Whenever it shall appear to the President that twenty consecutive miles of said railroad have been completed as required, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said company on each side of the road as far as the same is completed; and patents shall in like manner issue as each successive twenty miles of said road are completed upon certificate of said commissioners.'

"Viewing the law as a contract, the Government and the company being the respective parties thereto, there can be no question that this provision as to the dates when payment should be made and accepted for work performed is mandatory upon both parties.

"In the act of 1862 no provision was made touching the question whether the Government or the company should bear the expense of surveying and conveying the lands granted. When the amendatory act of July 2, 1864, was under consideration in the Senate, Mr. Harlan, of Iowa, offered an amendment, which is substantially the present section 21 of 1864, and said:

* * * "'The object of this amendment is that the companies shall pay for the survey of their own land; that is, of the land that is to be granted to them under this bill. This has become almost necessary, as it seems to me. The entire receipts from the land system do not now more than pay the expenses of the system. The adoption of this bill will very greatly enlarge the work of the office here and the work in the field; and it seems to me that those who are to derive an advantage from the grant ought to pay at least for the survey of the land.'

"The amendment to the amendment was agreed to."—*Congressional Globe*, first session, Thirty-eighth Congress, volume 52, page 2403.

"Section 21 was in perfect accord with the object of requiring the company to pay the costs of survey and conveyance. As already stated, the act of 1862 fixed the acceptance by the President of a twenty-mile section of road as the 'time when' the lands and bonds should be delivered to the company. The idea that a contractor would not accept pay due for work performed never occurred to Congress, the same being contrary to the uniform practice of contractors. The act of 1864 clearly proceeds on the theory that the company would accept patents to the lands which it had earned by the construction of a section of road, precisely as it did the bonds so earned. Section 21 accordingly provides that the company should pay the costs of survey and conveyance; that the sums thus received by the United States should, 'without further appropriation,' constitute a fund to be used by the Commissioner of the General Land Office 'for the prosecution of the survey of the public lands along the line of said road,' and beyond that portion of the road which was completed. As the lands adjacent to a twenty-mile section of road were to be patented to the company upon the completion of such section it was necessary that the Commissioner should have completed the public survey before such date. It was fully presumed that the company would then pay the costs of surveying, selecting, and conveying these adjacent lands, and with the funds thus received the Commissioner was to continue the survey, 'and so from year to year until the whole shall be completed.'

"Hence the broad purpose of section 21 was to enable the Government to complete the survey of the granted lands at the least outlay of its own money, by using the funds received from the company therefor during the building of the sections of road. It certainly contemplated that these costs would be paid by the company as each succeeding section of road was accepted by the President, and that the whole of the costs would have been paid when the whole road was finally accepted. The full text of section 21 establishes this proposition. It in effect provides that after a twenty-mile section of road shall have been completed, but before the land adjacent thereto shall be conveyed to the company, such company shall first pay to the United States the costs of surveying and conveying the same, and that moneys so received shall stand to the credit of the Commissioner of Lands:

"'SEC. 21. (XIII, 365.) That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

"'SEC. 22. That Congress may at any time alter, amend, or repeal this act.'

"The plea made by the company, through its attorney, is that the clause 'as the title shall be required by the company' gives it an absolute option as to the time when it shall pay these costs and accept patent to the land. This construction we can not accept; section 21 of 1864 in no wise changes the act of 1862. Had not the clause 'as the titles shall be required by the company' appeared in the section the company would have been debarred from receiving patent to any of the land until the whole road had been accepted by the President, because the law would then have read 'that before any land granted by this act shall be conveyed the company shall first pay the cost of surveying and conveying the same;' that is, 'the land granted by this act,' the whole of it. And the clause 'as the titles shall be required' was inserted to enable the company to receive patent to the adjacent land upon completing a twenty-mile section of road.

"If the construction contended for by the company be correct, it may never pay the costs of survey, and may never take patent to the lands. And, as a legal question, your committee are clear in the opinion that these costs were made due and payable by the acceptance of a twenty-mile section of road; that all the costs were payable October 22, 1872, when the whole road was finally accepted; that, viewing the law as a contract, the company was bound to pay these costs at the dates thus indicated, and that in failing so to do it has failed to fulfill one of the essential terms of the contract, and should be regarded and dealt with by Congress as a delinquent to the extent of such failure."

Your committee are of the opinion that the accounts between the various Pacific railway companies and the United States on the subject of the subsidies of land should be adjusted and settled; that as early after the land is leased by the company as possible it should be surveyed by the United States; and that as early as practicable thereafter the companies should reimburse the United States the amount thus expended and the cost of selecting and conveying, and take a patent to the lands. The course now pursued of paying out money from the common Treasury for the survey of these lands and then awaiting the pleasure of the companies as to when they shall accept patents and pay to the United States the sums thus paid out was not contemplated by the acts of Congress on that subject, works injustice in many ways, and should not longer be continued.

Your committee, after careful consideration of the questions involved, recommend the passage of the accompanying bill as a substitute for the bills referred.

VIEWS OF THE MINORITY.

The undersigned, a minority of your Committee on Pacific Railroads, respectfully submit the following bill for the consideration of the House, and briefly call attention to its provisions, as well as to the provisions of the bill this day reported by a majority of the committee.

There is no conflict in the committee over the question of fact, the committee being unanimously in favor of such legislation as will compel the Pacific roads to pay the costs of survey, &c., and take out patents for lands granted to them.

The bill reported by the majority of the committee proposes to amend section 21 of the act of July 2, 1864. It provides that in case the railroad companies sought to be affected by the proposed legislation shall fail, after due notice, to pay into the Treasury the costs of survey of said lands, then it shall become the duty of the Attorney-General of the United States to commence suit against such delinquent company or road for the recovery of such an amount of money as may have been advanced by the Government for and on account of such surveys. In other words, the issue of patents is made contingent upon the result of a lawsuit. In all probability several years would elapse before the question would be determined.

The bill reported by the minority of your committee provides that the said companies shall, within ninety days from the passage of the act, or within ninety days from the date of the receipt at the respective district land offices of the approved plat or plats of townships embracing lands within the established limits of the grant or grants, make and file in said district land office, under existing regulations, its lists of selections of the lands claimed under the grant.

The bill further provides that in the event of the failure of any of the said companies to fully comply with the provisions of section 1 of the act, then it shall become the duty of the Secretary of the Interior to cause patents to be issued to said company or companies, and to place such patents upon record in his Department, and to notify said company or companies that said patents have been issued and recorded and ready for delivery upon payment of said costs, the amount of which sum shall be furnished said company or companies, and shall from that time become due and payable; and if within ninety days from the date of the receipt of such notice any of said companies shall fail to pay said costs, then the Secretary of the Interior shall notify the Attorney-General of such failure and of the amount of cost due, whereupon the Attorney-General shall commence suit for the recovery as for money due.

The prime object of this legislation is to compel the roads to take out their patents, thereby rendering the lands subject to taxation. There is no doubt that the Government will be able to collect by suit, if compelled to resort to such means, the amount due; but the minority of your committee is fearful of the law's delays, and so recommend the passage of the accompanying bill as a substitute for all the bills before your committee upon that subject.

Attention is called to the decision of the Supreme Court of the United States, in Railway Company *vs.* McShane *et al.* (22 Wall., 444), wherein the power of the Secretary to issue and record patents, thereby investing full title to the grantee, is fully set forth and maintained.

All of which is respectfully submitted.

LEWIS HANBACK.
JAMES WILSON.

[In the House of Representatives, Forty-eighth Congress.]

A bill to amend section 21 of "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 2, 1864."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21 of an act entitled "An act to

amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 2, 1864," be amended so as to read as follows: That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act the said company or party shall first be required to pay into the Treasury of the United States the cost of surveying, selecting, and conveying the same, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, under the provisions of law governing the same; and said road shall within ninety days from the passage of this act, or within ninety days from the date of the receipt at the respective district land offices of the approved plat or plats of townships embracing lands within the established limits of the grant or grants, make and file in said district land office under existing regulations its list of selections of the lands claimed by it under existing grants.

SEC. 2. *And be it further enacted*, That in the event of the failure of said company or party entitled to said lands under said grants to fully comply with the provisions of section 1 of this act the Secretary of the Interior shall immediately cause patents to be issued, conveying to said company or party in interest the title to all the lands to which it may be legally entitled, and shall place said patents upon record in his Department, and thereupon shall notify the president, manager, or other officer who may be at the head of affairs in the management of said company that said patents have been issued and recorded, and are ready for delivery upon payment of the costs of surveying, selecting, and conveying said lands; and from the date of the receipt of said notice and account rendered of the amount claimed, proof of service of which shall be returned to the office of the Secretary of the Interior, said sum so as aforesaid rendered shall become due and payable; and if said company shall not within ninety days from the date of the receipt of said notice pay such costs, then the Secretary of the Interior shall notify the Attorney-General of the United States of such failure and of the amount of the costs due; whereupon the Attorney-General is authorized and directed to institute forthwith in the name of the United States in any circuit court of the United States through the district of which any part of said road may run, any and all proceedings against said road necessary and proper to secure the payment of said costs and of the further cost of such legal proceedings: *Provided*, That all costs for surveying, selecting, and conveying said lands shall remain a first lien upon such lands.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. Congress may at any time change, alter, amend, or repeal this act.

ORDER OF BUSINESS.

The SPEAKER. The pending question is on the motion of the gentleman from Nevada [Mr. CASSIDY] that the House do now adjourn. The Chair will state to the gentleman from Nevada that the gentleman from Illinois [Mr. NEECE], the chairman of the Committee on Enrolled Bills, desires to make a report.

Mr. CASSIDY. I withhold the motion to adjourn that the gentleman may make his report.

CORRECTION OF ENROLLED BILL.

Mr. NEECE, from the Committee on Enrolled Bills, reported the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring therein), That the enrolling clerk of the House be authorized and directed to change the word "of" to the word "to" where it occurs the last time in the first line of section 3 of the enrolled copy of the bill (H. R. 2344), entitled "An act for the relief of Melissa G. Polar;" so that said section may read as follows:

SEC. 3. That upon the presentation of said duplicate certificate to the Treasurer of the United States he shall redeem the same as authorized to redeem board of audit certificates by the act of Congress approved June 16, 1880, and the act amendatory thereto.

The SPEAKER. The Chair would suggest that this resolution should authorize the Clerk of the House to do this and not the enrolling clerk; the responsible officer is the Clerk of the House.

Mr. NEECE. I will modify the resolution accordingly.

The resolution as modified was then adopted.

Mr. NEECE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CALKINS until Saturday next.

Mr. CASSIDY. I now renew the motion that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. H. H. HATCH: Petition of citizens of the seventh district of Michigan, relative to the importation of foreign laborers under contract, &c.—to the Committee on Labor.

Also, petition of citizens of Bay City, Mich., asking for the passage of the bill granting letter-carriers fourteen days' leave of absence without loss of pay—to the Committee on the Post-Office and Post-Roads.

By Mr. W. H. HATCH: Resolutions of the Board of Trade of Hannibal, Mo., favoring the passage of H. R. No. 1754, relative to the removal of obstructions from the navigable streams of the United States—to the Committee on Rivers and Harbors.

By Mr. LAIRD: Petition of members of J. A. Mower Post, No. 59, Grand Army of the Republic for the passage of H. R. 6649, regulating proof required in pension cases, &c.—to Committee on Invalid Pensions.

By Mr. RIGGS: Papers relating to the claim of James T. Dodson—to the Committee on War Claims.

By Mr. SENEY: Resolutions of the Toledo (Ohio) Produce Exchange, asking for the passage of H. R. 986, to regulate commerce between the States—to the Committee on Commerce.

By Mr. STOCKSLAGER: Resolutions of Hammond Post, Grand Army of the Republic, Department of Indiana, relative to the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. TUCKER: Papers relating to the claim of the heirs of Robert Ridgway—to the Committee on Claims.

By Mr. YOUNG: Papers relating to the claim of Henry C. Dallis—to the Committee on War Claims.

SENATE.

MONDAY, *June* 16, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

PEDESTAL OF BARTHOLDI STATUE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That permission be, and is hereby, granted to the committee, of which William M. Evarts is chairman, having in charge the erection of the Bartholdi statue of "Liberty Enlightening the World," on Bedloe's Island, in the harbor of New York, to exhibit in the Capitol, under the direction and subject to the control of the Architect, a model of the pedestal now in process of construction: *Provided*, That the said model shall not occupy more than ten feet square, and shall be removed without expense to the Government whenever required by the Architect of the Capitol.

The PRESIDENT *pro tempore*. The resolution will be printed and referred to the Committee on Rules.

Mr. LAPHAM. I think there will be no objection to having the resolution considered now. Time is very important.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from New York to the recollection of the Chair that there is a statute of the United States which prohibits doing the thing that the concurrent resolution proposes to do. The Chair therefore thought it would be advisable to refer it to a committee to examine that subject. If there be no objection the resolution will be printed and referred to the Committee on Rules. The Chair hears none.

PETITIONS AND MEMORIALS.

Mr. HOAR presented the memorial of Robert R. Endicott and others, residents of Beverly, Mass., and the memorial of T. J. Lothrop and others, residents of Taunton, Mass., remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials and create a governmental monopoly of the telegraph business; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I present a petition of a large number of ladies who represent most of them various charitable and religious bodies, among others especially entitled to consideration the Woman's Home Missionary Society of the Methodist Episcopal Church, praying that the act conferring the right of suffrage upon the women of Utah be annulled. As there is a bill before the Senate reported from the Committee on the Judiciary containing a provision to that effect, I move that the petition lie on the table.

The motion was agreed to.

Mr. GEORGE presented a memorial of the Legislature of the State of Mississippi; which was read and referred to the Committee on Public Lands, as follows:

Memorial of the Legislature of the State of Mississippi, convened at Jackson, Miss., January session, A. D. 1884.

To the honorable Senate and House of Representatives of the Congress of the United States in Congress assembled:

Your memorialists would respectfully represent to your honorable body, that the State of Mississippi is deeply and earnestly interested in the construction of a railroad through the State, connecting her people with the seaboard at the nearest point to Ship Island Harbor. Ever since 1854, each succeeding Legislature has in some way endeavored to encourage this great enterprise, and meet the demands of the people for a highway to our own seashore, as a stimulus to our commerce and the development of the great interior resources of the State.

Your petitioners would show that in 1856 your honorable body donated, by act of Congress, to several railroads in different States, public lands of the General Government to encourage the building of the same. The States receiving this aid included the States of Alabama, Florida, Iowa, Tennessee, Michigan, Wisconsin, Mississippi, and the Territory of Minnesota. Most of the roads thus aided completed their lines and received the grants made by the Government. The donation made to this State in aid of the construction of the Gulf and Ship Island Railroad, beginning at the seashore and running to Brandon, in this State, reverted to the Government, the condition of the grant being that the road should be completed within ten years. The State made every effort to encourage and assist the construction of said road, appropriating $5,000 to assist in the surveying of the route, and passed an act transferring to said railroad company all the stock owned by the State of Mississippi in all the other railroads of the State. The failure of the company was not attributable to neglect or want of enterprise, but the results are in consequence of the late civil war. The railroads were not able to pay their indebtedness, and the road lost the benefit designed to be secured by the liberal legislation of a former period, and the lands lapsed to the Government in consequence of the failure, as before stated.

Your memorialists now respectfully show that there is chartered by the legislature of this State a railroad company authorized to construct, maintain, and operate a line of railroad beginning at the seashore, along the line of the survey of the Gulf and Ship Island Railroad, and have again renewed their faith in an earnest wish for the completion of this enterprise. The State has authorized the employment of all the convict force of the State on this road, and given its State lands (though a small amount) at a nominal cost to said road to aid in its building, granting its patents as said railroad progresses in its construction.

Your memorialists, therefore, most earnestly petition your honorable body to renew and extend the beneficent donation which was heretofore made to the Gulf and Ship Island Railroad; said grant to be made on the terms of the former act, with the same limitations and restrictions. The State intends by every means in its power to encourage the construction and equipment of this road, feeling assured that its completion is fraught with the greatest benefits to her people and the whole country. Former Legislatures at various times have memorialized your honorable body in aid of this great enterprise; and that you will renew and extend the former liberal act of the Government, the benefits of which were lost in consequence of the late civil troubles of the country, your memorialists would renew and unite in said former petitions, all expressing the great wish of the people of the State in behalf of the opening of this great highway.

The premises considered, your memorialists pray your honorable body for such grant of public lands to the Gulf and Ship Island Railroad as your predecessors donated for the same purpose, and liberally assist the State in the speedy opening of this great highway to the sea.

And as in duty bound, your memorialists will ever pray, &c.

Adopted by the House of Representatives March 13, 1884.

W. M. INGE,
Speaker of the House of Representatives.

Passed the Senate March 14, 1884.

G. D. SHANDS,
President of the Senate.

STATE OF MISSISSIPPI,
OFFICE OF SECRETARY OF STATE.

I, Henry C. Myers, secretary of state, hereby certify that the foregoing is a true and correct copy of a resolution and memorial entitled "Memorial of the Legislature of the State of Mississippi, convened at Jackson, Miss., January session, A. D. 1884," that was adopted by the Legislature of the State of Mississippi, as therein stated, as the same appears from the original now on file in my office.

Given under my hand and the great seal of the State of Mississippi, this 13th day of June, A. D. 1884.

———,
Secretary of State.

Mr. BLAIR. I present the memorial of Charles Holman, G. A. Ramsdell, Edward Spalding, and a large number of leading business citizens of Nashua, N. H., in which they respectfully remonstrate against the enactment of any measure relating to the telegraph that shall increase the number of public officials and create a governmental monopoly of the telegraph business, &c. It is a remonstrance which has been somewhat generally filed in the Senate. I move that it lie on the table.

The motion was agreed to.

Mr. CALL. I present a petition of citizens of Manatee, Fla., praying for an investigation of the dismissal of the postmater of Manatee, Fla., and the appointment of another for party purposes, in violation of the civil-service law. The petition states that the postmaster at Manatee was removed from office because of his political opinions and in order to make the post-office service subservient to party interests and not the interests of the people. It prays that an investigation may be made by Congress into these charges, and the facts made known to the country, in order that the civil-service act may be either repealed or made obligatory in fact on the officials of the Post-Office Department. The petition is accompanied by a letter purporting to be a copy of an official letter which was addressed by Mr. Inspector Crawford to the Post-Office Department, in the following words:

Allow me to call your attention to the fact that John W. Curry, the postmaster at Manatee, Fla., is a Bourbon Democrat of the most pronounced character.

* * * * * * *

I found an old resident in Manatee in the person of Austin E. Stebbins, formerly from Illinois, but for some years a resident of that town. He was for three years in the Union Army, and has always been an avowed and outspoken Republican.

I move the reference of the petition, with the accompanying papers, to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. VEST presented the memorial of Goodbar, White & Co., Tennent, Walker & Co., and other business men and merchants of Saint Louis, Mo., remonstrating against the passage of the so-called Culbertson bill, changing the jurisdiction of the United States circuit courts; which was referred to the Committee on the Judiciary.

He also presented memorials of several thousand citizens of Saint Louis, Saint Charles, Lexington, Brunswick, Moberly, Kirksville, Carthage, Kansas City, Lebanon, De Soto, Saint Joseph, Boonville, Liberty, Maryville, Cameron, Hannibal, Columbia, Granby, Carrollton, Pleasant Hill, Independence, Butler, Clinton, Joplin, Warrensburg, Brookfield, Jefferson City, and Washington, in the State of Missouri, remonstrating against the passage of what is known as the postal telegraph bill; which were ordered to lie on the table.

Mr. LAPHAM. I present the petition of William M. Evarts and five or six hundred other citizens of the city of New York, mainly business and professional men, representing, as they state, $500,000,000 of property, praying for the passage of Senate bill 1447, authorizing the construction of railway and passenger bridges across Staten Island Sound, between Staten Island and New Jersey. The petitioners state that such bridges would bring into railway connection and availability the whole of the west shore of the harbor of New York for storage and shipping purposes, and that that is the motive which induces them to appeal to Congress to favor the passage of the bill. They state:

The crowded condition of the terminal facilities which are now afforded here for railway, shipping, and storage purposes is well known, and more or less threatens to restrict the operations of this great port. The costliness of wharfage, the difficulty of obtaining storage within reasonable distance of terminal points, the cumbrous methods of handling freight by trucks within the city limits, and above all the inaccessibility to steamships and railways of the points at which merchandise is eventually stored, render it important that the shores of Staten Island and New Jersey should be utilized for this purpose. Between ten and twelve miles of water front, with an abundance of water, on the west shore of the harbor, has thus far remained almost unimproved and inaccessible, but the passage of this act permitting bridges to be built across Staten Island Sound at Elizabeth and Perth Amboy will bring this shore into connection with the entire West and South by means of the numerous railways concentrating in New Jersey at these points in their approach to New York.

They say this is not in any sense a local measure, although the bridge of course is built in a certain locality, but that it is a measure which affects the interest of the whole public. As the bill upon this subject is on the Calendar, I move that the petition lie on the table.

The motion was agreed to.

Mr. LAPHAM presented a memorial of citizens of Syracuse, N. Y., remonstrating against the passage of the Government postal-telegraph bill; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of Joe Hooker Post, No. 69, Grand Army of the Republic, Department of Illinois, in favor of the establishment of an additional soldiers' home in the State of Iowa; which was referred to the Committee on Military Affairs.

Mr. WILSON. I present the petition of Henry W. Rotherts and some 300 other leading citizens and business men of Keokuk, Iowa, remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation. Inasmuch as the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. MILLER, of New York, presented memorials of citizens of Baldwinsville and Newburg, N. Y., remonstrating against the establishment of a governmental telegraph; which were ordered to lie on the table.

He also presented the petition of citizens of Ilion, N. Y., praying for the organization of the Patent Office into a separate and independent department; which was referred to the Committee on Patents.

Mr. CONGER presented resolutions adopted at a meeting of Beers Post, No. 140, Grand Army of the Republic, of Tecumseh, Mich., in favor of the enactment of legislation in accordance with the recommendations of the general pension committee of the Grand Army of the Republic; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Public Lands, reported an amendment intended to be proposed to the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which was referred to the Committee on Appropriations, with the accompanying papers, and ordered to be printed.

Mr. CAMERON, of Wisconsin. By direction of the Committee on Claims I submit an adverse report on the bill (S. 1135) for the relief of Henry H. Sibley, and move the indefinite postponement of the bill.

Mr. McMILLAN. Who is Sibley?

Mr. CAMERON, of Wisconsin. He was the inventor of the so-called Sibley tent.

Mr. McMILLAN. I thought it was another case.

The PRESIDENT *pro tempore*. If there be no objection the bill will be indefinitely postponed.

Mr. CAMERON, of Wisconsin. I am also instructed by the same committee, to whom was referred the bill (S. 267) for the relief of Hadley Hobson, to submit an adverse report thereon.

Mr. DOLPH. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 169) for the relief of Amelia B. Caldwell, administratrix of John H. Caldwell, deceased, submitted an adverse report thereon, and moved the indefinite postponement of the bill; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1711) for the relief of Edwin E. Saunder and J. A. Decim, of Franklin, La., submitted an adverse report thereon, and moved the indefinite postponement of the bill; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 887) for the relief of Herman Ruge, submitted an adverse report thereon, and moved the indefinite postponement of the bill.

Mr. CALL. I ask that that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 961) to provide for paying certain advances made to the United States by the States of Maryland and Virginia, submitted an adverse report thereon, and moved the indefinite postponement of the bill; which was agreed to.

Mr. GORMAN subsequently said: I move to reconsider the vote by which Senate bill 961 was indefinitely postponed, in order that it may be placed on the Calendar.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 1972) for the relief of Edway A. Grant, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1025) for the relief of William Ervin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 565) for the relief of Rev. Worcester Willey, submitted an adverse report thereon, and moved the indefinite postponement of the bill; which was agreed to.

Mr. PIKE. The Committee on Claims, in reference to the last and other claims, have instructed me to report a new bill, and to submit a report thereon.

The bill (S. 2311) for the relief of Rev. Worcester Willey, Esther Smith, and the American Board of Commissioners for Foreign Missions was read twice by its title.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1501) for the relief of Robert Strachan, John H. Johnson, Samuel M. Bryan, George Combs, Annie Botts, and George A. Hawkins, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7164) to amend chapter 20 of the Revised Statutes relating to the District of Columbia, concerning mechanics' liens, reported it without amendment.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 1859) granting a pension to Clarinda S. Hillman, submitted an adverse report thereon, and moved the indefinite postponement of the bill; which was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and districts courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor, reported it without amendment.

Mr. PLUMB. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 7162) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes, to report it with an amendment. I give notice that I shall ask the Senate to consider the bill to-morrow or next day.

ARMY APPROPRIATION BILL.

Mr. PLUMB. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes, to report it with sundry amendments, which I ask may be printed with the bill, and I submit also a tabulated statement showing the condition of the bill as it came from the House, the estimates for the present and preceding years, and the changes made by the Senate Committee on Appropriations, which I ask may be printed in the RECORD, to accompany the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. The Senator from Kansas asks that the statement reported from the committee on the subject of the bill be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The statement is as follows:

Report to accompany H. R. 6861—Army Appropriation Bill, 1885.

Amount of estimates for 1885	$26,890,103 91
Amount of bill as passed the House	24,244,450 00
Increase made by the Senate committee (net)	295,000 00
Amount as reported to the Senate	24,539,450 00
Amount of appropriations for 1884	24,681,250 00
Amount for deficiency in the pay of the Army for 1884, provided in deficiency bill now pending	275,000 00
Total for 1884	24,956,250 00
The bill as reported is less than the estimates for 1885	2,350,653 91
The bill as reported is less than the appropriations for 1884, including deficiency for pay as above	416,800 00

The changes made by the Senate committee in amounts of House bill are as follows:

INCREASE.

For pay of the Army	$15,000 00
For medical and hospital supplies	35,000 00
Total increase	350,000 00

REDUCTION.

For quarters for the non-commissioned staff of the Army	$25,000 00	
For construction of quarters for hospital stewards, &c.	15,000 00	
For field steel guns and metal carriages	15,000 00	
Total reduction		55,000 00
Net increase		295,000 00

Table showing the appropriations for 1884, the estimates for 1885, the amounts of the House bill, and the amounts recommended by the Senate committee.

Object.	Appropriations, 1884.	Estimates, 1885.	House bill, 1885.	Senate committee, 1885.
Expenses of commanding General's office	$1,750	$2,500 00	$1,750	$1,750
Expenses of recruiting, &c	110,000	113,470 00	110,000	110,000
Contingencies Adjutant-General's Department	2,500	2,500 00	2,500	2,500
Expenses Signal Service of the Army	5,000	9,950 00	5,000	5,000
Pay of the Army	11,900,000	12,514,598 91	11,935,000	12,250,000
Subsistence of the Army	1,900,000	2,157,585 00	1,900,000	1,900,000
Quartermaster's Department, regular supplies	2,940,000	3,000,000 00	2,900,000	2,900,000
Quartermaster's Department, incidental expenses	650,000	870,250 00	675,000	675,000
Horses for cavalry and artillery	200,000	200,000 00	200,000	200,000
Army transportation	3,475,000	3,543,050 00	3,000,000	3,000,000
Army transportation by land-grant railroads	125,000	125,000 00	125,000	125,000
Barracks and quarters	700,000	775,000 00	700,000	700,000
Quarters for non-commissioned staff		25,000 00	25,000	
Hospitals, construction and repairs	100,000	125,000 00	85,000	85,000
Quarters near hospitals for hospital stewards		15,000 00	15,000	
Clothing and equipage	1,400,000	1,400,000 00	1,400,000	1,400,000
Contingencies of the Army	40,000	40,000 00	30,000	30,000
Medical and hospital supplies	190,000	250,000 00	190,000	225,000
Medical Museum and library	10,000	15,000 00	15,000	15,000
Engineer Department, Willet's Point	7,000	16,200 00	5,200	5,200
Ordnance service, current expenses	115,000	150,000 00	100,000	100,000
Manufacture of metallic ammunition for small-arms	100,000	150,000 00	100,000	100,000
Ammunition, &c., for target practice	25,000	100,000 00	25,000	25,000
Mounting guns, removing armament from forts, &c	25,000	30,000 00	25,000	25,000
Purchase and manufacture of ordnance stores for troops	115,000	150,000 00	115,000	115,000
For field steel guns and metal carriages			15,000	
Infantry, cavalry, and artillery equipments	75,000	100,000 00	75,000	75,000
Horse equipments for cavalry, &c	40,000	100,000 00	40,000	40,000
Overhauling, cleaning, &c., new ordnance stores on hand at arsenals	20,000	30,000 00	20,000	20,000
Manufacture of arms at national armories	400,000	800,000 00	400,000	400,000
Preserving and operating United States testing-machine	10,000	80,000 00	10,000	10,000
Total for the Army	24,681,250	26,890,103 91	24,244,450	24,539,450

RECAPITULATION.

Commanding General's office	1,750	2,500 00	1,750	1,750
Adjutant-General's Department	112,500	115,970 00	112,500	112,500
Office Chief Signal Officer	5,000	9,950 00	5,000	5,000
Pay Department	11,900,000	12,514,598 91	11,935,000	12,250,000
Subsistence Department	1,900,000	2,157,585 00	1,900,000	1,900,000
Quartermaster's Department	9,630,000	10,118,300 00	9,155,000	9,115,000
Medical Department	200,000	265,000 00	205,000	240,000
Engineer Department	7,000	16,200 00	5,200	5,200
Ordnance Department	915,000	1,610,000 00	915,000	900,000
United States testing-machine	10,000	80,000 00	10,000	10,000
Total	24,681,250	26,890,103 91	24,244,450	24,539,450

REMOVAL OF DISABILITIES.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the bill (S. 2034) to remove the political disabilities of Alfred Iverson, have instructed me to report it favorably and without amendment. I am instructed also to ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. I am also instructed by the Committee on the Judiciary, to whom was referred the bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia, to make the same report and the same request.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. I ask that it may be stated when these bills come up whether petitions are properly made and signed. It is the rule in the other House.

Mr. GARLAND. There is a petition in both cases and a statement from the Department that the parties do not owe the Government anything at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

MISSOURI RIVER BRIDGE.

Mr. VEST. I ask leave to submit a report from the conference committee upon the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri. I ask that the report may be read and concurred in.

The PRESIDENT *pro tempore*. Is the bill to which the report refers before the Senate?

Mr. VEST. It is a report of the conference committee on the part of the House and the Senate.

The PRESIDENT *pro tempore*. The Chair understands that the Senate asked for a conference, and that the bill should regularly be with the House conferees.

Mr. FRYE. It is there.

Mr. VEST. Is that the case now?

The PRESIDENT *pro tempore*. The bill is not before the Senate. The course, therefore, is for the Senate to await a report from the House of Representatives of their action so that when this report is acted upon the bill will be before the Senate.

Mr. VEST. I will withhold the report.

The PRESIDENT *pro tempore*. The report will be withheld, if there be no objection, until the bill comes over.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2312) granting condemned cannon to McPherson Post, No. 16, Grand Army of the Republic, of Ohio; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2313) to remove the charge of desertion from the military record of George W. Rager; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COLQUITT introduced a bill (S. 2314) for the relief of the legal representatives of Aquila Lockwood; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania (by request), introduced a bill (S. 2315) to amend the pension laws; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of California, introduced a bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2317) authorizing the appointment and retirement of John A. Lockwood as surgeon in the Navy of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. MITCHELL introduced a bill (S. 2318) granting a pension to Lawrence Gross; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 2319) for the relief of Agnes and Maria de Leon, heirs at law of Rebecca L. de Leon, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB (by request) introduced a bill (S. 2320) for the relief of Maurice Gandy; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Patents.

AMENDMENTS TO BILLS.

Mr. VANCE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of California, Mr. CALL, and Mr. MILLER, of New York, submitted amendments intended to be proposed by them severally to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. COKE, Mr. PENDLETON, Mr. SLATER, and Mr. SEWELL, submitted amendments intended to be proposed by them severally to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. WILSON. I submit an amendment intended to be proposed by me to the river and harbor bill, providing for the continuation of the construction of the dry-dock at the Des Moines Rapids Canal, on the Mississippi River. I move that the amendment be referred to the Committee on Commerce and be printed.

The motion was agreed to.

Mr. JONES, of Nevada, submitted an amendment intended to be proposed by him to the bill (S. 1580) for the relief of John H. Kinkead, of Nevada, and others; which was ordered to lie on the table, and to be printed.

CHANGES IN THE RECORD.

Mr. INGALLS. Mr. President, I invite the attention of the Senator from Georgia [Mr. BROWN] to a matter of personal privilege. In the RECORD of the debate of Friday last, appearing on Saturday, June 14, on page 5716, I find the following language from the Senator from Georgia [Mr. BROWN]:

He rose—

Referring to the Senator from Kansas—

and in one of his characteristic speeches, his monopoly of which I have no right to infringe, went all around and talked about everything else but that.

The implication from those words appears to be that in the mind of the Senator from Georgia I refused to respond to the argument which he made, but proceeded to make a speech which he describes as "characteristic," and adds in language which leaves but one possible implication that my speech was one of a series of speeches which I alone make in the Senate, which no other Senator can make and which no other Senator would make if he could. I should be glad to have the Senator from Georgia state, inasmuch as that language escaped my attention when it was uttered——

Mr. BROWN. What page do you read from?

Mr. INGALLS. Page 5716. As I was absent when that language was uttered, I should be glad to have the Senator from Georgia state whether it was his design in the employment of those terms to apply derogatory and personally offensive criticism to me or to my remarks.

Mr. BROWN. Why, most certainly not, Mr. President.

Mr. INGALLS. The Senator denies that.

Mr. BROWN. The relations between the Senator and myself have always been of a character that I could not do him injustice, nor did the nature of the debate make it necessary that I should attempt to do so.

Mr. INGALLS. That is sufficient, then, upon that point. After making some further remark the Senator from Georgia concludes his statement by a paragraph in the following words:

He did not come to that point, and he did not state that any debt existed between the State of Georgia and the United States, or that the State of Georgia owed the United States anything as a State, or that the right of set-off existed.

And he adds:

And he will not state it.

My attention was not called to that language when it was delivered. That is ambiguous and susceptible of two interpretations. Either it is prophetic, futile perhaps, and possibly premature, or it implies on the other hand that I lack either the ability or the courage to reply to what the Senator from Georgia had presented as an argument. I should be glad to hear the Senator from Georgia state which of the two interpretations he desired to be placed upon that language.

Mr. BROWN. I have not referred to the RECORD about this matter at all this morning. I had no notice that the Senator was going to make this inquiry or this statement, but as I recollect the debate I took the position very distinctly that there was no mutuality of contract between the State of Georgia and the Government of the United States that authorized the Government of the United Stated to set off the thirty-five thousand and odd dollars that was due the State of Georgia on the war tax.

Mr. INGALLS. The Senator will pardon me; I do not desire a statement of the argument. I merely desire to ask the Senator from Georgia which of the two, the only two interpretations that can be placed upon the paragraph, he desires to have it understood he employed the language for.

Mr. BROWN. The Senator has no right to limit me to any mode of reply other than the mode that I choose to adopt. I had submitted that legal proposition to him. I said that no mutuality of contract existed; that the Government of the United States had no right to assess a tax against the State of Georgia; that while she had the unlimited right to go into the States and assess her taxes against the people, she could not against the State as a corporate body; that there was no mutuality of contract and there could not be a set-off; and that the Senator from Kansas was an able lawyer, a member of the Judiciary Committee, and that he would not say that she had any such right. It was simply submitting the legal proposition to the Senator from Kansas. He did not say so. Then in my reply I said he had not said so, and would not say so. In other words, I meant that a lawyer of his standing knew that it was not a sound proposition, and that he would not say that it was, giving it as his opinion as a lawyer. That was what I meant, and all I meant.

Mr. INGALLS. I will now ask the Senator from Georgia whether, after having stated what his intention was in the employment of that language, he is satisfied upon reflection that he used the language at all?

Mr. BROWN. That is my recollection—that I used it.

Mr. INGALLS. I will ask the Senator whether he did not, after the debate was over, after the report had been prepared for the printer, deliberately interpolate it into the report of the proceedings, thereby falsifying the RECORD and committing a forgery upon the records of the Senate?

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Kansas is out of order. If he has any accusations to make he must make them in a different way. The debate is certainly not in order.

Mr. INGALLS. Interpolating language that was not uttered in debate and susceptible of an offensive interpretation?

Mr. BROWN. I decline to make any reply whatever to the Senator's animadversion.

Mr. INGALLS. I supposed the Senator would.

The PRESIDENT *pro tempore*. The Senator from Kansas will suspend. He is out of order.

Mr. INGALLS. Can I proceed with my statement?

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Kansas has the floor.

Mr. BROWN. I will state——

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor. The Chair thinks that his remarks impute improper conduct to the Senator from Georgia, and are therefore out of order. If there be no objection the Senator will proceed in order.

Mr. INGALLS. Mr. President, my attention was called to this debate after the RECORD had appeared in print, and I thought it had a strangely unfamiliar look. Among my many infirmities, Mr. President, is not to be enumerated tranquil submission to indignity. I am always entirely willing to submit to the fortunes of daily debate, whether of victory or of defeat, but I am not secure against the Parthian arrows that a flying foe may see fit to discharge from the safe ambush of the printing-house. I immediately went to the Official Reporter's office and obtained a transcript of the debate as it occurred upon the floor of the Senate. Neither of these sentences to which I have called attention appeared. I then proceeded to the printing-house and there obtained from the Government Printer sheet 176 of the report of the debate on Friday, and in that report I find written in the handwriting of the Senator from Georgia, after the word "speeches," the words "his monopoly of which I have no right to infringe," and after the period following the word "existed," at the close of the paragraph as it was uttered in the report, I find an additional sentence: "And he will not state it."

Mr. President, as I said before, I am entirely willing to submit to whatever of treatment I may receive in this body in the daily fortunes of debate; but the Senator from Georgia and the Senate will see that while this mode of warfare is eminently safe to the one who wages it, it is not satisfactory to the victim. It requires about the same amount of courage that is exhibited by the thug who waits until his enemy is asleep and then stabs.

I move, sir, that the language to which I have called attention be expunged from the official report of the debates of Friday.

The PRESIDENT *pro tempore*. The Senator from Kansas moves—the Senator will be kind enough to reduce it in writing in the form of a resolution, the Chair will state the substance of it if the Senator desires—that the words he has read from the manuscript of the Senate Reporter as having been inserted in a different handwriting, be expunged from the print of the CONGRESSIONAL RECORD. Is there objection to the present consideration of the motion?

Mr. GORMAN. I object.

The PRESIDENT *pro tempore*. Objection is made, and the motion goes over. Concurrent and other resolutions are now in order.

Mr. BROWN. The motion of the Senator from Kansas having been made and objection made to it, the Chair announced at once that it went over. I intended to say something in reply to the Senator, but as it goes over I suppose I shall be heard to say it to-morrow when the question is taken up. I do not wish to let it go unchallenged, because I intend to reply to it and I will not consent that there shall be any acquiescence in what has been said on account of its going over on account of objection at this time, but I will reply to it at the proper time.

The PRESIDING OFFICER (Mr. GARLAND in the chair). It is a question of privilege; and the Senator can reply now or to-morrow, as he sees proper.

Mr. BROWN. It will suffice me to-morrow. I desire to add that I want the privilege of the use of the RECORD so that I may be able to look at it before I reply to-morrow.

PACIFIC RAILROAD STOCKS AND BONDS.

Mr. VAN WYCK. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on the Judiciary be directed to inquire whether the Union or Central Pacific Railroad Companies have become responsible for, or guarantee the interest on, any bonds other than those specifically authorized by Congress or outstanding at the date of the passage of the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873; and, if so, to what extent, and under what actual or alleged authority; also, whether any new stock has been issued by either of said companies in violation of said act.

Mr. CAMERON, of Wisconsin. Let that go over.

Mr. GARLAND. Let it go over and be printed.

The PRESIDENT *pro tempore*. The resolution will be printed and go over.

PAPERS WITHDRAWN AND REFERRED.

Mr. PLATT. At the request of the senior Senator from Virginia [Mr. MAHONE], who is absent, I ask for the following order; I am not aware whether there has been an adverse report in the case, but I suppose the order will be granted subject to the rules.

The order was read and agreed to, subject to the rules, as follows:

Ordered, That the petition and accompanying papers in the case of the Shiloh Baptist church at Fredericksburg, Va., be taken from the files and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and had agreed to the amendment of the Senate numbered 4; also that it had agreed to the amendment of the Senate numbered 13, with an amendment in which it requested the concurrence of the Senate, and that the House further insisted on its disagreement to the amendments of the Senate numbered 10, 11, and 17.

The message also announced that the House had passed the bill (S. 282) granting a pension to A. M. Wilson.

The message also announced that the House had passed the following concurrent resolution; in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring therein), That the Clerk of the House be authorized and directed to change the word "of" to the word "to" where it occurs the last time in the first line of section 3 of the enrolled copy of the bill (H. R. 2344) entitled "An act for the relief of Melissa G. Polar;" so that said section may read as follows:

SEC. 3. That upon the presentation of said duplicate certificate to the Treasurer of the United States he shall redeem the same as authorized to redeem board of audit certificates by the act of Congress approved June 16, 1880, and the act amendatory thereto.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4440) for the relief of John Bostater;
A bill (H. R. 4837) granting a pension to Charles H. Phillips;
A bill (H. R. 5004) for the relief of William B. Smith;
A bill (H. R. 5941) for the relief of Martha Lawson;
A bill (H. R. 5616) for the relief of Nathan J. Sharp;
A bill (H. R. 5207) granting a pension to Adalbert Stickney;
A bill (H. R. 3829) granting a pension to John Beck;
A bill (H. R. 5209) granting a pension to James Flynn;
A bill (H. R. 5208) granting an increase of pension to Gottlieb Hermann;
A bill (H. R. 3467) granting a pension to H. D. Prior;
A bill (H. R. 6850) for the relief of Mary G. Reader;
A bill (H. R. 2312) granting a pension to Almira B. Kaler;
A bill (H. R. 5636) for the relief of Otto Leissring;
A bill (H. R. 3828) granting a pension to Cornelius Wessels;
A bill (H. R. 2894) granting a pension to Henry Rodenback;
A bill (H. R. 2924) granting a pension to Michael Daly;
A bill (H. R. 3023) granting an increase of pension to John Dwyer;
A bill (H. R. 2574) granting a pension to Rosella Pegg;
A bill (H. R. 2522) granting a pension to John Q. Bellville;
A bill (H. R. 2520) granting a pension to Sally Ann Bradley;
A bill (H. R. 6677) to increase the pension of William Irving;
A bill (H. R. 3307) granting a pension to Harriet P. Dame;
A bill (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young;
A bill (H. R. 760) granting an additional pension to Walton S. Bentley;
A bill (H. R. 3954) for the relief of Hardie Hogan Helper;
A bill (H. R. 253) granting a pension to Samuel Hazel;
A bill (H. R. 1984) granting a pension to Robert M. McKinlay;
A bill (H. R. 7002) for the relief of Harriet L. Stevens;
A bill (H. R. 836) granting a pension to John C. Fenscke;
A bill (H. R. 6834) granting a pension to Ann J. Williams;
A bill (H. R. 4700) granting a pension to Simon E. Lewis;
A bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken;
A bill (H. R. 6044) granting a pension to Eliza Pigeon;
A bill (H. R. 3000) for the relief of William R. Miller for pension;
A bill (H. R. 6461) granting a pension to Nelson Gammons;
A bill (H. R. 6173) for the relief of Rose Dougherty;
A bill (H. R. 6480) granting a pension to Margaret G. Halpine;
A bill (H. R. 3661) granting an increase of pension to Lucy Le G. Jeffers;
A bill (H. R. 6287) for the relief of John H. Johnson;
A bill (H. R. 3210) for the relief of Jacob Hoerth;
A bill (H. R. 5500) for the relief of Benjamin F. Amos;
A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;

A bill (H. R. 5553) granting a pension to Isabella Palmer;
A bill (H. R. 5555) granting a pension to James Frazier;
A bill (H. R. 6711) granting a pension to Louis Magnus;
A bill (H. R. 6589) for the relief of Asa Dye;
A bill (H. R. 6835) granting a pension to Bernard Donahue;
A bill (H. R. 5821) granting a pension to Mrs. Susannah Barr;
A bill (H. R. 6826) granting a pension to Rebecca Kupp;
A bill (H. R. 5934) granting a pension to M. V. B. Winkler;
A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;
A bill (H. R. 3565) granting a pension to William Eurele;
A bill (H. R. 4098) granting a pension to William Gibbons;
A bill (H. R. 3703) granting a pension to James W. Brown;
A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 204) granting a pension to Susan Y. Attwater;
A bill (H. R. 3612) granting a pension to Hayden Reynolds;
A bill (H. R. 452) granting a pension to Frederick Corfe;
A bill (H. R. 5740) for the relief of Grigsby Foster;
A bill (H. R. 6328) granting a pension to Samuel W. Bowling;
A bill (H. R. 1912) for the relief of David C. Paullus;
A bill (H. R. 5938) to pension Julia A. Marcum;
A bill (H. R. 1237) granting a pension to Solomon K. Ruggles;
A bill (H. R. 837) for the relief of Reuben J. Chewning;
A bill (H. R. 2457) granting a pension to Richard Dillon;
A bill (H. R. 5953) granting a pension to Zenas Hamilton;
A bill (H. R. 6235) granting a pension to Eliza J. Norris;
A bill (H. R. 884) granting a pension to John T. Pennington;
A bill (H. R. 6956) granting a pension to Maria H. Sargent;
A bill (H. R. 1934) granting a pension to John C. Shacklett; and
A bill (H. R. 6834) granting an increase of pension to Charles D. Kunkle.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads; and it was thereupon signed by the President *pro tempore*.

NEW YORK BANKS.

Mr. BUTLER. I ask the Senate to proceed now to the consideration of a resolution which I had laid on the table the other day, with a view of putting it on its passage.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from South Carolina asks for the present consideration of the resolution submitted by him on the 11th of June, which will be read.

The Secretary read as follows:

Resolved, That for the purpose of ascertaining whether further legislation is necessary concerning national banks there be appointed from the Committee on Finance a special committee, consisting of five members, whose duty it shall be forthwith to examine into the condition of the national banks of the city of New York. That said committee be authorized to send for persons and papers, to examine witnesses on oath, and, if necessary, to visit the city of New York for the purpose of such examination; that they be required to ascertain the amount of circulation of said banks on the 31st day of May, A. D. 1884; the amount of certified checks and loan certificates issued by said banks and outstanding on said day; whether said banks or either of them have issued certified checks or loan certificates or other evidences of indebtedness upon the pledge or security of personal or real property of any kind or otherwise; what amount of certificates of indebtedness or certificates of deposit has been issued by said banks and are now outstanding; what amount of currency and of gold and silver coin said banks had on hand on said day; whether the accounts of said banks with each other were on said 31st day of May, 1884, or now are settled through the Clearing-House in the city of New York, by lawful money of the United States, or by certified checks, loan certificates, or other evidences of indebtedness; whether on said day said banks had on hand the reserve required by law; and to examine fully into all matters which may be necessary to show the financial condition of said banks; and also to ascertain the amount and character of the assets of said banks; whether they are able to meet their liabilities; whether any of the funds of said banks have been illegally used by the officers thereof; and also whether they or any of the officers thereof have violated in any respect the provisions of the national banking law.

That said committee be further authorized to employ one or more special examiners to aid in such examination; that they also be authorized to employ a stenographer; and that they be required to report as soon as practicable the results of such investigation to the Senate.

And for the purpose of defraying the expenses of such investigation the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available out of the contingent fund of the Senate.

Mr. MORRILL. I move that the resolution be referred to the Committee on Finance.

The PRESIDING OFFICER. The Senator from Vermont moves that the resolution be referred to the Committee on Finance.

Mr. MORRILL. It obviously contains general matter that has already been referred to the committee, and which they have had under consideration and expect to give a further consideration to to-morrow. I assure the Senator from South Carolina that the present Comptroller of the Currency is active, doing his full duty, and that these matters had very much better be referred to the Committee on Finance.

Mr. BUTLER. I should like very much to hear from the chairman of the Committee on Finance or some member of that committee what earthly objection there can be to the passage of this resolution. I should like very much to hear some statement on this floor why the examination proposed should not take place. If one-tenth of what we see daily in the newspapers as to the condition of the banks of New York is true, I can not understand how any Senator on this floor can withhold his consent to the resolution, which simply provides for an examination into their condition at the close of May.

The Senator from Vermont speaks of the activity of the Comptroller of the Currency; but I repeat that if one-tenth of what we see in the papers is true, that official has withheld his activity a little too long, and I think it not only the right of Congress, but I think it the bounden duty in dealing with these fiscal agents of the Government, agents exercising high trusts, to examine into their conduct. I should like to ask the Senator from Vermont or the Senator from Ohio or some member of the Finance Committee what earthly objection there can be to this examination? If the banks are sound, if they have complied with the law, if they have not violated the law, it seems to me the demonstration of that fact would restore confidence in this country. If they have violated the law, if they have not complied with the law, and are violating it every day, as is charged in the newspapers, we shall be derelict in our duty if we do not provide for this examination and let the country and the world understand the facts. I can not see why any proceeding on the part of the Committee on Finance should attempt to conceal the facts from the public. I do not say that disrespectfully, but I do not see why we should conceal from the public the exact condition of things as they exist in the banks to-day in the city of New York.

I have heard no good reason given why this investigation should not take place. The Senator from Vermont says the Committee on Finance is now making an examination. How long will that examination continue on the part of that committee? It has been stated that if this resolution passes, and if this committee should be selected and should proceed to New York and go on with the investigation, it would produce a panic in this country. That I have heard stated. It seems to me that if a panic is to come we had better have the panic now than later. If the false certification which has been charged to these banks continues, and they exist upon a mere fictitious basis, as has been charged, the sooner the country finds it out the better. I have heard no good reason given by any member of the Finance Committee except that the Finance Committee is proceeding to make the investigation and that the Comptroller of the Currency is actively at work. Now, sir, I should like to have that information reported by a special committee of the Senate, and I shall therefore ask for the yeas and nays on the motion of the Senator from Vermont.

Mr. VEST. Mr. President, I did not hear the Senator from Vermont very distinctly, but I understood him to say that the Comptroller of the Currency was discharging his duty in the matter of the national banks in New York, and that his report would answer all the purposes of this investigation. I have not examined the facts, but I rose to ask a question. The Marine National Bank, the Metropolitan National Bank, the Second National Bank, of New York, all have failed with liabilities amounting to millions of dollars, and millions of worthless securities in their vaults. The people of New York and of the United States have been swindled out of more than twenty-odd million of dollars by the failure of these national banks, and I want to know what the Comptroller of the Currency was doing when these banks were plundering the public and piling up worthless securities and making false statements, and their officers committing perjury, and wholesale robbery going on under the eye of the Comptroller of the Currency and the national bank examiners, and when that is answered I shall have more confidence in the statement that the Comptroller of the Currency is able, without saying anything about his willingness, of which I know nothing, to examine into and report on this subject.

Mr. BUTLER. And I should like that an answer should be given to this inquiry, how it happens that in the city of Cleveland, in the State of Ohio, there has been recently a defalcation amounting to $100,000, just on the heels of the report of the examiner of the bank, as I understand. If the Comptroller of the Currency has been doing his duty and the national banks have not been violating the law, it seems to me the country ought to know it, and it would be benefited by the information.

Mr. MORRILL. Mr. President, the Senator from South Carolina and the Senator from Missouri must understand that if the Government officers, the district attorney, the Attorney-General, and the Comptroller of the Currency, are very effectively at work prosecuting in every instance where it has been ascertained that there has been any violation of law, it is not perhaps quite time for us to ask for an investigation so far as to show exactly what they are doing.

I wish to say further in relation to the Metropolitan bank failure that steps have been taken which will show that there will not be any loss to the depositors. They will all be paid, as I understand and am informed by the Democratic chairman of the committee of the other House.

Mr. BUTLER. If the Senator will pardon me for an inquiry, will he be good enough to state in his opinion what harm can result from this information provided for in this resolution?

Mr. MORRILL. If the Government officers are doing their duty, of what service would it be to send forward a committee from the Com-

mittee on Finance to New York at this time? It would be an impossibility to obtain the consent of any member of the Senate to leave here at this time.

Mr. BUTLER. The Senator answers my question by asking another. He asks what earthly good it would do to send this subcommittee to New York. I ask the Senator what harm the investigation would do to the banks or to the public or to Congress?

Mr. MORRILL. I think it might do harm.

Mr. BUTLER. I should be glad to be informed in that respect.

Mr. MORRILL. I think this matter should be left to the executive officers. Every member of the Finance Committee, including gentlemen on the Democratic side of the Chamber as well as on this side, will agree with me in relation to this matter.

Mr. BUTLER. It is not a question of politics.

Mr. MORRILL. I know it is not.

Mr. BUTLER. It is simply one of business. The Senator declines to give me a reason why this investigation should not be made except the vague and general statement that the Comptroller and the district attorney and the Attorney-General are discharging their duty. I repeat again that the officials certainly could not have discharged their duty in the past or this condition of things which has just been recited by the Senator from Missouri could never have occurred. It seems to me to be our duty to protect the public against a repetition of what has occurred.

Mr. PLUMB. I should like to have the Senator from South Carolina state why we should make an exception of the banks of New York. Ever since I have known anything about the banking business banks have been failing all over the country at different times.

Mr. BUTLER. I will answer the Senator by saying that with perhaps one or two insignificant exceptions that is the only point where there has been much complaint. If the Senate chooses to extend the inquiry——

Mr. VEST. Will the Senator allow me to answer the Senator from Kansas?

Mr. BUTLER. When I get through. I say I have not the slightest objection to extending the scope of the inquiry if the Senator from Kansas wishes it to be done.

Mr. PLUMB. If we establish the rule that every time a bank fails we shall appoint a committee to go and examine into its condition we shall have a good deal to do, I think. If it is proper for us to do it, it is proper for every State to appoint legislative committees to investigate the failure of any bank that occurs within its limits organized under its laws, and we are simply putting the legislatures of the country into the attitude of a sort of prosecuting witness or district attorney or something of that kind.

Now, I can perceive, of course, that we have a perfect right to do this, but at the same time we are opening a very wide field, and I do not think the occasion for it has been so much more urgent, so far as made public, than it has been heretofore. The statement of the Senator from South Carolina, which I presume is the true animus of his resolution, is that if the examiners do their duty banks will never fail. That would be a halcyon condition of things indeed, and I should vote myself to establish the office of examiner if the Senator from South Carolina should be correct. If he can give any kind of guarantee that under any kind of administration which he or anybody else can propose that sort of thing can be brought about, I shall be much pleased. There have been bank failures. Take the case in Cleveland, which was not necessarily a reflection on the bank examiner, but suppose it was, why shall we not investigate the bank examiner and not investigate the bank? Why turn the prurient curiosity of everybody to all the paper possessed by the New York banks because of the delinquency of bank examiners? Why not pursue the guilty parties? Why not investigate the Comptroller's office, if it is true that this whole thing results from the lack of diligence or the lack of honesty in that office?

So far as I know, the public has not lost anything except by the failure of one bank in New York. We all know, as a matter of current history, that the president of one bank did abstract its funds, and that the stockholders made it up. Now, the Senator from Missouri is concerned about those stockholders, but I am not aware that they have made any noise about it. They have not come here asking us to inquire why that was done. It was done because they had a responsibility themselves, and the loss has fallen on them because they as stockholders and directors did not properly perform their duty.

I take it there are other duties besides those that attach to United States officers, and if we are to investigate this matter we ought to go into all its collateral branches. Certainly, we ought not to investigate the banks upon the theory that they are at fault while part of the fault is due to the laches of one of our own officers. We ought to investigate him. We ought to investigate the Comptroller's office. But to go to work now, and turn up and expose to public gaze the discounts, the daily business of a bank in New York, or a bank in Cleveland, or a bank in Columbus, or anywhere else, is simply for the Government of the United States to intrude itself into that which, even if it has the ability to do, is one of those things that can be better done in some other way than by a legislative committee.

Mr. BUTLER. I ask the Senator, if that theory be correct, why it is that the Committee on Finance is now making the examination?

Mr. PLUMB. Perhaps they are; and I hope they are making it in some discreet way.

Mr. BUTLER. Do I understand the Senator to say that a special committee of five would not be discreet?

Mr. PLUMB. I do not know whether they would or not; but I say that whatever the Finance Committee may be doing, I do not commit myself to it, for I do not know; but whatever they are doing, I say that what the Senator from South Carolina proposes is not the remedy in my judgment. In the next place, it goes upon the assumption that there is something extraordinary which has recently happened, whereas, I say, it is only an instance of what is happening every day more or less. There was only one failure in the city of New York of which I have learned.

Mr. BUTLER. The Metropolitan National Bank and the Second National Bank failed, as well as the Marine National.

Mr. PLUMB. The Metropolitan did not fail. The Metropolitan closed its doors for twenty-four hours, a thing that might happen with any person out of change for the moment. There is no suggestion that any person has lost a dollar by the Metropolitan National Bank. The Second National Bank did not fail at all, did not close for an instant. The Marine National Bank did fail, and so far as that is concerned the president of that bank has been indicted by the grand jury upon presentment made by the district attorney for New York, and an indictment has been prepared also against the president of the Second National Bank, and he is now awaiting trial.

Mr. BUTLER. Does the Senator think that those banks have been doing business upon a legitimate basis and in accordance with law?

Mr. PLUMB. I do not know whether they have or not. I do not know but what they have had speculating officers, and I do not know that any system the Senator from South Carolina or anybody else can suggest will relieve banks from the action of individuals of that kind.

Mr. BUTLER. It has been claimed for the national banking system that it was the safest banking system ever invented by the brain of man.

Mr. PLUMB. That is quite true.

Mr. BUTLER. And yet in the face of that assertion there is not a day that it does not appear in the newspapers that by false certification of checks and in various other ways these creatures of the Government, these fiscal agents of the Government, have been deliberately and regularly and systematically violating the law under which they have their existence. If that is true—I do not say that it is true—it is our duty in my judgment to see that the most thorough and exhaustive and critical examination should be made of the affairs of these banks with a view of letting the public understand whether they have violated the law or not. If they have not violated it, so much the better for the banks. If they have violated it, then in my judgment the penalties of the law ought to be exhausted in bringing about their punishment.

Mr. VEST. I wish to suggest to the Senator from South Carolina before he sits down that the Senator from Kansas has stated that the Second National Bank did not close its doors. It did not close its doors because Mr. Eno, the father of the president, advanced $3,000,000 out of his private fortune to protect his son and his family honor. The national banking system did not furnish a cent, and the young man was afterward arrested attempting to escape from the country, and he is under indictment in spite of that advance on the part of his father; but as to the national banking system it did not pay the deficiency; it was paid out of the fortune of a poor old man who was attempting to defend his honor and that of his son.

Mr. SHERMAN. Mr. President, if I thought this investigation would be of any practical service, or even if I thought it would be harmless in itself and not be an evil in itself, I should vote for the resolution.

The national banking law goes upon the theory that all the operations of the national banks should be public, that statements should be made frequently, and that examinations should be made disclosing both their assets and liabilities in the fullest possible manner, and these agencies provided by the law are far more effective than could possibly be a committee of Congress.

In my judgment the appointment of such a committee, the sending of five of the members of the Committee on Finance, of which I happen to be a member, to New York with the powers of this resolution, with a stenographer and reporters and a crowd around would be as helpless, as useless as possible in that city. A single examiner going with the powers of an examiner into the vaults of a bank might ascertain something, but how could we ascertain anything? The Senator from South Carolina ought to feel that the national banking system has been more justified in the last sixty days and its strength has been shown to be better than by any other event in the history of national banks. Many defalcations occurred; three or four leading officers of banks proved to be defaulters, to have misappropriated money, and one president of one bank, though I believe him to be an honest man, Mr. Seeney, by his bold operations more or less involved the credit of the Metropolitan Bank, and led gradually to the run that finally brought it almost to its

destruction, and it was actually saved by the aid of the associated banks; and another president of a bank, a Mr. Fish, misappropriated the funds and violated his duties, according to the newspapers at least—he is now under indictment, and we ought not even to say that against him, because he has the right to be considered innocent until he is proven guilty—but assuming that the facts stated in regard to him are true, he certainly has clearly violated the law, repeatedly violated the national banking law; and so with another person, the son of a very wealthy man, not a poor old man, as my friend from Missouri speaks of him, but a man of wealth——

Mr. VEST. I meant that he was a poor old man notwithstanding his fortune. His fortune is gone.

Mr. SHERMAN. He is not poor in a pecuniary sense, only poor because he is old.

Mr. VEST. He is now poor.

Mr. SHERMAN. He is not poor in the pecuniary sense.

Mr. VEST. He had to put a mortgage of a million and a half on the Fifth Avenue hotel.

Mr. SHERMAN. I know he has lost a considerable portion of his fortune. He came forward to the protection of his son, and his son was president of a national bank. What law or what investigation can prevent the president of a national bank having power over the directors from seizing the assets and misapplying them? That happens often. It happened at Cleveland the other day, where, according to the newspaper statements, a cashier trusted with the combination of the interior vaults took $100,000 of the reserve assets in one of the wealthiest banks in the State of Ohio. How can a thing like that be prevented?

Mr. BUTLER. Had not the examiner of that bank been on his tour of duty a short time before?

Mr. SHERMAN. Certainly, and no doubt when the examiner was there the money was there.

Mr. BUTLER. According to the account I saw, the defalcation had been going on for months and months.

Mr. SHERMAN. That might be, but it could be covered up very easily by the machinery of the banking officers. You can not prevent the executive officer of a bank, having charge of its management, from stealing.

Mr. BUTLER. I am perfectly aware of that, but that does not meet the point of this resolution. My resolution is directed at a condition of things which has been reported to exist particularly in the city of New York where it has been alleged that there have been the grossest possible violations of law. If that be true, I ask the Senator whether he does not think that Congress has jurisdiction, absolute, complete jurisdiction over this whole question of the national banking system?

Mr. SHERMAN. I will answer all that in its order, but I must first speak of the Cleveland bank case. I desire to say that the president, the cashier, and the directors of the Cleveland bank referred to are among the ablest, richest, and best men of both political parties in the northern part of the State. One or two of their names, if I were to mention them, would be recognized by Senators, their reputation being known all over the United States. To accuse them or to imply that they have been guilty of any wrong because the cashier, who must be trusted with handling money, has been able to take $100,000 out, or to arraign the system because this was possible to be done in a bank like that, is unjust. Crimes may be committed and will be committed. There was one Judas Iscariot in the twelve Apostles; and I have no doubt in the 2,500 bank presidents and bank cashiers and bank tellers and the more than 20,000 bank directors in this country there are some bad men. But after all the fact is that the system is so organized that the fraud and wrong and stealing and peculation and defalcation are less in this system of banking than in any that was ever organized by man. The strength displayed by this system under such a state of affairs as we have gone through in New York shows that it is stronger than the system upon which the Bank of England is founded.

Now look at it. Although these great crimes and peculations were demonstrated and shown to have occurred in New York; although private bankers were enabled to build up a fictitious credit on which they were able to run in debt over $8,000,000 in a very short time; although bank presidents were able by violating the law to lose their stockholders' money and two or three of the banks were put in the position of almost failing, the Second National Bank being saved by this "poor old father," and the Marine National Bank being not entirely saved, because that was swept away, and the Metropolitan National Bank saved by its long-established credit, by the wealth and strength and credit of the men who owned it and came to its rescue, so that scarcely a single bank failed and scarce any one lost money—the very fact that this system of banking was able to meet the severe stringency caused by the want of confidence resulting from these bad disclosures shows the strength of the system and that it does not need the guiding care of a committee of Congress.

Why, Mr. President, the action of the clearing-house, being itself an associated organization of the national banks, and of State banks as well, the fact that that association through its voluntary organization, made simply for their own convenience, was able to come forward and protect the weaker members of the association by the loan of $24,000,000, is one of the most striking and valuable lessons in our whole financial history. If those scenes that occurred within the last month or two in New York had occurred in the olden times—in the good old Democratic times, I may say—had occurred at any period in our previous history before the national banking system was established, it would have spread havoc all over this broad country, and perhaps to England and other commercial allies. But the strength of this associated system of banking was so great that this voluntary clearing-house was able to come forward and by the liberal loan of money was able to stop the trouble right there, and those bank presidents who had been disgraced were turned over to the courts to be tried, and the panic was stopped by the liberal use of the money of the associated banks.

The result has been by making to those banks in trouble a loan to work out their own salvation in their own way, the panic has practically subsided, a large portion of the $24,000,000 has been paid, and now day by day, at the rate of a million dollars per day, these loans are being paid off. Nearly $7,000,000 were required to sustain the Metropolitan National Bank, it is said. Now, that is gradually being paid off. They were able to give security but could not give money. The very fact that they could not pay in money would have broken them, and would have extended failure from one bank to another until the whole row of bricks clear through would have toppled down; but the power of this system enabled the association to support the failing banks, giving them a little relief for the time, and now that relief is no longer needed, and the very loans that were given to those banks suddenly taken by surprise by the panic are now being paid off, and the great commercial and financial business of New York, measured by millions of dollars daily, is going on almost as smoothly as before the panic.

Now, is it wise for us at this time to send to New York five gentlemen learned in the law, such as my honorable friend from Vermont [Mr. MORRILL] and my friend from Kentucky, over the way [Mr. BECK], able men, no doubt, to do what? To examine the vaults of all these banks, to see which of them have overcertified checks. How futile it would be! How could they tell? Suppose they should take up half a dozen bank examiners? Those same bank examiners have already gone through the banks and made their reports. They have been deceived in some cases, no doubt, as this committee will be deceived. You go there with your reporters, according to the language of this resolution, open your doors in a room in the Fifth Avenue Hotel, where complaints could be heard about this bank president and that bank president, and thus your great Committee on Finance would be made a school for scandal to hunt up doubtful reports about doubtful transactions, and with examiners, and with machinery, and with newspaper reporters as thick as bees around the comb, printing daily their reports that this thing or that thing was suspicious, or that it was thought finally by some newspaper reporters that this bank had overcertified checks, &c. Would that be wise or discreet? No, sir.

Whenever violations of the law have been disclosed they have been promptly prosecuted. We all know that so far as the Comptroller of the Currency is concerned, he has been actively engaged, with the aid of all the legal machinery of the law department, in prosecuting and hunting out and ferreting these crimes. He is aided also by the local machinery of the city of New York, because many of these men have violated the laws of the State of New York, and there is a good Democratic governor and good Democratic machinery, and they also are applying their criminal laws against some of these offenders who have violated the laws not only of the United States but of the State of New York. What more can you do?

It seems to me that good sense and ordinary wisdom, yes, even in a less grade of wisdom than is expected from the Senate of the United States, composed generally of sober and somewhat matured men, would let this thing alone, let the matter run along smoothly, excuse no one for the commission of crime, conceal no wrong, but let all matters be investigated by the ordinary mode of judicial proceeding, and keep our committees at work at their proper legislative duties.

I therefore shall vote in favor of referring this resolution to the Committee on Finance, but with every purpose on my part, as other members of the committee of both political parties know, to do everything I can to disclose every violation of law that has occurred in New York or anywhere else, and with the determination to do what I can to bring about the punishment of those violations, but to do it in a proper, legal, discreet, and effective way.

Mr. VEST. Mr. President, before I say a very few words in response to the Senator from Ohio on a matter of exceeding importance to the whole country and not confined to the city of New York, I want to say something in reply to the Senator from Kansas. He asked the question, why examine the condition of the banks of New York and not apply this inquiry to those of the entire country? For the simple reason that in the first place the banks of New York control the financial system of the whole United States, and in the second place because the banks of New York, in defiance of law, have recently inaugurated a system hitherto unknown in this country, and from which all this trouble has arisen. In the city of New York to-day they have what is called a committee of the clearing-house, composed of presidents of the principal banks in that city, and when a bank is found to be in failing or doubtful circumstances, if it belongs to the clearing-house it is thrown out. Every Senator here I presume understands the operation of the

clearing-house; it is simply an assemblage of bankers who receive mutual accounts and upon each morning clear these accounts from off their slate, one bank paying another in these mutual accounts, and if any bank is unable to meet its responsibility upon checks drawn on it the previous day it is thrown out of the clearing-house and its credit is at once destroyed. This clearing-house in New York has appointed a committee, and when a bank is in failing or doubtful circumstances, as I said before, or, in other words, a weak bank, this committee takes its assets, investigates them, and issues what is called a loan certificate. In other words, that bank which is unable to meet its responsibilities at the clearing-house the next day is certified to be worth so much money by this committee.

Every Senator knows, and the Senator from Ohio better than any of us, that this is a loan upon the securities of that bank in the shape of bonds and stocks and other assets which they have accumulated in some sort of fashion in their vaults. These banks are required to hold a reserve of 25 per cent. in the principal cities of the Union; and yet on the 5th day of June these banks were behind their reserve from three to five million dollars, and by the report made on last Saturday they had recovered and were $2,000,000 ahead on their reserves. This loan is made by this committee, I understand, upon bonds and stocks, and I ask the Senator from Ohio if that is not directly in violation of the national banking law, which prohibits any national bank from loaning a dollar except upon personal security? No national bank has ever had the right in this country to loan one dollar upon stocks or bonds or upon anything else except personal security. No national bank can take real-estate security except for an antecedent debt due to it. But this committee get together, take the assets of a bank, pass upon their value, debts, stocks, and bonds. Take the case of the Second National Bank or the Marine National Bank; when the vaults of the latter bank were opened they found wild-cat stocks not worth a cent on the dollar; they found bonds that had gone down from par to 40 cents on the dollar.

Look at the stocks and bonds within the past six weeks in Wall street. Take one bond alone, that of the Rio Grande division of the Texas Pacific Railroad, that was quoted at $1.01 and went down in a little more than three weeks to less than 40 cents on the dollar. These are the assets upon which these loans are made and to-day in Wall street are $17,000,000 of loan certificates based upon what? Based upon the stock market, based upon securities that to-day are worth a dollar and to-morrow are not worth 50 cents. That is the system of the national banks of New York, which is not to be examined!

The other day these loan certificates amounted to $24,000,000 based upon stocks, based upon bonds, based upon the fluctuating values that are gambled upon every day in the stock market. To-day there are $17,000,000 of them, and the banks make a report, not an individual report, mark you; they have stopped that. The custom has been heretofore that each bank showed how much money it had on hand, whether its reserve was complete, what its securities were; but to-day if you take up the New York papers you will find that their statement is in the aggregate—three hundred and odd million dollars loaned by all the banks put together, and so many millions paid off and how? They paid off $7,000,000 last week. How do they pay it if they took up the loan certificates? Did they pass any money? The whole thing is fictitious; the whole thing is a fraud.

Is it any wonder that under a system like that an immense bank fails like the Second National Bank, because it is really a failure; Eno put up the money and stopped the failure, but the system did not stop it. Take the Marine National Bank liabilities, $25,000,000 or $30,000,000, and when you open its vaults you find wild-cat securities not worth $500 all put together. This is the system; this is the truth. The Senate may refuse an investigation. I have no more interest than any other citizen of the United States or any Senator on this floor, but you can not stifle the truth, and I say the result will be that before many months are over a crash will come that will shiver this system into atoms and expose its rottenness to the very core. You can not carry on such a system as this successfully and without exposure. You can not pretend to the public that this money is in the vaults when it is not there. How do these banks get the assets on which these loan certificates are issued? How do they get these bonds and stocks? Are they personal security? Are they real estate for antecedent debts? What right has a national bank to loan money upon stocks or bonds? The law forbids it; and yet when you open the vaults of one of these broken banks or suspended banks you find millions of dollars of these wild-cat securities piled up and some of these banks are shuffling backward and forward their loan certificates and making statements in the aggregate to the public of millions of dollars of reserve when we know it is not there.

We are told if an investigation is asked that we must beware lest we destroy the great credit system of the country and strike a blow that will be felt to the confines of this entire land because we expose a system which is in antagonism to and in violation of law.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The Chair will now lay before the Senate the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

Mr. PLUMB. I submit in connection with the bill the report of the conference committee which was appointed to consider the differences between the two Houses.

The PRESIDENT *pro tempore*. The conference report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 7, 8, 9, 12, 15, 16, 18, 19, 20, 21, and 22, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows:

In lieu of the sum proposed, insert "$11,000,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$625,000;" and the Senate agree to the same.

As to the amendments numbered 4, 10, 11, 13, and 17, the committee of conference is unable to agree.

P. B. PLUMB,
W. B. ALLISON,
JAMES B. BECK,
Managers on the part of the Senate.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HORR,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the report.

Mr. PLUMB. I will state for the information of the Senate that the disagreement between the two Houses is by this report reduced to four different items substantially. One was the increase of the appropriation for the payment of the messengers or carriers in the free-delivery system from $3,600,000 to $4,000,000; one the increase in the amount appropriated for the payment of railway postal clerks, the difference being about $300,000; one the amount appropriated for special mail facilities on trunk lines, $185,000; and the remaining question being as to the amount appropriated for railway-mail service, including the question of a reduction of mail-pay generally on all railroads of 5 per cent. from the amount now paid, and a deduction on the payment to land-grant railroads of 50 per cent., and a reduction of the pay to the Union and Central Pacific Railroads of 50 per cent.

The report as made from the House shows that the House has receded from its position in regard to the pay for the messengers or carriers in the free-delivery system, and that amendment is therefore now withdrawn from controversy. It shows also that the House has agreed to the appropriation, embodied in the bill as it went from the Senate, of $185,000 for what are termed special mail facilities, with an amendment making that amount $250,000, and that it has non-concurred in the other items which I have stated as being in difference between the two Houses.

I now move that the Senate agree to the report.

Mr. SAULSBURY. Allow me to ask what was done with the differences between the Houses in regard to the subsidy clause?

Mr. PLUMB. The House non-concurred in our amendment. I do not know that I know exactly what the Senator means by the subsidy clause.

Mr. SAULSBURY. Payment for the carrying of the ocean mails.

Mr. PLUMB. The Senator is thinking of another bill. That is a matter which occurred in the shipping bill. This is the Post-Office appropriation bill.

Mr. CONGER. I should like to inquire whether this motion includes concurrence in the two matters left by the report without any final action. Are they still open to a conference committee?

Mr. PLUMB. Everything not the subject of the agreement of course is open to consideration between the two Houses.

The PRESIDENT *pro tempore*. The question is upon agreeing to the conference report, which only agrees to the recommendations the conferees have made, and not the subjects about which the conferees have differed. The question is on agreeing to the report.

The report was concurred in.

The PRESIDENT *pro tempore*. The message from the House of Representatives touching other amendments of the Senate not covered by the conference report will be read.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 14, 1884.

Resolved, That the House agrees to the fourth amendment of the Senate to the bill (H. R. 5459) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; agrees to the thirteenth amendment of the Senate to said bill with an amendment, as follows: Strike out the words "one hundred and eighty-five" from said Senate amendment and insert the words "two hundred and fifty;" and insists upon its disagreeing vote on the tenth, eleventh, and seventeenth amendments of the Senate to said bill.

The PRESIDENT *pro tempore*. The amendment numbered 13 of the Senate will be read, and the question will be stated to the Senate on that amendment, to which the House agrees with an amendment.

The CHIEF CLERK. Amendment numbered 13 was to insert:

For necessary and special facilities on trunk lines, $185,000.

Mr. PLUMB. I move that the Senate concur in the House amendment.

The PRESIDENT *pro tempore*. The House proposition of amendment will be read.

The CHIEF CLERK. The amendment of the House of Representatives is to strike out "one hundred and eighty-five" and insert "two hundred and fifty;" so as to read:

For necessary and special facilities on trunk lines, $250,000.

Mr. PLUMB. I move that the Senate concur in the House amendment.

The motion was agreed to.

The PRESIDENT *pro tempore*. That leaves open amendments numbered 10, 11, and 17.

Mr. PLUMB. I move that the Senate further insist on these amendments and ask a further conference.

Mr. INGALLS. I should like to hear those three amendments read.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] moves that the Senate further insist on its amendments to the bill numbered 10, 11, and 17, and ask a further conference. The amendments will be read.

The CHIEF CLERK. Amendment numbered 10 made by the Senate was, in line 65 of the bill, to strike out "eleven million seven hundred" and insert "twelve million seven hundred and fifty."

Mr. PLUMB. I can state, I think, in fewer words than the amendments employ what is the difference between the two Houses. The House of Representatives in the first place reduced the actual pay for mail transportation on all railroads 5 per cent. from the price now paid. Then by a succeeding provision it reduced the pay of railroads which had received land grants to 50 per cent. of that amount. Then by a succeeding provision it reduced the pay of railroads which had received both land and bonds to 50 per cent. The Senate struck out those provisions, and the House has refused to concur in our amendments striking them out.

The PRESIDENT *pro tempore*. The clause in the House engrossed bill to which amendment No. 10 applies will be read.

The Chief Clerk read as follows:

For inland mail transportation, namely: For transportation on railroad routes, $11,700,000; and if any railroad company shall fail or refuse to transport the mails, when required by the Post-Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced 50 per cent. of the amount provided by law.

The PRESIDENT *pro tempore*. Amendment No. 11 will be read.

The CHIEF CLERK. Amendment No. 11 was to strike out——

Mr. INGALLS. What is the reduction on that item?

Mr. PLUMB. One million dollars.

The PRESIDENT *pro tempore*. Amendment No. 11 will be read.

The CHIEF CLERK. Strike out all after line 81 of the printed bill down to and including line 127, namely:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1884, for transportation of mails on railroad routes, by reducing the compensation to all railroad companies for the transportation of mails 5 per cent. per annum from the rates for the transportation of mails, on the basis of the average weight, fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes," approved June 17, 1878: *Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, or whose railroads were constructed, in whole or in part, by subsidies in bonds and lands granted and issued by the United States under the provisions of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River and the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and act amendatory thereof, shall receive only 50 per cent. of the compensation authorized by this act to be paid to the other railroad companies for corresponding postal service; and the above-entitled act approved July 1, 1862, and the sixth section thereof, and the act amendatory of said act, approved July 2, 1864, are hereby amended to conform to the foregoing provision fixing the rate of compensation to be paid to railroad companies whose railroads were so constructed, in whole or in part, by subsidies in bonds and lands, under the provisions of said acts, for the transportation of the mails, and said acts, and each of them, shall be held to be altered and amended accordingly; and the foregoing provisions, and each of them, shall be subject to amendment as in the opinion of Congress shall be just and required by the public welfare; but no right now existing in favor of the United States in relation to said railroads, or either of them, or in relation to said grants, or either of them, shall be deemed impaired or waived by this act or any provision thereof.

Mr. INGALLS. The Senate amendment is to strike out the words just read.

The PRESIDENT *pro tempore*. The Senate amendment No. 11 is to strike out those words. Amendment No. 17 will be read.

The CHIEF CLERK. After the work "million," on line 147 of the printed bill, the Senate inserted "three hundred thousand;" so as to read:

For railway post-office clerks, $4,300,000.

The PRESIDENT *pro tempore*. These three amendments are the only ones now open. The Senator from Kansas [Mr. PLUMB] moves that the Senate further insist on these amendments Nos. 10, 11, and 17, and ask a conference thereon.

Mr. BECK. Amendment No. 17 is a purely business matter that I think the Senate is right about, but it is simply a matter of amount. The other questions go together and involve extremely important legislation. The House considered them with a good deal of care. Perhaps the conferees on the part of the House may feel themselves somewhat instructed by the action of the House on a call for the yeas and nays. I happened to be one of the conferees on this bill, and I should be very glad, if I could, to have some expression on the part of the Senate in respect to what action its conferees ought to take.

My general idea has been that it was well not to consider general legislation in appropriation bills if it could be helped, but where the House insists on it of course it has to be considered, and wherever one House puts general legislation on an appropriation bill and the other House disagrees to it, it ought to stand very much as any other general legislation that had not met the approval of both Houses, and the bill ought to pass without that legislation.

When we consider the railroad question it will be found that it is a matter which ought to be considered with great care. The Supreme Court has decided in regard to the action we have taken heretofore with reference to the Union Pacific Railroad in such a way that we must be very careful in what we do. Then there are many small roads now in the hands of receivers. One receiver came before us and said that the reduction would absolutely deprive men who had advanced their money of any chance of having anything. The question is so important that I hope the Senate will give us an expression of its opinion.

Mr. INGALLS. The Senator is not now speaking of the last amendment—amendment No. 17?

Mr. BECK. No; that is purely a matter of business, a legitimate matter of difference of opinion, on which I think the Senate is right. I think the Post-Office Department showed beyond doubt that we were right; but that is a matter that can be adjusted one way or the other very readily. But the other amendments involve serious legislation and require the consideration of the Post-Office Committees of the two Houses and the Committee on Railroads, and I thought the Committee on Appropriations could not very well consider them.

I hope the Senator from Kansas [Mr. PLUMB] will ask an expression of the Senate in regard to what shall be the action of the conferees in relation to the amendments that are now left.

Mr. CONGER. I do not know these amendments by number, but I should be very sorry to see the Senate recede from the amendment increasing the appropriation for railway postal clerks. Whether the Senator from Kentucky referred to that as one of importance I do not know. I understand there is still a difference between the House and the Senate in regard to the appropriation for railway postal clerks, and I desire to say that in my own State there are several railroads upon which there have been heretofore postal cars and postal clerks where the postal clerks have been discharged and the benefits of that system have been taken away from our people because of the deficiency of the appropriation for this year. I insist that in my own State, which is not upon the great lines of railroad where the postal service must be carried, the increase of these accommodations should be continued to us; we should have postal-clerk service and postal-car service upon our railways. I should be very unwilling by my vote to aid in any manner the receding from the proposition of the Senate. It is essential to give us a proper amount of postal service and postal clerks in the Western States.

The PRESIDENT *pro tempore*. The question is upon the motion of the Senator from Kansas that the Senate further insist upon its amendments numbered 10, 11, and 17, and ask a further conference on the same.

Mr. PLUMB. This is a matter about which there may be some serious difference hereafter, and I should like to have the Senate make as authentic an expression of opinion on the subject as possible for the government of the conferees appointed, and therefore I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. CONGER. I ask that the question be divided.

Mr. SHERMAN. I call for the reading again of the amendments that are in controversy.

The PRESIDENT *pro tempore*. The Senator from Michigan asks that the question be divided. The Chair thinks it capable of division. The first question will be on amendment No. 10, which will be read.

Mr. HOAR. In what form does it come up?

The PRESIDENT *pro tempore*. It comes up on a conference report.

Mr. CONGER. I withdraw the call for a separate vote.

Mr. SHERMAN. I want the amendments read, that we may know what they are.

The PRESIDENT *pro tempore*. Amendment No. 10 will be read.

The CHIEF CLERK. Amendment No. 10 was, in line 65 of the printed bill, to strik out "eleven million seven hundred" and insert "twelve million seven hundred and fifty;" so as to read:

For inland mail transportation, namely: For transportation on railroad routes, $12,750,000.

The PRESIDENT *pro tempore*. Amendment No. 11 will be read.

The CHIEF CLERK. It is proposed to strike out from line 81 of the printed bill down to and including line 127, as follows:

The PRESIDENT *pro tempore*. The Chair may perhaps state to the Senate and the Senator from Ohio satisfactorily that this amendment No. 11 strikes out the legislation regulating the compensation of railways for carrying the mails.

Mr. SHERMAN. I should like to have it read.

The PRESIDENT *pro tempore*. It will be read.

Mr. HOAR. I should like to inquire for information whether upon a conference report it is in order to separate the questions on agreeing to so much of the report as recommends certain specific amendments.

The PRESIDENT *pro tempore*. It is not in order; but that part of the report has been agreed to. The question now is on three amendments, in respect to which the conferees have not been able to agree.

Mr. HOAR. And they recommend that the Senate insist?

The PRESIDENT *pro tempore*. They make no recommendation. The member of the Senate having the bill in charge moves that the Senate insist on these three amendments.

Mr. SHERMAN. It will be perfectly in order for the Senate to recede from either of these amendments if it chooses.

The PRESIDENT *pro tempore*. Perfectly.

Mr. SHERMAN. Therefore they are divisible.

The PRESIDENT *pro tempore*. The eleventh amendment is to strike out from the House bill the words which will be read.

The CHIEF CLERK. Amendment No. 11 is to strike out from line 81 to line 127 of the printed bill, inclusive, as follows:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1884, for transportation of mails on railroad routes, by reducing the compensation to all railroad companies for the transportation of mails 5 per cent. per annum from the rates for the transportation of mails, on the basis of the average weight, fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes," approved June 17, 1878: *Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, or whose railroads were constructed, in whole or in part, by subsidies in bonds and lands granted and issued by the United States under the provisions of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River and the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and act amendatory thereof, shall receive only 50 per cent. of the compensation authorized by this act to be paid to the other railroad companies for corresponding postal service; and the above entitled act approved July 1, 1862, and the sixth section thereof, and the act amendatory of said act, approved July 2, 1864, are hereby amended to conform to the foregoing provision fixing the rate of compensation to be paid railroad companies whose railroads were so constructed, in whole or in part, by subsidies in bonds and lands, under the provisions of said acts, for the transportation of the mails, and said acts, and each of them, shall be held to be altered and amended accordingly; and the foregoing provisions, and each of them, shall be subject to amendment as in the opinion of Congress shall be just and required by the public welfare; but no right now existing in favor of the United States in relation to said railroads, or either of them, or in relation to said grants, or either of them, shall be deemed impaired or waived by this act or any provision thereof.

The PRESIDENT *pro tempore*. Amendment No. 17 will be read.

The CHIEF CLERK. Amendment No. 17 was, in line 147 of the printed bill, after the word "million," to insert "three hundred thousand;" so as to read:

For railway post-office clerks, $4,300,000.

Mr. SHERMAN. I will ask the Senator from Kansas if the amount appropriated by the Senate simply pays the number authorized by law the salaries as fixed by law?

Mr. PLUMB. It does not increase it at all, and it is far within the estimate of the Department of the force that will be necessary for the coming year. The appropriation is a little over $300,000 more than it was last year, being about 8 per cent. more than the appropriation for last year. The appropriation as it came from the House was a little over a half of 1 per cent. increase over last year's appropriation.

Mr. SHERMAN. It seems to me that that last amendment is simply a matter of whether or not there shall be a deficiency to be provided for at the next session. Therefore, as the Senator insists on our advice and the Senate seem disposed to let the conferees get along according to their own judgment, I say if the House refuse to appropriate money enough to carry on the service to the end of the fiscal year, and are willing to allow a deficiency to occur, to be supplied in December next, and make that manifest, let them have their own way.

Mr. PLUMB. The Senator is mistaken. No deficiency will occur, because the Department will not employ the number of postal clerks necessary to do the business unless the money is appropriated.

Mr. SHERMAN. Then it will be the fault of the Post-Office Department.

Mr. PLUMB. No; because the Post-office Department has the power of spending, and only spending, the money authorized by law. The salaries are fixed by law; that is, they can not exceed a certain amount. The number employed has direct relation to the money appropriated. Therefore if the money is not appropriated there will be a necessity for the Department cutting off from railroads somewhere the amount of postal clerks now being employed or which might be necessary to be employed for the purpose of distributing the mail for the coming year.

Mr. SHERMAN. I only illustrate this to show that that is a question which is not vital, whether the amount is sufficient or not. If the service is crippled, plainly it will be the fault of the House that refuses to appropriate the money needed.

As to the other amendment, No. 11, I hope the Senate conferees will stand. As a matter of course if both Houses violate their rules in order to pass such legislation on an appropriation bill, nobody else can find fault. The people at large must suffer whatever the consequences of that faulty legislation may be, because each House must regulate that matter for itself. If this faulty legislation is put in a bad place, on an appropriation bill, it is still the law of the land. I trust the Senate will stand upon that and insist, and if necessary adhere on a question of that kind.

The old rule that was always repeated, so as to become an axiom of the intercourse between the two Houses, was that whatever the law required should be put into an appropriation bill, as for instance the salary of the President, the salary of the judges, the salary of Congressmen, if that was required by law that must be put in, and either House could refuse to pass a bill providing for that general branch of the service unless that was provided for by law, unless the laws were carried out; but where either House proposed a new item or increase of an old item beyond the original appropriation, or made a change in existing law, then the other House had a right to say, "No, we will not agree to that because that is new legislation, that is new matter; the judgment of the Senate is not matured upon that; we are opposed to that; we insist upon it that you should not demand the passage of that measure at the hazard of defeating an appropriation bill."

Therefore the Senate conferees would be perfectly justified in saying to the House, "that is new legislation which changes existing law, which interferes perhaps with existing contracts; we will not even consider that matter." They would be perfectly justified and the House would always as a matter of course recede in such a case. I remember many instances of that sort where the rule was applied and always saw the difficulty that existed between the two Houses. As to what is required by law, either House can insist that Congress shall make the appropriations to carry it into execution. Where either House proposes a new item of expenditure, or a matter of legislation, or anything that changes existing law, then as a matter of course the House that does not agree to it may not only dissent but may adhere to its disagreement, and it would be perfectly in order for us to not only insist but to adhere so far as that amendment is concerned.

But as other amendments are involved, I think the only way is to let the bill go to a committee of conference. So far as I am concerned I am willing to say that as regards new legislation not yet considered by our committees that seems to involve private parties, I would not stop to debate it in committee of conference. I would insist that those provisions should not be agreed to.

Mr. CONGER. In further corroboration of what I have said about the lack of a sufficient number of railway postal clerks for the service on either the old lines of railroads or on the new lines, I will read an extract from a letter from William B. Thompson, general superintendent of the railway-mail service, in reference to this very amendment:

The good of the service, at the present time, requires three hundred and sixty-eight additional clerks, of which number one hundred and forty-three should be appointed to new lines on which there are no postal clerks. I could have given the lines in detail, but did not think you would care to be burdened with it. There is a very urgent demand for service on the new lines, but the Department is powerless to grant any relief.

Without this additional appropriation these clerks can not be appointed, the service can not be rendered, and I desire to say that in the whole Northwest, and in the Southwest, and through the whole West where new lines are being opened with every facility for conveying our mails as in the older parts of the country, we can have no postal railway service for the simple reason that it lacks an appropriation to pay postal clerks on these lines. It is a matter of continual and constant complaint to every Senator from the South and from the West and from the Northwest that mail service can not be put upon our railway lines because there is no appropriation to pay the clerks. They have been discharged and service has been discontinued. There has already been in the State of Michigan, to my knowledge, a refusal to put the service on lines where the people have as good a right to demand postal railway service as they have along the great interior lines of communication. For myself, I insist that the additional appropriation shall be made, so that the West and the South and the Northwest may have a share in some of the facilities of railway postal service that have been found so beneficial through the East and through the Middle States.

Mr. MAXEY. Mr. President, I call the attention of the Senator in charge of the bill. Do I understand the item to refer to railway postal clerks, or to post-office clerks?

Mr. PLUMB. The item which has been the subject of remark by the Senator from Michigan is the item for railway post-office clerks.

Mr. MAXEY. I may be able to assist Senators on this matter who have not investigated it. It is within the knowledge of the Post-Office Committee that a very large number of fourth-class post-offices are con-

stantly passing to third-class post-offices. A third-class office is one where the salary is not less than $1,000, and almost every day when a message comes from the President we receive a batch of nominations for postmasters where the offices have become Presidential—that is to say, have passed from fourth to third class offices. This means that there is a vast increase in the postal business of the country.

Take for example the business of the railway postal clerks in the State of Texas. We had in 1868 about five hundred and thirteen miles of railroad; in 1878 we had 2,210 miles, and in 1884 over 6,000 miles. We have in that State alone to-day over 6,000 miles of railway, and every railroad brings additional population, additional immigration, and this additional immigration requires additional post-offices, and therefore leads to constantly increasing business for railway postal clerks to perform, and as the new roads are made—and that point I have made here time and again—whenever a new railroad is opened out for business, then under the law that railroad is a post-route and you have to put your postal clerks on that road; there is an opening for additional postal clerks, and I thank the Senator from Kentucky [Mr. BECK] who has called my attention since I have been up to this point.

When I had the honor of being chairman of the Post-Office Committee I had charge here of a House bill with some Senate amendments, systematizing the postal clerks in what I regard as the best system that has ever been adopted in America, or probably in the world. I looked closely into the bearings of the bill before reporting it. I do not claim the credit for its origination, but appreciating its importance, it was recommended by the committee, and the Senate wisely adopted it, and it is to-day the law, arranging the postal clerks in five different classes, abolishing the former names they had of route agents, postal clerks, railway mail clerks, messengers, &c., and adopting a system whereby there are five classes or grades, the lowest grade taking the shortest roads, the least business. If the postal clerk was found competent he went to the next above that, and so on until he reached the highest grade with the highest pay.

There was a stimulus to these men to do their duty fully in order to get the higher rank and better pay. In the last few years the increase in railway mileage has been wonderful. In 1868 we had about 42,000 miles of railway in the United States, in 1878 a little over 80,000, and in 1884 about 120,000 miles. This increase is wonderful even in this wonderful country. There are annually constantly being added to the railroad mileage many additional miles of railway. No miles are lost. All that we now have we keep; all that we have had for the last fifty years we keep; and every year we are adding more and more. And these additional roads require additional postal clerks, and create necessarily additional offices to supply new settlements and increasing business.

So it does seem to me that it is not wise to deprive the people of their necessary postal facilities in order to save a few dollars in the way of the postal clerks. You do not cut down the heavy appropriations to pay the contractors for carrying the mails. That is the largest item to be paid. The contractor gets his pay whether you have few clerks or many. The vast expense of the postal service is on the people whether they are accommodated or not, for the great expense is in the contracts. Now, the pay for postal clerks is a necessity. The mails are distributed along the lines in the railway-mail cars. The mails are so distributed under the present system that the pouch is filled up inside the car and thrown out as the car passes along without delay. To do this you require competent men, and it requires a very skillful man to make a good postal clerk, and under the system which we have now, which ought to be carried out fully, we can accommodate the people with their mails at very little additional cost and without unnecessary delay, and it ought to be done. If there is any money spent by this Government that the people appreciate more than any other money, it is that which is expended for giving them complete mail facilities.

I trust the Senator in charge of the bill [Mr. PLUMB] will present these facts to the conference committee, and at all events that whatever else may be done the people may be left the reasonable assurance that they will have good mail facilities.

And I beg to add an additional and strong statement of facts in support of the position I have taken, to wit, that increased railway mileage increases the settlements of the country and increases postal business and necessitates the creation of new offices. As I have stated, we had in 1868 in the United States in round numbers 42,000 miles of railway. We then had a little over 26,000 post-offices. With 80,000 miles of railway in 1878 we had over 39,000 post-offices. This year with 120,000 miles of railway we have about 48,000 post-offices. A glance at these figures will show the necessity for yearly increases of postal clerks to keep pace with increase of mileage of railways and of new post-offices.

Mr. PLATT. Mr. President, I do not wish to have it understood, as might be understood from the remarks of the Senator from Michigan, that we have all the railway-mail clerks that we ought to have in the New England and Eastern States. It is possibly true that there is greater demand for the increase of this service in the States of the West and South and the Northwest than in the Middle and Eastern States, and yet it is true that there is a great necessity for additional expenditure for railway-mail service and postal clerks in the Eastern and Middle States. There are very many routes on which there is at present an entirely insufficient service because there is not a sufficient appropriation to put the service upon the routes and pay the postal clerks for attending to the business.

I want to say here that in my judgment there is no class of young men in the country in public or private life who are as hard worked and who are held to as rigid accountability and paid as insufficiently as this class of railway postal clerks. I think that the trouble with this matter on the part of those who refuse such appropriations is that they forget that the country has grown vastly more than the appropriations for the Post-Office Department have grown. The railroads of this country are now 120,000 miles in extent, and if this service is to be continued so as to accommodate the people appropriations must be made commensurate with the increase. I hope the committee of conference will insist upon this amendment which the Senate has put upon the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas [Mr. PLUMB] that the Senate further insist on the three amendments named, being numbered 10, 11, and 17, and ask a further conference with the House of Representatives on the same. On this question the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. FRYE. My colleague [Mr. HALE] is necessarily absent from the city, and during his absence is paired with the Senator from Kentucky [Mr. BECK]. The Senator from Kentucky very properly voted, as my colleague would have voted the same way if he were present.

Mr. JACKSON. My colleague [Mr. HARRIS] is absent on a committee, and is paired with the Senator from Massachusetts [Mr. HOAR].

The result was announced—yeas 52, nays 0; as follows:

YEAS—52.

Aldrich,	Dawes,	Jackson,	Palmer,
Allison,	Edmunds,	Jonas,	Pike,
Beck,	Fair,	Jones of Florida,	Platt,
Brown,	Frye,	Jones of Nevada,	Plumb,
Butler,	Garland,	Lamar,	Pugh,
Call,	George,	Lapham,	Ransom,
Cameron of Pa.,	Gorman,	McMillan,	Riddleberger,
Cameron of Wis.,	Hampton,	Manderson,	Sawyer,
Cockrell,	Harrison,	Maxey,	Sewell,
Coke,	Hawley,	Miller of Cal.,	Slater,
Colquitt,	Hill,	Miller of N. Y.,	Vance,
Conger,	Hoar,	Mitchell,	Van Wyck,
Cullom,	Ingalls,	Morrill,	Voorhees.

NAYS—0.

ABSENT—24.

Anthony,	Farley,	Logan,	Saulsbury,
Bayard,	Gibson,	McPherson,	Sherman,
Blair,	Groome,	Mahone,	Vest,
Bowen,	Hale,	Morgan,	Walker,
Camden,	Harris,	Pendleton,	Williams,
Dolph,	Kenna,	Sabin,	Wilson.

So the motion was agreed to.

The PRESIDENT *pro tempore*. How shall the committee be appointed? ["By the Chair!"] The Chair appoints the Senator from Kansas [Mr. PLUMB], the Senator from Iowa [Mr. ALLISON], and the Senator from Kentucky [Mr. BECK] as the conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 4440) for the relief of John Bostater;
A bill (H. R. 4837) granting a pension to Charles H. Phillips;
A bill (H. R. 5004) for the relief of William B. Smith;
A bill (H. R. 5941) for the relief of Martha Lawson;
A bill (H. R. 6816) for the relief of Nathan J. Sharp;
A bill (H. R. 5207) granting a pension to Adalbert Stickney;
A bill (H. R. 3829) granting a pension to John Beck;
A bill (H. R. 5209) granting a pension to James Flynn;
A bill (H. R. 5208) granting an increase of pension to Gottlieb Hermann;
A bill (H. R. 3467) granting a pension to H. D. Prior;
A bill (H. R. 6850) for the relief of Mary G. Reader;
A bill (H. R. 2312) granting a pension to Almira B. Kaler;
A bill (H. R. 5636) for the relief of Otto Leissring;
A bill (H. R. 3828) granting a pension to Cornelius Wessels;
A bill (H. R. 2894) granting a pension to Henry Rodenback;
A bill (H. R. 2924) granting a pension to Michael Daly;
A bill (H. R. 3023) granting an increase of pension to John Dwyer;
A bill (H. R. 2574) granting a pension to Rosella Pegg;
A bill (H. R. 2522) granting a pension to John Q. Bellville;
A bill (H. R. 2520) granting a pension to Sally Ann Bradley;
A bill (H. R. 6677) to increase the pension of William Irving;
A bill (H. R. 3307) granting a pension to Harriet P. Dame;
A bill (H. R. 6168) granting an increase of pension to Capt. H. D. F. Young;
A bill (H. R. 760) granting an additional pension to Walton S. Bentley;
A bill (H. R. 3954) for the relief of Hardie Hogan Helper;
A bill (H. R. 253) granting a pension to Samuel Hazel;
A bill (R. R. 1984) granting a pension to Robert M. McKinlay;

A bill (H. R. 7002) for the relief of Harriet L. Stevens;
A bill (H. R. 836) granting a pension to John C. Fenscke;
A bill (H. R. 6834) granting a pension to Ann J. Williams;
A bill (H. R. 4700) granting a pension to Simon Lewis;
A bill (H. R. 4492) for the relief of Mrs. Pauline E. Milliken;
A bill (H. R. 6044) granting a pension to Joseph Pigeon;
A bill (H. R. 3000) for the relief of William R. Miller, for pension;
A bill (H. R. 6461) granting a pension to Nelson Gammons;
A bill (H. R. 6173) for the relief of Rose Dougherty;
A bill (H. R. 6480) granting a pension to Margaret G. Halpine;
A bill (H. R. 3661) granting an increase of pension to Lucy Le G. Jeffers;
A bill (H. R. 6287) for the relief of John H. Johnson;
A bill (H. R. 3210) for the relief of Jacob Hoerth;
A bill (H. R. 5500) for the relief of Benjamin F. Amos;
A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;
A bill (H. R. 5553) granting a pension to Isabella Palmer;
A bill (H. R. 5555) granting a pension to James Frazier;
A bill (H. R. 6711) granting a pension to Louis Magnus;
A bill (H. R. 6589) for the relief of Asa Dye;
A bill (H. R. 6835) granting a pension to Bernard Donohue;
A bill (H. R. 5821) granting a pension to Mrs. Susannah Barr;
A bill (M. R. 6826) granting a pension to Rebecca Kupp;
A bill (H. R. 5934) granting a pension to M. V. B. Winkler;
A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;
A bill (H. R. 3565) granting a pension to William Eurele;
A bill (H. R. 4098) granting a pension to William Gibbons;
A bill (H. R. 3703) granting a pension to James W. Brown;
A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 204) granting a pension to Susan Y. Attwater;
A bill (H. R. 3612) granting a pension to Hayden Reynolds;
A bill (H. R. 452) granting a pension to Frederick Corfe;
A bill (H. R. 5740) for the relief of Grigsby Foster;
A bill (H. R. 6328) granting a pension to Samuel W. Bowling;
A bill (H. R. 1912) for the relief of David C. Paullus;
A bill (H. R. 5938) to pension Julia A. Marcum;
A bill (H. R. 1237) granting a pension to Solomon K. Ruggles;
A bill (H. R. 837) for the relief of Reuben J. Chewning;
A bill (H. R. 2457) granting a pension to Richard Dillon;
A bill (H. R. 5953) granting a pension to Zenas Hamilton;
A bill (H. R. 6235) granting a pension to Eliza J. Norris;
A bill (H. R. 884) granting a pension to John T. Pennington;
A bill (H. R. 6956) granting a pension to Maria H. Sargent;
A bill (H. R. 1934) granting a pension to John C. Shacklett; and
A bill (H. R. 6834) granting an increase of pension to Charles D. Kunkle.

MISSOURI RIVER BRIDGE.

On motion of Mr. VEST, it was

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. HAMPTON and Mr. CULLOM submitted amendments intended to be proposed by them severally to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

CLAIM OF GEORGIA.

Mr. HOAR. I desire to know what is the unfinished business.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business of Friday, being Senate bill 1948 the Chair thinks, looking at the rule and the Journal and the RECORD, entitled "A bill to require the payment in cash to the State of Georgia of $35,555.42, appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 3, 1883."

Mr. HOAR. I wish to inquire whether the Utah bill stands as the unfinished business after that is disposed of.

The PRESIDENT *pro tempore*. The Chair thinks it does not.

Mr. HOAR. I move to proceed to the consideration of the Utah bill.

The PRESIDENT *pro tempore*. The unfinished business of Friday being before the Senate, the Senator from Massachusetts moves that the Senate proceed to the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882. The question is on agreeing to the motion.

Mr. BROWN. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BROWN. I simply wanted to make a suggestion.

Mr. HOAR. I have charge of the Georgia bill and I desire to say something about it when it comes up, but I do not desire to take it up at this time.

Mr. BROWN. I was going to remark—I hope the Senator will excuse me—that I do not want the Georgia bill to lose its place, and I have no objection to taking up the Utah bill now, letting the other bill hold its place on the Calendar.

Mr. HOAR. I suppose that can only be done by unanimous consent. I shall move to take up the Georgia bill to-morrow morning or at some other time, to which I presume there will be no objection. It will take no time to dispose of it.

Mr. BROWN. Upon that statement I have no objection to letting the Georgia bill go over.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. HOAR] to proceed to the consideration of the Utah bill.

The motion was agreed to.

Mr. BROWN. I believe I occupied the floor and yielded to a motion to adjourn when the Utah bill was last before the Senate.

Mr. MILLER, of California. I ask the Senator from Georgia to yield to me a moment until I offer an amendment to his Georgia, bill in the nature of a substitute, that it may be printed.

Mr. BROWN. I yield with pleasure.

Mr. MILLER, of California. I send the amendment to the desk and ask that it may be printed so as to be before the Senate when the bill comes up to-morrow or at some other time. I offer it as a substitute to the bill.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The amendment will be printed and lie upon the table.

POLYGAMY IN UTAH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. HOAR. Before the Senator from Georgia proceeds, I should like to have the precise condition of the bill stated. My recollection is that when it was up before the committee amendments were adopted and incorporated in the bill and considered as the original bill, subject to amendment.

Mr. BROWN. I so understand it. The whole bill, I believe, was by agreement made open to amendment.

Mr. HOAR. At a proper time, after the Senator from Georgia gets through it is my purpose to offer an amendment, which I think is somewhere in print, in regard to the matter of dower, and also to exempt from forfeiture property held by corporations now in violation of law which has increased in value since it was originally acquired, and property held exclusively for purposes of religious worship.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Georgia [Mr. BROWN], on which the Senator from Georgia has the floor.

Mr. BROWN. Mr. President, speaking of my speech of 27th ultimo the Senator from Massachusetts [Mr. HOAR] said in his reply, "Certainly the logical result of the speech, if it has premises from which a logical result is to be derived, is that polygamy is better than the lawful marriage of one husband to one wife, and that Mormonism is better than Christianity as the practical governing rule of a State." Now, Mr. President, this is an extraordinary statement coming from a person of the usual accuracy of the Senator from Massachusetts, and I can account for it in only one way, and that is that he did not hear the first portion of my speech to which he was replying.

I laid down the position that the Constitution of the United States protects every citizen in the free exercise of religion, and that neither Congress nor any other power in the United States has the constitutional right to pass any law abridging the freedom of religion or interfering with the most perfect freedom of opinion on religious subjects. At the same time I laid down the position most distinctly that no one can practice immorality under the cloak of religion and claim the protection of the Constitution. I stated that the Supreme Court of the United States had decided, and properly, that a person indicted for polygamy can not protect himself by pleading his religious opinion that polygamy is legal. I stated distinctly that I consider the practice of polygamy grossly immoral. I stated that Congress had already passed laws which were now on the statute-book making polygamy a penitentiary crime, and that it was the duty of the court when a person in the Territory of Utah is convicted of polygamy to sentence the party to penitentiary imprisonment just as the sentence of the law is imposed on any other felon who is convicted of the commission of crime. I stated that I had repeatedly denounced polygamy on this floor, and that all the prosperity and good conduct of the Mormons could not justify polygamy.

I further stated that as the law now stands we appoint the governor, the judges, the prosecuting attorney, the marshal, and the clerks for Utah; and they are appointed because they are opposed to polygamy; and that when a Mormon is put upon trial for polygamy, as the law now stands, no other Mormon can serve as a juror in the case unless he will first swear that he has never practiced polygamy and that he does not believe it is right. So that it is next to impossible, if there is any evidence against him, for a person who has been guilty of polygamy to escape before a jury who have sworn that they do not believe polygamy to be right, and before a judge, prosecuting attorney, marshal, and clerk

who are sent there to convict, who are appointed because of their opposition to polygamy.

I further stated that polygamy could not increase under this state of things, but must decrease; that it was not considered compulsory under the laws of the Mormon Church, but only permissive; that the law as it now stands disfranchises a man who practices it, and neither permits him to vote nor hold office, and I took it for granted that no young Mormon who is ambitious, and who looks to the future, will enter into polygamy when the punishment would be penitentiary imprisonment and disqualification to vote or hold office, or indeed to hold any public trust.

But while I took this decided ground in favor of punishing and suppressing polygamy, I also took the position that we have no right to punish any one under a charge of polygamy until he is convicted by due course of law; that to impose upon him a test-oath to prove his guilt is in violation not only of fundamental principle, but of the Constitution of the United States.

Now, Mr. President, I still stand by the doctrine of my speech. I say punish with penitentiary imprisonment every polygamist who is legally convicted of the crime, but punish nobody for any crime until he has been legally convicted. Use no illegal or unconstitutional test-oaths as a means of ascertaining the guilt of anybody, but use all legal and constitutional means to suppress the evil and punish the guilty. While we have a right to do this, we have no right to undertake to suppress the Mormon Church or to put them down as a sect or denomination. The fact that they believe in polygamy furnishes no justification for persecution or for their punishment. The fact that they practice it not only furnishes a justification for severe penal statutes, but makes it our duty to enact them; and while I am ready to support any law that imposes severe penalties upon polygamy, I am not willing in connection with it to support the confiscation of church property, the imposition of illegal test-oaths, or the punishment of any person for any crime of which he has not been legally convicted.

But while I take this position in reference to bigamy or polygamy in Utah, I at the same time hold that the practice of bigamy or polygamy by the Mormons in Utah is no worse than the same practice is in New England or in the District of Columbia, and the penalty ought to be the same in both cases.

I have laid down the doctrine, and I do not expect to hear it successfully controverted, that a divorce granted for any other cause except that of adultery or fornication is illegal according to the divine law, and is in violation of the express command of Christ himself. This authority does not bind persons who deny that Christ is the Son of God, and that the Christian religion is true and is what it professes to be. I admit that such person would not hold himself bound by this authority, but every Christian and every believer in the truth of the Christian religion must feel bound by it.

Then, according to this authority, every man who puts away his wife by divorce and marries another, except for the cause of fornication, commits adultery, as he is not legally divorced or separated from the first wife, and as he has married the second and is living with her in adultery he is a bigamist or a polygamist. He has two living wives. He is neglecting his duty to the first and only legal wife and is living in adultery with another woman.

Now, Mr. President, while we are legislating against the social evil in one of the Territories and are professing to have great regard for the sanctity of the family, let us so legislate as to prohibit this illegal destruction of the family in the District of Columbia and the Territories. If we have jurisdiction over the question of polygamy in the Territory of Utah we have certainly like jurisdiction over illegal divorce and illegal remarriages in the District of Columbia and the Territories of the United States. My amendment provides that this system of illegal divorce which is now authorized by Congress in the District of Columbia shall be abolished and the courts in granting an absolute divorce shall be confined to the one cause which is legal according to the divine law.

The Senator from Massachusetts says he does not suppose I expect to pass such an amendment. Why not, Mr. President? I have a right to expect the Senator from Massachusetts and every Senator on this floor who admits the divine character of the Saviour and the truths of Christianity to vote for this amendment. I expect the Senator from Massachusetts to vote for it, because if I am not misinformed he believes in the truths of Christianity, and because he professes to be greatly interested in the preservation and sanctity of the marriage relation. If he believes in Christianity and desires to maintain inviolate the marriage relation I can see no excuse he can have for voting against my amendment.

Again, Mr. President, I presume the Senator from Massachusetts has great respect for the constitution and laws of his own State, and if he carries out here the requirements of the constitution of Massachusetts he certainly can not vote against my amendment.

In part 1, article 3, of the constitution of Massachusetts it is distinctly stated that the happiness of a people and the good order and preservation of a civil government essentially depend upon "religion, piety, and morality."

If the good order of a civil government depends upon morality, it may be proper to inquire what is morality. One of Webster's definitions is: "The conformity of an act to the divine law or to the principles of morals." And one of the definitions of the word "moral" is: "Conformed to the rules of right or to the divine law respecting social duties."

If, then, we apply the principles of morality to my amendment they would require that the law of Congress as we may enact it be made to conform to the divine law respecting social duties. If so, we must forbid divorce for any cause except forncation, because the divine law on the subject of social duties distinctly declares that divorce shall be granted for no other cause. In part 1, article 18, of the constitution of Massachusetts I find the following language:

> A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality are necessary to preserve the advantages of liberty and to maintain a free government. The people ought constantly to have a particular attention to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Here the practice of piety, among other virtues, is absolutely enjoined upon the lawgivers and magistrates of Massachusetts by a fundamental constitutional provision. And in the formation and execution of the laws necessary for the good administration of the Commonwealth they are to be governed by the principles of piety, justice, moderation, temperance, industry, and frugality. There is to be a constant adherence to these principles required of the lawgivers and magistrates.

Now, Mr. President, what do we understand by "piety?" One of the definitions of the word given by Webster is: "Veneration or reverence of the Supreme Being and love of His character; obedient love of the will of God and zealous devotion to His service; religion; sanctity."

Then, according to the constitution of Massachusetts, the lawgivers of that State in forming laws must do so in a spirit of veneration of the Supreme Being, in a spirit of love of His character, obedient love of His will, and zealous devotion to His service. Now, Mr. President, the Supreme Being has said that divorce shall be granted for no cause except fornication. By my amendment I have asked the Senator from Massachusetts and other Senators to act in obedience to that law of the Supreme Being, and forbid divorce for any other cause wherever the United States have jurisdiction, as well in all the Territories as in the District of Columbia, and I insist that the Senator from Massachusetts can not vote against my amendment without a palpable violation of the very spirit of the constitution of his own State, which requires the lawgivers for that people to practice morality and exercise piety, which means obedient love of the will of the Supreme Being. And obedience to His will in the enactment of laws must restrain divorces within the rule laid down by Him. Upon what principle, then, can the Senator from Massachusetts vote against my amendment?

And why should the Senator seek to punish a person in Utah for practicing polygamy and refuse to pass a law preventing the destruction of the family and the practice of polygamy in the District of Columbia and the Territories? And if the polygamy of Utah and the illegal divorce and remarriage of parties in the District of Columbia stand condemned upon the same moral ground, why should the Senator from Massachusetts seek by legislation to punish the one and refuse to legislate to suppress the other? I will unite with him, if he will leave other unconstitutional or oppressive provisions out of his bill, to pass laws still more severe, if need be, for the punishment of polygamy in Utah, if he will unite with Senators for the passage of laws applicable to the District of Columbia and the Territories which shall forbid a party to marry again who has according to the moral law been illegally divorced and who when he remarries is declared by the Divine Being to be an adulterer.

Since our last discussion of this question I was glad to see that the General Conference of the Methodist Episcopal Church, in session at Philadelphia, has condemned illegal marriages, and has passed a resolution saying that divorce should be confined to the cause laid down by the Saviour himself, and that alone, and has forbidden its ministers to perform the marriage ceremony between parties who under that rule have no right to marry again. This is a noble example set by that Church; and I trust the Congress of the United States, within the limits of its jurisdiction in the District of Columbia and all the Territories, will by law set a like example to the States and to all the people of this Union.

In the discussion of this question the other day I confined myself to a living issue, to an evil which is now prevalent, which may properly be said to be our great national sin. Most of my references were to New England, not with any view of making an assault upon that section of the Union any more than upon any other section guilty of the same practices, but because the evil seems to be most prevalent there, and the statistics showing its prevalence were at hand, given us by New England authors, to show the true state of things. I did not go back to the history of New England and refer to any other evil or any other bad points in her history which might seem to be disconnected with the subject under discussion. I tried to confine myself to a discussion of the evils which destroy the peace and sanctity of the family, which is the unit of the State.

I am very sorry the Senator from Massachusetts [Mr. HOAR] is not in his seat, for I desire that he shall hear the remarks that I am going to make. However, it is a matter within his own discretion as to whether he will do so or not.

But, Mr. President, my friend from Massachusetts in his reply, while he justly acquitted me of any purpose to do injustice to New England, did not think proper to confine himself to the living issues of to-day, but he felt it his duty to go back and disinter for exhibition the corpse of slavery, which is now one of the dead issues of the past.

He charges that I had for a large portion of my life supported an institution (meaning slavery) lying at the foundation of government which prohibited marriage to a majority of the people of my State. In that connection, however, he was a little at fault in his figures, as slaves were, I believe, never at any time a majority of the people of Georgia, yet they formed a large minority of our people. But as I am charged with having supported the institution of slavery most of my life which prohibited marriage among the slaves, it may not be inappropriate, however unpleasant the task may be, for me to make some reference to the origin of slavery in this country, and to show who was responsible for its introduction. As slavery is now dead in this country, it is certainly as proper for me to go back and refer to its origin and its early practices as it was for the Senator from Massachusetts to introduce it into this discussion and refer to its practices twenty years ago.

It is also proper to inquire when and how and by whom it was introduced into the different States of the Union; and as fair an illustration as any will be found in the history of the two States, Massachusetts and Georgia. In my other speech I took occasion to contrast the polygamy of Utah and New England; now it will become to some extent my duty to contrast the slavery of Massachusetts and Georgia. In doing this I shall quote from the history of Massachusetts on the slavery question. I shall make some extracts from the book written by George H. Moore, a member of the Historical Society of the State of Massachusetts, which is entitled "Notes on the History of Slavery in Massachusetts," and from Elliott's History of New England. I shall first quote from Moore in substance as follows:

SLAVERY IN MASSACHUSETTS.

The Puritans in their earliest code made ample provision for slavery, and added the conviction that slavery was established by the law of God, and that Christianity always recognized it as the antecedent Mosaic practice.—*Moore's Notes on the History of Slavery in Massachusetts*, pages 105, 123, 124.

Massachusetts held in slavery Scots and Irish.—*Elliott's History of New England*, volume 2, page 179.

Negroes and Indians were bought and sold without compunction by priest and people alike.—*Ibid.*, page 180.

Through all the wars captive Indians were sold as slaves, and Indians were held as slaves without compunction.—*Ibid.*, pages 175 and 176.

The people of Massachusetts made rum and carried cargoes of it to Africa, and bought cargoes of slaves for the markets of the West Indies and Southern Colonies, and brought portions of them to New England.—*Ibid.*, page 179.

Aged and infirm slaves were set free to relieve the master from the charge of supporting them.—*Moore on Slavery in Massachusetts*, page 58.

The people of Massachusetts raised slaves for the markets.—*Ibid.*, page 69.

They were taxed like horses, oxen, cows, goats, sheep, and swine, until after the commencement of the war of the Revolution.—*Ibid.*, page 65.

Negroes were looked upon as a good dog is now. They were commonly treated with kindness, but were liable to abuse as dogs are.—2 *Elliott*, page 182

Negroes were advertised for sale as we now advertise a horse or a cow, and the newspapers of the day contain such advertisements as these, which I should like the Senator from Massachusetts, if he had remained in the Hall, to have heard:

A likely negro wench and child to be sold. Inquire of printer.

To be sold by the subscriber, of Branford, a likely negro wench, 18 years of age; is acquainted with all sorts of housework; is sold for no fault. June 15, 1773.

Under the date of October 4, 1708, the Boston News-Letter has the following advertisements:

A negro woman, aged about 31 years, to be sold. Inquire at the post-office in Cornhill, Boston, and know further.

October 11, same year:

An Indian woman, aged about 30 years, to be sold. Inquire at the post-office in Cornhill, Boston, and know further. November 23d.—2 *Elliott*, pages 181 and 182.

Moore, in his Notes on Slavery in Massachusetts, page 70, says: "Negro men, women, and children were mixed up in the sales with wearing apparel, gold watches, and other goods;" and he then gives specimens of advertisements, as follows: "Very good Barbadoes rum is offered with a young negro that has had the small-pox;" "Competitors offer likely men and women, just arrived;" "Negro men, new, and negro boys who have been in the country some time;" "And also just arrived, a choice parcel of negro boys and girls;" "A likely negro man, born in the country and bred a farmer, fit for any service;" "A negro woman about 22 years old, with boy about 5 months," &c.; "A likely negro woman, about 19 years, and a child of about 6 months of age, to be sold together or apart;" and "a lively negro man taken by execution, and to be sold by public auction at the Royal Exchange tavern in King street at 6 o'clock this afternoon."

Again, 2 Elliott, page 178, the following advertisement:

Just imported from Dublin, in the brig Derby, a parcel of Irish servants, both men and women, and to be sold cheap, by Israel Boardman, of Stamford, January 5, 1764.

These may serve as specimens of advertisements of slaves in Massachusetts for sale, and it will be seen that the slaveholders of that good old Commonwealth were in condition to accommodate and were very accommodating to purchasers. They could sell you an Irish slave or a Scotch slave, an Indian slave or a negro slave; they could sell you a man or a woman, or they could sell you a mother with a child 6 months old, to be sold together or apart as it best suited the purchaser; and they could sell to one person the father of the child and to another person the mother, and to a third the child itself, which was held to be legitimate if the master consented to the intercourse when the parties were never married. And they sold negroes "taken by execution" for the payment of the debts of the owner. This showed a very liberal commerce in slave property in Massachusetts. Anything the purchaser wanted in that line he could get for the money.

Hubbard, the contemporary historian of the Indian wars, says of these captives:

Of those who are not so desperate or sullen to sell their lives for nothing, but yielded in time, the male children were sent to the Bermudas. Of the females, some were distributed to the English towns; some were disposed of among other Indians, to whom they were deadly enemies, as well as to ourselves.—*Moore*, page 5.

The colonists of Massachusetts assumed to themselves "a right to treat the Indians on the footing of Canaanites or Amalekites," and practically regarded them from the first as forlorn and wretched heathen, possessing few rights which were entitled to respect.—3 *Bancroft*, page 408; *Moore*, page 30.

They exported Indians to sell for negroes.—*Moore*, page 32.

The colonists of Massachusetts sold Indian prisoners on public account, and the treasurer, in giving an account of his stewardship, has this item:

Captives: for one hundred and eighty-eight prisoners at war sold, £397.13.

The author says:

There is a peculiar significance in the phrase which occurs in the records—"sent away by the treasurer." It means sold into slavery.—*Massachusetts Records*, volume 5, page 58; *Moore*, page 35.

Anything to turn an honest penny. When King Philip, the great Indian leader, fell, his wife and son, the queen and prince of his great tribe, were taken prisoners. Of their treatment that great man Edward Everett says:

What was the fate of Philip's wife and child? She is a woman; he is a lad. They did not surely hang them? No; that would have been merciful. The boy is the grandson, the mother is the daughter-in-law of good old Massasoit, the first and best friend the English ever had in New England. Perhaps—perhaps, now Philip is slain and his warriors scattered to the four winds, they will allow his wife and son to go back—the widow and the orphan—to finish their days and sorrows in their native wilderness. They are sold into slavery—West India slavery; an Indian princess and her child sold from the cool breezes of Mount Hope, from the wild freedom of the New England forests, to gasp under the lash beneath the blazing sun of the tropics; bitter as death, ay, bitter as hell! Is there anything—I do not say in the range of humanity—is there anything animated that would not struggle against this?—*Moore*, pages 43 and 44.

The practice was to consider such issue (the children of the slave mother) as slaves and the property of the master of the parents, liable to be sold and transferred like other chattels and as assets in the hands of executors and administrators."—*Moore*, page 21.

The Indians of Cape Sable, who had never been in the least manner guilty of any injury done to New England, were kidnaped and sent off to be sold.—*Ibid.*, page 47.

The breeding of slaves was finally not found to be profitable and not regarded with favor. Dr. Belknap says that negro children were considered an incumbrance in a family; when weaned they were given away like puppies. They were frequently publicly advertised to be given away, sometimes with the additional inducement of a sum of money, to any one who would take them off.—*Ibid.*, page 57.

It was in the power of the masters in Massachusetts to deny baptism to their slaves, and they practiced such denial, as appears from the extract from Mathias Plant, the secretary to the Society for the Propagation of the Gospel, &c.—*Ibid.*, page 58.

In 1758 it was adjudged by the superior court of Massachusetts that the child of a female slave never married according to any of the forms prescribed by the laws of the land, by another slave who had kept her company with her master's consent, was not a bastard.—*Ibid.*, page 58.

If this decision was right, there were no bastards among the slave children of Georgia.

Mr. Palfrey gives it as his opinion that from the reverence entertained by the fathers of New England for the nuptial tie it is safe to infer that slave husbands and wives were never parted.

The fathers of New England also cherished a due regard—

Says Moore—

for parental and filial duties and responsibilities; yet it is certain that slave mothers and children were separated. Resting upon "the law of God established in Israel," the Puritan could have had no scruple about this matter. Such a condition of master and slave must have been regarded as an axiom, as it was by the Hebrew. Mr. Palfrey's inference is not warranted by facts.

Bear in mind, Moore, the historian, says:

It is certain that slave mothers and children were separated, and that Mr. Palfrey's inference is not warranted by the facts when he inferred that the New England fathers did not separate slave husbands and wives in Massachusetts.

Scots, Irish, Indians, and negroes, when taken as prisoners of war or kidnaped or purchased with rum or other commodity, were considered and treated as slaves.

John Adams says:

I lived for many years in times when the practice of slavery was not disgraceful, when the best men in my vicinity thought it not inconsistent with their character.—*Adams's Works*, 10, 380.

If there was a prevailing public sentiment against slavery in Massachusetts, as has been constantly claimed of late, the people of that State, far less demonstrative than their descendants, had an extraordinary way of not showing it.—*Moore*, page 110.

Cotton Mather, who was a prominent man and minister of the gospel in New England in his day, illustrates the temper of the times in reference to enslaving Indians in the following paragraph:

We know not when or how these Indians first became inhabitants of this mighty continent, yet we may guess that probably the devil decoyed these miserable savages hither in hopes that the gospel of the Lord Jesus Christ would never come here to destroy or disturb his absolute empire over them.—*Moore*, page 31.

In 2 Elliott, page 181, we find it recited that—

Whereas James, the servant and bondman unto Richard, hath had a desire to marry, and having manifested the same unto his said master, who promises to buy a yokefellow for him, but upon some consideration hath thought it better for him to make said James his servant, to serve him five years, without marriage, than to pay £30 for his liberty—

In other words, than to pay £30 for a wife for him.

Slaves who committed offenses were tried and punished in the most rigorous manner. Phyllis, a negro woman, and Mark, a negro man, were suspected of poisoning their master, Captain Codman, of Charlestown, Mass. They were put on trial and convicted, and the court sentenced Mark to be hanged, and Phyllis to be burned to death. On the day of execution they were both drawn to the place of execution, attended by the greatest number of spectators ever known on such occasion, where the former was hanged by the neck until he was dead, after which his body was gibbeted, and the latter burned to death.—2 *Elliott*, 187.

Slaves were forbidden to be out an hour after sunset upon pain of whipping and imprisonment. They were forbidden to meet together in the streets more than two at a time. And slaves who assaulted a white man were to be whipped and sent beyond sea, whatever the provocation.—*Ibid.*, page 189.

In 1774 the slaves of Massachusetts sent their humble petition to the governor, in which they say: "We have no property; we have no wives; we have no city, no country."—*Elliott*, page 192.

This did not look like Massachusetts was providing for the marriage relation at that time.

In referring to the horrors of the slave trade, in which Massachusetts took so prominent a part, Jonathan Edwards, the great New England divine, states that of the 100,000 slaves annually exported from Africa 25,000 perished before they arrived in America, and that another 25,000 died in the "seasoning." And that, including these and those who perished in the wars for the capture of slaves in Africa, a hundred thousand human beings are annually destroyed to support the traffic.—2 *Elliott*, page 199.

In New England, the harbors of Bristol and Newport were alive with vessels engaged in the traffic, and large fortunes were rapidly raised from its profits.—*Ibid.*, page 205.

So much for slavery in Massachusetts. Let us see for a moment how the free negroes and free Indians fared in that State. In 2 Elliott, page 189, I find the following:

Free negroes or Indians who entertained any slaves in their houses were subject to imprisonment and whipping (1723) and free negroes and Indians were whipped who kept arms. They were forbid on public days to sell any cakes or drinks. They were compelled to bind out their children before they were 4 years old to some English master. If they received any stolen goods they were to be whipped and banished, and if they returned were to be imprisoned for life. If convicted of theft, they were to be shipped off beyond sea.

So that the fate of the free negroes and Indians in Massachusetts was little better than that of the slaves. If the marriage relation was recognized among them the offspring were cruelly taken from the father and mother before they were 4 years of age and bound to an English master. In other words, the children of free negroes and Indians were enslaved for the benefit of the English masters.

This was slavery in Massachusetts. Neither slavery in Georgia, which I supported for a portion of my life, nor any other slavery, even of the Dark Ages, was ever more tyrannical, venal, and oppressive than the slavery of Massachusetts.

MULATTOES.

But my honorable friend from Massachusetts did not confine himself to the allegation that I had supported for a large part of my life an institution that did not recognize the marriage relation, but he also called attention to the further fact that there was a large number of mulattoes in the South to be accounted for.

Now, Mr. President, I have never claimed perfection for the South. Human nature exists there as it does everywhere else, and I shall not claim that the people of the South are entirely free from human passion. But, having shown where slavery came from when it invaded my State, I will now try to account for at least a portion of the mulattoes. And again I state I am very sorry the Senator from Massachusetts is not in the Chamber to hear the remarks I make on that subject. In order to do this it will be necessary for me again to refer to the history of Massachusetts. I will here quote a few passages from that history:

The law of 1703, chapter 2, was in restraint of the manumission, discharge, or setting free of mulatto or negro slaves.—*Moore on Salvery in Massachusetts*, page 53.)

In 1694 all negroes, *mulattoes*—

Yes, "mulattoes" is the word—

and Indian servants, as well male as female, of 16 years old and upward, were taxed at the rate of twelve pence per poll, same as other polls. In 1695 all negroes, mulattoes, and Indian servants, males of 14 years of age and upwards, at the rate of £20 estate, and females at £14 estate unless disabled by infirmity.—*Ibid.*, page 62.

One of the earliest legal cases where a mulatto was a party of which we have any record in Massachusetts is noticed in the diary of John Adams. It was in the superior court, at Salem, in 1766. Under date of Wednesday, November 5, he says: "Attended court; heard trial of an action of trespass brought by a mulatto woman for damages for restraining her of her liberty. This is called suing for liberty; the first case that ever I knew of the sort."—*Ibid.*, page 112.

In another case the master protested the plaintiff was his mulatto slave, and that he, the master, was not held by law to answer, but for pleading the master said, "Not guilty."—*Ibid.*, page 119.

As in the preceding valuations of the property of their constituents, Indians, negroes, and mulatto slaves had been prominent articles, they must keep on still in the old track. Indians, negroes, and mulattoes must still be valued as property.—*Ibid.*, page 64.

Again in 1726 the assessors were required to estimate Indian, negro, and mulatto slaves proportionately as other personal estate.—*Ibid.*, page 65.

Negroes, Indians, and mulattoes were forbidden to serve as porters in Boston except they gave security. Their testimony was not received like a white man's in court. They were forbidden to go to fires at night. They could not bury their friends after midnight or on the Lord's day. Negro, Indian, and mulatto slaves are forbidden to buy anything in the market lest it should enhance prices.—2 *Elliott*, 189.

The law of 1703, chapter 4, prohibited Indian, negro, and mulatto servants or slaves to be abroad after 9 o'clock. "The law of 1705, chapter 6, for the better preventing of a spurious and mixt issue, &c., punishes negroes and mulattoes for improper intercourse with whites, by selling them out of the province."

It does not tell what was to be done with the whites.

It also punishes any negro or mulatto for striking a Christian by whipping, at the discretion of the justices before whom he may be convicted. It also prohibits marriage of Christians with negroes or mulattoes.—*Moore*, pages 54 and 55.

Here you will observe, Mr. President, the mulattoes come in rather thick; indeed they are scattered all along down through the history of Massachusetts.

In 1718 all negro, Indian, and mulatto servants for life were estimated as other personal estate.—*Moore*, page 64.

Indian, negro, and mulatto servants for a term of years were to be numbered and rated as other polls.—*Ibid*, page 64.

It was enacted by the Legislature of Massachusetts in 1786 that no person authorized by this act to marry shall join in marriage any white person with any negro, Indian, or mulatto under penalty of £50, and all such marriages shall be absolutely null and void.—*Ibid.*, page 59.

The inhibition applies not only to the negro and to the Indian, but to the mulatto as well.

The law of 1698 appears to have been the first, if not the only, one in which this feature was applied to the negroes, mulattoes, and Indians in bondage, and may be justly regarded as an indication of progress, for it was an admission that these unfortunate creatures had "faculties" valuable to their owners, if not to themselves.—*Ibid.*, page 63.

Here again comes in the mulatto.

And when in 1788, after the end of the Revolutionary war, Massachusetts banished the free negroes from her territory by an act of her Legislature, unless they were subjects of the Emperor of Morocco, with whom I presume they had valuable commerce, or citizens of the United States, and if they failed to go after ten days' notice, they were liable to be punished in the house of correction for a fixed time; and then if they still failed to go they were to be taken up and whipped, and if they still did not go this punishment was to be inflicted once every two months. Under this law a lengthy list of names is given of those who received the notice and were compelled to leave the State; and among this list who were thus banished from Massachusetts I find the names of a large number of mulattoes.—*Moore*, 228 and 234.)

Now, Mr. President, I think I have shown to the satisfaction of the Senate that Massachusetts was enacting laws in reference to mulattoes when the colony of Georgia was absolutely prohibiting slavery. In Elliott's History, volume 2, page 178, we find the following:

In Georgia slavery was positively prohibited (1734).

General Oglethorpe said: "Slavery is against the gospel, as well as the fundamental law of England. We refused as trustees to make a law permitting such a horrid crime." When Massachusetts was making laws to punish mulattoes for intercourse with white people, banishing the mulatto without punishing the white, so far as the historian tells us; when she was legislating against the emancipation of mulattoes; when she was fixing the rate of taxation on mulattoes; when she was offering mulattoes for sale in the market, Georgia had not a single mulatto within her limits, nor a slave of any other character. But as all the other colonies had introduced slavery, the people of Georgia were finally tempted by the slave-dealers to try the institution, and they yielded to the allurements of the people of Massachusetts and other slave-traders, and adopted it.

I have already shown that Massachusetts sent cargoes of rum to Africa and brought cargoes of slaves to some of the West Indies and the Southern colonies, and I further showed that they raised slaves for the market as long as they found it profitable. Then in purchasing slaves from Massachusetts we purchased a due proportion of mulattoes. It seems the proportion there was a very large one, and we got the mulatto institution as we got the slavery institution from Massachusetts, by purchase, when we bought slaves from her. She was not careful about the color of the slave, whether he was a Scotchman, an Irishman, an Indian, a negro, or a mulatto. The only question with her was whether he would bring the money. She held him as a slave and she offered him for sale as a slave. When the expulsion act in 1788 was passed expelling free negroes and mulattoes from Massachusetts it might have seemed to some people a little unnatural to expel the mulattoes. I do not say they were akin to the people of Massachusetts. It may have been that climatic influence had changed their color until they bore a likeness to the good people of that State. The cold, bleaching winds of Massachusetts or some other cause had very largely modified the ebony-like color of the African in that State, and had infused a compound of yellow, so that they were no longer called negroes, but mulattoes.

After these mulattoes, whether naturally or unnaturally, were expelled from Massachusetts they doubtless took refuge in the Southern States, and their descendants there have multiplied, still transmitting the modified color inherited from climatic influence or other cause in Massachusetts. Any casual observer who will go into Massachusetts and Georgia will see that the proportion the mulattoes bear to the number of negroes in that State is much greater than the proportion in Georgia. Doubtless the wonderful effect of climate. If the climate of Massachusetts does not change, there seems to be danger that the pure African blood will entirely run out and the yellow hue will be the predominating color of the race. So wonderful is the effect of the Massachusetts climate upon the color of the African race that it has even followed them into their retreat in the milder atmosphere of the South.

About twenty-one or two years ago an immense cold wave from Massachusetts and other Northern States bore down upon the South, enveloped in smoke and streaked with fire; as frigid and inhospitable as the freezing winds of a Massachusetts winter. This cold wave rested four long years upon the South, and it bleached with yellow large numbers of the young of the negro race in that section, and they are now called mulattoes. The race was first bleached by Massachusetts when they were slaves there. They have since been bleached over again from Massachusetts since they left there.

The census of 1880 does not show the proportion that the mulattoes bear in Georgia and Massachusetts to the black race; I do not find it in the census of 1870; but in looking back to the census of 1860 I see they were taken separately and I want to refer to it. In 1860 Georgia, as you know, was a slave State. What proportion did the mulattoes bear to the negroes, or the blacks, as the census designates them? There were in 1860 according to the census 425,208 blacks and 36,000 mulattoes, being a little above 8 per cent. of the colored race in Georgia who were mulattoes in 1860. Now, how did the count stand in Massachusetts? In Massachusetts at the same period there were 6,531 blacks and 3,071 mulattoes, being almost 50 per cent. of mulattoes in Massachusetts as compared with the whole number of blacks; and only a little over 8 per cent. in Georgia. So much for slavery in Massachusetts and Georgia, and so much for the origin and existence of mulattoes there. The Senate will remember that I did not introduce slavery into this debate.

Now, Mr. President, a few words in reply to another part of the speech of the honorable Senator from Massachusetts. He stated in substance the other day when this question was last under discussion that the laws of Georgia were substantially the same as the Utah bill in reference to the right of husband and wife to testify against each other in criminal cases or their obligation to do so. The Senator has grossly misstated the law of my State, I will not say intentionally, for I think the book was handed to him on the spur of the moment and he probably had not time to examine it carefully. The only fault I find with him is that he did not examine it before he made the assertion. What is the first section of this bill that he says is very similar to the laws of my own State? It reads as follows:

That in any proceeding and examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be.

That is the first section of the pending bill. The Senator from Massachusetts insisted that the law of Georgia was substantially the same. Before I take my seat I must show that he grossly misstated the law of Georgia on that subject. The law of Georgia was the same as it was in most of the other States prior to the act of 1866, which was passed by our Legislature and which is copied almost literally into the code, but as I have the pamphlet acts of the Legislature before me I propose to read from that instead of the code, simply remarking before I read that in no case prior to that time could husband or wife be a witness against each other; they could in no case be compelled to testify against each other; they were not to be called. Parties to the record were not witnesses; parties who were infamous or convicted of felony were not witnesses; parties at interest were not witnesses. In a word, the old rule of evidence substantially that we are all familiar with obtained. In 1866 the Legislature of Georgia passed this act:

An act to declare certain persons competent witnesses as in the act set out and for other purposes.

PREAMBLE.

Whereas the inquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in civil and criminal cases, should be laid before the persons who are to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced for the truth of testimony:

SECTION 1. *Be it enacted, &c.*, That in all cases hereafter tried, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest, or from being a party, from giving evidence, either in person or by deposition, according to the practice of the court, on the trial of any issue joined or of any matter or question, or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any court or before any judge, jury, sheriff, coroner, magistrate, officer, or party, having by law or consent of parties authority to hear, receive, and examine evidence; but that every person so offered shall be competent and compellable to give evidence on behalf of either or any of the parties to said suit, action, or other proceeding except as hereinafter excepted:

That is the general rule now. It repeals the old law of evidence, and makes all persons, other than the exceptions that follow, competent witnesses, leaving their disabilities and their credibility with the jury. Then these exceptions were made:

Provided, That when one of the original parties to the contract or cause of action in issue and on trial is dead, or is shown to the court to be insane, or when an executor or administrator is a party in any suit on a contract of his testator or intestate, the other party shall not be admitted to testify in his own favor.

SEC. 2. But nothing herein contained shall render any person, who in any criminal proceeding is charged with the commission of any indictable offense, or any offense punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband; nor shall any attorney be compellable to give evidence for or against his client.

SEC. 3. Nothing herein contained shall apply to any action, suit, or proceeding, or bill in any court of law or equity instituted in consequence of adultery, or to any action for breach of promise of marriage.

That is the act of 1866. Of this latter part the Senator from Massachusetts undertook to make a change of the law of Georgia so as to permit husband and wife to testify against each other; but when you notice the act altogether, the first section changes the old law and makes everybody competent except those who are excepted in the following sections, and one of the following sections has the provision that I have just read—that "nothing herein contained shall apply to any action, suit, or proceeding, or bill in any court of law or equity instituted in consequence of adultery, or to any action for breach of promise of marriage." Therefore it left the law exactly as it stood before on that question, and provided that nothing in the act should apply to those two cases.

What was the law before that act was passed? The law was that neither husband nor wife could testify in any action concerning adultery, and the law was that in an action for breach of promise of marriage neither of the parties could testify. It leaves the law on those points exactly as it stood at common law. In case of an action for adultery or either of the other causes mentioned in that section the law stands as it stood before. Nothing in the act contained shall apply to that, says the Legislature, and in case of an action for breach of marriage contract it leaves the law precisely as it stood before.

So the Senator from Massachusetts is entirely inaccurate when he says that the law of Georgia has been changed on that subject. The only modification of the law is that where the wife herself was the injured party, as for instance in the case of wife-whipping, which is a criminal offense in Georgia, the wife may be called as a witness to prove the whipping, but in all other matters the law there stands just as it stood before. The Senator from Massachusetts in attempting to show that the law of Georgia was applicable in this case made a very egregious mistake.

How does it stand in Massachusetts? By reference to the statutes of Massachusetts I find, first, neither husband nor wife shall be allowed to testify as to private communications with each other; second, neither husband nor wife shall be compelled to be a witness on any trial upon any indictment, complaint, or other criminal proceeding against the other. So that neither Massachusetts nor Georgia permits or ever has permitted or I presume ever will permit the outrage against the home and the breach of confidence between husband and wife which it is proposed by the first section of this bill to enact as a law.

What is the reason, Mr. President, for this exclusion of husband and wife, and this denial of the right to compel them to give evidence against each other? I will read from a distinguished Massachusetts author as to the policy of the law on that subject. Mr. Greenleaf, of Massachusetts, in his first volume on evidence, section 334, says:

For it is essential to the happiness of social life that the confidence subsisting between husband and wife should be sacredly protected and cherished in its most unlimited extent, and to break down or impair the great principles which protect the sanctity of that relation would be to destroy the best solace of human existence.

Again he says:

The happiness of the married state requires that there should be the most unlimited confidence between husband and wife, and this confidence the law secures by providing that it shall be kept forever inviolable; that nothing shall be extracted from the bosom of the wife which was confided there by the husband. (1 Greenleaf's Evidence, section 254.)

Again he says:

But the object really is to secure domestic happiness by placing the protecting seal of the law upon all confidential communications between the husband and wife, and whatever has come to the knowledge of either by means of the hallowed confidence which that relation inspires can not be afterward divulged in testimony even though the other party be no longer living. (1 Greenleaf's Evidence, 337.)

Yet it is proposed by this bill to destroy absolutely that rule which affects the confidence and happiness, and, as Greenleaf says, the greatest solace of human existence. It is proposed, in the wild madness, in the fanaticism that now rules the Mormon question, to break down all these sacred barriers that protected the family for so long a time from the earliest period of English history and to apply a rule that has never been applied between husband and wife so far as I know in a civilized country, that in proceeding on indictment against one of the parties for adultery or bigamy the other, without even being summoned, may be arrested and carried into court and compelled to testify.

The pretext here is that we are legislating to make happy homes in

Utah. The argument is that we are legislating to suppress polygamy and to have one husband to one wife, and to make that home a happy one. If Mr. Greenleaf be right as to the objects and aims of civil society and the objects of the law protecting the marriage relation, we are legislating to destroy one of the greatest safeguards of the home and of human happiness.

I repel the statement that the State of Georgia ever has or ever will pass such unwise and outrageous laws. I am glad to see that the State of Massachusetts never has passed such a law, and I know of no other State in the Union that has. It would be iniquitous and it would be monstrous.

There are other points, if I had the time at present to follow the Senator from Massachusetts, that I should like to notice. I should like to point out the absolute confiscation of church property that is provided for in this proposed act under the section that he refers to when he speaks of the amendment of his bill. I think it certainly needs amending, but I can point out that under a different section, which I will do as we go along, for I propose to try to amend it. As it stands it amounts to absolute confiscation of church property, in open and palpable violation of the Constitution of the United States.

However, Mr. President, I do not desire to say more at present. After my amendment now before the Senate is acted upon I shall have some other amendment to introduce, when these subjects may come up more appropriately.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BROWN].

Mr. HOAR. I hope we may have a vote.

Mr. VAN WYCK. I desire to offer an amendment to come in at the end of section 18.

Mr. HOAR. Will not the Senator delay until the pending amendment and the amendments from the committee shall be voted on? We shall get along faster in that way.

Mr. VAN WYCK. Very well.

The PRESIDING OFFICER. The amendment of the Senator from Georgia [Mr. BROWN] is now pending. The Secretary will report the amendment.

The SECRETARY. It is proposed to insert as an additional section.

SEC. 25. That the voluntary sexual intercourse of a married person with one of the opposite sex, not the husband or wife of such married person, shall be cause, and the only cause, of absolute divorce from the bond of marriage in the District of Columbia, and in the Territories of the United States, and in other places subject to the exclusive jurisdiction of the United States; but the courts of the United States may, in proper cases, as at common law, grant divorces from bed and board in said District, Territories, and other places subject to the exclusive jurisdiction of the United States.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I do not wish to debate this amendment. It has nothing whatever to do with the bill. It is hardly necessary to answer my friend from Georgia, for I looked around when he was speaking and I could not discover a single human being listening to his speech. Therefore I shall not reply to him.

Mr. BROWN. Probably the country will listen to it.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment of the Senator from Georgia [Mr. BROWN].

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin [Mr. SAWYER].

The roll-call was concluded.

Mr. JONAS. I am paired with the Senator from Vermont [Mr. EDMUNDS] on this bill, but as I know he would vote "nay" on the pending amendment I shall vote. I vote "nay."

The result was announced—yeas 4, nays 42; as follows:

YEAS—4.

Brown,	Butler,	George,	Van Wyck.

NAYS—42.

Allison,	Garland,	Lapham,	Platt,
Blair,	Hampton,	McMillan,	Pugh,
Call,	Harrison,	Manderson,	Riddleberger,
Cameron of Wis.,	Hawley,	Maxey,	Saulsbury,
Coke,	Hill,	Miller of Cal.,	Sewell,
Colquitt,	Hoar,	Miller of N. Y.,	Vance,
Cullom,	Ingalls,	Mitchell,	Vest,
Dawes,	Jackson,	Morgan,	Voorhees,
Fair,	Jonas,	Morrill,	Wilson.
Farley,	Jones of Florida,	Palmer,	
Frye,	Jones of Nevada,	Pike,	

ABSENT—30.

Aldrich,	Conger,	Kenna,	Sabin,
Anthony,	Dolph,	Lamar,	Sawyer,
Bayard,	Edmunds,	Logan,	Sherman,
Beck,	Gibson,	McPherson,	Slater,
Bowen,	Gorman,	Mahone,	Walker,
Camden,	Groome,	Pendleton,	Williams.
Cameron of Pa.,	Hale,	Plumb,	
Cockrell,	Harris,	Ransom,	

So the amendment was rejected.

The PRESIDING OFFICER. The question is now on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK]. It will be reported.

Mr. VAN WYCK. I will offer it for information at this time, to be considered when in proper order. I understand that the Judiciary Committee have amendments to be considered.

Mr. HOAR. I have one amendment which I will move at the proper time, and that is to insert what I send to the desk.

The PRESIDING OFFICER. The Secretary informs the Chair that the amendment now proposed by the Senator from Massachusetts has been already agreed to.

Mr. HOAR. I thought that was the one which had been left out.

The PRESIDING OFFICER. It has been already agreed to and is a part of the text of the bill.

Mr. HOAR. All right. I move at the end of the thirteenth section to add the following proviso:

Provided, That no building shall be forfeited which is held and occupied exclusively for purposes of religious worship.

The amendment was agreed to.

Mr. VAN WYCK. I now suggest the amendment to which I referred. At the end of section 18 I propose to add:

Amend section 9, line 9, of said act of 1882, by striking out after the word "by" down to and including the word "authorized," in line 17, and inserting:

"By a board of three officers of the Army of the United States, to be detailed for that purpose by the President, a majority of whom shall be a quorum."

Also in line 25, same act, same section, strike out the words "of five persons."

Mr. VEST. I should like to have the amendment reported at the desk.

The PRESIDING OFFICER. The Secretary will report the amendment.

Mr. INGALLS. Let the part proposed to be stricken out be read.

The PRESIDING OFFICER. The Secretary will read the part of the bill proposed to be stricken out.

Mr. HOAR. This is a motion to amend not the present bill, I understand, but the act of 1882. Is that in order at this time?

Mr. INGALLS. I understood that the Senator from Nebraska moved to strike out a portion of the pending bill.

The PRESIDING OFFICER. That was the impression of the Chair.

Mr. HOAR. No, he moves to amend a part of the act passed in 1882.

Mr. VAN WYCK. Does the Senator from Massachusetts raise a point of order? The amendment must be germane to section 18.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the Senator from Nebraska.

The Chief Clerk read the proposed amendment.

The PRESIDING OFFICER. The Secretary will report the portion of the act sought to be stricken out by the amendment.

Mr. HOAR. The Senator from Nebraska I think will see, unless I have got lost, or perhaps in reading it hastily from the desk I did not catch the amendment, that he has undertaken, not as the bill does, to say that a certain existing statute now on the statute-book shall be amended by substituting for its ninth section another section, which of course repeals the old one, but he has made a motion applicable to a law of 1882 in the mode in which he would make a motion applicable to a pending proposition. It would require I think some change of phraseology to accomplish the Senator's purpose, unless I misunderstood the amendment.

Mr. VAN WYCK. That may be, but I suggest to the Senator that the pending bill, in section 18, proposes to continue in force section 9 of the act of 1882. The very section which I am seeking to amend proposes to continue in force that section of the act of 1882, so that it must certainly be proper to propose the amendment in that shape. Section 18 of the bill reads as follows:

That the provisions of section 9 of said act approved March 22, 1882, in regard to registration and election offices, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provision and laws therein referred to to be made and enacted by the Legislative Assembly of said Territory of Utah shall have been made and enacted by said Assembly and shall have been approved by Congress.

This section 18 proposes to continue in force section 9 of the act of 1882, and if it is competent by the bill to continue in force section 9 of that act it must be competent to amend that section.

The PRESIDING OFFICER. The Chair would hold that the amendment in its present shape is not in order. The amendment seeks to amend the act of 1882, and not the bill that is now before the Senate. If the Senator from Nebraska will take it and put it in a different shape——

Mr. VAN WYCK. The Chair did not probably hear the suggestion I made; and if not out of order I should like to hear a suggestion from the Chair on the point. While what the Chair states may be ordinarily true, the very bill we are now considering, reported from the Judiciary Committee, continues in force section 9 of the act of 1882. It relegislates it, and I take it for granted when section 9 of the act of 1882 is before the body as it is, it is competent to propose an amendment to that section and incorporate it in the bill. The Chair will see that section 18 provides that the provisions of section 9 of the act of 1882 in regard to registration shall continue and remain operative. That section is embodied substantially if not literally in section 18; it is made a por-

tion of the bill by providing that that section shall continue in force. Therefore it is competent to amend that section which this Congressional declaration rehabilitates and makes of full force. I merely repeat that because I thought the attention of the Chair was diverted at the moment.

The PRESIDING OFFICER. The portion of the bill relating to the act of 1882 has been stricken out. The Senator from Nebraska could propose the amendment, in the opinion of the Chair, as an independent section, but there is nothing in the bill now before the Senate to which it relates. The Chair would hold the amendment for the time being out of order.

Mr. VAN WYCK. Then I will recall the amendment and propose it in proper shape as a new section to the bill.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. VEST. I understood some days ago that the bill was to be taken up by sections and that we were to dispose of the sections as called. I have several amendments to offer to various sections. I wish now to offer an amendment to the first section.

The PRESIDING OFFICER. The Senator from Missouri proposes an amendment to the first section of the bill, which will be read.

The CHIEF CLERK. It is proposed to add to section 1:

Provided, That in no case or proceeding mentioned in this section shall the husband or wife be a competent witness except as to the fact of a lawful marriage having been contracted and solemnized between the witness and the party defendant.

Mr. VEST. However much any one of us may be opposed to the institution of polygamy (and I yield to no living man in desiring to abrogate it directly or indirectly), I will never agree, as a member of this or any other legislative body, to strike down a fundamental principle of the common law and of the law of all civilized countries. If any doctrine is established beyond doubt in every civilized country or semi-civilized country where the institution of marriage is the foundation of the state, if there is any doctrine dear to the English and American heart, if there is anything crystallized in the civilization of Christian peoples and states, it is the absolute, the eternal, the undoubted confidence of the relation between husband and wife. The first section of this bill strikes down that confidence. It does not propose to make the polygamous wife, who in the eyes of the law of the United States is no wife at all, come into a court of justice and divulge or testify to the confidential relations between her and the man with whom she has lived; but it takes the lawful wife, it takes the woman who is married by the law of the State in which she and her husband originally lived, and it says that the lawful wife shall be forced to come into court and state what occurred between her and her husband in the confidential relations which exist between them, in the secrecy of the nuptial chamber, striking down every doctrine of the common law, every doctrine of our jurisprudence, and throwing wide open to the prying curiosity of the world the communications passed in the confidential relations between husband and wife.

But, sir, I can not put it stronger than the Supreme Court itself. In 13 Peters, page 223, the Supreme Court of the United States said unanimously:

This rule is founded upon the deepest and soundest principles of our nature, principles which have grown out of those domestic relations that constitute the basis of civil society, and which are essential to the enjoyment of that confidence which should subsist between those who are connected by the nearest and dearest relations of life. To break down or impair the great principles which protect the sanctities of husband and wife would be to destroy the best solace of human existence.

And in another case they say:

It would shake the very foundation of society.

And Mr. Greenleaf, in his work on evidence, lays down the same doctrine, and there is no exception. Yet the first section of this bill allows the polygamous wife to go free, but drags in the lawful wife and compels her to disclose to the world the confidential relations between her and her husband. Sir, I say, if there is any doctrine upon which our civilization is based, which is a part of our religion, it is that the husband and wife are one, and I have no sort of toleration for this new doctrine that you may enter the chamber of the husband and wife and drag her into a court of justice and compel her to state what her husband had said to her, and place her under the torture of the cross-examination of an infamous attorney, breaking down every sanctity that should be placed around the holiest relation, that of husband and wife.

The Senator from Massachusetts told us that the pure love of one man for one woman was the basis of our religion, and that this bill was intended to protect that; and yet in the very first section of this bill it strikes down the very foundation-stone of Christian marriage, the doctrine that the husband and wife are one, that no human law can drag the woman into court and compel her to disclose what her husband said to her under the sanctity of the marriage roof. For that reason I say that this amendment should be adopted by the Senate, so that the wife can only be compelled to testify as to the fact of marriage. Beyond that this relation of husband and wife is sacred.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. INGALLS. I should like to have the amendment reported again.

The PRESIDING OFFICER. The amendment will be reported.

The Chief Clerk read the amendment.

Mr. HOAR. Mr. President, in a large number of the States—I am not able to say how large, but including my own State—the husband and wife may now be witnesses against each other. I think most of the States have the same exception which my own State makes, that they shall not be compelled to testify to private conversations, or some similar phrase. I was in favor when this bill was drawn of having such a limitation put upon this first section, and if the Senator will make that limitation it would probably accomplish his object substantially: "Provided that they shall not be permitted to testify to private conversations with each other." I should vote for it, though I have no authority to bind the committee, of course. It is in accordance with my original opinion.

But the substance of the section is in accordance with the principle of the common law which probably prevails in all the States, that is, that the wife may be and should be from the necessity of the case permitted and obliged to testify against the husband where the offense is against her. In all places where the common law prevails the wife may be a complainant and may be a witness where the charge is beating the wife by the husband, and this stands on precisely that principle, as I stated the other day when the bill was first presented. That is, the offense of polygamy or bigamy is an offense against society in general, but especially against the lawful wife, and therefore it seems to me just that a wife should testify to any facts within her knowledge in any prosecution against her husband for bigamy, polygamy, or unlawful cohabitation, which is an offense primarily against her.

So I think the section is not open to the criticism the Senator from Missouri has made upon it, but is in accord with the universal principle where the common law prevails or where institutions derived from the common law exist founded on the common law. But I should have no objection to what I think would accomplish the Senator's object, though I have no authority to accept it for the committee, to add:

Provided, That the husband or wife shall not be permitted to testify to private conversations with the other party.

Mr. VEST. The statement of the Senator from Massachusetts that the wife is a competent witness in some cases does not answer the objection I make. The common law permits the wife in a case of assault and battery on her, where the wife is the complainant, to become a witness, but that is based upon the very simple proposition that the confidential relation between husband and wife has been destroyed by the assault, the wrong of the husband.

Mr. MAXEY. Allow me to suggest that the common law does permit in cases of assault and battery and personal injury the wife to testify against the husband, but never compels the wife so to do; and this first section does compel.

Mr. VEST. That is only permissible in cases where she appears and complains herself, and then the law says for the ends of justice her testimony may be received if she offers it.

Mr. HOAR. The Senator proposes to permit and compel the wife to testify to the fact of the lawful marriage, which must be of course an essential fact in the conviction of her husband. She is made, according to his own theory and purpose, a source of testimony to convict the husband. Now, if the Mormon wife No. 1 may testify to her own lawful marriage, and may be compelled to do it, what earthly reason is there why she should not be permitted and compelled to testify that she was present at the ceremony in the tabernacle where wife No. 2 was married to her husband?

Mr. VEST. The Senator from Massachusetts calls in imaginary testimony——

Mr. HOAR. That is practically the only case where she will be called upon to testify.

Mr. VEST. But this section——

Mr. HOAR. I beg my friend's pardon. If you amend the section by excluding private conversations with the husband, so that his confession at a time of remorse shall not be testified to by the wife, and leave her only to testify to a thing of which she was a witness with others, or, at any rate, when the conversation was not private, what earthly difference in principle is there between permitting her and compelling her to testify to her own marriage with the husband, which is lawful, and testifying to a second wife's marriage with the husband, which is unlawful, which is practically the only other fact? You prove the polygamy when you have established two things: one being the lawful marriage, and the other being the unlawful marriage. That is all that is necessary to prove polygamy. If the lawful wife may prove fact number one, why not fact number two? Practically this amendment is intended to relieve against a fanciful suggestion.

Mr. VEST. The principle upon which the law was based was that the wife should not be put in antagonism to her husband. It was based upon the Christian idea that the husband and wife were one; it was based upon the idea that after a man and woman had assumed this relation no human law could step between husband and wife and make a wife a witness against her husband in any event. Now the Senator from Massachusetts imagines a case where the wife is brought in to testify to the polygamous marriage; the man is a polygamist——

Mr. HOAR. Will the Senator allow me to put to him a question? If the doctrine rests on the theory that husband and wife are one, how

can that be applicable to a case where husband and wife are half a dozen?

Mr. VEST. I am not discussing polygamy; I am discussing monogamy. I am discussing the Christian relation of husband and wife, in which I believe and in which only I believe, and I say the doctrine of the common law and of all civilized and Christian countries is that the wife shall not be brought in and made to become the opponent, in law or otherwise, of her husband. Now the Senator says that he wants the lawful wife to come in and testify as to the polygamous marriage. Well, the polygamous wife can testify to it. Is the lawful wife to be brought before the court and made to convict her own husband and put him in the penitentiary, and take him away from both his lawful and his unlawful wife?

This Senate representing a Christian people will permit any woman to testify to her lawful marriage and to the lawful relation between her and any man and to the legitimacy of her own children. For that reason I do not take away from her the right to testify to her own marriage, but I would stop there, and I would not put her in antagonism to her lawful husband in a court of justice in subversion of all the principles of our jurisprudence and that of every civilized country.

Mr. MAXEY. I do not suppose that any man is more opposed than myself to polygamy in all its forms and phases; but this first section strikes at a different thing. It strikes not at polygamy but at monogamy. At common law, as I understand it, no man can have at one and the same time more than one wife, nor can any woman have at one and the same time more than one husband, and that relation under the common law really merges the existence of the wife into that of her husband.

The situation of the wife has been wonderfully and wisely ameliorated as years have rolled by, and yet under the common law you could not make a wife go in and testify against the husband, or the husband against the wife, or one for or against the other. Under the recent law reforms a wife may testify against her husband in certain cases and the husband against the wife, but it is a voluntary act purely and wholly. But here it is provided that the lawful wife may not only voluntarily give testimony against the husband but may be compelled to go into a grand-jury room or elsewhere and testify. That is an utter violation of every principle of the common law and of every principle of statute law that I know anything about so far as the statutes have modified the common law in respect to evidence. The amendment of the Senator from Missouri, it does seem to me, is right.

Something has been said about the second wife and the third wife. I know of but one wife under the common law, and I believe that according to the theory of our Government, according to the great foundation principle of society as organized by the Colonies, brought here from Great Britain, enacted into our State constitutions and into our statutes, it never was designed or intended in this country that there should be any other principle of marriage save that of monogamy. That is my belief about it, and hence I have been willing to go as far as the farthest in any wise, legitimate method to stamp out polygamy. But when it comes to saying that a man has a lawful wife and that lawful wife shall be compelled to go into court and testify against him, that is going very far beyond reaching polygamy. That is in my judgment breaking into the sacred precincts of a lawful marriage, and in direct violation, as I think, of every principle of law, justice, and right reason, and against the most sacred relation that can exist between man and wife. A Mormon may have one lawful wife as well as anybody else, and may have but one lawful wife, and yet under this bill if the Mormon has but one wife, a lawful wife, and the grand jury thinks proper to investigate that man's conduct, that lawful wife, though the most confidential relations exist between her and her husband, may be made to testify.

The whole theory of the first section in my judgment is wrong.

Mr. INGALLS. Mr. President, the social tendencies of this age are irresistibly from subordination to equality in all the relations of life. The old common-law theory of the exclusion of the wife from competency to testify arose from the idea that the wife was under the exclusive and absolute control of the husband, that her existence was merged in his, that in law they were absolutely one person, so that there was no separation into the individuals of which the union was composed. Beyond that she was supposed to be so absolutely under the authority and control of the husband that she could not practically speak the truth; in other words, that her testimony would be his. But the law upon this point has been liberalized, so far as I know, gradually, and in some instances very rapidly, in all the States of the Union. The old idea that a married woman could hold no separate property has been absolutely abandoned. A wife in most of the States of the Union can now trade in her own behalf; she has the right to her own earnings, and the old idea of subordination is abandoned, and I think truly abandoned, and the marriage idea now stands upon the theory of the equality of the man and the woman, their equal rights before the law, and the old notion that the wife is the subordinate, that her existence and individuality are sunk and lost sight of, is no longer the theory of the law.

Mr. VEST. Will the Senator from Kansas permit me to ask a question?

Mr. INGALLS. Certainly.

Mr. VEST. Can he mention a single State of this Union in which the doctrine is now held or has ever been held that the wife, except in actions of tort against the wife herself, can be compelled to testify against the husband?

Mr. INGALLS. What greater tort can there be against the person of a wife than for her husband to assume to take a second wife in lawful marriage relationship?

Mr. VEST. Even in that case the wife can not be compelled to testify against her husband. She is permitted to testify if she wishes; but in this bill she is compelled to testify whether she wishes or not. That is the difference.

Mr. INGALLS. I do not yield to any one in my reverence and honor for the marriage relation. The fidelty and loyalty of one man to one woman and one woman to one man through life, and constancy to the memory after death, is the sublimest ideal of human relationship, and it will ultimately be realized to the utmost extent. It is because I believe that, because I have that profound conviction of the sanctity of the domestic relation, that I favor an amendment to the law like that which is offered by this report from the Committee on the Judiciary, because if that relation is recognized to its fullest extent as I have indicated, as I stated a moment ago to the Senator from Missouri, there is no tort so great, there is no wrong so absolute, there is no crime that is so vital either against society or against the individual as that which arises, whether under the sanction of law or without the sanction of law, when the absolute unity of this relationship is disturbed by the introduction of a second wife.

Mr. MAXEY. Will the Senator from Kansas permit me to make a suggestion to him? Suppose in one of the States a man is married and has a lawful wife living and he is living in adultery with some other woman; a grand jury proceeds to indict that man; is there a State in this Union that would compel the lawful wife of that man to go into the grand-jury room and testify?

Mr. INGALLS. I think husband and wife ought to be compelled to testify in such a case, because the offense is not only against the individual but against the relationship of human society.

Mr. MAXEY. And yet she may for the affection she has for her children not see proper to disclose this wrong of her husband.

Mr. INGALLS. A woman because of the respect she has for her children might not testify against her husband for stealing a horse. Very likely she might say, "Here, my husband stole a horse and I know it, but in case he is convicted it would be very embarrassing; if he is convicted of grand larceny and sent to the penitentiary it will be a bar sinister to our posterity, and therefore on the whole I think I will not testify."

Mr. MAXEY. You can not compel her in that case. She may know that her husband is the worst horse-thief in the State, and you can not make her go into the grand-jury room.

Mr. INGALLS. But whether the law is as the Senator from Texas suggests or not, I am endeavoring to argue that it ought to be so that in cases of offenses not only against the relation and against the individual but against society, the person who is most competent to testify ought to be called upon to testify. Husband and wife are now compellable to testify in matters affecting their property interests in many of the States. I do not know how it is in Texas or in Missouri, but in most of the States of the Union, so far as their property is concerned, so far as their contracts are concerned, the old theory of identification is absolutely abandoned and abolished, and they each have the right to carry on business, they have the right to their own earnings, they have the right to their separate contracts, and here in this matter, which is the most vital of all, which is the most vital in its effects on society, which involves the greatest possible tort against the person of the wife herself, you come in and say "under the common law she was not allowed to testify, and therefore this old monastic mediæval theory ought to be carried out in connection with this matter," which is one that not only affects the relationship of two individuals but affects the future of a great State, because as has been well said the family is the integer of the State, and the community that is to be builded up there in the plains and valleys of the Rocky Mountains, its relationship to the National Union, are all to depend upon the action that we take in dealing with this fundamental idea of this community that the right to more than one wife is a religious tenet upon which they insist as a political doctrine and a political right.

Mr. MAXEY. I will answer the question in regard to the property right. Where a woman has a property right every dollar of money or of property acquired by husband and wife is equally divided between husband and wife.

Mr. INGALLS. The Senator will admit that that is a very great advance from the old doctrine of the law.

Mr. MAXEY. If they have no children the survivor is entitled to the whole; that is our law; and notwithstanding that is our law, and our law gives the broadest right to the wife before the courts to protect her property rights, to protect her person against any wrong, the law has never gone to the extent of compelling the woman to be a witness against her husband.

Mr. INGALLS. I would not assent to the amendment the Senator

from Massachusetts says he is willing to accept. I do not think it is necessary or important or essential. With the view that I take of this subject, of the topic with which we are dealing, with the object we have in view, I believe that the bill precisely as it came from the committee is best calculated to effectuate the purpose we have in view.

Mr. VEST. Mr. President, a word in reply to the Senator from Kansas. His whole speech is based on the fallacy that the wife has a separate individuality, and that she ought to be permitted to testify upon that ground. The only exception to the rule which I have stated to-day in regard to the wife not being a competent witness against her husband is the case where she complains of a tort and is a voluntary witness to protect herself. But in these cases the wife does not complain, the wife believes in polygamy, the wife is an unwilling witness; she is the lawfully wedded wife, and yet she is dragged into court and compelled to testify against her will, thereby striking down the very basis of the doctrine of the incompetency of the wife as a witness against her husband, except in case of tort, because it destroys the confidence, the love, the mutual respect between husband and wife. If the woman comes into court and her testimony puts the husband in the penitentiary, that of course is the end of the marriage relation based on mutual confidence, love, and respect. This law would make the lawful wife the enemy of her husband and would make her testimony involuntary, not to protect herself, but to secure the end of the husband's conviction. It is very obvious that the principle the Senator quoted does not apply, because the wife is not a voluntary witness.

As to property rights there has been an advance in all the States in that regard, and for one I am glad of it; but I undertake to say, and I challenge the lawyers on this floor to point me to a single instance where in any State of this Union, where under any government of English-speaking people, in any instance a wife lawfully wedded has ever been forced into a court of justice to testify against her husband. Not even in a criminal court; not even when she has been assaulted; not even where she has been maltreated. She can come voluntarily to protect herself, but she can not be forced; and there is no other instance in civilized law, not even, as the Senator from Texas says, in an action of adultery against the husband where the greatest wrong under the laws of God and man has been perpetrated on the lawfully wedded wife, not even then can she be forced to come and testify. This bill is an innovation, an unheard-of precedent to be established now by the Congress of the United States.

Mr. INGALLS. It is very possible that my argument was founded on a fallacy, as the Senator from Missouri suggests, but he did not select the proper fallacy on which it was based at all, because I did not claim that the right should be granted solely upon the ground that here was a tort against the wife. I claim, and the committee claim, and those who believe with the committee insist, that the foundation of this tort is against society, as well as against the wife and against the family relation. It is an offense that reaches far beyond the limits of the family, the household, the home. I suppose the Senator from Missouri would not deny the proposition that a State founded upon polygamy, upon the relation of one man with as many women as he could secure or support or induce to join him in any relation, whether it might be under the sanction of law or without it, has not the proper basis for a State. He would not claim that a society with that foundation would be a Christian commonwealth, a phrase that he has repeated several times and which I cordially concur with him in employing. Consequently, therefore, when he assumes that my argument is fallacious because I insist that the tort is against the wife alone, he selects the fallacy upon which it does not rest, because I insist that the tort is against society. We are dealing with a question that lies at the foundation of a State that is to arise in the future in that region where this situation exists. Therefore, as I said, I believe that the doctrine announced in the bill as reported by the committee is correct.

This is not a case of fornication; this is not a case of adultery. It is a condition where, as a political right, under an assumed dispensation from Heaven, certain men claiming to be the leaders of a great state are insisting not that monogamy is the law of the state, but that polygamy, incestuous cohabitation of one man with as many women as he can induce to come under his roof, is the foundation of a state. Therefore, Mr. President, the rules of the common law applicable to fornication, applicable to adultery, are not those that are called for here; and we are to deal with this question in accordance with the movements of society in this age, which is, as I have already said, from subordination to equality; and there is no reason in law, there is no reason in morals, there is no reason in the sentiment that prevails upon the subject, why we should treat the man and the wife as two persons in all the other relations of life and insist that in this alone, where we desire to reach a great evil that everybody admits, and whose existence we all deplore, the old, monkish, mediæval theory should be applied.

Mr. MORGAN. Mr. President, I suppose that every lawyer in the Senate and in the world who knows anything about the English system if common law will be obliged to admit that if this bill is enacted into a statute it is the first time in the annals of the history of an English-speaking people when such a law has existed. If there ever has been such a statute as this enacted in any country of the world, I never heard of it.

Mr. HOAR. I suppose this is the law in a large number of the American States to-day. It is in my own, and some Senators around me inform me it is in their States.

Mr. MORGAN. That the wife may be compelled to testify against the husband?

Mr. HOAR. Yes, sir.

Mr. MORGAN. I have never seen a statute of that kind. I am informed by the Senator from Georgia, who has looked into this subject carefully, that the language of the code of Massachusetts on this subject is as follows:

> First. Neither husband nor wife shall be allowed to testify as to private communications with each other.

Mr. HOAR. That I stated before.

Mr. MORGAN. "Second, neither husband nor wife shall be compelled to be a witness on any trial or indictment, complaint, or other criminal proceeding against the other."

Mr. HOAR. Will the Senator from Alabama allow me to read to him a sentence from the code of New Hampshire of 1878? Section 20, chapter 228, provides:

> A husband and wife are competent witnesses for or against each other, whether joined as parties or not, in all cases, both civil and criminal.
>
> The preceding section shall not be so construed as to render competent testimony of a husband or wife for or against each other, as to any statement, conversation, letter, or other communication made by either of them to the other or to any other person, nor as to other matters, when it appears to the court that the examination of either as a witness in relation thereto would lead to a violation of marital confidence.

The Massachusetts law is in substance like that except the last provision, unless I am altogether mistaken in my memory. The phrase in our law is that they shall not testify in regard to private conversations with each other. That is expounded by the courts so that the husband or wife when witnesses for or against a third person can not testify to a private conversation.

The Oregon statute, which my friend from Oregon has handed me, is this:

> A husband shall not be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either during the marriage or after be, without the consent of the other, examined as to any communication made by the one to the other during the marriage; but the exception does not apply to a civil action, suit, or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

Which is the principle on which we rest this section.

Mr. MORGAN. The last principle quoted by the Senator from Massachusetts from the statute of Oregon was the principle stated as an exception to the criminal-law rule in the case of an assault on the wife. In case of any criminal act committed by the husband upon the body of the wife or by the wife upon the body of the husband the party injured would be competent to testify to such an act as that, the object being to preserve the rights of individuals during the marital relation. But that qualification of the common law which is adopted into the Oregon statute never had any application to actions brought in the name of the State for the vindication of the authority and power of the State against husband or against wife; as, for instance, it never applied to a case of homicide, a case of robbery, a case of mayhem, or anything of the kind, unless the injury inflicted was upon the body of the wife.

Now we come to the case of New Hampshire. New Hampshire has so far relaxed the common-law rule as to permit the husband or the wife to be a competent witness for or against each other in civil actions or in criminal actions, unless it may be at the expense of the violation of marital confidence, putting the right of the husband and of the wife to testify very much on the ground of the relation that exists between the attorney and his client or the physician and his patient.

But neither of these cases, it is obvious, reaches the doctrine which is put into this bill of the right of the State to compel the husband or to compel the wife to testify against the one or the other, as the case may be. Making a witness competent to testify at his option or for his personal protection is a very different matter from compelling that witness to testify at the instance and demand of the State. The Senator from Kansas desires this rule to be adopted as it is reported in this bill, and he finds a reason for that, he says, in bringing about a more perfect equality between the husband and the wife in matters of personal and private right. I shall not undertake to enter into any disquisition or philosophical inquiry as to how far the independence of the wife or the independence of the husband may be sustained without the destruction of the marital relation, of all its confidence, and of all its purity, and of all its excellence, and of all its trust. It is enough for me that I do not find in any enlightened Christian country in the world upon the statute-book the same compulsory power which is sought to be embodied in this bill and put into the form of law for the purpose of suppressing polygamy in Utah.

Mr. President, we can scarcely do anything at all touching the marital relation that would be more injurious to it than this proposed act. It is not necessary for the independence or the comfort or the happiness of either husband or wife that they should have authority to go into court and reveal against each other confidential communications, matters a knowledge of which has been derived through the intimate association which the law and which the institutions of society create

between a man and his wife. There is no occasion, so far as they are personally concerned, for personal protection that either of them should have this right. There may be, and I believe there are, some States in the American Union, perhaps it is so in the District of Columbia, where the wife or husband may be examined as witnesses for themselves and against the other party in cases of divorce. That is a very great stretch, and a very dangerous one, too, in the law relating to the regulation of marital relations between a man and his wife. This bill provides:

That in any proceeding and examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be.

If this bill had stopped at the point of being "a competent witness," that would have been enough, and I should have made no objection to it; but when you compel the husband or the wife to come into court and disclose those matters in the face of the world which have been acquired from each other through the confidence of the marital relation, you do something that has a greater tendency to break up and destroy that relation in all its harmony, its unity, and its excellence than the Mormons are doing to-day by their inroad upon it through their polygamous practices.

I maintain that the Government of the United States is not put in that distressing attitude toward this question. We have the power to suppress this evil in the Territories just as much as the States have within their limits. I do not know of any State that, for the purpose of the suppression of bigamy or polygamy, has resorted to this compulsory process of compelling the lawful wife to testify against her husband, or for him either, or the lawful husband to testify for or against his wife; and unless some Senator can show that the precedent has been established in the experience of some of the States which will lead us to this extent, it seems to me that the answer is conclusive that we ought not to take it.

We are admitting too much of the power of this crime and the perpetrators thereof when we find it necessary as a Congress of the United States to usurp to ourselves control over the marital relations of this country that no other civilized government has as yet ever attempted to usurp. We are admitting too much. It is not necessary to go to that extent in order to punish this crime; and if we set the example we shall probably find in the various States of this Union a number of pretexts for legislation of a like character.

Senators have made long and able arguments, and anxious arguments too, upon the subject of the prevalence of divorce in the United States. It is enough to alarm any community to know that the sacred relation of husband and wife is being dissolved on all hands and in every quarter of this country with such enormous rapidity as is now going on; but we can do nothing that will make the marital relation so precarious, so dangerous to the peace of families and of society as to incorporate in our statutes here a precedent which will lead up to the doctrine that the States should in civil as well as in criminal procedure make the husband and wife witnesses against each other, even against their own consent, in all matters of confidence touching their association as husband and wife. It is a dangerous innovation.

Now, sir, there are doubtless tens of thousands of people in the United States who would seek occasion to employ themselves as witnesses for the purpose of breaking up the marital relation if the laws of the States did not put a prohibition upon them. I know that some of the States have relaxed their laws very much in this particular. In the State that I have the honor in part to represent on this floor we have been very cautious upon this question, and we have not allowed the husband and the wife to testify in divorce cases. We have compelled the parties to bring their testimony from extraneous sources, the object being to destroy the temptation, rather than to hold it out, which exists in the minds of a great many persons under a momentary dissatisfaction to break up that sacred relation which lies at the foundation of the family.

The legislation is of a dangerous character; and surely the Congress of the United States for the purpose of suppressing the crime of polygamy in one of the Territories ought not to venture upon it. Let us stop at these words, "shall be a competent witness," and let them, if they choose to do it, go into court and testify, permit them to do it notwithstanding the confidence of the relation in which they acquired the information. That certainly is as far as I am willing to go.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House returned, in compliance with the request of the Senate, the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The message also announced that the House had appointed Mr. BYRON M. CUTCHEON, of Michigan, a manager at the conference on the part of the House on the bill (H. R. 1015) for the relief of Fitz-John Porter, in place of Mr. GEORGE W. STEELE, of Indiana, excused.

The message further announced that the House returned to the Senate, in compliance with a concurrent resolution, the enrolled bill (H. R. 2344) for the relief of Melissa G. Polar.

MISSOURI RIVER BRIDGE.

Mr. VEST. In the engrossment of the amendments to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, one amendment was left out, and I ask the Senate to make the correction.

The PRESIDING OFFICER (Mr. PLATT in the chair). What is the motion of the Senator from Missouri?

Mr. VEST. I move that the bill be sent to the House properly amended, and that the House be notified of this amendment. The bill was really amended by the Senate, and the engrossing clerk did not put one amendment in the engrossment.

The PRESIDING OFFICER. The Senator from Missouri moves to correct an amendment to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri. The Senator from Missouri moves that the engrossed amendments be corrected according to the actual amendment of the Senate. Is there objection?

Mr. INGALLS. I think this is at least the eighth or tenth time this session that we have been called upon to pass and repass bills and amend them by concurrent resolutions, in consequence of their imperfect or inaccurate engrossment or enrollment in the House or Senate. It has been of sufficient frequency, I think, to justify me in calling attention to it and expressing the belief that it is a very injurious method of legislation. There is evidently great fault somewhere, and I hope it may be corrected.

Mr. VEST. This is the only way I know of correcting it. We adopted the amendment, and in engrossing the amendments the engrossing clerk left out one amendment, and did not inform the House of it, but the Senate had already acted on it.

The PRESIDING OFFICER. Is there objection to the correction of the engrossed amendments? The Chair hears none, and the correction will be made.

POLYGAMY IN UTAH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. GARLAND. I desire to make a few remarks on the proposition before the Senate, but it is getting late.

Mr. HAMPTON. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. Will the Senator withdraw the motion for a moment?

Mr. HAMPTON. Certainly.

Mr. HOAR. I wish to say that the committee who framed this bill have not occupied, I think, fifteen minutes since it came before the Senate, certainly not thirty. I made a few remarks, which did not occupy ten minutes. The Senator from Georgia [Mr. BROWN] then spent several hours in an attack on Massachusetts, to which I replied in about five minutes; and he spent several hours more, to which I have made no reply. It seems to me, therefore, that we are warranted in asking the Senate to finish this bill to-morrow and not have it in the way of other public business. I shall ask the Senate to sit to-morrow until the bill is disposed of.

Mr. BROWN. One word in reply to the Senator from Massachusetts. He speaks of the time that I have occupied in an attack upon Massachusetts. He introduced the slavery question here. I did not introduce it at all. I then took up and examined the history of slavery in Massachusetts and in Georgia. I think it was as legitimate for me to discuss the practice of slavery in Massachusetts as it was for him to discuss it in Georgia.

Mr. HAMPTON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 26 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 16, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCMILLIN for five days, on account of business.

ORDER OF BUSINESS.

Mr. JONES, of Arkansas. I ask unanimous consent to take up——

Mr. RANDALL. I call for the regular order.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions.

Mr. RANDALL. I desire to state that I wish to make an effort to get at the deficiency bill to-day in some way.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call resolutions and memorials of State and Territorial Legislatures, and also resolutions calling for executive information, are in order for reference.

GREEN D. MULLINS.

Mr. CANDLER introduced a bill (H. R. 7306) for the relief of Green D. Mullins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES S. ROBERTS.

Mr. RIGGS introduced a bill (H. R. 7307) granting a pension to James S. Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID FRIED.

Mr. STOCKSLAGER introduced a bill (H. R. 7308) for the relief of David Fried; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KOGEL.

Mr. KLEINER introduced a bill (H. R. 7309) granting a pension to John Kogel; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DAVID H. EELLS.

Mr. KLEINER also introduced a bill (H. R. 7310) for the relief of David H. Eells, of Evansville, Ind., late a private in the Sixth United States Infantry, serving in the Florida Indian war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

COURTS IN NORTHERN JUDICIAL DISTRICT OF IOWA.

Mr. COOK (by request) introduced a bill (H. R. 7311) changing the place of holding court in the northern district of Iowa from Fort Dodge to Algona; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY HERON.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 7312) for the relief of Mary Heron; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

C. W. BALDWIN.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 7313) granting a pension to C. W. Baldwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. UNDERWOOD.

Mr. PETERS introduced a bill (H. R. 7314) to increase the pension of James A. Underwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK P. DEARTH.

Mr. MORRILL introduced a bill (H. R. 7315) granting a pension to Frederick P. Dearth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB SNOVELY.

Mr. RYAN introduced a bill (H. R. 7316) for the relief of Jacob Snovely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP HOFELD.

Mr. RYAN also introduced a bill (H. R. 7317) to rerate the pension of Philip Hofeld; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. SEBELL AND OTHERS.

Mr. HALSELL introduced a bill (H. R. 7318) for the benefit of Henry A. Sebell and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. CUSIMANO & CO.

Mr. HUNT introduced a bill (H. R. 7319) for the relief of A. Cusimano & Co., a commercial firm of New Orleans; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JACOB WAKEMAN.

Mr. ELLIS introduced a bill (H. R. 7320) granting a pension to Jacob Wakeman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISSISSIPPI VALLEY RAILROAD COMPANY.

Mr. ELLIS also introduced a bill (H. R. 7321) granting the right of way to the Mississippi Valley Railroad Company through certain public lands of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GOVERNMENT FARM.

Mr. LEWIS introduced a bill (H. R. 7322) appropriating money for the establishment of a Government farm at or near the thirty-first parallel of north latitude; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

SETH BONNEY.

Mr. LOVERING (by request) introduced a bill (H. R. 7323) granting a pension to Seth Bonney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIRCUIT COURT IN MINNEAPOLIS, MINN.

Mr. WASHBURN introduced a bill (H. R. 7324) providing for holding a term of the circuit court in Minneapolis, Minn.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JASON W. NEWELL.

Mr. MORGAN introduced a bill (H. R. 7325) granting a pension to Jason W. Newell, Forty-fifth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. A. M'ARTHUR.

Mr. MORGAN also introduced a bill (H. R. 7326) granting a pension to W. A. McArthur, Seventh Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. THOMPSON.

Mr. FYAN introduced a bill (H. R. 7327) for the relief of John A. Thompson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. P. JENKINS.

Mr. FYAN also introduced a bill (H. R. 7328) for the relief of R. P. Jenkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREMONT, ELK HORN AND MISSOURI VALLEY RAILROAD.

Mr. VALENTINE introduced a bill (H. R. 7329) granting the right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Fort Robinson military reservation, in the State of Nebraska; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY VAN BLARICORN.

Mr. VALENTINE also introduced a bill (H. R. 7330) for the relief of Henry Van Blaricorn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES R. THOMPSON.

Mr. FERRELL introduced a bill (H. R. 7331) for the relief of James R. Thompson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEANIE H. GRIFFIN.

Mr. FERRELL also introduced a bill (H. R. 7332) for the relief of Jeanie H. Griffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET P. BLAKE.

Mr. JOHNSON introduced a bill (H. R. 7333) for the relief of Harriet P. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDSON BOSTWICK.

Mr. STEVENS introduced a bill (H. R. 7334) granting a pension to Judson Bostwick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS J. CAMPBELL.

Mr. STEVENS also introduced a bill (H. R. 7335) for the relief of Nicholas J. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. A. MORTON.

Mr. STEVENS also introduced a bill (H. R. 7336) granting a pension to T. A. Morton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMY A. LEWIS.

Mr. STEVENS also introduced a bill (H. R. 7337) for the relief of Amy A. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHLOE E. WHIPPLE.

Mr. STEVENS also introduced a bill (H. R. 7338) granting a pension to Chloe E. Whipple; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON O. BAKER.

Mr. STEVENS also introduced a bill (H. R. 7339) granting a pension to Newton O. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SPARR.

Mr. STEVENS also introduced a bill (H. R. 7340) granting a pension to John Sparr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUTHER SPENCER.

Mr. STEVENS also introduced a bill (H. R. 7341) granting a pension to Luther Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF PEACE MONUMENT.

Mr. COX, of New York, introduced a joint resolution (H. Res. 270) relative to the removal of the Peace Monument, now located at the intersection of Pennsylvania avenue and First street, Washington city; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ELLEN E. HEDGES.

Mr. KETCHAM introduced a bill (H. R. 7342) granting a pension to Ellen E. Hedges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. W. DAVENPORT.

Mr. VANCE introduced a bill (H. R. 7343) for the relief of R. W. Davenport; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC LANDS, UNION SOLDIERS AND SAILORS.

Mr. FOLLETT introduced a bill (H. R. 7344) granting one hundred and sixty acres of the public domain to every honorably discharged Union soldier and sailor and marine who served in the war of the rebellion; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EDWARD BARTHOLOMEW.

Mr. EVERHART introduced a bill (H. R. 7345) granting a pension to Edward Bartholomew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK SMITH.

Mr. CONNOLLY introduced a bill (H. R. 7346) granting a pension to Patrick Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS FITCH, M. D.

Mr. DIBBLE introduced a bill (H. R. 7347) for the relief of Augustus Fitch, M. D.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH WATTS.

Mr. DIBBLE also introduced a bill (H. R. 7348) for the relief of Sarah Watts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD CALVIN.

Mr. SMALLS introduced a bill (H. R. 7349) granting a pension to Edward Calvin, late quartermaster-sergeant Thirty-third Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK MARTIN.

Mr. POLAND introduced a bill (H. R. 7350) granting a pension to Patrick Martin, of Waterbury, Vt.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMEON GROW.

Mr. POLAND also introduced a bill (H. R. 7351) granting a pension to Simeon Grow, Company E, Twenty-sixth Massachusetts Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRAUDULENT CLAIMS AGAINST FOREIGN GOVERNMENTS.

Mr. DEUSTER introduced a bill (H. R. 7352) to prevent and punish the prosecution under the protection of the United States of fraudulent claims against foreign governments; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ZUNI INDIAN RESERVATION.

Mr. OURY submitted the following resolution of inquiry; which was read, and referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be requested to furnish the House of Representatives with copies of all reports, correspondence, and other papers on file in the Interior Department relating to the alleged claims of any person to a portion of the lands of the Zuni Indian reservation in the Territories of New Mexico and Arizona, and the restoration of such lands under said reservation; and also to inform the House what action the Department has taken in the premises.

RAILROAD TO YANKTON.

Mr. RAYMOND introduced a bill (H. R. 7353) authorizing the city of Yankton, in the Territory of Dakota, to issue bonds or to levy a tax to aid in the construction of another railroad into said city; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

JAMES M'KIM.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 7354) granting a pension to James McKim, Company I, Eighteenth Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. A. ROBINSON.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 7355) granting a pension to M. A. Robinson, widow of A. Y. Robinson, late a private of Company F, Thirtieth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN SCHOOL IN NEW MEXICO.

Mr. MANZANARES introduced a bill (H. R. 7356) to provide for the establishment and maintenance of an Indian school in the Territory of New Mexico, and to make an appropriation therefor; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection.

FRANCIS PINKERTON.

Mr. WOOD introduced a bill (H. R. 7357) granting a pension to Francis Pinkerton as dependent father on account of the death of his son in the service of the United States in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FENCING OF PUBLIC DOMAIN.

Mr. WOOD also submitted the following resolution; which was referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior Department be, and is hereby, requested to give to the House all the information he has personally or on file in his Department concerning the inclosure of parts of the public domain in the Western States and Territories, and the number of acres inclosed, and the character of the land. Also to state to this House the number of land claims in the Western States and Territories declared and claimed to be fraudulent, and the number of acres involved in them, and the character of the land.

MARY MURPHY.

Mr. HAYNES introduced a bill (H. R. 7358) granting a pension to Mary Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HAMLET.

Mr. HAYNES also introduced a bill (H. R. 7359) granting a pension to George Hamlet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES HOUSELMAN.

Mr. ROWELL introduced a bill (H. R. 7360) for the relief of James Houselman, late second lieutenant Company H, Forty-third Illinois Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOLDIERS' HOME AT DENVER, COLO.

Mr. BELFORD introduced a bill (H. R. 7361) to provide for the construction and maintenance of a Union and confederate soldiers' home at the city of Denver, State of Colorado; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY C. WALLING.

Mr. BELFORD also introduced a bill (H. R. 7362) for the relief of Mrs. Mary C. Walling, of Rusk County, Texas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUTIES ON TOBACCO.

Mr. SMITH introduced a bill (H. R. 7363) relating to duties on tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY A. KEIME.

Mr. McCOID introduced a bill (H. R. 7364) granting a pension to Mary A. Keime, widow of Henry Keime, late private Company B, Third Iowa Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS G. ALLEN.

Mr. McCOID also introduced a bill (H. R. 7365) granting a pension to Thomas G. Allen, late of Company B, Eighty-third Iowa Volun-

teers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union. I desire to state that my object is to reach the consideration of the deficiency appropriation bill.

The SPEAKER. Before putting that motion the Chair will recognize the gentleman from Indiana [Mr. LOWRY] to make a privileged report.

CONTESTED ELECTION, CAMPBELL VS. MOREY.

Mr. LOWRY. I present the report of the Committee on Elections in the contested-election case of James E. Campbell *vs.* Henry L. Morey, seventh Congressional district of Ohio.

The SPEAKER. The report will be printed and laid over.

Mr. LOWRY. The understanding between the majority and the minority of the committee is that the report shall be called up for consideration on Wednesday next.

The SPEAKER. Is there a minority report?

Mr. LOWRY. There is.

Mr. HART. I ask leave to file hereafter the views of the minority, to be printed with the report of the majority.

There was no objection.

BRIDGE OVER MISSOURI RIVER AT SIBLEY.

Mr. CLARDY. I rise to present a conference report on the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The report was read, as follows:

The conference committee on the part of the Senate and House of Representatives in regard to the disagreeing votes of the two Houses upon House bill 2031, to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, beg leave to submit the following report:

The committee recommend that the Senate recede from its amendment, in line 17 of section 3 of the bill, inserting the words "three hundred" instead of "one hundred and sixty."

That the House of Representatives agree to the Senate amendment striking out the word "of," in line 40 of section 3, and inserting the words "or to the persons or corporation controlling."

That the House of Representatives agree to the Senate amendment, in line 43 of section 3, striking out the word "district" and inserting the word "circuit."

That the House agree to the Senate amendment inserting after the word "bridge," in line 6 of section 4, the words "or persons or corporation controlling the same."

MARTIN L. CLARDY,
E. W. SEYMOUR,
S. R. PETERS,
Managers on the part of the House.
G. G. VEST,
WILLIAM P. FRYE,
J. M. DOLPH,
Managers on the part of the Senate.

The statement accompanying the report, as required by the rule, was read, as follows:

STATEMENT.

The managers on the part of the House of Representatives of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House H. R. 2031 submit the following written statement in explanation of the effect of the action recommended on each amendment in the accompanying conference report:

The Senate recedes from its first amendment, in regard to the length of the span of said bridge, and leaves the bill in that regard as it passed the House.

The House recedes from its disagreement on the second amendment, in regard to the persons who shall make the necessary alterations in said bridge and remove obstructions to the navigation of the river which such bridge may occasion.

The House also recedes from its disagreement on the third amendment, which substitutes the word "circuit" for "district;" so that suits in relation to the removal of obstructions shall be brought in the circuit instead of the district courts of the United States, as provided in the bill which passed the House.

The House also recedes from its disagreement on fourth amendment, in relation to the removal of obstructions and necessary alterations of the bridge; which said amendment is of the same effect as the second amendment.

MARTIN L. CLARDY,
E. W. SEYMOUR,
S. R. PETERS,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. CLARDY moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question recurs on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House now resolve itself into Committee of the Whole House on the state of the Union.

Mr. AIKEN. I do not think there is any member on this floor more anxious for an adjournment than I am, and I am sure that we can not adjourn until we pass the appropriation bills. But I hope the motion of the gentleman from Pennsylvania [Mr. RANDALL] will not be adopted, because I do not think it is exactly fair and right for the Committee on Appropriations to monopolize so many of the third Mondays of the month. This day four weeks ago was taken up, the greater portion of it, by the Committee on Appropriations.

The SPEAKER. The Chair will state that the motion is not debatable.

Mr. AIKEN. I hope the House will vote it down.

Mr. RANDALL. As the gentleman from South Carolina [Mr. AIKEN] has made a few remarks on this subject, I desire to say only that the House has fixed the 30th of June for final adjournment, and I understand the Senate is likely to fix the 3d of July. If either of those dates is to be finally adopted for the adjournment of this session, then of necessity the appropriation bills must be pressed to the exclusion of all other orders.

Mr. DINGLEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. I wish to inquire if, under the rules of the House, to-day, after the call of States and Territories, is not set apart for motions to suspend the rules, preference being given to committees?

The SPEAKER. The day is not set apart, but it is in order to make such motions, just as it is during the last six days of the session, though the six days are not set apart for such purpose.

Mr. DINGLEY. I would ask which is first in order to-day after the call of States, a motion to suspend the rules or the motion of the gentleman from Pennsylvania? The Committee on Banking and Currency is the first in order to be called for motions to suspend the rules, and is not a motion from that committee for that purpose first in order?

The SPEAKER. If the House shall vote down the motion of the gentleman from Pennsylvania [Mr. RANDALL], then the Chair will proceed to call the committees for motions to suspend the rules; but the day is not set apart for such motions exclusively. The rule provides that the Speaker "shall not entertain a motion to suspend the rules" except on the first and third Mondays of each month after the call of the States and Territories, and during the last six days of the session; but it does not dedicate those Mondays to that business exclusively any more than it dedicates the last six days of the session. Nor does the rule require the Chair to call the committees for motions to suspend the rules. The practice of calling the committees for that purpose has very properly been adopted in order that all might have equal opportunities to submit the motions. If the Chair were to hold that the first and third Mondays are set apart for such motions, he would be obliged to decide also that the last six days are likewise set apart, because the language of the rule is the same in both cases.

Mr. KASSON. As a question of order I would state that the question to me seems to be which motion, the two being proposed for recognition by the Speaker, is first in order. I had supposed that on the day when motions on behalf of committees are specially in order such motions would have the preference.

The SPEAKER. The Chair would state that there was no motion made to suspend the rules, and the Chair entertained the motion made by the gentleman from Pennsylvania, stating it to the House at least twice, and there has been some discussion upon it upon the floor. If the House does not desire to go into Committee of the Whole on the state of the Union, but prefers to proceed under the rule which allows motions to suspend the rules to-day, of course the motion of the gentleman from Pennsylvania will be voted down.

Mr. KASSON. I am not supposing that; but I thought the gentleman from Maine [Mr. DINGLEY] inquired if motions to suspend the rules were not now in order.

The SPEAKER. The Chair thinks not, because the other motion is pending. If some gentleman at the close of the call of States and Territories for the introduction of bills, &c., had called for the regular order, then the Chair would have been called upon to decide which motion was in order.

Mr. KASSON. I would inquire of the Chair if points of order have been reserved in the House on this bill?

The SPEAKER. The Chair does not remember, but the Journal of course will show. That is a question which will come up in Committee of the Whole.

Mr. KASSON. I ask because the question arose in Committee of the Whole recently about the right to make points of order on appropriation bills, and I think it was decided contrary to what is right.

Mr. AIKEN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. AIKEN. Does this motion require a majority or a two-third vote to decide it?

The SPEAKER. A majority of the House can control its business.

The question was taken on the motion of Mr. RANDALL; and upon division there were—ayes 106, noes 52.

Before the result of the vote was announced,

Mr. HATCH, of Missouri, called for the yeas and nays.

The yeas and nays were not ordered.

So the motion of Mr. RANDALL was agreed to.

DEFICIENCY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole (Mr. DUNN in the chair), and proceeded to the consideration of the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treas-

ury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

Mr. RANDALL. I ask unanimous consent that the first oeading of this bill be dispensed with and that it be now read by paragraphs. I desire to state for the information of the House that in the consideration of this bill I shall object to the discussion of the merits of any proposition upon which a point of order may be pending.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] asks consent that the first reading of the bill be dispensed with and that the Committee of the Whole proceed at once to its consideration by paragraphs.

Mr. CANNON. I think time might be saved if a few minutes were occupied now in explaining the bill.

Mr. RANDALL. I have not thought best to limit general debate and will yield to the gentleman from Illinois after the first paragraph of the bill has been read, if he desires to discuss the bill at length.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none. The Clerk will proceed to read the bill by paragraphs.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year 1884, and for other objects hereinafter stated, namely:

DEPARTMENT OF STATE.

For stationery, furniture, fixtures, and repairs, being a deficiency on account of the fiscal year 1883, $7.50.

Mr. CANNON. I think, Mr. Chairman, that time may be saved by a brief statement as to the general scope of this bill, before we commence its consideration under the five-minute rule, as it appears to the minority.

The gentleman from Indiana [Mr. CALKINS], who is now absent, was the minority member of the subcommittee that prepared this bill; so that the statement I shall make about the bill can not be so full as he would make if he were present.

The appropriations reported in this bill are in the aggregate $6,729,594.59. Of this amount the sum of $2,433,000 is for deficiencies for the fiscal year 1883—the last year. The deficiencies for the current year, 1884, amount to $2,981,000. The sum of $633,000 in round numbers is for the payment of judgments of the Court of Claims, Farragut prize-money, and other deficiencies not chargeable as deficiencies in appropriation. The sum of $681,000 in this bill is to pay audited claims for the year 1881 and prior years—claims audited under the act of 1878. These do not in any sense constitute deficiencies in the ordinary sense of the term for the current year. So that of the appropriations contained in this bill, amounting in round numbers to $6,729,000, $2,981,000—less than one-half—are for deficiencies for the current year.

The items making these several amounts are as follows:

DEFICIENCIES ON ACCOUNT OF THE FISCAL YEAR 1884.

Pay of the Army:		
Extra-duty pay to enlisted men	$25,093 75	
Pay to officers and men	275,000 00	
		$300,093 75
Registers and receivers of land offices		27,000 00
Postal service:		
Railroad transportation	500,000 00	
Mail messengers	15,000 00	
Postage-stamps	10,000 00	
Compensation of postmasters	1,700,000 00	
Fuel, light, and rent	5,000 00	
Twine	8,000 00	
Free-delivery service	14,653 40	
Post-route maps	1,860 00	
		2,254,513 40
Expenses United States courts:		
Attorneys	50,000 00	
Clerks	50,000 00	
Jurors	60,000 00	
Witnesses	60,000 00	
Marshals	75,000 00	
Miscellaneous expenses	15,000 00	
Courts in Utah	6,000 00	
		316,000 00
Contingent expenses House of Representatives		20,000 00
Material for folding, House of Representatives		4,500 00
Miscellaneous items for 1884		59,044 90
Total for 1884		2,981,152 05

DEFICIENCIES ON ACCOUNT OF THE FISCAL YEAR 1883.

Miscellaneous pay of the Navy		$48,749 45
Postal service:		
Foreign mails	$13,892 63	
Compensation posmasters	1,515,000 00	
Railroad transportation	648,992 92	
Other items	3,943 06	
		2,181,828 61
Expenses United States courts:		
Attorneys	115,000 00	
Clerks	60,000 00	
Commissioners	17,000 00	
		192,000 00
Miscellaneous items for 1883		10,886 59
Total for 1883		2,433,464 65

Mr. Chairman, this bill is conspicuous not so much for what it contains as for what it does not contain. The Committee on Appropriations—in my opinion, "without rhyme or reason"—have arbitrarily put into this bill certain items, while they have arbitrarily excluded other items amounting to over $500,000—items in many instances of the same nature as those included, arising under the same law, audited in the same way, and many of them for the same purposes as the items which have been inserted. It is to these matters that I wish to call attention briefly.

First, I come to an item of $216,158 to reimburse the States for expenses incurred in connection with raising volunteers. This item, regularly submitted by the Treasury Department, for claims which have regularly passed the accounting officers, is not recommended in this bill.

The States interested are the States of Ohio to the extent of about $90,000; New York, $54,000; Massachusetts, $28,000; Michigan, $42,000. These claims are in pursuance of general law. I will send to the Clerk's desk to be read the act of July 27, 1861, and the joint resolution of March 8, 1862.

The Clerk read as follows:

An act to indemnify the States for expenses incurred by them in defense of the United States.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury.

Approved July 27, 1861.

Joint resolution declaratory of the intent and meaning of a certain act therein named.

Whereas doubts have arisen as to the true intent and meaning of the act No. 18, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," approved July 27, 1861:

Be it resolved, &c., That the said act shall be construed to apply to expenses incurred as well after as before the date of the approval thereof.

Approved March 8, 1862.

Mr. CANNON. These expenditures were made in pursuance of the two acts which have just been read by the Clerk. In 1874 Congress passed what is known as the covering-in act, which Secretary SHERMAN assumed to repeal the permanent appropriations for the payment of these claims, since which time they have been reported annually to Congress by the Secretary of the Treasury for appropriation as they have been audited, and up to this time without any question they have been appropriated for. Congress, in 1878, passed an act amendatory of the act of 1874, making it the duty of the accounting officers of the Treasury to audit all claims where the appropriations had been insufficient, or where they had lapsed or been covered into the Treasury, and report them to Congress for its consideration. Under this law these claims are recommended.

I desire also to call the attention of the committee to a fact, and I trust the chairman of the committee when he comes to speak of this bill will explain to the Committee of the Whole why it is that under the law of 1882, providing for the repayment to certain persons or claimants for property which had been sold in the collection of the direct tax against the States, South Carolina should be provided for in an item covered by this bill to the extent of over $60,000—right enough, I grant, if on a full examination it is found proper and just; but why it is I can not understand, when you provide for her, that the other States which incurred these expenses of different kinds in order that South Carolina as well as all of the other States might continue to constitute a part of this Union should be left entirely out of the bill. The committee also have omitted over $200,000 certified by the accounting officers of the Treasury under different sections of the Revised Statutes for the payment of army transportation, barracks and quarters, and other expenses, where the appropriations were insufficient prior to 1882 or where the appropriations have lapsed. At the same time they have done this they have put precisely similar items, and a considerable number of them, covering a large amount, into the bill. Now, why the committee have seen proper to do so I fail to understand. Upon what principle they have made up the bill in this respect I can not understand.

They left out also an appropriation of $150,000 of the deficiency estimate for the payment of the salaries to storekeepers and gaugers.

I send to the Clerk's desk to be read for the information of the committee a letter from the Commissioner of Internal Revenue submitting this estimate, and to be published; also a letter from the Secretary of the Treasury covering the same point.

The Clerk read as follows:

TREASURY DEPARTMENT, *May* 15, 1884.

SIR: I have the honor to transmit herewith for the consideration of Congress a copy of a letter from the Commissioner of Internal Revenue of the 12th instant, in relation to an additional appropriation of $150,000 required to complete the service of the fiscal year 1884 on account of "salaries and expenses of agents and subordinate officers of internal revenue."

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. J. G. CARLISLE,
Speaker House of Representatives.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 12, 1884.

SIR: I have the honor to state that the appropriation for salaries and "expenses of agents and subordinate officers of internal revenue" for the present fiscal year is now so nearly exhausted that it is evident it will be insufficient to meet all the expenses of this character that will be necessarily incurred.

It is estimated, from a careful comparison of the expenses of the first nine months of this fiscal year with those of the same period of last fiscal year, that the deficiency will be at least $150,000.

This increase of expenses is entirely in the salaries of storekeepers and fees of gaugers, caused by the increased number of distilleries in operation and in the increased amount of spirits withdrawn from warehouse upon payment of tax and for export.

As the law requires a storekeeper to be assigned to every distillery in operation, and also requires all spirits withdrawn from warehouse to be gauged, it is evident that the expenses for this purpose are not within the control of this office, and that the precise sum needed therefor can not be accurately estimated in advance. It is of course impossible to foretell the exact number of distilleries which may be operated during the year.

The same remarks will apply largely to the force of gaugers needed.

I would therefore recommend that an additional appropriation of $150,000 for "salaries and expenses of agents and subordinate officers for 1884" be requested.

In this connection I would state that the expenditure for "salaries and expenses of collectors" for the present year will probably be about $120,000 less than the appropriation therefor, being the amount saved by consolidation of districts, so that the aggregate expense for collection of the internal revenue, including the deficiency herein recommended, will be but little more than the aggregate amount appropriated, and particularly as it is hoped several thousand dollars will be saved under some other minor heads.

Respectfully,

WALTER EVANS, *Commissioner.*

The honorable SECRETARY OF THE TREASURY.

Mr. CANNON. Now, Mr. Chairman, this expenditure for the salaries of those storekeepers and gaugers, as the Commissioner of Internal Revenue has well said, is something that is not under his control. The law requires that these officers shall be present at each distillery. The law requires also that when spirits go out of bond the same shall be gauged, and whether you appropriate much or little money the Commissioner of Internal Revenue must, so long as he proceeds to collect the internal taxes under the law, have these officers present for this purpose. I know that the gentleman from Pennsylvania generally holds, and properly so in the main, that an officer should cut the garment according to the cloth furnished, and that when money is not appropriated the service should be allowed to stop. That is true as to the service ordinarily. But when the law steps in and requires in peremptory terms a service to be enforced this particular officer charged with its execution has no discretion; the service must be performed. That is the case here. I might say, if I were disposed to criticise the action of the committee in reporting this bill, that the refusal to recommend this deficiency arises from a dislike to the internal-revenue system of taxation, which dislike was manifested upon the other side of the House in the amendments to the legislative bill, which if enacted into law will substantially defeat the collection of the internal-revenue taxes.

I think I have a right to claim that it was the same spirit which prompted the committee to withhold this deficiency appropriation, the service having been performed under mandatory law and the money now being due to the parties who performed the service.

There is another matter to which I wish to call the attention of the Committee of the Whole. On page 27 of this bill, gentlemen will notice, there is a provision repealing that part of section 2 of the act of March 3, 1883, which increases the salaries of the fourth-class postmasters. It is but a little more than a year ago since that act passed, reported from the Committee on the Post-Office and Post-Roads, and affecting the salaries of all postmasters of the first, second, third, and fourth classes.

It slightly decreases the salary, if I am properly informed, of second and third class postmasters, perhaps slightly increases a few salaries of the first class, but at the same time slightly increases the salary of postmasters of the fourth class. I do not believe that it ought to be repealed, and if the committee will give me attention for a moment I will state why.

On the 1st day of July last there were in the United States 47,863 postmasters. There are now nearly 50,000. Of these 47,863 there are 2,197 who hold Presidential offices, that is, who receive a salary of $1,000 and over, while there are 45,666 fourth-class postmasters, receiving a salary of less than $1,000. The average salary of these 45,666 postmasters per annum is $157; not quite so much as that; but proceeding on the basis as to the number of postmasters a year ago the average salary of fourth-class postmasters may be stated at $157. The deficiency provided by this bill to pay the salaries of these postmasters is $1,297,000. It is claimed that the change of the law increased the salaries of these $45,000 postmasters by that amount in the aggregate. The claim is not strictly true; the increase is not so great. But for the sake of argument I will concede the claim that it did increase the salaries of these postmasters by that amount in the aggregate.

Now it is proposed to repeal that law. The result will be if you repeal it that it will decrease the salary on the average of these fourth-class postmasters $28.40 a year. I must say that during my service in this House I have always been found standing for all just and proper economy, whether the Republicans had power in the House or whether you Democrats had power. But I submit to the House that this proposed legislation is not wise. Let us look at it a minute. Where a postmaster gets a salary over $2,000 his rent is paid; his fuel and light are paid; clerks are furnished him and paid out of the general Treasury; so that substantially he gets his $2,000 net. But these fourth-class postmasters, who receive an average salary of $157 a year as the law now is, do not get any clerk-hire; they do not get any allowance for rent; they do not get any allowance for fuel and lights; on the contrary, they furnish their own offices, their own fuel and lights, their own clerks. They bear all these expenses, and, I state again, receive on the average the magnificent sum of $157 a year. But the gentlemen on the other side who report this bill to the House propose to cut off $28 of that $157. I submit, the salary is too little instead of too much. And I apprehend this House of Representatives will halt a long time before they enact this legislation.

There are other matters in the bill to which I should be glad to call attention; but as the committee is desirous to consider it under the five-minute rule I do not feel that I would be warranted in consuming further time.

Mr. BURNES. I am requested by the chairman of the committee to move that the committee now rise for the purpose of limiting general debate. It may be, however, we can agree in regard to this proposition as I apprehend there is no other gentleman on the other side who desires to engage in the general debate. Does the gentleman from Illinois [Mr. CANNON] give his consent?

Mr. CANNON. So far as I am concerned, and I suppose so far as the gentlemen on this side generally are concerned, we are willing that general debate shall now close.

Mr. BURNES. Then I ask unanimous consent.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that general debate be considered as closed, and that the bill be read by paragraphs under the five-minute rule for amendment.

There was no objection.

The Clerk read the following paragraph:

For the payment of the remaining expenses connected with the service of the International Fishery Exhibition held at London in 1883, and for the preparation of the report called for by act approved July 18, 1882, to be expended by the United States Commissioner of Fish and Fisheries, under the direction and regulations of the Department of State, $7,500.

Mr. RANDALL. By instructions of the Committee on Appropriations I submit the amendment which I send to the desk.

The Clerk read as follows:

At the end of the paragraph just read insert the following: "This sum to be available until June 30, 1885."

Mr. CANNON. I ask that the amendment be again read.

The amendment was again read.

Mr. RANDALL. I will state to the gentleman from Illinois the occasion of this amendment. The bills are not all in, and are not likely to be in by the 30th of this month.

Mr. CANNON. I have no objection to the amendment.

Mr. BLOUNT. I would like to ask the gentleman from Pennsylvania a question. My recollection is we appropriated a certain sum of money to be used in connection with this exhibition.

Mr. RANDALL. The gentleman is correct.

Mr. BLOUNT. And I presume it was understood the expenses should be regulated by that amount.

Mr. RANDALL. The gentleman is correct. The amount of money appropriated was supposed to be sufficient; and if the time of the exhibition had not been extended two or three months, I think three months, it would have been sufficient. This appropriation is necessary because the time of the exhibition was extended beyond what was fixed as the time when Congress made the appropriation. In addition to the reason I have already given for the amendment which the committee offer, I will state that there is a compilation and publication of a report still to be made, the rendering of the bills for which is impossible in the few days left of the current fiscal year.

The amendment was agreed to.

The Clerk read the following:

To pay John W. Cahill for services as conductor of the elevator in the United States court-house and post-office building in Indianapolis from January 1 to March 10, 1882, $60.

Mr. BROADHEAD. I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

For paving streets adjoining public building in Des Moines, Iowa: Continuing improvement, $514.42.

For paving streets adjoining public building in Hartford, Conn.: Continuing improvement, $892.46.

For paving streets adjoining public building in Jersey City, N. J.: Continuing improvement, $244.

For paving streets adjoining public buildings in Saint Louis, Mo.: Continuing improvement, $11,842.23.

For paving streets adjoining public building in Grand Rapids, Mich.: Continuing improvement, $1,491.53.

For paving streets adjoining public building in Omaha, Nebr.: Continuing improvement, $3,017.75.

For paving streets adjoining public buildings in Cleveland, Ohio: Continuing improvement, $203.24.

For paving streets adjoining public buildings in Springfield, Ill.: Continuing improvement, $870.85.

Mr. RANDALL. I desire to raise a point of order upon that amendment. I know of no law which authorizes the paving of streets around

public buildings owned by the United States in the various cities where such buildings are located.

And I want to say, and I may as well make the point just here, that I ask that the debate on points of order shall be confined exclusively to the points of order involved, and I hope that the Chair will help me out in that particular, and that we shall in no instance discuss the merits of the propositions proposed. I do this in the interest of quick legislation and to save any waste of time.

Mr. BROADHEAD. These appropriations have been recommended by the Department in every instance, and the amount also has been recommended in each instance by the Department. It is with diffidence that I differ with the gentleman from Pennsylvania [Mr. RANDALL] on questions of order, knowing his parliamentary skill; but I want to read that portion of the rule to which he doubtless refers, section 3 of Rule XXI:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, it is true that this improvement is not a part of the building; but appropriations have heretofore been made for similar purposes. Appropriations have been made and recognized as proper for approaches to public buildings; and when the inquiry was made as to what the word "approaches" meant, we were informed that it meant the sidewalks around the public buildings. I take it that to improve a street adjoining a public building is just as much an improvement of approaches to a public building as is the improvement of a sidewalk; and the improvement properly comes in under that head. This, then, is in continuation of an appropriation for work already begun under existing law, and therefore, as I understand the provision of the rule, it is in order. I will read that provision again:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The Treasury Department has recommended these various appropriations in continuation of public works in progress at the respective points mentioned in the amendment I have proposed. I have here the letter of the Secretary and of the Assistant Secretary upon the subject.

Mr. CLARDY. I agree with the gentleman from Pennsylvania [Mr. RANDALL] that in the presentation of our views on this subject we should have regard solely to the point at issue. The amendment offered by my colleague [Mr. BROADHEAD] must stand or fall upon its face; that is to say, as I understand it the Chair determines whether the point of order be well taken or not by an examination of the amendment. In other words, the Chair treats the amendment as a court would treat a pleading on the presentation of a demurrer.

The amendment proposed by my colleague authorizes these appropriations in continuation of appropriations heretofore made. I say I agree with the gentleman from Pennsylvania that the argument should be confined to the point in issue, to the point of order, and the decision of the Chair should be confined to the fact presented to the Chair, to the amendment itself. Therefore it does not make any difference whether this be an appropriation for the improvement of streets, if it be true that it is an appropriation in continuation of an appropriation heretofore made. The only information the Chair can have on the subject it must derive from the amendment itself. The amendment speaks for itself.

If we are not permitted to go into any discussion of the merits of the proposition, then gentlemen ought not to be permitted to argue that it is such an appropriation as Congress would never authorize, because upon the facts presented to the Chair it is apparent that Congress has already authorized the appropriation, and this is but in continuation of it.

Mr. RANDALL. I submit in answer, first, that the recommendation of the Department does not make law; secondly, that these buildings are not in course of construction.

Mr. CLARDY. Is not the gentleman going outside of the point of order?

Mr. RANDALL. These buildings have been completed. The appropriations in this bill for these buildings are only for deficiencies of appropriations for work already done.

Mr. BROADHEAD. The letter of the Secretary of the Treasury, of January 4, 1884, states that in his recommendation of an appropriation of $35,000 he included the estimate of the Saint Louis street commissioners for the assessment for paving streets adjacent to that building.

Mr. RANDALL. The recommendation of the Secretary of the Treasury has not the force of law.

Mr. BLOUNT. Mr. Chairman, it seems to me this question has been settled by repeated rulings. Time and again has the Secretary of the Treasury sent in estimates proposing that the Government of the United States should co-operate in the paving of streets in various cities. I remember very well such propositions in reference to public buildings in San Francisco and various other places. But it has been uniformly held that such appropriations are out of order upon a general appropriation bill. There is no authority of law for the Government of the United States to unite with any city in the paving of any portion of the streets of that city.

Mr. CLARDY. Does the gentleman mean to say the Congress does not frequently do it?

Mr. BLOUNT. Yes, sir; I do mean to say that very thing. I have had the honor heretofore to have charge of bills of this class; and I remember distinctly that propositions of this kind have uniformly gone out upon a point of order. It has never been held that there was authority of law for propositions to pay out of the United States Treasury expenses of this kind for the paving of streets. It would be a very strange position for this Congress to assume that the Government, in the various cities where public buildings are located, shall for that reason aid in the paving of streets.

Mr. RANDALL. There is no authority of law for propositions to pay from the United States Treasury for the paving of streets in any city of the Union.

Mr. BLOUNT. That is the fact, and within my knowledge such propositions have seven or eight times been ruled out upon this very question of order.

Mr. BROADHEAD. The only question is whether this is the continuation of a public improvement under the rule read. I say it is just as much the continuation of a public improvement as the laying of sidewalks around a public building. The paving of streets is necessary for the purpose of approaching a public building. That is the only question that can arise. What has been the ruling heretofore I am not informed.

Mr. BURNES. Mr. Chairman, I naturally feel the greatest diffidence in rising to speak to a question of order upon which the chairman of the Committee on Appropriations [Mr. RANDALL] and other gentlemen of much larger parliamentary experience than myself have expressed an opinion. But in my judgment this point of order involves a principle reaching beyond and above the positions which have been taken on either side of this question.

When the Government of the United States purchases land in a State it has the right to limit its obligations and liabilities; but in the case now before the Chair the Government did not limit its liabilities. The Government by law became a holder of real estate in one of the States of this Union. It is a holder of real estate upon the same terms and subject to the same responsibilities, the same liabilities, the same legal obligations that rest upon every other real-estate owner in that State. Now, will it be said that there is no law requiring the Government of the United States to discharge the ordinary obligation and precisely the same obligation resting upon the private citizen? With a full knowledge of the law of Missouri (because every one is presumed to know the law) the Government purchased real estate there, and by the terms of the law, from which it did not exempt itself in the purchase, it became liable as the other property-holders. Under the laws of the State, in view of which the Government made the purchase, it became liable to improve the street to the middle of the street. Now, will it be contended in this House that an obligation of this kind resting upon this Government, an obligation assumed under the local law, can be disregarded with impunity? Did not the Government of the United States submit itself to the local laws of the State?

In this case the Government of the United States is simply a real-estate owner—nothing more and nothing else. It has been so decided by our supreme court in Missouri, and so decided, as I understand, by all the courts. If the Government wishes to purchase land in the State, and in doing so fails to exempt itself from the burdens and taxes which exist there with regard to all property-holders, why should gentlemen now come in with this plea, that there is no law authorizing an appropriation of money to enable the Government of the United States to discharge what is a legal duty under the local law to which the Government of the United States has subjected itself?

I submit that this matter overrides mere questions of parliamentary law. I think it raises a question based upon the relations of the Federal Government to the State government—a question involving the right of the State to demand that when the Government of the United States becomes interested in real estate in a State it shall discharge the duties incumbent upon it in common with all the citizens of the State. We should not undertake in this House to assume that we can violate with impunity the local law of a State and yet demand that the people of the State shall not violate any law.

Mr. KEIFER. Before the gentleman from Missouri takes his seat I would like to ask him a question. I did not clearly understand his statement as to the decision of the supreme court of Missouri with reference to the power of municipal corporations to tax for the improvement of the streets the adjacent property. However that may be, I wish to know whether the supreme court of the State has decided that a municipal corporation has the power to tax property belonging to the United States.

Mr. BURNES. Why, sir, there is no question with regard to it. The Government of the United States in purchasing property in a State can protect itself, if it will. The Government, before purchasing this property in Missouri, demanded that an act of the Legislature should be passed authorizing the purchase and securing to the Government exemption from taxation, State, municipal, or county, which otherwise might have been imposed upon the property. But, mark you, while the Legislature of Missouri, at the request of the United States, exempted the

Government of the United States from payment of taxes upon the land purchased, it did not exempt this Government from the ordinary burdens resting upon all landholders, upon all citizens alike.

Mr. KEIFER rose.

Mr. RANDALL. I believe I have the floor.

Mr. KEIFER. Allow me to say a word.

Mr. RANDALL. I wish to make a word of reply to the gentleman from Missouri [Mr. BURNES] in reference to the supreme court of that State. I do not think the supreme court of Missouri ever decided that point against the United States. If I remember correctly the decision of that court related to State public improvements.

In further answer let me say that the dedication of this property by the State of Missouri to the United States not only exempts it from taxation but in its very language uses the word "burden." As a question of law that decision must be construed in reference to all the points involved, and we must look to the precise construction put upon the law. It will not do to say that the word "burden" means other than tax. It must be taken to mean what it is placed there for—something that taxes. That is in answer to that point.

Mr. KEIFER. I only desire to add a word. I am not prepared to say that I am opposed to this provision against which the point of order is made, for it may be that the Congress of the United States ought to be just to the corporation and other property-holders and tax-payers of the city of Saint Louis. But I am not satisfied with the argument made that goes to the effect that this real estate of the United States in Saint Louis is subject to an assessment or tax or whatever you choose to call it for the improvement of the streets. I think United States property, perhaps on general principles by well-established law, has been exempted from local burdens, local assessments, local taxation. There is no power to sue the United States except by consent of the United States for taxes or anything else. The State of Missouri gave its assent to the purchase of this property when it was purchased by the United States. That assent of the State of Missouri carried with it the right of the Federal Government to hold that property free from any tax imposed upon it either by State or municipal law. Therefore unless gentlemen are able to show by some law affirmatively that this is liable to taxation then there is no ground for assessment or taxation of this property belonging to the Government by any municipal authority of Saint Louis.

Mr. COSGROVE. Will the gentleman permit me to ask him a question?

Mr. KEIFER. Certainly.

Mr. COSGROVE. Under the laws of Missouri the present charter of Saint Louis contains a provision requiring all property abutting on an alley to keep the pavement in front of that property in repair.

Mr. RANDALL. That is not so in all the States. I am advised in the State of Pennsylvania municipal assessment and taxation against public property are not admissible. United States property is in fact exempted from State or municipal taxation.

Mr. KEIFER. I have no doubt what the gentleman from Missouri has stated as to the law of Missouri is exactly as he has stated it; but it will not apply to property belonging to the United States. Indeed, it could not apply to property of the United States.

Mr. COSGROVE. Have the United States any greater rights under that law than the citizen?

Mr. KEIFER. If the United States could be taxed the same as citizens, then it would be in the power of a State to tax out of existence all United States property. But such policy is not admissible under our laws. When jurisdiction is ceded by a State to the United States the property is exempted from all State and municipal taxation.

The CHAIRMAN. The Chair would suggest that the debate seems to be running into the merits of the case and going beyond the point of order made by the gentleman from Pennsylvania.

Mr. KEIFER. It is claimed by those who favor the amendment and oppose the point of order made by the gentleman from Pennsylvania that there is a law which requires the United States to be assessed and pay taxes for the purpose of improving the street adjacent to or in front of the property of the United States. In that view of the case, which I think is the correct one, it seems clear that the Chair should overrule the point of order.

Now, if it be clear that by the law of the State of Missouri there is no power to levy the tax or make the assessment, there is no law requiring it to be paid, and the point of order made by the gentleman from Pennsylvania should be sustained.

Mr. CANNON. I desire to ask the gentleman from Ohio a question, with his consent.

Mr. KEIFER. Certainly.

Mr. CANNON. While I am not prepared to take any part in the argument upon the merits of this proposition, I wish to ask if the amendment does not show that that appropriation is in continuance of an improvement already begun on the part of the Government; and if that be shown to be true, I ask if the amendment is not a proper one under the rule?

Mr. KEIFER. That question is of course to be answered by the terms of the amendment itself. But I do not understand the terms of the amendment are such as would indicate that it is for the continuance of work already begun or for an improvement already in progress. And in that sense it may be the very reason why it is an improper appropriation, because it proposes to extend the matter of improvements on the part of the Government to property or upon the streets on which it has not already begun.

Mr. MILLS. The only question with which we have to deal is as to whether the improvements have commenced or not.

Mr. KEIFER. That is the simple question.

Mr. CLARDY. Mr. Chairman, in conformity to the views expressed by the gentleman from Pennsylvania, I was in hopes that we were to confine ourselves exclusively to the point of order; but the discussion so far develops the fact that we have wandered far away from it. In reply to the gentleman, however, I desire to say, while we do not insist that the municipal authority of the city of Saint Louis can impose a tax or a burden or make an assessment that will be binding and obligatory upon the Government of the United States, we do take this position: that the Government of the United States is bound to pay, as much as it is bound to pay anything, the reasonable value of the improvements necessarily made to the property of the Government. I think there can be no question as to the soundness of that position. I will say further that the law is not as stated by the gentleman from Pennsylvania. I say that no authority is or can be deduced which holds that the assessment of property for street purposes is in the nature of a burden; and I say further that the language of the statute authorizing the purchase by the Government of this property to which gentlemen have referred, using the words "tax" and "burden," only meant to indicate one and the same thing; in other words, that "tax" and "burden" as therein used are synonymous words, and the authorities everywhere go to that extent.

But do we propose to impose a burden upon the Government of the United States and upon this property? Mr. Cooley, in his work on constitutional limitations, says that while these assessments are in the nature of a tax, they are not in fact taxes. They proceed upon the theory that they work an improvement to the property; and that is why the municipality is not compelled to pay tax, but that the taxes must be paid by the adjacent proprietor or proprietors, and in the assessment they receive the benefit of the improvement.

But I have myself found it necessary to wander from the question in issue in order to answer the arguments of gentlemen who oppose this amendment. I say that it is properly set forth by the gentleman from Illinois [Mr. CANNON]. What does the amendment say? What purpose does it set forth? The amendment states what it is. It speaks for itself. It says that it is in continuation of an appropriation heretofore made. Can the Chair say that it is a falsehood upon its face, and disregard it and sustain the point of order? Because if it be in continuation of an appropriation heretofore made, then it is a proper subject for the consideration of this committee, and not subject to the point of order.

The CHAIRMAN. The Chair will state to the gentleman that the language of the amendment is "continuing the work of improvement," and not continuing appropriation.

Mr. CLARDY. The Chair of course has the amendment before him and can see the exact terms of it; but I hold that the principle I have endeavored to enunciate is the correct one bearing upon the point of order.

Mr. CONNOLLY. Mr. Chairman, this point has been decided before. It has been clearly decided by the supreme court of Pennsylvania that a municipal assessment is a tax. It was decided in the case of the Olive Cemetery Company, where a sewer was constructed in front of the cemetery and a claim was made on the cemetery for a portion of the expense for the construction of the same. It was claimed on the other hand by the cemetery authorities that it was not liable under its charter, which declared the cemetery to be exempt from taxation. The authorities held that the assessment was not a tax. The supreme court on appeal held that it was a tax, and reversed the decision below.

It has been decided also by a later decision in the State of New York, and as I have said it is now the law in Pennsylvania as well as in New York.

Mr. MCADOO. What case does the gentleman refer to?

Mr. CONNOLLY. The latest decision in New York is to the effect that a municipal assessment is a tax; and I will state that another case has arisen within the last six months.

Mr. MCADOO. Will the gentleman be kind enough to state the case to which he has before referred?

Mr. CONNOLLY. I have not the case before me, but I can refer the gentleman to it.

Last year a sewer was constructed in front of the Catholic church property in the city of Scranton, Pa. The authorities of the church held that they were not liable for any portion of the expenses because of the act of the Assembly in Pennsylvania which declares that church property shall be exempt from taxation. The court of Lackawanna County held that the assessment upon the property for the construction of this sewer was in the nature of a tax upon the property, and that under the act of the Assembly of the State exempting church property from taxation it was exempt from this assessment. The same rule, it may be said, has been held to apply to the paving of streets.

Mr. MILLS. The question before the Chair for decision is not as to the liability of the Government either legally or equitably. The Government of the United States may be liable and yet it might not be in order to fix that liability on this bill. It might come up on some other bill and an appropriation be made. But the question is this: Is it in order on this bill? That is the question, and if it is not in continuance of a work begun by the United States Government in that street it is not in order. It is not the continuation of a public improvement begun by the Government of the United States? The civil government may have begun the improvement of that street, and it would not be in continuance of a public work of the United States if the city were doing it; and surely the erection of a public building on a square in the city of Saint Louis is not such a public improvement as to authorize the paving of a street adjacent to that public building.

Mr. RANDALL. I ask the Chair for a decision.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] makes the point of order that the expenditure contemplated by this amendment is not authorized by law. In answer to that the gentleman from Missouri who proposes the amendment cites a recommendation of the executive officer having this work in charge. The recommendation of an executive officer is not a legal authority to do anything. It is usually coupled with a request to Congress asking for a law to authorize the work recommended. The ingenious argument made by the gentleman from Missouri on the right that the tax laws of the State of Missouri imposed this burden on this property and therefore authorized the expenditure is not good; because that would make the Treasury of the United States liable to every burden that a Legislature might see fit to impose upon public property. All these arguments might be good reasons offered to Congress for the enactment of a law to authorize the expenditure. But until that is done such an appropriation can not be made. It seems that the executive officer who had this work in charge did not feel himself authorized to expend any part of the money appropriated for that public work in this particular piece of work which this amendment asks to be provided for, and if he could find in the law no authority for this expenditure it is safe to conclude that there was no authority to do it.

The Chair thinks that the point of order is well taken. This is a deficiency bill, intended to carry appropriations to provide for liabilities already incurred and not to authorize them. The Chair sustains the point of order.

The Clerk read the following paragraph:

Internal revenue:
For payment of amounts found due by the accounting officers of the Treasury on account of alteration of dies, plates, and stamps: For the fiscal year 1884, $457.71; for the fiscal year 1883, $545.20.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "internal revenue," in line 84, insert the following:
"For salaries and expenses of agents and surveyors, for fees and expenses of gaugers, for salaries of storekeepers, and miscellaneous expenses, $150,000."

Mr. CANNON. A few moments ago in my general remarks I explained the necessity for that appropriation, and had read at the Clerk's desk letters from the Secretary of the Treasury and the Commissioner of Internal Revenue. And I only desire to state now to the committee again that this expense has been incurred for the payment of storekeepers and gaugers under the law as the law directs, and there was not a sufficient appropriation therefor. We owe the money. The indebtedness was incurred under mandatory law, and we ought to pay it.

Mr. RANDALL. In answer to the gentleman from Illinois and in opposition to the amendment I desire to state that on the 12th of May the committee received through the House a letter, which has been read; that that letter contains no details whatever as to deficiencies; that it is a mere surmise as to a deficiency; that up to the present time, within fourteen days of the expiration of the year for which this money is asked in the amendment, we are still without any detail as to the purposes for which this money is required.

I am not going to answer that part of the gentleman's argument in the general debate in which he referred to this side of the House as having a hostility to internal taxation as exhibited in the vote on this side on the legislative bill, from which he drew the conclusion that the same motive and the same spirit actuated this side in relation to the amendment. I say it will be time enough to appropriate this money to the Internal Revenue Bureau when we have the usual details required in this bill. We are making appropriations for several years back, the reason being that it has not been possible to obtain and transmit to Congress sooner the details as to those matters in many instances. We are not called upon, in my judgment, to make this appropriation blindly to carry on internal taxation, when we are not advised clearly that this is required, and when we do not as a general rule desire to increase the force that is now employed in the collection of internal taxation.

Mr. CANNON. I was not aware before on what grounds the gentleman in charge of the bill based his opposition to this appropriation. I undertake to say that his position is not tenable. He says that he does not propose to make this appropriation because there are but fourteen days of this fiscal year yet remaining, and that we have not any details as to the names of all the gaugers and how much is owing to each man for the several days' work that has been done and has not been paid for. Now, if that is the correct principle on which to proceed in making appropriations, then we should never make appropriations for the public service until the parties performing it had volunteered that service twelve months before they get their pay, and their accounts had been audited by the Treasury Department.

We have made appropriations in the legislative and executive appropriation bill for the next fiscal year of between one and two millions of dollars to pay storekeepers and gaugers. We make that appropriation in advance, although not one dollar of it is to be expended until after the 1st day of July next. We made a similar appropriation over a year ago for the current fiscal year.

Now, when we made those appropriations we could not foresee how many new distilleries were to be started; we could not foresee that there was to be a large amount of whisky withdrawn from bond that it might be exported, and another large amount withdrawn to be placed on the market, every gallon of which under the law had to be gauged before it could be withdrawn. The law required that it should be gauged, and it was gauged; and the poor men who acted as gaugers have earned their fees as the law fixes them. They have done their work, trusting to the United States for payment. The money which they have earned is now due and owing to them from the United States and should be paid.

Yet the gentleman from Pennsylvania [Mr. RANDALL] says that these men should be made to wait twelve months longer before they receive the pittance due them, because their accounts have not been audited. Sir, I undertake to say that we do not make appropriations in that way. We did not do so for this year, and we have not done so for the next year. We make an appropriation for this service and all other service for the Government a year in advance.

I trust this $150,000 due and owing to these men by 56,000,000 of people, the money now being in the Treasury, will be appropriated.

Mr. BURNES. I venture to suggest to my colleague from Illinois [Mr. CANNON] that the gentleman from Pennsylvania [Mr. RANDALL], the chairman of the Committee on Appropriations, does not propose to deviate from the general principles stated by him so often and so forcibly.

The gentleman from Illinois [Mr. CANNON] appeals to this Committee of the Whole on behalf of a few men who have earned their fees as against the 56,000,000 of people in this country. As a matter of course the gallant gentlemen of this House will respond to the weaker side, and the few against the 56,000,000 will always command our support.

But what are the facts and principles underlying this amendment? The estimate for this service for the fiscal year ending the 30th of this month was $2,300,000, and by the appropriation bill of the last Congress there was appropriated the sum of $2,300,000. Therefore the first principle that is violated is not by the gentleman from Pennsylvania, the distinguished chairman of the Committee on Appropriations, but by some officer of the Government, who in excess of authority and of appropriations has authorized persons to impose this burden upon the Government of the United States.

Mr. CANNON. Allow me right there.

Mr. BURNES. This is in the nature of voluntary or illegal service. There was no law authorizing it; there was no appropriation to pay it.

Mr. CANNON. Will the gentleman yield a moment, because right there is the point?

Mr. BURNES. I beg pardon; I will yield when I get through.

Mr. CANNON. Right at that point?

Mr. BURNES. Very well.

Mr. CANNON. The gentleman says there is no law authorizing this expenditure. The general law not only authorizes but requires that each distillery shall have a storekeeper, and that each gallon of whisky that goes out of bond shall be gauged. Now, in pursuance of that law this work was performed, but the appropriation is exhausted. Therefore the statement of the gentleman as to the want of law is erroneous.

Mr. BURNES. The Congress of the United States appropriated $2,300,000 for the purpose of enabling the Commissioner of Internal Revenue to discharge his duty under the law. Now I take it as a correct principle of government that he had no more right to spend $150,000 more than the appropriation than I had to put my hand into the Treasury and steal that amount. I say we must hold these Government officers to responsibility and accountability. They should not be allowed to constantly impose upon us this issue.

It is said these poor men have earned this money and that they come now to you and ask to be paid. If that is allowed, then these Government officers could keep us in this position all the time. We might as well allow them *ad libitum* to expend money from the public Treasury and then come in with their bills and we appropriate the money to pay them.

Finally, in addition to what I have already said, there has not been any effort on the part of the Commissioner of Internal Revenue to inform this committee of the details of expenditure for which he now seeks an appropriation in this bill. He has left us entirely in the dark. He has conceded the fact that it was a mere suppositious case; that

he did not know how much would be needed, but he estimated a deficiency at $150,000. In view of these facts, the Committee on Appropriations say, let the gentleman wait until the close of the fiscal year; let him come in with his deficiency when the deficiency is ascertained; let him not come to us without a bill of particulars, without anything except a mere statement that he himself has violated or ignored the law, or in deference to my friend from Illinois I will say has at least exceeded the appropriations authorized by Congress.

I will say, furthermore, that these gentlemen employed beyond the law and outside of the appropriations can very well afford to wait a few months until they can get a lawful appropriation for what is lawfully ascertained to be lawfully due.

Mr. WILLIS. I move *pro forma* to amend the amendment by striking out the last word. If I understand this amendment, I can see no reason in the world why this Committee of the Whole should not promptly adopt it. The law fixes the salaries of these men. Congress has compelled their employment. This whisky has been largely exported; it must be regauged. In order to regauge it, it is necessary that men should be employed. And when employed, the law fixes their salaries. This is a proposition to pay to officers of the law the salaries fixed by law. The amendment contemplates the payment of salaries which the Commissioner of the Internal Revenue could not, in the very nature of things, have estimated for at the time Congress convened; because the regauging of this whisky is an unexpected duty which has been devolved upon him and upon the officers of the law on account of the unwisdom in this Congress in compelling these men as a matter of self-defense to export this whisky.

Now, we are called upon in this case not to do anything against the law, but to provide for an expenditure within the law. I am therefore surprised that any gentleman should want to prevent these men from receiving their petty salaries at so much a day, salaries which must eventually be paid and which ought to be paid now. I hope the amendment will prevail. I withdraw the *pro forma* amendment.

The question being taken on the amendment of Mr. CANNON, it was not agreed to, there being—ayes 38, noes 81.

The Clerk read as follows:

INTERNAL REVENUE.

For payment of amounts found due by the accounting officers of the Treasury on account of alteration of dies, plates, and stamps: For the fiscal year 1884, $457.71; for the fiscal year 1883, $545.20.

Mr. CANNON. I move to amend by inserting after the paragraph just read the clause which I send to the desk.

The Clerk read as follows:

To pay expenses incurred during the fiscal year ended June 30, 1883, by collectors of internal revenue, under authority of the Commissioner of Internal Revenue, in securing a more thorough collection of taxes due upon spirits distilled from fruit, being a deficiency for the fiscal year 1883, $6,758.31.

Mr. CANNON. Mr. Chairman, I do not offer this amendment with any hope or expectation that it will be adopted. The last amendment having been rejected without exciting sufficient interest to obtain the vote of a quorum upon its rejection, I am not vain enough to think that this side of the House will pay sufficient attention to the proposed amendments to vote for them, or that the other side will pay enough attention to ascertain whether or not the appropriations ought to be made.

Mr. RANDALL. The amount which this amendment proposes to provide was expended without any authority of law. The original intention was to pay this expenditure out of what is known as the "fraud fund;" but the First Comptroller refused to recognize that fund as liable to any such charge. It was then sought to pay the expenditure out of the appropriation for gaugers and storekeepers, but the First Comptroller declined to approve such payment.

If we are to have any restriction whatever through the agency of law upon the expenditures of the Departments, this is a time when we should express ourselves to that effect. This money was used to send out people to make search, not because there was any information of violations of the revenue law, but to make search if there were such violations. The committee did not feel called upon to recognize any such action on the part of the Commissioner of Internal Revenue.

Mr. CANNON. I move to amend the amendment by striking out the last word. It is true that when this expenditure was incurred it was supposed by the Commissioner of Internal Revenue that, in accordance with former precedents, the expenditure would be payable from the "fraud fund" regularly appropriated from year to year. The First Comptroller of the Treasury, however, when he came to pass upon the accounts, decided, contrary to the previous practice, that this expenditure was not payable from that fund, but was payable from the fund appropriated for collectors and deputy collectors. Subsequently he decided it could not be paid from the latter fund, because the allotments made at the commencement of the year did not embrace this expenditure. So that these expenses incurred for the purpose of protecting the revenue at the fruit-brandy distilleries—an expenditure made for the purpose of seeing that frauds were not perpetrated, the amount being in round numbers about $6,000, could not, under the technical and changed ruling of the First Comptroller, be paid from either of those funds, although in either fund there was a surplus, the fund for the payment of collectors showing an unexpended balance of $120,000.

But the gentlemen reporting this bill, in harmony with their hostility to the internal-revenue laws, without sufficient vim to come in here and propose to repeal or modify those laws, propose to insist—at least that is my opinion—upon every technicality which will directly or indirectly impair the arm of the Government in honestly collecting these revenues.

Mr. BURNES. One word more. This appropriation is asked to pay special agents not authorized by law to go into Virginia and North Carolina in 1882 and look after the distilled spirits from fruit. These special agents went under the direction of a former Commissioner. They were not under the direction of the present Commissioner, and I say that as a solace to my friend from Kentucky.

But, sir, that is not entirely the question. The deputy commissioner in sending this matter to the Committee on Appropriations admits several propositions. First, that there was no authority of law for this service. Secondly, that there was authority of this office for that purpose. By some regulation of that office this liability was incurred in the summer of 1882. By no authority of law was this liability incurred in the summer of 1882 in the States of Virginia and North Carolina. But in addition he admits that when the Commissioner of Internal Revenue was asked to certify to this sum being paid he said no, and that when the Commissioner was asked to certify it to another fund he said no. If there can be any question on the point of law there can be no question as to the duty of Congress in regard to the merits of this legislation.

Mr. HISCOCK. I move to strike out the last word. Now, Mr. Chairman, so long as this law is in force it should be executed and a proper fund should be voted for that purpose. In this connection I ask to have read as a part of my remarks the bill which I moved to suspend the rules and pass on Monday two weeks ago. I will send it up to the Clerk's desk for that purpose.

The Clerk read as follows:

A bill to repeal the laws imposing internal-revenue taxes upon tobacco, and to authorize the withdrawal of alcohol and distilled spirits, and all products of distillation, containing alcohol and distilled spirits from bond without the payment of the internal-revenue tax, for use, except for use as a beverage, and for other purposes; and to repeal the internal-revenue taxes on liquors distilled wholly from apples, peaches, grapes, and all fruits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the 1st day of July, 1884, the taxes herein specified imposed by the internal-revenue laws of the United States now in force be, and the same are hereby, repealed, namely: The taxes on manufactured tobacco, snuff, cigars, cheroots, and cigarettes, and the special taxes required by law to be paid by dealers in leaf-tobacco, retail dealers in leaf-tobacco, dealers in manufactured tobacco, peddlers of tobacco, snuff, and cigars, and manufacturers of snuff and of cigars: *Provided*, That on all original and unbroken factory packages of smoking and manufactured tobacco, snuff, cigars, cheroots, and cigarettes held by manufacturers, factors, jobbers, or dealers at the time such repeal shall go into effect, upon which the tax has been paid, there shall be a drawback or rebate in favor of said manufacturer, factor, jobber, dealer, or other owner of said tobacco, snuff, cigars, cheroots, and cigarettes, to the full amount and extent of the tax so paid thereon, but the same shall not apply in any case where the claim has not been presented within ninety days following the date when such repeal shall take effect; and no claim shall be allowed for a less amount than $10, and any special-tax stamp covering taxes repealed by this act may be redeemed for the portion of the special-tax year unexpired at the time of the repeal when the amount claimed for such stamp shall not be less than $10; and all sums required to satisfy claims under this act shall be paid out of any money in the Treasury not otherwise appropriated, and it shall be the duty of the Secretary of the Treasury to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

SEC. 2. That all internal-revenue laws limiting, restricting, or regulating the manufacture, sale, or exportation of tobacco, snuff, cigars, cheroots, and cigarettes are hereby repealed on and after the 1st day of July, 1884, and that there shall be no drawback allowed upon any such articles which shall be entered for export on or after that date: *Provided*, That all laws now in force shall remain and have full force and effect in respect to all offenses committed, liabilities incurred, or rights accruing or accrued prior to the date when the repeal of the taxes specified in this act shall take effect.

SEC. 3. That on and after the 1st day of July, 1884, all laws and parts of laws heretofore passed by Congress and now in existence imposing an internal-revenue tax upon liquors wholly distilled from apples, peaches, grapes, and other fruits shall be repealed.

SEC. 4. The Secretary of the Treasury, under such rules, regulations, and restrictions as he may from time to time make for the withdrawals hereinafter provided for, and for their use, manner, and place of use, is hereby authorized to grant permits to any individual, copartnership, or corporation to withdraw from bond, without the payment of the internal-revenue tax thereon, distilled spirits, alcohol, and all products of distillation containing distilled spirits or alcohol, and subject to an internal-revenue tax, in specified quantities for use, provided the same shall not be so withdrawn for use as a beverage or for the manufacture of any product thereof, for use as a beverage, or admixture of the same, or any product thereof, with any other substance or product for such use: *And provided further*, That the applications for the aforesaid withdrawals shall state respectively where and for what purpose and in what manner the distilled spirits, alcohol, or product of distillation aforesaid is to be used for which the application for withdrawal is made: *And provided further*, That upon each withdrawal under this act the individual, copartnership, or corporation making the same shall execute and file a bond with two good and sufficient sureties, to be approved by a collector of internal revenue or the Commissioner of Internal Revenue, in a penalty for double the amount of the tax on the quantity of distilled spirits, alcohol, or product of distillation aforesaid, stated in the application for withdrawal thereof, conditioned that the same shall only be used at the place, for the purpose, and in the manner stated in said application, and that all rules, regulations, and restrictions made by the Secretary of the Treasury for the use thereof shall be observed and complied with, and for a breach or violation of any condition of such bond the United States may recover the full penalty thereof: *And provided further*, That any person who shall sell, use, or knowingly permit the use of the distilled spirits, alcohol, or product of distillation aforesaid withdrawn under this act, or any product thereof in any quantity whatever, for any other purpose than that specified in the application for the withdrawal of the same, shall be guilty of a misdemeanor, and for each offense, upon conviction thereof, shall be imprisoned not less than ninety days, and pay a fine of not less than $100: *And provided further*, That the Secretary, in the rules, regulations, and restric-

tions which he may make, in his discretion may require the admixture of the distilled spirits, alcohol, or product of distillation withdrawn under this act to be mixed with methyl or wood alcohol of equal proof strength, and in such quantities and under such regulations as he shall approve.

The reading of the bill was interrupted by the expiration of Mr. HISCOCK'S five minutes, but Mr. CANNON took the floor and yielded until the reading of the bill was concluded.

Mr. HISCOCK. Mr. Chairman, I only desire to add in connection with that measure that while the motion to suspend and pass it is pending I would suggest to the gentleman from Pennsylvania that by unanimous consent he will permit this appropriation bill to be amended so as to receive that proposition as an amendment to it.

Mr. RANDALL. In particular, what does this proposition embrace?

Mr. HISCOCK. It embraces a provision for entirely removing the tax on tobacco, and from alcohol used in connection with the arts, and from brandy made from fruits.

Mr. RANDALL. In a proper place I will take great pleasure in voting for it.

Mr. HISCOCK. This is a proper place, and I have no doubt the gentleman from Pennsylvania is in sympathy with the proposed legislation.

Mr. RANDALL. I do not understand the gentleman from New York seriously proposes this amendment. He asked only that it should be read as a part of his remarks. If the gentleman was joking about it——

Mr. HISCOCK. It is a serious joke.

Mr. RANDALL. He wished to have his proposition read as a part of his remarks, no doubt for the purpose of getting it in the RECORD; and he has accomplished that purpose.

Mr. HISCOCK. I am willing to put aside all levity and offer it as a very serious matter, if the gentleman will permit it by unanimous consent to come in on this bill.

Mr. RANDALL. I say deliberately to the gentleman that when I can get an opportunity in order to vote for the gentleman's proposition I will do it, but it is not in order at this time.

Mr. HISCOCK, by unanimous consent, withdrew his formal amendment.

The question recurred on Mr. CANNON'S amendment.

The committee divided; and there were—ayes 35, noes 80.

So the amendment was rejected.

The Clerk read as follows:

For the payment to the governor of the State of South Carolina of one-fourth of the proceeds of leases and sales of lands in the said State under the act of Congress of June 7, 1862, according to the account stated by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, $60,375.98.

Mr. PRICE. I move to strike out that paragraph. I desire to state one or two facts bearing directly on the question. They are these: August 5, 1861, assessment was made on the several States of the Union to the extent of $20,000,000, and there was of that amount $300,000 assessed to South Carolina. A part of that assessment only has been paid. Two hundred and ten thousand dollars of it yet remains unpaid. Growing out of that act and under the provisions of that assessment certain lands were authorized to be sold, out of which it was provided that they were to have a rebate of 25 per cent. of the amounts arising from the sales of the same.

There have been but $110,000 paid in all, and under that clause of the act allowing the 25 per cent. rebate a bill was introduced and referred to the Committee on Claims asking an allowance of some $60,000 to cover the amount of the rebate. That bill by some means was referred to the Committee on Appropriations. I do not know how or when it was referred. It got there in some way, as shown by the record, and that is what gives the committee now jurisdiction in making this report; otherwise the point of order would lie against it.

Now, Mr. Chairman, I ask this committee to strike that allowance out of this bill for the simple reason that the State of South Carolina stands indebted to the Union under the apportionment made to her of the twenty millions of taxes. Fifteen millions in round numbers of this apportionment went to the Northern States and four millions in round numbers to the insurrectionary States. The Northern States have paid back all of theirs with the exception perhaps of about $150,000, while the insurrectionary States have paid back less than one-half of all of theirs. Under that forced construction——

Mr. TILLMAN. Why—if the gentleman from Wisconsin will permit me to interrupt him—South Carolina has overpaid her quota of that debt.

Mr. PRICE. It is simply a question of understanding, not one of veracity between us.

I hold in my hand a pamphlet issued by the First Comptroller of the Treasury, and bearing date May 3, 1880, in which he says officially that there was assessed against South Carolina $363,590, and there has been collected of that amount about $152,000, leaving in round numbers $210,000 of it unpaid, as I have said. That is an ancient date, it may be said, but that is all the information we have from him upon the subject, as will be found by an examination of this pamphlet, except a letter which comes to us under date of March 3, 1884, in which he says that since making the foregoing statement to which I have just referred he has ascertained that California has paid $495,000 and Oregon $33,249, and that otherwise the condition is unchanged from his preceding report. So that if the First Comptroller of the Treasury, Mr. Lawrence, is correct in his information officially given to the House under a resolution, I am exactly correct, unless South Carolina has paid some portion of this sum since the 31st day of March, 1884. Now, I have not been able to find any record of any such payment. And conceding that his report, which comes to us as an official document, and I quote from it as such, is correct, the fact still remains that this is no place for that item of the bill. We ought to treat South Carolina exactly as we would treat Wisconsin or any other Northern State; that is to say, if we find an amount due to the State, credit it to the State, and adjust the amount with any balance that may exist the other way.

In that connection I might say that there is a bill pending before Congress to reimburse every State for all sums paid under the act of August 5, 1861, which would remit or excuse all the amounts yet remaining unpaid.

Mr. BURNES. Mr. Chairman, the committee had before it the full and complete recommendations of the honorable Secretary of the Treasury upon this particular subject in framing this appropriation bill. I hold in my hand a communication from that officer addressed to the Speaker of this House, too long, however, to be read, but which will be found in Executive Document No. 40, in which you will perceive the whole question is stated; and it seems to be incontrovertible that the State of South Carolina not only paid its full quota of the claim specified, with some compulsion perhaps in certain portions of the State, but that South Carolina paid not only its full proportion of the direct tax, but paid two dollars for every one of that direct tax assessed against the State; that is to say, instead of paying three hundred and some odd thousand dollars really due, the Government raised from South Carolina over $700,000, and by an act of Congress authorized the apportionment of that surplus afterward, when it was ascertained, for certain purposes, one-quarter to go for one purpose, one-quarter for another purpose, to the governor of South Carolina (and that is this one-fourth), and the other half remains in the Treasury of the United States. So that with the rejection of this amendment proposed by the gentleman from Wisconsin the Government will have in the Treasury $150,000 and over more than the whole amount of the State tax levied upon South Carolina during the war. In addition to this, Mr. Chairman, the Government will have in the Treasury one-half of that amount, being one-fourth of the whole amount, for another purpose, the object of which seems to have failed; but the Government has the money of South Carolina; but perhaps it ought to have it in equity and justice.

But under a law of Congress this appropriation is made to refund to South Carolina one-fourth of the surplus money that South Carolina has paid into the Treasury of the United States. Nothing can be fairer. And I am permitted to say that this appropriation has met the sanction not only of the Secretary of the Treasury but I believe of all the gentlemen, my colleagues on the committee, whom I have consulted in regard to it or who took action thereon.

Mr. DIBBLE rose.

Mr. PRICE. I desire to say one word in reply to the gentleman from Missouri.

The CHAIRMAN. Does the gentleman from South Carolina yield?

Mr. DIBBLE. Yes, sir; if it does not come out of my time.

The CHAIRMAN. It would come out of the gentleman's time.

Mr. DIBBLE. The amount assessed under the direct-tax act on the State of South Carolina was some $360,000. Now, that amount has been paid and there has been overpaid some $14,000. I read from the letter of the Secretary of the Treasury dated the 29th day of March, 1884, the present year, less than a month and a half ago, in which a statement is made up of the direct-tax accounts of the several States and Territories. In that letter South Carolina has the following figures: Amount imposed, $363,570; amount paid, $377,061; amount overpaid, $14,390.

Why, Mr. Chairman, the city of Charleston alone, which I have the honor to represent, paid herself over $200,000 of that direct tax, and the gentleman from Wisconsin is in error when he says that the payment by the State was only $150,000. The county of Orangeburg, which I also represent, paid a part of that tax.

We stand, therefore, in this position: that the Government under the direct tax has received $14,000 more than the quota imposed upon the State. The most of that was received by the payment of the tax by the owners of land; but a small portion of the tax was collected by the sales in the parish of Saint Helena, around the town of Beaufort, S. C., and in the adjacent islands.

The amount that was paid by the sales of lands in cases where the United States bought in the lands represented a tax of about $16,000 only. These were lands worth $700,000 by the assessment, which was an undervaluation, that were sold for a tax of $16,000 and bought in by the Government.

Now, of that amount that was bought in by the Government, representing sixteen thousand dollars' worth of taxes, there was leased out by the tax commissioners under a provision of the tax law an amount that realized some $21,000. Then by another provision of the law they sold of this land to the amount of $320,000, realizing altogether nearly $350,000;

all of which but $16,000 and about $4,000 expenses, making $20,000, was clear profit which went into the Treasury of the United States.

In relation to the land sold at a profit there was a provision of law that from the proceeds of such sales and leases of land as had been bought in by the Government there should be paid to every State as soon as loyal relations were restored one-fourth for the reimbursement of loyal citizens, or for such other purpose as the State might direct. That is the fourth of which the account has been adjusted by the Secretary of the Treasury, a portion having been disallowed. He has adjusted the account in a regular way and it amounts to $60,000.

[Here the hammer fell.]

Mr. WARNER, of Ohio. Without going into a discussion of the direct-tax question, I desire to say this matter was before the Committee on Claims and was referred to the Committee on Appropriations for allowance. Whatever the State of South Carolina may owe as a State under the direct-tax law of 1862, certainly the citizens of the State of South Carolina whose property was taken and sold in order to raise these taxes owe nothing to the Government.

As the gentleman from South Carolina [Mr. DIBBLE] has said, lands of private citizens of South Carolina were sold under that act for these taxes, as the direct tax was not a tax levied against the States, but against the citizens of the States; and under that these lands were taken and sold for a great deal more than the taxes. The surplus is the money in question in the Treasury of the United States. It ought to go to those citizens. But it is left for the State of South Carolina to settle with the citizens whose estates were sold for those taxes. And I understand the State of South Carolina has settled with them, or, at any rate, will do so. That this money was collected from citizens and not from the State, and can not be held as an offset against any tax due by the State of South Carolina, is perfectly clear to my mind. And I think this sum being due to the citizens should be paid in some manner by which it will go to those whose estates were sold under that law. It ought to go to them here and in this way, and not as an offset against any indebtedness of the State, if there be any.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. PRICE rose.

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. PRICE. I rise to answer the arguments gentlemen have made. I desire squarely to debate the question.

The CHAIRMAN. It will be necessary for the gentleman to offer another amendment.

Mr. PRICE. I move to strike out the last word.

I desire to call the attention of the committee to one or two circumstances. I have stated what is the condition of the accounts between the State of South Carolina and the General Government, if I am not misled by a document issued by the First Comptroller of the Treasury under and by virtue of a resolution of this House. I have stated that that is of the date of 1880. I hold with it a letter from him dated the 31st of March, 1884, in which he says the only corrections are in relation to California and Oregon.

Therefore there were only two States whose accounts were to be corrected, according to the result given in the pamphlet of the Comptroller of the Treasury, up to the 31st of March, 1884. There may have been payments since; I do not know about that.

My friend from Missouri [Mr. BURNES] says that over $700,000 was paid in under an assessment of three hundred and fifty thousand and odd dollars, and he asks you to take that statement as against the statement of the Comptroller of the Treasury. But he meets another obstacle. My friend from South Carolina [Mr. DIBBLE] admits that only about $360,000 was paid in. Am I right?

Mr. DIBBLE. There was paid in $14,000 over and above the amount of the tax, or $377,000. That is according to the restated account made by the Secretary of the Treasury and reported on the 29th of March of the present year.

Mr. PRICE. Well, take it on that basis, then.

Mr. BURNES. Will my friend allow me to interrupt him a moment?

Mr. PRICE. I like dearly to be interrupted, but I like also a little of my time myself.

Mr. BURNES. Just a moment.

Mr. PRICE. Very well.

Mr. BURNES. I would like to ask the gentleman from South Carolina to state if it is not the fact that over $700,000 was received by the Government from the State of South Carolina?

Mr. PRICE. How can I have an opportunity to say anything if the gentleman from South Carolina takes up my time to make that statement? I would like to be interrupted if I had time.

Now, I want to call attention to the statement made by the gentleman from South Carolina himself. Admit that $14,000 more than the amount assessed was paid, which is in direct contradiction of the statement made by the First Comptroller. Why, then, should we appropriate $60,000 to cover a balance of $14,000?

Again, in reply to the gentleman from Ohio [Mr. WARNER]. He says that this tax was levied upon the people of the State. I say that it was levied upon the several States of the Union, and there was a provision that if any State undertook the collection of the tax it should be allowed 15 per cent. discount. The State of South Carolina did not undertake to collect the tax, and therefore that discount was not taken out of it and it owed the whole sum. This does not go to the citizens of the State, and on the basis of my friend from Ohio [Mr. WARNER] I ask that it be stricken out. This provision says that the amount shall be paid to the governor of the State of South Carolina. I owe the governor of the State of South Carolina nothing. [Here the hammer fell.] Very well, let it drop; I can not argue this question in five minutes, anyway.

Mr. DIBBLE. The reason why this bill provides for the payment to the governor of the State of South Carolina is that the act of Congress, the existing law providing for its payment, says that "one-fourth shall be paid over to the governor of said State wherein said lands are situated." This is in accordance with the existing law, which makes it payable to the governor of the State.

As I was proceeding to state when on the floor before, this is not money derived from the sale of the land in the first instance for taxes. The Government purchased at the tax sales under the levy, for $16,000 only, property worth $700,000, on which the Government has since realized over $300,000 by a resale of a portion of it and by a lease of another portion of it; and the Government also holds to-day, under a title which has been pronounced sound by the Supreme Court, 2,560 acres of that land, and it also holds another portion of the land which has been reserved for military and naval uses for coast defense, and for use in time of war.

Therefore the Government has realized from the direct tax in the State of South Carolina $377,000 in place of $363,000, as shown by an adjusted account made up and reported to the Senate by the Secretary of the Treasury. I hold in my hand the official document, Senate Executive Document No. 142, of the present session of Congress. The Government has also realized $350,000 from resales of the lands, making in all over $700,000 besides the value of the land remaining on hand.

The act provided that out of the proceeds of this land resold at a profit there shall be paid to the governor of the State of South Carolina one-fourth of the amount to reimburse loyal citizens, or for such other purpose as the State may direct. The act also provided that there should also be paid over one-fourth of the amount to aid persons of African descent to emigrate to Liberia and Hayti, which amount was disallowed by the Secretary of the Treasury, and this the Government retains. Therefore the Government, after paying this sum, will have three-fourths of the profits of the resales of this land, amounting to $290,000 over and above the quota of South Carolina.

[Here the hammer fell.]

Mr. SMALLS. I desire to say that I regret that the whole amount of $377,000 instead of $60,000 is not in this bill. I think there is justly due to South Carolina the whole amount that has been paid into the Treasury from that State.

When the army first landed at Port Royal, S. C., every house in the whole town of Beaufort that was suitable was used for hospital purposes. Before any tax was levied upon that State we furnished all the hospitals required for the army at that point. If the persons to whom these houses belonged were claiming rent for their buildings used by the Government in the early part of the war the amount would more than settle these taxes due from the State of South Carolina.

In addition to that there were in the county of Beaufort, which I have the honor to represent, sixteen school sections of one hundred and sixty acres each reserved by the Government from these tax sales. There is also a large tract of land on Saint Helena Island reserved as a military reservation and for naval stations, &c., if need be. I am sorry my colleague, when he went before the committee, did not urge, as I think he might justly have done, that the entire sum of $377,000 should be returned to the State of South Carolina under this bill.

Again, Mr. Chairman, this is a peculiar tax at any rate. It is a tax which was paid only by the portion of the people residing in the lower part of the State. The people living in the upper portion of the State never paid one dollar of it. Its collection did extend, I believe, as far up as Orangeburg, the county which my colleague represents. But, sir, every piece of property in Beaufort County was levied upon and sold under this assessment, and sold at a time when the owners of the property could not get there to pay the tax. It is true that in January, 1863, when the confederates were on the other side, notice was sent over by a flag of truce in regard to these taxes; but any persons who desired to come over and pay the tax could not do so, because of course the Government at that time would not have allowed them to go back. [Laughter.] So they did not come. This property was advertised and sold. The Government bid it in. A year afterward it was readvertised and sold for this same matter which we have before us here to-day.

I hope gentlemen on this side of the House will not object to allowing this paragraph to stand in the bill. Indeed, the House ought to be generous enough to insert in the bill provision for the entire $377,000. It is true that many of these persons who lost their property are now dead and gone, but their children should not suffer on account of their action. This money in large part will go to minor children. If the

House is not willing to include here an appropriation for $377,000, I hope it will at least allow this appropriation of $60,375 to stand.

The question being taken on the amendment of Mr. PRICE, it was not agreed to.

Mr. BURNES. I am instructed by the Committee on Appropriations to submit the amendment which I send to the desk.

The Clerk read as follows:

After the pending paragraph insert:

"For the payment of John Reynolds, in full satisfaction of a judgment for $61,295.63 rendered in his favor by the circuit court of the United States for the district of California, sitting in San Francisco, Cal., against H. L. Dodge, superintendent, and Alexander Martin, melter and refiner of the United States mint in California, for an alleged violation of certain letters patent No. 53340 issued to said John Reynolds by the Government of the United States, of date March 20, 1866, for a patented process of refining bullion, $30,000: *Provided, however*, That before any part of said sum shall be paid to said John Reynolds he shall file with the Secretary of the Treasury a paper or papers, duly executed and acknowledged, by which full and complete satisfaction of the above-recited payment shall be acknowledged; also that any or all claims against the Government of the United States or any citizen thereof for the use and infringement of said letters patent for said process of refining bullion at any of the mints of the United States or other place, which have heretofore accrued or may hereafter accrue, shall be released and satisfied; and hereafter the Government of the United States and the officers thereof shall have the right to use such patented process at will, free from any claim for damages or compensation therefor by said Reynolds or any assignee."

Mr. BURNES. Mr. Chairman, it is proper that I should make a brief explanation of this amendment. Mr. Reynolds is the owner of a valuable patent with regard to melting and refining bullion. This process was used in the mints at San Francisco, Carson City, Philadelphia, and perhaps other places. Reynolds commenced suit in the circuit court of the United States for the district of California against the superintendent of the mint and the melter and refiner individually. After a trial he obtained a judgment for about $61,000 against these two officers. The judgment was reported to the authorities here in Washington. The Director of the Mint submitted the matter to the Secretary of the Treasury, who referred it to the Attorney-General. All these officers, in passing upon the judgment, conceded its validity and the impossibility of appealing the case with any effect. Upon the presentation of the claim to the committee, it was in the first instance rejected. Subsequently, when the Attorney-General informed the committee that it was impossible for him to hope to appeal the case with effect, and that it was evident that other suits would be commenced for infringement of this patent in other mints of the country, a committee of lawyers proceeded to investigate the matter; and it was found, contrary to our expectation, that the Supreme Court had decided that suits against officers of the Government for infringement of patents could be maintained, and that the obligation of the Government to pay such judgments, in relief of the officers, was complete. On this investigation the committee reconsidered this case and authorized this amendment to be offered, and it is now before the committee.

I will state further that the Director of the Mint in appearing personally before our committee stated that he would have been thoroughly satisfied if the judgment had been for $30,000, although he asked us to appropriate $40,000 in satisfaction of the judgment. The plaintiff, rather than take his chance against the defendants in execution, was willing to compromise on that amount. In consequence of that fact the subcommittee submitted the proposition to Mr. Reynolds that this proposition would be put into the bill if he would accept $30,000 in satisfaction of the judgment and agree furthermore to relinquish to the Government forever the right to use his patent process in all the mints and assay offices in the United States.

This is a statement of the proposition. I desire to say further that while the governments of other countries reserve in their grant of letters patent the right to use the inventions which are patented, yet this Government has never made any such reservation. It is a matter of serious consideration whether such reservation should not be made in the future.

Mr. WARNER, of Ohio. Let me ask the gentleman a question?

Mr. BURNES. Certainly.

Mr. WARNER, of Ohio. Was there any evidence before the committee as to the value of this patent?

Mr. BURNES. I understand from the Director of the Mint that the amount of saving to the Government has been more than the amount of the judgment.

Mr. HENLEY. In answer to the question of the gentleman from Ohio I will state that the saving to the Government has been more than $70,000.

Mr. BURNES. We recommend an appropriation of $30,000 in full satisfaction of the judgment of the court and for the right to use this patent forever.

Mr. WARNER, of Ohio. Does the gentleman from Missouri say the Supreme Court decided that the owner of a patent may sue in the circuit court of the United States a United States officer for using that patent, and get judgment, and that it will be obligatory on the Government of the United States to pay such judgment?

Mr. BURNES. No, sir.

Mr. WARNER, of Ohio. I understood the gentleman to say that.

Mr. BURNES. The committee decided the matter in the way I have stated. It is, as a matter of course, a moral obligation from which this side of the House does not often depart, nor will the other side, I think.

Mr. WARNER, of Ohio. If that can be done indirectly, then judgments can be obtained in the United States courts against the United States. Can the gentleman refer to the decision in this case?

Mr. BURNES. I will do so in a moment.

Mr. HENLEY. I have a reference to it in the letter of the Attorney-General, as follows:

In addition to the cases cited by the Solicitor-General, I would call the attention of the committee to Commeyer *vs.* Newton, 94 United States, page 234; and United States *vs.* Burns, 12 Wallace, page 246. The former case, like the Reynolds case, was a suit in equity upon a quasi-contract waiving tort, the defendent being an officer of the United States. The latter was a case of an actual contract by an officer of the United States. In the former case a suit was maintained in a court of equity; in the latter, in the Court of Claims.

Mr. WARNER, of Ohio. Does the decision of the court go to the point that the Government becomes obligated?

Mr. BURNES. Oh, no, not legally.

Mr. RANDALL. I ask for a vote.

Mr. BURNES'S amendment was adopted.

The Clerk read as follows:

For this amount, or so much thereof as may be necessary, to pay the expenses of the delegates representing the Eastern band of Cherokee Indians, while in the city of Washington, attending to the business of the Band or tribe, during the year 1884, including traveling expenses to and from said city, $1,250, to be paid out of any funds belonging to said tribe.

Mr. VANCE. I move the following amendment.

The Clerk read as follows:

For this amount, to pay the expenses and per diem of past delegations from the North Carolina Cherokees, and other just claims against them, as may be passed upon by the Secretary of the Interior, $4,000, to be paid out of any funds now in the hands of the Secretary, or that may hereafter come into his hands, belonging to said North Carolina Cherokees; and the Secretary of the Interior is hereby authorized to sell the lands lately purchased from William Johnston, of North Carolina, and others, for the benefit of the said Indians, the sale to be made at his discretion on the most favorable terms for their benefit: *Provided*, That the Secretary shall duly and truly account to individual Indians for such equitable claims they have within and upon said lands as is set forth in the report of the commissioners appointed by the court for the purpose of settling the matter touching the judgment of William Johnston against W. H. Thomas, the settlement to be made by the Secretary between individual Cherokees and the band upon the basis of allowing them the value of their individual tracts at the time of said award, with legal interest thereon: *Provided further*, That the Secretary is hereby authorized to pay to the members of the Eastern Band or North Carolina Cherokees who have actually removed to the Cherokee Nation the amount of $53.33 per capita, as provided for in the treaty of 1835.

Mr. RANDALL. I make the point of order against that amendment.

Mr. VANCE. I hope the gentleman will withhold his point of order until I can explain the amendment.

Mr. RANDALL. We lose a good deal of time in that way. If the point of order is good, there is no necessity for explanation.

The CHAIRMAN. The gentleman will state his point of order.

Mr. RANDALL. It relates to the payment of money out of the Indian fund and this is not the place for it.

Mr. VANCE. I hope the gentleman will withdraw his point of order because the Indians only are interested.

Mr. RANDALL. It is also not germane to this bill.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. RANDALL. I do not. The gentleman from North Carolina knows I would oblige him as soon as any man on the floor, but I can not show him a favor I am not willing to show to others.

The Clerk read as follows:

Postal service:

For rent, light, and fuel, $5,000; for cotton, jute, and hemp twine, $8,000; for free-delivery service, $14,653.40; for inland mail transportation by railroad routes, $500,000; for mail messengers, $15,000; for adhesive postage-stamps, $10,000; for post-route maps, $1,860; for compensation of postmasters, $1,700,000, including $1,297,665 for additional compensation of postmasters of the fourth class, as provided by the act approved March 3, 1883, from July 1, 1883, to June 30, 1884; in all, $2,254,513.40, being a deficiency for 1884, and payable from the postal revenues for that fiscal year. And section 2 of an act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, be, and the same is hereby, amended to read as follows:

"The compensation of postmasters of the fourth class shall be the whole of the box-rents collected at their offices, the rates of which box-rents shall be fixed by the Postmaster-General, and commissions upon the amount of the canceled postage-due stamps provided for in section 26 of an act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, approved March 3, 1879, on amounts received from waste paper, dead newspapers, printed matter, and twine sold, and on postage-stamps, stamped envelopes, postal cards, and newspaper and periodical stamps canceled on matter actually mailed at their offices, at the following rate, namely: On the first $100 or less per quarter, 60 per cent.; on all over $100 and not over $300 per quarter, 50 per cent., and on all over $300 per quarter, 40 per cent.; the same to be ascertained and allowed by the Auditor in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That when the compensation of any postmaster of this class shall reach $1,000 per annum, exclusive of commissions on money-order business, and when the returns to the Auditor for four quarters shall show him to be entitled to a compensation in excess of that amount under the preceding section, the Auditor shall report such fact to the Postmaster-General, who shall assign him to his proper class and fix his salary as provided by said section: *Provided further*, That in no case shall there be allowed to any postmaster of this class a compensation to exceed $1,000 per annum, exclusive of money-order commissions."

Mr. CANNON. I move to strike out from the word "and," in line 627, down to and including line 661.

I yield now my time to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, there is no section of this bill that pertains so much and so directly to the districts of every man in this House as the paragraph that we are now considering. It relates to the compensation of the fourth-class postmasters. There are almost 46,000 of that class, and, therefore, about an average of one hundred and fifty postmasters to every Congressional district in this country.

The fourth-class postmaster is an official that receives a compensation not exceeding $1,000 per annum. Prior to the adoption of the 2-cent rate of postage the average compensation of fourth-class postmasters was $128 per annum. Under the law passed in 1883, after the 2-cent rate of postage had been enacted, there was an equal compensation given for the same amount of work under the 2-cent rate as under the 3-cent rate, with the addition of about 10 per cent. increase. So that to-day the average compensation of the fourth-class postmasters is about $157 per annum instead of $128, which was the amount under the old law.

Let me ask you to consider and remember, in the first place, that a fourth-class postmaster is not paid a fixed salary. Your first, second, and third class postmasters are paid fixed compensation. Your Committee on Appropriations do not impinge upon or touch the law of 1883 so far as it refers to the first, second, and third class postmasters, embracing a compensation greater than $1,000 per annum. But the amendment of the law proposed by the Committee on Appropriations in this bill, the wiping out by the bill of section 2 of the act of 1883, affects the 46,000 postmasters to whom I have referred.

Now, let me show you how it affects them. From all the membership in this House during the last Congress when it was known that the 2-cent rate of postage would be the law there came an appeal to the Committee on Appropriations and in fact when I made the argument in connection with the 2-cent rate of postage I stated specifically that the Committee on the Post-Office and Post-Roads would hold themselves responsible to the House to bring in a bill before the close of the session so that if the 2-cent rate was established the law providing for the compensation of postmasters who received their allowances under a commission should be so adjusted that for the work done under the 2-cent rate there should be the same if not a greater amount in the matter of compensation than they were receiving under the 3-cent rate for the same amount of work. We passed the 2-cent law and the House by a carefully adjusted bill covered the compensation of all the postmasters. The Committee on Appropriations has already accepted the first section of that bill pertaining to the first, second, and third class postmasters. But they come here to-day with an amendment or proposition by a section incorporated in this bill doing what? Re-establishing the act of 1876.

[Here the hammer fell.]

Mr. BLANCHARD took the floor, and yielded his time to Mr. BINGHAM.

Mr. BINGHAM. They take the act of 1876 when the rate of postage was 3 cents on each letter and make it alone applicable to the fourth-class postmasters when the rate of postage has been reduced to 2 cents. In other words, the postmaster whose compensation is $100 to-day under his commissions from stamps sold and canceled will have to sell and cancel and handle mail matter 50 per cent. more than he now does if he gets his $100 compensation. It virtually, therefore, strikes at every fourth-class postmaster receiving a compensation of $100 to the amount of thirty-three and one-third dollars if this provision shall be inaugurated into a law.

And remember this further fact: the average pay of your fourth-class postmaster under the old law was, as I have said, $128. That was paid by the cancellation of stamps under the 3-cent rate. He will have to sell in dollars and cents the same amount of stamps (under the 2-cent rate in order to get that amount of money) plus 50 per cent. I do not think, therefore, that this House understands the severe enactment that your deficiency bill would enforce upon this class of our officers. This class gets no rent, no light, no fuel, and no furniture. It may be remembered, too, that the Department only allows but a few of these postmasters, those who receive eight hundred, nine hundred, or one thousand dollar scales, pads, ink, and canceling-stamps. All of the smaller offices have to buy everything of that kind for themselves. They buy their scales; they do not get ink; they have to buy it by the bottle for themselves, and are not entitled to canceling-stamps. They get nothing whatever from the Government. All the requisites of their offices must be purchased by themselves.

While we think we will almost come up even at the close of this fiscal year, under the 2-cent rate of postage, to a fair compensation with the revenues derived under the 3-cent rate, we must remember the fact that the increase is not where the fourth-class postmasters are. The increase is in the first, second, and third class post-offices, the large cities, where the business men use the letter at 2 cents postage instead of the postal card and instead of the open circular. Remember your fourth-class postmasters handle only 30 per cent. of your mail matter. The 70 per cent. is handled by the first, second, and third class offices. The increase in the general business has not been at the fourth-class offices, but has been at the first, second, and third class offices. The refore the additional severity of this enactment.

I will briefly state the proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX, of New York. If I can be recognized I will yield my time to the gentleman from Pennsylvania.

Mr. BINGHAM. I only ask to be permitted one minute more.

There was no objection.

Mr. BINGHAM. They propose to re-enact the law of 1876, wherein the postmasters of the fourth class were paid their compensation under commissions for stamps canceled when the rate was 3 cents and make that law applicable without the change of a word. They take the old law word for word and make that applicable to the 2-cent rate. I ask this House, in common fairness to the poorest paid clerks in this Government, averaging only a compensation of $128 per annum, if that is fair legislation? It is not legislation which comes from your Committee on the Post-Office and Post-Roads. It was not known to fifty men in this House that that enactment was incorporated in this bill. I ask if that is fair legislation, when the present law was passed by the last Congress without regard to party?

Mr. RANDALL. This bill is a deficiency bill, and a part of the deficiency comes by reason of the legislation which the Committee on Appropriations recommend to be repealed. There were two laws passed, both, I think, dating March 3, 1883. One had relation to a rearrangement of the salaries of the postmasters of the second, third, and fourth classes. The reason perhaps that there is nothing in this bill in relation to the first three classes is that that rearrangement did not increase their salaries. And we were led to believe that the law to which I refer in relation to fourth-class postmasters would not materially raise their salaries.

Mr. BINGHAM. I will state to the gentleman from Pennsylvania that I said in my argument—and I have it here—it would increase their salaries 10 per cent. I stated that distinctly and unqualifiedly.

Mr. RANDALL. There were gentlemen here at least who voted believing there was going to be a decrease of salary to the fourth-class postmasters, arising out of the other law, which reduced the postage from 3 to 2 cents. A very remarkable fact in connection with these two acts was that the act to increase the salaries of fourth-class postmasters was made to go into effect on the 3d of March, 1883, immediately, while the reduction from 3 to 2 cents postage, which was the excuse for the increase of that salary, was made to go into effect in the October following.

Under the operation of that law there was paid to these postmasters $797,447.38 as a gratuity, for it was not based upon any legislation that we supposed we were enacting. The increase actually in relation to the pay of the postmasters of the fourth class by that legislation is $1,300,000 per annum.

Mr. BINGHAM. I think that is not correct.

Mr. RANDALL. I have the figures here from the Post-Office Department to show that. They are embraced in the language of the bill, and we put them there upon information from the Postmaster-General or some one in his Department that they were correct.

Mr. BINGHAM. You did not put them there under the communication of the Postmaster-General which is printed as an executive document.

Mr. RANDALL. I put them there, or the subcommittee did, in the first instance, on the knowledge derived from the branches of the Department that have the immediate consideration and direction of this part of the postal service. And they drew this very language at the Post-Office Department this session; not that they approved of it altogether, but they said if this change was to be made this was the way in which to make it.

Mr. BINGHAM. Did they not hand you another proposition?

Mr. RANDALL. Not that I remember. I am informed by my colleague on the subcommittee that they did not.

Mr. BINGHAM. They submitted two propositions.

Mr. RANDALL. There are two propositions—one as to each year.

Mr. BINGHAM. Oh, no; I mean on the question of readjustment.

Mr. RANDALL. Now let me go on. There is no real reason why these fourth-class postmasters should be picked out in this way, and I do not believe that Congress intended at that time to take that amount of money out of the Treasury of the United States and give it in that direction. Let us see what are the facts in connection with the reduction from 3 to 2 cent postage. I have them here in a communication received by me from the Post-Office Department.

The sales of stamps for the quarter ending December 31, 1882, amounted to $11,017,096.41; for the quarter ending March 31, 1883, they were $11,325,618.05; for the quarter ending June 30, 1883, they were $10,606,519.75; for the quarter ending September 30, 1883, they were $10,083,509.53, making a total for twelve months at the 3-cent postage of $43,032,743.74.

Now let us see what has been the amount of sales under the 2-cent postage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS, of Texas, was recognized, and yielded his time to Mr. RANDALL.

Mr. RANDALL. The sales in the first quarter of the 2-cent postage, ending December 31, 1883, were $10,678,674.22; only about $300,000 less than in the corresponding quarter under the 3-cent postage. In

the quarter ending March 31, 1884, although that date is past, they are not yet able to state the exact sum, and the amount is estimated at $10,250,000; for the quarter ending June 30, 1884, the estimate is $9,900,000; for the quarter ending September 30, 1884, the estimated amount is $10,000,000; making the probable receipts under the 2-cent postage for twelve months $40,828,674.22; which is a decrease under the 2-cent postage of about $2,200,000.

Now, in addition we are asked to go to the extent of giving to these fourth-class postmasters $1,300,000, when the receipts of the Post-Office Department have been decreased.

Mr. BINGHAM. But the work of the postmasters has been increased.

Mr. RANDALL. So that, taking into consideration the loss of receipts from the reduction of the rate of postage with the amount we are asked to give to these fourth-class postmasters, there will be an annual loss of three and one-half millions of dollars.

Mr. BINGHAM. Conceding that the figures of the gentleman are correct so far as the probable revenue is concerned——

Mr. RANDALL. I have them from the Department.

Mr. BINGHAM. The gentleman should remember, when he says that the receipts under the 2-cent rate will be two and a quarter millions less than under the 3-cent rate, still there is absolutely 50 per cent. more work for the fourth-class postmasters under the 2-cent rate than under the 3-cent rate in consequence of the cancellation of the greater number of stamps.

Mr. RANDALL. I do not think that the law upon this matter should be allowed to stand. It has caused this deficiency, and we recommend its repeal because we want no deficiency of that character in the future.

Mr. ANDERSON. Mr. Chairman——

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. ANDERSON. I move to strike out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. ANDERSON. It seems to me that the point made by the gentleman from Pennsylvania [Mr. RANDALL] amounts to this: since there has been a reduction of receipts in consequence of reduction of postage, the fourth-class postmasters must make it good.

Mr. RANDALL. I do not want to have any increased compensation which does not pertain to the whole postal service.

Mr. ANDERSON. I fancy that is about what it amounts to. The actual fact is that the deficiency in receipts has not been near so great as was anticipated by every one who urged the reduction in the rate of postage. What the gentleman proposes is this: instead of treating all the postmasters alike he would allow the first, second, and third class postmasters to receive the compensation they now receive and make the fourth-class postmasters make up the deficiency. That does not strike me as being either logical, on the one side, or fair to the men who perform the work, on the other.

The reduction in the rate of postage certainly has increased the work of these fourth-class postmasters. Take any ten-dollar post-office, or a hundred-dollar or even a three-hundred-dollar post-office, anywhere in the country, and you will find that the work of those postmasters has been largely increased in consequence of the reduction in the rate of postage. That is the real fact about it.

Now it does not seem to me to be exactly the fair thing on the part of the Government to require these men to do more work and receive less pay because we saw fit to make a reduction of 33 per cent. in the rate of postage. It seems to me to be only fair that these men should be paid in proportion to the amount of work they performed. All through our new States and in many portions of the older States the Department finds great difficulty in securing persons to act as postmasters of the fourth class. Men do not want such a position, for there is nothing in it.

Take a man receiving $100 a year for acting as postmaster. He takes the position generally for the purpose of accommodating the neighborhood, not because of the amount of pay he receives. So far from making the fourth-class postmasters make good the deficiency of receipts resulting from the reduction in the rate of postage, I certainly would be in favor of increasing the compensation of the fourth-class postmasters because they perform more work.

Mr. RANDALL. Allow me to direct the attention of the gentleman to one fact. Under the old law postmasters received 60 per cent. of the amount of stamps canceled up to one hundred dollars' worth, while under the new law for the first $50 of stamps canceled they received the entire amount.

Mr. ANDERSON. I have no doubt that is correct.

Mr. RANDALL. There is no real hardship as regards the great bulk of these fourth-class postmasters.

Mr. BINGHAM. I will state what the law is on that point. Under the old law, of the first one hundred dollars' worth of stamps sold the postmaster received 60 per cent., or $60. That was when the rate of postage was 3 cents. Under the new law of March 3, 1883, fixing the rate of postage at 2 cents, of the first fifty dollars' worth of stamps sold the postmaster receives the entire amount, and on the next one hundred dollars' worth he receives but 60 per cent.

Mr. RANDALL. On stamps canceled, not sold.

Mr. BINGHAM. Certainly.

Mr. ANDERSON. I know that the intention on the part of many gentlemen on both sides of the House was to increase the compensation of the fourth-class postmasters. That seems to me to be the question now before us, and I for one most heartily and thoroughly advocate that increase.

Mr. CANNON. I suppose that the gentleman from Pennsylvania [Mr. RANDALL] proceeds upon the principle that "to him that hath shall be given, but from him that hath not shall be taken away that which he hath." [Laughter.]

Mr. CHACE. You have got that right, except one word.

Mr. MILLER, of Pennsylvania. It is near enough.

Mr. CANNON. Gentlemen seem to intimate that I have not read that for a long time. At any rate, I have secured the attention of gentlemen, and whether I have read it lately or not I think I have it right.

Now, I beg gentlemen representing city constituencies to recollect one thing: the postmaster at the city of Philadelphia gets $4,000 clear of all deductions.

Mr. BINGHAM. Six thousand dollars.

Mr. CANNON. Six thousand dollars clear. In addition to his salary he is allowed clerk-hire, fuel, lights, and all incidental expenses. I ask gentlemen representing these large cities to remember that their constituents have their mails delivered at their doors four or five times a day. But the one hundred and fifty postmasters in my district—and the case is the same generally throughout the West and South—get on an average, under the existing law, $157 a year; and they furnish their own clerks, their own fuel, lights, &c. Now gentlemen come in and propose to take from postmasters of this class $25 of the small allowance they now receive, although with the present pay it is difficult in many of our districts to find competent persons to perform this service; and in many cases those who do perform it do so rather as an accommodation than otherwise. I do think that, while the salaries of the postmasters in the large cities—officers receiving $4,000 a year—are not touched, the salaries of these humbler officials should not be reduced below the present meager rate.

Mr. BRUMM. Mr. Chairman, I move to amend the amendment by striking out the last word. It seems to me that this effort on the part of the Committee on Appropriations to reduce the already small salaries of the fourth-class postmasters is very much like the action of our large corporations. You will find all over the country that the daily wages of the workingmen are from time to time cut down upon the plea that the price obtained for the product of their labor will not justify the payment of the wages which have been received. At the same time the salaried officers of these corporations, receiving all the way from $1,200 to $30,000 or more a year, are never cut down. In the same way it seems to me this committee is now attempting to cut down the pay of those officers who of all others should not be subjected to a reduction, while it is proposed to allow the large fish to keep on swallowing the little ones.

Gentlemen forget that the officials whose salaries they are now attempting to cut down are performing additional work which was not required of them when they were receiving their percentage under the 3-cent postage. They are now required to note the time when letters are received; thus practically doubling their work. This attempt to cut down the present income of these humble officials looks to me very much like a "penny-wise and pound-foolish" retrenchment—a saving at the spigot and letting run at the bung. You are commencing at the wrong end with your retrenchment. I hope the House will not undertake to retrench upon the salaries of these small postmasters. If we are going to retrench, let us start with officers who receive larger compensation.

We have been liberal toward the cities; we have given you everything you have asked for. We have voted to give you letter-carriers, fast mail, and everything of that kind. But in some parts of the country mail matter is not received more than once a week. We simply ask you to let us alone. We hope representatives from the cities will not say to us, "You have given us all we asked, but now we are going to cut you down."

Mr. RANDALL. Mr. Chairman, this is not by any means a small item; it amounts to nearly $300,000 a year.

Unless the Committee of the Whole is ready for a vote, I desire to limit debate. [Cries of "Vote!" "Vote!"]

Mr. BRUMM. I withdraw the *pro forma* amendment.

The question being taken on the motion of Mr. CANNON to strike out, there were—ayes 53, noes 77.

Mr. CANNON. No quorum has voted.

Tellers were ordered; and Mr. RANDALL and Mr. CANNON were appointed.

The committee again divided; and the tellers reported—ayes 84, noes 68.

Mr. RANDALL. I do not make the point that no quorum has voted, but I shall ask for a vote on this amendent in the House.

So the amendment was adopted.

The Clerk read as follows:

For fees of United States attorneys, $50,000; for fees of clerks, $50,000; for fees

of jurors, $60,000; for fees of witnesses, $60,000; for fees of marshals, $75,000; for miscellaneous expenses of courts, $15,000; for expenses of Territorial courts in Utah, $6,000; in all, $316,000.

Mr. RANDALL. I move to amend by striking out in line 709 the words "seventy-five" and inserting "twenty-five;" so as to make the appropriation for fees of marshals $25,000; and also to change the aggregate appropriation in the paragraph from $316,000 to $266,000.

Mr. Chairman, I make this motion on my individual responsibility—not as a member of the committee. But I think the committee would have agreed to the amendment had they been aware of what I have heard in connection with these marshals' fees since this paragraph was agreed on in committee. It has come to my knowledge that gross irregularities have been found in many of the marshals' offices; and there ought to be a full and complete investigation of these offices throughout the United States before any considerable sum of money is given for the payment of these fees. The gentleman from Illinois [Mr. SPRINGER] can perhaps give more in detail than I can the reasons for this amendment, as it is upon his suggestion and upon facts presented by him that I have individually offered the amendment.

Mr. SPRINGER. Mr. Chairman, this amendment relates only to deficiencies in marshals' fees for the current year ending June 30. The deficiency, as reported, is $75,000. During the present session, the Committee on Expenditures in the Department of Justice, of which I am chairman, has been investigating the accounts of the United States marshals and other court officials. We have found very gross irregularities and excessive charges all along the line. These irregularities have not been confined to a few States; but wherever investigation has been made they have appeared. We are of the opinion—I at least am of the opinion, and I believe the committee of which I am chairman are of the opinion that a careful investigation of the accounts of marshals of the several States will show, that instead of the United States owing them anything, they on the contrary owe the Government large sums of money which they have illegally collected during the current year. I think with the investigation which will be carried on by the Department of Justice and by Congress, it will be found the sum suggested by the chairman will be ample to meet all the Government rightfully owes to this branch of the service.

Mr. CANNON. Of course, sir, I have not been on the committee that has been making this investigation. We have the estimate given of $75,000 to pay these fees. Whether they are owing or what amount is owing I can not tell. Whether any deputy marshal in the United States owes the Government I do not know. But I take it for granted that many of these deputy marshals have earned the money and ought to be paid. I think the better way would be for the gentleman either to make a report, or the attention of the officers who audit these accounts, if necessary, should be called to them, and where the claims on being audited are well founded then they ought to be paid. Why the gentleman should give $25,000 instead of $50,000 or $75,000 I do not know.

Mr. RANDALL. I am willing to put in the clause that none of the money shall be expended until there has been a thorough examination by the Attorney-General.

Mr. CANNON. There can not be a dollar of this money paid until it passes the accounting officers of the Treasury—the Auditor first and the Comptroller second. Upon the suggestion of fraud in the accounts of any one of these men by anybody whose word is entitled to give weight, or on the suggestion of any member of Congress, or by the Attorney-General, those accounts will be suspended, and if possible more thoroughly investigated. They have to pass the accounting officers in compliance with law before they are paid.

Mr. SPRINGER. I move to strike out the last word. I concede to the fullest extent what my colleague states as to the scrutiny in regard to these accounts by the accounting officers of the Treasury Department, and especially by the First Comptroller, Mr. Lawrence. He has exercised every diligence an officer can exercise. When the case of a man comes correctly certified he is bound to pay it.

A MEMBER. When regular on its face.

Mr. SPRINGER. But the regular cases will not meet it. It comes back in the accounts rendered by the marshal and approved by the court. They come up in the regular way, but when investigated in many cases they show that the fees charged were for services never rendered; that they are fictitious. If a subpœna issue for a witness and it is sent by mail two hundred and fifty miles and served by a local officer and then returned to the court, the marshal instead of charging the regular fees charges for mileage going to and from the place where the witness resides, as though he had sent out a man by rail to serve the writ. In a single criminal case fifty or sixty dollars were charged when five or ten dollars would be the regular fees at the utmost. I will give my friend a case. A man was subpœnaed as a witness before the grand jury in a pension case. He came one hundred and ninety-six miles to the place where the court was held and before which he testified. Before he left the city the grand jury presented him, an indictment was brought in court, the judge issued a bench-warrant, and that bench-warrant was served by the marshal in the corridor of the court before the man had left town. He was tried before a commissioner and entered into recognizance to appear before the court. The fees according to the law would be $2.50; yet the marshal sat down and made up his fees in that case as though he had gone to these several places, taken a guard with him, returned with a guard, and so on, making up an aggregate of fifty or sixty dollars in that one case.

A MEMBER. How much?

Mr. SPRINGER. Not less than $50 and not more than $60, when it only should have been $2.50. The evidence was that the regular fees for the service when performed would only be $2.50.

That is a fraud that of course the Comptroller of the Treasury could not discover. It is beyond his power to do it, because the account presented to him may be on its face perfectly regular and he must pay it. But the investigation instituted by the Department of Justice itself has brought the matter to light, and it has also been developed in the investigations had before the committee of which I have the honor to be chairman.

Mr. RANDALL. Let me interrupt the gentleman to ask whether it is not true that the examination into the accounts of some of these marshals' offices have shown that their accounts have been audited regularly all along from time to time; and did not the investigation recently had show that frauds have been practically going on during the very same period when these accounts have been audited?

Mr. SPRINGER. I will answer the question of the gentleman from Pennsylvania by citing another instance that has come under the observation of our committee. I refer now to a case arising in the western district of his own State of Pennsylvania. The marshal of that district rendered his accounts regularly during the whole term of his office——

Mr. VAN ALSTYNE. Embracing a period from 1873 to 1882.

Mr. SPRINGER. And there was no suspicion of wrong until one of his former deputies came and complained of the irregularities there, which complaint was made to the knowledge of a gentleman I see before me now, a member of this House, and who can verify the statement.

The Department officials said they were perfectly amazed at the statement; that it was impossible it could be true. They said he was the best officer in the service, and that his accounts were uniformly regular. They were regular upon their face, it is true; but an examiner was sent there who, upon looking into the matter, discovered that during all these years to which my colleague on the committee has just called the attention of the House he returned only as received on his emolument account $33,000 in the way of fees, when the docket of the clerk's office showed that $186,000 had been collected, although he only returned as collected the $33,000, and he is now a defaulter to the Government to the extent of $154,000, and against him there is, on the recommendation of the Attorney-General, a prosecution in that case, and the offender has been arrested.

Now, that is another case, of course, in which the Comptroller would have been perfectly powerless to ferret out the fraud. As I have stated, his accounts were regular on their face. It may be said, of course, that this is an exceptional case and that such cases of glaring fraud are not frequent. That may be. I understand that to be true; but I am satisfied that along the line of these accounts this practice has been more or less common, and I believe the amount suggested by the chairman of the Committee on Appropriations, $25,000, as a deficiency for the current year is more than the Government owes for the deficiency arising from this source for that year; and that when the matter has been thoroughly investigated it will be seen that the Government really owes nothing for this service, but, on the other hand, that it has paid annually too much already.

Mr. REED addressed the Chair.

Mr. CANNON. Will my friend yield to me for a moment so as to call my colleague's attention to a point in connection with this subject?

Mr. REED. I will yield for that purpose.

Mr. CANNON. Mr. Chairman, I want to call the attention of my colleague before he leaves this subject to one thing. He speaks of a number of cases where constructive mileage has been charged. I do not know how that may be; I can state to him that I have no sympathy with fraud and I apprehend that no member of this House has as to this or any other class of Government officers.

I do not know what the law may be in the Federal courts as to that particular subject of constructive mileage, but my colleague must know that in his State and mine sheriffs and constables have power to charge constructive mileage. He knows that if they find a man at the county seat in any part of the State, and one of these officers desires to serve a subpœna or process upon him, although the party may live thirty miles distant, he serves it and then charges constructive mileage covering the distance from the county seat to where this party resides.

Mr. ROWELL. That is the statute of Illinois.

Mr. CANNON. Now, what the law may be, as I have said, I do not know. I apprehend that some of these men have straight accounts, and I think we had better go to work and devise some method of investigating the accounts, if any be needed, instead of cutting down an appropriation which can not go out unless it be correct.

Mr. REED. As a practical matter I want to suggest that I think it is the case in a great many parts of the country that constructive mileage is charged for such service; but granting that it is entirely improper

or very questionable, the question is, what is the remedy? Now, it strikes me that to lop off this appropriation is not to provide a remedy at all, because if you apply only $25,000 for this purpose when $75,000 is needed whose account is the Auditor to refuse to pay? You have no method of proceeding by which he may discriminate between the cases which are obnoxious to the criticisms made against them and those which are perfectly regular and proper in all respects, and the result will be that you will only stop the payment of honest balances.

Now, unless you have some other system of auditing the accounts to submit, you ought not to cut short a deficiency which is conclusively shown to exist.

Mr. SPRINGER. I will inform the gentleman from Maine, if he will permit me to interrupt him, that it is contemplated in the sundry civil bill, which comes next after this, and which is the proper place for the appropriation for the ensuing year—it is contemplated by the Committee on Appropriations, and by the committee of which I am chairman also, to provide a remedy in the future. This is a deficiency bill and only relates to matters for the current year; but it is believed that something may be done to prevent this increasing evil in the next bill.

Mr. REED. Well, then, I submit that by this kind of an amendment you are more liable to strike the innocent than the guilty in proportion as the number of innocent exceeds the number of guilty.

Mr. SPRINGER. You may do injustice perhaps in some cases in order that too great injustice may not be done in others. And if those who may be entitled to it fail to get their money this year and an investigation is had next session or the succeeding session, and it is found we do honestly owe an additional sum, of course it will be appropriated.

Mr. REED. I think the gentleman has had too much experience here not to know how difficult it is to get such a matter attended to after it has been passed by one year.

Mr. SPRINGER. This is a deficiency. And when we find the Government owes a certain amount I do not think anybody will refuse payment.

Mr. STEWART, of Vermont, rose.

Mr. SPRINGER. I withdraw the *pro forma* amendment, that my colleague on the committee, the gentleman from Vermont, may renew it.

Mr. STEWART, of Vermont. I renew the *pro forma* amendment. I do not understand from any evidence which has been submitted before the committee of which my friend from Illinois is chairman that anybody can furnish any estimate to the chairman of the committee as to what should be done with this appropriation. I think my friend will be compelled to admit that while it appears that here and there in many of the judicial districts in this country the marshals have charged illegal fees—or in a few of the districts rather, I should say, because there are few districts in which there is any evidence that illegal fees have been charged—while it is true there is evidence tending to show, and in some instances showing, there have been such illegal fees charged, I undertake to say there is no evidence upon which an intelligent committee could undertake to pay any estimate such as is given by my friend from Illinois. How he arrives at these figures, $25,000, surpasses my wit to conjecture. It is certainly a matter of arithmetic. And this committee has had no conference and made no report on the subject. There is no evidence that will show that $25,000 or $50,000, or any less estimate than is furnished by the Department itself, would be sufficient to make up this deficiency. Therefore I think the committee should not adopt the suggestion, which is made evidently at haphazard and without any computation, I undertake to say, on the basis of the evidence which has been submitted to the committee.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. RANDALL].

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. COX, of New York, took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 2034) to remove the political disabilities of Alfred Iverson; and

A bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia.

The message further announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

The message further announced that the Senate agreed to the amendment of the House of Representatives to the thirteenth amendment of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and that it further insisted upon its amendments numbered 10, 11, and 17 to the said bill, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. ALLISON, and Mr. BECK to be the conferees on the part of the Senate.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk read the following paragraph:

For payment of district attorneys and their assistants, $115,000; for fees of clerks, $60,000; for fees of commissioners, $17,000; in all, $192,000, being a deficiency on account of the fiscal year 1883: *Provided*, That no part of the money contained in this and the preceding paragraph shall be used to pay special counsel fees.

Mr. HEWITT, of Alabama. I desire to offer an amendment, to come in at the end of the paragraph just read. I wish to state my amendment, and ask the Clerk to take it down.

The CHAIRMAN. The Chair suggests that the gentleman had better reduce his amendment to writing.

Mr. HEWITT, of Alabama. Very well. I ask that I be permitted to return to this part of the bill when I have my amendment prepared.

There was no objection.

Mr. RANDALL. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 30, after the amendment last adopted, insert:
"For fees of district attorneys for the year ending June 30, 1882, exclusive of claims numbered 78343, 78435, 78468, 84149, and 84145, $2,370.37."

Mr. RANDALL. The paragraph as originally framed excluded quite a number of fees which would go to the regular United States attorneys, amounting in the aggregate to $2,370. This amendment will allow that amount to be paid to those officers, but the proviso would continue to exclude the large sums which are yet due, or alleged to be due, to special counsel.

The amendment was agreed to.

Mr. RANDALL. I offer also the amendment which I send to the desk.

The Clerk read as follows:

On page 30, after line 721, insert:
"To pay J. D. Rouse for service in defending suits in claims against the United States, being a deficiency on account of the fiscal year 1874, $87.80."

The amendment was agreed to.

The committee rose informally, and the Speaker resumed the chair.

CONFERENCE ON THE FITZ-JOHN PORTER BILL.

The SPEAKER. The Chair desires to announce the appointment as one of the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 1015) for the relief of Fitz-John Porter, of the gentleman from Michigan, Mr. CUTCHEON, in place of the gentleman from Indiana, Mr. STEELE, who declines on account of his necessary absence from the city.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session, and proceeded with the consideration of the deficiency appropriation bill.

The Clerk resumed the reading of the bill, and read the following:

To pay to George McNeir, acting Postmaster of the House of Representatives, the difference between the pay of Postmaster and that of assistant postmaster for the period of time between August 1, 1883, and December 5, 1883, he having acted as Postmaster of the House during that time, $172.60.

Mr. HENDERSON, of Illinois. I move to amend by inserting, after the paragraph just read, that which I send to the Clerk's desk.

The Clerk read as follows:

To pay Clifford Arrick, for services rendered as a messenger in the post-office of the House of Representatives from the 17th day of November, 1883, to the 3d day of December, 1883, inclusive, $52.64.

Mr. RANDALL. I reserve all points of order on that amendment.

Mr. HENDERSON, of Illinois. I wish to say that this is for services rendered as a mail messenger in the post-office of the House prior to the organization of the present House.

Mr. RANDALL. For services actually rendered?

Mr. HENDERSON, of Illinois. For services actually rendered. The matter was referred to the Committee on Accounts, and they reported back a resolution to pay this amount out of the contingent fund of the House, and the resolution was adopted by the House. It is now said that it can not be paid out of that fund.

Mr. RANDALL. I have no objection to paying this amount once, but I would not like to run the risk of having the amount paid twice.

Mr. ADAMS, of Illinois. I am informed that there is a positive statute against paying for any claim incurred before the passage of the resolution where the payment is to come out of the contingent fund of the House. The resolution must first pass authorizing the service, and then the service is to be performed and the claim accrue after that. The Clerk of the House himself told me that he must decline to pay the amount on account of that law.

Mr. RANDALL. I will not object to this amendment, if gentle-

men, when we go back into the House, will ask unanimous consent to rescind the resolution referred to.

Mr. HENDERSON, of Illinois. The Clerk of the House declines to pay it out of the contingent fund.

Mr. RANDALL. I am willing to have it come in here so that the man may be paid, but I want gentlemen to give assurance that they will ask the unanimous consent of the House to rescind the resolution to pay the amount out of the contingent fund.

Mr. HENDERSON, of Illinois. I will ask unanimous consent for that at the proper time.

The amendment was agreed to.

Mr. HEWITT, of Alabama. I now ask consent to go back to the paragraph ending with line 721, which was passed over a short time since at my request.

The paragraph was as follows:

For payment of district attorneys and their assistants, $115,000; for fees of clerks, $60,000; for fees of commissioners, $17,000; in all, $192,000, being a deficiency on account of the fiscal year 1883: *Provided*, That no part of the money contained in this and the preceding paragraph shall be used to pay special counsel fees.

Mr. HEWITT, of Alabama. I move to amend the paragraph by adding to the proviso that which I send to the Clerk's desk.

The Clerk read as follows:

Except the claim of George Turner, a citizen of the State of Alabama, for services as special counsel in the mineral-land cases in the State of Alabama from the 1st of January to the 11th of August, 1883; which said claim has been adjusted and allowed by the First Comptroller.

Mr. HEWITT, of Alabama. I ask the Clerk to read, as a part of my remarks, the letter which I send up to the desk.

Mr. RANDALL. I desire to reserve all points of order for the purpose of finding out whether this claim is for service authorized by law.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., June 13, 1884.

SIR: Your account for services in the case *vs.* W. G. Croom *et al.*, at the June term, 1882, at Mobile, has been adjusted, and there is allowed $332.40, which will be paid as soon as Congress makes an appropriation.

Your account for services in mineral-land cases, from January 1 to August 11, 1883, has been adjusted, and there was allowed to you $3,000, of which $565 was paid in October last; the residue, $2,435, was suspended for want of appropriation. As soon as Congress makes the appropriation the amount will be paid.

Respectfully,

WILLIAM LAWRENCE,
By Z. M. LAWRENCE,
Acting Deputy Comptroller.

GEORGE TURNER, Esq.,
Special Assistant United States Attorney for Alabama,
Washington, D. C.

Mr. RANDALL. Does the gentleman from Alabama say that there is a law authorizing the Attorney-General to employ special counsel in such matters? If he does, then I will withdraw the point of order and say what I have to say against the proposition.

Mr. HEWITT, of Alabama. If the Attorney-General had no authority to employ special counsel, then of course this claim would not have been allowed and audited by the Comptroller of the Treasury, but would have been rejected by him. It has been allowed, been adjusted, been passed, and would have been paid if there had been any money to pay it. There was a deficiency in the appropriation for this service and that is the reason why this claim has not been paid.

I do not say that there was any reason why special counsel should have been employed in these cases. In fact, I do not think there should have been any prosecution of the cases at all. But the fact is that there was a large number of cases prosecuted, under what is known as the mineral law, for alleged frauds upon the homestead law, and Mr. Turner was selected by the Attorney-General as special counsel and he rendered the service. I have been told by the men who defended the parties that Mr. Turner did good service, that he did his whole duty, that he represented the Government well and ably. His claim has been presented, adjusted, and allowed, and part of it paid. The balance would have been paid if there had been funds out of which it could have been paid.

As the service has been rendered, it is the duty of the Government to pay the man. If it is wrong to permit the Attorney-General to employ special counsel in such cases the remedy should be by law, not by refusing to pay the fees of counsel where the services have been rendered under the law.

Section 363 of the Revised Statutes provides:

The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings.

That is the law under which Mr. Turner was employed.

Mr. RANDALL. The gentleman from Alabama admits that there was no occasion——

Mr. HEWITT, of Alabama. I do not say that. I say that in my opinion there was not, for the parties were all acquitted.

Mr. RANDALL. The gentleman says that in his opinion there was no occasion for the employment of this special counsel. Now, there has come to the Committee on Appropriations, so far as I know, no detailed statement in which this item is enumerated. We have therefore had no opportunity to examine what service was rendered; and under such circumstances I think we should not make an appropriation. I hope the amendment will not be agreed to.

Mr. HEWITT, of Alabama. One word more. When I say that there was no necessity for the employment of this counsel, or that I would not have made the employment myself, I speak only from my knowledge of the facts, not from the knowledge that the Attorney-General may have had. I doubt not that he acted with a view to what he conceived to be the best interests of the Government in making this appointment.

Mr. RANDALL. That may all be; but it is due to our committee that we shall have the facts stated to us from some official source. We should not be asked to rely upon the mere statement of the person employed.

Mr. HEWITT, of Alabama. Mr. Chairman, there is a statement from an official source, a statement from the Comptroller, whose business it is to adjust these claims, stating that this claim has been adjusted and allowed, and a portion of it paid; that the remainder would have been paid if there had been funds out of which to make payment. This is clearly a deficiency, and we have official information of the fact.

Mr. RANDALL. The gentleman has caused to be read a letter addressed to himself; it did not come to the committee at all.

Mr. BLOUNT. I wish to ask the gentleman from Alabama [Mr. HEWITT] whether section 363, which he read, is not changed by section 365? Section 363 is from an act of 1861, and section 365 from an act of 1870. I read the latter section:

SEC. 365. No compensation shall hereafter be allowed to any person besides the respective district attorneys and assistant district attorneys for services as an attorney or counselor to the United States, or to any branch or Department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the Attorney-General that such services were actually rendered, and that the same could not be performed by the Attorney-General, or Solicitor-General, or the officers of the Department of Justice, or by the district attorneys.

It would seem that section 365 was intended to abridge the power given to the Attorney-General in section 363.

Mr. HEWITT, of Alabama. I do not think so. There does not appear to me any inconsistency between the two provisions.

Mr. RANDALL. Let us have a vote.

Mr. HEWITT, of Alabama. This man performed the service; there is no doubt about it.

The question being taken on the amendment, it was not agreed to.

Mr. RANDALL. I move to amend by inserting the paragraph which I send to the desk.

The Clerk read as follows:

G. T. Garrison, Thomas G. Skinner, W. E. English, E. H. Funston, J. H. Wallace, F. A. Manzanares, F. W. Rockwell, and Robert Small, for allowances for stationery for the first session of the Forty-eighth Congress, $125 each; in all, $1,000.

The amendment was agreed to.

Mr. RANDALL. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After line 792, on page 32, insert:

"Agricultural Department:

"That so much of the act passed June 8, 1884, making appropriation for the support of the Agricultural Department for the fiscal year ending June 30, 1885, as appropriates $25,000 for the investigation of infectious and contagious diseases to which all classes of domestic animals are subject be, and the same is hereby, repealed."

Mr. RANDALL. This amendment comes from the Committee on Agriculture, and is designed to repeal an appropriation rendered unnecessary by reason of a provision embraced in another law.

Mr. RYAN. If this relates to the cattle quarantine law, that law is in no wise affected by the law passed a few days ago—the pleuro-pneumonia law. Hence I think the amendment is a mistake.

Mr. RANDALL. It is not a mistake. The amendment came from the Committee on Agriculture, who understood the subject, and it should be agreed to.

Mr. DIBRELL. I ask that the amendment be again read.

The amendment was again read.

Mr. DIBRELL. Mr. Chairman, it was agreed in the Committee on Agriculture that if the pleuro-pneumonia bill should pass this should be stricken out.

Mr. RYAN. It does not relate to the cattle quarantine subject at all.

Mr. DUNHAM. Does that decrease the bill?

Mr. DIBRELL. Yes; it does diminish the bill. It takes that much out of the agricultural bill.

Mr. RANDALL'S amendment was agreed to.

Mr. REED. I offer the following amendment:

To pay Henry H. Smith, Journal Clerk, for additional services rendered during the first session of the Forty-eighth Congress, $500.

The amendment was agreed to.

Mr. COOK. I am instructed by the Committee on Elections to move the following amendment.

The Clerk read as follows:

That the parties named below be allowed the amounts set opposite their names in full of expenses incurred by them respectively in contested-election cases:

William E. English	$2,000
S. J. Peelle	2,000
S. R. Peters	1,000
J. R. Chalmers	2,000
Van H. Manning	2,000
F. A. Manzanares	2,000
Jonathan H. Wallace	2,000
William McKinley, jr	2,000
James E. Campbell	2,000
Henry L. Morey	2,000
John Paul	2,000
Charles T. O'Ferrall	2,000
B. T. Frederick	2,000
James Wilson	2,000
George H. Craig	1,000
Charles M. Shelley	1,000
John E. Massey	3,500
John S. Wise	3,500
George T. Garrison	2,000

And to the following-named persons on account of expenses incurred by them in cases still undetermined, sums as follows, to be deducted from the sums respectively as finally allowed them, to wit:

James H. McLean	$1,000
James O. Broadhead	1,000

Mr. VALENTINE. I make the point of order against that amendment.

Mr. ROBERTSON. I make the point of order against it and I hope it will be ruled out.

Mr. RANDALL. In order to save time I insist that the merits of the question shall not be discussed on the point of order.

Mr. ROBERTSON. I do not know about that.

Mr. RANDALL. I am not interfering with the gentleman's point of order at all.

Mr. ROBERTSON. I wish to say on the point of order that the appropriation recommended by the Elections Committee exceeds the requirements of the law. In other words, it goes beyond what the law now allows. The law provides no compensation allowed to either contestant or contestee shall exceed $2,000. This recommendation of the Committee on Elections, in contravention of the law, gives $3,500 in two cases. Under Rule XXI, clause 3, that kind of legislation can not be placed on a general appropriation bill.

Mr. HOLMAN. That is right.

Mr. ROBERTSON. I submit the point of order to the Chair.

Mr. VALENTINE. And I make the additional point of order that the amendment is not germane to this bill. This is the deficiency appropriation bill, and this is not a deficiency item.

The CHAIRMAN. The Chair does not understand that to be the point of order presented, that it is not germane.

Mr. VALENTINE. I make that as an additional point of order.

Mr. ROBERTSON. I submit it to the Chair and to the House that the amendment is clearly out of order.

Mr. RANDALL. If I were up there in the chair I would decide it without much discussion.

Mr. ROBERTSON. I think you would.

Mr. RANDALL. The point of order raised by the gentleman from Nebraska that it is not germane to this bill, I think is not good. A deficiency is to pay for services rendered, and this is claimed to be for services which have been rendered.

Mr. VALENTINE. It has been customary from time immemorial to place this provision on another bill. I look upon this as an innovation for the purpose of deceiving the public during the coming campaign as to the expenses of the last Congress. It will be charged up against the last Congress instead of being for the purpose of seating WILLIAM E. ENGLISH and putting out a good Republican. [Laughter.]

Mr. RANDALL. The gentleman is entirely too timid about the next contest. We are not going to talk about $20,000, but we will talk about much larger sums that the Republican party has gotten rid of. [Renewed laughter.]

Mr. VALENTINE. Oh, yes; we understand all about that, and the attempt to cut down the postmasters $25 apiece, which you have been doing on this bill.

Mr. RANDALL. That was passed as a mistake at the last Congress. This amendment belongs either to the deficiency bill or to the sundry civil bill, and, indeed, it has been in both.

Mr. VALENTINE. I think it more properly belongs to some other bill; I will not, however, stand upon that point.

Mr. RANDALL. It belongs to either bill.

Mr. VALENTINE. I think the decisions have been the other way, and that the point of order has been sustained against placing such a provision on this bill.

Mr. HISCOCK. It is not a deficiency.

Mr. RANDALL. The committee will perceive that it is not put in here, either, by the Committee on Appropriations. It is a motion that comes from the Committee on Elections, not the Committee on Appropriations.

Mr. MILLER, of Pennsylvania. I think it makes but little difference, Mr. Chairman, whether this amount is placed upon this bill or upon some other bill providing for the expenses for the next fiscal year beginning on the 1st of July. It is utterly immaterial, so far as the point made by the gentleman from Nebraska is concerned, where it is appropriated, whether on this or any other bill. I contend that at some place a proper and sufficient appropriation ought to be made for those named in the amendment.

As to the point of order made by the gentleman from Kentucky that there is an existing law which limits the amount to be appropriated for this purpose, I think the Chair will hold that that law is utterly inoperative and of no effect. No past Congress can by its acts provide that no future Congress shall appropriate a sum for any purpose not to exceed a given amount. The Forty-fifth Congress might as well have said, by general or special statute, that no appropriation for the Agricultural Department should ever exceed a given amount. The Forty-fifth Congress might as well have said that no future Congress should pass an appropriation for the Post-Office Department exceeding $40,000,000. This, then, is utterly inoperative, and I think the Chair will hold, and correctly hold, that the point of order is not well taken.

Mr. ROBERTSON. Mr. Chairman, I do not suppose it will be denied by the gentleman from Pennsylvania that there is now a statute fixing the amount to be paid and limiting all of the expenses of a contestant before this House to $2,000 and of a contestee to $2,000 in these election cases. He will not contend that there is not a law which says they shall not, under any state of circumstances, exceed that amount.

Now, sir, I desire to read but one section—section 3 of Rule XXI, which says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Then, as a matter of course, this exceeds the present law. It is in excess of what the law provides for this purpose. It is in violation of the present law, and therefore the point of order that I make upon it is good and it ought to be sustained by the Chair. Then, that it changes existing law would hardly be questioned, because I have just cited the law, and I do not suppose the gentleman from Pennsylvania, the chairman of the Committee on Appropriations himself, who is a skilled parliamentarian, would deny or overrule the point of order that I make were he occupying the position that you now hold.

Mr. RANDALL. Nor if I were occupying any other position when I was called upon to rule upon such a question.

Mr. ROBERTSON. Do you see anything wrong with the point of order?

Mr. RANDALL. I have never said that there was.

Mr. ROBERTSON. But I go further than that, Mr. Chairman. I hold that a contestant who comes here and seeks a seat upon this floor and fails to secure it should not be allowed one cent for his expenses; while, on the contrary, the contestee should be allowed his actual and legitimate expenses, not however to exceed the amount provided by the law, namely, $2,000.

Mr. COOK. Mr. Chairman, on the point of order a word simply. I wish to say, in defense of the two items embodied in the amendment of $3,500 each, that in the case of Messrs. Massey and Wise the committee were of the opinion that the question presented a different aspect in view of the fact that their contest was one embracing the entire State and not a single district. But that question will be in order when we come to the merits. My own position, however, upon the merits of this law which has been quoted is that a restriction should be placed upon such expenditures. But certainly if this bill passes the two Houses of Congress and is signed by the President it becomes a law, and any statute now existing limiting the appropriation to $2,000 is thereby repealed as to this particular appropriation. In the Forty-sixth Congress there was allowed the sum of $8,000 to each of the parties in the contest in the case of Curtin *vs.* Yocum. It seems to me, therefore, there can be nothing in the point of order. For that reason, I repeat, when we come to the merits of the case I shall desire to be heard further upon that.

Mr. HISCOCK. As bearing upon the point of order I wish to suggest this point: Suppose a law had been passed providing that in such cases no expenses whatever should be paid; and I will go even a little further: suppose it had been provided in effect to take away from Congress the power to pass upon these election cases. The question I desire to suggest to the gentleman is whether the question of proving a title to a seat here and the expenses that have been incurred under it are not questions with which the House of Representatives had the exclusive right to deal. Is it not a question that belongs alone to the House of Representatives? And I ask him whether Congress has any power or jurisdiction over it whatever? This same question has been once decided by the House, and the point of order was overruled as I recollect it.

Mr. COOK. The Constitution imposes upon each House the duty of judging of the election, qualifications, and returns of its members, and no law passed by any Congress can bind any subsequent Congress or subsequent House which would in any manner restrict this constitutional right in that regard.

And the House of Representatives or Congress allows these expenses as an incident to the contest, each House judging for itself. But be-

yond that, as I suggested a while ago, we are now asking that a law be passed appropriating this sum of money to cover the expenses in this one case. The committee confines itself in all other cases to the limit of $2,000, not because the law compelled us to do so, but because we thought upon the whole it was proper it should be observed.

Mr. ADAMS, of New York. I shall in due time move to strike out the appropriation in the Manning case, and also the appropriation to Mr. Massey. But as to the point of order raised by my friend from Kentucky [Mr. ROBERTSON], I do not think that the preceding Congress can enact a law which can bind this Congress in its appropriations to any person who may see fit to contest an election in this House. As to Mr. WISE I do not think the appropriation is large enough.

The CHAIRMAN. The gentleman from New York will confine himself to the point of order.

Mr. ADAMS, of New York. I will. I simply say that as to the appropriation allowed to Mr. WISE the Forty-seventh or the Forty-sixth Congresses can not bind this House, and it is within the jurisdiction of this House to allow any amount it may see fit.

Mr. ROBERTSON. In a separate law.

Mr. ADAMS, of New York. Never mind about a separate law. I say it is within the jurisdiction of Congress to allow this amount to Mr. WISE, and that is the only case where the appropriation exceeds the rule my friend from Kentucky has read; that amount being $3,500, while the limit is $2,000. I submit the point of order is not well taken, because this House has a right in a contested-election case to allow any amount of money that can be passed by the House to a contestant or contestee.

Mr. VALENTINE. There are two points of order made against this amendment; the one made by my colleague on the committee, the gentleman from Kentucky [Mr. ROBERTSON], and the one made by myself. Now, I believe the point of order I have made ought to be sustained by the Chair. If there is among the gentlemen of this committee or the Appropriations Committee any man who can give an instance where these items have ever gone on a deficiency bill, I would be very glad to hear it. These items have been uniformly allowed by the Congress, but they have always gone on some other bill than the deficiency bill. They are not here properly. My friend from Pennsylvania [Mr. MILLER] says it does not make any difference where they go. You might say that with regard to a great many appropriations. But our rules state what items are germane to certain bills, and I maintain that those rules ought to be adhered to, and I believe it to be my duty to make this point of order; and I have made it because I believe it to be well taken. I do not say they ought not to be paid their expenses. I believe, on the contrary, they ought to be paid. But I think the item of $3,500 that is allowed by the Committee on Elections, upon which the point of order is made by the gentleman from Kentucky, is wrong.

Mr. HAMMOND rose.

Mr. RANDALL. I ask that the Chair render a decision.

The CHAIRMAN. The gentleman from Georgia [Mr. HAMMOND] has been recognized.

Mr. HAMMOND. I care nothing about the merits of this question. I think under the rules the amendment is out of order. I do not believe these appropriations belong to a deficiency bill under the rules of the House, and if they did I do not think any appropriation beyond $2,000 is in order on this bill.

The gentlemen who have spoken on the other side are correct in saying that a past Congress can not bind this Congress in the amount that may be paid to a contestant. But certainly this House had a right to make the rules for its own government which shall bind it, and one of those rules is paragraph 3 of Rule XXI, which is that no amendment changing existing law shall be admissible except under certain circumstances.

It is conceded that there is a law limiting this expense to $2,000. Therefore if there be such a law any appropriation for this purpose which is greater than $2,000 in this bill is out of order; not because it is wrong, but because of a rule saying that this is not the vehicle by which it can be carried into port. That is all.

Mr. ROBERTSON. I ask the gentleman to read the section which limits the amount.

Mr. HAMMOND. It is immaterial. Everybody recognizes that to be the law.

Mr. ROBERTSON. I will read it:

That hereafter no contestant or contestee for a seat in the House of Representatives shall be paid exceeding $2,000 for expenses in election contests.

Mr. HAMMOND. Now, as I said, that being the law, claim all you can for this bill you can only appropriate in it amounts of money that are due by law. You can not appropriate more under our rules than that because our rules forbid bringing into a general appropriation bill what is not authorized by law.

The CHAIRMAN. The gentleman from Iowa [Mr. COOK] offers an amendment covering a number of items. On that the gentleman from Kentucky [Mr. ROBERTSON] makes the point of order that the amendment is out of order because it appropriates a sum in excess of that which is authorized by existing law. The gentleman from Nebraska [Mr. VALENTINE] makes the additional point of order that it is not germane to this bill, because it is a deficiency bill.

The last point of order the Chair thinks is not good, because a deficiency bill may contain appropriations for any accrued liability which is not provided for in other appropriations.

The point of order made by the gentleman from Kentucky [Mr. ROBERTSON] is next to be considered. It is admitted that the law—and it has been read—limits all allowances to contestants and contestees to $2,000. That law is binding upon the House until Congress sees proper to change it, and under the rule read the point of order evidently is well taken; for on inspection of the amendment offered the Chair perceives that it contains two items in excess of the allowance by existing law, and is therefore obnoxious to the point of order. The point of order is sustained.

Mr. RANDALL. At this stage of the proceedings I desire to announce that at 5 o'clock I shall ask the House to take a recess until 8 o'clock for the purpose of completing the consideration of this bill to-night. And I give notice that if there does not appear a quorum at this evening's session, and the point of order is made that no quorum is here, I shall insist upon a call of the House to bring a quorum here. My object is to dispose of this bill before adjournment to-night, so that it may get out of the way of other questions which might interfere with it to-morrow.

Mr. BLAND. I think we could better spend two hours longer this afternoon than to have a night session.

Mr. RANDALL. By instructions of the Committee on Appropriations I send up an amendment to be read.

Mr. COOK. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOK. I wish to know the effect of the ruling of the Chair upon the amendment offered by me.

The CHAIRMAN. The Chair rules the entire amendment out of order.

Mr. COOK. Then I want to modify it so as to make it conform to the ruling of the Chair.

The CHAIRMAN. The gentleman has not the floor for that purpose. The gentleman from Pennsylvania [Mr. RANDALL], the chairman of the Committee on Appropriations, gives notice of an amendment.

The committee rose informally, and Mr. MILLS took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate requested the House of Representatives to return to the Senate House bill 2031, to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

DEFICIENCY APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session, and proceeded with the consideration of the deficiency appropriation bill.

The Clerk read the following:

CAPITOL POLICE.

The Capitol police board are hereby directed to expend a sum not exceeding $228 for payment of uniforms furnished to the watchmen on the Capitol grounds, the same to be paid out of money unexpended of the amount appropriated for uniforms for the Capitol police and watchmen in an act providing for sundry civil expenses, approved August 7, 1882.

Mr. RANDALL. By direction of the Committee on Appropriations I move to amend by inserting after the paragraph just read that which I send to the Clerk's desk.

The Clerk read as follows:

DISTRICT OF COLUMBIA.

For deficiencies on account of the fiscal year 1881, as follows:

For pay of the physicians to the poor for the months of May and June, 1881, $660.

For treasurer and assessor's office: Blank forms, printing, $82.43.

For inspectors of buildings' office: Stationery, $6.

For fire department and hire of horses, $14.

For general advertising, $69.60.

For deficiencies on account of fiscal year 1882, as follows:

For work on sundry avenues and streets, and replacement of pavement, $160.52.

For fuel, ice, gas, repairs for District offices, $2,205.

For fire department: Medicines and medical attendance for Private John Kane, of Engine Company No. 3, and Private Charles Boss, of Engine Company No. 1, resulting from accident, $97.75; repairs to wagon, $149.

For public schools: Salary of secretary of the board of school trustees, $150; clocks and gas fixtures in Jefferson school building, $3.63, including unexpended balance of appropriation.

For Metropolitan police: To pay Frank Macnichol one-half of fine in cause No. 21097 in the police court of the District of Columbia, and to pay M. T. O'Brien one-half of fine in cause No. 21098 in the police court of the District of Columbia, $50 each, in all $100, including unexpended balance of appropriation.

For deficiencies on account of fiscal year 1883, as follows:

For contingent expenses of assessor's office, $458.53.

For contingent expenses of engineer's office, $17.43.

For fuel, ice, gas, repairs, for District offices, $354.97.

For materials for permit work, $34.96.

For repairs to pumps, $7.08.

For contingent expenses Metropolitan police, $525.52.

For contingent expenses of fire department, $589.35.

For telegraph and telephone service and rental the sum of $1,000 of the unexpended balance of the amount appropriated for the fiscal year ended June 30, 1883.

For books for register of wills, printing checks, damages, $23.37.

For public schools, contingent expenses, $1,875.68.
For apparatus for high school, $1,921.72.
For furniture for new school buildings, $5.49.
For judgments against the District of Columbia, including interest and costs, $21,223.82.

For deficiency on account of fiscal year 1884, as follows:

For expenses of assessing the real property in the District of Columbia pursuant to the act approved March 3, 1883, as follows: For twelve assessors, 115 days, $5 per day each, namely: to S. M. Golden, $575; to D. B. Carpenter, $575; to Joseph W. Davis, $575; to E. B. Cottrell, $575; to F. P. Hackney, $575; to G. W. Harkness, $575; to John H. Bird, $575; to J. T. Caldwell, $575; to Hawkins Taylor, $575; to J. F. Beale, $575; to W. J. Purman, $575; to W. B. Moore, $575; in all, $6,900.

To G. A. Hall, clerk of board of equalization, one month, $100; to Thomas B. Shoemaker, clerk of board of equalization, five months, $500.

For contingent expenses of assessor's office, $135.

For Washington Asylum the sum of $3,500, or so much thereof as may be necessary, of the unexpended balances of appropriations made in the last and present fiscal years for the support and maintenance of the Washington Asylum, is hereby appropriated for the construction and furnishing of a new hospital ward within the grounds of said asylum.

For the contingent expenses of fire department, $1,200.

For public schools: To pay the instructor of military tactics at high school, $300, out of the amount already appropriated for teachers; for rent of school building at Fourteenth and N streets northwest, $750; for fuel, $500; for contingent expenses, $5,000.

For judicial expenses, $6,000: *Provided*, That one-half of the foregoing sums to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia, and one-half from any money in the Treasury of the United States not otherwise appropriated.

Mr. RANDALL. In explanation of this amendment I desire to say that it is for certain deficiencies in the government in the District of Columbia for the years 1881, 1882, 1883, and 1884. The aggregate is $55,297.27, of which the Government of the United States under the law is required to pay one-half. The other half is paid out of taxes in the Treasury of the United States collected from citizens of the District.

Mr. WARNER, of Ohio. How is it that this deficiency has not come in before?

Mr. RANDALL. It comes to us from the board of commissioners. Perhaps it ought to have come in heretofore.

The amendment was agreed to.

Mr. COOK. I ask permission to go back in the bill in order to move an amendment at the end of line 792.

The CHAIRMAN. That will require unanimous consent.

Mr. ANDERSON. I rise to a parliamentary inquiry. Have we passed from the point indicated by the gentleman?

The CHAIRMAN. The Chair is informed that the committee has passed beyond that point.

Mr. ANDERSON. I believe the bill has not been read beyond the point to which the amendment applies.

The CHAIRMAN. The gentleman from Kansas is mistaken. The Clerk informs the Chair that he has read down to line 802, and that an amendment has been adopted at that point. It requires unanimous consent to go back.

Mr. ELLIS. I object.

Mr. COOK. Then I will move my amendment to come in after line 801; and in order that each item may rest upon its own merits, I will offer them separately. I move to amend by inserting:

To S. J. Peelle, $2,000.

A MEMBER. Put them all together.

Mr. COOK. Very well then; I will send them all up. I have changed the two items to which objection was made.

The Clerk read as follows:

That the parties named below be allowed the amounts set opposite their names in full of all expenses incurred by them, respectively, in contested-election cases:

William E. English	$2,000
S. J. Peelle	2,000
S. R. Peters	1,000
J. R. Chalmers	2,000
Van H. Manning	2,000
F. A. Manzanares	2,000
Jonathan H. Wallace	2,000
William McKinley, jr	2,000
James E. Campbell	2,000
Henry L. Morey	2,000
John Paul	2,000
Charles T. O'Ferrall	2,000
B. T. Frederick	2,000
James Wilson	2,000
George H. Craig	1,000
Charles M. Shelley	1,000
John E. Massey	2,000
John S. Wise	2,000
George T. Garrison	2,000

And to the following-named members, on account of expenses incurred by them in cases still undetermined, sums as follow, to be deducted from the sums as respectively allowed to them, to wit:

James H. McLean	$1,000
James O. Broadhead	1,000

Mr. WARNER, of Ohio. While the law limits the allowance in contested-election cases to $2,000, it does not require, as I understand, that $2,000 shall be paid in every case regardless of the expenditure which may have been incurred. I understand that in some of these cases very little, if any, testimony has been taken.

Mr. MILLER, of Pennsylvania. To what case does the gentleman refer?

Mr. WARNER, of Ohio. The case of Paul, for instance.

Mr. MILLER, of Pennsylvania. In that case nearly eight hundred pages of testimony were taken.

Mr. WARNER, of Ohio. How about the case of Mr. SKINNER?

Mr. COOK. That case is not included here at all.

Mr. MILLER, of Pennsylvania. What other case does the gentleman refer to?

Mr. WARNER, of Ohio. The case of Mr. PETERS.

Mr. COOK. The amendment embraces an allowance of $1,000 to Mr. PETERS, but I expect to move an individual amendment to reduce that allowance to $550. I understand there are gentlemen who desire to offer amendments, and therefore for the present I abstain from offering mine.

Mr. VALENTINE. Let there be a separate vote on each item.

Mr. ADAMS, of New York. I move to amend by striking out $2,000 for Van H. Manning.

Mr. COSGROVE. I wish to ask the gentleman whether Mr. Manning has not incurred considerable expense in taking testimony in his case upon the merits?

Mr. ADAMS, of New York. I do not think that Mr. Manning ever had any case upon the merits. If he has taken testimony he ought to bear the expense himself. At an early stage in this Congress this House decided by a majority of fifty or sixty, upon a motion made by the distinguished gentleman from Iowa, that Mr. Manning had not even a *prima facie* case, much less a case upon the merits; and every member of the House knows——

Mr. NICHOLLS. Did he not have the governor's certificate?

Mr. ADAMS, of New York. He did.

A MEMBER. Did he not have the same kind of certificate that you had?

Mr. ADAMS, of New York. No, sir; he had not; and this House decided by a majority of fifty or sixty that he had not a *prima facie* case.

I submit, Mr. Chairman, that this House should disallow the claim for compensation of any man who comes here and contests an election upon so little evidence as this gentleman from Mississippi had. The returns in that case showed that Mr. Chalmers was elected to this Congress by a majority of 1,562 votes; not votes which were returned by the returning officers to the judges of election at the capital, but votes given by the voters for James R. Chalmers—not Chambliss. I say, in view of the fact of his having taken that certificate in violation of the injunction of one of the competent courts of his own State, and in view of the fact also——

Mr. SINGLETON. I wish to ask the gentleman from New York a question. Does he yield for that purpose?

Mr. ADAMS, of New York. Certainly.

Mr. SINGLETON. Does the gentleman from New York pretend to deny that if Mr. Manning had presented his certificate when he first came here he had not then a *prima facie* case?

Mr. ADAMS, of New York. That question is not before us. I say that Mr. Manning, with his eyes open, did not present his certificate.

Mr. SINGLETON. He did not present it at that time, but he did afterward, and under that certificate from the governor of the State he had as much right to present himself at the bar of the House to be sworn in as any member upon this floor.

Mr. ADAMS, of New York. Not only did he not present it but he said that he would never present that certificate to the Forty-eighth Congress until the Congress of the United States should pass upon the question as preliminary whether he was entitled to the seat or not.

[Here the hammer fell.]

Mr. COOK. I will make a simple statement of the facts in this case, so the House may vote understandingly on the proposition. Mr. Manning received the certificate in due form from the governor of his State, and a contest was commenced against him by Mr. Chalmers that proceeded on the merits. Both parties took testimony. In that contest Mr. Manning took the burden of the issue. He has filed a sworn account with vouchers attached to it, the good faith of which is not questioned by the committee, showing that he had expended in excess of $2,000 in that contest. The committee did not propose to say that contest was not made in good faith. As a matter of fact there are expenses involved in it in reference to which the committee were not unanimous.

Mr. ADAMS, of New York. How does the committtee stand?

Mr. COOK. When the committee submits its report you will find how it stands.

Mr. ADAMS, of New York. I know, and so do you.

Mr. COOK. The committee concluded the contest was made in good faith. It stands here the same as any other contest. He raises a question which ought to be raised before this House sooner or later, and that is as to the executive interference with the election in a State for member of Congress. It was with that in view the committee allowed to each contestant $2,000, because I believe the money was expended in good faith. The policy of allowing these expenses at all is a matter entitled to consideration, but the practice has been for years to allow them where the contest has been made in good faith.

Mr. RANDALL. I desire to cut off debate.

Mr. KEIFER. This is an important matter and ought to be dis-

cussed. I do not think it will consume any great length of time. [Cries of "Vote!"]

Mr. RANDALL. I move the committee rise to close debate, unless we can agree to close it in five minutes; and I am willing the gentleman from Ohio shall take the whole of it.

Mr. MILLER, of Pennsylvania. I wish to move an amendment, and wish to be heard on it.

Mr. KEIFER. Do not cut off debate for a while yet.

Mr. RANDALL'S motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DUNN reported that the Committee of the Whole House on the state of the Union had according to order had under consideration the bill (H. R. 7225) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move the House resolve itself into the Committee of the Whole House on the state of the Union, and pending that motion I move that all debate on the pending paragraph and amendment thereto be limited to six minutes.

Mr. TURNER, of Georgia. Say ten minutes.

Mr. RANDALL. I will accept the suggestion of the gentleman from Georgia, and say ten minutes.

Mr. ANDERSON. Let the debate be confined to ten minutes on each case—five minutes on each side.

Mr. RANDALL. There are about twenty cases of that kind, and it would take two hours to dispose of them.

Mr. ANDERSON. That may be; but I will move that amendment.

The SPEAKER. The question is upon agreeing to the motion of the gentleman from Pennsylvania to limit debate on this amendment to ten minutes.

Mr. RYAN. I rise to a question of order. My colleague proposed an amendment.

The SPEAKER. The Chair thought that the gentleman's colleague appealed to the gentleman from Pennsylvania to consent to an understanding of that kind.

Mr. ANDERSON. I did; but I then offered the amendment that ten minutes should be allowed on each contested case.

Mr. RYAN. On each item.

Mr. ANDERSON. On each case where a substantial amendment was offered.

The SPEAKER. The Chair did not understand the gentleman, and will submit the motion.

The amendment proposed by Mr. ANDERSON was rejected.

The motion of Mr. RANDALL to limit debate was then agreed to.

MELISSA G. POLAR.

The SPEAKER. If there be no objection the Chair will direct an order to be entered to return to the Senate the engrossed and enrolled bill (H. R. 2344) for the relief of Melissa G. Polar, in which a mistake was made in the enrollment.

There was no objection.

GENERAL DEFICIENCY BILL.

Mr. CANNON. I call the attention of my colleague on the committee to the fact that it is now about five o'clock, and the recess may as well be taken.

Mr. RANDALL. I want to get through with this paragraph. I want to run a little beyond 5 o'clock with a view to disposing of this bill to-night. I insist upon the motion that the House go into Committee of the Whole.

The motion of Mr. RANDALL was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DUNN in the chair.

The CHAIRMAN. By order of the House all debate upon the pending amendment is limited to ten minutes.

Mr. VALENTINE. I desire to offer an amendment to the pending amendment.

The Clerk read as follows:

Insert at the end of the pending amendment Tranquilino Luna, $2,000.

Mr. COOK. I make the point of order upon that.

The CHAIRMAN. What point of order does the gentleman raise?

Mr. COOK. That it is not recommended by the committee in the House.

Mr. VALENTINE. That does not matter; he spent his money and filed his vouchers with the committee.

If they have not allowed the claim they ought to have done so. I hope the amendment will be adopted.

The CHAIRMAN. The gentleman from Iowa makes the point of order that this is not recommended by a committee. The Chair does not understand that a recommendation of the committee is necessary to make this admissible as an amendment to the bill, and overrules the point of order.

The question is on agreeing to the amendment to the amendment.

Mr. MILLER, of Pennsylvania. I trust, Mr. Chairman, that the amendment will not be passed by this House. The contestee in that case had no more right to his seat than had the gentleman who ran against me in the Twenth-sixth Pennsylvania district, and I have never voted yet in committee, and never will vote, to pay a man anything to make a contest, either as a contestant or a contestee, who had no shadow of right whatever to his seat. The Elections Committee unanimously, without one dissenting voice, decided that Mr. Luna ought not to have been seated in this House for one day.

Mr. VALENTINE. While that is true, I desire to say that it does not affect his right to compensation in this case. It has not been the habit to pay only the successful parties. He proceeded under the advice of counsel, and it was because he relied upon that advice that no testimony was taken. He trusted the matter entirely to his counsel, and for that reason took no testimony. It might have been otherwise if he had taken testimony. But he filed his vouchers with the committee showing the expenditure of a certain amount, and he ought to be paid.

Mr. MILLER, of Pennsylvania. It must have been known to himself that he had no case. Therefore he did not take the testimony.

Mr. ADAMS, of New York. And he drew his salary during the time that he was in the House.

Mr. MILLER, of Pennsylvania. I desire at the proper time, and inasmuch as debate is limited I will make the statement now, to move that the allowance to Mr. Craig be increased from $1,000 to $1,500.

I will state to the committee that he took about three hundred or three hundred and fifty pages of testimony, employed counsel in his district to assist him in his contest, paid the expenses of the sheriff or other officer who served the notices and paid all of the witnesses himself. He has paid at least $500 more than did Mr. SHELLEY. And I think when that amendment is offered here this House ought at least to give Mr. Craig that amount in excess of Mr. SHELLEY. Mr. SHELLEY took no testimony, filed no brief, and the expenses incurred by Mr. Craig exceed those incurred by Mr. SHELLEY by at least $500. I therefore offer that amendment to the bill.

Mr. VALENTINE. I wish to ask my colleague on the committee, since he has referred to this case, if he is willing to vote anything to Mr. SHELLEY, who has no right to the seat?

Mr. MILLER, of Pennsylvania. The case of Mr. SHELLEY has not even been decided by the subcommittee; and I do not know the views of a single member of the fifteen members of the Elections Committee on the merits of that case. I do not even know what I think about it myself.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Nebraska [Mr. VALENTINE] to the amendment offered by the gentleman from Iowa [Mr. COOK].

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Iowa.

Mr. MILLER, of Pennsylvania. I move to amend that by making the amount appropriated to Mr. Craig $1,500, instead of $1,000. I want to say Mr. Craig has filed vouchers with the committee showing an expenditure of over $2,500, and I believe $1,500 is much less than he has actually paid out.

Mr. COOK. Upon that amendment I wish to say to the committee that it is true that Mr. Craig filed vouchers showing an expenditure in excess of $3,000. The committee, however, did not consider itself bound by these accounts. The fact is, there has grown up under this practice of allowing expenses an abuse that is becoming scandalous. Men file vouchers or employ men to do work as attorneys and file vouchers and claim so much for expenses, while every man who looks at the work done by the attorneys and at the vouchers filed would unhesitatingly say, if paid out of their own pockets, the amount would not be one-quarter what it is.

As to the facts in this case, Mr. Craig took testimony in Alabama which covers two hundred or two hundred and fifty pages of printed matter. I know from my own experience that the pay of the notary for this testimony would not exceed $150, and yet the account he files is that he expended on account of notary fees in the neighborhood of $900, while for attorney's fees he claims that he expended over $2,000. I do not hesitate to say if the money was to be expended by him in good faith $1,000 would cover the entire expenses. It was perhaps owing to the fact that the account filed by this contestant showed on its face there was something wrong with it that the committee reduced it. To do justice to this man I think he ought to have something in excess of what the committee allowed him, but I do not think $1,500 is what we should allow him. I move, as an amendment to the amendment of the gentleman from Pennsylvania, the sum of $1,250; that gives him $250 more than is allowed by the committee.

Mr. MILLER, of Pennsylvania. I will accept the amendment.

The CHAIRMAN. It is for the committee to vote upon it. The

question is on the amendment of the gentleman from Iowa to the amendment of the gentleman from Pennsylvania.

The committee divided; and there were—ayes 48, noes 37.

So the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Pennsylvania [Mr. MILLER] as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The question is next on the amendment offered by the gentleman from New York [Mr. ADAMS] to strike out the allowance to Mr. Manning, of Mississippi.

The amendment was not agreed to.

Mr. ADAMS, of New York. I move to amend by striking out the allowance of Mr. Massey in the contest between him and Mr. JOHN S. WISE.

The Clerk read the portion of the amendment proposed to be stricken out, as follows:

John E. Massey, $2,000.

Mr. ADAMS, of New York, addressed the Chair.

The CHAIRMAN. Debate on the pending paragraph is closed.

The question being taken on the amendment proposed by Mr. ADAMS, of New York, it was not agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Iowa [Mr. COOK] as amended.

The amendment as amended was agreed to.

The Clerk read the second section of the bill, as follows:

SEC. 2. That the several accounting officers of the Treasury Department shall not receive, examine, and consider any claim against the United States unless it shall have been filed within one year from the passage of this act, or within five years after it shall have accrued, nor unless it shall have arisen under an obligation or liability of the United States incurred by authority of law, or under some appropriation originally applicable to the payment thereof, and the balance of which appropriation shall have been carried to the surplus fund; and any claim not filed within one of the periods above named shall be forever barred, except as hereinafterward provided. If a person entitled to make a claim against the United States is at the time when it accrues or is matured an infant, or *non compos mentis*, or a married woman, or imprisoned on a criminal charge, or in execution upon conviction of a criminal offense for a term less than life, the time of such disability is not a part of the time herein limited for the filing of such claim, except that the time so limited can not be extended more than five years by any such disability, except infancy, or in any case more than one year after the disability ceases. Nothing herein contained shall be held or construed to apply to a claim arising under the public debt of the United States; nor shall anything herein contained authorize the accounting officers or the Secretary of the Treasury to allow or reopen any claim which has already been disposed of by rejection or otherwise, or which is already barred by any statute. And the Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives, who shall lay the same before the House for consideration. And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, and printed, under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.

Mr. RANDALL, Let section 3 also be read.

Mr. KEIFER. I desire before we pass from section 2 to have some consideration of the subject.

Mr. RANDALL. I am willing that it be considered now. I wish to get rid of that item before the recess.

Mr. KEIFER. I think we had better take the recess now. This section is a very important one and ought to be carefully considered.

Mr. RANDALL. It has been carefully considered.

Mr. KEIFER. By some persons perhaps.

Mr. RANDALL. It comes from the Treasury Department, was prepared by the Treasury Department, and meets the hearty concurrence of the Secretary of the Treasury and the officers there.

Mr. KEIFER. That is a very good *ad captandum* way to dispose of it, but is not entirely satisfactory. When it is proposed by statute to take away from the people of this country the constitutional right they have to petition for relief we ought at least to consider how we are proposing to do it. It is proposed that we shall through this sort of legislation cut the people off from applying to the Congress of the United States unless they do it through the Secretary of the Treasury.

The CHAIRMAN. There is no motion pending.

Mr. KEIFER. It may be well enough to look into this, as it is a very important question. I do not believe myself that we are at liberty to put a statute of limitations on ourselves as to how we shall vote to-morrow on a subject of this kind. And all that is involved. For the present I will make a motion to strike out the entire section. And I should be very glad if the gentleman from Pennsylvania proposes to take a recess that it should be taken now, in order that we may have a little time to examine it.

Mr. RANDALL. This section proposes to do what it was supposed had been done by the act of June 14, 1878. That act was supposed to be a bar of all claims that were not presented within five years from that date. This section proposes to give an additional year to all claims now outstanding and to provide that hereafter five years shall be the limit of time within which claims shall be presented, five years from the time the indebtedness was contracted. There are certain exceptions which are carefully mentioned.

It is well known that these claims now come in after thirty, forty, and sometimes fifty years have elapsed. The Treasury Department and Congress have from time to time sought to put some bar on them, so as to compel claimants to present their claims within five years after they have accrued. This is not new legislation. We thought that such was the effect of our law of 1878, but it was held by the accounting officers of the Treasury that that law allowed claims to be presented to the Department within five years from the passage of the act, and that after the five years had expired claimants were remitted back to Congress, as though no legislation had been had on the subject.

As I said a moment ago, it is proposed to give a year further to all claimants, and to provide that hereafter claimants who have claims against the United States, with the exception named, shall present their claims to the proper officers of the Government within five years of the time that they accrue. It provides a uniform rule for sending these claims to the Congress of the United States, so that they shall not come in here from various directions; that they shall not come in here through letters addressed to members of Congress; through letters presented to the chairman of the Committee on Appropriations, &c.; but they shall first pass under the observation and scrutiny of the Treasury Department, instead of our being called upon to waste our time in considering claims having no merit and no right to be considered. It provides that if they be valid claims the officers of the Treasury Department shall first have opportunity to refer to such laws or appropriation bills as these claims are contracted under.

It is one of the wisest pieces of legislation that I have known of for a long time. We supposed that the act of June 14, 1878, was wise, and it was, only it was not carried out as we intended. This provision, so far as I know, meets the approval of every officer of the Treasury Department, and I was not aware that there was any hostility to it on the part of any member of the Committee on Appropriations until I heard the gentleman from Ohio [Mr. KEIFER], a member of that committee, raise an objection to it.

Mr. BLOUNT. With the consent of the gentleman from Pennsylvania [Mr. RANDALL] I wish to recur a moment to what took place at the time the legislation to which he has referred was adopted. The provision to which he refers was inserted upon the earnest recommendation of the then Secretary of the Treasury, John Sherman, who urged the great importance of prescribing a statute of limitations in regard to this class of cases, and the five years' period was designated by him at that time. It was supposed that that would accomplish just what the gentleman from Pennsylvania and the Committee on Appropriations now propose.

Mr. RANDALL. I will read the letter of the Secretary of the Treasury recommending the enactment of this section.

TREASURY DEPARTMENT, *April* 30, 1884.

SIR: The inclosed draught of an amendment on the subject of claims and estimates of appropriations, prepared at the suggestion of your committee, is respectfully transmitted, with the recommendation that it be incorporated in the deficiency bill now being considered by your committee.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

I now call for a vote.

Many MEMBERS. "Vote!" "Vote!"

Mr. KEIFER. I submitted the motion to strike out this section. The gentleman from Pennsylvania [Mr. RANDALL] has made two speeches against that motion and the gentleman from Georgia [Mr. BLOUNT] has made one, and I think I should have an opportunity to be heard. Indeed, I think I should have been recognized to speak in support of my motion before the gentlemen on the other side were heard, but that is immaterial.

I do not expect my motion will prevail if the theory of the gentleman is to obtain in this House. But I desire to protest against this provision on two grounds: one is the very foolish thing on the part of the Government which is contained in it, and the other is the attempt to take away from the people of this country their constitutional right to petition Congress for relief.

In so far as this section affects the right simply of the various officers of the Treasury to consider and report upon the claims that may be presented to the Treasury under existing law I have no objection. But according to the construction which the gentleman from Pennsylvania [Mr. RANDALL] gives to this section it bars claims which ought to be paid by the Government and cuts off the right of petition for the payment of those claims.

I say there is a foolish provision in this section; it is the one by which we are undertaking to provide a statute of limitations against ourselves. We here in the Forty-eighth Congress undertake to say that no Congress hereafter shall have the right to consider a valid claim against the Government unless it is presented in accordance with our notions of the manner in which it should be presented. That is a very foolish feature, as we have already seen in regard to the statute of limitations in reference to the payment in contested-election cases. There is a statute of limitations that only $2,000 shall be paid to the contestant or to the contestee. Yet I know that we have paid as high as $8,000 to the contant and contestee since that became a law in the Forty-fifth Congress.

Mr. TILLMAN. Will the gentleman allow me to correct him?

Mr. KEIFER. Certainly.

Mr. TILLMAN. That allowance of $8,000 in the case of Governor CURTIN was made after the passage of the law simply because the expenses had been incurred before the law was passed.

Mr. KEIFER. There are other cases in which that law has not been regarded.

Mr. TILLMAN. It has been regarded in every instance except those cases where the expenses had actually been incurred before the law was passed.

Mr. KEIFER. I think the gentleman is in error; but we will have no controversy about that. This is a plain, simple matter——

Mr. TILLMAN. I remember all the facts distinctly, because I have had two contests myself.

Mr. KEIFER. It needs no discussion to show that we are unable to limit our power in this respect for the future.

[Here the hammer fell.]

Mr. RANDALL. This provision may appear "foolishness" to the mind of the gentleman from Ohio [Mr. KEIFER]; but I assure him that it is legislation in the best interests of the people of this country, and is calculated to protect the Treasury of the United States from doubtful and unjust claims.

Mr. KEIFER. I desire to be heard further. I move to amend the amendment by striking out the last word.

I know, Mr. Chairman, that if we pass this provision we shall violate it at once. We shall receive petitions for relief and they will be referred to our committees, as has always been done. We can not obey this law in the sense in which it is interpreted by the gentleman from Pennsylvania.

Mr. LONG. The gentleman will allow me to ask what clause in this section cuts off the right of petition?

Mr. KEIFER. That clause which undertakes to establish a complete bar to claims against the United States.

Mr. TOWNSHEND. This only refers to claims audited in the Treasury Department. It does not bar the presentation of claims directly to Congress.

Mr. KEIFER. As interpreted by the gentleman from Pennsylvania, this is a complete bar against the presentation of these claims against the United States.

Mr. TOWNSHEND. Only those which go before the accounting officers of the Treasury.

Mr. KEIFER. So far as it applies only to claims before the accounting officers I have no special objection. But I submit that the section ought to be more carefully revised and the very objectionable feature to which I have referred should be eliminated.

Mr. BLOUNT. I will inquire of the gentleman from Pennsylvania whether it is not true that this section was prepared under the sanction of the Secretary of the Treasury, with a view to limiting examinations of claims in the Treasury Department?

Mr. RANDALL. I might almost say that the Secretary of the Treasury himself prepared the provision. I know that he scrutinized every word in it. I have here in his annual report of 1883 a recommendation that a statute of limitations of this kind be adopted. The recommendation is in these words:

A STATUTE OF LIMITATIONS ON CLAIMS.

The experience of this Department from year to year strengthens the conviction that there should be made by law a limitation upon the time wherein claims against the Government may be presented. Claims that, if ever existing, arose fifty years ago are now pending before auditing officers. Statutes of limitations are not in the nature of a refusal to pay a just and admitted claim. If vindictive at all, it is a penalty upon sloth and negligence. The true nature of them is as a protection to the honest from a second demand where payment has once been made, or against an unjust demand where written evidence of its ill-desert has been destroyed by mischance or lost by accident, and oral evidence once accessible is no more to be found in the memory of the living. He who insists that he is a creditor of the Government should not be indulged in holding back a claim for payment until, by loss or misplacement of records and the death or change of officers, the Government is bereft of the means of testing the fairness and validity of the demand.

It is true that the Government, by its auditing officers, is a tribunal for itself and of counsel for itself therein. Yet so ingenious are claimants that *pima facie* many a demand is just which full knowledge of the facts would show to be hollow. Besides that, even if the means of testing the validity of it exists, the official time and effort spent and the clerical labor called for are a burden upon the public. Especial statutes of this kind are known to Congressional legislation, and one general in its application would be healthful. The doctrine of *res adjudicata* is often applied in this Department, and claims once heard and fairly and directly passed upon adversely are for that alone refused a hearing. Yet they come again on the change of the head of a Department or the chiefs of divisions. If a statute of limitation should be considered, it should emphasize this feature of the case and give the renewed sanction of Congress to the practice of the Department.

Mr. KEIFER. I submit that the following clause of the section is objectionable:

And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner.

Now, if this provision should become a law and be observed, then in that way only are we to consider matters that may concern the interests of the people of this country. I believe in maintaining the honor of this Government; and I believe the Government has disgraced itself in not paying its honest debts to individuals—debts contracted in various ways and which ought to have been paid—debts which the Government would have been compelled by the courts to pay long ago if the Government were liable to prosecution as an individual is. Here is simply another effort to put up the bars in order to prevent men from coming here and having fair and honest consideration of their claims by Congress.

[Here the hammer fell.]

Mr. HAMMOND. This section does not seem to me to have any such effect as the gentleman from Ohio [Mr. KEIFER] thinks. The first portion is simply a limitation upon the officers of the Treasury Department as to what claims they shall receive, examine, and consider. The portion which the gentleman has read is simply a provision that no such officer shall hereafter make an estimate of an appropriation or a deficiency for any such claim and send it to Congress. It is a mere provision that those things shall not come through that channel in the future. How upon the face of the earth such a provision can prevent us from paying honest debts I can not see, unless the gentleman can demonstrate that the only way to collect money from the United States is by transmission of the claim to Congress through an estimate of the Treasury Department. The gentleman assumes this to be the interpretation of the provision; but he certainly is mistaken. If this is his only objection to this proposed legislation, the objection is certainly invalid.

Mr. RANDALL. Now I ask for a vote.

The question being taken on the motion of Mr. KEIFER to strike out, it was not agreed to.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DUNN reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House take a recess until 8 o'clock this evening.

Mr. BAYNE. I move that the House adjourn. [Cries of "Oh, no!"] We can not get a quorum here to-night.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JONES, of Texas, during evening sessions of the House, on account of sickness.

To Mr. LACEY, indefinitely, on account of important business.

To Mr. DOWD, for night sessions indefinitely, in pursuance of medical advice.

To Mr. SCALES, from to-night's session, on account of sickness.

To Mr. HARDEMAN, until Thursday morning next, on account of important business.

To Mr. YAPLE, for the remainder of this week.

WITHDRAWAL OF PAPERS.

Mr. BLAND, by unanimous consent, obtained leave to withdraw papers in the case of Fred Hess, copies to be left, there having been an adverse report.

LEAVE TO PRINT.

Mr. THROCKMORTON, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864. [See Appendix.]

Mr. RANDALL. The motion to adjourn comes from the gentleman from Pennsylvania on that side, but the gentleman from Pennsylvania on this side desires a recess.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 282) granting a pension to A. M. Wilson; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, announced the return to the House of the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The motion to adjourn was disagreed to.

Mr. RANDALL's motion was then agreed to; and the House accordingly (at 5 o'clock and 30 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

At 8 o'clock p. m. the House resumed its session.

Mr. RANDALL. I move the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. CRISP in the chair.

DEFICIENCY BILL.

The CHAIRMAN. The Committee of the Whole House resumes the consideration of the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The Clerk resumed the reading of the bill, and read as follows:

For expenses of revenue-cutter service, 1881 and prior years, $66.18.

Mr. O'NEILL, of Missouri. I rise for information. I want to know, Mr. Chairman, if these various items are subject to amendment afterwards? Can we recur to them when the bill has been read through?

The CHAIRMAN (Mr. DUNN in the chair). It will require unanimous consent to go back after a paragraph has been once passed.

Mr. RANDALL. No motion is before the committee, and debate is not in order.

Mr. O'NEILL, of Missouri. I rise for the purpose of obtaining information.

The CHAIRMAN. The Chair so understands.

Mr. O'NEILL, of Missouri. Can we go back to any one of these items after it has been passed?

The CHAIRMAN. You can not.

Mr. O'NEILL, of Missouri. All right then; I have an amendment to offer, which I send to the Clerk's desk to be read.

The Clerk read as follows:

For reconstruction of streets around the old and new custom-houses at Saint Louis, Mo., $11,000.

Mr. RANDALL. I make the point of order we have already to-day passed on that item.

Mr. O'NEILL, of Missouri. I propose to speak on the point of order. I believe it is debatable.

Mr. RANDALL. It has already been debated and decided.

Mr. O'NEILL, of Missouri. Mr. Chairman, have I the floor?

The CHAIRMAN. That particular amendment has been once passed on to-day by the Chair, grouped with other amendments.

Mr. O'NEILL, of Missouri. Grouped with other amendments. I offer it now as a separate amendment, and I propose to speak in regard to the point of order, if I am permitted.

Mr. RANDALL. It is not germane to this paragraph on the revenue-cutter service.

Mr. O'NEILL, of Missouri. Is it in order for me to speak on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. O'NEILL, of Missouri. I understood that this bill was not to be reported until to-morrow. I was unavoidably absent from the House in the Departments during the preliminary consideration of this report on deficiencies. The most marvelous thing to me, and I ask the earnest attention of the committee, is, after an item has been sent to the committee by the Secretary of the Treasury as a continuing appropriation, which was done in this particular case, and considered in the first deficiency bill, and the amount submitted for the improvement of the Saint Louis custom-house was $35,000, which had in it the words "and for reconstructing the streets around the custom-house," that the Committee on Appropriations deliberately calculated the amount involved in street reconstruction and deducted it from the bill and returned it back to the House with that item left out. Is this correct?

Mr. RANDALL. I will make an answer when the gentleman is through.

Mr. O'NEILL, of Missouri. Is that statement a correct one?

Mr. RANDALL. I have made the point of order and will argue it. It changes existing law, is not germane to the pending paragraph, and has already been ruled out once to-day.

Mr. O'NEILL, of Missouri. Now, Mr. Chairman, after a committee has considered this question, and after being struck out of their first deficiency bill it is reported in a second deficiency bill by their own subcommittee, which reported it to the general committee favorably, and that general committee only defeats the proposition by a single vote, it looks very much like begging the question to try and rule it out on a point of order. Why not meet the issue fairly, and have it decided for all time, if the Government is to pay for the making of streets the same as citizens adjacent to public buildings. I do not think it is susceptible to the point of order, because it is for a continuing appropriation for the improvement of that building. It is as much a continuance of an appropriation, the making of a street around that building, as if it was for making a sidewalk. They stand on the same basis. It was so considered by the Department, and if the Chair ruled differently it was under a misapprehension of the facts. I ask the Chair now to reverse the former ruling after a full consideration of the facts presented.

Mr. RANDALL. I have not a word to say.

The CHAIRMAN. The Chair finds no reason to reverse his former decision, and sustains the point of order.

Mr. O'NEILL, of Missouri. I appeal from the ruling of the Chair.

The CHAIRMAN. The question is, Shall the ruling of the Chair stand as the judgment of the committee?

Mr. O'NEILL, of Missouri. On that I call for a division.

The committee divided; and there were—ayes 68, noes 9.

Mr. O'NEILL, of Missouri. Is that a quorum? The obstruction is caused by the point of order, not by me.

The CHAIRMAN. No quorum has voted.

Mr. O'NEILL, of Missouri. I make the point of order that no quorum has voted.

The CHAIRMAN. The point of order being made, the Chair will appoint the gentleman from Pennsylvania, Mr. RANDALL, and the gentleman from Missouri, Mr. O'NEILL, as tellers.

Mr. RANDALL. It is evident that there is no quorum, and we may as well take the preliminary steps for a call of the House. We had as well commence this evening as any other time to let gentlemen the members of this House understand that they must be present when there is a session at night for the transaction of the public business.

The CHAIRMAN. The Chair is required under the rule to appoint tellers, and if it appears from the count of the tellers that no quorum is present the committee must rise and report that fact to the House. The tellers will take their places.

The committee divided; and the tellers reported—ayes 125, noes 9.

The CHAIRMAN announced the result of the vote.

Mr. O'NEILL, of Missouri. I make the point that no quorum has voted.

The CHAIRMAN. The Clerk will call the roll.

Mr. HAMMOND. Was the point of order that no quorum had voted made in time? The Chair announced the result of the vote in the customary manner and stated that the affirmative side had prevailed. The gentleman from Missouri waited until that announcement was made before making the point of no quorum.

The CHAIRMAN. The Chair thinks the gentleman from Missouri was in the attitude of making the point of no quorum when the announcement was made by the Chair, and the Chair will recognize him for that purpose.

The Clerk will call the roll.

The roll was called, when the following members failed to answer to their names:

Atkinson,	Evans, I. N.	Lacey,	Russell,
Barr,	Evins, J. H.	Laird,	Scales,
Bayne,	Findlay,	Lawrence,	Shelley,
Beach,	Finerty,	Le Fevre,	Singleton,
Belford,	Follett,	Lewis,	Skinner, C. R.
Belmont,	Foran,	Libbey,	Slocum,
Bisbee,	Funston,	Lore,	Smith,
Blackburn,	George,	Lyman,	Snyder,
Blanchard,	Gibson,	McComas,	Spriggs,
Bland,	Goff,	McMillin,	Springer,
Boutelle,	Graves,	Miller, S. H.	Steele,
Breckinridge,	Green,	Milliken,	Stephenson,
Brewer, J. H.	Hanback,	Money,	Stevens,
Broadhead,	Hancock,	Morey,	Stockslager,
Browne, T. M.	Hardeman,	Morrill,	Storm,
Brumm,	Hardy,	Morse,	Sumner, D. H.
Buckner,	Harmer,	Moulton,	Talbott,
Burleigh,	Hart,	Muller,	Taylor, E. B.
Cabell,	Haynes,	Murphy,	Taylor, J. D.
Calkins,	Herbert,	Murray,	Thomas,
Campbell, Felix	Hewitt, A. S.	Nelson,	Thompson,
Campbell, J. M.	Hill,	Nicholls,	Tillman,
Clardy,	Hitt,	Oates,	Turner, Oscar
Converse,	Hoblitzell,	O'Ferrall,	Valentine,
Covington,	Holton,	O'Hara,	Vance,
Cox, S. S.	Hooper,	Parker,	Wakefield,
Culberson, D. B.	Hopkins,	Payne,	Ward,
Culbertson, W. W.	Horr,	Payson,	Washburn,
Curtin,	Hunt,	Peel,	Wemple,
Dargan,	Hurd,	Perkins,	White, J. D.
Davis, G. R.	Hutchins,	Phelps,	White, Milo
Deuster,	James,	Post,	Winans, John
Dibble,	Jeffords,	Ranney,	Wise, G. D.
Dingley,	Jones, J. H.	Ray, G. W.	Wise, J. S.
Dorsheimer,	Jones, J. K.	Reagan,	Wood,
Dowd,	Kasson,	Reed,	Worthington,
Duncan,	Kean,	Rice,	Yaple,
Dunham,	Kelley,	Robinson, J. S.	York,
Eaton,	Kellogg,	Robinson, W. E.	Young.
Elliott,	Ketcham,	Rogers, J. H.	
Ellwood,	King,	Rosecrans,	
Ermentrout,	Kleiner,	Rowell,	

The CHAIRMAN. The roll-call discloses the fact that no quorum is present. The Committee of the Whole will rise and report that fact to the House.

The committee accordingly rose; and the Speaker having taken the chair, Mr. DUNN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7235), found itself without a quorum; whereupon he had caused the roll to be called, and now reports the list of absentees to the House to be entered upon the Journal.

The SPEAKER. It appears from the report of the chairman of the Committee of the Whole that there are one hundred and fifty-eight members present and one hundred and sixty-six absent.

Mr. RANDALL. I demand the regular order.

The SPEAKER. The regular order is the reading of the list of the absentees. The Clerk will read the names of the absentees.

Mr. HAMMOND. It appears that we lack only three or four of a quorum.

The SPEAKER. Perhaps a quorum may now be in the Hall. The Clerk will report the names of the absentees. Those gentlemen whose names are not entered upon the list will have the privilege of recording them now.

The Clerk proceeded to read the list of absentees, when the following named members, who had been reported as absent, appeared:

Mr. ATKINSON, Mr. BLAND, Mr. BLANCHARD, Mr. BRECKINRIDGE, Mr. FORAN, Mr. D. B. CULBERSON, Mr. GREEN, Mr. KLEINER, Mr. LE FEVRE, Mr. LIBBEY, Mr. O'HARA, Mr. T. G. SKINNER, Mr. SPRINGER, Mr. THOMPSON, Mr. TILLMAN, Mr. OSCAR TURNER, and Mr. YORK.

Mr. DOCKERY. I desire to state that the gentleman from Oregon [Mr. GEORGE] is absent on account of sickness.

Mr. TUCKER. I was requested by my colleague, Mr. CABELL, to say he is unable to be present on account of sickness.

The SPEAKER. This is not the time to receive excuses. A quorum has now appeared.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. O'NEILL, of Missouri. I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

Mr. KEIFER. A quorum having appeared, should not the House go back into committee without a motion?

The SPEAKER. A quorum was not shown on the report made from the Committee of the Whole. If that had been the case the Committee of the Whole would have resumed its session without a motion under the rule.

The question being taken on the motion to adjourn, there were—ayes 3, noes 117.

So the motion was not agreed to.

Mr. O'NEILL, of Missouri. I move that the House take a recess until 10 o'clock to-morrow.

The House divided; and there were—ayes 3, noes 119.

Mr. O'NEILL, of Missouri. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Missouri, Mr. O'NEILL, and the gentleman from Pennsylvania, Mr. RANDALL.

The House again divided; and the tellers reported—ayes 2, noes 162.

So the motion to take a recess was not agreed to.

Mr. RANDALL. I now insist on my motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DUNN in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union resumes the consideration of the deficiency appropriation bill. The question is on the appeal by the gentleman from Missouri [Mr. O'NEILL] from the ruling of the Chair on the point of order.

Mr. O'NEILL, of Missouri. I withdraw the appeal from the decision of the Chair. I give notice that I will offer the amendment again at the end of the bill as an additional section.

The Clerk resumed the reading of the bill, and read the following paragraph under the heading "Claims allowed by the Third Auditor and the Second Comptroller."

For incidental expenses, Quartermaster's Department, 1881 and prior years, $13,023.99.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 47, after line 293, insert the following:
"For transportation of the Army and its supplies, 1881 and prior years, $126,458.89.
"For 50 per cent. of arrears of army transportation due certain land-grant railroads, 1881 and prior years, $8,169.35.
"For barracks and quarters, 1881 and prior years, $19,711.03.
"For horses, for cavalry and artillery, 1881 and prior years, $5,094.
"For clothing, camp and garrison equipage, 1881 and prior years, $44.09.
"For subsistence of the Army, 1881 and prior years, $3,130.79."

Mr. CANNON. Mr. Chairman, if the committee will give me its attention for a moment I will state what this amendment covers. If gentlemen will turn to Executive Document No. 67, which I hold in my hand, and which they can get at the document-room, they will find that these appropriations are made to pay certain items enumerated in this document. The bill, in fact, is to be read in connection with the items in this document.

In this and one other executive document, covering audited claims passed by the Treasury Department, are to be found over 2,400 claims that are now in this bill for almost every conceivable purpose, audited under the provisions of the law for service performed for the Government. They are audited by virtue of the act of June 14, 1878, as specified in the bill.

Now the Committee on Appropriations has seen proper to put in 2,400 of these claims and then to reject arbitrarily all the claims in this executive document commencing on page 31 to page 45, inclusive, covering sixteen pages and aggregating between two and three hundred thousand dollars. These are for various things, among others for army transportation for 1881 and prior years under section 1133 of the Revised Statutes; for subsistence and various other matters under the same identical sections of the statutes, and the same classes of claims substantially as the 2,400 that are in this bill.

I do not see the propriety of making fish of one and fowl of another. I do not see why it has pleased the Committee on Appropriations to say, "We will put in 2,400 claims and we will exclude 400 claims." Therefore I ask the Committee of the Whole, in the absence of any explanation on the part of the gentleman having this bill in charge to adopt the amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Illinois.

Mr. HISCOCK. I hope the gentleman in charge of the bill will give us some explanation in regard to this matter.

Mr. RANDALL. There are six items which the committee have left out. The first item is army transportation, $126,458.89; the second is for barracks and quarters, $19,711.03; the next is for horses for cavalry and artillery, $5,094; the next is for 50 per cent. of arrears of army transportation due certain land-grant railroads, $8,169.35. The next item is $44.09 for clothing, &c.; the next is $3,130.79 for subsistence of the Army.

It will be observed that these claims under the act of 1874, known as the "covering-in act," were claims for which there were no appropriations. Under the act of June 14, 1878, it was required that this character of claims which we have omitted should be sent to Congress for its consideration. They are old claims, some of them going back to 1862 and 1861; and the committee thought that this class of claims should not be approved—what I may call these aged claims—unless they had a proper investigation by some committee of the House. The truth is it was utterly impossible for the Committee on Appropriations to investigate all these matters. They were therefore left out so that they might come from the appropriate committee, as we think, the Committee on Claims. And they were rejected, as I think, last year, and we have followed, I believe, the course then adopted.

Mr. HISCOCK. I think the gentleman is mistaken about their having been rejected last year.

Mr. RANDALL. Well, I will withdraw that statement. Perhaps these claims had not then been certified up.

Mr. HISCOCK. Claims of the same class were certified up.

Mr. RANDALL. Perhaps these identical claims were not certified up, I say.

Mr. HISCOCK. The practice we followed was to take the different classes of claims and carefully examine into the principle upon which they were decided. We did not attempt to go through with them all, but in reference to the leading claims if we found upon a careful examination that they had been thoroughly examined then we appropriated for them.

Mr. CANNON. I move to strike out the last word. There is only one way by which claims against the Government can be enforced, except at the discretion of the Government acting through Congress. We have constituted a Court of Claims, and that court can render judgment against the Government; but after all it is discretionary with Congress to make the appropriation. There is one other tribunal where these claims have been examined, and where substantially without variation the appropriation for the payment of them has always followed their examination and auditing. If gentlemen will turn to page 236 of the Revised Statutes they will find the following:

All claims and demands whatsoever of the United States or against them, and all accounts whatsoever in which the United States are concerned either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.

Now, a claim must first pass the Auditor and then pass the Comptroller of the Treasury. That is a tribunal which Congress has always respected, and upon their finding Congress has always made the appropriation without referring the matters to the Committee on Claims or making substantially any further investigation. The rule has been uniform in the last Congress and in every Congress before it. In 1875, 1876, 1877, 1878, 1880, and 1881, while our Democratic friends were in power here, they followed this rule, and wisely so. The gentleman from Pennsylvania [Mr. RANDALL] now seeks to give as an excuse for not putting all these claims in this bill that they have not had time to examine them. I want to ask that gentleman if the committee has examined any one of the 2,400 similar claims which have been put into this bill? I pause for an answer.

Mr. RANDALL. I will answer the gentleman. There is one single claim, the second item which he desires to have put into this bill, for $19,730, which a former House rejected on a yea-and-nay vote. I think it safer to let the Committee on Claims investigate all six of these items.

Mr. CANNON. Why did you not let the Committee on Claims investigate the 2,400 items which you have put into this bill?

Mr. RANDALL. I should be very glad to have them do so.

Mr. CANNON. But you put in 2,400 claims and keep out 450. Why did you do that?

Mr. RANDALL. We believe these have been substantially investigated by the subcommittee and approved by the general committee.

Mr. CANNON. I see the other gentleman of the subcommittee over there. I want to ask him——

The CHAIRMAN. The time of the gentleman has expired on the pending amendment.

Mr. CANNON. Then I withdraw my *pro forma* amendment and move to strike out the last two words, because I want to ascertain the facts about these matters. I want to ask any or all of the members of the subcommittee that prepared this bill in the first place whether they have examined any considerable number of these 2,400 claims; and I will pause and let them answer in my time. [After a pause.] I do not get any answer.

Mr. BURNES. If my friend will indulge me I will answer him when he gets through.

Mr. CANNON. That is all right. I will indulge the gentleman if he can answer. I want to get the facts.

Mr. BURNES. Finish your argument and then I will answer.

Mr. CANNON. I will state very frankly that these claims have passed the Auditor and Comptroller of the Treasury, and stand before this House precisely as do the other claims which the gentlemen have put in this bill. I can see no reason why they should not go into the bill if any go in, and I see no reason why the others should not go out of the bill if these are kept out.

Mr. BURNES. It is not my purpose to attempt to say a solitary word that would seem to give any advantage to this side of the House over that side of the House with regard to the practices under this law for auditing claims. I think that in these business matters at least we should be fair and just. And I think the chairman of the committee has that disposition; at least he has attempted to inculcate that lesson to me upon all occasions.

I wish to call your attention to the law and then to a few facts, and then I will answer my friend from Illinois [Mr. CANNON]. First I ask the Clerk to read from volume 20 Statutes at Large, page 130, the section which I have marked.

The Clerk read as follows:

SEC. 4. That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated be, and hereby is, repealed. And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law.

Mr. BURNES. I beg the attention of the committee to the fact that the law just read was passed in 1878. Prior to that time a law had existed which in connection with the practice under it had led to the belief that there was some sanctity about this auditing on the part of a single individual in one of the Departments of the Government; in other words, that a claim when it had been audited was *res adjudicata;* that it was in the nature of a judgment of a court of justice of competent jurisdiction. In consequence of that belief Congress in 1878 gave an interpretation to that law which compelled this auditing officer to report these claims to Congress—for what? Not for passage; not to be sent unreasoningly to the Committee on Appropriations; but for consideration, showing that Congress intended to amend the previous law so as to say to future Congresses that there was no sanctity, no *res adjudicata*, about this auditing business on the part of the Comptroller.

Now, the reporting of claims to Congress under that law has gone on and on until the idea of consideration has to a large extent dropped out from the ordinary disposition of these questions, and there are distinguished gentlemen on this floor who have been disposed to consider that these claims were not questions merely for consideration when reported by the Auditors or Comptrollers of the Government.

Now, reaching that point, let me call attention, in perfect fairness and kindness, to the question before the committee. These claims come here audited for the consideration of Congress. When they come here what does consideration mean? If the claim be a war claim, it means that it shall have consideration as a war claim; if a naval claim, that it shall have consideration through the Naval Committee first and then through the House. So on with all the committees. This is all the sanctity that belongs to this auditing business.

Now, a word more. As proof that this amended act was wisely passed let me call attention to the fact that hundreds and thousands of these claims have been resurrected, audited, and reported to this Congress, not for consideration, but in the rapid manner in which we transact business they have been reported in a sort of common-place way, as matters fit for appropriation without consideration, as though they were in the nature of judgments.

Now, sir, my observation, limited as it has been—little as my information necessarily is, because I have been but a short time investigating these subjects—I can see, as can any gentleman who will read these reports, that there are at work in the Departments of this Government what in addressing Western men I could best liken to the work of the old-time gopher. The gopher begins his work away down in the bowels of the earth. You scarcely see him upon the surface until gently there is an upheaval, and finally a mound, and the swelling of the earth continues until you see a respectable elevation above everything that surrounds it. The gopher is at work. So in the Departments of the Government the gopher has begun with claims back in the '20s and the '30s—claims of $3 and $5 and $10. The case has been found; and the case having been adjudicated without consideration by Congress, it is only necessary that a client should be found to suit the case. The gophers are at work in the Departments. They have unearthed thousands upon thousands of these claims and have reported them to Congress for consideration, and in our way of running on and on with business, we have not stopped to give these claims proper consideration. Thus we are forcing upon the Appropriations Committee the work of the War Claims Committee, the work of the Claims Committee, the work of all the committees that ought to conduct these investigations and determine the correctness of the conclusions which have been reached.

One word more——

[Here the hammer fell.]

Mr. RANDALL obtained the floor and said: I yield my time to my colleague on the committee [Mr. BURNES].

Mr. BURNES. I have not one word to say, God knows, except in praise of the honest and honored gentlemen who work upon small salaries in these Departments. But when we look around and see the temptations that exist here in our midst, I can not but wish in my heart of hearts that this auditing business should be transferred from a single individual, that this temptation should be removed from these officers in the Departments, and these claims be submitted to Congress for consideration and investigation. I do not pretend that unfair means have been used, but when millions upon millions of dollars are involved, when claims by the hundreds and thousands and tens of thousands come before one poor, weak, frail mortal like ourselves, while he may be sturdy enough to withstand the temptation, I would to God he could be relieved from it.

Mr. CANNON. I move to amend by striking out the last paragraph. Either the gentleman from Missouri [Mr. BURNES] does not understand, or I do not understand, the practical question before the House. The gentleman has not been candid, as he ordinarily is, in meeting this question, if I understand what constitutes candor. The gentleman does not understand the method of auditing accounts in the Treasury Department; or if he does he has not stated the method. He talks about one individual auditing. Does he understand the system existing in the Treasury Department? The Auditor, who has a force of clerks, passes upon the accounts. The question is there adjudicated. Then it goes to a proper Comptroller; and there again it must pass scrutiny. The Comptroller stands there and passes finally upon these claims. He can reverse the action of the Auditor, the Secretary of the Treasury, or anybody else in this Government upon that class of claims.

Mr. BLAND. On what evidence are these claims allowed?

Mr. CANNON. On evidence on file in the Department.

Mr. BLAND. *Ex parte* altogether.

Mr. CANNON. Evidence of every kind; evidence proper under the law.

Mr. BLAND. No cross-examination.

Mr. CANNON. I am speaking of these auditing officers as they have been since the Department was organized.

Mr. RYAN. Probably on vouchers.

Mr. CANNON. Probably on vouchers, most of them. It is not a one-man audit.

But, Mr. Chairman, the gentleman has not exhibited his usual candor. By innuendo he says this, that, and the other may be so. I may say the moon is made of green cheese, and that when the sky falls we shall catch larks, and all that sort of thing. But, sir, they have nothing to do with that question any more than what the gentleman has said.

If the gentleman is in earnest, why is it, and again I ask him, he has put in 24,000 of these claims and rejected 450 of them? I turn to this executive document, and I find on page 27, the first I come to, are claims running back to 1857 and 1862, older than these they have rejected under the same law, audited by the same Auditor, passed on by the same Comptroller, and yet in an arbitrary way he cuts out 450 of these claims. I am authorized, and will yield the floor if I am incorrect in order that I may be corrected, to say that no member of the subcommittee, that no member of the Committee on Appropriations, has called for the papers and examined any one of these claims.

Mr. RANDALL. If that had been done we could hardly have reached an adjournment before the last of December.

Mr. CANNON. Not if the gentleman's position is correct, that the committee or Congress should pass on these claims. In order to do so

they would have to be furnished with as many clerks as are in the Department.

Mr. RANDALL. They were examined by Congress as much as the 4th of July claims. Moreover, the great bulk of the cases arise from expenditures in excess of appropriations.

Mr. CANNON. I beg the gentleman's pardon. The precedent and practice have been as I have stated them. I ask the gentleman, because I am going to have him acknowledge or say that he can not answer it, one of the two, why did you put in those 24,000 cases and leave out 450 of the same kind, from the same Auditor and the same Comptroller and under the same law?

Mr. RANDALL. These claims were examined on the surface by the gentleman from Missouri and the gentleman from Indiana, your associate at the lower end of the table in committee, and I concurred in their judgment.

Mr. CANNON. What do you mean by being examined on the surface?

Mr. RANDALL. They were looked over in the customary way. [Laughter.]

Mr. CANNON. Yes; they were looked over.

Mr. RANDALL. It was impossible to do anything more than look over them.

Mr. CANNON. Every member of the House can look over them. Why did you not cut them all out?

Mr. RANDALL. I would have been glad to do that, but the gentlemen on the subcommittee voted against me.

Mr. CANNON. Oh, Mr. Chairman, here is this——

The CHAIRMAN. The gentleman's time has expired.

Mr. CANNON. I want to say one word more, and I hope some gentleman will take the floor and yield to me.

Mr. HISCOCK. I will take the floor and yield to the gentleman from Illinois.

Mr. CANNON. This tribunal that has been standing since the foundation of this Government has passed on these claims in an unbroken line of precedent up to the present time, and Congress has appropriated for them when they have been reported to it.

Mr. BLOUNT. Does the gentleman mean to say on appropriation bills?

Mr. CANNON. Certainly.

Mr. BLOUNT. The gentleman is mistaken. You will remember that Mr. Eden, of Illinois, reported $500,000 of these claims in the Forty-fourth Congress. In the Forty-fifth Congress there was an effort on the part of Mr. Walton, of Michigan, to attach them to the appropriation bill, but they were ruled out by a vote of the House.

Mr. CANNON. I do not know; possibly I am in error about it; and that what the Forty-fourth and Forty-fifth Congresses did has passed from my recollection. I know they did some ridiculous things that your party is ashamed of.

Mr. BLOUNT. That is a very poor escape from a very defective memory.

Mr. CANNON. The gentleman's memory is defective. I do not think, in the first place, that this class of claims was referred to Mr. Eden; but whether it was or not you rejected this class of claims from that committee.

Mr. BLOUNT. In the Forty-fifth and Forty-sixth Congresses these claims were reported from the Committee on War Claims; so the gentleman's memory is defective since it can only claim accuracy in one Congress out of three.

Mr. CANNON. Yes, one Congress out of three; but I think the gentleman's recollection is in fault a little more than that, if he will look up this subject and examine more carefully.

Mr. THOMPSON. Let me ask the gentleman from Illinois is this the class of claims known as the 4th of July claims?

Mr. CANNON. No, sir; that is a different class of claims.

Now you have the power, without rhyme or reason, it is true, to cut this whole class out; but I wanted to know and I wanted to have this country to know what you are doing, and what you expect to do with these claimants—these poor men to whom you owe from $5 to $10 and up to $100. I suppose they can wait as they have been waiting. They have waited a long time, and of course you have the power to keep them waiting. That is a matter for your own discretion, but I most earnestly protest against it.

[Here the hammer fell.]

Mr. HISCOCK rose.

Mr. RANDALL. I ask that there may be a time fixed for closing this debate, or else that the committee rise for that purpose.

Mr. HISCOCK. We will not take up but a little more time.

Mr. RANDALL. I would rather fix a time. How much time does the gentleman from New York wish?

Mr. HISCOCK. Five or six minutes will be enough.

Mr. RANDALL. Then if it be understood by unanimous consent that ten minutes longer will be occupied in this discussion I am willing to agree to that.

There was no objection, and it was ordered accordingly.

Mr. HISCOCK. Mr. Chairman, I have had a little experience with these claims myself in the Forty-sixth Congress. I was a member of the Committee on Appropriations in that Congress, and with the gentleman from Indiana that I now see sitting in front of me [Mr. COBB] and the gentleman from Alabama [Mr. FORNEY] now a member of the Committee on Appropriations, we three constituted the subcommittee that made up the deficiency bill. I believe the gentleman from Indiana was chairman of that subcommittee, and under his wise administration we sent to the Treasury Department and had brought there a large amount of these claims, which we investigated.

He will remember it very well. We went through all of these in detail. We brought them there and went through them, went through hundreds of them. We scrutinized the methods of these auditing officers. We scrutinized the evidence upon which they passed the claims, and we came to the conclusion that they were just and fair; and I appeal to the gentleman from Indiana in support of the statement that there was not a dissenting voice upon that subject that these claims were fairly proved and ought to go in the deficiency bill. I see that he assents to what I say. There were certain claims in which there was some question as to the legality of the claimants, and they were thrown out.

But so far as the evidence was concerned in these different cases nothing was presented, and we examined the subject closely, that would authorize the comparison which has been made here this evening to the burrowing of a gopher. Insinuations of that kind should not be made as to the manner in which the Treasury Department has discharged its duties in reference to this business. We struggled I may say against the allowance of these claims until the confession was forced upon our minds that we were doing injustice to the creditors of the Government to reject them. The report was brought in by the subcommittee, and there was not a dissenting voice in the full committee as to their payment after we had described the scrutiny and care that we had given to the subject.

In the last Congress I had the honor to be the chairman of the subcommittee that had charge of this bill, and, sir, we again brought these claims to our committee-room. We gave all the time that we could give to them, and then we engaged the clerks of the Committee on Appropriations to examine them. We brought there the auditing officers themselves that had charge of them, and in almost every instance we found the evidence upon which the claim had been allowed was above suspicion, and the construction given to the law by the auditing officers was entirely sound. Now, it is no great matter to go through with claims of this kind and determine whether they should be allowed or not.

In a few cases, it is true, a mass of evidence had been accumulated, but the evidence upon which they were submitted, the vouchers accompanying them, are all that could be required in support of the cases, and would be admitted as satisfactory and sufficient evidence in any court of justice; and I repeat that as to these special claims they have been subjected to scrutiny which entitles them to be paid by this Government. I do not believe the gentleman from Pennsylvania meant it when he stated he would have stricken them all out, for I believe that gentleman is hardly willing to take the position that he is opposed to paying an honest creditor of the Government of the United States.

If these claims are honest we should pay them. Many of them, Mr. Chairman, have been in the Departments fifteen or twenty years; and the delays which have occurred have been on account of the difficulty of getting the record from some quartermaster somewhere, located at some point out of reach. The claimants have finally run him down and got from him his old original records, on which the audit has taken place. Years have elapsed, and now to turn them over to the Claims Committee and to compel them to come in by individual bills for each one of them is tantamount to denying that payment altogether.

Mr. RANDALL. The gentleman from New York and I do not much disagree. The gentleman states that in a former Congress the Committee on Appropriations, or a subcommittee, gave particular consideration to each case and sifted out those which should not be paid. Among others sifted out were those which embraced the issue of loyalty. But the Committee on Appropriations, or its subcommittee, have not made the necessary investigations in these cases. And I direct the attention of the gentleman from New York to the danger of legislating blindly in this way. I remember a claim in the Forty-fourth Congress which found its way into the deficiency bill, that of the steamboat E. B. Cheney, aggregating thirty-odd thousand dollars. After we had passed it Secretary Sherman sent down word to have a clause inserted in the sundry civil bill revoking the paragraph in the deficiency bill or suspending the payment, because it belonged to that class of claims which he thought should not be passed. Some members of the committee thought these claims should be taken up in the manner the gentleman from New York suggests and gone over one by one. But it is utterly impossible for the Committee on Appropriations to perform any such work. It is not part of their duty. And if we did it, it is well known how closely the Committee on Appropriations are watched for transcending of their duty, and we would have subjected ourselves to rightful complaints.

Mr. HISCOCK. If I have time I may say here that the Committee on Appropriations in the Forty-seventh Congress discharged its duty in these respects acceptably to the House and the country.

Mr. RANDALL. I do not know whether they did or not. But the country elected a Democratic House to the Forty-eighth Congress.

Mr. HISCOCK. I do not know that the Committee on Appropriations were ever censured for having passed improper claims. I say again, to turn these parties over to the several committees indicated and to make each claimant come here with his particular bill is simply to deny them payment forever.

Mr. RANDALL. If any time is left, I yield it to the gentleman from Illinois [Mr. SPRINGER].

The CHAIRMAN. One minute is left of the time allowed for debate.

Mr. SPRINGER. All I can say in that one minute is that I am opposed to this amendment, and I hope it will be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. YORK. I call for the reading of the amendment.

The CHAIRMAN. It has already been read. It may be read again by unanimous consent.

Mr. RANDALL. I object.

The committee divided; and there were—ayes 53, noes 91.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

For contingencies of fortifications, $93.87.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 48, after line 299, insert the following:

"For pay, transportation, services, and supplies of Oregon and Washington Volunteers in 1855 and 1856, 1871, and prior years, $1,661.20.

"For 20 per cent. additional compensation, prior to July 1, 1881, $115.60.

"For Rogue River Indian war, prior to July 1, 1881, $584.62."

Mr. CANNON. Those claims are audited. They are for supplies furnished and services performed; the same thing precisely as we have been talking about.

Mr. RANDALL. We agree as to that.

Mr. CANNON. Does the gentleman agree to my amendment?

Mr. RANDALL. No, sir; we agree on the fact that the claims are of the same character as in the former amendment.

Mr. CANNON. I ask for a vote.

The amendment was not agreed to.

Mr. WAIT. I rise to a point of order on the proviso in the next paragraph. I make the point of order that it is not germane to the bill and that it is an attempt to connect general legislation with a bill appropriating money for specific purposes.

The CHAIRMAN. The paragraph has not yet been read.

Mr. RANDALL. I suppose the gentleman makes the point of order on the proviso, not on the whole paragraph, as we want the appropriation for lost horses, &c.

The Clerk commenced to read the next paragraph.

Mr. KEIFER (interrupting the reading). I want to suggest that this is a long proviso and some question might arise whether it is not divisible into paragraphs. I think it might be read with the understanding that the point of order might be made on the whole or on any portion of it.

Mr. WARNER, of Ohio. I give notice that I will make a point of order on all of the paragraph from the word "provided."

The Clerk resumed and completed the reading of the paragraph, as follows:

For horses and other property lost in the military service prior to July 1, 1881, $125,787.03: *Provided*, That hereafter no agent, attorney, or other person shall demand or receive any fee for his services in claims for lost horses, bounty, and arrears of pay for military services until the allowance of such claim. That all fees last above mentioned shall be paid by the Treasurer of the United States out of the amount allowed and due the claimant; and no agent, attorney, or other person shall receive any fee for his services in such claims except through the Treasurer of the United States. That the fee in all claims for lost horses, bounty, and arrears of pay shall be $10, except in case of special written contract filed in the office of the Auditor who may have charge of the auditing of such claims, and approved by such Auditor as hereinafter provided. The claimant may contract with his attorney or agent of record in writing, in such form as such Auditor having charge of auditing such claim may prescribe, for an additional fee to an amount not exceeding 5 per cent. of the amount allowed for such claim; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act. This act shall apply to pending as well as all future applications for allowance of claims for lost horses, bounty, and arrears of pay. That the Secretary of the Treasury may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. And such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant by word, circular, letter, or by advertisement. That any agent or attorney or other person instrumental in prosecuting any claim for lost horses, bounty, and arrears of pay, who shall, directly or indirectly, contract for, demand, or receive, or retain any compensation for his services or instrumentality for prosecuting such claims greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall, for every such offense, be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Treasury Department.

Mr. ELLIS. I make the point of order on the proviso that it is obnoxious to the third clause of Rule XXI.

Mr. TOWNSHEND. The gentleman from Ohio [Mr. KEIFER] indicated that he had some further points to make.

Mr. ELLIS. I yield to the gentleman from Connecticut [Mr. WAIT] who, I understand, rose some time ago to make the point of order.

Mr. WAIT. The point I make is that the entire proviso is not germane but is foreign to the bill and to this paragraph, which appropriates money to pay specific debts which it is claimed the Government owes to individuals. The proviso goes on and attempts to regulate contracts which the parties having these claims against the Government shall make with the attorneys they employ, and, further, to decide what kind of men shall practice before the Departments, and to provide for their punishment if they do not practice in accordance with certain rules of the Department. The whole proviso, I submit, is subject to the point of order, being not germane, and foreign to the bill and to the section under consideration.

Mr. KEIFER. The point of order I think is well taken and does not require much discussion. This proviso is obnoxious to paragraph 3 of Rule XXI. In the first place it must be conceded that it is new legislation. It is a proposition to legislate for the purpose of determining the fees of agents, attorneys, or persons who may be connected with a class of claims for lost horses, for bounty, and for arrears of pay for military services.

This is not a bill for general legislation; it is not a bill treating upon any specific subject. There is an attempt in this proviso to regulate the pay of claim agents or attorneys, and to add to the criminal laws of the United States. All that might be done I suppose under paragraph 3 of Rule XXI if it came within any one of the exceptions mentioned in the rule. Let us see whether it is possible to bring it within either of those exceptions. I will read from that clause.

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

That is one method, and certainly it will not be claimed that this proviso reduces the number or the salary of the officers of the United States. The next is this:

By the reduction of the compensation of any person paid out of the Treasury of the United States.

Under existing law these claim agents are not paid out of the Treasury of the United States. It may be said that there is an attempt in this proviso to provide for their payment out of the Treasury; but they are paid simply out of the money allowed on the claims; so that it can not be held to come within the letter or the spirit of that exception. Then the other is:

Or by the reduction of the amounts of money covered by the bill.

This proviso does not reduce the amount of money covered by this bill. There is a further clause which does not help out this matter at all.

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Of course this is not an amendment put on the bill on the recommendation of any committee. It is a provision found in the bill as it comes from the Committee on Appropriations. It can not, therefore, come within this rule, which allows legislation germane to the subject-matter of the bill under certain circumstances. I think the point of order ought to be sustained against the whole proviso.

Mr. TOWNSHEND. I had hoped that no point of order would be made against this provision of the bill. I have no doubt it has been the experience of every member here that great wrongs have been practiced upon persons presenting claims for lost horses; many soldiers have been victimized by very disreputable claim agents in Washington.

While there are some very reputable gentlemen engaged in the business, who charge reasonable fees, there are many who are very disreputable, and who have been guilty of bad practices, and have victimized many a poor soldier who was unable to take care of himself. I myself know of many cases where large fees have been exacted by claim agents, who have succeeded in obtaining from one-third to one-half of the amount of the claim allowed. The object of this proviso is to protect soldiers against such practices.

The CHAIRMAN. The Chair would suggest to the gentleman the propriety of confining his argument to the point of order.

Mr. TOWNSHEND. All I want to say on the point of order is this: I do not think the point which has been made is good in every respect. In the first place, the point made by the gentleman from Connecticut [Mr. WAIT] is clearly not good. The proviso is germane to the bill and to the paragraph to which it is attached; unquestionably it is germane.

The gentleman from Ohio [Mr. KEIFER] urges that this proviso pro-

poses to change existing law. The gentlemen is clearly mistaken in that; the proviso does not change the existing law in any particular. The gentleman may call it new legislation if he will, but it certainly does not change the law, because unfortunately we now have no law which regulates these charges and which protects the soldier.

Mr. KEIFER. All new legislation is a change of law.

Mr. TOWNSHEND. If the Chair is of the opinion that legislation of that character must likewise retrench expenditures, I apprehend that the point of order is good.

The CHAIRMAN. Does the gentleman from Illinois [Mr. TOWNSHEND] think that a new law which makes a thing unlawful which before was lawful is not a change of law?

Mr. TOWNSHEND. The point I make is this: there is no positive statute on the subject.

The CHAIRMAN. Still these acts that are here prohibited are now lawful.

Mr. TOWNSHEND. If the Chair is of opinion that new legislation falls under the same rule as a provision which changes a positive existing statute, then I apprehend the point of order is good.

The CHAIRMAN. Undoubtedly it does.

Mr. TOWNSHEND. Then I want to say that I am sorry any member here makes a point of order on this proviso. I will not discuss the matter further.

Mr. SPRINGER. I would inquire if points of order were reserved on this bill?

Mr. HAMMOND. Yes.

Mr. SPRINGER. Who reserved them?

Mr. HAMMOND. The gentleman from Iowa [Mr. KASSON] especially reserved them this morning.

Mr. SPRINGER. I am asking the Chair if the points of order were reserved.

The CHAIRMAN. The Chair is advised that when the bill was referred to the Committee of the Whole House on the state of the Union points of order were not reserved.

Mr. HAMMOND. This morning when the House was about to vote on the proposition to go into Committee of the Whole on this bill the gentleman from Iowa [Mr. KASSON], as I understood, reserved all points of order.

Mr. KEIFER. We have been proceeding all day upon that understanding, that points of order were reserved.

The CHAIRMAN. The Chair will cause the record to be examined. If the gentleman from Georgia [Mr. HAMMOND] feels assured that the gentleman from Iowa [Mr. KASSON] did reserve points of order, that would be decisive. But the Journal Clerk informs the Chair that points of order were not reserved.

Mr. SPRINGER. The gentleman from Georgia [Mr. HAMMOND] states that points of order were reserved this morning. Now, the bill was not referred to the Committee of the Whole this morning. It has been in Committee of the Whole for several days.

Mr. WARNER, of Ohio. From the beginning of the consideration of this bill amendments have been ruled out on points of order.

Mr. SPRINGER. Those were amendments offered in the Committee of the Whole; but this provision is a part of the bill.

Mr. TOWNSHEND. I think my colleague [Mr. SPRINGER] is correct in the statement that points of order were not reserved upon the bill when it was referred to the Committee of the Whole.

Mr. HAMMOND. Certainly it is incumbent upon the gentleman, if he makes that assertion, to show the fact.

Mr. TOWNSHEND. No, sir; it is incumbent upon the member making the point of order to show that points of order were reserved when the bill was referred to the Committee of the Whole.

Mr. KEIFER. It is rather late to raise this point after discussion on the point of order has proceeded and after we have been all day striking out portions of the bill which were subject to points of order.

Mr. TOWNSHEND. Does the gentleman remember any point of order made upon any provision in the bill?

Mr. CHACE. Yes; this evening we filibustered for an hour upon a point of order.

Mr. TOWNSHEND. That was on an amendment.

The CHAIRMAN. What is the point made by the gentleman from Illinois [Mr. SPRINGER]?

Mr. SPRINGER. I submit that points of order, not having been reserved upon this bill when it was referred to the Committee of the Whole, can not now be made to any part of the text of the bill.

The CHAIRMAN. The Chair is of opinion that the practice has been otherwise; but at any rate the gentleman's point comes too late.

Mr. TOWNSHEND. Why does it come too late? He is making no point of order, but answering a point of order.

The CHAIRMAN. The point of order has been made, and has been some time under discussion.

Mr. TOWNSHEND. The gentleman is answering that point of order with an argument in opposition. He is making no point of order.

The CHAIRMAN. The Chair understood him to make a point of order.

Mr. TOWNSHEND. Not at all; he is opposing the point of order made by the gentleman from Ohio [Mr. KEIFER].

Mr. SPRINGER. Of course but one point of order can be pending at a time. The point of order in this case was made by the gentleman from Connecticut, and in opposition to that point I stated that points of order were not reserved when the bill was referred to the Committee of the Whole. Now I have the RECORD before me, and I was about to refer to it. I remember very well——

Mr. KEIFER. I suggest that all day points of order have been made against provisions of the bill. In the matter of payment for expenses in election cases a point of order was made.

Mr. TOWNSHEND. Those were new provisions, new amendments.

The CHAIRMAN. Those were amendments.

Mr. KEIFER. That is true.

Mr. TOWNSHEND. I desire to call attention to the fact that the other day, when the river and harbor appropriation bill was under consideration, the chairman ruled that unless points of order had been reserved when the bill was referred to the Committee of the Whole, no point of order could be made as against any provision of the bill.

Mr. HAMMOND. The occupant of the chair at that time did so hold; but the ruling was not correct. An appropriation bill is never before the House for consideration until it is considered in Committee of the Whole; up to that time it can not be considered in the House. Therefore it is folly to talk about reserving points of order on a general appropriation bill in the House where the bill can not be considered at all.

Mr. SPRINGER. Then the uniform practice has been "folly."

Mr. HAMMOND. I know it; but a great deal of folly is practiced at times.

Mr. TOWNSHEND. I wish to say in reply to the gentleman from Georgia that when an appeal was taken from that decision of the Chair the other day upon the river and harbor bill the House sustained the Chair.

Mr. HAMMOND. Because it wanted to adopt the Hennepin Canal provision until the question came to the yeas and nays.

Mr. TOWNSHEND. I call attention to the fact that this House within the last four or five days——

Mr. HAMMOND. There is no rule requiring the reservation of points of order in the House and there is no sense in it.

Mr. TOWNSHEND. Be that as it may, the House sustained the ruling of the Chair on that point and established a precedent which I hope we are not now going to depart from when only a few days have elapsed.

Mr. SPRINGER. I regret to hear the gentleman from Georgia [Mr. HAMMOND] impeach the practice of this House from the very beginning by the statement that there is "no sense" or necessity in reserving points of order when a bill is referred to the Committee of the Whole. I hope the gentleman will not forget the fact that this is simply one of the committees of the House of Representatives. It is a committee consisting of all the members. When the House sends a proposition to a committee for its consideration that committee can not raise a point of order upon it and deny the jurisdiction which has been conferred by the House. This is the reason points of order must be reserved upon a bill when it is referred to the Committee of the Whole, for otherwise every portion of the bill so referred goes there with the sanction of the House so far as questions of order are concerned; and the House directs it shall be considered in that shape.

Mr. HERBERT. I will ask the gentleman whether it has not always been the custom to require points of order to be reserved in cases of this kind?

Mr. SPRINGER. Always. The practice has never been departed from. [Cries of "Decide!"]

The CHAIRMAN. The Chair will cause to be read a passage from page 265 of the Digest.

The Clerk read as follows:

[In the case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3, and committed with the bill, it is not competent for the Committee of the Whole or its chairman to rule it out of order, because the House, having committed the bills (of course it is otherwise where the point was reserved before commitment), are presumed to have received, as in order, the report in its entirety. So far as proposed amendments are concerned, the current of decisions in Committees of the Whole has been to exclude not only all appropriations not previously authorized by law (with the exceptions contained in the rule), but also independent legislation; admitting, however, limitations and provisos as to appropriations which are themselves in order.]

Mr. HERBERT. What does the Journal say? Does it say points of order were reserved or not?

The CHAIRMAN. The Chair is advised the Journal shows that no points of order were reserved at the time the bill was referred to the Committee of the Whole. The Chair is of the opinion this point comes too late, and is overruled.

Mr. LONG rose.

Mr. KEIFER. I move to strike out the whole proviso.

Mr. TOWNSHEND. The gentleman from Massachusetts has the floor.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia.

Mr. HAMMOND. Mr. Chairman, I move, in line 341, after the word "manner," to insert "willingly or knowingly;" and in line 351 to strike out the word "high," so it will read "shall be deemed guilty of a misdemeanor." The language now is, "or who refuse to abide by said rules and regulations;" that is, the attorney who may be disbarred, "or

who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant by word, circular, letter, or any advertisement." Now, a man may deceive or mislead a claimant unintentionally, or because he himself is misled or he himself is deceived. When they went further, to make it a crime to make a false statement, the committee used the words "willingly or knowingly." But they simply, I suppose carelessly, omitted to use them at the other place.

Mr. TOWNSHEND. I am willing to accept that modification suggested by the gentleman from Georgia.

Mr. HAMMOND. As the gentleman from Illinois accepts it, I presume the whole of the committee will do so. Does the gentleman from Illinois accept it for the committee?

Mr. TOWNSHEND. I am willing, so far as I am concerned, to see his modification adopted in the bill.

The amendment of Mr. HAMMOND was agreed to.

Mr. HAMMOND. The language in line 351 is "shall be deemed guilty of a high misdemeanor." The Constitution says we may impeach a President and Vice-President, &c., "for high crimes and misdemeanors." But I do not know what sort of a crime a "high misdemeanor is." [Laughter.]

The CHAIRMAN. That amendment has been adopted with the other.

Mr. HAMMOND. Was my whole proposition adopted in one vote?

The CHAIRMAN. It was.

Mr. HAMMOND. Then I have nothing further to say.

Mr. KEIFER. I insist on my motion to strike out the whole proviso.

Mr. RANDALL. I move to amend that proviso, which is in order before the motion is taken on striking out. I move in lines 308 and 311 to strike out the words "Treasurer of the;" so it will read as follows:

That all fees last above mentioned shall be paid by the United States out of the amount allowed and due the claimant; and no agent, attorney, or other person shall receive any fee for his services in such claims except through the United States.

Mr. TOWNSHEND. What is that amendment?

Mr. RANDALL. It is your own amendment in committee.

Mr. TOWNSHEND. All right.

Mr. KEIFER. Why not provide the particular officer to pay this money out of the claimant's allowance?

Mr. RANDALL. A part might be paid by the Quartermaster-General and a part out of the Treasury. I wish to provide it may be paid by the United States, and then the proper officer can pay it. ["Cries of Vote!"]

Mr. TOWNSHEND. I wish to say this provision of the bill has the sanction of the Third Auditor of the Treasury. Those officers of the Treasury Department have seen how the rights of soldiers are often abused, and they naturally wish to see something of this sort provided for their protection. After this was prepared the Second Auditor of the Treasury sent a communication requesting a modification, and I will send his letter to the Clerk's desk to be read.

The Clerk read as follows:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, D. C., June 10, 1884.

SIR: On page 48, lines 307–311, House bill No. 7235, making appropriations to supply deficiencies for 1884 and prior years, the following proviso appears:

"That all fees last above mentioned shall be paid by the Treasurer of the United States out of the amount allowed and due the claimant; and no agent, attorney, or other person shall receive any fee for his services in such claims except through the Treasurer of the United States."

I have the honor to invite your attention to the fact that if this proviso becomes law it will revolutionize the old-established method of adjusting claims for arrears of pay and bounty, and will very materially increase the work of the warrant division and the offices of the First and Second Comptroller, Second Auditor, Register of the Treasury, and Treasurer of the United States.

These claims have always been paid by paymasters of the Army on certificates of the Second Auditor and Second Comptroller, commonly called Treasury certificates. In cases where the law or existing regulations require it the amount of attorneys' fees are written on the certificate, and the paymaster draws his check to the order of the attorney for the fee and to the order of the claimant for the remainder of the sum allowed. In the cases of colored soldiers payment is made in like manner, except that the claimant is paid in currency or by postal money order. (15 Stat., 26; 16 Stat., 54; 20 Stat., 402.) But under the proviso which is the subject of this letter an account will have to be stated with each agent or attorney and the amount due him certified by the Second Auditor and Second Comptroller, on whose certificate the Secretary of War will issue his requisition, which will be countersigned by the Second Comptroller, registered by the Second Auditor, and passed to the warrant division of this Department, where your warrant will issue and be countersigned by the First Comptroller and registered by the Register of the Treasury. On that warrant the Treasurer of the United States will issue his draft, which must be registered by the Register and mailed to the payee. All this will be new work, which I have mentioned in detail to show the extent of it.

If the provisions of section 3 of the joint resolution of April 10, 1869 (16 Stat., 54), that fees allowed by law to attorneys or agents shall be reserved by the Pay Department and paid to said attorneys or agents were extended to all claims for arrears of pay and bounty the object now sought to be accomplished would be attained. The same end might be reached by striking out the words "the Treasurer of," where they occur in lines 308 and 311, page 48, of the deficiency bill (H. R. 7235), so that the proviso would read:

"That all fees last above mentioned shall be paid by the United States out of the amount allowed and due the claimant; and no agent, attorney, or other person shall receive any fee for his services in such claims except through the United States."

I suggest the propriety of submitting this amendment to the chairman of the House Committee on Appropriations.

Very respectfully,

O. FERRIS, *Auditor.*

The honorable SECRETARY OF THE TREASURY.

During the reading of the above paper the hammer fell.

Mr. TOWNSHEND. I ask unanimous consent that the reading of that paper may be concluded.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNSHEND. I move to strike out the last word.

I now ask the Clerk to conclude the reading of the paper.

The Clerk resumed and concluded the reading of the paper as above.

Mr. LONG. I wish to offer an amendment which I send to the desk.

Mr. KEIFER. I have a pending amendment to strike out the whole proviso, and yielded only until the section was perfected, according to parliamentary practice.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio to submit that motion, but does not recognize it as a pending motion. Another gentleman had the floor when the gentleman from Ohio rose for that purpose.

Mr. KEIFER. My motion was in order, as I understand it, at the time.

The CHAIRMAN. The gentleman was not recognized for the purpose of submitting the motion at that time.

The Chair, on an examination of the amendment proposed by the gentleman from Massachusetts, would suggest to him that it would come in properly in the next paragraph.

Mr. LONG. It is intended as an amendment to that paragraph.

Mr. KEIFER. Then I submit now the motion to strike out the proviso.

The CHAIRMAN. The Chair will recognize the gentleman to submit that motion.

Mr. KEIFER. I do not desire, Mr. Chairman, to occupy any considerable time in reviewing this long paragraph.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. Has not the gentleman from Massachusetts submitted an amendment to this paragraph?

The CHAIRMAN. Not to this paragraph; the amendment will come in when a succeeding paragraph is reached. The gentleman from Ohio has the floor.

Mr. KEIFER. This proviso should have gone out on the point of order, and I doubt not that it would have been ruled out had points of order been reserved in the first instance upon the bill. It is very objectionable legislation. We are now pretty nearly through with the work of paying off claims for lost horses during the war, as well as for arrears of pay and for bounty, and it seems a little strange that we are called upon after the bulk of these payments have been made to pass a law limiting the fees of agents or attorneys, when perhaps the most difficult cases are those now to be disposed of. There are few of these people who have claims for pay for arrears or for lost horses who are not able to take care of themselves in making contracts with their attorneys. The limitation upon their power to make a contract I do not think is a wise one, even if it be constitutional, which is questionable.

I have had occasion to say to the committee before that the whole system of providing methods of paying the fees for pension agents and to parties representing persons having claims against the Government of the character referred to in this proviso was so bad that it forced all this kind of work into the hands of men who were not so well qualified to do it; and I think the Government should protect these claimants in some manner so as to avoid producing that result.

The attorneys who will accept employment as claim agents for pensioners are not as a rule the reputable able attorneys in the different counties of the States of this Union. If a proper fee were paid for the service to be rendered, the Government would be better protected and there would be less of this trouble in the consideration of claims that ought to be rejected and that are often rejected in the Department. The best class of attorneys ought to be employed in this kind of work. If we say that $10 shall be the full pay for the service, no attorney of good standing will accept the employment at all; and the whole scheme of such legislation is to force this class of business into the hands of men not qualified—I will not say always disreputable, but not qualified attorneys to do the work and present the claims properly and intelligently before the proper officers of the Government; and this constitutes chiefly my objection to this legislation.

I hope the proviso will be stricken out.

Mr. WARNER, of Ohio. Mr. Chairman, a word on this subject. We have already adopted a provision in another appropriation bill carefully and in my judgment sufficiently guarding the disabled soldiers in all pension cases as far as they are concerned. These claims now before us pertain mostly to officers of the Army. Now, is it necessary or proper that Congress should step in and act as a guardian for officers of the Army who have claims against the Government? I think not.

Mr. TOWNSHEND. Does my friend forget the fact that many of these are soldiers——

Mr. WARNER, of Ohio. I do not yield to the gentleman for an argument.

Again, many of these claims are already pending, and contracts have been made with the attorneys who have charge of them here. Why should the Government step in now and say that these contracts shall not be carried out? It should also be remembered that the Department has a rule, which claim agents voluntarily comply with, of allow-

ing 10 per cent. where the claim is under $100 and 15 per cent. where it is over. I see no necessity, therefore, for this provision in the bill.

Again, there can be no future claims arising under the present law, which expired in January last. I see no occasion therefore in any view of the case for this clause. It seems to me that on all these grounds this provision should be stricken out. [Cries of "Vote!" "Vote!"]

Mr. TOWNSHEND. Mr. Chairman, I shall detain the committee but a moment. Is it possible that members on this floor are willing to hear but one side of this question? Have the soldiers no friends here to speak for them?

The friends of the claim agents have been heard. Let a word be now said on behalf of the soldiers victimized by the sharks that lie around this city and who make their living by practicing deception on soldiers living hundreds—in some instances thousands—of miles away. I shall be glad to see this provision perfected. I will be glad to have gentlemen offer amendments, if necessary, that will do justice to claim agents and at the same time prevent soldiers from being victimized by disreputable claim agents. The officers of the Department have done their duty in endeavoring to guard the interests of claimants against these claim agents, but they have been unable to do so because no law authorized them to disbar the disreputable claim agents from practice. I know there are honest and upright men engaged in the business, and they can not object to a law which will protect the soldier from the disreputable class of attorneys to whom I have referred. It may be the scale of fees fixed in the proviso is not high enough. If not, let an amendment be offered and let a reasonable and fair compensation be fixed in the law.

But I tell you to-day many a poor soldier is being victimized to the extent of one-half his claim because he is unable to be here in person to attend to it or to get an attorney in his own neighborhood who can attend to it. The other day we passed a similar provision in regard to pension claims. If it was right to protect applicants for pensions, why is it not right to protect in the same way applicants for lost horses?

The CHAIRMAN. The question is on the motion of the gentleman from Ohio [Mr. KEIFER] to strike out the proviso.

The question being taken, there were—ayes 61, noes 68.

So (further count not being called for) the motion to strike out was not agreed to.

Mr. CUTCHEON. I move to amend the proviso by striking out, in line 319, the word "five" and inserting "ten;" so that it shall permit the claimant to contract with his attorney at his discretion at 10 per cent. I believe this will be in the interest of these claimants.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan [Mr. CUTCHEON].

Mr. TOWNSHEND. What is the amendment?

Mr. CUTCHEON. It allows the claimant to contract at the rate of 10 per cent.

Mr. TOWNSHEND. Let the amendment be read by the Clerk.

Mr. RANDALL. I ask unanimous consent that debate on this paragraph be closed.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to close debate on the pending paragraph and amendments thereto.

There was no objection.

Mr. TOWNSHEND. Now let us understand the nature of this amendment.

The Clerk read the proposed amendment, as follows:

In line 319, strike out the word "five" and insert the word "ten;" so that it will read:

"The claimant may contract with his attorney, or agent of record, in writing, in such form as such Auditor having charge of auditing such claim may prescribe, for an additional fee to an amount not exceeding 10 per cent. of the amount allowed for such claim."

The amendment was agreed to.

Mr. LONG. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert as an independent paragraph, after line 356, the following:

"For refunding to States expenses incurred in raising volunteers for which reimbursement is provided by the act of July 27, 1861, and subsequent acts, as follows:

"To the State of Ohio, $90,246.92; to the State of New York, $54,946.52; to the State of Michigan, $42,345.95; to the State of Massachusetts, $28,619.33.

"The several allowances having been adjudicated by the accounting officers and reported by the Secretary of the Treasury in conformity with section 4 of the act of June 14, 1878."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I desire to be heard on it.

The CHAIRMAN. All debate has been closed on this paragraph.

Mr. LONG. But this amendment is offered as an independent paragraph.

The CHAIRMAN. The gentleman from Massachusetts will proceed.

Mr. LONG. This is an amendment which was handed to me by a member of the Committee on Appropriations, Judge FOLLETT, of Ohio, who has been called home. It is an amendment which involves certain claims that stand almost in the nature of judgments, having been passed upon in accordance with the law of the United States by the proper accounting officers. These claims do not come under the law of 1874, which the gentleman from Missouri referred to as having been repealed by the act of 1878. They rest upon an earlier statute, that of July 27, 1861, which provided that the Secretary of the Treasury is directed to pay costs, charges, and expenses incurred by each State for enrolling and supplying volunteers—

To be settled—

These are the important words—

To be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.

That is the law upon which these claims rest and are forwarded to the House. That law referred not only to claims against the Government which existed at that time, but by a resolution which was passed a year later applies to expenses which were incurred by States at that time. The proper accounting officers in whose hands by the law of 1861 these claims are put for settlement are the Secretary of the Treasury, and under him the Third Auditor and the Second Auditor. The Third Auditor and Second Auditor have passed upon these claims. They have adjudicated them in the manner which has been referred to by the gentleman from Illinois, not cursorily but judicially, carefully, and thoroughly. Let me read to the committee a letter from the Secretary of the Treasury dated June 6, addressed to Judge FOLLETT:

TREASURY DEPARTMENT, *June* 6, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of this date, in which you ask if the awards recently made in favor of the States of Ohio, New York, Massachusetts, and Michigan, and transmitted to Congress for appropriation, differ in any way from those heretofore made to, and appropriated for by, Congress in favor of all the States, including Missouri, Indiana, and Pennsylvania, that have expended money in raising troops for defense of the United States, for repayment whereof the faith of the nation is pledged by the act of July 27, 1861; and whether the awards made include interest paid. In reply I have to inform you that the allowances made in favor of the States of Ohio, New York, Massachusetts, and Michigan were made under act of Congress approved July 27, 1861, and are the same class of expenses which were incurred by the several States referred to and that have been paid by appropriations of Congress and were reported to Congress annually by the Secretary of the Treasury under section 4 of the act of June 14, 1878. No claims for interest have been allowed to any of the States referred to under said act of July 27, 1861, and none are included in the allowances to the States specially mentioned above.

The decision of the accounting officers is that no claim for interest or discount can be allowed except by special act of Congress.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. JOHN F. FOLLETT,
House of Representatives.

So that these claims include no allowance for interest; they are simply for cash paid out, under the law of 1861, by these four several States for furnishing troops to the United States. In reference to one of these States with which I am familiar—and I presume the same is true in regard to the other States—I will say that these claims have been allowed by the Auditor and Comptroller of the Treasury upon vouchers furnished from the State-house in the capital of that State, and every one of those vouchers is now here in the hands of the United States accounting officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RYAN. If I can be recognized, I will yield my time to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I thank the gentleman for his courtesy. It is true that these claims are ascertained by careful search. It is true that the various States have here not only their Representatives in Congress, but proper persons and agents whose duty it is, and whose proper and respectable duty it is, to ascertain what amounts this great Government of the United States is owing to the several States, and to aid in the adjustment, settlement, and payment of those amounts.

Now, if these men who ascertain these facts, who ascertain how much the United States owes to the State of Michigan, the State of Pennsylvania, the State of Massachusetts, or the State of New York, are "gophers," then every lawyer upon this floor who takes a case for a client, who collects a claim, who carries out a matter of dispute to final adjustment, is a "gopher." You can not escape it.

The fact is, and that is the important fact, the United States owes every dollar that is embraced within these four accounts. We have nothing to do with the manner in which these items of account have been ascertained. The question with us is, does the United States owe these items? That is proved, and proved as judicially and as fully as if it had been passed upon by a court of claims.

If the insinuation is to be made here that an accounting officer of this Government, the Auditor or the Comptroller of the Treasury, because he is a poor man, because his salary is not large, is therefore liable to be influenced in his action, is therefore liable to be corrupt in his decision, then you may as well say that every judge who sits upon the judicial bench, living upon his salary of $4,000, $5,000, or $6,000 a year, is liable to be corrupt in the decision of every case involving money which comes under his jurisdiction.

Those are not the grounds upon which such claims are to be tested and determined. The simple question before the honest mind of this House is: Does the United States owe the State of Michigan, the State of New York, the State of Massachusetts anything? If so, has that fact been ascertained? If it has been ascertained, then I care not whether the matter is before us for payment or for consideration; it is

before us for us to discharge our honest duty and to meet our honest obligations. Anything else is repudiation.

To refuse to pay the States these amounts, ascertained to be due by officers appointed according to law, by officers who by law are charged with the accounting and settling of these claims—to refuse to pay them is repudiation. But a short time ago, only a few hours, I was glad that we refused to strike out a paragraph of this bill making an appropriation to pay a claim ascertained in the same way—to pay South Carolina a debt due her and which was contracted before these debts were contracted. I am told that last year Congress appropriated $36,000 to pay the State of Pennsylvania for a similar claim, and the year before that Congress appropriated $96,000 to pay Pennsylvania for a claim founded exactly as these claims are founded, ascertained by the same officers, settled and arranged and sent to Congress for payment in the same way that these have been sent. I am told that last year the sum of $200,000 was appropriated to pay the State of Missouri for a similar claim.

I do not refer to these payments because they involve the State of Missouri or the State of Pennsylvania, but simply to show what the action of this House of Representatives has been heretofore on similar claims.

Now, here is an adjudicated claim; the amount is ascertained, and the judgment is here before us, and our plain duty is to pay it. I trust that the Committee on Appropriations will consent to this payment of an honest claim, and thus save us from the charge of refusing to pay an honest debt.

Mr. HISCOCK. I move to strike out the last word. I have before me a law passed by the Forty-sixth Congress, making appropriations to pay deficiencies. In that I find these items:

For refunding to States expenses incurred in raising volunteers in the State of New York, $61,858.95; State of Michigan, $347.60; State of Pennsylvania, $39,005.78; in all, $101,212.33.

To reimburse the State of Kentucky for expenses incurred on account of her militia forces, $15,000.

That was passed by the Forty-sixth Congress, when the party now controlling this House was in power here. Those claims were allowed by a Democratic Congress, as I have stated. I have also before me the law passed by the last Congress, in which I find these items:

To refund to the State of Missouri payments made to officers and privates of the militia forces of that State for military services actually performed in the suppression of the rebellion, $234,594.10.

For refunding to States expenses incurred in raising volunteers, as follows: To the State of Ohio, $67,674.98; to the State of Pennsylvania, $94,561.15; to the State of Kentucky, $36,211.81; to the State of New York, $83,344.35; to the State of Connecticut, $15,257.29; in all, $297,049.58.

To the State of Kansas (claim allowed on the 18th of March, 1881), $8,952.57.

Again, in the second session of the last Congress I find an appropriation of $70,000 for the State of Ohio, $2,197 for the State of Maine, $11,700 for the State of Massachusetts, $33,766 for the State of Pennsylvania, $29,498 for the State of Kentucky; making in all $148,160.

Now, in both the Forty-sixth and the Forty-seventh Congresses these appropriations were made to the States I have indicated. In the Forty-fifth Congress also they were made. But now for the first time in the history of Congressional legislation there has been a refusal on the part of the Committee on Appropriations to report in the deficiency bill items appropriating this money. It seems to me that in common fairness we should put these States upon a par with those that have already been paid—with the State of Pennsylvania, with the State of Kentucky, with the State of Missiouri. In common fairness this amendment ought to be adopted.

Mr. TUCKER. Why were not these included in the appropriations heretofore made?

Mr. HISCOCK. They were not included, I will say to the gentleman from Virginia, because they have just been audited. They now come here attested and verified in the same way as the claims already paid, depending upon the same class of evidence, supported by the same sort of vouchers—records furnished from the state departments of the several States.

Mr. LAIRD. Have these claims undergone the same scrutiny as the others which have been paid?

Mr. HISCOCK. They have undergone precisely the same scrutiny. They depend, I may say, upon a comparison of the records furnished by the States making the claims with the records of the War Department.

Mr. RANDALL. I desire to make some arrangement about the termination of this debate. Gentlemen on the other side have occupied fifteen minutes in support of the amendment. I ask that the debate close after ten minutes have been occupied against the amendment.

Mr. HISCOCK. I think if we be allowed to proceed with this matter rather informally we shall soon reach a conclusion. I wish to ask the gentleman from Pennsylvania [Mr. RANDALL] whether he can point out any distinction between these claims and those which were allowed for the State of Pennsylvania in the Forty-sixth and Forty-seventh Congresses?

Mr. RANDALL. I do not think the Committee of the Whole on the state of the Union can take the responsibility of passing upon these claims without the action of any committee.

Now I wish to limit debate so that we may get through the bill if possible to-night.

Several MEMBERS. "Let us vote now."

Mr. RANDALL. As gentlemen seem so anxious to vote I am ready to reduce the time for further debate on the amendment to five minutes. The advocates of the amendment have had fifteen minutes. [Cries of "All right!"]

Mr. HISCOCK. I suggest that after the gentleman from Missouri or the gentleman from Pennsylvania has given his views we ought to be allowed a moment in reply.

Mr. RANDALL. I think there is not a member present who is not competent to vote upon this question without an additional word.

Several MEMBERS. "Let us vote."

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that debate on the pending amendment be limited to five minutes. Is there objection?

Mr. CANNON. Unless there can be ten minutes, five on each side, I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. RANDALL. Then I shall have to move that the committee rise.

Several MEMBERS. "Let us vote."

Mr. HISCOCK. Why not agree upon ten minutes?

Mr. KEIFER. We are ready to vote now.

Mr. BURNES. Mr. Chairman, I beg to say that this claim differs from the claims mentioned by the gentleman from New York in this: Those claims, it is to be presumed, were fairly and fully considered by the Appropriations Committee as the law requires; these claims have not been considered by the Appropriations Committee as the law requires. This House, if it now acts upon them, must act upon them with its eyes closed.

The gentleman from Massachusetts has specially called attention in the letter which has been read to the act of 1878. That act applies to this amendment precisely as it applied to the case we considered a while ago. Furthermore, if now, in behalf of States that have no better foundation for their claims than thousands of claimants before our Committee on Claims or the Committee on War Claims, you go back upon the record you made a few moments ago—if you show to these claims of the States a preference over thousands and thousands of claims now pending before the House, then let it be recorded that claims worked up in behalf of a State, perhaps by an agent of the State for a commission, are to receive a consideration denied to other claims.

A word in answer to my friend from Massachusetts [Mr. LONG], usually so fair and always so able. I did not intend to make any insinuation, and I regret that so genial and so elegant a gentleman should have been so unmindful of the morning lesson given to us from that desk when we join in the petition, "Lead us not into temptation." I did not make any charge, but I would not place myself in temptation. We ask God every morning to deliver us from temptation. These claims have been audited——

Mr. VAN ALSTYNE. Was it to avoid temptation that this committee neglected them?

Mr. BURNES. It is because we have other committees, and auditing committees, and we were unwilling to take from them the investigation of these matters, which properly belonged to them.

Mr. LONG. Did the committee pass on these other claims?

Mr. HISCOCK. I ask the gentleman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. BURNES. I do not believe Congress should abdicate its constitutional powers to investigate claims against the Government.

Mr. LONG. Did any committee of this House pass on any claims allowed to Missouri, Pennsylvania, and other States?

Mr. BURNES. My confidence in the distinguished gentleman from New York [Mr. HISCOCK] who was chairman of the committee is so great that I answer unhesitatingly they were investigated closely and honestly.

Mr. HISCOCK. So far as those claims were investigated they were investigated to this extent and no further. The gentleman from Missouri could get all the information he desired. They are predicated on a comparison of records of the General Government and the State government.

Let me ask the gentleman this question. Does he claim the Committee on Appropriations has not jurisdiction of this claim?

Mr. RANDALL. Not unless referred to it by the House.

Mr. HISCOCK. The gentleman from Massachusetts has offered an amendment and no one has made a point of order against it.

Mr. BURNES. I will answer my friend from New York by saying that whenever any such claim comes before the House I shall ask to have the question decided whether it shall not be referred to the Committee on War Claims, where it properly belongs. [Cries of "Vote!"]

The question recurred on Mr. LONG'S amendment.

The committee divided; and there were—ayes 74, noes 61.

So the amendment was agreed to.

Mr. GUENTHER. At the end of line 356 I move to insert the following.

The Clerk read as follows:

For payment of awards made by commissioners under the act of Congress entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, approved March 3, 1875," and which awards have not been appealed from, or as to which the liability of the Government is admitted, $33,771.69.

Mr. HOLMAN. I was not able to hear the proposition as it was read. I do not believe there is any law authorizing that appropriation, although there may be. But if there is, I wish to know what it is.

The amendment was again reported.

Mr. HOLMAN. I think there is no law which authorizes the payment of this money. There was a reference to some tribunal or commission proposed, but I think no law has been passed providing for the payment of the money.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. HOLMAN. I do. If the gentleman from Wisconsin has the law let it be read.

Mr. GUENTHER. I claim, Mr. Chairman, these awards are in the nature of judgments against the Government and ought to be paid. The act of March 3 is as follows:

The Clerk read as follows:

An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, in the prosecution and maintenance of the improvement of the Wisconsin and Fox Rivers, in the State of Wisconsin, it becomes necessary or proper in the judgment of the Secretary of War to take possession of any lands, or the right of way over any lands, for canals and cut-offs, or to use any earth quarries or other material lying adjacent or near to the line of said improvement and needful for its prosecution or maintenance, the officers in charge of said works may, in the name of the United States, take possession of and use the same, after first having paid or secured to be paid the value thereof, which may have been ascertained in the mode provided by the laws of the State wherein such property lies. In case any lands or other property is now or shall be flowed or injured by means of any part of the works of said improvement heretofore or hereafter constructed for which compensation is now or shall become legally owing, and in the opinion of the officer in charge it is not prudent that the dam or dams be lowered, the amount of such compensation may be ascertained in like manner. The Department of Justice shall represent the interests of the United States in legal proceedings under this act, and for towage damages hereinbefore occasioned.

SEC. 2. That a portion of the appropriation now made for the further prosecution of the improvement aforesaid, not exceeding in amount $25,000, may be applied in payment for the property and rights taken and used as aforesaid.

Approved March 3, 1875.

Mr. GUENTHER. Mr. Chairman, I hold in my hand Senate Executive Document No. 120, containing the following letter from the Acting Attorney-General:

DEPARTMENT OF JUSTICE, *Washington, March 7*, 1884.

SIR: In compliance with the resolution of the Senate of March 4, 1884, I have the honor to transmit herewith a copy of a letter from Hon. O. B. Thomas, special assistant attorney-general, to Col. D. C. Houston, Milwaukee, Wis., and a copy of a list of awards made by commissioners under an act to aid in the improvement of the Fox and Wisconsin Rivers, approved March 3, 1875, not appealed from, or as to which the liability of the Government is admitted, and to state that except as may appear upon the inclosures, I know of no reason why awards of the class mentioned should not be paid.

Very respectfully,

S. F. PHILLIPS,
Acting Attorney-General.

The PRESIDENT OF THE SENATE.

Now, Mr. Chairman, there are, as appears from the list contained in the letter of the Attorney-General, one hundred parties interested in this appropriation. Most of these people are poor farmers, who had bought, say, forty or eighty acres of land, paid for it, thinking they had secured the means to earn a living. After a while, through the action of the Government in erecting dams for the improvement of the Fox and Wisconsin Rivers, they found their property damaged and in many cases entirely inundated and unfit for cultivation, their means of gaining a living gone. Now, the Attorney-General says that in the cases set forth the liability of the Government is admitted, and he knows of no reason why awards of the class mentioned should not be paid. There can be no good reason why the parties who suffered this damage by no fault of their own should not be paid; in fact many should have been paid long ago. I hope that justice will be done to them by this House, and these people reimbursed for the injuries they sustained.

Mr. RANDALL. Mr. Chairman, I do not want to be placed in the attitude of exhausting the physical endurance of the members who are here to-night, and as it seems evident that we can not conclude the bill now, I move that the committee do now rise.

Mr. GUENTHER. Let us come to a vote on this proposition.

Mr. RANDALL. Not to-night; let it be pending.

The motion of Mr. RANDALL was agreed to.

The committee accordingly rose; and the Speaker having taken the Chair, Mr. DUNN reported that the Committee of the Whole House on the state of the Union, having had under consideration the general deficiency bill, had come to no resolution thereon.

PERSONAL EXPLANATION.

Mr. DIBBLE. I want to make a statement, Mr. Speaker, in justice to myself. On the call of the House to-night I was reported as absent without leave. I wish to state that I was absent with the consent of the House, attending to its business on a conference committee.

The SPEAKER. It has always been held that members absent on conference committees are absent with the leave and on the business of the House.

Mr. RANDALL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CONNOLLY: Petition of Patrick Smith, for a pension—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: Preamble and resolutions of the Florida Medical Association—to the Select Committee on the Public Health.

By Mr. G. R. DAVIS: Affidavits of David M. Bannister and others, of Chicago, in support of H. R. 5280—to the Committee on Claims.

By Mr. DIBBLE: Papers relating to the claim of Sarah Watts—to the Committee on War Claims.

By Mr. FINDLAY: Memorial of the merchants and manufacturers of Baltimore, in favor of an issue of circulation to national banks equal to the par value of the bonds deposited with them—to the Committee on Banking and Currency.

By Mr. GARRISON: Papers relating to the claim of John W. Dixon—to the Committee on War Claims.

By Mr. GREENLEAF: Resolutions of J. H. Martindale Post, No. 270, Grand Army of the Republic, Department of New York, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. HALSELL: Papers relating to the claim of Walter B. Baker and others.

Also, papers relating to the claim of Henry A. Sebell and others.

By Mr. D. B. HENDERSON: Paper from Hon. J. W. Baldwin, member of the Iowa Legislature, relative to the pension of Margaret S. Campbell—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of Samuel D. Harper, for a pension—to the same committee.

By Mr. A. S. HEWITT: Petition of Maurice Gandy, relative to a patent—to the Committee on Patents.

By Mr. JEFFORDS: Memorial of the Legislature of the State of Mississippi, asking for the renewal of the land grant to the Ship Island Railroad Company—to the Committee on the Public Lands.

By Mr. KLEINER: Papers relating to the pension claim of John Kogel, and to the pension claim of Daniel H. Eells—severally to the Committee on Pensions.

By Mr. LONG: Petition of Charles B. Ward and others, for education and citizenship of Indians—to the Committee on Indian Affairs.

By Mr. McCORMICK: Petition of J. M. Alexander, mayor, and 62 others, citizens of Gallipolis, Ohio, for increase of Indian appropriation bill for educational purposes—to the Committee on Appropriations.

By Mr. ROWELL: Petition and papers of James Houselman, for removal of order dismissing him from the Army—to the Committee on Military Affairs.

By Mr. SHELLEY: Memorial of James McLaughlin and others, citizens of the District of Columbia, in regard to special assessments, claims for damages to real property, &c.—to the Committee on the District of Columbia.

By Mr. T. G. SKINNER: Papers relating to the claim of Elvey Russell—to the Committee on War Claims.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of Saint Paul, Minn., requesting an appropriation for the construction of a light-house at the Grand Marais, Lake Superior—to the Committee on Rivers and Harbors.

By Mr. J. D. TAYLOR: Petition of James P. Carnes and 38 others, asking that a pension be granted to James McKim—to the Committee on Invalid Pensions.

Also, the resolutions adopted by Cambridge Post, No. 343, Grand Army of the Republic, protesting against the report of the committee of the Grand Army of the Republic, and insisting on a general law pensioning all soldiers of the late war—to the same committee.

By Mr. THOMAS: Petition of officers of steam vessels, relative to two snug-harbors—to the Committee on Commerce.

Also, petition of similar import by citizens of New Orleans—to the same committee.

By Mr. WASHBURN: Memorial of attorneys of the circuit court of the eighth judicial district of the United States, praying that a term of this court be held in the city of Minneapolis—to the Committee on the Judiciary.

By Mr. WELLER: Petition of George C. Millard and 15 others, of Nashua, Iowa, praying that no amendment be made to the Constitution relative to the control of the issue of money, &c.—to the Committee on Banking and Currency.

By Mr. WILLIAMS: Petition of Cabott Lull and 40 others, praying for the passage of the Blair educational bill—to the Committee on Education.

SENATE.

TUESDAY, *June* 17, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGES IN THE RECORD.

Mr. BROWN. Mr. President, I rise to a question of privilege. I send to the desk the RECORD of this morning, which contains the remarks of the Senator from Kansas [Mr. INGALLS] delivered yesterday, with a request that the passages marked be read.

The PRESIDENT *pro tempore*. The passages will be read if there be no objection. The Chair hears none.

The Chief Clerk read as follows:

Mr. INGALLS. I will ask the Senator whether he did not, after the debate was over, after the report had been prepared for the printer, deliberately interpolate it into the report of the proceedings, thereby falsifying the RECORD and committing a forgery upon the records of the Senate?

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Kansas is out of order. If he has any accusations to make he must make them in a different way. The debate is certainly not in order.

Mr. INGALLS. Interpolating language that was not uttered in debate and susceptible of an offensive interpretation?

Mr. BROWN. I decline to make any reply whatever to the Senator's animadversion.

Mr. INGALLS. I supposed the Senator would.

The PRESIDENT *pro tempore*. The Senator from Kansas will suspend. He is out of order.

Mr. INGALLS. Can I proceed with my statement?

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Kansas has the floor.

Mr. BROWN. I will state——

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor. The Chair thinks that his remarks impute improper conduct to the Senator from Georgia, and are therefore out of order. If there be no objection the Senator will proceed in order.

Mr. INGALLS. Mr. President, my attention was called to this debate after the RECORD had appeared in print, and I thought it had a strangely unfamiliar look. Among my many infirmities, Mr. President, is not to be enumerated tranquil submission to indignity. I am always entirely willing to submit to the fortunes of daily debate, whether of victory or defeat, but I am not secure against the Parthian arrows that a flying foe may see fit to discharge from the safe ambush of the printing-house. I immediately went to the Official Reporter's office and obtained a transcript of the debate as it occurred upon the floor of the Senate. Neither of these sentences to which I have called attention appeared. I then proceeded to the printing-house and there obtained from the Government Printer sheet 176 of the report of the debate on Friday, and in that report I find written in the handwriting of the Senator from Georgia, after the word "speeches," the words "his monopoly of which I have no right to infringe," and after the period following the word "existed," at the close of the paragraph as it was uttered in the report, I find an additional sentence: "And he will not state it."

Mr. President, as I said before, I am entirely willing to submit to whatever of treatment I may receive in this body in the daily fortunes of debate; but the Senator from Georgia and the Senate will see that while this mode of warfare is eminently safe to the one who wages it, it is not satisfactory to the victim. It requires about the same amount of courage that is exhibited by the thug who waits until his enemy is asleep and then stabs.

I move, sir, that the language to which I have called attention be expunged from the official report of the debate of Friday.

The PRESIDENT *pro tempore*. The Senator from Kansas moves—the Senator will be kind enough to reduce it in writing in the form of a resolution, the Chair will state the substance of it if the Senator desires—that the words he has read from the manuscript of the Senate Reporter as having been inserted in a different handwriting, be expunged from the print of the CONGRESSIONAL RECORD. Is there objection to the present consideration of the motion?

Mr. GORMAN. I object.

The PRESIDENT *pro tempore*. Objection is made, and the motion goes over. Concurrent and others resolutions are now in order.

Mr. BROWN. The motion of the Senator from Kansas having been made and objection made to it, the Chair announced at once that it went over. I intended to say something in reply to the Senator, but as it goes over I suppose I shall be heard to say it to-morrow when the question is taken up. I do not wish to let it go unchallenged, because I intend to reply to it and I will not consent that there shall be any acquiescence in what has been said on account of its going over on account of objection at this time, but I will reply to it at the proper time.

The PRESIDING OFFICER (Mr. GARLAND in the chair). It is a question of privilege; and the Senator can reply now or to-morrow, as he sees proper.

Mr. BROWN. It will suffice to-morrow. I desire to add that I want the privilege of the use of the record, so that I may be able to look at it before I reply to-morrow."

Mr. BROWN. Mr. President, I did not reply to the Senator from Kansas at the time, because I did not wish to speak under the irritation which his remarks were calculated and intended to provoke.

In what I have now to say I shall keep within the rules of decorum which govern this body, and for that purpose I have reduced the remarks I desire to make to writing.

I call the attention of the Senate to the insulting and opprobrious language used toward a member of this body, who can not repel such insults without violating the rules of the Senate, which we are in honor bound to observe.

Sir, I do not wish to gloze over this matter. The charge of the Senator is that of falsifying the record, and committing a forgery upon the records of the Senate.

This language was a deliberately planned insult, and uttered not only in violation of the rules of the Senate, but in defiance of the authority of the presiding officer.

The PRESIDENT *pro tempore*. The Chair thinks that the Senator in applying that language to the Senator from Kansas is guilty of the same breach of order that the Senator from Kansas was yesterday. To accuse another Senator of deliberately planning an insult is equally out of order, the Chair thinks, and in stating that, the Senator is not in order.

Mr. BROWN. Then I withdraw that particular portion of the remarks that I have made under the ruling of the Chair.

It was not done, however, in the heat of a debate. It was premeditated and studied. Two days after the publication of the report of the debate, and after eliciting from me a most ample and, as I thought, satisfactory disclaimer of all offensive imputation, he applied these defamatory and abusive epithets. What was the provocation?

Sir, it is an unbroken usage in this body for Senators to revise and correct reports of their remarks delivered here. No matter how accurate a reporter may be—and I take pleasure in acknowledging the general accuracy of our reports—he can not hear all the Senators with equal distinctness. Some do not speak as distinctly as others. I am told that my voice is sometimes inaudible in portions of the Chamber, owing to my weak lungs.

I revised my remarks not for the purpose of changing what I said, but to correct the report and to conform it to what I did say according to my best recollection. The corrections made in my remarks will appear to any one who will examine them impartially to accord fully with what goes before and what comes after them, and they will show that there is not the least material difference between the remarks as reported and the remarks which the Senator admits to have been spoken.

The first phrase which the Senator alleges was falsely interpolated and is offensive is as follows: "His monopoly of which I have no right to infringe."

I will read the whole paragraph.

I stated when I was last upon the floor, Mr. President, that the Senator from Kansas is an able lawyer, and that he would not say that the right of set-off existed between the State of Georgia and the United States in this case; he would not say that the State of Georgia, as a State, owed the Government of the United States anything. He rose, and in one of his characteristic speeches, his monopoly of which I have no right to infringe, went all around and talked about everything else but that; but he did not come to that point, and he did not state that any debt existed between the State of Georgia and the United States, or that the State of Georgia owed the United States anything as a State, or that the right of set-off existed. And he will not state it.

The words "monopoly of which I have no right to infringe" are the words I intended to use, and which I believe are substantially what I did use. I know that I used the word "monopoly." In using that term I simply referred to a style, which all present will recognize as peculiar to the Senator, which he had employed on that occasion. Can any Senator say that this phrase contains an offensive reference to that Senator? Can it justify such violence of language and rudeness of manner and breach of the rules of the Senate as we all witnessed yesterday?

The next phrase to which he takes exception as being interpolated and offensive is as follows:

And he will not state it.

About this phrase the Senator is mistaken, to say the least of it. I used the very words there set forth, as can be testified to by Senators who were near me and heard what I said.

Mr. President, I am much more anxious to do him justice than to achieve any triumph over him in debate or in a personal controversy. Had the Senator called my attention, as is usual in such cases, to this matter I would have voluntarily and publicly divested the language complained of of every trace of even seeming unkindness or depreciation. But he did not see proper to pursue this course, although he had an opportunity to do so.

A few moments prior to his assault, and when I did not know that the Senator had taken exception to my remarks, I approached him in reference to a business matter connected with the Senate and had a short conversation, in which he did not allude to the fact of his grievance or say a word to me on the subject or in any way indicate that I had incurred his displeasure. I left him and went across the Hall and was conversing with another Senator, when my attention was called to the remarks of the Senator from Kansas, desiring the attention of the senior Senator from Georgia.

In response to the questions addressed to me, as the relations between the Senator and myself had been pleasant, I gave him prompt and repeated assurances that the phrases referred to were used in no offensive spirit and with no purpose to reflect upon him. Notwithstanding these assurances he persisted in his purpose of insulting a Senator on this floor.

The PRESIDENT *pro tempore*. The Chair thinks that that observation is out of order, as imputing an improper motive.

Mr. BROWN. If it is not in order I beg pardon.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order.

Mr. BROWN. Then it is withdrawn. I respectfully submit the question, not in my own interest—I am able to take care of myself—I submit to the Senate whether it comports with the dignity, self-respect, or respectability of this body to permit such an outrageous and inexcusable abuse of its privileges to pass unnoticed.

Mr. President, I shall not make this Chamber the scene of a coarse personal quarrel. It is not my method, nor is this the place that I would select for such an issue. One thing, however, I will say: the Senator seems to think that in the ambush of the Printing Office I in-

serted something in my speech which I was afraid to utter in his presence, and that in a flight from him I sent back a Parthian arrow.

Mr. President, I trust it is not improper for me to say that during a somewhat eventful life, in the many conflicts I have had with brave, able men where there was real danger, this insinuation of a want of courage has never been made against me. I venture to say there is nothing in the character of the Senator from Kansas, nor in any of the antecedents of his history, nor in his person, that can make him an object of apprehension or excite the fears of any man.

Mr. President, there is no place so safe as this Senate Chamber for a man of discreet valor to bluster and parade his vituperative rhetoric. The immunity is nowhere on earth so entire for such a person as here. There is no other Senator on this floor in like circumstances who would have used such language as the Senator has employed under the protection of the Senate. And he would not have used that language, and will not use it, except under that protection. I am reminded of a fable I once read: A wolf rambling along a highway heard the voice of a lamb which was standing on the roof of a high house. The lamb addressed to him the most violent abuse and threats. Looking up and seeing him beyond his reach, the wolf remarked, "It is the roof, not the lamb, which insults me."

Sir, there is very little of the wolf in my nature, and I do not know that the Senator is very lamb-like in his disposition, but the resemblance in that case and this is striking in one respect—I mean the violence of the insult and the safety of the shelter.

Mr. INGALLS. Mr. President, if the Senator from Georgia will allow the remarks that he has made this morning to stand as they have been delivered, I shall be content; but if they are to be amended by interpolations and observations not delivered, after they have been sent to the printing house, I should prefer to wait before canvassing the vote until all the returns are in.

The Senator from Georgia is peculiar in more respects than one: With him the pen is mightier either than the tongue or the sword. He sheds ink like water. The Senator from Georgia is very courageous—with the pen.

I shall not, however, be diverted by the personal tinge which the Senator from Georgia has seen fit to give to his observations this morning from the real question that is before the Senate, and that is: whether its records have been falsified by the interpolation of matter personal in its character, susceptible only of an offensive interpretation, after the records had been made up by the Reporter and sent to the printing house to appear in type.

The CONGRESSIONAL RECORD is intended to be the *verbatim* report of what is said and done day by day in the Senate and House of Representatives. To secure this result we pay a large sum annually to the most accomplished stenographer in this country, who takes down moment by moment as they are uttered the speeches and colloquies and debates upon this floor.

I have made the accusation that the Senator from Georgia did, after the reports of the debate of Friday had been written out by the Official Reporter, insert, under the name of revision, expressions that he did not utter, that were not necessary to the understanding of the argument, that were personal in their character, and that were susceptible of but one interpretation.

The Senator from Georgia says that in his opinion he used substantially the language that appeared. The Official Reporter of this body, Mr. Murphy, says that he did not; that there is no possibility of there having been any misunderstanding; that he was near to the Senator when he spoke; that there is no hiatus to indicate that there was any misunderstanding, or words the import of which was not caught; and that the language which appears in the debate as published in the RECORD of Saturday morning was not uttered by the Senator from Georgia. Against the incoherent expression of belief on the part of some of his associates that this language was uttered I place the declaration of the Official Reporter of this body, and I place my own declaration that it was not uttered.

Mr. MORGAN. May I ask the Senator from Kansas when was that declaration of the Reporter made that he is now quoting?

Mr. INGALLS. It was made to me this morning.

Mr. MORGAN. You have it before you?

Mr. INGALLS. It was in conversation.

Mr. MORGAN. Ah!

Mr. INGALLS. I suppose the Senator from Georgia will not deny his own handwriting. I hold in my hand the sheet of the official report written out by the reporters of this body, in which, after the word "speeches," as anybody can see, the words with an indelible lead pencil are written, "his monopoly of which I have no right to infringe." That language was not necessary to the sense; that did not come within the proper scope of revision; it was a remark not necessary to perfect the argument; it is a personal remark; it was intended to be personal, it was derogatory, it was disparaging; it was, sir, in violation of the privileges of debate; it was a breach of the courtesies of this body; it was what would not have been done in the ordinary affairs of life between one gentleman and another.

The PRESIDENT *pro tempore*. The Chair thinks that remark is out of order.

Mr. INGALLS. I withdraw it; and I say to the Chair it will not appear in the RECORD to-morrow morning. [Laughter.]

The PRESIDENT *pro tempore*. Order will be preserved on the floor and in the galleries.

Mr. INGALLS. Then at the close of this same sheet appears the further sentence in full, written after a full-stop and a period, "And he will not state it;" and I have the statement of the Official Reporter of this body to the same effect in regard to that also.

Now, sir, this is not a mere matter of revision. I admit that so far as the publication of the daily proceedings here is concerned it is legitimate, it is proper, it is perhaps absolutely essential that grammatical inaccuracies should be corrected; that punctuation points should be inserted; that if there has been a repetition, to that effect a change may be made; but to say that the authority to revise permits the insertion of personal remarks not made upon the floor, confessedly not made upon the floor, remarks that have no bearing whatever upon the argument, that are purely personal in their relation and bearing, is to utterly destroy the value of the RECORD as a report of what is transacted here from day to day.

If the Senator from Georgia had desired to amend his observations and had proposed to insert words to which I might desire to respond, a proper course for him would have been to have given me notice, to have said to me, "It is my purpose and intention to insert in the published report of these proceedings certain remarks that were not delivered upon this floor," and give me the opportunity to reply.

Suppose, as an illustration, that at some subsequent session of this body, when Alaska shall have been admitted into the Union, and the Senator from that far-off State shall have appeared here to participate in our debates, he in the course of controversy should insert observations that were contumelious and offensive in the printed proceedings; and suppose that I, in my opportunity and facility for response, should deliberately, after the matter had gone to the Printer, write into the notes of the proceedings of the day that the Senator from Alaska was a canting and sanctimonious hypocrite, who was forever washing his hands with invisible soap in imperceptible water, and that they were not very clean morally. After such a performance would that be any breach of decorum? Would that be in accordance with the proprieties of debate? Suppose that I were to characterize him coldly, in writing, after the debate had closed, as the Uriah Heep of the Senate. Suppose I were to say that he was the Joseph Surface of American politics; that he was a sniveling political Pecksniff, who had been upon all sides of every political question, who had belonged to every political party in his lifetime, and belonged to none that he did not betray. Would that be within the privileges of debate? Would it be in accordance with the proprieties of legislative proceedings?

I use these observations as an illustration. They have no personal application. I merely employ them for the purpose of showing to the Senator from Georgia that if this liberty of amendment, of incorporation of offensive remarks in the official notes after the debate has closed, is to be allowed, serious consequences may follow.

So far as the imputations of the Senator from Georgia upon my personal courage and my personal appearance are concerned, I beg to say to him that I here distinctly avow all that I have said hitherto in any sense that he sees fit to attribute to it, and that I do not shield myself behind the privileges of this Chamber.

This is all I desire to say, sir, in response to the Senator.

Mr. HAMPTON. Mr. President——

The PRESIDENT *pro tempore*. The presentation of petitions and memorials is now in order.

Mr. MORGAN. Is there a motion before the Senate in relation to this matter?

The PRESIDENT *pro tempore*. The motion submitted by the Senator from Kansas is not yet reached. It will be reached when resolutions are called for.

Mr. HAMPTON. Mr. President, I feel it due to myself and due to the Senator from Georgia and to the Senator from Kansas to say a few words upon this subject.

The PRESIDENT *pro tempore*. Is there objection to the Senator from South Carolina addressing the Senate on this subject? The Chair hears none.

Mr. HAMPTON. I do so simply to correct a misapprehension. I have no doubt that the Senator from Kansas is perfectly accurate in saying that he did not hear the words uttered by the Senator from Georgia; I am equally certain that the Reporter, as he said he did not hear them, did not do so; but I happened to be sitting just behind the Senator from Georgia when he used the last expression, that "he will not state it," or, as I understood him, "he will not say it now."

To show the Senator from Kansas in all kindness that he may be mistaken on this subject, I notice in the RECORD to-day that he said yesterday he was absent at the time. He is mistaken on that point, for when the Senator from Georgia used that language the Senator from Kansas was walking in the back aisle; he was very near the seat of the Senator from Michigan, and he turned and faced the Senator from Georgia.

I have felt it due to myself and due to the Senate, in view of the fact that we may take a vote on this question, to show how easily there

may have been a mistake, and I make these remarks in kindness to both the Senators.

The PRESIDENT *pro tempore*. Petitions and memorials are now in order.

PETITIONS AND MEMORIALS.

Mr. INGALLS. I present a number of memorials numerously signed by citizens of the city of Atchison, in the State of Kansas; of the city of Topeka, in the same State; of the city of Salina, in the same State; of Lawrence and Junction City, in the same State, remonstrating against any legislation proposing the control of the telegraph by the Government. As the bill on that subject has been reported, I move that the memorials lie on the table.

The motion was agreed to.

Mr. SAWYER presented the memorial of E. Bowen and 14 other citizens of Brodhead, Wis.; the memorial of J. Hunt & Son and 44 other citizens of Neenah, Wis.; the memorial of J. L. Lawler and 10 other citizens of Prairie du Chien, Wis.; the memorial of Lang Brothers and 14 other citizens of Fond du Lac, Wis.; the memorial of T. H. Longley and 10 other citizens of Baraboo, Wis.; the memorial of George W. Bond and 16 other citizens of Jefferson, Wis.; and the memorial of H. M. Fraum and 65 other citizens of Waukesha, Wis., remonstrating against Government control of the telegraph system of the United States; which were ordered to lie on the table.

Mr. MANDERSON presented a petition of Kenesaw Post, No. 123, Grand Army of the Republic, Department of Nebraska, praying for legislation in regard to pensions to soldiers and sailors of the late war; which was referred to the Committee on Pensions.

Mr. DAWES presented a petition of citizens of Boston, Mass., praying for liberal appropriations in behalf of the Hydrographic Bureau of the Navy Department; which was referred to the Committee on Appropriations.

Mr. PIKE presented the following petitions of citizens of New Hampshire, praying for an appropriation for the improvement of Lake Winnipiseogee, in that State; which were referred to the Committee on Commerce:

A petition of E. H. Blaisdell and others, of Gilford, N. H.;

A petition of Edgar H. Woodman and others, of Concord, N. H.;

A petition of A. W. Sulloway and others, of Franklin, N. H.;

A petition of Samuel W. Hale and others, of Concord, N. H.; and

A petition of Moses Sargent, jr., and others, of Belmont, N. H.

Mr. COCKRELL presented additional papers to accompany the petition of Rebecca J. Pierce, widow of David A. Pierce, late private Company I, Twenty-fourth Regiment Missouri Volunteers, praying for a pension; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1276) authorizing the construction of a bridge across the Mississippi River at or near the Chain of Rocks, in the northern part of the city of Saint Louis, State of Missouri, reported it with amendments.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va., reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2233) for the relief of Lieut. John Hollins McBlair, reported it with an amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1566) granting a pension to Martha Bastin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4790) granting a pension to Alexander St. Bernard, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 455) granting a pension to Alexander St. Bernard, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (H. R. 2252) for the relief of Christopher P. Davidson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1895) for the relief of Christopher P. Davidson, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 5070) granting a pension to Temple Golden, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1322) granting a pension to Jane Welsh, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 2372) granting a pension to Michael Titler, to submit an adverse report thereon and move that the bill be postponed indefinitely.

Mr. COCKRELL. Let that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, also, from the same committee, to whom was referred the bill (S. 711) granting a pension to Phœbe H. Meech, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 602) granting a pension to Sarah Lupkin Merchant, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred a petition of citizens of Huntsville, Miss., praying that Henry J. White be placed on the pension-rolls, submitted an adverse report thereon, and asked that the committee be discharged from the further consideration of the petition; which was agreed to.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War, reported it without amendment.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 1645) granting a pension to Asahel D. Whitcomb, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Ashael D. Whitcomb, praying for a pension, asked that the committee be discharged from the further consideration of the petition; which was agreed to.

Mr. WILSON. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 1930) granting a pension to Sarah Nicoll Crane, to submit an adverse report thereon. I am requested by a member of the Senate to ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 832) granting a pension to Sarah Nicoll Crane, reported adversely thereon; and the bill was postponed indefinitely.

Mr. LAPHAM. The Committee on Fisheries, to whom was referred the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, have directed me to report it with an amendment, and I am instructed by the committee to ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that this bill be now considered. Is there objection?

Mr. COCKRELL and Mr. INGALLS. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read.

Mr. LAPHAM. Let the amendment be read.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. 3. From and after two months from the date of the passage of this act, it shall be unlawful to allow any tar, oil, or other waste products of any gas-works or of works engaged in using such products to flow into or to be deposited in Rock Creek or the Potomac River or into any pipe or conduit leading to the same; and any one guilty of violating this section shall be fined not less than ten nor more than one hundred dollars for every such offense, to be prosecuted for and recovered as provided for in the preceding section.

Mr. SAULSBURY. That bill, I think, had better go over.

The PRESIDENT *pro tempore*. Objection is made, and the bill goes over.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (S. 2230) for the relief of the First National Bank of Marion, Iowa, reported it with an amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 464) granting a pension to James P. F. Toby, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 759) granting a pension to Patrick Droney, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1512) granting a pension to Patrick Droney, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 23) amending an act granting a pension to Charles Slawson, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

Mr. LAPHAM. I am instructed by the Committee on Fisheries, to whom was referred the bill (S. 155) for the protection of fisheries on the Atlantic coast, to report it with an amendment in the nature of a substitute, and to ask that the report and testimony taken by the subcommittee of the Committee on Foreign Relations, together with the amended bill, be printed and the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The report will be printed under the rule, together with the testimony.

Mr. LAPHAM. I am instructed by the same committee, to whom was referred a petition of citizens of the District of Columbia, asking that certain allowances be made to them for the value of their seines and fishing apparatus, to report it back with a recommendation that the committee be discharged, and that the consideration of the petition be indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from New York reports adversely upon a petition of citizens of the District of Columbia engaged in fishing on the Potomac River protesting against the passage of the bill forbidding for a specified time the catching of fish between certain points on the said river. The committee will be discharged and the petition placed on file.

Mr. SLATER, from the Committee on Public Lands, to whom was referred the bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon, reported it with an amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committees of conference on the amendments of the Senate to the following bills:

A bill (H. R. 1015) for the relief of Fitz-John Porter; and

A bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 282) granting a pension to A. M. Wilson; and it was thereupon signed by the President *pro tempore*.

LEASE OF LAND IN MICHIGAN.

Mr. CONGER. I report from the Committee on Commerce the joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan; and I am authorized by the committee also to request the consideration of the resolution at the present time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? The Chair hears none; and the joint resolution is before the Senate as in Committee of the Whole.

The resolution proposes to direct the Secretary of War to lease to the State board of fish commissioners of Michigan the parcel or strip of land lying north of and adjoining the Saint Mary's Falls Ship-Canal, and between the canal and the rapids of the Saint Mary's River, in the county of Chippewa, Michigan, including such portion of the lands reserved for the use of the canal as are not now needed for canal purposes, upon condition that the premises so leased are to be used solely by the commissioners for the culture and propagation of food-fishes and the residence of the employés of the commission, and that the use of the premises by them shall in no way interfere with the use of the same lands for canal purposes whenever required by the United States Government. The Secretary of War is requested to cause the removal of all persons now occupying any part of the premises on or before July 1, 1884. The lease to the commissioners is to be rent free, and the buildings to be erected by the commissioners shall be first approved by the engineer officer in charge of the canal.

Mr. CONGER. The resolution from the House was by the Senate committee sent to the Secretary of War, and by him submitted to the engineers in charge of the canal, with a report from General Poe, the Department engineer, who has charge of the Saint Mary's Canal. He recommends that this little strip of land lying between the canal and the rapids of the river be leased to the fish commission of the State of Michigan for hatching purposes. The reports of all the officers recommend this, and the committee concur.

Mr. HARRISON. I do not know how far this bill affects a question which has been under consideration by the Military Committee of the Senate with reference to the change of the location of Fort Brady at Sault de Sainte Marie and the sale of some part of the reservation. Two papers which have been presented from the Chief of Engineers, and also from the general commanding the Department of the Atlantic, indorsed by the War Department, and which are now before the Military Committee, seriously protest against the United States Government parting with any of the river front of this land, insisting that it is essential for use not only in connection with the post itself, where the Government has its warehouse and dock, but also that it is essential to the use of the canal. If the resolution which is now under consideration is to cross the purpose which these officers have in mind and which they have expressed, I should think it ought not to pass.

Mr. CONGER. The Senator will allow me. This little strip of land has no relation to the land in the Fort Brady reservation or to the canal dam in front of that fort.

Mr. CAMERON, of Pennsylvania. Does Colonel Poe recommend it?

Mr. CONGER. I have the reports of Colonel Poe and all the officers, who recommend that this ought to be given to the fish commissioner of Michigan.

Mr. CAMERON, of Pennsylvania. Then the Senator from Indiana refers to another case.

Mr. CONGER. I will say to the Senators that I am familiar with all the lands there. The reservation is about three-fourths of a mile below the rapids and below the canal. Fort Brady is half a mile or so below, and Congress has given the river front of Fort Brady, between a street and the fort, for canal purposes, it having a dock there. This little strip of land, a narrow strip, fifty or one hundred feet wide, lies between the lower lock and the rapids of the river. There is no approach to it from anywhere except from the river. It has nothing to do with the canal lands in front of Fort Brady.

Mr. HARRISON. Do I understand the Senator that the lands are on the north of the canal?

Mr. CONGER. Yes, sir. It occupies that same little point, except the island, which belongs to the Indians. It occupies the same little point along the rapids where the Indian huts are and below the locks. This report of General Poe shows that the squatters there have no right and that they use this strip for improper purposes, and it is very desirable for the canal that they should be removed. The fish-hatchery there will not interfere with the use of the canal at all. The resolution simply leases it at the pleasure of the Government without rent, and the object of its immediate passage is that they may prepare the fish-hatcheries to be used this summer and fall in connection with the Fish Commission of the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CONGER. I desire to place on file the reports to which I have referred accompanying the joint resolution.

The PRESIDENT *pro tempore*. The paper will be received as accompanying the resolution.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2321) for the relief of Bessie S. Gilmore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. HARRISON introduced a bill (S. 2322) granting a pension to Mrs. Margaret Abbett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 2323) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices, at Williamsport, Pa.," and making an additional appropriation therefor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. MILLER, of New York, introduced a bill (S. 2324) for the relief of Henry Cary Weir; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2325) for the improvement of navigation at the entrance of New York Harbor; which was read twice by its title, and referred to the Committee on Commerce.

VALLEY OF ROCK CREEK.

Mr. BAYARD. I ask leave to introduce a joint resolution, and I will ask to have it read at length, proposing to ask the Senate for unanimous consent to have it considered now.

The PRESIDENT *pro tempore*. The Senator from Delaware introduces a joint resolution, which will be read.

The joint resolution (S. R. 94) to appoint a committee to report to Congress what action should be taken concerning the valley of Rock Creek was read the first time at length, as follows:

Whereas the topography of the valley of Rock Creek, lying partly within the city of Washington and extending northwardly from it, is such that it can only be adapted to the extension of streets and avenues and the building out of the city in the ordinary way at excessive cost and through the destruction of passages of scenery of extraordinary interest and public value; and

Whereas it would be a measure of economy to occupy the locality in such manner as would favor the preservation of its natural scenery and render it available for public enjoyment, and that such use of it would be serviceable to the health of the city; and

Whereas a report and maps relating to the question and tending to sustain the views above stated was addressed in 1867 to the Committee on Public Buildings and Grounds of the Senate by Maj. N. Michler, of the Engineer Corps of the Army of the United States: Therefore,

Resolved by the Senate and House of Representatives, &c., That a joint committee, consisting of five members of the House and three of the Senate, shall be appointed, to whom shall be referred the said report of Maj. N. Michler, and all other papers relating to the subject, and that the said committee shall have power to have such surveys made, under the direction of the Secretary of War, as may be necessary to inform Congress fully in the premises; and the said joint committee is hereby authorized to sit during the recess and make report to the next ensuing session of Congress.

The joint resolution was read the second time by its title.

Mr. BAYARD. I ask for the present consideration of the resolution.

Mr. INGALLS. I wish the Senator from Delaware would be good enough to explain the purpose of the resolution before we are called upon to consider it.

Mr. BAYARD. I will do so.

Mr. INGALLS. I could not fully decide from the reading what the purpose was.

Mr. SHERMAN. I think the resolution had better be referred without debate to the Committee on the District of Columbia. It involves a very large expenditure and I think that would be the better course. I am disposed to favor the resolution, but I prefer that that reference be made.

Mr. BAYARD. Perhaps it would be as well if this resolution were printed and allowed to lie upon the table until to-morrow, although I think if the Senate would give me their attention for a few moments perhaps Senators would withdraw any objection.

In 1867 there was an examination made into the practicability and advisability of condemning as a public park the valley of Rock Creek. It was not adapted at all for street purposes and never could be made so except at very great cost. On the contrary, as an adjunct to the pleasure and the beauty of the city its value would be very great as a public park. In 1867 Colonel Michler, who was then the engineer in charge of the public buildings and grounds of the District, made a survey, an examination, and a favorable report, stating that enough land could be had to embrace all the beautiful features of this valley which are quite remarkable, for about $200 an acre, the land being worthless for agricultural purposes.

The measure then dropped. Nothing was done. The attention of Mr. Olmsted, the accomplished landscape gardener and engineer, was directed again to the beauty of this locality, and it is not improper to say that the preamble or recital of this resolution is in his language.

There is no appropriation asked for by this resolution, and it is in substance nothing more than a recommendation that the Secretary of War shall through the Engineer Department have a survey made of a strip of land, probably a few hundred yards wide on either side of Rock Creek, to include such space as shall secure the control of that property for the combined purpose of beautification and health and pleasure of the inhabitants of this city.

There is no appropriation whatever asked in this resolution, and it simply is little more than a survey through the Department of Engineers for the purpose of obtaining a plot, that we may see hereafter and decide hereafter whether any expenditure shall be made in the way of purchase. That is the whole purport of this resolution. There is no other power given to the committee.

I may say further that the citizens of this District, who have so little voice in the control of their local affairs, who have no power in respect of their affairs, are very much interested in securing the valley of Rock Creek for the purposes suggested by the resolution, and it was upon the recommendation and continued application of gentlemen well known to us all, large property owners, men of intelligence, of character, and cultivation in this city, that I was made the instrument of introducing this resolution.

As I say, there is no suggestion in this resolution of any expenditure. It is simply a question of plot and survey, which can be made by the officers of the United States almost without cost. I shall be glad to have the resolution now adopted, but if any Senator prefers to read it in print, of course it will lie over and come up on another occasion. But the object is a very simple one, it is inexpensive, and I do not know nor do I think now that there will any objection to the adoption of the resolution when the matter to which it relates has been thus stated.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. SHERMAN. I have no objection to its going to the Committee on the District of Columbia, but I think it ought to be sent there without debate. I have no objection to its consideration, but I wish it to be referred to the Committee on the District of Columbia. They ought to act on it.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate, having been twice read, and the Senate must make some disposition of it. It requires unanimous consent to consider it now, but a motion to refer is of course in order and subject to debate.

Mr. SHERMAN. Why not let it go over until to-morrow?

Mr. BAYARD. I have no objection to that.

The PRESIDENT *pro tempore*. If no motion be made to refer, the joint resolution will be placed on the Calendar.

FITZ-JOHN PORTER.

Mr. SEWELL. I present the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 1015) for the relief of Fitz-John Porter, and ask that it be acted on. The message from the House is on the President's desk now.

Mr. SHERMAN. I hope we may be allowed to go through the morning business. The conference report will lead to discussion.

Mr. SEWELL. I think it will not lead to any discussion. I have no objection to its going over until the morning business is through.

Mr. SHERMAN. It is not strictly in order now.

The PRESIDENT *pro tempore*. The Chair thinks it is in order, as the rules provide that reports of conference committees are always privileged; and the question whether they shall then be considered, if objected to, is to be decided without debate.

Mr. SHERMAN. All right. I have no objection.

The PRESIDENT *pro tempore*. The Chair understands the Senator from New Jersey to be willing that action on the report shall be suspended until the morning business is through.

Mr. SEWELL. I have no objection to that.

Mr. ALLISON. I shall object to the consideration of that report to-day if I have a right to do so.

The PRESIDENT *pro tempore*. The Chair will lay it before the Senate later.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MILLER, of California, it was

Ordered, That the papers in the case of Senate bill No. 311, first session Forty-seventh Congress, be withdrawn from the files of the Senate, there being no adverse report thereon, and be referred to the Senate Committee on Public Lands, in order that they may be filed with the papers with Senate bill No. 796, Forty-eighth Congress, relating to the same subject-matter.

AMENDMENT TO DEFICIENCY BILL.

Mr. COCKRELL (by request) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. CAMERON, of Pennsylvania, Mr. VOORHEES, Mr. JACKSON, Mr. CALL, Mr. PIKE, Mr. GEORGE, Mr. MAXEY, Mr. PUGH, Mr. CULLOM, and Mr. BUTLER submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

AMENDMENTS TO SUNDRY CIVIL BILL.

Mr. COCKRELL and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

FITZ-JOHN PORTER.

The PRESIDENT *pro tempore*. The Chair now lays before the Senate the bill (H. R. 1015) for the relief of Fitz-John Porter, on which the conference report is made by the Senator from New Jersey [Mr. SEWELL]. The action of the House of Representatives on the Senate amendments will be read.

Mr. ALLISON. I ask the Senator from New Jersey to let that lie over until to-morrow.

Mr. SEWELL. Mr. President——

Mr. INGALLS. Will the Senator from New Jersey permit me a single suggestion, and that is the absence of the Senator from Illinois [Mr. LOGAN]?

Mr. SEWELL. The suggestion was made to me by the Senator from Iowa.

Mr. INGALLS. He may not return by to-morrow.

Mr. SEWELL. I am willing to let it go over until the return of the Senator from Illinois.

Mr. INGALLS. That is satisfactory. I think it is due to him.

The PRESIDENT *pro tempore*. If there be no objections the bill will be postponed until to-morrow.

CHANGES IN THE RECORD.

Mr. SHERMAN. I desire to call up the resolution pending yesterday in regard to the condition of national banks.

The PRESIDENT *pro tempore*. The conference report being postponed, it is the duty of the Chair to lay before the Senate first, under the order of resolutions, the motion of the Senator from Kansas [Mr. INGALLS] to expunge from the CONGRESSIONAL RECORD certain words stated in his motion, and which have been read in the Journal. The motion was objected to yesterday. The question now is on agreeing to the motion of the Senator from Kansas as stated in the Journal.

Mr. SHERMAN. I think the proper course to pursue in regard to that matter—both Senators have had their say and the whole matter is spread upon our records—is to lay the resolution on the table. It seems to me that it should go no further. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the motion of the Senator from Kansas be laid on the table.

The motion was agreed to.

PACIFIC RAILROAD STOCKS AND BONDS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered yesterday by the Senator from Nebraska [Mr. VAN WYCK], which went over under objection.

Mr. HOAR. Before the bank resolution is taken up I wish to say that——

The PRESIDENT *pro tempore*. This is not the resolution of the Senator from South Carolina [Mr. BUTLER], which is on the Calendar. This is the resolution of the Senator from Nebraska [Mr. VAN WYCK] concerning the Union and Central Pacific Railroad Companies.

Mr. HOAR. I suppose, then, it is not important to say what I was going to say. I thought it likely that the bank resolution would take a good deal of time, and I wish to notify the Senators interested in it that at 2 o'clock I shall press the unfinished business, which is the Utah bill, and expect to ask the Senate to dispose of it this afternoon. I shall not therefore be willing to consent to any other consumption of the time.

The PRESIDENT *pro tempore*. The resolution of the Senator from Nebraska will be read.

Mr. ALLISON. I move to refer it to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. It will first be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on the Judiciary be directed to inquire whether the Union or Central Pacific Railroad Companies have become responsible for or guaranteed the interest on any bonds other than those specifically authorized by Congress, or outstanding at the date of the passage of the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873; and, if so, to what extent and under what actual or alleged authority.

Also, whether any new stock has been issued by either of said companies in violation of said act.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] moves that this resolution be referred to the Committee on the Judiciary. The question is on that motion.

Mr. VAN WYCK. Mr. President——

Mr. SHERMAN. I ask the Senator from Nebraska to allow this to be passed over until to-morrow, because I desire to make a report from the Committee on Finance—and I am notified that I have but a few moments in which to do it—in respect to the bank question, which I think it is important to lay before the public.

Mr. VAN WYCK. With the understanding that the resolution shall not be called up to-morrow if I am not here, I have no objection to its going over.

Mr. ALLISON. Then I withdraw my motion for the present.

The PRESIDENT *pro tempore*. The motion to refer is withdrawn. The consideration of the resolution, if there be no objection, will be postponed until to-morrow.

NEW YORK BANKS.

Mr. SHERMAN. I move now to proceed to the consideration of the resolution in regard to the national banks, which was pending yesterday.

The PRESIDENT *pro tempore*. Are there further concurrent or other resolutions? [A pause.] There being none, the Senator from Ohio moves that the Senate now proceed to the consideration of the resolution of the Senator from South Carolina [Mr. BUTLER] directing the Committee on Finance to examine into the condition of the national banks in the city of New York.

Mr. VAN WYCK. I wish no misunderstanding. My idea is that the railroad resolution is to lie over until my return, to be called up at my pleasure.

The PRESIDENT *pro tempore*. The motion to postpone until to-morrow being agreed to puts it on the Calendar, where it will remain until a motion to take it up is made. The question now is on the motion of the Senator from Ohio to proceed to the consideration of the resolution of the Senator from South Carolina.

The motion was agreed to; and the Senate resumed the consideration of the following resolution, submitted by Mr. BUTLER June 11, 1884:

Resolved, That, for the purpose of ascertaining whether further legislation is necessary concerning national banks, there be appointed from the Committee on Finance a special committee, consisting of five members, whose duty it shall be forthwith to examine into the condition of the national banks of the city of New York. That said committee be authorized to send for persons and papers, to examine witnesses on oath, and, if necessary, to visit the city of New York for the purpose of such examination; that they be required to ascertain the amount of circulation of said banks on the 31st day of May, A. D. 1884; the amount of certified checks and loan certificates issued by said banks and outstanding on said day; whether said banks or either of them have issued certified checks or loan certificates or other evidences of indebtedness upon the pledge or security of personal or real property of any kind or otherwise; what amount of certificates of indebtedness or certificates of deposit had been issued by said banks and are now outstanding; what amount of currency and of gold and silver coin said banks had on hand on said day; whether the accounts of said banks with each other were on said 31st day of May, 1884, or now are settled through the Clearing-House in the city of New York, by lawful money of the United States, or by certified checks, loan certificates, or other evidences of indebtedness; whether on said day said banks had on hand the reserve required by law; and to examine fully into all matters which may be necessary to show the financial condition of said banks; and also to ascertain the amount and character of the assets of said banks; whether they are able to meet their liabilities; whether any of the funds of said banks have been illegally used by the officers thereof; and also whether they or any of the officers thereof have violated in any respect the provisions of the national banking law.

That said committee be further authorized to employ one or more special examiners to aid in such examination; that they also be authorized to employ a stenographer; and that they be required to report as soon as practicable the result of such investigation to the Senate.

And for the purpose of defraying the expenses of such investigation the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available out of the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Vermont [Mr. MORRILL] to refer the resolution to the Committee on Finance.

Mr. SHERMAN. I was directed by the Committee on Finance to make something in the nature of a verbal report in regard to the matters embraced in this resolution, which I will do upon the motion to refer it, as a resolution somewhat kindred in character is before the Committee on Finance and has been partially considered.

It will be recollected that on the 6th of May last the country was startled by the failure of the Marine National Bank of New York, a bank that had been in high credit and standing. The circumstances connected with its failure excited a great deal of interest and profound surprise. Immediately in connection with the failure of this bank the banking firm of Grant & Ward, in the city of New York, failed for a large amount. Their business was complicated with that of the Marine National Bank, and disclosures were made which excited not only indignation but almost a panic in the city of New York.

Almost contemporaneous with this the insolvency of the Second National Bank of New York for a very large sum became public, and the alleged gross misconduct of the president of that bank, Mr. John C. Eno, became a matter of public notoriety. Steps were taken by the officers and stockholders of the bank, including the father of the president, to relieve it from bankruptcy.

Also, and in connection with the failure of the Marine National Bank, there were disclosed financial operations of a strange and extraordinary character of the president of the Marine National Bank, Mr. James D. Fish. All these events coming together created what is commonly called a panic. They led to a great fall of securities, to a want of confidence, and to a general run, as it is called, upon banks and banking institutions, including the savings banks. It appeared as if there were to be a general panic, a financial revulsion, and wide-reaching distress.

At that time also, and in connection with the other events, came the temporary suspension of the Metropolitan National Bank, one of the oldest, largest, and in former times considered among the best of all the banks in the city of New York. This was partly caused by rumors and stories of large railroad operations and indebtedness of Mr. Seney, the president of the bank, which resulted in a gradual drawing upon it and the temporary suspension of the bank.

At once the Secretary of the Treasury did what he could to relieve the money market by prepaying bonds which had been called in the process of the payment of the public debt; but the principal relief given to the market at that time was the action of the Clearing-House Association of New York by the issue of over $24,000,000 of clearing-house certificates. This was purely a defensive operation adopted by the associated banks of New York, fifteen of which are State institutions and the balance national banks.

Mr. BUTLER. May I inquire right there what is the basis of the issue of those clearing-house certificates, what is the foundation for them, what are they, what title is behind them?

Mr. SHERMAN. I will state in a few moments precisely what they are. In making a report, or what is in the nature of a report, I wish to give events as they occurred.

The amount of these clearing-house certificates issued was $24,900,000; they were in fact a purchase of commercial paper fortified by collaterals in the ordinary course of commercial business by the association from debtor banks. The clearing-house certificates represent the credit of all these associated banks and bankers, and were issued in exchange for ordinary commercial paper secured by collaterals, stocks, and various forms of securities, held by such of the associated banks as could not readily without this aid convert their bills receivable into money.

The Senator from Missouri [Mr. VEST] yesterday stated that these were illegal. I think he was entirely mistaken in regard to that. All the paper that was discounted by the clearing-house, which is itself a banking association organized under the laws of the State of New York, was commercial paper discounted, in which the ordinary forms of banking business were observed. It was commercial and banking paper, supported and secured by collaterals. That is the ordinary way in which all that kind of business is done.

Take the case that actually occurred. The Metropolitan Bank, suddenly drawn upon by its depositors, found itself wanting several millions of dollars, which it could only pay by a sacrifice of its securities or borrowing. It borrowed this sum of its stronger associates through the clearing-house bank, and received it in the form of clearing-house certificates, which were readily used as money. The securities of the bank, in the form of commercial paper secured by collaterals, were turned over and discounted in the ordinary course by the Clearing House Association; this commercial paper, already discounted by the Metropolitan Bank, was rediscounted by the Clearing-House Association upon proper securities being given.

This transaction is similar in form and effect to banking transactions occurring every day in every bank in this country. A bank in Cleveland, Ohio, may discount a bill signed by merchants or dealers in Cleveland, paying for it by a draft on New York perhaps. It may be sent to New York and there rediscounted by the bank to which it is sent. That is the ordinary course of commercial business. So in dealing with the Clearing-House in New York. While ordinary balances are paid daily in money, yet it is not uncommon for creditor banks to receive from debtor banks commercial paper in ordinary form, and in case of exigency the association may use its credit to support and uphold one or more of their number. In such case clearing-house certificates are issued and used by the banks as money. Business is carried on in precisely the same way between the Clearing-House Association and the Metropolitan Bank as it would be between the Metropolitan Bank and the Bank of Commerce.

Mr. MORRILL. It is not counted as a part of the reserve.

Mr. SHERMAN. No certificates are counted as a part of the reserve. They do not enter into the reserve at all.

All that was done in New York to prevent a panic was done by the banks themselves. The Government of the United States had no lot or parcel in it except so far as the Secretary of the Treasury prepaid bonds that had already been called, a transaction which has been done a hundred times. So far as the Government is concerned it had nothing to do with these banks; the measures of relief were furnished by the banks themselves, and the Government had no lot or parcel in it.

After these events had occurred the Senator from Alabama [Mr. MORGAN] introduced a resolution, which I hold in my hand, directing the Committee on Finance to inquire into the condition of the banks; also into the events that brought about the panic; and also as to whether there had been an overcertification of checks. The Committee on Finance, in obedience to that order, at once called before them the Comptroller of the Currency, who is familiar with all these facts, and directed him as to the information they wanted. He has procured that information so far as it was obtainable. The only points upon which there was

any controversy, the only points upon which there was any direction in the examination, have been already gone into to a considerable extent, and an examination is still in progress; but I am able, with the papers now before me, substantially to answer all that was required by the resolution of the Senator from Alabama.

As to whether there has been any overcertification of checks by any other bank except the ones that have failed there is as yet no means of information, and it would be impossible probably to obtain it. All we can say is that to the extent that the overcertification existed it has been, as it is believed by the Comptroller of the Currency, practically stopped, and that there will be no more of it. The banks, if they have violated the law in the past, see the condition in which they would be placed, and there is no evidence that any bank did overcertify checks except those that have been involved in the maelstrom and have failed.

As to the condition of the banks, I hold here a statement which I will ask to have printed. It contains the substance of all that is really necessary for me to state. They are three statements: one, a statement of the associated banks of the city of New York for the week ending May 31, 1884; another, the same information as to the date June 7, 1884; and the third, the same informantion as to June 14, 1884. I believe all the information called for by the resolution of the Senator from South Carolina is contained in the statement of May 31, 1884, except that his statement called for information as to all the national banks, which it would be impracticable to furnish. These statements give the condition of the banks in New York for the average of the week ending May 31, 1884, and the two weeks succeeding, containing all the elements which are necessary to give their full condition.

Mr. McPHERSON. May I ask the Senator from Ohio a question?

Mr. SHERMAN. Certainly.

Mr. McPHERSON. I ask if the statement contains the report of each bank separately?

Mr. SHERMAN. Certainly; it contains a statement of eighty-three banks. Some of them might be called bankers. Fifteen of them are State organizations, over which Congress has no jurisdiction. The State banks are designated, and the rest are national banking associations, over which Congress has absolute control. This statement gives the amount of loans, the amount of specie on hand, the amount of legal-tenders on hand, the amount of deposits on hand, the amount of circulation, together with the percentage of cash reserve on hand to the amount of their liabilities. That is called the percentage of reserve.

Mr. BUTLER. To whom is that report made and by whom, may I inquire of the Senator?

Mr. SHERMAN. It is made to the Committee on Finance.

Mr. BUTLER. By whom?

Mr. SHERMAN. By the Comptroller of the Currency. It was received, as a matter of course, from the associated banks of the city of New York.

Mr. VEST. What date is it?

Mr. SHERMAN. The last one is June 14. There are three different dates. I will read the heading of one of the statements: "Statement of the associated banks of the city of New York for the week ending May 31, 1884." Then it gives the number of the banks, the names of the banks, the amount of the loans, the amount of specie, the amount of legal-tenders on hand, the amount of deposits, the amount of circulation, and the percentage of reserve for each.

Mr. VEST. What is the last date?

Mr. SHERMAN. June 14. There could be none other until the last of this week. These are weekly statements.

Mr. VEST. If the Senator will pardon me I will state that in the published statements in the New York papers for last week the statement of the condition of individual banks was not given, but only the statement of the aggregate banks of New York. Of course I have had no private or official sources of information.

Mr. SHERMAN. These are all papers furnished the committee by the Comptroller of the Currency.

Mr. BECK. I do not think Senators on this side quite catch the statement of the Senator from Ohio. As I recollect the statement which was laid before us this morning by the Comptroller of the Currency, it embraces the statement of each one of the banks on the 31st of May, the 7th of June, and the 14th of June, showing separately for three consecutive weeks the condition of each one of them.

Mr. SHERMAN. Certainly; and I propose to have the statements printed.

Mr. BECK. That is right.

Mr. SHERMAN. I would not ordinarily do so; but I think it is proper at this time.

Mr. VEST. I merely said to the Senator from Ohio that I had not seen such statements in the New York papers.

Mr. MORRILL. I wish to say, in reply to the suggestion of the Senator from Missouri, that some of the papers do publish bank statements in full as to each bank, but not all of them. I was so informed by the Comptroller of the Currency this morning, and he mentioned the papers.

Mr. SHERMAN. These statements, studied by those who are familiar with the banking business, will enable any one to ascertain the precise comparative condition of each bank on the different days named. I have looked over them as carefully as I can. I will send them to the Reporter.

The PRESIDENT *pro tempore*. Does the Senator from Ohio desire to have the papers printed in the RECORD?

Mr. SHERMAN. Yes; I ask unanimous consent that they may be printed in the RECORD. I do not care about having them read.

The PRESIDENT *pro tempore*. Is there objection to the papers being printed in the RECORD. The Chair hears none, and it is so ordered.

The papers referred to are as follows:

Statement of the associated banks of the city of New York for week ending May 31, 1884.

No.	Banks.	Loans.	Specie.	Legal-tenders.	Deposits.	Circulation.	Reserve.
							Per cent.
1	New York	$10,379,000	$1,324,000	$1,284,000	$9,746,000	$450,000	26.9
2	Manhattan Company (State bank)	7,334,000	1,314,000	335,000	6,840,000		24.1
3	Merchants'	7,760,000	1,692,000	519,000	7,629,000	359,600	28.9
4	Mechanics'	8,051,000	793,000	399,000	6,896,000		17.2
5	Union	4,744,000	595,300	236,400	3,781,300		21.8
6	America (State bank)	11,459,200	797,900	509,700	8,703,800	1,100	15.0
7	Phœnix	2,291,000	278,000	136,700	1,708,000	263,000	24.2
8	City	10,382,500	3,266,700	374,000	11,693,400		31.1
10	Tradesmen's	2,976,800	165,400	165,600	1,560,800	786,000	21.1
11	Fulton	2,026,900	255,700	120,200	1,517,400		24.3
12	Chemical	15,009,500	5,880,400	466,700	17,269,400		36.2
13	Merchants' Exchange	2,868,600	169,600	414,200	2,240,300	292,500	25.0
14	Gallatin National	5,288,000	389,500	488,000	3,385,400	616,000	25.9
15	Butchers and Drovers'	1,801,900	325,200	141,100	1,692,800	239,800	27.4
16	Mechanics and Traders'	917,000	86,000	90,000	904,000	45,000	19.4
17	Greenwich (State bank)	908,800	140,100	200,400	1,031,400	2,600	32.9
18	Leather Manufacturers'	3,412,600	230,600	334,700	2,595,300	522,600	21.7
19	Seventh Ward	1,174,500	160,900	120,000	1,122,700	11,600	24.9
20	Bank of State of New York	3,166,300	1,766,200	311,400	4,691,000		44.2
21	American Exchange	13,528,000	1,227,000	1,470,000	10,694,000		25.2
23	Commerce	20,983,300	2,269,400	1,580,400	15,713,000	956,300	24.4
25	Broadway	6,569,600	858,800	318,900	5,146,800	900,000	22.7
27	Mercantile	6,471,100	767,000	273,300	5,930,500	404,000	17.6
28	Pacific (State bank)	2,478,200	150,300	263,200	2,589,200		15.9
29	Republic	4,091,300	188,300	183,700	2,876,500	180,000	12.9
30	Chatham	3,538,100	414,700	346,500	3,541,100	45,000	21.4
31	People's (State bank)	1,382,300	131,500	112,500	1,607,200	5,400	15.1
32	North America (State bank)	2,973,900	70,200	364,400	2,857,200		15.1
33	Hanover	7,425,800	1,336,300	494,700	7,603,700	526,500	24.0
34	Irving	3,002,400	232,500	316,500	2,612,000	390,200	29.0
35	Metropolitan	4,584,900	117,000	312,000	1,757,000	1,305,000	24.4
36	Citizens'	2,796,400	394,300	305,300	2,831,800	270,000	24.6
40	Nassau (State bank)	2,221,000	236,000	204,700	2,466,300		17.8
42	Market	2,870,800	256,700	145,700	2,145,200	421,200	18.6
43	Saint Nicholas	2,237,500	301,500	151,600	2,025,300		22.3
44	Shoe and Leather	2,863,000	224,000	200,000	2,594,000	450,000	16.3
45	Corn Exchange (State bank)	5,054,100	472,900	171,000	3,882,400		16.5
47	Continental	4,594,300	815,400	411,400	5,148,700	62,100	23.7
49	Oriental (State bank)	1,834,300	90,000	356,000	1,726,900		25.8
53	Importers and Traders'	17,240,300	5,911,100	731,400	19,621,500	1,319,300	33.8
54	Park	13,941,400	2,587,200	2,026,300	17,301,800	45,000	26.6
56	Wall Street (State bank)	1,429,700	126,000	95,200	1,114,000		19.8
58	North River (State bank)	1,445,000	27,000	240,000	1,343,000		19.8

Statement of the associated banks of the city of New York for week ending May 31, 1884—Continued.

No.	Banks.	Loans.	Specie.	Legal-tenders.	Deposits.	Circulation.	Reserve.
							Per cent.
59	East River	1,145,900	91,400	96,100	843,200	224,600	22.1
61	Fourth National	13,760,000	1,576,800	822,800	12,110,200	360,000	19.8
62	Central National	6,936,000	426,000	1,022,000	7,335,000	297,000	19.5
63	Second National	1,596,000	289,000	254,000	1,854,000	45,000	29.2
64	Ninth National	5,232,000	445,400	422,800	4,255,700	600,000	20.3
65	First National	14,262,600	1,646,600	594,800	13,132,800	449,900	17.0
66	Third National	4,340,600	281,600	656,000	3,930,600	.....	23.9
67	New York National Exchange	1,478,700	60,700	144,800	1,021,300	270,000	19.9
70	Bowery	1,880,100	197,000	255,100	1,818,100	222,500	24.8
71	New York County	1,980,200	15,000	432,400	2,167,900	180,000	20.6
72	German-American (State bank)	2,872,000	176,800	95,800	2,373,600	.....	11.4
74	Chase National	3,584,600	533,900	281,100	4,066,700	45 000	20.0
76	Fifth Avenue (State bank)	2,310,800	676,600	85,100	2,530,300	.....	30.0
77	German Exchange (State bank)	1,808,300	104,000	282,000	2,242,000	.....	17.2
78	Germania (State bank)	1,927,600	126,500	325,500	2,263,600	.....	19.9
79	United States	3,543,700	178,400	139,500	2,802,300	450,000	11.3
80	Lincoln	1,568,900	180,900	228,300	1,744,700	44,000	23.4
81	Garfield	867,300	58,000	139,200	748,100	180,000	26.6
82	Fifth National	1,045,300	85,400	131,000	984,700	135,000	27.0
	Totals	309,648,800	45,985,600	24,129,100	288,361,300	14,372,800	31.4
	Increase	.....	475,600	2,102,400	.....	56,000	.....
	Decrease	3,529,200	.....	.....	8,214,000	.....	.....

Increase of reserve, $4,631,500; clearings week ending May 24, $657,634,183.50: clearings week ending May 31, $518,853,155.28; balances week ending May 24, $31,330,146.17; balances week ending May 31, $21,064,079.53; clearings this day, May 31, $105,995,690.56; balances this day, May 31, $4,291,424.80.

Statement of the associated banks of the city of New York for week ending June 7, 1884.

No.	Banks.	Loans.	Specie.	Legal-tenders.	Deposits.	Circulation.	Reserve.
							Per cent.
1	New York	$10,139,000	$1,188,000	$1,055,000	$9,068,000	$450,000	24.0
2	Manhattan Company (State bank)	7,621,000	1,251,000	595,000	7,211,000	.....	25.6
3	Merchants'	7,579,200	1,227,200	611,900	7,105,400	359,800	25.8
4	Mechanics'	7,897,000	1,539,000	402,000	6,905,000	.....	28.1
5	Union	4,711,300	680,600	220,500	3,841,000	.....	23.5
6	America (State bank)	10,648,500	971,500	447,800	7,911,000	.....	27.9
7	Phœnix	2,312,000	341,000	118,700	1,744,000	263,000	26.4
8	City	9,725,400	3,869,900	516,000	11,830,400	.....	36.2
10	Tradesmen's	2,888,600	136,900	206,600	1,515,000	790,700	22.7
11	Fulton	1,481,700	288,700	89,500	1,486,500	.....	25.4
12	Chemical	15,432,900	5,872,100	455,700	18,174,500	.....	34.2
13	Merchants' Exchange	2,992,400	179,500	374,400	2,344,300	292,500	23.6
14	Gallatin National	5,248,500	364,500	438,900	3,158,300	621,000	28.6
15	Butchers and Drovers'	1,759,600	323,500	122,400	1,645,700	245,200	26.3
16	Mechanics and Traders'	888,000	68,000	142,000	866,000	45,000	24.2
17	Greenwich (State bank)	950,700	125,500	185,800	1,007,400	2,600	30.9
18	Leather Manufacturers'	3,422,200	125,900	320,100	2,503,700	519,200	17.8
19	Seventh Ward	1,150,600	190,700	97,900	1,102,400	11,600	26.2
20	Bank of State of New York	3,407,900	1,190,900	368,800	4,559,200	.....	34.2
21	American Exchange	13,613,000	783,000	1,590,000	10,283,000	.....	23.0
23	Commerce	20,195,100	2,249,900	1,590,600	15,134,300	952,300	25.3
25	Broadway	5,943,400	904,300	352,800	5,114,200	900,000	24.6
27	Mercantile	5,789,500	798,900	319,800	5,484,300	404,000	20.4
28	Pacific (State bank)	2,481,800	158,500	262,300	2,462,200	.....	17.2
29	Republic	3,934,500	467,700	231,700	2,943,300	191,400	23.7
30	Chatham	3,566,400	449,400	317,700	3,519,800	45,000	21.5
31	People's (State bank)	1,393,800	140,600	118,500	1,618,200	5,400	16.0
32	North America (State bank)	3,041,900	211,700	362,300	3,061,300	.....	18.7
33	Hanover	7,698,300	1,366,600	585,200	7,493,300	526,500	26.0
34	Irving	2,942,300	216,400	386,400	2,583,000	393,300	23.3
35	Metropolitan	4,200,400	97,000	366,000	1,444,000	1,305,000	32.1
36	Citizens'	2,374,100	385,000	302,100	2,773,300	267,400	24.8
40	Nassau (State bank)	2,214,200	186,700	298,400	2,376,900	.....	20.4
42	Market	2,762,400	356,300	225,900	2,128,200	420,900	22.7
43	Saint Nicholas	2,119,600	320,400	115,800	1,813,300	.....	24.1
44	Shoe and Leather	2,608,000	408,000	187,000	2,511,000	450,000	27.6
45	Corn Exchange (State bank)	4,711,400	403,500	318,000	3,691,700	.....	19.5
47	Continental	4,528,800	685,300	412,900	4,958,600	62,100	21.2
49	Oriental (State bank)	1,874,500	90,000	348,000	1,708,100	.....	25.6
53	Importers and Traders'	15,894,800	5,342,900	1,146,600	18,239,400	1,310,700	35.6
54	Park	13,773,100	3,081,900	2,085,100	17,431,100	45,000	29.5
56	Wall street (State bank)	1,516,400	155,600	132,000	1,263,000	.....	22.8
58	North River (State bank)	1,454,000	24,000	252,000	1,415,000	.....	19.5
59	East River	1,136,500	111,700	98,300	865,400	223,100	24.6
61	Fourth National	13,767,400	1,661,100	1,046,200	12,545,500	360,000	21.5
62	Central National	7,063,000	519,000	1,103,000	7,026,000	297,000	23.8
63	Second National	1,798,000	50,000	333,000	1,842,000	45,000	20.7
64	Ninth National	5,164,400	425,800	372,200	3,974,800	596,400	20.1
65	First National	14,521,900	1,588,700	436,500	13,090,800	449,900	15.5
66	Third National	4,339,400	292,700	757,800	4,073,200	.....	25.8
67	New York National Exchange	1,459,200	46,500	160,000	1,067,100	267,500	19.4
70	Bowery	1,870,000	294,000	211,000	1,822,900	225,000	27.7
71	New York County	1,849,800	86,000	581,400	2,468,100	180,000	27.0
72	German American (State bank)	2,697,200	185,800	105,600	2,174,900	.....	13.4
74	Chase National	3,194,700	429,400	281,900	3,801,000	45,000	18.7
76	Fifth Avenue (State bank)	2,309,800	646,200	104,700	2,532,200	.....	29.6
77	German Exchange (State bank)	1,802,700	108,000	286,000	2,247,900	.....	17.5
78	Germania (State bank)	1,918,000	93,009	259,600	2,165,500	.....	16.3
79	United States	3,413,400	237,500	231,700	2,829,700	446,700	16.5
80	Lincoln	1,393,900	187,500	254,300	1,611,700	44,600	27.4
81	Garfield	884,600	36,900	159,100	754,800	178,300	25.9
82	Fifth National	1,064,400	69,800	125,300	1,000,400	134,100	19.5
	Total	302,608,500	46,187,600	25,984,700	283,323,200	14,372,200	25.5
	Increase	.....	202,000	1,855,600	.....	.....	.....
	Decrease	7,040,300	.....	.....	5,038,100	600	.....

Increase, reserve, $3,317,125; clearings week ending May 31, $518,853,155.28; clearings week ending June 7, $620,943,998.16; balances week ending May 31, $21,064,079.53; balances week ending June 7, $27,681,324.04; clearings this day, June 7, $96,638,314.81; balances this day, June 7, $3,356,240.68.

Statement of the associated banks of the city of New York for week ending June 14, 1884.

No.	Banks.	Loans.	Specie.	Legal-tenders.	Deposits.	Circulation.	Reserve.
							Per cent.
1	New York	$10,090,000	$1,312,000	$1,193,000	$9,527,000	$450,000	26.1
2	Manhattan Company (State bank)	7,466,000	1,148,000	562,000	6,956,000	.....	24.6
3	Merchants'	7,617,400	893,100	747,900	6,971,700	345,000	23.5
4	Mechanics'	7,541,000	1,579,000	549,000	6,750,000	.....	31.5
5	Union	4,652,900	711,700	191,600	3,745,800	.....	24.1
6	America (State bank)	10,499,500	1,158,900	515,800	8,199,300	1,100	20.4
7	Phœnix	2,393,000	359,000	135,000	1,860,000	259,000	26.5
8	City	6,640,100	4,170,800	755,000	9,291,200	.....	53.0
10	Tradesmen's	2,835,700	193,900	213,600	1,531,500	790,400	26.6
11	Fulton	1,702,600	381,000	107,400	1,538,500	.....	31.7
12	Chemical	15,112,900	5,723,000	476,600	17,540,600	.....	35.3
13	Merchants' Exchange	2,890,400	212,400	338,400	2,239,300	292,500	24.6
14	Gallatin National	5,080,100	325,300	421,600	3,083,600	621,000	24.1
15	Butchers and Drovers'	1,748,500	309,100	127,700	1,633,000	240,900	26.7
16	Mechanics and Traders'	878,000	94,000	131,000	876,000	45,000	25.6
17	Greenwich (State bank)	954,900	103,800	166,800	985,600	2,600	30.9
18	Leather Manufacturers'	3,204,500	126,400	305,500	2,247,600	520,200	19.2
19	Seventh Ward	1,170,400	177,600	101,100	1,109,800	11,600	25.1
20	Bank of State of New York	3,973,400	558,300	427,800	4,261,600	.....	23.1
21	American Exchange	13,595,000	631,000	1,879,000	10,102,000	.....	24.8
23	Commerce	18,873,200	2,876,900	1,632,500	14,692,800	939,100	30.7
25	Broadway	6,486,500	1,038,400	416,800	5,345,400	887,700	27.2
27	Mercantile	$5,478,000	$1,206,600	$421,400	$5,639,500	$404,000	28.8
28	Pacific (State bank)	2,492,900	140,900	260,000	2,570,000	.....	15.6
29	Republic	4,163,300	431,000	256,400	3,147,300	196,800	21.8
30	Chatham	3,599,700	406,000	375,100	3,621,700	45,000	21.6
31	People's (State bank)	1,422,900	154,500	148,600	1,730,200	5,400	17.5
32	North American (State bank)	2,898,700	216,800	407,000	2,995,200	.....	20.9
33	Hanover	7,487,300	1,584,400	876,500	7,787,300	526,500	31.6
34	Irving	2,907,000	210,500	374,300	2,537,200	404,000	23.0
35	Metropolitan	4,433,000	75,000	338,000	1,306,000	1,305,000	31.5
36	Citizens'	2,408,800	427,400	293,100	2,766,500	261,100	26.0
40	Nassau (State bank)	2,108,800	116,800	386,200	2,423,900	.....	27.0
42	Market	2,695,400	231,700	305,300	2,158,700	417,300	25.0
43	Saint Nicholas	2,058,500	210,900	152,400	1,744,000	.....	20.8
44	Shoe and Leather	2,746,000	476,000	217,000	2,644,000	450,000	26.2
45	Corn Exchange (State bank)	4,632,200	446,700	317,000	3,656,500	.....	20.9
47	Continental	4,078,600	908,900	446,500	4,969,100	62,100	27.3
49	Oriental (State bank)	1,743,800	87,600	370,000	1,851,300	.....	24.7
53	Importers and Traders'	15,100,600	5,814,900	1,190,300	18,214,300	1,323,100	38.4
54	Park	14,812,000	3,032,700	1,785,100	17,500,000	45,000	27.0
56	Wall Street (State bank)	1,436,800	117,700	177,300	1,212,200	.....	24.3
58	North River (State bank)	1,534,000	27,000	322,000	1,667,000	.....	21.0
59	East River	1,105,800	103,300	119,200	863,100	224,000	25.7
61	Fourth National	14,039,700	1,690,000	1,172,300	12,553,000	360,000	22.7
62	Central National	6,829,000	744,000	1,252,000	7,184,000	297,000	27.7
63	Second National	1,553,000	60,000	433,000	2,024,000	45,000	24.3
64	Ninth National	4,978,600	382,500	431,300	3,964,700	596,400	20.5
65	First National	14,005,500	1,911,700	542,400	12,875,100	449,900	19.0
66	Third National	4,316,500	557,800	825,300	4,390,200	.....	31.3
67	New York National Exchange	1,409,400	129,800	172,900	1,110,400	267,500	27.2
70	Bowery	1,855,100	334,100	213,600	1,836,500	223,200	29.8
71	New York County	1,849,800	86,000	581,400	2,468,100	180,000	27.0
72	German-American (State bank)	2,516,200	347,700	104,100	2,246,500	.....	20.
74	Chase National	2,937,300	692,900	317,300	3,731,600	45,000	27.0
76	Fifth Avenue (State bank)	2,311,200	548,900	152,100	2,480,300	.....	28.9
77	German Exchange (State bank)	1,772,300	108,000	296,000	2,219,400	.....	18.0
78	Germania (State bank)	1,930,800	84,600	296,400	2,233,700	.....	12.6
79	United States	3,429,100	223,700	287,900	2,883,300	447,200	18.0
80	Lincoln National	1,398,000	170,300	222,500	1,563,200	44,400	25.1
81	Garfield National	907,200	18,400	191,700	782,600	178,000	26.9
82	Fifth National	1,094,400	86,100	151,000	1,071,700	132,000	22.1
	Total	295,883,200	48,687,400	28,577,000	281,111,600	14,341,100	27.4
	Increase	.....	2,499,800	2,592,300	.....	.....	.....
	Decrease	6,725,300	.....	.....	2,211,600	31,100	.....

Increase of reserve, $5,645,000; clearings week ending June 7, $620,943,098.16; clearings week ending June 14, $525,881,220.57; balances week ending June 7, $27,681,324.04; Balances week ending June 14, $22,526,967.45; clearings this day, June 14, $90,460,683.94; balances this day, June 14, $3,116,338.35.

Mr. SHERMAN. I have looked over the statements, and the general result, so far as I can gather and understand (not so well as a practical banker, no doubt), shows that there is a very greatly improved condition of the banks of New York. At first, immediately after the panic, their reserves were largely drawn upon, in some cases reduced down to nearly one-half the amount of legal reserve required by law. That would naturally be so. Under the banking law they are bound within thirty days, in the case of a falling of their reserves below the legal requirements, to make them good. These statements show that within the thirty days every bank made its reserve good, and that to-day not only is there a large surplus over the legal reserve, the average amounting to 31 per cent. instead of 25 per cent., but that every bank on the list, both State and national, has now more than the minimum of reserve fixed by law.

The same law does not operate upon the State banks, and in some respects they are not quite so strong as the national banks, but their reserve is also practically within the limits even of the national-bank law, which does not govern them. However, the whole condition of matters in respect to those banks has changed for the better. These statements show that very clearly.

We are also informed by the Comptroller of the Currency, whom we examined, that there is an entire suspension of the alleged overcertification, and he promised by next week to furnish other information upon that point.

It is also shown by another statement I have in my hand that although the amount of clearing-house certificates issued at one time was $24,900,000, it has been rapidly decreased, and at the last advices there were only $12,600,000 in actual use, $6,300,000 had been canceled, and about $6,000,000 are held on hand. The amount is diminishing at the rate of $1,000,000 a day. The arrangement of the associated banks to meet the difficulty encountered in the panic to aid each other is now no longer needed or is rapidly being dispensed with. In a short time the normal condition of affairs will be resumed. My own opinion is that the evidence we have had of the ability of the associated banks to meet a panic which in other times and without these agencies might cause a wide-reaching evil is one of the most encouraging signs of modern finance. It shows that this voluntary organization made by themselves to aid each other is the most effective machinery by which the strength of all can be united, and by which the strong can help the weak in a time of panic.

Mr. PLUMB. Will the Senator from Ohio permit me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. PLUMB. I should like to inquire if the statements which have been spoken of by the Senator from Missouri as not being those of individual banks are statements required by law to be published, or are they the voluntary statements made by the banks themselves without reference to legal requirement.

Mr. SHERMAN. These statements are not made under the provisions of any law. They are made weekly in the ordinary course of business by the associated banks.

Mr. PLUMB. Then what have we to do with them, anyhow?

Mr. SHERMAN. We have a good deal to do with them.

Mr. PLUMB. What right have we to supervise a statement which the banks themselves voluntarily put forth, and which is not in any wise the requirement of a law or the regulation of a Department?

Mr. SHERMAN. That is the very thing we were directed to inquire into as to the condition of the banks at this time. We furnish you the best evidence we have, and no one questions the accuracy of that evidence.

I am not authorized to speak for the Committee on Finance as to any specific remedy for these troubles, but there are one or two things that probably I might mention and suggest. There ought to be a prohibition to bank officers from engaging in speculative operations. I think there ought to be a very severe and stringent law prohibiting any president or cashier (I would not extend it to directors, because they are generally business men), but officers of a bank should be prohibited absolutely from engaging in speculative operations. Whether or not that would be very beneficial I do not know.

I have here a most excellent provision that I should like to see put upon the statute-books. It was written by John C. Eno, the man who more than any other was the cause of the troubles that we have passed through.

On December 29, 1883, the president of the Second National Bank, J. C. Eno, introduced the following resolution at a meeting of the board of directors, which was unanimously adopted:

In view of recent developments in various sections of the country, arising from the unfortunate speculations of officers of corporations and of others holding positions of trust: Therefore,

Be it resolved, That we deem it wise, as a board of directors, to enter upon the minutes our emphatic and unanimous opinion that no one should be employed as an officer or clerk of this bank who would take a speculative risk of any kind whatsoever.

Yet the evidence shows to us that unless this gentleman was very rapid in his operations he at that time had sunk over $2,000,000, and perhaps $4,000,000, of the money of the bank in speculative operations that the directors did not know anything about. I have no doubt that when this resolution was read to that grave board of directors, some of whom are among the leading old-fashioned business men of New York, they consoled themselves very highly with the thought that they had so conservative a president of their national bank. I wish that the resolution proposed by him could be embodied into a law, although it came with a very bad grace from Mr. Eno.

The only other thing that can be said is that we should require of the officers of the Government to see that any offenses against the national banking law should be promptly punished. I am bound to say, and I think the other members of the Committee on Finance agree with me, that so far as this duty is concerned the Comptroller of the Currency has done all that one man could do. He has diligently examined into and diligently prosecuted the three great offenders who have been disclosed by these financial operations.

Mr. MORGAN. When did he begin?

Mr. SHERMAN. He commenced immediately.

Mr. MORGAN. After the finding out of the transactions?

Mr. SHERMAN. Immediately after the disclosures were made. I think the Senator from Kentucky [Mr. BECK] will say that so far as we can learn he has performed his full duty.

Mr. BECK. I should like to state in this connection, if the Senator will allow me, that the papers exhibited before us this morning by the Comptroller altogether show to us that he is vigilantly prosecuting all those offenders, and he had additional information which he was carefully gathering which the Senate will not desire in the interest of justice to be made public now. I think he is doing all an official can possibly do, and is doing it well.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business. The title of the bill will be read.

The SECRETARY. A bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. SHERMAN. By consent of the Senator from Massachusetts [Mr. HOAR] I am to be allowed a few moments to finish my statement.

The PRESIDENT *pro tempore*. If there be no objection the pending order will be laid aside informally, and the Senator from Ohio will proceed.

Mr. SHERMAN. As the prosecution against John C. Eno is now pending in Canada, a foreign country, as a matter of course no one can state what will be the result of it. We only know that proper legal proceedings are now being urged to have an extradition, and if he is brought within the jurisdiction of the courts as a matter of course the prosecution can then be pushed. So with James D. Fish. Indictments have been had and are now pending against him for a violation not only of the national banking act, but I believe also for a violation of the State law; and the same is to be said of Ferdinand Ward. These three persons are the only ones who have been charged with fraudulent and illegal transactions leading to these financial disasters. The Metropolitan Bank, thanks to the agency and the aid that was given in a trying time, is now going on and doing business as of old, no doubt having met with large losses.

It is a matter of satisfaction that with the single exception of the Marine Bank, of New York, no national bank has been overwhelmed by this disaster. It is true that the Second National Bank was bankrupted by the crimes and wrongs of John C. Eno, but his father, with a sensitive pride not to allow innocent persons to suffer from the misconduct of his son, with a spirit really worthy of commendation, here or anywhere else, threw a large sum of money into the maelstrom and saved not only the credit of the bank and advanced his own credit, but to some extent, so far as he could at least, expiated the fault, the folly, and the crime of his son. The Metropolitan Bank is relieved from its embarrassments by its associate banks. The losses caused by the speculations of its president did not entirely fall upon the bank. That bank, now relieved from the pressure of unexpected demands, is pursuing its even tenor. It seems to me that all these facts taken together show the strength and confidence that may well be reposed in the national banking system. The law can not entirely prevent fraud and crime, but it has guarded the public from the results of such offenses far better than any previous system.

MELISSA G. POLAR.

The PRESIDENT *pro tempore*. The consideration of the Utah bill will now be resumed. Before the bill is proceeded with, the Chair will lay before the Senate a concurrent resolution from the House of Representatives.

The following concurrent resolution of the House of Representatives was read:

Resolved by the House of Representatives (the Senate concurring therein), That the enrolling clerk of the House be authorized and directed to change the word "of" to the word "to" where it occurs the last time in the first line of section 3 of the enrolled copy of the bill (H. R. 2344) entitled "An act for the relief of Melissa G. Polar;" so that said section may read as follows:

"SEC. 3. That upon the presentation of said duplicate certificate to the Treasurer of the United States he shall redeem the same as authorized to redeem board of audit certificates by the act of Congress approved June 16, 1880, and the act amendatory thereto."

The PRESIDENT *pro tempore*. This resolution in the present condition of its rules involves the power of the Senate to amend a bill after its passage, as it turns out on inspection that there was no error in the enrollment or engrossment of the bill. The resolution will be referred, if there be no objection, to the Committee on Rules. The Chair lays before the Senate the following order of the House of Representatives accompanying the return of the engrossed and enrolled bill:

Ordered, That the Clerk of the House be directed to return to the Senate the bill (H. R. 2334) for the relief of Melissa G. Polar.

The engrossed and enrolled bill will be referred to the Committee on Rules for consideration in connection with the concurrent resolution of the House of Representatives.

POLYGAMY IN UTAH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, the pending question being on the amendment proposed by Mr. VEST, to add to section 1 the following proviso:

Provided, That in no case or proceeding mentioned in this section shall the husband or wife be a competent witness except as to the fact of a lawful marriage having been contracted and solemnized between the witness and the party defendant.

Mr. GARLAND. Mr. President, in July, 1862, the Congress of the United States passed a law which reads as follows:

Every person having a husband or wife living, who marries another, whether married or single, in a Territory, or other place over which the United States have exclusive jurisdiction, is guilty of bigamy.

It proceeds then to prescribe the penalty. That is to be found in section 5352 of the Revised Statutes. The act passed in 1882 known as the Edmunds act was amendatory of this statute. The bill now before the Senate is amendatory and supplementary also of the same statute. All the legislation that has been had or attempted has been in aid of the statute a portion of which I have just read; in other words, it has been for the purpose of enforcing and carrying out that statute.

In the first section of the bill as it comes from the Committee on the Judiciary a new rule is attempted to be ingrafted in this country in reference to the competency of the testimony of a wife against the husband, so called. I favor the bill as it is, after having given full and mature consideration before the committee, and prefer that it should not be amended at all. I have, it may be, a curious idea about this institution out there, differing, I suppose, from that of most people in reference to the legality of any marriage at all in that country—I mean a marriage performed according to the religion of the Mormon Church and according to the ceremonies prescribed in that church.

Section 5352 does not say "the lawful wife," but simply says "having a wife living." The proper phraseology in the bill before the Senate, to tally with that section, would be "the first wife." I was unwilling for one to have the word "lawful" in the section; but the committee preferred to use the language "the lawful wife," which means, tally-

ing with section 5352, the first wife. I do not believe there is a lawful wife in the Territory of Utah if the marriage is contracted by persons believing in what is called the Mormon religion and according to the ritual and the doctrine of that church. Of course I do not pretend to say that persons legally married emigrating to that Territory would thereby invalidate the lawful marriage; but I am speaking now of persons who marry, with the religious convictions of that church, according to the ceremony and the ritual of that church. I believe the fatal error that we have committed in dealing with this matter has been in recognizing to any extent in our legislation a marriage there of this character. I believe that for the purpose of suppressing this crime, which all are agreed is a crime that should have been put an end to, it would have been better and it would have been legal to have not recognized the first, second, third, or any other marriage in that country according to the religion of that church. While it may be a little late to produce before the Senate the reasons of my convictions upon that subject, yet, as it forms somewhat a groundwork of the argument I intend to make upon the particular proposition here, I shall occupy the attention of the Senate probably a little more than I should do in calling attention to these views.

It is laid down in the text-books everywhere, from Blackstone down to the very last author, whoever he may be, who has written on this subject, that polygamous marriages are void. They have no extra-territorial force; they are not recognized in any courts of a Christian country; they form no foundation in the courts of a Christian country for any rights or for the prosecution of any remedies. It is not that the second, third, or fourth marriage is void, but it is according to their definition a polygamous marriage, a marriage according to the theory of polygamy, according to the church inculcating this doctrine. There is not, I state again, an authority in the text-books contrary to this position.

I have in my hands a very singular and a very interesting case that was decided not long since in England, which throws as much light in a legal aspect upon this question as any legal authority which I have been able to find in this country or anywhere. It is, indeed, one of the most interesting decisions upon the subject of polygamy and polygamous marriages that I have been able to find, after a long search, anywhere. It is the case of Hyde *vs.* Hyde and Woodmansee, in the first volume of the Probate, Divorce, and Matrimonial Law Reports, 1865–1869. If the opinion does not throw any light upon the subject, it certainly puts it in an aspect in which I think it has not been contemplated, in which it has not been viewed by the Congress of the United States in all the discussions that have been had upon this subject.

Says the syllabus of the case:

Marriage as understood in Christendom is the voluntary union for life of one man and one woman to the exclusion of all others. A marriage contracted in a country where polygamy is lawful between a man and a woman who profess a faith which allows polygamy is not a marriage as understood in Christendom, and although it is a valid marriage by the *lex loci*, and at the time when it was contracted both the man and the woman were single and competent to contract marriage, the English matrimonial court will not recognize it as a valid marriage in a suit instituted by one of the parties against the other for the purpose of enforcing matrimonial duties or obtaining relief for a breach of matrimonial obligations.

The judge ordinary in delivering the opinion of the court said:

The petitioner in this case claims a dissolution of his marriage on the ground of the adultery of his wife. The alleged marriage was contracted at Utah, in the Territories of the United States of America, and the petitioner and the respondent both professed the faith of the Mormons at the time. The petitioner has since quitted Utah and abandoned the faith, but the respondent has not. After the petitioner had left Utah the respondent was divorced from him, apparently in accordance with the law obtaining among the Mormons, and has since taken another husband. This is the adultery complained of. Before the petitioner could obtain the relief he seeks, some matters would have to be made clear and others explained. The marriage, as it is called, would have to be established as binding by the *lex loci*, the divorce would have to be determined void, and the petitioner's conduct in willfully separating himself from his wife would have to be accounted for. But I expressed at the hearing a strong doubt whether the union of man and woman as practiced and adopted among the Mormons was really a marriage in the sense understood in this, the matrimonial court of England, and whether persons so united could be considered "husband" and "wife" in the sense in which these words must be interpreted in the divorce act. Further reflection has confirmed this doubt, and has satisfied me that this court can not properly exercise any jurisdiction over such unions.

Marriage has been well said to be something more than a contract, either religious or civil—to be an institution. It creates mutual rights and obligations as all contracts do, but beyond that it confers a status. The position or status of "husband" and "wife" is a recognized one throughout Christendom; the laws of all Christian nations throw about that status a variety of legal incidents during the lives of the parties and induce definite rights upon their offspring. What, then, is the nature of this institution as understood in Christendom? Its incidents vary in different countries, but what are its essential elements and invariable features? If it be of common acceptance and existence it must needs (however varied in different countries in its minor incidents) have some pervading identity and universal basis. I conceive that marriage, as understood in Christendom, may for this purpose be defined as the voluntary union for life of one man and one woman, to the exclusion of all others.

There are no doubt countries peopled by a large section of the human race in which men and women do not live or cohabit together upon these terms—countries in which this institution and status are not known. In such parts the men take to themselves several women, whom they jealously guard from the rest of the world, and whose number is limited only by considerations of material means. But the status of these women in no way resembles that of the Christian "wife." In some parts they are slaves, in others perhaps not; in none do they stand, as in Christendom, upon the same level with the man under whose protection they live. There are, no doubt, in these countries laws adapted to this state of things—laws which regulate the duties and define the obligations of men and women standing to each other in these relations. It may be, and probably is, the case that the women there pass by some word or name which corresponds to our word "wife." But there is no magic in a name, and if the relation there existing between men and women is not the relation which in Christendom we recognize and intend by the words "husband" or "wife," but another and altogether different relation, the use of a common term to express these two separate relations will not make them one and the same, though it may tend to confuse them to a superficial observer. The language of Lord Brougham, in Warrender *vs.* Warrender, is very appropriate to these considerations:

"If, indeed, there go two things under one and the same name in different countries, if that which is called marriage is of a different nature in each, there may be some room for holding that we are to consider the thing to which the parties have bound themselves according to its legal acceptance in the country where the obligation was contracted. But marriage is one and the same thing substantially all the Christian world over. Our whole law of marriage assumes this; and it is important to observe that we regard it as a wholly different thing, a different status from Turkish or other marriages among infidel nations, because we clearly should never recognize the plurality of wives and consequent validity of second marriages, standing the first, which second marriages the laws of those countries authorize and validate. This can not be put on any rational ground except our holding the infidel marriage to be something different from the Christian, and our also holding the Christian marriage to be the same everywhere. Therefore all that the courts of our country have to determine is whether or not the thing called marriage, that known relation of persons, that relation which those courts are acquainted with and know how to deal with, has been validly contracted in the other country where the parties professed to bind themselves. If the question is answered in the affirmative, a marriage has been had; the relation has been constituted; and those courts will deal with the rights of the parties under it according to the principles of the municipal law which they administer. Indeed, if we are to regard the nature of the contract in this respect as defined by the *lex loci*, it is difficult to see why we may not import from Turkey into England a marriage of such a nature as that it is capable of being followed by and subsisting with another, polygamy being there the essence of the contract."

Now, it is obvious that the matrimonial law of this country is adapted to the Christian marriage, and it is wholly inapplicable to polygamy. The matrimonial law is correspondent to the rights and obligations which the contract of marriage has by the common understanding of the parties created. Thus conjugal treatment may be enforced by a decree for restitution of conjugal rights. Adultery by either party gives a right to the other of judicial separation; that of the wife gives a right to a divorce, and that of the husband, if coupled with bigamy, is followed by the same penalty. Personal violence, open concubinage, or debauchery in the face of the wife, her degradation in her home from social equality with the husband, and her displacement as the head of his household are with us matrimonial offenses, for they violate the vows of wedlock. A wife thus injured may claim a judicial separation and a permanent support from the husband under the name of alimony at the rate of about one-third of his income. If these and the like provisions and remedies were applied to polygamous unions the court would be creating conjugal duties, not enforcing them, and furnishing remedies when there was no offense. For it would be quite unjust and almost absurd to visit a man who among a polygamous community had married two women with divorce from the first woman on the ground that in our view of marriage his conduct amounted to adultery coupled with bigamy. Nor would it be much more just or wise to attempt to enforce upon him that he should treat those with whom he had contracted marriages in the polygamous sense of that term with the consideration and according to the status which Christian marriage confers.

If, then, the provisions adapted to our matrimonial system are not applicable to such a union as the present, is there any other to which the court can resort? We have in England no law framed on the scale of polygamy or adjusted to its requirements. And it may be well doubted whether it would become the tribunals of this country to enforce the duties (even if we knew them) which belong to a system so utterly at variance with the Christian conception of marriage, and so revolting to the ideas we entertain of the social position to be accorded to the weaker sex.

This is hardly denied in argument, but it is suggested that the matrimonial law of this country may be properly applied to the first of a series of polygamous unions; that this court will be justified in treating such first union as a Christian marriage, and all subsequent unions, if any, as void; the first woman taken to wife as a "wife" in the sense intended by the divorce act, and all the rest as concubines. The inconsistencies that would flow from an attempt of this sort are startling enough. Under the provisions of the divorce acts the duty of cohabitation is enforced on either party at the request of the other, in a suit for restitution of conjugal rights. But this duty is never enforced on one party if the other has committed adultery. A Mormon husband, therefore, who had married a second wife would be incapable of this remedy, and this court could in no way assist him toward procuring the society of his wife if she chose to withdraw from him. And yet, by the very terms of his marriage compact, this second marriage was a thing allowed to him, and no cause of complaint in her who had acquiesced in that compact. And as the power of enforcing the duties of marriage would thus be lost, so would the remedies for breach of marriage vows be unjust and unfit; for a prominent provision of the divorce act is that a woman whose husband commits adultery may obtain a judicial separation from him. And so utterly at variance with Christian marriage is the notion of permitting the man to marry a second woman, that the divorce act goes further, and declares that if the husband is guilty of bigamy as well as adultery it shall be a ground of divorce to the wife. A Mormon, therefore, who had according to the laws of his sect, and in entire accordance with the contract and understanding made with the first woman, gone through the same ceremony with a second, might find himself in the predicament, under the application of English law, of having no wife at all; for the first woman might obtain divorce on the ground of his bigamy and adultery, and the second might claim a decree declaring the second ceremony void, as he had a wife living at the time of its celebration; and all this without any act done with which he would be expected to reproach himself, or of which either woman would have the slightest right to complain.

These difficulties may be pursued further in the reflection that if a Mormon had married fifty women in succession, this court might be obliged to pick out the fortieth as his only wife and reject the rest. For it might well be that after the thirty-ninth marriage the first wife should die, and the fortieth union would then be the only valid one, the thirty-eight intervening ceremonies creating no matrimonial bond during the first wife's life.

Is the court, then, justified in thus departing from the compact made by the parties themselves? Offenses necessarily presuppose duties. There are no conjugal duties but those which are expressed or implied in the contract of marriage. And if the compact of a polygamous union does not carry with it those duties which it is the office of the marriage law in this country to assert and enforce, such unions are not within the reach of that law. So much for the reason of the thing.

There is, I fear, little to be found in our books in the way of direct authority. But there is the case of Ardaseer Cursetjee *vs.* Perozeboye, in which the privy council distinctly held that Parsee marriages were not within the force of a charter extending the jurisdiction of the ecclesiastical courts to Her Majesty's subjects in India, "so far as the circumstances and occasions of the said people shall require." And the following passage sufficiently indicates the ground upon which the court proceeded: "We do not pretend to know what may be the duties and obligations attending upon the matrimonial union between Parsees,

nor what remedies may exist for the violation of them; but we conceive that there must be some laws or some customs having the effect of laws which apply to the married state of persons of this description. It may be that such laws and customs do not afford what we should deem, as between Christians, an adequate relief; but it must be recollected that the parties themselves could have contracted for the discharge of no other duties and obligations than such as from time out of mind were incident to their own caste, nor could they reasonably have expected more extensive remedies, if aggrieved, than were customarily afforded by their own usages."

In conformity with these views the court must reject the prayer of this petition, but I may take the occasion of here observing that this decision is confined to that object. This court does not profess to decide upon the rights of succession or legitimacy which it might be proper to accord to the issue of the polygamous unions, nor upon the rights or obligations in relation to third persons which people living under the sanction of such unions may have created for themselves. All that is intended to be here decided is that as between each other they are not entitled to the remedies, the adjudication, or the relief of the matrimonial law of England.

Hyde was a Mormon, and he married a Mormon woman. After living some time in Utah he went to England. Remaining there for some while he renounced his Mormon religion and wrote to his wife to come to him. She declined to do so; and failing to come to him he petitioned the court for a divorce from the woman whom he had married. The court after long argument pronounced the opinion I have read, and said that Mr. Hyde was not married enough even to come into the court.

It will be seen that we have proceeded upon a quasi-recognition of the one marriage, the first marriage, without inquiring when, how, or under what circumstances it was contracted; but I am of the opinion that we should have had less trouble with this difficulty if we had begun at the root of the matter as portrayed by that opinion and by the text-books everywhere that treat upon the subject. I find that in the later edition of Kent, by Mr. Holmes, he cites this case with approbation.

Taking the words of the court that a marriage in Christendom is an engagement and a contract between one man and one woman for life to the exclusion of all others, we come then in regular succession to the groundwork for the principle of law that was cited yesterday by the Senator from Georgia [Mr. BROWN], and also by the Senator from Missouri [Mr. VEST], and probably other Senators, that marriage is a contract entered into and executed by one man and one woman to the exclusion of all others, wherefore the common law, that grandest production, in my opinion, of man anywhere in the history of the world, avows the rule which was cited, and which of course must be the rule. It is the rule with a view to the particular circumstances and the particular cases. I wish to call the attention of the Senate to the rule again, so that there can be no misapprehension about it, as laid down in 1 Greenleaf, sectional page 334:

The rule by which parties are excluded from being witnesses for themselves applies to the case of husband and wife; neither of them—

That is, neither husband nor wife—

being admissible as a witness in a cause, civil or criminal, in which the other is a party. This exclusion is founded partly on the identity—

As was said here yesterday by the Senator from Kansas—

of their legal rights and interests, and partly on principles of public policy which lie at the basis of civil society.

That is, the one man and the one wife. As Paul said to Timothy, when he was discoursing about the qualities and qualification of a good bishop, he should be the husband of only one wife. That is what this principle means here, that it is the one wife or the one husband, and not the one husband and a multitude or herd or drove of wives. That is the principle the law contemplates.

For it is essential to the happiness of social life that the confidence subsisting between husband and wife should be sacredly protected and cherished in its most unlimited extent, and to break down or impair the great principles which protect the sanctities of that relation would be to destroy the best solace of human existence.

That is the rule; but Senators must not wander from the proposition that it is the one husband and the one wife in marriage legally contracted, because we all know that in a trial for bigamy the second wife is a competent witness, upon the principle that the marriage is void, that there is no marriage. Now turn to sectional page 343:

Exceptions to the rule of exclusion.—To this general rule, excluding the husband and wife as witnesses, there are some exceptions, which are allowed from the necessity of the case, partly for the protection of the wife in her life and liberty, and partly for the sake of public justice. But the necessity which calls for this exception for the wife's security is described to mean "not a general necessity, as where no other witness can be had, but a particular necessity, as where, for instance, the wife would otherwise be exposed, without remedy, to personal injury."

Thus, a woman is a competent witness against a man indicted for forcible abduction and marriage, if the force were continuing upon her until the marriage, of which fact she is also a competent witness; and this, by the weight of the authorities, notwithstanding her subsequent assent and voluntary cohabitation; for otherwise the offender would take advantage of his wrong. So she is a competent witness against him on an indictment for a rape committed on her own person, or for an assault and battery upon her, or for maliciously shooting her. She may also exhibit articles of the peace against him, in which case her affidavit shall not be allowed to be controlled and overthrown by his own. Indeed, Mr. East considered it to be settled that "in all cases of personal injuries committed by the husband or wife against each other, the injured party is an admissible witness against the other." But Mr. Justice Holroyd thought that the wife could only be admitted to prove facts which could not be proved by any other witness.

We shall see a little further on that this is precisely this case, that there is no possible way in nine cases out of ten of reaching the testimony to enforce section 5253 except upon the recurrence of testimony of this character. But further:

The wife has also, on the same ground of necessity, been sometimes admitted as a witness to testify to secret facts which no one but herself could know.

That overthrows the amendment propounded by the Senator from Missouri.

Thus, upon an appeal against an order of filiation, in the case of a married woman, she was held a competent witness to prove her criminal connection with the defendant, though her husband was interested in the event.

We find these rules based upon the idea existing in a state of society where there is but one husband and but one wife in a legal marriage. Never under the common law, never under any system of laws, never under any modification of the common law in any of the States of this country could it possibly apply to any other state of society than that made up by the association of one husband and one wife, according to this English authority and from that down to the present day and running even far back of that.

This is a very important question, none could be more so, and of course we all are desirous of getting at the real true merits of it. It looks to me, though, with due deference to the opinion of all gentlemen, as something of a burlesque, as something of the ridiculous, as something of a farce for persons to contend that the sanctity this rule speaks of, this solace of society, is to be protected when in punishing a man for violating one of your own statutes, going on a crusade against this most sacred of all the relations of life upon which society is built, you fly back and say, "No, no; you can not examine my first wife or wife No. 2, as the case may be, because that breaks up the social confidence existing between her and myself," while that same confidence is enjoyed by him with a herd or drove or multitude of others. To protect this confidence between one husband and one wife, the law speaks out in language that can not be misunderstood, and you must go to another system of law besides the common law, besides the modifications of the common law in the States, to find where it is protected in the person of one man with a multitude or a multiplicity of wives.

What I mean to say is that section 5352 was passed for the purpose of protecting this sanctity, and yet Reynolds, or Miles, or Mills, as the case may be, is indicted for having two or three or more wives, and you are met with the plea, "No; you intrude upon the sanctity and the solace of the family if you examine wife No. 1 in reference to this matter," and he is engaged, as I said before, in a crusade against this very solace and this very confidence that the common law said should exist and be preserved inviolable.

But we have the exception. Take even the modification of Mr. East's doctrine as interpreted by Mr. Justice Holroyd, that in every case the wife should be a witness where the facts can not be proved by any one else. Here this wife No. 1, for I shall not call her a legal wife if the marriage is contracted according to the doctrine and ritual of the Mormon Church, is virtually deserted for other wives. You can examine her now in the courts if the husband were to assault her with a cudgel or if he were to horsewhip her, or for cruelties, according to the books, visited upon her by him in secret where no one could see them; but here the greatest of all evils is perpetrated upon her if she is a *bona fide* wife, and yet she can not be heard to complain. That will not hold water, Mr. President. The rule of the law is not without its reason. The reason of the law in this case ceasing, the law itself must cease. In looking up the very cases that are cited by Greenleaf in his notes I have selected one. It has as high authority as Chancellor Walworth, and is found in 8 Paige's Chancery Reports, in The People *vs.* Mercein. After discussing the question in its general bearings, to which I have alluded, the court says:

This question therefore being still unsettled by any judicial decision, it remains for me to determine whether the present case comes within the spirit of the exceptions to what is admitted by the counsel for both parties to be the general rule of law. The exceptions to that rule do not always proceed upon the ground that the wife has a direct personal interest in the question as to which she is called upon to give evidence. Indeed, with the exception of the single case of her applying for surety of the peace against her husband, it can hardly be said she had a personal interest in the decision of the suit against him in those cases where she has been permitted to give evidence. She is permitted to be a witness in most of the cases excepted from the general rule, from principles of public policy, in order that he may be restrained from committing outrages against her, in the retirement of the family circle, under the supposition that he may do so with impunity. Whenever, therefore, the policy or necessity of admitting her as a witness against her husband is sufficiently strong to overbalance the principle of public policy upon which the general rule of exclusion is based, she ought to be received as a witness, if she has no personal interest adverse to his which would of itself form a ground for her exclusion.

In the United States courts and in all the States, I believe, parties are no longer excluded as witnesses on the ground of interest. I think this adjudication settles clearly and upon the best possible ground this principle. Now, is there a public necessity, is there a public policy at the bottom of this that will override this strict rule of law? I shall not call it a strict rule of law, but a beneficent rule of law, applied as it was intended to be to a certain state of case that does not exist here. Here all hands are agreed that this crime should be suppressed. We have agreed furthermore that some desperate measure, or what would otherwise be called a desperate measure, should be resorted to in order to suppress it. When it is laid down by the books that for assault and battery or for interfering with her liberties in an undue way the

husband can be testified against by the true and lawful wife, I can not see why if you admit that there is a lawful wife here she can not give her testimony to protect this the most sacred of all rights. It is upon this idea that the law, the subsequent amendments and the subsequent supplements to it, are based.

It would be curious for Senators to examine carefully, as I think I have done, the procedure, this mummery, this jugglery, this hocus-pocus that is called a marriage there. It is committed in secret. Secrecy is sworn upon them in advance, and very often the parties who are joined in this adultery, for that is all it is, or fornication, if you choose to call it so, are not seen by the priest or by the officer performing the ceremony. In many instances no one witnesses the ceremony but the two parties themselves. Then, according to the interpretation put upon this rule by Justice Holroyd, how are you to get at the testimony except by the evidence of the wife?

It will be observed that we have no common law of the United States. We have it in different States by adoption to a certain extent, modification, &c., but there is no common law of the United States. When the Federal judges in the States take up a proposition that turns upon the common law, they construe it according to the common law as adopted in the States; but the United States have never adopted any common law. We are legislating now for a Territory in which we have full jurisdiction according to repeated adjudications of the Supreme Court, over which we exercise both Federal and State authority, so to speak. We are making a rule of evidence in the courts of that Territory. We can take the common law or not, as we choose. We can make a new rule or we can make a modification of the common law; we may do what we please in that respect. This is proposed as a rule of evidence in the courts of the Territory. There is no common law in the Territory save and except only that which Congress puts there or tolerates there by the local legislation.

But we see that the rule has been relaxed in the States, as was shown by the evidence produced by the Senator from Massachusetts and as stated by Senators from different States yesterday; yet some Senator, I do not know who, says that no State has gone so far as to enact the rule that this bill contends for. I rather suppose he is right and that there is very good reason for it. The reason for it is easily seen. In the States where marriages are performed there is no such hocus-pocus and presto change, now you see it and now you do not, as is practiced in the Territory of Utah through the teachings and the conscientious teachings, so to speak, of the Mormon Church. The States require different formulas. Some of them require witnesses besides the parties, and some go so far as to require absolute certification upon the public records of the marriage, without which there is no marriage. But there are plenty of ways to establish and prove the marriage, as Senators will see when they look at the different cases reported in the supreme courts of the States. That is the reason why this rule has never been enacted by any of the States; but the cruelty that is in private, or the intrusion upon the liberty of the wife, which is known to no one but her and her husband, according to the authorities, may be established and proved by the wife, because, as said by the authorities, both by Chancellor Walworth and by Justice Holroyd, there is no other way of establishing it, and the public policy of putting an end to these crimes, whatever they may be, overrides the rule.

Mr. VEST. I should like to ask the Senator a question. I wish to understand him. I understand him to say now that this proposed legislation ought to be sustained because there is no witness to the marriage except the woman herself. I understand the proposition to be, not to permit the polygamous wife or woman, whatever you may term her, the concubine, if the Senator pleases, to testify, but the legal wife or first wife. That is the express language of the bill. She does not witness the subsequent marriage, because the Senator himself said that nobody is present except the man and woman between whom this hocus-pocus and juggling takes place. How, then, can the rule be sustained upon the doctrine the Senator invokes, when the lawful wife can not be there and the law only applies to her and not to the polygamous one?

Mr. GARLAND. The concubine, because that is the proper name to give her when you come to a second one, may testify anyhow; and I stated the law for that. There is nothing in the question propounded by the Senator from Missouri, because before you can convict a man of being twice married you have got to prove that he has been once married. So it is the first marriage I am after as establishing what is called the lawful wife.

Mr. VEST. If the Senator will permit me, my amendment provides that the lawful wife shall be a competent witness as to the fact of the marriage.

Mr. GARLAND. Yes; and then it proposes to make changes which the exceptions in Greenleaf show are permissible. The Senator quoted Greenleaf yesterday with considerable good taste; I thought so at least; and I am quoting Greenleaf. I want the whole story told by the lawful wife and the concubine, too.

Mr. VEST. The lawful wife was not present at the second marriage.

Mr. GARLAND. She went through the ceremony of a marriage, and you have got to prove a second marriage.

Mr. VEST. I understood the Senator from Arkansas to state that nobody was present at the polygamous marriage except the parties who were married, that all were excluded except the minister or priest who was performing it and the man and woman who were married.

Mr. GARLAND. And very often, as I see in looking over the history of the ceremony, the priest himself does not see the parties, but administers the ceremony or service or whatever you call it from a cellar or screen or something of that sort. So there is no difficulty in the proposition. We have to prove that the man has been married once and twice. The first is an unlawful marriage, and is so by all the laws of Christendom. I do not say that a Mormon can not marry a Mormon woman upon a different ritual and by a different procedure legitimately; I do not contend for that; but according to the doctrine in the English case I read, and it runs through all the books, that is an unlawful marriage. But we are relegated to certain cases under section 5352 by a quasi-recognition of some marriage.

I say the necessity for this legislation exists in the peculiar way of performing the ceremonies, and the only reason why no State has ever enacted it is because the ceremonies can be got at, they have more publicity given to them, more means of getting at them than there is in this shrouded and mysterious way of juggling that we have in that Territory.

This whole ground has been gone over. We fortunately are relieved of any difficulty about this matter if it was anything like a question *de novo* here. In the case of Miles *vs.* The United States, in 103 United States Supreme Court Reports, the Supreme Court were of the unanimous opinion, after discussing several of these propositions as to the remedy, in reference to the testimony of the first and second wife, or whatever you may choose to call them. Finding that the testimony offered against Miles was not competent, what does the court say? Here I may state the fact that I believe not more than three or four convictions have been had under section 5352. Why is that? It is because of the obscurity hanging around the performance of these so-called ceremonies; it is because of the secrecy attending them. Not even by midnight lanterns are they performed. Finally the Supreme Court, after having this question before it repeatedly, seems to have quit in despair and says:

> It is made clear by the record that polygamous marriages are so celebrated in Utah as to make the proof of polygamy very difficult.

I desire the attention of my friend from Delaware [Mr. BAYARD], who has I believe some convictions adverse to me upon this subject. Says the court:

> They are conducted in secret, and the persons by whom they are solemnized are under such obligations of secrecy that it is almost impossible to extract the facts from them when placed upon the witness-stand.

I am reading from the record in the case of Miles *vs.* The United States:

> If both wives are excluded from testifying to the first marriage, as we think they should be under the existing rules of evidence, testimony sufficient to convict in a prosecution for polygamy in the Territory of Utah is hardly attainable. But this is not a consideration by which we can be influenced. We must administer the law as we find it.

The court was administering the law in this case according to the rules of testimony in the Territory of Utah by its Legislature, with the common-law rule modified, changed, or what not, and they found that incompetent to permit the testimony that was offered here, and said that under the rules of evidence a conviction is scarcely attainable. Say the court further:

> The remedy is with Congress, by enacting such a change in the law of evidence in the Territory of Utah as to make both wives witnesses on indictments for bigamy.

That is the closing sentence of the case. With this statute standing upon the statute-book for thirty-two years, we have had, I believe, three convictions, one to every ten years and a fraction over, and the Supreme Court at last says before you can reach this secret ceremony, before you can establish it, Congress must enact a law such as we now propose to enact.

If you make the right to testify merely permissible on the part of the wife, owing to the situation of affairs there, it amounts to nothing at all toward reaching the end of the statute. You might just as well in the old days of slavery have said in a statute in the States in which that institution existed, that a slave might, if he thought proper, testify against his master in any case. You would not have found one who would dare to do it. Here in this system of slavery and polygamy combined in the Territory of Utah, if you make it permissible on the part of the wife to testify, she never will testify because it would be worth more than what is called family felicity, it would be worth her life to do it. Now, after long years of traveling in this direction, we have come to the point indicated by a unanimous Supreme Court, and that is the law now proposed by the Committee on the Judiciary. I think it is better than any amendment proposed, and I favor the section as it stands. I have given my reason for these views, and I will follow the very path laid down by the Supreme Court, which has been agitated by the question repeatedly ever since the statute of 1862 has been upon the statute-book.

Mr. LAPHAM. Mr. President, it is twenty-eight years since a political party just in the process of formation and organization in this Republic declared its undying hostility to "those twin relics of barbarism, polygamy and slavery," and pledged itself to an "unceasing warfare" until they were extinguished from the land.

Slavery is gone; polygamy still lingers, a blot upon our civilization.

The object of this bill is to aid, so far as the legislation of Congress can furnish that aid, in the extinguishment of that great evil in the Territory of Utah or other Territories of the United States.

It is strange to me that opposition to this measure should be invoked in the name of the common law—the common law which I suppose to have been based first upon the principles of justice and morality, and secondly upon the principles of necessity and public policy. The rule of the common law that husband and wife should not be witnesses for or against each other is invoked here as an obstacle to the exercise of the authority of Congress in this bill or in any other bill upon this subject.

Mr. President, this rule of the common law was adopted long before Joe Smith, as he claimed, dug out of a gravel pit in my Congressional district the plates upon which were the revelations to "the saints," and which was the basis of the Mormon bible, or Book of Mormon. The institution based upon this alleged revelation was an enormity and an absurdity at the outset, an enormity, as was very clearly shown in those terrible crimes, the Mountain Meadow massacre, which for atrocity, duplicity, and inhumanity is hardly equaled in the history of the civilized world.

Polygamy was no part of the system of Mormonism as organized by Joseph Smith and based upon the Mormon bible. Polygamy is a fungous growth upon that system, adopted undoubtedly as a basis for an appeal to the lower and grosser passions of mankind in order to secure proselytes to that faith from both sexes. It was no part of the system of Mormonism as originally established and as contained in the Mormon creed. It was denounced in the Book of Mormon, if I remember correctly.

Now, sir, I should be as reluctant as any other Senator on this floor to interfere with the cardinal rules of the common law in our legislation as they have been sanctioned by the wisdom and usage of ages. But what is the history of this country in this respect? Ours is a Government of written constitutions and laws, not of usages. Modifications of the common law from time to time have been made by statutory enactments, and are continually being made, by which the useless, unnecessary, and to us absurd and unwise provisions of that law are swept away by legislation. At common law neither husband nor wife could be witnesses for or against each other, except in cases of violence to the person, as is now claimed, nor could parties to civil actions be witnesses, nor could any person interested in the event of a controversy be a witness, nor could any person be a witness who was a party in a criminal proceeding.

What has been done in these respects? We have entirely abolished the rule that no person interested in the event of a suit shall be allowed to testify. We have entirely abolished the rule that the parties to actions should not be permitted to testify. We have abolished the rule that a man accused of crime should not be permitted to testify. Much more sweeping propositions than those which are made in the bill under consideration have been enacted and are recognized as fundamental and necessary principles of American jurisprudence at this time.

It has been found necessary, it has been deemed advisable in the administration of justice to seek for the truth wherever it can be found in the breast of a party, in the breast of the person most interested, in the breast of the person accused of crime. It has been thought proper in the administration of justice to allow every person having knowledge in respect to a controversy to give his testimony, and leave the court and jury to determine the weight which shall be given to it. I hear no complaint of these advances and reformations of the rules of the common law; on the contrary, they are universally approved and commended by all wise men, by judges, and by the profession.

Now, Mr. President, what does this bill propose? An entire abrogation of the rule of common law? Not at all. An abolition of the rule that husband and wife shall not be witnesses for or against each other? Not at all. This section simply provides that in regard to this particular class of offenses in the Territories of the United States the rule of the common law shall be modified, and husband and wife may be called as witnesses and compelled to testify. It is a mere modification of it as to what I have termed this fungous growth upon the original theory of Mormonism in respect to their tenets as a religious organization. It is to meet that, and that only; for the provision of the section is that "in any prosecution for bigamy, polygamy," &c., in that class of cases the husband and wife may be permitted and compelled to testify.

There is no interference arbitrarily with the general rule; there is no occasion for it; but there is a great necessity growing out, as has been already well said, of the secret manner in which marriages have been and are solemnized in that Territory, and the absence of evidence to establish such marriages. There is a necessity for legislation of this kind in order to reach this evil. I confess I am unable to see why any Senator who reveres the theory of the common law, who admires the system and adheres to its doctrines—why any man who is in favor of the destruction of polygamy should hesitate in giving this necessary legislative relief. It is only, I repeat, in regard to a single particular that this testimony is made admissible and compellable. If the first and lawful wife consents to a second and polygamous marriage, she ought to be compelled to testify. If it is against her will and consent, she ought to be permitted to do so.

I trust, therefore, that neither the amendment to this section which has been offered, limiting the right of the wife to testify as to the first marriage, nor the other amendment which has been proposed will receive the sanction of the Senate, but that this first section of the bill will be adopted by the Senate as it has come from the Committee on the Judiciary.

Mr. MORGAN. Mr. President, the first section of the bill is not applicable alone to the Territory of Utah, to Mormons or other persons who profess to connect Christianity with polygamous practices. It seems to be universal in its application.

> That in any proceeding and examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation.

The case has been argued here entirely upon the supposition, as I understand it, that there is some necessity for this very stringent rule in order to get at the secrets of Mormon marriages. The Senator from Arkansas [Mr. GARLAND] informed us that they were conducted in secrecy, and not even the light of a dark lantern was allowed to shine upon them; that a priest officiated behind some screen or veil, and was not permitted often to see the persons who were making the contract before him.

That does not apply to a lawful marriage, and it makes no difference if it does apply to a lawful Mormon marriage; the amendment offered by the Senator from Missouri makes the wife a competent witness for the purpose of proving the first marriage, the lawful marriage, and puts her under the power of the law so that she can be compelled to attend court and testify to the lawful marriage. The secrecy, therefore, which may attend the subsequent relations or pretensions of marriage between a Mormon and his subsequent alliances seems to have no effect upon the proposition as it is now before the Senate.

We are not trying by this feature of this bill to remove the difficulty of proving the second marriage, as I understand the argument of the Senator from Arkansas, but to remove the difficulty of proving the first marriage; and the amendment of the Senator from Missouri expressly makes the wife a competent witness to prove the first marriage, and puts her under the power of the law so that she can be compelled to testify to it.

Now, I maintain that that is as far as we ought to go in reversal of the laws as they have been recognized in Christendom. It is very true that no court in the United States, whether a State court or a Federal court, has any authority under the common law or under any statute to recognize a bigamous or polygamous marriage as being in any sense valid. That has not been done in any court except by an act of Congress. The Congress of the United States is the only body, so far as I know, that has ever directly and in terms recognized a bigamous or polygamous marriage as being in any sense valid, and it did so in what is called the Edmunds act by providing that the issue of such marriage should be legitimate. I read the seventh section:

> SEC. 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the 1st day of January, A. D., 1883, are hereby legitimated.

This body, therefore, is the only one, I think, in Christendom that has ever admitted the fact upon the face of the statute itself that a marriage could be bigamous or could be polygamous and could be valid to any extent whatever. But this body and the party of which the Senator from New York was speaking so boastfully as having placed its feet upon the twin relics of barbarism, slavery and polygamy, have made a distinct recognition of the legitimacy of a Mormon marriage so far as to make the relationship between the children and their parents one entirely legal, bearing with it all manner of rights of property and protection of every kind.

After we have tried that system, it appears that we must revoke it, we must take a different ground, we must take higher ground than we have done heretofore, and not only must we take higher ground in reference to Mormon marriages and bigamous and polygamous marriages generally, but in reference to all acts of that kind wherever perpetrated in the United States of America. Now, I maintain that it is not necessary that we should go to that extent.

The Senator from New York in the remarks which he has just submitted to the Senate attempts to characterize all those who oppose this feature of this bill as being engaged in an attempt to break down the bill itself. Disclaimers have been made by Senators who have argued this question in respect of the toleration of polygamy and bigamy; and they have also said, and I now say on my part, that I am anxious to enact any law that Congress has authority to enact which will reach this evil and expurgate it. I do not hail from a section of country that is responsible in any social sense for Mormonism or polygamy. No such ism or error as that ever sprang up in Southern society, any more than slavery had its origin there.

The honorable Senator from New York represents a State that tolerated the Oneida Community right in the very bosom of the Commonwealth for a great many years and had to wait until Mr. Noyes and his associates, his free-lovers, consented of their own accord to break up that illegitimate and scandalous community that they had in New York

before the State could touch it. They acted very wisely in that matter. They allowed public opinion to destroy the Oneida Community. They did not undertake by harsh statutes, such as we are enacting here, to put the heavy hand of the law upon those people who plead at least that they were influenced by religious convictions in their association in the Oneida Community in New York. They enacted some statutes for its suppression, but they were more in the direction of persuading the dissolution of that community than of compelling it by the iron hand of law; and I have very serious doubts as to the policy of the measure we are enacting now. At the same time I mean to go along with the Committee on the Judiciary in the enactment of any system of laws which they believe to be essential to the extermination of polygamy, provided that in doing so we do not break down the boundaries of society and of civil institutions in this country.

Now let me call to the attention of the Senate the power that we place in the hands of any man in the District of Columbia who may choose to scandalize, to worry, and to annoy a family in the city of Washington under this statute. I read:

> The lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be.

A man goes before the grand jury of the District of Columbia to bring an accusation against a married man in this District of illicit cohabitation, of bigamy or polygamy. He summons the wife of that man to the grand jury room, and says to her: "Madam, what do you know about the conduct of your husband? You are compelled to go, you are obliged to testify, whether you know anything derogatory to the character of your husband or not." And this party who chooses to put the prosecution on foot can take any woman out of any house in the District of Columbia and march her into court and compel her to testify upon her oath in respect to the conduct of her husband. I maintain that as we are here for the purpose of legislating in order to suppress a particular evil in a particular place, called Mormonism or polygamy in Utah, we ought to confine the operation of the bill to that Territory and to that sect, and not come in here with a universal bill which enables any malicious person who chooses to do it to compel the wife of any citizen residing in the District of Columbia or in any Territory of this Union to go into a Federal court and to give her testimony, in spite of her protests, against her own husband and against the honor and sanctity of her own family.

Reformers, Mr. President, sometimes neglect necessary restraints when they set out for the purpose of accomplishing their ends. They sometimes forget the boundaries which the law and which the experience of mankind have thrown around communities and around individuals for the protection of the most sacred rights and relations in society; and it seems to me that the Senate Committee on the Judiciary, animated by an earnest and I grant you a proper desire to extirpate Mormonism from the Territories, have brought in in the first section of this bill a measure which, if we should enact it, would destroy not only every idea that we have ever entertained of the principles through which the common law has regulated the relations of husband and wife, but it will expose society in this country to the outrageous interference of any person in the world who may choose to turn an enemy against any man and against his family.

I will never vote for a bill which exposes every married woman in the District of Columbia to the power of subpœna to be carried before the grand jury of this District to testify as to the conduct of her husband in respect to his relations to her; and although the committee may not have thought it was necessary to guard this bill in the particular I have mentioned, yet they have come in with this broad proposition, and Senators who are able lawyers get up to defend it in its broadest extent before the Senate, and that, too, as they say, upon authority—authority which consists in a series of books that have been read which do not really bear upon the question.

There has not been a State in the American Union which has so far relaxed the rules of evidence as to put the wife of any married man in the United States in the power of an informer and compel her to go before a grand jury and testify in regard to the marital conduct of her husband. That degree of relaxation is left to the Congress of the United States, which, while it relaxes in the direction that I speak of and withdraws all protection from society of the character to which I refer, at the same time in the Edmunds act itself legitimated the issue of bigamous and polygamous marriages; calls them bigamous and polygamous marriages in the very act itself.

Now, let us have some respect for our own consistency. I will go along with this committee in their efforts to extirpate polygamy among the Mormons. That is the object we are trying to accomplish; but in doing that I am not to be expected to break down all the barriers of the common law which surround individuals and societies in this country and to expose the people of this land to the impertinent and intrusive influence of those thousands of pimps and informers who swarm around the capital of the United States; for God knows there never was a community, I do not care where you find it in the world, where there is so much of heartless, malicious, and impertinent interference with private character and private rights as there is in the District of Columbia. No man's wife is safe in this community and no man is safe in this community if you put the power in the hands of these pimps and informers to cause a lady to march into the grand-jury room and there to testify as to the conduct of her husband. It makes no difference what may be the purity of his character or the elevation of his station, he can not shield himself from the blackmailers, who will come with subpœnas in the hands of officers moved by these people for the purpose of dragging their wives to the grand-jury room to testify about their family affairs.

Sir, I protest that there is no occasion for such radical legislation as this on this bill. It ought to be modified. The amendment offered by the Senator from Missouri is an amendment which is exactly in place. It admits the competency of the wife to testify against her husband for the purpose of proving the fact which the Senator from Arkansas says is so important to be proved, the first marriage; whether it took place in secret or openly makes no difference. His amendment makes her a competent witness for that purpose, and there her competency ceases.

Mr. VAN WYCK. Mr. President, I desire now to present substantially the amendment which I proposed yesterday. I offer it now as an independent section.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Chair will state to the Senator that there is an amendment pending.

Mr. VAN WYCK. Let mine be received now.

The PRESIDING OFFICER. The amendment will be received and read for information, to be offered when in order.

The SECRETARY. It is proposed to add as an additional section the following:

> SEC. 25. The board of five persons created by section 9 of the act of 1882, is hereby abolished, and all the duties to be performed by said board shall be performed by a board of three officers of the Army of the United States, to be detailed for that purpose by the President, a majority of whom shall be a quorum.

Mr. VAN WYCK. Mr. President——

Mr. HOAR. May I suggest to my honorable friend from Nebraska, as I suggested yesterday, that we should dispose of the pending amendment before entering into debate on anothor question? Why get two subjects mixed up?

Mr. VAN WYCK. If there be a possibility of the bill being concluded to-night I very much prefer to have this amendment offered so that some attention can be given to it. The amendment under discussion now——

Mr. HOAR. I presume we can have a vote upon it.

Mr. VAN WYCK. If we can have a vote on the amendment of the Senator from Missouri I do not care to press mine now.

Mr. HOAR. I intended to say something on the amendment of the Senator from Missouri, but I will forego that in order to get a vote as soon as possible. There is no question that there will be abundant opportunity to have the amendment of the Senator from Nebraska disposed of this afternoon; but I should like to have the pending subject, which has been discussed so fully, disposed of, and then we can take up his amendment and have it debated.

Mr. VAN WYCK. If it is intended to continue the discussion longer on that amendment I thought perhaps it would be a little relief to have another amendment interposed.

MISSOURI RIVER BRIDGE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

Mr. VEST. I ask the Senate to take up that bill, that I may submit the report of the conference committee and have it disposed of.

Mr. HOAR. I must object to anything until the pending bill is disposed of.

Mr. INGALLS. Conference reports are always in order.

The PRESIDING OFFICER. The Senator from Missouri moves to proceed to the consideration of a conference report. The Chair thinks that is in order.

Mr. HOAR. On what bill is that?

Mr. VEST. The Sibley bridge bill.

The PRESIDING OFFICER. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri."

Mr. VEST. I present the report of the conference committee.

The PRESIDING OFFICER. The Senator from Missouri presents the conference report on the bill the title of which has just been stated.

Mr. HOAR. I inquire of the Senator if he thinks that will occupy any considerable time?

Mr. VEST. Not at all. It will only require the reading of the report.

The PRESIDING OFFICER. The report will be read.

Mr. INGALLS. Has the report from the House been sent forward with the bill?

Mr. VEST. That is here, I understand.

Mr. INGALLS. This is a House bill, as I understand. Is there any message from the House accompanying it?

The PRESIDING OFFICER. There is.

Mr. INGALLS. Then that should be read.

The PRESIDING OFFICER. The message from the House will be first read.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 17, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

The PRESIDING OFFICER. Now, the Senator from Missouri [Mr. VEST] presents the report of the conference committee; which will be read.

The Chief Clerk read as follows:

The conference committee on the part of the Senate and House of Representatives in regard to the disagreeing votes of the two Houses upon House bill 2031, to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, beg leave to submit the following report:

The committee recommend that the Senate recede from its amendment, in line 17 of section 3 of the bill, inserting the words "three hundred" instead of "one hundred and sixty."

That the House of Representatives agree to the Senate amendment striking out the word "of," in line 40 of section 3, and inserting the words "or of the persons or corporation controlling."

That the House of Representatives agree to the Senate amendment in line 44 of section 3, striking out the word "district" and inserting the word "circuit."

That the House agree to the Senate amendment inserting after the word "bridge," in line 6 of section 4, the words "or persons or corporations controlling the same."

G. G. VEST,
WILLIAM P. FRYE,
J. N. DOLPH,
Managers on the part of the Senate.
MARTIN L. CLARDY,
E. W. SEYMOUR,
S. R. PETERS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the conference report.

The report was concurred in.

POLYGAMY IN UTAH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. VAN WYCK. At the suggestion of the Senator from Massachusetts [Mr. HOAR] I withdraw temporarily the amendment I proposed in order that a vote may be taken on the pending amendment of the Senator from Missouri [Mr. VEST].

Mr. CALL. Mr. President, the first section of this bill provides that the lawful husband or wife "may be compelled to testify" in "any prosecution for bigamy, polygamy, or unlawful cohabitation" in "any proceeding and examination."

The Senator from Arkansas [Mr. GARLAND] has insisted that there was but one relation known to the common law, and that is the relation of a single wife or husband. While that is true, it is also true that under no system of law that has ever existed has it been permissible to compel the wife or person standing in that relation to testify in regard to acts of conjugal infidelity. To introduce such a rule is to violate the essential principles on which the relation is founded; and it is no answer to this proposition to say that by the common law the institution of marriage to a single person was the only recognized rule. Imagine, sir, the discord in families when you place in the absolute power of every individual in a community the right to summon the members of that household, the father and the mother to testify against each other in regard to those things that are absolutely disgraceful and destructive of the reputation and character of the family.

Why, sir, to what extent are we going in this insane idea that by law we can create the opinions of the people, that by law we can create morality, that we can disregard the principles of the Christian religion which has made the marriage relation, the relation of one man to one woman, the only recognized order of social and civilized life, that we here invite and place in the hands of all that is vile, of every improper motive, of the scandal-monger, the right to introduce the members of that sacred relation to testify of facts which are absolutely destructive of that relation and scandalous to their offspring? Why, sir, the tribunals of your courts, the record of your divorce cases, will be increased beyond number when you introduce this means of discord, this new means of divorce into the family relation.

But, Mr. President, it is not true that this relation of man and wife, the monogamic relation, a single wife, has been at all times regarded even in modern times as the standard of civil temporal law in Christian countries. Why, sir, I read in a quotation which I will make here from Bishop on Marriage and Divorce, that—

Bigamy, according to the canonists, was not what it is now understood by that offense, but it consisted in marrying two virgins successively, one after the death of the other, or once marrying a widow. 3 Inst. 88. Such were esteemed incapable of holy orders, and by a canon of the council of Lyons (A. D. 1274), Pope Gregory X, were *omni privilegio clericali undati et coerciana fari secularisdicti*. This canon, which was but a provincial one, was, however, adopted and explained in England by 4 Edw. I, st. 3, chapter V, but bigamy, under that statute, was no counter plea to the claim of benefit of clergy, which benefit was not limited to those in holy orders, but extended to all clerks or learned persons.

By 18 Edw. III, chapter II, the plea for bigamy was declared to belong to the Court Christian, and by 1 Edw. VI, chapter XII, section 16, bigamy was declared to be no longer an impediment to the claim of clergy. See *Dalton*, 21; *Dyer*, 201. Thus was the offense of bigamy both restricted in its meaning and application. Bigamy, or polygamy in the sense in which we understand the term of the present day, had never been the subject of legislation, either ecclesiastical or civil, until 1 Jac. I, chapter XI (A. D. 1604), when, for the first time in the history of the world, and in the seventeenth century of the Christian era, it was made a criminal offense. Until then, it was at most the subject of ecclesiastical censure for the soul's health; but, even so, it was the bigamy as defined by the canon and previous statutes. It may be safely said that throughout continental Christendom, where the canon law had full weight, the temporal courts claimed no jurisdiction over such a subject. It was unknown as a crime to the common law of England, for though the canon law forms part of the common law of England, no decree of any ecclesiastical council ever had any force in the realm of England *proprio vigore*.

It is therefore true that the establishment of the monogamous relation of marriage as we understand it was not the work of the common law, nor was it the work of legislation at all. It was the work of the Christian Church; it was the work of the principles of Christianity. It is the great work of the priests, ministers, and teachers, and of the public opinion which it has created. There is no record anywhere of an attempt to create by law the principles of social life which the religion of Christ established as the highest order of civilization until modern times. To-day the statute 6 and 7 Victoria, chapter 85, which enacts the law as interpreted in modern times, provides that—

Nothing herein shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, in any criminal proceeding or in any proceeding instituted in consequence of adultery.

And it may be said to be universally true, with some modifications which are conceded to be in the legislation of the States to-day, that the principle adopted in this amendment of a compulsion on the part of the husband or the wife, at the demand of every member of the community who sees fit to bring a criminal charge, that either shall tell of the acts of infidelity, of the adultery, of the criminal conduct of the one toward the other, is without precedent except in the legislation now proposed. Such a law will be more destructive of the married relation, more conveniently the instrument and means of divorce, more the instrument of malice, jealousy, and revenge, than any enactment that has ever been made. How easy for any man or woman to prefer a charge of improper relations against any man or woman and to compel the attendance of a wife and mother and her testimony as to all the circumstances of her domestic life. The proposition is condemned not only by reason and by all the precedents of law but also by every sentiment of propriety.

PEDESTAL OF BARTHOLDI STATUE.

Mr. BAYARD. Mr. President——

Mr. SHERMAN. Will the Senator from Delaware allow me to make a report? The Senator from New York [Mr. LAPHAM] is very anxious to have action in regard to a joint resolution for the exhibition of a model of the pedestal of the Bartholdi statue which if passed ought to be passed now. I report it back from the Committee on Rules with an amendment to convert it from a concurrent into a joint resolution.

The PRESIDING OFFICER. Does the Senator from Delaware yield?

Mr. BAYARD. Yes, sir.

The PRESIDING OFFICER. The Senator from Ohio reports from the Committee on Rules a resolution which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 13, 1884.

Resolved by the House of Representatives (the Senate concurring), That permission be, and is hereby, granted to the committee of which William M. Evarts is chairman, having in charge the erection of the Bartholdi statue of "Liberty Enlightening the World," on Bedloe's Island, in the harbor of New York, to exhibit in the Capitol, under the direction and subject to the control of the Architect, a model of the pedestal now in process of construction: *Provided*, That the said model shall not occupy a floor-space of more than ten feet square, and shall be removed without expense to the Government whenever required by the Architect of the Capitol.

Mr. SHERMAN. I think there will be no objection to the resolution. The amendment proposed is that the resolution shall be converted into a joint resolution instead of a concurrent resolution. The present statue laws forbid the exhibition of any pictures or statuary belonging to any private individuals in a public building. It is necessary, if this is made an exception, to do it by joint resolution so as to carry the requisite authority.

Mr. INGALLS. Where is it to be exhibited?

Mr. SHERMAN. In the Rotunda.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the resolution may be considered at this time.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. SHERMAN. I ask that it may be read again in full so that Senators may exactly understand it.

The Secretary read the resolution.

Mr. INGALLS. What is the object of encumbering the Capitol of the United States with this model, as proposed in this joint resolution?

Mr. SHERMAN. The object, as I am informed by the members of

the House who send it here, or the main design, is to procure as soon as possible subscriptions for the erection of this work.

Mr. INGALLS. How will the exhibition of this model in the Rotunda facilitate the obtaining of subscriptions?

Mr. LAPHAM. It will show the general character of it.

Mr. INGALLS. Why is it necessary to put it in the Capitol?

Mr. LAPHAM. I can not say as to that. They prefer to make it as public as they can.

Mr. INGALLS. I suppose it is unpatriotic to object to an exhibition of a model of the statue of Liberty Enlightening the World in this Capitol; but I respectfully submit that is carrying advertising a little too far. It is purely an advertisement.

Mr. LAPHAM. Oh, no!

Mr. INGALLS. It is an attempt on the part of the promoters of this scheme, which is for the benefit of New York, as I understand this statue is to be erected in New York Harbor, to advertise it so as, the Senator says, to enable the promoters of the enterprise to obtain subscriptions. We have a miscellaneous assortment of bric-a-brac and objects of "bigotry and virtue," as they were called, I believe, by Mrs. Malaprop, in this Capitol already, some of which I think might be removed without injury to the public taste. But this is certainly an anomaly. There has been no reason given why the public property should be so used, and it seems to me that some other place might be selected by the promoters of this enterprise where this statue could be exhibited. If the Senator from New York sees his way clear to select some other place, I hope he will do so.

Mr. LAPHAM. No other place has been suggested. This is a resolution which passed the House of Representatives unanimously. It is a resolution asked for by Mr. Evarts and his associates, who are engaged certainly not in a profitable but in a very profitless and public-spirited enterprise. It is not solely in the interest of New York or New York Harbor, but it is in the interest of science and of intelligence that this work is to be erected. It will be a great accomplishment if it shall succeed. For a temporary purpose they desire to occupy a small space in the rotunda of the Capitol in exhibiting this model. I trust there will be no objection to it. I do not wish to consume time on it. If the Senator from Kansas desires a vote on this subject, let us have it.

Mr. INGALLS. Oh, no!

Mr. HOAR. I understand this statue is a gift of the French people, and I suppose from the great interest taken by the people of New York it is a very beautiful statue. I know nothing about the merits of the work as a work of art, but I think, considering the relation of this country to the French people and that this was in the nature of a centennial gift, we may as well pay the enterprise this much respect.

Mr. INGALLS. The Senator from Massachusetts adverts to the very great interest felt in this matter in the city of New York. I believe that the pedestal of this statue is to cost perhaps a quarter of a million dollars; but instead of feeling an interest that induces them to pay for this pedestal, many of the citizens of the city being able to draw their checks for the entire amount without feeling it, they have been, as I understand, canvassing the country for subscriptions from all parts and have succeeded in obtaining but a very small proportion of the amount that will be required. But the appeal having been made and as the Senator says the House of Representatives having voted unanimously for it, I know of no reason why it should not be put in the area in front of the Chair here in the Senate Chamber and exhibited there. I make no objection.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Rules which will be read.

The CHIEF CLERK. The amendment of the committee is before the word "resolved" to insert "be it;" after the word "the" to insert "Senate and;" and after the word "Representatives" to strike out "the Senate concurring" and insert "in Congress assembled;" so as to read:

Be it resolved by the Senate and House of Representatives in Congress assembled.

Mr. INGALLS. This is not intended I suppose as the basis of an appropriation by Congress?

Mr. LAPHAM. Certainly not.

The amendment was agreed to.

The joint resolution (H. Res. —) granting permission to exhibit in the Capitol a model of the pedestal of the Bartholdi statue of "Liberty Enlightening the World" was read three times, and passed.

JOHNSTON'S UTAH EXPEDITION.

Mr. PLUMB. On the 3d of June the Senate passed the bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition. I ask unanimous consent that the vote by which that bill was passed may be reconsidered.

The PRESIDING OFFICER. The bill is now in the House of Representatives.

Mr. PLUMB. I will accompany the motion by a resolution requesting the House to return the bill.

The PRESIDING OFFICER. The Senator from Kansas moves that the vote by which the bill referred to by him was passed be reconsidered, and that the House of Representatives be requested to return the bill to the Senate for future action. The question is on the motion to request the House to return the bill.

The motion was agreed to.

The PRESIDING OFFICER. The motion to reconsider will be entered and will be in order for action when the bill is received from the House of Representatives.

POLYGAMY IN UTAH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. BAYARD. Mr. President, there were certain features of this bill reported by the Senator from Massachusetts from the Committee on the Judiciary to which I was unable to give my assent. The first section of the bill provides:

That in any proceeding and examination before a grand jury, a judge, justice, or a United States commissioner, or a court in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be.

I was unable to give my assent to that section; and even after the able argument of my friend from Arkansas [Mr. GARLAND] my views have not changed. In dealing with this question of the government of a Territory and in dealing with a state of facts so alarming as they are which we find there to-day and which unhappily have existed there for the last quarter of a century as the controlling power of one of the Territories and threatening to spread and become the controlling power of others I have been very desirous that the Government of the United States in all its branches, that the two chambers of legislation with all of their varied sentiments as to party politics, should be of one mind and present a single face on this subject. Under the Constitution the power being given to Congress to make all needful rules and regulations respecting the Territory and other property of the United States, and that being coupled with the power in Congress to admit new States into the Union, and in the same association of words the duty being imposed upon the United States to guarantee to every State of the Union a republican form of government, my view has been that there should be one voice, one feeling, one vote among men of all parties in both Houses of Congress that a form of government should not grow up in a Territory which was not republican; that all needful rules and regulations within the power of Congress necessary to prepare that State to be a member of this Union, should be executed without regard to party name or party lines. And therefore it is with regret that I find I am unable to go with the committee who have reported this bill, in some of the features of the measure that they have proposed, and one is the compulsory examination of a lawful husband or a lawful wife against the lawful husband or the lawful wife, where they shall be charged with certain offenses named in the bill.

Mr. President, the honorable Senator from Massachusetts [Mr. HOAR] in introducing this bill stated its intention, using the word "we," I suppose meaning by that himself and those who represent the majority of the people of this country. He said:

We do not mean to have in the heart of our continent a nation grow up under the Constitution of the United States upon the territory belonging to the United States, upon territory over which it is the constitutional duty of Congress to exercise exclusive legislation until the settlers there shall be admitted to the Union as an American State, founded upon the denial of the purity and integrity of the family relation.

In the first place, our power is not the power of "exclusive legislation." The power of "exclusive legislation" is conferred by the Constitution in respect of the District of Columbia. That language is not used in respect of the Territories of the United States, but "all needful rules and regulations" may be made for them. So it has been from the foundation of this Government, since the time the first Territorial government was organized, that Congress has reserved the power in appeal to control, a revisory power over the Territories, and has permitted to them just as much self-government as it was safe and proper in the opinion of the Congress of the United States for them to exercise.

Mr. President, I fear that this definition of the Senator from Massachusetts would lead the Congress of the United States rather to invade the domain of morals and forget the limitations of the domain of law. I prefer to deal with this subject according to our constitutional duty to make the needful rules and regulations and to guarantee to each State of the Union a republican form of government; and in making needful rules and regulations preparatory for the exercise of that other discretion reposed in Congress of admitting these Territories as new States when their population and their circumstances shall warrant it, I think it is manifestly our first duty that none but republican institutions shall exist, none but republican forms of government shall exist; and, standing in the face of what we see to-day, is there any man in this Chamber or out of it who will say that the Church of the Mormons is a republican form or theory of government? It is a priesthood; it is a hierarchy; I will not call it a theocracy; but it is a hierarchy, and it is not either in form or substance, in theory or in practice, a republican form of government.

The Constitution of the United States forbids the existence of a religious test; and an inchoate State, a community forming itself so far as it may under our system for admission into the Union, ought not to be allowed to establish a religious test for the election of its officers; and yet we know as a fact that it is not the Constitution of the United States, it is not the theory of a republic, it is not the principles of free government as contained in the Constitution that form the government of the Territory of Utah or are in the least degree respected by the majority of the inhabitants or by those who control it. Therefore it is in this view that I find my measure of duty and my measure of power to prevent the establishment of a government within the Union which is not in its essence and in its forms a republican government.

Sir, I do not believe that polygamy is consistent with a republican form of Government. Matrimony is an institution, civil and religious, but it is also a political institution. There never has been a day since this was a country, either colonial or State or now cemented into a National Union, a nation of States, when the great law of Christendom as to marriage, the voluntary union of one man to one woman for life, and to none other, has not been the law of every part of this country. There never has been a time when bigamy or polygamy was not punishable by the law of every State of the Union and by the laws of the United States as applied to the Territories.

I say that the institution of polygamy is inconsistent with a republican form of government as expressed under our system. It necessarily involves the degradation of one of the sexes; it involves the inequality of the sexes; it would destroy the equality of the sexes, which is the basis of marriage as understood by the universal law of this country and of that from which we mainly draw our institutions. Matrimony is an institution of society, and it is regulated by the laws of the Government. I do not propose now to pass into a discussion upon the importance to civilization of this tie, this mysterious tie, but I hold that monogamy is an accepted social and political institution of the United States, and, *ergo*, that polygamy is forbidden. How shall we best drive out polygamy but by placing monogamy in its place? And yet it seems to me that this section which I have read is fatal to the very idea of the oneness and the unity that monogamy was intended to create. The absolute identity of interest and of person is the very essence of the marriage, both civil and religious and political, as known to the law of the United States and to the common law.

Mr. President, this relation, with all the profound results that spring from it, has been recognized and respected by the law in all its departments, especially in applying the rules of evidence for the evisceration of truth. There is no writer upon evidence more philosophic and with higher accepted position than Judge Starkie. I should like to read one or two of his declarations upon this subject.

There are—

He says—

also some instances where the law excludes particular evidence, not because in its own nature it is suspicious or doubtful, but on grounds of public policy, and because greater mischief and inconvenience would result from the reception than from the exclusion of such evidence; on this account it is a general rule that the husband and wife can not give evidence to affect each other, either civilly or criminally. For to admit such evidence would occasion domestic dissension and discord; it would compel a violation of that confidence which ought, from the nature of the relation, to be regarded as sacred; and it would be arming each of the parties with the means of offense which might be used for very dangerous purposes.

Until within thirty years there was not to be found a case nor the suggestion that a wife could be examined, either civilly or criminally, in an action where her husband was concerned, except in cases involving her personal safety or the protection of her life. The law of England during the early years of the reign of the present sovereign of that country was largely amended. Two acts, one bearing the name of Lord Denman, and another, an amendment of that act, passed chiefly under the influence of Lord Brougham, struck out all reason for incompetency because of the interest of the parties to a suit, allowing them to testify where they were admittedly in interest, but subjecting the credibility of their testimony to the judgment of the tribunal that heard them. But in all those laws admitting a man first to be called against his own interest, then to be examined in his own interest, even in those cases and under those laws there was an express exception against calling the wife to testify for or against the husband involuntarily.

There were a number of provisions in Lord Denman's act, and there were but one or two exceptions, and one of those exceptions was "the husband or wife of such persons, respectively."

The law has ever regarded the interest of husband and wife as so indentical that where the one was incapacitated on the score of interest the other could not give evidence.

The author then proceeds to show in an action for the recovery of goods that the one being exceptionable the other was necessarily so. I will not fatigue the Senate by reading his remarks as to the disability to render evidence in civil cases; but after Lord Denman's act was passed and Lord Brougham introduced his last and most sweeping measure on the subject of the admission of witnesses on the ground of interest, this exception was found:

Nothing herein contained shall render any person who in any criminal proceeding is charged with the commission of any indictable offense, or any offense punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

That is the law of England to-day. They were far in advance of the Legislatures of the United States in removing the disability to give testimony on the ground of interest; and yet to-day there is not a court of Great Britain in which a man can be compelled to give testimony against himself, and there is not one where his wife can be compellable to give testimony against her husband. If this be the law in England, *a fortiori* it is the law of the United States. It is not a mere statute to be passed and repealed at will, but it is passed in relation to a profound principle and necessity of society. The Constitution of the United States forbids men to be examined and compelled to give testimony against themselves. The very meaning, the very best meaning, the most profound and important meaning that attaches to the law of marriage is the unity, the absolute identity of the husband and the wife; and for the same reason that a man can not be compelled to give testimony against himself, his wife, who is himself, shall not be allowed or compelled to give testimony against him in a proceeding against him of the nature indicated by this bill.

Mr. MORGAN. And the Constitution recognizes it.

Mr. BAYARD. It is in the Constitution, in the fifth article of amendments, which I know has been held applicable to the States in restraining the powers of the States to do this thing. In view of the recognition of the fact of the absolute unity under the institutions of matrimony caused by marriage of two individuals, the man and the woman becoming one, the power of the fifth amendment applies to the States, the States having a larger range of power than the Federal Government, for the States possess the great mass of powers not expressed, and the Federal Government possesses none but those which are expressed and delegated; and of course as that power is not among those delegated, I would take it to be an undue exercise of authority, independent of its injustice, for the Government of the United States to attempt to pass such a rule of evidence as is proposed by this bill.

But, Mr. President, just as fatal as is polygamy to our republican system, so monogamy is just as essential. It behooves us just as much to guard the latter as it does to assail the former; and every law and every statute that tends to assail the institution of monogamy is as much to be discouraged and denied as it is essentially our duty to prevent and obstruct every law that favors polygamy or bigamous marriage. I do not think it either wise or philosophical or just, permissible or admissible in any sense, to gain the destruction of polygamy by destroying the vital principle of its great opposite, monogamy; and yet it seems to me that in the very natural desire to root out and destroy this condition of bigamous or polygamous marriage, as the case may be, in the Territories, we seek to implant in the very means to accomplish that end the destruction of the other institution so essential as the very bedstone rock of our whole institutions.

The bill does not say that the polygamous wife may be called as a witness. A polygamous wife is no wife. If I read correctly the opinion from the English court of divorce read by my friend from Arkansas, they based their decision expressly upon the fact that the witness was admissible because she was simply a nominal wife, an unlawful wife, which meant no wife at all. They defined marriages to be the voluntary union of one man and one woman for life, to the exclusion of all others, and then give as the reason for their decision that they would not entertain a suit for divorce by this Mormon from one of his polygamous wives.

Mr. GARLAND. There was but one marriage.

Mr. BAYARD. I know, but they recognized it as having been under polygamous laws.

Mr. GARLAND. Yes.

Mr. BAYARD. It took its root in an institution that was anti-monogamous. This is the whole substance of that decision as I copied it from the report:

Offenses necessarily presuppose duties. There are no conjugal duties but those which are expressed or implied in the contract of marriage. And if the compact of a polygamous union does not carry with it those duties which it is the office of the marriage law in this country to assert and enforce, such unions are not within the reach of that law.

But this section does not confine itself to unions which are polygamous, unlawful unions, but, on the contrary, it says it is the lawful husband or wife who shall be compellable to testify in certain cases of a criminal nature—bigamy, polygamy, or unlawful cohabitation—against the husband or wife as the case may be. Now, sir, I am willing to go as far as any so that the punishment shall not be cruel or unusual, for that is forbidden to us under the Constitution, and I trust also by our natural instincts—I say I am willing to go as far as any to punish bigamy, to punish polygamy, and on the other hand I am willing to go as far as any to encourage, if you may, monogamy, which by its establishment will root out and destroy polygamy more effectually than all else you may do. But I am not willing, with the views which I hold and which I have endeavored here to express, to destroy that which is evil by inflicting a dangerous blow upon that which is good. I do not know any better way to destroy the sanctity of marriage, to destroy all meaning

of marriage, than to deny the unity of the one man and the one woman, and permit them or compel them to bear testimony against or for each other in criminal proceedings. It seems to me that the remedy is too expensive, it is too dangerous.

There are other features of this bill to which I give my approval, features which compel the registration of every marriage, require it to be openly and publicly registered, and inflict a penalty for the failure to register, making the certificate of registration testimony in all courts and for all purposes. These and such other provisions meet my hearty assent and shall have my vote. But I submit that this first section contains within itself an infraction; it is a blow against the great fundamental institution upon which all our political institutions rest, an institution that has nothing less than divine command for its establishment, and which those who are wise and humbly wise will ever respect and seek to incorporate, so far as they may, and to obey at all times when incorporated within the framework of their government.

I will not now comment on another feature of this bill which proposes to associate the Government of the United States with the continuance and operations of the Mormon Church by giving the appointment to the President of the United States of a majority of the trustees of that church, and so infusing governmental control into the corporation. But that is not the question now before the Senate.

My views have been given imperfectly, but they are in substance that this section is a violation of all law, common or statutory, as known to me; and it contains an invasion, a violation of that principle of unity which is essential for the maintenance of the institution of monogamy, and whatever may be my desire and intent to prevent the practice of polygamy in the Territories of the United States, however willing I may be to vote for laws even of great severity to punish and check it, I am not willing to attempt even so desirable an end by invading principles upon which I believe the permanence and the safety of the Government of this country rests.

The PRESIDING OFFICER. The question is on the amendment offered to the first section by the Senator from Missouri [Mr. VEST].

Mr. VEST called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea." I do not know how he would vote.

Mr. JACKSON (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] who is absent is paired with the Senator from Massachusetts [Mr. HOAR]. I do not know how either would vote.

Mr. HOAR. With whom did the Senator say his colleague was paired?

Mr. JACKSON. With the Senator from Massachusetts [Mr. HOAR] I understood him to say.

Mr. HOAR. I was not aware of it; but I will so regard it.

Mr. PENDLETON (when his name was called). Upon this question and all others connected with this bill, I am paired with my colleague [Mr. SHERMAN]. If he were here and I were voting, I should vote "yea" on this amendment.

Mr. SAWYER (when his name was called). I am paired on this subject with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK. I desire to announce that I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent. I do not know how he would vote.

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY], who is necessarily absent.

The result was announced—yeas 18, nays 30; as follows:

YEAS—18.

Bayard,	Gorman,	McPherson,	Vance,
Brown,	Hampton,	Maxey,	Van Wyck,
Butler,	Jonas,	Morgan,	Vest.
Coke,	Jones of Florida,	Ransom,	
Farley,	Lamar,	Saulsbury,	

NAYS—30.

Allison,	Dawes,	Jackson,	Morrill,
Blair,	Dolph,	Jones of Nevada,	Pike,
Bowen,	Edmunds,	Lapham,	Plumb,
Cameron of Pa.,	Frye,	Mahone,	Pugh,
Cameron of Wis.,	Garland,	Manderson,	Sewell,
Colquitt,	George,	Miller of Cal.,	Wilson.
Conger,	Harrison,	Miller of N. Y.,	
Cullom,	Ingalls,	Mitchell,	

ABSENT—28.

Aldrich,	Gibson,	Kenna,	Sabin,
Anthony,	Groome,	Logan,	Sawyer,
Beck,	Hale,	McMillan,	Sherman,
Call,	Harris,	Palmer,	Slater,
Camden,	Hawley,	Pendleton,	Voorhees,
Cockrell,	Hill,	Platt,	Walker,
Fair,	Hoar,	Riddleberger,	Williams.

So the amendment was rejected.

Mr. VAN WYCK. I renew the amendment which I sent to the desk some time since.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska will be read.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. 25. The board of five persons created by section 9 of the act of 1882 is hereby abolished, and all the duties to be performed by the said board shall be performed by a board of three officers of the Army of the United States to be detailed for that purpose by the President, a majority of whom shall be a quorum.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska.

Mr. VAN WYCK. Mr. President, I have been somewhat at a loss to know the necessity of the continuance of the Utah Commission under any aspect of the case. It seems to be a needless expense upon the Treasury, when its labor, whatever it may be, could better be done by three Army officers, to be selected by the President of the United States.

I have been curious to know the amount of the expenditure which this commission entails upon the Treasury of the United States. Probably the Senator from Massachusetts having this bill in charge can give the information. I would call the attention of the Senator from Massachusetts, in connection with the amendment which I have offered, to the fact whether he can state the expense which this commission fastens upon the Treasury, if it is in order for the Senator to hear any suggestion upon his own bill.

Mr. HOAR. I beg the Senator's pardon. My attention was withdrawn for a moment.

Mr. VAN WYCK. The Chair will accept the apology. The Senator was evidently out of order. I was asking for information. I have offered an amendment that a board of Army officers shall be substituted to discharge the duties of the persons now composing the Utah Commission. One reason is the expense entailed upon the Treasury, and therefore it has become somewhat material in that view of the case to know about what expense this is upon the Treasury. I suppose the Senator from Massachusetts, being most familiar with the subject, could probably readily suggest an answer to that inquiry as to what expense this commission is to the Government.

Mr. HOAR. I have not the figures in my memory at present. I suppose the Committee on Appropriations would know them.

Mr. VAN WYCK. I think the salary of the commissioners is $5,000 each.

Mr. HOAR. Fifteen thousand dollars is the salary of all.

Mr. VAN WYCK. There are five commissioners.

Mr. HOAR. Then it would be $25,000.

Mr. VAN WYCK. Five commissioners at $5,000 a year, $25,000. I desire to know whether there are any other expenses or any other salary or perquisites allowed the commissioners except the $5,000 a year. Has the Senator any knowledge of anything beyond the $5,000 a year?

The Senator from California [Mr. MILLER] says the expenses of the commission are allowed. That I do not understand to be an answer to my inquiry as to the salary or allowances of the commissioners. Now, the Senator from Michigan [Mr. CONGER] very kindly comes to the relief of these gentlemen and asks me why do I not withdraw the amendment until I find out. How can I find out any better after I have withdrawn the amendment than I can now? I am trying to find out now. I am trying to get information on this point. It is a pursuit of knowledge under difficulties, and it will be if I withdraw the amendment, evidently. I am desiring to know what may be the expense that this commission entails upon the people of the United States. That is what I am asking.

The commissioners have $5,000 a year each. Then I desire to know whether they have anything more than that, and I presume the members of the Committee on the Judiciary or the Committee on Foreign Relations or the Appropriations Committee can inform us if they are disposed to do so. The chairman of the Committee on Foreign Relations very kindly furnished the information which the other two committees did not have, and I considered it a kindness on the part of the Foreign Relations Committee to relieve their brethren of the other committees. The Senator from California, the chairman of the Foreign Relations Committee, says there are the expenses of the commission. But what I want to know is as to the salaries of the commissioners, so as to know what we are to save by substituting three Army officers in place of the commission. That is my point.

Five thousand dollars a year I understand is appropriated for the salary of each commissioner. That is $25,000. Then my friend says there are the expenses of the commission. Certainly there are the expenses of the commission, such as stationery, room-rent, and all that sort of thing.

Now I inquire for a moment, and probably I shall not have so much difficulty about that, as to the duties of these commissioners. As I understand the act of 1882 these gentlemen are registration officers merely. They were to register the voters of Utah; they were to count the votes and make the returns. They were a returning board. That is all I understand the commissioners had to do, and that is a duty which any ordinary justice of the peace who had knowledge enough to read his commission and sign his name could easily discharge.

The point of my amendment is as to the necessity of this cumbersome and expensive commission being still further continued in the service of the Government. A board of Army officers can discharge this duty equally as well, and save expense to the Treasury, if that is

a matter ever to be considered; but I suppose not. Under the general desire and supposed necessity to keep on depleting the Treasury, probably that will not be an argument in favor of my amendment; I suppose not. But I insist that we can trust the President of the United States to select three Army officers who can discharge the duty of registering the voters and the counting of the votes, and then act as a returning board. Undoubtedly the President will be careful to send men of good moral influence among the Mormons, and he will be careful to select Army officers who have not duplicated their pay accounts too often so as to raise money to gamble in cards and in stocks. He certainly would do that; we can trust the President to do that. And then if the President is under the necessity of taking some officers who have been in the habit of frequenting Washington, I think we can trust him to select those men who have not become too incurably fixed in polygamous habits here in Washington, so that he would get reasonably pure men, not indulging in polygamy here, to set an example there, so that we could obtain a board of Army officers who would be thoroughly competent to discharge the duties.

Mr. President, we have a new order of things that is probably characterized as progress. We have now a peculiar system; and to this fact I desire to call the attention of the Senator from Massachusetts. We have been having of late a peculiar system of making our bills against the Government and making vouchers against the Government. I suppose that the gentlemen on this commission are probably not much to blame if they follow the example set by the Department of Justice. The Department of Justice have tolerated special agents in their employ making out bills for personal services, and not only that, but for personal expenses. Hence it was that I asked the Senator from Massachusetts whether these gentlemen had anything more than the $5,000 which is their salary, whether they have any perquisites. I ask the Senator from Massachusetts if he supposes the members of this commission have a right under any law to charge for their board and subsistence while in the discharge of their duties at Salt Lake City?

Will the Senator give us a general opinion on that matter, whether the members of this commission have a right to charge the Government for their board and lodging and washing in Salt Lake City while engaged in the discharge of their duties? I am not asking as to the fact whether they did this, but here is a commission of five men created under the statute, to which you have affixed a salary and proclaimed their duties. I presume the Senator who has been conversant with this matter understands the duties they are required to discharge, and also the matter of compensation which they are entitled to take from this Government. Now, I again ask him, because I think he will be frank about it, whether he supposes or believes it is proper for these commissioners to make charges for their personal expenses while in the discharge of their duty?

Mr. HOAR. If I had introduced or had charge of a bill which created the office of the Utah Commission or continued it, or had anything to do with it, I should deem it my duty to the Senate to enter upon the discussion of details of this kind. But there is nothing about that in this bill with which I have had to do. The Senator brings forward an amendment. We propose to alter the existing law in Utah; the Senator brings forward an amendment to abolish the existing commission there and to substitute a military government.

Now, I desire, if the Senator will pardon me a moment, to concur in what the Senator from Delaware and the Senator from Arkansas have said, that in our policy of dealing with this Mormon question both parties in the Senate should concur as much as possible and have no party division. One party has put itself very earnestly and emphatically on record in the recent history of this country against using military officers as civil governors under any exigency whatever, and I do not wish by assenting to this amendment to encounter that opposition. It would cost the bill, I suppose, every vote on the Democratic side of the Chamber. So I shall not consent to the Senator's amendment for that reason, if no other; but I confess I agree with the doctrine as applicable to Utah. Therefore it does not seem to me that I am called upon to act as an encyclopedia for the Senator's information in regard to an amendment which the Senator introduced, before introducing which, of course he satisfied himself that it was sound and based on valid reasons. I must, therefore, decline to be drawn into any discussion in regard to these details.

Mr. VAN WYCK. The Senator has precipitated upon himself a question which I did not present. I asked him merely as a member of the committee having charge of this bill, having great interest in the matter, as to the compensation which these commissioners had a right to take from the Treasury. Then my friend avoids that by saying that the Senators on the other side of the Chamber, the Democracy, unalterably set their faces against military control. I beg to say that this is not military control, and besides, I think the Democratic Senators, especially from the South, modified their notions on that matter when the military was withdrawn and a carpet-bag government was imposed upon them. Then those gentlemen changed their views and thought that the military, with all its hardships, was far preferable to civil government when it came in the form of what was known as carpet-bag government.

But that is not the question. I apprehend the amendment will not incur any hostility anywhere from that point of view. You have imposed certain duties. Neither the military nor the civil power can go beyond them. Those duties are merely clerical; there is nothing judicial. They are merely registration officers. They are to register, receive, and count the votes, and I merely suggested that there should be a detail of Army officers because just now the Army officers have nothing to do. They are competent men, shrewd men, and therefore can certainly discharge these duties.

But the Senator from Massachusetts does not answer the question which I put; and I should really like an affirmative answer from gentlemen who have had this legislation in their special charge, who have made appropriations for the expenses of this commission. I think they should give us some information, if possible, as to the expense attending it. The last inquiry I propounded was whether these commissioners had any power or authority in law to take beyond the $5,000 which we give each of them as salary, and I ought to be able to obtain a distinct answer on that matter. We remember when we fixed the salary at $3,000 in the bill of 1882 the President advised Congress that $3,000 would not get the kind of talent necessary for the place. Not only that, but he went a little further. The duties were light, such as any justice of the peace who had sense enough to read his commission and sign his name could discharge; but the President saw the opportunity. It was very proper to get men of weight, of character, to go to Utah, and therefore he sent a message to Congress that $3,000 was not sufficient. As a matter of course Congress acted with ready alacrity when they could create a new office and increase salary. It produced no ripple, but in the appropriation bill $5,000 was designated. That is the history of the salary. Now I am seeking to know whether there is anything beyond that.

This commission should be abolished, because it is too expensive. This work can be done by other employés of the Government. These men would not go with an army at their back nor with an epaulet on their shoulders. I have suggested a class of men who would probably be sent there from the Army, men who have not too frequently duplicated their pay accounts and men who have not been living about Washington indulging in polygamous habits.

I was about making a suggestion in regard to the new methods that have been introduced, the new system of bills and vouchers; and I wanted to say to my friends that this must be corrected somewhere. If it be true that these commissioners have been taking from the Treasury more money than they are entitled to, at least we should stop that, and if the commission is not to be abrogated, then let these commissioners understand that they have not unlimited power to put their hands into the Treasury and take out money at their own will and pleasure.

This commission came to Washington for instructions before going to Utah. Instructions for what? The law was plain and simple; yet they came here for instructions how to make out their bills on the approved plan, I suppose, because we find the first time they came there was paraded an account in the Treasury Department of their board in the different hotels, and washing, of lager-beer at the Arlington House and wine at the Riggs House! There were other items, street-car tickets, lunches in the Capitol restaurant! A board of Army officers could not do worse. Will any Senator who advocates the retaining of this commission find some warrant or authority for these gentlemen to present bills for their own personal expenses, lager-beer and wine and street-car tickets and lunches at the Capitol restaurant? Is there any pretext for it anywhere?

Then these gentlemen must go home, spend the holidays, and come back for further instructions, with the same routine of bills. Then they must meet at Chicago, and the same thing there; and then there are railroad expenses, berths in sleeping-cars, fees to sleeping-car porters, and when they finally land in Utah it is the same thing—other bills for boarding and lodging and washing and lunch. I would like to ask my friend from Massachusetts his opinion, whether he thinks it right?

The people of this nation desire that you should blot out polygamy. For a quarter of a century we have been engaged in that work. Three-fourths of the American people demand it. Still the Mormons have steadily grown in numbers and political power, and that is the result of all your legislation in this mode.

What are we to do? Continue this farce still further? A quarter of a century has resulted in nothing practical. Your commission has had salaries raised from $3,000 to $5,000 and with personal expenses paid, and have done nothing, and yet you talk about political parties. That same evil comes here and confronts us, and defies your national legislation. It is denounced as a great evil; no political convention can adjourn until it passes a resolution in denunciation; and yet that same evil mildly stalks into your Senate Chamber and House of Representatives and denies the legislation of the national Congress. That is the aspect to-day. There it is and nothing else. And you ask us to do what? To continue this same policy and accomplish nothing.

Do the features of this bill strike at the practices of the Mormons? You promised us some results when the act of 1882 was passed, and now this additional feature comes up. You retain this commission when a board of three Army officers would discharge its duties as satisfactorily to the people of Utah and to the people of America; and then we should

be safe from the same scandals which sprang up in the star-route cases. This system was inaugurated there. We know not when it was inaugurated. It seems to be the settled policy of the Government that any one in its employ may present whatever bills he chooses. You pretend to have auditors and comptrollers and accounting officers, and what do they accomplish? It was said the star-route offenders had stolen $4,000,000, and then a gang of special lawyers are put on their track. They scented the trail and they followed it; they saw how the offenders were loaded down with spoils, and your gang of special star-route counsel began to adopt methods which would enrich themselves as the star-route offenders had been enriched.

We have gone through all that; we know it all. We were told that we must talk with bated breath; "no man must open his mouth to arraign such new proceedings." "To do so will aid the star-route offenders." That was said, and now what? These eloquent gentlemen have been displaying their forensic ability in the new arena, where they naturally turned and arraigned each other; and as criminals generally do, they have turned State's evidence against one another, and if they have told the truth of each other, as it is fair to presume they have, they were engaged in the greatest crime in which an attorney can be engaged, betraying his own client, the Government of the United States. By their own testimony they have shown themselves to be as worthy of the penitentiary as the very men whom they helped to escape punishment.

These men are doing substantially the same thing—that is, they are pursuing the same course of entering their hands into the Treasury of the United States; and I say to my friend from Massachusetts that it is a crime which is growing, and growing because it is unchecked. I have stated here that charges are made for which there is no warrant in law. Now, will you tell me what protection the people of this Union have? Heretofore they believed they had a system of accounting, of guards, of checks; but now all checks are gone and every account that is presented seems to be passed as a matter of course, as in the star-route cases. Accounts for the personal expenses of these commissioners were presented for which there is no authority in law. Will you tell me how it is that the officers in the Treasury Department can suffer these things to pass unchallenged? I say to the Senate that this is the worst feature of this whole matter. There is no protection anywhere. It is barely possible that we may finally reach the end of the patience of the people if we may not be able to reach the end of their purse.

It is true that polygamy should be blotted out; but let us have some mode by which it can be blotted out. For twenty-five years we have pursued this course, and it is still flourishing. You have prevented a few men who have more than one wife in Utah from voting. What of it? It changes nothing. There is still a Mormon Legislature. Now you come here and think you can compel a woman who is the lawful wife to swear against her husband and the husband to swear against the lawful wife. That is your proposition. That will be just as fruitless as the other. If you desire to perpetuate this policy of accomplishing nothing we have a right to ask that it shall be pursued in such a way as not to entail hardship and expense on the American people.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

The amendment was rejected.

Mr. MAXEY. I move to strike out the first section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas. The first section which he moves to strike out will be read.

The Chief Clerk read as follows:

That in any proceeding and examination before a grand jury, a judge, justice, or a United States commissioner, or a court in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be.

Mr. MAXEY. Mr. President, the whole of that section in my judgment is in conflict with every principle, not only of the common law of evidence, but the law of evidence as modified by the statutes of the various States. I want to do what I can fairly and legitimately in favor of suppressing polygamy; but in attempting to rid the country of that great evil we ought to avoid what I regard as a still greater evil, the utter subversion of all the elementary principles of the law of evidence. I admit that the old doctrine of the common law that the existence of the wife merges in that of the husband has passed away; the notion that the marriage contract passes to the husband the right to the property of the wife has also passed away. I admit that the old relation of baron and femme no longer exists; that the right to beat the wife no longer exists, provided the stick used is no larger than the finger, as in the common law. I admit that the marital rights of the woman are cared for, preserved, and protected in every way that can be done lawfully. All that I agree to; but the relation of man and wife is sacred. The law should never interfere with that relation where it can possibly be avoided. Now, this first section provides that the lawful husband or wife may be not only introduced as a witness and made competent for that purpose, but may be compelled to testify against the husband or wife, as the case may be. That is so startling an innovation upon every principle of law, it so strikes at the most sacred relation of husband and wife, that in my judgment it should not obtain in this bill.

Mr. President, if that is good law for Utah, it is good law for the whole country. If the law can invade the marital relation in one place it can in another. In my judgment, as I stated yesterday evening, there is but one lawful husband and wife. All others beyond that, in my judgment, do not bear that relation. No man can have at one and the same time more than one lawful wife, nor can any woman have at one time more than one lawful husband. That relation is stricken at by this first section; not the relation beyond that point; not polygamy; but the real and true marital relation; and against the consent of the wife she may be compelled to divulge what may be the secrets of her own bosom in a court of justice.

The effect of all laws which are in their nature regarded as oppressive is that the law is never executed. If you attempt to impose a penalty for the commission of a crime beyond a reasonable prescription, that crime is never punished. You will never punish a crime where the penalty annexed to that crime is beyond what is proper according to the judgment of mankind. That has been proved in every case where extraordinary penalties have been put upon crime. The effect will be that if the relation of lawful husband and wife exists and by force one of the parties is made to testify against the other, you will cause one of two things: the marital relation will be entirely broken up, or you will cause perjury to be committed. That will be the effect; so that in attempting to rid the country of one great evil, which all admit to be a great evil, you attempt to do it by the perpetration of a still greater evil. If there be no other way than this, the crime had better go "unwhipt of justice" than to bring into the marital relation the testimony of man and wife, lawfully married, against each other.

For that reason I have moved to strike out the first section of the bill, not to interfere with the due administration of justice but to preserve the ideas of justice as they have been embodied in the law of evidence.

Mr. HOAR. I regard the vote taken by yeas and nays a little while ago on another proposition substantially like this as a test question. Therefore I do not care about debating it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Texas.

The amendment was rejected.

Mr. VEST. I offer the following amendment to the second section of the bill, to add to that section:

Provided, That no person shall be held in custody under any attachment issued as provided by this section for a longer time than ten days, and the person attached may at any time secure his or her discharge from custody by executing a recognizance with sufficient sureties conditioned for the appearance of such person at the proper time as a witness in the cause or proceeding wherein the attachment may be issued.

Mr. HOAR. I shall vote for the amendment, and as far as I have the right I will accept it.

Mr. GARLAND. Let the second section be read.

Mr. HOAR. I do not think it necessary to read it. It is the section which provides for attaching a witness in certain cases without a previous summons, and this proviso is that the witness so attached shall not be held in custody for more than ten days, and may be discharged on executing a sufficient recognizance.

Mr. VEST. Let the section be read.

The PRESIDING OFFICER. Section 2 will be read for information.

The Chief Clerk read as follows:

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness fees shall be paid to such witness so attached.

Mr. GARLAND. I do not know that I understand the amendment precisely as the Senator from Massachusetts does. Do I understand that the person attached is to be relieved at the end of ten days any way?

Mr. VEST. Yes; you can not hold him longer than ten days.

Mr. GARLAND. Whether he gives bond or not?

Mr. VEST. Yes.

Mr. GARLAND. I should oppose that. I would be willing to make the section conform to the practice act, now section 881 of the Revised Statutes, that he might be released on giving bond at any time, but I would not release him at the end of the ten or twenty or any other number of days unless he did give bond.

Mr. INGALLS. I should favor some modification of the section in the direction indicated by the Senator from Missouri. I am not prepared at this moment to say whether the views I have can be carried out and effectuated by his amendment; but I believe that if he would allow it to pass for a few moments we could examine it and agree upon some modification that would remove what is an obvious harshness in the provisions of the section. I should like to examine it for a moment myself.

Mr. VEST. As that section stands now it puts the personal liberty of every citizen of Utah within the absolute control of any commissioner

or judicial officer. If it was any other question than one affecting the Mormons I should be ashamed to argue it or do more than call the attention of the Senate to it.

Mr. HOAR. As I understand it, this section of the bill as it is reported does not affect in any way the ordinary common law proceeding which prevails now in most of the States, that where a witness appears before a lower court or commissioner he may be recognized to attend, and if he does not give the recognizance with proper sureties he is committed until the trial is over. This bill simply introduces a provision which rests upon the same principle, that where the court have reason to believe that a witness will depart, if he knows of a summons for him, to avoid testifying, a subpœna may issue to attach him and bring him in. That, of course, requires a previous application to the court, and an extraordinary case to be made to the satisfaction of the court. That is an extension of the common-law proceeding.

I understand that this amendment is a provision that no person shall be held in custody under any attachment issued as provided by this section for a longer period than ten days, and at any time on giving security to the satisfaction of the court for his appearance he may be discharged. It seems to me that that latter portion of it is clearly right, and also that it will do no harm to have the witness set at liberty at the end of ten days from the attachment which issues under the provisions of this section, because when he comes before the lower court they can require him to give the ordinary security as a witness under the general practice which prevails, and if he fails to give the security he will be committed for want of the security. This does not affect that at all. So, as I understand this proviso, I think it is a reasonable one.

Mr. VEST. The Senator from Massachusetts used the expression "lower court." This clause does not confine this practice to the lower court.

Mr. HOAR. I did not use it in reference to that. I said that this was the ordinary proceeding where the lower court heard a case and pending the trial the witnesses were recognized. What I said was that the protection of this statute did not touch that proceeding and the amendment does not touch it.

Mr. VEST. But this language is "or any court." In the district court of Utah, whenever the judge is satisfied—and how he is to be satisfied is an open question—that a man is about to remove from his jurisdiction or will not be there to testify, without any antecedent subpœna or summons, he issues an attachment and holds him in jail for six months, an outrage unparalleled in any Christian or civilized country I ever heard of. If there is any such practice as that anywhere in the United States, I should like to know it. I should like to know any court or tribunal or any law that has ever contemplated such a thing before. Any court in that whole Territory, from a justice of the peace up to the district court, may upon its own motion compel the attendance of a witness. It says it shall be satisfied. How? Upon what sort of evidence? Suppose that a corrupt judge wants to get rid of a man who is in his way politically, or against whom he has some personal grudge or spite; he issues an attachment, takes him into custody, puts him in jail, and holds him there until the next court, which may be five months and twenty-nine days off, and there is no redress.

It is usual in the practice in my State, and I presume in the Federal courts, to issue subpœnas fifteen days before court, and my amendment says that in no event shall a free citizen be held longer than ten days. It is an extraordinary practice anyhow; it is in direct violation of what we consider the muniments of personal and civil liberty in this country. I would not give that power to any man upon earth. I would not trust any man, and especially in a Territory where party feeling runs high and where there are differences of opinion and animosities which are without parallel almost throughout the whole country. For that reason I put the limitation of ten days on account of the practice in the courts where I have been a practicing attorney.

The latter part of the amendment I presume there can be no sort of question about, and that is that every citizen should have the right, on giving bond to secure his attendance as a witness, to be relieved from custody.

This is the most remarkable enactment that I ever knew proposed in any legislative body in this country; and that it comes from the Judiciary Committee without any protest at all is the best evidence to me that it is absolutely useless to attempt to stay this sort of legislation on this question.

Mr. EDMUNDS. If I may be pardoned, I should like to say a single word upon this particular point, as I think my friend from Missouri has entirely misunderstood the scope of section 2 and the character and intention of the committee, if I may say that without offense.

If the Senator will look carefully at the language of that section, he will see that it authorizes the court, on a proper case being made for it, to send for the witness and compel his attendance in court on the occasion required. That is all. Therefore, when the marshal has executed the precept which authorizes him to compel the witness to come along, instead of merely giving notice as by an ordinary subpœna to come forthwith, when he has come into court he stands on precisely the same footing as a witness who has been subpœnaed in the same cause and has obeyed the subpœna. They are both there as witnesses subject to the same rule, and in no other custody than the custody of all witnesses who attend courts in criminal cases on a subpœna, where if they depart or leave the court they commit an offense in the nature of contempt for which they may be dealt with. Then when the cause is continued or appealed, comes in the further act, to which my friend from Massachusetts has alluded, that the court may require the witnesses to give recognizances. If they do not, as it is in all the States, or are unable to do it, then they are kept in a house of detention or something of that kind.

But my friend is unjust, without meaning to be, to the committee and to the idea they had of the legal effect of this section, if he understands it to mean that the person brought in where attendance is compelled under the section is then treated as a criminal and is kept in the custody of the marshal or sheriff or whoever he is. He stands in court like the witness who has come voluntarily in obedience to the supbœna, and both of them are liable to punishment if they depart without leave; and that is all.

Mr. VEST. I should like to ask the Senator what becomes of them if they do not give bond.

Mr. EDMUNDS. There is no bond required.

Mr. VEST. But you speak of the practice under which they must give bond. I know it is not required by this proposed law, but I understand the argument or proposition is supplemented by the practice act, which has been invoked by the Senator from Arkansas.

Mr. EDMUNDS. The Senator from Arkansas only alluded to the practice act. No one who is a witness would stand under the practice act. He would be like a witness who voluntarily came even without a subpœna, and that is all.

Mr. VEST. I have no disposition to do injustice to the committee. I have weighed every word, and I was intensely astonished when I read that section of the bill. I have weighed every word and put the only legitimate construction upon it. There is no limitation as to time. Under this measure if a judge of the district court or any other court in Utah has reason to believe, if he is satisfied that such witness will unlawfully fail to obey a subpœna, he shall issue an attachment. How does he know that? Who ever heard of such practice as that before? It is hardly necessary to send for Greenleaf and Starkie in order to make the proposition clear. I understand the law to be that an attachment for a witness is only issued when he is in contempt of court. How can a witness be in contempt of court when he has never been notified to appear? The plain meaning of it is, and my honorable friend from Vermont can not escape it with all his ability and ingenuity, that any judge who sees fit at any time, if it is five months before the term of court, when he is satisfied that a witness will not obey a subpœna, without a subpœna being issued, can issue an attachment and bring him. What does he do with him? He holds him, as a matter of course, because the object of the process is to keep him as a witness. How is he going to keep him unless he incarcerates him if he can not give bond? There is no provision for a bond here at all.

The whole section is a manifest violation of the fundamental principles not only of our practice in courts but of the constitutional rights of a citizen. I do not say that the committee intended that, but I do mean to say that it can be done. There is no limitation here upon the power of a corrupt or unjust judge. All that is necessary is to satisfy him, and we know how easy it is to satisfy a man whose personal or political prejudices are at fever heat, as they are in the Territory of Utah.

Mr. EDMUNDS. No court or judge under that section, or any other law, can compel the attendance of a witness unless he compels him by sending for him to come before him or before the court, and for the purposes of the cause which is then depending before him and is to be tried. That is plain enough. Therefore this section says, assuming, which is the substratum of all procedure, that there is a matter depending, a case or hearing to be had, if the judge or justice or court is of opinion and is satisfied that if this witness is served with a subpœna he will run away instead of obeying it, he may issue the proper paper to have the witness compelled to attend in his character as a witness and not in the character of a person who has committed a contempt against the court.

Mr. VEST. But, Mr. President——

Mr. EDMUNDS. My honorable friend will pardon me, for a moment, because I do not wish to escape anything, much less criticism, on any bill in the preparation of which I have had a part. If my honorable friend will pardon me for a moment, I will finish this statement. When a subpœna issues for a witness in a criminal or any other cause and he disobeys it and is then attached, he is not attached for the purpose on the face of the paper, nor for the primary purpose of compelling his attendance as a witness to give his testimony, but he is attached for an offense against the administration of justice.

Mr. VEST. For contempt.

Mr. EDMUNDS. He is brought in by the marshal for the contempt, and then is held as a prisoner until his contempt is cleared. It has nothing to do with the question whether he will testify or whether he will not, when he refuses to obey a subpœna. When he refuses to answer a question, that is another thing which I need not go into at all.

Now, what would be the consequence in the case of a subpœna if one of us should fail to obey it in act? We are attached and brought up charged with contempt. We come into court and satisfy the court upon affidavit or otherwise that we failed to be served, that the subpœna was served at our house when we were absent, that our attention was not called to it, that some member of our family was extremely ill at that moment, and therefore we followed the law of nature and affection instead of following the statute law about obeying subpœnas. The court says, "You are excused; your contempt is purged." Now, what becomes of it? I am then subpœnaed to attend that trial. I am cleared of my contempt, I am not in custody, but I have no right to quit that court without its leave until I have given my testimony and am discharged.

My point is that this section clearly puts the witness who is brought in by the marshal, who is compelled to attend (not to be punished for any contempt, but to be there as a witness when he gets there), on precisely the same footing with the witness who is subpœnaed in the regular way; and, being on precisely that footing, he is in custody, and he has no right to go away any more than the other witness.

Mr. VEST. What is done with him? That is the question.

Mr. EDMUNDS. Nothing is done with him, because he has committed no offense. He is charged with nothing. He is only brought as a witness there into court, and being there the command of the precept is completely executed. He is in no other custody than the custody of the law over all witnesses who have obeyed a subpœna.

Mr. VEST. Then why should this extraordinary process of attachment issue against him at all? The Senator says you can do nothing with him. Suppose he is brought there under this attachment?

Mr. EDMUNDS. It is to put him in the same position with the witnesses who will obey; that is, to get him into court.

Mr. VEST. Suppose he does not give bond. He is not in contempt, because no summons has been issued upon him. He is only in contempt in the judgment or imagination of the judge or officer who issues the attachment.

Mr. EDMUNDS. He is not in contempt at all.

Mr. VEST. Then he must be brought there for some purpose. You certainly do not drag a man by an attachment away from his home except for a specific purpose. When he is brought there he is told, "You are brought here under an attachment to testify in the case of A against B." He stands there and says, "I am here." Has the judge then to keep him until the case of A against B is tried? What is to be done with him? He is either to be kept there, or he is to be allowed to go as if no attachment had been issued.

If this section amounts to anything at all, it is manifestly a coercive and compulsory section, and there must be some object in it. The man must be kept there or allowed to go away. Suppose he goes off and in a week afterward the same judge becomes satisfied that the man is going to leave again, does he issue another attachment? The case of A against B is pending, it is to be tried at the March term of the district court. In December or January the judge may be satisfied that the man is about to leave Utah or that he will not obey the subpœna. He accordingly issues an attachment; what is he to do with him then between December or January and March?

Mr. HOAR. What he does by other witnesses, if the Senator will pardon me.

Mr. VEST. If my friend from Massachusetts will permit me, when a man in any other case is brought in under an attachment he must give bond to appear, or else he is put in jail.

Mr. HOAR. If my friend will pardon me, that is precisely what I have tried to explain to him in the first instance when I agreed to accept his amendment. All courts have their system of proceeding in regard to witnesses when they have appeared in court in a criminal cause.

Mr. VEST. Certainly.

Mr. HOAR. It is the case in my State and in England, and probably in every State in the Union.

Mr. VEST. Certainly; and in Missouri the same way.

Mr. HOAR. When the witnesses are brought before the judge, the judge orders them to recognize, if he sees fit, with surety. In my State they do not require surety of a witness, but in New York they do, and in England they do, and in Utah they do, I presume. When that is done, the witnesses are under obligation either to give their recognizance or to stand committed until they do. Ten witnesses are summoned to appear in a prosecution in Utah. Witness No. 11, the judge is informed, will not come if he is summoned, and he sends an officer to bring him in; the statute phrase is "to compel his attendance." The ten who have obeyed the subpœna present themselves to the judge and say, "Here we are." The district attorney calls their names, and they answer. Probably the eleventh is presented to the judge by the sheriff.

Mr. VEST. He never has been subpœnaed.

Mr. HOAR. He never has been subpœnaed, but his attendance has been compelled. He is brought in and the judge says to each one of the eleven exactly the same thing, "Now, recognize to be here next Monday or stand committed until you do." They are all alike. The function of this section is exhausted the moment the officer brings that man into the presence of the judge; and that is all.

Mr. EDMUNDS. That makes the amendment of the Senator from Missouri worse than as the section itself stands.

Mr. HOAR. That had occurred to me, but I thought I would not explain it to the Senator; yet the Senator from Vermont suggests it also. The Senator from Missouri now has put in an amendment saying, "You shall not hold this man under this process (not as an ordinary witness under the ordinary rule, but under this process) more than ten days," which would seem to imply that you could hold him ten days.

Mr. VEST. I suppose you brought him there for something.

Mr. HOAR. You could not hold him ten minutes after he got into court without the implication of the Senator's amendment. The amendment, however, would be undoubtedly of advantage to the witness in prohibiting the officer from being ten days on the road, or from keeping him more than ten days if the court would take an adjournment of three or four weeks in the mean time. To that extent it would be an advantage to the witnesss, and it expressly provides that within that time he shall have the opportunity of giving his recognizance satisfactory to the court and going at large. Therefore I see no harm in the Senator's amendment whatever, and I do not think I see any good in it.

Mr. VEST. I put the same question to my friend from Massachusetts that I did before. Suppose the judge comes to the conclusion that the witness should be there at the next term of the court, and it is four months to that term of the court?

Mr. HOAR. He has not any authority under this section to do anything if he does think so.

Mr. VEST. He issues an attachment, and when he gets there turns him loose. He may continue to issue attachments *ad infinitum* until the next term of the court.

Mr. HOAR. That is not the practice, except he continue to issue subpœnas.

Mr. VEST. He does not issue any subpœnas. That is what I complain of. He issues an attachment without any subpœna.

Mr. HOAR. I fail in my capacity of clear statement to make what seems to me very clear clear to the usually and undoubtedly always clear mind of my friend from Missouri. Let me state it again from the beginning. This does not have anything to do with what a judge shall do with a witness when he gets into court and answers to his name. That depends on the existing law. Leave that out. This only says that when in a prosecution under this act for bigamy, polygamy, or unlawful cohabitation the judge thinks that a witness would run away and would not obey a subpœna, he may authorize an officer to take that man and bring him instantly into court—compel his attendance.

Mr. VEST. Suppose the court is not in session.

Mr. HOAR. Let me finish. The function of that process is exhausted when the man is brought into court. When he has got there the judge can not turn around and say, "Now, I am afraid you will not stay and I will keep you in custody for three weeks or three months, or until the next term of court." He can not say that. What the judge can do then is just what he can do with the witness who obeyed the subpœna and appeared. Suppose a court in session should issue an order to have a witness appear at an adjournment six months hence, the Senator's amendment comes in and prohibits that, and the judge has got to stay and see the witness, or lose him; that is to say, he shall not hold him more than ten days. That is a reasonable protection to the witness. It also provides that if at any time he appears he shall be entitled to be discharged on a suitable recognizance. But I was answering the other point of the Senator.

Mr. VEST. It may be my obtuseness, but I can not see it.

Mr. HOAR. It is undoubtedly mine.

Mr. VEST. My understanding as a lawyer (and I appeal to every lawyer in this body whether I am right or wrong) is that when a court issues an attachment for a witness and that witness is brought up he must purge himself of contempt of court and be released from that attachment.

Mr. EDMUNDS. That is perfectly true, but this is not that kind of an attachment at all.

Mr. VEST. The Senator says it is not, but I say it is.

Mr. HOAR. If my friend will pardon me, the court does not issue an attachment for a witness in case he is subpœnaed. In strictness it is not an attachment for a man in his capacity as a witness; it is an attachment for a person who has committed a contempt that he has to purge himself of.

Mr. VEST. Exactly; and here is an attachment without contempt.

Mr. HOAR. That is true.

Mr. VEST. Therefore I say it is an innovation and an outrage upon the citizen.

Mr. HOAR. All that was discussed the other day.

Mr. VEST. The ordinary subpœna says "Mr. John Smith is hereby summoned to appear before the circuit court of such a county upon the — day of the —— month of —— to testify in the case of A against B upon the part of the defendant." Now, if Mr. John Smith has that subpœna or summons served upon him and disregards it, he is in contempt of court and is attached and is brought up and must purge himself of that contempt.

Mr. HOAR. He is brought in to be punished for contempt.

Mr. VEST. He is brought into court and must show why he did not obey the summons of the court. Now, here is an extraordinary provision that four months before the term of the court this attachment may issue. He is not brought into court.

Mr. HOAR. But it is where the court is satisfied that the man will unlawfully fail to obey a subpœna.

Mr. VEST. I do not care about that. I say that under this proposed law after the issue is made up between the State and the defendant in a prosecution for bigamy or polygamy in the Territory of Utah, and that case is to be tried five months off, and the judge has said, in the language of this measure, that the witness is important to the State and is about to evade giving his testimony, using the language of the bill here exactly, that such witness will unlawfully fail to obey a subpœna which never has been issued, then the judge issues his attachment. The officer goes to this man, drags him away from his home without notice, on the idea which the judge has that he is about to unlawfully fail to obey a subpœna which never had any existence except in the mind of the judge, and the man is brought, not to the court, but to the judge in vacation. What are you going to do with him? The Senators from Vermont and Massachusetts say, "Turn him loose." Suppose the same judge has a vagary the next day and thinks "I will just try him again," and issues another attachment.

Mr. EDMUNDS. May I interrupt the Senator?

Mr. VEST. Certainly.

Mr. EDMUNDS. The Senator will excuse me for stating that I have not said anything of the kind which he now imputes to me, that the judge in vacation can send out this process to compel the attendance of a witness to give testimony before him in vacation or any other time, except when the cause is coming on to be tried and the *res* is going forward.

Mr. VEST. Now, let us see. I appeal to the law as the Senator proposes to make it, and let the Senate decide it.

That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna.

Is there any limitation on that? Is anything said about term time? Is anything said about while the court is in session? I say that under that section, if the English language means anything, a commissioner, a justice of the peace, or judge of the district court can issue an attachment at any time. The Senator from Vermont does not mean to say that the attachment can only issue in term time. It may be issued every day by the clerk in vacation.

Mr. HOAR. The Senator's amendment corrects that possibility.

Mr. VEST. If the committee will accept the amendment I am done.

Mr. MORGAN. Mr. President, in thinking over the history of the recent past in a country where the people claim that they have been very greatly persecuted nothing has attracted my attention so forcibly to a new departure in the laws of Great Britain as the arrests of suspects, persons against whom no accusation of crime has actually been brought, no affidavit has been made alleging any delinquency, but some person will appear and perhaps without affidavit or without any formal statement of an offense at all claim the arrest of a person as a suspected person, a suspect. I have thought that British liberty was more nearly strangled by that feature of recent practice in that country than by any other that I remember which had the form of law and the apparent sanction of judicial authority.

I think I see that this provision of the bill for the issue of an attachment contains precisely that doctrine, and to that extent it is violative of the personal rights and the liberty of the people upon whom this measure may operate. An attachment is a technical phrase. An attachment against property means the seizure of property for purposes of condemnation or to answer some judgment of a court. An attachment of the person is the arrest of the person, placing the body of a man in the custody of the law and depriving him of his right and privilege of breaking that custody except at his own peril.

If the law we are about to enact is a constitutional law, any marshal or deputy marshal, sheriff, or whatever officer may be charged with its execution, can take into custody the party whom it is desired to have appear before a commissioner, or before the court, or before the grand jury, and hold that person in his custody until he is discharged by due course of law. It makes no difference whether the person who is thus taken into custody may know anything about the transaction or not, whether he may be a competent witness or not, whether he may have any ground of liability at all, upon a suspicion that he would violate the law or violate the mandate of his subpœna he is still held in custody, and if he breaks it he breaks it at his peril, and the officer who has charge of him has a right to kill him if he undertakes to break away from that custody.

I claim that under the Constitution of the United States as amended there is no power in this Government which can place an American citizen in that attitude except in the cases provided in the Constitution where an allegation of crime is made against him, and that allegation is supported by probable cause, upon oath or affidavit, and the custody follows the regular procedure of the law. This bill, however, using the word "attachment," which, when used in respect of a person and not of property, means the seizure of the body of that person, authorizes a man to be taken into the custody of the law, his body to be seized, his liberty to be taken away from him, put entirely subject to the command of the officer in whose charge he may be placed, and kept there until discharged by order of the court before whom he is to be brought, upon the ground, not that he has committed any offense, not that he has threatened to commit any offense, not that he has said or done anything to influence any person to believe that he would commit an offense, for no fact previously ascertained is necessary as a predicate of this procedure, but solely upon the ground that he has reasonable ground to believe that such witness will unlawfully disobey the subpœna.

If we have the right to say that a man's person shall be attached because a judge may be of opinion that there is reasonable cause to believe that he will disobey the order of the court under a subpœna, then what is to restrain this honorable Senate from saying that a man shall be arrested and put in jail and held on a criminal accusation upon the ground that the judge has reasonable cause to believe that he will commit an offense—not that any offense has been committed, not that the *corpus delicti* could be proven, not that there is any actual legal existence of an offense at all, but judging of this man by his character and by the opinion that the judge may have of him, the judge assumes that there is reasonable cause to believe that he will commit an offense and issues his warrant and has him incarcerated in prison.

There is the "suspect" law of England re-enacted in this bill. Senators can put it on the statute-book if they choose to do so in order to verify their pledges at the Chicago convention, but they are admonished now, and the people of the United States are admonished, that there never was a more flagrant violation of constitutional rights and of liberty than this. Democrats may follow them in their desire for radical legislation to suppress crime, and may suppose they can justify themselves before Democratic communities and constituencies for conduct like this; but, sir, when they come to the justification they will reach a court at last that has got an honest respect for human liberty as preserved in the Constitution and the amendments thereto. I will read two sections of those amendments:

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

I have read all of the fourth and fifth articles of amendment to the Constitution, not for the purpose of informing the Senate, but for the purpose of informing the people, who perhaps are not attending to the preservation of their individual liberties and expect their Senators on this floor to do it, that there is here a warrant to be issued for the seizure of their persons when no offense has been committed and none charged, without affidavit and without process of law or without consideration by the court. An attachment for the seizure of the body of A B to appear in court as a witness is a warrant for the arrest of his person, and it is as much a warrant as if he had been charged with murder and as if a warrant had been sued out after affidavit made and by affidavit probable cause shown.

When lawyers use words like these in statutes they must understand that the judges construe these words according to their ordinary and usual signification. There is not a law-book in the world that contains an allusion to an attachment against the person of an individual which does not associate with the definition of that word in that connection the idea of a crime of some shade or other. A contempt of court is a crime. When the Government of the United States or when a private individual who is the plaintiff in an action has summoned a witness upon subpœna to attend a court, and he is recalcitrant and does not attend, is neglectful or disobedient of the command of the subpœna, and thereupon the party injured rises in court and makes a motion that an attachment issue against this person, what is the proceeding?

The court examines carefully into the subpœna, its form, its substance, the time and place of its execution. It carefully examines into it. Why does the court give this careful examination? The witness is not there. He has had notice. Why is he not hauled up without this careful examination? It is because upon the motion for an attachment against that party the whole attitude of the case changes and the United States Government in a case in a United States court becomes plaintiff in the action and the action instantly becomes criminal. Then the attachment is issued, not for the purpose of punishing him, but that he may have an opportunity, a day in court, to show cause why he should not be punished.

The attachment is a warrant upon probable cause ascertained by law for the arrest of the man, and it is not the plaintiff in the action where

the suit is civil that is the promoter of the action at all, but the whole nature and character of the action changes from a civil action between parties to a criminal proceeding at the instance of the United States. So it is in every case where an attachment is sued out by a court for the purpose of compelling the attendance of a witness to testify; it is a criminal proceeding and none other.

But recently a man who once held the honorable position that I now enjoy in the Senate of the United States as a representative from Alabama was summoned here by the United States Government to testify in the celebrated star-route cases. The subpœna was issued in ordinary due form and was executed, if I remember the facts aright, in the State of New York. After the subpœna had been returned cause was shown against him and an attachment issued for his person. He was seized in some of the Territories of the United States and brought here and carried before the court, and thereupon answering to a criminal accusation, for it was a criminal accusation, he demurred against the validity of the original process of subpœna. Perhaps he made a point also upon the form of the writ of attachment. The judge presiding in the criminal court here in the District of Columbia, a United States court, took time to consider and heard argument, and he found an imperfection in that paper and he decided that that ex-Senator was entitled to his liberty and that the whole proceeding against him was a trespass.

How did that judge come to such a conclusion as that upon the innocent process of an attachment? He found that it was necessary to have all of the strictness of procedure that attends every criminal cause in that proceeding. He found that it was necessary to survey the ground with care around him in order that the rights of this American citizen might not be abused, although it was admitted and the man himself said he knew he had been subpœnaed and was needed here, and had promised to come also, and still did not attend.

There was a case of moral contempt, of intentional avoidance of the demand of the court that he should be here to testify in some of the most important transactions that the Government of the United States has been concerned in for a great number of years, but because that process had not issued as a proceeding according to law, because that man did not have the protection that was guaranteed to him in the Constitution, because he had been deprived of his liberty without due process of law, the court discharged him and held that those who had him in custody, although they were officers of the United States Government, were technically trespassers.

Now, you say that we shall issue an attachment against a man before we serve a subpœna upon him; that we shall issue a writ which in its nature is criminal, which is intended to carry out the criminal power and criminal judgment of the court, not a civil power; that we shall issue a writ for the purpose of holding a man's body in custody as a suspect, and we undertake before the American people to justify our conduct in a case of that kind upon the Constitution of the country. No, sir; it is a flagrant and a bold and a defiant violation of it. There is no power on the part of the nicest and best organized mind in the world to discriminate between a warrant for the arrest of the body of a man and an attachment issued by a court or a commissioner which has the same effect.

Mr. MAXEY. I should like to call the attention of the Senator from Massachusetts to what I regard as a very material difference between the statute referred to, section 881 of the Revised Statutes, and the bill under consideration. Section 881 contains a provision that where the district attorney makes a formal application to the court for the issuance of a writ of attachment, the court as a court hears that upon proof, and then upon proof, if the court be satisfied that the writ ought to issue, the writ is issued and the party is brought up and may give bond, &c.; but it is a form of proceeding based upon proof. In the section under consideration, section 2, there is no provision that this is to be done by a formal application of the district attorney, nor is there any provision whatever for proof, nor is there anything to show that the court itself as a court upon proof shall do it, but the court may do it *ex mero motu*.

Mr. MORGAN. That is very true. In our efforts to administer justice in this country and after due consideration and after great experience on the part of the bar and the courts these statutes have been formulated and enacted, and all this strictness of procedure that the Senator from Texas refers to has been provided in order that we might secure to the person attached the benefit of all the guarantees of the Constitution of the United States for the security of personal liberty.

Mr. MAXEY. If the Senator will pardon me, I submit that, it being a question for decision by a court upon proof, the party or his friends may put in their appearance to show that there is no good and sufficient reason for the issuance of the writ of attachment. But here there is no proof whatever. It is equal to a *lettre de cachet* of France, or to the placing of a denunciation in the mouth of the lion at Venice.

Mr. MORGAN. This proposed statute undertakes to cover the requirement that there shall be probable cause for the arrest by saying that the court has reasonable ground to believe that such witness will unlawfully disobey a subpœna. There is no provision made for proof of probable cause; in fact, no probable cause exists, because there is no fact in existence, none known, none required by law to be proved as an antecedent fact or a predicate for the issue of the warrant. It is a mere surmise or suspicion in the mind of the judge or of the commissioner that the party will not obey the subpœna, founded upon the character of the party, upon his relations to the case, some ground of mere, bare, pure suspicion, and nothing else. Under such circumstances it seems to me that it is beyond denial that a criminal proceeding can not issue nor a proceeding which, whether you call it criminal or whether you call it civil, attaches the body of the party and puts him in custody.

The Senator from Missouri has argued the question as to what is to become of the witness after he is brought in by attachment. It is very true that it is only to be inferentially gathered from this section that he is to be brought in term time at all. The words are "compelling the immediate attendance of such witness." The "immediate attendance" may be before a court in term time, before a judge in vacation, before a commissioner, or before a grand jury.

But, sir, the argument in this case that is fatal to this section of the bill rests upon the want of constitutional power on the part of any judge in this country to issue an order for the attachment of the body of a man, except according to due process of law and upon reasonable and probable cause proven, not that he will commit an offense, but that he has committed an offense. I know of but one exception in the law where the anticipatory powers of justice may be used against a person, and that is where a person will come before a magistrate and make an affidavit that he has good cause to believe that his life or his bodily safety is endangered by this individual. Even then nothing can be done except to bring that man immediately before the court for investigation. The magistrate examines into the case, has the right to satisfy himself by inquiry, not merely of the informant but of other persons. He can ascertain probable cause without first notifying the defendant perhaps of his duty of attendance. That comes nearer being a case where the preliminary fact of the commission of an offense may be dispensed with and the connection of the defendant proceeded against therewith demonstrated than any other I can think of.

But, sir, is it a crime that a man shall not fully obey a subpœna? Is it a crime that a man may be suspected of a disposition not to obey a subpœna? Can there be ground for the attachment of his person because he is suspected of a disposition not to obey a subpœna? Is that sufficient to put him in the custody of the law and to hold him there until he is discharged?

The criticism of the Senator from Missouri upon this bill is a very just one in regard to the manner of proceeding. Every Senator must agree that this is a very extraordinary power, and that when we come to execute it we ought to have extraordinary guards in this measure itself to preserve the liberties and rights of the citizen. Here are none. When he comes he is left to intendment; he is left to some practice code; he is left to a rule of court; his liberty is committed into the hands of the judge who has issued the warrant against him without probable cause, and who will hold him according to the will and pleasure of that judge, and we give the man no protection at all in the bill.

Mr. President, the extirpation of polygamy will be a good thing if we succeed in accomplishing it by this measure, but there has been an uprooting of the Constitution of the United States to do it. There is no necessity for this stringent and radical legislation. Here are two sections of the bill in which we find it, and my belief is, and I think I may indulge it as a prophecy predicated upon the failure heretofore to extirpate Mormonism in Utah, that these men will raise up partisans for themselves throughout the people of the United States, who despise and contemn their practices, because they will believe that the Congress of the United States is violating the Constitution of the country in order to get a chance to punish them. I hope that will not be done.

Mr. CALL. If the Senator from Massachusetts does not object, I will move that the Senate adjourn.

Mr. HOAR. Certainly we must get this bill out of the way. There are other important matters which demand the time of the Senate, and we should finish the bill to-night.

Mr. CALL. I will say to the Senator from Massachusetts that it is almost impossible, I think, to finish the bill to-night.

Mr. VEST. I should like to make a statement to the Senator from Massachusetts. I have no disposition, as he knows, to delay the bill, and am very willing to go on with it myself, but our Committee on Commerce meets at 8 o'clock to-night on the river and harbor bill.

Mr. ALLISON. Why not fix an hour to-morrow to take the vote?

Mr. HOAR. If we can fix an hour to-morrow when the vote shall be taken, by unanimous consent, on the bill and pending amendments, I shall agree to an adjournment now. Will the Senator from Florida propose such an hour—2 o'clock or 3 o'clock?

Mr. CALL. I have no objection myself to an agreement to take the vote at some hour to-morrow. However, there are a number of amendments to be proposed to the bill, and I desire to make a few remarks myself on the bill to-morrow. I have no objection to consenting to such an arrangement if it can be made by unanimous consent.

Mr. ALLISON. Say 4 o'clock to-morrow.

Mr. HOAR. We can get through by 4 o'clock.

Mr. BUTLER. I move that the Senate adjourn.

Mr. HOAR. I shall call for the yeas and nays on the motion.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on agreeing to the motion of the Senator from South Carolina that the Senate adjourn.

Mr. HOAR. The yeas and nays are demanded.

Mr. ALLISON. Why can not the Senator from Massachusetts make some acceptable suggestion to the other side to take the vote to-morrow at some time?

Mr. HOAR. The Chair understood me to demand the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded?

Mr. HOAR. Will any Senator propose an hour to-morrow? I will propose 3 o'clock to-morrow as the time when the vote shall be taken on the bill and amendments.

Mr. BUTLER. I would say 4 o'clock.

Mr. HOAR. Will the Chair ask for unanimous consent?

The PRESIDING OFFICER. The Chair wishes to understand exactly what the consent is desired for.

Mr. HOAR. That at 4 o'clock to-morrow the question shall be taken on the bill and all pending amendments.

Mr. MORRILL. Unless debate should be exhausted before that time.

Mr. HOAR. Certainly.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the vote shall be taken on the bill and all pending amendments at 4 o'clock to-morrow.

Mr. BROWN. I desire to inquire in that case if the right to offer as many amendments as one may choose is reserved.

Mr. HOAR. Certainly.

Mr. CALL. I suggest to the Senator to say 5 o'clock.

The PRESIDING OFFICER. Is there objection to the agreement suggested by the Senator from Massachusetts?

Mr. VEST. I object.

The PRESIDING OFFICER. The Senator from Missouri objects.

Mr. HOAR. Will the Senator agree to any hour to-morrow?

Mr. VEST. If you make it 5 o'clock to-morrow, I have no objection.

["Agreed."]

Mr. HOAR. I will do that.

The PRESIDING OFFICER. The Chair will again ask for unanimous consent. The Senator from Massachusetts asks unanimous consent that at 5 o'clock to-morrow the vote shall be taken on the bill and all pending amendments.

Mr. EDMUNDS. Unless a vote should be sooner reached.

Mr. MORRILL. Unless the debate should be exhausted before that time.

The PRESIDING OFFICER. Is there objection? ["Agreed."] The Chair hears none, and it is so ordered.

Mr. BUTLER. I renew my motion to adjourn.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 17, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday, when,

On motion of Mr. HENDERSON, of Illinois, by unanimous consent, the reading of so much of the Journal as relates to the formal introduction and reference of bills and joint resolutions was omitted.

The remainder of the Journal was read and approved.

INTERIOR COAST-LINE WATER WAY.

The SPEAKER laid before the House a joint communication from the Secretary of the Navy and the Secretary of War, dated June 14, 1884, in response to a resolution of the House of Representatives of April 5, 1884, concerning the feasibility and expediency of constructing an interior coast-line water way for the defense of the Atlantic and Gulf seaboard; which was referred to the Committee on Military Affairs.

MOSES C. MORDECAI.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House calling for information as to the amounts appearing on the books of the Sixth Auditor to be due to Moses C. Mordecai up to January, 1861; which was referred to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIDSON, indefinitely, after the 18th instant.

To Mr. LYMAN, for two days.

To Mr. TURNER, of Georgia, for three days, on account of important business.

GULF AND SHIP ISLAND RAILROAD.

Mr. BARKSDALE. Mr. Speaker, I ask unanimous consent to submit at this time for reference to the Committee on Public Lands, and also to have printed in the RECORD, a memorial of the Legislature of the State of Mississippi.

There being no objection, the resolution was ordered to be printed in the RECORD, and referred to the Committee on the Public Lands.

It is as follows:

Memorial of the Legislature of the State of Mississippi, convened at Jackson, Miss., January session, A. D. 1884.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists would respectfully represent to your honorable body, that the State of Mississippi is deeply and earnestly interested in the construction of a railroad through the State, connecting her people with the seaboard at the nearest point to Ship Island Harbor. Ever since 1854, each succeeding Legislature has in some way endeavored to encourage this great enterprise, and meet the demands of the people for a highway to our own seashore, as a stimulus to our commerce and the development of the great interior resources of the State.

Your petitioners would show that in 1856 your honorable body donated, by act of Congress, to several railroads in different States, public lands of the General Government to encourage the building of the same. The States receiving this aid included the States of Alabama, Florida, Iowa, Tennessee, Michigan, Wisconsin, Mississippi, and the Territory of Minnesota. Most of the roads thus aided completed their lines and received the grants made by the Government. The donation made to this State in aid of the construction of the Gulf and Ship Island Railroad, beginning at the seashore and running to Brandon, in this State, reverted to the Government, the condition of the grant being that the road should be completed within ten years. The State made every effort to encourage and assist the construction of said road, appropriating $5,000 to assist in the surveying of the route, and passed an act transferring to said railroad company all the stock owned by the State of Mississippi in all the other railroads of the State. The failure of the company was not attributable to neglect or want of enterprise, but the results are in consequence of the late civil war. The railroads were not able to pay their indebtedness, and the road lost the benefit designed to be secured by the liberal legislation of a former period, and the lands lapsed to the Government in consequence of the failure, as before stated.

Your memorialists now respectfully show that there is chartered by the Legislature of this State a railroad company authorized to construct, maintain, and operate a line of railroad beginning at the seashore, along the line of the survey of the Gulf and Ship Island Railroad, and have again renewed their faith in an earnest wish for the completion of this enterprise. The State has authorized the employment of all the convict force of the State on this road, and given its State lands (though a small amount) at a nominal cost to said road to aid in its building, granting its patents as said railroad progresses in its construction.

Your memorialists, therefore, most earnestly petition your honorable body to renew and extend the beneficent donation which was heretofore made to the Gulf and Ship Island Railroad; said grant to be made on the terms of the former act, with the same limitations and restrictions. The State intends by every means in its power to encourage the construction and equipment of this road, feeling assured that its completion is fraught with the greatest benefits to her people and the whole country. Former Legislatures at various times have memorialized your honorable body in aid of this great enterprise; and that you will renew and extend the former liberal act of the Government, the benefits of which were lost in consequence of the late civil troubles of the country, your memorialists would renew and unite in said former petitions, all expressing the great wish of the people of the State in behalf of the opening of this great highway.

The premises considered, your memorialists pray your honorable body for such grant of public lands to the Gulf and Ship Island Railroad as your predecessors donated for the same purpose, and liberally assist the State in the speedy opening of this great highway to the sea.

And as in duty bound, your memorialists will ever pray, &c.

Adopted by the house of representatives March 13, 1884.

W. M. INGE,
Speaker of the House of Representatives.

Passed the senate March 14, 1884.

G. D. SHANDS,
President of the Senate.

STATE OF MISSISSIPPI,
OFFICE OF SECRETARY OF STATE.

I, Henry C. Myers, secretary of state, hereby certify that the foregoing is a true and correct copy of a resolution and memorial entitled "Memorial of the Legislature of the State of Mississippi, convened at Jackson, Miss., January session, A. D. 1884," that was adopted by the Legislature of the State of Mississippi, as therein stated, as the same appears from the original now on file in my office.

Given under my hand and the great seal of the State of Mississippi, this 13th day of June, A. D. 1884.

———, *Secretary of State.*

FRENCH AND AMERICAN CLAIMS COMMISSION.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent to submit to the House a proposition, which is embodied in the resolution I send to the desk. I see the gentleman from Pennsylvania [Mr. CURTIN], the chairman of the Committee on Foreign Affairs, is present, and I hope he will notice the reading of this resolution.

The SPEAKER. Does the gentleman ask for the present consideration of the resolution?

Mr. HOLMAN. Yes, sir.

The SPEAKER. The resolution will be read subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be, and is hereby, directed to inquire into the way and manner the French and American claims commission, organized under the convention of January 15, 1880, exercised its functions during the period of its existence, and whether its proceedings and awards were according to public law, justice, and equity, and "without fear, favor, or affection;" and whether American citizens whose claims were presented before said commission were denied an opportunity to freely and fairly present the evidence and arguments in support of their claims against the Government of France, and whether the rights of American citizens were otherwise ignorantly or wrongfully sacrificed, and whether the claims of French citizens were ignorantly or wrongfully allowed or disallowed; and to inquire what were the circumstances attending the allowance of the claim of Louis Bougerot against the United States, No. 123, for seventy-one bales of cotton; and whether said commission failed to

investigate any claim presented to them, whether evidence was in any case received by said commission after the time for receiving testimony had legally expired, and whether the rights of the United States were thereby prejudiced or sacrificed; and whether any money was unlawfully or corruptly expended by any person or persons in the employ of either government, or otherwise, to procure any witness or witnesses to testify falsely, or to suborn witnesses, or to intimidate any witness or witnesses, in order to defeat the claim of the citizen of either government against the other; and what legislation, if any, is necessary to carry out the decisions and awards of said commission, or to have the same reviewed or amended, and what action, if any, should be taken by this House; and for that purpose they are authorized to send for persons and papers and to sit during the recess of the House.

The SPEAKER. Is there objection to the present consideration of the resolution.

Mr. POLAND. I object.

ORDER OF BUSINESS.

Mr. CUTCHEON. I desire unanimous consent——

Mr. RANDALL. I think the better way is to have the regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] demands the regular order.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. YOUNG. I rise to make a privileged report. I am directed by the Committee on Expenditures in the Interior Department to submit a report of their action under the resolution of the House directing them to make an investigation of certain things connected with the Government property on the Hot Springs reservation in the State of Arkansas. I move that the report, together with the testimony, be printed and recommitted to the committee.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOPKINS. What is the regular order?

The SPEAKER. There are two special orders for to-day: one is the order of the House postponing until to-day the consideration of the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company; the other is the order made on June 9 setting apart so much of this day as may be necessary for the consideration of House bill No. 2550, relative to the importation of labor under contract—a bill reported by the Committee on Labor.

Mr. RANDALL. I think if the House will favor me with an hour we can complete the deficiency appropriation bill.

The SPEAKER. The Chair thinks the bill controlled by the gentleman from Pennsylvania [Mr. HOPKINS], reported by the Committee on Labor, has precedence. That is an order which sets apart so much of the day as may be necessary for the consideration of that bill. If the gentleman does not choose to call that up——

Mr. CASSIDY. What becomes of the order for the consideration of business reported by the Pacific Railroad Committee.

The SPEAKER. On the 5th of June the House made an order that Saturday, June 14, be set apart for the consideration of matters reported by the Committee on Pacific Railroads, to be again taken up on the Tuesday following, if not completed on that day.

Mr. CASSIDY. I may state that I do not desire to antagonize the appropriation bill.

Mr. RANDALL. I move that the morning hour for the call of committees for reports be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole House on the state of the Union.

FITZ-JOHN PORTER.

Mr. SLOCUM. I rise to make a privileged report. I present the report of the committee of conference on the bill (H. R. 1015) for the relief of Fitz-John Porter.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill of the House No. 1015, for the relief of Fitz-John Porter, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

H. W. SLOCUM,
C. H. MORGAN,
Managers on the part of the House.
W. J. SEWELL,
JOS. R. HAWLEY,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement by the conferees on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreement of the two Houses on the bill H. R. 1015, for the relief of Fitz-John Porter, submit the following written statement in explanation of the action recommended on the Senate amendments in the accompanying conference report.

The effect of the action recommended on the Senate amendments by the conferees is as follows:

The words "together with all the rights, titles, and privileges" in the bill as it passed the House are stricken out, and the words "provided that said Fitz-John Porter shall receive no pay, compensation, or allowance whatever prior to his appointment under this act" are substituted for the following words, which were in the bill as it passed the House, namely, "But this act shall not be construed as authorizing pay, compensation, or allowances prior to appointment under it."

H. W. SLOCUM,
C. H. MORGAN,
Managers on the part of the House of Representatives.

Mr. SLOCUM. I move the previous question on the adoption of the report.

Mr. EVERHART. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EVERHART. When this Fitz-John Porter bill passed the House I was not present, and when it came back from the Senate I endeavored to amend it by striking out the words "at his discretion," in the eleventh line, and all of the last line, which allows him compensation; so that his retirement would be compulsory and without any compensation whatever, either for the past or for the future. But this amendment was prevented by the previous question. Now I wish to know, if this conference report be not adopted, whether it will be in order for me to move this amendment to the bill?

The SPEAKER. If the House should refuse to agree to the report of the committee of conference, then the House might take some action with regard to the amendments. But the report itself is not subject to amendment. The gentleman from New York [Mr. SLOCUM] demands the previous question.

Mr. DUNHAM. I desire to ask a question for information. Is the report of the conference committee on the part of the House unanimous?

The SPEAKER. The report is signed by two out of the three conferees.

Mr. DUNHAM. I understand the gentleman from Michigan [Mr. CUTCHEON] has refused to sign the report.

Mr. CUTCHEON. I did not sign the report; not because I do not prefer the Senate bill to the House bill, but because I am opposed to both and desire to be left free to vote against both.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The House divided; and there were—ayes 92, noes 40.

Mr. HITT. I call for the yeas and nays.

On the question of ordering the yeas and nays, there were—ayes 29.

The SPEAKER. The affirmative is more than one-fifth of the last vote.

Mr. HAMMOND. Count the other side.

The negative vote was taken; and there were—noes 95.

So (the affirmative being more than one-fifth of the entire vote) the yeas and nays were ordered.

Mr. KASSON. I suggest that it would be agreeable to me and perhaps to others to hear the bill, which is very short, reported as it will be with the amendments reported by the conference committee.

The SPEAKER. The gentleman from Iowa asks that the bill as it will read as amended according to the recommendation of the conference committee be read.

Mr. FIEDLER. I object.

Mr. DUNHAM. Have we not the right to have the bill read?

The SPEAKER. The amendments are all that are before the House.

Mr. KASSON. I do not understand where those amendments come in. I am ignorant how the bill will read as proposed to be amended.

Mr. MORRISON. I do not think the gentleman is as ignorant as he pretends to be.

Mr. KASSON. I think the gentleman from Illinois is perhaps more ignorant than he claims to be.

The SPEAKER. The Chair is advised by the Clerk the Senate amendment proposes to strike out all after the enacting clause. That has not been read. The Clerk will report the amendment of the Senate.

The Clerk read as follows:

Strike out all after the enacting clause, and insert the following:

"That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863; and in his discretion to place him on the retired-list of the Army of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatever prior to his appointment under this act."

The question was taken upon agreeing to the report of the committee of conference; and there were—yeas 157, nays 62, not voting 104; as follows:

YEAS—157.

Aiken,	Clardy,	Dunn,	Haynes,
Alexander,	Clay,	Eaton,	Hemphill,
Arnot,	Clements,	Eldredge,	Henley,
Bagley,	Cobb,	Ellis,	Herbert,
Ballentine,	Collins,	English,	Hewitt, A. S.
Barbour,	Connolly,	Ferrell,	Hewitt, G. W.
Bayne,	Cosgrove,	Fiedler,	Hoblitzell,
Belford,	Cox, S. S.	Findlay,	Holman,
Bennett,	Cox, W. R.	Foran,	Hopkins,
Blanchard,	Crisp,	Forney,	Houseman,
Bland,	Curtin,	Fyan,	Howey,
Blount,	Dargan,	Garrison,	Hunt,
Broadhead,	Davidson,	Glascock,	James,
Buchanan,	Davis, L. H.	Graves,	Jeffords,
Burnes,	Deuster,	Green,	Jones, B. W.
Cabell,	Dibble,	Greenleaf,	Jones, J. H.
Candler,	Dibrell,	Hammond,	Jones, J. K.
Carleton,	Dockery,	Harmer,	Jordan,
Cassidy,	Dowd,	Hatch, W. H.	Kleiner,

Laird,	Mutchler,	Scales,	Turner, Oscar
Lamb,	Neece,	Seney,	Van Alstyne,
Lanham,	Nicholls,	Seymour,	Vance,
Le Fevre,	Oates,	Shaw,	Van Eaton,
Lewis,	Ochiltree,	Shelley,	Wallace,
Long,	O'Ferrall,	Skinner, T. G.	Warner, Richard
Lore,	Paige,	Slocum,	Wellborn,
Lovering,	Patton,	Smith,	Weller,
Lowry,	Pierce,	Spriggs,	Wilkins,
McAdoo,	Peel,	Stewart, Charles	Willis,
Matson,	Poland,	Stockslager,	Wilson, W. L.
Maybury,	Post,	Storm,	Winans, E. B.
Miller, J. F.	Pryor,	Sumner, C. A.	Wolford,
Mills,	Pusey,	Sumner, D. H.	Wood,
Mitchell,	Randall,	Taylor, J. M.	Woodward,
Morgan,	Rankin,	Thompson,	Worthington,
Morrison,	Reese,	Throckmorton,	York,
Moulton,	Riggs,	Tillman,	Young.
Muldrow,	Rockwell,	Townshend,	
Murphy,	Rogers, J. H.	Tucker,	
Murray,	Rogers, W. F.	Tully,	

NAYS—62.

Adams, G. E.	Dingley,	Keifer,	Rowell,
Anderson,	Everhart,	Kelley,	Ryan,
Bisbee,	Funston,	Lawrence,	Smalls,
Brainerd,	George,	McCormick,	Spooner,
Breitung,	Guenther,	Millard,	Stone,
Brewer, F. B.	Hanback,	Morrill,	Strait,
Brewer, J. H.	Hart,	Nelson,	Taylor, E. B.
Browne, T. M.	Hatch, H. H.	Nutting,	Valentine,
Brown, W. W.	Henderson, D. B.	O'Neill, Charles	Wait,
Cannon,	Henderson, T. J.	Payson,	Wakefield,
Chace,	Hepburn,	Perkins,	Weaver,
Culbertson, W. W.	Hitt,	Peters,	White, Milo
Cullen,	Holmes,	Pettibone,	Whiting,
Cutcheon,	Houk,	Price,	Wilson, James.
Davis, G. R.	Johnson,	Reed,	
Davis, R. T.	Kasson,	Robinson, J. S.	

NOT VOTING—104.

Adams, J. J.	Dunham,	King,	Rosecrans,
Atkinson,	Elliott,	Lacey,	Russell,
Barksdale,	Ellwood,	Libbey,	Singleton,
Barr,	Ermentrout,	Lyman,	Skinner, C. R.
Beach,	Evans, I. N.	McCoid,	Snyder,
Belmont,	Evins, J. H.	McComas,	Springer,
Bingham,	Finerty,	McMillin,	Steele,
Blackburn,	Follett,	Miller, S. H.	Stephenson,
Boutelle,	Geddes,	Milliken,	Stevens,
Bowen,	Gibson,	Money,	Stewart, J. W.
Boyle,	Goff,	Morey,	Struble,
Breckinridge,	Halsell,	Morse,	Talbott,
Brumm,	Hancock,	Muller,	Taylor, J. D.
Buckner,	Hardeman,	O'Hara,	Thomas,
Budd,	Hardy,	O'Neill, J. J.	Turner, H. G.
Burleigh,	Hiscock,	Parker,	Wadsworth,
Caldwell,	Hill,	Payne,	Ward,
Calkins,	Holton,	Phelps,	Warner, A. J.
Campbell, Felix	Hooper,	Potter,	Washburn,
Campbell, J. M.	Horr,	Ranney,	Wemple,
Converse,	Hurd,	Ray, G. W.	White, J. D.
Cook,	Hutchins,	Ray, Ossian	Williams,
Covington,	Jones, J. T.	Reagan,	Winans, John
Culberson, D. B.	Kean,	Rice,	Wise, G. D.
Dorsheimer,	Kellogg,	Robertson,	Wise, J. S.
Duncan,	Ketcham,	Robinson, W. E.	Yaple.

So the report was agreed to.

The following were announced as paired on all political questions until further notice:

Mr. TALBOTT with Mr. STEELE.

Mr. FOLLETT with Mr. CALKINS.

Mr. EVINS, of South Carolina, with Mr. LACEY.

Mr. MULLER with Mr. GUENTHER.

Mr. BLACKBURN with Mr. RUSSELL.

Mr. YOUNG with Mr. RICE.

Mr. BEACH with Mr. SKINNER, of New York.

Mr. HANCOCK with Mr. WASHBURN.

Mr. REAGAN with Mr. LAIRD.

Mr. HARDY with Mr. CHACE.

Mr. BUCKNER with Mr. BRUMM.

Mr. STEVENS with Mr. KELLOGG.

Mr. DORSHEIMER with Mr. HISCOCK.

Mr. COVINGTON with Mr. BOUTELLE.

Mr. HILL with Mr. MILLIKEN.

Mr. ERMENTROUT with Mr. BINGHAM.

Mr. CONVERSE with Mr. PHELPS.

Mr. GIBSON with Mr. GOFF.

Mr. WARD with Mr. PAYNE.

Mr. SNYDER with Mr. BARR.

Mr. ELLIOTT with Mr. PETERS.

Mr. HARDEMAN with Mr. EVANS, of Pennsylvania.

The following were also announced as paired:

Mr. WALLACE with Mr. STEPHENSON, until June 19.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. CAMPBELL, of New York, with Mr. JOHN S. WISE, until June 18.

Mr. MCMILLIN with Mr. RAY, of New York, until June 21.

Mr. HURD with Mr. J. D. TAYLOR, until June 22.

Mr. SLOCUM with Mr. LYMAN, until June 19.

The following were also announced as paired for this day:

Mr. ADAMS, of New York, with Mr. MILLER, of Pennsylvania.

Mr. ROBERTSON with Mr. STRUBLE.

Mr. YAPLE with Mr. KEAN.

Mr. HALSELL with Mr. WHITE, of Kentucky.

Mr. TURNER, of Georgia, with Mr. DUNHAM.

Mr. GEORGE D. WISE with Mr. LIBBEY.

Mr. WARNER, of Ohio, with Mr. KETCHAM, on this bill.

Mr. FINERTY with Mr. CAMPBELL, of Pennsylvania. If present, Mr. FINERTY would vote "ay," and Mr. CAMPBELL "no," on the Fitz-John Porter bill.

Mr. PHELPS. I am paired on all political questions with Mr. CONVERSE, of Ohio; but I know that on this matter his position is the same as mine, and I have therefore voted.

Mr. DUNHAM. I am paired with Mr. TURNER, of Georgia; otherwise I would have voted "no" on this proposition.

Mr. PETERS. I am paired with Mr. ELLIOTT, of Pennsylvania, on all political questions; but not regarding this as a political question I have voted.

Mr. SPRINGER. I was absent in my committee-room when the roll-call commenced and entered the Hall just as the last name was being called. Under the rules I am not permitted to vote; but had I been here when my name was called I would have voted in the affirmative.

Mr. STRUBLE. I am paired with the gentleman from Kentucky, Mr. ROBERTSON; otherwise I would have voted "no."

Mr. HISCOCK. I am paired with my colleague, Mr. DORSHEIMER, upon all political questions, and have therefore refrained from voting on this occasion. If he were here, I would vote "no."

The result of the vote was then announced as above stated.

Mr. SLOCUM moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISS MARY P. M'BLAIR.

Mr. HEWITT, of Alabama. I rise to submit a conference report which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House 2677, granting a pension to Miss Mary P. MacBlair, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment and agree to the same, with an amendment as follows:

Strike out "$15" wherever it occurs, and insert "$20" in lieu thereof.

J. N. CAMDEN,
H. W. BLAIR,
JAMES F. WILSON,
Managers on the part of the Senate.

G. W. HEWITT,
H. W. SLOCUM,
J. S. STRUBLE,
Managers on the part of the House.

The following statement accompanying the conference report was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H. R. 2677, granting a pension to Miss Mary P. MacBlair, submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report: The bill as it passed the House granted a pension at the rate of $30 a month to the beneficiary. The Senate amended the bill by striking out "thirty" and inserting "fifteen," so as to grant the pension at the rate of $15 a month. The conference committee recommended that "fifteen" be stricken out of Senate amendment and "twenty" be inserted in lieu thereof, so as to grant the pension at the rate of $20 a month.

G. W. HEWITT,
H. W. SLOCUM,
J. S. STRUBLE,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. HEWITT, of Alabama, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND GRANTS FOR RAILROADS AND WAGON-ROADS.

Mr. PAYSON, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 7238) to restore all lands held in indemnity limits for railroad and wagon-road companies, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CLIFFORD ARRICK.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the deficiency appropriation bill.

Mr. ADAMS, of Illinois. Will not the gentleman from Pennsylvania yield to me that I may now make the motion which I agreed to make in regard to the case of Clifford Arrick?

Mr. RANDALL. I yield for that purpose; it will take but a moment.

Mr. ADAMS, of Illinois. Mr. Speaker, an item was inserted in the deficiency appropriation bill upon an agreement that I should ask the House to rescind the order by which an appropriation for the same purpose has been made out of the contingent fund.

Mr. RANDALL. In the Committee of the Whole an amendment providing compensation for this employé was adopted upon the assur-

ance of the gentleman from Illinois [Mr. ADAMS] that he would ask for the rescinding of the resolution directing payment out of the contingent fund of the House.

Mr. ADAMS, of Illinois. I ask unanimous consent that the resolution adopted by the House on the 11th instant, for the payment of $52.64 out of the contingent fund of the House to Clifford Arrick, be rescinded.

The SPEAKER. If there be no objection that resolution will be rescinded. The Chair hears none, and it is so ordered.

SITTING OF A COMMITTEE.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND], chairman of the select committee appointed to investigate whether or not Mr. English or others have violated the privileges of the House, asks leave that a subcommittee may sit during the sessions of the House. If there be no objection leave will be granted.

There was no objection, and it was ordered accordingly.

REPRINTING OF A REPORT.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY], on behalf of the Committee on Elections, asks a reprint of the report in the case of Campbell *vs.* Morey, stating that there are some errors in the report as already printed. If there be no objection the order for reprinting will be made. The Chair hears none, and it is ordered accordingly.

DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the deficiency appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. DUNN in the chair), and resumed the consideration of the bill (H. R. 7235) making appropriations to supply deficiences in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The CHAIRMAN. The question is upon the point of order made by the gentleman from Indiana [Mr. HOLMAN] against the amendment offered last evening by the gentleman from Wisconsin [Mr. GUENTHER].

The amendment is as follows:

At the end of line 356 insert the following:

"For payment of awards made by commissioners under the act of Congress entitled 'An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin,' approved March 3, 1875, and which awards have not been appealed from, or as to which the liability of the Government is admitted, $33,771.69."

Mr. RANDALL. I ask my associate on the committee [Mr. HOLMAN] to withdraw the point of order, and let us have a vote quickly on the merits of the amendment itself.

The CHAIRMAN. Does the gentleman from Indiana withdraw the point of order?

Mr. HOLMAN. I accede to the suggestion of the chairman of the Committee on Appropriations for the reason that the discussion of the point of order, especially as to the main item of these claims, an item of $10,000, would involve a complicated statement, and would necessarily occupy considerable time. Rather than consume time with this complicated statement I withdraw the point of order.

The CHAIRMAN. The point of order being withdrawn, the question is on the adoption of the amendment.

Mr. RANDALL. Mr. Chairman, a subcommittee of the Committee on Appropriations made an examination of this matter and reported to the general committee adversely, and I think with unanimity.

As far back as 1872 the United States came into possession of property from the Fox and Wisconsin River Canal Company, and have since been making large appropriations therefor. This claim is presented under an act of Congress which permitted damages to be ascertained and awards to be made. In one case where the award was for $10,000 an appeal was taken to the Supreme Court of the United States, that being intended, I presume, as a test case. But, as the gentleman from Indiana has remarked, the question is a complicated one; and I think it ought to receive full consideration from the Judiciary Committee of this House to determine what proceeding should be had in relation to these matters. Certainly they should not be placed on an appropriation bill. It will be remembered this claim, which was appealed, as far as I know, to the Supreme Court, arose before the United States came into possession of this property for which they paid $300,000, I believe. The committee deem it the wiser course, even though there might be an equity or legal responsibility on the part of the Government, that it should have further scrutiny, and they were unwilling to take the responsibility of recommending to the House legislation for the payment of these claims should be here made. If the House chooses, after this statement and further discussion, to take the responsibility and act against the recommendation of the Committee on Appropriations, the duty of that committee will have at least been discharged, and the House will assume the entire responsibility of paying in a manner which we consider to be unwise and before we are called upon to do it.

Mr. GUENTHER. One word in reply to the gentleman from Pennsylvania.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. RANDALL. Certainly. I wish to get a vote quickly. I am confined to an hour in getting this bill through.

Mr. GUENTHER. In reply to the gentleman from Pennsylvania, Mr. Chairman, I have simply to say that the Attorney-General of the United States says he can see no good reason why these awards should not be paid. He says the liability of the Government is admitted.

Mr. RANDALL. Do not let us pay this award in this general deficiency appropriation bill. Let them have careful examination by the Judiciary Committee. That committee would settle and put at rest all points in reference to these awards, and then we would be able to act with a full knowledge of all the facts and points of law involved.

Mr. GUENTHER. After the United States Supreme Court has affirmed the decision of the court below, is not that sufficient? Can we set aside the decision of the Supreme Court?

Mr. HOLMAN. The decision of the Supreme Court was not on the merits, as my friend from Wisconsin will find on examination, but the question was whether the State courts of Wisconsin had jurisdiction of the subject-matter. It was a clear question of jurisdiction, and the Supreme Court of the United States decided in the act of 1875, which my friend had read yesterday, and which is in the RECORD this morning, that the State courts had not jurisdiction. The merits of the question were not presented by the record.

And let me say further that the Government of the United States bought that land after the construction of the Fox and Wisconsin River improvement. In 1872 the Government purchased the works from the then corporation and paid for them a sum in the neighborhood of $300,000. Prior to that, as to this main item of $10,000, one claim existed against the canal company. After the Government became the owner of this property that claim against the canal company was prosecuted in the State court of Wisconsin and judgment obtained against the United States. That presents an interesting question, which it seems to me ought to go to the Judiciary Committee of this House to determine whether or not the United States Government shall pay a claim which had its origin against the corporation before the Government became owner of this property. That is the main item.

Mr. GUENTHER. Is not that a judgment already pending here against the United States?

Mr. RANDALL. I submit the Attorney-General in his paper does not go to the length the gentleman from Wisconsin has stated and upon which he relies. I have his letter here on this subject, which I will read:

DEPARTMENT OF JUSTICE, *Washington, March* 7, 1884.

SIR: In compliance with the resolution of the Senate of March 4, 1884, I have the honor to transmit herewith a copy of a letter from Hon. O. B. Thomas, special assistant attorney-general, to Col. D. C. Houston, Milwaukee, Wis., and a copy of a list of awards made by commissioners under an act to aid in the improvement of the Fox and Wisconsin Rivers, approved March 3, 1875, not appealed from, or as to which the liability of the Government is admitted; and to state, that, except as may appear upon the inclosures, I know of no reason why awards of the class mentioned should not be paid.

Very respectfully,

S. F. PHILLIPS,
Acting Attorney-General.

The PRESIDENT OF THE SENATE.

Mr. GUENTHER. Does anything appear in the inclosures? So far as I can see nothing has been presented to show that these awards or judgments should not be paid at once in accordance with the recommendation of the Attorney-General.

Mr. RANDALL. As I have said, the point on which the gentleman relies is not covered in this letter.

The question recurred on Mr. GUENTHER'S amendment.

The committtee divided; and there were—ayes 44, noes 90.

So the amendment was rejected.

Mr. CANNON. I move the following amendment.

The Clerk read as follows:

On page 50, after line 358 insert the following:

"For pay of the Navy, prior to July 1, 1881, $6,110.95.

"For pay, miscellaneous, 1881 and prior years, $2,390.81.

"For pay, Marine Corps, prior to July 1, 1881, $336.38.

"For construction and repair, Bureau of Construction and Repair, 1881 and prior years, $512.17.

"For contingent, Bureau of Equipment and Recruiting, 1881 and prior years, $116.31."

Mr. CANNON. I will consume but a moment of the time of the House. This amendment covers fifty items in round numbers of Miscellaneous Document No. 67. It is made up of the same class of claims which have been put in the bill by the committee and of the same class I spoke of yesterday which the committee left out.

Now, last night in the committee, claims that had been audited upon vouchers no better substantiated than these, for refunding to the States certain expenses incurred in raising and equipping volunteers in the States of New York, Massachusetts, and Michigan, were agreed to. These great States had following enough upon the other side, united with gentlemen upon this, to vote these amendments into the bill, and properly so.

In the present instance the amounts to which I refer in this amend-

ment are audited by the same officers and upon vouchers which are just as good as those the committee have acted upon excepting that they are for insignificant amounts and due to poor people. You will see by a reading of a few of the names here, which I will omit, but state the amounts, that these are all small. For instance, here is one for $6.50, another for $17.58, another for $5.63, $11.37, and so it runs through the list. This is for pay that has been due to these common sailors, some of them for twelve or fifteen years, on accounts which have been properly adjusted by the Auditor or Comptroller, and which ought to be paid to them. As I have said, these claims have been adjudicated upon just as reliable and satisfactory vouchers as the claims of Massachusetts, Michigan, or New York passed last night. But these poor sailors and the widows of sailors have not the same power to form combinations in support of their claims as the great States that I have mentioned upon this floor. I apprehend, sir, it may be that this committee will not put them in the bill. If not, these poor widows and sailors will have to wait awhile longer, and they may well say to this Congress, "It is splendid to have a giant's strength, but it is cruel to use it like a giant."

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Illinois.

The committee divided; and there were—ayes 50, noes 80.

So the amendment was not agreed to.

The Clerk read as follows:

SEC. 4. For the payment of claims audited and allowed by the Second Auditor and Second Comptroller of the Treasury under the provisions of the act of August 7, 1882, "to authorize the auditing of certain unpaid claims against the Indian Bureau by the accounting officers of the Treasury," for services rendered and supplies furnished on account of the Indian service, $72,166.79; and for claims audited and allowed by the said accounting officers under the provisions of section 4 of the act of June 14, 1878, $16,798.47, as fully set forth in House Executive Document No. 145, first session Forty-eighth Congress; in all, $88,965.26.

Mr. WEAVER. I move to amend by inserting what I send to the desk.

The Clerk read as follows:

In line 17 of section 4, insert:

"For the payment of the claims of Ezekiel A. McClure and Charles F. Porter, on account of contingencies for the Indian Department, 1881 and prior years, $1,120 each—in all, $2,240—in accordance with the opinion of the Court of Claims as certified by the Second Auditor and Second Comptroller of the Treasury, and contained in House Document No. 145, first session Forty-eighth Congress."

Mr. HOLMAN. I make the point of order upon that item, and will have to ask the Chair to indulge me in a brief statement. The point of order is this: that there is no law authorizing the payment of that claim or that class of claims. The mere fact that this claim is reported back by the Court of Claims gives it no different standing from what it previously had. This claim has been considered by the Court of Claims under what is known as the "Bowman law." The Chair will remember that under that law a claim pending in any Department or before any branch of Congress or before a committee here of Congress may be referred to the Court of Claims for the purpose of ascertaining the facts in reference to it; and it is made the duty of that court, after having ascertained the facts, to report them to the tribunal or body from which the reference of the case was made.

If made by the Treasury Department of course the information obtained by this channel for the ascertainment of the facts would go at once to the Treasury Department. If the reference was made by the Committee on War Claims, as soon as the facts are ascertained the Court of Claims makes reference of the subject-matter back to the committee where it orignated; and so with each other committee of either branch of Congress. The object, then, being to ascertain simply the facts upon which the claim rests, and report them to the tribunal or authority which calls for the facts, the status of the claim is thereby not changed. It would be exactly like the reference which occurs every day by a committee to one department or the other of the Government for the purpose of ascertaining the facts in regard to a claim pending before the committee.

I submit that when such claim comes back to the committee from which it was referred it stands upon exactly the same footing except that the facts have been ascertained. In all other respects it is identically the same claim, and with no higher privileges or standing. It would be exactly like the claim for lost horses in the military service, where the records of the War Department show the facts and where the War Claims Committee refers the claim to the Department for a statement of the facts. It does not change the character of the claim when the facts are reported. It would not be assumed that because the facts are determined and the character of the claim ascertained an appropriation bill is the proper vehicle through which the claim should be at once and without further action submitted to the Treasury for payment. On the contrary, it still remains a claim, and if cognizable by any one of the committees of Congress, as the Committee on Pensions or any other committee, it is simply still cognizable by that committee when it comes back, just as it was before the facts were ascertained by the court. I think the proposition is so clear that it is hardly necessary to discuss it.

Mr. WEAVER. Mr. Chairman, I find in section 4 of this bill that the items that have been reported, or for which appropriations are to be made, are for the payment of certain amounts which have passed through the hands of the Second Auditor and Second Comptroller of the Treasury.

I find under the law of 1883 that when matters in dispute come before these officers on which there should be findings of fact and findings of law those matters are to be referred to the Court of Claims for the findings of fact and the findings of law. No judgment is to be entered after the finding of fact and the finding of law. They are returned to the Second Auditor or the Second Comptroller, as the case may be.

So in this case. This claim, having matters in it whereon there should be findings of fact and findings of law, was referred to the Court of Claims to pass upon those questions of fact and questions of law, wherein there is no judgment entered. Then they were referred back to the Second Auditor's Office, from which all the claims under the pending section are reported. It can not be possible that this point of order is well taken.

Mr. HOLMAN. Will the Chair allow me just a moment? I am very anxious the Chair should get this point, because it presents a precedent on which I think this point of order should be decided. It is this: When the Court of Claims was in the first place organized it was organized for the purpose of simply ascertaining the facts, and it reported those facts to the House of Representatives under the law and they were referred at once to the Committee on Claims uniformly. There never was any practice different from this in the House from the time the Court of Claims was organized until its reorganization in 1863. That is to say, when they made their reports they were referred to the Committee on Claims and that committee reported bills predicated on facts as found by the Court of Claims. After the Court of Claims was authorized to render final judgment of course a different practice prevailed. But the Chair will find from the organization of the Court of Claims up till the reorganization which made its judgments final, up to that time it simply found the facts and they were referred to the Claims Committee of the House, and that committee proceeded to examine them and predicated bills on them and reported them to the House. And as late even as within the time the present occupant of the chair has occupied a seat upon the floor those old findings of the Court of Claims have been coming from time to time from the Court of Claims for consideration by the House. They ascertained the facts. It was still a claim with the facts ascertained, nothing more, nothing less; not an appropriation to carry on the Government; not a deficiency, but simply a claim against the Government, and a claim only to be considered by the proper committee with the facts ascertained.

Mr. WEAVER. One word; because I think it can be so plainly shown wherein the gentleman from Indiana is very lame in his argument. It will not be denied that the subject-matter here under consideration was proper to be referred to the Second Auditor's Office.

Now, I would like to know wherein the law of 1883 has made it necessary for those claims that have been referred to the Court of Claims only for the ascertainment of facts and law—I would like to know wherein it becomes necessary for them to go before the Committee on Claims. In the section now under consideration we have an appropriation for items that have passed the muster of the Second Auditor and the Second Comptroller. In the law of 1882, which I hold in my hand, I find this:

That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law—

Then what? Then they shall be referred to the Court of Claims, only to pass upon those questions of law and questions of fact; and they are returned back to the Auditor's office without any judgment in the same condition wherein they were before, except that these facts have been found and the law has been found. And then it is that they assume the same attitude, the facts and the law having been passed upon.

I call the attention of the Chair to this proposition: that this item is among those matters that were embraced in the letter of the Secretary of the Treasury for allowance here by this committee. It would seem the Department has put the same construction upon this law as is put upon it in offering this amendment.

Mr. RANDALL. I shall be glad if the chairman will give his attention to the first and last sections of the act to which reference has been made. This act, as far as I remember and can understand the reading of it now, authorized the Departments to transmit these claims for the ascertainment of fact and law to the Court of Claims; and then they are remitted back to the Auditor, not back to Congress. They come to Congress as a matter of consideration from the examining officers of the Government by the very terms of the act itself. They come here in the nature of perhaps a recommendation based upon the facts ascertained and the law as the Court of Claims construe it. There is nothing directory in the character of the law on Congress; neither is there anything in it that would be in the nature of a judgment against the United States which the Congress of the United States is bound to recognize in making appropriations. I will send up these sections of the law if the Chair wishes.

The CHAIRMAN. The Chair has the law before him.

Mr. VALENTINE. This matter is one of considerable importance, and the Chair should be well informed as to all the facts concerning it before making a ruling at this time which will probably become a precedent.

As I understand, this is the first of a series of claims that have come

to Congress under what we may term the "Bowman act." Those who were here during the last Congress will remember the act passed at the instance of Mr. Bowman of Massachusetts, and which I now hold in my hand, and which I hope the chairman of this Committee of the Whole will examine before passing upon this question. Section 2 of that act, referred to but not read by my friend from Pennsylvania [Mr. RANDALL], is as follows:

That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

Section 7, which is the last section of the act, provides:

That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

That seventh section clearly shows that it was the intention of that act that when a finding had been made by the Court of Claims, had been transmitted to the officer who had sent the claim to the court for such finding of fact or law, it was the duty of that officer to do just as he has done in this case, to transmit it to Congress for an appropriation. This item comes to this Congress in Executive Document No. 145, and is sent here for an appropriation in accordance with the findings of the Court of Claims.

This is not a war claim; it is a claim for services rendered, for labor performed many years ago by two men residents of my State. A question of law and a question of fact existed that were somewhat disputed, and the Auditor sent the claim to the Court of Claims. That court has made a finding both upon the law and upon the fact in favor of the claimants. I call them "claimants," for I presume they are claimants until they have been paid. These are just such claims, if you please, coming from individuals, as were the claims coming from States which the Committee of the Whole placed on this bill last evening, with just as much merit and with just as much right as those claims, and with one additional thing in their favor. That is, that the "gopher" which has been referred to here has not alone passed upon the claim, and the clerks and Auditors have not alone passed upon it, but after it has been passed upon by them it has been referred to a court established for the purpose of examining claims.

Mr. RANDALL. I would ask the gentleman how much time he wants?

Mr. VALENTINE. I do not know until I get through; I never can tell. I think this is a very important question, and I hope the gentleman will be patient. This is the first of this series, and we want to know whether they can come here after they have been passed upon by the Court of Claims to be considered by this House; we want to know whether this law is a myth.

Mr. RANDALL. And we want to know whether such claims can be placed upon an appropriation bill without having been passed upon by a committee.

Mr. VALENTINE. That is not my fault, but yours. If the Appropriations Committee thinks it their duty to examine such claims as the Secretary of the Treasury sends to them, then they and not the members of Congress or the Court of Claims must be blamed if they have not made that examination. If the subcommittee or the full Committee on Appropriations of this House has failed to examine these various claims and have simply picked out such as to them seemed meet, then I say this bill should be returned to them and they should be given time enough to examine these claims.

Here is a claim which has been passed upon by the Court of Claims; has been adjudicated as far as any court can adjudicate it. It is for you, Mr. Chairman, to say at this time whether the law is a myth; whether all this trouble to which the court has been put shall be set aside and these claims shall be sent to the Committee on Claims, the Committee on Indian Affairs, or to the Committee on War Claims, as the case may be, and have the examination all gone over again.

Mr. RANDALL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Nebraska [Mr. VALENTINE] yield?

Mr. RANDALL. I thought the gentleman was through.

Mr. WARNER, of Ohio. Are we proceeding under the five-minute rule or the hour rule?

The CHAIRMAN. The gentleman is speaking upon the point of order.

Mr. WARNER, of Ohio. The gentleman is discussing the merits of the case.

Mr. VALENTINE. I have not said anything about the merits of the case, except sufficient to bring the matter fully before the chairman of this Committee of the Whole.

Now, I do not know that I wish to be heard further. I desire the chairman of the Committee of the Whole to take the law and examine it.

The CHAIRMAN. The Chair has the statute before him.

Mr. VALENTINE. If the point of order made by the gentleman from Indiana be sustained, then this law is of no effect.

Mr. RANDALL. Oh, no.

Mr. VALENTINE. If this point of order be good, there is no use and no sense in the law.

Mr. RANDALL. The law has just as much effect as the 4th of July act.

Mr. VALENTINE. What is the use of asking the court to examine a question and then sending it to some committee of the House to go all over it again? These claims are here just exactly as are hundreds of claims which have been placed in this bill; and indeed they come with additional force, because the Court of Claims has passed upon them and said they are correct and just.

Mr. HOLMAN. I ask that the eighth section of the original act establishing the Court of Claims may be read. From the reading the Chair will discover——

The CHAIRMAN. The Chair will cause the statute to be read.

The Clerk read as follows:

SEC. 8. That said reports and the bills reported as aforesaid shall, if not finally acted upon during the session of Congress to which the said reports are made, be continued from session to session and from Congress to Congress until the same shall be finally acted upon; and the consideration of said reports and bills shall at the subsequent session of Congress be resumed, and the said reports and bills be proceeded with in the same manner as though finally acted upon during the session when presented.

Mr. HOLMAN. Now, Mr Chairman, the last section of the act now under consideration is in nearly identical language with the provision just read. From the time of the passage of the act of 1855 until the reorganization of the court the bills reported from that court, together with the facts found by them, went uniformly and without a single exception under a rule of the House——

The CHAIRMAN. That refers to judgments of the court, does it not?

Mr. HOLMAN. No final judgment was rendered under the law as originally passed. The object of referring a matter to the court was to ascertain the facts; and the cases reported from the court were, under the section just read, uniformly reported back here and referred to our committees. The records of this House will show that to have been the uniform interpretation of the eighth section.

Now I submit, Mr. Chairman, that the uniform practice under a provision the phraseology of which is nearly identical with the last section of the act now in question ought to be regarded as settling the law of this House touching such a matter.

Mr. RANDALL. It will be borne in mind that the practice under the original act establishing the Court of Claims was changed by virtue of a subsequent act.

Mr. WEAVER. I wish to ask the gentleman from Indiana this question: If a claim of this character which had been before the court should be referred to the Committee on Claims of this House, what would you bring to sustain it—the finding of the Court of Claims, or the original testimony upon which that court arrived at its conclusion?

Mr. HOLMAN. Undoubtedly the Committee on Claims frequently call for the original testimony, as they have the right to do.

Mr. VALENTINE. The discussion had upon this law at the time of its passage shows that the measure was designed to obviate the very difficulty which, according to the gentleman on the other side, still confronts us.

Mr. HOLMAN. My friend will remember that these claims are sent to the court to ascertain the facts.

Mr. VALENTINE. To ascertain the facts for the benefit of whom? Claim after claim has been referred to this tribunal, has been audited by the proper officer; but after all it would seem that a committee of this House may say, "We do not know whether this matter has been properly examined or not; at any rate, we will examine it again." The passage of the law now in question was for the purpose of securing a judicial determination of matters of fact and law, so that after being passed upon by the court the matter should come to this House as an adjudicated case. Take up the discussion upon the passage of this act, and you will find that was the intent.

Now, this is the first case upon which action is asked at the hands of Congress. The question is very important; and I hope the chairman of the Committee of the Whole will examine the matter well before deciding, for the decision now made will probably be a precedent for all time.

Mr. STORM. As a member of the Committee on War Claims, in which this act has been very largely discussed, I wish to say it has been the unanimous understanding in our committee that when we send a claim to the Court of Claims for investigation as to a matter of fact about which there is difficulty or doubt, the claim comes back again to the committee for their final approval of it.

Mr. VALENTINE. Of course it does.

Mr. STORM. A very frequent case is where with reference to the loyalty of a claimant the evidence is voluminous; and we send the case to the court for the purpose of ascertaining whether the claimant was loyal, there being other facts upon which we have to pass judgment. It is true that we might, and undoubtedly would, take the judgment of the Court of Claims as conclusive upon the fact of the loyalty of the claimant; but that is only one of the facts investigated by our committee. The committee frequently sends one question of fact to that court

for examination, while others are reserved for the committee itself to pass judgment upon.

Mr. WARNER, of Ohio. I wish to add to the statement just made by the gentleman from Pennsylvania [Mr. STORM] the remark that the understanding and practice of the Committee of Claims are exactly the same upon this matter as in the Committee on War Claims. The Committee on Claims at almost every session refers cases to the Court of Claims for the ascertainment of the law and the facts relating to them, or for the ascertainment of such facts as the committee may designate—not for final judgment by the court, not for judgment at all, but to obtain the opinion of the court as to certain points—with an understanding that the claim is to come back to the House and be again referred to the Committee on Claims for its final action.

Mr. WEAVER. I wish only one moment.

The CHAIRMAN. The Chair is quite prepared to decide the question, but will hear the gentleman for a moment.

Mr. WEAVER. I think that even a wayfaring man, although he does come from Ohio, ought to see the distinction and difference between a proposition to submit a claim from a committee to the Court of Claims to find the facts, and referring it from an Auditor to find the facts and the law.

Mr. RANDALL. There is one feature of the Bowman act to which I wish to call attention. It will be observed in that law authority is given to a committee of this House if they see fit to send to the Court of Claims a case on the docket of the House or the docket of the committee for research into the facts and law, and when it comes back where does it go? It goes back to the committee, not to the Committee on Appropriations, but to the committee from which it came—that is, the committee which referred it under the law to the Court of Claims.

Mr. WARNER, of Ohio. They are sending them there all the time.

Mr. RANDALL. Yes; they are sending them there all the time.

Mr. HOLMAN. A Congressional reference to the Court of Claims is for the purpose of ascertaining the facts.

Mr. VALENTINE. I wish to ask a question. Suppose this claim came back after investigation by the Auditor, would a point of order then lie against it?

Mr. RANDALL. I never run in advance of points of order.

Mr. VALENTINE. It would not, and the gentleman knows it. Now, because it has been taken from the Auditor and sent to a different tribunal to ascertain the law and fact it is held not to be in order.

The CHAIRMAN. The gentleman from Nebraska [Mr. WEAVER] offers the following amendment, which the Clerk will read.

The Clerk read as follows:

For the payment of the claims of Ezekiel A. McClure and Charles F. Porter, on account of contingencies of the Indian Department, 1881 and prior years, $1,120 each—in all, $2,240—in accordance with the opinion of the Court of Claims, as certified by the Second Auditor and Second Comptroller of the Treasury, and contained in House Document No. 145, first session Forty-eighth Congress.

The CHAIRMAN. Upon that amendment the gentleman from Indiana [Mr. HOLMAN] makes the point of order that there is no law authorizing the appropriation. The Clerk will read the first part of clause 3, Rule XXI.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The CHAIRMAN. This amendment comes in as a result of what is known as the Bowman law. The Clerk will read the first, second, and seventh sections of that law.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session in which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

The CHAIRMAN. The rule of the House is imperative that no amendment for any expenditure not previously authorized by law shall be in order as an amendment to a general appropriation bill. It will be observed that this statute expressly prohibits the Court of Claims from finding a judgment. The office that it performs is very similar to that performed by a master in chancery to find facts and report back to the House or to the committee having the matter under investigation for further consideration. The claims included in this amendment have been investigated by the Court of Claims and facts found, and they are simply sent back to the executive officer and he refers them to Congress. That is not a law authorizing the appropriation. They come here for consideration in a regular way and through the regular channels by which all measures and questions are considered in Congress, and until this Congress places that construction on the finding of facts and enacts a law authorizing the appropriation there certainly is no authority for it. The point of order is sustained.

Mr. HOBLITZELL. I move the following amendment.

The Clerk read as follows:

After the word "dollars," line 56, add: "For the payment to William P. Wood of an award of the First Comptroller of Treasury, for service in recovering to the United States Treasury $85,000, paid out by it to bankers on that amount of spurious 7.30 United States notes or bonds, $10,000."

Mr. HOLMAN. I wish to reserve the point of order upon this amendment.

The CHAIRMAN. What point of order does the gentleman make?

Mr. HOLMAN. The subject was not before the Committee on Appropriations, I believe.

Mr. HOBLITZELL. Yes, sir; it was before the committee.

Mr. HOLMAN. Then I may be mistaken in that respect. I have no recollection of it. I make the point of order, however, that it is but a claim against the Government, and has not been adjudicated by any committee which warrants the appropriation here.

Mr. HOBLITZELL. In response to the point of order I will state, Mr. Chairman, that there was an act passed in 1868 appropriating $25,000 for the recovery to the Treasury of some one and a half million dollars of 7.30 spurious bonds. That appropriation was made and placed in charge of the First Comptroller of the Treasury, and the spurious notes were subsequently recovered. The plates from which they were printed were turned over to the Treasury Department, and $5,000 was paid to William P. Wood for work done in the recovery of the spurious bonds and the recovery of the plates. Subsequently to this act, under a recovery from the banks by him of $85,000 of money which had been paid out by the Treasury upon the spurious bonds which the banks held, and upon his claim, the First Comptroller allowed to him the sum of $10,000. That award went before the Committee on Appropriations, and it is merely a continuing appropriation. There being no money at the time when the award was made by the Comptroller in hand to meet that particular expenditure, hence the payment was not made. The act to which I have referred provided for this payment, however, and the award was made.

The CHAIRMAN. Will the gentleman from Maryland be kind enough to furnish the Chair with the law authorizing the award?

Mr. HOBLITZELL. It was passed, I think, in the Fortieth Congress, and this $25,000 was appropriated to recover these spurious notes; but I have not the law before me.

The CHAIRMAN. The Chair will state to the gentleman that if there is a statute authorizing an adjudication of that claim by award or otherwise, and there has been such a conclusive finding under that statute as to amount to an ascertained indebtedness on the part of the Government, the Chair would feel bound to recognize it as authority for the appropriation sought to be made. But in the absence of any reference to such a law the Chair would be compelled to sustain the point of order.

Mr. HOBLITZELL. I think possibly the chairman of the Committee on Appropriations is aware of this law. I would like to ask him if he is familiar with the subject.

Mr. RANDALL. I have not looked into the matter.

The CHAIRMAN. If such a statute exists it would of course determine the question of order.

Mr. HOBLITZELL. Has the gentleman from Pennsylvania, the chairman of the committee, any knowledge of this law?

Mr. RANDALL. I have not had time to give the question an examination. I did not look into the case at all.

Mr. BURNES. I will state to the gentleman that as a member of the subcommittee to which this subject was referred upon an examination carefully made we failed to find any law authorizing this appropriation.

Mr. HOBLITZELL. I am satisfied there is such a law in existence.

The CHAIRMAN. Unless such a statute can be found the Chair will sustain the point of order.

For the present the Chair will sustain the point of order; but before the bill is disposed of, if the gentleman from Maryland can find the statute to which he refers, the Chair will consider the amendment as still pending.

The Clerk read as follows:

For depredations on public timber, 1881 and prior years, $336.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 54, after line 64, insert:
"For distribution of proceeds of public lands, act September 4, 1841, $1,869.88."

Mr. CANNON. I will say in respect to the propriety of this amendment that it has been recommended in the estimates and is transmitted in Executive Document No. 144. It is a proper amendment, and I hope it will be adopted.

The amendment was not agreed to.

The Clerk read as follows:

For appraisement and sale of abandoned military reservations, 1881, $33.90.

Mr. MAGINNIS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 67 insert: "Amount due I. G. Baker for one hundred and sixty-two head of beef-cattle under his contract dated June 21, 1878."

Mr. HOLMAN. I suppose it is proper to reserve the point of order upon that amendment.

Mr. MAGINNIS. The point of order does not lie against the amendment.

Mr. HOLMAN. Is it made under existing law?

Mr. MAGINNIS. It is made under a statute which will be found by reference to volume 20, page 83, section 1.

Mr. RANDALL. Is there not a bill pending for the same purpose?

Mr. MAGINNIS. No, sir; there is no bill pending. I will state to the gentleman that this is transmitted in the regular estimates to the Committee on Appropriations, but I can not see why it has been left out of the bill.

Mr. HOLMAN. If it was regular why has it not been paid in the regular way?

Mr. MAGINNIS. Let the letter of the Comptroller be read, which I send to the desk, and I think that will explain the reason.

The CHAIRMAN. The letter to which the gentleman refers will be read.

The Clerk read as follows:

In explanation of the estimate for "Support of Indians at Fort Peck Agency." (See page 13.)

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., August 4, 1883.

SIR: I have the honor to return herewith the papers presented by Isaac G. Baker, wherein he claims $5,820.20 as compensation for one hundred and sixty-two head of beef-cattle, alleged to have been delivered under his contract for furnishing beef at the Fort Peck Indian agency, Montana, for the fiscal year ending June 30, 1879.

The claim has been presented for the approval of the accounting officers in order that a balance may be certified to Congress for appropriation at the next session.

In forwarding the claim to me you express the opinion that the case is not one coming properly within the jurisdiction of the accounting officers, and for that reason alone have declined to approve the same.

The case, briefly stated, is as follows:

On the 21st of June, 1879, Isaac G. Baker entered into contract with the Commissioner of Indian Affairs, wherein Mr. Baker agreed to furnish 700,000 pounds of beef-cattle at Fort Peck agency at the rate of $2.40 per 100 pounds gross, less 20 per cent. for cows. He also agreed that the cattle should be furnished at such times and in such quantities as should be required by the Indian agent in charge.

In compliance with a requisition from the Indian Department for beef, the contractor caused a herd of cattle to be driven to the agency for delivery, and while in the act of complying with the demand of the Department, and at a short distance from the agency, and before inspecting and weighing the same, the cattle were stampeded and part of the same forcibly taken from the custody of the contractor, slaughtered and used by the Indians for whom the delivery was intended. The remainder of the herd were delivered, inspected, weighed, and accepted by the Indian agent, and payment made for the same.

It appears that the claim received the unqualified approval of the Interior Department, and, while the board of Indian commissioners were satisfied that the cattle had been taken by and for the use and benefit of the same Indians for whom they were intended, they entertained doubt whether the transaction constituted such a delivery under the contract as would authorize its adjudication by the Executive Departments.

On this point, and in speaking of the claim, the Secretary of the Interior expressed himself as follows: "It is shown to be meritorious and to have originated under such circumstances as to be a proper case for adjudication by the executive department.

I entirely agree with the Secretary of the Interior that the claim is meritorious and ought to be paid, and regret that my judgment leads me to the conclusion that there was not such a complete delivery of the cattle as would authorize me in certifying a balance.

The contractor was at the agency, in compliance with his obligation to deliver the cattle to the United States for the Indians, and, for want of sufficient protection, the very Indians for whom the beef was intended took and consumed them, although not in a lawful manner. No fault or negligence has been imputed to the contractor, and no loss has been sustained by any person except the contractor.

In view of these facts, I respectfully request that all the papers be forwarded to the Secretary of the Interior, with a recommendation that this claim be included in his estimates and recommendation to Congress for appropriation, the unexpended balance of the fund provided for beef at this agency having been carried to the surplus fund.

Very respectfully,

W. W. UPTON, *Comptroller.*

Hon. O. FERRISS, *Second Auditor.*

Mr. MAGINNIS. The reference to the statute is given at the head of the estimate sent by the Secretary of the Treasury.

Mr. RANDALL. There is no law, it seems to me, authorizing this appropriation. I do not know but it may be an equitable claim. It is the misfortune of the contractor.

Mr. MAGINNIS. If the Chair will look at the law cited by the Secretary of the Treasury he will see it is an appropriation bill under which the contract was made. It can not go out on a point of order. There should at least be some good reason for throwing it out. Not only was an appropriation made, but the unexpended balance was turned back into the Treasury.

Mr. RANDALL. But the Indians got round the law and took the cattle. It was the man's misfortune.

Mr. MAGINNIS. It was not the man's misfortune.

Mr. RANDALL. It may be an equitable claim.

Mr. MAGINNIS. Then why do you not pay it? It belongs on the appropriation bill; it comes in the regular estimates from the Secretary of the Treasury.

The CHAIRMAN. The Chair desires to ask the gentleman from Montana how he makes it appear that this allowance comes under the authority of the appropriations act?

Mr. MAGINNIS. Because the contract was made under that appropriations act.

The CHAIRMAN. This seems to be a claim for cattle stampeded and lost. The Chair gathers from the reading of the letter that these cattle were carried there to be delivered under a contract; that they were not delivered, however, but, on the contrary, were stampeded and lost. This comes as a claim for property lost, not property supplied under contract.

Mr. MAGINNIS. The Secretary of the Treasury in transmitting the estimates says this claim is made under that statute.

The CHAIRMAN. Undoubtedly it resulted from an effort on the part of the contractor to comply with his contract. But those cattle were not delivered under the contract.

Mr. MAGINNIS. I beg the chairman's pardon; but he can not take that into consideration when ruling on the point of order as to whether there was a statute authorizing this contract. The Chair, I submit, can not go away from that.

The CHAIRMAN. The gentleman from Montana submits an amendment to pay I. G. Baker for one hundred and sixty-two head of beef-cattle. He causes a letter from the Department to be read, showing not that the one hundred and sixty-two head of cattle were delivered under the contract, but that an effort was made to deliver them; that they were stampeded and lost; and the contractor brings his claim against the Government which has not been settled.

Mr. MAGINNIS. I did not cause the letter to be read for that purpose. I called the attention of the Chair to the statute which it cited.

The CHAIRMAN. Still, the letter having been read, the Chair must take notice of all that is in it.

Mr. MAGINNIS. I called the attention of the Chair to the citation by the Secretary of the Treasury of the statute authorizing this appropriation.

The CHAIRMAN. The Chair has the statute here. It is an appropriation authorizing contracts to be made. But the letter shows this is a claim, otherwise the Secretary of the Treasury would have paid it out of the appropriation.

Mr. MAGINNIS. What point of order is made against the amendment?

The CHAIRMAN. That the payment of this claim is not authorized by law.

Mr. MAGINNIS. Does the Chair decide it is not?

The CHAIRMAN. It certainly appears so now. The point of order is sustained.

The Clerk read the following paragraph under the heading "Claims allowed by the First Auditor and the Commissioner of Customs:"

For Life-Saving Service, contingent expenses, 1881 and prior years, $15.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 55, after line 88, insert the following:

"CLAIMS ALLOWED BY THE SECOND AUDITOR AND THE SECOND COMPTROLLER.

"War Department:

"For contingencies of the Army, 1881 and prior years, $144.

"For draft and substitute fund, 1871 and prior years, $110.

"For pay of volunteers (Mexican war), 1871 and prior years, $57.59.

"For traveling expenses of California and Nevada Volunteers, prior to July 1, 1881, $192.37.

"For preventing and suppressing Indian hostilities, 1871 and prior years, $19.06."

Mr. RANDALL. These are claims.

Mr. CANNON. Does the gentleman from Pennsylvania make the point of order?

Mr. RANDALL. I prefer that the committee should vote on the amendment. It may take less time.

Mr. CANNON. They are claims audited under the law and transmitted in Executive Document No. 144, and are set out especially on page 7. They are the same kind of claims as have been put into this bill and as I have been trying to put in.

Mr. RANDALL. It may be said about these claims that they have the same merit as that of good wine—they have the merit of age. They go back to 1846 and run down, I think, to 1865. I hope they will not be inserted here.

Mr. CANNON. I will say in answer to the gentleman from Pennsylvania that these are sums owing by the Government under the laws cited in this document; and they have been audited. If it is true that one of them for a few dollars runs back to 1846, that is no reason why it should not be paid. Surely a man suffers sufficient in losing the interest.

The amendment was not agreed to.

The Clerk read as follows:

CLAIMS ALLOWED BY THE THIRD AUDITOR AND THE SECOND COMPTROLLER.

War Department:

For commutation of rations to prisoners of war in rebel States, prior to July 1, 1881, $6,358.25.

Mr. CANNON. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 55, after line 91, insert the following:

"For regular supplies, Quartermaster's Department, 1881 and prior years, $520.02.

"For incidental expenses, Quartermaster's Department, 1881 and prior years, $308.97.

"For transportation of the Army and its supplies, 1881 and prior years, $22,077.48.

"For 50 per cent. of arrears of Army transportation due certain land-grant railroads, 1881 and prior years, $7,164.51.

"For barracks and quarters, 1881 and prior years, $380.

"For horses and cavalry and artillery, 1881 and prior years, $255.

"For clothing, camp and garrison equipage, 1881 and prior years, $15.12.

"For subsistence of the Army, 1881 and prior years, $601.86."

Mr. CANNON. These claims are in the same condition as those included in the former amendment, and are embraced in Executive Document No. 144.

The amendment was not agreed to.

Mr. CANNON. I offer also the amendment which I send to the desk.

The Clerk read as follows:

On page 55, after line 95, insert the following:

"For pay of transportation, services, and supplies of Oregon and Washington volunteers in 1855-'56, 1871 and prior years, $84.60.

"For Rogue River Indian war, prior to July 1, 1881, $314.47."

Mr. CANNON. The merits of the claims mentioned are set forth in the same executive document. These sums have been due for a long time. The services were performed in pursuance of law. But I suspect the Government is poor, and its guardians in this House think it can not afford to pay two or three hundred dollars to these poor people, and that the majority of the House will still continue to refuse to pay them. I ask for a vote.

The amendment was not agreed to.

The Clerk read the following:

NAVY DEPARTMENT—CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

Mr. CANNON. I move to amend by inserting, after the clause just read, the following:

For pay of the Navy prior to July 1, 1881, $15,722.73.

I desire to call the attention of this committee for a moment to this amendment. I will confess that it is subject to the objection which the gentleman from Pennsylvania [Mr. RANDALL] made a moment ago to an amendment which I offered—that is, that this money has been due and owing for a long time. I suppose, therefore, according to his argument, it should never be paid.

This money is due by virtue of a decision of the Supreme Court of the United States, and arises from a judicial construction of the act of 1835 in reference to the traveling pay of the officers of the Navy. Under the construction placed on that act by the Navy Department for a great many years officers of the Navy when traveling in foreign countries were allowed only the cost of traveling. The Supreme Court in the case of the United States against James G. Graham, at the October term of 1883, the case going up on appeal from the Court of Claims, held that up to 1874, when the law was amended, these officers of the Navy were entitled to 10 cents per mile for traveling. The law was amended in 1874 so as to give them 8 cents per mile. These claims were audited under that decision. The money is due to these men. Under that decision each one of these men has the right to go into the Court of Claims and mulct the Government for cost besides enforcing his judgment. I assume that it would be economy, following the decision of the Supreme Court, to pay these claims which have been audited under the law as construed by the Supreme Court.

While, however, it is economy, I am satisfied that my friends upon the other side would much prefer that the Government would pay in the way of costs and special attorneys' fees twice the amount that is due these men a year from now than to pay now the exact amount that is due without costs.

Mr. BURNES. If I understand the amendment aright, I wish to state a few facts for the consideration of the Committee of the Whole. This covers a long line of claims, running back forty years; that is to say, it involves claims of that character.

The gentleman from Illinois [Mr. CANNON] says, and very truthfully and very properly, that these parties have the right to go before the Court of Claims. That is all we ask. Let them exercise that right; let them go before the Court of Claims, let the action of the Court of Claims be reported to us here, and then the Committee on Appropriations will be perfectly ready to consider the cases and take action on them.

Mr. RANDALL. There may be a half a million of money involved in this decision, and we had better go slowly and carefully, so that we may know where we tread.

Mr. CANNON. I move to strike out the last word. In reply to the statement of the gentleman from Pennsylvania [Mr. RANDALL] I will add that whether it be $1 or $1,000,000 we owe this money under the ruling of the highest judicial tribunal in this land. I am free to confess that the fathers made a mistake when they constituted the Supreme Court of the United States as the court of last resort. It ought to have been a supreme court from which an appeal could be taken to the Committee on Appropriations of the House of Representatives of the Forty-eighth Congress. Nevertheless our fathers were weak enough to not so constitute the court.

The gentleman from Missouri [Mr. BURNES] says, "Let these men, to whom we owe a half million of dollars"—as he and the gentleman from Pennsylvania claim—"go to the Court of Claims." What for? One of them has been to the Court of Claims, and I state again that the Supreme Court upon appeal has decided that there is due to these men 10 cents a mile for traveling abroad under orders on public business. Under that ruling of the court these claims, half a dozen of them in all perhaps, have been audited and are here now.

I say again that I fail to see the economy of the position which the gentleman takes, to send all these men to the Court of Claims and let each one go through that litigation under the precedent which has already been established, let special counsel who are appointed on the part of the United States come here with their claims for special counsel fees, to be reported and talked about under the lead of my colleague [Mr. SPRINGER] and by other gentlemen on the other side. We owe these men this money honestly. One of them has obtained judgment under the law in a test case, and in my opinion there is no economy in sending any more of them to the Court of Claims. We had better pay them now.

The question was taken upon the amendment of Mr. CANNON, and it was not agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. RANDALL. Under instructions of the Committee on Appropriations I submit as an additional section that which I send to the Clerk's desk.

The Clerk read as follows:

SEC. 6. That no Senator, Representative, or Delegate in Congress, or Senator, Representative, or Delegate elect, and no officer, clerk, or employé of the United States or any Department, branch, or bureau thereof, or any person receiving any salary or compensation from moneys derived from the Treasury of the United States, or any contractor under the United States Government shall give or hand over to any person or persons, directly or indirectly, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever. That any person guilty of a violation of this provision shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for a term not exceeding three years, or by such fine and imprisonment both, in the discretion of the court.

Mr. CANNON. I make the point of order against this amendment, in the first place, that it is not germane; and, secondly, that it is new legislation and is prohibited upon a general appropriation bill by clause 3 of Rule XXI, which provides that—

Nor shall any provision in any such bill or amendment thereto—

Meaning a general appropriation bill, as stated in a prior part of the rule—

Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

I state again my first point is that this proposition is not germane to the bill. My second point is that, even if it were germane, it is new legislation and does not retrench expenditures in either of the three ways mentioned in the rule, or in any other way for that matter.

The proposed amendment, as I now cast my eye over it, prohibits in effect any Senator, Representative, or Delegate in Congress, or any Senator, Representative, or Delegate elect, or any officer, clerk, or employé of the United States or of any Department, branch, or bureau thereof, or any person receiving any salary or compensation from moneys derived from the Treasury of the United States, or any contractor under the United States from directly giving or contributing money or any valuable thing *to the promotion of any political object.*

The proposed amendment is highly penal in its provisions. If it were held in order on this bill and enacted into law, it would subject to fine and imprisonment any Senator or Member who should pay for a hundred or a thousand copies of a speech that may be delivered in this House or elsewhere, and the distribution of the same; it would also prohibit contributions to the payment of the expenses of any political meeting. Therefore, sir, under the terms of the rule and upon considerations of sound policy, I feel it my duty to make the point of order upon this amendment.

Mr. RANDALL. Mr. Chairman, I regret very much that the gentleman from Illinois [Mr. CANNON] should have raised the question of order against this proposition rather than have permitted it to be considered and, if necessary, modified so that he and all of us could vote for it. I admit that it relates to a matter which in the past both parties have been practicing. But I believe the time has come when all parties, and certainly representative men, should realize that in the judgment of the people the use of money in elections has gone to too great an extent.

I will take some other occasion, if this proposition should be ruled out of order, to reintroduce it in such a manner that I shall be able to get the judgment of the House upon it.

Mr. KASSON. Mr. Chairman, I am glad that the gentlemen from

Pennsylvania seems to imply that this amendment is subject to a point of order——

Mr. RANDALL. I never say anything by implication if I can avoid it. I am conscious that this is subject to a point of order.

Mr. KASSON. Very well; that is more distinct than the previous statement.

Mr. RANDALL. I hoped that the point of order would not be raised.

Mr. KASSON. I desire to say that the objection to this proposition on my part does not rest merely upon its liability to the point of order.

Mr. RANDALL. I do not want to discuss the merits of the question with the gentleman upon a point of order.

Mr. KASSON. While the amendment does in point of fact violate our rules, it is more objectionable, Mr. Chairman, from the fact that it touches the very thing which all the legislation of this House hitherto avoided; that is——

Mr. TOWNSHEND. I insist on the enforcement of the rule that this discussion be confined to the point of order, unless the subject is to be thrown open for general discussion.

Mr. KASSON. If the gentleman will wait until I complete my sentence——

Mr. TOWNSHEND. The sentence is out of order.

Mr. KASSON. Your position is out of order.

Mr. TOWNSHEND. Not at all. I raise a question of order.

Mr. KASSON. But you can not take me from the floor when I am occupying it on a point of order.

Mr. TOWNSHEND. I can when the gentleman is out of order.

The CHAIRMAN. The gentleman from Iowa [Mr. KASSON] has the floor; and when the Chair thinks he has heard enough he will so indicate.

Mr. TOWNSHEND. But I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. KASSON. I rise to a point of order. A point of order is pending.

The CHAIRMAN. The gentleman from Iowa will suspend until the Chair hears the statement of the gentleman from Illinois.

Mr. TOWNSHEND. There is no objection, of course, to the gentleman discussing the point of order to any extent, but my point of order is that he is discussing the merits of the proposition, and I insist that he be confined to the question of order.

The CHAIRMAN. The Chair overrules the gentleman's point of order. The gentleman from Iowa will proceed in order.

Mr. KASSON. I shall be glad if the Sergeant-at-Arms would put a wafer for two minutes under my friend from Illinois and hold him down until I can state my objection. [Laughter.]

Mr. Chairman, the rule requires it should retrench not individual expenditure, but that it should retrench governmental expenditure, and I am proceeding to show that this only retrenches private expenditure. If, for example, a farmer in Iowa sells a hundred bushels of oats to a commissary of the Army and takes the money for it from the Government, that farmer in Iowa can not contribute any part of it for disseminating political information or paying for the printing of tickets, or any political act whatever. If a member of Congress——

Mr. RANDALL. I object to any discussion of the merits of the proposition.

Mr. KASSON. I hope, Mr. Chairman, my rights may be preserved.

Mr. RANDALL. The gentleman is discussing the merits of the proposition and not the point of order. I do not wish to disturb him, but if we are to have the merits discussed they will have to be discussed on both sides, and I wish to get this bill through.

Mr. KASSON. I am directly on the point of order.

The CHAIRMAN. The Chair thinks the gentleman from Iowa is addressing himself to the character of expenditures involved, and is therefore in order under the rules.

Mr. KASSON. I hope the gentleman from Pennnsylvania does not feel agitated because I am showing the character of the amendment.

Mr. RANDALL. I am not easily agitated.

Mr. KASSON. No; if the gentleman had been he would not have ventured to offer a proposition like this on this bill, which he knew must be debated.

Now, to go on. If a member of Congress is running for re-election he will not be permitted under this provision to expend any of his own money for the ordinary expenses of the election; but his competitor, who is not in Congress, may spend any amount he pleases for the same object. So you may examine the amendment in any particular and you will find it is not in harmony with the rule to which reference has been made.

The gentleman from Pennsylvania expressed regret when he was up that objection was made by a point of order instead of considering the merits. I think that if the merits were considered, as they must be partially in order to settle the point of order, he would agree such a proposition neither on this bill nor on any other would be in order, for it takes away the right of an individual to disburse his own money after it has become his own in the way of voluntary contribution for any lawful object, religious, social, or political. I hope therefore this House will not be found wanting in reference to the assertion of individual rights in that respect. I insist on the point of order.

The CHAIRMAN. Unless the chairman of the Committee on Appropriations desires further debate the Chair will decide the question.

Mr. RANDALL. No; I do not wish further debate.

The CHAIRMAN. Inasmuch as the point of order is admitted on all hands to be well taken, and while the Chair regrets a measure so wholesome and so conducive to public morals is out of order, yet the Chair feels constrained to rule it out. [Laughter and applause.]

Mr. RANDALL. I ask consent to have printed in the RECORD, in connection with my remarks, a statement, which I did not have yesterday, in reference to the claims of the several States on account of war expenditures, showing such as have been allowed and those that still remain undisposed of. It comes to me a little late, perhaps, but it is an interesting paper to the House and the country, and I ask to have it printed in the RECORD. It is compiled by one of the ablest officers of the Government, Mr. MacLennan, who is at the head of the warrant division of the Treasury.

There was no objection.

The statement is as follows:

Statement showing the amounts filed by the following States since April 15, 1861, amounts that have been allowed, and balances remaining unpaid to January 1, 1884, on account of State war claims.

Name of State.	Amount of claims filed since April 15, 1861.	Amount of claims allowed from 1861 to 1884.	Balance remaining unpaid.	Amount of interest included in claims filed.
Maine	$1,331,010 04	$1,027,185 00	$303,825 04	
New Hampshire	1,412,591 11	1,010,815 52	401,775 59	
Vermont	921,948 25	855,058 09	66,890 16	
Massachusetts	4,200,780 47	3,743,458 32	457,322 15	
Rhode Island	762,611 99	757,404 19	5,207 80	
Connecticut	2,291,313 47	2,135,073 46	156,240 01	$41,363 83
New York	5,203,267 40	3,946,142 20	1,257,125 20	131,188 02
New Jersey	1,434,744 41	1,396,141 56	38,602 85	
Pennsylvania	3,516,626 83	3,165,630 46	350,996 37	
Delaware	78,185 83	31,988 96	46,196 87	
Maryland	179,126 49	133,140 99	45,985 50	
Virginia	54,089 41	48,469 97	5,619 44	
West Virginia	456,879 03	456,658 03	221 00	
Kentucky	4,932,474 50	3,451,247 36	1,481,227 14	973,701 62
Ohio	3,908,025 76	3,157,742 05	750,283 71	452,247 89
Michigan*	1,204,758 35	802,775 99	401,982 36	*19,931 81 300,556 00
Illinois*	4,574,298 51	4,045,504 48	528,794 03	*232,605 00 200,507 03
Wisconsin	1,141,793 81	1,036,423 27	105,370 54	
Indiana*	3,410,239 36	2,593,788 96	816,450 40	*244,702 90 362,186 51
Minnesota	444,986 91	435,671 73	9,315 18	
Iowa	1,094,513 94	1,058,748 29	35,765 65	
Missouri†	10,094,949 96	7,455,421 43	2,639,528 53	
Nebraska	73,567 44	38,287 15	35,280 29	
Kansas	820,131 57	384,675 21	435,456 36	
Nevada	372,113 11		372,113 11	229,897 37
Oregon	70,268 08	70,268 08		
California	4,441 33	3,978 63	462 70	
Colorado	55,238 84	55,238 84		
Totals	54,044,976 20	43,296,938 22	10,748,037 98	3,188,887 98

*Michigan, Illinois, and Indiana have claims for discount on bonds, amounting to $497,239.71.

†Missouri claim has been conditionally assumed by the State, but not paid.

NOTE.—Eight States have filed claims for interest.

Mr. RANDALL. I now move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly; rose and the Speaker having resumed the chair, Mr. DUNN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. RANDALL demanded the previous question on the engrossment and third reading of the bill.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I shall ask for a separate vote in reference to the repeal of the compensation of the fourth-class postmasters; and if there be no objection I will suggest that the other amendments be voted on in gross.

There was no objection, and the remaining amendments of the committee were concurred in.

The SPEAKER. The Clerk will read the amendment on which a separate vote has been asked.

The Clerk read as follows:

Strike out the following:

"And section 2 of an act entitled 'An act to adjust the salaries of postmasters,' approved March 3, 1883, be, and the same is hereby, amended to read as follows:

"'The compensation of postmasters of the fourth class shall be the whole of the box-rents collected at their offices, the rates of which box-rents shall be fixed by the Postmaster-General, and commissions upon the amount of the canceled postage-due stamps provided for in section 26 of an act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes, approved March 3, 1879, on amounts received from waste paper, dead newspapers, printed matter, and twine sold, and on postage-stamps, stamped envelopes, postal cards, and newspaper and periodical stamps canceled on matter actually mailed at their offices, at the following rate, namely: On the first $100 or less per quarter, 60 per cent.; on all over $100 and not over $300 per quarter, 50 per cent.; and on all over $300 per quarter, 40 per cent.; the same to be ascertained and allowed by the Auditor in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That when the compensation of any postmaster of this class shall reach $1,000 per annum, exclusive of commissions on money-order business, and when the returns to the Auditor for four quarters shall show him to be entitled to a compensation in excess of that amount under the preceding section, the Auditor shall report such fact to the Postmaster-General, who shall assign him to his proper class and fix his salary as provided by said section: *Provided further*, That in no case shall there be allowed to any postmaster of this class a compensation to exceed $1,000 per annum, exclusive of money-order commissions.'"

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 151, nays 80, not voting 92; as follows:

YEAS—151.

Adams, G. E.	Finerty,	Lewis,	Rogers, J. H.
Aiken,	Funston,	Long,	Rogers, W. F.
Anderson,	Geddes,	Lore,	Rowell,
Barksdale,	George,	Lovering,	Ryan,
Belford,	Glascock,	McAdoo,	Seney,
Bingham,	Green,	McCoid,	Singleton,
Bisbee,	Greenleaf,	McCormick,	Skinner, T. G.
Blanchard,	Guenther,	Millard,	Smalls,
Bowen,	Hanback,	Miller, S. H.	Smith,
Brainerd,	Harmer,	Mitchell,	Spooner,
Breckinridge,	Hart,	Money,	Stewart, Charles
Breitung,	Hatch, H. H.	Morrill,	Stewart, J. W.
Brewer, F. B.	Hemphill,	Moulton,	Strait,
Brewer, J. H.	Henderson, D. B.	Muldrow,	Struble,
Browne, T. M.	Henderson, T. J.	Murray,	Sumner, C. A.
Brown, W. W.	Hepburn,	Neece,	Taylor, E. B.
Caldwell,	Herbert,	Nelson,	Thomas,
Campbell, J. M.	Hewitt, G. W.	Nutting,	Throckmorton,
Candler,	Hitt,	Oates,	Tillman,
Cannon,	Holmes,	Ochiltree,	Valentine,
Cassidy,	Holton,	O'Hara,	Vance,
Chace,	Howey,	O'Neill, Charles	Wadsworth,
Collins,	Hunt,	Paige,	Wait,
Connolly,	James,	Parker,	Wakefield,
Cox, S. S.	Jeffords,	Payson,	Wallace,
Cox, W. R.	Johnson,	Peel,	Weaver,
Culbertson, W. W.	Jones, B. W.	Perkins,	Wellborn,
Cullen,	Jones, J. H.	Pettibone,	White, Milo
Cutcheon,	Jones, J. K.	Phelps,	Whiting,
Dargan,	Kasson,	Poland,	Wilkins,
Davis, G. R.	Kean,	Post,	Williams,
Davis, R. T.	Keifer,	Pusey,	Wilson, James
Dingley,	Kelley,	Rankin,	Wilson, W. L.
Dockery,	Kellogg,	Ranney,	Wise, J. S.
Dowd,	Ketcham,	Ray, Ossian	Woodward,
Everhart,	Laird,	Reed,	Worthington,
Ferrell,	Lawrence,	Reese,	York.
Findlay,	Le Fevre,	Rockwell,	

NAYS—80.

Adams, J. J.	Dibble,	Kleiner,	Spriggs,
Alexander,	Dibrell,	Lamb,	Springer,
Arnot,	Dunn,	Lanham,	Stockslager,
Bagley,	Eaton,	Lowry,	Storm,
Ballentine,	Eldredge,	Matson,	Sumner, D. H.
Bennett,	Ellis,	Maybury,	Taylor, J. M.
Bland,	English,	Miller, J. F.	Thompson,
Blount,	Fiedler,	Mills,	Townshend,
Broadhead,	Foran,	Morgan,	Tucker,
Buchanan,	Forney,	Morrison,	Tully,
Burnes,	Fyan,	Mutchler,	Turner, Oscar
Cabell,	Garrison,	Nicholls,	Van Alstyne,
Carleton,	Hammond,	O'Ferrall,	Van Eaton,
Clay,	Hatch, W. H.	Patton,	Warner, A. J.
Clements,	Hewitt, A. S.	Pierce,	Warner, Richard
Cobb,	Hoblitzell,	Pryor,	Weller,
Cook,	Holman,	Randall,	Willis,
Cosgrove,	Houseman,	Riggs,	Winans, E. B.
Crisp,	Hutchins,	Scales,	Wolford,
Davis, L. H.	Jordan,	Shaw,	Wood.

NOT VOTING—92.

Atkinson,	Covington,	Halsell,	Lyman,
Barbour,	Culberson, D. B.	Hancock,	McComas,
Barr,	Curtin,	Hardeman,	McMillin,
Bayne,	Davidson,	Hardy,	Milliken,
Beach,	Deuster,	Haynes,	Morey,
Belmont,	Dorsheimer,	Henley,	Morse,
Blackburn,	Duncan,	Hill,	Muller,
Boutelle,	Dunham,	Hiscock,	Murphy,
Boyle,	Elliott,	Hooper,	O'Neill, J. J.
Brumm,	Ellwood,	Hopkins,	Payne,
Buckner,	Ermentrout,	Horr,	Peters,
Budd,	Evans, I. N.	Houk,	Potter,
Burleigh,	Evins, J. H.	Hurd,	Price,
Calkins,	Follett,	Jones, J. T.	Ray, G. W.
Campbell, Felix	Gibson,	King,	Reagan,
Clardy,	Goff,	Lacey,	Rice,
Converse,	Graves,	Libbey,	Robertson,
Robinson, J. S.	Skinner, C. R.	Stone,	Wemple,
Robinson, W. E.	Slocum,	Talbott,	White, J. D.
Rosecrans,	Snyder,	Taylor, J. D.	Winans, John
Russell,	Steele,	Turner, H. G.	Wise, G. D.
Seymour,	Stephenson,	Ward,	Yaple,
Shelley,	Stevens,	Washburn,	Young.

So the amendment was agreed to.

On motion of Mr. RANDALL, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. CLARDY with Mr. ATKINSON, on all political questions, for to-day.

Mr. DAVIDSON with Mr. BELFORD, on all political questions, for to-day.

Mr. GRAVES with Mr. HAYNES, on all political questions, for to-day.

The result of the vote was then announced as above recorded.

The question recurred upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time.

Mr. RANDALL. I demand the previous question upon the passage of the bill.

The previous question was ordered.

The SPEAKER. Under the rule the Clerk will now call the roll on the passage of the bill.

The question was taken; and there were—yeas 211, nays 5, not voting 107; as follows:

YEAS—211.

Adams, G. E.	Eldredge,	Lamb,	Rogers, J. H.
Adams, J. J.	Ellis,	Lanham,	Rogers, W. F.
Aiken,	English,	Lawrence,	Rowell,
Alexander,	Everhart,	Le Fevre,	Ryan,
Anderson,	Ferrell,	Lewis,	Scales,
Arnot,	Fiedler,	Long,	Seney,
Bagley,	Findlay,	Lore,	Seymour,
Ballentine,	Finerty,	Lovering,	Shaw,
Barbour,	Foran,	Lowry,	Singleton,
Barksdale,	Forney,	McAdoo,	Skinner, T. G.
Bennett,	Funston,	McCoid,	Smalls,
Bingham,	Fyan,	McCormick,	Smith,
Bisbee,	Garrison,	Matson,	Spooner,
Blanchard,	Geddes,	Millard,	Springer,
Bland,	George,	Miller, J. F.	Stewart, Charles
Blount,	Glascock,	Miller, S. H.	Stewart, J. W.
Bowen,	Greenleaf,	Mills,	Stockslager,
Boyle,	Guenther,	Mitchell,	Storm,
Brainerd,	Hammond,	Money,	Strait,
Breitung,	Hanback,	Morey,	Sumner, D. H.
Brewer, F. B.	Harmer,	Morgan,	Taylor, E. B.
Brewer, J. H.	Hart,	Morrill,	Taylor, J. M.
Broadhead,	Hatch, H. H.	Morrison,	Thomas,
Browne, T. M.	Hatch, W. H.	Moulton,	Thompson,
Brown, W. W.	Hemphill,	Murphy,	Throckmorton,
Buchanan,	Henderson, D. B.	Murray,	Tillman,
Burnes,	Henderson, T. J.	Mutchler,	Townshend,
Cabell,	Henley,	Neece,	Tucker,
Caldwell,	Herbert,	Nelson,	Tully,
Campbell, J. M.	Hewitt, A. S.	Nicholls,	Valentine,
Candler,	Hewitt, G. W.	Nutting,	Van Alstyne,
Cannon,	Hoblitzell,	O'Ferrall,	Vance,
Carleton,	Holman,	O'Hara,	Van Eaton,
Cassidy,	Holmes,	O'Neill, Charles	Wadsworth,
Clements,	Holton,	Paige,	Wait,
Cobb,	Hopkins,	Parker,	Wakefield,
Connolly,	Houseman,	Patton,	Wallace,
Cosgrove,	Hunt,	Payson,	Weaver,
Cox, S. S.	Hutchins,	Peel,	Wellborn,
Cox, W. R.	James,	Perkins,	Weller,
Crisp,	Jeffords,	Pettibone,	Whiting,
Culbertson, W. W.	Johnson,	Poland,	Wilkins,
Cullen,	Jones, B. W.	Post,	Williams,
Curtin,	Jones, J. H.	Price,	Willis,
Davis, G. R.	Jones, J. K.	Pryor,	Wilson, James
Deuster,	Jordan,	Pusey,	Wilson, W. L.
Dibble,	Kasson,	Randall,	Winans, E. B.
Dibrell,	Kean,	Rankin,	Wise, J. S.
Dingley,	Keifer,	Ranney,	Wolford,
Dockery,	Kelley,	Ray, Ossian	Wood,
Dowd,	Ketcham,	Reese,	Worthington,
Dunn,	Kleiner,	Riggs,	York.
Eaton,	Laird,	Rockwell,	

NAYS—5.

Clay,	Pierce,	Turner, Oscar	Warner, Richard
Hepburn.			

NOT VOTING—107.

Atkinson,	Covington,	Halsell,	McMillin,
Barr,	Culberson, D. B.	Hancock,	Maybury,
Bayne,	Cutcheon,	Hardeman,	Milliken,
Beach,	Dargan,	Hardy,	Morse,
Belford,	Davidson,	Haynes,	Muldrow,
Belmont,	Davis, L. H.	Hill,	Muller,
Blackburn,	Davis, R. T.	Hiscock,	Oates,
Boutelle,	Dorsheimer,	Hitt,	Ochiltree,
Breckinridge,	Duncan,	Hooper,	O'Neill, J. J.
Brumm,	Dunham,	Horr,	Payne,
Buckner,	Elliott,	Houk,	Peters,
Budd,	Ellwood,	Howey,	Phelps,
Burleigh,	Ermentrout,	Hurd,	Potter,
Calkins,	Evans, I. N.	Jones, J. T.	Ray, G. W.
Campbell, Felix	Evins, J. H.	Kellogg,	Reagan,
Chace,	Follett,	King,	Reed,
Clardy,	Gibson,	Lacey,	Rice,
Collins,	Goff,	Libbey,	Robertson,
Converse,	Graves,	Lyman,	Robinson, J. S.
Cook,	Green,	McComas,	Robinson, W. E.

Rosecrans,	Steele,	Taylor, J. D.	White, Milo
Russell,	Stephenson,	Turner, H. G.	Winans, John
Shelley,	Stevens,	Ward,	Wise, G. D.
Skinner, C. R.	Stone,	Warner, A. J.	Woodward,
Slocum,	Struble,	Washburn,	Yaple,
Snyder,	Sumner, C. A.	Wemple,	Young.
Spriggs,	Talbott,	White, J. D.	

So the bill was passed.

On motion of Mr. BROWNE, of Indiana, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

E. M. SMITHERS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Commissioner of Indian Affairs upon the claim of E. M. Smithers for losses by depredations of the White River, Puyallup, and Klickitat Indians, and recommending its passage; which was referred to the Committee on Indian Affairs.

CONVENTION WITH MEXICO.

Mr. HEWITT, of New York. I am directed by the Committee on Ways and Means, the majority of the committee, to report to the House an act to carry into effect a convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883, with a favorable report, which I ask to have printed and referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The title of the bill will be reported.

The Clerk read as follows:

A bill (H. R. 7366) to carry into effect a convention between the United States of America and the United States of Mexico, signed on the 20th of January, 1883.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE OVER THE MISSOURI RIVER AT SIBLEY.

Mr. PETERS. Mr. Speaker, I ask unanimous consent to rescind the order of the House on yesterday by which the report of the committee of conference on the bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, was adopted.

After the order had been agreed to by the House the Senate recalled the bill in order to make some verbal corrections. These corrections have been made and the Senate bill has been returned and is now on the Speaker's table. I therefore ask unanimous consent that the former action of the House on the report be rescinded and that the report be now adopted.

The SPEAKER. The Chair will state that this report was agreed to on yesterday; but the Clerk of the Senate having omitted to engross one of the Senate amendments, the bill was recalled by the Senate. Since then the correction has been made and the bill again communicated to the House. If there be no objection the order of the House made on yesterday will be rescinded.

There was no objection, and it was ordered accordingly.

Mr. PETERS. I now submit the report of the committee of conference.

The report is as follows:

The conference committee on the part of the Senate and House of Representatives in regard to the disagreeing votes of the two Houses upon House bill 2031, to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, beg leave to submit the following report:

The committee recommend that the Senate recede from its amendment, in line 17 of section 3 of the bill, inserting the words "three hundred" instead of "one hundred and sixty."

That the House of Representatives agree to the Senate amendment striking out the word "of," in line 40 of section 3, and inserting the words "or to the persons or corporation controlling."

That the House of Representatives agree to the Senate amendment, in line 43 of section 3, striking out the word "district" and inserting the word "circuit."

That the House agree to the Senate amendment inserting after the word "bridge," in line 6 of section 4, the words "or persons or corporation controlling the same."

MARTIN L. CLARDY,
E. W. SEYMOUR,
S. R. PETERS,
Managers on the part of the House.
G. G. VEST,
WILLIAM P. FRYE,
J. M. DOLPH,
Managers on the part of the Senate.

The report of the conference committee was agreed to.

Mr. PETERS moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CRISP. I now call up for consideration, under the special order of the House, the unfinished business coming over from last Saturday evening, the bill H. R. 5442——

The SPEAKER. The Chair will state that there is some conflict between the various orders which have been made by the House. The Clerk will read the order made on motion of the gentleman from Ohio on the 9th of June, which sets apart this day for the consideration of certain business.

The Clerk read as follows:

Resolved, That Tuesday, June 17, or so much thereof as may be necessary, be set apart for the consideration of House bill No. 2550, relative to the importation of labor under contract; said bill being reported by the Committee on Labor.

The SPEAKER. There is also the order for the consideration of the bill to which the gentleman from Georgia [Mr. CRISP] refers, which is a bill that has a certain privilege under the order of the House and which comes over as unfinished business. There is also another order of the House in relation to the reports made by the Committee on Pacific Railroads; an order setting apart last Saturday for the consideration of those bills with the provision that if they were not concluded on that day they would come up on Tuesday. The Chair thinks on account of the conflict of these various orders the House should have the right to determine by a majority which one of them should be considered.

Mr. CASSIDY. The question of consideration has not been raised against the bills reported by the Committee on Pacific Railroads.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Would not the first order setting apart this day for the consideration of the bill reported by the Committee on Labor take precedence of all subsequent orders in reference to this day? It is not a special order. It is the setting apart of a day the same as the setting apart of Monday for District of Columbia business.

The SPEAKER. They are all orders of the same kind, and the one to which the gentleman from Illinois refers, the order in relation to the report of the Committee on Labor, was not made subsequent to the order in relation to the bill in charge of the gentleman from Louisiana [Mr. LEWIS], the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company. The last order relating to the bill in charge of the gentleman from Louisiana was made on the 11th June. It is the same thing in the end. The House can determine by a majority vote which one of these special orders it will consider.

Mr. CRISP. I ask that the House proceed to the consideration of the special order in relation to bills reported by the Committee on Pacific Railroads. On Saturday we were proceeding under that special order, and one of the bills comes over as unfinished business.

The SPEAKER. The Chair understands the gentleman from Nevada [Mr. CASSIDY] to raise the question of consideration on the bill called up by the gentleman from Pennsylvania [Mr. HOPKINS].

Mr. CASSIDY. I do.

Mr. HOPKINS. I will not insist on that order to-day if I can have unanimous consent to consider the bill reported by the Committee on Labor on Saturday next.

The SPEAKER. There is no order for next Saturday. That day may be set apart for the purpose indicated.

Mr. SPRINGER. I hope that order will be made.

The SPEAKER. The gentleman from Pennsylvania [Mr. HOPKINS] asks unanimous consent that next Saturday, immediately after the reading of the Journal, be set apart for the consideration of the bill indicated, which has been reported from the Committee on Labor.

Mr. RANDALL. I must object.

Mr. SPRINGER. Why?

Mr. RANDALL. Because I hope to have the sundry civil bill ready by that time.

Mr. CASSIDY. The day might be set apart for the consideration of the bill, subject of course to appropriation bills.

Mr. SPRINGER. Is there any business specially assigned for Thursday?

The SPEAKER. There is not.

Mr. SPRINGER. I suggest, then, that Thursday of this week be assigned to the labor bill, and then there will be no possibility of a conflict.

Mr. RANDALL. Say Thursday or Friday.

The SPEAKER. Friday is private bill day.

The SPEAKER. The gentleman from Pennsylvania [Mr. HOPKINS] asks unanimous consent that next Thursday, immediately after the reading of the Journal, be set apart for the consideration of the bill reported by the Committee on Labor relative to the importation of labor under contract.

Mr. POST, of Pennsylvania. Is there not a special order for Thursday?

The SPEAKER. The Chair knows of none. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none. The gentleman from Georgia calls up for consideration the business reported by the Committee on the Pacific Railroads.

AMENDMENT OF PACIFIC RAILROAD ACTS.

The House resumed the consideration of the bill (H. R. 5442) to

amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

Mr. CRISP. How much time have I remaining?

The SPEAKER. The Chair thinks the gentleman from Georgia has twenty minutes remaining.

Mr. CRISP. I desire to reserve twenty minutes, so as to permit the gentleman presenting the minority report, the gentleman from Kansas [Mr. HANBACK], to submit such views as he thinks proper for the consideration of the House. I reserve the twenty minutes, my intention being to yield ten of them to the gentleman from New York [Mr. MILLARD] and to reserve the other ten for myself. I yield for a moment to the gentleman from Louisiana [Mr. LEWIS].

Mr. LEWIS. I ask unanimous consent to have the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas and Pacific Railroad Company, the consideration of which was fixed for to-day, postponed until to-morrow, and that to-morrow be set apart especially for the consideration of that bill after the reading of the Journal.

Mr. CASSIDY. I object to that. It may probably take all day to-morrow to conclude the business of the Committee on Pacific Railroads.

The SPEAKER. The Chair will state to the gentleman from Louisiana that the bill to which he refers belongs to that class of bills which have a special privilege under the resolution heretofore passed by the House, and can be called up at any time when the House is not actually engaged in the consideration of some other matter, subject of course to the question of consideration.

Mr. LEWIS. I will state to the Speaker that I consulted with the gentleman from Kentucky [Mr. THOMPSON] in regard to this matter, and he informs me he thinks the bills reported from the committee will be reported to-day.

Mr. CASSIDY. Not at all; we can not get through to-day.

Mr. THOMPSON. We will make every effort we possibly can to get through to-day. I do not know how much longer the little bill now before the House will occupy, because I do not control it and have not attempted to control it. I will make every effort, however, to get through to-day. But I would prefer that to-morrow should not be set apart for anything else. We will give the gentleman from Louisiana all the assistance we can for the consideration of his bill.

Mr. LEWIS. I understood this was a matter about which we would have no dispute. Therefore I must raise the question of consideration as between the bill in my charge and that which has been called up.

Mr. CASSIDY. I make the point that the question of consideration comes too late. We had entered on the consideration of the bill called up by the gentleman from Georgia.

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from New York [Mr. MILLARD]?

Mr. CRISP. I yield to the gentleman from New York ten minutes.

Mr. MILLARD. The object of the bill under consideration is to compel certain of the Pacific railroad companies to reimburse the Government for the amount of money that has been expended in surveying, selecting, and conveying the lands granted to them.

The roads to be affected by this bill are the Union Pacific, the Denver Pacific, the Central Branch, the Central Pacific, the Kansas Pacific, the Western Pacific, the Missouri and Burlington, and the Sioux City Railroads. The bill as introduced by the gentleman from Georgia [Mr. CRISP] and reported by the majority of the committee provides that these companies shall within ninety days from the passage of the bill furnish and file in the district land office a list of the lands to which they claim to be entitled; and at the same time they shall deposit in the district land office the amount of fees to which the Government is entitled. The bill further provides that upon default on the part of these companies to pay this money within sixty days the Secretary of the Interior shall furnish to the companies a statement of the amount of money due the Government for recovery of the lands to which the companies are entitled; and in case that money is not paid within sixty days thereafter, then the Attorney-General shall bring suit in the circuit court of the United States to compel the payment, and upon the payment, either voluntarily or by suit, patents for the land shall issue.

By the act of 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean," Congress gave to these companies for the purpose of aiding in constructing these railroad and telegraph lines every alternate section of land on each side of the road to the amount of ten sections per mile. Congress also gave a certain amount of bonds to aid in the construction of the road. It is proper for me to say here that the land given was equal in value to the cost of construction and equipment of the road.

There is no question between these companies and the Government as to the liability on the part of the companies to pay. Section 4 of the act of 1862 provided that as each section of forty miles was completed patents for the lands should issue. The act was mandatory. Neither is there any question between the companies and the Government as to the amount of fees due the Government. There is due to-day, and has been due ever since 1872, the time of the completion of these roads, $875,000 for surveys of these lands. As I have already said, this bill provides that this money shall be paid within ninety days, and that in default thereof suits shall be brought by the Attorney-General. Up to this point there is no difference in the committee. The committee unanimously recognize the liability on the part of these roads to pay this sum of money.

But we have here a minority report, and a substitute bill introduced by my friend from Kansas [Mr. HANBACK]. I desire to state precisely the difference between these two reports and these two bills. The bill as introduced by the gentleman from Georgia [Mr. CRISP] provides for the payment of the money and the issue of the patents. The bill of the gentleman from Kansas [Mr. HANBACK] provides that in case these companies fail to file their list of lands to which they are entitled within ninety days, then patents shall issue directly to the company. I am opposed to that bill, and I regret very much to be opposed to it, for I appreciate the motives that have urged the gentleman to present it to the House. There are 4,000,000 of acres in the State of Kansas untaxed, and the Supreme Court of the United States has decided that until the fees are paid or the patents issued the land is not taxable by the State of Kansas.

When these railroads came back to Congress in 1864—no provision having been made in the act of 1862 in reference to the payment of these fees—Congress provided that the roads should pay for the cost of survey, location, and conveying the lands, and that the whole cost should be paid before the patents issued. Section 21 of the act of 1864 provides that "before any land granted by this act shall be conveyed to any company or party entitled thereto, there shall first be paid into the Treasury of the United States the cost of surveying, locating, and conveying the lands," &c.

Now, if you pass the bill of the gentleman from Kansas [Mr. HANBACK], you release the lien of the Government on these lands to the amount of $931,000, which I think is the amount now due. In other words, you enable these companies to get title to these lands without having paid the cost of survey. My friend says it is safe to do it; that you can give title to these railroads for the lands in Kansas, Colorado, and other States in which they are situated and bring your suit afterward.

But there is this objection: these several roads by virtue of the bonds issued to which I have referred owe the Government the sum of $102,000,000. The subsidy bonds together with the accumulated interest amounted in June last to $102,000,000. These bonds by virtue of being issued under this act are a second lien in favor of the Government, subordinate to another lien in favor of certain persons holding first-mortgage bonds to the amount of nearly $60,000,000. Therefore if you pass the bill of the gentleman from Kansas [Mr. HANBACK] and put the title to these lands in the company without their paying the cost of survey, the Government would be placed in a position where it could not collect the amount due from these companies.

Certain amendments to this bill were offered last week. The first provided that when the list of lands is filed the lands should become taxable in the several States in which they are situated—that is, they are to become taxable before the fees have been paid by these companies. What would be the result in case the company failed to pay the taxes? The State would levy upon and sell the lands and divest the Government title.

There seems to me to be but one thing to do, and that is to pass the bill reported by the majority of the committee. If the company fail to pay, then bring the suit, force them to pay, and issue patents for the land.

Mr. RYAN. The gentleman from New York has given this subject considerable thought, and I would like to ask whether in his judgment this indebtedness, that is the cost of these surveys, is a lien upon these lands; and, if so, whether that lien has priority over all other liens on the land?

Mr. MILLARD. I do not think so. I think, however, that by virtue of the act of 1864 the Government is enabled to hold those lands and prevent the companies from getting title to them until the costs of the surveys have been paid. I will say further that section 21 of the act of 1864, providing for the payment of these fees and prohibiting the companies from getting title until the fees have been paid, was a provision which originated in the Senate and became a part of the law by reason of a conference between the two Houses. The act as it left this House did not contain that section. When it reached the Senate, Senator Harlan offered an amendment containing substantially the provisions of section 21. While that amendment was under consideration, Senator Harlan said:

* * * The object of this amendment is that the companies shall pay for the survey of their own land—that is, of the land that is to be granted to them under this bill. This has become almost necessary, as it seems to me. The entire receipts from the land system do not now more than pay the expenses of the system. The adoption of this bill will very greatly enlarge the work of the office here and the work in the field; and it seems to me that those who are to derive an advantage from the grant ought to pay at least for the survey of the land.

Mr. HEPBURN. I understand from the statement of the gentleman from New York that in his opinion the Government has practically a lien upon these lands for this money, whatever the amount may be. Now, would not the effect of this bill be to destroy that lien?

Mr. MILLARD. Which bill?
Mr. HEPBURN. Either of the measures now pending.
Mr. MILLARD. No, sir.
Mr. HEPBURN. Will not that lien be destroyed by your amendment especially?
Mr. MILLARD. No, sir. The lien, if there is a lien, can not be divested until the fees and costs have been paid. That is the express language of the statute. Until the costs and fees have been paid these companies are not entitled to these lands.
Mr. PAYSON. I would like to put one question to the gentleman from New York [Mr. MILLARD].
The SPEAKER *pro tempore* (Mr. SPRINGER). The time of the gentleman from New York has expired.
Mr. CASSIDY. I have some time of my own. I will yield ten minutes of it to the gentleman from New York if he so desires.
The SPEAKER *pro tempore*. The gentleman from Nevada proposes to yield a portion of his time. The Chair was not aware until this moment that the gentleman had any time to yield; but if there be no objection, the gentleman will be allowed to do so. The Chair hears no objection. The gentleman from New York is entitled to ten minutes more.
Mr. MILLARD. I only desire enough time to answer the question of the gentleman from Illinois [Mr. PAYSON].
Mr. PAYSON. The question I desire to put to the gentleman is this: What advantage results to the Government by giving it under this bill the right to sue, thus merging the claim which the Government undoubtedly has in a simple judgment against the corporation? How would you proceed to enforce your judgment after obtaining it? In view of the situation of the company, its vast indebtedness, and our utter inability to collect anything by the ordinary process of law, would not the judgment which your bill proposes to obtain be simply a "barren ideality?"
Mr. MILLARD. No, sir.
Mr. PAYSON. How would you proceed to enforce the judgment?
Mr. MILLARD. I should obtain judgment against these companies for the amount of all these fees or costs. Then I should issue execution and levy upon the property of the respective companies, and if I did not realize on the execution I would have a receiver appointed for the roads. These companies have paid upward of $20,000,000 in dividends, their dividends having been 6 or 7 per cent. during the last ten years. There is no question that the Government would be able to collect its judgment.
Mr. PAYSON. There is another difficulty, and I would like to find how the gentleman would meet it. Does he not know that there are already prior mortgages upon these lines of road to the extent of $108,000,000? And if that is so, how are you going to enforce a subsequently acquired judgment for $875,000 as against property already encumbered to the amount of $108,000,000 without redeeming the property from those prior mortgages?
Mr. MILLARD. The mortgages, except the subsidy mortgage and the first-bond mortgage, were all made subsequently to the passage of these acts of 1862 and 1864.
Mr. PAYSON. Well?
Mr. MILLARD. And I am inclined to think this claim is a prior lien to either mortgage.
Mr. PAYSON. Which would attach to a judgment rendered upon it—does the gentleman think so?
Mr. MILLARD. I am not sure as to that.
Mr. PAYSON. I think it is very clear the other way.
Mr. MILLARD. I think there is so much benefit to be acquired by the course marked out in this bill that it is our duty to stand by it. It is the only course you can pursue.
Mr. HENDERSON, of Iowa. Could not the Government realize upon the judgment over and above the bonded indebtedness?
Mr. MILLARD. I think so.
Mr. PERKINS. Does the bill declare that the judgment shall be a prior lien to those mortgages?
Mr. MILLARD. No, sir; I do not think such legislation would be effective.
Mr. PERKINS. If it can not be done by legislation, could it be done by the decree of a court?
Mr. MILLARD. By the appointment of a receiver you can have the earnings of the road applied on the judgment. You can take every dollar that now goes to the stockholders and apply it to the payment of the judgment; in other words, you can prevent these companies from paying any dividend until the judgment has been satisfied.
Mr. PERKINS. If the road shall be put into the hands of a receiver, and he shall be permitted to collect the moneys under the control of the court, and to disburse them, would it not be the duty of the court to distribute the money according to priority of liens?
Mr. MILLARD. No, sir; it would be the duty of the court to direct the receiver appointed on this judgment to apply the moneys in payment of the judgment of the Government.
Mr. HEPBURN. Is it not your opinion that the railroad company or its grantee has now a taxable interest in these lands?
Mr. MILLARD. If the legal title is in the roads; but the Supreme Court has held clearly that until these fees have been paid the legal title is in the Government.
Mr. HEPBURN. Certainly; but is not there an equitable interest which is subject to taxation?
Mr. MILLARD. No, sir; not under the decision; and I believe I state the law correctly.
Mr. Speaker, these respective companies should be made to reimburse the Government; they should do this before they are permitted to receive title to the lands. Such was the judgment of both Houses of Congress in passing the amendatory act of 1864. They accepted the grants, constructed their roads upon the distinct condition that the Government should retain the title until the costs of the survey had been paid. It is now twelve years since the completion of these roads, since these advances were made. Why should not these companies, the most powerful, the most important, throughout this or any other country, be compelled to deal fairly and honestly with the Government? Their capital stock is upward of a hundred millions of dollars. They can not plead financial inability. The net earnings of the Union Pacific during the year ending June 30, 1883, were upward of $12,000,000. As I have stated, it has paid during the past eight years to its stockholders in dividends upward of $20,000,000. Pass this bill, sir, and you are only compelling these respective companies to refund to the Government the amount it has actually expended for their benefit. Sir, there can be no question as to the duty of this House in this matter.
Mr. HANBACK. As I said the other day when this question came up, there is no division of opinion on the part of the committee as to the necessity for some legislation in this matter that will bring these lands to patent.
Now, it is merely a question of method; that is all; and I hope in the few moments I shall tax the patience of the House to be able to show how inoperative is and will be the legislation proposed by the majority report of the Committee on the Pacific Railroads.
I will say in the outset of my remarks that, living in a State where there are more than 4,000,000 acres of land, nearly 5,000,000, that belong to railroad companies named in the bill, I am deeply interested, as are the people whom I have the honor in part to represent; and I say to this House—and I beg the House to treat this matter with that solemnity which the question demands—I say to you, sir, speaking for them and speaking for the other States through which these lines run, I should much prefer the law should stand as it is to-day than that the legislation sought to be enforced by the majority report of the committee shall be put into operation; and I will give you very briefly the reason why.
Railroad companies, Mr. Chairman, are made up of men with the same impulses and feelings other individuals have in other avocations and avenues of life; and the experience of every man here will bear witness to what I say, that in the common walks of life where methods are adopted by law to attempt to enforce the collection of a debt as a rule it operates so that if there be any possible way to get out of the payment of it the party sued arraigns himself against the enforcement of the judgment and says: "As you have attempted to collect by the law, by the law you shall collect it." Apply that principle here; the bill reported by the majority provides, first, that notice shall be issued by the Secretary of the Interior to these companies and that the United States is ready to issue and deliver these patents. What next is to follow? If upon the expiration of ninety days the companies shall fail to appear and take their patents, then it is the duty of the Secretary of the Interior to notify the Attorney-General, and it is his duty by the law to commence action in the circuit court of the United States against these companies. What is the effect of that suit? I put it to the calm and sober sense of lawyers; what is the effect? Resistance step by step to every movement of the Government. First, there is a question of law involved in this, and the railroad companies under section 21 have claimed these patents are not to issue until demand is made on the Government for them. What is the very first step they will take in any bill in the circuit court? It is so plain and apparent to me that I need not take time to say more than this: Demurrer to the bill to show cause of action; an appeal from whatever decision may be made; writ of error to the Supreme Court of the United States, and consequent delays of law; and if judgment shall be finally given by the Supreme Court against the companies, then resort to all the methods adopted for delay, jury trial to try questions of fact, and so on through the weary years.
We go into the courts of the United States to enforce a remedy which I believe exists to-day in this very House, and a remedy which may be applied for the best interests of all the people of this country, and especially of the 5,000,000 people in that region where these roads run.
What will you do with the judgment when you get it? is the pertinent question that was asked a moment ago of the gentleman from New York; and I submit his answer is not in keeping with the true dignity of the question. What are you going to do with that judgment? is an exceedingly important question. Is it to stand as any other inoperative judgment against a debtor who is either unable or unwilling to pay, or whose property is so tied up that an execution will not lie successfully against it? And through all the years is this to continue; and are the railroad companies to be permitted to stand

with their fingers on their noses and say, "As you invoked the law to enforce that remedy, by the law you shall obtain it?"

I am not particular, sir, about the methods which may be employed to produce the end that is so desirable. To me it is a matter of small question as to how this shall be done, so that it is done for the best interests of the people. I believe it is to the best interests of the railroad companies themselves. I know it is to their best interests for them to step up like men and take this patent so long kept in waiting for them. I know it will tend to develop a feeling of security in their good faith and a feeling which will redound to their interest, and I do not stand here to speak against any efforts for the best interests of the country so far as justice and right lead me. But it is a matter in which there is a question of justice involved on both sides. I am for equal and exact justice to all, for these companies are constituents of mine as well as the humblest man who lives upon the prairies of Kansas.

But I say to this House and to the country that these railroad companies have been derelict in their duty and to their best interests in refusing to take the patents out.

What is the operation of it? Under the rules adopted by the companies they sell on eleven years' time these lands, and sell them at 7 per cent. interest. A man can go and settle upon one hundred and sixty acres of the land, and year after year rolls by and he pays not a cent of taxes to the support of the State or the county government in which the lands may be located.

Vast areas of land lie there which are untaxable and which can not be reached by any process of law toward the building up and development of the interests of those States. I submit, therefore, the importance of the question to you for this House to understand that you shall not further continue the condition of things as they now exist and have existed in the past, and will insist if the legislation sought to be enforced by the majority of this committee shall go into effect that these things shall not be allowed to exist any longer, by suitable provisions of law incorporated in this bill.

Mr. HISCOCK. At some time during this discussion I would like to make a practical suggestion to the gentleman and have his views upon certain points. And I desire to propound a question or two, to which I would like to have a response, but will not interrupt him without his consent for that purpose.

Mr. HANBACK. This is as good a time as any to ask the question.

Mr. HISCOCK. Then I will ask the gentleman this question: I desire to call his attention to section 9 of the Thurman act, in the following words:

SEC. 9. That all sums due to the United States from any of said companies respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets, and income of the said several railroad companies, respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage lien or claim thereon. But this section shall not be construed to prevent said companies, respectively, from using and disposing of any of their property or assets in the ordinary proper and lawful course, in good faith and for valuable consideration.

And again, section 11:

SEC. 11. That if either of said railroad companies shall fail to perform all and singular the requirements of this act and of the acts hereinbefore mentioned, and of any other act relating to said company, to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States; and it shall be the duty of the Attorney-General to cause such forfeitures to be judicially enforced.

The question I ask then is this: If you vest the railroad companies with title to these lands do you not thereby discharge them from this lien? I understand this land to be worth a hundred million of dollars. I understand that the railroad companies are short in their sinking fund $40,000,000. I understand that all of their franchises, all of their rights and equities under the Thurman bill, are pledged to the deficit. Now, the question is whether your bill, the minority bill here, does not have the effect to discharge that lien on this property in the hands of the railroad companies, that they may convey it to whoever they please, and the result will be that the Government of the United States will have no remedy for this deficit in the sinking fund?

Mr. RYAN. The answer to that is they are now entitled to a patent if they desire it.

Mr. HISCOCK. They are not entitled to a patent under the Thurman act. Every asset they have, all of the rights which they may have, are pledged to their payments to the sinking fund.

Mr. HANBACK. If the gentleman from New York will permit me, I think I can answer that question.

Mr. HISCOCK. I have no very fixed opinion about this, and only make this suggestion with the view of having light on that particular question—whether the lien given on these lands or their franchises, and all that, will not be discharged by this bill, which will vest them with the title to this property, with the power of the disposition of this property in the manner pointed out in your bill.

Mr. HANBACK. I will say in reply to the gentleman from New York, as I understand, the Thurman bill did not operate as a lien at all upon the land grants. The land was from the commencement free from any of the incumbrances or the liens provided for in the acts granting the powers and privileges of organization to the railroad companies forming the Pacific system. The purpose of the land grant was to assist in the building of the roads, and it was specifically, as the gentleman will find by an examination, left out from the liens and incumbrance, which attached to the railroad lines, to their road-bed, to their buildings and all the appurtenances which pertains to the lines of railway.

Now, the Supreme Court of the United States have passed upon this question and have declared that the grant of 1862 and 1864 was a grant absolute. The Supreme Court has decided that the granting acts of 1862 and 1864 were *in præsenti* and granted absolute title.

Mr. HISCOCK. I grant that; but the provisions I call your attention to are the provisions of the Thurman act.

Mr. VALENTINE. They can pay these survey fees at any time, get an absolute title, and receive a patent.

Mr. HISCOCK. I think they can not.

Mr. ANDERSON. Indeed they can.

Mr. VALENTINE. They are doing it every day.

Mr. HANBACK. I say to the gentleman from New York, for three years I was in a United States land office, and there was hardly a day in which patents were not delivered into that land office issued to parties who had purchased from the Kansas Pacific Railway Company free of other incumbrance. And the only incumbrance there is to-day against those lands, if you can call it an incumbrance, is the 2½ and 3 cents an acre it costs for the surveying fees and the cost of selecting these lands. These companies, every one of them, can this very day go into the United States Land Office, before the Commissioner of the General Land Office, and can file their plats of selection, pay the fees, and receive a patent for the land free of every incumbrance. I submit, therefore, it was not in the contemplation of the law under the Thurman act to place any incumbrance whatever on these grants of land, and there is no such incumbrance.

Mr. MILLARD. Will the gentleman allow me a question?

Mr. WILSON, of Iowa. I ask my colleague on the committee to yield to me for a moment.

Mr. HANBACK. I will first hear the question of the gentleman from New York [Mr. MILLARD].

Mr. MILLARD. I ask you this question: If you issue the patents and vest the titles which the Government has in these lands in the company before the fees and costs of survey have been paid, has not the Government lost all lien that they have by virtue of the act?

Mr. VALENTINE. Let me also ask a question. Is it not the fact that under the law now these several railroad companies are taking out their patents daily on each piece of land through all our States and transferring them?

Mr. HANBACK. I so stated.

Mr. VALENTINE. The Thurman act has nothing to do with it.

The SPEAKER *pro tempore* (Mr. SPRINGER). Does the gentleman from Kansas [Mr. HANBACK] yield further?

Mr. WILSON, of Iowa. The gentleman agreed to yield to me. Will he give me a couple of minutes?

Mr. HANBACK. I will presently. Now, in reply to the question asked me by the gentleman from New York [Mr. MILLARD], I say the bill reported by the minority of the committee provides that it shall be the duty of the Secretary of the Interior to notify the various railroad companies that patents are ready to be delivered to them. If at the expiration of ninety days they do not present themselves with the fees required by law to be paid, then it is made the duty of the Secretary of the Interior to cause these patents to be made of record and the title passes to the railroad company, and following that it is made the duty of the Secretary of the Interior to notify the Attorney-General of the amount that is due, and it is then the duty of the Attorney-General to commence a suit. The whole matter, in a nutshell, is this: it makes these lands subject to taxation throughout the country.

Mr. PAYSON. How does the Government get its money?

Mr. HANBACK. It gets its money by a suit at law.

Mr. PETERS. And in addition it has its lien on the railway and rolling-stock.

Mr. HANBACK. Yes; independent of this the Government has its lien on the railway and rolling-stock. But this judgment will be a judgment for money the same as any other judgment. That amounts to about $900,000 to this Government. My friend from Nebraska will by figures which he has carefully prepared show that the taxes that would come every year to the States would run from $500,000 to $750,000 a year. Hence the efforts which would be made by the railroad companies to prevent the suits from coming to a successful conclusion.

I do not desire to take up the time of this House in the discussion of this question, as there are others here to be heard on the subject. I submit to the House that some scheme other than the one that is presented by the majority of the committee should be adopted. I say, with a full knowledge of the effect which my words will have, that it is not a bill at all for the interests of the people of the States of Kansas, of Nebraska, of Colorado, of California, and of Nevada.

It is better to leave the companies as they were and as they have

been in the past, to exercise the right to obtain patents to these lands whenever they see fit to do so, than to lock this matter up in a lawsuit where it will remain for years. I hope, therefore, the House will perfect legislation in some better form than that presented by the majority of the committee. If the plan proposed by the minority is not such as in the judgment of the House is proper, if the House shall consider it not wise for the Government to loose its lien on the land so far as to enable it to collect the money for the fees, then let some other plan be formulated.

I think and I believe that under the granting act, retaining in Congress the power to amend, alter, or change the act, Congress has perfect authority to-day to enact into legislation a law allowing these railroads six months within which to come forward and take their patents, and declaring that a failure to take the patents within that time shall work a forfeiture of the lands which they claim. I will vote for any amendment that will tend to force these companies to a proper discharge of their duties.

I now yield to my colleague from Kansas [Mr. ANDERSON] ten minutes.

Mr. ANDERSON. Mr. Speaker——

Mr. HISCOCK. Allow me to ask a question.

Mr. ANDERSON. I have the floor, and I may just as well here as anywhere give my answer to the question of the gentleman from New York [Mr. HISCOCK], which has already been ably answered by my colleague [Mr. HANBACK].

Mr. HISCOCK. I was going to make another suggestion.

Mr. ANDERSON. The proposition of the gentleman from New York [Mr. HISCOCK], as I understand it, is that the $102,000,000 of the sinking fund is in part secured by this land, and therefore to divest the Government of the title to these lands and place it in the company would be to relieve the land from that lien.

Mr. HISCOCK. Allow me to state the question.

Mr. ANDERSON. Well, I will; but I do not want you in my time to read fourteen pages of something. I want you to state it in a nutshell.

Mr. HISCOCK. I believe I am entitled to five minutes, and I will let the gentleman have the advantage of all the time which has been yielded to him.

Mr. ANDERSON. All right.

Mr. HISCOCK. The section which I read, section 9, is supplemented by this provision:

> But this section shall not be construed to prevent said companies, respectively, from using and disposing of any of their property or assets in the ordinary, proper, and lawful course of their current business, in good faith and for valuable consideration.

That provision is followed by section 11, which reads:

> That if either of said railroad companies shall fail to perform all and singular the requirements of this act and of the acts hereinbefore mentioned, and of any other act relating to said company, to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States; and it shall be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

Now, what I suggest is this: until the right of forfeiture under this section 11 is asserted it is altogether likely that the Interior Department will deliver patents for the land to these companies in the ordinary course of current business as they are perfected.

The point which I make upon the bill which the gentleman advocates is that under it you deliver to these companies the title to all this property upon which we have a lien and in regard to which we have the right to enforce forfeiture. Now, do you not abdicate the right of forfeiture declared in the eleventh section which I have read? That is the question which I ask, and I think it will be found to be a very troublesome question.

Mr. ANDERSON. Your lien under the act of 1864 is simply for the payment of the cost of survey, and this land is not held as a security for the sinking fund at all. That is the first fact. The second fact is that upon precisely the same ground upon which the companies, under the opinion of the Supreme Court, refuse to pay taxes, namely, that the land does not belong to them, that the title is in the United States, when you come to foreclose your bonds upon these lands, or to enforce any provision of the Thurman act, these companies upon the same grounds precisely would set up the same defense, and would say that these lands did not belong to them; that they had not completed their contract, that they had not paid the costs of survey, but that the lands were held by the United States Government as its property, and you could not touch an acre of them either under the bonds or under the Thurman act. Right there is the milk in the cocoa-nut.

So far from the gentleman from New York [Mr. HISCOCK] making any adverse point, he has simply revealed one of the great glaring purposes and iniquities of these companies with respect to these lands, namely, to swindle bondholders out of them as well as the Government. That is all there is in it. I fancy you can not foreclose a mortgage on an acre of this land so long as the title is in the United States. Property of the United States is not property of the companies in the legal sense and force of a bond.

But I do not care to discuss that point particularly. What I wish to discuss is the difference between the two methods of procedure under consideration. The bill of the majority of the committee proposes to declare that this money, about $900,000, must be paid. It has been due eight, ten, and fifteen years. It was due when the United States surveyed these lands, and under the original contract it was to be paid by these companies as the lands were surveyed.

The question is then raised, in the event that the companies do not pay as you declare by this bill they shall do, what is to be the remedy? And in that case we are told the Government shall sue them! In other words, for ten years and more these companies have been owing the United States Government about $900,000; and when the question comes before us what shall we do with them if they do not pay this money, it is said we must go into a long suit to recover it! They hire their attorneys by the year, and they would undoubtedly spin out a suit of this kind indefinitely. As I look at this matter I can not imagine a more adroit plan. I do not mean that it is so intended by anybody here, but I can not imagine a better plan for the companies than just this.

Now, the other proposition is to say to these companies, "Pay this money; if you do not, we by this act declare that the title to the land shall be vested in you for taxable purposes;" and then we are to go on and sue. Now, the fact is that the true remedy, the legal remedy, in all the breadth and rigidity of law is to forfeit every acre of land if these companies do not pay the costs of survey. Why? Because the payment of these costs of surveys—and I understand one of my colleagues on another committee [Mr. PAYSON, of Illinois] has an amendment prepared for this purpose—the payment of these costs of surveys has been twice declared by the Supreme Court to be one of the essential conditions upon which this grant was made. The building of a road-bed was one condition; tieing, ironing, and ballasting were other conditions; equipping and operating were another condition; and still another condition was the payment of these costs of survey.

Now, the company has not complied with this condition. Why? In order that they might save their property from bearing the same share of taxation that homesteaders' property must bear. The escaping of this taxation has been worth to them in my State alone a quarter of a million dollars a year. For years they have set up this trick, this pretense, this neglect on their part to obey the law, this absolute refusal to pay these costs of surveys; and then they go into the Supreme Court and plead that they have a right to do so; and the Supreme Court has twice so adjudged and approved that trick. I believe in a hell! [Laughter.]

Now, until the companies pay these costs of surveys they have not, under the decision of the Supreme Court, completed the contract. They have refused to complete this essential condition. Then their land, in law and in equity, is subject to forfeiture. That is the remedy which I proposed four years ago in a bill which I then presented. It is a remedy I am ready to adopt to-day. So far from being influenced by their bullying, so far from permitting them to perpetuate this long-drawn-out method of refusing to pay these costs, if upon the passage of this bill they place themselves in disobedience to the United States Government I for one am ready to take the strongest means. I am ready in the first place to adopt the amendment of the gentleman from Michigan [Mr. PAYSON], which proposes that any of this land which may be sold by a State for taxes shall be so sold subject to the claim of the Government for these costs of survey, or, in lieu of that provision, I am then ready to forfeit the land if the costs remain unpaid by the company.

Upon that amendment I want to say a word. The gentleman from Georgia [Mr. CRISP] said the other day that if we permitted a State to sell the land the United States would not obtain payment of the costs of the surveys; in other words, we would lose the security of our lien. Now, the fact is, a very small portion of these lands would be put up at tax sales. But suppose land should be put up to be sold under the amendment, and should be sold subject to the costs of the survey; how much would that be?

Mr. CASSIDY. About $4.25 for a section.

Mr. ANDERSON. Now, when you come to actual business, does anybody suppose that the United States would be prevented from getting its $4.25 on each section because the buyer of the land had to pay it instead of a lot of incorporated robbers who for ten years have refused to pay it, who now say to us that they will not pay it? Why, sir, in my judgment that supposition is absurd on its face. It does not make any difference to the Government whether I, as a purchaser, pay the cost of survey or whether the company pays it. It is only $4.25 at any rate; and it would be paid on the spot. I therefore favor this amendment.

I do not want any more "monkey business" about this matter.

These companies have acted against their own interests; they have acted against the interests of the Government of the United States. This is a question not between the State of Kansas and the companies, but between the United States Government and these companies. They have owed this money for years. They intend to owe it. They do not propose to pay it until you compel them to do so. I can see no sort of sense in any of this fine-spun theorizing in regard to the question. In the first place, demand that they shall pay this money; and if they say they will not, force them to do it. That is the right way out of this

difficulty. Now I will answer the question of the gentleman from Iowa [Mr. HEPBURN].

[Here the hammer fell.]

Mr. HANBACK obtained the floor and said: I yield fifteen minutes to the gentleman from Nebraska [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, not believing that the present bill offered by the committee affords that relief which the facts in this case imperatively demand, and which the public are entitled to, I desire briefly to state my objections to the bill and to show wherein it fails to give the necessary relief, and to further show what kind of a measure would afford all the relief that can be afforded at this late day. However, I have no hesitancy in saying that if we can not have at the hands of this House a bill giving more relief than the bill under consideration, then I shall vote for it, believing as I do that it will be better than no legislation at all. I will now state a few propositions of law, over which there will probably be no controversy, but should there be, then I desire gentlemen here and now to challenge my attention to any disputed proposition, that it may be settled here by decisions that I have before me ready for reference.

This has been held by the Supreme Court and is the law, namely: Where a person or corporation is entitled to a patent for lands by reason of having complied with every condition required by the law, that land is subject to State taxation, notwithstanding the land has not been patented; and about this proposition there is no doubt.

(Stark *vs.* Stars, 6 Wallace, 402; Railway Company *vs.* Prescott, 16 Wallace, 603; Railway Companies *vs.* McShane *et al.*, 22 Wallace, 444.)

The converse of this proposition is equally true, and is distinctly passed upon in all of the cases before cited, namely, that if a party or corporation has not performed every condition precedent required by law to be performed before the issuance of a patent (and no patent having been issued) the land is not subject to State taxation, and this proposition of the law it is that makes it necessary for legislation in respect to these lands that were granted under the Pacific railroad acts of 1862 and 1864. By the twenty-first section of the amendatory act of 1864 it is provided that before the railroad companies to whom the several grants were made should be entitled to a patent they should pay the costs of surveying, selecting, and conveying the land granted, and the Supreme Court has held in the cases before cited, and especially in the case of Railway Companies *vs.* McShane *et al.* (22 Wallace, 444) that until these costs are paid the United States has such an interest in the land as should be protected, and that the land is not subject to State taxation, lest by such taxation the State might divest the United States of its interest.

Now, no one will fail to understand that (the corporations having done everything to entitle them to their patent except the payment of these costs) had it not been for the unfortunate insertion of the twenty-first section of the act of 1864 this land would have been subject to taxation for the last fifteen years; and now I propose to show that while the whole costs of survey, selecting, and conveying does not amount to $1,000,000, by reason of this unfortunate legislation the State and Territorial governments in the respective localities where these lands are situate in the aggregate have been deprived of over $2,000,000 of taxes per year, and since the completion of the roads of over $30,000,000 which they were justly entitled to. So we find that the twenty-first section, which was inserted in the act of 1864 for the purpose of saving the General Government the expenditure of less than $1,000,000, has been so construed by the courts as to work a saving to the corporations of more than $30,000,000, and is saving them over two millions annually.

I desire now to establish by figures that every year's delay in the matter of having this land subject to taxation is a saving to the corporations of over $2,000,000, or more than twice all the costs that are demanded of them to entitle them to their patent, and to urge upon this House the necessity of such legislation as will speedily subject this land to the same burdens borne by the land of the resident freeholder. We ask no more, and no fair-minded man upon the floor will ask us to take less. There was granted under the Pacific Railroad act of 1862, and the amendatory act of 1864, as shown by the report of the committee, over 35,000,000 acres, and for the purpose of showing its condition as to being surveyed at the present time I read the following from the report of the committee:

Name of road.	Estimated area of grant.	Estimated area surveyed.	Estimated area unsurveyed.
	Acres.	*Acres.*	*Acres.*
Union Pacific—Omaha to Ogden	13,222,400	12,104,960	1,117,440
Burlington and Missouri River	2,310,912	2,310,912	.....
Central Branch Union Pacific	1,160,000	1,160,000	.....
Kansas Pacific	6,000,000	6,000,000	.....
Denver Pacific	1,024,000	1,024,000	.....
Central Pacific—Ogden to Sacramento	9,248,200	4,467,500	4,780,700
Central Pacific, successor to Western Pacific	1,576,448	1,288,448	288,000
Sioux City and Pacific	651,328	651,328	.....
Totals	35,193,288	29,007,148	6,186,140

I desire next to show how many acres each company has selected of the land granted to it and how much money it has cost for that survey, to the end that we by accurate calculation may show just how much on an average it has cost per acre to do the surveying, and then we will be fully awakened to the fact that the whole cost of surveying this land (and for the non-payment of which the corporation have avoided the payment of taxes for fifteen years) does not amount to one-half what the taxes would have amounted to for one year:

	Acres selected.	Amount paid for survey.
Union Pacific	2,006,827	$45,086 23
Central Branch Union Pacific	265,244	5,188 13
Kansas Pacific	1,483,067	29,841 71
Central Pacific	784,976	48,235 69
Western Pacific	444,466	17,220 72
Denver Pacific	183,424	7,661 78
Burlington and Missouri, in Nebraska	2,378,556	50,515 79
Sioux City and Pacific	41,398	680 13
Total	7,587,958	204,430 18

Seven million five hundred and eighty-seven thousand nine hundred and fifty-eight acres, the amount the corporation have selected and paid for surveying, as a divisor, and $204,430.18 the amount that surveying cost, as a dividend, and we find that we have for a quotient, as the cost per acre for surveying, 2 cents 6.9 mills. Now, sir, it is this 2 cents 6.9 mills that represents the interest the Government holds in the lands granted for which the surveys have not been paid, and it is this interest which under the decisions of the court has shielded the grantees of this 35,000,000 acres of the public land from contributing to the support of the State and Territorial governments, where the granted land lies, for the last fifteen years, and shifting all of these burdens upon the resident freeholders for all this time.

It would seem that the failure to discharge one duty, namely, the payment of the cost of surveying, has by the wonderful working of the law resulted in relieving them from the performance of another, namely, that of paying taxes.

I find in House Miscellaneous Document No. 10, third session Forty-sixth Congress, the same being a letter from the Auditor of Railroad Accounts, that up to December 31, 1879, these railroad grantees of the land now under consideration had sold to December 31, 1879—

	Acres.
Union Pacific	3,020,625.00
Central Pacific	662,669.00
Central Branch Union Pacific	170,000.00
Sioux City and Pacific	41,318.23
Burlington and Missouri River in Nebraska	1,574,392.00
Total	5,469,004.23

And realized from said sales to December 31, 1879—

Union Pacific	$12,050,653 00
Central Pacific	4,085,354 00
Central Branch Union Pacific	850,000 00
Sioux City and Pacific	200,000 60
Burlington and Missouri River in Nebraska	8,556,782 00
Total	25,742,789 00

And the average price per acre of said sales was—

Union Pacific	$3 99
Central Pacific	6 16
Central Branch Union Pacific	5 00
Sioux City and Pacific	4 84
Burlington and Missouri River in Nebraska	5 43
Total average	4 71

It will readily be discovered from the above showing that while the grantees of these lands have sold only about one-seventh of the whole grant, they have realized over $25,000,000. From which estimate it would follow (if the sale of land already made be a fair average in value of the whole grant) that the value of the land granted under the Pacific railroad acts exceeds in value the sum of $175,000,000; but, Mr. Speaker, it must be remembered that while the sales of land spoken of here averaged $4.71 per acre, this price was for sales made prior to December 31, 1879, and I have no hesitancy in here making the assertion that since that time a great portion of these lands, especially in Kansas and Nebraska, have increased in value over 100 per cent.

Now, sir, it is not probable that when the lands were originally granted they were worth more than the Government price, namely, $1.25 per acre; and this proposition is attested by the fact that before the day of the grant the lands had not been taken under the existing law when they might have been had for that price, and further by the fact that subsequent to the grant much of the public domain has been obtainable at $1.25 per acre, and now we are brought to confront the proposition that while the lands granted to the corporations have been withheld from the provisions of the third section of the act of 1862, wherein it was provided that such lands as were not sold or otherwise disposed of within three years after the final completion of the road should be subject to entry at $1.25 per acre. I say that we are brought to confront the proposition that these lands have been held until they

have quadrupled in value, and have never contributed one cent in taxes to the support of the State or Territorial governments where the granted lands lie; in other words, a grant that at the time it was made was worth less than $45,000,000 has grown to be worth nearly $200,000,000, without ever having been subject to the burdens that have been borne by resident citizens who have owned lands in immediate proximity to the granted lands, and who by their energy in building up the country have made great demands for the granted lands and made them so valuable, and I aver that history does not furnish a parallel of such special privileges having ever been before enjoyed by the few at the expense of the general welfare of the many.

Now, sir, we will turn our attention to the legitimate inquiry as to what amount of taxation these lands would have been subject to under the ordinary rate of taxation had it not been for the unfortunate insertion of the twenty-first section of the amendatory act of 1864, because there will be no dispute as to the proposition that had the twenty-first section been omitted from that act this land would for the last fifteen years have been subject to taxation. It has been repeatedly held by the Supreme Court that when a party (individual or corporation) is entitled to their patent the land is subject to taxation, whether the patent has issued or not, and the companies having completed their roads, and having done everything that entitled them to the patent save and except the payment of the costs of surveying, selecting, and conveying called for under the twenty-first section, would have been entitled to their patents, and under the decisions in the cases before cited would have been subject to taxation since the acceptance of their road, section by section, as provided by the granting act.

While the average price per acre for this land up to December 1, 1869, was $4.71, we will say that for the purposes of assessment they would have been rated at less than one-half the price for which they have been sold, namely, $2 per acre; and from a knowledge of an ordinary levy in the State where I live and where a portion of the lands granted are situate, I know that 30 mills to the dollar's valuation is a fair, ordinary levy on assessed value (the assessed value being ordinarily less than one-half of the real value); and from this it is readily seen that every acre of this land would have been subject to a levy of 6 cents annually, which in the aggregate would amount annually to $2,111,597.28, and in the last fifteen years to $31,673,959.20.

I say, Mr. Speaker, that this great wrong has been continued for fifteen years to the end that the General Government might collect $946,699.24, the costs for the surveying, selecting, and conveying of said land as provided under the twenty-first section of the amendatory act of 1864; for this is all it would have cost to survey all the lands granted to the corporations under the Pacific Railroad acts at the same rate for surveys as that for which payment has already been made. Consider for a moment a loss of 6 cents per acre which these grants would have yielded to the State and Territorial governments for fifteen years, only for the purpose of allowing the General Government to collect 2 cents 6.9 mills on each acre of this land; for this is all the interest the General Government has in these granted lands under the twenty-first section of the act of 1864.

Mr. Speaker, the facts and figures that I have given ought to be sufficient to any candid mind for opposing the bill that is reported by the majority of the committee, and which is at present under consideration by the House.

Now, sir, what are the provisions of the present bill? Just such as will in my opinion result, if it becomes a law, in exempting these lands from taxation for the next ten years, and probably until the whole land grant has been disposed of by the companies; for the present bill provides that unless within a certain length of time the corporations shall voluntarily pay these costs the law officers of the Government shall proceed to collect the same through the slow and tedious processes of the court. Any one who has had the experience of trying a cause, from the impaneling of the jury to a verdict, and then by appeal or error to the Supreme Court, where the cause is liable to be reversed for proceedings *de novo*, knows full well that with the means at the hands of the corporations the final conclusion can be delayed almost indefinitely; and as to that provision of the bill suggesting that unless this amount shall be voluntarily paid, why, sir, this sounds too much like a joke. The companies have voluntarily abstained from paying from the time their roads were completed, each moment of which it has been their bounden duty to perform that act. They never have been known to do an act that would have resulted in costing them over $2,000,000 annually, and any one whose credulity leads him to believe that such a thing as this is about to happen ought in my opinion to be retired to an institution set apart for statesmen whose minds have become impaired—an institution for the weak-minded.

Now, sir, we want no dilatory legislation upon this subject; we want no legislation that calls for continued litigation before this land shall be subject to taxation.

We have been in the courts, and I here declare that every provision of the law that was intended in the Pacific Railroad acts for the protection of the people and Government has been so construed by the Interior Department under former administrations, and in one notable instance by the Supreme Court, as not only to take away every benefit the law was intended to give, but absolutely in such a way as to make that part of the law intended to protect the people and Government a license to the corporations to defeat the main purposes of the law, namely, the speedy settlement and development of the country.

Think for a moment of the complete defeat of the fair and honest meaning of the third section of the act of July 1, 1862, by the decision in the Platt case. The law provided that the lands not sold or disposed of by the company before the expiration of three years after the completion of the entire road should be subject to settlement and preemption like other public lands.

The Union Pacific Railroad was completed in 1869, fifteen years ago, and one would suppose from the reading of the third section of the granting act that for twelve years this land had been subject to settlement as other public land at a price not to exceed $1.25 per acre, but such is not the case, because of judicial construction in favor of the blanketing process by mortgage; so that we find, after fifteen years—five periods of the full limit of the time during which the railroad company was authorized to fix a price and exercise the power of sale—it is still selling—at $1.25 per acre? no—at prices fixed by its own board, and not by the statute, and in many instances at prices from five to ten times the price fixed by the granting act.

This decision, rendered by a majority of the court and dissented from by three justices—Bradley, Clifford, and Miller—has defeated the great and main purposes of the law, namely, the speedy settlement of the country, cheap land for the poor, and homes for the homeless.

It seems ever to have been the great and good fortune of the corporation to have been in harmony with Congress, with the courts, and the Interior Department.

Consider again section 21 of the amendatory act of 1864, placed there for the benefit of the Treasury, in this, that section 21 provides that before any lands granted shall be conveyed to any company they shall first pay the cost of surveying, selecting, and conveying the same; and the court says in 16 Wallace and again in 22 Wallace, that so long as the company fail to discharge this duty they shall be relieved from another great duty, namely, from the payment of taxes; and for fifteen years since the completion of the Union Pacific Railroad, and for long periods since the completion of other roads, under these acts, have these corporations been relieved from taxation, and for no other purpose than that of having failed to discharge the primary duty of paying the cost of surveying, selecting, and conveying of these lands, and this too when they have been exercising the full ownership over the lands and borrowed millions of dollars upon the lands by mortgage.

Look at this proposition: they are allowed to dispose of their land by mortgage in bulk, and in that way destroy the contingent right of pre-emption at $1.25 per acre given by the third section of the act of 1862. And while the court holds in the case of Platt *vs.* The Union Pacific Railroad (99 Otto, 48) that the corporation had the right and was authorized by the granting act to hypothecate the fee, and that the mortgage was such a hypothecation, yet the same court has told us in the case of the Railway Companies *vs.* McShane (22 Wallace, 444) that this same land is not subject to State taxation.

These decisions taken together have increased the assets of the corporations as much as the original grants; because while the land has quadrupled in value, it has borne none of the burdens of taxation.

One of two propositions is true: Either the land should have been subject to entry at $1.25 per acre after three years from the completion of the roads, as provided in the third section of the act of 1862, or for all these years, while the land has been doubling and tripling in value, and during which time, as the court says, the fee of the land has been hypothecated, it should have borne the burden of taxation; but in my judgment the dissenting opinion in the Platt case is the true interpretation of the spirit of the granting act.

Now for one moment let us turn our inquiry to the interpretation of the law under the granting acts by the Interior Department during the administration of Mr. Hayes.

First, it was held that the company was entitled to land for the construction of that portion of its road built after the time fixed by law as well as for that built within the time, going so far as to issue the patents under the grant to the corporation, when no portion of the road was built within the time fixed by the granting act (Executive Document No. 29, second session Forty-seventh Congress).

This same Department, during the administration of President Hayes, and by the advice of Attorney-General Devens, has announced another proposition, namely, that the corporations are entitled to indemnity for lands that were sold or pre-empted along the line of the road before the granting act. And be it remembered that this decision is made in the face of the two decisions of the Supreme Court, namely, Leavenworth, Lawrence and Galveston Railroad Company *vs.* United States (2 Otto, 733), and The United States *vs.* The Burlington and Missouri River Railroad Company (8 Otto, 334), in each of which decisions it is distinctly stated that the companies are only entitled to indemnity land for land lost by the act of the Government between the date of the grant and the location of the road.

But Mr. Devens—after calling attention to the fact that the circuit court of the United States for the western district of Wisconsin had held that the companies were entitled to indemnity for land lost both before and after the granting act—says: "In view of these conflicting

expressions it would seem to me that the safer course for the Department would be to return to its original construction." What was this "safer course?"

Nothing more or less than to issue patents for indemnity for lands which by the two decisions of the Supreme Court the companies were not entitled to. That advice was adopted by the Interior Department, and so far as I know is followed up to this day.

These decisions, so uniformly one way, and always so much to the advantage of the corporations, have awakened in the minds of the people apprehension that the "safer course," as Mr. Devens calls it, might have been the more profitable course.

These corporations, after having received an empire of land at the hands of the Government and millions of dollars in bonds from the Government, have used and are using the very means that have been placed into their hands by the Government to build the roads for the purpose of defeating every provision of the law that was intended to save the Government and the people from the most flagrant wrongs. And already they have absolutely defeated that provision of the law which declared that these lands should be open to settlement after three years from the completion of the road at $1.25 per acre. They have defeated every effort that has been made to place their lands on the tax-roll side by side with that of the resident freeholder; they have procured patents for indemnity lands by the action of the Interior Department to which the Supreme Court has said they have no right; they have and still refuse to pay the interest on the bonds issued by the Government to aid in the construction of the roads.

Mr. Speaker, in calling attention to the decisions that have been made by the court and the rulings of the Interior Department of the Government I am not unmindful of the particular point under discussion, and have spoken of these matters to show conclusively that we want no legislation that will throw us back into the courts, where we may be subjected to long delay.

It were better at once to repeal the twenty-first section, thereby losing to the General Government the million of dollars due for the payment of these surveys, selection, and conveyance of this land, than to have the lands escape taxation for a single year; but in my opinion it is not necessary to release these costs, for I believe that Congress has the power, and is not only justified but is in duty bound to pass such a measure as will require at the hands of these grantees the immediate payment of these costs.

It is claimed by the grantees that the twenty-first section of the amendatory act of 1864, having fixed no time in which these costs are to be paid, may be paid at the pleasure of the respective grantees. I think no one will deny, as a proposition, that where the time is not fixed in the statute within which to do an act required to be done, that act must be done within a reasonable time; and as the present granting act provided that "three years after the completion of the road" was the full time in which the company had to dispose of the land, no one could contend that the full and reasonable time within which these costs should have been paid would extend beyond the time during which the grantees had the right to exercise the power of sale. It must necessarily follow that the full and reasonable time which the grantees had to pay these costs has long since passed. But fortunately under any fair interpretation of the law we have something more definite in the act itself as to when these costs were required to be paid.

The section that provides that these costs shall be paid before the land granted shall be conveyed, further provides that the amount so paid shall, "without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the surveys of the public lands along the line of said roads, and so on from year to year until the whole shall be completed, as provided in the provisions of this act."

Now, sir, when we remember that by the act this road was constructed by sections, and as soon as the first section was completed the company was entitled to its patent upon the payment of these costs, and that the money paid for the surveys of the first section was to be used by the Commissioner of the General Land Office to pay for the survey of the next section, and so on until the whole work was completed, we readily see that the law contemplated that the Government should never advance the money for the payment of the surveys of any of the land but the first section of the road, and that thereafter the grantees should furnish the money for these surveys as soon as the lands were earned section by section.

There is no one upon this floor advocating any measure for the collection of these costs who does not take the position that the costs for these surveys should have been paid as soon as the road was completed. And now we come to consider what kind of legislation will be most effectual in remedying, as far as possible, the evils that exist.

I think it has been conclusively shown that the bill offered by the majority of the committee will not give us the desired relief. I think this is just the kind of a bill, if any legislation is to be had at all, that the corporations most desire, because of the long delay in arriving at any final conclusion, during which time they would still continue to escape taxation.

I had prepared a substitute for the majority bill, which I have before me, and was about to offer, but after having conferred with the gentleman from Illinois [Mr. PAYSON], he has shown me an amendment which he proposes to offer as a substitute for the bill under consideration before this debate closes, and as his proposed substitute comprehends and covers the same points as the one I was about to offer I shall advocate the adoption of his, to the end that all who do not agree with the bill reported by the majority of the committee may unite in securing more effectual legislation.

The substitute that will be offered by the gentleman from Illinois calls for a forfeiture of the granted lands, unless these costs for surveying, selecting, and conveying shall be paid within ninety days; and while there are those here who take the position that we have no power to forfeit, yet to me it appears plain that this power still exists, because the land is not yet earned under the terms of the grant, and the last payment has long since been due, namely, these costs, and this would only be in the nature of a strict foreclosure after notice served, giving still further time within which to save the land from forfeiture.

The main thing for which these lands were bestowed was the completion of the road; but still another thing required before the title could be had was the payment of these costs; and I have authority from the Supreme Court in saying that these costs of surveying, selecting, and conveying is one of the payments for this land, which can be found in the case of The Railway Companies *vs.* McShane, wherein the court uses the following language:

> That the payment of these costs of surveying the land is a condition precedent to the right to receive the title from the Government can admit of no doubt. Until this is done the equitable title of the company is incomplete. There remains a payment to be made to perfect it.

What matters it if this land has been mortgaged? The mortgagees must take notice of the law, and they can acquire no more rights in this land than the mortgageors had; and if they desire to save this land, to the end that the mortgage may be enforced against it, let them come forward and deposit these costs in the Treasury.

There is no wrong proposed in the substitute that will be offered by the gentleman from Illinois, and a failure to legislate upon this subject, wherein great wrong has been done to the people of this country, and especially to the people of the locality where this land is situate, for the last fifteen years, would be unpardonable negligence on the part of Congress, and I trust that all fair-minded men will unite upon this floor in the support of this measure.

Many matters that ought to receive attention at the hands of Congress are continually talked of, but never acted upon.

At the beginning of this session we heard much talk as to what a Democratic House would do in regulating interstate commerce, in so adjusting the rates of passengers and freight upon the lines reaching to the commercial centers of the country as that there should be no longer any cause for complaint because of the want of uniform and equitable charges.

The committees of this House are in the charge of the Democratic party, and we are patiently waiting for the proper committee here to present for the consideration of this House measures giving the proposed and much-talked-of relief.

[Here the hammer fell].

Mr. HANBACK. I now yield five minutes to the gentleman from Missouri [Mr. BROADHEAD].

Mr. BROADHEAD. Mr. Speaker, I am decidedly in favor of the bill reported by the majority of the Committee on the Public Lands. The provisions of the acts granting these lands to the Pacific railroads create what I take to be a lien upon all the lands for the payment of the expenses. The language of the act is:

> That no conveyance shall be made of the lands granted until these expenses have been paid.

It is like the reservation of a vender's lien upon lands sold. This, I take it—and I have examined the act with that view—is a first lien upon the lands granted to secure the payment of these expenses.

Now the objection made to this act, and the only objection I have heard seriously expressed, is that protracted litigation will follow in case the bill is passed; and gentlemen suggest as a remedy that all the lands should be forfeited. But the question is raised as to whether the lands are subject to forfeiture or not. If that question should be raised, I take it it would be as long in the courts while they were determining that question—because it must come to the courts at last—whether the lands are subject to forfeiture, as it would be in the collection of these debts.

Mr. WEAVER. I desire to ask the gentleman from Missouri a question. Do you think that the companies will ever desire to test the question when there is $1,000,000 only between them and the lands? In other words, do you think that if there was a law passed that unless the cost of surveying and selecting, which is less than $1,000,000, were paid within thirty days suit would be instituted, they would take the chances of that suit?

Mr. BROADHEAD. That is a mere speculation, Mr. Speaker, as to what they would or would not do. I take it the threat is just as strong on the other side. If the Government of the United States says to these companies if you do not pay these expenses within a certain time proceedings shall be instituted, I think they will see it to their interest to pay these expenses; because, in the first place, it will stop the sale of the lands, which would affect other persons who have bought from these

companies, and they would have every inducement to pay these expenses before proceedings should be instituted.

This bill is drawn broad enough, and I judge from the examination I have given it is drawn with a great deal of care, authorizing the Attorney-General to institute such legal proceedings as may be necessary. And what would be those proceedings? To institute a suit in equity claiming a lien on these lands for the payment of those expenses and subjecting the lands themselves to the payment of this debt. That would be the proceeding. I presume before they would suffer that proceeding to be instituted in all likelihood they would pay these claims.

The objection is raised by the gentleman from New York [Mr. HISCOCK] that the ninth section of the Thurman act interferes with this proceeding in this way: that if we issue patents to these companies under the provision of the last clause of this reported act it would relieve those lands from the lien imposed on them by the Thurman act because the title would pass out of the Government. I am not prepared to admit the gentleman is right, but if he is there is no difficulty in guarding against that, and when the proper time comes I will offer an amendment to this effect:

But the issuance of the patent in such case shall not divest said lands of any lien thereon created by the ninth section of the act approved May 7, 1878.

Which is intended to secure the payment of the money required for a sinking fund for the payment of the debt due the Government on their bonds.

I think that would guard against any difficulty that might arise on that point. I am not discussing the question whether the Thurman act would be interfered with. We can guard against it. I am not of opinion it would. If the gentleman will read carefully the last clause of the ninth section of the Thurman act he will see the company is as much at liberty to dispose of its lands before as after the passage of the act. In other words, the title remains in the United States. They will not part with that title until this debt is paid. Proceedings are authorized by this act to secure the payment of that debt. Those proceedings are simple and plain and can be brought to an issue as soon as any other litigation which might be instituted for the declaration of forfeiture can be brought to an issue.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. PAYSON. Before the gentleman from Missouri resumes his seat I wish to ask him whether it is his idea that the railway company has the title of the land subject to the lien of the Government?

Mr. BROADHEAD. No, sir; the title is in the United States.

Mr. PAYSON. I misunderstood the gentleman.

Mr. HANBACK. I yield to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. This is one of the most important questions from an economic standpoint that has been before this Congress. On the one hand is the question whether the General Government will under this lien or this right claim a million dollars from these railroad companies, or whether such legislation can be had as shall not only secure to it this money and the payment to the Government from the railway companies of this money, but at the same time put this real estate in such a condition and position that it shall be subject to local taxation.

It strikes me, Mr. Speaker, that the difficulty with gentlemen who have been addressing the House, the difficulty under which they labor, is their assuming that the title to this land is in the railroad company; for some of them have assumed that. That question is settled expressly by the Supreme Court of the United States in the case of 22 Wallace, page 463, The Railway Company *vs.* McShane, where the Supreme Court uses this language:

That the payment of these costs of surveying the land is a condition precedent to the right to receive the title from the Government can admit of no doubt.

So, beyond question, in a case where this very question was presented the Supreme Court say that it admits of no doubt whatever that the whole title is in the General Government, and that the only right which the railroad company has is the equitable right to receive that title upon payment of the costs and expenses of surveying, selecting, and conveying.

Now, what is the obvious right of the General Government? It is to say to this railway company that unless within a reasonable time, to be fixed by Congress, it shall come to the Treasury and pay to the Government what it is legally and morally bound to pay, it shall not receive one acre of this land. Here is the clear way out of this dilemma. It imposes no hardship upon the railway company, for it is bound to pay this $875,000 in any event; it is legally bound to pay that amount.

The gentleman from Iowa [Mr. HENDERSON] asks whether the right to forfeit should not have been declared in the original act. I will answer that question now. In the original act making this grant there was no provision by which it was asserted who should pay the expenses of this survey. It was left for the General Government to make the payment, and it was put to the expense of this survey. But under the right which Congress reserved in that act of altering, amending, or repealing the act, in 1864 Congress came in and imposed upon these railway companies the burden of paying the expenses of these surveys, &c. It was objected at that time that Congress had no right to impose this additional burden upon them. But Congress did it, and the right to do it has been affirmed in the case of the Union Pacific Railway against McShane, from which I have quoted.

And a stronger illustration in reference to that same power is found in the sinking-fund cases. Under the right to alter, amend, or repeal, which Congress reserved to itself in the original act in 1878 by the legislation known as the Thurman act, Congress imposed upon these railway companies an additional burden. Instead of reserving 5 per cent. of their net earnings to be paid into the sinking fund to meet the credit which the Government had loaned the company in the issuing of bonds, the percentage was increased to 25 per cent. The point was made in the subsequent litigation which followed that there was an expressed contract between the railway company and the General Government; that in consideration of loaning credit by the General Government to these Pacific railway companies to the extent of the bonds issued, only 5 per cent. of the net earnings should be paid into the sinking fund. But the Supreme Court of the United States, as every lawyer here knows, in the sinking-fund cases, reported in 99 United States, decided that under the power which Congress reserved to itself of altering, amending, or repealing the act to any extent, it had the undoubted power to impose upon these railway companies any and all of these additional restrictions which related to the administration of its affairs.

And in that very Thurman act, this very act I have spoken of, it was provided that a declaration of forfeiture should follow in case the railway companies should not comply with the provisions of that act. And so in regard to the bill now under consideration, I shall propose, in a substitute which I shall offer and ask to have pending, to apply the same principle as to the payment of this $875,000 that these railway companies owe the United States that was applied in the Thurman act to the increase of the sinking fund. I now offer this amendment and ask that it be considered as pending.

The SPEAKER *pro tempore*. The gentleman was not recognized for the purpose of offering an amendment.

Mr. PAYSON. I trust the gentleman from Georgia [Mr. CRISP] will not object to having it considered pending.

Mr. CRISP. I think there will be no objection to have it considered as pending.

Mr. PAYSON. I ask that it may now be read for information.

The SPEAKER *pro tempore*. Is there objection to reading the proposed substitute for information?

Mr. CRISP. I have no objection, if it does not come out of my ten minutes.

The SPEAKER *pro tempore*. There being no objection, the substitute will be read.

The Clerk began the reading of the substitute, but was interrupted by

Mr. THOMPSON, who said: The hour of the gentleman from Georgia [Mr. CRISP] has already been extended twenty minutes, and I would like to ask how much longer it is to go on.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. PAYSON] asked unanimous consent to have his substitute read, not to come out of the time of the gentleman from Georgia [Mr. CRISP]. The Chair asked if there was objection, and no one objected. It is now being read by unanimous consent.

The Clerk resumed and concluded the reading of the substitute, as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That section 21 of an act entitled 'An act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862,' approved July 2, 1864, be, and the same is hereby, amended so as to read as follows:

"'That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, or the act of which this is amendatory, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed as provided under the provisions of this act; and the several railway companies to which grants of land are made by this act, or the act approved July 1, 1862, of which this act is amendatory, their successors and assigns, shall, within ninety days from the passage of this act, as to all land surveyed, plats of which are then in the proper district land office, or within sixty days from the date of receiving notice in writing, served upon any officer or agent of any company interested, of the receipt at the respective district land offices of the approved plat or plats not filed at the date of the passage of this act of townships embracing lands within the established limits of the grant or grants, make and file in the said district land office, under existing regulations, their lists of selections of the land claimed by them under their respective grants in each township named in said notice, and to deposit therewith in such district land office, or the Treasury of the United States, as the Secretary of the Interior may designate, the cost of surveying, selecting, and conveying the same, the amount for each township, as shall be found due by the Secretary of the Interior; that in the event of the failure of said companies, or either of them, to pay the cost of surveying, selecting, and conveying such land within the time prescribed by this act, then the Secretary of the Interior shall immediately notify the president or treasurer or other officer of said company or companies of the amount of land which it or they are entitled to patent in each township severally, and the amount of the cost of surveying, selecting, and conveying the same, and that he is ready to deliver to the company or companies, it or their successors or assigns, patents for all said tracts or parcels of land, upon the payment of such costs so found due; and if such company or companies shall not, within sixty days after the receipt of said notice, pay such costs, then the right of said company, or any party claiming by, through, or under it, shall cease and be determined as to all lands within the townships named in said

notice, and claimed or to be claimed under section 3 of the act of Congress approved July 1, 1862, and all acts amendatory thereof, as well as section 21 of the act of Congress approved July 2, 1864, above herein recited; and said lands, so discharged of any and all claim, shall be restored to the public domain for settlement under the homestead law: *Provided*, That if the amount found due by the Secretary of the Interior as costs for surveying, selecting, and conveying of the lands in each township as aforesaid, and which is required to be deposited, shall afterward be found to be in excess of the true amount due, then such excess shall be refunded to the depositor out of the fund herein provided for by the Secretary of the Treasury on the order of the Secretary of the Interior, which order shall specify the facts upon which it is issued; and if the amount so deposited shall be found to be too small, an action shall lie, at the suit of the United States, to recover the deficiency, saving to any purchaser the right to pay the costs aforesaid attaching to the land he claims. And upon payment of said costs of surveying, selecting, and conveying, the Secretary of the Interior shall issue patents conveying to said company or companies, its or their successors or assigns, title to the lands to which it or they may be entitled, and shall place said patents upon record in his Department, and shall notify the president or some officer of such company that said patents have been so issued and recorded, and are ready for delivery to said company.'"

Mr. CRISP. Mr. Speaker, before proceeding to occupy the ten minutes I have remaining, I ask on behalf of the gentleman from Nebraska [Mr. LAIRD] that he may have five minutes by unanimous consent.

Mr. BLAND. I would like to know when we will get to a vote on this bill. The session is drawing very near to a close.

Mr. CRISP. If the House will sustain me in the demand, I shall call the previous question at the conclusion of my ten minutes.

The SPEAKER *pro tempore*. Is there unanimous consent that the gentleman from Nebraska [Mr. LAIRD] may be permitted to occupy five minutes at this time? The Chair hears no objection.

Mr. LAIRD. Mr. Speaker, it appears that this House is called upon to decide upon a bill reported to us which provides that the title of the railroad companies, so far as at present affected by the non-payment of survey charges, shall be finally settled by a lawsuit. That is the objection, in substance, developed during the course of the debate to the bill proposed by the majority of the committee, and I am disposed to believe that criticism well taken.

What the people west of the Missouri River who are interested in this question want is not a lawsuit but a title somewhere, either in the railway company or in the Government. We are sufferers to the extent of some $75,000,000 by the non-payment of these taxes by these several corporations. When the question was presented whether or not these companies could be made to pay taxes upon these lands the Supreme Court, after a tedious litigation, said that taxes could not be recovered by States or municipalities for the reason that there was a lien remaining in the Government which, if the company should not meet its obligations by the payment of the survey charges, might defeat the title of the companies and restore the land to the public domain.

When under the fourth section of the act it was sought to open these lands for settlement by pre-emption or homestead, on the failure of the companies to dispose of them as provided by law, it was decided by the Supreme Court after prolonged litigation that the mortgaging of the lands was such a disposition of them as to prevent that provision from applying and the lands from passing into the hands of private holders who should some time acquire patents.

So between these two difficulties for fifteen years or more this vast body of land, which should belong either to the Government or to the railroad companies, to the end that some time it might pass into the hands of those in whose possession it would be subjected to the burdens of State and municipal government as similar property is, has, upon one pretext and another, upon one quibble and another, upon one suit and another, remained in its present condition until the treasuries of the municipalities west of the Mississippi, where these lands are situated, are practically bankrupt. And now, as a remedy for these ills, for which fifteen years of lawsuits have failed to give a remedy, it is proposed to commend the people to the consequences of future litigation.

As a representative of a portion of the territory to be affected by these bills now before the House, I am here to say that what we want is a conclusion; we want these matters ended so that we may know their status and ours. Upon an examination of the substitute offered by the gentleman from Illinois, I desire to say that for one I believe it the best solution so far proposed; but in my judgment the provision which it contains for the protection of those who have purchased lands while this title has been in suspension should be more clearly drawn, so that we may have no more such difficulties as we have had in the portion of the country which I happen to represent.

[Here the hammer fell.]

Mr. CRISP. Mr. Speaker, in the ten minutes remaining to me I shall not undertake to follow all the gentlemen who have made suggestions as to what should be done to protect the interests of the Government and enable the States where this land is situated to enforce their powers of taxation against all property in their limits.

I believe that no gentleman who has spoken has questioned the fact that these companies are indebted to the Government for the cost of the survey of their lands. I believe no gentleman has submitted any reason why the sums in which these companies are indebted should not be paid. There have been various suggestions as to the method which should be adopted to enforce payment. I shall briefly advert to these different methods and shall ask the House to adopt that method which may appear most just and most effectual.

First, I refer to the last method proposed, that of forfeiture. I am aware that in this day when party platforms are being made upon questions of forfeiture it is a popular thing to say, "forfeit the lands of railroad companies." I am not prepared to say that such a proceeding, if we should attempt it, would be absolutely illegal, though I do say that in my judgment we have not the right to take that step. While Congress has reserved the right to alter, amend, and repeal the law under which these corporations came into existence, yet the Supreme Court has held that there is some limitation to this right. A plain statement of the rule laid down by that court would be perhaps in these terms: it is in the power of Congress now to incorporate in an amendment any provision that might have been in the original act, provided that in doing so we do not seek to undo something that has been done already under the original act.

Mr. PAYSON. What has been done by the railway companies as to these unsurveyed lands?

Mr. CRISP. The railway companies as to this unsurveyed land have, with the assent of the United States Government, mortgaged it to secure $50,000,000 which they have borrowed.

Mr. PAYSON. But had they any title?

Mr. CRISP. That must be undone, I respectfully submit, before you can put in this charter a provision such as gentlemen are seeking to put in here.

But, passing from that, I think forfeiture would be a harsh remedy. Those gentlemen who advocate it submit as a reason why it should be adopted that if we adopt the other plan proposed the companies will litigate. I ask them whether they suppose they can frighten these companies by putting a penalty in the law so as to prevent litigation. Why, Mr. Speaker, in the Thurman act the penalty was a forfeiture of every right accorded by the charter; yet they litigated. I for one, sir, will not agree, by my vote, to pass any law that deters a man or a corporation from appealing to the courts of the country as to the constitutionality of the law. Therefore, I say it would be a harsh measure, even if we had a right to pass it; and I do not believe this House will be willing to adopt a provision of that sort.

The bill submitted by the minority of the committee provides that if the company fails to pay this cost within a certain number of days then the title to the land shall vest in the company and the Government shall sue the company and recover the amount of the debt the best way it can. Their purpose is to put the land in a condition where the State of Kansas can exercise its right of taxation on it. I applaud the purpose, and am willing to do anything I can to contribute to it, except I am unwilling to surrender any security we now have for the debt these companies owe us.

The Supreme Court has held that whenever the patent to this land passes out of the Government the land is taxable whether the Government has been paid or not. The proposition of gentlemen is to pass out the title to them, so the State may tax them and leave us to our remedy at law against the companies. They propose by their bill to surrender the security which was retained in the act of 1864. And why do they do it? They do it that the States in which the land is situated may not be deprived of the revenue which comes from taxation, but I appeal to this House whether that is a consideration to control us in passing on this important question. We are here, not as Representatives from those States, but we are here to legislate for the interest of the United States, and I put it to you whether it is a wholesome practice to surrender a security for nearly a million of dollars to enable certain States in the Union to exercise their right of taxation? That is the whole case.

If, Mr. Speaker, these companies were in a condition where they were beyond all peradventure solvent, if there were no question as to their ability to meet all their liabilities to the Government, I might consider, although I submit it would be unbusinesslike to do it, the surrendering of a security before the collection of a debt. But, sir, in view of the $150,000,000 now owed by those railroad companies, and in view of the fact that their liability is increasing every year, I submit it would be inexcusable on the part of this Congress to surrender any security before they had collected the money these companies owed to the Government.

Mr. WEAVER. Do you claim that the substitute of the gentleman from Illinois [Mr. PAYSON] proposes to surrender any security?

Mr. CRISP. The substitute proposes to forfeit the land if not paid within a certain time. The only advantage to the States where the land lies is what? You say it will insure prompt payment. Why? Because you say the companies are afraid not to pay.

I am sorry I have not more time. I am addressing myself now to the sense of justice of the House. What is our object? Is it to forfeit the land? Not so; our object is to collect a debt. Now you say there are two methods: one is to resort to forfeiture, which is harsh, and the constitutionality of which is doubtful; the other is to resort to a plain legal remedy to collect the debt. Why not take the plain, open course; why need we follow a path undoubtedly environed with difficulties? The only reason assigned for the latter course is that the

former causes delay. The Thurman act was decided constitutional in six months after it was passed.

Mr. RYAN. That has got a forfeiture clause in it.

Mr. CRISP. That has got a forfeiture clause in it, too. I can see no reason, and none has been submitted which has force in it, why the bill reported by the committee should not be adopted.

I demand the previous question on the bill and pending amendments. I will say there was quite a number of propositions sent up to the Clerk's desk pending the discussion on Saturday last and to-day.

The SPEAKER. Quite a number.

Mr. CRISP. So far as I am individually concerned, if it can be done under the rules, I am willing they shall be considered as pending with the previous question operating on them, so the House may select from them that which it prefers.

Mr. HEPBURN. I hope the gentleman from Georgia will not insist upon the demand for the previous question now——

The SPEAKER. The Chair will first state the question.

Mr. HEPBURN. No gentleman has had an opportunity to say a word in opposition to these bills.

The SPEAKER. The Chair will inquire, in the first place, if it is desirable that all the amendments heretofore sent to the desk shall be considered as amendments which may be offered in their proper order under the previous question?

Mr. THOMPSON. I object to that; it will take a week to vote upon all of these propositions.

Mr. HEPBURN. I was going to say, Mr. Speaker, that I hoped the gentleman would not insist upon the demand for the previous question. No one has had an opportunity to say a word upon either of these bills but the members of the committee. It appears to be simply a quarrel as to the method they ought to adopt; but there has been nothing said and no opportunity offered for debate in opposition to all of these measures. I think that something may be said in opposition to them all. [Cries of "Regular order!"]

Mr. CRISP. I regret that I can not accommodate the gentleman, but it is apparent, to me at least, that the House is ready and anxious to come to a vote.

Mr. PAYSON. I rise to a parliamentary inquiry. I wish to know in what position the different amendments that have been offered to be considered as pending are placed under the objection of the gentleman from Kentucky.

The SPEAKER. Any amendment which was sent up and read with the understanding that it was to be considered as pending will, of course, be a pending amendment. The Chair would not be able, without an examination of the record, to state what amendments are offered and considered as pending.

Mr. LAIRD. Before this subject is disposed of I would like to have permission to print some additional remarks. [See Appendix.]

There was no objection.

Mr. PERKINS. Let me suggest, Mr. Speaker, by way of expediting this business, that a vote be first taken upon the substitute offered by the gentleman from Illinois [Mr. PAYSON]. If that is adopted it will obviate the necessity for voting upon many of the amendments which have been suggested.

The SPEAKER. The Chair will state that a substitute was offered by the gentleman from Kansas when this question was before the House on a former day, and, as the Chair understands, that substitute has not been withdrawn.

Mr. PERKINS. For that reason it may be proper to take a vote upon the substitute of the gentleman from Illinois, and if that is adopted it will obviate the necessity for a vote upon the other.

The SPEAKER. But two substitutes can not be considered as pending at the same time.

Mr. VALENTINE. But the substitute of the gentleman from Kansas was offered, and is pending by unanimous consent.

Mr. HANBACK. In order to avoid any difficulty upon that point I will withdraw the substitute.

The SPEAKER. Then the substitute of the gentleman from Illinois is the pending substitute.

Mr. BROADHEAD. I ask that the amendment I handed to the Clerk may be considered as pending under the previous question.

The SPEAKER. Another gentleman was occupying the chair at the time the gentleman's amendment was sent up. The present occupant of the chair does not know whether it was agreed to be considered as a pending amendment or not.

Mr. CRISP. I so understood myself, and had no objection. It was an amendment to perfect the text of the bill reported by the majority of the committee.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The Clerk will report the first amendment.

Mr. THOMPSON. Before that I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMPSON. I understand the rules allow any member to offer an amendment when he can get the floor for that purpose. But during the course of this debate there have been various amendments suggested by gentlemen occupying the floor, and of course they could not be prevented from doing that. Now, I insist, however, that the rule shall be enforced that only those amendments shall be considered as pending which are directly authorized by the rules of the House. For instance, an amendment to the text, an amendment to the amendment, a substitute, and an amendment to the substitute, and the substitute for the whole bill.

The SPEAKER. That would be as far of course as amendments can be offered except by unanimous consent.

Mr. THOMPSON. Then I do not consent that they shall go any further than that.

The SPEAKER. But the Chair is advised that at the time some of these amendments were read it was stated and agreed that they should be considered as pending.

Mr. THOMPSON. That was only stated by the several gentlemen occupying the floor, that they wanted them to be considered as pending; but no unanimous consent was asked by the Speaker to that effect. We can not, as I have said, stop a gentleman in the course of his remarks. But until the Speaker asks the consent of the House I hold that no consent can be given.

Mr. ANDERSON. I rise to a point of order——

Mr. RYAN. Gentlemen will save time by allowing a vote upon the substitute of the gentleman from Illinois.

The SPEAKER. The first votes must be on amendments tending to perfect the original text.

On last Saturday, when this question was before the House, the gentleman from Nevada offered an amendment to the bill reported by the committee as a second section.

Mr. CASSIDY. That is the amendment I suggested, and I will withdraw it.

The SPEAKER. Then of course the amendment proposed by the gentleman from Alabama would go out with it, as it was an amendment to this amendment. That being done, disposes of all of the amendments to the original bill except that of the gentleman from Missouri [Mr. BROADHEAD].

Mr. THOMPSON. I have no objection to that amendment.

Mr. CRISP. That amendment is agreed to, I believe.

Mr. PAYSON. I wish to make a parliamentary inquiry. The amendment I offered to the bill is pending, and ought not that to be considered now?

The SPEAKER. The Chair was not aware of that amendment.

Mr. CRISP. That was dependent upon the amendment of the gentleman from Nevada which has been withdrawn.

The SPEAKER. The gentleman from Nevada offered an amendment in the form of a second section, which provided that after the expiration of sixty days from the notice given by the Secretary of the Interior the lands should be subject to taxation. To that amendment the gentleman from Illinois [Mr. PAYSON] offered an amendment; but the gentleman from Nevada has withdrawn his amendment, which of course takes the other with it.

Mr. PAYSON. I think the other should go in if the bill is passed. Would it be in order to ask unanimous consent that that amendment should be considered as pending to the bill? I think the gentleman having the bill in charge would agree to have it pending. I ask the Clerk to report it. The substance of it is: in case of any litigation under the committee's bill the Government will not be deemed to have lost any of its rights; and if there be any sale by reason of local taxation the Government would not be divested of its lien.

Mr. CASSIDY. The amendment was not mine, and I do not know that I have the right to withdraw it. It was offered, I believe, by the gentleman from Kansas [Mr. HANBACK].

The SPEAKER. The Chair is informed that the amendment in question was sent up by the gentleman from Kansas [Mr. HANBACK].

Mr. PAYSON. Is it understood that the gentleman from Kansas has withdrawn that amendment?

The SPEAKER. The Chair does not so understand. If not, that amendment is pending, and also the amendment of the gentleman from Illinois [Mr. PAYSON] to that amendment.

Mr. PAYSON. Then I do not ask for unanimous consent that my amendment shall be considered as pending. My amendment is pending unless the gentleman from Kansas withdraws his.

Mr. ANDERSON. I think there is a misunderstanding from confounding two things. The gentleman from Kansas [Mr. HANBACK] offered an amendment to the bill, which I understand he does not propose to withdraw.

Mr. PAYSON. Then I have nothing further to say.

Mr. ANDERSON. And then the gentleman also offered a substitute for the bill, which he has withdrawn.

The SPEAKER. The question is first on the amendment proposed by the gentleman from Illinois [Mr. PAYSON] to the amendment proposed by the gentleman from Kansas. The Clerk will report the amendment and the amendment to the amendment proposed by the gentleman from Illinois.

Mr. THOMPSON. Do I understand that those amendments are pending?

The SPEAKER. Those amendments are in order and are pending. They are amendments to the text of the bill.

The Clerk read the amendment proposed by Mr. HANBACK, as follows:

SEC. 2. That all lands embraced in the notice given by the Secretary of the Interior to the president or treasurer of said company, as provided in the preceding section, shall be subject to State, Territorial, and municipal taxation, as other lands are or may be subject, from and after the expiration of sixty days from the time when said notice shall be given; and all laws and parts of laws inconsistent herewith are hereby repealed.

The Clerk also read the amendment proposed by Mr. PAYSON to the above amendment, as follows:

But in case of the sale of any of the lands affected hereby for default in the payment of any such State or local taxes, the lien of the United States for the costs and expenses of surveying, selecting, and conveying the said lands shall not be affected in any way thereby.

The SPEAKER. The question is on the amendment just read as an amendment to the amendment proposed by the gentleman from Kansas.

The amendment to the amendment was agreed to.

The SPEAKER. The question is next on the adoption of the amendment proposed by the gentleman from Kansas as amended.

The question being taken, on a division by sound the Speaker stated that the "ayes" seemed to have it.

Mr. CRISP. I call for a division. This destroys the bill.

The House divided; and there were—ayes 83, noes 29.

Mr. CRISP. I demand the yeas and nays. This absolutely destroys the bill, surrenders the lien of the Government, and subjects this land to taxation.

Mr. SPRINGER. Let us take a vote by tellers first.

Mr. BLOUNT. I suggest to my colleague that he allow a division first to be taken by tellers.

Mr. CRISP. Very well; I call for tellers.

Mr. HERBERT. Let the amendment be again read.

The SPEAKER. If there be no objection the amendment as amended, which is the proposition on which the House is dividing, will be again read.

The proposed amendment as amended was again read.

The SPEAKER. The question is on ordering tellers.

Tellers were ordered, 35 members voting therefor.

The SPEAKER appointed as tellers Mr. PAYSON and Mr. CRISP.

The House again divided; and there were—ayes 84, noes 49.

Mr. CRISP. I demand the yeas and nays. This is a surrender of the security of the Government.

Mr. VALENTINE. It is nothing of the kind.

Mr. CRISP. I want gentlemen to go on the record.

Mr. VALENTINE. I object to debate.

The yeas and nays were ordered, 37 members voting therefor—more than one-fifth of the last vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendment of the Senate to the bill (H. R. 2031) to authorize the construction of a bridge across the Missouri River at or near Sibley, in the State of Missouri.

The message also requested the House to return to the Senate the bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition.

RETURN OF BILL TO THE SENATE.

The SPEAKER. Before the call of the roll the Chair lays before the House a message from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 17, 1884.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition.

The SPEAKER. If there be no objection the Clerk of the House will be directed to return the bill to the Senate as requested.

There was no objection, and it was so ordered.

AMENDMENT OF PACIFIC RAILROAD ACTS.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Kansas as amended, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 99, nays 81, not voting 143; as follows:

YEAS—99.

Alexander,	Brown, W. W.	Cosgrove,	Funston,
Anderson,	Brumm,	Cox, W. R.	Glascock,
Belford,	Budd,	Culbertson, W. W.	Guenther,
Bowen,	Campbell, J. M.	Cullen,	Hanback,
Brainerd,	Cannon,	Cutcheon,	Hart,
Breckinridge,	Chace,	Davis, G. R.	Henderson, D. B.
Brewer, F. B.	Cobb.	Deuster,	Henley,
Brewer, J. H.	Collins	Dingley,	Hewitt, G. W.
Browne, T. M.	Cook,	Everhart,	Hitt,
Holman,	Lowry,	Phelps,	Stockslager,
Holmes,	McAdoo,	Price,	Stone,
Holton,	McComas,	Pusey,	Thomas,
Hopkins,	Matson,	Randall,	Tully,
Houseman,	Morgan,	Ray, Ossian	Turner, Oscar
Howey,	Morrill,	Riggs,	Valentine,
James,	Murray,	Robinson, J. S.	Weaver,
Johnson,	Neece,	Rockwell,	Weller,
Jones, B. W.	Nelson,	Rogers, J. H.	White, J. D.
Jones, J. K.	Nutting,	Rowell,	White, Milo
Kean,	Paige,	Ryan,	Whiting,
Kelley,	Parker,	Seymour,	Wilkins,
Laird,	Payson,	Skinner, T. G.	Williams,
Lawrence,	Perkins,	Smalls,	Winans, E. B.
Le Fevre,	Peters,	Smith,	Wood.
Lore,	Pettibone,	Spooner,	

NAYS—81.

Adams, G. E.	Dibble,	Jordan,	Scales,
Adams, J. J.	Dibrell,	Kleiner,	Seney,
Bagley,	Dockery,	Lanham,	Spriggs,
Ballentine,	Dunn,	Lewis,	Stewart, Charles
Barr,	English,	Lovering,	Storm,
Bennett,	Ferrell,	McCoid,	Taylor, J. M.
Blanchard,	Foran,	Maybury,	Thompson,
Bland,	Forney,	Millard,	Throckmorton,
Blount,	Fyan,	Miller, J. F.	Tillman,
Broadhead,	Green,	Morrison,	Tucker,
Buchanan,	Greenleaf,	Muldrow,	Van Alstyne,
Cabell,	Hammond,	Mutchler,	Vance,
Caldwell,	Hatch, W. H.	Nicholls,	Van Eaton,
Candler,	Hemphill,	O'Ferrall,	Warner, Richard
Carleton,	Hepburn,	Patton,	Willis,
Cassidy,	Herbert,	Pierce,	Wilson, W. L.
Clay,	Hewitt, A. S.	Post,	Wolford,
Clements,	Hiscock,	Pryor,	York.
Crisp,	Hoblitzell,	Reed,	
Dargan,	Hunt,	Reese,	
Davis, L. H.	Jones, J. H.	Rogers, W. F.	

NOT VOTING—143.

Aiken,	Ellwood,	Lamb,	Singleton,
Arnot,	Ermentrout,	Libbey,	Skinner, C. R.
Atkinson,	Evans, I. N.	Long,	Slocum,
Barbour,	Evins, J. H.	Lyman,	Snyder,
Barksdale,	Fiedler,	McCormick,	Springer,
Bayne,	Findlay,	McMillin,	Steele,
Beach,	Finerty,	Miller, S. H.	Stephenson,
Belmont,	Follett,	Milliken,	Stevens,
Bingham,	Garrison,	Mills,	Stewart, J. W.
Bisbee,	Geddes,	Mitchell,	Strait,
Blackburn,	George,	Money,	Struble,
Boutelle,	Gibson,	Morey,	Sumner, C. A.
Boyle,	Goff,	Morse,	Sumner, D. H.
Breitung,	Graves,	Moulton,	Talbott,
Buckner,	Halsell,	Muller,	Taylor, E. B.
Burleigh,	Hancock,	Murphy,	Taylor, J. D.
Burnes,	Hardeman,	Oates,	Townshend,
Calkins,	Hardy,	Ochiltree,	Turner, H. G.
Campbell, Felix	Harmer,	O'Hara,	Wadsworth,
Clardy,	Hatch, H. H.	O'Neill, Charles	Wait,
Connolly,	Haynes,	O'Neill, J. J.	Wakefield,
Converse,	Henderson, T. J.	Payne,	Wallace,
Covington,	Hill,	Peel,	Ward,
Cox, S. S.	Hooper,	Poland,	Warner, A. J.
Culberson, D. B.	Horr,	Potter,	Washburn,
Curtin,	Houk,	Rankin,	Wellborn,
Davidson,	Hurd,	Ranney,	Wemple,
Davis, R. T.	Hutchins,	Ray, G. W.	Wilson, James
Dorsheimer,	Jeffords,	Reagan,	Winans, John
Dowd,	Jones, J. T.	Rice,	Wise, G. D.
Duncan,	Kasson,	Robertson,	Wise, J. S.
Dunham,	Keifer,	Robinson, W. E.	Woodward,
Eaton,	Kellogg,	Rosecrans,	Worthington,
Eldredge,	Ketcham,	Russell,	Yaple,
Elliott,	King,	Shaw,	Young.
Ellis,	Lacey,	Shelley,	

So the amendment as amended was adopted.

The following additional pairs were announced:

Mr. O'NEILL, of Missouri, with Mr. OCHILTREE.

Mr. GEDDES with Mr. MCCORMICK.

Mr. SHELLEY with Mr. HOUK.

Mr. BUCKNER with Mr. WILSON, of Iowa.

Mr. AIKEN with Mr. KASSON.

Mr. WARNER, of Ohio, with Mr. KETCHAM.

Mr. LAMB with Mr. O'NEILL, of Pennsylvania.

Mr. PEEL with Mr. GEORGE.

Mr. STRAIT with Mr. OATES.

Mr. SHAW with Mr. BINGHAM.

Mr. MURPHY with Mr. HENDERSON, of Illinois.

The result of the vote was then announced as above stated.

The SPEAKER. The question now recurs upon the substitute offered by the gentleman from Illinois [Mr. PAYSON] for the bill as amended.

Mr. HOLMAN. Let the substitute be again reported.

Mr. THOMPSON. I object.

Mr. VALENTINE. I hope the gentleman will not insist upon that.

Mr. CRISP. I will state to the gentleman that the only point of difference between the substitute and the bill of the committee is that the substitute provides as a penalty the forfeiture of the land. I think I would rather have the substitute than the bill as it has now been amended.

The question was taken upon the substitute, and it was agreed to.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. CRISP. On that I call the previous question.

Mr. HOLMAN. I believe at this stage of the bill it is in order to call for its reading.

Mr. VALENTINE. Does not that require unanimous consent?

The SPEAKER. The Chair thinks the gentleman has the right to have the bill read. Whenever the House orders the bill to be engrossed and read a third time it is in order to call for the reading.

The bill was again read.

The previous question was ordered on the passage of the bill, and under the operation thereof the bill was passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLANCHARD. I move that the House now adjourn.

Mr. THOMPSON. I hope that the gentleman——

Many MEMBERS. Regular order.

Mr. THOMPSON. I hope the House will allow me to call up a bill, to have it pending.

Many MEMBERS. Regular order.

The SPEAKER. The regular order is demanded by gentlemen on both sides of the House.

Mr. THOMPSON. I hope the House will not adjourn until I have called up another important bill from our committee. [Cries of "Regular order!"]

The question being taken, the motion to adjourn was not agreed to; there being—ayes 72, noes 74.

AMENDMENT OF THURMAN ACT.

Mr. THOMPSON. Under the special order setting apart to-day for the consideration of business from the Committee on Pacific Railroads, I call up the bill known as the amendment to the Thurman act, House bill 6771. I ask that the debate on this bill may be commenced, and when it has proceeded a few moments I will consent to the motion for an adjournment.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

The SPEAKER. Does the gentleman desire that the bill be now reported at length?

Mr. THOMPSON. I do not. I ask that the gentleman from Texas [Mr. THROCKMORTON] be recognized as entitled to the floor in his own right.

The SPEAKER. The Chair recognizes the gentleman from Texas.

Mr. BLAND. I wish to ask how long it is proposed to take in debating this bill. I hope the debate may be limited, so that we may have a vote promptly and go on with other business.

Mr. THOMPSON. I will say to the gentleman that we will get through with it as quickly as we possibly can, considering the interests involved.

Mr. BLAND. That is very indefinite.

Mr. THOMPSON. I do not know that I can answer more definitely. It is impossible for me to say now how long the discussion ought to run.

Mr. BLAND. Well, Mr. Speaker, I hope we shall have more voting and less talking, and then we shall get through this session sooner.

Mr. THOMPSON. If the gentleman had pursued that policy all through this session, possibly we would be farther advanced in business. It is not to be expected that we should press through the House important measures like this without debate.

The SPEAKER. The gentleman from Texas [Mr. THROCKMORTON] has been recognized.

Mr. THROCKMORTON. Mr. Speaker——

Mr. BLOUNT. I ask the gentleman to yield for a motion to adjourn. He will have the floor when this subject is resumed.

Mr. THROCKMORTON. I yield for that motion.

Mr. BLOUNT. I move that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was by unanimous consent granted as follows:

To Mr. BROWN, of Pennsylvania, for one day.

To Mr. RAY, of New York, until June 21, on account of sickness in his family.

To Mr. WHITING, until June 24, on account of important business.

To Mr. THOMAS, for ten days, on account of important business.

To Mr. DUNHAM, for one day.

The question being taken on the motion of Mr. BLOUNT that the House adjourn, it was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. ERMENTROUT: Petition of the inhabitants of New York and Richmond Counties, State of New York, in favor of the proposed bridge to connect the counties aforesaid—to the Committee on Commerce.

By Mr. GARRISON: Petition of Thomas W. Sansill, for a pension—to the Committee on Pensions.

By Mr. GEORGE: Papers relating to the claim of Elizabeth Bates—to the Committee on War Claims.

By Mr. GREENLEAF: Petition of Henry C. Wisner and others, for a reduction of tax on earthenware—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Letter from Rev. James Hill, of Cascade, Iowa, relative to the pension claim of Margaret S. Campbell—to the Committee on Invalid Pensions.

By Mr. HUTCHINS: Petition of citizens of the town of East Chester, N. Y., asking for an appropriation for the improvement of East Chester Creek—to the Committee on Rivers and Harbors.

By Mr. OCHILTREE: Papers relating to the claim of Vidal Hernandez—to the Committee on War Claims.

By Mr. ROWELL: Papers relating to the bill for the relief of Mrs. Catharine Harris—to the Committee on War Claims.

By Mr. SLOCUM: Petition of steamship companies and others, for the establishment of lighted buoys to mark the channels of harbors, &c., on the seacoast—to the Committee on Commerce.

By Mr. THOMAS: Petition of soldiers of the late war for amendment of the pension laws—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June* 18, 1884.

Prayer by Rev. BYRON SUNDERLAND, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

FITZ-JOHN PORTER.

The PRESIDENT *pro tempore*. The Chair wishes to call the attention of the Senate to the position of the House bill for the relief of Fitz-John Porter. As the Journal shows, the Senator from New Jersey [Mr. SEWELL] presented a report of the committee of conference on the disagreeing votes of the two Houses thereon; and the Journal also shows that a message was received from the House of Representatives that the House had concurred in the report of the committee of conference. On looking at the report, which is spread at length upon the Journal, as made by the managers on the part of the two Houses, it appears that the conference committee agreed to recommend that the House of Representatives should recede from its disagreement to the Senate amendment; and the Journal shows that a message has been received from the House stating that it had agreed to the recommendation of the committee of conference. The action of the House on the bill was not read, the matter going over from yesterday until to-day.

It is evident that the action of the House in receding from its disagreement to the amendment of the Senate leaves the bill complete, and that no action is possible on the part of the Senate upon the subject. All that remains, therefore, is for the Chair to have read the action of the House on the bill itself. If there be no objection, as the return of the Senator from Illinois [Mr. LOGAN] could not possibly change its position, in order to complete the Journal the Chair will have the action of the House of Representatives on the bill read.

Mr. SEWELL. I think some action is customary on the part of the Senate to discharge a conference committee from the further consideration of the matter submitted to it.

The PRESIDENT *pro tempore*. No action whatever is required. The committee of conference has performed its duty and discharges itself.

Mr. SEWELL. Then the bill is now, to all intents and purposes, a passed bill, without any further action on the part of the Senate?

The PRESIDENT *pro tempore*. There is no further action on the part of the Senate possible that could change the bill. No action is required. The House of Representatives has receded from its disagreement to the Senate amendment.

Mr. INGALLS. I understood that some report was submitted by the Senate conferees.

The PRESIDENT *pro tempore*. There was, and it is on the Journal, identical with the report made to the House, which is that the conference recommend that the House recede.

Mr. INGALLS. I was not aware that that had been read. I did not hear it read.

The PRESIDENT *pro tempore*. The report was submitted and read, and is on the Journal.

Mr. INGALLS. In that event I think the Chair is clearly right in holding that there is nothing to be done to complete the legislative action upon the bill.

The PRESIDENT *pro tempore*. Nothing whatever is to be done, ex-

cept that the Journal should show that the message from the House of Representatives was read stating that the House had receded from its disagreement to the Senate amendment.

Mr. CONGER. It stands on the report of the conference committee, does it not?

The PRESIDENT *pro tempore*. It stands on the action of the House of Representatives on the bill itself, acting in conformity with the recommendation of the conferees, receding from its disagreement to the Senate amendment, which action of the House has been communicated to the Senate, although the resolution of the House on the bill has not been read. The report of the committee of conference has been read, which shows what the action of the House must have been, and the state of it is such that there is no vote that the Senate can take upon the subject which will affect the status of the matter. The bill is passed, the House having agreed to the amendment of the Senate and informed the Senate of the fact.

Mr. CONGER. It is the opinion of some gentlemen who have examined the bill that the clause forbidding the payment of any amount of money which might have been due or which might be supposed to be due to Mr. Porter under the provisions of this bill extends only to the time of his appointment, and that by the very terms of the bill after the reappointment of Fitz-John Porter all the back pay and all that he would be entitled to from the time of his trial until this time by virtue of the law itself can be claimed and paid. Now, if that is so, I think it becomes the Senate to examine more particularly that clause, and if there is any power to make more perfect that prohibition of payment for the time past it ought to be done.

I ask that the bill may at least pass over to-day, until there can be an opportunity for examination upon that point.

Mr. SEWELL. I think the remarks of the Senator from Michigan would apply very properly to the House bill, but the bill as passed was the Senate bill attached to the House title; and that strictly prohibits any payment of the kind the Senator intimates.

Mr. CONGER. My attention has been called to it by the views of a distinguished jurist. It is prohibited until an appointment, and there is nothing, as it is suggested, to prevent immediately, if the appointment should be made, the power to demand and to receive all the pay. It is carefully and shrewdly worded. I may say that I fear the Greeks even when they bring gifts. But it was never dreamed two years ago that the bill could pass at all, and therefore the gentlemen opposed to it were not so particular about its provisions. No one dreamed two years ago that such a bill could ever pass the Congress of the United States, and men might reasonably be pardoned for not examining its special provisions with care.

I ask that the clause in the bill relating to the prohibition of any payment for past services may be read.

The PRESIDENT *pro tempore*. That is the Senate amendment. If there be no objection the Senate amendment to which the House agreed will be read, which will show, the Chair supposes, what the Senator from Michigan desires.

Mr. CONGER. Yes, sir.

The CHIEF CLERK. The Senate struck out all after the enacting clause of the bill and inserted:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act.

Mr. CONGER. I venture to say that a fair construction of that bill merely prevents any payment being made to Mr. Porter prior to his appointment, leaving full power for the application for payment of all that is intended by the bill to be prevented—the claim to be made after the appointment, and under the law the accounting officers to audit and pay that claim. The bill does not carry out the intention of the Senate in my judgment, nor will it conform to the views of those who have presented the bill.

It is suggested to me that my statement may be used as an argument in favor of such a claim at the Department, if it should have any weight. Let it have that weight. I desire to state that it is the opinion of jurists who have examined the law, and it is my own opinion, that after the appointment the bill will not prevent the payment of all the back pay and salary of Fitz-John Porter; and I should be untrue to myself and to my convictions of the manner in which the law might be construed if I did not here protest against the passage of the bill with no further restriction than it contains now.

Mr. SEWELL. I will state for the satisfaction of the Senator from Michigan that the amendment to the original bill, which has been agreed to by both Houses, was reported by me as a subcommittee to the Committee on Military Affairs at the first session of the last Congress and by them adopted unanimously, and it has been before the Senate now for two years without anybody ever having put the construction that the Senator from Michigan puts this day upon it, that it will give Fitz-John Porter back pay.

Mr. SHERMAN. I simply wish to enter my caveat against the construction put upon the language by the Senator from Michigan. It seems to me absolutely as clear as language can make it. The appointment is to be made under this proposed law, and it takes effect from the date of the appointment. It will not take effect until after the President may have made the appointment, after the passage of this proposed law. It seems to me that the language is clear. General Fitz-John Porter can not receive any salary under the operation of the measure except from the date of his confirmation by the Senate under the appointment to be made under the law by the President.

Mr. CONGER. That is the opinion of the Senator from Ohio. My opinion is different. I think that peculiar language, "he shall receive no pay prior to his appointment," is a passage of such obscurity that it may reasonably and properly be construed as withholding any right to claim any pay prior to his appointment, but leaving the whole question open after his appointment.

Mr. HARRISON. I suppose the question, under the decision of the Chair, is not in such shape that the Senate can by any possibility take any action to modify the language of the bill, nor do I think it is necessary. Fitz-John Porter was, by the judgment of a regularly and properly constituted military court, dismissed from the service of the United States. No friend of his has ever impeached the conclusiveness of that judgment. He was out of the service. There were certain legal impediments in the way of his being reappointed. This bill simply removes those impediments and authorizes the President to reappoint him. If the President shall choose to do so, under this bill he will have to send his name to the Senate, and the Senate will have to pass upon the question whether they will advise and consent to his appointment. He takes rank and pay from the date of that confirmation, and it seems to me perfectly clear that if nothing had been said in the bill at all on the subject of pay by no possibility could he make claim for pay during a period in which he was by the judgment of a proper court out of the Army. He has no more right to pay as an officer of the Army during that interval of time than I would have; not a whit. He gets a new commission, a new appointment.

This question was fully considered by the Military Committee, and those of us who were opposed to the bill, as I was, were perfectly clear that under this language, which was only put in for extra caution—I think it was not needed there at all, but only put in for extra caution—there can be no possible claim for pay during the time he was out of the Army, as much out of it as I was.

Mr. CONGER. When the House bill came to the Senate it evidently was the opinion of Senators that without some such provision as this under the terms of the House bill Fitz-John Porter might be entitled to pay for all the intervening time. I do not give my own opinion at all. The Senate believed that he might get that pay, and they undertook to prevent it. They went part of the way. They put in language which strengthens the idea that he might have pay by saying that he should have no pay prior to his appointment. If that had been worded so that he should have no pay for services or conditions under other laws in the Army by restoration, it could have been worded so. If the Senate was right in making that amendment to prevent what they might suppose would naturally give him the pay, they have made it so that it merely postpones that right until after his appointment. We shall see in time whether that view of it is correct or not.

Mr. MCPHERSON. I should like to inquire if the Fitz-John Porter bill is before the Senate?

The PRESIDENT *pro tempore*. The message from the House of Representatives was announced yesterday, that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the Senate amendment to the bill. Thereupon the chairman of the conference committee on the part of the Senate, as the custom is, the House papers being here, the bill of the House and the action of the House thereon, presented the report of the conferees, which was read, and stated that the conferees recommended that the House recede from its position disagreeing to the Senate amendment and agree to the same. The Clerk of the House announced that the House had agreed to that recommendation of the committee of conference. The action of the House on the conference report, aside from the message, although the bill was laid before the Senate, was not read, as debate interrupted it, and it was suggested that the matter go over until to-day. The situation of the matter to-day therefore simply is, as it appears in the Journal, that we had a message from the House that it had agreed to the report, and we have the Senate conferees' report stating that the conference report recommended that the House agree to the Senate amendment. Then there is nothing left to the Senate to act upon whatever; but there remains, in order that the Journal may appear fully correct, the reading of the action of the House of Representatives on the report, which resolves that they concur therein. But no question can be submitted on the report of the Senate conferees, inasmuch as the conference committee did not recommend that the Senate should take any action. They recommended that the House should take action, which it has taken, which leaves, in the opinion of the Chair, the bill completely passed.

Mr. MCPHERSON. I could not understand how a debate could be had upon the merits of a bill that had already passed both Houses of Congress.

The PRESIDENT *pro tempore*. The debate was informal and proceeded by unanimous consent.

Mr. MCPHERSON. Then I wish to object to any further consideration of the matter.

The PRESIDENT *pro tempore*. The Chair again lays before the Senate, it having been laid over until this morning, the House bill. The title of the bill will be read and the action of the House on the conference report will be read.

The Chief Clerk read as follows:

A bill (H. R. 1015) for the relief of Fitz-John Porter.

IN THE HOUSE, *June* 17, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1015) for the relief of Fitz-John Porter.

Mr. MCMILLAN. Since I have occupied a seat in the Senate I have never known it to occur that a conference should take place on a disagreement between the two Houses without the Senate having an opportunity to vote upon the conference report. I should like to inquire in what way it has transpired, by what instrumentality this result has been brought about, that although a conference has been had upon a bill of such an important character as this and a conference report has been made, yet the Senate will not have an opportunity of adopting or rejecting the conference report. If I can be informed as to how this has occurred, I should be glad to be so informed.

The PRESIDENT *pro tempore*. The Chair will endeavor to state it. Pending the conference, in the opinion of the Chair, the House of Representatives had a perfect right, if it had chosen, to recede from its disagreement to the Senate amendment and send a message to the Senate to that effect, which would have superseded the conference entirely. The conferees, however, did meet, and they recommended not that the Senate should take any action whatever upon the bill, but that the House recede from its disagreement and agree to the Senate amendment, which the House might have done before the appointment of the committee of conference, after the appointment of the committee of conference and before it had met, after it had met and disagreed and before its report, or upon its report recommending that the House recede. The House had full power over its own action on the Senate amendment at any time when it had possession of the papers, as it has had all the time in this case. After the conference was appointed the papers went back to the House. Then, when we come to the conference report itself (the Chair will repeat what he said a few moments ago) the report the conferees made to both Houses is not that the Senate should do anything, but that the House should do something, and that is, recede from its disagreement. The House informs us that it has done so, as it might have done pending the conference or without it.

Mr. MCMILLAN. Then I desire to inquire if the conferees on the part of the Senate could have prevented that course, and pursued a course that would have permitted the Senate to vote upon the conference report?

The PRESIDENT *pro tempore*. They might have tried to persuade the House conferees to agree with the Senate conferees, and to recommend to the Senate that it should recede from its amendment and leave the bill passed as it was by the House before it came to the Senate.

Mr. DAWES. It seems to me that there were two ways for the two Houses to come together upon the bill. One was for either House to have receded from the position it took, and the other was for the two Houses to have been brought together by a conference report. The House has informed the Senate, as I understood it—I may be mistaken—that it has agreed to a conference report. I do not understand the House to have notified the Senate in terms that it has receded from its disagreement to our amendment. The House could have receded and brought the two Houses together by receding. However, they have not notified the Senate that they have done that, but have notified the Senate that they have agreed to the conference report, the effect of which, it is true, would be the same as if they had notified the Senate, independently of the report, that they had receded from their disagreement; but they have not chosen to do so.

Therefore, to make the record complete, the two Houses are brought together through a conference report, not through the separate action of the House or the separate action of the Senate. They are brought together through the adoption of a conference report. That report it seems to me should be adopted in both Houses. If the House of Representatives had ignored the action of the conference committee and receded from their disagreement, and notified the Senate to that effect, the conference committee would have been superseded, but they chose to do it through a conference committee. It seems to me that to complete the record the report of the conference committee should be adopted.

The PRESIDENT *pro tempore*. The Chair will state that in his opinion if the Senate should vote that it agrees unanimously to the conference report it would have clearly voted for this and nothing else, that the House recede from its disagreement to the Senate amendment, because that is what the conference report recommends, which would be rather an extraordinary vote for the Senate to take. Again, supposing that the Senate should unanimously disagree to the conference report, in the opinion of the Chair it would still clearly leave the bill passed, because when the message should be sent to the House the House Journal would show, and its own action would show, that the House had agreed to the recommendation of the conferees, which was that the House should recede, and it accordingly had receded, and there was therefore no power in the Senate to upset the action of the House which had left the bill complete.

Mr. SEWELL. Does not the conference report say, "and that the Senate agree to the same?"

The PRESIDENT *pro tempore*. A conference report undoubtedly does usually do so.

Mr. SEWELL. Is there any parliamentary objection to the Senate "agreeing to the same" on my motion?

The PRESIDENT *pro tempore*. It would be perfectly nugatory.

Mr. SEWELL. I move that the Senate concur in the report of the conference committee.

The PRESIDENT *pro tempore*. In order to test the opinion of the Senate on the subject that has been discussed, the Chair will hold that that motion is not in order, as it presents no question to the Senate. The Chair on reading the conference report finds that it is not as the Senator from New Jersey states. Conference reports are in that form when modifications are made. In this instance it reads "that the House recede from its disagreement to the amendment of the Senate, and agree to the same"—that the House agree to the same, not that the Senate agree to the same.

Mr. SHERMAN. I call for the morning business.

The PRESIDENT *pro tempore*. Petitions and memorials are now in order.

PETITIONS AND MEMORIALS.

Mr. LAPHAM presented the petition of Henry Purdy, Frank Mott, and other citizens of New York, praying that this Forty-eighth Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York, for a sum not exceeding $1,295,000, including the furnishing the right of way free of cost to the United States, the work to be completed by July 4, 1886; which was referred to the Committee on Commerce.

Mr. JONAS presented a memorial of the New Orleans (La.) Auxiliary Sanitary Association, favoring the passage of the bill introduced by Senator BROWN offering a reward for the discovery of the germ of yellow fever, or of some remedy to prevent that disease; which was referred to the Committee on Epidemic Diseases.

Mr. ALDRICH presented the petition of A. B. Briggs and other citizens of Rhode Island, praying for the passage of House bill 6463, granting pensions to certain persons; which was referred to the Committee on Pensions.

Mr. BROWN presented a memorial of citizens of Thomasville, Ga., remonstrating against connecting the Government with the telegraph business and against the increase of Government employés; which was ordered to lie on the table.

Mr. DAWES. I present a petition of members of the Christian Missionary Society of the State of Ohio, signed by the president and secretary, praying that justice may be done the Nez Percé Indians. As that matter is already provided for in the Indian appropriation bill, which is before a committee of conference, I do not know but that the petition should be referred to the committee of conference or laid on the table.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. CONGER presented the petition of Carrie V. Miller, of Fauquier County, Virginia, praying to be granted a pension on account of disabilities incurred while nursing Union soldiers during the late war; which was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; and

A bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

The message further announced that the House insisted upon its disagreement to the amendments of the Senate numbered 10, 11, and 17, insisted upon by the Senate, to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. W. TOWNSHEND of Illinois, Mr. W. S. HOLMAN of Indiana, and Mr. R. G. HORR of Michigan managers at the further conference on the part of the House.

The message also announced that the House returned, in compliance with the request of the Senate, the bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (H. R. 1198) for the relief of John Taylor & Son, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee, asked to be discharged from the further consideration of the same, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 6171) granting a pension to Noah E. Smith, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2150) granting a pension to Noah E. Smith, reported adversely thereon; and the bill was indefinitely postponed.

Mr. BLAIR. I also report, from the same committee, the bill (H. R. 103) granting a pension to Theresa Crosby Watson with an amendment. I also present the views of the minority. The majority of the committee are in favor of an amendment to the House bill reducing the amount of pension. On the part of the majority I file the report, my individual views being in favor of the House bill, and I ask leave to submit the views of the minority, to be printed.

The PRESIDENT *pro tempore*. Do the views accompany the papers sent to the desk?

Mr. BLAIR. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from New Hampshire, from the Committee on Pensions, reports favorably with an amendment the bill (H. R. 103) granting a pension to Theresa Crosby Watson, which will be placed on the Calendar. The Senator from New Hampshire, on behalf of the minority of the committee, asks leave to submit the views of the minority. If there be no objection leave will be granted and the views of the minority will be printed with the report.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 852) granting a pension to Theresa Crosby Watson, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 5894) granting a pension to Mrs. Mary Morris Husband, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. JONAS introduced a bill (S. 2326) for the relief of Margaret T. Dugan; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 2327) for the relief of James Bedell, sr.; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers relating to the claim of Claude H. Mastin, surviving partner of the firm of Le Vert & Mastin, of Mobile, Ala., and the children of Octavia Le Vert, deceased, be withdrawn from the files of the Senate and referred to the Committee on Claims.

JOHNSTON'S UTAH EXPEDITION.

Mr. PLUMB. Yesterday, on my motion, the Senate asked the House to return the bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition, which was passed by the Senate on the 3d of this month. I at the same time entered a motion to reconsider the vote by which the bill was passed. I now ask unanimous consent that the vote by which the bill was passed be reconsidered.

The PRESIDENT *pro tempore*. The Chair will, with the permission of the Senator, lay the bill before the Senate, when he can make his motion. The bill from the House of Representatives, with the message from the House, will be laid before the Senate.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 17, 1884.

Ordered, That the Clerk of the House be directed to return to the Senate, in pursuance of its request, the bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston in the Utah expedition.

The PRESIDENT *pro tempore*. This bill passed the Senate on the third day of the present month. The Senator from Kansas now asks unanimous consent that the vote taken on the passage of the bill be reconsidered. Is there objection? The Chair hears no objection, and the vote is reconsidered. The question recurs, Shall the bill pass?

Mr. CAMERON, of Wisconsin. Without reconsidering the vote by which the bill was ordered to a third reading, I ask unanimous consent to offer an amendment.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent that the bill be amended as proposed by him. The amendment will be read for information.

The CHIEF CLERK. It is proposed to amend by striking out of lines 1 and 2 the words "Richard and James Porter."

Mr. CAMERON, of Wisconsin. I will state that the fact is that the claim of Richard and James Porter is pending in the Treasury Department, and is in a position now where the Treasury Department may pay the same. It will not, however, pay the claim while this bill affecting the claim is pending in either House of Congress.

Mr. MCPHERSON. May I inquire of the Senator from Wisconsin if the purpose of the amendment is to make the bill less?

Mr. CAMERON, of Wisconsin. Less.

Mr. COCKRELL. This takes one claim out of the bill.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unaimous consent that the bill as engrossed be amended as has been read from the desk. Is there objection? The Chair hears none, and it is so amended. The question now is, Shall the bill pass?

The bill was passed.

ORDER OF BUSINESS.

Mr. HAMPTON. I ask for the consideration of the report of the Military Committee on the bill (S. 91) for the relief of the trustees of Isaac R. Trimble, which was passed over owing to my absence during the consideration of the Calendar some days since.

The PRESIDENT *pro tempore*. If the Senator from South Carolina will suspend his motion until resolutions are called for it will be more convenient.

Mr. HOAR. I have learned on inquiry in various quarters that it would be more in accordance with the desire of the Senate not to call up the Utah bill until 2 o'clock. I trust, therefore, the Senator from South Carolina, instead of making his motion to take up the case to which he has referred, will allow the Calendar to be taken up. That case, I think, is the first case practically that will be considered on the Calendar.

Mr. HAMPTON. I am perfectly willing.

Mr. HOAR. The other preceding case being an adverse report, it will go over, of course, and the Senator's case will then be the first on the Calendar.

The PRESIDENT *pro tempore*. Are there "concurrent or other resolutions?" If there be none that order is closed, and the Chair lays before the Senate the Calendar under Rule VIII.

SURETIES OF J. O. RAWLINS.

Mr. JONES, of Nevada. I ask that House bill 116, being Order of Business 614 on the Senate Calendar, be taken up and considered. I think it will take but a few moments to dispose of it. The bill has passed the House and has received the affirmative action of the Finance Committee of the Senate. It is a bill for the relief of the sureties of the late J. O. Rawlins.

The PRESIDENT *pro tempore*. Pending the consideration of the Calendar under Rule VIII, the Senator from Nevada moves that the Senate now proceed to the consideration of Order of Business 614, being the bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to release Henry Fairfax Williams, Moses Rosenbaum, Henry Voorman, George Schultz, Roswell Percival Clement, Andrew Anderson Louderback, Alonzo Hayward, Anson Parsons Hotaling, Loed Livingston, and John Nelson Risdon, sureties of J. O. Rawlins, late collector of internal revenue for the first district of California, by bond to the United States dated May 6, 1869, from their liability arising from any deficiency that may have occurred in the accounts of the collector during the term covered by the transcripts of accounts from the Treasury Department, and from any judgment which may have been obtained thereon in favor of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ATLANTIC ALCOHOL COMPANY.

Mr. ALLISON. I ask unanimous consent to take from the Calendar Senate bill 1861, Order of Business 711. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate do now proceed to the consideration of Order of Business 711, being the bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa.

Mr. HOAR. Why should we not go on with the Calendar? There are bills quite as important as this.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HOAR. I knew that, but I assumed unanimous consent that I might put that question.

Mr. ALLISON. The only reason is that, as the Senate knows, at this time I am compelled to be absent from the Senate Chamber a great deal of the day during its sitting, and this may not be reached on the Calendar during the morning.

Mr. HOAR. That is a good reason.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the

Whole, proceeded to consider the bill. It is a direction to the Secretary of the Treasury to pay to the Alantic Alcohol Company, of Atlantic, Iowa, $2,734.20, in full for internal-revenue tax collected from them on certain distilled spirits on or about the 25th of June, 1883, the spirits having been destroyed by fire on the 4th of July, 1883, and before the proper stamps had been affixed.

The bill was reported from the Committee on Finance with an amendment, to add the following proviso:

Provided, That the stamps issued to be used on the alcohol destroyed shall be first returned to the Commissioner of Internal Revenue for cancellation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSION BILLS.

Mr. CONGER. I move now that the Senate proceed to the consideration of the pension bills in their order on the Calendar, subject to objection.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent—a motion to proceed to the consideration of several bills the Chair thinks would require unanimous consent, although he can move the bills one by one in order—to take up the pension bills.

Mr. HOAR. The Senator will pardon me. Of course noboby likes to object to such a motion as that, but I think courtesy requires that the Senator from South Carolina [Mr. HAMPTON] should have an opportunity to test the bill he desires to call up. The Senator made his motion to take up his bill and withdrew it on the suggestion that it was the first bill on the Calendar, if he would allow us to proceed with bills on the Calendar.

Mr. CONGER. I will withdraw my request or motion, whatever it is, as the Senator from South Carolina I understand had already made his motion, with the statement that I desire as soon as it is disposed of to have the pension bills acted upon.

TRUSTEES OF ISAAC R. TRIMBLE.

Mr. HAMPTON. The bill I wish to call up is the first on the Calendar, being Order of Business 296, Senate bill 91.

The PRESIDENT *pro tempore*. If there be no objection, Order of Business 296 is the regular order.

Mr. HOAR. I enter an objection to Order of Business 291, being the bill (S. 754) granting an increase of pension to Abby P. Arnold, so as to send it over.

The PRESIDENT *pro tempore*. The Chair is under the impression that that is a bill which retains its place until the Senator from Rhode Island [Mr. ANTHONY] returns, and it will be passed over retaining its place.

Mr. HOAR. I withdraw the objection.

The PRESIDENT *pro tempore*. Order of Business 296, being Senate bill 91, will now be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 91) for the relief of the trustees of Isaac R. Trimble.

Mr. HOAR. I introduced an order the other day to refer this case to the Court of Claims, under the act of March 3, 1883. The subsequent debate made me doubt whether I was right in the position of moving to send it to the Court of Claims. I desire, therefore, to withdraw that motion. I do not mean to express any opinion for or against the bill without further hearing. I simply desire to withdraw that motion.

The PRESIDENT *pro tempore*. The bill will be read, after which the order will be stated and can then be withdrawn.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. When this bill was formerly pending before the Senate, the Senator from Massachusetts [Mr. HOAR] submitted an order or resolution that the bill be referred to the Court of Claims, and the question was on agreeing to that resolution. The Senator from Massachusetts now withdraws it, however. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HAMPTON. I wish to state in reference to the bill that the senior Senator from Michigan [Mr. CONGER] when we had this bill up before proposed an amendment to it which was to strike out in the ninth line the three words "render judgment therein" and to substitute—

To report their finding thereon to Congress at an early day.

I am not authorized to speak for the committee, but as I presented this bill I am perfectly willing to accept that amendment; and the Senator from Massachusetts having withdrawn his motion, I hope the bill will be put upon its passage.

Mr. CONGER. I had the honor while opposing the bill when it was before the Senate before to say that if the bill could be referred to the Court of Claims to report their finding to Congress I should have no objection to its passage; but that to refer it for a judgment binding on the United States I should oppose. If the Senator from South Carolina accepts the amendment——

Mr. HAMPTON. I have accepted the amendment as offered by the Senator.

Mr. CONGER. Let the Secretary read the latter part of the bill which I propose to amend.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from South Carolina will be reported.

The CHIEF CLERK. In line 9 it is proposed to strike out the words "rendered judgment therein," and insert in lieu thereof "report their proceedings thereon to Congress at an early day."

Mr. CONGER. Say "their findings thereon."

Mr. HAMPTON. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment as modified.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HARRISON. I should like to have the whole bill read as amended—it is short—in order that we may see whether it refers the whole question to the Court of Claims.

The Chief Clerk read as follows:

That the claim of the trustees of Isaac R. Trimble against the United States for the construction and use by the War Department of Howe's patent truss in the bridge over the Potomac River be, and the same is hereby, referred to the Court of Claims for hearing and adjudication; and to that end jurisdiction is hereby conferred on said court to proceed as a court of equity and to report their findings thereon to Congress at an early day.

Mr. HARRISON. The word "adjudication" ought not to be there. That is equivalent to the word "judgment" used later in the bill. I suggest to the Senator from South Carolina that he modify that. Perhaps I can suggest an amendment. I move to strike out in line 7 the words "for hearing and adjudication" after the words "Court of Claims."

Mr. HAMPTON. What is it referred for?

Mr. INGALLS. For what purpose is the claim to be referred?

Mr. HARRISON. The subsequent part of the bill expressly provides the court shall report their findings.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. INGALLS. I move to strike out "at an early day."

The PRESIDENT *pro tempore*. The first question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON].

The amendment was agreed to.

Mr. INGALLS. Is there a report in the case? If there is I should like to hear it read.

The PRESIDENT *pro tempore*. There is a report which has once been read. It will be read again if there be no objection.

Mr. FRYE. I object to the second reading of that report.

The PRESIDENT *pro tempore*. The Senator from Maine objects to the second reading of the report. The question is, Shall it be read?

Mr. INGALLS. I withdraw the request.

The PRESIDENT *pro tempore*. The request for the reading of the report is withdrawn.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. DOLPH. I move that the Senate proceed to the present consideration of Senate bill 1642, being Order of Business 431. It is a matter of considerable public importance, and a bill to which there can be no possible objection.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company.

Mr. CALL. I hope the Calendar will be called in regular order.

The PRESIDENT *pro tempore*. The motion is not open to debate. The question is on the motion of the Senator from Oregon.

The motion was not agreed to.

Mr. CONGER. I renew the request I withdrew before.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the Senate now consider in their order bills reported from the Committee on Pensions—private pension bills.

Mr. CONGER. Subject to objection under the rule.

Mr. DOLPH. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. CONGER. Then I move to take up the first pension bill on the Calendar in which there is no adverse report, and proceed with its consideration.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate now proceed to the consideration of the bill (H. R. 3656) granting a pension to Salome Ann Walker.

Mr. BUTLER. Is it the purpose of the Senator from Michigan to proceed with the consideration of the pension bills?

Mr. CONGER. Yes, that is the object.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BUTLER. I shall vote with the Senator.

SALOME ANN WALKER.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3656) granting a pension to Salome Ann Walker. It proposes to place on the pension-roll the name of Salome Ann Walker, widow of Orrin Walker, late of Company K, Twentieth Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM M. HOWARD.

Mr. CONGER. I move now to take up Order of Business 678, being the bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.

Mr. HARRISON. I am sure the Senator from Oregon [Mr. DOLPH] will withdraw the objection he made. It was made in a moment of despondence that his own bill was not taken up, and it would save a great deal of time not to have to put this motion in each case. I call on him to withdraw his objection.

Mr. DOLPH. After a word of explanation I am prepared to withdraw my objection. The bill I asked to take up was a matter of general public importance. There is no objection to it. There is a favorable report on it in both branches of Congress. We are not likely to pass over this Calendar rapidly enough to reach it very soon. That was the reason I made the motion to take it up and not succeeding I objected to the other proposition. I withdraw the objection to taking up the pension bills.

The PRESIDENT *pro tempore*. The Senator from Michigan now asks unanimous consent that the Senate proceed to consider in their order on the Calendar private pension bills reported from the Committee on Pensions favorably. Is there objection?

Mr. RIDDLEBERGER. I want to ask the Senator whether his motion includes those which have not been reported favorably or unfavorably but without recommendation.

Mr. CONGER. If they are not unfavorably reported, they are included.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the Senate now proceed to the consideration of bills not unfavorably reported from the Committee on Pensions on the Calendar, which will embrace bills reported without recommendation. Is there objection? The Chair hears none and it is so ordered. Order of Business 678, being House bill 501, is first in order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans. It proposes to place on the pension-roll the name of Hiram M. Howard, late a private in Company I, Second Regiment Kansas Volunteer Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. MURRAY.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up Order of Business No. 407, being House bill 1433.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the Senate now take up Order of Business No. 407, being the bill (H. R. 1433) granting a pension to Mary E. Murray.

Mr. CONGER. That is one of the bills which would come up under the agreement.

Mr. CAMERON, of Pennsylvania. Certainly. There is no adverse report.

Mr. JACKSON. I object to that. It will cause debate.

Mr. INGALLS. That bill has been favorably reported, according to the Calendar.

Mr. GROOME. Reported without recommendation, I think.

The PRESIDENT *pro tempore*. The Chair thinks this bill comes within the unanimous agreement. The Calendar was begun at a later place, as the Secretary understood that this bill and two others had been objected to. This bill falls, the Chair thinks, within the order of the Senate. Order of Business No. 407 will accordingly be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1433) granting a pension to Mary E. Murray. It provides for placing on the pension-roll the name of Mary E. Murray, daughter of the late Col. William G. Murray, of the Eighty-fourth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $18 per month.

The PRESIDENT *pro tempore*. The Chair discovers in the Calendar two other bills similarly situated. Orders of Business 405 and 406 were both favorably reported, and precede this one. The Chair therefore should properly lay before the Senate Order of Business 405.

Mr. CAMERON, of Pennsylvania. Go on with this, and take them up afterward.

The PRESIDENT *pro tempore*. Is there objection to the consideration of Order of Business 407, being House bill 1433, which has just been read? The Chair hears no objection.

Mr. JACKSON. I ask for the reading of the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report submitted by Mr. BLAIR March 24, 1884, and also the views of the minority submitted by Mr. JACKSON on the same date, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1433) granting a pension to Mary E. Murray, have considered the same, and report:

The claimant, Mary E. Murray, is the invalid daughter of Col. William G. Murray, of the Eighty-fourth Regiment of Pennsylvania Volunteers. He was killed at the head of his command at the battle of Winchester, Va., on the 23d of March, 1862. He was also a gallant soldier of the Mexican war.

Colonel Murray left two children under the age of 16 surviving him. In September, 1862, these minor children, by their guardian, made application for a pension under the act of Congress approved July 14, 1862. The claim was allowed, and they were granted a pension at the rate of $30 per month from the date of the soldier's death. This continued until August 24, 1870, when the younger child, John B. Murray, reached the age of 16. The period for which pension could be paid under the general law having expired, the present bill proposes to place the daughter again upon the pension-roll, and pay her a pension of $18 per month.

A bill granting relief in this case passed the House of Representatives during the Forty-seventh Congress, and has again been passed at the present session. In reporting upon this case the House committee state as follows:

"Before the committee are petitions signed by a great number of prominent citizens of Pennsylvania, who say that Miss Murray is a 'bright, intelligent young lady, but, owing to physical infirmity, she can not fill a clerical position or serve in any capacity which will enable her to earn a livelihood. She, by the untimely death of her father, was left an orphan, and has ever since been dependent upon relatives and friends.' The petition further shows that Miss Murray was entirely dependent on her said father for support—a father who, if living, would be abundantly able to support her by his energy and industry. We think this is a case which, if not within the letter of the law granting pensions to infant children under 16 years of age, is within its spirit. The object of said law was to benefit the helpless offspring of deceased soldiers who lost their lives in the military service of the country. It appears that Miss Murray is helpless, and we report the accompanying bill favorably."

The services of Colonel Murray were of unusual gallantry, and the example of his heroic death, at the head of his troops at the opening of the war, was of greater service to his country than if his life in the field had been prolonged for it may have been for years. The mother died within six months of the time when the father was killed, leaving the two infant children dependent and destitute, and this daughter suffering from physical incapacity, which has made her practically disabled ever since.

The committee believe that this girl is, and always must be, an infant less than 16 years of age in the eye and reason of the law, and urgently recommend that she receive the usual pension in such cases. There can be but few cases like hers in the country. It is only a question whether this country, some poorhouse, or the private charity of strangers shall furnish her future support.

In view of all the facts, your committee report back the bill with a recommendation that it do pass.

Mr. JACKSON, from the Committee on Pensions, submitted the following as the views of the minority:

A minority of the Committee on Pensions not concurring in the report of the majority upon House bill No. 1433, granting a pension to Mary E. Murray, respectfully submit the following:

At the last session of Congress the Senate Committee on Pensions made an adverse report upon this case, the House having passed a bill fixing the rate of pension at $30 per month. No new facts or circumstances are presented in this either to change the conclusion then reached or to make this case an exception to the general rule. If special relief is granted in this instance because of the daughter's inability to fill a clerical position or perform any service that will enable her to earn a livelihood, and to relieve friends and relatives of her support, the same relief may be claimed and should be extended to every helpless child of any deceased soldier. If such is the obligation of the Government it should be met by a general law, and not by special acts, which lead to discrimination, partiality, and favoritism. The minority accordingly adhere to the former report made upon this case at the last session as follows:

"The Committee on Pensions, to whom was referred the bill (H. R. 2592) granting a pension to Mary E. Murray, having examined the same, make the following report:

"That Col. William G. Murray, of the Eighty-fourth Regiment Pennsylvania Volunteers, was killed at the head of his command at the battle of Winchester, Va., on the 23d of March, 1862. He left two children under 16 years of age surviving him. In September, 1862, these minor children, by their guardian, made application for a pension under the act of Congress approved July 14, 1862. The claim was allowed, and they were granted a pension of $30 per month, commencing March 23, 1862, which was continued until the 24th of August, 1870, when the younger child, John B. Murray, reached the age of 16.

"The right to a continuation of the pension under the general law having expired, the present bill proposes to again place the daughter of Colonel Murray upon the pension-roll and allow her a pension of $30 per month. The bill has passed the House at the present session of Congress.

"Colonel Murray was an honorable citizen, a gallant officer, and the sole support of the daughter, who, it is stated, can not fill a clerical position or serve in any capacity which will enable her to earn a livelihood, and is now dependent upon friends.

"The case appeals strongly to our sympathies, but in the judgment of your committee it would be a bad precedent and productive of evil to pass this bill, inviting thereby thousands of similar applications for special relief beyond the present liberal provisions of the general law.

"Your committee therefore recommend that the bill be not passed, and that the same be indefinitely postponed by the Senate."

HOWELL E. JACKSON.
JAS. H. SLATER.
A. H. COLQUITT.

Mr. JACKSON. According to the statement of the minority an adverse report was made in that case, and I believe it was adopted by the Senate at the last session. As a member of that committee I am opposed to making special exceptions, with which we are now being crowded. There are many applications for exceptions to the general law. There is no special reason why this case should be made an exception to the general law. It is true the person killed was an officer of rank and a gallant officer; but does that justify a pension to his daughter after she has passed the age of 16? This case should not be made an exception in the opinion of the minority of the committee. Our views are fully expressed in the minority report which has been read.

Mr. BLAIR. The views of the majority are fully set forth in the report. It is a case precisely similar in the principles involved to the

one discussed the other day, and which was passed by the Senate, having previously passed the House—the case of Miss MacBlair. It is suggested by the Senator from Pennsylvania that this is a stronger case than that. It is stronger in the sense that this young lady is more helpless than the applicant for pension in the other case. Her father, a conspicuous officer, was killed very early in the war, and the mother died within a few months later. Two children were left entirely helpless, and they have been ever since pensioned under the general law until they became 16 years of age. This girl is a delicate, well-educated, but helpless young woman, and is likely to remain helpless for her whole life, as I am informed and as the committee understand.

This bill has been passed by the House of Representatives. No objection can be urged to this which has not been urged to other bills and been passed upon adversely, the bills being themselves passed upon favorably by the Senate and by the House.

In regard to the burdening of the pension-list that may result from the indorsement of the principle involved in this case, which is to pay to the helpless child after 16 years of age the same sum as before, or such sum as in the discretion of Congress it may be deemed fit to give, I wish to drop one observation in reply to what has been said by the honorable Senator from Tennessee. I do not remember myself previous to the last Congress any application, though there may have been such, for pension to helpless children of soldiers of the late war after they became 16 years of age. In the last Congress there was an application in behalf of the idiotic daughter, who had come to be about 20 years of age—a full-grown woman, vigorous and healthy, but idiotic—of a deceased Irish private soldier, who had been supported from the death of her father in the service by the exertions of her aunt, a poor washerwoman of this city. That case was passed upon favorably and the pension of $8 a month was extended. In the same Congress there was this identical application of the daughter of a colonel in the service. The committee was divided, and if there was action by the Senate at all it was unfavorable action, but I do not recollect that it was finally acted upon in the last Congress.

Mr. MITCHELL. There was no action in the case.

Mr. BLAIR. There was no action in the case, but there was a majority report, and a strong minority report in favor of the pension; that is, strong in the sense that there was a large minority of the committee in favor of it, as I recollect.

Now this bill comes again, and it is not a precedent. Two precedents have already been set, and so far as the point of purging the roll is concerned, I myself know of but these three applications having been developed by all the discussion that has been had on this subject and which has gone to the country. So I do not imagine that we are in any danger, by doing justice in this case, of seriously burdening the Treasury.

Mr. COCKRELL. For the very good and sufficient reasons given by the distinguished Senator from Connecticut [Mr. HAWLEY], now absent, and by the distinguished Senator from Illinois [Mr. LOGAN], now absent, in opposition to this bill during the last Congress, I am opposed to it, and simply desire to record myself as against it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS TO THE MITCHELL RAIDERS.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Under the unanimous consent of the Senate the next bill in order is Order of Business 405, being Senate bill 337.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 337) granting pensions to Wilson W. Brown and others. It proposes to place on the pension-roll, at the rate of $20 per month, the names of Wilson W. Brown, late second lieutenant of Company F, Twenty-first Regiment Ohio Volunteers; John R. Porter, late second lieutenant of Company C, Twenty-first Regiment Ohio Volunteers; William Bensinger, late captain of Company C, Thirteenth Regiment United States Colored Infantry; John A. Wilson, late of Company C, Twenty-first Regiment Ohio Volunteers; William Pittenger, late of Company C, Second Regiment Ohio Volunteers; Martin J. Hawkins, late of Company A, Thirty-third Regiment Ohio Volunteers; Daniel A. Dorsey, late second lieutenant of Company H, Thirty-third Regiment Ohio Volunteers; Elihu A. Mason, late of Company K, Twenty-first Ohio Volunteers; and Rachel Slavens, widow of Samuel Slavens, a soldier executed at Atlanta, Ga., by the confederate authorities, June 18, 1862. The pensions thus granted are to be in lieu of all other pensions that have been granted to or are claimed by any of the persons named, under the provisions and limitations of the pension laws.

Mr. COCKRELL. Is there a report in that case? If so, let it be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report submitted by Mr. BLAIR from the Committee on Pensions March 24, 1884, and also the views of the minority of the committee submitted by Mr. JACKSON, as follows:

The Committee on Pensions, to whom was referred the bill (S. 337) granting pensions to Wilson W. Brown and others, have considered the same and report:

The principal facts relating to the claim of Wilson W. Brown and others were set forth in detail in a favorable report of the House Committee on Invalid Pensions on House bill 4444 during the Forty-seventh Congress, and also in a report of this committee (Senate Report No. 712, Forty-seventh Congress, first session), as follows:

"The petitioners seeking to be benefited by this bill are known in history as the 'Mitchel Raiders.' In the early part of April, 1862, General O. M. Mitchel had advanced his column as far south as Shelbyville, Tenn. On the west the battle of Shiloh had just determined in favor of the Union arms. At the east McClellan, with his Army of the Potomac, was at Yorktown, threatening an advance upon Richmond. Against these two armies of the West and the East the South had concentrated their strength. General Mitchel saw then, as a bloody history so fully demonstrated subsequently, the vital importance of seizing and holding Chattanooga as a strategic point on the great railroad line between the East and the West, which connected the main armies of the rebellion.

"The capture of Chattanooga, at that crisis of the war, involved also the possession of East Tennessee, and a probable uprising of a strong loyal element there. The Mitchel Raiders were a body of twenty-one men, under command of one J. J. Andrews, selected by General Mitchel to undertake the desperate enterprise of penetrating nearly two hundred miles south into the heart of the enemy's territory, and endeavoring to destroy the wooden bridges on the railroad between Chattanooga and Atlanta. This, Mitchel hoped, would cut off the advance of troops from the south, while he moved down his army and captured Chattanooga. Judge-Advocate-General Joseph Holt did not exaggerate when he said of this expedition that 'in the daring of its conception it had the wildness of romance, while in the overwhelming results which it sought to accomplish it was absolutely sublime.'

"The account of the raid, following, is borrowed from another writer, and is correct, according to the evidence of participants:

"'The soldiers of this forlorn hope, dressed in citizen's clothes, and representing themselves as good secessionists, set out on foot through the enemy's country by twos and threes, and, after many adventures, came together at Marietta, a point on the railroad a little north of Atlanta. The plan was to take passage on some north-bound train, and, at an opportune moment, overpower the guard, seize the engine, and drive onward with all speed, burning bridges and tearing up tracks as they went, and leaving a trail of flame and destruction behind them; to dash clean through Chattanooga, and meet Mitchel as he advanced along the Memphis road. It was early in the morning of April 12 when these adventurous travelers, with tickets for different points to avert suspicion, boarded the train, and finally seated themselves in the same car. At broad daylight the conductor called out, "Big Shanty; twenty minutes for breakfast,' and at once passengers, engineer, and trainmen all poured into the long eating-room, leaving the engine unguarded, although it was within the lines of a rebel encampment.

"'The little band sauntered forward, each falling into his appointed place, when in a twinkling, on a signal given, the passenger coaches were uncoupled, an engineer and fireman of the party sprang into the cab, the valve was pulled open, and the engine, tender, and three cars moved off as the remaining adventurers leaped into the open doors of one of the box-cars. A few minutes placed the exulting party beyond what seemed to be the danger of any successful pursuit, for there was no telegraph at Big Shanty and no other engine at hand. But it was one day too late. General Mitchel had advanced to Huntsville, and his approach was so threatening that all the rolling-stock about Chattanooga had been ordered south, and the delay caused by meeting these unscheduled trains was fatal. Andrews, representing himself as a confederate officer of high rank, who had impressed the train for the purpose of running powder through to Beauregard at Corinth, excited no suspicion. But while he was losing precious minutes in waiting for the extra trains and moving them off the track the conductor at Big Shanty left his coffee and began the pursuit on foot until he reached a hand-car, and soon after in a swift locomotive, which by rare good fortune had come down to the road on a private track from large iron-works just in the nick of time. Before the raiders found opportunity for any serious work their pursuers were upon them. A desperate chase ensued, until finally, after a run of nearly one hundred miles, the captured locomotive, now jaded and shattered, was abandoned and the captors scattered to the shelter of thick woods.'

"The whole party was captured, after enduring the sufferings incident to fruitless efforts to escape pursuit. It is unpleasant to recall the history of the treatment to which these prisoners were subjected. They were denounced as spies. They were chained together by twos by the neck, marched through the streets of Chattanooga amid the angry jeers of an infuriated crowd, and thrust into a kind of dungeon. This apartment was thirteen feet square and of about the same depth. Twenty-one men were confined here for nearly three weeks. Scanty provision was furnished and no sufficient means afforded for the removal of excrement. If we may credit the statements of the survivors of the party, which are as given above, the horrors of this confinement were beyond description. When released from the dark and noisome hole their condition was pitiable, and for hours they were blinded by the light of day. Andrews, the leader, was hung as a spy. The party was removed then to Atlanta, where seven more were tried, convicted, and hanged as spies. One Jacob Parrot was whipped, one hundred lashes being inflicted on his back. For six months some of the survivors, and for eleven months others of them, were in constant apprehension of the same death by hanging as their comrades had suffered. It were better that the story of the sufferings and indignities inflicted on these heroic soldiers were left unrecited, as they were incredibly terrible as told by the survivors.

"In considering this case the committee think it very clear that this raid was a military expedition. Judges Baxter and Temple, who it appears acted as attorneys to defend the men who were hanged, have lately written that they considered that they clearly showed before the court-martial that the expedition was a military one under authority and command of General Mitchel, and that the men were not spies. It is evident that the confederate government so regarded the matter, as the further trial of the survivors was stopped after the execution of Andrews and seven of the party. These soldiers, therefore, who undertook and with marvelous energy essayed the task imposed by their commander suffered an outrage in being treated as spies and worse which justifies their appeal for consideration."

All of the persons referred to in the present bill have presented claims to the Pension Bureau, and their present condition is as follows:

Name.	Pension.	Remarks.
Wilson W. Brown	Pensioned at $16	Claim for increase pending.
John R. Porter	Receives no pension	Claim for pension pending.
William Bensinger	Pensioned at $4	Claim for increase pending.
John A. Wilson	Pensioned at $4	
William Pittenger	Pensioned at $24	
Martin J. Hawkins	Pensioned at $8	Claim for increase pending.
Daniel A. Dorsey	Pensioned at $12	
Elihu A. Mason	Receives no pension	Claim for pension pending.
Rachel Slavens (widow)	Pensioned at $8*	

*And $2 for each of three children.

A careful examination of the testimony has satisfied the committee that disabilities were contracted by all the survivors, for which they should receive pen-

sions. Most of them are already, as shown above, receiving pensions under the general law, while others have applications pending, which in our belief should be granted.

It is unnecessary to dwell upon the details of the extraordinary enterprise in which these men engaged, the dangers they incurred, the sufferings they endured, their coolness, gallantry, fidelity, devotion, and patriotism, or upon its immense importance to the Union cause had it been successful. It is sufficient to say that these men dared and endured everything, and that failure was not their fault.

We recommend the passage of the bill with the following amendment:

Insert, in line 4, after the word "twenty," the word "four;" so as to read: "at the rate of twenty-four dollars per month."

Your committee also recommend the addition of the following as an additional section to the bill:

"SEC. 2. This act shall not be construed to diminish the pension now being paid to any of the persons therein named, nor to deprive them of any increase to which they now are entitled or hereafter may be entitled."

VIEWS OF THE MINORITY.

The undersigned members of the Committee on Pensions, not concurring in the report of the majority upon bill S. 337, increasing the pensions of Wilson W. Brown and others, respectfully submit the following views of the minority:

The papers before the committee, consisting of the pension files in the several cases of the respective parties proposed to be pensioned by the present bill, do not disclose anything upon which to rest the highly drawn picture of the brilliancy and magnitude of the enterprise, for the voluntary undertaking of which special honorary pensions should be granted. The extravagant colors in which it has been presented are taken mainly from the account of the undertaking published some years since by Rev. William Pittinger, one of the survivors, whose name is included in the bill under consideration.

The description is exaggerated and inaccurate in many respects. The value and importance of the enterprise, undertaken under the leadership of J. J. Andrews, a spy in General Buell's employ, is greatly overestimated. It was "hardly commendable" in the opinion of very accomplished Union officers of high rank. General Mitchel never even made any report whatever of the operation.

The majority report is inaccurate in the proposition that the parties engaged in this transaction were not "spies" and liable to be treated as such by the enemy. Very high Federal military authority so pronounces them. But without pausing to discuss the inaccuracies of the alleged "facts" and the exaggeration of the performance, and of its possible importance if success had attended it, we think that the reasons presented in the adverse report of the Senate committee at the last session of Congress constitute grave and sufficient objections to the passage of the bill, and we here readopt the same, as follows:

"The wisdom and necessity of the enterprise in which those claiming benefits under this bill were engaged, and the estimation of its importance by Judge Holt, have been criticised in military circles; and the conclusion of the foregoing report, that the expedition was a military one, and that the men were not spies, is open to question; but for the purpose of determining whether it is just or expedient for Congress to pass this bill, both the facts set forth in the report of the House committee, and its conclusions as to the character, importance, and the necessity of the expedition, may be assumed.

"Upon such assumption, however, the committee are unable to find sufficient grounds for a report in favor of the passage of the bill, which proposes to grant to each of the survivors of the expedition, and the widow of one who is dead, a uniform pension of $20 per month without reference to the degree of their disability, a provision which is unknown to the existing law relating to pensions. The argument in favor of thus discriminating in favor of the beneficiaries in this bill against the soldiers who are pensioned by general act, seems to be based upon three considerations, namely: the brilliant services of these soldiers, their extreme suffering, and their imminent danger of death as spies.

"In the opinion of the committee, neither of these considerations can justify the passage of the bill giving to these men an arbitrary rate of pension, greater in amount than that allowed to other soldiers.

"Pensions should be granted for disability, and should be proportioned to the disability sustained. It is believed that no other just basis for pensions to soldiers exists. The country gratefully recognizes the patriotism, the heroism, and the brilliant achievements of those who fought its battles, but in granting pensions we must not forget that hundreds of thousands, nay millions, of our volunteer soldiers were patriotic and heroic, and performed deeds of conspicuous courage and gallantry: nor must we forget that such service was due from the soldier in the defense and protection of his Government, in return for the protection which the Government afforded to the soldier as its citizen. To single out a few from the great body of those who performed patriotic, heroic, and brilliant services in the war, and bestow upon them special pensions therefor, is an unjust discrimination against those equally deserving of praise who pass unnoticed. Nor can such pensions be put upon the ground of extreme suffering, unless we propose in all instances to estimate in rating the pensions granted by Congress the physical and mental pain endured by the soldier from any and every cause incident to his service. A great number of soldiers other than these suffered cruel hardships, and in imminent danger of death languished in hospitals and in prisons, and no reason exists why these few soldiers should be pensioned for such suffering while the many similarly situated are not pensioned.

"To rate pensions according to the amount of suffering endured, either physical or mental, is manifestly impracticable, even if such causes were admitted to be just ground for pension. Nor does the fear of an ignominious death as a spy seem to the committee to furnish a basis for a pension any more than the fear of death consequent upon battle or other dangerous service. If it be said that the disability of soldiers who suffered such imprisonment and endured such hardships should be presumed to be the result of such imprisonment and hardships, such considerations would only justify the granting of pensions to the petitioners according to the disability which might be found, upon medical and other testimony, actually to exist, and not the establishing of a uniform rate of $20 per month for each. It is not to be presumed that each of these petitioners is equally disabled. It is possible that some of them may be entitled, under the existing provisions of the general law, to a higher rating even than $20 per month, while it is probable, to say the least, that some of them are not sufficiently disabled to justify such a rating. However that may be, the law provides an equal rule for all.

"The Pension Office is liberal in the administration of the law, and if in particular instances the Commissioner of Pensions fails to rate a pension under the law according to the degree of disability it will not be questioned that Congress is exceedingly liberal in granting increases in such cases. The committee do not believe it wise or expedient to single out particular soldiers or particular classes of soldiers and grant them pensions at greater rates than the pensions granted to others for similar disabilities. The petitioners were brave and patriotic; their bravery excites our admiration and their suffering enlists our sympathy; and while a special compensation for such bravery and such suffering may at first sight seem an act of justice, it needs but a little reflection to see that it is an act of palpable injustice to the thousands of unnoticed and unrewarded soldiers whose bravery and sufferings equally compel our admiration and our sympathy. In view of these considerations, your committee recommend the indefinite postponement of the bill."

HOWELL E. JACKSON.
JAS. H. SLATER.
A. H. COLQUITT.

Mr. JACKSON. I think this is one of the most objectionable bills of a private character which have been presented to the Senate. Here are a set of pensioners on the pension-roll according to disability, and the proposition of the bill is to pay them $20 per month each for having engaged in a perilous enterprise during the war. I see no principle upon which this bill can be supported; I see no principle upon which it rests. The general pension law provides for the soldiers according to disability. These men voluntarily undertook a hazardous enterprise. There is nothing in the papers before the committee on which to found the glowing description contained in the majority report either of their gallantry or of their sufferings. The whole account is drawn from one of the parties, the Rev. Mr. Pittenger, who gives the description of that raid.

The committee at the last session of Congress investigated the case carefully and reported against it. Now a favorable report is made. I wish to call the attention of the Senate, however, to the fact that the service narrated had no substantial character and could not have any even as set forth in the report. It has been severely criticised by able Federal officers. I wish to read to the Senate what General Fry says in reference to that expedition:

The spy Andrews, who was in Buell's service, represented early in March, 1862, that with a party of six trusty men he could destroy the railroad bridges between Chattanooga and Bridgeport, and also the important bridge over the Tennessee at the latter place, and thus effectually prevent the enemy from using that route either to re-enforce Corinth or return to Middle Tennessee. Buell had received but little benefit from Andrews's services and did not encourage the proposition, but in consequence mainly of the confidence and urgency of the spy, he finally directed his chief of staff, Col. James B. Fry, to confer fully with Andrews and use discretion as to authorizing and organizing the enterprise. The chief of staff, on the strength of Andrews's assurance—

General Fry himself—

that an engineer running a regular train over the road was in our interest, and would use his locomotive for the purpose, sanctioned and arranged the undertaking. General Mitchel was directed to furnish six men if volunteers for the service could be found. That is all General Mitchel had to do with the original enterprise. It appears from Mr. Pittenger's book that the party assembled at Atlanta, but failed to find the engineer on whose co-operation the enterprise was based, gave it up, and all the men made their way safely back to our lines. This terminated the effort to destroy bridges west of Chattanooga by capturing a locomotive. In relation to the merits of this scheme, it may be said that at the time, perhaps the object was of sufficient importance to cover the probabilities of failure and the risk to the men engaged, but at the best the undertaking was hardly commendable.

That first enterprise failed of results, nothing was accomplished.

Buell, basing no plans on the success of it, marched with the main body of his army for the field of Shiloh without knowing the result. When Andrews returned early in April he found General Mitchel in command near Nashville, and reported to him in Buell's absence. Mitchel with no enemy to oppose him, was advancing through Middle Tennessee, and occupied Huntsville on the Memphis and Charleston Railroad on Friday, April 11.

The author—

Speaking of Mr. Pittenger's account of this raid and criticising it, General Fry criticises it—

The author says Mitchel's purpose was to capture Chattanooga. Appropriating the idea of bridge-burning, Mitchel, on the 7th of April—the last day of the battle of Shiloh—started a party of twenty-four men under Andrews to capture a locomotive and destroy bridges south of Chattanooga, and between that place and Marietta. No exception can fairly be taken to the author's graphic account of the failure of that effort, but he and the Judge-Advocate-General of the Army and the Southern newspapers appear to have attached undue importance to the object of it. The destruction of bridges between Marietta and Chattanooga would not have enabled General Mitchel to take the latter place. If his instructions or the military conditions had justified him in an attempt to capture Chattanooga, which they did not, the preservation of the bridge over the Tennessee would have been essential to his success. The enemy had only to burn that structure, as they did when Mitchel's troops approached it April 29, in order to check an advance on Chattanooga. Furthermore, if Mitchel's party had succeeded in burning bridges between Marietta and Chattanooga that would not have prevented the re-enforcement of the latter place, as the regular railroad route through East Tennessee was open and in the enemy's possession, and it was from the east and not from the south, where there were but few if any available troops until Corinth was evacuated, that the place was most likely to be re-enforced. Mitchel's bridge-burners therefore took desperate chances to accomplish objects of no substantial advantage. Judge-Advocate-General Holt probably had not examined carefully into the military aspects of the subject when he reported of this enterprise in 1863, "in the gigantic and overwhelming results it sought and was likely to accomplish it was absolutely sublime." General Mitchel made no such claim. In fact, seeing, as he no doubt finally did, the insufficiency of the object and the completeness of the failure and its deplorable consequences he never made any report whatever of the operation.

It is not strange—

Says General Fry further—

that when the men engaged in this affair were captured they endeavored to have the enemy treat them as prisoners of war, but it is rather remarkable that the author at this late day claims that their only offense "was that of accepting a dangerous service proposed by their own officers," and complains that the rebels treated them as spies. They were soldiers who stripped off their uniforms and went into the enemy's lines to war against him in disguise. The author maintains that, as they did not "lurk" about the enemy's camps for the purpose of getting information they were not spies. That plea is technical and feeble, nor is the argument that the rebel partisans and guerrillas came in citizen's dress within our lines of any material weight in this connection. We are convicted on these points out of our own mouths. Our authorities say "a spy is punishable with death." "A person proved to be a regular soldier of the enemy's army, found in citizen's dress within the lines of the captor, is universally dealt with as a spy." "Armed prowlers, by whatever names they may be called, who steal within the lines of the hostile army for the purpose of robbing, killing, or of destroying bridges, roads, or canals, or of robbing or destroying the mails, or of cutting the telegraph wires, are not entitled to the privileges of the prisoner of war." Mr. Pittenger has given us the most thrilling story of the rebellion, but his heroes, brilliant and daring, were, by the rules of war, marauders and spies, who knowingly and voluntarily bet their lives on a desperate game and lost. Only eight of the twenty-four were executed. Instead of blam-

ing the winner for taking one-third of the stakes, the author should have thanked him for not enforcing his right to the other two-thirds.

Mr. CONGER. Will the Senator state what he reads from?

Mr. JACKSON. I am reading from the criticism of General J. B. Fry, on the account of the Rev. Mr. Pittenger——

Mr. CONGER. In what?

Mr. JACKSON. Contained in the Journal of the Military Service Institution of the United States.

The PRESIDING OFFICER. The Senator from Tennessee will please suspend his remarks. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, which is Senate bill 1283.

ORDER OF BUSINESS.

Mr. MILLER, of New York. I desire consent of the Senator from Massachusetts to lay aside this order for a few moments, and to take up Order of Business 552, which is a public bill in regard to the importation of adulterated and spurious teas.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to lay aside temporarily the unfinished business of yesterday to consider Order of Business 552, being the bill (S. 2037) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883.

Mr. SHERMAN. I believe the bill that was interrupted by the arrival of 2 o'clock comes up the first thing in the morning.

The PRESIDING OFFICER. Under the eighth rule as the Chair understands——

Mr. HOAR. I answered unadvisedly the Senator from New York that I would make no objection; but on reflection I am afraid that if other business interrupts the Utah bill, some Senators may feel released from unanimous consent to dispose of it at 5 o'clock to-day. I therefore suggest to my friend from New York that he call up his bill immediately after 5 o'clock when the Utah bill shall have been disposed of.

Mr. MILLER, of New York. I was not aware of that agreement.

Mr. MILLER, of California. If unanimous consent is given, nobody can take objection.

Mr. MILLER, of New York. Unanimous consent can waive any objection.

Mr. HOAR. No doubt about that.

The PRESIDING OFFICER. The Chair understands that objection is made.

Mr. HOAR. I am afraid somebody will think that relieves us from the obligation to take the vote on the Utah bill at 5 o'clock. The Senator can get it up undoubtedly immediately after 5 o'clock.

Mr. MILLER, of New York. Very well. I yield to the suggestion of the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from New York withdraws his request.

HOUSE BILLS REFERRED.

The bill (H. R. 7235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 5442) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864, was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. JACKSON, Mr. McPHERSON, Mr. VANCE, Mr. DAWES, Mr. CAMERON of Pennsylvania, Mr. PIKE, and Mr. MAHONE submitted amendments intended to be proposed by them, respectively, to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. MILLER, of New York, submitted amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Postmaster-General, having reference to provisions in the deficiency appropriation bill. The communication is of some length and will not be read, but will be printed in the RECORD.

Mr. EDMUNDS. Such communications are not usually printed in the RECORD. Let it be printed for the use of the Senate.

Mr. BECK. And referred to the Committee on Appropriations.

The PRESIDING OFFICER. The communication will be printed for the use of the Senate, and referred to the Committee on Appropriations.

POLYGAMY IN UTAH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. VEST] to section 2.

Mr. INGALLS. Let the amendment be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. It is proposed to add to section 2:

Provided, That no person shall be held in custody under any attachment issued as provided by this section for a longer time than ten days, and the person attached may at any time secure his or her discharge from custody by executing a recognizance with sufficient sureties conditioned for the appearance of such person at the proper time as a witness in the cause or proceeding wherein the attachment may be issued.

Mr. HOAR. I have no objection to the amendment.

The amendment was agreed to.

Mr. INGALLS. I believe the bill was to be read by sections. Read the next section.

The PRESIDING OFFICER. The Chair is informed that the bill has been read through. If there is an order that it be read by sections, section 3 will be read.

Mr. HOAR. I inquire if that is the understanding at the desk, if the bill is to be read by sections.

The PRESIDING OFFICER. The Chief Clerk reports that the bill has been read entirely through.

Mr. HOAR. I understand then there is nothing to do but to take the vote on the question on reporting the bill to the Senate. There is no occasion to read it again unless some Senator desires it.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] yesterday asked that the bill be read by sections.

Mr. HOAR. I beg the Senator's pardon.

Mr. INGALLS. For amendment?

Mr. HOAR. I would suggest that as the bill is exceedingly familiar to the whole Senate, it is not necessary to read those sections to which no amendment is to be offered, but that the Secretary simply give notice "section 3," "section 4," and so on, calling for amendments, only reading a section when a request is made for its reading.

Mr. VEST. I rise to offer an amendment to the first section. I understood the Senator from Massachusetts who had charge of the bill to say yesterday that he believed this section ought to be amended so as to exclude confidential communications between husband and wife. For that reason I offer the amendment.

Mr. HOAR. I rise to a question of order. The motion having been made and rejected to strike out the first section, the first section stands and the text of the section can not now be amended.

Mr. BAYARD. Does the Senator say that a motion would be made to strike out?

Mr. HOAR. A motion has been made to strike out the first section and voted down. That prevents any amendment to the text.

Mr. INGALLS. The Senator from Texas [Mr. MAXEY] made the motion.

Mr. HOAR. Then the Senate voted that that text should stand.

Mr. MAXEY. I made a motion to strike out the whole of the first section because I thought it in violation of every principle of evidence and so stated.

Mr. VEST. The yeas and nays were not taken on it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be read for information. It may be that it will be found to be in order notwithstanding the vote heretofore taken.

The CHIEF CLERK. Add at the end of section 1——

Mr. MAXEY. In regard to the motion that I made yesterday to strike out, I have reserved the right to renew the motion in the Senate.

Mr. HOAR. My point of order does not lie if the amendment be to add words. I thought it was to strike out part of the section.

The PRESIDING OFFICER. For that reason the Chair called for the reading of the amendment thinking it might be so. The amendment will be read by the Secretary.

The CHIEF CLERK. At the end of section 1 it is proposed to add:

But such witness shall not be permitted to testify as to any statement or communication made by either husband or wife during the existence of the marriage relation.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri being of the nature of an addition to the section, the Chair holds it to be in order. The question is on the amendment proposed by the Senator from Missouri.

Mr. INGALLS. I suppose the Senator from Missouri means confidential communication made by husband or wife to each other.

Mr. VEST. I mean any communication made by the husband or wife either to each other or to any other person. I think the policy of the law is to exclude the husband or wife from testifying to any statement made by each other. However, if I can not get it as it is, I am willing to modify it so as to say "made to each other."

Mr. HOAR. I move to amend the amendment by inserting the word "confidential" before "statement," and adding at the end "to each other."

Mr. BAYARD. The term "confidential communications" includes all that passes between husband and wife. They are not allowed to speak of them at any time in courts of justice ordinarily. All is included in the term "confidential communication." The court does not stop to ask whether it was spoken in confidence. The confidence is implied.

Mr. HOAR. That is the precise reason I selected the phrase. The Senator reinforces my view.

Mr. INGALLS. Suppose that a husband in strict confidence and entire privacy knocks his wife down, using an epithet contumelious and insolent at the same time, it would be strictly confidential and private, but it would not be protected.

Mr. BAYARD. It is perfectly natural that my friend from Kansas is driven to just such illustrations in support of this section, because I am very sure that if he stood on the common sense of the section itself he would not have resorted to the simile that he has. Every one knows that the wife is *ex necessitate* to be protected in her person, and she can give evidence and always has given evidence both under the common law and under the statutes against her husband for the sake of protecting her life because she is in the peace of the state as well as the peace of her family.

Mr. MAXEY. Will the Senator from Delaware permit me to say that a confidential communication made by client to counsel is not permitted to be disclosed; and for a greater reason the confidential communications between husband and wife ought not to be admitted by the courts, let alone compelled.

Mr. BAYARD. In a great many relations of life, as between counsel and client, physician and patient, the policy of the law requires that there should be a respect paid, that there must be confidence somewhere, and the law holds it far more important to preserve that confidence inviolate than to obtain testimony from such a source by a breach of the relation of confidence on which society depends for its existence.

I can only say that there is not in Christendom to my knowledge such a law as this first section provides for. It is not under the law of England; it is not under the criminal law or the civil law or the statute law of any State in this Union; and I do submit again to my honorable colleagues of the Judiciary Committee that in their desire to abolish polygamy——

Mr. HOAR. Will the honorable Senator pardon me?

Mr. BAYARD. The Senator will allow me to finish the sentence.

Mr. HOAR. I wish to call the attention of the Senator——

Mr. BAYARD. I should like to finish the sentence; but at the same time I waive that.

Mr. HOAR. I beg the Senator's pardon. I should not interpose in the midst of a sentence if I did not wish simply to inform the Senator that he misapprehends the attitude of the thing. Everybody is agreed to what he is arguing for, so far as I have heard all around; there is no dispute about it.

Mr. BAYARD. I wish they would vote that way.

Mr. HOAR. We are all going to do so. The Senator from Missouri proposed to amend the section by adding "*Provided*, That no communication of the husband or the wife"—I have not the exact language, but that is the substance of it—"shall be received in evidence," to which I made the criticism or the suggestion (the Senator from Kansas first making the criticism and I made the suggestion) that it should be made so as to read "confidential communication to each other." That is exactly what the various statutes making husband and wife witnesses against each other in substance include. The Senator rises and says that "confidential communications to each other" includes everything. Well, it is all right; I agree that it includes everything made by the husband during the marriage relation to the wife or the wife to the husband, and we accept that language with the understanding that the Senator has that it is so comprehensive. Now, my honorable friend from Delaware seemed to me to be understanding that we were opposing this proposition, and he rose to say, as I understood him, that no civilized country had a law which did not make this exception.

Mr. BAYARD. I said "no government in Christendom."

Mr. HOAR. That no government in Christendom had a law which did not make this exception, and he appealed to his colleagues on the Judiciary Committee to make it. I took the liberty, therefore, even in the midst of the Senator's sentence, to ask him to allow me to say that I entirely agree with him, and that everybody on this side is of the same mind.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Massachusetts has offered an amendment to the amendment of the Senator from Missouri?

Mr. HOAR. I did. I moved an amendment to make it read "confidential communications to each other," so as to reach what has been suggested.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The CHIEF CLERK. After the word "any" and before the word "statement" it is proposed to insert the word "confidential," and after the word "wife" to insert the words "to each other;" so as to read when amended:

But such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Missouri as amended.

The amendment as amended was agreed to.

Mr. BAYARD. I rise to a parliamentary inquiry. I understand that the motion to strike out the first section had been made and lost. I presume it will be in order to try the question again when the bill is in the Senate.

The PRESIDING OFFICER. The Chair understands that when the bill is in the Senate that motion will be in order.

Mr. BAYARD. Before the bill is reported to the Senate I shall reserve that amendment in order to have the question again taken, for I hope that the section will not remain in the bill.

Mr. VEST. I offer an amendment to come in at the end of section 5.

Mr. HOAR. I ask unanimous consent that the Secretary now call the different sections in order, beginning with the second, and that amendments to the sections be offered as they are called without reading them through unless a Senator calls for the reading of any particular section.

The PRESIDING OFFICER. If there be no objection that course will be pursued. The Secretary will call the sections, commencing with section 3, in their order, without reading.

The CHIEF CLERK. Section 3.

The PRESIDING OFFICER. If there be no amendment to section 3, section 4 will be called.

The CHIEF CLERK. Section 4.

The PRESIDING OFFICER. If no amendment be proposed to section 4, section 5 will be called.

The CHIEF CLERK. Section 5.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] proposes an amendment to section 5, which will be read.

The CHIEF CLERK. It is proposed to add to section 5 the following proviso:

Provided, That nothing herein shall be held to authorize the search of private houses or the seizure of private papers for the purpose of securing the proof of any marriage.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. EDMUNDS. Such a provision could apply to murder as well.

Mr. VEST. I am not dealing now with murder. I am dealing with the question presented in this bill, which the Committee on the Judiciary seem to think a good deal worse than murder. The limitation on treason I believe is only three years but they have put the limitation of a prosecution for polygamy or bigamy at five years. I have nothing to say about that.

The object of my amendment, Mr. President, is to prevent unreasonable searches and seizures in violation of the fourth article of amendment of the Constitution, which provides that—

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The provision in the bill which I propose to amend is in this language:

And it shall be lawful for any United States commissioner, justice, judge, or court before whom any proceeding shall be pending in which such certificate—

That is a certificate of marriage—

record, or entry may be material, by proper warrant, to cause such certificate, record, or entry, and the book, document, or paper containing the same, to be taken and brought before him or it for the purpose of such proceeding.

The only limitation upon the power there to search any private building or to seize any person's papers is contained in the words "by proper warrant." I submit to the Senate if it is meant by that the warrant which authorizes an officer to search a certain house or to seize a certain paper, it ought to be specifically stated, and it should not be left in this loose and vague language. It is to be done by "proper warrant." Who is to be the judge whether it is a proper warrant or not? Under this provision it is within the discretion of the judge as to what sort of warrant he shall issue, as to what house he shall cause to be searched, as to what papers shall be seized. Under this provision the privacy of any dwelling can be invaded, the sanctity of any roof can be violated.

Mr. HOAR. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. HOAR. I ask him whether the common-law action in replevin is not in force in his State?

Mr. VEST. Of course.

Mr. HOAR. And under it any private person who claims that his diamond or hat or any other thing worth $20 is in the possession of another may get out a writ of replevin and have it served in the dwelling of any other citizen, may he not?

Mr. VEST. Of course; but, with all respect to the Senator from Massachusetts, what has that to do with the question before the Senate now?

Mr. HOAR. I wanted to get at the fact, and I can show what it has to do with it.

Mr. VEST. There is no question about that. I claim a certain piece of property as mine. I go into the office of the clerk of the court and swear out a writ of replevin for the recovery of that property as mine. I describe it. The court authorizes the officer to go and take it. But what analogy is there between that and a warrant which says to an officer, "Go and search and find a certificate of marriage between John Brown and Mary Smith?" To do the latter the proper warrant to be issued is one to go and search papers, to go and search houses, to go and seize documents wherever they may be found.

Mr. President, I am astonished, permit me to say with all due respect, that this proposition comes from a Senator from the State of Massachusetts. If there is any document that ever gave impetus to the cause of liberty in this country it was the great speech of James Otis against writs of assistance, of which John Adams said, "I solemnly declare that that great oration breathed the breath of life into this country." What was a writ of assistance? It was a revenue writ from the British Crown authorizing any officer in the colonies to enter any house and seize any papers that tended to prove that a certain amount of taxes was due to the British King. The speech of James Otis (which comes to us, I am sorry to say, in a fragmentary form, but before that great intellect became diseased) sounded the alarm note, and our fathers sprang to arms for a much less invasion of personal liberty than is contained in this bill. The *lettres de cachet* of Louis XVI never excelled this. What were they? They authorized a French officer to go without anything else except the stamp of sovereignty, upon the order of the King of France, and enter any house and seize any papers in order to find a document for the purpose of prosecution.

Here is a warrant to an officer, a "proper warrant," it is called. How a "proper warrant?" Is that the way that the Congress of the United States should pass a law in regard to the personal liberty of a citizen? It is to be a "proper warrant," without any description of the papers or even of the house or of the object of it, under which the officer may invade any house in Utah and seize papers for the purposes of a prosecution, a certificate of marriage to be used to convict a man of bigamy or polygamy.

This is not a question affecting Utah alone. I know how useless it is to talk to Senators who have made up their minds to vote for this bill, no matter what provision it contains, and I know how equally useless it is to appeal to any Senator who has determined to follow the report of the committee, whether it is right or wrong, without examination. I say this is a blow at the personal liberty of every citizen of the United States. It is an invention that will return to plague us. I do not care what those people do; I do not care how abominable their religious faith, with which I have no sympathy; I do not care how atrocious their tenets, they are citizens of the United States; they are entitled to the protection of the Constitution. If you can do this thing in Utah, you can do it in Missouri, and it is simply a question of time before it will be done at the behests of any party that is strong enough to call for the exercise of such a power. There never was any precedent for it in the United States. It never has been attempted since Otis denounced it in Boston, Mass. Since that time such a thing would be looked upon as simply atrocious, and our fathers would have appealed to arms to have resisted it. But because these people are Mormons, and because conventions of both parties meet and denounce them for political capital, because in this country now there is a tide mountain high of prejudice, these unusual, these tyrannical, these unconstitutional provisions are to be rushed through Congress, and without inquiry almost, and without argument.

Mr. President, I have nothing to say as to my personal connection with this or any other portion of the bill. On the soil of my State commenced the struggle against Mormonism. There is, so far as I know, not one man, woman, or child among my constituents who has the slightest sympathy with it; the emissaries of that faith would not be permitted to preach it even upon the soil of Missouri; but I do not propose to vote for any bill that I believe violates the Constitution of the country; I do not propose to break my oath to support the Constitution under any sort of pressure when I know that the Constitution is being violated by a provision such as is contained in the section which I propose to amend.

Mr. HOAR. The eloquent speech of my honorable friend from Missouri goes very far to console us for the loss of that of James Otis to which he has referred; but it seems to me that it is predicated upon an imperfect understanding of this section. This section does not permit any search of a private house or any unreasonable seizure of private papers. It simply provides that when a certain certificate, entry, or record of a marriage, which in its nature is a public paper, is wanted in a judicial proceeding, the judge, justice, commissioner, or court may by proper warrant order that thing, the particular "certificate, record, or entry, and the book, document, or paper containing the same, to be taken and brought before him." That is all, and it is no more germane to this section to insert in it that you shall not make an unreasonable search of a man's private dwelling-house or seize his private papers under a provision of that kind than it would be to insert that the officer should not knock down the man's wife or child when he was serving the writ. There is nothing in the section which renders possible such a proceeding as the Senator has denounced.

Mr. LAPHAM. The Senator will allow me to suggest that this can only be done in case of refusal to produce it on notice.

Mr. HOAR. I do not so understand it.

Mr. VEST. That is not the provision.

Mr. HOAR. I do not understand the section as the Senator from New York does. But to proceed with my proposition, the thing which the honorable Senator from Missouri denounces as a violation of constitutional liberty, is exactly this: the having an order by a proper warrant, which of course implies a constitutional warrant containing the proper description of the thing to be seized and brought into court, stating a particular book or paper therein described, wherever it is to be found, whether in a dwelling-house or anywhere else. The Senator denounces that as a violation of constitutional liberty, representing as he does, and as each one of the rest of us probably does, a State in which it is lawful for a private party, without any application to a court whatever, to take a replevin writ and fill it up with a declaration that A B has got his book, or diamond, or hat, or any piece of personal property over $20 in value, and thereupon to direct an officer to go into any private dwelling-house of the defendant and take that out and deliver it to him on his giving bond, the filling the writ, the delivering it to the officer, the service of the writ by the officer by going into the private house and taking the article claimed, all preceding the giving of any bond at all by the plaintiff, because that bond is given upon the appraisal of the article seized by two appraisers appointed by the sheriff.

That is the law, I suppose, of every American State, without an exception. The Senator from Missouri agrees that it is the law of his State. And yet if that be a proper constitutional proceeding instituted at the volition and discretion of a private party without oath or bond or surety everywhere, how can it be an outrage to say that a judge of a court before whom a case is pending may direct a sheriff to do precisely the same thing, to go and get a book or paper and bring it before him to be used as a piece of evidence?

Mr. VEST. If that is the meaning of the section, why does not the Senator having charge of the bill insert in it a provision that the warrant shall be directed to the person having the possession of such certificate, record, &c.?

Mr. HOAR. Because that is not the purpose. It is directed to the sheriff to go and take him. It is a replevin writ everywhere.

Mr. VEST. The Senator institutes the comparison himself. In a replevin writ the officer is authorized to go and take possession of the property, but the person having possession of it is named in the proceeding.

Mr. HOAR. He is named as a defendant.

Mr. VEST. He is named as a defendant. But what sort of a warrant is this to be? Is it to be against anybody? It is to be a "proper warrant," a roving warrant, directing the officer to find the certificate wherever he can find it. Does not that give him the right to search? Does not that give him the right to enter any dwelling where he may imagine or suppose the paper is to be found?

Mr. HOAR. Certainly.

Mr. VEST. As a matter of course it does. Therefore it gives him the right to make the search of a private dwelling.

Mr. HOAR. If the Senator puts that question desiring an answer at this point, without interrupting him, I say certainly not; the officer can not go and search anybody's dwelling. He is ordered to go and get a paper, and he goes at his peril and takes the paper where it is. It does not authorize him to go anywhere where it is not.

Mr. VEST. It authorizes him to go and bring that paper. Who is to determine who has the paper? Who is to determine where it is? What greater power to search could be given than this sort of proceeding? In a replevin suit A claims the property of B, institutes the proceeding against B, and says, "This horse is my property," describing it. The court says, "Give a bond and then we will order a writ of replevin and have the horse taken and delivered to you upon your executing a delivery bond or the horse will be held in the custody of the court until the litigation is determined." What analogy is there between that case and one where there there is a *subpœna duces tecum* directed to nobody given to an officer to go and find a marriage certificate? Is there any limitation upon the power of the officer? He is to find the marriage certificate; but where and how? It seems to me that it admits of no argument, that it is a plain proposition that such a warrant does not give the right to seize and search, it can not be given by any sort of process at all.

Mr. SLATER. I should like to make an inquiry as to whether there is any circumstance or event in the efforts to enforce the provisions of the former statute of which this is an amendment that would indicate it as necessary to clothe the courts with additional power of this extraordinary character? I ask whether the ordinary and usual *subpœna duces tecum*, describing a paper supposed to be in the possession of a witness, commanding that witness to bring the paper into court, is not all sufficient to meet the requirements in this case? It seems to me that the ordinary powers of the courts themselves is amply sufficient to reach this point. If there is anything in the history of the courts under the statute to render such a provision necessary I should like to know it.

Mr. HOAR. I understand that the Mormon marriages are conducted

under circumstances of great secrecy, conducted in the night and in buildings contrived for the purpose of keeping them secret from anybody but the initiated; that the records of those things are also not ordinarily (I do not know that they are ever) kept in dwelling houses but kept in Mormon temples or churches where they are to be concealed from the profane eye, and from what they regard as the profane law, and the experience of the officers of justices of the peace in the Territory of Utah discloses that it is necessary to have this power granted to the courts. The ordinary *subpœna duces tecum* addressed to the person having the paper in charge would result in its concealment and getting it out of the way before it could be used.

Mr. SLATER. Suppose that to be the case, why would not a *subpœna duces tecum* bring it just as readily as a warrant, if the parties know where it is and in whose possession it is?

Mr. HOAR. But the person who has the paper or book does not know that it is wanted until the officer comes and says, "I will take the paper or book and carry it into court." It seems to me any person who knows our current history as well as the Senator from Oregon does would see the necessity of the provision.

Mr. SLATER. It occurs to me that this is imaginary; that they are looking out for some supposed records, and the warrant at last comes back just to the proposition the Senator from Missouri [Mr. VEST] has made, that it is a roving search-warrant to go and search wherever they can some book, paper, or other evidence that may be imagined to have something to do with the case. For that very reason it seems to me that the amendment proposed by the Senator from Missouri ought to be adopted.

Mr. HOAR. If it be imaginary it is imagination which comes from the most experienced officers of the law who have had occasion to endeavor to suppress this crime.

Mr. CALL. Mr. President, the Constitution provides that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

The bill says:

> And it shall be lawful for any United States commissioner, justice, judge, or court before whom any proceeding shall be pending in which such certificate, record, or entry may be material, by proper warrant, to cause such certificate, record, or entry, and the book, document, or paper containing the same, to be taken and brought before him or it for the purposes of such proceeding.

It is manifest that this must involve under the execution of that process the power of taking the property, the papers, the effects, and entry into the house, of people who are citizens of the United States and entitled to the protection of this guarantee of the Constitution.

Mr. BECK. Why is the term "by proper warrant" employed?

Mr. CALL. A proper warrant is due process of law, not the arbitrary seizure in advance without notice and the opportunity to produce the paper. I apprehend it never was heard before, not certainly in the civil process of the *subpœna duces tecum*, that without notice a man should be subject to arbitrary seizure of his property without an opportunity of compliance or of producing it upon the order of the court.

Certainly it is true that there can be no taking of the property of a person without some preliminary judicial procedure. The instance of a replevin is an instance precisely in support of that proposition, that previous to the arbitrary seizure, the "unreasonable" taking, in the language of the Constitution, of the papers, property, effects, or entry into the house of another, there must be some necessity shown for it; there must be some refusal on the part of the person whose property is so taken to produce it, some opportunity to comply with the requirements of the law.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

The question being put, there were on a division—ayes 16, noes 10; no quorum voting.

Mr. INGALLS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, the arguments upon which the Senator from Missouri and the Senator from Florida ask for the adoption of this amendment appear to me to be based upon a false assumption of what is intended by the provisions of the bill. I should probably hesitate as much as any Senator to favor a proposition that would infringe the security of the citizen in his domicile, in the enjoyment of his property. I am familiar with the provision of the Constitution which guarantees to the citizen immunity from unreasonable search and seizure, but it does not appear to me that the provisions of the bill are amenable to the criticisms that have been made.

The Senator from Missouri would not contend that upon a warrant being issued for the production of a certain paper to be used in a cause pending under this proposed act, in which the validity of a marriage was controverted, the officer would have the right indiscriminately to invade the premises of persons who were in no way whatever implicated. If the office having the warrant should proceed to break open the domicile of the Senator from Missouri he would do so at his peril; he would be liable to an action of trespass; he would be responsible in damages if it were to be made to appear that the Senator from Missouri did not possess the papers.

I can not see, therefore, upon what possible ground it can be assumed that this is an unwarrantable invasion of the right of the citizen under the Constitution to be secured from unreasonable search and seizure. The bill provides that a proceeding must be pending; that there must be an action under this proposed statute; and that when the case is in court if it shall be made to appear that any given paper or document is material as evidence in the trial of the cause, a warrant shall issue directing the officer of the law to seize it and bring it forward to be used for that purpose. It is a power that is exercised under every code that I know of; and the Senator from Missouri, it appears to me, must be searching for some objections that do not appear upon the surface when he bases the argument for his amendment upon the theory that the bill is anomalous in the provision which he seeks to amend.

Mr. VEST. Mr. President, there is no more analogy between the ordinary process known as a *subpœna duces tecum* and the provision of this bill than there is between an elephant and a mouse. In the case of a *subpœna duces tecum*, the ordinary process to bring in a paper to be used in evidence, A or B is subpœnaed to appear and bring with him a certain paper.

Mr. INGALLS. Certainly; but if the Senator will permit me, it is not necessary, as the Senator from Florida has said, and as the Senator from Missouri intimates, that there should be a refusal to bring it in before the subpœna can issue. The Senator from Florida says that there should be some refusal, that there should be some foundation laid before the warrant can issue. I suppose that in the case of a *subpœna duces tecum*, so far as I am familiar with practice, it is the commonest thing in the world to direct a paper to issue requiring A, B, C, or any other member of the alphabet to produce certain books, papers, documents, or accounts.

Mr. VEST. Undoubtedly it is not necessary for A to refuse to produce the papers; the *subpœna duces tecum* can go in the first instance as an original process; but the difference between a *subpœna duces tecum* and this extraordinary writ is that this writ is directed to nobody. When I proposed to the Senator from Massachusetts having charge of the bill to put it upon the basis of the *subpœna duces tecum* by saying that the warrant should go to Mr. A or to Mr. B or to a person named, he refused, because he said that that would defeat the very object of the section; that they did not want the party to know that it was supposed he had the paper until it was seized. What is that but an unwarrantable and illegal seizure and search? What right has any officer to give a roving commission? What limitation is there upon the execution of this writ except the discretion or indiscretion of the officer having it in charge? It is not directed to Mr. Brown, it is not directed to Mr. Smith, but it just says, "Go and find me the certificate of marriage between John Brown and Mary Jones."

Mr. BECK. Will the Senator from Missouri allow me to ask him a question? I voted for his amendment as being safer. I asked the same question of the Senator from Florida [Mr. CALL]. What does he understand is meant in line 20 by the words "proper warrant?" Does not that imply that it has to be a warrant in accordance with the Constitution, with all the provisions necessary to make a proper warrant? It is not necessary to repeat laws every time. Would not the words "proper warrant" embrace all that he suggests? If they do not they ought, I think.

Mr. VEST. The term "proper warrant" is not a legal phrase. The proper phrase here would be "due process of law," which has a legal signification, and that would be a writ directed to some person under the seal of the court, put in the hands of an officer of the court.

Mr. MAXEY. That has a well-defined meaning.

Mr. VEST. It has a well-defined meaning. But we are not at a loss as to what the term "proper warrant" means, because the Senator from Massachusetts having the bill in charge says it is a writ directed to nobody. He says if it were directed to anybody, that would defeat its very object. In other words, it is a roving writ to go and find the paper, given to a sheriff or constable in the discretion of the commissioner or the judge. He goes to the community and looks for the paper, and how he is to find it is a matter of his own unlimited discretion.

Mr. BECK. Mr. President, as I said, I voted for the amendment of the Senator from Missouri for fear that the section might have the bad effect that he suggests, and yet I thought perhaps that the committee by the use of the words "proper warrant" had guarded it sufficiently. I agree that no warrant ought to be issued, unless probable cause is first made out, to search the house of anybody, nor ought it to take a paper from any person, nor ought it to authorize the sheriff at his own will to go and seize and examine men and women to see if they had papers about their persons. Perhaps, if it is as the Senator from Missouri suggests might be done, if he goes after a paper and suspects that a certain woman has it, and that she has it concealed on her person, he is to take her and find it if he has to strip her on the street, and take it away from her on the suggestion of some other person. If that is to be the meaning of it I would be very ready to vote for an amendment of this kind, and therefore I propose to vote for the pending amendment to guard against abuse, unless the committee are entirely satisfied that the words "proper warrant" would prevent the abuse to which I refer.

I may as well say now all I care to say about the bill. I have been taking no part in the discussion, and I do not propose to engage in it.

I have been listening to it all I could, because I desired to do as little as possible that is harsh (certainly nothing that is illegal or unconstitutional), but I desire some effective law to be passed prohibiting polygamy in the Territory of Utah. I regard it as an organized conspiracy against the civilization of the age, a disgrace to the United States to permit it to exist in any Territory under our control. It is holding us up before the civilized nations of the world as coming very far short of our duty by allowing men under pretense that they religiously believe that they have the right to practice polygamy, to do so.

I have no respect for any such pretense of religion, nor would I allow a man to excuse himself under the pretense that he religiously believed in it in the Territory of Utah any more than I would in Kentucky or New York. He should go to the penitentiary for the offense in Utah just as he would in any State in the Union, if there is law enough in the United States to send him there.

I want to take the most efficient means to stop it and to stop it effectually, no matter if every Mormon has to be driven out of Utah. Better that than to have the United States stigmatized throughout the civilized world as standing with its arms folded and allowing these things to go on. But while doing that I desire to vote for just such provisions in the bill as will accomplish it, doing as little harm as possible, so that we make it sure that we do not temporize with it any longer, and deal with it effectually.

Mr. CALL. Mr. President, the difficulty in the question is that we have a Constitution and some obligations to conform to its provisions. The point I intended to indicate in my suggestion of a *subpœna duces tecum* was that the Constitution meant and the law recognized everywhere that a paper was the property of a person, and that it could not be arbitrarily taken away from the possession of that person without some reasonable cause and some judicial process; that we could not give a warrant—that is, the arbitrary power—to an officer of the law to seize and take the property of another person without some preliminary cause shown; that it would not be a reasonable seizure nor a reasonable search, and that no attorney would be permitted under our system of laws to appear in court and move for a warrant, a writ to an officer, to take possession of property without describing the place and the person, and without showing cause, and without an opportunity to that person to show cause why it should not be done.

That is what the Constitution has been interpreted to mean. This is a paper in the sense of the Constitution. No judge has a right to issue an order to an officer either describing the person or the thing without some cause shown and the opportunity to that person to show some cause why his property should not be taken. Therefore the subpœna which commands the person to bring the paper is the first process of the law. Failing to do that, the arbitrary power of the court comes in to punish him for refusing to bring the paper with him, as the language of the writ indicates.

But here we have a proposition to make a law that the judge of his own motion, or the prosecuting attorney, may ask for a writ to an officer to take a certain paper. That paper belongs to some one; it is the property of some person. Taking it is a seizure and involves the power of entry into his house and of search, although it subjects the officer to damage for a wrong entry; it involves the power of search, for an officer can not take a paper or enter into a house and take it, which may be necessary to be done, without the power to search, of seizure, although he is liable to damages. Still he has the right to enter and the power to enter under the protection of this act into the house of any individual where that paper may be, and to seize it, without an opportunity on the part of that person, provided by law, to produce it voluntarily. It is in that sense that in my opinion the provision is contrary to the fundamental law. The instance cited of a writ of replevin does not meet the case, although that is an arbitrary process and of doubtful validity in the view of the Constitution. Still it is preceded by proof that the property is that of the person in whose favor the writ issues, and an opportunity afforded by the procedure of a speedy determination of the fact.

Mr. HOAR. It may be proper briefly, as this is an important argument which is made against this bill, to restate the principle on which the section depends.

The section relates wholly to certificates, records, and entries made or kept by officers, clergymen, priests, or persons performing civil or ecclesiastical functions of marriage. The authority to perform the marriage ceremony makes of the person so authorized a public officer to that extent. Everywhere in this Territory, as well as everywhere else, marriages are performed by persons clothed with authority for that purpose, and this section makes the record made by such a public officer a public record and provides that any magistrate who has on trial before him a cause under this bill may require a certain public record by proper warrant to be taken by the officer and brought before him.

It is true that the form of this warrant is not prescribed in the section of the bill. It is not the practice in our legislation either in Congress or in any State Legislature to set forth the forms of civil and criminal warrants and processes. They are left to the courts, and the courts are governed and guided, controlled and limited by constitutional and legal principles; and it is a great deal better and safer to say that this warrant shall be a proper one framed by the court—the court at its peril would bring it within constitutional bounds—than it is to undertake to re-enact the Constitution or to prescribe the particular form of the warrant. So it seems to me that the committee has taken the wisest course in making this brief statement, simply that it shall be a warrant in proper form.

Now, as to the substance of the thing to which the honorable Senator from Florida refers, the Senate voted yesterday on full argument, by a large and decisive majority, that it was expedient for the purposes of justice to take the witness and bring him into court in certain cases where the magistrate was satisfied that he would avoid subpœna if that were served first; and yet it is argued that it is a great violation of public duty to provide that you may take a book. You may go into a man's dwelling-house and take him by the collar and bring him into court and make him recognize for his presence at the trial; and yet it is supposed that it is very hard that the court should be authorized simply to say that the officer may take a book and bring that into court.

I do not understand that this involves any authority for an unreasonable search or seizure. The saying that certain public records may be taken by a deputy sheriff or other civil officer on command of the judge, and brought into court for the judge's use, does not imply the authority to search private dwelling-houses or to seize private papers other than that mentioned in the warrant itself. The officer who has such a warrant must at his peril go and take the thing where it is found; and if he enters a dwelling-house without knowing that it is there and it proves not to be there, he becomes liable as a trespasser, just as in the case which was put just now of the replevin. To be sure the replevin suit ordinarily mentions a defendant, though there are cases of processes where property is seized in possession of certain persons unknown, especially property alleged in a search-warrant in case of larceny, search-warrants for property alleged to be stolen. But in the ordinary case of replevin the officer is authorized to seize a chattel, a piece of furniture; he enters a house, and if the thing be there he is justified in his breaking and entering and taking off. It is necessary. If the thing be not there he is a trespasser. He must ascertain at his peril where the thing to be seized is, and that undoubtedly would be the law applicable in this case.

Mr. CALL. The Senator will allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. CALL. The bill speaks of—

> Every certificate, record, and entry of any kind concerning any ceremony of marriage, or in the nature of a marriage ceremony of any kind, made or kept by any officer, clergyman, priest, or person performing civil or ecclesiastical functions, whether lawful or not.

Now, I will ask the Senator from Massachusetts if a priest of the Catholic Church perform a marriage ceremony whether the ecclesiastical certificate of that priest is not the private property, in the sense of the Constitution, the paper of a person, and whether that is made by the act a public record and whether the bill does not authorize the court to send an officer to seize and take that paper without any request or without intimation to that priest?

Mr. HOAR. Certainly it does and it should, and it seems to me there is no earthly reason based on constitutional law or any doctrine of civil liberty or private right why it should not be. It seems to me that it is not only fitting and proper, but that it is eminently fitting and proper that the record of a marriage should be made a public record and should be required to be produced if needed for the purposes of justice. It is an act upon which the morals of the community depend; it is an act upon which the legitimacy of children depends; it is an act upon which inheritance depends, the descent of property and the distribution of property, and it is eminently proper to say by the legislative power that the persons who are clothed by the law with the public function of performing this most important ceremony shall hold their records always subject to the inspection of the law for all purposes.

Mr. CALL. I did not ask the Senator whether it was proper or not. I asked him whether that certificate entered upon that ecclesiastical book of that priest of the Catholic Church was not a paper, and whether that use of it by that Catholic priest was not a use in the sense of the Constitution in reference to which there could be no unreasonable seizure or search, and whether some intimation of the necessity of the production of that paper was not a proper and necessary predicate before the arbitrary power should be given a court to insist on its production.

Mr. HOAR. Whatever the church may say, the law everywhere, both in Catholic and Protestant countries, treats marriage as a civil contract, and the authority of the priest is not the authority conferred on him by his church; still less is it a private authority conferred by the parties. He is performing a public function as a public officer, and his record in that respect ought to be public. You might as well say that the Secretary of this Senate would be entitled to hold the records of the doings of this body in his private house as his private property, and that an order of the Senate to the Sergeant-at-Arms, or an act of Congress authorizing the Sergeant-at-Arms on the command of the Senate to go and take its Journal wherever it could be found and bring it before the Senate for its use was a violation of that private property. It depends on precisely the same principle.

Mr. CALL. Mr. President, if this provision of this bill was susceptible of defense, the honorable Senator from Massachusetts could defend it, for there is no point of truth which his intellect is not capable of receiving and no just discrimination which he is unable to draw.

But the proposition in objection to this bill is not that every marriage is not a civil ceremony and the proper subject of law in this country, not that the law may not and ought not to require the production of a certificate of marriage and its record—there is no objection to that—but the point is that although the law has provided or shall provide for the record of that certificate, here is a provision to take the private ecclesiastical papers of the church or the priest and to take them by an arbitrary writ of seizure without notice, without the opportunity to produce them; and the question is whether the entry of that officer, armed with the power of the law, to take possession of that record of the church and not of the civil magistrate, whether the power to seize that record and search that house without the opportunity to produce it upon a proper demand, is not an unreasonable search and an unreasonable seizure in the sense of the Constitution.

Mr. SLATER. I do not think the explanation given by the Senator from Massachusetts relieves this question from the difficulty presented. I agree with him that the parish register is at least a quasi-official record and may be properly, and I presume is frequently, brought before the courts to establish a fact in relation to a marriage. It is customary, however, in all marriages and generally required in many of the States at least, that the officiating clergyman or magistrate shall give the persons a marriage certificate, to one or both. These certificates issued by the parish priest or by the clergyman or by the justice of the peace or whoever may be the officiating officer are certainly in the nature of private property, and in a large majority of instances probably are carried and religiously kept, especially by the women, as a means at any time of establishing the fact that they were properly and formally married.

This is certainly a private paper, and this bill would reach this paper as well as the official record; so that in any view you may take of this section it does give power to enter the domicile and inspect the private papers of individuals.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri [Mr. VEST], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here I should vote "yea." I do not know how he would vote.

Mr. HILL (when his name was called). I am paired on this question with the Senator from Louisiana [Mr. GIBSON].

Mr. HOAR (when his name was called). I am paired generally with the Senator from Tennessee [Mr. HARRIS]. I do not know how he would vote on this question.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN]. If he were here I should vote "yea" on this amendment.

Mr. MILLER, of New York (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. MORGAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were here I should vote "yea."

The roll-call was concluded.

Mr. BECK (after having voted in the affirmative). I am paired with the Senator from Maine [Mr. HALE]. I am advised since I voted that if present he would vote "nay." Therefore I withdraw my vote.

Mr. MCMILLAN. My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. KENNA]. My colleague, if present, would vote "nay."

Mr. KENNA. I announced my pair with the Senator from Minnesota [Mr. SABIN], and now I announce that the pair of the Senator from Wisconsin [Mr. SAWYER] with my colleague [Mr. CAMDEN] is transferred so as to pair my colleague with the Senator from Minnesota [Mr. SABIN]. I vote "yea."

The result was announced—yeas 19, nays 24; as follows:

YEAS—19.

Bayard,	Farley,	Jones of Florida,	Slater,
Brown,	George,	Kenna,	Vance,
Butler,	Hampton,	Lamar,	Vest,
Coke,	Jackson,	Pugh,	Walker.
Colquitt,	Jonas,	Ransom,	

NAYS—24.

Bowen,	Dolph,	Lapham,	Pike,
Cameron of Pa.,	Edmunds,	McMillan,	Plumb,
Cameron of Wis.,	Garland,	Manderson,	Riddleberger,
Conger,	Harrison,	Miller of Cal.,	Sawyer,
Cullom,	Ingalls,	Mitchell,	Sewell,
Dawes,	Jones of Nevada,	Morrill,	Wilson.

ABSENT—33.

Aldrich,	Frye,	Logan,	Sabin,
Allison,	Gibson,	McPherson,	Saulsbury,
Anthony,	Gorman,	Mahone,	Sherman,
Beck,	Groome,	Maxey,	Van Wyck,
Blair,	Hale,	Miller of N. Y.,	Voorhees,
Call,	Harris,	Morgan,	Williams.
Camden,	Hawley,	Palmer,	
Cockrell,	Hill,	Pendleton,	
Fair,	Hoar,	Platt,	

So the amendment was rejected.

The PRESIDING OFFICER. Are there further amendments to section 5? If not, the next section will be reported by number. [A pause.] No amendment being offered to section 6, section 7 will be called.

Mr. HOAR. I move to strike out section 7. I do that on my own account and not as representing the committee, who are in favor of the section.

Mr. VEST. I desire to offer an amendment to that section.

Mr. HOAR. That will take precedence of the motion to strike out.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] offers an amendment to section 7, which will be read.

The CHIEF CLERK. In line 2 of section 7, after the word "Utah," it is proposed to insert "the District of Columbia, or any Territory of the United States;" so as to make the section read:

SEC. 7. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah, the District of Columbia, or any Territory of the United States, for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

Mr. HOAR. The Senator from Missouri proposes to repeal a provision of law which has been adopted on full consideration and on a popular vote in the Territories of Wyoming and Washington. Now, whatever may be his opinion of woman suffrage, I submit to him whether he is so far prepared to depart from the Democratic faith as not to permit the people of those Territories, having passed a vote on the subject, to fix their own institutions in that respect as they please?

Mr. SLATER. I should like to say to the Senator from Massachusetts that the allowance of suffrage to women in Washington Territory was not by a vote of the people, but by a very inconsiderate vote of the Legislature, one that they are likely to take back.

Mr. LAPHAM. I submit to the Senator from Missouri that his amendment would not accomplish the object he has in view if it should be adopted. There is no other way of reaching the question of suffrage in Washington or Wyoming Territory except by an act of Congress annulling the law of the Territory which confers it. We must act directly upon their legislation in order to reach that. This amendment will not do it.

Besides, this amendment is wholly foreign to the object and purpose of this bill. Therefore it ought to be rejected. I submit to the Chair that it is out of order as an amendment to this bill. It is not germane to the purpose of this bill.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment.

Mr. HARRISON. Does the Senator from Missouri move to strike out the concluding clause of the section?

Mr. VEST. No; I shall move to amend that hereafter. I intend to amend that. I want now to test the sense of the Senate as to the general proposition whether they intend to have woman suffrage in any of the Territories.

Mr. President, it has been my understanding that the basis, or at any rate one of the great questions, upon which the Republican party planted itself was the inviolability of suffrage, "a free ballot and an honest count," and that this "free ballot and honest count" was coequal with human rights, and that the object and mission of that party would be accomplished when the free ballot with the honest count was extended to all the States and Territories of the entire Union.

Woman suffrage was adopted fourteen years ago according to law in the Territory of Utah. The history of its adoption is a very peculiar one read in the light of recent and present events. It was mooted in Congress that suffrage should be given to the women of Utah in order to rescue them from the hierarchy which exercised ecclesiastical tyranny over them, and in order to put in their hands, as some years ago it was claimed in regard to the negroes, the instrumentality of the ballot for their own protection. Eloquent speeches were made from the pulpit and the hustings describing the poor, emaciated, and suffering women of Utah, driven like slaves by the priests of this false religion and made to minister to the lust and pander to the appetites of their masters and tyrants. And it was said in the Halls of Congress, conspicuously by Mr. Pomeroy, of Kansas, in the Senate, and Mr. Julian, of Indiana, in the House, that if this great instrumentality of the ballot was once placed in the hands of the women of Utah and the Stars and Stripes should be erected above that Territory to protect the free use of the ballot, Mormonism would receive a death blow and immediately cease to exist.

Pending this discussion and in view of these eloquent harangues in press and in pulpit and on the hustings, the Legislature of Utah passed an act giving the right of suffrage at every election to the women of that Territory. Fourteen years have elapsed, and the same gentlemen who then desired the ballot to be given as an instrument of protection now want to take it away because the women vote early and vote often for polygamy to the largest extent. All testimony goes to the effect that the women who vote are unanimously in favor of it. So to-day we have the extraordinary spectacle of the party of progress, of universal suffrage, of unqualified and unlimited human rights, desiring now to invade the sacred palladium of the ballot-box and tear the ballot away from these women who are unwilling to give it up.

Why, Mr. President, if the ballot is sacred in one place, by all the rules of logic it ought to be sacred everywhere. Once given, it ought never to be taken away. If you break it down in one place—and I warn my Republican brethren now of the danger that awaits the Republic—if you break it down in one place, like the crevasse in the levee you but open the way to a flood of waters that will sweep away the last vestige of a free ballot upon this continent. If you destroy it, if you touch this sacred crystallization of the will of the people, in one single township or Territory in this broad Union, you strike a mortal and deadly blow at free suffrage everywhere.

Sir, as a Democrat I protest against it. I protest against this innovation and outrage that the Republican party is about to commit upon a people to whom they have deliberately given the suffrage and guaranteed to them the right to express their opinions upon public questions at the polls.

And, Mr. President, on the other side of the question, if suffrage in Utah is wrong when given to women, female suffrage is wrong everywhere. If you strike it down in Utah, it must be for the specific reason that every woman there is a polygamist, and yet there are some as pure wives and mothers in that Territory as exist upon the face of the earth; and if you strike it down in Utah because it is simply female suffrage, then logically you ought to eradicate it from every foot of American soil.

For my part, sir, if the doctrine is to be adopted I want it made universal and without exception. If we are to protect the family altar, the home, the doctrines of our religion that make the man the head of the household and the woman the deity who presides over the hearthstone, if we are to adopt that principle, let it be as universal as the dominion of our flag. If wrong in one place it is wrong everywhere; and I call upon my Republican brethren, for many of whom I have so warm an affection, to come now up to the standard which they themselves have erected. If the giving the right of suffrage to the women of Utah or any portion of the United States be an evil, then let us be consistent and strike down the monster wherever our laws can reach it.

Mr. CONGER. I call for the reading of the amendment of the Senator from Missouri.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be read.

The CHIEF CLERK. In section 7, line 2, after the word "Utah," it is proposed to insert "the District of Columbia, or any Territory of the United States;" so as to read:

That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah, the District of Columbia, or any Territory of the United States, for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever, &c.

Mr. CONGER. Mr. President, I desired to have that read that it might appear as near as might be to the very eloquent protest the Senator from Missouri has made against taking away the right of woman suffrage anywhere.

Mr. CALL. Mr. President, I am opposed to the amendment of the Senator from Missouri and in favor of striking out this section of the bill. I am opposed to it for the same reason that I am opposed to this bill, and I will take this occasion to submit a very few observations that I desire to put upon the record in regard to the bill itself.

As I understand the Constitution of the United States and our form of government, it is a government of personal rights, a government of religious freedom of opinion and action, and a government founded upon the principle of local self-government in all respects not confided expressly or by necessary implication to the National Government. At all times the right of legislation upon those things that concern the family relation, that concern the home, the security of the individual, the security of their houses and of private property, has been conceded to be within the province of local self-government. The distinction of the State governments means no more under our Constitution with all the sovereign rights of the States than the sovereign right of legislation in regard to those things which concern local self-government, namely, freedom of religious thought and action, freedom of speech and freedom of the press, the right of personal security and private property.

It can not be questioned that this principle of local self-government is an underlying and fundamental principle of all our institutions, and that there is no power conceded to the National Government to take it away from any portion of the people, for it would be a strange rule of interpretation either of an agreement or a constitution that it should be so interpreted as to destroy the leading and essential objects for which it was created. Therefore the incidental power committed to Congress to make needful rules and regulations for the Territories has been more than once adjudicated by the highest tribunal of the country not to give the power to Congress to interfere with the individual and personal rights guaranteed by the Constitution to individuals in the Territories.

It is apparent, therefore, that there is no power in this Government, no rightful power to interfere with any of those personal rights, and that the power of local self-government except in those respects in which it is necessary to assert some constitutional provision, some necessary power of the National Government in the Territories, by analogy should be as it always has been, and as it now is excepting only this bill or the Edmunds act confided to the people of the Territories.

Now, sir, I am opposed to interfering with this principle of self-government, because it is the foundation of our institutions. There is no prescription in the Constitution that the people of any particular locality are alone fitted for government, and that the right to control their domestic institutions shall belong to them and not to others, but, on the contrary, the principle of our form of government is the capacity of the people for self-government; and whatever legislation shall deny the capacity of the people for self-government is a denial of the principles of the Constitution and an assertion that our political institutions are placed on a false foundation. The District of Columbia and the places ceded by the States to the United States are the only territory over which the Constitution confers on the United States the exclusive power of government, and there it can not be doubted that the powers of government must be exercised subject to the fundamental principles of civil and religious liberty guaranteed by the Constitution to all citizens of the United States.

We propose by this amendment to take away from the people of the Territories the right to legislate through their Territorial Legislature in regard to their own local and personal interests and institutions. Having invested them with this power, we now propose to deprive them of it and to invest the entire power of government over them not in Congress, not in the President, but in commissioners. We have already taken away from all the women of a particular sect or form of religion the right to vote. And we now propose to take it away from all the women of that Territory and leave it to the women of other Territories, without expressing any opinion on the subject of woman suffrage. I regard this legislation as entirely wrong.

Mr. FARLEY. That is the original bill.

Mr. CALL. What does the Senator mean by that?

Mr. FARLEY. The original bill takes female suffrage away in Utah.

Mr. CALL. The Senator refers, I suppose, to the act of 1882, known as the Edmunds bill. That right having been acquired by them under the original act, we now propose to take it away from them. Whether it was given by an act of Congress or whether it was given by an act of the Territorial Legislature, it has been accepted by them and acted upon by them, and it therefore now derives precisely the same force as if it had been originally enacted by them. If they desire to have it done away with and you are acting upon any petition of the women of Utah, that is another question.

But Congress is now asserting practically, in whatever form it may be, the right to speak for them, to control the suffrage against the wishes of the people of the Territory, to disfranchise a part because of their form of religion and to enfranchise another part because of their form of religion; and the bill as it stands has precisely this effect, and the amendment of the Senator from Missouri extends this disfranchisement of women to all the Territories and the District of Columbia, without reference to the will of the people in these Teritories. The conditions of suffrage belong to the States, and if the people of a Territory wish to prescribe the conditions of suffrage for themselves, so long as it is consistent with republican government I can see no reason why Congress should interfere.

I am opposed to this entire bill, and I am opposed to it because it is an attack upon the principles of the Christian religion, upon the instrumentalities of the Christian religion; because it ignores and denies the power of our system of civilization and of morals to overcome error, whether secular or religious; because it proposes to revive the practices of the Dark Ages, and to substitute for the freedom of the press, for the power of religious thought, for the teaching of the gospel the sword of civil justice, the power of the secular arm, the force of criminal law to punish thought and create opinions by law. That has been tried in all times. The history of the world is full of it and full of its lamentable failures. It is a proposition to substitute for all the instrumentalities of our free civilization the power of the State, the punitive power of criminal law, the confiscatory power of the law, and it proposes to do it not only in defiance of the principles of our Constitution, but of the very letter of the Constitution.

I am opposed to this bill because it asserts and assumes the principle that it is competent and lawful for Congress to prescribe in the form of law that the citizen of a Territory shall live in polygamy or shall not live in polygamy, and I assert it to be a logical proposition that if Congress has the power to prescribe the condition of social life it may prescribe either polygamy or monogamy. Now, I will go to any length or to any extent within the limit of our constitutional power in the punishment of polygamy as an offense against the social order of a community—a Territory. I make no complaint of that. But I would myself vote in analogy to the laws of the States and to the general current of public opinion of this country, that in the organization of a Territory its law should make polygamy a criminal offense; but I would carefully draw the line of distinction between a criminal offense and making war upon the opinions, upon the belief, upon the religious sentiments of a people.

While I would prescribe as the cardinal law of that Territory, until it had become a State, that its system of social life should be in conformity to that which prevails throughout this country, to the social order of

the States; while I would indict and punish offenders against the law, I would not seek as this bill does to make war upon an opinion, upon a sect, upon a religion; for Senators may discriminate as they please, but the fact is broadly prominent that when our Constitution was adopted providing that there should be no law respecting any establishment of religion nor any act of Congress prohibiting the free exercise thereof, the Mohammedan religion prevailed over a great part of the world. It had been a power well known throughout all Europe for hundreds of years; and the Mohammedan religion was a polygamous religion. It was known to the founders of our Constitution that as between the Christian and the other religions of the earth the doctrine of monogamy and polygamy were contradistinguishing features; that while the one, monogamy, characterized our order of social life, the other has had as its essential characteristic the contrary, or polygamy. Therefore it can not be supposed that the founders of this Government and the makers of this Constitution in using the term "religion" did not contemplate it in the broad sense as the opinion or belief which men had in regard to divine or supernatural powers and the "exercise of religion" as the mode of life, the observances which they believed were necessary or proper in the observance of that religion.

It can not be assumed, therefore, that in making this Constitution and using the term "religion" and the "free exercise thereof" the founders of the Government did not intend to forbid Congress from legislating upon that subject. It is equally manifest that it was intended to refer to the States the power to prescribe the social relations, the domestic relations of the people, and the order of social life, and however sovereign may be the powers of Congress to make "needful rules and regulations over the territory of the United States," it has never contemplated that these should concern the form or religious belief or actions of the people, or should deny to them the principles on which the Constitution is formed, and while, therefore, from the necessity of the case Congress must legislate on the organic law of a Territory, prescribing the condition of the social order and may prescribe that polygamy shall be a crime, they have no right to deprive the people of that Territory of the right of self-government in order that it may be punished.

And now, sir, what have we here? We have not a bill proposing to punish polygamy as an offense against social order, but we have a bill proposing to destroy a sect because it believes and teaches polygamy. We have an enactment affirmed by a large portion of this Senate, an enactment proposing to destroy a religious sect, because, as the act and the precedent act known as the Edmunds bill affirm, they are the teachers of polygamy. Now, let us see, Mr. President:

SEC. 9. That the laws enacted by the Legislative Assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled.

* * * * * * *

SEC. 10. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father.

SEC. 12. That the acts of the Legislative Assembly of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called general assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, so far as the same may preclude the appointment by the United States of certain trustees of said corporation as is hereinafter provided.

Here is a direct enactment respecting "an establishment of religion," intended to "prohibit the free exercise thereof," not to punish the act of polygamy, but to punish and destroy a sect. It is a bill to make war upon opinion, a bill to create opinion by act of Congress, to declare by law what religion shall be and what it shall not be. If this Congress may declare that this, that, or the other form of religion is not true religion, it is equally competent for the next Congress to declare that the Presbyterian religion, the Protestant religion, the Baptist religion, the Methodist religion is not true religion, or that the Catholic religion is not true religion. It may prescribe upon the logic and the authority of this bill in every Territory and in the District of Columbia, and so far as the power of this Government extends, what is and what is not religion, and declare that to be religion which Congress shall declare to be so, for it can not be denied that this bill is not a bill to punish polygamy, but it is a bill to destroy a particular sect, a bill to destroy certain opinions, a bill to revive the practice of the Dark Ages and to bring the power of the secular arm of the state to affect public opinion and change that opinion which we say and believe is not a correct religious opinion.

But, Mr. President, the bill does not stop there. Under the pretense of confiscating the property of corporations in excess of $50,000, prescribed in the organic law of the land, what does it do? The great hierarchy of the Catholic Church, with her vast power for good, with her vast institutions of practical charity, with her great conservative influence which she possesses and which she is exercising for the welfare of mankind, possesses a hundred times the property of this corporation, throughout all the States, in the Territories, and in the District of Columbia, while the great Protestant organization, contributing so much to the civilization of the world and upholding its great charities, possess a hundred times the property of this corporation in the Territories and in the District of Columbia, and it is held by their trustees and by individuals for them. Under the pretense of destroying the property of corporations in excess of $50,000 in the Territory of Utah, the bill provides for the confiscation of the religious property of the Mormons, and leaves the other untouched. And it provides that the United States shall appoint trustees for the remainder of the property of the Mormon Church; and the people of this religion shall have no control over their own property—their own churches, their own houses of worship. What is the reason for this discrimination? Can it be denied that it is because Congress says we have decided that the Mormon religion is a false religion, and teaches polygamy, and our people are opposed to its teachings; and therefore we declare it to be a false religion; and will proscribe it and persecute and punish its adherents, and extirpate it by law?

Mr. BROWN. Will the Senator from Florida allow me to interrupt him a moment?

Mr. CALL. Certainly.

Mr. BROWN. I will state to the Senator from Florida in that connection that I find by looking to the public statutes of Massachusetts that they permit the holding of church buildings by the Catholic Church, no matter how valuable they are; there is no limit; and then each parish may own $100,000 of property besides.

Mr. CALL. I say it is manifest that the purpose of this bill is not an honest attempt to deprive corporations of property in excess of $50,000, but its purpose is to destroy the Mormon religion, the Mormon Church, the Mormon faith.

Now, sir, I am opposed to the bill, first, because it is an effort to establish a form of religious belief by act of Congress; second, because it is violative of the great and essential principle of all our civil institutions, Federal and State—that is, freedom of thought, freedom of religious opinion—because it substitutes an inferior power for the Divine power, for the religion of Christ, the power of the law; the state in the establishment of religion; of social order to take the place of the Catholics, the Baptists, the Methodists, the Presbyterians, to take the place of the influences of every religion, because it is violating the very civilization upon which this Government rests and its underlying principles.

Now, Mr. President, this bill proposes to confiscate and take away the property of this sect, this church, this body of men professing religious opinions, however erroneous, however idolatrous, however Pagan they may be (and as a Christian I am opposed to it as much and as far as others), because of their opinions, and to apply it arbitrarily to public schools, without their consent and without just compensation to them, on the pretense that the act of 1862 provided that real estate in excess of $50,000 held by any religious corporation should escheat and be forfeited to the United States—real estate held by any religious corporation in this Territory over and above $50,000. If it be the policy of the law that no corporation shall own more than $50,000 in real estate, and it is intended merely to enforce this, why is it necessary to deprive them of that property? Why not require them to sell their property in excess of $50,000 and convert it into something other than real estate and apply the money to other uses? Can it be denied that this is confiscation, without trial, without fault, on the ground of an alleged public policy, but in fact a law respecting an establishment of religion and for the purpose of "prohibiting the free exercise of such religion?" Can it be denied that this is taking private property, not for a public use, but without a public use and without any compensation?

It can not be denied that this confiscation of the property of this religious sect, this spiritual hierarchy as it is called, because they teach certain objectionable and dangerous opinions as we think, is intended to extirpate them as a sect. That is the object; it is an open and undisguised war upon an establishment of religion; it is an attempt to create opinion by law; it is an attempt to substitute the secular arm of the state for the instrumentalities of Christ, who said unto Peter, according to the Gospel of Saint Matthew, "Put up again thy sword into his place; for all they that take the sword shall perish with the sword. Thinkest thou that I can not now pray to my Father, and He shall presently give me more than twelve legions of angels." And from that day to this there has been no moral reform, there has been no triumph of Christianity, there has been no progress of civilization, there has been no permanent establishment of the monogamic order of life in the place of polygamy except by the power of the ministry, of moral suasion, of intellectual progress, of the priest, of the press, the preacher, the teacher, the scientist, and yet we are asked in this bill to disregard entirely these ministries, to return to the practices of the Dark Ages, and to attempt to substitute the power of legislation and confiscatory punitive enactment to suppress an error of opinion, an error of belief, a superstition. Sir, I think that this bill is utterly indefensible. I think it is a perpetuation of polygamy.

I desire before closing the brief remarks which I have made to submit a few quotations from the early history of the Christian religion, of the monogamic order of life on this subject. I read from Gibbon's Decline and Fall of the Roman Empire a history of this same enactment, the same bill we have now before us, this same policy of bringing the secular arm of the state to advance the purposes of religion, the same

policy of punitive and confiscatory laws, it matters not whether it is by blood or lesser penalties, the same principle of teaching religion and morality and good order by suppressing particular sects who entertain certain opinions, the same public policy of subjugating human thought and will and religious opinion by punitive enactments, of declaring by law what is and what is not religion, and what men shall and shall not believe by either the direct precepts of the law or its indirect effect. I read from Gibbon's Decline and Fall of the Roman Empire. Speaking of the reign of Justinian, the historian says:

The Samaritans of Palestine were a motley race, an ambiguous sect, rejected as Jews by the Pagans, by the Jews as schismatics, and by the Christians as idolaters. The * * * cross had already been planted on their holy mount of Gerizim, but the persecution of Justinian offered only the alternative of baptism or rebellion. They chose the latter; under the standard of a desperate leader they rose in arms and retaliated their wrongs on the lives, the property, and the temples of a defenseless people. The Samaritans were finally subdued by the regular forces of the East; 20,000 were slain, 20,000 were sold by the Arabs to the infidels of Persia and India, and the remains of that unhappy nation atoned for the crime of treason by the sin of hypocrisy. It has been computed that 100,000 Roman subjects were extirpated in the Samaritan war, which converted the once fruitful province into a desolate and smoking wilderness. But in the creed of Justinian the guilt of murder could not be applied to the slaughter of unbelievers, and he piously labored to establish with fire and sword the unity of the Christian faith.

But yet we see, Mr. President, that from that time to this, as we shall see in another paragraph of this work, this act closed the progress of the Christian religion, prevented the establishment of the order of monogamy which we are seeking to establish, and gave that country and its races to polygamy from that day to this.

Again, in another place, the historian says:

A Jesuit, Alphonso Mendez, the Catholic patriarch of Æthiopia, accepted in the name of Urban VIII the homage and abjuration of his penitent. "I confess," said the emperor on his knees, "I confess that the Pope is the vicar of Christ, the successor of St. Peter, and the sovereign of the world. To him I swear true obedience, and at his feet I offer my person and kingdom." A similar oath was repeated by his son, his brother, the clergy, the nobles, and even the ladies of the court; the Latin patriarch was invested with honors and wealth, and his missionaries erected their churches or citadels in the most convenient stations of the empire. The Jesuits themselves deplore the fatal indiscretion of their chief, who forgot the mildness of the gospel and the policy of his order to introduce with hasty violence the liturgy of Rome and the inquisition of Portugal. He condemned the ancient practice of circumcision, which health rather than superstition had first invented in the climate of Æthiopia. A new baptism, a new ordination, was inflicted on the natives; and they trembled with horror when the most holy of the dead were torn from their graves, when the most illustrious of the living were excommunicated by a foreign priest.

In the defense of their religion and liberty, the Abyssinians rose in arms, with desperate but unsuccessful zeal. Five rebellions were extinguished in the blood of the insurgents; two abunas were slain in battle, whole legions were slaughtered in the field or suffocated in their caverns; and neither merit, nor rank, nor sex could save from an ignominious death the enemies of Rome. But the victorious monarch was finally subdued by the constancy of the nation of his mother, of his son, and of his most faithful friends. Segued listened to the voice of pity, of reason, perhaps of fear; and his edict of liberty of conscience instantly revealed the tyranny and weakness of the Jesuits. On the death of his father, Basilides expelled the Latin patriarch, and restored to the wishes of the nation the faith and the discipline of Egypt. The monophysite churches resounded with a song of triumph, "that the sheep of Æthiopia were now delivered from the hyænas of the West;" and the gates of that solitary realm were forever shut against the arts, the science, and the fanaticism of Europe."

Mr. President, history repeats itself. From that day to this—I challenge denial of the assertion—no moral reform, no religious institution, no permanent form of religious opinion has ever been maintained by the power of legislation alone. The Christian religion owes its success and the monogamic order which is the foundation of our state is the result of moral suasion, of intellectual culture, of religious teaching by the Methodists, the Baptists, the Presbyterians, and the Catholics, the preachers of all churches, the teacher, and the press. It is the power of the Christian religion, and you can not enforce, you can not create opinion, whether secular or religious, by law. It is treason to the principles of our Government to attempt it. It is a violation of all the traditions of our history. It is a wrong to that freedom of opinion, of speech, and of the press and of thought which is the efficient cause of our great progress; and which after an eventful struggle of many centuries, between the social order of monogamy which has been developed under the law of Christ and polygamy under the Mahommedan or Oriental life, has given in these later centuries signal triumph to our civilization, our relation of one wife and one husband, and made it the foundation of the social order of the great nations of the world.

Mr. President, if I had the power of legislation upon this subject I would enforce by such punitive laws as are customary and within the scope of our Constitution the punishment of offenses against the established social order of polygamous marriage; but I should carefully endeavor not to make war upon a sect, upon an opinion. I should send the preachers of the Christian Church to combat and overcome it. I should send the gospel of Christ there, with His great commission, "Go ye into all the world and preach the gospel to every creature;" and if this thing be not within the power of Christ's religion, if it can not be assailed by the influences of our civilization, if it is stronger than that, there is no power in confiscating and punitive laws that can destroy it. But, sir, I have an abiding faith in the power of the Christian religion. Its triumphs have been for 1,800 years, and they have ever been when its followers adhered to the doctrine of the Saviour: "He who takes the sword shall perish by the sword."

It is philosophically true that freedom of thought, freedom of the press, religious teaching, that charity which covereth a multitude of faults, can not come in contact with uneconomical laws, with uneconomical institutions, with error of opinion, religious or secular, without triumphing over them, and we need not destroy the principles of a government of over 50,000,000 people and substitute the principles and practices of the Dark Ages because a few misguided people in the Territory of Utah are following upon the old and forbidden paths of centuries ago. We need not refuse to acknowledge the facts which these statistics disclose: the absence of crime, their sobriety, their contentedness, their wonderful industrial success, the excellence of their public schools; the absence of prostitution as it exists in our great cities; the innocence of children, and the absence of poverty and want. However great may be our detestation of polygamy, let us recognize the power of a Christian civilization to overcome it by the aid of these very virtues which even in a polygamous community are possible only because of the light and influence of our Christian civilization, and which will surely make polygamy disappear in the further development of these people under the influence of a public opinion and a public policy adverse to it, unless we unwisely give to it the force and energy which persecution and severe laws will create.

Sir, the Mohammedan religion, which for five hundred years seemed to be upon the very verge of overcoming Christianity with fire and sword and a development of human intellect inferior to no nation of that time or people of that time, has disappeared before the law of Christ and the monogamic order. We have overcome them and they are disappearing before us not by our using the old and forbidden and rusty weapons of civil and secular power, but by the power of our complex civilization, by the lecture-room, the press, the scientific school, by the freedom of person, by the right of private property, and by all those things that make us the greatest and most powerful people in the world, making with our English brethren across the ocean the power that upholds the civilization and the enlightenment of the human race.

I trust, Mr. President, that we shall not ignore these great principles; that we shall not unnecessarily violate the right of local self-government; that we shall, so far as it be possible, confine ourselves within the rights of person guaranteed in the Constitution; and that, while we uphold in our laws monogamy as the only proper social relation, we shall leave Mormonism, as a religion, as a superstition, to the preacher and the teacher, to the Catholic, the Baptist, the Presbyterian, the Methodist, the clergymen of all denominations. I have faith in them. I shall never consent to make them inferior to the secular arm and discredit the efficiency of their great work and rely upon Congress, by legislation, to make opinion. I shall never consent to a public policy of confiscating church property because the religion taught in it is a gross superstition. I shall not consent to a law which punishes innocent children because their parents have brought them into the world without the sanction of that religion and that law which I believe to be the only true religion and the only just law. However much I desire to extirpate polygamy, I can not consent to degrade our own married relation in order to make an ineffectual effort to accomplish it. However much I desire to destroy Mormonism, I can not do violence to the religion of Christ in a vain and useless effort to accomplish it by violence and persecution.

Mr. BROWN. Mr. President, I agree with the Senator from Massachusetts that section 7 should be stricken off this bill, and in that connection I wish to say distinctly that I am opposed absolutely to female suffrage and would under no circumstances vote for it in my own State, but I think it is a local institution that belongs to the different States and Territories; and as it has been established in Utah by a vote of the people of Utah, I would not vote to disturb it. I shall, however, vote for the amendment of the Senator from Missouri first, to see whether we can perfect this section. If the section is to pass, then I say it ought to apply alike to all places where the United States have jurisdiction. If it is a proper rule in Utah, it ought to be in Washington or any other Territory, or in the District of Columbia. Therefore if we are going to pass a law of that character, I should want it to apply alike to all, but I should be opposed to the passage of any of it. Hence I shall vote for the amendment of the Senator from Missouri; and if it should succeed I shall then vote against the entire section and leave the question to the local authorities to establish female suffrage or not as they think proper.

While I am on the floor I wish to say a few words more about this bill and the original Edmunds act, as it is called, and I was about to read one section of that act, but I will not detain the Senate by reading it. I will simply refer to the fact that the eighth section of the Edmunds act, as each Senator knows, renders every polygamist and bigamist ineligible to vote or to hold office or to hold other public trusts. To that I make no objection. I do not object to the penalty, whatever it may be, applied to bigamy or polygamy, but I do object to inflicting the punishment until the party is convicted of the crime. In other words, when a citizen of Utah is convicted of the crime of practicing bigamy or polygamy, then I say disqualify him for voting or holding office or other public trust if you please, but understand it is a punishment. The Supreme Court of the United States has decided in the test-oath cases that to deprive a person of civil rights is punishment.

Mr. EDMUNDS. But voting is not a civil right, as the same court has decided.

Mr. BROWN. The right to hold office is a civil right. I read plenty of authorities when I first discussed this question at this session where courts of the highest authority have decided that an office-holder has a property in his office, and the Supreme Court of the United States has decided that it is punishment to take that property from him.

Then this is an open violation of the principle laid down by the Supreme Court of the United States. We punish a party for the offense of bigamy or polygamy without convicting him by due course of law, without his having the benefit of trial by jury and confronting the witnesses against him, or having any of the other safeguards thrown around him by the Constitution of the United States. We punish him how? The commission that we have sent to Utah has prescribed a test-oath. Looking at the eighth section of the Edmunds act, that which disqualifies a man to vote or hold office, instead of prosecuting those who are guilty and getting judgment against them and having them legally convicted and then disqualifying them, they did it by the shorter and I suppose simpler process of a test-oath, which they tender to every voter, and if he does not take it they deny to him the right to vote or hold office or hold any of the other civil positions provided against in the eighth section of the act.

Now, I submit with all due deference that that is in open violation of the Constitution of the United States. It is in open and palpable violation of the constitution of the State of Massachusetts. The constitution of the State of Massachusetts is very emphatic and very positive that no one shall be punished for any offense until he has been convicted by due course of law. That is the constitution of my own State and I presume the constitution of every State in the Union, and yet we violate that principle openly and palpably in our practice in Utah. We say, and I do not object to that, that the bigamist or polygamist shall not vote or hold office; but how do we determine whether he is a bigamist or polygamist? We do it by putting a test-oath to him, and if he will not take the test-oath we exclude him; in other words, we convict him because he refuses to take and we inflict a punishment on him because he will not take the test-oath.

I think every Senator here must know that we have no right to take from a man his office because he refuses to take a test-oath or to swear whether he is guilty or not guilty of a particular offense. Not only that; the commissioners have gone further, and in a case where the party practiced polygamy prior to the passage of the act of 1862 in the case of Neslin, where he practiced polygamy four years before the passage of the act of 1862 by marrying a second wife, and was afterward divorced from that wife and had never practiced polygamy since, the commissioners ruled that he was ineligible to vote or hold office because in 1858 he had practiced polygamy.

How do you reconcile that with the provision of the Constitution of the United States that there shall be no *ex post facto* law? You punish a man by denying him the right to hold office in which he has a property and take his office from him because he committed a certain crime in 1858. You could not convict him of the crime in any court in the world. Why? Because at the time he committed the crime there was no law against it. In 1858 there was no law in Utah, so far as I am advised or believe, against the practice of polygamy. I know of none prior to the passage of the act of Congress of 1862. Still, the commission take a case four years prior to that time where the party was married and soon after divorced from his wife, and was so divorced long before the passage of the act of 1862, and they solemnly decide that he can neither vote nor hold office in the Territory because in 1858 he did practice polygamy. It is an outrageous violation of every constitutional principle. If you were to put him on trial in court you could not convict him. What right have you to convict him, then, by a test-oath and take from him the right to vote or hold office or any other civil trust because at that time he committed this offense? How can any Senator ever justify it?

Then, again, there was the Jennings case, where Mr. Jennings was twice married soon after the passage of the act of 1862, and one of his wives died a few years afterward, and he has since never practiced polygamy. He, as in the case of Neslin, had registered, and on these facts being brought before the commission they solemnly decided that he was ineligible and could neither vote nor hold office because in 1863, 1864, or at some period about that time, he had practiced polygamy. What court in the United States could have entertained an accusation against him for it? What court could have convicted him and rendered him ineligible to office on account of it? Yet this high court of ours there, the only court that we have there, decides solemnly that he can neither vote nor hold office because at that time he practiced polygamy. What right have they to do it? It is an open, palpable violation of every constitutional principle.

I do not wish to take up any large portion of time, however. I simply want to present that view, for I intend to move an amendment to that provision, and while I was on the floor I preferred to say this much about it.

Mr. LAPHAM. Mr. President, it has been stated that fourteen years ago the Legislature of the Territory of Utah conferred suffrage upon the women of that Territory of the age of 21 years and upward. The act of 1882 disfranchises all the women of that Territory who are guilty of polygamy, so that now none but the gentile women of the Territory, or those who refrain from polygamous practices, are entitled to vote.

No petition has come here asking for the abolition of that suffrage. This proposition is made, for aught I can see, capriciously on the part of the Senate to strike out that provision of the law in the Territory without being moved to it by any reason whatever, and I trust it will not be done.

So in regard to the amendment proposed by the Senator from Missouri, the governor of Wyoming certifies that suffrage by females in that Territory has worked admirable results in their legislation, and he is strongly in favor of it. The governor of Washington Territory entertains the same sentiments. Why should we interfere with suffrage there? In regard to the District of Columbia nobody is entitled to suffrage. If Congress ever undertakes to give suffrage to the people of this District, why undertake now to say what shall be done when that legislation is to take place? Then will be the proper time to consider whether suffrage shall be given here.

Therefore I am opposed to the amendment of the Senator from Missouri and in favor of the motion of the Senator from Massachusetts that this section be stricken from the bill, and I hope the motion to strike out will prevail.

Mr. MAXEY. Mr. President, I have already given notice that I shall move when the bill is reported to the Senate to strike out section 1, but there are some other points in the bill to which I should like to call the attention of the Senate for a short time.

I know it is very easy always to float with the current. Wherever the popular current runs in a given direction, it is quite easy to float along with it. I also know that some of the most dangerous precedents which have come back afterward to curse us result from what are regarded as extreme cases. Extreme cases produce extreme remedies, and the extreme remedies come back to us afterward as precedents dangerous in their character, and the remedy is worse than the disease.

The bill, it occurs to me, gives to the court the power of Rhadamanthus to dispense justice. It traverses all of the legislation in regard to the amount of penalty affixed to the commission of a crime and limitation for the prosecution of crime. All along through the bill you will find that the statutes as they are recorded and living are crossed at every point by it. For instance, the nineteenth section of the bill provides:

That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such an act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

Then section 20 provides:

That if an unmarried man or woman commits fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

I turn to the case of a crime which, in my judgment, stands not below murder in the first degree—cold, deliberate, calculating seduction—and let us see what our laws say in regard to that as they stand upon the statute-book:

SEC. 5349. Every master, officer, seaman, or other person employed on board of an American vessel who, during the voyage, under promise of marriage—

Mark you—

or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be punished by imprisonment not more than twelve months, or by a fine of not more than $1,000; but subsequent intermarriage of the parties may be pleaded in bar of conviction.

The next section is as follows:

SEC. 5350. When any person is convicted under the provisions of the preceding section, the court may, in its discretion, by an order entered on its minutes, direct the amount of the fine, when imposed and collected, to be paid for the use of the female seduced or her child, if she have any.

The next section provides that—

No conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port for which it was destined.

There the principle of the law is distinctly and clearly laid down that in order to avoid fraud, in order to avoid corruption, in order to avoid blackmailing, the party claiming to have been seduced can not go into a court of justice and convict the alleged offender by her own testimony; but it must be supported by testimony *aliunde*. That is something reasonable. There, I say, where the crime is the highest crime, in my judgment, that can be committed against the person, the law, as it stands upon the statute-books, fixes the penalty at twelve months' imprisonment. Here the penalty for the crime of adultery is fixed at three years in the bill.

What else? Section 3 of the bill provides—

That any prosecution under any statute of the United States for bigamy, polygamy—

Now mark the next—

or unlawful cohabitation may be commenced at any time within five years next after the commission of the offense; but this provision shall not be construed to apply to any offense already barred by any existing statute of limitation.

That language, "bigamy, polygamy, or unlawful cohabitation," embraces both adultery and fornification, and you can bring this prosecution after the lapse of five years from the commission of the offense. Now, let us turn, if you please, to the cool and deliberate statutes which have been placed upon the books and which have heretofore controlled us in respect to limitation.

SEC. 1043. No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed.

So you have the singular condition of things that for the high crime of treason, for murder in the second degree, or any other felony save that of murder in the first degree, the prosecution must be commenced within three years from the time of the commission of the offense or it is thereafter barred; and yet here, where you have a case of fornication, where the penalty upon conviction according to this very bill is only six months' imprisonment, you can open out that case and try it five years after the commission of the offense, although you can not try murder in the second degree or treason after three years. It does occur to me that there is something supremely and superbly ridiculous in all that.

Now, what next? I was reading in respect to felony. When you come to minor offenses in the next section of the Revised Statutes it is provided that—

No person shall be prosecuted, tried, or punished for any offense not capital, except as provided in section 1046, unless the indictment is found or the information is instituted within two years next after such offense is committed.

It is a little broader than I thought, being "offenses not capital." That takes in minor felonies and all misdemeanors, and they must be prosecuted within two years. What consistency is there in the character of legislation here proposed, that for fornication, adultery, or bigamy an indictment will lie five years after the commission of the offense, when for treason or murder in the second degree it will not lie after three years, or by the amended statute for any felony less than capital after two years. Sir, there is a strange inconsistency in this character of legislation, it seems to me.

But when you come to look at the result of this and all other extreme measures, you must see that the remedy is infinitely worse than the disease. In the case of seduction which I have put, the law says that the testimony of the injured party alone will not do, but according to the first section of this bill you can break into the bonds of a lawful marriage and you can force the wife to testify against the husband contrary to her will, or the husband against the wife contrary to his will. It does not include those beyond that, for I take the broad position that there is no marriage beyond the lawful marriage of one husband to one wife. Passing that point any one you bring forward, I care not whether you call her wife or not, is a competent witness unquestionably, because the marriage relation does not exist.

As I suggested to the Senator from Delaware [Mr. BAYARD] while he was speaking this morning, the law everywhere respects these confidential and secret relations in the highest degree. It was years before the question was finally settled in this country whether the secrets of the confessional could be brought forward and laid before a court of justice; but never in the history of an English-speaking people before this bill was presented has it been held that you could compel the wife to testify against the husband or the husband against the wife. It is a strange proceeding.

Let me tell the gentlemen who are urging and pressing this bill that the most dangerous movement that you can make in favor of enlarging the bounds of Mormonism or polygamy is this process of persecution, for whenever you shock the sensibilities of the common mind, whenever you induce the people of the country to believe that measures are oppressive and dangerous to the best liberties of the people, whenever you get the people to believe that their sympathies are aroused, and in this as I regard it unholy movement of Mormonism, the maxim that "the blood of the martyrs is the seed of the church" will apply to those who feel themselves oppressed. Sir, it is nothing but the case of the American woman during the Revolution when she told the British officer that the camomile was like the Americans, the more you press it under foot the more it flourishes. The more you attempt by harsh and arbitrary and dictatorial measures to crush out an evil, that much more will that evil spread. So the gentlemen who are pressing this bill, instead of being the true friends of striking down Mormonism, are unwittingly and unintentionally, in my judgment, not only fastening Mormonism on this country, but spreading and enlarging its borders. That is the view that I have of it.

Sir, take all history, and it is all alike. I have seen the day when oppressive measures designed to intimidate, to strike down, have had the effect of solidifying and intensifying and unifying a whole people. It is always that way. So long as man has courage, so long as man has manhood, he will resist what he believes to be oppression.

I voted for the Edmunds act, as it is called, and I shall vote for any bill within the limits of reason, right, and the Constitution to suppress Mormonism, which I regard as a dangerous evil in this country, for it is a curse and an evil; but start the proposition that you can in Utah make a wife go into court and by compulsion testify against her husband, and it is but one step further (and, as the French say, it is the first step which costs) when you will wind up with the same privilege being extended in every Federal court within the length and breadth of this Union, that the wife can be compelled to testify against her husband and the husband against the wife, in utter violation not only of the law but the fundamental reason upon which the law is founded.

Mr. President, I speak earnestly in regard to this question because I see the dangers ahead from the pending legislation. I see how easy it is for a vessel to float down stream toward a terrible maelstrom. But I see the end. There is not a principle of the Constitution upon which this bill can be maintained and sustained, save and except upon the most dangerous of all the heresies that have ever entered the Senate Chamber—the heresy of the general-welfare clause. It is consolidation and centralization in its most dangerous form, because it is the uprooting and striking down of the law as it came down to us from a time whereof the memory of man runneth not to the contrary. It is the attempt upon a single bill and for a specific purpose to upturn all the great doctrines of evidence which are crowned by the frosts of a thousand years.

Sir, I for one have never been driven by what appeared to be the popular current to go against my judgment of right and of the Constitution. I believe that this bill is dangerous in its character, in violation of the Constitution of our country, in derogation of the rights of the people, and in its ultimate effect and design ruinous to the interests of the people not only in Utah but throughout the country.

These are my views in regard to this question. I have not the slightest expectation of overcoming a single vote by what I have said. I see the handwriting upon the wall, that the bill is to be driven through as it came from the committee. But I desire when the records of this country are made up, and when long years after we shall have passed from the scene of action, that it shall be presented upon the record that I stood by the rights of the Constitution, the rights of the American citizen, and regardless of the fact that this attempted wrong is directed toward a people for whose institutions I have as little respect as any gentleman who votes for the bill.

Mr. DOLPH. Mr. President, I do not rise for the purpose of making a speech. I am opposed to the amendment of the Senator from Missouri and in favor of striking out the entire section. I know of no reason why in a republican form of government women are not equally entitled to the elective franchise with men; but as only a few minutes remain before the time fixed for the final vote on this measure, I do not feel at liberty to occupy the intervening period in discussing the question. I think with the Senator from Georgia and other Senators who take the view that the question ought to be left for the decision of the people of the different Territories.

But I rose for the purpose of noticing the statement of my colleague [Mr. SLATER] in regard to woman suffrage in Washington Territory. I do not know what source of information my colleague has in regard to the manner of the passage of the act giving the right of suffrage to women or a change of the views of the members who voted for that act; but my information is that the act is not only highly satisfactory to the intelligent and leading citizens of the Territory, but that it is a popular measure. If it is not, the people of that Territory have the remedy in their own hands; they can elect a Legislature which will repeal the act.

Mr. VEST. According to the agreement of the Senate all debate ceases at 5 o'clock. I should like to say a very few words on some other amendments, for I do not propose to discuss the bill any further. It is not my purpose to say anything more on the subject of woman suffrage. That question we can determine, and all I ask in its determination is that we shall have a yea-and-nay vote so as to see what is the sentiment of the Senate upon that subject.

There is one amendment which I shall propose to the bill at the proper time in regard to section 10. I shall read that section, and I wish to have the attention of the Senate to it so far as I can get the attention of anybody at this stage of the debate and at this late hour in the afternoon. I do not believe that even with all the amount of excited opinion, not to use the word prejudice, that exists upon the subject of Mormonism, the Senate of the United States can deliberately adopt any such provision as is contained in the tenth section of the bill. I was astonished the other day, I say it respectfully, to hear my friend from Massachusetts attempt a justification and a vindication of this most extraordinary provision. I will read it:

SEC. 10. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of such illegitimate child are hereby disproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father.

I submit that our legislation ought to be confined to the punishment of the guilty adult, and it should not strike at the innocent offspring. There has never been a civilized government in existence whose laws were not wisely intended to protect the innocent offspring as far as possible, and to induce the guilty parent not only to protect but to provide for that offspring and to recognize it. Not only upon grounds of Christianity, not only upon grounds of humanity, but for economic considerations, every State should pass such laws as would induce the father of the illegitimate child to recognize that child and to give it a share of his distributive estate. From what great source are our poor-houses,

our jails, and our penitentiaries recruited at will? What is the character of the population which fills the streets of our great cities at night?

Mr. HOAR. May I ask the honorable Senator a question for my own information?

Mr. VEST. Certainly.

Mr. HOAR. What is the law in Missouri in regard to the inheritance of illegitimate children?

Mr. VEST. I propose to give the laws of every State in the Union on that subject. In my own State the illegitimate child always inherits from the mother.

Mr. HOAR. I know, but I inquire as to the father.

Mr. VEST. The child inherits from the father where he recognizes it in writing.

Mr. HOAR. That is an adoption. He does not inherit without that?

Mr. VEST. But even here if he does recognize the child in writing——

Mr. HOAR. He can make his will.

Mr. VEST. But my friend evades the provision of this proposed law. I am not talking about wills; I am talking about an instance in which a man says, "this is my child, not begotten in wedlock, but my child before God;" and yet by this bill that child of his is prohibited from inheriting from the father.

As I was proceeding to ask, what population is it that fills our streets at night, growing up afterward to fill our penitentiaries, our jails, and almshouses? They are the vagabond offspring of illicit love. Every State should in its wisdom attempt to make the father not only protect but provide for such offspring. Instead of that, here is a measure which prohibits such a child from inheriting even where the father recognizes that child to be his own.

But what is the legislation upon this subject? This section provides that "no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father."

The Utah statute on this subject reads (Comp. Laws of Utah, page 275, section 714):

Every illegitimate child is in all cases an heir to its mother. It is also heir to its father when acknowledged by him.

California, Maine, Minnesota, Dakota, Idaho, Nebraska, Nevada, and other States have substantially the same law as ours on this subject. It is as follows:

Every illegitimate child is an heir of the person who in writing, signed in the presence of a competent witness, acknowledges himself to be the father of such child, and inherits his or her estate, in whole or in part, as the case may be, in the same manner as if he had been born in lawful wedlock.

(California Code, volume 1, page 6387; Rev. Stat. Maine, 1871, page 567; Statutes of Minnesota, 1878, page 566; Rev. Code Dakota, 1877, pages 534, 535; Rev. Laws Idaho, 1874–5, page 305; Comp. Laws Nevada, volume 1, page 195; Comp. Laws Nebraska, 1881, page 216.)

Many other States let them inherit when the parents subsequently marry and the father has acknowledged the child. This is so in Ohio, Vermont, Missouri, Kentucky, Illinois, Arkansas, Wyoming, and Montana. But here is an exception to all the legislation of civilized Christendom upon this subject. Here even when the father is willing to acknowledge his sin and stand before church and state and say, "This is my child; I pray God to forgive me, and I intend to take care of it," this proposed law steps in and says, "The child shall not inherit." I say this measure is in direct contravention to the voice and opinion of all civilized and Christian countries on this subject.

There are one or two other sections that I propose hurriedly to notice, for under the agreement of the Senate argument will be shut off in regard to them. Two of the sections of the bill confiscate the property of the Mormon Church, and in my judgment those two sections are as plainly and manifestly unconstitutional as it is in the power of mortal man to draw a provision that would violate the Constitution of this Union.

The Mormon Church was incorporated under the following act:

An ordinance incorporating the Church of Jesus Christ of the Latter-Day Saints (approved February 8, 1851).

I shall read that act in answer to the Senator from Massachusetts, assuming that he has no more knowledge personally on the subject than myself. I have never been in Salt Lake and know nothing personally and practically in regard to the facts, but as a lawyer, and speaking as a lawyer and a Senator, I take this act upon its face. The Senator announced here in opening this discussion, some days before he left the Senate Chamber, that the Mormon Church was inaugurated for immoral purposes. Now I shall read the act of incorporation. It is as follows:

An ordinance incorporating the Church of Jesus Christ of Latter-Day Saints (approved February 8, 1851).

SECTION 1. *Be it ordained by the General Assembly of the State of Deseret*, That all that portion of the inhabitants of said State which now are or hereafter may become residents therein, and which are known and distinguished as "The Church of Jesus Christ of Latter-Day Saints," are hereby incorporated, constituted, made, and declared a body-corporate, with perpetual succession, under the original name and style of "The Church of Jesus Christ of Latter-Day Saints," as now organized, with full power and authority to sue and be sued, defend and be defended, in all courts of law or equity in this State; to establish, order, and regulate worship, and hold and occupy real and personal estate, and have and use a seal, which they may alter at pleasure.

SEC. 2. *And be it further ordained*, That said body or church as a religious society may, at a general or special conference, elect one "trustee in trust," and not to exceed twelve assistant trustees, to receive, hold, buy, sell, manage, use, and control the real and personal property of said church, which said property shall be free from taxation, which trustee and assistant trustees, when elected or appointed, shall give bonds with approved security in whatever sum the said conference may deem sufficient for the faithful performance of their several duties; which said bonds when approved shall be filed in the general church recorder's office, at the seat of general church business, when said bonds are approved by said conference; and said trustee and assistant trustees shall continue in office during the pleasure of said church; and there shall also be made by the clerk of the conference of said church a certificate of such election or appointment of said trustee and assistant trustees which shall be recorded in the general church recorder's office at the seat of general church business; and when said bonds are filed, and said certificates recorded, said trustee or assistant trustees may receive property, real or personal, by gift, donation, bequest, or in any manner not incompatible with the principles of righteousness, or the rules of justice; inasmuch as the same shall be used, managed, or disposed of for the benefit, improvement, erection of houses for public worship and instruction, and the well-being of said church.

SEC. 3. *And be it further ordained*, That as said church holds the constitutional and original right, in common with all civil and religious communities, "to worship God according to the dictates of conscience," to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ, for the security and full enjoyment of all blessings and privileges embodied in the religion of Jesus Christ, free to all, it is also declared that said church does and shall possess and enjoy continually the power and authority, in and of itself, to originate, make, pass, and establish rules, regulations, ordinances, laws, customs, and criterions for the good order, safety, government, convenience, comfort, and control of said church, and for the punishment or forgiveness of all offenses relative to fellowship, according to church covenants; that the pursuit of bliss and the enjoyment of life, in every capacity of public association and domestic happiness, temporal expansion, or spiritual increase upon the earth, may not legally be questioned: *Provided, however*, That each and every act, or practice so established or adopted for law or custom, shall relate to solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship or the religious duties of man to his Maker; inasmuch as the doctrines, principles, practices, or performances support virtue and increase morality, and are not inconsistent with or repugnant to the Constitution of the United States, or of this State, and are founded in the revelations of the Lord.

SEC. 4. *And be it further ordained*, That said church shall keep, at every full organized branch or stake, a registry of marriages, births, and deaths, free for the inspection of all members, and for their benefit.

SEC. 5. *And be it further ordained*, That the presidency of said church shall fill all vacancies of the assistant trustees necessary to be filled until superseded by the conference of said church.

SEC. 6. *Be it further ordained*, That no assistant trustee or trustees shall transact business in relation to buying, selling, or otherwise disposing of church property without the consent or approval of the trustee in trust of said church.

I invoke simply and hurriedly, as I am compelled to do, the general principle of law in regard to these incorporations. This is not a public incorporation, that is, for State purposes; it is the private incorporation of a church and for certain religious purposes, as shown upon the face of the act of incorporation itself. This act of incorporation was ratified by the Congress of the United States, and was in so far made an act of Congress.

The general law, as I understand it, ever since the Dartmouth College case, and even before, has been that unless the right is reserved in the act of incorporation itself to repeal the grants that are in that act it becomes a contract between the incorporator and the Government, whether State or national, and a subsequent legislature, unless a clause is in the original act of incorporation reserving the right to repeal or amend, has no right to do away by subsequent legislation with the rights thus conferred. Of that I take it there can be very little doubt, and I will only read from a text-book a single sentence. Says Mr. Cooley in his Constitutional Limitations:

Those charters of incorporation, however, which are granted, not as a part of the machinery of the Government, but for the private benefit or purposes of the corporators, stand upon a different footing, and are held to be contracts between the legislature and the corporators, having for their consideration the liabilities and duties which the corporators assumed by accepting them; and the grant of the franchise can no more be resumed by the legislature, or its benefits diminished or impaired without the consent of the grantees, than any other grant of property or valuable thing, unless the right to do so is reserved in the charter itself.

No such right is reserved in the charter of this church. I care not what may be any one's opinion in regard to the religious character of that institution, it has its vested rights under the Constitution of the United States, which Congress itself can not destroy. I read from another text-book, Private Corporations, by Morawetz, in which the doctrine is laid down as follows:

The rule established by the Dartmouth College case was acquiesced in for a time; but it has been much criticised of late years, since its full effect has been made appreciable by the rapid growth of corporations in number and importance, and a tendency has been manifested by the courts to limit its application as far as possible.

The statement that a charter of incorporation is a contract does not convey a very definite idea until the parties to the supposed contract and the exact terms of their agreement have been shown. We have seen that the charter of a private corporation fulfills a twofold purpose. It constitutes a grant from the State to the corporators of particular franchises or privileges; and it also contains the agreement existing between the members of the corporation.

It has been decided that a charter is a contract within the protection of the Constitution of the United States for both of these reasons. It is important, however, to distinguish carefully between them, as very different questions may arise in their application.

The decision that a grant of a charter of incorporation is a contract between the State and the corporators involves two distinct points. It implies, firstly, that a grant of franchises is a "contract" within the meaning of the constitutional prohibition; and, secondly, that the Legislature of a State has constitutional power to limit or bargain away a portion of the legislative power of the State itself.

It should be borne in mind that the Legislature of a State is not the State itself, and that it can grant franchises in the name of the State solely by virtue of the powers delegated to it. Hence, if a grant of franchise is a contract which can not be impaired by subsequent legislation, the Legislature of a State must have constitutional authority to make a contract or treaty on behalf of the State by which a portion of the legislative power of the State is irrevocably given up or relinquished.

The doctrine is clearly and definitely established that unless the right in the grant itself is reserved to repeal or take away the powers subsequently, neither Congress nor a State Legislature has any right to interfere with those powers.

In the last section of the bill (and I propose to say nothing more upon it) is a clause which repeals the legislative enactment of the Territory of Utah establishing the office of superintendent of public instruction. The Senator from Massachusetts stated the other day that the text-books used in that Territory inculcate the Mormon religion, and are full of treason to the Government of the United States. Since the Senate adjourned last evening the Delegate from Utah brought me the paper, which I hold in my hand, and which he asked me as a Senator of the United States, in justice to the people of the Territory and as an act of personal courtesy to him, to present to the Senate. I know nothing personally of the facts, but I ask the Secretary to read the affidavit made by Mr. Nuttall, the superintendent of public instruction of the Territory of Utah, in regard to the text-books that are in use under the law of Utah in that Territory.

The PRESIDING OFFICER. The Secretary will read the affidavit referred to.

The Chief Clerk read as follows:

TERRITORY OF UTAH, *County of Salt Lake, ss:*

Personally appeared before the undersigned, a notary public in and for said county, L. John Nuttall, who first being duly sworn on oath says: That I am a resident of Salt Lake County, Utah Territory, over the age of 21 years; and that pursuant to the provisions of section 16 of an act of the Legislature of Utah Territory entitled "An act providing for the establishment and support of district schools, and for other purposes," approved February 20, 1880, which reads as follows, namely:

The Territorial and county superintendents and the president of the faculty of the University of Deseret, or a majority of them, shall, at a convention called by the Territorial superintendent of district schools for that purpose, decide what text-books shall be adopted in the district schools, and their use shall be mandatory in all the district schools of the Territory: *Provided*, That no text-books so adopted shall be changed within a period of five years from its adoption, except for sufficient cause, to be decided at a special convention, and any teacher changing the text-books shall forfeit his eligibility as a teacher. The county superintendents, with the trustees, in their respective districts, shall regulate the school terms, allowing such holidays and vacations as may "be advisable."

I, as Territorial superintendent of district schools, duly elected and commissioned, did on the 4th day of April, 1882, call a convention as provided in the foregoing act; and on the 14th day of April, 1882, the said convention met and duly organized by electing L. John Nuttall president, Dr. John R. Park vice-president, and John B. Maiben, esq., secretary.

That during the sessions of said convention the following text-books were unanimously adopted for use in the district schools of the Territory of Utah for the term of five years, namely:

Independent Series of Readers, Watson's Complete Speller, Ray's New Elementary Arithemetic, Ray's New Practical Arithmetic, Appleton's Standard Elementary Geography, Appleton's Standard Higher Geography, Swinton's New Language Lessons, Spencerian System of Copy Book, Writing and Penmanship, Anderson's Popular History of the United States, Krusi's System of Drawing.

Further, that on the 26th day of October, 1882, I issued a circular to the county superintendents, trustees, pupils, and patrons of district schools, a copy of which is herewith attached and marked Exhibit A, thus giving public notice of the adoption of the foregoing text-books, and that, as provided by law, their adoption should be observed, and be mandatory in the district schools of the Territory; that, so far as I am advised, these books are exclusively used in the said district schools, and that none others are used therein as text-books.

L. JOHN NUTTALL,
Territorial Superintendent of District Schools, Utah Territory.

Subscribed and sworn to before me, by the above-named affiant, this 10th day of June, A. D. 1884.

NEPHI W. CLAYTON, *Notary Public.*

Mr. HOAR. I wish a moment before 5 o'clock, if I can get it, to say a word upon that subject.

Mr. VEST. Certainly; I do not wish to cut off any debate.

Mr. HOAR. I should like to say that I have been myself satisfied that the statement which is contained in one phrase of my remarks in opening the debate on the bill is incorrect.

Mr. VEST. That settles that matter. Now a single word and I am done, for I have opposed this bill in no hypercritical spirit and with no disposition to avoid a full and fair and legitimate discussion. I can not vote for the bill without violating what I consider to be my constitutional oath of office. I could not vote for the bill even if it were constitutional, on account of the provision which drags the wife from the bosom of her husband to reveal in court as an unwilling witness the sacred confidences of married life. If I had no other reason but that, I should refuse to vote for it. I shall vote for no bill which prevents the father under the God-given instinct of paternity itself from giving to the helpless and innocent offspring a portion of his estate, no matter how that child may have been born, under what sky or what religion, in order that that offspring may be kept from the penitentiary and the gallows, and that no other disgrace or misfortune besides the stain put upon its birth by no act of its own shall be fixed there by the law of the land. For that reason, if for no other, I would not and I could not vote for any such bill.

Mr. HOAR. No American State, so far as I am informed, makes an illegitimate child the heir to its father. This bill only puts the Territory of Utah on the same plane in that respect with all our American States, so far as I am informed. It does not prohibit the making a will by the father in behalf of the illegitimate child, and it does not prohibit any system of adoption such as prevails in many of the States by which an illegitimate child can be adopted.

All the Senator's eloquence, therefore, is against the fact that the bill does not permit the mere recognition of the child by the father to operate as an adoption, to make it his heir; but it is perfectly within the power of the father to make a will in his child's behalf and perfectly within the power of the Legislature of that Territory to establish any system of adopting children which shall include this class of cases.

The provision of the last section of the bill authorizes the Territorial superintendent to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable; and I wish to repeat that I find in looking back at what I said when I opened the debate that one word, I think, only—at any rate, one phrase in a sentence which I used—seemed to imply what undoubtedly was my belief when I uttered it, that the common schools as well as the church or other private schools of Utah instructed the children in doctrines which tended to establish Mormonism. I have been told by gentlemen whose veracity I have no reason in the least to doubt that that was an erroneous statement, and I intended before the debate closed to correct it, which I cheerfully now do.

I wish to say a word or two in regard to the provisions as to church property. The Senator has spoken as if we were to repeal a charter. We have the right legally, the reserved right, to disapprove every act of a Territorial Legislature; and any person who takes corporate property under the act of a Territorial Legislature takes it subject to that right. Here is a fund, as I understand, of some $5,000,000, perhaps more, appropriated to the interests of the Mormon Church, and of course that fund may be used in sending all over Europe or all over the United States and getting proselytes to Mormonism and establishing this Mormon State in the midst of our territory. I think every Senator will agree with me, and the American people will agree with me, that it is fitting Congress should annul the legislation under which that treasury now exists, so that this use of property for an immoral purpose, as I conceive it to be, as all Christians conceive it to be, will be discontinued.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Missouri [Mr. VEST] to insert certain words in section 7.

Mr. VEST. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. PENDLETON. Let the pending amendment be reported.

The PRESIDING OFFICER. The amendment of the Senator from Missouri will be read.

The CHIEF CLERK. In section 7, line 2, after the word "Utah," it is proposed to insert "the District of Columbia, or any Territory of the United States;" so as to read:

That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah, the District of Columbia, or any Territory of the United States for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, he would vote "nay" and I should vote "yea."

Mr. HOAR (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. Otherwise I should vote "nay."

The roll-call was concluded.

Mr. BUTLER. On this question I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea" and he would vote "nay."

Mr. BLAIR. I have a general pair with the Senator from Kentucky [Mr. WILLIAMS], but I understand that it is transferred to the Senator from Virginia [Mr. MAHONE], who is absent. In that case I vote "nay."

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. MILLER, of New York. I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "nay" and he would vote "yea."

The result was announced—yeas 17, nays 33; as follows:

YEAS—17.

Bayard,	Hampton,	Maxey,	Vest,
Brown,	Ingalls,	Morgan,	Walker.
Coke,	Jonas,	Pendleton,	
Fair,	Kenna,	Pugh,	
Farley,	McPherson,	Vance,	

NAYS—33.

Aldrich,	Dawes,	Jones of Nevada,	Plumb,
Allison,	Dolph,	Lapham,	Sawyer,
Beck,	Edmunds,	McMillan,	Sewell,
Blair,	Frye,	Manderson,	Sherman,
Bowen,	Garland,	Miller of Cal.,	Voorhees,
Cameron of Wis.,	George,	Mitchell,	Wilson.
Colquitt,	Gorman,	Morrill,	
Conger,	Harrison,	Palmer,	
Cullom,	Jackson,	Pike,	

ABSENT—26.

Anthony,	Groome,	Lamar,	Sabin,
Butler,	Hale,	Logan,	Saulsbury,
Call,	Harris,	Mahone,	Slater,
Camden,	Hawley,	Miller of N. Y.,	Van Wyck,
Cameron of Pa.,	Hill,	Platt,	Williams.
Cockrell,	Hoar,	Ransom,	
Gibson,	Jones of Florida,	Riddleberger,	

So the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from Massachusetts [Mr. HOAR] to strike out the seventh section.

Mr. VEST. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). As I stated before, I am paired with the Senator from Kentucky [Mr. WILLIAMS], but the pair is transferred to the Senator from Virginia [Mr. MAHONE]. I vote "yea."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY], but being satisfied and assured that he would vote "nay," as I vote in that way I shall cast my vote "nay."

Mr. HARRISON (when his name was called). The pair of the Senator from Massachusetts [Mr. HOAR] with the Senator from Tennessee [Mr. HARRIS] has been transferred to me. Therefore I withhold my vote.

Mr. HILL (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

The roll-call was concluded.

Mr. MILLER, of New York. I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "yea."

The result was announced—yeas 17, nays 34; as follows:

YEAS—17.

Blair,	Dawes,	Manderson,	Vance,
Bowen,	Dolph,	Mitchell,	Wilson.
Brown,	George,	Palmer,	
Conger,	Hoar,	Pike,	
Cullom,	Lapham,	Sherman,	

NAYS—34.

Aldrich,	Fair,	Jonas,	Pugh,
Allison,	Farley,	Jones of Florida,	Ransom,
Bayard,	Frye,	Kenna,	Riddleberger,
Beck,	Garland,	Lamar,	Sawyer,
Cameron of Wis.,	Gorman,	McMillan,	Sewell,
Cockrell,	Groome,	McPherson,	Vest,
Coke,	Hampton,	Maxey,	Voorhees.
Colquitt,	Ingalls,	Morrill,	
Edmunds,	Jackson,	Pendleton,	

ABSENT—25.

Anthony,	Harris,	Miller of Cal.,	Slater,
Butler,	Harrison,	Miller of N. Y.,	Van Wyck,
Call,	Hawley,	Morgan,	Walker,
Camden,	Hill,	Platt,	Williams.
Cameron of Pa.,	Jones of Nevada,	Plumb,	
Gibson,	Logan,	Sabin,	
Hale,	Mahone,	Saulsbury,	

So the amendment was rejected.

Mr. VEST. I move to strike out the tenth section of the bill, and upon that motion I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to strike out section 10. The section will be read.

The Chief Clerk read as follows:

SEC. 10. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entited to inherit from his or her father or to receive any distributive share in the estate of his or her father.

The PRESIDING OFFICER. On this motion the Senator from Missouri demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE]; and not knowing how he would vote on this question, I withhold my vote.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

Mr. HOAR (when his name was called). On this question I am paired with the Senator from Tennessee [Mr. HARRIS].

The roll-call was concluded.

Mr. ALDRICH. I am paired with the Senator from Maryland [Mr. GORMAN]. Not knowing how he would vote, I withhold my vote.

Mr. BLAIR. I am paired with the Senator from Kentucky [Mr. WILLIAMS].

The result was announced—yeas 18, nays 34; as follows:

YEAS—18.

Brown,	Hampton,	Maxey,	Vance,
Coke,	Jonas,	Morgan,	Vest,
Farley,	Jones of Florida,	Plumb,	Walker.
George,	Lamar,	Pugh,	
Groome,	McPherson,	Ransom,	

NAYS—34.

Allison,	Edmunds,	Lapham,	Pike,
Bayard,	Fair,	McMillan,	Riddleberger,
Bowen,	Frye,	Mahone,	Sawyer,
Cameron of Wis.,	Garland,	Manderson,	Sewell,
Colquitt,	Harrison,	Miller of Cal.,	Sherman,
Conger,	Ingalls,	Mitchell,	Voorhees,
Cullom,	Jackson,	Morrill,	Wilson.
Dawes,	Jones of Nevada,	Palmer,	
Dolph,	Kenna,	Pendleton,	

ABSENT—24.

Aldrich,	Camden,	Harris,	Platt,
Anthony,	Cameron of Pa.,	Hawley,	Sabin,
Beck,	Cockrell,	Hill,	Saulsbury,
Blair,	Gibson,	Hoar,	Slater,
Butler,	Gorman,	Logan,	Van Wyck,
Call,	Hale,	Miller of N. Y.,	Williams.

So the amendment was rejected.

Mr. MCPHERSON. The section now having been incorporated and become part of the bill, I wish to call the attention of the Senator from Massachusetts to a clause in this section which seemingly there is no necessity for, making it retroactive.

Mr. HOAR. I must object to debate.

Mr. MCPHERSON. I do not intend to debate the bill, but I think if the Senator will allow me a moment I will show him the propriety of amending the section. I propose to offer an amendment to it.

Mr. CAMERON, of Wisconsin. Offer the amendment.

Mr. MCPHERSON. In line 5 and following the section reads—

And no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father.

After the word "child" I wish to insert the words "hereafter born," so as not to make it retroactive and absolutely destructive to every interest so far as existing children are concerned. It has been suggested that I say "before twelve months after the passage of this act."

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. HOAR. The motion has been made to strike out the section and the Senate has voted that it shall stand. It is not competent to amend it after that vote.

Mr. BROWN. I think the occupant of the Chair ruled this afternoon in reference to another section where there was a motion to strike it out that there might be a proviso or addition to it.

Mr. MCPHERSON. I will move then to add——

The PRESIDING OFFICER. The Chair will decide the point of order. In the ruling on the question referred to by the Senator from Georgia the amendment was to add words to the section, not changing its character. It was simply an addition by way of proviso. This amendment changing the character of the section after the motion to strike out has been voted down the Chair will rule is not in order. The amendment, however, can be offered when the bill is in the Senate.

Mr. MCPHERSON. My amendment is to add:

That this section shall not apply to any illegitimate child born previous to the passage of this act.

Mr. BUTLER. Let us have a vote on it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 10:

That this section shall not apply to any illegitimate child born after the passage of this act.

Mr. HARRISON. How does that read?

The PRESIDING OFFICER. It will be again read.

Mr. HARRISON. It seems to me the word should be "before" and not "after."

The CHIEF CLERK. The proposed amendment is to add to section 10:

Provided, That this section shall not apply to any illegitimate child born after the passage of this act.

Mr. MCPHERSON. I said "previous to the passage of this act."

The PRESIDING OFFICER. The change will be made and the amendment again read.

The CHIEF CLERK. It is proposed to add to section 10:

Provided, That this section shall not apply to any illegitimate child born previous to the passage of this act.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey [Mr. MCPHERSON].

The amendment was agreed to.

Mr. BROWN. I move an amendment and ask for the yeas and nays on it, because there is a very important principle involved in it.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

That section 8 of the act approved March 22, 1882, be, and the same is hereby, amended so as to read as follows:

"SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States."

Mr. BROWN. That, I will remark, is the section that I propose to amend. Now I propose to add to it what will next be read.

Mr. HOAR. I understood we had called the bill by sections for amendment and had passed that section.

Mr. BUTLER. Let the reading proceed.

The Chief Clerk continued the reading of Mr. BROWN'S amendment, as follows:

But no person shall be subjected to any forfeiture or punishment or be denied the right to vote or hold office or any other legal right on account of the alleged practice of bigamy or polygamy or any other crime until such person shall have been legally convicted of such crime by a court having competent jurisdiction; and no test-oath shall be administered or applied to any one as a means of ascertaining his or her guilt or innocence of the crime of bigamy, polygamy, or any other crime; nor shall any one be examined under oath without his or her consent as to his or her guilt or innocence of bigamy, or polygamy, or any other crime; nor shall any one be deprived of any right or be subjected to any punishment of any kind or character, or be deprived of liberty or property, on account of his or her refusal to take any test-oath or to answer on oath as to his or her guilt or innocence of the crime of bigamy, or polygamy, or any other crime whatever; but the guilt or innocence of any person accused of crime shall be ascertained by due course of law, and the accused shall be legally convicted before he shall suffer forfeiture of any right or suffer punishment of any character on account of the alleged crime.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia. Does the Chair understand the Senator to call for the yeas and nays?

Mr. BROWN. I offer that as a new section, and ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 17, nays 32; as follows:

YEAS—17.

Brown,	Jonas,	Pendleton,	Vest,
Farley,	Kenna,	Pugh,	Walker.
George,	Lamar,	Ransom,	
Groome,	Maxey,	Riddleberger,	
Hampton,	Morgan,	Vance,	

NAYS—32.

Bayard,	Dolph,	Jones of Florida,	Morrill,
Beck,	Edmunds,	Jones of Nevada,	Palmer,
Cameron of Wis.,	Fair,	Lapham,	Pike,
Coke,	Frye,	McMillan,	Plumb,
Colquitt,	Garland,	Mahone,	Sawyer,
Conger,	Harrison,	Manderson,	Sherman,
Cullom,	Ingalls,	Miller of Cal.,	Voorhees,
Dawes,	Jackson,	Mitchell,	Wilson.

ABSENT—27.

Aldrich,	Camden,	Hawley,	Sabin,
Allison,	Cameron of Pa.,	Hill,	Saulsbury,
Anthony,	Cockrell,	Hoar,	Sewell,
Blair,	Gibson,	Logan,	Slater,
Bowen,	Gorman,	McPherson,	Van Wyck,
Butler,	Hale,	Miller of N. Y.,	Williams.
Call,	Harris,	Platt,	

So the amendment was rejected.

Mr. VANCE. I move to strike out the twelfth section, on which I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from North Carolina moves that section 12 be stricken from the bill, and on this motion demands the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. Let the section be read.

The PRESIDING OFFICER. The Secretary will read the section proposed to be stricken out.

The Chief Clerk read as follows:

SEC. 12. That the acts of the Legislative Assembly of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called General Assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annuled, so far as the same may preclude the appointment by the United States of certain trustees of said corporation as is hereinafter provided. The President of the United States, by and with the advice and consent of the Senate, shall appoint fourteen trustees of the said corporation, who shall have and exercise all the powers and functions of trustees and assistant trustees provided for in the laws creating, amending, or continuing the said corporation, which trustees so appointed shall hold their respective offices for the term of two years; and the trustees of said corporation shall annually or oftener make a full report to the Secretary of the Interior embracing all the property, business affairs, and operations of the said corporation; and the Legislative Assembly of the Territory of Utah shall not have power to change the laws respecting said corporation without the approval of Congress.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

The roll-call having been concluded, the result was announced—yeas 20, nays 32; as follows:

YEAS—20.

Bayard,	Farley,	Jones of Florida,	Pendleton,
Beck,	George,	Kenna,	Ransom,
Brown,	Groome,	Lamar,	Vance,
Coke,	Hampton,	McPherson,	Vest,
Fair,	Jonas,	Morgan,	Walker.

NAYS—32.

Allison,	Edmunds,	McMillan,	Pike,
Bowen,	Frye,	Mahone,	Plumb,
Cameron of Wis.,	Garland,	Manderson,	Pugh,
Colquitt,	Harrison,	Maxey,	Riddleberger,
Conger,	Ingalls,	Miller of Cal.,	Sawyer,
Cullom,	Jackson,	Mitchell,	Sherman,
Dawes,	Jones of Nevada,	Morrill,	Voorhees,
Dolph,	Lapham,	Palmer,	Wilson.

ABSENT—24.

Aldrich,	Cameron of Pa.,	Hawley,	Sabin,
Anthony,	Cockrell,	Hill,	Saulsbury,
Blair,	Gibson,	Hoar,	Sewell,
Butler,	Gorman,	Logan,	Slater,
Call,	Hale,	Miller of N. Y.,	Van Wyck,
Camden,	Harris,	Platt,	Williams.

So the amendment was rejected.

Mr. BROWN. As I understood the Senator in charge of this bill to state that the property of the Church there was very large and valuable, so that we were to appoint trustees for it, I offer an amendment to come in at the end requiring the trustees to give security——

Mr. HOAR. I suggest to my friend from Georgia that the calling of the bill by sections had better proceed.

Mr. BROWN. The motion we just voted on was to strike out the twelfth section. Now I move to add an amendment to it.

Mr. HOAR. I thought the Senator said his amendment was at the end of the bill.

Mr. BROWN. No, at the end of the section.

Mr. HOAR. I misunderstood the Senator.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia, which will be reported.

The CHIEF CLERK. At the end of section 12 it is proposed to add:

Said trustees shall each give bond, payable to the United States, in the sum of $5,000, with good and sufficient security, for the faithful discharge of the duties incumbent upon him as trustee.

Mr. HOAR. Had the Senator not better say "in an amount to be fixed by the Secretary of the Interior," because it might be that more than $5,000 ought to be required.

Mr. BROWN. I have no objection to accepting the amendment suggested by the Senator from Massachusetts. I accept the amendment of the Senator from Massachusetts, leaving the amount of the bond to be fixed by the Secretary of the Interior.

The PRESIDING OFFICER. What is the modification of the amendment?

Mr. BROWN. Instead of saying "bond in the sum of $5,000," say "give bond in such sum as may be prescribed by the Secretary of the Interior."

The PRESIDING OFFICER. The amendment as modified will be reported.

The CHIEF CLERK. It is proposed to add to section 12:

Said trustees shall each give bond payable to the United States in such sum as may be prescribed by the Secretary of the Interior, with good and sufficient security for the faithful discharge of the duties incumbent upon him as trustee.

The amendment was agreed to.

Mr. BROWN. Now I move to add the following to what has just been adopted:

Provided, That each of said trustees shall receive a salary of $500 per annum for his services; and no trustee shall in any way, directly or indirectly, receive for himself or any other person, nor shall any other person for such trustee receive, any money or other thing arising from said corporation or church, or any money or other thing arising from the funds of said corporation or church, or any other income or profit of any character, except the salary above mentioned. And any trustee mentioned in this act who shall receive any money or other thing by himself or by any other for him, except his said salary for his services, or any money or other thing in any way arising from or connected with his said trust, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia.

Mr. BROWN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. BLAIR. On this vote I am paired with the Senator from Kentucky [Mr. WILLIAMS].

The result was announced—yeas 14, nays 32; as follows:

YEAS—14.

Brown,	Hampton,	Maxey,	Vest,
Coke,	Jonas,	Morgan,	Walker.
Fair,	Kenna,	Pendleton,	
Farley,	McPherson,	Vance,	

NAYS—32.

Allison,	Dolph,	Lapham,	Pike,
Bayard,	Edmunds,	McMillan,	Plumb,
Bowen,	Frye,	Mahone,	Pugh,
Cameron of Wis.,	Garland,	Manderson,	Riddleberger,
Colquitt,	Harrison,	Miller of Cal.,	Sawyer,
Conger,	Ingalls,	Mitchell,	Sherman,
Cullom,	Jackson,	Morrill,	Voorhees,
Dawes,	Jones of Nevada,	Palmer,	Wilson.

ABSENT—30.

Aldrich,	Cockrell,	Hill,	Sabin,
Anthony,	George,	Hoar,	Saulsbury,
Beck,	Gibson,	Jones of Florida,	Sewell,
Blair,	Gorman,	Lamar,	Slater,
Butler,	Groome,	Logan,	Van Wyck,
Call,	Hale,	Miller of N. Y.,	Williams.
Camden,	Harris,	Platt,	
Cameron of Pa.,	Hawley,	Ransom,	

So the amendment was rejected.

Mr. BROWN. I now move to strike out section 15, which confiscates the property of the Perpetual Emigrating Fund Company.

The PRESIDING OFFICER. The Chair will say to the Senator from Georgia that that section has not yet been read in the order of the call. The next section is section 13, which will be called by number by the Clerk.

The CHIEF CLERK. Section 13.

The PRESIDING OFFICER. If there be no amendment to section 13, the next section will be called by the Clerk.

The CHIEF CLERK. Section 14.

The PRESIDING OFFICER. The next section will be reported.

The Chief Clerk read section 15, as follows:

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the State of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any corporation or association for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

Mr. BROWN. I move to strike out that section. If I may make the motion as to both at once, I move to strike out sections 15 and 16 together, as they both relate to the same subject-matter.

The PRESIDING OFFICER. Section 16 will be read.

The Chief Clerk read as follows:

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to dissolve the said corporation and pay the debts and to dispose of the property and assets thereof according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

The PRESIDING OFFICER. The Senator from Georgia moves to strike out sections 15 and 16 of the bill. The question is on the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The next section will be reported by number.

The CHIEF CLERK. Section 17.

The PRESIDING OFFICER. The next section.

The CHIEF CLERK. Section 18.

The PRESIDING OFFICER. The next.

The CHIEF CLERK. Section 19.

Mr. BROWN. I move, in that section, to strike out, after the word "imprisonment," the words "in the penitentiary not exceeding three years" and insert what I send to the Chair; in other words, I move to strike out the penalty for adultery as prescribed here and make it the same penalty that exists in the State of Massachusetts. I have copied the penalty from the laws of Massachusetts.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 2 of section 19 it is moved to strike out, after the word "imprisonment," the words "in the penitentiary not exceeding three years," and to insert:

In the Territorial prison not exceeding three years, or in the jail not exceeding two years, or by fine not exceeding $500.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia.

The amendment was rejected.

The PRESIDING OFFICER. Are there further amendments to section 19? If not, the next section will be reported by number.

The CHIEF CLERK. Section 20.

Mr. BROWN. I move to amend that section in reference to fornication by making the penalty there the same that it is by the laws of Massachusetts.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. In section 20 it is proposed to strike out all after the word "imprisonment," in line 2, as follows:

Not exceeding six months, or by fine not exceeding $100.

And to insert in lieu thereof:

In the jail not exceeding three months, or by fine not exceeding $30.

The amendment was rejected.

The PRESIDING OFFICER. The next section will be reported by number.

The CHIEF CLERK. Section 21.

The PRESIDING OFFICER. If there be no amendment, the next section will be reported by number.

The CHIEF CLERK. Section 22.

The PRESIDING OFFICER. The next section in number will be reported.

The CHIEF CLERK. Section 23.

Mr. VEST. I wish to make an inquiry of the Senator from Massachusetts. I ask if he proposes now, after the colloquy between us this afternoon, to insist on the first portion of this section to abolish the office of superintendent.

Mr. HOAR. Certainly.

Mr. VEST. I understood the Senator to say that upon further inquiry he was satisfied that he had been wrong about the matter of text-books.

Mr. HOAR. We declare the office vacant and have it filled in a different way. We do not abolish the office.

Mr. VEST. Without any cause at all then? But I care nothing about it.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to offer an amendment?

Mr. VEST. No, sir.

The PRESIDING OFFICER. The next section will be reported by number.

Mr. BROWN. I move to add the following sections——

Mr. HOAR. Call the last section.

The PRESIDING OFFICER. The last section will be stated by the Clerk.

The CHIEF CLERK. Section 24.

The PRESIDING OFFICER. No amendment being offered to section 24, the amendment of the Senator from Georgia is now in order.

Mr. HOAR. That is a section which was added as an amendment by the Senate, and therefore of course it is not subject to amendment.

Mr. VEST. I should like to hear it read.

The PRESIDING OFFICER. Section 24 will be read.

The Chief Clerk read as follows:

SEC. 24. (a.) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage.

(b.) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

(c.) If a husband seized of an estate of inheritance in lands exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced, by the commencement of proceedings to recover her dower of the lands given in exchange, within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(d.) When a person seized of an estate of inheritance in lands shall have executed a mortgage of such estate before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged as against every person except the mortgagee and those claiming under him.

(e.) Where a husband shall purchase lands during coverture, and shall at the same time mortgage his estate in such lands to secure the payment of the purchase money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or those claiming under him, although she shall not have united in such mortgage, but she shall be entitled to her dower as against all other persons.

(f.) Where in such case the mortgagee, or those claiming under him, shall, after the death of the husband of such widow, cause the land mortgaged to be sold, either under a power of sale contained in the mortgage or by virtue of the decree of a court of equity, and if any surplus shall remain after payment of the moneys due on such mortgage and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus, for her life, as her dower.

(g.) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(h.) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

Mr. HOAR. It is the New York dower law.

Mr. BROWN. I withdraw the other amendment for a moment. I desire to offer one to the section just read, to come in at the end of it:

The widow who takes the benefit of dower under this act shall take the same distributive share of the balance of the estate as each child is entitled to if there be a child or children. If no child or children, the widow shall take one-half the balance of the estate, and the father, mother, brothers, and sisters, or such of either as may be in life, shall take the other half. If there be neither child nor mother, brother nor sister of the deceased, the widow shall be the sole heir.

The PRESIDING OFFICER. The question is on the amendment to add these words to section 24.

The amendment was rejected.

Mr. BROWN. Now I offer an amendment as an additional section.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add as a new section:

And it is hereby declared that no person shall be made to suffer disfranchisement for any supposed or imputed offense for which he has not been duly convicted, nor shall any law depriving a person of his civil rights for the guilt of polygamy, bigamy, unlawful cohabitation, or other offense, be construed so as to give it a retroactive or *ex post facto* operation.

Mr. BROWN. I ask for the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. BLAIR. On this question I am paired with the junior Senator from Kentucky [Mr. WILLIAMS].

The result was announced—yeas 17, nays 27; as follows:

YEAS—17.

Bayard,	Groome,	Maxey,	Vest,
Brown,	Hampton,	Morgan,	Walker.
Coke,	Jonas,	Pendleton,	
Fair,	Kenna,	Ransom,	
George,	Lamar,	Vance,	

NAYS—27.

Allison,	Frye,	Mahone,	Plumb,
Cameron of Wis.,	Garland,	Manderson,	Pugh,
Conger,	Harrison,	Miller of Cal.,	Riddleberger,
Cullom,	Ingalls,	Mitchell,	Sawyer,
Dawes,	Jones of Nevada,	Morrill,	Voorhees,
Dolph,	Lapham,	Palmer,	Wilson.
Edmunds,	McMillan,	Pike,	

ABSENT—32.

Aldrich,	Cameron of Pa.,	Hawley,	Platt,
Anthony,	Cockrell,	Hill,	Sabin.
Beck,	Colquitt,	Hoar,	Saulsbury,
Blair,	Farley,	Jackson,	Sewell,
Bowen,	Gibson,	Jones of Florida,	Sherman,
Butler,	Gorman,	Logan,	Slater,
Call,	Hale,	McPherson,	Van Wyck,
Camden,	Harris,	Miller of N. Y.,	Williams.

So the amendment was rejected.

Mr. BROWN. I have but one more amendment, and that relates to the mode of making selection of jurors.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add as a new section:

That a party accused of any offense defined in the act of March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," shall have a fair trial before a jury of the country impartially, selected from the body of the people within the proper jurisdiction according to the common law and the Constitution of the United States, without reference to the belief or disbelief of the juror in the religious or political opinions of the accused or the party he belongs to: *Provided*, That nothing herein contained shall be construed to forbid an inquiry to ascertain the juror's impartiality between the parties in the particular case.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia.

Mr. BROWN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL]. I do not know how he would vote on this amendment if present. I should vote "nay."

The result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Bayard,	Hampton,	Lamar,	Ransom,
Brown,	Jonas,	Maxey,	Vance,
Coke,	Jones of Florida,	Morgan,	Vest,
George,	Kenna,	Pendleton	Walker.

NAYS—30.

Allison,	Edmunds,	McMillan,	Plumb,
Bowen,	Frye,	Mahone,	Pugh,
Cameron of Wis.,	Garland,	Manderson,	Riddleberger,
Colquitt,	Harrison,	Miller of Cal.,	Sawyer,
Conger,	Ingalls,	Mitchell,	Voorhees,
Cullom,	Jackson,	Morrill,	Wilson.
Dawes,	Jones of Nevada,	Palmer,	
Dolph,	Lapham,	Pike,	

ABSENT—30.

Aldrich,	Cockrell,	Hawley,	Saulsbury,
Anthony,	Fair,	Hill,	Sewell,
Beck,	Farley,	Hoar,	Sherman,
Blair,	Gibson,	Logan,	Slater,
Butler,	Gorman,	McPherson	Van Wyck,
Call,	Groome,	Miller of N. Y.,	Williams.
Camden,	Hale,	Platt,	
Cameron of Pa.,	Harris,	Sabin,	

So the amendment was rejected.

Mr. VANCE. I move to strike out section 16.

Mr. EDMUNDS. A motion to strike out section 16 has been negatived already.

The PRESIDING OFFICER. The Chair will hold that a motion to strike out section 16 is not at this time in order. It will be in order when the bill shall have been reported to the Senate.

Mr. VANCE. Very well, sir.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. If there be no objection action will be taken in gross on the amendments made as in Committee of the Whole.

Mr. BAYARD. I desire a separate vote on section 1.

Mr. MAXEY. We have not quite reached that point. I have reserved the right to move to strike out that section. Is the bill now in the Senate?

The PRESIDING OFFICER. It is.

Mr. MAXEY. I now move, in pursuance of the notice I gave in Committee of the Whole, to strike out section 1.

Mr. EDMUNDS. That is not yet in order until we vote on the Senate's affirmative amendments.

The PRESIDING OFFICER. The first question is, Will the Senate concur in the amendments made as in Committee of the Whole? Unless there be objection the vote upon these amendments will be taken in gross.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MAXEY. I reserve the right to have a vote in the Senate on section 1. I move now, in pursuance of the notice I gave in Committee of the Whole, to strike out section 1 of the bill; and on that motion I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Texas moves to amend the bill by striking out section 1.

Mr. HOAR. Is the Senator aware that the Senate voted on that in committee by a yea-and-nay vote? It would be a mere repetition of what was once acted on by a majority.

Mr. MAXEY. I prefer to have the vote taken precisely as I have indicated.

The PRESIDING OFFICER. The Senator from Texas moves to strike out the first section, and asks for the yeas and nays.

Mr. MAXEY. I made the motion in committee, and the Senator from Massachusetts stated in committee that a vote could be had after the amendment of the Senator from Missouri; and I did not by reason of that call for the yeas and nays. There are no yeas and nays on record on this question.

Mr. HOAR. Very well.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). On this question I am paired with the junior Senator from Kentucky [Mr. WILLIAMS].

Mr. BUTLER (when his name was called). On this question I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present I should vote "yea," and I presume he would vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "yea."

Mr. BECK (when Mr. HALE'S name was called). The name of the Senator from Maine [Mr. HALE] being called, I desire to announce that I am paired with him on this question. He would vote "nay" and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 15, nays 31; as follows:

YEAS—15.

Bayard,	Hampton,	Maxey,	Vance,
Brown,	Jonas,	Morgan,	Vest,
Coke.	Jones of Florida,	Pendleton,	Walker.
Groome,	Kenna,	Ransom,	

NAYS—31.

Allison,	Edmunds,	Lapham,	Pike,
Bowen,	Frye,	McMillan,	Plumb,
Cameron of Wis.,	Garland,	Mahone,	Pugh,
Colquitt,	George,	Manderson,	Riddleberger,
Conger,	Harrison,	Miller of Cal.,	Sawyer,
Cullom,	Ingalls,	Mitchell,	Voorhees,
Dawes,	Jackson,	Morrill,	Wilson.
Dolph,	Jones of Nevada,	Palmer,	

ABSENT—30.

Aldrich,	Cockrell,	Hill,	Saulsbury,
Anthony,	Fair,	Hoar,	Sewell,
Beck,	Farley,	Lamar,	Sherman,
Blair,	Gibson,	Logan,	Slater,
Butler,	Gorman,	McPherson,	Van Wyck,
Call,	Hale,	Miller of N. Y.,	Williams.
Camden,	Harris,	Platt,	
Cameron of Pa.,	Hawley,	Sabin,	

So the amendment was rejected.

Mr. GEORGE. I move to strike out the twelfth section, and I ask leave to utter one sentence on that motion. The failure to strike out that section will prevent me voting for the bill.

The PRESIDING OFFICER. The Senator from Mississippi moves to strike out section 12.

The motion was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. VEST and Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON] on this question. Were he here I should vote "nay," and I understand he would vote "yea."

Mr. CALL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here, I should vote "nay."

Mr. KENNA (when Mr. CAMDEN'S name was called). On this vote my colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

Mr. JACKSON (when the name of Mr. HARRIS was called). My colleague [Mr. HARRIS] is paired with the Senator from Massachusetts [Mr. HOAR]. I do not know how he would vote on this question.

Mr. MCPHERSON (when his name was called). I am generally paired with my colleague [Mr. SEWELL] when he is absent. I have no knowledge of his views on this question, and therefore shall withhold my vote. If he were here, however, I should vote "yea."

Mr. LAPHAM. I think there is no doubt the Senator's colleague would vote for this bill.

Mr. MCPHERSON. Then, on the representation of the honorable Senator, I vote "yea."

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. The Senator from Connecticut [Mr. HAWLEY] is paired on this bill with the Senator from Missouri [Mr. COCKRELL]. The Senator from Connecticut is in favor of the passage of the bill.

Mr. FRYE. My colleague [Mr. HALE] is necessarily absent and paired with the Senator from Kentucky [Mr. BECK]. If present, my colleague would vote "yea."

Mr. BLAIR. On this question I am paired with the junior Senator from Kentucky [Mr. WILLIAMS]. If he were present, I should vote for the bill.

The result was announced—yeas 33, nays 15; as follows:

YEAS—33.

Allison,	Edmunds,	Lapham,	Pike,
Beck,	Fair,	McMillan,	Pugh,
Bowen,	Frye,	McPherson,	Riddleberger,
Cameron of Wis.,	Garland,	Mahone,	Sawyer,
Colquitt,	Harrison,	Manderson,	Voorhees,
Conger,	Ingalls,	Miller of Cal.,	Wilson.
Cullom,	Jackson,	Mitchell,	
Dawes,	Jones of Florida,	Morrill,	
Dolph,	Jones of Nevada,	Palmer,	

NAYS—15.

Bayard,	Hampton,	Maxey,	Vance,
Brown,	Jonas,	Morgan,	Vest,
Coke,	Kenna,	Pendleton,	Walker.
George,	Lamar,	Ransom,	

ABSENT—28.

Aldrich,	Cockrell,	Hawley,	Sabin,
Anthony,	Farley,	Hill,	Saulsbury,
Blair,	Gibson,	Hoar,	Sewell,
Butler,	Gorman,	Logan,	Sherman,
Call,	Groome,	Miller of N. Y.,	Slater,
Camden,	Hale,	Platt,	Van Wyck,
Cameron of Pa.,	Harris,	Plumb,	Williams.

So the bill was passed.

WITHDRAWAL OF PAPERS.

On motion of Mr. BLAIR, it was

Ordered, That Joseph McGuckian have leave to withdraw his petition for pension and papers accompanying it from the files of the Senate on leaving copies of the same with the Secretary, there having been an adverse report.

ORDER OF BUSINESS.

Mr. COKE. I move that the Senate take up and proceed to the consideration of (H. R. 3961) Order of Business 671, being a bill to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

Mr. CULLOM. I hope that motion will not prevail, and that we may take up the Mexican pension bill to-morrow morning or to-night, and leave it as the unfinished business for to-morrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

Mr. HOAR. I move that the Senate do now adjourn.

Mr. BAYARD. I wish to offer an amendment to the deficiency appropriation bill.

Mr. MILLER, of California. So do I.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

Mr. HOAR. I yielded to the Senator from Delaware to offer an amendment to a bill. I do not mean to yield the motion to adjourn. We can settle the question of the precedence of business to-morrow.

Mr. COKE. I have had the floor myself.

The PRESIDING OFFICER. The Senator from Texas had the floor and made his motion.

Mr. HOAR. But I rise to a question of order. The Senator from Texas made an undebatable motion. That having been stated, I rose and moved an adjournment. The Senator can not hold the floor on an undebatable motion.

The PRESIDING OFFICER. The Chair did not understand that the Senator from Massachusetts had made a motion to adjourn.

Mr. HOAR. I did make that motion. Then I proposed to yield to the Senator from Delaware to offer his amendment. My purpose was not hostile to that of the Senator from Texas, but simply that this question of the prior order of business might be taken up to-morrow morning when the Senate is full.

Mr. COKE. I ask the Senator if he will not withdraw his motion for a moment in order that this motion of mine may be put?

Mr. CULLOM. I shall renew it if it is withdrawn.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Massachusetts insists on his motion to adjourn?

Mr. HOAR. I do.

Mr. MAXEY. I rise to a parliamentary inquiry. Suppose that the motion of the Senator from Massachusetts were to prevail, would not that leave the motion of my colleague the unfinished business for to-morrow?

The PRESIDING OFFICER. The Chair thinks that it will leave that for decision to-morrow.

Mr. MAXEY. Will not the motion be the unfinished business?

Mr. COKE. I made the motion. My motion was pending and not acted upon. Will that motion come up to-morrow?

The PRESIDING OFFICER. It will be for decision by the Chair in the morning whether that is the business regularly in order then. At present, however, the motion to adjourn is pending. It is moved that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 18, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

SAINT MARY'S FALLS CANAL, MICHIGAN.

Mr. MAYBURY. I rise, Mr. Speaker, for the purpose of asking unanimous consent to take up from the Speaker's table for present consideration the bill (S. 1988) for the government and control of the Saint Mary's Falls Canal, Michigan.

The SPEAKER. The bill will be read subject to objection.

The bill was read *in extenso*.

Mr. BLAND. Is it asked that the bill just read shall be considered at this time?

The SPEAKER. That is the request of the gentleman from Michigan.

Mr. BLAND. I call for the regular order, and move to dispense with the morning hour.

Mr. TOWNSHEND. I desire to introduce a joint resolution for reference.

Mr. THOMPSON. I object, and call for the regular order of business.

SETH BONNEY.

The SPEAKER. As a matter of privilege the Chair desires to correct an erroneous reference. The bill (H. R. 7323) granting a pension to Seth Bonney was referred to the Committee on Invalid Pensions, and

should have gone to the Committee on Pensions. There being no objection, the correction will be made.

There was no objection, and it was ordered accordingly.

REPORT ON PRECIOUS METALS.

Mr. ROGERS, of New York. I rise to a privileged report from the Committee on Printing, which I ask the Clerk to read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That 9,000 copies of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1883 be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

The Committee on Printing, to which was referred the resolution for printing 9,000 copies of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1883, 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint, respectfully report that the resolution proposes the printing of the same number that was ordered of the Director's report on the same subject for 1881 and 1882; that they have obtained an estimate from the Public Printer of the cost of printing and binding the number required by the resolution, which would be $540, producing a total cost of $4,860. The committee recommend the adoption of the resolution.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I rise to make a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I move that the request of the Senate for a further conference on the disagreeing votes of the two Houses on the Post-Office appropriation bill be granted.

The SPEAKER. The message of the Senate will be taken from the Speaker's table and read.

The Clerk read as follows:

IN SENATE OF THE UNITED STATES, *June* 16, 1884.

Resolved, The Senate agree to the amendment of the House of Representatives to the thirteenth amendment of the Senate to the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, and for other purposes, and that it further insist on its amendments numbered 10, 11, and 17, to said bill, disagreed to by the House of Representatives, and ask for a further conference.

Ordered, That Mr. PLUMB, Mr. ALLISON, and Mr. BECK be the conferees on the part of the Senate.

Mr. TOWNSHEND. I move that the House further insist on its disagreement to the amendment of the Senate indicated, and agree to the request for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. TOWNSHEND, Mr. HOLMAN, and Mr. HORR.

SECOND MISSISSIPPI CONGRESSIONAL DISTRICT.

Mr. THOMPSON. I move to dispense with the morning hour.

Mr. MILLER, of Pennsylvania. I rise to a question of privilege, and send to the Clerk's desk a resolution to be read.

The Clerk read as follows:

Whereas the second district of Mississippi is without representation on this floor, there being a contest pending before the House as to who is entitled to a seat on this floor: and

Whereas the Committee on Elections has had the said contest before them for over six months: and

Whereas no report has been submitted to the House:

Resolved, That the Committee on Elections be ordered to report said case to the House at the earliest practicable time.

The SPEAKER. That is not a matter of privilege.

Mr. MILLER, of Pennsylvania. It relates to a right of a member to his seat.

The SPEAKER. But the resolution does not propose to swear in a member, but is merely a resolution to instruct a committee of the House.

Mr. MILLER, of Pennsylvania. Then I send the following resolution to the Clerk's desk to be read.

Mr. BLAND. If the resolution is decided to be out of order I call for the regular order of business and will move to dispense with the morning hour.

The SPEAKER. The Chair decides the resolution which was read is not one of privilege, but the gentleman from Pennsylvania now says he rises to offer a resolution which is one of privilege, and that resolution the Chair will hear read.

The Clerk read as follows:

Resolved, That James R. Chalmers was duly elected a Representative to the Forty-eighth Congress from the second Congressional district of Mississippi, and is entitled to be seated.

Mr. HAMMOND. I make the point of order, Mr. Speaker, that that resolution is not in order, as this subject has been committed by the House to the Committee on Elections. I regret that the gentleman from Pennsylvania has taken the opportunity to submit this matter to the House when the chairman of the Committee on Elections is absent.

Mr. THOMPSON. Does that resolution come before this House as a report from any committee?

The SPEAKER. It does not; but it is a proposition to seat a member, and is a question of privilege.

Mr. THOMPSON. I raise the question of consideration against it.

The SPEAKER. The gentleman from Kentucky raises the question of consideration against the resolution. The Chair decides it is a matter of privilege, but of course the question of consideration can be raised against it.

Mr. MILLER, of Pennsylvania. But I have not yielded the floor for any such purpose.

The SPEAKER. The gentleman can not deprive the House of the opportunity to determine whether it will consider the matter now or not.

Mr. THOMPSON. It comes here under very singular circumstances, not being the report of any committee.

The SPEAKER. It was formerly the rule and practice of the House for the Chair to submit the question of consideration to the House in all cases, but under the existing rules it is provided that the Chair shall not submit that question unless some gentleman demands it. Every gentleman has the right to demand that the question of consideration shall be put, and there must of course be a time after a proposition is submitted and before its consideration has actually commenced when that demand can be made.

Mr. MILLER, of Pennsylvania. I ask unanimous consent to make a brief statement, a statement that will not occupy over one or two minutes.

Mr. THOMPSON, Mr. HAMMOND, and others objected.

The SPEAKER. The question is, Will the House now proceed to the consideration of the resolution by the gentleman from Pennsylvania?

Mr. HERBERT. Will the gentleman permit me to ask him a question?

Several MEMBERS. Regular order!

Mr. MILLER, of Pennsylvania. I will, certainly, if I am permitted to do so.

Mr. HERBERT. I want to know why this resolution is offered now, in the absence of the chairman of the Committee on Elections?

The SPEAKER. The question is not debatable.

The question is, Will the House now proceed with the consideration of the resolution?

Mr. MILLER, of Pennsylvania. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WARNER, of Ohio. Let us have the resolution again reported.

The SPEAKER. That can only be done by unanimous consent.

Mr. BLAND. I object, and hope we will go on with the public business.

The question was taken; and there were—yeas 68, nays 130, not voting 125; as follows:

YEAS—68.

Adams, G. E.	Dunham,	Kasson,	Poland,
Adams, J. J.	Ellwood,	Keifer,	Price,
Anderson,	Evans, I. N.	Kelley,	Ray, Ossian
Atkinson,	Everhart,	Libbey,	Rockwell,
Barr,	Funston,	Long,	Smalls,
Belford,	George,	McCoid,	Smith,
Bisbee,	Guenther,	McCormick,	Spooner,
Brainerd,	Harmer,	Miller, S. H.	Strait,
Brewer, F. B.	Hart,	Morrill,	Struble,
Browne, T. M.	Hatch, H. H.	Nelson,	Taylor, E. B.
Brown, W. W.	Henderson, D. B.	Nutting,	Wadsworth,
Cannon,	Henderson, T. J.	Ochiltree,	Wait,
Culbertson, W. W.	Hepburn,	O'Hara,	Wakefield,
Cullen,	Hitt,	O'Neill, Charles	Weller,
Cutcheon,	Houk,	Payson,	White, Milo
Davis, G. R.	Howey,	Perkins,	Wise, J. S.
Dingley,	Johnson,	Pettibone,	York.

NAYS—130.

Alexander,	Eaton,	Laird,	Seymour,
Bagley,	Ellis,	Lamb,	Shaw,
Ballentine,	English,	Lanham,	Shelley,
Barksdale,	Ermentrout,	Le Fevre,	Skinner, T. G.
Bennett,	Ferrell,	Lewis,	Spriggs,
Bland,	Fiedler,	Lore,	Stewart, Charles
Blount,	Findlay,	Lowry,	Stockslager,
Boyle,	Foran,	Matson,	Storm,
Broadhead,	Forney,	Maybury,	Sumner, C. A.
Buchanan,	Garrison,	Miller, J. F.	Sumner, D. H.
Cabell,	Geddes,	Mills,	Taylor, J. M.
Campbell, Felix	Glascock,	Morgan,	Thompson,
Candler,	Green,	Moulton,	Throckmorton,
Carleton,	Greenleaf,	Muldrow,	Tillman,
Cassidy,	Halsell,	Murphy,	Townshend,
Clay,	Hammond,	Murray,	Tully,
Clements,	Hardeman,	Neece,	Turner, Oscar
Collins,	Hatch, W. H.	Nicholls,	Vance,
Connolly,	Hemphill,	Oates,	Van Eaton,
Cosgrove,	Herbert,	O'Ferrall,	Warner, A. J.
Cox, S. S.	Hewitt, A. S.	O'Neill, J. J.	Warner, Richard
Cox, W. R.	Hewitt, G. W.	Paige,	Wellborn,
Crisp,	Hoblitzell,	Patton,	Wilkins,
Culberson, D. B.	Holman,	Pierce,	Wilson, W. L.
Curtin,	Hopkins,	Peel,	Winans, E. B.
Dargan,	Houseman,	Post,	Wise, G. D.
Davis, L. H.	Hunt,	Pryor,	Wolford,
Deuster,	Jones, B. W.	Pusey,	Wood,
Dibble,	Jones, J. H.	Randall,	Woodward,
Dibrell,	Jones, J. K.	Riggs,	Worthington,
Dockery,	Jordan,	Rogers, W. F.	Young.
Dowd,	Kean,	Scales,	
Dunn,	Kleiner,	Seney,	

NOT VOTING—125.

Aiken,	Eldredge,	McAdoo,	Singleton,
Arnot,	Elliott,	McComas,	Skinner, C. R.
Barbour,	Evins, J. H.	McMillin,	Slocum,
Bayne,	Finerty,	Millard,	Snyder,
Beach,	Follett,	Milliken,	Springer,
Belmont,	Fyan,	Mitchell,	Steele,
Bingham,	Gibson,	Money,	Stephenson,
Blackburn,	Goff,	Morey,	Stevens,
Blanchard,	Graves,	Morrison,	Stewart, J. W.
Boutelle,	Hanback,	Morse,	Stone,
Bowen,	Hancock,	Muller,	Talbott,
Breckinridge,	Hardy,	Mutchler,	Taylor, J. D.
Breitung,	Haynes,	Parker,	Thomas,
Brewer, J. H.	Henley,	Payne,	Tucker,
Brumm,	Hill,	Peters,	Turner, H. G.
Buckner,	Hiscock,	Phelps,	Valentine,
Budd,	Holmes,	Potter,	Van Alstyne,
Burleigh.	Holton,	Rankin,	Wallace,
Burnes,	Hooper,	Ranney,	Ward,
Caldwell,	Horr,	Ray, G. W.	Washburn,
Calkins,	Hurd,	Reagan,	Weaver,
Campbell, J. M.	Hutchins,	Reed,	Wemple,
Chace,	James,	Reese,	White, J. D.
Clardy,	Jeffords,	Rice,	Whiting,
Cobb,	Jones, J. T.	Robertson,	Williams,
Converse,	Kellogg,	Robinson, J. S.	Willis,
Cook,	Ketcham,	Robinson, W. E.	Wilson, James
Covington,	King,	Rogers, J. H.	Winans, John
Davidson,	Lacey,	Rosecrans,	Yaple.
Davis, R. T.	Lawrence,	Rowell,	
Dorsheimer,	Lovering,	Russell,	
Duncan,	Lyman,	Ryan,	

So the House refused to consider the resolution.

On motion of Mr. HATCH, of Missouri, by unanimous consent, the reading of the names was dispensed with.

The following gentlemen were announced as paired on all questions:

Mr. RUSSELL with Mr. BLACKBURN, until further notice.

Mr. FOLLETT with Mr. CALKINS, until further notice.

Mr. TALBOTT with Mr. STEELE, until further notice.

The following were announced as being paired on all political questions until further notice:

Mr. ELLIOTT with Mr. PETERS.

Mr. SNYDER with Mr. BARR.

Mr. WARD with Mr. PAYNE.

Mr. GIBSON with Mr. GOFF.

Mr. HILL with Mr. MILLIKEN.

Mr. COVINGTON with Mr. BOUTELLE.

Mr. DORSHEIMER with Mr. HISCOCK.

Mr. STEVENS with Mr. KELLOGG.

Mr. HARDY with Mr. CHACE.

Mr. REAGAN with Mr. LAIRD.

Mr. HANCOCK with Mr. WASHBURN.

Mr. BEACH with Mr. SKINNER, of New York.

Mr. CALDWELL with Mr. RICE, on this vote.

Mr. CONVERSE with Mr. PHELPS.

Mr. MULLER with Mr. GUENTHER.

Mr. EVINS, of South Carolina, with Mr. LACY.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. WILSON, of Iowa.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. STEPHENSON with Mr. WALLACE, until June 19.

Mr. MCMILLIN with Mr. RAY, of New York, until June 21.

Mr. HURD with Mr. JOSEPH D. TAYLOR, until June 22.

Mr. WILLIAMS with Mr. DAVIS, of Massachusetts, on this vote.

Mr. SLOCUM with Mr. LYMAN, until June 19.

Mr. CLARDY with Mr. THOMAS, on all political questions, for this day.

Mr. ROBERTSON, of Kentucky, with Mr. WHITING, on all political questions, for this day.

Mr. YAPLE with Mr. LAWRENCE, on all political questions, for this day.

Mr. TURNER, of Georgia, with Mr. BROWNE, of Pennsylvania, on all political questions, for this day.

Mr. RICE with Mr. BREITUNG, on this vote.

Mr. CHACE. Mr. Speaker, I am announced as being paired with the gentleman from New York on all political questions. I wish to ask if this is a political question?

The SPEAKER. That is a question the Chair can not undertake to decide for the gentleman.

Mr. CHACE. As that answer is a little equivocal, I think I had better withdraw my vote.

Mr. DUNHAM. I understood that I was paired with the gentleman from Georgia [Mr. TURNER], and hence did not vote when my name was called. I find now by a reading of the list of pairs that Mr. TURNER is paired with the gentleman from Pennsylvania [Mr. BROWN] and I ask leave to record my vote.

There was no objection.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. THOMPSON. I move to dispense with the morning hour for the call of committees.

Mr. LOWRY. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. LOWRY. I desire, in pursuance of the notice given to the House some days ago, and in furtherance of the agreement between the gentlemen having in charge the minority report and myself, to call up for consideration this morning the contested-election case of Campbell *vs.* Morey. I am somewhat apprehensive, in view of what has just transpired, that there has been a lapse of memory on the part of my friend from Pennsylvania and that he has substituted by mistake the case of Chalmers *vs.* Manning in his resolution for that of Campbell *vs.* Morey. I desire now to call up for present consideration the latter case.

Mr. MILLER, of Pennsylvania. I presume I have a right to make a reply to what has just been said by the gentleman from Indiana [Mr. LOWRY].

The SPEAKER. Only by unanimous consent. The question is not debatable. [Cries of "Regular order!"]

Mr. MILLER, of Pennsylvania. Is there objection?

The SPEAKER. The Chair will put the question. Is there objection to the gentleman from Pennsylvania making a brief statement?

There was no objection.

Mr. MILLER, of Pennsylvania. I made no error at all in offering the resolution which I did offer asking for the consideration of the case of Chalmers against Manning. There was no understanding or misunderstanding between the gentleman from Indiana and myself. I offered the resolution because the Committee on Elections were in favor of seating Mr. Chalmers with the exception of a single vote; and they ordered a gentleman to report that case more than three weeks ago. We—a number of gentlemen on the committee—have been endeavoring to get that matter brought before the House and have failed. I therefore submitted the resolution I did in order to give the House an opportunity to say whether or not they would consider the case. That is all.

The SPEAKER. The gentleman from Kentucky [Mr. THOMPSON] moves to dispense with the morning hour. Pending that the gentleman from Indiana [Mr. LOWRY] calls up as a privileged matter the report of the Committee on Elections in the contested-election case of Campell *vs.* Morey. The Chair thinks the question had better first be put on the motion of the gentleman from Kentucky. That will not interfere with the other matter.

Mr. POLAND. Several gentlemen desire to present reports from committees that they may be printed. It will only occupy a few minutes.

The House divided on the motion of Mr. THOMPSON; and there were—ayes 86, noes 33.

So (further count not being called for, and two-thirds having voted in the affirmative) the morning hour was dispensed with.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] now calls up the contested-election case of Campbell *vs.* Morey.

Mr. THOMPSON. Having antagonized the consideration of the case of Mr. Chalmers claiming his seat here, in order that we might proceed to the consideration of the bill for the amendment of the Thurman sinking-fund act, the most important measure now pending before the House, I feel in duty bound to antagonize also the gentleman from Indiana. These election cases can be called up at any time; and I think the matter we have in hand ought to be disposed of now.

Mr. BLAND. I hope we will go on with the Pacific railroads bill.

The SPEAKER. The gentleman from Kentucky raises the question of consideration on the election case called up by the gentleman from Indiana. The question is, Will the House proceed to the consideration of the contested-election case of Campbell *vs.* Morey?

Mr. LOWRY rose.

The SPEAKER. The question is not debatable.

Mr. LOWRY. I desire simply to suggest——

Mr. MILLER, of Pennsylvania. I object to any discussion.

The House divided; and there were ayes 32, noes not counted.

So the House refused to proceed to the consideration of the election case.

Mr. LOWRY. I beg leave to give notice that at the conclusion of the consideration of the pending bill I will then call up this election case for consideration.

AMENDMENT OF THURMAN ACT.

The House, as the regular order, resumed the consideration of the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

Mr. THOMPSON. I desire to give notice that at 5 o'clock this evening I will demand the previous question on this bill and pending amendments.

Mr. ANDERSON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. My point of order is that the bill has not yet been read and that we have not reached the stage at which the previous question can be moved.

The SPEAKER. The gentleman from Kentucky does not propose to call the previous question at this time.

Mr. THOMPSON. I give notice that I propose to call the previous question at 5 o'clock.

The SPEAKER. That is simply a notice for the information of members.

Mr. ANDERSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. I desire to know whether the bill will be read by sections for amendment, or whether the gentleman in charge of the bill will permit amendments to be offered at the close of the general debate. There are several amendments that I wish to offer at different points in the bill.

Mr. THOMPSON. I can not say what the temper of the House may be as to that. In regard to the admission of amendments, I shall be regulated by the temper of the House and the rules.

Mr. ANDERSON. Then I will ask the Chair whether we have not the right to call for the reading of the bill?

The SPEAKER. The bill is not in Committee of the Whole and is not being considered in the House as in Committee of the Whole. Therefore the bill will not be read by sections for amendments.

Mr. ANDERSON. Will the Chair please to say when we can offer amendments?

The SPEAKER. The rules provide that an amendment can be offered and an amendment to the amendment; also at the same time a substitute can be offered and an amendment to the substitute. That is as far as amendments can be offered under the rules of the House.

Mr. ANDERSON. If the gentleman from Kentucky [Mr. THOMPSON] takes the floor and calls the previous question, how can we offer amendments?

Mr. BROWNE, of Indiana. If the House shall refuse to order the previous question, then amendments can be offered.

Mr. THOMPSON. The House would vote down the previous question if they want any amendments.

Mr. ANDERSON. I do not want to take any chances of that sort. I hope the gentleman will allow me an opportunity to offer some amendments. I would like to offer them now, if in order.

Mr. THOMPSON. They are not in order now. The gentleman from Texas [Mr. THROCKMORTON] has the floor for debate, and I demand the regular order.

The SPEAKER. The gentleman from Texas [Mr. THROCKMORTON] is entitled to the floor and will proceed.

Mr. THROCKMORTON. Mr. Speaker, to a correct understanding of the question before the House and the issue presented by the bills of the majority and minority of the committee it is necessary to understand the indebtedness of the subsidized Pacific railroads arising under the acts of 1862 and 1864, the complications arising under the act of 1873, and in what manner that indebtedness and these complications have been affected by the act of 1878.

The present condition of the debt, and what it will be at the maturity of the bonds if left as it now exists under the law of 1878, and what it will be under the provisions of the bills prepared by the committee, should be considered.

The act of 1862 required all the earnings for mails, telegraphing, and other Government transportation to be retained in the Treasury and applied as a credit on the bond and interest account of the roads, and in addition thereto, after the completion of the roads, 5 per cent. of the net earnings was to be paid by the companies and applied in like manner. The act of 1864 modified that of 1862 so that only one-half of the earnings for Government service was to be retained. Owing to the fact that the companies were falling largely behind in meeting their interest with the one-half transportation service and the 5 per cent. on net earnings, and to the further fact that the Government was annually paying them large sums for the other half of their transportation, the act of 1873 was passed. That act required all their earnings for Government service to be retained.

The officers of the United States construed that act to mean that not only were the earnings on the subsidized portions of the roads to be retained but also the earnings upon the unaided parts of the lines that were owned or operated by the companies in connection with their aided lines. The companies contested the validity of that law. That contest and the continued falling behind in meeting the interest gave rise to the law of 1878, known as the Thurman act. That law was based upon the theory that the one-half earnings for Government service on the aided lines and the 5 per cent. of net earnings on the same lines under the acts of 1862 and 1864 should be applied to the payment of interest, and that the additional one-half earnings on the aided lines and the whole amount of earnings imposed by the act of 1873 on the non-aided lines should be invested in a sinking fund for the benefit of the companies. That act has been passed upon by the Supreme Court and its validity sustained.

When the act of 1878 was passed the several companies had fallen still further behind in the payment of interest. The Union Pacific was in arrears of interest $10,000,000, and the Central Pacific, including the Western Pacific, was in arrears $13,500,000; that is, after giving them credit for all the telegraphing, conveying the mails, other transportation, and the 5 per cent. of net earnings paid by them they were behind in interest the sum of $23,500,000.

From official tables contained in the report of the Commissioner of Railroads it will be seen that the several subsidized Pacific railroads on June 30, 1883, were behind in interest with the Government $42,739,514.39. This statement brings us to the consideration of the question now before the House, and the necessity of further legislation to secure the Government against the loss of the principal and interest of its debt.

I here submit a table showing the amount of bonds issued by the Government to these roads. I will not detain the House by reading it, but ask to have it and the other tables I have had prepared printed with my remarks.

TOTAL DEBT TO JUNE 30, 1883.

The amount of bonds to all the roads		$64,623,512 00
Amount to Central Pacific (including Western Pacific)	$27,855,680 00	
Amount to Union Pacific	27,236,512 00	
Amount to Kansas Pacific	6,303,000 00	
Amount to Sioux City and Pacific	1,628,320 00	
Amount to Central Branch Union Pacific	1,600,000 00	
Total		64,623,512 00
(See report of Commissioner of Railroads for 1883, page 7.) Amount of interest due at maturity of bonds (30 years, at 6 per cent.):		
From Central Pacific	$46,593,216 00	
From Western Pacific	3,547,008 00	
From Union Pacific	49,025,721 60	
From Kansas Pacific	11,345,400 00	
From Sioux City and Pacific	2,930,976 00	
From Central Branch Union Pacific	2,880,000 00	
Total		116,322,321 60
Total principal and interest due at maturity of bonds		180,945,833 60
(See report of Commissioner of Railroads for 1883, pages 8, 9, and 10.) Amount of accrued interest June 30, 1883:		
Central Pacific		23,452,555 27
Western Pacific		1,668,248 94
Union Pacific		24,957,850 41
Kansas Pacific		6,129,333 09
Central Branch Union Pacific		1,549,808 26
Sioux City and Pacific		1,464,297 49
Total		59,222,093 46
(See report of Commissioner of Railroads, page 7.) Total indebtedness of all the roads up to June 30, 1883:		
Principal		64,623,512 00
Interest		59,222,093 46
Total		123,845,605 46

TOTAL CREDITS TO JUNE 30, 1883.

Transportation services performed and money paid into the Treasury:		
Union Pacific:		
Transportation services applied to bond and interest account	$11,902,342 46	
Half transportation, applied to sinking fund under act of May 7, 1878	1,536,379 10	
Interest on sinking-fund investments	96,318 49	
		13,535,040 05
Central Pacific:		
Transportation services. applied to bond and interest account	4,601,525 25	
Cash payment, 5 per cent. net earnings, under acts of 1862 and 1864	648,271 96	
Cash payment, sinking fund, under act of May 7, 1878	633,992 48	
Half transportation, applied to sinking fund under act of May 7, 1878	1,650,452 68	
Interest on sinking-fund investments	119,570 70	
		7,653,813 07
Sioux City and Pacific:		
Transportation services applied to bond and interest account		121,355 39
Central Branch Union Pacific:		
Transportation services, applied to bond and interest account	$152,157 10	
Cash payment, 5 per cent. net earnings, under acts of 1862 and 1864	6,926 91	
		159,084 01
Total		21,469,292 52
(See report of Commissioner of Railroads for 1883, pages 7 and 8.)		

RECAPITULATION.

Total debt to June 30, 1883	123,845,605 46
Total credits to June 30, 1883	21,469,292 52
Balance in favor of the United States, but not due until maturity of principal, 1895–'99	102,376,312 94
Divided as follows:	
Due from Union Pacific	51,091,655 45
Due from Central Pacific	45,322,671 14
Due from Sioux City and Pacific	2,971,262 10
Due from Central Branch Union Pacific	2,990,724 25
Total	102,376,312 94

This table shows the aggregate of bonds loaned by the United States to be $64,623,572, and the amount of interest at maturity to be $116,322,321.60; total principal and interest at maturity, $180,945,833.60. It further shows the accrued interest up to 30th of June, 1883, to be $59,222,093.46, and the total indebtness of the roads, principal and interest, at the same period to be $125,845,605.46, with credits to the same time amounting to $21,469,292.52, leaving a balance in favor of the United States of $102,376,312.94. The credits are $17,432,579.07 on the interest account, and $4,036,713.52 is applied to the sinking fund account for the benefit of the roads.

The bill presented by the majority of the committee is strictly an amendment to the act of 1878.

That act required the net earnings of the Union Pacific Railroad and

California Central, including the Western Pacific, to be ascertained "by deducting from the gross amount of their earnings, respectively, the necessary expenses actually paid within the year in operating the same and keeping the same in a state of repair, and also the sums paid by them respectively within the year in discharge of interest on their first-mortgage bonds, whose lien has priority over the lien of the United States, and excluding from consideration all sums owing or paid by said companies respectively for interest upon any other portion of their indebtedness."

It will be seen that the net earnings and interest on the first-mortgage bonds were to be ascertained, and then, as originally contemplated by the acts of 1862 and 1864, the half earnings for Government service and 5 per cent. of net earnings were to be applied to the bond and interest account of the companies.

As the act of 1873 had complicated the status of the indebtedness of the companies, the act of 1878 declared that the one-half earnings for Government service and the 5 per cent. of net earnings on the subsidized portions of the roads should be retained to the bond and interest account as required by the acts of 1862 and 1864, and the other earnings of the additional half for Government transportation on the aided lines and all the Government service on the non-aided lines, as required by the act of 1873, should be held as a sinking fund for the benefit of the companies.

To make this effectual the act of 1878 required the Central Pacific, including the Western Pacific and the Union Pacific, to pay into the Treasury 25 per cent. of their net earnings. This 25 per cent. was to be paid in transportation service for the Government, and whatever it fell short of making up the 25 per cent. was to be paid in cash. The one-half earnings on the aided lines and 5 per cent. of net earnings on the same were to be applied to the interest account and the remainder was to be applied to the account of the sinking fund.

It will be remembered that at the date of the act of 1878 the two companies before referred to had fallen behind in providing interest paid by the United States $23,500,000.

I here submit that part of the last public debt statement, May 31, 1884, in regard to the bonds issued to the Pacific railways, which shows that the Central Pacific (including the Western Pacific) is in arrears $20,520,155.82 and the Union Pacific $15,791,339.21. The total arrearages of all the roads amount to $42,385,279.83, besides $1,615,587.80 interest accrued but not yet paid by the Government.

Name of railway.	Principal outstanding.	Interest accrued and not yet paid.	Interest paid by United States.	Interest repaid by companies.		Balance of interest paid by United States.
				By transportation service.	By cash payments: 5 per cent. net earnings.	
Central Pacific	$25,885,120 00	$647,128 00	$24,229,108 87	$4,778,679 83	$648,271 96	$18,802,157 08
Kansas Pacific	6,303,000 00	157,575 00	6,318,423 00	3,055,272 92		3,263,150 17
Union Pacific	27,236,512 00	680,912 80	25,774,945 77	9,983,606 56		15,791,339 21
Central Branch Union Pacific	1,600,000 00	40,000 00	1,597,808 26	162,401 27	6,926 91	1,428,480 08
Western Pacific	1,970,560 00	49,264 00	1,727,365 74	9,367 00		1,717,998 74
Sioux City and Pacific	1,628,320 00	40,708 00	1,513,147 09	130,992 54		1,382,154 55
Totals	64,623,512 00	1,615,587 80	61,160,798 82	18,120,320 12	655,198 87	42,385,279 83

This statement shows the absolute necessity of further legislation by Congress if it is intended to protect the interest of the Government.

The bill of the majority of the committee increases the 25 per cent. imposed by the act of 1878 to 35 per cent. of their net earnings that shall be paid by the roads, and includes the Kansas Pacific, the Central Branch of the Union Pacific, and the Sioux City Pacific, that were left out by the law of 1878.

Mr. Speaker, if there is fault to be found with this bill it is because the 35 per cent. is not sufficient, and I think it is objectionable on that account.

I will now examine the condition of these several roads, their earnings and their first mortgage indebtedness, and show that they can meet the requirements of this bill and have ample means left to meet interest on all their other bonds and still pay dividends on their capital stock.

I submit another table, made up from official data prepared by the Commissioner of Railroads, exhibiting the entire indebtedness of these several Pacific railroads, specifying the bonds issued by the Government, their first mortgage and all other bonds, and the capital stock of each. This table will show the annual interest charge on each character of bonds.

Statistics of bonded debt, June 30, 1882.

CENTRAL PACIFIC RAILROAD COMPANY.

Character of bond.	Rate.	Date of issue.	Term.	Amount outstanding.	Annual interest payment.
	Per cent		*Years.*		
First mortgage, E, F, G, H, and I	6	January 1, 1867, to January 1, 1868	30	$19,505,000 00	$1,170,300 00
Western Pacific (old issue)	6	December 1, 1865	30	112,000 00	6,720 00
First mortgage, Western Pacific, A	6	July 1, 1869	30	1,858,000 00	111,480 00
First mortgage, Western Pacific, B	6	....do	30	765,000 00	45,900 00
California and Oregon (first mortgage), A	6	January 1, 1868	30	6,000,000 00	360,000 00
Central Pacific, California and Oregon division	6	January 1, 1872	30	2,080,000 00	124,800 00
San Francisco, Oakland and Alameda	8	July 1, 1870	20	687,000 00	54,960 00
San Joaquin Valley (first mortgage)	6	October 1, 1870	30	6,080,000 00	364,800 00
Income bonds	8	May 1, 1878	10	3,285,000 00	262,800 00
Land-grant mortgage	6	October 1, 1870	20	5,375,000 00	322,500 00
Convertible	7	December 1, 1862	20	7,000 00	490 00
California State aid	7	July 1, 1864	20	1,500,000 00	(*)
First mortgage, A, B, C, and D	6	July 1, 1865, to July 1, 1866	30	6,378,000 00	382,680 00
Total company's bonds				53,632,000 00	3,207,430 00
United States subsidy bonds, Central Pacific	6	January, 1865, to July, 1869	30	25,885,120 00	1,553,107 20
United States subsidy bonds, Western Pacific	6	January, 1867, to January, 1870	30	1,970,560 00	118,233 60
Grand total				81,487,680 00	4,878,770 80

CENTRAL BRANCH UNION PACIFIC RAILROAD COMPANY.

First mortgage	6	May, 1865	30	$1,600,000 00	$96,000 00
Funded interest bonds	7	April 1, 1879	16	630,000 00	44,100 00
Total company's bonds				2,230,000 00	140,100 00
United States subsidy bonds	6	July, 1866, to January, 1868	30	1,600,000 00	96,000 00
Grand total				3,830,000 00	236,100 00

SIOUX CITY AND PACIFIC RAILROAD COMPANY.

First mortgage	6	January 1, 1868	30	$1,628,000 00	$97,680 00
Equipment	6	March 1, 1883	13	519,000 00	31,140 00
Total company's bonds				2,147,000 00	128,820 00
United States subsidy bonds	6	March 10 and 30, 1868, and March 3, 1869.	30	1,628,320 00	97,699 20
Grand total				3,775,320 00	226,519 20

*Paid by State of California.

Statistics of bonded debt, June 30, 1882—Continued.

UNION PACIFIC RAILWAY COMPANY.

Character of bond.	Rate.	Date of issue.	Term.	Amount outstanding.	Annual interest payment.
Union division—	*Per cent*		*Years.*		
First mortgage	6	January 1, 1866, to July, 1869	30	$27,229,000 00	$1,633,740 00
Land-grant mortgage (first mortgage)	7	April, 1867, to 1869	20	4,623,000 00	323,610 00
Omaha bridge mortgage (first mortgage)	8	April 1, 1871	25	1,805,000 00	144,400 00
Sinking-fund mortgage (first mortgage)	8	March 1, 1874	20	13,861,000 00	1,108,880 00
Collateral trust	6	1879	29	4,852,000 00	291,120 00
Trust 5 per cent	5	1883	24	2,499,000 00	
Total of company's bonds				54,869,000 00	3,501,750 00
United States subsidy (second mortgage)	6	January, 1866, to July, 1869	30	27,236,512 00	1,634,190 72
Total Union division				82,105,512 00	5,135,940 72
Kansas division—					
First mortgage, Eastern division	6	August 15, 1865	30	2,240,000 00	134,400 00
First mortgage, Middle division	6	June 1, 1866	30	4,063,000 00	234,780 00
First mortgage, Denver extension	7	June 20, 1869	30	6,125,000 00	428,750 00
Land grant (first mortgage)	7	March 1, 1865	5–10	76,050 00	5,323 50
Land grant	7	July 1, 1870	10		
Land grant (second mortgage)	7	August, 1871	15	1,000 00	70 00
Leavenworth branch (first mortgage)	7	January 1, 1866	30	67,000 00	4,690 00
Funding interest certificates	6	January 11, 1875			
Income mortgage (subordinated)	7	July 1, 1866	50	806,350 00	56,444 50
Funding mortgage	10	October 2, 1876	3		
First mortgage (Cheyenne branch)	7	April 10, 1869	30	47,000 00	3,290 00
Coupon certificates	6	July 1, 1879	29	13,580 00	814 80
Consolidated (Kansas division)	6	May 1, 1879	40	15,640,000 00	938,400 00
Total of company's bonds				29,078,980 00	1,806,962 80
United States subsidy bonds	6	October, 1865, to October, 1868	30	6,303,000 00	378,180 00
Total Kansas division				35,381,980 00	2,185,142 80
Grand total Union Pacific Railway Company				117,487,492 00	7,321,083 25

STOCK INDEBTEDNESS.

Name of company.	Number of stockholders.	Year ending—	Capital stock issued.
Central Pacific		June 30, 1883	$59,275,500
Central Branch Union Pacific	26	Dec. 31, 1882	1,000,000
Sioux City and Pacific	84	June 30, 1883	2,068,400
Union Pacific	5,744	June 30, 1883	60,868,500

RECAPITULATION.

Name of company.	Bonds.	Stock.	Total.
Central Pacific	$81,487,680	$59,275,500	$140,763,180
Central Branch Union Pacific	3,830,000	1,000,000	4,830,000
Sioux City and Pacific	3,775,320	2,068,400	5,843,720
Union Pacific	117,487,492	61,000,000	178,487,492
Total	206,580,492	123,343,900	329,924,392

On pages 286 and 287 of the report of the Commissioner of Railroads will be found the gross and net earnings and expenditures of the several roads for operating and repairs, the interest paid on their first-mortgage bonds; and from that report we will find the revenue that each will have after deducting all expenses for operating, paying interest on first mortgages, 35 per cent. to the Government, and interest on all other bonds.

We will apply the principle involved in the bill of the majority of the committee to the several roads and ascertain the results:

UNION PACIFIC AND KANSAS PACIFIC.

The amount of Government bonds issued to these two companies aggregates		$33,532,000 00
The amount of their first-mortgage bonds having a prior lien over the Government debt is		33,532,000 00
The net earnings of these roads for the year ending June 30, 1883, was		12,154,960 47
Deduct the interest on their first-mortgage bonds from the net earnings, which is		2,011,920 00
And there is left		10,143,040 47
Thirty-five per cent. on this sum, to meet the requirements of this bill, amounts to		3,550,064 16
Deduct this sum and there is left		6,592,976 31
Pay out of this the interest on the companies' other bonds, $50,415.98, which is		3,297,243 52
Then deduct this sum and there remains		3,297,732 79

Which will pay 5½ per cent. interest on the capital stock of $60,868,500, and there is still left the company's revenue derived outside of the earnings of the road of $2,403,964.01.

CENTRAL PACIFIC AND WESTERN PACIFIC.

The total Government bonds issued to these two roads are		$27,855,680 00
Their total first-mortgage bonds prior to the Government's are		28,618,000 00
The annual interest on their first-mortgage bonds is		1,717,080 00
Their net earnings for the year ending June 30, 1883, were		8,144,786 63
Deduct from their net earnings the interest due on their first mortgages		1,717,080 00
And you have left the sum of		6,427,706 63

Now the 35 per cent. required by this bill upon that sum will make $2,249,697.05; deduct this sum from the net earnings after paying their first-mortgage interest and you have left $4,178,009.58 to apply to payment of interest on all their other bonds, which amount to $25,014,000, and the annual interest charge on these amounts to $1,490,350; deduct this sum and you have left $2,687,659.58 to apply as dividends on $59,275,400 of stock, which will pay within a fraction of 4½ per cent.; besides this the company has left $456,374.96 revenue derived from other sources.

CENTRAL BRANCH OF THE UNION PACIFIC.

The Government bonds to the Central Branch of the Union Pacific are		$1,600,000 00
Their first-mortgage bonds are		1,600,000 00
The gross earnings of the road for the year ending June 30, 1883, amounted to		730,157 71
The expenses for operating, repairs, &c., were		385,160 66
The net earnings were		344,993 05

The interest on the company's first-mortgage bonds, $96,000, deducted from the net earnings leaves $248,993.05. Thirty-five per cent. on this amounts to $87,147.55, and this sum deducted leaves $161,845.50. The interest on their other bonds is $44,100, and this deducted leaves $117,745.50, which will pay 11.3 per cent. on the capital stock of $1,000,000.

The Government bonds issued to the Sioux City and Pacific road are $1,628,000; their first-mortgage bonds are $1,628,000. The gross earnings of this road for the year ending June 30, 1883, were $646,459.92, and their gross expenditures for the same time, were $495,821.51, leaving net earnings at $150,000. The interest on their first-mortgage bonds amounts to $97,680,000; deduct this sum from net earnings and there remains $52,958.41; 35 per cent. of this is $18,535.44, which deducted leaves $34,422.99 to pay $31,140 interest on other bonds, leaving a balance of $3,282.97.

It is worthy of observation that the net earnings on this road have increased over 200 per cent., and the Commissioner of Railroads says the company anticipate a steady increase of business now that the bridge over the Missouri River is completed.

This brief statement shows that 35 per cent. of the net earnings retained by the Government will not meet the accruing interest due at the maturity of the bonds; and in so far as the Central, Union, and Kansas Pacific roads are concerned the per cent. could be increased to a sum quite sufficient to meet the interest due from them and still have enough left to meet interest on all their bonds of every class, and still leave sufficient means to pay reasonable dividends on real and fictitious stock, ample in amount to insure good management of the roads.

The Union Pacific, from December 31, 1877, to June 30, 1883, has paid $20,490,604.13 as dividends on stock; much of which stock, it is notoriously true, was issued without consideration.

The California Central Pacific within the same period has paid to its stockholders $14,468,875.

So it will be seen that these two great corporations have paid the interest on more than $64,000,000 of their first-mortgage bonds, and have paid their interest on over $75,000,000 of other than first-mortgage bonds, and paid dividends on over $120,000,000 of stock, making a total indebtedness of more than $255,000,000 upon which they have paid interest and dividends.

The tables which I have had prepared will show they have not only been enabled to do this, but they have done still more, and out of their earnings for Government service and some cash payments have paid to the Government on the bond-and-interest account over $17,000,000 and to the sinking-fund account more than $4,000,000, and still have left an unadjusted account with the United States and a considerable surplus derived from other sources than that accruing from the net earnings of their roads. Of this $255,000,000 of incumbrance upon these roads only $60,000,000 have precedence over the Government indebtedness.

Yet, while this is true, a debt of over $195,000,000 has been preferred by the companies, and interest and dividends been provided for that debt, leaving a large part of the interest on the debt of the United States uncared for.

Now, sir, is this right; is there sense or propriety in our remaining idly here and allowing from year to year these enormous sums in interest and dividends to be paid upon debts secondary to the debt of the Government and make no effort to protect or secure the millions these corporations owe the Treasury?

The Government has generously allowed these companies to deduct all expenses for maintenance of their roads, the repairs and keeping in good order all the machinery and the necessary additions to the motive power, all taxes and other expenses of every character, and the payment of interest on their first-mortgage bonds, and up to this time has allowed the payment of interest and dividends on bonds and stock to the amount of $195,000,000; and the question now presented for determination is, shall the Government longer delay to protect itself and render more uncertain the payment of this debt, or will it assert that which is only just and proper, and which imposes no hardship upon the companies, and save to the Treasury and to the people that which is justly due? To my mind this proposition is so clear that I apprehend no one in this body, however tender or regardful of the interests of these companies, can raise a voice against it.

If it is desired to yield longer to the demands of these corporations, and extend to them other and greater bounties, the opportunity is afforded by the bill presented by the minority of the committee. The Government debt will mature in 1895 and 1899. Under the law as it now exists, taking past earnings of these roads as the guide, the amount received by the Government last year was $2,977,096.96. Under the bill of the minority the average receipts annually would be $2,142,908.37. Under the bill of the majority the receipts would be $4,502,295.62.

The bill of the minority proposes to extend the time of maturity of the debt sixty years from this time, or from the passage of the act, and reduces the interest from 6 to 3 per cent. This brief statement settles the merits of the bill of the minority of the committee. I will leave its further discussion to my colleague on the committee, Mr. THOMPSON.

Where is the hardship imposed upon these companies by the provisions of the measure under consideration?

By the donations of the Government of millions of acres of the public domain and the loan of its credit to the extent of $64,000,000 they have constructed the main lines and branches of their roads extending from the Missouri River to the Pacific Ocean. Out of the earnings of these main lines they have paid the interest on their bonds and stocks, largely owned by themselves. Not only have they become millionaires from this bounty of the Government, but they have constructed and leased multiplied hundreds of miles of road out of the earnings of their subsidized lines, and to-day these two corporations very largely control the internal and transcontinental commerce of the country.

In this connection it may not be amiss to refer to the widely extended system and vast network of railways owned, controlled, and operated by these two companies.

It savors more of fiction than of reality to say that twenty years ago on the Pacific slope there were less than half a dozen individuals, of little note and limited means, who availed themselves of the bounty of the Government and constructed a railway from Sacramento, in California, to Ogden, in Utah Territory, and from Sacramento to San José, a distance in all of about eight hundred and sixty miles. This extent of road received from the Government a grant of lands amounting to 10,000,000 of acres and a loan of the Government bonds to the amount of $27,855,680. According to the estimated valuation of the company they still own of these lands in value $26,000,000.

From this beginning of eight hundred and sixty miles of subsidized road this company has stretched out its iron arms to Oregon, throughout the length and breadth of California, through Arizona, New Mexico, and Texas to the Sabine, and beyond to the city of New Orleans, operating under this system near 5,000 miles of road. In addition to this their lines are penetrating into the Republic of Mexico, and they are interested in, if they do not control, seven hundred and thirty-eight miles more of road in Texas, and other lines reaching out from Saint Louis, and still other long lines extending from the Mississippi to the Atlantic seaboard. This close corporation of less than half a dozen individuals own, operate, and control these vast and princely properties, aggregating millions of dollars in value.

The Union Pacific system owns, operates, and controls within a fraction of 5,000 miles of road, extending from Washington Territory and Oregon, through Idaho, into Montana and Utah, through Wyoming, Colorado, and Nebraska, to Council Bluffs, and through the State of Kansas to Kansas City, in Missouri, there connecting with the Missouri Pacific system (owned in part by the same parties who own the Union Pacific), which extends from Saint Louis through Missouri, Kansas, the Indian Territory, and through Texas, by one line to Laredo, on the Rio Grande, and by another line to the Gulf at Galveston. This Missouri Pacific Company owns also the Iron Mountain line, extending from Saint Louis to Texas, through Southwest Missouri and Arkansas, and there connecting with the Texas Pacific system, owned by the same parties, which extends from New Orleans through Louisiana to Texas, and thence westward through the State for near eight hundred miles to the neighborhood of El Paso, there connecting with the California Central system. The Missouri Pacific system owns and controls over 6,000 miles of road, and its owners, like the owners of the Central Pacific, are interested in the Saint Louis and San Francisco Railway, that is constructed from Saint Louis to the Arkansas River at Fort Smith, and has the right of way through the Indian Territory to Texas, with its main line reaching out westward to connect with other transcontinental lines from the Pacific coast.

Now, sir, shall it be said in the American Congress that these railway potentates, these powerful corporations, whose owners have become millionaires upon the bounty of the Government, who pay to themselves annually millions earned from the proceeds of the country's liberality—shall it be said by this House that they shall not be required to provide for the interest due upon the debt they owe the Government?

Mr. Speaker, have the owners of these great arteries of commerce rendered any service to the country that should commend them to the still further bounty of a generous and long-forbearing people?

Have not their exactions been most grievously felt throughout every section traversed by their roads? Do they not now hold the transcontinental commerce of the country unrelentingly by the throat? And is there a State or Territory penetrated by their lines that has not felt the intolerable burden imposed by their greed?

Have they not for years sought to control the legislation of the country, Territorial, State, and Federal?

Have they not by every means known to artifice and intrigue endeavored to place their favorites in every department of the Government, executive, legislative, and judicial? Have they not laughed at the complaints of the people and scoffed at the acts of Congress, and tried by every means that money could command to evade its enactments? That these corporations, brought into existence by the Government, endowed by its bounty and sustained by its credit, have thus demeaned themselves none can deny.

Sir, it is time that Congress, charged with the duty of looking after the nation's interest, should bring these giant corporations to a sense of their duty to the Government and the people, and be made to yield some little of their great wealth and forego some little of future dividends on watered stocks in order that the debt they owe to the Government may be secured. There is a spirit abroad in the land that demands it. We should heed it.

Amount of transportation performed for the Government by the various Pacific railroads to June 30, 1883.

Name of company.	Earnings on account of transportation.					Application of earnings.			
	Company's bills.	Differences deducted.	Allowed aided lines.	Allowed non-aided lines.	Total allowances.	Paid in money.	Withheld on account interest and 5 per cent. net earnings.	Withheld on account of sinking fund.	Total.
Central Pacific	$7,065,775 62	$37,352 60	$5,087,350 12	$1,941,072 90	$7,028,423 02	$784,245 74	$4,592,158 25	$1,652,019 03	$7,028,423 02
Kansas Pacific	4,157,764 35	48,375 72	3,075,582 98	1,033,805 65	4,109,388 63	1,140,159 04	2,969,229 59	.....	4,109,388 63
Central Branch Union Pacific	197,679 38	904 46	136,288 33	60,486 59	196,774 92	37,690 91	159,084 01	.....	196,774 92
Union Pacific	12,982,373 72	130,208 27	12,577,412 24	274,753 21	12,852,165 45	2,382,493 50	8,933,292 87	1,536,379 08	12,852,165 45
Sioux City and Pacific	172,163 15	1,000 99	120,031 44	51,130 72	171,162 16	49,806 77	121,355 39	.....	171,162 16
Total	24,575,756 22	217,842 04	20,996,665 11	3,361,249 07	24,357,914 18	4,394,395 96	16,775,120 11	3,188,398 11	24,357,914 18

Statement of transportation services rendered the Government by the bonded Pacific railroads over the aided and non-aided portions of the roads for the year ending December 31, 1882.

Name of railroad.	On aided portion.	On non-aided portion.	Total.
Union Pacific, including Kansas Pacific	$1,047,889 62	$276,857 74	$1,324,747 36
Central Pacific, including Western Pacific	403,754 26	648,108 20	1,051,862 46
Sioux City and Pacific	10,231 35	20,657 17	30,888 52
Central Branch Union Pacific	12,538 58	22,748 84	35,287 42
Totals	1,474,413 81	968,371 95	2,442,785 76

UNION PACIFIC RAILWAY COMPANY.

Statement of the revenue and expenditures of the entire line for the year ending December 31, 1883, as shown by the general books of the company in Boston.

Earnings:			
Passenger	$4,659,116 16		
Freight	14,268,291 31		
Mail (less disallowance on main line, $86,917,65)	509,357 35		
Express	705,261 96		
Miscellaneous	630,739 16		
Gross earnings		$20,915,624 13	
Income from investments:			
Dividends on stocks	701,923 04		
Interest on bonds	1,465,345 00		
Miscellaneous investments	55,124 05		
		2,222,392 09	
Total receipts			$23,138,016 22
Expenses:			
Conducting transportation	2,596,230 38		
Maintenance of way	2,095,077 13		
Motive power	3,778,344 59		
Maintenance of cars	848,062 73		
General expenses and taxes	1,036,825 67		
Total operating expenses		10,354,540 50	
Discount and interest	177,863 43		
Interest on first-mortgage bonds	2,542,363 58		
Interest on other funded debt	2,742,047 59		
United States requirements for 1883	1,698,679 76		
Company sinking fund requirements for 1883	476,488 78		
Dividends declared on capital stock	4,260,788 00		
New construction	101,177 22		
New equipment	284,545 80		
Expenses of land department	226,141 43		
		12,610,095 59	
Total			22,964,636 09
Leaves surplus of			173,380 13

Mr. THOMPSON. Mr. Speaker, the object of this legislation I think should receive some consideration by the members of Congress as they look at the two bills presented by the Committee on Pacific Railroads to this House. The bill presented by the majority and the one presented by the minority of the committee are as far apart as it is possible for two bills to be for the settlement and adjustment of a debt. The one bill looks to securing the Government in all its rights, in all its property, and in the ultimate payment of the debt due it from these railroad companies. The other bill in my opinion looks entirely to the interest of the railroads, and finally turns over to them unpaid a large portion of the debt which they owe the Government.

It is but fair, as we have the last hour in which to discuss this matter, that I should state on behalf of the committee the objections we have to the bill which has been presented by the minority; and I am satisfied that if any of the objections which I urge to that bill shall be shown to be well taken and well founded it can not receive the sanction of this House or of Congress.

I hold in my hand the bill reported by the minority of the committee. The gentlemen who will follow me in defense of that bill can explain to the House why it is that in the first section of it they propose to give to the railroads over $6,000,000 of money without any reason or justification whatever. I charge that by their failure to understand the commonest rules of arithmetic which a 10-year old schoolboy ought to know they propose to bestow a bonus on these companies of over $6,000,000.

What is the proposition in the bill of the minority of the committee? It is to lend these railroads this money for sixty years longer at 3 per cent. interest. Within a fraction of fifteen years these bonds will mature on the average. It is now proposed before they mature to anticipate the time and reloan them the money for sixty years at 3 per cent.

How do they propose to do it? They take the principal of these bonds, $64,623,000, add to it the accumulated interest to the time of maturity, making $115,000,000, and there will be a total of $180,000,000 of principal and interest due in 1898. Then they propose, on a new rule established for the first time in the history of mathematics for the ascertainment of the true worth of a debt, to determine the true worth of that debt by dividing it by 1.42, the interest for fourteen years at 3 per cent. added to the principal of $1, to find the true worth of the debt in that way, and to deduct from that sum all heretofore paid the Government upon these debts and the sum now laid away in the sinking fund, instead of ascertaining the amount by making the deduction of the payments before the division occurs, leaving the sinking funds alone.

In other words, in order to make it more clear to the House, let me take the case of the Union Pacific Railroad to show where the error of the gentleman has crept in; a simple error of mathematics, a failure to understand the simplest rules of arithmetic. The Union Pacific Railroad and the Kansas Pacific Railroad owe to the Government $33,500,000 as the principal of the debt. The amount of the interest would increase that to $93,000,000 at the average maturity of the bonds. Three per cent. interest for fourteen years added to $1 of principal makes 1.42 the divisor. Divide that amount by 1.42 and it will give $66,134,000, which they say is the true worth of that debt. From that they deduct $13,000,000 of net earnings paid and payments to the sinking fund, leaving $52,000,000 which they say is the true worth of the debt at that time. Now, that is an error in arithmetic of which those gentlemen ought to be ashamed.

What is the true way to calculate? Take the $93,000,000, the principal; deduct from that the amount which they have paid as interest upon these bonds, $11,000,000, leaving $82,000,000. Divide that by 1.42, and the result is $57,000,000—the true result found by the common rules of arithmetic. Thus by miscalculation an absolute present of $5,153,109 is made to this company. I defy any man who has gone as far in arithmetic as fractions to dispute the true rule of finding the present worth of the debt.

Now there is the first great mistake made by the bill. It is the simplest calculation in the world. This rule laid down by the minority bill makes a present to the company of the true discount on the amount which they have heretofore reimbursed upon the interest account and paid to the credit of the sinking fund. Nobody should make such a mistake as that, because we already have the money, about seventeen millions, paid as interest, and why should we discount back to them what we already have in our pockets?

Mr. HEWITT, of New York. If the gentleman will permit me, I will ask him when the principal of that debt is due—how many years hence?

Mr. THOMPSON. An average of fourteen years.

Mr. HEWITT, of New York. Is the interest payable under the contract before the maturity of the debt?

Mr. THOMPSON. In part it is and in part it is not.

Mr. HEWITT, of New York. Has not the Supreme Court decided that the interest can not be collected until the maturity of the debt?

Mr. THOMPSON. The Supreme Court has not so decided except as to a part. It has decided that the interest is payable before the maturity of the debt to the extent only of one-half the net earnings upon the bond-subsidized portion of the road and 5 per cent. of the net earnings of the whole road. That much is due. That much has to be retained and applied to the interest year by year. But the balance is not due until the maturity of the bonds. That is the decision of the Supreme Court.

Mr. HEWITT, of New York. Then you hold that the money retained ought to be applied as it is received to the payment of the accru-

ing interest, and only the balance computed for its present worth at the end of fourteen years?

Mr. THOMPSON. Why, of course; and I think any child of 10 years old in any school will tell you that is the true rule of finding the present worth of the debt.

Mr. HEWITT, of New York. I understand the gentleman to say that is the effect of the decision of the Supreme Court?

Mr. THOMPSON. Yes, sir; that is the effect of the decision of the Supreme Court.

Mr. WARNER, of Ohio. I wish to inquire whether there is a sufficient amount on hand in the sinking fund, or otherwise, to cover the interest that is paid annually by the Government under the decision of the Supreme Court?

Mr. THOMPSON. No, sir; and they never intend it shall be so. I will explain that in a moment. If that were the only mistake in the first section of the bill we might pardon it.

Mr. CASSIDY. If the gentleman will allow me to interrupt him a moment I think I can save him the necessity of making this portion of his speech, because a simple transposition of words in the bill covers the defect to which he has alluded, and the minority have already prepared such an amendment. The question is between two schemes submitted to the House. If the House should see proper to adopt the scheme we submit the details necessary to perfect and carry out that scheme can be easily settled.

Mr. THOMPSON. I will say to the gentleman from Nevada that I had no notice the minority had upset or changed this bill. I was arguing to the House upon the supposition that this bill embraced their views, and I believed it fair I should show to the House the defects in their bill, so that they might have an opportunity to meet these objections. That is my reason for making this statement and exposing the mistakes ingrafted into their bill.

I go further, and will undertake to show to the gentleman from Nevada that in the first section of the bill there is another error more fatal than the one I have stated. Under the Thurman act of 1878, as we all remember, a sinking fund, to which the gentleman from Ohio [Mr. WARNER] has referred, was established. To make this error more apparent upon this point I will take the Union Pacific Railroad Company as an example, because I do not want to confuse the minds of members in the consideration of this subject with a multitude of details overwhelming in their character. The Union Pacific Railroad Company has paid into the sinking fund established by the Thurman act $1,666,000 in round numbers. This sinking fund is for the benefit of all the creditors of the railroad companies according to their respective priorities. The Supreme Court said that if this money had been taken for the purpose of paying the Government debt or meeting the Government securities alone the act would have been void, because it would have been an infringement upon the charter contract, compelling payment of a debt before the time stipulated in the contract.

They maintain the Thurman act because it did not take that money away from the companies, but laid it away in the sinking fund, merely put it away in its own coffers for the purpose of paying the company's debts. We have a railroad-mortgage debt, first mortgage, of $33,000,000 ahead of the Government debt, and we have in the sinking fund $1,650,000 with which to pay it; but not one dollar is being laid aside by this Pacific Railroad Company to meet the debt of $33,000,000 due the Government. These gentlemen who profess to stand by the contract and cling to it propose to take that sinking fund of $1,650,000, which does not belong in justice and right to the Government of the United States, but is laid away in the Treasury of the United States to the credit of that company, to be finally paid to its creditors according to the priorities and apply it to the Government debt. They propose to deduct that money from the Government debt, and having deducted it, replace it again and at once to the credit of the sinking fund which belongs to the companies for the payment of their debts. It will ultimately be applied to the first-mortgage debt on the road, and which debt, as we all know, is to be paid before the Government debt, because it is the first lien on the road. Thus this fund pays the Government and then pays again the other debts of the company.

Mr. WARNER, of Ohio. If it will not disturb the gentleman I wish to ask him a question at this point.

Mr. THOMPSON. It does not disturb me at all, and I will be glad to hear the gentleman's question.

Mr. WARNER, of Ohio. I understand the gentleman to say that the money paid into the sinking fund is there for the benefit of the creditors of these companies according to the priority of their debts.

Mr. THOMPSON. Yes, sir.

Mr. WARNER, of Ohio. Does that extend beyond the payment of interest on these several loans or series of bonds which have been issued?

Mr. THOMPSON. It extends to the principal as well as interest.

Mr. WARNER, of Ohio. Is that the position the gentleman takes, that it extends to the principal as well as to the interest?

Mr. THOMPSON. I do, and the ground upon which I take that position is shown in the eighth section of the Thurman sinking-fund act, which provides that the sinking fund shall be applied at the maturity of the Government bonds to the creditors of the roads according to their respective priorities.

Mr. WARNER, of Ohio. But have these companies the right to the annual rents—have the holders of these debts the right to the annual rents of these roads for the payment of the principal? I concede they have for the payment of the interest annually, but beyond that they have the property itself; but have they the right to the rents of the road for the payment of the principal? Only on that theory, it seems to me, can it be claimed the sum paid into the sinking fund can properly belong to them or that they can have any claim on it.

Mr. THOMPSON. The Government has so declared itself in the establishment of the sinking fund. Besides, I suppose there is no lawyer in the House who will contend that the prior mortgage is not entitled to the usufruct of the property, for it was undoubtedly the holder of the first mortgage who has the prior right to the rents and everything else arising out of the property until that first lien is satisfied.

But that is outside of the question I was discussing at the time I was interrupted. I wish to say to the House, Mr. Speaker, there is $1,650,000 now in the sinking fund of the Union Pacific Railroad Company for the payment of the first-mortgage debts, or rather debts of the company according to their priority, and these gentlemen propose to deduct that fund before they find the true value of the Government debt, which they expect to divide into one hundred and twenty semi-annual payments and reloan the railroads for sixty years at nominal interest.

But, gentlemen, we will look a little further on; and I must hasten, because I am taking more time than I expected to do.

So much, then, for the first section of the bill. It seems to me those two objections are fatal to it, because they give away to the Union Pacific Railroad over $5,153,000 of the Government money without any reason for it. But gentlemen say they will upset the bill and change and modify that part to which my objection lies. When that is done, Mr. Speaker, the objection urged will no longer apply.

What is the next reason gentlemen urge on us for accepting this bill? The amount of the debt, principal and interest, in 1898, the average date of maturity, will be $180,000,000. According to the way they calculate for the payment of the principal they find the true value under their rule to be $127,000,000, and then deduct $21,000,000, the amount refunded by the companies in interest and paid to the sinking fund, leaving substantially only about $106,000,000. They propose to divide that $106,000,000 into one hundred and twenty semi-annual payments and then to relend it to these parties for sixty years at 3 per cent. interest. And what does the Government gain by that? Why, the gentlemen say we extend the lien of the Government over all roads owned by these companies. But what profit, what gain do you make, what increased security do you get? Do you know what roads they own? Have you any idea of that? Let us see whether you have. I will now call the attention of the House to the Central Pacific, for one is as good as the other for the purpose of illustration.

The Central Pacific road, that portion of it on which there is a bond subsidy, is 858.98 miles, on which the Government has a second lien. It has a total length of 1,208.13 miles and operates 4,300 miles. The minority bill would apply to the 1,208 miles, being an addition to the subsidized portion on which the lien now exists of 345 miles in round numbers, and upon which the Government has no lien. This 345 miles is made up of short lines, as, for instance, from the terminus of the Central Pacific Road to Sacramento, 95 miles; Niles to West Oakland, 24.31 miles; West Oakland to Oakland Wharf, &c., all these going to make up the 345 miles.

It takes nearly a dozen of these little roads to make up the 345 miles, and there are but two of that number whose length approximates 100 miles. One is from Roseville to Redding, 151.60 miles. This is generally known as the California and Oregon road, on which they have already issued bonds to the amount of $6,000,000; and $2,080,000 on one portion additional, making $8,080,000. The other road, from Lathrop to Goshen or Visalia, a length of 146.08 miles, has also a bonded debt of over $6,000,000 already laid upon it. Now, what do you get for this sixty years at 3 per cent. extension, as proposed by the minority of the committee, on that road? There is not in fact a foot of all of these roads that is not already covered by a debt which will overwhelm and sink it, and the Government gets no increased security for its extension of time to the road. It simply makes them a gift and gets no return.

Mr. HANBACK. May I ask the gentleman a question?

Mr. THOMPSON. Certainly.

Mr. HANBACK. Under the operation of the bill as reported by the minority of this committee, in 1898, at the time of the maturity of these bonds, what will be the indebtedness of these companies to the United States? What amount will they owe at that time according to the gentleman's calculation?

Mr. THOMPSON. If my friend from Kansas will wait until I come to discuss that part of the bill I will explain it fully to him, and discuss the conclusions which we may severally reach upon that calculation. I was speaking of the minority bill, because I want the House to understand exactly the position that I take, because the gentleman may not have an opportunity to reply to my strictures unless stated now, and I want him to know in advance my position.

I now pass to the fourth section of the bill, that is, the fourth section

of the bill presented by the minority. Now that section, Mr. Speaker, is rather an anomaly. I do not conceive how gentlemen could possibly have arrived at a conclusion to support that section or report it to this House for adoption. I do not conceive how they could have given the question such a thorough consideration as I believe the gentlemen of this committee have given to it and agreed to that section. The very reason for the extension of sixty years' time to these roads is that there may be no book account to be kept with the railroad; but that there shall be bonds fixed whose payment shall be determined in advance, and that the railroad has nothing to do but to comply with the terms of the law. Now, in this fourth section of the bill of the minority——

Mr. CASSIDY. Let me interrupt the gentleman to say that some companies might comply with the provisions of the law and some might not. You can not anticipate what their action would be in that regard, and hence it was necessary to make a provision which would cover all. There is nothing to prevent the payment of this fund into the general fund in future.

Mr. THOMPSON. That is no answer to the position I take, because there is another section of the bill which provides that in case they have failed to accept the provisions of this act, the terms of the Thurman sinking-fund act are extended over them with an increase to 35 per cent.; and the fourth section of the bill is not applied to any road that does not accept the provisions of this act.

Now, I wanted to say, and was proceeding to show when interrupted by the gentleman from Nevada, that of all of the errors of finance that have ever crept into any business arrangement for the settlement of a debt the fourth section of this bill proposes a change that in my judgment is the crankiest and craziest of them all. I desire to call the attention of the House to the condition of the Union Pacific Railroad. Gentlemen say they propose to take one hundred and twenty semi-annual bonds of the companies bearing 3 per cent. interest for the payment of the $106,000,000. They will get two semi-annual payments of $438,000 each from the Union Pacific. In fourteen years the company will have paid twenty-eight bonds, with the accumulated interest.

But what becomes of that amount under the fourth section? You have taken the bonds in settlement of the indebtedness of the road. Ought you not then to have the money that is derived from the bonds when they are paid? Ought not the money to be yours to dispose of as you please? But how do gentlemen propose to dispose of that money after we get possession of it? It is proposed that this fund, with this accumulated interest, shall be applied to the liquidation of the indebtedness of the road, possibly to the payment of the first mortgage. Here these gentlemen propose in this section that every dollar derived from these bonds shall be put into the companies' sinking fund with its accumulated interest and applied to the payment of the first-mortgage debt of the companies. Is not that a wild provision?

But for fear that some gentlemen may say that I am mistaken in this respect I will call your attention to the language of this fourth section, and before doing it will repeat that this minority bill provides that that money paid to the Government on these bonds instead of going into the Treasury of the Government goes to the sinking fund of these companies and with its accumulated interest is to be applied to the payment of the first-mortgage bonds or debts of the companies according to their priorities. Section 4 of this bill provides:

SEC. 4. That all sums now in the sinking fund established in the Treasury of the United States by the provisions of section 3 of the act of May 7, 1878, including all sums heretofore reimbursed to the United States by services or otherwise by said several railroad companies, and to the credit of said companies in the United States Treasury, uninvested, shall remain in said sinking fund; and all sums derived from time to time from the payment of the bonds of redemption, either in cash or by services rendered by the said several railroad companies, shall be turned into the said sinking fund.

That very $1,650,000 now in the sinking fund and the twenty-eight semi-annual payments shall not go to the Government and be credited on the amounts due to it from the railroad company, but shall go into the sinking fund of the companies, and with its accumulated interest shall be applied to the payment of the first-mortgage debt of the company, and that is equivalent, as gentlemen will find by examination, to making an absolute present to this Union Pacific Railroad Company of over $23,000,000. For the twenty-eight bonds paid and their accumulated interest on the Union Pacific alone will be nearly $18,000,000.

Mr. PAYSON. Will the gentleman from Kentucky permit me an inquiry there? Does not the bill of the majority have precisely the same result under section 9?

Mr. THOMPSON. No, sir.

Mr. PAYSON. And before the gentleman concludes will he state for the information of the House why it is that section 9 is retained in this bill, although it is in the Thurman act of 1878?

Mr. THOMPSON. That will all be explained. The explanation is simple and plain. Section 4 of the minority bill says:

And all sums derived from time to time from the payment of the bonds of redemption, either in cash or by services rendered by the said several railroad companies, shall be turned into the said sinking fund, and the Secretary of the Treasury is hereby authorized to invest the said sinking fund in the first-mortgage bonds of said companies prior in lien to the Government, or bonds or securities of the United States in his discretion—

Now, what becomes of the sinking fund?—

and said sinking fund shall be held and applied as in sections 7 and 8 of said act of May 7, 1878; provided.

Which section 8 I have just read to you, and showed it went to the payment of the debts of these companies according to their respective priority.

The SPEAKER *pro tempore* (Mr. TOWNSHEND). The time of the gentleman has expired.

Mr. WARNER, of Ohio. I hope the time of the gentleman will be extended. There are some features of this bill that we desire to hear further explained. I ask unanimous consent that his time be extended.

The SPEAKER *pro tempore*. For how long?

Mr. THOMPSON. I do not desire to occupy much more of the time of the House. I have pretty nearly said all I want to say.

The SPEAKER *pro tempore*. The Chair hears no objection to the time of the gentleman being extended.

Mr. THOMPSON. It seems to me I have explained now to the House that the object and the scope of this bill is to relend to these railroad companies the amount ascertained on a new system for finding the true value of their debt of one hundred and six millions for sixty years at 3 per cent., which is in fact a resubsidization of the railroads for forty-six years beyond the thirty years for which they have already been subsidized. That is the minority bill, and we get nothing in the shape of a new lien that is of any value to us to recompense us for that extension.

In addition to that, we credit them upon our debt with all money that is in the sinking fund that belongs to the railroad and the prior creditors, the same as if we could legally apply it to the Government debt, when in fact no act we can pass taking it away from them is of any force. It belongs to the creditors of the company. It is a trust fund, held in the Government Treasury for the payment of those debts. It does not belong to the United States Government; and it can not be taken away from them except as an outrage and a wrong and a fraud on their rights in the administration of the trust solemnly established for the benefit of the creditors of the company. And not only that, but every dollar they pay you by service or in cash will, together with all this accumulated interest, go into this sinking fund, and be applied under the eighth section of the Thurman act to the payment of these prior lien debts, and the Government gets nothing for it.

Mr. WARNER, of Ohio. As the gentleman is referring again to section 9, or his interpretation of section 8 of the Thurman act, which is section 9 of this bill, I wish to ask him how could a valid dividend upon the earnings of the road, the surplus earnings after the payment of all dues and the interest on all the bonds of the road, be made on his theory of the ninth section, that the sinking fund must be held for the payment of all claims alike or in the order of priority?

Mr. THOMPSON. The gentleman from Ohio will understand that the sinking fund is one fund, and that the fund out of which the dividends are paid is entirely a distinct fund.

Mr. WARNER, of Ohio. But the sinking fund is only made up out of net earnings.

Mr. THOMPSON. I understand that.

Mr. WARNER, of Ohio. And on the theory that the net earnings of a railroad company are held for the security of mortgage debts how could any valid dividend be paid out of net earnings?

Mr. THOMPSON. The gentleman from Ohio, if he will give it a moment's reflection, will understand while the mortgage lien stands upon the road and upon its earnings, that until the condition of the mortgage is broken and they have by legal proceedings enforced the lien on the net earnings, the net earnings remain in the hands of the directors, who are trustees for the bondholders and the stockholders, and all that fund remains in their hands to be disposed of by them for the best interests of the company; and if they pay it to the stockholders as dividends, the mortgage men must go into a court of equity and seek their remedy there.

Mr. WARNER, of Ohio. But have the bondholders any lien except for the claim of annual interest?

Mr. THOMPSON. They have no other claim, except the condition of the mortgage is broken.

Mr. WARNER, of Ohio. Why, then, when it goes into the sinking fund have they a lien upon it there?

Mr. THOMPSON. They have no lien upon it there except that the Government of the United States when it established the sinking fund established it for a certain purpose, and that purpose was to secure the payment of all the debts according to their priority, and they could not establish it for any other purpose.

Mr. PAYSON. Why not? That is the very question, if the gentleman will permit the inquiry.

Mr. WARNER, of Ohio. Yes, why not?

Mr. THOMPSON. Because the Supreme Court of the United States has stated that they could not do it. That court sustained the act on the ground that it was for the benefit of all the creditors; that the sinking fund was a fund in which all were equally interested; that it was a conservative policy on the part of the Government, and if the Government should apply it to any other purpose it would be a violation of the original charter contract. The earnings of the road are a part of the franchise, a valuable part of the franchise. And if the Government was to take any portion of the earnings of the road for any other purpose, apply it in any other way, it would be merely a robbery and a plunder of the corporation.

If the gentleman understands the Thurman sinking-fund act—I refer to the gentleman from Illinois [Mr. PAYSON], because he certainly does understand it—the reason why the Supreme Court sustained that act was because it was to be applied to the payment of all the creditors according to their priority; and that in so doing it was only a conservative policy on the part of the Government to carry out the original purpose for which the corporation was established. If the Government should take that money and apply it to the payment of interest not due to the Government it would be a robbery, because, the debt not being yet due, the Government had no right to demand the payment of it ahead of the contract time. I am satisfied that gentlemen understand that.

Mr. ANDERSON. Right here a question?

Mr. THOMPSON. Certainly.

Mr. ANDERSON. I wish to ask the gentleman, if the sinking fund is to be used for the payment of the first-mortgage bonds as well as of the Government bonds, is the rate of interest proposed in your bill sufficient to create a sinking fund large enough for that purpose?

Mr. THOMPSON. It is not, and I will explain why before I get through. Now, let me consider for a moment section 5 of the substitute.

Mr. WARNER. Before the gentleman does that I wish he would explain a provision which I believe is contained in both section 5 and section 6, and show what right there is to go beyond the subsidized portion of these roads.

Mr. THOMPSON. I will state to the gentleman from Ohio [Mr. WARNER] that I am referring to one bill and he is referring to another. I am referring to the Post bill and he is referring to the bill of the committee.

Mr. HEWITT, of New York. Will the gentleman permit me to ask him a question right here for information?

Mr. THOMPSON. Certainly.

Mr. HEWITT, of New York. I understand the gentleman to say that under the fourth section of the Post bill which he holds in his hand, containing the provision that the money collected from the bonds of redemption shall be paid into the sinking fund, and that that money shall be applied to the payment of the first mortgage bonds, the effect will be to make to the company a present of the whole amount of the first-mortgage bonds.

Mr. THOMPSON. I think so to the extent of the payment.

Mr. HEWITT, of New York. And that the Government of the United States can not recoup the amount so paid under the provisions of this act.

Mr. THOMPSON. I think not.

Mr. HEWITT, of New York. That is my understanding of the effect of the section.

Mr. THOMPSON. I do not see how they can. Having accepted the bonds in satisfaction of the book account, when those bonds are satisfied the right of the Government longer to claim payment is certainly gone. If they claim at all they must claim under the original contract. Having accepted this with the variation of the interest, thereby changing the contract, I can not see how they can demand a repayment by the company.

Mr. CASSIDY. The gentleman will understand perfectly well that that is simply a Treasury operation.

Mr. WARNER, of Ohio. If the gentleman will now——

Mr. THOMPSON. If the gentleman will wait I will come to the committee's bill after awhile, and will then explain.

Mr. WARNER, of Ohio. Very well.

Mr. THOMPSON. A moment more on the bill of the minority. It seems to me there is one section of that bill which this House can not possibly sustain, one section which it seems to me we ought not to be asked to sustain; that is the fifth section of the minority bill. Why it is put in here or of what use it is to the Government I can not possibly conceive. I can understand well enough why the railroad company should want it. If this bill comes from the railroad companies I can understand well enough why they should desire this section. But why the Government or anybody who represents the Government should ask for it is a mystery to me. This is the section:

SEC. 5. That so long as said companies respectively shall keep the said railroads and telegraph lines in proper repair and use, and shall at all times transmit dispatches over said telegraph lines, and transport mails, troops, munitions of war, and supplies of public stores upon said railroads for the Government, or any department thereof, whenever required to do so, at fair and reasonable rates of compensation, not to exceed the lowest rates paid by any private party for the same kind of service, and shall give the Government preference in the use of the same for all the purposes aforesaid, as mentioned in the sixth section of the act of July 1, 1862, and shall make punctual payment of the said bonds of redemption.

Here is the point; listen to this:

no other or further sums shall be demanded or required of the company so performing said service and complying with this act; and none of the penalties or liabilities provided for in either of said acts shall be incurred by or enforced upon such said companies while such punctual payment shall continue, but all such payments, requirements, penalties, and liabilities shall be suspended and not deemed to be due or payable, owing or incurred, until default of some of the provisions hereof shall be made and shall have continued for a period of three months, in which case they shall, at the option of the United States, stand revived and continue in force in the same manner and to the same extent as if this act had not been passed.

Mr. BLOUNT. From what section is the gentleman reading?

Mr. THOMPSON. I am reading section 5 of the Post bill. What is the effect of that section? What is the object to be accomplished by it? So long as they make punctual payment of these bonds, so long as they transport the mails and troops of the United States upon the same terms and at the same rates they charge private parties for the same kind of service, all the penalties which may accrue against them under the acts of 1862, 1864, and 1878 are suspended.

What does that mean? What are those provisions, and why are they suspended? Turn to the fifteenth section of the act of 1864, and what do you find? You can find that under certain circumstances the Government can assume control of these railroads and regulate the fares upon them. It is a penalty, a liability laid upon them under the law. Yet you find that very penalty suspended.

Mr. ADAMS, of Illinois. A penalty for what?

Mr. THOMPSON. There is a requirement on the part of the Government that these roads shall not charge over 10 per cent. upon the cost price of building the road.

Now, under the twenty-first section of the act of which the bill passed yesterday was amendatory, these companies are required to pay us a million dollars for surveying their lands for them; yet this bill, if passed, suspends that payment, and you can not require them to pay one cent of it, because you can not require a dollar to be paid except as provided in this act.

But it is worse than that. Turn to section 6 of the Thurman act and you find the following provision:

SEC. 6. That no dividend shall be voted, made, or paid for or to any stockholder or stockholders in either of said companies, respectively, at any time when the said company shall be in default in respect of the payment either of the sums required as aforesaid to be paid into said sinking fund, or in respect of the payment of the said 5 per cent. of the net earnings, or in respect of interest upon any debt the lien of which, or of the debt on which it may accrue, is paramount to that of the United States; and any officer or person who shall vote, declare, make, or pay, and any stockholder of any of said companies who shall receive any such dividend contrary to the provisions of this act, shall be liable to the United States for the amount thereof, which, when recovered, shall be paid into said sinking fund. And every such officer, person, or stockholder, who shall knowingly vote, declare, make, or pay any such dividend, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $10,000, and by imprisonment not exceeding one year.

Now, every penalty laid upon these corporations for the misappropriation of the funds which ought to be devoted to the payment of debts and liens having priority to those of the Government is suspended by this act. These funds can be diverted to any purposes the companies may choose. If we are legislating in the interest of the Government, I ask why in the name of common sense should we suspend the operation of the Thurman act when its operation is to compel these companies to discharge their just obligations to prior creditors and to the Government? Why are we seeking in this bill to release these railroad companies from all liabilities and penalties imposed upon them heretofore? How can it be the interest of the Government to do this? Who is asking us to do it? Yet these gentlemen propose with one stroke of the pen to release all these liabilities and penalties and turn loose these railroad companies to plunder the people *ad libitum* as well as to plunder the stockholders and bondholders at will.

Now, Mr. Speaker, I do not propose to take up much more time.

Mr. WARNER, of Ohio. Before the gentleman takes his seat I would like to ask him one question in regard to section 6 of the committee bill. I hope he will explain the authority for retaining the earnings of these roads arising from transportation for the United States (in case there is a deficiency otherwise) in order to make up the sinking fund. The provision I refer to is in the first part of section 6 of the committee bill.

Mr. THOMPSON. The gentleman wishes to know the authority for retaining that money?

Mr. WARNER, of Ohio. I wish to know the authority for taking the earnings from the non-bond-aided part of the road to make up the sinking fund.

Mr. THOMPSON. In response to the gentleman's question, I will say that under the act of 1862, the original act, all the compensation for transportation for the Government and 5 per cent. of the net earnings could be retained by the Government for the payment of the interest on the bonds as it accrued semi-annually. When the famous act of 1864 was passed it was believed in Congress that if one-half of the pay for Government transportation should be retained it would be sufficient to meet all the indebtedness which the Government was semi-annually incurring on account of the payment of the interest on the bonds. Therefore a provision was inserted in the act of 1864 to the effect that only one-half of the compensation should be retained. Under that act the fund for the payment of the interest upon the bonds consisted of one-half of this compensation, together with 5 per cent. of the net earnings of the road. This continued to be the law until the act of 1873, by which it was again declared that the whole compensation should be retained. So the law stood until 1878 when the Thurman act was passed, which provided for retaining the whole, one-half to be applied, as under the act of 1864, to the payment of the interest, the other half to go into the sinking fund, for the purpose of finally meeting the debts and liabilities of the companies.

That is the way the matter has stood ever since. Under that act it has been practically held that the Government can not retain what is earned upon the non-aided portion of the road. On the Central Pacific Railroad 860 miles constitute the aided portion, and there are in round numbers 340 miles of non-aided road, making something over 1,200 miles in all. On the Union Pacific there are about 1,400 miles of aided road and 400 miles of non-aided road. Upon the non-aided portions of these roads, unless you pass the bill now proposed, all the earnings must under a recent decision of the Court of Claims go to these companies to swell their demands and to be misapplied by them, while the annual interest to the Government goes unpaid. Now, have we a legal right to do this? is the question which troubles the gentleman from Ohio. I know no reason why we can not. If we have authority to establish a sinking fund, we can certainly declare how that sinking fund shall be made up. This fund is for the creditors of the road. It is not for the benefit of the Government except so far as the Government is a creditor.

When you establish that sinking fund you have the right to determine the amount put into it. The Supreme Court has so recognized.

Mr. WARNER, of Ohio. I understand these portions of the road were aided by land grants and not by bonds.

Mr. THOMPSON. Not all of them. Some were not aided by anything, but they are owned by these roads; they are a part of the corporation; they are earning funds for that corporation. It is already in the hands of the Government, and the Government has the right to reach it by an equitable set-off. The Government has the right to charge it into the sinking fund. It has an equitable right to seek to secure compliance with it. Any court will decide it so. There has not been any decision by any court that it can not be done; all they have said is the law has not declared it right and proper to do so. All they have said in the Thurman act is that you have not so said and they can not hold so, because it is for the legislative department of the Government to declare and for them, the courts, to construe. I will yield the floor now to gentlemen on the other side.

Mr. HANBACK. Before the gentleman from Kentucky takes his seat I would like to recall his attention to a matter which I think he has not yet answered. Under the operations of this bill, as reported by the majority of the committee, what will be the debt of the companies to the United States at the expiration of the period?

Mr. THOMPSON. I beg the pardon of the gentleman from Kansas. I intended to answer his question before I took my seat. I will answer it now. Under the bill reported by the majority of the committee, or what is known as the committee's bill, it will be, according to the statement I have here, made out by the clerk of the committee, about $96,000,000. It is easy, however, for any member to calculate it for himself.

The principal of these debts is $64,000,000, but of course the payments to be made constitute an important item. Twenty-one million dollars have been already paid into the sinking fund and as interest on these bonds. Seventeen million has been applied to interest, and $4,000,000 is in the sinking fund now. They have not complied with the terms of the sinking fund, but are behind many million dollars. Take off $21,000,000 paid, and how much more will be paid under the bill propounded by the committee? There will be paid $4,700,000 a year under the majority bill, which for fourteen years will be a large part of the sum. There will be at the maturity of the bonds under the committee's bill as now shaped $64,000,000 of principal and $32,000,000 of past-due interest, making $96,000,000 in all. They now owe you $43,000,000 of past-due interest; they will owe you $32,000,000, a reduction of $11,000,000 of interest; and at the rate it is accumulating unless something is done they will owe you at the end of the time over $124,000,000 of principal and interest, for which there will be no security.

Under the bill we propose there shall be $96,000,000 due you, and if the bill can be amended I propose to put an amendment and go further and reduce it to a larger extent. Under the bill as proposed by the minority what will they owe you? They will owe you $81,000,000 principal and $34,000,000 of accrued interest, and they will owe you $56,000,000 more of interest accrued during the time the Government loans the money to them, and which is represented by bonds you hold; in all, over $171,000,000. As it now stands, annually the Union Pacific Railroad Company pays the Government on an average $2,000,000 into the sinking fund and on the interest account. Under the bill the minority propose during the next fiscal year their payment will be less than $900,000, a reduction of over $1,000,000 in interest. The last year, sixty years from now, they will pay 180 per cent. more, making the road pay $2,550,000. It throws the whole weight of the debt toward the latter portion of the time, when you do not know what will be their condition or what they will have to pay you, and when you can have no idea what the security will be for any payment at all.

Mr. LAIRD. Let me ask the gentleman from Kentucky a question. How much does the Union Pacific Railroad Company owe the sinking fund now?

Mr. THOMPSON. Twenty-three hundred thousand dollars. It has paid $1,650,000. It owes over $2,300,000 which it refuses to pay, for it claims a set-off in consideration of new equipment of $650,000, and, under an adjustment which it claims should be made with them, that the Government owes them $4,000,000 for transportation of the mails, and Mr. Dillon does not intend to pay one dollar until you satisfy that mail contract as they claim it, and you can not do it except by law. And Mr. Brewster, the Attorney-General, has refused up to this time to enforce the penalty against these roads—the penalty that is prescribed in the section of the law to which I have already called attention, and has allowed them to go on in the face of the fact that that section denounces the severest penalty upon them for making any dividend from their fund until they have complied with the terms of the sinking-fund act. The truth of the matter is, Mr. Speaker, that they have balked the Government in every attempt to enforce its rights by the negligence or indifference of the administrative officers of the Government. The Railroad Commissioner, as I have every reason to believe, is operating now in the interest of the railroads to pass through the House the very identical bill against which I have spoken, and which is an outrage upon the Government and the American people, who have contributed so generously to the building of these roads.

Now I yield the floor to gentlemen upon the other side of this question.

Mr. POST, of Pennsylvania, rose.

The SPEAKER. The Chair does not understand whether the gentleman from Pennsylvania is to speak in the time of the gentleman from Kentucky or in his own right.

Mr. THOMPSON. Not in my time. I have yielded the floor, as my time was extended by the courtesy of the House.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. POST, of Pennsylvania. Mr. Speaker, the minority of the Committee on Pacific Railroads are certainly greatly indebted to the distinguished gentleman from Kentucky [Mr. THOMPSON] for the very flattering introduction which he has given of their substitute for the pending bill to the House, and also for the exceedingly complimentary remarks of a personal nature applied to the members of that minority. In the presence of his superior mathematical attainments we stand in awe and instinctively hide our diminished heads when confronted by the hot ardor of his love for the people, which, I should judge, is in his estimation in such striking contrast to the feeble pulsations of the minority, who have had the temerity to differ with him upon this important question.

It seems to me that enough has already been made known as to the character of the bill under consideration and the questions which it involves to convince this House that this is one of the most important measures that has demanded so far, or that will demand, the attention of Congress at this session. But before proceeding with any argument that I may attempt to make in support of the proposition submitted here by the minority of the committee, I wish to say briefly that an attempt to pass any bill bearing upon this subject now before the House under the whip and spur and with an idea of choking off a full, fair, and free discussion of the merits is certainly unbecoming the dignity and does not do credit to the intelligence of this House.

The idea that a bill involving $180,000,000 must be rushed through the House in the space of four or five hours to satisfy the desire of some person who happens to be impatient, because he has no personal interest in this bill, is not the correct attitude, in my judgement, for this House to assume. We have now launched upon the discussion of one of the most important measures that can come before Congress, and whether, for the purpose of a full discussion, and whether, in order that we shall attain a satisfactory conclusion, it shall require one or five days is of small moment. I trust, therefore, that there will be no attempt to choke off debate, but that every member present will be offered the fullest opportunity to acquaint himself with the merits of the bills, both of the majority and of the minority, regardless of the impassioned utterances of the particular champions of these measures, so that he may determine for himself what, under all of the circumstances, is best to be done to protect the interests of the Government, and at the same time to see that justice is dealt out to the railroad corporations.

Now, sir, the vast interests involved in this subject, as I have said, demand a fair, deliberate, and judicious deliberation, as the decision to be reached is of the most far-reaching importance. The issue presents nothing of a partisan nature. It is purely and simply a business proposition. The Committee on Pacific Railroads was early in the session called to consider the necessity of amending the Thurman sinking-fund act by reason of the conceded failure of that act to accomplish the results aimed at.

To correct the existing evil, whereby instead of a diminution of the debt there is a rapidly increasing volume of indebtedness, was the task undertaken, and to formulate a bill tending to that result was the earnest desire of the entire committee. At the conclusion of the labors of the committee there was found to be a divergence of views, and as a consequence there were reported to the House two bills, presenting two essentially different schemes, each having in view the same object, namely, the better protection of the interests of the Government in obtaining reimbursement for the amount of money advanced in aid of the construction of the Pacific railroads. The majority of the committee, through my able and distinguished friend from Kentucky [Mr. THOMPSON], reported a bill, accompanied by a strong and able report, favoring

the adherence to the original plan of the Thurman act, but increasing the percentage of the net earnings to be paid into the sinking fund to 35 per cent.

But, Mr. Speaker, in my humble opinion the measure proposed by the majority does not and will not prove a cure for the trouble now existing, but is merely an attempt to gain a temporary advantage in the amount to be collected annually from now until 1898, the date of the maturity of the bonds issued by the Government, at which time the same problem will confront Congress as now demands a solution. Preliminary to the argument on the propositions I will briefly recount the history of the legislation upon the subject of the Pacific railroads, as gleaned from the reports, which renders further action at this time absolutely necessary. On the 1st day of July, 1862, Congress passed an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of same for postal, military, and other purposes, by which lands and bonds were granted to certain railroads therein mentioned to aid in their construction. The grant in lands and bonds was doubled by the act of July 2, 1864, and many of the powers given to the companies, among which was to place a first mortgage upon their railroads equal in amount to the subsidy in bonds given by the Government and prior in lien to the lien theretofore held by the Government.

Table showing the amount of the bonds issued by the Government and the condition of the debt June 30, 1883.

[From report of Commissioner of Railroads, 1883, page 7.]

Name of railway.	Principal outstanding.	Interest accrued and not yet paid by United States.	Interest paid by United States.	Interest repaid to credit of bond and interest account by—		Balance of interest paid by United States.
				Transportation services.	Cash payment 5 per cent. of net earnings.	
Central Pacific	$25,885,120 00	$776,553 60	$13,452,555 27	$4,592,158 25	$648,271 96	$18,212,125 06
Western Pacific	1,970,560 00	59,116 80	1,668,248 94	9,367 10	.....	1,658,881 94
Union Pacific	27,236,512 00	817,095 36	24,957,850 41	8,933,292 87	.....	16,024,557 54
Kansas Pacific	6,303,000 00	189,090 00	6,129,333 09	2,969,049 59	.....	3,160,283 50
Central Branch Union Pacific	1,600,000 00	48,000 00	1,549,808 26	152,157 10	6,926 91	1,390,724 25
Sioux City and Pacific	1,628,320 00	48,849 60	1,464,297 49	121,355 39	.....	1,342,942 10
Total	64,623,512 00	1,938,705 36	59,222,093 46	16,777,380 20	655,198 87	41,789,514 39

The original act of 1862 and the act supplemental thereto of 1864 evidently contemplated that the transportation services for the Government would pay the current interest upon the subsidy bonds, and that 5 per cent. of the net earnings per annum, which would pay the debt in twenty years, would render its repayment abundantly secure by extending the time to thirty years.

At that time the expenditure by the Government for military and other transportation greatly exceeded the interest which would accrue upon the whole subsidy. The annual cost of transporting military and naval stores and the mails to the Pacific coast prior to the building of the Pacific Railroads was $7,000,000, and the saving to the Government annually for these items alone has far exceeded the interest on the subsidy bonds.

Greatly to the surprise of the Government and disappointment of the railroad companies, it was found that by the building of the roads the condition of affairs was so changed in the region traversed thereby and the consequent falling off in the necessities for transportation for the Government was so marked that the revenue expected from Government transportation, which it was thought would be sufficient to meet the interest on the bonds, was shrunk to such an insignificant figure that, relying upon such transportation for reimbursement, the Government was left in the vocative, and in order that better provisions might be made for the ultimate extinguishment of the debt of the railroad companies to the Government the act known as the Thurman sinking-fund act was passed in 1878.

Section 3 of the Thurman act provides that there shall be established in the Treasury of the United States a sinking fund, which shall be invested by the Secretary of the Treasury in bonds of the United States, preferably the 6, 5, and 4 per cent. bonds, and the money so invested in the sinking fund earns for the companies the interest of its investment until the maturity of bonds, when the whole accumulated fund will be applied toward the payment of the debt.

The constitutionality of this act was stoutly denied by the railroad companies, and upon an appeal to the Supreme Court was affirmed by a majority of one only in a divided court.

This act has also proved to be a constant source of litigation between the companies and the Government, and of difficult enforcement; and by the action of the Government in calling in the bonds of the class named in the act, so that none are now in the market to be purchased, has rendered inoperative that portion of the act which provided for the investment of a fixed proportion of the net earnings of the companies. It therefore happens that there is now in the Treasury of the United States $1,703,184.29 which lies idle and uninvested, to the loss of the companies and with no gain to the Government, and naturally such a condition of affairs is extremely unsatisfactory to the companies.

As to the condition of the sinking-fund accounts, I will quote from the report of the Commissioner of Railroads for 1883, page 12:

CONDITION OF THE SINKING-FUND ACCOUNTS.

Appendix 8 of this report gives a detailed statement showing the condition of the sinking-funds of the Union and Central Pacific Companies, respectively, held by the Treasurer of the United States under the act of Congress approved May 7, 1878, from which it will be seen that on June 30, 1883, these funds amounted to $4,036,713.45; the Central Pacific having to its credit $2,404,015.86, and the Union Pacific $1,632,697.59.

Investments have been made by the Secretary of the Treasury as follows:

Character of bonds.	Central Pacific.	Union Pacific.	Total.
Funded loan of 1881, 5 per cent	$736,700 00	$256,450 00	$993,150 00
Funded loan of 1907, 4 per cent	199,100 00	32,650 00	231,750 00
Currency sixes, 6 per cent	444,000 00	361,000 00	805,000 00
Principal	1,379,800 00	650,100 00	2,029,900 00
Premium paid	179,563 73	124,065 43	303,629 16
Total cost	1,559,363 73	774,165 43	2,333,529 16

On June 30, 1883, the amounts remaining in the United States Treasury, uninvested, were as follows:

Credit of the Central Pacific	$844,652 13
Credit of the Union Pacific	858,532 16
Total	1,703,184 29

That the sinking fund has not accomplished the result anticipated is quite evident, and may be regarded as practically a failure for want of suitable investment. The last investment for the Union Pacific was made April 6, 1881, at which time a premium as high as 35 per cent. was paid, but the company repeatedly protested against such high rates of premium. Reference to the foregoing table will show that the sum of $650,100 has been invested at a cost of $124,065.43, or an average premium of nearly 20 per cent. On June 30, 1882, the amount in the sinking fund uninvested was $407,441.99, and on June 30, 1883, it had increased to $858,532.16. This is a manifest hardship to the company, as the amount should be drawing a fair rate of interest, and correspondingly diminishes the available fund in the hands of the Government.

The last investment for the Central Pacific was made November 27, 1882, the sum of $541,800 having been invested, at a premium of 2 per cent., in the funded loan of 1881 continued at 3½ per cent. The sum of $1,379,800 has been invested for this company at a cost of $179,563.73. On June 30, 1883, the amount in the sinking fund uninvested was $844,652.13.

Thus much, therefor, to show the absolute necessity of some remedial legislation at this time, and it only remains for Congress in its wisdom to accomplish it.

In the light of experience is it advisable to adhere to the percentage basis? I think not. From the very beginning disputes have arisen as to the proper construction of the act, and misunderstandings innumerable constantly occur; and the very presence of the bill under discussion demonstrates that by reason of the uncertain amounts received upon a percentage basis, which naturally fluctuate according to the volume of business transacted and the difficulty of amicable settlement as to what constitute "net earnings," antagonisms arise which result prejudicially both to the Government and to the companies. Now, under the percentage system no one knows what amount will be paid in any given year.

And, again, the passage of this increase of percentage from 25 to 35 per cent. may not be enough to satisfy the ideas of some members of a succeeding Congress who may be imbued with a more fierce and unrelenting spirit toward railroad companies, and bills to increase the percentage still more may be introduced and a renewed agitation of this question begun, which carries in its trail unrest in the minds of investors and renders the position of the companies more precarious and at once depresses the values of their properties; and whatever affects injuriously the material interests of the railroads and cripples them in their

ability to satisfy the creditors who have priority over the Government, whereby the possibility of gaining an extension of the time of payment of the first liens is lessened, just in so much diminishes the likelihood of the Government securing its debt.

As I have heretofore said, this is a practical business question, and though vast in proportions, should yet be governed by the same general principles which would govern a private capitalist if dealing with a similar question. Who is there that doubts that if in his private business he found himself a creditor of one who was unable to pay at the maturity of his obligation, and whose property was encumbered to its full value in favor of another creditor, he would in seeking to secure his debt adopt the means best calculated to strengthen the confidence of the person having the first lien in the credit of the debtor, so that the first lien creditor would consent to grant accommodation in the way of extension of time in the hope that eventually both debts might be liquidated.

I urge it therefore upon the House that we shall bring to the discussion and settlement of this problem the same prudence and business sagacity that we would exercise were we personally pecuniarily interested in the result.

Shall we then legislate to depress the value of property upon which the Government only has second lien, or shall we by wise, conservative action seek to enhance the same and improve the credit of the companies, to the end that eventually the interests of the Government shall be protected and the payment of the debt made certain?

A policy aggressively inimical to the railroad companies as a logical sequence must render it exceedingly difficult for them to arrange an extension of the debt prior in lien to that of the Government, and thus may be precipitated a default in payment, which, by rendering the whole debt due, foreclosure proceedings would follow, whereupon the debt due the Government would be jeopardized unless the Government was prepared to pay the amount in order to obtain possession of the roads.

The purchasing of these roads by the Government to protect its lien is of such doubtful utility that it is at least questionable whether the Government would authorize the payment of over $61,000,000 to the first-mortgage creditors for the purpose of becoming the owner of these roads in the expectation of thereby securing the amount to which they stand indebted to the Government, and all of which would be inevitably lost unless the companies were prepared to pay the large amounts heretofore stated. For my part, I do not consider that the Government could operate these roads except at a still further loss and under disadvantages of so serious a nature as to give the competing lines immense advantage in competing for traffic.

I do not believe that any one will seriously argue the feasibility of taking possession of these railroads at so great an additional expenditure, but rather that if possible we should devise some method whereby we may amply secure the ultimate payment of the debt due the Government, it being a matter of no particular moment whether incidentally and as a necessity an extension of time be granted for that purpose. It appears to me that the matter of the most vital interest to the people in connection with the railroads is to obtain the cheapest possible transportation, and that we should be extremely cautious in dealing with this subject to avoid any possibility of fastening upon the people living along the line of these roads any additional burden in the way of increased rates of transportation. While the through traffic to competing points will always obtain the minimum rates because of the competition of rival lines, the local traffic will have to bear the brunt of any additional legislative exactions; and while we are professedly seeking to legislate in the interests of the people, let us not forget that those who have gone to the great Northwest and peopled that vast territory have interests which should be jealously guarded, and that in our haste to punish what we may deem delinquent corporations we must not inflict punishment in such a manner as will harm the people in the country traversed by these roads more grievously than can be atoned for by any anticipated forced payments of money not needed by the Government.

I am convinced that, if the bill of the majority shall become a law, as a means of self-protection and to increase their revenues, as an offset to the greater drain upon their resources, these railroads would increase the rates of local freight and passenger transportation, and thus strike a blow at the welfare of their local patrons.

Again, suppose an increase is made in rates over the subsidized roads, how quickly through traffic would be diverted therefrom; and just in proportion as the traffic is diverted so is the shrinkage of net earnings from which the Government is to obtain its money. It is an open secret that owing to the parallel lines that have been built competing for the transcontinental carrying trade it is now extremely easy to effect pooling arrangements or to divert freight from the subsidized roads, and thus reduce the volume of business of the subsidized roads; and wrong as it may be in principle, I think it would defy the wisdom or shrewdness of the ablest lawyer in this House to point out an adequate remedy for the evil.

Another fact recited in the minority report it is important to bear in mind:

When these roads were first constructed they had a monopoly of all the transportation by land from the Pacific coast across the mountains to meet the system of railways in the East. Since then competing roads have been constructed, which so divide the trade that notwithstanding the natural increase of business and population, the net earnings of the roads have been seriously diminished, and future earnings are dependent upon conditions which can not be anticipated, and which may possibly cause net earnings to disappear.

The Northern Pacific has withdrawn from these lines a large proportion of the trade of Oregon, Washington, and Montana. The Atlantic and Pacific, as a central line, competes directly for the trade of San Francisco, Central California, and the intervening territory. The Southern Pacific competes directly for the trade of Southern California, and thus is withdrawn to sustain these three great competing lines a large proportion of the traffic upon which the earnings of the Central and Union Pacific companies depend. The necessary and natural competition between these same roads seriously impairs the earnings of both, and renders the payment of this enormous debt at least doubtful under any system which depends upon the levying of a percentage of net earnings.

Upon another point, in the language of the minority report;

Furthermore, experience has demonstrated that any scheme based upon a percentage of the net earnings must necessarily place the Government at a disadvantage, and lead to endless complication and litigation, for the very good and sufficient reason that the railroad companies are directly interested in reducing the earnings to a minimum in their settlement with the Government.

And it must not be overlooked that the railroad companies keep the books. As to the details of the bill reported by the majority of the committee, as well as some of the propositions of law therein involved, I will not dwell thereon, as they will be ably and I doubt not exhaustively discussed by some of my colleagues who join in the minority report.

In passing from this necessarily hasty criticism of the percentage system of providing for the payment of the indebtedness of the Pacific railroads, I deem it not improper but indeed important to say that the constitutionality of the scheme was affirmed by the Supreme Court by a majority of one only (four to three), and since that decision was made changes have occurred in the *personnel* of the court, so that should any question arise of a similar nature growing out of any new legislation of the same purport it is impossible to predict or even to surmise how the present court would decide, and it seems to me that it is the part of wisdom to avoid any course which might possibly jeopardize the existing status of affairs. This opinion is entertained by gentlemen of much higher standing and position than my humble self.

I am brought now to the discussion of the merits of the substitute offered by the minority in lieu of the bill under discussion. In shaping legislation for the various Departments of Government, I believe it is frequently sought to carry out the recommendations of the officer in charge of the Department. Having cognizance of the necessities of the Department, and in seeking information as to the best policy to pursue in dealing with public questions, it is desirable to consult those who, by reason of knowledge gained by experience, and who are in position to fully understand the situation of affairs, are best able to advise as to a wise course of action.

Now, the Railroad Commissioner (Hon. W. H. Armstrong), a most efficient and upright official, who by virtue of his office is brought into close contact with the Pacific Railroad companies, and is thoroughly conversant with the system of accounts, and who has made the whole question of the settlement of this indebtedness a careful study in all its phases, makes the following recommendation in his report for the year ending June 30, 1883, page 13.

Before quoting I am impelled to say that I regret exceedingly that my friend from Kentucky [Mr. THOMPSON] saw fit in the heat of debate to make so violent an attack on the purposes of the Commissioner of Railroads, for I believe him to be one of the most honorable officials in the employ of the Government; and I certainly have never seen anything that tended to bring me to the conclusion that in any recommendations he made he was influenced by anything else than an honest desire to care for the best interests of the Government.

[Extract from report of Commissioner of Railroads.]

FUNDING THE DEBT.

I again urgently commend to the consideration of Congress the propriety of commuting the present sinking-fund method of payment of the debts of the subsidized railroads to one of fixed obligations, having the same lien, and of fixed amounts, and payable at fixed periods.

It is of the first importance that the method adopted should be certain in its operation and result, and have due regard to the security of the Government and the rights of the companies.

Although I have discussed this subject at some length in my last report, it is one of such great importance, that I deem it proper to restate the argument with additional suggestions:

Should the present sinking-fund method be continued, we may venture upon an approximation of its results, as follows:

CENTRAL PACIFIC RAILROAD.

Principal sum of bonds advanced		$27,855,680 00
Thirty years' interest, at 6 per cent		50,140,224 00
Total		77,995,904 00
Deduct transportation, &c., approximately, in round numbers, first fifteen years	$6,000,000	
Deduct transportation, &c., approximately, in round numbers, last fifteen years, at present rates	13,500,000	
By accumulation of sinking fund for the next fifteen years, estimated at $500,000 per annum, together with amount already in sinking fund, at 3 per cent. per annum	12,500,000	
		32,000,000 00
Balance due United States at maturity of bonds		45,995,904 00

UNION PACIFIC RAILWAY.

Principal of bonds advanced		$27,236,512 00
Thirty years' interest, at 6 per cent		49,025,721 60
Total		76,262,233 60
Deduct transportation, &c., approximately, in round numbers, for first fifteen years	$12,000,000	
Deduct transportation, &c., approximately, in round numbers, for last fifteen years, at the present rate	16,500,000	
By accumulation of sinking fund for the next fifteen years, estimated at $900,000 per annum, together with amount already in sinking fund, at 3 per cent. per annum	22,500,000	
		51,000,000 00
Balance due United States at maturity of bonds		25,262,233 60

It is manifest that when the bonds mature, at the close of the present century, the present sinking fund will not be sufficient to meet them, and if left to be dealt with then as a mere book account, with the risk of possible diminution of income from the rapidly increasing competition which they must surely encounter, adjustment may then be more difficult and embarrassing than now.

The balance unpaid at maturity will be, as nearly as can now be estimated, from the Central Pacific, say, $46,000,000 and from the Union Pacific, say, $25,000,000; an aggregate of $71,000,000.

The Union Pacific and Central Pacific roads and their connections are much the most important railroads with which the Government has to do. It is of the highest importance to devise the best method of securing to the Government the certain reimbursement of its advances, with due regard to the rights and interests of the company, the Government, and the people so largely dependent upon their proper maintenance. In this connection the original purposes of the Government in aiding their construction, and which are of no less importance now than then, should have due weight.

The necessities under which they originated, and which are so ably expressed by Justice Davis in delivering the opinion of the court in United States *vs.* Union Pacific Railroad (91 U. S. R., 79), may be recalled with profit. He says:

"Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and owing to complications with England the country had become alarmed for the safety of our Pacific possessions.

"The enterprise was viewed as a national undertaking for a national purpose, and the public mind was directed to the end in view rather than to the particular means for securing it. Although the road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier; there was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.

"It was in presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great and by many intelligent persons considered insurmountable.

"The scheme for building a railroad 2,000 miles in length, across mountains, over deserts, and through a country inhabited by Indians, jealous of intrusion upon their rights, was universally regarded at the time as a bold and hazardous undertaking. It is nothing to the purpose that the apprehended difficulties in a great measure disappeared after trial, and that the road was constructed at less cost of time and money than had been considered possible. No argument can be drawn from the wisdom that comes after the fact.

"The project of building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.

"The primary object of the Government was to advance its own interests, and it endeavored to engage individual co-operation as a means to an end—the securing a road which could be used for its own purposes."

The purposes of Congress in granting the liberal aid extended to these companies, so forcibly expressed by Justice Davis, were held to be important elements in arriving at the true construction of their charters, and are not now to be overlooked in considering their present relations to the Government. All these purposes have been much more than realized, and it has been frequently and officially stated that the actual saving, year by year, to the Government greatly exceeds the whole annual interest paid.

I am the more convinced that immediate action should be taken by Congress in this matter for the reason that each year demonstrates more clearly the fact that the present sinking-fund method is a practical failure, and I invite particular attention to the detailed report on the Central Pacific Railroad Company, from which it will be seen that the earnings on the subsidized portion of the road diminished in greater proportion during the year 1882 than on the non-aided and leased lines. The average decrease on the entire system was $462 per mile; but on the aided portion it was at the rate of $553 per mile as against $227 on the non-aided portion.

But whether this falling off of earnings on the subsidized portion of the road is due to the natural changes in traffic incident to the opening of new and competing lines, or has been purposely diverted from one line to another, it works equally to the same result in reducing the gross earnings of the roads out of which the 25 per cent. of the net earnings required to be paid under the act of May 7, 1878, is to be derived. But from whatever causes the fact arises, it is not perceived how the Government can interpose to change the direction of transportation of either passengers or freights. Such inquiry would be environed with almost insurmountable difficulties of both law and fact.

The gross receipts of the Union Pacific also decreased, but the diminution of operating expenses left the 25 per cent. of net earnings slightly increased.

Under the decision of the First Comptroller, affirmed and adopted by the Secretary of the Treasury in his circular of June 27, 1883, the Government is liable to pay in cash for all services rendered by the bonded Pacific railroads over any portions of their road owned, leased, or operated which have not been subsidized in bonds. The total service for the Government rendered by the Union Pacific for the year 1882, over all its lines, was $1,139,709.38, of which $932,975.41 was upon the subsidized portion, leaving the sum of $206,733.97 as due the company in cash. The Central Pacific rendered service during the same period amounting to $1,051,862.46, of which $403,754.26 was upon the subsidized line, leaving $648,108.20 as due the company in cash. The services of the Sioux City and Pacific amounted to $30,888.22, of which $10,231.05 was upon the subsidized portion, leaving $20,657.17 as due the company in cash. The Central Branch Union Pacific performed services amounting to $35,287.42, of which $12,538.58 was on the subsidized portion, leaving $22,748.84 as due the company in cash.

It is clear that under this decision, which is in accord with the decision of the Court of Claims in Union Pacific Railway Company *vs.* United States (16 Ct. Cls., 352), the companies have a manifest interest in diverting traffic from the subsidized portions of the road. But if they accept the provisions of a bill which funds the indebtedness in long payments and directs that all moneys for services over the aided lines, or upon any lines owned, leased, or operated by them, be credited upon the books of the Treasury until the bond of redemption next to mature shall have been fully paid, the entire transportation of the Government over all these roads would be pledged and applied to the liquidation of the debt as it matures, and insure its absolute payment within the limited time.

Should the decrease in the earnings of the aided lines continue to even an approximate proportion to the decrease of the last year, it will be readily perceived that the 25 per cent. of net earnings to which the Government is entitled would be so reduced as to render this increasingly inadequate as related to the vast magnitude of the debt.

At the rate provided for in the Thurman act it would require a century or more to accumulate a fund sufficient to discharge this debt, and with strong probability that by this method it can not be done. Nor would it be practicable to increase the percentage without manifest detriment, as well to the companies as their patrons. The payment, by whatever mode it be collected, must come from the earnings of the road. If the rates be too high, the burden falls with onerous weight upon the business and would work directly in the interest of non-aided competing lines.

It would seem to be of less consequence whether the debt be paid in fifty or sixty or even a hundred years, if its ultimate payment be absolutely assured, than that oppressive burdens be imposed upon the commerce between the Atlantic and Pacific coasts. A proper net compensation must remain to the owners of the roads, if they are to receive the watchful care and necessary maintenance which safety and success demand.

The construction of these roads has been pronounced by the Supreme Court of the United States to have been a national necessity so urgent as to admit of no delay, and confessedly involving the integrity of the Union. The energy with which they were built is well illustrated in the fact that they were completed within seven years less time than the limit established by law, and at a time when the currency bonds issued to the companies realized an average of only about 75 per cent. in gold. And they must be repaid at par.

The Government has the advantage, and is entitled to it, of the reduced expenses of transportation which has resulted from their construction, and in this view the saving to the Government has greatly exceeded the current interest it has paid. It is also fairly to be considered that the national purposes have all been more than realized in the increased sales of public lands, the extension of civilization, the suppression of Indian wars, and the consequent great diminution of expenses, the establishment of States, and the strengthening of the ties which have bound the States of the Pacific coast indissolubly to the Union.

All these considerations appeal with great force to the liberality of Congress, but whatever weight they may have in guiding their discretion, this office can regard the question only in the light of the best method of securing the certain payment of this vast and constantly increasing debt, and the payment of which, if left to the present methods, is at least doubtful. Upon full consideration of the whole subject, I am strengthened in the conviction expressed in my report for 1882, that the interests of the Government will be best promoted by commuting the present uncertain and variable book-account payments into bonded payments of fixed amounts.

I therefore renew the recommendation—

"First. That if the sinking fund is to be continued, the discretion of the Secretary of the Treasury should be enlarged as to the investment of the fund.

"Second. That Congress consider the practicability of commuting the present book-account indebtedness for securities having the same lien and of fixed amount and payable at fixed periods."

And the following extract from the report of the Government directors of the Union Pacific Railway for 1883, page 26:

Unless some provision is made to refund this debt upon a satisfactory basis it is to be feared that the company will not be able to meet its obligations, and that disastrous financial complications may result. To avoid this it has been suggested that an actuarial computation of the net amount of those debts, principal and interest, at a certain day, say July 1, 1884, be made, and that this sum be divided into one hundred and twenty equal parts, the company to issue one hundred and twenty interest-bearing bonds, payable on each six months, until the whole debt is extinguished. This would give the company a fixed and definite sum to pay semi-annually, and would extend the time of payment over sixty years, at a constantly decreasing annual draft. The effect would be to remove the misunderstandings now existing as to what constitutes the 25 per cent. of net earnings required to be paid under the Thurman act, and would at the same time strengthen the security of the Government and enhance the credit of the company. This or something similar in the way of legislation seems to us to be very desirable, if not absolutely demanded by the necessities of the case.

It will therefore appear that those persons specially charged with the supervision of these railroads, officers of the Government and in no wise connected with the companies, but from an entirely disinterested standpoint looking only for the proper protection of the interests of the Government, have earnestly urged the consideration of such a scheme as is embraced in the substitute offered upon Congress as the wisest and most felicitous solution of the vexed question as to the adjustment of the enormous debts of the subsidized railroads.

The gentleman from Kentucky [Mr. THOMPSON] has seen fit to make a fierce attack upon certain provisions of the substitute presented by the minority. But, sir, I maintain that the only question here presented is as to the advisability of adopting one of two schemes. One scheme is the adherence to the percentage basis under the Thurman act with this increase, and the other is whether the Government deems it advisable to extend this debt as proposed by the substitute. If Congress shall deem it advisable to extend this debt, the gentleman from Kentucky knows and every one knows that Congress would immediately apply itself to the eradication from that bill of any features which it thought were unwise or erroneous, and would seek to make the weak points strong, in order that there might be no defects in the bill.

The gentleman has seen fit to make attacks upon the minority, and has spent a considerable portion of time in assailing the arithmetic of the minority. But, as the chairman of the committee very aptly said, the minority of the committee have prepared an amendment merely changing the phraseology which will cover that, and I do not think it worth while, Mr. Speaker, to dwell upon these criticisms, because it is perfectly apparent that it is but an incident in the plan, and it was but a waste of energy upon the part of the gentleman to hurl such a broad-

side of criticism at a point so easily rectified. At the proper time I shall offer the following amendment to section 1 of the substitute: After the word "deducted," in line 17 of section 1, strike out all that follows and insert the following:

The amount of money then already in the sinking fund or reimbursed to the United States by services or otherwise by either of said companies up to and including the 30th day of Septemper, 1884, and from said total so ascertained he shall deduct the true discount, computing the same on a basis of 3 per cent. per annum.

Mr. BLOUNT. Will the gentleman from Pennsylvania allow me one or two questions?

Mr. POST, of Pennsylvania. With pleasure.

Mr. BLOUNT. Are these roads paying dividends now?

Mr. POST, of Pennsylvania. I understand they have been paying dividends to their stockholders, but that the Union Pacific Railroad Company by reason of the shrinkage of its earnings for the present year will be obliged to suspend payment of dividends.

Mr. BLOUNT. What amount of dividends has been paid by these companies?

Mr. POST, of Pennsylvania. I think the gentleman from Texas [Mr. THROCKMORTON] has the figures and will be able to answer the question of the gentleman.

Mr. THROCKMORTON. The Union Pacific Road has paid over $20,000,000 of dividends.

Mr. BLOUNT. What per cent. is that?

Mr. THROCKMORTON. Seven per cent.

The Union Pacific, from December 31, 1877, to June 30, 1883, has paid $20,490,604.13 as dividends on stock, much of which it is notoriously true was issued without consideration. The California Central Pacific within the same period has paid to its stockholders $14,468,875.

Mr. BLOUNT. With the permission of the gentleman from Pennsylvania I will ask the gentleman from Texas whether the increased per cent. will absorb the dividends disclosed in the reports made by these companies?

Mr. THROCKMORTON. It will not, taking past earnings as the guide.

Mr. HEWITT, of New York. But according to the present condition of the companies?

Mr. THROCKMORTON. I think not.

Mr. THOMPSON. I agree with the gentleman from Texas.

Mr. POST, of Pennsylvania. Notwithstanding the assertions of the gentleman to the contrary, I believe that under the present depressed condition of traffic the amount of dividends would be absorbed. I will now proceed with my statement of the provisions of the substitute in order that the members of the House may understand the same. I will read from the report of the minority, in the preparation of which I assisted, and where necessary enlarge upon the argument therein contained; this I will do as briefly as possible, in order to give way to other gentlemen who desire to participate in the discussion.

The scope of the bill is to fix a day on which the indebtedness of the companies respectively to the Government shall be ascertained upon the same principle as if the whole debt and interest were to be paid on said day, deducting all payments made by the companies in money or transportation or otherwise, with a rebate of interest at the rate of 3 per cent. per annum.

The period of extension for payment of the last installment of the indebtedness is forty-six years beyond the date of maturity of the subsidy bonds, or an average extension of the whole debt of twenty-three years.

Referring to the argument of the gentleman from Kentucky as to the right of the Government to take the amount of money now in the sinking fund and credit same as payment on account in the settlement proposed, in obtaining the worth of the debt on October 1, I would say that I maintain that the money in the sinking fund is the property of the railroad companies; and if the companies should agree by their acceptance of the bill to allow the money in the sinking fund to be taken by the Government in payment of their indebtedness, I can not see that such action would be any violation of the charter contract; and certainly my friend will admit that the contracting parties in the first instance can mutually agree to any change of said contract.

The money in the sinking fund was placed there by Congressional enactment without any act upon the part of the first-lien creditors, and if subsequently Congress should alter or amend the act, certainly the first-lien creditors are no parties to the transaction. All this legislation was for the protection of the Government. It can scarcely be maintained by the gentleman that an amicable arrangement made by and between the companies and the Government is plundering the corporators.

I do not think the gentleman would seriously argue that if the Government should remit the amount in the sinking fund to the companies they would not have the right, if they saw fit, to pay the whole amount over to the Government on account of interest due and unpaid.

But to continue the explanation of the bill:

In consideration of the extension of time thus granted, the companies are required to deposit with the Secretary of the Treasury bonds of redemption for the amount of the debt as ascertained in specific sums, one bond to mature every six months, and all the earnings of the road by Government transportation upon any roads owned, leased, or operated by the company shall be applied to the payment of the current maturing bonds of redemption, and no money shall be paid by the Government for transportation or service of any kind over the aided or non-aided roads until the bond next maturing shall be fully paid.

The Court of Claims and the Secretary of the Treasury, adopting the opinion of the First Comptroller (see Report Railroad Commissioner, 1883, page 244), held that the Government under existing laws can not lawfully claim any portion of the net earnings earned upon part of the road not subsidized.

Under this decision only the earnings of the subsidized portions of the roads can be withheld, and this places the Government at a great disadvantage unless some agreement can be had with the companies. Now, let us see how much of the systems of the Central and Union Pacific are subsidized:

The Union Pacific system embraces a total of 4,303.5 miles, of which only 1,436 miles are subsidized. The Central Pacific system embraces a total of 3,041.71 miles, of which only 863.98 miles are subsidized.

It thus appears that the Union Pacific leases and operates 2,867.5 miles, and the Central Pacific 2,177.73 miles, upon which the Government can not appropriate any portion of their net earnings.

The Union Pacific main line from Omaha to Ogden, 1,024 miles, is all subsidized. But of the 629 miles of the Kansas Pacific, from Kansas City to Denver, 394 miles only are subsidized. The whole line, 106 miles, from Denver to Cheyenne is not subsidized. Neither is the Utah Northern, from Ogden, Utah, to Garrison, Mont., 452.54 miles, nor the Oregon Short Line, from Granger, Wyo., to Weiser, Idaho, 575.96 miles.

Thus it will be seen that by the terms of the bill of the minority the transportation services on all the roads owned, leased, or operated by the Pacific railroads will be withheld to secure payment of the maturing bonds of redemption, embracing over 5,000 miles of road not now within the reach of the Government. The bill further extends the statutory lien and security now subsisting over all roads owned or hereafter acquired, no matter where situated, by the companies, including telegraph lines, franchises, rolling stock, and property of every kind and description, to remain as security for the bonds of redemption until all are paid.

It also requires that the company accepting the provisions of this bill shall also accept the provisions of the Thurman act, voluntarily yielding all questions of the constitutionality of said act.

This provision was deemed necessary, in order that all questions now pending arising out of said act might be settled without further litigation in which the constitutionality of the act might be raised:

The plan further provides that either of said companies may prepay and discharge the debt in full at any time, and as an inducement for such payment an abatement of 3 per cent. per annum in interest is allowed, and the companies are authorized to mortgage their franchises and property for the purpose of raising funds to redeem these bonds of redemption, if they are able and see fit to do so. The sinking fund heretofore established in the Treasury is continued, and all money paid in liquidation of the bonds of redemption by the companies will be turned into said sinking fund, and the Secretary of the Treasury is authorized and directed to invest such sums in interest-bearing bonds or securities, so that the Government shall derive the benefit of the accruing interest to aid in the payment of the subsidy bonds at maturity.

This section of the bill (section 4) relating to the sinking fund is defective and was so discovered to be by the gentlemen signing the minority report as soon as it was printed. We were pressed for time in the preparation of our report, and were exceedingly annoyed to find that the bill as printed, particularly the section just referred to, was open to the construction placed upon it by the gentleman from Kentucky. I trust he will not flatter himself that it was alone his eagle eye that discovered the error. At the proper time I shall offer an amendment which will cure the evil and tend, I hope, to quiet the apprehensions of my caustic friend from Kentucky, that the minority desired in cold blood to make a present of this debt to the companies.

If the gentleman would only concede the same degree of honesty and patriotism to his associates that we so willingly ascribe to him he would not undertake, as I fear he has in his zeal to pass his bill, to throw discredit upon our efforts.

I beg to say to the gentleman that all the honesty of purpose and love of country in the Committee on Pacific Railroads is not bound up in those who agree to the bill he so ably supports.

Under the provisions of the bill supported by the minority the railroads and telegraph lines are required at all times to be at the service of the Government at rates as low as the lowest accorded to any individual for like service. A failure for six months to pay any of the redemption bonds at maturity under the provisions of this bill renders all of said bonds due and payable.

In order that the companies shall partake of the benefits of the proposed plan they must accept the same under their corporate seals on or before October 1, 1884.

The purpose of the extension proposed is to bring the semi-annual payments sufficiently within the ability of the companies to render such payments entirely certain, and it can not, in our opinion, be of any vital consequence to the Government whether the debt be paid in fifty or sixty years, so long as its ultimate payment can be certainly secured.

As is well known, the first-mortgage bonds of equal amount to the bonds of the Government fall due at the same time, about fourteen years hence, and that these companies will be unable to liquidate the indebtedness at the maturity of same I think is conceded on all hands. With the sole view of assisting in the solution of the problem of how best to secure the Government in the ultimate payment of the large sums due from these companies, the minority have considered the plan proposed in the substitute as the wisest and best.

For my part I have no desire to show any favoritism to these corporations. For their sins I have no excuse. I am fully aware of the feeling of hostility entertained toward these corporations, and I fully sympathize with the desire to compel them to a strict obedience of law. With that unreasoning and frenzied opposition to railroads which seeks to cripple and do injustice to them, without regard to right, I have no sympathy. As a member of the Federal Congress, when called upon officially to deal with business interests, I am not swerved from my convictions of right for fear of being charged with undue friendliness toward corporations. I want to do the best thing to protect the interests of the Government.

I deny most emphatically that the bill of the minority is in the interest of the railroad companies, but it is rather an earnest and, I think, a judicious measure under all the circumstances best calculated to inure to the lasting benefit of the Government, and to settle amicably a question that is now the source of unceasing annoyance and litigation and extremely uncertain in its results. It may be that this House may disagree with the views of the minority and prefer the bill of the majority. Be that as it may, I venture to predict that no lasting and satisfactory settlement will ever be attained until a scheme based upon the theory of the bill of the minority is adopted.

I yield ten minutes to the gentleman from Iowa [Mr. WILSON].

Mr. SUMNER, of California. Will the gentleman from Pennsylvania answer me a question before he sits down?

Mr. POST, of Pennsylvania. I will try to.

Mr. SUMNER, of California. I would inquire of the gentleman as to his construction of the latter portion of section 5 of the bill recommended by the minority of the committee, whether that does not prevent and preclude, and whether it was not so intended, the passage of any bill to reduce the rates of freights and passenger fares?

Mr. POST, of Pennsylvania. That is not the intention of the minority of the committee, and we do not consider it has that effect.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Pennsylvania [Mr. POST] yields ten minutes of his time to the gentleman from Iowa [Mr. WILSON].

Mr. WILSON, of Iowa. I had arranged to get the time I wanted from the gentleman from Kentucky [Mr. THOMPSON]. If the gentleman from Ohio [Mr. JORDAN] is ready to go on now, I shall take another opportunity of getting the floor.

Mr. JORDAN addressed the House. [See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that a message from the House of Representatives having announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1015) for the relief of Fitz-John Porter, which report recommends that the House recede from its disagreement to the amendment of the Senate to the said bill and agree to the same, the Senate had ordered that the Secretary return the bill to the House of Representatives.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2166) referring to the Court of Claims the claims for property seized by General Johnston, of the Utah expedition; and

A bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 3656) granting a pension to Salome Ann Walker;

A bill (H. R. 1433) granting a pension to Mary E. Murray;

A bill (H. R. 510) for the relief of Hiram M. Howard, of Richland, Kans.; and

A bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins.

AMENDMENT OF THURMAN ACT.

The House resumed the consideration of the bill for the amendment of the Thurman sinking-fund act.

Mr. WILSON, of Iowa. The Committee on Pacific Railroads has had before it, among other matters, the open accounts of five railroads for twenty years; the credit of the Government, amounting to many millions of dollars; the accrued interest, amounting to much more; the interest of the people living along the line; the interests of the Government; the interests of the railroads themselves; the interests of those who compete with them, and all the subjects that have grown up out of the acts of Congress of 1862 and 1864, 1873 and 1878, creating these companies to build those roads and govern them; the necessity for the building of the roads, and what has transpired since that time. All this has been considered by the Committee on the Pacific Railroads, as you will have discovered from the speeches already made on this subject, with a great deal of thoroughness and with a great deal of care.

I do not deem it wise to begin now and go over the figures that have been presented in detail by the gentlemen who have spoken. It is never interesting to me to follow a beaten track. I prefer rather to try to say something on this transportation question that has not been said already and to cover some ground that has not been covered, and to say something on some subjects that have been referred to our committee that will probably not be dealt with by Congress this session, if at all, that affect the well-being of the patrons of these Pacific roads and the patrons of all roads in the country engaged in interstate commerce.

The interest of the Government is well taken care of in the bill presented by the committee. The principal object in the reporting of that bill has been to take care of the credit of the Government. The bill proposed by the minority has sought to find a way by which the relations of the Government to the railroads may be finally severed, a way by which capital may step in and take the place of the Government and close up the accounts that have been open for twenty years between the railroads and the Government.

Another matter has been presented to us, however, embracing another field independent of that entered on yesterday in the survey bill and different from that discussed to-day, and that is the interest of the people living along the lines of those railroads. We have not taken into consideration how our laws shall affect them any more than how they affect the people living anywhere else in the United States. Since those railroads were built hundreds of thousands of enterprising pioneers have gone out on those plains and opened farms and opened mines, and their future is more bound up in those railroads than the future of any man living along the line of any other road. They are far remote, many of them, from any competition. The miner has to pay just about what the railroad company asks him to pay.

The farmer has to pay for short hauls just about what they ask him. And while we have very full reports from the Commissioner of Pacific Railroads with regard to the book accounts between the Government and those railroads, yet neither from the commissioner nor from the Government directors nor from anybody else have the committee, or the House, or the country any idea of what is being done by those railroads as regards the prosperity and the well-being of the people living along their lines. And it is to be regretted, I think, that after being six months in session here we have not been able to take up and consider the interests of the people of the United States as regards interstate commerce all over the country. It is a question about which the parties resolve in their platforms. It is a matter affecting every man who rides or ships. It is a matter affecting stockholders and bondholders. It is a matter affecting railroads themselves. I suppose principally owing to the illness of our honored friend from Texas [Mr. REAGAN] we are not likely to get anything done this session. Yet if the people are looking toward Congress to take hold and deal intelligently with any subject now before the House and on our files more than any other, I think that the subject of interstate commerce is that one.

I want to submit some thoughts to the House which apply not only to the people who live along these lines of road, but as well to the people who live along all the railroad lines in the country.

An intelligent comprehension of transportation can only be obtained from those engaged in it. The lives of the brakeman, conductor, fireman, engineer, agent, superintendent, manager, director, president, and bondholder have not been woven into history or fiction as the lives of the farmer, merchant, and professional man have been. And yet we can not understand the railroad until we become familiar with the men who operate it. We must also study the effect of one railroad upon another, of one system upon another, the influence of river, canal, lake, and sea upon land carriage, of short hauls and long hauls, of soils and climates, of patronage present and prospective, of competition from whatever direction, of stable business and transitory employment, of price of construction and cost of operating. And then we must look further and estimate the influence of our system upon the commerce of the world. We must consider with what nations we compete, in what markets and with what products, what the Old World buys of us and what it can pay, what is the tendency of the extension of railroads in the Old World and with whom they are bringing us into commercial relations.

We need intelligent discussion respecting the effect on the United States of the extension of railroad systems into the other new countries that bring the cereals of those countries into competition in European markets with the cereals from the Northwest.

The periodical railroad wars, unsettling rates and consequently values, are the bane of the merchant and manufacturer. State law falls short of the task of mending matters, because transportation over long distances has required consolidation, and consolidation has given an interstate character to most of our commerce.

The unit for measuring charges of carriage varies under varying circumstances. If berries are hauled, a pint may be an intelligent unit; if peaches, a basket; if butter, a tub of fifty pounds; if grain, a car-load under some circumstances, or a train of cars under other circumstances. But the shipper requires two things: the rate should be fair and reasonable under all the circumstances, and one shipper should have the same rates as another under the same conditions and circumstances. The car is a common unit for fixing rates and recognized by good authorities, but to fix rates dividing on car-loads under some conditions and circumstances might embarrass if the rule did not admit of exceptions.

Another principle here claims our notice; that is, the extent to which discrimination in favor of larger shipments against smaller would favor the greater operator at the expense of the less comparatively. If a dealer who ships two car-loads can get a lower rate than he can who ships one, the difference in price may enable the former to drive the latter out of business, which might result in a monopoly of buying. This in practical railroading is one of the abuses complained of. The car-load is more regularly the unit of quantity upon which charges divide than any other. In gathering up the goods of producers the car-load is the common unit, and yet an iron-bound rule in a national statute touching the commerce by rail of 100,000 miles of road, comprehending movements of freight where grain by the elevatorful, coal by the output of a mine, wood by the acre, or sand by the hill, might work inconvenience where the exception would be sanctioned if no monopoly was created against the smaller car-load dealer.

Congress can ask companies engaged in interstate commerce to do what it would order done were it to have roads built and operated as Federal highways. It would require all citizens treated alike under the same conditions and circumstances. It would instruct operators to charge fair and reasonable rates. It would not give rebates and drawbacks to one shipper that it would refuse to another under like conditions. At competing points the Federal road would pool or make war. Where it competed with water it would carry at water rates or abandon the traffic at that point. Where it met a competitor at a large shipping point it could afford to carry large shipments at lower rates than where on its own line it charged more for shorter distances. Its managers would discover that volume of freights was a more potent factor than distance; that a train-load of butter could be hauled a thousand miles at less than a cent a pound in refrigerator cars, while a tub of butter at 2 cents for two hundred miles might not be profitable, or that a train-load of cured meats at half a cent a pound for a thousand miles would be profitable, while a single carcass at a cent a pound for one hundred miles might be unprofitable.

The Mississippi Valley is within two days' run of the seaboard. The distance a loaded team of horses would travel in that time is about fifty miles. Improved transportation has brought that section within fifty miles of the seaboard as regards time, speaking from a transportation standpoint. The lessening of the cost of transportation through the development of our transportation systems—the improvement of the Mississippi River, the widening of the Welland Canal, the freedom of the Erie Canal, the multiplicity of railroads—has brought the remoter sections of our country into active, speedy, and less expensive communication with the commercial world, and its results are very marked in all sections of the nation. In the West the crops from an acre are more valuable, and consequently the acre is more valuable. The South and East get their food at less cost, and the West buys more liberally from them.

There is a world-wide standpoint from which to regard this subject. Civilization and commerce are penetrating to the ends of the earth. A system of railroads is being built from the Indian Ocean to the temperate zone of Asia. Wheat is being raised there extensively, and meats and dairy products can be raised where wheat is raised, if the farmer is intelligent. We have more intelligent farm management and better and more implements for working land. The East Indiaman has cheaper labor. We will soon meet him in the world's markets. The islands of the South Sea are being developed, and outsell us in our own market in wools. They raise meats and grains cheaply, but distance has protected the American farmer in that regard. We will require the continued perfecting of all our transportation systems to enable us to keep the lead we have.

The Suez Canal and lowering of rates on the East Indian railway systems admonish us that interference by Congress with interstate commerce over railways must not have a tendency to increase the cost of long hauls from the West. Continents are competing. The hemispheres are struggling for commercial supremacy. The English-speaking people of the Old World are pushing to the utmost the services of water communication. The American is laying the foundations of future commercial supremacy in thousands of miles of steel.

Some economists think we are being distanced because we neglect sea carriage. Be patient. The extension of railroads pays better than the building of ships. Wait until our railroad system is complete. The American will build and sail ships with American money and men and under the American flag.

The transportation statistics of a year ago are ancient history. Congress, if it is to legislate, requires the fullest returns from transportation companies, and the people require information on transportation more than on any public matter. Facts bearing on interstate commerce are scattered from the brakeman to the president of the companies engaged in it. A complete exhibit of the business of one of our great through lines, its rates for every part and feature of its service, its local rates and its through rates, its rebates and drawbacks, its discriminations, just and unjust, its reasons for everything it does, would shed more light on the subject of interstate commerce than all the random speaking and writing that have been heard and read since steam moved matter over iron rails.

An intelligent study of a railroad requires the amount of its capital stock, its debt, cost, earnings, operating expenses, charges of every nature, its interest and dividends compared with income. These heads subdivided into details will give an idea of the reasonableness of its average charges, but nothing short of a detailed report of its dealings with the people, its patrons, will give an idea of the fairness of its dealings.

There are two theories abroad among bills introduced in Congress to regulate interstate commerce. One is absolute, the other progressive. One rests with what is current and supposed to be settled, the other supposes very little settled. One invokes power, the other inquiry. One inquires for the clay, the other for the potter. Commerce by rail is new to the world. The statistics of last decade are antiquated, and generalizations that seemed comprehensive of all factors then look like the toys of boyhood now in the light of progressive carrying. General laws are the result of experience, except where Omniscience gives laws. Congress legislates on facts presented. We have from every Department of the Government facts regarding their workings, and we make or mend laws to meet new requirements. Look at the range of subjects comprehended in the multitude of bills presented. It is a narrow one, embraced in a dozen committees, although subdivided into half a hundred. Our libraries are full of reports on every subject coming before our committees but the subject on which I am speaking.

The histories of older nations abound with instruction on taxation and currency, and we have had interesting experiences with these subjects ourselves. Half the working committees of Congress are engaged with these two questions. An interest will ask us to deal with silver dollars. We may differ about the policy of dealing with them, but we have all the facts we can get. A locality will ask us to level a river, another will ask us to dig a canal. There is nothing new in either, no facts concealed. Our land laws require treatment, but we are familiar with their workings, and can vote intelligently. Our law committees are guided by decisions antedating the Christian era. Even the decorative committees that have nothing to do, and surprise the House by proposing something, have a fine line of precedents to go by.

The questions of interstate commerce, that have arisen since steam moved persons and freight by rail, submitted to this Congress and referred to its committees, seeking solution through acts that shall do more good than harm, have no written history, nor is there any previous statute to be a guide, nor have we the report of any authorized officer resting upon facts as widely drawn as the questions are wide, except of the Pacific railroads.

Many of the States have experimented with statutes on this subject. Some have fixed rates, others have authorized commissioners to fix rates; some have been gathering facts and enlightening public opinion. The States have been experimenting for about ten years, and at present a large per cent. of them operate through commissions of varied powers. The States found at the setting out of their efforts to deal with State commerce the same condition of affairs we find now with regard to interstate commerce. They had no reliable data to work from. Many of them are making fair progress. The Iowa commissioners have made their sixth annual report. They gather statistics annually on every feature of transportation. They act as a board of arbitration, inquiring into complaints and advising both sides. They get into the details of railroading, learning from every source, and step by step building up a code of authority. If that commission were abolished now its works would be the only transportation literature valuable to the Iowa legislator, and if the growth of that literature should stop in a few years it would be a distant standpoint and the solitary one from which State commerce would be viewed by the lawmaker. A wide range of subjects have already been discussed and brought within the pale of this new common law. Railroad men in every case affecting general transportation have readily acquiesced in the findings of the commission. It is no doubt true that the work ahead of them is much greater than that gone over, but a beginning has been made and a foundation has been laid.

Congress can refuse to heed the emphatic demands of the people on this subject, or it can establish a commission to get facts and arbitrate and suggest statutes, or it can give the people law on this subject without facts.

The efforts made by the States to prevent abuses in transportation have shown that commerce pays no attention to geographical lines. The jurisdiction of a State over commerce stops at its borders, while freight seeks the best market regardless of its location. In many of our heaviest producing States four-fifths of the shipments are interstate and beyond the jurisdiction of State law. The States are helpless respecting the greater part of their traffic and look to Congress to supplement their efforts. There are evils in existence that can not be eradicated by any statute based on current information, because they are not well enough understood, and there are natural laws of commerce that discriminate against localities which, if interfered with, would injure whole States. A railroad desires to furnish materials for building to its patrons as cheaply as competing lines, but has to haul it a greater distance and at a less rate per ton per mile. This helps the prosperity of a hundred towns and the adjacent territory, but may take business from some one distributing point. An iron-bound statute would favor the one at the expense of the one hundred.

A railroad desires to establish a factory for condensing and increasing the value of raw products at a given point on its line. It must enable that factory to put its products in their best market as cheaply as

the products with which they compete, regardless of distance, or the factory must stop. The observation of those principles can not be prevented by statute. Rates are given to develop industries that general business can not expect and that the railroad could not concede to all its patrons, such as hauling seed-corn at nominal rates with the hope of pay when the crop is grown, or hauling material at reduced rates to erect a manufactory with the hope of remuneration when it is in successful operation, or encouraging wholesale houses on these lines with the same object. These things are done by railroads, but how extensively nobody knows. But every individual line should make its tariff rates on a system based on justice to all its patrons. The concessions, rebates, and drawbacks given to one patron should be given to all under like circumstances and conditions. A statute can not be framed to meet all the intricacies of interstate commerce with our present information and while the extension of railroads is in active progress, revolutionizing old methods of living and old notions of the relation of cost and distance and value and commerce.

A prominent feature of most of the bills before Congress on this topic appeals to the courts for final arbitration and enforcement of law. Surely the law's delay is familiar enough to us all to admonish us that no relief will come through the courts except for the contumacious. The courts would reach correct conclusions, but before their decisions would be finally promulgated by the tribunal of last resort the conditions under which the suit was brought would have outgrown its necessity. The force of circumstances have compelled corporations to indicate to the lawmaker the direction to be taken in bringing them into accountability. Railroad wars disturb the carrier, the merchant, and the stockholder. Agreements are made looking to peace and profit. Reliable rates satisfy the merchant and stockholder, but the producer and consumer are not consulted. There is a growing impression that Federal supervision is necessary to keep the peace among the carriers. The producer and consumer insist on fair dealing. The only question with Congress is, What is the best method?

Iowa is perhaps the grandest field for railway enterprise in the world. Her system comprises over 7,000 miles and is complete for the present. Her people are the most intelligent, her soil the most generous, her railroads the most easily constructed of any in the nation. The State has more miles of road than any State except one or two. Her people have helped to build railroads more than the people of any State. Public sentiment is very quick to challenge wrong and recognize right. Very early and very prompt action has been taken by the State to deal with the disputes between shipper and carrier. The disputes that have required attention cover a wide field. Iowa touches neither lake nor sea, and when the rivers are frozen she relies entirely on her railroads.

The carriage of 10,000,000 tons of freight a thousand miles secures her lower rates by the ton than a less amount pays for a shorter distance, and has established the generalization that volume of freight is a greater factor in securing low rates than short distance. Railroads make more money hauling train loads from Iowa to the seaboard than car-loads half the distance at the same or less price per ton. It costs less to send a ton of freight to the seaboard than to dray it a mile after it gets there in many instances. Only one-fifth of her products are subject to her jurisdiction when moving. She asks Congress to regulate the four-fifths. The competition between home and foreign markets for manufacturing and wholesaling raise the most troublesome questions. The State can deal with hauls within her borders, but until Congress supervises interstate hauls local regulation must of necessity be circumscribed. I regret very much that Congress has failed to take steps in the direction of a solution of the difficulties arising in interstate carrying. It is the one prominent subject that Congress seems to shun. We should set men at work procuring and digesting facts, and, too, men who are the equal intellectually of the foremost railroad men of the country, men whose standing is above suspicion. We should pay them as we pay our supreme judges and require them to deal with the problems of transportation as disinterested men.

It is often said that "we are in danger from the multiplicity and growth of great monopolies." I am entirely sanguine of the ability of the American people to keep every corporation in subserviency to the common good, but I think it is time the people knew more about this representative industry. I think we owe it to the people to inform them respecting the condition of our railroads, as well as to require fair dealing from them. The railroad bond has become a security of general investment, while the basis of the security is an unknown quantity in many cases. The issuing of stock should be controlled by Government, and certainty should attach to this feature for general benefit. Pooling should be only tolerated when the consent of all parties interested is obtained—the producer and consumer or their legal representatives, as well as the carriers. Rebates should be given to all shippers under like conditions if given at all, and discriminations should follow law, written or understood, instead of caprice or favoritism.

We have more miles of railroad than all the world besides and building faster than all the world. The railroad levels up and down, makes privileges common, kills time, and makes little of distance. It equalizes values, destroys sectionalism, makes acquainted social antipodes, and makes common territorial and cosmopolitan advantages. It is the handmaid of American progress. It is our duty to prevent its abuses, where it is interstate in its nature. We should provide a ready remedy for small abuses for men who can not afford to litigate, as is now done in Iowa and some other States.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had adopted, with amendments, in which the concurrence of the House is requested, a resolution of the House granting permission to exhibit in the Capitol a model of the pedestal now in process of construction for the Bartholdi statue of "Liberty enlightening the world."

AMENDMENT OF THURMAN ACT.

The House resumed the consideration of the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned.

Mr. WILSON, of Iowa. I yield the remainder of my time to the gentleman from Kentucky [Mr. THOMPSON].

Mr. THOMPSON. I will reserve the time yielded to me by the gentleman from Iowa [Mr. WILSON].

Mr. CASSIDY addressed the House. [See Appendix.]

Mr. THOMPSON. I will occupy a moment in clearing up a little mystery which the gentleman's statement has thrown over the Oregon Short Line. I refer to the report of the Commissioner of Railroads, page 273, where it is stated that this Oregon Short Line, to which the gentleman from Nevada [Mr. CASSIDY] proposes to extend this lien, is operated by the Union Pacific Railroad Company for the owners under a contract, the earnings to be applied to the payment of the interest on the bonds, the surplus to the income account.

I now yield five minutes to the gentleman from New York [Mr. HEWITT].

Mr. HEWITT, of New York. Mr. Speaker, I had no purpose of taking part in this debate; but the subject is one of such vast importance—involving a hundred million dollars, which this Government is either going to lose or going to save, dependent entirely upon the action of Congress—that I feel I should be doing less than my duty if I did not take advantage of the few moments my friend from Kentucky has given me.

In the last session of the Forty-seventh Congress I took occasion to call the attention of the House and the country to the precarious condition in which this great sum of money was placed by the action and diminished earnings of these subsidized companies. I then stated that $100,000,000 was in peril; that the Thurman act, through a change of circumstances which was not anticipated at the time of its passage, had proved and would prove, as my friend from Nevada has said to-day, entirely inadequate to secure to the Government the payment of this vast debt with its unpaid accretions of interest. I then suggested, as the result of a very careful examination of the subject, a method by which the debt could be secured without imposing upon these companies any burden which they ought not to take, and with the absolute certainty that at the end of the operation the Treasury would be reimbursed for every dollar of principal and interest now or hereafter outstanding. In order to save time I ask permission to read what I said on that occasion:

How can it be paid? By a very simple process. Let this debt, instead of being paid in fifteen years, be extended for fifty years. It can be extended at 3 per cent. interest without any trouble. There is thus a saving in interest to these companies of 3 per cent. per annum on the amount of the debt. Let the Government agree with these companies to extend the debt fifty years at 3 per cent., provided they will pay 6 per cent. per annum annually into the sinking fund, and not defer the interest payments, as is now the case. Of that sinking fund 3 per cent. will be required to pay the interest on the Government bonds which would be issued in lieu of the outstanding bonds. The remaining 3 per cent. would go into the sinking fund, and at the end of fifty years would liquidate the principal. Therefore, without taking one dollar from the Treasury, without violating one particle of our solemn faith, we can put these companies in a position wherein they can pay this debt at the end of fifty years by the saving of interest which Government can effect, because its credit now loaned to these companies at 6 per cent. can be exchanged for bonds at 3 per cent. provided the time is extended. The companies can very well afford to pay the 6 per cent. upon this amount as it accrues, because they will be liquidating the principal of a debt which otherwise must be an overwhelming load upon their resources and upon their income.

Now, Mr. Speaker, other feasible methods may be devised, but the committee have submitted two propositions looking to the security of this debt. In regard to them I have only time to say that the bill of the majority of the committee does not accomplish that object. At the end of fourteen years when the debt matures there will still be left a vast sum, certainly over $60,000,000, unprovided for——

Mr. CASSIDY. Ninety million dollars.

Mr. HEWITT, of New York. And then the Congress of that day will be called upon to deal with the very problem which confronts us here to-day. On the other hand, the bill submitted by the minority of the committee is defective in its construction, although it is based upon a sound idea. I was myself inclined when I first read the bill

cursorily to give it my support. The criticisms of the gentleman from Kentucky [Mr. THOMPSON] have, it seems to me, left that bill in its present form a shattered wreck. The fact is, under the fourth section of that bill, as the gentleman from Kentucky very properly said, the people of the United States make these railroad companies a free gift of the whole amount of the first mortgages, which are a prior lien to the debt due to the Government. Such a proposition was not intended by the committee, and if intended would not be entertained by a single gentleman on this floor.

Now, Mr. Speaker, the legislation is of such great consequence it can not and ought not to be disposed of in a hurry, and therefore I will give notice at the proper time, or if the gentleman will consent now, I will offer the proposition to recommit the bill to the committee with instructions in the following form, which, with the permission of the House, I should like to have read so that it may appear in the RECORD before the final vote is taken.

The Clerk read as follows:

The Secretary of the Treasury is hereby directed to report by the first Monday of December next to Congress a plan in the form of a bill by which the sinking fund created by the act approved May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act, shall be enlarged by additional payments to be made thereto by the companies affected by the said act, so that the debt which will be due to the United States for the principal and interest of the bonds advanced to the said companies shall be surely paid at the maturity thereof, or at the expiration of any extension thereof which the Secretary of the Treasury shall deem necessary to be made, in order that the annual contributions to the sinking fund shall be within the ability of the said companies to make; and so that the debt may be discharged with ease and certainty, and at the earliest date possible, out of the earnings and assets of the companies available for this purpose.

This proposition, Mr. Speaker, if adopted, will not cause any real delay, as we can not hope to secure the concurrent action of the Senate and House on a measure of so much consequence at this late stage of the session. In the mean time the Secretary of the Treasury, who is a distinguished lawyer, and who has been the chief-justice of the highest court in my State, aided as he will be by the experienced examiners and computers of the Treasury, can ascertain what is within the ability of these companies to pay, and how far the indulgence can be extended to them without impairing the rights and security of the Government.

The SPEAKER. The gentleman's time has expired.

Mr. HEWITT, of New York. I hope the gentleman from Kentucky will yield to me two minutes longer.

Mr. THOMPSON. With pleasure.

Mr. HEWITT, of New York. I wish to use it for this purpose: There is a misapprehension in this House as to the present condition of these great companies. They have been spoken of here as if they were prosperous and making money and able to make these large contributions to the sinking fund required to pay the debt at maturity. I wish it were so for the sake of the companies themselves, whose stock has long since passed from the projectors into the hands of innocent holders, and for the sake of the people of this country; but these companies are to-day in dire distress, and one of them is notoriously in very great straits. Its dividends will be passed (indeed, it has this day been passed); I doubt whether in our day dividends will be resumed, but out of the wreck when it passes into the hands of men competent to deal with that magnificent property there will be money enough, if paid into the Treasury under proper regulations, to protect the people of the United States from the loss of the great sum of money now in peril, and in the course of time the property may be made productive to its owners.

And what I ask the House now to do is what every man of business does in dealing with a debtor short of means, and that is to nurse the resources of the debtor so as to give him an opportunity to pay the debt. It will be the height of folly and defeat the very object at which we aim if we crush him by an attempt to get what it is impossible for him to give, and thus force him to abandon these great highways to the Government of the United States, which can not stand the shock and strain of the administration of railroads.

In what we do, therefore, while we should never for one moment lose sight of the great object of this proposed legislation, which is to get back the advances made to those companies at a time when the construction of the roads was essential to the safety of the Government, let us so adjust matters if we can that the companies shall be glad to accept the new conditions which Congress may see fit to make, because we leave them the hope and possibility of ultimate extrication from their present troubles; and above all let us not punish the present shareholders for the sins of commission or of omission of the men who have saddled them with unexpected responsibilities.

Mr. THOMPSON. I now yield for five minutes to the gentleman from Illinois [Mr. PAYSON].

The SPEAKER. The gentleman from Illinois is not in the House.

Mr. THOMPSON. Then I will yield for five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. If the gentleman will permit it, I desire to offer an amendment to line 4 of section 2: to strike out the words "first-mortgage bonds of said company, or." In a Democratic Congress, the Forty-sixth, an effort was twice made to enable the Treasurer of the United States to invest the sinking fund in the first-mortgage bonds of the companies, and after full discussion it was twice defeated. That provision is in both of these bills. It will enhance the value of the bonds. It would be worth, in my judgment, several millions of dollars to Mr. Huntington, and I know he has been at work for two or three years to have this thing passed. That is all I wish to say about that.

Mr. Speaker, I am entirely averse and opposed to the plan suggested by the gentleman from New York [Mr. HEWITT], just as I am opposed to the plan proposed in the bill of the minority, the Post bill, of deferring the time when the companies shall pay to the United States their indebtedness; and the real, the focal point in this proposition is to put it off for sixty years. I am opposed to that, thoroughly. If that is Democracy I hope the House and the country will see it in its true light.

Mr. THROCKMORTON. Is it Republicanism?

Mr. ANDERSON. No, sir; it is not Republicanism. Republicanism, as I understand it, is to make these people now pay their debts and to enforce the Thurman act, requiring the collection of these sums under that act. That is what should be done.

You may plead as much as you please for the corporations. The Government did not build the corporations. It built the roads. That is the plain proposition, and the roads will be there when Mr. Huntington is dead and his lobby is dead and damned. You never can take these railroads away from the people of the United States, you never can take the facilities of transportation away from them, and all of this plea about the extreme poverty of these companies or the sufferings of these corporations—and I say it without any disrespect to any gentleman upon either side who has expressed his views upon this question—is in my judgment the thinnest kind of moonshine I ever heard of. It is mere bosh and unworthy of consideration.

What is the proper thing to do? The right thing to do as between these two bills is, in my judgment, to pass the bill reported by Mr. THOMPSON on behalf of the majority of the committee. But yet I will not vote for that bill with that clause in whereby you are going to bull these bonds. I know that provision is worth a great deal to certain gentlemen—outside of these halls, of course——

Mr. DUNN. Mr. Huntington does not want either bill.

Mr. ANDERSON. I do not suppose he does; but for myself, as between these two bills I infinitely prefer that of the majority, for it increases the rates of the Thurman act. In my judgment it should have increased them much more. There is no use, so far as I am able to see, in fooling any longer about the matter. These companies have had the utmost limit of forbearance. Now make them pay the money, and if they do not, then appoint a receiver and run the roads for the Government. That is all there is of it.

It is a very simple proposition. If the law to-day provides for the forfeiture of their franchises as a penalty of disobedience, and if no additional legislation is needed to set it in motion, and there be any officer of this Government who fails to discharge his duty in executing the Thurman act as against these roads, then impeach that officer.

Mr. THROCKMORTON. That is it. [Cries of "Vote!" "Vote!"] [Here the hammer fell.]

Mr. THOMPSON. I will now yield five minutes to the gentleman from Nebraska [Mr. LAIRD].

Mr. LAIRD addressed the House. [See Appendix.]

Mr. THOMPSON. I yield two minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. I have hardly time in two minutes to reply to the speech made by the gentleman from Kansas [Mr. ANDERSON]. He is an enthusiast and I think a demagogue. I went to that Western country when all the land traversed by the Union Pacific Railroad was not worth 5 cents an acre. The construction of that line built up towns and cities, school-houses and churches. I recognize the great benefits it has conferred upon that Western country. Without it my own State would have no existence. Of course after Kansas had been filled with greed and gorged on public plunder we have a distinguished gentleman here coming from that same State clapping his hands and thanking God that nobody else shall get anything at all.

[Here the hammer fell.]

Mr. THOMPSON. I yield now to the gentleman from California [Mr. SUMNER].

Mr. ANDERSON. I did not hear exactly what the gentleman from Colorado said, but as I got it he said I was a demagogue.

Mr. BELFORD. I said I thought on this subject, in view of the great benefits the Union Pacific Railroad had conferred on the West, the gentleman was playing the part of a demagogue, and I reutter that now.

Mr. ANDERSON. I would like to say a word. I would like to say in the first place that I know of no one better calculated to pass an accurate judgment upon a person who plays the demagogue than the gentleman from Colorado. And I will say further—— [Cries of "Vote!" "Vote!" "Don't reply!" "Let it go!"] Very well, I will let it go.

Mr. SUMNER, of California. I think that both of these bills are objectionable, as they now read, and I am inclined to favor a motion to refer. The objection in my mind to the bill reported by the majority of the committee is that if it should pass—and we must contemplate

that possibility, notwithstanding the very positive assurance to the contrary given us by the gentleman from Nevada—it will be claimed that its demands upon the revenues of the two Pacific railroad companies are such that no bill reducing fares and freights founded on the eighteenth section of the original charter act can be passed. As I understand, a large minority of the Pacific Railroad Committee are of that opinion and so announce. As to the bill reported by the minority, it specifically, in the latter portion of section 5, as I interpret it—though I do not question the entire sincerity of the gentleman from Pennsylvania [Mr. POST] in his contrary view of the matter—forbids or is calculated to prevent the enactment of such a fare-reducing measure as I have presented; in effect contracting against such wholesome legislation.

Now, according to my idea of the situation, our first business and duty here with respect to Union and Central Pacific railroad matters is to endeavor to frame and pass bills cutting down passenger and freight fares to a reasonable standard. I have insisted here, in season and perhaps out of season, that that is what the people desire and demand and expect. I have contended that there was a wrong beginning in these premises; that the transportation charges should have been limited; and after that should have come the bill to which these are amendatory.

I am firmly persuaded that if the ticket and freight fares on these roads were reduced at least one-third by the law which we have a right to enact, the net revenue of these roads would be increased, and in that way the ability of the corporations to meet the calls of their creditors would be very greatly enhanced. The high and often exorbitant charges of these Pacific railroad companies should first be cut down by Congressional action; and after that the sure and certain recovery of the debt due the General Government should and easily may be provided for. That is the true and righteous order and procession of legislative events.

Still these bills are here, and the propositions that I think ought to be before us are in the committee-room, and, if there is no reference, a choice between the pending measures, amended in some particulars, may be preferable to a rejection of both.

Mr. THOMPSON. I propose now as an amendment to the majority bill, in line 14 of section 3, to strike out "thirty-five" and insert "fifty-five;" also, in line 48 of the same section, to strike out "thirty-five" and insert "forty-five." And on the bill and the amendment and the substitute offered by the gentleman from Pennsylvania [Mr. POST] I call the previous question.

The SPEAKER. Up to the present time no substitute has been offered, although gentlemen in the discussion have treated the substitute as if it were pending.

Mr. THOMPSON. Does the gentleman from Pennsylvania [Mr. POST] offer a substitute?

Mr. ANDERSON. Will the gentleman permit me to offer an amendment?

The SPEAKER. Does the gentleman from Pennsylvania [Mr. POST] desire to offer a substitute for the bill?

Mr. POST, of Pennsylvania. I do.

The SPEAKER. It is here. The Clerk has the substitute.

Mr. POST, of Pennsylvania. I desire to have it considered as pending.

Mr. ANDERSON. Will the gentleman from Kentucky allow me to offer an amendment to his bill?

Mr. THOMPSON. I can not. I move the previous question on the bill and the amendments I have offered and upon the substitute.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

In line 14 of section 3 strike out "thirty-five" and insert "fifty-five;" so that it will read: "And the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 55 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding."

And in line 48 of section 3 strike out "thirty-five" and insert "forty-five;" so that it will read: "And the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 45 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding."

The SPEAKER. The gentleman from Kentucky demands the previous question on the bill, the amendments, and the substitute.

Mr. ADAMS, of Illinois. I desire to ask a parliamentary question.

The SPEAKER. The Chair will hear the gentleman.

Mr. ADAMS, of Illinois. When we come to vote on the substitute, will it be open to amendment?

The SPEAKER. It will not be if the demand for the previous question shall be sustained.

Mr. KEIFER. The previous question ought not to be ordered now.

Mr. ADAMS, of Illinois. So I think.

The question was taken upon ordering the previous question; and upon a division there were—ayes 117, noes 7.

So (no further count being called for) the previous question was ordered.

The SPEAKER. The first question is upon the amendment offered by the gentleman from Kentucky [Mr. THOMPSON] to the bill.

Mr. THOMPSON. I move that the House now take a recess until to-morrow morning at 10 o'clock. My object in making that motion is that we may complete the consideration of this bill before the close of this legislative day, to-morrow having been assigned for the consideration of business reported from the Committee on Labor.

The question was taken upon the motion for a recess; and upon a division there were—ayes 111, noes 28.

ROAD TO NATIONAL CEMETERY AT FORT SCOTT, KANS.

Mr. PERKINS. Before the Chair announces the result of the vote, I ask unanimous consent to have the reference of a bill changed. On the 28th of January last I introduced and had referred to the Committee on Military Affairs a bill (H. R. 3518) appropriating $15,000, or so much thereof as may be necessary, for the completion of the macadam-road from Fort Scott, Kans., to the national cemetery. I ask that the Committee on Military Affairs be discharged from its further consideration and that the bill be referred to the Committee on Appropriations.

There was no objection, and the change of reference was made accordingly.

The result of the vote was then announced as above stated; and (no further count being called for) the House accordingly (at 5 o'clock and 10 minutes p. m.) took a recess until 10 o'clock a. m. to-morrow.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Thursday, June 19, 1884), and was called to order by the Speaker.

AMENDMENT OF THURMAN ACT.

The House resumed the consideration of the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned.

The SPEAKER. The gentleman from Kentucky [Mr. THOMPSON] is entitled to the floor.

Mr. THOMPSON. I yield ten minutes to the gentleman from Arkansas [Mr. DUNN].

Mr. DUNN. I regret, Mr. Speaker, that there is not a fuller House this morning. Inasmuch as I had the honor to introduce a bill at the beginning of this session for which the bill now pending is a substitute, and upon which it has been mainly formed, it is proper that I should express my views as to what policy ought to be pursued in this legislation, and to give to the House the benefit of such study as I have made of the question during the Forty-seventh Congress as a member of the Committee on Pacific Railroads and during the consideration of the question by this Congress. I shall not attempt to go over the ground that has been so ably and carefully gone over by the members of the committee who have presented this bill, and by the gentleman who has it in charge [Mr. THOMPSON], and who has conducted it with so much wisdom and ability. I congratulate him and his committee upon their energy, wisdom, and fidelity to the public interest in presenting and pressing this great measure to a successful conclusion so promptly.

I frankly admit that the time when this great debt shall be paid to the Government is not so important as the certainty of its payment. These Pacific railroads owe the Government over $100,000,000, which must be paid back at some time. If the proposition of the minority rested only upon that point of time and was coupled with absolutely safe assurance of payment, it would be entitled to more consideration. But Congress should consider carefully the past experience of the Government in connection with this Pacific railroad legislation. It is suggestive, and may form a valuable guide in all our future dealings with those corporations.

In 1862 and 1864 enormous grants and concessions were made to them by Congress. The subsidies and concessions granted by those acts—all that was "nominated in the bond"—were all delivered promptly by the Government to the utmost farthing.

But, sir, how have they performed what was nominated in their bond to the Government?

The history of their bad faith is well known. The moment they secured these vast subsidies in money, bonds, and lands, to use a homely Western metaphor, "they set back on the breeching" and stubbornly refused to perform any part of their obligations to the Government, and from that day to this they have stubbornly, persistently, earnestly, and very effectively resisted the performance of every duty and every obligation imposed upon them by the acts incorporating the companies and granting to them these vast concessions. They have fought every demand of the Government inch by inch and step by step, and the result of twenty years of legislation and of twenty years of litigation, that has been fought from the courts where the litigation commenced up to the court of last resort, has planted and fortified the Government on the basis of the Thurman act, every feature, every provision, every condition of which has been adjudicated and settled by the court.

The Government, under this act and these adjudications, is strongly

intrenched in its position, and at last holds these powerful corporations in its firm grasp and is in position to compel them to make just restitution.

This advantageous position has been won only at the end of a stubbornly contested legal battle of twenty years' duration. In this conflict the stakes played for exceed $100,000,000. This sum these insatiable corporations on the one hand have sought to wrest from the public Treasury, while on the other hand the Government has simply sought to compel repayment of it to the Treasury in accordance with the terms of the loan.

Now, the bill of the majority rests upon that well-settled ground—rests upon that legislation and those adjudications known as the "Thurman act" and the "Sinking-fund cases," that have settled and secured the rights of the Government. Experience has proved that the per cent. of the net earnings of the road heretofore required to be applied to the sinking fund is insufficient—does not in fact create a sinking fund, does not actually reduce the indebtedness to the Government, does not accomplish the purpose aimed at in the Thurman act and in the adjudications thereon, namely, the gradual and certain payment of the debt. The single defect is the insufficiency of the annual payments required. The bill under discussion as reported by the majority heals that single defect, and increases the amount required to be paid to the sinking fund to a measure that gives assurance of the reduction of the debt and of its final liquidation. Now that ought to be conclusive; and as that bill rests upon a settled foundation, already determined by the courts, we should hesitate long before we depart from it and rush to new and untried methods and schemes that may prove to be pregnant with unknown and unseen results, snares, and dangers. Who can undertake to foresee and foretell what progeny this new scheme brought in here and offered as a substitute by the minority may bring forth? By it the Government is blandly invited to abandon its strong and secure position, and come down into the plains of experiment, and fight the battle all over again with this wily enemy.

What is the bill of the minority? It is an untried experiment with a tricky adversary; it is a brand-new proposition, the chief feature of which is a sixty-year extension of the debt, and involving new and unlitigated questions. And from whom does it come? From the railroad corporations themselves. We all know that; the country knows it; the world knows it. Mr. Speaker, let us draw a lesson of wisdom from the experience of the long past and "beware of the Greeks bearing gifts." I say this without intending to impugn the motives of gentlemen who support it, for I believe they are misled. But, sir, judging from the experience of the past with these corporations, I warn the House against this crafty and cunning scheme. It will in my humble judgment prove to be a "Trojan horse." Its promises are deceptive and delusive, and will prove as "Dead-Sea fruit" to the touch.

Feeling themselves fastened and powerless to escape from the power of the Government, and subject to its coercion to pay that debt, these corporations come now with all the meekness of Uriah Heep and say: "Certainly, now let us come to an amicable settlement; we are all harmonious and happy and agreeable, and above all anxious to pay." They come with a brand-new proposition, in which they say: "We have no further fight to make, no further resistance to offer; only give us sixty years longer and take our notes without security." This is modest, indeed!

How have they used the opportunities and indulgences that have been given to them? What have they done with them? Upon what single point have they kept faith with the Government? Can we trust them? Had we not better stand upon the firm ground we have chosen, and which has been rendered secure by the court of last resort?

Not long ago we were called upon by the people interested in the manufacture of whisky and dealing in whisky to give them an extension of two years in which to pay obligations and indebtedness which they owed to the Government and which were maturing. They offered 5 per cent. interest on the indebtedness during the period of extension. This Congress, with a unanimity that does it great credit, refused to do, and by that refusal protected the interests of the Government and the people. In that case the security was ample and confessed to be safe by everybody, except as to the final question of repealing the tax on whisky and releasing the obligations, which it was apprehended might be done.

Mr. JORDAN. And as the result you spread bankruptcy all over the United States.

Mr. DUNN. We refused, and wisely refused too, with all respect to my friend from Ohio. We adhered to a wise policy and protected the revenues of this Government.

Who is asking for this extension, not for two years but for something like sixty years? It is not a few trades-people scattered here and there over the country, but the stock-jobbers and financial gamblers of Wall street, that financial Moloch whose demands are without limit and whose appetite is insatiable, that nursery of the "predatory classes" of this country, who are sapping its foundations and fatally attacking the very life of our free institutions.

[Here the hammer fell.]

Mr. DUNN. I ask for two minutes more.

Mr. THOMPSON. I yield for that length of time.

Mr. DUNN. This great combination and concentration of wealth in Wall street has been by the tricks of mountebanks and jugglers and money-changers converted into a mine of dynamite that underlies the whole business framework of this country and threatens it daily with danger and destruction. It is to this Moloch that we are asked to offer up and surrender this hundred millions of dollars and give them sixty years in which to invent plans to cheat the Government out of it. We have fought for twenty-four years and we have our hands upon their throats. We have an open way to the payment of this debt due the Government. Shall we surrender that and launch our bark again upon a shoreless sea without a rudder and infested with these financial pirates?

Why, sir, daily these people are alarming the business interests of the country. Daily appeals are made to the Secretary of the Treasury to come forward and save the country from the yawning chasm that their tricks and shameless schemes opens before it and into which it may at any time be plunged, with all the wealth, hopes, and fortunes of 50,000,000 of people. The whole legitimate business interests of the country are fast coming to the conclusion that the wires connecting them with Wall street must be cut and that they must be completely severed from this mine of danger and insecurity. Wall street must be "boycotted" by the honest business of the country. It has become a debaucher of the public and business conscience of the country and a constant menace of danger to all the legitimate business interests of the country. By the reckless and wicked and desperate practices of that financial maelstrom all legitimate values are rendered insecure and a sense of alarm and danger constantly possesses the public mind.

Sir, it is a financial cancer, that is rapidly eating into the business vitals of the country and should by some means be controlled or eradicated. In the midst of the general alarm precipitated by these oft-recurring shocks to business that emanate from this business "pandemonium" the Secretary of the Treasury is constantly called upon to exercise extraordinary and dangerous powers for the supposed public protection, and powers, too, which Wall street alone can successfully invoke. His ears are deaf to all other calls.

[Here the hammer fell.]

Mr. THOMPSON. I yield one minute to the gentleman from New York [Mr. MILLARD].

Mr. WARNER, of Ohio. I understand, Mr. Speaker, that the previous question has been ordered on the bill and amendments.

The SPEAKER. It has been; but the gentleman from Kentucky [Mr. THOMPSON] is entitled to an hour to close the discussion.

Mr. MILLARD. Mr. Speaker, I do not desire at this time to occupy the attention of the House in the discussion of this question, but simply to say that as a member of the Pacific Railroad Committee I gave this matter a great deal of attention, and felt it my duty to join with my friend from Kentucky [Mr. THOMPSON] in making the majority report and presenting this bill to the House.

The indebtedness of these roads to the Government exceeds $102,000,000. Of course the object of this legislation should be with the view and to the end of securing to the Government the payment of this money. But since the bill has come into the House the gentleman from Kentucky [Mr. THOMPSON] has seen fit to offer an amendment by which he proposes to take from the several companies 55 per cent. of the net earnings on one road and 45 on another instead of 35, as provided in the bill.

Now, I do not think the proposition of Mr. THOMPSON is a safe one. I am in favor of his bill as originally reported. I believe it will not injure the debtor and that it will protect the Government, and I will vote for the bill as it comes before the House. But if the amendment is insisted upon I shall consider it my duty to vote to recommit the matter to the Committee on Pacific Railroads, or adopt the suggestion of my colleague from New York [Mr. HEWITT].

I know of no matter that has come before this House during this session of greater importance. By wise and judicious legislation we can secure to the Government the payment of every dollar of this one hundred and two millions of indebtedness. If we can do so without injury to those who have in good faith invested their savings in its stock, we ought so to do. The United States are interested in maintaining these great railroad and telegraph lines. They are the creatures of the Government, and but for the munificence of the Government they would never have been built. I trust the bill as originally reported to the House will meet its approval.

[Here the hammer fell.]

Mr. THOMPSON. I will yield now five minutes to the gentleman from California [Mr. BUDD].

Mr. BUDD. I shall not need but a moment or two of the time accorded to me. In my controversy with the gentleman from Nevada [Mr. CASSIDY] on yesterday I made a mistake in stating the rate of dividends that were declared upon the Union Pacific stock. I had been making a study of the Central Pacific matter from Poore's railroad manual for 1883, and I find that he gives a table of dividends to the stockholders since the organization of the road, and also gives the date of each one of these payments with the rate, as for instance, 1882, February 13, 3 per cent.; 1882, August, 3 per cent., making a dividend of 6 per cent. in that time.

When the gentleman from Nevada had the floor on yesterday, I asked him a question in regard to the rates paid as dividends by this road. He

was giving a history of the operations of the Union Pacific road in 1882 and 1883, and I opened this report casually and looked at the dividends, and found the rate specified here for the half year ending December 31, 1882, was 7 per cent., and the amount on which it was declared is also carried out in the same column, and also the percentage of the dividends. The next half year following that shows that the dividend was at the same rate. I immediately came to the conclusion that as the dividends were for each half year it was a 7 per cent. semi-annual dividend instead of 7 per cent. annually, and so said at the time. I was mistaken in that statement. It is 7 per cent. annually, as stated by the gentleman from Nevada, instead of 7 per cent. semi-annually, and I wish to make this correction in justice to myself as well as to him.

Mr. BLOUNT. What are they doing with the balance of the money not divided in the way of dividends?

Mr. BUDD. That is impossible to say. These dividends are on the watered stock, which cost probably 20 cents on the dollar.

Mr. THOMPSON. Mr. Speaker, having charge of the majority bill, reported from the committee, on the floor of this House, and never having had an opportunity during the course of the general debate to enter into the discussion of the merits of this particular bill, or even to allude to it except casually, and not heretofore being able to answer the strictures which gentlemen have seen proper to indulge in against it, I know the House will pardon me if I consume a small portion of its time for that purpose, especially as the House is thin now and it will be better that we should wait until more members are present before the vote is taken upon a measure of so much importance. I shall, therefore, ask the attention of the House for a few moments while I explain the provisions of that bill.

Mr. Speaker, the objections which have been urged to that bill it seems to me are altogether untenable. We are told by gentlemen who have chosen to speak against it that the action of the House in the adoption of the majority bill, should that be its will, would be to involve these roads in inextricable financial embarrassment, if not absolute bankruptcy and ruin.

We have been told by the gentleman from New York who has just addressed the House [Mr. MILLARD], that if we adopt the two amendments I have offered to this bill, one increasing the rate on the Central Pacific Company to 55 per cent. of its net earnings, and one enlarging the rate paid by the Kansas Pacific to 45, it would involve both of these roads in ruin. Let us look for a moment at the condition of these two roads. What is the condition of the Central Pacific? Are they able to pay, and do they owe this debt to the Government? In the first place, are they able to pay it; and next let us inquire, is the Union Pacific road able to comply with the terms of this bill? I will pass from the Central Pacific road for a moment and consider the latter question first, as to the amendment fixing the rate on the Union Pacific.

Mr. BLAND. You refer now to the net earnings?

Mr. THOMPSON. Yes, sir; the net earnings.

Mr. BLAND. By what right, let me ask the gentleman, if it will not interrupt him, do they claim to hold anything when they owe the Government such a sum?

Mr. THOMPSON. They will claim everything that they can claim, as was mentioned frequently in the course of the debate on yesterday, regardless of right or law, and this will become more apparent when we remember the fact that the road is in the hands of men who are interested in preventing the profits from going to pay the debts which the roads owe to the Government. Now they claim that the larger their interest the better they manage the property. They may manage it better, but not for the Government, not for the people, but to satisfy their own cupidity and corporate greed.

Mr. BLAND. And yet they require us to pay one-half of the expenses of management.

Mr. THOMPSON. Worse than that, expenses are all deducted before the Government gets anything. I suppose what they really want is for us to give it all to them. If we will, they will gladly accept it. But looking at it from the standpoint of a representative of the Government, I say for one they shall first be just to the Government and satisfy every demand of the Government before dividing among themselves one cent of dividend.

Mr. DUNN. As I understand, your bill concedes to them their salaries for management; but in addition to that they want to take dividends on their stock to the exclusion of this debt to the Government.

Mr. THOMPSON. They want to go further than that. They are not satisfied with the dividend of 7 per cent. on the Union Pacific Railroad watered stock amounting to $60,000,000, for which they did not pay one dollar, which they made for themselves out of the infamous contracts arising out of the Credit Mobilier. They want 7 per cent. dividend on that stock, and besides to lay aside a surplus of $1,500,000 before they pay one cent to the Government. And not only that, but they want to take this money which they have taken, the surplus of the earnings of this road which the Government has built for them, and their dividend on sixty millions watered stock for nearly seven years; having already pocketed twenty millions of dividends on that stock, they are not satisfied with that. They have also invested twenty-six millions in bonds which they hold in their hands above par to-day, and $36,000,000 in other stocks; and they have the land grants still unsold, having sold nineteen million dollars' worth and pocketed the money. Although they declared they would apply it to the land-grant mortgages, they have refused to do so. And with that money in their pockets, unjustly wrung from their creditors, with all the resources they have around them, amounting to hundreds of millions of dollars, they come here and put on a poor mouth to Congress and say they are unable to comply with the easy demands laid on them by this bill. They want to be let alone to plunder the people and rob the Government. But we do not intend, as far as the committee is concerned, to tolerate it any longer.

We have been threatened by the chairman of the Committee on Pacific Railroads. They say pass your bill and the Senate will strike it down. I say to you, the representatives of the people, stand by the people, and if the Senate in the interests of that aggregated capital controlled by monopolies dare to strike down this just demand of the people, let the responsibility fall upon them. You are the representatives of the people, and it is your duty to stand by the people and by the cause of the Government.

But the gentleman from Ohio [Mr. JORDAN] says the bill will have no effect; the Supreme Court will nullify it. So it has been said before when the Thurman act was offered—I know the men who represented the railroad interests at that time said it would "not hold water." They threatened you then with the Supreme Court. They said that court would stand by the corporations; that the act you were then passing would never realize one dollar to the Government; that it was a *brutum fulmen* to the railroads, and that it would be declared unconstitutional by that court of which they spoke as if they owned it.

Now are we to be threatened with the Senate and with the Supreme Court and frightened away from the discharge of a plain duty to the people and to the Government? I say pass your act. Let the Senate kill it if they dare. Let the President veto it if he is willing to become responsible to the people for its death. I say pass your act and then leave it to the honor and the integrity of the Supreme Court to uphold the law as you have enacted it.

I say, Mr. Speaker, that looking at the history of this railroad and at the history of legislation in Congress in regard to it, it behooves us as representatives of the Government here to stand by this bill. I tell you gentlemen now, you who dare to oppose this bill offered here in the interest of the people, you had better look well to your records before you go back to your constituents and answer to them for your votes. You need not threaten us with the Supreme Court. You had better look to your own constituents before you vote on this bill.

What assurance have we from these railroads that they will ever pay one cent of this money to the Government unless you wring it out of them by the law? In 1862 the Government intended to retain all of the money which the railroad earned for Government transportation, &c., and 5 per cent. of the net earnings besides for the payment of this debt. But in 1864 they came here to Congress and secured from it double the grant of lands and double the subsidy in bonds. And not only that but they obtained the powers of consolidation and other large and valuable concessions. Nay, they went beyond that and took from you one-half the amount reserved by the Government for the payment of these bonds. And when the Credit Mobilier committee investigated the circumstances attending the passage of that act they found that at one time $485,000 of bonds of that railroad were placed in the hands of Thomas C. Durant to corrupt Congress and procure that charter which they relied upon as a binding contaact to prevent you from taking action in this matter. Is that contract, born in iniquity and conceived in fraud, brought about by the most infamous lobbying to bind this House and secure the robbery and the plunder which they now enjoy? Are Mr. Gould and Mr. Huntington to come in here as representatives of that great monopoly and have their demands acceded to, when they come whining into Congress playing the mendicant around the doors of Congress and begging you to stand by them and give them more?

Are we to plunder the people to make them richer? Is there anybody here who will take such position? They can not sustain the credit of these roads with their hundreds of millions at their back, and you are asked to give them more money out of the public Treasury.

I tell you you can not afford to do it. They are the orphans of whom the gentleman spoke on yesterday who had invested their money in these bonds. They tell you, reach out and touch these stocks and you will bring a financial crash on the country; that you will bring dire ruin to the poor widows and orphans who have invested their money in these stocks; and that these poor widows and orphans are scattered throughout the whole country. Where are these widows? Where are these orphans? Why, sir, the orphans who own these stocks are Gould and Huntington. Where are the widows?

I looked over the list of stockholders in the Union Pacific Railway Company, and out of the 5,670 stockholders in that company I found but one widow's name, and she held over forty thousand dollars' worth of stock. Is she so poor, with her small investment of $40,000 in this Union Pacific Railroad Company, that all the other poorer widows and orphans throughout the country are to have wrung from them their hard earnings by the most infamous system of taxation which could be devised in order to make good any losses which she may sustain? Are all the other widows and orphans in the country to receive no consideration while you wring this money out of their hard earnings and turn it over

to be put into the pockets of these railroads as dividends, so that the magnates who control them may enjoy themselves in their steam-yachts and other luxurious appliances, by means of which they manage to spend only a small portion of their enormous incomes?

Gentlemen who would extend the time for the payment of these bonds for sixty years have given and can give no assurance of their ultimate payment. You get no increase in security for the extension; you give the wreckers but longer time in which to perfect their nefarious plans and carry them into execution; you but put it in Gould's hands, disembarrassed by Government espionage, to be manipulated at will. The fatted goose is given to the keeping of the wily fox. Is it safe in his hands? It is merely business, they say. With him business is politics and politics is business.

You can not forget his celebrated answer when questioned in the Erie matter as to his politics. "In Democratic districts I am a Democrat; in Republican districts a Republican; in doubtful districts I am doubtful, but an Erie man always." He is never unmindful of the main chance. We find but the other day, on Blaine's nomination, he said (I quote from the daily papers):

"I shall be perfectly satisfied with the nomination. Blaine is a live man and will be a live President. There is nothing dead about him. He is abreast of the times, and never allows himself to fall behind a single step. Blaine is the man for the place."

A very similar estimate of Mr. Blaine's liveliness and usefulness may be found in the somewhat celebrated portrait of himself which he drew fifteen years ago, when Speaker of the House of Representatives, in a letter to a Boston capitalist. Mr. Blaine was applying for an interest in an enterprise of the sort which Mr. Gould so successfully manages. He wrote:

"I do not feel that I shall prove a deadhead in the enterprise if I once embark in it. I see various channels in which I know I can be useful."

Gould has not forgotten that Blaine was here when most of these acts were passed, when millions of acres were granted railroad corporations all over the land and no opposition was ever manifested by him. On the contrary, in the Senate of the United States, in 1878, when the very act now under consideration was being passed, Blaine led the vanguard of the opposition to its passage.

The unsavory odor hanging around him from the Fort Smith and Arkansas bonds, concealed in the captured Mulligan letters, is not distasteful to him. It is the act of a live man. Like Blaine himself, he probably sees various channels in which he can be useful. With his man in for President, his men on the Supreme bench, the Railroad Commissioner a ready tool, the Secretary of the Interior under his domination, the Senate committee obedient to his orders, he can afford to snap his fingers in the face of this House and defy them to do their best toward the collection of this money. We will do our duty and let the balance take care of itself.

The gentleman from New York [Mr. HEWITT] says he wishes to commit this bill to the Committee on the Pacific Railroads. I say, Mr. Speaker, do not commit it again to that committee; do not send it again to any committee. You have the bill here. These roads I know want longer delay. Time after time they have interposed to prevent this bill coming up before this House for consideration. They have delayed us in bringing it into the House as far as they could. Now it is here and let it be acted upon. The Committee on the Pacific Railroads have patiently heard all that was to be said in reference to this matter. The railroads have been given an opportunity to present every fact they desired. In every way they have been given due consideration. They say now, if you dare to reach forth your hand and take one dollar from them they will lay it upon the backs of the people who live along the line of their road. They tell you, I know, that if you should impose upon them the payment of a million of dollars they will reimburse themselves by the hard system which they know so well how to put into force, out of the people who are compelled to use their road and who pay fares and freights. They tell you that they will increase the rates of freight and fare on the people who live along the line of the road. They say they will lay every dollar on the back of those people which is taken from them and put into the Treasury; that they will use the system guaranteed to them for unlimited plunder of the people in that Western country.

They tell us plainly, Mr. Speaker, that if we demand the payment of this sum of money on their part they will increase the per cent. on fares and freights by which fully and completely to reimburse themselves. I know all this, and I know that it does not amount to anything, for we were told exactly the same thing when the Thurman act was up for consideration. They then attempted to frighten Congress from the discharge of its duty by precisely the same character of threats; but they had as little effect then as I am sure they will have to-day upon this House. We were then told when the Thurman act was passed that if you took 25 per cent. of their net earnings they would lay it on the backs of the people who lived along the line of their roads. How did it act? Why, sir, the fares were reduced instead of being increased. Freight charges were reduced instead of being increased. They have gone gradually down.

We were told yesterday by the chairman of the committee, the gentleman from Nevada [Mr. CASSIDY], as a reason why they should not be driven to do their duty at this time that they were being strangled now by competing roads and parallel lines; that the freights from California and Oregon which heretofore went by the Union Pacific Railroad were now diverted to other roads. Let me refer to the letter of E. P. Vining, the freight manager of this road, written last November to the Government directors, in which he says that the opening of the Transcontinental line has not affected one single dollar of the through freight of the Union Pacific Railroad. They made $2,700,000 in 1878; they have made about the same every year since. He told them that then, and it is true now. These roads run in competition for through freights with the clipper trade and not in competition with each other. They derive their profit principally from the local trade, and the local trade is increasing year by year. It was $11,000,000 in 1878 and is $18,000,000 now on the Central Pacific road. The trade of these roads is increasing every day and has been according to all the statements which we have received, and the ability of these roads to pay their just debts is increasing year by year.

But, Mr. Speaker, it has been the policy of these roads to avoid paying their debts. They have struggled to prevent any legislation being enacted to compel them to do so, and when legislation has been enacted by Congress they have used every effort to thwart its execution. They have constantly increased in their receipts from fares and freights, but they do not desire to pay their debts to the Government, but on the contrary they wish to retain every dollar in their own coffers for the purpose of aggrandizing the wealth of their own stockholders. They wish to wring to that end from the Government and from the people every dollar they can get, whether by just or unjust course of proceeding.

I do not desire, Mr. Speaker, to detain the House but a few minutes longer in regard to this matter. I have been compelled to run over very hastily some of these things. I wish to impress upon this House the fact that if they are to secure anything from these railroad corporations they must do it at the point of the bayonet. We have not to-day a single dollar in our Treasury paid by these railroads which has not been wrung from them by sheer force and after severe effort.

One excuse after another is offered. Litigation has been instituted and is now pending. The Union Pacific Railroad is nearly $3,000,000 behind the requirements of the Thurman sinking-fund act. They are holding that amount back upon a construction of the law given by—whom? Ah, well may they threaten us here with the Supreme Court when they read the decision that was given by one of its judges. It was rumored throughout this country that he was appointed judge of the Supreme Court upon the dictation of Jay Gould. You all remember the scandal which openly appeared in the newspapers of the country in regard to his appointment. It was charged that Gould paid $60,000 to the Republican campaign fund of 1880 on condition that he might be allowed to name a member of that court. He was appointed, and within less than a year afterward rendered a decision against the Government and in favor of the railroads which will put $8,000,000 into the pockets of those companies, growing out of the mail controversy with the Government. Right or wrong, that is the understood history of the case, and possibly that is the reason why they threaten us with the Supreme Court.

I have confidence in the integrity of that court, or at least in the integrity of a majority of its members. I do not believe your act will be annulled by that court. I believe that every rightful and every just effort which you make to collect this debt will be sustained as your action was sustained by the decision of the Supreme Court upon the Thurman act.

Nay, gentlemen, look at the history of this road and the history of the men who control it and say if you expect anything from them. Its very charter in 1864 was secured through Congress by means of bribery and fraud. And in 1867, when the Messrs. Washburn on the other side of the House brought in here bills to control freights and fares upon these roads, recollect the scandal that grew out of that transaction and the obloquy that fell upon Oakes Ames and the great names that have gone down in shame to the pages of history growing out of that transaction. Gentlemen must recollect the Credit Mobilier investigation which took place here.

There are many men who would now give everything they possess if they had not dabbled or dealt in the stocks of these roads. There are men who received stock which was "placed where it would do the most good." Some of them have long since passed away, but the memory of these transactions will hover like a dark cloud over their names until the end of time. Do you want these suspicions to hang around your names and memory? If not, then take a position in this House in favor of the Government and the people and against the monopolists, railroad kings, jobbers, and the lobby.

I will take but a moment or two more to explain the amendment which I have offered. I have offered an amendment increasing the percentage of the net earnings to be paid by the Central Pacific Railway from 35 to 55. I did so because the gentlemen who opposed the bill stated to the House that the percentage proposed by the bill would not answer the purpose for which it was intended; that it would not pay the entire interest account of the Central Pacific Railroad.

What were the net earnings of that railroad last year upon 858.98 miles of the subsidized lines? After paying all the expense of the road and interest on the first-mortgage bonds, the net earnings were over $3,171,000.

Mr. BLOUNT. Can the gentleman state whether that company used any portion of its earnings in the construction of other roads, and is the

calculation of the net earnings of the road made after deducting the amount used for the construction of other lines?

Mr. THOMPSON. It is made after deducting everything expended for new construction and equipment. Whether any part of it was expended by them in the building of other lines, I can not say. We have no Government directors in that road, and the report of the Railroad Commissioner is so insufficient, based upon such loose information and kept in such an incorrect way, that it is impossible to get at the exact truth in connection with the Central Pacific Railroad.

Mr. SUMNER, of California. If the gentleman from Kentucky will permit me I will answer the question of the gentleman from Georgia [Mr. BLOUNT].

Mr. THOMPSON. Very well.

Mr. SUMNER, of California. In answer to the question of the gentleman I will say that C. P. Huntington states explicitly that the Southern Racific Railroad was largely built out of the earnings of the Central Pacific.

Mr. GLASCOCK. Fourteen million dollars from that source went into the Southern Pacific Railroad.

Mr. THOMPSON. I will be a little more explicit upon that point than I have been. They talk to you about the inability of the Central Pacific Railroad to meet the requirements of this act. I wish gentlemen to understand this matter exactly. The percentage laid by this act on the net earnings of the Central Pacific Railroad, 35 per cent. on $3,171,000, which I believe was the amount of net earnings, would give a little less than $1,100,000. The Government pays the Central Pacific Railroad $403,000 every year for transportation upon the bond-aided portion of the road and $648,000 upon the non-bond-aided portion of the road. You have got that money in your hands, and they have instituted a lawsuit and demand that you shall return that money to them at least in part.

I say to you that if this bill shall be passed into law it will take from the Central Pacific Railroad Company no more money than is now taken from them year by year. They declare enormous dividends of 6 per cent. upon their watered stock, and in addition to that have laid up a surplus fund of $1,500,000 annually, with the exception of the last year.

That is the condition of the road. More than that, they have a land-grant water front which they themselves say is worth $26,000,000. They have the railroads they have built; they have ample means to pay this debt, and it is the duty of Congress to compel its payment. The Government pays out every year $1,650,000 as interest upon their bonds. Why should we not demand of them 55 per cent. of their net earnings to indemnify the Government on account of that payment? I ask the House to stand by the amendment I have offered and compel these companies to pay into the Treasury enough money to indemnify the Government for the payments which it semi-annually makes upon the bonds of these roads.

The Union Pacific Railroad is even stronger. As I said a moment ago, the stock of this company was never paid for in cash as required by their charter. It was issued under the transactions of the Credit Mobilier. The Government loaned the company $27,000,000 in bonds with which to build the road, and authorized a first mortgage of $27,000,000 more, making $54,000,000. The railroad was built for $50,000,000, leaving $4,000,000 from those two funds to be divided among the stockholders of the road. But the company went further and issued $10,000,000 of income bonds and $10,000,000 of land-grant bonds, and in the early stage of this project divided the proceeds among themselves in dividends, when they had no right to do it, because this money was not a part of the earnings of the corporation. In addition to that, the company issued thirty-six million dollars' worth of stock for which they never paid one dollar, and afterward increased it to $60,000,000.

With this history before us, exhibiting the fraud and corruption occurring under the management of Mr. Gould, the notorious railroad wrecker, who wrecked the Erie Railroad, who wrecked the Wabash system, and now controls both these roads—with the stock depreciated from where it ought to be, having heretofore paid a dividend of 7 per cent., with the Government directors telling you that the company reported to them last November (I have the report here) that they were able to pay their dividend of 7 per cent., are we to sit here and see these railroad wreckers strangle this road, pocket the Government money, and walk off with the "swag" with no effort on the part of Congress to control them? That is the proposition now pending before you.

The legislation now asked will not hurt this road. It declares a 7 per cent. dividend every year, with a surplus of a million and a half after that. The report lately made, in which they cut down the surplus of one and a half millions a year which they have heretofore laid away, is made in the fear of this legislation. In the face of a report made the day before yesterday by Government experts, which has been hidden from this Congress, we have not been able to get hold of it. It is but three or four days since the experts of the Government examined the affairs of the Union Pacific Railroad, and reported that they had taken $20,000,000 of the company's funds, and used it in sustaining or trying to sustain the stock market in New York—a clear plunder and robbery. That report is in the hands of the Secretary of the Interior. Charles Francis Adams, jr., having assumed the presidency of the road in place of Mr. Dillon, resigned, telegraphs, as the morning papers tell us, to have that report suppressed, not to let it go before the world, because it will depress the stocks of the company and damage their standing. Where is the report? Have we seen it?

While these tremendous peculations and frauds, $20,000,000 having been absorbed and misapplied through sheer robbery and plunder, are reverberating through the land, this Congress is asked to suspend action in this matter by a re-reference to the committee, directing them to do what? To bring in a bill which the majority of the committee have considered for four months, and have repudiated as unjust to the Government. Mr. Speaker, this is no time for delay. We must act promptly if we expect to maintain the interests of the Government and collect this money.

I have in my hand a paper prepared by the able clerk of the Committee on Pacific Railroads, showing the surplus revenue of these companies. In 1879 the Central Pacific Railroad Company, after paying all expenses and the dividends to its stockholders, had a surplus revenue of $1,018,562; in 1881, $1,412,000; in 1882, $1,726,000. But in 1883, when they saw the probability of Congressional intervention to compel them to comply with the terms of the law, they ran down their surplus by a nice system of bookkeeping and concealment to $35,000. Where did this money go? Possibly to the payment of some floating debt which they had negotiated and which it suited their convenience to pay off in order that there might appear a deficit to intimidate Congress from taking action against them.

The Union Pacific Railway Company makes even a stronger exhibit in regard to a surplus revenue. In 1880 it had a surplus fund of $5,720,000; in 1881 $1,934,000, after the payment of all expenses, all interest account, and the payment of $4,260,000 as a 7 per cent. dividend on their watered stock. In 1882 the surplus was $2,969,000, and in 1883, the last year for which we have a report prior to action being proposed in Congress, $1,566,000. But when Congress comes to look into their affairs and threatens to increase the percentage required for the sinking fund so that the Government shall be secure, their surplus is run down to $183,000.

When things are manipulated in this way to control the action of Congress, are we to listen to their whining appeals? When these companies have all these surplus funds, when they have paid out as dividends $20,000,000 in one case and $14,000,000 in the other, when the Union Pacific road has stored away $26,000,000 in bonds and $36,000,000 in stocks of other roads, when they have this tremendous railroad line reaching across the country, and 14,000,000 acres of unsold lands, a territory larger than many States—are we to listen to their whining appeals when they come here demanding an extension of time, asking you to allow this debt to run for sixty years longer, at 3 per cent.? Nay, more; when we have presented to us here a bill which, as the gentleman from New York [Mr. HEWITT] has well said, stands before you a "shattered wreck" because it can not stand inspection, a bill which proposes to give these companies $60,000,000 outright, can you hesitate to stand by the majority of the committee which has given this matter such thorough investigation?

We are told, Mr. Speaker, that out in the mid-ocean there are mighty monsters known as the devil-fish which, with a small body not larger than a man, have long, powerful tentacles extending fifty feet ahead, grasping at everything which comes within its reach. Their grasping disposition gives them their name. Nothing living which comes within their reach escapes, their hold once being fastened upon it. These corporations are the giant devil-fish of this country; their railroads extend like unlimited tentacles across the entire continent; the Government and all its millions of people are within their grasp. They are drawing them slowly and surely to destruction. With an insatiable appetite, they have fastened upon the public Treasury; with sublime indifference they lay waste the fair field of agriculture. In vain the showers descend and the sun rises to make glad with its blooming fields the heart of the Western farmer. His golden harvest is drawn into the capacious maw of these insatiable monsters. The hardy miner no longer rejoices over his find; there is none rich enough to pay the exacting demands of transportation to furnace or to market. They have but one rule—charge from each man all his product will bear. So the whole country has become laborers to feed, fatten, and enrich a few railroad kings and yield obedience to their unlimited power. This is the people's House. They sent us here, sent us for their good, sent us to stand by them, to limit the power of these corporations in the future for evil. Their eyes are upon us. To watch, guard, and protect the people is the first tenet of Democratic faith, and woe to that man who in this hour apostatizes from his faith and bows down to the "golden calf" erected by these corporations for their servants to worship. I now ask, Mr. Speaker, a vote on amendments to the bill.

Mr. POST, of Pennsylvania. By agreement I ask unanimous consent that the amendments to the substitute may be considered as pending when the vote is taken.

The SPEAKER. The Chair hears no objection and they will be read at that time.

Mr. JORDAN. Mr. Speaker, I desire to print, in connection with my remarks of yesterday, a correspondence showing that yesterday some $750,000 was paid into the Government Treasury by the Union Pacific Railway Company, leaving a balance of only about $400,000 to be paid, and that subject to a claim the company holds against the Government of $4,000,000.

There was no objection. The correspondence is as follows:

THE UNION PACIFIC RAILWAY—LETTER TO THE SECRETARY OF THE INTERIOR FROM THE JUDICIARY COMMITTEE IN REFERENCE TO AN AGREEMENT BETWEEN THE ROAD AND THAT COMMITTEE.

The Secretary of the Interior has received the following communication from the chairman of the Senate Judiciary Committee:

JUNE 17, 1884.

SIR: In regard to the matter between the United States and the Union Pacific Railway Company, arising under the act of 1878, and which the Committee on the Judiciary of the Senate had had for some time under consideration, I have the honor to inform you that the committee has this day adopted the following resolution:

"*Resolved*, That this committee will postpone until the first Monday in December, 1884, the further consideration of the matters arising under the act of May 7, 1878, relating to the Union Pacific Railway Company, &c., if the said company shall immediately carry out the offer of Mr. Adams as stated in his communication dated June 18, 1884, addressed to Hon. GEORGE F. HOAR, and on the express understanding that this action of the company and of the United States in receiving the money and security in said communication mentioned shall have no effect on any penalty or forfeiture or other right of the United States incurred or arising, or to occur or arise, against the said company, or any of its officers, but that all rights, penalties, and forfeitures shall stand as if these acts had not been done."

Which I send for your information, together with a copy of the communication of Mr. Adams to Mr. HOAR, referred to in the resolution.

Respectfully,

GEO. F. EDMUNDS, *Chairman of the Committee.*

The following is the communication referred to:

WASHINGTON, *June* 17, 1884.

DEAR SIR: Referring to what passed at your meeting with certain directors of the Union Pacific Railroad Company in Boston on the 10th instant, I would state that the following was there prepared as the basis of temporary settlement with the Government pending action of the courts on claims now in dispute:

1. No further dividends shall be paid on the stock of the company during the coming year.

2. Until the questions now pending in the court are decided and a settlement between the Government and the company effected the Government shall retain in the Treasury all earnings now due, or which may hereafter become due, not only on the subsidized lines of the company but also on the non-subsidized portion of its lines specified in President Dillon's letter of June 5, addressed to the Secretary of the Interior.

3. Saving all its legal rights on points in litigation, the company will forthwith pay into the Treasury on account of the sinking fund the sum of $718,814.60, being the amount demanded by the Secretary of the Treasury as payment under the Thurman act for the year ending December 31, 1883; said sum to be treated as a payment on account should more hereafter prove to be due to the Government, and as a payment in advance of amounts in future to become due should less prove now to be due.

4. The sum of $69,359.83 deposited in the Treasury July 26, 1881, shall be carried to the credit of the sinking fund, as set forth in President Dillon's letter of June 5, 1884, already referred to. The above propositions, it is submitted, afford the Government ample security for payments which shall become due when the matters at issue in the construction of the Thurman act shall have been decided by the courts.

According to the contention of the company (supplemental statement June 6, page 5), the balance now due which this proposal would leave unpaid, supposing the demand by the Secretary of the Interior was otherwise correctly computed, would be only $598,146. As security for the payment of this sum the Government holds in its hands the adjusted [unadjudicated], though in large part not disputed, claims of the company against it, to the amount of $4,360,496, and also the amounts assumed to be due for services rendered on the subsidized portion of its lines, which will before the close of the year amount to some $300,000.

I have the honor to be, &c.,

CHARLES F. ADAMS, JR.,
Director Union Pacific Railroad Company.

Hon. GEORGE F. HOAR, *United States Senate.*

The SPEAKER. The Clerk will now read the amendments moved by the gentleman from Kentucky [Mr. THOMPSON] to the pending bill.

The Clerk read as follows:

In line 14 of section 3 strike out "thirty-five" and insert "fifty-five;" so that it will read: "And the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 55 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding."

And in line 48 of section 3 strike out "thirty-five" and insert "forty-five;" so that it will read: "And the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to 45 per cent. of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the 31st day of December next preceding."

The amendments were severally agreed to.

The SPEAKER. The Clerk will now report the amendments moved by the gentleman from Pennsylvania [Mr. POST] to the substitute.

The Clerk read as follows:

After the word "deducted," in line 17 of section 1, strike out all that follows and insert the following:

"The amount of money then already in the sinking fund or reimbursed to the United States by services or otherwise by either of said companies up to and including the 30th day of September, 1884, and from said total so ascertained he shall deduct the true discount, computing the same on a basis of 3 per cent. per annum."

Also, amend by striking out section 4 of the substitute.

The amendments were severally disagreed to.

The question recurred on the substitute of Mr. POST, of Pennsylvania, as follows:

A bill to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the present worth, as of the 1st day of October, 1884, of the indebtedness to the United States of the Central Pacific Railroad Company, the Western Pacific Railroad Company, the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, the Central Branch Union Pacific Railroad Company, and the Sioux City and Pacific Railroad Company, to which subsidy bonds of the United States were advanced in aid of their construction, by adding to the principal of said bonds advanced to each company or to the companies of which such company is the successor, all sums which have been paid, or which are to be paid, by the United States as interest thereon, from which sum, so ascertained, shall be deducted the true discount, computing the same on a basis of 3 per cent. per annum; and he shall deduct from said total so ascertained the amount of money then already in the sinking fund or reimbursed to the United States by services or otherwise by either of said companies up to and including the 30th day of September, 1884.

SEC. 2. That the several companies mentioned in the preceding section be, and they are hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, their one hundred and twenty several bonds of redemption, each bearing date the 1st day of October, A. D. 1884, to an aggregate amount equal to the balance of said indebtedness so computed and ascertained as in section 1 of this act is provided; and each of said bonds shall provide for and bear interest at the rate of 3 per cent. per annum for the time each bond has to run; and each of said bonds shall be for the equal one hundred and twentieth part of the balance of such debt and interest so ascertained. Each of said bonds shall be payable semi-annually, with interest at 3 per cent. per annum, in lawful money of the United States, the first thereof on the 1st day of April, 1885, the second on the 1st day of October, 1885, and so on on the 1st days of April and October in each year thereafter until all said bonds shall have been fully paid and discharged; and each of said bonds, respectively, when paid, shall be thereupon canceled and surrendered to said companies. Said bonds of redemption shall be received by and on behalf of the United States in provisional payment of the bonds so issued by the United States to said companies mentioned in section 1 of this act: *Provided, however*, That no money shall be paid to the said companies, or either of them, from the United States Treasury, for or on account of services rendered to the United States, or any Department of the Government thereof, over or upon the said railroad and telegraph line so aided by the advances of subsidy bonds, or upon any railroad or telegraph line owned, leased, or operated by said companies, until the bond next maturing shall be fully paid as herein provided; but the obligation to pay said bonds so to be executed to the United States by said companies, and the obligations of the United States to pay for services, shall be deemed otherwise independent.

SEC. 3. That the statutory lien and security created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds, and the interest thereon, including and together with the whole line of the said companies, and also any railroads owned by them, wherever the same may be situated, and all their telegraph lines, rolling-stock, fixtures, and property of every kind and description forming a part of the operating property of said companies, as well as that which said companies, their successors or assigns, may hereafter acquire, shall be and remain as security for the payment of the bonds of redemption herein authorized until the same are fully paid: *Provided, however*, That either of said companies, or their successors as aforesaid, shall be entitled at any time to prepay or anticipate the payment and discharge of said bonds of redemption so held in the United States Treasury; and to that end it shall be lawful for either of said companies, its successors or assigns, to make, issue, and dispose of, subject to said lien and security of the United States until the same shall be extinguished, its bonds to an aggregate of the amount of said bonds of redemption which may remain then outstanding and unpaid, together with the amount of the first-mortgage bonds of said companies outstanding, to bear such rate of interest and to run for such term as may be deemed most expedient, and to secure the same by mortgages upon their railroads, telegraph, equipment, franchises, and property; and upon such payment of all said bonds to the United States the said statutory lien and security in favor of the United States shall thereupon cease and be of no effect; but the duty of said companies to obey and perform all the requirements of law in all other respects shall continue to exist; and upon any anticipated payment of said bonds of redemption the Secretary of the Treasury is hereby authorized and directed to abate from said bonds interest on the amount thereof, from and after the date of such payment to the maturity thereof, at the rate of 3 per cent. per annum.

SEC. 4. That all sums now in the sinking fund established in the Treasury of the United States by the provisions of section 3 of the act of May 7, 1878 (including all sums heretofore reimbursed to the United States by services or otherwise by said several railroad companies, and to the credit of said companies in the United States Treasury, uninvested), shall remain in said sinking fund, and all sums derived from time to time from the payment of the bonds of redemption, either in cash or by services rendered by the said several railroad companies, shall be turned into the said sinking fund, and the Secretary of the Treasury is hereby authorized to invest the said sinking fund in the first-mortgage bonds of said companies prior in lien to the Government, or bonds or securities of the United States, in his discretion, and said sinking fund shall be held and applied as in sections 7 and 8 of said act of May 7, 1878, provided.

SEC. 5. That so long as said companies respectively shall keep the said railroads and telegraph lines in proper repair and use, and shall at all times transmit dispatches over said telegraph lines, and transport mails, troops, munitions of war, and supplies of public stores upon said railroads for the Government, or any Department thereof, whenever required to do so (at fair and reasonable rates of compensation, not to exceed the lowest rates paid by any private party for the same kind of service), and shall give the Government preference in the use of the same for all the purposes aforesaid, as mentioned in the sixth section of the act of July 1, 1862, and shall make punctual payment of the said bonds of redemption, no other or further sums shall be demanded or required of the company so performing said service and complying with this act; and none of the penalties or liabilities provided for in either of said acts shall be incurred by or enforced upon such said companies while such punctual payments shall continue, but all such payments, requirements, penalties, and liabilities shall be suspended and not deemed to be due, or payable, owing, or incurred, until default of some of the provisions hereof shall be made and shall have continued for a period of three months, in which case they shall, at the option of the United States, stand revived and continue in force in the same manner and to the same extent as if this act had not been passed.

SEC. 6. That the acceptance of this act shall be deemed and held to be an acceptance of the act approved May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-mentioned act.

SEC. 7. That a failure for six months to pay any of said redemption bonds shall be deemed, taken, and held to make all the said bonds due and payable, and all the rights and securities of the United States may be thereupon enforced.

SEC. 8. That this act shall take effect, as to each of said companies or the successors thereof, upon its acceptance by its board of directors, and under its corporate seal, signed by its president and countersigned by its secretary, being filed or deposited with the Secretary of the Treasury on or before the 1st day of October, A. D. 1884; but if such acceptance be not so filed on or before that day said company shall take no benefit therefrom.

SEC. 9. That in the event that any of said companies shall fail to accept the foregoing provisions of this act, there shall be charged and collected from such company or companies so failing, from and after the 1st day of October, 1884, 35 per cent. of their annual net earnings, to be ascertained as provided in section 1 of the act of May 7, 1878, in lieu of the 25 per cent. provided for in said act, and to that end said act of May 7, 1878, commonly called the "Thurman sinking-fund act," and any and all amendments or modifications thereof, be, and the same are hereby, extended to the Kansas Pacific Railroad Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch of the Union Pacific Railroad Company; and said act, and all amendments or modifications thereof, shall henceforth apply to said corporations equally as to those specifically named in said act.

SEC. 10. That in the event of the non-acceptance of the provisions of this act by said companies it is further provided that section 3 of said act of May 7, 1878, be so amended as to allow the Secretary of the Treasury to invest the sinking funds of said companies in the first-mortgage bonds of said companies, or any bonds or securities of the United States, in his discretion; or he may, with the assent of the companies, apply the same to the extinguishment of the interest of the subsidy bonds, the Government to refund the same on demand at any time, if at any time it becomes necessary in order to meet any debts or obligations of the said corporations prior in lien to said interest.

SEC. 11. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end, and shall report to the President each year or oftener thereon.

SEC. 12. That this act shall be deemed and taken to be a public act to all intents and purposes.

The substitute was rejected.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. THOMPSON demanded the previous question on the passage of the bill.

The previous question was ordered.

Mr. HEWITT, of New York. I submit the following motion.

The Clerk read as follows:

Resolved, That the bill and substitute be recommitted to the Committee on Pacific Railroads, with instructions to report by the third Monday of December next a bill by which the sinking fund created by the act approved May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-named act, shall be enlarged by additional payments to be made thereto by the companies affected by the said act, so that the debt which will be due to the United States for the principal and interest of the bonds advanced to the said companies shall be surely paid at the maturity thereof, or at the expiration of any extension thereof which after consultation with the Secretary of the Treasury and the Secretary of the Interior the committee shall deem necessary to be made in order that the annual contributions to the sinking fund shall be within the ability of the said companies to make, and so that the debt may be discharged with ease and certainty, and at the earliest date possible, out of the earnings and assets of the companies available for this purpose.

Mr. STONE. Is that debatable?

The SPEAKER. It is not.

Mr. HEWITT, of New York. I demand a division.

The House divided; and there were—ayes 65, noes 84.

So the motion to recommit was disagreed to.

The bill was then passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. THOMPSON (at 10 o'clock and 57 minutes a. m., June 19, 1884) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Memorial of the New Orleans Auxiliary Sanitary Association, for the passage of the bill to investigate yellow-fever germ—to the Committee on the Public Health.

By Mr. COLLINS: Petition of Frank N. Gray, for a pension—to the Committee on Invalid Pensions.

By Mr. S. S. COX: Petition and papers for the relief of Mrs. Carrie V. Miller—to the same committee.

By Mr. ERMENTROUT: Memorial of D. P. Hadden and others, for the improvement of the wharf and river front at Memphis, Tenn.—to the Committee on Rivers and Harbors.

Also, a memorial in favor of the passage of joint resolution (H. Res. 88) relative to the improvement of the Harlem River—to the same committee.

By Mr. KING: Petition of citizens of the parish of West Carroll, Louisiana; also the petition of the board of school directors of the same place, for the passage of the bill providing national aid for public education—severally to the Committee on Education.

By Mr. MILLIKEN: Petition of William Dobson and others, for reduction of internal revenue—to the Committee on Ways and Means.

By Mr. NICHOLLS: General presentment of the grand jury of Screven County, Georgia, favoring the passage of the educational bill—to the Committee on Education.

By Mr. J. W. STEWART: Petition of George W. Foster and 4 others, of Saint Albans, Vt., protesting against the establishment of a governmental postal telegraphic system—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMPSON: Petition of S. R. Mershon, for relief—to the Committee on Claims.

SENATE.

THURSDAY, *June* 19, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. CAMERON, of Wisconsin, called the Senate to order, and the Secretary read the following letter:

VICE-PRESIDENT'S CHAMBER, *Washington, June* 19, 1884.

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. ANGUS CAMERON, a Senator from the State of Wisconsin, to perform the duties of the chair during my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

Thereupon, Mr. CAMERON, of Wisconsin, took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present the petition of Mrs. A. F. Newman, superintendent of the mission work of the Methodist Episcopal Church in Utah, in which she expresses her opinion and gives her advice to Congress upon a very important political question, namely, the qualification for voting in that Territory, and as the opinion is entitled to very great respect, and as I hope the lady may very soon be able to enforce it by having a vote, I present the petition, and move that it be laid on the table.

The motion was agreed to.

Mr. PENDLETON. I present the petition of the Board of Trade and Transportation of the city of Cincinnati, reciting that a bill has been introduced and passed by the House of Representatives "to increase the minimun jurisdiction of circuit courts of the United States from $500 to $2,000, and taking from those courts the jurisdiction of cases in favor of assignees of promissory notes and bills of exchange, and all suits of a civil nature arising between corporations and citizens of any State in which the corporation or firm may have been carrying on business at the time the cause of action occurred, and restricting to the debtor or defendant only the right to remove a cause from a State to the United States court, and praying that the bill be not passed." I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. PENDLETON. I present on the same subject a petition of eighteen of the most influential business houses in the city of Cincinnati, reciting substantially the same facts set forth in the petition just presented by me, and praying that the bill to which I have referred be not passed. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PENDLETON. I present also the petition of the Altman and Taylor Company, of Mansfield, Ohio, reciting the same facts as in the preceding petitions and making the same prayer. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PENDLETON. I present the petition of A. H. Coleman Post of the Grand Army of the Republic, Department of Ohio, praying for the passage of the bill which was drafted by the national emcampment of that institution providing for an increase of pensions. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MITCHELL presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the transfer of the Coast and Geodetic Survey from the Treasury Department; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity-pay to certain officers of the Navy, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson, reported it without amendment, and submitted a report thereon.

Mr. BLAIR. By direction of the Committee on Pensions, I report back adversely the bill (H. R. 2702) granting a pension to Mrs. Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy. This and the several cases that I am about to report are bills for the relief of widows of officers of high rank. The majority of the committee report adversely upon the ground that if there is to be an increase, which is what is asked substantially in all these cases, from the amount allowed under the general law to $50 per

month, which the bills call for, it should be done by a general act and not in accordance with the somewhat prevailing custom of granting the increase by special act.

I ask in behalf of the minority to submit the views stating the facts in this and the other cases, and that the bill be placed on the Calendar and the views of the minority printed.

The PRESIDING OFFICER. The bill will be placed on the Calendar, and the report and the views of the minority will be printed.

Mr. BLAIR. There is no written report of the majority. The report of the majority is adverse upon the general ground which I have stated. The facts are embraced in the views of the minority, which I submit in behalf of these persons.

The PRESIDING OFFICER. The views of the minority will be printed, and the bill will be placed on the Calendar.

Mr. BLAIR. I also report adversely from the Committee on Pensions the bill (H. R. 747) granting an increase of pension to Fannie S. Beaumont, widow of Rear-Admiral Beaumont. The same general statement I would make with reference to this bill. I ask that the views of the minority may be printed.

The PRESIDING OFFICER. The views of the minority will be printed, and the bill will be placed on the Calendar.

Mr. BLAIR. I also report adversely from the Committee on Pensions the bill (H. R. 6766) granting an increase of pension to Mrs. Anna J. Foster. I along with the report submit the views of the minority, which, the bill being placed on the Calendar, I ask may be printed.

The PRESIDING OFFICER. A like order will be made in this case.

Mr. BLAIR. I also report, from the Committee on Pensions, adversely, the bill (S. 1858) to increase the pension of Henrietta A. Lewis, widow of Robert F. R. Lewis, United States Navy. I ask that the bill be placed on the Calendar, and that the views of the minority be printed, as in the other cases.

The PRESIDING OFFICER. The views of the minority will be printed, and the bill will be placed on the Calendar.

Mr. JACKSON. I am instructed by the Committee on Pensions to report back adversely the bill (S. 1286) for the relief of Henrietta M. Sands. At the request of certain members of the committee, who desire to have the bill placed on the Calendar, I ask that that course be pursued.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON. I am also instructed by the same committee, to whom was referred the bill (S. 526) granting a pension of $50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in the active service, to submit an adverse report thereon; and I ask that the bill be placed on the Calendar, as certain members of the committee wish it to be done.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of citizens of Howell County, Tennessee, praying that John W. Grammar, a soldier in the war with Mexico, be granted a pension, submitted an adverse report thereon; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 1290) granting a pension to William H. Hunt, submitted an adverse report thereon.

Mr. McPHERSON. I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON. At a former day of the session the Committee on Pensions made an adverse report upon a House bill for the relief of Margaret A. Caswell. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2131) for the relief of Margaret A. Caswell, to report it adversely. I move that it be postponed indefinitely.

The motion was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1865) granting a pension to Mrs. Minna Haeberle, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BLAIR. There are several of the cases reported by the Senator from Tennessee which involve the same principle as those which I reported myself this morning.

Mr. JACKSON. I had those cases placed on the Calendar.

Mr. BLAIR. There is no formal presentation of the views of the minority as yet, and I ask leave to file such views, if upon examination of the cases I should desire to do so.

The PRESIDING OFFICER. Leave will be granted, there being no objection.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 1134) for the relief of Herman D. Stratton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 978) to rerate the pension of John A. Ford, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 1197) granting a pension to Anna M. Wehe, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 753) granting a pension to Ann E. Voorhees, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the bill (S. 2165) granting a pension to P. W. Bradbury, the bill (S. 2213) granting a pension to P. W. Bradbury, and the bill (H. R. 875) granting a pension to P. W. Bradbury, submitted an adverse report thereon.

Mr. COCKRELL. Let the House bill in that case be placed upon the Calendar and the others be postponed indefinitely without prejudice.

The PRESIDING OFFICER. The House bill will be placed on the Calendar with the adverse report of the committee, and the Senate bills will be postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 2244) granting a pension to James Brown, reported it with amendments, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 432) to increase the pension of Joseph B. Sellers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3331) for the relief of Ann McCarney, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Frederick Mayer praying for relief by way of gratuity for disability incurred while serving as band-master in the late war, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1603) to increase the pension of James J. Chase, to report it adversely and to move the indefinite postponement of the bill.

Mr. FRYE. That is a bill which I introduced and was very strongly and warmly in favor of, but the wounded soldier is receiving now $72 a month, the highest amount paid; the committee was unanimous in this report against the increase, and under the circumstances I do not ask any further action. Therefore the bill may be postponed indefinitely as proposed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 912) granting a pension to Henry A. Armstrong, reported it with an amendment, and submitted a report thereon.

ENSIGNS IN THE NAVY.

Mr. McPHERSON. I report from the Committee on Naval Affairs favorably and without amendment the bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps, and I am also directed by the committee to ask for its immediate consideration. It is a very important matter, and I hope that unanimous consent will be given. I will state that the reason I ask for its present consideration is because the assignment will be made the 1st of July, and therefore it is important that the bill should be passed now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all graduates of the Naval Academy who are assigned to the line of the Navy, on the successful completion of the six years' course, shall be commissioned ensigns in the Navy. Section 2 abolishes the grade of junior ensign in the Navy, and directs that the junior ensigns now on the list shall be commissioned ensigns in the Navy, but nothing in the act shall be so construed as to increase the number of officers in the Navy now allowed by law.

Mr. ALLISON. I think we ought to have some explanation of the bill.

Mr. McPHERSON. The explanation is simply this: A junior grade had been established to the grade of ensign in the Navy, and now after the young naval cadets have pursued their six years' course, which means a four years' academic course and two years at sea, they are required to remain in that junior grade for a long period of time before they can receive any pay above a thousand dollars a year for sea-service, or what is equal to $1,000 a year for land-service on shore. Under the readjustment which took place in the law of 1882 and 1883 it is impossible for those young men to get any promotion at all. They remain in the grade of midshipman without a commission; and the only purpose of the bill is that they may be enabled to have a commission and suitable pay to correspond with other ranks in the Navy and Army.

Mr. COCKRELL. To what extent will the bill increase the pay?

Mr. McPHERSON. It will increase the pay from the grade of a junior ensign to that of ensign. I suppose the increase will be about $200 a year; but the pay to-day is entirely inadequate to keep those young men in the grade of junior ensign until such time as promotion can take place. With the reduced number of officers provided for by the law of 1882 and 1883 it would be the grossest injustice that Congress could ever do.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAM-BOILER REGULATIONS.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, to report progress, and to ask that the testimony which has been taken before the committee on the subject, together with the bill, may be printed for the use of the committee.

The PRESIDING OFFICER. What number of copies does the Senator wish to have printed?

Mr. CONGER. The usual number, I presume.

The PRESIDING OFFICER. The Chair is informed at the desk that there is no "usual number" provided for committees.

Mr. CONGER. I suggest a hundred copies perhaps. There are others outside of the committee who would like to have it. A hundred copies would be sufficient, I think.

The PRESIDING OFFICER. The Senator from Michigan reports progress on the bill indicated by him from the Committee on Commerce, and asks that one hundred copies of the testimony taken in the matter of the bill be printed for the use of the committee.

Mr. CONGER. I ask that it be printed together with the bill in the same pamphlet.

The PRESIDING OFFICER. Together with the bill in the same pamphlet. The question is on agreeing to the motion.

The motion was agreed to.

MELISSA G. POLAR.

Mr. FRYE. I am instructed by the Committee on Rules, to whom was referred the House concurrent resolution dated June 14, 1884, authorizing the correction of a mistake in the bill (H. R. 2334) for the relief of Melissa G. Polar, which passed both branches and was enrolled, to report it back with a recommendation that the Senate non-concur in the House resolution; and I will ask present action upon it, because it is very important that the House should receive from the Senate its action promptly.

The Committee on Rules find these facts:

An investigation of the facts shows that this word "of" was contained in the bill as it passed both Houses; that the bill was duly engrossed and enrolled. Therefore if there is any mistake it is one of legislation. Unfortunately several times during this session it has been necessary to correct mistakes occurring in engrossment and enrollment, and resolutions of like character with this have been resorted to for that purpose. Your committee express no opinion as to the propriety of that course.

The case presented, however, raises an entirely different question. Can a legislative error be reformed in any such way? They have no hesitation in finding under the rules of the Senate that this resolution is not a proper remedy; that this mistake, if one, can be reached only by a reconsideration of the vote passing the bill referred to and amendment, or by another act. Your committee recommend that the Senate non-concur in the resolution.

I ask that the question of concurrence may be passed upon now.

The PRESIDING OFFICER. The concurrent resolution reported from the Committee on Rules will be read.

The Chief Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring therein), That the enrolling clerk of the House be authorized and directed to change the word "of" to the word "to" where it occurs the last time in the first line of section 3 of the enrolled copy of the bill (H. R. 2344) entitled "An act for the relief of Melissa G. Polar;" so that said section may read as follows:

"SEC. 3. That upon the presentation of said duplicate certificate to the Treasurer of the United States he shall redeem the same as authorized to redeem board of audit certificates by the act of Congress approved June 16, 1880, and the act amendatory thereto."

The PRESIDING OFFICER. The Senator from Maine moves that the Senate do not concur in the resolution.

Mr. GARLAND. Does the Senator from Maine remember who introduced the bill? It was the Senator from Tennessee [Mr. HARRIS], I believe.

Mr. FRYE. No, it is a House resolution.

Mr. GARLAND. There is no legislation then recommended by the committee?

Mr. FRYE. None at all. The committee recommend non-concurrence.

Mr. GARLAND. The report of the committee I think is entirely correct. I have an idea now that under the old parliamentary rule, if it has not been modified lately, the only way to get at the matter strictly would be not by an amendment, but by a supplemental bill as it is termed in parliamentary practice. But the concurrent resolution comes from the House, and no other measure is proposed by the committee, I understand.

Mr. FRYE. The Committee on Rules understood perfectly when they stated that it must be done by reconsideration that that reconsideration would have to take place by unanimous consent in both Houses.

Mr. PENDLETON. I desire to express my entire concurrence with the report made by the Committee on Rules in this particular case; but I desire to take this opportunity to say that that report shows the entire necessity of reviving the functions and offices of the Committee on Engrossment. We have a Committee on Engrossed Bills. The function of that committee is, I suppose, to take the bills as they come from the Senate, with all the amendments, and see that they are properly engrossed and in that way perhaps they in their report to the Senate of the bill suggest amendments to make the statutes more clear and explicit.

I think the system we have adopted of adding the most important amendments to bills by provisos and otherwise, and reading the engrossed bill at the table when it is not engrossed at all, is productive of the errors which are mentioned in the report of the Committee on Rules which has just been read. I should like to call the attention of the Senator from Maine, the chairman of the Committee on Rules, to the necessity of revising in some degree the functions and duties of the Committee on Engrossed Bills. I think our statutes as they go into the statute-book are models of bad style and intricate provisions, leaving the whole subject in great confusion and uncertainty. All that might be corrected by possibly a revival of the duties or the enlargement of the duties of the Committee on Engrossed Bills. The only wonder is that with the system we have adopted of putting amendments upon bills in all possible shapes the statutes are as easily understood as they are.

It is not with a view of censuring anybody but only with a view of correcting the system, which I think is entirely erroneous, into which we have fallen, that I have said what I have.

The PRESIDING OFFICER. The question is on concurring in the resolution from the House of Representatives reported from the Committee on Rules with a recommendation that it be non-concurred in.

The resolution was non-concurred in.

REPORT ON GALVESTON HARBOR.

Mr. COKE. I am instructed by the Committee on Commerce to submit to the Senate a report which I hold in my hand in regard to the proposed improvement of the harbor of Galveston, Tex., prepared by Joseph Nimmo, jr., Chief of the Bureau of Statistics, in reply to the order of the honorable Secretary of the Treasury, dated May 27, 1884. I ask that it be printed for the use of the committee and the Senate.

Mr. MAXEY. I suggest that the report be printed for the use of the Senate.

Mr. FRYE. Is that a final report, or does the Senator desire to have it recommitted?

Mr. COKE. It is to be recommitted.

The PRESIDING OFFICER. If there be no objection the report will be printed and recommitted to the Committee on Commerce.

IRON MOUNTAIN RAILROAD LAND GRANT.

Mr. PLUMB. The bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad, from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes, was passed by the Senate and amended in the other House. The amendments of the House of Representatives were referred to the Committee on Public Lands, and I am instructed by that committee to report them back to the Senate with the recommendation that the Senate concur in the amendments of the House thereto. I ask for present action upon the amendments that were incorporated in the bill by the House of Representatives.

The PRESIDING OFFICER. The amendments of the House of Representatives will be stated in their order.

The CHIEF CLERK. In line 18 the House of Representatives struck out the words "thereupon said lands shall be" and inserted "all of the lands granted by said section 1 be, and they are hereby;" so as to read:

And all of the lands granted by said section 1 be, and they are hereby, restored to the public domain for disposition under the public-land laws of the United States.

Mr. PLUMB. I move that the Senate concur in that amendment made by the House of Representatives.

Mr. DOLPH. I should like to have the Senator from Kansas state the effect of the amendment of the House.

Mr. PLUMB. The effect of the amendment is this: The bill as it passed the Senate provided that whenever the railroad company should accept the provisions of the bill and demonstrate to the satisfaction of the Secretary of the Treasury that the lands were not encumbered, then the lands should be open to settlement and the road should be released from obligations as a land-grant railroad. The amendment of the House provides that the lands shall be at once open to settlement; and in view of the fact that we are advised that there is no incumbrance on the lands at all and a large portion of them are settled now, we thought it proper to concur in the amendment.

Mr. COCKRELL. There can be no objection to the House amendment.

The amendment was concurred in.

The next amendment of the House of Representatives was to add to the bill the following proviso:

Provided, That there shall be excluded from the operation of the release of the obligations as a land-grant railroad, herein provided, that part of the railroad between Poplar Bluff, Mo., and the Arkansas State line.

Mr. PLUMB. I move that the Senate concur in that amendment.

The amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. 6770) making appropria-

tions for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. JAMES N. BURNES, of Missouri, Mr. RICHARD W. TOWNSHEND, of Illinois, and Mr. WILLIAM D. WASHBURN, of Minnesota, managers at the conference on the part of the House.

The message also announced that the House had passed the following resolution; in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That 9,000 copies of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1883 be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins;

A bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.;

A bill (H. R. 1015) for the relief of Fitz-John Porter;

A bill (H. R. 1433) granting a pension to Mary E. Murray;

A bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri;

A bill (H. R. 3656) granting a pension to Salome Ann Walker; and

Joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan.

NEW YORK BANKS.

The PRESIDING OFFICER. "Concurrent or other resolutions" are next in order.

Mr. BUTLER. If it is in order, I should like to call up the resolution which I offered some days ago in relation to national banks, and ask a vote of the Senate upon the resolution.

Mr. CONGER. I desire to inquire whether the morning business is closed; and, if so, whether the unfinished business, the pension bill, does not come up?

The PRESIDING OFFICER. The morning business has not yet been closed.

Mr. CONGER. When it is closed I desire to call up the unfinished business, the pension bill, Order of Business 405.

The PRESIDING OFFICER. The resolution referred to by the Senator from South Carolina is in order and will be laid before the Senate.

Mr. BUTLER. I take it it is unnecessary to read the resolution. It has been read twice, I think, in the hearing of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. BUTLER. I simply wish to state before the vote is taken that there appears to be some misapprehension as to the object and scope of the resolution. The resolution provides—

That for the purpose of ascertaining whether further legislation is necessary concerning national banks, there be appointed from the Committee on Finance a special committee, consisting of five members—

To do what?—

whose duty it shall be forthwith to examine into the condition of the national banks of the city of New York. That said committee be authorized to send for persons and papers, to examine witnesses on oath, and, if necessary, to visit the city of New York for the purpose of such examination.

If we are to draw a conclusion from the statement of the Senator from Ohio [Mr. SHERMAN] and the Senator from Vermont [Mr. MORRILL] the other day, one would suppose that if the subcommittee which the resolution provides for should proceed to the city of New York at once its members would lose their discretion and wisdom and virtue, hire a hall, employ a brass band, and drum up customers after the most approved style. No such purpose as that is contemplated. The subcommittee may conduct the examination in the city of Washington and procure all the information that may be necessary to indicate what additional legislation would be wise under the circumstances.

It is no part of my purpose, no part of the purpose of those who advocate this resolution, to make war on the national banks. I have never been an ardent supporter of that system of banking in the country, or of the practices under it, but the country has adopted it and I am quite willing to acquiesce in it. But we must not lose sight of the fact that those institutions have very valuable franchises from the Government of the United States to the exclusion of all other such institutions. They occupy the relation of trustees to the public and to the Government, and I can not understand why there should be that sensitiveness, why there should be that sacredness about them. They are public institutions; Congress has jurisdiction over them, and if they have violated the law I think the country should know it.

I have no object, no purpose of going beyond that, no desire to create a panic; but on the contrary I desire to avoid one. And while I am on my feet, before yielding the floor to the Senator from Alabama [Mr. MORGAN], I will call attention to the tables presented by the Senator from Ohio [Mr. SHERMAN] the other day. I find that of the number of national banks, forty-seven, which these tables purport to represent, there are sixteen of them whose reserve is below the amount provided by law.

Mr. SHERMAN. When?

Mr. BUTLER. In the last report. I think the Senator, if he looks over the list, will find that there are sixteen national banks whose reserve is below the amount provided by law, 25 per cent.

Mr. SHERMAN. It was so on the 31st of May, but not on the 14th of June.

Mr. BUTLER. On the 14th of June.

Mr. SHERMAN. I think the Senator is mistaken.

Mr. BUTLER. I have taken the last report, of the 14th of June, and gone through it, and I find that there are twenty-nine of the banks that have their reserve below the amount required by law, and of those sixteen are national banks. If that is the case, sections 5191 and 5192 of the Revised Statutes have been violated, systematically violated.

Section 5191 reads as follows:

SEC. 5191. Every national banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Saint Louis, San Francisco, and Washington, shall at all times have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least 15 per cent. of the aggregate amount of its notes in circulation, and of its deposits.

What does section 5192 say as to these clearing-house certificates?

Clearing-house certificates, representing specie or lawful money specially deposited for the purpose, of any clearing-house association, shall also be deemed to be lawful money in the possession of any association belonging to such clearing-house, holding and owning such certificate, within the preceding section.

If our information is correct about the clearing-house certificates, instead of representing specie or lawful money they represent stocks and bonds of institutions which are notoriously insolvent. All that I ask in this resolution, all that the resolution provides for, is that the subcommittee shall make this examination with a view of ascertaining whether any additional legislation is necessary, and they can make the examination perhaps by going into the Treasury Department in this city, sending for persons and papers, employing examiners and inspectors, and procuring the information upon which Congress may be able to correct the abuses already existing and prevent those which are threatened in the future.

I shall ask for a vote on the resolution after the Senator from Alabama has concluded his remarks, unless some other Senator desires to debate the question.

Mr. MORGAN. Mr. President, early in the month of May, and at a time when the so-called panic was prevailing in the city of New York, the effects of which were felt throughout the country, I introduced a resolution here asking the Committee on Finance to inquire into the subject of the failure of the banks that had occurred, the causes of it, and whether or not the failure was to any extent traceable to the violation of the public statutes of the United States by the national banks. Objection was made at that time to the consideration of the resolution. Members of the committee suggested that it would be better to refer the resolution to the Committee on Finance, not of course as an instruction of the Senate, but that they might be able to consider it and report upon the necessity of the adoption of such a measure for the security of the country.

The committee came in a day or two after the Senator from South Carolina had offered his resolution, a much broader resolution than the one I had offered, and made a verbal report through one of their members, a distinguished financier, which has been laid before the Senate and the country, and the committee seem to think that report is a compliance with the resolution which I offered and which was referred to them, and that they have done all that is necessary to give information to the country as to the condition of the national banks and the practices on the part of those banks which have led to this inquiry.

We are informed by the honorable Senator from Ohio that the clearing-house in the city of New York, of which I believe all the national banks there are members, had issued $24,900,000 of certificates, and that those certificates had been used between the banks for the purpose of settling their balances; that they had been discounted by the banks or loaned to them—I do not know in precisely what sense the Senator desired himself to be understood in that particular—but at all events that these clearing-house certificates had been used by the banks for the purpose of relieving each other, and that they had reduced the amount of these certificates down to $12,000,000, and that they were progressing at the rate of about a million dollars a week to absorb these certificates. And that the committee hoped that at a very early day the banks would be able to resume their normal condition, that their reserves would be up to the statutory requirement. That they would be able to increase their loans and discounts to the public, and that they would again become what they were intended to be, proper financial agents, standing between the Government of the United States and the people for the purpose of issuing money from the Government into the hands of the people for their use.

I must confess that I am not satisfied with the existing condition of affairs. I am not satisfied with a report which merely glosses over the offenses and crimes of the officers of the national banks, and which gives us nothing but a bare hope, expressed by a member of the committee, that after a while they may be able to retrieve their losses and to condone the offenses which they have committed against the positive law of the land.

It was intimated at the time I first introduced the resolution that it would be very imprudent to press it; that it might lead to the spreading and widening of that fissure in public credit which threatened to open out into a great calamity. I then had my apprehensions increased that there was more left unexpressed in respect to the condition of the national banks by far than was expressed in the agitations in Wall street and elsewhere in the United States and throughout the world; that there was cause to apprehend that investigation or even an inquiry into the condition of the national banks, if prosecuted, might lead to serious financial embarrassment throughout the entire length and breadth of this land.

Thereupon, sharing in the apprehension which the country at large felt, I did not press the consideration of the resolution before the Senate, for I did not wish to have it charged upon me that I had lighted a spark which would explode a magazine. Now a month or more has elapsed; some of these banks have gone into bankruptcy, others it appears are staggering along upon expedients in the hope of recovering their normal condition, their legal attitude toward the country, the condition that we supposed was guaranteed not merely by the requirements of the law, but also by the oaths of the different officers who are engaged in the conduct of the banks.

Now, Mr. President, it must be admitted in reference to a great financial institution like the national banking system that it is in a very unsatisfactory condition, to say the least of it, if a bare inquiry proposed by a Senator upon the floor of the Senate should have the effect possibly of destroying the financial credit of the national banks and of carrying down with them the fortunes and enterprises of a vast number of people.

We are now permitted to look rather quietly back upon a month or six weeks of history and to realize how great the danger was that was brought upon the country through the conduct of these banks; so great, indeed, that it would not bear even the slightest inquiry to be made upon the floor of the Senate as to their condition.

The Senator from South Carolina has rightly described these banks as fiscal agents of the Government of the United States, and as public trustees holding in their keeping the most delicate trust that was ever confided by a government, I think, to any public institution whatever, besides the valuable franchises which they enjoy, and which should, from a sense of gratitude, at least inspire them to a more faithful line of conduct than they seem to have observed in regard to their public duty. But they are fiscal agents and they are public trustees. The Government of the United States issues the currency to them and guarantees it. It is redeemable at the Treasury of the United States without any necessity of presenting it at the counters of the banks. So that the engagements which now represent the sole volume of the national-bank currency of the United States are the positive and direct obligations of the United States Government.

We let this currency out into the hands of the banks, first upon the security of bonds to the extent of 90 cents on the dollar, which they pledge in the Treasury for their redemption; next, upon the security of the character of the men who are engaged in the conduct of national banks, for it is not every individual that happens to have the money who can establish a national bank, and I am glad of that; next, upon the security of the oaths imposed upon their officers, and these are very stringent; they are very complete indeed, covering almost every public duty that these officers have to discharge; next, upon the security of the penal statutes of the United States, imposing very severe penalties, as for felony, upon the officers of these banks for certain delinquencies which are described in the statute, and those offenses are made numerous enough and specific enough to cover almost every case of defalcation that could be imagined.

Occupying this relation to the Government of the United States, we are responsible for their conduct and we can not devolve the whole burden of that responsibility upon the Treasury Department of the United States. Granting if you please that the Treasury Department of the United States is animated at all times with the most sincere desire to have these banks conducted exactly in accordance with law, and to compel them to a perfect fulfillment of their duties, still there is a power behind them, resting in the Houses of Congress, to which they are responsible, and a power behind us, the people of the United States, to which we are responsible; and we can not refuse to compel these banks and their officers to be constantly accountable to us through the agencies that we are permitted to use for the purpose of investigating their affairs.

Mr. President, what does the $24,900,000 of clearing-house certificates represent? Why was it found necessary that that great clearing-house organization, which is a mere voluntary association, I believe, not even incorporated under the laws of New York—why was it necessary that that great organization of banks and bankers should have found it necessary to issue $24,900,000 of certificates? Why is it that but $12,000,000 of these certificates have so far been redeemed, and what do the $12,000,000 outstanding in the hands of the banks represent to-day? The clearing-house ascertained that $24,900,000 was about the amount of the losses that the banks had actually sustained in consequence of lending their credit to men and to institutions that were not only not worthy of it in a commercial sense but who obtained it in violation of the laws of the United States.

I am very glad that we have some means of ascertaining the extent of this deficit, the extent of this loss, and I am glad also of any contrivance at all that can keep it from shouldering itself right down upon the people and destroying all who stand beneath. At the same time it is our duty to inquire into this matter, and not only by preventive legislation but also by a demand upon the officers of this Government for the faithful execution of the criminal laws of this land that we shall remedy as far as possible the evil that exists and prevent its recurrence hereafter.

Twenty-four million nine hundred thousand dollars the country will assume, it is bound to assume, is the total of the loss of the clearing-house banks in the city of New York in consequence of their having loaned their credit to boost up the stock market to check and to counteract the shrinkage of stocks which was but a process of liquidation carried on by honest men with a view to ascertain how much actual money these stocks were worth. They have been pressed down and the water has been squeezed out of them, and the gas, until it has been found that out of the proportion held by the banks as collateral security for loans there has been $24,900,000 lost, which has to be supplied by some temporary contrivance or other.

What is the clearing-house in New York? What are its functions and for what purpose was it established? It is a voluntary association of the banks for the purpose of settling balances between each other. It was instituted as a mere matter of convenience, so that the different officers and agents of the banks might assemble at a particular place at a certain hour and there liquidate the balances that were held against them by the different banks, members of that association, and receive at the same time the balances that are due to them.

It was never intended to do any other business but that. They very properly make report of the banks that are delinquent, and a bank that is delinquent in the clearing-house is considered a broken bank, one that should be expelled from the association, and its credit of course is injured throughout the entire commercial community.

In what way are these balances paid? What does the constitution of the New York clearing-house provide shall be the manner of liquidation of balances between the national banks through that arrangement? In specie or its equivalent; every balance that is paid each morning in the clearing-house from a debtor bank to a creditor bank is required by the rules and regulations and constitution of that clearing-house to be paid in specie or its equivalent. They are not permitted to pay balances in their own issues or in the issues of other banks. The rule was relaxed to the extent of receiving greenbacks when they were at or above par; but the constitution of the clearing-house provides that the balances shall be liquidated every morning in specie.

After we had enacted the law for the remonetization of silver it was urged that the dollar of the fathers was only worth 85 cents; and after we had authorized the issue, and had issued silver certificates, redeemable out of money deposited in the Treasury of the United States, it was resolved by the clearing-house in the city of New York that the bank of deposit, the bank selected by them to receive the deposit of specie and to issue certificates of deposit, should not receive silver coin of the United States and should not receive silver certificates. That condition of affairs went on for some considerable time, and very much to the depreciation of the value of the silver coins of the United States and their credit here and abroad; so exacting were the banks for clearing-house certificates that should represent specie.

When the twenty years' period had expired during which these banks had vital charters and the banks were compelled to come back to Congress for the purpose of getting a renewal of their charters, Congress provided that no national bank should be a member of any clearing-house association if that association forbade the deposit of silver certificates or the deposit of silver as a part of the redemption fund of that organization. That was laughed at. It was assumed that that act of Congress would be *brutum fulmen;* that they would find some way or other still to depreciate the silver coin of the United States, and some way in which to avoid actually the receiving of silver certificates; so thorough were those banks at that time in their demand that the settlement between the different corporations who were members of the clearing-house association should be upon the basis of gold and nothing else.

And now what do we find? A bank is selected by the different members of this clearing-house association as the bank of common deposit. It is not a bank of discount for the clearing-house. So far as the clearing-house association is concerned it is nothing more nor less than a mere depository. The different banks having specie, whether gold or silver, take it to this depository; they have it counted, locked up in the vaults, and a clearing-house certificate is issued describing exactly the amount that has been thus deposited; and these certificates are receivable in the daily settlement of balances between the national banks and all others who belong to the association.

It has been intimated in debate here that this depository has the right to discount paper, that it is a bank of discount *quoad* the balance of the members of the clearing-house. Sir, I take issue with that statement. It has no such power and it is not a bank of discount as to the other members of the clearing-house association. We find that this clearing-house association, has issued $24,900,000 of certificates. Upon what have they issued these certificates? That is the question. Are these certificates based upon a deposit of specie in the depository of the

clearing-house association, either of gold or silver? No, sir; not one dollar; it is a purely commercial credit. It is the deposit of paper discounted by these various banks for their customers, guaranteed by stocks; and the $24,900,000, if it was compelled to be redeemed to-day, could not be redeemed except by the payment of promissory notes discounted and collateral wild-cat stocks.

So this sham, this pretense put forward by sixty-five of the national and State banks and bankers of the city of New York goes before the world as an assertion on their part that they have got $24,900,000 of specie in their depository, when the fact is, as admitted by the Senator from Ohio, that they are nothing but discounted notes protected by collateral securities such as they see proper to deposit.

In view of these facts, Mr. President, I should like to know whether there is not still a deficiency on the part of the national banks in the city of New York of $12,000,000 to-day; and when they come to say that they have got their reserves up to the 25 per cent. required by law, does it not mean that these clearing-house certificates which they hold are counted as a part of that reserve? Does it not mean that there is $12,000,000 of deficiency still among the national banks of the city of New York for which there is nothing to show except $12,000,000 of clearing-house certificates sustained only by discounted promissory notes or bills of exchange and protected by such collateral as they hold, the character of which we do not know?

Mr. President, this is a mere whipping of the devil around the stump. The investigation by the Senate committee would show——

Mr. SHERMAN. I will ask the Senator from Alabama if he supposes that the clearing-house certificates are held as part of the lawful money reserve?

Mr. MORGAN. I have not a doubt of it.

Mr. SHERMAN. I wish simply to have that placed on the record. I assure him there is no ground for that statement. The law is express on that subject. Their statements show it.

Mr. MORGAN. But the law——

Mr. SHERMAN. However, if the Senator wishes to place on record the allegation that the banks hold $12,000,000 of clearing-house certificates as part of their reserve, be it so.

Mr. ALDRICH. May I ask the Senator from Alabama a question?

Mr. MORGAN. What is their statement? Do they say they have collected in their depository $24,900,000 specie upon which they have issued these certificates, I will ask the Senator from Ohio?

Mr. SHERMAN. The certificates are simply certificates of indebtedness by the banks, a convenient medium which they use in exchanging commercial paper with each other.

Mr. MORGAN. Indebtedness by which banks?

Mr. SHERMAN. The certificate of a bank is not money; it is not lawful money.

Mr. MORGAN. A certificate of indebtedness by what bank?

Mr. SHERMAN. By the clearing-house. It is not money any more than an ordinary certificate of deposit is money.

Mr. BUTLER. If the Senator from Alabama will permit me a word, I should like to ask the Senator from Ohio if there is any law for the creation of such indebtedness by the national banks?

Mr. MORGAN. Of course there is not.

Mr. SHERMAN. Any bank can issue a certificate of indebtedness or deposit.

Mr. BUTLER Is there anything in the law organizing the national banks which justifies the creation of such indebtedness as those certificates to which he refers?

Mr. MORGAN. I hope the Senator from South Carolina will allow me to proceed.

Mr. SHERMAN. In response to the Senator from Alabama—I can not answer two Senators at once—I will say that there is no doubt that any bank, State or national, has the power to issue a certificate of indebtedness or a certificate of deposit or a certificate for the payment of money. It is one of the most ordinary and legitimate modes of business of every bank. But the clearing-house is not a national bank; it is a State bank exercising authority under the laws of New York, with the provisions of which I am not familiar.

Mr. MORGAN. I utterly deny that under the law or under any sound banking practice whatever a national bank has a right to issue a certificate of deposit except in consideration of money deposited to meet the certificate, or a certificate of indebtedness except in consideration of the discount of a bill. A national bank can not issue a certificate of indebtedness based upon a mortgage of real estate, if it were a million of dollars for every five contained in the volume of the indebtedness. The national banks are confined by law to the discount of commercial paper—that is to say, personal obligations—and they are expressly prohibited from holding any interest in real estate, by mortgage or otherwise, except for the purpose of securing an antecedent debt due to them or by purchase under execution. The Senator from Ohio seems to think that a national bank has the right, he has already stated that a national bank has the right to issue a certificate of indebtedness.

Mr. SHERMAN. A certificate of deposit or indebtedness.

Mr. MORGAN. A certificate of deposit. That means when a deposit is made it can issue a certificate.

Mr. SHERMAN. Does not the Senator know that an ordinary merchant or person can go to a bank and take his pay if he chooses in a certificate of deposit in the bank? Suppose you desire to have your note discounted, you file your note, you leave your note for discount for a thousand or ten thousand dollars. If you prefer and are willing to take it, they can give you their certificate of deposit for the whole amount of that note. If you demand it, you are entitled to lawful money; but if you choose and prefer to take their certificate in order to transmit it to some other section of the country, you can do it, and that is the most ordinary and common transaction of banking business.

Mr. MORGAN. A certificate of deposit means a certificate that a certain sum of money has been deposited in a bank. Now, if I take my note to a bank and have it discounted they put a certain sum of money to my credit. Of course, they can give me a certificate of deposit in place of the money. At the same time that is not a certificate in consideration of a deposit of money made by me, but a certificate in consideration of the fact that I have got a note discounted in that bank. They are willing to take my note, it is true, as money, and charge themselves with this payment upon their books. At the same time it is a credit given to me, and only a credit given to me.

Now, sir, I will ask the honorable Senator from Ohio if he believes that the depository of the Clearing-House Association in the city of New York has the right under the laws of New York or under the national laws to receive notes for discount whether protected by collaterals or not, and can thereupon issue a certificate which shall be called a clearing-house certificate, and which shall answer to the bank that receives it in the payment of its daily clearing-house balances?

Mr. SHERMAN. I have not a doubt of it. The Senator must know that in the city of New York not more than 5 per cent., yes, not more than 2 per cent. of all their business is done by lawful money. You go and have your note discounted in a bank, and they will place it to your credit in the bank to be checked out in the ordinary course. Probably the whole of that will be checked out without the payment of a single dollar over the counter; and it is said, I think we have the statistics showing it, that more than 90 per cent. of all the business of these banks is done without the passing of a single dollar of lawful money. In the ordinary course of banking business lawful money is not used in great commercial transactions; they are arranged by credits, checks, and drafts, &c.

Mr. MORGAN. My question had no reference to what the Senator is saying at all. I was asking the Senator about the operations of the clearing-house, and in order to answer about the operations of the clearing-house he takes me to the counter of a bank of deposit and discount and describes to us in a very ready way the process of getting a note discounted and of the money being paid over the counter. The point I want answered is this, if the honorable Senator can do it. Here is the clearing-house in the city of New York; has that clearing-house any right to discount paper?

Mr. SHERMAN. I simply say that the clearing-house is organized under the laws of the State of New York. I am not sufficiently familiar with those laws to answer, but I have no doubt that a bank of any kind can do it. That is a bank.

Mr. MORGAN. When conducting its own banking operations it has the right, like any other bank, to discount paper; but as the depository of the clearing-house it merely holds the money that the different banks who are members of that clearing-house association deposit there in specie, and issues certificates for it, and when you want to draw gold if you have clearing-house certificates you go to that depository and draw your gold; it makes no difference at what time you choose to do it within the proper hours. But the clearing-house depository is only the agent of sixty-five or sixty-eight banks and bankers in the city of New York, into whose vaults each of these banks deposits a certain amount of specie, whatever amount it chooses, and takes for that deposit a certificate, and that certificate by common agreement between these banks is held to represent so much specie on each day's settlement of the balances in the clearing-house.

Now, sir, I maintain that that clearing-house is not, as to these functions, a bank. That clearing-house depository is not, as the agent of these different banks, a bank either of deposit or discount. It has no right to discount paper as the agent of the other banks; and when it assumes to take, in the place of specie deposited by the different members of the clearing-house, notes which they have discounted, supported by bonds and other collateral securities, it merely sets up a pretense that it has got that much specie under the control of those banks, when it has nothing but the aggregated credit of the banks themselves.

The national banks go into this $24,000,000 arrangement; they lend their credit to the clearing-house; they agree that they will take paper which has been discounted over their counters, and they will carry it to the clearing-house and support it by collateral, and that thereupon the clearing-house shall issue certificates as if these were deposits of specie; and the Senator from Ohio day before yesterday said that the clearing-house discounted the paper; that it was a second time discounted. It came from the country customers of the banks, and through the banks to the clearing-house, and that the clearing-house discounted the paper a second time for the accommodation of the banks.

Mr. President, that statement does unravel the matter to a large de-

gree; but what we want to find out is whether that is the truth of the transaction, because if that is the truth of the transaction there was never a greater abuse of the powers of the national banks or of the statutes of the United States than is contained in this very clearing-house arrangement. It is a fraud and a sham from beginning to end. It is as if sixty-five men were to put their promissory notes into the hands of a depository and say "we will receive these notes back from anybody who presents them, as if they were specie; and therefore the whole of the mass of notes that we put in there is thereby converted into money, and not only so, but becomes specie."

Sir, the real fact is that when the $24,900,000 of clearing-house certificates were issued there was not a deposit of $24,900,000 of specie in the depository bank for the clearing-house, nor was there a deposit of one dollar of specie but a mere deposit of discounted paper sustained by collaterals of some kind, we know not what; and these clearing-house certificates based upon nothing but that are taken in the daily settlement of balances in the clearing-house between the banks as if they were specie.

Mr. President, that is a startling violation of the laws of the United States.

Mr. ALDRICH. I should like to have the Senator from Alabama state what law of the United States it is a violation of, what section and what part of a section.

Mr. MORGAN. The law that prevents the overcertification of checks is one law that is violated by it.

Mr. ALDRICH. By officers of national banks?

Mr. MORGAN. Yes.

Mr. ALDRICH. Is the clearing-house a national bank?

Mr. MORGAN. That law is violated by it. I do not doubt that an indictment would lie for that transaction. For, after all, the deposit of these notes, and the receipt by these banks of these certificates, and the paying out of these certificates upon their guarantee in the settlement of their daily balances with the other national banks, is a mere certificate of a thing that is false, which is to say that the national banks in question have made a deposit of money in the depository's vaults equivalent to the certificates paid by the clearing-house.

They are depositing nothing in the world but their credit and the collateral bonds or stocks or whatever it is that they put in there as a guarantee.

Mr. President, allow me to ask the honorable Senator from Rhode Island when these national banks have entered into this agreement with each other and have issued these certificates, are they not liable for them, each and all?

Mr. ALDRICH. If the Senator wants an answer——

Mr. MORGAN. I do.

Mr. ALDRICH. They have not entered into any such agreement, and these certificates are not certificates of the national banks at all.

Mr. MORGAN. What are they certificates of?

Mr. ALDRICH. They are the certificates of the committee of the clearing-house that certain banks have deposited certain securities of a certain value with that committee, and that those certificates are receivable in payment of balances as between the various banks of that institution, and receivable for no other purpose, and used for no other purpose.

Mr. MORGAN. Now, a national bank makes its deposit and gets a certificate and takes that certificate to the clearing-house for the purpose of settling the next morning, and the bank that gets that certificate demands specie for it, and the depository is unable to pay it. I will suppose the money has been stolen, the depository robbed, or it has been burned up and the depository is unable to pay the certificate: will the honorable Senator from Rhode Island say that the bank that holds that certificate and made that deposit has no claim against the bank that put that amount of money in circulation or that substitute for money, and that it is not responsible on that obligation?

Mr. ALDRICH. Certainly; the bank is responsible for it.

Mr. MORGAN. Very good. Then there is the whole question answered. Now, I will bring the honorable Senator's attention to the question in the ease of an indictment. That bank has issued a certificate of indebtedness through the depository as upon a deposit made with it, which it has placed in the hands of a third person. That certificate means as to the bank that is bound by the obligation that it has placed on deposit in the vaults of the depository $10,000 for which it has issued a certificate of $10,000; and when the bank comes to be sued upon that certificate it turns out that the declaration is false; that there was no such deposit made at all either in its own vaults or in the vaults of the depository. Thereupon an over or a false certification occurs. Thereupon this occurs: a "device" has been resorted to, a "fictitious obligation" has been created, "either direct or collateral," an obligation which is based upon an assertion by a bank that it has got $10,000 deposited either in its own vaults or in the vaults of the depository, which is false. Thereupon the drag-net of the statute which the honorable Senator from Kentucky [Mr. BECK] advocated here and secured the passage of comes into play and the officers of the bank are liable to indictment beyond question.

I know that there is a way of smiling these things off very pleasantly. Indeed, the national banks have been amusing themselves and smiling at the power of the statutes for a good while, and we have indulged them in it; and Senators' risibilities are excited when we assert the actual obligations of the statute against these men who thus abuse the law. It is supposed that there can be some device by which the credit of the national banks can be converted into money after they have spent their money, thrown it away in assisting Wall street speculation in wild-cat stocks.

It is supposed that by the magic of some device or other all these difficulties can be patched up; $24,900,000 of certificates can be put out as representing that much specie in the hands of the banks, when in fact it represents nothing on earth but notes discounted and wild-cat securities. That is the condition of it.

I speak with a good deal of trepidation about this, Mr. President, for the leading New York journals have already come out and said that we do not know anything about this business and we had better keep our hands off the banks; that we are guilty of impertinent interference with them; and that this committee that we propose to send junketing to the city of New York is not going to accomplish any good. Why, sir, I was very much mortified to think that any of the great leading journals of the city of New York should suppose that the honorable Senator from Ohio and the honorable Senator from Vermont could be betrayed into a junketing expedition to New York city. If they go there they will go for business. It is scarcely worth while to disparage the committee that would go in advance of their appearance in that city. They will go on a very serious and solemn mission, and no doubt they will conduct themselves with great sobriety and great propriety while there. They will take with them the hearty good wishes of the people of the United States that the honest truth may be made to appear in regard to the dealings of these banks.

The Senator from Ohio said that there probably had been, yes, he had no doubt there had been, overcertification, particularly in the three banks whose weak condition was exposed, one of which has gone into bankruptcy, and the other two have been sustained by the issue of these clearing-house certificates. He had no doubt there had been overcertification, but he condescended to inform us that the banks had actually suspended these crimes, and he was very much in hopes that after a while things would take a better turn. Never once did that honorable Senator rise in his place and fulfill the expectations of the American people, based upon his known character as a great financier and manager of fiscal matters, and say "this Government intends to see that these banks have not merely suspended these criminal acts, but that all who have engaged in them shall be punished, so that hereafter men will not dare to tamper with the laws of the United States as these men have done."

Sir, there is no purpose to punish them. It was not until after these banks had actually exploded that the officers of the Government of the United States charged with this matter undertook to make an investigation, a really thorough investigation, into the condition of the banks and what they had been doing. Did not everybody know that these banks had been in the constant habit of issuing certificates in favor of men who were dealing in Wall street who had no sufficient deposits with them and who had no credit except the stocks that they chose to pledge, and that often they did not even own the stocks when they got the money, but bought them and pledged them afterward, and sometimes did not pledge them at all? Everybody knew that except the officers of the United States Government in the Treasury Department. They knew it, but were conveniently blind to it. Everybody knew that the effort to check the depression of securities in Wall street, which has now been an open warfare for more than two years, was sustained on the part of the bull party by the contributions and assistance of the national banks. Everybody knew that this great fiscal agency of the Government of the United States, to which the people loan the sweat of their brow in the form of taxation daily, was used for the purpose of promoting the vicious gambling in Wall street stocks, but the Government officers closed their eyes to it until after the explosion. And now the honorable Senator from Ohio informs us that the banks have actually suspended this crime, and thereupon he asks us to close our mouths and stop the impertinence of our inquiries and not press upon him the demand, which I think is one of the highest duty, that he as a member of the Finance Committee shall go among these banks, whose workings he understands so well, and expose them before the world.

Sir, has it come to this—yes, it has—that the Senate of the United States is actually afraid to look into the national-bank system and into the operations of the banks? One Senator will tell you that if you inquire too narrowly into it you will shock the credit of great commercial communities. Another will tell you, as the Senator from Ohio told you day before yesterday, that it would be absolutely impossible to arrive at the truth in regard to this matter. Sir, has falsehood become so fortified in the national-bank system that a committee of this body can not find out whether the banks have been violating the statutes and their officers exposing themselves to the penitentiary? The Senator from Ohio informed us in terms that it would be impossible to get at any of the banks except those that had actually failed. On a previous occasion the honorable Senator from Vermont [Mr. MORRILL] complained of the heat of the weather as being too oppressive to justify a trip to New York and an examination into these banks there.

Sir, if the weather is too hot now, there is nothing in the resolution which I have proposed or in that proposed by the Senator from South

Carolina which will not permit the Senators to postpone the investigation until the November frosts have come. But do not let us postpone it forever, because the weather is not going to be always hot; and do not let us postpone it because the Senator from Ohio tells us we can not find out anything, for it is still our duty to try, and I am not willing to accept his assertion that the powers of the law in this country are still insufficient to enable us to probe into the very heart and center of the conduct of these men and to give to the American people some solid assurance in respect to the financial system that they are controlled by and too often ruined by, something upon which they can make future calculations as to their prosperity.

Here are coming in the great crops of wheat and cotton, amounting to hundreds and hundreds of millions of dollars, to be handled by the currency which the Government of the United States furnishes and guarantees through its fiscal agents into the hands of the people. About the time that your wheat and your cotton commences moving, and actual money is needed for the purposes of commerce, and discounts have to be liberal or else prices must go down, then you find the farming communities of this country robbed out of millions of dollars to make up the deficiencies which have been lost in wild-cat speculations by the indulgences of national banks of a criminal character. They have been giving criminal indulgence contrary to and in violation of the positive laws of the land and of the oaths of the officers to men in Wall street, who have been speculating upon the very necessities of life, putting prices up and prices down to suit themselves. Then when the pinch comes they resort to a deception and a fraud for the purpose of making it appear to the world that they have got $24,900,000 of money laid by for the redemption of their promises and obligations, when they have not got a cent of it. When these crops commence to move and the money must be had for the purpose of carrying them into the market they will conveniently shift the whole burden over to the people and say, "You must lose this out of your provisions, your wheat, and your cotton."

That is what it is coming to, and I want the people of the United States to understand that there is a power in this Government both able and willing to look into this subject, even into its very depths. I am not willing to take the responsibility of that condition of financial affairs which must occur unless the Government of the United States sets itself to work to determine whether these banks are standing upon sure and solid foundations or upon rotten foundations. We have that issue to meet, and for one I do not choose to assume the responsibility of it until the Senate of the United States has done all that it can do to investigate this matter and bring every fact to light. A system of national banking that will not bear investigation ought to be broken up, and I will submit that one sentence to the impartial judgment of every man in the United States. I will repeat it: A system of national banking that will not bear investigation ought to be broken up.

It has been but a short time since we passed a bill through the Senate granting the right to national banks to increase their circulation 10 per cent. without the deposit of an additional dollar of security, or without putting any check or embarrassment upon them at all, and I voted for it, and I did it in good faith, as I have voted for every demand that the national banks have made, I believe, since I have been in this body, and I have done that in good faith. I knew that we had the guard of strong restrictive statutes of a criminal character to protect the people against the wrong-doing of the banks, and hence I felt more security and more faith in them. I believed that they were good fiscal institutions and properly guarded. But no guard is sufficient when the law is not enforced. There is no guard against robbery or murder if the law is not enforced; neither is there a guard against peculation on the part of bankers, nor a guard against the abuse of their trusts and obligations unless the law is enforced.

That bill to increase the issues of the banks went through here. We adopted it. The House of Representatives, I believe, is about to consider it. Shall we give to the national banks this increase of power, this increase of circulation without additional security, when it is suggested on every side and admitted on the floor of the Senate that these very banks to whom we are giving these new benefits have violated the law and are violating it? What account shall we give to our constituents? If the Second National Bank of the city of New York or either of the other banks that have failed or have been about to fail are banks of issue they receive this 10 per cent. additional advantage that we give in the bill that we have passed here during this session of Congress. Must it be asked of me after I have voted for that, and before the House of Representatives has passed the bill, that I shall not make an inquiry as to how far they have violated the law and what penalties they have suffered?

Now, sir, I will bring the precise case out; I will take the Second National Bank of New York, which the Senator from Ohio admits has been guilty of overcertification. He states it to the world on the floor of the Senate; there is no doubt about it. It has violated the criminal laws of the land and nobody thinks about punishing its officers. It is going on in business——

Mr. ALLISON. The president of that bank is already under indictment for violating the law, and a requisition has been sent for him.

Mr. MORGAN. An indictment for what?

Mr. ALLISON. Violating the national banking law.

Mr. MORGAN. An indictment for forgery.

Mr. ALLISON. Very well.

Mr. MORGAN. He probably forged somebody's name. But this particular statute that is so very unpopular in New York is the statute that furnishes a solid foundation for perhaps one hundred indictments, and it is entirely ignored; it is treated as a joke. Everybody admits that there has been overcertification, and it is said, "What is the use of punishing a man for a thing of that sort, when it was intended to be ignored?" and the commercial community know it has been the determination since that law was put upon the statute-book that it should be laughed out of countenance and should be disregarded by courts and everybody else; and we are asked now to vote to the Second National Bank of the city of New York an increase of 10 per cent. of its circulating medium, when its officers have been guilty, by confession of its friends on the floor of the Senate, of violations of criminal statutes which would send them to the penitentiary; and yet the Committee on Finance decline to go there to make an investigation and disclose the whole truth of the matter to the world.

Now I have stated my case.

Mr. MORRILL. Mr. President, it is a little unfair, it seems to me, for Senators on the other side to occupy all the time of the morning hour in making speeches here an hour long denouncing the national banks and the clearing-house of New York, and giving but five minutes for any reply.

The Senator from Alabama commenced his speech by intimating that he was not in favor of giving utterance to anything that would produce a panic, and yet he has proceeded for an hour to denounce the recent proceedings of the clearing-house and the national banks of New York as a fraud and as a sham. There has been nothing done by the clearing-house of which we can take cognizance. That is not a national bank. But if a national bank had done the same thing it would not be open to the charge that it had violated the law in relation to the certification of checks.

Mr. BUTLER rose.

Mr. MORRILL. I have but five minutes, and I decline to be interrupted.

The certificates of the clearing-house at New York are based upon *bona fide* transactions, notes given with a sufficient amount of collateral behind them to make them current in any banking-house in the world, whether national or other; and yet the Senator from Alabama denounces these securities thus fortified that have been taken by the clearing-house as wild-cat stocks. How does he know that they are wild-cat stocks? Why does he not——

Mr. MORGAN. How does the Senator know they are not wild-cat?

Mr. MORRILL. I decline to be interrupted, as I have but three or four minutes left.

The PRESIDING OFFICER. The Senator from Vermont declines to be interrupted.

Mr. MORRILL. The Senator will allow me to say that he is a very much better lawyer than banker; and when he denounces the papers of New York for representing that Senators who choose to debate this subject morning after morning do not understand quite what they are about I would remind the Senator that those are Democratic papers, every one of them that has said anything on the subject.

Now let me say one thing in relation to the validity of these securities taken by the clearing-house. They are the paper of banks where they have done a business in receiving deposits and in making discounts larger than in a time of stress they could support if the depositors were all to call, as they were liable to call, for their deposits; and therefore in order to fortify themselves they have merely transferred some of the paper that they have discounted heretofore, amply good and sufficient, to the clearing-house, and those amounts no longer figure in their assets or resources, but they are very substantial securities and are held for a brief time by the clearing-house in a very proper manner until they mature and are paid off.

The idea that the $24,900,000 represents a loss of the national banks is utterly preposterous; but if it were so, then by the same process of reasoning they have made a gain and profit of $12,900,000 within the last three or four weeks, for they have reduced the amount to that extent. There is no basis whatever for the charge that these banks have lost even a dollar, much less $24,900,000.

Mr. President, I noticed that the Senator from Iowa [Mr. ALLISON] wanted to say a word, and I will leave him two or three minutes.

Mr. BUTLER. I ask that the Senator from Vermont be allowed to proceed. I think we had better conclude this matter now. We can finish it within twenty or thirty minutes.

Mr. MORRILL. No objection.

Mr. BUTLER. Then I hope the Senator will proceed.

Mr. ALLISON. Mr. President—

Mr. CULLOM. The hour of 2 o'clock has arrived.

The PRESIDING OFFICER. It has not yet arrived.

Mr. ALLISON. I do not desire to occupy the time of the Senate for a minute and a half in discussing this question. I should be very glad to continue the debate for half an hour, and to have this resolution disposed of; and especially as each morning hour seems to be devoted to a

discussion of it on the other side of the Chamber, I should be very glad to concur with the Senator from South Carolina——

Mr. BUTLER. Let us go on with it now. I hope the Senator from Iowa will be allowed to proceed. I move that we proceed with the consideration of this resolution.

The PRESIDING OFFICER. The hour of 2 o'clock has arrived, and the Senator from South Carolina moves to proceed with the consideration of the resolution which has been under discussion during the morning.

Mr. WILLIAMS. I should not object to the motion but for the fact that I feel it my duty to insist upon taking up the Mexican pension bill.

Mr. INGALLS. The motion is not debatable.

Mr. WILLIAMS. I know it is not debatable, but I make that suggestion.

Mr. BUTLER. I believe I had the floor and made my motion.

The PRESIDING OFFICER. The Senator from South Carolina has made his motion, which is not a debatable motion. The question is upon the motion of the Senator from South Carolina.

Mr. CULLOM. Will the President state what the motion is?

The PRESIDING OFFICER. That the Senate proceed with the consideration of the resolution relative to the banks, which has been under discussion this morning.

The motion was not agreed to.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. ALDRICH, Mr. SEWELL, and Mr. WILLIAMS submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. HAMPTON. Since both the Senators from North Carolina [Mr. RANSOM and Mr. VANCE] are absent, I offer an amendment to the river and harbor appropriation bill, which I move be referred to the Committee on Commerce, and be printed.

The motion was agreed to.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. FRYE, Mr. MCPHERSON, Mr. PUGH (with accompanying papers), and Mr. SLATER submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House of Representatives, granting permission to exhibit in the Capitol a model of the pedestal of the Bartholdi statue of "Liberty enlightening the world."

REFERENCE TO COURT OF CLAIMS.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 1884) for the relief of Daniel A. Dwight and the legal representatives of Henry W. Taylor, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 1884) for the relief of Daniel A. Dwight and the legal representatives of Henry W. Taylor, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

ORDER OF BUSINESS.

Mr. COKE. I move that the Senate take up and proceed to consider House bill 3961, Order of Business 671.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate proceed to the consideration of the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

Mr. CULLOM. I desire to say that I am very anxious to get up the Mexican pension bill for consideration at this hour. I have no objection to the Senator from Texas getting his bill before the Senate if he will give way to the consideration of the Mexican pension bill.

Mr. COKE. I will state for the information of the Senator that I will not antagonize the Mexican pension bill. If he will let my bill be taken up and have the right of way, I shall yield temporarily to the Mexican pension bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

Mr. HOAR. I shall object to the arrangement suggested.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas to proceed to the consideration of House bill 3961.

Mr. HARRISON. Mr. President——

Mr. ALDRICH. Is debate in order, Mr. President?

The PRESIDING OFFICER. Debate is not in order.

Mr. HARRISON. I simply desire to make a statement, if the Senate will consent, in reference to this bill.

The PRESIDING OFFICER. Is there objection to allowing the Senator from Indiana to make a statement?

Mr. INGALLS. None, if the opportunity for reply is also given.

Mr. HARRISON. I will not insist on making the statement. I intended to make it at the request of the Senator from Texas.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

The question being put, there were on a division—ayes 24, noes 10; no quorum voting.

Mr. MAXEY. I call for the yeas and nays.

Mr. ALLISON. Let us try it again. I think there is a quorum present.

The PRESIDING OFFICER. The Chair will put the question again.

Mr. COKE. I ask unanimous consent to make one remark.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent to make one remark. Is there objection? The Chair hears none.

Mr. COKE. The remark I desire to make is that if this motion prevails it is my intention to yield to the Mexican pension bill temporarily.

Mr. HOAR. That is objected to, and it requires unanimous consent.

Mr. DAWES. Can that be done except by unanimous consent?

The PRESIDING OFFICER. It can not.

Mr. DAWES. I shall be compelled to object.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

The question being again put, there were on a division—ayes 26, noes 9; no quorum voting.

Mr. COKE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. CULLOM. May I ask the privilege of making an inquiry? The Senator from Texas, I understand, proposes, if he gets his bill before the Senate, to lay it aside for the consideration of the pension bill. Is it understood that when it is laid aside the pension bill will be considered until finished by the Senate? I think the Senate desires to consider the pension bill, and I hope we shall not get in a position where we can not proceed with the consideration of the bill until it is finished.

The PRESIDING OFFICER. The motion is not debatable.

Mr. COKE. I will state to the Senator from Illinois that it is not my intention to contest with the Mexican pension bill, but when my bill is put before the Senate to yield to the Mexican pension bill and let it be proceeded with to a conclusion.

Mr. DAWES. I should like to make an inquiry, whether this bill can be laid aside, when it is taken up, except by unanimous consent.

The PRESIDING OFFICER. It can not be.

Mr. DAWES. I shall be obliged to object.

Mr. MILLER, of New York. I rise to an inquiry.

Mr. COKE. I ask for the vote on my motion.

Mr. MILLER, of New York. Is it in order to substitute the Mexican pension bill for the bill moved by the Senator from Texas in his motion?

The PRESIDING OFFICER. On this motion, such an amendment would not be admissible.

Mr. MILLER, of New York. I am very sorry. If it was in order I should like to move to take up the Mexican pension bill as an amendment to this motion.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion of the Senator from Texas.

Mr. HARRISON. I ask consent of the Senate to say a word in explanation of my vote. I think it is due to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HARRISON. I shall vote with the Senator from Texas to take up his bill, but I do not wish it understood from that vote that I am in favor of it. I vote for the motion simply because the Senator put off the consideration of the bill at a former time at my request, and I promised him that when he called it up I would vote to take it up.

Mr. WILLIAMS. I shall be compelled, after the explanation of the Senator from Massachusetts, to change my vote. I desire simply now to make a statement before the yeas and nays are called. The Senator from Texas says that what he wishes to do is to get his bill up that it may have the right of way, and then he will yield to the Mexican pension bill. It requires, however, unanimous consent, and the Senator from Massachusetts [Mr. DAWES] says that he will be bound to object. Therefore I shall be compelled to vote against the motion of my friend from Texas.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas, on which the yeas and nays have been ordered.

Mr. CONGER. What is the proposition?

The PRESIDING OFFICER. To take up the bill granting to a certain railway company the right of way through the Indian Territory.

Mr. CONGER. I desire to say before the vote on that motion is taken that I shall vote to take up that bill because I promised when

I had the opportunity to bring up the bill before to assist in bringing it up at some future time. I shall vote to bring it up without regard to the merits of the bill.

The Secretary proceeded to call the roll.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. Not knowing how he would vote, I shall withhold my vote.

Mr. HOAR (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS].

Mr. MILLER, of New York (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY].

The roll-call having been concluded, the result was announced—yeas 32, nays 12; as follows:

YEAS—32.

Allison,	Dolph,	Jonas,	Pugh,
Beck,	Fair,	Kenna,	Riddleberger,
Call,	Farley,	Manderson,	Sawyer,
Cameron of Pa.,	Frye,	Maxey,	Slater,
Cameron of Wis.,	Harrison,	Morgan,	Van Wyck,
Coke,	Hill,	Palmer,	Vest,
Colquitt,	Ingalls,	Pendleton,	Voorhees,
Conger,	Jackson,	Pike,	Walker.

NAYS—12.

Aldrich,	Dawes,	Jones of Nevada,	Morrill,
Blair,	George,	Miller of Cal.,	Sewell,
Cullom,	Groome,	Mitchell,	Williams.

ABSENT—32.

Anthony,	Garland,	Jones of Florida,	Platt,
Bayard,	Gibson,	Lamar,	Plumb,
Bowen,	Gorman,	Lapham,	Ransom,
Brown,	Hale,	Logan,	Sabin,
Butler,	Hampton,	McMillan,	Saulsbury,
Camden,	Harris,	McPherson,	Sherman,
Cockrell,	Hawley,	Mahone,	Vance,
Edmunds,	Hoar,	Miller of N. Y.,	Wilson.

So the motion was agreed to.

Mr. CULLOM. Now I ask the Senator from Texas——

Mr. COKE. Let the bill be placed before the Senate and read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the title of the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

Mr. INGALLS. The reading by title is sufficient.

Mr. CULLOM. Now I ask the Senator from Texas if he is willing to allow his bill to be laid aside temporarily for the consideration of the Mexican pension bill?

Mr. COKE. I have no objection to doing that.

Mr. CULLOM. Then I move that the Senate proceed to the consideration of the Mexican pension bill.

The PRESIDING OFFICER. The Senator from Illinois asks that the bill just taken up be informally laid aside. Is there objection?

Mr. DAWES. I object.

The PRESIDING OFFICER. Objection is made.

Mr. CULLOM. I move, then, to proceed to the consideration of the Mexican pension bill.

Mr. ALDRICH. Does that displace the pending order?

The PRESIDING OFFICER. It will displace the pending order if the motion prevail.

Mr. INGALLS. Mr. President, I rise to a parliamentary inquiry; and that is whether under the rules, a bill having been taken up by vote of the Senate, it is in order then to move to proceed to the consideration of another bill except as provided in Rule IX?

The PRESIDING OFFICER. The Senator will allow the Chair a moment. That identical question was raised some time ago when the present occupant of the chair was temporarily occupying the chair, and he held that it was not in order; but the President *pro tempore* of the Senate holds, and has repeatedly held, that it was in order; that the effect of it was the same, although the motion was made in a different form.

Mr. INGALLS. Does the Chair hold to the opinion previously expressed by himself, or that which has been expressed by the President *pro tempore* of the Senate?

The PRESIDING OFFICER. The present occupant of the chair feels bound to be governed by the opinion expressed by the President *pro tempore* of the Senate.

Mr. INGALLS. The question never having been passed upon by the Senate, it appears to me to be of sufficient importance to invite at least an expression of opinion as to whether that is good parliamentary law. Under Rule IX, at the hour of 2 o'clock—

> If there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:
>
> First. A motion to proceed to the consideration of an appropriation or revenue bill.
>
> Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

It would appear to me from the reading of the rule that the only time when that motion can be made is when the first case is called on the Calendar at 2 o'clock under Rule IX, there being no special order. That having once been made, the right to make it is exhausted, and if the Senate by a majority vote then to take up another bill upon the motion to proceed to the consideration of any other than that first on the Calendar, Rule XXII goes into effect, and the only motion that can then be made is one of the nine there mentioned. It is not, however, of sufficient importance to consume time, but the construction that should be placed upon the rule appears to me to be so clear that I should regret very much to see a principle introduced here into our parliamentary practice which would result in infinite confusion, which is in violation of the common parliamentary law that at any time when a bill is under consideration it is in order to move to proceed to the consideration of another bill. I do not believe that that is parliamentary law. I do not believe it was the intention of the rules.

Mr. CULLOM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas desire the question put?

Mr. INGALLS. I should like to have the unbiased opinion of the occupant of the chair, irrespective of the opinion of the Senator from Vermont [Mr. EDMUNDS] on that proposition.

The PRESIDING OFFICER. The unbiased opinion of the present occupant of the chair is that the motion made by the Senator from Illinois is not in order.

Mr. INGALLS. That is my opinion.

Mr. CULLOM. I believe, however, the occupant of the chair decided the other way.

The PRESIDING OFFICER. He decides the other way in deference to the ruling of the President *pro tempore* of the Senate.

Mr. HOAR. I desire to be indulged one moment to say that the present occupant of the chair made the ruling which he has indicated as his own opinion after a discussion in which several Senators participated and no Senator expressed the contrary opinion. The later ruling of the President *pro tempore* was made without any such discussion. The point came up, and he ruled so almost as a matter of course and nobody objected, and nobody discussed the question, if I remember aright.

I would suggest, therefore, whether the present occupant of the chair, without ruling at all, will not, as is his right, submit the question to the Senate whether it is in order under the rule to make this motion at this time.

The PRESIDING OFFICER. Certainly the present occupant of the chair will submit the question to the Senate. The Chair will state the question as he understands it. On motion of the Senator from Texas [Mr. COKE] the bill indicated by him was taken up and laid before the Senate. Thereupon the Senator from Illinois [Mr. CULLOM] moved that the Senate do proceed to the consideration of another bill, the Mexican pension bill, and the question is, Is the motion made by the Senator from Illinois in order under the rule?

Mr. BLAIR. Of course I would not think of participating in a discussion of these occult theories touching the rules, but the President *pro tempore* of the Senate usually has good reasons for his action, and it can hardly be supposed that this question having been raised and controverted, controverted to his knowledge, that there are not what appear to be to him very sound reasons which could be rendered for the decision which he has given. For one, unless I can be in some way instructed upon this matter in regard to which the doctors so disagree, I can hardly know what medicines to take, and I should altogether prefer that the question might be delayed until such time as it can be discussed or at least the views of the Senator from Vermont can be presented by somebody. I do not think it is well that we should undertake to pass upon the construction of this important rule by a vote of the Senate in an unintelligent way, and I hardly think that the mass of the members of the Senate would claim that they are competent to decide without first hearing, especially when we know that there is such eminent authority on both sides of the question.

Mr. INGALLS. If we can not decide the question until the Senator from Vermont appears and instructs us, it might perhaps be well to secure an interval of reflection by adjourning. It has usually been considered that all men are wiser than any man, and I have no doubt that the Senator from Vermont would be entirely willing, even if he had enunciated his opinion directly from the throne, to submit to the deliberate expression of a majority of his colleagues. I do not know of any particular oil of coronation that has been poured on the Senator from Vermont which renders him any more competent to decide a question of order than any of the rest of us. It may be that there is something in "the divine right of kings" that would make his declaration binding upon us, but unless I am further enlightened on this subject I should be entirely willing and should not feel that I was guilty of any great act of temerity to vote upon this proposition now.

Mr. BLAIR. It would be very far from me to suggest, I would desire explicitly to be understood as disclaiming all thought of suggesting, that from any source whatever additional knowledge or information could be added to that which is already possessed by the Senator from Kansas on this or any other question; but I was speaking merely with reference to myself and my own personal responsibility in casting a vote upon a subject which from the nature of the case I could not

well understand. The President *pro tempore* of the Senate is, as we all know, chosen to his position, probably primarily because he is supposed to understand the rules of the Senate and parliamentary law generally as well as any other member of the body, unless it may be the honorable Senator from Kansas, and it seemed to me that, with due deference to him, I might suggest that it was possible that the rest of us could receive additional light by such information upon this subject as the President *pro tempore* might be able to give us on a fair discussion of this parliamentary question. Now, it may be that——

Mr. CULLOM. Will the Senator yield to me for a moment? Rather than have the time of the Senate consumed in the discussion of this question of order, if I may be allowed, I will withdraw the motion for the consideration of the Mexican pension bill.

The PRESIDING OFFICER. The Senator from Illinois has the right to withdraw his motion.

Mr. CULLOM. I will not withdraw it until I hear what the Senator from Massachusetts, who has risen, has to say.

Mr. DAWES. It was not in opposition to the pension bill that I raised the objection, nor was it in opposition to a properly-guarded bill for the purposes indicated by the Senator from Texas; but the bill the Senator has called up I feel ought to be amended in some particulars, and I did not desire to have it taken up at this time. However, under the pressure of this discussion and the raising of this point of order the bill will go over until after the disposition of the pension bill, and perhaps all that I desire will be gained thereby; and I withdraw the objection I made to unanimous consent.

Mr. CULLOM. Then I ask unanimous consent that the Senate proceed to the consideration of the Mexican pension bill.

The PRESIDING OFFICER. Is there objection that the bill taken up on motion of the Senator from Texas be informally laid aside in order that the Senate may proceed with the Mexican pension bill?

Mr. COKE. I make no objection, with the understanding that the bill is laid aside temporarily and has the right of way over any other.

Mr. CULLOM. Now I ask that the Senate proceed with the consideration of the Mexican pension bill.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the Mexican pension bill? The Chair hears none.

MEXICAN WAR PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDING OFFICER. The Chair understands that the question is on the amendment offered by the Senator from Kansas [Mr. INGALLS] to the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. INGALLS. Which I ask leave to modify, as I suppose I have the right to do, the yeas and nays not having been ordered.

The PRESIDING OFFICER. Certainly.

Mr. INGALLS. I modify the amendment as is marked in the copy I send to the Chair.

The PRESIDING OFFICER. The amendment as modified will be read.

The Chief Clerk read as follows:

That section 2 of the act of March 3, 1879, chapter 187, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," be, and the same hereby is, amended so as to read as follows:

"SEC. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date in the service and in the line of duty, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability, or from the termination of the right of the party having prior title to such pension: *Provided*, That the application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of October, 1884; otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under 16 years of age: *Provided further*, That hereafter in the adjudication of claims involving arrears, in determining the amount of arrears due prior to the filing of the application no distinction of rank shall be made, and officers of all grades of the Army, Navy, and Marine Corps, their widows, children, and dependent relatives, shall be rated as to such arrears as enlisted men, their widows, children, and dependent relatives are now rated under existing laws."

The PRESIDING OFFICER. The Chair is informed by the Secretary that the pending question is on the motion of the Senator from Ohio [Mr. SHERMAN] to refer the bill with all pending amendments to a select committee of nine Senators.

Mr. INGALLS. Then I ask unanimous consent that the modified amendment just read may be substituted for the one previously offered by me.

The PRESIDING OFFICER. No objection being made, that suggestion is agreed to.

Mr. CULLOM. The Senator from Ohio [Mr. SHERMAN] is not in his seat; otherwise I think he would withdraw his motion.

IMPORTATION OF ADULTERATED TEA.

Mr. MILLER, of New York. In the absence of the Senator from Ohio, I desire to ask unanimous consent to lay aside this bill temporarily and take up Order of Business 552, which is Senate bill 2037. Yesterday when the Utah bill was called up the Senator from Massachusetts [Mr. HOAR] who had it in charge very kindly consented that this bill should be taken up; but the Senator from Kansas [Mr. INGALLS] suggested that unanimous consent had been given to the disposal of that bill and taking the vote on it at 5 o'clock yesterday, and it would not do to inject this business into the proceedings during that order; otherwise the unanimous consent would be broken. I thereupon withdrew my request and the Utah bill went on, with the tacit understanding that at the first opportunity this bill should be called up.

I simply desire to state that this is a public bill. It is an amendment to the bill which was passed by the last Congress to prevent the importation of adulterated and spurious teas. The bill of the last session produced very beneficial results, but the Treasury Department found in the operations under it that it needed material amendment, and the bill now presented is a bill drawn by the Treasury Department. It went before the Committee on Commerce and has a unanimous report. It is quite important that it should be passed at an early day, for under some recent action by the Government of the Dominion of Canada tea-dust, as it is known in the trade, has been prevented from being landed in that country, and it is all being thrown into our own ports. This bill is intended to prevent that. The original bill did not provide for it. It will take but a moment to pass the bill, and it will lead to no discussion.

Mr. CULLOM. If the bill does not consume time in discussion I have no objection; otherwise I have.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the Mexican pension bill may be informally laid aside for the purpose of taking up the bill indicated by him. Is there objection? The Chair hears none. The Mexican pension bill is informally laid aside, and the bill indicated by the Senator from New York will be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2037) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883.

The bill was reported from the Committee on Commerce with an amendment, in section 5, line 70, to strike out "and Chicago;" so as to read:

SEC. 5. That there shall be appointed at the ports of New York, San Francisco, and at such other ports as the Secretary of the Treasury may deem necessary, special examiners of teas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEXICAN WAR PENSIONS.

Mr. CULLOM. I hope we shall not be interrupted again in the consideration of the Mexican pension bill until we get through with it.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. SHERMAN] to refer the bill, with all pending amendments, to a select committee of nine Senators.

Mr. SHERMAN. The object I had in making the motion to refer has been accomplished, and I therefore withdraw the motion.

The PRESIDING OFFICER. The Senator from Ohio withdraws the motion to refer. The question now is on the amendment proposed by the Senator from Kansas [Mr. INGALLS] to the amendment offered by the Senator from Nebraska [Mr. VAN WYCK]. Is the Senate ready for the question?

Mr. PLUMB. Let that be read.

The PRESIDING OFFICER. The Secretary will first report the amendment offered by the Senator from Nebraska.

The CHIEF CLERK. It is proposed to add, as additional sections to the bill, the following:

SEC. 3. That every person specified in the several classes enumerated in section 4693 of the Revised Statutes——

Mr. CULLOM. That is not the amendment offered by the Senator from Kansas, and by the consent of the Senator from Nebraska I ask leave to withdraw the amendment that the Chief Clerk is now proceeding to read for the time being, to be offered hereafter to the bill after the consideration of the Mexican pension bill proper.

The PRESIDING OFFICER. Does the Senator from Nebraska withdraw the amendment offered by him?

Mr. VAN WYCK. I do, for the purpose indicated by the Senator from Illinois.

Mr. MCPHERSON. I wish to call the attention of the Senator from Illinois to the fact that the amendment offered by the Senator from Kansas [Mr. INGALLS] was offered as an amendment to the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. CULLOM. The Senator from Kansas does not seem to be present. I withdraw the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The amendment offered by the Sena-

tor from Nebraska is withdrawn. The amendment offered by the Senator from Kansas is, as the Chair understands, in substance a new section.

Mr. CULLOM. It is a new section proposed to be added to the bill.

The PRESIDING OFFICER. Consequently that is now the pending amendment.

Mr. MORGAN. Let it be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be read.

The CHIEF CLERK. It is proposed to add as an additional section to the bill:

SEC. 3. That section 2 of the act of March 3, 1879, chapter 187, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," be, and the same hereby is, amended so as to read as follows:

"SEC. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date in the service and in the line of duty, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability, or from the termination of the right of the party having prior title to such pension: *Provided*, That the application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of October, 1884, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under 16 years of age: *Provided further*, That hereafter in the adjudication of claims involving arrears, in determining the amount of arrears due prior to the filing of the application, no distinction of rank shall be made and officers of all grades of the Army, Navy, and Marine Corps, their widows, children, and dependent relatives, shall be rated as to such arrears as enlisted men, their widows, children, and dependent relatives are now rated under existing laws."

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Kansas which has just been read.

Mr. MORGAN. I should like to ask the Senator from Illinois what amount of money will be required to fill the appropriation in the amendment.

Mr. CULLOM. I am not able to answer definitely. The Senator from Alabama will find a document which was printed in pamphlet form, furnished by the Commissioner of Pensions, and which gives all the information on the subject that we have.

Mr. SLATER. It is Miscellaneous Document 107.

Mr. CULLOM. It involves a large sum of money, as I suppose.

Mr. WILLIAMS. I will state for the satisfaction of the Senator from Alabama that one member of the Committee on Pensions told me this morning it amounted to $246,000,000.

Mr. MORGAN. That is about the sum that I supposed it would require to pay off this appropriation.

Mr. BECK. The Senator from Oregon [Mr. SLATER] stated it generally at $250,000,000 the other day. I suppose that is approximately right.

Mr. SLATER. The figure of Commissioner Dudley is $246,000,000. I stated it the other day from memory.

Mr. BLAIR. The estimate of the Commissioner was based upon the rating according to rank. The amendment I see is modified this morning so that all ranks shall receive at the rate of a private. Of course that would diminish the expenditure largely.

Mr. SHERMAN. How much?

Mr. BLAIR. I do not know how much; it is impossible to tell. This is all necessarily and substantially guesswork on the part of the Commissioner and everybody else.

Mr. MORGAN. Would it be a safe guess to say $246,000,000?

Mr. BLAIR. The estimate of the Commissioner was $246,000,000 of arrears. That was his construction so far as the collection of arrears is concerned, assuming that the arrears would be paid according to rank as under the former act.

Mr. BECK. The amendment proposes to attach to a bill of $5,000,000 a tail of $246,000,000. That is the effect of it. It is proposed to amend a bill originally proposing to appropriate $5,000,000 or $6,000,000 by adding $246,000,000.

Mr. BLAIR. Perhaps $200,000,000; perhaps $225,000,000.

Mr. MITCHELL. Mr. President, I desire to say a word in this connection. Senators appear to be under a misapprehension. The estimate of the Commissioner of Pensions was based upon a proposition to extend the limitation until January 1, 1885. The proposition before the Senate is only to extend it to the 1st of October next. In my judgment the estimate is far too large. The Commissioner of Pensions does not undertake to say what this legislation will cost; he only gives us certain data from which we may reason and come to our own conclusions. For instance, he says in his communication that for the seventeen months prior to the enactment of the act of 1879, known as the arrearage act, the applications were 32,536, and for the seventeen months following they increased very largely and amounted to 182,502. He jumps to the conclusion, making a proportion between these numbers, that is the number filed within seventeen months prior to the enactment of the law and the number filed within seventeen months after the passage of the act, that the increase will be proportionately large after the passage of this measure if it should become a law. It will be seen I think by any Senator upon a moment's reflection that that is not at all likely to follow.

It is, I think, impossible for any person to make an intelligent estimate of what this legislation will cost. It will depend entirely upon the condition of the soldiers who have not yet applied for pensions. There are, I believe, nearly 1,000,000 soldiers who served in the late war who have not yet applied for pensions, but it would appear that the act of 1879 must have led to the application of by far the largest proportion of those who would be entitled under this proposition if it should become a law.

Mr. BECK. Can the Senator from Pennsylvania state what was the amount required to be paid under the last arrears-of-pension act?

Mr. MITCHELL. Down to the end of the last fiscal year it amounted to about $89,000,000, I think; I suppose by this time it has rounded $100,000,000. It is not near so much as is generally understood. It has not cost nearly so much as was estimated a couple of years ago by the Commissioner of Pensions.

Mr. BECK. We were told then the probability was it would reach about $20,000,000, as I recollect.

Mr. MITCHELL. I know. That whole subject has been gone over fully in past years.

Mr. BECK. I know it has; and I merely meant to make another suggestion.

Mr. MITCHELL. I desire to say in this connection, since the Senator has mentioned it, that I was a member of the House of Representatives at the time, and I confess it was generally understood that the estimate was that that legislation would only cost $25,000,000; but it was found upon an examination of the estimates made that that was not a justified conclusion. It was the probable annual increase that was undertaken to be estimated, not the gross sum that the legislation would cost.

Mr. BECK. I should like to ask another question. Have the Committee on Pensions considered this amendment in any form?

Mr. MITCHELL. Yes; the Committee on Pensions had this subject under consideration.

Mr. BECK. Have they reported to the Senate anything in regard to it?

Mr. MITCHELL. They have not. A proposition of this kind was made in the bill——

Mr. BECK. Does this amendment come from any committee?

Mr. MITCHELL. This proposition does not come from any committee. It is well understood that it was introduced by the Senator from Kansas [Mr. INGALLS] in another form.

Mr. BECK. Therefore it has not the sanction of any committee of this body?

Mr. MITCHELL. No, sir; it has not the sanction of the majority of any committee, so far as I know.

Mr. BLAIR. In connection with that particular point, if I am not interrupting the Senators and have their consent——

Mr. MITCHELL. I will give way to the Senator for a statement, but I do not yield the floor.

Mr. BLAIR. I wish to say that this proposition for the repeal of the limitation upon arrears was in a bill submitted to the Committee on Pensions, and the committee considered it. They also considered in connection with the merits of this proposition the merits of another proposition, to give to all soldiers who are in real need such assistance as the country may see fit to afford. This provision was stricken out of what was reported here as the Cullom bill and another provision was inserted in lieu of it, to give to all soldiers, widows, and dependent parents according to their need. It was thought by the committee in making the change that while it would be probably no more expensive to the country to adopt the provision which they reported, to give relief to actual sufferers, to those who had rendered real service to the country, it would reach three or four persons, where the repeal of the arrears act would carry very large masses of money to comparatively very few. Not feeling that it was justifiable legislation to impose such excessive charges upon the Treasury as the adoption of both measures would carry, the committee elected between the two and reported the measure to which I have adverted because of the much more extensive relief that it would give, and yet perhaps tax the Treasury as much as the people of the country would justify us in doing.

Mr. BECK. Do I understand the Senator from New Hampshire to advise us that this amendment is now offered against the report of the Committee on Pensions? That I desire to know.

Mr. BLAIR. I state the fact that the proposition to substantially extend the provisions of the arrears-of-pension act of 1879 to a future date was submitted to the committee. That gave arrears based upon rank. The amendment as now submitted—not as it was offered originally by the Senator from Kansas, but as now submitted in its modified form—gives the arrears at the rate allowed to the private soldier, so that the general or any higher rank above a private would receive only at the rate of $8 per month.

Mr. BECK. The committee reported against it, however?

Mr. BLAIR. So far as this amendment being in opposition to the recommendation of the committee as made in what is known as the Cullom bill is concerned, I have stated all the facts of which I am cognizant.

Mr. WILLIAMS. Will the Senator allow me a moment before he sits down? I should like to know to what amendment he is referring.

I have been away several days, and there have been so many and such voluminous amendments presented in my absence that I really do not understand fully just what the attitude of the question is.

Mr. BLAIR. I will state to the Senator that during his absence an amendment was moved to the Mexican pension bill by the Senator from Kansas [Mr. INGALLS] who sits on my left when in his seat, equivalent to the one which he has heard read this morning—that is, removing the limitation upon the collection of arrears where a claim to pension is established, except that the amendment as proposed this morning gives the arrears only at the rate allowed to a private in any case whatever, whereas the amendment as originally offered by the Senator from Kansas was a simple extension of the former arrears-of-pension act, giving the arrears when allowed at all at the rate of the rank of the pensioner.

Mr. MITCHLLL. I believe I had the floor and yielded to the Senator from New Hampshire, and I will now proceed to say what I desired to say, which is but very little, on this question.

The Senator from New Hampshire I think is clearly under a misapprehension in regard to this matter. It is proper enough to speak of it, because it came before the Senate in the bill reported from the Committee on Pensions.

I will read the proposition which was acted upon adversely by that committee. It is found on the second page of Senate bill 2208, and reads as follows:

Provided, That when the date at which the disability was contracted in service and line of duty, and its degree and continuance year by year is made to appear, then the pension shall commence at the date of discharge.

That is entirely a different proposition. There is no limitation whatever proposed in that proposition, neither the 1st of January next nor the following January, nor the 1st of October next, as is now proposed by the pending amendment. Not only the question of rank and rating of the pension, but the question of limitation is different. So this proposition has not been considered by the Committee on Pensions. I am disposed to think at present that that committee would recommend the adoption of this proposition.

I desire to say further on the subject of the probable cost of this legislation that the amendment which was proposed to the bill by the Senator from Nebraska, and which it is understood is to be offered again, and may be properly considered in this connection, in my judgment would operate to reduce the number of applications which would be allowed carrying arrears very extensively, for the reason that if we adopt the legislation proposed in that amendment soldiers who served in the Union Army and who are now disabled will be enabled to procure a pension without producing the proof that the strict rules of the law and the construction of the law by the Commissioner of Pensions now require them to produce, and if they apply under that provision, should it become a law, the express terms of that section of the proposed amendment limit the allowance of the pension to the time of the application for it. My judgment is if that proposition should be enacted into a law it would operate to reduce this estimate of arrears very greatly.

Still undoubtedly the proposition involves the expenditure of a large amount of money. The first impression I had was that which is entertained by some Senators, that limitation enough was probably fixed in the legislation of 1879, and we might adhere to that, but I find with more extensive experience in pension business that very many of the best soldiers in the late war did not apply for pension within the limitation fixed by the act of 1879, and that they were apparently restrained from applying out of the best and most patriotic motives. It is on that account, to do justice equitably to that class of soldiers, to give them a reasonable opportunity to apply and to have the benefits of arrears which have been granted to soldiers who did apply hastily, that I am willing to favor this proposition.

The cost of the measure, in my judgment, will not be so great as to endanger the Treasury of the Government. The experience of the Department so far in the administration of the arrears act leads us to believe that the annual expenditure will not be very large; that the number of cases which will be adjudicated, for instance, within the coming fiscal year will not be so large, and therefore carry so large an amount of money as to very greatly increase the annual expenditures for pensions. We have been able even under that act to adjudicate only a sufficient number to carry the annual expenditures in the highest case up to about $60,000,000. It was estimated by the Commissioner of Pensions that he would be able to adjudicate enough cases to go above $100,000,000, and large appropriations were made in view of those estimates, but he was not able to do it.

Mr. BLAIR. At this point I should like to inquire of the chairman of the committee if he thinks that the Treasury would be unduly burdened if in addition to the adoption of this amendment as to arrears we should also make provision for such of our soldiers as are in actual need of assistance from some source; whether on the whole, in view of all the considerations to which he has adverted and others which might be named, the Treasury can not well bear the expenditure necessary to provide for the arrears, and also for the necessities of those for whom the Cullom bill was intended to provide? I should like his views as to the capacity of the Treasury to meet these wants.

Mr. MITCHELL. I would not myself favor legislation of that kind if I had a doubt on the question. I believe that with the proper safeguards and restraints the principles which have been reported in that bill may be safely adopted in our legislation, and that the annual expenditures will not be so great as to lead to any difficulty in that regard. But of course, as I said in the first place, it is difficult to estimate very closely what the expenses would be.

Mr. BLAIR. I should like to ask the chairman of the committee another question. He has stated that it is proposed at a later stage in the discussion of the bill that the Cullom amendment which has been withdrawn shall be offered again. I should like to ask him if it is his understanding that that amendment is to be offered in its original form—that is, making provision for those who are in need—and if in that form he favors the adoption of that measure?

Mr. MITCHELL. I am not able to state how it may be offered; I am not myself prepared to offer it; but I understood the Senator from Illinois to state that it would be offered at a later stage of the debate.

Mr. BLAIR. Then I should like to ask the chairman of the committee if I am to understand that he is in favor of the adoption of that amendment substantially as it was pending before the Senate, and also in favor of the adoption of this amendment touching arrears?

Mr. MITCHELL. I expressed myself in favor of it on a former occasion and I have not changed my mind upon it, but I shall have to meet that question when it comes before the Senate. I do not know what shape it will take. I should myself be willing to stop with providing for those soldiers who are really necessitous, standing by the recommendations made by the committee of the Grand Army of the Republic on that subject. The hue and cry about "the poverty clause" and all that sort of thing has for me no terrors.

Mr. BLAIR. I should like to ask the chairman further whether the committee of the Grand Army of the Republic, in their recommendations before the Committee on Pensions, did not explicitly and emphatically exclude their favor from an amendment giving arrears of pensions at the present time, and ask instead thereof that provision should be made for the actually needy soldiers of the war?

Mr. MITCHELL. I have not that communication before me just at this time. It will be easy for the Senator to obtain it. It was printed as a document not long ago, and the Senator may find it at the document-room. My recollection is, however, that they favor that proposition.

I desired when I rose to say only a word or two in connection with the remarks made by Senators on the other side to the effect that this proposition is likely to cost $246,000,000, which is the amount, not estimated, but stated in the communication from the Commissioner of Pensions. It was only estimated in the sense in which I have spoken of it.

Mr. BROWN. Will the Senator from Pennsylvania permit me to ask him a question?

Mr. MITCHELL. Certainly.

Mr. BROWN. I ask whether the intention is to apply the same principle of arrears to the soldiers of the Mexican war that it is proposed to apply to the soldiers of the Union Army? Is that a part of the plan?

Mr. MITCHELL. There is no proposition of that kind before us now, nor would it have any place properly, as I conceive. It is very important for Senators to bear in mind that the proposition of arrears relates only to that class of soldiers who were disabled in the line of duty in service. Of course all those who served in the war with Mexico and were so disabled are now upon the pension-roll, unless they were stricken off on account of their taking part in the rebellion.

Mr. BROWN. If I understand it correctly, they were not put on the pension-roll immediately after the injury was received or immediately after their discharge. If the amendment contemplates putting men on the pension-roll from the time they received the injury or the time of the discharge, whichever the date may be, is it proposed to apply the same rule to the soldiers of both wars?

Mr. MITCHELL. This amendment does not propose that, nor do I know what the situation in that regard is. We had before us this morning in the Committee on Pensions a proposition of soldiers of the war of 1812 desiring arrears running back from 1834 to 1816; but we have not considered that question. The proposition now is simply to extend the act of 1879, with a very slight amendment as a matter of safeguard, so as to prevent the allowances of arrears in any case except where disability or death occurred in the service and in the line of duty.

Mr. BROWN. If the Senator will permit me further, does he see any difference in principle when the proposition is made, between applying the rule to the soldiers of the Union Army, to the soldiers of the Mexican war, and to those of the war of 1812? Is not the principle the same in each case?

Mr. MITCHELL. It is pretty difficult for me at this time to see any distinction between the cases supposed by the Senator from Georgia, but as I stated before, this proposition comes to us through the legislation of 1879, and I take it that Congress is in a different position to-day than it would have been had not that legislation taken place. As I said before, I was in the House of Representatives at the time that law was passed and voted for it. I supposed that it was the correct prin-

ciple to apply, and I think that the nation is in a different position to-day in regard to this question than it would have been had not that law been passed. It is a question of justice between man and man, soldier and soldier. It is a question of equitable claim on the part of those soldiers who did not apply for pensions within the time limited by law.

Mr. BROWN. Does not that apply as well to the soldiers of the other two wars who did not apply for a pension immediately after the injury was received?

Mr. MITCHELL. As I said before, that may be the case; but I am not cognizant of the facts in regard to that matter. I do not know whether those soldiers were allowed arrears or not. I think they were.

Mr. BROWN. They never have been allowed arrears, I understand.

Mr. MITCHELL. I know that legislation was enacted very soon after the Mexican war and that the pension-list was increased very largely in 1849, 1850, and so on, on account of that war. I suppose of course that they got their arrears. I can not see any distinction in the cases put by the Senator from Georgia.

Mr. RIDDLEBERGER. Mr. President, in view of the vote which I shall cast on all these amendments I desire to state that whenever the time shall come that the Committee on Pensions of this body shall report a bill pensioning the Union soldiers I shall be ready to vote, and I think as liberally as any Senator on this floor, for such a measure; but we are confronted this morning with a bill to pension the soldiers of the Mexican war, and it is proposed to amend that by attaching a provision, without any Senator or, so far as we are apprised, any member of the House of Representatives ever having introduced such a bill to pay out to the Union soldiers any amount of money from $200,000,000 to $300,000,000, no member of the Committee on Pensions being able to determine upon any figure between $200,000,000 and $300,000,000.

Mr. MITCHELL. The Senator desires, I suppose, to stand corrrectly on this question?

Mr. RIDDLEBERGER. Certainly.

Mr. MITCHELL. The very first bill introduced in the Senate at the beginning of the session was introduced by the Senator from Kansas [Mr. INGALLS] and made that very proposition.

Mr. INGALLS. The pending amendment is Senate bill No. 1, which was introduced by me the first day of the session as soon as I obtained the floor for that purpose.

Mr. RIDDLEBERGER. It is pardonable for me not to have known what bills were introduced at that time. But where is Senate bill No. 1? Has the Committee on Pensions reported the bill back to the Senate? The bill was the first that they had before them, and we have been here ever since the 1st of December. Why is it that that bill has not been reported back with the *imprimatur* at least of a majority of that committee? Then we could vote upon it; we could all understand what we were doing; we could ask that committee for some intelligent information as to the amount of money that would have to be paid out under it and as to the merits of the bill itself. Here we can learn nothing except that it is a proposition to load down the Mexican pension bill with something that the Committee on Pensions of the Senate has been unwilling to report as an independent proposition.

I claim that we ought not to be expected to vote for such an amendment. If there be merit in this arrearage-of-pension bill, if there be merit in the proposition submitted by the Senator from Kansas and his Senate bill No. 1, let us have that measure from the committee and let us vote upon it. Let us pension the soldiers of the Union Army who we think deserve that reward of merit, but let us pension them in their own bill. I do not think that we ought to be expected, as legislators dealing with hundreds of millions of dollars, to vote an amendment upon a bill that no member of the Pension Committee is ready to say here to-day in an independent measure we ought to vote for, and when no member of that committee can tell us within $100,000,000 of what will be required to carry out the provisions of the measure.

I say, therefore, that I shall vote against all such amendments, because I do not believe that there is one genuine Union soldier in this country who would ask the Senate to load down the Mexican pension bill with that which is almost sure to kill it in one branch of Congress or the other.

I want it understood that I shall vote as liberally to pension the Union soldiers as any man on this floor, and I will appeal to their sense of justice and their patriotism to bear me out in this, but I shall not vote to put this amendment on the Mexican pension bill or any other bill.

Mr. BECK. Mr. President, I have only a few words to say. I have asked one or two questions in regard to this very sweeping amendment, but the answers have not been satisfactory. It is now claimed that the Commissioner of Pensions made a mistake when he asserted that it would require $246,308,200 to settle the additional arrears of pensions here provided for, all of which must be paid as soon as they can be adjusted, which of course means in a very short time, perhaps in a year or so. That amount of money will have to be drawn out of the Treasury, and it may greatly exceed any available surplus there.

When the last arrears-of-pension act was passed, as stated by the Senator from Pennsylvania [Mr. MITCHELL], it was asserted in both Houses, and believed by everybody, that $25,000,000 would be the maximum that would be needed. Now I believe it is conceded that $200,000,000, $300,000,000—I do not know how many hundred million dollars—will be required. I do not care to go into that now. The Commissioner of Pensions states the facts in regard to this proposition in Senate Miscellaneous Document No. 107, first session Forty-eighth Congress, in these words:

The next subject for consideration is the probable number of claims which will be filed from the passage of an act extending the arrears limitation until January 1, 1885.

Going back to the former arrears act, which was operative during a period of seventeen months, I will compare the number of claims which were filed during that time with those filed during the seventeen months immediately preceding.

(1.) *Number of claims filed from September 1, 1877, to February 1, 1879.*

Army and Navy invalids	24,151
Army and Navy widows, &c.	8,385
Total	32,536

(2.) *Number of claims filed from February 1, 1879, to July 1, 1880.*

Army and Navy invalids	148,272
Army and Navy widows, &c.	34,230
Total	182,502

This shows an increase in the number filed of 513 per cent. of the invalids' and 308 per cent. of the widows' claim.

Another interesting fact is worthy of mention. That is, immediately preceding the arrears period the average number of claims filed annually for three years was:

Army and Navy invalids	16,306
Army and Navy widows, &c.	5,908
A total average of	22,214

And for the three years since the arrears limitation (July 1, 1880,) to July 1, 1883, the average number filed annually was:

Army and Navy invalids	28,027
Army and Navy widows, &c.	11,147
A total average of	39,174

Nearly double. Of course the claimants, or rather the pension agents who work up the cases, have been steadily looking forward to the time when another Presidential election is pending, and when it becomes necessary to deplete the Treasury to raise another cry that certain aspirants for office are the special friends of the soldiers. The Commissioner continues:

To estimate the number of claims which would be filed during the operation of another arrears act is mere conjecture, but herewith I state with some uncertainty the probable number which will be filed, to wit:

Army and Navy invalids	125,000
Army and Navy widows, &c.	25,000
A total of	150,000

Up to January 1, 1884, there have been filed 98,987 invalid and 39,082 widows' claims since June 30, 1880; adding these to the estimates of the numbers which will hereafter be filed, and allowing $1,100 in the invalid, and $1,200 in the widows' as first payments, the cost would be substantially as follows:

223,987 invalid claims filed; deduct 25 per cent. for rejections, and 167,990 would be allowed, and the arrears, at the rate of $1,100 per case, would be	$184,789,000
64,082 widows' claims filed; deduct 20 per cent. for rejections, and 51,266 would be allowed, and the arrears, at the rate of $1,200 per case, would be	61,519,200
A total of 275,253 claims, at	246,308,200

It will be seen that I have estimated a net increase in number filed of only 62 per cent.

I am, sir, very respectfully,

W. W. DUDLEY,
Commissioner of Pensions.

Hon. JOHN I. MITCHELL,
Chairman Committee on Pensions,
United States Senate.

Judging from all past experience, the probability is that the Commissioner's estimate is under the required amount rather than above it, and that every pension agent and agency in the United States will be from this time on diligently resorting to every device to work up pension claims in order to get in before the next limitation applies. They will not quit then; they have every reason for feeling assured that in three or four more years the limitation will be removed again and the flood-gates will be opened just as the necessity to start the cry of devotion to the soldier arises.

This is a very large tail to a very small kite. The House sends us a bill pensioning the old Mexican soldiers, the youngest of whom is about 60 years old. That bill was narrowed down so as to exclude all widows who were not married before the war ended, so that the beneficiaries will all be dead in a few years. It was a pension bill of five or six million dollars at the outside. Everybody seemed to think it was going to pass the Senate promptly, just as it passed the House; every vote indicated that it had over two-thirds majority. The first serious suggestion looking to loading it down with amendments was made on the 29th day of May last, when the Senator from Massachusetts [Mr. HOAR] moved a sweeping amendment. The proceeding, as it appears in the RECORD, was as follows:

Mr. HOAR. I move to amend the bill by inserting, in the ninth line of the first section, after the word "Mexico," the words:

"Or in the late war for the suppression of the rebellion."

So as to read:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and en-

listed men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847–'48 with Mexico or in the late war for the suppression of the rebellion, or, who, being enlisted as aforesaid," &c.

That startled the Senate. This followed:

Mr. WILLIAMS. I move to lay the amendment on the table.
Mr. LOGAN. I hope the Senator from Kentucky will withdraw his motion for just a moment.
Mr. WILLIAMS. I will do so.
The PRESIDENT *pro tempore*. The motion to lay on the table is withdrawn.
Mr. LOGAN. In justification of my vote on this proposition I desire to say that there can be no object in the amendment, in my judgment, except the defeat of the bill. Being satisfied that the Senator from Massachusetts is not friendly to the bill, I have no doubt his object in moving the amendment is the defeat of the measure.
Mr. HOAR. If the Senator will yield to me I will state that that is precisely my object, and I desire to put it in words.
Mr. LOGAN. I so understood it, and therefore I shall vote to lay the amendment on the table.

And it was laid on the table.

The pending proposition, as I hear from the papers, comes from another quarter, without the sanction, indeed against the wish, of the Committee on Pensions. It was concocted in caucus, as I understand, and is now offered, I suppose, for the purpose of defeating the Mexican pension bill by making it impossible for any man, no matter how earnestly he may have desired the passage of that bill, which proposes to pension only a small remnant of veterans who are now all over 62 years of age, as is stated by the report, to vote for the bill, loaded down with at least $246,000,000 for a totally different object.

Mr. President, where is this $246,000,000 to come from? The Senator from Pennsylvania [Mr. MITCHELL] can perhaps tell us. Our surplus revenue does not exceed $100,000,000 now, I believe. Are we to increase the tariff taxation to raise this sum? Are we to add to internal-revenue taxes? What are we to do? Are we to bankrupt the Treasury in order to pay these arrears of pensions now, without the report of a committee, without any recommendation or consideration by any committee; or is it not the fact, as the Senator from Massachusetts admitted when he offered his amendment, that this is now the result of a determination to defeat the Mexican pension bill by loading it down so as to make it impossible for any original friend of the measure to vote for it?

That is the effect of it as it strikes me, and so believing, while I am willing to vote for the original Mexican pension bill, just as it came from the House, I shall certainly vote against the pending amendment, and of course shall be obliged to vote against the whole bill if the amendment is made a part of it.

Mr. CONGER. Mr. President, the charge of the Senator from Kentucky [Mr. BECK] that Senators, whether in caucus or anywhere else, have desired to place upon this bill some provisions favorable to the Union soldiers in the last war with a desire to defeat the Mexican pension bill has no ground for the assertion in fact, and the votes taken, I presume, in the Senate on these propositions will demonstrate not only to the soldiers engaged in the Mexican war but to the thousands and hundreds of thousands of soldiers who were engaged in the war to put down the rebellion who are their friends here and who desire to do justice to both classes.

Sir, if it be true, as charged by the Senator from Kentucky, that the Republicans have in caucus, by careful consideration of this question, come to the resolution as a party that they will do justice to the soldiers of the Union Army, I do not regret that the Senator from Kentucky has shown to the world that Republican Senators are compelled, I know not against what opposition, to unite in their efforts to do justice to the Union soldiery.

The Senator's statement that he will vote for the Mexican pension bill pure and simple as it came from the House, and will refuse to consider favorably any proposition to extend similar benefits to the Union soldiers, will be taken by the soldiers of this country for what it is worth, to show the animus of whoever makes the assertion toward the Union soldiers of the country in the late rebellion.

I accept the proposition of the Senator from Kentucky that we do desire to extend the same rights, the same privileges, to those who saved the country in the rebellion that we grant to the soldiers in the Mexican war, and as far as that challenge extends to me I accept it and will show by my votes my devotion to the interests of both classes of soldiers.

Mr. VOORHEES. Mr. President, I regret that this legislation is proposed in connection with the bill before the Senate, but as it is here, I, being responsible only for my own vote, shall vote in accordance with the record which I have made since I have been a member of the body on this subject.

I rise, however, for the purpose of calling the attention of the Senate to the fact that a statute of limitations is still retained in the amendment. I shall never again knowingly admit by my vote any statute of limitations on the subject of pensions. When the arrears-of-pensions act was passed we put in a limitation then as to the time when an application should cease to draw arrearages. That time has expired. This amendment is simply to extend the time within which applicants may draw arrears to those who may present their claims before October 1, 1884, and I wish to call the attention of the Senate and the country to the fact that after October 1, 1884, a statute of limitations will again be operative upon the claims to pensions if this amendment shall become a law.

I think our better plan on this subject is to leave to the proper authorities the examination of every case as it comes; and if a man or a woman does not make his or her claim within ten years, if when that claim is made it is well proven and after close and careful examination is found to be an honest, meritorious one, it ought to be allowed from the time the injury accrued.

We have to trust in this world to public officials. Of course sometimes we trust in vain and our confidence is abused, but in the main the public men of this country can be trusted in official matters of this kind. I am willing to say by my vote, and I intend to say, that I desire each pension claim to stand upon its own merits, not to be judged on a point of time, and not have it said it is a better or a worse claim because it is filed one day sooner or one day later, but that the proofs on which it rests may be examined and the claim determined thereby.

I move to strike out of the amendment, if it be in order, all from and after the word "Provided," in line 19, to the word "age," at the close of line 25.

The PRESIDING OFFICER. The amendment to the amendment will be read at the desk.

The CHIEF CLERK. It is proposed to strike out the following proviso:

Provided, That the application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of October, 1884; otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under 16 years of age.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana [Mr. VOORHEES] to the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. VOORHEES. Now, Mr. President, a single word further. The motive of that provision I do not question. It is the desire doubtless of the Senator from Kansas and everybody else to hurry up, as it were, those who expect to apply for pensions and to serve notice on them that unless they do so within a given time they will lose arrearages. It is within the knowledge of every Senator on this floor, however, that cases are occurring constantly where disease and injuries received during the war are making themselves manifest in a hurtful way as age is coming on, and men are forced to apply for a pension after a lapse of years, when they did not think they were sufficiently injured to do so until the injury was developed as I have indicated. In other words, men may find themselves injured and entitled to a pension after October next who honestly and in good faith would not apply now.

I can only repeat myself in saying I desire that each claim shall stand upon its own merits. Let the proof be made, and if the claim is meritorious it is just as meritorious after the 1st of October next as it is before. If we are going to wipe out the statute of limitations here on this floor in regard to pensioners and pensioners' claims, let us wipe it out; let us not in extending the arrears act re-enact the limitation so that we shall have the same subject upon us again after October.

Mr. MORGAN. I desire to call the attention of the Senator from Indiana to another difficulty which it seems to me exists in this matter.

Mr. VOORHEES. Oh, there are difficulties enough.

Mr. MORGAN. Under the former act in reference to arrears it is provided that—

The rate of pensions for the intervening time for which arrears of pension are hereby granted shall be the same per month for which the pension was originally granted.

I have not had an opportunity to see the pending amendment, because I am informed that by some curious incident there is only one copy of it in print. I understand, however, that the amendment provides that the rate of pension hereafter to be allowed for arrears shall be on the footing exclusively of the pension allowed to a private soldier. We can not justly make a discrimination between those men who get a pension before they were barred out by the statute of limitations of seventeen or eighteen months under the former law, which bore date January 25, 1879, and those men who may have a right to pensions for the next three months by making their application for pensions.

Mr. INGALLS. The Senator will pardon me for suggesting that I have endeavored to hear him, but there was so much confusion I did not catch the objection he made to the amendment.

Mr. MORGAN. As I understand the amendment as it is now offered, it limits the rate of arrearages to the rate of pension of a private soldier.

Mr. INGALLS. It provides that hereafter in the adjudication of cases in which arrearages are claimed there shall be no discrimination between the rate allowed to a private and to an officer. It obliterates the distinction between the private and the officer so far as the claim to arrearages is concerned.

Mr. MORGAN. But that was not the former law. The former arrearages act gave the pension according to the rate that the party was entitled to draw.

Mr. INGALLS. Under the act of 1879 if an officer was pensioned and he was entitled to arrears the amount of his claim was computed

upon the rate to which he would as an officer have been monthly entitled.

Mr. MORGAN. If an officer applies under the provisions of this amendment he must take the rate of a private soldier.

Mr. INGALLS. In the computation of the arrears, not in the allowance of his pension.

Mr. MORGAN. In the computation of the arrears; so that it makes a distinction which can not stand. There is no ground for that distinction, because a man may have a privilege of applying for arrears of pension during the next three months, for that is the period or limitation upon the law as proposed. That fact suggests no reason why he should be pensioned at a different rate than he would have been if he had applied when the former arrears act was in full force; and that difference will have to be made up. The Government can not stand to inflict an injustice of that comparative sort upon the class of officers who may hereafter apply for arrears of pensions.

Suppose, as was suggested by the Senator from Indiana, that the lapse of time since the statute of limitations became of force under the former arrears act has developed the fact that an officer of the United States Army, I will say of high rank, has become so disabled from wounds or from disease contracted during the service as that he ought to be pensioned, what is the reason why we shall say to him, by applying during the next three months he can get the pay of a private soldier, when, if he were a major-general, some brigadier or colonel in his command would get a pay under the former arrears act equivalent to his rank? Where can be the justice of doing that?

This provision in the amendment is a sort of time-serving provision. It is evidently put in here to make the amendment go down. It is put in here to satisfy the scruples of those Senators who are not willing to make an enormous draft upon the Treasury. It is put in here for the purpose of smoothing over a present exigency, a present difficulty. After the bill shall be passed and after these claimants shall have put in their claim, as a matter of justice and as a matter of uniformity in our own proceeding, as a matter of self-respect, we shall be obliged hereafter to make up the difference between the rate of pay of the private soldier and that of the officer according to the arrears act that we enacted in 1879.

It is not worth while for us to deceive ourselves about a matter of this kind, and certainly not to attempt to deceive as intelligent a body of people as do the voting in the United States. They will understand that though we may pass this amendment in the modified form in which it is now proposed, and that though we may cut the arrears of a major-general to the pension of a private soldier and regulate his arrears by that rank and that rate of allowance, we expect and intend hereafter to come back upon the Treasury to make up the deficit and put that man upon the exact footing that we put his brother officers who applied and felt in conscience bound to apply or bound from necessity to apply under the former arrears act.

So in computing the draft this bill will make upon the Treasury of the United States we are bound to assume that the ultimate effect of it will be that the $246,000,000 at least, as computed by the Commissioner of Pensions, will be required. We need not undertake to smooth this matter before the country by making arguments of a fine-spun character or by introducing into this amendment some trick of legislation for the purpose of producing the impression and the appearance before the world that we are going to do this thing, but do it in a very cheap and a very economical way. Let us come at the facts, boldly confront the proposition, as the Senator from Indiana does, in voting for this measure, and as I shall do in voting against it, that it means $246,000,000 to be taken from the Treasury by a present act of appropriation.

Mr. VOORHEES. May I ask the Senator from Alabama whose estimate that is?

Mr. MORGAN. It is the estimate of the Commissioner of Pensions.

Mr. VOORHEES. I do not believe it.

Mr. MORGAN. It was sent here.

Mr. VOORHEES. I say I do not believe the estimate.

Mr. MORGAN. It is an official statement which has been quoted on several occasions this morning.

Mr. VOORHEES. We have had a good many statements from that quarter. I do not mean to reflect upon the present Commissioner, but all Commissioners have a way of estimating, and I never knew one of them to come near the real figure.

Mr. MORGAN. Between this and the 1st day of October, the day fixed for the expiration of the proposed statute, there is a very short period of time, and if this measure is passed Congress ought to increase the force of the Pension Office so at least as to enable it to receive and file the applications of all who may see proper to present their claims between this time and that. I should think it would require a considerable increase in the force of the Pension Office, for I take it for granted that the Senators who support this proposition do not wish to hold out the promise to the soldiers of the Union Army that they shall have arrears if they file their applications within three months and then prohibit it by a failure to supply sufficient clerical force in the Pension Office to have the claims properly vouched and properly put upon the record. I take it, therefore, that there would be a great rush upon the Pension Office, and we must provide adequately of course for that by quite a large increase in the clerical force of the Pension Office. That will probably create an additional expenditure of a million dollars or more, probably $2,000,000. It is impossible for me to estimate it, for I have very little familiarity with such subjects.

Now, Mr. President, I wish to ask the Senate of the United States whether they believe that the Treasury of the United States is in a condition to bear this burden: Must we do this at the expense of the payment of the interest on the public debt? Must we do it at the expense of an increase of tariff taxation or internal-revenue taxation? Can Senators suggest any class or community among the whole people of the United States who would be willing to bear this burden for the sake of discharging this patriotic debt? I venture to say that you may apply to the national banks and ask them to assume it, and they will never do it. You may apply to those who hold the bonds and obligations of the United States Government free of taxation, and not one of them will even consent to it. You may apply to the men in Wall street who make their untold millions by speculations in futures and gambling in stocks, and not one of them will do it. You may apply to men who have incomes in excess of $5,000 a year, upon much of which they pay no tax whatever, and not one of them will agree to do it.

The truth is that our taxing system is of such a character, it has got into such a shape that the burden of this debt must fall necessarily upon the consuming agricultural and manufacturing classes. In other words, the burden of this debt under our present tariff law, which of course will be maintained *in statu quo*, if not increased, must fall upon the shoulders of the great producing interests of this country.

If this new demand could be apportioned upon some of the classes of people who are now untaxed, upon some of the pursuits which are untaxed, I should be more reconciled to it. We do not hesitate in our system of laws to tax a retailer of whisky or a wholesale dealer in whisky. We have a special license tax imposed under the statutes which are enforced with a great deal of energy and vigilance upon wholesale dealers in whisky and upon retail dealers in whisky. I suppose they are taxed not because they are a highly useful set of men, or because they are engaged in highly useful pursuits, or because they are contributing either to the happiness or the real prosperity of the country, but they are taxed because it is a convenient method of arriving at the consumer, and it also contains within the spirit of the act of taxation some commentary, some imputations of a pretty stringent character upon the men who make whisky and the men who sell it. They do not inflict upon this country a much worse evil than the men who produce opium and sell it, not much worse and not much more expensive. They do not produce upon this country a much greater evil or a much more widespread one than the men who engage in the business in Wall street of dealing in futures whereby they price the crops up and price the crops down to suit their own purposes; or the men who are engaged in the sale of stocks of railway and other corporations. They do not do the country much more harm than many of the corporations of the land who derive a large income from franchises granted to them by law, and some of them by laws of the United States. But those are all untaxed. We have no provision of law by which we wring from those men any contributions to the taxes of the country. They are virtually untaxed, and yet under the license of the law, the privilege of the law, the sanction of the law; yes, sir, under the very creative hand of the law, they enjoy all the power that they employ, free from taxation, free from contribution of every kind to these burdens.

While our tax system remains in this unfortunate condition, the real laboring men of this country—the agriculturists, the producers, the miners, the manufacturers, the fishermen, and the timbermen—are the men who sustain the burdens of Government almost exclusively. It seems to me that it would be an act of great injustice at this time to impose this new burden upon them for any cause at all. I would scarcely consent to engage in what might be termed a necessary foreign war when the first item of expense of it would be an expenditure of $246,000,000. If I were informed that a citizen of the United States had suffered in his person at the hand of some impudent and domineering foreign power, and that the first step necessary to be taken in order to vindicate the rights of that citizen was an expenditure of $246,000,000, I should almost feel staggered between my desire to vindicate the rights of the man and the enormous sacrifice I should be compelled to impose upon the country in order to get into an attitude to do it.

But the case in which we are making this appropriation, give it all the merits that you will, is not to be compared in importance to the one which I have just stated; for it is true that the very men to whom we intend to give this accretion or these arrears of pension had seventeen months under the former law during which time they might have proved their demand if they had chosen to do so, or at least have filed their application. It is a mere invitation to those men who are entitled to arrears of pension, and who had seventeen months in which to present their application, to come forward within the next three months and present their claims, the estimate to pay which is $246,000,000.

I gathered from the remarks made by the honorable Senator from New Hampshire [Mr. BLAIR] in a question he put to the Senator from Pennsylvania [Mr. MITCHELL] that the survivors of the Union Army

who are most interested in this question really have not made this demand, but on the contary have excluded it.

Mr. BLAIR. I have sent for the document which was published for the use of the committee. The committee of the Grand Army recommended both propositions, not precisely in the form in which the amendment of the Senator from Kansas contains that relating to arrears, but in this form:

We are in favor of the extension of the arrears limit to January 1, 1885.

Then among quite a number of other recommendations they make the following:

We also favor giving pensions to all honorably discharged soldiers and sailors who are now disabled and are dependent upon their own labor for support, or are 65 years of age, without compelling them to prove at this date that such disability actually arose from the service.

It may be well enough that these recommendations, which are only about a page in length, should be printed, and I shall a little later on perhaps ask to have them read.

Mr. MORGAN. I believe I am not mistaken in the quotation I made of the Senator's statement, and that is that the Grand Army of the Republic really have not demanded this measure, but, to the contrary, have demanded a general pensioning of all the body of soldiery engaged in the war for the Union.

Mr. BLAIR. The committee of the Grand Army which appeared before the Committee on Pensions included both propositions, especially that for the repeal of the limitation upon the granting of arrears and extending the time till January 1, 1885. Their recommendation embraced both propositions.

Mr. MORGAN. Then to what bill was it that the Senator referred?

Mr. SHERMAN. Which did they prefer?

Mr. BLAIR. The Senator from Ohio [Mr. SHERMAN] has asked me a question, and I will state in reply that it is my recollection of the conversation or discussion which we had that as between the two propositions the committee of the Grand Army thought if it was burdening the Treasury to do both, those should be assisted who are in need; but I shall suppose that they would desire only to be bound by the formal document which they filed with us, and perhaps it is not fair to say that they made an election between the two propositions.

Mr. MORGAN. I am not pleading an estoppel upon any of the soldiers; I am not here to say that because they indicated this or that preference therefore they have not a right to present their claims through their representatives in any form that they see proper to do so; but I was arguing upon the necessity of the case. The necessity is not apparent. On the contrary, the necessity is obviously disproved by the fact that the Committee on Pensions have held the first bill that was introduced in the Senate during this session, offered by the Senator from Kansas, under consideration until this time, and have not yet reported the measure providing for this relief. Of course I took it for granted that the caucus of the Republican party, which has evidently had this bill under consideration, had felt themselves instructed by the position taken by their party at Chicago in the platform, which is in the following words:

The Republican party also pledges itself to the repeal of the limitation contained in the arrears act of 1879, so that all invalid soldiers shall share alike and their pensions shall begin with the date of disability or discharge and not with the date of the application.

Of course somebody suggested this matter to that convention, and the convention after deliberation put it in its platform, and it is distinctly a measure of the Republican party. No person can deny that, and I take it for granted that the amendment offered here this morning was offered for the purpose of carrying into effect that requirement of the Chicago platform. It is an act of good faith, perhaps, on the part of the Republicans of this body that they should assume that they are doing this in the discharge of a political obligation to their party. That makes no claim upon me, Mr. President. It does not seem to inspire the honorable Senator from Indiana [Mr. VOORHEES] with a disposition to antagonize it, not by any means that he is going into the Republican party because he votes for this measure. There is no intimation that he or his friends are going into that party because they avow this distinctive part of the Republican platform. He voted for it before, and the Republican party have done in this what they have done in a good many instances, they have appropriated thunder that belonged of right to the Democratic party at large, at least to some Democrats.

Mr. VOORHEES. Will the Senator from Alabama allow me to ask him whether he thinks to re-enact the statute of limitations from and after the 1st of next October is in conformity with the platform laid down at Chicago?

Mr. MORGAN. I do not think so by any means, but I have no doubt the caucus have determined that they will obey the resolution of the Chicago convention in a very cheap and narrow way; that they will do just as little as they possibly can to make a seeming appearance of obeying it.

Mr. VOORHEES. It looks that way.

Mr. MORGAN. They expect that they are able to do two things: first, to keep off the list every soldier who is so lame and so sick that he can not possibly get to a place to file his application by the 1st of October and thereby keep out a great many, and, in the second place, to save the party from the imputation of making a very unnecessary and uncalled-for raid upon the Treasury of the United States in its present condition, and of being compelled to resort to extraordinary taxation in order to get more money out of the people.

But I must leave all the discussion of that topic in the hands of the gentlemen who represent the Republican party and are trying to execute in some sort, after a fashion, this command of their party. I do not understand that the Chicago convention required that every major-general in the Army in getting his arrears of pensions should receive only the pay of a private soldier. I do not believe they took such a narrow view of it; for instance, that if one of the magnificent soldiers who was wounded in the war should find that he has become in later life so disabled from service that he is obliged to apply for a pension, he shall be compelled to put up with $12 a month or whatever the sum is—I do not know how much it is—while his subordinate officer, a captain or a lieutenant, has been rewarded by the Government of the United States for all the time since he was wounded, under the former arrears-of-pension act, according to the rank that he held in the Army at the time.

I do not suppose that that is any more than a barely technical or literal compliance with the resolution of the Chicago convention. I am sorry to see that the Republicans in this body are so half-hearted about it. If they intend to obey the mandate of that convention, why not come out and assume the responsibility and glory over it, toss up their hats and declare that it is the true policy of the American Government? Why come at it in this gingerly way, this parsimonious doling out of $12 a month to a major-general in the Army, and compel him also to quit the duties of the political campaign to come down here to Washington or to go before some pension agent and scramble in his claim between now and the 1st of October, or otherwise he shall be forever barred?

Sir, the Senator from Indiana in his views of this question is far more liberal than even the most liberal of the Republicans in this body, so far as I am able to determine.

Mr. INGALLS. Mr. President, the Senator from Alabama [Mr. MORGAN] has made the kind of speech that I always expect to hear on the subject of pensioning Union soldiers from Southern Democrats. They are very willing that all the soldiers of the Mexican war who received pensions and were dropped for disloyalty, because they served in the confederate army and did their best to shoot Union soldiers and overturn the Government, should be placed on the rolls, but whenever there is any proposition to extend, in some broad, general way, relief to the soldiers of the Union Army, we are always met by this vague, general denunciation of the extravagance of the measures that are proposed, of the outrageous assaults that are intended upon the Treasury, and of the insincerity of the Republican party in their professions of devotion to the Union soldier.

Let me read, as an illustration of the temper of the Southern mind upon this subject, an extract from a Southern newspaper:

Some two weeks since we published a list of parties living in Kaufman County who are drawing pensions from the United States Government on the plea of disability, or wounds received, or diseases contracted during service in the Federal Army in the rebellion, and made some caustic criticisms in reference to the class of citizens pensioners generally are. Some of them no doubt deserve pensions. They did good service for the Union, and gloried in shooting Southern soldiers and burning Southern homes, and turning women and children out of doors to suffer from starvation and to die. Now they are decrepit and unable to make an honest living, and we should feed and clothe them. The great mass of pensioners, however, are frauds, who are sound of limb, and body, and health as we are, but who, through false statements and misrepresentations, are eking out a miserable living by drawing a pension from the Government, which every citizen of this Government is taxed to pay. Southern soldiers, who were wounded, and who are now unable to work, get no pensions, but must help support these lazy Federal soldiers. Isn't this enough to make every southerner hate the Federal pensioner? More than $600,000,000 have been paid by the Government to pensioners since the war, and the amount increases year by year. It is now almost twenty years since the war ended, and it looks as if death ought to begin to reduce the pension-lists; but instead they continue to grow as if a pension carried with it the virtue of immortality.

And more to the same effect. It is not necessary for me to dwell further upon this recent editorial from a Southern paper as to the spirit and temper of the Southern people, no matter what may be the arguments which are presented in this body as to the ground of objections to pensions for Federal soldiers. We hear every time that this subject is brought before the Senate nothing but continued assaults upon the extravagance of the Federal Government, upon the outrage of the extension of the pension system, and upon the want of fidelity on the part of the Republican party toward those who saved the Government. Nobody is misled by these arguments that are used. They are intended—no, I will not say that—the result of them will be, if they are rendered effectual, to prevent any liberalization of the pension system, to forbid the institution into legislation of what are admitted and recognized to be necessary and essential and important measures of relief in behalf of those who did what they could to support and maintain the national authority.

We can vote without question, like wealthy men who care not what they give, a hundred million dollars to educate the illiterate and ignorant people of the South, to place that amount of money in the hands of Southern States and the Southern people, and there is no talk about

the raid and the demands upon the Treasury; there is no talk about increasing taxation; there is no denunciation of the extravagance of attempting an untried system like that; but the moment it is attempted to inaugurate legislation here for the purpose of liberalizing the system of pensions for Union soldiers every man seems to be seized with some sort of internal disturbance. He proceeds to purchase a copy of the multiplication table, a book of logarithms, a slate and pencil, and begins to figure out how much it is going to cost if certain measures of legislation are enacted.

I did not hear when the educational bill was before this body any arguments made based upon the demands that would be made upon the Treasury to pay a hundred million dollars, more than a hundred million dollars, for the purpose of educating the ignorant people in the South; but when we propose to remove an unjust and invidious limitation in the pension law the Senator from Alabama and his associates begin to inquire with great mathematical accuracy how much it is going to cost; where do you propose to get the money to pay it; do you intend to continue your invidious and unjust system of taxation; do you intend to raise the tariff on the necessaries of life?

The limitation in the act of January 25, 1879, was a compromise. It was placed there against my judgment. I yielded to the demand for it, because it was the best I could get. I was the chairman of the Committee on Pensions at that time. I believed that the principle involved was just. It is the principle that has been recognized by the Government in the distribution of pensions. Ever since the act of 1862 and down to the year 1873 there was not a soldier pensioned who did not receive arrears back to the time when his disability was incurred. From 1873 to 1879 the limit existed that the pension should only commence from the time when the application was filed or the last proof necessary to support the claim was lodged with the office. That limitation met with the indignant protest of every man who believed in justice, who recognized the fact that the contract of enlistment was an obligation which was mutual in its terms, and which not only required that the Federal soldier should have rendered service for his country under the flag but that if he was injured, or wounded, or disabled he should receive a pension from the time when that disability was incurred.

It has been so often repeated that the act of 1879 was an innovation, that it gave to the soldiers of the Union Army something that soldiers never received before, that I wish to call the attention of the Senate briefly in support of the amendment I have offered, in support of the act of 1879, and in support of the declaration in the Chicago platform, which the Senator from Alabama has seen fit to refer to in terms perhaps not wholly ingenuous, to what the direct course of legislation on this subject has been ever since the war broke out in 1861.

Mr. President, the first section upon this subject, in the law which was approved on the 14th day of July, 1862, was in this language:

That pensions which may be granted, in pursuance of the provisions of this act, to persons who may have been, or shall be, employed in the military or naval service of the United States, shall commence on the day of the discharge of such persons in all cases in which the application for such provisions is filed within one year after the date of said discharge.

There was the limitation of one year, that if they filed an application within one year after the discharge, then the pension, if allowed, should go back to the date of the discharge, and not to the time of the filing of the application. That section was amended by the statute of 1866, when the period of limitation was extended from one year to three years, in the following language:

That nothing in this or any other act shall be so construed as to repeal or modify the sixth section of an act entitled "An act supplementary to 'An act to grant pensions,' approved July 14, 1862," approved July 4, 1864, or to entitle a person to receive more than one pension at the same time, and in every case in which a claim for pension shall not have been filed within three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same.

If, under that statute, within three years after the date of the disability or the discharge the application was filed and the claim was allowed, the pension dated back to the date of discharge. In the same year, 1866, this statute was again amended, and the right to arrears was distinctly recognized, and provision was made for the payment of arrears in terms. Volume 15, Statutes at Large, page 236, section 6, declares—

That all pensions which have been granted in consequence of death occurring or disease contracted or wounds received since the 4th day of March, 1861, or may hereafter be granted, shall commence from the discharge or from the death of the person on whose account the pension has been or shall be hereafter granted: *Provided*, That the application for such pension has been or shall hereafter be filed with the Commissioner of Pensions within five years after the right thereto shall have accrued.

Here is the successive extension of the period from one year to three and then to five years. Immediately succeeding that was the following provision:

That immediately upon the passage of this act, or as soon thereafter as may be practicable, it shall be the duty of the Commissioner of Pensions to give public notice of the contents of the foregoing section, particularly at the offices of the several pension agencies, and upon any application by letter or otherwise for or on behalf of any such person entitled to the benefits of this provision, or upon any other notification that such person is so entitled, to pay or cause to be paid to him all such arrears of pension as he may be entitled to receive under the provisions of the said section.

The next amendment in directly the same line appears in volume 17 of the Statutes, page 572, section 15, in which the previous definition is fully recognized and an extension is again made to five years after the time when the right shall have accrued. The section is as follows:

SEC. 15. That all pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th of March, 1861, or in consequence of wounds or injuries received or disease contracted since said date, shall commence from the death or discharge of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of party having prior title to such pension: *Provided*, That the application for such pension has been, or shall hereafter be, filed with the Commissioner of Pensions within five years after the right thereto shall have accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same.

That was succeeded by the act of January 25, 1879, about which so much clamor and uproar has been made, as if it were the establishment of a new principle in the payment of pensions, as if the principle had not been distinctly recognized in every statute that had been passed on the subject since the war began, and as if it were not so absolutely in accordance with equity and justice that when the act of January 25, 1879, was passed there were only four votes recorded against it in the Senate, and I believe a much less proportion of votes against it in the House of Representatives.

Mr. FRYE. I should like to ask the Senator, who is familiar with these laws, a question for information. Under the law did every pensioner who filed his application prior to 1872 successfully receive arrearages?

Mr. INGALLS. I can not state the precise date, but every disabled pensioner whose claim was filed under the provisions of——

Mr. FRYE. Did that apply only in case of death?

Mr. INGALLS. Death or disability. This whole subject has been so bedeviled and befogged by the denunciations of men who are opposed to the whole system, by the clamorous protests of the metropolitan press, who have declared that the act of January 25, 1879, was the monumental robbery of the nineteenth century, that the people have been misled, and I do not wonder at all at the question propounded by the Senator from Maine, because it would seem remarkable to any person who had only listened to the declarations of those who were opposing this measure that arrears ever were granted under the laws of this country.

The act from which I last read was approved on the 3d of March, 1873. Section 15 is in the terms that I quoted; so that all pensions which were adjudicated under the provisions of the act of March 3, 1873, if the pension was given for a cause resulting from disability incurred in the service, carried arrears with it.

Mr. FRYE. From 1873 up to 1879 there was, I understand, a limitation.

Mr. INGALLS. There was a limitation; that is, the five years' time had expired.

Mr. FRYE. Did the act of 1879 open the door for arrearages between 1873 and 1879?

Mr. INGALLS. The act of 1879 simply was in the direct line of the precedent established in every previous statute on the subject of pensions. The Senator from Maine will remember that in 1873 the great financial disturbance occurred, the great crash, as we commonly allude to it. During all that period this agitation continued. Petitions were filed here in Congress for the removal of that limitation; the Committee on Pensions, of which I was a member from 1873 until 1879, and after that date, were deluged, were inundated with protests against the injustice and against the outrage of saying that those men who applied for pension after a certain date should not have arrears, while those who applied before should.

Mr. FRYE. What became of the pensions between 1873 and 1879? Did the act of 1879 cover them?

Mr. INGALLS. Yes. The pensions that were allowed after the limitation expired in the act of 1873 dated back to the period of application or to the date of the death of the last person entitled to receive the pension for disability incurred in the service; and the law of 1879 provided that there should be a readjustment of the claims which had been adjudicated upon that basis, and that those should be placed on the same foundation as the claims that had been adjudicated prior to the expiration of the period of limitation.

Mr. FRYE. Then the arrearage act applied from 1872 to 1879?

Mr. INGALLS. To July 1, 1880, and that was the compromise to which I referred. The act of January 25, 1879, contained a limitation to the effect that in order to entitle applicants to arrears they must file their applications prior to July 1, 1880.

Therefore, from the first inception of the pension system as applied to the war of the rebellion down to July 1, 1880, all pensions which have been allowed, or which, having been filed prior to that date, shall be hereafter allowed, the evidence not yet being complete, will be adjusted upon the basis of payment from the time of discharge or date of disability.

Mr. FRYE. Now, what does the Senator propose to do?

Mr. INGALLS. The Senator proposes that the limitation of the act of January 25, 1879, shall be removed to the 1st of October, 1884, so that those pensioners barred by limitation of the act of 1879, to wit,

those whose applications have been or shall be filed between July 1, 1880, and October 1, 1884, shall be adjudicated upon an adjustment that shall rate their pensions from the date of disability.

Mr. FRYE. And thus cover and include all applications that have been made or shall have been made up to October, 1884?

Mr. INGALLS. Up to October 1, 1884; yes, sir.

Mr. FRYE. I asked honestly for information. I obtained it. I shall now support the Senator's amendment; but I would not have supported it without the information I have received.

Mr. INGALLS. This, I believe, is the first time that I have ever known in this body any Senator converted by a speech [laughter], and I am exceedingly glad, and I feel that I have discharged an obligation that I owe to the Senate, to the soldiers of the country at large, and to the Republican party in thus succinctly stating the direct line of legislative action upon this subject since the system applied to pensioners of the war of the rebellion.

One word more, Mr. President. The Senator from Indiana is right. The limitation that is proposed in my amendment is unjust. I am ashamed of it. I have placed it there out of deference to the opinions of others who do not believe as I do. I have weakly consented to the recognition of a principle that is unjust. I have placed a bar in the amendment that is a stigma upon many soldiers who have not applied for pensions because of their pride, because of their patriotism, because of the fact that they possessed sufficient means to render it undesirable for them to apply to the Treasury of the country for relief. But as the limitation imposed in the act of January 25, 1879, was a compromise, so this is a compromise; and the Senator from Alabama in his strictures upon me is justified. He says it was placed there for the purpose of catching votes, and that is exactly why I so agree to it, because I believe that there are Senators who will vote for this amendment if that limitation is placed there who would not otherwise do so, and that is the only reason why I agree to it, because if I can not obtain the whole loaf for these deserving men I will take a crumb.

I feel humiliation that I should be called upon to say that the strictures which the Senator from Alabama has placed upon this amendment, the criticisms that he has seen fit to apply to me as the propounder of this amendment, are justified by the facts, because I would gladly vote with the Senator from Indiana to strike out that provision in the amendment to which I have consented because all men are not willing to be just, and I here give public notice, and there need be no misunderstanding about it, that whenever that period shall have expired, if I should be so fortunate as to be a member of this body and to have the opportunity of presenting a still further measure of relief upon this subject, if this shall be adopted as an amendment to this bill, I will move myself to amend it, and if I can not then obtain an agreement that this right shall exist so long as the right to pension exists, I will then consent to another compromise that shall postpone it further; and so we will proceed step by step, halting it may be and imperfectly, until our journey's end and until the last soldier, whether it be in this century or the next, that was disabled in support of the flag and in defense of the honor of his country shall have what the Government promised he should have when he enlisted in its service.

Mr. President, the Commissioner of Pensions is unquestionably a friend of a liberal pension system. I am bound to assume that his computations were such as he believed to be accurate. I can not forget, however, that the Commissioner of Pensions one year asked for an estimate of $100,000,000 for the payment of pensions to be paid out during the next fiscal year; he had made his calculations as to what would be required; and yet, notwithstanding all the increased demands that were made upon the system by the increase and liberalization of our laws, a balance of $40,000,000 was left unexpended in the Treasury at the close of the year. The Commissioner of Pensions therefore is not infallible, and when he claims that there would be involved in this proposed amendment an expenditure of two hundred and forty, or two hundred and fifty, or three hundred million dollars, I simply take leave to state that I do not believe it. I do not think that his statistics are accurate.

Mr. MITCHELL. If the Senator will allow me at that point, it may be of interest to him, and well to have on the record what the Commissioner states.

Mr. INGALLS. I only take it as stated by Senators. I know nothing about it.

Mr. MITCHELL. The Commissioner of Pensions says:

> To estimate the number of claims which would be filed during the operation of another arrears act is mere conjecture, but herewith I state with some uncertainty the probable number which will be filed.

Then he goes on to give the statement which has been quoted.

Mr. INGALLS. That is very satisfactorily vague and indefinite. That will satisfy the wildest conjecture and ought to be sufficient for the most economic estimate. Necessarily it must be inaccurate. It is no more possible to say how many claims will be filed during the next year in case the limitation imposed in the act of January 25, 1879, shall be removed than it is to say how many wild fowl will fly down the Potomac next fall. It is not susceptible of computation. The Commissioner says it is a matter of great uncertainty and must very largely depend on conjecture.

This is not the first time that extravagant and unfounded estimates of the expenditures involved in a pension system have defeated liberal legislation. In 1858, when the proposal was made to pension the surviving soldiers of the war of 1812, the then Commissioner of Pensions, Mr. George Whiting, estimated that it would require $30,000,000 per annum to pay those who would be placed on the rolls in case the bill became a law. He was an enemy of the measure. The present Commissioner is undoubtedly a friend to this measure. But the estimate of the Commissioner of Pensions in 1858, fallacious, extravagant, unjust, and unfounded as it was, defeated the passage of a bill that was not finally enacted till several years after the close of the war for the Union. It passed the House of Representatives by an overwhelming majority. The Representatives of the people, fresh from their constituents, favored the adoption of the bill then, twenty-six years ago. But in the Senate, upon the estimate of the Commissioner of Pensions that to place the survivors of the war of 1812 then on the rolls would require $30,000,000 per annum, this same argument was made that the Treasury would be bankrupted, that the resources and revenues of the country would not support it, and therefore it was defeated.

I shall not then be misled by estimates, confessedly conjectural, made by the Commissioner of Pensions; and even if the expenditure were to exceed the largest amount named in his computations, I have this to say: that it is not to be paid out, as the Senator from Alabama supposes, in one warrant upon the Treasury for that amount. Under the system of administration, with the largest possible force that could be employed in the adjudication of these claims, the amount would be distributed over a period of at least five or six years, so that even if we are to be called upon to pay $300,000,000, which is the largest sum that is named by any Senator who has opposed this measure, we can not be called upon in any single year to disburse more than forty or fifty million dollars upon that account.

Mr. HOAR. I was desiring, with the leave of the Senator from Kansas, to ask him a question at some time during his remarks. He seems to be dealing with the point to which my question would have related.

Mr. INGALLS. I shall be very glad to hear the Senator.

Mr. HOAR. I wish to ask the Senator whether it is expected to accompany this enlargement of the pension-roll by a proper force for an immediate and prompt adjudication of the pension cases? It has seemed to me that one of the main crying evils in our pension system has been the fact that men are compelled to wait year after year, and year after year, when cases are made up so that a very slight examination of public records would complete their cases, until they spend long years in penury, suffering, sickness, and hope deferred.

While I see the great force of the Senator's argument, and I voted for his former proposition to grant arrears of pension, yet it does seem to me that Congress can not honestly or decently fail to take the additional responsibility of paying this debt at once as soon as it can be properly ascertained.

Mr. INGALLS. The Senator from Massachusetts will of course understand that the subject to which he refers is entirely in the control of the Committee on Appropriations. When the act of 1879 was passed removing the limitation and imposing a very large additional labor upon the Commissioner of Pensions, the statute did not deal with that question, but the Committee on Appropriations immediately made the necessary appropriations that it was supposed would be required in consequence of the increased demand on the Treasury from the passage of that bill.

Mr. ALLISON. In further answer to the question of the Senator from Massachusetts, I will say that the Committee on Appropriations in examining the legislative, executive, and judicial appropriation bill now before them, which contains the appropriations for the Pension Office, had before them the Commissioner of Pensions, and the question of the probable passage of an arrears-of-pension act as proposed here and larger modifications of the pension law was discussed, and the Commissioner of Pensions stated that the present force in his office would be an adequate force to take care of all questions arising under this new legislation.

Mr. HOAR. Within what period of time? Twenty years?

Mr. ALLISON. I would not like to say what period of time; but we understood from the Commissioner of Pensions that it would take from two to three years to adjust these cases. The Senator from Massachusetts will bear in mind that most of these cases, or at least a large number of these cases for arrears, are already on file in the Pension Office, and are undergoing the process of examination, because claims are coming in constantly from persons who are entitled to pensions, but who under the limitation of the law of 1879 are not entitled to arrears, but they are claiming pensions all the same.

Mr. COCKRELL. Quite a number have already been allowed.

Mr. ALLISON. Yes; quite a large number have been adjudicated and allowed.

Mr. WILLIAMS. Although the cases have not been acted on, they were filed by the 1st of July, 1880, and whenever they are adjudicated and the pension allowed the claimants will be entitled to the arrearages.

Mr. ALLISON. So they will; but the Senator from Kentucky will remember that a large number of cases have been filed since the limita-

tion expired in 1880, and these cases are being adjudicated now in the Pension Office. Of course, as they are adjudicated they do not draw arrears of pension.

Mr. WILLIAMS. Allow me to say a word right there. The Commissioner of Pensions' estimate of $100,000,000, alluded to by the Senator from Kansas, was upon the hypothesis of those already adjudicated and such as might reasonably be expected to be adjudicated during the year. It was owing to the fact that he had not force enough. That was the excuse. His statement was that the arrearages-of-pensions act increased the pension of soldiers by the amount of $100,000,000, estimating upon the basis of the supposed number whose cases could be gotten through within two years. That is my recollection of it. The Senator from Kansas stated that he had made an error of some $50,000,000 or $60,000,000, but he went to the amount that would be received under the arrearages-of-pension act, not that they would all be received at once, but the amount that would be drawn under that law. That is the statement of the case according to my recollection.

Mr. HOAR. I will not further trench on the time of the Senator from Kansas now, but if we are to do this thing we ought to take its full responsibility; we ought to understand the amount with which the Treasury is to be burdened, and we ought to provide that, with all practicable and possible speed consistent with a fair ascertainment of the facts, these sums shall be allowed. It would be a juggle with the people, which of course no Senator interested in promoting this measure would be capable of, to propose to make this increase with the expectation of making it fall short by postponing the time of the allowance of the pensions and spreading it over an indefinite period of years.

Mr. INGALLS. Mr. President, I do not think that the Senator from Massachusetts, if he would reflect, would feel that either Congress or the Commissioner could be justly scourged for neglecting in all proper ways and by every requisite appropriation to provide for the prompt and speedy adjudication of all claims that have been filed or that are entitled to be considered. I am, no less than he, conscious of the great suffering, of "the hope deferred that makes the heart sick" which accompanies the delay in the adjustment of these claims; but no appropriation ever has been refused, and there never has been any refusal by the Senate or on the part of any committee of Congress to authorize the direct and immediate employment of all the force, clerical and otherwise, that the Commissioner of Pensions thought could be profitably employed.

These claims are to a certain extent legal; they must be adjudicated upon evidence, and I protest that it is an act of injustice both to Congress and to the Commissioner to claim that in the majority of cases the delay that has occurred is due to any failure on the part of the authorities to supply the funds and the force.

Mr. HOAR. The question which occurs to me, if I am not interrupting the Senator——

Mr. INGALLS. I am glad to hear the Senator.

Mr. HOAR. Is whether the failure has not been in providing a proper system. I shall take occasion to bring some facts to the attention of the Senate during the debate, probably to-morrow, perhaps this afternoon, but I can state one which has come to my knowledge within a few days.

I received a letter from persons of high standing in one of the cities of Massachusetts stating that a certain soldier was in a condition of great distress and poverty, suffering for the necessaries of life, and asking if his application, which had been pending a good while—I do not remember now the date of it—could not be made a specialty. I communicated the facts to the Commissioner of Pensions. It is one case of hundreds which have come to my knowledge within the last three months, owing to the fact of some discussion which was had here early in the session; but this is one of my own constituents, and the Commissioner replied very recently that a special agent had been deputed to see and examine that claimant, who had twenty-five other cases to examine in that neighborhood; that he would be able to reach this case in its order about the 1st of next January, and desiring to know whether I thought it was important enough to make it a special case to give it preference over the other twenty-five.

Now, it does seem to me that a system which, whether Congress has been generous in the appropriation of money or not, requires to delay an old application, which has got ripe in the office except for the purpose of personal examination, from April or May or June, 1884, to the 1st of next January before that examination can be had, is a vicious and imperfect system. This is a claim for a pension years old.

Mr. ALLISON. I desire to say in response to the Senator from Massachusetts with reference to that very point, that the Commissioner of Pensions did request in his annual report an additional force of one hundred and fifty special examiners, and when these are supplied I have no doubt the cases will be more rapidly disposed of.

Mr. HOAR. Then we certainly have had during these past years to which the Senator from Kansas alludes, a system insufficient—there has been no new pension legislation lately—if we need one hundred and fifty special examiners. This is one of the latest of the cases that have come to my knowledge from all over the country within the last three months, and I have not seen in any one of them anything which would warrant me to impute to the Commissioner of Pensions, or any of his predecessors, a want of energy or executive capacity, and still less of fidelity of purpose; and everybody knows the liberality of Congress. Congress did, however, reject on pretty earnest debate a proposition of a former Commissioner of Pensions to provide a tribunal in every Congressional district which should promptly, and on the spot, deal with these questions. Whether they were wise or foolish in that judgment I do not know, but we certainly have got a system under which the most grievous and terrible tragedies have been going on all over this country, as every Senator knows.

Mr. ALLISON. The Senator from Massachusetts will remember, however, that the cases which are submitted to special examiners have accumulated very rapidly, and while perhaps a year ago the cases submitted to special examiners were not three months in arrear, by the great accumulation within the last six or eight months they have become largely in arrear, and hence the Commissioner asked for an additional force.

Mr. HOAR. The Senator will pardon me. All these cases for arrears of pensions are cases where the application was put in by July, 1880, almost four years ago.

Mr. ALLISON. So they were; but other cases are arising.

Mr. HOAR. Here are men who earned their right to these pensions in a war which closed in 1865, and had their legal right declared and pronounced and their application filed by July, 1880, who are to-day unable to get their cases disposed of by reason of an insufficient number of special examiners, so that a man who is numbered 25 on a list in the city of Boston has either to wait until the 1st of January, 1885, from this time, or be advanced over some other in the list and that man delayed.

Mr. ALLISON. But the Senator will remember that case No. 25 may only have had its proof completed three months ago. These cases are not submitted to the special examiners until a certain stage of proof is reached. The very case to which the Senator alludes may not have had the proof completed in such form as to submit to the examiner three months ago, although the case may have been filed ten years since.

Mr. HOAR. Undoubtedly in some cases and in very many cases, as the Commissioner gave his judgment in the statement read by the chairman of the Committee on Pensions, the difficulties and delays grow out of defects in the proper furnishing of proof; but in thousands upon thousands of them, according to the Commissioner's own estimate, the difficulty is caused from a delay in furnishing it by Government officers. Every week there is an application by a claimant for pension to some Senator to know what has become of his case, saying, "I made the application in 1875 or 1880 or 1881, and I have not heard of it since," and you write to the office and the reply is: "We are awaiting a reply from the Surgeon-General's Office to an inquiry put such and such a date," or "we are waiting to learn whether the officer or soldier who certifies as a witness was on service where he alleges to have been on a particular date." They are awaiting a reply on that point to a letter written to the War Department so many years or months ago. A system ought to have been provided which would have closed thousands on thousands of cases in one week, or one month, or six months at the furthest from the date of the applicants' furnishing their proof, which have been waiting for many years, and which have been waiting by reason of delays for necessary or unnecessary proofs through the fault of the system or otherwise in some Government office.

Mr. MILLER, of California. If we adopt these amendments, particularly the one now pending which dispenses with the proof of the fact that disability grew out of service in the war, the settlement of the cases will be facilitated. It never will be facilitated until we do adopt such an amendment. The whole trouble the Senator speaks of grows out of the vice of the system in requiring that proof which it is impossible almost to get in the majority of cases, owing to the death of surgeons and the disappearance of comrades who could make the proof. I think it is the great vice of the whole system.

Mr. HOAR. I am willing to walk straight up to any popular disapprobation or criticism if it costs one hundred, two hundred, or five hundred million dollars to keep to the full the letter and spirit of the promise made to the soldiers when they were enlisted, as we did under the lead of the honorable Senator from Kansas in regard to the arrears appropriation bill; but I insist that when that promise is reaffirmed and the vague promise is supplanted by a legal enactment, we shall establish a system, we have a right to look to the Senators who have investigated this subject to establish a system, which shall have the soldiers receive their pensions forthwith, not that they shall have spread over three, four, five, or six, or ten years this constant hope, so that they will many of them die, and die in age and in want, without having a pension.

Mr. INGALLS. Mr. President——

Mr. CULLOM. Will the Senator from Kansas allow me one word? I agree very fully with the remarks of the Senator from Massachusetts, unless it may be, perhaps, as to the disposition of the cases that are now on file in the Pension Office. I suppose, perhaps, I receive almost as many letters from soldiers every day as any other Senator here representing a big State, the letters come to me by the bushel almost, every day, asking me to look into their cases and see why they have not been disposed of, and I receive replies from the Commissioner of Pensions every

day stating that this case lacks certain proof which the claimant has been notified of perhaps months or years before, but not having received it the claim gets lost and is laid aside, and the result is it is not settled. As the Senator from California says, that condition of things will continue to a large extent under the law as it stands now in spite of all the labor and effort of the Government officers or anybody else to the contrary. The Committee on Pensions have been seeking to adopt some system that would put the pension laws on a different basis and that would enable the claimants to get their pensions allowed, if they are entitled to them, without that sort of delay. Hence the bill that the Committee on Pensions reported, which I shall offer again as an amendment at the proper time to the Mexican pension bill now under consideration. They give those who are claiming pensions the right if they show a disability, whether it was incurred in the war or not, at any time since—they give each soldier a right to a pension if he shows a disability and shows that it is not the result of his own wicked conduct or vicious habits.

It seems to me that if that sort of an amendment should be adopted, changing the basis on which pensions are allowed, the Commissioner of Pensions, with the additional force of one hundred and fifty special examiners that he is asking for, will be able to go forward, and we shall get this subject cleaned up so that the soldiers of the country will not be complaining against the Government. I hope that when the time comes every Senator here will vote for that amendment.

Mr. CAMERON, of Wisconsin. Mr. President——

The PRESIDING OFFICER (Mr. GORMAN in the chair). The Senator from Kansas [Mr. INGALLS] is entitled to the floor.

Mr. CAMERON, of Wisconsin. It is now 5 o'clock, and if the Senator from Kansas will yield for that purpose—he retaining the floor—I will move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. It was my purpose to make some few observations upon the point suggested by the Senator from Massachusetts, although it was not included in the design I had when I rose, but was forced upon me by his interruptions. I should like to retain the floor for the purpose of concluding my observations in the morning; but I yield to the Senator from Wisconsin to move an executive session.

Mr. COKE. I ask that the Chair lay before the Senate the unfinished business before putting the question on the motion of the Senator from Wisconsin.

RAILROAD IN THE INDIAN TERRITORY.

The PRESIDING OFFICER. The Chair lays before the Senate the regular business in order, which is the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes. The Senator from Wisconsin moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 19, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins;

A bill (H. R. 3656) granting a pension to Salome Ann Walker;

A bill (H. R. 1433) granting a pension to Mary E. Murray;

A bill (H. R. 501) for the relief of Hiram M. Howard, of Richmond, Kans.;

A bill (H. R. 1015) for the relief of Fitz-John Porter;

Joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan; and

A bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri.

COURT-HOUSE AND POST-OFFICE, GRAND RAPIDS, MICH.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, asking an appropriation to pay the bill for paving the streets adjacent to United States court-house and post-office at Grand Rapids, Mich.; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROGERS, of New York, for eight days, from Friday the 20th instant, on account of important business.

To Mr. BREITUNG, indefinitely, on account of illness.

REPRINT OF A REPORT.

On motion of Mr. MILLER, of Pennsylvania, by unanimous consent, a reprint of the views of the minority in the contested-election case of Campbell against Morey was ordered, there being an error in the original print of the report.

FRIDAY EVENING SESSIONS.

The SPEAKER. The gentleman from Indiana, chairman of the Committee on Invalid Pensions, on behalf of that committee, desires to ask unanimous consent that the order of the House heretofore made for Friday evening sessions be so modified that for the remainder of this session bills upon the Public Calendar reported by said committee may be considered at said evening sessions.

Mr. WARNER, of Ohio. Is it the meaning of that request that any public bills reported from the Committee on Pensions or Invalid Pensions may be considered?

Mr. MATSON. Yes, sir; it is the desire of the committee.

Mr. RANDALL. Public bills should have a quorum, and it is difficult to get a quorum at these evening sessions.

Several MEMBERS. What is the request?

The SPEAKER. The Chair will again state the request of the gentleman from Indiana. The chairman of the Committee on Invalid Pensions asks that the order of the House heretofore made for the consideration of pensions bills on Friday evenings may be so modified that hereafter the committee shall have the privilege of calling up public bills reported from that committee.

Mr. HEWITT, of Alabama, and others objected.

Mr. MATSON. I ask to make a brief statement to the House in support of this proposition.

Mr. BLOUNT and others demanded the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. MATSON. I do not believe there will be any objection to making this order on this side.

The SPEAKER. Objection comes also from the other side, as the Chair understands.

Several MEMBERS. Regular order.

EXPENSES OF COMMITTEE ON ACCOUNTS.

Mr. BREWER, of New Jersey. I ask unanimous consent to offer a resolution for reference to the Committee on Accounts.

The SPEAKER. The resolution will be read subject to objection.

The Clerk read as follows:

Resolved by the House of Representatives, That H. H. Alexander be paid the sum of $160 for services as stenographer, and W. B. Green $180 for services as clerk to the subcommittee of the Committee on Accounts from January 21, 1884, to January 31, 1884, inclusive.

There being no objection, the resolution was referred to the Committee on Accounts.

PUBLIC BUILDING, BROOKLYN, N. Y.

Mr. HOPKINS. I now desire to call up the report of the Committee on Public Buildings and Grounds, which is a privileged report.

The SPEAKER. That is a privileged report, and the Clerk will report the resolutions submitted by the committee.

The Clerk read as follows:

Resolved, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury or of some of his subordinates in connection with the selection and purchase of a site for a Federal building in the City of Brooklyn have not been sustained.

Resolved, That the Committee on Public Buildings and Grounds be discharged from the further consideration of the matters referred to them in this regard.

Mr. HOPKINS. On the adoption of the resolutions I demand the previous question.

Mr. HOLMAN. I do not know that it is a question of order, but I wish to call the attention of the gentleman from Pennsylvania to the fact that the matters which have been referred to the committee, and upon which the committee was directed to find the facts, have not been embodied in the resolutions which they report. I refer to the questions as to the cost of the site and the location of this building. The resolutions reported by the committee embody only matters referred by the original resolution. I do not understand that the committee make any report upon the subjects referred to them in the latter resolution.

Mr. HOPKINS. The report refers to all the matters to which the gentleman from Indiana alludes, as will be seen when it is read. As I understand the rule, when the previous question is ordered there will still be a half hour for debate if desired.

The SPEAKER. There will be. On the adoption of this resolution the gentleman from Pennsylvania demands the previous question.

The previous question was ordered.

The SPEAKER. Under the rule thirty minutes are allowed for debate; fifteen minutes to be controlled by those in support of the resolution and fifteen by those opposed to it. [Cries of "Vote!" "Vote!"]

Mr. HOPKINS. The committee reporting the resolution have no desire to discuss the report unless it becomes necessary from remarks by gentlemen opposed to it. I understand my colleague on the committee, the gentleman from South Carolina [Mr. DIBBLE], desires to express some views in dissent.

Mr. DIBBLE. Mr. Speaker, while concurring with the majority of

the committee in the opinion that the evidence taken does not sustain the charges of corrupt or collusive action on the part of any officer of the Treasury Department concerning the Brooklyn purchase, yet I consider that the price for the site of the building is exorbitant and unreasonable.

In the first place, Mr. Speaker, the act authorizing the erection of a public building at Brooklyn limits the cost of the site and the building to $800,000. That is the act of July 12, 1882. In the sundry civil appropriation act of August 7, 1882, is the following paragraph:

To enable the Secretary of the Treasury to purchase a site and to commence the erection thereon of a building for the uses of the Government in the city of Brooklyn, N. Y., as provided by law, $300,000.

And in the act of the following session the following paragraph appears:

For post-office at Brooklyn, N. Y.: For continuation, $200,000.

That is the act of March 3, 1883. In these three enactments is contained all of the law relating specifically to the Brooklyn public building. Congress has instructed the Secretary of the Treasury not to commit the Government to any greater expense than $800,000 for the site and the building. And in the first appropriation of $300,000 the act states plainly that a part of this sum is to be expended in building; thus fixing the price of the site at less than $300,000. The additional appropriation of $200,000 does not modify, alter, or change the instruction. It does not repeal by express words or by implication the limit placed on the price of the site alone in the former appropriation. For the second appropriation is for continuation. Continuation of what? Not, certainly, of purchasing a site; which does not embrace a series of continuing acts, but is a single act. Therefore it must be in continuation of the erection of the building. This is manifest by placing the two acts together in the order of enactment:

To purchase a site and to commence the erection of a building, $300,000.
For continuation, $200,000.

According to all rules of construction, the law is plain. The Secretary of the Treasury is required to purchase a site; and, that being a completed act, then to commence the building under the first appropriation; and to continue under the second appropriation work to be commenced under the first. Hence the expenditure of over $400,000 for a site exceeds the limit of the law. It is unreasonable besides, when it is evident that by such expenditure for a site it will be impossible for the Government to construct a building with the remainder under the limit of $800,000. In that connection I will ask the Clerk to read the report of the Supervising Architect dated October 1, 1883, and transmitted to the present Congress.

The Clerk read as follows:

Brooklyn, N. Y., post-office, &c.:
A commission was appointed to examine the property offered for sale as a site for this building, and have submitted their report, which awaits action. The amount set as the limit of expenditure, $800,000, is totally inadequate for securing a suitable site, and the erection of a building sufficient for the needs of the Government.

Mr. DIBBLE. Now, Mr. Speaker, we have this situation: we have not only the instruction of the appropriation acts but a report to this House from the Supervising Architect, transmitted by the Secretary of the Treasury, that the sum of $800,000 is inadequate. But without any further instruction from Congress, without any increase of the limit of appropriation, authority is given to an agent to purchase property for a site, provided the expense of it does not exceed $450,000; and the site is actually purchased for over $400,000 in face of the opinion of the Supervising Architect that there is not money enough to erect the building.

Now, Mr. Speaker, my objection is this: not that there has been any corrupt or collusive action on the part of any officer of the Government—I am happy to accord full assent to the report of the committee in that particular; I do not believe there has been any—but I think it is time that Congress should notice whenever an officer commits the Government to an expense which has not been authorized by the representatives of the people. The law is explicit. Section 3732 of the Revised Statutes is as follows:

No contract or purchase on behalf of the United States shall be made unless the same is authorized by law, or is under an appropriation adequate to its fulfillment.

And the next section provides:

SEC. 3733. No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement, which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose.

It is on this account that I can not without qualification concur in the recommendation of the report of the committee. I think the proper course to have been pursued was to have obtained the authority of Congress for an increase of the appropriation before proceeding to incur such an expenditure for the site alone.

As to the question whether money enough had been appropriated I would candidly say that with my knowledge of this subject I, for one, would very cheerfully have voted for an increased appropriation for the public building at Brooklyn. In my judgment, the sum of $800,000 is inadequate for the purpose. But the executive department of this Government has no right to disregard the limits fixed by law and by the action of Congress. That is all I desire to say.

The SPEAKER. Of the time in opposition to the resolution there are six minutes remaining.

Mr. DIBBLE. I will reserve that time.

Mr. HOPKINS. I have only to say that while I concur in the main with the remarks made by the gentleman from South Carolina [Mr. DIBBLE], yet the subject-matter to which he has referred is no part of that which the committee was called upon to consider, and hence there is no reference to it in the report of the committee; and in order to respond to the suggestion of the gentleman from Indiana [Mr. HOLMAN] I will ask that the report be read out of my time as constituting a complete response to the several subjects embraced in the resolution authorizing this investigation.

The report (by Mr. HOPKINS) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred House resolution of March 24, 1884, in relation to the site for a Government building in Brooklyn, N. Y., respectfully report as follows:

On the 24th day of March, A. D. 1884, a resolution was introduced into the House of Representatives calling upon the Secretary of the Treasury for all the correspondence and other papers relative to the selection of a site for a Government building in Brooklyn, N. Y. This resolution was referred to the Committee on Public Buildings and Grounds. At a meeting of said committee specific charges in writing were filed, alleging complicity between some of the officers of the Government and the owners of real estate in Brooklyn in reference to the selection and purchase of a site for a Government building, whereby an exorbitant price was to be paid for an undesirable piece of property. This being reported to the House, the committee was instructed to investigate said charges.

In the discharge of the duty thus imposed, the committee have examined all the papers relating to the subject on file in the office of the Secretary of the Treasury and of the Supervising Architect of the Treasury, and we also examined a number of witnesses, including the two officers referred to, and we beg leave to submit the result of our investigation:

We find that the Secretary of the Treasury, by public advertisement, invited proposals for the sale of a suitable site for a Government building in Brooklyn. Failing to receive any response, the Secretary appointed a commission to select a site. This commission made a careful examination of thirteen different properties, and selected three as eligible, which they designated as first, second, and third choice. But neither of these sites could be purchased for the amount which the Secretary had prescribed as the limit of cost, except one which the Secretary deemed too remote for the general convenience of the public.

It is proper in this connection to state that $800,000 had been fixed by Congress as the limit of cost for the ground and the erection thereon of the building.

After an interval of impatience on the part of the citizens of Brooklyn to have the selection determined and the work go on, the Secretary decided to accept the property having a frontage on Washington, Johnson, and Adams streets, provided it could be purchased for a price not to exceed $450,000, and an order to that effect was issued to Leonard Moody, a real-estate agent of Brooklyn.

Hermann Liebmann (or Liebmann Bros.) being the owner of a portion of the property selected, and also the owner of a large amount of other property in the same block, which would be greatly enhanced in value by the erection of the post-office, &c., in that locality, Mr. Moody had recourse to him to assist in securing the different lots in the proposed site.

Mr. Liebmann's connection with the matter gave color to the charge that the purchasing agent of the Government was one of the largest owners of the land to be bought. But there is no evidence to indicate that any officer of the Government had any correspondence or communication with or even knowledge of the existence of Mr. Liebmann at that time.

It might have been possible, under the arrangement between Messrs. Moody and Liebmann, for Mr. Liebmann to have speculated upon the Government by securing the property desired at a less sum than the limit authorized. And he himself admits that when he undertook the transaction he expected that the entire purchase would not exceed $425,000. But his expectations were not realized; and he swears that the actual cost to him was $501,000 for the property which the Government is to get—if the sale is consummated—for $450,000.

In suggesting the possibility referred to, it is fair to say that there is no evidence that there was any design upon the part of Messrs. Liebmann and Moody to exact from the Government any more than the actual cost to them of the property, even if it had been secured for a sum below the limit imposed by the Secretary, except in so far as relates to the piece of property within the selected plot which was owned by Liebmann before the site was determined. That piece had cost him $40,000, and he intended putting it in to the Government for $50,000 if that piece with the other purchases should not exceed the limit of $450,000.

It is also fair to say that there is no evidence of any improper motive upon the part of Mr. Moody in securing the co-operation of Mr. Liebmann to effect the entire purchase. The Government would not buy a portion of the ground unless all could be secured. There were thirteen different owners to be negotiated with. Mr. Liebmann was a man of means, and had sufficient interest in adjacent property to induce him to take upon himself the burden of the entire purchase.

While there is a conflict of testimony, and a very wide divergence of views as to the real value of the site selected, the committee consider that having presented to the House all the facts elicited in the investigation, and having found that there was no fraud or collusion in making the selection or agreeing to the price of the site selected, they are not called upon, under the terms of the resolution, to report as to whether the price was too high under the testimony, or under the limit of cost for the ground and building.

We have examined all of the contracts of purchase and the vouchers for moneys paid, and have failed to discover any evidence that the prices named as the consideration for the several pieces of property are not in every case the amount paid in good faith. We can find no evidence of any agreement or understanding by which any portion of the purchase-money is to go as commission, fees, or in any other way, to any officer or employé of the Government. We can find no evidence that there has been any fraud or collusion upon the part of any public officer whereby the site was selected, or any of the pieces of property purchased, or the price thereof fixed.

Your committee do not feel called upon to express any opinion as to the eligibility of the site chosen. Upon this question there is a great deal of feeling among the citizens of Brooklyn; and perhaps that feeling will to some extent account for the suspicions out of which grew the charges which are the basis of our action. But we were instructed to investigate charges of corruption, collusion, or other improper action upon the part of the Secretary of the Treasury or some of his subordinates, and not to inquire into the exercise of the discretion as to the selection of a site for a public building, which is lodged in the Secretary.

Every opportunity was offered for the introduction of evidence to sustain the charges; and we unhesitatingly report that there has not been produced before

us a scintilla of evidence which in the slightest degree reflects upon the integrity of the Secretary of the Treasury, upon the Supervising Architect, or upon any other officer of the Government. We therefore recommend the passage of the following:

Resolved, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury, or of some of his subordinates, in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn, have not been sustained.

Resolved, That the Committee on Public Buildings and Grounds be discharged from further consideration of the matters referred to them in this regard.

The foregoing report having been submitted to the House of Representatives on June 4, 1884, Mr. HOLMAN, of Indiana offered a resolution to recommit the report to the committee, with specific instructions enlarging the field of inquiry. On June 5, 1884, Mr. HOLMAN obtained unanimous consent to modify his resolution, which, as finally passed, is as follows:

"*Resolved*, That the report of the Committee on Public Buildings and Grounds on the Brooklyn post-office site be recommitted, and that said committee be instructed to reopen the investigation with open doors and inquire into the value of the site proposed to be purchased by the Secretary of the Treasury as to its actual market value on the 16th day of February, 1884, and whether the improvements on said site were included in the proposed purchase or were to be removed by the parties making the sale to the Government; also to inquire whether the site selected is a suitable one and the sum proposed to be paid therefor reasonable, and, if not, what site would be more suitable, and the cost thereof, and whether the citizens of Brooklyn, N. Y., had any voice in the selection of the proposed site; also to particularly inquire regarding the value of the property owned by one William A. Husted, which is a part of this proposed site, which property is assessed on the map of the assessor's office of the city of Brooklyn, N. Y., at $29,900, for which the Secretary of the Treasury, it is alleged, proposes to pay $185,500; and that said committee be further instructed to send a subcommittee of three of its members to Brooklyn, N. Y., to inquire into all the facts, and be empowered to summon witnesses to testify as to matters herein stated, and to send for persons and papers, and to conduct such examination with open doors, and in such way as in their opinion will secure a fair and impartial inquiry; and to make their report within ten days for consideration; and that the expenses of such investigation, not to exceed the sum of $3,000, shall be paid out of the contingent fund of the House and be immediately available; and the Secretary of the Treasury is hereby requested to suspend further negotiation for the purchase of the proposed site pending the investigation and until the action of the House upon the report of the committee.

"The resolution adopted by the House on yesterday touching said subject is hereby rescinded."

In pursuance of the authority and in compliance with the instructions thus given, a subcommittee repaired to the city of Brooklyn, where they held open sessions in the presence of a number of citizens, besides counsel for those in favor of as well as for those opposed to the site chosen.

We called before us all the late owners of the different parcels of ground embraced in the proposed site, including those who held leases, and all of the attorneys and agents who had any part in the various negotiations, except one of the owners in fee of one lot, who is an aged lady, Mrs. ——, residing in New Jersey, and whose attorney has died since the execution of the contract, and the owner of one leasehold, Mr. Wahl, who has gone to Europe; and we were confirmed in the statement made in our former report, that in every case the actual amount was paid as stated by Messrs. Liebmann and Moody, except in the purchase of Mr. Husted's property, in which case an agreement was made that the deed of that property should be deposited in escrow, the consideration-money to be paid upon the consummation of the purchase by the Government.

Although neither Mrs. —— nor her attorney was before us, we had the check for the full consideration, payable to the lady's order, by her indorsed, deposited, charged in Liebmann's bank account, and duly canceled; and we had the same evidence of payment in the case of Mr. Wahl, with the additional direct evidence of the attorney who saw the check delivered. In every instance the grantors and assignors of leases swore that there was no agreement or understanding by which the consideration was in any way to differ from that named in the written contracts. And all swore that there was no agreement or understanding by which, directly or indirectly, any one was to receive any portion of the consideration named as rebate commission, or in any other way, except in some cases a broker's commission of 1 per cent. was to be paid.

In Husted's case there was the same emphatic testimony to refute any supposition of a secret agreement to alter or modify the written contract.

There is conclusive evidence that in two or three cases Mr. Liebmann was obliged to pay extortionate prices in order to secure the plot free from incumbrances and leaseholds. But the Government is not the victim, and is not required to pay any portion of these excessive charges. Mr. Liebmann is to convey to the Government a clear and perfect title at the price named, and he must lose the amount paid by him in excess of the limit imposed by the Secretary of the Treasury.

So that the committee reaffirm the statement contained in their former report as to the honesty and good faith of the entire transactions between the officers of the Government and those with whom they dealt.

The additional subjects which the committee were instructed to investigate are:

1. The actual market value of the site chosen on February 16, 1884.
2. Whether the improvements on the said site were included in the purchase or were to be removed by the parties making the sale.
3. Whether the site selected is a suitable one, and the sum proposed to be paid therefor reasonable.
4. If the site is not suitable, and the price unreasonable, what site would be more suitable, and the cost thereof.
5. Whether the citizens of Brooklyn had any voice in the selection of the proposed site.
6. The value of the Husted property.

I.

We found it extremely difficult to ascertain the actual market value of the site chosen on February 16, A. D. 1884. One of the boundaries of the property is Washington street, which leads from the city-hall square to the bridge connecting Brooklyn with New York. This has not hitherto been a business street, but the opening of the bridge has made it a considerable thoroughfare, and has caused the impression that this street will become a great avenue of trade and travel. It is supposed to be in a transition state. Whether because the owners were unwilling to sell or investors unwilling to buy, there had been no sales recently made which could be considered as standards of value.

The testimony upon this point varies so much as to be of but little aid in reaching a correct judgment. The estimates range from $150,000 to $450,000. The average would be about $300,000. And this, your committee think, would be a fair price under ordinary circumstances, taking each lot separately and aggregating the value of all. But in order to secure a plot of this size promptly, and prevent exorbitant demands of those who would realize their power to compel compliance or thwart the project, a liberal advance should be allowed upon estimates made without reference to the purposes and the necessities of the occasion.

While we think the price agreed upon is high, we are not prepared to say that it was exorbitant under all the attending circumstances. We do not believe the entire property could have been bought for a less sum at the time and for the purpose named. This in part answers the third subject committed to us.

II.

The improvements upon the property are covered by the sale, and will belong to the Government if the purchase is consummated. It is estimated that these structures will net to the Government from $10,000 to $15,000.

III and IV.

It was agreed between those advocating and those opposing the site selected that the number of witnesses upon either side should be limited to ten. Subsequently another opponent of the chosen site appeared and was permitted to call five witnesses upon this point. Hence while but ten were heard in favor fifteen were heard in opposition to the site. Seven of the witnesses pronounced the site a good and suitable one, some of them saying it was "very suitable," "eminently suitable." One called it "a fair choice," and one had "no special objection to it," and one said it was "as good as any off the square." Nine witnesses declared the site to be unsuitable, some saying it is "very unsuitable," "very objectionable," "inconvenient and obscure." All of the adverse witnesses and some of those friendly to the site preferred other locations; but there was a wide disagreement as to which site should be chosen. Nine prefer the Dutch church property, seven the Myrtle avenue site, six the Mechanics' Bank, and four Flatbush avenue. The conflicting testimony of witnesses equally credible and equally prominent in Brooklyn renders the question very embarrassing.

The committee examined the site referred to, and concur in the belief that while the site is suitable for the purposes contemplated there are others far more suitable. But having already expressed our views upon the market value of the site, we do not know that we are called upon to report upon the alternative proposition set forth in the fourth subject of investigation. But, desirous of giving all possible information to the House upon the subject, we report that either the Dutch church property, with the Court street front, the Myrtle avenue property, or the Mechanics' Bank property would be preferable to the location chosen, namely, on Washington, Johnson, and Adams streets.

The Dutch church property alone can be bought for about $260,000. But, reserving an area of forty feet on either side, as required by law, there could be a frontage of only fifty-nine feet eight inches for the building, and this location would place the Federal building between the stately municipal building on one side and the rear of a row of business houses on the other. But the committee believe that this site would be an eligible one if the width of the lot as above stated should be considered sufficient for the erection of a building which would be adequate for the present and rapidly growing wants of Brooklyn. To purchase these business houses and add the area to the Dutch church property would make an admirable location; but the cost would exceed $500,000. Neither of the other sites designated as preferable to the one chosen (on Washington street) could be purchased for as low a price, and probably not for a sum largely in excess of $500,000.

V.

The committee in their former report stated all the information they had then obtained as to the efforts made to ascertain the wishes of the people of Brooklyn in respect to the site for their Federal building, namely, the appointment of a commission, which held public sessions, inviting offers of property and the views of the people. This occurred in the summer of 1883. Subsequent to that there does not appear to have been any special effort made to learn the wishes of the people. And as to the suitableness of the site finally chosen there is no evidence that the Secretary consulted with any citizen of Brooklyn other than one of its Representatives, Hon. D. R. JAMES.

VI.

The last point we were instructed to inquire into was the value of the Husted property. Upon this, as upon the other questions of value, there is a wide difference of opinion. The estimates range from $85,000 to $150,000. A fair average would put this property, standing alone, at about $100,000. Inasmuch as it has a frontage on each of three streets, and was absolutely necessary for the completion of the plot, the owner was in the position to insist upon an excessive price. This property sold by itself, without reference to the acquiring of a large plot for a public use, would not have brought much more than half the price agreed to be paid for it.

Having fully reported upon the different subjects we were charged to investigate, we submit the matter to the House for such action as may be deemed proper. But we recommend the adoption of the following:

Resolved, That the charges of corrupt or collusive action on the part of the Secretary of the Treasury, or of some of his subordinates, in connection with the selection and purchase of a site for a Federal building in the city of Brooklyn, have not been sustained.

Resolved, That the Committee on Public Buildings and Grounds be discharged from further consideration of the matters referred to them in this regard.

The SPEAKER. In support of the resolutions there are three minutes remaining, and six minutes in opposition.

Mr. HOLMAN. I want to put a question to my colleague [Mr. STOCKSLAGER], which he may answer when he obtains the floor. I wish to inquire how it happens that resolutions are submitted upon the original question referred to the committee, while no opinions are expressed in the report or stated in the form of resolutions in reference to what I conceive to be the more important question of the value of this site, as connected with the protection of the public interest?

Mr. STOCKSLAGER. I have but three minutes, and I do not know whether I can answer all of the questions in that time.

Mr. HOLMAN. If I have the control of the balance of the time my colleague can take it.

Mr. STOCKSLAGER. In the first place, after finding there was no fraud or collusion on the part of any of the officers of the Government in this transaction, the committee felt that the Government was not only morally but legally bound to carry out the contract entered into by the Secretary of the Treasury with certain parties in Brooklyn for the purchase of this site. For that reason we thought it not proper for us to report any resolution on that subject, because no good could come from it. We deemed that all it was necessary for us to do was to report the facts and the conclusions that had been drawn from those facts, and submit the matter to the House for such action as it might deem proper.

Mr. HOLMAN. Just this further question. The sum of $800,000 was appropriated and designated as the cost of the site and the building in Brooklyn?

Mr. STOCKSLAGER. Yes.

Mr. HOLMAN. The Secretary of the Treasury has agreed to pay for the site alone $450,000, I believe.

Mr. STOCKSLAGER. Four hundred and eight thousand dollars now.

Mr. HOLMAN. Four hundred and eight thousand dollars for the site alone. In other words, more than one-half of the entire appropriation is expended for the site alone. Now, does the committee think that it was in conformity with the duties of the Secretary of the Treasury, acting under an act of Congress, to appropriate for the site alone more than one-half of the entire sum? Was it not a matter which required careful consideration how far the Secretary of the Treasury was justifiable in compelling Congress, as it were, to appropriate a larger sum of money for this purpose than was originally intended?

Mr. STOCKSLAGER. A portion of the members of the committee, and I must say that I was one of them, was of opinion that with the limit of the appropriation fixed at $800,000 it was not wise and not judicious on the part of the Secretary of the Treasury to expend so large a sum for the site alone; that he did not exercise a wise discretion in expending $408,000 for the purchase of the site. Yet we did not feel that we were called upon to submit resolutions upon that subject, but simply to report the facts to the House and let the House say what action it deemed proper to take on the subject. I desire to say that I concur heartily in all that my friend from South Carolina [Mr. DIBBLE] has said on the subject, with the exception that I believe the sum of $800,000 is amply sufficient to purchase a suitable site and to erect thereon a suitable building for the city of Brooklyn. I believe a site as eligible as this, if not more so, could have been purchased and a building erected thereon which would have met all the present and future wants of the city of Brooklyn within the appropriation of $800,000.

Mr. ADAMS, of Illinois. I ask the gentleman to state where that site is. I simply ask for information; I know nothing about this matter.

Mr. STOCKSLAGER. My judgment as a member of the committee would be that the Dutch church property, which could be purchased for $260,000, would have been a more eligible site than the one selected. There were objections to that site, however.

Mr. ADAMS, of Illinois. What were they?

Mr. STOCKSLAGER. If I had more time, I could explain them. The committee have set forth the facts very fully in their report.

Mr. HOLMAN. I wish to inquire of my colleague whether it does not necessarily follow, if this purchase should be ratified, that Congress will be required to appropriate a further sum of money for the construction of this building?

Mr. STOCKSLAGER. I think so.

Mr. PUSEY. Three hundred thousand dollars will be sufficient for the building.

And in this connection I desire to quote from the evidence of Mr. Bell, the Supervising Architect of the Treasury, upon that point:

By Mr. STOCKSLAGER:

Q. Was the selection of this Johnson street site and its purchase at the price named with a view to the erection of a public building within the appropriation of $800,000?

A. Yes, sir; the understanding that we had with all the Congressmen was that we were to buy a piece of property that would cost anywhere less than $500,000. We could not exceed that sum, and the Secretary put that question very decidedly to all of the Congressmen whether or not they as a body would be satisfied with a building if we paid $475,000 for a piece of property, and only had $325,000 for the building? They said that they would be satisfied, with the understanding that at such a time as the selection was made they would go to Congress and get the limit of the appropriation extended.

Q. Then it was not with a view to the completion of the building within that limitation?

A. That was my understanding of the matter.

Q. With that understanding do you think it would be wise to buy a site costing $450,000, when the appropriation was limited to $800,000?

A. I think it would, for this reason: That a part of the whole building could be built as is frequently done, that in itself is a unit and will serve the purpose for the present and in future years, when the necessities of the Government increase, you can add to it and increase the building to any size desired. My intention was to consider the question in relation to the limit of cost, which was $800,000, and put up one wing of the building complete in itself, costing $350,000.

Mr. STOCKSLAGER. As to the question raised by my friend from South Carolina [Mr. DIBBLE], my colleague on the committee, with reference to the limit fixed by the act making the appropriation of $300,000 to purchase a site and commence the building, I desire to say in justice to Mr. Bell, the Supervising Architect of the Treasury Department, that he was of the same opinion after consultation with the gentleman from New York [Mr. JAMES]. That question was submitted to the Secretary of the Treasury by Mr. Bell, and the Secretary decided that they were not bound by that limit; that they could go beyond that and expend $450,000.

Mr. HOLMAN. Who so decided?

Mr. STOCKSLAGER. The Secretary of the Treasury.

Mr. HOLMAN. And the Supervising Architect?

Mr. STOCKSLAGER. No, sir; the Supervising Architect was of a different opinion. As to another question which has been propounded, whether the amount appropriated would be sufficient to erect the building, I wish to state that the Supervising Architect says that with the balance of the money a wing could be erected which would be complete in itself.

Mr. HOLMAN. How much time is there remaining?

The SPEAKER. Two minutes.

Mr. YOUNG. I do not understand that the committee think the $380,000 remaining of the original appropriation is sufficient to erect in Brooklyn such a public building as ought to be erected in a city like that. I do not believe myself that less than $800,000 would erect a suitable building for a city so large and so important. I do not understand either that the committee think—certainly I do not—that the Secretary of the Treasury is under either legal or moral obligation to carry out a contract made in defiance of law. These gentlemen contracted with him knowing what the law was. It was their duty to examine the law; and when they saw he had no legal authority to buy at the price proposed, they should have been put upon their guard. I hold, as a lawyer, that we are under no legal or moral obligation to carry out a contract not authorized by law.

I agree with my colleague the gentleman from Pennsylvania [Mr. HOPKINS], who has made a most careful and painstaking investigation of this whole matter, that there were no corrupt practices on the part of the officers of the Government in this matter, but I maintain that the proof in this case discloses the fact that there was a disregard of the public interests, an excess of official authority upon the part of these officers which ought not to be sanctioned by this House.

[Here the hammer fell.]

Mr. HOPKINS. Mr. Speaker——

The SPEAKER. The time for debate has expired.

Mr. HOPKINS. I am aware of that, but I ask consent to make a suggestion. I think the Secretary of the Treasury should not be left in the position in which he will be placed by the passage of these resolutions after the expressions which have been made, and without any declaration on the part of the House as to whether this contract should be carried out. Therefore if any gentleman desires to offer such a resolution to test the sense of the House I will for that purpose withdraw the demand for the previous question.

The SPEAKER. The House has ordered the previous question.

Mr. HOPKINS. Then I will move to reconsider for that purpose.

Mr. YOUNG. Would it be in order to recommit this whole matter to the Committee on Public Buildings and Grounds?

The SPEAKER. It would.

Mr. YOUNG. At the suggestion of some gentlemen around me, I make that motion.

Mr. HOPKINS. The Secretary of the Treasury is of course anxious to have this matter off his hands. Declarations or statements have been made here that he has exceeded his legal authority. Therefore a mere adoption of these resolutions declaring that there has been no fraud or collusion on the part of Government officials will not relieve him from the existing embarrassment.

The SPEAKER. The Chair will state to the gentleman from Tennessee [Mr. YOUNG] that a mere recommitment, without any further provision, would not give this matter any privilege.

Mr. YOUNG. Then I will add to my motion a provision that the committee be authorized to report at any time.

The SPEAKER. Within what time?

Mr. YOUNG. At as early a day as practicable. I would not like to fix a time. No harm can be done by a little further delay.

Mr. SLOCUM. Mr. Speaker——

The SPEAKER. The motion is not debatable.

Mr. SLOCUM. I do not understand what the motion is.

The SPEAKER. The Chair will state it.

Mr. YOUNG. I move that this matter be recommitted to the Committee on Public Buildings and Grounds with instructions to report, after re-examining the subject, resolutions embodying the views of the committee.

The SPEAKER. That will not give the matter any privilege. It is the duty of every committee to make report. But if the gentleman will indicate some time——

Mr. YOUNG. I move that the committee have leave to report at any time.

Mr. SLOCUM. Mr. Speaker, I think this debate here to-day has taken a very remarkable course. The fifteen minutes allowed to those who favor the action of the committee have been occupied by the reading of the report, and the remaining time has been taken up by gentlemen outside of New York, and who really have nothing to do with this matter, in attacking the report of the committee. Now, it is proposed to refer the matter back to the committee, throwing the question over until next session, and leaving the man who has been authorized by the Government to purchase this property a bankrupt. It is unfair and it is unjust. The entrances to the Halls of this House day after day have been occupied by the agents of the men who had other properties to sell, and they have used gentlemen in this House, not Brooklyn men, as tools of those who wanted to sell other property.

Mr. HOLMAN. I think the gentleman from New York forgets himself when he uses language of that character.

Mr. SLOCUM. I ask the gentleman from Indiana whether Mr. Carmen, who is the agent for the sale of the Dutch church property, did not present him with a resolution which he introduced here the other day, and whether, when it was introduced, it was not introduced in Mr. Carmen's own handwriting?

Mr. HOLMAN. Why, certainly; the gentleman could not have failed to know that, for I said it at the time.

Mr. SLOCUM. The whole trouble comes from the intermeddling of a lot of interested agents who expected to make money out of this thing and who have failed to do so.

Mr. HOLMAN. Does the gentleman from New York mean to say that when a citizen of this country submits to this House a proposition containing a proper subject of inquiry touching a public matter, that when a member of this House presents it to the House it is not properly submitted? Does he mean to say anything of that sort?

Mr. SLOCUM. I do not; but I do say——

Mr. HOLMAN. Was not this a proper subject of inquiry by this House? Was it not a matter of public concern? Was there any concealment about it on my part? Certainly not; and no one can say anything to the contrary.

Mr. SLOCUM. I merely intimate, Mr. Speaker, that this agent, Mr. Carmen, was the one who drew the resolution which was presented in this House, and that he was the agent for the sale of other property. I say that is the cause of all this trouble.

Mr. HOLMAN. That may all be true; and yet the inquiry which was presented in reference to a matter of public concern was a perfectly just and proper thing to be done.

Mr. SLOCUM. The intermeddling of this agent who had other property to sell has been the groundwork of all this difficulty.

Mr. HOLMAN. I do not say that; I do not know anything about that; but even if it is all true, still it was a perfectly proper subject of inquiry for this House to consider whether it was a proper purchase when made. Now, has the gentleman from New York any more interest in that than any other member upon this floor? It is assumed because he represents the Brooklyn district that confers upon him more important duties than any other member on this floor to guard the Government against wrong and injustice.

Mr. SLOCUM. There is but one proper subject of inquiry for Congress in connection with this matter, and that is whether the Government officers have been guilty of fraudulent conduct. Beyond that Congress has nothing to do.

Mr. DIBBLE. Did the gentleman from New York have any reference to me in his allusion?

Mr. SLOCUM. Not at all. Everybody knows Mr. Carmen issued this pamphlet and has been button-holing members here.

Mr. HOLMAN. Admit all that to be true, and yet the gentleman has no ground for the language which he used. [Cries of "Regular order!"]

Mr. SLOCUM. I hope this matter will not be referred back to the committee. [Cries of "Regular order!"]

The SPEAKER. The time for debate has expired. The first question will be on the motion of the gentleman from Tennessee [Mr. YOUNG] to recommit.

Mr. YOUNG's amendment was disagreed to.

The question then recurred on the resolution reported from the committee.

The resolution was adopted.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. JAMES, by unanimous consent, was granted leave to print remarks on the subject of the Brooklyn public building. [See Appendix.]

Mr. STOCKSLAGER, by unanimous consent, was also granted leave to print additional remarks on the same subject. [See Appendix.]

DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I call up the message from the Senate in reference to the consular and diplomatic appropriation bill.

There was no objection, and the Clerk read as follows:

JUNE 13, 1884.

Resolved, That the Senate insists on its amendments to the bill of the House (H. R. 6770) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes, disagreed to by the House of Representatives, and asks for a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. ALLISON, Mr. HALE, and Mr. BECK be the conferees on the part of the Senate.

Mr. BURNES moved that the House further insist on its disagreement, and agree to the conference asked for.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BURNES, Mr. TOWNSHEND, and Mr. WASHBURN.

MARGARET CLIFTON.

Mr. O'NEILL, of Pennsylvania, by unanimous consent, introduced a bill (H. R. 7367) for the relief of Margaret Clifton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. I demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

Mr. HOPKINS. There is a special order for to-day.

The SPEAKER. Not unless the gentleman calls it up.

Mr. HOPKINS. I move to dispense with the morning hour.

The SPEAKER. It is not necessary to dispense with the morning hour if the gentleman calls up the special order.

Mr. HOPKINS. At the request of several gentlemen I was willing to yield until some reports could be submitted.

Mr. LONG. I hope there will be no objection to allowing the reports, which are ready, to be submitted.

Mr. RANDALL. That takes up a good deal of time.

Several MEMBERS. It will not take long.

Mr. RANDALL. It took a good deal of time the other day.

Mr. BLAND. I demand the regular order of business, for there can be no action submitted on reports at this stage of the session.

Mr. LEWIS. I raise the question of consideration against the special order which has been called up.

The SPEAKER. The gentleman can not do that, as to-day has been set apart after the morning hour for the consideration of the special order which is confined to one bill. The Chair has always held wherever a day has been set apart for a number of bills or for such as the committee might report, the question of consideration could be raised against each bill as it came up. But this day is set apart specially for the consideration of one particular bill; it is a day dedicated to the consideration of that bill by the special order of the House.

Mr. LEWIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEWIS. Several days ago the House made an order, and I desire to call the attention of the Speaker to the fact, by which House bill No. 5682, to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, was made a special order—a day being set apart for its consideration, and that day, if the Speaker will recollect, the question of consideration was raised as between that bill and the river and harbor bill. By a vote of the House its consideration was then postponed and the question of consideration was raised in that case, even though a day was set apart for its consideration.

The SPEAKER. The gentleman is mistaken. The Chair then decided that the question of consideration could not be raised against the bill, and that it must be taken up. It was taken up and then postponed by a vote of the House.

Mr. BLAND. I hope the House will take up the bill of the gentleman from Louisiana, which is an important public measure, and proceed with its consideration. These election cases and the other business referred to here can very well wait.

The SPEAKER. The gentleman has the right to make the question as to the order of business.

Now, the bill to which the gentleman from Louisiana referred, the bill H. R. 5682, on the 11th day of June was postponed until Tuesday the 17th of June, immediately after the reading of the Journal.

Mr. LEWIS. If the Chair will permit me I will read from the special orders of the House as contained in the Calendar June 6, 1884:

A bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes. Tuesday, the 10th instant, immediately after the reading of the Journal, set apart for consideration.

That day, then, was set apart for its consideration.

The SPEAKER. It was.

Mr. LEWIS. I take it, then, that was setting apart a day——

The SPEAKER. It was, and by the order of the House it was postponed to another day. The Chair did not allow any question of consideration to be raised.

Mr. LEWIS. The Chair holds, then, that the question of consideration can not now be raised in favor of that bill?

The SPEAKER. When a particular day is set apart for the consideration of a particular bill the Chair thinks the only way to get rid of the order is to vacate it by a vote of the House.

Mr. LEWIS. Can a majority of the House vacate that order?

The SPEAKER. It can if the gentleman can get unanimous consent to submit the motion. That motion, however, the Chair holds can only be submitted by unanimous consent.

Mr. BLAND. Regular order.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the bill called up by the gentleman from Pennsylvania.

The Clerk read as follows:

The bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. HOPKINS. I yield a moment to the gentleman from Indiana [Mr. LOWRY], who wishes to make a statement.

Mr. LOWRY. Mr. Speaker, it will be remembered that I announced on yesterday my intention to call up the contested-election case of Campbell *vs.* Morey immediately after the consideration of the bill reported from the Committee on the Pacific Railroads which was disposed of this morning; and also that I believed two hours on each side would be all the time required for the debate, in view of the fact that the Committee on Labor desire the consideration of the bill for which the special order was made and in accordance with an arrangement made

with the chairman of that committee, who will move the previous question at 2 o'clock.

Mr. HOPKINS. At 2.30 o'clock.

Mr. LOWRY. Then at 2.30 o'clock to-day the previous question will be called on that bill. In order to avoid antagonism between the Committee on Elections and the consideration of that bill, if it will be agreeable to the House I propose to call up the election case after the disposition of that bill by the House. I will say further that the mutual agreement contemplating the limiting of the discussion to two hours upon each side, to which I have before referred, may in my judgment be modified in view of the fact that considerable time has elapsed since that agreement was made, and gentlemen have had an opportunity of looking into the case. I think, therefore, that if the contested-election case is taken up at the hour indicated we can conclude its consideration this afternoon.

Mr. BLAND. I hope the gentleman from Louisiana will call up his case immediately after the discussion of the present order of business.

Mr. HOPKINS. I will give notice to the House that at half past 2 o'clock I propose to call the previous question upon the pending bill.

Mr. LEWIS. I do not wish the House to consider that I shall be a party to any arrangement in this matter.

Mr. HOPKINS. It has not been pretended that there is any arrangement with the gentleman's consent.

Mr. LEWIS. I desire to take up the matters reported by the Committee on the Public Lands; and I would like to inquire now of the Speaker whether it is in order to move that the special order be postponed?

The SPEAKER. The Chair ruled in the case of the gentleman's bill the other day that while the question of consideration could not be made against the bill occupying the place it did on the Calendar, a day having been set apart for its consideration, yet when the bill was taken up for consideration and was before the House it was subject to all the usual parliamentary motions. It might be laid on the table, postponed indefinitely, or postponed to a day in the future. That is a matter pertaining to the consideration of the bill. The bill now before the House is subject, when it is read and under consideration, to all these parliamentary motions.

Mr. BLAND. It would be in order, would it not, for the gentleman from Louisiana after this bill is disposed of to raise the question of consideration?

The SPEAKER. It would as against the election case.

Mr. BLAND. Then I hope that will be done.

IMPORTATION OF LABOR UNDER CONTRACT.

The House proceeded to consider the special order, being the bill reported by Mr. FORAN from the Committee on Labor, a bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to enter into an agreement or contract with any foreigner or foreigners, alien or aliens, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia, or to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, paid or special, expressed or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners.

SEC. 2. That all contracts or agreements, expressed or implied, paid or special, which may hereafter be made by and between any person, company, partnership, or corporation, and doing business within the United States, and any foreigner or foreigners, alien or aliens, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia, previous to the migration or importation of such persons into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of sections 1 and 2 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, expressed or implied, paid or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by any person, including any such alien or foreigner who may be a party to any such contract or agreement, who may choose to bring such suit, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid.

SEC. 4. That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, paid or special, expressed or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than $500 for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid.

The bill was reported by the Committee on Labor with the following amendments:

At the end of section 5 insert the following:

"Nor shall this act be so construed as to prevent any person, or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers.

Add as a new section the following:

SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

Mr. HOPKINS. The bill just read was prepared by my colleague on the committee, the gentleman from Ohio [Mr. FORAN]. He has also made a very careful, elaborate, and able report on the subject. I yield the control of the debate and the floor to him, reserving to myself a few minutes at the conclusion if I should think it proper to say anything in reply to arguments against the bill.

Mr. FORAN. Mr. Speaker, before proceeding with my argument I desire to state that in printing this bill the word "parol" was by some mistake printed "paid." At the proper time the committee will move that the word "paid" be stricken out wherever it occurs and the word "parol" inserted. There are a few other clerical errors which will also be remedied.

Mr. Speaker, this bill in no manner seeks to restrict or prohibit voluntary or free immigration. The oppressed of all lands, the victims of tyrant misrule, those persecuted for the free expression of opinion, as well as those who from choice or love of our beneficent institutions have sought a shelter and home beneath our flag, have ever been welcome to our shores, and will no doubt be ever welcome until the time shall come when population begins to press upon the limits of subsistence and we find the public domain no more than sufficient for our own people.

With this class of immigrants this bill has no concern. Its object is to restrict and prohibit the importation of foreigners to this country under contract to perform labor here. That is, its object is to prevent and prohibit men whose love of self is above their love of country and humanity from importing into this country large bodies of foreign laborers to take the places of and crowd out American laborers. It also prohibits the importation of skilled workmen to take the places of American skilled artisans.

We claim it to be a fact, an admitted fact, that during the last five or six years American capitalists have repeatedly sent agents to Europe, who, under instructions from their principals, have contracted with skilled workmen there to perform labor here, and that the passage of these men has been paid to this country; that after being shipped here by the ship-load they have been given the places of American workmen of greater skill and efficieney; and that the American workmen have been thrown out of employment and compelled to seek other avocations or starve.

We also claim that American capitalists and corporations have imported and shipped into this country, as so many cattle, large numbers of degraded, ignorant, brutal Italians and Hungarian laborers. American citizens, men who pay our taxes and fight our battles, have been replaced by these foreign serfs. This is the class of persons, this the species of immigration with which this bill seeks to deal. These men do not come here of their own volition. Many perhaps had never heard of America; they certainly know nothing of our institutions, our customs, or of the habits and characteristics of our people.

They do not initiate their coming, they do not intend to stay, and if they did they would not be a desirable acquisition to our population. They are brought here precisely in the same manner that the Chinese were brought here by the Six Companies of California. They are not freemen, and very many of them have no conception of freedom; they are virtually the slaves of those greedy corporations who bring them here.

That a system of importation or modern white-slave trade exists to an alarming extent is now generally conceded. The committee had before it and took the testimony of gentlemen well informed on this subject from Pennsylvania, Indiana, Ohio, New York, New Jersey, Maryland, and Massachusetts. All this testimony was published with the report which I prepared on this bill. Gentlemen of the House have no doubt read this report and testimony, and further allusion to it would be unnecessary. In addition to this, the report of the Senate Committee on Education and Labor, that is, the testimony taken by that committee in the city of New York last year, conclusively demonstrates that this system of slave labor is rapidly growing in the United States.

Mr. Henry Sterne, United States consul at Buda-Pesth, Hungary, in one of his reports to the State Department in 1882, refers to this question in most emphatic terms. Among other things he says:

I have information that agents are managing the business a good deal in the manner of the cooly trade, and that these immigrants are shipped to the United States about like so many cattle.

The Hungarian consul at New York, Count Esterhazy, also refers to

this system as affecting his own people, and calls upon this Congress to pass a law "to put a stop to such immigration." He says that "great numbers of immigrants are landed on these shores who are owned by capitalists."

I have myself seen these imported laborers working on the Nickel Plate Railroad outside of Cleveland, and my colleague, Mr. PAIGE, of the Akron district, who had a contract to build a portion of the Ohio River Railroad, informs me that some of the sub-contractors on that road employed large numbers of Italians, secured through New York agencies. Mr. PAIGE says he has studied the habits of these people, has seen them work, saw how they lived, and gives it as his candid opinion that no greater evil could be inflicted upon American workingmen than to bring them into competition with this species of slave labor; and though he is a merchant, business man, and employer of labor, yet, having investigated this matter, he is heartily and warmly in favor of this measure.

In the city of Buffalo there are to-day, employed by some of the transportation companies, about four hundred of these Italians. They have taken the place of the longshoremen. The Americans received 35 cents per hour during the season of navigation. The Italians receive $40 per month, less than half the amount paid the American laborers. The docks are fenced in, the Italians are kept by themselves, and sleep on shelves fastened to the walls of their rooms, so that an apartment large enough for two persons accommodates as many as fifteen or twenty of the Italians. Within a few days it became necessary for the health officer of Buffalo to compel some of these Italians to vacate their quarters, in order to prevent a pestilence in that portion of the city. The gentleman from Buffalo [Mr. ROGERS] is cognizant of these facts and can substantiate them.

It is a fact well known to all who have investigated this question that there are several Italian agencies in New York city who make a systematic business of importing large numbers of the lowest and most degraded types of Italian laborers; and these laborers are contracted out to American capitalists like so many slaves.

In this city resides a Mr. Andrew Gleason, who I believe is a Government contractor. I hold in my hand an original letter, written to him by a chief of one of the so-called Italian labor bureaus in New York. It is a gem in its way, and I will read it for the benefit of the House:

ITALIA GENERAL EMIGRATION BUREAU,
Nos. 2 and 4 Morris street, New York, February 8, 1884.

SIR: We are near to the spring—that is to say, to the time in which the works of any kind are to begin.

No doubt you will have good works, and doubtless you may need laborers for them. Can we hope to do something with you?

We are disposed to furnish the men, any kind you may need, not only, but also to take care of them over the work, to make them the board or the store at those conditions you may like, and if you want him we can furnish you also with an excellent work book-keeper, who, speaking Italian and English, can spare you the trouble not to be understood with the Italian laborers. We can come to see you at any time you may wish it, to set all the conditions and to receive the orders.

Our references, as we wrote to you before, are in Washington, the Count Tullio de Suzzara Verdi, of the board of health, and the Italian consul in New York.

You can help us as nobody can, and we are waiting for your favorable answer, because we will have manner to show you our thankfulness.

Entirely to your orders we remain, thanking, sir, respectfully, yours,
FILIPPE GENNARO ET CO.

To GLEASON, ANDY, Esq., *Contractor, Washington, D. C.*
(Care Washington Aqueduct Engineer.)

It may not be inappropriate, in fact it may be instructive, to inquire into the habits, customs, modes of living, and moral and social conditions of these people who are by the greed and rapacity of capitalists being forced into the amalgam of American society. The gentleman from Pennsylvania [Mr. KELLEY] a few days ago gave a graphic description of their moral condition. During a riot or disturbance in the coke regions of Pennsylvania a number of them were arrested, and it was found impossible by appearance or clothing to distinguish the sexes. They live in the most contracted quarters, men, women, and children living indiscriminately in the same room to the number of from twenty to forty.

Mr. Barkley, of Pennsylvania, a gentleman of intelligence and veracity, testified before the Committee on Labor with regard to these Hungarians, as follows:

The class imported by the coke manufacturers are the lowest beings that have ever been in the State of Pennsylvania, subsisting upon what an American laborer could not eat—such as mules, hogs, &c., which have been killed or died with cholera and other diseases. Not one has ever been known to become an American citizen, but all return to Hungary within a limited time (about four years), with what money they can save by living in this miserable condition of filth and squalor. Women and children work, too, drawing coke and forking coke into cars, commencing work about 1 or 2 o'clock a. m. and returning to their shanties as late as 7 p. m., working through all kinds of weather from two to five days per week. They seldom sleep in beds, but lie on the floor, with a board or a stick of wood under their heads, as large a number probably as forty in one house intended for a miner with an average family, one female serving about ten men in all relations between male and female, housewife, and laborer in the coke-yards. They are not known to purchase any of the luxuries which tend to elevate and enlighten the people, living in filth and wretchedness; but hoard up their small earnings, which they promptly forward to Hungary, thereby draining our district of the circulating medium. Being low in the scale of intelligence, they are the willing slaves of the coke manufacturers, willing to submit to almost any conditions.

The testimony of Mr. Barkley on this point is verified by the testimony of the other gentlemen who also testified, and is unquestionably substantially correct. I find in the Senate report to which I have already referred, on page 337 of volume 1, the sworn testimony of Mr. McGuire, of New York, that the Hungarians in the coke regions near Steubenville, Ohio, have been known to have taken "the dead carcass of a mule, sliced it up and dealt it out as rations." The testimony relating to the habits, morals, and modes of living of the Italians is of the same general character.

From the best and most reliable information I have been able to obtain these imported laborers receive from 30 to 50 per cent. less wages than American laborers. The intellectual status of these people may be surmised from a report on educational statistics prepared by the Bureau of Education in 1882. From this report it appears that in 1882 the United States paid for school purposes a per capita tax of $1.63, Italy but 21 cents, and Hungary only 14 cents and 6 mills. During the same year the percentage of population attending school in the United States was 20 per cent., while in Hungary it was but 10, and in Italy a little over 7 per cent.

As bearing upon the question of this forced immigration, the statistics furnished in the Reports on Commerce and Navigation are quite interesting. I have prepared a table showing the immigration from European countries during the three years ending June 30, 1883, which I will append to my remarks. From this table it appears that while the immigration from Germany, Ireland, England, and Scotland, and other countries from which the best class of immigrants come, has decreased quite largely during the last year, the immigration from Italy and Hungary has largely increased. During these three years the number of immigrants from Hungary was: Males, 20,214; females, 6,781; while from Italy the number of males was 68,210; females but 12,038. The percentage of females over 15 years of age in 1883 from all European countries was 38.8, while from Hungary it was but 14.5, and from Italy but 8. The percentage of common laborers from all European countries in 1883 was 25.5, while the percentage of common laborers from Italy and Hungary during the same year was over 61.

Mr. BLOUNT. I do not like to interrupt my friend, but he has been reading the statistics of immigration through several years; and I would like to know whether these statistics disclose what part of those immigrants came here under contracts as laborers?

Mr. FORAN. The statement does not show that fact. On that question our statistics are silent. From the testimony taken by the committee we learn that about one hundred and ten window-glass blowers were brought in 1879 and 1880 under contract to Baltimore. There were eighty glass-bottle blowers imported under contract about the same time into the States west of Ohio. I can not state the number brought to Ohio. I think the number was about one hundred. But with regard to the unskilled labor I reason this way: I find in three years a little over 80,000 Italians have been landed on our shores, and of this number nearly 70,000 are males.

During the same time I find a Hungarian immigration of 26,993, and of this number over 20,000 are males. I think these facts demonstrate conclusively that this is a forced and assisted immigration. If these people came here of their own volition, with the intent and purpose of making a home here, it is reasonable to suppose they would bring with them their wives and families. But the fact is they come in droves of males; and that their passage is paid by persons on this side is beyond doubt or question.

The strongest reason urged against Chinese immigration was the fact that it was confined almost exclusively to males, and that being without families, they gave no "hostages to fortune." It is certainly true that the family is the only sure foundation upon which any government can rest.

In further answering the question of the gentleman from Georgia [Mr. BLOUNT] permit me to state, as showing how this species of immigration is being carried on, that on the 11th of July, 1883, there assembled at the West-End Hotel, Long Branch, an association known as the "Window-Glass Manufacturers' Association of America." At that meeting this motion was presented and adopted:

On motion of Mr. Gorsuch it was resolved, by a vote of 13 to 8, that the treasurer be authorized to pay a sum not exceeding $30 per man for each blower or gatherer brought over from Europe after August 1, 1883, provided the same be employed by some member of this association, and provided they are not workmen who have been in this country within the twelve months last past.

This is authentic, being taken from the original resolution itself. A premium of $30 per head is paid by that association for the importation of skilled labor into this country under contract. The committee had before them several of the original contracts. The report embraces a copy of a contract signed by Day, Williams & Co., Henry Pierre, Adolph Bresson, and August Coenen. This contract was signed and executed at Antwerp. The firm of Day, Williams & Co. do business at Kent, Ohio. We had also before us an original contract entered into in Germany between Swindell Brothers, of Baltimore, and Yohonn Schmidt, gatherer, and Carl Wagener, blower. A translated copy of this contract appears in the report. There is no question about the importation of these people under contract. It is established by reliable

testimony beyond any peradventure, and in two instances by men who signed the contracts, and whose passage was paid to this country by the employers who contracted with them.

Mr. MOULTON. How many have come over?

Mr. FORAN. I can not state any more definitely than I have already done; the making of such contracts do not of course come under public observation. We have the general fact, however, that such contracts have been made; we know that large numbers of laborers come here without families; we also know that they do not pay their passage, but we can not tell the precise number that come under contract.

Mr. BLOUNT. But the gentleman has no official information as to the number that come over.

Mr. FORAN. None, except what I have already stated.

Mr. BLOUNT. Do any of these persons who come here under contract remain and become naturalized?

Mr. FORAN. Not to any extent. A few hundred dollars is to an Italian laborer a fortune upon which he can live in squalid magnificence in sunny Italy the balance of his days. They generally return after having accumulated what to them seems a large and princely fortune. But even if they did not, when we consider their intellectual status, it is questionable indeed whether they would make desirable citizens. We ought not to feel anxious on that score.

Some gentlemen seem to doubt the authority of Congress to pass this law. Without stopping to argue the constitutionality of the measure, permit me to say it is too late to make that objection. It is not true, to begin with; and, besides, Congress has already enunciated its right and its power to legislate on this question. In 1862 Congress passed an act known as the "cooly act," and during the Forty-seventh Congress the Chinese restriction act was passed. Both these acts embrace the very principles embodied in this bill. Nor, sir, have I any fear that in the enactment of this law we will violate any treaty stipulations we have made with any foreign government.

One of the very objects for which our Constitution was framed and adopted, as declared in its preamble, was to promote the general welfare; and in the eighth section of the first article the power to provide for the general welfare is specifically delegated to Congress. Upon this clause was based the constitutionality of the protective policy of the Government by no less a person than James Madison, one of the fathers of the Constitution, and one of America's greatest statesmen and expounders of our Constitution.

If the protective policy is constitutional, our power to pass this bill can not be questioned. Again, we see by section 9 of article 1 of the Constitution that Congress after 1808 has reserved to itself the power to limit and regulate migration and immigration.

I am aware, Mr. Speaker, that a man who advocates a measure of this kind is liable to have hurled at him the canting charge of demagogy. But, sir, I believe considerations of the highest public policy demand the enactment of this measure. The degraded condition of the imported labor will be conceded; the fact that American workingmen are vastly superior to these aliens in intelligence, skill, moral and social culture will no doubt be admitted. But we will be told that it is simply sensational buncombe to claim that our advanced and vigorous race can be in any way deteriorated by coming in contact with other races or people, no matter how degraded and ignorant; we will be reminded that in the struggle for existence, in the "free for all" contest recognized by our governmental policy, the fittest and best will survive, and that the American, being better qualified for this struggle than the Italian or Sclavonian, no dangers need be apprehended.

This is the old argument of those who advocated the retention of the Chinese. Mr. M. J. Dee, a gentleman of rare culture and intelligence, in an article in the North American Review, so effectually disposes of this argument that a quotation may not be inappropriate. Mr. Dee says:

> Even many of those who endeavor to think and speak with some approach to scientific exactness, and in whose mouths is frequently heard that much-abused and much-perverted phrase "survival of the fittest," will forget in dealing with the present subject that the "fittest" to which the doctrine of evolution refers is not necessarily what from moral, intellectual, or esthetic considerations would be called the superior. In the struggle of vegetable life between the useful grass and the Canada thistle it is the thistle which, leaving the skilled and watchful husbandman out of the environment, is the "fittest" and which survives invariably.
>
> In animal life evolution is equally regardless in its selections of the "fittest" and surviving species of all those moral, esthetic, or utilitarian considerations which govern artificial evolution under the operations of human knowledge, human needs, and human skill. Nor is the highest species of animal, man himself, less subject to this inexorable law in the survival or disappearance of his varieties, except where by legislation, war, or concerted action of any sort he interposes between races or tribes, as does the husbandman between the grass and the thistle, or the breeders of cattle between the blooded variety and the common stock, and thus substitutes to the extent of his power artificial for natural selection; or, to speak more exactly, introduces into the natural environment the modifying element of his own intelligence.

No matter how high a moral standard a community may attain, the introduction into that community of any considerable number of persons of a lower moral tone will cause a general moral deterioration just as sure as night follows day. The intermarriage of a lower with a higher type certainly does not improve the latter any more than does the breeding of cattle by blooded and common stock improve the blooded stock generally.

But there are other considerations of equal if not greater weight which impel me to advocate this bill.

If the question was simply the employment of the imported labor in occupations or branches of industry in which this species of labor would not come into competition with American workingmen there could not be so much cause for complaint. But this is not the case. These people are brought into direct competition with American citizens. There is in social science and political economy no law more clearly established than that the competition of laborers with each other tends to reduce wages; and when this competition is sharp and continued wages must invariably be forced to a minimum or point which will barely enable the laborer to live and reproduce. This is what is meant by Ricardo and Smith as "natural wages." If the importation of this class of laborers under contract is to continue, one of two things must occur—either our own citizens will be displaced, driven out of the labor market, or be compelled to accept lower wages.

This leads us to inquire, is cheap labor a benefit to the community? A moment's reflection will convince any rational man that such labor is a positive injury, a curse to society. In India and China wages are lower, perhaps, than among any other civilized or partially civilized people. Yet these countries are, industrially considered, the poorest on the globe. Machinery and transportation are of the most primitive character, and production relative to population is miserably small. In the United States, on the other hand, wages are higher than in any other nation engaged in industrial pursuits. Here machinery is perfection itself. Nowhere in the world is invention so aided, so fostered, so active, and nowhere is production so great, while the increase in wealth is simply unprecedented.

It would perhaps be wholly unnecessary to draw a distinction between the social condition of the Americans and Chinese. It may be laid down as a general proposition that can not be controverted, that the rate of wages determines the social, moral, and intellectual status of a people. Low wages mean cheap men, ignorant, degraded, dangerous citizens.

But, viewed from the standpoint of the purely material interests of the country, any general reduction in wages must be regarded as a public calamity. The machinery and appliances invented and used by American workingmen, and by the aid of which production has been so vastly augmented, could never be produced by a people among whom a low rate of wages prevailed. Cheapen labor and you destroy the incentive that spurs men to effort and improvement. Low wages signify debasement, ignorance, degradation, brutality. High wages signify intelligence, ingenuity, invention, and a higher order of manhood.

Of course the dearness or cheapness of labor affects the production of wealth primarily in the distribution only, but ultimately it will be found that low wages and cheap labor will seriously affect the production of wealth itself.

The poorly paid laborer is rarely a skilled laborer. High wages mean skilled labor, and skilled labor means increased production. Low wages may make a few men more wealthy, but this result is reached by making a vastly larger number greatly poorer, production is lessened, the community as a whole is injured in its material interests, while the State is injured by the debasement and degradation of its citizens.

Those who advocate a high protective policy, that is, protection for the sake of protection, can certainly find no objection to this measure; for, to use the language of Léon Faucher, "protection, by means of a tariff, is a guarantee that the state, in the name of society, gives to certain industries against similar foreign industries, and the moment this principle is admitted all branches of national labor can claim the same assistance. If the state guarantees a minimum of profit to the capitalist, it is not easy to see why it should refuse a minimum of wages to the workmen. Protection should extend to all producers under pain of degenerating into injustice."

It is strange indeed that the very men who are importing this cheap labor are the most strenuous and pronounced advocates of the high-protective policy; nay, more, they charge that the vast body of workmen who are insisting upon the enactment of this law are socialists and communists; yet these men advocate the policy of protection for the sake of protection, a policy which seeks to insure the well-being of one class of citizens at the expense of other classes. That is, it lays tribute upon all for the benefit of the few. This is a species of indirect communism, but nevertheless it is communism.

I do not ask the consideration of the House for this bill upon this ground. I simply refer to this matter to show the marked inconsistency of some of the opponents of this measure.

I favor the passage of this bill because I believe it is in the interest of American industrial prosperity, American citizenship, and American manhood.

That large numbers of inferior, unskilled, degraded laborers are annually imported under contract to perform labor in the United States is known to everybody. That the direct competition of these people with American laborers will either drive out the American or greatly

reduce his wages no one will undertake to deny; that a general reduction of wages will lower the moral, social, and intellectual tone of American labor is equally certain; that degraded, unskilled, pauperized labor results in decreased production and consequent loss of national wealth is an axiom understood and appreciated by every student in political economy; and that high rates of wages tend to elevate workingmen, render them more efficient, more skillful, more inventive, more productive, and beneficial to the community, has been conclusively demonstrated by the industrial history of the civilized world. These are the considerations that induce me to support this bill, and which prompted me to introduce it in this House.

Every permanent increase in wages has marked an epoch in the progress of the country where such increase has occurred toward national, physical, and intellectual greatness.

Every stage and phase of human progress, every forward leap made by man in the scale of intellectual power, has been accompanied or preceded by an advance in the wages of workingmen. Labor is as cheap in Palestine to-day as it was when the master of the vineyard hired laborers for a penny a day, but the social and mental condition of the people is precisely in the same condition it was then. It is questionable if the Italian laborer of to-day is much in advance of the time when the Cæsars ruled the destinies of Rome; and I advocate the adoption of this bill because I believe it will be injurious to us as a people to have American workingmen brought into direct competition with this semi-slave labor.

It is a proposition that will not be disputed, that in communities where wages are low longer hours of labor and harder toil is the rule. Hard, unceasing toil, long continued, results in physical deterioration and loss of productive power.

If we are to permit unreasoning but avaricious capitalists to import cheap labor, either for the purpose of obtaining foreign cheap labor or as a means by which the wages of American labor will be permanently lowered, then it will not be long before the saying of Horace will be verified in America:

Aetas parentum pejor tulit
Nos nequiores, mox daturos
Progeniem vitiosiorem.—

"The fathers—a race worse than their fathers—made us a race worse than themselves; we, in our turn, to generate a race still worse."

Following close upon that condition of things our working classes will become so ignorant and embruted that, like Canning's "Knife-grinder," they will be unable to appreciate or defend their rights or care to redress wrongs the nature of which they will not understand. When that time comes we may have caste distinctions, a few men of great wealth, aggregations of vast corporate money-power, but we will have no Fulton, no Morse, no Edison, no energy, no American manhood, no moral convictions, no republic.

To prevent calamities of this kind, let our legislation be of such a character that peace, plenty, and happiness will be the lot of all our citizens; let us not lose sight of the general-welfare provisions of our fundamental law; let us, in the language of Mr. Curtis, "lift our beloved America above the slough of mercenary politics and the cunning snares of trade," so that she may move "steadily onward toward the shining heights which the hopes of her nativity foretold."

APPENDIX.

Statement showing the total number of immigrants arrived in the United States from the countries named during the fiscal years 1881, 1882, 1883, *giving the percentage of children and females over* 15 *from each country; also the percentage of skilled occupations and of common laborers from each.*

Immigrants.	Total of all countries.	England.	Scotland.	Ireland.	Austria, including Bohemia.	Denmark.	Germany.	Norway.	Sweden.	Hungary.	Italy.	Poland.
1881.												
Males	410,729	40,401	9,503	37,387	11,745	5,874	128,399	14,511	31,317	4,554	11,571	3,595
Females	258,702	24,776	5,665	34,955	9,364	3,243	82,086	8,194	18,443	2,272	3,816	2,019
Total	669,431	65,177	15,168	72,342	21,109	9,117	210,485	22,705	49,760	6,826	15,387	5,614
Percentage of children	22.9	25.1	24.6	13.8	31.9	23.9	27.9	23.3	19.5	24.6	17.4	27.0
Percentage of females over 15	27.7	26.4	25.0	41.2	28.5	24.6	25.8	25.2	27.1	21.4	17.6	22.2
Occupations:												
Professional	2,812	467	93	130	49	33	880	32	35	11	292	5
Skilled	66,457	9,299	3,382	2,692	1,401	731	24,030	1,474	2,697	298	1,499	258
Laborers	147,816	13,926	2,017	26,070	3,318	2,261	36,050	6,177	16,040	2,673	5,809	1,715
All other	452,346	41,485	9,676	43,450	16,341	6,092	149,525	15,022	30,988	3,844	7,787	3,636
Total	669,431	65,177	15,168	72,342	21,109	9,117	210,485	22,705	49,760	6,826	15,387	5,614
Percentage of skilled	9.9	12.7	22.3	3.7	6.6	8.0	11.4	6.5	5.4	4.3	9.7	4.5
Percentage of common laborers	22.1	21.3	13.3	36.0	15.7	24.7	17.1	27.6	32.2	39.1	37.7	30.5
1882.												
Males	498,814	51,575	12,108	40,980	11,937	7,517	148,466	17,929	41,335	6,753	27,422	3,419
Females	290,178	30,819	6,829	35,452	8,284	4,101	102,164	11,172	23,272	2,176	4,655	1,253
Total	788,992	82,394	18,937	76,432	20,221	11,618	250,630	29,101	64,607	8,929	32,077	4,672
Percentage of children	21.6	24.8	23.6	14.0	28.1	21.2	28.2	23.3	18.2	16.4	9.1	22.7
Percentage of females over 15	26.4	25.4	24.1	39.3	27.2	25.2	27.3	27.5	26.8	16.6	10.9	17.7
Occupations:												
Professional	2,992	541	100	134	132	30	885	26	34	13	324	6
Skilled	72,664	11,284	4,659	4,485	1,565	967	26,527	1,526	3,162	237	2,652	221
Laborers	209,605	20,321	2,197	27,816	3,661	2,863	36,104	8,725	25,566	4,650	15,631	2,103
All other	503,731	50,248	11,981	43,997	14,863	7,758	187,114	18,824	35,845	4,029	13,470	2,342
Total	788,992	82,394	18,937	76,432	20,221	11,618	250,630	29,101	64,607	8,929	32,077	4,672
Percentage of skilled	9.2	13.7	24.6	5.9	7.7	8.3	10.6	5.2	4.9	2.7	8.3	4.7
Percentage of common laborers	26.6	24.7	11.6	36.4	18.1	24.6	13.8	29.9	39.6	52.1	48.7	45.0
1883.												
Males	363,863	38,174	7,007	41,495	9,907	6,228	111,778	13,799	22,916	8,907	28,217	1,465
Females	239,459	24,966	4,852	39,991	6,478	4,091	83,008	9,599	15,361	2,333	3,567	546
Total	603,322	63,140	11,859	81,486	16,385	10,319	194,786	23,398	38,277	11,240	31,784	2,011
Percentage of children	23.8	25.9	27.6	18.9	27.2	22.5	27.5	27.2	22.9	14.8	8.0	25.0
Percentage of females over 15	28.5	27.0	27.2	39.5	26.5	29.5	29.9	28.5	19.1	14.5	8.1	17.7
Occupations:												
Professional	2,450	413	55	139	86	27	857	48	39	16	201	2
Skilled	62,505	9,305	2,343	5,090	1,614	1,046	25,190	1,533	2,611	260	2,629	63
Laborers	136,071	12,119	1,710	26,835	3,919	1,992	25,586	4,879	12,761	6,874	19,236	916
All other												
Total	603,322	63,140	11,859	81,486	16,385	10,319	194,786	23,398	38,277	11,240	31,784	2,011
Percentage of skilled	10.3	14.7	19.8	6.3	9.8	10.1	12.9	6.6	6.8	2.3	8.3	3.1
Percentage of common laborers	22.5	19.2	14.4	32.9	23.9	19.3	13.1	20.8	33.3	61.2	60.5	45.5

Statement showing the school attendance and amount paid for school purposes by the following countries during the year 1882.

Countries.	Population.	Attending schools.	Population attending schools.	Amount paid for school purposes.	Per capita paid for school purposes.
	Number.	*Number.*	*Per cent.*	*Dollars.*	*Dollars.*
United States	50,155,783	10,035,546	20.0	81,795,929	1 63
England and Wales	25,968,286	3,898,936	15.4	13,749,315	53
Ireland	5,159,839	1,031,995	20.0	2,677,080	50
Germany	45,149,172	7,744,176	17.2		
Hungary	15,666,000	1,602,787	10.2	2,300,000	14.6
Italy	28,209,620	2,086,044	7.4	6,000,000	21

The SPEAKER *pro tempore* (Mr. TOWNSHEND in the chair). The gentleman has seven minutes of his time remaining.

Mr. FORAN. I desire to yield the remainder of my time to the gentleman from Michigan [Mr. MAYBURY].

Mr. POLAND. Suppose the contract were made abroad in England or France, could you punish a man here for an offense there?

Mr. FORAN. That is a question for our courts to settle whether the man was guilty of a misdemeanor or not.

Mr. CUTCHEON. I desire to ask the gentleman from Ohio a question for information. I desire to know where a foreigner has immigrated to this country voluntarily and in good faith, and has not become a citizen, whether the gentleman intends by the first section of his bill to prevent a contract with an alien resident.

Mr. FORAN. I do not think that would be the effect of the bill.

Mr. CUTCHEON. It seems to me it would have that effect.

Mr. GOFF. The bill makes any contract with a foreigner unlawful previous to his naturalization. That is what it does, although it may not be so intended.

Mr. FORAN. I yield ten minutes, the remainder of my time, to the gentleman from Michigan [Mr. MAYBURY].

Mr. MAYBURY. Mr. Speaker, I thank the gentleman from Ohio [Mr. FORAN] for his courtesy in extending me a portion of his allotted time in which to briefly express my views on this important measure. The limit of time will permit of but a cursory notice of the issues involved and of a statement of conclusions rather than of reasons upon which they are founded. I apprehend that no one will deny the authority of the Government of the United States to regulate, limit, or wholly suspend immigration or importations where deemed injurious to the interests of its citizens. The clause of the Constitution providing for the general welfare confers the power and implies the duty. By no compact or sacred obligation has the Government parted with its privilege and duty to guard the well-being of its people from evils without and within; from the alien army arrayed for battle or the secret foe, more insidious and more to be dreaded.

In the discussion of this bill, of the utmost importance is it to consider what limitation or condition, if any, has the law placed upon emigration. There must be some limit. There must be some condition expressed or no less clearly implied. I choose the word emigration rather than that used in the bill, importation, for the purposes of this discussion, as I believe there will be a disposition on the part of those whose schemes are antagonized by this measure to avoid the force and effect of its provisions under cover of the rights accorded to honest emigrants and *bona fide* emigration. To the honest emigrant are the gates thrown wide open, and unlimited is the measure of his welcome. I prefer, therefore, to consider how far the greatest latitude accorded to emigration will lend aid or comfort to the iniquitous measures against which this legislation is aimed.

There must in the very nature of things be limits to emigration; there must be conditions expressed or understood, for certainly the license to emigrate here, broad and generous though it be, is not so extended as to include the enemies of our land, the corrupters of her people, the destroyers of her institutions in whatever guise they may come.

If the conditions of emigration are expressly defined they must appear in the treaties of this Government with foreign powers, in the Constitution, or in the acts of Congress. The primary purpose of a treaty is the establishment of peace and amity between the contracting nations, the establishment of social and commercial relations, the mutual protection of the citizens of either abroad in the domain of the other in the pursuit of legitimate ends, and a recognition of the right of voluntary expatriation on the part of the citizens of each. If it is claimed that the treaty stipulations of our Government are a bar to restriction on emigration or importation as applied to the bill under discussion, I deny that any such restrictions exist, that any privilege is extended or sought to be conferred upon the class inhibited in this legislation. If such restrictive stipulations do exist the sooner they are abrogated the better.

In construing the provisions of a treaty care will be exercised to mark the customs of commerce and social intercourse existing when the treaty was ratified, as being within the purview of either party at that time. No subsequent custom, especially if it be in its nature in defiance of previous codes, will enter into the construction of the treaty. The method of emigration sought to be limited and controlled by the provisions of this bill is wholly of modern origin. It was utterly unknown when the very latest treaties of our Government were made, and can not therefore be said to have been in the remotest contemplation of our treaty-making agents. Shameful and humiliating in the extreme is it to contemplate this Government through agents, if such could be found base enough, giving even passing recognition to such a system, not to speak of confirming and ratifying its evils in the bond of a sacred treaty. In all confidence we assert that only the wildest perversion of the treaty provisions can make them amenable to this claim.

Turning to the Constitution, the fundamental law and guarantee of our Federal system, and what do we find in the Constitution pertinent to this question? Section 9, article 1, of the Constitution left to the States of the Union the right to limit and regulate migration and emigration prior to 1808, the States by implication receding from the exercise of that right subsequent to 1808, or, in other words, since that time the Federal Government assumed jurisdiction in the premises. Care was exercised at the time the Constitution was adopted that the rights of the citizens of the several States in their commerce with each other should be protected from inhibitions by the States, section 2 of article 4 providing that the citizens of each State should be entitled to all the privileges and immunities of citizens in the several States, clearly involving the right of interstate migration without conditions. It will be seen that neither of these provisions of the Constitution establishes a rule or condition to govern foreign emigration or migration.

The only acts of Congress upon the statute-book and relating to the subject are the acts concerning the importation of slaves and the Chinese restrictive act passed by this Congress. The text of the former bill, if not restricted to importations from Oriental countries, would in my judgment cover the evils sought to be remedied here, as by its terms not only is the importation of slaves as such inhibited but of those who are to be hired out to service and apprenticeship. Thus it will be seen that we find no limits or conditions prescribed in the written law save those enactments that tend to conserve general police regulations. We must look elsewhere than in the written laws for that which must and does clearly exist. The very basis of our system of popular government, intelligence, virtue, and honor, the extension and acceptance of the benefits of free and equal citizenship, the assumption of the duties and obligations attendant thereon, the nature and purposes of our free institutions, clearly define the rule of admission and exclusion alike.

It is evident, sir, that those only are invited and presumed to emigrate here whose future interests are to be identical with our own; who have a conception of life with more of human equality and greater freedom than they enjoy abroad; who would find a refuge from tyranny and seek it here; who are friendly to our institutions and are willing to sustain and uphold them; who, not knowing our laws, are ready to learn and obey them; who desire not alone the benefits of equal citizenship but are ready and willing to assume its obligations and discharge its duties. The intention and purpose of thus uniting their destiny with our own, with a preconceived love of liberty, is the bond of assimilation and union, and is a clearly implied obligation on the part of every emigrant to our shores. It is the unwritten common law of the land.

In the century of our existence as a nation no feature of her history is more plainly marked than that which records the ready assimilation on the part of the masses of honest emigrants with those of this land and to the manner born. Had not friendship for the institutions of this land, respect for her laws, and loyalty to her interests marked the emigrating millions, how unstable the framework of popular government would be; how far short would she have fallen of the noble results attained and the higher purposes she seeks! How soon even are the difficulties of diverse tongues overcome; how soon the common language learned! Customs are complied with, citizenship readily adopted, existing institutions find ready support and countenance, while faithful allies are found in promoting every measure tending to the public good, and loyalty cemented on the tented field. The bond and love of freedom that united the founders of the Republic and the thirteen Colonies, separate though they were in customs, traditions, and largely in material interests, is the same tie that makes kindred the liberty-loving throughout this land and throughout the world to-day.

While therefore we think it plain and derived from the nature of things that the privilege of emigration depends upon the intention of

the emigrant with reference to our institutions, so an intention on his part which implies hostility, unfriendliness, or merely selfish purposes, demands as a measure of national safety and well-being the enforcement of an exclusion to such. Safer are we when menaced by an enemy in arms than by this silent and insidious foe. The very fact that the immigrant consents to come in a condition of voluntary servitude, bound hand and foot, is the best evidence that he should not come at all or be admitted. The claim is put forth that their entering into contract relations before emigrating is evidence of thrift and prudence in the assurance of work when landed on our shores; but, unfortunately for this theory neither thrift nor prudence are known factors in this bargain. Experience has demonstrated that the contract foreign laborer scarcely knows the work at which he is to be employed. He has no knowledge of the purchasing power of our money. He knows nothing of our modes of living, nothing of the cost of living, and is universally disappointed of his hopes. Surely neither thrift nor prudence have place in such a woeful compact.

Now, sir, not only is there a clearly implied inhibition upon the rights of this class of persons in coming, but there is no legal warrant for the introduction of such into any community by either person or corporation. The individual or association that thus assumes exceeds lawful authority and outrages the rights of the community.

It is a familiar principle of law that no man shall so use his own that the public or individual rights are materially injured thereby. Familiar illustrations of the wisdom of this principle are seen on every side. Individual selfishness and greed would substitute the discomforts of life for its comforts and pleasures in any community were it not for the existence of this wise rule. The manufacturer for his own selfish gain introduces in the course of his business a process detrimental to the safety and well-being of the community. Such process may be of great benefit and profit to him, but the law wisely says that this profit will not be reaped at the expense of the community at large and that private greed must be subservient to the public weal.

But this principle is not alone applicable to material interests, but to the moral well-being of communities also. No man has the right, legal or moral, in the prosecution of private ends to use such means as will endanger or contaminate the morals of a community. No man has the right to introduce into a community an element of danger which he can not control. Now, does anybody doubt but that the introduction of the beings who come to us in bonds is not grossly detrimental to the morals and best interests of any community? Will not their habits tend to the demoralization of the youth of the community? Will there not be an increase of vice? Will not the community be burdened in providing additional safeguards against an increased and impending danger? Will not the most sacred interests of that community be affected and jeopardized by such an evil in its midst? The statement of these queries in our common experience lead to but one conclusion and answer.

What dire necessity has rendered this extraordinary method of employment necessary by employers in this land? Is labor scarce? The unemployed are everywhere.

Is labor unwilling? No! Idleness is enforced, and hands inured to toil are folded in enforced and impatient rest.

Is labor unskillful? In no nation in the world are the wage-workers as intelligent and ingenious as here.

Is labor exorbitant or unreasonable in her demands? In no part of the world does labor share a part so disproportioned to the profits of labor as here. No; it is not this. It is the selfish, greedy, grasping spirit that would rather own the flesh and blood of the ignorant employé than to be served by the faithful and intelligent.

Now, sir, while every cry from crowded capital finds a response let not the earnest pleadings of labor, confronted by this dastard foe, pass unheeded. Let not the source of all wealth, honest labor, be poisoned at the fountain or be found friendless in the house of its friends. With one voice comes up the imploring cry of our fellow-citizens that the inundation of this countless multitude be staid. We can not go too far in the protection of labor and its rights, and whoever goes this way shall have me as the companion of his journey to the end. It is high time that these speculations in human labor, the traffickers in human flesh and blood, ceased to ply their infamous trade, and with at least the tacit consent of our Government, emptying the teeming and seething slave-pens upon our free soil. [Applause.]

During the delivery of the remarks of Mr. MAYBURY,

The SPEAKER *pro tempore* [Mr. TOWNSHEND] said: The ten minutes allowed to the gentleman from Michigan have expired.

Mr. HUNT. I hope the gentleman will have an extension of his time. I ask unanimous consent that he be allowed ten minutes more.

There was no objection.

Mr. MAYBURY resumed and concluded his remarks as printed above.

Mr. KELLEY. Mr. Speaker, I am not a member of the committee that reported this bill and never saw it till after debate began. Nor have I had an opportunity of learning what testimony was taken by the committee from which it came. Yet, sir, study outside of any committee-room has prepared me to advocate the spirit of the bill, which I fear we can hardly accept without amendment as a well-considered project of law.

In the hasty glance I have been able to give it I find a number of grave imperfections. I am quite sure that the first half-dozen lines express what the authors of the bill did not mean to ask us to enact into law, for they contain a provision prohibiting citizens from employing an unnaturalized resident of the country in the performance of any service.

I do not think the exceptions made in its prohibitory clauses are as broad as they ought to be. I do not see that it would not preclude under grave penalties the employment on the other side of the ocean of a nurse to care for a sick countryman returning to his home, or for an infant citizen of our country who, deprived of a mother by death or by the emergencies of a sea voyage, needed care while crossing the ocean. I could indicate other exceptions that ought to be made; and yet, sir, while I decline to promise to vote for the bill without material amendment, I thank the committee that reported it and the gentleman who has presented so many grave reasons for the adoption of a bill which, though more perfect in detail, will do all that this bill contemplated.

I have, Mr. Speaker, heard the word socialism whispered around me, and as loudly on the other side of the House when I went over to hear more clearly what the gentleman from Ohio [Mr. FORAN] was saying. Sir, when the lawmakers of the United States, national, State, and municipal, shall fail to regard and provide for the social well-being of the laboring classes there will be an end to enlightened republican institutions, and instead of property being made safe by the sympathies of intelligent and aspiring laborers dwelling around the capitalists and property-owners, you will by the importation of cheap labor in the persons of the worst classes of the least enlightened states of Europe convert every industrial center into a nest of vipers and ferocious wild beasts. There is no law of nature that will exclude all the horrors which characterized the outbreak of 1793 and the French Revolution from any part of American soil when the masses of the American people shall have been degraded to the condition in which the French toilers then were.

The safety of capital and of enterprise in this country is not found in a standing army; for we have none. It is not found in armed police coextensive with the country or even with our great industrial centers; for we have it not, and we have not the means of providing such protective agencies. Our army for the protection of order and social well-being is found in well-housed, sufficiently fed, reasonably well-educated, hopeful, and aspiring working people; and while we maintain these conditions we shall continue to demonstrate to the world that that government is strongest and most secure which relies most confidently upon the affection and confidence of its people without armed or other organized restraint.

In so far, sir, as to demand the best possible social conditions for our laborers I declare myself to be a socialist. Though born to comparative affluence, I learned in early childhood the hardships of the workshop. I knew what it was to work for what were then good wages for a very young copy-reader—I speak of nearly sixty years ago—a dollar a week, and to find my way part of the year to the place of my labor by the light of oil lamps furnished by the municipality, knowing that my day's work would be done only when the clock struck 8. Somewhat later than this, when I had been apprenticed, my indenture calling for one quarter's schooling in each year, I learned that when 8 o'clock had come and freed me from labor I could make my way to the night-school if it had not adjourned. But, sir, looking back upon that period, I see that there was in it a safeguard which does not exist in these times. During my long apprenticeship, running on well into the seventh year, my master's home was my home. When he and his wife and children ate their meal my seat was with them at the table. When I suffered from sickness their family physician attended me, and almost maternal and paternal care watched over my recovery. There was sympathy between labor and its employers in those days. To borrow a phrase from the cynic Carlyle, there were other relations than those of shillings and pence and hours of work and pay-day between capital and labor.

Changes have come, inevitable upon scientific discoveries, and the invention of man-superseding machinery, for that is the true way of defining labor-saving machinery. The labor which it saves to capital is the labor of men, often skilled men, and every labor-saving machine is a man-superseding machine, unless it be to supersede the labor of what is becoming too much the rival to the labor of man, that of women and children.

I am not advocating this crude bill. I am making good the impulse that induced me to thank the committee that brought the subject to our attention and that has given us a bill that may be amended into a competent one.

I have looked upon the misery of the British, French, Belgian, German, and Austrian laborer. I tried during the tariff debate to depict the suffering of some of them. I was told when I did so that all the ills I had pointed to could be found in this country.

I painfully admit that specimens of them all can be found in this country. The only answer I can make is that they are not general here as they are elsewhere. They are merely seminal here; there they are in full fruition; there they are not only germinal, but you will find them blooming everywhere you find population at all condensed.

It is our duty to guard against their spread while we may. Let us avail ourselves of every means by which we may inspire with hope and ambition the poor foreigners who have come to our shores or have been thrust upon them by speculating contractors and have drifted into the tenement-houses and cellars of New York and elsewhere. Do not let us permit avarice to add to their numbers. Do not let us gratify the greed of Pole, Italian, or Slav by welcoming to the ranks of our laborers men and women from the worst associations of Eastern and Southern Europe. Do not let us permit grasping capitalists, whether making glass or coke or iron or any other product, to herd together men and women who seem to be without a clear recognition of social or moral distinctions between the sexes, if we may judge from their daily life and the manner in which they inhabit indiscriminately their large but unfurnished sleeping apartments.

Can we prohibit such immigration? We have the general-welfare clause put at us every now and again. And should I fail to find the power elsewhere in the Constitution, I would invoke the general-welfare clause in behalf of the laborers of the country.

General welfare? Shall we not under that clause protect the entire estate of millions of good men and true? For what is our Army but to drive back Indian or other invaders of our frontiers and to thus protect the property of citizens, to re-establish order when riot breaks forth; in short, to care for the general welfare when it is threatened?

When the great Bonaparte found himself lawmaker, not only for France, but for a large part of continental Europe, he told the savans and legislators that a new form of property had come into existence, and that they must care for it as they had cared for capital invested in land or other possessions. That new form of property was labor. Sir, what is the laborer's estate? It is the skill he has acquired in an "art, trade, or mystery," as the old-fashioned indenture of apprenticeship had it. It is the force of his will and the power of his thews and sinews. It is the education he has gathered in our public schools or elsewhere. It is his ability to convert one or several things into another thing or others, and thus to add to the convenience of the citizen and the wealth of the country. These constitute his estate, and if we allow traitors at home and invading hordes from abroad to rob him of this, we fail to regard the social condition of our masses and permit them to be despoiled of their estate.

I have no difficulty and shall have none in finding arguments enough to support a well-matured bill which shall propose to accomplish the objects indicated in this one. I have said that the want and suffering and the vice and crime extreme poverty engenders are simply more rare in this country than in others. But with the present scale of importing laborers, with the eagerness which we display for cheap goods and our willingness to reduce the wages of labor in order to get cheap goods, combined with causes which can not be controlled, we are inviting the woes that attach to labor abroad and will inevitably have a development of them in this country more rapid than has occurred in Europe.

The disparity between our very rich and very poor people is wider than that in other lands. England has no man whose possessions will compare with those of several citizens of New York. We do not know what the possessions of our people are. A newly discovered mine, a new application of science, or an invention often makes a millionaire. We have had some specimens of the influence such men may exert recently reported through the police papers, and the reports of divorce courts of the gross sensuality in which some of our millionaires spend their time and money. That many of the papers from one end of the country to the other have gratified the vanity of an old debauchee by reporting his own testimony as to bestialities with dependent women that might shame a savage is my justification for alluding to this aspect of the question. When such fortunes as are now aggregating in this country come into the hands of such beings as the vulgar dotard who has sought this unsavory notoriety, it is no wonder that as his millions aggregate, the poor about him, if they do not starve, live in hopeless poverty. Yes, sir; the aggregations of capital are greater and more sudden here than abroad, and we all know the power of wealth when dealing with masses of hungry laborers.

Again, sir, women and children are more rapidly engrossing our skilled labor than they are in other lands. While I have much to say against the British Government, I have, thank God, this to say in her behalf, that in the last few years she has permitted no more women or girls to go into coal or iron mines, and has greatly reduced the number of females employed at the mouth of the coal-pits and on trains that carry coal. And what is more, she keeps, under the superintendence of the metropolitan school board, a corps of inspectors who will permit no boy or girl under 14 years of age who has not passed the fifth standard in a public school to work an hour for wages in any shop or factory. We have no such wise provisions as these. Sir, our machinery (which, as I said, is man-superseding) increases more rapidly than that of any other land. Almost all their machinery abroad, outside of the textile industries, is either ours in fact or made under our patents. So that if Congress and the State Legislatures be not quick to check the downward progress of our laboring classes they may find it too late to do it "decently and in order."

I believe, Mr. Speaker, I have said all that occurred to me when I took the floor. As I said, I was not aware there was such a bill, and consequently not aware that it was to be discussed to-day; but I am happy in having had the opportunity to urge those who got it up to keep on in their good work, and this notwithstanding the fact that if it be not amended I may not be able to vote for a bill which I deem so crude as this one.

I now yield to my colleague on the other side of the House [Mr. CONNOLLY].

Mr. CONNOLLY. How much time does the gentleman yield to me?

Mr. KELLEY. All I have.

Mr. CONNOLLY. Mr. Speaker, "toil is the lot of all, and bitter woe the fate of many." In the beginning it was decreed that man should earn his bread in the sweat of his brow, and ever since the entry of that solemn judgment it has been his lot to labor. From it there is no escape. We must all toil in some department of life. Carlyle says that "without labor there were no ease; no rest so much as conceivable." The farmer at his plow, the blacksmith at his anvil, the mechanic at his bench, the laborer with his pick and shovel, the professional or business man at his desk, all labor.

But while this is true it is also an acknowledged fact that all labor is not equally rewarded. The men who labor in the employments requiring strength and endurance, and not any special education for the work, make up the great body of our working population. They toil unceasingly from early dawn until late at night under the watchful eye of the "boss," and the pittance they receive from their employers hardly serves to support them in the most humble mode of life. It is of this class that Homer speaks when he says "toil is the lot of all, and bitter woe the fate of many."

The condition of the laboring classes, mechanics and artisans, in this country to-day is indeed pitiable, and only one degree removed from slavery. We are in the habit of frequently referring to the servile and pauper labor of Europe, and contrasting with it the intelligent and better paid labor of our own country; but the facts, Mr. Speaker, do not warrant the statements so commonly made, or the conclusions arrived at.

So great have been the burdens imposed upon labor, and so numerous the grievances of the laborer, that legislation, prompt, sufficient, and effective, is demanded at the hands of the Representatives in this Congress. For years past Congress has given itself up to the task of legislating in the interest of the corporations. The laws enacted in their interest have succeeded in making them almost as powerful as the Government itself. At the same time they have tended to debase and degrade American labor.

Its tendency has been to create classes, and having created them to draw sharply the lines dividing them. Legislation that directly tends to build up the few at the expense of the many, that creates aristocratic and wealthy classes by donating to favored individuals and chartered companies the lands of the people, and by giving to them powers that ought to be exercised only by the Government, can only result, as it has, in injury to labor. The railroad companies of this country have entered into combinations or pools, by and through which they seek to and do actually regulate passenger and freight rates, and the rate of wages to be paid to labor. Their lines of railroad reach across the continent and penetrate all the cities and towns of all the States and Territories of the Union. They control the commerce of the country, both inland and by water, and thus controlling it they can and do regulate and control to a certain extent the price of commodities and the wages of labor.

Their influence is felt not only in the halls of legislation of the States and National Government, but also in the courts of many of the States and Federal Government. Almost imperceptibly great monopolies have grown up in our midst, and we are called upon to correct the evils to which they have given rise, by proper legislation.

From July 1, 1862, to May 4, 1870, Congress donated to fifteen railroad companies 137,208,688 acres of the public domain. These grants were made ostensibly for the purpose of encouraging the building of railroads across the continent and through the territories of the North and West. The money realized by the companies from the sale of the granted lands to the people has given us a small army of millionaires and railroad kings. An idea can be formed of the wealth of these men by referring to a statement published in all the leading newspapers a few days ago in reference to the losses of Jay Gould. By a shrinkage in the value of railroad and other securities he lost in one week $21,000,000. This gentleman in 1857 was the proprietor of a tannery in Gouldsborough, Pa., and to-day, under the fostering care of Government, and through the donations of public lands and the grants of special privileges, his wealth has swollen to a hundred millions, and the loss of $21,000,000 in one week hardly affects him. His case illustrates the rise, growth, and power of the class to which I have referred as favored. It is the same class that through its immediate members and hired agents has for years past talked glibly in favor of a protective tariff and the protection of American labor.

During the present session a bill was introduced by the gentleman from Ohio [Mr. FORAN] and referred to the Committee on Labor, who have reported it favorably with amendments to the House. This bill aims to prohibit the importation and migration of foreigners and aliens

under contract to perform labor in the United States. The necessity for legislation of this kind shows the existence of a most pernicious and dangerous system now in force in this country, a system by which American mechanics and laborers are made the mere slaves of their employers. By "American" I mean not only native but adopted citizens who have become a part of the body-politic and have adopted our manners and customs. The census reports show that of the persons engaged in manufactures and mechanical and mining industries in the United States in the year 1880 the nativity was:

United States	2,611,325
Ireland	284,175
Germany	368,110
Great Britain	225,730
Scandinavia	44,615
British America	153,935
Other countries	149,222

By this table it appears that of the persons engaged in manufactures and mechanical and mining industries in the year 1880 2,611,325 were natives and 1,225,787, or nearly one-third of the whole number engaged, were of foreign birth.

We must bear in mind also that a large percentage of those classed as natives are the children of foreign parents. Most of these men came here under the influence of the policy adopted at an early day in our history—a policy that encouraged *bona fide* immigration, and that had in view the adoption as citizens of the immigrants. That policy has succeeded in bringing to our shores millions of the most hardy, industrious, and respectable workingmen, mechanics, artisans, and farmers of Continental Europe. By the amalgamation of the races a people have grown up in this country the equals if not the superiors of any race in the world. So that it is not against the continued immigration of foreigners who come here of their own volition and for the purpose of becoming citizens of the Republic, with the settled purpose to subject themselves to our institutions and laws, that the proposed legislation is directed, but against that new and degraded class who are brought here by the agents of incorporated companies to work for whatever pay their employers wish to give them, who have no knowledge of or respect for our laws, and who do not know the meaning of the word citizen. It is against this "pauper labor" of Europe, brought to our doors by the men who have always been loudest in their profession of regard for the interests of American labor; this ignorant, servile, unskilled, and debased labor, whose direct tendency is to degrade and drag down to its own level the labor of this country, that we protest.

The condition of labor in this country is not good at the best. The census reports for 1880 furnish some curious and interesting reading.

In 1880 there were employed in the United States in the iron and steel industries in this country 140,978 persons. Of this number 66 were females, 21 of them being below the age of 15 years. The average number of hours worked per day was $10\frac{5}{8}$, and the average annual wages $393.51.

Lackawanna County, Pennsylvania, had four iron and steel establishments in 1880. The average wages paid by the companies in that county was $1.98 per day to skilled mechanics and $1.02 per day to ordinary laborers. In Union County, with one establishment, there was paid $1.00 per day to skilled mechanics and 95 cents to ordinary laborers. In the State at large the average wages was $2.32 per day to skilled mechanics and $1.13 to ordinary laborers.

In North Carolina, with twenty establishments, there was paid $1.25 per day to skilled mechanics and 54 cents per day to unskilled laborers.

And we are informed by the Superintendent of the Census that the "census year of 1880 was a year of exceptional prosperity for the iron and steel industries of this country. The census year 1880 will long be memorable as a year of general prosperity for our iron and steel industries, and as one which witnessed the beginning and the end of a most exciting epoch in their history."

The census reports show that the average weekly wages paid to "common laborers" in the cotton factories of Maine was $8.76 in 1870 and only $7.50 in 1880; to mechanics, $11.52 in 1870 and only $10 in 1880; spinners, $11.16 in 1870 and only $9.72 in 1880, and weavers $6.42 in 1880.

It appears from the report of the bureau of labor statistics of Pennsylvania that there are in that State 60,000 miners of coal whose average annual earnings are less than $290.

During the last two or three years the anthracite coal miners of Northeastern Pennsylvania have been kept on what is called half-time; that is, they are only allowed to work three days each week. The wages paid them is not large, and the result is easily seen. It would be hard to expect aught else than poverty under such a condition of things. If the men thus poorly paid refuse to work for the pittance paid them their places are at once filled by the laborers imported from Europe in pursuance of contracts duly entered into between them and their employers. Most of the men imported in this way are of the very lowest types of Italians and Hungarians. Mr. P. J. McGuire, general secretary of the Brotherhood of Carpenters and Joiners, testified before the Senate Committee on Labor, in 1883, as follows:

Within the last few years it has come to pass that a large body of the cheaper class of foreign laborers, people unused to our habits of living in this country, are brought over here under contracts made in their own countries through the influence of United States consuls, with the avowed object of aiding the iron and coal corporations to reduce the wages of their employés. * * * This importation of labor to this country was noticeable in connection with the strike in the coke region around Steubenville, Ohio, where a large number of those Hungarians who had lived in the interior provinces of Hungary and had been subjected for years to the most brutal conditions were brought over here; and you can judge how low they have become when it is a fact which is quite generally known by all whom I met about Steubenville that while they were working in the service of the coke company there they took the dead carcass of a mule, sliced it up, and dealt it out as rations.

These Hungarians as a general thing are unaccompanied when they arrive here by wives or children. They come as do the Chinese, to live as cheaply and save as much money as possible and then return to their own countries. They add nothing to the wealth of the country, as they do not contribute to its civilization. A shanty 10 by 12 will furnish a home for twenty of them, shelves built against the walls answering all the purposes of beds.

It is a singular circumstance that while our laws protect the home manufacturer in this country from competition with the products of the "pauper labor" of Europe, the men who work in our mines, mills, and factories are compelled to compete with the foreign labor itself. The manufacturer says that in order to carry on his business and enable him to give employment to American laborers and mechanics he must be "protected" against the products of pauper labor imported into this country. And this protection is given him by the law in the form of a heavy duty, almost prohibitory, laid on the foreign article. Having received the protection asked for, he then quietly proceeds to bring from Europe a ship-load of these so-called pauper laborers against whose labor he is protected and sets them to work in his factory or shop at less wages than he is obliged to pay his American employés.

As was said by Mr. P. J. McGuire before the Senate committee:

If a tariff be right for the protection of American labor against imported foreign goods, it logically follows that we should be protected against the importation of foreign labor itself, or else the tariff is a farce.

The injustice of the present system is clearly shown by Mr. McClelland, of New York, who testified before the Senate committee:

There is one thing I would like to point out, and that is the position that the workingmen are in compared with that of their employers. A manufacturer is at perfect liberty to import, under contract or otherwise, all the pauper labor he wishes from the most starving portions of Europe or Asia, and to bring that labor here in competition with the American workingman. There is no protection for the American workingman. On the other hand the American manufacturer is protected to this extent: There are heavy duties imposed, which are strictly enforced upon the importation of foreign commodities, and while the manufacturer is at liberty to import his labor, the consumer is not at liberty to import manufactured goods from the same market from which the manufacturer imports labor. This nursling of the manufacturer is protected and hedged in on all sides; so that on the one hand his employés have no protection, and on the other he has all the protection.

In this connection I desire to read an extract from a letter of ex-Mayor Powderly, of Scranton, Pa., who recently visited the coke regions of Connellsville, in that State. This letter appeared in the Scranton Truth of June 16:

To the Editor of Truth:

I spent the better portion of last week in Connellsville, and while there spent some time in investigating the conditions and surroundings of the wage-workers of that section of the country. I had ample opportunity afforded me of viewing in all its details the new style of slave labor. Here in the eastern part of the State we occasionally obtain a glimpse of these poor creatures who come across the Atlantic in search of employment, allured to this country by the blandishments of some agent of monopoly who paints in glowing colors the condition of the American workingman. The contrast is so great that no time is lost in crossing the ocean, but when Castle Garden in all its glory and elegance looms up before the emigrant he begins to suspect, if he has an eye for the beautiful, that everything is not as the agent, possibly an American consul, has told him. We have Hungarians at work in this valley who are no more fit to live in this country than a hog is fit to grace a parlor. I can not find a more fitting comparison. It may be said that if these men learn to speak our language they will become Americanized, but the reverse of this is true. I have met those who could speak the English tongue very well, but the only use they made of their learning was to take advantage of their more ignorant fellow-countrymen and rob them of the already too small earnings paid to them by the firms they worked for.

The opposition to the Hungarians in the coke regions amounts to hatred, a hatred which is liable at any time to burst forth in a blaze which may sweep them entirely out of that country. This antipathy is not confined to the workingmen alone, it is shared in by business men and workingmen alike; and they all unite in cursing the advent of the Hungarian to the coke region. Last Monday the largest firm engaged in the manufacture of coke sent a force of Hungarians down into the mines, and the men employed in the mines immediately quit work. There was no meeting called for the purpose of coming to an agreement, but just as soon as it was ascertained that a Hungarian was intrusted with a lamp the other men employed there quit work. I asked some of the men why they would not work with the Hungarians, and the answer was, "We don't care whether they pay these men more wages than they do us or not. It is not a question of wages. We might as well commit suicide as to go into the mine with them. They don't understand the manner of handling the safety lamp and may set off the gas at any time and burn us all to death. They don't know how to read, and can not tell when they see the danger signs."

At the request of the men I remained in Connellsville last Wednesday night for the purpose of visiting an assembly. Shortly after the meeting opened a message was handed in to the chairman asking whether the doors could not be thrown open to the public. The request was granted and the hall was soon filled by business men and farmers. They said that they all suffered through the evils of Hungarian labor and wished to take counsel with the workingmen as to the best steps to take in removing this curse from the country. They work for little or nothing, live on fare which a Chinaman would not touch, and will submit to any and every indignity which may be imposed on them. In a word, they are utterly devoid of that spirit necessary to make them good and patriotic American citizens.

The following day I spoke at an out-door meeting at the mine where the strike occurred. At the meeting it was resolved to inaugurate a series of meetings throughout the entire coke region and enlist the sympathy of every interested person in the valley. I had often heard of the employment of women at the

coke-ovens, but never had an opportunity of seeing it before. The women are not employed by the corporations, but they accompany their husbands and fathers to the ovens early in the morning and assist in drawing and forking coke. At 6 o'clock in the morning I went to the coke works and saw for myself that the stories I had been told were not exaggerated. At one of the ovens I saw a woman drawing the hot coke from the chamber. She had no covering on her head and very little on her person. Her only attire consisted of a short coarse chemise and a pair of cow-hide boots. In a freight-car close by stood another woman forking the coke as it came to the car. Forking is the term used to indicate the disposition of the coke when it is thrown into the car. The person who does the forking throws the coke to either end of the car as it is wheeled in. This woman stood in the doorway and was dressed in a coarse, loose-fitting outer garment and an apron. Her person from the waist up was exposed. When she stooped over to handle the coke she caught her hair between her teeth in order to keep it out of her way. Her feet were incased in a pair of heavy shoes, her legs were exposed from the knees down. Her babe, which she brought to the works with her, lay in front of the car with scarcely any covering except the shadow of a wheelbarrow which was turned up in order to protect the child from the rays of the sun. Many more such scenes as this met my view, some of them even worse than the ones I have described. These will, however, suffice to give your readers an idea of what Hungarian labor really means.

Before the Hungarian was imported the task for an ordinary man was to draw five ovens, but the Hungarian takes the contract for six ovens for less money than the American formerly received for five. He compels his wife or grown-up daughter to accompany him to the ovens in the morning and assist in the work until about noon; after that she may go home.

While the owner of the works does not employ the women, he is responsible for the crime of permitting them to work there, and should be held up to public execration and scorn.

If it were possible to make good and useful citizens of these men I would never raise my voice against them, but that can not be done. They will not adopt our manners and customs except in rare instances. I have seen nine of them, eight men and one woman, occupying two small rooms, have inquired into their mode of living and ascertained, beyond the shadow of a doubt, that the store bill for the nine persons for the previous month was but $27. Show me an American who will live like that, and I will show you a being who was born in vain. He may be fit to work; so is a mule. He may know enough to go in when it rains, but that is all. I believe that the claims to American citizenship should be based on intelligence, not wealth. To the exile from every land, who comes to us with the intention of staying among us, adopting our manners and customs and assisting in protecting our institutions, I extend the open hand of welcome; but to the creature whose highest ambition is to work, work, without knowing whether he receives adequate compensation or not, I have no welcome and would prevent him from landing if I could. I believe that this country was intended for a race of freemen; and, believing that, I will always oppose the introduction of such men as are not capable of enjoying, appreciating, defending, and perpetuating the blessings of good government.

T. V. POWDERLY.

Such is the condition of affairs to-day in the State of Pennsylvania. I did not intend to say anything in reference to this bill, but I was appealed to by letters and telegrams from persons in my district to stand up in this House and raise my voice in favor of the passage of this bill. It has been said to me, as it has been said to my colleague [Mr. KELLEY], that legislation such as this is in the nature of "socialism" and "communism." I am aware of the fact that whenever anything is attempted that looks to bettering the condition of the laboring people of this country there is always a certain class of men ready to stand up and cry out "Communism! Socialism!" But I wish to say here, representing as I do one of the largest manufacturing and mining districts of this country, that if this bill is in the direction of "communism" I am a communist, and I want it to be so written.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary, who also informed the House that the following bills, having been presented to the President of the United States for his approval on the 6th instant, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution of the United States, have become laws without his approval:

An act (H. R. 6406) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles north and ten miles south of the town of Rulo, in the county of Richardson, in the State of Nebraska;

An act (H. R. 2240) authorizing the President of the United States to appoint Assistant Engineer John W. Saville a passed assistant engineer on the retired-list of the Navy; and

An act (H. R. 4689) for the relief of Eliza W. Patterson.

IMPORTATION OF CONTRACT LABOR.

The House resumed the consideration of the bill (H. R. 2550) to prohibit the importation and immigration of foreigners and aliens under contract to perform labor in the United States, its Territories, and the District of Columbia.

Mr. O'NEILL, of Missouri. Mr. Speaker, there are often circumstances arising in connection with debate which cause us to pause to understand motives. I listened with a great deal of interest to the gentleman from Pennsylvania [Mr. KELLEY], who found under the general-welfare clause of the Constitution a justification for this legislation, and I am sorry he is not now present. I listened to him with the more interest because the party to which he belongs and of which he is recognized as a distinguished leader has, as I understand, applied for a copyright on the words "protection of American labor."

Mr. MILLER, of Pennsylvania. We have a copyright.

Mr. O'NEILL, of Missouri. Well, and it is like a good many other things that your party has got without honestly earning them. [Laughter.] It is but a copy.

Mr. COX, of New York. But no right.

Mr. O'NEILL, of Missouri. A copy of a good principle, but not right as they interpret it [laughter]; and yet their distinguished leader, while he appreciates the principles of this bill, can not support it. How consistent with the practices of his party, to ever make the promise to the ear only to break it to the hope.

I wish now to refer to one of the curiosities of American legislation which has attracted my attention. In an act entitled "An act to encourage immigration," approved July 4, 1864, I find the following provisions:

Be it enacted, &c., That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint a commissioner of immigration, who shall be subject to the direction of the Department of State, &c.

The remainder of that section relates only to clerks, salaries, and tenure of office, but the second section is very interesting:

SEC. 2. *And be it further enacted*, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired, until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude.

Why insert the words "or creating in any way the relation of slavery or servitude" but for the reason that they well knew that it was a death-blow aimed at American workmen at the instance of wealthy capitalists whose only excuse was their greed?

At a time when the Republican party was in full control of all branches of the Government it became a law, and is the pioneer work in encouraging the introduction of alien imported labor to destroy American labor. And yet at the national convention recently held at Chicago they incorporated in their platform a provision condemning the importation of aliens under contract to perform labor in the United States. How consistent!

A MEMBER. What is the date of that act?

Mr. O'NEILL, of Missouri. July 4, 1864; and I believe it remained a law for many years, though an appropriation could never be obtained to carry it into effect.

Now, the 4th of July was a patriotic day to plant in the statute-books of this country the most infamous law that could be framed, and which meant no more than servitude, which meant to create a lien on everything that an unfortunate immigrant could acquire after he came here in response to their desire for cheap labor. I think it proper to refer to that, when I see this canting, hypocritical party now masquerading before the country as having been always the friend of labor. Friends of labor! Heaven save workmen from such friends, which even at this session, in the branch of legislation that they control, have emasculated the labor-bureau bill demanded by every labor organization of the country.

What a contrast is presented in the present Democratic House, creating for the first time in Congress a distinct committee on labor, a majority of which committee I am proud to say are men who worked at the bench as mechanics, and who know from experience exactly what the workingmen of this country desire, and who have favorably reported back every measure demanded by the labor interests. They are not demagogues, as gentlemen on the other side would seem to intimate, and they tell you here to-day, sir, that while the constitutional lawyers in this House may find flaws in this bill the principle is right, and that it is exactly what the mechanics of this country ask for at your hands.

They ask it, Mr. Speaker, for two reasons. The first is that you shall protect American labor from the pauper labor that is imported from Europe by your wealthy capitalists.

They ask that. Why? They are entitled to it. It is your duty to protect your own, and you must realize that this importation only occurs at one time, and that when labor here is struggling against capital for its just rights, when manhood says, "We have submitted all we can to the exactions of unjust capitalists." It is when labor justly says that under the policy of this country for something like twenty years manufacturers have been peculiarly protected by a system of revenue laws which have been enacted first as a war measure and afterward maintained under the idea that it was for the benefit of American labor; not to benefit solely the manufacturers, but to protect American labor against the pauper labor of Europe. These laborers say, "We, as the laborers of the country, ask you to give us a fair share of that protection which was enacted for our benefit." They ask that it shall not be considered the only principle involved in business enterprises employing labor to see how low they can make their expenses and how great they can increase their dividends.

Whenever labor, driven to the last edge, is compelled to stand up for its rights, then your capitalists send abroad and bring over this pauper labor to work at the rate of 75 to 80 cents a day, not to permanently employ them, not to have them merge in our grand army of

workmen and they and their families enjoy the benefits and blessings of our Government, but only for a temporary emergency, to be used in crushing our workmen in any effort they may make to improve their condition and that of their loved ones. And then, after that is accomplished, these poor, misguided, wronged, deceived, and robbed forced emigrants are turned out upon the wayside to starve.

The testimony taken by our Committee on Labor and submitted to this House shows the necessity of the passage of a radical measure like the pending bill, and can but awaken the deepest indignation against this wrong, against those whose only crime is to be poor, by a pampered association of capitalists who have been fostered and encouraged with the vain hope on our part that it would benefit our American workmen. And I will add that the most deadly blow ever struck at the roots of protection was done by the importation of this alien labor to take the place of our artisans when contending against what they deemed the unjust demands of capital. It has done more to open the eyes of workmen than all the sophistries of free-traders. They have naturally asked, what is the difference between importing the finished product or the alien laborer?

The second reason, Mr. Speaker, why you should pass a law of this kind is that you should not permit these men under a system of false pretense to bring over these poor, unfortunate working people and after having brought them here and used them for their own selfish purpose then turn them loose upon the hillsides to starve.

Mr. HAMMOND. Will the gentleman from Missouri permit me to make a suggestion right here?

Mr. O'NEILL, of Missouri. Yes, sir.

Mr. HAMMOND. I looked back to the debate on that act of the 4th of July, 1864, to see what reasons were urged for its passage, and the only argument made for it was a single remark by John Sherman that the prices of labor were very high and they needed importation on that account.

Mr. O'NEILL, of Missouri. I am obliged to the gentleman from Georgia for having suggested that fact so it might be included in my remarks. I was not aware of the motive for the passage of that act. It did not occur to me there could be an intelligent one given.

Mr. ADAMS, of New York. If the gentleman will permit me I would like to ask him a question.

Mr. O'NEILL, of Missouri. Certainly.

Mr. ADAMS, of New York. While I favor a bill similar to this there are some things involved in the pending proposition in reference to which I would like to have clearer information than that now before us as to what will be the exact effect of its provisions if enacted into law. I wish to know of the gentleman from Missouri whether under section 3 of this bill, if it becomes a law, it would not prohibit Arnold, Constable & Co., or Lord & Taylor, or any of the large retail dealers in the city of New York who may be abroad purchasing goods and who finds there an efficient clerk they would like to transfer to this country, and to whom they would pay a salary, whether this section would not prohibit them from employing any such clerk under penalty of a thousand dollars.

Mr. O'NEILL, of Missouri. All I have to say is that if Arnold, Constable & Co., or any other dry-goods house in the city of New York to which the gentleman has referred, go to Europe and import this labor for the purpose of breaking down men in their own employ, I hope the law will reach them. That is the intention of the law.

Mr. ADAMS, of New York. I ask you whether that is the intent of this bill?

Mr. O'NEILL, of Missouri. It is not intended by this bill to keep away skilled mechanics or laborers from coming to the country who come here voluntarily. It is for the purpose of preventing pauper laborers from being brought here from abroad for the purpose of breaking down the efforts of the workingmen of this country to secure their just rights.

Mr. ADAMS, of New York. Why do not you insert "day laborers?"

Mr. O'NEILL, of Missouri. Because they are not day laborers; they are liable to work by the week or the month.

Now there is one thing I will refer back to, because I want to bring it to the ears of this House, that if you mean to protect American labor here is where you can show your sympathy in the best way.

Never mind about these hair-splitting technicalities with reference to the bill; but remedy any defects that you believe to exist in it. If we all had to run as constitutional lawyers, few of us would get elected [laughter], and remember that what the workingmen ask you to do for them is simply that this Congress shall give, so far as it can, protection to them against this infamous contract system.

Mr. ADAMS, of New York. But let me call the gentleman's attention to the fact that if this bill in its present shape becomes a law it prohibits the workingmen who may be here now from being employed by American capitalists.

Mr. O'NEILL, of Missouri. What part of the bill do you refer to?

Mr. ADAMS, of New York. I refer to the sixth line of the first section of the bill, which prohibits any agreement or contract with any foreigner or foreigners.

Mr. O'NEILL, of Missouri. Well, that is a practical suggestion; it is evidently an oversight not intended by the committee, and I am certain will be amended.

Mr. BROWNE, of Indiana. Then if the gentleman is willing to have the bill amended I would suggest that after the words "alien or aliens," in this sixth line of the first section, the words be added "resident of any foreign country;" so that it will read:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation in any manner whatsoever to enter into an agreement or contract with any foreigner or foreigners, alien or aliens, resident of any foreign country.

Mr. O'NEILL, of Missouri. When the bill comes up for amendment I have no doubt that such amendments can be made to the text of the bill as will perfect it, and for my part I am willing to accept it.

And now, Mr. Speaker, as several other gentlemen desire to be heard I do not propose to detain the House any longer. I will yield a minute to the gentleman from New York [Mr. COX], which is all he asks.

Mr. HATCH, of Michigan. I would like to ask the gentleman a question before he takes his seat.

Mr. O'NEILL, of Missouri. I have yielded to the gentleman from New York.

Mr. COX, of New York. I have but a word to say. I will make the shortest speech that ever has been made upon the labor question in this House.

This is a bill, as I understand it, to protect labor without giving a bounty to those who employ it; therefore, I am for the bill.

That is a short speech and to the point, and that is all I wish to say.

Mr. O'NEILL, of Missouri, I now yield to the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS addressed the House. [See Appendix.]

Mr. O'NEILL, of Missouri. I yield to the gentleman from New Jersey [Mr. FERRELL].

Mr. FERRELL. Mr. Speaker, the bill under consideration, a bill to protect American workmen from the effect of importation of foreign labor into the United States under the contract system, is a very important measure, and one that should call the attention of the most experienced statesmen of our time to its consideration.

While I have been allotted a few moments to express my views on this subject—setting forth an individual opinion, backed, however, by the great mass of interested toilers throughout the country—yet allow me to say that it belongs to the more experienced and considerate of my colleagues to aid in adjusting the great question involved in this bill. I regret as an American citizen that the time seems to have arisen when the clamor of laboring interest demands the enactment of laws that are proscriptive to a certain extent in their provisions, and that it is necessary to petition to this Congress for relief. But in connection with my regrets I rejoice that I am enabled from this exalted position to raise my voice and to aid by my vote the toiling millions of my countrymen who are made to suffer unjustly the bitter discriminations of this system, and assisting them to procure relief by the enactment of wholesome and just laws.

I introduced in the early days of this session of Congress a bill which had for its object the same purpose, and to correct the evils known to exist from this system of employment. This bill, I am advised, is the result of careful research and close observation, coming as it does from those who have endured the stern privations inflicted by this iniquitous system, who understand thoroughly what they are asking for, having a conscientious regard for those in the densely-populated marts of the world, and emanating from a body of representative men from the trades and labor walks of life who have been affected by the imported labor of Europe, and petitioned for in a representative capacity by over 800,000 daily toilers.

This is the first time in the history of reform measures that this phase of protective legislation has been asked for or presented, and the perusal therefore of the elaborate report of the Committee on Labor clearly demonstrates the necessity of Congressional action:

Mr. FORAN, from the Committee on Labor, submitted the following report to accompany bill H. R. 2550:

The Committee on Labor, to whom were referred the bills (H. R. 2550 and H. R. 3313) to prohibit the importation and migration of foreigners and aliens under contract to perform labor in the United States, have had the same under consideration, and beg leave to report back bill H. R. 2550, and recommend its passage, with the following amendment, as substitute for both of said bills:

Add to section 5 the following: "Nor shall anything in this act be so construed as to prevent any person or persons, partnership, or corporation from engaging under contract or agreement skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present existing or established in the United States, provided skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers."

This recommendation is founded upon the investigations of the committee, and the conclusion to which the committee have come, based upon such investigation, that the evils complained of and sought to be remedied by the bill actually and to an alarming extent exist. The bill in no measure seeks to restrict free immigration. Such a proposition would be, and justly so, odious to the American people. The foreigner who voluntarily and from choice leaves his native land and settles in this country with the intention of becoming an American citizen, a part of the American body-politic, has always been welcome to our shores. As a recent writer well said:

"Such an immigrant by his coming to this country gives us a certain assurance as to his ability to take care of himself and to hold up the standard of social well-being which he finds already existing among our working classes."

Such an immigrant comes here because the institutions of the country are in consonance with his social and political ideas, and because of the advantages and opportunities afforded by the extent of our domain and its material resources. He comes to better his social and financial condition, to take advantage of the facilities which he finds here; and as he comes of his own volition, by his own means, and from choice, he always exacts for his labor the highest

rates which the market affords. No one is injured by his coming, and as he generally makes a good citizen, the State is benefited by the acquisition. These immigrants are generally of a higher class, socially, morally, and intellectually, and have aided largely in the development of our industries and the material progress of our people. With this class of immigrants this bill has no concern. Its object is to restrict and prohibit the immigration or rather the importation of an entirely different class of persons, the immigrant who does not come by "his own initiative, but by that of the capitalist." It seeks to restrain and prohibit the immigration or importation of laborers who would have never seen our shores but for the inducements and allurements of men whose only object is to obtain labor at the lowest possible rate, regardless of the social and material well-being of our own citizens and regardless of the evil consequences which result to American laborers from such immigration.

This class of immigrants care nothing about our institutions, and in many instances never even heard of them; they are men whose passage is paid by the importers; they come here under contract to labor for a certain number of years; they are ignorant of our social conditions, and that they may remain so they are isolated and prevented from coming into contact with Americans. They are generally from the lowest social stratum, and live upon the coarsest food and in hovels of a character before unknown to American workmen. Being bound by contract they are unable, even were they so disposed, to take advantage of the facilities afforded by the country to which they have been imported. They, as a rule, do not become citizens, and are certainly not a desirable acquisition to the body-politic. When their term of contract servitude expires their place is supplied by fresh importations. The inevitable tendency of their presence among us is to degrade American labor and reduce it to the level of the imported pauper labor.

The demand for the enactment of some restrictive measure of this character comes not alone from American workingmen, but also from employers of labor in America. The employers of labor who, from inability or from patriotic motives, employ only American workingmen, are unable to compete in the markets with the corporations who employ the cheap imported labor.

As an evidence of the truth of this proposition, the glass manufacturers of Pittsburgh, including all the large employers of labor in that industry, in January, 1880, denounced the action of the manufacturers west of Pittsburgh in importing European workmen in place of discharged American workmen.

This evil has become so extensive, alarming, and great that the attention of our foreign consuls has been directed to it.

What, therefore, are the reasons given for the passage of this bill? Allow me to say that in the early settlement of the questions involved in our struggle with the mother country we endeavored to offer a home to all nations and all peoples of the earth, having a positively fixed purpose to elevate the social and individual standard of manhood and human liberty not found in the laws governing the great nations of Europe.

In their system of government had developed an unjust discrimination among the people through their social and economic laws, establishing thereby caste of blood and race not conducive to permanent and successful national development. Learning from this very important feature in their government the fallacy that to successfully govern a nation you should recognize the necessity of having a ruling and also a serving class, we, on the contrary, extended a cordial welcome to our vast possession, with all its mineral wealth and agriculture resources, to the plodding millions of the family of man and to assist us thereby to make this vast extent of country one of the most enlightened and powerful nations of the earth, and to destroy forever the idea that to secure permanent national stability we should ignore human liberty. We aim in this country to develop our manhood, not degrade it. In a word, we offer our people such opportunities for elevation by our system of government, that the surveyor, rail-splitter, tanner, or the toiler on the canal tow-path may become the President of this great Republic.

The principle of making the people sovereign and the office-holder the servant thereof has done more to secure to our Government its durability and power as a people's government than probably any other proposition that has led to our success as a republic.

The placing of the ruling power in the hand of the people through the ballot-box, together with the broad provisions offered by the Constitution of our country, gained such strength in public opinion with those of foreign birth and association that our sea border and ocean ports were soon whitened with the sails of commerce and anxious settlers from all parts of the civilized world, who became our friends, neighbors, and associates, and as years came on, decade succeeded decade, one hundred years had marked its events on the dial-plate of our history, we find that all these years and rich opportunities have given us a population towering toward 55,000,000 of people.

In this brief review of the wonderful growth and history of our country and the success of its principles, so well calculated to meet the wants and ideas of human liberty, that the Scriptural text which saith that "He hath made of one blood all nations to dwell on the face of the earth," being transposed and applied to our country, we could say truly, He hath caused all nations on the face of the earth to dwell within our borders, and the blood of all nations to flow in the veins of the American people.

But in offering these opportunities and liberal advantages under our laws for development and substantial existence and prosperity, the greed and graspings of the advantage class came with it. "The tares sprang up with the wheat." Now we find that laborers and employers are jointly complaining of the unsettling of the price of their product in trade; of the suffering and degradation that follows a system of employment formerly unknown to the country, especially in localities where it now exists; and that corporations, great and small, combinations, and persons have brought vast hordes of the poorer class from Europe, under contract and otherwise, to the great detriment of the American toiler, although the African slave trade—a system of the past, but whose traces linger with us in sad remembrances connected with its final overthrow and extinguishment—will call to mind a species of foreign contract labor not far removed from the evil now practiced and in operation in many parts of the country; or the cooly-labor traffic of the Pacific coast, or the territory west of the Mississippi River, which became so extended and its effects so degrading in character that the people became aroused on the subject of stopping or restricting the traffic entirely from our shores. This led to enactments by legislation of State and Territorial bodies for local protection, but this did not accomplish the purpose nor reach the end sought for; therefore Congressional aid was invoked, and the representatives in both branches of Congress opened the discussion of the Chinese restriction act. Senators and Representatives came boldly to the front and successfully carried the measure through both branches of Congress. But when it reached the President and the Chinese minister, it was thought best to veto it, saying in substance that these public servants of the people, many of them coming from localities where their constituents were affected by this pauper labor, had been mistaken in their arguments and votes on this question; and that the President, advised by a foreign minister, in connection with his executive authority, returned it to the co-ordinate branches of the Government from whence it came, accompanied by a veto message setting forth his objections.

Congress was willing to allow the responsibility to rest on the President, and accepted the proposed changes set forth in his message.

But what was the effect among the people? Indignation meetings were held all over the land and resolutions passed censuring the Executive for the exercise of the veto power against this measure, showing conclusively that the legislative lancet was far too short to penetrate the wound. Consequently, we have had this question again before us in House bill No. 1798, and I sincerely hope that the Senate will speak in no uncertain sound on this subject, and before we adjourn pass the bill now before it, that will cure this labor leprosy and restore the great body of our toiling population to soundness and peaceful quietude, thereby relieving them forever from their embarrassments by the unfair competition produced by the home education and social habits of the Chinese. The blanket-tent or boat may serve them as a habitation wherein to enjoy the domestic relations of home, but it will not serve the American laborer who has been reared under the institutions of this land given by God to freemen—where the home should not be a blanket or a boat, as it has been and is now said to be where these people live, but, on the contrary, should be a neat and substantially built residence, where comfort and happiness sit as twin graces.

I regard it my duty, and consequently the duty of this law-making body, to so shape legislation that these results may be achieved, and thereby make the future bright with hope and stable with confidence for the workman wherever he may go.

The agitation now prevailing throughout the country is to prevent the fixed contract of laborers in Europe for a term of years to labor here, ostensibly for the purpose of reducing the established prices of wages for labor in the American market to that of the countries from which these people emigrate, as shown by the recent large importation of Hungarian, Belgian, and Italian laborers under special contracts by corporations and companies for the accomplishment of certain ends. The daily habits and wants of these people, who are becoming a source of great agitation in many parts of the country, are entirely different from those of our laborers and open to very severe criticism. Their wants are prescribed to correspond with their ability to purchase, the poorer classes living almost entirely on rice and vegetables, to which they add, when opportunity will permit, small pieces of meat, generally fish, because it costs nothing to produce it.

The article of clothing, which is a very important item with our people, is a mere bagatelle with these laborers. They use the cheapest kind of goods and the least number of pieces to cover them, and it is consequently an insignificant item in their expenditures. Thus a Chinaman or Hungarian could live where an American would starve, and it is to these conditions of life of these laborers from China and elsewhere under their forms of government, as compared with the American laborer under the institutions of his Government, that they are able to underbid our workmen, and ofttimes reducing them to the same condition of life.

The large importation of Hungarians and Italians and Belgians from Europe under special contract to work in the coal mines and factories of Ohio, New York, Pennsylvania, Maryland, West Virginia, and New Jersey, and many other parts of the country, in the recent past has caused the agitation from all classes to assume giant proportions. When mine-owners and manufacturers brought Belgians and Hungarians and placed them to work in their shops, turning the American workmen from their homes to seek work elsewhere when employment was abundant at their homes, occasioned by the unwillingness of the employés to accept a reduction of wages commensurate with the condition of the foreign laborers that he could bring from those countries where the contract agencies were established, soon demonstrated that there was an organized system laid to either bring down the price of labor in this country to that of Europe or import workmen if possible, and eventually to fill our workshops with skilled labor from abroad.

This statement would not have excited any alarm had not many thousands of these laborers found employment in the mines, iron mills, and glass factories throughout the country, in accordance with the contract

made with them before leaving their own land, and turning our laborer, into the streets to beg or to starve. This was attempted in the glass-manufacturing centers in many parts of the country, aside from iron and coal. In the district I now have the honor to represent a window-glass manufacturer, who claimed it to be an experiment on the part of the combination, had imported two sets of Belgian glass-workers and placed them at his works for employment, and immediately thereafter compelled the native workmen, in midwinter, to leave their homes and seek their shelter elsewhere. I mention this to show their purpose and the character of this uncalled-for labor system, which is dangerous and should be stopped at once. The testimony of leading men in the labor ranks of our country who testified before the Committee on Labor and Education last year, and also before the Committee on Labor of this House recently, on this subject, unanimously agree that to cure this evil the passage of the bill we are now considering must be secured.

Ex-Mayor Powderly, of Scranton, whose testimony carries great weight, representing 500,000 workingmen, says:

These imported men show no disposition to become citizens of this country, but, on the contrary, seek to obtain a certain sum of money, which they consider a competence, and with it return to Italy or Hungary. I have seen eight of these people and one woman living in a small house, without beds or furniture, sleeping on the floor, and have been informed by reliable authority that these nine persons' expenses for one month was only $27. I have seen them in the Frostburg region of Maryland, where they had been brought by agents, who engaged them at Castle Garden, living in a wooden building, sleeping on bunks, this building being fenced in to prevent them being communicated with by the people whose places they had taken. The diet of these men was water and mush, with a small quantity of meat on Sunday. These men are brought into competition with skilled as well as unskilled labor, and it is fast becoming as bad as the competition of the Chinese in the West.

P. H. Logan, representative of Chicago Trade Assembly, then in session in New York city, August 24, 1883, said:

We think, also, that the Congress of the United States ought to pass a law prohibiting the importation of foreign laborers under contract. We know that, notably, men working the mines in the upper lake region frequently make contracts in Europe, in Sweden, and Denmark, and import a number of laborers from there. It may be said to be, in a modified form, the Chinese cooly system over again. It is the same system in a modified and less objectionable form. Those men are imported from Europe, and they work from one to two years under contracts made in Europe. That system is a source of great dissatisfaction to a great many American workingmen, for while a great many of us believe that American workingmen ought to have "protection" so as to get better wages, still we can not conceive how we can be really protected when the same manufacturer who advocates the "protection" of American labor can, in case of a lockout, go over to Germany, or some other part of Europe, and import as many mechanics or laborers as he pleases to compete with our American mechanics here at home. That was done notably in the case of the glass-blowers in New Jersey. We consider that any "protection" now given to American mechanics is of no avail so long as capital can import this cheap European labor in that way.

William Goodwin Moody, author of Land and Labor in the United States, also Our Labor Difficulties, being sworn, testified on this subject:

There is another point which I think I have shown conclusively in this work of mine. We have a vast amount of idleness in our country, but, notwithstanding that, not only is there a general effort to reduce the compensation of labor and the numbers of those who are employed, and to throw into idleness a still greater number, and to substitute machinery for muscle as fast as it can be done—not only this, but there is also a determination to force our workers into the most deadly competition with the slaves and paupers of other countries. It is clearly and distinctly said that the American laborer shall not have the work which he should have to do to earn his bread unless he can wrest it by competition from the hands of the European pauper and the Asiatic slave. In Congress and in the public press and upon the streets everywhere it is boldly denied that the American workingman is entitled to any kind of protection that shall secure to him the work which it is necessary he should have in order that he may live.

It is a sad rebuke on our free institutions that these agents are enabled to practice their banking business or traffic in human flesh within the bounds of our country unmolested, thereby bringing with their unlicensed business poverty and want to the American toiler throughout the land. Yet this is a fact borne out by the investigation and by the testimony of reliable witnesses.

Mr. John Swinton, of New York city, in a recent issue of his paper, states that in the lower quarters of New York city there are quite a number of firms engaged in trafficking in human flesh. They are, as a rule, engaged in the "banking business," but their ventures in the slave traffic are quite extensive. Going into one of these establishments for the ostensible purpose of securing Italian laborers for an iron company, the agent stated, in answer to an inquiry, that during the time they had been in business 14,000 Italians had been brought to this country under contract, 6,000 of whom had returned to Italy. It was further stated that they had agents at Naples, that the American companies paid the passage of the men from Italy, and their fare from New York to destination, which amount the imported Italian agrees to pay back with 6 per cent. interest. The men are shipped from New York to destination by the car-load, cars being chartered for that purpose. The men receive from the American companies from $1 to $1.25 per day. Mr. Swinton also states that the Hudson River Iron and Ore Company, in Linlithgow, Columbia County, New York, had in June, 1883, a large number of Hungarian laborers employed at $1 per day. They were paid monthly, fifteen days being invariably retained by the company. The men were huddled together in shanties, and live mainly upon rye bread and potatoes. They had been brought there under contract to fill the places of American workingmen, to glut the market and thus depress wages.

The Pittsburgh Commercial-Gazette, in its issue of December 11, 1883, publishes a "special" from Erie, Pa., to the effect that H. W. Heichhold, son of the United States inspector of customs of that name, had that day (December 10) returned from Lake Superior and reported a distressing condition of affairs at Jack Fish Bay and other points on the northern shores of Lake Superior. He stated that at these points 3,000 Italian laborers were left in a terrible state of destitution. They were brought from Italy by agents with the understanding that they were to have employment on the Canada Pacific Railway. As they perhaps reached there late in the season, when work had partially suspended, their agents deserted them in many instances and left them without money, food, or shelter. Some of them made their way to the United States or southern shores as stowaways. They complained bitterly of the treatment to which they were subjected by the agents, who held out great inducements to get them here and then sold their labor at so low a rate that it was impossible for them to procure more than the actual necessaries of life while they worked, after which they were turned adrift. Thousands of them were on the northern shores, cut off from civilization, in the middle of winter, many of whom no doubt have ere this died of exposure and starvation. Those who reached our shores are in all probability, for the present at least, a charge upon the communities were they found shelter.

During the coming spring and summer those who survive will seek our shores and contribute their share toward the depression and degradation of American labor. Your committee believe and state, and the statement is based upon what it believes to be reliable information, that there are at present over 2,000 imported Hungarians employed in the coke regions of Pennsylvania. According to the statement of Captain Schoonmaker, brother of the largest individual coke manufacturers in the region, these people are from the very lowest stratum of the population of Southern Europe, probably the offspring of serfs and slaves. They look upon every well-dressed American as a lord or prince. One of the paymasters at Uniontown, Pa., says that a number of them tried to kiss his hand the first time he paid them. All of them save the money they make, and many of them send it to Hungary to bring over their friends and kindred. They are, as a matter of course, favorites with operators, as they never grumble about wages, and take what is given them by the company stores without murmuring, and besides they never strike. In respect to economy and frugality they greatly resemble the Chinese. One of them will walk miles, if necessary, to a butcher's shop and carry off thankfully the offal and refuse given him. The women assist the men, and do fully as much work. Children of both sexes not more than 5 years of age assist their mothers in loading the coke-cars. Nearly everything they eat is boiled in a pot brought from Hungary. As many as forty are known to live in a single hut of two small rooms.

Free American workingmen, with American ideas, culture, and intelligence, can not possibly compete with these people. The situation is essentially parallel to that which induced Congress to prohibit the importation of the Chinese. Italians and Hungarians are now brought to this country in precisely the same manner that the importation of Chinese was begun seventeen years ago—the Chinese brought to California under contract and then hired out to the Union Pacific, Central Pacific, and other railway companies. Italians have been brought here in the same way to work for the Nickel Plate, Ohio River, and other railway companies in the Eastern, Southern, and Middle States. If it became necessary to protect the American workingmen of the Pacific Slope from the disastrous and debasing competition of cooly labor, the same argument now applies with equal force and pertinency to the importation of pauper labor from Southern Europe.

The Austro-Hungarian consul located in New York city has been investigating this matter to secure the prevention, if possible, of the traffic of his own subjects; and the following is his testimony:

Paul O. De Esterhazy, Austro-Hungarian consul in New York, has acknowledged the existence of such an agency, but says he is unable to do anything in the matter. The class imported by the coke manufacturers are the lowest beings that have ever been in the State of Pennsylvania, subsisting upon what an American laborer could not eat—such as mules, hogs, &c., which have been killed or died with cholera and other diseases. Not one has ever been known to become an American citizen, but all return to Hungary within a limited time (about four years), with what money they can save by living in this miserable condition of filth and squalor. Women and children work too, drawing coke and forking coke into cars, commencing work about 1 or 2 o'clock a. m. and returning to their shanties as late as 7 p. m., working through all kinds of weather from two to five days per week. They seldom sleep in beds, but lie on the floor, with a board or a stick of wood under their heads, as large a number probably as forty in one house intended for a miner with an average family, one female serving about ten men in all relations between male and female, housewife, and laborer in the coke-yards. They are not known to purchase any of the luxuries which tend to elevate and enlighten the people, living in filth and wretchedness; but hoard up their small earnings, which they promptly forward to Hungary, thereby draining our district of the circulating medium. Being low in the scale of intelligence, they are the willing slaves of the coke manufacturers, willing to submit to almost any conditions.

"One of the tricks of the manufacturer is to import these people for the purpose of evading the laws enacted for the protection of the laboring classes.

"The 'check-weighman law' is an example. The people being unable to read and write, they promise them 30 cents per wagon of one-half ton each, but when they arrive here they are compelled to sign an agreement making only about 18 cents per ton for mining.

"I have known these beings during the time of the strike to have been dragged from their homes and driven down into the mines by the managers and coal and iron police. I have also known them to have been knocked down and kicked under cars for refusing to do more contract work. In all, they are mere tools by which the manufacturers gain almost any point they desire, to the degradation of our native workingmen and the detriment of our business men, making tramps of the former and bankrupts of the latter."

Count Esterhazy, an intelligent, cultivated, Hungarian, at present Austrian consul to this country, who has established a bureau for the protection of Hungarian immigrants, says:

"There is no doubt that a contract system is being carried on, and I believe it has reached larger proportions than any one believes. Certain it is that great numbers of immigrants are landed on these shores who are owned by capitalists. As far as I know, persons who have been so imported are satisfied; but this fact does not apologize for the system. I have long endeavored to discover who the parties are who obtain the immigrants on the other side, but have thus far been unsuccessful. I certainly hope that Congress will pass some law to put a stop to such immigration."

The American consul at Buda-Pesth, Hungary, Hon. Henry Sterne, reports as follows:

There seems to be an agency at work which, by misrepresentations, induces people to leave their homes who will not better their condition thereby, nor benefit the country which receives them. People inquire by letter and in person at the consulate about this agency of which they have heard or read. Some even claim that this consulate has instructions from its Government to assist people in immigrating. I am under the impression that the United States Government does not approve of immigration brought about by such irregular means and of the character described, and, therefore, beg leave to suggest whether steps could or should not be taken to correct the evil, if I may be permitted to term it such. I have information that agents are managing the business a good deal in the manner of the cooly trade, and that these immigrants are shipped to the United States about like so many cattle. (See State Department Report, 1881–'82.)

Superintendent Jackson, of Castle Garden, speaking on this subject, says as follows:

I have no doubt that this system is carried on to a great extent by corporations in this country who have their agents abroad. Every now and then large gangs of laborers arrive, all bound for the same town. They are generally taken in charge by some person or persons who come here to meet them. Some few

weeks ago a party composed of about sixty Irish and German girls arrived, all of whom were going to one of the large silk manufacturing establishments in New Jersey. I do not know whether they had contracted with any persons, but presume they had done so. No one will undertake to send people to this country free of charge without some guarantee that certain services will be performed in lieu of the price of such passage. We have never received any complaints from the persons who have been imported here, but nevertheless I have no doubt that such a slavery system is being carried on.

The degrading effect, condition and habits of life, and treatment of these poor, unfortunate laborers are uncovered in the following testimony and written statement to the Committee on Labor of this House during its sittings before reporting this bill. It comes from William F. Barclay, representing the miners of the coke regions of Pennsylvania:

We have a great many of these so-called Hungarians. They are not Hungarians, but Slavonians. They are not brought to our region on a written contract. There is an agency in Pittsburgh and in New York for the employment of these people, and to send them where they are called for. We are against the importation of these people because their influence is degrading. Firms employ these people in preference to Americans or other emigrants. They are easily imposed upon, not 5 per cent. of them being able to read. They perform this soft-coal mining very well, as it requires little skill. They have usually about one woman to every ten men. Their habits are disgusting in the extreme. I saw and counted one day thirty-five women and children employed forking coke and working about the ovens; the children poorly clad, of every age ranging from five years upward. They do not work on Sunday. To illustrate how they live: A yard boss who went to get men to work got thirty-seven men out of a house containing four small rooms. They had no beds, but laid on the floor, heads and tails, I suppose.

I never knew one of these men to stay in the country. They spend comparatively nothing, saving their money to return home; even when sick they go to the poor-house, until at last the authorities refused to longer entertain them while they had money. They will eat anything. They hang their meat out in the sun that it may become soft and tainted. The business men of the region are opposed to them. They get the same wages as the Americans, except when they work by the day; then they are paid 33 per cent. less, which is all they are worth. This importation has reduced the price of mining and makes it impossible for the men to do other than submit to whatever the operators demand or require of them, regardless of its justice. The condition of the miners and coke-makers generally is aggravated by the company stores which abound in this district. I priced potatoes before I left and could have bought them of an outside dealer for 50 cents per bushel, while the price in the company stores is 80 cents per bushel. If the men do not deal in the store they are discharged.

I never met one of these Slavonians who could speak English. We tried to organize the men to enforce the statutes of Pennsylvania, but it was a failure. The companies discharged the men who were active in the matter. They were blacklisted and refused work throughout the region. I was urged at another time to get up a strike by one of the operators so that the price of coke might be raised.

The Hungarians are paid 60 cents per ton, but they are so ignorant that they do not know what a ton is. The mines are wet, and these people work from 1 o'clock a. m. to 7 p. m. for a day. Americans and more skilled workmen could do the same amount of work in eight hours, but all have to wait on the wagons, the filling of which is delayed by these men, thereby putting the skilled and the unskilled on an equality. We dare not lay our grievance before the coke manufacturers, for whoever does so will be immediately discharged. We are opposed to strikes, as they are of no use, and could not succeed with us while these people are in this state of ignorance. Our citizens and merchants are leaving the region. The conditions are becoming insufferable. The works run from two to five days per week, and the wages paid about $1.25 per day, or generally eight tons at 13 cents per ton. The coke manufacturers are now trying to form a syndicate, that they may monopolize the coke business. There are some manufacturers who will not employ these foreigners, one of whom lives in the region.

Mr. Barclay also furnished the following statement:

We have the following evidence that the importation of laborers under contract does exist. The captain of the vessel on which Joseph Welsh, brother of Hon. John Welsh, ex-member of the Pennsylvania Legislature, came to the United States informed him that the large number of Slavonians on board the vessel were imported laborers shipped to America under contract; that the importers had made a special contract with the steamship company at a very low rate for their delivery in the United States, and that their accommodation would be in accordance with the rates, and that should he [Mr. Welsh] not receive the proper care he should complain to him [the captain]. I have this from Mr. Welsh himself. We have much other evidence of their being imported by special agreement to work for certain firms. We have discovered an agency at work engaged in the business of importing laborers, agents in Europe gathering the men, an agent in New York receiving them and forwarding them to destinations. I have in my possession evidence that a firm having a branch in the city of Pittsburgh is engaged in this business. E. Dorner & Co. is the name of the firm who have received a certain amount per head for such imported laborers.

During the long lockout of the window-glass and hollow-ware factories in the West recently, caused by the demand on the part of the employers to reduce the wages of the workmen from 15 to 20 per cent. after the tariff law of 1883 was passed, which increased rather than diminished the duty on foreign glass, a system of contract labor was attempted and carried into effect in many of the glass-manufacturing centers throughout the country, the primary object being to reduce the wages and force the workmen to the conditions of those countries from whence they received imported laborers.

It has been denied by persons who are now ashamed of failure of the enterprise that there was an understood agreement with these people before they left their native country; but the fact is that the evidence collected by the committee from these people, and from the artisans who were affected by their competition and driven from their homes, is so clear and positive that we conclude that it was a deep-laid system or scheme to force by starvation their employés to submission.

Mr. William Ashton, of Philadelphia, gives the following testimony on the importation of window-glass blowers to Baltimore, Md., while abundance of workmen were to be had if they would have accepted the reduced price forced on them by the syndicate of employers:

My information is in regard to importation of foreigners to Baltimore, Md. These men were brought under a contract; they were window-glass blowers. The first importation took place in 1879; forty-eight were then brought over by Swindell Bros. The following year Baker Bros. imported seventeen, King Bros. twenty-two, and Swindell Bros. twenty-three. The first importation occurred during a strike; there was no strike when the second importation occurred. Some of the foreigners refused to work and were arrested, but discharged before a hearing was had; their clothing was retained by the firm and it was weeks before they could secure it. They were kept locked in houses when not working and could not be seen by the Americans. Most of them have since returned home, some being sent by the glass-blowers' association and some by the Belgian consul, who complained bitterly of the treatment they received. The effect of their importation was the reduction of wages about 12 per cent. An injunction was issued against the American workmen from interfering with them and made perpetual by Judge Brown, of Baltimore. Before these men were imported we had as good a set of American workmen as could be found anywhere. The system in vogue in Europe and America differs materially. The Europeans work according to old methods and processes; in fact they bring their tools and molds with them. The European workman can not turn out within 35 per cent. as much ware as the American workman, and as a result do not or are not able to fulfill their contract; hence the employers are at liberty to pay them what they please.

Mr. Val Haas, of Baltimore, Md., one of the imported workmen, testified as follows:

The situation was misrepresented to them; some of them, when the exact situation was explained to them, quit. Two Germans who quit work were refused their clothes and were arrested. I have been called up at night by these men to explain to them the trouble, as we could not get near them or they near us so that an understanding might be had. They were under constant police surveillance and we were enjoined from interfering with them. These foreigners were natives of France, Belgium, and Germany; they were brought in three different parties. In 1879 Baker Bros. brought forty-eight, and King & Bros. twenty-five. Baker Bros. brought a second lot of twenty-five, and King & Bros. and Swindell & Bros. twenty-three. Previous to this last importation there was no strike; some of these men are here yet, others have gone away. The effect has been a 12 per cent. reduction of wages.

Charles Leffler, Baltimore, Md., W. G. W. A., said:

My statement is substantially the same as Messrs. Ashton and Haas. Mr. Swindell says he does not want the foreigners any more; they accomplished the object intended—the reduction of wages.

Mr. Emile Bouillet, of Zanesville, Ohio, an imported workman for the firm of Day, Williams & Co., testifies as follows:

I was hired at Antwerp by an agent of Dean F. Williams, of Zanesville, Ohio, who came for a set of men (sixty). When I went to see him I asked him why he came to Europe for men. He replied "that men were scarce and work plenty in the United States." I told him we would expect the same wages paid in the United States. He said "they would pay the New York tariff." When we arrived at Zanesville we discovered that the New York tariff was 25 per cent. less than the regular price. I complained to the company of this misrepresentation and they answered that "they did not authorize the payment of more than what they were then paying." At Kent the company did not pay the price agreed upon. They brought them to Kent on a contract for three years. The men were not permitted to associate with American workingmen lest they might find out the true state of affairs. Two of these men were arrested and put in jail for some days for violating this contract. When we arrived a friend of one of us was met by a man whom he knew in Europe. As soon as they commenced to talk the manager ordered the arrest of the party. When we arrived at Mansfield, Ohio, a member of the firm came into the car and inquired if any of us could speak English. I answered that "my father and I could." He then warned us not to talk to the men.

Q. What is the difference between the wages paid these foreigners and Americans?

A. Between 28 and 50 per cent.

Q. Did any of these people show a disposition to become citizens?

A. I think not.

Mr. James Campbell, of Pittsburgh, testified—

That Mr. James Chambers, of Pittsburgh, had said that Mr. Day, of Kent, Ohio, could send to Belgium and get men at any time, he having an agency there.

* * * * * * * *

We have no objection to these men coming here voluntarily, but we object to them coming under contract and to reduce American wages.

Mr. John Schlicker, of Pittsburgh, Pa., a prominent worker in the Western branch of this business, gave the following information:

The labor of window-glass blowers is very hard; but few men are able to work at it after the age of 45 years; the average is but 35 years. In consequence of the exhaustiveness of the labor we decided to not make more than forty-eight boxes of glass per week, which amount is more than 200 per cent. more than what was a week's work some years back. This limit of forty-eight boxes is a good week's work. To break this limit was the purpose of the importation. These foreigners could not make this amount, and consequently could not fulfill their contract, and were therefore subjected to its penalties for failure. One lot of men that were brought to Kent, Portage County, Ohio, were not employed, as the glass-house was not started, and these poor men and their families were left destitute in a foreign land and in a hostile community, a charge on the public.

I would not object to men being brought to start a new industry. The difference in working in the glass industry in this country and in Europe consists in the fact that there they have two factories and work eleven months a year. I have worked in glass-works for thirty years, and have not averaged eight months per year in that time. The difference in wages is not material, when all things are considered, between this country and Europe. At Kent, Ohio, these imported men are working on Sunday.

The following are copies of agreements with foreign workmen executed in Belgium:

No. 1.

(Original in English.)

Agreement made by and between the firm of Day, Williams & Co., of Kent, Ohio, of the first part, and each of the signers hereto of the second part, exactly as if a separate agreement were made between said firm and each of said signers.

Each of the signers of the second part agrees and promises to work for the said first party at the business of window-glass making for the term of three consecutive years, beginning January 1, 1880, and to faithfully perform his duties; shall be paid the wages currently paid by the New York State manufacturers. Said first party agrees that the wages of each flattener shall be not less than at the rate of $60 per calendar month, and that the wages of each cutter shall be not less than at the rate of $50 per calendar month for work actually performed, or during the fire. It is agreed that said first party shall retain 10

per cent. of the wages of each and every workman until the expiration of this contract, as a guarantee of its faithful performance; said 10 per cent. to be forfeited by each and every workman who shall fail to perform the conditions of this contract. It is also agreed that said first party shall advance the passage-money of the party of the second part to Kent, Ohio, and that in case any workman shall fail to perform the conditions of this contract he shall repay to said first party the amount of said passage-money. It is also agreed that said first party shall have the right to discharge any workman who shall neglect his work through drunkenness or idleness, or who shall attempt to create dissatisfaction among the workmen. The said Day, Williams & Co., its successors and assigns, however constituted, shall always be taken as the party of the first part.

Signed by said first party by its firm name and by each of the signers of the second party by his own name, as of this 2d day of December, 1879. It is agreed that the flatteners shall receive $30 (thirty dollars) per month for all work done other than flattening.

DAY, WILLIAMS & CO.
HENRY PIERRE.
ADOLPH BRESSON.
AUGUST COENEN.

No. 2.

(Original in German.)

Agreement between the firm of Swindell Bros. of the first part, and John Schmidt, gatherer, and Carl Wagner, blower, of the second part.

The undersigned, of the second part, covenants and agrees with the party of the first part that they will for two consecutive years, beginning January 1, 1882, work and duly perform such duties as instructed by the party of the first part, or his superintendents. The party of the first part covenants and agrees to pay the undersigned, who may duly perform their duties, the price generally paid by Baltimore manufacturers for the size of 16 by 24 inches, and all sheets shall be estimated at 8 sheets of 36 by 54 in. for 100 square feet. The party of the first part covenants and agrees that the wages of each glass-blower shall be an average of $80 per calendar month, on condition that he makes 180 boxes of 100 square feet per calendar month.

The gatherer shall receive 65 per cent. of the sum paid the blower for wages per calendar month for actual work performed during the fire. It is agreed that the party of the first part shall retain 10 per cent. of the wages of each and every workman until the expiration of this contract as a guarantee of the faithful performance of the provisions of this contract. The aforesaid 10 per cent. shall be forfeited by each and every workman who shall fail to comply with the provisions of this contract.

It is further agreed that the party of the first part shall advance the passage-money of the parties of the second part.

It is further agreed that the party of the first part have the right to discharge any of the workmen for drunkenness, or neglect of duty, or for disturbing the peace, or creating dissatisfaction among them, or for joining any association of American workmen.

The said Swindell Brothers, their heirs and assigns, shall be considered the parties of the first part, and they agree to pay each blower $12 per week and the gatherer $9 per week, on condition that each perform his work faithfully at every blowing. The parties of the first part agree to make monthly settlements with the parties of the second part, after the advances for passage, &c., shall have been repaid. Provided you faithfully perform your work for the term of contract (two years) we will pay back the passage-money from Europe to America.

Antwerp, December 15, 1882.

SWINDELL BROS.
YOHONN SCHMIDT, *Gatherer.*
CARL WAGENER, *Blower.*

Hon. A. C. Robertson, of Pittsburgh, representative of the green hollow-ware glass trade, testified as follows:

The number of foreign glass-bottle blowers brought to the Western States under contract is about 80 in all, distributed in five factories, namely: La Salle, Ill., 36; Covington, Ky., 13; Louisville, Ky., 14; the balance in Streator, Ill., and New Albany, Ind. They receive about 40 per cent. less wages than American blowers, or, in other words, they get 8 cents per dozen for quart beers, while the American gets 13 cents per dozen. The effect of this competition will be to bring the native workmen down to the level of pauper labor. The hollow-glass workmen west of the Alleghany Mountains have not worked since last June. They have been, during all this time, enjoying the luxury of a lockout. Last year's revision of the tariff virtually increased the duty on green glassware nearly 100 per cent., but notwithstanding this increase, the manufacturers are endeavoring to force a reduction of 20 per cent. in wages. Previous to the revision there was an importation of about two hundred thousand gross of bottles. Since the new tariff went into effect there has been scarcely any importation of this ware. Two American blowers will turn out eighty dozen bottles per day, while two of the foreign blowers turn out but fifty dozen per day. The manufacturers seem to favor free trade in labor and a high protective tariff upon their manufactured goods or wares.

I also present evidence of prominent and responsible representatives from various sections of the country touching this same subject, which I desire to offer, being only a part of the volume of testimony that could be had on this subject.

T. B. Barry, East Saginaw, Mich., ax-maker, said:

I am an ax-maker of good reputation for skill and industry. The ax-makers struck in Cleveland. We were practically denied the right of free speech. We were not allowed to communicate with the 'rats' who were brought there. Two men during the time of the strike who stopped to light their pipes were arrested and fined $10 each by Judge Solders. I wrote to different parties for work, but could not get any. I received a letter from R. Man & Son, Clinton County, Pennsylvania, in which they informed me that they would not employ any person who belonged to a labor union. I have been forced to take a rest."

In the lumber region of Michigan there are 1,000 men working for their board. Agents go to Canada and bring men under false pretenses, telling them that they will receive $35 per month, and advertise for men in large numbers in the Canada papers, to be paid the ruling rates, about $35 per month. When the lumber camps are filled they offer them $16 per month.

At Muskingum an attempt was made to reduce the boom-men by importing men from Canada. This luring men under false pretenses should be remedied. The hours of workmen who work at salt manufacturing are from 4 o'clock a. m. to 7 p. m. The wages are $1.50 per day of seventeen hours. These people, to get an existence, cultivate in the evenings, with the aid of lamps, small patches of ground. The men who come from Canada do not intend to remain here, but return to Canada.

John Murray, of Shawnee (Ohio) Miners' Association, said:

Our men are deeply interested in the bill against the importation of labor, and we expect Congress to do something to remedy the evil. There were seven hundred foreigners and seven hundred colored men brought to my district during a recent strike there.

Fred. Turner, of Philadelphia, Pa., secretary of Knights of Labor, said:

It is the universal sentiment that the bill of Mr. FORAN should be passed. The importation of foreign workmen is getting as bad as that of the Chinese. We have not the slightest objection to their voluntary coming. The African slave was better off than are these people under some of these contracts. The slave had some one to look after his welfare; these people have not. We present a petition to the committee containing 35,000 names of persons who pray for relief by the passage of a bill to remedy this matter.

Frank Porter, of Cambridge (Mass.) cotton-mill, said:

I voice the sentiment of New England and ask that Mr. FORAN's bill be passed. The manufacturers of New England have imported men time after time during strikes, from England, Ireland, Scotland, and Canada, whether under contract or not we are not able to prove, but we believe they were imported under contract. The Canadians as a rule do not become citizens, but return to Canada.

John S. McClelland, Hoboken, N. J., telegraph operator, said:

I was one of the men who participated in the late strike of telegraph operators. The telegraph companies would have imported foreign telegraphers if they could have gotten them. They could not get them from England as there they are in government service, and if they once leave, when they return they are forced to begin at the bottom.

F. C. Morgan, of Washington, D. C., said:

I saw an agent, when I was in Brazil, in 1879, trying to engage the natives of Brazil to come to the cotton-fields of the United States. I do not know that he engaged any who went.

Mr. Charles Simmerman, secretary of the labor bureau of the State of New Jersey, a gentleman of experience and broad observation on the labor questions of the day, writes the following communication, which I desire to insert:

TRENTON, *May* 11, 1884.

DEAR SIR: In pursuance of your request for my views, I submit a few suggestions why House bill No. 2350, "to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, or the District of Columbia," should become a law from the standpoint of a workingman. This bill is, in my judgment, one of the few measures before Congress designed primarily in the interest of wage-workers. There are other measures that may operate indirectly to our interest, but this is one of the few ever before Congress having for its object the direct protection of the laboring classes.

Most of the legislation here, as in other countries, has been based upon the idea that Government should take care of the capitalist or rich man, and let them take care of the workers or poor men.

The result has been that the workers have fared slim. But this bill has originated with the workmen themselves, and they believe it to be of primary importance to them; hence the interest that has been shown by their petitions. Workingmen are beginning to understand that to remain passive and trust to the economic harmonies to right their wrongs and secure them a just reward for their labor they will soon go hungry. Nearly every other class are combining to secure special legislation in their interest, and those who look out for themselves fare sumptuously while the workers are being driven to the wall.

In my judgment wages are fixed by workmen themselves, and the rate is determined by the standard of living they are content with and general conditions that surround them. As a fact illustrating this, a friend of mine who employs labor in New Jersey and in North Carolina, in the same business in both States, informs me that in New Jersey he pays a sawyer $2.25 per day, an engineer $12 per week, and a watchman $10 per week; in North Carolina he pays a sawyer $1 per day, an engineer $6 per week, and a watchman $11 per month, with five pounds of bacon, ten pounds of corn-meal, and a quart of molasses per week as rations. In New Jersey he pays about double what he does in North Carolina for the same kind of labor.

Now, why this difference? My theory is that in New Jersey the men he employs eat beef instead of pork, wheat-flour instead of corn-meal, and butter on their bread instead of molasses. They have better surroundings for their families, they send their children to school, and in every way maintain a higher social status. This being so, their wages are gauged according to their need, while in North Carolina the requirements of the workmen are less; hence it is that being content to live on pork, corn-meal, and molasses their diet of pork, corn-meal, and molasses fixes their rate of pay.

This principle is universal, and I know of no other law. In China, where the workmen are content on a diet of rice and rats, the cost of living on such a diet is their day's pay. In Ireland, where workmen live on potatoes, the cost of maintaining an existence on potatoes fixes their wages. In this country workmen insist on a higher standard of living. They are not content with a diet limited to a bare existence. The American workman is a citizen and has responsibilities that he can not avoid. He demands his rights as a freeman, he recognizes duties imposed upon him by the institutions under which he lives, and in order that he may be enabled to discharge them intelligently he is obliged to qualify himself by education and secure leisure to study the great problems of social life.

I hope no member of Congress will cast a vote against this bill without giving due thought to this phase of the labor problem, for it lies at the very foundation of our institutions.

Our Government was conceived by a generation of wise and patriotic men, and transmitted to us as a priceless inheritance, to be preserved and remitted to posterity for all time. This duty was not left to the few, but to the whole people. Under our system of government the vote of the humblest citizen is just as potent in determining the future of our institutions as the richest nabob in the land. It is therefore essential that the dignity and self-respect of each individual be maintained, and that they be given the opportunity to qualify themselves for the proper discharge of every duty imposed upon them.

Labor produces all wealth and the price of labor is the measure of value of every article it produces. Under the wage system the price of labor is measured by wages; hence as wages are high or low the wealth of the country and of each individual is lessened or enhanced proportionately, and therefore every reduction of wages tends to reduce the aggregate value of all wealth. As a matter of fact the public gain nothing by low wages, while those who labor for wages are made to suffer.

The phrase that we need cheap labor to develop the resources of the country, so common in the discussion of economic questions, is false. Cheap labor signifies poverty, ignorance, and degradation to the laborer and reduced wealth in the aggregate.

Why this attempt to force cheap labor upon the country simply because of the short-sighted greed of a few individuals, added to the arrogant disposition of a class of employers who estimate their own importance by the contrast between themselves and what they style the common laboring people?

Nobody gains by a general reduction of wages. If all wages are reduced to an average in any given industry no employer obtains any advantage over his com-

petitor in the market by cheapening labor, as prices speedily adjust themselves to the reduced cost; but greed suggests to the unscrupulous employer that if he resorts to the employment of cheaper labor he obtains an advantage over his rivals. This, then, is the motive and inspiration that has led this kind of employer and soulless corporations to inaugurate the system of importing under contract the riffraff of Europe, hoping thereby to accomplish a twofold object: first, to break the spirit of the American workmen, who refuse to work for them upon terms that are unsatisfactory and for what they deem insufficient pay; secondly, to enable them to undersell their competitors in the market.

The workingmen ask no special favors of the Government; but we protest against being taxed to maintain abroad consular agents to further this system of imported labor by encouraging every species of laborers to be brought here to be used by employers to cheapen our labor.

Shortly after the Republican party gained power in the country, and in less than one year after the passage of the tariff act of 1861, which was claimed to have been enacted to protect labor here, Mr. Seward, then Secretary of State, gave instructions to all our consular agents to use every effort to induce the immigration of laborers to this country to supply what he called a want of cheap labor to develop the great resources of the country. Since which time every consular agent in Europe has been engaged in advertising the wildest schemes of land speculators and of employers here, and frequently by false representations of the advantages to be found here. In some instances they have represented the wages as being much higher and the advantages to the laborer far above what the facts justify. In fact some of the circulars issued by them have represented this as a very El Dorado for the workingman.

These agents are supported by taxes raised by the tariff on imports which protect employers, and we object to their acting as agents to bring the cheap labor here to compete against us, and demand that the power of consular agents to make a binding contract between laborers abroad and employers here be taken from them.

Only a little more than a year ago a glass-manufacturing firm of New Jersey secured a full set of employés for one of their factories through one of these agencies, and when the workmen here tried to persuade them not to work under the wages received by other workmen the employers sued them for conspiracy, alleging in their bill of complaint that they attempted to induce the foreign workmen to violate their contract.

The memorable strike of the freight-handlers in Jersey City during the summer of 1882, at which time the railroad companies filled their places with raw Italians and Russian Jews, will ever be remembered by the workmen of New Jersey.

In New York city there is an incorporated company, with a capital of $25,000, whose business it is to engage laborers in Italy, paying their passage to this country, under contract that they will remain with the company as laborers for a stipulated time. This company send their circulars to contractors and employers all over the country, offering to furnish laborers to all such as want to employ them, the wages to be paid to the company, not to the laborer. This is nothing less than the cooly system, and reduces a workman to the condition of slavery.

Now, we hold that all of these practices operate against the workmen here, and are inconsistent with our profession of free labor. Therefore we ask Congress to prohibit the making of a contract abroad that will bind a laborer here, believing it unwise and bad public policy to permit any class of people to be brought here that tends to degrade the citizens of this country.

In the course of the observations that I have made, and I believe every one who has had a like experience will concur with me, I observe that in every community, especially in mining and manufacturing centers, where these Italians, Hungarians, Poles, Canadian French, and other inferior races are brought into competition with American citizens the effect is to drive our people away, lessen the dignity of labor, and reduce the social status of the community.

Congress has just defeated a proposition to reduce the tariff mainly because it was urged that to do so would lessen wages in this country and compel workingmen here to compete with the lower wages of Europe.

Now, if this vote has any significance at all, and those who voted with the majority were sincere in their professions of regard for labor, they must agree that this bill is a necessary supplement to their action on the tariff bill. For it is far better for the American workmen to compete with pauper labor in Europe than to do it upon our own soil.

Yours, truly,

CHAS. H. SIMMERMAN.

Hon. THOMAS M. FERRELL.

I do not desire in offering this volume of evidence to reflect on any nationality who are in friendly relations with us as one of the great powers of the earth, relative to the conditions and education of their people when they come among us, but to call attention to the true condition of the people as we find them, as they come in contact with ours in similar industries for employment.

It is not my purpose to retard by legislation the free emigration of the people of all nations to our shores, so that the blessings of human liberty should be enjoyed only by us; on the contrary, not only its blessings and benefits should be offered them, but its education and practices should leave an impression not to be obliterated if they should return to their mother country and thereby educate the strong central governments of Europe in the liberal ideas of the Government of the United States.

What this bill is intended to do is to correct the abuse of the free immigration laws so long established, and to protect these people from the evil designs and purposes of hired agents of companies and persons specially sent to foreign countries for contract laborers.

It may be claimed by some that if a strike had not occurred or a trade-union did not exist this importation would not have taken place. The argument that labor should not combine for mutual aid and assistance or trades-unions should be broken up, while combinations of capital and all other elements of society are recognized as legitimate, is a weak one and unworthy to be considered. Society should hold each separate element of which it is composed or on which it depends for security responsible for its reflex influence for good or evil, let it rest on church, state, capital, or labor. Consequently when the church combines for the purpose of organizing a reform, for the exercise of its influence, she assumes its consequences. When the state or nation moves its great powers for the object it has in view, then let said state or nation hold itself responsible for the damage it may incur in gaining that object.

Likewise capital and labor, joint elements of society, should be mutual friends, as each is a counterpart of the other. In all of their plans they have an ultimatum, and are responsible for the effect it may have on society.

The church has its organization complete in every particular, irrespective of creed or denomination. And its grand achievements and rapid strides in disseminating light and truth throughout the world is due to the perfection of its systematic effort. The same is true of a nation; unity of action and strength of combination give potency or power to its movements.

We find by observation that capital—the great force in moving the affairs of life, and society at large—is the most compact and exacting of all combinations when it is organized for stock speculation, or grasping for unjust profits in the attempt to corner the food markets of the country. But when it combines for the purpose of reducing the condition of the laborers of the country to the condition of the low-paid labor of the poor countries of Europe and their unfortunate subjects, imported here, not immigrated, for this specific purpose, it seems but just to denounce it. It is such causes, and attempts made by inhuman employers of labor, that have forced the workmen to stop or suspend work until their difficulties were adjusted, and from this action they are called strikers. Yet no one would deny capital the right to combine and organize for legitimate purposes and prevent unjust discriminations. Consequently labor and labor interests have adopted the same policy of action and are organizing throughout the country for mutual aid and protection against the oppressions of bad systems and unequal burdens as the result of the education of the past.

Trades-unions have sprung up and federation of trades throughout the country, one section counseling with another section for the purpose of securing uniformity of condition and price of wage labor, hoping thereby to enable the product of their labor in the interchange of commerce among the States, when conditions are equal, to have a fixed uniform value, enabling the employer thereby to sell his goods, so far as the cost of labor may enter into the value of his wares or merchandise, from a fixed standard or price-list of wages throughout the country. I consider these associations are doing more to elevate and educate the masses on the questions affecting our real home condition than any other one agency now employed in our midst, and will eventually prevent the necessity of strikes, that so often disturb the business centers, by arbitration as now adopted and direct co-operation of interest inevitably to follow in the near future.

The distinguished gentleman from New York [Mr. HEWITT], who is one of the largest manufacturers of iron and user of ores in the country, has taken a broad and conscientious stand upon this question in his advice to the workingmen of the country in a recent speech delivered on this floor. It comes with twofold weight from the fact that in all the years of the past in his business life he has never had a strike or any difficulty with his thousands of employés.

On labor-unions he spoke as follows:

In a strike which I witnessed on the Brighton Railway in England I had an interview with one of the chief officers of the great Association of Amalgamated Engineers. I asked him what was the limit of the wages which they expected to get from the railway. He said: "There is no limit; we intend to have all the net earnings of these railways, except a fair remuneration for the capital actually invested and fair salaries for those who administer them; and the only question with us is how to find out what the amount is, and we intend to have it." That great association contained as its members all the engineers of Great Britain, numbering many thousands. It has a great fund in its treasury of nearly a million of dollars, and it has had as much as a million and a half dollars at one time.

It selects one concern at a time and puts the men there employed upon a strike until their demands have been acceded to. The hours of labor have been cut down by this process to fifty-five hours per week, and the wages of labor have been largely increased, for no man can say them "nay" within the limits of right and justice which they strive to observe.

With this example other trades have organized, and these trades have confederated together and now constitute a great congress. They met in 1881 when I was in London, and the figures of that time are the latest that I happen to have. There were one hundred and fifty-seven delegates in that congress, representing a constituency of 463,899 members. They met there to consider what could be done to raise the average condition of the British workmen. Their deliberations were conducted with a calmness, with a courage, with an intelligence that would do honor to this House or to any other deliberative body in the world. They did not seek to attack capital. They have learned that capital is their best friend, but they intend to make it their servant, and they can make it their servant.

There is a steady increase in the growth and influence of this great organization, but what concerns me here is to define the significance of such organizations. The labor of Great Britain to-day is practically pooled for the purpose of securing out of the products of industry the full portion which ought to be allotted to labor after paying current rate of interest upon capital and a proper remuneration for management. This result they have been able to accomplish. The rate of wages has steadily tended upward in Great Britain, and although much time has been lost in disputes ending in strikes, the result of the organization has been to introduce arbitration between the masters and men, so that strikes are becoming the exception rather than the rule in trade disputes. In these arbitrations the masters and the workmen meet upon equal terms. The result is a better understanding of each other's rights, interests, and duties, and out of which is slowly growing, through the agency of co-operation, the association of the workmen with the owners in ownership and management of the property.

That process is only at its beginning, but, thank God, the day is at hand, and will surely come in my time, I hope, when workmen themselves will be the owners of all the machinery upon which they expend their daily toil, and shall themselves have whatever profits the God of Nature intended them to have as the fruit of their labor. [Applause.]

It is our duty at this session of Congress to grapple with this question, and very speedily, and punish any person who may be found guilty

of such degradation to mankind known to follow this system of employment, and as this bill seems to contemplate.

This House is the first House of Representatives—having a large Democratic majority—that gave to the labor interest or working people recognition in the appointment of a separate Committee on Labor, something that has been needed for years, but was pushed aside; the first House of Congress to establish a bureau of labor statistics of a national character directly for the use and information of the toiling classes, and I sincerely hope we will be the first to pass this bill to further protect the workman against the evils known to exist through the importation of workmen from foreign countries under the contract system; also the enforcement of the eight-hour law, prevent convict labor as now operated and employed to the detriment of free labor outside, by the passage of the bills now before us and on the Calendar before we adjourn. Do not offer a stone to the American toiler when you should offer meat, or resolutions in political platforms when action, not words, are demanded. This is not the day to play with labor people of this country; they are aroused and will hold us accountable. May our conception of duty and our action rise higher than the "Old Squire" in the play of "Rajah," wherein he advises the forge-master to be very careful with his workhands, "For if you give the workmen pie, they will soon want pudding; give them pudding, and they soon will want sauce." But let us give them pie, pudding, sauce, and meat, if possible, through this legislation at once, as the volume of testimony here presented should be the basis of our action.

> What! Our petitions spurned; the prayer
> Of thousands—tens of thousands—cast
> Unheard beneath your Speaker's chair!
> But ye will hear us, first or last;
> The thousands that last year ye scorned
> Are millions now. Be warned! Be warned!

There may be some among us who will object to this class of legislation, and others who will say if you pass this bill it will prevent the development of new industries at present not introduced in our country; and when in operation the workman must be brought from Europe or some other portion of the world to perform the work; or it prohibits voluntary immigration of the people of other lands to our shores who would come for the love of liberty and social equality guaranteed them under our form of government.

But the careful perusal of the last clause or fifth section of the bill is conclusive and satisfactory in its provisions to answer any objections that may be presented. It provides as follows:

> Nor shall this act be so construed as to prevent any person or persons, partnership, or corporations from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers.

This certainly removes every objection that could be raised against the enacting of laws to prevent attempted pauperization of the working classes of our country.

The person or persons, company, or corporation who would use this system of competition against their former workmen to impoverish them for the purpose of reducing their wage-labor should be considered unworthy the name of an American. I sincerely hope the time has come when the great labor associations and the poor toilers who know how this system affects their social condition in this beautiful land of perpetual harvest are to soon proclaim, from the mines in the bowels of the earth to the workshop in every valley and on every hill-top, that Congress here assembled has passed a bill to prevent pauper-wage prices for their labor, and that the "dismal period" has passed from the land forever.

Mr. O'NEILL, of Missouri. I yield to the gentleman from Wisconsin [Mr. DEUSTER].

Mr. DEUSTER. Mr. Speaker, I am in hearty sympathy with the principle of the pending bill. If amended, I shall give it my unqualified support. Sir, after what I have heard spoken on the floor of this House during the present session, my faith in the infallibility of language to convey its true meaning, or at least the intended meaning of him who gives it voice, has been sadly shaken. The protectionists from the manufacturing centers of the East and the tariff reformers from the agricultural regions of the West have wrung their hands and wept over the rights and wrongs of the American laborer, until I had about concluded that they were honest in their utterances and correct in their desires, if not to help, at least not to add to the burdens of, the sons of toil. We have been informed that labor was alienated from the laws of demand and supply; that the manufacturer—the big-hearted philanthropist—only desired protection by the Government from foreign competition that he might fix his own prices and share his profits proportionately with his employés. With this as the text, the tariff men have unloaded their choicest rhetoric, heavily freighted with glittering generalities, upon the laborer until he must be akin to Atlas, or blessed with sinews of iron and legs of brass to bear the burden.

And yet with all this waste of words I find in this the eleventh hour of the session that the laborer has been made a subterfuge to advance the interest of selfishness. It is necessary, in fact, that the strong arm of the law should be invoked to prevent the manufacturers, whose representatives have stood aghast at the poverty labor of Europe, from introducing that very element into the country and reducing the American laborer to its level by the very laws of demand and supply, the existence of which as a reality is denied. It seems to me in the face of what has been said and the action taken by the House in defeating the Morrison bill, in which both the affirmative and negative votes were inspired or claimed to be inspired by a desire to aid the American laborer, there can be but one side entertained by the House on the question of prohibiting the importation of foreign contract labor in the United States. The House has already unanimously committed itself to the principle involved and must pass the bill unanimously or be damned by its own inconsistency.

That the evils sought to be remedied by the bill have an existence is, I think, patent to every member on this floor who represents a manufacturing district.

Section 4 of the pending bill, however, seems to me to be rather harsh in its provisions. It seeks to make the master of a vessel which shall land any foreign-contracted laborer in this country responsible for the act and punishable by fine and imprisonment. This, I think, is interfering with the rights of a common carrier in an unwarranted degree, and allowing a discrimination on its part that is liable to abuse. It is an easy matter, with the contracted party in the hands of the authorities, to search out the violators of the law and to mete out the punishment without mixing the vessel captain up in the matter.

Mr. NEECE. Mr. Speaker, I am in favor of protecting American labor in the true and in every sense of the word. Here is an opportunity to accomplish that end. In this bill you protect the laborer, and do not give a bonus to the employer to be taken out of the earnings of the masses of the people. The vicious practice of persons operating mines and other kinds of works going to foreign lands and bringing to this country from the slums of vice and the dumps of creation foreign laborers to crush our own, and after accomplishing the purpose of their importation to turn them loose on society to breed and grow communism, should and must be prohibited. Now, here we have a chance to give to the laboring classes of America full and actual protection. We have heard much in this House of protecting the laborer, and now, gentlemen, we have a chance to test your sincerity. But as I am in favor of this bill I prefer to vote instead of talking.

Mr. GUENTHER. I am in favor of the principle of this bill, but hope it will be so perfected as to leave no room for doubt that the rights of everybody will be protected who is a resident of the United States, whether already a citizen by virtue of a sufficient length of residence in this country or having but recently arrived with the intention of eventually becoming naturalized.

During the debate of the Chinese restriction act in 1882 I put myself squarely on record by saying that I would vote to exclude my own German countrymen from this country provided they came here with such intentions and under such circumstances as these Chinese did. You will perceive, Mr. Chairman, that I went even further than this bill does. I am a protectionist. I want to protect American labor against degrading competition both abroad and at home. I am glad to notice that some of my free-trade friends are becoming imbued with protective ideas, even if they are still unconscious of the fact that they are on the road which will lead them finally to the true American platform, which declares that we as a people are in favor of a protective policy, of protection to American industries and to American labor, and opposed to free trade, which can mean nothing else but to allow foreign pauper labor to come in competition with our own, whether that labor is employed here or abroad.

As a declaration of that principle I greet this bill, as indicative that the spirit of protection is, as it ought to be, on the increase.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment the bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 353) to repeal section 1 of an act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 91) for the relief of the trustees of Isaac R. Trimble; and

A bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

The message further announced that the Senate disagreed to the concurrent resolution of the House of Representatives authorizing and directing the Clerk of the House to change the word "of" to the word "to," where it occurs the last time in the first line of section 3 of the enrolled copy of the bill (H. R. 2344) entitled "An act for the relief of Melissa G. Polar."

IMPORTATION OF LABOR UNDER CONTRACT.

Mr. O'NEILL, of Missouri. I yield to the gentleman from New Jersey [Mr. FIEDLER].

Mr. FIEDLER. Mr. Speaker, while the subject which I shall discuss is not strictly germane to the bill under consideration, yet fearing that owing to the probable adjournment of Congress at an early day the bill (H. R. 995) introduced by me early in the present session will not be reached in the press of business incident upon the closing hours of the session, I desire to submit a few remarks upon the necessity of legislation upon the bill to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America.

This bill largely affects the interests and welfare of our mechanics. It is the man of toil who appeals to you, his representative, to remove the unfair competition of contract convict labor. Who will oppose so just a demand? Each of the great political parties in several of the States have repeatedly declared in their respective platforms that they would in the event of success abolish convict labor. This bill does not even go to that extreme, but it objects to the contract system as applicable to the Government prisoners. As there can be no political issue on this question when both parties have been so outspoken thereto, we are in the fortunate position to discuss it calmly, and by legislation strike down the obnoxious system.

It is only a short time since this House was called upon to relieve the destitute Indians. The relief was granted notwithstanding the vigorous protest of members who did not deem it proper legislation. While I do not desire at this time to discuss the expediency of that measure, nor will I dwell upon the bountiful charity bestowed upon the colored race in years gone by, I do contend that it is high time that we enact laws which will ameliorate the condition of the American mechanic.

The tariff bill recently discussed in this House, which attracted the attention of the people of the whole country, was supported by its friends chiefly upon the ground of the relief that it was claimed would accrue to the benefit of the poor man, which would enable him to procure the necessaries of life at a lower rate. But what advantage are low rates to the consumer if he is deprived of that which will give him the means to secure and enjoy the privilege? What is the condition of our manufacturing industries to-day? They are in a deplorable condition; thousands of our best citizens are walking the streets for want of employment. While our prison authorities are boasting that their institutions are nearly self-sustaining by reason of the contract convict-labor system our mechanics are idle. Is this not a humiliating spectacle? Better a thousand times that the article he consumes be at a higher rate and give him the means to secure it than a reduction with nothing at his disposal to procure that which he desires. If you are sincere in your protestations—and I believe you are—for the welfare of the workingman to whose genius, after all, the credit is largely due of making this country what it is, the foremost in the world, then do not legislate merely to reduce the prices of consumption, but give the man the work to which he is entitled, and do not allow his labor to be placed on a level of competition with the criminal.

The young man after leaving his school-room is apprenticed to a trade; he serves a term of years patiently and faithfully; when he has reached manhood and mastered his calling he is ready to battle with the world for an honest living; but, alas, who is his first and most formidable competitor? For shame be it said it is his State and National Governments, which, under the pretext of making the penal institutions self-sustaining, place the felon on a better footing than the honest artisan, even if by so doing the latter is ground to starvation by the vicious practice. He is discouraged from the start, for it is impossible for him to compete with the criminal who has been hired to a contractor at an average of 50 cents per diem. I am in possession of reports from different States, in which we are informed by the prison authorities that the labor of the convict has been hired out to contractors at from 35 to 55 cents per day. The workshop, steam-power, and heating is furnished gratis. If you will consider in addition the amount of labor performed by the convict—for any of you that have ever witnessed them at work will admit that there is more labor ground out of a felon in ten hours than can possibly be expected from a man outside of a prison wall in twelve hours' time—and take all the contractors' advantages into consideration, you will find a condition of affairs that would even frighten Chinese immigrants.

A system that places the labor of an honorable man on an equal footing with that of a felon is infamous and disgraceful, and ought not to be tolerated in a country governed by freemen. Why, if it is continued crime will be encouraged, for a man will steal before he will allow his loved ones to starve for the necessaries of life, and while in prison is he not really in a better condition; for when incarcerated, no matter how worthless the fellow, you must feed, clothe, and keep him warm, and all at the expense of that man who strives to make an honest living.

If I understand the duty of a true Representative, it is to study the wants of his constituency and then to legislate so that the greatest good may reach the largest number. We have no right, in my opinion, to enact any law that is calculated to benefit the few at the expense and through the poverty of the masses.

Although convict labor is a new subject for discussion in the Halls of Congress it is familiar to the people at large, for the Legislatures of many States have given it attention and careful consideration; several of them, notably in the East, are now devising means to abolish the system. The Legislature of New Jersey recently passed an act, which was approved by the governor February 21, which declares that after the expiration of contracts now in operation it shall be unlawful in the future to contract out the labor of any convict in the State.

The legislative bodies of New York, Pennsylvania, Massachusetts, Connecticut, and other States have, after mature consideration, appointed commissioners, who investigated the matter thoroughly and exhaustively, and in every instance it has been admitted in the reports furnished that the contract system is detrimental to the manufacturing industry of the land. At the last State election the people of New York declared themselves by a very decided popular vote against the measure.

The obnoxious system of contract convict labor has even been carried on in the reformatory institutions, in which mere boys and girls are incarcerated for trifling offenses. Instead of educating these inmates so that they might yet become useful members of society, they are hired out to inure to the benefit of the contractor. The New York Sun in its issue of the 27th of January last has the following very able article:

WHERE CONTRACT LABOR UNDOUBTEDLY DOES HARM.

There is one class of offenders under the care of the State who seem to be, beyond all question, ill adapted to the contract system now in force in our penal institutions. They are the juvenile offenders confined in the two reform schools of the State, the house of refuge on Randall's Island and the western house of refuge at Rochester.

In these two institutions there were, according to the latest official returns, 1,377 children, and of this number 846 were employed by contractors. The contract system of labor having been adopted in the prisons, it was also, as a matter of course and without proper consideration, applied to the young inmates of these reform schools. In them, according to facts presented by Mr. William P. Letchworth, commissioner of the New York State board of charities, it is doing much to defeat the object for which the schools were established. That object was not punishment, but the reformation of the juvenile offenders and the turning of them into better and safer paths than those they had entered.

Mr. Letchworth discusses the subject very thoroughly in a pamphlet just published, and strengthens his conclusions by presenting an array of facts and opinions regarding the management of the labor of juvenile offenders obtained from thirty-three similar reform schools in other States. It seems that the contract system, with its "outside control" of labor, is in full operation in only five out of these thirty-three institutions. Twenty-seven of them have adopted the free-labor principle, or at least have retained control and supervision of the work performed, and one has a partial application of both systems. The only other States besides New York where the labor is sold to outside contractors are Illinois, Missouri, Maryland, and Pennsylvania. But the superintendent of the Baltimore house of refuge, where the contract and free-labor systems have been tried simultaneously, condemns outside control, "because under it the financial interest of the contractor is the first and almost the only consideration." "If the State would provide money enough to conduct a shoe-shop under State control," says the superintendent of the Illinois reform school, "it would be far better than to let any of the boys to contractors for any sum per day." In Pennsylvania it has been found necessary for the institution itself to place an overseer in the several workshops with the children to supplement the contractors' agents and employés. But spite of this precaution grave abuses occur. "Guard it as you will," says Superintendent Brown, "the difficulties of the contract system are almost insuperable. The danger is," he adds, "that the cupidity of the average contractor is so great that the best interests are not promoted."

In those institutions having free labor the children are made to work as a necessary part of their reformatory education, but they are free to devote more time to study and essential recreation than the contract system permits. "Outside direction of labor pays little regard to school or needful recreation," says Mr. Letchworth, "and brings a constant pressure upon the management for the greatest possible extension of working hours, as well as the performance of the heaviest possible tasks; failing in which, at the instance of the contractor's agents, flogging is generally resorted to, and sometimes repeated on the same delinquent several times during the same day."

The returns obtained from the institutions of the different States show, too, that the contract system can not be defended on the ground of greater economy, in reform schools at least. "If we except the Baltimore school, which comprises inmates of maturer years, and is conducted by the Xavierian Brothers at a minimum expenditure for salaries, the lowest per capita cost," Mr. Letchworth says, "is reached by the remarkably successful school in New Jersey, under the free-labor system."

Moreover, the contract system holds out a temptation to keep up and retain the supply of labor in the institutions. "The facility with which the children under this system may be placed on contract, the increased demand for labor by contractors, and the proportionate reduction of expenses in superintending large numbers, all tend to undue aggregation in these institutions."

Many of the children committed to our houses of refuge are simply the victims of unscrupulous parents, who turn them over to the care of the State in order to avoid their own duties. The children are thrown on the streets to pick up money as best they can, and when they acquire idle and vicious habits, and so fail to bring back their gains, complaint is lodged against them by their parents, and they are committed as bad and incorrigible. Accordingly, "a heterogeneous mass is collected within the walls of the refuge, including the felon, the prostitute, the disorderly, the neglected, and the abandoned; some committed for serious offenses, others confined as the result of the circumstances of their cruel fate."

Fifty-four per cent. of the children sent to the Randall's Island refuge are committed for "vagrancy, disorderly conduct, and truancy." In the houses of refuge they come in contact with "the most hardened and unpromising of the criminal class, and when they leave good and bad alike bear the ineffaceable stigma attaching to an institution to which criminals are consigned." Of the six hundred and eighty-three discharges last year only ninety-seven boys and twenty-four girls were indentured, while five hundred and thirty were "discharged to friends," that is, sent back to their old associations, with the house of refuge stain on them. "This last," says Mr. Letchworth, "is no mere sentimental objection. So strong is the prejudice against 'house of refuge' boys in some quarters that it is difficult to find employment for them, if it is known whence they come."

No system which tends to such aggregations ought to be tolerated. It is repugnant to humanity, and burdens the State not only with unnecessary expense, but with additions to its class of professional criminals. In Massachusetts, where a better system is used, the number of juvenile offenders under institutional care, proportionally to the population, is only half that in New York.

Mr. Letchworth sums up his objections to contract labor for these juvenile

offenders as being that it interferes with reformation; teaches a boy but one process in an operation; overworks the children; corrupts prison officials; encourages unreasonable and unduly severe punishments, and offers a strong temptation to retain as long as possible the best boys, because they are most dutiful and most useful to the contractor. Morally, it is bad in its influence, and it practically defeats the purposes of the schools.

I ask your indulgence to quote a few remarks from the very able report of ex-Mayor Richard Vaux, of Philadelphia, on the subject (see page 35 in Short Talks on Crime, Cause, and Convict Punishment), as follows:

Taking the best view of this convict labor in its profit-making, self-supporting aspect, it is simply to be thus stated: An individual commits crime, is convicted; his physical capacity to toil is sold to a contractor, who becomes a partner of the State in the manufacture of certain products, and from the sale of these products the State gets part of the profit, the contractor a part of the profit, while the outside free laborer is paid at as low a price for his free time and capacity as his employer can afford to come in competition with the State as a manufacturer. This is called punishment of the convict for his crime. Whatever may be the theory of congregation or association of prisoners during their incarceration, the plain, practical, common sense of its administration is first product and then profit, and for punishment that is at best but a probability.

One looks in vain for the application of elevating, ennobling, reformatory influences on a convict thus punished. He is at first graded to the level of a machine, the machine with which he works in association; then he is degraded by the fellowship and association with men who, like himself, are subject to the only care required, the care that keeps up the physical force; then he is degraded by convict contact; he is forced to toil not as a punishment, but to pay the partners who task him for a profit which sustains the partnership, and then he is marched lock-step into a room called a chapel, to worship God on Sundays. Given two hundred men who are discharged every year from a prison so conducted, and society has intrusted to its care, at what cost need not now be estimated, some, a very large proportion too, who have been manufactured into enemies of social welfare, security, and order. These men must reflect that their punishment was labor for a partnership which bought them for the period they were incarcerated, and now they have their personal liberty they will make society pay them for this labor. It is human nature—human nature of the low type; but by whom and how was it manufactured, shaped, and formed in this debased mold? The worst characteristics of this human nature have under this treatment been neither softened nor subdued. This can not be punishment, whatever else it may be. Surely it can not be an enlightened, wise, judicious method of punishing an individual for his crime against society.

No one who has considered carefully the subject of punishment for crime, ever has suggested that individuals under such punishment should not labor. Labor, however, is not always the only element in punishment; it is an important incident, but not the exclusive and only means of applying the penalty for crime. If prisons are to be simply State manufactories, and the profit to be made is the only aim of the State in creating them, then convicts on their sentence are condemned to be slaves for a certain time, and the State and the contractor are their masters. Society rejoices that this servitude costs the State no money, and civilization is solaced when beholding such an anomaly, that it is the congregate profit-making system of prison management which pays. These views are, it is believed, not exaggerated in their expression. They are not intended to be given in any spirit of controversial discussion. The purpose is only to enable thinkers to have their attention directed to this aspect of the subject. It is deemed pertinent to the general discussion of the question which is now intruding itself on public notice.

To invite attention to the "individual treatment system of convict punishment" these suggestions are submitted. Enlightened public thought is too important to omit any honorable mode of securing its grasp of the many questions that are intimately connected with the subject of convict labor. These remarks are only contributory to this end. The determination of all these questions must be left to the wisdom of those who have first mastered all the issues involved.

When it was asserted that a profit-making prison was a State manufactory, where the State sold the labor of the convict to the highest bidder, and claimed thus to make money out of this enforced toil, the analogy between these State manufactories and other like establishments under private control was not believed to be so strikingly manifest, as the following statements in the public press quite plainly prove:

"BOSTON, *July* 5, 1882.

"The prisoners at the State prison at Concord yesterday shouted and yelled without intermission, and broke up their cell furniture because they were deprived of certain recreations hitherto granted them on the Fourth of July. The workshops are closed temporarily. This morning the trouble continued, and the convicts are on a strike against the warden's discipline. About three-fourths of the convicts declare that they will not work until the usual holiday recreation of an hour's duration is granted. The warden says that he will put the riotous prisoners on bread and water if they do not become quiet.

"The trouble in the State prison at Concord, Mass., continues, but it is less exciting and threatening. The warden is placing the ringleaders as fast as discovered under the severest punishment that the prison affords, and in order to bring the disorder to as speedy an end as possible, has put the entire prison on bread and water. Thus injustice is done to those who have not participated in the tumult, but as all the guilty ones can not be discovered, this course toward the prison at large is followed, as discipline must be maintained. The men detected in acts of disorder have been taken out of their cells and placed, handcuffed and manacled, some of them in the strong-rooms, five in a cell, and others chained to the iron bar separating the strong-rooms from the corrider of the main prison. This mode of punishment of the men in squads is not altogether satisfactory, as they can talk with each other and band together to hold out, but it is the best that the prison affords for such a case. The solitary cells, being connected with other portions of the prison by the ventilators, are not available for punishment of obstinate criminals engaging in an uproar, for their shouting and racket would be heard from these cells as from their own, and to encourage the other prisoners to keep the noise going. The warden can not put a summary stop to the uproar by gagging the men, because this is against the established rules, and he is handicapped by other regulations. His position and that of his officers is a perilous one; his life is threatened by some of the more desperate men, and a struggle to break them to obedience may be a severe one. How long the bread-and-water treatment will continue, and how long the men now chained and in the strong-rooms will remain there depends upon the course of the men themselves. The warden holds the fort and demands an unconditional surrender."

The basis of this profit-making prison discipline, as has been asserted in these pages, is force. The chains and strong-rooms are unmistakable proofs of force.

Then, again, after summing up a well-written article on the contract system in the same report, he concludes as follows:

The reader will not fail to see that profit, money gain, is the chief if not the only result sought in the administration of this system. The convict appears to have no consideration beyond his ability to toil. So long as he makes money for the contractor and pays the State it is said he expiates his crime, suffers the penalty, and undergoes the punishment. The individual is lost in the lease. Whatever duty requires for the benefit of the man or advantage to society, punishment under this system, it would seem, ignores such obligations, which are neither recognized in the system nor awakened in the conscience of its administrators.

I desire also to quote a few extracts from statements made by gentlemen who attended the national congress on penitentiary and reformatory discipline at Cincinnati in 1870. The Rev. N. G. Byers, secretary of the Ohio board of State charities, being questioned as to what kind of labor he would advocate for prisoners, answered, "Farm work and trades;" and added this remark: "I would not have a contractor within gunshot of such a reformatory."

Dr. Wolf, of New York, thought that before the congress adjourned they should take a decided step as to what to do with the convict labor, and by all means not let it out to contractors. Of all the evils they had to contend with in New York the contract system of labor was the greatest. It obstructed discipline, degraded labor, was injurious to the pecuniary interests of the State, and was a formidable impediment to reformation.

Mr. Harlow, of Maine, offered the following resolution:

Resolved, That, as the sense of this congress, in the administration of all classes of prisons the paramount object should be moral and religious improvement, and that this is compatible with industry on the part of the prisoners and economy on the part of its officers; that the desire to make a prison a source of revenue, or even self-sustaining, should never be allowed to supersede those more important and ever-to-be-remembered objects, moral and religious improvement.

Col. William K. Murphy, of New Jersey, stated that the warfare was not so much with the system as with the contractors. He thought it difficult to get the right kind of men; the chances were against it; and therefore the system had better be wiped out.

Governor Haines, of New Jersey, was happy to hear that the contract system succeeded in some cases. He had occasion to visit, in the capacity of commissioner from New Jersey, a number of prisons, some of them in New York, and found one or two working under the contract system that were said to be financially successful; yet he saw some things in them that were not satisfactory. It seldom happened that contractors did not abuse their privileges. An exceptional case did not govern the principle; the principle itself was wrong. He was convinced from his own observation that the system did not work well. He hoped the system would be abolished.

All the gentlemen from whom I have quoted have taken a deep interest and devoted years of their time to study up reformatory measures by which our penal institutions could be more efficiently conducted.

It would not be amiss at this time to add the opinion of two eminent gentlemen from the other continent upon convict labor.

4 GUTHRIE STREET, EDINBURGH, *August* 19, 1879.

DEAR SIR: After making full inquiries, I find there is no competition betwixt convict and honest labor in Scotland. But I inclose valuable information received through the secretary of the Brushmakers' Society here, which shows that there are certain prisons in England where work is done which interferes with free labor to a considerable extent. And it is very discouraging to know that there should be any necessity for a governmental commission in such a country as America, "the land of the brave and the free," where slavery was put down by an immense loss of human lives and specie. However, we hope there is still sufficient power of moral right among its people to immediately stamp out of existence so gigantic a system of moral evil, more criminal than the employment of slavery itself, which threatens the general welfare of our brethren in trade by superseding their free-born liberties and honest rights with despotic principles of prison labor.

I am, yours, respectfully,

JOHN DOUGLASS, *E. C. Secretary.*

6 SWIFT'S ROW, DUBLIN, *August* 16, 1879.

DEAR SIR: The convict labor does not interfere materially with the trades of Ireland; but there are institutions called reformatory, presided over by clergymen of the different persuasions, where boys under 14 years of age are sent for petty thefts, and they are learned different trades, that is, shoemaking, tailoring, brushmaking, coopering, saddlery and harness making, &c. And when their time is up they are provided with situations, and very often by the influence brought to bear on employers they will get the preference, when men who have conformed to the rules of society are walking about.

I quite agree with your views of convict labor. It is very hard to tax the honest workingman to support the lowest scum of society, and give them an opportunity of depriving us of our means of living. It is time there was something done to put a stop to a system that tends to degrade the working class in any country where it exists.

Hoping you will excuse the delay, I remain, yours, respectfully,

WM. RUSSELL, *Secretary.*

A correspondent of the Cleveland Labor Star, in a recent issue, writes as follows:

CONVICT LABOR IN ALABAMA.

I want to write you of the convict-labor system of the State of Alabama, and have been wondering to myself if your readers have ever heard of anything so cursed and infernally mean as the convict-labor system of this sunny State. Criminals here are not locked up in prisons and made to labor after the Ohio plan, but instead their bodies are leased to contractors, and made to work in the mines, on the roads, or wherever their labor can be utilized, thereby competing at all points with skilled or unskilled workmen; and it is a daily occurrence to see the criminal, with his accompanying stripes and chain, working at the same employment as the honest mechanic. In Jefferson County alone there are more than 1,000 convicts so employed.

When a man is convicted of crime in Alabama he is sentenced to a term of months or years, as the case may be, and any citizen can then contract for his labor until the expiration of his term for the sum of from 40 to 60 cents per day, the sum ranging between the figures mentioned in accordance with the criminal's aptitude for work. What makes the system so iniquitous is the fact that a man having money can, through his friends, buy his own labor from the State

for his term of conviction, and thus go at liberty, while the poor man must serve his term out in the mines, and be lashed on the naked back if he does not fulfill the task assigned to him by the mine-owners, and all this with a chain attached to his leg and the striped clothing on his back to show the world he can never again be trusted. A short time since I visited the headquarters for criminal labor in Jefferson County to see for myself if such things were true as I write of, and I was assured ere leaving that the truth had not all been told me.

A pitiful sight I witnessed in a mining town known as Coalburg, in company with Mr. John Price, superintendent of the mines at that place, who called my attention to a blind negro, aged and gray, who was led by a negro to and from the mines, where he had been employed pumping water with a hand-pump daily for a long time. Mr. Price stopped the pair and asked the old man what he was in for? His answer was, "A hog, sir." "A hog! Well, what about the hog?" "The hog was mine, sir, but another man said it was his hog. So they sent me here, sir." The fact is the negroes here are indolent and lazy, and they will steal, thinking, no doubt, they have some right to the property of the whites, as they had previous to the war.

Negro labor is paid here at the rate of 90 cents per day; white labor at $1 for unskilled work, and I assure you it is very seldom you see a white man engaged at laboring work, as it is not known as an honorable occupation in this vicinity, and until such time as the labor of the South is organized and educated such will be the case.

In an interview the commissioner of the labor-statistics bureau, Mr. Charles F. Peck, of New York, expressed himself in reference to the Government prisoners as follows:

There are 334 United States convicts in our penal institutions. Of these, 156, or nearly one-half, are in the penitentiary at Buffalo. The total number of United States convicts now confined in the several States of the Union is in round numbers 1,021. Of this number 334 are in the several prisons and penitentiaries of this State. From these figures it will be seen that the citizens of the State, through the disgraceful action of their State and county officials, are to-day supporting, free of all charge to the National Government, nearly two-thirds of the United States prisoners in the entire Union.

The conditions upon which these convicts are received form a powerful argument for those who are opposed to the contract system. Mr. Peck furnished the following synopsis of the agreement made between State penitentiaries and the Department of Justice:

"Convicts to be delivered at the prison at the expense of the United States Government. All convicts in the prison are to be fed, clothed, and furnished with medical attendance at the expense of the prison. They are to be required to conform to the same rules and regulations as in case of State convicts, and are to be entitled to the same privileges. They are to have the same benefit from commutation of sentence as is by law accorded to State convicts, except that commutation is to be computed from date of sentence instead of date received in prison. On the discharge of United States convicts they are to be furnished with a suit of clothes, and when sent to this prison from any part of the State of New York, or from the District of Columbia, are to be given $15 in money, of which amount $5 is to be reimbursed by the United States Government. On the discharge of convicts sent from other States than New York or the District of Columbia, they are to be furnished with tickets for transportation to the place from which they were sent, and $10 of the money to be paid them shall be applied to the payment of such ticket (or so much of said $10 as may be required) and the excess of cost of such ticket, if any, is to be reimbursed to the prison by the United States Government."

"The managers of the Buffalo penitentiary," Mr. Peck said, "actually bid for convicts, and it appears that the Government let the contracts to the lowest bidders. This time the Buffalo people were the lowest bidders. Facts and figures show that, in their inhuman greed to bring prisoners to the Erie County penitentiary, the managers crowded two convicts in single cells in order to double the capacity of the prison. You can see how great this greed was by the great number of Government convicts the Erie County penitentiary supports. One-fourth of the prisoners there now are United States convicts."

"You do not believe, then, in this 'doubling-up' system?"

"No, sir; and if there is any one principle which is thoroughly agreed upon among prison authorities the fact is conceded that the doubling-up system is not only calculated to work injuriously to the morals of the prisoners, but that it is detrimental to discipline and dangerous to good order. In the Erie County penitentiary they had to do it to accommodate the hordes of United States convicts."

Mr. Peck said he had information to the effect that Mr. McEwen had verbally offered to take all the life convicts of the State of Texas. He first learned of the Erie County penitentiary's agreement through the rejection of a bid by the Auburn authorities to take Government convicts on similar terms. Brewster Cameron replied that the Department already had a similar contract with the Erie County prison authorities.

"Who builds the shops which are used by the contractors?"

"The State gives the contractors free workshops. The aggregate value of these shops is $415,304. The Kings County penitentiary has shops worth $131,654 and Albany $50,000. The contractors have these buildings rent free. No wonder that they want to retain the present system. How many men would go into the manufacturing business if they could obtain great workshops rent free and labor almost as cheap. Expensive additions were made to Clinton prison without proper authority."

On January 1 there were 5,446 convicts in this State employed on contract work, distributed among the following industries: Boots and shoes, 1,770; stoves, hollowware, &c., 1,246; saddlery and harness hardware, &c., 858; knit goods, 623; clothing, 376; axles, 284; laundry, 128; brooms and brushes, 94; bolts, 52; shirts, 6.

Were it necessary I might continue for an indefinite time to cite the opinions of authorities who are strongly opposed to the system. It would not be surprising to encounter the opposition of the prison authorities on this bill, for the contract system is too convenient to them to yield without a desperate struggle, for under its operation they are released largely from the duties and responsibilities that very properly belong to them; for while the prisoner is in the hands of the contractor they can enjoy their ease, for he will be very careful that his slaves furnish all their time and attention to his advantage. Woe to the criminal who dares look up from his labor during working hours! A ball and chain, with a feast on bread and water, await his carelessness.

It is in my estimation our duty to aid our unfortunate brother who has erred and become a felon by educating him in such a manner as will tend to make him a better and wiser man when his term of incarceration has expired. You can not accomplish this by speculating with his labor and knocking it down to the greedy contractor, for by so doing you demoralize what little manliness was in him, and at the same time you reduce the pay for the labor of the honorable citizen to starvation rates. As was well said by Governor Abbett, of New Jersey: "Let there be no busy prisons and idle factories."

In view of the facts presented, showing the injury which has resulted from the contract system, it would in my opinion be an expression of real statesmanship for the members of this House of Representatives to proclaim to the world that so far as we are concerned we will no longer tolerate the injustice of permitting the labor of Government prisoners to come into competition with that of the honest man of toil. On the contrary, we will set the example by prohibitory legislation, so that it may be accepted and adopted as a line of policy for the various State Legislatures throughout the country. You have wiped out slavery in the Halls of the national Legislature. Why should not the same power be willing to aid and encourage the struggling mechanic, so as to enable him to enjoy the fruits of an honorable competition?

Mr. O'NEILL, of Missouri. I yield five minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. While many of the provisions of the bill as it now stands are imperfect and unwise, yet the evil against which it is aimed is to my mind one which demands legislation. Voluntary immigration of foreigners who come here to improve their condition and make this country their home, immigration of men who land on our shores as freemen, at liberty to avail themselves of American opportunities and American wages, has always been considered wise and acceptable. Such immigration does not interfere with our protective system, which is designed to discourage the importation of the products of the cheaper labor of Europe and Canada and protect American industry and labor, because whenever a voluntary immigrant comes here free to make his own engagements on arrival and to become an American citizen he accepts not European but American wages and becomes identified with American interests.

The evil against which this measure is directed is not voluntary immigration, but the importation of foreign laborers, usually in large companies on contracts entered into abroad, under foreign conditions and at foreign wages. It is the importation of men who come here without freedom of action after they land, to serve under overseers who control their movements for a definite job or time, without an expectation of making a home here and generally without wife or family.

Such an importation of contract labor is contrary to a sound public policy, contrary to our ideas of freedom, and contrary to the best interests of our country. In the State which I have the honor in part to represent there was imported last year several hundred Italian laborers to construct a railroad at wages far below the American standard. They came not to become citizens, not to live as American laborers live, not to add their earnings to the wealth of the country; but they came as Italians, lived as Italian laborers of the lower sort, disturbed the peace and quiet of our State during their brief stay, and then left to return to Italy or to be contracted elsewhere by their overseer. It makes no difference what the nationality of such servile laborers may be, it is contrary to the best interests of our country to encourage or allow their importation under contract which renders them no longer freemen.

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. I yield to my colleague [Mr. BLAND].

Mr. BLAND. Mr. Speaker, a few weeks ago, when we were discussing the question of a revision of the tariff, it was claimed that American labor was secured protection under a system of import duties. We were told that a high protective tariff was for the special purpose of protecting American labor, and that has been the argument advanced for years by those in favor of a protective tariff. It has been left for the laboring people themselves in their organizations throughout this country to demand at the hands of this Congress that what was pretended to be their interest should if possible be made so.

This bill does not come here from the advocates of protection but from the men in their employ. We have erected barriers against commerce; we have prohibited the importation of foreign goods; we have erected a Chinese wall around this country with reference to everything except labor, and we have left the gates wide open for the importation of laborers from all countries under contract or in any manner that monopolists may deem proper to employ. In 1864 Congress passed an act in order to enable this to be done. What has been the consequence of it? Instead of American labor receiving the benefits of the bounties which the people of this country, especially the people of the West and the farming people, have been taxed to pay to monopolists, those monopolists have gone abroad and contracted with and imported into this country, according to the report of this committee, the very worst classes of laborers that to-day exist. And when by that means they have broken down American labor, have not only broken down all competition but deprived them of the ability to compete, then they have turned those imported laborers loose to tramp over this country and inoculate our people with the idea of communism.

To-day your cities are almost at the mercy of these importations from foreign countries. And unless we change our policy with reference to protection and the taxation of the people of this country for the special purpose of enabling the tariff barons to import here the pauper labor of the Old World, the day is not far distant in my opinion when your cities will be laid in ashes by communists and socialists.

The remedy for this evil is beyond this bill. In former times, twenty-five or fifty years ago, it may have been that we needed protection for American industries to a certain extent, and needed to invite all the civilized world to send their people over here. But now, while we invite the industrious, law-and-order, and liberty-loving laboring people of other countries to come freely to our shores, we welcome them as adding greatness to our country. But by this system of protection we are bringing over by wholesale the worst classes.

Our population to-day is probably 55,000,000, and in the next decade who can say that it will not reach 75,000,000 or even 100,000,000? We are taxed for the special purpose of bringing them into this country. I protest that the American laborer, that the American people, no longer desire to be taxed for that purpose. Nor does any exigency exist in this country which requires it. The bounties given to protected industries ought not to be used for the purpose of enabling the beneficiaries of them to go to the labor marts of the Old World and there drive hard bargains with pauper labor to come here in competition with our home laborers.

We are strong enough to-day to compete with the civilized world on land or on water. We are not in a position which requires us to tax ourselves or to enact revenue laws to secure the importation of people from other countries. I am in favor of this bill, because I desire some law that will protect the laboring people of this country against these corporations and these monopolists to whom we give bounties, and to prevent their sending abroad for laborers to be brought here to compete with our own people.

I submit from the able report of the gentleman from Ohio [Mr. FORAN], of the Committee on Labor, the following as further reasons that induce me to support this bill:

The Committee on Labor, to whom were referred the bills (H. R. 2550 and H. R. 3313) to prohibit the importation and migration of foreigners and aliens under contract to perform labor in the United States, have had the same under consideration, and beg leave to report back bill H. R. 2550, and recommend its passage, with the following amendment, as substitute for both of said bills:

Add to section 5 the following: "Nor shall anything in this act be so construed as to prevent any person or persons, partnership, or corporation from engaging under contract or agreement skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present existing or established in the United States, provided skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers."

This recommendation is founded upon the investigations of the committee, and the conclusion to which the committee have come, based upon such investigation, that the evils complained of and sought to be remedied by the bill actually and to an alarming extent exist. The bill in no measure seeks to restrict free immigration. Such a proposition would be, and justly so, odious to the American people. The foreigner who voluntarily and from choice leaves his native land and settles in this country with the intention of becoming an American citizen, a part of the American body-politic, has always been welcome to our shores. As a recent writer well said:

"Such an immigrant by his coming to this country gives us a certain assurance as to his ability to take care of himself and to hold up the standard of social well-being which he finds already existing among our working classes."

Such an immigrant comes here because the institutions of the country are in consonance with his social and political ideas, and because of the advantages and opportunities afforded by the extent of our domain and its material resources. He comes to better his social and financial condition, to take advantage of the facilities which he finds here; and as he comes of his own volition, by his own means, and from choice, he always exacts for his labor the highest rates which the market affords. No one is injured by his coming, and as he generally makes a good citizen, the State is benefited by the acquisition. These immigrants are generally of a higher class, socially, morally, and intellectually, and have aided largely in the development of our industries and the material progress of our people. With this class of immigrants this bill has no concern. Its object is to restrict and prohibit the immigration or rather the importation of an entirely different class of persons, the immigrant who does not come by "his own initiative, but by that of the capitalist." It seeks to restrain and prohibit the immigration or importation of laborers who would have never seen our shores but for the inducements and allurements of men whose only object is to obtain labor at the lowest possible rate, regardless of the social and material well-being of our own citizens and regardless of the evil consequences which result to American laborers from such immigration.

This class of immigrants care nothing about our institutions, and in many instances never even heard of them; they are men whose passage is paid by the importers; they come here under contract to labor for a certain number of years; they are ignorant of our social conditions, and that they may remain so they are isolated and prevented from coming into contact with Americans. They are generally from the lowest social stratum, and live upon the coarsest food and in hovels of a character before unknown to American workmen. Being bound by contract, they are unable, even were they so disposed, to take advantage of the facilities afforded by the country to which they have been imported. They, as a rule, do not become citizens, and are certainly not a desirable acquisition to the body-politic. When their term of contract servitude expires their place is supplied by fresh importations. The inevitable tendency of their presence among us is to degrade American labor and reduce it to the level of the imported pauper labor.

The demand for the enactment of some restrictive measure of this character comes not alone from American workingmen, but also from employers of labor in America. The employers of labor who, from inability or from patriotic motives, employ only American workingmen, are unable to compete in the markets with the corporations who employ the cheap imported labor.

As an evidence of the truth of this proposition, the glass manufacturers of Pittsburgh, including all the large employers of labor in that industry, in January, 1880, denounced the action of the manufacturers west of Pittsburgh in importing European workmen in place of discharged American workmen.

This evil has become so extensive, alarming, and great that the attention of our foreign consuls has been directed to it.

Mr. O'NEILL, of Missouri. I now yield two minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER, of Pennsylvania. Say five minutes.

Mr. O'NEILL, of Missouri. I can not do it.

Mr. BLAND. I ask unanimous consent that general leave be given to members who may desire to do so to print in the RECORD remarks upon the pending bill.

There was no objection, and leave was granted accordingly. [See Appendix.]

Mr. HEWITT, of Alabama. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I voted this morning to proceed to the consideration of this bill with the distinct understanding that the previous question was to be called at half past 2 o'clock. It is now 3 o'clock, and the previous question has not yet been demanded.

The SPEAKER. That is not a parliamentary question.

Mr. MILLER, of Pennsylvania. I will yield the time which has been given me to the gentleman from Maryland [Mr. MCCOMAS].

Mr. O'NEILL, of Missouri. I now yield to the gentleman from Wisconsin [Mr. JONES].

Mr. JONES, of Wisconsin. Mr. Speaker, I am in accord with the general spirit of this bill and its objects. The gentleman from Pennsylvania [Mr. KELLEY] has on several occasions described the condition of the laboring men in the manufacturing districts of his State. From his description during this debate we must infer that in some of those districts men and women are herded together almost like beasts in miserable tenements.

It has often been asserted on this floor and it has been clearly proved before the committees of this House that in manufacturing districts it is common for manufacturers to send abroad for laborers, to hire them in large numbers at inadequate wages, and thereby to drive out of employment those resident laborers who have the first claim to our protection and regard.

The evidence given before the committees of the House and Senate shows that by this system the laborers who are thus imported are deceived and too often left desolate when they find that the promises of steady work and large wages are broken as readily as they have been made.

The testimony shows that the wages of laborers in our factories have frequently been reduced in some localities 10 or 15 per cent. by the importation of Italian or Hungarian laborers. That these imported laborers abandon their employment after a little time and become wandering vagrants or else return to their European homes.

There is nothing which tends more directly to degrade the honest labor of this country than this system as it has been practiced in some of the manufacturing districts.

The system does not befriend those who are brought from their homes to a foreign land under false pretenses; much less does it befriend the laboring men of our own country.

While I approve the objects of the bill, I could not vote for it in its present form. The friends of the bill have honestly desired to prevent the evils to which I have just alluded. But in their zeal to do this they have drawn a bill altogether too rigorous in its provisions. I live in a community in which those of foreign descent form no small proportion of our entire population. Instances have frequently come under my observation where Germans, Irishmen, and Norwegians living in Wisconsin have sent for their kinsmen abroad to come and share with them the prosperity of their adopted home.

In every State there are American citizens of foreign birth who are laying aside some portions of their earnings to devote them to the aid of their relatives beyond the seas. There are men and women, too, all over the land who are indulging the hope that next month or next year they can send money enough to pay the passage of some relative to America. It can not be the purpose of those who reported the bill to prevent those acts of generosity. The bill is aimed at an abuse. The practice of which I have just spoken is not an abuse, but one which comes from the best impulses of the human heart. If this bill is guarded in this respect I will support it with pleasure. Unless some provision is added to the bill moderating its strict provisions I can not give it my vote. I have prepared an amendment which I think will cure this defect in the bill, which defect is no doubt an inadvertence. I do not think that the amendment will be objected to by the gentleman in charge of the bill. If it is not now in order to offer the amendment, I ask unanimous consent that it may now be offered and considered pending, and I now send it to the desk to be read for that purpose.

The SPEAKER. The amendment will be read.

The Clerk read as follows.

After line 15, in section 5, add the following:

Provided, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

The SPEAKER. If there be no objection, the amendment just read will be considered as pending.

There was no objection.

Mr. O'NEILL, of Missouri. I now yield two minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, it is very little indeed that one can say on such a subject as this in the limited time accorded to me by the gentleman from Missouri [Mr. O'NEILL]; but I will avail myself of the permission granted to extend my remarks in the RECORD.

I desire simply to say that I am in hearty sympathy with the pur-

pose of this bill, as I understand it. I think there are very serious imperfections in the draught of the bill, which I hope may be remedied by amendment. Some of the amendments already offered will, if adopted, remove some of these imperfections.

WHAT THE BILL MEANS.

As I understand this bill, it is designed to prevent the depressing influence upon American labor of the introduction from foreign lands of laborers who have previously entered into contract to work for less wages than the current wages of American labor in the same class of industry. With that purpose I am heartily in sympathy. It is a part of the great "American system" by which we seek to prevent the hurtful and destructive competition of the ignorant, half-paid, and half-civilized laborers of Asia and Europe with our own. It is supplementary to the legislation restrictive of Chinese immigration, and has in view the same object.

NOT TO PREVENT BONA FIDE IMMIGRATION.

This legislation is not designed to interfere with the usual and ordinary voluntary immigration of those foreigners who come in good faith to our shores seeking a new home and the blessings of a better civilization; who bring with them their earthly stores, be the same more or less; who set up here under new roof-trees the *lares* and *penates* which have made sacred the homes of their ancestors, with the purpose of casting here their lot, of building here new homes, and finding here their final resting-place after having served a true allegiance to the government of their adoption.

It is designed rather to exclude the degraded *lazzaroni* of Italy, the almost servile laborers of Hungary and other southern European countries who come here moved not by the healthy and normal impulse of migration, but incited and instigated by the mercenary agents of corporations whose only object is not the building up of an intelligent and manly laboring class, but only to procure the cheapest labor with which to wage war against those laborers who are seeking by associated effort to compel a more equitable division of the joint product of labor and capital and the maintenance of the American scale of wages for workingmen.

Foreigners who come to our shores in good faith, to seek more friendly skies, more favorable laws, higher civilization, freer schools for their children, better fortunes for themselves, and all the blessings of American citizenship, always have been and always should be welcome.

Not many of us would be able to trace our lineage very far back before we should find where we ourselves or our immediate ancestors were emigrants to these shores; and we should be alike false to ourselves and to our history, as well as false to our future, did we seek to prevent or to hamper *bona fide* and legitimate immigration.

THE GOTHS AND VANDALS.

But the laborers against whom this bill is directed are the Goths and Vandals of the modern era. They come only to lay waste, to degrade, and to destroy. They bring with them ignorance, degraded morals, a low standard of civilization, and no motive of intended American citizenship. Like the vast flights of grasshoppers and locusts that a few years since devastated our Western prairie States, they sweep down upon our fields of labor to devour and strip from us the benefit of our customs and of the laws protecting American labor, and then take their flight again back to the breeding places from which they came.

There is nothing in our history, nothing in our traditions, nothing in our laws or in our duties to the race that requires us longer to submit to these invasions.

IN HARMONY WITH REPUBLICAN POLICY.

All the traditions and the history of the great political organization with which I have the honor to be identified are solemnly pledged against any such degradation of American labor. On every page of its history is written the record of one long and grand struggle for the redemption and uplifting of American labor. It had its birth in the intense and fervid hatred of our people for the spread and continuance of the competition of slave labor with the free labor of our land, degrading as it did the level of our civilization and fostering by law the necessary ignorance of millions of slaves. It fought for years to place upon our statute-books the great and beneficent homestead law, that free labor might have free land, and this, too, against the most persistent and united opposition of the Democratic party, whose leaders declared that free land would be "demoralizing" to the people, and against the veto of the last Democratic President of the United States.

This party, to which I am proud to belong, has ever fostered the protection of American labor and productive industry by tariff legislation, recognizing the fact that our laborers ought not to be compelled to work in open and unaided competition with the pauper labor of Europe and the Oriental labor which works for 5 cents a day.

We believe in a tariff adequate to raise all needed revenue, and yet with discriminations in favor of American workers and American production. As expressed by the unanimous voice of the Republican national convention, we believe that—

It is the first duty of a good government to protect the rights and promote the interests of its own people. The largest diversity of industry is most productive of general prosperity and of the comfort and independence of the people. We therefore demand that the imposition of duties on foreign imports shall be made not for revenue only, but that in raising the requisite revenues for the Government such duties shall be so levied as to afford security to our diversified industries and protection to the rights and wages of the laborer, to the end that active and intelligent labor, as well as capital, may have its just reward and the laboring man his full share in the national prosperity. Against the so-called economic system of the Democratic party, which would degrade our labor to the foreign standard, we enter our earnest protest.

And while we are on this subject of excluding the direct competition of this degraded labor of Europe let us not for a moment forget that there is no competition in labor except as there is competition in products.

While you are considering your anti-Chinese bill do not forget that while by such restrictive legislation you may exclude a few thousand Chinese from our soil who would otherwise become consumers of our products, by free trade you annex China to America and let in the whole 400,000,000 of Chinese and bring their degraded labor into direct and unrestricted competition with our own workers.

When you freely admit the products you do freely admit the labor, and you might better admit the laborer himself. Then he would not alone be a competitor in your labor market but he would also be a consumer of our products. He would require houses, furniture, clothing, food, utensils, and implements of labor, and ultimately books, schools, and churches.

By admitting the labor without admitting the man you admit all that harms and nothing that helps.

AN ILLUSTRATION.

A concrete instance will illustrate my meaning. On a recent return to my own town in Michigan I found much discussion among our workingmen because one of our great manufacturers, who employs about three hundred men, had received into his employment six families of Canadians, the working portion of which families consisted of six men and ten boys. These Canadians were not of the degraded, half-servile class against which this bill is aimed, but intelligent and worthy men, who came with all their families, bringing their "household goods and gods." They simply made sixteen more hardy, self-respecting laborers in the State of Michigan in addition to the tens of thousands of Canadians who had come before. They came to stay. They quickly learned American ways and American wages. Even if they had agreed to work for less than the going wages (which I do not know), such a contract would not endure for three months, for when they learn that they are not getting as much wages as the men around them they will be quick to seek other employment and better wages. But, on the other side, these six families become consumers. They must each have a cottage, which makes work for the American mechanic. They must have furniture, which makes work for the American artisan. They must have clothing, boots, shoes, hats, caps, and food, which makes work for American farmers, manufacturers, and merchants. In short, they become embedded in the great American labor system, giving as well as taking, and investing their surplus here.

But suppose, on the other hand, we adopt the plan of my ardent free-trade colleague [Mr. YAPLE] and enact "free Canadian lumber" then at once the entire product of the Canadian woods and mills is brought into immediate and unrestrained competition with the workingmen of the Michigan woods and mills. Instead of having six families to compete with you have 60,000.

They stand on their own ground; the boundary is wiped out; they have all moved into our field of production. They work at Canadian wages (about 70 per cent. of ours), but they live in Canadian houses, use Canadian furniture, wear Canadian clothes, subsist on Canadian food, and do not give employment to one single American mechanic, farmer, manufacturer, artisan, or merchant.

INCONSISTENT WITH FREE TRADE.

I can well understand why all Republicans who believe in protection should favor the purpose of this bill. I can see why the Republican national convention recently convened at Chicago should have unanimously embodied, as it did, in its platform the following declarations:

We favor the establishment of a national bureau of labor, the enforcement of the eight-hour law, a wise and judicious system of general education by adequate appropriation from the national revenues wherever the same is needed.

We believe that everywhere the protection to a citizen of American birth must be secured to citizens by American adoption, and we favor the settlement of national differences by international arbitration.

The Republican party having its birth in a hatred of slave labor, and in a desire that all men may be free and equal, is unalterably opposed to placing our workingmen in competition with any form of servile labor, whether at home or abroad. In this spirit we denounce the importation of contract labor, whether from Europe or Asia, as an offense against the spirit of American institutions, and we pledge ourselves to sustain the present law restricting Chinese immigration and to provide such further legislation as is necessary to carry out its purposes.

The protection of free American labor has been an important part of our avowed policy since the origin of our party.

But I can not understand how the Democratic party can at the same time favor free trade, which brings American labor into unrestricted competition with the production of all the cheap labor in the world, and while it will make America the receptacle for the product of all this cheap labor, forbids the laborer himself to become a domestic consumer of our products.

They admit the cheap labor, which is the only hurtful thing, and exclude the laborer, the only helpful thing.

The position of the Republican protectionist is strictly consistent; the position of the Democratic free-trader is utterly inconsistent, absurd, and untenable.

THE REPUBLICAN PARTY PLEDGED TO THIS PROTECTION.

As the Republican party destroyed, by its policy and constitutional enactments, the degrading competition of slave labor, and opened the free Territories of our country to the homestead settlement of free laboring men; as it has protected American workers and American industries by the American system; as it has placed upon our statute-books the "eight-hour law," for the double purpose of checking overproduction and elevating the condition of our working class; as it has cordially approved of the legislation restricting the un-American invasion of the Chinese, so it stands pledged now to the exclusion of the *lazzaroni* of Italy and the semi-servile laborers of Southern Europe, who come here, not to make homes and become Americans, but come like locust-swarms to strip our fields and then take flight again.

The Democratic party is utterly disqualified and disabled by its whole constitution, history, and traditions from consistently and rationally handling this great question of free labor. For almost a century it was the faithful ally and servitor of American slavery. Its leading statesmen declared that "capital should own labor." Its last President vetoed the homestead act, which would provide homes for the working class. It has always worshiped at the shrine of the idol of free trade, which would put us in undiscriminating and unequal competition with all the cheap labor in the world and make our country the free dumping-ground of all its products. Its only conception of scientific and statesmanlike "tariff reform" culminates in a "horizontal reduction," which would aggravate every existing evil without offering a cure for any; a measure which would be quite as likely to increase the surplus in the Treasury as to reduce it; which would not diminish the alleged burdens of taxation, but would increase importations of foreign goods and send hundreds of millions of money out of the country to pay for the products of cheap labor, without increasing the market for our own food products, and which would turn the balance of trade against us, and drain us of our gold until it would compel a suspension of specie payments and bring financial and industrial disaster upon the country.

Without the adjunct of the American system of protection, as advocated and maintained by the Republican party during the last quarter of a century, this proposed legislation would be most lame and impotent. With that system it is fully in harmony and adds to the completeness of its structure.

I trust that I am not indifferent to the welfare of any race, or any people, or any class. I recognize in the broad sense the brotherhood of man and our obligations to all men. But the Almighty has made us Americans. He has cast our lot here. "The lines have fallen to us in pleasant places and we have a goodly heritage." Our first duty is to America and to Americans; to build here a great, free, enlightened nation that shall be a light to all the world; to foster here a strong and fruitful civilization that shall stand as a bulwark against all oppression, and that shall hold as precious above all things the manhood of the individual man. When we legislate in the interest of America we do most effectually legislate in the interest of the world.

It is all very well for enthusiasts to shout, "Down with the walls, out to the sea," but we may find that he means "down with the dikes, in with the sea"—a sea of ignorance, vice, and servility that shall whelm us in its raging and murky floods. I favor this legislation because it does not "down with the walls," because it does not let in the sea.

Had this bill originated among those who have piloted the path of the empire of free labor on this continent among those accustomed to deal thoughtfully with these great industrial and economic questions, I believe it would have been more skillfully drawn and less amenable to criticism.

The crudeness and incompleteness of this bill is another evidence of the incapacity of the Democracy to deal with this class of questions in a statesmanlike manner.

But, as I said in the beginning of my remarks, I am heartily in sympathy with the main purpose of the bill. I should much more gladly vote for it if amended as I shall propose. But it is an attempted step in the right direction, and is so much in accord with a reform which I believe is greatly needed that I shall vote for it even without the amendments which I hope may be made.

I thank the gentleman from Missouri for his courtesy in yielding me a portion of his time.

Mr. O'NEILL, of Missouri. I yield three minutes to the gentleman from Maryland [Mr. MCCOMAS].

Mr. MCCOMAS. Mr. Speaker, there is no doubt that under the power to regulate commerce with foreign nations Congress can concern itself with the transportation of passengers as well as commodities, and that the power exists to prohibit immigration as well as to regulate the entry of persons into this country and the terms upon which the citizens of foreign countries may come here. In view of the motives with which laborers from foreign countries have been brought here and the restraints under which they have been imported; in view of the fact that when introduced into this country they are worked at the will of corporations "like dumb, driven cattle," there can be no doubt that such importation is a prostitution of American citizenship and, I think all must agree, a great evil. If the evil be great, the remedy for the evil is what we all desire. I heartily wish to vote for some such bill as this.

But the first section of the bill under consideration, in the fifth, sixth, and seventh lines, prohibits a foreigner who has lived here for years from contracting with anybody else with regard to his labor. I well know that this was not the purpose of the committee who framed this bill; and I propose to send to the desk an amendment which will obviate the objection raised against this section, by transferring the fifth, sixth, and seventh lines to the end of the section. With this amendment it can be no longer objected that this section prohibits foreigners resident in this land from contracting in good faith with others; and at the same time the main purpose of the measure, as I understand, the prevention of the prostitution of American citizenship by corporate power, will not be interfered with.

[Here the hammer fell.]

Mr. MCCOMAS. I ask unanimous consent that the amendment which I have sent to the desk be read and considered as pending.

Mr. NICHOLLS. Mr. Speaker, I understood that this debate was to close at half past 2 o'clock.

The SPEAKER. There was no limitation fixed. The debate can only be closed by demanding the previous question. The previous question has not been ordered or demanded.

Mr. HOPKINS. I take the floor, not for the purpose of continuing the debate, because I realize the impatience of members to vote on the question, but to demand the previous question. Before doing so, however, I am willing to yield to gentlemen who desire to offer amendments.

The SPEAKER. The amendment sent to the desk by the gentleman from Maryland [Mr. MCCOMAS] will be read.

The Clerk read as follows:

Amend the first section by striking out in lines 5, 6, 7, and 8 the words "to enter into an agreement or contract with any foreigner or foreigners, alien or aliens, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia, or," and add to the section the following words: "to perform labor or service of any kind in the United States, its Territories, or the District of Columbia;" so as to make the section read:

"That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, paid or special, expressed or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Teritories, or the District of Columbia."

Mr. FORAN. That amendment is acceptable to the committee.

Mr. HOPKINS. The amendment is satisfactory to the committee, but I understand it must be voted upon by the House.

The SPEAKER. If there be no objection the amendment will be voted upon now.

The amendment of Mr. MCCOMAS was agreed to.

Mr. HART. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "agreement," in the twelfth line of the first section, insert "for labor."

Add to the section the following:

"*Provided, however*, That nothing in the act shall be so construed so as to prevent the employment of foreigners or aliens who are *bona fide* residents of the United States."

Mr. FORAN. That is provided for by the amendment of the gentleman from Maryland [Mr. MCCOMAS], already adopted.

Mr. HART. I may not have understood sufficiently the force of the amendment just adopted. If it accomplishes the same object as my amendment, I withdraw mine.

Mr. CUTCHEON. I desire to send up an amendment to be read.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. HOPKINS] yield generally for amendments? If so, gentlemen will send up amendments to be read and considered as pending.

The Clerk read the amendment of Mr. CUTCHEON, as follows:

After the words "District of Columbia," in line 8, insert "at rates of wages less than the current rate of wages for the same class of labor at the locality in the United States where said labor or service is to be performed."

After the words "District of Columbia," in line 12, insert "to perform service or labor."

At the end of the first section add "at a rate of wages less than the current rate of wages for the same class of labor in the locality in the United States where such labor is to be performed."

Mr. BRUMM. I desire to offer an amendment to the sixth section, to insert, after the word "that," the words "an act entitled 'An act to encourage immigration,' approved July 4, 1864, and;" so as to make the section read:

That an act entitled "An act to encourage immigration," approved July 4, 1864, and all laws or parts of laws conflicting herewith, be, and the same are hereby, repealed.

The SPEAKER. The act of July 4, 1864, was repealed many years ago.

Mr. BRUMM. I was not aware of that.

Several MEMBERS. Oh, yes!

Mr. PARKER. I move to add the following as a new section.

The Clerk read as follows:

Nothing in this act contained shall apply to citizens or inhabitants of any of the foreign countries of the American continent.

Mr. HOPKINS. I now demand the previous question.

The previous question was ordered.

The first question recurred on the following amendments of the committee.

The Clerk read as follows:

Add the following:

"Nor shall this act be so construed as to prevent any person or persons, partnership or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers."

SEC. 6. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

The amendment was agreed to.

The question next recurred on the following amendment, moved by Mr. JONES, of Wisconsin:

After line 15, section 5, add the following:

"*Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States."

The amendment was agreed to.

The question was next taken on the following amendment, moved by Mr. CUTCHEON:

In section 1, line 8, after the word "Columbia," insert the words:

"At rates of wages less than the current rate of wages for the same class of labor at the locality in the United States where said labor or service is to be performed."

The amendment was disagreed to.

The question recurred on the following amendment moved by Mr. CUTCHEON:

In line 13, section 1, after the word implied, insert "to perform service or labor."

The amendment was agreed to.

The question was then taken on the following amendment moved by Mr. CUTCHEON:

In section 1, at the end of line 15, add the words "at a rate of wages less than the current rate of wages for the same class of labor in the locality in the United States where such labor is to be performed."

The amendment was disagreed to.

The question recurred next on the following amendment moved by Mr. PARKER:

Nothing in this act contained shall apply to citizens or inhabitants of any of the foreign countries of the American continent.

Mr. HOPKINS. That will destroy the efficiency of the bill, and I hope it will be voted down.

The amendment was rejected.

Mr. HOPKINS. I move the correction of the following clerical errors: Strike out "paid," wherever it occurs, and insert in lieu thereof the word "parol." Also strike out "expressed" and insert in lieu thereof "express." In section 3, line 2, strike out the words "and two." In section 4, line 9, strike out "less" and insert "more."

There was no objection, and the corrections were made accordingly.

The SPEAKER. The question now recurs on ordering the bill as amended to be engrossed and read a third time.

The House divided; and there were—ayes 102, noes 17.

Mr. DARGAN demanded the yeas and nays.

The yeas and nays were not ordered:

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOPKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARTHOLDI STATUE OF LIBERTY ENLIGHTENING THE WORLD.

Mr. KASSON. Mr. Speaker, at the request of the gentleman from New York, I ask to take up the House concurrent resolution which the Senate has amended to a joint resolution, no other change being made in it, and agree to the said Senate amendments. I refer to the resolution authorizing the temporary exhibition in the Capitol of a model of the pedestal of the Bartholdi statue of Liberty enlightening the world.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, &c., That permission be, and is hereby, granted to the committee, of which William M. Evarts is chairman, having in charge the erection of the Bartholdi statue of "Liberty enlightening the world," on Bedloe's Island, in the harbor of New York, to exhibit in the Capitol, under the direction and subject to the control of the Architect, a model of the pedestal now in process of construction: *Provided*, That the said model shall not occupy a floor-space of more than ten feet square, and shall be removed without expense to the Government whenever required by the Architect of the Capitol.

The SPEAKER. The Clerk will report the amendments of the Senate.

The Clerk read as follows:

In lines 2 and 3, strike out, "Resolved by the House of Representatives (the Senate concurring)," and insert, "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

And that the title be as follows:

Joint resolution granting permission to exhibit in the Capitol the model of the pedestal of the Bartholdi statue of Liberty enlightening the world.

The SPEAKER. The question is on agreeing to the amendments of the Senate.

The Senate amendments were agreed to.

Mr. KASSON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TUCKER. I move to dispense with the morning hour for the call of committees.

Mr. MILLS. I hope that will not be done. We ought to have a morning hour to make reports, as we have not had one for two weeks.

The House divided; and there were—ayes 79, noes 70.

Mr. TUCKER. I ask for tellers.

Tellers were ordered—36 members voting in favor thereof.

Mr. TUCKER and Mr. MILLS were appointed tellers.

The House again divided; and the tellers reported—ayes 84, noes 66.

So (two-thirds not voting in favor thereof) the morning hour was not dispensed with.

LEASE OF CONSULAR PREMISES, CHINA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Expenditures in the State Department, and ordered to be printed:

I transmit herewith, in answer to the resolution of the House of Representatives of the 31st of March last, a communication from the Secretary of State, with accompanying papers, concerning the rent of consular premises in China.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *June* 19, 1884.

NEW PENSION BUILDING.

The SPEAKER laid before the House a letter from the Secretary of the Interior, submitting additional estimates for the completion of the new Pension building; which was referred to the Committee on Appropriations.

OFFICE OF THE GOVERNMENT ACTUARY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending an appropriation of $500 for the purchase of books, serials, and apparatus for the Government Actuary, to be made in the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LAMB, for eight days, on account of important business.

To Mr. BEACH, for eight days, on account of important business.

To Mr. KASSON, indefinitely, on account of illness.

To Mr. LORE, indefinitely.

To Mr. STEWART, of Texas, for the remainder of this day, on account of sickness.

CONTESTED ELECTION—CAMPBELL VS. MOREY.

Mr. LOWRY. In pursuance of the notice heretofore given, I move to take up for consideration the contested-election case of Campbell *vs.* Morey.

Mr. LEWIS. Against that I raise the question of consideration in behalf of proceeding with the land-grant business.

The SPEAKER. The resolutions reported from the Committee on Elections will be read, after which the Chair will submit the question to the House.

The Clerk read as follows:

Resolved, That Henry L. Morey was not elected as a Representative to the Forty-eighth Congress from the seventh Congressional district of Ohio, and is not entitled to the seat.

Resolved, That James E. Campbell was duly elected as Representative to the Forty-eighth Congress from the seventh Congressional district of Ohio, and is entitled to his seat as such.

Mr. TUCKER. I raise the question of consideration.

The SPEAKER. The gentleman from Louisiana demands that the question of consideration be put to the House.

Mr. SPRINGER. But the morning hour is the only thing that can antagonize that motion.

The SPEAKER. The gentleman is not required to state any reason for raising the question of consideration. Under the rules of the House every member has a right to demand that the Chair shall put the question whether the House will now proceed to consider the matter proposed or not.

The question is now, Will the House proceed to the consideration of the case of Campbell *vs.* Morey?

The question was taken, and the Speaker announced that the noes seemed to prevail.

Mr. LOWRY. I demand a division.

The House divided; and there were—ayes 70, noes 75.

Mr. LOWRY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 93, not voting 108; as follows:

YEAS—122.

Adams, J. J.	Dibrell,	Lamb,	Skinner, T. G.
Alexander,	Dockery,	Lanham,	Springer,
Arnot,	Dowd,	Lovering,	Stockslager,
Barbour,	Dunn,	Lowry,	Storm,
Barksdale,	Ellis,	Matson,	Sumner, C. A.
Belford,	English,	Maybury,	Sumner, D. H.
Bennett,	Foran,	Miller, J. F.	Taylor, J. M.
Blanchard,	Forney,	Mills,	Thompson,
Blount,	Fyan,	Mitchell,	Throckmorton,
Boyle,	Garrison,	Morgan,	Tucker,
Breckinridge,	Geddes,	Morrison,	Turner, Oscar
Broadhead,	Glascock,	Murphy,	Van Alstyne,
Buchanan,	Graves,	Mutchler,	Van Eaton,
Budd,	Green,	Oates,	Wallace,
Caldwell,	Halsell,	O'Ferrall,	Ward,
Campbell, Felix	Hammond,	O'Neill, J. J.	Warner, A. J.
Candler,	Hardeman,	Paige,	Warner, Richard
Carleton,	Hatch, W. H.	Patton,	Wellborn,
Cassidy,	Hemphill,	Peel,	Weller,
Clardy,	Henley,	Pierce,	Wilkins,
Clay,	Hewitt, A. S.	Post,	Williams,
Clements,	Hewitt, G. W.	Pryor,	Willis,
Collins,	Hoblitzell,	Pusey,	Wilson, W. L.
Cook,	Hopkins,	Rankin,	Winans, E. B.
Cosgrove,	Houseman,	Reese,	Wise, G. D.
Cox, S. S.	Hunt,	Riggs,	Wolford,
Cox, W. R.	Jones, B. W.	Robertson,	Wood,
Crisp,	Jones, J. H.	Rogers, J. H.	Woodward,
Curtin,	Jones, J. K.	Scales,	Worthington.
Davis, L. H.	Jordan,	Seney,	
Dibble,	Kleiner,	Seymour,	

NAYS—93.

Adams, G. E.	Everhart,	Lore,	Rowell,
Anderson,	Fiedler,	Lyman,	Ryan,
Atkinson,	Funston,	McAdoo,	Skinner, C. R.
Bagley,	George,	McCoid,	Smith,
Bayne,	Greenleaf,	McComas,	Spooner,
Bland,	Guenther,	McCormick,	Stephenson,
Boutelle,	Hanback,	Miller, S. H.	Stewart, J. W.
Brainerd,	Harmer,	Morrill,	Stone,
Brewer, F. B.	Hart,	Neece,	Strait,
Brewer, J. H.	Henderson, D. B.	Nelson,	Struble,
Browne, T. M.	Hepburn,	Nicholls,	Taylor, E. B.
Cannon,	Hitt,	Nutting,	Tillman,
Cobb,	Holman,	Ochiltree,	Tully,
Connolly,	Holmes,	O'Hara,	Valentine,
Culbertson, W. W.	Horr,	O'Neill, Charles	Vance,
Cullen,	Howey,	Parker,	Wakefield,
Cutcheon,	James,	Perkins,	Washburn,
Dargan,	Kasson,	Pettibone,	Weaver,
Davis, R. T.	Keifer,	Poland,	White, J. D.
Deuster,	Kelley,	Price,	White, Milo
Dingley,	Laird,	Ranney,	York.
Eldredge,	Lawrence,	Ray, Ossian	
Ellwood,	Lewis,	Reed,	
Evans, I. N.	Libbey,	Rockwell,	

NOT VOTING—108.

Aiken,	Elliott,	King,	Shaw,
Ballentine,	Ermentrout,	Lacey,	Shelley,
Barr,	Evins, J. H.	Le Fevre,	Singleton,
Beach,	Ferrell,	Long,	Slocum,
Belmont,	Findlay,	McMillin,	Smalls,
Bingham,	Finerty,	Millard,	Snyder,
Bisbee,	Follett,	Milliken,	Spriggs,
Blackburn,	Gibson,	Money,	Steele,
Bowen,	Goff,	Morey,	Stevens,
Breitung,	Hancock,	Morse,	Stewart, Charles
Brown, W. W.	Hardy,	Moulton,	Talbott,
Brumm,	Hatch, H. H.	Muldrow,	Taylor, J. D.
Buckner,	Haynes,	Muller,	Thomas,
Burleigh,	Henderson, T. J.	Murray,	Townshend,
Burnes,	Herbert,	Payne,	Turner, H. G.
Cabell,	Hill,	Payson,	Wadsworth,
Calkins,	Hiscock,	Peters,	Wait,
Campbell, J. M.	Holton,	Phelps,	Wemple,
Chase,	Hooper,	Potter,	Whiting,
Converse,	Houk,	Randall,	Wilson, James
Covington,	Hurd,	Ray, G. W.	Winans, John
Culberson, D. B.	Hutchins,	Reagan,	Wise, J. S.
Davidson,	Jeffords,	Rice,	Yaple,
Davis, G. R.	Johnson,	Robinson, J. S.	Young.
Dorsheimer,	Jones, J. T.	Robinson, W. E.	
Duncan,	Kean,	Rogers, W. F.	
Dunham,	Kellogg,	Rosecrans,	
Eaton,	Ketcham,	Russell,	

So the House agreed to consider the contested-election case of Campbell *vs.* Morey.

Mr. BAGLEY. I ask unanimous consent to dispense with the reading of the names of members voting.

There was no objection.

The following members were announced as paired on all questions until further notice:

Mr. RUSSELL with Mr. BLACKBURN.

Mr. FOLLETT with Mr. CALKINS.

Mr. TALBOTT with Mr. STEELE.

The following were announced as being paired on all political questions until further notice:

Mr. ELLIOTT with Mr. PETERS.

Mr. SNYDER with Mr. BARR.

Mr. GIBSON with Mr. GOFF.

Mr. HILL with Mr. MILLIKEN.

Mr. COVINGTON with Mr. DAVIS, of Illinois.

Mr. DORSHEIMER with Mr. HISCOCK.

Mr. STEVENS with Mr. KELLOGG.

Mr. HARDY with Mr. CHACE.

Mr. REAGAN with Mr. BRUMM.

Mr. YOUNG with Mr. RICE.

Mr. CONVERSE with Mr. PHELPS.

Mr. MULLER with Mr. PAYNE.

Mr. EVINS, of South Carolina, with Mr. LACEY.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. WILSON, of Iowa.

Mr. YAPLE with Mr. WADSWORTH.

Mr. TOWNSHEND with Mr. THOMAS.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. MCMILLIN with Mr. RAY, of New York, until June 21.

Mr. HURD with Mr. JOSEPH D. TAYLOR, until June 22.

Mr. AIKEN with Mr. BROWN, of Pennsylvania, until June 21.

Mr. HUTCHINS with Mr. WHITING, until June 23.

Mr. WEMPLE with Mr. BINGHAM, on all political questions, for this day.

Mr. ERMENTROUT with Mr. HOUK, for this day.

Mr. TURNER, of Georgia, with Mr. HENDERSON, of Illinois, on all political questions, for this day.

Mr. SHAW with Mr. HOOPER, for this day.

Mr. EATON with Mr. WAIT, for this day.

Mr. BALLENTINE with Mr. JOHN S. WISE, for this day.

Mr. MCCOMAS with Mr. SHELLEY, for this day.

Mr. MULDROW with Mr. JEFFORDS, for this day.

Mr. CULBERSON, of Texas, with Mr. BISBEE, for this day.

Mr. PAYSON with Mr. CABELL, for this day.

Mr. MORSE with Mr. DUNHAM, for this day.

Mr. BEACH with Mr. BURNES, on this question.

Mr. SMITH. I am paired with my colleague from Pennsylvania, Mr. DUNCAN. I did not hear the pair announced.

The SPEAKER. There is no such pair in the hands of the Clerk.

The result of the vote was then announced as above stated.

NAVAL ARCHITECTURE.

Mr. LOWRY. I yield for a moment to the gentleman from Delaware [Mr. LORE] to make a report.

Mr. LORE, by unanimous consent, from the Select Committee on American Ship-building and Ship-owning Interests, in lieu of sundry bills referred to the committee, reported a bill (H. R. 7368) to authorize the appointment of a commission of naval architects and marine engineers to examine and report upon new designs for steamships; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CONNOLLY. I desire to submit a report, with the permission of the gentleman from Indiana. [Cries of "Regular order!"]

CONTESTED ELECTION—CAMPBELL VS. MOREY.

The SPEAKER. The regular order is the consideration of the contested-election case of Campbell *vs.* Morey, from the seventh Congressional district of Ohio, which the House has just determined to consider at this time. Is it desired to consider the resolutions proposed by the minority as pending?

Mr. MILLER, of Pennsylvania. Yes, sir.

The SPEAKER. They will be so considered. The gentleman from Indiana [Mr. LOWRY] is recognized.

Mr. LOWRY. When it was arranged yesterday morning to take up this case, the understanding was that the debate should be limited to two hours upon a side. That understanding not having been complied with, in view of the condition of the business of the House at this time I deem it my duty to say that if I can have the opportunity I will call for a vote on this case before adjournment this evening.

Mr. VALENTINE. You had better move the previous question at once and take the vote now.

Many MEMBERS. That is right! Vote! Vote!

Mr. LOWRY. On the part of the majority of the committee I accede to the proposition from the other side of the House, and will now at their instance demand the previous question. [Applause.]

Mr. HART. I hope no such outrage as that will be committed.

Mr. MILLER, of Pennsylvania. I trust the gentleman will yield to me for a moment before making that demand.

Many MEMBERS. Vote! Vote!

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] demands the previous question upon the amendment proposed by the minority of the Committee on Elections as a substitute for the resolutions reported by the majority of the committee and upon the resolutions of the majority.

Mr. KASSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KASSON. In the confusion I did not distinctly understand the

declaration as made on the other side. I understood the gentleman from Indiana [Mr. LOWRY] to say that at the suggestion of this side of the House he moved the previous question. I want to know if I heard him correctly.

Mr. LOWRY. Most certainly. The proposition came from my colleague on the Committee on Elections, the gentleman from Nebraska [Mr. VALENTINE], and was concurred in by a number of voices from that side of the House.

Mr. KASSON. We do not understand that he spoke in the sense to which the gentleman alludes. It is important that the matter be settled, and after that we will leave it to the other side of the House to determine what shall be done.

Mr. VALENTINE. It is now after four o'clock, and the gentleman from Indiana [Mr. LOWRY] said that he proposed to have a vote taken on this case before adjournment. As he did not propose to allow any debate on this side of the House I thought it would be better for him to call the previous question at once, and therefore made that suggestion.

Mr. MILLER, of Pennsylvania. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Indiana [Mr. LOWRY] for the previous question.

Mr. LOWRY. The gentleman from Nebraska [Mr. VALENTINE] seemed to express himself with the utmost gravity, and in the simplicity of my heart I took him at his word. [Cries of "Regular order!"]

The SPEAKER. Does the gentleman from Indiana insist upon the demand for the previous question?

Mr. LOWRY. I withdraw the demand for the previous question.

The SPEAKER. The demand for the previous question having been withdrawn, the gentleman from Indiana [Mr. LOWRY] will proceed.

Mr. LOWRY. I understand that gentlemen upon the other side have inquired whether or not an arrangement can be made as to the time for debate.

Mr. MILLER, of Pennsylvania. We made no inquiry, and we will make no arrangement.

Several MEMBERS. Then call the previous question.

Mr. LOWRY. In view of the attitude taken by the minority of the committee, as represented by the gentleman from Pennsylvania [Mr. MILLER], I renew the statement that I made a moment ago, that I will endeavor to get a vote on this question before the adjournment this evening.

Mr. KEIFER. At what time?

Mr. MILLER, of Pennsylvania. I would suggest to the gentleman that he had better make arrangements to get his quorum here if he proposes to do that.

Mr. MORRISON. We will try it.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] is entitled to the floor.

Mr. KEIFER. I would like to ask the gentleman at what time he proposes to call the previous question. I think it is desirable to have an understanding whether or not debate is to be entered upon according to the arrangement agreed upon, allowing two hours on each side. If it is the understanding that the gentleman himself is to speak until 5 o'clock and then call the previous question, we would like to know that.

Mr. LOWRY. If we can understand fully who on that side of the House is authorized to make an arrangement I would be very happy to concur in any amicable arrangement that can be made.

Mr. KEIFER. Reasonable debate is all that is asked on this side of the House.

Mr. LOWRY. How much time is desired?

Mr. KEIFER. I am not speaking for the committee or for any one in charge of this matter. All I want to know is what is proposed by the gentleman. I am interested in my colleague [Mr. MOREY].

Mr. MILLER, of Pennsylvania. I got up a moment ago and asked leave to make a statement, and the opposite side of the House cried me down and would not listen to me. It is very true they can do that; they have the lung-power. I do not propose to talk to gentlemen who treat me in that way nor make any arrangement with the side of the House that will do so. I do not do it toward any one.

Mr. COBB (in his seat). Well, sit down. [Laughter.]

Mr. MILLER, of Pennsylvania. I trust the gentleman from Indiana will rise in his place and say that; I refer to the gentleman from Indiana, Mr. COBB.

Mr. COBB (rising). I think it would be better for the gentleman to sit down. [Laughter.]

Mr. HISCOCK. I would like to inquire of the gentleman from Indiana who has charge of this measure whether he is not willing that two hours on each side be allowed for this debate. [Cries of "Yes!" "Yes!" on the Democratic side.]

Mr. LOWRY. I should prefer a shorter time.

Mr. HISCOCK. I understand that time would be satisfactory.

Mr. LOWRY. I am anxious in this case and in all other business of the House to proceed according to the amenities of life——

Mr. HISCOCK. We may just as well dispose of this matter in order. I suggest that two hours on a side be allowed for debate. I do not think there will be any objection to that arrangement on this side.

Mr. LOWRY. In accordance with expressions emanating on this side of the House I will say it may be understood that two hours shall be given to the other side of the House without our being compelled on this side to occupy so much time.

Mr. HISCOCK. Then I understand you will not press the case to a vote this evening. [Cries of "No!" "No!"]

Mr. LOWRY. Will the gentleman be kind enough to repeat his last remark?

Mr. HISCOCK. I do not understand that the gentleman will press the case to a vote this evening. I hope he will not. It is now 4 o'clock.

Mr. LOWRY. Unless we can make an arrangement to take a recess and dispose of the case this evening——

Mr. HISCOCK. We are not so much pressed for time as to require us to take that course. I think it had better be arranged that two hours shall be given to this side of the House, and that at the usual hour, about 5 o'clock, we shall take our adjournment. I have no doubt time will be saved by this course.

Mr. LOWRY. Let me suggest to the gentleman that by agreement we might at the usual hour of adjournment take a recess until 10 o'clock to-morrow morning.

Mr. MORRISON. Gentlemen on the other side want to go to a political meeting.

Mr. HISCOCK. There is nothing so pressing to-morrow that we should not adjourn at the regular hour this evening.

Mr. BLAND. It is well known that this House wants to pass the land-forfeiture bills. I hope gentlemen will not occupy all the time with other business. Why can we not go on with this case until 6 o'clock and then take a recess until 10 o'clock to-morrow? The country understands that we want to pass these land-forfeiture bills.

Mr. HISCOCK. I trust it may be remembered that in these election cases there is often considerable heat; and it seems to me that if at the outset we pursue a policy calculated to allay such feeling we shall get along much easier and save time.

Mr. BLAND (to Mr. HISCOCK). I believe your party passed resolutions in favor of the land-forfeiture bills. Why not go on with them to-morrow?

Mr. HISCOCK. I am not objecting to that.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] has the floor.

Mr. LOWRY. It may be understood, Mr. Speaker, that two hours on a side shall be allowed for this debate, with no compulsion, however, upon the majority of the committee to occupy their full time. In the event that we do not see proper to do so, a vote of course will be precipitated in less than four hours. But, in the spirit which the gentleman from New York [Mr. HISCOCK] has suggested as desirable to be preserved, I will most gladly acquiesce in the proposition which has been made, especially in view of what I understand to be the fact, that our friends on the other side expect to attend a political meeting in the mean time. It may therefore be further understood that at the usual hour this evening we shall adjourn, if that be the wish of the House, until to-morrow, and then resume the consideration of this case. [Cries of "That is right!"]

Mr. Speaker, the case now before the House involves a contest with reference to the right to the seat from the seventh Congressional district of Ohio, composed of the counties of Butler, Clermont, Greene, and Warren. The contest involves the recount and the regularity of certain ballots, the rights of students and other alleged non-residents as electors, and other questions arising out of the allegation that minors, idiots, aliens, and other disqualified persons voted at the election. There was a recount of the votes in several of the townships of the counties of Butler, Clermont, Greene, and Warren, and as the result of this recount it was ascertained that the contestant was entitled to a gain of 11 votes and the contestee to a gain of 19 votes, but there was a loss of 1 vote for the contestant and 1 vote for the contestee, thus netting in the aggregate, according to the award of the committee, a gain for the contestee of 8 votes upon the recount.

In certain ballot-boxes there was an excess of ballots. Upon this subject the law of Ohio, section 2957, provides that—

> Any ballots in the box in excess of the number of names on the poll-books, together with the ballots strung as aforesaid, shall be deposited in the box.

The design is to preserve but not to string or tally the excessive ballots. The judges, however, did string and count them in several precincts. The total number of ballots thus strung and counted was 11. Desiring to dispose of this case equitably, a table was prepared by the committee and an adjustment of the excessive ballots made between two candidates on the principle of allotment. The contestant's loss upon this allotment was 4, and the contestee's loss 7, making a loss for the contestee of 3 votes on this allotment.

Certain double and loose ballots had not been counted, but they were equally divided between the parties, as were also the unstrung ballots. Contestee claimed that one of a pair of double or folded ballots was counted for contestant in Jackson precinct, but the testimony disproves it.

Then there were certain marked ballots which were the subject of controversy.

Two ballots for contestant were not counted in Ohio precinct, and should be added to his poll. They were pencil-marked by the men who voted them.

The Ohio statute (section 2948) provides that ballots shall be "without any mark or device by which one ticket may be distinguished from another, except the words at the head of each." The object of this statute was to guard against frauds upon the voter, and these cases do not fall within the spirit or letter of the statute. These ballots were marked (after being printed and distributed according to the statutory requirement) by the persons who voted them, and were marked on their faces only with a mere pencil scratch.

There were two other marked ballots, one for contestant in the third ward of Hamilton, and one for contestee in fifth ward of Hamilton, but both were properly counted.

In East Fairfield precinct were found two uncounted ballots, on one of which was written "W. R. Moorey," and upon the other "Morey." They should be added to contestee's poll. There were also other ballots in various precincts upon which the name of either candidate was spelled erroneously, &c., but they were all counted, and properly so. None are disputed except three for contestant, of which contestee says that on "one ballot the name of William McCane was written in connection with the title of Representative in Congress below the name of contestant; on another ballot the name of W. W. McCain was written in like manner; on another ballot the name 'camel' or 'eamel' is written below the words for sheriff."

We think that these ballots ought not to be disturbed, for the reason that William McLain was a candidate for sheriff at said election, and the voters, when writing the names on said ballots, merely erred in putting same in the wrong place thereon. There is no doubt as to the intention of the voters, to be gathered by inspection of the ballots. We follow the rule laid down by contestee himself in these words:

The intention of the voter ought to prevail whenever it can be ascertained by an inspection of the ballot, and if the ballot is ambiguous the intention of the voter may be shown.

In the fifth ward of Hamilton a written ballot in the Spanish language, of the uniform width of two and seven-eighths inches, was voted for contestee. The law of Ohio is that a ballot shall be "not more than two and one-half nor less than two and three-eighths inches wide." The exact size of a ballot has been held to be immaterial. The law is laid down thus in McCrary on Elections, page 347:

The supreme court of California has very recently had occasion to consider the force and effect of a statute regulating the size and form of ballots, the kind of paper to be used, the kind of type to be used in printing them, &c. The court held, and we think upon the soundest reason, that as to those things over which the voter has control the law is mandatory; and that as to such things as are not under his control it should be held to be directory only.

This ballot was prepared in the usual manner and this was the only objection raised to it. We considered the objection was not well taken and that the contestee was entitled to that vote.

There were 49 ballots objected to in the precinct designated as Sugar Creek precinct, and hence these ballots have been called the Sugar Creek ballots.

Contestant claims that 49 ballots which were voted for contestee in Sugar Creek precinct (and which are attached to the manuscript testimony in this case) are unlawful under the laws of Ohio. They were cut off close to the name of a candidate on said ticket, and no space was left to scratch or alter the ticket, as provided in the following section of the statutes:

SEC. 2948. All ballots shall be written on plain white paper, or printed with black ink, with a space of not less than one-fifth of an inch between each name, * * * and it shall be unlawful for any person to print, for distribution at the polls, or distribute to any elector, or vote any ballot printed or written contrary to the provisions hereof; but this section shall not be considered to prohibit the erasure, correction, or insertion of any name, by pencil mark, or with ink, upon the face of the printed ballot.

The object of leaving a blank space of the fifth part of an inch was to provide for changing the ballot, as named in the latter part of the section, and it is claimed that any printed ballot without such space can not be lawfully voted or counted. Such is the claim made by contestant in his brief, but as a mere legal proposition only. In his oral argument he disclaimed any desire to have these ballots deducted from contestee's poll. He puts this disclaimer on the ground that, while in his judgment the ballots are unlawful, yet he does not desire to disfranchise any voter on account of a technicality over which the voter himself had no control. We agree with him that whatever may be the effect of this on other candidates on said ballots the question involved does not properly arise here.

The principal question arising in the case is that in reference to the vote of 96 undergraduates at certain colleges in the seventh Congressional district of Ohio. These consist of the Antioch College, the National Normal University at Lebanon, the Wilberforce University near Xenia, and the Xenia Theological College. It is a matter of common and general information to all that institutions of this character are not places of residence for the people of the country who resort to them, but they are simply used for the purpose of education. And the question has been very fully considered, not only in legislative bodies similar to this but in the judicial tribunals of the country, as to whether or not the class of persons who enter themselves as students at these institutions for the purpose of obtaining an education, whether they remain for a single term, for a year, or for a series of years, are or are not entitled to vote unless they become residents for other purposes and with other objects in view and with the intention of making them their permanent habitation and home.

The statute of Ohio upon the subject of residence, being a part of section 2946, provides:

A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes merely, without the intention of making said county his home.

This statute, it may be said, as well as all other laws of Ohio bearing upon the subject of residence, are fully discussed in a case decided in the Ohio senate as recently as April 12, 1884.

Mr. KEIFER. What date does the gentleman give?

Mr. LOWRY. Eighteen hundred and eighty-four. This is a well-considered case upon the status of college students as electors in that State. I refer now to the case of Mickey *vs.* Loomis, which will be found in the appendix of the journal of the Ohio senate for the last session. The objection has been urged to the authority of this case that it was one of those cases decided upon partisan grounds and by a partisan majority. Now, while I grant that there may be some force in this criticism upon that decision, yet all of the decisions of legislative bodies may be said to be equally obnoxious to the same criticism, because they are in the main decided in conformity with the preconceived opinions of the partisan majorities.

I find, Mr. Speaker, the strongest possible confirmation of the views of those who think it a matter of importance in selecting a jury to scrutinize well the preconceived opinion of the jurors or their situations in life with a view to their exposure to having imbibed prejudices or incurred bias in a case which they are called upon to try by my service in this House, and particularly upon the Committee on Elections; and I concede that experience here has enforced upon my mind, as it has doubtless upon the minds of all those who are acquainted with the profession of law, the propriety of criticising those who are to serve as jurors with a great deal of care to ascertain whether or not they have been subject to influences likely to sway their judgment, or whether they entertain preconceived opinions or bias in reference to the merits of the case on which they are to act; because, sir, I find in approaching the consideration of all these questions that there is in spite of ourselves an influence exerted upon our minds with reference to these questions by the party predilections, associations, or affiliations of those whose interests are directly involved. But in regard to this case, to which I have referred as authority, I believe it will be found to be a well-considered case. There was an agreed statement of facts on the part of the committee as to these voters, to which I shall now refer, who were students at Oberlin College. In the first place:

That said voters were students at Oberlin, in Russia Township, Loraine County, Ohio.

Second. That they voted there at the October election in 1883.

Third. They claimed that Oberlin was their residence at that time.

This was the claim they set up themselves.

Fourth. They went to Oberlin for the purpose of acquiring an education, and at the time of voting were at Oberlin for that purpose alone. They came there from other counties and States, and had been there long enough to acquire a residence.

Now, if they had come for the purpose of prosecuting some of the ordinary avocations of life, they were there a sufficient period of time to have acquired a residence under the laws of the State and to have become legal voters. But they came there, as it will be perceived the principle is, for a definite purpose. They came for the purpose of entering themselves as students and acquiring an education, going through the course that must necessarily terminate at a certain period of time, and with the intention of leaving on the completion of that course. The presumption then is, as will be found by examining the authorities as well in legislative as in judicial tribunals, that students who come to these institutions do not intend to remain longer, after they have fulfilled the object for which they entered them; and that it would be doing violence to the probabilities in the case to assume that after going through one course they would enter immediately again as novitiates, to proceed to acquire proficiency anew by taking a new course.

The further argument was that they left their homes—the home of their parents—and never intended to return to make it their home.

Sixth. They claim that they have no other place of residence than Oberlin.

Seventh. They claim they have no place in view as a place of residence after their education is completed.

Eighth. These student voters had never been married.

Ninth. They were not assessed for tax purposes and paid no tax in Oberlin.

Tenth. It is admitted as true—

And this is admitted in the tenth clause, that if the conclusion was to a certain effect, one of the parties to the contest was entitled to the seat; and if not, that the other was—

Tenth. It is admitted as true that Harrison J. Mickey, contestant, is entitled to his seat in the senate of the Sixty-sixth General Assembly if, upon the facts hereinbefore stated, a student at college is not entitled to vote at the place where the college is located.

Now that, Mr. Speaker, is the admitted statement of facts on the contest in the case of Mickey against Loomis, and this statement is de-

cidedly more favorable to the Oberlin students than the facts developed in the present case as to most of the students who voted in this seventh district of Ohio; and yet under it the senate of Ohio held that these students were disqualified and rejected their votes.

Mr. KEIFER. Will the gentleman permit me to ask him a question, if it will not interrupt his remarks?

Mr. LOWRY. Certainly.

Mr. KEIFER. I would like to know whether or not in the case of the theological students at Xenia and Wilberforce College, near Xenia, it does not appear by the testimony that they were there not for the purpose of obtaining education, but with the evident intention of making it a home, and with no other home on the face of the earth or any present intention of going anywhere else?

Mr. LOWRY. Most decidedly not. The facts will be found quite otherwise upon an examination of the testimony. But, of course, I expect to come to that in the course of the observations I shall make.

Mr. HART. Let me ask the gentleman if the majority report rejects the vote of Jessie J. Bass?

Mr. LOWRY. If agreeable to the gentleman from Ohio I prefer to make my argument without interruption, and he may take an opportunity at the proper time to meet the points I shall make.

I was about proceeding to present to the House the authorities in this case according to the decision by the judicial tribunals upon this question. Before doing so, however, I will read further from the report which was approved by the Ohio senate.

In this connection the author of the report says:

In this connection let us look to section 2940 of the Revised Statutes of Ohio, which prescribes how judges of election shall proceed when a person offering to vote is challenged as unqualified on the ground that he is not a resident of the county or precinct where he offers to vote. One of the questions required to be put to the person offering is this: "When you came into this county did you come for a temporary purpose merely, or for the purpose of making it your home?" And here it may be remarked, in passing, that in this question, in the words "or for the purpose of making it your home," is to be found the legislative definition of the word "residence." For the wording of questions 1 and 2 required to be put by the judges, when the person is challenged on the ground that he is not a resident, is as follows:

1. Have you resided in this county for thirty days last past?
2. Have you resided in this precinct for twenty days last past?

But when they come to ascertain the purpose of the voter in coming into the county the question is, "Was it for a temporary purpose" or "for the purpose of making it your home?"

Mr. MOREY. Will the gentleman allow me to interrupt him?

Mr. LOWRY. I prefer not to be interrupted.

Mr. MOREY. Let me say there is a misquotation there in the report of the Ohio senate, by leaving out the most important word in that whole definition of residence. I ask the gentleman to state whether or not the word "merely" is not omitted from the quotation, "Was it for a temporary purpose merely" or "for the purpose of making it your home?"

Mr. LOWRY. I have myself emphasized the fact that the word "merely" is used in the statute.

Mr. MOREY. Then I ask you whether the committee of the Ohio senate has not omitted the material word, which is the word "merely."

Mr. LOWRY. I do not so understand. I find that word contained in the report made to the Ohio senate.

Mr. MOREY. Not in this quotation.

Mr. LOWRY. The report of the Ohio senate continues:

There they use the word that has but one meaning; that word, the only one which is understood by all men alike, a word which is as dear to the savage as to the civilized man—home!

In quoting to the senate these rules for the guidance of judges of elections in Ohio—rules that are a part of the statutes of the State—we might well close our report with our recommendation alone, but we prefer to support it by authorities, which are conclusive against the "student vote" as agreed upon in the statement.

We find much the same idea carried out in all the more recent decisions in other States. Dale *vs.* Irwin (78 Ill., 170) is a very fine case. The language of the court is:

These students were undergraduates of Shurtleff College, subject to its rules and regulations, and, so far as testimony shows, taking no part in town affairs, and paying no taxes, and not assessed on their personal property for taxation to aid in defraying expenses of the town. Some of them paid a road tax or labor, the street commissioners demanding this on a residence of ten days.

As a general fact, however, undergraduates of colleges are no more identified with residents of the town in which they are pursuing their studies than the merest stranger, and should all the seats of learning in the United States be polled not more than one student in twenty would be found to possess the proper qualifications of a resident of the town.

In Vanderpoel *vs.* Jones (53 Iowa, 246) the court held that—

One who becomes a resident of the county for the purpose of attending college, and who has formed no intention of remaining after the completion of his college course, is not entitled to vote in said county.

Mr. MOREY. Will the gentleman permit me a moment? I ask the gentleman, is it not the fact that the quotation he has just read is from the syllabus and not from the language of the court, and whether it is not contradictory of the facts and the decision?

Mr. LOWRY. In view of the disposition to be what I regard as hypercritical manifested by the gentleman from Ohio, I think, Mr. Speaker, I must be excused from yielding to further interruptions. So far as this quotation is concerned it will be found to be fully borne out by the text of the authority in question.

In Fry's election case (71 Penn. St., 302), known as the "Allentown case" (see Brightly's Leading Cases on Elections, pages 468 to 479), it is held that—

Students at a college living at the place in which it is located, whether supported by themselves and emancipated from their fathers' families, with no intention to return to their homes, or supported by their parents, who visit their homes in vacation, and may or may not return after graduating, have not such residence as will entitle them to vote in the district where the college is.

It is also held in the same case that—

Very few, if any, students, while residing at the college, acquired a new home or change of domicile, and they are therefore not entitled to vote. In the early history of our colleges, while the true meaning of the State constitution was fresh in the minds of the framers of that instrument, it was never pretended that the student acquired a residence at the college so as to become a qualified elector, to be liable to taxation, and to the performance of municipal duties. In those days when the purity and freedom of elections prevailed the parental home or the locality from whence the student came was universally accepted as the district in which he was entitled to vote.

It was also held that in the opinion of the court a—

Careful examination of the testimony leads to the conclusion that none of these students whose votes are contested were qualified electors at the last October election.

The court in this case draws the true distinction between students and laborers, and uses this language:

Students, being here for the sole purpose of being educated, and not coming *animo manendi*, but intending to go elsewhere as soon as graduation takes place, do not fall within the same category with unmarried men who seek employment from point to point as opportunity offers. The student is in a preparatory condition, in a state of tutelage, and non-productive, not yet able or willing to enter the world to engage in business or in the productive pursuits of life, nor fully prepared to assume civil and political rights and duties. The unmarried man who has severed the parental relation becomes a laborer, producing for himself, and thus adds to the productive wealth of the community in which he resides, being willing not only to enjoy the political privileges, but also to assume and to discharge political and civil duties.

There have been four cases decided in Massachusetts strictly in harmony with the principle laid down in those which I have already cited. I will not occupy the attention of the House at this time by reading them. Quotations from those decisions are set forth in the majority report in this case.

In this House the question has been passed upon. The latest and best known case in Congress where this question has arisen is Cessna *vs.* Myers (McCrary on Elections, page 496), in the Forty-second Congress, which follows the Massachusetts decisions, and which is strengthened and extended in its scope by the foregoing Ohio, Illinois, and Iowa cases. There were also two very early Congressional cases which are clearly distinguishable from these latter ones, in which it was held that certain students, under peculiar circumstances, were legal voters. One was the case of Letcher *vs.* Moore (1 Bartlett, page 750, A. D. 1833), in which special stress is laid upon the fact that a student who had voted was a practical printer, working at his trade in the college town, and belonged to the local militia. The other case was Farlee *vs.* Runk (1 Bartlett, page 87, A. D. 1846), where the students paid taxes at the college town and in many other ways assumed the liabilities of citizens. I cite these cases to show the advance continuously made toward the rule that but few college students acquire a domicile and a right to vote in the college precinct. The estimate of lawful voters among them, as made by the court in Dale *vs.* Irwin, already quoted—that of one in twenty—seems to us to be a very close approximation to accuracy. In the present case, however, the committee adopt no general rule, but predicate their conclusions upon the testimony. In weighing such testimony they have regarded as especially applicable in such cases the doctrine of Keith *vs.* Stetler (25 Kansas, 100), where it is held that—

A man's acts and conduct are more to be considered in determining the question of a change of residence than any mere declaration of intent.

Acting upon that principle, Mr. Speaker, upon a careful examination of the testimony the committee found that but 14 of the 96 students whose votes were challenged were lawfully entitled to vote. The names of these will be found fully set forth in the report. There were doubts in the minds of the committee in reference to some of them; but they preferred to give the benefit of those doubts to the voters rather than to exclude their votes. Of these students the committee found that 71 voted illegally for the contestee and 11 for the contestant. Their names are set forth at length in the report.

I will not undertake at this time, Mr. Speaker, to analyze the testimony of each particular witness in reference to this question, but will give a summary of the proof bearing generally upon the point as to the status of these students. I call especial attention to what may be termed the general testimony bearing on each of the four colleges in the district. A careful perusal of that will greatly aid a just and intelligent judgment of the case. The general testimony bearing on the National Normal University will be found in the record, part 1, pages 493 to 495, 583, 584, 641, and 642. Reading this in connection with the individual depositions of the students, it will be found that the university has an enormous annual attendance, and scarcely one student in a thousand settles or remains in the village where it is located; that these students, unlike the ordinary collegians, do not attend for a course of four years, but merely for one or more sessions of eight or ten weeks each; that many are school-teachers, living elsewhere, who come just long enough to attain proficiency in such branches of study as they may be teaching, and are soon off to their homes and employment; that, in a word, they are there for a transitory and temporary purpose only.

At this school many are young, the average age of those voting being only 23 years, although a few are quite matured. All have matriculated from distant places. None showed any act to indicate an intention to make Lebanon their home. They describe themselves from other places, went elsewhere in vacation, &c. None worked the roads nor paid taxes. None took such interest in public affairs as citizens ordinarily do. Out of the 35 who voted there illegally for contestee 10 had left the school during the short interval which elapsed between the election and the beginning of this contest. It is also shown that many of the Republican students at this university had been preparing themselves for examination as witnesses in this case by a systematic course of study, and had requested the faculty to especially instruct them upon their rights as witnesses in a contested-election case, and that on the Saturday prior to the October election in 1882 they held a meeting in university hall, at which outside parties addressed them, and advised them to vote at the approaching election regardless of the fact that they had not paid taxes, worked the roads, &c.

The general testimony relating to Wilberforce University will be found in the record, part 1, pages 280 to 283, 292 to 300, 357 to 359, 443, and 444. This institution is situated in the country, away from any village or city. It is attended only by colored people, the male students preparing to be ministers and teachers. They come mainly from distant States, only 6 out of the 20 illegal voters at that school having matriculated from the State of Ohio. There is but little difference between them and the normal students above referred to, except that their average age is higher—being 25 years—owing to the fact that their race, previous condition, and lack of early advantages had retarded their education. They never paid any taxes nor discharged any other civil obligations; they never worked the roads (with very trifling exceptions) until after the election in controversy; they have no means of getting employment in the country at Wilberforce, either in teaching, preaching, or other professional occupation; they are very transitory, coming and going as their exceedingly limited means admit. Five of those voting illegally had left the school before this contest began—2 of them leaving the State.

The testimony in reference to the other institutions is very much of the same character. And upon the basis of the testimony which has been taken in this case, and independently of any general rule which has been ascertained by the courts and applied to this class of cases, the committee were of opinion this vote alone was decisive of this contest. And that is our excuse for having commented on the testimony at the length we have done.

In regard to the non-resident voters the committee found that they were 37 in number, of whom the contestee, as we understand, concedes the illegality of 3, to wit, William Mathews, D. K. Kelsey, and D. L. Anderson. It is possible he may concede others also.

The others are Charles McCracken, a non-resident of the district, who voted at a precinct where he never had resided; Joseph Haney, a non-resident of the district, who said he voted for contestee, because contestee needed his vote more than the Republican candidate in the district where he (the voter) lived; T. E. Drake, who lacked two days of having acquired a residence in the county; Henry Ferry and Thomas Shannon, who had not lived a year in the State; G. W. Tolliver, who had only been two days in the county; Jack Clark, who had only been one day in the county since abandoning his former residence therein; Percy Field, who was not a resident of the precinct where he voted; W. S. Barclay, who, having abandoned his residence in Ohio, had only returned to it, and begun to reacquire it three months before the election; Frank E. Noble, who had only lived twenty-nine days in the county; Thomas Ruffin, Thomas De Gale, N. B. Jackson, and Ves Novel (known as the four Williamsburg negroes), who had not been a year in the State, and who ran away the second night after the election for fear they would be prosecuted for willfully illegal voting, to which they had been incited by leading local politicians; C. O. Curtis, who voted with the Williamsburg negroes, not being then a resident of the county; James Parvin, who was not a resident of the precinct in which he voted; W. D. Bowles, who voted on an eleven-months' residence in the State, and then strove hard to swear out of it; Abel Leaver, who abandoned his residence in Ohio, and had not regained it when he voted; S. Bosworth, whose residence was at Marietta, Ohio, in another Congressional district; John Doneley, who had only been in the State a few days; Charles M. Dougherty, a clerk in the Second Comptroller's office in this city, appointed from Georgia, who went to Ohio and voted; Frank Sharp, who had not resided thirty days in the county, and was also insane; John Everhart, who had not acquired a residence in the State; Gordon Joy, for the same cause; W. D. Mulford, whom a jury in the courts of the county has decided to be a non-resident; J. W. Rumer, who was a resident of Illinois; Joseph Gardner, who had abandoned his Ohio residence when he voted; H. D. Lewis, for the same reason; Charles H. Grifftner, whom contestee himself proved to be a non-resident; a stranger, name unknown, called "the peddler," who had only been one night in the county; Frank Smith, who had only been a month in the State; and three inmates of the national military asylum near Dayton, Ohio, named J. L. Thorne, J. Hamilton, and Chris. Moore.

In regard to these last three, it is proper to state that they voted in counties other than the one where said asylum is located. The law of Ohio specifically designates where such persons should have a legal domicile, and they cannot have any other. The subject is settled wholly by a statute which was passed for this express purpose, to wit:

SEC. 2947. Disabled soldiers who are inmates of a national asylum for disabled volunteer soldiers, who are citizens of the United States, and have resided in this State one year next preceding the election, and are otherwise qualified as to age and residence within the county and township, shall be held and deemed to have their lawful residence in the county and township in which such asylum is located.

This, Mr. Speaker, is substantially the proof upon which the report of the majority of the committee rests. I will forbear further observations upon this case until we hear from gentlemen on the other side. If they shall attempt "to make the worse appear the better cause" and assume that the view taken by the majority of the committee in any respect is mistaken, and I find that there has been an error committed, I will most cordially assent to any proposition which may emanate from them to change our conclusions in reference to any of these individual votes. I confidently believe, however, that there will be left a sufficient number to sustain the claim of the contestant to the seat.

Mr. MOREY. Will the gentleman permit me to ask him a question, now that he has concluded, in regard to the votes of the last three persons named by him, J. L. Thorne, J. Hamilton, and Chris. Moore?

Mr. LOWRY. I understand that the gentleman himself expects to occupy the attention of the House; and it seems to me that it will be more satisfactory to the House itself as well as to him to present his views when he shall have an opportunity fully to reply to any observations that may have fallen from me.

Mr. MOREY. I do not wish to make any remarks at present; simply to inquire what the gentleman claims as to those three votes.

Mr. LOWRY. I will inquire how much time I have left?

The SPEAKER *pro tempore* (Mr. POST, of Pennsylvania). The gentleman has twenty minutes of his time remaining.

Mr. LOWRY. I will reserve the remainder of my time.

The SPEAKER *pro tempore*. The Chair will then recognize the gentleman from Pennsylvania [Mr. MILLER] who has moved the resolutions on behalf of the minority of the committee.

Mr. PARKER. If the gentleman from Pennsylvania [Mr. MILLER] will give way I will move that the House now adjourn.

Mr. MILLER, of Pennsylvania. I will do so, as it is now ten minutes to 5 o'clock.

Mr. KEAN. I ask consent to introduce a bill for reference.

Many MEMBERS. Regular order!

The SPEAKER *pro tempore*. The regular order is the motion to adjourn.

The motion to adjourn was not agreed to, upon a division—ayes 19, noes 30.

Mr. PARKER. I would like to inquire of gentlemen on the other side who know the feeling there, whether the vote just taken indicates that they insist upon going on with this case at this time, or whether it is merely that opportunity may be given for gentlemen to present some reports. On this side of the House we do not wish to go on with the case now, unless compelled to do so.

Mr. HART. There was an understanding that we would adjourn at 5 o'clock.

Mr. LOWRY. The arrangement, as I understood it, was to adjourn at half past 5.

Mr. MILLER, of Pennsylvania. We on this side of the House understood that the adjournment was to take place at 5 o'clock.

Mr. LOWRY. If that was the understanding of gentlemen on the other side, I do not propose to violate it.

Mr. MILLER, of Pennsylvania. I move that the House now take a recess until five minutes before 11 o'clock to-morrow.

The SPEAKER. The question is upon the motion for a recess.

The motion was not agreed to, upon a division—ayes 12, noes 40.

Mr. MILLER, of Pennsylvania. I do not wish to begin my remarks five minutes before the time agreed upon for adjournment.

Mr. LOWRY. It seems to be the fact that gentlemen on the other side understood that an adjournment was to be had at 5 o'clock. That being so, I should be entirely averse to disappointing them, and therefore I move that the House now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent leave of absence was granted as follows:

To Mr. HEWITT, of New York, for two days.

To Mr. REAGAN, indefinitely, on account of sickness.

To Mr. RIGGS, for to-morrow, on account of business.

TENTH CENSUS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Acting Superintendent of the Census with reference to an estimate heretofore submitted of the amount of appropriation required during the next fiscal year for the work on the Tenth Census; which was referred to the Committee on Appropriations.

The motion of Mr. LOWRY was then agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of citizens of Lewis County, Tennessee, praying for the passage of the Senate educational bill—to the Committee on Education.

By Mr. CARLETON: Petition of Albert Nye Post, No. 202, Grand Army of the Republic, Department of Michigan, asking Congress to grant a pension of $8 per month to all Union soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. MORRILL: Papers relating to the pension claim of Josiah Elkins—to the Committee on Pensions.

By Mr. OATES: Petition of M. J. Coar, J. H. Williams, and 125 others, citizens of Lee County, Alabama, asking Federal aid to education—to the Committee on Education.

By Mr. CHARLES O'NEILL: Protest of the Board of Trade of Philadelphia, Pa., against the transfer of the Coast and Geodetic Survey from the Treasury Department—to the Committee on Appropriations.

By Mr. PETTIBONE: Petition of Andrew Riley, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. WILLIS: Statement by General S. W. Price relative to the portrait of General George H. Thomas—to the Committee on the Library.

SENATE.

FRIDAY, *June* 20, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. CAMERON, of Wisconsin, called the Senate to order, and the Secretary read the following letter:

VICE-PRESIDENT'S CHAMBER, *Washington, June* 20, 1884.

To the Senate:

Pursuant to the rules I hereby name and designate Hon. ANGUS CAMERON, a Senator from the State of Wisconsin, to perform the duties of the chair during my absence this day.

GEORGE F. EDMUNDS, *President pro tempore.*

Thereupon Mr. CAMERON, of Wisconsin, took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. CULLOM. I move that the Senate proceed at once to the consideration of the Mexican pension bill.

Mr. HOAR. Let us have first our ordinary routine morning business. It will not take long.

Mr. HARRISON. Let petitions, reports, and bills be presented, at least.

Mr. CULLOM. At the suggestion of several Senators I will withdraw the motion until the morning business is disposed of.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair) laid before the Senate a communication from the Secretary of War, transmitting, with favorable recommendation, communications from Maj. G. J. Lydecker, and the Chief of Engineers, reporting the appropriation for the purchase of land for the new Washington reservoir to be inadequate, and urging an additional appropriation of $175,000 therefor; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, with favorable recommendation, an additional estimate submitted by General M. C. Meigs, supervising engineer and architect, to complete the new Pension Office building; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 2d instant, a report of the Commissioner of the General Land Office concerning the appointment of commissioners since July 4, 1877, to examine sections of the Northern Pacific Railroad, their acceptance, and the dates thereof, &c.

Mr. VAN WYCK. That is a communication in answer to a resolution of the Senate?

The PRESIDING OFFICER. It is in answer to a resolution submitted by the Senator from Oregon [Mr. SLATER]. What disposition does the Senator from Oregon desire to have made of it?

Mr. SLATER. I move that the communication and accompanying report be referred to the Committee on Public Lands.

The motion was agreed to.

REPORT ON PRECIOUS METALS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 9,000 copies of the report of the Director of the Mint on the production of the precious metals in the United States for the year 1883 be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

MARY P. MACBLAIR.

The PRESIDING OFFICER. The Chair will call the attention of the senior Senator from New Hampshire [Mr. BLAIR] to a communication from the House of Representatives; which will be read.

The Chief Clerk read as follows:

IN HOUSE OF REPRESENTATIVES, *June* 17, 1884.

Resolved, That the Senate concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair.

Mr. BLAIR. The committee of conference found the matter standing in this way: The House had passed a bill giving to this applicant a pension of $30 per month. The Senate passed the bill with an amendment fixing the rate per month at $15. The conference committee agreed upon $20, and the report is a recommendation that the bill giving a pension at the rate of $20 be passed.

The friends of this applicant who know thoroughly her real need feel that the original amount, $30, ought to be allowed, and I have agreed that when the matter was called up, and I do so willingly, to ask the unanimous consent of the Senate that the vote of the Senate adopting the amendment to the House bill reducing the amount from $30 to $15 be reconsidered. I therefore ask unanimous consent that that vote may be reconsidered.

Mr. JACKSON. I should like to inquire the purpose of the Senator from New Hampshire? Does he propose to give a pension of $30 a month, or to agree to the conference report?

Mr. BLAIR. I ask unanimous consent that the vote of the Senate whereby the amendment reducing the amount from $30 to $15 was passed be reconsidered.

Mr. JACKSON. Why not agree to the conference report, and be done with it?

Mr. HARRISON. Is the suggestion of the Senator from New Hampshire in order?

The PRESIDING OFFICER. The Chair is of opinion that it is not in order.

Mr. HARRISON. I should think the question would be on concurring in the report of the committee of conference.

Mr. BLAIR. I supposed that by unanimous consent a reconsideration could take place. Of course it is only by unanimous consent that it can be done, and the friends of the bill as it was originally passed by the House desired me to ask the consent of the Senate for that purpose.

Mr. INGALLS. It would require the unanimous consent not only of the Senate, but of the House. The bill has passed beyond the stage when a reconsideration can occur without the consent of both Houses.

The PRESIDING OFFICER. That is true.

Mr. LAPHAM. I stated at the time the bill was before the Senate that I knew a good deal of the circumstances of this applicant, and in connection with Governor Knott, of Kentucky, our attention was called to the case of this lady while she was in the Pension Office. He procured her a leave of absence so that she might draw pay in the hope of being restored to health, but all efforts in that direction failed, and she is a hopeless invalid.

The sum of $30 is no more than she ought to have, and I suggest the idea that by unanimous consent a reconsideration of the vote reducing the sum should be had, to the end that the original bill as it came from the House might be adopted by the Senate; and I hope that it will be done. It is due to her, and I am sure every Senator, if he knew the circumstances of the case as I know them, would cheerfully consent to an allowance of $30 a month.

The PRESIDING OFFICER. This is a House bill; it was amended by the Senate; and the bill is not now in the possession of the Senate, but in the possession of the conference committee. It can only reach the Senate through the conference committee.

Mr. BLAIR. If, however, the bill and the papers being placed before the Senate, the conference report should be disagreed to, then unanimous consent could be asked for a reconsideration, I suppose.

The PRESIDING OFFICER. It could be asked, but the Chair doubts if it could be granted.

Mr. BLAIR. If it was not granted then we should be involved in this difficulty, that, the conference report being disagreed to, she might fail to get the pension of $20 per month agreed upon by the conference committee.

The PRESIDING OFFICER. Another conference committee could be appointed in case of a disagreement to the report.

Mr. SEWELL. Has the conference committee made a report on the bill?

The PRESIDING OFFICER. The conference committee has not submitted its report to the Senate.

Mr. SEWELL. Then it is in the hands of the conference committee to agree on this subject.

Mr. BLAIR. The conference committee has agreed. I stated that I asked this consent at the request of the friends of the applicant. If there are parliamentary difficulties in the way, I am not responsible for them.

Mr. SEWELL. The Senate can not act upon the bill until the conference report comes in, when we can disagree to the report, as suggested by the Chair.

Mr. BLAIR. The report of the conference committee is before the Senate.

Mr. SEWELL. Not at the present time.

Mr. BLAIR. At the present time.

Mr. WILSON. The report has not been submitted to the Senate by the Senate conferees.

The PRESIDING OFFICER. Does the Senator from New Hampshire desire to present the conference report?

Mr. BLAIR. I understood that it had been presented.

The PRESIDING OFFICER. No; the action of the House of Representatives on the conference report was laid before the Senate.

Mr. BLAIR. I understand the ruling of the Chair to be that whether now or later, after the report is actually before the Senate, there are parliamentary objections in the way of obtaining the unanimous consent desired. In that case I surrender the matter to the friends of the bill.

Mr. SEWELL. I submit that the only course in order to carry out the desires of the Senator from New Hampshire is that the Senate should disagree to the conference report and send the bill to a new conference.

Mr. BLAIR. That would be of no use.

Mr. LAPHAM. I hope that will be done.

Mr. HOAR. What is the pending question, Mr. President?

The PRESIDING OFFICER. There is no question pending at present.

Mr. HOAR. I ask for the regular order.

Mr. WILSON. The Senator from New Hampshire is a member of the Senate conferees. He has the report in his possession. It is not in the possession of the Senate. If he submits the report, then the Senate will have jurisdiction of the case.

Mr. BLAIR. I sent the report to the Chair and I supposed it had been laid before the Senate.

Mr. HOAR. What is the question before the Senate? I call for the regular order.

Mr. BLAIR. I now submit the report.

The PRESIDING OFFICER. If the Senator from Massachusetts will give way for that purpose the Senator from New Hampshire presents the report of the conference committee.

Mr. INGALLS. Has the report of the conference committee from the House been read?

The PRESIDING OFFICER. The action of the House has been laid before the Senate.

Mr. INGALLS. I refer to the message from the House.

The PRESIDING OFFICER. The action of the House upon the bill has been read.

Mr. INGALLS. And the report of the conference committee from the House?

The PRESIDING OFFICER. Not the report of the conference committee of the House.

Mr. INGALLS. How does the bill get here, then?

The PRESIDING OFFICER. A message was received from the House announcing the action of that body on the report.

Mr. INGALLS. It is a House bill, I believe.

The PRESIDING OFFICER. It is a House bill.

Mr. INGALLS. Then I submit it can only come before the Senate by a message from the House of Representatives.

Mr. BLAIR. It came several days ago by such a message, and the papers are in the possession of the Chief Clerk of the Senate.

The PRESIDING OFFICER. The bill is a House bill. There was a message from the House, and the House message accompanying the bill has been laid before the Senate, but not the conference report.

Mr. SHERMAN. Then it is all right.

Mr. INGALLS. I referred to the report of the conference committee.

The PRESIDING OFFICER. That has been submitted by the Senator from New Hampshire.

Mr. INGALLS. That is at this moment.

The PRESIDING OFFICER. At this moment. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House 2677, granting a pension to Miss Mary P. MacBlair, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment and agree to the same with an amendment as follows:

Strike out "$15" wherever it occurs in said amendment and insert "$20" in lieu thereof.

J. N. CAMDEN,
H. W. BLAIR,
JAMES F. WILSON,
Managers on the part of the Senate.

G. W. HEWITT,
H. W. SLOCUM,
J. S. STRUBLE,
Managers on the part of the House.

Mr. INGALLS. Does the message show that that report has been made to the House and agreed to by that body?

The PRESIDING OFFICER. The Chief Clerk will again read the message from the House.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 17, 1884.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair.

Attest:

JOHN B. CLARK, JR., *Clerk.*

The PRESIDING OFFICER. Will the Senate now proceed to the consideration of the conference report? The Chair hears no objection, and the report is before the Senate. The question is, Will the Senate concur in the conference report?

Mr. LAPHAM. For the purpose of presenting this question again to the conference committee, I hope the Senate in form will disagree to the report and let the bill go back to the conference committee. The House are not only ready but anxious to allow a pension of $30 a month.

Mr. SHERMAN. My friend will allow me to say that that would present the Senate in a very ridiculous attitude.

Mr. INGALLS. The conference committee have discharged their functions and their report has been agreed to by the House of Representatives. There is no possible chance for a disagreement on the part of the Senate. It is its own amendment.

Mr. SHERMAN. The Senate itself allowed a pension of but $15 a month. The House say, "Oh, no; give her $20;" and they have agreed to that. Now, to back out of our own position and demand what the House had originally given this lady would put Congress in a very ridiculous attitude. I do not know that it is any more than is often done, but still I trust our record here will be correct.

Mr. LAPHAM. It would be better to do that than to deny to this poor girl the sum necessary for her support.

The PRESIDING OFFICER. The question is on concurring in the conference report.

The report was concurred in.

CREDENTIALS.

Mr. GROOME presented the credentials of Ephraim K. Wilson, chosen by the Legislature of Maryland a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented the petition of G. Hollenbeck and 59 other citizens of Lee Centre, N. Y., praying that House bill No. 6463, granting pensions for service in the Army and Navy of the United States during the war of the rebellion, may be passed during the present session of Congress; which was referred to the Committee on Pensions.

He also presented the petition of William Francis Skehan, late private Company F, Second Regiment District of Columbia Infantry Volunteers, a citizen of Boston, Mass., praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of Col. James W. Romeyn and 78 other ex-soldiers and citizens of Detroit, Mich., praying that the pension of Mrs. Jane W. Brent be increased to $50 per month; which was referred to the Committee on Pensions.

Mr. HARRISON. I present the memorial of H. W. Chase and 29 other citizens of La Fayette, Ind., and the memorial of Frederick Nussel and 13 other citizens of Brazil, Ind., remonstrating against any legislation proposing the control of the telegraph by the Government. I move that these memorials lie on the table.

The motion was agreed to.

Mr. VOORHEES. I present a memorial on the same subject mentioned by my colleague [Mr. HARRISON], relating to interference with the telegraph system by the Government, from citizens of Fort Wayne, Ind.; also from citizens of Warsaw, Ind., on the same subject; also from citizens of La Porte, Ind., on the same subject; also from citizens of Plymouth and Valparaiso, Ind., on the same subject. I move that the memorials lie on the table.

The motion was agreed to.

Mr. PENDLETON presented resolutions adopted by the Dick Morris Post, Grand Army of the Republic, of Galion, Ohio, ex-soldiers and sailors of the late war, favoring the passage of House bill 6463 in regard to pensions; which was referred to the Committee on Pensions.

Mr. PENDLETON. I present, in the nature of a letter to me, a memorial of Alms & Doepke, one of the most extensive establishments in Cincinnati, Ohio, remonstrating against the passage of the bill to increase the minimum jurisdiction of United States circuit courts from $500 to $2,000. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CALL. I present a petition in the form of a letter, transmitting resolutions of the Florida Medical Association, held in the city of Saint Augustine, on the 10th instant. The resolutions state that the National Board of Health is regarded as an organization entitled to aid, support, and continuance by the Government, and that the various medical associations in the different States should be allowed a representative on

such board. I move that the resolutions be referred to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. JONES, of Florida. I present a memorial of a number of citizens of Saint Augustine, Fla., respectfully remonstrating against the enactment of any measure relating to the telegraph which shall increase the number of public officials or establish a Governmental monopoly of the telegraph business, or which shall employ the functions of Government to destroy the property of individuals who have embarked in legitimate enterprise to provide ample facilities for the public accommodation. Recognizing as I do the sacred right of petition, I respectfully present this memorial and ask that it be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER. The bill to which the memorial refers has been reported from the Committee on Post-Offices and Post-Roads and is now on the Calendar. The memorial will lie on the table.

Mr. PLUMB. I present the petition of a number of ex-soldiers of the Union Army residing in Kansas, praying that a law may be passed pensioning ex-soldiers of the Union Army and Navy without respect to disability at the rate of $18 per month. I doubt if this petition represents the sentiment of a majority of the soldiers of the late war, but I regard it as imperatively necessary that something should be done to relieve the present law from so much of its incongruity and the embarrassment of its administration in requiring certain proof, so as to enable all who are disabled to get a pension. I believe whenever that is done all this talk about pensioning all soldiers without reference to disability or need would practically disappear. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. ALLISON. I present the memorial of the Iowa Brewers' Association, urging the passage of the bill (H. R. 4747) providing for the amendment of section 3243 of the Revised Statutes, relating to the collection of internal revenue. I wish to state that I do not agree with the suggestion made by this association. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. ALLISON presented a memorial of 600 citizens of Iowa City, Iowa, a petition of citizens of Fort Dodge, Iowa, and a petition of citizens of Keokuk, Iowa, remonstrating against the enactment of any measure relating to the telegraph which will increase the number of public officials or establish a governmental monopoly of the telegraph business; which were ordered to lie on the table.

He also presented the petition of members of McCray Post, No. 27, Grand Army of the Republic, of Prairie City, Iowa, praying Congress to grant one hundred and sixty acres of land to each honorably discharged soldier of the late war; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am instructed by the Committee on Finance, to whom was referred the bill (S. 1925) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, to report it favorably. I present a letter from the Secretary of the Treasury relating to the bill, which I ask to have printed in the RECORD.

The letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, *June* 17, 1884.

SIR: I have the honor to acknowledge the receipt of your communication of the 16th instant, transmitting for an expression of my views thereon Senate bill No. 1925, entitled "A bill to amend an act entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' approved June 10, 1880."

The object of the bill is to amend sections 5 and 6 of the act referred to so as to permit the transportation of unappraised merchandise by routes bonded for both land and water carriage.

In my opinion this privilege is required by the necessities of business and may be granted without detriment to the interests of the Government.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. JUSTIN S. MORRILL,
Chairman Committee on Finance, United States Senate.

Mr. MORRILL. I am also directed by the Committee on Finance, to whom was referred the bill (S. 687) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, to report adversely upon it, it relating to the same subject. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WILSON, from the Committee on Foreign Relations, to whom were referred certain communications in relation to international expositions to be held in Amsterdam, Buda Pesth, Antwerp, and St. Petersburg, reported adversely thereon, and asked that the committee be discharged from their further consideration; which was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 284) granting a pension to Henry J. Seward, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1864) to allow John Winchell arrears of pension;
A bill (S. 1208) for the relief of Wilson G. Gray;
A bill (S. 1726) granting a pension to John M. Broome;
A bill (S. 1159) for the relief of Mrs. Eunice S. Nichols;
A bill (S. 1834) granting a pension to Eliza C. Woodall;
A bill (S. 1942) for the relief of Harvey Smith;
A bill (S. 1777) for the relief of Harvey Smith; and
A bill (S. 555) granting a pension to Hannah M. Wright.

Mr. JACKSON. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1840) granting a pension to S. A. Riggs, to submit an adverse report thereon, and move that it be postponed indefinitely.

Mr. COCKRELL. Let that bill be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar, at the request of the Senator from Missouri, with the adverse report of the committee.

Mr. JACKSON. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 1177) granting an increase of pension to Georgetta Harp, to submit an adverse report thereon, and move that it be postponed indefinitely.

Mr. HARRISON. I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar, at the request of the Senator from Indiana, with the adverse report of the committee.

Mr. JACKSON. I am also instructed by the Committee on Pensions, to whom were referred the bill (S. 1325) granting an increase of pension to Merlin C. Harris, and the bill (H. R. 2136) granting an increase of pension to Merlin C. Harris, to submit an adverse report thereon.

Mr. INGALLS. I ask that the House bill may be placed on the Calendar, if the Senator has no objection.

Mr. JACKSON. I have none.

The PRESIDING OFFICER. The Senate bill will be postponed indefinitely, and the House bill will be placed on the Calendar with the adverse report of the committee.

Mr. LAPHAM. The Committee on Privileges and Elections, to whom was referred the bill (S. 408) concerning Federal elections, have instructed me to submit a report, and a bill by way of substitute for the original bill referred to the committee.

The bill (S. 2328) concerning Federal elections was read twice by its title.

The PRESIDING OFFICER. Senate bill 408 will be indefinitely postponed if there be no objection.

Mr. LAPHAM. I wish to say in presenting this report that the majority of the committee who favor the bill reported may when it comes up for action desire some modification of the substitute proposed. I desire also to state that the minority of the committee who disagreed to the report (being the Democratic members of the committee), although disagreeing with this report and being opposed to any Federal legislation on the subject, will not probably ask to submit their views for the purpose of having them printed. I ask to have the report and substitute printed and the latter placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar, and the report will be printed under the rule.

Mr. LAPHAM, from the Committee on Privileges and Elections, to whom was referred the petition of Maria G. Underwood, administratrix of John C. Underwood, deceased, praying for certain relief, reported the following resolution:

Resolved, That there be allowed and paid out of the contingent fund of the Senate to Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. COCKRELL. The Committee on Military Affairs, to whom were referred the joint resolution (H. Res. 210) requiring the Secretary of War to furnish copies of certain muster-rolls to the State of Ohio, the joint resolution (S. R. 86) to furnish copies of certain military records to the State of New York, and concurrent resolutions of the General Assembly of the State of New York in regard to such records, have duly considered the same, and instructed me to report them back to the Senate adversely, recommending that the joint resolutions be indefinitely postponed, and that the committee be discharged from the further consideration of the memorial.

The PRESIDING OFFICER. The joint resolutions will be indefinitely postponed, if there be no objection, and the committee will be discharged from the further consideration of the memorial.

Mr. COCKRELL. I am also directed to report to the Senate an amendment to the legislative, executive, and judicial appropriation bill, to be referred to the Committee on Appropriations, providing for an increase of the clerical force in the War Department, to be used solely for the purpose of completing the registers of the volunteer regiments in service during the late war. The committee asked the Secretary of War to make an estimate of the force that would be necessary, and of the propriety of inaugurating a measure for furnishing to the various States these records. The Secretary of War submitted to the committee a statement that it would require a clerical force of one hundred employés to make up the rolls as they are called for now, and then they might not be accurate. He also reported the fact that they have been for some years engaged in making registers of the volunteer regiments;

that they have already completed a number of these; and that with an increased clerical force they can complete all the registers of the volunteer regiments, and then they can furnish them to the States accurately and correctly.

The PRESIDING OFFICER. The proposed amendment will be referred to the Committee on Appropriations, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;

A bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned; and

A bill (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States relative to fees levied and collected from the owners and masters of vessels in domestic commerce.

DISTRIBUTION OF DOCUMENTS.

Mr. HAWLEY. I am instructed by the Committee on Printing to make sundry reports, and as they refer to current business I shall ask that they be considered immediately. In the first place, I report back with an amendment the joint resolution (H. Res. 264) to amend a resolution approved August 7, 1882, providing for the publication of the Report of the Public Land Commissioner.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read.

The PRESIDING OFFICER. The amendment reported by the Committee on Printing will be read.

Mr. HAWLEY. I can with a word or two of explanation save the trouble of much reading. The resolution to order the printing of the Codified Land Laws and History of the Public Domain provided that two years after the passage of the resolution all such reports as should not have been sent away by the order of members of Congress should be sold by the Secretary of the Interior. That time will expire on the 7th of August, 1884. In the mean time a new edition of that very valuable compilation of land laws and a new edition of the History of the Public Domain has been ordered to be printed, and that has but just come into the hands of Senators. It is thought wise and sensible to extend the time within which they may have the control of them, because otherwise, by the 7th of August they will lose control of all this valuable new edition.

Then the Committee on Printing of the Senate added to the House resolution an extension of the time within which Senators and Members may control the very valuable series of volumes giving a history of the war of the rebellion. By the resolution ordering that printing after the 1st of July in this current year the Secretary of War is at liberty to sell every volume that members of Congress may not have ordered off to some library or have not taken control of under the law. The committee proposes to extend that to a time which covers the terms of the service of the several Senators.

Mr. HOAR. Has the Senator's committee provided for some new supply of the other volumes of the Official Records of the War of the Rebellion?

Mr. HAWLEY. No, sir; this business was simply to say what control we should have. The matter to which the Senator refers would be one for separate consideration.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Printing. It will be reported.

The CHIEF CLERK. The committee report to add to the resolution:

And also that the regulations for the distribution of the Official Records of the War of the Rebellion in the "act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884," be amended by striking out the words "until July 1, 1884," and substituting therefor "until the expiration of their respective terms of Congressional service."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Printing.

The amendment was agreed to.

Mr. HOAR. I should like to have the resolution read as amended, if it is not too long.

The PRESIDING OFFICER. The joint resolution as amended will be read.

The Chief Clerk read as follows:

Resolved, &c., That joint resolution providing for the printing of additional copies of Codified Land Laws and History of the Public Domain of the United States, approved August 7, 1882, be amended by the substitution of the word "three" in the place of "two" in the proviso of said resolution; so that it shall read: "That all copies not ordered to be distributed within three years after the passage of this act shall be sold by the Secretary of the Interior," etcetera. And also that the regulations for the distribution of the Official Records of the War of the Rebellion in "the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884," be amended by striking out the words "until July 1, 1884," and substituting therefor "until the expiration of their respective terms of Congressional service."

Mr. HOAR. Does that make it imperative upon the Secretary of the Interior to sell those books whether he only gets a price for them as waste paper or not?

Mr. HAWLEY. After the 1st of July the Secretary of War will be at liberty to sell the volumes of the Official Records of the War of the Rebellion remaining on hand as waste paper.

Mr. HOAR. But it provides that they "shall" be sold.

Mr. HAWLEY. I think the quotation is literally from the statute. Will the Chief Clerk read that again? I think it is in quotation marks, quoted from the original law.

The PRESIDING OFFICER. The Chief Clerk will read the part of the joint resolution indicated by the Senator from Connecticut.

The Chief Clerk read as follows:

That all copies not ordered to be distributed within three years after the passage of this act shall be sold by the Secretary of the Interior.

Mr. HOAR. That would seem to imply an imperative obligation. How is he to sell them?

Mr. HAWLEY. They are to be sold. If he can not sell them to libraries he may sell them as waste paper.

Mr. HOAR. But it is not "may," but "shall."

Mr. HAWLEY. That is the law passed two years ago in regard to the control of these documents.

Mr. COCKRELL. I think I can answer the Senator's question, because I have now in my hand the joint resolution of August 7, 1882, which says:

Provided, That the copies for the use of the Senate and the House of Representatives shall be distributed by the Secretary of the Interior in the manner provided for the distribution of the Reports of the Tenth Census, and that all copies not ordered to be distributed within two years after the passage of this act shall be sold by the Secretary of the Interior at cost of publication with 10 per cent. added thereto.

Mr. HOAR. Should there not be inserted in the joint resolution, so as to have greater precaution, the words "shall be sold on the terms set forth?"

Mr. HAWLEY. That part of the old law is not repealed. We confine ourselves to extending the time in which members of Congress shall have control of the documents.

Mr. HOAR. I move to amend by putting in the date of the act and the words "shall be sold as provided therein."

Mr. COCKRELL. The joint resolution does not repeal this clause of the act of August 7, 1882, requiring them to be sold at cost.

Mr. HOAR. It seems to me that it does.

Mr. HAWLEY. No; the law would remain as to the selling of undisposed-of copies precisely as it is now.

Mr. HOAR. I do not so understand it, if the Senator will pardon me. It seems to me you have got an old law providing that these things shall be sold if they can obtain a certain price in a certain way, that is, the cost price with 10 per cent. added. Now you make what is a new law from this time forth, which says that all books remaining on hand shall be sold by the Secretary of the Interior. You do not put in the limit of the former law, and you have here, therefore, a peremptory order to sell. My only suggestion is that it would be better to insert the words that they shall be sold as set forth in the act of such a date.

The PRESIDING OFFICER. Does the Chair understand the Senator from Massachusetts to offer an amendment?

Mr. HOAR. Yes, sir; I do.

The PRESIDING OFFICER. The Senator will please state his amendment again.

Mr. COCKRELL. Just say "as provided in said act."

Mr. HOAR. Yes, "as provided in said act." It is a mere verbal amendment, and perhaps entirely unnecessary, but it is certainly safer.

Mr. HAWLEY. There is no objection to it at all.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be reported.

The CHIEF CLERK. In line 10 it is proposed to strike out the word "etcetera" and to insert the words "as provided in said act;" so as to read:

That all copies not ordered to be distributed within three years after the passage of this act shall be sold by the Secretary of the Interior as provided in said act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution to amend a resolution approved August 7, 1882, providing for the publication of Report of Public Land Commissioner, and for other purposes."

REPORT OF BUREAU OF ETHNOLOGY.

Mr. HAWLEY. I am directed by the same committee to report the

joint resolution (S. R. 47) for printing the annual reports of the Bureau of Ethnology adversely, and move its indefinite postponement, to be followed by concurrence in a House joint resolution on the same subject.

The PRESIDING OFFICER. The question is on the motion to indefinitely postpone the joint resolution.

The motion was agreed to.

Mr. HAWLEY. I report from the same committee the joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology favorably, with amendments.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment reported by the Committee on Printing was, in line 4, after the word "the," where it first occurs, to insert "fourth and fifth;" so as to read:

That there be printed at the Government Printing Office 15,000 copies of each of the fourth and fifth annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations.

Mr. HAWLEY. The resolution as it came from the House made a permanent order for the printing of these reports. That is not the present policy of Congress. It is to order printing as it comes from year to year. We confine the resolution to the fourth and fifth volumes, which are on hand. That is the meaning of the amendment.

The amendment was agreed to.

The next amendment was, after the word "illustration," in line 6, to strike out "beginning with the report for the fiscal year ending June 30, 1883."

Mr. HAWLEY. That is in pursuance of the purpose I have just indicated to make it an appropriation for the current work, and not a permanent appropriation.

The amendment was agreed to.

The next amendment was, in line 9, before the word "thousand," to strike out "two" and insert "three;" after the word "thousand" to insert "of each;" and in the same line, after the word "Senate," to strike out "eight" and insert "seven;" so as to read:

And uniform with the preceding volumes of the series; of which three thousand of each shall be for the use of the Senate, seven thousand for the use of the House of Representatives, and five thousand for distribution by the Bureau of Ethnology.

Mr. COCKRELL. I would suggest that that 3,000 ought to be 3,500 for the Senate, to keep up what has been considered the proper respective numbers to be allotted to the Senate and the House. The Senate should have one-half as many as the House. Make it 3,500 for the use of the Senate and 7,000 for the use of the House.

Mr. HAWLEY. The committee change it to very nearly one-half each.

Mr. COCKRELL. Let us have it exactly one-half. I move to amend the amendment by making the number 3,500 instead of 3,000 for the Senate.

The PRESIDING OFFICER. The Senator from Missouri moves to amend the amendment of the Committee on Printing by striking out "3,000" and inserting "3,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Connecticut to the fact that the total number of copies provided for in the joint resolution is 15,000, while the distribution provided calls for 15,500.

Mr. HAWLEY. That is a mere correction of figures. Let the correction be made to correspond with the subsequent amendments.

The PRESIDING OFFICER. The correction will be made in line 4, after the word "thousand," by inserting "five hundred;" so as to read:

That there shall be printed at the Government Printing Office 15,500.

GEOLOGICAL SURVEY REPORTS.

Mr. HAWLEY. I am also directed by the Committee on Printing to report back the joint resolution (S. R. 48) for printing the annual reports of the United States Geological Survey adversely. This is an almost precisely similar resolution to that just acted on—for printing the annual reports of the United States Geological Survey. I move its indefinite postponement.

The motion was agreed to.

Mr. HAWLEY. I report in behalf of the Committee on Printing the joint resolution (H. Res. 138) for printing the annual reports of the United States Geological Survey favorably, with certain amendments. The statement in regard to it is almost precisely that which I made in regard to the report of the Bureau of Ethnology. The House resolution through an oversight, as the chairman there states to me, provided a permanent order on the subject which the Senate committee disapproved and make it an order for the fourth and fifth annual reports which are already on hand, and change the distribution so as to give 3,000 copies to the Senate and 7,000 to the House. On that I presume the Senator from Missouri will want to make his little amendment to add 500 copies to the Senate so as to make it exactly one-half the number allowed to the House, to which I have no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAWLEY. I hope general consent may be given to read it through as amended. I presume nobody objects. The Senate committee has amended it on precisely similar grounds.

The PRESIDING OFFICER. The resolution will be read as proposed to be amended.

The CHIEF CLERK. As proposed to be amended by the Committee on Printing the joint resolution reads:

Resolved, &c., That there be printed at the Government Printing Office, in addition to the number already ordered by law, fifteen thousand *five hundred* copies of the *fourth and fifth* annual reports of the Director of the United States Geological Survey [beginning with the fourth and] uniform with the preceding volumes of the series; of which [two] *three* thousand *five hundred of each* shall be for the use of the Senate, [eight] *seven* thousand for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.

(The amendments are to strike out the words in brackets and insert the words in italics.)

The amendments of the Committee on Printing were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

REPORT ON LABOR AND CAPITAL.

Mr. HAWLEY. I have one more report to make for which I ask present consideration. I am instructed by the Committee on Printing to report with amendments the resolution submitted by the Senator from New Hampshire [Mr. BLAIR] May 20, 1884.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Senate Committee on Education and Labor, on the relations between labor and capital, be printed, and the accompanying testimony; and that 100,000 additional copies be printed, of which 33,000 shall be for the use of the Senate, 66,000 for the use of the House of Representatives, and 1,000 copies for the use of the Senate Committee on Education and Labor.

Mr. ALLISON. Let us hear the amendments before we take up the resolution.

The PRESIDING OFFICER. The proposed amendments will be read for information.

The CHIEF CLERK. The committee report, in line 3, to strike out "be printed and" and insert "with;" and in line 4, after "testimony," to insert "be printed;" so as to read:

That the report of the Senate Committee on Education and Labor, on the relations between labor and capital, with the accompanying testimony, be printed.

Mr. HAWLEY. That is a verbal amendment.

The CHIEF CLERK. The next amendment of the committee is, in line 4, to strike out "one hundred" and insert "fifty;" so as to read:

And that 50,000 additional copies be printed.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. That involves too large a sum to be considered now. I should like to have it printed.

Mr. HAWLEY. I think if the Senate will consider it now I can give all the information needed.

Mr. SHERMAN. I should like to know the cost.

Mr. HAWLEY. I have it all here. Of this report from the Committee on Education and Labor there are five volumes. The resolution proposed to print 100,000 copies. That would be 500,000 individual volumes. The cost of them unbound would be $216,000. If they are bound the cost will be $356,000. The Committee on Printing leaves this matter really to the Senate. Its disposition was to report without recommendation as to the number, but it has reported an amendment striking down the number to 50,000. We leave to the judgment of the Senate whether that will not be a sufficient number.

Mr. ALLISON. What will 50,000 cost?

Mr. HAWLEY. The composition is already provided for from current appropriations, so that these 50,000 will cost just half the figures I have already given. Fifty thousand copies unbound will cost $108,000, and 50,000 bound will cost $158,000.

Mr. SHERMAN. They are of no value unless they are bound.

Mr. HAWLEY. They are of some value unbound, but probably members would prefer to have them bound.

The PRESIDING OFFICER. Is there objection?

Mr. SHERMAN. I am opposed to it. I do not care whether it is taken up now or not.

The PRESIDING OFFICER. The resolution will go on the Calendar.

Mr. HAWLEY. I ask the Senator from Ohio when I shall call it up. I wish it disposed of.

Mr. SHERMAN. The Senator may call it up now. What I desire is to oppose it. I am opposed to the expenditure of so large a sum of money in the publication of this document. If the committee would

reduce it to a reasonable volume of four or five or six hundred pages, which could be done with great advantage to everybody, I should be willing to print any reasonable number demanded by the large class of our fellow-citizens interested in the questions involved. I wish not to belittle the subject, but I have looked through these volumes as they came to my hands, and there is a vast amount of utterly worthless matter, entirely crude, that ought not to be published in any form, much less in a public document of the Senate of the United States. But I can see a great deal of valuable information scattered through the volumes. If it was carefully edited by the committee itself or by any member of it, or reduced to one volume embodying the general ideas that different persons brought before the committee, I think it would be a valuable document, and I would vote for printing any reasonable number; but to print five volumes of this work, which nobody can wade through, it seems to me is not a wise disposition of the public money. Therefore I shall move to amend, if the subject is brought up, that the Committee on Education and Labor be instructed to reduce all these volumes to a single one and then publish as many copies of it as may be thought necessary, even as many as 50,000. That would make a great difference.

Mr. HAWLEY. Personally I have no prejudices or predispositions upon this subject. I concur to some extent with the observations of the Senator from Ohio. If it were possible to condense all this matter into one or two volumes, it would be of course a great economy; but I submit this consideration: There are many things in these five volumes that the Senator thinks, and other Senators also think, are trash; there are embraced many foolish things and speculations, in our judgment, by people not well qualified; there are many wild speculations; but remember that one of the things that gives value to this book is that we know now just precisely what sort of wild speculations are going on, and what a certain class of people do desire to say. The matter is not so valuable in itself, but there are many things there called foolish which are valuable as a part of the history of the times, because many peoples, and classes, and organizations say things of that kind. I think the book might be condensed, but who will do it? If the Committee on Education and Labor will undertake to put these five volumes into two volumes I think we could save the greater part of the value of the document.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I object.

The PRESIDING OFFICER. Objection is made, and the resolution goes on the Calendar.

Mr. HAWLEY. I think we know as much about this question now as we ever shall, and let us get the thing out of the way. If the document is to be printed at all it should go to press soon. I move to proceed to the consideration of the resolution.

Mr. COCKRELL. That is not in order.

The PRESIDING OFFICER. One objection carries the resolution over for the day.

Mr. SHERMAN. The Senator can call it up to-morrow. I have no desire for delay.

BILLS RECOMMITTED.

Mr. MORRILL. I move that the bill (S. 719) to provide for the refund of excess of duties assessed and collected on imports of raw sugars, previously reported from the Committee on Finance, be recommitted to that committee for its further consideration.

The motion was agreed to.

Mr. DOLPH. I present the petition of Hadley Hobson, of Salem, Oreg., praying compensation for beef furnished the public authorities in the Oregon and Washington Territory Indian war of 1855 and 1856, and I move that the bill (S. 267) for the relief of Hadley Hobson, which is now on the Calendar, with an adverse report from the Committee on Claims, be recommitted to that committee, and that the petition accompany the bill.

The motion was agreed to.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 2329) for the relief of Albert Wood; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2330) for the relief of Mary Heron; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2331) granting a pension to Christiana Cooley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2332) for the relief of Trautmann Perrin and Marie Louise Perrin; which was read twice by its title.

Mr. HOAR. I desire to say in regard to this bill that I wish to express no opinion in its favor. It is a bill in favor of a person who was damaged by the bombardment of Greytown by a United States ship of war in 1856. The person was at that time a French citizen and would have been entitled, if the United States had violated the law of nations, to the interposition of his own government, but after the injury he became an American citizen by naturalization, so that he has no foreign government to depend upon for redress. Without meaning to express any opinion in favor of the claim, I introduce the bill in order that it may be examined by Congress. I move that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 2333) granting a pension to George W. De Motte; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SAWYER, it was

Ordered, That the papers in the matter of the claim of Richard Johnson be withdrawn from the files of the Senate and referred to the Committee on Claims.

CONTRACTS FOR INDIAN BEEF-CATTLE.

Mr. VOORHEES. I desire to call up for action at this time the resolution which I offered on the 10th of June.

The PRESIDING OFFICER. The Senator from Indiana asks for the consideration of the resolution heretofore submitted by him, which will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, instructed to furnish to the Senate, at the earliest possible moment, copies of all contracts made by the United States with citizens for furnishing beef-cattle to the Indians of the southern and northern superintendencies during the years 1883 and 1884, with names and residences of all those to whom said contracts were let, together with all correspondence and instructions from the Commissioner of Indian Affairs in any way appertaining or relating to said contracts.

Mr. VOORHEES. I ask that the resolution may be modified by striking out the word "possible" before "moment" and inserting "practicable."

The PRESIDING OFFICER. The Senator from Indiana modifies his resolution. The question is on the resolution as modified.

Mr. VOORHEES. When I introduced the resolution I did so by request from what I conceived to be a responsible source. The Senator from Ohio [Mr. SHERMAN] objected to its adoption at the time and it went over, with the understanding that if I could not support it as I desired to do and according to the standard stated by the Senator from Ohio I would withdraw it. I had no information myself on the subject except as furnished me. Since that time information has reached me in such manner and shape as compels me from my sense of duty to ask the adoption of the resolution. I have conferred with the Senator from Ohio and said to him that I had no desire to lay before the Senate the communication which I have received if the resolution can be adopted without the necessity of doing so. I offer it with no disposition of hostility or unfriendly attitude toward the Commissioner of Indian Affairs or any other official in that Department, but I conceive upon the information placed in my hands that this resolution is proper and should be adopted.

That is all I care to say unless it shall be necessary for me to say more by what may be said by others.

Mr. SHERMAN. On the statement made by the Senator from Indiana that the information is brought to him in such form and shape that he believes it demands the consideration of the Senate and the action of the Senate by calling for the correspondence I have no objection to the resolution, except that I think it is creating delay and making a good deal of expense to require the copying of many unnecessary documents. I think he would accomplish his purpose if he called only for the contracts without all the correspondence relating thereto, but I leave that to his own judgment of what is right under the circumstances.

Mr. VOORHEES. I do not feel at liberty under the circumstances to circumscribe the scope of the resolution. This resolution touches but one article of supply—beef—and during the two years 1883 and 1884 it is not likely that the correspondence in regard to these contracts could be so extensive that to furnish it would be burdensome to the Department. Therefore I ask the adoption of the resolution as it stands.

Mr. MILLER, of California. I should like to ask the Senator from Indiana what agencies are embraced in this resolution? It is expressed "southern and northern superintendencies." Does that embrace all the Indian agencies?

Mr. VOORHEES. I understand so.

Mr. MILLER, of California. It should, if it does not.

Mr. VOORHEES. It covers all the beef contracts for supplying the blanket Indians, I understand.

Mr. DAWES. What is the force of the phrase "southern and northern superintendencies?" Is it intended to cover the whole field.

Mr. VOORHEES. I have no answer to a criticism of that kind, except that it was intended to embrace both superintendencies. If the Senator had rather say "all the different contracts," very well.

Mr. DAWES. It seems to me that would be better. There may be some subdivisions in the administration of the Interior Department that that language might not cover.

Mr. VOORHEES. I have no objection to a modification of that kind.

Mr. DAWES. I do not know that it has any force.

Mr. MILLER, of California. It ought to embrace the whole country.

Mr. DAWES. There is a division called the Pacific coast division in some correspondence.

Mr. MILLER, of California. That ought to be included in this resolution.

Mr. VOORHEES. I will suggest to the Senator from California and the Senator from Massachusetts whether it would be satisfactory if the words "of the southern and northern superintendencies" should be stricken out; so that the resolution should read:

For furnishing beef cattle to the Indians during the years 1883 and 1884.

Mr. DAWES. That would be satisfactory.

Mr. VOORHEES. Would that be satisfactory to the Senator from California?

Mr. MILLER, of California. Yes, sir.

Mr. VOORHEES. I modify the resolution by striking out those words.

The PRESIDING OFFICER. The Senator from Indiana further modifies his resolution.

The resolution will be read as modified.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, instructed to furnish to the Senate, at the earliest practicable moment, copies of all contracts made by the United States with citizens for furnishing beef-cattle to the Indians during the years 1883 and 1884, with names and residences of all those to whom said contracts were let, together with all correspondence and instructions from the Commissioner of Indian Affairs in any way appertaining or relating to said contracts.

The resolution was agreed to.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. GORMAN, Mr. MILLER of California, Mr. WILSON, and Mr. RIDDLEBERGER submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE. I offer an amendment to the general deficiency appropriation bill, which I move be referred to the Committee on Appropriations and printed, the accompanying explanatory paper to be sent to the committee without printing.

The motion was agreed to.

AMENDMENTS TO THE RIVER AND HARBOR BILL.

Mr. HARRISON and Mr. GEORGE submitted amendments intended to be proposed by them, respectively, to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

COLORED RACES' EXPOSITION.

Mr. BLAIR. I offer the following amendment to the sundry civil appropriation bill, which I ask may be referred to the Committee on Appropriations and printed:

That there be appropriated, out of the moneys in the Treasury not otherwise appropriated, the sum of $500,000, to promote the proposed exposition of the agricultural and mechanical capabilities of the colored races of the world, to be held in the exposition building in the city of Chicago, commencing in the month of November, 1885.

I am requested to introduce this for reference, and indorse personally the project proposed so far as my opinion of its feasibility and its desirability is of any importance. I desire that there may be printed in the RECORD in connection with this amendment the memorial of the representatives of a large number of the most intelligent colored men of the country, in order that their project may be fully placed before the committee and also before the country. I ask that this memorial, which is not lengthy, be printed in the RECORD.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the memorial presented by him may be printed in the RECORD. Is there objection? The Chair hears none, and that order is made.

The memorial is as follows:

To the United States Senate and House of Representatives, Washington, D. C.:

The proposed exposition of the agricultural and mechanical capabilities of the colored races of the world, to be held in the exposition building in the city of Chicago, November, 1885, is intended to do much good, the object being to show to the civilized world that the colored races are entitled to all the considerations that other citizens of this great Republic receive; to make an ocular display of our inventive and productive genius and bring the colored people into the presence of those mighty forces which have made this country grand and great; to introduce among the colored races of the world different inventions and improved machinery, a more scientific knowledge of mechanism and agriculture, and as a means of turning the minds of the masses of our people from politics to the more profitable pursuit of the industries; which, aided by the instruction obtained in the common schools, will prove more material in assisting to elevate and refine our civilization—the bringing together the colored races of the world, that we may demonstrate by an exhibition of our productions a feasible solution of the great "negro problem."

It seems almost unnecessary to present any argument to show the great advantage of such an exposition; every good citizen is interested alike in the success and material advancement of the colored people, and the experience of the past expositions in all parts of the world furnishes the most conclusive evidence of their great value as a stimulus to art and mechanism. They may be regarded as direct incentives to emulation on the part of every artisan and producer, which will invariably be followed by a corresponding increase in the general prosperity.

We came into America under peculiar circumstances, our civilization for a great many years being in the hands of others, and now, after having had the direction of it in our own hands for twenty years, we wish to show to the world our ability of that directorship and all of our resources.

An examination of the census of 1880 will show that there is a large per cent. of us that can not read and write, but a careful examination of the schedule as originally taken by the enumerators will show that we are by no means small producers. It will also be seen that in the States of Alabama, Arkansas, Georgia, Mississippi, Louisiana, North Carolina, South Carolina, Virginia, West Virginia, Maryland, and Tennessee, where we contribute by our labor at least 85 per cent. to the general prosperity of those States, that section is dependent on us, and we assert that did we withdraw our industry from that section of this country that we have made rich, it would in a few years become what it was when we first set our feet upon it as slaves.

Few of the most intelligent white or colored people in this country actually know how much we contribute as artisans and producers to the general prosperity of the whole country. The conclusion of the most charitable to the colored people in too many instances is that as manufacturers and inventors we are comparatively insignificant. Why is this idea so readily formed and to our great detriment? It is because the public have no means of ascertaining what we actually do, or our capabilities of doing, if properly encouraged. The State and county fairs that have been held in the various States, North, South, East, and West, have for the last twelve years had some colored exhibitors, who have always made a creditable display. There has been no local exhibition held by white people that, from attractiveness and real usefulness, has ever excelled the one held by the colored people in Raleigh, N. C., a few years ago.

This exposition will act as a stimulus to us and to the people of color all over the world, and bring to the public notice our true position. It will also give to the statesman of this country a true idea of the necessary legislation for our material advancement. It will bring out a revelation of our ignorance and a true revelation of our industrial progress and intelligence.

It will bring before our educators the necessity of teaching our young men and women trades, and cause our young men to stop seeking alone political advancement, and carry their minds to higher eminences, from which they will be enabled to see broader fields of usefulness, which will bring to them untold prosperity and contribute largely to the general advancement and material welfare of the race.

It will enable our women who are striving to win a place of distinction in the school of morality to see the path that has led their more fortunate white sisters to avenues of virtue and usefulness; it will call the attention of the masses of the colored people to the necessity of acquiring a thorough knowledge of the trades; it will enable us to lift a little the veil of the future and look beyond to an acquirement of those things which to-day show a great country and a greater people teeming with prosperity.

As colored people, as citizens, we have had no opportunity of proving our just claim upon the sympathies and aid of the State and General Governments, and we are convinced that if the Government extends to us a friendly hand we can in this exposition forever set at rest the charge so often made of our inability as competitors in art and mechanism.

For many years we struggled as slaves and contributed largely to the general prosperity of this country, and when freedom came upon us like a flash of lightning from a clear sky it turned us loose poor, penniless, inexperienced, and almost without friends, and now for twenty years we have struggled as poor freemen and fought our way up the hill of adversity, and have distinguished ourselves politically, and now being thoroughly convinced that the road of industry is the only one that promises finally to lead us to the goal of peace, contentment, and prosperity, we ask on behalf of nearly seven millions of poor and struggling people the Government's most favorable consideration to assist us in making an exhibit of the mechanical and agricultural progress of the colored people.

We are, very respectfully,

JOSEPH W. MOORE,
JOHN H. WEEKLEY,
JAS. W. TAYLOR,
J. N. GREENWOOD,
W. WYATT HENDERSON,
RICHARD E. MOORE,
ROBT. H. CHATMAN,
THOS. F. DYSON,
GEO. J. SMITH,
Board of Directors.

OFFICE COLORED PEOPLE'S WORLD EXPOSITION,
Chicago, June 14, 1884.

We herewith submit a statement of the progress we have made in getting public interest worked up. We have had to labor under many disadvantages, and yet we think that we have done remarkably well.

Our reasons for holding the exposition in this historic city are, that when the association was first formed for the purpose of holding the exposition, a committee was appointed to visit Atlanta, Louisville, and Cincinnati, and endeavored to secure buildings and grounds for the exposition and a pledge from the different hotels to entertain all persons that would visit the exposition, and the committee, being unsuccessful in those places, finally visited Chicago, and were offered the use of the exposition buildings at a very low rate, the hotels agreeing to entertain all persons who would attend the exposition.

The securing of the buildings known as the exposition buildings will save the board of directors of the colored people's world exposition the expenditure of at least $100,000 for necessary buildings.

The city council, recognizing the importance of such an affair as we were undertaking, passed unanimously on the 10th of April the following preamble and resolutions (by Hon. D. L. Shorey, of the third ward):

"Whereas there is to be held in this city in the exposition building, commencing the first Monday in November, 1885, a colored people's world exposition, for the purpose of exhibiting the agricultural and mechanical capabilities of the colored races of the world; and

"Whereas this exposition will do much good in the way of elevating the colored people in America, and go far toward obliterating race prejudices and bring about a better feeling among all classes; and

"Whereas this exposition is not intended to be exclusive in any way, the managers having extended an invitation to all persons to participate with them; and

"Whereas this council recognizes the unequaled facilities of this city in the holding of the exposition and the increase of the business interests during the session thereof: Therefore,

"*Be it resolved*, That the mayor and council do indorse the colored people's world exposition as being commendable in its object and worthy of local and national aid and the co-operation of all citizens.

"*Be it further resolved*, That the mayor and council do pledge their co-operation to the board of directors of this exposition in helping them to make the exposition a grand success."

The different railroad and steamboat companies coming into Chicago have agreed to give us reduced passenger and freight rates to all persons visiting the exposition, and all articles shipped over the various lines for exhibition that are not sold they will return free of charge.

We will here state that the railroad companies have shown us no favors, they having only after strenuous efforts on our part consented to adopt the same rule with us which they have adopted with other expositions that have been held here.

We have received letters from nearly every governor of the States and they in every instance have spoken commendably of the exposition. We herewith submit a copy of one of our letters from governors of States, which is about the tenor of the whole:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Office of the Governor, Columbus, May 31, 1884.

SIR: Your favor of the 23d instant, signed also by the directors of the exposition, has been received. Any reasonable movement calculated to encourage and promote the advancement of the agricultural and mechanical interests of the country, and especially of the people of color, whose prosperity is so important, should receive the support of the State and General Governments. I heartily indorse your proposed exposition and trust it will be entirely successful.

Yours, very truly,

GEO. HOADLEY.

W. WYATT HENDERSON,
Director-General, 1630 State Street, Chicago, Ill.

We have received nine hundred and eighty-seven letters from colored people in different States, who are engaged in the agricultural and mechanical pursuits, who have assured us that they will be exhibitors, and we are receiving letters daily from all parts of the country assuring us of success. We have letters from a great many manufacturers, assuring us they will place on exhibition their latest inventions and improved machinery for the instruction of our people. We have assurances from the Republic of Liberia, which has never made an exhibit in this country, that in case this Government takes favorable notice of the exposition they would place on exhibition the agricultural and mechanical productions of that republic.

We are making extensive arrangements to secure exhibits from all the nations of color of the world.

The colored people will and do feel deeply interested in the success of this exposition. We have not made the efforts toward perfecting arrangements that we might have made by reason of our not being able to command the capital that similar affairs managed by white people have, and we trust that the Senate and House of Representatives will favorably consider this exposition.

The exposition will open on the first Monday in November, 1885, and continue for thirty days from date of opening. There will be no exclusion of exhibitors on account of color, while the exposition will be under our direct supervision.

Every facility that can be will be afforded exhibitors and visitors, and we anticipate a generous response from the Government on behalf of this laudable enterprise.

We are, very respectfully,

W. WYATT HENDERSON,
JOSEPH W. MOORE,
JOHN H. WEEKLEY,
JAS. W. TAYLOR,
J. N. GREENWOOD,
RICHARD E. MOORE,
ROBT. H. CHATMAN,
THOS. F. DYSON,
GEO. J. SMITH,
Board of Directors Colored People's World Exposition.

JOSEPH M. CUMMINGS & CO.

Mr. FAIR. Mr. President, I ask unanimous consent to call up Senate bill No. 70, being Order of Business 222.

The PRESIDING OFFICER. The regular order at this time is the Calendar, under Rule VIII. The Senator from Nevada moves——

Mr. CONGER. The Senator from Nevada will allow me, on the statement from the Chair, to suggest that there are pension cases on the Calendar which the Senate agreed to take up, and they are the unfinished business of the morning hour after the morning business proper is finished. We were considering pension cases the other morning, and I hope they will not lose their place, though I do not wish to interfere with what the Senator from Nevada desires.

Mr. CULLOM. I believe I gave notice that after the morning business was concluded I would move to proceed to the consideration of the Mexican pension bill.

The PRESIDING OFFICER. The Senator from Nevada has moved to proceed to the consideration of the bill named by him.

Mr. CULLOM. And after his motion is disposed of I shall desire to submit my motion.

Mr. WILSON. I hope the Senator from Illinois will not interfere with the consideration of the unobjected pension cases, as suggested by the Senator from Michigan.

Mr. FAIR. The bill to which I refer will take but a moment. The bill was called and went to the bottom of the Calendar during the Forty-seventh Congress, while I was absent from the city. During this session it was reached during the call of the Calendar and went over because of my absence, as I had reported it.

Mr. CONGER. If the Senator will allow the regular business to be called up I will give way for his calling up that bill.

Mr. FAIR. All right.

The PRESIDING OFFICER. The Chair has directed to be laid before the Senate the Calendar under Rule VIII. The first business in order on the Calendar at this time is the bill which was under consideration the day before yesterday.

Mr. CONGER. A pension bill.

The PRESIDING OFFICER. A pension bill, Order of Business 405.

Mr. CONGER. Let that be laid before the Senate, and then I will consent to the request of the Senator from Nevada.

The PRESIDING OFFICER. The unfinished business is Order of Business 405, being the bill (S. 337) granting pensions to Wilson W. Brown and others.

Mr. CONGER. By unanimous consent, the pension bills which were reported without unfavorable reports were to be taken up during the remainder of the morning hour, and this is the first one. Now the Senator from Nevada can make his request.

Mr. FAIR. I renew the request I made.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that Senate bill 70 be taken up and considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts.

The PRESIDING OFFICER. The amendments reported by the Committee on Claims will be stated.

Mr. COCKRELL. Is there any report with that bill? If so, let it be read.

The PRESIDING OFFICER. Will the Senator first allow the amendments to be read?

Mr. COCKRELL. Very well.

Mr. FAIR. All that is asked is a reference of the case to the Court of Claims for examination.

The Chief Clerk read the amendments.

The first amendment of the Committee on Claims was, in line 3, after the word "that," to strike out "the claim, petition, and papers of;" in line 6, after the word "be," to strike out "referred to" and insert "permitted to sue in;" so as to read:

That Joseph M. Cumming, Hamilton J. Miller, and William McRoberts, late copartners in the business of commission merchants and bonded warehousemen in the city of New York, be permitted to sue in the Court of Claims.

The amendment was agreed to.

The next amendment was, after the word "claims," in line 7, to strike out:

And that they be, and are hereby, authorized and empowered to apply by petition to said court for the assessment of the actual damage sustained by them from.

And insert:

Which court shall pass upon the law and facts as to the liability of the United States for the acts of its officer, Joshua F. Bailey, by reason of.

So as to read:

Which court shall pass upon the law and facts as to the liability of the United States for the acts of its officer, Joshua F. Bailey, by reason of the seizure, detention, and closing up of the commission houses and bonded warehouses of said copartners, for the breaking up and interruption of their said business, and for the seizure and detention of the property, books, and papers in and connected with said business, by Joshua F. Bailey, collector of internal revenue for the fourth internal-revenue district of said State, or by said Bailey and other internal-revenue officers.

The amendment was agreed to.

The next amendment was, in line 20, after the word "said," to strike out "petition" and insert "suit;" so as to read:

The United States shall appear to defend against said suit, and either party may appeal to the Supreme Court, as in ordinary cases against the United States in said court.

The amendment was agreed to.

The next amendment was to strike out the following words, from line 22 to line 30:

And if in such action the court shall find that said copartners had, in respect to said property and business, been guilty of no violation of the internal-revenue laws of the United States, then the court shall render judgment for the plaintiffs in such action for the losses and damages resulting from such seizure, detention, and injury to their said business, assessing the same on the same principles as if the suit had been against said Bailey, but allowing no exemplary or vindictive damages.

The amendment was agreed to.

The next amendment was, in line 31, after the word "and," at the beginning of the line, to strike out "this action" and insert "said suit;" so as to read:

And said suit may be maintained, any statute of limitation to the contrary notwithstanding.

The amendment was agreed to.

Mr. COCKRELL. Now let the bill be read as amended.

The PRESIDING OFFICER. The bill will be read as amended.

The Chief Clerk read as follows:

Be it enacted, &c., That Joseph M. Cumming, Hamilton J. Miller, and William McRoberts, late copartners in the business of commission merchants and bonded warehousemen in the city of New York, be permitted to sue in the Court of Claims; which court shall pass upon the law and facts as to the liability of the United States for the acts of its officer, Joshua F. Bailey, by reason of the seizure, detention, and closing up of the commission houses and bonded warehouses of said copartners, for the breaking up and interruption of their said business, and for the seizure and detention of the property, books, and papers in and connected with said business, by Joshua F. Bailey, collector of internal revenue for the fourth internal-revenue district of said State, or by said Bailey and other internal-revenue officers. The United States shall appear to defend against said suit, and either party may appeal to the Supreme Court, as in ordinary cases against the United States in said court; and said suit may be maintained, any statute of limitation to the contrary notwithstanding.

Mr. PLATT. Is there a report in that case?

The PRESIDING OFFICER. There is.

Mr. PLATT. I should like to hear it read. I have a very decided opinion myself that the United States Government is not liable for the acts of its officers and agents. My opinion is so decided that I shall have very great doubt about allowing a suit where the ground of recovery is put upon the improper or illegal acts of the Government's agents. But I should like to hear the report read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. FAIR February 13, 1884:

The Committee on Claims, to whom was referred bill S. 70, have had the same under consideration, and beg leave to submit the following report:

Messrs. Joseph M. Cummings, Hamilton I. Miller, and William McRoberts were engaged in business in New York city in 1867, under the firm name of Joseph M. Cummings & Co., as commission merchants and importers, doing a large and extensive business of over $3,000,000 per annum.

In September, 1867, Joshua F. Bailey, collector of internal revenue for the district in which New York city is located, seized the warehouses, books, papers, and stock in fact, everything belonging to the firm, most of the goods being in United States bonded warehouses and in charge of an officer of the Government.

Collector Bailey did not make any specific charge against the firm, but made a general charge of fraud. Immediately on the seizure being made Messrs. Cummings & Co. made a protest against the same and demanded an investigation. Bailey informed them that the matter would be attended to, and placed a number of officers in charge of the warehouses and refused to allow Cummings & Co. to transact any business.

Mr. Cummings, not receiving any satisfaction from Collector Bailey, came to Washington and saw the Commissioner of Internal Revenue, and desired to know what the charges were against his firm. The Commissioner informed him that there were no charges on file in the Department against the firm, and ordered Sheridan Shook, who had in the mean time been appointed to succeed Bailey as collector, the latter having been suspended, to make an investigation.

A thorough examination was made, in pursuance of that order, by a committee consisting of one officer, Mr. Appel, from the Department at Washington, and Messrs. Palmer and Johnston, officers connected with the internal-revenue department at New York. Their affidavits, which are on file with the papers in this case, and which have been carefully examined and considered by your committee, show that in every particular the goods, &c., in the warehouses corresponded with their books, and they reported to the Commissioner that they were unable to find anything wrong, and that there had been no fraud on the part of Messrs. Cummings & Co.

Some time after, Mr. Bailey still insisting something was wrong, and still holding Messrs. Cummings & Co.'s goods and books under seizure, another examination was made by order of the Commissioner.

A thorough and exhaustive examination was made, a United States gauger was called in, and every package and barrel examined, and this second examination resulted exactly as the first one, and Messrs. Cummings & Co. were entirely exonerated.

An order was issued to release the goods, &c., from seizure and turn them over to Cummings & Co.

These investigations extended over a period of about six months, entirely destroyed Messrs. Cummings & Co.'s business, the value of the goods seized had depreciated very much in price, and they were compelled to realize on them at a great loss, and they were completely ruined.

Contracts for the delivery of goods and for export that they had made they were unable to fulfill, and they were compelled to fail. Previous to this their credit was very high, having a large bank account and doing an extensive and lucrative business.

At the time of the seizure they had contracts outstanding which, if they could have had possession of the goods in the warehouses, would, they claim, have realized them a profit of over $200,000. From the evidence before the committee it would seem that Bailey's action in making the seizure was for the purpose of extorting money from Cummings & Co., and on their commencing proceedings against him in the courts he fled the country and has not since returned.

Mr. Cummings sets forth in an affidavit that the reason that himself and copartners allowed the time prescribed by law to pass in which to present their claim for investigation and adjudication to the Court of Claims is, that when their property was first seized the firm consulted Hon. Ethan Allen, a reputable lawyer of New York, who advised them first to institute legal proceedings against Joshua F. Bailey, the collector, for damages for the unlawful seizure, and thus establish by verdict of a jury the honesty of petitioners and the illegal and unwarrantable seizure of their property.

That, relying upon the said advice, and believing that Bailey would return, and being informed by Mr. Cornelius Runkle, said Bailey's attorney, that Bailey would return and meet all charges against him, they allowed valuable time to slip by.

In the mean time, owing to the seizure, the business of the firm was entirely broken up and destroyed, and they were obliged to and did make an assignment for the benefit of their creditors, and they were left destitute and penniless, and without any resources to institute any investigation or prosecute any claim through a suit at law.

Besides this, the deponent believed that no statute of limitations could run so long as Bailey was absent from this country.

Your committee have examined all the papers and affidavits, most of which are made by sworn officers of the Government, and are of the opinion that Messrs. Cummings & Co. were unjustly dealt with; that there was no ground for the seizure; that it was illegal, and that they should be allowed to present their claims to the Court of Claims for adjudication thereon, and they therefore report back the bill and recommend its passage, with the following amendment:

In line 3 of the bill, after the word "that," strike out the words "the claim, petition, and papers of."

In line 6, after the word "be," strike out the words "referred to" and insert in lieu thereof the words "permitted to sue in."

After the word "claims," in line 7, strike out the remainder of line 7, all of line 8 and line 9 to the word "the," before "seizure," and insert in lieu thereof the words "which court shall pass upon the law and facts as to the liability of the United States for the acts of its officer, Joshua F. Bailey, by reason of."

In line 17, after the word "said," strike out the word "petition" and in lieu thereof insert the word "suit."

In line 19, strike out the words "and if." Strike out lines 20, 21, 22, 23, 24, 25, 26, and 27.

In line 28, strike out the words "this action" and insert in lieu thereof the words "said suit."

The bill was reported to the Senate as amended.

Mr. COCKRELL. I desire to simply record myself against the bill and the principles of the bill as the most vicious legislation that has ever been enacted by the Senate.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSION TO THE MITCHEL RAIDERS.

The PRESIDING OFFICER. The bill regularly in order during the morning hour is Order of Business 405, being the bill (S. 337) granting pensions to Wilson W. Brown and others.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on the amendments proposed by the Committee on Pensions, which will now be read.

The CHIEF CLERK. In line 4, after the word "twenty," it is proposed to insert "four;" so as to read:

That the Secretary of the Interior is authorized and directed to place on the pension-roll, at the rate of $24 per month.

The next amendment was to add as a new section:

SEC. 2. This act shall not be construed to diminish pensions now being paid to any of the persons therein named, nor to deprive them of any increase to which they are now entitled or hereafter may be entitled.

The amendments were agreed to.

Mr. JACKSON. I think the Senate is allowing a very dangerous bill to pass without observing it. This is the case of certain pensioners who are now on the pension-roll for disability. The proposition of the bill is to increase that pension because of a certain service they performed during the war, a service that, according to a distinguished Federal general, was not of a commendable character. It was hazardous, it is true, but it was one attended with no practical results and from which no good results could have followed. It was a wholly useless enterprise; and now the proposition is to give them a service pension in addition to their disability pension, based upon the hazards involved in that service.

Wilson W. Brown, one of the parties, is already pensioned at $16 a month for disability. The proposition is to give him on account of that service $24 a month. John R. Porter is receiving no pension at present, and the proposition is to give him $24 a month for having engaged in this enterprise. William Bensinger has a pension of $4 a month according to his disability. He is to be increased to $24 a month for his service. John A. Wilson is receiving $4 a month. He is to be increased for this service to $24. William Pittenger is receiving $24. Martin J. Hawkins is pensioned at $8 a month. He is to be increased to $24. Daniel A. Dorsey is pensioned at $12 a month, and he is to be increased to $24. Elihu A. Mason is receiving no pension at present; but he is to be granted a service pension of $24. Rachel Slavens, widow of Samuel Slavens, pensioned at $8, is to be increased to $24.

The day before yesterday I called the attention of the Senate to the fact that General Fry, who was perfectly familiar with this service, thought it was not a commendable service, that it was attended with no practical results; no good resulted from it. These men voluntarily undertook it; and now they are to have a service pension beyond the rate of disability pension they are receiving. I think the principle of the bill is bad, and it should not be passed.

Mr. CONGER. Mr. President, we shall always disagree in regard to the character of the service performed and the exploit undertaken by these men. There is not a man in the North who could read who read the account of the dangerous, hazardous, and heroic undertaking of these men, and of their imprisonment, and of the charge against all the rules of warfare, of their being spies, when they had their orders to march as distinctly as any part of the soldiers in the war, but was filled with astonishment at the heroism of the men and with indignation at the manner in which they were treated.

Why General Fry or anybody else, in a newspaper or periodical article, should attack the daring and bravery of these men, or belittle the service they rendered or attempted to render to their country, I do not know, and I do not care. The judgment of the American people upon the heroism of these men, the judgment of the American people upon their wanton and illegal imprisonment and upon the wrong that was done to them as Union soldiers by the confederate powers, has already been formed, and can not be changed.

I will not prolong any remarks upon this question. I simply want a vote on the subject. But before that vote is taken I wish to say that there was a gallant officer in our Army, now a member of this body, to whose command these poor, worn-out, starved, imprisoned men came after their confinement and who received them; I would like him to state to the Senate what the condition of these suffering men was at that time; I would like him, in answer to General Fry or any other gentleman who years after in some article in a periodical belittles the services of Professor Mitchel and all these raiders to maintain some theory or some view of his own, to tell the Senate and to tell the people of the United States what was the condition of these heroic, brave, suffering men who had been imprisoned in darkness and in solitude till death had overtaken many of them and the rest barely escaped, with the seeds of disease planted within them, with their vitality all gone, and the lives of those of them who did live were saved by the tenderest care and by the most affectionate solicitude, and who now ask and their friends ask for them and for the widows of those who perished by starvation, imprisoned as spies, indemnity for their sufferings—what the condition of these men was when they came wandering into his camp. I allude to the Senator from California.

Mr. MILLER, of California. Mr. President, the case upon which this bill is based furnishes one of the most dramatic episodes in the history of our war. I was astonished somewhat to hear read in the Sen-

ate the criticism of General Fry upon the orders of General Mitchel from which resulted the conduct of these soldiers. Whether the orders of General Mitchel were proper and necessary orders, whether his plan of operations was a wise plan considered merely as a military question, is not the point here. These men went under his direction and under his orders upon a most perilous and dangerous service. Their conduct was such as to shed luster and glory upon the military profession of this country and upon American manhood. I have never heard or read of a more heroic struggle, of greater dangers met with greater fortitude and bravery and courage, than in this case.

As has been stated by the Senator from Michigan, several of these men reported to me in Tennessee. Some of them belonged to the Twenty-first Ohio Volunteers, a regiment which was under my command at that time. They were the first of the Federal soldiers whom I had seen who had encountered and suffered the horrors of Southern prisons. They were the most pitiable objects of humanity I had ever beheld up to that time. I never could have believed it was in the heart of man to have treated human beings as these men evidently had been treated. The sufferings which they had endured, as they recounted them to me, were most horrible. I can use no other expression than that. I do not desire to take up the time of the Senate in repeating the sad and saddening story which these men told me on that occasion, but I do want to see this bill passed; I want to see these pensions granted; I want to see them granted because they are deserved. If ever there was a case which came before Congress or before the Pension Bureau which was a deserving case, these are of that character.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business of yesterday.

Mr. CONGER. I move that the unfinished business be laid aside.

Mr. MCMILLAN. Let us vote on this bill.

Mr. BLAIR. I ask that the regular order be laid aside informally until the completion of the bill which has been under consideration.

The PRESIDING OFFICER. The regular order is the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes. The Senator from New Hampshire asks that the regular order be laid aside.

Mr. CULLOM. I hope Senators will not ask that this bill be pressed to a conclusion at this time. I am very anxious that the general pension bill shall come before the Senate and continue before it until it is disposed of; and I want to say that I hope we shall be able to dispose of it to-day; but if it is not, I shall insist on a session to-morrow for that purpose. I think we had better proceed at once to the consideration of the general pension bill in the hope that we shall get it through. I ask that the regular order be informally laid aside and that the Senate proceed to the consideration of the Mexican pension bill.

Mr. MILLER, of California. I ask the Senator to give way until we pass the Brown bill.

Mr. CULLOM. It will take all the afternoon.

Mr. MILLER, of California. If there be any further debate, I shall withdraw the request.

Mr. CULLOM. I have no objection if the Senate is prepared to vote on that bill without further discussion.

Several SENATORS. Let us vote.

Mr. WILLIAMS. If the Senator from Illinois is disposed to give way, I hope he will do it with the reservation of the right to call up the Mexican pension bill at any moment.

Mr. CULLOM. I only give way with the understanding that we are to vote on the Brown bill at once, without further discussion.

Mr. CONGER and Mr. MILLER, of California. All right.

The PRESIDING OFFICER. It is asked that the regular order be informally laid aside and that the bill under consideration at 2 o'clock be proceeded with.

Mr. CULLOM. I object, unless with the understanding I have stated.

Mr. CONGER. We can object to the Senator's bill being taken up.

Mr. PLATT. I should like to say a word on the question as to whether the consideration of this bill should be continued. I know it is not in order to do so without unanimous consent.

I do not rise to oppose the bill. I know it is going to pass the Senate; but I simply want to say that I reported against it last year, and I wish to be understood as voting against it. I have no idea that it will take any time. I think the Senator from Illinois can safely allow it to come up.

Mr. CULLOM. I have no objection to its coming up if it does not take too much of the time.

Mr. MILLER, of California. Let us go right ahead.

The PRESIDING OFFICER. The Senator from Illinois withdraws his objection. The bill (S. 337) granting pensions to Wilson W. Brown and others is before the Senate as in Committee of the Whole.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. JACKSON. I wish to put on record what was stated so well by the Senator from Connecticut [Mr. PLATT] at the last session when this bill was reported against simply in reply to what the Senator from California has said:

> To rate pensions according to the amount of suffering endured, either physical or mental, is manifestly impracticable, even if such causes were admitted to be just ground for pension. Nor does the fear of an ignominious death as a spy seem to the committee to furnish a basis for a pension any more than the fear of death consequent upon battle or other dangerous service. If it be said that the disability of soldiers who suffered such imprisonment and endured such hardships should be presumed to be the results of such imprisonment and hardships, such considerations would only justify the granting of pensions to the petitioners according to the disability which might be found, upon medical and other testimony, actually to exist, and not the establishing of a uniform rate of $20 per month for each. It is not to be presumed that each of these petitioners is equally disabled. It is possible that some of them may be entitled, under the existing provisions of the general law, to a higher rating even than $20 per month, while it is probable, to say the least, that some of them are not sufficiently disabled to justify such a rating. However that may be, the law provides an equal rule for all.

Now wherein does this case differ from any case of any Union prisoner of war during the late war? In no respect whatever. The service was a wild, hazardous one, which resulted in no good and could have accomplished no good. In attempting it these men captured a locomotive simply, and for that and the sufferings consequent on the risk they took they ask now for a service pension. I ask for the yeas and nays on the passage of the bill.

Mr. BLAIR. I do not rise to discuss the bill; but, having made the report, I wish to say that all the voluminous papers in these cases as they were submitted—some have already been concluded in the Pension-Office—were during the last Congress examined by me personally. I saw some of these men who were still living, and it is my belief that the right to these pensions is established by the most irrefragable proof. I believe the rate at which this bill proposes to pension them is no higher than every one of these men deserves upon his actual disability, to say nothing of the reward which I think a grateful people should sometimes pay to conspicuous service and gallantry in the field.

The PRESIDING OFFICER. The question is upon ordering the bill to be engrossed for a third reading.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. JACKSON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered and taken.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 29, nays 18; as follows:

YEAS—29.

Aldrich,	Dawes,	Miller of Cal.,	Sherman,
Allison,	Frye,	Mitchell,	Van Wyck,
Blair,	Harrison,	Morgan,	Voorhees,
Bowen,	Hawley,	Morrill,	Williams,
Cameron of Pa.,	Jones of Nevada,	Palmer,	Wilson.
Cameron of Wis.,	Lapham,	Plumb,	
Conger,	McMillan,	Sawyer,	
Cullom,	Manderson,	Sewell,	

NAYS—18.

Bayard,	Farley,	Lamar,	Vance,
Beck,	Hampton,	Maxey,	Vest,
Call,	Jackson,	Platt,	Walker.
Cockrell,	Jones of Florida,	Pugh,	
Coke,	Kenna,	Slater,	

ABSENT—29.

Anthony,	Garland,	Hoar,	Pike,
Brown,	George,	Ingalls,	Ransom,
Butler,	Gibson,	Jonas,	Riddleberger,
Camden,	Gorman,	Logan,	Sabin,
Colquitt,	Groome,	McPherson,	Saulsbury.
Dolph,	Hale,	Mahone.	
Edmunds,	Harris,	Miller of N. Y.,	
Fair,	Hill,	Pendleton,	

So the bill was passed.

MEXICAN WAR PENSIONS.

Mr. CULLOM. Now I ask that the Senate take up the general pension bill.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the regular order may be temporarily laid aside for the purpose of proceeding with the Mexican pension bill. Is there objection? The Chair hears none, and the regular order is temporarily laid aside, and the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, is before the Senate as in Committee of the Whole.

ROCK CREEK VALLEY.

Mr. BAYARD. I introduced a joint resolution the other day, which was objected to by the Senator from Ohio, to appoint a committee to report to Congress what action should be taken relative to the valley of Rock Creek. It is a mere matter of survey for ascertaining it. There is now, I understand, no objection. I should like to call it up. It is Senate joint resolution 94.

The PRESIDING OFFICER. The Senator from Delaware asks that the joint resolution named by him be taken up and considered at this time. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 94) to appoint a committee to report to Congress what action should be taken concerning the valley of Rock Creek.

The joint resolution was reported to the Senate without amendment.

Mr. BAYARD. I ask to insert the words "that this committee be appointed by the presiding officers of the respective Houses."

The PRESIDING OFFICER. The Senator from Delaware moves to amend the joint resolution. The amendment will be reported.

The CHIEF CLERK. In line 4, after the word "appointed," it is proposed to insert "by the presiding officers of the respective Houses;" so as to read:

That a joint committee, consisting of five members of the House and three of the Senate, shall be appointed by the presiding officers of the respective Houses, to whom shall be referred the said report of Maj. N. Michler, &c.

The amendment was agreed to.

Mr. BAYARD. I suggest a transposition of words, so as to say "consisting of three members of the Senate and five members of the House;" so as to make it read:

That a joint committee, consisting of three members of the Senate and five members of the House, shall be appointed by the presiding officers of the respective Houses, &c.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is now on the preamble.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The PRESIDING OFFICER announced that the President *pro tempore* had signed the following enrolled bills and joint resolution, which had yesterday been signed by the Speaker of the House of Representatives:

A bill (H. R. 116) for the relief of the sureties of the late J. O. Rawlins;

A bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.;

A bill (H. R. 1015) for the relief of Fitz-John Porter;

A bill (H. R. 1433) granting a pension to Mary E. Murray;

A bill (H. R. 2031) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri;

A bill (H. R. 3656) granting a pension to Salome Ann Walker; and

Joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan.

MEXICAN WAR PENSIONS.

Mr. LAPHAM. I have the consent of the Senator from Illinois to move at this time to take up House bill 3108, being Order of Business 755.

Mr. WILLIAMS. I must insist upon the regular order. We shall never get the pension bill disposed of in the world if it is to be interrupted in this way.

The PRESIDING OFFICER. The regular order is the bill in which the Senator from Texas [Mr. COKE] is interested.

Mr. CULLOM. The vote of the Senate was that that be laid aside for the purpose of considering the Mexican pension bill.

Mr. COKE. I consented to give way in order that the Mexican pension bill might be brought before the Senate, but I am not willing to yield to any other business.

Mr. CULLOM. Then I insist on the consideration of the pension bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Indiana [Mr. VOORHEES] to the amendment of the Senator from Kansas [Mr. INGALLS]. The amendment offered by the Senator from Indiana will be read.

The CHIEF CLERK. It is proposed to strike out all after the word "pension," in line 19 of the amendment, as follows:

Provided, That the application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of October, 1884; otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under 16 years of age.

Mr. VOORHEES. I ask for the yeas and nays. I desire simply to say that this motion of mine is to strike out the proposition to re-enact the statute of limitations as to the arrears of pensions from and after the 1st day of October. If there is any reason for wiping out a statute of limitations for a few years, it should apply to all time. I know no reason why a statute of limitations should be put on any claim if it is honest and just and can be proved, especially a claim for a pension arising from service in the war. I want a record made in this Senate to see who it is that so disapproves of the existing statute of limitations as to be willing to wipe it out to a certain extent and then vote to re-enact it for the future in the same case. I see the Senate is quite empty, but I call for the yeas and nays, and shall insist upon the presence of a quorum when the vote is taken on the question.

Mr. WILLIAMS. If I understand the Senator from Indiana, the intention is that the doors shall be kept open if they are once opened.

Mr. VOORHEES. As open as the gates of mercy are.

The yeas and nays were ordered.

Mr. BLAIR. I have myself never been able to understand, if a man was entitled to a pension twenty years ago by a disability contracted in the service, and he waived his right to his annual payments year after year for twenty years, and thereby the General Government derived the advantage of the use of that money during all that time while he was entitled to it, whether he waived his right from ignorance or from the most patriotic motives, as has been the case in innumerable instances, why when he does assert that right he should be denied the principal of the installments to which he was entitled year by year during the past. The Government is the only party that has received advantage from this waiver of his right, and is it in the mouth of the Government now, when he comes forward and demands of it what he was entitled to under the law from the beginning, to say that it will take advantage of that which has been done to its own good and use it as an estoppel against this man who has rendered service and suffered disability, and who all this while has been entitled not only to the installment but to the interest which the Government has received? I think that the argument is very much stronger in favor of the man who has waived his right during these years than it is in favor of those who asserted it in the beginning. Therefore it is that I have always advocated the principle upon which the law granting arrears of pensions was founded.

Now, sir, we are met with the question whether we will permit the law which expired by limitation in 1880 to be again placed on the statute-book, so that those who failed then to avail themselves of its advantages may do so in time to come; and a limitation by the pending amendment is placed upon the proposed re-enactment of that law which will practically nullify it if it should pass, for it must be evident to every one that between now and the 1st day of next October it will hardly come to the knowledge of the soldiers of the country that the repeal of the limitation exists; that is to say, that they have the right once more to assert their claim to arrears. It takes a long time for the acts of Congress to become generally disseminated. We are almost upon the verge of our adjournment; but in the distracted condition of the country, the excitement prevailing upon other subjects, it is almost impossible that the ordinary avenues of intelligence and communication should spread broadcast the knowledge of this enactment so that those most interested in it will come to possess the opportunity, so far as knowledge that they have such opportunity is concerned, to assert it.

What, then, will be the effect of it? We shall be held, as some Senator has expressed it, simply to be juggling with those whom we pretend to be favoring by this legislation. If we should extend it to the first day of next January, the objection which I have been speaking of would be only slightly diminished. The proposition is based upon justice, and therefore if we are to adopt this amendment of the Senator from Kansas at all, I think we ought to adopt it without any limitation; that is to say, we should incorporate into it the proposition of the Senator from Indiana.

A great deal is said from time to time about the fraudulent nature of the claims for arrears of pension. There is the best of authority for the statement, because it comes from the Commissioner of Pensions, it comes from those who have personal knowledge in regard to the matter, that the claims for arrears of pension, the claims for pension which have been deferred these many years, when they have been established have been found usually to be the most meritorious of any class. It is certainly very difficult to see how when, after the loss of testimony, when after being placed under all the innumerable disadvantages which result from the lapse of time in the establishment of a claim, the Government itself has finally admitted by the allowance of the pension that the claim was a good one along with it should not go the arrears. The man who establishes his claim now, in other words, does it in the teeth of very much greater disadvantages than he did originally, and if finally the Government says he has proved that claim, it is a fair inference that there was very much stronger proof than there could necessarily have been had this man undertaken earlier, before the disappearance of proof, to have established it.

But there is one point more which I wish to note as bearing directly upon the proposition of the Senator from Indiana that this limitation be removed altogether. Knowing that the claim, if filed at all, must be filed by the 1st day of next October or by the 1st day of next January or within some very short period, the tendency is to hurry in claims without consideration, and, once filed, the tendency to establish them by fraudulent efforts, it may be, is very much greater than where more consideration can be exercised by the applicant.

There is, in my belief, much less danger without any limitation whatever. When a man has his whole future to consider whether he will make an application, to consult his neighbors to obtain reasonable and proper assistance and advice as to whether he shall prefer his claim or not, there is much greater probability that when the claim is filed it

will be an honest claim than if he is left, as he will be as a rule, to the mercy of claim agents and those interested individuals who will say to him, "Hurry up your claim and file it; otherwise you will lose it;" and then, they having once become interested as well as he to secure the allowance of that claim, the tendency to fraudulent effort in its establishment will be very much increased.

It is for these reasons and others that I myself shall favor the proposition of the Senator from Indiana.

Mr. SLATER. Mr. President, I listened very attentively yesterday to the Senator from Kansas [Mr. INGALLS] and expected him to resume his remarks this morning, but have not seen him in his seat. I have also paid pretty close attention to most of the debate on the bill. I am unable to see that there is any principle upon which this proposed reopening of the arrears-of-pension law is founded. The Senator from Kansas yesterday with a good deal of emphasis recited all the statutory provisions since 1862 relating to the subject of pensions; and if ever a proposition was proved, it was that from the start, from the inception of the pension laws since the opening of the recent rebellion, Congress has again and again asserted that arrears of pension were not correct, and at every step they have promised the country that they would not again transgress upon the proposition on which the pension system is based, and that was that whenever a person who had rendered military service found himself disabled by reason of such service he should be entitled to a pension, and that the pension should begin at the time of the filing of his papers in the first instance or in some cases upon the filing of the last paper in the case.

The first statute referred to gave one year. This was very reasonable, because already many had been disabled, many had been wounded, many were suffering disabilities, and they had not had any statute under which they could make an application. It was therefore but proper and right that when the law came it should allow them to go back that time, so as to put them on an equality with those who might be subsequently disabled.

Now, for twenty-three years or more these people have had every day and every hour of every day the opportunity of making an application and having themselves, if entitled, placed on the pension-roll. During this lapse of time the means of ascertaining certainly and truly and carefully the fact as to whether they were disabled or not, or whether the disability from which they may be suffering had its origin in the service of the United States, has been year by year fading away, giving greater facilities for those who may be disposed to press unjust and improper claims to get them through.

In referring to the objection which has been made at this time and at other times, the Senator from Kansas remarked that when a bill of this kind was proposed certain persons made haste to get a multiplication table, to get other facilities, to get slates and pencils, and go to calculating and point out to the country and to the Senate and the House what the measure would cost. Well, sir, I do not know of any better precautionary safeguard than, before we put on the statute-book any class of legislation, to know what the effect of that legislation is to be, so that we shall not go blindly into extravagance, so that, as we have ascertained in relation to one arrears-of-pension act at least that we had gone blindly into a piece of legislation that has cost this country very many more millions of dollars than was anticipated, we shall be careful before we take another step of the same kind.

I think I may safely say that when the last arrears-of-pension act was passed, if it had been shown to the House and to the Senate that it would cost what it has cost and will cost, instead of there being only four votes in the Senate against it there would not have been more than four votes for it. The two Houses were told then that it would not require more than $25,000,000. It was passed apparently without full investigation. The $25,000,000 evidently referred to what it would cost to pay the list then adjudicated, what the claims which had then been adjudicated would be entitled to as arrears, and it has fallen but very little short of the $25,000,000 estimated.

I desire before I vote for any proposition of this kind to know precisely its effect, as near as may be ascertained, upon the Treasury. I want to know how much we are to pay for this thing, how much it is going to cost the tax-payers of the country, before I can conscientiously give my vote for it. I have taken some pains to ascertain and get reliable data as far as reliable data can be had upon the subject.

We were told, as I have already stated, or at least the Senate was told, the country was told when the last arrearage-of-pension legislation was being considered, that the cost would be some $25,000,000. I have this morning made personal application to the Pension Bureau for information as to the cost already, the payments already made under the last arrearage-of-pension act, and I have here a letter that I will send to the desk and ask to have it read, or perhaps I had better read it myself as I go along.

I called the attention of the Pension Office to two points, and I did so because I wished to get facts that could not be waved out of countenance by a mere suggestion of unbelief in their accuracy. When it was quoted yesterday that, in relation to removing the restriction of the arrearages-of-pension act, it would cost $246,000,000, the Senator from Indiana [Mr. VOORHEES] asserted very significantly that he did not believe it. That is hardly, in my judgment, the way to meet the statements of the only officer to whom we can apply for facts of this kind.

It is true that no exact figures can be given; it is true we can not measure with precision to dollars and cents how much a measure of this kind will cost the country. But we have passed through one arrearage-of-pension law, we have at least the data, the Pension Bureau has the data, of the adjustments under that law upon which to estimate for the future under a similar law now proposed. In regard to the first branch of the subject that I called attention to the Commissioner says:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., June 20, 1884.

Hon. JAMES H. SLATER,
United States Senate:

DEAR SIR: In answer to your personal inquiry of this date I have the honor to furnish you with the following information:

First. The amount paid out for arrears of pension under the arrears act of January 25, 1879, is as follows:

Amount paid in cases which had been allowed prior to January 25, 1879, where the pension had originally commenced at a date subsequent to discharge	$24,860,716
Amount paid as arrears in new cases allowed since the arrears act of 1879	125,961,700
Total	150,822,416

These figures can not be looked out of countenance. We do know that the late arrearages act up to date has cost this country something over $150,000,000, and yet we are not nearly through. There is a large amount yet to come. I did not call upon the Department for an estimate of that cost; that is yet problematic, but I have no doubt an approximate estimate could be made. The Commissioner proceeds:

This as far as practicable is brought to date, and necessitates making an estimate for the past two months only on the bases of the preceding months. There are not far from 150,000 pending claims in which arrears will be allowed in such portion as receives favorable action.

There are then, in addition to what we have already paid, what may be due when adjusted upon 150,000 cases yet to be disposed of. What proportion may be allowed of course can not now be stated, and I did not ask for it. I asked only for that kind of data which could not be waved out of sight by a simple statement that it was not believed.

I also asked the Commissioner to give me such information as the office might have on hand to estimate as far as practicable what the pending amendment would cost; that is, what we could now see, what was on file in the office when adjudicated, what it would cost to the country; and the figures are here. It is true this is only an approximate estimate, but it is an estimate made upon the adjustments under the previous arrears of a previous law. The claims are there now filed in the office, and when adjudicated, if allowed, they will be entitled to arrearges in case of their proving disabilities.

Second. The amount which would be due in claims filed since July 1, 1880, provided the present arrears limitation was extended, is as follows:

Estimating for the current month only, there have been filed 159,913 original Army and Navy claims up to date. It is believed that fully 75 per cent. of this number will eventually be allowed—

Heretofore the claims allowed have reached 80 or 85 per cent., but to be sure that they are within the province of experience—what they have learned by the administration of the office in the adjustment of these cases—they put them down to 75 per cent. instead of putting them up to the ratio which has heretofore been adjusted and allowed—

It is believed that fully 75 per cent. of this number will eventually be allowed, or 119,935 claims. The arrears due in the same, at $1,100 per case—

That is, the average allowance which has been found in past cases for Army and Navy pensions and for widows, has run it to over $1,200—

would be to July 1, 1884, $131,928,500.

Mr. CULLOM. Will the Senator allow me to ask a question? I do not know whether I understand the figures. Is this estimate made on the basis of the pensions of private soldiers or officers?

Mr. SLATER. I will come to that.

This you will understand relates only to cases which are already on the files of the office.

I am, sir, very respectfully,

O. P. G. CLARKE,
Acting Commissioner of Pensions.

There is no estimate of the cases to come in hereafter, no estimate as to what will be the possible result of opening the arrearages-of-pension law, but simply its effect upon cases now on the files of the Department, and here it is shown by figures which can not be considered doubtful that the passage of this amendment on the claims now filed will call for an additional expense of $131,000,000. This meets every condition of this proposition but one, and that is, that it is based upon the proposition of arrears both to officers and enlisted men. I did not ask for any information as to what per cent. of the allowance heretofore made would be chargeable to the difference in rank, but I have made some calculation myself this morning, and find that it would be less than 6 per cent. Of all the arrears allowed less than 6 per cent. can be chargeable to rank. Applying these figures to this amendment, without taking into account any additional claims that may be filed, it will cost this country about $124,000,000 for claims now on file in the Department, to say nothing of the forty, fifty, or seventy-five thousand claims that will or may come in between this and the 1st of October.

It seems to me that we ought to peruse, that we ought to look well

to these things. The Senator from Kansas said that his amendment was below the mark; that if he could not get the whole loaf he was willing to take a crumb. The crumb he is asking for will cost fully, as I have shown, $124,000,000 on claims now filed. If I should say $150,000,000 I should certainly be within the figures that will undoubtedly follow from the filing of claims induced by the passage of this act. I think I have fully explained this.

Mr. VOORHEES. I should like to reply to a point made by the Senator from Oregon. The Senator from Oregon seems disposed to criticise me somewhat for saying I did not believe in the accuracy of the estimates made by the Commissioner of Pensions on this subject. I find that I stated in a colloquy with the Senator from Alabama [Mr. MORGAN]:

> We have had a good many statements from that quarter. I do not mean to reflect upon the present Commissioner, but all Commissioners have a way of estimating, and I never knew one of them to come near the real figure.

If the Senator from Oregon is inquiring in real earnest and is disposed to join issue with a statement of importance, I will furnish him one from the speech of the Senator from Kansas [Mr. INGALLS]. The Senator from Kansas, in the hearing of the Senate and the Senator from Oregon, made this statement.

> Mr. President, the Commissioner of Pensions is unquestionably a friend of a liberal pension system. I am bound to assume that his computations were such as he believed to be accurate. I can not forget, however, that the Commissioner of Pensions one year asked for an estimate of $100,000,000 for the payment of pensions to be paid out during the next fiscal year; he had made his calculations as to what would be required; and yet, notwithstanding all the increased demands that were made upon the system by the increase and liberalization of our laws, a balance of $40,000,000 was left unexpended in the Treasury at the close of the year. The Commissioner of Pensions therefore is not infallible, and when he claims that there would be involved in this proposed amendment an expenditure of two hundred and forty or two hundred and fifty or three hundred million dollars, I simply take leave to state that I do not believe it. I do not think his statistics are accurate.

I did not hear the Senator from Oregon challenge that statement; I did not hear the Senator from Oregon join issue upon these potent facts that are laid down on our tables here to-day; but because I expressed a sort of mild form of distrust, by reason of the fact that I had listened to these estimates in years past, the Senator reminds me that that is not a proper mode of meeting such a question. I met this question with my disbelief because of just such facts as are stated by the Senator from Kansas, which have been transpiring under our eye and within our knowledge for years past. I know the estimates are not accurate, and here is the great, stupendous fact standing out of an unexpended balance of $40,000,000 upon one of these estimates.

Mr. HARRISON. Will my colleague allow me to ask him a question?

Mr. VOORHEES. Yes.

Mr. HARRISON. Did that discrepancy arise from a mistake in the estimate of the Commissioner as to the number of claims that would be settled in the course of the year, or from a mistake in his estimate as to the amount of arrears that would be paid to each?

Mr. VOORHEES. Why did not my colleague ask the Senator from Kansas yesterday, who is the original author of this statement? The Senator from Kansas is in his seat now, and can explain if addressed on that question. I do not know how it arose. I simply know the fact as stated by the Senator from Kansas, who is responsible for the statement on this floor.

Mr. HARRISON. I have no apology for not asking the Senator from Kansas this question; it did not strike me at that time; but I thought it was important to know, in determining the character of this mistake, whether the mistake on the part of the Commissioner was in an estimate of the number of claims he could settle with the clerical force he had or in the amount that would be paid on the average to each claimant; and I asked my colleague in a respectful way that question, if he knew.

Mr. VOORHEES. I can not answer the Senator as to the details which he has inquired about; but the fact stands nevertheless that there was an unexpended balance of $40,000,000. Why it was so I do not know. It certainly involved a grave mistake in a public officer to ask for $100,000,000 and have occasion to spend only $60,000,000. I am not imputing wrong to the Commissioner—I said so yesterday in my remarks—but I am challenging the infallibility of these estimates, not so strongly nor so well as the Senator from Kansas did yesterday, but still in my feeble way.

Mr. SLATER. It is due that I should say a word in reply to the Senator from Indiana when he turns to another point without anything to show any reason why he distrusts the Commissioner's figures other than the fact that in another matter he once called for $100,000,000 to meet the expenses of his office and at the end of the year found that there was forty million remaining on hand; in other words, that he had overestimated the needs of his department. That is not exactly an analogous case. The Commissioner in his report fully explained it. I had it before me, but I am not able to put my eye on it at this moment. It was not because the money would not be required; it was not because the claims were not presented, and not because his force was not able to adjudicate them so far as the pension was concerned, but because the claimants failed to furnish the necessary proofs. In the first place, that was an estimate based upon no data whatever; they could not make any real estimate, and you will find that the Commissioner put it on the basis that it was impossible to make any calculation, and he was sure Congress ought to appropriate $100,000,000. Congress did make the appropriation. There was no loss of money in it; there was no mistake in it; the claims are there, and the money will yet be called for. The only question was whether the claimants would press their claims as rapidly as was anticipated. They did not, and that is the answer to that.

Mr. VAN WYCK. Mr. President, the problem before the Senate seems to be the correctness of the estimates, the figures which have been made by the Commissioner of Pensions as to the proposed legislation. I fail to see the full import of any such inquiry, because if this legislation is proper in itself it matters but little whether it costs $1,000,000, $200,000,000, or $250,000,000. It seems to be conceded that this legislation must be had. Then it is still more proper that the amendment proposed by the Senator from Indiana should be adopted. There is no reason why this question should present itself every four years.

Mr. SLATER. Just before the Presidential election.

Mr. VAN WYCK. Precisely. I accept the suggestion of the Senator. Like some irreversible law of nature comes, the flight of birds and the flight of grasshoppers, occurring periodically. Now, it is remarkable that just four years should intervene between the passage of these laws, and my friend says it is because it precedes a Presidential election. In grave legislation upon grave subjects is it possible that the claims of disabled soldiers should be kept four years in abeyance and be held back so that they can come up just before a Presidential election?

Mr. SLATER. That is a remarkable coincidence. It happens every four years and just before a Presidential election.

Mr. VAN WYCK. That certainly is remarkable. I should prefer that these coincidences should not happen any more. It is much better that legislation of the gravity of this in relation in the first place to the subject-matter—the soldiers of the country, next to the expenditure required—should be treated differently. Both the subject and the amount are matters of so much gravity that they ought not to be kicked and buffeted about just before a Presidential election; therefore we should put this beyond the influence of politics and politicians. It is a serious matter that you keep the claims of disabled soldiers in abeyance for four years and then spring them to arouse the soldier element for one party or the other, and then, no matter what amount may be taken out of the Treasury, it is justified upon the ground that a political party demands it. That will not do.

We have these claims before us and have had them for years. Soldiers have been languishing in hospitals, have been dying in almshouses. Only a day or two ago we saw, to our shame and discredit, that the pilot of Farragut's fleet had died in the almshouse. Mrs. Farragut can head the list of memorable widows on the pension-list at $2,000 per year, and he who contributed as much probably as any other single man to the success of Farragut in piloting his fleet died in the poor-house. We hold in abeyance claims like these until preceding a Presidential election, and then comes a resolution of a convention that appeals to the patriotism of the American Senate, something in the nature of a fly-blister, to excite and stimulate their patriotism, and they awake, after slumbering four years, to the demands of the Union soldier. That is just where we are to-day.

In March, 1879, a bill was passed providing that applications should be made before the 1st day of July, 1880, a year and four months. Since 1880 claimants have been suffering. The disabled Union soldiers have gone to the Pension Office and asked for pensions. It has been said, and not seriously denied, that their pensions should attach from the time the disability occurred. Their applications have been lying there four years, and now there is a sudden spasm of patriotism and gratitude and duty. Is this bill so difficult for patriots to approve it that it must be limited to barely three months, until the 1st of October next? Why? What is the purpose? If this thing is just why should there be any limitation?

What does your limitation of 1879 amount to? A limitation then of a year and four months, and to-day you stand here to repeal it. In all the time that has passed since then there has been a limitation. Shall we perpetuate the same folly and tie up the claims of honest soldiers who are disabled and who are in need of this relief, and compel them to enter a race to have applications filed before October 1 next, and then rest four years more until 1888, preceding another Presidential election? Is that it? Why not take this out of politics? It has nothing to do with it.

The Senator from Kansas [Mr. INGALLS] read the Republican platform to show that a great political party demanded this, and yet if the action of this body is to be based on the declarations and dogmas of a political convention, then at least we should give them what they ask. They ask for the repeal of the limitation, pure and simple, and not that it should be restricted to three months. There should be no question about the proposition. It is held to be right, at least in what has been said on this side of the Chamber; and if it be right, how can we justify ourselves in prescribing that its benefits shall be confined to three months?

For twenty years from the war every disabled soldier has been entitled to receive pension from the date when the disability commenced. And

I ask now why there should be a proposition to restrict the remaining soldiers who have not received that benefit. It will result at the expiration of four years in the repeal of this limitation you are making to-day.

Mr. WILLIAMS. Mr. President, I thought we were discussing the Mexican pension bill, but it seems we have launched on the boundless sea of a discussion of pensions generally.

Sir, there has been a feeling in this country for years among our whole people that the time had come when the surviving soldiers of the Mexican war should be put upon the pension-roll as those of the Revolution and those of the war of 1812 had been. Twenty-eight State Legislatures have instructed their Senators and requested their members of the House of Representatives to use their influence to procure the passage of such a law.

Four times a bill of that effect has passed the House of Representatives by an almost unanimous vote, and once it passed the Senate upon the motion of that glorious old soldier General James Shields, a Senator from Missouri; it passed a Republican Senate, but on the next day a motion was made to reconsider, and it was reconsidered just before the adjournment of Congress, and so it was lost. Its friends have pressed the measure every day from that time to the present hour. It has met with all sorts of parliamentary strategy and trickery. It has been referred to committees, who held it back for months.

Why, sir, the present committee that reported this bill only brought it in when notice was given on the floor of the Senate that unless they did report it a motion would be made on a given day to discharge the committee from its further consideration and bring it to the table of the Senate and ask the Senate to take it up and put it on its passage. Then they did at last report it. They reported the bill with three amendments, two of them entirely acceptable to the friends of the measure and the other amendment of a character that any friend of the bill would take it rather than cause debate. Yet the Senate laid on the table all the amendments presented by the committee, thus voting them down, chiefly because they thought the session was so near an end that if the bill went back to the House with any amendments and went upon the Calendar it would not pass during this Congress. That was the chief reason of the opposition to the amendments of the committee. I myself would have been glad to see two of those amendments prevail.

But what was done then? As soon as those amendments were voted down, here were offered five distinct propositions covering the whole subject of our pension law, a subject that would require the calm deliberation of the Senate and of the House for months, to be sent to the Committee on Pensions for its careful consideration, every one of these measures, whether intended or not, yet are in effect injurious, I may say destructive, to the bill itself.

Five distinct amendments are on our tables. The first, offered by the Senator from Kansas [Mr. INGALLS], which proposes to open the door for arrearages of pension, and to give to all Union soldiers whose pension claims had not been filed prior to the 1st of July, 1880, arrearages. This, according to the estimate of the Commissioner of Pensions, which the Senate called for, would result in a pension expenditure of $246,380,200 at once, and there can be no mistake in this calculation; I have been looking over it, and am satisfied that it is correct. That amendment was offered during my absence, and as I returned only yesterday, gave it last night what study and attention I could, and am perfectly satisfied the principles of the calculation are correct.

I do not propose to discuss these amendments, for I am opposed to them *in toto;* yet I will say that if the door for arrearages should now be opened at all, it should be flung open for all time and kept open, as the eloquent Senator from Indiana [Mr. VOORHEES] says, as wide as the gates of mercy to the last day of grace. But if you add that, you will saddle upon the tax-payers of this country, according to the estimate of Commissioner Dudley, more than $246,000,000 at once as arrearages, not as annual pensions. My friend from Oregon [Mr. SLATER], says that he has made the calculation, and that the restriction of the officers to the amount coming to the private soldier will reduce the $246,000,000 only about 6 per cent. That is a calculation I did not enter into.

Then comes a second amendment from the Senator from New Hampshire [Mr. BLAIR], which puts at once upon the pension-rolls nearly a million of men. That measure proposes to pension immediately all men who served in the Union Army sixty days and who are compelled to earn their support by their own labor in whole or in part, and after the expiration of seven years to put all the soldiers of the Union Army upon the pension-roll.

Mr. BLAIR. The Senator will allow me. He mistakes the proposition in his final statement as to its contents. That measure, which I believe is what should be passed by Congress, does not contemplate that in any case a Mexican-war soldier or a Union soldier should receive help from the Government unless it be that he needs it. If he needs it, give it to him; if he does not need it, I think to vote it to him is inexcusable; but where we can not agree, such bills as we can agree upon I suppose must pass. That, I think, is the true principle we ought to adopt.

Mr. WILLIAMS. If a man is compelled to labor for his own support in whole or in part, or depends upon somebody else, he is to go on the pension-roll at once.

Mr. BLAIR. Certainly.

Mr. WILLIAMS. And then in the preamble the Senator recites that nearly the whole of them are in that condition.

Mr. BLAIR. Not that the whole of them are, but that a large proportion of them are.

Mr. WILLIAMS. Here it is——

Mr. BLAIR. I have no doubt that two-thirds are.

Mr. WILLIAMS. The third clause of the preamble of the Senator's amendment reads:

> Whereas those persons who have served in the Army and Navy of the United State are generally dependent upon their personal labor and the assistance of others, wholly or partially, for support, and thus an increase of pensions and of the classes of persons entitled to them will consequently place upon the nation at large a pecuniary burden which belongs to it rather than to individuals and local communities.

Mr. BLAIR. But it does not say that all soldiers are so. I have no doubt two-thirds are so.

Mr. WILLIAMS. Practically it amounts to the same thing. So that the proposition is to put all on.

Mr. BLAIR. No; there is no provision of that kind in any measure I have introduced or advocated; and it is because when the Mexican pension bill was proposed to be amended by the Senate committee so that aid should be given where it was wanted that provision of the committee was rejected by the Senate, that the Mexican pension bill has met the difficulties that environ it.

Mr. WILLIAMS. It certainly is in one of the amendments which I have before me.

Mr. BLAIR. That may be; but not in anything I have advocated.

Mr. CULLOM. The amendment offered by the Senator from Nebraska [Mr. VAN WYCK], which I will offer again at the proper time, will contain a provision based upon disability and dependence upon their labor or others for support. Whatever may be the amendments the Senator may have in his possession, that will be the provision of the amendment which the Senator from Nebraska offered and which I shall offer again.

Mr. WILLIAMS. The amendment is that which says that after twenty-five years from discharge—some amendment——

Mr. CULLOM. There is no such amendment as that to be offered to this bill. There will be an amendment offered to the Mexican pension bill which provides that after a Mexican-war soldier is 62 years old he shall go on the pension-roll.

Mr. WILLIAMS. That is not in the amendment before me.

Mr. CULLOM. The Senator has the wrong measure.

Mr. WILLIAMS. I do not know how that may be.

Mr. CULLOM. If the Senator from Kentucky will allow me I will state that there is no amendment to the Mexican pension bill or in any way connected with it before the Senate except the amendment offered by the Senator from Kansas [Mr. INGALLS] relating to arrears. The amendment offered by the Senator from Nebraska [Mr. VAN WYCK] by his consent I withdrew yesterday, and at the proper time I shall renew it.

Mr. WILLIAMS. I remember the Senator's declaration.

Mr. CULLOM. At that time the Senator can discuss it if he wishes to do so, and see what there is in it.

Mr. WILLIAMS. The Senator from New Hampshire [Mr. BLAIR] states in his preamble that practically now the ex-soldiers are all in a condition which would put at once upon the pension-roll an additional million soldiers. Then there is the amendment offered by the Senator from Nebraska [Mr. VAN WYCK] which the Senator from Illinois withdraws for the present with the intention of offering it again. That proposes to put on the pension-roll all the soldiers who may become disabled from any cause except vicious habits who are dependent upon their own labor in whole or in part or the bounty of their friends for a support. It proposes to pension according to the degree of disability, which may be run up, as we know, even to $72 per month.

Mr. CULLOM. If the Senator will allow me, the highest pension paid under the amendment that I propose to offer is only $24. That is the maximum.

Mr. WILLIAMS. Well, it may be run up as high as $24. I will take back what I said.

Mr. CULLOM. And it goes down to $1 if the disability justifies it.

Mr. WILLIAMS. Then there was an amendment offered by the Senator from Ohio [Mr. SHERMAN], in which he proposes to amend the military record of all the soldiers who have been carried on the rolls as deserters from the Army in order to qualify them to be entered upon the pension-rolls of the country. If you should take all these together and pass them as amendments to the Mexican pension bill you would impose upon the people of this country a pension debt greater than the national debt; it would amount to more than a thousand million dollars. Besides, if there was ever so much merit in these amendments, this is not the time and place for their consideration. They have not been demanded by the country, but they are thrust upon the Senate at the very heel of the session, and attempted to be put upon the Mexican pension bill as amendments, if not for the purpose yet with the effect of defeating that bill.

I think the soldiers of the Mexican war have but few friends in this body. Ten days ago I thought the bill was going to pass by a two-thirds majority. I doubt now whether it will pass at all, except in a

shape in which it will never go through the House, for if these amendments are put upon it I shall not vote for the bill, and no man can say he is a better friend to the soldiers of the Mexican war than I. I shall not bankrupt the nation to give a small pittance of $8 a month to my old comrades for the remainder of their days. The country has been expecting this Congress to recognize in an honorable manner the services of the remnant of the soldiers who carried its flag in triumph forty years ago in its first great foreign war, and whose toil and valor have added so much to the honor, the glory, the wealth, and the power of this great nation.

Why put on these amendments? Why not let the old soldiers of that war have a show in a little boat which holds them all? Why swamp and sink that boat by putting half a million men in it? If there is merit in the amendments, let them stand on their own merits and their own footing. Bring in a bill, if you wish to revise the pension laws, to that effect. If you wish to codify the pension laws, select a joint committee or a commission of some sort and refer these questions to them, and take time, deliberate, and pass a careful measure.

Mr. President, these things may deceive some people, but they do not delude me. It may do very well for these gentlemen to tell the country that they are the friends of the soldiers of the Mexican war. That might do to tell marines, but to an old sailor or an old soldier, never.

I do not think the Mexican pension bill had an enemy on the Committee on Pensions when the measure was before them. All seemed friendly to it. Such is not now the case if we are to judge from the amendments members of that committee propose to the bill; and that is the only way of judging that I know. They are gentleman of honor, and when they say they are in favor of a bill they really believe so, but we know that it is much easier for a man to convince himself than it is to convince other people. They may feel that they are favorable to the Mexican pension bill, but they never will convince the country nor the soldiers of the Mexican war of that fact.

If the bill is to be defeated let it die upon its own merits. Withdraw these amendments, vote them down, and then take the responsibility of voting down the Mexican pension bill itself; but do not handicap it, do not weight it down by all these propositions to pension half a million more people and to revise and codify your pension laws by amendments.

The gentlemen who are advocating these amendments differ among themselves. They are not all united upon any one of the propositions, I believe, and the very fact that they say they have not reliable data to go upon, that they are not satisfied with the reports they get from the Interior Department or the Pension Office, is a fact going to show that they ought not to be considered at this session and at this time. I say to you, Senators, that if you insist upon these amendments or tack them on to this bill, you will destroy it, and you who vote for the amendments will be responsible for its defeat. The soldiers of the Mexican war and the country will hold you answerable for it, notwithstanding you have persuaded yourselves that you are friendly to the bill. God help my old comrades in arms from such friends as these.

I know that these gentlemen are honorable men and they would not deliberately tell a falsehood, but they have deceived themselves, which is a much easier work than to delude others. If you expect to make any political capital out of it let me tell you that you can not make a vote. Put on the Ingalls amendment, put on the Cullom amendment, put on the Blair amendment, and there is not a soldier of the Mexican war in this country who would favor its passage. There is not a Union soldier either who asks you to do this thing. I have never met a Union soldier in my life who was not in favor of pensioning the old veterans of the Mexican war. If you were to consult them they would tell you, "No; hold this back until our time comes; we have merit in our own case and let us stand upon it; do not attempt to hitch on to the little old superannuated band of heroes of the Mexican war the great train that carries us all; we are powerful enough to carry ourselves through."

Are the soldiers of the Mexican war so numerous that their votes count much? Ah! that is the reason why they have not had justice done them. That is the reason why they have not had an honorable recognition at the hands of Congress. A majority of them, too, happen to live on the wrong side of Mason and Dixon's line. If they had lived up North they would have been pensioned long ago, but they are on the wrong side of the line. Are these enmities never to be gotten rid of? I was a confederate soldier, but I cherish no animosity to the Federals. There is none in the bosom of a Federal or a Union soldier toward a confederate. We buried all those animosities when the war ended, and we struck hands in a common effort to advance our common country in a career of greatness and glory to the end of time.

Sir, one brave man loves another whether he fights against him or with him. There is an *esprit de corps* that makes a soldier cling to a soldier. I feel it. Everybody knows that I have been liberal in my votes in pensioning Union soldiers from the time I have had the honor of a seat on this floor.

I implore Senators to withdraw these amendments. Take them up in a bill, if you wish, immediately upon the passage of the Mexican pension bill. I will help you to get it up, and if you can convince me that it is right when you get it up I shall vote for it. However, I make no rash promises just now. I know that the time will come when the Union soldiers will be put upon the pension-roll, but let them abide their own time; let them rest their cause upon its own merits, and not attempt to make the old soldiers of the Mexican war pull them through right here at the heel of the session, when there is no time to discuss it. There is matter enough in these amendments to occupy the House two months and the Senate three months, but everybody's mind was made up in regard to the Mexican pension bill years ago. You can not ask a Senator who will not tell you that they ought to be pensioned. Then, in the name of God, why not do it? Why handicap them in this manner? Why sink their boat by such a crowd of passengers? This mode of legislating is wrong; it is not dignified; it is not statesmanlike.

The Senator from Massachusetts [Mr. HOAR] had the candor, for which I give him great praise, to admit that he offered his amendment for the purpose of killing the bill; but how many of the others have been offered with the same purpose God only knows. Whenever a Senator rises in his place and says that he is honest in offering an amendment I believe him, because I must do it, for all Senators are men of honor; none of them would prevaricate, we know; but we must look to results. I say that these amendments will kill the bill. If gentlemen will go perversely straightforward and tack them on they must take the consequences.

I want the country to understand, and the soldiers of the Mexican war to understand, that if the bill is defeated it will be defeated by the Republican and not by the Democratic party. I had hoped that party never would enter this question. I thought at one time the bill had as many friends on the Republican as it had on the Democratic side, but my faith has in the last two or three days been greatly shaken. I do not know what has come over the spirit of their dreams. I do not know what midnight councils or what political necessities may have changed their views. I could not talk to any Senator before I went away the other day who did not say, "Oh, yes; I am for pensioning the soldiers of the Mexican war; all of us are for it;" and I see now that nobody hardly on that side is in favor of it.

Mr. BLAIR. Will the Senator permit me right there to interrupt him?

Mr. WILLIAMS. Oh, yes; always.

Mr. BLAIR. With one or two exceptions, so far as I know, no Senator on this side of the Chamber has favored at any time the pensioning of the soldiers of the Mexican war irrespective of necessity. The Committee on Pensions reported the bill back with some modifications.

Mr. WILLIAMS. Your candidate for Vice-President rose in his seat and denounced the proposition of the committee.

Mr. BLAIR. Certainly; and one or two others agreed with him, but upon the principle that every soldier, whether of the Mexican war or of the war for the Union, the Indian wars or any other war, who is in need of aid from his country shall be pensioned, I stand, and I think the Republican party stands, and I think the soldiery of the country stands; but the men who year after year by insisting that millionaires shall be pensioned—and the principle involves the pensioning of every man who does not need as well as every man who does——

Mr. WILLIAMS. I yielded to the Senator for a question.

Mr. BLAIR. Those men have defeated the Mexican pension bill year after year.

Mr. WILLIAMS. I can not yield any longer. I did not yield to the Senator to make a speech. I thought he was going to ask me a question.

Mr. BLAIR. I simply rose to correct the Senator's misapprehension; that is all.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Senator from Kentucky declines to yield further.

Mr. WILLIAMS. But the Senator did not correct it. He stated that no Senator had proposed any bill to pension the soldiers of the Mexican war or proposed to favor it except upon the ground of disability, and I said to him that his own candidate for Vice-President rose in his seat and denounced what he was pleased to call the "pauper clause" in the bill. I went to him at the instance of some gentlemen and tried to satisfy him that as it stood with the qualifying clause as to those who earn a livelihood by labor everybody would come in under that just as all would come in under the bill of my friend from New Hampshire. Everybody will come in and get a pension under his bill, because it grants it to all who have to earn their livelihood, and who are dependent for their living upon their own labor in whole or in part or upon the bounty of friends in whole or in part. Will not that include everybody? Is there a doctor or a lawyer or a farmer or a miner or a business man of any sort who does not work some? Does not my friend from Missouri [Mr. VEST] work some? Does not my friend from Nebraska [Mr. VAN WYCK] work some? Do not all of us work? The truth is, the more property a man has the harder he works, for he has to labor as hard to take care of his property as the poor man does to acquire any.

Mr. BLAIR. The Senator hardly quotes accurately. "Wholly or in part for the means of comfortable support" is the language. Every man, every useful citizen, is industrious and labors undoubtedly, the wealthy as well as the indigent, but the proposition has been to provide for those who are dependent upon their labor, wholly or in part, for the means of comfortable support, and who need this assistance from the Government.

Mr. WILLIAMS. The very committee that reported the Mexican pension bill with that phrase in it by way of amendment urged upon me and others that everybody could come in under that clause, for it excluded nobody, because there was no living man in this busy, active, restless country of ours who did not work more or less, who did not have to labor for support. Does anybody live without labor except a bondholder who does nothing but clip off his coupons? Even then if he has no wife or child to do that labor for him he has to do it himself. This is a working country of ours; everybody works. It is the most restless, work-loving, money-loving race under the sun. I say that under the bill of the Senator from New Hampshire almost everybody can come in, for he so recites in the preamble himself. To settle that once for all let me read you what the preamble says.

Mr. BLAIR. If everybody comes in under it why not adopt it? It would answer the Senator's purpose as well as the Mexican pension bill.

Mr. WILLIAMS. Let me read from the preamble. I can turn to it in a moment.

Mr. BLAIR. If the Senator is so desirous of finding the phrase in the bill to which he refers, I can point it out to him.

Mr. WILLIAMS. I have it now. I will read it myself. I thank the Senator very kindly. One paragraph of the preamble reads as follows:

Whereas those persons who have served in the Army and Navy of the United States are generally dependent upon their personal labor and the assistance of others, wholly or partially, for support, and thus an increase of pensions and of the classes of persons entitled to them will consequently place upon the nation at large a pecuniary burden which belongs to it rather than to individuals and local communities.

The Senator himself says that nearly all are included in the clause. He can not blame me and say that I misstate it, for he recites it in the very preamble as an inducement to enact the law that he proposes.

Mr. President, I do not understand what has brought this change over that side of the Chamber in the last week or ten days. Are they trying to incorporate the Chicago platform in the Mexican pension bill? If you do, introduce a resolution to that effect at once, and do not disturb the old soldiers of the Mexican war by these amendments; or offer your Chicago platform here as an amendment to the Mexican pension bill and let us have a vote upon it.

Mr. BLAIR. These propositions were made long before the convention.

Mr. WILLIAMS. I never heard of them in the Senate. I went away four or five days ago on private business, and returned yesterday morning finding that five amendments at least had been presented.

Mr. BLAIR. This proposition is printed and is dated May 26.

Mr. WILLIAMS. They have not all been printed, because there is one now pending that I have been trying to get and it is said to be not yet in print, the amendment of the Senator from Kansas [Mr. INGALLS], which is to be first acted upon.

Mr. President, the only fair way of doing this thing is to withdraw all these amendments, and if the movers will not withdraw them let us vote them down, and come to a square, naked vote upon the merits of the Mexican pension bill as it passed the House by an almost unanimous vote. Then if there is merit in these other questions let us take them up and discuss them at length. I shall not undertake to discuss their merits, because they are not germane; they are not in any proper sense amendments to the Mexican pension bill; they do not propose to change its text for better or for worse, but they merely propose to add on other legislation of an unfriendly character and which must result in the defeat of the bill itself.

Mr. CULLOM. Mr. President, I shall not take up the time of the Senate in discussing this matter at length, but I think some of the remarks of the Senator from Kentucky [Mr. WILLIAMS] ought to be replied to.

So far as the action of the Republican side of the Senate on this question is concerned I think many of the Senator's remarks are entirely uncalled for. It is true that the Mexican pension bill came into the Senate as a separate measure; it is true that it was reported from the Pension Committee of the Senate as a separate measure; but I see no reason on that account why the Senate of the United States should not, if it chooses, amend the Mexican pension bill as it sees proper. I insist that the Senator from Kentucky has no right to charge that because any member upon this floor on either side of the Chamber sees proper to offer an amendment to the Mexican pension bill, whether it applies particularly to the soldiers of the Mexican war or to others, we are therefore enemies to the soldiers of the Mexican war.

So far as I am concerned, I have said upon this floor more than once that I am for pensioning the soldiers of the Mexican war; but because I say that I did not preclude myself from the privilege of advocating any amendment that may be brought before the Senate in the interest of perfecting legislation. The Mexican pension bill comes to the Senate not in a condition in which it ought to become a law. The Pension Committee of the Senate proposed some amendments to the bill, but I am satisfied for one that we did not amend it as much as it ought to be amended. I stand here now ready to take the responsibility so far as my vote is concerned of voting to place whatever amendments my judgment dictates to be necessary upon the Mexican pension bill. I for one am prepared to favor amendments pertaining to the soldiers of the Mexican war, and after that I am in favor of adding such other amendments as may be deemed necessary to the general law relative to the volunteer soldiers of the late war. I insist that the Senator has no right to say that because we are in favor of amending the bill we are therefore in favor of amending it so that it shall not become a law.

The Senator says that there are no calls on the Senate in favor of legislation for the volunteer soldiers of the late war. I say that the volunteer soldiers of this country have been calling upon Congress by tens of thousands, asking us to enlarge the scope of the pension laws, those men who fought to defend this country not in the Mexican war alone but when the country was in peril, as it was from a portion of the people of the nation trying to destroy the Government of this country, who fought for the life of the country against the assaults of its enemies. I will not say here that the Senator who last spoke was one of them, but I do say that the soldiers who fought to maintain the integrity of this Government have a right to be heard on this floor as well as the few men who fought in the Mexican war. I am not going to say one word against the men who fought for the country in the Mexican war. I am in favor of pensioning them; but while we are doing it let us make one clean job of the thing and pass all the general laws which are necessary in order to satisfy the just demands of the soldiers of the Mexican war, and at the same time of the hundreds of thousands of volunteer soldiers in the late war who are to-day disabled and appealing to the Government of the United States for the pittance of a pension that they may eke out an existence for the remainder of their days.

I have not risen to defend or discuss at any length the amendment offered to the bill by the Senator from Kansas who is now in the chair. I believe, however, that there is no reason, and no man can show one, why, if it was right to pension a man for disability, we should cut him off, even though it has been twenty years since the war closed, when he comes before Congress and asks us to give him a pension because he is under a disability which occurred when he was fighting for the country against those who were trying to destroy it.

I shall vote for the allowance of arrearages because I believe it is right. On the question whether it shall be extended indefinitely I shall favor the original amendment offered by the Senator from Kansas, limiting it to the 1st of January, 1885, and I do that because the men who represent the volunteer soldiers of this country, and who have been sent here by the Grand Army posts all over the land, have represented to us that they only desire that the arrearages of pension should be extended to the 1st of January, 1885. I am willing to content myself with that, and that is all there is of the amendment pertaining to arrearages.

Then there is only one other amendment proposed relating to the volunteer soldiers of the country, and that is the amendment, which is in the shape of a bill reported by myself from the Committee on Pensions, providing that every disabled soldier who fought for his country and its flag in the late war, whether he is broken down or disabled to-day on account of wounds or disease incurred in the Army or developed since that time, shall have a pension, provided he did not incur the disability by virtue of his own vicious habits. I believe that the pension laws ought to be enlarged in that way, so that every disabled soldier who has done service for his Government in the battles of his country shall be cared for to that extent by the Government of the United States. That does not have any reference to arrearages of pension. A soldier coming in under the amendment that I propose would not be able to get arrearages under the law, because he would not have incurred his disability in the service, but has broken down or become disabled since.

The remaining provisions in the amendment I propose to offer, and which heretofore has been before the Senate and has been withdrawn, are to enlarge the amount that widows shall receive from $8 to $12 per month, and to provide that the dependent parent shall receive $12 instead of $8, as heretofore.

The only other section in the amendment provides that when the record shows that a soldier was regularly enlisted in the Army, that shall be *prima facie* evidence that he was a sound man when he enlisted.

I shall not take up the time of the Senate in discussing the question further, but I wish to say to the Senator from Kentucky that however much he may be ignorant upon the point whether there is a call upon the Senate in behalf of the volunteer soldiers of the late war for increased legislation in their interest, I assure him that the demand has been a thousand-fold greater than it has been to pass the Mexican pension bill alone. I am for both measures, and I see no reason why we shall not put the whole subject into one bill and send it over to the House, and I assure the Senator from Kentucky that if the other House is one half as willing to pass pension legislation as it has heretofore seemed to be during the present session, we shall have no trouble in getting the bill through that body and making it a law.

Now, I hope we shall go forward with the work and perfect the amendments and secure the passage of the bill as quickly as we can.

Mr. MAXEY. I give notice that at the proper time I shall offer an amendment to the Mexican pension bill, which I send to the desk.

The PRESIDING OFFICER. Does the Senator from Texas desire to have his amendment read?

Mr. MAXEY. Yes, sir; I ask to have it read.

The PRESIDING OFFICER. The Secretary will read the amendment intended to be proposed by the Senator from Texas.

The CHIEF CLERK. It is proposed to add at the end of the first section of the bill the following proviso:

Provided, That the provisions of this act shall not extend to or embrace any Senator or Representative of the Forty-eighth Congress, who are hereby specially excluded from its operations.

The PRESIDING OFFICER. The proposed amendment will be printed.

Mr. MAXEY. I will state in this connection all I wish to say. I think there has been just about enough reference made to those who had the great misfortune to serve in the war with Mexico and who have the still greater misfortune to serve in the Senate or the House of Representatives. Never having intended for one moment to accept a pension under the bill, I prefer to place it in such a way that it will prevent me or any other gentleman who is a member of the Forty-eighth Congress and who served in the Mexican war from accepting one particle of bounty under it. That is the object of my amendment, and I hope it will be adopted.

Mr. CULLOM. I hope the Senator from Texas will withdraw the amendment.

The PRESIDING OFFICER. The amendment is not pending.

Mr. CULLOM. Everybody knows that the Senator from Texas, or any other Senator on this floor who happened to serve in the Mexican war, is not influenced in his action in voting for the bill by the fact that he was in the service during that war.

Mr. MAXEY. I have heard time and again reference by name to members of the Senate who were in that war. The inevitable inference to be drawn from such allusions is that those gentlemen are favoring the bill because it may be of personal benefit to themselves. Otherwise it is certainly indelicate to make personal references to gentlemen who may happen to be members of the Senate and who were soldiers in the Mexican war.

Mr. CULLOM. I hope that the amendment, when it comes up, will be voted down.

Mr. HARRISON. Mr. President, I do not desire to detain the Senate. We are, or ought to be, approaching the final day of this session, and if we are to secure favorable action in the House upon whatever may be the result of our deliberations upon the question of pensions we should put the House very soon in possession of the bill.

I only rose to say, with reference to the proposition to strike out all limitation upon the provision extending the arrears act of 1879, that in March last there came before the Pension Committee of the Senate a body of five gentlemen, and they described themselves as follows in the introduction of a paper which they submitted to our committee:

The undersigned beg leave respectfully to represent to you: First, that they comprise the committee on pensions of the national body of the Grand Army of the Republic, and that this committee was instituted for the express purpose of having some recognized medium through which the Grand Army could officially address the Congress of the United States. The committee therefore represents a constituency of upward of 220,000 veteran soldiers and sailors.

In looking at the names signed to the petition I recognize the names of five gentlemen every one of whom has smelled the smoke of battle and looked into the flash of guns. I recognize here men who were maimed and wounded in the war for the Union. I recognize here the name of a man who lost both legs in the war for the Union. As I turn to ascertain what these gentlemen, the official representatives of 220,000 veteran soldiers in this country, ask of Congress upon the subject of arrears, I find that their utmost demand is couched in the following words:

We are in favor of the extension of the arrears limit to January 1, 1885.

Mr. President, I think these gentlemen have a better commission, that they have a clearer authority, to represent the wishes of the great body of the American soldiery than my colleague can possibly have, or any other gentleman who asks us to have the limit indefinitely extended. I only desire that their voice may be heard in the Senate, and that we may understand what the soldiers of this country have been asking upon the subject.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Indiana [Mr. VOORHEES] to the amendment of the Senator from Kansas [Mr. INGALLS]. The Secretary will report the amendment to the amendment.

The CHIEF CLERK. After the word "pensions," in line 19, it is proposed to strike out the following proviso:

Provided, That the application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of October, 1884; otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under 16 years of age.

The PRESIDING OFFICER. Upon this question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GORMAN (when his name was called). On this question I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. HOAR (when Mr. HARRIS'S name was called), I am paired with the Senator from Tennessee [Mr. HARRIS].

Mr. HILL (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON]. I do not know how he would vote on this question, and therefore I withhold my vote.

The roll-call was concluded.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired on all questions with the Senator from Minnesota [Mr. SABIN].

Mr. GARLAND. I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here, I should vote "nay."

Mr. MILLER, of New York. I am paired with the Senator from Delaware [Mr. SAULSBURY].

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from South Carolina [Mr. BUTLER]. As I do not know how he would vote on this question, I refrain from voting.

The result was announced—yeas 12, nays 34; as follows:

YEAS—12.

Aldrich,	Fair,	Manderson,	Van Wyck,
Blair,	George,	Miller of Cal.,	Voorhees,
Dolph,	Ingalls,	Morgan,	Wilson.

NAYS—34.

Bayard,	Frye,	Lapham,	Pugh,
Bowen,	Gorman,	McMillan,	Sherman,
Brown,	Hampton,	Mahone,	Slater,
Call,	Harrison,	Maxey,	Vance,
Coke,	Hawley,	Mitchell,	Vest,
Colquitt,	Jackson,	Morrill,	Walker,
Conger,	Jonas,	Palmer,	Williams.
Cullom,	Jones of Florida,	Pike,	
Farley,	Kenna,	Platt,	

ABSENT—30.

Allison,	Dawes,	Hoar,	Ransom,
Anthony,	Edmunds,	Jones of Nevada,	Riddleberger,
Beck,	Garland,	Lamar,	Sabin,
Butler,	Gibson,	Logan,	Saulsbury,
Camden,	Groome,	McPherson,	Sawyer,
Cameron of Pa.,	Hale,	Miller of N. Y.,	Sewell.
Cameron of Wis.,	Harris,	Pendleton,	
Cockrell,	Hill,	Plumb,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Kansas.

Mr. VAN WYCK. To that I move to add as a new section the following:

SEC. —. That in granting all pensions hereafter, no distinction of rank shall be made, and officers of all grades of the Army, Navy, and Marine Corps, their widows, children, and dependent relatives, shall be rated as to such pensions as enlisted men, their widows, children, and dependent relatives are now or hereafter may be rated by law.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. VAN WYCK] to the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. VAN WYCK. Mr. President, the purpose of the additional section is to make the amendment consistent. It has long been felt that there should be no difference between the amount of pension granted to the officer and to the private soldier, but for years the policy of legislation has been to recognize that distinction. This is the first instance when an attempt is made to establish a contrary policy.

The amendment of the Senator from Kansas expressly states that in the payment of arrears (and the arrears are recognized to be a part of the pension) there should be no distinction on account of rank. That is a clear, open declaration of the principle upon which we claim that all pensions should be granted. If not, there certainly can be no reason for making the distinction in the matter of arrears, because if the arrears be right there need be no apology made to the American people why we do this thing.

If the arrears be as much due to the soldier, whether officer or private, as the pension itself, the arrears following from the granting of the pension, then there can be no reason as a matter of strict justice and right why this discrimination should be made. If the principle in the amendment of the Senator from Kansas be adopted, then it is a legislative declaration on the part of Congress that this distinction should be broken down and should no longer exist as between the officer and the private.

I merely state this much to indicate the purpose and the object of the proposed amendment. It is to carry out what certainly should now be recognized as the correct doctrine; and if we are starting now for the first time in the establishment of the correct doctrine in the matter of pensions, why should we limit it to arrears? It certainly is a contradiction upon the face of the provision itself, as if we wanted some excuse, as if we were begging the question. If the arrears be right, we shall say so manfully. If that be a part of a pension due to the crippled and disabled soldier, give it to him as a part of his pension; and if it be just to strike down this distinction, strike it down as to all. If it is to affect the arrears, then clearly it should affect the matter of the pension itself in all pensions which may be granted hereafter.

Mr. CULLOM. I hope the amendment will be voted down.

Mr. BLAIR. Mr. President, I desire to say a few words, because I do not wish that the view just presented shall pass unchallenged. For

the first time, so far as I know, the principle of the amendment has been embodied in a proposed legislative form and advocated in either branch of Congress. It is not a proposition which, originally considered, is without merit. It is a proposition which, having reference to the future, would, I think, appeal strongly to the judgment of the country. I know that the mass of the soldiers of the country are in favor of the abolition of all distinction based upon rank in the amount of the pensions granted.

But I do not myself believe that this principle embodied in the amendment offered by the Senator from Kansas is a true principle. The pension for disability is in my belief based upon contract and is granted by virtue of the contract which is entered into at the time of the enlistment. The common soldier, the officer of whatever rank, contracts with the Government to render service at a stipulated pay. If in addition to that he suffers unusual injury, that to which the mass of soldiers are not subjected, that which can not be compensated by his monthly due or his yearly salary, whatever it may be, the law contemplates that he is to receive the pension provided for at the time of his enlistment as an additional compensation for the damage which may be done to him in his physical and mental capacity to obtain a livelihood.

So every one of the Union soldiers who to-day is entitled to pension upon the ground of disability is entitled to such pensions as were offered by the law at the time of enlistment, and to that extent their right is vested. It is based upon the law; and it is neither in our power nor in the power of any tribunal rightfully to deprive them of it. The amendment proposed by the Senator from Kansas does not give to them all they would have a right to claim of the Government. If they are entitled to arrears at all they are entitled to those arrears by virtue of contract, and this removal of the limitation upon their right to prosecute, giving them the opportunity of recovering only part of that to which they are entitled by the law, is a restriction upon that which should be allowed to them, and at some future time, if the amendment should be adopted as it has been offered, I personally should favor, and I think justice would overwhelmingly demand, that every officer and every soldier, if there is any one who fails to secure the full amount of arrears that was guaranteed to him by the law as it existed when he enlisted, should have still further enlargement and recover from the country according to his rank.

Mr. MORGAN. Will the Senator allow me to ask him, if that be his conviction, why not do it now? Why not put it in this bill?

Mr. BLAIR. I am in favor of doing it now. I vote on the amendment as it comes up, and in the hope that something may be enacted into law.

I might have said nothing about this had it not been for the amendment to the amendment moved by the Senator from Nebraska and in relation to which he spoke. If I oppose his proposition now it is because I think it is to that extent a legal robbery of what belongs by absolute right to the officer and to the soldier of the country, provided that we allow him to recover only so much as he was entitled to by the law as it existed when he enlisted. To that extent he is entitled as a matter of right to his arrears, and we can not deprive him of them.

Further reflection may change my mind, but I now think I would favor a modification of existing law so as in all future time to limit the officer to the same pension which is given to the common soldier. I am not sure that it is based upon a sound principle. Certainly it would be a reversal of all previous practices of the Government and all other governments so far as I know; but nevertheless I am inclined to think that as we give the pension as a means of physical support, that being the general principle upon which it is based, and it is a correct one, it should become a component part of our laws, and in all future enlistments the contract should be made with reference to it, and everywhere only such pension as goes to the common soldier in case of disability shall be contracted for by the officer; but for the present I think it is inapplicable and is a wrong.

Mr. VAN WYCK. I regret that the Senator from New Hampshire is not willing to go to the extent where a correct principle leads.

Mr. BLAIR. The Senator misunderstands me. I think it is robbery to apply the principle here; but with reference to the future, to all contracts of enlistment that have not been entered into, we may lay this down, we may make this the law, and the soldier who enlists hereafter will understand that he is to have his $8, $10, or $12 a month in case of disability, according to the degree of disability, and the officer will expect no more.

Mr. VAN WYCK. Then I understand the Senator to be opposed to the proposition of the amendment of the Senator from Kansas?

Mr. BLAIR. I will say to the Senator that the amendment of the Senator from Kansas is partial. It is only a portion of what the men who were disabled during the war are entitled to receive. It gives the common soldier all that by contract he is entitled to receive. It gives, however, to the officer less than by contract he was entitled to receive in case of disability.

Mr. VAN WYCK. Then I understand the Senator does not favor the amendment of the Senator from Kansas?

Mr. BLAIR. I favor it upon the principle that a half is better than none.

Mr. VAN WYCK. I think it is well now to struggle for the right. There is no necessity to act upon the doctrine that half a loaf is better than no bread.

Mr. BLAIR. If the Senator will move to so modify the amendment of the Senator from Kansas as to give arrearages according to the law that existed at the time of the contract when the enlistment was entered into, I will vote for that.

Mr. VAN WYCK. I would rather my friend would do that, inasmuch as I do not believe the proposition.

Mr. BLAIR. Very well; I am not to be accused of inconsistency.

Mr. VAN WYCK. No; only as to the logic of the argument. The Senator from New Hampshire says he is in favor of this because it is better than nothing. I insist that we are stopping long enough to emphasize this question, to put it broadly and frankly that we desire the pension law to be established upon a proper basis. My friend from Illinois says that we must put amendments on the Mexican pension bill because we want to have pension laws right. I refer my friend from New Hampshire to the Supreme Court of the United States, which has decided in antagonism to his proposition and in a case that has been close to his heart, that of General Ward B. Burnett, where the court held that a pension is not a vested right. My friend will concede that.

Mr. BLAIR. I concede that there is a dictum of that sort, and I concede also, and I insist, it is an act of injustice, and that it is not law.

Mr. VAN WYCK. It is a very fashionable thing for Senators, when they find that a decision of the Supreme Court antagonizes them, to call it a dictum.

Mr. BLAIR. If the Senator will permit me, in the case which he adduces the principle I laid down has never been passed upon by the Supreme Court, at least not in that case.

I say the soldier or officer is entitled to that pension which was granted for disability at the time he entered into his contract with the Government. Is it reasonable to suppose that if a man is shot to death, his life destroyed, or at all events his physical powers substantially taken from him for life so far as his capacity to earn a living and to be of use to himself and his family is concerned, his sufferings are compensated by his $13 a month pay? Does he contract for no more than that? The man who renders the service without disability receives the same. No, sir; it is a contract between the Government and the soldier or the officer that he shall receive for disability whatsover the law proposes to give by the pension enactments of the land at the time he enters upon his enlistment. It is to that extent by contract that he has a vested right.

Mr. WILLIAMS. Will the Senator from New Hampshire allow me to ask him a question? I do not understand that there is any contract at all. Everybody knows that I am as liberal in voting pensions to soldiers as any one. I have always believed that it is the true policy of this Government to pension the soldiers instead of keeping up a standing army; but I do not believe there is any contract whatever between the soldier and the Government to pension him. The Supreme Court of the United States have expressly decided that it is a bounty and not a debt growing out of a contract.

Mr. BLAIR. I beg the Senator's pardon. So far as I know the Supreme Court has never decided the point which I stated. It has never decided that the soldier is not entitled to that degree of pension for disability which the law provided in case of disability at the time of his enlistment. The Senator from Nebraska quotes the case of General Ward B. Burnett. We have given him a pension by a special act which was not provided for at the time he entered into his contract of enlistment. That was a mere bounty; a gratuity, I grant you, based upon the generosity of the country and upon the existing necessities of the man and his high and honorable service. We have a perfect right to modify the amount which he shall receive, to make it more or less, provided we never infringe upon that amount which the law gave him when he enlisted.

Mr. WILLIAMS. I understood that he was pensioned upon a law passed before and laws passed since the war, under three laws, one passed in 1861.

Mr. BLAIR. His enlistment was in 1848, and his service was rendered in the Mexican war.

Mr. WILLIAMS. He served during the late war. General Ward B. Burnett was a major-general.

Mr. BLAIR. But the disability for which he was pensioned was incurred in the Mexican war.

Mr. WILLIAMS. He was in the late war.

Mr. BLAIR. I do not remember that he was.

Mr. WILLIAMS. He was a major-general.

Mr. BLAIR. However that may be, it does not interfere with what I said, because the several acts which were in question were themselves enacted since the close of the war, and he was not drawing his pension under a general law which existed either relating to the Mexican war or the war for the Union. What I say is that he was entitled to that which the law gives him when he enters into the contract.

Mr. WILLIAMS. His pension was $72 for total disability.

Mr. BLAIR. Not at the time he rendered the service.

Mr. WILLIAMS. The question was whether he could draw two

pensions, and the court expressly decided that he could not, that he must confine himself to one or the other; and they decided that it was not a debt due him from the government or anything like a contract express or implied, but that it was a bounty. I say it was the bounty of a generous government and a bounty that I applaud always; but the courts have so decided.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. WILLIAMS. Certainly, if the Senator from Nebraska consents to yield further.

Mr. VAN WYCK. Certainly; I yield.

Mr. BLAIR. Does the Senator believe that the Congress of the United States has any right to deprive the soldiers of this country of pensions totally, to repeal every pension law now upon the statute-book?

Mr. WILLIAMS. I do not think it would be good policy, humanity, or right.

Mr. BLAIR. To say nothing about the policy, does the Senator believe that there is an inherent right in Congress to repeal all the pension laws now on the statute-book?

Mr. WILLIAMS. If the Senator will allow me, I will answer that question pointedly and directly.

Mr. BLAIR. Certainly.

Mr. WILLIAMS. I have not the slightest doubt as to the power of Congress to repeal the pension laws, and let me warn the Senator that he is marching in the direction now of compelling Congress at some day to do it. There are more persons in this country besides ex-soldiers; there are tax-payers and laborers; and one of these days the policy the Senator is pursuing of pensioning everybody in the land will drive Congress to repeal the whole of the pension laws, which I do not want to see done. When you accumulate pensions upon the people in this way a voice will come up from the men who hold the plow, the men who work in the shops, the smiths, the miners, and the farmers in this country, who will demand that the whole system of pension taxation shall be blown to the winds.

Mr. BLAIR. I wish to ask the Senator one further question. I grant that there is the power, and that the power may be exercised, if the public necessity requires that it is to be done, in precisely the same way that the life and fortune of an individual may be sacrificed for the general good and all the individuals in a community may be sacrificed for the preservation of the whole. On the same principle the Government may repudiate the public debt; it may pass acts of bankruptcy; it may repudiate all its obligations; but that power should never be exercised simply because Congress possesses it, and it can justly be exercised only when public necessity demands it. Upon that principle, which is the basis of the right of repudiation, I agree with the Senator that the pension legislation may also be repealed, but upon no other.

Mr. WILLIAMS. There is, then, no foundation whatever for your contract.

Mr. BLAIR. Certainly, for the contract may be repudiated by the sovereignty whenever it can not be performed. What power does the Government exercise when it enacts a statute of bankruptcy but to give to the individual to that extent the right to repudiate his contracts? It discharges him; it takes away the remedy; and in precisely the same way you can deprive the soldiers of pensions when absolutely necessary to prevent public ruin, but in no other case.

Mr. VAN WYCK. Now, Mr. President, if it is in order, I will go back to the point under discussion. The court said the pension is a mere gratuity, a bounty which Congress has the power to modify or change; and gentlemen seek to avoid it by saying that it is a dictum, and therefore not supposed to control so great a body as the United States Senate.

I simply call my friend's attention to that, because I desire to have him vote what I suppose his convictions are on the amendment which I have offered. It is claimed by the Senator from Illinois that now is the time to establish the pension laws upon the proper basis, that no matter where the opportunity or how the opportunity offered, it being our duty to do so, we should avail ourselves of it.

This proposition has been recommended by the Commissioner of Pensions in his report of 1883. If the Senate will bear with me a moment I will read what the Commissioner says.

RANK AND GRADES OF PENSION.

Section 4695 of the Revised Statutes, which fixed the various grades of pension, might be amended so as to provide a more equitable distribution, and to comport with the actual disabilities of pensioners.

In the amendment of the Senator from Illinois that very recommendation is to be carried out. But the Commissioner goes on further:

In fact the time has come, in my opinion, when Congress should give a thoughtful consideration to the entire regrading of pensions, making disability, rather than rank, the measure of the pension.

"Making disability rather than rank the measure of the pension." That idea is incorporated in the amendment of the Senator from Kansas in regard to the arrears of these very officers and soldiers. Therefore it is that my amendment is only to continue and make that consistent with itself. You take the same officer on the one side of the line and strike him down and say to him "that is your pension." If his pension is a vested right his arrears is a vested right. On one hand you strike down that which you claim to be a vested right, so that he shall get only eight dollars per month when he is otherwise entitled to twenty.

We can not afford to take that attitude in this matter. We must do one thing or the other. We must recognize him as an officer for his arrears if we do for his pension proper. How can we justify ourselves to the class who are to receive these bounties or to the people themselves? The Commissioner expressly says:

Congress should give a thoughtful consideration to the entire regrading of pensions, making disability, rather than rank, the measure of the pension.

I call the attention of my friend from New Hampshire to the fact that this is the language of the Commissioner:

There can exist no good reason in pensioning a volunteer force when for the same disability a lieutenent-colonel may receive $30 per month and a private soldier but $8, both having been drawn from and returned to the same walks of civil life.

The whole argument is there. No other word is necessary; and now will you flaunt this contradiction in the face of the soldiers and people of the nation, that you say to the lieutenant-colonel: "Your disability occurred during the war, for that you are entitled to receive a pension;" but up to the present you give him $8 per month, and you say to the same officer in regard to the same disability "for the remainder of the time you shall have $30 a month?"

Mr. BLAIR. If the Senator will pardon me, as he seems to appeal to me and quote the Commissioner of Pensions and the Supreme Court to me, I have stated my positions and given my reasons; they satisfy me; and now I will ask him to examine his own logic a moment and see if it is after all in conflict with any of the positions I have laid down, and whether there is any good reason why he should be admonishing me in the face of the country.

Mr. VAN WYCK. I am not admonishing the Senator; I beg him not to so consider it.

Mr. BLAIR. I say to my friend that the private soldier and officer alike are entitled to pension for the disability which the law provided at the time they entered into their contract of enlistment with the Government. They are entitled to wages so much, whether they are injured physically or not. They are entitled, in case there is physical or mental damage done so as to injure the capacity of the individual for the affairs of life, to a certain specific rating of damages which we call pension; and they enter into the contract in full view of that which they may receive, paid as wages and as damages for the disability which they may suffer.

The law at the time we entered into the war for the Union and hitherto prescribed a different rate of commutation or of pension to the private soldier and to the man of rank, precisely as there has been a difference of pay, which is according to the capacity or value of service in the different ranks or grades that enter into the public service. I do not undertake to say that we give pension enough to the private soldier at the present time. I undertake to say that the private soldier is entitled by matter of vested right that we can not take from him except by robbery to his $8 per month, or whatever his physical damage may have been under the laws that existed at the time he enlisted, and that the officer is entitled for damage according to his rank up to the amount of $30, or whatever it may have been, and that is his right.

That is very different from the question whether the Government and the country are doing enough for the disabled soldiers, whether we give them the extent of remedy which they should receive as a matter of equity, justice, charity, gratuity, or what not. It may be that we should increase the pension of the private soldier. It may be that we should give him $20 or $30. We in some cases give him $72, according to the degree of disability which he has suffered or does suffer by reason of service to the country. We may not be doing him full justice at the rate of $72 per month even in some cases. What I say is that the man is entitled to the amount that he was by law authorized to receive when he entered into the contract, and now the Senator turns around and says because I lay that down as a principle and a legal right therefore I am wrong in opposing the reduction of the pension of the officer to $8 per month. On the contrary, the $30, if that is the sum to which he is entitled by his contract of enlistment, is his vested right, and a common soldier may perhaps properly be lifted to the same rank. He may properly call upon the Government, if the Government is able to pay, to the extent of $30 per month if he has suffered that degree of disability; but what I say is that his legal vested right is only $8 per month.

I am in favor of doing justice. I am not in favor of repudiation, which is the proposition of the Senator from Nebraska. I am in favor of giving to the soldier and to the officer what we agreed to give him when he enlisted. I am not in favor of robbing the officer, whether he is of high or low degree, of the pension to which he is entitled beyond $8 a month because he entered into a contract. If justice requires lifting the common soldier to a higher rate let us do it, but that is a very different proposition from that of the Senator from Kansas, which the Senator from Nebraska proposes to carry out in reference to all pensions hereafter granted as well as in the matter of arrears. I hope the Senator will see the distinction.

Mr. VAN WYCK. I beg to state to the Senator that I called his attention to the decision of the Supreme Court and to the views of the Commissioner only because I know the interest he has given to this

matter and that he naturally inclines to the position of the Commissioner.

Mr. BLAIR. The Senator is quite wrong there. I do not naturally incline to the position of the Commissioner. The Commissioner is a very good lawyer, a very excellent man, and he knows a great deal about the practical working of the pension laws. I suppose every one of us forms his opinions and decides and acts upon his own responsibility here in the Senate.

Mr. VAN WYCK. The Senator misunderstands me again. I did not mean to say that he inclines to it because it was the opinion of the Commissioner, but that the position taken by the Commissioner in this case was a position to which my friend from New Hampshire naturally inclined, that is, placing the soldier and officer upon the same grade of pension.

Mr. BLAIR. I might do that, but I would lift the soldier up instead of dragging the officer down, especially when the process is robbery.

Mr. VAN WYCK. That can not be done. My friend desires to equalize the pensions and put them upon the same plane, but the amendment of the Senator from Kansas does not lift them up. It is a leveling-down process. That you can see.

Mr. BLAIR. That is true, and so far it is wrong.

Mr. VAN WYCK. I want it made uniform.

Mr. BLAIR. That is to say, because there is a partial wrong proposed the Senator inclines to make it universal.

Mr. VAN WYCK. I want it logical.

Mr. BLAIR. That is logical, certainly.

Mr. VAN WYCK. I ask my friend if he is willing as a Senator to commit himself to the inconsistency of saying just as much as is said in the amendment of the Senator from Kansas, and applying it to the rest of our pension laws? Is he willing to do that?

Mr. BLAIR. No, I am not willing to do it.

Mr. VAN WYCK. Very well; that is the proposition, and before we vote on that proposition I desire to so amend it that my friend may vote his convictions, and that every other Senator may vote his convictions in the matter. I want to have it uniform. I want to say, be he officer or private, the same law or the same rate of pension shall apply to him from the time his disability commenced until he goes down to the grave. Is it possible that Senators can seriously contemplate the proposition to give to the same man one grade of pay during half his life and the remaining half of his life another grade?

That is the only point I have to make. Whether the amendment of the Senator from Kansas is right or not I have believed it was, and I referred to the Commissioner of Pensions because his sympathy is also for the soldiers. He has had a large opportunity for knowing the practical effect of the pension laws, and he has taken the liberty of calling the attention of Congress to the fact that our pension laws need modification in the matter of which he speaks, that there should be disability rather than rank, and that there is no reason why a lieutenant-colonel or colonel and a private, who both lost a leg in the Army, and both came from the same rank in the walks of civil life, should not receive the same amount. I rejoice that the time has come when we may have an opportunity at least to make an effort to settle this question of the quantity of pensions on its true principle, and that is disability.

The recommendation of the Commissioner of Pensions has found expression in the amendment of the Senator from Kansas. If it be true, as was said, that the amendments which have been and are to be proposed are the result of deliberation of a caucus on the part of one great political party here, then it is more than the expression of the Senator from Kansas, it is the deliberate expression of a political branch of this body. No matter whether that be so or not, here comes the opportunity, and I insist that we must do one thing or the other.

If you propose this reform in regard to the arrears and stop there, then my friend from New Hampshire is right in saying that this amendment is wrong. If we go still further and extend it to the pensions hereafter to be granted, then we are logically released, and my friend from New Hampshire would really be satisfied, because they are all equalized. He thinks they should be equalized by a raising up. I might agree with him; I want some raising up; but if we can not accomplish that, we can at least be consistent and logical with ourselves.

The PRESIDING OFFICER. Will the Senate agree to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Kansas?

Mr. VOORHEES. Let it be reported.

The PRESIDING OFFICER. The amendment will be read by the Secretary.

The SECRETARY. It is proposed to add to the amendment the following additional section:

SEC. —. That in granting all pensions hereafter no distinction of rank shall be made, and officers of all grades of the Army, Navy, and Marine Corps, their widows, children, and dependent relatives, shall be rated as to such pensions as enlisted men, their widows, children, and dependent relatives are now, or hereafter may be, rated by law.

Mr. VAN WYCK. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). The senior Senator from Texas [Mr. MAXEY] is necessarily absent from the Chamber this afternoon, and I am paired with him.

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here, I should vote "yea."

Mr. HOAR (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS].

The roll-call was concluded.

Mr. MILLER, of New York. I am paired with the Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 21, nays 28; as follows:

YEAS—21.

Bayard,	Fair,	Morgan,	Voorhees,
Beck,	George,	Pendleton,	Walker,
Brown,	Jackson,	Slater,	Williams.
Call,	Jonas,	Vance,	
Coke,	Kenna,	Van Wyck,	
Colquitt,	Lamar,	Vest,	

NAYS—28.

Blair,	Frye,	Lapham,	Pike,
Bowen,	Hampton,	McMillan,	Platt,
Cameron of Pa.,	Harrison,	Manderson,	Pugh,
Conger,	Hawley,	Miller of Cal.,	Riddleberger,
Cullom,	Ingalls,	Mitchell,	Sawyer,
Dawes,	Jones of Florida,	Morrill,	Sherman,
Dolph,	Jones of Nevada,	Palmer,	Wilson.

ABSENT—27.

Aldrich,	Edmunds,	Harris,	Miller of N. Y.,
Allison,	Farley,	Hill,	Plumb,
Anthony,	Garland,	Hoar,	Ransom,
Butler,	Gibson,	Logan,	Sabin,
Camden,	Gorman,	McPherson,	Saulsbury,
Cameron of Wis.,	Groome,	Mahone,	Sewell.
Cockrell,	Hale,	Maxey,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs upon the amendment offered by the Senator from Kansas [Mr. INGALLS].

Mr. JACKSON. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. BLAIR. Before the question is taken on that amendment I think I ought to call the attention of the Senate to a clause in it which I do not believe the mover of the amendment would have incorporated if he had observed it in season; but I do not know how that may be. At all events I wish to strike out this clause in the sixteenth, seventeenth, and eighteenth lines:

And if such disability occurred after the discharge, then from the date of actual disability.

This is a very important point in my own mind. It will be observed that it provides that the arrearages "shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to discharge." Then it goes on to provide, "and if such disability occurred after the discharge, then from the date of actual disability."

So we have in this amendment a provision that not only pensions, but arrearages of pension, shall be granted for a disability not contracted in the service or line of duty, for a cause which may be innocent or may be guilty so far as the injured person is concerned, contracted outside the service, subsequent to the service, and carrying not alone the pension from the date of its allowance, but also arrears for this cause with which the Government and the country itself has no connection whatever. That is a provision entirely unheard of in any law so far as it has been administered, and of course it is a principle which, if I understand the amendment correctly, no one could think of indorsing.

I suppose it came to be found in this amendment from the fact that in the original arrears-of-pension law, the one to which the Senator has adverted, these words crept in and were in the enactment; but there was almost immediately a revision of the law, a volume of revised laws, as they are called, coming down to and including those of March 3, 1881, a short time before which period the original arrears provision seems to have been enacted. At all events the revision includes the laws from 1874 to 1881, and in that revision this clause is excluded. I do not know whether that revision has ever been formally adopted by Congress or whether that revision is the law to-day or not. I think there is a provision in the early part of the volume that wherever there is any disagreement between the terms of a given statute as found in the revision and in the original enactment the original enactment is to be referred to; but in the revision this clause is omitted, and in the actual administration of the law nothing of the kind has ever been done. It would be of course an absurdity to do it, and it never has been done; and yet if this amendment passes in its present form, under the letter of the law it unquestionably could be done. I therefore move to strike out the words I have mentioned.

Mr. MITCHELL. The Senator from New Hampshire will allow me a moment. I think he may be misled——

Mr. BLAIR. If I am I should be glad to be misled.

Mr. MITCHELL. He will find that the words "in the service and in the line of duty" are incorporated.

Mr. BLAIR. I observe; but how can an injury occur in the service

and line of duty after the service? How can a person be injured in the service when he is out of it?

Mr. MITCHELL. My reply to that would be that the words to which the Senator calls attention read:

And if such disability occurred after the discharge, then from the date of actual disability.

They refer to the disability that is mentioned in the forepart of the proposed amendment, that is, a disability incurred in the service and in the line of duty.

Mr. BLAIR. Will the Senator answer me the question how any injury can be incurred after discharge from the service and yet be incurred in the service?

Mr. MITCHELL. It is not the word "incurred" but "occurred" that is used.

Mr. BLAIR. Well, "occurred."

Mr. MITCHELL. That is the word which was used in the act of 1879, and in the amended act rather than in the original act to which the Senator refers.

Mr. BLAIR. It is not to be found in the amended act at all as I collect it from the Revised Statutes, to which I have referred.

Mr. MITCHELL. I ask the Secretary to read the section of the act as amended on the 3d of March of that year.

The PRESIDING OFFICER. The Secretary will report the section sent up by the Senator from Pennsylvania, if there is no objection.

The Chief Clerk read as follows:

SEC. 2. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability or from the termination of the right of party having prior title to such pension.

Mr. WILSON. I think there can be no misapprehension about this language and about its meaning. It seems to me perfectly clear that this relates to a disability which has occurred in a pensionable degree after discharge on account of a cause incurred before discharge.

Mr. MITCHELL. Undoubtedly that should be the construction of this act; and if Senators have observed the reading carefully they would see that the amendment proposed by the Senator from Kansas is in the exact words of this amended section of the act of March 3, 1879, with the exception of the words that I mentioned at first; that is, after the word "date," as that act reads, are inserted in this proposed amendment "in the service and in the line of duty."

These words are inserted for the purpose of making a distinction between a pension granted for disability proved to have been incurred in the service in the line of duty and those pensions which may be allowed under the amendment and proposed and pending when this amendment is offered for a disability which may have been incurred since by any person who was a soldier in the late war. I think there is no difficulty whatever.

Mr. BLAIR. If that is to be construed in the sense of an increased disability occurring subsequent to discharge it is quite well enough; but I observe that in the volume to which I refer, the Supplement to the Revised Statutes of the United States, volume 1, from 1874 to 1881, on page 395, chapter 23, it is enacted—I will read the enactment, first reading the marginal reference to the act of "March 3, 1879, chapter 187," which is the original act. This section as found in this book reads as follows:

That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension.

Copying the rest of the section, omitting precisely the words which I now move to strike out.

Mr. MITCHELL. The Senator is entirely misled, I think, as I believe he will find on listening to me. That is the act passed on the 25th of January, 1879, not the appropriation bill.

Mr. BLAIR. No, it is the act of March 3, 1879, as appears from the marginal reference.

Mr. MITCHELL. As printed in the manual of laws which I have, furnished by the Pension Bureau——

Mr. BLAIR. I presume the Senator is reading from the manual, which is made up simply from the laws as they are published from year to year, Congress by Congress, and is not in possession of that from which I am reading.

Mr. MITCHELL. I am in possession of the act of the 25th of January, 1879, which reads as the Senator just now read. The act of the 3d of March, 1879, reads as this amendment reads with the exception of the words I have mentioned.

Mr. BLAIR. I wish to say that I think this language is misleading and dangerous; but if the debate can be used in construing the language of the amendment I have no sort of desire that any question be taken upon it. Of course as that language is it gives a pension by implication, and if a pension is allowed it may be for a disability not contracted in the service and having no connection with the service, and also gives arrears back to the date when it was contracted.

Mr. INGALLS. The Senator from New Hampshire has been misled by his reading from the Supplement to the Revised Statutes of the United States, volume 1, which is absolutely without authority, and is about as valuable for reference upon a question of statutory law as a last year's almanac or the thirteenth volume of the Kuklux Reports. [Laughter.] It was published under a joint resolution in the following terms:

Resolved by the Senate and House of Representatives, &c., That the Supplement to the Revised Statutes * * * be stereotyped, &c.

The last two clauses are:

But shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress: *Provided*, That nothing herein contained shall be construed to change or alter any existing law.

In the quotation from the original statute in this last Supplement to the Revised Statutes that clause was left out without authority, either by the negligence or omission or oversight of the transcriber; and of course the original law controls, because by the joint resolution, as I have shown, this is in case of difference to have no weight or authority whatever, and there was no power given to change or alter existing statutes.

Now, a simple comparison between the law as quoted in the Supplement and the statute of March 3, 1879, shows that this clause has been omitted. I called the attention of the Commissioner of Pensions to this subject. This is not a novel point; it has been raised before. The Commissioner stated that the law was exactly as suggested by the Senator from Iowa [Mr. WILSON]. It has been interpreted and construed, and excludes by its interpretation the construction that the Senator from New Hampshire supposes might be placed upon it. Therefore I hope that the Senator from New Hampshire will not feel called upon to insist on a vote upon his amendment, because the interpretation has been given to the clause in the original act from which this amendment of mine is prepared.

Mr. BLAIR. The Senator is quite right in saying that the practical construction by the Pension Office upon the law has been, and must be, in order to avoid an absurdity, the same as he has stated; but the original language of the law did lead to the raising of the question which I raise here now. It has been adjudicated by an opinion of the Attorney-General, considering that it would be an absurdity to construe the law otherwise; that is, to construe the law as itself did read, and the office having been guided by that interpretation, the evil which would be liable otherwise to exist has not transpired.

It was to avoid all danger of that that I proposed to strike out the words which have led to the difficulty; but with all this debate and discussion, and an actual construction of this language already having been made, and this is only repeating simply the same language, if Senators are sensitive in regard to its retention I am sure I have no wish to press the amendment.

The PRESIDING OFFICER (Mr. PLATT in the chair.) The amendment proposed by the Senator from New Hampshire is withdrawn.

Mr. WILLIAMS. Before the vote is taken I wish simply to draw the attention of the Senate to the second section of the amendment of the Senator from Kansas, to show the fairness and the affectionate friendship of the friends of this amendment for the Mexican-war soldier to the bill for whose benefit this purports to be an amendment. This amendment proposes to open the doors for arrearages of pensions, but confines them entirely to soldiers of the late war. Now, there are on the rolls of the Pension Office since the war with Mexico 11,000 soldiers pensioned for disability. About half of them have been stricken off heretofore for supposed disloyalty, and there yet remain on the roll, pensioned for disability, about one-half the number that have been heretofore on the roll.

What is the reason for the distinction between the Mexican-war soldiers and the Union soldiers? This second section confines the arrearages to the soldiers of the Union Army alone who are on the pension-roll for disability. Why shall it not extend to the Mexican-war soldier as well as any other soldier? That is the simple point in that amendment to which I desire to call the attention of the Senate, that they may see the gross injustice of it, its incongruity, the haste with which it is gotten up, and the necessity of our voting it down and letting it go to a committee to be examined thoroughly.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS], on which the yeas and nays have been ordered.

Mr. SHERMAN. I ask for the reading of the amendment.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add as an additional section the following:

SEC. 3. That section 2 of the act of March 3, 1879, chapter 187, entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purpose," be, and the same hereby is, amended so as to read as follows:

"SEC. 2. That all pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date in the service and in the line of duty, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual

disability, or from the termination of the right of the party having prior title to such pension: *Provided*, That the application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of October, 1884, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under 16 years of age: *Provided further*, That hereafter, in the adjudication of claims involving arrears, in determining the amount of arrears due prior to the filing of the application, no distinction of rank shall be made, and officers of all grades of the Army, Navy, and Marine Corps, their widows, children, and dependent relatives, shall be rated as to such arrears as enlisted men, their widows, children, and dependent relatives are now rated under existing laws."

Mr. SHERMAN. I am disposed to cast a vote on this proposition that I know will disappoint a great many persons for whom I have the highest consideration.

Mr. VOORHEES. Would the Senator from Ohio yield to a motion to adjourn and speak to-morrow?

Mr. SHERMAN. I do not want to interfere with the progress of the bill.

Mr. CULLOM. I hope we shall get this amendment voted on before we adjourn.

Mr. VOORHEES. The discussion is interesting, but it is getting late and it is very hot in this Hall.

Mr. CULLOM. I am very anxious to finish the bill to-morrow.

Mr. SHERMAN. I think we ought to finish it to-morrow.

Mr. CULLOM. We shall not do it unless we get this amendment out of the way to-night. I hope we shall go on until we get a vote on this amendment.

Mr. BLAIR. I hope this will not be voted on to-night.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. SHERMAN. I have no objection to yielding, but I hope before we adjourn it will be understood that to-morrow night before adjournment this question shall be disposed of.

Mr. VOORHEES. Undoubtedly.

Mr. CULLOM. I shall insist on a session to-morrow until this bill is disposed of.

Mr. VOORHEES. I shall concur in that.

Mr. SHERMAN. I hope 3 or 4 o'clock to-morrow will be fixed as the hour for taking a vote. I do not intend to make a long speech, but I think we ought to close the matter to-morrow so as to give way to the appropriation bills.

Mr. VOORHEES. I will agree to any proposition.

Mr. CULLOM. If it is understood that the Senate will remain in session to-morrow until this bill is finished, I am willing to adjourn now.

Mr. SHERMAN and others. Fix an hour

Mr. CULLOM. Say 5 o'clock.

Mr. SHERMAN. Four o'clock.

Mr. CULLOM. Four o'clock.

Mr. SHERMAN. After which there shall be no debate.

Mr. MORGAN. I object. This bill must be properly considered.

Mr. CULLOM. Is there any objection to an understanding that it shall be finished to-morrow?

Mr. MORGAN. I object to any understanding at all.

Mr. VOORHEES. At the suggestion of the Senator from California [Mr. MILLER] I modify my motion, and move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Before entertaining that motion the Chair will lay before the Senate the unfinished business, which is the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. Before that motion is put, I give notice now that after the morning business to-morrow I shall call up the Mexican pension bill, and ask the Senate to remain in session until it is completed.

Mr. VAN WYCK. I want to understand that there is not unanimous consent given to call this up in the morning hour. I hope that hour will be left for other business.

The PRESIDING OFFICER. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened, and (at 5 o'clock and 16 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 20, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MANZANARES, until the 24th instant.

To Mr. WARNER, of Ohio, for one week.

To Mr. STEWART, of Texas, indefinitely, on account of sickness.

IRREGULAR PRACTICES OF PENSION ATTORNEYS.

The SPEAKER. On the 8th of May last, a communication from the Secretary of the Interior, with accompanying letters, relating to irregular practices of pension attorneys, was laid before the House, but by some oversight was not ordered to be printed. If there be no objection, that order will now be made.

There was no objection, and it was ordered accordingly.

CLEARANCE FEES OF DOMESTIC VESSELS.

Mr. MAYBURY. I ask unanimous consent to have taken from the House Calendar for present consideration the bill (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels in domestic commerce.

The bill was read, as follows:

Be it enacted, &c., That paragraphs numbered 6 and 7, respectively, of section numbered 4381, be, and the same are hereby, severally amended so as to read as follows:

"Sixth. For certifying manifests and granting a permit for a licensed vessel to proceed from district to district, 10 cents.

"Seventh. For receiving a certified manifest and granting a permit on the arrival of such licensed vessel, 10 cents."

SEC. 2. That paragraphs numbered 6 and 8, respectively, of section numbered 4382 of the Revised Statutes of the United States, be, and the same are hereby, severally amended so as to read as follows:

"Sixth. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, 10 cents."

"Eighth. For receiving manifest, including master's oath on arrival of a vessel from one collection district to another, whether touching at foreign intermediate ports or not, 10 cents."

SEC. 3. That paragraphs numbered 7 and 9, respectively, of section 4382 of the Revised Statutes of the United States, be, and the same are hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. From the reading I did not fully understand the purport of this measure. I hope there will be a word of explanation.

The SPEAKER. If there be no objection the gentleman from Michigan [Mr. MAYBURY] will make a statement, the right of objection being meanwhile reserved.

Mr. MAYBURY. The bill just read was reported from the Committee on Commerce as a substitute for a bill introduced by myself. The report of the committee is unanimous. The bill is also recommended by the Secretary of the Treasury, whose letter accompanies the report.

The object of the bill is that the clearance fees of vessels navigating the lakes of the Northwest, and also vessels engaged in the coasting trade, shall be reduced from 50 or 25 cents, according to the tonnage, to 10 cents. Under the present system, which was inaugurated in the early years of the war and was made a source of revenue, vessels navigating the rivers and lakes of the Northwest are obliged to pay entrance and clearance fees of 25 to 50 cents, according to their tonnage. Under this system a vessel plying upon our rivers from one district to another is obliged to pay these clearance fees, which, in the case of excursion boats, amounts sometimes to five or six or even as high as ten dollars for a single trip along the river and lakes.

This is an oppressive imposition upon commerce, and the Secretary of the Treasury, to whom the matter was submitted, says in his letter that there is no reason in the world why this imposition should be kept up; that the object of clearance is simply to keep track of the tonnage and the passenger-list, and that this can be accomplished as well by a fee of 10 cents as by a fee of 50 cents.

Mr. BLANCHARD. I wish to inquire whether the provisions of this bill in reference to the charges which the gentleman speaks of are confined to ports on the lake coast.

Mr. MAYBURY. No, sir; in accordance with a recommendation of the Secretary of the Treasury the bill adopted as a substitute for the one introduced by myself extends this reduction of fees to vessels in the coasting trade on the Atlantic and the Gulf.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAYBURY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS THE MISSISSIPPI RIVER AT SAINT PAUL.

Mr. WASHBURN. I ask unanimous consent to have taken from the Speaker's table for present consideration the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota. This is the same bill that I tried to have taken up the other day, and it was then read in full. The gentleman from Iowa [Mr. WELLER] desired to offer some amendments which he is prepared to offer this morning. I ask unanimous consent that the bill be taken up and passed with the amendments which the gentleman from Iowa proposes to submit.

There being no objection, the House proceeded to the consideration of the bill.

The SPEAKER. This bill has been read once or twice at length.

Mr. WELLER. The gentleman from Minnesota [Mr. WASHBURN]

has read the amendments which I propose to offer and has consented, so far as he is concerned, that they be incorporated in the bill.

The following amendments submitted by Mr. WELLER were severally read, and agreed to:

Amend section 1 by striking out at the end of the section the words "for the proper district" and inserting "in the district in which such bridge or bridges may be situated."

Amend section 2 by inserting before the word "navigable," in line 19, the words "the best;" and by adding to the section the following words: "vessels, rafts, and other water craft: *Provided, however*, That no bridge or bridges shall be built under the provisions of this act except there also be built, at the time of the erection of the piers, proper sheer-booms or other proper protections to safely guide boats, vessels, rafts, and other water craft through said spans and at the costs and damages of the common council of the city of Saint Paul, in the State of Minnesota."

Amend section 3 by striking out, in the second line, the word "limitations" and inserting "provisions and conditions;" and by inserting, after the word "telegraph," in line 6, the words "and telephone lines free of charge."

Amend section 4 by inserting, after the word "prescribe," in the fourth line, the words, "not, however, to be in any wise inconsistent with any of the provisions or conditions of this act;" and by inserting, after the word "bridges," in the seventh and sixteenth lines, the words "and other accessory works provided for in this act."

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WASHBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOSS OF ARM AT SHOULDER-JOINT.

Mr. WOLFORD. I move, by unanimous consent, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint, for the purpose of putting it on its passage at this time.

The bill was read in full.

Mr. HEWITT, of Alabama. I object.

FORFEITURE OF IOWA LAND GRANT.

Mr. STRUBLE. I move, by unanimous consent, that the House Calendar be discharged from the further consideration of the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes, and that it be taken up for present consideration.

I should like to make a statement after the bill has been read.

The bill was read, as follows:

Be it enacted, &c., That all lands granted by chapter 84, page 72, 13 Statutes of the United States, approved May 12, 1864, entitled "An act for a grant of lands to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," and which, by certain acts of the General Assembly of the State of Iowa, were granted to the Sioux City and Saint Paul Railroad Company to aid in building a railroad from Sioux City, in said State, to the north line of the State, and which have not been earned by said company in strict compliance with the terms of said grant and the acts of the Legislature of the State of Iowa in relation thereto, and all rights, titles, and privileges as to any public lands granted or conferred by, through, or under said acts, State and national, in so far as any lands not so earned are concerned, be, and they are hereby, declared forfeited and determined; that all such lands be restored to the public domain and made subject to entry under the homestead laws of the United States.

SEC. 2. That in order to ascertain and have determined the quantity and description of any such lands, the Attorney-General be, and is hereby, instructed, at the earliest practicable date consistent with the duties of his office, to commence proceedings in the name of the United States, in the proper circuit court of the United States, in such form of action as he may deem best, to have determined the quantity and description of any and all lands which have not been earned by said company in strict accordance with the terms of the grant of the United States and the acts of the General Assembly of Iowa referred to in section 1 of this act, which proceedings, if necessary, shall be carried by appeal to the Supreme Court of the United States; and said Attorney-General is hereby instructed to so formulate the issues in said proceedings as to have adjudicated all questions relating to the right of said company to lands within the overlapping limits occasioned by the intersection of the Chicago, Milwaukee and Saint Paul Railroad Company, a corporation claiming lands under the same grant, to wit, the act of Congress approved May 12, 1864, and referred to in section 1 of this act, with the said Sioux City and Saint Paul Railroad Company; and said Attorney-General shall in said proceedings include in the issues formed the question of the right and extent of indemnity, if any, to the Sioux City and Saint Paul Railroad Company for lands situated within the overlapping limits above referred to which may be lost by reason of any litigation between the two companies named in this section; also to have determined whether, if said company is allowed such indemnity, it can select the same within limits extending beyond the last full and completed section of road built, and if so, how far beyond that point.

SEC. 3. That in case any lands embraced within the terms of this act as unearned lands have been sold (not encumbered) by said company prior to January 1, 1884, to persons who purchased the same in good faith for the purpose of making for themselves homes, or adding to other property occupied by them as homes or for business purposes, the person or persons so purchasing any of said lands, or their grantees, shall have right to the lands so purchased, not exceeding one hundred and sixty acres to any one purchaser, upon making proof to the satisfaction of the Secretary of the Interior of the fact of such purchase, which proof may be first made at the local land office of the district in which said land may be located; and upon proof being made as above, within twelve months after the passage of this act, patents shall be issued to the party or parties entitled thereto for the land, not exceeding one hundred and sixty acres to any one purchaser as aforesaid. In all cases of purchases such as are hereinabove described, when it is made to appear to the satisfaction of the Secretary of the Interior that the land was purchased in good faith for the purposes above indicated, or either of them, and that the purchase money was paid to the company prior to the passage of this act, he shall cause patents to issue for the lands to which the respective purchasers or their grantees may be entitled; and the Attorney-General, in case any lands have been wrongfully sold by said company, shall bring action or actions against said company to recover the amount of said purchase money, with legal interest.

SEC. 4. That all actual *bona fide* settlers upon any of said lands hereby forfeited to the United States by virtue of this act, and who are in actual occupancy thereof at the date of the passage of the same, shall have preference in making formal entries at the land office to the extent of such land as each of said settlers may occupy, not exceeding one hundred and sixty acres to each settler, and be entitled to enter under existing laws: *Provided*, That the Secretary of the Interior shall adopt rules to govern such entries not inconsistent with the terms of this act; and in case of conflicting claims among alleged actual settlers, he shall, in deciding the same, give preference to the one who may establish prior and continuous occupancy, regardless of the date of entry at the local land office.

Mr. POST, of Pennsylvania. I should like to ask the gentleman from Iowa whether this bill has been unanimously reported from the Committee on Public Lands?

Mr. STRUBLE. As I am advised, it has been.

Mr. HENDERSON, of Iowa. I am so assured by the chairman of that committee.

The SPEAKER. Is there objection to discharging the House Calendar from its further consideration, in order that it may be taken up for present action?

Mr. BROWNE, of Indiana. If an explanation is to be made by the gentleman from Iowa it must be made on condition that objection may be heard afterward. I am anxious myself to hear some brief statement of the provisions of the bill.

Mr. STRUBLE. I prefer not to enter on any statement unless it is the desire of the House. If the gentleman from Indiana will propound to me any inquiry I will be glad so far as I am able to give him the information he seeks.

Mr. BROWNE, of Indiana. Information has already been given, in answer to the question of the gentleman from Pennsylania, that this bill has been unanimously reported from the Committee on Public Lands. I should like to know in addition how many acres are involved; that is, how much is to be declared forfeited by this bill.

Mr. STRUBLE. I think the quantity is about 85,000 acres. It may be more or less.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I think, Mr. Speaker, this is a proper measure; but I wish to inquire of the gentleman from Iowa whether as to the lands to which this road has made no claim up to this time it would not be better that forfeiture should be declared at once, without reference to judicial proceedings? I understand there is a large body of land in reference to which there is no pretense this company has any claim.

Mr. STRUBLE. I think the gentleman from Indiana is in error about that. They claim all the lands referred to in this bill lying within the limits of the grant in their favor from the National Government to the State and by the State to this company. But I will say the committee have found there are lands which they have not earned within those limits, and as to those lands the theory is that they should be declared forfeited.

Mr. HOLMAN. Then, as to these, why should not the forfeiture be declared at once?

Mr. STRUBLE. As I understand it, the forfeiture is declared as to all unearned lands, but as to what lands are included within the meaning of that term is for the courts to determine.

Mr. HOLMAN. I know; but does not that provision apply as well to lands which the company are not entitled to as to the remaining portion? In other words, does not the provision referring this subject to the courts apply to the lands in reference to which there is no pretense of right on the part of the company as well as to the other lands?

Mr. STRUBLE. I think it refers to all lands not earned, and therefore forfeitable, and which ought to be forfeited.

Mr. HOLMAN. The gentleman from Iowa must see that the term "not earned" is an indefinite one. If the gentleman had been able to use some expression more definite in its character I think it would be better. But I understand this to be a unanimous report from the Committee on Public Lands, and I do not feel justified in objecting to its consideration. It ought, however, in my judgment, to be made more perfect in its phraseology.

The SPEAKER. Is there objection?

There was no objection, and the House Calendar was discharged from the further consideration of the bill; and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRUBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX, of North Carolina. I demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

Mr. LOWRY. I call up the Ohio contested-election case.

The SPEAKER. That is the regular order of business if called up by the gentlemen from Indiana; but in the absence of that the call of committees will be the regular order of business.

Mr. LOWRY. I do call it up.

The SPEAKER. The Chair will state to the gentleman from Indiana that there are several gentlemen who seek the floor to make reports simply for reference, and some of which should go to the Committee on Appropriations before that committee reports the sundry civil appropriation bill.

Mr. MILLS. I ask the gentleman to allow us to have a morning hour for the call of committees this morning. It will take but a few moments.

The SPEAKER. The Chair, without objection, will recognize gentlemen who have matters prepared for reference to the Committee on Appropriations.

There was no objection.

KILBOURN VS. THOMPSON.

Mr. TUCKER, from the Committee on the Judiciary, submitted a report on the letter of the Attorney-General in the matter of the judgment of Kilbourn against Thompson; which was ordered to be printed, and referred to the Committee on Appropriations.

PREVENTION AND CURE OF THE DISEASE KNOWN AS "CHARBON."

Mr. KING, by unanimous consent, introduced a joint resolution (H. Res. 271) making an appropriation for the investigation of the disease known as "charbon;" which was read a first and second time, ordered to be printed, and referred to the Committee on Appropriations.

BREAKWATER AT GOAT ISLAND.

Mr. SPOONER, by unanimous consent, introduced a bill (H. R. 7369) granting the right of way to the city of Newport, R. I., over the breakwater at Goat Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VETERANS OF THE MEXICAN WAR.

Mr. TOWNSHEND, by unanimous consent, introduced a joint resolution (H. Res. 272) authorizing and requesting the President of the United States to extend an invitation to the associated officers and enlisted men of the army and navy of Mexico of the years 1846–'48 to attend the national reunion at Saint Louis of the surviving officers and enlisted men of the Army and Navy of the United States of the same period, and making an appropriation to defray the expenses thereof; which was read a first and second time, ordered to be printed, and referred to the Committee on Appropriations.

Mr. TOWNSHEND. I ask consent that the letter accompanying this resolution from the Mexican Veterans' Association be printed in the RECORD.

There was no objection.

The letter is as follows:

WASHINGTON, D. C., *June* —, 1884.

DEAR SIR: The officers of the National Association of Veterans of the Mexican War, composed of survivors of the Army and Navy of 1846, 1847, and 1848, deem it proper to present their thanks through you to the honorable Representatives of the States assembled in the Forty-eighth Congress for the substantial recognition of their services in the war with Mexico bestowed on the survivors in the form and manner heretofore conferred by the Republic on the Revolutionary fathers who founded the Government, and the brave defenders of the nation against a foreign power in 1812–'15. The conflict with Mexico is the only case in our history where the citizens volunteered to leave their homes and firesides to vindicate the honor of the flag in a foreign land, and the survivors feel highly honored in having their names enrolled in the same line of preferment with their illustrious predecessors of 1776 and 1812.

Desiring to testify their appreciation of the honor and show their gratitude by some patriotic action that will make the event memorable in history, the national association would be glad to extend an invitation to the survivors of the army of our sister Republic of Mexico to meet with us in a friendly reunion at the city of Saint Louis on the 8th of October next, when the representatives of the two armies can mingle as friends and brothers, and organize our two national associations as a continental league. We have no doubt that such a movement would result in sealing a lasting friendship between the two Republics that would still further advance the character of our Government in the estimation of the nations of the world.

Can you consistently with your sense of duty present this object to the House of Representatives, with a joint resolution making an appropriation of $25,000, to be expended under the direction of the Department of State, with such committees as our association may appoint, to entertain our guests in a hospitable manner worthy of the occasion?

We respectfully submit the matter for your consideration.

Yours, truly,

A. M. KENADAY, *Secretary.*

Hon. RICHARD W. TOWNSHEND, M. C.,
House of Representatives, the Capitol, D. C.

J. B. FAY.

Mr. LORE, by unanimous consent, from the Committee on Claims, reported back with favorable recommendation the petition for the relief of J. B. Fay; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HERBERT. I ask unanimous consent to submit a report from the Committee on Ways and Means for reference to the Calendar.

The SPEAKER. The Chair will state that the House has simply given unanimous consent for the recognition of gentlemen who have matters for reference to the Committee on Appropriations. If there be no objection the Chair will recognize the gentleman.

Mr. HERBERT. I ask unanimous consent to submit this report.

Mr. MILLS. I ask unanimous consent that the committees be called for reports this morning.

Mr. LOWRY. I have yielded for the purpose of allowing reports to be made and referred to the Committee on Appropriations, but I can not consent to dispense with the consideration of the election case to-day.

Mr. MILLER, of Pennsylvania. It will not take more than ten minutes; and if I can be recognized I am perfectly willing to yield that much of the time allowed to me in the election case, so that these reports may be made.

Mr. LOWRY. I must insist upon the regular order.

The SPEAKER. The regular order, of course, if demanded, will prevent the recognition of any gentlemen to submit reports——

Mr. VANCE. I hope the gentleman will allow me to make a report from the Committee on Patents.

Mr. MILLS. I raise the question of consideration against the election case in favor of proceeding with the morning hour.

The SPEAKER. The gentleman from Indiana calls up the unfinished business, being the report of the Committee on Elections in the contested-election case of Campbell *vs.* Morey, and the gentleman from Texas raises the question of consideration.

Mr. MILLS. For the purpose of having a morning hour for the presentation of reports.

Mr. HAMMOND. If that prevailed it would only permit reports on private bills to be submitted to-day.

Mr. MILLER, of Pennsylvania. I am perfectly willing to take the floor and yield ten minutes of my time to give members an opportunity of presenting reports. That will not interfere with anybody, and I hope there will be no objection to it.

The SPEAKER. The Chair would then have to call the committees, as the Chair would not like to undertake to discriminate between gentlemen desiring to make reports.

Mr. MILLER, of Pennsylvania. Then I will submit the request for unanimous consent that the committees be called for the introduction of reports. I do not believe it will take more than ten or fifteen minutes, and many gentlemen have prepared reports which they wish now to submit.

The SPEAKER. Does the gentleman include reports generally, or only reports which would be in order on this day?

Mr. MILLER, of Pennsylvania. All reports.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection, and it was ordered accordingly.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. MILLS, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 6215) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PORT OF SAN ANTONIO, TEX.

Mr. MILLS, from the Committee on Ways and Means, also reported back with a favorable recommendation the bill (H. R. 6217) to extend to the port of San Antonio, Tex., the privileges of the act of June 10, 1880, &c.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

J. D. MORRISON.

Mr. HERBERT, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 1589) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JURISDICTION OF CIRCUIT COURTS.

Mr. BROADHEAD, from the Committee on the Judiciary, reported, as a substitute for H. R. 3279, a bill (H. R. 7370) to determine the jurisdiction of the circuit courts of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BISBEE. I ask leave to file the views of the minority on this bill on a future day.

The SPEAKER. If there be no objection the minority of the committee will have leave to present their views to be printed with the views of the majority.

There was no objection.

RELIEF OF SOLDIERS FROM DISABILITIES.

Mr. BISBEE, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 4407) to relieve private soldiers in the United States Army from disabilities imposed by section 1218 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE CARBERRY AND RICHARD LAY.

Mr. POLAND, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 5407) referring the claims of Catherine Carberry and Richard Lay to the Court of Claims;

which was laid on the table, and the accompanying report ordered to be printed.

STATISTICS OF MARRIAGE AND DIVORCE.

Mr. POLAND, from the Committee on the Judiciary, also reported a bill (H. R. 7371) providing for the collection of statistics touching marriage and divorce; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REAR-ADMIRAL SAMUEL P. CARTER.

Mr. BALLENTINE, from the Committee on Naval Affairs, reported back with an amendment the bill (H. R. 3553) for the relief of Rear-Admiral Samuel P. Carter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

PRIVATE LAND CLAIMS IN SOUTHERN STATES.

Mr. LEWIS, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 6301) to authorize the examination, approval, and patenting of certain unconfirmed private land claims in the States of Arkansas, Florida, Louisiana, and Missouri, and in the States of Alabama and Mississippi south of the thirty-first degree of north latitude, and moved that the bill and amendments be recommitted to the Committee on the Public Lands, and ordered to be printed.

The motion was agreed to.

M'HENRY GULCH MINING AND TUNNEL COMPANY.

Mr. MILLER, of Texas, from the Committee on Mines and Mining, reported back with an adverse recommendation the bill (H. R. 6993) granting certain privileges to the McHenry Gulch Mining and Tunnel Company; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT WINONA, MINN.

Mr. BRAINERD, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 2326) appropriating money for a public building at Winona, Minn.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

FRANCIS MUNSON.

Mr. VANCE, from the Committee on Patents, reported, as a substitute for H. R. 5731, a bill (H. R. 7372) for the relief of Francis Munson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL M. GAINES.

Mr. DARGAN, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 6563) for the relief of Samuel M. Gaines; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PLEASANT MINET.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4751) granting a pension to Pleasant Minet; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY DAVIS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6997) granting a pension to Henry Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL W. TRACEY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 435) granting a pension to Samuel W. Tracey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABRAHAM COVER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4021) granting a pension to Abraham Cover; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES STOCKTON.

Mr. FYAN (by Mr. MATSON), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 2377) granting a pension to James Stockton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID WHITTINGTON.

Mr. FYAN (by Mr. MATSON), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6692) granting a pension to David Whittington; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BENJAMIN F. RICHARDSON.

Mr. MATSON, from the Committee on Invalid Pensions, reported adversely the bill (H. R. 4018) granting a pension to Benjamin F. Richardson; which was laid on the table, and the accompanying report ordered to be printed.

JAMES P. JOHNSON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 364) for the relief of James P. Johnson; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE H. O'BANNON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 1938) for the relief of George H. O'Bannon; which was laid on the table, and the accompanying report ordered to be printed.

MAJ. W. W. SCARCE.

Mr. MATSON, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 3604) granting an increase of pension to Maj. W. W. Scarce; which was laid on the table, and the accompanying report ordered to be printed.

PROOF IN PENSION CASES.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 6649) regulating the proof required in certain pension cases, and for other purposes; which was placed upon the House Calendar, and the accompanying report ordered to be printed.

JOHN C. F. BEYLAND.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 547) granting a pension to John C. F. Beyland, of New York; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. KADY BROWNELL.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 773) granting a pension to Mrs. Kady Brownell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CLARK G. MAINE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 7000) for the relief of Clark G. Maine; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN F. CHASE.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 6904) for the relief of John F. Chase; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CATHARINE DICK.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 7042) granting a pension to Catharine Dick; which was laid on the table, and the accompanying report ordered to be printed.

MRS. KADY BROWNELL.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported adverselythe bill (H. R. 5789) granting a pension to Mrs. Kady Brownell; which was laid on the table, and the accompanying report ordered to be printed.

JOHN W. MORGAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 7007) for the relief of John W. Morgan; which was laid on the table, and the accompanying report ordered to be printed.

FRANK GRAY.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 1339) granting a pension to Frank Gray; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY MULHOLLAND.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3355) for the relief of Mary Mulholland; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHRISTIAN ALMIER.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid

Pensions, also reported back with amendments the bill (H. R. 2538) granting a pension to Christian Almier; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALONZO CORNWALL.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7046) granting a pension to Alonzo Cornwall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN HAZLEWOOD.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6596) granting a pension to John Hazlewood; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

R. D. LAWRENCE.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6196) granting a pension to R. D. Lawrence; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANCIS CURRAN.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 3751) granting a pension to Francis Curran; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PATRICK MURPHY.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7047) granting a pension to Patrick Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RUSSELL F. DIMMICK.

Mr. LE FEVRE (by Mr. BAGLEY), from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6594) granting a pension to Russell F. Dimmick; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LE FEVRE (by Mr. BAGLEY) also reported back adversely from the Committee on Invalid Pensions bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6360) granting a pension to Joel B. Martin;
A bill (H. R. 4571) granting a pension to William Harris;
A bill (H. R. 6597) granting a pension to Joseph Mason;
A bill (H. R. 5567) granting a pension to Jacob Stoll;
A bill (H. R. 5817) granting a pension to Thomas Keck;
A bill (H. R. 6198) granting a pension to Thomas Lawrence;
A bill (H. R. 7045) granting a pension to John F. Spriggs;
A bill (H. R. 6195) granting a pension to Seraphim Schuchter; and
A bill (H. R. 6359) granting a pension to Jacob B. Laby.

WILLIAM REINHARDT.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 315) granting a pension to William Reinhardt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID T. DUDLEY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6965) granting a pension to David T. Dudley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH TYLER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 4055) granting a pension to Sarah Tyler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JEREMIAH P. SWARTZEL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7026) granting a pension to Jeremiah P. Swartzel; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. KINMAN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7177) granting a pension to William H. Kinman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARLAN JACKSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4458) granting a pension to Harlan Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARTHA ANGELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2138) granting a pension to Martha Angell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL HANSON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 542) granting a pension to Samuel Hanson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4052) to increase the pension of George W. Bouseman;
A bill (H. R. 2060) granting a pension to Lizzie Bell;
A bill (H. R. 579) for the relief of Lewis Christie;
A bill (H. R. 3200) granting arrears of pension to Wellington V. Huested;
A bill (H. R. 2083) granting a pension to John Taylor;
A bill (H. R. 4712) granting a pension to Henry D. Grewell;
A bill (H. R. 4453) granting an increase of pension to William H. Simmons;
A bill (H. R. 6805) granting a pension to John Watson;
A bill (H. R. 5744) granting a pension to Mrs. Samantha J. Pollard;
A bill (H. R. 2082) granting a pension to John B. Tibbetts;
A bill (H. R. 7028) granting a pension to B. J. Dreesen; and
A bill (H. R. 2076) granting a pension to S. G. Parker.

WIDOW OF EDWARD M. WILKINS.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1641) for the relief of the widow of Edward M. Wilkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEMUEL M. BARTLETT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 7094) granting a pension to Lemuel M. Bartlett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LLOYD W. HIXON.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6798) to grant a pension to Lloyd W. Hixon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD WILCOX.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 6775) granting a pension to Edward Wilcox; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WEALTHY H. SEAVY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6966) granting a pension to Wealthy H. Seavy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK S. HILLARD.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1363) granting a pension to Frank S. Hillard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 4672) granting a pension to Frank S. Hillard; which was laid on the table, and the accompanying report ordered to be printed.

SARAH H. BIRCHFIELD.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, re-

ported, as a substitute for H. R. 1135, a bill (H. R. 7373) granting a pension to Sarah H. Birchfield; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM S. RAY.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 3738, a bill (H. R. 7374) granting a pension to William S. Ray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported adversely the petition of David L. Pool, of Lexington, Va.; which was laid on the table, and the accompanying report ordered to be printed.

W. H. H. COLEMAN.

Mr. PATTON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6982) granting a pension to W. H. H. Coleman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN EDMISTON.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4605) granting a pension to Ellen Edmiston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA WARR.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 2646) granting a pension to Eliza Warr, widow of Isaac Warr, late of Company F, One hundred and fourteenth Regiment Pennsylvania Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE C. BUCK.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5146) granting a pension to Jesse C. Buck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM PAUGH.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5581) granting a pension to William Paugh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMOS STROH.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5387) granting a pension to Amos Stroh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE TAPP.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 6018) increasing the pension of George Tapp; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT PATTERSON.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1759) granting a pension to Robert Patterson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. ROBSON.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3833) for the relief of John W. Robson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3473) for the relief of Seth W. Homestead;
A bill (H. R. 3474) for the relief of Thomas Andress;
A bill (H. R. 6048) for the relief of Albert Hurd;
A bill (H. R. 6225) for the relief of W. H. Bennett; and
A bill (H. R. 5212) granting an increase of pension to Semantha R. Lapham.

MESSAGE FROM THE SENATE.

A message from the Senate was received, by Mr. SYMPSON, one of its clerks, announcing concurrence in the conference report on the disagreeing votes on the bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair.

The message further announced the passage of a bill (S. 2037) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883; in which concurrence was requested.

JAMES V. SYMONS.

Mr. DOWD, from the Committee on Claims, reported back the bill (H. R. 4208) for the relief of James V. Symons; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. Mr. Speaker, I desire to ask if this is by unanimous consent?

The SPEAKER. Unanimous consent has been given for the presentation of reports this morning.

Mr. STOCKSLAGER Is it too late now to object?

The SPEAKER. The Chair thinks it is; and it will take but a few moments now to complete the call.

ELIZA HOWARD POWERS.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back the bill (H. R. 3704) for the relief of Eliza Howard Powers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID WARD.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported back the bill (H. R. 6499) for the relief of David Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed.

JAMES CLIFFORD.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported back the bill (H. R. 40) for the relief of James Clifford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. M. JONES.

Mr. LORE, from the Committee on Claims, reported back with amendments the bill (H. R. 4375) for the relief of H. M. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMY C. CAPWELL.

Mr. DOCKERY, from the Committee on Claims, reported back the bill (H. R. 4599) for the relief of Amy C. Capwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY C. DE AHNA.

Mr. PRICE, from the Committee on Claims, reported back the bill (H. R. 5035) for the relief of Henry C. De Ahna; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATHAN M'KAY AND OTHERS.

Mr. FERRELL, from the Committee on War Claims, reported back the bill (H. R. 2986) for the relief of Nathan McKay, George M. Clapp, and the executors of Donald McKay; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. EVERHART, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 1336) for the relief of Jerome Lyon; which was laid on the table, and the accompanying report ordered to be printed.

LAND TITLES, DISTRICT OF COLUMBIA.

Mr. MULDROW, from the Committee on the District of Columbia, reported, as a substitute for H. R. 4958, a bill (H. R. 7375) to amend the laws relating to land titles in the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM BOWEN.

Mr. WORTHINGTON, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 1785) for the relief of William Bowen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TENURE OF OFFICE.

Mr. MUTCHLER, from the Committee on Reform in the Civil Service, reported back with amendments the bill (H. R. 2248) to repeal the

tenure-of-office act; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WESTERN CHEROKEE INDIANS.

Mr. PEEL, from the Committee on Indian Affairs, reported back with a favorable recommendation the memorial of the Old Settlers of the Western Cherokee Indians; which, with the accompanying report, was ordered to be printed, and referred to the Committee on Appropriations.

POTTAWATOMIE INDIANS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 4456) to enable the Secretary of the Interior to make a settlement with the Pottawatomie Indians residing in Kansas and the Indian Territory; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. STRUBLE, the Committee on Pensions was discharged from the further consideration of the bill (H. R. 5973) for the relief of George T. Dudley; and the same was referred to the Committee on Military Affairs.

PROTECTION OF CHILDREN, DISTRICT OF COLUMBIA.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back with amendments the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE POTOMAC.

Mr. BARBOUR, from the Committee on the District of Columbia, reported, as a substitute for the bill S. 1477, a bill (H. R. 7376) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CONTESTED ELECTION—CHALMERS VS. MANNING.

Mr. COOK. I rise to make a privileged report. I am instructed by the Committee on Elections to present a report in the contested-election case of Chalmers *vs.* Manning.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That James R. Chalmers was duly elected as a Representative in the Forty-eighth Congress from the second district of Mississippi, and is entitled to be sworn in as a member of this House.

The SPEAKER. The report will be printed and laid over.

Mr. COOK. In view of what occurred the other day, I desire to state that about a week ago I was charged with the duty of presenting this report. It was because the gentleman on whom the duty devolved before was unable to make it. I have prepared the report as best I could to express the views of the majority of the committee on the facts and the law applicable to the case. I understand a minority report is to be presented on one hand, and possibly a gentleman representing the other extreme may wish to present a report also. I ask unanimous consent that their views may also be printed.

The SPEAKER. If there be no objection other members of the committee will have leave to present their views, to be printed with the report of the majority.

There was no objection.

CONTESTED ELECTION—CAMPBELL VS. MOREY.

The House resumed, as the regular order of business, the consideration of the report of the Committee on Elections in the contested-election case of Campbell vs. Morey, from the seventh Congressional district of Ohio.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] has twenty minutes of his time remaining.

Mr. LOWRY. I reserve for the present the remainder of my time.

Mr. MILLER, of Pennsylvania. It is always an unpleasant duty for one to address a jury when he knows beforehand it will not give a verdict in accordance with what he presents to it. If we were to know in our practice of the legal profession that the jury impaneled would after hearing the argument certainly decide against our cause it would detract very much from the ardor of the presentation of the case.

I find no fault with this legislative body because it will not agree with me. I find no fault with a majority of the Elections Committee because they do not see this case as I do. They look through one set of glasses and arrive at one conclusion. I doubtless have looked through another and arrived at a different conclusion. I have no criticism to make on the Elections Committee of the Forty-eighth Congress. In the main doubtless it has been fair; and I know that a majority of that committee has always intended to be fair, just, upright, and impartial. I think the chairman of that committee has come as near laying aside partisanship and partisan views and looked upon the cases that have come before that committee in a judicial manner as the chairman of any Elections Committee that has been appointed by any Congress in my memory.

I find no fault with gentlemen who do not agree with me. The only complaint I have to make is, that in the very nature of the case each side of the House naturally follows the views of that portion of the committee representing them. I find fault with the system. It is impossible for the members of this House to investigate for themselves and to vote intelligently and judicially upon cases coming from the Elections Committee. We are all more or less biased and influenced by our political views and prejudices. They are pressed upon us as members of the committee as no man having a case before a judicial body or in a court of law would dare to press them upon any judge or privately upon members of a jury. Within my memory, I have seen men on the floor of this House pressing upon members of this committee and the House their views and urging them to change them in order that they might vote for some particular contestant or contestee. I have seen a United States Senator on the floor of this House button-holing members, urging them to change their views, knowing that they had decided against the particular candidate in whose interest he was working; and knowing that the member or members had made up his or their minds that they had come to a judicial conclusion, urging them to change them and vote with their party.

I myself, as a member of the Committee on Elections, have made some mistakes. I have done some things that, on sober second thought and a better acquaintance with the men that I voted to turn out, I do not believe I would do again. I assisted by my vote in turning out, as I have since learned by acquaintaince, one of the best and purest and most upright gentlemen who came from the Southern section of our country. And in speaking of the Southern section I do it with no idea of disrespectfully localizing any portion of this Union. There is not a single foot of Southern territory that I do not love next to that of my own native State. There is not a single section of this country in whose prosperity I am not interested as I am in the prosperity of my own people. Our system of deciding election cases is a bad one. We do not deliberate; we do not treat these questions judicially. And when a yea-and-nay vote is taken it is a customary thing for gentlemen on either side of this House to decline voting, and to state that they do not vote because they are paired on all political questions.

As I said at the outset, I do not expect a hearing. I do not expect to change the mind of a single individual. I do not expect to impress a single member of this House with my views. I believe that every man has decided now, not wholly from the evidence, but he has decided now how he will vote. My friend from Indiana [Mr. LOWRY] has examined this question equally with myself and we can not agree; and very readily many gentlemen on the other side say, "We will vote with Mr. LOWRY in preference to voting with the gentleman from Pennsylvania." I do not complain of this. In many things I agree with him. Some of the pleasant memories of this session are connected with the Elections Committee room, and among my warmest friendships I shall ever cherish the name and memory of the genial, kind, eventempered gentleman from North Carolina [Mr. BENNETT]. I shall love the State and her people better for having known him.

The adjudication of this case depends upon the adjudication of more than 150 distinct votes; it depends upon the right of more than one hundred and fifty men to vote; it depends as a question of fact upon where was the residence of more than one hundred and fifty voters. And naturally you can not undertake to examine this question thoroughly in the short time you have given to it. I have prepared and printed with the minority report the evidence bearing upon every one of these questions. When you come to look at the conclusions arrived at by the members of the committee you will find that they are not so very far apart. The majority of the committee say that they find that thirty-seven non-residents voted for the contestee. I have examined those thirty-seven cases, and I think that but six of them were non-residents. On the other hand, in the report which I present I find that thirty-nine non-residents voted for the contestant, while the contestant concedes but five. I am leaving out of view now the student vote. Therefore the claim upon the one hand and the claim upon the other, and the allowance upon the one hand and the allowance upon the other, are about equal.

I claim that seventeen persons, paupers, who were in an infirmary voted for the contestant, and that they had no legal residence at the infirmary from which they voted. There is no evidence to show that they had elected to make that their home; there is not a line of evidence which I can find that shows that they had declared any intent that the infirmary should be their home. Had they done so, I concede their right to vote at that place; they had the right to vote at some place. But we say that they had never elected to make the infirmary their home, and consequently under the laws of Ohio they should have voted in the townships from whence they came.

The majority view this in a different light. Therefore, if you take the claims of the contestant and the contestee, item by item and class by class, you will arrive at last to the main point and gist of this case, that is as regards the right of the students to vote.

I do not concede that that is all there is in the case. On the contrary, I hold that aside from that there were enough non-residents, idiots, non-

naturalized aliens, and occupants of the infirmary who voted for the contestant, and who had no right to vote in the districts where they voted, to balance all of the claims set up by the contestant and more by 40 majority. The majority report, although I believe it throws out the votes of some 39 non-residents, comes to this conclusion on page 9, near the bottom of the page:

The student vote is in our opinion decisive of this contest, and for this reason we have commented on it at length.

That is the language of the majority report. They take the view that some other kind of residence is requisite for a student than is to be required of any other class of voters. I deny that proposition. I claim that students and ministers, and mechanics of every grade and degree, farm laborers and day laborers, all stand upon the same plane as to their ability to acquire residence. Residence is always a question of law; whether it exists or not is a question of fact. It applies equally to the student and to the day laborer, to the minister and to the mechanic.

We have a much more stringent provision in the State of Pennsylvania than there is in Ohio relative to residence. The thirteenth section of the eighth article of the constitution of Pennsylvania provides that "for the purpose of voting no person shall be deemed to have gained a residence by reason of his presence while a student of any institution of learning." At first blush, taken literally, that would seem to declare that a student can not acquire residence at the place where the institution of learning is located which he is attending. That very question presented itself to the members of the constitutional convention which framed that instrument, and consequently a proviso was offered in the convention that a student might acquire a residence at an institution of learning provided he had abandoned his former residence.

There were able men in that convention, some of the ablest jurists of the State of Pennsylvania, the distinguished Meredith and Walker, Clark, Curtin, and a long list of names that I need not mention. In discussing that proviso Mr. McLean, who made the motion, said:

In case the student has wholly abandoned his former residence, this section as reported without the proviso—

Mark the language—

would not exclude him from voting.

And Mr. Landis, after reading the proviso, said:

Would not that follow without the proviso that if he had changed his residence, although he was a student, he would be entitled to vote?

I also refer to a case found in eleventh Philadelphia Reports. I quoted from these reports in a former discussion. Although at the time, on account of confusion in the House, I did not hear what was said, I afterward read in the RECORD the statement that because it was a Philadelphia report it was entitled to but little consideration. When I read that I was astounded. There is no court in this broad land (I do not except even the Supreme Court of the United States) which stands higher in the opinion of the legal profession of my State than the court of Philadelphia. The judges of that court are elected, not on account of their political affiliations, but they are selected irrespective of and without regard to their political predilections. It is no uncommon thing in Philadelphia, a city which ordinarily gives 20,000 Republican majority, for a Democrat to be elected a judge without opposition.

But the Philadelphia reports are not compilations alone of decisions of the courts of that city, but as well of the best digested opinions of the best judges of the State. What I propose now to read is from an opinion of Judge Butler's. In this case the students whose votes were in question were attending a university very much the same as Wilberforce—the Lincoln University, situate in Lower Oxford Township, Chester County, Pennsylvania, an institution for the education of colored people. Judge Butler, while he conceded that the first reading of the provision of the constitution referred to might incline one to the belief that students can not acquire a residence at an institution of learning so as to entitle them to vote, yet after quoting from the debates of the convention which framed that instrument, he said:

Students may therefore still acquire residence in this State, as a qualification for voting, while at institutions of learning. But the burden of proving such residence is, of course, on those who set it up; and, as we have already stated, presence at the institution even for years does not of itself tend to prove it. There must be evidence of complete abandonment of the former residence, or the absence from it will be regarded as temporary. And too much weight should not be attached to declarations of future or present purpose by the student after the question of residence is raised. There should be other satisfactory evidence showing, or tending to show, abandonment.

In that case Judge Butler held that a number of students who were attending the Lincoln University were entitled to vote although they were there for the purpose of acquiring an education; and enough of them were counted to elect the contestee in all the contested cases except three. One of these students, Samuel Moyer, had been a slave in North Carolina. He was a minor at the time he entered the district and his parents were dead. "It is quite plain," said Judge Butler, "that he did not contemplate returning to his former residence; that he had neither inducement nor inclination to do so. He first accepted employment as a laborer on coming to the district, and did not enter the college as a student until several months later."

Judge Butler counted that vote under our constitutional provision, which is more stringent than the legislative enactment of the State of Ohio. He counted in all 15 of such votes.

The gentleman who framed the majority report in this case [Mr. LOWRY] in the report and in his argument yesterday quoted from the Allentown case, decided in my State in 1872, and from that case argued that students can not acquire a residence at institutions of learning which they are attending. That case was decided before the constitutional provision above referred to was adopted; and the legislative enactment which was then in force was not nearly so exacting as the constitutional provision. The legislative enactment was much the same as that in force in Ohio. The decision, however, does not go the length which my distinguished friend from Indiana thought it did.

That case went up on submission, on what we call a stated case, where the facts are agreed upon, the law disputed. One of the statements of fact in the stated case was this:

It is further admitted that these voters are students at Muhlenberg College, an institution of learning located in said ward; that they are citizens of the State of Pennsylvania; that they claim that their residence was in said college, where they had lived from one to three years; that they came to Allentown from other counties for no other purpose—

Mark the language—

for no other purpose than to receive a college education—

Now, observe this language—

but intended to leave after graduating.

The case is reported at length in 71 Pennsylvania Reports.

That was the gist of the case. They had not even indefinite temporary residence. They were there just so long as might be necessary for them to graduate. The admitted fact showed that they intended to leave as soon as this was accomplished, so that the syllabus of this case as given in the majority report does not show fully the facts of the case or the legal conclusions.

Mr. Justice Agnew, who rendered the decision in that case, expressly stated that students might acquire a residence at the institution of learning which they were attending; but when they stated that they intended to leave as soon as they should graduate, it showed no intent to make that their place of residence even temporarily.

Why, sir, apply the rule laid down by my distinguished friends in reference to students' votes to ministers in the Methodist Episcopal Church. In the district which I represent, bordering upon the Ohio line on one side and reaching almost to the New York line on the other extreme corner, it is not an unusual thing for the conference of the church to place a man who last year preached in Ohio, this year in Pennsylvania, and two or three years hence in New York. The Erie conference embraces a portion of the State of Pennsylvania, a portion of the State of New York, and a portion of the State of Ohio.

It is a well-known fact that Methodist ministers of that conference can only remain at most three years at one charge, and it is as certain as life or death that at the end of three years they must leave. And their appointment, as suggested by my friend from Ohio [Mr. JOSEPH D. TAYLOR], is made for but one year at a time. Their remaining or going is not at their own instance; they go as the soldiers of a great army go, at the order and direction of the conference to which they owe an acknowledged allegiance. Yet who ever doubted the right of Methodist ministers to vote in the State of Pennsylvania if they had acquired the residence necessary to make them citizens of that State and had resided the requisite length of time in the district or precinct? Who ever doubted the right of ministers of that denomination to vote in the State of Ohio if they had remained in the State one year, in the county thirty days, and in the precinct twenty days before the election?

My distinguished friend proceeds upon the false assumption that students are a different class of individuals from any other class in the country; that they are more migratory. I deny it. That they have less permanency of abode. I deny it.

Of the twenty-three colored students the minority count as voting at Wilberforce University not one of them but has testified he had abandoned his former home. The original homes of some of them were in North Carolina, Texas, Virginia, and embraced nearly all the Southern States. They had left them during the war or after emancipation, and had been in Ohio some of them for two years, three years, five years, and upward. Many of them had neither fathers nor mothers living, or if living they were not residing with them. They were men who maintained themselves without the help of parents or friends; a few of them received assistance from some church organizations.

Of all the men who voted and were counted the average age was 27 years; some of them were 24, and from that up to 35; but when you add the ages of the twenty-three together and divide by that number the average age was 27.

Does any man doubt that these men had a right to vote? They testified they had abandoned their former residence; that they were not under the pupilage of their parents; that they regarded Wilberforce University as their home; that they had no other place of residence in view; that they did not know how long they would remain there or when or whence they would go. If they could not vote there they had no domicile; they had no home; they had no residence; and yet some of them had been in the State of Ohio for fourteen years and in the

town where they voted for five years, and had voted at every consecutive election, spring and fall, since 1880.

My friend from Indiana [Mr. LOWRY] tells you they did not work a road-tax. There is no provision in the statute or constitution of the State of Ohio that requires an elector to work a road-tax or to pay any tax to qualify him to vote. There is no constitutional provision, no requirement of the law requiring a man to pay any tax to vote in the State of Ohio, and that should settle that point.

As to the Lebanon Students. Lebanon is a town in Ohio where the normal institution is located. Its students number sometimes as high as 1,300. It is admitted in this particular case that there were in the neighborhood of 400 of them over 21 years of age. Out of the 1,000 or 1,200 students in that institution 400 or over were of legal age to vote, and yet only 36 of them voted—36 out of 400—and we have counted but 32 of them. We count no man except he testified he had abandoned his home and was self-supporting; that he had no other domicile or place of residence; that he was there he knew not how long, knew not whence he would go, nor when he would leave. In Pennsylvania, under the decisions of the courts construing the constitution of my State, every one of these 32 would be entitled to vote.

There is another class in reference to which there is more doubt, the twelve theological students. There may be presumptions raised against them that being there for the sole purpose of acquiring a theological education they could therefore have but a temporary residence at that place. We believe they had such a residence as would entitle them to vote. Some of them were married and their families and all their worldly goods were at the institutions. But leaving out those twelve theological students, Mr. Morey is elected.

As I said at the outset of my remarks, I do not expect you to agree with me. I do not expect you to vote according to my views of this question, nor shall I be offended with you if you do not. It is every man's right to judge for himself. There is one thing a man should be able to do in this country and do as he pleases, and that is to vote as he pleases. There is no such thing in this country as the possibility of one man forcing his views upon another. Take this present case, if you have time in the brief moment allowed for this investigation, investigate it, and if you find that the twenty-three Wilberforce students and the thirty-two normal students at Lebanon had the right to vote, then the contestee is entitled to his seat aside from all other considerations.

The majority report says, on page 11, near the top of the page:

> Contestee's attack on thirty-three of these persons (non-residents) is so groundless and unsupported that we merely subjoin a list of their names.

I do not believe my distinguished friend from Indiana meant that when he wrote it. I think that must have been a slip of the pen. I think he meant to say that the thirty-three persons attacked by the contestee for non-residence "are in our opinion entitled to vote." He does not mean to say that the attack was groundless. He did not mean to say it was unsupported by evidence and that he would give it no consideration whatever; for if you look at the first name on that list, that of John Tullis, whose testimony you will find in full on page 15 of the appendix to the minority report, I venture to say that two out of every three gentlemen on that side will admit that John Tullis had no right to vote for contestant. I know you will say that, and if I had time I could refer to others of the thirty-three names submitted for your consideration, and you would agree with me also with reference to them.

Mr. Speaker, so far as this matter concerns the contestee it is of but little moment. So far as the issue involved in this case concerns the contestant it is of but little moment. But, sir, it is a matter of some importance that this House should decide this case, and all cases of this kind, on right principles, and for that reason I have thus taken the time of the House to present my views, not to criticise any one, not to find fault with the opinions expressed by any gentleman or the views entertained by any member of the Elections Committee, but to present the facts as I understand them and the decisions of the courts of my own State bearing on similar questions. I thank the House for its attention.

I yield the remainder of my time to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

The SPEAKER *pro tempore*. The gentleman has fifteen minutes of his time remaining.

Mr. MILLER, of Pennsylvania. If that is not sufficient for the gentleman from Ohio, he can have such time as he may desire out of the additional hour allotted to this side.

Mr. EZRA B. TAYLOR. I will try not to overrun the hour.

The SPEAKER *pro tempore*. The gentleman from Ohio will be recognized in the time allowed in opposition to the report of the committee.

Mr. EZRA B. TAYLOR. Mr. Speaker, I have noticed that in almost every important controversy there are some points that control the whole question; and in investigating this case I have selected or looked for some such points, and think I have found them—easy of understanding, prominent, and requiring but a little time to dispose of them.

By the statement of the vote in this case as found by the majority of the committee and submitted in their report, the sitting member has 48 majority. As adjusted by that committee there is about the same majority against him, as the report makes it. I need not say that in finding this majority I think that in every detail the committee has found in favor of their own wish. But granting every fact as they ask it, I stand before this House to say to such as will hear me that yet, notwithstanding that fact, this sitting member is beyond all question entitled to retain his seat. And I call the attention of the House to but two questions, which are each questions of law and fact, and one of them very briefly, nothing more than the statement of it, and that statement is made perhaps only because there is a misunderstanding of our claim. I refer to the student vote.

It so happens that in this particular district there are a large number of educational academic institutions. In the whole of them students voted on both sides to the number of 96, and only that number voted, while there were a thousand or more of students attending school, if attendance at school merely would have been sufficient to make them voters. It is not claimed in this controversy on this side of the House that a man who comes from his home to attend school intending to return is a voter at the place where the college is located, although he remains there for a longer period than is required by the statute of Ohio to obtain a residence.

But, sir, I do say to this House that a man may go to school in the place of his own residence and in that event he is a voter there notwithstanding the fact of his attending school; and yet this report of the majority of the committee denies that fact, and that is the question which we claim is to determine this matter. They strike out more than 50, yea, 69 votes of students who merely voted where they lived, and they strike them out because they were students merely and not because they were non-residents. I make no misstatement in regard to this matter. I take no issue upon the decisions that the committee have brought into their report. I say as they say of a man who attends a college away from home, his father's home, for the purpose only of getting an education, that he is not a voter at the place where the college is located. But I do say, Mr. Speaker, that a man who lives in Xenia with all the qualifications of a voter is still a voter and entitled to his vote though he does attend school in that town just as much as if he was a blacksmith or merchant or lawyer, and I claim no more than that.

Sixty-nine of such votes are excluded by the committee, and with those votes counted the sitting member is still a member of this House. I have no time to dwell further upon that.

But, sir, there is another question in it, a legal question connected with a question of fact; but the fact is undisputed. There were thirty-one among the inmates of the county infirmary who voted in the township where the county infirmary is situated. Five of those voters reside in that township where the infirmary is situated. They were voters beyond question in that township, and I make no question about that. The remaining inmates of that infirmary who voted, with three exceptions, voted for the contestant. They were not residents of the township in which the infirmary was situated. They are not voters in that precinct unless they had adopted that infirmary as their home.

Mr. JORDAN. I would like to ask the gentleman a question, as I am to follow him—a question in regard to these pauper votes. I would like the gentleman to refer to that portion of the testimony which showed that any one of these pauper voters voted for the contestant or the contestee.

Mr. EZRA B. TAYLOR. They went to the poll, as sworn to by one man who had control of them, in the infirmary wagons. He says he gave twenty of them Democratic tickets, and three of them Republican tickets.

Mr. JORDAN. Does it follow that because this man gave them the tickets they voted those tickets?

Mr. EZRA B. TAYLOR. I have begged in this House before, and I now beg again, that the Democratic majority will stand upon the records they have made. Turn back to the McKinley case and see how you decided that. See if you asked as strong evidence as that. See if in any case when it makes a Democratic vote you ask more. Turn to the testimony where one man said in Stark County "I never heard him called anything else but a Republican," and your committee and you voted that was evidence as to how the man voted.

Now, Mr. Speaker, this is a case of a Democratic superintendent of a county infirmary getting out his horses and wagons and taking his paupers to the polls and giving them a Democratic ticket and they voting and returning to the infirmary. I take it if it had been a Republican superintendent in the same case my colleague [Mr. JORDAN] would have had no doubt how they voted. There is a place somehow and somewhere to be a little manly and a little fair.

The county infirmary in Ohio is simply a poor-house for the county. Men and women go there who are too old to take care of themselves and have no means of doing it, who are unfortunate in body and in mind; it may be insane harmlessly, and still inmates of the infirmary. I take it that an idiot has no right to vote in Ohio, and that an insane man has no right to vote; and I admit, for the purposes of argument, that these voters were neither insane nor idiots.

They voted in Fairfield Township. They voted for this contestant. One of them had been a resident of that home but six days, and voted

there. Not one of them had adopted that home as his home. In the Thirty-fourth Ohio State Reports, 1878, the supreme court of Ohio decided that these paupers had the power to adopt the infirmary as their home; and they decided in so many words that when they had adopted the infirmary as their home they were voters in the township in which the infirmary was situated, and not otherwise. If they had not adopted it as their home they were not voters.

Now, sir, I turn the gentleman who is to follow me on this question to the evidence, and I say to him there is not one word of evidence that any of these twenty men that voted for the contestant had adopted that infirmary as his home. It must be under this decision and affirmative act contradistinguished from the fact that they are placed there simply as inmates in the home; it must be something beyond that, because the supreme court holds that it is only by this adoption, and not otherwise, they can become voters there; but in the absence of such adoption they are voters in the township from which they went.

This is the statement of the case, and with this statement, so far as this point is concerned, it is ended. But I know how easy it is to argue on different sides of the question, and so I will make one other argument. In this House, Mr. Speaker, not ten days ago, when it was necessary, or when it was thought in the line of duty I will say, to unseat a member, supposed by me to have been elected, there were involved in that case the votes of five inmates of the county infirmary. They were residents of the infirmary; but they came from other townships and voted in other townships than the one where the infirmary was situated. The infirmary was in Plain Township in the McKinley case. These men did not vote in the township in which the infirmary was situated, but they voted in the townships where they originally belonged. Now, sir, they had adopted the infirmary as their place of residence. Each one of the five had adopted it as the place of his residence. And the supreme court stood right in the face of this House and said they were voters only in the township in which the infirmary was situated because they had adopted it. But, sir, this committee and this House decided in that case that although these five men voting the Democratic ticket had adopted the infirmary as their place of residence, notwithstanding that was the case, still it was proper for them to vote and they were voters outside of the township where the infirmary is situated. Now to-day you reverse the case and say that these twenty men were voters in the township where the infirmary was situated, when ten days ago you decided it the other way.

Mr. Speaker, it is useless to take up any further time in the discussion of this matter. Not a half dozen men in this House have paid the least attention to the statement of the questions of law or the questions of fact made in this case; not one but those who intended to dispute or affirm the report of the majority. Yet we are here deciding a question of the highest privilege. The Speaker of this House says that when a case of this kind is brought up all other business must be laid aside.

And how do we decide these cases? I make no complaint. It is not worse on that side than it is on this. But I do beg of the wise men of this House to furnish us some way so that we will not, when these cases are disposed of, feel that we deserve to go out and hate ourselves until we can forget the manner in which the cases have been disposed of.

One leading man in this House told me at the time an early case was being considered, "I did not inquire much about the merits of the case which I voted on, because I was afraid my conscience would rise up against me, and I had to vote with my party." Now, let us find out some way which will be more manly, more satisfactory than this way, which is confessedly, on all sides, nothing but a farce.

Mr. HUNT. Will the gentleman allow me to say a word?

Mr. EZRA B. TAYLOR. Certainly.

Mr. HUNT. When the gentleman says that nobody decides these cases on his conscience and after examination, I wish him to be understood as not speaking for me. He must speak for those who decide as he does, and those who think as he does, according to his own statement.

Mr. EZRA B. TAYLOR. I speak of what I have observed. I had noticed this in reference to the gentleman——

Mr. HUNT. From Louisiana.

Mr. EZRA B. TAYLOR. From Louisiana, that not only in this case but in every other case he has given it full attention. I will say this further: so far as I am concerned, since I have been a member of this House, I have voted at times against my party, and at times I have not voted at all when I had no fixed opinion in the case. But I still say that in the discussion of this case so far not ten men on both sides of this House have listened to anything that has been said.

The SPEAKER. The gentleman has occupied only four minutes beyond his time.

Mr. JORDAN. I had not intended to take any part whatever in the discussion of this question. But owing to the absence of one of my colleagues from Ohio, who had intended to participate in it, I have been requested by my friend, Mr. Campbell, the contestant, to say a few words upon one or two questions bearing upon his right to a seat in this House.

I will first address myself to the question that has been argued by the gentleman from Pennsylvania [Mr. MILLER] and by my colleague from Ohio who has just taken his seat [Mr. EZRA B. TAYLOR]. That is as to the right of the paupers in the infirmary in Butler County to vote.

It appears that in East Fairfield Township, in Butler County, Ohio, there is a county infirmary; that at the time of the election in October, 1882, there were thirty-five persons inmates of that institution. It is admitted by the gentleman who has just taken his seat that those thirty-five persons had a legal right to vote in that county. The testimony in this case is that thirty-one out of the thirty-five actually cast their votes.

The testimony as to how they voted is entirely wanting in this case. The only witness who testifies upon the subject is H. G. Ross, the superintendent of the Butler County infirmary. I will now, in the hearing of the contestee, endeavor to make a fair statement of his testimony.

He says that he was the superintendent of the Butler County infirmary at the time of this election; that he was a Democrat, and that he was in favor of, and interested in, the election of the contestant; that on the day before the election he went to the clerk's office in Butler County and obtained twenty-three tickets; that he took whatever tickets he received to the infirmary, and that on the morning of the day of election he delivered those tickets to as many persons as called upon him for tickets; that the number which he believes he delivered was twenty Democratic and three Republican tickets, out of a vote of thirty-four persons. I believe I state the testimony with entire fairness.

Mr. MOREY. That is right.

Mr. JORDAN. That closes the whole testimony so far as it is material upon that question. There is not one particle of testimony to show that any one of these particular voters in that infirmary voted either for the contestant or for the contestee. The fact that they voted at the election is apparent from the records and by the evidence; but there is not a solitary witness testifying nor any other evidence showing how any one of the men who had these tickets voted on that occasion. It is not shown whether these men were accompanied to the polls or whether they went alone. No man has been called who was present at the polls at the time they voted. Although these men were in the infirmary at the time the testimony was taken in this contest, no one of them was called for the purpose of testifying how or for whom he had cast his vote. There is not even the declaration of any one of these persons made prior to the time of voting as to how he intended to vote; nor any declaration made by one of these persons after he had voted as to how he had voted. There is nothing to show what was the politics of any one of these inmates who voted at that election and whose votes are now claimed to be illegal.

Mr. RANNEY. Will the gentleman permit me to ask him a question?

Mr. JORDAN. With great pleasure.

Mr. RANNEY. I would like to know whether the gentleman does not find this fact from the evidence: that these persons took their votes from the Democratic superintendent of the infirmary, and is not that some indication of how they voted?

Mr. JORDAN. My friend on the other side is a very able and distinguished lawyer. Now, let me answer his proposition. He says that because on the morning of the election a Democratic superintendent of the infirmary delivered twenty-three tickets to the inmates of that institution—twenty Democratic tickets and three Republican tickets—it is *prima facie* evidence that twenty of these men voted the Democratic ticket, and three the Republican ticket. If that is not the largest conclusion from the smallest fact that ever was drawn, even by the distinguished gentleman who made the report in the McKinley case, I surrender the proposition. The question is not whether there is any evidence bearing on or tending to show how these men voted. It is incumbent on the contestee to show that they did in fact actually vote for the contestant, and that they had no right to vote. Will the gentleman say that there is evidence before us which shows us that these men did vote for the contestant. Let us have facts, conclusions, not surmises.

Mr. MOREY. Will the gentleman permit me to ask him a question?

Mr. JORDAN. With much pleasure, because I have the greatest admiration for my colleague, and would like to hear what he has to say. Nothing would induce me to do him the slightest injustice.

Mr. MOREY. I am very much obliged to the gentleman for his confidence and also for his courtesy. The question I wish to ask is this: Granted that these thirty-odd votes in that township are illegal votes; granted further that there is no proof as to whom these persons voted for, I ask the gentleman by what rule will he apportion those thirty-odd illegal votes?

Mr. JORDAN. In the first place, it is unfortunate for my friend who has just taken his seat that the gentleman who last addressed the House on the other side [Mr. EZRA B. TAYLOR] admitted that every one of these men was a legal voter in that county; and now I will show you that they were legal voters in that township.

Mr. MOREY. I do not wish to be persistent; but I think the gentleman now on the floor has fallen into a misapprehension as to what my colleague [Mr. EZRA B. TAYLOR] said. I know that my friend now on the floor has fallen into a misapprehension of my position in reference to these votes.

Mr. JORDAN. I have not time to yield further unless the gentleman will give me part of his time.

Mr. MOREY. I desire to make only a single statement.

Mr. JORDAN. Very well; I will take five minutes of your time, as my own is limited to a very few minutes, and I may need the whole time allowed me.

Mr. MOREY. I will give you all you want. The gentleman from Ohio [Mr. EZRA B. TAYLOR] admits that these thirty-odd voters were legal voters in that township, provided there was proof that they had selected and adopted it, in the language of the case in 34 Ohio State Reports, as their residence.

Mr. JORDAN. I think I will satisfy my friend on the other side upon this question; if not, I think I shall satisfy everybody else that these votes were legal votes, and that these inmates of the infirmary had a right to vote in Fairfield Township.

Now, I want to show, in the first place, that here is an attempt to take 17 votes from my friend and colleague, as he will be in few minutes [turning to Mr. Campbell, who sat near the Speaker], without even undertaking to establish that any single one of these persons had voted for him or that the others had voted for the contestee, for there is not a scintilla of evidence to show that any man from the infirmary voted for the contestee or that a single voter voted for the contestant. It is a mere deduction from the fact that the Democratic superintendent of the infirmary put twenty-three tickets in the hands of thirty-four persons, twenty being Democratic tickets and three Republican tickets. From this fact alone, although the men in some cases did not vote for five hours after the time they received these tickets, the inference is drawn that they must have voted so many for the Democratic ticket and so many for the Republican. I submit that I have stated the proposition with entire fairness, and that the House will require some further evidence, some further facts, before they are able to say that seventeen or any other number of the inmates of the Butler County Infirmary voted for the contestant. I do not say that they did not; but there is nothing to show they did.

Now, in regard to the law: I hold in my hand the official record of the infirmary in that county, and that township; and, to show how outrageous is this attempt to disfranchise and disqualify these voters, let me refer to that record to show for how long a time in many instances these persons had made that infirmary their home, how long they had been residents of it, how long it had been the only home under heaven that they had. I read on page 196 of the record a statement showing the names of these persons, with the dates of their admission to the imfirmary. They are as follows:

No.	Name of pauper.	When admitted.
1	John Linder	Dec. 20, 1881
2	Peter Labature	Feb. 26, 1872
3	John Long	June 29, 1881
4	Andrew Zilliox	Oct. 15, 1878
5	Harmonious Schultz	Oct. 10, 1877
6	James Meeker	May 5, 1873
7	—— Duvolue (Christian name erased)	Aug. 26, 1882
8	James Shay	July 23, 1869
9	Matthias Marr	May 22, 1876
10	Daniel Kemple	Feb. 21, 1871
11	John Hughes	Aug. 14, 1877
12	Frank Ryan	May 30, 1881
13	Henry Fee	Nov. 24, 1879
14	Vincent E. Farris	July 29, 1882
15	David Poffenbarger	Jan. 10, 1881
16	Andrew Brate	Jan. 22, 1880
17	John Rhea	July 17, 1882
18	John Ogden	Oct. 25, 1881
19	David Vannatta	Nov. 6, 1876
20	Stephen Feeney	Jan. 10, 1860
21	John Myer	Nov. 5, 1881
22	George Leonard	Oct. 4, 1882
23	John Robinson	June 4, 1877
24	William Steinhoff	Jan. 25, 1869
25	John Houser	Aug. 9, 1882
26	Charles Winkler	June 29, 1878
27	John Lenahan	June 17, 1878
28	John Underhill	Aug. 24, 1881
29	James Ott	May 10, 1881
30	Samuel Tittler	Aug. 8, 1881
31	Gotlieb Kohner	May 13, 1882
32	William Butler	Apr. 15, 1882
33	Michael Miller	Feb. 26, 1881
34	Thomas Dunnigan	Oct. 15, 1877

Some of the men that gentlemen on the other side of the House are now seeking to disfranchise had been in that township infirmary for four, six, or ten years or more, and they had no other home than that infirmary. What is the law of Ohio in regard to this matter? A man can vote either in the township, ward, or precinct in which the infirmary is situated, or he can vote in his own ward, township, or precinct, as he chooses to make his residence. He has the right to adopt either as his place of voting, and his act upon that subject is conclusive upon everybody. Let me read from 34 Ohio State Reports, pages 536–7, to establish the position that the inmates of an infirmary may adopt that as their residence, even after becoming inmates; and this, too, although they may not have gone to the infirmary voluntarily, but may have been put there under duress and by force of the laws of the State.

I read now from the decision of the supreme court of Ohio in the case of Sturgeon against Korle, in 34 Ohio State Reports, page 529. Said the learned judge in deciding the case:

> The court below specially found that each of the persons whose right to vote in Fall Township is drawn in question possessed the necessary qualifications to entitle them to vote therein; that they could after becoming inmates of the infirmary change their respective residences from other townships in said county to that township; and that while such inmates they severally did adopt said Fall Township as their permanent residence, and by such act of adoption and selection, and not otherwise, did change their residence to Fall Township.

What was the act of adoption? The act of voting or ceasing to vote in any other ward, precinct, or township. It was the highest possible declaration of the determination of the voter to exercise that right by ceasing to vote in any other ward, precinct, or township, and by casting his vote in that township and thereby adopting it as his home. And let me say further that the infirmary in Ohio is not merely a place in which a poor and indigent man goes, but it is a home provided for him by the laws and by the charity of our State. It does not merely give him food to eat and clothes to wear and shelter from the storm, but it is his home—a home provided for him by the State of which he is a citizen.

In the case above quoted, the court further says:

> Persons may be and often are so needy and helpless as to make it reasonably certain that the remainder of their days will be spent in the infirmary, and when this is the case the infirmary is to such persons in the full sense of the erm their habitation and home.

Observe the language: "their habitation or home."

The court says, still further:

> If the inmate is a voter and has no family in another township, and has adopted the infirmary as his abode, looks upon, treats it as his home, and has been sufficiently long a resident, he is entitled to vote at all elections in the township wherein the infirmary is situated.

Thus by the decision of the highest tribunal in the State of Ohio is the right of every man in that infirmary to vote in the precinct in which it is located confirmed.

But whether he had the right to vote or not, there is not a particle of testimony to show for whom any one of these voters cast his vote.

I would like just here to ask the gentleman who last addressed the House, if he is here, to tell me where the proof is in regard to the voting by a man by the name of Leonhart, and as to the time he voted, and as to how long he had been in the township. I deny the statement he made. It is wholly inaccurate and without the slightest foundation on any testimony in this record.

Now, Mr. Speaker, I had intended to address myself to one other question, and that is the one which relates to the right of these students to vote, and I will merely state the proposition and consider it briefly and then yield the floor to others who expect to speak more at length than I do.

Before doing so, however, I desire to call the attention of the House to the fact that the present district now known as the seventh Congressional district of the State of Ohio is the old third district, and is the same from which came the celebrated contested-election case of Campbell *vs.* Vallandigham many years ago. It was then composed of Butler, Montgomery, and Preble Counties. It is now composed of Butler, Clermont, Green, and Warren Counties.

Now, there are four different institutions of learning in that district of a more or less public character, and it is claimed that the students in attendance took part in the election in October, 1882, and cast their votes either for the contestant or contestee. They are as follows:

Wilberforce College, in Xenia Township, the Theological Seminary, at Xenia, the Normal University, at Lebanon, and Antioch College, at Yellow Springs.

Ninety-six undergraduates in these colleges voted in the precincts where the colleges are located. Twelve of these voted for contestant and eighty-four for contestee.

From an examination of the testimony I agree with the committee that but fourteen of these students who voted were lawfully entitled to do so. The right of students at the various colleges and universities in that district to vote has been a subject of much controversy, always denied by the Democratic party, but never settled by any decision so far as I know. I remember very well that while I was a student at Miami University from 1854 until I graduated in 1857, this question was frequently under consideration. Twice in the history of the senatorial district of which Butler County is a part have the Democratic party lost a State senator by reason of this student vote; and now when the Democracy of the seventh Congressional district is threatened with the loss of a Congressman by the same illegal influences it has been thought that the matter should be finally settled and put to rest by this body.

The principle involved in this case has, in my judgment, been settled in Ohio, as indeed I think it has been settled elsewhere. The whole law upon the subject is so fully and accurately set forth in the report made by the committee that I beg to adopt the same as a part of my argument, which I now do, and which I now read and ask to be printed as part of my argument on this subject. And from the examination which I have been able to make I regard the law and the facts as stated

by the committee as conclusively establishing the illegality of all the student votes complained of. The principle that these students have not the right to vote was settled by the Ohio senate in the contested-election case at the time while my friend from Ohio [Judge HART] was a member of that body.

Then so far as there is any adjudication in Ohio, legislative or judicial, if you may call it such, as to the right of these persons to vote it has been decided against them.

This is an important question in our State, and we desire it settled. There are in the Wilberforce University and in these other institutions of learning when in operation a large number of transient persons, here to-day and away to-morrow, attending simply for the purpose of getting an education, and, when through, returning to their homes; and yet they have been in the habit, white and colored students at these various institutions, of voting. It has always been against the protest of the Democratic party in every precinct and in every portion of the State where they have been admitted to vote. It is time, therefore, this House should settle the question, at least so far as the Congressional elections are concerned, so that we may hereafter know whether these men who came there simply for a day or a week or a month or a year to be educated, and not for the purpose of becoming citizens, shall have a right to vote. These men, who came there as we come here, to perform certain functions and then go away to our respective homes, are not in the sense of our statutes residents at the place where they are accustomed to vote. They perform none of the duties of citizens, and many of them are non-residents of the State.

Mr. HUNT. How many of them are involved in this case?

Mr. JORDAN. About 86 were declared to be illegal voters by the committee.

Mr. HUNT. If you transfer, what will be the result?

Mr. JORDAN. We would have 60 majority.

In most of the cases in which the votes of these students are claimed to be illegal the attempt is made by them, not by any facts, but by broad assertions, to show that when they became students they intended to make a university at which they attended their residence or home. And when their testimony was about to be taken in this case in order to show that they were not legal voters, and, indeed, after subpœnas had been issued requiring their attendance before the proper officer to testify, meetings were held by them, and they were instructed by the professors in the colleges, by lawyers and others, interested for that purpose, that they had a right to vote, and the law was fully explained to them, and all the shades between a legal and an illegal voter, between a resident and a non-resident, were pointed out to them, and in this way they were prepared for the testimony, and to so shape it as to give some color to the idea that the college was their home. Indeed, so far was this carried that one of the attorneys of the contestee, who was connected with a local paper, published and distributed among these student-witnesses hundreds of copies of his paper containing a lengthy and exhaustive argument prepared to show and satisfy these men that they had voted legally; and at one of the colleges the professors made this subject a matter of prayer. Under these circumstances it was hardly to be expected that the testimony of these witnesses would be highly strained and colored in order to make out their right to vote.

Notwithstanding, Mr. Chairman, all this training and preparation, and the forced construction which these students have given in regard to making the university their home, the testimony will satisfy almost any man in this House who will examine it that hardly one in ten had any right whatever to vote. I have examined the testimony of many of the witnesses with care, particularly that of L. M. Beckett, on page 100; W. C. Lather, on page 102; W. J. Graham, on page 103; W. J. Golden, on page 104; J. C. Gibney, on page 105; H. T. Jackson, on page 106; L. W. Williamson, on page 107; Parker Alexander, on page 108, *et al.*, as they appear in the report made by the minority, and not one of them has a shadow or pretense of a right to vote. I have not time to detain the House with this testimony. They are fair samples of the others, and you can examine them for yourselves. My time has about expired, and I desire to say simply in conclusion that the right of the inmates of the infirmary to whom I have already referred to vote is in my opinion clear and unquestionable, and that the students to the number of more than eighty had no such residence in the townships where they were attending school as gave them the right under the laws of Ohio to vote.

While I do not complain of Mr. Morey for defending his seat, and while indeed it was his duty to do so, as the certificate of election was awarded to him, yet I consider that Mr. Campbell, the contestant, has rendered the Democracy of Ohio, and particularly the gallant Democracy of Butler County, a great service by making this contest, by carrying it on at great inconvenience and expense to himself, and thus enabling us by the solemn action of this House to determine once for all whether the honest and *bona fide* voters of that district are to be deprived of their choice in the selection of public officers by the votes of persons whose only object or purpose in coming into the district is to obtain an education, and who perform none of the duties and are bound by none of the obligations of other citizens, who own no property, pay no taxes, have no interest and no purposes in common with the people among whom they live, who are in fact aliens in purpose and non-residents in many instances of the State itself. [Applause.]

COLLEGE STUDENTS.

Ninety-six undergraduate college students voted in the precincts where the colleges are located. Twelve voted for contestant, and 84 for contestee. With few exceptions they were not lawful voters. The statute of Ohio (part of section 2946) reads as follows:

"A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes merely, without the intention of making such county his home."

This statute, and all other Ohio laws bearing on the subject of residence, are fully discussed in a case decided in the Ohio senate as recently as April 12, 1884, which seems to us to be a well-considered case upon the status of college students as electors in Ohio. It is the case of Mickey *vs.* Loomis, to be found in the appendix to the journal of the Ohio senate for the session just ended. The following is the agreed statement of facts:

"It is agreed by the whole committee that, under the testimony, the decision of this contest shall depend upon the question as to whether certain students at Oberlin College, coming under the class described in the following agreed statement of facts, had or had not the right to vote at the October election in 1883. The following is the agreed statement of facts above referred to, namely: The following is a substantial statement of the evidence concerning the right of students at Oberlin College to vote, and who, it is claimed, voted for Timothy G. Loomis.

"First. Said voters were students at Oberlin College, in Russia Township, Lorain County, Ohio.

"Second. They voted there at the October election in 1883.

"Third. They claimed that Oberlin was their residence at that time.

"Fourth. They went to Oberlin for the purpose of acquiring an education, and at the time of voting were at Oberlin for that purpose alone. They came there from other counties and States, and had been there long enough to acquire a residence.

"Fifth. They left the home of their parents, and never intend to return and make it their home.

"Sixth. They claim that they have no other place of residence than Oberlin.

"Seventh. They claim they have no place in view as a place of residence after their education is completed.

"Eighth. These student voters had never been married.

"Ninth. They were not assessed for tax purposes, and paid no tax in Oberlin.

"Tenth. It is admitted as true that Harrison J. Mickey, contestant, is entitled to his seat in the senate of the Sixty-sixth General Assembly, if, upon the facts hereinbefore stated, a student at college is not entitled to vote at the place where the college is located."

This statement is decidedly more favorable to the Oberlin students than the facts developed in the present case are to most of the students who voted in the seventh district of Ohio, yet under it the senate held that these students were disqualified, and rejected their votes.

The subjoined portion of the report is so clear that we quote it:

"In this connection let us look to section 2940 of the Revised Statutes of Ohio, which prescribes how judges of election shall proceed when a person offering to vote is challenged as unqualified, on the ground that he is not a resident of the county or precinct where he offers to vote. One of the questions required to be put to the person offering is this: 'When you came into this county did you come for a temporary purpose merely, or for the purpose of making it your home?' And here it may be remarked, in passing, that in this question, in the words 'or for the purpose of making it your home?' is to be found the legislative definition of the word 'residence.' For the wording of questions 1 and 2 required to be put by the judges, when the person is challenged on the ground that he is not a resident, is as follows:

"'1. Have you resided in this county for thirty days last past?

"'2. Have you resided in this precinct for twenty days last past?'

"But when they come to ascertain the purpose of the voter in coming into that county, the question is. 'Was it for a temporary purpose' or 'for the purpose of making it your home?'

"There they use the word that has but one meaning; that word, the only one, which is understood by all men alike—a word which is as dear to the savage as to the civilized man—home!

"In quoting to the Senate these rules for the guidance of judges of elections in Ohio—rules that are a part of the statutes of the State—we might well close our report with our recommendation alone, but we prefer to support it by authorities, which are conclusive against the 'student vote' as agreed upon in the statement."

We find much the same idea carried out in all the more recent decisions in other States. Dale *vs.* Irwin (78 Ill., 170) is a very fine case. The language of the court is:

"These students were undergraduates of Shurtleff College, subject to its rules and regulations, and, so far as testimony shows, taking no part in town affairs, and paying no taxes, and not assessed on their personal property for taxation to aid in defraying expenses of the town. Some of them paid a road tax on labor, the street commissioners demanding this on a residence of ten days.

"As a general fact, however, undergraduates of colleges are no more identified with residents of the town in which they are pursuing their studies than the merest stranger, and should all the seats of learning in the United States be polled, not more than one student in twenty would be found to possess the proper qualifications of a resident of the town."

In Vanderpool *vs.* Jones (53 Iowa, 246), the court held that—

"One who becomes a resident of the county for the purpose of attending college, and who has formed no intention of remaining after the completion of his college course, is not entitled to vote in said county."

In Fry's election case (71 Penn. St., 302), known as the "Allentown case" (see Brightly's Leading Cases on Election, pp. 468 to 479), it is held that—

"Students at a college living at the place in which it is located, whether supported by themselves and emancipated from their fathers' families, with no intention to return to their homes, or supported by their parents, who visit their home in vacation, and may or may not return after graduating, have not such residence as will entitle them to vote in the district where the college is."

Yet these students were assessed and paid taxes at the college town, and had lived from one to three years there, all claiming it to be their home. It is also held in the same case that—

"Very few, if any, students, while residing at the college, acquire a new home or change of domicile, and they are, therefore, not entitled to vote. In the early history of our colleges, while the true meaning of the State constitution was fresh in the minds of the framers of that instrument, it was never pretended that the student acquired a residence at the college so as to become a qualified elector, to be liable to taxation, and to the performance of municipal duties. In those days when the purity and freedom of elections prevailed, the parental home, or the locality from whence the student came, was universally accepted as the district in which he was entitled to vote."

It was also held that, in the opinion of the court, a—

"Careful examination of the testimony leads to the conclusion that none of these students whose votes are contested were qualified electors at the last October election."

The court in this case draws the true distinction between students and laborers, and uses this language:

"Students being here for the sole purpose of being educated, and not coming *animo manendi*, but intending to go elsewhere as soon as graduation takes place,

do not fall within the same category with unmarried men who seek employment from point to point, as opportunity offers. The student is in a preparatory condition, in a state of tutelage, and non-productive, not yet able or willing to enter the world to engage in business or in the productive pursuits of life nor fully prepared to assume civil and political rights and duties. The unmarried man who has severed the parental relation becomes a laborer, producing for himself, and thus adds to the productive wealth of the community in which he resides, being willing not only to enjoy the political privileges, but also to assume and to discharge political and civil duties."

In Massachusetts there have been four cases, but none recently. The only one in any degree favorable to students is the very early case of Putnam *vs.* Johnson (10 Mass., 488), where counsel for plaintiff especially based his claim upon the plea that his client was not an ordinary college student. His language (pp. 493 and 494) is:

"This case has been compared to that of students at college, but it more resembles the case of resident graduates or instructors, who have always voted in the town where the college is situated in which they reside."

All the later decisions, however, refuse to go so far, and are uniformly against the claim that undergraduate students are entitled to vote. Another case is Granby *vs.* Amherst (7 Mass., p. 1, A. D. 1810), wherein Chief-Justice Parsons says of a college student that he "was abroad merely for his education; during the vacations he was at home in Belchertown, and on receiving his degree he continued his residence in the same place. His absence was occasional and for a particular purpose, and we are satisfied that within the intent of the statute there was no change of his domicile. His home was at Belchertown; it was his place of residence, although from home for the purpose of instruction."

Another is the case in 5 Metcalfe, page 587, where the court say:

"But in such case [*i. e.*, residing at a university town] his right to vote at that place would depend upon all the circumstances connected with such residence. If he has a father living; if he still remains a member of his father's family; if he returns to pass his vacations; if he is maintained and supported by his father; these are strong circumstances repelling the presumption of a change of domicile. So, if he have no father living; if he have a dwelling-house of his own, or real estate of which he retains the occupation; if he have a mother or other connections with whom he has before been accustomed to reside, and to whose family he returns in vacation; if he describe himself of such place and otherwise manifest his intent to continue the domicile there, these are all circumstances tending to prove that his domicile is not changed."

The last Massachusetts case is in Cushing's Contested-Election Cases, page 346, in which the legislative committee uses this language:

"The requirements of the constitution and laws are not satisfied by merely abiding or remaining within the Commonwealth and town where the individual claims to vote. He must go there with the intent, *bona fide*, to make it his home—to obtain a domicile. If his home is in another State, or in another town in this State, and he is a sojourner for temporary purposes merely, intending when those purposes are accomplished, sooner or later, to leave the State or town and return home, he is not liable to the duties nor entitled to the privileges of a citizen of the town he sojourns in. This is a question of fact in each case, and the party who avers that he has abandoned his domicile of origin and taken up a new one, is bound to prove it."

The latest and best known case in Congress, where this question has arisen, is Cessna *vs.* Meyers (McCrary on Elections, page 496) in the Forty-second Congress, which follows the Massachusetts decisions, and which is strengthened and extended in its scope by the foregoing Ohio, Illinois, and Iowa cases. There were also two very early Congressional cases which are clearly distinguishable from these later ones, in which it was held that certain students, under peculiar circumstances, were legal voters. One was the case of Letcher *vs.* Moore (1 Bartlett, page 750, A. D. 1833), in which especial stress is laid upon the fact that a student who had voted was a practical printer, working at his trade in the college town, and belonged to the local militia. The other case was Farlee *vs.* Runk (1 Bartlett, page 87, A. D. 1846), where the students paid taxes at the college town, and in many other ways assumed the liabilities of citizens.

We cite these cases to show the advance continuously made toward the rule that but few college students acquire a domicile and a right to vote in the college precinct. The estimate of lawful voters among them, as made by the court in Dale *vs.* Irwin, above quoted—that of one in twenty—seems to us to be a very close approximation to accuracy. In the present case, however, we adopt no general rule, put predicate our conclusions upon the testimony. In weighing such testimony we have regarded as especially applicable in such cases the doctrine of Keith *vs.* Stetler (25 Kans., 100), where it is held that—

"A man's acts and conduct are more to be considered in determining the question of a change of residence than any mere declaration of intent."

We have carefully examined the testimony in the case now before us, and, in our judgment, but fourteen of the ninety-six students who voted were lawfully entitled to do so. They are S. I. Lindsay, J. G. Stewart, I. M. Burgan, S. J. Stahl, G. W. Branch, Tony Perry, J. A. Greene, J. Tillman, G. M. Tillman, D Turner, F. D. Scott, E. A. Palmer, and G. W. Fairchild (who voted for contestee), and J. W. Scott (who voted for contestant). We have some doubts as to several of these, but give them the benefit of the doubt.

The following is a list of 71 students whom we find to have voted illegally for contestee: W. C. Houser, E. C. Hoover, W. A. Galloway, A. L. Glendenning, C. S. Spangler, J. U. Moore, K. C. Kunkle, Evan Griffiths, J. W. Smallwood, John Wardlow, E. G. Zimmer, G. F. Osler, W. R. Butcher, J. A. Beery, G. M. Brown, W. E. Bowman, P. E. Cromer, L. G. Cromer, J. B. Fairchild, J. L. Plummer, H. W. Gibson, Richard Foote, D. J. McMullen, E. S. Keeney, J. W. Freas, Simon Barr, S. N. Bousman, H. E. Miller, S. H. Darbyshire, H. C. Gibbs, W. S. Whitacre, U. H. Williams, M. J. Sanford, John Zell, W. F. Hague, L. Huston, J. H. Lansinger, W. T. Anderson, G. W. Prioleau, N. A. Banks, J. R. Scott, J. J. Bass, B. F. Morris, G. W. Nicholson, W. T. Young, W. H. Coston, C. N. Crosby, J. A. Kirke, Z. Roberts, S. C. Stewart, C. N. Williams, L. M. Beckett, P. M. Alexander, E. L. Bell, Aaron Brown, G. W. Hamilton, G. S. McElroy, C. A. Buck, W. I. Brooks, W. C. Lawther, W. J. Graham, W. J. Golden, J. S. Colvin, J. McNaugher, J. C. Gibney, H. T. Jackson, A. Gordon, L. W. Williamson, W. G. Martin, J. H. Bailey, and T. O. Baker.

These students who voted illegally for contestant, eleven in number, are G. A. Crisman, A. E. McLaughlin, T. M. Smith, T. M. Lombard, J. A. Wiley, William Weber, G. E. Krout, A. M. White, S. E. Kirkpatrick, M. Benn, and J. R. Flowers.

Want of adequate time and space prevents comment on or quoting in detail from the depositions of the foregoing students. We call especial attention to what may be termed the general testimony bearing on each of the four colleges in the district. A careful perusal of that will greatly aid a just and intelligent judgment of the case. The general testimony bearing on the National Normal University will be found in the record, part 1, pages 493 to 495, 583, 584, 641, and 642. Reading this in connection with the individual depositions of the students, it will be found that the university has an enormous annual attendance, and scarcely one student in a thousand settles or remains in the village where it is located; that these students, unlike the ordinary collegians, do not attend for a course of four years, but merely for one or more sessions of eight or ten weeks each; that many are school-teachers, living elsewhere, who come just long enough to attain proficiency in such branches of study as they may be teaching, and are soon off to their homes and employment; that, in a word, they are there for a transitory and temporary purpose only.

At this school many are young, the average age of those voting being only 23 years, although a few are quite matured. All have matriculated from distant places. None showed any act to indicate an intention to make Lebanon their home. They describe themselves from other places; went elsewhere in vacation, &c. None worked the roads nor paid taxes. None took such interest in public affairs as citizens ordinarily do. Out of the 35 who voted there illegally for contestee 10 had left the school during the short interval which elapsed between the election and the beginning of this contest. It is also shown that many of the Republican students at this university had been preparing themselves for examination as witnesses in this case by a systematic course of study, and had requested the faculty to especially instruct them upon their rights as witnesses in a contested-election case, and that on the Saturday prior to the October election in 1882 they held a meeting in University Hall, at which outside parties addressed them and advised them to vote at the approaching election regardless of the fact that they had not paid taxes, worked the roads, &c.

The general testimony relating to Wilberforce University would be found in the record, part 1, pp. 280 to 283, 292 to 300, 357 to 359, 443, and 444. This institution is situated in the country, away from any village or city. It is attended only by colored people—the male students preparing to be ministers and teachers. They come mainly from distant States—only 6 out of the 20 illegal voters at that school having matriculated from the State of Ohio. There is but little difference between them and the normal students above referred to, except that their average age is higher—being twenty-five years—owing to the fact that their race, previous condition, and lack of early advantages had retarded their education. They never paid any taxes, nor discharged any other civil obligations; they never worked the roads (with very trifling exceptions) until after the election in controversy; they have no means of getting employment in the country at Wilberforce, either in teaching, preaching, or other professional occupation; they are very transitory, coming and going as their exceedingly limited means admit.

Five of those voting illegally had left the school before this contest began—two of them leaving the State. They were not called together by the faculty, and other political leaders, and instructed how to testify, but just one day before their examination Mr. A. G. Wilson, attorney for contestee, and chairman of the Republican county committee, published an article of his own writing, in a Republican newspaper, upon the topic "Rights of students—where should they vote?" He procured 500 copies of the paper, and every colored student in Greene County admitted receiving or seeing marked copies of the newspaper containing this article. Attention was also called to the article by a professor at public prayers in the presence of these witnesses.

The students at the Xenia Theological Seminary also read the foregoing marked copy of this newspaper, and, although studying theology, do not in any respect differ from the Wilberforce and Normal students, except that they generally remain a stated term of two or three years. They matriculated from distant places—see the following extract from the matriculation book, which is just as they signed it, and is, substantially, similar to the matriculation books of the other colleges:

Names.	Post-office address.	Presbytery.
W. I. Brooks	Northwood, Ohio	Sidney.
C. A. Buck	College Corner, Ohio	First Ohio.
W. J. Golden	Scroggsfield, Ohio	Steubenville.
J. C. Gibney	Odell, Guernsey County, Ohio	Muskingum.
W. J. Graham	Scroggsfield, Ohio	Steubenville.
H. T. Jackson	New Concord, Ohio	Muskingum.
Albert Gordon	Hanover, Ind	Indiana.
W. C. Lawther	Wattsville, Ohio	Steubenville.
John McNaugher	Allegheny, Pa	Allegheny.
L. W. Williamson	Xenia, Ohio	Xenia.
Jesse S. Colvin	Chicago, Ill	Chicago.
W. G. Martin	Irondale, Jefferson County, Ohio	Steubenville.

They were all credited to distant presbyteries, where they retained their membership and church connection, and by which many of them were partially supported. They neither paid taxes nor worked the roads. Some of them took so little interest in local and municipal affairs that they could not tell which ward of Xenia they had voted in. Nearly all of them asked to have their depositions taken several days in advance of the date for which they were subpœnaed in order that they might so much sooner leave Xenia forever and go to their respective charges.

The students at Antioch College (only four in number) testified much more frankly and unhesitatingly than any of the others. We attribute this to the fact that they did not hold meetings to determine how they should testify, nor have lectures delivered to them, nor study prepared newspaper articles upon the subject.

The "student vote" is, in our opinion, decisive of this contest, and for this reason we have commented on it at such length.

Mr. KEIFER. Mr. Speaker, I witnessed the very feeble response made to the closing remarks of my distinguished friend from the Cincinnati district, and I suppose that response was only in answer to the appeal he made on behalf of the Democratic party that the students of Ohio should in the interest of that party be disfranchised.

I find by the majority report in this case that the committee have found 96 students and ministers of the gospel who voted illegally in the election in the district in which my colleague, Mr. Morey, and Mr. Campbell were candidates in 1882. There are many controlling questions in this contest, but I shall only discuss the one relating to the right of students, &c., to acquire a residence and to vote.

That committee find the alleged fact also that 12 only of these 96 voted the Democratic ticket and 84 the Republican ticket; and hence the conclusion of my friend who has just taken his seat that it is a great outrage upon the Democratic party that these educated persons should be permitted to vote. It turns out by the report that the proportion is one Democrat to seven Republicans.

All those who are pursuing the profession, if you please to call it such, of acquiring knowledge, scholastic knowledge, many of them students of theological colleges or seminaries, are to be excluded from voting in the interest of the Democratic party. The 12 Democrats must go down with the rest in this case, and let me suggest to my friend, ought not there to be some saving clause in the interest of the Democratic party for the 12 out of the 96?

Mr. Speaker, I find in looking over this report many startling things. One man, Robert Wilson, voted, as it turns out by the evidence before the committee, for my colleague, Mr. Morey, but the committee find

that his vote should be counted for Mr. Campbell, and they so count it. Why? Because it seems that he had given in some way or other a promise to his Democratic employer to vote for Mr. Campbell, but before he got to the polls he changed his mind and took a Republican ticket and cast it; and hence they find, in effect, that his act was a fraud upon Mr. Campbell, and the committee take his vote from Mr. Morey and count it for Mr. Campbell, and that goes to make up the 44 majority they succeed in finding for the contestant. This is a sample of the report. I have looked at the testimony to fortify the conclusion which I have reached.

Now let us go to the law, though it plainly appears that regardless of the question of the pursuit in which they are engaged these 84 persons had acquired a residence under the law of Ohio. That law is more liberal upon the acquisition of a residence than in many other of the States of the Union, and it is quoted on page 4 of the report of the majority of the committee in the following words:

A person shall not be considered to have gained a residence in any county of this State into which he comes for temporary purposes merely without the intention of making such county his home.

Now, the construction has been given over and over and over again in that State that a person could acquire a residence, a voting residence in Ohio, who came into the county for temporary purposes merely, but with the intention of making that county his home. Of course he must reside there the legal time. It does not require under the laws of Ohio that he should be a resident for some permanent purpose, but if he comes into a county for temporary purposes merely he must also intend to make the county his home before he can acquire a legal voting residence.

On the proper construction of this provison of the law turns the question of the right of students, ministers of the gospel without permanent charges, renters of farms, and all others in Ohio who have not occupations, professions, &c., locally permanent in their character.

It is absurd to say that a student in Ohio above 21 years of age can not acquire a legal residence at the place he is obtaining his education.

Now, all these 84 Republican voters who are to be disfranchised because students went to their respective institutions of learning for the purpose of acquiring an education, and also in many cases for the further purpose of receiving instruction in theology, and many of them were teachers and ministers of the gospel at the place where located or in that vicinity, and they are so engaged to-day. All of them had no other place of residence and so testify. Only a small portion of the students at Wilberforce voted, and none that did not have a complete right under the laws of Ohio. Many of them were above 30 years of age.

Mr. TURNER, of Georgia. Will the gentleman pardon me an inquiry?

Mr. KEIFER. Certainly.

Mr. TURNER, of Georgia. I understood the gentleman to say it had been frequently ruled in Ohio that a man could acquire a residence in a county when he went to a county for temporary purposes only.

Mr. KEIFER. Certainly.

Mr. TURNER, of Georgia. Will the gentleman cite the authority for that?

Mr. KEIFER. To cite the authority which the gentleman asks for would require me to give all the decisions in the contests that have arisen in all the counties all over that State; probably one in each county.

Mr. TURNER, of Georgia. I have asked the question in good faith, because I have looked and failed to find such an authority.

Mr. KEIFER. That question has been so plain, so well recognized, so well understood, that I do not know whether or not there has been any adjudication in the supreme court of the State. But I now put the question to the distinguished chairman of the Committee on Elections and ask him whether under the very statute or clause of the statute quoted on page 4 of this report—whether what I claim is not the absolute conclusive legal construction on the subject? I will read it again:

A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes merely, without the intention of making such county his home.

Is not the latter clause one of the controlling things in determining whether he is a resident or not?

Mr. TURNER, of Georgia. My own impression as to that clause of the statute which the gentleman has just cited is that it is only an alternative way of stating the same proposition.

Mr. KEIFER. It is a negative way of stating a proposition which might have been better stated in the other way, the affirmative way.

Mr. TURNER, of Georgia. I think the gentleman does not understand me.

Mr. KEIFER. The gentleman used the expression "alternative." I said it was a negative way of stating it.

Mr. TURNER, of Georgia. If a man goes into a county for temporary purposes merely he can not acquire a domicile.

Mr. KEIFER. Unless he goes there for the purpose of making that county his home as the statutes provide.

Mr. TURNER, of Georgia. The gentleman does not take my idea. Perhaps I may be stating an absurd idea——

Mr. KEIFER. Oh, no; I do not say that.

Mr. TURNER, of Georgia. These latter words which the gentleman has read—

Without the intention of making such county his home—

are only an alternative way of stating the other idea that he had come there for temporary purposes merely; and they do not, in my opinion, modify or qualify the previous clause of the statements.

Mr. RANNEY. How about a Methodist minister who comes there for two years?

Mr. KEIFER. The gentleman from Georgia will see this when he has taken a little more time for reflection. The affirmative way to state this would be that a person would be considered to have gained his residence in any county to which he came for temporary purposes merely with the intention of making such county his home. That is only the other way of stating it affirmatively. The act reads, if he comes without the intention of making such county his home and merely for temporary purposes he could not acquire residence.

Mr. Speaker, residence in Ohio, and I suppose everywhere, is a question largely of intention. The central idea that runs through all the legislation upon the matter of determining residence is one of intention. Intention without actual removal to a place does not make a residence. I agree removal without intention to make the place that the person removes to a place of residence does not give the person a residence. But where removal and intention unite, then residence is acquired.

Now, so far as I have examined, all these students whose votes are to be rejected moved to their respective institutions for acquiring an education, leaving their former residences and their former homes without any intention of returning to them, and many of them their States, and settled down, as at Wilberforce, or at Lebanon, or Xenia, Ohio, where there were institutions of learning, theological as well, which they could attend. Some of them, many of them, have gone further and taken up an occupation; some of them have taken charge of a church in the township in which they live and preached the gospel. But, then, I suppose they are to be included among those who ought not to vote because it would be an outrage upon the Democratic party! A number of the persons to be disfranchised by our action here to-day were slaves, and never had any other legal residence before going to Wilberforce, and at the time they voted had no intention of moving elsewhere.

Take the case of Mr. Bass, set forth in the minority report, page 88. Jesse J. Bass was 27 years of age. He moved into Xenia Township, which includes Wilberforce University, in 1877. He moved from another county in that State, Pickaway. He lived at Wilberforce for years; he had been engaged most of the time teaching in the university near which he lives, according to his own testimony, and it is undisputed. He had taken letters and transferred his church membership to the church there. He continues to live there. He is a member of the Trinity African Methodist Episcopal chapel of Wilberforce, and has been since 1877. But Jesse J. Bass is disfranchised by this report. He has been a student part of the time and a teacher part of the time, and a regular resident there all the time since 1877. But Democrats say he is not a qualified voter!

Mr. HART. He has been voting for many years.

Mr. KEIFER. Yes; he has been voting for many years. If he had lived in the gentleman's [Mr. TURNER'S] own State of Georgia, and had voted in Ohio, he never could while in Ohio again claim a residence in Georgia, under our statute.

Mr. TURNER, of Georgia. The gentleman certainly does not insist on that proposition.

Mr. KEIFER. It is a very immaterial proposition, except that it is connected with our statute in Ohio. Voting in Ohio prevents a man from ever denying his residence in Ohio and claiming that it was in a foreign State.

Mr. RANNEY. Even if he voted illegally?

Mr. KEIFER. Even though he voted illegally. It does not follow that it determines his legal residence in Ohio. But if a man while absent from Ohio votes, he is held to have lost his residence in Ohio. We have had the question in cases where persons were drawn as grand jurors, who in our State must be electors.

This whole case is to be determined by the question whether or not a person residing in Ohio, and who is engaged in acquiring an education, or preaching the gospel, or in teaching in an institution of learning, can or can not acquire a residence there. That is the whole proposition.

The question would be too absurd for argument before a court or any other respectable tribunal save this one.

But gentlemen say that the Ohio General Assembly has decided this matter. In the dearth of authority they have resorted to a decision which they say was made by the Democratic senate of the Ohio Legislature on April 12, 1884. No Ohio decision of a court sustains the committee's report.

I was once a member of the Ohio senate when it was Democratic, and I remember another case that came up in which they set a precedent. There was a contest before that senate between a gentleman by the name of Onderdonk and a gentleman by the name of Jones. The contest was

based upon the question whether persons having a visible admixture of African blood could be voters under the then constitution of Ohio, which provided that only white persons should be entitled to vote. That Democratic senate decided in effect that a single drop of African blood made a person black within the meaning of the constitution of Ohio, and they succeeded in turning out the sitting member, Mr. Jones, on that theory alone and in seating Mr. Onderdonk.

Now, that, I suppose, would be called a precedent, although then there was a long line of decisions, beginning with the fourth Ohio Reports and running down to that time, in which it was held that where a person had a predominancy of white blood that person was white within the meaning of the Constitution. That is a precedent which would weigh similarly to the one here relied on.

Mr. JORDAN. Will the gentleman permit me to ask him a question?

Mr. KEIFER. Certainly.

Mr. JORDAN. Will the gentleman state whether they ever had a case before them in which there was a man who had only one single drop of black blood in his veins?

Mr. KEIFER. That was the exact point of the theory. And I wish further to inform my friend, who may have forgotten it, that that same General Assembly passed a law called the "visible-admixture law," which in terms provided that any person in Ohio having a visible admixture of African blood should be disqualified from voting. I know that the supreme court, regardless of the authority of the Democratic Legislature, held that that law was unconstitutional. But that is a precedent of the opinions of the Democrats of Ohio in an election case.

And one thing further allow me to state. That same General Assembly (in 1868) passed another law, and that is pertinent here, in which they provided what it is proposed to find here in this case, that a person, though of legal age, attending a college or institution of learning should not be permitted to vote in the precinct where the college or institution of learning was situated. That law waited only the election of another Legislature, when it was repealed, and it has never been re-enacted since. It is only now that it is to be made up into the form of a Congressional precedent on behalf of the Democracy by the decision here in this case.

Mr. Speaker, I have taken all the time and even more than I promised to take in the discussion of this important case. If Mr. Morey is unseated because he received the votes of the educated and religious, it will not be respected in future as a precedent.

Mr. LOWRY. I now yield to the gentleman from Ohio [Mr. SENEY] for twenty minutes.

Mr. SENEY. Mr. Speaker, in order that we may clearly understand the case that is under consideration it may be well enough to state the facts, aside from the law, upon which this controversy hinges.

At the election held in Ohio upon the 10th day of October, 1882, the contestant, James E. Campbell, and the contestee, Henry L. Morey, were opposing candidates for Congress in the seventh Congressional district of that State. This district is composed of the counties of Butler, Clermont, Greene, and Warren.

Upon a canvass of the votes cast the canvassing board declared that Henry L. Morey had received 14,451 votes and James E. Campbell had received 14,410 votes. This declaration of the vote gave to the contestee [Mr. Morey] 41 more votes than to the contestant [Mr. Campbell]. Upon the declaration so made the certificate of election was given to Mr. Morey; and under it he holds a seat in this House as the Representative from the seventh Congressional district of Ohio.

The right of Mr. Morey to this seat Mr. Campbell contests. There are several grounds of contest. The principal one is that 74 of the votes cast for Mr. Morey are illegal. The legality or illegality of these 74 votes must be regarded as the turning point in the case.

Upon reading the report of the majority of the committee I find that the committee reports the 74 votes to be decisive of the contest. In his brief, the contestee says that the notice of contest was not given within the time prescribed by law. Upon this objection, he seems to rely as much, if not more, than upon the merits of his case. Five pages of his brief are used in arguing this objection.

The law requires notice of contest to be given within thirty days after the result of the election is determined. When, then, was the result or the election determined? The contestee says it was determined the very moment the canvassers finished the arithmetical part of their duties. This was December 7, 1882. The contestant says that the result was not determined until the certificate of the canvassing board was made, signed, and filed with the proper custodian of that paper. The certificate was so made, signed, and filed December 14, 1882. The notice was given January 11, 1883. It was in time. The thirty days did not expire until January 13, 1883. The result of the election was not determined in contemplation of law until it was made unalterable. This was not done until the certificate was made and signed, and then filed in the proper office. So much, then, for the objection to the notice of contest, flimsy and frivolous as it is.

I have said, Mr. Speaker, that the contest hinges upon the legality of the 74 votes. Seventy-one of these votes were cast by college students; 3 of them by inmates of the soldiers' home at Dayton, Ohio. The college students voted at four different voting precincts in the seventh Congressional district. Twenty votes were cast by students at Wilberforce University, an institution at Xenia, Greene County, for the education of colored persons of both sexes. Four votes were cast by students at Antioch College, Yellow Springs, Greene County. Twelve votes were cast by students at Xenia Theological Seminary. Thirty-five votes were cast by students at the Normal University at Lebanon, in Warren County.

It will be noticed, Mr. Speaker, that there were 96 votes cast at these voting precincts by college students. It is but fair to say that 14 of the 96 are legal votes. The other 82 are not legal votes. Of these 82, 11 were cast for the contestant and 71 for the contestee. The right of these seventy-one students to vote in these precincts depends solely and singly upon the question of their residence. If they were residents of the precincts in which they voted, their votes are legal and the contestee is entitled to the seat. If they were not residents of these precincts, then their votes are illegal and the contestant is entitled to the seat.

Mr. Speaker, I shall not discuss the particular facts in each of the many cases of illegal voting presented in the record in this case. I can not, for want of time, do more than state what the testimony proves. These students were not in any legal sense actual residents of these precincts; they did no road work, paid no taxes, and took no part in the municipal or public affairs of these precincts. I do not desire to be understood as claiming that road work, or the payment of taxes, are necessary qualifications to vote in Ohio. They are not, but these two circumstances, paying no taxes and doing no work upon the roads, have a great deal to do in determining the question of a voter's residence.

In no way were these students identified with the town, or its business, or people. They were at college. They had come from distant counties and States to attend school, and for no other purpose. The intention of each and every one of them was to go elsewhere when through at the college—some soon, others later. Each had a legal residence elsewhere. They were mostly young men and unmarried. Some maintained themselves. Others were maintained by absent parents or friends. Vacations were spent at home, or with friends elsewhere. These students were not subject to jury duty, or to do any other duty imposed upon the residents of these precincts. They had no interest in common, not the slightest, with those who had permanent homes within these voting precincts. They were college students—nothing more, nothing less. They were at these colleges for a single purpose. This purpose was but temporary. When it was accomplished, their intention was to leave the colleges and return to their homes or go elsewhere to live. Not one of them was in the precinct where he voted with the intention or purpose of making the precinct his home.

Bearing upon the question of the residence of these students it may not be out of place to call the attention of the House to what the matriculation-books of these institutions show. These books show, in every instance, that the residences of these students are at places other than the places where they were attending school.

For example, Louisville, Ky., Washington, D. C., Circleville, Ohio, Galveston, Tex., and so on, appear as the places of residence. The testimony shows that most of these students wrote their own names in the matriculation-books. Not that only, but wrote opposite their names the places of their residences. In each instance where the place of residence was written by the student himself, or written by another, the place is other than the place where these universities are located.

I submit, then, as a legal proposition that these acts of these students, made at the time they matriculated, are better evidence as to where they resided than anything they said or did, either at the time of voting or at any subsequent period. Bearing on this question of residence are other facts. The question of one's residence at times becomes one of considerable difficulty. Frequently circumstances apparently trifling and insignificant are to be considered in determining the legal residence of a voter.

Where these institutions of learning are located there seems to have been considerable talk and concern as to the right of college students to vote. To such an extent was this concern felt that the matter was considered at a Republican meeting held on Saturday evening preceding the election. It does not appear that any legal advice was sought or given. At this Republican meeting Republican speakers discussed the right of the college students to vote. The speakers urged the students to vote. The speakers said that the students were residents of that precinct, and under the laws of Ohio it was their unquestionable and indefeasible right to vote in the precinct.

The chairman of one of the county Republican committees, probably Greene County, and editor as well of the Republican organ of that county, published a few days before the election an elaborate article in that paper as to the right of these students to vote. Such an interest was taken in the matter that five hundred extra copies of that paper containing this article were procured and put into the hands of the college students.

At one of these universities (Wilberforce, perhaps) one of the professors called the attention of the students to the article published in the Republican paper. This was done when the students had assembled in the chapel for morning prayer. Their prayers, it may be, strengthened their purpose to have the students vote in spite of the law which

disqualified them. They seemed to go on the idea, "Anything to beat Grant!" With these people it was anything to beat Campbell. It was anything to beat the Democratic party.

But I will not dwell on this. I wish to call attention in a general way to what has been said by our courts on the question of the right of college students to vote.

For it would seem that the question is not only troublesome in Ohio, but troublesome in other States. Cases not unlike the case we are now discussing have been before the supreme courts of four, if not five, of the States of the Union. The first case upon this subject to which I will call the attention of the House is a case reported in Cushing's Contested Election Cases, page 346. I make a citation from this case. It is as follows:

The requirements of the Constitution and laws are not satisfied by merely abiding or remaining within a Commonwealth or town where the individual claims to vote. He must go there with the intent *bona fide* to make it his home—to obtain a domicile. If his home is in another State, or in another town of this State, and he is a sojourner for temporary purposes merely, intending when those purposes are accomplished, sooner or later, to leave the State or town and return home, he is not liable to the duties nor entitled to the privileges of a citizen of the town he sojourns in. This is a question of fact in each case, and the party who avers that he has abandoned his domicile of origin and taken up a new one is bound to prove it.

Each one of the seventy-one students who voted for the contestee had a domicile of origin. It was elsewhere than the place at which they voted. The legal presumption is that the domicile of origin continues until changed. If changed, the law requires satisfactory proof of the fact. So that the 71 votes may well be excluded, because the testimony is insufficient to remove this presumption of law.

The next case to which I will call the attention of the House is that of Dale *vs.* Irwin, reported in 78 Illinois, 170. The case has been already spoken of by the distinguished gentleman from Indiana [Mr. LOWRY]. Of this case I will read but a single paragraph. The court say that—

Should all the seats of learning in the United States be polled, not more than one student in twenty would be found to possess the proper qualifications of a resident of the town.

In the case before the House the testimony shows that out of the 96 votes cast by these students but 14 are legal. Fourteen of the students had a legal residence at the place where they voted and eighty-two had a legal residence elsewhere.

Another case is that of Vanderpoel *vs.* Jones (53 Iowa, 246). The court say:

One who becomes the resident of a county for the purpose of attending college, and who has formed no intention of remaining after the completion of his college course, is not entitled to vote in said county.

Who questions the soundness of this holding? Most unquestionably it is law.

Fry's election case (71 Pennsylvania, 302) is a leading case, supporting in every particular the views I have expressed.

I read a single paragraph:

Students at a college living at the place in which it is located, whether supported by themselves and emancipated from their fathers' families, with no intention to return to their homes, or supported by their parents, who visit their homes in vacation, and may or may not return after graduating, have not such residence as will entitle them to vote in the district where the college is. Very few, if any, students, while residing at the college, acquire a new home or change of domicile, and they are therefore not entitled to vote.

A case reported in 5 Metcalf, 587, will be found equally strong. My time is insufficient to do more than refer to it.

It is not necessary, Mr. Speaker, in my judgment, that more should be said as to what has been adjudicated upon these questions by the courts of this country. If there be any doubt, it seems to me that that doubt is completely removed by the provisions of the Ohio statute. We have not, I believe, in Ohio a single adjudicated case upon this question, but we have, sir, what is of as much value and weight as a judicial decision, and that is the enactment of the Legislature of the State. Without spending time in particularizing, I will state that under the election laws of Ohio every voter is required to vote in the precinct where he resides. He can not vote elsewhere. This rule is general. It has no exceptions. Not one. This has been the law of Ohio ever since the organization of the State. Under it the student at college has the same voting rights precisely as the farmer, the laborer, the mechanic, the merchant, or the professional man. Each must vote at the place of his residence, and neither can vote elsewhere.

The SPEAKER. The gentleman's time has expired.

Mr. CULBERSON, of Texas. I ask unanimous consent that the gentleman's time be extended.

Mr. LOWRY. I yield ten minutes more to the gentleman from Ohio.

Mr. SENEY. Among the rules prescribed by the statutes of Ohio as a test of a voter's residence is this:

That that place shall be considered the residence of a person in which his habitation is fixed and to which whenever he is absent he has the intention of returning.

Mr. Speaker, I have no hesitation in saying that tested by this rule each and every one of these college students was a qualified legal voter at the place where he lived previous to going to college. If that be so, it is a complete answer to the proposition that they were legal voters in the precincts where they voted.

Mr. POLAND. Let me ask the gentleman a question.

Mr. SENEY. Certainly.

Mr. POLAND. You say that he is a voter in the place that he left when he went to college——

Mr. SENEY. The place from which he came.

Mr. POLAND. The place from which he came, although he has no intention of returning?

Mr. SENEY. No; I have not said that.

Mr. POLAND. What does the gentleman say to that?

Mr. SENEY. Certainly, if he left the place and left it simply to go to college with the intention of returning. But if he left it with the intention of making his permanent home at the college, that of course would make him a voter there. That I may not be misunderstood, if he went to college for the mere purpose of acquiring an education and with no intention of making the place his home, then he is not a resident of that precinct, and is not a voter there under the laws of Ohio.

Mr. POLAND. Although he had no other home?

Mr. SENEY. He has another home.

Mr. POLAND. No, sir.

Mr. SENEY. I can not stop to discuss that further. My time is nearly out.

Mr. POLAND. I say as a lawyer that is not law.

Mr. TUCKER. Does not my friend from Vermont——

Mr. SENEY. I must ask my good friends from Virginia and Vermont to speak in their own time.

The SPEAKER. The gentleman's additional ten minutes have expired.

Mr. LOWRY. I had intended to make it fifteen minutes.

The SPEAKER. The gentleman will proceed.

Mr. SENEY. Another rule prescribed by the statutes of Ohio is this:

A person shall not be considered to have lost his residence who leaves his home and goes into another State, or county of this State, for temporary purposes merely, with intention of returning.

This rule excludes the students' vote. Under this rule they are legal voters at their former homes.

Still another rule is prescribed; it is this:

A person shall not be considered to have gained a residence in any county of this State into which he comes for temporary purposes merely, without the intention of making such county his home.

Applying this rule, it is perfectly clear that these students had no voting residence where these schools are located.

The Ohio statutes require a person whose vote is challenged upon the ground of residence to answer this question:

When you came into this county did you come for a temporary purpose merely, or for the purpose of making it your home?

In this question is found the spirit and intent of the law.

Is it not plain, perfectly plain, that these students had no voting residence at these colleges? They were there for a temporary purpose only and with no intention to make them their homes.

Giving effect to these statutory provisions, the senate of Ohio at its last session had no trouble in deciding the contest between Mickey and Loomis for a seat in that body. The right to the seat turned on the vote of a few college students at Oberlin College. The senate determined that these students were not residents of the town of Oberlin, and consequently their votes were illegal.

These statutes, Mr. Speaker, are wise and just enactments. They are as they should be. No citizen of Ohio would change them. They make the voting-place of every voter the place of his residence. What better policy can be suggested? Let these laws be enforced rigidly at every poll, and our elective system would be purer and better.

Suffrage, under the qualifications these statutes prescribe, is the right of every Ohioan. To allow even one vote to be polled where the voter has no legal residence violates law.

The municipal affairs of a town in which a college is located are of too much consequence and interest to the actual residents to allow residents of other counties and States attending the college a vote in their management and control. It would be unjust and impolitic to give sanction to such a policy.

If the college students who voted for the contestee were legal voters, then their right to vote at the local elections in these precincts is clear and unquestionable.

The time may come when the partisans at these voting-precincts will not only speak and print, but pray against the right of the students attending their schools to vote at their elections.

Let me be understood. There is no unfriendliness upon my part to college students, or to their voting when legally qualified, at all elections. Their votes I believe to be quite evenly divided between the two great political parties of the country. I have no words at my command to express my admiration and esteem for him whose purpose it is to be educated. In his struggle for the means to educate himself I would give him every encouragement and support. When the means are provided by parents, other relatives, or by friends, he stands none the less high in my regard. God speed them in their noble endeavors. The students in our schools, colleges, and universities are the rose and expectance of our country. I would deny them no right which those

otherwise engaged enjoy. But the supremacy of the law must be maintained. It declares that in Ohio no person shall vote except at the place of his residence. College students, as a general rule, have no residence at the place where the college is located. The exceptions to this rule are few. The student within the rule must, if he would vote, go to his place of residence. The student within the exception may vote at the precinct in which the college is situated. This is the law, and as the law it should have our respect and be rigidly enforced.

Mr. Speaker, I have said that 3 votes were cast for the contestee by inmates of the Dayton (Ohio) Soldiers' Home. These 3 votes are illegal. I understand from the proofs in the case that each of these three inmates of the home was absent from the home on furlough or leave of absence. I understand that when an inmate of the home desires to leave for a temporary period he receives a furlough or leave of absence. In case he returns to the home within the life of his leave he is admitted of course. I understand from the testimony that these three soldiers were visiting at their former homes and that their leaves did not expire until after the election day. These soldiers voted for the contestee at their former homes. I insist that their voting residence was at the soldiers' home.

In Ohio the residence of soldiers for the purpose of voting has given both political parties considerable trouble. Ten or twelve years ago the Legislature, when Republican in both branches, enacted this law:

Disabled soldiers who are inmates of a national asylum for disabled volunteer soldiers, who are citizens of the United States, and have resided in this State one year next preceding the election, and are otherwise qualified as to age and residence within the county and township, shall be held and deemed to have their lawful residence in the county and township in which such asylum is located.

Now, this law was made for the benefit of soldiers. It was made to save to them the expense, the time, and the inconvenience of going from the soldiers' home to their former homes upon election day. It is their permanent home; and so long as they are subject to the rules and regulations of the home, so long as they are subject to the home's discipline, so long as they have not severed their connection with the home, but are away from it with leave giving the right to return at any time before the leave expires, in contemplation of this law they are still inmates of the home, and their residence therefore is at the home, and they can not vote elsewhere. Whatever rights they may have under the laws at their former homes, it is perfectly clear that as long as they are in legal judgment inmates of the soldiers' home, there and not elsewhere must they vote. For voting purposes, if for nothing else, the statutes of Ohio fix the residence of disabled soldiers who are inmates of a soldier's home in the township where the home is located.

Mr. Speaker, I speak to-day not only for James E. Campbell, but also for 14,390 legal voters of the seventh Congressional district of Ohio who honored him with their suffrages. He is the chosen Representative of that district in the Forty-eighth Congress.

The Republican Legislature of Ohio in 1882 districted the State for representation in Congress. In that year the Democratic vote in the State was 316,874; the Republican vote was 297,759. The Democratic vote exceeded the Republican vote by nearly 20,000. In making these districts it was intended, and they were so made, to give the Democrats six and the Republicans fifteen members in this House. At the election the Democrats carried fifteen and the Republicans six of these districts. Two of the fifteen Democrats the Republican returning board of Ohio counted out. The House a few days ago counted one of the two in, and he is now in his seat. The other, the fifteenth, the last but not the least, will, as I trust, be given his seat before the House adjourns for the day. [Applause.]

Mr. RANNEY. I do not rise for the purpose of making an extended argument, and shall not attempt to inflict such on the House. My rule of action in all election cases has been never to sign a report or vote for a resolution in committee or in the House without a personal examination of the case. When this case came out of the committee I had not been able to do that, but since then I have given the case a good deal of attention and have satisfied my own mind about it.

This case lies in a very narrow compass. I see by the report of the majority the illegal votes alleged and proved on either side, independent of the student vote, balance each other. Assume that they do. I do not think they do, but think the balance is in favor of the contestee; but I lay that aside and assume such to be the fact as the majority find in substance. I will treat the result of the case as depending on the student vote challenged. That stands in this way: A certain number of students have been permitted to vote. They voted. Their votes have been counted and returned. It charged that they were not residents of the place where they voted.

Now, sir, I have with one exception adopted the rule which the learned chairman of the committee laid down in the case of McKinley. I give the voter, the election officers, the returning board, and the contestee the benefit of the presumption which exists in their favor; and I put upon the contestant the burden of proof and require him to show, not as the learned chairman said in that case (this is the exception), beyond a reasonable doubt—the rule in criminal cases—but upon a fair preponderance of proof, that the students' votes attacked were illegal and that they were cast for the contestee. As the case stands here a very few students out of many hundreds voted. Their votes have been counted and returned for contestee. We have got to give to those votes, by way of presumption, everything they are entitled to, requiring the contestant to maintain the burden of proof.

The question simply is, has he maintained that burden of proof? As to two or three of them I think he has. As a lawyer I should say as to two or three of them that they should not be allowed; but they are not enough to change the result. It seems to me that the main bulk of these student votes were legally received and legally counted, or at least that the reverse thereof has not been established by proof.

Now, in regard to student votes I will say that they have been made an exception in some States. In New York, in Pennsylvania, and in some other States they have been singled out and made the subject of statute or constitutional regulations.

In Ohio it is not so. The law which was once passed there in regard to them has been repealed. The student stands now on the same basis and is to be judged the same as any other man, whoever he may be. It has become simply a question of fact in each individual case, whether the student had a residence which answered the requirements of the law and entitled him to vote.

There is no dispute about the law; it has been adjudged in this House over and over again. It has been discussed a great many times, and this House has adopted a rule which seems to be well stated in the case of Cessna *vs.* Meyers, and has been followed ever since by this House, independent of any statute regulating that particular class of voters. It may be considered as settled law. All that the State of Ohio has done has been to formulate the law by a statute attempting to define residence as applied to a voter on a general rule. They have mitigated rather than made more stringent the ruling law; it is not so strong under the Ohio statute as under the doctrine established and adopted in this House in some cases under the common-law rule regulating domicile.

I will take the rule as it has been adopted in this House and judge this case by it. I do not believe, I can not believe, I may be mistaken, that any gentleman, any lawyer or intelligent man, not knowing on which side it would bear, can sit down and examine this case and come to the conclusion that these student votes should be rejected.

Gentlemen on the other side, and I say it with all respect to them, as it seems to me, have perverted the facts and distorted the law. They have taken an extreme view which the law does not justify. If not in words they have virtually gone on the theory that if a man is a student, attending a school or college, that fact alone precludes him from obtaining a residence in the place where the school or college is located; that that fact alone is conclusive evidence of an intention on his part not to make that his place of residence.

Now, that is not the law as given in the case of Cessna *vs.* Meyers, so often quoted and referred to. The law is there stated otherwise, and is the result of a very careful examination of the matter. In that case this House settled the law; it is found reported in McCrary on Elections. I read an extract from the report:

The fact that the citizen came into the place where he claimed a residence for the sole purpose of pursuing his studies at a school or college situate there, and has no design of remaining there after his studies terminate, is not necessarily inconsistent with a legal residence in such place. This is to be determined by all the circumstances of each case.

That is not the ground taken by the learned gentleman from Indiana [Mr. LOWRY]. He has cited in his report the case of Dale *vs.* Irwin, seventy-eighth Illinois. That is one of the cases where I think he has hardly dealt fairly. He has only quoted a portion of it—this much of it:

As a general fact, however, undergraduates of colleges are no more identified with residents of the town in which they are pursuing their studies than the merest stranger, and should all the seats of learning in the United States be polled not more than one student in twenty would be found to possess the proper qualifications of a resident of the town.

Now, that is true here. Take the student votes in this case which they are seeking to reject, and it will be found that they do not amount to much, if any, more than that portion of the students attending the college or schools in question. Let me read some more of the opinions in that case, which the gentleman did not quote and which will be found in the minority report:

The permanent abode prescribed by the Revised Statutes of 1874 as the criterion of residence required to constitute a legal voter does not mean an abode which the party does not intend to abandon at any future time. In the sense of the statute, a permanent abode means nothing more than a domicile, a home which the party is at liberty to leave as interest or whim may dictate, but without any present intention to change it.

The undergraduates of a college who are free from parental control, and regard the place where the college is situated as their homes, having no other to which to return in case of sickness or domestic affliction, are as much entitled to vote as any other resident of the town pursuing his usual avocation. It is *pro hac vice* the home of such students, the permanent abode in the sense of the statute.

That is enough for me to read. I appeal to any gentleman on this floor to look over the cases which have been decided by this House and by other competent legal authority, and they will not find one of them in conflict with that doctrine. I therefore assume that the fact that a man is a student in a place does not necessarily preclude the conclusion that he may also have a residence there. A student may have a residence in the place where the school or college is, or he may not, according to the facts or circumstances of each case.

The mere fact that a person attends a school or college does not prevent his being a resident in the place where that school is situated. Those who reside there already do not lose their residence by becoming pupils. So is it true also that a person not a resident of the place where the school or college is located may become such, although a pupil at the same time. If he abandons and loses all residence elsewhere, and in good faith takes up his actual residence at that place and makes it such, he may become a voter after a residence for a sufficient length of time to answer the law. In such case it is a question of fact whether this has occurred.

A man may acquire a domicile if he be personally present in a place and elect that as his home, even if he never designs to remain there always, but designs at the end of some short time to remove and acquire another. A clergyman of the Methodist Church who is settled for two years may surely make his home for two years with his flock, although he means at the end of that period to remove and obtain another. (Cessna *vs.* Myers.)

A man may go to a place to learn a trade, or some craft, or branch of art, and make that place his home for a number of years. If he abandons and has no other residence or home he makes that his domicile meanwhile, although he intends to or may leave and go elsewhere when that purpose is accomplished. "A man has a domicile somewhere; a domicile once gained remains until a new one is acquired; no man has two domiciles at the same time." A man may engage as a workman, a hired man, for a given period, and become a resident of the place where he works, electing to make that his domicile and abandoning all other. He becomes a resident and entitled to vote after that residence has continued long enough to answer the statute regulations.

Laboring men generally get a residence where they are engaged at work, although when their employment ends they go, and intend to go, elsewhere.

If gentlemen will examine the law of Ohio they will find no particular statute regulation placing students under an exception. There is nothing in the fact that a student is engaged in study that prevents his becoming a resident of the place where he is so engaged. He becomes such if he takes up his abode at the place, abandons his prior residence, and elects that as his home. There is no difference between a student at a school or college and a man who is studying with a private individual to learn a trade or profession, or some branch of art, or what not. The fact of residence and the intention concurring constitutes a residence as defined by the law of Ohio.

The trouble is with the learned gentleman from Indiana [Mr. LOWRY]; he virtually holds that in order to constitute a residence so as to entitle a man to vote he must go to a place intending to remain forever there during life. In his view the home "so dear to civilized and savage" is one of that kind and no other. This is a mistake and adverse to all the adjudged authorities.

It will be seen that each of the men whose votes are disputed comes within the rule of law which I have given and as laid down by all the approved authorities. They are men who had abandoned all prior residence or domicile and taken up their abode in the place where they were studying, choosing that as their place of residence. They had been there for many years, most of them. Some of them were preachers, some teachers, and others attended to other vocations a part of the time. When they were through with their studies they might remain or might go elsewhere. That was a thing to be determined in the future. It was a mere floating intention, dependent upon circumstances.

If I had time I could take up each instance and show that each man whose vote is challenged has not been proved to be illegal. As already stated, but very few of the many hundreds of students voted, only those who had established a home in the place where they voted. There is no fraud charged. Most of them had voted right along every year for a series of years unchallenged. They were men advanced in years, beyond the age of ordinary youth attending school. Before the election they had sought and obtained instruction from their professors and others as to the law, and what was necessary to constitute the requisite residence, their qualifications and rights. They acted deliberately and carefully and in perfect good faith. The whole question is one of intention, as affecting and determining the character of the residence. The fact of residence is not in dispute.

The prior act in voting and their other conduct are significant as determining what that intention was. It is for contestant to meet the presumptions of law in favor of the legality of the votes assailed. That he has not done. I repeat, the learned gentleman from Ohio has apparently conclusively presumed that the mere fact that the voters were studying at a school or college prevented them from acquiring a residence there meanwhile, without regard to whether they had abandoned or lost all prior residence or not. He has either done this or disregarded the evidence. If there is any doubt as to any individual cases, it should be given in favor of the contestee. The burden is on contestant to overcome the presumptions against him and establish on a fair preponderance of proof the alleged illegal votes sufficient to overcome contestee's majority. This he has not done. If gentlemen could, as I have already said, only sit down, read, and weigh the evidence and come to a conclusion as to each individual vote, without knowing at the time how it affected either party, and then sum up the result, I should have no fears of the result.

Mr. MOREY. Mr. Speaker, nothing which may now be said can alter the decree which has gone forth in this case. Like the decrees of the Medes and Persians, it is unalterable. I would not speak now nor interpose any reason why the majority of this House should not carry out its deliberate purpose from any personal consideration of my own. I know it will be futile to attempt to stay the uplifted hand from the intended blow. I will accept with a sense of relief the verdict at your hands, which at least will end the suspense and annoyance which are the inseparable companions of contested-election cases. But, sir, I owe a duty to the people who sent me here to defend the title which they conferred upon me and to place in the records of this House the evidence of its integrity.

I approach the discussion of this case with no unkind feelings toward any of my associates on this floor. With many of them I have sat here in most pleasant personal relations for the last three years. Others I have known not so long, but not less pleasantly. In my discussion of this case and in my criticism of the report of the committee which awards my seat to contestant, in violation of law and justice and in disregard of the evidence, as I believe, I shall not forget that there are friendships all about me which are not dead, but are simply dominated by partisan interests and partisan obligations. I have esteemed above all honors the confidence of the people who have twice sent me here by their suffrages to represent them on this floor.

It has been my pride and my welcome duty to serve them faithfully, honestly, and diligently independently of their party associations. Their welfare and honor have been the paramount objects which I have ever sought to attain in all my official conduct.

Proud as I am of a seat here, I value it only because it is the will of a great and intelligent people, expressed in the manner provided by law. I would spurn a seat here and esteem its privileges and emoluments a burden and disgrace whose title does not rest on the will of my people speaking by the means provided by the laws of my State. To accept and occupy it otherwise would be a degradation whose shadow would rest like a pall on the coveted honor. The people of my district have spoken. Their decision has been rendered. It can not lawfully be reversed except upon "clear and convincing testimony."

Ay, Mr. Speaker, even stronger than that! In the language of the distinguished chairman of the Elections Committee, it should be upon evidence, "to the exclusion of all reasonable doubt." The people's judges are taken from among the people themselves. They preside at the various precincts where the people come to exercise the highest right of freemen. They know the people, and they are known by the people. They hear and determine all questions touching the legality of votes tendered. Their decision is the decision of the people, and is *prima facie* correct.

The distinguished chairman of the Elections Committee, Mr. TURNER, in his argument on the Wallace-McKinley contest on the 27th of last month, used the following language as to the rule for the rejection of a vote which had been received by the people's judges:

As to the rejection of illegal votes I cite the established rule:
"It is not sufficient that there should exist a doubt as to whether the vote is lawful or not, but conviction of its illegality should be reached to the exclusion of all reasonable doubt."—1 *Bartlett*, 25.
Where the proof falls short of conviction let us give the benefit of all doubts to the voter.

I am at a loss, sir, to discover how the distinguished gentleman could apply the rule he there laid down to the wholesale rejection of votes which were cast for me, and which the majority of that committee have found it necessary to deduct from my poll to frame any plausible excuse for reversing the express will of the people.

It will be impossible in the brief time allotted for the discussion of this case to consider all of the various questions which enter into it. The parties to this contest by their briefs and in their arguments have made certain admissions in reference to certain votes in controversy, and those admissions are grouped in the report of the minority, and show that by votes on which there is no controversy the contestee is entitled to a majority of 53 votes.

The parties in their briefs and in argument have come to certain agreements, which I will call the admitted case.

	Votes.
Majority returned for contestee	41
Net gain on count (Morey, contestee, claims a net gain of 9 votes)	8
Morey and W. R. Morey ballots	2
Non-residents voting for contestant	4
Aliens voting for contestant	3
Aliens with defective papers voting for contestant	2
Total	60
Deduct non-residents voting for contestee	7
Net admitted majority for contestee	53

Contestee starts, then, with a net majority of 53 on votes which have been placed beyond controversy by the admission of contestant and contestee. This majority of 53 must be overcome by contestant before he can start even with contestee in the race for illegal votes. In other words, contestant must produce and prove to be illegal by clear and convincing proof 53 votes cast for contestee before contestee needs to attack a single vote cast for contestant for the protection of his title to a seat in this House.

This result is also changed by the reports. The minority of the committee have awarded to contestee a majority of 127 votes. The majority of the committee have awarded to contestant a majority of 44 votes. The two reports therefore put in issue the legality of 171 votes.

Sir, I will appeal to these 171 votes and by the record show to this House and to the country that the pretended majority for contestant is founded upon a disregard of plain rules of evidence, upon a denial of justice, and in violation of well-settled principles of law.

As the most important factor in this case I shall first consider the so-called student vote, on which the majority have imposed upon contestee a net loss of 60 votes.

The simple and only qualifications to vote in Ohio are:

First. Citizenship of the United States.

Second. Residence in the State one year.

Third. Residence in the county thirty days.

Fourth. Residence in the township, ward, or precinct twenty days.

The head of a family, being otherwise qualified and removing from one voting precinct to another in the same county, may vote without the twenty days' residence required of single men.

The Legislature has established rules for determining the residence of voters:

SEC. 2946. All judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as the same may be applicable:

1. That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

2. A person shall not be considered to have lost his residence who leaves his home and goes into another State or county of this State, for temporary purposes merely, with the intention of returning.

3. A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes merely, without the intention of making such county his home.

In the statute the words "residence" and "home" are used as convertible terms; both are defined to be "a place of abode."

Under these rules, sir, the intention of the voter is the controlling element. There are two well-known maxims in the law: First, every person has a residence somewhere; second, no person can have two residences at the same time.

The laws are made to enfranchise and not to disfranchise the people. The law intends and expressly says that upon the conditions upon which residence is lost in one locality upon the same conditions shall it be gained in another.

Rule first is a definition of residence.

Rule second is a rule for losing residence, by which the voter loses his residence by going out of the county or State even for "temporary purposes" if he do so without the intention of returning.

So rule third is provided, by which the voter gains residence in a county into which he comes even "for temporary purposes" if he do so with the intention of making it his home.

I have not time to read all the authorities which bear upon this question. I will simply say that there is no adjudicated case either in Congress or in any State court which does not support the proposition which I maintain, that a student must be qualified as a voter by residence just as men following any other occupation; and, further, that a student has the same right to select or adopt a residence, and may do so upon the same conditions, as a person following any other occupation.

And further than that, if there is anything in precedents I say that up to this hour there never has been a case in the Congress of the United States where a student vote has been held to be illegal, not one, although there have been four cases in this House where that question has been involved, and in not one of them has the student vote been declared illegal. The majority of the State courts has been in the same direction.

McCrary, in his work on contested elections, reviewing the leading authorities, uses the following language, paragraph 41:

Whether or not a student at college is a *bona fide* resident of the place where the college is located must in each case depend upon the facts. He may be a resident and he may not be.

There have been four cases before Congress involving this question, in all of which this rule has been adhered to, and in no one of these cases has the vote of a student been held to be illegal. They are the cases of Letcher *vs.* Moore, from Kentucky; Farlee *vs.* Runk, from New Jersey; Koonts *vs.* Coffroth, from Pennsylvania; Cessna *vs.* Meyers, from Pennsylvania.

In the case of Cessna *vs.* Myers, Forty-third Congress, the following language is used:

The fact that the citizen came into the place where he claimed a residence for the sole purpose of pursuing his studies at a school or college situated there, and has no design of remaining there after his studies terminate, is not necessarily inconsistent with a legal residence in such place. This is to be determined by all the circumstances of each case.

In Farlee *vs.* Runk, from New Jersey, the Congress refused to seat contestant on a claim exactly parallel with this case.

In Putnam *vs.* Johnson (10 Mass.), the court held the student vote in question to be legal, and say:

A residence at the college or other seminary for the purpose of instruction would not confer a right to vote in the town where such an institution exists, if the student had not severed himself from his father's control but resorted to his house as a home and continued under his direction and management. But such residence will give a right to vote to a citizen not under pupilage, notwithstanding it may not be his expectation to remain there forever.

In Dale *vs.* Irwin (78 Illinois), involving student votes:

After a full consideration of the merits of each particular vote in question, the court admitted a part of the student votes as legal and rejected a part as illegal on the principle announced in the case that the legality of each vote must be determined by the facts relating to it alone.

The case of Mickey *vs.* Loomis, in the State Senate of Ohio, was published after my brief was filed.

Contestant, in his brief, says:

Before our case is tried by the committee and presented to the House it is believed that the above named case will be terminated, and the student vote wholly rejected.

This, sir, is a remarkable foreknowledge on the part of contestant, and might lead to the suggestion that there was an umbilical cord between the Democratic Senate of Ohio and the Democratic Congress. Contestant did not reckon without his host. The case was decided against Loomis, Republican, by a committee of seven, on which the Republicans were accorded only two representatives, the Democracy having five representatives thereon. A large number of student votes were thrown out in a body, and Mr. Mickey, the Democratic contestant, was seated by a strict party vote. I submit, sir, that the Mickey-Loomis case, from its partisan character, is entitled to little weight as against the unbroken line of precedents in this body, even if it were a parallel case to the one now at issue.

But, sir, it is not such a case. It was tried upon an agreed state of facts, and it operates only upon the facts in that case and settles no principle of law involved here. In that agreed state of facts is an entire absence of the "intention of making such county his home," which is the controlling fact in establishing residence under the Ohio law. This intention, sir, does exist in the case of the students in this contest. And, sir, the agreed facts in that case are much less favorable to residence than the actual facts in the case. In the Mickey-Loomis case the majority of the committee omitted all reference to the authoritative cases which I have quoted, and contented themselves with quoting from Fry's election case under the Pennsylvania law, where there is no statutory definition of residence as in Ohio. In that case certain student votes were held illegal on the express ground that the voters were not wholly emancipated from their parent's homes. They "may or may not return" to their parents' homes, say the court, excluding the abandonment of the old homes and the adoption of new ones.

The trial judge in that case says the said students "are under the pupilage of their parents, receiving all their support from them, and in no sense whatever emancipated from the parental roof." If such were the facts in this case there might be some reason apparent for the conclusions of the committee. They also quote in support of the Mickey-Loomis case from the syllabus of the case in fifty-third Iowa, which involved 1 student vote. The court found that he was supported by his father and resorted to his father's as his headquarters and home. By the Mickey-Loomis case, founded on such authorities, you propose to set aside all the precedents of this House and to fatally construe the Ohio statute against the great army of educated and intelligent teachers and preachers who, though far advanced in years, seek homes in such favored localities as Wilberforce, Xenia, and Lebanon in order that they may enjoy the advantages of the great institutions of learning and training there established for men who have passed beyond the rudimentary branches of education, and have for years been teaching and preaching as the so-called students have in this case.

The students acted with commendable prudence in determining who were entitled to vote.

A meeting of both Democrats and Republicans was held a short time before the election at Lebanon, where the question of residence was impartially discussed, the statute read, and the result was that out of 500 or 600 adult male students of voting age 49 only believed they had the requisite qualifications and voted, part of them for contestant and part for contestee.

It was the custom in the university to discuss questions of current interest, and among others the question of contested elections was discussed in the law class. It so happens that four persons only who were present at that discussion are a part of the students who voted. And yet these students are assailed by contestant as "studied evaders," and in effect false swearers on the witness-stand, to meet the accusation of "an infamous crime" as being charged with illegal voting. He assails the Wilberforce and Xenia voters because a part of them read a newspaper article on the question of residence as applied to voters ust before the April election, 1883, prepared at the instance of the proprietor of a county paper as a subject of public interest. It is but fair to say that, with a few exceptions, the witnesses on both sides in this contest have been truthful. They are for the most part men of high character, and on neither side deserving of wholesale denunciation, such as contestant hurls at all Republican witnesses, voters, prominent men, and officials.

I wish to call your attention to some of these votes. I desire to say in reference to these institutions of learning that they are not preparatory schools, that they are not the ordinary training-schools for youth.

Wilberforce College is a theological and academic school for colored people, situate at the town of Wilberforce, a settlement of colored people.

In Greene County alone there are several thousand colored inhabitants, while in Greene and in the adjoining counties of Clarke and Clinton is one-fourth part of the entire colored population of the State.

The most distinguished members of that race in Ohio and of the United States reside in the town of Wilberforce. Bishop D. A. Payne, Bishop J. A. Shorter, President B. F. Lee, Professor J. P. Shorter, Professor W. S. Scarborough, Professor J. G. Mitchell, Professor T. H. Jackson, Secretary B. W. Arnett, who is the secretary of the A. M. E. Church connection; Secretary J. A. Clark, secretary of Wilberforce University; T. A. Brown, J. G. Griffin, and T. Prattis, also Professor S. T. Mitchell, have made their home here. Bishop Payne, Bishop Shorter, and Professor Shorter were delegates to the ecumenical council of all the Methodist denominations of the world at London, England, in 1881, at one of whose sittings Bishop Payne presided, and where Professor Shorter by appointment read a paper before said council. On this occasion also these justly distinguished members of their race were dined by the lord mayor of London. Men of learning and character and distinction like these make their homes at Wilberforce, and attract to them and around them members of their race with like high aspirations to their own, who come and make their homes there because they can be among their own people; because all around the place are colored schools and churches; because there are high educational and social advantages here, and because it is situated in and surrounded by one of the richest and grandest countries which the sun ever shone upon.

The minority of the committee say:

The men who voted at Xenia Township, who were students at Wilberforce, were but twenty-eight in number of all the students in that great university. They were men advanced in years, far beyond the age of majority, their average age when they voted was 29 years, running all the way from 23 to 35 years; they had lived at Wilberforce, respectively, from one to five years. They were all self-supporting, and had been engaged in useful productive occupations, such as laboring, teaching, preaching, &c. At the time of the election, October 10, 1882, twelve of these men were licensed preachers, with settled charges at Wilberforce and at the neighboring colored settlements. Most of their parents were dead, all of them had for years been away from the early family hearthstone and from under the parental roof; one of them, a type of them all in most of the facts which distinguish him, was born a slave. He left his home in North Carolina in 1869, without education and poor in purse. He labored on the railroads in Tennessee and Kentucky; lived at Evansville and Terre Haute, voting at both places, and in 1876 settled in the town of Wilberforce, where he has ever since lived, and where he has voted at every election for five years prior to October 10, 1882, except at one election, when he had charge of a church in another county in Ohio. Eighteen of these voters had voted at previous elections in Xenia Township. Five of them at eight previous elections at least, eight of them at three or four previous elections, five of them at two previous elections.

I shall refer to a few typical cases which will illustrate them all. Jesse J. Bass was born in Virginia; is 27 years old; he moved to Ohio in 1876, to Pickaway County in 1877; he moved to the town of Wilberforce when he abandoned his former home and adopted the town of Wilberforce as a place of residence. He changed his church residence from Virginia to Wilberforce. He has been a teacher in the normal department in the university since 1881.

W. T. Young is a man aged 30 years. He came to live at the town of Wilberforce in 1880 from Wilmington, Del., where he had lived nine years. His parents lived in Maryland, and he had been at their home only three times in the nine years he had lived at Wilmington. He supports himself. He worked the roads in Xenia township in 1881 and in 1882. He has been free from parental control for eleven years. He adopted the town of Wilberforce as his home, as the place to which he always expected to return when temporarily absent. He lived in a cottage rented of a resident of the town.

C. M. Crosby, age 33 years. He lived in Xenia Township for five years. He had been free from parental control for thirteen years. He had lived at Mason, Mich., and voted there. He had lived at Lansing, Detroit, and Winchester, Ind., and voted at each of these places. At Detroit he was a barber three years. In Indiana he was a preacher for two years, and in the five years he lived and voted in Xenia Township he was the settled pastor over a circuit of churches.

Sir, these are fair samples of the Wilberforce student vote; and yet, sir, you have thrown out twenty of these votes to enable you to return to contestant a majority of 44.

I again quote from the minority report as to the students at the Normal University:

Contestant claims that 36 students at the National Normal University at Lebanon voted illegally for contestee. These men were mechanics and farmers and teachers, principally the latter. Their ages are from 21 to 31 years. Most of them were advanced far beyond the age of majority; all had been severed from their parental homes, and had been out in the world fighting their own battles for years.

At the time of the election the witnesses put the number of students at from 450 to 1,300. The best informed persons say that there were about 300 adult males there at that time. Out of these 300, 36 only voted for contestee—about 1 in 10.

These students did not, as has been claimed, vote in a body nor as a class. Only such as were qualified by age, residence, and intention to reside there presumed to vote, and this after careful discussion of the requirements for voting. A large number of them had been voting for a number of elections previous to October 10, 1882. Seven had voted at three previous elections; eight had voted at one or more previous elections.

The National Normal University is the headquarters for students in Ohio. Many persons following that occupation make their home at Lebanon because the university is there, seeking employment from that point and returning there when their employment is ended.

J. O. Gresso, aged 23 years; he came to Lebanon to make it his home in March, 1881; he attended school from March, 1881, to January, 1882; he then clerked in a store in Lebanon from March, 1882, to August, 1882; he then attended the teachers' institute in that county, and on September 2, 1882, he commenced teaching in that township, and was teaching on election day; he had not been living at his father's home for two years prior to moving to Lebanon; has voted at Lebanon ever since he was 21 years old.

J. H. Bailey, aged 22 years; he had taught thirty-three months of school; he came to Lebanon to live in the spring of 1880, and remained three months; he then went to Iowa for a temporary purpose, and in June, 1881, returned to Lebanon to engage in his business of teaching penmanship, which he has followed there ever since, always returning there at the end of all temporary absences; he had no other home, and had adopted Lebanon as his permanent residence.

J. L. Plummer, aged 24 years, lived in Lebanon eighteen months, teaching school in that county October 10, 1884. He made Lebanon his home, and taught school wherever and whenever he could get employment in that neighborhood. He, as were all other of these students, was wholly emancipated from parental control. A majority of them all had been out in the world for years, and came to these towns from acquired domiciles. These are fair examples of the 35 votes of alleged students at Lebanon which you have taken from my poll to destroy my majority and to enable you to return a pretended majority for contestant.

I here quote from the report of the minority as to—

THE THEOLOGICAL STUDENTS.

Of all the students at the theological seminary at Xenia, twelve only voted for contestee. They, too, were men advanced in years far beyond the age of majority, their average at the time of the election being over 26 years. They had all completed their academic education, had been attached to presbyteries, and had become in fact a part of the clergy of their Church. They were in nearly every instance poor men, who had been compelled since their majority to become teachers, or engage in other industrial pursuits for their own sustenance and support. Of those who were interrogated on that point, two had voted there at five previous elections, five had voted there at three previous elections, one had voted there at one previous election. Their uncontradicted testimony is that they had abandoned their former homes and had adopted Xenia as their residence, without any present intention of removing therefrom. They, like all preachers, were subject to go where the exigencies of their profession might call them.

It has always been held in Ohio that a minister of the gospel is entitled to vote where he has resided for the statutory period, notwithstanding he may move the next year to take another charge. Much stress is laid upon the fact that these students signed a college register, giving their addresses and the presbyteries to which they were credited. All the witnesses testify that the address merely indicates where the student came from, and in no sense indicates residence, and that the giving the name of the presbytery is merely for the information of the officers of the college, that they may know what body has jurisdiction over his spiritual walk and conduct. Rev. J. G. Corson, the secretary of the board of managers, explains the whole matter. He says:

"The name of the presbytery under the care of which the student is does not indicate anything in regard to his residence, as it is in a great measure a matter of convenience; as, for example, a number of the students coming from distant parts of the country put themselves under the care of Xenia presbytery, in whose bounds the seminary is located, because more convenient for being examined by and delivering discourses before such presbytery."

Much stress is also laid on the fact that several of these men had completed their course at the time they were examined as witnesses. Some of them had appointments to be examined and to deliver their trial discourses before their presbyteries. The law required that they should have five days' previous notice of their examination. They simply asked, in order to avoid delay, that they might be examined at once, and go to their presbyteries for that purpose alone. Where they would thereafter make their homes, or whether they would ever abandon their homes at Xenia, were matters for the future, to be determined by the exigencies of their lives, just as the place of residence is determined in the case of every other voter.

Of these votes 1 is conceded by the minority because the abandonment of his prior home was not made clear by the witness. And yet, sir, in the face of these facts these 11 votes are bodily deducted from contestee's poll for the purpose of awarding contestant a pretended majority of 44 votes.

It is impossible to do more than merely refer to a few typical cases. And first, sir, I take the case of W. J. Brooks, aged 28 years, a resident of Ohio for ten years and of Xenia two years, where he voted at all the elections in 1881 and 1882. His mother has been dead for many years, and his father had not been keeping house since 1881. He swore that he came to Xenia to make it his home, and that he had no other home.

I commend his answer to you for re-examination. It is a model of the kind, and contains the key to all these cases, and should put to shame the attempt to disfranchise these men.

Qestion 1. When you came to Xenia did you come with the present intention of becoming a resident of this city so as to be subject to taxation by making it the seat of your personal property and of taking upon yourself full liability to perform all municipal duties which devolve on the permanent residents or inhabitants of this city; and, if so, have you maintained that intention ever since?

Answer. I came here with the intention of becoming a citizen, expecting to be subject to State and municipal laws involved in such a relation. If by "so as" you mean motive, to be taxed was not my chief end in becoming a citizen, nor that I might thus be subject to municipal authority. I have maintained that intention ever since.

Another is, Jesse S. Calvin, aged 27 years, married, and resided with his family in Xenia, keeping house, since 1881. He had not lived with

his father for over six years. He had no home except Xenia, and had no intention of leaving there. He had voted in Xenia in 1881 and 1882.

BANTAM PRECINCT.	Votes.
There were cast in Bantam precinct	208
The judges of election returned—	
For contestee	141
For contestant	57
For Parker	5
Total returned by judges	203
On the recount there were found in the boxes 208 ballots.	
For contestee (gain 1)	142
For contestant (gain 3)	60
For Parker	5
Blank	1
Total ballot	208

This proves the recount to be correct.

This gain of 3 votes for contestant has been allowed contestant, yet you deny the 1 gain in the same box to contestant. It makes the number of votes cast in the precinct; 208 persons voted, 208 ballots were found in the box, and this was one of them. What fair-minded man will say that contestee ought not to have this ballot counted for him? Yet, sir, this represents one of contestant's pretended majority of 44 votes.

At Williamsburg, Clermont County, there were four colored men working on the Tunnel Mill bridge. They all voted in the following order on the poll-book: Ves Norwok, 509, R.; Thos. Ruffin, 535, R.; Thos. Degale, 536, D.; N. R. Jackson, 537, D. The proof of their non-residence is by no means satisfactory. The proof is overwhelming that two of these men, Thomas Degale and N. R. Jackson, voted for contestant, yet this committee, following its unbroken line of precedents in this case, have taken them all from my poll, and they become 4 of contestant's pretended majority.

You refuse to take from contestant's poll the vote of David Foley, who voted at the same place for contestant, and who was the only witness against the colored men, and who, being the only witness in his own case, says:

Ques. 3. When did you go to Williamsburg Township?
Ans. First of last June.
Ques 4. At whose instance and for what purpose?
Ans. I left there at the instance of Morris Link and to work on the Tunnel Mill bridge, about two miles from Williamsburg.
Ques. 7. How long had you lived in Cincinnati before you went out to work on the bridge near Williamsburg?
Ans. Two years.
Ques. 8. Where did you live in Cincinnati, and with whom, if anybody?
Ans. I lived with myself and family; I lived on Sycamore street, between Fifth and Sixth, back of a Catholic church.
Ques. 18. When you got through with your work upon bridges, where did you expect to go?
Aus. My intention was to go back to Cincinnati again.
Ques. 19. You consider Cincinnati your home do you not?
Ans. I consider Cincinnati my home; my sisters live there; I have voted there many years.
Ques. 116. What ticket did you vote?
Ans. I voted Democratic ticket straight.

And this vote, sir, is a part of contestant's pretended majority. You have also allowed contestant the vote of Mike O'Hern, a laborer on the same bridge, who voted at the same place, and who also was a resident of Cincinnati, and came to Williamsburg to work in July.

From David Foley's testimony:

Ques. 117. What ticket did Mike O'Hern vote?
Ans. He voted straight Democratic ticket; I saw him vote it; we voted together.
Ques. 35. State when you first became acquainted with each of these parties and when you first ascertained where they lived.
Ans. Mike O'Hern? I have been acquainted with him since I was a little boy; he lives at Walnut Hills, a suburb of Cincinnati.

Testimony of Chaffin Vanardal:

Ques. 22. State what, if anything, you know about the home of Mike O'Hern, where he lived, and where he called his home; and if you ever had any conversation with him about it, or ever heard him make any statements about it to anybody else, please state what he said.
Ans. I know nothing only what he said was his home—said he had property on Oak street, Cincinnati, near the tunnel on the Cincinnati and Northern Railroad, out on the hill.
Ques. 23. State if he spoke of Cincinnati being his home.
Ans. Well, he would say, I will go home next week. He would say first he wanted money to go home next week and I let him have it, and he went down on the train toward Cincinnati.

There is no attempt to contradict the evidence, and this vote goes to make up contestant's pretended majority.

You have put upon me the vote of John Donley, well known to be a Democrat, an admitted non-resident, who voted at Yellow Springs, who said he voted for contestant, and is proved beyond any doubt to have done so by the following testimony of D. S. Funderburg:

Ques. 6. State whether you saw him vote, and also state what conversation you had with him at that time; state fully.
Ans. He was standing in front of the window where they voted. I came up to him and offered him a Republican ticket. He said he had one, and took it out and showed it to me. He dropped that ticket, and in the other hand he had another ticket folded up; he opened it out, and it was a Democratic ticket. He said, "That's the kind of ticket I am going to vote; I never did vote a Republican ticket," and he would be damned if he ever would. He voted that ticket maybe half a minute after he said that.
Ques. 7. State whether that ticket was a straight Democratic ticket, without any scratching on it.
Ans. Yes, sir; it was a straight Democratic ticket. He opened it out and showed it to me; there was no scratching on it.

You have refused to take from contestant's poll the vote of Chris. Bevington, a resident of Dayton, Montgomery County, who voted in Ross Township, Butler County, on the pretext that it is not certain who he voted for. His own testimony settles that point:

3. Ques. Did you vote a Democratic ticket?
3. Ans. Yes, sir; I did.
4. Ques. Did you not know that James E. Campbell was the regular Democratic candidate, and that Henry L. Morey was the regular Republican candidate for Representative in Congress in said district at said election?
4. Ans. Yes, sir; I did.
82. Ques. Were you not brought to Hamilton by two Democratic workers, and did you not consult a Democratic lawyer, a friend of Mr. Campbell?
82. Ans. Was took to Hamilton by two Democrats; consulted Mr. Campbell and another man, whose name I do not know.

After the consultation he went back to Ross Township and voted.

You have taken from my poll the vote of Joseph Haney, an unmarried man, 46 years old, a journeyman bricklayer, who had been working, boarding, and having his washing done in Middletown, where he voted, from the 1st of March prior to the election. His uncontradicted testimony is that he had no other home and that his home was at Middletown. His Democratic employer on the day before election, in a bantering mood, said to Haney, "We will have to send you up to Germantown to vote." Haney made the plucky answer that "he was the fellow who could go." On this jest, sir, you have taken from me this vote, as truly legal as ever was cast. You have taken from me the vote of T. E. Drake, who came to Middletown from Lebanon in February, 1882, and bought a livery stable there, which he has owned and operated to this day. In April, after the spring election, his wife, the only family he had, came to Middletown, and thereafter lived with him to this hour. He voted in Middletown, where only he could vote under the laws of Ohio.

You have taken from me the vote of Frank Smith, who voted for me in East Fairfield precinct, where he had been living since early in August, 1882. You do this on the testimony of a Democratic witness who described Smith as a "stuttering nigger;" who says in chief that Smith admitted being a resident of Kentucky, but who on cross-examination admits that what Smith said was that his parents lived in Kentucky, but that his home was in Ohio.

You take from me the vote of G. W. Toliver, who went to the polls fresh from the hands of Jonathan Combs, Democratic judge of election in East Fairfield, who hastened inside the polls and received his vote.

You have taken from me the vote of Jack Clark, who had lived and voted in Liberty Township, Butler County, for three years, on the oath of an ex-confederate soldier who tried to get him to vote the Democratic ticket, and who swore that he would not have challenged him if he had voted the ticket which he offered him.

You have taken from me the vote of Perry Fields, who voted in Laurel precinct, in Clermont County, where he had lived since early in 1881, simply because he was working as a farm hand in an adjoining township, returning to his own home every Saturday night and remaining until Monday morning, according to his contract of hiring.

You have taken from me the vote of W. S. Barclay, who voted in Laurel, where he had lived with his wife and children, keeping house since April, 1871, simply because he was out of Ohio on a prospecting tour in the spring of 1882, maintaining his goods, property, and home in Laurel and returning thereto after a short absence.

You have taken from me the vote of James Parrin, who had lived for fifty years in Clermont County, because in March, 1882, he moved with his wife and household goods from Monroe Township, where he had rented his farm for ten years, to his son's home in the adjoining township of Pierce, where he voted.

You have taken from me the vote of Abel Leever, who voted in Goshen Township, Clermont County, because he went to Illinois on a visit, intending to return, and did return pursuant to that intention. The Democratic judge who interrogated him when challenged says he thinks he had a right to vote.

You have taken from me the vote of S. Bosworth, who voted at Goshen, on the alleged ground that he was a resident of Marietta. His uncontradicted oath is that he left Marietta in September, 1881, established his residence in Cincinnati, where he voted in April, 1882; that in August, 1882, he moved with his family to Goshen and established his residence there.

You have taken from me the vote of Charles Daugherty, who voted in Xenia, Greene County, in which county he always lived and voted, simply because he secured a position in the comptroller's office by the aid of influential friends in Georgia, whose acquaintance he had made while temporarily there in the revenue service.

You have taken from me the vote of Frank Sharp, who voted in Greene County, whom no man knows how he voted, except from his conversation, which was favorable to the Democratic party, because, while he came into Greene county on September 9, 1882, his wife did not come until September 12, less than thirty days before the election, although she had simply been visiting since September 8, 1882. Yet you have allowed contestant the vote of H. P. Lindsay, a former resident of Terre Haute, Ind., who voted for contestant at Xenia, who came to Ohio October 3, 1881, to buy a drug store, which he bargained for and invoiced after he got to Ohio. He then returned to Indiana, broke up housekeeping, brought his family and household goods, arriving in Ohio on October 15, 1881, less than one year prior to the election.

You have taken from me the vote of W. D. Mulford, who voted at Lebanon, where he had lived for seventy years, one of the most re-

spected citizens, and who swears that his home was there October 10, 1882, because on a plea in abatement to a criminal indictment, where every doubt must be resolved in favor of the prisoner, it was found that Mulford was not a resident of Warren County from October 16 to 19, 1882. There is no pretense that the finding relates to any other date or to the date of the election.

You have taken from me the vote of J. W. Rumer, who voted at Lebanon, where he had lived and kept house with his family since March, 1881, because he selected Lebanon as a home, that he might there educate his children.

You have taken from me the vote of H. D. Lewis, a farmer's boy, who voted in Ross Township, in Butler County, where he was born and raised, because he went West to Colorado on a sight-seeing trip in September, 1881, and remained a few months there, although his uncontradicted oath is that he went simply for sight-seeing and recreation and with the intention of returning to his home in Ohio, which he did at the end of his visit. He testifies as follows:

Interrogatory 10. When you left Ohio in September 1, 1881, and went to Colorado, was it not your intention to change your place of residence and make Colorado your home?
Answer. Emphatically no.
Int. 11. Was it not your intention to make some other State except Ohio your home?
A. No, sir.
Int. 19. I will ask you if you did not vote while in Colorado?
A. No, sir.
Int. 20. What was your object in going to Colorado in September 1, 1881?
A. Recreation and sight-seeing; no particular object, only to see the country.

You have taken from my poll the vote of John Everhart, who voted at Waynesville, in Warren County, where he had lived and voted for twenty-five years, because he was in Kentucky a few months for a temporary purpose, always intending to return to Ohio.

You have taken from my poll the vote of Gordon Joy, who voted at Waynesville, in Warren County, where he had lived for years, because he had been temporarily in Florida, and whose uncontradicted testimony is as follows:

Ques. 6. At any time while you were in Florida did you form or have the intention of abandoning Ohio as your place of residence?
Ans. I did not.
Ques. 7. During the whole time that you were in Florida, did you intend to return to Ohio as your place of residence?
Ans. I did.
Ques. 8. Is it not a fact that you declined to register in Florida for the reason that you did not desire to become a citizen of that State?
Ans. They wanted me to, and I refused on that account.

You have taken from me and have given to contestant the vote of Robert Wilson, who voted in Ross Township, Butler County, thereby adding two votes to the pretended majority you have awarded him, because Wilson, under the coaching of his Democratic employer, Manrod, says one Titus gave him a Republican ticket when he had asked for a Democratic ticket. He is flatly contradicted by Titus, as follows:

I came across Mr. Wilson a few steps from the house, and I asked him if he had voted. He said no. I asked him if he had a ticket. He said yes, but it did not suit him; that it was a Democratic ticket, and that he had always been voting the Republican ticket. I told him if that ticket did not suit him I would give him one that would suit him—I would give him a straight Republican ticket. He said he would vote that, but that I must not tell Mr. Manrod, as he would turn him off if he found it out.

And yet, sir, the chairman of the committee by signing the report says this alleged criminal act of deception is established beyond a reasonable doubt. You have taken from my poll the vote of Charles H. Griftner, who voted at Franklin, Warren County, whose uncontradicted testimony is as follows:

13th. State whether, when you left Warren County, Ohio, in 1881, it was with the intention of remaining away permanently and changing your place of residence, or with the intention of returning and retaining his residence, in Franklin Township, Warren County, Ohio.
Answer. When I left I went with the intention of returning again in a year and keeping my home where it had always been.

And by such means and other like votes, sir, you have destroyed my majority at the polls, and awarded contestant a pretended majority of 44 votes.

You have allowed to contestant the vote of William C. Markle, who voted in Milford Township, Butler County, where he was employed as a farm hand for the definite period of nine months, intending to return to his home in Hanover Township at the end of that time.

The following is from young Markle's testimony:

Ques. 1. During your life to what place, whenever you were absent, have you had the intention of returning?
Ans. To my father's.
Ques. 2. When you went to Shellabarger's, March 1, 1882, how long did you intend to remain there?
Ans. Nine months.
Ques. 8. Has there ever been a day in your life when your washing was not done in your father's family, wherever he might be residing?
Ans. No, sir; it was always done in my father's family.
Ques. 9. Has there ever been a day in your life when all of your best and surplus clothing was not kept in your father's house, wherever that might be?
Ans. No, sir; it was always kept in my father's house.
Ques. 10. Has not your father's house, wherever it might be, always been the principal seat and location of your personal property, to which when absent you had an intention of returning?
Ans. Yes, sir.

Cyrus Markle, his father, testifies:

Ques. 6. State whether your said son returned to your house at the end of the said nine months he was with Shellabarger?
Ans. Yes, sir.
Ques. 7. Has he always returned to your house and made his home with you at the end of all temporary absences?
Ans. Yes, sir.
Ques. 8. State whether your home, wherever it has been, has always been considered by the members of your family as the home and residence of your said son, to which he would return whenever absent?
Ans. Yes, sir.
Ques. 9. Did your said son go to Shellabarger's for the temporary purpose of performing his said contract or did he go there to make it his home?
Ans. He went there for the time being, the time that he bargained for, and not to live there.

Shellabarger, the employer, corroborates in every particular. This voter is one of contestant's pretended majority.

You have allowed to contestant the vote of John Tullis, who voted at Deerfield, in Warren County. He went to Liberty Township, in Butler County, in March, 1882, voted in Butler County at the general election in April, 1882, and continued to live in Butler County until September 18, 1882, when he returned to Warren County less than thirty days before the election.

You have allowed to contestant the vote of Bluford Davis, who lived in Union County, Indiana, came to Butler County, just across the State line, on the morning of the election day and voted, although he had never lived in that county a single hour.

You have allowed to contestant the vote of Pat Ring, who voted in the third ward of Hamilton. He was never seen there until just before election and has never been seen there since. No witness is able to say where he came from, who he is, nor where he went to. He was taken to the polls and voted by the chairman of the Democratic central committee after his vote had been once rejected. You have allowed to contestant the vote of Albert Beiber, who voted in the third ward of Hamilton. It is not disputed that he had lived in that ward only four days prior to the election, and that he is an unmarried man. He had also been out of the State for more than a year. He attempted to vote in the second ward, where his residence had been before leaving Hamilton. His vote was rejected because he swore that he was living in the third ward, and he then voted in the third ward, being brought there by contestant's clerk.

You have allowed contestant the vote of Jacob S. Rineorson, who voted in fifth ward of Hamilton. He went to Chicago with his father's family in February, 1882, as he said to many witnesses, to make it his home, without any intention of returning. He came back only about twenty days before the election, with his father's family, who were removing back.

You have allowed contestant the vote of William Delaney, who voted in Xenia. He moved from Dayton, where he had been keeping house with his family, to Xenia, and commenced keeping house there on the 3d day of October, 1882, only seven days before the election.

You have allowed to contestant the vote of W. J. Briggs, who voted in Jefferson, Greene County. He moved to Indiana in November, 1880, with his parents when he was only 19 years old; lived with them there, they receiving his wages. Their home was his home, and his residence became fixed in that State. He returned to Ohio on the 11th day of January, 1882, less than one year prior to the election. And a score more as flagrantly illegal as these.

And by such means and other like votes, sir, you have destroyed my majority at the polls and awarded contestant a pretended majority of 44 votes.

Idiots and insane persons are excluded from the elective franchise by the constitution of Ohio. There are six persons of this class allowed against contestant by the minority who voted for contestant, yet they have all been allowed him by the committee and go to make up the pretended majority of 44 votes which they have awarded him. Four of them have been adjudged insane, two to be idiots, and two to be imbeciles. They had been placed under guardianship, both of them. They are incapable of exercising any civil or political right. As fair illustrations of this class I will call attention to the case of Thomas Risley, John Fleek, Noah Potts, and Charles Beebe, who were inmates of the Clermont County Infirmary.

Zebulon Dickinson, the Democratic superintendent, says they went to the polls in wagons, and that he was there to hand them out. As to the kind of tickets they voted, I will let Dickinson speak for himself:

Ques. 20. State what kind of tickets you supplied or gave to Moses Altman, Charles Beebe, John Feek, Robert Morris, Noah Potts, Thomas Risley, and George Robb.
Ans. I gave to Moses Altman a ticket headed Republican; Charles Beebe a Democratic ticket; all of those others named in the last question I gave straight Democratic tickets.

Dr. Ashburn, a Democrat, was infirmary physician for ten years. He testifies:

Ques. 25. During your acquaintance with him (Noah Potts) have you ever known him to be in such condition mentally as to know what he was doing; and if so, how often?
Ans. Say from '72 to '76 he had lucid intervals lasting for almost a day at a time, but as the fits increased in frequency his mental faculties deteriorated.
Ques. 26. Has he had any lucid intervals within the last three years?
Ans. To my knowledge there has never been a time that I would trust him to do anything. I regarded him as totally insane.
Ques. 27. Has Thomas Risley had any lucid intervals within the last three years to your knowledge? Please describe his condition in this respect.
Ans. I can't remember when I considered Thomas lucid. He was an imbecile as well as insane.
Ques. 28. Has John Fleck had any lucid intervals to your knowledge within the last three years?
Ans. Never heard the man use a coherent sentence in my life.

Dr. Moore testifies. He has been engaged in the practice of medicine in Batavia about thirteen years:

Ques. 4. During this time, what, if any, acquaintance did you have with Thomas Risley, John Fleek, Noah Potts, and Charles Beebe?
Ans. 4. Well, I have known of them ever since I have been in Batavia. I was physician to the infirmary one year, during which time I treated them at different intervals.
Ques. 5. At that time what diseases were Thomas Risley, Noah Potts, and John Fleek laboring under?
Ans. 5. Epilepsy.
Ques. 6. What was their mental condition at that time?
Ans. 6. Well, their minds were badly affected; they would hardly get over one attack when they would have another. Their minds were badly deranged.
Ques. 13. What is the possibility or probability of Thomas Risley, Noah Potts, and John Fleek having had, during any part of the year 1882, lucid intervals, in which they would have been capable of exercising a normal judgment as to men who were candidates for office and the different parties?
Ans. 13. Well, I shouldn't think they could have any such lucid intervals. It is impossible.

And, sir, this testimony is confirmed by Dr. Kennedy, the oldest Democratic physician in Clermont County.

Charles Beebe voted for contestant in Batavia precinct. The Democratic infirmary superintendent returned him as insane in the spring of 1882.

Dr. G. W. Moore says:

I should consider him an imbecile. He came from a family of idiots.
Question. What powers of thought or reason has he?
Answer. I should say none whatever.
Question. Is Charles Beebe an idiot?
Answer. I would say yes.

Dr. Ashburn and Hiram B. Cade testify to the same effect.

Sir, it is impossible for me to discuss all these cases. The foregoing are an illustration of them all. And yet, sir, you have taken from my poll the votes of three alleged idiots who were inmates of the Greene County Infirmary neither of whom has ever been adjudged such, nor placed under guardianship, two of whom at least do all kinds of ordinary work.

Now, sir, I invite attention to the votes of Henry Ferry and Thomas Shannon, which you have taken from me, in Fairfield, Butler County; but who, if there is any reliance in human testimony, voted for contestant. One was a tramp from the cypress swamps of Mississippi, and the other just out of the Indiana penitentiary; both were employed by Durrough and Vinnedge, active partisans of contestant. They were sent to the polls by Durrough, who urged them to vote the Democratic ticket, and who swears that Ferry was a Democrat, and Vinnedge was at the polls to receive them.

Testimony of Hugh Hall:

Q. 4. Did you see said Thomas Shannon vote at said polls on that day?
A. Yes, sir.
Q. 5. Who did you last see him with before he voted, if with any one?
A. With Mr. Rolly Vinnedge.
Q. 11. Did said Shannon go directly from where you saw him with said Vinnedge to the polls and vote?
A. They walked right around from the end of the house, and he put his ticket in and voted.

Testimony of James Leflor:

Q. 21. Did you see Thomas Shannon vote that day; and about what time in the day did he vote, to the best of your recollection?
A. I saw him vote about 3 or 4 o'clock in the afternoon.
Q. 22. With whom, if any one, did you last see him, before he voted, and where?
A. I saw him last with Rolly Vinnedge, about twenty feet south of the polls.
Q. 26. Did he go direct from Vinnedge to the polls and vote, or did he go some other place first?
A. He went direct to the polls.

Against this testimony, sir, is placed the statement of Durrough, that Shannon told him after he had voted that Alex. Hall had given him his ticket. This declaration after the voter had voted is incompetent under the rule observed by this House in the Wallace-McKinley case. Alex. Hall shows the whole story to be false in the following testimony:

Q. 4. State whether you gave said Shannon a ticket on election day, October 10, 1882.
A. No, sir; I did not.
Q. 5. State whether you gave him a ticket at any time previous to election day.
A. I never gave him a ticket of any kind in my life at any election.
Q. 6. State whether you gave him a Democratic ticket with Mr. Morey's name scratched thereon as candidate for Congress, or any other kind of a ticket, on said election day, or any day previous thereto.
A. Never gave him a ticket of no kind in my life.

As to Henry Ferry, the other tramp, James Lefler testifies:

Q. 6. Do you remember seeing Henry Ferry there?
A. I did.
Q. 7. Who did he come with, if you know?
A. Come up in Wilsi Comb's wagon; whether Wilsi was with him I don't know.
Q. 8. To what political party has Wilsi Combs always belonged?
A. To the best of my knowledge he always belonged to the Democratic party.
Q. 9. Is he a brother of Jonathan Combs, one of the Democratic judges of said election in said precinct?
A. Yes.
Q. 11. State whether he went directly from said wagon to the polls and voted or not?
A. He walked along leisurely till he got up to the polls.
Q. 12. State whether he then voted, or did he then go away from the polls and return again before voting?
A. He voted then.

It is true that Wilsi Combs denies that Ferry came in his wagon, but he admits that his wagon was there, and that for a considerable time it was out of his possession. To break the force of this testimony Durrough, contestant's partisan, again comes to the front and says that after Ferry voted—

I was anxious to know who he got his ticket from and he pointed to Luther Hughes (a Republican).
Question 52. Did he say that or did he point to Mr. Hughes?
Answer. He pointed to him; he did not mention his name.

And no other human being pretends to give any evidence to support him. Against this incompetent testimony of Durrough I put the oath of Luther Hughes:

Q. 13. Did you see Henry Ferry at said polls on said day?
A. Not to know him; I have no recollection of seeing such a man.

And support him by the oath of James Leflan:

Q. 14. State whether Luther Hughes gave a ticket to said Ferry before he voted?
A. I didn't see him give him any.
Q. 15. Were you where you would have seen it if he had given him a ticket?
A. Yes, sir; I think I would.

Now, sir, in the face of this testimony, proving beyond any reasonable doubt that both these men voted for contestant, the majority of the Committee on Elections have taken these votes from my poll, and they count 4 in contestant's pretended majority of 44 votes. I was robbed at the polls and I am plucked by the committee.

Now, sir, let us turn to the vote of Lewis Livingston, the peddler, who voted for contestant in Fairfield West, in Butler County. All agree that he was a non-resident.

James R. Symmes, a life-long Democrat, gave him a Democratic ticket, walked with him to the polls, and showed him where to vote. The peddler had slept in Symmes's house the previous night and voted among the first in the morning.

From Symmes's testimony:

Ques. 6. Was it a straight Democratic ticket you gave him?
Ans. Yes, sir; it was.
Ques. 7. Whose name was printed thereon as candidate for Representative in Congress?
Ans. James E. Campbell.

J. Reddin and D. B. Huston saw Symmes take the peddler to the polls.

Symmes further testifies:

Question 3. Have you not always voted the Democratic ticket?
Answer. Yes, sir; I always did.
Q. 35. Did you have any conversation with Mr. Morey within a year prior to said election, October 10, 1882?
A. No, sir; I did not.
Q. 36. Did you have any correspondence with him within a year prior to said election?
A. No, sir.

There is no testimony of any character contradicting Symmes's statement; and yet, sir, you charge this vote to my account on the incredible statement of Symmes that he (Symmes) voted for contestee.

The peddler's non-residence and the fact that Symmes voted him were facts well known. Symmes could not deny them if he would. If Symmes has sworn the truth the peddler voted for contestant. If Symmes swore falsely, as contestant contends, he had every motive to swear falsely as to his own vote and not as to the peddler's vote.

That he swore falsely as to his own vote I believe, and every candid man who reads his testimony must come to the same conclusion. He was not only a Democrat, but he went to the polls with a Democratic ticket in his hand, which he had just received from Frank Heits, a fellow-Democrat.

You have refused to take from contestant's poll the votes of Michael Ogara and P. J. Cook, who there is no dispute voted for contestant at Xenia. They were steam-fitters employed by Kirkup & Son, in Cincinnati, and lived there. Ogara went to Xenia in August, and Cook in May, to fit up a new school-house, under orders of their employers. Their work continued there at intervals until October 11, when the job was completed. Their business was to go, and they did go to different towns and different States, traveling and boarding at the expense of their employers wherever their employers might have a contract. (From Ogora's testimony.)

17th Question. With whom do you make your home at 55 East Eighth street?
Answer. With my mother.
23d Question. Who always pays your board when you are out of Cincinnati putting up jobs?
Answer. Wm. Kirkup & Son.
24th Question. During said four or five years have you had any other home than your mother's, 55 East Eighth street, Cincinnati, Ohio?
Answer. No, sir.
25th Question. Whenever you have finished a job out of Cincinnati during the past four years, state whether you return to your mother's home in Cincinnati?
Answer. Yes; I always came back home to Cincinnati.
27th Question. State whether, during the past four years, you have gone to any place outside of Cincinnati and done any work or carried on any business, except as you were ordered so to do by Wm. Kirkup & Son?
Answer. No, sir.
28th Question. To what place during the past four years, whenever you have been temporarily absent therefrom, has it been your intention to return as soon as your said temporary absence should be ended?
Answer. To Cincinnati.

From testimony of P. J. Cook:

5th Question. What did you go there to work on?
Answer. On the Xenia high-school building.
6th Question. Had you any other occupation or business in Xenia, except to fit up said high school?
Answer. No, sir.
14. Question. Did you continue to work for Wm. Kirkup & Son upon your return to Cincinnati, and are you in their employ now?
Answer. Yes, sir.
15th Question. Where do you live in Cincinnati?
Answer. 108 East Fifth street.

16th Question. How long have you been employed by Wm. Kirkup & Son?
Answer. Since September 1, 1881.
73. Question. Since you have been employed by said firm have you had any present intention of going away from Cincinnati and establishing your permanent residence in any other place?
Answer. No, sir.

It is inconceivable how fair-minded, intelligent men can say that these votes were legally cast in Xenia. Yet they are allowed to contestant, and make a part of his pretended majority.

MINORS.

There were four minors who voted for contestant, as clearly proved as human testimony can prove any fact, and yet the majority of the committee have allowed them all to contestant, and by their aid have been enabled to award him his pretended majority of 44 votes. I first call attention to the case of John A. Conklin, who voted in Oxford Township, Butler County. Dr. Hueston, who had been the attending physician in that family since 1857, speaking from his day-book, says:

Ans. The first I attended was the night of the 25th of August, 1858; that one was a boy. The second one was the 10th of November, 1860; that one was a girl. The next one was the 25th of July, 1863; that one was a boy. The next one was July 15, 1869; that one was a girl. That's all I have from that fountain.
Ques. 5. State whether said male child born August 25, 1858, is living or dead?
Ans. That one is dead; and the girl, born in 1860, is also dead. They have but two children living—the two youngest.

A. I. Moore says he had a conversation with young Conklin's father in the fall of 1880, to the following effect:

I asked him if his boy could make a hand. He said he could, and was a good deal of help to him. I then asked him how old he was. He said he was 17 years old.

Confirming Dr. Hueston, for if the boy was born in 1863, as Dr. Hueston swears he was, it is a simple sum in arithmetic to prove him to be 17 years old in 1880.

It is claimed that the boy was born June 6, 1861, and a family record in a Bible printed in 1867 is produced to establish the claim. This is a fac-simile:

FAMILY RECORD.

August the 8. 1859
William Henry Conklin
was born on thursday 5one
of John and Nancy ann
his wife

Mandy ales Conklin
was born November the
10. 18[illegible] on saterday

May the 26. 18. 67 giney
Conklin was born on. Sunday

June the 6 1861 John
Conklin I was born on
saterdy

This pretended record when originally made shows that Mandy Ales Conklin, a sister, was born November 10, 1860—evidently the child spoken of by Dr. Heuston as being born on that date. Then the record shows the astonishing fact that John A. Conklin was born six months after. Somebody observing the extraordinary circumstance has mutilated the record of the sister's birth, as appears in the fac-simile.

The father, John Conklin, swore that his boy was born June 6, 1861, in Hamilton County, but he had no reason for his recollection until he was asked to name contemporaneous events, and now I let him speak for himself:

Ques. 20. Are you sure John A. Conklin was born during the war?
Ans. 20. Yes, sir.
Ques. 21. Do you remember any battles about that time?
Ans. 21. I recollect of hearing of a good many about that time; yes, I do. It cost me a pretty good amount of money, too. Our township made up and paid out.
Ques. 26. For what purpose did your township make up and pay out money at the time you speak of?
Ans. 26. Had to hire a substitute, I suppose; I don't know what else.

All men know there were neither battles, raising of money by townships, nor hiring of substitutes in June, 1861, but all these things did happen in 1863, when Dr. Heuston says the boy was born.

I proceed now, sir, to the case of George H. Volkweis. I will let him speak for himself:

I voted, and for James E. Campbell. I was 18 years old last Wednesday, May 16, 1883.
Q. 4. From whom did you get your ticket, and who was he working for for Congress at said election?
A. I got it from George Hess, who was electioneering for Mr. Campbell.
Q. 5. What, if anything, did you say to him about not being of age, and what did he say to you?
A. He said that didn't make any difference, and that he would swear that he knew me long enough to be of age.
Question 1. State whether said ticket was open when George Hess took it from his hand, and whether he then folded it up and handed it to you.
Answer. Yes, sir.
Q. 2. State whether George Hess and James E. Campbell, the contestant, took your father to the polls in a buggy or wagon.
A. Yes, sir.
Question 1. Did Hess tell you to go away and not obey the subpœna?
Answer. Yes, sir.
Q. 4. What did he tell you?
A. Told me to take a hat and cap and go out to the canal, and there change my cap to a hat, and get on a canal-boat and go to Cincinnati and he would meet me there. He said he would try and find out how the thing was getting along.

John S. Connaughton saw him vote, and says:

I first saw him about twenty feet from the polls, in company with George Hess. About that time a man called me away from the window where I was standing, and when I got to this man I looked back and saw Volkweis handing in his ticket. I went to the window and challenged his vote; challenged him on the ground of a minor. George Hess took him in, and Volkweis swore his vote in. Hess went in with him.
Q. 12. State whether Hess was with Volkweis as he approached near the window where the ballots were being received?
A. Yes.

The monstrous claim is made by contestant in the face of the testimony that Volkweis voted for contestee. It is difficult to see how the limits of audacity can extend so far.

The other two cases are equally clear, yet you have refused to take either from contestant's poll, and these four votes are a part of his pretended majority.

Charles Beck was a German, who was unable to speak English. He was examined on the 11th day of June, 1883. He swears that he was unnaturalized, that he voted in the second ward of Hamilton, and that he received his ticket from Peter Schwab, who is a member of the State Democratic committee of Ohio.

Before the examination took place a conference was had between contestant and Peter Swope, who gave the ticket to Charles Beck, as to the line of cross-examination. The line agreed upon was to locate the giving of that ballot at the April election. During the examination of Charles Beck a former employé of Peter Schwab was present. Immediately the examination was concluded the employé went out with the witness, and directly afterward the witness came back and said that he had made a mistake in his testimony, that he had voted at the April election and not at the October election. I offered to let him correct it, but he did not remain to have his testimony corrected.

The matter went on until my forty days for taking testimony had expired, and the contestant began the taking of testimony in rebuttal. He called Beck again and asked him whether he was not mistaken in his former testimony, whether he had not voted in April instead of October. But Beck again affirmed that it was in October that he had voted. The gentleman then called Mr. Schwab, who had given him the ticket, and Swope swore that it was in April, and that he did not know that Beck was examined until the night after he was examined. Then a witness named Kreis, who was also brought up with Beck as an interpreter to correct the testimony, was put upon the stand, when the fact was developed that Peter Schwab, who had given this illegal ticket, was waiting in a neighboring saloon, and that when the witness went there he told him "you must go back and change your testimony and make it out that you voted in April."

Then Mr. Freyburg, the interpreter, was called, and revealed what to me is the most extraordinary circumstance I ever knew to take place in the taking of testimony between contestants and gentlemen. It then appeared that on the 11th of June, while Beck's testimony was being taken, the contestee for some reason was absent from the room, and

while he was absent the interpreter was called over to contestant's table, and was there asked to write out in German an answer that had been given during the examination; that the interpreter then did write the answer and put it in his pocket, and kept it there until contestee's 40 days had expired, and until contestant came in with his rebuttal. There, gentlemen, is that answer [exhibiting a paper], written in German, which to this day has not been translated or interpreted either to the committee or to the House. I will read the testimony of the interpreter upon that point.

1. Question, At whose request did you write said writing?
Answer. At Mr. Campbell's.
2. Question. Did you not write it on the table on the west side of said room?
Answer. Yes, sir.
3. Question. Was that the table at which Mr. Campbell sat at that time?
Answer. Yes, sir.
8. Question. How long were you at said table with Mr. Campbell?
Answer. I guess a few minutes; I sat there until Mr. Morey came in; then I took my seat.
9. Question. Did you ever show that paper writing to Mr. Morey?
Answer. I don't recollect of showing it to anybody.
10. Question. Did you ever tell Mr. Morey that you had done said writing?
Answer. No, sir.
11. Question. Did you ever tell Mr. Morey that you had such a paper?
Answer. No, sir.
12. Question. Would you have done said writing if Mr. Campbell had not requested you to?
Answer. I would not.
15. Question. Did you ever speak to Mr. Morey, or he to you, about this contest, or Charles Beck's testimony?
Answer. No, sir.
18. Question. Did not Mr. Morey go out of the room for some purpose or other at that time, and did you not do said writing while he was out of the room and when Mr. Morey returned did you not take your seat as interpreter again and the examination then go on as before?
Answer. Yes, sir.
19. Question. Did you give Mr. Campbell a translation of said writing?
Answer. Yes, sir; at his request.

Now, when this testimony was taken I entered a protest against the introduction of that paper into this record for the reason that it was made by Mr. Freyburg in the absence of contestee and when he was not under oath. I do not know what it is; I do not care what it is; but it has no place on this record and ought not to be there.

Now, sir, in the face of such testimony as that the majority of this committee refused to take away this vote from the contestant, and it is one of his pretended majority of 44.

I next call attention to the Butler County Infirmary vote; and my friend from Ohio [Mr. JORDAN] seems to have misapprehended the point in that case. Thirty-one inmates in that infirmary voted at that election. The testimony tending to show for whom they voted is the testimony of the superintendent himself, a Democrat, who says he gave out 20 Democratic tickets and 3 Republican tickets, and that they were sent to the polls in the infirmary wagon. The undisputed proof is that all these men except five came up from townships other than that in which the infirmary is situated.

We contend in this case—and we rest our claim upon the authority of thirty-fourth Ohio Reports, and also upon the arguments of my friend from New York [Mr. ADAMS], a member of the committee, in the Wallace-McKinley case—that the township from which a pauper comes to infirmary is his home, unless by some affirmative act he has selected as his home the township where the infirmary is situate. That proposition of law is undisputed, and there is not a syllable of testimony in all this case to show that a single one of these inmates had adopted the infirmary as his home.

My colleague [Mr. JORDAN] says the fact that they voted there is an election as to residence. But, sir, they only voted on the day of the election; and under the law of Ohio the election required to determine the place of residence must have been twenty days before they voted. Now, sir, by the rule adopted in this case by the committee to deprive me of three votes these infirmary votes should have been deducted from the polls of contestant and contestee according to their vote in that township; which would make a net loss of 17 for contestee. But, sir, you apply the rule where it makes votes for him and deny it where it makes votes for me.

THE DISABLED SOLDIERS.

J. L. Thorne, J. Hamilton, and Chris. Moore had at one time been at the Soldiers' Home at Dayton, and after leaving the home they continued to renew their furloughs, whose only purpose and effect is to show the eligibility of the holder for admission. The testimony shows that Thorne had not been there for about one year, and that he never abandoned his home where he had lived with his family and voted for thirty-five years; that Hamilton had not been there for nine years, and was a married man, living with his wife and children where he voted. He had gone to the home to have his arm amputated at the shoulder, and for no other purpose. That Chris. Moore had not been there for two years, and that he voted where he had been voting for eleven years.

Yet you have taken these 3 votes from me because the Legislature of Ohio, in view of the difficulty which had arisen about residence on land which had been ceded to the United States, provided by law that inmates of the home, "otherwise qualified as to residence within the county and township, shall be held and deemed to have their lawful residence in the county and township where such asylum is located"—a mere enabling act.

I append the testimony of the Union soldier-boy, Chris. Moore, who enlisted at 11, and the testimony of the ex-confederate, who was on his track like a sleuth-hound to deprive him of the right which he himself enjoyed at the hands of a magnanimous people.

Ques. 29. Where and when were you born?
Ans. In Cincinnati, Ohio, in 1852.
Ques. 30. Are your parents living; if not, how long have they been dead?
Ans. Both dead; only have one sister, living in Memphis, Tenn. Mother died when I was about 5 years old. Father died since the war, I guess.
Ques. 31. What year did your father die in?
Ans. I can't answer that; I don't know.
Ques. 32. Who did you live with after your mother's death, and where?
Ans. I lived with my uncle for awhile; then I was put in the Cincinnati Orphan Asylum, and remained there between four and five years; then I run away from there; went to live with my aunt in Covington, Ky.; remained there until my uncle took me to Allegheny City. Before I went to Allegheny City I lived with Vincent Davis between two and three years.
Ques. 33. Where did you go from Allegheny City?
Ans. I went to Camp Curtin, Harrisburg, Pa.
Ques. 34. Who took you to Camp Curtin?
Ans. Captain Robert J. Targer, Co. I, 116th Penn. Vol.
Ques. 35. Who took you from uncle's to Captain Targer's company?
Ans. My uncle, Patrick Hughes. I think he was in the 35th Ohio.
Ques. 36 What year was this, and did you enlist in Captain Targer's company?
Ans. In 1864, 1st of March; I did.
Ques. 37. In what capacity did you enlist?
Ans. I enlisted as a drummer.
Ques. 38. After your enlistment where did you go from Camp Curtin with your company?
Ans. To Baltimore, Md.; from there to Washington; from there to the front—to Stevensburg, in Va., called Brandy Station.
Ques. 39. Where did you next go?
Ans. I remained with the Army until I was discharged, on the 19th day of July, 1865.
Ques. 40. State what marches you made and what skirmishes and battles you were in, giving them in the order in which said marches were made and in which said skirmishes and battles took place?
Ans. I was in the marches from the Rappahannock to the downfall of Richmond, from Brandy Station to the battle of the Wilderness; from there to Spottsylvania, Appomattox Court-House, Cold Harbor, Smithville, Deep Bottom, Fort Darling; then back to Petersburg again, Ream's Station, Southside Railroad; then back to Fort Heth; then we went to Hatcher's Run. We supported Sheridan. We were cutting off Johnston's retreat. Then we went back to Petersburg; then we went to the Appomattox, where Lee surrendered. He surrendered to our division, to my corps, to Gen. Miles, commanding 1st Division 2d Army corps; that was my division.
Ques. 41. Name the battles and skirmishes where you were under fire?
Ans. That would be impossible for me to do. I was in every battle from the Rappahannock to the downfall of Richmond—Wilderness, White House Landing, Pamunkey River, Poll River, Appomattox Court-House, Cold Harbor, Petersburg, Ream's Station, Southside Railroad, Danville road, North Anna road, Hatcher's Run, Deep Bottom, Fort Darling, Fort Heth, Richmond.
Ques. 42. Did you see General Lee surrender or did you see him after his surrender?
Ans. I saw him when he entered into the lines to come under the conditions to surrender to Gen. Miles under a flag of truce. I also saw Gen. Grant pass me on his way to receive Lee's conditions for to surrender, and remained with the Army a dutiful and faithful soldier during my enlistment.
Ques. 43. Describe the meeting between Generals Grant and Lee and what officers were with them respectively.
Ans. General Grant was in company with Miles, division commander; also General Humphreys, corps commander, and also General Meade, commander of the Army of the Potomac; also with their staff. General Lee was accompanied by his officers and staff. They went out in a house between the lines and formed their conditions. General Miles traded horses with some rebel officer that came in with Lee and he said he considered it a good swap.
Ques. 44. When the conditions had been agreed upon, and the fact of surrender made known, were there any manifestations of rejoicing among the Union soldiers?
A. Yes, sir, it caused a great excitement; the boys had orders for the band to play, and they threw up their hats, and firing of great salutes from the field artillery, and I with all my comrades had our eyes turned homeward bound.
Ques. 45. Where did you go from Appomattox after the surrender?
Ans. We went to Richmond and was reviewed by General Meade and General Grant. We marched through Richmond on our way home.
Ques. 46. From the capital of the confederacy where did you go?
Ans. Well, sir, we had the honor to arrive in our own capital with the Stars and Stripes which we had been fighting for—which we had saved from the downfall of such men as is contesting my vote.
Ques. 47. Did you take part in the grand review in Washington of the veterans who were returning from the war?
Ans. Yes, sir. I carried my equipments in the grand review that I carried all through the rebellion.
Ques. 48. Having entered the Army at the age of 11 years, and having served as a faithful soldier, and being now of lawful age, do you feel that you had a right to establish your residence where you chose, and then to cast your vote and to have it counted as you cast it?
A. Yes, sir.

By Joseph Billingsly:

Ques. 1. To what political party do you belong, and what official position in said party did you hold in the year 1882?
Ans. Democratic party; advisory committee-man in Liberty Township.
(Page 79, part 1.)
Ques. 55. In preparing for this contest did you report Christopher H. Moore as an illegal voter?
Ans. I did.
Ques. 56. How long have you known him?
Ans. Seven or eight years.
Ques. 57. Where were you born and when?
Ans. Born in Harford County, Maryland, in August, 1847.
Ques. 58. How long did you live in that county?
Ans. Until I was 21.
Ques 59. Were you in either army during the war, in any kind of service?
Ans. Yes, sir.
Ques. 60. Which army, and what kind of service?
Ans. Southern army; cavalry.

Sir, the partisan character of this House was counted upon even before it was elected. Between the election in Ohio in October, 1882, and the election in the November States, which made this House Democratic, the Democratic newspapers of the district gave notice that con-

testee must go. In the Senate of the United States, on the 11th day of December, 1882, while contestant was praying the supreme court of Ohio to disfranchise 3,517 Republican voters because they had designated the candidate for Congress as H. L. Morey, and before any notice of contest had been given, a Senator from my great State, the great apostle of civil-service reform and the author of the civil-service law, for which crime against Democratic tradition and practice his party has retired him to private life, arguing in favor of his pet measure, used the following language in speaking of the Ohio Congressional elections:

I say we elected sixteen, perfectly conscious that thirteen only of them have received their certificates at present. If three of them, against whom the aggregate majority is only 60 votes, do not receive a certificate under the action of the returning board or under the powers of our judiciary, which have been invoked, they will be seated, as they ought to be, at the beginning of the next session of Congress in the other House.

That threat, sir, has been carried out in the case of my late colleague, Mr. McKinley. It will be further executed to-day in my case, and Mr. Neal, the third man who threatened to contest the seat of my friend Mr. HART, but who backed out before he began, doubtless suffers pangs of regret that he did not appeal to the same tribunal.

On the day that the argument was concluded before the subcommittee the following dispatch was sent from Washington to the Cincinnati Enquirer, the leading Democratic newspaper in Ohio, and gives a cogent reason why the hearing of argument in a contested-election case before the committee of this House is entirely perfunctory, vanity, and vexation of spirit.

CONTESTED SEATS.

The arguments in the contested-election case of Campbell *vs.* Morey, seventh Ohio district, were closed to-day, the contestant, Campbell, having an hour for that purpose. To-morrow the subcommittee having charge of the case will meet and vote. Campbell will, by a vote of 3 to 2, be declared to have been legally elected, and will get his seat.

According to the dispatch the subcommittee had decided the case before they had read a line of the 1,800 printed pages of testimony, but not only that, but what is to be the action of the House is known even before the committee has taken a vote or met for conference after hearing the argument, and is telegraphed to the country.

The Constitution of the United States provides that each House shall be the judge of the elections, returns, and qualifications of its own members. This is an extraordinary power lodged in this body, arbitrary, absolute, and final, and from which there is no appeal, except to the people themselves. In this case your party, through the Legislature of Ohio, has cut off even this appeal to the people, whose verdict at the polls you so ruthlessly propose to set aside. The district of 1882, where the election out of which this contest grows was held, was changed by a Democratic Legislature, with sole reference to making it so overwhelmingly Democratic as to put it beyond the reach of the people to rebuke the contemplated outrage upon their rights.

The decree of the majority of this House has gone forth. The helpless victim, though thrice armed, must bow to the inevitable, for justice, law, and right are powerless to stay the inexorable purpose of irresponsible partisan power. Contestant has not appealed in vain to the blind goddess who presides over the deliberations of this House in contested-election cases; not that blindness to party interests which enables her to hold the scales of justice evenly balanced between a Democratic contestant and a Republican contestee, but that other blindness which can see no fault in the cause of the one and no good in the cause of the other. When the people by their Constitution committed to Congress the power to judge of the elections, returns, and qualifications of its own members as a court of last resort, it was intended that this power should be used in a spirit of judicial fairness, with a view to carrying out and not of defeating the will of the people. That great power, when wrongfully used by the dominant party, is a usurpation and a fraud upon the people, who are your masters, and to whom you must render a final account of your action in the end. You may for a time defeat them of their will, but you can not stifle the voice of a great people, who will remember their wrongs, and the day of retribution will surely come. You may give contestant the seat and the salary which he covets, because you have the power to do so; but the title to the high office springs from the people, the fountain of all power, and it is above and beyond your reach, as far as the people are above and beyond you. It is for my people that I speak to-day and not for myself. I shall return to them with the assurance of their confidence and esteem, again to take my place among my neighbors and friends, where I have enjoyed the sweetest and best years of my life. But for them I would have kept silence and accepted your unjust and wicked blow without an uttered protest.

[During the delivery of Mr. MOREY's remarks the following took place:

Mr. LOWRY. I rise to a question of order. As I understand it, the time has now expired that was agreed upon for debate. If the gentleman desires to proceed further I would be glad to know how much time he desires.

Mr. JORDAN. I move that the gentleman have all the time he desires.

The SPEAKER. The Chair will state that the gentleman from Ohio [Mr. MOREY] having obtained the floor is entitled to one hour under the rules of the House. With the understanding which was arrived at among the members on the floor as to the length of the debate the Chair has nothing to do. The debate will go on regularly until the previous question is ordered. The Chair will further state the gentleman from Pennsylvania [Mr. MILLER] and the gentleman to whom he yielded occupied one hour. The gentleman from Ohio [Mr. KEIFER] occupied twenty minutes, and the gentleman from Massachusetts [Mr. RANNEY] nineteen minutes; leaving twenty-one minutes of the two hours remaining when the gentleman from Ohio [Mr. MOREY] who now has the floor began to speak. But that gentleman is entitled to the floor for an hour under the rules of the House.

Mr. LOWRY. I only rose to the question of order because of the agreement the second time entered into as to the limitation of debate. If the gentleman is to have further time I want it understood that we must extend the time beyond the former agreement.

Mr. MOREY. I understood from the gentleman from Indiana [Mr. LOWRY] that he would not object to me having an hour; and I commenced speaking with that understanding.

Mr. LOWRY. I said to my friend I would consult other gentlemen and see whether there could be an agreement to give him an additional twenty minutes and allow the gentleman from Massachusetts [Mr. RANNEY] ten minutes. But the gentleman from Massachusetts took the floor without limitation and occupied nineteen and a half minutes. I am willing the gentlemen should occupy the time he requires. But I am satisfied it is not the wish of the House to extend the debate unreasonably. Will he be satisfied with ten minutes additional?

Mr. TILLMAN. I never knew a contestee refused his hour if he wanted it.

The SPEAKER. The gentleman from Ohio will proceed.

Mr. LOWRY. If the House is willing to extend the time, I have no objection to the gentleman occupying his hour.

Mr. MOREY then resumed and concluded his remarks.]

Mr. LOWRY. I now yield five minutes to the gentleman from Ohio [Mr. CONVERSE].

Mr. CONVERSE. Mr. Speaker, I have only one or two suggestions to make in relation to this contest. The State of Ohio has been for many years the political battle-ground of the parties contending for the supremacy at the ballot-box in the United States. The State has been usually nearly equally divided between the two great political parties, and not infrequently our elections have been controlled by the interference of our neighbors upon the south or the west, embracing Virginia, now West Virginia, Kentucky, and Indiana. It is no new thing, sir, to see as election day approaches a black cloud swarm across the Ohio River in skiffs and boats and sometimes on rude rafts, both in the day or night time, for the purpose of controlling the election in that State. Engaged in this same laudable enterprise railroad trains have been known to be loaded down for days in succession with human freight. They come either as corn-cutters, or as preachers, or as students, or as day laborers. They come to hunt homes, to find work, to go into mines, to visit kindred, and present every imaginable excuse, with plausible invention and a detail which shows previous drilling. They always claim to come from the adjoining town or county, and never from beyond the limits of the State.

It so happens that our people in Ohio are not able to distinguish the countenances of these colored gentlemen after they have once passed around the corner. They all look alike, act alike, talk alike. I suppose persons accustomed to them could distinguish them, but we can not. The result has been that the people of Ohio have been obliged in self-defense to pass stringent laws to protect the ballot-box in that State.

The people of Ohio cherish with religious care the right of self-government, both in their local institutions as well as in their State affairs. We desire, sir, in that State no interference in our town councils or in our township elections or in our State elections or in our county governments by any parties from the outside. We have been obliged in our election laws to provide punishment by imprisonment in the penitentiary at hard labor for a series of years for every violation of our rights in this respect. We do not want a horde of students who come for temporary purposes among us, controlled by professors of easy conscience and virtue, to vote taxes and indebtedness upon our municipal corporations. We do not want gangs of imported corn-cutters or farm laborers to control our county and State elections and thus the administration of justice and our State policy. We do not want large numbers of men from abroad to flood our public works in the fall to control the election of Congressmen and the selection of Presidential electors. The government of the State and all its franchises and privileges belong to the citizens and not the sojourners there.

It has been said in this case that the professors at Wilberforce, an institution of learning for colored people, called their students together at chapel exercises and read to them an article on the subject from a Republican newspaper, and lectured them upon their right to vote in a State or community where they have no home. These professors had record evidence in the archives of the college that every student nearly who afterward voted claimed his home in some other State or some other county in the State. Why did they not say to them: "Boys, you must not be tempted by the political excitement to vote to-day; your matriculation record shows that this is not your home; your first duty is to be true to yourselves, true to honor, and obedient to the laws of your country."

There are four institutions of learning in the seventh Congressional district of Ohio: one is Wilberforce University, at Xenia, a colored college; another is Antioch College; a third is the Xenia Theological Seminary; the fourth is the normal school for teachers, at Lebanon, which has had sometimes 1,300 students. They could put 2,000 colored students into Wilberforce on thirty days' notice if they desired to do so, and could vote them at any election if it were not for the stringent laws of our State.

Mr. Speaker, the time has been when that locality has been simply a terror to everybody who desired even free speech. My friend from New York [Mr. COX] who sits opposite to me knows as well as I do something of the history of the institution and their practices down there. I think even so kind, able, and learned a man, and with such exalted character as my friend from New York, was not permitted to speak in Xenia during the war. He was never charged with disloyalty or sympathy with rebellion. His sole offense was being a Democrat. He was not permitted to speak within six miles of the city of Xenia. I think, sir, I was the only man during the war who was deemed good enough to make a Democratic speech within the limits of that town. [Laughter and applause.] It is almost the only place within the borders of our State where free speech has not been tolerated for so long a period of time.

The gentleman from Ohio [Mr. KEIFER] says these student preachers or preacher students had a charge, a religious charge, there. If the gentleman had read the evidence with greater care he would have found when it was sifted down that a colored preacher had been invited out twelve miles from Xenia to preach, on one occasion. He got no pay for it, and never went back. He was sent there to be educated for the ministry, and was supported by a congregation in Galveston, Tex. Before he had been there six months he violated the laws of the State and committed a penitentiary offense, for which he was never presented, by exercising the elective franchise. The cry that the Democracy of Ohio discriminate against students and those in the pursuit of knowledge is the cry of the demagogue. The Democracy of Ohio are the authors of the finest school system in the Union or in the world. We are glad to have students, black or white, come among us to get an education the better to fit them for the duties of citizenship and the duties of life. But when they come for such a purpose we do not propose to give them our birthright and the heritage of our children as an inducement, namely, the right of self-government. We can not surrender that. Students should be treated by the laws the same as any other class, and their first lesson in education should be obedience to the laws. They are welcome to enjoy our institutions of learning, the most of which are free, but they must obey the laws. What would be the effect on that community if the school at Lebanon with its 1,300 or 1,500 students who come from abroad, from other States, and from other counties in Ohio, should be permitted to control the elections there? What would be the effect of similar permission at other places? There are probably students enough in Ohio, or, if not, enough could easily be brought in to control the entire State, if such power were turned over indiscriminately to them. This is not the first effort to control an election against the Democracy in Ohio.

Members of Congress have been elected before by foreign and illegal votes. This is the third or fourth time in this very district. And even in this case we have been able to trace and prove only 96 of the illegal votes, while I have no doubt at this election in 1882 there were hundreds of illegal votes polled against my friend Mr. Campbell. Is this thing to be tolerated on the miserable pretext that we are discriminating against persons in pursuit of learning if we do not tolerate it? Are we to drop all our discretion? Are we to throw open the doors to say the people of Ohio shall not be allowed to pass their own election laws and enforce them in their own way as other sections and other communities and other States are permitted to do?

[Here the hammer fell.]

Mr. BELFORD. I would like to ask my friend from Ohio a question.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CONVERSE. If I had time I should very much like to answer the gentleman from Colorado. [Cries of "Vote!" "Vote!"]

Mr. LOWRY. I heartily sympathize, Mr. Speaker, with my friends who are manifesting a disposition to have a vote taken in this case and I promise to detain them but a very few moments. I should be entirely content the case should be disposed of at this time without another word from me were it not for what I think is the very singular line of remark which has been adopted on the other side. So far as some of the distinguished gentlemen who have spoken are concerned I will leave them to answer one another. Several of them who have occupied the floor have attributed to the Committee on Elections a feeling of unfairness. The first gentleman who followed the gentleman in charge of the minority report in this case took occasion to state that, as presented in this report, the question was whether or not students at colleges were by reason of the fact of their being students disqualified from voting. I submit if that gentleman has taken the trouble to read this report he will be regarded as having made a most disingenuous remark.

The gentleman who followed on that side, the distinguished ex-Speaker of this House, took occasion to berate the committee also. I have had occasion as far as my personal observation has extended during the present session of Congress to admire the course of that gentleman; and, while he has been subjected to some strictures in view of the course he pursued while occupying the high place now occupied by the present Speaker, I was not prepared to expect the onslaught which he undertook to make on this committee.

He vouchsafed to entertain this House with a declaration of his judgment that this was a service that the majority of the committee were undertaking to render in behalf of the Democratic party of this country by seeking to disfranchise that element of our population known as students at colleges.

I regret, sir, that my distinguished friend undertook to discharge the obligation which he may have conceived himself to be under to his party for the signal honors which they have conferred upon him by making this onslaught upon those humble representatives of the party who happen to constitute the majority of this committee. If he had examined this report and gone through this case in detail as we have done, following each particular vote, weighing the evidence of every witness in reference to each of these individual votes, and then obeying the dictates of our consciences, giving votes in favor of the contestee that he did not even claim himself, and if he had then applied the doctrines of the law which have been cited as being those which govern the votes and the controversy in this case, I think that in the exercise of a dispassionate judgment on his part he would have been led to an entirely different conclusion.

My colleague upon the committee, the gentleman from Massachusetts [Mr. RANNEY], forgot the decorum of debate and allowed himself to say that this report perverted the facts and distorted the law. Sir, I challenge that venerable and distinguished gentleman to point to any single instance in which there has been any distortion of the law or in which we have failed to quote correctly, literally, *in hæc verba*, from the decisions which have been made in the judicial tribunals of the land; not merely the precedents which have been established in this House while the gentleman himself has been a member of the Committee on Elections, but the solemn adjudications of the highest courts of the country. Why, sir, my friend from Pennsylvania [Mr. MILLER] has already saved me the trouble of replying in detail to these assaults upon the committee by pronouncing upon it the encomium of being a fair and candid committee, intent upon the discharge of its every duty and treating the minority of the committee with the utmost courtesy and propriety. I accept the statement of that gentleman with reference to the action of this committee and commend it to the kind consideration of my friends who have seen proper to arraign us merely in obedience to a feeling of party vindictiveness on their part.

Mr. JOSEPH D. TAYLOR. Will the gentleman allow me to ask him a question?

Mr. LOWRY. I must be excused; I have not time.

My friend from Pennsylvania [Mr. MILLER] has called our attention to adjudicated cases in the courts of his State. He has pronounced an encomium upon a judge whom he has assumed to be presiding in one of the United States courts of the country at the city of Philadelphia.

I have no disposition to detract from the force and effect of that encomium. I have no doubt that the gentleman he supposed he was alluding to possesses all the high qualities which he saw fit to attribute to him. And I hope it will not detract from the claims of my distinguished friend upon the suffrages of the people in his district in Pennsylvania as a candidate for a judicial office when I say that he was eulogizing the wrong man. The gentleman who pronounced the decision from which my friend quoted is a judge of the county court of the county of Chester, in the State of Pennsylvania, and is not the distinguished gentleman presiding over the United States judicial tribunal in Philadelphia.

Mr. MILLER, of Pennsylvania. Will the gentleman wait one moment? I did not mean to say that he was anything else but the county judge at the time he gave that decision. He is now holding the United States district court; but when he rendered that decision he was the judge of the county court of Chester, in the State of Pennsylvania.

Mr. LOWRY. I hope that notwithstanding this slight inadvertence on his part my friend will obtain his judicial office, and I do not quarrel with this decision either. I hold it as comprehensive in law. What is the doctrine laid down by this judge? I will read:

> Then were the individuals here challenged residents of the district? Ordinarily a student who goes abroad to an institution of learning is not a resident there in the legal sense of the term. His presence is temporary. His residence remains with his parents or others with whom he lived. Ordinarily, we repeat, this is so; and the presumption is, in the absence of countervailing proof, that it is always so, and therefore in Fry's appeal, 21 P. F. Smith, 202, it was held that the students at Muhlenburg College were not entitled to vote in the district in which it is located. But a student may nevertheless change his residence to the place where his studies are pursued. And he does so when he gives up or abandons his former residence. But his absence at college is no evidence of such abandonment. He must prove it otherwise.

That is the doctrine upon which the report of the majority of the committee in this case is predicated, and by that we seek to be judged. What are the facts? The facts are that these institutions of learning at which these students were in attendance were not homes for the purpose of entertaining people for life; they were not boarding-houses; they were not hostelries where men and women were entertained dur-

ing a given period of their natural lives. They were places which were established for the purpose of affording an education, either as preparatory or as giving an opportunity to graduate in classical studies, or to enable the students to perfect themselves as teachers, or to perfect themselves as ministers of the gospel by studying theology.

What is fact patent upon the face of things, so far as these institutions are concerned? It is that these parties go there simply for the purpose of prosecuting their studies, go there for a certain and definite time. They are matriculated as students and expect to graduate. The law looks upon this state of things and says the presumption is that when these students have completed their course of studies and have graduated they do not intend to remain longer there, but it is their intention to repair to their former domicile or to seek some other domicile.

And why? Because it would be doing violence to all probabilities to say that they intend to again enter for a new course of study, that after they have graduated they will again become novitiates and go through their former course of study, and remain there pursuing the same studies over and over again through their lives or for an indefinite period. The court therefore says that it is incumbent upon them, notwithstanding they are there for this temporary purpose merely, to establish by proof the fact that they are also there for some other purpose which will lead to their becoming residents of the places where the colleges are located.

Now, how is that rule as applied to this normal school? This is a school the character of which gentlemen are familiar with, for there are many of them in different parts of the country. It is a school where young men who, having already obtained an education but desiring to become proficient as teachers, are drilled in the studies which will peculiarly fit them for the exercise of the ferule. They remain there not for the period of one, two, or three years, but for a limited term of eight, ten, or twelve weeks. They are mere birds of passage, coming and going. In this normal school at Lebanon there are in the course of a year some 2,000 students; but as the testimony shows, at any one time there is only some two hundred students there.

Now, calling upon the students individually and having them testify as to their purpose and their acts, the fact was disclosed that their intention was simply to remain there for the purpose of study. So closely has this rule been applied in regard to those who claim to be entitled to vote that those who are pursuing some other vocation, notwithstanding the fact they were students, are awarded the right to vote, persons who were engaged in some temporary employment, such as janitors, where the duty incumbent on the party was simply to ring the bell or keep the rooms in order. In another case, where a person is following some manual occupation, although he does not intend to remain there for a great length of time, still it was held that he had his residence there.

Mr. McADOO. Will the gentleman yield to me a moment that I may make a correction?

Mr. LOWRY. I can not refuse my friend from New Jersey.

Mr. McADOO. I find that on page 9 of the minority report in this case reference is made to the right of the students at Princeton College to vote. I wish to state that whether the students at Princeton College shall or shall not vote is purely a matter of statutory regulation. The law on that subject has been repealed and re-enacted at different times; and it is universally conceded in New Jersey that those students have no right to vote unless the Legislature gives them that right by statute.

Mr. LOWRY. I have but one or two observations more, and then I will afford my friends an opportunity of administering justice so far as this case is concerned.

The distinguished gentleman from Ohio took occasion to say that gentlemen who are of full age, and many of whom have been preaching for years, are to be disfranchised simply because they have been engaged as theological students at the Xenia Theological College. Now, the fact that they were engaged in the study of theology does not render them, in Democratic eyes, obnoxious to disfranchisement as citizens, but the fact that they are there in that capacity does not entitle them to any higher claim so far as concerns the application of the rules of law.

I wish simply to submit to my friend whether or not he can possibly be serious in assuming that all these theological students at Xenia Theological Seminary actually do intend to settle at that place; that it is their firm and solemn purpose to remain as residents of the city of Xenia. Why, sir, if that were so, what would become of the poultry yards in that region of country? [Laughter]. I submit that it would be incumbent on my friend, if he really desires to serve his country, to originate some new patent in the way of a chicken incubator, so as to supply the people of that region of country with this essential article of food. Seriously, is it to be supposed that every man who attends that institution for the purpose of studying theology is going to settle down in that little town?

Another distinguished gentleman on the other side who discussed this question ventured to say that these gentlemen had charges; that they were pastors of churches; that they were preaching. It is true that many of them are shown to have been in the habit of going out on the Sabbath day and preaching in the different neighborhoods about there. But does that give them a domicile in the city of Xenia? It appears that when they have concluded their studies as theological students they intend to go elsewhere for the purpose of establishing themselves as pastors of congregations at other points than the city of Xenia. Thus it is affirmatively established in those cases that they are not residents or persons who are domiciled in the precinct where that election took place.

One word more, and I close. I admonish my friends on the other side that their zeal overtops their discretion. The purpose here is not to deprive young gentlemen who are engaged either at a normal school or at a theological university of any right belonging to other citizens; but the purpose of this committee is, while maintaining the rights of members-elect to this House, to admonish the students in these institutions that they have no rights superior to those of the humblest citizen of the land; that their rights are the same as, and no greater than, the rights of the honest laborer in the field, the mechanic in the workshop, the blacksmith at the anvil, or the carpenter who is propelling the plane; that when they have acquired a residence in that district they are entitled to exercise the same prerogatives as other citizens; but when they assume to exercise this great privilege of the elective franchise, wheresoever they may be, we propose to say to them, "Thus far shalt thou come, and no farther."

I now demand the previous question.

The SPEAKER. The gentleman from Indiana calls the previous question upon the substitute proposed by the minority of the committee, and upon the resolutions reported by the majority.

The previous question was ordered.

The SPEAKER. The substitute proposed by the minority will be read.

The Clerk read as follows:

Resolved, That Henry L. Morey was duly elected a member of the Forty-eighth Congress from the seventh Congressional district of Ohio, and is entitled to hold the seat he now occupies.

Mr. HART. I call for the yeas and nays on the adoption of this substitute.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 62, nays 139, not voting 122; as follows:

YEAS—62.

Atkinson,	Hatch, H. H.	Morrill,	Spooner,
Belford,	Henderson, D. B.	Nelson,	Stephenson,
Bisbee,	Hepburn,	Nutting,	Stewart, J. W.
Brainerd,	Hitt,	O'Hara,	Stone,
Brewer, J. H.	Holmes,	Parker,	Strait,
Browne, T. M.	Holton,	Payne,	Taylor, E. B.
Cannon,	Howey,	Payson,	Taylor, J. D.
Culbertson, W. W.	Johnson,	Perkins,	Valentine,
Cutcheon,	Keifer,	Pettibone,	Wait,
Davis, R. T.	Kelley,	Poland,	Wakefield,
Dunham,	Laird,	Ranney,	Washburn,
Ellwood,	Lawrence,	Ray, Ossian	Weaver,
Everhart,	Libbey,	Rowell,	White, J. D.
Funston,	Lyman,	Ryan,	York.
Guenther,	McCormick,	Skinner, C. R.	
Hart,	Miller, S. H.	Smalls,	

NAYS—139.

Aiken,	Dowd,	Lewis,	Shelley,
Alexander,	Dunn,	Lowry,	Singleton,
Arnot,	Eaton,	McAdoo,	Skinner, T. G.
Bagley,	Eldredge,	Matson,	Slocum,
Ballentine,	Ellis,	Maybury,	Spriggs,
Beach,	English,	Miller, J. F.	Springer,
Bennett,	Ermentrout,	Mills,	Stevens,
Bland,	Fiedler,	Mitchell,	Stockslager,
Boyle,	Foran,	Money,	Storm,
Breckinridge,	Forney,	Morgan,	Sumner, C. A.
Broadhead,	Fyan,	Morrison,	Sumner, D. H.
Buchanan,	Garrison,	Moulton,	Taylor, J. M.
Budd,	Geddes,	Muldrow,	Thompson,
Cabell,	Glascock,	Murphy,	Tillman,
Caldwell,	Graves,	Murray,	Tucker,
Campbell, Felix	Green,	Mutchler,	Tully,
Candler,	Greenleaf,	Neece,	Turner, H. G.
Carleton,	Halsell,	Nicholls,	Turner, Oscar
Clay,	Hammond,	Oates,	Van Alstyne,
Clements,	Hardeman,	O'Ferrall,	Vance,
Cobb,	Hemphill,	O'Neill, J. J.	Wallace,
Collins,	Herbert,	Patton,	Ward,
Converse,	Hewitt, G. W.	Pierce,	Warner, Richard
Cook,	Hoblitzell,	Peel,	Wellborn,
Cosgrove,	Holman,	Post,	Weller,
Cox, S. S.	Hopkins,	Pryor,	Wemple,
Cox, W. R.	Houseman,	Pusey,	Williams,
Crisp,	Hunt,	Randall,	Willis,
Culberson, D. B.	Hurd,	Rankin,	Wilson, W. L.
Curtin,	Jones, B. W.	Reese,	Winans, E. B.
Dargan,	Jones, J. H.	Robertson,	Wise, G. D.
Davis, L. H.	Jones, J. K.	Rosecrans,	Wolford,
Dibble,	Jordan,	Scales,	Wood,
Dibrell,	King,	Seney,	Worthington.
Dockery,	Lanham,	Seymour,	

NOT VOTING—122.

Adams, G. E.	Bingham,	Brown, W. W.	Chace,
Adams, J. J.	Blackburn,	Brumm,	Clardy,
Anderson,	Blanchard,	Buckner,	Connolly,
Barbour,	Blount,	Burleigh,	Covington,
Barksdale,	Boutelle,	Burnes,	Cullen,
Barr,	Bowen,	Calkins,	Davidson,
Bayne,	Breitung,	Campbell, J. M.	Davis, G. R.
Belmont,	Brewer, F. B.	Cassidy,	Deuster.

Dingley,	Hiscock,	Milliken,	Smith,
Dorsheimer,	Hooper,	Morey,	Snyder,
Duncan,	Horr,	Morse,	Steele,
Elliott,	Houk,	Muller,	Stewart, Charles
Evans, I. N.	Hutchins,	Ochiltree,	Struble,
Evins, J. H.	James,	O'Neill, Charles	Talbott,
Ferrell,	Jeffords,	Paige,	Thomas,
Findlay,	Jones, J. T.	Peters,	Throckmorton,
Finerty,	Kasson,	Phelps,	Townshend,
Follett,	Kean,	Potter,	Van Eaton,
George,	Kellogg,	Price,	Wadsworth,
Gibson,	Ketcham,	Ray, G. W.	Warner, A. J.
Goff,	Kleiner,	Reagan,	White, Milo
Hanback,	Lacey,	Reed,	Whiting,
Hancock,	Lamb,	Rice,	Wilkins,
Hardy,	Le Fevre,	Riggs,	Wilson, James
Harmer,	Long,	Robinson, J. S.	Winans, John
Hatch, W. H.	Lore,	Robinson, W. E.	Wise, J. S.
Haynes,	Lovering,	Rockwell,	Woodward,
Henderson, T. J.	McCoid,	Rogers, J. H.	Yaple,
Henley,	McComas,	Rogers, W. F.	Young.
Hewitt, A. S.	McMillin,	Russell,	
Hill,	Millard,	Shaw,	

So the resolution of the minority of the committee was rejected.

During the roll-call,

Mr. LOWRY said: Mr. Speaker, in order to complete this case before the recess, and in view of the extension of time to the other side, I ask by unanimous consent the House shall remain in session until the final vote has been taken.

Mr. MILLER, of Pennsylvania. There is no objection to that.

There was no objection, and it was so ordered.

The following members were announced as paired on all questions until further notice:

Mr. RUSSELL with Mr. BLACKBURN.

Mr. FOLLETT with Mr. CALKINS.

Mr. TALBOTT with Mr. STEELE.

The following were announced as being paired on all political questions until further notice:

Mr. ELLIOTT with Mr. PETERS.

Mr. SNYDER with Mr. BARR.

Mr. GIBSON with Mr. GOFF.

Mr. HILL with Mr. MILLIKEN.

Mr. MORSE with Mr. DAVIS, of Illinois.

Mr. DORSHEIMER with Mr. HISCOCK.

Mr. STEVENS with Mr. KELLOGG.

Mr. HARDY with Mr. CHACE.

Mr. REAGAN with Mr. BRUMM.

Mr. YOUNG with Mr. RICE.

Mr. MULLER with Mr. ANDERSON.

Mr. EVINS, of South Carolina, with Mr. LACEY.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. WILSON, of Iowa.

Mr. YAPLE with Mr. WADSWORTH.

Mr. TOWNSHEND with Mr. THOMAS.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio.

Mr. BEACH with Mr. SKINNER, of New York.

Mr. ROGERS, of New York, with Mr. HOOPER.

Mr. PAIGE with Mr. EVANS, of Pennsylvania.

Mr. DUNCAN with Mr. SMITH.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. MCMILLIN with Mr. RAY, of New York, until June 21.

Mr. HUTCHINS with Mr. WHITING, until June 23.

Mr. WARNER, of Ohio, with Mr. KETCHAM, until June 30.

Mr. BLOUNT with Mr. KASSON, until June 24.

Mr. LAMB with Mr. LONG, until June 28.

Mr. O'NEILL, of Pennsylvania, with Mr. LORE, until June 23.

Mr. CLARDY with Mr. KEAN, on all political questions, for to-day.

Mr. COVINGTON with Mr. MCCOMAS. Mr. MCCOMAS would vote for Mr. Morey, and Mr. COVINGTON for Mr. Campbell.

Mr. BLANCHARD with Mr. JAMES, on election case of Campbell *vs.* Morey. If present, Mr. BLANCHARD would vote to seat Mr. Campbell. Mr. JAMES would vote to retain Mr. Morey.

Mr. FINDLAY with Mr. HORR, on all political questions, for this day.

Mr. ADAMS, of New York, with Mr. ADAMS, of Illinois, on this vote. If present, Mr. ADAMS, of New York, would vote to seat Mr. Campbell, and Mr. ADAMS, of Illinois, would vote "no."

Mr. WILKINS with Mr. KELLOGG, on all political questions, for this day.

Mr. ROGERS, of Arkansas, with Mr. GEORGE, on the election case of Campbell *vs.* Morey.

Mr. BARKSDALE with Mr. JEFFORDS, on the election case of Campbell *vs.* Morey.

Mr. HENLEY with Mr. MILLARD, on all political questions, for this day. Mr. HENLEY would vote in favor of the claim of Mr. Campbell.

Mr. VAN EATON with Mr. BINGHAM, of Pennsylvania, on this question. Mr. VAN EATON would vote in favor of seating Mr. Campbell. Mr. BINGHAM would vote for Mr. Morey.

Mr. BELMONT with Mr. HARMER, on all political questions, for this day.

Mr. SHAW with Mr. HOUK, on all political questions, for this day.

Mr. STEWART, of Texas, with Mr. BREWER, of New York, on all political questions, for this day.

Mr. KLEINER with Mr. STRUBLE, on all political questions for this day.

Mr. JOHN S. WISE, of Virginia, with Mr. HATCH, of Missouri, on the Campbell and Morey case.

Mr. PRICE with Mr. WOODWARD, on the contested-election case of Campbell *vs.* Morey.

Mr. THROCKMORTON with Mr. OCHILTREE, on all political questions, for this day.

Mr. CASSIDY with Mr. MCCOID, on all political questions, for this day.

Mr. MORRILL with Mr. MORGAN, on all political questions, for this day.

Mr. LOVERING with Mr. CAMPBELL, of Pennsylvania, on all political questions, for this day.

Mr. FINERTY with Mr. MILO WHITE, on the Morey-Campbell case.

Mr. BARBOUR with Mr. ROCKWELL, on all political questions, for this day.

Mr. HEWITT, of New York, with Mr. DINGLEY, on all political questions, for this day.

Mr. WINANS, of Wisconsin, with Mr. BAYNE, on all political questions, for this day.

Mr. RIGGS with Mr. HANBACK, on all political questions, for this day.

Mr. BOUTELLE. By some misunderstanding, believing that this vote was to be taken at 5 o'clock, I was absent from my seat at the time my name was called. If I had been present I should have voted in the affirmative on this proposition.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs upon the adoption of the resolution reported by the majority of the committee.

The resolution was agreed to.

Mr. LOWRY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. JAMES E. CAMPBELL then appeared at the bar of the House and qualified by taking the oath prescribed by law.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested;

A bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts;

A bill (S. 337) granting pensions to Wilson W. Brown and others; and

Joint resolution (S. R. 94) to appoint a day to report to Congress what action should be taken concerning the valley of Rock Creek.

It further announced that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, joint resolutions of the following titles, namely:

Joint resolution (H. Res. 264) to amend the resolution approved August 7, 1882, providing for the publication of reports of the Public Lands Commissioner;

Joint resolution (H. Res. 138) for printing the annual reports of the Geological Survey; and

Joint resolution (H. Res. 137) for printing the annual reports of the Bureau of Ethnology.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolution of the following title; when the Speaker signed the same:

A bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps; and

Joint resolution (H. Res. 167) granting permission to exhibit in the Capitol a model of the pedestal of the Bartholdi statue of Liberty Enlightening the World.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad, from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes.

WATER SUPPLY, WASHINGTON, D. C.

The SPEAKER laid before the House a letter from the acting Secretary of War, transmitting a communication from Maj. G. J. Lydecker, of the Corps of Engineers, asking an appropriation of $175,000 to supply deficiencies in the appropriations for water supply in the city of Washington; which was referred to the Committee on Appropriations.

SMITHSONIAN REPORT.

The SPEAKER laid before the House the following concurrent resolution of the Senate:

Resolved by the Senate of the United States (the House of Representatives concurring), That the annual report of the Smithsonian Institution for the year 1883 be

printed, and that there be printed 16,060 extra copies, of which 3,000 shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

The resolution was referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ADAMS, of New York, until Tuesday next.

To Mr. JAMES, for four days.

To Mr. DOCKERY, for ten days.

And then (at 5 o'clock and 10 minutes p. m.), in obedience to the former order of the House, the Speaker declared the House in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m.

The SPEAKER. The session of this evening, by order of the House heretofore made, is for the consideration of pension bills.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole on the Private Calendar for the consideration of business under the special order of the House heretofore made.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

FRANCES E. HENDRICKS.

The first business on the Private Calendar was the bill (H. R. 2059) to increase the pension of Frances E. Hendricks, reported adversely from the Committee on Invalid Pensions by Mr. MORRILL.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to rerate the pension of Frances A. Hendricks, widow of John A. Hendricks, late colonel of the Twenty-second Indiana Volunteers, killed in the battle at Pea Ridge, at the sum of $50 per month.

The Committee on Invalid Pensions reported the following amendments:

In line 4 strike out the word "rerate" and insert the word "increase;" in line 7 strike out the word "at" and insert in lieu thereof the word "to."

The report (by Mr. MORRILL) was read, as follows:

We find that Frances E. Hendricks is the widow of Col. John A. Hendricks, who fell mortally wounded while leading his regiment at the battle of Pea Ridge. She is now receiving $30 per month and asks that it be increased to $50. The committee feel the full force of all the arguments urged in favor of the claimant, but we can not overlook the fact that there are a large number of widows in our land whose cases are similar to this one, and a careful investigation of this case fails to disclose any special reasons why an exception should be made in favor of this claimant. The committee can not forget that thousands of private soldiers, as loyal and brave as ever shouldered a musket, fell on the battlefield, leaving widows and helpless children to mourn their loss, and yet these widows receive the pitiful sum of $8 per month. While the sympathies of the committee are with the claimant, and they realize fully that no money consideration can compensate her for her great loss, yet they feel that legislation in this direction should be general and not special, and therefore ask that this bill lie on the table.

Mr. MORRILL. I made the report on this bill by the direction of the committee, because the committee had adopted a rule that the widows of officers of a lower grade than that of a general officer should not be increased to $50. There are, I think, a large number of widows of general officers who are receiving $50 per month; but the invariable rule of the committee has been to increase no pension of an officer lower than the grade of general to $50 a month.

If there is any one case in the history of the late war where a widow deserves an increase it is this case of Mrs. Hendricks. She was of a noted family, the cousin of the distinguished gentleman from Indiana, Hon. Thomas A. Hendricks. Her husband went into the Army, leaving her with four small children to care for. He fell at the battle of Pea Ridge while leading his regiment, as brave a man as ever bit bread. He received his mortal wound on the field of battle. If there is any case that deserves the sympathy of this House it is the case of Mrs. Hendricks.

Mr. MATSON. This case is one, as has been said by my friend from Kansas [Mr. MORRILL], that appealed very strongly to the Committee on Invalid Pensions. But as is stated in the report, it is only one of a very large number of cases where the widows of men who were very gallant and who had rendered conspicuous service have been left poor and unable to care for themselves and the children of the dead soldiers. Some years ago—I do not remember the exact date, but it was several years ago—a precedent was established in Congress of giving to the widows of general officers pensions of $50 per month. Under the general law they were entitled to $30. When that precedent was established it was confined at first to the widows of those general officers who had been killed on the field of battle. The precedent was enlarged, however, and finally it included all of the widows of general officers; so that I apprehend it is safe to say now, at least, that the widow of no general officer has applied to Congress to have her pension increased to $50 a month without having it done.

I have lost no opportunity during this Congress to say that I thought the whole thing was wrong, and that it ought not to have been begun. There is no reason why the widow of a general officer should receive any more than the widow of a private soldier. There were men who were in the ranks during the war who were just as gallant and who on the field of battle were just as conspicuous for bravery as any men who held high positions as officers. Many thousands of them fell on the field of battle and their widows draw $8 per month.

I think it is entirely undemocratic to make any distinction between the soldiers of the Republic as to how large a pension the widow of a soldier should have. And it is certainly wrong to say that any class of widows should be taken out from under the operation of the law and given pensions at a rate much in excess of the highest rate given by the general law, a rate nearly double that given by the general law. The highest rate for a widow under the general law is $30 per month. And yet it has been proposed to give, and Congress has been following the precedent of giving, $50 to the widows of general officers. I say I have lost no opportunity to express my disapproval of that proposition. I do not believe it is right.

In this case the Committee on Invalid Pensions has made an adverse report, because it is proposed here to go one step further and to say that the widow of this colonel, not the widow of a general officer but the widow of a colonel, should have $50 a month. If the widow of a colonel should have $50 a month, why not the widow of a lieutenant-colonel, a major, a captain, a lieutenant, and down to a private? Why not give to the widows of all who rendered any conspicuous service on the field of battle pensions of $50 a month? I think it is time to draw the line. And I am speaking with a view not of this case alone but another one which has been pressed on this House, with no desire whatever to prejudice the committee, but in reference to a case which I know has been pressed on the attention of the House—very properly; I have no criticism to make on that—on behalf, too, of a very worthy lady; a case, too, where the husband rendered conspicuous and very valuable service. It is a case following right along after this on the Calendar. As we have two of these cases to dispose of, I am speaking of both. The proposition in both is to go beyond the line that has been drawn, to wit, that of the widows of general officers, and to include others. There are two or three exceptions. Two or three cases have passed Congress already where pensions have been increased to the widows of those below the rank of general.

There are only two or three of these cases that have been reported, at least but two or three that have been considered. The Committee on Invalid Pensions of this House have undertaken to draw the line here. I feel very sure it is the only safe thing to do, not only the safe thing to do, but it is the only right thing to do. We should not go any further in the direction of a wrong, in the direction of giving to the widows of those who held high-rank pensions much higher than those we are willing to give to the widows of those who did hold such high rank, but who were equal to those officers before the law of the land.

Nearly all of these cases are those of men who had left the service. Possibly in the case to which I have alluded the officer may not have left the service, but in most of these cases these officers at the time of their death had left the service and stood upon a perfect equality with others. There is no reason at all for giving their widows pensions so much greater than you give to the widows of private soldiers.

I ought to say in this connection that the very first general bill reported from the Committee on Invalid Pensions of this Congress was a bill to increase the pensions of the widows of soldiers who now draw only $8 a month to $12 a month. I only repeat what I have said on this floor once before, that we refused to act on these $50 a month pensions until some action has been taken on that general bill. It looks now not much like there would be any opportunity, in the rush and hurry of business, to act upon that general bill at this session, to increase the pensions of the widows of private soldiers from $8 to $12 a month. I certainly shall enter my protest against the proposition to go any further in a wrong direction. I shall not make any fight in the way of calling for a quorum; I shall make no factious opposition. But I desire to enter my solemn protest against a proposition to go any further in what I conceive to be a wrong direction.

Mr. MORRILL. I desire to say that I indorse every word which the chairman of the Committee on Invalid Pensions [Mr. MATSON] has said. I have only presented this case as a meritorious case, if there is one under that rule. I say that the widow of a man who fell in battle leading his regiment deserves the highest pension granted to any one. If the widow of a colonel of a regiment can not receive a pension of $50 a month, then I protest against the widow of a lieutenant-commander receiving such a pension.

Mr. COX, of New York. It seems to me that the Committee on Invalid Pensions, or the gentlemen who are interested in this particular bill, are not getting at the Cushing case properly. That case ought to stand on its own merits. They seem to be trying the case as if it was one of the widow of a colonel.

Mr. RANDALL. The Cushing case is not up yet?

Mr. COX, of New York. But they are fighting that case in advance; they are fighting it on this one. They say that if any pension is to be raised to $50 a month, then raise the pension of the widow of a colonel who fell leading his regiment.

Now, there are many cases of colonels who fell while leading their

regiments, and whose widows no doubt will be cared for in the proper way and at the proper time. But there is only one case in our history or known to mankind like the case of Lieut. William B. Cushing. It presents a new thing in the world of physics as well as in the world of heroism.

I would not now speak on that case in advance but for the fact that my distinguished friend the chairman of the Committee on Invalid Pensions [Mr. MATSON], followed by his colleague on that committee, the gentleman from Kansas [Mr. MORRILL], seems anxious to place the two cases together, that they may hand in hand go down together. I say let them stand or fall on their own intrinsic merits.

I will wait and see what will be the vote on this Hendricks case. I do not care if you do raise the pension of the widow of Colonel Hendricks to $50 a month. It is not very much. The sum of $240 a year with our overflowing Treasury is not so very much for the widow and family of a colonel who fell at the head of his regiment.

Let that be done, if you please, and on the principle laid down by my distinguished friend from Indiana [Mr. MATSON], who says he does not recognize any such thing as rank or grade in giving these benefactions to the families of our dead soldiers, for he distinctly repudiated the action of his own committee and the rules laid down by that committee. He said if there was a meritorious case of a private soldier he would disregard all rank, for he knows that—

> The rank is but the guinea's stamp,
> The man's the gowd for a' that.

I therefore believe that we should look at this case as a case depending upon its own conditions. Having determined this case, then let us determine whether we can not illustrate our liberality by doing something for the widow of William B. Cushing, the case that we shall take up in a few moments.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House——

Mr. MATSON. The question is, Shall the bill lie on the table?

Mr. COX, of New York. This is an adverse report.

The CHAIRMAN. The Chair was aware of that fact and was about to state the question accordingly. The question is, Shall this bill be laid aside to be reported to the House with a recommendation that it lie on the table?

The question being taken, there were—ayes 15, noes 23.

Mr. MATSON. I make the point that no quorum has voted.

Mr. KEIFER (to Mr. MATSON). Do not make that point. This vote ought to be considered as equivalent to a recommendation that the bill pass.

Mr. MATSON. I make the point with the view of saying that this case ought to be voted upon in the House when there is a quorum present.

Mr. KEIFER. This vote is equivalent to a recommendation that the bill pass.

Mr. MATSON. Exactly; and I am willing to let the case go to the House to be passed upon when there is a quorum.

Mr. KEIFER. That is all right.

Mr. RANDALL. There should be no different course in this case from what we have taken in all other cases. The friends of this bill and the friends of the Cushing bill do not desire any such procedure.

Mr. KEIFER. I do not think the gentleman from Indiana [Mr. MATSON] ought to insist on his point.

The CHAIRMAN. The point is made that no quorum has voted. The Chair will appoint tellers.

Mr. MATSON. All I desire is that the House shall vote upon this when there is a quorum present.

Mr. RANDALL. This bill should not be treated differently from five hundred other pension bills which have been acted on this session.

Mr. MATSON. This is an entirely new departure. In this bill we are taking an important step, and I think the judgment of the House ought to be had on it when there is a quorum present, not the judgment of a few members who are particularly friendly to this bill.

Mr. RANDALL. There are more members here to-night than usual.

Mr. MATSON. And I have no doubt they are here for a particular purpose.

Mr. VANCE. I suggest that gentlemen allow a favorable report to be made to the House, and when the bill comes up in the House they can insist upon a quorum if they think it proper to do so.

The CHAIRMAN. Does the gentleman from Indiana insist on his point.

Mr. MATSON. I do.

Mr. KEIFER. The gentleman can at any rate make his point in the House so as to require a quorum for the passage of the bill.

Mr. BAYNE. As I understand, the gentleman from Indiana is perfectly willing that this bill shall be reported favorably to the House if the vote upon it in the House be had when a quorum is present.

Mr. MATSON. That is all I want.

Mr. KEIFER. And the gentleman can have that in spite of everybody else.

Mr. RANDALL. At this period of the session I object to any arrangement of this kind.

The CHAIRMAN. The Chair understands the gentleman from Pennsylvania to object?

Mr. RANDALL. I do object to any bill being taken out of its regular order.

Mr. KEIFER. Allow me to appeal to the gentleman from Indiana to withdraw his point that no quorum has voted. He can, in spite of everybody else, insist upon a quorum in the House on the passage of the bill.

Mr. MATSON. I understand that.

The CHAIRMAN. The Chair will state that the proposition suggested by the gentleman from Ohio has already been made, and the gentleman from Pennsylvania [Mr. RANDALL] objects.

Mr. KEIFER. But the gentleman from Indiana has the whole matter in his control in spite of the gentleman from Pennsylvania. The gentleman from Indiana can now withdraw the point that no quorum has voted, and when the bill comes up in the House he can insist upon a vote by a quorum.

Mr. RANDALL. I know he can; but he can not insist upon a quorum in this case with the view of going on and passing other bills without a quorum. If the point of a quorum is to be made on this bill it must follow right along the line upon every other bill.

Mr. MATSON. If the gentleman wishes to make that point I am perfectly willing. I want to say to the gentleman from Pennsylvania and the House that I have never refused to any gentleman who came here on a Friday night and asked for a vote in a full House on any bill the right to have it.

Several MEMBERS. That is so.

Mr. MATSON. Nor would I do so.

Mr. KEIFER. But the gentleman can insist upon a quorum in the House whenever he chooses.

Mr. MATSON. I do not ask that any bill reported by our committee shall be passed unless it be the judgment of the House that it shall pass.

Mr. RANDALL. The Committee on Invalid Pensions have reported adversely on a bill which comes next to this on the Calendar and which involves the same principle. By the action just taken on this case the report of the Committee on Invalid Pensions in regard to the next bill has practically been overruled by the House. Now, the function of a committee is not to take final action upon any bill. They simply make recommendations. Otherwise absolute power would rest with the committee over bills referred to them. I have seen many propositions overruled by the House, some propositions that were reported affirmatively from the committees and others reported adversely; but when they came to the House the House reversed the action of the committee. The whole theory of having committees is that they shall examine the cases and make recommendations to the House; nothing else whatever.

The CHAIRMAN. The Chair will state the proposition as the Chair understands it. The gentleman from Indiana, the chairman of the Committee on Invalid Pensions, asks unanimous consent that the action of the committee on this bill may be reported to the House with the understanding that the vote upon the bill in the House shall be taken when a quorum is present. Is there objection?

Mr. RANDALL. I object for the reason before stated. All these bills should take the same course.

Mr. KEIFER. Now, if I may be permitted to say to the gentleman from Indiana as a parliamentary proposition, he has the right to have a quorum at that time, and it is not worth while to delay the committee to-night on that account.

Mr. RANDALL. There is no doubt of his right to do that; but it may as well be understood if the gentleman is going to ask a quorum on that bill he is not going to have an opportunity to skip over the bill and take up thirty or forty others and put them through the House.

Mr. KEIFER. There is no use of the gentleman's delaying the committee on that account. He can have a vote in the House with a full House at his own request.

Mr. MATSON. Now, in reply to the statement of the gentleman from Pennsylvania, I wish to say that I have no possible desire to skip over any bill. I have not any bill of my own to pass to-night, not one. I may be an exception in that respect.

Mr. COX, of New York. What does the gentleman mean by that?

Mr. MATSON. It has been intimated that gentlemen are interested in another bill or other bills which will come up.

Mr. COX, of New York. Some of us have advocated bills here.

Mr. MATSON. I suppose that you are particularly interested in it. That is what I mean; that there are gentlemen particularly interested.

Mr. COX, of New York. I never voted for a bill in my life that I did not feel interested in.

Mr. MATSON. I wish to say that I think I understand the ordinary and original functions of the Committee on Invalid Pensions and what we are expected to do in this and other cases. I insist that this is a very important step in our legislation that is proposed to be taken to-night by the House of Representatives, a very important step in the matter of legislation in reference to pensions, and I only ask that there shall be a quorum to pass this bill in the House. That is all I ask. It need not affect the other bills or delay action upon any of them.

Mr. RANDALL. Is this debatable?

The CHAIRMAN. It is not.

Mr. RANDALL. I object to debate if it is not in order.

Mr. MATSON. I think it is as much in order as the remarks of the gentleman from Pennsylvania himself.

Mr. RANDALL. If it is to be debated I hope it will be upon both sides.

The CHAIRMAN. It can only be debated by unanimous consent. The Chair has so far indulged gentlemen since no objection was made.

Mr. MATSON. You have already had your say. I repeat, Mr. Chairman, what I have said. This is a matter of great importance, and all I ask is that the judgment of the House shall be taken when there is a quorum present. When any gentleman has come here at the Friday night sessions to ask for a judgment of the full House upon the passage of any bill he has always had the right to have it, without any sort of objection from me or from any other member of the Committee on Invalid Pensions.

Now, we have no pride of opinion about this matter. I have not, I am sure. This is not a report drawn by me, though it meets my approval. I do not think the House should take the step that is proposed here. I think we have gone far enough in that direction; and all that I ask is that when the House does take the step, it shall be taken with the judgment of a majority of a quorum. That is all I ask, and I think it is reasonable.

Mr. BAGLEY. I wish the chairman of the Committee on Invalid Pensions, my colleague on the committee, to allow me to appeal to him to recede from his position. Some two weeks ago we passed a similar bill under the management of the gentleman from Kentucky [Mr. WOLFORD] giving to the widow of a captain, I think, $40 a month. I do not think it would place the committee in an unfavorable attitude, or in the position of passing hereafter on the same principle bills not meritorious in their character. The committee have reported this bill adversely. We have placed it before the House in that position.

It strikes me that my friend from Kansas [Mr. MORRILL] has placed this in a condition to attract the attention of the House; and the case of Mrs. Cushing to follow this I look upon as one of the most meritorious cases upon the Calendar—we all know the history of Colonel Cushing and his distinguished gallantry—and that it will be perfectly proper to recognize the claim and grant to his deserving widow an increase of pension.

I agree with my friend the chairman of the committee upon general principles. I think the legislation to which he refers was in the first place perhaps wrong; and that it was possibly a mistake to give larger pensions to the widows of general officers, and grant them more than the amount allowed by law to those of a lower grade in the Army. I think there is no doubt that in some cases the general officers were not so deserving as the officers who held a lower rank. But I appeal to my friend to allow this case to pass by to-night at least, for it will jeopardize all of these cases on the Calendar of men and women who should have their cases considered, and considered at once.

Mr. PETERS rose.

The CHAIRMAN. This debate is only proceeding by unanimous consent.

Mr. PETERS. I desire but a moment.

The CHAIRMAN. The Chair will hear the gentleman from Kansas.

Mr. PETERS. Mr. Chairman, I desire but a word in response to the appeal of the gentleman from New York to the chairman of the committee. This bill comes before the House with an adverse report from the committee. I have had cases myself reported back adversely, but, sir, I have never desired or thought to press one of them; and therefore I can not consistently allow a case of this kind reported adversely by the committee to go through.

I would not be doing justice to myself or to the constituents I represent if I did not object to the passage of this bill. Inquiry would be made at once why I allowed a case reported adversely by the Committee on Invalid Pensions, where the widow of a colonel claimed a pension, to pass through the House when the widow of a private soldier could not have her pension granted when an adverse report was made. The House will readily see the position in which every member would be placed who has had adverse reports made on bills he has presented where claims have been made for widows of private soldiers. Therefore I say, notwithstanding the appeal that has been made, even if the chairman of the committee should withdraw his objection, I would feel obliged to insist on the point of order.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers.

Mr. BAYNE. I ask to be permitted to say a word. It is in vain to appoint tellers. Nothing would come of it except to show a quorum is not present. I am in favor of the bill to increase the pension of Mrs. Hendricks, and also of the bill in the case of Mrs. Cushing. I think the chairman of the Committee on Invalid Pensions, being the responsible representative of the majority of this House, has a right to ask that a vote shall be taken by a quorum on the passage of a bill on which there has been an adverse report. I think his position is perfectly tenable. I simply ask that all this be settled, so that a vote may be taken on this measure, that it may be reported to the House affirmatively or negatively.

Mr. KEIFER. A vote has been taken.

Mr. BAYNE. And then when a quorum of the House is present, that a final vote may be taken on the bill. Unless that arrangement is agreed to the whole business will stop for this evening.

The CHAIRMAN. What the gentleman from Pennsylvania has suggested can not be done until the point of order that a quorum has not voted is withdrawn.

Mr. BAYNE. It is in the interest of the withdrawal of the point of order that I make this suggestion.

Mr. MATSON. I understand, of course, as has been suggested by my distinguished friend from Ohio, that I may make the point as effectively in the House; but I do not desire to deceive anybody. I can withdraw the point of order, but I will say to the gentleman from Pennsylvania and all others that I will insist on this bill being voted on in the House when there is a quorum present.

The CHAIRMAN. Does the gentleman from Indiana withdraw his point of order?

Mr. MATSON. I do.

Mr. HEWITT, of Alabama. I renew it.

Mr. WOLFORD. I ask unanimous consent to say one word. The interests of a great number of soldiers, worthy, good, and gallant men, and the interests of a great number of widows of gallant soldiers who gave their lives to their country, are at stake in this matter. I think harmony may be arrived at. I think we can have an understanding that what is right can be done. I know the gallant chairman, who was a gallant soldier himself, will not insist on anything but what he conscientiously believes to be right and ought to be done. While I disagree with the gentleman and believe that merit ought always to make a difference in the granting of a pension, yet I am willing to abide by whatever the House says. But let us come to an understanding; let us make a compromise; let us meet somewhere on half-way ground, so that we may go on with the business for which we have met here this evening. The good of the country, the good of the soldier, and the common good and honor of all demand it of us.

Several members called for the regular order.

Mr. HEWITT, of Alabama. There are a large number of pension bills on the Calendar which can be passed without any objection. I suggest that we go on with those. But this is a bill on which there is an adverse report by the committee.

The CHAIRMAN. The regular order has been demanded. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Alabama, Mr. HEWITT, and the gentleman from Kansas, Mr. MORRILL.

Mr. WELLER. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. Why can not these bills to which objection is made be passed over informally so that we may proceed with other business?

The CHAIRMAN. That can only be done by unanimous consent.

Mr. BROWNE, of Indiana. I call for the regular order.

The CHAIRMAN. The tellers will take their places.

Mr. HEWITT, of Alabama. Before the vote is taken I ask unanimous consent that this bill be passed over informally.

Mr. RANDALL. The difficulty may be got over if the committee will report this bill with a favorable recommendation to the House and consent is given that a vote may be taken on it to-morrow morning in the House. Otherwise it will have no position in the order of business.

Mr. MATSON. I will move the previous question on it, if that will satisfy the gentleman from Pennsylvania.

Mr. RANDALL. I do not object to the securing of a vote of a quorum on this bill. But I do object to its being laid aside, and so placed on the orders of the House that it can never be reached.

The CHAIRMAN. The gentleman from Alabama [Mr. HEWITT] asks unanimous consent that the bill under consideration be passed over informally. Is there objection?

Mr. RANDALL. There is.

Mr. MATSON. I desire to make a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. MATSON. I desire to ask the Chair whether, if this bill is now reported to the House with a favorable recommendation, and if, when the committee rise, a motion is made in the House for the previous question on the bill—whether it would not take precedence in the order of unfinished business and come up for action to-morrow morning?

Mr. RANDALL. The gentleman from Indiana is perfectly aware that the previous question can not be ordered except by waiving in the House the point of a quorum?

Mr. WILSON, of Iowa. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON, of Iowa. The gentleman from Pennsylvania [Mr. RANDALL] says, if I understand him correctly, if the bill was reported favorably to the House, and the point of no quorum was then made, it would have no position in the order of business. The inquiry I desire to make is this: Suppose the committee reports this bill and a dozen others to the House with favorable and adverse recommendations, and

the point is then raised of a quorum on the first bill, would not this be the unfinished business on next Friday when the House takes up the bills reported by the Committee of the Whole House on the Private Calendar before the motion is made to go into Committee of the Whole?

The CHAIRMAN. If the previous question is ordered there is no question about the position of the bill. The question is, Shall the bill be reported to the House with the recommendation that it do lie on the table?

The committee again divided; and the tellers reported that there were—ayes 22, noes 37.

Mr. HEWITT, of Alabama (one of the tellers). No quorum has voted. I again ask unanimous consent that this bill be passed over informally.

The CHAIRMAN. Is there objection?

Mr. RANDALL. I object.

Mr. POST, of Pennsylvania, and Mr. MORRILL moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. TOWNSHEND having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration the bill (H. R. 2059) to increase the pension of Mrs. Frances E. Hendricks, and had come to no resolution thereon.

Mr. MATSON. I move that there be a call of the House.

Mr. BROWNE, of Indiana. I move that the House now adjourn. The attendance this evening is the largest attendance that I have seen here at a Friday evening session.

The SPEAKER *pro tempore*. The motion to adjourn takes precedence of the motion for a call of the House.

The question was taken; and upon a division there were—ayes 36; noes 26.

Mr. BAYNE. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 16 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 37, nays 33, not voting 258; as follows:

YEAS—37.

Boutelle,	Cullen,	Ketcham,	Stephenson,
Brewer, F. B.	Dibble,	McCormick,	Stevens,
Browne, T. M.	Ellis,	Mutchler,	Throckmorton,
Brown, W. W.	Ellwood,	Neece,	Wait,
Burnes,	Foran,	Patton,	Wallace,
Cannon,	Forney,	Poland,	Washburn,
Cook,	Graves,	Post,	White, Milo.
Cosgrove,	Greenleaf,	Pryor,	
Cox, S. S.	Hatch, W. H.	Randall,	
Culberson, D. B.	Johnson,	Slocum,	

NAYS—33.

Bagley,	Jones, B. W.	Peters,	Ward,
Bayne,	Keifer,	Price,	Weller,
Cutcheon,	Laird,	Ray, G. W.	Wilson, James
Ferrell,	Libbey,	Ray, Ossian	Winans, E. B.
Halsell,	Lovering,	Rowell,	Wolford,
Hepburn,	Matson,	Strait,	Woodward.
Hewitt, G. W.	Morgan,	Sumner, D. H.	
Holmes,	Morrill,	Townshend,	
Howey,	Perkins,	Vance,	

NOT VOTING—253.

Adams, G. E.	Candler,	Findlay,	Hunt,
Adams, J. J.	Carleton,	Finerty,	Hurd,
Aiken,	Cassidy,	Follett,	Hutchins,
Alexander,	Chace,	Funston,	James,
Anderson,	Clardy,	Fyan,	Jeffords,
Arnot,	Clay,	Garrison,	Jones, J. H.
Atkinson,	Clements,	Geddes,	Jones, J. K.
Ballentine,	Cobb,	George,	Jones, J. T.
Barbour,	Collins,	Gibson,	Jordan,
Barksdale,	Connolly,	Glascock,	Kasson,
Barr,	Converse,	Goff,	Kean,
Beach,	Covington,	Green,	Kelley,
Belford,	Cox, W. R.	Guenther,	Kellogg,
Belmont,	Crisp,	Hammond,	King,
Bennett,	Culbertson, W. W.	Hanback,	Kleiner,
Bingham,	Curtin,	Hancock,	Lacey,
Bisbee,	Dargan,	Hardeman,	Lamb,
Blackburn,	Davidson,	Hardy,	Lanham,
Blanchard,	Davis, G. R.	Harmer,	Lawrence,
Bland,	Davis, L. H.	Hart,	Le Fevre,
Blount,	Davis, R. T.	Hatch, H. H.	Lewis,
Bowen,	Deuster,	Haynes,	Long,
Boyle,	Dibrell,	Hemphill,	Lore,
Brainerd,	Dingley,	Henderson, D. B.	Lowry,
Breckinridge,	Dockery,	Henderson, T. J.	Lyman,
Breitung,	Dorsheimer,	Henley,	McAdoo,
Brewer, J. H.	Dowd,	Herbert,	McCoid,
Broadhead,	Duncan,	Hewitt, A. S.	McComas,
Brumm,	Dunham,	Hill,	McMillin,
Buchanan,	Dunn,	Hiscock,	Maybury,
Buckner,	Eaton,	Hitt,	Millard,
Budd,	Eldredge,	Hoblitzell,	Miller, J. F.
Burleigh,	Elliott,	Holman,	Miller, S. H.
Cabell,	English,	Holton,	Milliken,
Caldwell,	Ermentrout,	Hooper,	Mills,
Calkins,	Evans, I. N.	Hopkins,	Mitchell,
Campbell, Felix	Everhart,	Horr,	Money,
Campbell, J. M.	Evins, J. H.	Houk,	Morrison,
Campbell, J. E.	Fiedler,	Houseman,	Morse,
Moulton,	Ranney,	Snyder,	Van Eaton,
Muldrow,	Reagan,	Spooner,	Wadsworth,
Muller,	Reed,	Springer,	Wakefield,
Murphy,	Reese,	Spriggs,	Warner, A. J.
Murray,	Rice,	Steele,	Warner, Richard
Nelson,	Riggs,	Stewart, Charles	Weaver,
Nicholls,	Robertson,	Stewart, J. W.	Wellborn,
Nutting,	Robinson, J. S.	Stockslager,	Wemple,
Oates,	Robinson, W. E.	Stone,	White, J. D.
Ochiltree,	Rockwell,	Storm,	Whiting,
O'Ferrall,	Rogers, J. H.	Struble,	Wilkins,
O'Hara,	Rogers, W. F.	Sumner, C. A.	Williams,
O'Neill, Charles	Rosecrans,	Talbott,	Willis,
O'Neill, J. J.	Russell,	Taylor, E. B.	Wilson, W. L.
Paige,	Ryan,	Taylor, J. D.	Winans, John
Parker,	Scales,	Taylor, J. M.	Wise, G. D.
Payne,	Seney,	Thomas,	Wise, J. S.
Payson,	Seymour,	Thompson,	Wood,
Peel,	Shaw,	Tillman,	Worthington,
Pettibone,	Shelley,	Tucker,	Yaple,
Phelps,	Singleton,	Tully,	York,
Pierce,	Skinner, T. G.	Turner, H. G.	Young.
Potter,	Skinner, C. R.	Turner, Oscar	
Pusey,	Smalls,	Valentine,	
Rankin,	Smith,	Van Alstyne,	

The following pairs were announced for this evening:

Mr. HURD with Mr. WEAVER.

Mr. ENGLISH with Mr. VALENTINE.

Mr. MURRAY with Mr. EZRA B. TAYLOR.

Mr. CAMPBELL, of Ohio, with Mr. HART.

Mr. STORM with Mr. RANNEY.

Mr. WOOD with Mr. DUNHAM.

Mr. LOWRY with Mr. PETTIBONE.

Mr. JORDAN with Mr. J. D. WHITE.

Mr. SENEY with Mr. NUTTING.

Mr. AIKEN with Mr. HENDERSON, of Iowa.

Mr. SKINNER, of North Carolina, with Mr. LAWRENCE.

Mr. BENNETT with Mr. MILLER, of Pennsylvania.

Mr. HEMPHILL with Mr. REED.

Mr. GEDDES with Mr. HITT.

Mr. CONVERSE with Mr. HATCH, of Michigan.

Mr. TILLMAN with Mr. FUNSTON.

Mr. DARGAN with Mr. BREITUNG.

The result of the vote was then announced as above stated; and accordingly (at 9 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARR: Papers relating to the claim of William S. Mitchell—to the Committee on Claims.

By Mr. GLASCOCK: Memorial of the Women's Silk-Culture Association of the United States, relative to Senate bill No. 2002—to the Committee on Agriculture.

Also, petition of Post No. 50, Grand Army of the Republic, Department of California, relative to pensions—to the Committee on Invalid Pensions.

By Mr. HOWEY: Petitions from citizens and soldiers favoring the passage this session of the Lovering bill, H. R. 6463—to the same committee.

By Mr. MORGAN: Petition for the relief of Beaufort Lee—to the Committee on Claims.

By Mr. MUTCHLER: Petition of surviving members of the first three-months' volunteers, for a recognition by Congress of their claims—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. J. O'NEILL: Petition of letter-carriers of Saint Louis, asking for fifteen days' leave of absence with pay—to the Committee on the Post-Office and Post-Roads.

By Mr. SENEY: Resolutions of Dick Morris Post, Grand Army of the Republic, Department of Ohio, praying for the passage of pending pension bills—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *June* 21, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. The Chair lays before the Senate bills from the House of Representatives.

The bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 6925) to amend sections 4381 and 4382 of the Revised Statutes of the United States, relative to fees levied and collected from the owners and masters of vessels in domestic commerce, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 7299) forfeiting a part of certain lands granted to the

State of Iowa to aid in the construction of railroads in that State, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

RELATIONS OF PACIFIC RAILROAD COMPANIES.

The bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned, was read twice by its title.

Mr. VAN WYCK. I desire to raise the question of reference on the bill the title of which has just been read. I suggest its reference to the Committee on Railroads.

Mr. HOAR. What bill is that?

The PRESIDENT *pro tempore*. It is the bill amending the act of 1878 and preceding acts touching the relations of the United States to the Pacific railroads.

Mr. INGALLS. Commonly known as the Thurman act.

The PRESIDENT *pro tempore*. Commonly known as the Thurman act. The Senator from Nebraska moves that the bill be referred to the Committee on Railroads. The question is on agreeing to that motion.

Mr. VAN WYCK. Mr. President, I suggest the reference of the bill to the Committee on Railroads for the reason that I understand the Judiciary Committee have resolved to take no action upon any matters of that nature which have previously been referred to them, and therefore it would seem if any action should be had at this session the bill should be referred to some other committee which has the time and also the inclination to give it attention such as it deserves.

I must confess to a little surprise on first learning of the disposition of this question through the press, and I suppose we ought to render our acknowledgments to the press that the Senate has the opportunity to learn of the disposition of so important a matter as that embraced in this bill. It would be natural to suppose that a committee of the body would first make its report to the Senate itself as to whether they shall or shall not dispose of any measure referred to them, particularly when the resolution of the Committee on the Judiciary seemed to have been the result of conference and negotiation with the Union Pacific Railroad. After that committee had been in conference and consultation with the Pacific railroads then it would seem from the press that a resolution was adopted by the committee, which resolution was not sent to the Senate to ascertain whether it would receive the approbation of that body, but was either communicated to the president of the railroad company or to the Secretary of the Interior.

I presume from the fact that this bill received almost the unanimous approbation of the other House——

The PRESIDENT *pro tempore*. The Senator is not in order in referring to the proceedings of the other House; and the question is, Shall the Senator be allowed to proceed in order?

The Chair will state in reference to calling Senators to order for transgressing the rules of debate that the rule requires that the Senator shall take his seat and shall not proceed unless on motion the Senate grant leave. The Chair has not executed that rule hitherto, and was remonstrated with by Senators after some unfortunate occurrences the other day. The Chair, therefore, feels bound now and hereafter, so long as he occupies the chair, to enforce the rule.

Mr. VAN WYCK. I beg pardon of the Chair, I did not hear the first part of the statement of the proposition.

The PRESIDENT *pro tempore*. The statement of the Chair was that the Senator is not in order in referring to the votes of the House of Representatives, and the rule requires that the Senator shall take his seat, and that he shall not proceed unless upon motion the Senate grants him leave.

Mr. VAN WYCK. Then——

Mr. PENDLETON. I move that the Senator from Nebraska have leave to proceed in order.

Mr. VAN WYCK. I understand that the requirement to take my seat is waived in this instance.

The PRESIDENT *pro tempore*. Oh, yes; the Chair only wishes now and hereafter to have all Senators understand alike that the Chair, so long as he occupies the position, will endeavor to enforce the rule as the Senate has directed him to do. The Senator from Ohio moves that the Senator from Nebraska have leave to proceed in order.

Mr. PLATT. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable. Senators in the affirmative will say "ay." The negative will say "no." [Putting the question.] The "ayes" have it. The Senator from Nebraska will proceed in order.

Mr. VAN WYCK. I will endeavor to do so. I certainly will not transgress in that point, but I should like to make some allusion not to the votes but to the manner in which this proposition was received and the result of the action of the other House.

Mr. PLATT. If the Senator will yield to me for a moment I should like to make an inquiry.

Mr. VAN WYCK. Very well.

Mr. PLATT. I should like to inquire what rule of the Senate a Senator violates when referring to the proceedings of the other House? I confess that I have looked a good deal among the rules of the Senate to see how the rules are violated, and I should like to inquire whether it is a violation of the rules of the Senate or whether it is a violation of some parliamentary rule which refers to other bodies as well as to the Congress of the United States.

The PRESIDENT *pro tempore*. It is the understanding of the Chair that there is no printed or written rule of the Senate which says that no Senator shall refer to the proceedings of the other House. There is no written or printed rule of the Senate which says that no Senator shall in debate insult the Chair or another Senator. All the rules of decorum are supposed to exist in the proprieties and practices of parliamentary procedure. The Chair understands it to be a universal rule of the common law of parliamentary procedure that no Senator can transgress decorum in respect of his conduct toward the Senate or other Senator or decorum in respect of alluding to the proceedings of another House then sitting in respect of matters that are under consideration in the Senate.

Mr. PLATT. Certainly not; and yet being in a Congress of the United States which is composed of two Houses, where we have concurrent action, it becomes almost necessary in every day's debate to refer in some way, and in order, of course, to action which has been had in the House of Representatives. It is discussed here upon every report of a conference committee as a matter of necessity. I have been very much troubled to know how a Senator could discuss a matter properly which was being acted upon by both Houses and yet not violate this common law relating to the decorum of the Senate. I find that some Senators avoid it by saying that "elsewhere" such and such things have been done; and that seems to pass current so long as the fact is not mentioned that it was done in the House of Representatives. Now, that is simply an evasion of the rule, born of the necessity which exists for telling what is done at the other end of the Capitol.

I confess that I am not very familiar myself with parliamentary rules, and I only embrace this occasion to try to have it understood, so that I might understand myself how far it is proper to go in referring to the action of another branch of Congress which it seems almost necessary at times to refer to.

Mr. BECK. I should like to ask the Chair a question, if I may be allowed.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. VAN WYCK. Certainly.

Mr. BECK. I desire to ask the Chair to state what the ruling is, because I am not a very good parliamentarian, and I do not wish to violate the rules of the Senate. As I understand the ruling of the Chair, it is that whenever a Senator, whether he intends to be out of order or not, in absolute good faith but by mistake refers to something that the Chair thinks is not parliamentary and is out of order, he makes him take his seat, and he can proceed no further without the consent of the Senate. I doubt whether the Chair has any such power as that. I think the Senator must first be in default, and there must be some assurance that he is intentionally violating the rules, and that the Chair can not make him take his seat and subject him to that amount of humiliation, saying that he can proceed no further without leave of the Senate, merely because the Chair thinks the Senator has used some expression that is not strictly in order. I hope that may never occur to me, for I should feel, I know, a certain sense of mortification if I believed I was in order and had made a mistake and had to take my seat and obtain the leave of the Senate before I could be allowed to proceed. I make the inquiry with perfect respect for the Chair. He has far more parliamentary knowledge than I have, and I should like to know the extent of his ruling.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Kentucky and to the Senate that he has been somewhat painfully reminded of his previous failures of duty in respect of executing Rule XIX, which is found in the printed rules of the Senate, the second paragraph of which is as follows:

If any Senator, in speaking or otherwise, transgress the rules of the Senate—

Which the Chair understands to mean the rules of decorum as well as the written rules of the Senate, as the Chair believes has always been understood—

the presiding officer shall, or any Senator may, call him to order.

This is the only rule which refers to calling a Senator to order at any time.

And when a Senator shall be called to order—

And that covers, the Chair thinks, a call to order by another Senator or by the Chair—

and when a Senator shall be called to order he shall sit down, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall be determined without debate.

Then the next paragraph provides that if anybody desires, where

words spoken in debate are objected to, the words shall be taken down for the information of the presiding officer and of the Senate.

Mr. MAXEY. What is the rule about a reference to matters in the other House? I wish to understand that myself.

The PRESIDENT *pro tempore*. There is, as the Chair stated before, nothing in the written rules of the Senate upon the subject, any more than, as the Chair stated, there is nothing in the written rules of the Senate in respect of the impropriety of one Senator speaking ill of another Senator or of the Senate itself.

Mr. GARLAND. If I may be pardoned for a moment, on page 264 of our Manual, in Jefferson's Manual, the parliamentary rule in regard to referring to the proceedings of the other House is laid down as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. (8 Grey, 22.)

On page 248 of Jefferson's Manual I find the following:

It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the Legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude or even influence that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held by the members of either of the other branches of the Legislature, until the same have been communicated to them in the usual parliamentary manner. (2 Hats., 252; 4 Inst., 15; Seld. Jud., 53.)

That is the parliamentary rule.

The PRESIDENT *pro tempore*. The Senator from Nebraska will proceed.

Mr. VAN WYCK. Mr. President, from these inquiries and answers I must claim to be absolved from any idea of disrespect or want of courtesy to the other House in the allusion which I made to the passage of the bill by that body.

The PRESIDENT *pro tempore*. The Chair did not so understand it. It was an error very commonly committed, but the Chair has felt it his duty on former occasions to call Senators to order for the same thing.

Mr. VAN WYCK. I, of course, should be very glad to know the rule. As the Senator from Connecticut has said, it sometimes is partially necessary in the discussion of a matter brought before us to say a word in favor of a bill which has passed the other House, and in that way not to criticise but to extol and applaud and approve their action. However, the action of the other House is sufficiently indicated by the bill here. Of course it is proper, I presume, to talk about a bill which comes from the House after it reaches the Senate.

Mr. HOAR. If the Senator from Nebraska will permit me, I think I ought to say to him before he proceeds that he is unintentionally but wholly in error as to the proceedings of the Judiciary Committee, unless I have misunderstood his statement.

Mr. VAN WYCK. I will try to make myself plain about that.

This bill, which comes from the House, relates to a very important matter which has often received the attention of Congress; that, is to the securing of the indebtedness which the people of the United States have against the Union Pacific and Central Pacific Railroad Companies. That question has been agitating this body for years. In 1878, when it was supposed it was settled, we find that one of these great companies, the Union Pacific, set your law and your Government at defiance. They have done that steadily from the time of the passage of the act of 1878 until now.

Then the question comes up again in regard to these two railroad companies, owing now this nation $100,000,000, and so precarious is our security, that we are from time to time admonished that we should be careful lest we should do something that would topple over the institution and thereby the people would lose the large investment which they made. The bill lying upon the table is one which goes still further in the direction of securing additional protection to this large investment.

To see whether I may be mistaken about this matter substantially, I take it from what I read from the public press, not from what had been said in this body, that this matter has received consideration at the hands of one of its committees. Some four months ago I introduced a resolution calling for information from the Secretary of the Interior to know whether the Pacific railroads, notably the Union Pacific, had violated the act of 1873, which provided that no new stock or any new bonds should be issued except as provided by the act of 1873.

This whole nation—that is those who cared to know—knew that from 1873 to the present time the Union Pacific Railroad had increased its stock largely, that they had issued other bonds and guaranteed still further bonds to a large extent. Four months ago, when information was demanded from the Secretary of the Interior, the Railroad Commissioner, in answer to that inquiry, gave us not information which he ought to know, which a large proportion of the American people knew, but he did what? He very kindly and obsequiously sent his bookkeeper over to the Union Pacific Railroad office in the city of New York to ask them very politely if they would be kind enough to answer the resolution which the Senate of the United States had adopted calling for certain information. His book-keeper came back, and this is the answer he made:

Under date of February 12, 1884, Mr. John F. Dillon, general solicitor of the company, in the absence of the president, acknowledged at some length the receipt of my communication—

This is, the communication of the Commissioner of Railroads—

acknowledged at some length the receipt of my communication last referred to.

Referring to the subject-matter of the resolution he says—

That is, the solicitor of the Union Pacific Railroad says, not the Interior Department—

Referring to the subject-matter of the resolution he says that the Union Pacific Railroad Company—

Mark—

that the Union Pacific Railroad Company has not since that date (March 3, 1873) issued any new stock or made any mortgage or pledge on the property and earnings of the company contrary to that enactment.

Now, it is easy to see the point which was sought to be made against the Commissioner of Railroads and against the people of the United States. Their solicitor says that the Union Pacific Railroad Company had not done this. Now he goes on:

After reciting the consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and the Denver Pacific Railway and Telegraph Company on January 24, 1880, under the name of the "Union Pacific Railway Company," a copy of the articles of said consolidation having been duly filed in this office and printed in the report for 1880, page 221, he states that the capital stock of the consolidated company was fixed at $50,762,500, reserving the right thereafter to make any lawful increase thereof. Prior to the consolidation the capital stock of the Union Pacific Railroad Company was $36,762,300, the Kansas Pacific Railway Company, $10,000,000, and the Denver Pacific Railway and Telegraph Company, $4,000,000, the three companies aggregating the sum of $50,762,500, the amount fixed by the articles of consolidation.

Amended articles of consolidation were filed in your office March 29, 1881, which fixed the capital stock of the company at $61,000,000, being an increase of $10,237,500. This increase was duly approved at the annual meeting of the stockholders held in New York on the 9th day of March, A. D. 1881, more than two-thirds of the stock voting in favor thereof.

* * * * * * *

Referring again to Exhibit No. 5, the general solicitor states:

"That neither the Union Pacific Railroad Company, nor its successor the present company, has made any lease of its road."

* * * * * * *

The general solicitor further states:

"That no act of Congress contains any prohibition on this company from making traffic or running arrangements."

In 1873, after the Credit Mobilier excitement had startled the whole country and Congress felt it its duty to make some sort of recognition whereby such offenses could not be perpetrated in the future, it expressly declared that no new stock should be issued and no new obligations assumed except on the payment of those heretofore contracted. From that time to the present it seems that there has been a new issue of stock. That is not denied. It is admitted by the solicitor of the Union Pacific Railroad Company, and under a mere subterfuge; that is, they adopted the course, which is pursued sometimes by criminals, of assuming an alias. But I never knew that a criminal could escape the penalty for a violation of the law by pretending that he was called yesterday by some other name than he is called by to-day.

Congress enacted so that such things should be prevented in the future, limiting and restricting. Then what do they do? The solicitor of the railroad company says what? "We make a consolidation. The Union Pacific Railroad has now become the Union Pacific Railway. and therefore it is that all the pains and penalties of the law fall harmless at our feet. We are no longer the Union Pacific Railroad, but we are the Union Pacific Railway;" and the solicitor of the railroad company can say that the Union Pacific Railroad Company has not done this thing, but that the Union Pacific Railway Company has; and under that evasion the laws of this Government are set at defiance. All these gentlemen have to do is to secure another reorganization and laugh at the pains and penalties of your statute. It stands here and has been arraigned by both branches of Congress as a great criminal.

This railroad company is not unused to this. They have exercised almost absolute control in the Departments of this Government. They have in the Land Department. It seems there was a previous Commissioner when this was done. He knew the law; he knew that the law had been violated in that consolidation, and yet we find him saying here, and it is set forth by the present Commissioner as a justification to him. Mr. French says:

DEPARTMENT OF THE INTERIOR,
OFFICE OF AUDITOR OF RAILROAD ACCOUNTS,
Washington, D. C., February 15, 1881.

DEAR SIR: Your letter of the 29th ultimo, with inclosures, referring to the issue of additional stock by the Union Pacific Railway Company, has been received.

The purpose for which this additional capital is to be used—

Mark what Mr. French, the sworn guardian of the Government's interest in these railroads, says:

the purpose for which this additional capital is to be used, as set forth in the circular of the 20th ultimo, and the fact that the entire amount is payable in money at the par value of the shares, preclude any exceptions which might otherwise have been taken to this action on the part of the company. This additional capital must undoubtedly result in increasing the value of all the company's property and thus add to the security of all its creditors.

Very respectfully,

THEO. FRENCH, *Auditor*.

This man French, who was supposed to be the representative of the Government and the protector of its interests—this man, acting as Commissioner of Railroads, then called Auditor of Railroad Accounts, so far as he can throws the sanction of his official position around this crime, which he knew must have been a crime, subjecting its authors not only to a penalty in dollars but to imprisonment in the penitentiary, and he excuses it when he says it was to add to the value of the security and therefore make it more safe to the creditors, when he knew, or if he did not he ought to have known, that the $10,000,000, which he boastingly says was to increase the security of the Government and of the other creditors of the company, was the greater part of it put into the pockets of Jay Gould to pay him for the stock of the Kansas Pacific Railroad, which he had in fraud of the creditors of the road consolidated with the Union Pacific. I say distinctly that this man French, when he was betraying his position, as he did betray it most infamously, when he said that $10,000,000 was to strengthen the security and enhance the value of this railroad property, stated what he knew to be false, if he knew anything.

The majority of this $10,000,000, instead of enhancing the value of the Union Pacific Railroad, was to be placed in the pockets of Jay Gould to pay for Kansas Pacific stock which was worthless substantially at the time; a road which for five or six years had been in the hands of a receiver; and your Government, and French in the Department of the Interior, supposed to be an officer to protect it, willingly surrendered that in advance and offered an apology for this crime, and attempted to shield these criminals by the miserable pettifogging excuse that the railway company, and not the railroad company, did it.

That was in violation of the law. True, they did make a consolidation, and that consolidation was against the spirit, if not the letter, of the laws of 1862 and 1864. The consolidation contemplated by those acts was a consolidation before construction and not a consolidation after construction; but there was no one in this Department to raise the question, no one to inquire about the good faith of this transaction. The design was apparent. I merely allude to it as preliminary, because my friend the Senator from Massachusetts intimates that this question has not been under consideration by the Judiciary Committee, and therefore, in order that we shall understand the character of the elements with which we are dealing, it was appropriate for me to allude to the fact that Congress had arraigned these great criminals; and the Senator from Massachusetts knows as to that, and probably more than any other member who has a seat on this floor, by reason of his examination and report, for I think he was a member of the House committee that examined into the Credit Mobilier transactions in 1873.

My friend knows the nature, the character, and the enormity of the crimes then developed. They were considered so horrible that they called down the execration of the nation and called down the execration of the American Congress. After they branded with infamy the criminals whom they could reach, the Senator from Massachusetts assisting in that noble work, they supposed they had limited and hampered this criminal so that it could no longer bring loss and inflict further injury on the property and credit of the people.

But we find two efforts in the same direction precisely. It set at defiance the law which the Senator helped to make in the other House, by undertaking a consolidation which the law did not authorize, and if it did, which no officer having the least regard for his own duty and the least obligation for his oath would willingly have assisted to ratify. They knew the purpose and object of this consolidation to carry a worthless railroad, buying up its bonds at a nominal value, and the stock had not even a nominal value, and then consolidating it with a company which at that time stood with its stock at 120 and beyond.

These men, no more infamous than the action which was pursued by the Credit Mobilier and its promoters, moved on to destroy the value of the Union Pacific by this consolidation. They had $10,000,000 of this stock, and they assumed the first and second mortgage bonds of the Kansas Pacific and bought other worthless property that Jay Gould was compelled to take in his purchase of the Missouri Pacific, and he unloaded that and other roads he desired upon the Union Pacific to such an extent that he made your lien on the property worthless as a security.

In 1878 the people were aroused again, and Congress passed what was known as the Thurman act, and still the Union Pacific defied your legislation of 1878 as they did your legislation of 1873. The act of 1873 provided that the president or officers of this company who should violate its provisions should be subject to fine and imprisonment. They defied it, and under an alias these criminals hope to escape. But in 1878 other terms to secure this indebtedness were provided, and from that time until now this same railroad company has been defying your authority. That is the attitude of this railroad company preliminarily.

The Senator says that the Judiciary Committee have not been considering this question. I do not know precisely what they have been considering. It is not out of order that I speak of a committee of this body, I presume, particularly when I find it in the public press. If the Judiciary Committee had taken the Senate into their confidence and explained to them what they had done or what they thought they ought not to do, that would be a different matter; but all that is known of this outside of the committee and in this body is learned from the press.

Now a bill has come here from the other House. That bill, as I suppose it is not out of order to say, had been under consideration in the other House. It has, judging from the papers. There was opposition to that bill, but after long deliberation an expression of the House was given in the bill presented. That bill is for the purpose of obtaining better security for the immense debt which is owing the people by this railroad.

Now, as to just what the committee have considered I can not say, further than that it would seem as if the committee themselves had given this information to the press, and therefore I take it for granted it is correct. I was surprised a day or two ago in reading over the daily papers—and that was before the action of the Senate committee was promulgated through the columns of the Associated Press—to find this:

WASHINGTON, *June* 17.

The Judiciary Committee matter settled in form proposed by us, and the whole matter has been put over. The accountant's report, which has gone in, agrees exactly with Ames's figures—

Somebody had doctored the accounts in the report to agree with Ames's figures—

and without any criticism or charge against the company.

They in that do not bind the whole Senate—

The reports about its contents are all manufactured and false.

C. F. ADAMS, JR.

That was a strange announcement to read in the public press. I know I have been sometimes rather severely criticised for saying that these railroads control this Government. That I knew. I thought I knew it when I read the procedure of the Land Department for the last twenty years; when I read the opinions of your Attorneys-General. I knew that they controlled both those Departments, and I knew they had strong influence in the Supreme Court by reason of some of the decisions of that tribunal. A great many people outside of the Capitol supposed that they had great influence in both branches of Congress. I suppose I may refer to the other branch in that connection.

This dispatch of Charles Francis Adams was proclaimed to the world. At the consolidation we suffered these men absolutely to take from fifteen to twenty million dollars and divide it among themselves. When they did it they placed a mortgage upon that property so as to render your lien of no value.

But this dispatch was sent to the public as to the action of the Judiciary Committee, of which my friend from Massachusetts [Mr. HOAR] is a member, and the Senator says I probably do not understand what this Judiciary Committee considered. I confess ignorance on that subject, but Charles Francis Adams knew. He knew more than any Senator outside of the committee. He knew, because he says to the world:

The Judiciary Committee matter settled in form proposed by us, and the whole matter has been put over.

The whole matter has been put over.

The accountant's report, which has gone in, agrees exactly with Ames's figures, and without any criticism or charge against the company. The reports about its contents are all manufactured and false.

A day or two after I discovered still more in corroboration of this, to which I beg to call the attention of the Senator from Massachusetts:

WASHINGTON, *June* 18.

The Secretary of the Interior has received the following communication from the chairman of the Senate Judiciary Committee—

Not the Senate—

JUNE 17, 1884.

SIR: In regard to the matters between the United States and the Union Pacific Railroad Company arising under the act of 1878, and which the Committee on the Judiciary of the Senate has held for some time under consideration, I have the honor to inform you that the committee has this day adopted the following resolution—

I beg the attention of the Senator from Massachusetts—

Resolved, That this committee will postpone until the first Monday in December, 1884, the further consideration of the matters arising under the act of May 7, 1878.

This very matter, is it not—the very matter that this House bill refers to? The Senator says I made a mistake as to what the committee did. It may be; but here is the resolution of the committee:

Resolved, That this committee will postpone until the first Monday in December, 1884, the further consideration of the matters arising under the act of May, 1878.

Now, here is the bill on your table from the House of Representatives, who have struggled with the question for weeks and for months; and before it reaches this body a committee of the Senate who have been considering it as they themselves say for some time assume a negative attitude and say: "By no means; banish it from us; we will give it no consideration." By what authority is a resolution of this kind made known by so high a committee as the Judiciary Committee to Charles Francis Adams, the head of the Union Pacific Railroad?

Resolved, That this committee will postpone until the first Monday in December, 1884, the further consideration of the matters arising under the act of May 7, 1878, relating to the Union Pacific Railway Company, &c.

The very matters that this bill refers to, and the Senator from Massachusetts said I must be mistaken about it. Now mark:

If the said company—

Is it not strange that a committee of this body should negotiate with

the Union Pacific Railroad Company, with the record they have made for twenty years, that they made in 1873 in regard to the Credit Mobilier, the record they have made from 1878 till now. When did they keep faith with the Government? When did they willingly subscribe to a law which Congress made to govern or control or limit them in their actions or demands?

If the said company shall immediately carry out the offer of Mr. Adams, as stated in his communication dated June 17, 1884—

That was the day Mr. Charles Francis Adams sent the dispatch which I have read, sending it over the whole nation, to inspire confidence, I suppose, in the persons whose confidence they had abused in times gone by, saying that the Judiciary Committee matter was settled in the form proposed by us. That is authentic, because it is alluded to in the resolution of the Judiciary Committee of this body.

If the said company shall immediately carry out the offer of Mr. Adams, as stated in his communication dated June 17, 1884, addressed to Hon. GEORGE F. HOAR, and on the express understanding that this action of the company and of the United States in receiving the money and security in said communications mentioned shall have no effect on any penalty or forfeiture or other right of the United States incurred or arising, or to occur or arise, against the said company or any of its officers; but that all rights, penalties, and forfeitures shall stand as if these acts had not been done.

The Senator says I did not understand correctly what the Judiciary Committee did consider. Here are their resolutions. They said they had been discussing the Thurman act for some time, and finally adopted the resolution. I am not aware that it was ever presented here and had the approbation of the Senate. I suppose the Judiciary Committee did not think that formality necessary. Probably not; but they say to this railroad company: "Go in peace for this time; no matter if the American people are demanding and expecting action. The House solemnly presents a bill to protect the interests of this people and restrain the corporation; but, no matter, go in peace."

The following is the communication of Charles Francis Adams, jr., Government director of the company, to Mr. HOAR.

Now the Senator says we do not understand what they have been doing in committee. We understand what the committee said they had been doing, and we understand what Mr. Charles Francis Adams came here and asked them to do.

WASHINGTON, *June* 17, 1884.

Hon. GEORGE F. HOAR, *United States Senate:*

DEAR SIR: Referring to what passed at your meeting with certain directors of the Union Pacific Railway Company in Boston on the 10th instant, I would state that the following was there proposed as the basis of temporary settlement—

Who wanted any temporary settlement with the Union Pacific Railroad that for twenty years has been the debtor of this nation, that has defied all its authority until the people have demanded and Congress is demanding that there shall be at last final settlement; and yet this thing is bridged over by "a temporary settlement." It says:

with the Government, pending action of the courts on claims now in dispute:

First. No further dividends shall be paid on the stock of the company during the current year.

That is a very magnanimous thing on the part of the Union Pacific Company when they had not money to pay dividends without borrowing and their credit was weakened so that they could not readily borrow. There is not any difficulty about their carrying out that provision of the agreement.

Second. Until the questions now pending in court are decided, and the settlement between the Government and the company effected, the Government shall retain in the Treasury all earnings now due or which may hereafter become due.

That is what the present law requires, and now for the first time they come in and say they are willing to obey the law—

not only on the subsidized lines of the company, but also on the non-subsidized portion of its lines specified in President Dillon's letter of June 5, addressed to the Secretary of the Interior.

Third. Saving all its legal rights on points in litigation.

Of course it would not do to take away from these men the right to go into the courts where they have apparently as much influence as they have in the Departments.

The company will forthwith pay into the Treasury on account of the sinking fund the sum of $718,814.60—

They did own, I suppose, the $718,814.60, but as that has not cut much of a figure on which to make a dividend upon sixty millions of stock, they were willing to forego the privilege, they are willing to pay this $718,814.60 in with many provisos—

being the amount demanded by the Secretary of the Treasury as the payment under the Thurman act for the year ending December 31, 1883.

What do they propose for the other years before 1883? Where are the $3,000,000 claimed to be due through the other years? Two million two hundred thousand dollars, the Senator from Massachusetts says, and not $3,000,000. Where is the $2,200,000?

Mr. HOAR. I do not know whether it is worth while to interrupt the Senator.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. VAN WYCK. Yes; I should like to know right here where that is.

Mr. HOAR. No; I will not interrupt.

Mr. VAN WYCK. It was—

Seven hundred and eighteen thousand eight hundred and fourteen dollars and sixty cents, being the amount demanded by the Secretary of the Treasury as payment under the Thurman act for the year ending December 31, 1883—

But they were careful to make no provision for the years gone by from 1877 to 1882. This $718,814.60, because they had no specjal place to put it, they agree to put it in the Treasury on certain conditions—

said sum to be treated as a payment on account should more hereafter prove to be due to the Government and as a payment in advance of amounts in future to become due should less prove now to be due.

The above proposition, it is submitted, affords the Government ample security for payments which shall become due when the matters at issue in the construction of the Thurman act shall have been decided by the courts.

Is it possible that you propose to allow the Pacific railroad to come here at this time when this matter is being pressed to a final settlement by the people and demand that they shall be allowed all the technicalities they may urge and that everything shall rest until these gentlemen choose to say an end is reached in the courts? That is a remarkable proposition for an ordinary debtor.

Did the Judiciary Committee intend that? Were they willing to assume and exercise the power to determine a question so grave that such a debtor as this railroad had been to the Government should be allowed to come to a branch of this Congress, submit its demands, and without any consultation outside the committee-room undertake to say this shall be done, and this criminal shall go free and he shall have rest and repose until in the years as they fly by there shall finally be reached an end of litigation in the Supreme Court upon the Thurman act of 1878? That is what they give us, and that is what they tell us is final and must be done!

Mr. President, I think I correctly stated the point. It is all about the Thurman act; the House bill is about the Thurman act; the consideration of the Judiciary Committee was about the Thurman act, and nothing else. There is one new feature: it was deemed necessary to change the president and have some gentleman of eminent respectability at the head of the concern.

These gentlemen had applied to the courts, they had applied to the Departments, and when it began to be a serious question whether they could influence both branches of Congress, then they thought it best to eliminate an unpleasant feature in the company and place at its head a very respectable and worthy citizen of Massachusetts, Charles Francis Adams. But I would say to my friend from Massachusetts that while that may satisfy the Judiciary Committee, that sort of eminent respectability probably will not satisfy the people. They want a better guarantee than the mere respectability of the head of the concern. He is worthy of all that may be said of him, but the point of putting him there is evidently as I have indicated, though that does not appear in the resolutions of the Judiciary Committee. He comes to negotiate—negotiate with Congress. Certainly that is what Congress is doing nominally with this almost bankrupt debtor. We are told we must speak in bated breath, for fear we shall tumble over this huge institution of credit, of watered stock and limitless bond. We must be careful. We shall injure our own security. Why, it has even been proposed that this debt should be deferred two future generations, some sixty years—only think of it—with a lower rate of interest than we are paying on the bonds which we gave them; and yet it has been said our security is so precarious.

In the next place we must be careful that we do not impair the value of the stock on the market. Charles Francis Adams is president of the company now; but the same gang of gamblers are behind him. They have been running that road for the last fifteen years only for the money which they made by gambling in stock. A great Government invests millions of acres of land and millions of dollars in money, and yet suffers the concern to be run merely in the interest of stock gamblers, and this same crowd of gamblers are behind Charles Francis Adams, and he can not expect to change the course of the company, because these men control it.

It has been claimed that they did unload in Massachusetts. Certainly when they gathered in this $10,000,000 of stock Charles Francis Adams, in examining the condition of this railroad, told the people of Massachusetts that he was satisfied it was a safe investment. He invites the lambs in Massachusetts to come up and be shorn, and because it came from so eminently respectable a one, bearing the name of Adams they rushed into the pool.

It is to be regretted that Charles Francis Adams should have assumed that attitude, and its position really is no better now. What Charles Francis Adams did by his respectability among the people of Massachusetts is sought to be done by the same respectability upon the Congress of the United States. Charles Francis Adams should have known that the stock was of no value. With all this immense indebtedness in bonds—first mortgage, Government bonds, income, land-grant, collateral trust bond—he should have known that the stock was of no value; and when he advised, innocent though he was, the people of Massachusetts into the brokers' shops with the gamblers of the Union Pacific Railroad he was performing unwittingly just about the same rôle that the bunko men of Boston did when they inveigled Charles Francis Adams, sr., into another den of gamblers.

Do the Judiciary Committee desire this bill to be referred to them when they have said to the world that they propose to banish the subject from their consideration, from their committee-room; and is it possible they will stand here to-day and ask that this bill be referred to them with the history of what they have done, having already prejudged the matter, and defied, set at naught, and treated with contempt the other House?

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska, to refer the House bill to the Committee on Railroads.

Mr. GARLAND. I wish to make a very few remarks on this motion.

The subject of this House bill has been before the Judiciary Committee from a very early day in this session. On the 29th of April I reported from the Committee on the Judiciary a bill (S. 2123) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

The bill that I reported from the committee does not go to the extent that this bill which comes from the House does, judging from the cursory examination I have been able to give it. But the Senator from Nebraska is mistaken in his supposition or in his reading from the public press that the Committee on the Judiciary from any action they have taken are at all estopped from considering this subject. The matter to which the public press has referred, as revealed here by the Senator from Nebraska, is wholly and totally a different matter from that contained in the bill of the House and also in the bill to which I have made reference as reported by me from the Committee on the Judiciary. Of course all these matters grow out of the relationship and connection of the railroad with the Government; but they are other and distinct matters, besides the subjects of these bills, growing out of the litigation the Government has had with the company and the adjudication of the Supreme Court and of the Court of Claims in reference to certain claims of offsets and the conduct of the road and the Government relatively in reference to these matters.

But we are not estopped, we are not cut off from any legislation so far as the action of the committee is concerned in reference to the measures amendatory of what is called the Thurman act. Then the question presents itself in this way to the Senate: This subject has been before the Judiciary Committee; the committee have reported partly upon it; but for the want of active information in reference to the other part they omitted that, but were prepared at any time to take that under consideration and make report of a bill or resolution, as the case might be, upon that branch.

The Thurman act itself, of which the bill of the House is amendatory as well as the one I have reported from the committee now on the Calendar, No. 540 in the order of business, originated with the committee. It was a bill which came from that committee, and its whole subject-matter has always been before the Judiciary Committee; and that, I take it, is the proper committee to consider it.

Now, as far as I am concerned individually, I should be glad to be relieved of any further trouble in the matter and have it go to the Committee on Railroads, or any other committee except the Committee on the Judiciary. But the subject-matter of this legislation is before that committee; they have not parted with the subject at all, and, so far as this House bill is concerned, it could very well come up as an amendment to the bill I have reported and which stands No. 540 on the Calendar.

But I want the Senate to understand that I can not go into details, and can not specify precisely the various subjects-matter which the Senator from Nebraska has spoken of; but the action of the committee does not include the subject-matter of this legislation proposed by this House bill, nor is the committee precluded from investigating that. That relates, as I said before, to another distinct matter which it was important for the committee to determine upon and to have definitely before them before they proceeded to any new law amendatory of the Thurman act.

I do not think as a proper matter of legislation that this should be taken from the Committee on the Judiciary and referred to another committee. If the House bill goes to the Committee on Railroads, under the motion of the Senator from Nebraska, of course I shall feel it my duty to have Order of Business 540 committed to that committee also.

Mr. FARLEY. Will the Senator from Arkansas allow me to ask him a question?

Mr. GARLAND. Certainly.

Mr. FARLEY. Was not the original Thurman bill reported by the Judiciary Committee itself?

Mr. GARLAND. That is my recollection. It came from the Judiciary Committee. Judge Thurman was then upon the committee, and it originated with the committee. I was not then a member of the committee, but I have always understood that it originated with the present occupant of the chair [Mr. EDMUNDS] and Judge Thurman, who stood first upon the minority roll of that committee at that time.

Mr. VAN WYCK. Mr. President, there is certainly no desire on my part to infringe on any of the prerogatives of a committee which ranks so high in the estimation of this body and the country as the Judiciary Committee of the Senate; but if it appeared from the papers which the American people read that this committee had substantially passed upon this question, then it seemed to be a matter of duty for those who believed in the features of this bill to ask that it should go not to a friendly committee but to one that had not in advance refused to take action on the subject.

The Senator from Arkansas says he could not state all that took place in the committee. Certainly not; not all. It was not necessary to state all; but there is a certain fact that probably it would not do harm to have stated even to the Senate. I trust that the secret-session business is not to spread quite so far as that we must take on trust everything that comes by either whisper or otherwise from the Judiciary Committee. No member of this body respects the Judiciary Committee more highly than I do. The Thurman act did come from that committee. This body will probably send this bill to that committee; but I desire at least at the outset to have it understood that there are some in this Chamber who are in favor of legislation at this session on this subject.

Now I apprehend that Charles Francis Adams's visit to Washington was upon the subject of the difficulties of this railroad company with the Government. That I suppose the Senator will concede?

Mr. GARLAND. I do not know. I never saw Charles Francis Adams in my life. I do not know what his visit here was for, nor in fact that he was here.

Mr. VAN WYCK The Senator knows there was some negotiation or conference going on with Charles Francis Adams.

Mr. GARLAND. I do not.

Mr. VAN WYCK. Then I am glad I have informed the Senator by reading the papers on this subject, because the papers state so. It is not necessary that I should read this resolution again, but I am curious to know what the Committee on the Judiciary have been considering in relation to the Union Pacific Railroad. My friend says they have reported a bill. That was the same bill which, I think, came originally from the Commissioner of Railroads, who, I take it for granted from reading the bill, was friendly to the Union Pacific Railroad—I will not say pecuniarily interested—because that bill, which has been dignified by a report in its favor by the Judiciary Committee, it is true, proposes that for two generations more, that this should spread itself sixty years, and that bill fixes a less rate of interest than we are paying. We pay 6 per cent. fifteen or eighteen years longer, and these gentlemen would have us paid 3 per cent. for sixty years.

As I understand, the Thurman act had to do with the matter of the indebtedness of the Pacific railroads to the United States. Now, if my friend will not consider it offensive—I do not ask for any of the secrets of the committee—but I would ask him if the Judiciary Committee have not been considering the question of the indebtedness of the Union Pacific Railroad to the United States? Was that the matter under consideration by the Judiciary Committee? The Senator nods assent.

The Thurman act was in regard to the indebtedness of the Pacific railroad companies to the United States. Charles Francis Adams's visit to Washington was in regard to the indebtedness of the Union Pacific Railroad to the United States. The Senator says the propositions which they were considering were on the question of the indebtedness of the Union Pacific Railroad Company to the United States. The bill just laid before us from the other House concerns the question of the indebtedness of the Union Pacific Railroad. The bill which received the consent of the Judiciary Committee was to spread the payment of the money due by that company over sixty years, two generations of men; and that bill which the Senator proposes here concerns the question of the indebtedness of these Pacific Railroad Companies to the United States. There has been no other question from 1878 till now.

There is no matter which concerns the Union Pacific Railroad except its indebtedness to the United States. The Government vainly and feebly has been trying to secure what it claims this road owes, and the railroad company persistently, doggedly, at every step has refused to pay what the Government claims that it owes. There is nothing else to consider, no question of public land, no question but the indebtedness, and now I fail to understand the force of the Senator's suggestion when he intimates there may be a distinction between some features of the bill and what they have been considering. Certainly, and so there was in the committee. I can not see any way of extrication.

I would like to call the Senator's attention—I will without saying it, because I have no doubt it has already received the Senator's attention—as to what the other House did in their committee and in their discussion on this matter, and he will find probably that his own bill which he has introduced here on the sanction of the committee received the support probably of some in committee and on the floor of the House.

The PRESIDENT *pro tempore*. The Chair thinks the Senator is out of order.

Mr. VAN WYCK. Very well; I call the Senator's attention to it. I am striving to illustrate this point. There is no need of any discussion about it. The only question—I say it distinctly—that has been in controversy between this railroad company and the United States for the past six years has been the question of its indebtedness to the Government. This committee have considered no other. The committee which reported and the Congress which passed the Thurman act passed on no other question, and the Senate committee during the session has considered no other question, and I ask the Senators of the Judiciary Committee to read the RECORD and ascertain whether in the other branch of Congress any other question has been considered. And Charles Francis Adams comes here for no other purpose than to get the Government to lift up its hand in asking payment of this money, which has been claimed in years gone by. And Charles Francis Adams telegraphed to the world that he had attained his mission, that he had come to the American Congress and made his demand. He had come to the highest tribunal known in the American Congress, and that is the Judiciary Committee of the Senate, and they had yielded to him.

It will confirm the opinion of the American people that these corporations have sufficient power first to come and take from the Government and get the Congress of the United States to sanction it, or if not the Congress one branch of it, to the wholesale spoliation of the public domain, and then come here and as Mr. Adams says, "Peace, be still" to these troubled waters, and that must be obeyed. The Senate must not be consulted on this matter. Charles Francis Adams issues his circular, his telegram, and all is settled—settled according to our figures; we have eliminated all until we go into court, and all is peace!

Mr. HOAR. Mr. President, I ask the attention of the Senate for two or three minutes, not so much that I deem it necessary to reply to what has been said by the Senator from Nebraska, but because this is an interesting public matter which all the Senators may like to understand.

The Judiciary Committee framed and carried through under the leadership of the present occupant of the chair [Mr. EDMUNDS], the Senator from Arkansas [Mr. GARLAND], and the Senator from Ohio, Mr. Thurman, not now a member of this body, the bill known as the Thurman act; and there is nothing in the action, opinion, or purpose of the present Judiciary Committee of the Senate which will prevent them from doing promptly and vigorously whatever may be necessary to compel all the railroads, which are subject to that act to obey its directions in good faith and at once.

The committee had some legislation in regard to a change of the relations of the several Pacific railroads with the Government, committed to it by the Senate, and it has reported and acted upon all the legislation which has been so committed, and the bill which it has reported is before the Senate.

During the investigation of that bill it occurred to the committee that some further action might be needed to secure the indebtedness to the sinking fund of one of these roads, to wit, the Union Pacific Railway Company; and it considered whether it was not its duty to originate some movement on the part of some branch of the Government toward a further prosecution of the claim for that indebtedness.

While the committee was considering that question a gentleman, whose name has been called here, of high standing and character, came to the committee and informed them that a total change of the management of that road was in contemplation and that it was expected that he would be selected as its president, and if he were so selected the office of the company would be removed from New York, it would be totally cut loose from the stock market, and would be managed, as far as it was in his power to manage it, in the future with the purpose of paying the indebtedness to the Government and of earning and dividing among its stockholders what might be fairly earned by proper management of its property. That gentleman is a gentleman who differs from me very earnestly in politics. He is not my townsman, as the Senator supposes—he lives in another part of the State—but he is a man of absolutely unimpeachable moral and business character, who has devoted a large portion of his life to the study of railroad problems. He at present holds the important position of referee between the different continental lines of railroad in regard to their claims for the division of freights and fares.

The attitude of the Government toward the Pacific railway companies was this: The Government claimed that the Union Pacific Railroad Company owes the sinking fund about $2,400,000, but there was a clear and unquestionable mistake of figures in regard to the accounts of one year, which reduced that claim to about $2,200,000. The Union Pacific Railroad, on the other hand, have a claim against the Government of about $4,000,000 (as they estimate it exceeding $4,000,000), growing out of their earnings not merely upon the subsidized line but upon the other railroads and branches which they have acquired and own, and in regard to which they are entitled now by law to receive, like any stranger, from the Government whatever they earn from the transportation of mails or of supplies or troops for the War Department. They had had a dispute with the Government as to the principle upon which this claim should be settled. That had gone to the courts, and the courts had decided the principle in favor of the company.

They said: It will be a very great public injury and a great injury to us in the present condition of the stock market when there is likely to be a great panic which may extend into all classes of business to come forward and recommend the Attorney-General of the United States to take measures for forfeiting this franchise. It would utterly destroy the Government's security for its debt. It would utterly destroy the property of many innocent stockholders, and it would have effects calamitous and far-spreading, much more than these two direct results of your action. We will therefore, if this matter stands over which you are contemplating for six months, until the 1st of December, secure the Government's claim in the mean time, and we will do it in this way: We will raise and pay in $718,000; we will allow the Government to receive absolutely what had before been tendered to it conditionally, the sum of $69,000, bringing it up to nearly $800,000; and for the balance which the Government claims, which we entirely dispute, not admitting or believing that there is a dollar due which is not covered, we will permit you to retain every dollar now due to us, which we say amounts to $4,000,000, and every dollar which may hereafter become due on all our branch and unsubsidized lines for the transportation of the mails and other service hereafter rendered to the Government.

Judge Lawrence, the Comptroller, had decided—and there is no question about it—that the Government had no claim to retain the earnings of these branch lines. They also said they will make no dividend until the 1st of January, 1885, at any rate, and Congress can interpose in the mean time. Thereupon the Committee on the Judiciary authorized its chairman to say to the government of the road, "If you do these things the committee will postpone the consideration of the subject which it was thinking of"—not, as I said, a matter committed to us by the Senate—"until the 1st of December." That was a most advantageous proposition for the Government, because, without loss or putting at hazard one single dollar which the Government now can claim of the road, it has received security which in my judgment is abundant and ample far beyond any claim which the Government may make hereafter; and whether it was a good thing for the public any Senator who recollects the history of the past eight weeks will judge for himself.

That, I believe, is the whole story.

Mr. VAN WYCK. Mr. President, only one word. The declarations having been made by the Senator from Massachusetts and the Senator from Arkansas from the Judiciary Committee that there will be no indisposition on their part to give this bill that consideration which its merits deserve and to give it prompt attention, I do not feel inclined to press the motion to take it from that committee. Therefore I will not press my motion. Under the assurance given by the members of the committee I withdraw the motion for reference to the Committee on Railroads. At the same time I shall feel at liberty, of course, to call the matter up if the Judiciary Committee should disappoint this expectation.

The PRESIDENT *pro tempore*. The motion to refer the bill to the Committee on Railroads is withdrawn. The bill is referred to the Committee on the Judiciary.

Mr. BECK. I rise to call the attention of the committee to whom this bill is to be referred to the fact that I have information from the best informed man I think in this Capitol on this subject—I allude to one of my colleagues, a Representative from Kentucky, Hon. Mr. THOMPSON, that a report has been made by the experts of the Department showing that examiners who have examined the affairs of the Union Pacific Railroad Company ascertained that $20,000,000 of the company's funds were taken and used in trying to influence the stock market in New York. It is said that Hon. Charles Francis Adams telegraphed to have that report, now in the hands of the Secretary of the Interior, suppressed and not to give it to the world for fear injury might be done by its publicity. If that was true, I was about to offer a resolution calling on the Secretary of the Interior for that report, but I will not. I content myself with calling the attention of the Committee on the Judiciary to the allegations that are made that I believe to be true, and I hope they will see whether they are true or not.

Mr. HOAR. I have not, as I said, any relations to Mr. Adams; but, to do him justice, I think it proper to say that I saw yesterday in one of the Boston papers a statement which so far as I can judge of the genuineness of a gentleman's expression from the style I have no doubt was a genuine interview, in which Mr. Adams utterly denied that he had made any objection to this report of the expert, but on the contrary said that it contained some very unpleasant truths.

Mr. BECK. I am advised by a member of the Judiciary Committee that that committee either have or will receive that report.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota, with amendments; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2265) to equalize the rank of graduates of the Naval Academy upon their assignment to the various corps;

A bill (S. 353) to repeal section 1 of the act entitled "An act making a grant of lands in alternate sections to aid in the construction and extension of the Iron Mountain Railroad from Pilot Knob, in the State of Missouri, to Helena, in Arkansas," approved July 4, 1866, and for other purposes; and

Joint resolution (H. Res. 167) granting permission to exhibit in the Capitol a model of the pedestal of the Bartholdi statue of Liberty enlightening the world.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I present resolutions of the Saint Louis (Mo.) Academy of Science, opposing the dismemberment of the Coast and Geodetic Survey and the delegation of its work to the Navy Departpartment and the United States Geological Survey, and expressing their opinion that if such legislation were enacted it would prove fatal to the scientific work of the survey, and in the end would prove more expensive to the Government. I believe there has been no legislation upon that question yet. I do not know that even any bill is pending in the Senate in regard to it. I move, therefore, that the resolutions lie on the table.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of H. C. Hoffman and other citizens of Liverpool, Pa., praying for the passage of the bill (H. R. 6463) granting pensions for service in the Army and Navy during the war of the rebellion; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 2011) granting a pension to Mary M. Lyon, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill S.) 2026) granting a pension to Elias Shelton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 3448) relating to police regulations in the District of Columbia, and for other purposes, reported it with amendments.

Mr. BROWN, from the Committee on the District of Columbia, to whom was referred the bill (S. 348) to confirm an official order of the commissioners of the District of Columbia, reported adversely thereon.

Mr. COCKRELL. Let that bill be placed on the Calendar.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar with the adverse report of the committee.

DISTRICT SEWERAGE SYSTEM.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 6526) making an appropriation for the completion of the sewerage system of the District of Columbia, to report it without amendment. I think it will take but a moment to consider it, and I ask to have it considered now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore.* The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday's sitting, which is the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

Mr. HARRIS. I ask unanimous consent that the unfinished business be informally laid aside, and that the regular call for morning business continue until the morning business is concluded.

The PRESIDENT *pro tempore.* The Senator from Tennessee asks unanimous consent that action on the pending bill be informally suspended until the regular morning business is gone through with. Is there objection?

Mr. CULLOM. I should like to give my consent to that but for the fact that I think it was understood yesterday that the consideration of the pension bill which was then before the Senate should be continued to-day until it should be disposed of this day. I hope that the Senator from Tennessee will not ask that further morning business be considered this morning. Let us go on with the consideration of the pension bill until we get through with it.

Mr. HARRIS. I was not aware that there was any consent, rule, or understanding. If there is any, of course I do not desire to interfere with it, but I will ask unanimous consent of the Senate to——

The PRESIDENT *pro tempore.* Does the Chair understand that there is objection to the request of the Senator from Tennessee?

Mr. CULLOM. I shall be compelled to object.

The PRESIDENT *pro tempore.* Objection is made.

Mr. CULLOM. I have no objection to the Senator making an individual report if he desires to do so.

CHARLES W. BIESE.

Mr. HARRIS. On the 13th of March I introduced a bill (S. 1830) for the relief of Charles W. Biese, which was referred to the Committee on Military Affairs. He has since ascertained that there is a general law which gives all the relief to which he thinks he is entitled. For that reason I ask that the Committee on Military Affairs be discharged from the further consideration of the bill, and will then ask that the bill be indefinitely postponed, and that the party have leave to withdraw his papers on the conditions imposed by the rules.

The PRESIDENT *pro tempore.* Is there objection to the Senator from Tennessee at this time submitting the request he has described? The Chair hears none. The Senator from Tennesee asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the bill (S. 1830) for the relief of Charles W. Biese. Is there objection to the committee being discharged? The Chairs hears none, and the committee is discharged. The Senator from Tennesee asks unanimous consent that the bill be indefinitely postponed. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARRIS. I now ask for an order that the party for whose relief the bill was intended be permitted to withdraw his papers.

The PRESIDENT *pro tempore.* The order that the party named in the bill shall have leave to withdraw his papers, subject to the rule, will be entered, if there be no objection.

MARTHA A. F. TERRETT.

Mr. GORMAN. I ask unanimous consent to reconsider an adverse report on the petition filed by Martha A. F. Terrett. The report was made by the Senator from Iowa [Mr. WILSON] on the 11th of June from the Committee on Pensions. I make the request with a view of having it recommitted to the Committee on Pensions, as there is additional evidence which makes it proper.

The PRESIDENT *pro tempore.* The Senator from Maryland asks unanimous consent that the vote of the Senate, taken on the 11th of June, agreeing to the adverse report of the Committee on Pensions upon the case of Martha A. F. Terrett, widow of Colville Terrett, late a lieutenant in the United States Navy, praying for an increase of pension, be reconsidered, and that the papers be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and it is so ordered.

REPORT ON LABOR AND CAPITAL.

Mr. GORMAN. I ask that Order of Business 788, a resolution reported from the Committee on Printing to print extra copies of the report of the Committee on Education and Labor on the relations between labor and capital be taken up, with a view of recommitting it to the Committee on Printing. Objection has been made to the form of the report, which I think can be obviated by a recommitment of the resolution to the Committee on Printing.

The PRESIDENT *pro tempore.* The Senator from Maryland asks unanimous consent that Order of Business 788, being the resolution named by him, be taken from the Calendar and recommitted to the Committee on Printing. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin. I think the regular morning business can be completed within five or ten minutes; and I will ask the Senator from Illinois not to object to the request made by the Senator from Tennessee that the regular order be temporarily laid aside, and that the Senate continue the ordinary morning business until it is completed, subject to the right of the Senator from Illinois to call for the pension bill at any time.

Mr. CULLOM. On the assurance of the Senator from Wisconsin that it will take but a few minutes, I am willing, so far as I am concerned, to allow the morning business to go forward, but with the understanding that I can call for the regular order in case it should continue very long.

The PRESIDENT *pro tempore.* The Senator from Wisconsin asks unanimous consent that the pending order be suspended informally, in order that the regular routine morning business may be concluded. Is there objection? The Chair hears none. Reports from committees are still in order.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 5595) granting a pension to Eugene L. Townsend;

A bill (H. R. 554) granting a pension to Joseph T. Caldwell; and

A bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa.

He also, from the same committee, to whom was referred the bill (S. 1181) granting a pension to Ann Lally, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Charlotte Brewster, praying for arrears of pensions, submitted an ad-

verse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of James Martin, of O'Neill, Holt County, Nebraska, praying for a donation for the support of Daniel Martin, a soldier of the war of 1812, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 229) granting a pension to Elizabeth H. Lawler, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4440) for the relief of John Bostater, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1421) for the relief of John Bostater, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 1656) granting an increase of pension to Thomas S. Brooks, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 467) to provide for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulation of that treaty, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 467) to provide for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulation of that treaty, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. HAWLEY. The Committee on Printing instruct me to report the joint resolution (S. R. 90) for the printing of extra copies of the report of the Committee on Privileges and Elections on certain recent occurrences in the State of Mississippi.

A word of explanation. The committee instruct me to report the joint resolution, but without recommendation as to the number of extra copies. The number provided for in the resolution is 150,000. The committee has no recommendation to make on that figure, and asks that the matter lie on the table for the present.

The PRESIDENT *pro tempore*. Or does the Senator mean that it shall go on the Calendar?

Mr. HAWLEY. It can not go on the Calendar, because I think some gentlemen interested in it desire that it should lie on the table for the present.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be ordered to lie on the table.

Mr. GORMAN. I suggest that it go on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar then.

AGRICULTURAL REPORT.

Mr. HAWLEY. I am also instructed by the Committee on Printing to report favorably and with certain amendments the joint resolution (H. Res. 251) providing for printing the Annual Report of the Commissioner of Agriculture for the year 1884. I hope the Senate will consider it now. It may as well be ordered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAWLEY. I will make an explanation. The resolution came from the House ordering the printing of 400,000 copies, which is an increase of 100,000. Previously it has been I might almost say the habit of the Printing Committee, under the lead of the honorable Senator from Rhode Island [Mr. ANTHONY] now absent, to recommend to the Senate a reduction of the number, which the Senate has uniformly overruled, concurring with the House and printing 300,000 copies. The resolution now comes ordering 400,000 copies. One reason for the increase is the increased representation in the other branch. There are thirty-two more members of the House of Representatives, and therefore they might under the old apportionment appropriately ask for fifteen or twenty thousand more copies.

The Committee on Printing of the Senate recommends that the words "four hundred thousand" be stricken out and "three hundred and twenty-five thousand" inserted, the additional 25,000 covering the number required by the increase in the membership of the House; and then makes the distribution between the Senate and House correspond to some extent; but the committee recommends an increase of the number given to the Senate as proposed by the House. A larger proportion should be given to the Senate than that provided in the resolution as it passed the House, because we have found by experience that nearly every resolution that distributes books is amended here by increasing the proportion given to the Senate.

I should also add that the Senate committee has added another section to the joint resolution making an appropriation for printing these books. The sum required is so large that it makes a very serious deduction from the annual appropriation for the Printing Office. The committee has a number of times added such a section, and we recommend it to the Senate now. It is $200,000 for 400,000 copies. It will need to be reduced to $162,500. The 325,000 copies proposed by the committee will cost $162,500. The cost of printing the report has been very considerably reduced, largely by changes made in the illustrations, which one year cost, I think, $96,000. For this year's report they will cost but $5,000.

The PRESIDENT *pro tempore*. The joint resolution will be read.

The Chief Clerk read the joint resolution.

The PRESIDENT *pro tempore*. The first amendment recommended by the Committee on Printing will be read.

The CHIEF CLERK. In line 3, before the word "thousand," the committee report to strike out "four hundred" and insert "three hundred and twenty-five;" so as to read:

That there be printed 325,000 copies of the Annual Report of the Commissioner of Agriculture for the year 1884.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is, in line 5, before the word "thousand," to strike out "three hundred and fourteen" and insert "two hundred and twenty;" so as to read:

Two hundred and twenty thousand copies for the use of members of the House of Representatives.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. COCKRELL. Before that is agreed to let us see the amendment proposed in regard to the number for the Senate and take the two amendments together.

The CHIEF CLERK. In line 7, before the word "thousand," the committee propose to strike out "fifty-six" and insert "eighty-five;" so as to read: "eighty-five thousand copies for the use of members of the Senate;" and in line 8, before the word "thousand," to strike out "thirty" and insert "twenty;" so as to read: "and twenty thousand copies for the use of the Department of Agriculture."

Mr. HAWLEY. The Senator from Missouri has often moved to amend resolutions of this character so as to give the Senate just one-half as many copies as are given to the House. I wish to say that it has uniformly been the practice to give the House a much larger proportion of reports of the Agricultural Department and of some other volumes. The committee have in this resolution somewhat raised the usual proportion given to the Senate, but we did not go up to the standard which the Senator from Missouri has usually endeavored to enforce. I think the House usually desire to have, perhaps rightfully should have, more than twice the number of copies of this report given to the Senate. In some other cases the Senate has more than half, and has been in the habit of having for years more than half the number given to the House.

Mr. COCKRELL. Is this number more than has been allowed heretofore to the Senate?

Mr. HAWLEY. I can not state without looking at the previous resolutions. My impression is that it is more. Twice eighty-five would be one hundred and seventy, and this resolution gives the House 220,000 copies.

The PRESIDENT *pro tempore*. Is there objection to the amendments as to the number which have been reported? The Chair hears no objection, and they are agreed to. The next amendment recommended by the committee will be read.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. 2. That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

Mr. HAWLEY. The $200,000 should be $162,500. That would be a proportionate reduction of the appropriation.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to amend the amendment of the committee so as to read:

That the sum of $162,500, or so much thereof as may be necessary, is hereby appropriated, &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Connecticut to the fact that in the print it reads "commissions," in the plural, instead of "Commissioner of Agriculture."

Mr. HAWLEY. That is a mere literal correction. I ask that it be made.

The PRESIDENT *pro tempore*. It will be corrected so as to read "Commissioner," if there be no objection.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. BLAIR. I should like to ask the Senator from Connecticut the cost of printing the Agricultural Report?

Mr. HAWLEY. The Public Printer said it would cost very nearly

$200,000. He asked that that appropriation be made. That was for the whole 400,000 copies proposed by the House. Three hundred and twenty-five thousand copies will cost approximately $162,500.

The joint resolution was passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I report back from the Committee on Appropriations, with amendments, the bill (H. R. 7069) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. ALLISON. I give notice that I shall call up the bill on Monday or Tuesday. I ask leave, also, to have printed some statements in the nature of a report, to which I suppose there will be no objection.

The PRESIDENT *pro tempore*. Shall the Chair understand that the Senator from Iowa asks that the statements be printed in the RECORD?

Mr. ALLISON. I think, on reflection, I shall ask that the statements be printed in a separate pamphlet in the nature of a report.

The PRESIDENT *pro tempore*. The statements will be printed, then, for the use of the Senate.

Mr. ALLISON. For the use of the Senate.

BILL INTRODUCED.

Mr. PLATT introduced a bill (S. 2334) for the relief of Segmund Bauer; which was read twice by its title, and referred to the Committee on Pensions.

REPORT ON GALVESTON HARBOR.

Mr. COKE. I offer the following resolution, and ask unanimous consent that it be presently considered:

Resolved, That the Public Printer be, and is hereby, authorized to furnish for the use of the Treasury Department 500 extra copies, in paper covers, of the report prepared by the Chief of the Bureau of Statistics of that Department in regard to the proposed improvement of the harbor of Galveston.

The PRESIDENT *pro tempore*. The Chair thinks that under the rule the resolution must go to the Committee on Printing, although if the Senator asks unanimous consent that it be not referred the Chair thinks the rule can be dispensed with.

Mr. COKE. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the resolution be now considered and passed. The Chair thinks it requires unanimous consent to pass it under the rule. Is there objection? The Chair hears none. The resolution is passed by unanimous consent.

LABOR CONTRACTS—CHANGE OF REFERENCE.

Mr. BLAIR. I was out this morning, engaged, however, in public business. During my absence the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, having passed the House and come to the Senate, was referred to the Committee on Foreign Relations. That is a subject-matter which has been considered by the Committees on Labor in the House and Senate, and the Senate Committee reported a bill of very much the same character on the subject, which is now on the Calendar. I suggest a reconsideration of the reference, and that the bill be sent to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the reference of the bill indicated by him, made to the Committee on Foreign Relations this morning, be reconsidered, and that the bill be referred to the Committee on Education and Labor. Is there objection? That order will be made if there be no objection, and it is so ordered.

MISSISSIPPI RIVER BRIDGES AT SAINT PAUL.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota.

Mr. MCMILLAN. I move that the Senate non-concur in the amendments of the House of Representatives, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the Chair was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. CONGER, and Mr. VEST were appointed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had, on the 20th instant, approved and signed the following bills:

An act (S. 304) to give the assent of Congress to the construction of a free bridge by the mayor and city council of Nashville, Tenn., over the Cumberland River, and for other purposes;

An act (S. 566) for the relief of Z. M. Pettigrew;

An act (S. 732) for the relief of Mary J. Vaughan;

An act (S. 777) granting a pension to Albert Jehle;

An act (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas;

An act (S. 828) granting a pension to Thomas Patton;

An act (S. 909) to increase the pension of Martin Kelly;

An act (S. 1056) granting an increase of pension to Sally Mallory;

An act (S. 1149) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

An act (S. 1232) authorizing the claimants to the Rancho de Napa, in Napa County, California, to prove up their title;

An act (S. 1680) granting a pension to George Prince;

An act (S. 1910) granting a pension to William McClure; and

An act (S. 1950) to authorize the construction of a highway bridge across that part of waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont.

The message also announced that the President had this day approved and signed the act (S. 2145) to extend an act approved August 8, 1882, to encourage and promote telegraphic communication between America and Europe.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. CULLOM and Mr. PLATT submitted amendments intended to be proposed by them, respectively, to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

AMENDMENTS TO GENERAL DEFICIENCY BILL.

Mr. JONAS, Mr. GORMAN, Mr. PIKE, and Mr. MILLER of California submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business.

Mr. CULLOM. I believe the unfinished business is the bill in charge of the Senator from Texas [Mr. COKE], but which he has consented to lay aside informally for the purpose of taking up the Mexican pension bill. I hope that the Mexican pension bill will now be taken up and proceeded with.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the pending order, being the bill (H. R. 3961) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, be laid aside informally, and that the Senate now consider the so-called Mexican pension bill. Is there objection? The Chair hears none. The pension bill is before the Senate as in Committee of the Whole, and the pending question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. PLUMB. I wish to say to the Senate that if about 4 o'clock or half after 4 there shall not seem to be any reasonable chance of getting a final vote on the Mexican pension bill to-day I shall ask the Senate to lay it aside informally, so that I may move to bring up the Army appropriation bill.

Mr. HARRISON. What time did the Senator name?

Mr. PLUMB. At the close of the session, unless we are not likely to reach a final vote to-day on the Mexican pension bill. If it becomes apparent that the pension bill must go over to another day, I shall ask to bring up the Army appropriation bill. I do this for the purpose of facilitating the business of the Appropriations Committee. It is very desirable that the Army appropriation bill shall be passed to-day.

Mr. CULLOM. I hope to get a vote on the Mexican pension bill to-day.

Mr. PLUMB. I shall not insist on the course I suggested if we can get a vote on the Mexican pension bill to-day.

Mr. SHERMAN. I really believe we should expedite business by having the Army appropriation bill taken up to-day and the Mexican pension bill put over until Monday. We shall not be able to hold the Senate very long Saturday night. I suggest as a matter to expedite business, for I do not want now to stand in the way of anything, that it would be better to take up the Army appropriation bill in order to get it out of the way. It will probably not lead to much discussion, and we can let this bill go over until Monday, to be taken up immediately after the morning business.

Mr. CULLOM. I do not like to stand in the way of the judgment of Senators upon such a question. The Senate understands that whatever pension legislation is to be had at this session requires some haste to get it through. The bill will have to go to the House after it has passed here, if we get it through at all, and it will take some time to have it considered there, while the appropriation bills are pretty nearly certain to get through in any event.

Mr. SHERMAN. I do not wish to interfere.

Mr. CULLOM. I am willing to abide by the judgment of the Senate on the subject.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair did not catch the suggestion of the Senator from Ohio. Does he make a motion?

Mr. SHERMAN. No, sir. I believe I had the floor on the pending bill, and I am ready to proceed.

The PRESIDING OFFICER. The Chair is informed that the Senator from Ohio is entitled to the floor upon the pension bill.

Mr. CULLOM. I will ask the Senator from Ohio if he knows whether the appropriation bill can be finished to-day?

Mr. SHERMAN. I do not know. [To Mr. PLUMB.] Can the appropriation bill be finished to-day?

Mr. PLUMB. We can finish it this afternoon readily.

Mr. SHERMAN. Then I think it would be better to take it up.

Mr. CULLOM. I believe I shall yield, so far as I am concerned, and let the appropriation bill be taken up, with the understanding that we shall take up the pension bill on Monday.

Mr. SHERMAN. That is right.

Mr. CULLOM. We can not delay very much longer the consideration and final passage of the pension bill if we expect to get anything done; but as it is late in the afternoon and is Saturday, if it is the sense of the Senate that the appropriation bill shall be taken up I will withdraw any opposition to it.

The PRESIDING OFFICER. Is there objection to the suggestion made by the Senators from Ohio and Illinois, that the pension bill shall go over to-day, with the understanding that it is to be proceeded with on Monday; that the unfinished business continue to be informally laid aside, and that the appropriation bill be now taken up? Is there objection? ["None!"] The Chair hears none.

AMERICAN SHIPPING.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade.

Mr. FRYE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 2228) to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, have met and after full and free conference have agreed to recommend and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with a further amendment as follows: in lieu of the last paragraph of said section insert the following: "the provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico, and Central America;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: in lieu of the matter stricken out insert the following: "*Provided*, That such services, in the opinion of the Secretary of the Treasury, have been necessarily rendered; and a sum sufficient for the payment of such compensation, when thus adjusted by the Secretary of the Treasury, is hereby appropriated out of any money in the Treasury not otherwise appropriated;" and the Senate agree to the same.

That the Senate recede from so much of amendment numbered 4 as disagrees with section 14 as proposed by the House, and proposes a substitute therefor; and the Senate agree to section 14 as proposed by the House.

That the House recede from its disagreement to so much of amendment numbered 4 as substitutes a new section for section 15, and agree to section 15 as proposed by the Senate with an amendment as follows: Strike out the words "relating to," in the third line, and substitute therefor the following: "and all other acts and parts of acts providing for;" and a further amendment adding at the end of the section the following: "out of the receipts for duties on tonnage provided for by this act; and so much thereof as may be necessary is hereby appropriated for that purpose;" and the Senate agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section as section 16, and agree to the same with an amendment as follows: insert the words "not including equipment" after the word "supplies," in the second line; and a further amendment inserting the words "of the United States" after the word "vessels," in the third line; and the Senate agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section numbered 17, and agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section numbered 18, and agree to said section as proposed by the Senate with an amendment striking out the words "incurred without his personal privity or consent," in the first and second lines; and the Senate agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes new sections numbered 19, 20, 21, and 22, and agree to the same.

That the Senate recede from so much of amendment numbered 4 as proposes new sections numbered 23 and 24, and agree to the following section as a substitute therefor:

"SEC. 23. That sections 3976 and 4203 of the Revised Statutes of the United States and all other compulsory laws and parts of laws that oblige American vessels to carry the mails to and from the United States arbitrarily, or that prevent the clearance of vessels until they shall have taken mail matter on board, be, and the same are hereby, repealed; but such repeal shall not take effect until the 1st day of April, 1885."

And the House agree to the same.

That the Senate recede from so much of amendment numbered 4 as changes the numbers of sections 16, 17, and 18, as proposed by the House, and agree to the same with an amendment numbering said sections respectively 24, 25, and 26; and the House agree to the same.

That the Senate recede from so much of amendment numbered 4 as proposes a new section numbered 28.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section numbered 29, and agree to the same with an amendment as follows: Insert the following proviso after the word "place," in line 11: "*Provided*, That shipping commissioners now in office shall continue to perform the duties thereof until others shall be appointed in their places."

And with the further amendment adding at the end of the section the following:

"All fees of shipping commissioners shall be paid into the Treasury of the United States, and shall constitute a fund, which shall be used under the direction of the Secretary of the Treasury to pay the compensation of said commissioners and their clerks, and such other expenses as he may find necessary to insure the proper administration of their duties."

And a further amendment changing the number of said section to 27; and the Senate agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section numbered 30, and agree to the same with an amendment numbering said section 28; and the Senate agree to the same.

That the Senate recede from so much of amendment number 4 as disagrees to section 19 proposed by the House, and agree to the same with an amendment changing the number of said section to 29; and the House agree to the same.

That the House recede from its vote insisting on sections 20 and 21 of the House bill, and concur with the Senate in striking them from the bill.

That the Senate recede from so much of amendment numbered 4 as changes the number of section 22 to section 31, and agree to the same with an amendment numbering said section 30; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate adding the words "and for other purposes" to the title of the bill, and agree to the same.

WILLIAM P. FRYE,
WARNER MILLER,
GEO. G. VEST,
Managers on the part of the Senate.
H. W. SLOCUM,
SAMUEL DIBBLE,
NELSON DINGLEY, JR.,
Managers on the part of the House.

The report was concurred in.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6861) making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. Is it the desire of the Senator in charge of the Army appropriation bill that the bill shall be regularly read through?

Mr. PLUMB. I desire that it shall be read simply for amendment, and that the formal reading shall be dispensed with.

The PRESIDING OFFICER. And that the amendments of the Committee on Appropriations shall be acted upon on the first reading. If there be no objection that course will be adopted, and the Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in the appropriations for the "Pay Department," in line 42, after the word "Washington," to insert:

Additional pay to officer in command of the military prison at Fort Leavenworth, Kans., $1,000.

The amendment was agreed to.

The Secretary resumed the reading of the bill and read to line 66.

Mr. PLUMB. I am instructed by the Committee on Appropriations to move to strike out in lines 65 and 66 the words "post quartermaster-sergeants."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 72, after the words "public quarters," to insert "under regulations to be prescribed by the Secretary of War;" so as to read:

And for commutation of quarters to commissioned officers on duty without troops at places where there are no public quarters, under regulations to be prescribed by the Secretary of War.

Mr. PLUMB. By authority of the committee I am requested to ask that the amendment be non-concurred in.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 74, to increase the total amount of appropriations for the "Pay Department" from $11,935,000 to $12,250,000.

The amendment was agreed to.

The next amendment was, in line 78, after the word "officer," to insert the words "in the Pay Department."

Mr. PLUMB. I am instructed to ask that the Senate non-concur in that amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 81, before the word "members," to strike out "twenty-eight" and insert "thirty-five;" so as to read:

Provided, That hereafter any paymaster of the rank of major who has served twenty years in the United States Army as a commissioned officer may, upon his own application or by direction of the President, be placed upon the retired-list of the Army, until the Pay Department shall be reduced to thirty-five members.

The amendment was agreed to.

The next amendment was, in line 83, after the word "brigadier-gen-

eral," to strike out "one assistant paymaster-general" and insert "two assistant paymasters-general;" so as to read:

One Paymaster-General, with the rank of brigadier-general; two assistant-paymasters-general, with the rank of colonel.

The amendment was agreed to.

The next amendment was, in line 84, after the word "colonel," to strike out "one deputy paymaster-general" and insert "three deputy paymasters-general;" so as to read:

Three deputy paymasters-general, with the rank of lieutenant-colonel.

The amendment was agreed to.

The next amendment was, before the word "paymasters," in line 87, to strike out "twenty-five" and insert "twenty-nine;" so as to read:

Twenty-nine paymasters, with the rank of major.

The amendment was agreed to.

The next amendment was, in line 90, before the word "majors," to strike out "twenty-five" and insert "twenty-nine;" and in line 91, after the word "exceed," to strike out "twenty-eight officers" and insert "thirty-five;" so as to read:

And no more appointments of paymasters shall be made in the Pay Department until the number shall be reduced below twenty-nine majors, and thereafter the number of officers in the Pay Department shall not exceed thirty-five.

The amendment was agreed to.

The next amendment was, at the end of line 91, to insert the following proviso:

Provided further, That nothing herein shall be construed to change the present relative rank of any officer now in the Pay Corps: *And provided further*, That section 1225 of the Revised Statutes, relating to the detail of officers of the Army to act as presidents, superintendents, and professors of colleges and universities, be so amended as to read "but the number of officers so detailed shall not exceed forty at any time," instead of thirty, as now provided by act of July 5, 1876, amendatory of said section.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in the appropriations for "subsistence of the Army," after "1885," in line 132, to strike out:

Provided, That hereafter all sales of subsistence supplies to officers and enlisted men shall be made at cost price only; and the cost price of each article shall be understood, in all cases of such sales, to be the invoice price of the last lot of that article received by the officer making the sale prior to the first day of the month in which the sale is made.

The amendment was agreed to.

The next amendment was, in line 141, after the word "Army," to insert:

Provided, That the purchases made by the commissary of cadets at West Point, from the funds appropriated for the pay of cadets, shall, as far as practicable, be made upon public advertisement, as for other Army supplies, under such regulations as the Secretary of War may adopt.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 165.

Mr. PLUMB. After the word "Department," in line 165, I move to insert the words "and by the Commissary Department;" and in line 166 to strike out "that," before "Department," and insert "such;" so as to read:

That hereafter all purchases of regular and miscellaneous supplies for the Army furnished by the Quartermaster's Department and by the Commissary Department for immediate use shall be made by the officers of such department, under direction of the Secretary of War, at the places nearest the points where they are needed, the conditions of cost and quality being equal.

The amendment was agreed to.

Mr. PLUMB. After the word "equal," in line 168, I move to strike out the words:

But when time shall permit purchases shall be made at the regularly established depots of the Army.

I am instructed to do so by the committee.

The amendment was agreed to.

Mr. PLUMB. In line 171, after the word "supplies," I move to insert:

Except in cases of emergency, which must be at once reported to the Secretary of War for his approval.

I move to insert in that place the language which the committee report to strike out in lines 180 and 181.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Quartermaster's Department," in line 179, after the word "report," to insert "promptly;" in line 180, after the word "supplies," to strike out "except in cases of emergency, which must be at once reported to the Secretary of War for his approval, furnished," and insert "made;" in line 183, after the word "delivery," to strike out "annually;" in the same line, before "Secretary," to insert "the;" and in line 184, after the word "Congress," to insert "annually;" so as to read:

The Quartermaster-General shall report promptly all purchases of supplies made by his Department, with their cost price and place of delivery, to the Secretary of War, for transmission to Congress annually.

The amendment was agreed to.

Mr. PLUMB. In line 179, after the word "Quartermaster-General," I move to insert: "and the Commissary-General of Subsistence."

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 189, after the word "advertisement," to strike out "except in case of the storage of goods;" so as to read:

Provided further, That in time of peace the number of draught and pack animals in the Quartermaster's Department of the Army shall not exceed 6,000, and that all transportation of stores by private parties for the Army shall be done by contract, after due legal advertisement.

The amendment was agreed to.

Mr. PLUMB. After the word "advertisement," in line 189, I move to insert:

Except in cases of emergency, which must be at once reported to the Secretary of War for his approval.

These are the same words which were inserted in a previous clause.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 192, after the word "station," to strike out "west of the Mississippi;" so as to read:

Provided also, That fuel in kind may be issued to officers of the Army when on duty at any military post or station, not to exceed the allowance fixed by the present regulations of the Army.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 207.

Mr. PLUMB. I am instructed by the Committee on Appropriations to move to strike out the two provisos, commencing in line 190 and ending in line 207, in the following words:

Provided also, That fuel in kind may be issued to officers of the Army when on duty at any military post or station not to exceed the allowance fixed by the present Regulations of the Army: *Provided further*, That the Secretary of War is authorized to appoint, on the recommendation of the Quartermaster-General, as many post quartermaster-sergeants, not to exceed one hundred, as he may deem necessary for the interests of the service, said sergeants to be selected by examination from the most competent enlisted men of the Army who have served at least four years, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to post and other quartermasters. Said post quartermaster-sergeants shall, so far as practicable, perform the duties of storekeepers and clerks, in lieu of citizen employés. The pay of post quartermaster-sergeants shall be $40 per month and the allowances of an ordnance-sergeant.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 222, after the word "report," to insert "to the Secretary of War promptly for transmission," and in line 224, after the word "Army," to strike out "furnished" and insert "made;" so as to read:

The Quartermaster-General shall report to the Secretary of War promptly, for transmission to Congress annually, all purchases and contracts for horses, mules, and military supplies for the Army made by his department.

The amendment was agreed to.

The next amendment was, in the appropriations "for incidental expenses of the Quartermaster's Department," in line 238, after the word "posts," to insert "on the frontiers;" so as to read:

Expenses of the interment of officers killed in action, or who die when on duty in the field, or at military posts on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers.

The amendment was agreed to.

The next amendment was, in line 244, after the word "Department," to insert:

Compensation of forage and wagon-masters authorized by the act of July 5, 1838.

The amendment was agreed to.

The next amendment was, in line 262, after the word "artisans," to strike out "and;" in the same line, after "school-teachers," to insert "and clerks at Army, division, and department headquarters;" and in line 264, before the word "clerks," to insert "other;" so as to make the proviso read:

Provided, That $250,000 of this sum, or so much of it as shall be necessary, shall be set aside for the payment of enlisted men on extra duty at constant labor of not less than ten days, and such extra-duty pay hereafter shall be at the rate of 50 cents per day for mechanics, artisans, school-teachers, and clerks at Army, division, and department headquarters, and 35 cents per day for other clerks, teamsters, laborers, and others.

The amendment was agreed to.

The next amendment was, in the appropriations "for transportation of the Army, including baggage of the troops," &c., before the word "reported," in line 305, to strike out "annually" and insert "promptly;" in the same line, after the words "reported to," to insert "the Secretary of War, for transmission annually to;" so as to read:

Provided further, That hereafter all purchases of horses, mules, or oxen, wagons, carts, drays, ships and other sea-going vessels, also all other means of transportation, shall be made by the Quartermaster's Department, by contract, after due legal advertisement; and hereafter all purchases and contracts of every kind made by the Quartermaster's Department shall be promptly reported to the Secretary of War, for transmission annually to Congress.

The amendment was agreed to.

The next amendment was, in the appropriations "for the payment for Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme

Court in cases decided under such land-grant acts," &c., in line 327, after the word "services," to strike out the following proviso:

Provided further, That for the better accomplishment of the object of the acts authorizing the construction of the railroads hereinafter referred to, and the better to secure to the Government the use and benefit of the same, all acts authorizing the building and construction of those railroads which have received, in addition to land grants, Government aid by loan or guarantee of bonds by the United States, and all other acts, parts of acts, and provisions having relation thereto, are hereby so altered, amended, and modified that hereafter the compensation paid or allowed for the carrying and transportation of the property or troops of the United States by such railroad companies or their assigns or successors shall not exceed 50 per cent. of the amount paid by private parties for the same kind of service; but nothing herein shall be construed to waive the right of the United States to further amend said acts, or any or either of them, hereafter, as in the judgment of Congress justice or public policy may require, or waive any right now existing in favor of the United States.

The amendment was agreed to.

The next amendment was, in line 346, after the word "for," to strike out "barracks and" and insert "hire of;" and in line 350, after the word "stables," to strike out "for commutation of quarters for general-service men;" so as to read:

For hire of quarters for troops, storehouses for the safe-keeping of military stores, for offices, and for grounds for camp and summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables, and for repairing public buildings at established posts, $700,000.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Kansas to the semicolon after the word "stables," in line 350. It should be stricken out.

Mr. PLUMB. That ought to be stricken out and a comma inserted.

The PRESIDING OFFICER. The semicolon will be stricken out, if there be no objection. The question is on agreeing to the amendment recommended by the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 352, to strike out the following proviso:

Provided, That no expenditure exceeding $500 shall be made upon any building or military post without the approval of the Secretary of War for the same, upon detailed estimates of the Quartermaster's Department, and the erection, construction, and repairs of all buildings and other public structures in the Quartermaster's Department shall, so far as may be practicable, be made by contract, after due legal advertisement.

The amendment was agreed to.

The next amendment was, after the word "provided," in line 360, to strike out "further;" and in line 364, after the word "Department," to insert:

Including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, and camp and garrison equipage.

So as to make the clause read:

Provided, That not more than $1,500,000 of the sums appropriated by this act shall be paid out for the services of civilian employés in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, and camp and garrison equipage; and that no employé paid therefrom shall receive as salary more than $150 per month, unless the same shall be specifically fixed by law.

The amendment was agreed to.

The next amendment was, in line 369, after the word "law," to strike out:

And provided further, That the office or employment of forage and wagonmaster is abolished.

The amendment was agreed to.

The next amendment was to strike out lines 372 to 376, inclusive, as follows:

For quarters for the non-commissioned staff of the Army, as sergeant-major, quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, veterinary surgeons, and chief musicians and chief trumpeters, and principal musicians, $25,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 380.

Mr. PLUMB. In line 379 I move to strike out "eighty-five," before "thousand," and insert "one hundred;" so as to make the appropriation "for construction and repair of hospitals, $100,000."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out line 381 to 384, inclusive, in the following words:

For construction of quarters adjacent to the hospitals for hospital stewards, as recommended by the Surgeon-General of the Army, including the pay of enlisted men employed on extra duty in the same, $15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Medical Department," in line 400, after the word "Department," to strike out "one hundred and ninety" and insert "two hundred and twenty-five;" so as to read:

For purchase of medical and hospital supplies, expenses of purveying depots, pay of employés, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made, advertising, and other miscellaneous expenses of the Medical Department, $225,000.

The amendment was agreed to.

The next amendment was, in line 402, after the word "over," to strike out "thirty-four" and insert "thirty-six;" so as to read:

And not over $36,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Medical Department.

The amendment was agreed to.

The next amendment was, in line 405, after the word "Department," to strike out:

That officers of the Medical Department shall take rank and precedence in accordance with date of commission or appointment, and shall be so borne on the official Army Register.

Mr. COCKRELL. The amendment striking out that clause should not be agreed to, for it is the law as it has existed from the foundation of the Government to the present time, and the clause is only declaratory of it.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was, in the appropriations for "Ordnance Department," to strike out lines 452 and 453, as follows.

For field steel guns and metal carriages, $15,000.

Mr. MORGAN. I wish to inquire of the Senator from Kansas why lines 452 and 453 are proposed to be stricken out?

Mr. PLUMB. It is an item that was not estimated for. There was no information before the committee on the subject of its necessity. The experiments which the Army is undertaking now with reference to the manufacture of guns are in an entirely different direction, and it seems like opening up a new method of expending the public money without any corresponding preparation or without anything to show its necessity. The General of the Army says that he is not aware of the necessity of an appropriation of that kind, and we thought on the whole that he would be as likely to know about it as anybody.

Mr. MORGAN. I suppose, then, the House was merely guessing on the subject?

Mr. PLUMB. We had no data before us; the item is not in the Book of Estimates; and on inquiring of the Lieutenant-General he said he knew of no necessity for such an appropriation.

Mr. MORGAN. I am not prepared to question the Senator's statement.

Mr. PLUMB. If the Senator will permit me, because I know the great interest and the very intelligent interest he has taken heretofore in the question of the construction of guns for defensive and offensive purposes, I desire to say that I am of his opinion generally in regard to the expenditures that may be properly entered upon for that purpose, but this seemed like entering upon it piecemeal. Without ascertaining whether we had the machinery or anything of that kind, it authorized the manufacture in such a way as to practically empower the Department to buy a part of the machinery necessary without manufacturing new guns, and then to come in next year and ask for more, and so on. We thought we should not enter upon the expenditure in that way.

Mr. MORGAN. I have no objection to the clause being stricken out. I merely wished to inquire why it was done. I supposed of course the House would not put a proposition of that kind in the bill without its having been recommended by some ordnance officer or by some person in authority in military circles. We have the machinery for building such steel guns at the different navy-yards. I do not know whether it is available for the service of the Army or not. However, I shall not insist on an objection to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 483, after the word "that," to insert "hereafter;" in line 487, after the word "appropriation," to strike out "herein;" and in the same line, after the word "expressed," to insert "in such act;" so as to make the clause read:

That hereafter all officers, agents, or other persons receiving public moneys appropriated by this or any subsequent Army appropriation act shall account for the disbursement thereof according to the several and distinct items of appropriation expressed in such act.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 2. That the governor of the Soldiers' Home near Washington shall have authority to employ musicians and to purchase instruments for a band to be used for the benefit of said home, under the jurisdiction and control of the governor of the same. Said governor shall have authority to detail inmates of the home for the purpose of making up the said band, if any such inmates may desire to be enrolled as musicians therein. The expense of said band and instruments shall be paid out of the fund known as the "Soldiers' Home fund:" *Provided*, That the annual expense of said band shall not exceed the cost of a regimental band for the Army.

Mr. COCKRELL. I see no earthly occasion for that legislation in this bill. It only confers the authority which the directors of the home now have. It takes it from the managers of the home and it places it simply in the governor. I hope the amendment will not be agreed to.

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendments made as in Committee of the Whole? How

shall the question be taken? Upon the amendments in gross? ["In gross."] In gross if there be no objection.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN N. QUACKENBUSH.

Mr. HOAR. There is a bill which is the third I think on the Calendar, Senate bill 28, reported from the Committee on Naval Affairs, and I ask unanimous consent to take it up at this time. It will take but two or three minutes.

Mr. COKE. I call for the regular order.

Mr. HOAR. I wish to say that I am obliged to go out of town on account of illness in my family and shall be gone next week.

Mr. COKE. I can not yield to the Senator from Massachusetts unless I am compelled to do it.

Mr. JONES, of Florida. If the Senator will yield to me a moment I will say that I reported the bill, and when it was reached in its order on the Calendar it was objected to by the Senator from Iowa [Mr. ALLISON], not now in his seat, who afterward withdrew the objection.

Mr. COKE. How long will it take to consider it?

Mr. JONES, of Florida. It will not take any time.

Mr. COKE. If it will take but a few minutes and will not lead to discussion, as it is a matter of accommodation to the Senator from Massachusetts, I will yield.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy, by its title; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDING OFFICER. If there be no objection, the Secretary will read the bill as reported from the committee, striking out the preamble.

The Chief Clerk read the bill: It authorizes the President of the United States to nominate and, with the advice and consent of the Senate, appoint John N. Quackenbush a commander in the Navy of the United States, *vice* George U. Morris, retired, to take rank and position on the list of such commanders from and after the date of the retirement of Morris, October 21, 1874, and next after the name of Commander William T. Sampson.

Mr. PIKE. If the preamble is stricken out the bill ought to be amended in the thirteenth line by striking out the word "above," before the word "decision," and inserting after "decision" the words "of Charles M. Blake *vs.* The United States, 13 Otto, 227;" so as to read:

The appointment to be to fill the vacancy, still unfilled, caused by the retirement of Morris, the right to fill which is unquestioned under the decision of Charles M. Blake *vs.* The United States, 13 Otto, 227.

The PRESIDING OFFICER. The Chair suggests to the Senator from New Hampshire that perhaps his object would be better accomplished if he would insert the words "in the case" after "decision."

Mr. PIKE. Very well.

The PRESIDING OFFICER. If there be no objection those words will be inserted.

Mr. COCKRELL. Let it be read as proposed to be amended.

The Chief Clerk read as follows:

The right to fill which is unquestioned under the decision in the case of Charles M. Blake *vs.* The United States, 13 Otto, 227.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PIKE. In line 17, before the word "Schley," I move to insert the initials "W. S.;" so as to read:

Provided, That such appointment shall not entitle the said John N. Quackenbush to compensation during the time that intervened between the appointment of W. S. Schley and the subsequent retirement of Morris.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The preamble will be stricken out, as recommended by the Committee on Naval Affairs, if there be no objection. The Chair hears none, and it is so ordered.

RAILROAD IN THE INDIAN TERRITORY.

Mr. COKE. I ask for the regular order.

Mr. MITCHELL. I ask the Senator from Texas to consent to lay aside the regular order for a moment, that the Senate may take up and pass the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor. The bill has been favorably reported in the Senate and also in the House of Representatives.

Mr. COKE. I do not consent. I must insist on the regular order.

The PRESIDING OFFICER. The Senator from Texas does not withdraw his demand for the regular order, and the unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3961) to grant to the Gulf, Colorado, and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes.

Mr. DAWES. In section 2, line 14, I offer an amendment to which I think the Senator from Texas will not object. If I understand the purpose of the provision in the bill my amendment does not change it but makes it more specific and certain. I move to strike out in section 2, line 14, the words "intended to be occupied for right of way or depot purposes," and to insert instead the words "herein granted;" and after the word "manner," in the sixteenth line, to insert "and for such purposes only;" after "as" changing "may" to "shall;" after "telephone" to insert "line," and then to add: "and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken;" so as to make the proviso read:

That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the Senator from Massachusetts.

Mr. COKE. Mr. President, I have just a few words to say with reference to the amendment. I may as well state that the bill is a House bill. It has been passed by the House of Representatives, and it is a bill identical in structure and language with one on the Calendar of the Senate, recommended unanimously by the Senate Committee on Railroads.

With reference to the amendment of the Senator from Massachusetts, the point of the amendment seems to be to cause the land to revert to the Indians if at any time the railroad should cease to use it. I have to say in reply, that by operation of law the land over which only an easement or right of way is granted would revert to the Indians without any amendment to that effect. I hope that the amendment will be voted down.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts.

Mr. DAWES. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. Mr. President, I did not hear the objection of the Senator from Texas to this amendment.

Mr. COKE. I will restate, so that the Senator can hear it. It is this, that the amendment is unnecessary, because by operation of law the land over which only a right of way is granted would in the event of non-use by the railroad company revert to the Indians.

Mr. DAWES. Where does the Senator get his authority for that?

Mr. COKE. This bill grants a right of way, an easement over the land, and, of course, whenever the company cease to use it the land would be unencumbered of it and the title would stand just as it now is.

Mr. DAWES. What is the force of these words: "a right of way one hundred feet in width through said Indian Territory is hereby granted" to this railway, "and a strip of land 200 feet in width, with a length of 3,000 feet in addition to the right of way?" So much land is granted if there is power in the United States to grant that land. It uses operative words to convey the land. Then, if the Senate will observe, the proviso confines this whole restriction as to use in this way:

That no part of the lands intended to be occupied for right of way or depot purposes—

Leaving this 200 feet wide and 3,000 feet long out from under the operation of this proviso. Now, if the Senator is confident that whatever is granted by this bill will revert to the Indians when it has ceased to be used for the purposes of this grant, there can be no possible objection to saying so. I have proposed to deal fairly and squarely with the Indians in this matter. We two years ago asserted in Congress a doctrine which if asserted in respect to any political body in the world would be denounced; this doctrine: that although we agree in a solemn treaty we will not take this land for the purposes of a railway, yet in the face of that treaty we will assert our power of eminent domain over and above and in spite of our own treaty obligation and we alone will be the judge of whether we will assert it or not, reducing our treaty agreement simply to this, that it shall be binding on us just so long as and no longer than we ourselves shall deem it for our interest to observe it.

This we asserted in putting a railroad through this Territory two years ago. I thought then it was not wise, it was not right, but the Congress of the United States established that railroad. It then became apparent to me that the entire Indian Territory would in a very short time be traversed by railroads, and the best and only way the Indian could protect himself was to see to it that in traversing this Indian Territory with these railroads all of his rights should be protected as far as it was possible.

But I am informed that the Senator from Texas will yield to the amendment. If so, I will not say another word in reference to it.

Mr. COKE. I desire to say to the Senator, as I wish to pass the bill and have had an opportunity of examining this amendment, I think it makes no difference whatever in the bill, and I am willing to accept it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, upon which the yeas and nays have been ordered. If there be no objection the Chair will put the question.

Mr. DAWES. I withdraw the call for the yeas and nays.

The PRESIDING OFFICER. If no objection be made the order for the yeas and nays will be regarded as reconsidered and withdrawn. The question is on the amendment.

The amendment was agreed to.

Mr. HARRISON. I desire to move an amendment or two to the first section of the bill. I was not in my seat, being called out for a moment, when the bill was taken up. In line 11 of the first section of the bill I move, after the word "must," to insert "direct;" so as to read:

And running thence by the most direct practicable route through the Indian Territory.

Mr. PLUMB. I know the Senator from Indiana does not want to put this bill in an ineffective condition. Let me make a suggestion to him about that language and the probable effect of it. That would compel the railroad company, having once commenced the construction of its line through the Territory, or rather having arrived at the point where it is trying to enter on the construction, to reach the southern boundary of Kansas by the nearest line, no matter whether that was the line it wanted to build upon or not. It would not be permitted to go through diagonally to a connection it might want to make west or east of a line drawn north or south, but would be compelled to build the line directly north, if it commenced on the southern boundary of the Territory, through the Territory, whether this was the line on which it designed to build or not.

I understand the purpose the Senator has in view, and I have no quarrel with that, which is, as I understand, to have the road built with some reasonable directness, not all over the Territory. I think, however, he need not have any fear about that attempt. I never knew a man who had money enough to build a railroad and sense enough to use it who would build a railroad for the fun of building it in the Indian Territory or anywhere else. There is no local business there, and it will be the object of the people who build the railroad to have it as short as possible, but they must determine the line on which they will build it, whether north or northeast or northwest or midway between these different points of the compass, and that is a privilege they should not be deprived of.

Mr. HARRISON. Senators will observe that the terminal points of this road on the north and south of the Indian Territory are described in the bill as follows:

Beginning at a point to be selected by said railway company on Red River, north of the northern boundary of Cook County, in the State of Texas.

I do not know how wide that county is, but counties in Texas are pretty sizable.

Mr. MAXEY. Thirty miles wide.

Mr. HARRISON. Thirty miles, then, is the margin they take on the Texas front—

On Red River, north of the northern boundary of Cook County, in the State of Texas, and running thence by the most practicable route through the Indian Territory to a point on the southern boundary of the State of Kansas.

That takes the whole southern boundary of the State of Kansas.

Mr. COKE. I would suggest to the Senator from Indiana that the best security in the world for the Indians and for the Government that the privilege of running where they please will not be abused consists in the fact that the road is to be built with the money of the company, that it gets neither land nor money from anybody else, and that it must look alone to the returns on its investment for its profits. The company will not meander through the Indian Territory and expend its own money building a railroad just for the fun of the thing, but will build on that line which will command the best commerce, and thereby while reaping for itself the largest profit will subserve the best interests of the country.

Mr. HARRISON. I have no doubt the suggestion the Senator makes furnishes the most abundant security that this railroad company will build this road in a way to suit themselves. I do not see that it offers any suggestion that they will take into account any other consideration than this: "What best suits us."

Now, Mr. President, this company has had time to agree upon some route for the construction of this road, and in every case they should come here with some definite route prescribed in the bill upon which they intend to build their road.

Mr. COKE. If the Senator will permit me I will state further, as I was going to state just now when I gave way to him, that this company will build this road, as near as they can find it, on the line most demanded by the commerce of the country, because there is where it will be most profitable to put it. The public interest requires this line of railroad built just where the interest of the company will place it. There can be no good policy in confining the company to an imaginary line marked out here when nobody can say that such a line is the best to be adopted. Every consideration of economy will require the company to go as directly to its northern terminus on the Kansas line as is practicable.

Mr. HARRISON. That may be; but I am not willing to charter this railroad company in the Indian Territory and to give them leave to build a line wherever they think best; and that is the very object of this amendment, and one that I shall move further on.

I insist that under our treaties with these Indians we have no right to turn a railroad company in there to lay out railroads at their own sweet will, without coming here to define any route at all. There is great urgency to get this bill through. There has been plenty of time for the company to give us a definite route on which they intend to build their road.

Mr. PLUMB. But the company can not go into the Indian Territory, as the Senator knows as well as any person on this floor, and make a survey or a location of a route without violating the non-intercourse act. They can not go there at all.

Mr. HARRISON. It does not need a survey; it does not need that accurate levels should be taken. Any engineer in going over this ground, if he knows where he wants to leave the State of Texas, where he can make his survey, and where he wants to strike the State of Kansas, can very readily state in a general way the line on which he wants to build his road.

But there are indications further on in this bill of an intention to give the company a roving commission to put the railroads where they please. I find a little further down at the end of the page that they are to have—

The right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions—

As may be most convenient to the company—

as said company may deem it to their interest to construct.

Mr. PLUMB. The right of way is two hundred feet for their line.

Mr. HARRISON. Ah, Mr. President, did the Senator ever hear of a track laid down on a company's right of way being called a branch?

Mr. PLUMB. I think I understand the force of language when it especially limits the right to build such turnouts and branches to the right of way.

Mr. HARRISON. Then there will be no objection when I come to my amendment a little further on and move to strike out "branches." No railroad man ever understood a side-track on a company's right of way to be a branch, and I am sure we shall have consent to strike that out when we come to it.

But to this amendment I propose to add, because all Senators will see that to say "the most direct practicable route" between the northern boundary of Cook County, in Texas, and the southern boundary of the State of Kansas would leave margin enough even for a railroad company:

The line to be approved by the Secretary of the Interior before the work is begun.

So that if this amendment is adopted it does not confine them within any narrow limits. They have the whole southern margin of Kansas for their northern location and the whole boundary of Cook County, in Texas, for their southern, and it only will subject them to the reasonable limitation that the Secretary of the Interior shall approve the route selected. I submit that will be only a reasonable limitation.

We are dealing here, as the Senator from Massachusetts has said, with property that we have solemnly given to these Indian tribes and over which we have given political sovereignty to these tribes and their councils, and I submit, whatever may be the urgency of commerce, whatever may be the demands for connection between the State of Texas and the State of Kansas, that we should do this thing decently and with some respect to the obligations which we have assumed in our treaties with these nations. It certainly will not be an unreasonable limitation to require this line to be direct between two points as broad as those that are named.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. PLUMB. If the design of the Senator from Indiana is such as expressed by him, there can be no objection to the amendment if that be the effect of it. I do not think it would be, or at least I fear it would not be. I therefore make the suggestion that, instead of using words indicating that a point must be selected and that the nearest point on the southern boundary of the State of Kansas, we say some point of Southern Kansas. That would give some right of selection of the point at all events to which the construction should be directed.

Mr. HARRISON. I do not see any difference between "a point" and "some point."

Mr. COKE. I hope the amendment of the Senator from Indiana will be voted down. The only effect of it will be to embarrass the company in the location and construction of the road. Nobody has a right to go into that Territory except by permission of Congress to survey a road. There has been no survey made; there has not been a permit granted to any member of this company to go into that Territory. They can know nothing about where they want the road until they get permission from Congress to go there and make a survey, and when

they go to make a survey no Senator can question but that they will place the road where the interests of the company and of the people and of the Indians will concur in saying it ought to be placed. Their profit from the construction of the road will depend upon the company's doing that.

Mr. HARRISON. Would the Senator be willing in the State of Texas to pass a charter on the principles he has named for a railroad company, that the Gulf and Colorado Railroad Company be allowed to build a railroad in the State of Texas and then leave it to the interest of the company where they would build it?

Mr. COKE. We have a general incorporation law in Texas, and a company can go and inspect a line and be prepared to define it when it incorporates, and can locate their line and build on it just where it is desired to do so. In the Indian Territory a survey or even an inspection for a line can not be made without the consent of Congress.

Mr. PLUMB. There is just such a law in Kansas as the Senator suggests, by which a railroad company is only required to name the counties in which it builds. It can name every county in the State. It is a common provision of what is known as the general corporation law for railroads in the States where such laws exist, and it is so in the State of Indiana, as I happen to know.

Mr. HARRISON. I think, however, the Senator will find they must fix their termini.

Mr. PLUMB. That is possibly true, but they may build through all the counties in the State to reach them.

Mr. HARRISON. Undoubtedly. So they can here.

Mr. PLUMB. I remember one case where a company desiring to build a railroad in Indiana requested a clerk to copy off a map the names of all the counties in the State, and they afterward complained that because of a bend in the Ohio River one county was located in such a way that he overlooked it, and he was discharged because he had neglected to take into view that county.

Mr. HARRISON. That is a good illustration of what railroads do when they have a chance.

Mr. PLUMB. Even in the mighty State of Indiana.

Mr. HARRISON. Yes; even in Indiana.

Mr. PLUMB. The trouble comes in here with regard to the selection of the point. There is no objection to requiring reasonable directness whenever the point of departure and terminal point have been arrived at. The trouble is in placing these points.

Now, if it would be in consonance with the Senator's idea to insert after "Kansas," in line 13 of section 1, "to be selected by them, with the approval of the Secretary of the Interior," so that they should select their point on the approval of the Secretary of the Interior and then build from that point on the most direct and practicable route, I think that would cover all that would be necessary.

Mr. HARRISON. They have the amplest authority under this to select their point. They are to start from Cook County, Texas, and to land in Kansas. That is the only limitation in the bill, and the truth is this word "direct" simply relates to the route they shall pursue when they have fixed their point, and I have added, or shall add, the words I have spoken of, "subject to the approval of the Secretary of the Interior."

Mr. PLUMB. That is true; but they are still controlled by the word "direct," and I feel sure that no railroad company would feel like embarking in the business of building this railroad under that language unless they were prepared to go to the southern boundary of the State of Kansas in just the fewest possible miles that would enable them to reach the nearest point on that boundary.

Mr. HARRISON. The Senator will allow me. This says "the most direct practicable route."

Mr. PLUMB. I know, but that relates to the cost of construction.

Mr. MAXEY. The Gulf, Colorado and Santa Fé Railroad is now completed to Fort Worth, Tex., from Galveston. That lies, as I now remember (and I speak from memory), about ninety miles or perhaps one hundred miles south of the boundary of Cook County, Texas. Therefore the exact point on that thirty miles front could not be stated in the bill. A short practicable route from that point through the Indian Nation is the language used, and it is the common word used.

I would suggest to the Senator from Indiana this, which seems to me common sense: Suppose that the point is reached from Fort Worth up to Red River in Cook County, then put that word "direct" in, and you are compelled to go a direct north route from that point to the southern boundary of Kansas. Suppose there should be found coal, for example, and there is coal in that country, ten, fifteen, or twenty miles east of that general line, or west of it; it is to the interest, I beg to say, of the Indians as well as the interest of Kansas and of Texas to develop that coal. Why? Because the Indians get a royalty on every bushel of coal taken out. I say then if it is necessary to follow there a direct line the commercial interest of all concerned would require that they do it. Hence the word "direct" there is not at all necessary.

Mr. HARRISON. May I ask the Senator from Texas whether he did not have some part in passing the charter of the Saint Louis and San Francisco Railway?

Mr. MAXEY. I think the Senator is perfectly aware of the fact that I had.

Mr. HARRISON. I will then take the liberty of reading from that charter to show how unreasonable his present objection is, and to show how the tendency is to enlarge in these railroad grants in the Indian Territory.

Mr. MAXEY. If the Senator will permit me a moment, I can show that I know all about it. The Saint Louis and San Francisco road had reached to within a short distance of Fort Smith and was going there as fast as it could. That was a fixed point, a terminal point. The town of Paris in which I live is a fixed point, and the charter required, and properly, because you had the termini fixed, that it should run on the most practicable route between those two points.

Mr. HARRISON. I want to read the language to the Senator:

> Said right of way to commence at any point to be selected by said company on the line of the Choctaw Nation immediately contiguous to Sebastian or Scott Counties, in the State of Arkansas, and run thence in a southwesterly direction on the most direct and practicable route through the lands of the said Choctaw and Chickasaw Nations in the direction of Paris, in the State of Texas.

That was thought good enough when the first one of these charters was granted through the Indian Territory, but now there must be no directness about it; they must be allowed to meander at their sweet will through the lands of the Indians and to have regard to nothing else in the world except to their own interest, and they can not even come here and locate either the point where they want to leave Texas or the point where they want to strike Kansas. I submit that it is unreasonable.

Mr. PLUMB. There is this objection: In this case the amendment of the Senator from Indiana would require them to build directly north. The Saint Louis and San Francisco company only went across a corner of the Indian Territory, and were going necessarily in a southwestern direction; they could not get across in any other way; and consequently they were limited to the most direct and practicable route in a southwesterly direction. If here you would say in a northerly or northeasterly direction, so as to give an opportunity of varying a little, the things would be parallel.

Mr. HARRISON. I would rather they should find out whether they want to go north or northeast before they ask for a charter.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were here I should vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER].

The roll-call was concluded.

Mr. HAMPTON. My colleague [Mr. BUTLER] is paired.

The result was announced—yeas 16, nays 25; as follows:

YEAS—16.

Bayard,	Gorman,	Lapham,	Pike,
Cameron of Pa.,	Harrison,	Manderson,	Platt,
Cullom,	Hawley,	Morrill,	Sherman,
Dawes,	Hoar,	Palmer,	Wilson.

NAYS—25.

Brown,	Hill,	Morgan,	Vance,
Cameron of Wis.,	Ingalls,	Pendleton,	Vest,
Coke,	Jackson,	Plumb,	Voorhees,
Fair,	Kenna,	Pugh,	Walker.
George,	Lamar,	Riddleberger,	
Hampton,	Maxey,	Sawyer,	
Harris,	Miller of Cal.,	Slater,	

ABSENT—35.

Aldrich,	Cockrell,	Groome,	Miller of N. Y.,
Allison,	Colquitt,	Hale,	Mitchell,
Anthony,	Conger,	Jonas,	Ransom,
Beck,	Dolph,	Jones of Florida,	Sabin,
Blair,	Edmunds,	Jones of Nevada,	Saulsbury,
Bowen,	Farley,	Logan,	Sewell,
Butler,	Frye,	McMillan,	Van Wyck,
Call,	Garland,	McPherson,	Williams.
Camden,	Gibson,	Mahone,	

So the amendment was rejected.

Mr. HARRISON. I move to insert, after the word "Kansas," in line 13 of section 1:

> The line to be approved by the Secretary of the Interior before the work is begun.

Mr. COKE. I will not object to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. HARRISON. I move to strike out the word "branches," at the end of line 14 in the first section.

Mr. COKE. I make no objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. DAWES. I have an amendment to the third section which I think the Senator from Texas will not object to. It is, in line 10, after the word "referees," to strike out the words:

> One to be named by the Commissioner of Indian Affairs, one by the principal chief of the nation or tribe in which the land to be appropriated is situated, and one by said company.

And to insert, instead, "to be appointed by the President."

Mr. HARRISON. If the Senator will allow me, I desire to offer an amendment to section 2 before he gets to that. The bill as it reads now gives——

Mr. DAWES. There is no order requiring us to proceed by sections. I will state that this was the form in the bill under which the previous railroad was built, and the Indians have made very great complaints against a tribunal appointed in that way. It seems to me that it is of importance enough to be appointed by the President of the United States, and then he is responsible for its character and doings, and it ought to give greater satisfaction both to the Indians and to those interested in this measure to have such a tribunal rather than one that may be subject to influences or that the Indians may think is subject to influences adverse to them.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, which will be stated by the Secretary.

The CHIEF CLERK. In line 10, section 3, after the word "referees," it is proposed to strike out:

One to be named by the Commissioner of Indian Affairs, one by the principal chief of the nation or tribe in which the land to be appropriated is situated, and one by said company.

And to insert in lieu thereof:

To be appointed by the President.

The amendment was agreed to.

Mr. HARRISON. I call the attention of the Senator from Texas to the fact that the grant for station purposes in lines 3, 4, 5, and 6 of section 2, is not well expressed: "A strip of land two hundred feet in width, with a length of 3,000 feet, in addition to the right of way, is granted for stations for every ten miles of the road."

That is not at all conditioned upon the establishment of stations or that it is for each station, but it is a strip of that width for every ten miles of the road. I think it would be better to provide, and I move this amendment, after the word "for," in line 5, to insert "such;" and after "stations," in the same line, to insert "as may be established, but such grant shall be allowed but once."

Mr. MAXEY. That is right.

Mr. COKE. I have no objection to that.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be reported by the Secretary.

Mr. PLUMB. It would be better, I think, to say that the stations should not be established more frequently than one for each ten miles.

Mr. HARRISON. I do not know that I care to put that limitation upon it. Under any proper restrictions they can have stations more frequently if they should need them. It is simply that the grant should not be given oftener than that.

The CHIEF CLERK. It is proposed, in line 5 of section 2, after the word "for," to insert "such;" and after the word "stations," in the same line, to insert "as may be established; but such grant shall be allowed but once;" so as to read:

A strip of land 200 feet in width, with a length of 3,000 feet, in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every ten miles of the road.

Mr. MAXEY. That is all right.

The amendment was agreed to.

Mr. HARRISON. I move to strike out section 7 of the bill and to insert what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be read.

The CHIEF CLERK. It is proposed to strike out section 7 and insert in lieu thereof:

The officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior.

Mr. COKE. I accept that.

Mr. PLUMB. It ought to include those employed in telegraphing.

Mr. HARRISON. They are not mentioned in section 7, which only says "the officers, agents, servants, operators, and employés of said company, and their families, shall have the right to settle upon and occupy any portion of the right of way," &c.

Mr. PLUMB. I think the language of the amendment is not so broad.

Mr. HARRISON. If this company operate a telephone and telegraph line those engaged in that service will be the servants and officers and employés of the railroad company. That is what I mean.

Mr. PLUMB. I ask that it be read again. Perhaps I did not understand it.

The PRESIDING OFFICER. The amendment will be again read.

The Chief Clerk read the amendment.

Mr. PLUMB. "Said road" are words of limitation. Why not say "of said road and telephone or telegraph lines?"

Mr. HARRISON. Very good; I have no objection.

The PRESIDING OFFICER. These words will be inserted in the amendment if there be no objection. Will the Senator from Kansas repeat the exact language?

Mr. PLUMB. "Of said road and telegraph and telephone lines."

Mr. HARRISON. I simply want to call the attention of the Senate—I do not know whether any point will be made upon it—that our treaty with these people stipulates——

The PRESIDING OFFICER. The Senator will suspend. The amendment as modified will be read, so that Senators may see that it is exactly what they desire.

The Chief Clerk read as follows:

The officers, employés, and servants of said company necessary to the construction and management of said road and telegraph and telephone lines shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior.

Mr. HARRISON. Our treaty with these tribes provides:

But such railroad company or companies, with all its or their agents and employés, shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose.

And again:

Provided, That the officers, servants, and employés of such companies necessary to the construction and management of said road or roads shall not be excluded from such occupancy as their respective functions may require, they being subject to the provisions of the Indian intercourse laws and under such rules and regulations as may be established by the Secretary of the Interior.

Mr. COKE. I am entirely satisfied to accept the Senator's amendment.

The PRESIDING OFFICER. The question is on the amendment as modified.

The amendment was agreed to.

Mr. DAWES. The amendment adopted on my motion a little while since requires another amendment following it. In section 5, beginning in line 13, the words "except that one of said referees shall be appointed by the council of the dissenting nation or tribe, instead of by its principal chief," should be stricken out, the amendment having been adopted that they shall all be appointed by the President. I move that those words be stricken out.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. HARRISON. I now move to strike out section 8 of the bill. That section provides:

That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, the district of Kansas, and such other courts as may be authorized by Congress shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Gulf, Colorado and Santa Fé Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

It will be noticed that the jurisdiction of these courts of the United States is immensely enlarged, both as to the parties and as to the subject-matter of which they may have jurisdiction. In other words, if this railroad company should assert a claim against an Indian for $50 living two hundred miles from the court in Texas, it would have the right to sue him for $50 in the United States court. The whole question of the civil relation of these people to the white people who may be admitted there, and the jurisdiction that is to be given in such cases, the Senator from Missouri [Mr. VEST] in a bill which he has reported has undertaken to provide for, and it seems to me that we had better leave this question in abeyance for the present.

Mr. MAXEY. I suggest to the Senator from Indiana that if he will examine that section closely he will see that it makes provision for such other court as Congress may establish, so that if the policy of the Committee on Territories is adopted it is reached by the phraseology of this bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

Mr. HARRISON. I know that refers to such other courts as Congress may establish, but I understand that the chairman of the Committee on Indian Affairs has already at this session procured the consent of the Senate to some investigation as to the relation of these tribes.

Mr. MAXEY. But the point I make is that in that provision the matters are now disposed of according to the terms of this bill, and the bill contemplates that Congress in the future may make some further arrangement for the court than that which already exists, and therefore it provides that such other courts as Congress may establish shall have jurisdiction. If there be a Territorial court established in the Indian Territory that court under the provisions of this section would have jurisdiction undoubtedly.

Furthermore, it goes on and confers citizenship for the purpose of suing. I will suggest to the Senator that we ought to have some such provision as that. I know now of no authority whereby an Indian may sue a white man in one of the courts of the United States in a civil suit. At all events we so regard it. I can not find it anywhere. A provision of like character was inserted in the charter of the Saint Louis and

San Francisco Railway for the very purpose of protecting the Indian against oppression by the railroad company or anybody else, enabling them to sue in the courts.

Mr. COKE. I will add that this provision was put in this bill at the instance and solicitation of one of the headmen of one of the Indian tribes here in Washington for the protection of the Indians. He insisted upon it, and said that unless it was in the bill he would oppose it. Without this provision the Indians have no remedy for injuries to person or individual property by the railroad company.

Mr. HARRISON. I have a communication from a gentleman representing one of these tribes protesting very strongly against it, and the protection to the Indian here is of a kind with the protection we usually extend to him. It is this: If the railroad company kills his cow, which may be worth $40 or $50, he has the privilege of going two hundred miles to sue the railroad company in a United States court. I think he would be wiser if he gave them another cow and let that one go rather than seek any redress upon the terms provided for in this section.

But, Mr. President, as this will be subject to amendment in the future I will withdraw the motion to strike out, leaving it for the present in the expectation that when some system is agreed upon we may amend and change this law.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. HARRISON. I wish to call attention to one further amendment. I find in looking at the Saint Louis and San Francisco charter that we then assumed to have some regard for the rights of the Indians, which seems to be vanishing in the present bill very radically. The conclusion of the charter was that the railroad company "shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same." That is omitted here.

Mr. MAXEY. I think myself that ought to be in.

Mr. COKE. An amendment to that effect will be agreed to.

Mr. HARRISON. I offer that amendment.

The PRESIDING OFFICER. The amendment will be read.

Mr. HARRISON. I suggest that it come in at the end of section 9.

The SECRETARY. At the end of section 9 it is proposed to add:

That said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Mr. MAXEY. That is right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. VAN WYCK. I call the attention of the Senator from Texas to section 4:

That said railway company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas.

I desire to ask why that restriction is confined to inhabitants of the Territory—why should they be allowed to charge the inhabitants of the Territory or any others a higher rate?

Mr. COKE. Because the Government of the United States does not regulate this matter in the States, but does in its own Territories.

Mr. HAWLEY. During the last Congress we passed a bill chartering a road through the Indian Territory. The title of that company I can not remember. Will the Senator from Texas please tell me?

Mr. HARRISON. The Saint Louis and San Francisco.

Mr. HAWLEY. The Saint Louis and San Francisco Railway Company. I gave my views somewhat at length then in opposition to the general terms of that charter or bill, and I simply now file my protest against this kind of legislation in parcel and as a whole.

We have driven right over all the laws and treaties establishing the Indian Territory, and my opinion is that we should readjust that whole subject before going on in this direction. Let us either live up to our treaties, or negotiate with the Indians for a re-establishment of the conditions and relations of that body of people to the United States Government. We either have treaties or we have not. If we have, let us live up to them. If the time has come when we can not continue the old relations, let us re-establish those relations. We are now going upon no system at all, but whenever anybody wants a railway chartered through that Territory we just rough-hew straight through, taking what we want and giving the Indians what we please. It is a barbarous proceeding, and, therefore, I simply say "no" to the bill.

Mr. DAWES. I should like to hear read the amendment which was adopted on the motion of the Senator from Indiana [Mr. HARRISON] to the seventh section.

The PRESIDING OFFICER. The amendment referred to by the Senator from Massachusetts will be read.

The CHIEF CLERK. As amended the section reads:

SEC. 7. The officers, servants, and employés of said company necessary to the construction and management of said road and telegraph and telephone lines shall be allowed to reside, while so engaged, upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. HILL. Mr. President——

Mr. COKE. I desire, as the House bill has been amended, under the rule which has been acted on in the Senate during this session, to move that the House of Representatives be asked to grant a conference on the Senate amendments to the bill just passed.

Mr. HILL. I can not yield for that purpose.

Mr. COKE. I wish to ask for a conference with the House on the disagreeing votes of the two Houses on the amendments to this bill.

Mr. HARRISON. I hope we shall not resort to that practice upon bills of this kind.

The PRESIDING OFFICER. Does the Senator from Colorado yield for the purpose of the Senator's motion?

Mr. HILL. No, I can not yield for that motion, for I wish to make a motion to take up another bill, Order of Business 474, being the bill (S. 2022) to establish a postal-telegraph system. I move that the Senate proceed to consider that bill.

Mr. CULLOM. I hope nothing will intervene to interfere with the consideration of the pension bill on Monday and until it is finished.

Mr. HILL. I will say that if this bill is taken up I shall make no objection to laying it aside.

The PRESIDING OFFICER. The Chair understood the Senate as unanimously consenting to proceed with the consideration of the pension bill on Monday.

Mr. HILL. I shall not object to that.

Mr. CULLOM. I only want to say that this thing of making the Mexican pension bill play second fiddle to everything else that comes in here I think ought to stop.

Mr. HILL. It will not delay the consideration of that bill an hour.

Mr. CULLOM. I shall object to the consideration of the Senator's bill on Monday at all.

The PRESIDING OFFICER. There is no debatable matter before the Senate. The Senator from Colorado moves to proceed to the consideration of the bill (S. 2022) to establish a postal-telegraph system.

Mr. COKE. I now ask the Senator from Colorado to yield to me for a moment for a motion for a committee of conference.

Mr. HILL. I understand there will be some contest about that.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Texas to a Senate bill the Chair understands to be for precisely the same object as the House bill just passed. If there be no objection that Senate bill will be indefinitely postponed. It is the bill (S. 50) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes. The Chair hears no objection, and it is postponed indefinitely.

Does the Senator from Colorado yield to the Senator from Texas?

Mr. HILL. I think there will be some contest about that motion. I should like to have my motion put to the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado.

Mr. ALLISON. Is it expected that the bill shall be considered this evening?

Mr. HILL. It is not.

Mr. ALLISON. Then I hope the Senator will not ask to take it up, because the pension bill must be got out of the way.

Mr. HILL. I want it made the regular order of business.

Mr. ALLISON. The Senator can do that after the pension bill is disposed of.

Mr. HILL. I hope my motion will be considered favorably.

The PRESIDING OFFICER. The question is not debatable except by unanimous consent.

Mr. INGALLS. What is the motion?

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate proceed to the consideration of the bill (S. 2022) to establish a postal-telegraph system.

Mr. INGALLS. Does that require unanimous consent?

The PRESIDING OFFICER. The Senator from Colorado makes the motion. It can only be debated by unanimous consent, the question not being debatable.

Mr. HARRISON. I move that the Senate proceed to the consideration——

Mr. COCKRELL. I rise to a question of order. If this is taken up it displaces the regular order unless it is done by unanimous consent? Let us have some understanding about it.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business. I withdraw the motion temporarily until the point of order made is decided by the Chair.

The PRESIDING OFFICER. There is no question of order pending.

Mr. HARRISON. The Senator from Missouri raised a point of order.

The PRESIDING OFFICER. The Chair did not so understand the Senator.

Mr. COCKRELL. I raise the question of order whether we can without unanimous consent take up and have two regular orders of business at the same time? We have a regular order already.

The PRESIDING OFFICER. By what the Chair understood to be the unanimous consent of the Senate before proceeding to the consideration of the bills which have been considered it was agreed that the Mexican pension bill should be proceeded with on Monday, in view of which fact the Chair regards it as his duty to lay that bill before the Senate before the adjournment to-day.

Mr. CAMERON, of Wisconsin. But that does not stand in the way of the motion of the Senator from Colorado.

Mr. ALLISON. But I inquired of the Senator from Colorado if he expects action on his bill to-night.

Mr. HILL. I say to the Senator from Iowa that I intend to yield to any person who asks to have the pension bill taken up on Monday.

Mr. CULLOM. I think the Senator from Colorado had better withdraw the motion until the pension bill is disposed of.

Mr. PLUMB. I rise to a parliamentary inquiry. Do I understand that the Mexican pension bill is to be taken up as by unanimous consent at 2 o'clock on Monday?

The PRESIDING OFFICER. The Chair will state that under an order of the Senate, if the Senate makes no order in conflict with that view of it, the Chair will lay before the Senate the Mexican pension bill before adjournment to-day, so as to leave it the unfinished business.

Mr. CULLOM. At what time would that bring it up? At 2 o'clock?

The PRESIDING OFFICER. If the Senate should by a majority proceed to consider the bill indicated by the Senator from Colorado, then the Chair would hold that to be the unfinished business on Monday, if it should not be concluded this evening.

Mr. CULLOM. That would interfere with the Mexican pension bill at 2 o'clock on Monday.

The PRESIDING OFFICER. It would be the unfinished business, and have the right of way on Monday at 2 o'clock.

Mr. HILL. There is no objection to taking up the bill for consideration now, I believe.

Mr. CULLOM. But it would be the unfinished business for Monday, and to that I object.

Mr. HARRISON. I renew the motion that the Senate proceed to the consideration of executive business.

Mr. HILL. I should like to have my motion put.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate proceed to the consideration of the bill (S. 2022) to establish a postal-telegraph system, pending which the Senator from Indiana moves that the Senate proceed to the consideration of executive business. The question is on the motion of the Senator from Indiana.

Mr. HILL. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PENDLETON. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 21, 1884.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

CORRECTION.

Mr. WELLER. I desire to have a correction made in the matter of an amendment proposed by myself to the bill which was called up yesterday by the gentleman from Minnesota [Mr. WASHBURN].

The SPEAKER. The Chair will state to the gentleman from Iowa [Mr. WELLER] that the Journal does not contain the error to which the gentleman refers, and the RECORD is correct. The amendment will be correctly engrossed.

CONTINGENT EXPENSES OF LAND OFFICES.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, recommending an increase in the appropriation for contingent expenses of land offices for the ensuing fiscal year; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CULLEN, until further notice, on account of death in his family.

To Mr. BREWER, of New Jersey, for three days, on account of important business.

ALLEGED VIOLATION OF PRIVILEGES OF THE HOUSE.

The SPEAKER. The Chair lays before the House the request which the Clerk will read.

The Clerk read as follows:

Mr. HAMMOND, on behalf of the select committee to investigate whether Mr. English and other ex-members of the House have violated the privileges of the House, asks that the testimony taken by the committee be printed for the use of the committee.

The SPEAKER. If there be no objection, this order will be made.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering under the special order bills reported from the Committee on Public Buildings and Grounds.

Mr. LEWIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEWIS. Is it not in order now to move that the morning hour for to-day be dispensed with?

The SPEAKER. Not while the motion of the gentleman from Indiana [Mr. STOCKSLAGER] is pending. The Chair will state that under the order of the House made on the 7th of April a certain day was set apart for the consideration of bills reported from the Committee on Public Buildings and Grounds and bills on the Speaker's table over which that committee would have jurisdiction; and it was provided that this order should continue from day to day. Under the order it is competent for any member of that committee to make a motion to go into Committee of the Whole on the state of the Union for the consideration of business of that character, either before the morning hour or at any time during the day.

Mr. BLAND. But is it not in order for the gentleman from Louisiana [Mr. LEWIS] to antagonize this proposition?

The SPEAKER. Of course.

Mr. BLAND. I hope the gentleman will raise the question of consideration.

The SPEAKER. There is no question of consideration to be raised. If the House does not desire to consider the business indicated by the gentleman from Indiana all it has to do is to reject this motion.

Mr. HOLMAN. I understand there are two matters of unfinished business. One is the bill subjecting certain public lands to the operation of the homestead law; the other is the bill in charge of the gentleman from Louisiana [Mr. LEWIS] to forfeit a certain land grant. If the House should refuse to go into Committee of the Whole for the consideration of public building bills, will not the measures I have just named come up?

The SPEAKER. If the House should refuse to adopt the motion of the gentleman from Indiana [Mr. STOCKSLAGER] to go into Committee of the Whole for the consideration of bills relating to public buildings, then the regular order will be the business of the morning hour; should that have been completed or dispensed with, the regular order would be the unfinished business to which the gentleman from Indiana [Mr. HOLMAN] refers; but that of course would still be subject to a motion to go into Committee of the Whole on the state of the Union for the consideration of appropriation and revenue bills, which are excluded by the order to which the gentleman refers.

Mr. TUCKER. May I make a parliamentary inquiry? I wish to move that the House go into Committee of the Whole on the state of the Union to consider a revenue bill. My course, as I understand, is to vote against the motion of the gentleman from Indiana.

The SPEAKER. Certainly. The question as to the consideration of all other bills is necessarily involved in the motion made by the gentleman from Indiana. The question is on the motion that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of bills relating to public buildings.

The question being taken, there were—ayes 66, noes 75.

Mr. STOCKSLAGER. I call for tellers.

Tellers were ordered; and Mr. STOCKSLAGER and Mr. TUCKER were appointed.

The House again divided; and the tellers reported—ayes 87, noes 84.

Mr. THOMPSON, Mr. HOLMAN, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 89, nays 118, not voting 116, as follows:

YEAS—89.

Adams, G. E.	Carleton,	Goff,	Jones, J. H.
Belford,	Cobb,	Hanback,	Keifer,
Bisbee,	Connolly,	Hancock,	Kelley,
Bland,	Cosgrove,	Hatch, H. H.	Ketcham,
Brainerd,	Dargan,	Hatch, W. H.	Lanham,
Breckinridge,	Davis, L. H.	Henderson, T. J.	Lowry,
Brewer, J. H.	Dibble,	Hitt,	Matson,
Browne, T. M.	Dunham,	Hopkins,	Maybury,
Brown, W. W.	English,	Horr,	Miller, J. F.
Budd,	Ermentrout,	Hurd,	Milliken,
Burnes,	Funston,	Jeffords,	Mills,
Cannon,	Glascock,	Johnson,	Money,

Morgan,	Phelps,	Rowell,	Washburn,
Morrill,	Poland,	Ryan,	Weaver,
Morrison,	Price,	Smith,	White, Milo
Muldrow,	Pusey,	Stockslager,	Willis,
Murphy,	Rankin,	Sumner, C. A.	Wilson, W. L.
Nelson,	Ray, G. W.	Taylor, E. B.	Woodward,
Nutting,	Ray, Ossian	Taylor, J. D.	Worthington,
O'Neill, J. J.	Reese,	Tillman,	Young.
Payson,	Rockwell,	Valentine,	
Perkins,	Rogers, J. H.	Wakefield,	
Peters,	Rosecrans,	Ward,	

NAYS—118.

Aiken,	Dowd,	Jones, J. T.	Skinner, C. R.
Alexander,	Eaton,	Jordan,	Skinner, T. G.
Anderson,	Eldredge,	Lewis,	Slocum,
Arnot,	Ellis,	Lyman,	Spooner,
Atkinson,	Ellwood,	McAdoo,	Spriggs,
Bagley,	Evans, I. N.	McMillin,	Stevens,
Ballentine,	Everhart,	Millard,	Stewart, J. W.
Barksdale,	Fiedler,	Miller, S. H.	Sumner, D. H.
Bayne,	Forney,	Moulton,	Taylor, J. M.
Beach,	Fyan,	Mutchler,	Thompson,
Bennett,	Garrison,	Neece,	Throckmorton,
Bingham,	Geddes,	Nicholls,	Tucker,
Blount,	Graves,	O'Ferrall,	Tully,
Bowen,	Green,	O'Hara,	Turner, H. G.
Buchanan,	Greenleaf,	Parker,	Turner, Oscar
Cabell,	Halsell,	Patton,	Vance,
Caldwell,	Hammond,	Peel,	Van Eaton,
Campbell, Felix	Hardeman,	Pettibone,	Wadsworth,
Candler,	Hemphill,	Pierce,	Wallace,
Clay,	Henley,	Post,	Warner, Richard
Clements,	Herbert,	Pryor,	Wellborn,
Collins,	Hewitt, G. W.	Randall,	Weller,
Cook,	Hiscock,	Rice,	Williams,
Cox, S. S.	Hoblitzell,	Riggs,	Winans, E. B.
Cox, W. R.	Holman,	Robertson,	Wise, G. D.
Crisp,	Holmes,	Scales,	Wolford,
Culberson, D. B.	Howey,	Seney,	Wood,
Curtin,	Hunt,	Seymour,	York.
Dibrell,	Jones, B. W.	Shelley,	
Dorsheimer,	Jones, J. K.	Singleton,	

NOT VOTING—116.

Adams, J. J.	Dingley,	Kean,	Robinson, J. S.
Barbour,	Dockery,	Kellogg,	Robinson, W. E.
Barr,	Duncan,	King,	Rogers, W. F.
Belmont,	Dunn,	Kleiner,	Russell,
Blackburn,	Evins, J. H.	Lacey,	Shaw,
Blanchard,	Elliott,	Laird,	Smalls,
Boutelle,	Ferrell,	Lamb,	Snyder,
Boyle,	Findlay,	Lawrence,	Springer,
Breitung,	Finerty,	Le Fevre,	Steele,
Brewer, F. B.	Follett,	Libbey,	Stephenson,
Broadhead,	Foran,	Long,	Stewart, Charles
Brumm,	George,	Lore,	Stone,
Buckner,	Gibson,	Lovering,	Storm,
Burleigh,	Guenther,	McCoid,	Strait,
Calkins,	Hardy,	McComas,	Struble,
Campbell, J. E.	Harmer,	McCormick,	Talbott,
Campbell, J. M.	Hart,	Mitchell,	Thomas,
Cassidy,	Haynes,	Morse,	Townshend,
Chace,	Henderson, D. B.	Muller,	Van Alstyne,
Clardy,	Hepburn,	Murray,	Wait,
Converse,	Hewitt, A. S.	Oates,	Warner, A. J.
Covington,	Hill,	Ochiltree,	Wemple,
Culbertson, W. W.	Holton,	O'Neill, Charles	White, J. D.
Cullen,	Hooper,	Paige,	Whiting,
Cutcheon,	Houk,	Payne,	Wilkins,
Davidson,	Houseman,	Potter,	Wilson, James
Davis, G. R.	Hutchins,	Ranney,	Winans, John
Davis, R. T.	James,	Reagan,	Wise, J. S.
Deuster,	Kasson,	Reed,	Yaple.

So the House refused to go into the Committee of the Whole House on the state of the Union on public building bills.

During the roll-call the following members were announced as paired on all questions until further notice:

Mr. RUSSELL with Mr. BLACKBURN.

Mr. FOLLETT with Mr. CALKINS.

Mr. TALBOTT with Mr. STEELE.

The following were announced as being paired on all political questions until further notice:

Mr. ELLIOTT with Mr. PETERS.

Mr. SNYDER with Mr. BARR.

Mr. GIBSON with Mr. GOFF.

Mr. HILL with Mr. MILLIKEN.

Mr. MORSE with Mr. DAVIS, of Illinois.

Mr. HARDY with Mr. CHACE.

Mr. REAGAN with Mr. BRUMM.

Mr. YOUNG with Mr. RICE.

Mr. MULLER with Mr. ANDERSON.

Mr. EVINS, of South Carolina, with Mr. LACEY.

Mr. DAVIDSON with Mr. HAYNES.

Mr. BUCKNER with Mr. WILSON, of Iowa.

Mr. YAPLE with Mr. WADSWORTH.

Mr. TOWNSHEND with Mr. THOMAS.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio.

Mr. BEACH with Mr. SKINNER, of New York.

Mr. ROGERS, of New York, with Mr. HOOPER.

Mr. PAGE with Mr. EVANS, of Pennsylvania.

Mr. DUNCAN with Mr. SMITH.

Mr. DOCKERY with Mr. BREWER, of New Jersey.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until June 25.

Mr. MCMILLIN with Mr. RAY, of New York, until June 21.

Mr. HUTCHINGS with Mr. WHITING, until June 23.

Mr. WARNER, of Ohio, with Mr. KETCHAM, until June 30.

Mr. BLOUNT with Mr. KASSON, until June 24.

Mr. LAMB with Mr. LONG, until June 28.

Mr. O'NEILL, of Pennsylvania, with Mr. LORE, until June 23.

The following were paired on this vote:

Mr. CAMPBELL, of Ohio, with Mr. REED.

Mr. DUNN with Mr. HENDERSON, of Iowa.

Mr. STRAIT with Mr. OATES.

Mr. WILKINS with Mr. BOUTELLE.

Mr. CONVERSE with Mr. KELLOGG.

Mr. FYAN with Mr. RANNEY.

The following are paired for this day:

Mr. CLARDY with Mr. STRUBLE.

Mr. STORM with Mr. HEPBURN.

Mr. BROADHEAD with Mr. J. S. WISE.

Mr. HEWITT, of New York, with Mr. MCCOID.

Mr. LAWRENCE with Mr. BOYLE, on all political questions, until and including Monday, June 23, 1884.

The vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. TUCKER. I move to dispense with the morning hour.

The SPEAKER. That requires a two-thirds vote.

Mr. HOLMAN. Is not the unfinished business before the House the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture? Is not that the regular order of business, without dispensing with the morning hour?

The SPEAKER. No; after the morning hour.

Mr. HOLMAN. It will then come up?

The SPEAKER. It will, unless the House makes some other order.

Mr. RANDALL. Unless the House makes a higher order.

The SPEAKER. The Chair has stated when the morning hour is dispensed with if the motion is made to go into the Committee of the Whole House on the state of the Union to consider appropriation bills that motion takes precedence, If it be rejected, then the unfinished business will come up.

Mr. HOLMAN. So I understand, then, that the unfinished business, which is the homestead bill, will come up?

The SPEAKER. Yes, sir.

The House divided; and there were—ayes 99, noes 54.

Mr. RANDALL. No quorum voting.

The SPEAKER appointed as tellers Mr. RANDALL and Mr. MILLS.

The House again divided; and the tellers reported—ayes 113, noes 63.

So (two-thirds not having voted in the affirmative) the morning hour was not dispensed with.

Mr. HOLMAN. I rise to a question of order, or rather of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. Does not the homestead bill come up in regular order as the unfinished business, the previous question having been called and sustained on it?

The SPEAKER. It was not ordered on the passage of the bill.

Mr. HOLMAN. I understood it was ordered on the bill and amendment.

The SPEAKER. On the amendment and on ordering the bill to be engrossed and read a third time. That is as far as the previous question can extend under the rule. It must be again moved on the passage of the bill.

The regular order of business is the call of committees for reports.

JASPER J. HENRY.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Wisconsin Cavalry Volunteers in the war of the rebellion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed

ELIZABETH DAVIS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 457) granting a pension to Elizabeth Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET M'CARTY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6946) for the relief of Margaret McCarty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WESLEY MORFORD.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 280) granting a pension to Wesley

Morford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to printed.

CHANGE OF REFERENCE.

On motion of Mr. HOLMES, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 6883) for the relief of Samuel H. Chapman, and it was referred to the Committee on Pensions.

O. W. STREETER.

Mr. PRICE, from the Committee on Claims, reported back favorably the bill (H. R. 7184) to authorize the Secretary of the Interior to examine and adjust the claim of O. W. Streeter for money expended and services performed in taking the census of Dakota in 1860; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. RAY, of New York, from the Committee on Claims, reported back with an adverse recommendation the bill (H. R. 2963) for the relief of F. Prosh and T. F. McElroy; which was ordered to be laid on the table, and the accompanying report printed.

WEST VIRGINIA TROOPS.

Mr. CONNOLLY, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, reported back with amendments the bill (H. R. 3462) for the relief of West Virginia troops acting under authority of the governor of the State; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PROTECTION OF PASSENGERS AT SEA.

Mr. DUNN, from the Committee on Commerce, reported, as a substitute for H. R. 6469, which was ordered to lie on the table, a bill (H. R. 7377) to amend sections 4418 and 4419 of the Revised Statutes of the United States, and for the better protection of the lives of passengers and others carried on steam vessels; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. FUNSTON, the Committee on Pensions was discharged from the further consideration of the bill (H. R. 6281) granting a pension to Michael Lane; and the same was referred to the Committee on Invalid Pensions.

JURISDICTION OF CERTAIN COURTS.

Mr. CURTIN, by unanimous consent, introduced a bill (H. R. 7378) to empower certain courts of the United States to hear and determine a question of law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADDISON L. BROWN.

Mr. WELLER, by unanimous consent, introduced a bill (H. R. 7379) granting a pension to Addison L. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TUCKER. I move that the House resolve itself into Committee of the Whole House on the state of the Union, and will state that my purpose is to take up for consideration revenue bills.

Mr. COBB. I rise to a parliamentary inquiry. The gentleman from Virginia asks to take up a revenue bill. I want to antagonize that with a land-grant bill. I do not know whether it takes a motion for that purpose or not.

The SPEAKER. The Chair has already announced that if the House refuses to go into Committee of the Whole House on the state of the Union for the consideration of bills, raising revenue the unfinished business will come up next in order.

Mr. COX, of New York. I would like to know whether it would be in order to have the bill of my friend from Virginia read for the information of the House first.

The SPEAKER. That bill is in Committee of the Whole, not in the House. The motion of the gentleman from Virginia is to go into Committee of the Whole for the purpose of considering bills raising revenue generally, and specifies no particular bill. When the House resolves itself into Committee of the Whole House on the state of the Union these bills will be called up in their regular order.

Mr. THOMPSON. Is there any bill on the Calendar of the Committee of the Whole House on the state of the Union raising revenue?

The SPEAKER. There is.

Mr. THOMPSON. It must be a private bill, I presume. May I ask what bill there is on that Calendar for raising revenue?

The SPEAKER. Perhaps more than one. The Chair remembers one reported from the Committee on Agriculture.

Mr. COX, of New York. Is it in order to have the Calendar read?

Mr. RANDALL. I object to debate.

Mr. THOMPSON. Is the bill to which the Chair refers a bill for raising revenue or for taking revenue off?

The SPEAKER. It is a bill repealing the tax on brandies distilled from fruit.

Mr. COX, of New York. Can not we have the Calendar read?

The SPEAKER. Debate is not in order, and the Chair thinks that would be in the nature of debate.

Mr. MILLS. I would like to ask if it is in order to raise the question of consideration against the bill the gentleman from Virginia refers to?

The SPEAKER. The question of consideration, as the Chair has already held, is necessarily involved so far as the House is concerned by the motion of the gentleman from Virginia. By the rules of the House, if the gentleman's motion shall prevail, after the House shall have resolved itself into Committee of the Whole House on the state of the Union objection can be made against each bill as it is reached on the Calendar.

Mr. COX, of New York. I wish to ask whether preliminary to that we can not have the Calendar read?

The SPEAKER. Not if objection is made. That is in the nature of debate.

Mr. RANDALL. There is objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Virginia.

The House divided; and there were—ayes 75, noes 84.

Mr. ANDERSON, Mr. DIBRELL, and others demanded the yeas and nays.

Mr. BLAND. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. This is a motion to go into Committee of the Whole House on the state of the Union for the purpose of considering revenue bills. My inquiry is whether it will be in order if that motion prevails to move to amend this bill by adding the Morrison tariff bill to it. [Cries of "Regular order!"]

The SPEAKER. The question is not debatable. The question is on ordering the yeas and nays.

The yeas and nays were ordered—52 members voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 96, nays 119, not voting 108; as follows:

YEAS—96.

Arnot,	Dibrell,	Laird,	Seney,
Atkinson,	Dowd,	Lyman,	Shelley,
Ballentine,	Ellis,	McAdoo,	Skinner, C. R.
Barbour,	Ermentrout,	McMillin,	Skinner, T. G.
Bayne,	Fiedler,	Millard,	Smalls,
Belford,	Forney,	Miller, S. H.	Smith,
Bennett,	Garrison,	Mutchler,	Spooner,
Bingham,	Green,	Nicholls,	Spriggs,
Bisbee,	Greenleaf,	Oates,	Stewart, J. W.
Bowen,	Hardeman,	Ochiltree,	Taylor, E. B.
Brainerd,	Hemphill,	O'Ferrall,	Taylor, J. D.
Brewer, F. B.	Herbert,	O'Hara,	Taylor, J. M.
Brown, W. W.	Hewitt, G. W.	Patton,	Throckmorton,
Cabell,	Hiscock,	Pierce,	Tillman,
Caldwell,	Hoblitzell,	Peel,	Tucker,
Campbell, Jas. E.	Hopkins,	Pettibone,	Vance,
Candler,	Hunt,	Phelps,	Van Eaton,
Clements,	Jeffords,	Poland,	Wadsworth,
Connolly,	Jones, J. H.	Randall,	Wallace,
Converse,	Jones, J. K.	Reese,	Warner, Richard
Cox, W. R.	Jones, J. T.	Rice,	Weaver,
Culberson, D. B.	Keifer,	Rockwell,	Wilson, W. L.
Culbertson, W. W.	Kelley,	Rogers, J. H.	Wise, G. D.
Curtin,	Ketcham,	Scales,	York.

NAYS—119.

Adams, G. E.	Ellwood,	Lowry,	Ryan,
Aiken,	English,	McCormick,	Seymour,
Alexander,	Everhart,	Matson,	Singleton,
Anderson,	Finerty,	Maybury,	Slocum,
Bagley,	Funston,	Miller, J. F.	Springer,
Barksdale,	Geddes,	Mills,	Stevens,
Beach,	Glascock,	Mitchell,	Stockslager,
Bland,	Graves,	Morgan,	Stone,
Boutelle,	Halsell,	Morrill,	Sumner, D. H.
Breckinridge,	Hanback,	Morrison,	Thompson,
Browne, T. M.	Hancock,	Moulton,	Tully,
Buchanan,	Hatch, H. H.	Muldrow,	Turner, H. G.
Burnes,	Hatch, W. H.	Murphy,	Turner, Oscar
Campbell, Felix	Henley,	Neece,	Valentine,
Cannon,	Hepburn,	Nelson,	Van Alstyne,
Carleton,	Hitt,	O'Neill, J. J.	Wait,
Clay,	Holman,	Parker,	Wakefield,
Cobb,	Holmes,	Payne,	Ward,
Collins,	Horr,	Payson,	Washburn,
Cook,	Houseman,	Perkins,	Wellborn,
Cosgrove,	Howey,	Post,	White, Milo
Cox, S. S.	Hurd,	Price,	Williams,
Crisp,	Jones, B. W.	Pryor,	Willis,
Dargan,	Jordan,	Pusey,	Winans, E. B.
Davis, L. H.	Kellogg,	Rankin,	Wolford,
Dibble,	Kleiner,	Ray, G. W.	Wood,
Dunham,	Lanham,	Riggs,	Woodward,
Dunn,	Lawrence,	Robertson,	Worthington,
Eaton,	Le Fevre,	Rosecrans,	Young.
Eldredge,	Lewis,	Rowell,	

NOT VOTING—108.

Adams, J. J.	Boyle,	Budd,	Clardy,
Barr,	Breitung,	Burleigh,	Covington,
Belmont,	Brewer, J. H.	Calkins,	Cullen,
Blackburn,	Broadhead,	Campbell, J. M.	Cutcheon,
Blanchard,	Brumm,	Cassidy	Davidson,
Blount,	Buckner,	Chace,	Davis, G. R.

Davis, R. T.	Hart,	McCoid,	Snyder,
Deuster,	Haynes,	McComas,	Steele,
Dingley,	Henderson, D. B.	Milliken,	Stephenson,
Dockery,	Henderson, T. J.	Money,	Stewart, Charles
Dorsheimer,	Hewitt, A. S.	Morse,	Storm,
Duncan,	Hill,	Muller,	Strait,
Elliott,	Holton,	Murray,	Struble,
Evans, I. N.	Hooper,	Nutting,	Sumner, C. A.
Evins, J. H.	Houk,	O'Neill, Charles	Talbott,
Ferrell,	Hutchins,	Paige,	Thomas,
Findlay,	James,	Peters,	Townshend,
Follett,	Johnson,	Potter,	Warner, A. J.
Foran,	Kasson,	Ranney,	Weller,
Fyan,	Kean,	Ray, Ossian	Wemple,
George,	King,	Reagan,	White, J. D.
Gibson,	Lacey,	Reed,	Whiting,
Goff,	Lamb,	Robinson, J. S.	Wilkins,
Guenther,	Libbey,	Robinson, W. E.	Wilson, James
Hammond,	Long,	Rogers, W. F.	Winans, John
Hardy,	Lore,	Russell,	Wise, J. S.
Harmer,	Lovering,	Shaw,	Yaple.

So the House refused to resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

Mr. COX, of North Carolina. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. HAMMOND with Mr. STEVENSON, on all political questions, for this day.

Mr. BUDD with Mr. GEORGE, on all questions, for this day.

The result of the vote was then announced as above stated.

Mr. COBB. I call for the regular order.

The SPEAKER. The regular order is the bill to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. EATON. I desire to antagonize that bill with the bill relating to the electoral count for President and Vice-President, which is also unfinished business. I dislike very much to antagonize any measure of my friend from Indiana [Mr. COBB], but my duty to the House and to the country demands that I ask the consideration of that very important measure.

Mr. COBB. I do not think the consideration to-day of the electoral-count bill is necessary to save this country.

Mr. HERBERT. Perhaps the House will think differently.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

The SPEAKER. The question of consideration has been raised by the gentleman from Connecticut [Mr. EATON]. The question is, Will the House now proceed to the consideration of this bill?

The House divided; and there were—ayes 57, noes 87.

Mr. HOLMAN. I call for the yeas and nays.

Mr. HISCOCK. I ask unanimous consent that the title of the bill be again read.

There was no objection, and the title of the bill was again read.

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor—more than one-fifth of the last vote.

The question was taken; and it was decided in the negative—yeas 80, nays 117, not voting 126; as follows:

YEAS—80.

Aiken,	Finerty,	Matson,	Stockslager,
Alexander,	Geddes,	Millard,	Sumner, C. A.
Atkinson,	Glascock,	Mills,	Sumner, D. H.
Bagley,	Graves,	Morgan,	Taylor, E. B.
Beach,	Halsell,	Moulton,	Taylor, J. D.
Belford,	Hatch, W. H.	Neece,	Taylor, J. M.
Bland,	Hemphill,	Nicholls,	Thompson,
Brewer, F. B.	Hewitt, G. W.	O'Neill, J. J.	Tully,
Brown, W. W.	Hiscock,	Patton,	Turner, Oscar
Burnes,	Hitt,	Payne,	Van Alstyne,
Cobb,	Holman,	Pierce,	Ward,
Connolly,	Houseman,	Peel,	Warner, Richard
Cook,	Howey,	Post,	Wellborn,
Cosgrove,	Jones, B. W.	Riggs,	Weller,
Dibble,	Keifer,	Rockwell,	Willis,
Dorsheimer,	Kelley,	Rosecrans,	Winans, E. B.
Dunham,	Kleiner,	Rowell,	Wolford,
Eldredge,	Lewis,	Scales,	Wood,
Ellwood,	Lowry,	Skinner, T. G.	Woodward,
English,	McMillin,	Slocum,	York.

NAYS—117.

Adams, G. E.	Clay,	Ellis,	Hoblitzell,
Anderson,	Clements,	Ermentrout,	Hopkins,
Arnot,	Collins,	Everhart,	Horr,
Ballentine,	Converse,	Forney,	Hunt,
Barbour,	Cox, S. S.	Funston,	Hurd,
Barksdale,	Cox, W. R.	Fyan,	Hutchins,
Bayne,	Crisp,	Garrison,	Jeffords,
Bennett,	Culberson, D. B.	Greenleaf,	Jones, J. H.
Boutelle,	Culbertson, W. W.	Hanback,	Jordan,
Breckinridge,	Dargan,	Hancock,	Kellogg,
Buchanan,	Davis, L. H.	Hardeman,	Ketcham,
Cabell,	Davis, R. T.	Hart,	Laird,
Campbell, Felix	Dibrell,	Henderson, T. J.	Lanham,
Candler,	Dowd,	Hepburn,	Lawrence,
Cannon,	Eaton,	Herbert,	Libbey,
Lovering,	O'Ferrall,	Seymour,	Van Eaton,
Lyman,	O'Hara,	Shelley,	Wadsworth,
McCoid,	Parker,	Singleton,	Wait,
McCormick,	Perkins,	Smalls,	Wakefield,
Miller, J. F.	Poland,	Smith,	Wallace,
Miller, S. H.	Price,	Spooner,	Weaver,
Mitchell,	Pryor,	Springer,	Wemple,
Money,	Pusey,	Stevens,	White, Milo
Morrill,	Rankin,	Stewart, J. W.	Williams,
Muldrow,	Ray, Ossian	Throckmorton,	Wilson, W. L.
Murray,	Ray, G. W.	Tillman,	Worthington,
Mutchler,	Reese,	Tucker,	Young.
Nelson,	Rice,	Turner, H. G.	
Oates,	Rogers, J. H.	Valentine,	
Ochiltree,	Seney,	Vance,	

NOT VOTING—126.

Adams, J. J.	Davis, G. R.	James,	Robertson,
Barr,	Deuster,	Johnson,	Robinson, J. S.
Belmont,	Dingley,	Jones, J. K.	Robinson, W. E.
Bingham,	Dockery,	Jones, J. T.	Rogers, W. F.
Bisbee,	Duncan,	Kasson,	Russell,
Blackburn,	Dunn,	Kean,	Ryan,
Blanchard,	Elliott,	King,	Shaw,
Blount,	Evans, I. N.	Lacey,	Skinner, C. R.
Bowen,	Evins, J. H.	Lamb,	Snyder,
Boyle,	Ferrell,	Le Fevre,	Spriggs,
Brainerd,	Fiedler,	Long,	Steele,
Breitung,	Findlay,	Lore,	Stephenson,
Brewer, J. H.	Follett,	McAdoo,	Stewart, Charles
Broadhead,	Foran,	McComas,	Stone,
Browne, T. M.	George,	Maybury,	Storm,
Brumm,	Gibson,	Milliken,	Strait,
Buckner,	Goff,	Morrison,	Struble,
Budd,	Green,	Morse,	Talbott,
Burleigh,	Guenther,	Muller,	Thomas,
Caldwell,	Hammond,	Murphy,	Townshend,
Calkins,	Hardy,	Nutting,	Warner, A. J.
Campbell, J. M.	Harmer,	O'Neill, Charles	Washburn,
Campbell, J. E.	Hatch, H. H.	Paige,	White, J. D.
Carleton,	Haynes,	Payson,	Whiting,
Cassidy,	Henderson, D. B.	Peters,	Wilkins,
Chace,	Henley,	Pettibone,	Wilson, James
Clardy,	Hewitt, A. S.	Phelps,	Winans, John
Covington,	Hill,	Potter,	Wise, G. D.
Cullen,	Holmes,	Randall,	Wise, J. S.
Curtin,	Holton,	Ranney,	Yaple.
Cutcheon,	Hooper,	Reagan,	
Davidson,	Houk,	Reed,	

So the House refused to proceed with the consideration of the bill.

The following additional pairs were announced:

Mr. PAYSON with Mr. G. D. WISE, on this vote. If present, Mr. PAYSON would vote "ay" and Mr. WISE would vote "no."

Mr. JONES, of Arkansas, with Mr. BROWNE, of Indiana, on this vote.

Mr. SHAW with Mr. BAYNE, on this vote.

Mr. TOWNSHEND. I have been paired with my colleague, Mr. THOMAS, but being informed that he was paired with some one else, I have been voting this morning. I now learn that I was misinformed in that regard, and therefore desire to have my name withdrawn from the roll-calls.

The SPEAKER. From all of them?

Mr. TOWNSHEND. From all taken this morning.

The SPEAKER. It will be done, not changing the result of any vote.

The result of the vote was then announced as above stated.

Mr. LEWIS. I now move that the House proceed to the consideration of the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

Mr. EATON. I move that the House now proceed to the consideration of the electoral-count bill, which was under consideration a few days since.

Mr. STOCKSLAGER. I desire to give notice that if the House shall refuse to consider the bill called up by the gentleman from Louisiana [Mr. LEWIS] I shall move to go into Committee of the Whole for the purpose of considering bills reported from the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from Louisiana [Mr. LEWIS] calls up for consideration a bill reported from the Committee on the Public Lands, the title of which the Clerk will read.

The title was read, as follows:

A bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare a forfeiture of the land grant therein made, and for other purposes.

The SPEAKER. The gentleman from Connecticut [Mr. EATON] also calls up for consideration the bill known as the bill to regulate the count of the electoral vote. The Chair will direct the Clerk to read the order of the House referring to the bill indicated by the gentleman from Connecticut, from which it will be seen that it is made subject to reports from the Committee on Public Lands; therefore the question will be first taken on the bill called up by the gentleman from Louisiana [Mr. LEWIS], against which the gentleman from Connecticut [Mr. EATON] raises the question of consideration.

The Clerk read as follows:

Ordered, That Tuesday, the 22d day of April, be assigned for the consideration of bills upon the question of Presidential count and succession, and that their consideration be continued from day to day until disposed of, not to antagonize revenue bills, appropriation bills, or bills from the Committee on Public Lands, or prior special orders.

The SPEAKER. The gentleman from Indiana [Mr. STOCKSLAGER]

states, although he has made no motion, that he desires to proceed to the consideration of bills reported from the Committee on Public Buildings and Grounds. The Chair will direct the order made in reference to such bills to be read, from which it will be seen that it is subject to all special orders theretofore made. The order in regard to public building bills was made on the 7th of April, and the order referred to by the gentleman from Connecticut [Mr. EATON] was made on the 19th of March.

The Clerk read as follows:

Resolved, That Wednesday, April 9, 1884, be set apart for the consideration of such bills reported from the Committee on Public Buildings and Grounds and Senate bills upon the Speaker's table relating to the erection of public buildings as the committee shall designate, and that this special order continue from day to day until all such bills on the House Calendars and the Speaker's table shall have been considered and acted upon by the House, not to interfere with appropriation and revenue bills and special orders heretofore made; and that in the consideration of each bill and its amendments not more than thirty minutes shall be consumed in debate, fifteen minutes on each side.

The SPEAKER. The order in regard to the bills upon the question of Presidential count and succession was made previously to the order in regard to bills for the construction of public buildings.

Mr. STOCKSLAGER. Yet I believe the Chair holds that the question of consideration can be raised against it.

The SPEAKER. Of course.

Mr. STOCKSLAGER. I do not propose to raise that question at this time.

Mr. BROWNE, of Indiana. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. It is whether, in the presence of an exciting Presidential election, it is not a question of high privilege to consider a bill that will avoid the dangers attending upon an electoral count, and if it would not be a crime against public liberty for this Congress to adjourn without doing something to avoid that difficulty?

The SPEAKER. That is not a question of privilege under the rules of the House; it is a consideration which may control the votes of members.

AMERICAN MERCHANT MARINE, ETC.

Mr. SLOCUM. I rise to a privileged report.

The SPEAKER. The gentleman will submit it.

Mr. SLOCUM. I submit a report from a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 2228, to remove certain burdens on the American merchant marine and to encourage the American foreign carrying trade, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the last paragraph of said section insert the following: "The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico, and Central America;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "*Provided*, That such services, in the opinion of the Secretary of the Treasury, have been necessarily rendered, and a sum sufficient for the payment of such compensation, when thus adjusted by the Secretary of the Treasury, is hereby appropriated out of any money in the Treasury not otherwise appropriated;" and the Senate agree to the same.

That the Senate recede from so much of amendment numbered 4 as disagrees with section 14 as proposed by the House and proposes a substitute therefor; and the Senate agree to section 14 as proposed by the House.

That the House recede from its disagreement to so much of amendment numbered 4 as substitutes a new section for section 15, and agree to section 15 as proposed by the Senate with an amendment as follows:

Strike out the words "relating to," in the third line, and substitute therefor the following: "And all other acts and parts of acts providing for;" and a further amendment adding at the end of the section the following: "Out of the receipts for duties on tonnage provided for by this act, and so much thereof as may be necessary is hereby appropriated for that purpose."

And the Senate agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section as section 16, and agree to the same with an amendment as follows: Insert the words "not including equipment," after the word "supplies," in the second line, and a further amendment inserting the words "of the United States," after the word "vessels," in the third line; and the Senate agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section numbered 17, and agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section numbered 18, and agree to said section as proposed by the Senate with an amendment striking out the words "incurred without his personal privity or consent," in the first and second lines; and the Senate agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes new sections numbered 19, 20, 21, and 22, and agree to the same.

That the Senate recede from so much of amendment numbered 4 as proposes new sections numbered 23 and 24, and agree to the following section as a substitute therefor:

"SEC. 23. That sections 3976 and 4203 of the Revised Statutes of the United States, and all other compulsory laws and parts of laws that oblige American vessels to carry the mails to and from the United States arbitrarily, or that prevent the clearance of vessels until they shall have taken mail matter on board, be and the same are hereby, repealed; but such repeal shall not take effect until the first day of April, 1885."

And the House agree to the same.

That the Senate recede from so much of amendment numbered 4 as changes the numbers of sections 16, 17, and 18, as proposed by the House, and agree to the same with an amendment numbering said sections, respectively, 24, 25, and 26; and the House agree to the same.

That the Senate recede from so much of amendment numbered 4 as proposes a new section numbered 28.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section numbered 29, and agree to the same with an amendment as follows:

Insert the following proviso, after the word "place," in line 11: "*Provided*, That shipping commissioners now in office shall continue to perform the duties thereof until others shall be appointed in their places."

And with a further amendment adding at the end of the section the following: "All fees of shipping commissioners shall be paid into the Treasury of the United States, and shall constitute a fund which shall be used, under the direction of the Secretary of the Treasury, to pay the compensation of said commissioners and their clerks, and such other expenses as he may find necessary to insure the proper administration of their duties."

And a further amendment changing the number of said section to 27.

And the Senate agree to the same.

That the House recede from its disagreement to so much of amendment numbered 4 as proposes a new section numbered 30, and agree to the same with an amendment numbering said section 28; and the Senate agree to the same.

That the Senate recede from so much of amendment numbered 4 as disagrees to section 19 proposed by the House, and agree to the same with an amendment changing the number of said section to 29; and the House agree to the same.

That the House recede from its vote insisting on sections 20 and 21 of the House bill and concur with the Senate in striking them from the bill.

That the Senate recede from so much of amendment numbered 4 as changes the number of section 22 to section 31, and agree to the same with an amendment numbering said section 30; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate adding the words "and for other purposes" to the title of the bill, and agree to the same.

WILLIAM P. FRYE,
WARNER MILLER,
G. G. VEST,
Managers on the part of the Senate.

H. W. SLOCUM,
SAMUEL DIBBLE,
NELSON DINGLEY, Jr.,
Managers on the part of the House.

The statement accompanying the report of the conference committee was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2228) "to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade," submit the following written statement in explanation of the effect of the action recommended on each amendment in the accompanying conference report:

Amendment No. 1 makes it definite that the prohibition of payment of advance wages to seamen shall apply only to payments before leaving the port at which such seamen may be engaged.

Amendment No. 2 adds "tobacco" to the list of articles which vessels in the foreign trade are required to carry in their slop-chests, and exempts vessels trading with Canada, Newfoundland, the Bahama Islands, the Bermuda Islands, the West Indies, Mexico, and Central America from the obligation to provide slop-chests.

Amendment No. 3 carries out the sections abolishing consular fees for vessels, and, making the necessary appropriation, removes the limitations of allowances to the amount of the fees for 1883, and substitutes the provision that payment shall be made to consuls only for services necessarily rendered.

Amendment No. 4:

First. Senate recedes and agrees to section 14 of bill as passed by House relating to duties on tonnage.

Second. Consolidates in one section (section 15) the two sections of the bill as passed by the House abolishing the hospital tax for seamen, and providing that the expense of maintaining the hospital service shall be defrayed from the receipts for tonnage duties.

Third. Agrees to seven new sections proposed by the Senate, with amendments, as follows:

SEC. 16. Allows supplies, not including equipment, for American vessels in foreign trade to be removed from bond free of duty.

SEC. 17. Gives builders of vessels on foreign account the same privilege of 90 per cent. drawback on imported materials partly used as is now allowed where all the materials used are imported.

Section 18 limits the liability of a ship-owner to the proportion that his individual share bears to the aggregate liabilities.

Section 19 allows the shipment of seamen for a definite voyage or time, and exempts vessels making regular stated trips from paying fees for reshipping seamen.

Section 20 allows the shipment of seamen in a foreign port for one or more round trips, and exempts from the obligation to reship such seamen in American ports.

Section 21 allows the owners of a vessel to paint on the stern either the port of registration or the place in the same district where either of the owners reside.

Section 22 places vessels trading with Canada and Mexico on the same basis as to payment of passenger tax that railroads connecting the United States with these two countries are placed.

Fourth. The Senate recedes from its amendments relating to mail-pay for American steamships in the foreign trade, with an amendment simply repealing the provisions compelling American vessels to transport mail-matter at an arbitrary rate and refusing such vessels a clearance until they receive the mail; such repeal, however, not to take effect till April 1, 1885.

Fifth. The House recedes from its vote insisting on a free-ship section.

Sixth. Agrees to the new section proposed by the Senate, with amendents, placing shipping commissioners under the control of the Treasury Department, and requiring them to pay into the Treasury amounts received for fees, such fees to constitute a fund for paying the salaries and expenses of these officers.

Seventh. Reduces fees for the inspection of steam vessels.

Eighth. Corrects the numbering of sections.

The bill as agreed to by the conferees is substantially the same as the bill which passed the House, the only section omitted being the free-ship section, with the addition of several Senate sections, as herein explained.

H. W. SLOCUM,
SAMUEL DIBBLE,
NELSON DINGLEY, JR.,
Managers on the part of the House.

Mr. SLOCUM. Mr. Speaker, this conference report is unanimous, having been signed by all the conferees on the part of the House and the Senate. The statement just read presents very clearly the changes

which have been made in the bill as passed by the House. If no gentleman wishes to debate the bill, I move the previous question.

The previous question was ordered; and under the operation thereof the report of the committee of conference was adopted.

Mr. SLOCUM moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question now recurs, will the House proceed to the consideration of the bill called up by the gentleman from Louisiana [Mr. LEWIS], the title of which will be read.

The Clerk read as follows:

A bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

The SPEAKER. The Chair will state that the question of consideration is raised against this bill by the gentleman from Connecticut [Mr. EATON].

Mr. EATON. Would it not be well that the title of the bill which I desire to bring up be read?

The SPEAKER. The Chair has stated that the purpose of the gentleman is to call up for consideration the bill to provide for the count of the electoral vote.

The question being taken on considering House bill 5682, there were—ayes 22, noes 57.

Mr. HOLMAN. No quorum has voted.

The SPEAKER appointed as tellers Mr. LEWIS and Mr. EATON.

Mr. MILLER, of Pennsylvania. Pending that I move the House adjourn. [Cries of "Oh, no!"] Yes, I think we had better do so, as we are doing nothing here now.

The House refused to adjourn.

The SPEAKER. The question recurs on the motion of the gentleman from Louisiana [Mr. LEWIS] to take up for present consideration the bill (H. R. 5682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, and to declare the forfeiture of the land grant therein made, and for other purposes.

The House divided; and the tellers reported—ayes 36, noes 90.

So the motion was disagreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. 7380) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RANDALL. I give notice that if the opportunity is presented to me by the House I will call up this bill for consideration after the reading of the Journal on Monday.

Mr. DINGLEY. I reserve all points of order on the bill.

Mr. KEIFER. I think I may say on behalf of this side of the House that we are anxious to have the bill taken up for consideration on Monday morning.

Mr. LOWRY. I reserve all points of order.

The SPEAKER *pro tempore* (Mr. COX, of New York). That has already been done by the gentleman from Maine [Mr. DINGLEY].

Mr. SPRINGER. I ask consent of the House to have printed in bill form a substitute recommended by the Committee on Expenditures in the Department of Justice for that part of the sundry civil appropriation bill which provides for the expenses of the United States courts. Under instructions of my committee I will offer that substitute at the proper time.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of a bill (H. R. 6526) making appropriations for the completion of the sewerage system of the District of Columbia.

It further announced the adoption of the conference report on the bill (H. R. 2228) to remove certain burdens on the American marine and encourage the American foreign carrying trade.

It further announced disagreement to the amendments of the House to the bill (S. 2243) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota, and asked conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. CONGER, and Mr. VEST as conferees on its part.

It further announced the passage of a joint resolution (H. Res. 251) providing for printing the annual report of the Commissioner of Agriculture for the year 1884, with amendments, in which concurrence was requested.

ELECTORAL COUNT.

Mr. EATON. I now move that the House resume the consideration of the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and for the decision of questions arising thereon.

Under the arrangement which was entered into a few days since gentlemen of the committee who oppose the substitute bill reported by the majority of the committee will take occasion at this time to address the House, and the gentleman from Ohio [Mr. HART] has charge.

Mr. HART took the floor.

Mr. STOCKSLAGER. Is it in order to raise the question of consideration against this bill in favor of the public buildings bills?

The SPEAKER. It is too late now, as the House has entered upon the consideration of the pending bill.

Mr. HART. Mr. Speaker, there is probably no subject that can be brought to the attention of the House that is of greater or more pressing importance than that which relates to the electoral count. Ninety-five years ago the Constitution of the United States was adopted. The administration of affairs during the first years of the Republic was largely in the hands of the men who framed that instrument. They have passed away; but we are enabled to gather some light and information from the record which is left of their acts and their experience. There have been twenty-four inaugurations of Presidents. In the beginning the mode was simple, and no difficulty whatever arose in the conduct of the electoral count. But even at an early day, and as far back as the year 1800, at the time of the election and inauguration of Thomas Jefferson, doubts were entertained by the statesmen of that period and fears were expressed as to complications and dangers which might arise in the future; and from that day to this this subject has been a continual matter of consideration and debate. Temporary expedients have been resorted to, and difficulties as they have arisen have been bridged over in a very unsatisfactory way.

In 1821 a question arose as to the electoral count of the State of Missouri. After considerable debate a resolution was adopted in substance declaring that counting the State of Missouri Mr. Monroe had received 231 electoral votes; not counting it he had received 228 votes; that in either event he was duly elected President of the United States.

In 1837 a question arose in regard to the State of Michigan. The same condition of affairs existed. The vote of Michigan was not necessary to the determination of the result, and the matter was settled in the same way.

In 1857 the question arose as to counting the State of Wisconsin, the electors of that State having voted on the 4th day of December when they should have voted on the 3d; but the State of Wisconsin not being necessary in order to determine the result, the matter was passed over the same as in the cases of Michigan and Missouri.

Other difficulties and other questions have arisen, and they have been settled sometimes one way and sometimes in another. The evil day has been postponed, and the statesmen of the country have failed to arrive at any just or proper settlement of this important question. Every four years the attention of the American people is brought to this matter of the electoral count, and as the years pass the dangers of the situation are becoming more and more apparent. It is like a great rock that lies in the bed of the ocean directly in our course, and the danger is that the vessel in which are freighted the hopes and interests of 50,000,000 of people may be broken, foundered, and lost. We know it is in front of us now; we know what narrow escapes we have had heretofore, and knowing and understanding the situation, every consideration of public duty and patriotism requires that we should give attention to this subject here and now; that all other questions should be laid aside, that all other subjects of legislation should for the time be postponed, and that some plain, simple, and practicable measure should be adopted which will meet the exigencies of the hour as well as provide against dangers that are approaching in the future. It is almost a crime longer to delay action upon this grave and important subject.

At the beginning of the present session of Congress a bill was introduced into the Senate by Mr. HOAR, of Massachusetts, providing a method of counting the votes for President and Vice-President. It passed that body without a division. It came over to the House and was referred to the appropriate committee. That committee have had it under consideration and instructed their chairman to report a substitute, and that substitute is now the immediate subject of debate.

The substitute or bill proposed by the distinguished chairman of the Committee on the Law respecting the Election of President and Vice-President provides that on the day when the count is to be made the Senate and House of Representatives shall meet in the Hall of the House; that two tellers shall be appointed by each body; that the returns shall be opened by the President of the Senate in the alphabetical order of the States, beginning with the State of Alabama; that objections may be made by any three members of the so-called joint convention, and that when objection is made, after proper debate the question shall be put and decided by a per capita vote, each Senator and each Representative having but a single vote, and the majority of that vote shall determine and settle the question, whatever it may be. It may be a question relating to the eligibility of electors. It may relate to the authentication of returns, or to any other subject that may properly arise during the progress of the count.

THE SUBSTITUTE UNCONSTITUTIONAL.

Mr. Speaker, I am unable to find in the Constitution of the United States or in the theory or principles of our Government any warrant or authority for the creation of a tribunal such as this bill proposes. On the contrary, it seems to me to be in direct conflict with the whole plan and theory of our Government. Congress is a legislative body, created by the Constitution of the United States, and composed of two separate and distinct branches, a Senate and a House of Representatives. The powers, duties, and the jurisdiction of each are clearly and thoroughly understood. They constitute an essential and important part of a government which was intended to be carried on in such a way that one branch or department should be a check upon and balance to the other. In all matters of legislation the Senate and the House of Representatives are the exact complements of each other, and each is a check upon the other. The House is the popular branch, representing the people directly. The Senate has its members chosen by a different method, and may be regarded as more properly representing the States of the Union. No law can be passed without the concurrence of each body acting in its separate capacity.

As now constituted there are three hundred and twenty-five members of the House and there are seventy-six members of the Senate. And yet the seventy-six members of the Senate are equal in power and authority to the three hundred and twenty-five members of the House. In other words, a Senator has more than four times the power of a member of the House of Representatives. A vote in the Senate is equal to more than four votes in the House. Now, then, the substitute for the Senate bill introduced by the distinguished gentleman from Connecticut proposes to take these two bodies and put them together in a single body, or assemblage, by which the identity of each is entirely lost and its separate functions destroyed. The Senate ceases to be a Senate; the House ceases to be a House of Representatives. Each Senator is robbed of three-fourths of his power or more, and the power and authority of a member of the House is correspondingly increased. The two bodies are dissolved, disorganized, destroyed, and merged into one convention or assembly, composed of four hundred and one persons, all having equal powers and authority. You can not call it a Senate; you can not call it a House; you can not call it a Congress, for the reason that the distinct characteristics of each body is lost, and each member of the convention is clothed with new and different powers from those ever before exercised or known. You have created a tribunal unknown to the Constitution of the country, and in no wise in harmony with the original plan of the Government.

And now, having created this unique and hitherto unknown tribunal in this manner, you propose to confer upon it the power to make and unmake Presidents. You clothe these members with the dignity and authority by which they are empowered to sit in judgment upon the action and the conduct of the people and the States of the Union. They may reverse the popular will as expressed at the polls. They may override and destroy the authority of the States, and by their own sovereign pleasure declare who shall or who shall not be the Chief Magistrate of this Union. I think, sir, we should pause before we create a tribunal such as this and confer upon it such tremendous and extraordinary powers.

AN UNWISE MEASURE.

And now, sir, let me proceed to an examination of the subject in another aspect. Having called attention to the character of the tribunal which is proposed to be established by this bill, another question arises as to its advisability, even though it should be found to be entirely within the purview of the Constitution. What will this proposed convention do when it assembles? How will it perform its work? I want to call the attention of the House to the fact that its members will in no manner represent the will or the judgment of the American people at the date of the Presidential election. Those who are members of the House will have been chosen two years before that election. Those who are members of the Senate may have been chosen one, two, five, or even six years before the date of the Presidential election. Another thing: it will be a partisan convention. One political party or the other will be in the majority in that body; and now, sir, how will it be likely to determine the Presidential count? Will it not so determine that count as to result in declaring that man to be the President of the United States who is of the same political faith as the majority of your convention?

It will be seen by the provisions of this bill that any three members of this convention may make objections. These objectors may come from a single State or they may come from a single section of the country. They may all be members of the House or they may all be members of the Senate. The objections urged may be substantial and material or they may be immaterial and frivolous. It is an easy matter to formulate and present objections, and when the overruling or the sustaining of an objection will result in declaring that man President who is of the same party as the majority of your convention, is there any doubt what that decision will be? I submit that it will be simply to decree and carry out the will and wish of the convention, irrespective of the judgment which may have been expressed by the people at the polls.

This may be considered and I understand is considered by the friends of the substitute a harsh judgment to place on the action of a body that is composed of such distinguished persons. I do not propose to impeach in any manner the integrity of the members of the body. But different political training, different political associations, the being reared in different schools of politics, invariably influence the judgments and conduct of men. Human nature is the same the world over and in all ages. Party spirit and party prejudices, unconsciously to ourselves, influence the judgments and conduct of men.

I think it was Patrick Henry who declared in that wonderful speech of his when he aroused the dormant spirit of liberty among the people of Virginia, that he had no other lamp by which his feet were guided save the lamp of experience, and that he judged the future by the past. The rule laid down by the great Virginia orator is as true and as applicable now as it was then. And taking into consideration the history of this country, and I think the observation of all who listen to me today, I am fully justified in making the declaration that I do.

THE ELECTORAL COMMISSION.

My friend from Connecticut, the author of this substitute, in his speech the other day in opening the debate on this question referred to the Electoral Commission. He was of the opinion that that commission was not authorized by the Constitution, as I understood him; and he further made the remark, and it struck me with great force, that the Government of the United States would never again bear the strain to which it was subjected in 1877. Now, sir, that tribunal, created by Congress for the purpose of making and effecting the electoral count, was composed of fifteen distinguished jurists and statesmen, men of the highest character and standing and of broad views, and one would think most admirably chosen to discharge the important and sacred duties of that great trust. I can speak from personal knowledge as to some and from reputation and current history as to others.

Three of the members of that commission were from my own State. Allen G. Thurman was one. No man doubts his integrity. All men admit his great ability. He was for twelve years a United States Senator. He stands in the forefront of his party and is justly eminent as a statesman. Henry B. Payne was another. He is now United States Senator-elect from the State of Ohio; a man of high character and standing; a man of broad and comprehensive views, and one would think most admirably qualified to enter upon that high trust. James A. Garfield was the third member of that commission from Ohio. I need not speak of him or of his characteristics in this presence. There are men upon this floor who served with him for many years and who can testify to his wonderful power as an orator and a statesman. You know his largeness of heart; you know his wonderful power of research and his great learning. You know what he was. For seventeen years and more he was a member of this body; then elected to the office of United States Senator; and then before he had taken his seat he was chosen by the suffrages of his countrymen to the highest office within their gift. He became the leader and almost the idol of the people; and when he died, that sad, sad death at Elberon, not alone the people of the United States but the people of the civilized world were mourners at his bier. His body lies in its quiet grave that overlooks the blue waters of Lake Erie, but his name and his memory are cherished in millions of homes, and his fame has extended throughout the civilized earth.

These were three of the members of that great commission. The others were, as I have already stated, men of great learning, ability, and exalted worth. I have heard the action of that commission very severely criticised; but I have never yet heard the integrity of its members or the integrity of its action in any manner impeached. And yet it is a matter of history that upon every important and material question, with one single exception, the members of that tribunal each voted according to his party predilections. And it is for this reason that its judgment has never had the weight and consideration with the American people that it otherwise would have received. I find no fault with the results of its determination. On the contrary I was entirely satisfied with them. And I would be very far from casting the least shadow of objection that would reflect in any manner upon the integrity, personal or political, of any one of its members.

What I want to say, and it comes within the line of the argument that I am endeavoring to present, is this: if a tribunal so distinguished, chosen with such especial care, under such solemn circumstances, to perform and execute so high a trust—if a tribunal like that in its decisions was governed by partisan feeling or partisan prejudice what may we not expect of a convention composed of members of Congress, every one of whom is a politician and a partisan? Will it not simply record and register the will and the wish of the majority of the convention as found in that body?

My friend, the distinguished member from the State of Alabama [Mr. PRYOR]—I do not see him here to-day—in the remarkable speech which he made in defense of this measure, denominated the tribunal proposed by this bill as "a political forum of last resort." That is his definition; that is the title that he gives it. He admits that it has none of the powers or characteristics of a congress. He admits and asserts that it may organize itself; that it may depose the President of the Senate and the Speaker of the House from their official positions; that it may choose a presiding officer from its own body. Then, having thus organized itself

into a partisan and a political tribunal, he declares in his impressive language that it "may explore the whole voting area from center to circumference, from top to bottom." It may set on foot investigations that shall reach from Maine to the Gulf of Mexico, that shall reach from New York to the Pacific coast. It may inquire into the qualifications of every individual voter in the United States. It may inquire into the action of the official election boards everywhere. It may set on foot and carry on any other investigation which partisan opinion or partisan prejudice and passion may demand and require. And this is the tribunal which this bill proposes to establish. This is the experiment which the people of this country are asked to adopt and formulate into a law governing this important question.

Mr. Speaker, you may pass such a law, you may agree upon such a plan as that, but if you do you will have started out upon an unknown and shoreless sea, full of rocks, and storms, and tempests, and wrecks. You will be without chart or compass or guide of any sort. I for one do not desire to enter upon any such voyage, and I pray God that the fortunes of my country may never be cast upon such tempestuous waters. If the Electoral Commission was dangerous because of the partisan prejudice and passion which governed its members, how infinitely greater will be the dangers of an experiment such as here proposed.

I desire now to read a brief paragraph from a speech made in 1857 by Mr. Humphrey Marshall, of Kentucky, relating to this subject, when a question arose in regard to the powers and authorities of the two Houses in the matter of counting the electoral votes of the State of Wisconsin. He uses the following language:

What is the function of the Houses when in the presence of each other? Are they mere spectators of a scene in which the President of the Senate and the tellers are the actors, or are the Houses to act themselves? And if they are the actors, how do they meet and how can they act? When a vote is to be taken and a point determined, how do they vote? Per capita as individuals in a general assembly, or as houses in a joint convention?

It appears to me there is no real difficulty on this last point. Who are in the presence of each other? The Senate as a Senate and the House as a House of Representatives. There could be no such thing as a per capita vote without destroying the theory on which the Constitution rests, for it must be plain that there might exist a state of case now or hereafter in which in a vote per capita the members of the House would overwhelm the voice of the Senate and so draw undue power to the House, thereby enabling the dominant party of the House to execute its own purposes without regard to the wish or views of the representatives of the States. The bodies meet and vote as distinct organizations. And when a vote is to be taken the Senate very properly retires and consults separately how the vote of the Senate shall be given upon the question, and its vote will then be announced by its own appointed organ.

If you adopt any other construction of the Constitution than that I have indicated, on the one hand you supersede the Houses and place all power over the count in the hands of the President of the Senate; on the other hand you destroy the just weight of the Senate, and may establish a precedent by virtue of which at some future day a large body of Representatives may set aside an election made by the people through the electoral college, and assume the power of bringing the election before the House of Representatives. I am, therefore, clear that the Houses meet as Houses, and no vote per capita can be taken. Still, I am sure that the duty of determining whether a vote shall be counted belongs to the Senate and House, and not to the President of the Senate. And it is a duty I insist we should perform before the vote shall be counted. The House and Senate do not play the parts of automata, nor are they mere lookers-on at a spectacle in which the President of the Senate is sole performer.

I have now called the attention of the House to some of the objectionable features of the bill presented by my friend from Connecticut. To my mind it is not only a violation of the Constitution and plan of government, but it is a scheme fraught with untold danger and disaster. It is an attempt upon the part of Congress to organize itself into a high court of review, where the alleged errors of the people are to be corrected, where their conduct may be supervised, and their will as expressed at the ballot-box may be overthrown. I would rather risk the perils of the present than encounter the still greater ones arising from the proposed exercise of such tremendous and extraordinary power.

THE TRUE METHOD.

I do not desire to occupy the time of the House much longer; but there is another branch of this subject to which I would call attention for a few moments. If this is not the proper method of conducting the electoral count, if the plan proposed by my friend from Connecticut is not the true one, what is the true mode of conducting the count, and what measure ought to be adopted by Congress upon that subject?

And here I recognize the fact that it is far easier to find fault, far easier to criticise a measure offered by others than it is to present a measure which is not itself a proper subject of criticism, and I enter upon this branch of the subject with a great deal of diffidence.

A good starting point is the Constitution of the United States itself. Let us look to that. Let us see if we can what was in the mind of the fathers and founders of the Government at the time of its adoption. I have great faith in the wisdom and foresight of the fathers, and though they could not and did not foresee all the evils and dangers that might arise in the future, yet they did fashion this Government with wonderful skill. They laid its foundation on justice and truth. They erected the superstructure with cunning hands in the midst of storm and revolution. It has grown stronger every day and year. We have withstood the shock of war with foreign powers. We have survived the terrors and horrors of civil strife. I know it is true that in that great internecine struggle many of the first-born of the people have fallen. But the blood of sacred sacrifice was sprinkled on our door-posts, and, thank God, the angel of destruction has passed over.

We are stronger now in all the elements of national strength, greater in all the elements of national greatness, and I believe that the Government is dearer and nearer to the hearts of the American people than ever before. Let the men of this and future generations have wisdom and patriotism like unto that of the fathers, and the coming centuries will bear witness to the increasing growth, splendor, and power of the Republic and to the prosperity of its people. Our fathers gave us a written Constitution of which every word and sentence and paragraph is full of meaning. There is no useless or redundant matter in it. Let it be interpreted so as to give force and effect to every word. If we do this, the difficulties in the mode of settling the electoral count will many of them disappear.

The provision of the Constitution upon this subject is in the following words: "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the vote shall then be counted." That is all. The first thought that I desire to present is this: that under that Constitution it was not intended that anybody else should be called in. It was not intended that any other person or any other branch or department of the Government should have anything whatever to do with the electoral count. Upon the Senate and House of Representatives and the President of the Senate, and upon them alone, the duty and responsibility was cast. And, therefore, if I had been a member of Congress in 1877 and had voted for the Electoral Commission bill, it would have been on account of my deference to the superior judgment and wisdom of those with whom I was associated, and not because I could find any warrant for the creation of that tribunal in the Constitution of the United States.

Then the question comes, What is the duty of the President of the Senate? What are the powers and what the authority of the Senate and the House of Representatives? Are the Senate and the House of Representatives to be mere spectators? Is the President of the Senate to do it all, these two bodies having no right to make objection, no right to take any part in the electoral count? I apprehend not; for if this were so, then the President of the Senate might as well open the returns in his own private room without any witnesses at all. The framers of that instrument had a purpose in requiring the presence of these two bodies, and that purpose must have been that they might make objection if ground for objection existed, and otherwise participate in that important business.

Then the question comes, What part are they to take? I have already called attention to the fact, and I think satisfactorily shown, that when the Senate and House of Representatives get together they do not act as a convention. There is no change or transformation or mingling of the bodies, for by this their identity would be entirely destroyed and their functions entirely changed. I apprehend, therefore, that they must act, the Senate as a Senate, the House of Representatives as a House of Representatives. The Senate is there in its organized form. The Senators are there clothed with Senatorial power, dignity, and authority as the representatives of the great States of the Union. The House is there in its organized form, and the members of the House are there clothed with their powers and authorities as representatives of the people.

It follows, therefore, that they must act in this matter as they act in other matters, as a Senate and House respectively. All questions submitted should be determined the same as in any matter of legislation. Committees of conference could be appointed, and all the other ordinary mode of procedure, as far as they are applicable, could be resorted to for the purpose of arriving at an agreement. I assume, therefore, that Congress is to decide all disputed questions; that nobody else shall be called in, and no other organization or tribunal shall have anything to do with the electoral count.

So far it seems to me that the Constitution is very plain. There are those who believe that the President of the Senate has entire and exclusive control of this subject, and that he may arbitrarily and without question determine the result from the returns and announce that result. But for the reasons that I have already indicated this can not be the true construction of his powers or duties. It being established, then, that the count must be made by the President of the Senate and the two Houses, it becomes a matter of prudence and almost of necessity that a rule of procedure for the government of the two bodies on such occasions should be adopted. It should be clear, explicit, and simple, and in view of the approaching Presidential contest it should without fail be enacted at the present session.

For more than eighty years this subject has been under consideration. Various plans and methods have been suggested. The best minds of the country have given it consideration, and still it remains unsettled and undetermined. There is no time to be lost. We have the views of many of the most eminent men of America upon the subject. In the earlier days of the Republic it was examined and considered by Marshall, Pinkney, and other mighty men of that time. Later, Webster, Clay, and their associates gave the country their views; and later still it was the subject of consideration by Morton, Thurman, BAYARD, and their colleagues in Congress. Let us avail ourselves of the light and wisdom to be gathered from these distinguished statesmen as well as from the various plans and measures suggested by them from time to time. For my own part I would have that rule estab-

lished in making the electoral count that would be least likely to do wrong to or disfranchise any people or State. I would never sacrifice substance to mere form, and every possible effort should be made to give expression and force to the popular will.

In my judgment the electoral colleges were intended to be independent and separate branches of the government machinery. They are tribunals by themselves. Neither Congress nor any other branch of the Government has any right to interfere with or in any manner supervise, control, or modify their action. The province of Congress is not to decide what ought to have been done, but simply to ascertain what the electoral colleges have done and record the result. It has nothing whatever to do with the election of the President of the United States, except in the single instance where there is no election by the people and no choice in the electoral college. Then the House, voting not per capita but by States, is to choose the President.

For this reason, as I have said, I would adopt that mode of proceeding least likely to interfere with the independence of the States or the electoral college. I would not, under any circumstances, do that which might in any possible degree change the action of that tribunal in which the Constitution has reposed the duty of selecting the Chief Magistrate of the nation. No vote of any State should be rejected upon slight or technical grounds. If there be but a single return, then that return should be counted, unless it was found to be invalid and so pronounced by the concurrent action of both Houses of Congress. If more than one return should come from a State, then that one which was made and authenticated by the recognized authorities should be treated and held to be the true return unless rejected by both Houses, and the law relating to the conduct of the electors in the several States and to the certifying of the returns of their action should be so clear and distinct that there would be no difficulty in determining what officers should make the proper certificates. In case, however, there should be two or more returns from one State of equal dignity and authority, which, as you can see, would be almost impossible, then, and then alone, would I require the concurrent action of both Houses to sustain a return. All objections other than in case of the exception I have named should be overruled unless sustained by both branches. The plan that I have outlined is substantially the Senate bill, and although I would favor some slight amendments to that measure, it seems to me to be far more desirable than the substitute proposed in the House.

My friend from Connecticut [Mr. EATON] in his speech declared that the Senate bill invites revolution. I can not see the force of the point he makes. To my mind the substitute presented by my friend is liable to this objection in a far greater degree. By its provisions the power of the Senate is destroyed, and a body thus shorn of its strength and dignity would be furnished an excuse for refusing to occupy so humiliating a position.

I admit, however, that revolution is possible under either plan proposed and under all conditions, and the question has been asked what would be done in case the Senate and House should refuse to meet or take any action or should do or refuse to do anything else imposed upon them by their official obligations. My only answer to this is that this would be revolution, and revolution knows no law. We do not legislate in anticipation of that. You can legislate against factious opposition; but against revolution never. If the time should ever come when any considerable portion of our people or any branch or department of this Government should refuse to work in the line prescribed by the Constitution and laws, then indeed will we have fallen on evil days, and then perhaps the great and higher law—a law which applies to men and nations alike, the law of self-preservation—will assume control and assert its authority.

Bnt I have faith in the intelligence and patriotism of the people and in the loyalty of the States of the Union. Let each department and branch of the Government perform its own work and move in its own appointed sphere. Let the harmony of the Government be preserved in all its parts. The path of safety lies alone in this direction. Let not Congress assume to itself dangerous or doubtful powers. Let it not seek to change the manner of its action as prescribed by the Constitution, nor attempt to reconstruct, rearrange, and rebuild the Government which has come down to us. As the fathers made it so let it stand, a monument to their wisdom, a guard and protection to the rights of the people, a republic that is the pride and glory of the earth. [Applause].

I will not occupy the attention of the House any further. I know how precious the time is in these closing days of the session; but I do pray that this House before it reaches its hour of adjournment, before we know what is the probable result of the great Presidential campaign which is approaching, shall agree in a spirit of harmony and in a spirit of patriotism upon some plan which shall be constitutional, safe, and sure, so that all danger and perils may be avoided, and the course and progress of the country in years to come may be as glorious as it has been in years gone by. [Great applause.]

Mr. HART. How much time have I remaining?

The SPEAKER *pro tempore* (Mr. ROGERS, of Arkansas, in the chair). The gentleman has seven minutes remaining.

Mr. HART. I will reserve it.

Mr. PARKER. Mr. Speaker, in approaching this subject I shall ask the attention of the House in a short review of the methods that have been followed in the counts which have occurred now for a period of nearly one hundred years, assuming that the precedents which have occurred will give us not only instruction as to our action, but evidence of the belief and opinions held by the creators of the Constitution and by those acting immediately after its creation upon questions now coming under our consideration. The American provinces moved unsteadily and with hesitation toward a united political government through the "Assemblies" of the Colonies, the "Continental Congress," the Articles of the "American Association" of 1774, the famous "Declaration" of 1776, the "Articles of Confederation" of 1777–'78; and finally, as the United States of America, established the Constitution of 1787–'88.

In September, 1788, the Continental Congress designated the first Wednesday of January, 1789, for choice of Presidential electors, and the first Wednesday of February for the election of President and Vice-President, and the first Wednesday (the fourth day) of March for the organization of the Government under the new Constitution. Senators and Representatives to constitute the new Congress were duly chosen, and on the 1st of April a quorum of both Houses appeared.

That provision of the Constitution about which all argument upon this question of the electoral count must be arranged is as follows:

> The electors small meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of Government of the United States directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President, shall be President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number not exceeding three on the list of those voted for as President the House of Representatives shall choose immediately, by ballot, the President.

No difference existed between the old Constitution and the amendment except as relating to separate action in the selection of Vice-President. The language as to the electoral count is the same in both. It is proper to recall here the eighteenth clause of article 1, section 8, giving Congress power

> To make all laws which shall be necessary and proper for carrying into execution * * * all * * * powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

THE FIRST ELECTORAL COUNT.

April 6, 1789, the Senate chose by ballot a "President for the sole purpose of opening and counting the votes for President of the United States." The House of Representatives attended in the Senate Chamber, and the President of the Senate, in the presence of the Senate and House, opened and counted the votes of the electors, "whereby it appeared that George Washington, esq., was elected President, and John Adams, esq., Vice-President, of the United States of America."

THE SECOND COUNT.

In February, 1793, similar proceedings were had, except that tellers were required to make a list of the votes as declared, delivering the result to the President of the Senate, who announced the state of the vote, &c., "to the two Houses assembled," declaring that George Washington was elected President and John Adams Vice-President of the United States.

THE THIRD COUNT.

In February, 1797, similar proceedings were had in the presence of the "two Houses of Congress," in the Representatives' Chamber, when it was ascertained that John Adams was chosen President and Thomas Jefferson Vice-President, whereupon John Adams, who was then Vice-President, opened the certificates, made the count, and announced the state of the vote; and it is recorded that "the President of the Senate sat down for a moment, and, rising again, thus addressed the two Houses:

> In obedience to the Constitution and law of the United States and to the commands of both Houses of Congress, expressed in their resolution passed in the present session, I now declare that—
>
> John Adams is elected President of the United States for four years, to commence with the 4th day of March next; and that Thomas Jefferson is elected Vice-President of the United States for four years, to commence with the 4th day of March next; and may the Sovereign of the universe, the Ordainer of civil government on earth for the preservation of liberty, justice, and peace among men, enable both to discharge the duties of their offices conformably to the Constitution of the United States, with conscientious diligence, punctuality, and perseverance.

And thus ended the third electoral count.

THE FOURTH COUNT.

The fourth count followed the election of 1800.

In February, 1801, the two Houses met and counted the votes. The result, as stated, stood: Jefferson, 73; Burr, 73; Adams, 65; Pinckney, 64; Jay, 1. A tie vote existed between the two highest candidates, and the House of Representatives was for the first time called to select the President. This election took place, of course, under the old Constitution, and under the provisions of that Constitution no Vice-President as such was voted for. The instructions of the Constitution were simply to vote for "two persons," the "person" being, so far as the vote was